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Jun 26 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FAIRFIELD COUNTY
In The Circuit Court

Brian M. Gibbons, Circuit Court Judge

Case No. 2022-000987

Saint Luke Baptist Church,

Respondent,

v.

Rayshawn Terry,

Appellant.

SUPPLEMENTAL RECORD ON APPEAL

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Rock Hill, S. C. 29731
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Attorneys for Respondent

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STATE OF SOUTH CAROLINA
COUNTY OF Fairfield
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP2000024

Saint Luke Baptist Church
PLAINTIFF(S)

Rayshawn Terry
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:

Plaintiff's Motion for Summary Judgement is Granted. Plaintiff's Counsel to submit formal Order.

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 04/05/2022 .

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.



Fairfield Common Pleas

Case Caption: Saint Luke Baptist Church VS Rayshawn Terry

Case Number: 2021CP2000024

Type: Order/Electronic Form 4

So Ordered

s/Brian M. Gibbons #2168 Circuit Judge

Electronically signed on 2022-04-05 13:02:39 page 3 of 3

STATE OF SOUTH CAROLINA
COUNTY OF FAIRFIELD

Saint Luke Baptist Church,

Plaintiff,

vs.

Rayshawn Terry,

Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE SIXTH JUDICIAL CIRCUIT

C.A. No. 2021-CP-20-00024

**PLAINTIFF'S FIRST SET OF
INTERROGATORIES
TO DEFENDANT**

TO: **JONATHAN M. MILLING, ESQ. ATTORNEY FOR DEFENDANT:**

YOU ARE HEREBY served the following written Interrogatories to be answered separately and in writing within thirty (30) days from the date of service hereof, pursuant to, and in accordance with Rule 33 of the South Carolina Rules of Civil Procedure.

DEFINITIONS

1. The term "document" as used herein means all written or printed matter of any kind, including the originals and all non-identical copies, different from the originals by reason of any notation made on such copies or otherwise, including, but not limited to any correspondence, memoranda, notes, diaries, electronic communications, electronic mail (e-mail), electronic bulletin board postings, World Wide Web site postings, documents or materials stored on computer floppy disks, computer hard drives, computer internal caches, computer ZIP/external storage drives, statistics, letters, telegrams, telexes, teletypes, telefax, telecopies, minutes, agendas, contracts, reports, studies, surveys, statements, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intraoffice communications, offers, notations of any sort of conversations including telephone conversations and meetings, bulletins, computer printouts and records, invoices, work sheets, accountants' notes, work papers, and all drafts, alterations, modifications, changes and amendments of any kind and, in addition thereto, any graphic or manual records, or representations of any kind including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotape camera records, and motion pictures, and electronic or mechanical records or reproductions of any kind, including without limitation, tapes, cassettes, disks, recordings, or the hard copies thereof or any other data compilations. If such documents consist of other data compilations, they shall be translated by the Plaintiff into reasonable usable form through appropriate detection devices.
2. The terms "concerning" or "concerns" as used herein means referred or referring to, alluded or alluding to, related or relating to, connected with, regarding, describing or reflecting.

3. The terms "you" or "your" as used herein shall refer to Plaintiff, and all present and former agents, employees, representatives, attorneys, and all other persons acting on Plaintiff's behalf.
4. The terms "and" and "or" shall be both conjunctive and disjunctive.
5. The terms "identify," "identification" or to "give the identity of" means:
 - (a) In the case of an individual--to state his or her name, present or last known residence, present or last known telephone number, business affiliations, business address, job description, and if different from the latter, the last position held with the Plaintiff, and if applicable, the date the individual was last employed by or for Plaintiffs;
 - (b) In the case of a document, whether or not such document is deemed to be privileged, objectionable or subject to any claims of privilege, to provide the following information:
 - (1) The title or other means of identification of each such document;
 - (2) The subject matter of each such document;
 - (3) The date each such document was prepared;
 - (4) The identity of the person or persons who prepared each such document;
 - (5) The identity of the person or persons receiving the document for which such document was prepared as well as the identity of each person receiving copies of said document;
 - (6) The present location of any and all copies of each such document in the possession, custody or control of Plaintiff;
 - (7) The identity of any and all persons who have custody or control of each such document or copies thereof; and
 - (8) Whether the Plaintiff claims any privilege or other reason for non-production with respect to each such document or copies thereof, and if so the factual and legal basis for the alleged privilege for non-production. In lieu of the foregoing, a copy of each such document may be supplied but said copy must indicate to which Interrogatory it relates.
 - (c) If any requested document existed at one time and was in the possession, custody or control of the Plaintiff, but has been lost, discarded or destroyed, removed from the possession, custody or control of the Plaintiff, indicate for each such document;

- (1) The identity of the document and the description of its contents indicating its dates, title and type of document;
 - (2) When the document was most recently in the possession, custody or control of the Plaintiff and what disposition was made of it; and
 - (3) Identify any person who currently possesses the document.
6. The term “explain” or “explanation” means to set forth certain facts, relate facts, recount facts, or to make certain facts known in detail.

INTERROGATORIES

1. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not a written or recorded statement has been taken from such witness and indicate who has possession of such statements.
2. For each person known to the Defendant or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.
3. Set forth a list of photographs, plats, sketches, or other prepared documents in possession of the party that relate to the claim or defense in the case.
4. If you deny Plaintiff's Request to Admit Number 2, list and describe the service rendered for Saint Luke Baptist Church to include the date rendered.
5. If you deny Plaintiff's Request to Admit Number 5, state with specificity the basis of denial.
6. If you deny Plaintiff's Request to Admit Number 6, state with specificity the basis of denial.

[signature on next page]

BOYKIN & DAVIS, LLC

By: 

Kenneth A. Davis (S.C. Bar #66416)

Charles J. Boykin (S.C. Bar #)

S. Lynn Smith (S.C. Bar #104048)

P.O. Box 11844

Columbia, SC 29211

Telephone: (803) 254-0707

Facsimile: (803) 254-5609

Attorneys for Plaintiff

June 10, 2021

Columbia, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF FAIRFIELD

Saint Luke Baptist Church,

Plaintiff,

vs.

Rayshawn Terry,

Defendant.

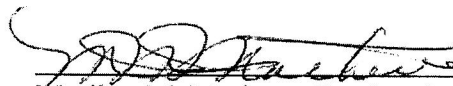
IN THE COURT OF COMMON PLEAS
FOR THE SIXTH JUDICIAL CIRCUIT

C.A. No. 2021-CP-20-00024

CERTIFICATE OF SERVICE

The undersigned of Boykin & Davis, L.L.C., hereby certifies that she has served the following counsel of record with the foregoing **PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT**, by mailing a copy of same, postage prepaid and return address clearly indicated, to the following on this 10th day of June 2021:

Johnathan Milling, Esq.
Milling Law Firm, LLC
2910 Devine St.
Columbia, South Carolina 29205


Marilyn M. Matheus, Paralegal

STATE OF SOUTH CAROLINA

COUNTY OF FAIRFIELD

Saint Luke Baptist Church,

Plaintiff,

vs.

Rayshawn Terry,

Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE SIXTH JUDICIAL CIRCUIT

C.A. No. 2021-CP-20-00024

**PLAINTIFF'S FIRST REQUEST
FOR PRODUCTION TO DEFENDANT**

TO: JOHNATHAN MILLING, ESQ., ATTORNEY FOR DEFENDANT:

YOU ARE HEREBY REQUESTED to produce and permit Plaintiff to inspect and copy the following documents and/or things that are within the possession, custody or control of Defendant or your office. You are requested to produce the records or copies thereof at the offices of Boykin & Davis, LLC., 220 Stoneridge Drive, Suite 100, Columbia, South Carolina 29210, at a mutually convenient time, not later than 30 days after the service hereof, pursuant to and in accordance with South Carolina Rules of Civil Procedure Rule 34.

DIRECTIONS AND INSTRUCTIONS

1. "Possession, custody or control" of documents means possession, custody or control or right to possession, custody or control including a person's attorneys, employees, officers, representatives, agents, and all other persons acting or purporting to act on the person's behalf.
2. "Documents" means all written or printed matter of any kind, including the originals and all non-identical copies, different from the originals by reason of any notation made on such copies or otherwise, including, but not limited to any correspondence, memoranda, notes, diaries, electronic communications, electronic mail (e-mail), electronic bulletin board postings, World Wide Web site postings, documents or materials stored on computer floppy disks, computer hard drives, computer internal caches, computer ZIP/external storage drives, statistics, letters, telegrams, telexes, teletypes, telefax, telecopies, minutes, agendas, contracts, reports, studies, surveys, statements, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intraoffice communications, offers, notations of any sort of conversations including telephone conversations and meetings, bulletins, computer printouts and records, invoices, work sheets, accountants' notes, work

papers, and all drafts, alterations, modifications, changes and amendments of any kind and, in addition thereto, any graphic or manual records, or representations of any kind including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotape camera records, and motion pictures, and electronic or mechanical records or reproductions of any kind, including without limitation, tapes, cassettes, disks, recordings, or the hard copies thereof or any other data compilations. If such documents consist of other data compilations, they shall be translated by the Plaintiff into reasonable usable form through appropriate detection devices.

3. "All documents" means every document as defined above, which is in your possession, custody or control and includes documents which are not in your possession, custody or control which are known to you or which can be located or discovered by reasonably diligent efforts.
4. "Including" means including but not by way of limitation.
5. "Related," "relates" or "relating to" means supporting, constituting, comprising, evidencing, containing, setting forth, showing, disclosing, describing, explaining, summarizing, concerning, or referring to, directly or indirectly.
6. In the case of a document that Plaintiff claims to be privileged or otherwise non-discoverable, provide the following information:
 - (1) The title or other means of identification of each such document;
 - (2) The subject matter of each such document;
 - (3) The date each such document was prepared;
 - (4) The identity of the person or persons who prepared each such document;
 - (5) The identity of the person or persons receiving the document for whom such document was prepared as well as the identity of each person receiving copies of said document;
 - (6) The present location of any and all copies of each such document in the possession, custody or control of Plaintiff;
 - (7) The identity of any and all persons who have custody or control of each such document or copies thereof; and
 - (8) The privilege or other reason for non-production with respect to each such document or copies thereof, and the factual and legal basis for the alleged privilege for non-production.
7. If any requested document existed at one time and was in the possession, custody or control of Plaintiff, but has been lost, discarded or destroyed, removed from the possession, custody or control of the Plaintiff, indicate for each such document;

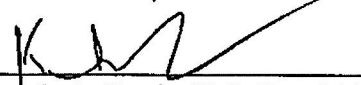
- (1) The identity of the document and the description of its contents indicating its dates, title and type of document;
- (2) When the document was most recently in the possession, custody or control of the Plaintiff and what disposition was made of it: and
- (3) Identify any person who currently possesses the document.

REQUESTS FOR PRODUCTION

1. Copies of any documents identified in, referred to in or relied upon in preparation of your answers to the interrogatories served herewith.
2. All written or recorded statements of persons who are witnesses of the facts relating to this action.
3. All notes or correspondence to or from the Plaintiff concerning the subject matter of the Complaint in your possession.
4. Copies of any documents relating to financial transactions between the Defendant and any employee of First Horizon Bank.
5. If you deny Plaintiff's Request to Admit Number 1, provide copies of any documents that constitute a contract between Defendant and Plaintiff.
6. If you deny Plaintiff's Request to Admit Number 3, provide copies of all paycheck stubs from Saint Luke Baptist Church dated from January 1, 2020 to Present.
7. Copies of receipts for all electronic equipment purchased by Defendant for use at Plaintiff's church services.
8. Provide copies of all correspondence, to include electronic correspondence, received from Saint Luke Baptist Church or a member of the Board of Deacons or the Board of Trustees from December 25, 2020, to Present.

9. Provide copies of all correspondence, to include electronic correspondence, to and from
First Horizon Bank from December 1, 2019, to Present.

BOYKIN & DAVIS, LLC

By: 

Kenneth A. Davis (S.C. Bar #66416)
Charles J. Boykin (S.C. Bar #)
S. Lynn Smith (S.C. Bar #104048)

P.O. Box 11844
Columbia, SC 29211
Telephone: (803) 254-0707
Facsimile: (803) 254-5609

Attorneys for Plaintiff

June 10, 2021
Columbia, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF FAIRFIELD

Saint Luke Baptist Church,

Plaintiff,

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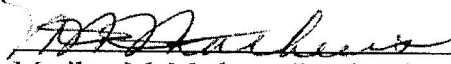
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Johnathan Milling, Esq.
Milling Law Firm, LLC
2910 Devine St.
Columbia, South Carolina 29205


Marilyn M. Matheus, Paralegal

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

RECEIVED
Jun 26 2023
SC Court of Appeals

/s/ John Martin Foster
Post Office Box 106
Rock Hill, South Carolina 29731
(803) 324-8100
Attorney for Appellant

June 25, 2023