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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas
The Honorable J. Cordell Maddox, Jr. Circuit Court Judge

Appellate Case No. 2023-001479
Case No. 2021-CP-02-00889

Julianne Foster..... Respondent,

v.

Rhett Riviere, Katherine A. Thomas, Chase Enterprises, LLC of
South Carolina, and Airbnb, Inc.,.....Defendants,

of which

Airbnb, Inc., is the Appellant.

and

Rhett Riviere is a Respondent.

RECORD ON APPEAL
VOLUME V

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Switch View

Julianne Foster , plaintiff, et al VS Rhett Riviere , defendant, et al

Case Number:	2021CP0200889	Court Agency:	Common Pleas	Filed Date:	04/28/2021
Case Type:	Common Pleas	Case Sub Type:	Person Inj/Other 399	File Type:	Mediator - Jury
Status:	Stayed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:		Disposition Date:		Disposition Judge:	
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties **Judgments** **Tax Map Information** **Associated Cases** **Actions** **Financials**

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Airbnb Inc	NEF(09-15-2023 05:09:22 PM) Appeal/Notice of Appeal to C...	Filing		09/18/2023-08:50		
Airbnb Inc	Appeal/Notice of Appeal to Court of Appeals	Filing		09/15/2023-17:09		
Airbnb Inc	NEF(09-13-2023 03:28:50 PM) Order/Other	Filing		09/13/2023-15:29		
Airbnb Inc	Order Denying Airbnb's Motion to Compel Arbitration	Order		09/13/2023-15:28		
Airbnb Inc	NEF(09-13-2023 12:22:04 PM) Order/Order Cover Sheet \$25....	Filing		09/13/2023-12:27		
Airbnb Inc	Order/Order Cover Sheet \$25.00	Filing		09/13/2023-12:22		
Airbnb Inc	NEF(08-30-2023 03:51:02 PM) Proposed Order/Other	Filing		08/31/2023-10:57		
Airbnb Inc	Order/Order Cover Sheet \$25.00	Filing		08/30/2023-15:51		
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Foster, Julianne	NEF(08-24-2023 11:32:43 AM) Order/Rule To Show Cause	Filing		08/24/2023-11:33		
Foster, Julianne	Order/Rule To Show Cause	Order		08/24/2023-11:32		
Airbnb Inc	NEF(08-24-2023 11:32:15 AM) Order/Stay	Filing		08/24/2023-11:32		
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Airbnb Inc	NEF(08-17-2023 02:32:01 PM) Proposed Order/Stay	Filing		08/17/2023-15:04		
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Williams, Blake Terence	9/18/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		08/16/2023-10:27		
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Airbnb Inc	Reply in Support of the Joint Motion to Acknowledge the Auto	Filing		08/09/2023-11:25		 
Foster, Julianne	NEF(07-31-2023 05:54:57 PM) Response	Filing		08/01/2023-08:37		
Foster, Julianne	Response in Opposition to Joint Motion	Filing		07/31/2023-17:54		

Foster,, Julianne	NEF(07-28-2023 03:12:54 PM) Reply/Other	Filing		07/28/2023- 15:14		
Foster, Julianne	NEF(07-28-2023 03:11:50 PM) Response	Filing		07/28/2023- 15:13		
Foster, Julianne	Reply to Response in Opposition for Rule to Show Cause	Filing		07/28/2023- 15:12		
Foster, Julianne	Response in Opposition to Supplemental Memo in Support	Filing		07/28/2023- 15:11		
Airbnb Inc	NEF(07-28-2023 12:21:52 PM) Motion/Stay	Filing		07/28/2023- 12:56		
Airbnb Inc	Motion to Acknowledge the Automatic Stay Applies	Motion		07/28/2023- 12:21		
Riviere, Rhett	NEF(07-28-2023 08:44:41 AM) Appeal/Notice of Appeal to C...	Filing		07/28/2023- 08:55		
Riviere, Rhett	Appeal/Notice of Appeal to Court of Appeals	Filing		07/28/2023- 08:44		
Foster, Julianne	NEF(07-27-2023 12:41:22 PM) Proposed Order/Rule To Show ...	Filing		07/27/2023- 12:45		
Foster, Julianne	Order/Order Cover Sheet \$25.00	Filing		07/27/2023- 12:41		
Airbnb Inc	NEF(07-26-2023 04:44:59 PM) Memo/Memo in Opposition	Filing		07/26/2023- 16:50		
Airbnb Inc	Response in Opposition to Motion for Rule to Show Cause	Filing		07/26/2023- 16:44		
Airbnb Inc	NEF(07-26-2023 01:41:22 PM) Order/Other	Filing		07/26/2023- 13:41		
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Airbnb Inc	NEF(07-24-2023 04:03:38 PM) Proposed Order/Other	Filing		07/24/2023- 16:06		
Airbnb Inc	Order/Order Cover Sheet \$25.00	Filing		07/24/2023- 16:03		
Airbnb Inc	NEF(07-21-2023 02:27:03 PM) Memo/Memo	Filing		07/21/2023- 15:43		
Airbnb Inc	Supplemental Memo in Support of Motion to Compel Arbitration	Filing		07/21/2023- 14:27		
Foster, Julianne	NEF(06-29-2023 09:27:25 PM) Letter/Letter	Filing		06/30/2023- 08:49		
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Airbnb Inc	NEF(06-21-2023 08:48:29 PM) Motion/Other	Filing		06/22/2023- 09:02		
Airbnb Inc	MOTION TO CONFIRM CONFIDENTIAL DESIGNATIONS IN JUNE 5, 2023	Motion		06/21/2023- 20:48		
Foster, Julianne	NEF(06-21-2023 01:01:53 PM) Order/Other	Filing		06/21/2023- 13:02		
Foster, Julianne	Order/Motions Under Advisement	Order		06/21/2023- 13:01		
Airbnb Inc	NEF(06-16-2023 05:30:12 PM) Letter/Letter	Filing		06/19/2023- 08:39		
Airbnb Inc	Letter/Letter to Judge Maddox	Filing		06/16/2023- 17:30		
Foster, Julianne	NEF(06-16-2023 12:49:18 PM) Letter/Letter	Filing		06/16/2023- 12:51		
Foster, Julianne	Letter/Letter	Filing		06/16/2023- 12:49		
Airbnb Inc	NEF(06-14-2023 09:20:08 AM) Letter/Letter	Filing		06/14/2023- 09:28		
Airbnb Inc	Letter/Letter to Judge Maddox	Filing		06/14/2023- 09:20		
Airbnb Inc	NEF(06-12-2023 02:52:04 PM) Reply/Other	Filing		06/12/2023- 15:12		
Airbnb Inc	NEF(06-12-2023 02:49:53 PM) Reply/Other	Filing		06/12/2023- 15:08		
Airbnb Inc	Reply in Support of Motion to Stay	Filing		06/12/2023- 14:52		
Airbnb Inc	Reply in Support of Motion to Compel	Filing		06/12/2023-		

	Arbitration			14:49		
Harte, John W	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
Few, Wesley D.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
Harpoottian, Richard A.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
Brown, C. Mitchell	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
Barber, Phillip Donald	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
Taylor, Damali	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
McCulloch, Joseph M. Jr.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
Schillaci, Kathy R.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
Sestito, Dawn	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
Abee, Matthew A.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
Williams, Blake Terence	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
Griffin, James Mixon	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
Ashmore, Beattie B.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
Fox, Margaret Nicole	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
Wlodarczyk, Damon Christian	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
Beasley, Ryan Lewis	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
Barbier, Deborah B.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		06/09/2023-12:14		
Foster, Julianne	NEF(06-08-2023 03:50:13 PM) Response	Filing		06/08/2023-15:55		
Foster, Julianne	Response Opposing Motion for Reconsideration	Filing		06/08/2023-15:50		   
Foster, Julianne	NEF(06-08-2023 10:59:24 AM) Motion/Rule to Show Cause	Filing		06/08/2023-11:05		
Foster, Julianne	Motion/Rule to Show Cause	Motion		06/08/2023-10:59	06/13/2023-10:59	               
Foster, Julianne	Motion/Rule to Show Cause	Motion		06/08/2023-10:59	06/13/2023-10:59	
Airbnb Inc	NEF(06-07-2023 11:08:48 AM) Order/Sanctions	Filing		06/07/2023-11:09		
Airbnb Inc	Order Denying Emergency Motion to Compel/Motion for Sanction	Order		06/07/2023-11:08		
Foster, Julianne	NEF(06-06-2023 07:50:29 PM) Response	Filing		06/07/2023-08:44		
Foster, Julianne	NEF(06-06-2023 07:47:33 PM) Response	Filing		06/07/2023-08:38		
Foster, Julianne	Response in Opposition to Airbnb's Motion/Compel Arbitration	Filing		06/06/2023-19:50		   
Foster, Julianne	Response in Opposition to Airbnb's Motion to Stay	Filing		06/06/2023-19:47		
Airbnb Inc	NEF(06-05-2023 10:24:04 AM) Motion/Reconsider	Filing		06/05/2023-10:33		
Airbnb Inc	Motion/Reconsider	Motion		06/05/2023-10:24	06/05/2023-10:24	 
Airbnb Inc	Letter/Letter	Filing		06/05/2023-10:24		
Airbnb Inc	NEF(06-02-2023 03:02:40 PM) Filing/Other	Filing		06/02/2023-15:31		

Airbnb, Inc	Objections to Proposed Order	Filing		06/02/2023-15:02		
Foster, Julianne	NEF(06-01-2023 10:11:31 AM) Letter/Letter	Filing		06/01/2023-11:46		
Foster, Julianne	Letter/Letter	Filing		06/01/2023-10:11		  
Riviere, Rhett	NEF(05-26-2023 04:37:48 PM) Motion/Dismiss	Filing		05/26/2023-16:41		
Riviere, Rhett	Motion/Dismiss	Motion		05/26/2023-16:37		
Brown, C. Mitchell	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
Barber, Phillip Donald	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
Harpoottian, Richard A.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
McCulloch, Joseph M. Jr.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
Taylor, Damali	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
Sestito, Dawn	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
Schillaci, Kathy R.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
Williams, Blake Terence	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
Abee, Matthew A.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
Barbier, Deborah B.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
Beasley, Ryan Lewis	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
Wlodarczyk, Damon Christian	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
Fox, Margaret Nicole	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
Ashmore, Beattie B.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
Griffin, James Mixon	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
Few, Wesley D.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
Harte, John W	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:25		
Harte, John W	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		
Few, Wesley D.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		
Griffin, James Mixon	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		
Ashmore, Beattie B.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		
Fox, Margaret Nicole	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		
Wlodarczyk, Damon Christian	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		
Beasley, Ryan Lewis	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		
Barbier, Deborah B.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		
Abee, Matthew A.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		
Schillaci, Kathy R.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		
Sestito, Dawn	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		
Taylor, Damali	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		

McCulloch, Joseph M. Jr.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		
Harpootlian, Richard A.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		
Williams, Blake Terence	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		
Barber, Phillip Donald	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		
Brown, C. Mitchell	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/26/2023-11:21		
Foster, Julianne	NEF(05-25-2023 01:03:22 PM) Order/Electronic Form 4	Filing		05/25/2023-13:03		
Foster, Julianne	Order/Electronic Form 4- Ruling on Motions	Order		05/25/2023-13:03		
Foster, Julianne	NEF(05-25-2023 11:28:31 AM) Order/Electronic Form 4	Filing		05/25/2023-11:28		
Foster, Julianne	Order/Electronic Form 4 Granting Plaintiff's Motions/Compel	Order		05/25/2023-11:28		
Foster, Julianne	NEF(05-25-2023 11:12:12 AM) Order/Electronic Form 4	Filing		05/25/2023-11:12		
Foster, Julianne	Order/Electronic Form 4- Ruling on Motion/Leave to Amend	Order		05/25/2023-11:12		
Foster, Julianne	NEF(05-25-2023 11:11:15 AM) Order/Electronic Form 4	Filing		05/25/2023-11:11		
Foster, Julianne	Order/Electronic Form 4- Ruling on Motions	Order		05/25/2023-11:11		
Riviere, Rhett	NEF(05-23-2023 10:29:35 AM) Motion/Compel	Filing		05/23/2023-10:37		
Riviere, Rhett	Motion/Compel	Motion		05/23/2023-10:29	06/13/2023-10:29	
Riviere, Rhett	Notice/Notice of Appearance	Filing		05/23/2023-10:29		
Thomas, Katherine A	NEF(05-21-2023 08:29:08 PM) Answer/Answer to Crossclaim	Filing		05/22/2023-08:54		
Thomas, Katherine A	Answer/Answer to Crossclaim	Filing		05/21/2023-20:29		
Harte, John W	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023-15:51		
Few, Wesley D.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023-15:51		
Brown, C. Mitchell	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023-15:51		
Barber, Phillip Donald	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023-15:51		
Harpootlian, Richard A.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023-15:51		
Williams, Blake Terence	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023-15:51		
McCulloch, Joseph M. Jr.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023-15:51		
Taylor, Damali	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023-15:51		
Sestito, Dawn	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023-15:51		
Schillaci, Kathy R.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023-15:51		
Abee, Matthew A.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023-15:51		
Barbier, Deborah B.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023-15:51		
Beasley, Ryan Lewis	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023-15:51		
Wlodarczyk, Damon Christian	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023-15:51		
Fox, Margaret Nicole	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023-15:51		
Ashmore, Beattie B.	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023-15:51		

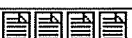
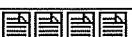
Griffin, James Mixon	6/13/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		05/17/2023- 15:51		
Airbnb Inc	NEF(05-16-2023 02:05:12 PM) Letter/Letter	Filing		05/16/2023- 14:08		
Airbnb Inc	Letter/Letter	Filing		05/16/2023- 14:05		
Airbnb Inc	NEF(05-16-2023 01:11:34 PM) Motion/Stay	Filing		05/16/2023- 13:16		
Airbnb Inc	Motion/Stay	Motion		05/16/2023- 13:11	06/13/2023- 13:11	
Airbnb Inc	NEF(05-15-2023 11:06:59 PM) Letter/Letter	Filing		05/16/2023- 08:47		
Airbnb Inc	NEF(05-15-2023 11:02:56 PM) Motion/Compel	Filing		05/16/2023- 08:45		
Airbnb Inc	NEF(05-15-2023 11:12:58 PM) Notice/Notice of Appearance	Filing		05/15/2023- 23:13		
Airbnb Inc	Notice/Notice of Appearance	Filing		05/15/2023- 23:12		
Airbnb Inc	Letter/Letter	Filing		05/15/2023- 23:06		
Airbnb Inc	Motion/Compel	Motion		05/15/2023- 23:02	06/13/2023- 23:02	 
Airbnb Inc	NEF(05-09-2023 04:48:02 PM) Order/Compel	Filing		05/09/2023- 16:48		
Airbnb Inc	Order/Compel	Order		05/09/2023- 16:48		
Airbnb Inc	NEF(05-04-2023 05:08:51 PM) Notice/Notice of Appearance	Filing		05/04/2023- 17:09		
Airbnb Inc	Notice/Notice of Appearance	Filing		05/04/2023- 17:08		
Airbnb Inc	NEF(05-04-2023 10:31:42 AM) Notice/Notice of Appearance	Filing		05/04/2023- 10:32		
Airbnb Inc	Notice/Notice of Appearance	Filing		05/04/2023- 10:31		
Airbnb Inc	NEF(04-20-2023 04:09:49 PM) Filing/Other	Filing		04/20/2023- 16:18		
Airbnb Inc	Summons/Third Party Summons and Complaint	Filing		04/20/2023- 16:09		
Airbnb Inc	NEF(04-20-2023 03:37:07 PM) Answer/Answer & Crossclaim	Filing		04/20/2023- 16:02		
Airbnb Inc	Answer/Answer & Crossclaim	Filing		04/20/2023- 15:37		
Airbnb Inc	NEF(04-11-2023 02:26:13 PM) Motion/Other	Filing		04/11/2023- 14:30		
Airbnb Inc	MOTION TO CONFIRM CONFIDENTIAL DESIGNATIONS	Motion		04/11/2023- 14:26		   
Airbnb Inc	NEF(04-03-2023 01:45:42 PM) Reply/Other	Filing		04/03/2023- 14:37		
Airbnb Inc	REPLY IN SUPPORT OF MOTION TO DISMISS AMENDED COMPLAINT	Filing		04/03/2023- 13:45		
Harte, John W	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023- 12:39		
Harte, John W	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023- 12:39		
Harte, John W	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023- 12:39		
Harte, John W	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023- 12:39		
Harte, John W	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023- 12:39		
Harte, John W	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023- 12:39		
Harte, John W	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023- 12:39		
Harte, John W	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023- 12:39		

	of Motions Roster Publication			12:39		
Harte, John W	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Few, Wesley D.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Few, Wesley D.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Few, Wesley D.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Few, Wesley D.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Few, Wesley D.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Few, Wesley D.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Few, Wesley D.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Few, Wesley D.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Few, Wesley D.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Few, Wesley D.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Taylor, Damali	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Taylor, Damali	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Taylor, Damali	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Taylor, Damali	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Taylor, Damali	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Taylor, Damali	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Taylor, Damali	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Taylor, Damali	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Taylor, Damali	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Taylor, Damali	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
McCulloch, Joseph M. Jr.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
McCulloch, Joseph M. Jr.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
McCulloch, Joseph M. Jr.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
McCulloch, Joseph M. Jr.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
McCulloch, Joseph M. Jr.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
McCulloch, Joseph M. Jr.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
McCulloch, Joseph M. Jr.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
McCulloch, Joseph M. Jr.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
McCulloch, Joseph M. Jr.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Schillaci, Kathy R.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Schillaci, Kathy R.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Schillaci, Kathy	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-		

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<https://publicindex.sccourts.org/Aiken/PublicIndex/CaseDetails.aspx?Court=0202&CourtAgency=02002&Casenum=2021CP0200889&CaseType=V&...> 11/30

Deborah B.	of Motions Roster Publication			12:39		
Barbier, Deborah B.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Barbier, Deborah B.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Barbier, Deborah B.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Barbier, Deborah B.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Barbier, Deborah B.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Barbier, Deborah B.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Barbier, Deborah B.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Barbier, Deborah B.	4/5/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2023-12:39		
Airbnb Inc	NEF(03-02-2023 01:14:44 PM) Order/Continuance	Filing		03/02/2023-13:15		
Airbnb Inc	Order/Continuance	Order		03/02/2023-13:14		
Airbnb Inc	NEF(02-28-2023 12:01:41 PM) Motion/Other	Filing		02/28/2023-12:11		
Airbnb Inc	Motion/Other	Motion		02/28/2023-12:01	04/05/2023-12:01	    
Foster, Julianne	NEF(02-27-2023 03:18:08 PM) Response	Filing		02/27/2023-15:33		
Foster, Julianne	Response to Motion to Dismiss Amended Complaint	Filing		02/27/2023-15:18		
Airbnb Inc	NEF(02-27-2023 02:47:07 PM) Response	Filing		02/27/2023-14:59		
Airbnb Inc	NEF(02-27-2023 02:29:14 PM) Response	Filing		02/27/2023-14:48		
Airbnb Inc	Response	Filing		02/27/2023-14:47		 
Airbnb Inc	Response	Filing		02/27/2023-14:29		 
Airbnb Inc	NEF(02-24-2023 02:55:11 PM) Response	Filing		02/24/2023-15:09		
Airbnb Inc	Response to Plaintiff's Motion to Compel	Filing		02/24/2023-14:55		 
Airbnb Inc	NEF(02-24-2023 01:51:55 PM) Reply/Other	Filing		02/24/2023-14:09		
Airbnb Inc	Reply in Support of Motion/Quash Depo of Tara Bunch	Filing		02/24/2023-13:51		 
Airbnb Inc	NEF(02-24-2023 11:52:35 AM) Reply/Other	Filing		02/24/2023-11:58		
Airbnb Inc	Reply in Support of Motion to Quash Subpoena of Rich Baer	Filing		02/24/2023-11:52		 
Airbnb Inc	NEF(02-24-2023 11:46:28 AM) Motion/Seal	Filing		02/24/2023-11:52		
Airbnb Inc	Motion/Seal	Motion		02/24/2023-11:46	04/05/2023-11:46	 
Airbnb Inc	NEF(02-23-2023 04:31:14 PM) Reply/Other	Filing		02/23/2023-16:35		
Airbnb Inc	Reply in Support of Emergency Motion to Compel Removal	Filing		02/23/2023-16:31		  
Airbnb Inc	NEF(02-23-2023 03:52:56 PM) Memo/Memo in Support	Filing		02/23/2023-16:22		
Airbnb Inc	Memo/Memo in Support	Filing		02/23/2023-15:52		    
Airbnb Inc	NEF(02-23-2023 12:19:42 PM) Response	Filing		02/23/2023-12:22		

Airbnb Inc	Response to Plaintiff's Motion to Compel	Filing		02/23/2023-12:19		
Foster, Julianne	NEF(02-17-2023 02:32:18 PM) Response	Filing		02/17/2023-15:02		
Foster, Julianne	NEF(02-17-2023 02:23:56 PM) Response	Filing		02/17/2023-14:58		
Foster, Julianne	Response to Motion to Quash Deposition of Tara Bunch	Filing		02/17/2023-14:32		
Foster, Julianne	NEF(02-17-2023 01:34:35 PM) Response	Filing		02/17/2023-14:24		
Foster, Julianne	Response to Motion to Quash Subpoena to Depose Baer	Filing		02/17/2023-14:23		
Foster, Julianne	Response to Motion to Compel/Motion for Sanctions	Filing		02/17/2023-13:34		
Few, Wesley D.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:18		
Harte, John W	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:18		
Beasley, Ryan Lewis	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:18		
Barbier, Deborah B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:18		
Ashmore, Beattie B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:18		
Wlodarczyk, Damon Christian	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:18		
Fox, Margaret Nicole	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:18		
Griffin, James Mixon	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:18		
Sestito, Dawn	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:18		
Schillaci, Kathy R.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:18		
McCulloch, Joseph M. Jr.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:18		
McCulloch, Joseph M. Jr.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:17		
Schillaci, Kathy R.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:17		
Sestito, Dawn	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:17		
Griffin, James Mixon	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:17		
Fox, Margaret Nicole	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:17		
Wlodarczyk, Damon Christian	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:17		
Ashmore, Beattie B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:17		
Barbier, Deborah B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:17		
Beasley, Ryan Lewis	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:17		
Harte, John W	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:17		
Few, Wesley D.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:17		
Few, Wesley D.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:16		
Harte, John W	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:16		
Beasley, Ryan Lewis	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:16		
Barbier, Deborah B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:16		
Ashmore,	2/28/2023_MOTION_Roster/Notice	Action		02/15/2023-		

Beattie B.	of Motions Roster Publication			16:16		
Wlodarczyk, Damon Christian	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:16		
Fox, Margaret Nicole	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:16		
Griffin, James Mixon	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:16		
Sestito, Dawn	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:16		
Schillaci, Kathy R.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:16		
McCulloch, Joseph M. Jr.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:16		
McCulloch, Joseph M. Jr.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:15		
Schillaci, Kathy R.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:15		
Sestito, Dawn	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:15		
Griffin, James Mixon	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:15		
Fox, Margaret Nicole	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:15		
Ashmore, Beattie B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:15		
Wlodarczyk, Damon Christian	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:15		
Barbier, Deborah B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:15		
Beasley, Ryan Lewis	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:15		
Harte, John W	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:15		
Few, Wesley D.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		02/15/2023-16:15		
Foster, Julianne	NEF(02-15-2023 03:49:36 PM) Motion/Seal	Filing		02/15/2023-16:03		
Foster, Julianne	Motion/Seal	Motion		02/15/2023-15:49		
Airbnb Inc	NEF(02-15-2023 11:20:37 AM) Motion/Sanctions	Filing		02/15/2023-11:28		
Airbnb Inc	Motion/Sanctions	Motion		02/15/2023-11:20	02/28/2023-11:20	
Foster, Julianne	NEF(02-14-2023 01:49:28 PM) Motion/Sanctions	Filing		02/14/2023-15:13		
Foster, Julianne	Motion/Sanctions	Motion		02/14/2023-13:49	04/05/2023-13:49	
Foster, Julianne	NEF(02-10-2023 10:54:17 AM) Motion/Compel	Filing		02/10/2023-10:58		
Foster, Julianne	Motion/Compel	Motion		02/10/2023-10:54	04/05/2023-10:54	
Foster, Julianne	NEF(01-26-2023 01:10:13 PM) Order/Other	Filing		01/26/2023-13:10		
Foster, Julianne	Order Regarding Motion for Protective Order	Order		01/26/2023-13:10		
Few, Wesley D.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Few, Wesley D.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Few, Wesley D.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Few, Wesley D.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Few, Wesley D.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Harte, John W	2/28/2023_MOTION_Roster/Notice	Action		01/24/2023-		

	of Motions Roster Publication			12:02		
Harte, John W	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Harte, John W	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Harte, John W	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Harte, John W	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Beasley, Ryan Lewis	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Beasley, Ryan Lewis	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Beasley, Ryan Lewis	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Beasley, Ryan Lewis	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Beasley, Ryan Lewis	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Barbier, Deborah B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Barbier, Deborah B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Barbier, Deborah B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Barbier, Deborah B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Barbier, Deborah B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Wlodarczyk, Damon Christian	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Wlodarczyk, Damon Christian	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Wlodarczyk, Damon Christian	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Wlodarczyk, Damon Christian	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Wlodarczyk, Damon Christian	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Ashmore, Beattie B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Ashmore, Beattie B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Ashmore, Beattie B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Ashmore, Beattie B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Ashmore, Beattie B.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Fox, Margaret Nicole	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Fox, Margaret Nicole	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Fox, Margaret Nicole	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Fox, Margaret Nicole	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Fox, Margaret Nicole	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Griffin, James Mixon	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Griffin, James Mixon	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Griffin, James Mixon	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Griffin, James Mixon	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Griffin, James Mixon	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		

Mixon	of Motions Roster Publication			12:02		
Sestito, Dawn	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Sestito, Dawn	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Sestito, Dawn	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Sestito, Dawn	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Sestito, Dawn	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Schillaci, Kathy R.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Schillaci, Kathy R.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Schillaci, Kathy R.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Schillaci, Kathy R.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Schillaci, Kathy R.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
McCulloch, Joseph M. Jr.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
McCulloch, Joseph M. Jr.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
McCulloch, Joseph M. Jr.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
McCulloch, Joseph M. Jr.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
McCulloch, Joseph M. Jr.	2/28/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/24/2023-12:02		
Thomas, Katherine A	NEF(01-23-2023 02:43:36 PM) Memo/Memo in Opposition	Filing		01/23/2023-14:46		
Thomas, Katherine A	Memo/Memo in Opposition	Filing		01/23/2023-14:43		   
Airbnb Inc	NEF(01-20-2023 01:47:53 PM) Motion/Dismiss	Filing		01/20/2023-14:00		
Airbnb Inc	Motion/Dismiss Amended Complaint	Motion		01/20/2023-13:47	04/05/2023-13:47	
Harte, John W	1/23/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/20/2023-10:50		
Few, Wesley D.	1/23/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/20/2023-10:50		
McCulloch, Joseph M. Jr.	1/23/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/20/2023-10:50		
Sestito, Dawn	1/23/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/20/2023-10:50		
Schillaci, Kathy R.	1/23/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/20/2023-10:50		
Griffin, James	1/23/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/20/2023-10:50		
Mixon	1/23/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/20/2023-10:50		
Fox, Margaret Nicole	1/23/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/20/2023-10:50		
Ashmore, Beattie B.	1/23/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/20/2023-10:50		
Wlodarczyk, Damon Christian	1/23/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/20/2023-10:50		
Barbier, Deborah B.	1/23/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/20/2023-10:50		
Beasley, Ryan Lewis	1/23/2023_MOTION_Roster/Notice of Motions Roster Publication	Action		01/20/2023-10:50		
Foster, Julianne	NEF(01-19-2023 02:12:15 PM) Letter/Letter	Filing		01/19/2023-15:14		
Foster, Julianne	Letter/Letter	Filing		01/19/2023-14:12		 
Airbnb Inc	NEF(01-19-2023 09:56:04 AM) Motion/Quash	Filing		01/19/2023-10:09		

Airbnb Inc	Motion/Quash	Motion		01/19/2023-09:56	04/05/2023-09:56	
Foster, Julianne	NEF(01-18-2023 02:24:08 PM) Motion/Compel	Filing		01/18/2023-15:34		
Foster, Julianne	Motion/Compel	Motion		01/18/2023-14:24	04/05/2023-14:24	
Airbnb Inc	NEF(01-17-2023 09:31:27 AM) Motion/Quash	Filing		01/17/2023-10:10		
Airbnb Inc	Motion/Quash	Motion		01/17/2023-09:31	04/05/2023-09:31	
Foster, Julianne	NEF(01-16-2023 09:57:20 PM) Motion/Other	Filing		01/17/2023-08:40		
Foster, Julianne	EMERGENCY MOTION FOR A PROTECTIVE ORDER AGAINST DEFENDANT KA	Motion		01/16/2023-21:57	01/23/2023-21:57	
Airbnb Inc	NEF(12-20-2022 03:12:42 PM) Response	Filing		12/20/2022-15:24		
Airbnb Inc	Response	Filing		12/20/2022-15:12		
Riviere, Rhett	NEF(12-20-2022 09:08:53 AM) Stipulation Of Dismissal	Filing		12/20/2022-09:45		
Riviere, Rhett	Stipulation Of Dismissal as to Defendants	Filing		12/20/2022-09:08		
Thomas, Katherine A	NEF(12-15-2022 07:38:53 PM) Answer/Answer To Amended Com...	Filing		12/16/2022-08:55		
Thomas, Katherine A	Answer/Answer To Amended Complaint	Filing		12/15/2022-19:38		
Airbnb Inc	NEF(12-14-2022 09:49:33 AM) Order/Other	Filing		12/14/2022-09:49		
Airbnb Inc	Order/Other	Order		12/14/2022-09:49		
Airbnb Inc	NEF(12-13-2022 11:18:44 AM) Motion/Enlarge Time	Filing		12/13/2022-11:23		
Airbnb Inc	Motion/Enlarge Time	Motion		12/13/2022-11:18	12/14/2022-11:18	
Foster, Julianne	NEF(12-02-2022 02:10:08 PM) Certificate/Certificate	Filing		12/02/2022-14:10		
Foster, Julianne	Certificate of Service by Mail	Filing		12/02/2022-14:10		
Foster, Julianne	NEF(11-30-2022 11:29:52 AM) Amended/Amended Summons And ...	Filing		11/30/2022-11:37		
Foster, Julianne	Amended/Amended Summons And Complaint	Filing		11/30/2022-11:29		
Foster, Julianne	NEF(11-30-2022 09:41:09 AM) Order/Amend	Filing		11/30/2022-09:41		
Foster, Julianne	Order/Amend	Order		11/30/2022-09:41		
Airbnb Inc	NEF(11-02-2022 10:30:10 AM) Motion/Leave to Amend	Filing		11/02/2022-11:12		
Airbnb Inc	Motion/Leave to Amend	Motion		11/02/2022-10:30	04/05/2023-10:30	
Airbnb Inc	NEF(10-13-2022 04:46:30 PM) Memo/Memo in Opposition	Filing		10/13/2022-17:00		
Airbnb Inc	Memo/Memo in Opposition	Filing		10/13/2022-16:46		
Foster, Julianne	NEF(10-11-2022 03:14:40 PM) Order/Amend	Filing		10/11/2022-15:22		
Foster, Julianne	Order on AirBNB's Motion to Alter or Amend	Order		10/11/2022-15:14		
Foster, Julianne	NEF(10-10-2022 11:24:33 AM) Reply/Other	Filing		10/10/2022-11:29		
Foster, Julianne	Reply to Riviere's Response Opposing Motion to Amend	Filing		10/10/2022-11:24		
Riviere, Rhett	NEF(10-03-2022 10:35:19 AM) Memo/Memo in Opposition	Filing		10/03/2022-10:48		
Riviere, Rhett	Memo/Memo in Opposition	Filing		10/03/2022-10:35		

Few, Wesley D.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Harte, John W	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Beasley, Ryan Lewis	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Barbier, Deborah B.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Wlodarczyk, Damon Christian	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Mosteller, James D. III	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Ashmore, Beattie B.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Fox, Margaret Nicole	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Griffin, James Mixon	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Schillaci, Kathy R.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Sestito, Dawn	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
McCulloch, Joseph M. Jr.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
McCulloch, Joseph M. Jr.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Sestito, Dawn	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Schillaci, Kathy R.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Griffin, James Mixon	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Fox, Margaret Nicole	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Ashmore, Beattie B.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Mosteller, James D. III	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Wlodarczyk, Damon Christian	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Barbier, Deborah B.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Beasley, Ryan Lewis	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Harte, John W	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Few, Wesley D.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:02		
Few, Wesley D.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Harte, John W	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Beasley, Ryan Lewis	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Barbier, Deborah B.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Mosteller, James D. III	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Wlodarczyk, Damon Christian	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Ashmore, Beattie B.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Fox, Margaret Nicole	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Griffin, James Mixon	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Schillaci, Kathy R.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		

Sestito, Dawn	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
McCulloch, Joseph M. Jr.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
McCulloch, Joseph M. Jr.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Schillaci, Kathy R.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Griffin, James Mixon	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Sestito, Dawn	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Fox, Margaret Nicole	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Ashmore, Beattie B.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Włodarczyk, Damon Christian	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Mosteller, James D. III	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Barbier, Deborah B.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Beasley, Ryan Lewis	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Harte, John W	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Few, Wesley D.	10/18/2022_MOTION_Roster/Notice of Motions Roster Publicatio	Action		09/21/2022-11:01		
Airbnb Inc	NEF(09-14-2022 03:26:58 PM) Reply/Other	Filing		09/14/2022-15:33		
Airbnb Inc	Reply/Other	Filing		09/14/2022-15:26		 
Airbnb Inc	NEF(09-13-2022 02:53:49 PM) Response	Filing		09/13/2022-15:18		
Airbnb Inc	Response	Filing		09/13/2022-14:53		
Foster, Julianne	NEF(09-09-2022 11:22:55 AM) Response	Filing		09/09/2022-11:25		
Foster, Julianne	Response	Filing		09/09/2022-11:22		
Foster, Julianne	NEF(09-02-2022 07:42:13 PM) Motion/Alter and/or Amend	Filing		09/06/2022-10:57		
Foster, Julianne	Motion/Alter and/or Amend	Motion		09/02/2022-19:42	10/18/2022-19:42	 
Airbnb Inc	NEF(09-02-2022 11:26:19 AM) Memo/Memo in Support	Filing		09/02/2022-11:46		
Airbnb Inc	Memo/Memo in Support	Filing		09/02/2022-11:26		   
Airbnb Inc	NEF(08-26-2022 11:54:58 AM) Order/Scheduling Order	Filing		08/26/2022-11:55		
Airbnb Inc	Order/Scheduling Order	Order		08/26/2022-11:54		
Airbnb Inc	NEF(08-22-2022 01:30:27 PM) Order/Pro Hac Vice	Filing		08/22/2022-13:30		
Airbnb Inc	Order/Pro Hac Vice for Damali A Taylor	Order		08/22/2022-13:30		
Airbnb Inc	NEF(08-22-2022 09:15:24 AM) Motion/Admission Pro Hac Vice...	Filing		08/22/2022-09:20		
Airbnb Inc	Motion/Admission Pro Hac Vice	Motion		08/22/2022-09:15	08/22/2022-09:15	   
Airbnb Inc	NEF(08-22-2022 08:48:37 AM) Certification/Certification	Filing		08/22/2022-08:48		
Airbnb Inc	Certification from the Supreme Court for Damali A Taylor	Filing		08/22/2022-08:48		
Riviere, Rhett	NEF(08-18-2022 11:58:18 AM) Notice/Notice of Appearance	Filing		08/18/2022-12:21		
Riviere, Rhett	Notice/Notice of Appearance	Filing		08/18/2022-11:58		

Airbnb Inc	NEF(08-17-2022 04:07:15 PM) Order/Pro Hac Vice	Filing		08/17/2022- 16:10		
Airbnb Inc	Order/Pro Hac Vice	Order		08/17/2022- 16:07		
Airbnb Inc	NEF(08-17-2022 11:50:36 AM) Motion/Admission Pro Hac Vic...	Filing		08/17/2022- 12:07		
Airbnb Inc	Motion/Admission Pro Hac Vice	Motion		08/17/2022- 11:50	08/17/2022- 11:50	
Riviere, Rhett	NEF(08-15-2022 04:42:49 PM) Notice/Notice of Appearance	Filing		08/15/2022- 16:43		
Riviere, Rhett	Notice/Notice of Appearance	Filing		08/15/2022- 16:42		
Airbnb Inc	NEF(08-15-2022 01:21:05 PM) Certification/Certification	Filing		08/15/2022- 13:21		
Airbnb Inc	Certification of Amended Application of Dawn Sestito	Filing		08/15/2022- 13:21		
Riviere, Rhett	NEF(08-10-2022 12:17:33 PM) Response	Filing		08/10/2022- 12:25		
Riviere, Rhett	Response	Filing		08/10/2022- 12:17		
Foster, Julianne	NEF(08-09-2022 04:38:15 PM) Response	Filing		08/09/2022- 16:42		
Foster, Julianne	Response to Defendant AirBNB's Motion for Reconsideration	Filing		08/09/2022- 16:38		
Airbnb Inc	NEF(08-04-2022 10:26:28 AM) Motion/Reconsider	Filing		08/04/2022- 11:26		
Airbnb Inc	Motion/Reconsider	Motion		08/04/2022- 10:26	10/11/2022- 10:26	
Foster, Julianne	NEF(08-03-2022 11:20:19 AM) Order/Protective Order	Filing		08/03/2022- 11:27		
Foster, Julianne	Order/Protective Order	Order		08/03/2022- 11:20		
Riviere, Rhett	NEF(07-29-2022 11:20:42 AM) Order/Relieve Counsel	Filing		07/29/2022- 11:21		
Riviere, Rhett	Order/Relieve Counsel	Order		07/29/2022- 11:20		
Airbnb Inc	NEF(07-29-2022 11:16:26 AM) Order/Substitution Of Counse...	Filing		07/29/2022- 11:16		
Airbnb Inc	Order/Substitution Of Counsel	Order		07/29/2022- 11:16		
Riviere, Rhett	NEF(07-29-2022 09:14:44 AM) Filing/Other	Filing		07/29/2022- 09:18		
Riviere, Rhett	Property Receipt	Filing		07/29/2022- 09:14		
Riviere, Rhett	NEF(07-28-2022 09:20:31 AM) Motion/Relieve As Counsel	Filing		07/28/2022- 09:53		
Riviere, Rhett	Motion/Relieve As Counsel	Motion		07/28/2022- 09:20	07/29/2022- 09:20	
Airbnb Inc	NEF(07-26-2022 03:41:32 PM) Motion/Substitution of Couns...	Filing		07/26/2022- 15:46		
Airbnb Inc	Motion/Substitution of Counsel	Motion		07/26/2022- 15:41	07/29/2022- 15:41	
Airbnb Inc	NEF(07-21-2022 01:51:13 PM) Notice/Notice of Appearance	Filing		07/21/2022- 13:51		
Airbnb Inc	Notice/Notice of Appearance	Filing		07/21/2022- 13:51		
Foster, Julianne	NEF(07-21-2022 01:12:38 PM) Certification/Certification	Filing		07/21/2022- 13:12		
Foster, Julianne	Certification of Pro Hac Vice for Dawn Sestito	Filing		07/21/2022- 13:12		
Few, Wesley D.	7/27/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		07/20/2022- 09:34		
Harte, John W	7/27/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		07/20/2022- 09:34		
Duffy, Ryan Paul	7/27/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		07/20/2022- 09:34		
Watson, Lewis	7/27/2022_MOTION_Roster/Notice	Action		07/20/2022-		

Andrew	of Motions Roster Publication			09:34		
Moose, Julie Jeffords	7/27/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		07/20/2022-09:34		
Beasley, Ryan Lewis	7/27/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		07/20/2022-09:34		
Barbier, Deborah B.	7/27/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		07/20/2022-09:34		
Mosteller, James D. III	7/27/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		07/20/2022-09:34		
Wlodarczyk, Damon Christian	7/27/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		07/20/2022-09:34		
Thompson, Jane Page	Motion/Quash	Motion		07/18/2022-09:24	07/18/2023-09:24	
Foster, Julianne	NEF(07-05-2022 07:16:28 PM) Motion/Quash	Filing		07/06/2022-08:45		
Foster, Julianne	Motion/Quash	Motion		07/05/2022-19:16	10/18/2022-19:16	
Airbnb Inc	NEF(06-28-2022 02:26:18 PM) Order/Protective Order	Filing		06/28/2022-14:26		
Airbnb Inc	Order/Protective Order	Order		06/28/2022-14:26		
Airbnb Inc	NEF(06-27-2022 01:45:03 PM) Memo/Memo in Support	Filing		06/27/2022-13:47		
Airbnb Inc	Memo/Memo in Support	Filing		06/27/2022-13:45		
Airbnb Inc	Affidavit/Affidavit of	Filing		06/27/2022-13:45		
Airbnb Inc	NEF(06-24-2022 03:45:51 PM) Memo/Memo in Support	Filing		06/24/2022-16:07		
Airbnb Inc	Memo/Memo in Support	Filing		06/24/2022-15:45		
Airbnb Inc	Affidavit/Affidavit of	Filing		06/24/2022-15:45		
Foster, Julianne	NEF(06-24-2022 12:38:10 PM) Memo/Memo in Opposition	Filing		06/24/2022-13:13		
Foster, Julianne	Memo/Memo in Opposition	Filing		06/24/2022-12:38		
Riviere, Rhett	NEF(06-21-2022 03:01:50 PM) Motion/Compel	Filing		06/21/2022-15:21		
Chase Enterprises Llc Of South Carolina	Motion/Compel	Motion		06/21/2022-15:01	10/18/2022-15:01	
Moose, Julie Jeffords	6/28/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		06/20/2022-08:46		
Watson, Lewis Andrew	6/28/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		06/20/2022-08:46		
Duffy, Ryan Paul	6/28/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		06/20/2022-08:46		
Harte, John W	6/28/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		06/20/2022-08:46		
Few, Wesley D.	6/28/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		06/20/2022-08:46		
Thomas, Katherine A	6/28/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		06/20/2022-08:46		
Wlodarczyk, Damon Christian	6/28/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		06/20/2022-08:46		
Mosteller, James D. III	6/28/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		06/20/2022-08:46		
Barbier, Deborah B.	6/28/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		06/20/2022-08:46		
Beasley, Ryan Lewis	6/28/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		06/20/2022-08:46		
Airbnb Inc	NEF(06-14-2022 02:40:19 PM) Motion/Protection from Disco...	Filing		06/14/2022-15:04		
Airbnb Inc	Motion/Protection from Discovery	Motion		06/14/2022-14:40	06/28/2022-14:40	

Airbnb Inc	Service/Certificate Of Service	Filing		06/14/2022-14:40		
Foster, Julianne	NEF(06-06-2022 03:08:54 PM) Order/Other	Filing		06/06/2022-15:09		
Foster, Julianne	Order Granting Plaintiff's Motion to Compel	Order		06/06/2022-15:08		
Riviere, Rhett	NEF(06-03-2022 04:51:56 PM) Motion/Compel	Filing		06/06/2022-10:09		
Riviere, Rhett	Motion/Compel	Motion		06/03/2022-16:51	10/18/2022-16:51	
Owensby, Brad	NEF(05-31-2022 04:14:54 PM) Affidavit/Affidavit of	Filing		05/31/2022-16:22		
Owensby, Brad	Affidavit/Affidavit of	Filing		05/31/2022-16:14		
Foster, Julianne	NEF(05-31-2022 09:28:42 AM) Filing/Other	Filing		05/31/2022-09:34		
Foster, Julianne	Supplemental exhibit to Plaintiff's Motion to Compel	Filing		05/31/2022-09:28		
Thomas, Katherine A	NEF(05-31-2022 07:58:23 AM) Notice/Notice of Appearance	Filing		05/31/2022-07:58		
Thomas, Katherine A	Notice/Notice of Appearance	Filing		05/31/2022-07:58		
Riviere, Rhett	NEF(05-26-2022 05:04:52 PM) Memo/Memo in Opposition	Filing		05/27/2022-08:41		
Riviere, Rhett	Memo/Memo in Opposition	Filing		05/26/2022-17:04		
Airbnb Inc	Memo/Memo in Opposition of Plaintiff's Motion to Compel	Filing		05/26/2022-15:00		
Airbnb Inc	NEF(05-26-2022 02:53:10 PM) Response	Filing		05/26/2022-14:59		
Airbnb Inc	Affidavit/Affidavit of	Filing		05/26/2022-14:53		
Few, Wesley D.	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/13/2022-10:21		
Harte, John W	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/13/2022-10:21		
Duffy, Ryan Paul	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/13/2022-10:21		
Watson, Lewis Andrew	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/13/2022-10:21		
Moose, Julie Jeffords	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/13/2022-10:21		
Mosteller, James D. III	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/13/2022-10:21		
Thomas, Katherine A	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/13/2022-10:21		
Beasley, Ryan Lewis	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/13/2022-10:21		
Barbier, Deborah B.	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/13/2022-10:21		
Foster, Julianne	NEF(05-05-2022 02:55:08 PM) Motion/Rule to Show Cause	Filing		05/05/2022-15:26		
Foster, Julianne	Motion/Rule to Show Cause	Motion		05/05/2022-14:55	05/31/2022-14:55	
Few, Wesley D.	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/02/2022-13:22		
Moose, Julie Jeffords	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/02/2022-13:22		
Watson, Lewis Andrew	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/02/2022-13:22		
Duffy, Ryan Paul	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/02/2022-13:22		
Harte, John W	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/02/2022-13:22		
Barbier, Deborah B.	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/02/2022-13:22		
Beasley, Ryan	5/31/2022_MOTION_Roster/Notice	Action		05/02/2022-		

Lewis	of Motions Roster Publication			13:22		
Thomas, Katherine A	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/02/2022-13:22		
Mosteller, James D. III	5/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		05/02/2022-13:22		
Thomas, Katherine A	NEF(04-22-2022 12:30:42 PM) Order/Withdraw	Filing		04/22/2022-12:30		
Thomas, Katherine A	Order/Withdraw	Order		04/22/2022-12:30		
Riviere, Rhett	NEF(04-14-2022 02:28:15 PM) Notice/Other	Filing		04/14/2022-14:38		
Riviere, Rhett	Notice/Withdraw Motions	Filing		04/14/2022-14:28		
Few, Wesley D.	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Few, Wesley D.	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Few, Wesley D.	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Few, Wesley D.	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Harte, John W	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Harte, John W	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Harte, John W	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Harte, John W	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Duffy, Ryan Paul	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Duffy, Ryan Paul	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Duffy, Ryan Paul	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Duffy, Ryan Paul	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Watson, Lewis Andrew	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Watson, Lewis Andrew	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Watson, Lewis Andrew	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Watson, Lewis Andrew	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Moose, Julie Jeffords	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Moose, Julie Jeffords	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Moose, Julie Jeffords	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Moose, Julie Jeffords	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Beasley, Ryan Lewis	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Beasley, Ryan Lewis	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Beasley, Ryan Lewis	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Beasley, Ryan Lewis	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Mosteller, James D. III	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Mosteller, James D. III	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Mosteller, James D. III	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Mosteller, James D. III	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Mosteller, James D. III	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		

James D. III	of Motions Roster Publication			10:24		
Barbier, Deborah B.	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Barbier, Deborah B.	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Barbier, Deborah B.	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Barbier, Deborah B.	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
O'Brien, Kevin Michael	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
O'Brien, Kevin Michael	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
O'Brien, Kevin Michael	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
O'Brien, Kevin Michael	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Cathcart, Anna Pulliam	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Cathcart, Anna Pulliam	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Cathcart, Anna Pulliam	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Cathcart, Anna Pulliam	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		04/08/2022-10:24		
Cathcart, Anna Pulliam	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Cathcart, Anna Pulliam	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Cathcart, Anna Pulliam	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Cathcart, Anna Pulliam	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
O'Brien, Kevin Michael	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
O'Brien, Kevin Michael	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
O'Brien, Kevin Michael	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
O'Brien, Kevin Michael	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Barbier, Deborah B.	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Barbier, Deborah B.	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Barbier, Deborah B.	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Barbier, Deborah B.	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Mosteller, James D. III	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Mosteller, James D. III	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Mosteller, James D. III	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Mosteller, James D. III	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Beasley, Ryan Lewis	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Beasley, Ryan Lewis	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Beasley, Ryan Lewis	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Beasley, Ryan Lewis	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Moose, Julie Jeffords	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Moose, Julie	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-		

Jeffords	of Motions Roster Publication			10:59		
Moose, Julie Jeffords	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Moose, Julie Jeffords	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Duffy, Ryan Paul	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Duffy, Ryan Paul	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Duffy, Ryan Paul	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Duffy, Ryan Paul	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Watson, Lewis Andrew	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Watson, Lewis Andrew	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Watson, Lewis Andrew	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Watson, Lewis Andrew	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Harte, John W	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Harte, John W	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Harte, John W	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Harte, John W	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Few, Wesley D.	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Few, Wesley D.	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Few, Wesley D.	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Few, Wesley D.	4/20/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		03/21/2022-10:59		
Thomas, Katherine A	Decline to Sign:Order/Withdraw	Filing		03/04/2022-09:55		
Foster, Julianne	NEF(03-03-2022 11:45:59 PM) Motion/Compel	Filing		03/04/2022-08:43		
Foster, Julianne	Motion/Compel	Motion		03/03/2022-23:45	05/31/2022-23:45	
Thomas, Katherine A	NEF(03-01-2022 02:50:40 PM) Motion/Withdraw	Filing		03/01/2022-15:09		
Thomas, Katherine A	Motion/Withdraw	Motion		03/01/2022-14:50	04/21/2022-14:50	
Thomas, Katherine A	Service/Certificate Of Service	Filing		03/01/2022-14:50		
Thomas, Katherine A	NEF(02-09-2022 03:03:06 PM) Response	Filing		02/09/2022-15:09		
Thomas, Katherine A	Response	Filing		02/09/2022-15:03		
Thomas, Katherine A	Service/Certificate Of Service	Filing		02/09/2022-15:03		
Airbnb Inc	NEF(02-04-2022 03:38:11 PM) Answer/Answer	Filing		02/04/2022-16:15		
Airbnb Inc	Answer/Answer	Filing		02/04/2022-15:38		
Owensby, Brad	Motion/Quash	Motion		02/02/2022-08:56	04/13/2022-08:56	
Riviere, Rhett	NEF(02-01-2022 08:33:37 AM) Order/Electronic Form 4	Filing		02/01/2022-08:33		
Riviere, Rhett	Order/Form 4 Denying Motion for Designation of Deposition	Order		02/01/2022-08:33		
Foster, Julianne	NEF(02-01-2022 08:32:52 AM) Order/Electronic Form 4	Filing		02/01/2022-08:33		
Foster, Julianne	Order/Form 4 Denying Emergency	Order		02/01/2022-		

	Motion to Unseal			08:32		
Riviere, Rhett	NEF(02-01-2022 08:32:08 AM) Order/Electronic Form 4	Filing		02/01/2022-08:32		
Riviere, Rhett	Order/Form 4 GRANTING Defendant's Motion to Amend	Order		02/01/2022-08:32		
Riviere, Rhett	NEF(01-29-2022 04:00:13 PM) Motion/Other	Filing		01/31/2022-08:58		
Riviere, Rhett	NEF(01-29-2022 05:03:51 PM) Motion/Seal	Filing		01/31/2022-08:51		
Riviere, Rhett	Motion/Seal	Motion		01/29/2022-17:03	02/01/2022-17:03	
Riviere, Rhett	Motion/Designation of Deposition as Confidential	Motion		01/29/2022-16:00	02/01/2022-16:00	
Foster, Julianne	NEF(01-28-2022 02:34:34 PM) Reply/Other	Filing		01/28/2022-14:45		
Foster, Julianne	Reply in Support of Emergency Motion to Unseal	Filing		01/28/2022-14:34		
Few, Wesley D.	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
Few, Wesley D.	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
Harte, John W	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
Harte, John W	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
Watson, Lewis Andrew	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
Watson, Lewis Andrew	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
Duffy, Ryan Paul	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
Duffy, Ryan Paul	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
Moose, Julie Jeffords	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
Moose, Julie Jeffords	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
Beasley, Ryan Lewis	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
Beasley, Ryan Lewis	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
Barbier, Deborah B.	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
Barbier, Deborah B.	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
O'Brien, Kevin Michael	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
O'Brien, Kevin Michael	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
Cathcart, Anna Pulliam	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
Cathcart, Anna Pulliam	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/28/2022-11:23		
Riviere, Rhett	NEF(01-24-2022 11:58:32 AM) Motion/Dismiss	Filing		01/24/2022-12:13		
Riviere, Rhett	Motion/Dismiss	Motion		01/24/2022-11:58	04/14/2022-11:58	
Riviere, Rhett	Memo/Memo in Opposition	Filing		01/24/2022-11:58		
Few, Wesley D.	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/12/2022-14:08		
Moose, Julie Jeffords	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/12/2022-14:08		
Watson, Lewis Andrew	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/12/2022-14:08		
Duffy, Ryan Paul	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/12/2022-14:08		

Harte, John W	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/12/2022-14:08		
Cathcart, Anna Pulliam	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/12/2022-14:08		
O'Brien, Kevin Michael	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/12/2022-14:08		
Barbier, Deborah B.	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/12/2022-14:08		
Beasley, Ryan Lewis	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/12/2022-14:08		
Foster, Julianne	NEF(01-10-2022 05:02:43 PM) Motion/Seal	Filing		01/11/2022-09:25		
Foster, Julianne	Emergency Motion to Unseal Court Records	Motion		01/10/2022-17:02	02/01/2022-17:02	 
Few, Wesley D.	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/03/2022-10:17		
Harte, John W	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/03/2022-10:17		
Duffy, Ryan Paul	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/03/2022-10:17		
Watson, Lewis Andrew	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/03/2022-10:17		
Moose, Julie Jeffords	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/03/2022-10:17		
O'Brien, Kevin Michael	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/03/2022-10:17		
Beasley, Ryan Lewis	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/03/2022-10:17		
Cathcart, Anna Pulliam	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/03/2022-10:17		
Barbier, Deborah B.	1/31/2022_MOTION_Roster/Notice of Motions Roster Publication	Action		01/03/2022-10:17		
Foster, Julianne	NEF(12-30-2021 11:32:16 AM) Order/Other	Filing		12/30/2021-11:32		
Foster, Julianne	Order/DENIES Defendant Airbnb's Motion to Dismiss	Order		12/30/2021-11:32		
Foster, Julianne	NEF(12-22-2021 04:19:53 PM) Proposed Order/Other	Filing		12/22/2021-16:25		
Foster, Julianne	Order/Order Cover Sheet \$25.00	Filing		12/22/2021-16:19		
Foster, Julianne	ADR/Alternative Dispute Resolution (Workflow)	Action		11/24/2021-20:00		
Foster, Julianne	NEF(09-16-2021 11:57:15 AM) Order/Form 4	Filing		09/16/2021-11:57		
Foster, Julianne	Order/Form 4	Order		09/16/2021-11:57		
Foster, Julianne	NEF(09-16-2021 11:55:11 AM) Order/Form 4	Filing		09/16/2021-11:55		
Foster, Julianne	Order/Form 4	Order		09/16/2021-11:55		
Riviere, Rhett	NEF(09-16-2021 11:29:13 AM) Order/Form 4	Filing		09/16/2021-11:29		
Riviere, Rhett	Order/Form 4	Order		09/16/2021-11:29		
Foster, Julianne	NEF(09-16-2021 11:28:04 AM) Order/Protective Order	Filing		09/16/2021-11:28		
Foster, Julianne	Order/Confidentiality Order	Order		09/16/2021-11:28		
Foster, Julianne	NEF(09-14-2021 06:50:15 PM) Proposed Order/Protective Or...	Filing		09/15/2021-10:35		
Foster, Julianne	Order/Order Cover Sheet \$25.00	Filing		09/14/2021-18:50		
Riviere, Rhett	NEF(08-30-2021 02:08:55 PM) Memo/Memo in Support	Filing		08/30/2021-14:29		
Riviere, Rhett	Memo/Memo in Support	Filing		08/30/2021-14:08		
Foster, Julianne	NEF(08-30-2021 12:36:04 PM) Memo/Memo in Opposition	Filing		08/30/2021-12:42		

Foster, Julianne	NEF(08-30-2021 12:33:46 PM) Memo/Memo in Opposition	Filing		08/30/2021-12:40		
Foster, Julianne	NEF(08-30-2021 12:32:47 PM) Memo/Memo in Opposition	Filing		08/30/2021-12:36		
Foster, Julianne	Memo/Memo in Opposition	Filing		08/30/2021-12:36		
Foster, Julianne	Memo/Memo in Opposition	Filing		08/30/2021-12:33		
Foster, Julianne	Memo/Memo in Opposition	Filing		08/30/2021-12:32		
Airbnb Inc	NEF(08-26-2021 11:36:29 AM) Memo/Memo in Support	Filing		08/26/2021-12:16		
Airbnb Inc	Memo/Memo in Support	Filing		08/26/2021-11:36		
Airbnb Inc	Request for Judicial Notice in support of Motion to Dismiss	Filing		08/26/2021-11:36		
Airbnb Inc	Declaration of L Andrew Watson in Support of Def Request	Filing		08/26/2021-11:36		
Riviere, Rhett	NEF(08-20-2021 04:39:33 PM) Motion/Alter and/or Amend	Filing		08/20/2021-16:47		
Riviere, Rhett	Motion/Alter and/or Amend	Motion		08/20/2021-16:39	02/01/2022-16:39	
Foster, Julianne	NEF(08-04-2021 01:57:25 PM) Notice/Notice of Appearance	Filing		08/04/2021-13:57		
Foster, Julianne	Notice/Notice of Appearance	Filing		08/04/2021-13:57		
Few, Wesley D.	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Few, Wesley D.	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Few, Wesley D.	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Few, Wesley D.	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
O'Brien, Kevin Michael	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
O'Brien, Kevin Michael	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
O'Brien, Kevin Michael	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
O'Brien, Kevin Michael	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Moose, Julie Jeffords	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Moose, Julie Jeffords	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Moose, Julie Jeffords	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Moose, Julie Jeffords	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Watson, Lewis Andrew	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Watson, Lewis Andrew	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Watson, Lewis Andrew	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Watson, Lewis Andrew	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Harte, John W	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Harte, John W	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Harte, John W	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Harte, John W	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Duffy, Ryan Paul	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		

Duffy, Ryan Paul	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Duffy, Ryan Paul	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Duffy, Ryan Paul	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Barbier, Deborah B.	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Barbier, Deborah B.	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Barbier, Deborah B.	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Barbier, Deborah B.	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Cathcart, Anna Pulliam	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Cathcart, Anna Pulliam	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Cathcart, Anna Pulliam	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Cathcart, Anna Pulliam	8/31/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		08/03/2021-12:10		
Airbnb Inc	NEF(08-03-2021 10:29:01 AM) Notice/Joinder Of Co-Defenda...	Filing		08/03/2021-11:22		
Airbnb Inc	NEF(08-03-2021 10:45:23 AM) Motion/Dismiss	Filing		08/03/2021-11:19		
Airbnb Inc	Motion/Dismiss	Motion		08/03/2021-10:45	08/31/2021-10:45	
Airbnb Inc	Notice/Joinder Of Co-Defendants Motions	Filing		08/03/2021-10:29		
Foster, Julianne	NEF(07-29-2021 04:38:29 PM) Motion/Compel	Filing		07/29/2021-17:05		
Foster, Julianne	Motion/Compel	Motion		07/29/2021-16:38	08/31/2021-16:38	
Foster, Julianne	NEF(07-26-2021 03:11:17 PM) Motion/Discovery and Disclos...	Filing		07/26/2021-16:05		
Foster, Julianne	Motion/Discovery and Disclosure of Evidence	Motion		07/26/2021-15:11	08/31/2021-15:11	
Foster, Julianne	NEF(07-23-2021 12:52:35 PM) Notice/Notice of Appearance	Filing		07/23/2021-12:52		
Foster, Julianne	Notice/Notice of Appearance	Filing		07/23/2021-12:52		
Riviere, Rhett	NEF(07-23-2021 11:32:21 AM) Motion/Stay	Filing		07/23/2021-11:42		
Riviere, Rhett	Motion/Stay	Motion		07/23/2021-11:32	08/31/2021-11:32	
Riviere, Rhett	NEF(07-23-2021 11:19:33 AM) Answer/Amended Answer	Filing		07/23/2021-11:24		
Riviere, Rhett	Answer/Amended Answer	Filing		07/23/2021-11:19		
Airbnb Inc	NEF(07-22-2021 10:03:21 AM) Order/Other	Filing		07/22/2021-10:03		
Airbnb Inc	Order/Other	Order		07/22/2021-10:03		
Airbnb Inc	NEF(07-16-2021 04:11:28 PM) Motion/Enlarge Time	Filing		07/16/2021-16:41		
Airbnb Inc	Motion/Enlarge Time	Motion		07/16/2021-16:11	07/22/2021-16:11	
Thomas, Katherine A	NEF(07-12-2021 09:26:24 AM) Notice/Notice of Appearance	Filing		07/12/2021-09:27		
Thomas, Katherine A	Notice/Notice of Appearance	Filing		07/12/2021-09:26		
Thomas, Katherine A	NEF(07-09-2021 02:45:05 PM) Notice/Notice of Appearance	Filing		07/09/2021-15:09		
Thomas, Katherine A	Notice/Notice of Appearance	Filing		07/09/2021-14:45		
Thomas, Katherine A	Answer/Answer	Filing		07/09/2021-14:45		

Thomas, Katherine A	Service/Certificate Of Service	Filing		07/09/2021-14:45		
Riviere, Rhett	NEF(06-28-2021 11:14:21 AM) Answer/Answer	Filing		06/28/2021-11:36		
Riviere, Rhett	Answer/Answer	Filing		06/28/2021-11:14		
Riviere, Rhett	NEF(06-28-2021 11:11:16 AM) Notice/Notice of Appearance	Filing		06/28/2021-11:13		
Riviere, Rhett	Notice/Notice of Appearance	Filing		06/28/2021-11:11		
Airbnb Inc	NEF(05-27-2021 02:13:24 PM) Notice/Notice of Appearance	Filing		05/27/2021-14:13		
Airbnb Inc	Notice/Notice of Appearance	Filing		05/27/2021-14:13		
Foster, Julianne	NEF(05-24-2021 03:12:46 PM) Service/Certificate Of Servi...	Filing		05/24/2021-15:44		
Foster, Julianne	Service/Certificate Of Service Certified Mail on Airbnb Inc	Filing		05/24/2021-15:12		
Foster, Julianne	NEF(05-19-2021 02:52:40 PM) Service/Affidavit Of Service	Filing		05/19/2021-15:16		
Foster, Julianne	Service/Affidavit Of Service on Katherine A Thomas	Filing		05/19/2021-14:52		
Riviere, Rhett	NEF(05-18-2021 10:33:03 AM) Notice/Notice of Appearance	Filing		05/18/2021-10:33		
Riviere, Rhett	Notice/Notice of Appearance	Filing		05/18/2021-10:33		
Foster, Julianne	NEF(05-04-2021 05:15:39 PM) Service/Affidavit Of Service	Filing		05/05/2021-08:51		
Foster, Julianne	Service/Affidavit Of Service on Rhett Riviere	Filing		05/04/2021-17:15		
Foster, Julianne	Summons & Complaint	Filing		04/28/2021-20:00		

RE: Julianne Foster v. Airbnb et al.

1 message

Andrew Watson <awatson@butler.legal>

Wed, Jul 14, 2021 at 4:00 PM

To: Ryan Duffy <rduffy@butler.legal>, Deborah Barbier <dbb@deborahbarbier.com>, "wes@wesleyfew.com" <wes@wesleyfew.com>, "rlb@ryanbeasleylaw.com" <rlb@ryanbeasleylaw.com>

Cc: Julie D'Aeth <jdaeth@butler.legal>, Whitney Hill <whill@butler.legal>

Debbie – I'm interjecting so our intentions are transparent here – we plan on filing a Motion to Compel Arbitration with our Answer in response to the Complaint on 8/3. It will include a motion to stay discovery as to Airbnb until the motion is ruled upon.

Given that the hearing on our Motions is not likely to be heard imminently after we file it, we will need some additional time after that Motion is filed to prepare objections to the discovery in order to preserve them. They won't be ready on 8/3. Whatever number of days you can give us is appreciated, whether 30, 45, or 60 as Ryan requested. Thanks.

Thanks

Andy

L. Andrew Watson | Partner | Licensed in NC, SC, FL & GA

BUTLER
Community House
Craig LLP

WEIHMULLER KATZ CRAIG LLP  **Butler Weihmuller Katz** 11605 N.
Road, Suite 150 | Charlotte, NC 28277

Direct 704.940.9805 | Office 704.543.2321

www.butler.legal | [email](#) | [bio](#) | [linkedin](#) | [vCard](#) | [location](#)**From:** Ryan Duffy <rduffy@butler.legal>**Sent:** Wednesday, July 14, 2021 4:15 PM**To:** 'Deborah Barbier' <dbb@deborahbarbier.com>; Andrew Watson <awatson@butler.legal>; 'wes@wesleyfew.com' <wes@wesleyfew.com>; 'rlb@ryanbeasleylaw.com' <rlb@ryanbeasleylaw.com> **Cc:**

Julie D'Aeth <jdaeth@butler.legal>; Whitney Hill <whill@butler.legal> **Subject:** RE: Julianne Foster v. Airbnb et al.

Hi Debbie,

We appreciate your providing us with 14 additional days to respond to the Complaint / file the Motion to Compel by 8/3/21. With regard to the discovery that was served along with the Complaint, we understand you cannot agree to suspend it until the Motion to Compel is decided. However, are you able to provide us with additional time to respond to the discovery such that responses would be due on October 4, 2021? As I'm sure you can understand, Andy is currently in trial and our client needs time to review its records when it responds to discovery.

RoA_1920

Thank you,

Ryan

Ryan P. Duffy | Attorney at Law

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Direct 267.507.1401 | Office 704.543.2321

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From: Deborah Barbier <dbb@deborahbarbier.com> **Sent:**

Friday, July 9, 2021 4:42 PM

To: Andrew Watson <awatson@butler.legal>; 'wes@wesleyfew.com' <wes@wesleyfew.com>; 'rlb@ryanbeasleylaw.com' <rlb@ryanbeasleylaw.com>

Cc: Julie D'Aeth <jdaeth@butler.legal>; Whitney Hill <whill@butler.legal>; Ryan Duffy <rduffy@butler.legal> **Subject:**

RE: Julianne Foster v. Airbnb et al.

Andrew – We certainly understand the demands of trial, so we are pleased to give you an additional extension of 14 days through August 3, 2021. As to your other requests, we cannot agree to suspend discovery until the arbitration motion is ruled upon. We intend to start taking discovery very soon. We also do not agree to a dismissal without prejudice or that we are bound by an arbitration provision. We look forward to working with you on this matter – Good luck on your trial!

Best regards,

Debbie

Deborah B. Barbier

Deborah B. Barbier, LLC

1811 Pickens Street

Columbia, South Carolina 29201

(803) 445-1032 (office)

(803) 445-1036 (fax) (803)

730-6290 (cell)

www.deborahbarbier.com

RoA_1921

ELECTRONICALLY FILED - 2023 Jun 06 7:50 PM - AIKEN - COMMON PLEAS - CASE#2021CP0200889

From: Andrew Watson <awatson@butler.legal> **Sent:** Wednesday, July 7, 2021 9:16 AM
To: 'wes@wesleyfew.com' <wes@wesleyfew.com>; Deborah Barbier <dbb@deborahbarbier.com>; 'rlb@ryanbeasleylaw.com' <rlb@ryanbeasleylaw.com>
Cc: Julie D'Aeth <jdaeth@butler.legal>; Whitney Hill <whill@butler.legal>; Ryan Duffy <rduffy@butler.legal>
Subject: RE: Julianne Foster v. Airbnb et al. **Importance:** High

Ryan, Wes and Deborah,

Following up on my e-mail below and on recent call / e-mail on 6/16 with Ryan about the Airbnb role in this case.

My client intends to file a Motion to Compel Arbitration, per the below extension which Wes was kind enough to give us, currently through 7/19. However, due to a trial I have in federal court in the next 2 weeks, may I request an additional extension of 14 days, through Tuesday 8/3/21?

Similarly, given that we intend to file this Motion, and intend to ask discovery to be stayed as to Airbnb, may we agree that the obligation to respond to the discovery is stayed until the Motion is ruled upon, rather than being required to prepare formal objections to the discovery based on the arbitration demand?

Lastly and most importantly, as I have mentioned to Ryan directly already, if there is any way for a dismissal without prejudice as to Airbnb, that would seem the most sensible approach, given that there was no criminal record known to Airbnb from its background check – the only history for Mr. Riviere was apparently expunged, making it self-evident that a background check would not have revealed it. I am happy to try and secure discovery materials from Airbnb on an informal basis, even after dismissal, if you are concerned about having a clear avenue to gather discovery materials.

Please let me know if the extension on the MTC is OK, if we can stay the discovery, and if there is any response re: dismissal without prejudice for Airbnb at your first opportunity. Happy to jump on a call with you as needed also.

Thanks

Andy

L. Andrew Watson | Partner | Licensed in NC, SC, FL & GA

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11605 N. Community House Road, Suite 150 | Charlotte, NC 28277

Direct 704.940.9805 | Office 704.543.2321

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RoA_1922

From: Andrew Watson

Sent: Thursday, May 27, 2021 10:13 AM

To: 'wes@wesleyfew.com' <wes@wesleyfew.com>; 'dbb@deborahbarbier.com' <dbb@deborahbarbier.com>; 'rlb@ryanbeasleylaw.com' <rlb@ryanbeasleylaw.com>

Cc: Julie D'Aeth <jdaeth@butler.legal>; Whitney Hill <whill@butler.legal>; Ryan Duffy <rduffy@butler.legal> **Subject:** Julianne Foster v. Airbnb et al.

Good morning everyone.

My law firm and I have been retained by Airbnb, Inc. to represent them in this new Foster litigation in Aiken County, SC. I look forward to working with you. I am getting up to speed on the facts of the case.

My first order of business is to inquire whether Plaintiff would consider dismissing Airbnb without prejudice from this action. Your allegations make clear that the non-Airbnb Defendants were the ones responsible for the presence of these cameras and their own conduct in using them. While the allegations are obviously distasteful to read, Airbnb was not on any sort of notice that such activity was occurring or in a position to prevent it, as it was only providing the platform for the Guest/Host transaction for rental of the property. Given the other cases I have seen filed against these same individuals (Riviere, Thomas, Chase Enterprises) there appears to have been a pattern on their part, having nothing to do with Airbnb.

Also, Airbnb has an arbitration provision in its Terms of Service Agreement. I expect I may be filing a Motion to Compel Arbitration to take the Airbnb part of the dispute out of state court. If you dismiss Airbnb, that avoids the potential for fighting multiple battles in different venues. If you are willing to dismiss Airbnb without prejudice, I will recommend to Airbnb to cooperate informally to share any pertinent materials with you, with sufficient protective orders in place as to proprietary or confidential information.

Lastly, I've been alerted that service may have been made on Airbnb Inc. on May 20th. May we have 30 additional days to respond past the existing deadline, making a new response deadline Monday July 19th?

I am in the office all day today if any of you wish to discuss the case. I've copied my associate (Ryan Duffy), paralegal (Whitney Hill) and assistant (Julie D'Aeth) here for future reference. Please copy the four of us on any case-related e-mails whenever possible. Please also let us know who we should be including on future e-mail communications.

Thanks,

Andy

L. Andrew Watson | Partner | Licensed in NC, SC, FL & GA

BUTLER WEIHMULLER KATZ CRAIG LLP

11605 N. Community House Road, Suite 150 | Charlotte, NC 28277

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ELECTRONICALLY FILED - 2023 Jun 06 7:50 PM - JAMES - COMMON PLEAS - CASE#2021CP0200889

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

JULIANNE FOSTER,

Plaintiff,

v.

RHETT RIVIERE, KATHERINE A.
THOMAS, CHASE ENTERPRISES, LLC
OF SOUTH CAROLINA, and AIRBNB,
INC.,

Defendants.

IN THE COURT OF COMMON PLEAS

SECOND JUDICIAL CIRCUIT

CASE NO.: 2021-CP-02-00889

**AIRBNB, INC.'S RESPONSE TO THE
JUNE 6, 2022 ORDER GRANTING
PLAINTIFF'S MOTION TO COMPEL**

COMES NOW the Defendant Airbnb, Inc., pursuant to the South Carolina Rules of Civil Procedure and applicable law, and responds to the June 6, 2022 Order Granting Plaintiff's Motion to Compel:

1. Identify all AirBnb employees involved in any background checks run on Rhett Riviere and/or Katherine Thomas and or Chase Enterprises. Produce all documents srelated to any background checks performed.

RESPONSE: After a reasonable search, Airbnb has identified no background checks performed on Chase Enterprises. Airbnb produced on April 8 the background checks performed on Rhett Riviere and Katherine Thomas through May 2019 that Airbnb located after a reasonable search. At the time those background checks were performed, the process was automated unless certain red flags were returned in the background check, in which case they would be reviewed by an employee. No red flags were returned in the background checks run on Rhett Riviere or Katherine Thomas, so no Airbnb

employees were involved in any background checks performed on them. Nevertheless, should the topic be within the scope of a deposition under SCRP Rule 30(b)(6), Airbnb can on request identify a corporate representative who is knowledgeable about the background check process in effect at the time background checks were run on Rhett Riviere and Katherine Thomas.

2. Identify all Airbnb employees who have any knowledge of the facts related to Katherine Thomas serving as an Airbnb host. Produce all documents related to Katherine Thomas serving as an AirBnb host, including but not limited to all data requested from her at the time of her application / registration with Airbnb to become a host, and all data submitted by her.

RESPONSE: See Response to No. 1 above for information regarding background checks run on Katherine Thomas. After a reasonable search, Airbnb has identified no employees who have knowledge of facts related to Katherine Thomas serving as an Airbnb host through May 2019. Again, should the topic be within the scope of a deposition under SCRP Rule 30(b)(6), Airbnb can on request identify a corporate representative who is knowledgeable about the background check process in effect at the time background checks were run on Rhett Riviere and Katherine Thomas through May 2019. Airbnb already produced in April user information from Thomas' Airbnb account. Airbnb now produces a copy of the screen that Airbnb used to request information from users on July 17, 2016, as captured by the Wayback Machine. Thomas signed up using the "continue with Facebook option," and therefore Airbnb did not request additional information from her through the sign-up screen. Airbnb is also producing the following

documents and information that it located after a reasonable search: (i) the information Thomas provided during account registration; (ii) the information Thomas provided in creating and managing her listings; (iii) communications between community support agents at partner organizations (who are not Airbnb employees) and Thomas through May 2019 (there were no communications directly between Airbnb employees and Thomas); and (iv) a list of all of Thomas' reservations through May 2019 and associated payment data. Airbnb does not understand the Court's order to require it to produce any communications Thomas may have had with third parties, the production of which would violate the federal Stored Communications Act.

3. Identify all Airbnb employees who performed any review of the information submitted by Katherine Thomas to serve as an Airbnb host. Produce all documents related to any review of the information submitted by Katherine Thomas to serve as an Airbnb host..

RESPONSE: After a reasonable search, Airbnb has not identified any Airbnb employee who reviewed information submitted by Katherine Thomas to serve as an Airbnb host. Airbnb does not perform a manual review of information for every user who creates an account. Airbnb produced on April 8 the background checks Airbnb ran on Thomas through May 2019 and that it located after a reasonable search, and after a further reasonable search has not identified any additional documents related to any review of the information submitted by Thomas to be an Airbnb host. Nevertheless, should the topic be within the scope of a deposition under SCRP Rule 30(b)(6), Airbnb can on request identify a

corporate representative who is knowledgeable about the background check process in effect at the time background checks were run on Rhett Riviere and Katherine Thomas through May 2019.

4. Identify all AirBnb employees that were responsible for guest safety during the time period of April 2019 through the present.

RESPONSE: As set forth in Airbnb's terms of service, "Airbnb has no control over and does not guarantee . . . [the] safety, suitability, or legality of any Listings or Host Services [or] . . . the performance or conduct of any Member," including hosts. (AIRBNB-000003.) There are thus no employees "responsible" for "guest safety." Nonetheless, Airbnb conducts background checks for hosts and guests in the United States to help promote guest safety. As noted above, no Airbnb employees were involved in any background checks performed on Foster or Riviere. Should the topic be within the scope of a deposition under SCRP Rule 30(b)(6), Airbnb can on request identify a corporate representative who is knowledgeable about the background check process in effect at the time background checks were run on Rhett Riviere and Katherine Thomas through May 2019.

5. Identify all Airbnb employees who have any knowledge of the facts related to Michelle Jain being an AirBnb guest. Produce all documents related to Michelle Jain being an Airbnb guest.

RESPONSE: After a reasonable search, Airbnb has identified no employees who, as of May 2019, had knowledge of facts related to Michelle Jain being an Airbnb guest. Along with this response, Airbnb is producing (i) the information

Michelle Jain provided at sign-up; and (ii) information related to Jain's reservation with Thomas and associated payment data. Airbnb does not have any records of any communications between Airbnb and Jain. Airbnb does not understand this request to require it to produce any communications Jain may have had with third parties, the production of which would violate the federal Stored Communications Act.

6. Identify all AirBnb employees who took any actions to determine whether Katherine Thomas and/or Rhett Riviere videotaped AirBnb guests. Produce all documents related to any actions taken to determine whether Katherine Thomas and/or Rhett Riviere videotaped AirBnb guests.

RESPONSE: After a reasonable search, Airbnb has identified no reports it received of any videorecording by Katherine Thomas or Rhett Riviere through May 2019, and so no Airbnb employees could have taken any actions to confirm whether Thomas or Riviere did so through May 2019, nor has Airbnb identified any related documents.

7. Identify all AirBnb employees who took any actions to determine the actual owners of the properties for which Katherine Thomas served as an Airbnb host. Produce all documents related to any actions taken to determine the actual owners of the properties for which Katherine Thomas served as an Airbnb host.

RESPONSE: After a reasonable search, Airbnb has not identified any actions by any Airbnb employees to determine the owner of the properties that Katherine Thomas listed on Airbnb's web platform through May 2019, nor has it identified any related documents.

8. Produce a privilege log for any documents or information withheld based on a claim of an applicable privilege.

RESPONSE: Airbnb has not withheld any responsive documents, as described above, as privileged.

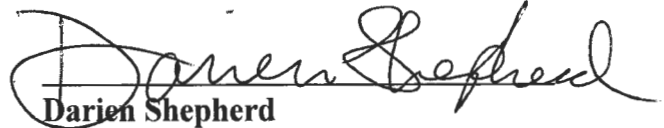
BUTLER WEIHMULLER KATZ CRAIG LLP



L. Andrew Watson
SC Bar No.: 100322
Ryan P. Duffy
SC Bar No.: 103400
11605 North Community House Road, Suite 150
Charlotte, NC 28277
PH: (704) 543-2321
FX: (704) 543-2324
E: awatson@butler.legal
E: rduffy@butler.legal
Attorneys for Airbnb, Inc.

Affidavit

I, Darien Shepherd, being duly sworn, depose and state: I am a Legal Investigations Supervisor, at Airbnb Inc. I have read Defendant Airbnb's July 6, 2022 Response to the June 6, 2022 Order Granting Plaintiff's Motion to Compel and verify that the information Airbnb, Inc. provided is, based on my knowledge and belief, accurate and complete.

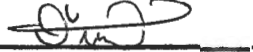


Darien Shepherd
Legal Investigations Supervisor
Airbnb, Inc.

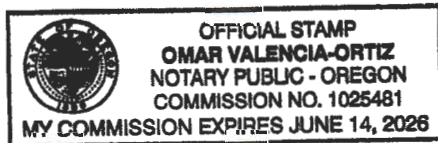
Sworn to before me this
6th day of July 2022

State of Oregon
County of Multnomah

Subscribed and sworn/affirmed to before me this 6 day
of July 2022, by Darien Lemar Shepherd



Notary Public



STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

Julianne Foster,

Plaintiff,

v.

Rhett Riviere, Katherine A. Thomas,
Chase Enterprises, LLC of South
Carolina, and Airbnb, Inc.,

Defendants.

IN THE COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT

Civil Action No.: 2021-CP-02-00889

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a)(1)(b) of the South Carolina Rules of Civil Procedure, Plaintiff Julianne Foster with consent of Defendants Rhett Riviere and Chase Enterprises, LLC of South Carolina, hereby dismisses, with prejudice, her claims against Defendants Rhett Riviere and Chase Enterprises, LLC of South Carolina in the above-referenced action, with Plaintiff and Defendants Rhett Riviere and Chase Enterprises, LLC of South Carolina to bear their own costs and expenses associated with this action. Plaintiff's remaining claims against Defendants Thomas and Airbnb Inc. are not included in this dismissal.

[SIGNATURE BLOCK ON FOLLOWING PAGE]

s/ Deborah B. Barbier
Deborah B. Barbier (SC Bar No.: 6920)
Deborah B. Barbier, LLC
1811 Pickens Street
Columbia, South Carolina 29201
Telephone: 803-445-1032
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Ryan L. Beasley (SC Bar No.: 68307)
Ryan Beasley, Attorney at Law, P.A.
416 East North Street, 2nd Floor
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rlb@ryanbeasleylaw.com

ATTORNEYS FOR PLAINTIFF
JULIANNE FOSTER

s/ James M. Griffin
James M. Griffin (SC Bar No.: 9995)
Margaret N. Fox (SC Bar No.: 76228)
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ATTORNEYS FOR DEFENDANT
RIVIERE AND CHASE ENTERPRISES,
LLC OF SOUTH CAROLINA

December 20, 2022
Columbia, South Carolina

From: Eileen Hindman
Sent: Tuesday, May 16, 2023 11:12 AM
To: jnewmansc@sccourts.org
Cc: jnewmanlc@sccourts.org; rah@harpootlianlaw.com; pdb@harpootlianlaw.com; beattie@beattieashmore.com; dbb@deborahbarbier.com; rlb@ryanbeasleylaw.com; wes@wesleyfew.com; mfox@griffindavislaw.com; jgriffin@griffindavislaw.com; john@jwhartelaw.com; dsestito@omm.com; dtaylor@omm.com; joe@mccullochlaw.com; julie.moose@mgclaw.com; damonw@rplfirm.com; Mitch Brown; Matt Abee
Subject: Foster v. Riviere, et al. - Case No. 2021-CP-02-00889
Attachments: 2023.05.15 [ECF] CMB ltr Judge Newman w Request for Clarification - 4861-9110-5892 1.pdf

Dear Judge Newman,

Please see attached correspondence, which was electronically filed by Mitch Brown on May 15, 2023.



EILEEN HINDMAN SENIOR ADMINISTRATIVE ASSISTANT
eileen.hindman@nelsonmullins.com

MERIDIAN | 17TH FLOOR
1320 MAIN STREET | COLUMBIA, SC 29201
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May 15, 2023

Via E-Filing

The Honorable Jocelyn Newman
1701 Main Street, Room 223
Post Office Box 192
Columbia, SC 29202-0192

RE: Foster v. Riviere, et al. (Aiken County, SC)
Case No. 2021-CP-02-00889
Our File No. 057915.01500

Judge Newman:

Dick Harpootlian and I have been retained to represent Airbnb, Inc. in this matter as additional counsel. This matter came before you for a hearing on a motion to dismiss and two motions to compel production on April 5, 2023.

The Court has not yet issued a written order on the motions.¹ Nevertheless, and while not waiving any of its rights or positions, Airbnb has taken steps to produce documents the Court found responsive and discoverable to 13 requests for production (“RFPs”) at issue (attached).

Airbnb’s production will be made under the Court’s September 16, 2021 Confidentiality Order, although there are some issues respecting that Confidentiality Order and disputes regarding it, which were addressed in correspondence to Your Honor by Mr. Ashmore on April 20.

Some guest and host identity/contact information was requested via RFPs 34, 45–47, and 48. Disclosing guests’ contact information would allow Plaintiff to contact each of these non-party guests, even though they have not been given notice and a chance to object to the disclosure. Disclosing the identities of hosts unrelated to this case would also allow Plaintiff to expose criminal backgrounds, no matter how stale the conviction or irrelevant those hosts or convictions are to the claims. These non-parties have privacy and Due Process rights. An open issue exists

¹ See *Spartanburg Buddhist Ctr. of S.C. v. Ork*, 417 S.C. 601, 608, 790 S.E.2d 430, 434 (Ct. App. 2016) (order not final until written and entered); *Case v. Case*, 243 S.C. 447, 451, 134 S.E.2d 394, 396 (1964); *First Union Nat. Bank of S.C. v. Hitman, Inc.*, 306 S.C. 327, 329, 411 S.E.2d 681, 682 (Ct. App. 1991), *aff’d*, 308 S.C. 421, 418 S.E.2d 545 (1992).

Request for Clarification
May 15, 2023
Page 2

regarding whether non-parties are entitled to notice and an opportunity to object before such a production of their identities/contact information, or whether the Court will order the production without notice to the non-parties.

Similar privacy interests were at issue in *Hollman v. Woolfson*, 384 S.C. 571, 577–78, 683 S.E.2d 495, 498–99 (2009). There, our Supreme Court granted two extraordinary writs of certiorari and reversed and vacated discovery orders which compelled production of non-party contact information and allowed the plaintiff's counsel to contact those non-parties. *Id.* The Court held that it was an abuse of discretion for the Court to require the production of the non-parties' contact information and then to authorize the plaintiff's counsel to contact those non-parties. *Id.* at 578, 683 S.E.2d at 498–99. The Court reasoned that the information obtained from the non-parties would not advance any of the plaintiff's claims, including his South Carolina Unfair Trade Practices Act claim. *Id.* at 580, 683 S.E.2d at 500.

Similar to the *Hollman* non-parties, the non-parties here have valid privacy interests and would suffer particularized harm if their identification/contact information were produced without notice, even with the Confidentiality Order in place, as “no protective device can limit the invasion of the [non-party guests] privacy once contact with them is permitted.” *Id.* at 578, 683 S.E.2d at 498–99. As a result, Airbnb requests the Court hold a status conference—in person or remotely—on this aspect of the productions at its earliest convenience.

Airbnb has separately filed a Motion to Compel Arbitration contemporaneously with this letter. Airbnb will also be moving to dismiss and/or stay further judicial proceedings. Airbnb has not waived its rights to compel arbitration of the Amended Complaint (which, among other things asserts new causes of action), nor does it waive those rights in seeking clarification from the Court and a written order respecting the privacy rights of non-parties, should the motion to compel arbitration be denied.

Respectfully,



C. Mitchell Brown

cc: Via ECF
 Richard A. Harpootlian
 Phillip Donald Barber
 Beattie B. Ashmore
 Dawn Sestito
 Damali Taylor
 Deborah B. Barbier
 Ryan Lewis Beasley
 Wesley D. Few
 Margaret Nicole Fox

Request for Clarification
May 15, 2023
Page 3

James Mixon Griffin
John W. Harte
Joseph M. McCulloch, Jr.
Julie Jeffords Moose
Damon Christian Wlodarczyk

Requests for Production at Issue

Subject of February 10, 2023 Motion to Compel:

16. "All documents reflecting the organizational, leadership and management of Airbnb from January 1, 2019 through the present."
17. "All non-privileged information of Airbnb regarding the factual allegations in the case of *Foster v. Riviere, et al* – 2021-CP-02-00889."
19. "All records, reports, documents, correspondence, handwritten notes or otherwise, materials of any kind that concern, reference or relate to any of the following: Rhett Riviere, Chase Enterprises, LLC of South Carolina, Katherine Thomas and/or Julianne Foster."
27. "All documents related to Airbnb's governance of their privacy policies as they relate to disclosed or concealed monitoring devices in AIRBNB properties including data supporting removal, reinstatement, and appeals of hosts who violate the policy."
28. "All documents related to Airbnb and its hosts' compliance with state statutes concerning real estate property management licensure to hosts and potential hosts."
29. "All communications between 'Michele' and Defendant Katherine Thomas via Airbnb's online booking program since April 12, 2019."
31. "All Protocols, manuals, memoranda, or other written standards of care or instructions that reference or concern the vetting of hosts by Airbnb during the time period of December 1, 2013 through the present."
33. "All Protocols, manuals, memoranda, or other written standards of care or instructions that reference or concern the use of video cameras by Airbnb hosts during the time period of December 1, 2013 through the present."
34. "All reports and/or complaints made to Airbnb of guests being secretly videotaped between December 1, 2013, through the present."

Subject of January 18, 2023 Motion to Compel:

45. "Provide all contact information in the possession of Airbnb for each and every Guest associated with the reservation id number [related to the property at issue]."
46. "Provide all contact information in the possession or control of Airbnb for each and every Guest(s) associated with the confirmation code [related to the property at issue]."
47. Provide all contact information in the possession of Airbnb for each and every Guest associated with the id product [related to the property at issue]."
48. "Provide all documents which identify any individual who has been an Airbnb Host during the time period of December 1, 2013 until the present who has been convicted of any of the [offenses from Airbnb background check policy]."



***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP0200889

Official File Stamp: 05-15-2023 11:06:59 PM
Court: CIRCUIT COURT
Common Pleas
Aiken
Case Caption: Julianne Foster , plaintiff, et al VS Rhett Riviere , defendant, et al
Document(s) Submitted: Letter/Letter
Filed by or on behalf of: C. Mitchell Brown

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Richard A. Harpootlian for Airbnb Inc
Phillip Donald Barber for Airbnb Inc
C. Mitchell Brown for Airbnb Inc
Damon Christian Wlodarczyk for Katherine A Thomas
Ryan Lewis Beasley for Julianne Foster
Deborah B. Barbier for Julianne Foster
John W Harte
Joseph M. McCulloch, Jr.
Kathy R. Schillaci
Wesley D. Few for Julianne Foster
James Mixon Griffin
Margaret Nicole Fox
Beattie B. Ashmore for Airbnb Inc, Airbnb Inc

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Brad Owensby
Rhett Riviere
Damali Taylor for Airbnb Inc
Dawn Sestito for Airbnb Inc
Jane Page Thompson

O'Melveny & Myers LLP
Two Embarcadero Center
28th Floor
San Francisco, CA 94111-3823

T: +1 415 984 8700
F: +1 415 984 8701
omm.com

June 5, 2023

Damali A. Taylor
D: +1 415 984 8928
dtaylor@omm.com

VIA E-MAIL

Deborah B. Barbier, dbb@deborahbarbier.com
Wesley Few, wes@wesleyfew.com
Ryan Beasley, rlb@ryanbeasleylaw.com
Damon Wlodarczyk, damonw@rplfirm.com
James Mixon Griffin, jgriffin@griffindavislaw.com
Margaret Nicole Fox, mfox@griffindavislaw.com
John Harte, john@jwhartelaw.com
Joe McCulloch, joe@mccullochlaw.com
Kathy R. Schillaci, kathy@mccullochlaw.com

Re: *Foster v. Rhett Riviere, et al.* 2021-CP-02-00889

Dear Counsel:

I write on behalf of Airbnb, Inc. ("Airbnb") in the above-captioned matter. On May 25, 2023, the court issued a Form 4 order granting Plaintiff's January 18 and February 10, 2023, Motions to Compel, allowing Airbnb 60 days to respond. Airbnb is producing documents stamped AIRBNB-001354 to AIRBNB-423515 in password-protected zip files. The password will be sent in a separate email. Contemporaneous with this production, Airbnb is filing a motion for reconsideration and to stay enforcement with respect to Plaintiff's Request for Production Nos. 45, 46, 47 (Non-Party Guest Contact Information) and 48 (Non-Party Host Criminal Convictions). Consequently, Airbnb is withholding production of documents responsive to these requests at this time.

This production has been stamped with confidentiality designations and is being produced pursuant to the September 16, 2021, Confidentiality Order in this action. The production of these materials is not intended to, and does not, waive any applicable privilege or other legal basis under which this information may be protected from disclosure. Airbnb reserves all rights and privileges with respect to documents and information produced.

Further, on May 15, 2023, Airbnb filed a motion to compel arbitration and a motion to stay further judicial proceedings. A hearing on both motions is scheduled for June 13, 2023. This production should not be construed as, and is not, a waiver of the right to compel arbitration or a waiver of our motion to stay further judicial proceedings.

Sincerely,

/s/ Damali A. Taylor

Damali A. Taylor

Enclosures

cc: Beattie Ashmore, Esq.
Richard Harpootlian, Esq.
Mitch Brown, Esq.

C. Mitchell Brown
T: 803.255.9595
mitch.brown@nelsonmullins.com

1320 Main Street, 17th Floor
Columbia, SC 29201
T: 803.799.2000 F: 803.256.7500
nelsonmullins.com

June 5, 2023

Via E-Filing and USPS
The Honorable Jocelyn Newman
1701 Main Street
Room 223
Columbia, SC 29202

RE: Foster v. Riviere, et al. (Aiken County, SC)
Case No. 2021-CP-02-00889
Our File No. 057915.01500

Judge Newman:

As required by Rule 59(g), SCRCP, enclosed please find a courtesy copy of Airbnb, Inc.'s Motion to Reconsider and to Stay Enforcement that was filed earlier today. Airbnb makes this motion as it is required to do under the court rules and circumstances of the case without waiving, and indeed expressly reserving its arbitration rights asserted in its motion to compel arbitration, due to be heard June 13.

Please feel free to contact me or Mr. Harpootlian should you need anything regarding this motion.

Very truly yours,



C. Mitchell Brown

Enclosure

cc: Counsel of Record (via ECF)

From: Cassy Young <cassy@wesleyfew.com>
Sent: Thursday, June 8, 2023 11:21 AM
To: Charla Plouffe; Deborah Barbier; Wes Few; Beattie B. Ashmore, P.A.
Cc: Damon Wlodarczyk; Jim Griffin; Joe@mccullochlaw.com; John Harte; Taylor, Damali A.; Rothstein, James K.; Stephanie Gray; ELIZABETH@ryanbeasleylaw.com; Dick Harpootlian; Mitch Brown; pdb@harpootlianlaw.com; Matt Abee; rlb@ryanbeasleylaw.com; Staff@wesleyfew.com
Subject: Our File No.: 00305-001 - Case No.: 2021-CP-02-00889
Attachments: 2023-06-08__FILED Plaintiff Motion for RTSC.pdf; 2023-06-08__FILED Ex. 1 - RTSC - 6.7.22 RFPs 16-44 to Airbnb.pdf; 2023-06-08__FILED Ex. 2 - RTSC - Airbnb Responses to 16-44.pdf; 2023-06-08__FILED Ex. 3 - RTSC - 11.1.22 RFPs 45-48 from Plaintiff to Airbnb.pdf; 2023-06-08__FILED Ex. 4 - RTSC - Airbnb Responses to 45-48.pdf; 2023-06-08__FILED Ex. 5 - RTSC - Form 4 Order.pdf; 2023-06-08__FILED Ex. 6 - RTSC - 6.5.23 Airbnb Ltr re Production.pdf; 2023-06-08__FILED Ex. 7 - RTSC - 4.5.23 Hearing Transcript.pdf

External Source/Sender notice

Use caution responding or clicking links/attachments.

Good morning Charla,
Hope all is well with you! Attached please find Plaintiff's Motion for Rule to Show Cause and corresponding exhibits filed this morning. We would ask that you please add this motion to the hearing roster that is currently set for 10:00 AM on Tuesday, June 13, 2023, before Judge Maddox in the virtual courtroom if you are able to and Judge Maddox is in agreement.
Thanks so much and let us know if you need anything else,
Cassy

Cassy G. Young, Paralegal/ Office Manager | Wesley D. Few, LLC | 864-527-5906 |
cassy@wesleyfew.com | P.O. Box 9398, Greenville, SC 29604 | www.wesleyfew.com

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From: Charla Plouffe <CPlouffe@aikencountysc.gov>
Sent: Friday, June 9, 2023 12:14 PM
To: Mitch Brown; Damon Wlodarczyk
Cc: Cassy Young; Deborah Barbier; Wes Few; Beattie B. Ashmore, P.A.; Jim Griffin; joe@mccullochlaw.com; John Harte; Taylor, Damali A.; Rothstein, James K.; Stephanie Gray; elizabeth@ryanbeasleylaw.com; Dick Harpootlian; pdb@harpootlianlaw.com; Matt Abee; rlb@ryanbeasleylaw.com; staff@wesleyfew.com
Subject: RE: Our File No.: 00305-001 - Case No.: 2021-CP-02-00889

Good afternoon,

The below-referenced motion will be added to the docket on Tuesday, June 13th. Formal notices will follow.

Thank you,

Charla Plouffe
Court Administrator
Common Pleas/Jury
Aiken County Clerk of Court
PO Box 583
Aiken, SC 29802
p. 803.502.9000 x 4244
f. 803.642.1718

From: Mitch Brown <mitch.brown@nelsonmullins.com>
Sent: Thursday, June 8, 2023 5:03 PM
To: Damon Wlodarczyk <damonw@rplfirm.com>
Cc: Charla Plouffe <CPlouffe@aikencountysc.gov>; Cassy Young <cassy@wesleyfew.com>; Deborah Barbier <dbb@deborahbarbier.com>; Wes Few <wes@wesleyfew.com>; Beattie B. Ashmore, P.A. <beattie@beattieashmore.com>; Jim Griffin <JGriffin@griffindavislaw.com>; joe@mccullochlaw.com; John Harte <john@jwhartelaw.com>; Taylor, Damali A. <dtaylor@omm.com>; Rothstein, James K. <jrothstein@omm.com>; Stephanie Gray <stephanie@beattieashmore.com>; elizabeth@ryanbeasleylaw.com; Dick Harpootlian <rah@harpootlianlaw.com>; pdb@harpootlianlaw.com; Matt Abee <matt.abee@nelsonmullins.com>; rlb@ryanbeasleylaw.com; staff@wesleyfew.com
Subject: Re: Our File No.: 00305-001 - Case No.: 2021-CP-02-00889

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For Airbnb, we take no position as to the motion being sent to the judge for consideration to add to the schedule but we reserve and do not waive all rights, objections and positions, including but not limited to those related to this motion. Thank you,

Mitch Brown

Nelson Mullins

Sent from my iPhone

On Jun 8, 2023, at 2:33 PM, Damon Wlodarczyk <damonw@rplfirm.com> wrote:

I have no position for Defendant Katherine Thomas and defer to the court. Thank you,

Damoon

<image001.jpg> **Damon C. Wlodarczyk | Attorney and Counselor at Law**
Riley Pope & Laney, LLC – Columbia | Charleston | Charlotte
Office: 803.799.9993
Email: damonw@rplfirm.com

From: Charla Plouffe <CPlouffe@aikencountysc.gov>

Sent: Thursday, June 8, 2023 12:45 PM

To: Cassy Young <cassy@wesleyfew.com>; Deborah Barbier <dbb@deborahbarbier.com>; Wes Few <wes@wesleyfew.com>; Beattie B. Ashmore, P.A. <beattie@beattieashmore.com>

Cc: Damon Wlodarczyk <damonw@rplfirm.com>; Jim Griffin <jgriffin@griffindavislaw.com>; Joe@mccullochlaw.com; John Harte <john@jwhartelaw.com>; Taylor, Damali A. <dtaylor@omm.com>; Rothstein, James K. <jrothstein@omm.com>; Stephanie Gray <stephanie@beattieashmore.com>; ELIZABETH@ryanbeasleylaw.com; Dick Harpootlian <rah@harpootlianlaw.com>; Mitch Brown <mitch.brown@nelsonmullins.com>; pdb@harpootlianlaw.com; Matt Abee <matt.abee@nelsonmullins.com>; rlb@ryanbeasleylaw.com; Staff@wesleyfew.com

Subject: RE: Our File No.: 00305-001 - Case No.: 2021-CP-02-00889

Importance: High

Good afternoon!

What is opposing counsel's position on adding this motion to Tuesday's docket along with the already scheduled motions? I would like to have that information before getting Judge Maddox's approval to add it.

Thank you,

Charla Plouffe

Court Administrator
Common Pleas/Jury
Aiken County Clerk of Court
PO Box 583
Aiken, SC 29802
p. 803.502.9000 x 4244
f. 803.642.1718

From: Cassy Young <cassy@wesleyfew.com>

Sent: Thursday, June 8, 2023 11:21 AM

To: Charla Plouffe <CPlouffe@aikencountysc.gov>; Deborah Barbier <dbb@deborahbarbier.com>; Wes Few <wes@wesleyfew.com>; Beattie B. Ashmore, P.A. <beattie@beattieashmore.com>
Cc: Damon Wlodarczyk <damonw@rplfirm.com>; Jim Griffin <jgriffin@griffindavislaw.com>; Joe@mccullochlaw.com; John Harte <john@jwhartelaw.com>; Taylor, Damali A. <dtaylor@omm.com>; Rothstein, James K. <jrothstein@omm.com>; Stephanie Gray <stephanie@beattieashmore.com>; ELIZABETH@ryanbeasleylaw.com; Dick Harpootlian <rah@harpootlianlaw.com>; Mitch Brown <mitch.brown@nelsonmullins.com>; pdb@harpootlianlaw.com; Matt Abee <matt.abee@nelsonmullins.com>; rlb@ryanbeasleylaw.com; Staff@wesleyfew.com
Subject: Our File No.: 00305-001 - Case No.: 2021-CP-02-00889

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Good morning Charla,

Hope all is well with you! Attached please find Plaintiff's Motion for Rule to Show Cause and corresponding exhibits filed this morning. We would ask that you please add this motion to the hearing roster that is currently set for 10:00 AM on Tuesday, June 13, 2023, before Judge Maddox in the virtual courtroom if you are able to and Judge Maddox is in agreement.

Thanks so much and let us know if you need anything else,
Cassy

Cassy G. Young, Paralegal/ Office Manager | Wesley D. Few, LLC | 864-527-5906 | cassy@wesleyfew.com | P.O. Box 9398, Greenville, SC 29604
| www.wesleyfew.com

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Matt Abee

From: Wes Few <wesfewsc@gmail.com>
Sent: Monday, July 24, 2023 4:54 PM
To: Blake Williams; Taylor, Damali A.; Beattie@BeattieAshmore.com; Mitch Brown; Matt Abee; Dick Harpootlian
Cc: Deborah Barbier; rlb@ryanbeasleylaw.com; Damon Wlodarczyk; pdb@harpootlianlaw.com; Jim Griffin; McCulloch, Joseph M.; John Harte; kathy@mccullochlaw.com; mfox@griffinhumphries.com; Cassy G. Young
Subject: Re: Motions Under Advisement Julianne Foster et. al. v. Rhett Riviere et. al. 2021CP0200889
Attachments: 2023-07-24__Foster Proposed RTSC Airbnb Order_msw.docx; 2023-07-24__Foster Proposed RTSC AIRBNB Order_pdf.pdf

External Source/Sender notice

Use caution responding or clicking links/attachments.

Blake et al (Airbnb Counsel),

Consistent with Judge Maddox's email dated July 11, attached please find Plaintiff's proposed order on the Rule to Show Cause motion.

Please let us know if you have any comments or suggested revisions to this proposed order by COB Wednesday.

Otherwise, we will submit this to Judge Maddox and file it as instructed.

Thanks,

-Wes

WES FEW | 864-527-5906 - phone | 864-404-7792 - mobile | wes@wesleyfew.com | Wesley D. Few, LLC | Mail: P.O. Box 9398, Greenville, SC 29604 | Deliveries: 416 East North Street, 2nd Floor, Greenville, SC 29601 - This message and any attachments are confidential property of sender. The information is intended only for use by person(s) to whom it was addressed. Any other interception, copying, accessing, or disclosure of this message is prohibited. Forwarding or other use of this information without permission may result in liability on your behalf. If you received this message in error, please delete it and notify sender as soon as possible. 00305-001

On Mon, Jul 24, 2023 at 9:17 AM Blake Williams <blake.williams@nelsonmullins.com> wrote:

Good morning all,

Pursuant to the Court's below email dated July 11, 2023, we are hereby circulating the proposed order denying the motion to compel as to Riviere to all counsel consistent with that email, without waiver or prejudice to any of the arguments and positions of Airbnb and Riviere to the contrary of course.

Thank you,

(p) 803.255.9597 (e) blake.williams@nelsonmullins.com

From: Maddox, J. Cordell Law Clerk (William D. Smith) <cmaddoxlc@sccourts.org>

Sent: Tuesday, July 11, 2023 5:44 PM

To: Deborah Barbier <dbb@deborahbarbier.com>; 'Beattie@BeattieAshmore.com' <Beattie@BeattieAshmore.com>; rlb@ryanbeasleylaw.com; Wes Few <wes@wesleyfew.com>; Matt Abee <matt.abee@nelsonmullins.com>; Taylor, Damali A. <dtaylor@omm.com>; Damon Wlodarczyk <damonw@rplfirm.com>; pdb@harpootlianlaw.com; Jim Griffin <jgriffin@griffindavislaw.com>; Dick Harpootlian <rah@harpootlianlaw.com>; McCulloch, Joseph M. <joe@mccullochlaw.com>; John Harte <john@jwhartelaw.com>; kathy@mccullochlaw.com; Blake Williams <blake.williams@nelsonmullins.com>; Mitch Brown <mitch.brown@nelsonmullins.com>; mfox@griffinhumphries.com

Cc: Maddox, J. Cordell Secretary (Cynthia Hicks) <cmaddoxsc@sccourts.org>

Subject: Motions Under Advisement Julianne Foster et. al. v. Rhett Riviere et. al. 2021CP0200889

All-

Judge Maddox took Defendant Airbnb's Motion to Compel, Plaintiff Julianne Foster's Rule to Show Cause, and Defendant Rhett Riviere's Motion to Compel under advisement on June 13th, 2023. The rulings on these motions are as follows:

- Defendant Airbnb's Motion to Compel Arbitration (**Denied**)
- Plaintiff Julianne Foster's Rule to Show Cause (**Granted**)
- Defendant Rhett Riviere's Motion to Compel Arbitration (**Denied**)

Counsel for Plaintiff Julianne Foster shall prepare proposed orders denying Defendant Airbnb's Motion to Compel and granting the Rule to Show Cause. The proposed order on the Motion to Compel shall reflect that the motion was denied on the grounds that:

1. The theory of direct benefits estoppel cannot be used to bind the Plaintiff non-signatory into arbitration, as she received no direct contractual benefit because she suffered harm while staying at the residence that was the subject of the contract.
2. South Carolina courts have declined to enforce arbitration provisions in cases of outrageous acts that are unforeseeable to reasonable consumers.
3. Airbnb waived its right to enforce arbitration by participating in extensive litigation for over two years.

The proposed order on the Rule to Show Cause shall provide that Defendants shall comply with the previously filed Motion to Compel within forty-five (45) days upon Judge Maddox's signing of the order.

Counsel for Airbnb may prepare the order denying Defendant Rhett Riviere's Motion to Compel Arbitration, but the all parties may confer with one another to choose the appropriate attorney to prepare this order. Please submit all requested orders via e-filing by **August 1, 2023**. Please circulate the proposed orders to all counsel of record before e-filing them for Judge Maddox's review. If there are any questions or concerns, please do not hesitate to reach out to our office.

Thanks,

Will

Will Smith

Law Clerk to the Hon. J. Cordell Maddox, Jr.

Office: (864) 260-4636

Fax: (864) 260-6348

PO Box 8002

Anderson, SC 29622

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STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

IN THE COURT OF COMMON PLEAS  
2<sup>ND</sup> JUDICIAL CIRCUIT

JULIANNE FOSTER,

Plaintiff,

v.

RHETT RIVIERE, KATHERINE A.  
THOMAS, CHASE ENTERPRISES,  
LLC OF SOUTH CAROLINA,  
AND AIRBNB, INC,

Defendants.

C/A No. 2021-CP-02-00889

***[Proposed]***  
**ORDER GRANTING PLAINTIFF'S MOTION  
FOR RULE TO SHOW CAUSE**

This matter came before the Court pursuant to Plaintiff's Motion for a Rule to Show Cause, filed June 8, 2023. A hearing was held on the matter on June 13, 2023. Having fully considered the matter, including the motion, exhibits, and the parties' arguments, it is hereby **ORDERED** that Plaintiff's Motion for a Rule to Show Cause is **GRANTED**.

On June 7, 2022, Plaintiff served Airbnb with her Requests for Production Nos. 16-44.<sup>i</sup> In its responses, Airbnb objected on numerous grounds. (Ex. B, Feb. 10, 2023 Motion to Compel). On February 10, 2023, Plaintiff filed a Motion to Compel regarding her Requests for Production Nos. 16-44.

On November 1, 2022, Plaintiff served Airbnb with her Requests for Production Nos. 45-48. In its responses, Airbnb objected on numerous grounds. (Ex. B, Jan. 18, 2023 Motion to Compel). On January 18, 2023, Plaintiff filed her Motion to Compel regarding Requests for Production Nos. 45-48.

Each of Plaintiff's above-identified motions to compel were heard on April 5, 2023. The Court granted the motions during the hearing – giving Airbnb 60 days within which to comply and

produce the documents requested. Subsequently on May 25, 2023, the Court entered a Form 4 Order memorializing its decision.

On June 5, 2023, Airbnb produced some documents to Plaintiff, but informed her that it was unilaterally withholding production of other responsive documents, stating as follows:

Contemporaneous with this production, Airbnb is filing a motion for reconsideration<sup>ii</sup> and to stay enforcement with respect to Plaintiff's Request for Production Nos. 45, 46, 47 (Non-Party Guest Contact Information) and 48 (Non-Party Host Criminal Convictions). Consequently, Airbnb is withholding production of documents responsive to these requests at this time.

(Ex. 6, Plaintiff's June 8, 2023 Motion for Rule to Show Cause).

Plaintiff has additionally argued and noted Airbnb has failed to produce other responsive documents, including, for example, none of its internal email communications. Prior to the filing of her motion for a Rule to Show Cause, Plaintiff sought to communicate with Airbnb about how it intended to perform its searches for responsive ESI, but Airbnb did not respond. Instead, Plaintiff alleges Airbnb simply decided which documents it would produce and withheld the remainder, which is evident from the block quote above taken from Airbnb's June 5, 2023 letter to Plaintiff's counsel (Ex. 6, Plaintiff's June 8, 2023 Motion for Rule to Show Cause). Plaintiff additionally argues Airbnb has failed to provide a privilege log in this case.

This Court finds Airbnb's stated plans to not comply this Court's May 25, 2023 Order on the Motions to Compel are in contempt of this Court and violate this Court's order. Airbnb must comply with this Court's May 25, 2023 Order on the Motions to Compel and produce all responsive documents to Plaintiff within forty-five (45) days of the date of this order.

**IT IS SO ORDERED.**

---

The Honorable J. Cordell Maddox, Jr.  
Presiding Judge, 2<sup>nd</sup> Judicial Circuit

July \_\_, 2023  
Anderson, South Carolina

---

<sup>i</sup> Plaintiff notes her Request for Production Nos. 16-44 are substantially identical in scope and substance to the 24 topics in her 30(b)(6) deposition notice. This is the same notice for which Airbnb initially sought a protective order (motion filed June 14, 2022), and later its first motion to reconsider (motion filed Aug. 4, 2022). Both of those motions were denied. As of the hearing on April 5, 2023, Airbnb had yet to provide any documents in response to these requests. (*See* April 5, 2023 Hearing Transcript, at pp. 105 to 110 (Airbnb continuing argument in support of its “compromise position” rejected)).

<sup>ii</sup> Airbnb has already filed two motions to reconsider this Court’s discovery orders, as follows: (i) Motion to Reconsider Denial of Airbnb’s Motion for Protective Order [as relates to Plaintiff’s 30(b)(6) deposition notice], filed August 4, 2022; and (ii) Airbnb, Inc.’s Motion to Reconsider and to Stay Enforcement, filed June 5, 2023. By the time Airbnb’s first motion to reconsider was fully briefed, Airbnb had filed and presented 51 pages (6 + 30 + 15 = 51) of argument in support of its motion, which was denied in all substantive respects by order dated October 11, 2022.

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

IN THE COURT OF COMMON PLEAS  
2<sup>ND</sup> JUDICIAL CIRCUIT

JULIANNE FOSTER,

Plaintiff,

v.

RHETT RIVIERE, KATHERINE A.  
THOMAS, CHASE ENTERPRISES,  
LLC OF SOUTH CAROLINA,  
AND AIRBNB, INC,

Defendants.

C/A No. 2021-CP-02-00889

***[Proposed]***  
**ORDER GRANTING PLAINTIFF'S MOTION  
FOR RULE TO SHOW CAUSE**

This matter came before the Court pursuant to Plaintiff's Motion for a Rule to Show Cause, filed June 8, 2023. A hearing was held on the matter on June 13, 2023. Having fully considered the matter, including the motion, exhibits, and the parties' arguments, it is hereby **ORDERED** that Plaintiff's Motion for a Rule to Show Cause is **GRANTED**.

On June 7, 2022, Plaintiff served Airbnb with her Requests for Production Nos. 16-44.<sup>i</sup> In its responses, Airbnb objected on numerous grounds. (Ex. B, Feb. 10, 2023 Motion to Compel). On February 10, 2023, Plaintiff filed a Motion to Compel regarding her Requests for Production Nos. 16-44.

On November 1, 2022, Plaintiff served Airbnb with her Requests for Production Nos. 45-48. In its responses, Airbnb objected on numerous grounds. (Ex. B, Jan. 18, 2023 Motion to Compel). On January 18, 2023, Plaintiff filed her Motion to Compel regarding Requests for Production Nos. 45-48.

Each of Plaintiff's above-identified motions to compel were heard on April 5, 2023. The Court granted the motions during the hearing – giving Airbnb 60 days within which to comply and

produce the documents requested. Subsequently on May 25, 2023, the Court entered a Form 4 Order memorializing its decision.

On June 5, 2023, Airbnb produced some documents to Plaintiff, but informed her that it was unilaterally withholding production of other responsive documents, stating as follows:

Contemporaneous with this production, Airbnb is filing a motion for reconsideration<sup>ii</sup> and to stay enforcement with respect to Plaintiff's Request for Production Nos. 45, 46, 47 (Non-Party Guest Contact Information) and 48 (Non-Party Host Criminal Convictions). Consequently, Airbnb is withholding production of documents responsive to these requests at this time.

(Ex. 6, Plaintiff's June 8, 2023 Motion for Rule to Show Cause).

Plaintiff has additionally argued and noted Airbnb has failed to produce other responsive documents, including, for example, none of its internal email communications. Prior to the filing of her motion for a Rule to Show Cause, Plaintiff sought to communicate with Airbnb about how it intended to perform its searches for responsive ESI, but Airbnb did not respond. Instead, Plaintiff alleges Airbnb simply decided which documents it would produce and withheld the remainder, which is evident from the block quote above taken from Airbnb's June 5, 2023 letter to Plaintiff's counsel (Ex. 6, Plaintiff's June 8, 2023 Motion for Rule to Show Cause). Plaintiff additionally argues Airbnb has failed to provide a privilege log in this case.

This Court finds Airbnb's stated plans to not comply this Court's May 25, 2023 Order on the Motions to Compel are in contempt of this Court and violate this Court's order. Airbnb must comply with this Court's May 25, 2023 Order on the Motions to Compel and produce all responsive documents to Plaintiff within forty-five (45) days of the date of this order.

**IT IS SO ORDERED.**

---

The Honorable J. Cordell Maddox, Jr.  
Presiding Judge, 2<sup>nd</sup> Judicial Circuit

July \_\_, 2023  
Anderson, South Carolina

---

<sup>i</sup> Plaintiff notes her Request for Production Nos. 16-44 are substantially identical in scope and substance to the 24 topics in her 30(b)(6) deposition notice. This is the same notice for which Airbnb initially sought a protective order (motion filed June 14, 2022), and later its first motion to reconsider (motion filed Aug. 4, 2022). Both of those motions were denied. As of the hearing on April 5, 2023, Airbnb had yet to provide any documents in response to these requests. (*See* April 5, 2023 Hearing Transcript, at pp. 105 to 110 (Airbnb continuing argument in support of its “compromise position” rejected)).

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**From:** Maddox, J. Cordell Law Clerk (William D. Smith) <cmaddoxlc@sccourts.org>  
**Sent:** Thursday, July 27, 2023 1:05 PM  
**To:** wes@wesleyfew.com; Maddox, J. Cordell Secretary (Cynthia Hicks)  
**Cc:** Deborah Barbier; Beattie@BeattieAshmore.com; rlb@ryanbeasleylaw.com; Matt Abee; Taylor, Damali A.; Damon Wlodarczyk; pdb@harpootlianlaw.com; Jim Griffin; Dick Harpootlian; McCulloch, Joseph M.; John Harte; kathy@mccullochlaw.com; Mitch Brown; Blake Williams; mfox@griffinhumphries.com  
**Subject:** RE: Motions Under Advisement Julianne Foster et. al. v. Rhett Riviere et. al. 2021CP0200889

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Thank you for consolidating everything, we will let you know if we need anything else.

Will Smith  
Law Clerk to the Hon. J. Cordell Maddox, Jr.  
Office: (864) 260-4636  
Fax: (864) 260-6348  
PO Box 8002  
Anderson, SC 29622

---

**From:** Wes Few <wesfewsc@gmail.com>  
**Sent:** Thursday, July 27, 2023 12:57 PM  
**To:** Maddox, J. Cordell Law Clerk (William D. Smith) <cmaddoxlc@sccourts.org>; Maddox, J. Cordell Secretary (Cynthia Hicks) <cmaddoxsc@sccourts.org>  
**Cc:** Deborah Barbier <dbb@deborahbarbier.com>; Beattie@BeattieAshmore.com; rlb@ryanbeasleylaw.com; Matt Abee <matt.abee@nelsonmullins.com>; Taylor, Damali A. <dtaylor@omm.com>; Damon Wlodarczyk <damonw@rplfirm.com>; pdb@harpootlianlaw.com; Jim Griffin <jgriffin@griffindavislaw.com>; Dick Harpootlian <rah@harpootlianlaw.com>; McCulloch, Joseph M. <joe@mccullochlaw.com>; John Harte <john@jwhartelaw.com>; kathy@mccullochlaw.com; Mitch Brown <mitch.brown@nelsonmullins.com>; Blake Williams <blake.williams@nelsonmullins.com>; mfox@griffinhumphries.com  
**Subject:** Re: Motions Under Advisement Julianne Foster et. al. v. Rhett Riviere et. al. 2021CP0200889

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Your Honor,

As instructed in your July 11, 2023 email, on behalf of Plaintiff Julianne Foster, we are submitting her proposed order granting the Motion for a Rule to Show Cause. The undersigned circulated its proposed order to all counsel of record on Monday, July 24, and requested comments / responses by COB yesterday (July 26). Instead of comments, counsel to

Airbnb filed its Response in Opposition to Plaintiff's Motion for a Rule to Show Cause and Proposed Order (which is attached for your convenience).

In the attached proposed order, which has been e-filed as instructed, we have addressed Airbnb's "comments" as set forth in their July 26 Response in Opposition.

Please let us know if the Court needs anything further from counsel on this matter,

-Wes

WES FEW | 864-527-5906 - phone | 864-404-7792 - mobile | wes @ wesleyfew com | Wesley D. Few, LLC | Mail: P.O. Box 9398, Greenville, SC 29604 | Deliveries: 416 East North Street, 2nd Floor, Greenville, SC 29601 - This message and any attachments are confidential property of sender. The information is intended only for use by person(s) to whom it was addressed. Any other interception, copying, accessing, or disclosure of this message is prohibited. Forwarding or other use of this information without permission may result in liability on your behalf. If you received this message in error, please delete it and notify sender as soon as possible. 00305-001

On Wed, Jul 26, 2023 at 6:20 PM Blake Williams <[blake.williams@nelsonmullins.com](mailto:blake.williams@nelsonmullins.com)> wrote:

Good evening,

Attached for Judge Maddox's consideration please find Airbnb's Response in Opposition to Plaintiff's Motion for a Rule to Show Cause and Proposed Order, which we e-filed a few moments ago. Airbnb objects to Plaintiff's proposed order for the reasons stated in this memorandum. I have copied all counsel on this email.

Thank you,

Blake T. Williams | Attorney at Law | Nelson Mullins Riley & Scarborough LLP

(p) 803.255.9597 (e) [blake.williams@nelsonmullins.com](mailto:blake.williams@nelsonmullins.com)

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**From:** Maddox, J. Cordell Law Clerk (William D. Smith) <[cmaddoxlc@sccourts.org](mailto:cmaddoxlc@sccourts.org)>

**Sent:** Tuesday, July 25, 2023 4:31 PM

**To:** Blake Williams <[blake.williams@nelsonmullins.com](mailto:blake.williams@nelsonmullins.com)>; Deborah Barbier <[dbb@deborahbarbier.com](mailto:dbb@deborahbarbier.com)>; 'Beattie@BeattieAshmore.com' <[Beattie@BeattieAshmore.com](mailto:Beattie@BeattieAshmore.com)>; [rlb@ryanbeasleylaw.com](mailto:rlb@ryanbeasleylaw.com); Wes Few <[wes@wesleyfew.com](mailto:wes@wesleyfew.com)>; Matt Abee <[matt.abee@nelsonmullins.com](mailto:matt.abee@nelsonmullins.com)>; Taylor, Damali A. <[dtaylor@omm.com](mailto:dtaylor@omm.com)>; Damon

Wlodarczyk <[damonw@rplfirm.com](mailto:damonw@rplfirm.com)>; [pdb@harpootlianlaw.com](mailto:pdb@harpootlianlaw.com); Jim Griffin <[jgriffin@griffindavislaw.com](mailto:jgriffin@griffindavislaw.com)>; Dick Harpootlian <[rah@harpootlianlaw.com](mailto:rah@harpootlianlaw.com)>; McCulloch, Joseph M. <[joe@mccullochlaw.com](mailto:joe@mccullochlaw.com)>; John Harte <[john@jwhartelaw.com](mailto:john@jwhartelaw.com)>; [kathy@mccullochlaw.com](mailto:kathy@mccullochlaw.com); Mitch Brown <[mitch.brown@nelsonmullins.com](mailto:mitch.brown@nelsonmullins.com)>; [mfox@griffinhumphries.com](mailto:mfox@griffinhumphries.com)  
**Cc:** Maddox, J. Cordell Secretary (Cynthia Hicks) <[cmaddoxsc@sccourts.org](mailto:cmaddoxsc@sccourts.org)>  
**Subject:** RE: Motions Under Advisement Julianne Foster et. al. v. Rhett Riviere et. al. 2021CP0200889

Thank you Blake, the proposed order has been sent to Judge Maddox for his review and signature.

Will Smith

Law Clerk to the Hon. J. Cordell Maddox, Jr.

Office: (864) 260-4636

Fax: (864) 260-6348

PO Box 8002

Anderson, SC 29622

---

**From:** Blake Williams <[blake.williams@nelsonmullins.com](mailto:blake.williams@nelsonmullins.com)>  
**Sent:** Monday, July 24, 2023 9:17 AM  
**To:** Maddox, J. Cordell Law Clerk (William D. Smith) <[cmaddoxlc@sccourts.org](mailto:cmaddoxlc@sccourts.org)>; Deborah Barbier <[dbb@deborahbarbier.com](mailto:dbb@deborahbarbier.com)>; 'Beattie@BeattieAshmore.com' <[Beattie@BeattieAshmore.com](mailto:Beattie@BeattieAshmore.com)>; [rlb@ryanbeasleylaw.com](mailto:rlb@ryanbeasleylaw.com); Wes Few <[wes@wesleyfew.com](mailto:wes@wesleyfew.com)>; Matt Abee <[matt.abee@nelsonmullins.com](mailto:matt.abee@nelsonmullins.com)>; Taylor, Damali A. <[dtaylor@omm.com](mailto:dtaylor@omm.com)>; Damon Wlodarczyk <[damonw@rplfirm.com](mailto:damonw@rplfirm.com)>; [pdb@harpootlianlaw.com](mailto:pdb@harpootlianlaw.com); Jim Griffin <[jgriffin@griffindavislaw.com](mailto:jgriffin@griffindavislaw.com)>; Dick Harpootlian <[rah@harpootlianlaw.com](mailto:rah@harpootlianlaw.com)>; McCulloch, Joseph M. <[joe@mccullochlaw.com](mailto:joe@mccullochlaw.com)>; John Harte <[john@jwhartelaw.com](mailto:john@jwhartelaw.com)>; [kathy@mccullochlaw.com](mailto:kathy@mccullochlaw.com); Mitch Brown <[mitch.brown@nelsonmullins.com](mailto:mitch.brown@nelsonmullins.com)>; [mfox@griffinhumphries.com](mailto:mfox@griffinhumphries.com)  
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Good morning all,

Pursuant to the Court's below email dated July 11, 2023, we are hereby circulating the proposed order denying the motion to compel as to Riviere to all counsel consistent with that email, without waiver or prejudice to any of the arguments and positions of Airbnb and Riviere to the contrary of course.

Thank you,

Blake T. Williams | Attorney at Law | Nelson Mullins Riley & Scarborough LLP

(p) 803.255.9597 (e) [blake.williams@nelsonmullins.com](mailto:blake.williams@nelsonmullins.com)

---

**From:** Maddox, J. Cordell Law Clerk (William D. Smith) <[cmaddoxlc@sccourts.org](mailto:cmaddoxlc@sccourts.org)>

**Sent:** Tuesday, July 11, 2023 5:44 PM

**To:** Deborah Barbier <[dbb@deborahbarbier.com](mailto:dbb@deborahbarbier.com)>; 'Beattie@BeattieAshmore.com' <[Beattie@BeattieAshmore.com](mailto:Beattie@BeattieAshmore.com)>; [rlb@ryanbeasleylaw.com](mailto:rlb@ryanbeasleylaw.com); Wes Few <[wes@wesleyfew.com](mailto:wes@wesleyfew.com)>; Matt Abee <[matt.abee@nelsonmullins.com](mailto:matt.abee@nelsonmullins.com)>; Taylor, Damali A. <[dtaylor@omm.com](mailto:dtaylor@omm.com)>; Damon Wlodarczyk <[damonw@rplfirm.com](mailto:damonw@rplfirm.com)>; [pdb@harpootlianlaw.com](mailto:pdb@harpootlianlaw.com); Jim Griffin <[jgriffin@griffindavislaw.com](mailto:jgriffin@griffindavislaw.com)>; Dick Harpootlian <[rah@harpootlianlaw.com](mailto:rah@harpootlianlaw.com)>; McCulloch, Joseph M. <[joe@mccullochlaw.com](mailto:joe@mccullochlaw.com)>; John Harte <[john@jwhartelaw.com](mailto:john@jwhartelaw.com)>; [kathy@mccullochlaw.com](mailto:kathy@mccullochlaw.com); Blake Williams <[blake.williams@nelsonmullins.com](mailto:blake.williams@nelsonmullins.com)>; Mitch Brown <[mitch.brown@nelsonmullins.com](mailto:mitch.brown@nelsonmullins.com)>; [mfox@griffinhumphries.com](mailto:mfox@griffinhumphries.com)

**Cc:** Maddox, J. Cordell Secretary (Cynthia Hicks) <[cmaddoxsc@sccourts.org](mailto:cmaddoxsc@sccourts.org)>

**Subject:** Motions Under Advisement Julianne Foster et. al. v. Rhett Riviere et. al. 2021CP0200889

All-

Judge Maddox took Defendant Airbnb's Motion to Compel, Plaintiff Julianne Foster's Rule to Show Cause, and Defendant Rhett Riviere's Motion to Compel under advisement on June 13<sup>th</sup>, 2023. The rulings on these motions are as follows:

- Defendant Airbnb's Motion to Compel Arbitration **(Denied)**
- Plaintiff Julianne Foster's Rule to Show Cause **(Granted)**
- Defendant Rhett Riviere's Motion to Compel Arbitration **(Denied)**

Counsel for Plaintiff Julianne Foster shall prepare proposed orders denying Defendant Airbnb's Motion to Compel and granting the Rule to Show Cause. The proposed order on the Motion to Compel shall reflect that the motion was denied on the grounds that:

1. The theory of direct benefits estoppel cannot be used to bind the Plaintiff non-signatory into arbitration, as she received no direct contractual benefit because she suffered harm while staying at the residence that was the subject of the contract.
2. South Carolina courts have declined to enforce arbitration provisions in cases of outrageous acts that are unforeseeable to reasonable consumers.
3. Airbnb waived its right to enforce arbitration by participating in extensive litigation for over two years.

The proposed order on the Rule to Show Cause shall provide that Defendants shall comply with the previously filed Motion to Compel within forty-five (45) days upon Judge Maddox's signing of the order.

Counsel for Airbnb may prepare the order denying Defendant Rhett Riviere's Motion to Compel Arbitration, but the all parties may confer with one another to choose the appropriate attorney to prepare this order. Please submit all requested orders via e-filing by **August 1, 2023**. Please circulate the proposed orders to all counsel of record before e-filing them for Judge Maddox's review. If there are any questions or concerns, please do not hesitate to reach out to our office.

Thanks,

Will

Will Smith

Law Clerk to the Hon. J. Cordell Maddox, Jr.

Office: (864) 260-4636

Fax: (864) 260-6348

PO Box 8002

Anderson, SC 29622

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From: Wes Few <wesfewsc@gmail.com>
Sent: Thursday, July 27, 2023 12:57 PM
To: Maddox, J. Cordell Law Clerk (William D. Smith); Maddox, J. Cordell Secretary (Cynthia Hicks)
Cc: Deborah Barbier; Beattie@BeattieAshmore.com; rlb@ryanbeasleylaw.com; Matt Abee; Taylor, Damali A.; Damon Wlodarczyk; pdb@harpootlianlaw.com; Jim Griffin; Dick Harpootlian; McCulloch, Joseph M.; John Harte; kathy@mccullochlaw.com; Mitch Brown; Blake Williams; mfox@griffinhumphries.com
Subject: Re: Motions Under Advisement Julianne Foster et. al. v. Rhett Riviere et. al. 2021CP0200889
Attachments: 2023-07-27__Foster Proposed ORDER RTSC Airbnb_efile.docx; 2023-07-27__NEF proposed Order RTSC Airbnb.pdf; 2023-07-26__FILED Airbnb Response in Opposition to RTSC.pdf

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Your Honor,

As instructed in your July 11, 2023 email, on behalf of Plaintiff Julianne Foster, we are submitting her proposed order granting the Motion for a Rule to Show Cause. The undersigned circulated its proposed order to all counsel of record on Monday, July 24, and requested comments / responses by COB yesterday (July 26). Instead of comments, counsel to Airbnb filed its Response in Opposition to Plaintiff's Motion for a Rule to Show Cause and Proposed Order (which is attached for your convenience).

In the attached proposed order, which has been e-filed as instructed, we have addressed Airbnb's "comments" as set forth in their July 26 Response in Opposition.

Please let us know if the Court needs anything further from counsel on this matter,

-Wes

WES FEW | 864-527-5906 - phone | 864-404-7792 - mobile | wes@wesleyfew.com | Wesley D. Few, LLC | Mail: P.O. Box 9398, Greenville, SC 29604 | Deliveries: 416 East North Street, 2nd Floor, Greenville, SC 29601 -
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On Wed, Jul 26, 2023 at 6:20 PM Blake Williams <blake.williams@nelsonmullins.com> wrote:

Good evening,

Attached for Judge Maddox's consideration please find Airbnb's Response in Opposition to Plaintiff's Motion for a Rule to Show Cause and Proposed Order, which we e-filed a few moments ago. Airbnb objects to Plaintiff's proposed order for the reasons stated in this memorandum. I have copied all counsel on this email.

Thank you,

Blake T. Williams | Attorney at Law | Nelson Mullins Riley & Scarborough LLP

(p) 803.255.9597 (e) blake.williams@nelsonmullins.com

From: Maddox, J. Cordell Law Clerk (William D. Smith) <cmaddoxlc@sccourts.org>

Sent: Tuesday, July 25, 2023 4:31 PM

To: Blake Williams <blake.williams@nelsonmullins.com>; Deborah Barbier <dbb@deborahbarbier.com>; 'Beattie@BeattieAshmore.com' <Beattie@BeattieAshmore.com>; rlb@ryanbeasleylaw.com; Wes Few <wes@wesleyfew.com>; Matt Abee <matt.abee@nelsonmullins.com>; Taylor, Damali A. <dtaylor@omm.com>; Damon Wlodarczyk <damonw@rplfirm.com>; pdb@harpootlianlaw.com; Jim Griffin <jgriffin@griffindavislaw.com>; Dick Harpootlian <rah@harpootlianlaw.com>; McCulloch, Joseph M. <joe@mccullochlaw.com>; John Harte <john@jwhartelaw.com>; kathy@mccullochlaw.com; Mitch Brown <mitch.brown@nelsonmullins.com>; mfox@griffinhumphries.com

Cc: Maddox, J. Cordell Secretary (Cynthia Hicks) <cmaddoxsc@sccourts.org>

Subject: RE: Motions Under Advisement Julianne Foster et. al. v. Rhett Riviere et. al. 2021CP0200889

Thank you Blake, the proposed order has been sent to Judge Maddox for his review and signature.

Will Smith

Law Clerk to the Hon. J. Cordell Maddox, Jr.

Office: (864) 260-4636

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PO Box 8002

Anderson, SC 29622

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Sent: Monday, July 24, 2023 9:17 AM
To: Maddox, J. Cordell Law Clerk (William D. Smith) <cmaddoxlc@sccourts.org>; Deborah Barbier <dbb@deborahbarbier.com>; 'Beattie@BeattieAshmore.com' <Beattie@BeattieAshmore.com>; rlb@ryanbeasleylaw.com; Wes Few <wes@wesleyfew.com>; Matt Abee <matt.abee@nelsonmullins.com>; Taylor, Damali A. <dtaylor@omm.com>; Damon Wlodarczyk <damonw@rplfirm.com>; pdb@harpootlianlaw.com; Jim Griffin <jgriffin@griffindavislaw.com>; Dick Harpootlian <rah@harpootlianlaw.com>; McCulloch, Joseph M. <joe@mccullochlaw.com>; John Harte <john@jwhartelaw.com>; kathy@mccullochlaw.com; Mitch Brown <mitch.brown@nelsonmullins.com>; mfox@griffinhumphries.com
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Good morning all,

Pursuant to the Court's below email dated July 11, 2023, we are hereby circulating the proposed order denying the motion to compel as to Riviere to all counsel consistent with that email, without waiver or prejudice to any of the arguments and positions of Airbnb and Riviere to the contrary of course.

Thank you,

Blake T. Williams | Attorney at Law | Nelson Mullins Riley & Scarborough LLP

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From: Maddox, J. Cordell Law Clerk (William D. Smith) <cmaddoxlc@sccourts.org>
Sent: Tuesday, July 11, 2023 5:44 PM
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Cc: Maddox, J. Cordell Secretary (Cynthia Hicks) <cmaddoxsc@sccourts.org>

Subject: Motions Under Advisement Julianne Foster et. al. v. Rhett Riviere et. al. 2021CP0200889

All-

Judge Maddox took Defendant Airbnb's Motion to Compel, Plaintiff Julianne Foster's Rule to Show Cause, and Defendant Rhett Riviere's Motion to Compel under advisement on June 13th, 2023. The rulings on these motions are as follows:

- Defendant Airbnb's Motion to Compel Arbitration **(Denied)**
- Plaintiff Julianne Foster's Rule to Show Cause **(Granted)**
- Defendant Rhett Riviere's Motion to Compel Arbitration **(Denied)**

Counsel for Plaintiff Julianne Foster shall prepare proposed orders denying Defendant Airbnb's Motion to Compel and granting the Rule to Show Cause. The proposed order on the Motion to Compel shall reflect that the motion was denied on the grounds that:

1. The theory of direct benefits estoppel cannot be used to bind the Plaintiff non-signatory into arbitration, as she received no direct contractual benefit because she suffered harm while staying at the residence that was the subject of the contract.
2. South Carolina courts have declined to enforce arbitration provisions in cases of outrageous acts that are unforeseeable to reasonable consumers.
3. Airbnb waived its right to enforce arbitration by participating in extensive litigation for over two years.

The proposed order on the Rule to Show Cause shall provide that Defendants shall comply with the previously filed Motion to Compel within forty-five (45) days upon Judge Maddox's signing of the order.

Counsel for Airbnb may prepare the order denying Defendant Rhett Riviere's Motion to Compel Arbitration, but the all parties may confer with one another to choose the appropriate attorney to prepare this order. Please submit all requested orders via e-filing by **August 1, 2023**. Please circulate the proposed orders to all counsel of record before e-filing them for Judge Maddox's review. If there are any questions or concerns, please do not hesitate to reach out to our office.

Thanks,

Will

Will Smith

Law Clerk to the Hon. J. Cordell Maddox, Jr.

Office: (864) 260-4636

Fax: (864) 260-6348

PO Box 8002

Anderson, SC 29622

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|                                     |   |                                               |
|-------------------------------------|---|-----------------------------------------------|
| STATE OF SOUTH CAROLINA             | ) | IN THE COURT OF COMMON PLEAS                  |
|                                     | ) | SECOND JUDICIAL CIRCUIT                       |
| COUNTY OF AIKEN                     | ) |                                               |
| Julianne Foster,                    | ) | Civil Action No. 2021-CP-02-00889             |
|                                     | ) |                                               |
| Plaintiff,                          | ) |                                               |
|                                     | ) |                                               |
| vs.                                 | ) | <b>Airbnb, Inc.'s Response in</b>             |
|                                     | ) | <b>Opposition to Plaintiff's Motion for a</b> |
| Rhett Riviere, Katherine A. Thomas, | ) | <b>Rule to Show Cause and Proposed</b>        |
| Chase Enterprises, LLC of South     | ) | <b>Order</b>                                  |
| Carolina, and Airbnb, Inc.          | ) |                                               |
|                                     | ) |                                               |
| Defendants.                         | ) |                                               |
|                                     | ) |                                               |

---

Plaintiff's "Motion for Rule to Show Cause" should be denied and any order granting that motion would be substantively, procedurally, and structurally improper, for the reasons set forth below. Despite the Court having permitted Plaintiff's request to add her Motion for Rule to Show Cause (the "Motion") to the June 13, 2023 motions docket (with Defendant Airbnb preserving all objections), the Motion was not heard, no required evidentiary hearing was held, and Plaintiff's submission of a Proposed Order is improper. With no factual findings having been made by the court in a show cause hearing as required, Plaintiff has submitted a Proposed order to Airbnb counsel purporting to hold Airbnb in contempt, without any of the required South Carolina elements of contempt having been met.

Without waiving, and indeed expressly reserving its arbitration rights, Airbnb responds to Plaintiff's Motion and Proposed Order by requesting that it be denied and the Proposed Order be rejected:

- (1) While Airbnb took no position on Plaintiff's request to place their rule to show cause motion on the roster before Your Honor, Airbnb specifically preserved all objections to the same, and the rule to show cause motion was not argued at the hearing (aside from complaints respecting lack of production).

- (2) Until there is a written order entered by the Court, there is no ruling, and the Court is free to change its mind. *See Spartanburg Buddhist Ctr. of S.C. v. Ork*, 417 S.C. 601, 608, 790 S.E.2d 430, 434 (Ct. App. 2016) (order not final until written and entered); *Case v. Case*, 243 S.C. 447, 451, 134 S.E.2d 394, 396 (1964).
- (3) There is no written order entered as yet by this Court on the Motion to Stay Proceedings pending a decision on arbitration. Procedurally, such a ruling would be required prior to ruling on a motion for Rule to Show Cause.
- (4) Airbnb produced certain documents in response to an Order compelling it to do so, by Judge Jocelyn Newman, although Airbnb did not produce certain other documents. The documents not produced are subject to: 1) a motion to reconsider to be heard by Judge Newman (not yet set or ruled on); 2) a motion to stay the enforcement of the order compelling the documents not produced pending the resolution of the motion to reconsider (not yet set or ruled on). Your Honor should not rule on a motion for rule to show cause respecting an order to compel by a different judge who still has a pending motion to reconsider before her.
- (5) In any event, Plaintiff has failed to establish the procedural pre-requisites for a rule to show cause (e.g., there is no Summons or evidence), much less a holding of contempt.
- (6) Plaintiff did not and cannot establish willful noncompliance with Judge Newman's order.

Thus, the Court should deny Plaintiff's motion.

### **Background**

Plaintiff moved to compel responses to its requests for production on January 18, 2023 (RFPs 45–48), and February 10, 2023 (RFPs 16–44). On April 5, 2023, Judge Newman held a hearing on the motions to compel, orally suggesting the Court would give Airbnb 60 days to provide responsive documents.

Airbnb wrote to Judge Newman before she entered any order on the motions to compel to request clarification from her about the oral directives. With regard to certain documents within the motion to compel ruling ambit, Airbnb raised serious concerns about the protection of non-parties' rights without notice to those non-parties—issues not fully addressed by the Court in the

hearing. Airbnb also asked the Court to hold a status conference on the issue.<sup>1</sup> Ultimately, however, Judge Newman issued her Form 4 Order on May 25, 2023 ordering the documents to be produced.

On June 5, 2023, Airbnb—subject to its arbitration rights—timely produced responsive documents but did not do so for two narrow sets of requests: (1) production of contact information for non-party guests (Requests for Production 45, 46, 47); and (2) the identity and related information of non-party hosts with any criminal convictions out of a list of 82 offenses (RFP 48). Airbnb contemporaneously **moved to reconsider** Judge Newman’s production order with regard to the certain documents ordered to be compelled referenced above. Airbnb also moved to stay enforcement of the order as to that limited set of records, citing *Hollman v. Woolfson*, 384 S.C. 571, 683 S.E.2d 495 (2009).

That ***motion to reconsider is still pending*** before Judge Newman and has not been set for a hearing. Yet Plaintiff still moved for a rule to show cause, just mere days after Airbnb’s supplemental production and before Judge Newman has addressed the motion to reconsider. Plaintiff’s motion is not verified, accompanied by an affidavit, or filed with a summons. Plaintiff’s counsel then contacted the Clerk of Court to request the Motion be heard by Your Honor with Airbnb’s Motion to Compel Arbitration and separate Motion to Stay. Finding that request unusual, in response to that request, Airbnb’s counsel responded to the Clerk and all counsel stating in full, “For Airbnb, we take no position as to the motion being sent to the judge for consideration to add to the schedule but we reserve and do not waive all rights, objections and positions, including but not limited to those related to this motion.” The Court then held a hearing on June 13, 2023, at

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<sup>1</sup> Airbnb notified Judge Newman of its simultaneously filed Motion to Compel Arbitration and that it would be moving to stay the proceedings. (*Id.*)

which it entertained arguments from counsel on Airbnb's and Riviere's Motions to Compel arbitration, with Plaintiffs' complaints about lack of full production by Airbnb receiving only passing discussion. Plaintiff presented no testimony, affidavits, documents, or other evidence to support the Motion for a Rule to Show Cause.

Afterwards, the Court notified the parties that it intended to deny Airbnb and Riviere's Motions to Compel Arbitration and grant the Motion for a Rule to Show Cause. It did not mention Airbnb's separate stay motion. The Court directed Plaintiff's counsel to draft the proposed order for Airbnb's arbitration motion and Plaintiff's rule to show cause motion, explaining that the proposed order on the rule to show cause "shall provide that Defendants shall comply with the previously filed Motion to Compel within forty-five (45) days upon Judge Maddox's signing of the order." The email makes no mention of Airbnb being in contempt. Plaintiff prepared a Proposed Order and sent it to the undersigned which states, in part: "This Court finds Airbnb's stated plans to not comply this Court's May 25, 2023 Order on the Motions to Compel **are in contempt** of this Court and violate this Court's order. Airbnb must comply with this Court's May 25, 2023 Order on the Motions to Compel and produce all responsive documents to Plaintiff within forty-five (45) days of the date of this order." (emphasis added)

Because of the procedural, structural, and jurisdictional issues raised by Plaintiff's filings, Airbnb files this memorandum in opposition to Plaintiff's Motion and her Proposed Order.

### **Argument**

**I. Plaintiff's Motion was premature because of Airbnb's pending motion to reconsider and stay enforcement, along with its separate Motion to Stay.**

Plaintiff's Motion was premature because Airbnb's motion to reconsider and stay enforcement is pending before Judge Newman, (*see* Mot. Reconsider and Stay Enforcement, June 5, 2023), and the Court has not ruled on Airbnb's separate stay motion, (*see* Mot. to Stay, May 16,

2023). A motion under Rule 59(e), SCRCP has long been viewed as a “motion for reconsideration.” *Elam v. S.C. Dep’t of Transp.*, 361 S.C. 9, 21, 602 S.E.2d 772, 778 (2004). In ruling on the motion for reconsideration, Judge Newman may change, modify, or alter the production requirements that are the subject of this motion. Airbnb also moved to stay enforcement of the order, not just to have it reconsidered. (*See* Mot. Reconsider at 2.)<sup>2</sup> This too should limit Plaintiff’s ability to race to the courthouse to seek a rule to show cause a mere three days after the production deadline set by Judge Newman’s Order. Hence, Plaintiff’s motion for rule to show cause is premature.

Finally, this Court has not yet ruled on Airbnb’s separate Motion to Stay these judicial proceedings altogether. The Court did orally state something to the effect that it did not plan to grant that motion, but the Court has not entered a written order and denied it. Granting Plaintiff’s Motion for a Rule to Show Cause before addressing the stay motion would be, respectfully, placing the cart before the horse. The Court must rule on whether the proceedings should be stayed before it can issue a Rule to Show Cause, much less hold Airbnb in contempt. As a result, the Court should deny Plaintiff’s motion for a rule to show cause.<sup>3</sup>

**II. Plaintiff’s Proposed Order is procedurally and structurally improper because Plaintiff failed to establish the necessary contempt standard with evidence, and thus there could be no finding of contempt.**

In the Motion, Plaintiff asks this Court to “command[ ] [Airbnb] to appear before the Court and show cause why it should not be held in contempt for failing to comply with the Court’s

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<sup>2</sup> This motion is separate from Airbnb’s Motion to Stay filed on May 16, 2023.

<sup>3</sup> Plaintiff’s motion is also premature because it is being heard less than ten days since its filing. *See* Rule 6(d), SCRCP. Plaintiff filed the motion just three days after the production deadline set by Judge Newman, and only five days before the hearing. Moreover, “before a person can be found guilty of contempt not committed in the presence of the Court, he must have due and reasonable notice of the proceeding.” *State v. Johnson*, 249 S.C. 1, 7, 152 S.E.2d 669, 672 (1967). Plaintiff failed to provide sufficient notice, an issue Airbnb reserved in its response to the Clerk.

Orders.” (Mot. Rule Show Cause at 1.) Yet Plaintiff fails to comply with the prerequisites for obtaining such relief. She files no affidavit or verification in support of the motion—and her “failure to support the rule to show cause by an affidavit or verified petition is a fatal defect. *Toyota of Florence, Inc. v. Lynch*, 314 S.C. 257, 267, 442 S.E.2d 611, 617 (1994) (citing *State v. Blackwell*, 10 S.C. 35 (1878)). Nor does she include any type of summons or other process to institute the contempt proceedings. *Grosshuesch v. Cramer*, 377 S.C. 12, 30, 659 S.E.2d 112, 121 (2008) (“the proper procedure to determine whether a party should be held in contempt is to bring a summons and a rule to show cause.”); see also *State v. Johnson*, 249 S.C. 1, 7–8, 152 S.E.2d 669, 672 (1967) (“A rule to show cause, an attachment, or other process should issue. And it is said in *State v. Nathans*, . . . that ‘the almost universal method by which contempt proceedings are begun is by affidavit, and an examination of the authorities will generally disclose that in all contempt proceedings, save for such as are committed in the court's immediate presence, an affidavit is essential.’”). Thus, she has failed to satisfy the prerequisites for contempt.

Even if the Court had the jurisdiction or authority to determine enforcement of a separate judge’s order and the Court could look past the lack of an affidavit or summons, Plaintiff did not support her contempt claim with evidence. “[B]efore a person may be held in contempt, the record must be clear and specific as to acts or conduct upon which the contempt is based.” *Spartanburg Buddhist Ctr. of S.C. v. Ork*, 417 S.C. 601, 606, 790 S.E.2d 430, 433 (Ct. App. 2016) (quoting *Ex parte Kent*, 379 S.C. 633, 637, 666 S.E.2d 921, 923 (Ct. App. 2008)). “Civil contempt must be [shown] by clear and convincing evidence.” *Ex parte Lipscomb*, 398 S.C. 463, 469, 730 S.E.2d 320, 323 (Ct. App. 2012) (quoting *Poston v. Poston*, 331 S.C. 106, 113, 502 S.E.2d 86, 89 (1998)).

Plaintiff’s Motion and her Proposed order fails because she offered no evidence to support it, much less clear and convincing evidence. All Plaintiff offered was the passing argument of

counsel complaining of lack of full production—that is *not* evidence. *See S.C. Dep’t of Transp. v. Thompson*, 357 S.C. 101, 105, 590 S.E.2d 511, 513 (Ct. App. 2003) (“Arguments made by counsel are not evidence.”). And “before a court may find a person in contempt, the record must clearly and specifically reflect the contemptuous conduct.” *Ex parte Lipscomb*, 398 S.C. at 469, 730 S.E.2d at 323 (quoting *Widman v. Widman*, 348 S.C. 97, 119, 557 S.E.2d 693, 705 (Ct. App. 2001)). The present record is devoid of any *evidence* meeting this standard. On this basis alone, the Court should not issue any order including a contempt finding.

### **III. Plaintiff has failed to meet her burden of proving willful noncompliance and thus there can be no finding of contempt.**

Further, Plaintiff’s lack of any factual showing cannot amount to willful constructive contempt. Plaintiff cannot establish contempt, as there is no evidence that Airbnb willfully disobeyed Judge Newman’s order, much less clear and convincing evidence. *See id.* (quoting *Poston*, 331 S.C. at 113, 502 S.E.2d at 89). To the contrary, Airbnb substantially complied with the Court’s March 5, 2023 order—withholding two narrow sets of documents whose production would unnecessarily reveal the private information of non-parties in violation of our Supreme Court’s ruling in *Hollman v. Woolfson*, 384 S.C. 571, 577–78, 683 S.E.2d 495, 498–99 (2009). Airbnb also communicated to Plaintiff the reason for withholding the specific documents and contemporaneously moved to reconsider with the Court. The motion also asked the Court to stay enforcement of the order. The motion to reconsider and to stay are still pending, as stated.

Airbnb’s actions were taken with the specific intent to protect privacy interests in accordance with settled South Carolina authority and to withhold documents until the Court has the opportunity to reconsider its ruling. This is antithetical to conduct taken “with bad purpose either to disobey or disregard the law” that would amount to contempt. *Ex parte Lipscomb*, 398 S.C. at 469, 730 S.E.2d at 323. “A willful act is one . . . done voluntarily and intentionally with

the specific intent to do something the law forbids, or with the specific intent to fail to do something the law requires to be done; that is to say, with bad purpose either to disobey or disregard the law.” *Id.* (quoting *Ex parte Cannon*, 385 S.C. 643, 661, 685 S.E.2d 814, 824 (Ct. App. 2009)). “Contempt is an extreme measure; this power vested in a court is not lightly asserted.” *Bigham v. Bigham*, 264 S.C. 101, 104, 212 S.E.2d 594, 596 (1975).

Accordingly, the relief Plaintiff seeks in her Motion and the Proposed Order is improper.

### **Conclusion**

Based on the record before the Court and Plaintiff’s failure to satisfy the procedural, structural, and jurisdictional prerequisites for contempt, the Court should deny Plaintiff’s motion for rule to show cause.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ C. Mitchell Brown

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*Attorneys for Airbnb, Inc.*

Columbia, South Carolina  
July 26, 2023

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

IN THE COURT OF COMMON PLEAS  
2<sup>ND</sup> JUDICIAL CIRCUIT

JULIANNE FOSTER,

Plaintiff,

v.

RHETT RIVIERE, KATHERINE A.  
THOMAS, CHASE ENTERPRISES,  
LLC OF SOUTH CAROLINA,  
AND AIRBNB, INC,

Defendants.

C/A No. 2021-CP-02-00889

***[Proposed]***  
**ORDER GRANTING PLAINTIFF’S MOTION  
FOR RULE TO SHOW CAUSE  
AGAINST AIRBNB, INC.**

This matter came before the Court pursuant to Plaintiff’s Motion for a Rule to Show Cause, filed June 8, 2023. A hearing was held on the matter on June 13, 2023. Having fully considered the matter, including the motion, exhibits, and the parties’ arguments, it is hereby **ORDERED** that Plaintiff’s Motion for a Rule to Show Cause is **GRANTED**.

On June 7, 2022, Plaintiff served Airbnb, Inc. (“Airbnb”) with her Requests for Production Nos. 16-44.<sup>i</sup> In its responses, Airbnb objected on numerous grounds. (Ex. B, Feb. 10, 2023 Motion to Compel). On February 10, 2023, Plaintiff filed a Motion to Compel regarding her Requests for Production Nos. 16-44.

On November 1, 2022, Plaintiff served Airbnb with her Requests for Production Nos. 45-48. In its responses, Airbnb objected on numerous grounds. (Ex. B, Jan. 18, 2023 Motion to Compel). On January 18, 2023, Plaintiff filed her Motion to Compel regarding Requests for Production Nos. 45-48.

Each of Plaintiff’s above-identified motions to compel were heard on April 5, 2023. The Court granted the motions during the hearing – giving Airbnb 60 days within which to comply and

produce the documents requested. Subsequently on May 25, 2023, the Court entered a Form 4 Order memorializing its decision.

On June 5, 2023, Airbnb produced some documents to Plaintiff, but informed her that it was unilaterally withholding production of other responsive documents, stating as follows:

Contemporaneous with this production, Airbnb is filing a motion for reconsideration<sup>ii</sup> and to stay enforcement with respect to Plaintiff's Request for Production Nos. 45, 46, 47 (Non-Party Guest Contact Information) and 48 (Non-Party Host Criminal Convictions). Consequently, Airbnb is withholding production of documents responsive to these requests at this time.

(Ex. 6, Plaintiff's June 8, 2023 Motion for Rule to Show Cause ("RTSC Motion")).

"Direct contempt involves contemptuous conduct in the presence of the court." State v. Jolly, 405 S.C. 622, 629, 749 S.E.2d 114, 118 (Ct. App. 2013) (citing State v. Kennerly, 337 S.C. 617, 620, 524 S.E.2d 837, 838 (1999)). South Carolina courts "have held the 'presence of the court' extends beyond the mere physical presence of the judge or the courtroom to encompass all elements of the system." Id.; see also S.C. Code Ann. § 14-5-320 (providing, "The circuit court may punish by fine or imprisonment, at the discretion of the court, all contempts of authority in any cause or hearing before the same.").

I find that the record before this Court shows an ongoing discovery dispute. Rule 11, SCRCPP, requires counsel to ensure the factual accuracy of all allegations in their filings. Airbnb did not dispute the accuracy of the dates upon which it was served with the Plaintiff's Requests for Production Nos. 16-44 or 45-48 (Exs. 1 and 3, RTSC Motion), and also did not dispute the dates for which it served its objections thereto. (Exs. 2 and 4, RTSC Motion). Certainly, Airbnb does not dispute the facts it presented in its June 5, 2023 letter to counsel to Plaintiff. (Ex. 6, RTSC Motion).

The record before this Court on the matters put at issue is not disputed. As shown by Airbnb's own statements in the record, it is acting in direct defiance of this Court's order dated May 25, 2023. Accordingly, I find Airbnb's actions show continuing "contemptuous conduct" towards the authority of this Court, and its orders.

Plaintiff has additionally argued and noted Airbnb has failed to produce other responsive documents, including, for example, none of its internal email communications, and no privilege log. (Ex. 7, RTSC Motion, at p. 5 of 5). Prior to the filing of her motion for a Rule to Show Cause, Plaintiff sought to communicate with Airbnb about how it intended to perform its searches for responsive ESI, but Airbnb did not respond. Instead, Plaintiff contends and the record reflects Airbnb simply decided which documents it would produce and withheld the remainder. This is undeniable in view of the block quote above taken from Airbnb's June 5, 2023 letter to Plaintiff's counsel (Ex. 6, RTSC Motion).

This Court finds Airbnb's stated plans to not comply this Court's May 25, 2023 Order on the Motions to Compel are in contempt of this Court and violate this Court's order. Airbnb must comply with this Court's May 25, 2023 Order on the Motions to Compel and produce all responsive documents to Plaintiff within forty-five (45) days of the date of this order.

**IT IS SO ORDERED.**

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The Honorable J. Cordell Maddox, Jr.  
Presiding Judge, 2<sup>nd</sup> Judicial Circuit

July \_\_, 2023  
Anderson, South Carolina

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<sup>i</sup> Plaintiff notes her Request for Production Nos. 16-44 are substantially identical in scope and substance to the 24 topics in her 30(b)(6) deposition notice, which has already been the subject of two Airbnb motions. (see e.g., Orders on 30(b)(6) motions, filed Aug. 3, 2022 (at pp. 4-7, approving 24 topics) and Oct. 11, 2022 (denying reconsideration motion filed August 4, 2022)). This is the same notice for which Airbnb initially sought a protective order via motion filed June 14, 2022, and later its first motion to

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reconsider on Aug. 4, 2022. Both of those motions were denied. As of the hearing on April 5, 2023, Airbnb had yet to provide any documents in response to these requests. (See April 5, 2023 Hearing Transcript, at pp. 105 to 110 (Airbnb continuing argument in support of its “compromise position” rejected)).

ii Airbnb has already filed two motions to reconsider this Court’s discovery orders, as follows: (i) Motion to Reconsider Denial of Airbnb’s Motion for Protective Order [as relates to Plaintiff’s 30(b)(6) deposition notice], filed August 4, 2022; and (ii) Airbnb, Inc.’s Motion to Reconsider and to Stay Enforcement, filed June 5, 2023. By the time Airbnb’s Aug. 4, 2022 first motion to reconsider was fully briefed, Airbnb had filed and presented 51 pages ( $6 + 30 + 15 = 51$ ) of argument in support of its motion, which was denied in all substantive respects by order dated October 11, 2022.

RECEIVED

Jul 27 2023

SC Court of Appeals

ELECTRONICALLY FILED - 2023 Jul 28 8:44 AM - AIKEN - COMMON PLEAS - CASE#2021CP0200889

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas  
J. Cordell Maddox, Jr., Circuit Court Judge

Case No. 2021-CP-02-00889

Julianne Foster, ..... Respondent,

v.

Rhett Riviere, Katherine A. Thomas, Chase Enterprises,  
LLC of South Carolina, and Airbnb, Inc., ..... Defendants,

Of which

Rhett Riviere, is the ..... Appellant.

AND

Airbnb, Inc., ..... Crossclaimant

v.

Rhett Riviere, ..... Appellant

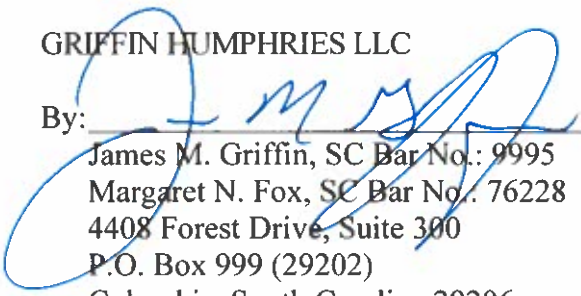
NOTICE OF APPEAL

Rhett Riviere (“Riviere”) appeals the Order filed July 26, 2023, denying Riviere’s Motion to Compel Arbitration and Motion to Dismiss or, in the Alternative, Stay. Riviere received written notice of the order denying its Motion to Compel Arbitration and Motion to Dismiss or, in the Alternative, Stay on July 26, 2023.

South Carolina case law provides that “[a]n order denying arbitration is immediately appealable.” *Cape Romain Contractors, Inc. v. Wando E., LLC*, 405 S.C. 115, 121, 747 S.E.2d 461, 464 (2013); *see also Towles v. United HealthCare Corp.*, 338 S.C. 29, 34-35, 524 S.E.2d 839,

842 (Ct. App. 1999) (noting section 16 of the FAA explicitly provides for an appeal from an order denying a motion to compel arbitration and finding that the circuit court's order refusing to compel arbitration was immediately appealable). Therefore, this appeal is ripe for the Court's review and consideration.

GRIFFIN HUMPHRIES LLC

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*Attorneys for Rhett Riviere*

Columbia, South Carolina  
July 27, 2023

**RECEIVED**

**Jul 27 2023**

**SC Court of Appeals**

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# Exhibit 1

Order, July 26, 2023

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF AIKEN ) SECOND JUDICIAL CIRCUIT  
)

Julianne Foster, ) Civil Action No. 2021-CP-02-00889  
)

Plaintiff, )  
)

vs. )

Rhett Riviere, Katherine A. Thomas,  
Chase Enterprises, LLC of South  
Carolina, and Airbnb, Inc. )  
)

Defendants. )  
)

**Order Denying Motions to Compel  
Arbitration and Dismiss by Third-  
Party Defendant Rhett Riviere**

**RECEIVED**

**Jul 27 2023**

**SC Court of Appeals**

This matter comes before the Court on Rhett Riviere's (previously a Defendant, now a Third-Party Defendant) Motion to Compel Arbitration filed May 23, 2023, and his Motion to Dismiss or, in the Alternative, Stay filed on May 26, 2023. The Court held a hearing on June 13, 2023. All parties were represented by counsel. After consideration of the parties' arguments based on the pleadings, exhibits, written submissions to date, oral argument, and applicable authorities, the Court **DENIES** Riviere's motions to compel arbitration and dismiss or stay.

### **Factual Background**

This action arose from an incident that occurred from May 17–18, 2019. (Am. Compl. ¶ 89.) Plaintiff alleges that she and her friend stayed at a rental property in Aiken, South Carolina. (*Id.* ¶ 93.) This property was owned by Defendant Chase Enterprises, which was managed by Riviere. (*Id.* ¶¶ 89–91.) Defendant Katherine Thomas held herself out to be the “host” or property manager for the property on Airbnb, Inc. (“Airbnb”). (*Id.* ¶ 95.) Plaintiff alleges that when she was staying at the property, Riviere had a hidden camera placed in a bedroom which captured recordings of her. (*Id.* ¶ 100.) Plaintiff dismissed her claims against Riviere pursuant to a confidential settlement agreement. Airbnb thereafter filed a third-party complaint against Riviere

seeking contractual and equitable indemnification. In response, Riviere filed a motion to compel Airbnb to arbitrate the indemnification claims.

Plaintiff's friend booked the property through Airbnb and the group "paid the Defendants to rent the Airbnb property." (*Id.* ¶ 100.) Riviere argues that Airbnb's Terms of Service attached as an exhibit to its Motion to Compel Arbitration govern the transaction. He argues that Plaintiff, Airbnb, and Thomas directly benefited from the transaction and the contractual provisions, including the incorporated policies, making them subject to those Terms. Riviere further contends that Plaintiff, Airbnb, and Thomas all agreed to the Terms as a condition of their being allowed to list and stay at his properties on Airbnb's online platform. Those Terms include an arbitration provision in Section 19 entitled "Dispute Resolution and Arbitration Agreement." (Terms of Service at 290–93.) Section 19.4 then states in bold:

Agreement to Arbitrate. You and Airbnb mutually agree that any dispute, claim or controversy arising out of or relating to these Terms or the applicability, breach, termination, validity, enforcement or interpretation thereof, or to the use of the Airbnb Platform, the Host Services, the Group Payment Service, or the Collective Content (collectively, "Disputes") will be settled by binding individual arbitration (the "Arbitration Agreement"). If there is a dispute about whether this Arbitration Agreement can be enforced or applies to our Dispute, you and Airbnb agree that the arbitrator will decide that issue.

(*Id.* at 291.) Section 19.6 then provides that the Arbitration Agreement "evidences a transaction in interstate commerce and thus the Federal Arbitration Act governs the interpretation and enforcement of this provision." (*Id.*) The Court disagrees with Defendants' arguments that an arbitrator, not the Court, should decide whether this case is arbitrable.

### **Legal Standard**

Under the applicable Federal Arbitration Act ("FAA") "there is a potent public policy favoring arbitration, but this policy is deployed only as an aid in interpreting the scope and

enforcement of validly entered arbitration agreements.” *Weaver v. Brookdale Senior Living, Inc.*, 431 S.C. 223, 229-30, 847 S.E.2d 268, 271–72 (Ct. App. 2020). The “presumption in favor of arbitration applies to the scope of an arbitration agreement; it does not apply to the existence of such an agreement or to the identity of the parties who may be bound to such an agreement.” *Wilson v. Willis*, 426 S.C. 326, 337, 827 S.E.2d 167, 173 (2019) (internal quotation omitted).

### Analysis

The Court **DENIES** Riviere’s Motion to Compel Arbitration and the Motion to Dismiss for three reasons: (1) The theory of direct benefits estoppel cannot be used to bind the Plaintiff non-signatory into arbitration, as she received no direct contractual benefit because she suffered harm while staying at the residence that was the subject of the contract; (2) South Carolina courts have declined to enforce arbitration provisions in cases of outrageous acts that are unforeseeable to reasonable consumers; and (3) Riviere waived the right to enforce arbitration by participating in the litigation before his dismissal and the third-party claims against him. The Court has considered and rejected all of the arguments raised by Riviere (whether directly or by way of joinder with Airbnb’s motion) in submissions filed and made to date in reaching its rulings on the pending motions.

#### **I. Direct benefits estoppel does not apply here.**

Riviere argues that direct benefits estoppel applies to require Plaintiff’s claims to be brought in arbitration. *See Wilson*, 426 S.C. at 340–41, 827 S.E.2d at 175 (quoting *Pearson v. Hilton Head Hosp.*, 400 S.C. 281, 290, 733 S.E.2d 597, 601 (Ct. App. 2012)). The Court disagrees. Instead, the Court relies on *Hodge v. UniHealth Post-Acute Care of Bamberg, LLC*, 422 S.C. 544, 556, 813 S.E.2d 292, 299 (Ct. App. 2018), a case cited by Plaintiff, to conclude that Plaintiff

received no direct contractual benefit because she suffered harm while staying at the residence that was the subject of the contract. Thus, the Court declines to compel the matter to arbitration.

## **II. The Court will not compel arbitration of outrageous acts that are unforeseeable.**

In South Carolina, the outrageous torts exception has permitted “parties whose claims arose out of an opponent’s ‘outrageous’ tortious conduct to avoid arbitration.” *Parsons v. John Wieland Homes & Neighborhoods of the Carolinas, Inc.*, 418 S.C. 1, 9, 791 S.E.2d 128, 132 (2016). South Carolina first recognized the exception to arbitration enforcement in 2007. *See Aiken v. World Fin. Corp. of South Carolina*, 373 S.C. 144, 644 S.E.2d 705 (2007). The Supreme Court excepted from arbitration outrageous torts that are “unforeseeable to the reasonable consumer and legally distinct from the contractual relationship between the parties.” *Id.*

Although Airbnb’s third-party complaint against Riviere seeks equitable and contractual indemnification, the Court nevertheless invokes that exception here, which Plaintiff first raised in her June 16 and 29, 2023 letters to this Court. On the facts alleged in the Amended Complaint, the Court concludes the exception applies outside of the contractual relationship between the parties and declines to compel the action to arbitration. The Court disagrees that United States Supreme Court precedent disallows this result.

## **III. Riviere has waived the right to seek arbitration.**

South Carolina traditionally followed a three-part test in assessing whether a party has waived its right to compel arbitration: “(1) whether a substantial length of time transpired between the commencement of the action and the commencement of the motion to compel arbitration; (2) whether the party requesting arbitration engaged in extensive discovery before moving to compel arbitration; and (3) whether the non-moving party was prejudiced by the delay in seeking arbitration.” *Rhodes v. Benson Chrysler-Plymouth, Inc.*, 374 S.C. 122, 125, 647 S.E.2d 249, 250

(Ct. App. 2007). However, the Supreme Court of the United States recently clarified that courts could not develop an arbitration-specific variant of procedural rules such as requiring, for example, a showing of prejudice. *Morgan v. Sundance, Inc.*, 142 S. Ct. 1708, 1714 (2022). *Morgan* emphasized the general waiver rule of “voluntary relinquishment of a known right” and noted that the analysis should focus on the actions of the party who held the right. *Id.*

Regardless of the applicability of the arbitration agreement in the Airbnb’s Terms of Service to the claims asserted in this matter, Riviere has waived his right to enforce arbitration by participating in the litigation and settling Plaintiff’s claims against him. See *Rhodes v. Benson Chrysler-Plymouth, Inc.*, 374 S.C. 122, 125, 647 S.E.2d 249, 250 (Ct. App. 2007). Plaintiff filed her Complaint on April 28, 2021. Riviere filed an answer on June 28, 2021, and an Amended Answer on July 23, 2021. Riviere also filed a Motion to Stay on July 23, 2021, while the criminal action against him proceeded, which was denied. The parties then proceeded with discovery and have exchanged written discovery, taken depositions, and litigated discovery-related motions. Plaintiff then amended her complaint on November 30, 2022, and then unilaterally dismissed Riviere on December 20, 2022, after reaching a settlement with him. Riviere was then brought into the case in response to third-party claims the Court required Airbnb to assert in lieu of crossclaims. It was not until May 23, 2023, that Riviere moved to compel arbitration. The Court finds that the nonwaiver provision in the Terms of Service is not dispositive on the issue of whether Riviere or Airbnb waived the right to arbitrate. *Nat’l Union Fire Ins. Co. of Pittsburgh, P.A. v. NCR Corp.*, 376 F. App’x 70, 73 (2d Cir. 2010).

**Conclusion**

**IT IS THEREFORE ORDERED** that Riviere's motions to compel arbitration is **DENIED**.

**IT IS SO ORDERED.**

[Electronic signature page of the Honorable J. Cordell Maddox, Jr. to follow.]



Aiken Common Pleas

**Case Caption:** Julianne Foster , plaintiff, et al VS Rhett Riviere , defendant, et al

**Case Number:** 2021CP0200889

**Type:** Order/Other

So Ordered

s/ J. Cordell Maddox Jr.

Electronically signed on 2023-07-26 13:37:56 page 7 of 7

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas  
J. Cordell Maddox, Jr., Circuit Court Judge

Case No. 2021-CP-02-00889

Julianne Foster, ..... Respondent,

v.

Rhett Riviere, Katherine A. Thomas, Chase Enterprises,  
LLC of South Carolina, and Airbnb, Inc., ..... Defendants,

Of which

Rhett Riviere, is the ..... Appellant.

AND

Airbnb, Inc., ..... Crossclaimant

v.

Rhett Riviere, ..... Appellant

**PROOF OF SERVICE**

I, Jaime Harmon, legal assistant at Griffin Humphries LLC, attorneys for the Appellant, located at 4408 Forest Drive, Suite 300, Columbia, South Carolina 29206, hereby certify that on July 27, 2023, I have served all counsel in this action a copy of the **Notice of Appeal** by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System.

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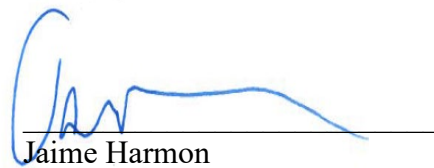
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Jaime Harmon

Columbia, South Carolina  
July 27, 2023

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas  
Jocelyn Newman, Circuit Court Judge

Case No. 2021-CP-02-00889

RECEIVED

Sep 15 2023

SC Court of Appeals

Julianne Foster, ..... Respondent,

v.

Rhett Riviere, Katherine A. Thomas, Chase Enterprises,  
LLC of South Carolina, and Airbnb, Inc., ..... Defendants,

Of which

Airbnb, Inc., is the ..... Appellant.

AND

Airbnb, Inc., ..... Appellant

v.

Rhett Riviere, ..... Respondent

NOTICE OF APPEAL

Airbnb, Inc. ("Airbnb") appeals: (1) the Order filed September 13, 2023, denying Airbnb's Motion to Compel Arbitration and (2) the Order filed August 24, 2023, granting Plaintiff's Motion for a Rule to Show Cause Against Airbnb. Copies of the orders are attached to this Notice. Airbnb received written notice of the order denying its Motion to Compel Arbitration on September 13, 2023, and written notice of the Order granting Plaintiff's Motion for a Rule to Show Cause Against Airbnb on August 24, 2023.

South Carolina case law provides that “[a]n order denying arbitration is immediately appealable.” *Cape Romain Contractors, Inc. v. Wando E., LLC*, 405 S.C. 115, 121, 747 S.E.2d 461, 464 (2013); *see also Towles v. United HealthCare Corp.*, 338 S.C. 29, 34-35, 524 S.E.2d 839, 842 (Ct. App. 1999) (noting section 16 of the FAA explicitly provides for an appeal from an order denying a motion to compel arbitration and finding that the circuit court’s order refusing to compel arbitration was immediately appealable); *Coinbase, Inc. v. Bielski*, 143 S. Ct. 1915, 1919 (2023) (“Congress provided for immediate interlocutory appeals of orders denying—but not of orders granting—motions to compel arbitration.”). Therefore, this appeal is ripe for the Court’s review and consideration.

Moreover, this Court may consider the Order granting Plaintiff’s Motion for a Rule to Show Cause because an appealable issue is before the Court and a ruling on appeal will avoid unnecessary litigation. *See Watson v. Underwood*, 407 S.C. 443, 459, 756 S.E.2d 155, 163-64 (Ct. App. 2014); *see also Edge v. State Farm Mut. Auto. Ins. Co.*, 366 S.C. 511, 517, 623 S.E.2d 387, 390 (2005) (explaining that “[a]n order that is not directly appealable may be considered if there is an appealable issue before the court” and finding that the Court could consider an interlocutory order on cross appeal since another appealable order was before it). Further, this Order contains a finding of conduct in contempt,<sup>1</sup> which finding is also immediately appealable. *See Ex parte Cannon*, 385 S.C. 643, 660, 685 S.E.2d 814, 823 (Ct. App. 2009).

**[Signature on following page.]**

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<sup>1</sup> "Accordingly, I find Airbnb’s actions show continuing ‘contemptuous conduct’ towards the authority of this Court, and its orders.” (Order at 3, Aug. 24, 2023.)

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September 15, 2023

## Attachment 1

*(Order Denying Airbnb's Motion to Compel Arbitration,  
filed September 13, 2023)*

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

IN THE COURT OF COMMON PLEAS  
SECOND JUDICIAL CIRCUIT

JULIANNE FOSTER,

Plaintiff,

v.

RHETT RIVIERE, KATHERINE A.  
THOMAS, CHASE ENTERPRISES,  
LLC OF SOUTH CAROLINA,  
AND AIRBNB, INC,

Defendants.

**RECEIVED**  
C/A No. 2021-CP-02-00889  
**Sep 15 2023**

SC Court of Appeals

**ORDER DENYING DEFENDANT AIRBNB'S  
MOTION TO COMPEL ARBITRATION**

This matter came before the Court pursuant to Defendant Airbnb's Motion to Compel Arbitration filed on May 15. The motion has been fully briefed, and a hearing was held on the matter on June 13, 2023. Having fully considered the matter, including the motion, responses, exhibits, and the parties' oral arguments, it is hereby **ORDERED** that Defendant Airbnb's Motion to Compel Arbitration is **DENIED**.

**BACKGROUND**

This action stems from Plaintiff's stay at an Airbnb in Aiken from May 17-18, 2019. Plaintiff's friend, Michelle Jain, booked the Airbnb rental owned and/or hosted by Defendants Rhett Riviere and Kathryn Thomas through her Airbnb account. During the stay, Riviere surreptitiously recorded Plaintiff in various states of undress in the bedroom of the Airbnb rental.

Airbnb alleges that its Terms of Service ("TOS") in effect at the time of the rental provided:

**Please note: Section 19 of these Terms contains an arbitration clause and class action waiver that applies to all Airbnb Members. If your country of residence is the United States, this provision applies to all disputes with Airbnb. If your country of residence is outside of the United States, this provision applies to any action you bring against Airbnb in the United States. It affects how**

**disputes with Airbnb are resolved. By accepting these Terms, you agree to be bound by this arbitration clause and class action waiver. Please read it carefully.**

(Mot. to Compel, Ex. A, Terms of Service at 272) (emphasis in original). Section 19, “Dispute Resolution and Arbitration Agreement,” is a delegations clause that provides:

**Agreement to Arbitrate. You and Airbnb mutually agree that any dispute, claim or controversy arising out of or relating to these Terms or the applicability, breach, termination, validity, enforcement or interpretation thereof, or to the use of the Airbnb Platform, the Host Services, the Group Payment Service, or the Collective Content (collectively, “Disputes”) will be settled by binding individual arbitration (the “Arbitration Agreement”). If there is a dispute about whether this Arbitration Agreement can be enforced or applies to our Dispute, you and Airbnb agree that the arbitrator will decide that issue.**

*Id.* at 291 (emphasis in original). Plaintiff was not a party to any contract with Airbnb and did not agree to the TOS or its arbitration provision.

Soon after Plaintiff filed this action on April 28, 2021, Airbnb informed Plaintiff’s counsel several times that it would be filing a motion to compel arbitration. Airbnb, however, did not file a motion to compel arbitration until over two years later. In the interim, Airbnb aggressively litigated this action in court—objecting to extensive discovery propounded by Plaintiff; participating in mediation; filing two motions to dismiss based on the merits; and engaging in numerous discovery disputes. Airbnb filed its Motion to Compel Arbitration after the Court denied its second motion to dismiss; granted multiple motions to compel, and ordered Airbnb to participate in a second Rule 30(b)(6) witness deposition because its designee was unprepared on the noticed topics during the first deposition.

## APPLICABLE LAW

“Because the core of the FAA is consent, arbitration may be compelled only when the parties have agreed to it.” *Lampo v. Amedisys Holding, LLC*, 437 S.C. 236, 242, 877 S.E.2d 486, 489 (Ct. App. 2022) (citation omitted). As such, “courts are [not] to grant blindly all motions to compel arbitration.” *Rowland v. Sandy Morris Fin. & Est. Plan. Servs., LLC*, No. 20-1187, 2021 WL 1287563, at \*3 (4th Cir. Apr. 7, 2021). Moreover, it is always up to the court to determine if the parties have an agreement to arbitrate. *Id.* at 242, 877 S.E.2d at 489 (citing *Granite Rock Co. v. Int’l Bhd. of Teamsters*, 561 U.S. 287, 296 (2010)). *See also Rent-A-Ctr. West, Inc. v. Jackson*, 561 U.S. 63, 71 (2010) (“If a party challenges the validity under § 2 of the precise agreement to arbitrate at issue, the federal court must consider the challenge before ordering compliance with that agreement under § 4.”).

Contracts for a transaction involving interstate commerce are governed by the Federal Arbitration Act (“FAA”). *See* 9 U.S.C. § 2. However, whether the parties have formed an agreement to arbitrate is determined by applying South Carolina contract law. *Wilson v. Willis*, 426 S.C. 326, 336, 827 S.E.2d 167, 173 (2019). “The presumption in favor of arbitration applies to the scope of an arbitration agreement; it does not apply to the existence of such an agreement or to the identity of the parties who may be bound to such an agreement.” *Id.* (cleaned up). “[B]ecause arbitration, while favored, exists solely by agreement of the parties, a presumption against arbitration arises where the party resisting arbitration is a nonsignatory to the written agreement to arbitrate.” *Id.* at 337-38, 827 S.E.2d at 173 (emphasis omitted).<sup>1</sup> While federal law governs the

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<sup>1</sup>Our supreme court has recently returned the legal cliché that the law “favors” arbitration to its proper context, reminding that “statements that the law ‘favors’ arbitration mean simply that courts must respect and enforce a contractual provision to arbitrate as it respects and enforces all contractual provisions. There is, however, no public policy—federal or state—‘favoring’ arbitration.

arbitrability of disputes, state law governs issues regarding contract formation. *Am. Gen. Life & Accident Ins. Co. v. Wood*, 429 F.3d 83, 87 (4th Cir. 2005).

### ANALYSIS

As an initial matter, Airbnb raises the question of who is to decide the issue of whether the parties agreed to arbitrate—the Court or the arbitrator.<sup>2</sup> Because there is a delegation clause in its standard arbitration agreement contained in its TOS, Airbnb argues it a question for the arbitrator. Plaintiff, however, contends that is a question for the Court. The Court finds it is to determine whether a valid arbitration agreement was formed.

“[P]arties may agree to have an arbitrator decide not only the merits of a particular dispute but also ‘gateway’ questions of ‘arbitrability,’ such as whether the parties have agreed to arbitrate or whether their agreement covers a particular controversy.” *Henry Schein, Inc. v. Archer & White Sales, Inc.*, 139 S. Ct. 524, 529 (2019) (cleaned up) (quoting *Rent-A-Ctr.*, 561 U.S. at 68-69). However, “before referring a dispute to an arbitrator, the court determines whether a valid arbitration agreement exists.” *Henry Schein*, 139 S. Ct. at 530 (citing 9 U.S.C. § 2); *see also Granite Rock*, 561 U.S. at 297 (holding that a “court must resolve,” which “always include whether

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*Simmons v. Benson Hyundai, LLC*, 438 S.C.1, 4 , 881 S.E.2d 646, 647 (Ct. App. 2022) (quoting *Palmetto Constr. Grp., LLC v. Restoration Specialists, LLC*, 432 S.C. 633, 639, 856 S.E.2d 150, 153 (2021)).

<sup>2</sup> “A party may oppose a motion to compel arbitration by challenging the validity of the arbitration provision, including whether it delegates in ‘clear and unmistakable’ terms the power to an arbitrator to decide issues of arbitrability.” *Novic v. Credit One Bank, Nat’l Ass’n.*, 757 Fed. App’x 263 (4th Cir. 2019) (citing *Rent-A-Ctr.*, 561 U.S. at 70-71 & n.1 “[A]bsent a parties (sic) challenge to the validity of such delegation, courts will not intervene in interpreting the parties’ agreement.” *Id.* Thus, a challenge to a different contract provision, or to the contract as a whole, will not prevent a court from submitting to the arbitrator the question of arbitrability. *Rent-A Ctr.*, 561 U.S. at 71. Plaintiff is challenging both the formation and validity of the arbitration agreement and the delegation clause, not simply whether some issues are subject to arbitration.

the clause was agreed to, and may include when that agreement was formed”). As the Supreme Court held in *Schein* “[t]o be sure, before referring a dispute to an arbitrator, the court determines whether a valid arbitration agreement exists.” *Henry Schein*, 139 S. Ct. at 530 (emphasis added) (citing 9 U.S.C. § 2); *see also York v. Dodgeland of Columbia, Inc.*, 406 S.C. 67, 749 S.E.2d 139, 144 (Ct. App. 2013). Accordingly, it is the Court which must first determine whether Plaintiff agreed to arbitrate her claims.

As discussed below, the Court denies Airbnb’s Motion to Compel Arbitration because: (1) direct benefits estoppel cannot be used to bind the non-signatory Plaintiff into arbitration, as she received no direct contractual benefits and suffered harm while staying at the residence that was the subject of the contract; (2) South Carolina courts have declined to enforce arbitration provisions in cases of outrageous acts that are unforeseeable to reasonable consumers; and (3) Airbnb waived its right to enforce arbitration by participating in extensive litigation for over two years.

### 1) Estoppel

It is undisputed that Plaintiff is a nonsignatory to any agreement with Airbnb, including the TOS.<sup>3</sup> In its motion, Airbnb argues that Plaintiff is bound to the TOS, including the arbitration provision under a direct benefits estoppel theory. Airbnb, however, cannot overcome the presumption against arbitration which arises when the party resisting arbitration is a nonsignatory

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<sup>3</sup> To apply estoppel, Airbnb needs to establish that it had a valid arbitration agreement with Ms. Jain. Whether Ms. Jain entered into a binding arbitration agreement is in dispute. However, the Court need not address this issue because, even if she did, the evidence does not support the application of estoppel against Plaintiff in this case. *See Hagood v. Sommerville*, 362 S.C. 191, 199, 607 S.E.2d 707, 711 (2005) (declining to address an issue when the resolution of a prior issue is dispositive).

to the written agreement to arbitrate like Plaintiff. Moreover, Airbnb cannot establish that Plaintiff as a nonsignatory received any direct benefits from the TOS.

“Whether an arbitration agreement may be enforced against nonsignatories, and under what circumstances, is an issue controlled by state law.” *Wilson*, 426 S.C. at 338, 426 S.E.2d at 173 (citing *Arthur Andersen LLP v. Carlisle*, 556 U.S. 624, 630–31, 630 n.5 (2009)). In South Carolina, “[a] nonsignatory is estopped from refusing to comply with an arbitration clause when it receives a direct benefit from a contract containing an arbitration clause.” *Pearson v. Hilton Head Hosp.*, 400 S.C. 281, 290, 733 S.E.2d 597, 601 (Ct. App. 2012) (internal quotation marks and citation omitted). “In the arbitration context, the doctrine recognizes that a party may be estopped from asserting that the lack of his signature on a written contract precludes enforcement of the contract’s arbitration clause when he has consistently maintained that other provisions of the same contract should be enforced to benefit him.” *Id.* (emphasis omitted).

“This legal principle rests on a simple proposition: it is unfair for a party to ‘rely on [a] contract when it works to its advantage, and repudiate it when it works to its disadvantage.’ “ *Wachovia Bank, N.A. v. Schmidt*, 445 F.3d 762, 769 (4th Cir. 2006) (citation omitted). However, “direct benefits estoppel is not implicated simply because a claim relates to or would not have arisen ‘but for’ a contract’s existence.” *Wilson*, 426 at 176, 426 S.E.2d at 343. “[W]hen the substance of the claim arises from general obligations imposed by state law, including statutes, torts and other common law duties, or federal law,” direct-benefits estoppel is not implicated even if the claim refers to or relates to the contract or would not have arisen ‘but for’ the contract’s existence.” *Id.* (citation omitted); see also *Int’l Underwriters v. Triple I: Int’l Inv. Inc.*, 533 F.3d 1342, 1347 (11th Cir. 2008) (holding that a dispute does not arise out of or in connection with a contract for the purposes of arbitration “just because the dispute would not have arisen if the

contract had never existed.”).“Equitable estoppel is, ultimately, a theory designed to prevent injustice, and it should be used sparingly.” *Wilson*, 426 S.C. at 345, 827 S.E.2d at 177 (citing *Hirsch v. Amper Fin. Servs., LLC*, 215 N.J. 174, 71 A.3d 849, 852 (2013) (observing equitable estoppel should be used sparingly to compel arbitration and noting it “is more properly viewed as a shield to prevent injustice rather than a sword to compel arbitration”)). Finally, a presumption against arbitration arises where the party resisting arbitration is a nonsignatory to the written agreement to arbitrate. *Wilson*, 426 S.C. at 337, 827 S.E.2d at 173 (citation omitted).

Here, Airbnb cannot overcome this presumption. Plaintiff has not sued Airbnb under any provision of the TOS, and she has not exploited any agreement to any degree, let alone to the degree which would warrant the application of estoppel. Rather, Plaintiff is bringing claims imposed by statute or common law. “ [W]hen the substance of the claim arises from general obligations imposed by state law, including statutes, torts and other common law duties, or federal law,” direct-benefits estoppel is not implicated even if the claim refers to or relates to the contract or would not have arisen “but for” the contract’s existence.” *Wilson*, 426 S.C. at 343, 827 S.E.2d at 176 (citation omitted); *see also Alston v. Conway Manor, LLC*, No. 2021-UP-105, 2021 WL 1227786 (S.C. Ct. App. Mar. 31, 2021) (declining to apply estoppel when the causes of action set forth in the complaint relied on alleged breaches of common law, regulatory, and statutory duties). Thus, the Court finds that the direct benefits estoppel does not apply because Plaintiff is not seeking to enforce the contract.

Moreover, estoppel does not apply because Plaintiff has not received any benefit from any agreement with Airbnb. In *Hodge v. UniHealth Post-Acute Care of Bamberg, LLC*, the Court declined to apply equitable estoppel against nonsignatories to an arbitration agreement between a nursing home and a decedent because

[t]he only agreement from which Respondents even arguably received a benefit was the Admission Agreement because [plaintiff] was admitted to the Facility as a result of it. However, because the Facility allegedly caused [plaintiff's] injuries that later led to her death, we find it difficult to find she benefited even from being admitted.

422 S.C. 544, 563, 813 S.E.2d 292, 302 (Ct. App. 2018). Likewise, here, it would be difficult to find Plaintiff received a benefit from staying at the Airbnb rental when Airbnb caused her injuries and her privacy rights to be violated. Further, as discussed above, Plaintiff is not trying to enforce an agreement while attempting to avoid an arbitration provision. *Id.*; *see also Weaver v. Brookdale Sr. Living*, 431 S.C. 223, 233, 847 S.E.2d 268, 273 (Ct. App. 2020) (opining that the plaintiff had not exploited or sought to enforce or benefit from the residency agreement “any more than a pedestrian run over by a truck has benefited from the contract for the purchase of the truck.” ). Therefore, the Court finds that estoppel is inapplicable in this case.

## 2) Outrageous Acts

South Carolina courts have declined to enforce arbitration provisions in cases of outrageous acts that are unforeseeable to reasonable consumers. “Because even the most broadly-worded arbitration agreements still have limits founded in general principles of contract law, this [c]ourt will refuse to interpret any arbitration agreement as applying to outrageous torts that are unforeseeable to a reasonable consumer in the context of normal business dealings.” *Aiken v. World Finance Corp. of South Carolina*, 373 S.C. 144, 151, 644 S.E.2d 705, 709 (2007).<sup>4</sup> The surreptitious recording of Plaintiff while she was undressing in a private area of the Airbnb rental was an unexpected invasion of her privacy and unforeseeable to a reasonable consumer in a normal business dealing. Such unexpected and outrageous conduct could not possibly have been foreseen,

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<sup>4</sup> The Court in *Aiken* also emphasized that a determination of foreseeability is to be made from the standpoint of the injured party. 373 S.C. at 151 n.6, 644 S.E.2d at 709 n.6. *See also Timmons v. Starkey*, 380 S.C. 590, 671 S.E.2d 101, (Ct. App. 2008). On the other hand, Airbnb’s expectations and knowledge regarding hidden cameras is a disputed question of fact in this case.

and thus are outside of any arbitration agreement. Accordingly, the Court declines to enforce arbitration provisions in this case.

### 3) Waiver

Airbnb has waived any right to compel arbitration by acting inconsistently to arbitration and extensively litigating this case for almost two years before raising the issue of arbitration to the Court.

Waiver “is the intentional relinquishment or abandonment of a known right” a party “knowingly relinquish[es] the right to arbitrate by acting inconsistently with that right.” *Morgan v. Sundance, Inc.*, 142 S. Ct. 1708, 1713-14, U.S. (2022) (internal quotation marks omitted); *see also Eason v. Eason*, 384 S.C. 473, 480, 682 S.E.2d 804, 807 (2009) (“Waiver is a voluntary and intentional abandonment or relinquishment of a known right.”) (quoting *Parker v. Parker*, 313 S.C. 482, 487, 443 S.E.2d 388, 391 (1994)). A party may waive its contractual right to arbitration if it knew of the right and acted inconsistently with that right. *In re Mercury Const. Corp.*, 656 F.2d 933, 939 (4th Cir. 1981), *aff’d sub nom. Moses H. Cone Mem’l Hosp. v. Mercury Constr. Corp.*, 460 U.S. 1 (1983)). “There is no set rule as to what constitutes a waiver of the right to arbitrate; the question depends on the facts of each case.” *Liberty Builders, Inc. v. Horton*, 336 S.C. 658, 665, 521 S.E.2d 749, 753 (Ct. App. 1999) (quoting *Hyload, Inc. v. Pre-Engineered Prods., Inc.*, 308 S.C. 277, 280, 417 S.E.2d 622, 624 (Ct. App. 1992)).

Generally, the factors our courts consider to determine if a party waived its right to compel arbitration are: (1) whether a substantial length of time transpired between the commencement of the action and the commencement of the motion to compel arbitration; (2) whether the party requesting arbitration engaged in extensive discovery before moving to compel arbitration; and (3)

whether the non-moving party was prejudiced by the delay in seeking arbitration.<sup>5</sup> These factors, of course, are not mutually exclusive, as one factor may be inextricably connected to, and influenced by, the others. *Rhodes v. Benson Chrysler–Plymouth, Inc.*, 374 S.C. 122, 126, 647 S.E.2d 249, 251 (Ct. App. 2007).

“[A] party’s extended silence and delay in moving for arbitration may indicate a conscious decision to continue to seek judicial judgment on the merits of the arbitrable claims, which would be inconsistent with a right to arbitrate.” *Martin*, 829 F.3d at 1125 (internal quotation marks omitted). In *Liberty Builders*, the court found the defendant had waived its right to arbitration where the parties sought the court’s assistance numerous times on matters such as motions to amend, compel, dismiss, add parties, and restore under Rule 40(j), SCRPC. 336 S.C. at 666, 521 S.E.2d at 753; *see also Morgan Stanley & Co., LLC v. Couch*, 134 F. Supp. 3d 1215, 1230 (E.D. Cal. 2015), *aff’d*, 659 F. App’x 402 (9th Cir. 2016) (finding waiver where the parties “engaged in extensive discovery for almost a year” and participated in a private mediation before the defendant pursued arbitration under an arbitration agreement); *Soriano v. Experian Info. Sols., Inc.*, No. 2:22-cv-197-SPC-KCD, 2022 WL 6734860, at \*3 (M.D. Fla. Oct. 11, 2022) (finding waiver where the defendant litigated for nearly six months, including filing answers, exchanging written discovery, and attending mediation).

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<sup>5</sup> The Supreme Court recently resolved a circuit split and held the party opposing arbitration does not need to show any prejudice to establish waiver of arbitration. *Morgan v. Sundance, Inc.*, 142 S. Ct. 1708, 1714 (2022). In any event, Plaintiff has been prejudiced by Airbnb’s delay in raising arbitration. The extensive litigation over the past two years has forced Plaintiff to incur discovery costs that would not have been expended in arbitration. *Evans*, 352 S.C. at 551, 575 S.E.2d at 77 (holding defendant’s continuation of discovery, rather than seeking arbitration in a timely manner, prejudiced plaintiff by forcing her to incur discovery costs that would not have been expended in arbitration).

Here, Airbnb was obviously aware of its arbitration provision in its TOS—as evidenced at the beginning of this action when Airbnb stated its unequivocal intention to file a Motion to Compel Arbitration. (Exhibit A – Email chain with Airbnb’s prior counsel, stating, *inter alia*, “I expect I may be filing a Motion to Compel Arbitration” (May 27, 2021); “my client intends to file a Motion to Compel Arbitration” (July 7, 2021); and finally, “we plan on filing a Motion to Compel Arbitration with our Answer” (July 14, 2021)). However, Airbnb did not file any such motion until after two years of active litigation—answering the Complaint and the Amended Complaint, deposing witnesses, participating in extensive discovery and mediation, and filing numerous motions, including two dispositive motions to dismiss, which the Court denied. Airbnb has engaged in extensive motions practice requiring the Court to devote its limited resources to resolving these motions.<sup>6</sup> Further, Airbnb filed a motion to be allowed to amend and bring cross-claims against Defendant Thomas and a third-party complaint against defendant Riviere. Put simply, for over two years, Airbnb has acted as if no arbitration agreement existed and actively litigated this case in court and thus waived any right it may have had to arbitration. *Liberty Builders*, 336 S.C. at 666, 521 S.E.2d at 753 (finding waiver when the parties sought the court's assistance approximately forty times prior to the filing of the motion to compel, on matters such as motions to amend, compel, dismiss, add parties, and restore under Rule 40(j), SCRCP); *Evans v. Accent Mfg'd Homes, Inc.*, 352 S.C. 544, 575 S.E.2d 74 (Ct. App. 2003) (finding waiver where arbitration was neither pleaded nor raised for first nineteenth months of litigation).

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<sup>6</sup> For example, Airbnb opposed Plaintiff’s deposing Airbnb’s 30(b)(6) witness filing a motion for protection and when the Court denied this motion, Airbnb filed a six-page motion for reconsideration and subsequently a 28-page Supplemental Memorandum and then a separate 13-page Supplemental Reply.

Airbnb argues that it reserved its rights to arbitration in its Answer; and there is an express non-waiver provision in the TOS. In the cases Airbnb cites, the defendants asserted arbitration as an affirmative defense. *Id.* Here, while Airbnb asserted nineteen affirmative defenses in its Answer to the initial complaint and twenty-five affirmative defenses in its Answer to the Amended Complaint, none included an arbitration demand. Instead, Airbnb asserted in its introductory paragraph that it was reserving and not waiving its rights to compel arbitration. However, “[a] statement by a party that it has a right to arbitration in pleadings or motions is not enough to defeat a claim of waiver.” *Martin v. Yasuda*, 829 F.3d 1118, 1125 (9th Cir. 2016). *See also Hooper v. Advance Am., Cash Advance Ctrs. of Missouri, Inc.*, 589 F.3d 917, 923 (8th Cir. 2009) (“A reservation of rights is not an assertion of rights.”). *Bombardier Trans. (Holdings) USA, Inc. v. HDR Engineering, Inc.*, No. CV-21-01460-PHX-SPL, 2022 WL 17811661, \* 3 (D. Ariz. Dec. 19, 2022). Moreover, Airbnb cannot “reserve” its purported arbitration rights while taking inconsistent actions for almost two years. *In Re Mirant Corp. v. Castex Energy, Inc.*, 613 F.3d 584,591 (5th Cir. 2010) (“A party cannot keep its right to demand arbitration in reserve indefinitely while it pursues a decision on the merits before the district court.”). Further, as the court held in *Liberty Builders* “the right to arbitrate can be waived even in the face of a no-waiver provision.” 336 S.C. at 667, 521 S.E.2d at 754.

Finally, Airbnb contends that it is now moving for arbitration because of the Amended Complaint, and, in particular, its inclusion of a claim for a violation of South Carolina’s Unfair Trade Practices Act (“SCUTPA”). However, this case has always been about Plaintiff and the harm caused to her during her stay at an Airbnb rental, and the Amended Complaint did not alter the scope in such a way as to revive Airbnb’s alleged right to arbitration. *See Manasher v. NECC Telecom*, 310 F. App’x 804, 807 (6th Cir. 2009) (“[W]e hold that the additional claims contained

in the amended complaint did not substantially alter the scope or theory of this matter in such a way as to revive the defendant's right to compel arbitration . . . ."). Furthermore, even if the Amended Complaint revived Airbnb's right to assert arbitration, Airbnb continued to actively litigate and waived its purported right to arbitration once again. Airbnb was on notice of the additional claims when Plaintiff moved to file an Amended Complaint on September 2, 2022. Airbnb, however, answered the Amended Complaint and continued extensively litigating this action in court—participating in extensive discovery and filing numerous motions—and did not move to compel arbitration for almost nine months. Airbnb's actions throughout this litigation evidence a waiver of any right it may have had to arbitration. Accordingly, the Court finds that Airbnb has waived any right it may have had to compel arbitration.

### CONCLUSION

Airbnb has actively participated in this litigation for two years now, and thus has waived any right it may have had to arbitrate. Moreover, Plaintiff never agreed to arbitration, and she is not subject to the application of estoppel. Based on the foregoing, Airbnb's Motion to Compel Arbitration is **DENIED**. I have considered and rejected all of the arguments made by Airbnb in favor of its motion to compel arbitration by way of written submission and in the oral argument on the motion.

**IT IS SO ORDERED.**



Aiken Common Pleas

**Case Caption:** Julianne Foster , plaintiff, et al VS Rhett Riviere , defendant, et al  
**Case Number:** 2021CP0200889  
**Type:** Order/Other

So Ordered

s/ J. Cordell Maddox Jr.

Electronically signed on 2023-09-13 15:21:39 page 14 of 14

## Attachment 2

*(Order Granting Plaintiff's Motion for a Rule to Show Cause  
Against Airbnb, filed August 24, 2023)*

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

IN THE COURT OF COMMON PLEAS  
2<sup>ND</sup> JUDICIAL CIRCUIT

JULIANNE FOSTER,

Plaintiff,

v.

RHETT RIVIERE, KATHERINE A.  
THOMAS, CHASE ENTERPRISES,  
LLC OF SOUTH CAROLINA,  
AND AIRBNB, INC,

Defendants.

**RECEIVED**  
C/A No. 2021-CP-02-00889  
**Sep 15 2023**

SC Court of Appeals

**ORDER GRANTING PLAINTIFF'S MOTION  
FOR RULE TO SHOW CAUSE  
AGAINST AIRBNB, INC.**

This matter came before the Court pursuant to Plaintiff's Motion for a Rule to Show Cause, filed June 8, 2023. A hearing was held on the matter on June 13, 2023. Having fully considered the matter, including the motion, exhibits, and the parties' arguments, it is hereby **ORDERED** that Plaintiff's Motion for a Rule to Show Cause is **GRANTED**.

On June 7, 2022, Plaintiff served Airbnb, Inc. ("Airbnb") with her Requests for Production Nos. 16-44.<sup>i</sup> In its responses, Airbnb objected on numerous grounds. (Ex. B, Feb. 10, 2023 Motion to Compel). On February 10, 2023, Plaintiff filed a Motion to Compel regarding her Requests for Production Nos. 16-44.

On November 1, 2022, Plaintiff served Airbnb with her Requests for Production Nos. 45-48. In its responses, Airbnb objected on numerous grounds. (Ex. B, Jan. 18, 2023 Motion to Compel). On January 18, 2023, Plaintiff filed her Motion to Compel regarding Requests for Production Nos. 45-48.

Each of Plaintiff's above-identified motions to compel were heard on April 5, 2023. The Court granted the motions during the hearing – giving Airbnb 60 days within which to comply and

produce the documents requested. Subsequently on May 25, 2023, the Court entered a Form 4 Order memorializing its decision.

On June 5, 2023, Airbnb produced some documents to Plaintiff, but informed her that it was unilaterally withholding production of other responsive documents, stating as follows:

Contemporaneous with this production, Airbnb is filing a motion for reconsideration<sup>ii</sup> and to stay enforcement with respect to Plaintiff's Request for Production Nos. 45, 46, 47 (Non-Party Guest Contact Information) and 48 (Non-Party Host Criminal Convictions). Consequently, Airbnb is withholding production of documents responsive to these requests at this time.

(Ex. 6, Plaintiff's June 8, 2023 Motion for Rule to Show Cause ("RTSC Motion")).

"Direct contempt involves contemptuous conduct in the presence of the court." State v. Jolly, 405 S.C. 622, 629, 749 S.E.2d 114, 118 (Ct. App. 2013) (citing State v. Kennerly, 337 S.C. 617, 620, 524 S.E.2d 837, 838 (1999)). South Carolina courts "have held the 'presence of the court' extends beyond the mere physical presence of the judge or the courtroom to encompass all elements of the system." Id.; see also S.C. Code Ann. § 14-5-320 (providing, "The circuit court may punish by fine or imprisonment, at the discretion of the court, all contempts of authority in any cause or hearing before the same.").

I find that the record before this Court shows an ongoing discovery dispute. Rule 11, SCRCPP, requires counsel to ensure the factual accuracy of all allegations in their filings. Airbnb did not dispute the accuracy of the dates upon which it was served with the Plaintiff's Requests for Production Nos. 16-44 or 45-48 (Exs. 1 and 3, RTSC Motion), and also did not dispute the dates for which it served its objections thereto. (Exs. 2 and 4, RTSC Motion). Certainly, Airbnb does not dispute the facts it presented in its June 5, 2023 letter to counsel to Plaintiff. (Ex. 6, RTSC Motion).

The record before this Court on the matters put at issue is not disputed. As shown by Airbnb's own statements in the record, it is acting in direct defiance of this Court's order dated May 25, 2023. Accordingly, I find Airbnb's actions show continuing "contemptuous conduct" towards the authority of this Court, and its orders.

Plaintiff has additionally argued and noted Airbnb has failed to produce other responsive documents, including, for example, none of its internal email communications, and no privilege log. (Ex. 7, RTSC Motion, at p. 5 of 5). Prior to the filing of her motion for a Rule to Show Cause, Plaintiff sought to communicate with Airbnb about how it intended to perform its searches for responsive ESI, but Airbnb did not respond. Instead, Plaintiff contends and the record reflects Airbnb simply decided which documents it would produce and withheld the remainder. This is undeniable in view of the block quote above taken from Airbnb's June 5, 2023 letter to Plaintiff's counsel (Ex. 6, RTSC Motion).

This Court finds Airbnb's stated plans to not comply with this Court's May 25, 2023 Order on the Motions to Compel and violate this Court's order. Airbnb must comply with this Court's May 25, 2023 Order on the Motions to Compel and produce all responsive documents to Plaintiff within forty-five (45) days of the date of this order.

**IT IS SO ORDERED.**

\_\_\_\_\_  
The Honorable J. Cordell Maddox, Jr.  
Presiding Judge, 2<sup>nd</sup> Judicial Circuit

July \_\_\_, 2023  
Anderson, South Carolina

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<sup>i</sup> Plaintiff notes her Request for Production Nos. 16-44 are substantially identical in scope and substance to the 24 topics in her 30(b)(6) deposition notice, which has already been the subject of two Airbnb motions. (*see e.g.*, Orders on 30(b)(6) motions, filed Aug. 3, 2022 (at pp. 4-7, approving 24 topics) and Oct. 11, 2022 (denying reconsideration motion filed August 4, 2022)). This is the same notice for which Airbnb initially sought a protective order via motion filed June 14, 2022, and later its first motion to

reconsider on Aug. 4, 2022. Both of those motions were denied. As of the hearing on April 5, 2023, Airbnb had yet to provide any documents in response to these requests. (*See* April 5, 2023 Hearing Transcript, at pp. 105 to 110 (Airbnb continuing argument in support of its “compromise position” rejected)).

ii Airbnb has already filed two motions to reconsider this Court’s discovery orders, as follows: (i) Motion to Reconsider Denial of Airbnb’s Motion for Protective Order [as relates to Plaintiff’s 30(b)(6) deposition notice], filed August 4, 2022; and (ii) Airbnb, Inc.’s Motion to Reconsider and to Stay Enforcement, filed June 5, 2023. By the time Airbnb’s Aug. 4, 2022 first motion to reconsider was fully briefed, Airbnb had filed and presented 51 pages ( $6 + 30 + 15 = 51$ ) of argument in support of its motion, which was denied in all substantive respects by order dated October 11, 2022.



Aiken Common Pleas

**Case Caption:** Julianne Foster , plaintiff, et al VS Rhett Riviere , defendant, et al  
**Case Number:** 2021CP0200889  
**Type:** Order/Rule To Show Cause

So Ordered

s/ J. Cordell Maddox Jr.

Electronically signed on 2023-08-24 11:19:34 page 5 of 5

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Sep 15 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas  
Jocelyn Newman, Circuit Court Judge

Case No. 2021-CP-02-00889

Julianne Foster, ..... Respondent,

v.

Rhett Riviere, Katherine A. Thomas, Chase Enterprises,  
LLC of South Carolina, and Airbnb, Inc., ..... Defendants,

Of which

Airbnb, Inc., is the ..... Appellant.

AND

Airbnb, Inc., ..... Appellant

v.

Rhett Riviere, ..... Respondent

**PROOF OF SERVICE**

I, the undersigned Administrative Assistant, of the law offices of Nelson Mullins  
Riley & Scarborough LLP, attorneys for Airbnb, Inc., do hereby certify that I have served all  
counsel in this action with a copy of the pleading(s) hereinbelow specified, pursuant to the  
Supreme Court Order 2022-05-06-04, and a copy of that electronic mail is attached to this  
certificate.

Pleading(s): Notice of Appeal

Served: Via E-Mail

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*Attorneys for Airbnb, Inc.*



Eileen Hindman  
Administrative Assistant

09/15, 2023

**Eileen Hindman**

---

**From:** Eileen Hindman  
**Sent:** Friday, September 15, 2023 4:25 PM  
**To:** dbb@deborahbarbier.com; rlb@ryanbeasleylaw.com; wes@wesleyfew.com; cassy@wesleyfew.com; damonw@rplfirm.com; john@jwhartelaw.com; joe@mccullochlaw.com; kathy@mccullochlaw.com; mfox@griffindavislaw.com; jgriffin@griffindavislaw.com; beattie@beattieashmore.com; pdb@harpootlianlaw.com; rah@harpootlianlaw.com; dsestito@omm.com; dtaylor@omm.com; Mitch Brown; Blake Williams; Matt Abee  
**Subject:** Airbnb, Inc. v. Julianne Foster AND Airbnb, Inc. v. Rhett Riviere  
**Attachments:** 2023.09.15 Notice of Appeal with attachment - Foster v. Airbnb.pdf; 2023.09.15 Proof of Service - Airbnb.pdf

Good afternoon,

Attached for service upon you in the above matters is a Notice of Appeal with attachments and Proof of Service.

Thank you,



EILEEN HINDMAN SENIOR ADMINISTRATIVE ASSISTANT  
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\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
NOTICE OF ELECTRONIC FILING [NEF]

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**A filing has been submitted to the court RE:** 2021CP0200889

**Official File Stamp:** 09-15-2023 05:09:22 PM  
**Court:** CIRCUIT COURT  
Common Pleas  
Aiken  
**Case Caption:** Julianne Foster , plaintiff, et al VS Rhett Riviere , defendant, et al  
**Document(s) Submitted:** Appeal/Notice of Appeal to Court of Appeals  
**Filed by or on behalf of:** C. Mitchell Brown

This notice was automatically generated by the Court's auto-notification system.

---

**The following people were served electronically:**

Matthew A. Abee for Airbnb Inc  
Blake Terence Williams for Airbnb Inc  
Richard A. Harpootlian for Airbnb Inc  
Phillip Donald Barber for Airbnb Inc  
C. Mitchell Brown for Airbnb Inc  
Damon Christian Wlodarczyk for Katherine A Thomas  
Ryan Lewis Beasley for Julianne Foster  
Deborah B. Barbier for Julianne Foster  
John W Harte  
Joseph M. McCulloch, Jr.  
Kathy R. Schillaci  
Wesley D. Few for Julianne Foster  
James Mixon Griffin for Rhett Riviere  
Margaret Nicole Fox  
Beattie B. Ashmore for Airbnb Inc, Airbnb Inc

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

Brad Owensby  
Damali Taylor for Airbnb Inc  
Dawn Sestito for Airbnb Inc  
Jane Page Thompson

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Apr 12 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas  
The Honorable J. Cordell Maddox, Jr. Circuit Court Judge

Appellate Case No. 2023-001479  
Case No. 2021-CP-02-00889

Julianne Foster..... Respondent,

v.

Rhett Riviere, Katherine A. Thomas, Chase Enterprises, LLC of  
South Carolina, and Airbnb, Inc.,.....Defendants,

of which

Airbnb, Inc., is the ..... Appellant.

and

Rhett Riviere and Julianne Foster are the.....Respondents.

**CERTIFICATE OF COUNSEL FOR THE RECORD ON APPEAL**

The undersigned certifies that the Record on Appeal contains all material proposed to be  
included by any of the parties and not any other material.

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