THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM OCONEE COUNTY

Court of Common Pleas

Hon. R. Lawton McIntosh, Circuit Court Judge

Appellate Case No. 2024-000739

Dorothy Pierce . . . . . Appellant,

V.

Jerry Edwards, Edwards Group Holdings, Inc., Edwards Printing, Respondent McDuff; MJM Law, LLC; Riley Morningstar; The Journal Newspaper; Hal Welch.. . . . . Respondents.

APPELLANT'S REPLY BRIEF TO RESPONDENT MCDUFF; MJM LAW, LLC

Dated July 7, 2025

PRELIMINARY STATEMENT

1. **Genuine Issues of Material Fact Preclude Summary Judgment;** Summary judgment is improper where key facts are disputed and credibility must be assessed by a jury. Here, substantial evidence—viewed in the light most favorable to Appellant—establishes multiple genuine issues of material fact that bar summary judgment under Rule 56, SCRCP:
    a) **McDuff's Role as Source and Facilitator of Defamation;** McDuff met with the newspaper owner days after a probate court defeat and initiated the republication of the discredited ACFIM article. His emails and deposition contradict Morningstar's affidavit and create a clear credibility conflict.
    b) **Falsity of the Defamatory Allegations;** The core allegations were formally retracted by ACFIM, discredited by a Ugandan High Court default judgment, and rebutted by eyewitness affidavits and contemporaneous video evidence.
    c) **Actual Malice and Retaliatory Motive;** McDuff promoted the article despite a prior court ruling excluding it as unauthenticated and irrelevant. His derogatory statements and post-trial media push support a jury finding of reckless disregard for the truth.
    d) **Causation of Business Injury;** Emails from The Journal confirm ad suspension "based on advice from our attorney." McDuff is the only attorney linked to the publisher. He admits discussing Appellant's ads and court case with the publisher, creating a triable fact on causation.
    e) **Appellant's Standing and Personal Damages;** Appellant personally funded the ad contract, suffered reputational damage, and produced bank statements and communications proving economic and emotional harm.
    f) **Improper Use of Sanctions Order;** The April 4, 2023 sanctions order was interlocutory, remains under appeal, and is disputed. Appellant timely produced supplemental discovery, raising fact questions about any alleged prejudice.
    g) **Effect of Probate Settlement on Prior Orders;** The February 12, 2025 Consent Order expressly superseded all prior estate rulings. Whether Respondents are estopped from relying on the August 18, 2021 probate order is a mixed question of fact and law.

2. On Defamation Liability; Respondents claim there is "no evidence" they made any defamatory statements. This is rebutted by:

a) Direct evidence that McDuff provided and promoted the retracted ACFIM report to Jerry Edwards and to the journalist, Riley Morningstar.
b) McDuff's own admissions in deposition that he informed Edwards about Appellant's ads and linked her to the forged will.
c) Sandra Pierce's sworn affidavit describing McDuff's coercive tactics and defamatory strategy to criminalize Appellant and undermine her reputation in probate court.
d) Defamation need not originate with the speaker to impose liability; republishing, instigating, or endorsing defamatory material constitutes actionable conduct. See *Jones v. Arnold* and *Restatement (Second) of Torts § 577*.
e) The ACFIM report was fully retracted, and McDuff knew this before forwarding it. Promoting retracted material with malicious intent supports liability.

3. On Defamation Per Se and Damages; Respondents argue that Appellant's alleged damages are speculative. This argument fails for several reasons:

a) Defamation Per Se Requires No Proof of Special Damages. Under South Carolina law, defamatory statements that falsely accuse a person of criminal conduct, professional dishonesty, fraud, or sexual misconduct constitute *defamation per se* and are actionable without proof of economic loss. See *Erickson v. Jones St. Publishers*, 368 S.C. 444, 629 S.E.2d 653 (2006); *Holtzscheiter v. Thompson Newspapers, Inc.*, 332 S.C. 502, 505, 505 S.E.2d 496 (Ct. App. 1998). In this case, the defamatory content at issue includes:

- False accusations that Appellant "scammed" a customer out of $16,000, despite Appellant not being a party to the contract and having fulfilled the delivery as an agent of her company.
- Statements implying that Appellant was "running long cons," despite evidence that her company grossed over $3,000,000 annually and she consistently contributed to her family's household income—including paying $14,600 in roofing expenses and covering her and her husband's fertility treatment.
- Claims that Appellant and her husband were not sleeping in the same room, a statement clearly intended to suggest marital fraud.

- Most egregiously, publication of false and malicious allegations that Appellant committed bribery and election fraud in Uganda.

Each of these claims qualifies as *defamation per se* and is presumed harmful without the need to quantify damages.

b) Reputational Harm and Emotional Distress Are Presumed; Because the statements at issue constitute defamation per se, South Carolina law presumes resulting reputational harm, humiliation, and emotional distress. These are not speculative; they are *legally presumed damages* that flow from the nature of the defamatory statements.

c) Economic Damages Were Also Substantiated; In addition to reputational harm, Appellant presented evidence of concrete economic losses, including terminated advertising contracts, reduced client engagement, and lost revenue. Client communications and financial records were produced demonstrating that business relationships were damaged as a direct result of the defamatory publications.

4. On Tortious Interference with Contract; Respondents argue that Appellant lacks standing because the advertising contract was technically between The Journal and her LLC. That argument fails both legally and factually.

a) **Appellant Has Individual Standing Because Defendant Targeted Her Personally;** Under South Carolina law, a Appellant may bring a tortious interference claim in an individual capacity where the defendant's actions were directed at the individual and not merely the corporate entity. Here, McDuff did not treat the LLC as a separate legal entity—he targeted Appellant directly. He contacted Jerry Edwards of The Journal after recognizing **Appellant's name, image, and persona** in the advertisements. His actions were aimed at **discrediting Appellant**, not her company, and stemmed from an **adversarial and retaliatory relationship** with her personally.

b) **Appellant Personally Negotiated, Funded, and Appeared in the Advertisements;** The advertising relationship with The Journal was initiated, paid for, and executed by Appellant personally—**before the LLC had generated any revenue**. Appellant was the public face of the campaign, appearing in both photo and name. She negotiated the ad contract, made the payments using personal funds, and derived reputational and professional benefit from the exposure. Thus, the alleged interference harmed **Appellant's personal business interests and public credibility**, regardless of the nominal identity of the contracting party.

c) **Malice and Improper Motive Support Appellant's Standing;** South Carolina law allows tortious interference claims to proceed where the conduct is motivated by **malice, personal animus, or improper purpose**, even in the absence of direct contractual privity. A claim may lie when a defendant improperly interferes with another's economic relationship through **wrongful means**, such as fraud, defamation, or abuse of influence. McDuff's acts here were plainly outside the bounds of lawful privilege.

d) **McDuff's Conduct Was Intentional and Documented;** Appellant has produced evidence that McDuff **personally contacted Edwards** at The Journal, referencing the ads and **pressuring him to discontinue them**. This was not incidental or passive conduct—it was a calculated, hostile, and extrajudicial interference meant to sever Appellant's business ties and diminish her professional reputation. Such conduct meets the elements of tortious interference:

(1) the existence of a business relationship,

(2) Defendant's knowledge of it,

(3) intentional and unjustified interference,

(4) absence of privilege, and

(5) resulting damages.

e) The Trial Court Erred by Overlooking Appellant's Personal Stake; By disregarding the personal nature of both the attack and the business interest at issue, the trial court wrongly denied Appellant standing. She seeks redress for interference with her **personal business dealings**, not merely those of her LLC.

5. **On Lack of Evidence / Speculation; Respondents argue Appellant's claims are speculative. In response:**
   - The standard for summary judgment is whether any genuine issue of material fact exists—not whether Appellant can prove every claim now.
   - Appellant has introduced sworn testimony, emails, deposition excerpts, and corroborating witnesses that contradict Respondents' narrative.
   - Motivation, credibility, and malice are classic jury questions. See *McKnight v. S.C. Dept. of Corrections*, 385 S.C. 380 (2009).

6. **On the April 4, 2023 Sanctions Order; Respondents rely on the April 4 Order to exclude Appellant's evidence of damages. Appellant rebuts:**
   - That Order was improper, interlocutory, and has been timely appealed.
   - Even if partially upheld, Appellant has independently submitted evidence of damages, including emails, business records, and sworn testimony.
   - Damages are not required for defamation per se, and reputational harm has been clearly shown.
7. **On Summary Judgment as a Whole; Respondents argue that speculation cannot defeat summary judgment. Appellant responds:**
   - Appellant's evidence is not speculative—it includes firsthand testimony, emails, depositions, and admissions by McDuff.
   - The record reflects disputed facts, including motive, communications, and the effect of McDuff's actions.
   - Under *Beale v. Hardy*, 769 F.2d 213 (4th Cir. 1985), a party opposing summary judgment may survive by showing a genuine issue of material fact—which Appellant has done.
8. **Appellant Has Made No Concessions and Fully Complied with Discovery, Including Interrogatory No. 6:** Contrary to Respondents' mischaracterizations, Appellant has not conceded any element of her defamation or tortious interference claims during deposition. At no point did she admit that Respondents were uninvolved in the defamatory publications, nor did she disclaim reputational or economic harm. Further, Appellant has fully and timely complied with all discovery obligations, including detailed responses to interrogatories and document requests. Specifically, Appellant responded in good faith to Interrogatory No. 6, which requested the factual basis for her claims, by providing extensive facts, witness references, and identifying the communications and conduct by Respondents that support her allegations. Respondents' assertion that Appellant failed to substantiate her claims or discovery obligations is false, misleading, and contradicted by the record. The Trial Court's acceptance of these misstatements as grounds for summary judgment was clear error and warrants reversal.

DETAILED REBUTTALS OF RESPONDENTS FALSE AND MISLEADING CLAIMS

Genuine Issues of Material Fact Preclude Summary Judgment

Under Rule 56, SCRCP, summary judgment is proper only when **"there is no genuine issue as to any material fact"** and the moving party is entitled to judgment as a matter of law. *Dawkins v. Fields*, 354 S.C. 58, 580 S.E.2d 433 (Ct. App. 2003). Viewing the evidence in the light most favorable to Appellant, multiple core disputes remain for a jury:

Disputed Fact	**Record Evidence Raising a Jury Question**
Who sourced, promoted, and republished the ACFIM article?	• McDuff admits he met publisher Jerry Edwards three days after probate defeat and delivered the article, calling it "newsworthy." • Email chain (Aug 12–Mar 4) shows McDuff forwarding the article and arranging interviews with hostile witnesses. • Morningstar deposition: McDuff provided "materials" and "context." → **Credibility conflict between McDuff/Morningstar affidavits and documentary timeline.**
Truth or falsity of the ACFIM allegations (vote-buying / bribery)	• Formal retraction (Jan 3 2024). • Default judgment against ACFIM in Ugandan High Ct. (Case 003/2022). • Affidavits of photographer Otwii and eyewitnesses (Olot, Opio, Olwi). • Video (Dec 23 2020) contradicts vote-buying narrative.
Actual malice / reckless disregard	• Probate court excluded article as unauthenticated (Aug 2 2021). • Despite exclusion and subsequent retraction, McDuff continued to circulate it. • Emails show McDuff describing Appellant in derogatory terms ("Queen," "elderly white gentleman").
McDuff's role in cancelling Appellant's Journal advertising contract	• McDuff deposition: he alerted Edwards to Appellant's ads and probate dispute. • Journal emails (Aug 31 2021) cite "our attorney" advising a hold on her ads; McDuff is the only attorney linked to Edwards. • Edwards deposition contradicts McDuff on attorney-client status.
Standing / personal damage	• Ads were negotiated and paid from Appellant's personal funds; she is sole member and public face of the LLC.

Disputed Fact	Record Evidence Raising a Jury Question
	• She produced bank records and cancelled-order emails showing direct economic loss.
Extent of reputational and emotional harm	• Defamation per se presumes damage (*Erickson v. Jones St.*). • Sworn testimony from customers and family describing loss of trust, threats, and community ostracism.
Validity and effect of April 4 2023 sanctions order	• Interlocutory; on appeal. • Appellant produced additional documents Apr 24 2023 that the circuit court nevertheless excluded—creating factual dispute on damages evidence.
Effect of Feb 12 2025 Consent Order on probate findings	• Settlement expressly waives & supersedes Aug 18 2021 order. • Whether Respondents are estopped from relying on that earlier order is a mixed question of law **and fact** (intent, consideration, benefit).

Because these matters turn on witness credibility, motive, and contested inferences, **summary judgment was inappropriate**. South Carolina courts repeatedly caution that where malice, intent, or credibility are central, "summary judgment should rarely be granted." *Hancock v. Mid-South Mgmt. Co.*, 381 S.C. 326, 673 S.E.2d 801 (2009).

Response to Irrelevant and Prejudicial Allegations Concerning William Wells

Respondents invoke Appellant's 2017 marriage to William Wells to suggest it was an immigration ploy. The allegation is both **irrelevant** to the issues on appeal and **factually untenable**.

1. **PERM Labor Certification and Employment Status Pre-dated the Marriage**

a) On April 12 , 2017—six weeks before any discussion of marriage—Appellant's PERM Labor Certification was approved by the U.S. Department of Labor, authorizing her for permanent, employment-based immigration sponsorship (Ex. 9).

b) Contemporaneously, William Wells hired Appellant as Chief Executive Officer of the Elaine M. Wells Dementia Research Foundation at an annual salary of $75,000 (Appointment Letter, Ex. 8).

c) The approved PERM, combined with a bona-fide CEO appointment and W-2 compensation, provided a complete, lawful immigration pathway independent of any marriage.

2. The Purported "Green-Card Marriage" Email Is a Forgery and Inadmissible

a) The 2017 email suggesting that William Wells married Appellant "to help her get a green card" was not written by William Wells. Instead, it was fabricated by his estranged adult daughter, Wendy Wells, who has a well-documented history of drug addiction, criminal arrests, and eight failed marriages. She was estranged from both William and Appellant and acted with malice and spite.
b) Wendy impersonated her father in order to undermine Appellant's reputation. The email is an obvious forgery, unauthenticated hearsay, and lacks any evidentiary value. It was never signed by William Wells, nor does it contain any verification, signature block, or identifying metadata tying it to him.
c) During Appellant's deposition, she was shown the purported email for the first time. She was visibly shocked and immediately recognized that the email had not been written by William. It falsely claimed their relationship was "platonic"—a statement flatly contradicted by their marriage, shared home, romantic communications, and Appellant's appointment as CEO of the Elaine M. Wells Dementia Research Foundation.
d) Appellant challenged Respondents to prove the origin and authorship of the email, demanding to know who exactly wrote it and how they had verified its authenticity. Respondents could not offer any proof that William authored the message. They admitted that the email bore no signature, no header attribution, and no verifiable source—merely a block of unverified text forwarded by unknown parties.
e) Respondents' reliance on this forged and anonymous email is not only legally impermissible, but underscores their pattern of introducing prejudicial, irrelevant, and unverified materials to malign Appellant's character.

3. **Appellant's Marriage to William was Motivated by Personal Affection, Not Necessity as proved by 41 pages of messages between appellant and her deceased husband William**
    a) The couple's relationship began when Appellant volunteered to help care for William's ailing wife, Elaine.
    b) Appellant sought—and received—formal blessing from her mother and clan elders before marrying William on **May 26 , 2017** (Letter, Ex. 9).
    c) Appellant believed William was 56; his true age (77) was revealed only later, underscoring her good-faith intent.
    d) **Professional and Personal Lives Were Kept Distinct;** William's foundation achieved § 501(c)(3) status through Appellant's efforts (IRS Letter, Ex. 8). The couple's herbal-products venture and storage rental were documented joint endeavors, wholly separate from Appellant's own high-earning business, which exceeded **$3 million in 2020**.

Respondent McDuff Filed a False Criminal Complaint and Was Rejected — *Twice*;

Contrary to Respondents' portrayal, it was not Adam Pierce but Defendant Richard Hunt McDuff himself who filed a criminal complaint with the Oconee County Sheriff's Office, falsely alleging that Appellant forged the July 7, 2020 will of Doyle Pierce. Despite McDuff's personal relationship with

Sheriff Mike Crenshaw and close ties to individuals in the Solicitor's Office, the Sheriff's Department twice investigated and dismissed the forgery complaint after finding no evidence of wrongdoing.

The Sheriff's Office reviewed the signature comparison submitted by McDuff, which relied on outdated signature exemplars allegedly authored by Doyle Pierce between 1965 and 1976 — some dating back to when Doyle was a teenager. These decades-old samples were juxtaposed against a will executed in 2020, long after Doyle had suffered arthritis and multiple health issues that naturally affected his penmanship. The outdated exemplars were thus unreliable, irrelevant, and misleading.

Moreover, the Sheriff's Office found that the signature on the July 7, 2020 will did not match Appellant's handwriting in any respect — directly undercutting McDuff's central theory of forgery. Despite McDuff's close ties and pressure tactics, the case was closed without any charges. The failure of McDuff's own fabricated criminal referral — even with favorable connections — further confirms the malicious, baseless nature of his conduct and the underlying probate case.

The February 12, 2025 Settlement Supersedes the August 18, 2021 Order

Respondents' reliance on the August 18, 2021 probate order is disingenuous and legally barred. While it is true that the order was not reversed on direct appeal, it was **expressly waived** by the parties in a **February 2025 court-approved settlement**. That Consent Order **superseded** all prior interlocutory rulings, including the 2021 order, and resolved all pending disputes with prejudice. Respondents are **equitably estopped** from resurrecting arguments based on a prior order they voluntarily abandoned and contractually waived. Their position misstates both the procedural record and applicable South Carolina law.

a) The Settlement Agreement Supersedes Prior Orders; The February 2025 Consent Order resolved all remaining estate disputes and expressly waived the parties' rights to pursue further legal actions. It states:

"Each Party to this Agreement hereby expressly waives and relinquishes any and all rights to appeal or challenge this Agreement [and] the Amended Private Family Settlement Order dated October 17, 2023…"

This waiver was knowingly and voluntarily entered into by all parties after being advised of their right to counsel. Under South Carolina law, a court-approved settlement agreement has the same legal effect as a final judgment and supersedes any earlier interlocutory orders. See *Robinson v. Robinson*, 335 S.C. 129, 515 S.E.2d 449 (Ct. App. 1999). That Order has been expressly superseded and rendered moot by the February 12, 2025 Consent Order and Family Settlement Agreement, which:

i. Reinstated Appellant as Personal Representative of the Estate of Doyle E. Pierce;

ii. Reaffirmed Appellant's inheritance rights, including property and assets originally devised to her and her companies;

iii. Required all heirs, including Respondents' clients, to comply with and enforce the October 17, 2023 Amended Private Family Settlement Agreement, which mirrors the intent and structure of the original Will;

iv. Vacated any remaining contempt or adversarial proceedings between the heirs;

v. Settled *all pending claims* relating to the Estate.

b) Appellant's Appeals Were Resolved, Not Abandoned; The parties signed a Stipulation to Dismiss Appeals with Prejudice, stating explicitly that the dismissal was "[p]ursuant to the Settlement Agreement and Consent Order." The appeals were not dismissed on the merits of the prior Probate Order, but were withdrawn only after Respondents agreed to settle all outstanding claims, reappoint Appellant as Personal Representative, and accept estate distribution under the very Will they previously challenged.

c) Respondents Are Estopped from Reviving Pre-Settlement Claims; Having obtained the benefits of the February 2025 Consent Order—including final distribution of estate assets—Respondents are now equitably estopped from resurrecting prior allegations or legal positions that were resolved or extinguished through settlement. See *Willis v. Gordon*, 350 S.C. 177, 564 S.E.2d 117 (Ct. App. 2002) (parties who settle disputes cannot later relitigate resolved issues).

d) The August 18, 2021 Order Has No Ongoing Legal Effect; The prior Probate Court order is now **moot** and carries no residual legal weight. Once the parties entered into the binding February 2025 Consent Order waiving all appeals and claims, the earlier order was functionally and legally extinguished.

Spence v. Spence, 368 S.C. 106, 628 S.E.2d 869 (2006) – reiterates that a settlement agreement approved by a court is interpreted under contract principles and becomes enforceable as a judgment. Furthermore, Rule 43(k), SCRCP – provides that a consent order or settlement placed on the record or reduced to writing and subscribed by counsel is enforceable as a judgment.

Defendant McDuff's Probate Judgment Was Procured by Fraud

Appellant alleges that the judgment setting aside Doyle Pierce's will was obtained through a scheme of fraud and unethical legal manipulation orchestrated by Defendant Richard McDuff in concert with his client, Adam Pierce.

a) **Key Eyewitness Testimony from Sandra Pierce**: Sandra Pierce, Adam's ex-wife and a former client of McDuff, testifies that McDuff pressured her to commit perjury by signing a false affidavit claiming she witnessed a FEMA authorization letter—an allegation she firmly resisted. Sandra also states McDuff suggested that if Appellant could be jailed, she would be disqualified from inheriting, despite knowing she had committed no crime.

b) **Coercive and Deceptive Legal Tactics:** Sandra recounts that McDuff encouraged Adam to accuse Appellant of causing Doyle's death, despite the family's knowledge that Doyle had long-standing health problems. These calculated strategies were intended to influence the probate outcome and discredit Appellant.

c) Submission of Fraudulent Evidence: McDuff's will contest relied on outdated signature samples from the 1970s to claim forgery, undermining the reliability of the handwriting analysis. These actions raise serious concerns about the legitimacy of the evidence used to invalidate the will.

d) **Adam Pierce's Pattern of Fraud:** Adam Pierce is a convicted felon with a history of deceit, including faking a brain injury for compensation and lying under oath during probate. His actions, as described by Sandra, reflect a consistent effort to manipulate the legal process for financial gain.

e) **Legitimacy of the Contested Will:** Sandra affirms that Doyle Pierce's July 7, 2020 will was genuine and reflected his true wishes to leave specific assets to Appellant and his children. She provides firsthand accounts of Doyle's intent, including visits to the Cedar Hill Farm to discuss land distribution.

Appellant's Sworn Testimony Confirms Broad and Repeated Acts of Defamation Beyond the Journal Articles

Contrary to respondent's false claim, Appellant **did not** limit her defamation claims solely to the three Journal articles referenced in paragraphs 45–47 of the Amended Complaint. Instead, she repeatedly testified under oath that:

a) **The defamatory acts are not limited to newspaper articles**: "Because I had categorically stated how he defamed me on my Amended Complaint. And throughout the litigation, I have also stated categorically in my Motion — in my Motion for Summary Judgment, in all the pleadings..." (p. 102, lines 12–16)
b) **All pleadings and other filings are incorporated as sources of defamatory content**: "The Amended Complaint, Motion for Summary Judgment... and all other pleadings that I have on file." (p. 103, lines 18–19)
c) **Additional sources beyond the Complaint and Summary Judgment Motion are relevant**: "My response to the Motion to Dismiss — also states clearly, and the evidence that I provided, this document too." (p. 104, lines 20–25)
d) **Discovery responses identify additional defamatory statements**: "Documents I produced." (p. 104, line 3)

e) **Respondents Mischaracterize Interrogatory No. 6:** Respondents falsely assert that Appellant's defamation claim rests solely on references to her "Amended Complaint and other pleadings on file." This is a gross mischaracterization of the record. In truth, Appellant **clearly and specifically enumerated multiple categories of defamatory conduct** in her verified **Amended Response to Interrogatory No. 6**, including:

- Defamatory emails to Judge Kenneth Johns;
- Defamatory statements to Appellant's employees;
- Defamatory statements to Appellant's customers (with criminal charges orchestrated and later dismissed);
- Defamatory statements made to *The Journal* and Oconee County residents through coordinated publications;
- Potentially defamatory statements made to Clements Electrical, Cornerstone of Greenville, and the Oconee County Sheriff's Department;
- And a reservation of rights to supplement this list as discovery progresses.

Each of these categories reflects independent acts of defamation, many **outside the scope of any litigation privilege**, and none limited to mere public filings.

Moreover, during her deposition, Appellant **reaffirmed under oath** that her claims are supported not just by her Amended Complaint, but also by her Motion for Summary Judgment, discovery responses, documentary evidence, and communications already produced. (See Deposition, pp. 101–106).

Thus, Respondents' selective quotation and misleading paraphrasing of a single phrase—"refer to Appellant's Amended Complaint and other pleadings on file"—ignores the broader, **fact-specific narrative set forth in full** in both discovery and sworn testimony. The record amply shows that Appellant's claims rest on **a coherent, consistent, and well-supported account** of repeated defamatory conduct by McDuff and his affiliates, extending far beyond the three newspaper articles that Respondents attempt to isolate.

Respondent McDuff Was the Source, Initiator, and Promoter of the Defamatory ACFIM Article in Retaliation for His Legal Defeat

Respondents insist that (i) the March 17 2021 ACFIM story was "public-domain" material, (ii) McDuff merely "passed it along," and (iii) he faces no liability for its republication. The undisputed record shows the opposite.

a) **McDuff First Tried—and Failed—to Weaponize the Story in Court; Probate ambush (Aug. 2 2021).** At the very first probate hearing McDuff unveiled the ACFIM post and urged the judge to treat it as proof that Appellant bribed voters. The court rejected the exhibit as irrelevant,

unauthenticated, and prejudicial—a judicial finding that the article was unreliable and that McDuff's purpose was to smear, not to resolve any probate issue.

b) After the Court Rebuke, McDuff Republished the Same Falsehoods Through the Press;

i. Respondents were Source and promoter. Three days later (Aug. 5 2021) McDuff met The Journal's owner Jerry Edwards, handed him the article, and called it "newsworthy" because Appellant "calls herself The Queen" and had "married an elderly white gentleman."

ii. Respondents Facilitated publication. McDuff then linked Edwards with reporter Riley Morningstar and e-mailed Morningstar the same discredited piece (Feb. 17 2022). South-Carolina law makes a republisher liable to the same extent as the original speaker. *Erickson v. Jones Street Publishers*, 368 S.C. 444, 464-65, 629 S.E.2d 653 (2006).

c) The ACFIM Story Was False and Later Retracted

i. **Formal retraction & default judgment.** ACFIM issued a written retraction in December 2023 and again on Jan. 3, 2024, and defaulted in Appellant's Ugandan defamation action (High Ct. Case No. 003/2022).

ii. **Eyewitness affidavits.** Photographer Isaac Otwii and campaign witnesses (Bishop Olot, Opio Yasin, George Olwi) swear the photo depicted a humanitarian water-fund collection, *not* vote buying.

iii. **Video proof.** Footage from Dec. 23 2020 shows Appellant urging voters *not* to sell their votes and distributing bottled water after a four-mile march.

d) **"Public-Domain" Status Confers No Immunity;** Republishing libel with knowledge—or reckless disregard—of its falsity is actionable even when the material is already online. *Erickson*, 368 S.C. at 464-65. Having seen the probate court exclude the piece, McDuff knew (or was reckless in not knowing) that the story was unreliable; his later republication therefore meets the *actual malice* standard.

e) **No Privilege Shields McDuff;** McDuff's dealings with Edwards and Morningstar were wholly extrajudicial. Morningstar confirms McDuff never represented him and gave no legal advice (Morningstar Aff. ¶¶ 3-4). Consequently, no attorney-client or litigation privilege attaches. *Parsons v. Wilson*, 354 S.C. 277, 288-89, 580 S.E.2d 858 (Ct. App. 2003) (no privilege for defamatory statements made outside the litigation context).

f) **The Timeline Demonstrates a Calculated and Retaliatory Campaign;** The sequence of events surrounding the ACFIM article and its republication by *The Journal* demonstrates a deliberate effort by McDuff to smear Appellant extrajudicially after his legal strategy failed in court:

a) **March 17, 2021** – The ACFIM article is published online in Uganda. Appellant is unaware of its existence.

b) **August 2, 2021** – McDuff attempts to introduce the ACFIM article during a probate hearing to discredit Appellant. The Probate Court **excludes the article** as **inadmissible, unauthenticated, and irrelevant**.

c) **August 5, 2021** – **Just three days later**, McDuff meets with *The Journal* owner **Jerry Edwards**, initiating extrajudicial dissemination of the discredited article.

d) **August 12, 15, and 19, 2021** – McDuff exchanges multiple **emails with Riley Morningstar**, the reporter who would go on to author the defamatory article. He forwards the ACFIM piece and discusses its content.

e) **October 2021** – McDuff **personally connects his client, Adam Pierce**, to Riley Morningstar, facilitating an interview and providing witness leads hostile to Appellant.

f) **August 2021 – March 2022** – McDuff and Morningstar **maintain ongoing contact**, coordinating information, sourcing commentary, and arranging witnesses for Riley's article.

g) **February 17, 2022** – McDuff emails the ACFIM article directly to Morningstar, explicitly referencing Appellant's attire and political nickname**: "Apparently she is wearing the same dress she wore to Doyle Pierce's funeral."**

h) **March 4, 2022** – *The Journal* publishes the headline: **"Queen passed out cash during Uganda campaign"** — repeating the same falsehoods previously rejected by the court.

This precise and continuous chain of events — starting immediately after McDuff's courtroom failure — reflects more than coincidental timing. It proves **retaliatory motive** and **actual malice**, as McDuff sought to accomplish in the media what he failed to do through legal means. His actions were **coordinated, deliberate, and defamatory**, falling squarely within the scope of republication liability under *Erickson v. Jones Street Publishers*, 368 S.C. 444, 629 S.E.2d 653 (2006).

Appellant's Sur-Reply to Respondent's claim on "The March 4, 2022 "Passing Out Cash" Article"

Respondents' claim that Mr. McDuff had no involvement in the March 4, 2022 defamatory publication is a deliberate distortion of the record. A fair reading of the deposition transcript, email correspondence, and sequence of events shows the exact opposite: McDuff was the architect and conduit of the very publication he now disclaims.

a) **McDuff Actively Promoted the Retracted ACFIM Article;** McDuff was the original source of the discredited ACFIM article, which he unsuccessfully attempted to introduce into evidence in probate court on August 2, 2021. When the court excluded it, he immediately turned to the press. According to his own deposition, McDuff initiated a lunch meeting with Jerry Edwards—publisher of The Journal—within days of that hearing, and openly discussed the Appellant and the article's contents with the intent to have them published. At deposition, McDuff admitted: **"I believed it to be newsworthy that somebody was here claiming to be a queen and submitted—married an elderly, white gentleman here in Oconee County."**
This admission alone demonstrates that McDuff was promoting the ACFIM narrative after it was judicially deemed inadmissible.

b) **McDuff Admits Sharing the Article with the Journal;** McDuff did not merely express an opinion—he acted. In over 15 emails between August 5 and March 2022, McDuff forwarded

links, gave commentary, and provided contact information for hostile witnesses—including Wendy Wells—to Riley Morningstar. These included statements like: "**There is a hearing taking place on Monday... there should be fireworks." "If you want to be entertained, watch her 6/17/2021, on her Team Dorothy Amolo Facebook page**."

c) Morningstar testified at deposition that he took material directly from McDuff's emails for publication. On March 4, 2022, he published excerpts from Appellant's Facebook page that McDuff specifically directed him to review. This is not a matter of speculation. It is proven coordination.
d) **McDuff's Denial of Authorship Is Contradicted by His Own Emails;** While Respondents point to Appellant's alleged lack of direct evidence that McDuff "instructed" The Journal to publish, the volume and content of McDuff's communications tell the true story. He selected sources, scheduled interviews, and shaped the narrative—all while claiming privilege to shield discovery. Notably, on February 15, 2022, Morningstar emailed McDuff for legal context on Appellant's probate appeal. McDuff responded with detailed procedural updates and commentary clearly intended for use in the story. He was not a bystander—he was a contributor.
e) **McDuff Pushed the Story Despite Knowing It Was False;** Critically, Appellant notified The Journal and McDuff before publication that the ACFIM article had been formally retracted, and that ACFIM had issued a public apology and been sued in Uganda for defamation. A default judgment was entered against ACFIM. This was ignored. McDuff's continued promotion of knowingly false material, after judicial rejection and retraction, meets the "actual malice" standard under *New York Times v. Sullivan*, 376 U.S. 254 (1964), and South Carolina law. See *Erickson v. Jones Street Publishers, LLC*, 368 S.C. 444, 463–64 (2006).
f) **Morningstar's Affidavit Is Irrelevant and Unreliable;** Respondents rely heavily on a single, self-serving affidavit from Morningstar denying McDuff's influence. This merely creates a credibility issue—not grounds for summary judgment. See *Hancock v. Mid-South Mgmt. Co.*, 673 S.E.2d 801, 804 (S.C. 2009) ("Summary judgment is not appropriate where the credibility of a witness is at issue."). Furthermore, Morningstar was later terminated from The Journal under suspicious circumstances. His affidavit, obtained under the cloud of litigation and potential employer coercion, lacks probative value in the face of documentary evidence and direct testimony.
g) **Claims of Attorney-Client Privilege Are Baseless;** Respondents claim privilege over communications between McDuff and Morningstar to avoid disclosure. Yet Morningstar confirmed at deposition: "No. I haven't paid him a dollar, so I would not call him my attorney." He further stated he did not know if McDuff represented the newspaper. Thus, no privilege exists. The withheld emails—coupled with those produced—expose an orchestrated media campaign to destroy Appellant's reputation after McDuff failed in court.
h) **A Jury Must Decide;** The totality of the evidence—email coordination, witness testimony, retaliatory motive, and disregard for retraction—demonstrates a factual dispute fit for jury

determination. Respondents' attempt to whitewash McDuff's conduct through selective excerpts and flawed affidavits must be rejected.

Appellant's Sur-Reply to Respondent's claim on 'March 5, 2022 "Long Cons" Article'

Respondents attempt to distance McDuff from the defamatory March 5, 2022 article by suggesting he had no connection to its authorship or source material. However, the record reveals a calculated and collaborative effort by McDuff to defame Appellant through surrogates, using The Journal as a mouthpiece in furtherance of a malicious campaign to discredit her in the midst of contentious probate litigation.

a) **The Article Was Published Amid Ongoing Coordination Between McDuff and The Journal:** Despite claiming McDuff had no role, the March 5 article followed a sustained pattern of email correspondence, meetings, and interviews between McDuff, Riley Morningstar, and Jerry Edwards. As Appellant testified, McDuff acted in concert with Jared Pierce—his client and the son of the decedent—to disseminate harmful narratives, stating: "**Rick McDuff has been in the middle of that from the beginning." (Dep. 165)** And again:

"**McDuff is the lawyer for Jared Pierce." (Dep. 160)**

This relationship establishes both motive and opportunity. McDuff, losing legal ground in the probate contest, resorted to media defamation to prejudice the public and any potential jurors.

b) **The Statements Are Falsely Attributed to Other Sources, But McDuff's Involvement Was Pivotal;** Respondents claim the article merely quotes Jared and Gregory Pierce. But Appellant testified under oath that McDuff was actively behind the orchestration of those statements:

"**The only person with the motive for that was Mr. McDuff and Jared." (Dep. 161)**
"Rick McDuff told The Journal… by default, he has been doing things with Jared Pierce." (Dep. 162)

The fact that McDuff's name was not printed in the byline does not insulate him from liability. As Appellant emphasized: "**It's not suspicion. It's putting all the factors together**." (Dep. 162)

And critically: "**Their source was McDuff." (Dep. 167)**

This testimony supports a compelling inference that McDuff, working through proxies, funneled false and defamatory content to Morningstar and The Journal. As the South Carolina Supreme Court has held, "[a] defendant cannot shield himself from liability by directing another to publish defamatory matter." *Erickson v. Jones Street Publishers*, 368 S.C. 444, 463 (2006).

c) **Respondents Rely on Privilege to Obstruct Proof of Coordination;** When asked for documents or emails linking McDuff to these defamatory statements, Appellant testified that the communications were withheld under a claim of privilege:

"All of the communication between him and Riley Morningstar are marked privileged." (Dep. 161)

Yet Morningstar himself admitted in deposition that McDuff was not his attorney and was not paid by The Journal. The assertion of privilege is therefore dubious and appears to be a tactical obstruction. These withheld communications may contain damning proof of McDuff's involvement.

d) **McDuff's Motive and Pattern of Behavior Establish Malice;** McDuff had every reason to destroy Appellant's credibility. He was representing Jared Pierce in a contested probate matter and had failed to exclude Appellant's evidence in court. Appellant directly tied his motive to the publication:

"**The only person with the motive**... **was Mr. McDuff."** (Dep. 161)

Respondents suggest Appellant's claims are "just suspicion," but in South Carolina, circumstantial evidence and motive are sufficient to withstand summary judgment where malice and defamation are at issue. See *Hancock v. Mid-South Mgmt.*, 673 S.E.2d 801, 804 (S.C. 2009) ("Summary judgment is not appropriate where the credibility of a witness is at issue.")

e) **Appellant's Testimony Identifies McDuff as the Common Denominator Across Articles;** Appellant was consistent across multiple depositions in identifying McDuff as the central actor behind all defamatory publications:

"**He initiated it**." (Dep. 166)
"**Him and his client called a series of my customers. Defamed me to those customers and, if anything, initiated—forced them to file complaints and the lawsuit**." (Dep. 168)

Even when articles appeared under other bylines or attributed to third-party sources, Appellant affirmed that:

"It is The Journal newspapers that affirmatively make that statement with certainty that I scammed $16,000… that is not true." (Dep. 169)

Respondents attempt to discredit Appellant's testimony by falsely asserting she admitted McDuff had no role in the March 5 article. In fact, her deposition makes clear that McDuff acted as the instigator, strategist, and coordinator behind a defamatory campaign executed through surrogates and disguised as journalism. The jury—not this Court—must decide whether McDuff was behind these coordinated attacks. Summary judgment is not appropriate.

<u>Appellant's sur- reply to Respondents' claim on – March 8, 2022 "Pierce Scammed $16K" Article</u>

Respondents mischaracterize both the content of the article and the substance of Appellant's deposition. While the article facially attributes its claims to the Firewalker lawsuit, the record makes clear that

McDuff played an instrumental role in initiating, fueling, and disseminating those allegations through his personal coordination with both the Firewalker Plaintiff and The Journal.

Contrary to Respondents' assertion that Appellant merely "conceded" the article was a regurgitation of the Firewalker complaint, Appellant explicitly testified that **McDuff "was in the middle of that from the beginning"** and that he "initiated" the Firewalker campaign (Dep. 165:20–23; 166:1–5). Appellant further testified that **McDuff, along with his client Jared Pierce, "called a series of [her] customers"**, including Firewalker, and that **he "consulted for them," urged them to sue, and provided defamatory material directly to the newspaper** (Dep. 166:8–18; 168:13–25).

While Respondents suggest the article was based solely on public court filings, Appellant testified unequivocally that "**The Journal responded that it was Rick McDuff that provided court records**" and that **"their source was McDuff"** (Dep. 167:5–6; 172:16–18). She emphasized that while the complaint was public, the defamatory *presentation* of those claims in the headline and article was crafted in a way that went far beyond neutral reporting: "**Once the article is written like it is written, it's defamation… I'm worried about the title**" (Dep. 174:1–4). In other words, McDuff deliberately weaponized the lawsuit by coordinating the defamatory narrative and disseminating it to the media, conduct that squarely meets the actual malice standard under South Carolina defamation law.

Appellant also rebutted the Journal's supposed neutrality, testifying that it falsely stated she had "scammed $16,000," "provided false and damaged machine[s]," and "stopped communicating with the company"—statements that were *not* supported by fact and were made "with certainty" despite McDuff's and the Journal's knowledge to the contrary (Dep. 165:1–25; 167:1–25; 170:1–25; 176:1–25). She also affirmed that she **continued communication with Firewalker**, contrary to what was published, and that **photographic evidence and delivery documentation** disproved the claims in the article (Dep. 170:22–25; 172:12–15).

Finally, Respondents lean heavily on a self-serving affidavit from Morningstar denying McDuff's involvement. But Appellant's testimony—based on both her direct knowledge and what she was told by The Journal—creates a credibility issue for the jury. She stated: **"That is what Mr. McDuff did… he and his client called a team—a series of my customers. Defamed me to those customers and, if anything, initiated—forced them to file complaints and the lawsuit"** (Dep. 168:20–25). That is more than sufficient to survive summary judgment under *Hancock v. Mid-South Mgmt.*, 673 S.E.2d 801, 804 (S.C. 2009) ("When intent or credibility is a critical issue, summary judgment should rarely be granted.").

In sum, Appellant never conceded McDuff was uninvolved. She identified him repeatedly as the instigator, source, and promoter of defamatory content, using litigation as a pretext to launder falsehoods through the media. That is not privileged conduct—it is actionable defamation.

<u>Sur-Reply To McDuff's Direct Interference with Appellant's Advertising Contract</u>

Respondents' claim that Richard McDuff had "nothing to do" with the termination of Appellant's advertising contract is demonstrably false and contradicted by multiple sworn admissions,

contemporaneous emails, and internal inconsistencies between McDuff's own statements and those of The Journal's executives. The Circuit Court erred in granting summary judgment on this claim by overlooking clear evidence of McDuff's targeted interference and mischaracterizing Appellant's standing and contractual involvement.

First, Appellant had personal standing to bring this claim. She personally negotiated and funded the advertising contract with *The Journal* in July 2021, as evidenced by direct email communications addressed to her and payments made from her personal accounts. She was the sole member, operator, and representative of American Pharma Machinery, LLC, and the lease for the factory housing the business was in her personal name. Appellant, not the LLC, was the face of the business and the party directly injured when her advertisements were abruptly canceled.

Second, Respondents' assertion that Appellant lacks evidence of McDuff's involvement is belied by his own admissions under oath. In his October 4, 2023 deposition, McDuff confirmed that he called Jerry Edwards, owner of *The Journal*, after seeing Appellant's advertisements and made the following statement:

"At one point in time, I think I had mentioned to Jerry Edwards, 'I see the same Queen advertising in your newspaper.' I saw there was like a quarter-page ad in The Journal one day, and I said if you want to -- the same person in the probate proceeding is the one that has run advertisements in your newspaper."

This was not a casual remark, it was a deliberate and unsolicited attempt to associate Appellant's commercial business with an ongoing will forgery dispute, in which McDuff was acting as adverse counsel. The timing and content of his call clearly demonstrate a retaliatory motive and targeted disruption of Appellant's business.

Third, the decision to cancel Appellant's ads occurred immediately after McDuff's intervention. On August 31, 2021—just few weeks after Appellant's ads began running—*The Journal's* Advertising Director, Larry Davidson, emailed Appellant and stated:

"Our attorney has advised us to hold off on publishing advertising for any of your companies for a bit of time."

Later that same day, Hal Welch, General Manager of The Journal, followed up with another email explicitly referencing legal issues and a prior probate ruling as justification:

"Upon doing so we were contacted by several individuals anonymously tipping us off to several legal issues involving you, your company, and/or your family… you have already lost one ruling on the matter of the will forgery charge."

These emails confirm that *The Journal's* decision was not based on anonymous rumors but on legal advice—legal advice that can only be traced back to McDuff. Despite McDuff's claim that he was not counsel for *The Journal*, *Jerry Edwards* stated under oath that McDuff was in fact legal counsel for The

Journal and its affiliated entities. This creates a direct contradiction in the record that precludes summary judgment and mandates a jury's evaluation of credibility.

Fourth, the Respondents' suggestion that Appellant merely had a "hunch" about McDuff's role is disingenuous. McDuff himself admitted to initiating the conversation about Appellant's ads and linking her to the probate dispute. Edwards is on record acknowledging McDuff's legal role. Davidson and Welch each confirmed that *The Journal* acted on legal advice. And crucially, no other attorney has been identified. The totality of this evidence creates a compelling inference that McDuff orchestrated the ad cancellation to suppress Appellant's business and discredit her amid ongoing litigation.

Appellant's tortious interference claim is not speculative—it is built upon direct admissions, corroborated documents, and testimonial contradictions. At a minimum, there is a genuine dispute of material fact as to whether McDuff used his influence to maliciously induce *The Journal* to breach Appellant's advertising contract. The Circuit Court's grant of summary judgment must be revers

Appellant's Response to Respondents' Misrepresentation of Damages and Discovery Sanctions

Respondents' arguments regarding Appellant's alleged damages and the April 4, 2023 sanctions order are both misleading and legally flawed.

a) **First**, the question of damages in a defamation case is a matter for the **trier of fact**, not summary judgment. South Carolina law recognizes that damages for reputational harm and emotional injury—particularly in cases of **defamation per se**—are inherently factual and need not be proven with exactitude at the pleading or discovery stage. See *Erickson v. Jones Street Publishers, LLC*, 368 S.C. 444, 629 S.E.2d 653 (2006) ("Damages for defamation are particularly within the province of the jury."); *Parrish v. Allison*, 376 S.C. 308, 656 S.E.2d 382 (Ct. App. 2007) (proof of actual damages is not required where statements are defamatory per se).

b) **Second**, Respondents disingenuously focus solely on economic damages, ignoring that Appellant has asserted—and substantiated—**multiple categories of damages**, including:

- **Reputational damage** arising from false and malicious allegations of criminal conduct;
- **Emotional distress** and humiliation;
- **Loss of business opportunities** tied to public backlash and advertising bans;
- And most importantly, **presumed damages** under South Carolina law for defamation per se.

c) **Third**, Appellant has, in fact, **produced substantial evidence supporting her damages**. These include customer lists, communications from business partners withdrawing cooperation, a spreadsheet of disrupted transactions, and sworn testimony about reputational and emotional harm. These materials were produced both **timely** and **in good faith** in response to the Court's discovery

orders. However, the **trial court improperly restricted some of this evidence**—limiting admissibility to documents submitted before March 22, 2023, despite the fact that:

- Appellant **complied with the April 4, 2023 Order** by producing additional supporting documents on April 24, 2023;
- The limitation was issued **without any evidentiary hearing**, and
- It contradicted the Court's prior order expressly allowing Appellant to **supplement her disclosures**.

The restriction has the **practical effect of excluding relevant, timely, and critical evidence**, and amounts to an **abuse of discretion** that prejudices Appellant's ability to present a complete damages case.

d) **Fourth**, the April 4, 2023 sanctions order was entered in error and is currently the subject of **interlocutory challenge**. That order arose from Respondents' deliberate misconduct and repeated misrepresentations, including:

- Fraudulently asserting **attorney-client privilege** over emails between Richard McDuff and Riley Morningstar, despite both admitting under oath that no such relationship existed;
- Falsely claiming Appellant failed to comply with discovery despite her full production of documents and witness lists by March 8, 2023;
- And filing a sanctions motion in **bad faith** without conferring, in violation of Rule 11, S.C.R.C.P.

Moreover, while Respondents were granted **30 days** to produce privilege logs, Appellant—who had just given birth—was given only **15 days** to comply with complex document production. Nonetheless, she complied fully and timely.

e) **Fifth**, the notion that Appellant refused to participate in discovery is demonstrably false. Appellant made repeated efforts to comply, submitted amended interrogatory responses, provided customer-related materials, and even prepared spreadsheets summarizing financial impact—only to have that evidence **selectively excluded** by a fragmented series of court rulings. Meanwhile, Respondents evaded their own discovery obligations, ignored Appellant's supplemental requests, and raised **unfounded privilege claims** to suppress crucial communications.

In conclusion, Appellant has provided **ample and timely evidence of her damages**, but was wrongfully penalized due to the trial court's reliance on false representations and procedurally improper sanctions. The evidentiary restrictions imposed—particularly the exclusion of documents submitted on April 24, 2023—should be deemed reversible error. At a minimum, these factual disputes concerning damages warrant resolution by a jury—not premature dismissal.

Appellant's Reply To Respondents' Defamation And Contractual Interference Arguments

Defamation: Genuine Issues of Material Fact Preclude Summary Judgment

Respondents' assertion that there is "no evidence" they made a false or defamatory statement is flatly contradicted by the record.

a) **False and Defamatory Statements Were Published;** Appellant identified specific portions of the March 4, 5, and 8, 2022 articles that were defamatory, including allegations of "forged wills," "cash payouts," and her being under "investigation"—all of which were untrue, unverified, and published without any attempt at verification. These statements were materially false and caused significant reputational injury.
b) **Evidence Connects Respondents to the Publication;** While Respondents attempt to hide behind Morningstar's affidavit, the record contains multiple statements by Appellant identifying **Richard McDuff as the source of the ACFIM report** used in the March 4 article and asserting he "pushed for it to be published." (Pierce Dep. pp. 130–133). McDuff himself admitted under oath that he alerted Jerry Edwards to Appellant's advertisements and tied her to the same probate case at issue in the defamatory articles—establishing both motive and action.
    - Edwards later admitted McDuff is the **attorney for The Journal**—despite McDuff's claim to the contrary.
    - Emails from The Journal's advertising director on August 31, 2021, state: "our attorney has advised us to hold off on publishing advertising for any of your companies."
    - McDuff is the only known attorney affiliated with the Journal's ownership group at that time.
    - The timing of his contact and the article publication further supports causation and involvement.
c) **Motive, Means, and Opportunity;** The Court must view the evidence in the light most favorable to the non-movant. McDuff had:
    - A strong **litigation motive** to discredit Appellant during a contentious probate dispute;
    - A **direct relationship** with the Journal's ownership and decision-makers;
    - **Knowledge of the ACFIM article** and an acknowledged conversation tying Appellant's ads to the forged will accusation;
    - And made **unsolicited communications** to media stakeholders about Appellant.

These facts are more than speculation—they create a strong circumstantial basis from which a jury may reasonably infer Respondents' role in the defamatory publications. See *Hancock v. Mid-South Mgmt.*, 673 S.E.2d 801 (S.C. 2009) (credibility of source involvement is for jury to decide).

II. Defamation Per Se Is Presumed Damaging;

The statements at issue accuse Appellant of **criminal conduct**, **fraud**, and **dishonesty** in her business—categories of defamation per se under South Carolina law. Thus, Appellant need not prove special damages. See *Parrish v. Allison*, 376 S.C. 308, 656 S.E.2d 382 (Ct. App. 2007).

III. Tortious Interference with Contract: Respondents' Arguments Fail on Standing and Causation

a) **Appellant Has Standing;** The lease and advertising contracts at issue were executed and paid by Appellant **personally**, using her own funds, and she was the sole operator and manager of American Pharma Machinery. Despite being a single-member LLC, the business was run entirely through Appellant's personal capacity, making her the de facto and de jure party to the contractual relationship. See *Huggins v. Citibank, N.A.*, 355 S.C. 329 (2003) (rejecting rigid application of formalism when Appellant is sole operator and the conduct directly targets their personal interest).

b) **Respondents' Conduct Intentionally Caused the Breach**

- McDuff **admitted** that he saw Appellant's ads and informed Jerry Edwards: "that's the same Queen from the probate proceeding."
- Following this unsolicited conversation, **Appellant's ads were abruptly canceled** without warning.
- Emails from the Journal confirm that their "attorney advised" against continuing Appellant's ads. McDuff is the only attorney associated with The Journal's owners.

The **direct sequence of events**, admissions, and undisputed communications establish a triable fact as to whether McDuff's intentional interference caused breach of the advertising contract.

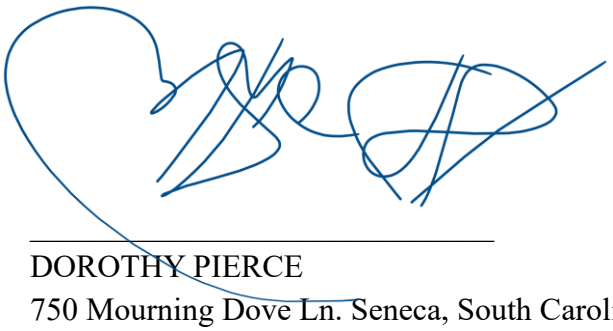
Appellant Suffered Real and Documented Damages;

Appellant provided a detailed spreadsheet of customer contacts, lost orders, and business decline immediately after the smear campaign and advertising cancellation. While the April 4, 2023 Sanctions Order attempted to limit her damage evidence, **this order was interlocutory and appealed**. Moreover, **reputational and punitive damages** are independently recoverable in defamation per se and interference claims. Appellant's evidence satisfies the standard. See *HRH, LLC v. Teton Cty., Wyoming*, 596 F. Supp. 3d 1275 (D. Wy. 2022) (speculative damages do not bar suit where other elements are proven).

Respondents' arguments rely on a selective and misleading reading of the record, ignoring deposition admissions, verified emails, and the circumstantial timeline that clearly supports Appellant's claims. This case is not appropriate for summary judgment and must be decided by a jury.

Appellant respectfully requests the Court reverse the trial court's grant of summary judgment and remand the case for trial on the merits.

Respectfully submitted, this July 7, 2025.



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