

STATE OF SOUTH CAROLINA

COUNTY OF PICKENS

Michael and Mary Smith,

Plaintiffs,

vs.

Themistoklis Economou and King Asphalt Inc.,

Defendants.

IN THE COURT OF COMMON PLEAS  
FOR THE THIRTEENTH JUDICIAL  
CIRCUIT

CASE NO.: 2021-CP-39-00329

NOTICE OF FILING TRANSCRIPTS

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**Jan 05 2026**

**SC Court of Appeals**

**NOTICE OF FILING TRANSCRIPTS**


TO THE CLERK OF COURT AND ALL PARTIES OF RECORD:

PLEASE TAKE NOTICE that Michael and MaryAnne Smith, Plaintiff(s) / Appellant(s) pro se, hereby file the following transcripts to be included in the official record of the above-captioned case in the Pickens County Court of Common Pleas:

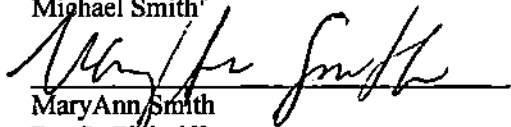
1. **Transcript of Hearing before The Honorable Perry-Gravelly on March 7, 2024, regarding Contempt of Court/Rule to Show Cause.**
2. **Transcript of Hearing before The Honorable Jessica A. Salvini January 27, 2025, regarding Plaintiffs/Defendant Cross Motion for Summary Judgment.**

These transcripts are being filed to ensure the completeness of the lower court record for all purposes, including any future appellate review, and to provide any appointed counsel with a comprehensive record from which to designate the Record on Appeal.

Respectfully submitted,

  
\_\_\_\_\_  
Michael Smith

July 11, 2025  
Date

  
\_\_\_\_\_  
MaryAnn Smith

July 11, 2025  
Date

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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 1:33 PM.)

THE COURT: All right. We're here on Michael and Mary Smith vs. King Asphalt, In RE: Francis Hunter Pressly.

It's defendant King Asphalt's amended petition for rule to show cause. Ms. Griffin is here.

Are you Mr. Pressly?

MR. PRESSLY: Yes, sir.

THE COURT: All right. You'll come sit up here just so we can -- all right.

Now, we'll let the parties know that I have had a chance to review the extremely lots of filings from both sides, and I think I've reviewed all relevant matters. And so at this time, Ms. Griffin, I'll hear from you.

MS. GRIFFIN: Yes, Your Honor. Catherine Griffin on behalf of King Asphalt.

With respect to this petition for a rule to show cause, and just so at the outset, my understanding of why we're here today is to ask the Court to issue a rule to show cause to require that Mr. Pressly, who's in the courtroom, ceases from the practice of law which has been detailed within this petition.

So I see this procedure as having to be two parts. And Mr. Pressly has raised this issue in his answers and other filings that there is no jurisdiction of this court to

1 require that he do anything. And so in looking at the  
2 contempt rules and the inherent powers of the Court, it  
3 seems to me that my role is to petition the Court and ask  
4 the Court to issue a rule to show cause requiring that  
5 Mr. Pressly come and explain the allegations that we've  
6 raised in the petition.

7 So with that background, just to briefly go through  
8 some of the facts. This case, as Your Honor may recall, you  
9 saw some time ago on a motion to quash a subpoena, but it  
10 arises out of an accident between the Smiths who are not  
11 present today. They were riding their moped on March 22,  
12 2019, on Highway 8, and the allegations are they turned in  
13 front of Mr. Economo's car. They were hit. They were  
14 injured. And this lawsuit has been pending for the last  
15 several years.

16 They originally -- Mr. and Mrs. Smith were represented  
17 by Don Smith, who's unrelated to them I understand according  
18 to what he has said in the past on the record. And Mr. Don  
19 Smith filed this lawsuit, and Mr. Frank Pressly, who is in  
20 the courtroom, was alleged to be a witness to this accident.

21 THE COURT: I remember before it seems like,  
22 Mr. Pressly, you were several cars back or something when  
23 this happened.

24 MR. PRESSLY: Yes, sir.

25 THE COURT: Okay. It seems like I remember that for

1 some reason. And I remember very few details about anything  
2 it seems like anymore.

3 MS. GRIFFIN: So Mr. Pressly's deposition was taken  
4 back on October 18, 2021, some time ago. And at that time  
5 his testimony essentially was he did not know these people,  
6 the Smiths, Michael and Mary Smith, and he really didn't  
7 work much for Don Smith and was not his paralegal, not being  
8 paid by him.

9 After his deposition I filed a subpoena asking for all  
10 the communications between Mr. Pressly and Mr. Don Smith and  
11 then that gave rise to a hearing that Your Honor had. And  
12 you ended up reviewing some documents in camera and issued  
13 an order that included this language: The review of the  
14 emails presents a puzzling scenario and makes it difficult  
15 to determine whether plaintiff's counsel or Mr. Pressly is  
16 directing the case.

17 Well, Mr. Don Smith continued to handle the case and  
18 handled it up through May of 2023 when he was relieved by  
19 Judge Morgan. During that time frame, we went to mediation.  
20 At the mediation Mr. Frank Pressly appeared, and he at that  
21 time had secured a power of attorney from Mr. Michael Danny  
22 Smith and Mary Smith. And so he was present during the  
23 mediation that Ann Culbreath held. The mediation was  
24 unsuccessful to settle the cases with either Mr. Economo,  
25 who was previously represented by Trey Still, and then with

1 my client, King Asphalt.

2 So during the fall of 2022, Mr. Don Smith is still  
3 counsel of record and Mr. Frank Pressly starts to try to  
4 contact Mr. Economo through his wife, went to his house.  
5 And there were offers that if the Economo defendant would  
6 cooperate with them and settle, that they would then join  
7 forces against King Asphalt. So you'll see these emails and  
8 this communication within the filings.

9 During that same time when Trey Still, Mr. Still, was  
10 trying to resolve the case with Mary Smith, Mr. Pressly was  
11 then interfering in those settlement discussions. And  
12 there's some communication you'll see in the file where Trey  
13 Still tells Don Smith please tell Frank Pressly to stop  
14 communicating with us. And what I see him doing is the  
15 unauthorized practice of law. So that was in November of  
16 2022.

17 In February of 2023, Don Smith the attorney then files  
18 his motion to be relieved as counsel. Within that motion,  
19 which is part of this court record, it details the breakdown  
20 of communication with Mary and Michael Smith due to the  
21 interference of their power of attorney who is Frank  
22 Pressly.

23 In May of 2023, Judge Morgan heard the motion to be  
24 relieved as counsel. You'll see in the filings that I was  
25 stuck in traffic on I-26 in Chapin where they were doing

1 construction, and I was present by telephone.

2 So part of what happened at the hearing happened off  
3 the record and part happened on the record. But in  
4 reviewing the context of what Judge Morgan said and what the  
5 attorney for Economo said along with the affidavit that  
6 Mr. Frank Pressly has filed with the Court, it appears that  
7 Mr. Pressly stood up in court and said he was the  
8 attorney-in-fact for the Smiths and that he may have been  
9 told that -- or he was told that he wasn't allowed to  
10 represent them because attorneys-in-fact cannot represent  
11 people in this state. And so because you have a power of  
12 attorney, he had no power to speak on their behalf. At that  
13 time he apparently sat down in the courtroom according to  
14 his own words, and then he was quiet.

15 During the hearing, the attorney Darby Davis for  
16 Economo mentioned or brought up to the Court that there had  
17 been an issue with Mr. Pressly contacting their client and  
18 also sending emails to their office and asked that that  
19 behavior be stopped.

20 So at that time Judge Morgan says on the record that he  
21 talks to the Smiths and basically tells them you need to  
22 hire an attorney. Your attorney-in-fact is not an attorney.  
23 He cannot practice law. He's not allowed to negotiate.  
24 He's not allowed to contact Economo. He is not allowed to  
25 be your attorney. He is your power of attorney. That's

1 different.

2 THE COURT: And I've got a copy of that transcript. I  
3 think you attached it or -- I know it was -- several --  
4 attached and filed in several ways.

5 MS. GRIFFIN: So after that hearing, then Don Smith,  
6 the attorney Don Smith, was relieved as counsel. And so  
7 then the Smiths were given 90 days to find counsel. During  
8 that time Mr. Pressly continued to, in my filing, advocate  
9 for the Smiths' by contacting not Trey Still but Trey Still's  
10 associate Ms. Herbkersman. I don't know how to say her name  
11 exactly. Shelby Herbkersman. And in that email, if you  
12 look at it, you'll see that he is definitely advocating for  
13 the Smiths, Michael and Mary Smith, and that is the  
14 beginning of when you see he's starting to practice law.

15 Now, after that he contacts the highway department and  
16 he is questioning the highway department as to their  
17 conclusions in the accident report. And that is an  
18 attachment to the petition which shows that he is reciting  
19 to the highway department, the people who are in charge over  
20 there, as to how they should interpret the law, how they  
21 should interpret statutes and why they should change their  
22 findings on the report. I got those documents just by  
23 subpoena when we received an email from Mr. Michael Smith  
24 telling us that the accident report had been changed.

25 The next series of emails that came from Mr. Pressly

1 brought grave concerns to both myself and Mr. Still because  
2 it was obvious in these emails that Mr. Pressly was  
3 absolutely practicing law. Before that time we questioned  
4 what he was doing as the attorneys on the other side of this  
5 case, but at that point both Mr. Still and I decided that  
6 the Court needed to have this behavior brought to the Court  
7 to have the Court decide whether what we were seeing is the  
8 unauthorized practice of law and whether he was --  
9 Mr. Pressly was violating the bench order issued by Judge  
10 Morgan back in May.

11 So in those emails -- which Mr. Pressly has argued that  
12 they were inadvertently disclosed to the defense side of the  
13 case when Mr. Smith, Michael Smith, forwarded them to us  
14 telling us to either 40-J the case or he would dismiss the  
15 case. So when he was telling us that and you have ten days  
16 to do this, he forwarded a 21-page email from the power of  
17 attorney who has no privilege, who has no right of  
18 confidentiality.

19 When this email was sent to us, it has multiple  
20 instances of him giving legal advice to Mr. and Mrs. Smith  
21 including dismiss your case and call in the insurance  
22 police, dismiss your case and call in the Office of  
23 Disciplinary Counsel and have the lawyers policed, you can  
24 get substantial punitive damages from King Asphalt. They  
25 are -- they, the defense attorneys including myself -- are

1 preventing you from having a fair trial because they are  
2 preventing you from 40-Jing the case and say the rules  
3 require the agreement of the parties. By refusing to agree  
4 to 40-J, they are effectively denying you representation and  
5 practically guaranteeing them dismissal of your case due to  
6 nonprosecution, you being incapable of representing  
7 yourself. That is not what Rule 40(j) says. It allows for  
8 us to have a say in whether a case is dismissed.

9 This case has been pending since the spring of 2021.  
10 The accident happened in 2019, and it was our position that  
11 we wanted the case to go to trial.

12 So if you look at the context of this email which has  
13 multiple areas where Mr. Pressly is practicing law, then the  
14 next email he sends them is also instructive which was then  
15 the inflection point where we filed the initial joint  
16 petition.

17 And in that email he is telling the Smiths that their  
18 medical bills are still outstanding and subject to  
19 subrogation and tax garnishment. Well, in fact, this week  
20 Mr. Smith forwarded me the medical bills after I had  
21 subpoenaed them from the hospital and was questioning  
22 whether there was a Medicare lien or whether they had been  
23 written off for charity. And they have a Medicare lien, and  
24 Mrs. Smith's had been written off and she owes nothing. So  
25 this is incorrect information that's being provided to them.

1 It says here hospitals or their insurance carrier may pursue  
2 legal action to recover unpaid bills. This can include  
3 filing a lawsuit to obtain a judgment, allow them to garnish  
4 wages or seize assets to satisfy the debt, also be advised  
5 they can send them to credit bureaus and make it more  
6 difficult to secure credit in the future.

7 So at that point we filed the petition for the Court to  
8 consider this behavior of Mr. Pressly and restrain him from  
9 continuing to practice law in the way he has been practicing  
10 law. It is our -- or my position, my client's position that  
11 there is ample evidence here that he is engaged in the  
12 unauthorized practice of law. It's prevented from happening  
13 in this state to protect litigants from people who are not  
14 admitted to the bar who can give incorrect advice, which is  
15 what we see in these emails, and can injure these litigants.

16 There is lots of discussion in these records and these  
17 filings about how the defense attorneys, including myself,  
18 have filed this to gain some unfair advantage in the case.  
19 I just want it on the record that is absolutely not true.  
20 This is done precisely for the reason that I believe we have  
21 the unauthorized practice of law statute in the state is to  
22 prevent people who are not lawyers from representing other  
23 people and hurting their cases in some way. That is why we  
24 brought this. It is absolutely ancillary to the heart of  
25 the case which also has not moved forward because of this

1 issue. And we're here today to have the Court issue the  
2 rule to show cause to require Mr. Pressly to answer the  
3 allegations in this complaint or to reach some kind of  
4 understanding as to what his role is in this case and what  
5 his role can be in this case as the power of attorney.

6 And one more thing. As I walked in the courthouse,  
7 there was an email from Mr. Michael Smith saying that he and  
8 his wife want Mr. Pressly appointed as a friend of the  
9 Court, I guess sort of a guardian role for them as  
10 plaintiffs. And I would oppose that because I have already  
11 seen the evidence of what happens when Mr. Pressly has been  
12 advising them, practicing law, sending emails, threatening  
13 the attorneys in this case, threatening the Court. I do not  
14 believe he's qualified to be a friend of the Court and be  
15 appointed as guardian in this case. But that is an issue  
16 that just came up in the last 30 minutes, 45 minutes,  
17 whenever I was driving up here.

18 So for today we just want the Court to deal with  
19 issuing a rule to show cause requiring Mr. Pressly to  
20 explain whether he has been engaged in the unauthorized  
21 practice of law and then have the Court decide what to do  
22 with the findings once you hear from everybody.

23 THE COURT: All right. First of all, Mr. Pressly, I  
24 would like to respond one thing before I hear from you, and  
25 that is an email that you said that you felt like things had

1 not been properly filed. And it's sent on your behalf which  
2 kind of sounds like the practice of law just by itself. But  
3 I wanted to address you said that things were not filed  
4 properly for exhibits, for instance, and you said that you  
5 had contacted lawyers, and if it didn't have a caption on  
6 it, that it could not be considered by a judge. That is  
7 totally incorrect. This is the way most clerk's offices  
8 file -- the difference in what they filed and what you tried  
9 to file was Ms. Griffin and her office filed those exhibits.  
10 That's something they did within their office, and they  
11 attached their exhibits.

12 A lot of times, though, in Greenville, for instance,  
13 they don't accept it that way. And the clerk's office  
14 accepted those and put it as separate documents. That's  
15 totally permissible.

16 And whether it has a caption on it or not is not  
17 whether it's considered by a judge. That has nothing  
18 whatsoever to do with it. So once again, that is incorrect  
19 information that you have because I've considered whatever  
20 is filed. And whatever's filed, we consider. So I just  
21 wanted to point that out, that that was not some impropriety  
22 going on in the clerk's office, but that's just the way they  
23 file it when you come up to the window and file stuff.  
24 That's different than maybe Ms. Griffin in her office would  
25 file it from their office. Because when you e-file, you can

1 actually file it. They don't come here and let the clerk's  
2 office file it. Usually, when somebody's not represented --  
3 I just wanted to point that out that I don't -- you know,  
4 anything that you raised in that email, I didn't see  
5 anything that -- and I just wanted to express that, go ahead  
6 and let that -- all right.

7 Let me here from you, Mr. Pressly.

8 MR. PRESSLY: Yes, sir. My concern in that regard was  
9 that you had the complete filing in front of you.

10 THE COURT: I've got it. Yes. I've got everything  
11 that you have filed.

12 MR. PRESSLY: In looking over all the Court records on  
13 the published web site, almost all of them have the complete  
14 document all filed under the same filing whereas this is  
15 broken down into five different filings. And it was just  
16 different. That was the only concern I had that it would  
17 somehow impact which of this did you ---

18 THE COURT: And the difference is that that's the way  
19 they filed it from their office and this is the way the  
20 clerk's office filed it, which it's all still on the same  
21 system and I still have access to it all.

22 MR. PRESSLY: As long as you have the complete filing  
23 in front of you.

24 THE COURT: Right.

25 MR. PRESSLY: Okay. Your Honor, thank you. And as

1 Ms. Griffin has so eloquently explained and unfortunately  
2 has taken a lot of poetic license in explaining, some of the  
3 things she's mentioned were out of context with bits and  
4 pieces taken from different places and put together. But if  
5 the Court would indulge me, everyone on this side of the  
6 Court I'm sure knows everybody. I'm probably the only  
7 outlier here. So if you can indulge me 60 seconds I'd like  
8 to tell you briefly something about myself, if that's okay.

9 My name is Francis Hunter Pressly. I'm in my late 60s,  
10 a U.S. Navy veteran with children, grandchildren and  
11 great-grandchildren. I have a graduate-level degree of  
12 education. I'm retired and live in the same house that I  
13 lived in for 50 years. And I'm currently employed by the  
14 United States Postal Service.

15 I grew up in India and Pakistan on the mission field  
16 for 18 years with my parents, Dr. Francis Young Pressly and  
17 Dr. Sarah Hunter Pressly. My parents raised me in the  
18 church with a heart for the needy and the downtrodden. My  
19 father was a strong believer in the traditions of Boy  
20 Scouts, so I was trained to honor God and country, help  
21 others and follow the law. It's a very simple model to live  
22 your life by, and I'm trying to tell you this just to tell  
23 you where I'm coming from in life.

24 As an adult I embrace the JC organization code that  
25 service to humanity is the best work of life and came to a

1 better understanding of the motto of Mahatma Gandhi when he  
2 said service to mankind is the best form of worship.

3 I've contributed over a decade of pro bono work to the  
4 Innocence Project, most recent being an appointment as  
5 guardian and next friend, which is a legal mechanism that is  
6 not a friend of the Court as she described. Next friend has  
7 a specific meaning of one Garvin Duvall [phonetic]. I was  
8 reported -- I was appointed by the Honorable Cordell Maddox  
9 as is demonstrated in an email that's included with the  
10 packet that you have. Mr. Duvall was seeking an actual  
11 innocence exoneration by habeas corpus. Sadly, after  
12 12 years of incarceration, he passed away by heart attack  
13 months before his long-sought habeas petition was to be  
14 heard.

15 Now, I have several matters I'd like the Court to  
16 consider ---

17 THE COURT: Okay.

18 MR. PRESSLY: --- five in particular. The first two  
19 are something that we need to get past in order to open the  
20 door to allow me to comfortably speak regarding the other  
21 three.

22 The first order of business is a question of personal  
23 jurisdiction. I'm not a named party in this case, and the  
24 defense counsel has fought tooth and nail trying to pull me  
25 into this case by making baseless accusations of contempt of

1 court and claiming that I improperly contacted a named  
2 party, Themistoklis Economo, which they then tried to walk  
3 back later in a later filing and say, oh, well, he didn't  
4 try to contact the party. He spoke to his wife. Well, to  
5 say that a party, named party and not a named party are  
6 equivalent flies in the face of reason. But that's okay.

7 They made disingenuous claims that I have approached  
8 the bench on behalf of plaintiffs. Ms. Griffin gave you a  
9 very eloquent description of a hearing explaining what  
10 people did and said when she wasn't even present. So that  
11 will allow Your Honor to see that she has certainly borrowed  
12 from either what other attorneys have said or some other  
13 source. I don't know what. Because she wasn't there.

14 My presumption is that by these two mechanisms, they're  
15 attempting to use the long arm statute to pull me in as --  
16 and confer the Court's personal jurisdiction over me.

17 THE COURT: Just for your edification, long arm statute  
18 has to do with jurisdiction for out-of-state residents.

19 MR. PRESSLY: Well, I thought it was out of  
20 jurisdiction.

21 THE COURT: No.

22 MR. PRESSLY: Because I'm from a different  
23 jurisdiction.

24 THE COURT: Okay.

25 MR. PRESSLY: But that -- from where I looked, I mean,

1 that's the only reason I can think that they would be trying  
2 all this.

3 THE COURT: Okay.

4 MR. PRESSLY: Anyway, defense counsel has shown to be  
5 fairly loose with their subpoena power and tend to run over  
6 people if given the opportunity. So I really don't care to  
7 be bent to their will as they have shown themselves to be  
8 somewhat unscrupulous in their abuse of process. So I would  
9 certainly object to personal jurisdiction unless it is for a  
10 positive reason.

11 Now, her description of the next friend issue, my  
12 appointment as a guardian, I have experience with that.  
13 Judge Maddox trusted me to do that. I am not involved in  
14 this case to try and represent as legal counsel. I've made  
15 every effort in the world to issue disclaimers, to make it  
16 very clear. They don't believe I'm an attorney. I've not  
17 held myself up to be an attorney. I'm not practicing law.  
18 It makes it a little bit difficult to -- when there is no  
19 written rules regarding this to say exactly what the  
20 practice of law is.

21 Now, I know Ms. Griffin has stated that this is the  
22 practice of law and that's the practice of law. According  
23 to South Carolina Bar and the Supreme Court, there is no  
24 written rules or no written list of what the practice of law  
25 is. It has to be determined by studying case law and

1 rulings made by the Supreme Court. And in fact, the Supreme  
2 Court has reserved to itself as sole arbiter of the practice  
3 of law, what is the practice of law. Rule 11 gives us  
4 guidance saying that it's not within the purview of a  
5 district court to decide this, that it's solely the Supreme  
6 Court to make that determination.

7 Now, the second issue that probably needs to be  
8 addressed by the Court so that I feel more comfortable  
9 addressing the other accusations made by defense counsel is  
10 the question of treading here on a very thin line of the  
11 unauthorized practice of law. Clearly, it's the 500 pound  
12 gorilla in the room, and respecting the rule of law is  
13 absolutely my paramount priority in this.

14 Now, while I believe defense counsel's accusations are  
15 based on malicious prosecution in an effort to defame me and  
16 reduce my credibility, I'm reminded of the old debate team  
17 meme that if the facts are with you, argue the facts. If  
18 the facts are against you, attack the messenger. Well,  
19 they're definitely attacking the messenger in this regard.

20 For the first four years of this case, I worked under  
21 the guidance and supervision of a licensed attorney which  
22 was to my understanding perfectly okay. Your Honor heard  
23 the case before where Ms. Griffin subpoenaed certain  
24 documents showing the relationship between that attorney and  
25 myself. And upon reflection, she read a small portion out

1 of your order, but what she left out was the following  
2 sentence. Because in your order you said these emails and  
3 this communication and this are all subject to subpoena;  
4 however, all the rest of them are privileged. That  
5 statement by the Court indicated that there was a  
6 relationship between myself and that licensed attorney up  
7 until the moment that he was removed or asked to be removed,  
8 that I was subject to his supervision.

9 Now, then we have the elusive nature of the definition  
10 of the appeal. As I mentioned earlier, the South Carolina  
11 bar and the South Carolina Supreme Court have stated that  
12 there is no written definition that a layperson can refer to  
13 to know exactly what constitutes UPL. It's a combination --  
14 is it a combination of things? Is it one thing? Is it the  
15 full practice of law? What exactly makes one engaged in  
16 UPL?

17 The legal industry cannot claim everything regarding  
18 discussion, and there's a big difference between providing  
19 legal information and proving legal advice. Legal  
20 information could be what other attorneys tell you.

21 We have conferred with a lot of attorneys trying to  
22 find substitute counsel. I've searched high and low. I've  
23 gone to the bar, to their referral service, to pro bono  
24 services. I've searched high and low trying to find  
25 somebody who's willing to take this case on, but because of

1 its stench and background, nobody wants to get involved,  
2 which, I mean, any smart attorney who looks at the  
3 situation, looks at what defense counsel is doing to make  
4 the case onerous, they're not going to want to invest,  
5 particularly in a case that's based on contingency.

6 THE COURT: You don't think you've created any of that  
7 stench?

8 MR. PRESSLY: No, sir, I don't. I believe I've been  
9 the one that has pointed it out. I'm the whistleblower.  
10 I'm not creating this. I believe much of what she has told  
11 you is not the case.

12 THE COURT: Well, I mean, I've reviewed the record here  
13 regardless of what she's told me.

14 MR. PRESSLY: The record is made up of a majority of  
15 what they have filed.

16 THE COURT: Well, I've reviewed your records, stuff you  
17 filed.

18 MR. PRESSLY: Okay. So, you know, their rendition of  
19 the facts is very self-serving. It's not a, well, you know,  
20 we're just trying to protect the world and the public and  
21 this guy is just getting in our way. They have engaged in a  
22 lot of misconduct in this case that they would not do if  
23 there was an attorney who was across the bar from them.  
24 And, you know, that's clear. They have made claims that  
25 were disingenuous. They have made baseless accusations

1 regarding, for example, at the last hearing, you know, the  
2 way she laid out to you that I stood up in court and I said  
3 this, that is not what happened.

4 When we came into that hearing, myself and the Smiths,  
5 I come to give for moral support. And Judge Morgan asked  
6 who are you, and I introduced myself and explained that I  
7 was with the Smiths as support. I was their power of  
8 attorney. And I said are they going to be allowed to speak?  
9 He said no. We turned around, we went and we sat in the --  
10 in the galley. That was it. There was none -- all this  
11 other discussion she's saying about the back-and-forth and  
12 talking with the judge and talking with Darcy -- Darby Davis  
13 or the other attorney's name, none of that happened.  
14 Ms. Griffin wasn't there. She doesn't know. It's not on  
15 the record. She said it happened off the record. Well,  
16 okay.

17 Is her previous co-counsel -- which 95 percent of this  
18 show cause is all about facts relating to him and  
19 Themistoklis Economo. Well, that case has been settled.  
20 All that should be moot. Does she even have standing to  
21 continue on? I don't know. That's up to the Court and a  
22 legal thing. We would need an attorney to argue that.  
23 Problem is we can't find an attorney because they won't  
24 allow us the time.

25 Despite all this snafu of issues, every attorney we've

1 talked to that was interested in the case has said, look,  
2 this is an 11th hour case. It's extremely complex. We  
3 would be afraid of malpractice if we didn't have at least a  
4 year to unpack this. We can't -- for a contingency case, we  
5 can't just push all of our other cases aside and take on  
6 this case and put \$30- or \$40,000 into a defense.

7 And, you know, when we called and spoke with Trey  
8 Still, he didn't want to talk about the facts of the case.  
9 He wants plausible deniability as far as good-faith efforts  
10 in resolving it. But all he wants to talk about is how  
11 unrepresentable the Smiths are and how -- you know, how  
12 unpolished and, you know, just deterring them and souring  
13 them from wanting to take the case on.

14 Now, it's my belief that the defense counsel has raised  
15 this issue in an improper venue for this purpose. There is  
16 a mechanism. The South Carolina Bar has a UPL committee.  
17 Now, when they first raised this issue, I went out and got  
18 in front of them. And I sent the entire case off to the UPL  
19 committee to look at and to -- because I couldn't get  
20 advisement from anywhere else. I mean, everyone else you  
21 talk to whether it's in the Court or whether it's attorneys,  
22 oh, well, we can't get involved. We can't help you. We  
23 can't give you legal -- so laypeople really have nowhere to  
24 turn to except for two: the Court Administration to try to  
25 keep things on track or the Office of Disciplinary Counsel

1 when attorneys get out of sorts and step over the line as  
2 far as how they conduct the business.

3 Now, I did submit it to the UPL committee December 6,  
4 2023. The UPL committee read the case. And the feedback  
5 that they gave me was that the UPL committee does not give  
6 opinions about a case, but if it's warranted and they find  
7 that an attorney who is either not in good standing or from  
8 another state or some situation like that -- which,  
9 incidentally, if you read all the code in the laws and try  
10 to understand this, everything says if a lawyer does this.  
11 Nowhere in the code, if you look at the rules, does it say  
12 if a layperson does this. It's all referring to whether a  
13 lawyer does something. So that's -- that's very confusing  
14 to someone like myself trying to understand what you can or  
15 cannot do.

16 I've tried to couch all my words as opinion. I've done  
17 everything I can to avoid this appearance of trying to  
18 practice law. And as hard as I've been trying to find them  
19 an attorney, it's mostly just to keep -- because I've  
20 learned that by situations raised by defense counsel that go  
21 unanswered, get adopted as being fact which has happened in  
22 several instances already. And to deter that, you know, I  
23 discussed at length with the Smiths and tried to help them  
24 in -- as a scribe, as a typist. They don't have the  
25 skills to articulate what they want to say so I try to help

1 them in that regard just to help them protect themselves in  
2 our search for an attorney.

3 Now, the defense counsel has put an expert on the  
4 record. I don't know how much of an expert he is. I'm not  
5 sure if he's present or not. But that expert gave an  
6 opinion regarding this situation. And I don't know what  
7 qualifies him.

8 I guess he's usurped the power of the Supreme Court to  
9 be the arbiter of what UPL is. But he made no specific  
10 reference to any specific act that constitutes UPL.  
11 Ms. Griffin just named 25 things but didn't support it with  
12 a single code, law, statute or anything. That's just her  
13 opinion. I don't know that. I don't know if the Court  
14 knows that. I don't know if an attorney who would be  
15 sitting here would know that, because according to the South  
16 Carolina Bar and the Supreme Court, nobody knows that.

17 So by Mr. Virzi coming on and being an expert in this  
18 situation -- and notably, everything that he talked about in  
19 his affidavit, which is filed on record, has to do with  
20 filings that they made and statements that they made about  
21 what happened. He never once addressed what we said to  
22 controvert that or dispute that.

23 And he went on at length about how this was a practice  
24 of law and that was a practice of law, but then he himself  
25 as an expert, other than just naming the general rule that

1 no one will advocate or no one would do this or whatever, he  
2 never mentioned any specific law, code, case code, case law  
3 or anything to support the majority of what he said. So, I  
4 mean, for him to come in and be an expert, it's like calling  
5 an expert to come in and tell us about God. I mean, it's  
6 like, you know, testifying or coming in and being an expert  
7 about unicorns and leprechauns. I mean, we've heard about  
8 them, but no one's ever seen one.

9 So I don't know what qualifies him as an expert, and  
10 he's certainly not here to be questioned about that either  
11 by the Court or whomever. So I would ask that that be  
12 disregarded.

13 But we're at a juncture here where I think in order to  
14 move forward and talk about the other issues that the Smiths  
15 have to raise -- and incidentally, I have a letter here to  
16 you from them explaining why they did not appear today.

17 THE COURT: And I've got an email from them that they  
18 sent to the Court.

19 MR. PRESSLY: Okay. I don't know if -- Ms. Griffin, do  
20 you have a copy of this letter?

21 MS. GRIFFIN: (Shakes head negatively.)

22 MR. PRESSLY: Okay. Let me give you a copy of . . .

23 But their concern was that for them to appear today,  
24 that defense counsel would either accuse them -- as the  
25 named parties in this case, either accuse them of UPL or me

1 standing here next to them of me of UPL. We're in a no-win  
2 situation.

3 THE COURT: Well, a party can represent themselves  
4 without being unauthorized. That is authorized by law.  
5 That's different than somebody ---

6 MR. PRESSLY: Yes, sir. And I understand that.  
7 However, our issues are very separate. Theirs is their case  
8 which this whole mess with this show cause and contempt and  
9 everything has absolutely nothing to do with March 22, 2019,  
10 and the accident and the injuries.

11 THE COURT: And I think everybody would agree with you  
12 on that.

13 MR. PRESSLY: Okay. That's the whole separate issue.

14 So my issue of me being here is because they are  
15 claiming that I am trying to represent them when there's no  
16 clear instructions by the Supreme Court what that  
17 constitutes. And ---

18 THE COURT: Well, let me ask you this. Here's a prime  
19 example. I got an email from Ms. Smith -- Mr. Smith today.  
20 You know, there's been an answer filed in response to this  
21 rule to show cause on behalf of Michael and Mary Smith.

22 MR. PRESSLY: Yes, sir.

23 THE COURT: And did you type that up?

24 MR. PRESSLY: I did.

25 THE COURT: All right. And it is a very articulate,

1 very well-written document that is as good or better than  
2 most lawyers would prepare. And you say you were just a  
3 scribe. But I got an email from Mr. Smith that was almost  
4 incomprehensible and didn't have -- I mean, it wasn't even  
5 -- wasn't even coherent.

6 MR. PRESSLY: Yes, sir.

7 THE COURT: So that's ---

8 MR. PRESSLY: And therein lies -- therein lies why  
9 Attorney Smith had me because I had the time to spend hours  
10 and hours and hours talking to people.

11 THE COURT: But that's where you -- that's where you go  
12 when you blur the line. You go over the line of being an  
13 attorney-in-fact, and preparing a document for them to sign  
14 is the unauthorized practice of law.

15 MR. PRESSLY: Yes, sir. But I'm not signing that  
16 document and I am not representing them. They are ---

17 THE COURT: But you prepared it.

18 MR. PRESSLY: Yes, sir. But it's only as a statement  
19 of fact. It's not -- you see no citations of law, you see  
20 no legal -- legal opinions of -- you know, it's just  
21 statements of fact. Okay. And we don't know how else ---

22 THE COURT: Well, you make arguments in there.

23 MR. PRESSLY: Sorry?

24 THE COURT: You make arguments. Just because you  
25 didn't cite case law or statutes does not -- that's not what

1 determines whether practicing law or not. It's preparing  
2 documents on behalf of people and filing those documents and  
3 handling this matter for them. They could do this  
4 themselves and they could write something that's -- you  
5 know, we get those all the time. But when you start  
6 preparing documents, that's where you cross the line.

7 MR. PRESSLY: Well, Your Honor, I -- I don't think that  
8 that constitutes the practice of law. I think the practice  
9 of law is far broader as far as onboarding, doing research,  
10 doing -- you know, if any attorney in here went and all they  
11 did was type up letters, they would not have a practice of  
12 law. Okay. And as their attorney-in-fact, maintaining  
13 their records and keeping them abreast of what is happening,  
14 who said what, when, those are all part of other occupations  
15 as well. Okay.

16 THE COURT: Let me hear your side, because it's going  
17 to be up to me because we've got other matters that we've  
18 got to hear today.

19 MR. PRESSLY: Yes, sir. I understand.

20 THE COURT: And let me just kind of -- I feel like that  
21 this is the proper venue and jurisdiction. One, they've  
22 named you as respondent in this petition. You were named as  
23 a respondent. I believe that that and the fact that you  
24 just admitted you prepared this answer, I think you brought  
25 yourself into it whether they named you or not. So I find

1 that this is proper to hear this, and I ---

2 MR. PRESSLY: So you are inferring personal  
3 jurisdiction.

4 THE COURT: I feel like -- yeah. I feel like there  
5 is ---

6 MR. PRESSLY: All right. Well, that being said, I  
7 would ask the Court then the way that we can resolve all  
8 this is for you to appoint a guardian as they have asked and  
9 also the Smith's have asked. And ---

10 THE COURT: First of all, I don't think that they've  
11 requested a guardian be appointed.

12 MR. PRESSLY: Yes, they did.

13 MS. GRIFFIN: Your Honor, in the initial joint  
14 petition, we did as an alternative ground, somebody to  
15 protect the Smiths from Mr. Pressly's unauthorized practice  
16 of law. In the amended petition on the rule to show cause,  
17 we did not ask for that.

18 THE COURT: Okay. I guess I just read that. All  
19 right. Go ahead.

20 MR. PRESSLY: Changing oars in the middle of the  
21 stream, I mean, they had already asked for that and that's  
22 what I was referring to.

23 THE COURT: Okay.

24 MR. PRESSLY: They did not specify as they said to  
25 protect them from me. They just asked that a guardian be

1 appointed.

2 THE COURT: Okay.

3 MR. PRESSLY: The Smiths have also asked that a  
4 guardian in the form of a next friend, because I hold the  
5 informational base as the original investigator in this case  
6 under attorney Donald Smith, which is a whole story in  
7 itself which we can go into once the Court decides, you  
8 know, is it. ---

9 THE COURT: Well, we're just here to determine whether  
10 you ---

11 MR. PRESSLY: Is it in the best -- right.

12 THE COURT: Let's kind of stick to that. We don't need  
13 to get too far field.

14 MR. PRESSLY: Yes, sir. I understand.

15 But per the Smiths' request and also the defense  
16 counsel's earlier statement under a previous show cause,  
17 there's no reason or need to pillory me because of trying to  
18 help somebody when I've gone to such lengths to try and  
19 avoid that. Okay. And to pick out one thing of this and  
20 one thing -- there have been thousands of filings by them.  
21 And just this has gone on for five years. So, you know, for  
22 the first four years of it, and to be honest, even till this  
23 day I've never heard from Attorney Smith telling me, look,  
24 our agreement's off. These people don't know what was our  
25 oral conversations. They have what we have ---

1 THE COURT: Well, Mr. Smith's out of it now so there's  
2 no lawyer. So you've got to tell me why you haven't been --  
3 what you've done is not the unauthorized practice of law and  
4 what should I do about it if I determine that it is.

5 MR. PRESSLY: Well, it's not because the Supreme Court  
6 has said that there is no list of specific things that  
7 constitute it, so I don't know what you'd be drawing from to  
8 say that. I'm sure you have a reason. However,  
9 respectfully, sir, the Supreme Court has said that they are  
10 the only ones who are the arbiters and have jurisdiction of  
11 determining UPL.

12 Now, if you decide that they have given you sufficient  
13 justification to pillory me and to hurt me or to attack me,  
14 I mean, all we need to do is find an attorney and I'll go to  
15 China. I mean, I have no desire to be engaged in this case.  
16 I've done it mainly because of the prolific attack that has  
17 come from the other side here. And it's made me just feel  
18 sorry for these people that they're unable to speak for  
19 themself [sic] or do anything. And they're just being run  
20 over by a moneyed corporation with expensive lawyers that  
21 are -- clearly have been found wrong by South Carolina  
22 Highway Patrol and SCDOT, and they have no other defense  
23 other than to attack me and say, look, we just need to get  
24 him away and get him involved so that these people who have  
25 a sixth grade education cannot articulate their case.

1           THE COURT: Well, I mean, let me look at it this way.  
2           And I remember when I had this hearing before. And  
3           Mr. Pressly, this is where it kind of -- all right. Here is  
4           an individual that there was a big question is he working  
5           for Don Smith or was he not, and then, oh, all of a sudden  
6           it turns out that this individual is now the  
7           attorney-in-fact for these individuals, and this individual  
8           just happened to be a witness to the accident. That's a lot  
9           of coincidences that raise a lot of red flags.

10          MR. PRESSLY: Your Honor, you know what? In retrospect  
11          when you can look back all over that in the five seconds you  
12          just did, I understand that fully. I understand that better  
13          than anyone else. But you have to understand that this  
14          transpired over five years. Okay. When this accident  
15          occurred in 2019 till today, it's been five years.

16          THE COURT: Yeah.

17          MR. PRESSLY: And much of that happened years and years  
18          and years later. The two things that you just tied together  
19          in five seconds happened four years apart. Okay. So, I  
20          mean, retrospect and arm-chair quarterbacking is a luxury  
21          that we didn't have at the time. These things unfolded  
22          slowly. It began with them just denying that they even were  
23          conducting a work zone or denying they had workers present.

24          THE COURT: Again, let's stick to -- you know, then  
25          you've done -- you've sent letters that -- emails that you

1 sent to Ms. Herbkersman, and I realize they're not in it,  
2 that clearly are representing them and trying to negotiate a  
3 settlement. And then your emails that you sent to the  
4 Department of Public Services, I know you don't think that  
5 that's practice of law because you didn't cite case law and  
6 didn't cite statutes.

7 MR. PRESSLY: I did what any citizen could do.

8 THE COURT: On their own behalf. That's the  
9 difference. On their own behalf.

10 MR. PRESSLY: Except -- except that I held their power  
11 of attorney which allowed me to do anything as though I were  
12 them under the law. Okay. It's not ---

13 THE COURT: Okay. Except practice law.

14 MR. PRESSLY: It's not a -- it's not -- that is not a  
15 legal tribunal. Okay. That is -- that is something that is  
16 available to any citizen.

17 THE COURT: You don't have to -- it doesn't have to be  
18 with a legal tribunal to practice law. If you give somebody  
19 advice that's of a legal nature, whether you have a  
20 background to it or you have any basis, that is practicing  
21 law.

22 MR. PRESSLY: Yes, sir. Well, I believe that you're  
23 referring to legal information. And to be honest, a lot of  
24 what I say, in fact all of it are things that I've been told  
25 by the attorneys that I've spoken to. Okay. So to

1 regurgitate and repeat what an attorney has told me is not  
2 coming from in here. I don't have prior knowledge of that,  
3 you know. So it's told to me by a licensed attorney, and to  
4 repeat it to someone else ---

5 THE COURT: And when you repeat it, that means you're  
6 acting as a lawyer. That's the problem that you don't get.

7 MR. PRESSLY: Well, I don't see that codified anywhere.

8 THE COURT: Well, it's not going to be.

9 All right. We've got another matter at 2:30 so you've  
10 got to, you know, tell me what you need to tell me. I don't  
11 want to cut you off, but we're getting way afield on things  
12 we don't need to be talking about.

13 MR. PRESSLY: Yes, sir. I understand.

14 Well, you have to understand. I mean, I'm defending  
15 possible criminality here, you know. For them to bring  
16 something that has criminal consequences in a civil court  
17 is, you know -- you know, it can't be justified or  
18 rationalized at any level, to be honest, depending on what  
19 the Court does. I mean, I'm more than happy to back away  
20 from the situation. I don't have to be told, you know, that  
21 I'm being a pain in the tail. I know I am. But I feel like  
22 I'm doing it in -- I'm not getting anything for it other  
23 than the satisfaction of knowing that I'm helping somebody  
24 who can't help themselves. And if the Court wants to chastise  
25 me and tell me, hey, look, you're not supposed to be doing

1 that, they can't claim I've previously been told that. If  
2 they can show me on the record or any -- any transcript or  
3 anywhere that I've been told that other than by them, then I  
4 defy them to show me that. Because no one has said that  
5 or ---

6 THE COURT: And I read the transcript there. I mean, I  
7 kind of agree with you, kind of not totally. I think with  
8 Judge Morgan's transcript, he directed Mr. Smith and he --  
9 Mr. and Mrs. Smith and said, hey, Mr. Pressly may be your  
10 attorney-in-fact, but he can't represent you in some very  
11 general terms there.

12 MR. PRESSLY: And they understood that. And, you know,  
13 I'm just -- you know, if you think typing something up for  
14 somebody, preparing a document is a real -- you know, that  
15 -- I'm not quite sure how to address that because that could  
16 run the whole gamut of a lot of things.

17 THE COURT: Well, it depends. If you're typing just --  
18 if you're just being a transcriptionist just typing up what  
19 they're telling you, that's one thing. But when -- I mean,  
20 these words aren't their words. I mean, I've just seen the  
21 email from Mr. Smith.

22 MR. PRESSLY: Let me tell you -- let me tell you  
23 something in 2024, sir.

24 THE COURT: . Yeah.

25 MR. PRESSLY: Okay. They have learned text to speech

1 -- I mean speech to text. Okay. They can speak into a  
2 microphone and it transcribes text for them. They can then  
3 run through that through a GPT AI generator, and it cleans  
4 up and creates fabulous (indecipherable). So, I mean, the  
5 potential is there for them to produce things beyond their  
6 capabilities. However, I'm not going to try and fool you  
7 and say that that is the case in this situation.

8 THE COURT: Right.

9 MR. PRESSLY: But I'm just saying it can be done.  
10 Okay. And -- and to me, listening to their words and then  
11 putting it into, I mean, language that the Court understands  
12 that you said was so articulate and ---

13 THE COURT: Well, here's a quote. "We are unable to  
14 effectively convey the intricacies of the situation to any  
15 potential replacement counsel." I can bet you that Mr. and  
16 Ms. Smith didn't say that.

17 MR. PRESSLY: No, they didn't. They -- they said ---

18 THE COURT: And I'm not laughing at you. I'm just  
19 saying it's kind of ---

20 MR. PRESSLY: No, no. I understand. I mean, they  
21 probably said something like, well, we don't know how to  
22 tell them. Well, you know, just -- just because someone is  
23 articulate and can talk the talk doesn't mean they're trying  
24 to practice law. It means they're just trying to be  
25 understood. And that's all I've tried to do. I have not

1       tried whatsoever to try and be a lawyer. To be honest, I  
2       wouldn't be one if you paid me. I mean, no reflection, but  
3       I just couldn't deal with the stress.

4               THE COURT: I appreciate where you're coming from.

5               All right. Tie up whatever you need to tell me.

6               MR. PRESSLY: Okay. Well, in conclusion, I mean, I  
7       have three other issues but they are related to the case and  
8       I feel like I would be practicing law if I brought them up.  
9       So until we get over the juncture of determining if there's  
10      a possibility that you could see this mis-position in asking  
11      for a next friend, you know, at least that would gag me and,  
12      you know, pull me back which is what I'm sure what defense  
13      counsel wants. They just don't like a loose cannon in the  
14      works that is gumming up their case. Quite honestly, they  
15      -- in all of this and their expert and everything else, not  
16      once have they mentioned the case. This is all about them  
17      and their -- you know, this is all about them.

18              So none of this has to do with the Smiths, and I would  
19      ask that the Court would consider striking all of this,  
20      mine, theirs, everybody's to clean up their records to give  
21      them a chance of getting substitute counsel. That's not  
22      fair to them what's going on whether it's my involvement or  
23      with them making a beef with me or them being mad at me.

24              THE COURT: Well, there's no question, I think, then  
25      everybody would agree that getting counsel could help a lot

1 of things in this case. And I realize you've tried to do  
2 that. I mean, I agree with you.

3 MR. PRESSLY: But they will not take it because of the  
4 fact that they have published confidential things about ODC,  
5 about SCDOI, about reporting things to -- or, you know,  
6 suing for malpractice and, you know, all things that stink  
7 up a case that lawyers don't want to get involved in, and  
8 with them publishing all that including a confidential list  
9 of attorneys who the Smiths have conferred with, and there  
10 is a long list, to show good faith in trying to find an  
11 attorney. This is not about trying to accept, run our own  
12 case or whatever here. And if they're going to slice and  
13 dice words that I've said, well, my apologies. I certainly  
14 didn't mean for it to sound the way they're trying to make  
15 it sound.

16 Thank you.

17 THE COURT: All right. Any follow-up?

18 MS. GRIFFIN: Your Honor, just a couple comments.

19 With respect to the practice of law, there is a statute  
20 that specifically tells him that he is not allowed to  
21 practice law in any venue including with the SCDCPS. The  
22 practice of law is defined within case law which includes  
23 the giving of advice, consultation, explanation or  
24 recommendations on matter of laws.

25 So one thing you pointed out which is very apparent is

1 all the filings of the Smiths in the Court, which are  
2 voluminous, end with a line that basically says this  
3 document is our own thoughts and desires transcribed and  
4 made cogent by a scribe. It is the making cogent of their  
5 words that creates the practice of law in everything they  
6 filed with the Court because that is an explanation, so that  
7 requires an interpretation of what you're saying and then  
8 putting it in the context of a legal argument. That is  
9 where they are absolutely -- he is absolutely practicing  
10 law.

11 With respect to this idea that the defense attorneys  
12 have created a stench in the case, the initial document came  
13 from the Smiths' attorney, and that is when Mr. Don Smith  
14 withdrew as counsel. That has always been on the public  
15 record and that all -- it references Mr. Pressly's behavior  
16 there.

17 And then the order is issued allowing him to withdraw.  
18 They have plenty of time to get a new attorney. And we  
19 filed something on November 1st. So any documents have been  
20 filed post-November 1st, and a lot of them are filed by  
21 Mr. Pressly himself.

22 So this matter today needs to be addressed by the Court  
23 to prevent Mr. Pressly from doing any practicing of law in  
24 the future. I mean, if Your Honor wants to consider what he  
25 did in the past and sanction him or find something against

1 him, then that is what we are looking for.

2 But primarily, we are looking for can you please issue  
3 some type of order preventing him from continuing to do this  
4 into the future that we're not wrestling with him in order  
5 to get this case to move forward. Because we're not  
6 preventing this case from going forward. We would like to  
7 have our motion for summary judgment heard. We would like  
8 to try this case. But we cannot do that when the barrage of  
9 emails are coming on a regular basis from Mr. Pressly and  
10 Mr. Smith and sometimes within minutes of each other. So we  
11 ask that the Court just consider the petition, consider what  
12 the Court believes is a fair way to handle this for everyone  
13 involved and let us move forward with the case.

14 THE COURT: Okay. Any final brief word?

15 MR. PRESSLY: Your Honor, I think that they are more  
16 concerned that they have no other defense in this case than  
17 they are about what they're putting forward as to their  
18 motive when there is no clear indication in any of the cases  
19 that were included -- I mean the transcripts that a clear  
20 order was given to me or that I was told at any time prior  
21 to Mr. Smith being relieved as counsel.

22 And she mentioned his motion to be relieved as counsel.  
23 The Smiths were not allowed to respond to that. And, you  
24 know, Attorney Smith missed a statute of limitations filing  
25 date and several other acts of misconduct that were not

1 discussed, that were not mentioned in that motion that he  
2 filed. He just attributed it to interference from myself.  
3 Well, as their power of attorney, their being approached by  
4 Mr. Smith to sign a change of a retainer agreement giving  
5 him 75 percent of their settlement, and I told them, look,  
6 you've already signed an agreement with him. Okay. So he  
7 called that interference. You know, the whole story is just  
8 not being told when situations are brought out by defense  
9 counsel and by the previous attorney that are not permitted  
10 to be responded to. And that's what I've learned.

11 THE COURT: Right. And all I'm -- and again, I haven't  
12 looked any about the facts of this case. I don't really  
13 know what -- I haven't even looked at the complaint answer  
14 to know the extent of the claims or defenses. My goal here  
15 is to look at this petition for unauthorized practice of  
16 law. And my goal -- and I can tell you my goal is very  
17 simple, and that is to protect the integrity of this court  
18 and the integrity of our laws and at law whether there's  
19 been an unauthorized practice of law. That's my whole goal  
20 in this matter.

21 MR. PRESSLY: And I believe, sir, I agree with you  
22 100 percent. But I believe the legislative intent of the  
23 South Carolina code and also the rules promulgated by the  
24 South Carolina Supreme Court all seek to do the same.  
25 However, they do not -- they -- I'm sorry. I had a moment

1 there. But I believe because they have not codified it that  
2 it's very difficult for anyone on this side of the bench to  
3 know exactly what they're doing.

4 THE COURT: I mean, I understand where you're coming  
5 from.

6 MR. PRESSLY: So to be punished for that, you have to  
7 understand, my job at the post office is on the line, you  
8 know. This is far more reaching than what they're trying to  
9 present it as. So ---

10 THE COURT: Here's what I'm going to do. I'm going to  
11 look at this because this is not something we have come in  
12 every day, quite frankly.

13 MR. PRESSLY: And I understand. And I have tried to  
14 research it, find it, and it's not something that I read  
15 anything more about.

16 THE COURT: I'm going to take it under advisement, let  
17 y'all know what I come up with.

18 Now, also, I know that this is on the trial docket  
19 coming up. I will let y'all know that I believe, in light  
20 of some of the prior proceedings, the chief administrative  
21 judge is Judge Morgan. I believe he's recused from being  
22 involved in this matter any further. As the chief  
23 administrative judge for General Sessions, therefore, it  
24 defaults to my office for any chief administrative  
25 procedures, for instance, I guess to determine whether this

1 matter will be on that April -- I thought I saw -- was it  
2 April the 8th? Is that when you have it? That's what it's  
3 set for now.

4 MR. PRESSLY: Judge Kinlaw.

5 THE COURT: Right. But again, that's something as  
6 chief administrative judge now, I'll be the chief  
7 administrative judge for purposes of anything dealing with  
8 this case. So anything that needs to be addressed to the  
9 chief administrative judge, then that would be sent to me.

10 MS. GRIFFIN: Thank you, Your Honor.

11 MR. PRESSLY: The Smiths need help getting a lawyer.

12 THE COURT: Well, there's no question about that.

13 MR. PRESSLY: And I appreciate that. Thank you, Your  
14 Honor, for hearing me and giving me the opportunity to  
15 defend myself. Thank you so much.

16 THE COURT: All right. Go deliver your mail.

17 MR. PRESSLY: Yes, sir.

18 MS. GRIFFIN: Your Honor, just with respect to the  
19 motion for summary judgment, we ask that that be heard  
20 before the case is set for trial to see if there's an  
21 opportunity to have the case ---

22 THE COURT: Let me look at -- what I will do is I'll  
23 look at it and I will ---

24 MR. PRESSLY: Your Honor?

25 THE COURT: Yes.

1 MR. PRESSLY: A response to that motion needs to be  
2 made because there are oodles of material issues of fact  
3 that are in dispute, and they don't address that. But we  
4 don't have an attorney to present that.

5 THE COURT: I understand.

6 MR. PRESSLY: So, I mean, that can't be pushed and  
7 rushed because ---

8 THE COURT: And unfortunately, on the civil side, we  
9 don't have the authority to appoint an attorney like we do  
10 on the criminal side.

11 MR. PRESSLY: Well, I understand that. But you can  
12 certainly clear the way up to make it more ---

13 THE COURT: All right. Let me look at it and I'll let  
14 y'all know what I come up with.

15 (WHEREUPON, proceedings concluded at 2:38 PM.)  
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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 7th day of March, 2024.

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

March 31, 2024

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

STATE OF SOUTH CAROLINA  
COUNTY OF PICKENS

) IN THE COURT OF COMMON PLEAS  
)  
) THIRTEENTH JUDICIAL CIRCUIT

MICHAEL and MARY SMITH  
VS.  
THEMISTOKLIS ECONOMOU, et al

) NO. 2021-CP-39-00329  
)  
) TRANSCRIPT OF RECORD  
)  
) Motions

B E F O R E:

THE HONORABLE JESSICA ANN SALVINI, JUDGE

DATE: Monday, January 27, 2025  
Pickens, South Carolina

A P P E A R A N C E S:

MICHAEL SMITH, PLAINTIFF

Pro Se

CATHARINE GARBEE GRIFFIN, ESQUIRE

Attorney for the Defendant King Asphalt, Inc.

Reported by: Cathy J. Provost, RMR, Official Court Reporter

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(No witnesses called.)

INDEX TO EXHIBITS

IDENTIFIED: ADMITTED:

(No exhibits marked.)

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COURT REPORTER LEGEND:

- dash -- intentional/purposeful interruption; change in thought
- ellipses ... trailing off
- [ph] phonetically written
- [sic] written as said
- [indiscernible] unable to be understood

-- P R O C E E D I N G S --

1  
2 THE COURT: We are here in the matter of Michael Smith and  
3 Mary Ann Smith versus King Asphalt, Inc., et al. This is Case  
4 No. 2021-CP-39-00329. I have plaintiff, Mr. Smith, present.  
5 He's self-represented. I have defense counsel present.

6 This is on the court's docket for plaintiffs' motion for  
7 summary judgment, the Smiths' opposition and their motion for  
8 summary judgment, and I've been handed up the defendant's  
9 memorandum in support of their motion and in opposition to the  
10 Smiths.

11 So I think what I'd like to do is let's start with some  
12 argument, because it will take me some time to read through this  
13 this afternoon. So I am happy to hear from you. Let's start  
14 with your motion since it was docketed first.

15 ATTORNEY GRIFFIN: Yes, Your Honor. Catharine Griffin for  
16 King Asphalt, Inc., the only remaining defendant in this case.

17 THE COURT: I saw that.

18 ATTORNEY GRIFFIN: Yes. So first I want to point out,  
19 because this is the second or third time it's happened, that  
20 Mrs. Smith is not here today. Since these plaintiffs are  
21 representing themselves, Mrs. Smith has failed to appear and so I  
22 think for that reason, that her motion for cross-motion for  
23 summary judgment should be denied, and also the motion that I had  
24 filed seeking summary judgment on behalf of King Asphalt should  
25 be granted as to Mrs. Smith because she has failed to appear at

1 the hearing today and she was properly noticed to come today.

2 Mr. Smith is not allowed to represent her as his wife, so  
3 having said that --

4 THE COURT: I'll take it under advisement and I'll consider  
5 that. But then, Mr. Smith, tell me why your wife isn't present.

6 THE PLAINTIFF: She's sick today.

7 THE COURT: Okay. All right. I'll take that into  
8 consideration, the fact that the reason you're telling me she's  
9 not here is because she's sick.

10 But, all right, yes, ma'am.

11 ATTORNEY GRIFFIN: Okay. Your Honor, this motion for  
12 summary judgment has been filed broadly on the basis that the  
13 plaintiffs cannot meet their burden of proof and prove negligence  
14 against King Asphalt because they need expert testimony.

15 So to just give you some background as to this case, this  
16 arises out of an accident which happened back on March 22nd,  
17 2019. And in that accident Mr. Smith, who's here today, was  
18 driving a moped on Highway 8, and his wife, Mrs. Smith, was a  
19 passenger on the back of the moped.

20 On that day -- it's not disputed -- King Asphalt had  
21 previously milled the pavement on Highway 8 so they had removed  
22 asphalt, and then they were coming back on that particular day  
23 and replacing asphalt which was in the right lane, or outside  
24 lane, so the inside lane was already milled, and so there was a  
25 differential in the two lanes.

1           On that day Mr. Smith had gone with his wife to go get some  
2 things that they needed that day, and when they were driving back  
3 the traffic was backed up behind them because the right lane had  
4 been closed according to DOT specifications to do the new  
5 asphaltting.

6           And so at the end of the day when the asphaltting was  
7 completed up to the point where they were planning to stop that  
8 day -- and all of this was approved by DOT and inspected by the  
9 DOT -- they then remove what was a lane closure. So the lane  
10 closure is put in place according to SCDOT specifications, and  
11 when they put it in place they put a taper in so that you direct  
12 the traffic away from the closed lane to protect the workers who  
13 are in the closed lane.

14           So when you take the taper off of a lane what you do is you  
15 start at the backside and you go from, in reverse, so King  
16 Asphalt's truck was heading against the traffic in the right lane  
17 picking up the cones. As they were picking up the cones, then  
18 the testimony is that the cars could move over to the right lane  
19 which had previously been closed. So now we have a newly  
20 asphalted right lane and an inner milled left lane.

21           Mr. Smith was on his moped in the inner lane/left lane. The  
22 defendant who has already settled, Mr. Economou, moved his car  
23 either from the left lane or had already been in the right  
24 lane -- I'm not sure, but it doesn't really matter for the  
25 purposes of this motion -- he ends up in the right lane after the

1 cones have been removed. When he is in the right lane then  
2 Mr. Smith either stops completely, according to his testimony and  
3 according to the complaint, or gator walks his moped, according  
4 to Mr. Pressley, an eyewitness who's here in the courtroom today,  
5 or proceeds across into the right lane. When he proceeds into  
6 the right lane, whether it's after he stopped, or after he gator  
7 walked, or whatever happens, he is in a collision with the car  
8 driven by Economou.

9 So those are kind of the facts that are the background of  
10 what happened on that day.

11 In this case you'll see in the memo and in the over-450  
12 pages filed by the plaintiff that there is a lot of discussion  
13 about the DOT standards, the applicable standards for road  
14 closures, the applicable standards for signage, the applicable  
15 standards for how much asphalt needs to be on the road, and what  
16 the lane differential can be between a milled lane and an asphalt  
17 lane.

18 So the only testimony with respect to any of those issues  
19 which are now raised by the plaintiff comes from the King Asphalt  
20 witnesses and the South Carolina DOT witnesses, and what they all  
21 say is that they had properly installed all the permanent  
22 construction signs. So they would have been put in at the  
23 beginning of the project notifying the public, hey, there's a  
24 construction zone here, be careful in this construction zone,  
25 uneven pavement, the speed limit may or may not have been

1 reduced -- that was an issue with Mr. Economou's case -- but  
2 those are the permanent signs. And then King Asphalt, when they  
3 do a lane closure, according to the DOT, would have done  
4 temporary signs in addition to these cones, or delineation  
5 devices.

6 So that is the only testimony with respect to what their  
7 complaint is that there wasn't proper signage and we didn't have  
8 any notice that the lane had been closed and it was really  
9 confusing to us. So the part that they claim was really  
10 confusing is that they say, well, you had a truck going in the  
11 opposite direction down the highway picking up the cones, and we  
12 didn't realize essentially the lane would be reopened so we had  
13 no idea to know that Mr. Economou was in the right lane. Well,  
14 that also is not supported by any expert testimony.

15 The only testimony that supports how you open a lane closure  
16 is from the King Asphalt people and the DOT people, and they say  
17 this is the way we always open the lane closures, a temporary  
18 lane closure, is we go in reverse, and we go from where the lane  
19 had been last asphalted back to where it was tapered off. So  
20 they have no evidence from any expert with respect to that issue.

21 Then the next issue that they have raised is that somehow it  
22 is within the knowledge of Mr. Smith that you can calculate the  
23 lane differential between the right lane and the left lane by  
24 looking at a DOT document and then using mathematics to then say  
25 you didn't meet the specifications, King Asphalt, based upon my

1 simple math and the DOT standards.

2 So with respect to that, it is not simple math; it requires  
3 expert testimony. So whoever wrote this brief, because you have  
4 to believe that Mr. Smith, who is here today, didn't have a hand  
5 in writing the brief because it is very literate, and the  
6 most-recent filing last week said he's completely illiterate and  
7 he cannot read, so somebody else wrote this brief.

8 Whoever wrote the brief says that, well, all of these issues  
9 have to be within a layperson's knowledge, so a layperson should  
10 be able to, one, identify where the accident occurred, because  
11 there's a very long description within the plaintiffs' motion  
12 about if you measure from the last station, or the beginning  
13 station, for the construction project and then you measure back,  
14 then you would have been at this area on Highway 8, and then we  
15 would have known the accident would have occurred around in that  
16 area based upon a video. Okay.

17 Well, that is all not opinion testimony that a layperson can  
18 give; that is all subject to expert testimony, an expert who  
19 would have to opine on the distances, opine on exactly where this  
20 accident occurred, and then once you get to the location of where  
21 the accident occurred, which there's no evidence of, then the  
22 next thing they have to do is say, okay, what was the condition of  
23 the road in that area.

24 So what we have is -- it's not disputed -- it was milled in  
25 the left lane, and it was higher in the right lane where the new

1 asphalt had been placed, and the DOT regulations allowed for that  
2 lane differential by up to two inches. And so the testimony from  
3 the King Asphalt people, the DOT people, is that it was within  
4 specifications on that day because the DOT workers, inspectors,  
5 and there are two of them that are on every project, they allowed  
6 the roads to be reopened that day and there was no dispute about  
7 there is an issue here with what you're looking at, is the  
8 intersection.

9 So where there's a junction between the milled lane and the  
10 asphalt lane, and then the shoulder is an issue, like what is the  
11 drop-off on the shoulder if you get too close to the edge and  
12 would that be unsafe for the motoring public.

13 So Mr. Smith, or whoever drafted this document, calculated  
14 that, oh, the lane differential was 2.16 inches based upon my  
15 calculations, based upon the information I have. That is not  
16 something a layperson can do. It requires way more expertise  
17 than simple mathematics. It requires that somebody actually have  
18 the knowledge to do these calculations, and it probably requires  
19 something more than calculations.

20 It probably requires that an expert go out to the scene,  
21 they could have gone, back at the time they could core [ph] the  
22 area that we're talking about. Once you figure out where the  
23 accident took place, you can core in the area where it happened,  
24 determine what the differential was, and then you have to next  
25 say this uneven lane, that is acceptable in road construction by

1 SCDOT, caused Mr. Smith to lose control of his moped on that  
2 particular day. So you have to take it another step.

3 There is absolutely no testimony that they have provided  
4 that supports any of those theories for the plaintiff, so their  
5 arguments fail and should be rejected.

6 Now, I'll point out to you -- also I put it in my memo -- a  
7 couple of the cases cited by the plaintiff, Mr. Smith, don't even  
8 exist. One of them doesn't exist at all, I don't know if it's a  
9 ChatGPT case, and one of them stands for some proposition that it  
10 doesn't stand for when you read the case law.

11 The other cases they cite have to do with, like, a medical  
12 malpractice situation where the court applied a common-knowledge  
13 exception where it's, you know, if you cut off your left arm then  
14 you should have cut off the right arm. That's pretty common,  
15 you, know, you cut off the wrong arm. But we don't have that  
16 kind of a case here.

17 We have a case that's highly technical that requires the  
18 knowledge of people who understand road construction, understand  
19 the specifications of the South Carolina DOT, how our contract  
20 works under the South Carolina DOT specifications, and then even  
21 requires an accident reconstructionist to go out there and place  
22 where this accident took place.

23 So in this case, when you try to elevate it to a higher  
24 level than the 457 pages filed by Mr. Smith, it is a simple  
25 failure of proof. They cannot prove their case. They cannot

1 bootstrap anybody's opinions, layperson's opinions based upon  
2 their interpretation of the documentation that's been provided in  
3 discovery in this case, they cannot bootstrap that into an issue  
4 of fact for the Court then to consider to deny the motion for  
5 summary judgment.

6 It has to be considered from a legal perspective which  
7 requires that these Smiths present expert testimony as to all of  
8 these issues, and without any expert testimony then their case  
9 fails and this Court should grant our motion for summary  
10 judgment, dismiss their case, deny their motion, and allow this  
11 entire case to end.

12 There are some other motions that they brought that I'm not  
13 sure that I need to address any of them that have to do with  
14 things that are on the record or other things that Mr. Smith may  
15 want to address, but I'll just leave it at that for my motion for  
16 summary judgment and in opposition to their cross-motion for  
17 summary judgment.

18 THE COURT: All right. Mr. Smith, do you know the standard  
19 that I have before me is I have to determine whether or not there  
20 is a genuine issue of material fact in this case. And their  
21 position is, based on all the discovery that you all have done --  
22 and now I've got some copies of the deposition transcript showing  
23 what the testimony is, is that -- and I've got your complaint in  
24 front of me and I'm looking at the causes of action against King  
25 Asphalt, but that one of the primary things that you and

1 Mrs. Smith allege is that SCDOT work zone traffic control  
2 guidelines were not complied with.

3 But I also have the testimony now in front of me, and I'm  
4 going read it, of Joshua Makison who's a district construction  
5 engineer for SCDOT who disagrees with you, and King Asphalt who  
6 disagrees and has provided to me what the standard is that they  
7 are to follow and that they did, in fact, follow that standard.

8 And so their argument is that because there is no expert  
9 other than you just making a bold allegation that they didn't  
10 follow it when she's provided to me evidence that they have,  
11 means you can't meet your burden of proof as to the allegations  
12 against King Asphalt, and that in order for you to be able to  
13 move forward, you would need some type of expert testimony  
14 because you all have done depositions, you've pretty much  
15 concluded the discovery process.

16 So that tell me why I shouldn't agree with her and dismiss  
17 your case since you all don't have an expert?

18 THE PLAINTIFF: I don't know what you're saying.

19 THE COURT: All right. So, Mr. Pressley, you can't help  
20 him, because if he doesn't have an attorney -- and I saw that he  
21 was previously represented by Mr. Smith -- what I will do is I  
22 will speak up.

23 So, Mr. Smith, can you hear me if I speak up?

24 THE PLAINTIFF: This is better.

25 THE COURT: Is that better?

1 THE PLAINTIFF: Yes, ma'am.

2 THE COURT: Okay. What I'm asking you is is to tell me your  
3 position. Their position, King Asphalt's position, is that you  
4 all have completed deposition testimony, they pulled the SCDOT  
5 guidelines, the district construction manager -- and I hope I'm  
6 saying his position correctly -- indicates that King Asphalt  
7 followed all of SCDOT's guidelines when they were milling the  
8 road, and how they did their signage, that they found no defect  
9 in what they did.

10 And so their position then is you're claiming that they  
11 didn't follow those guidelines, or that they did something that  
12 wasn't in accordance with the standards required to mill a road  
13 and to do the construction that they were doing and so,  
14 therefore, you would need an expert to come into this court and  
15 say they made a mistake somewhere because you allege that, as a  
16 result of what they did, that they didn't follow the guidelines  
17 and, therefore, somehow that proximately caused the injury to you  
18 and Mrs. Smith.

19 And I'm asking you to tell me your position. And you can  
20 tell me that you don't have any argument, you just want to rely  
21 on your brief. I have it. She's correct, it's over 400 pages if  
22 I take into consideration the exhibits. If you're just relying  
23 on that, that's okay, but we are here for argument. So is there  
24 anything you want to tell me?

25 I'm a judge that reads everything. She handed up her

1 memorandum. I haven't had a chance to read it because she just  
2 handed it to me, so I am going to take it under advisement and  
3 now look at everything together, but is there anything that you  
4 think you need to tell me?

5 THE PLAINTIFF: I [indiscernible].

6 THE COURT: Say it again.

7 THE PLAINTIFF: I can bring up this statement here.

8 THE COURT: Is this something that's new that you haven't  
9 filed yet?

10 THE PLAINTIFF: Yeah. No, ma'am, I don't really know.

11 THE COURT: Was that filed?

12 THE PLAINTIFF: I think it was in my, in my documents sent  
13 to her to show it to the --

14 THE COURT: Okay. Well, let's show it to counsel, and let's  
15 see what her position is. You don't need to hand it my court  
16 reporter yet. I want counsel for King Asphalt to look at it  
17 first. If there's something more you want her to take a look at,  
18 I want to see what her position is.

19 ATTORNEY GRIFFIN: Okay. Your Honor, this is not part of  
20 this filing.

21 THE COURT: Okay.

22 ATTORNEY GRIFFIN: But I think he was intending to read it  
23 to you out loud.

24 THE COURT: Is that correct, Mr. Smith, --

25 THE PLAINTIFF: I'm going to try --

1 THE COURT: -- that you want to read it to me?

2 THE PLAINTIFF: I'm going to try to.

3 THE COURT: Okay.

4 THE PLAINTIFF: The Defendant, King Asphalt, Incorporated,  
5 violated South Carolina law by failing to properly mark the work  
6 zone of a lane where it tapers at 2.16 inches,  
7 while [indiscernible] --

8 THE COURT: Okay. So let me stop you there, Mr. Smith.  
9 That is the issue. So she indicated that King Asphalt's position  
10 and SCDOT's position is that they did the two inches that were  
11 required by SCDOT's guideline. I read that before I got here.

12 And her position is is that how is it that you know, or how  
13 is it that you can prove, that they have did it in addition, more  
14 than two inches? How is that possible if you don't have someone  
15 who is an expert to say it? What are you going to base the  
16 evidence on?

17 THE PLAINTIFF: Just the high place in the road where I run  
18 into.

19 THE COURT: Okay. Did you go out there and measure it?

20 THE PLAINTIFF: No, ma'am.

21 THE COURT: Okay. That is the issue she's raising, is she's  
22 saying you, as the person that was injured and/or your wife,  
23 didn't go out there and measure it and SCDOT and King Asphalt  
24 did, and there's no evidence to contradict their position that it  
25 was within the two inches that were required by the guideline.

1 Did you intend to hire an expert?

2 THE PLAINTIFF: No, ma'am.

3 THE COURT: Okay. All right. You can finish reading it,  
4 but that's the issue that I've got to focus in on, is her  
5 position is there's nothing to contradict SCDOT and King Asphalt  
6 and, therefore, you can't prove your case. I'm not saying that  
7 that's true and correct but that's their position.

8 So if you want to finish reading that, you can, but I want  
9 to make sure you understand that that's what they're arguing.  
10 That was her oral argument. I want to read her memorandum  
11 because I'm sure she's going to go into the law that there has  
12 been no genuine issue of material fact because you have nobody  
13 that can say it other than you just saying it had to be because  
14 there was an accident. Does that make sense?

15 THE PLAINTIFF: Yes, ma'am.

16 THE COURT: Okay. I think this is what we should do. As to  
17 your motion for me to make a finding that Mrs. Smith's failure to  
18 appear here today would require me to grant your motion and deny  
19 her motion, that's denied because I am going to rule based on the  
20 briefs. They filed -- because they're husband and wife, they  
21 filed a 400-and-some page memorandum opposing and asking me for  
22 summary judgment. Because I'm going to find she's sick, and I'm  
23 going to rule on the briefs because she just waives her right to  
24 come and present argument.

25 Mr. Smith is relying on his brief and his initial

1 statements.

2 So what I'm going to do is I'm going to rely on the record  
3 before the Court. I've been handed up the memorandum that  
4 counsel gave me, along with, it looks like I have, SCDOT's  
5 guidelines, and along with the deposition transcripts. I'm going  
6 to read through all of those and then make my decision as to  
7 whether or not I'm going to grant her motion or grant you all's  
8 motion. All right.

9 THE PLAINTIFF: Okay.

10 THE COURT: Okay. Do you have questions for me, Mr. Smith?

11 THE PLAINTIFF: No.

12 THE COURT: Okay. Because I read everything.

13 THE PLAINTIFF: Okay.

14 THE COURT: Then what I'm going to do is I'm going to issue  
15 an order that indicates what the position is --

16 THE PLAINTIFF: Okay.

17 THE COURT: -- of the Court. If I grant her motion -- I  
18 know you filed something that indicated you wanted me to make  
19 specific findings -- I will do a Form 4 that has some specific  
20 findings, but I will ask counsel to draft a more detailed order.

21 If I deny her motion and I grant yours, I will draft the  
22 order myself. Do you understand?

23 THE PLAINTIFF: Yes, ma'am.

24 THE COURT: If I grant her motion and I ask her to draft it,  
25 I will ask her to email it to me.

1 So do you have an email address for him?

2 ATTORNEY GRIFFIN: Yes, Your Honor. I would like for you to  
3 ask him if he reads the emails I sent him.

4 THE COURT: Okay. Mr. Smith, do you read the emails that  
5 counsel sends you?

6 THE PLAINTIFF: [indiscernible] some.

7 THE COURT: You read some?

8 THE PLAINTIFF: [indiscernible] some.

9 THE COURT: Okay. Does somebody read them to you?

10 THE PLAINTIFF: I have a problem reading.

11 THE COURT: Say that again. I couldn't understand.

12 THE PLAINTIFF: I have a problem reading and seeing them  
13 [indiscernible], seeing [indiscernible].

14 THE COURT: All right. Well, then this is what we're going  
15 to do. Just upload it to my queue. If I grant your motion and  
16 direct that you issue the order, just upload it to my queue.

17 And then if -- Mr. Smith, I'm not saying I'm granting her  
18 motion, but then if you have an objection you can always file a  
19 motion to reconsider or an appeal, but nevertheless I'm not  
20 saying I'm granting it. I'm still going to do what I'm telling  
21 you. If I grant yours, I will draft the order based on it  
22 appears you're having some difficulty.

23 THE PLAINTIFF: Okay.

24 THE COURT: All right. Questions for me, Mr. Smith?

25 THE PLAINTIFF: No, ma'am.

1 THE COURT: Counsel, anything else we need for the record?

2 ATTORNEY GRIFFIN: No, Your Honor.

3 THE COURT: Okay. All right. Then that's what we're going  
4 to do. I'm going to take it under advisement, because you all  
5 gave me quite a bit to read.

6 I hope to have my decision for you probably the end of this  
7 week, beginning of next. I never like to sit on anything; I like  
8 it when it's fresh in my mind. Okay.

9 THE PLAINTIFF: Thank you.

10 THE COURT: Okay. Then that will conclude our hearing.

11 THE PLAINTIFF: Okay. Thank you.

12 (End of Transcript of Record.)

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STATE OF SOUTH CAROLINA

COUNTY OF PICKENS

Michael and Mary Smith,

Plaintiffs,

vs.

Themistoklis Economou and King Asphalt Inc.,

Defendants.

IN THE COURT OF COMMON PLEAS  
FOR THE THIRTEENTH JUDICIAL  
CIRCUIT

2025 JUL 11 PH 4:28

PICKENS COUNTY  
SOUTH CAROLINA

CASE NO.: 2021-CP-39-00329

**CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this **NOTICE OF FILING TRANSCRIPTS** (and (2) two Transcript Exhibits) were served upon the following counsel of record:

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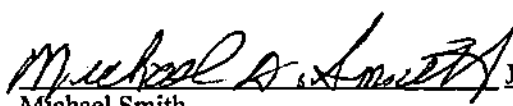
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Respectfully submitted,

  
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