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May 06 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Honorable Dale E. Van Slambrook, Circuit Court Judge

Case No. 2023-CP-26-02424  
Appellate Case No. 2025-000881

Mother Doe and Father Doe, Individually and as the  
Parents and Natural Guardians of Jane Doe .....

Respondents,

v.

Palmetto Preschool & Learning Center, LLC .....

Appellant.

**Motion to Dismiss for Immediate Relief**  
**6 Days until Next Deposition**

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Respondents Mother Doe and Father Doe request this Court to dismiss this appeal. As discussed herein, the trial court’s order granting Respondents’ request for a protective order is interlocutory. Thus, this appeal is not properly before the Court. Accordingly, the appeal should be dismissed, and this matter returned to the trial court to proceed with litigation. *See* Rule 221, SCACR. Moreover, Respondents request the automatic stay be lifted during the pendency of this Court’s decision so the previously scheduled depositions may proceed on May 12, 2025, May 13, 2025, and May 27, 2025. *See* Exhibit 1, Emails coordinating depositions. To allow otherwise, would reward Appellant for knowingly agreeing to deposition dates and then filing an interlocutory appeal.

## **Procedural History**

By way of background, this case arises from the alleged sexual assaults of Jane Doe, a minor child, while she was a student at Appellant Palmetto Preschool & Learning Center, LLC. Respondents are Jane Doe's parents. Jane Doe is neither a party nor an identified witness by Respondents. Appellant's counsel sought to take Jane Doe's deposition. In response, counsel for the parties conferred. Respondents' counsel proposed that Appellant first depose Shavone Myers, L.C.P., because she interviewed Jane Doe shortly after the incident and would have the information Appellant was seeking from Jane Doe. And if needed, counsel could revisit the issue. In the absence of an agreement, Respondents' counsel sought a protective order on the grounds that Appellant had not met the requisite burden to show that a deposition was necessary. In granting the protective order, the trial court found Respondents provided evidence of particularized harm based on Ms. Myer's affidavit, which stated that Jane Doe would suffer a substantial likelihood of severe emotional trauma if deposed. Order at 3. The trial court found that a deposition of Ms. Myers was a reasonable alternative for Appellant to discover the information sought from Jane Doe. Order at 3. For these reasons, the trial court found the protective order was proper and necessary.

Notably, the trial court signed the protective order on March 14, 2025, and on April 3, 2025, the trial court denied Appellant's motion for reconsideration. On April 29, 2025, the parties scheduled depositions in this matter for May 12, 2025, May 13, 2025, and May 27, 2025. *See* Exhibit 1. On May 2, 2025, Appellant's notice of appeal followed.

## **Argument**

The trial court's order granting Respondents' motion for a protective order is interlocutory, and, thus, not immediately appealable. For this reason, this appeal should be dismissed.

The Supreme Court shall have appellate jurisdiction for correction of errors of law in law cases, and shall review upon appeal:

(2) An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in any action.

S.C. Code Ann. § 14-3-330(2). Our courts have interpreted this language to mean only final judgments and certain interlocutory orders are immediately appealable. *Id.* Thus, when a final judgment has not been rendered, as in this case, the inquiry becomes whether an interlocutory order is immediately appealable.

It is well settled that discovery orders, including protective orders, are not immediately appealable because they do not involve the merits of the action or affect a substantial right. *Grosshuesch v. Cramer*, 377 S.C. 12, 30, 659 S.E.2d 112, 122 (2008); *see also, Hamm v. S.C. Pub. Serv. Comm'n*, 312 S.C. 238, 241, 439 S.E.2d 852, 853 (1994); *Wallace v. Interamerican Trust Co.*, 246 S.C. 563, 568–69, 144 S.E.2d 813, 816 (1965). Practically, our appellate courts have long recognized that resolving discovery disputes is a heavily fact-specific task requiring a trial court to consider both the broad parameters of parties’ claims as well as the narrow, idiosyncratic, and often complex facts bearing on the discoverability of the information in question. Discovery practice also requires trial courts to use prudential considerations, weighing the available means by which the parties may achieve their fact-finding objectives. For these reasons, our appellate courts have expressly stated they have no desire to micromanage discovery. *See Oncology & Hematology Associates*, 387 S.C. at 388, 692 S.E.2d at 924 (“We have no desire to micromanage discovery orders”). Moreover, our appellate courts readily acknowledge the discretionary nature of discovery disputes—thereby, reinforcing that interlocutory orders should not be used as a vehicle for immediate relief in the absence of a final judgment or interfering with a mode of trial.

Because Appellant has only been subject to a protective order—a basic discovery order—this appeal does not involve the merits of the action or affect a substantial right. Accordingly, this appeal must be dismissed. In the interim, Respondents request that any automatic stay be lifted until this Court determines whether this appeal to dismissed so that the previously scheduled depositions may proceed.

Respectfully submitted,

MCGOWAN, HOOD, FELDER, & PHILLIPS, LLC

s/Whitney B. Harrison

---

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[dluginbill@mcgowanhood.com](mailto:dluginbill@mcgowanhood.com)  
[jflumian@mcgowanhood.com](mailto:jflumian@mcgowanhood.com)

Attorneys for Respondents

May 6, 2025  
Columbia, South Carolina

## **Exhibit 1**

**Subject:** Re: Doe v Palmetto Preschool - Depositions Scheduling  
**Date:** Wednesday, April 30, 2025 at 2:57:33 PM Eastern Daylight Time  
**From:** Annie Gray  
**To:** Kardish, Sandra M.  
**Attachments:** image001.png, image002.png, image003.png, image004.png, image005.png, image006.png, image007.png

Yes that time will work.  
Thanks,  
Annie

Annie Gray  
Paralegal  
10 Shem Drive, Suite 300  
Mt. Pleasant, SC 29464  
803-207-5853 Phone  
843-388-3194 Fax



---

**From:** Kardish, Sandra M. <SKardish@TurnerPadget.com>  
**Date:** Wednesday, April 30, 2025 at 2:43 PM  
**To:** Annie Gray <agray@mcgowanhood.com>  
**Subject:** RE: Doe v Palmetto Preschool - Depositions Scheduling

Hey do you want to start Prosser at 1? I'll confirm her last name too.

[Sandra M Kardish](#)  
Legal Assistant  
PO Box 22129 | Charleston, SC 29413  
40 Calhoun Street, Suite 200 | Charleston, SC 29401  
843-579-8310 | Fax 843-577-1644  
[skardish@turnerpadget.com](mailto:skardish@turnerpadget.com)  
[vCard](#) | [Location](#)

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**From:** Kardish, Sandra M.  
**Sent:** Tuesday, April 29, 2025 4:42 PM  
**To:** Annie Gray <agray@mcgowanhood.com>  
**Subject:** RE: Doe v Palmetto Preschool - Depositions Scheduling

Yes, you don't need to subpoena them. What time do you want to schedule Prosser for?

[Sandra M Kardish](#)



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[skardish@turnerpadget.com](mailto:skardish@turnerpadget.com)  
[vCard](#) | [Location](#)

---

**From:** Annie Gray <[agray@mcgowanhood.com](mailto:agray@mcgowanhood.com)>  
**Sent:** Tuesday, April 29, 2025 4:36 PM  
**To:** Kardish, Sandra M. <[SKardish@TurnerPadget.com](mailto:SKardish@TurnerPadget.com)>  
**Cc:** Beard, Gena G <[GBeard@TurnerPadget.com](mailto:GBeard@TurnerPadget.com)>; Kneece III, Robert E <[RKneece@TurnerPadget.com](mailto:RKneece@TurnerPadget.com)>  
**Subject:** Re: Doe v Palmetto Preschool - Depositions Scheduling

Good Afternoon~

These look good to us and I will get some notices out to you. Will you accept service on these?

Thanks,  
Annie

Annie Gray  
Paralegal  
10 Shem Drive, Suite 300  
Mt. Pleasant, SC 29464  
803-207-5853 Phone  
843-388-3194 Fax



---

**From:** Kardish, Sandra M. <[SKardish@TurnerPadget.com](mailto:SKardish@TurnerPadget.com)>  
**Date:** Tuesday, April 29, 2025 at 3:46 PM  
**To:** Annie Gray <[agray@mcgowanhood.com](mailto:agray@mcgowanhood.com)>  
**Cc:** Beard, Gena G <[GBeard@TurnerPadget.com](mailto:GBeard@TurnerPadget.com)>, Kneece III, Robert E <[RKneece@TurnerPadget.com](mailto:RKneece@TurnerPadget.com)>  
**Subject:** RE: Doe v Palmetto Preschool - Depositions Scheduling

Let's do Valerie Moore's dep on 5/12 at 11:00 a.m. at your office in Mt. Pleasant

Amber Rogers and Kelli Prosser can be 5/13 (starting at 11:00) at our Myrtle Beach office

Jennifer Cusack 5/27 at 1:00 at our Myrtle Beach office

I don't have a time yet for Amy Anable.

Please confirm these dates and send notices. Thank you.

Sandra M Kardish



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 843-579-8310 | Fax 843-577-1644  
[skardish@turnerpadget.com](mailto:skardish@turnerpadget.com)  
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**From:** Annie Gray <[agray@mcgowanhood.com](mailto:agray@mcgowanhood.com)>  
**Sent:** Monday, April 28, 2025 8:21 AM  
**To:** Kardish, Sandra M. <[SKardish@TurnerPadget.com](mailto:SKardish@TurnerPadget.com)>  
**Cc:** Beard, Gena G <[GBeard@TurnerPadget.com](mailto:GBeard@TurnerPadget.com)>; Kneece III, Robert E <[RKneece@TurnerPadget.com](mailto:RKneece@TurnerPadget.com)>  
**Subject:** Re: Doe v Palmetto Preschool - Depositions Scheduling

Good Morning~  
 We can hold Valerie Moore's deposition at our office on May 12. Just let us know what time you want to start.  
 Thanks,  
 Annie

Annie Gray  
 Paralegal  
 10 Shem Drive, Suite 300  
 Mt. Pleasant, SC 29464  
 803-207-5853 Phone  
 843-388-3194 Fax



**From:** Kardish, Sandra M. <[SKardish@TurnerPadget.com](mailto:SKardish@TurnerPadget.com)>  
**Date:** Thursday, April 24, 2025 at 1:44 PM  
**To:** Annie Gray <[agray@mcgowanhood.com](mailto:agray@mcgowanhood.com)>  
**Cc:** Beard, Gena G <[GBeard@TurnerPadget.com](mailto:GBeard@TurnerPadget.com)>, Kneece III, Robert E <[RKneece@TurnerPadget.com](mailto:RKneece@TurnerPadget.com)>  
**Subject:** RE: Doe v Palmetto Preschool - Depositions Scheduling

Yes, that's correct. Valerie lives in Charleston fyi.



[Sandra M Kardish](#)  
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 843-579-8310 | Fax 843-577-1644  
[skardish@turnerpadget.com](mailto:skardish@turnerpadget.com)  
[vCard](#) | [Location](#)

**From:** Annie Gray <[agray@mcgowanhood.com](mailto:agray@mcgowanhood.com)>  
**Sent:** Thursday, April 24, 2025 1:40 PM  
**To:** Kardish, Sandra M. <[SKardish@TurnerPadget.com](mailto:SKardish@TurnerPadget.com)>  
**Cc:** Beard, Gena G <[GBeard@TurnerPadget.com](mailto:GBeard@TurnerPadget.com)>; Kneece III, Robert E <[RKneece@TurnerPadget.com](mailto:RKneece@TurnerPadget.com)>

**Subject:** Re: Doe v Palmetto Preschool - Depositions Scheduling

Hi Sandra~

So just to confirm as of now you have the following:

Valerie Moore – May 12

Amber Rogers – May 13

Jennifer Cusack – 5/27 at 1:00

Are you still working on Amy Annable and Kelly Watkins? Let us know where these depositions will be held and I can get some notices out.

Thanks,

Annie

Annie Gray

Paralegal

10 Shem Drive, Suite 300

Mt. Pleasant, SC 29464

803-207-5853 Phone

843-388-3194 Fax



**MCGOWAN HOOD  
FELDER & PHILLIPS LLC**

---

**From:** Kardish, Sandra M. <[SKardish@TurnerPadget.com](mailto:SKardish@TurnerPadget.com)>

**Date:** Wednesday, April 23, 2025 at 4:38 PM

**To:** Annie Gray <[agray@mcgowanhood.com](mailto:agray@mcgowanhood.com)>

**Cc:** Beard, Gena G <[GBeard@TurnerPadget.com](mailto:GBeard@TurnerPadget.com)>, Kneece III, Robert E <[RKneece@TurnerPadget.com](mailto:RKneece@TurnerPadget.com)>

**Subject:** RE: Doe v Palmetto Preschool - Depositions Scheduling

Valerie Moore is available May 12 (she lives in Charleston).

---

**From:** Kardish, Sandra M.

**Sent:** Wednesday, April 23, 2025 9:19 AM

**To:** Annie Gray <[agray@mcgowanhood.com](mailto:agray@mcgowanhood.com)>

**Cc:** Beard, Gena G <[GBeard@TurnerPadget.com](mailto:GBeard@TurnerPadget.com)>

**Subject:** RE: Doe v Palmetto Preschool - Depositions Scheduling

Good morning.

Amber Rogers is available May 12 or 13 (13<sup>th</sup> preferably)

Jennifer Cusack is available May 27 (preferably 1 pm)

I am working on the other deps, but wanted to give you an update.

Sandra M Kardish



Legal Assistant  
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[vCard](#) | [Location](#)

---

**From:** Kardish, Sandra M.  
**Sent:** Monday, April 14, 2025 10:37 AM  
**To:** Annie Gray <[agray@mcgowanhood.com](mailto:agray@mcgowanhood.com)>  
**Cc:** Beard, Gena G <[GBeard@TurnerPadget.com](mailto:GBeard@TurnerPadget.com)>  
**Subject:** RE: Doe v Palmetto Preschool - Depositions Scheduling

I am holding these dates: May 12, 13, or 27.

Amber is available May 12 or 13. I'm still working on the others.



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[skardish@turnerpadget.com](mailto:skardish@turnerpadget.com)  
[vCard](#) | [Location](#)

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**From:** Annie Gray <[agray@mcgowanhood.com](mailto:agray@mcgowanhood.com)>  
**Sent:** Monday, April 14, 2025 9:03 AM  
**To:** Kardish, Sandra M. <[SKardish@TurnerPadget.com](mailto:SKardish@TurnerPadget.com)>  
**Cc:** Beard, Gena G <[GBeard@TurnerPadget.com](mailto:GBeard@TurnerPadget.com)>  
**Subject:** Re: Doe v Palmetto Preschool - Depositions Scheduling

Good Morning~

Hope you had a great weekend. Just following up on this and see if any of these dates worked or do we need to look at others.

Thanks,  
Annie

Annie Gray  
Paralegal  
10 Shem Drive, Suite 300  
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803-207-5853 Phone  
843-388-3194 Fax



MCGOWAN HOOD  
FELDER & PHILLIPS LLC

---

**From:** Annie Gray <[agray@mcgowanhood.com](mailto:agray@mcgowanhood.com)>

**Date:** Thursday, April 3, 2025 at 3:14 PM  
**To:** Kardish, Sandra M. <[SKardish@TurnerPadget.com](mailto:SKardish@TurnerPadget.com)>  
**Cc:** Beard, Gena G <[GBeard@TurnerPadget.com](mailto:GBeard@TurnerPadget.com)>  
**Subject:** Re: Doe v Palmetto Preschool - Depositions Scheduling

Yes Mam please.

Annie Gray  
Paralegal  
10 Shem Drive, Suite 300  
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803-207-5853 Phone  
843-388-3194 Fax



**MCGOWAN HOOD  
FELDER & PHILLIPS LLC**

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**From:** Kardish, Sandra M. <[SKardish@TurnerPadget.com](mailto:SKardish@TurnerPadget.com)>  
**Date:** Thursday, April 3, 2025 at 3:08 PM  
**To:** Annie Gray <[agray@mcgowanhood.com](mailto:agray@mcgowanhood.com)>  
**Cc:** Beard, Gena G <[GBeard@TurnerPadget.com](mailto:GBeard@TurnerPadget.com)>  
**Subject:** RE: Doe v Palmetto Preschool - Depositions Scheduling

Annie, you are re-setting Jennifer Cusack's deposition as well, correct?

Sandra M Kardish  
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[skardish@turnerpadget.com](mailto:skardish@turnerpadget.com)  
[vCard](#) | [Location](#)



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**From:** Annie Gray <[agray@mcgowanhood.com](mailto:agray@mcgowanhood.com)>  
**Sent:** Thursday, April 3, 2025 2:30 PM  
**To:** Kardish, Sandra M. <[SKardish@TurnerPadget.com](mailto:SKardish@TurnerPadget.com)>; Beard, Gena G <[GBeard@TurnerPadget.com](mailto:GBeard@TurnerPadget.com)>  
**Subject:** Re: Doe v Palmetto Preschool

Here are some dates in May: May 12, 13, 26 or 27<sup>th</sup>.

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10 Shem Drive, Suite 300  
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843-388-3194 Fax



**MCGOWAN HOOD  
FELDER & PHILLIPS LLC**

---

**From:** Kardish, Sandra M. <[SKardish@TurnerPadget.com](mailto:SKardish@TurnerPadget.com)>  
**Date:** Thursday, April 3, 2025 at 9:41 AM  
**To:** Annie Gray <[agray@mcgowanhood.com](mailto:agray@mcgowanhood.com)>, Beard, Gena G <[GBeard@TurnerPadget.com](mailto:GBeard@TurnerPadget.com)>  
**Subject:** RE: Doe v Palmetto Preschool

Can you provide some May dates and I'll work on. Thanks!

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[skardish@turnerpadget.com](mailto:skardish@turnerpadget.com)  
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**From:** Annie Gray <[agray@mcgowanhood.com](mailto:agray@mcgowanhood.com)>  
**Sent:** Wednesday, April 2, 2025 2:11 PM  
**To:** Kardish, Sandra M. <[SKardish@TurnerPadget.com](mailto:SKardish@TurnerPadget.com)>; Beard, Gena G <[GBeard@TurnerPadget.com](mailto:GBeard@TurnerPadget.com)>  
**Subject:** Re: Doe v Palmetto Preschool

Unfortunately we already have depositions scheduled for those days. Lets look at dates in May if possible.  
Thanks,  
Annie

Annie Gray  
Paralegal  
10 Shem Drive, Suite 300  
Mt. Pleasant, SC 29464  
803-207-5853 Phone  
843-388-3194 Fax



**MCGOWAN HOOD  
FELDER & PHILLIPS LLC**

---

**From:** Kardish, Sandra M. <[SKardish@TurnerPadget.com](mailto:SKardish@TurnerPadget.com)>  
**Date:** Wednesday, April 2, 2025 at 12:29 PM  
**To:** Annie Gray <[agray@mcgowanhood.com](mailto:agray@mcgowanhood.com)>, Beard, Gena G <[GBeard@TurnerPadget.com](mailto:GBeard@TurnerPadget.com)>  
**Subject:** RE: Doe v Palmetto Preschool

Could we do Amy Annable by zoom on 4/11, 4/17 am?

Sandra M Kardish

Legal Assistant

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40 Calhoun Street, Suite 200 | Charleston, SC 29401

843-579-8310 | Fax 843-577-1644

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**From:** Annie Gray <[agray@mcgowanhood.com](mailto:agray@mcgowanhood.com)>

**Sent:** Wednesday, April 2, 2025 10:23 AM

**To:** Kardish, Sandra M. <[SKardish@TurnerPadget.com](mailto:SKardish@TurnerPadget.com)>; Beard, Gena G <[GBeard@TurnerPadget.com](mailto:GBeard@TurnerPadget.com)>

**Subject:** Doe v Palmetto Preschool

Good Morning~

Hope this finds you well. Can you please work on getting us some dates for depositions for the following:

Amber Rogers

Amy Annable

Kelli Prosser aka Kelli Watkins

Valarie Moore

Thank you.

Annie

Annie Gray

Paralegal

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MCGOWAN HOOD  
FELDER & PHILLIPS LLC

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**May 06 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Honorable Dale E. Van Slambrook, Circuit Court Judge

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Case No. 2023-CP-26-02424  
Appellate Case No. 2025-000881

---

Mother Doe and Father Doe, Individually and as the  
Parents and Natural Guardians of Jane Doe .....

Respondents,

v.

Palmetto Preschool & Learning Center, LLC .....

Appellant.

---

**Proof of Service**

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The undersigned hereby certifies Respondents' Motion to Dismiss and exhibit, along with  
counsel's Notice of Appearance were served by email on May 6, 2025, to the following:

Robert E. Kneece, III: [rkneece@turnerpadget.com](mailto:rkneece@turnerpadget.com)

*Signature Page to Follow*

Respectfully submitted,

s/Whitney B. Harrison

---

**McGowan, Hood, Felder, & Phillips,  
LLC**

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S.C. Bar Number: 100111  
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Daniel W. Luginbill  
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Attorneys for Respondents

May 6, 2025  
Columbia, South Carolina



**MCGOWAN HOOD  
FELDER & PHILLIPS LLC**

Chad A. McGowan (SC, GA, NC)  
S. Randall Hood  
John G. Felder, Jr.  
Robert V. Phillips  
Russell T. Burke  
Jordan C. Calloway  
Ashley White Creech  
Shawn B. Deery  
Julia M. Flumian  
Eve S. Goodstein  
Whitney B. Harrison

Zachary B. Hayden  
Daniel W. Luginbill  
Anna S. Magann  
G. Donovan Malloy  
Timothy M. McKissock  
Amanda N. Pittman  
Erin R. Stuckey  
James L. Ward, Jr. (SC, NC)  
Jay F. Wright

**RECEIVED**

**May 06 2025**

**SC Court of Appeals**

1517 Hampton Street  
Columbia, SC 29201

T: 803.779.0100

[www.mcgowanhood.com](http://www.mcgowanhood.com)

**Whitney B. Harrison**

E-Mail: [wharrison@mcgowanhood.com](mailto:wharrison@mcgowanhood.com)

May 6, 2025

**Via: Electronic Mail**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**Re: *Mother Doe & Father Doe v. Palmetto Preschool & Learning Center*  
Appellate No.: 2025-000881**

Dear Judge Kitchings:

Enclosed please find Respondents' Motion to Dismiss, Notice of Appearance, and the corresponding proof of service. A check for the \$50.00 filing fee has been placed in the mail.

Please let me know if you have any questions. Thank you for your assistance.

Sincerely,

*s/Whitney B. Harrison*

Whitney B. Harrison, Esquire

WBH/jsc

cc: Robert E. Kneece, III, Esquire (via E-Mail)  
Daniel W. Luginbill, Esquire (via E-Mail)  
Julia M. Flumian, Esquire (via E-Mail)