THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge
Marvin H. Dukes, III, Master-In-Equity

Appellate Case No. 2011-204367
Common Pleas Case No. 2011-CP-07-2546

Joseph C. Sun, *Pro se*, Appellant,

v.

Olesya Matyushevsky,
Citizens Opposed to Domestic Abuse,
Christine Varg and Liling Sun, Respondents.

INITIAL BRIEF OF RESPONDENTS OLESYA MATYUSHEVSKY, CITIZENS OPPOSED TO DOMESTIC ABUSE AND CHRISTINE VARG

WOMBLE CARLYLE SANDRIDGE & RICE, LLP
Charles J. Baker III (S.C. Bar No. 486)
5 Exchange Street
Post Office Box 999
Charleston, SC 29402-0999

CARLOCK, COPELAND & STAIR, LLP
Sarah E. Wetmore (S.C. Bar No. 17235)
Jackson H. Daniel III (S.C. Bar No. 70308)
40 Calhoun Street, Suite 400
Charleston, SC 29401-3531
Attorneys for Respondents

TABLE OF CONTENTS

Table of Authorities

Cases

Rules

STATEMENT OF ISSUES ON APPEAL

I. DID THE CIRCUIT COURT PROPERLY DISMISS SUN'S TORT CLAIMS AGAINST HIS EX-WIFE'S DIVORCE LAWYER AND HER PARALEGAL?

II. DID THE CIRCUIT COURT CORRECTLY DENY SUN LEAVE TO AMEND HIS COMPLAINT?

III. DID THE CIRCUIT COURT PROPERLY GRANT SUMMARY JUDGMENT FOR PARALEGAL VARG ON THE CLAIM RELATING TO THE ALLEGED CONVERSION OF SUN'S PERSONAL PROPERTY?

IV. DID THE CIRCUIT COURT CORRECTLY REFUSE TO CONTINUE THE SUMMARY JUDGMENT HEARING?

STATEMENT OF THE CASE

The Appellant, Joseph Sun ("Sun"), filed his *pro se* Complaint on June 15, 2011, against the Respondents, Olesya Matyushevsky ("Matyushevsky"), Citizens Opposed to Domestic Abuse ("CODA"), Christine Varg (Varg) and Liling Sun ("Liling"). The Complaint contained what appear to be claims for fraud, civil conspiracy, malicious prosecution, defamation, trespass and conversion.

Through her own counsel, Liling filed a Motion to Dismiss on June 19, 2011. The circuit court granted her Motion to Dismiss by Order filed November 9, 2011, and Sun timely appealed that Order on November 28, 2011.

Through their separate counsel, Matyushevsky, CODA and Varg filed an Answer on June 19, 2011, and subsequently filed a Motion to Dismiss on December 12, 2011. On December 15, 2011, Sun filed a Motion to Amend along with a proposed Amended Complaint.

The circuit court held a hearing on March 13, 2012, and issued an Order filed April 6, 2012, dismissing all claims with the exception of one claim against Varg only. In its Order, the circuit court concluded that the original Complaint may have stated a claim against Varg based

on the allegation she personally participated in an alleged break-in and conversion of Sun's personal property. The circuit court granted leave for Sun to file an Amended Complaint setting forth additional facts to support that claim. As to the other claims, the circuit court concluded that the proposed amendment contained only one new factual allegation which was obviously frivolous and without merit and therefore denied leave to amend. Sun timely appealed the April 6 Order on April 16, 2012.

Sun filed an amendment to his allegations against Varg on March 26, 2012 (following the March 13 hearing at which the circuit court announced its decision but before filing of the written Order on April 6). Because the amendment contained allegations against Matyushevsky and CODA as well as against Varg, they jointly filed an Answer to the Amended Complaint on April 11, 2012. On June 5, 2012, Varg filed a Motion for Summary Judgment as to the remaining claim against her along with supporting affidavits from herself and Liling, and a hearing was scheduled for July 12, 2012. After being notified of the hearing but prior thereto, Sun filed a Motion for Continuance on June 25, 2012, on the basis he had not yet taken the depositions of Varg and Liling.

Following the July 12 hearing, the circuit court issued an Order filed July 18, 2012, denying Sun's request to continue the hearing and granting Varg summary judgment. Sun timely appealed that order on July 30, 2012.

By order dated June 6, 2013, the Court of Appeals consolidated the appeals of the three orders dated November 9, 2011 (dismissal of Liling), April 6, 2012 (dismissal of Matyushevsky, CODA and Varg), and July 30, 2012 (summary judgment for Varg).

FACTS

Citizens Opposed to Domestic Abuse ("CODA"), a non-profit organization with offices in Beaufort County, South Carolina, provides support for victims of domestic violence. (Ans. of Matyushevsky, CODA, and Varg, p. 2, ¶ 2). Olesya Matyushevsky ("Matyushevsky") is a licensed South Carolina attorney and employed by CODA as a staff attorney. (Compl., p. 1, ¶ 1). Christine Varg ("Varg") is also an employee of CODA. She is not a lawyer but her duties include assisting Matyushevsky in legal matters involving persons who have sought help from CODA. (Compl., p. 1, ¶ 3; Affidavit of Christine Varg, p. 1).

As lawyer for Liling Sun ("Liling"), Matyushevsky filed an action for divorce on April 21, 2009, against Liling's husband, Joseph Sun. (Compl., p. 4, ¶ 14). Varg assisted Matyushevsky in her representation of Liling in the divorce proceedings acting in effect as a paralegal. (Affidavit of Christine Varg, p. 1).

The family court held a temporary hearing on June 25, 2009, at which time the court made various rulings, including granting Liling possession of the marital home and ordering Sun to leave the home immediately. (Pendente Lite Order, p. 3). On January 12, 2010, Matyushevsky filed a Motion for Contempt on behalf of Liling based on Sun's violation of the temporary order. (Order filed March 12, 2010). The family court held a hearing on March 2, 2010, and issued an Order on March 12, 2010, finding that Sun had willfully violated several provisions of the temporary order, including the order he leave the marital home. The family court ordered, among other things, that Sun would serve six months in the Beaufort County

Detention Center if he entered the marital home again for any reason after March 2. (Order filed March 12, 2010, pp. 3 and 5).[1]

On March 30, 2010, Matyushevsky, on behalf of Liling, filed another contempt motion, which the family court heard on May 18. In an order filed June 21, 2010, the family court found that Sun had admittedly violated its previous order by entering the marital home at least two times since March 2. The family court sentenced Sun to six months in jail for criminal contempt of court. (Order filed June 21, 2010, pp. 2-3).

One important issue in the divorce was whether two houses, one at 18 6th Avenue, Bluffton, South Carolina, and the other at 43 Broad View Drive, Knowles Island Plantation, Ridgeland, South Carolina, constituted marital property or whether they were non-marital property owned by Sun's mother. Because of this dispute, the family court made Sun's mother a party to the divorce action. (Decree of Divorce, p. 1, and incorporated Settlement Agreement, p. 3).

The family court held a final hearing over two days on September 1 and September 29, 2010. On September 18, during the period between hearing dates, Sun reported to the Jasper County Sheriff's Office that he believed Liling and an accomplice had entered the house at Knowles Island Plantation and taken various items of personal property, including keys, cash, jewelry, coins and assorted documents. The investigating deputy spoke to Liling, who said she would have her lawyer call him. Varg then called the deputy on Liling's behalf and told him that Liling did have papers from the Knowles Island house. (Report of Jasper County Sheriff's Office dated September 24, 2010, pp. 1-2; Affidavit of Christine Varg, pp. 1-2).

[1] Sun, who had appeared pro se at the temporary hearing, by this time had retained counsel to represent him in the divorce proceedings. (Order filed March 12, 2010, p. 1).

Following the second hearing date, the family court issued a decree of divorce on October 13, 2010. In the decree, the family court approved and incorporated a settlement agreement regarding marital property between Liling and Sun's mother. In approving the property settlement, the family court relied, in part, on the mother's affidavit in which she stated she understood the terms of the agreement, believed it to be fair and equitable, was not under the influence of undue stress and was satisfied with the services of her attorney. (Decree of Divorce, pp. 2-3).

Also as reflected in the decree of divorce, on the second day of the final hearing, Sun and Liling reached a settlement on the remaining issues of child custody, visitation, child support, alimony, attorney's fees, and guardian ad litem fees. (Decree of Divorce, pp. 3-9). The family court granted a divorce on the grounds of continuous separation without cohabitation for a period in excess of one year.

ARGUMENTS

I. MATYUSHEVSKY AND VARG ARE IMMUNE FROM LIABILITY TO SUN BECAUSE THEIR ALLEGED WRONGFUL ACTS WERE PERFORMED IN THE COURSE OF THEIR LEGAL REPRESENTATION OF HIS EX-WIFE IN THE COUPLE'S DIVORCE PROCEEDING.

South Carolina law protects an attorney from being sued by third parties for actions taken in the representation of a client. *Gaar v. N. Myrtle Beach Realty Co.*, 287 S.C. 525, 528, 339 S.E.2d 887, 889 (Ct. App. 1986). "In his professional capacity the attorney is not liable . . . for injury allegedly arising out of the performance of his professional activities." *Id.* 287 S.C. at 529, 339 S.E.2d at 889. "Even if the attorney who initiates civil proceedings for his client has no probable cause to do so, he is still not liable if he acts primarily for the purpose of aiding his client in obtaining a proper adjudication of the client's claim." *Id.* To maintain claims against an attorney acting in her professional capacity, a plaintiff must allege the attorney "breache[d] some

independent duty to a third person or act[ed] in [her] own personal interest outside the scope of [her] representation of the client[.]" *Stiles v. Onorato*, 318 S.C. 297, 300, 457 S.E.2d 601, 602 (1995) (affirming dismissal when the only reasonable inference to be taken from the face of the complaint was that the attorney had been sued by a third party for actions taken in his capacity as attorney).

South Carolina appellate courts review motions to dismiss under the same standard as the trial court. *Cricket Cove Ventures, LLC v. Gilland*, 390 S.C. 312, 320-321, 701 S.E.2d 39, 44 (Ct. App. 2010). A motion to dismiss "must be based solely on the allegations set forth in the complaint and [the Court] must presume all well-plead facts to be true." *Gressette v. S.C. Elec. and Gas Co.*, 370 S.C. 377, 378-79, 635 S.E.2d 538, 538 (2006). When considering a motion to dismiss, "[t]he question is whether, in the light most favorable to the plaintiff, and with every doubt resolved in his behalf, the complaint states any valid claim for relief." *Plyler v. Burns*, 373 S.C. 637, 645, 647 S.E.2d 188, 192 (2007). Notwithstanding, at any stage in a proceeding the court may take judicial notice of adjudicative facts. These include those facts "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Rule 201, SOUTH CAROLINA RULES OF EVIDENCE.[2] In its order of April 6, 2012, the circuit court correctly dismissed Sun's claims against Matyushevsky and Varg because the allegations were based on actions taken in the representation of Liling and the complaint therefore failed to state facts sufficient to constitute a cause of action.[3]

Read in the light most favorable to Sun, his complaint has alleged the following:

---

[2] In this case, the records of the family court in Beaufort County are such a reliable source, and this Court, as did the circuit court, may take judicial notice of the family court's previously filed orders. *Colonial Penn Ins. Co. v. Coil*, 887 F.2d 1236, 1239-40 (4th Cir. 1989) (courts may take judicial notice of proceedings in other courts of record).

[3] Sun has pled no basis for CODA's liability other than the fact that Matyushevsky and Varg were its employees. If they are not liable, then CODA cannot be vicariously liable.

(1) Matyushevsky filed a complaint in the divorce case containing unsupported allegations that Sun had committed domestic violence (malicious prosecution). (Compl., p. 4, ¶ 14; see also App. In. Bf., p. 5).

(2) Matyushevsky and Varg conspired with Liling to seek a property settlement for non-marital property (civil conspiracy). (Compl., p. 6, ¶ 18; see also App. In. Bf., p. 13).

(3) Matyushevsky and Varg had Sun wrongfully arrested and incarcerated (malicious prosecution). (Compl., p., 7, ¶ 21 – 23; see also App. In. Bf. p. 9).

(4) Matyushevsky made libelous and slanderous statements about Sun (defamation). (Compl., p. 8, ¶ 24 -25; see also App. In. Bf., p. 11).

(5) Matyushevsky and Varg "coached" or advised Liling concerning the alleged break-in and theft at the Knowles Island house (trespass and conversion). (Compl., p. 8, ¶ 27-28; see also, App. In. Bf., p. 10).

(6) Matyushevsky failed to notify Sun of the temporary hearing in family court, submitted a false certification of the notice to the family court, and proffered altered deeds into evidence at the temporary hearing (fraud). (Compl., p. 5, ¶ 15 -16; see also App. In. Bf. 5 – 7).

The policy reasons for prohibiting claims like these are readily apparent. In essence, Sun, as party to a divorce proceeding, is now suing his ex-spouse's counsel based upon actions taken in advocating the case against him. The circuit court recognized this flaw in the claims at the dismissal hearing and informed Sun that most of his claims related to "lawyer/defendant and legal assistant/defendant and CODA's actions as [his] wife's counsel and assisting her counsel." (Transcript of March 13, 2012 hearing, p.73, lines 9-12). Even a liberal reading of Sun's allegations demonstrates that his claims against Matyushevsky and Varg are for activities such as

the following: initiating litigation setting forth the client's claims, making factual claims about abuse, notifying parties of legal proceedings, contacting the police to enforce a family court order, and coordinating and making arguments for property division and/or the client's custody of her child. These activities are all fundamental endeavors for an attorney involved in family court litigation.

Even Sun acknowledged that his claims are based on actions taken by Matyushevsky and Varg in representing his ex-wife:

> Court: "... [T]hese are the individual defendants here in the course of their business as representing your ex-wife, wrote certain letters and made certain representations about you to third parties? Is that essentially what you're saying?"
>
> [Appellant] Mr. Sun: "Yeah..."
>
> . . .
>
> Court: "But none of this was independent of their - - I don't think you've alleged or said - - independent of their connection with your wife . . . They weren't friends from long ago or anything like that?"
>
> [Appellant]Mr. Sun: "I have no idea. I don't know ..."
>
> . . .
>
> Court: "... I think what you've asserted in here is these individuals came in contact with your ex-wife through CODA, through her contacting CODA, is that - -"
>
> [Appellant]Mr. Sun: "Right, uh-huh."
>
> Court: "- - the best of your information?"
>
> [Appellant]Mr. Sun: "That's why CODA's involved."

(Transcript of March 13, 2012 Hearing, p.31, line 18- p. 32, line 19).

The immunity afforded to legal counsel from lawsuits by adverse parties exists because allowing claims like those in the present action would chill the adversarial process and impede an attorney's ability to act in good faith based on information from clients and witnesses.

Sun's complaint also lacks substantive allegations that Matyushevsky and Varg violated any duty independent from the one owed to their client, Liling. After reviewing the allegations made in Sun's pleadings, including the proposed Amended Complaint,[4] the circuit court correctly ruled he had failed to allege that Matyushevsky and Varg acted for their own benefit or stepped outside the scope of their representation of Liling. (April 6th Or., p. 4-5).

II. THE CIRCUIT COURT CORRECTLY EXERCISED ITS DISCRETION TO DENY SUN LEAVE TO AMEND SINCE THE ONLY NEW FACTUAL ALLEGATION IN HIS PROPOSED AMENDED COMPLAINT WAS OBVIOUSLY FRIVOLOUS AND WITHOUT SUBSTANTIVE MERIT.

Sun filed a motion to amend his complaint and submitted a proposed amended complaint with his motion on December 15, 2011. (Plt.'s Motion to Am. and Proposed Am. Compl.). At the hearing on the motion to dismiss held on March 13, 2012, the circuit court considered both Sun's complaint and his proposed amended complaint. The circuit court properly denied Sun's request to amend.

South Carolina Rule of Civil Procedure 15(a) provides, in pertinent part, that "a party may amend his pleading . . . by leave of court . . . and leave shall be freely given when justice so requires and does not prejudice any other party." S.C. R. Civ. Pro. 15(a) (Supp. 2003). The decision of whether to grant a motion to amend is within the discretion of the trial judge. *Stanley v. Kirkpatrick*, 357 S.C. 169, 174, 592 S.E.2d 296, 298 (2004). Furthermore, a motion to amend

[4] The circuit court indicated that it reviewed both the Complaint and proposed Amended Complaint. (Trans. of March 13, 2012 Hearing, p. 71, lines19-20).

may be denied if it is clear that the proposed amendment is obviously frivolous and without substantive merit. *Collins v. Sigmon*, 299 S.C. 464, 467, 385 S.E.2d 835, 836, n.1 (1989).

The circuit court denied Sun's motion to amend, as asserted, because the proposed amendment contained only one new substantive allegation, which was patently frivolous. The only distinction between Sun's original Complaint and his proposed amended complaint was the addition of allegations that Matyushevsky and Varg "stole" or conspired with his ex-wife to "cover up" a prenuptial agreement between Sun and Liling. (Proposed Am. Compl., pp. 11-12, ¶ 33-34). This claim is patently without merit because, as Sun conceded in his own pleadings and at the motions hearing, the prenuptial agreement was presented to and considered by the family court. (Proposed Am. Compl. ¶ 34; March 13, 2012 Hearing Tran., p. 39, lines 1-24 and p. 48, line 2-p.49, line 25). Thus, the decision to deny Sun's Motion to Amend was proper because the claims relating to Sun's prenuptial agreement were obviously without merit.

III. THERE WAS NO EVIDENCE THAT VARG PERSONALLY PARTICIPATED IN THE ALLEGED BREAK-IN AND CONVERSION OF SUN'S PERSONAL PROPERTY.

In its Order dismissing claims against Matyushevsky and Varg based on the immunity principle set forth in *Gaar v. N. Myrtle Beach Realty Co.*, the circuit court concluded that Sun's allegation that Varg, along with Liling, had committed a break-in and alleged theft of property at the Knowles Island house might state a claim against Varg not barred by the immunity rule.[5] The circuit court allowed Sun to amend this claim, and Varg subsequently filed a Motion for Summary Judgment supported by affidavits from her and Liling, which established that Varg had

[5] The circuit court determined that Sun had, at a minimum, alleged Varg may have participated in removing items from the Knowles Island house. It was based on this contention alone that the circuit court allowed Sun limited leave to amend his complaint against Varg only. (March 13, 2012 Hearing Tran., p. 44, lines 16-19; p. 75, lines 4-10).

never been to the house and was not present when Liling admittedly entered the house and removed what she contended were her personal papers.

"An appellate court reviews the granting of summary judgment under the same standard applied by the trial court[.]" *Bovain v. Canal Ins.*, 383 S.C. 100, 105, 678 S.E.2d 422, 424 (2009). Rule 56(c) of the South Carolina Rules of Civil Procedure provides that judgment shall be rendered when there is no genuine issue of material fact and the moving party is entitled to a judgment as a matter of law. *Smith v. TH Snipes & Sons, Inc.*, 306 S.C. 289, 411 S.E.2d 439 (1991). To avoid summary judgment, the non-moving party must submit a scintilla of evidence to demonstrate that there is a genuine issue of material fact. *Hancock v. Mid-South Management Co.*, 381 S.C. 326, 673 S.E.2d 801 (2009). However, summary judgment "should be granted when plain, palpable, and indisputable facts exist on which reasonable minds cannot differ." *Bishop for Robertson v. S.C. Dep't of Mental Health*, 323 S.C. 158, 161, 473 S.E.2d 814, 816, (Ct. App. 1996), *affirmed as modified, Bishop v. S.C. Dep't of Mental Health*, 331 S.C. 79, 502 S.E.2d 78 (1998). The proper purpose of summary judgment is to dispose of cases which do not require a fact finder. *George v. Fabri*, 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001).

The affidavits of Varg and Liling established the undisputed fact that Varg had not personally participated in the alleged break-in and conversion of Sun's personal property. The affidavits confirmed the following: (1) Liling went to the Knowles Island house on September 16, 2010, without Varg; (2) Varg had never physically been on the property or entered the house; (3) Varg did not know that Liling was going to the house until after Liling went to the property and removed certain items, which Liling believed belonged to her; (4) Liling received a call from the Jasper County Sheriff's Office and told the deputy she would have her lawyer call him; and (5) at Liling's request, Varg called the sheriff's deputy and, based on information from Liling,

told the deputy that Liling did have papers from the Knowles Island house. (Affidavits of Liling Sun and Christine Varg).

After reviewing the affidavits from Liling and Varg, as well as an affidavit submitted by Sun, the circuit court granted summary judgment for Varg concluding that Sun had no evidence Varg had unlawfully entered the Knowles Island house and that his allegations were "nothing more than mere suspicions backed up by nothing[.]" (July 12, 2012 Hearing Tran., p. 38, lines 20-22). As such, the circuit court properly granted summary judgment for Varg on the only remaining claim against her.

IV. THE CIRCUIT COURT CORRECTLY REFUSED TO CONTINUE THE SUMMARY JUDGMENT HEARING SINCE SUN FAILED TO DEMONSTRATE THAT FURTHER DISCOVERY WAS LIKELY TO UNCOVER ADDITIONAL RELEVANT EVIDENCE CONCERNING VARG'S ROLE IN THE ALLEGED BREAK-IN AND CONVERSION OF SUN'S PERSONAL PROPERTY.

Varg filed her motion for summary judgment on June 5, 2012, and a hearing was scheduled for July 12, 2012. After being notified of the hearing but prior thereto, Sun filed a Motion for Continuance on June 25, 2012, on the basis he had not yet taken the depositions of Varg and Liling. Generally, the party opposing summary judgment should have a full and fair opportunity to conduct discovery before summary judgment is granted. *Dawkins v. Fields*, 354 S.C. 58, 69, 580 S.E.2d 433, 439 (2003). "Nonetheless, the nonmoving party must demonstrate the likelihood that further discovery will uncover additional relevant evidence and that the party is 'not merely engaged in a fishing expedition.'" *Id.*

The circuit court considered Sun's request for a continuance at the July 12 hearing. On close questioning by the circuit court, Sun was unable to state what additional evidence he might uncover which would be relevant to the narrow issue of whether Varg personally participated in the alleged break-in and conversion. (July 12, 2012 Hearing Tran., p. 12, line 11 – p. 13, line

1).[6] Therefore, the circuit court correctly concluded that Sun "ha[d] not identified what specific discovery he might conduct . . . other than his desire to depose Varg and Liling and cross-examine them" and that "[t]here [was] no reason to believe that these witnesses [would] recant their prior sworn testimony upon cross-examination." (Order filed July 18, 2012).

The circuit court also denied the Motion for Continuance because Sun had not diligently pursued discovery in the year since the case was filed. (July 12, 2012 Hearing Tran., p. 29, line 9 – p. 33, line 11, and p. 36, line 10 – p. 38, line 8). He had not served any written discovery requests and had not noticed any depositions. (Order filed July 18, 2012, p. 2).

The decision to grant or deny a request for continuance rests in the sound discretion of the circuit court and should not be disturbed on appeal absent a showing of a clear abuse of discretion resulting in prejudice to the party seeking the continuance. *See Trotter v. Trane Coal Facility*, 393 S.C. 637, 714 S.E.2d 289 (2011) (affirming refusal to continue workers' compensation hearing to allow further depositions to be taken). In this case, the circuit court properly exercised its discretion in denying Sun's request for a continuance of the summary judgment hearing.

CONCLUSION

South Carolina law rightly affords lawyers and their staff immunity from lawsuits by non-clients for actions taken in the performance of their professional activities on behalf of clients. Immunity is particularly important where, as here, the adverse party in a hotly contested divorce proceeding attempts to sue the opposing attorney and her assistant. The circuit court correctly concluded that, with one narrow exception, all claims against Matyushevsky and Varg

[6] The circuit court's original ruling had dismissed under the immunity rule any claims based on allegations Varg and Matyushevsky had coached or advised Liling that she could enter the Knowles Island house and remove property. The only question left was whether Varg had personally participated in the alleged break-in and theft.

(and, vicariously, against CODA) were based on alleged actions taken in the representation of their client.

The circuit court also correctly concluded that there was not a scintilla of evidence to support the remaining claim against Varg and granted summary judgment on that claim. In dismissing these claims, the circuit court also properly exercised its discretion to deny leave to amend the complaint and to refuse to continue the hearing on the motion for summary judgment.

Therefore, Matyushevsky, CODA and Varg respectfully request that the Court of Appeals affirm the April 6, 2012 and July 18, 2012 orders of the circuit court in all respects.

September 4th, 2013

Respectfully submitted,

Sarah E. Wetmore (S.C. Bar No. 17235)
Jackson H. Daniel III (S.C. Bar No. 70308)
CARLOCK COPELAND & STAIR, LLP
40 Calhoun Street, Suite 400
Charleston, South Carolina 29401-3531
Telephone: (843) 727-0307

-and-

Charles J. Baker III (S.C. Bar No. 486)
WOMBLE CARLYLE SANDRIDGE &RICE, LLP
5 Exchange Street
Post Office Box 999
Charleston, SC 29402-0999
Telephone: (843) 722-3400
Attorneys for Respondents Olesya Matyushevsky,
Citizens Opposed to Domestic Abuse and Christine Varg

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge
Marvin H. Dukes, III, Master-In-Equity

Appellate Case No. 2011-204367
Common Pleas Case No. 2011-CP-07-2546

Joseph C. Sun, *Pro se*, Appellant,

v.

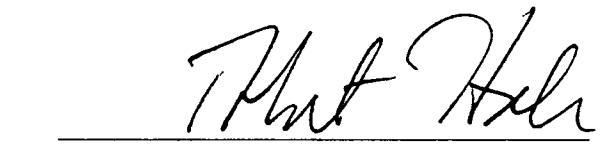
Olesya Matyushevsky,
Citizens Opposed to Domestic Abuse,
Christine Varg and Liling Sun, Respondents.

PROOF OF SERVICE

I certify that I have served **Initial Brief of Respondents Olesya Matyushevsky, Citizens Opposed to Domestic Abuse, and Christine Varg** upon all parties by depositing a copy of it in the United States Mail, postage prepaid, on September 4, 2013, addressed as follows:

Joseph C. Sun, *Pro se*
P.O. Box 151
Bluffton, SC 29910

J. Samuel Scoville, Esq.
Harvey & Battey, P.A.
1001 Craven Street
Beaufort, SC 29901



for Sarah E. Wetmore (S.C. Bar No. 17235)
Jackson H. Daniel, III (S.C. Bar No. 70308)
CARLOCK COPELAND & STAIR, LLP
40 Calhoun Street, Suite 400
Charleston, SC 29401
(843) 727-0307