

**RECEIVED**

**Feb 17 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA ) IN THE CIRCUIT COURT 9  
COUNTY OF BERKELEY ) DOCKET NO. 2025-CP-08-00820

---

RICARD K. WEATHERFORD, )  
Plaintiff, )  
versus )  
TIMOTHY J. DAVIDSON, )  
Defendant. )

---

H E A R I N G

DATE: January 7, 2026  
LOCATION: South Carolina Circuit Court 9  
JUDGE: Dale E. Van Slambrook  
TRANSCRIBED BY: Jeanne Meldrim

LEGAL EAGLE  
Post Office Box 5682  
Greenville, South Carolina 29606  
864-467-1373  
depos@legaleagleinc.com

1 APPEARANCES:  
2 Frederick W. Riesen, III, Esquire  
3 Riesen DuRant, LLC  
4 613 Longpoint Rd., Suite 100  
5 Mount Pleasant, SC 29464  
6 Attorney for the Plaintiff

7  
8 Jay Thompson, Esquire  
9 Murphy & Grantland, PA  
10 4406B Forest Drive  
11 Columbia, SC 29206  
12 Attorney for the Defendant

13  
14 Also Attending:  
15 Raymond D. Turner, Esquire  
16 Clarkson, Walsh & Coulter, P.A.  
17 497 St. Andrews Boulevard  
18 Charleston, SC 29407

19  
20 Robert Johnson  
21 Jessica Keyoro (phonetic)  
22 Murphy & Grantland, PA  
23 4406B Forest Drive  
24 Columbia, SC 29206

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX

Proceedings..... 4  
Certificate of Reporter.....15

EXHIBITS

(No exhibits marked)

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

Proceedings

1           THE COURT: First matter I have is  
2           2025-CP-08-00820, Weatherford versus Davidson. Two  
3           matters before me, a motion to compel and a rule to show  
4           cause.

5           So who all is here on that one? All right. I can't  
6           hear you, Mr. Riesen. You might be muted. I'm not sure  
7           if that's on our end or not ready to go.

8           MR. RIESEN III: That -- that was me. Sorry, Your  
9           Honor. I'm Trip Riesen here on behalf of the plaintiff,  
10          Mr. Richard Kenneth Weatherford.

11          THE COURT: Okay. And you're going to have to speak  
12          up for me, because I can barely hear you.

13          All right. And Mr. Thompson, you're here as well on  
14          that one?

15          MR. THOMPSON: That's correct, Your Honor. On  
16          behalf of non-parties Progressive Direct Insurance  
17          Company and for one of the motions two of that company's  
18          employees Robert Johnson and Jessica Keyoro (phonetic).

19          THE COURT: Okay. And Mr. Turner, are you here on  
20          that one as well?

21          MR. TURNER: Yes, sir, Your Honor. I'm here for the  
22          defendant. I'm not really part of this motion either  
23          way, I'm just here to observe it. So just here to watch.

24          THE COURT: All right. All right. And who is  
25          Laurie Chapel?

1           MR. THOMPSON: Laurie is a paralegal in my office,  
2 Your Honor.

3           THE COURT: Okay. All right. Yeah, I just want to  
4 make sure that we properly acknowledge everyone that was  
5 going to be here. Okay. All right. So I have looked at  
6 the file. We've got the two different motions. A  
7 motion --- or the rule to show cause, as well as the  
8 motion to compel.

9           And let me hear from you, Mr. Riesen. First off  
10 we'll deal with the --- the rule to show cause, because  
11 that --- that may implicate how we treat the second  
12 motion as well. So I'll be happy to hear from you.

13          MR. RIESEN III: Yes, sir. I'll try my best to  
14 speak up. I'm fighting a cold, so I apologize.

15          May be please the Court. Trip Riesen here on behalf  
16 of plaintiff, Richard Weatherford. We're here today on  
17 the motion for a rule to show cause against Progressive  
18 Direct Insurance Company.

19          Progressive admits it deliberately disobeyed Judge  
20 McCutchen's October 8, 2025, order. Progressive's own  
21 counsel told us in our Rule 11 consultation that  
22 Progressive has deliberately chosen to disobey the order  
23 to trigger a contempt finding. Progressive confirms this  
24 strategy in their response.

25          Let me give you a really quick brief summary of the

1 case so you understand why we're asking for what we're  
2 asking for.

3 THE COURT: No, I --- I think I --- I'm going to  
4 interrupt you, Mr. Riesen. I think I understand. And  
5 so ---

6 MR. RIESEN III: Yeah.

7 THE COURT: --- Progressive is inviting a contempt  
8 citation by willfully failing to comply with Judge  
9 McCutchen's order; is that right, Mr. Thompson?

10 MR. THOMPSON: Yes, Your Honor. And the point that  
11 I wanted to be sure is clear on the record is that  
12 Progressive Direct's position on this is that if  
13 Progressive Direct does comply with the order, this is  
14 not a situation where justice could possibly be served by  
15 complying and then waiting for a final order later on to  
16 appeal. This is one that once the toothpaste is out of  
17 the tube, and justice has been served, and inequity has  
18 occurred, and therefore that can't be undone. Therefore  
19 Progressive Direct is not in a position where it feels  
20 like it can comply with that order.

21 THE COURT: Okay. All right. Well, I will --- I  
22 will comply with your request to be held in contempt  
23 then, as to that.

24 Now, the second one was the --- the --- the motion  
25 regarding, I guess the --- depositions of some of the

1 witnesses. And some of those witnesses were adjusters.  
2 And you were --- and you were going to get copies of  
3 documents, copies of files of those adjusters before you  
4 deposed them; is that correct Mr. Riesen?

5 MR. RIESEN III: Yeah. So --- yes. We --- we did  
6 get some information. They did --- they did produce some  
7 notes that they'd taken of the defendant with respect to  
8 their interview of him. And then when I deposed him, he  
9 does not remember or he disputes what they said. So I am  
10 forced to try to take their deposition to confirm what he  
11 is saying is either correct or incorrect and to prove my  
12 request to admit. I can't just do it off the documents.  
13 That's hearsay. It wouldn't be --- it wouldn't be  
14 admissible at court.

15 THE COURT: Okay.

16 MR. RIESEN III: I need their testimony to  
17 corroborate or refute the defendant's statements.

18 THE COURT: So my question is: Is the information  
19 that --- that would be provided or turned over if there  
20 was compliance with Judge McCutchen's order, is that  
21 information or documents, are those necessary in order  
22 for you to proceed with those depositions?

23 MR. RIESEN III: No, they're not.

24 THE COURT: They're not? Okay.

25 MR. RIESEN III: No, that's --- that's a separate

1 issue.

2 THE COURT: A separate issue. Okay. Because ---  
3 because my initial thinking was if that information was  
4 necessary in order to go forward with the depositions, we  
5 may have to hold the depositions in abeyance pending any  
6 final resolution of the contempt citation; you see with  
7 what I'm saying?

8 MR. RIESEN III: Yeah. I --- I think --- I think  
9 the depositions and the things that I'm going to ask the  
10 two adjusters are primarily just about what they've  
11 already produced. I want to ask them about these ---  
12 these statements they've taken. They've already produced  
13 that.

14 So I need to ask them about that because, you know,  
15 a lot of times you don't write down every single thing  
16 that you got from the defendant. Right? So I want to  
17 make sure that I have everything that he told them. And  
18 I want to know what --- if there's any other information  
19 they learned to either corroborate or refute whether he  
20 was drinking or whether he had a medical emergency. It's  
21 that simple.

22 I am not looking for bad faith stuff. I'm not  
23 looking for reserve information. I'm not looking for any  
24 of that. So the --- the claim file notes, I don't know  
25 what's in there. I don't know what they're holding. I

1 mean I --- Judge McCutchen has said we don't --- are not  
2 entitled to the --- the reserves, and I don't dispute  
3 that.

4 I don't know what they're withholding. I don't  
5 think that has anything to do with me asking the  
6 adjusters about what --- what their statements entailed.  
7 And --- and I think Jay and I agreed on most of that, but  
8 I think he was a little concerned that I might go further  
9 into bad faith and this and that. But I --- I can just  
10 tell the Court out of candor if I'm not doing that, this  
11 is not a pretext. I could care less at this point about  
12 bad faith. It's not even right.

13 THE COURT: All right. All right. Yeah, I --- I  
14 just want to make sure that --- that you weren't kind of,  
15 I guess limited in --- in what you could --- you could  
16 find out or --- or ask about, because you didn't have the  
17 other documentation, but you're saying no, that's not the  
18 case. All right.

19 So Mr. Thompson, I --- and I've --- I've seen the  
20 proposed or suggested limits or guardrails on the --- the  
21 scope of the --- the depositions. I guess one portion  
22 there wasn't any portion With the second there was issues  
23 on that. Tell me about that.

24 MR. THOMPSON: Yes, Your Honor. First, I think this  
25 motion is premature in its entirety, because we're ---

1 the Court is being asked to compel something that hasn't  
2 actually been requested in any way other than just an  
3 informal request. We have not opposed the depositions at  
4 all in their entirety.

5 The discussions that Mr. Riesen and I have had back  
6 and forth have been about scope of what is and isn't  
7 proper fair game as the depositions are occurring. We do  
8 not oppose and do not contest asking these witnesses  
9 questions about the facts of the car wreck case. But the  
10 information that has been repeatedly stated to us in  
11 writing is that plaintiff's counsel intends to ask these  
12 witnesses, questions about claims handling practices,  
13 what are your policies what would you normally do next as  
14 you're investigating a claim. That's the significant  
15 problem that we have. And ---

16 (Simultaneous speaking)

17 THE COURT: Let's back up. Let's back up. You're  
18 saying it --- it's premature. I thought --- I thought  
19 that was the purpose for the --- for the motion --- the  
20 plaintiff's motion to compel depositions not party  
21 witnesses to set the parameters of the --- of the  
22 depositions; is that not right?

23 MR. THOMPSON: What --- what I mean by that, Your  
24 Honor, is that the motion itself is premature for two  
25 reasons. One is the Court's being asked to compel

1 non-parties to do something when no subpoena has been  
2 issued to those non-parties. And ---

3 (Simultaneous speaking)

4 THE COURT: You're suggesting they --- they should  
5 have issued the subpoenas and then either --- I guess not  
6 attend then there'd be a motion to compel or attend,  
7 objections, and then we'd be right back here setting the  
8 guardrails; is that what you're suggesting?

9 MR. THOMPSON: That's what the Rules of the Civil  
10 Procedures require. The Court can't compel something  
11 that the rules don't allow the Court to compel.

12 THE COURT: Okay.

13 MR. THOMPSON: There's nothing to compel right now.  
14 But we're willing to do this voluntarily. What I don't  
15 want to get into I think is similar to what Mr. Riesen is  
16 saying is ---

17 (Simultaneous speaking)

18 THE COURT: Seems to me that --- that setting the  
19 guardrails now because it --- it's ultimately going to  
20 have to be determined by the Court in any event what  
21 those guardrails are. Setting them now would certainly  
22 be more efficient.

23 If you're saying that it's outside the rules for me  
24 to do it now, that Mr. Riesen has to, I guess issue the  
25 deposition notices, issue the subpoenas, and then y'all

1 can file for protective order, or subsequent to the  
2 depositions bring a motion either a protective order for  
3 those questions that are asked that you think are  
4 inappropriate, or Mr. Riesen can file a motion to compel.

5 All right. It seems a long way around on --- on  
6 that to --- to get there. Okay.

7 MR. THOMPSON: I don't disagree, Your Honor, but I  
8 do believe that is the required procedure under the Rules  
9 of Civil Procedure.

10 THE COURT: Okay.

11 MR. THOMPSON: We should be able to do this by  
12 agreement.

13 MR. RIESEN III: Yeah. Let me just say one thing:  
14 Mr. Thompson and I have had a discussion before I ever  
15 filed this. It was my understanding that if I would have  
16 filed a subpoena it was going to be --- they'd file a  
17 motion to quash or a protective order unless I agreed to  
18 their scope of topics. And this isn't a 30(b)(6). I  
19 don't even have to give them a scope of topic. I did  
20 that as a courtesy.

21 THE COURT: Right.

22 MR. RIESEN III: So I filed this because I  
23 thought --- I thought we were on the same page that this  
24 was going to be a way to --- to expedite the process, and  
25 I guess they want to drag it out. I don't --- I

1 don't ---

2 MR. THOMPSON: No, none of that is accurate.  
3 That --- that's not even a proper characterization of the  
4 communications that we have had. The only ---

5 THE COURT: All right.

6 MR. THOMPSON: --- communications we've had are ---  
7 (Simultaneous speaking)

8 THE COURT: Let's --- let's do this --- let's do  
9 this, Mr. Thompson: I --- I do need to look at it. If  
10 it's --- if it's premature, and --- and we want to do it  
11 properly, of course, because I wasn't wanting y'all  
12 waiving any protections or --- or objections that y'all  
13 have if we went forward today. I certainly understand  
14 and appreciate that.

15 But let me look at it and in all likelihood you ---  
16 you might be very well be right that it's premature at  
17 this stage. I thought it was going to be premature  
18 because there was going to be other things that were  
19 going to be necessary for Mr. Riesen to have in hand  
20 before they were taken. So --- yeah. In all like ---  
21 I'll issue an order and in all likelihood, it will be  
22 that it's premature at this time, you know, and --- and  
23 certainly any ruling would be without any prejudice.

24 Hopefully in the meantime, y'all can iron out the  
25 parameters and --- and go forward and then narrow the

1 scope of any objections that would be made at the  
2 deposition itself. Okay?

3 MR. THOMPSON: Thank you, Your Honor.

4 MR. RIESEN III: Thank you, Your Honor.

5 THE COURT: Okay. All right. Thank you all.

6 (PROCEEDINGS CONCLUDED)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF TRANSCRIBER

I, JEANNE MELDRIM, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of CIRCUIT COURT 9 for BERKELEY COUNTY, South Carolina, on the 7th Day of January, 2026.

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

February 6, 2026

A handwritten signature in black ink that reads "Jeanne Meldrim". The signature is written in a cursive, flowing style with a prominent dot above the 'i' in "Meldrim".

Jeanne Meldrim

Transcriber