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October 21, 2025

Via Email Only  
The Honorable Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

**RECEIVED**

**Oct 21 2025**

**SC Court of Appeals**

Re: Philip Woschenko v. Sonya Kurien  
Appellate Case No. 2025-001650

Dear Ms. Kitchings:

Please allow this letter to advise the Court that Appellant's counsel received the subject motion hearing transcript needed for the appeal in the above matter on September 22, 2025. Therefore, Appellant's initial brief and designation of matter are due to be filed by October 22, 2025.

Pursuant to Rule 207(a)(1), SCACR, correspondence with the court reporter is attached to the same email submitting this letter.

If you require any additional information, please advise. Thank you for your assistance.

The Law Offices of Joshua E. Slavin, LLC

/s/ Joshua Slavin

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Phone: 843-619-7338; Fax: 888-246-8914

Email: [josh@attorneycarolina.com](mailto:josh@attorneycarolina.com)

SC Bar ID: 102912

Attorney for the Plaintiff

cc: Stephen F. DeAntonio, Esq.  
Temus C. Miles, Jr., Esq.  
Joseph Alexander Hale, Esq.



Josh Slavin &lt;josh@attorneycarolina.com&gt;

---

**Appellate Case No. 2025-001650 - Transcript Request**

4 messages

**Josh Slavin** <josh@attorneycarolina.com>

Thu, Aug 21, 2025 at 1:35 PM

To: Court Of Appeals Filings &lt;ctappfilings@sccourts.org&gt;

Cc: "Stephen F. DeAntonio, Esq." &lt;sdeantonio@deanlawfirm.com&gt;, Tem Miles &lt;tmiles@themilesfirm.com&gt;, Joseph Hale &lt;jhale@themilesfirm.com&gt;, Vanessa Parker &lt;paralegal@attorneycarolina.com&gt;

Dear Ms. Kitchings,

Please find attached for filing a Proof of Service along with a copy of hte Transcript Request Form in regard to Appellate Case No. 2025-001650.

Please let me know if you have any questions.

--  
Thank you,Joshua E. Slavin  
Attorney  
The Law Offices of Joshua E. Slavin  
P: 843-619-7338  
F: 888-246-8914  
[www.attorneycarolina.com](http://www.attorneycarolina.com)

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**3 attachments** **2025.08.21 - PoS Transcript Request.pdf**  
140K **2025.08.20 - SCCA800.pdf**  
322K **2025.08.21 - Email SCCA 800.pdf**  
149K

---

**Josh Slavin** <josh@attorneycarolina.com>

Tue, Sep 16, 2025 at 12:29 PM

To: "transcripts@sccourts.org" &lt;transcripts@sccourts.org&gt;

Good afternoon,

Please find below a transcript request that was previously sent and is being re-submitted to this address in an abundance of caution.

Thank you,  
Josh Slavin  
[Quoted text hidden]--  
Very truly yours,  
[Quoted text hidden]

---

**3 attachments** **2025.08.21 - PoS Transcript Request.pdf**  
140K **2025.08.20 - SCCA800.pdf**  
322K **2025.08.21 - Email SCCA 800.pdf**  
149K

---

**Transcripts** <transcripts@sccourts.org>

Mon, Sep 22, 2025 at 10:52 AM

To: Josh Slavin &lt;josh@attorneycarolina.com&gt;, "transcripts@legaleagleinc.com" &lt;transcripts@legaleagleinc.com&gt;

Cc: Transcripts &lt;transcripts@sccourts.org&gt;

Good morning,

This request was assigned to [@transcripts@legaleagleinc.com](mailto:@transcripts@legaleagleinc.com) on August 21, 2025. Please feel free to reach out to them if you have any questions.

Thank you

Court Reporter Section

---

**From:** Josh Slavin <josh@attorneycarolina.com>  
**Sent:** Tuesday, September 16, 2025 12:29 PM  
**To:** Transcripts <transcripts@sccourts.org>  
**Subject:** Fwd: Appellate Case No. 2025-001650 - Transcript Request

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Good afternoon,

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Thank you,

Josh Slavin

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**From:** Josh Slavin <josh@attorneycarolina.com>  
**Date:** Thu, Aug 21, 2025 at 1:35 PM  
**Subject:** Appellate Case No. 2025-001650 - Transcript Request  
**To:** Court Of Appeals Filings <ctappfilings@sccourts.org>  
**Cc:** Stephen F. DeAntonio, Esq. <sdeantonio@deanlawfirm.com>, Tem Miles <tmiles@themilesfirm.com>, Joseph Hale <jhale@themilesfirm.com>, Vanessa Parker <paralegal@attorneycarolina.com>

Dear Ms. Kitchings,

[Quoted text hidden]

--

Very truly yours,

Joshua E. Slavin

Attorney

The Law Offices of Joshua E. Slavin

P: 843-619-7338

F: 888-246-8914

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**Transcripts** <transcripts@legaleagleinc.com>  
**To:** Josh Slavin <josh@attorneycarolina.com>  
**Cc:** Velvet Mills <vmills@legaleagleinc.com>

Mon, Sep 22, 2025 at 1:21 PM

Josh,

We will have this to you before the end of the day. Thank you for your patience.



**Kevin Dehlinger**

Director of Operations

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Josh Slavin <josh@attorneycarolina.com>

### Copy Request: Washenko vs Kurien

1 message

**Velvet Mills** <vmills@legaleagleinc.com>  
To: "josh@attorneycarolina.com" <josh@attorneycarolina.com>  
Cc: info <info@legaleagleinc.com>, Transcripts <transcripts@sccourts.org>

Mon, Sep 22, 2025 at 1:27 PM

Josh,

Attached are the copy order and invoice you requested for Washenko vs Kurien.

Please let me know if you have any questions or need anything else from us.



**Velvet Mills**

Transcript Manager | Legal Eagle

**M** (864) 325-5486 | **P** (864) 467-1373

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**2 attachments**

 **Phillip Waschenko vs Sonya Kurien and Kyle Snouffer 5-29-24 Transcript.pdf**

125K

 **Invoice 107811.pdf**

214K

1 STATE OF SOUTH CAROLINA ) IN THE SOUTH CAROLINA CIRCUIT COURT 9  
2 COUNTY OF CHARLESTON ) COURT C.A NO. 2022-CP-10-03009

3

4 Phillip Waschenko, )

5 Plaintiff, )

6 Versus )

7 Sonya Kurien and Kyle Snouffer, )

8 Defendant. )

9

10 H E A R I N G

11

12 DATE: May 29, 2024

13

14 LOCATION: South Carolina Circuit Court 9

15

16 JUDGE: Diane Schafer Goodstein

17

18 TRANSCRIBED BY: ERIN REILLY

19

20 LEGAL EAGLE

21 Post Office Box 5682

22 Greenville, South Carolina 29606

23 864-467-1373

24 depos@legaleagleinc.com

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APPEARANCES:

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INDEX

Certificate of Transcriber . . . . . 31

EXHIBITS

(None marked)

(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH IS  
REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

## PROCEEDINGS

1  
2 THE CLERK: Next is Phillip Waschenko versus Sonya  
3 Curian case number 22-CP-10-03009. There are two motions on  
4 the roster, judge a partial motion to dismiss and or to strike.  
5 And then a motion for summary judgment both filed by the  
6 Defendant.

7 THE COURT: Okay. Counsel.

8 MR. SLAVIN: May it please the Court Judge  
9 Goodstein, good afternoon. Danny, good afternoon. This is  
10 Steve DeAntonio. I represent the Defendant Curian. And these  
11 are my motions. And Judge, there's no way I'd be finished by  
12 3:30.

13 THE COURT: No.

14 MR. SLAVIN: Okay, great. May I proceed, Your Honor?

15 THE COURT: Yes. But let me ask this question, Mr.  
16 DeAntonio, before -- you even before you begin. There's -- we  
17 -- there's a Motion to Dismiss it has been filed and a Motion  
18 for Summary judgment. And so, my question is, as you begin are  
19 you asking that this Motion to Dismiss be handled as a Motion  
20 for Summary judgment? Or has sufficient time passed so that  
21 there's been a full and fair opportunity for discovery? And  
22 while there may have been a Motion to Dismiss that was filed,  
23 the time has passed, the discovery has occurred, and now it is  
24 appropriate that Motion for Summary judgment would be filed.

25 MR. SLAVIN: Great question, Your Honor. It is ripe

1 for review. the case is two years old.

2 THE COURT: Okay.

3 MR. SLAVIN: We've been heavily discovering it. And  
4 the Motion to Dismiss is really based on statute of limitations  
5 and insufficient pleading. And the Motion for Summary judgment  
6 is based on different grounds. It's based on immunity and  
7 privilege.

8 THE COURT: Okay. All right. Thank you for that  
9 overview. And I am listening.

10 MR. SLAVIN: Well, thank you, Your Honor. May it  
11 please the Court. I've taken off my Plaintiff's hat today to  
12 personally represent Sonya Curian. And it is my honor to  
13 represent her. She's now divorced from Philip Waschenko.  
14 Unfortunately, the marital litigation, which began in 2019  
15 continues. And now we have this civil action. these motions  
16 combined request that the entire case be dismissed. They are  
17 based on legal principles -- purely legal principles that are  
18 appropriate for the Court's review and disposition. Not to be  
19 cocky, but I am confident in the legal propositions that I put  
20 forward before Your Honor today. And I would assure you that  
21 these are sustaining positions.

22 First, the Motion to Dismiss based on the statute of  
23 limitations there's a two-year statute of limitations according  
24 to statute 153-550. And the case law in South Carolina, the  
25 Jewish prudence are appellate courts. And, for example, this

1 case is cited Harris versus Tietex Black Letter Law that the  
2 statute of limitations begins to run when the publication is  
3 made uttered is another way of describing the publication two  
4 years from the date of publication. And that means that the  
5 case has to be filed throughout on the first cause of action  
6 for defamation there are several -- all the allegations are  
7 time-barred with the exception of the allegations in paragraphs  
8 19 and 20. And that is the amended complaint as it is now.  
9 And it's because that all of those statements predated or  
10 beyond two years from the date of filing.

11 Now one thing that was stated in the brief by the  
12 Plaintiff is wholly incorrect. And that is that the notice --  
13 somehow notice applies. Notice does not apply. In fact, we  
14 have in Jones versus City of Folly Beach. There is no notice  
15 rule. The Court actually took that issue up. Now, inherent in  
16 that is that it appears that our courts also are reluctant to  
17 alter that hard and fast rule. So, there's no departure from  
18 the two-year statute of limitations. Now, we had brought this  
19 issue up before and it was largely based on the statute and the  
20 pleadings.

21 In fact, I made the transcript from the hearing from Judge  
22 McCaslin as part of the brief and quoted her, and she couldn't  
23 make heads or tails out of it. And she's got some statements  
24 in the record. And her ruling said that pursuant to 12E that  
25 the Plaintiff needs to provide a more definite statement of his

1 | defamation claims, granted the Plaintiff leave to amend the  
2 | complaint because the Plaintiff's defamation claims are vague  
3 | and do not include sufficient facts for the Court to determine  
4 | the relief that can be granted.

5 |         So, the Court in its ruling of -- in July of 2023 -- late  
6 | July to July 20th, '23, did not allow the Plaintiff to do  
7 | anything else, but to make it more specific, because she  
8 | couldn't make heads or tails of it. She also granted my leave  
9 | so that I could refile my motion, which is also in  
10 | contradiction to something found in the Plaintiff's response  
11 | brief the memo in opposition. So, there was a re-pleading, but  
12 | there was -- is basically the same as the first cause of action  
13 | as the first original complaint, except there were some new  
14 | allegations of an incident occurred on -- in May 17th, 2021.  
15 | Unfortunately, for the Plaintiff, the action -- the amended  
16 | complaint was not filed until August, 2023. So that is more  
17 | than two years. There is no relation back principle recognized  
18 | in South Carolina.

19 |         I'm unaware of any South Carolina cases specific to the  
20 | relation back. But of course, the motion hearing by Judge  
21 | McCaslin was my motion. There was never -- there's never been  
22 | an amendment by Plaintiff to amend his complaint. This was  
23 | ordered by Judge McCaslin. So, there could be a more specific  
24 | recitation of the factual pinning's that undergirded this  
25 | complaint. But we do have some strong federal cases that talk

1 about the relation back under Rule 15 of the Federal Rules of  
2 Procedure of course, we in South Carolina, when we -- there is  
3 a lack of state law interpreting our procedural rules. We look  
4 to the feds. And rule 15C provides an amendment of a pleading  
5 will relate back to the date of the original pleading when the  
6 claim or defense is asserted.

7 This -- but in terms of applying this to rules of  
8 defamation the District Court of South Carolina has stated that  
9 the general practice is to permit the relation back so long as  
10 the new claim arose out of the Defendant's conduct as set forth  
11 in the original complaint. And the original complaint gave  
12 Defendant notice sufficient to avoid prejudice. Courts have  
13 repeatedly refused, however, to relate back a defamation claim  
14 based on a separate republication when the original complaint  
15 did not allege such republication that's Coddle versus  
16 Thomason. That's also -- that's cited.

17 And there's also stated here in a fourth circuit, a court  
18 of appeals case, yes, English Boiler versus WC (indiscernible).  
19 And this is quoted in the brief because the letter -- the new  
20 letter is a separate instance of defamation arising from facts  
21 other than those originally pled a claim. Based on that letter  
22 does not relate back to the original filing date because the  
23 new in paragraph 23 and 24 about something that happened at  
24 MUSC as the -- as something that's found in the amended  
25 pleading, does not plead the type of defamation that the same

1 | occurrence because each and every act of defamation is a  
2 | separate occurrence. We have the Musa decision in South  
3 | Carolina.

4 |         So, Doe versus McDowell or McGowan, each act of defamation  
5 | is a separate tort. In that most sense, a Plaintiff must  
6 | specifically allege a Plaintiff should allege specific  
7 | defamatory comments, including the time, place, content, and  
8 | speaker and listener of the alleged defamatory matter. A  
9 | Defendant cannot be expected to defend an allegation that the  
10 | defaming Plaintiff by making a statement heard by unknown  
11 | persons at an unknown place at an unknown time. The complaint  
12 | does not allege specificity of the time place medium or  
13 | listener of any of the alleged defamatory statements.

14 |         And that's what happens with -- in these allegations that  
15 | are found in here for example, paragraph 24, upon information  
16 | and belief Defendants Curian and Snuffer repeated the  
17 | allegations regarding daughter on other occasions as well.  
18 | It's been too vague. So, if it's not barred by the statute of  
19 | limitations, it's too vague. It's too vague because our rules  
20 | regarding this tor, which are specific, unique, and peculiar do  
21 | not allow for. And same thing in Collagen versus Charleston  
22 | Water System Ano that is based in, that is found in my  
23 | complaint as well. So, I've talked about the specificity. And  
24 | in fact, in the (indiscernible) case or in the Nelson versus  
25 | QHG case of South Carolina, the trial judge may dismiss the

1 claim if the Defendant demonstrates the Plaintiff has failed to  
2 state facts sufficient to constitute a cause of action.

3 Now in terms of the summary judgment motion there are some  
4 old cases decided by the Plaintiff on the standard. But of  
5 course, we have a new standard as of August 23, '23. And that  
6 is the kitchen planner's case. So that is the standard, not  
7 the standard that was placed in Plaintiff's brief. There has  
8 to be issues that are both genuine and material. Now, as to  
9 the remaining allegations that I have conceded, that at least  
10 sufficiently plead an allegation of defamation, that would be  
11 in the paragraphs 19 and 20, that alleges the call to the  
12 consolidated call center. And I sent to the call and filed  
13 with the Court a redacted copy of that call. It's about seven  
14 minutes long. The Court in reviewing defamation, whether from  
15 the Defendant's standpoint of the Plaintiff is to review the  
16 statement as a whole.

17 So, I set the statement, so this is not spin from  
18 attorneys, it's just the actual audio file. And there's a  
19 distraught mother who had an unannounced visit from the father,  
20 saw something that happened when the daughter tried to get out  
21 of the car and run to the mother who has autism and has these  
22 episodes, unfortunately, of acting up. By the way, they -- I  
23 saw this video for the first time that's never been produced,  
24 that was sent to the Court. But there are other videos by the  
25 police that they didn't submit, which probably show that event.

1 But at any rate, she's crying, I just want my daughter to be  
2 okay. She's calling for a welfare check. That's all she's  
3 doing. And so, she is a permissive reporter under 63710. She  
4 is permitted to report, she is encouraged to report under the  
5 statute.

6 As a consequence, under 637390, she has reporter immunity.  
7 But that's not all. It is also privileged. It is a privileged  
8 communication it is a conditional privilege. But I challenge  
9 that there's no way that a listener can listen to that audio  
10 file of that well-check call to the consolidated call center,  
11 where all she wanted to do was to have her daughter checked up  
12 on, she has a legal and moral and familial obligation to that  
13 child who has autism. And all she wanted to do was to have a  
14 welfare check. So, I challenged that there can be any  
15 interpretation that was unreasonable, or that somehow creates a  
16 genuine issue of fact. I would submit that it's that you --  
17 that it cannot be done. So, I -- so that's the summary  
18 judgment on the remaining allegations.

19 So, if the Court were to accept my position there goes the  
20 defamation claim. There are two throwaway -- I call them  
21 throwaway causes of action. I call them causes of action of  
22 last resort conspiracy and outrage, or at least outrage is the  
23 one I have to admit. I've done one conspiracy case and we  
24 settled it for a substantial amount of money. But in terms of  
25 the amended complaint in the outrage cause of action, and this

1 is what I argue in my brief, that all that is that the tort  
2 alleged, the acts that are alleged that form the outrage, and  
3 I'll quote from paragraph 42, were -- and 43 rather, that  
4 Curian's conduct is falsely and basely alleging that Plaintiff  
5 sexually abused his daughter even after the allegations were  
6 dismissed.

7       And they really weren't dismissed. There was an unfounded  
8 because she couldn't articulate her claim. And the prosecutor  
9 didn't think that she could withstand being on the stand.  
10 That's all reasonable, was so extreme and outrageous to exceed  
11 all possible bounds of decency. Therefore, the outrage cause  
12 of action is basically based on the defamation. It's just  
13 repeated therein. And I would submit that there is some law  
14 that says that there's nothing independently pled or  
15 demonstrated merely negative assertions of defamation under a  
16 different cause of action. Repackaging is not permitted. I do  
17 quite the media liable law, and I'll close on that in a moment.  
18 But in the McBride versus WSPA case, the Court held, the  
19 Plaintiff who had admits the two-year statute of limitations  
20 for defamation cannot avoid dismissal by characterizing her  
21 claim as one for negligence.

22       Of course, that was negligence, but the point is the same.  
23 You just can't repackage the defamation and sort of morph it  
24 into a new cause of action based on the same factual  
25 underpinning. The conspiracy is a little bit more stark

1 | because it claims that both parties conspired to make these  
2 | statements. Again, it's a repackaging of the defamation that  
3 | they conspired to make these statements. But here's the real  
4 | important distinction, and that real important distinction is  
5 | they didn't co-author anything. They didn't do a double  
6 | byline. This is not a joint -- there's no joint communication.  
7 | A conspiracy cannot lie.

8 |         Now, one thing that Plaintiff's counsel did have correct  
9 | in the memo was the failure to secure and send the magistrate's  
10 | report that supported the District Court's case in that WSPA.  
11 | He is correct, but I did cite Wallace Lightsey 50 State Survey,  
12 | his South Carolina book. He's the editor for the South  
13 | Carolina survey. I've got a few cases in there too. But --  
14 | and so I wrote Wallace and I said I asked him for it. I said,  
15 | I assume you have it. It's cited in the survey. Do you mind  
16 | citing it? And he wrote me back and he said, Steve, I don't  
17 | have a copy of the magistrates (indiscernible). I'm not sure  
18 | why it doesn't appear on Pacer.

19 |         So, he -- and we are often on the other side. He said,  
20 | good luck. Glad to see you're on the side of freedom of speech  
21 | this time. But I'm not sure about that but -- and I've  
22 | articulated the motions as best as I can. I've given the  
23 | Court, I believe some -- the legal propositions to support it.  
24 | One thing I'm really concerned about in this case is that the  
25 | election of bringing this case by Mr. Waschenko is basically

1 building a record that his children will be able to see in  
2 time. It'd be great to see that in. Thank you.

3 THE COURT: Thank you, Mr. DeAntonio. All right. on  
4 behalf of --

5 MR. SLAVIN: Yes, Your Honor.

6 THE COURT: -- the Plaintiff. Yes.

7 MR. SLAVIN: Thank you, Your Honor. Josh Slavin for  
8 the Plaintiff Phillip Waschenko. I appreciate Mr. DeAntonio's  
9 graciousness and being -- they got one thing right at least.  
10 And now I'm going to try and fill in the rest of the story  
11 because there's a lot more here. And it is sorted. It's a  
12 sorted, ongoing saga. And hopefully this is as close as I get  
13 to dealing with a family law case because this is -- gets  
14 nasty. So, there are two children involved here, both by the,  
15 by Mr. Waschenko, and now, Ms. Curian, they're married in  
16 2001. They have two autistic children who are minimally  
17 verbal.

18 THE COURT: You know, once again or what? Minimally?

19 MR. SLAVIN: Minimally verbal.

20 THE COURT: Verbal. Thank you.

21 MR. SLAVIN: Okay. And that plays into a couple of  
22 aspects about the allegations. At the beginning of the  
23 separation from Ms. Curian to Ms. Mr. Waschenko, she asked  
24 her to move out and then says that that night she goes to her  
25 daughter and her daughter says that her dad abused her, and not

1 | so many words, but demonstrates and says something along those  
2 | lines. She doesn't have the exact quote (indiscernible) as she  
3 | says, that she points to her crotch and says that he abused her  
4 | with their penis. Ms. Curian waits 10 days to make a report to  
5 | law enforcement. And in between, she doesn't try and stop Mr.  
6 | Waschenko from seeing his children. He goes to pick them up on  
7 | December 13th a few days after he moves out to take them to the  
8 | playground.

9 |         DSS and law enforcement investigate the allegations. They  
10 | do a forensic interview. They both independently find that the  
11 | allegations are unfounded. That's DSS's wording and law  
12 | enforcement says that there's no evidence to substantiate them.  
13 | The exact wording in the police report is quoted in the memo,  
14 | and it's attached as an exhibit. That was done by February and  
15 | March of 2019.

16 |         Now, Mr. DeAntonio's right, they didn't prove that didn't  
17 | happen, but that's because, well, two things, police and  
18 | investigators don't prove or -- prove exoneration. They look  
19 | for any evidence to support it. They found that there was not  
20 | in any evidence, let alone probable cause. Right? And you  
21 | can't prove a negative, anyway. That's what Mr. DeAntonio is  
22 | asking for law enforcement to prove a negative, but prove in  
23 | the course of their investigation, they found that there was no  
24 | evidence.

25 |         Here's the more curious part for Ms. Curian. She says

1 that she believes that her husband -- her ex-husband now has  
2 sexually abused her daughter. She doesn't seek sole custody.  
3 She wants full custody. To this day, she still asks Mr.  
4 Waschenko to watch both -- excuse me, both children on extra  
5 days, not the behavior of somebody who thinks that the father  
6 is abusing -- sexually abusing one or both of her children.  
7 But she goes around and continues to repeat the allegation.  
8 Now, we -- there's times that are instances that are time-  
9 barred, and they're not part of the defamation cause of action,  
10 because they are time-barred fine.

11 On July 31st, 2020, this is the evening where -- on July,  
12 20 -- 31st, 2020, Mr. Waschenko is told that his belongs are  
13 out on the front porch of the former marital home. This is now  
14 more than a year after the charges were -- or the allegations  
15 were dismissed by DSS and law enforcement. He's told his stuff  
16 is outside. He has the kids that night. He goes to pick up  
17 his belongings, ask the police to come along to ensure that  
18 everything is calm and peaceful. There's body cam video.  
19 Everything is calm and peaceful. You know, there's the police  
20 keep them separate. There's no screaming, crying heard from  
21 any of the adults or the two children.

22 During the course of the exchange between the other  
23 Defendant, Mr. Snuffer and police, he says that -- I'm sorry,  
24 let fill this piece in -- the other Defendant in this case is  
25 Kyle Snuffer. He was hired to be the caretaker for the

1 children and goes on to have an affair with Mrs -- Ms. Curian  
2 that starts within a week of Mr. Waschenko moving out. That's  
3 according to the arbiter for the divorce.

4 So, now, again, this is a year -- more than a year after  
5 the charges were dropped, Mr. Snuffer says things along the  
6 lines of that man. That car is a notable on record alcoholic.  
7 He's molested the 12-year-old autistic daughter. He's accused  
8 of molesting her 12-year-old daughter. He's abusing her 8-  
9 year-old son. I'm considered her Paramore at the time. I've  
10 been sleeping with his wife. So, he can understand the  
11 animosity. But a big part of that is he is also under  
12 allegations of molesting his, that 12-year-old girl in that car  
13 through DSS and also multiple other organizations. At that  
14 point, the charges had all been dropped, everybody leaves. And  
15 then Ms. Curian calls the police, asked for a welfare check,  
16 and again, repeats those allegations that Mr. Waschenko has  
17 sexually abused his daughter.

18 Again, it's been more than a year. The charges are  
19 dropped. He's not seeking sole custody. She's asking him to  
20 watch the kids on extra days when she needs help for travel or  
21 work, not be behavior of somebody who thinks that the dad's  
22 abusing the children, but she keeps repeating the allegations  
23 that claim is not time board.

24 So now I'm going to get to Mr. DeAntonio's argument that  
25 the claims were not led sufficiently. paragraph 20 of the

1 | complaint says the dates, the place, the marital home, and the  
2 | exact substance of the -- of what was said, and also to whom, I  
3 | guess paragraph 19 includes who it was said to. It was said to  
4 | the police it couldn't be more specific. (Indiscernible)  
5 | police content and listener of the defamatory statements is  
6 | exactly pled. That was pled in the original complaint. The  
7 | original complaint references on July 31st, 2020 defamatory  
8 | statement. We amended the complaints for the Court's previous  
9 | order for more definite statement and added the exact quotes in  
10 | as opposed to producing them by in discovery. Sufficiently  
11 | pled to state of cause of action. Because the claims were not  
12 | -- the allegations were not true. They've been dismissed.  
13 | They're -- has defamatory accuse of father of sexually abusing  
14 | his daughter and abusing his son.

15 |       Then there is a specific to Ms. Curian, a May 7th, 2021  
16 | doctor visit where she -- where their son is now in the  
17 | hospital at Shawn Jenkins at MUSC. He has a broken rib this is  
18 | a month after she takes the son to -- and the children to  
19 | Disney World with her boyfriend with Mr. Snuffer. There's a  
20 | physical altercation between Mr. Snuffer and the boy in the  
21 | bathroom. The boy has to be restrained. The son has to be  
22 | restrained and removed from the park by EMS. But at the  
23 | hospital, she says that she thinks that again, dad is sexually  
24 | abusing the son now because he's sexually abused the daughter  
25 | and thinks that maybe he's physically abusing him. And that's

1 the cause of the broken ribs. This is what Mr. Waschenko is  
2 facing, is at every term these Defendants and Ms. Curian here  
3 is accusing him of abusing -- sexually abusing his children,  
4 despite the fact that her -- and crossing the kids to him  
5 totally belies that allegation.

6 So, Mr. DeAntonio did not address the Motion to Strike  
7 part of his motion. I can address it briefly to say that the  
8 allegations that he asked to be stricken from -- excuse me,  
9 stricken from the complaints or the amended complaint, they're  
10 not redundant. They're not immaterial, they're not  
11 impertinent, and they're not scandalous. They're all part of  
12 the story. They -- he asked, for example, for paragraphs 14  
13 and 15 to be stricken. Paragraph 14 just says, Defendant  
14 Curian made these allegations to Folly Beach Department of  
15 Public Safety Officers, Rocky Burke and Robert Wheat, not  
16 scandalous, not impertinent. It's relevant to the story of  
17 hearing the allegations from her daughter and being  
18 investigated and being dropped.

19 Paragraph 15 says that the quotes from the police report  
20 saying that the -- there's no forensic evidence nor a direct or  
21 circumstantial evidence to substantiate the allegations  
22 reported on December 19th, 2018 by Sonya Waschenko. Now, Sonya  
23 Curian, obviously we be able to tell the whole story for the  
24 complaint to make sense. As to the Motion to Dismiss, again, I  
25 submit to the Court complaint -- the amended complaint speaks

1 | for itself. It is pled with adequate, sufficient to --  
2 | sufficiency to say the time place matter of publication, either  
3 | by phone, in person, to the police -- to the officer -- excuse  
4 | me, to the doctor, and to who the listener was. Right?

5 |           THE COURT: Let me ask you this question. What of  
6 | Mr. DeAntonia's position that because she is a reporter, that  
7 | those communications are privileged.

8 |           MR. SLAVIN: Yes.

9 |           THE COURT: Or qualifiably privileged, what about  
10 | that?

11 |           MR. SLAVIN: Yes, Your Honor. So, the privilege  
12 | raises both the question of law and fact for the jury. The  
13 | question of the law is whether the occasion in which the  
14 | statement was made gives rise to the privilege. I'm going to  
15 | pull up my memo. In general, the question of whether an  
16 | occasion gives rise to a qualified or conditional privilege is  
17 | one for the Court. Sorry however, the question of whether the  
18 | privilege has been abused is one for the jury, the actual  
19 | inquiries such as whether the Defendant acted in good faith in  
20 | making the statements, whether the scope of the statement was  
21 | properly limited in its scope, and whether the statement was  
22 | sent only to the proper parties are generally left in the hands  
23 | of the jury to determine whether the privilege was abused.

24 |           Mr. DeAntonio is citing South Carolina code 63-7-390,  
25 | which says that a person required or permitted to report acting

1 in good faith is immune from civil liability by reason of these  
2 actions reporting in all such civil proceedings, good faith is  
3 rebuttable presumed. So, it is -- this hearing has the benefit  
4 of a rebuttable presumption, but is a question for the jury  
5 whether she was acting in good faith in repeating these  
6 allegations, one in two years after they were found to be  
7 wanting any evidence by DSS and by law enforcement.

8         And when she's repeating them despite entrusting her  
9 children to Mr. Waschenko, not seeking sole custody in the  
10 divorce proceedings, is that acting in good faith at that  
11 point? When it is irrelevant to the context of Mr. Waschenko  
12 going to pick up his belongings from the marital -- former  
13 marital home? Is it made in good faith in the context of the  
14 son being in the hospital for broken ribs and constipation? And  
15 she says that she thinks the dad is physically abusing the boy,  
16 the son, and that he had sexually abused his daughter, even  
17 though, again, no evidence to support it. The only people who  
18 ever heard Ms. Curian -- the daughter make this allegation are  
19 Ms. Curian and the boyfriend, the caretaker. Right?

20         Forensic interviews were conducted, no evidence to support  
21 it. Law enforcement investigations, no evidence to support it.  
22 Therapists, no other person had come forward other than Ms.  
23 Curian's friend Casey Petrowski signed an affidavit I think she  
24 was a therapist and also a friend of Ms. Curian, and they went  
25 on outings, and she signed an affidavit saying that she heard

1 | it from the daughter, but it's never been subjected to cross-  
2 | examination. Ms. Petrowski is no longer in South Carolina. I  
3 | think she's in Michigan now.

4 |         That's the basis of though why summary judgment could not  
5 | be granted. Because as a question of fact for the jury,  
6 | whether or not the privilege was abused by Ms. Curian in  
7 | saying this, in this context was not relevant, not pertinent  
8 | kind of egregious and far field of what was happening at the  
9 | time and when the charges had been dropped, and she wasn't --  
10 | nothing had had happened for two years, for one to two years at  
11 | that point. So that's why summary judgment can't be granted on  
12 | the defamation claim.

13 |         And lastly, for the civil conspiracy and outrage claims Mr  
14 | -- Ms. Curian's memo does not cite any legal authority for  
15 | this repackaging argument. (Indiscernible) case that is cited,  
16 | although not filed or apparently read by Mr. DeAntonio, appears  
17 | to be a prose litigants who had some dispositive motion granted  
18 | against her or him in a report and recommendation that was  
19 | adopted by the Court. But we don't know what it said. And  
20 | apparently the person who cited in this 50-state survey doesn't  
21 | have the opinion himself either. So, I think no way can be  
22 | given to that -- to the one authority for Mr. DeAntonio's  
23 | repackaging argument. It is a separate cause of action based  
24 | on facts not subject to the three year -- to the two-year  
25 | statute of limitations under defamation, though.

1           So, more prior acts fall into the outrage claim. And the  
2 same goes for the civil conspiracy claim. They're not limited  
3 to two years; they are three years. And it -- we -- it sure  
4 appears from all the evidence that Ms. Curian and the  
5 caretaker of the children turned Paramore were acting together  
6 to defame Mr. Waschenko and Mr -- to the famous Mr. Waschenko  
7 to accuse him of abusing his children for the benefit and to  
8 gain an advantage in the divorce proceeding. Their  
9 relationship was so serious at one point that Mr. Snuffer was  
10 planning to propose to Ms. Curian, he texted that to Mr.  
11 Waschenko saying, hey, I'm going to put a ring on your wife's  
12 finger when this is all done, you know, whatever, just nasty  
13 texts going back and being sent to Mr. Waschenko. But all of  
14 that plays into both the outrage and the conspiracy -- civil  
15 conspiracy claim. And summary judgment can't be granted on the  
16 limited argument raised by Defendant Curian in her motion.

17           THE COURT: Oh, got it. Okay. Mr. DeAntonio, any  
18 response?

19           MR. SLAVIN: Real quickly?

20           THE COURT: Okay.

21           MR. SLAVIN: He did -- he's confused. Paragraph 19  
22 and 20, I've never said there was a statute issue on that,  
23 rather, that's a basis of the summary judgment, both immunity  
24 and privilege. The acid test for ascertaining whether that  
25 should be granted is the audio file Exhibit 5. We've sent your

1 office chambers that exhibit, it's less than seven minutes old.  
2 The incident about May 21st, 2021, MUSC, that's time-barred.  
3 They didn't file that until August -- no, May 21st, 2021  
4 incident wasn't filed until August 2nd, 2023. That's time-  
5 barred. And, you know, they knew about that before they filed  
6 the original complaint anyway. Paragraphs 14 that he was  
7 talking about, that's from 2018. They didn't file this  
8 original complaint until 2022. So, that's time-barred that  
9 he's talking about there.

10 In terms of the immunity and the privilege he is correct.  
11 If there is some evidence of abuse of the privilege, it does go  
12 to the jury. However, this is what I ask the Court, there's no  
13 evidence of any abuse when you listen to that audio file.  
14 There cannot be any evidence of abuse. So, he's not -- he's  
15 made an argument if the Court finds that there's some evidence  
16 that a jury could find abuse -- you know, that the Court finds  
17 that. But I would submit to you that listening to that audio  
18 file, it is impossible to defect -- to detect anything that it  
19 wasn't made, but in good faith. And that there was no abuse of  
20 the privilege. It was limited in time and context and  
21 everything. It was a call for a well check on her daughter.

22 THE COURT: Okay. And Mr. Slavin, did I understand  
23 that you were concerned that the statute may have run on some  
24 of the allegations of defamation?

25 MR. SLAVIN: So, Your Honor, we filed this cause of

1 action July 5th, 2022

2 THE COURT: Uh-huh.

3 MR. SLAVIN: So, I can see that any defamatory  
4 statements made prior to July 5th, 2020 would be time-barred.

5 THE COURT: Okay.

6 MR. SLAVIN: That's conceded, that's means in office,  
7 right?

8 THE COURT: I just want to be sure I had that  
9 correctly.

10 MR. SLAVIN: But when Mr --

11 THE COURT: You and -- well --

12 MR. SLAVIN: I'm sorry, Your Honor.

13 THE COURT: And your position is that with regards to  
14 summary judgment. The summary judgment, I -- not be granted  
15 because the abuse of the privilege is a jury issue. Long story  
16 short, yes.

17 MR. SLAVIN: Yes, Your Honor.

18 THE COURT: All right. Okay.

19 MR. SLAVIN: And I would --

20 THE COURT: And what about the amended complaint the  
21 Mr. DeAntonio was speaking of where the statement was made at  
22 MUSC, yet the amended complaint was not filed until August of  
23 2021.

24 MR. SLAVIN: The amended complaint was filed August,  
25 2023.

1           THE COURT: I'm so sorry. The statement was in '21,  
2 the amended complaint was '23. You're exactly right. What  
3 about --

4           MR. SLAVIN: What I did in my memo that was --

5           THE COURT: Uh-huh.

6           MR. SLAVIN: -- filed yesterday afternoon sign, or  
7 evening because is -- I highlighted the exact changes that were  
8 made to the amended complaint. So, Your Honor can see --

9           THE COURT: Okay.

10          MR. SLAVIN: -- what was added, whether it was  
11 incorporated in the prior complaint or not, that way it makes  
12 it easier to see what was changed. I think everything that we  
13 pled in the amended complaint is in the original complaint, but  
14 just pled with more details per the Court's order.

15          THE COURT: Okay.

16          MR. SLAVIN: I'd have to go and look at, well.

17          THE COURT: Okay.

18          MR. SLAVIN: Do you want I go back and look at that,  
19 but I think it's there for your court -- for the Court to  
20 (indiscernible).

21          THE COURT: Okay.

22          MR. SLAVIN: How those changes were made.

23          THE COURT: Okay.

24          MR. SLAVIN: And to the extent, I guess, if the May  
25 7th, 2021 hospital record was not specifically pled, it was

1 | pled by reference to the continuing statements being made by  
2 | Ms. Curian in the original complaints.

3 |           THE COURT: Okay. Got it. All right. That -- and  
4 | I'm sorry to do this to you, Mr. DeAntonio, but given that Mr.  
5 | Slavin concurs that if the statements were made prior to  
6 | 7/5/2020, what statements do you maintain those were?

7 |           MR. SLAVIN: Well, I would say, well, on the statute  
8 | of limitations issue?

9 |           THE COURT: Uh-huh.

10 |           MR. SLAVIN: I would say that --

11 |           THE COURT: He concedes that.

12 |           MR. SLAVIN: On well, that would also include the May  
13 | 21st, 2021.

14 |           THE COURT: I know but he's done that. He's  
15 | separated that one out.

16 |           MR. SLAVIN: Right.

17 |           THE COURT: He's put that in a different category.  
18 | I'll deal with that one. I'll deal with that. Just a second.

19 |           MR. SLAVIN: All right. That would -- in the amended  
20 | complaint, that would be --

21 |           THE COURT: Yeah

22 |           MR. SLAVIN: -- all of the factual allegations from  
23 | one through 28.

24 |           THE COURT: Okay.

25 |           MR. SLAVIN: It would be every single allegation of

1 | defamation through paragraph 40 with the --

2 |           THE COURT: Okay.

3 |           MR. SLAVIN: If I understand Your Honor's question.

4 |           THE COURT: Well, as I -- let me tell you, as I  
5 | understand Mr. Slavin, he is conceding that the sums of  
6 | complaint was filed in July the fifth, 2022. And therefore,  
7 | all of the statements which were made prior to July the fifth,  
8 | 2020, would be time-barred. He is conceding that not conceding  
9 | summary judgment. And you know I'm not sure that he is  
10 | conceding the MUSC statements. That was in the amended sums of  
11 | complaint filed in August of '23. And as I understand though,  
12 | that statement was made on May the seventh of 2020. Very well  
13 | may be time-barred. However, I just wanted to cut to the chase  
14 | is where I'm at this point.

15 |           MR. SLAVIN: Thank you.

16 |           THE COURT: Uh-huh. And Mr. Slavin -- so gentlemen,  
17 | this is what I'm going to ask you for, I'm going to ask for  
18 | proposed orders. Mr. DeAntonio, I need your -- I would suspect  
19 | that yours will say that the statements made prior to July the  
20 | fifth, 2020 are time-barred along with the statement made  
21 | 5/7/2020, and included in the amended complaint filed August of  
22 | '23. And you will then argue, I would suspect that there is no  
23 | material evidence from which a jury could find an abuse of the  
24 | privilege, the privilege A, exists, and B, there's no That  
25 | there is no material evidence from which a jury could find an

1 | abuse of the privilege, the privilege A, exists, and B, there's  
2 | no evidence of a material nature from which a jury can make a  
3 | determination that there was an abuse of the privilege. That's  
4 | what I'm expecting from you. 30 days, if you need longer, just  
5 | let us know. Not a problem. Y'all talk about it. I know  
6 | lawyers have to put out fires. I get it a hundred percent.

7 |       Mr. Slavin, you will focus on any of the defamation that  
8 | you think are not time barred. However, with regards to the  
9 | motion for summary judgment, your order -- your proposed order  
10 | will focus on there being a material issue of fact that the  
11 | statements made while they may be subject to a privilege that  
12 | the issue of abuse is one for the jury, that's what I'm looking  
13 | for you. Cool? 30 days. Guys, if y'all need longer, just let  
14 | each other know and then just let my law clerk know because we  
15 | do calendar when to expect things.

16 |               MR. SLAVIN: Okay.

17 |               THE COURT: And we try to keep up with it, but if you  
18 | need longer, it is okay with me, if it's okay with you.

19 |               MR. SLAVIN: Well --

20 |               THE COURT: I just like everybody in the loop.

21 |               MR. SLAVIN: We're grateful to the Court and your law  
22 | clerk for your patience and your attention.

23 |               THE COURT: Thank you.

24 |               MR. SLAVIN: And it's appreciated by everybody.

25 |               THE COURT: It's a treat to listen to brilliant

1 | lawyers. Thank you, brother. Thank you so much.

2 | MR. SLAVIN: All right Your Honor.

3 | THE COURT: All right. Y'all be well and safe. All  
4 | right. Who is next?

5 | [END OF HEARING]

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