

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

David Voros and Alexandra Stasko,

Plaintiffs,

v.

Allison Dunavant,

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Civil Action No. 2022-CP-40-01390

**ORDER DENYING MOTION TO
QUASH DEPOSITION SUBPOENA**

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Jan 21 2026

SC Court of Appeals

THIS MATTER came before the Court on August 20, 2025, for a hearing upon Third Party Mandy Matney’s Motion to Quash a Subpoena issued by the Plaintiffs for her deposition testimony. Present and appearing at the hearing were counsel for all parties and counsel for Third Party Mandy Matney (hereinafter “Matney”). Matney asks the Court to quash the deposition arguing that (1) she is shielded by S.C. Code § 19-11-100, (2) she faces an undue burden under Rule 45(c)(3)(A)(iv), SCRPC, (3) her testimony lacks relevance, and (4) that a videoconference deposition cannot be compelled because she lives more than 100 miles from Columbia. After consideration of the filings of the parties, the pleadings, and the arguments presented by counsel at the hearing, the Court denies the Motion to Quash for the reasons set forth herein.

FACTUAL BACKGROUND

In December of 2020, Matney, while employed by FitsNews, authored a series of stories relating to the Plaintiffs that they maintain were defamatory. Critically, for the purposes of this Motion, Defendant Allison Dunavant provided an interview to Matney in December of 2020, and Dunavant was quoted by Matney as the source for many of the alleged defamatory statements. Plaintiffs contend that Dunavant now denies stating many of the material allegations reported in the Matney articles. Plaintiffs seek to depose Matney to establish, *inter alia*, whether the

statements were made by Defendant Dunavant to her and to establish facts regarding the subsequent publications by Matney and FitsNews.

Matney was originally named as a Defendant in this action for her role in the continued republication of these false and defamatory statements where Plaintiffs' alleged that exculpatory information existed and was available in public filings, that was not included in any of the Matney articles. Plaintiffs' claims against Matney were dismissed by prior Order dated July 14, 2023, based upon First Amendment and Fair Reporting Privileges. However, that Order does not limit her role as a witness to the claims proceeding against Dunavant, particularly where there may be a factual dispute about whether Dunavant said many of the defamatory statements to Matney that were ultimately published.

LEGAL STANDARD

Under the South Carolina Rules of Civil Procedure ("SCRCP") parties are entitled to request and shall receive from third-parties information reasonably related to the current suit unless it is privileged or protected information. Rule 45(c)(3)(A)(iii), SCRCP. This broad allowance to obtain information follows Rule 26(b)(1), SCRCP which similarly allows discovery "regarding any matter . . . which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party." In the interest of full and complete discovery process, a motion to quash shall only be granted if it meets an enumerated circumstance:

- (i) fails to allow reasonable time for compliance; or
- (ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a

person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

Rule 45(c)(3)(A)(i-iv), SCRCP. Matney has not demonstrated that the discovery sought should be quashed under the governing rules.

The Reporter's Privilege

Matney argues that the subpoena must be quashed under South Carolina's Reporter's Privilege law, codified by S.C. Code § 19-11-100. Importantly, the statute provides for a qualified privilege from "disclosure", which is not a blanket shield against all discovery. Plaintiffs argue that they do not seek the "disclosure" of any new information, but rather confirmation and authentication of what has already been disclosed by way of the publications at issue. South Carolina courts have construed this privilege narrowly. *See Decker, Matter of*, 471 S.E.2d 462, 464, 322 S.C. 215 (1995) (finding that "even were we to find the reporter's shield law applicable to the present case, we find the trial court complied with the three-prong inquiry set forth therein".)

Other than stating that she was a journalist employed by FitsNews, Matney has not explained how the qualified privilege against "disclosure" would prevent her from being deposed in this case. Instead, she seeks blanket protection against being compelled to testify as to information obtained in the process of newsgathering. It appears that much of information sought has already been published, and the sources previously identified in discovery by Matney, or by other parties to the case.

Even if the Court construed the statute to apply under S.C. Code Ann § 19-11-100, a court may compel testimony or disclosure of information if the party seeking it shows: (1) the information is

highly material and relevant; (2) cannot be reasonably obtained by alternative means; and (3) necessary to the proper preparation or presentation of the case. Decker, 471 S.E.2d at 462. Given the allegations made by the Plaintiffs, and Matney's role as a witness to Dunavant's statements and claims, this standard is met.

There is no dispute that Matney authored certain articles at issue and highly relevant to this case. The Court agrees that Plaintiffs may not be able to fully develop certain elements of their claims of defamation related to the statements made in the interview without Matney's testimony, as Dunavant, the only other party to those phone conversations, has now denied certain of these statements that appeared in the Matney articles. It appears that no other witness can provide the same witness testimony relating to Matney's firsthand observations in connection with these phone calls, where there were only two parties to those calls. Matney has not pointed to any confidential sources or information that may be implicated by the statute. The discovery sought appears reasonably calculated to lead to the discovery of relevant information and necessary for the proper presentation of the case. Thus, the Court concludes that S.C. Code § 19-11-100 does not provide blanket protection for Matney providing deposition testimony in this case, and even if it were applicable, the testimony satisfies the three-prong test of statute authorizing such discovery.

Matney Has Not Shown an Undue Burden Under Rule 45(c)(3)(A), SCRCF

In her motion, Matney claims that sitting for a deposition would be unduly burdensome, because participating in the deposition imposes a burden on her time, money, and emotional stress. Notably, Matney has provided no affidavit or further explanation as to how providing deposition testimony, an act that occurs routinely by many citizens in South Carolina, constitutes an undue burden in this circumstance.

Relevance and Other Arguments

While Matney argues that her testimony is not material to these claims, nonetheless she is a direct witness with firsthand knowledge of the allegedly defamatory statements made by Dunavant, and she may have information about further dissemination of the defamatory statements. Such testimony is highly relevant and central to any defamation action and is reasonably calculated to lead to the discovery of admissible evidence.

Moreover, Matney's argument that the deposition notice's lack of specific topics violates Rule 26(b)(1) proportionality requirement is without support. Rule 26, SCRPC contains no such proportionality requirement, and Matney's argument confuses the provisions related to corporate depositions under Rule 30(b)(6), SCRPC as to the necessity of deposition topics. The Court is not persuaded by these arguments.

Non-Party Residence

Matney argues that her non-party status and residence in Bluffton, South Carolina, requires the subpoena to be quashed because it imposes an undue burden. Matney's deposition was noticed for a remote appearance via Zoom videoconference, and there is no travel required by Matney to participate in this deposition. Rule 45(c)(3)(A)(ii) protects non-parties against unreasonable travel demands, and there is no burdensome travel required by Matney to participate in this deposition as noticed. As such, Rule 45(c)(3)(A)(ii), is not implicated and cannot serve as a basis for quashing Plaintiffs' subpoena.

CONCLUSION

For these reasons, the Court denies the Motion to Quash and the parties shall consult and agree upon a date for the deposition within forty-five (45) days from the date of this Order.

IT IS SO ORDERED.

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Richland Common Pleas

Case Caption: David Voros , plaintiff, et al vs Allison Dunavant , defendant, et al

Case Number: 2022CP4001390

Type: Order/Quash

So Ordered

s/ Thomas W. McGee III, Judge Code 2786