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INDEX

(SW) - Denotes State's Witness  
(DW) - Denotes Defense Witness  
(IC) - Denotes In Camera

PAGE

There were no witnesses called.

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
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There were no exhibits introduced.

P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 1:14 PM.)

THE COURT: All right. The first matter this afternoon is Michael Smith vs. Themistoklis Economo -- I don't know if I'm pronouncing that right -- 2021-CP-39-00329.

All right. On the roster it has a motion for a status conference and a rule to show cause, but I understand maybe it's not going forward with -- or you're not going forward with the rule to show cause; is that right?

MR. STILL: Correct, Your Honor.

MS. GRIFFIN: Yes, Your Honor.

THE COURT: All right. Yes, sir. Now, are you Mr. Smith?

MR. SMITH: Yes, sir.

THE COURT: All right. And you and your wife are representing yourselves; is that correct?

MR. SMITH: I'm on a prescription narcotic. I don't wish to talk today. I need me a lawyer. I need a 40-J.

THE COURT: You need a 40-J? Is that what you said?

MR. SMITH: Yes, sir.

THE COURT: Okay. Let me just hear from lawyers right now.

So we've got a motion for a status conference, and

1 the rule to show cause is not going forward, correct?

2 MS. GRIFFIN: Yes, Your Honor. Catherine Griffin for  
3 King Asphalt.

4 So my understanding is the claim that Mr. and Mrs.  
5 Smith have against Mr. Economo has been resolved. But  
6 Mr. Still can speak to that.

7 So I am the remaining defendant. And Your Honor  
8 allowed Don Smith to withdraw as counsel back in May of  
9 last year and gave the plaintiffs 90 days to hire counsel.  
10 And we are well past that now. We're eight months after  
11 that hearing. And so we asked for a status conference in  
12 order to set this case for trial because we are not  
13 consenting to 40-J the case. We need to dispose of the  
14 case by trying the case as soon as the Court can set it  
15 for trial.

16 THE COURT: Mr. Still, anything?

17 MR. STILL: Yes, Your Honor. We were able to reach a  
18 settlement with Mr. Smith. We had previously, before  
19 attorney Don Smith was relieved of counsel, we reached a  
20 settlement with Mrs. Smith, and we reached a settlement  
21 with Mr. Smith yesterday. And if you don't mind, Your  
22 Honor, if I could put that on the record here today.

23 But we were able to reach a settlement in the amount  
24 of \$35,000. The settlement, Your Honor, was on a covenant  
25 not to execute, not a release, because we could not agree

1 upon the language for the actual release. But the  
2 unfortunate part of this is they have signed, and I do  
3 have an actual photo copy of the stipulation of dismissal  
4 signed by he and his wife and dated. Ms. Catherine --  
5 attorney Catherine Griffin has also signed that. I'm  
6 ready to file that today. But the settlement check is not  
7 in hand. It unfortunately went to our Charleston office  
8 and will be here I hope tomorrow, and we will have it  
9 personally delivered to Mr. Smith tomorrow or Friday, by  
10 the end of this week for sure. Again, just reading that  
11 into the record.

12 And Mr. Smith, did I say that correctly? Did I say  
13 that correctly?

14 MR. SMITH: (Nods head affirmatively.)

15 MS. STILL: And just for the record, he did nod  
16 "yes."

17 THE COURT: Okay. I know you don't want to talk.  
18 You're nodding. You heard Mr. Still lay out the terms of  
19 the settlement as far as his client is concerned; is that  
20 correct?

21 MR. SMITH: I couldn't hear you.

22 THE COURT: All right. You just heard the lawyer  
23 here Mr. Still set out the terms of the settlement with  
24 his client. You've reached an agreement with him it  
25 sounds like yesterday, and your wife reached an agreement

1 earlier; is that correct?

2 MR. SMITH: Right.

3 THE COURT: Okay. And you heard him lay out the  
4 terms; is that correct?

5 MR. SMITH: Right.

6 THE COURT: Okay. And you're saying yes and nodding  
7 your head "yes"; is that right?

8 MR. SMITH: Yes.

9 THE COURT: Okay. Now, we need to address,  
10 Mr. Smith, the case itself. Now, I know you said you  
11 wanted to 40-J it, but the defendant's attorney is not  
12 agreeing to that. And so we need to discuss whether or  
13 not this case needs to go forward. And it's an old case.  
14 It looks like a 2021 case. So we need to go ahead and go  
15 forward with this case and have it tried; do you  
16 understand that?

17 MR. SMITH: I'm -- my mind's real cloudy so I really  
18 ain't able to talk.

19 THE COURT: Okay. You said you're not able to talk.  
20 All right.

21 (Pause in proceedings.)

22 THE COURT: All right. Counsel and Mr. Smith, we're  
23 going to go ahead and set the case on a roster. Now,  
24 there are two available terms of court, Mr. Smith, and  
25 that is March the 11th and April the 8th.

1           Now, Ms. Griffin, is there any -- what is the  
2 response from the defendant on those terms?

3           MS. GRIFFIN: Your Honor, our preference is  
4 March 11th.

5           THE COURT: Okay. All right. Mr. Smith. Do you  
6 understand what I'm talking about, that the case is going  
7 to be set on the trial roster and it looks like March 11th  
8 is available. Are you available for that day?

9           MR. SMITH: Yes, sir.

10          THE COURT: Okay. And let the record reflect he did  
11 say "yes" and nodded his head "yes."

12          All right. So what I'm going to do, Mr. Smith, I'm  
13 going to set the case for trial the week of March the  
14 11th, okay? Do you understand that? I want to make sure  
15 that you understand. Do you understand that?

16          MR. SMITH: (Nods head affirmatively) Yes, sir.

17          THE COURT: And you're shaking your head "yes"; is  
18 that right?

19          MR. SMITH: Yes, sir.

20          THE COURT: Okay. All right. So we'll set the case  
21 on the term of court for March 11, 2024. And we'll send  
22 out or the clerk here will send out notice confirming that  
23 to you, okay?

24          MR. SMITH: (Nonverbal answer.)

25          THE COURT: All right. Anything else from the

1 defendant?

2 MS. GRIFFIN: And, Your Honor, just so it's clear  
3 with Mr. Smith, his wife also has a claim. She's not here  
4 today. I understand maybe she has a medical issue. But  
5 that it would be both claims, his claim and Mrs. Smith's  
6 claim would be tried at the same time. And then if the  
7 Court could schedule the rule to show cause between now  
8 and March 11th so we can have a ruling on the  
9 participation or nonparticipation of their power of  
10 attorney, Mr. Pressly, who's with them today -- or with  
11 him today. That way we will be ready to go on March 11th.

12 (Pause in proceedings.)

13 THE COURT: All right. It looks like we have a term  
14 of court, a nonjury term of court the week of February the  
15 12th, but we may have a trial that week so we're going to  
16 hold off on scheduling anything the 12th and the 13th,  
17 which is Monday and Tuesday. And what we'll do is because  
18 that is the only case that is left on the trial docket for  
19 the week of February the 12th, we're going to start  
20 setting some things for me to hear starting the afternoon  
21 of the 14th. So most likely we will set this matter on  
22 the rule to show cause the afternoon of February -- I  
23 mean, excuse me -- yeah, February the 14th of 2024. And  
24 so that matter -- what is the gentleman's name?

25 MS. GRIFFIN: Your Honor, Mr. Pressly.

1 THE COURT: Mr. Pressly. Are you Mr. Pressly?

2 MR. PRESSLY: (Nods head affirmatively.)

3 THE COURT: So there is a rule to show cause that you  
4 are familiar with because you filed or somebody assisted  
5 in filing a response. So since you are here in the  
6 courtroom, you heard me, that that matter will be  
7 scheduled the week or the afternoon of February the 14th,  
8 and you will get notice -- all right. We'll go ahead.  
9 February the 14th, 1:00. February the 14th, 1:00 in the  
10 afternoon. So that matter will be heard at that time.  
11 And then, again, the trial will be set for the week of  
12 March the 11th of 2024.

13 And Mr. Smith, as I understand, there's a claim by  
14 your wife as well, so that will apply. Both you and your  
15 wife's claim against the remaining defendant will go  
16 forward on the week of March the 11th. Do you understand  
17 that?

18 MR. SMITH: Yes, sir.

19 THE COURT: Okay. All right. Is there anything  
20 else? Yes, sir.

21 MR. STILL: Your Honor, may I approach the clerk real  
22 quick? I may have one other issue.

23 (Pause in proceedings.)

24 THE COURT: All right. So we've got a stipulation of  
25 dismissal that has been signed by all the parties as to

1 the plaintiffs and the defendant Economo.

2 MR. STILL: It's literally Greek, Your Honor. It is  
3 Economo.

4 THE COURT: Economo. Defendant Economo.

5 All right. And so I will issue a Form 4 order  
6 identifying or indicating that the action has been  
7 dismissed as to plaintiff's claim against Defendant  
8 Economo.

9 Is there anything in that order that needs to be said  
10 other than the case being dismissed as to those forms?

11 MR. STILL: The only other thing I can think, Your  
12 Honor, is Mr. Smith did sign that himself and date it.  
13 And if you -- if the Court needs to verify his signature  
14 and get him to agree that's his signature, that's the only  
15 thing else.

16 THE COURT: All right. And Mr. Smith, you and your  
17 wife signed the stipulation of dismissal that Ms. Broom,  
18 the clerk of court, is showing you; is that your  
19 signature?

20 MR. SMITH: Yes, sir.

21 THE COURT: Okay. Let the record reflect that he is  
22 identifying that is his signature on the stipulation of  
23 dismissal.

24 All right. I will issue a Form 4 that dismisses that  
25 part of the lawsuit.



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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA        )  
COUNTY OF PICKENS                )

I, CHERYL A. SMITH, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Pickens County, South Carolina, on the 17th day of January, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

February 2, 2024

Cheryl A. Smith  
Cheryl A. Smith, CVR-M  
Court Reporter



I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits introduced.)

P R O C E E D I N G S

1  
2 THE COURT: The next case here is Michael Smith --  
3 Michael and Mary Smith vs. -- I'm not sure how to  
4 pronounce it -- Themistoklis Economou and King Asphalt,  
5 Inc.

6 And this is a motion to be relieved of counsel by  
7 Mr. Smith; is that correct?

8 MR. SMITH: Yes, sir, it is.

9 THE COURT: All right. I'll hear from you.

10 MR. SMITH: May it please the Court.

11 Your Honor, based on circumstances that aren't  
12 necessarily in my control or the Smiths control, there's  
13 been a -- our relationship has been irretrievably broken.  
14 And with that in mind, I ask the Court that the Smiths  
15 have 90 days to get an attorney to replace me.

16 I don't want them to be put in a position where they  
17 will be prejudiced. And I think that -- by getting  
18 someone new and a clean start, I think it will be in their  
19 best interest.

20 THE COURT: All right. Ms. Griffin, I don't know if  
21 you could hear that, but Mr. Smith -- Attorney Smith has  
22 made the motion to be relieved of counsel of Mr. and  
23 Mrs. Smith, the Plaintiffs.

24 Is there any objection from your client?

25 MS. GRIFFIN: No, Your Honor.

1 THE COURT: All right. And, ma'am, is there any  
2 objection from your client?

3 MS. DAVIS: Your Honor, there's no objection. But I  
4 would like to address something related, if that's all  
5 right.

6 THE COURT: Okay.

7 MS. DAVIS: We -- we believe that Attorney Smith has  
8 been doing his best to act in the best interest of his  
9 clients, but has been extremely hindered by Mr. Pressley  
10 contacting us and our client regarding this -- this matter  
11 without Attorney Smith's knowledge, which has, obviously,  
12 created the motion here today.

13 So we just would like the Court to address just some  
14 clarification that if Attorney Smith is relieved,  
15 Mr. Pressley is not authorized to act as their attorney in  
16 the interim. And that the Plaintiffs are -- they're  
17 proceeding pro se or getting another attorney involved.

18 So we just wanted to be sure that's clear, based on  
19 the issues with the -- the power of attorney that  
20 Mr. Pressley addressed earlier.

21 THE COURT: All right. Are you Mr. and Ms. Smith?

22 (WHEREUPON, there was no verbal response.)

23 THE COURT: All right. Do you understand that Mr. --  
24 Mr. Smith, the lawyer, has -- has filed this motion to be  
25 relieved as your attorney?

1 Do you understand that?

2 MS. MARY SMITH: Sir, I'm not able to understand  
3 much.

4 THE COURT: Okay. Well, please stand up and come a  
5 little bit closer and that -- maybe you can maybe hear a  
6 little bit better.

7 And if -- you don't need to stand up if you're not  
8 able to, sir. You don't have to. It looks like --

9 MS. MARY SMITH: Can I give you this, please?

10 THE COURT: All right. Yes, ma'am, you may.

11 Ms. Smith, do you have anything -- do you object to  
12 Mr. Smith being relieved as your lawyer?

13 MS. MARY SMITH: No, sir.

14 THE COURT: That was a "no"? You said "no"?

15 MS. MARY SMITH: No, sir. No, sir, I do not.

16 THE COURT: Mr. Smith, do you have any objection to  
17 Mr. Smith, the lawyer, being relieved of counsel?

18 MR. MICHAEL SMITH: No.

19 THE COURT: Is that a "no"? Is that correct?

20 MR. MICHAEL SMITH: Yes.

21 THE COURT: All right. For the record, both Mr. and  
22 Mrs. Smith, Plaintiffs, have no objection to Mr. Smith,  
23 the lawyer, being relieved as counsel. Also, the Defense  
24 counsel has no objection to Mr. Smith being relieved as  
25 counsel.

1           So I am -- I am going to grant the motion since all  
2 parties consent.

3           And, Mr. and Ms. Smith, you -- you have two options  
4 here. And I recommend the first one is that you get  
5 another attorney to represent you in this matter. The  
6 gentleman here who is, apparently, your attorney, in fact,  
7 is not a licensed attorney. And, therefore, under the  
8 rules, he is not allowed to represent you in this legal  
9 matter.

10           He can, certainly, talk with you and -- and assist  
11 you in your case outside the representation. But he is  
12 not allowed to represent you in -- in any form to  
13 negotiate with the other lawyers, or anything like that.

14           You can, certainly, represent yourself. The  
15 Constitution allows you to represent yourself. But I  
16 would recommend that -- that you get another lawyer to  
17 represent you.

18           Yes, ma'am.

19           MS. MARY SMITH: May I, please, get a 40(j)?

20           THE COURT: You want a -- a 40(j), Rule 40(j)?

21           MS. MARY SMITH: Yes, sir, please, sir.

22           THE COURT: Well, you can -- you can file -- you can  
23 get that motion filed. And I -- at this point, I can't  
24 really hear that, unless the parties consent and want to  
25 hear it. I think it would be best, at least, right now if

1 you make an effort to try to get another lawyer.

2 Have you had an opportunity to maybe talk to another  
3 lawyer just in case?

4 MS. MARY SMITH: Can you read the papers I give you,  
5 please? I mean no disrespect, Your Honor.

6 MR. SMITH: May it please the Court, Your Honor.

7 THE COURT: Yes, sir.

8 MR. SMITH: I wasn't -- I wasn't given a copy of  
9 that. And I would like to see that at some point.

10 THE COURT: Ms. Smith, do you have a copy for  
11 Mr. Smith, the lawyer?

12 MS. MARY SMITH: Yes, sir.

13 THE COURT: All right.

14 MS. DAVIS: Your Honor --

15 THE COURT: Yes, ma'am.

16 MS. DAVIS: -- may I -- may I ask if she has another  
17 copy?

18 THE COURT: Yes.

19 Do you have another copy?

20 Thank you, ma'am.

21 MS. DAVIS: Thank you very much.

22 THE COURT: Let me ask as far as counsel --

23 And, Ms. Griffin, can you hear me?

24 MS. GRIFFIN: Yes.

25 THE COURT: Is there any -- would there be any

1 objection to issuing a -- a 40(j) at this point in this  
2 case?

3 MS. DAVIS: Yes, Your Honor. We would object to it.  
4 Our client has recently undergone some medical issues that  
5 we believe it's not in his interest to keep going in this  
6 case. It's, also, a motor vehicle accident from 2019.

7 But we understand that if -- if the Plaintiffs need a  
8 reasonable time to get another attorney, we understand  
9 that. But at this point, we're not consenting.

10 THE COURT: Okay. Ms. Griffin.

11 MS. GRIFFIN: I could not hear what she said.

12 THE COURT: She said that -- she said that at this  
13 time that they could not -- her client could not consent  
14 to the 40(j). She did say that she would be agreeable, of  
15 course, for some time for the -- Mr. and Ms. Smith to get  
16 another attorney, which, of course, I will grant that.

17 But do you have any position as to the 40(j)?

18 MS. GRIFFIN: Your Honor, I -- I would prefer that we  
19 give them additional time to find a new attorney and that  
20 the case stays on an active roster and not be 40(j)'d.

21 THE COURT: All right. Anything else, Mr. Smith?  
22 Anything else from you?

23 MR. SMITH: May it please the Court.

24 The motion speaks of costs that I had -- have  
25 involved with Mr. Smith and his -- one third of his offer

1 of judgment. I would like that addressed as well.

2 THE COURT: So what -- so you have -- your motion is  
3 to be relieved?

4 MR. SMITH: It is.

5 THE COURT: Okay. And then is there any -- so what  
6 are you saying about your costs?

7 MR. SMITH: You know, what I'm -- what I'm saying,  
8 Your Honor, is that I have, essentially, been fired based  
9 on the -- the circumstances that have arisen. And so with  
10 that in mind, I managed to get an offer of judgment,  
11 \$25,000, from the Economou Defendant. And I have \$3,700  
12 in costs in prosecuting this case on behalf of Mr. Smith.

13 THE COURT: All right. Does -- Ms. Griffin,  
14 Mr. Smith -- Attorney Smith has stated that he obtained an  
15 offer of judgment for \$25,000. And that he has some costs  
16 incurred in attorneys fees. I think that is a matter  
17 that's not to be addressed at this time or that I can rule  
18 on.

19 But I'll hear from you, Ms. Griffin, and co-counsel.

20 MS. GRIFFIN: Your Honor, I agree with that. I think  
21 that's just a matter outside the scope of this hearing.  
22 But he can file another motion if there's ever money being  
23 paid. And that was not my offer of judgment. That was  
24 the co-defendant's offer of judgment.

25 THE COURT: Okay. And is that right?

1 MS. DAVIS: Yes, Your Honor.

2 THE COURT: All right. So the co-defendants offer of  
3 judgment.

4 All right. And, Mr. Smith, at this time, I -- I  
5 don't think this is a matter that -- that I can rule on at  
6 this time. No -- no money's been exchanged. And that's,  
7 certainly, you know, under your -- the agreement,  
8 arrangement that you have, you can, certainly, take what  
9 action is necessary then. And then if there's an issue  
10 there, then an appropriate motion before the Court would  
11 apply at that point.

12 All right. Anything else?

13 MR. SMITH: No, sir, not from me.

14 MS. DAVIS: No, Your Honor.

15 THE COURT: All right. Mr. and Ms. Smith, I'm going  
16 to give you -- I'm going to -- I'll grant the motion for  
17 him to be relieved as counsel. Everyone consents. And so  
18 I'm going to agree to that.

19 And I'm going to give you an opportunity. I'm going  
20 to give you some time to continue to try to seek  
21 additional counsel.

22 And I have received the package that you provided.  
23 And I've looked through it. And I will look through it  
24 again in more detail and -- but I have looked through it  
25 and reviewed it.

1           But I'm going to -- I'm going to give you 90 days,  
2 three months, which should be time for you -- to give you  
3 an opportunity. I want to make sure that I give you a  
4 good opportunity to -- to try to get another attorney.  
5 And so if you would try to make that -- that happen.  
6 And -- and take whatever steps are necessary that you can,  
7 hopefully, get somebody to -- to come in and represent  
8 you. Okay.

9           MS. MARY SMITH: Yes, sir.

10          THE COURT: All right. Anything else?

11          MR. SMITH: No, sir.

12          THE COURT: That'll be the order of the Court. And  
13 I'll issue a Form 4.

14           And, Mr. and Ms. Smith, good luck to you. And I hope  
15 you can find somebody. Okay.

16           All right. Thank you.

17 \*\*\*\*\*END OF TRANSCRIPT OF RECORD\*\*\*\*\*  
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA )

COUNTY OF GREENVILLE )

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the captioned case, relative to appeal, in the Court of Common Pleas for Pickens County, South Carolina, on the 19th day of May, 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 28, 2024

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Hollie M. Jenkins, Court Reporter