

David L. Mazyck  
PLAINTIFF(S)

Jospeh J. Shivers  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (*CHECK REASON*):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other
- ACTION STRICKEN (*CHECK REASON*):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (*CHECK APPLICABLE BOX*):**  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

After review of the filings, arguments of counsel and the applicable law, the Court GRANTS the Plaintiff's Motion to Compel. A party may not invoke his Fifth Amendment rights partially or selectively, all the while providing testimony in other matters. Here, the Defendant provided some answers to discovery requests but attempted to invoke Fifth Amendment protections for certain questions. The Court finds that the Defendant waived his Fifth Amendment protections by providing testimonial partial answers. The Court relies on the cases of Brown v. United States, 356 U.S. 148 (1958) and Griffith v. Griffith, 332 S.C. 630, 639, 506 S.E.2d 526, 530 (Ct. App. 1998).

The Defendant shall provide complete answers to the Plaintiff's discovery requests within fifteen (15) days.

**ORDER INFORMATION**

This order  ends  does not end the case.

See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 08/28/2024 .

RECEIVED

Oct 24 2024

SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

---



Berkeley Common Pleas

**Case Caption:** David L. Mazyck VS Josphe J. Shivers

**Case Number:** 2024CP0800971

**Type:** Order/Electronic Form 4

s/R. Scott Sprouse, Judge #2752

Tenth Judicial Circuit