

EXHIBIT B

ELECTRONICALLY FILED - 2025 Apr 16 4:44 PM - SPARTANBURG - COMMON PLEAS - CASE#2024CP4201687

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)
)
 Donald C. Roth,)
)
)
 Plaintiff,)
)
 vs.)
)
 The River Bend Sportsman’s Resort, Inc.,)
 Riverbend Properties, Inc., Ralph N.)
 Brendle, Paul J. Barnwell, Robert T. Estes,)
 and Paul Lehner,)
)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS

C.A. No.: 2024-CP-42-01687

**ORDER STRIKING
DEFENDANTS’ ANSWER**

RECEIVED
Sep 23 2025
SC Court of Appeals

This matter initially came before me on Plaintiff Donald C. Roth’s Motion for Order and Rule to Show Cause. This motion was initially heard on January 8, 2024. Fred W. Suggs III appeared on behalf of the Plaintiff, while the Defendants were represented by Kenneth C. Anthony, Jr.

By way of background, the Plaintiff served a first set of interrogatories, requests for production, and requests for admissions to all six Defendants on May 8, 2024. On July 19, 2024, the Defendants provided responses to the Plaintiff’s requests for admission, as well as answers to the first set of interrogatories. On July 26, 2024, the Plaintiff served upon the Defendants a Second Set of Interrogatories. Upon receipt of the Defendant’s responses to discovery, the Plaintiff, through counsel, provided notice to the Defendants that he deemed the responses incomplete and deficient. In fact, the Defendants had not responded at all to the Plaintiff’s first set of requests for production of documents. The Defendants failed to respond to the Plaintiff’s request for supplementation and deficiency notice.

On August 8, 2024, the Plaintiff filed a motion to compel the Defendants to fully and completely respond to the Plaintiff's discovery requests, including, but not limited to, responding to the Plaintiff's First Requests for Production of Documents to Defendants The River Bend Sportsman's Resort, Inc. (hereinafter "Sportsman's Resort"), Riverbend Properties, Inc. (hereinafter "Properties"), Ralph N. Brendle (hereinafter "Brendle"), Paul J. Barnwell (hereinafter "Barnwell"), Robert T. Estes (hereinafter "Estes"), and Paul Lehner (hereinafter "Lehner"), and answering interrogatories 7, 8, 9, 10, 13, 14, 15, 16, and 17 to Defendant Brendle, interrogatories 10, 15, 16, 17, 18, 19, 20, 22, 23, and 27 to Defendant Sportsman's Resort, interrogatories 10, 20, 21, 23, 22, 23, 24, 27, 29, and 31 to Defendant Properties, and interrogatories 9, 10, 13, 14, and 17 to Defendants Barnwell, Estes, and Lehner. The motion also requested that the Court order that the Defendants answer the Plaintiff's Second Set of Interrogatories.

The parties entered into a consent order, which was signed by Judge Mark Hayes on September 26, 2024, requiring all of the Defendants to fully respond to all sets of discovery propounded by the Plaintiff as reflected in the Plaintiff's Motion to Compel. That order contained no limitations and required full and complete responses to all discovery requests. The Defendants, however, did not respond to the Plaintiff's First Requests for Production or Second Interrogatories, although the Defendants produced limited documents. Additionally, the Defendants did not fully respond to the Plaintiff's First Interrogatories.

The Plaintiff filed a Motion for Order and Rule to Show cause on November 4, 2024. That matter was heard by this Court on January 8, 2024. The Court ruled in the Plaintiff's favor. The Court found that the discovery requests propounded by the Plaintiff and served upon the Defendants were reasonable and relevant pursuant to SCRPC 26(b)(1). The Court again ruled that the Defendants were required to respond in full to the Plaintiff's First Interrogatories, the Plaintiff's

First Requests for Production, and the Plaintiff's Second Interrogatories, producing any and all responsive information, documents and records in their possession or within their ability to obtain within forty-five (45) days of the date of the order. I also retained jurisdiction over the motion and accompanying order until it was fully resolved, retaining the right to assess additional sanctions should the Defendants fail to comply with the orders of this Court. The Court also awarded to the Plaintiff attorney's fees and costs associated with the motion.

The Court was advised by counsel for the Plaintiff on or about March 11, 2025 that the Defendants had not paid the attorney's fees and costs in contravention of this Court's order. Additionally, counsel for the Plaintiff advised that while the Defendants had supplemented some of their discovery responses, the Defendants had not fully responded to all of the discovery requests, and in fact, had continued to object to discovery requests which this Court ordered they respond.

This Court reviewed the available information and positions of all parties and concluded that the Defendants had not fully responded to the Plaintiff's First Interrogatories, the Plaintiff's First Requests for Production, and the Plaintiff's Second Interrogatories, producing any and all responsive information, documents and records in their possession or within their ability to obtain, in violation of this Court's order. The Court again ordered that the Defendants fully and completely respond to the Plaintiff's First Interrogatories, the Plaintiff's First Requests for Production, and the Plaintiff's Second Interrogatories, producing any and all responsive information, documents and records in their possession or within their ability to obtain.

Specifically, the Court ordered that the Defendants supplement their answers to the Plaintiff's First Interrogatories to provide full and complete information, including as follows:

1. Defendant The River Bend Sportsman's Resort, Inc. will fully and completely answer Interrogatories 10, 20, 23, and 27;
2. Defendant Riverbend Properties, Inc. will fully and completely answer Interrogatories 10, 20, 23, 24, 27, and 29;
3. Defendant Ralph Brendle will fully and completely answer Interrogatories 9, 10, 13, 14, 15, 16, and 17; and
4. Defendants Paul J. Barnwell, Robert T. Estes, and Paul Lehner will fully and completely answer Interrogatories 9, 10, 13, 14, and 17.

This Court also ordered that the Defendants supplement their responses to the Plaintiff's First Set of Requests for Production to provide full and complete records, documents, and communications, including as follows:

1. Defendant Riverbend Properties, Inc. must fully and completely respond to Requests 5, 29, 30, 31, 32, 33, 34, 46, 49, 50, 51, and 55;
2. Defendant Sportsman's Resort shall fully and completely respond to Requests 5, 9, 14, 21, 22, 23, 24, 25, 26, 27, 31, 32, 33, 38, 39, 40, 43 and 46,
3. Defendant Brendle must fully and completely respond to Requests 16, 17, 23, 28, 29, 30, 31 and 34; and
4. Defendants Paul J. Barnwell, Robert T. Estes, and Paul Lehner shall fully and completely respond to Requests 5, 18, 22, and 27.

The Court further ordered that the Defendants supplement their answers to the Plaintiff's Second Set of Interrogatories to provide full and complete information, including as follows:

1. The Defendants will fully and completely answer interrogatories 1 and 2, providing the requested information pertaining to the distributions of the proceeds from the sales and closings on the Property;
2. The Defendants will fully and completely answer interrogatories 5, 6, 7,8, 9, and 10, including identifying who or what entity made the mortgage payments, how the payments were made, and from what bank account payments were made; and
3. The Defendants will fully and completely answer interrogatory 11, including identifying and describing all income derived from the Property.

By way of a supplemental order entered on March 26, 2025, the Defendants were ordered to provide full and complete responses to all sets of discovery requests as outlined above on or before April 10, 2025. This Court ruled that should the Defendants fail to fully respond to the Plaintiff's discovery requests as ordered, this Court would strike the Defendants' Answer.

This Court was advised on April 11, 2025 that the Defendants had not fully responded to discovery as required by the Supplemental Order, and as acknowledged by the Defendants in a letter to this Court. Accordingly, the Defendants' Answer is stricken.

NOW, THEREFORE, on motion of Defendant Donald C. Roth,

IT IS ORDERED that the Defendants' Answer shall be stricken.

The Honorable Patrick C. Fant III
13th Circuit Judge

Dated: _____

Spartanburg, SC



Spartanburg Common Pleas

Case Caption: Donald C. Roth VS The River Bend Sportsman'S Resort, Inc. ,
defendant, et al
Case Number: 2024CP4201687
Type: Order/Other

So Ordered

Patrick C. Fant, III

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STATE OF SOUTH CAROLINA)	
)	N THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG)	
Donald C. Roth,)	
)	
Plaintiff,)	
v.)	MOTION TO RECONSIDER
)	Case No. 2024CP4201687
The River Bend Sportsman’s Resort, Inc.,)	
Riverbend Properties, Inc., Ralph N.)	
Brendle; Paul J. Barnwell; Robert T.)	
Estes; and Paul Lehner,)	
)	
Defendants.)	

TO: FRED W. SUGGS, III, ATTORNEY FOR PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that the defendants hereby move for reconsideration of the Order dated April 16, 2025. This Motion is based on the fact that the sanction is inappropriate to any violation. The defendants have responded as fully as possible to discovery requests. If the responses have been deemed inadequate, there are many less severe sanctions that could be imposed, such as fines, attorney's fees and other.

Therefore, Defendants believe this order should be rescinded or, at least, the defendants should be afforded a hearing before such severe sanctions were imposed.

THE ANTHONY LAW FIRM, P.A.

BY: Kenneth C. Anthony, Jr.
Attorney for Defendants
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Spartanburg, SC 29306
864-582-2355
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April 22, 2025

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP4201687

Donald C. Roth
PLAINTIFF(S)

The River Bend Sportsman'S Resort, Inc. et al
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:

This matter is before the Court pursuant to Defendants' Motion to Reconsider this Court's Order filed on April 16, 2025. After a review of the Defendants' Motion, Plaintiff's Memorandum in Response, as well as the relevant law, the Court hereby Denies the Defendants' Motion.

It is so ordered.

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 05/27/2025 .

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.



Spartanburg Common Pleas

Case Caption: Donald C. Roth VS The River Bend Sportsman'S Resort, Inc. ,
defendant, et al
Case Number: 2024CP4201687
Type: Order/Electronic Form 4

So Ordered

Patrick C. Fant, III

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