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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appellate Case No. 2025-0001468

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Patrick C. Fant, III, Circuit Court Judge

Cindy Barnette Camp,

Appellant

v.

Christopher Miller,

Respondent

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
Cindy Barnette Camp,)
)
Plaintiff,)
)
v.)
)
Christopher Miller,)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C. A. No.: 2025-CP-23-01271

**ORDER DISMISSING
PLAINTIFF'S COMPLAINT
WITH PREJUDICE**

This matter came before me on June 17, 2025, on Defendant's motion to dismiss based upon the statutes of limitations and the failure to state a claim upon which relief can be granted.

Both parties appeared, prepared and presented briefs and made oral arguments of their respective positions. The Defendant argued that the date of injury generally controls the determination of the applicable statutes of limitation. In addition, the Defendant contended that "false light" is not a recognized cause of action in this jurisdiction, and that the public disclosure of private facts must pertain to a matter of legitimate public concern to be actionable.

Plaintiff's Amended Complaint filed on May 23, 2025 alleges the following dates relevant to the causes of action:

1. January 2020, "Miller was aware of a runoff between Hobart Lewis and A.T. Smith . ." (¶3 Amended Complaint)
2. "Between January 7, 2020, and January 12, 2020 Miller" allegedly posted false statements about Camp to other members of the ATS Private Supporters." (¶6 Amended Complaint)
3. "On or about January 12, 2020, Miller" allegedly "posted the following:..." (¶7 Amended Complaint)
4. "...on January 12, 2020 contacted (or was contacted by) A.T. Smith or Kerry Wood" Miller allegedly "provided the information contained in his January 12, 2020 post.." (¶8 Amended Complaint)

5. “On January 13, 2020, Kerry Wood prepared two flyers that incorporated the information” allegedly “provided by Miller...” (¶9 Amended Complaint.)
6. “As a result, many people knew the flyer that said ‘Hobart, who is Cindy B?’ was referring to Camp. . “ (¶14)
7. Allegedly, “Camp did not discover Miller’s role as the ultimate source of the false statement about her until January 16, 2025. She previously brought an action C.A. No., 2021-CP-21-05802, which recently settled. ...” (¶17 Amended Complaint.)
8. “Miller’s” alleged “statements about Camp were defamatory and, because they were made in writing, actionable per se.” (¶19 Amended Complaint.)
9. “Miller’s statements” allegedly “gave publicity to a matter concerning Camp that placed her before the public in a false light.” (¶23 Amended Complaint.)
10. “Miller” allegedly “conspired and agreed with A.T. Smith and/or Kerry Wood to give publicity to a matter that placed her before the public in a false light.” (¶29 Amended Complaint.)
11. “Miller” is alleged to have “publicly disclosed a private matter concerning Camp.”(¶37 Amended Complaint.)
12. “Miller” is alleged to have “conspired and agreed with A.T. Smith and Kerry Wood to publicly disclose a private matter concerning Camp.” (¶43 Amended Complaint.)
13. “Miller” allegedly “owed Camp a duty to not publish matter concerning her private life or to negligently and recklessly make statements about her, especially false statements.” (¶50 Amended Complaint.)

Most courts allow affirmative defenses to be raised in a motion to dismiss under Rule 12(b)(6) “when there is no disputed issue of fact raised by an affirmative defense, or the facts are completely disclosed on the face of the pleadings, and realistically nothing further can be developed by pretrial discovery or a trial on the issue raised by the defense....” Wright and Miller Practice , § 1277. This view accords with the pleading and discovery system established by the Rules of Civil Procedure, which allows a party to raise Rule 12(b) defenses in a pre-answer motion at option of the pleader. See Rule 12(b), SCRCP and accompanying notes (allowing certain defenses to be raised by pre-answer motion at option of pleader) and Rule 12(a), SCRCP (altering deadline for defendant’s

answer when defendant serves a pre-answer motion) “When it appears on the face of the complaint that the limitation period has run, a defendant may properly assert a limitations defense through a Rule 12(b)(6) motion to dismiss.” *Miller v. Pacific Shore Funding et. al.* , 224 F.Supp.2d 977 (2002). See also, *Spence v. Spence ex rel. Spence*, 368 S.C. 106, 628 S.E.2d 869 (S.C. 2006) “When the factual analysis of a Rule 12(b)(6) motion is confined to the four corners of the complaint and opposing party has not shown that further facts could be developed by pretrial discovery then it is proper for the trial court to consider the motion.”

This court would note multiple references in the record as to the phrase(s) “discovery rule”. The phrase "the discovery rule," standing alone, can be misleading because certain statutes of limitations have their own built-in “discovery rules.” (See, South Carolina Tort Claims Act, which is set forth in section 15-78-110 and states, in pertinent part, "Except as provided for in [s]ection 15-3-40, any action brought pursuant to [the Act] is forever barred unless an action is commenced within two years after the date the loss was or should have been discovered"

"Loss" is defined in the Act as follows:

bodily injury, disease, death, or damage to tangible property, including lost wages and economic loss to the person who suffered the injury, disease, or death, pain and suffering, mental anguish, and any other element of actual damages recoverable in actions.

See also, S.C. Code Ann. § 15-3-530(7) (2005) states certain fraud claims are "not considered to have accrued until the discovery by the aggrieved party of the facts constituting the fraud"; S.C. Code Ann. § 15-3-530(9) (2005) states that certain actions against directors or stockholders of a "monied corporation" or a banking association do not accrue "until the discovery by the aggrieved party of the facts upon which the penalty or forfeiture attached or the liability was created, unless otherwise provided in the law under which the corporation is organized"; S.C. Code Ann. § 15-3-545(A) (2005) requires most medical malpractice actions to be "commenced

within three years from the date of the treatment, omission, or operation giving rise to the cause of action or three years from date of discovery or when it reasonably ought to have been discovered”; *See, Santee Portland Cement Co. v. Daniel Int'l Corp.*, 299 S.C. 269, 272, 384 S.E.2d 693, 694-95 (1989). Also see, S.C. Code 15-3-545 created a special “discovery rule” for medical malpractice actions. The courts previously applied the discovery rule under section 15-3-535 of the South Carolina Code (2005) to determine when a cause of action arising under the Tort Claims Act accrues. *See Logan v. Cherokee Landscaping & Grading Co.*, 389 S.C. 611, 617-18, 698 S.E.2d 879, 883 (Ct. App. 2010); *Joubert v. S.C. Dep't of Soc. Servs.*, 341 S.C. 176, 190, 534 S.E.2d 1, 8 (Ct. App. 2000)

In *Gattis v. Chavez*, 413 F. Supp. 33 (D.S.C. 1976), U.S. District Judge Robert W. Hemphill traced the history of the statutory and judicially-created discovery rules stating “Although the South Carolina statutes establish specific time limitations on the maintenance of many different types of actions, they are generally silent on the question of when a cause of action accrues.” Judge Hemphill went on to state; “The statutory ‘discovery’ rules in [the Code] however, have existed in essentially identical form since at least 1870. See S.C.Code of Procedure of 1870 §§ 114 and 132, 14 S.C.Stat. 447, 450.” and “it cannot be disputed that adoption of the ‘discovery’ rule is a modern and growing trend in the law.” Judge Hemphill stated “a substantial majority of all the states now adhering to the "discovery" rule adopted it no earlier than 1960.”

Indeed, one year later in *Mills v. Killian*, 273 S.C. 66, 254 S.E.2d 556 (1976) the South Carolina Supreme Court adopted the “discovery rule” as it “represents the more equitable and rational view” of the statute of limitations.

In South Carolina, these principles appear paramount—our state policy-making courts have consistently favored applying the discovery rule to the statutes of limitation for numerous

causes of action. See, *Tollison v. B & J Mach. Co.*, 812 F. Supp. 618 (D.S.C. 1993) (breach of warranty); *Gattis v. Chavez*, supra. (medical malpractice); *Santee Portland Cement Co. v. Daniel Int'l Corp.*, supra, (breach of contract.) ; *Mills v. Killian*, 273 S.C. 66, 70, 254 S.E.2d 556, 558 (1979) (legal malpractice); *Turner v. Milliman*, 381 S.C. 101, 110-11, 671 S.E.2d 636, 640-41 (Ct. App. 2009) (fraud); *Majstorich v. Gardner*, 361 S.C. 513, 519, 604 S.E.2d 728, 732 (Ct. App. 2004) (professional negligence); *Martin v. Companion Healthcare Corp.*, 357 S.C. 570, 575-76, 593 S.E.2d 624, 627-28 (Ct. App. 2004) (subrogation); *Rumpf v. Mass. Mutual Life Ins. Co.*, 357 S.C. 386, 395-96, 593 S.E.2d 183, 187-88 (Ct. App. 2004) (insurance bad faith and others); and *Moore v. Benson*, 390 S.C. 153, 700 S.E.2d 273 (Ct. App. 2010) (conversion).

The Defendant contends that the discovery rule applies to all of Plaintiff's causes of action except defamation. As to defamation the Defendant contends the statute of limitations begins to run when the defamatory statement is made. In *Harris v. Tietex Int'l Ltd.*, 417 S.C. 533, 790 S.E.2d 411 (S.C. App. 2016) the court determined that there is a two-year statute of limitations for libel and slander causes of action. S.C.Code Ann. § 15-3-550 (Supp.1995). A cause of action accrues at the moment when the plaintiff has a legal right to sue on it. *Brown v. Finger*, 240 S.C. 102, 124 S.E.2d 781 (1962). However, when the discovery rule applies, the statute of limitations does not begin to run until the plaintiff knew or should have known of the alleged wrongful acts.

As to the defamation, Plaintiff's counsel noted that although case law appears to provide for the limitations period to run from when the statement is made, he argued against that interpretation and alleged that it should run from the time Plaintiff allegedly discovered Defendant Miller's statement to the ATS private support group in 2025.

In *Santee Portland Cement Co. v. Daniel Int'l Corp.*, 299 S.C. 269, 384 S.E.2d 693 (1989); overruled on other grounds by *Atlas Food Sys. & Servs. v. Crane Nat'l Vendors*, 319 S.C. 556, 462

S.E.2d 858 (1995) the court applied the “discovery rule” to contract actions but did not adopt the discovery rule for all causes of action. *Santee Portland*, 299 S.C. at 269, 384 S.E.2d at 693; see *Matthews v. City of Greenwood*, 305 S.C. 267, 407 S.E.2d 668 (Ct.App.1991). Cf. *Austin v. Torrington Co.*, 611 F.Supp. 191, 195 (D.S.C.1985) (district court applied the “discovery rule” to an action for defamation but the ruling was limited to the facts of the case and stated its holding "does not abrogate the date of utterance rule which applies in the traditional slander case"); rev'd on other grounds, 810 F.2d 416 (4th Cir.), cert. denied, 484 U.S. 977, 108 S.Ct. 489, 98 L.Ed.2d 487 (1987).

Therefore, it is abundantly clear that the limitations period begins when the alleged defamatory statement is made, not when the plaintiff learns of the statement. *Harris*, supra. (citing *Jones v. City of Folly Beach*, supra.) This makes logical sense because the injury arises directly from the utterance or publication of the statement. Since defamation is a “publication-based” tort the defamation is considered to occur upon publication and the harm to the party begins at that moment. Therefore, the cause of action accrues when the statement is first made public.

As noted in 2018 in *Danielson v. USAA Fed. Sav. Bank*, Civil Action No.: 6:17-cv-02849-AMQ (D. S.C. Jun 01, 2018);

Under South Carolina law, defamation claims are subject to a two-year statute of limitation. S.C. Code Ann. § 15-3-550. The limitations period begins when the alleged defamatory statement is made, not when the plaintiff learns of the statement. *Harris v. Tietex Int'l Ltd.*, 417 S.C. 533, 542, 790 S.E.2d 411, 416 (Ct. App. 2016) (citing *Jones v. City of Folly Beach*, 326 S.C. 360, 369, 483 S.E.2d 770, 775 (Ct. App. 1997) (affirming the trial court's grant of summary judgment as to the plaintiff's defamation claim because South Carolina has not adopted the discovery rule in libel or slander cases)).

Even if the statute of limitations “discovery rule” did apply to the defamation cause of action, the Plaintiff knew or should have known that her legal rights had been invaded when the flyers were published in January of 2020. Therefore, applying the broad “discovery rule” to

defamation rather than the date of issuance of the statement is equally unavailing to the viability of Plaintiff's claims.

Plaintiff filed her original suit against A.T. "Tommy" Smith on December 7, 2021. Therefore, she clearly knew of her injury by December 7, 2021. Applying a two year statute of limitations to the latest possible date that she knew of her injury means the statute of limitations ran out on December 7, 2023 for two year statutes and for three years statutes they ran out at the latest on December 7, 2024.

Therefore, as to the other non-defamatory causes of action, the discovery rule certainly applies. This means the limitations period commences when the facts and circumstances of an injury would put a person of common knowledge and experience on notice that some claim against another party might exist. *Burgess v. Am. Cancer Soc'y, S.C. Div., Inc.*, 300 S.C. 182, 186, 386 S.E.2d 798, 800 (Ct. App. 1989); see S.C. Code Ann. § 15-3-535 (2005). "[T]he statutory period of limitations begins to run when a person *could or should have known*, through the exercise of reasonable diligence, that a cause of action might exist in his or her favor, rather than when a person obtains actual knowledge of either the potential claim or of the facts giving rise thereto." *Burgess*, supra. In the present case that time period is clearly in January of 2020 when allegedly "Miller posted false statements about Camp to members of ATS private supporters" or when "A.T. Smith and Kerry Wood" issued flyers containing the allegations in January of 2020 and the at the very possible latest when she filed suit against Smith on December 7, 2023.

"The courts of South Carolina have consistently applied the 'discovery rule' in non-defamation cases to determine when a cause of action accrues under [the Act]."; *Gillman v. City of Beaufort*, 368 S.C. 24, 27, 627 S.E.2d 746, 748 (Ct. App. 2006)

Under the “discovery rule”, the statutory limitations period begins to run from the date when the injury resulting from the wrongful conduct either is discovered or may be discovered by the exercise of reasonable diligence.” *Bayle v. S.C. Dep't of Transp.*, 344 S.C. 115, 123, 542 S.E.2d 736, 740 (Ct. App. 2001).

The Courts typically focus on the date of injury as a starting point to determine when a plaintiff could or should have known he had a cause of action to start the statute of limitations clock. See, *Dillon Cty. Sch. Dist. No. Two v. Lewis Sheet Metal Works, Inc.*, 286 S.C. 207, 215, 332 S.E.2d 555, 559 (Ct. App. 1985), overruled on other grounds by *Atlas Food Sys. & Servs., Inc. v. Crane Nat'l Vendors Div. of Unidynamics Corp.*, 319 S.C. 556, 462 S.E.2d 858 (1995)

“The fact that the injured party may not comprehend the full extent of the damage is immaterial.” *Allwin v. Russ Cooper Assocs.*, 426 S.C. 1, 13, 825 S.E.2d 707, 713 (Ct. App. 2019) (quoting *Dean*, 321 S.C. at 363-64, 468 S.E.2d at 647). Consequently, “the ‘discovery rule’ does not ‘require absolute certainty [that] a cause of action exists before the statute of limitations begins to run.’” *Bayle*, 344 S.C. at 126, 542 S.E.2d at 741.

The exercise of reasonable diligence means that an injured party must act promptly where the facts and circumstances of an injury would put a person of common knowledge and experience on notice that some right of his has been invaded or that some claim against another party might exist. The statute of limitations begins to run from this point, and not when advice of counsel is sought or a full-blown theory of recovery developed. *Epstein v. Brown*, 363 S.C. 372, 610 S.E.2d 816 (S.C. 2005) *Snell v. Columbia Gun Exchange, Inc.*, 276 S.C. 301, 278 S.E.2d 333 (1981); *Brown v. Pearson*, 326 S.C. 409, 483 S.E.2d 477 (Ct.App.1997).

Further, the plaintiff need not know that his injury is permanent to be on notice he might have a claim against another party. In *Young v. South Carolina Department of Corrections*, this

court held that the plaintiff was not required to know the sight in his right eye was *permanently* lost to be put on notice the Department of Corrections had caused him injury through the delay in diagnosis and treatment. When he was told of the scar tissue by two separate doctors, who both displayed concern over the delay in diagnosis and treatment, Young discovered or should have discovered *potential damage* to his sight. 333 S.C. 714, 721, 511 S.E.2d 413, 417 (Ct. App. 1999) (second emphasis added); see also *Knox v. Greenville Hosp. Sys.*, 362 S.C. 566, 571-72, 608 S.E.2d 459, 462-63 (Ct. App. 2005) (holding a "reasonably diligent person of common knowledge and experience, under the admitted facts, would have been aware" when a nurse improperly inserted an intravenous needle into the plaintiff's wrist "that a claim against the [h]ospital might exist, even though the full extent of the injury was only subsequently discovered."

The date on which discovery should have been made is an objective rather than subjective question. *Kreutner v. David*, 320 S.C. 283, 465 S.E.2d 88 (1995). Therefore, the statutory period of limitations begins to run when a person could or should have known, through the exercise of reasonable diligence, that a cause of action might exist in his or her favor, rather than when a person obtains actual knowledge of either the potential claim or of the facts giving rise thereto. *Burgess*, supra.

"[O]nce a plaintiff has reason to know that she has been injured, she is obliged to conduct a reasonably diligent investigation under the circumstances and is charged for limitations purposes with constructive knowledge of the facts that such an investigation would have uncovered." *Hartnett v. Schering Corp.*, 2 F.3d 90, 92 (4th Cir. 1993). The statute of limitations begins to run at this point when reasonable diligence would have put the aggrieved party on notice that some right has been or was invaded.

Furthermore, under South Carolina law, the date upon which a plaintiff learns of a potential new Defendant has absolutely no bearing on the timing of the statute of limitations. Such was the explicit holding of the South Carolina Supreme Court in *Wiggins v. Edwards*, 314 S.C. 126, 128, 442 S.E.2d 169, 170 (1994):

[T]he focus is upon the date of discovery of the injury, not the date of discovery of the wrongdoer: The important date under the discovery rule is the date that a plaintiff discovers the injury, not the date of the discovery of the identity of another alleged wrongdoer. If, on the date of injury, a plaintiff knows or should know that she had some claim against someone else, the statute of limitations begins to run for all claims based on that injury.

Here, the statute of limitations began to run in January of 2020 when the Plaintiff was made aware of the flyers published by the A.T. Smith campaign and at the latest date possible when she filed suit against Smith on December 7, 2021. Regardless of which statute of limitations applies, the injury was discovered in January of 2020 and unquestionably the injury was known by December 7, 2021 when the Plaintiff filed her first suit. Therefore, it is not necessary for this court to rule on the viability of the “false light” claims and the matter of public concern since the result as to the statute of limitations analysis is a dismissal of Plaintiff’s Complaint with prejudice.

Based upon the foregoing, I find that the facts alleged and inferences reasonably deducible from the Plaintiff’s complaint do not entitle the Plaintiff to relief on any theory of the case. The amended complaint is well plead, detailed and specifically states that that the Defendant allegedly posted to the ATS Private Supporter members at the latest on January 12, 2020, where he allegedly said that the candidate had “an affair with a subordinate that more than 1 person has recollection of he admitted to it during polygraph at County.” (¶7 Amended Complaint). The amended complaint further states that on January 13, 2020 a campaign manager for Smith issued two flyers on January 13, 2020 (¶9 Amended Complaint) and “As a result, many people knew the flyer that said ‘Hobart, who is Cindy B?’ referred to Camp.” (¶14 Amended Complaint) and “Camp was

understandably upset and distressed by the actions of Miller, A.T. Smith and Kerry Wood. (¶16 Amended Complaint). The alleged 2025 discovery of “the ultimate source of the false statement about her.” (¶7 Amended Complaint) was clearly not the date the Plaintiff discovered her injury nor the date she was put on notice that someone invaded her rights. “Once a plaintiff knows or should know of the cause of action, "under South Carolina law, the date when a plaintiff learns of a potential new defendant has absolutely no bearing on the timing of the statute of limitations." *Cline v. J.E. Faulkner Homes, Inc.*, 359 S.C. 367, 371, 597 S.E.2d 27, 29 (Ct. App. 2004)

The Statute of Limitations requires a party to "act with some promptness" when the circumstances "would put a person of common knowledge and experience on notice that some right of his had been invaded or that some claim against another party might exist." *Johnston v. Bowen*, 313 S.C. 61, 64, 437 S.E.2d 45, 47 (1993). "The statute of limitations begins to run from this point and not when advice of counsel is sought or full-blown theory of recovery is developed." *Id.* "The date of discovery is not when the plaintiff discovers a witness to support or prove his case." *Id.* at 64-65, 437 S.E.2d at 47. "Moreover, the focus is upon the date of discovery of the injury, not the date of discovery of the wrongdoer[.]" *Wiggins supra*.

Wiggins v. Edwards, 314 S.C. 126, 128, 442 S.E.2d 169, 170 (1994) and its progeny are controlling in this case and it cannot be disputed that the date of discovery was in January of 2020 when the Plaintiff was upset and distressed by the flyers of the Smith campaign as shown by the Amended Complaint. Furthermore, even if the date of discovery was not in January of 2020, the absolute latest date of discovery in this case would have been by December 7, 2021 when the Plaintiff filed suit against A.T. “Tommy” Smith. That case was filed more than 3 years before this suit was filed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Complaint is dismissed with prejudice based upon the applicable discovery rule pursuant to the statute of limitations for each individual cause of action set forth in Plaintiff's Amended Complaint. All other issues are moot.

IT IS SO ORDERED!

Judge Patrick C. Fant III

Date: _____



Greenville Common Pleas

Case Caption: Cindy Barnette Camp vs. Christopher Miller
Case Number: 2025CP2301271
Type: Order/Dismissal

So Ordered

Patrick C. Fant, III

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STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

Cindy Barnette Camp,)
)
Plaintiff,)
v.)
)
Christopher Miller,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Case No. 2025-CP-23

SUMMONS

TO: DEFENDANT(S) ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to the Complaint on the subscriber at 304 Pettigru Street, Greenville, SC 29601, within thirty (30) days from the date of service hereof, exclusive of the date of such service. If you fail to answer the Complaint within the time of the aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

Respectfully submitted,

UPSTATE LAWYER

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February 27, 2025
Greenville, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

Cindy Barnette Camp,)
)
Plaintiff,)
v.)
)
Christopher Miller,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Case No. 2025-CP-23

COMPLAINT

Plaintiff Cindy Barnette Camp (“Camp”) hereby files her complaint against Defendant Christopher Miller (“Miller”) and would allege that:

1. Camp is a resident of Anderson County, South Carolina.
2. At all times relevant, Miller was a resident of Spartanburg County, South Carolina.
3. In January 2020, Miller was aware of a runoff campaign between Hobart Lewis and A.T. Smith to represent the Republican party in the Greenville County Sheriff’s election.
4. Miller supported A.T. Smith in the runoff campaign.
5. Miller was a member of a Facebook group called ATS Private Supporters.
6. Between January 7, 2020, and January 12, 2020, Miller posted false statements about Camp to other members of ATS Private Supporters. Specifically, he stated that A.T. Smith’s opponent, Hobart Lewis, had an affair (“the alleged affair”) with Camp - “[G]et Cindy Barnett out there Hobart is done...The same thing Will Lewis did.” Miller stated it was time to “take the gloves off” and “make Hobart go away”. Miller

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encouraged A.T. Smith and/or his campaign staff to pursue the story and “send a flyer like Will Lewis did during the runoff which is what defeated Loftis.”

7. Camp did not discover Miller’s false statements until January 16, 2025. She previously brought an action - Case No. 2021-CP-21-05802, which recently settled. The action arose after A.T. Smith and/or his campaign staff published a flyer containing several of the allegations made by Miller in ATS Private Supporters. The flyer contained false statements about Camp, namely the alleged affair. Camp did not know the ultimate source of the false statements that went out on the flyer. During a deposition January 14, 2025, Hobart Lewis made a reference to Matt Wavle, who was a member of ATS Private Supporters. Camp’s counsel contacted Matt Wavle, who provided him with screenshots of Miller’s posts on January 16, 2025.

8. On or before January 12, 2020, Miller provided the information contained in his posts to A.T. Smith and/or his campaign staff.

9. Miller provided such information with the specific intent that A.T. Smith and/or his campaign staff would “send a flyer like Will Lewis did” and “make Hobart go away”.

10. A.T. Smith and/or his campaign staff subsequently mailed thousands of flyers and made robocalls that referred to the alleged affair. One of flyers titled “Who is the real Hobart Lewis?” stated that Hobart Lewis had “Left Greer P.D. after having sex with subordinate” and specifically asked “Hobart, who is Cindy B?”.

11. Between 2001 and 2004, Camp had worked with Hobart Lewis in the Greer Police Department.

12. Camp grew up in Greer, and her maiden name was Cindy Barnette.

13. When Camp worked for the Greer Police Department, it was a small department, and only a few females worked there.

14. As a result, many people knew the flyer was referring to Camp and contacted her about it. Moreover, the flyer and the alleged affair were further published on social media.

15. Camp has never had an affair with Hobart Lewis. To be clear, any relationship between Camp and Hobart Lewis was 100% professional.

16. Camp was understandably upset and distressed by Miller's actions.

FOR A FIRST CAUSE OF ACTION

Defamation

17. Camp realleges each and every prior allegation not inconsistent herewith.

18. Miller's statements about Camp were defamatory and, because they were made in writing, actionable *per se*.

19. Miller's statements caused Camp to be embarrassed and humiliated and to experience emotional distress.

20. Camp is entitled to actual and punitive damages from Miller.

FOR A SECOND CAUSE OF ACTION

Invasion of Privacy/False Light

21. Camp realleges each and every prior allegation not inconsistent herewith.

22. Millers' statements gave publicity to a matter concerning Camp that placed her before the public in a false light.

23. The light in which Miller's statements placed Camp would be highly offensive to a reasonable person.

24. Miller acted in reckless disregard as to the falsity of his statements and the false light in which Camp would be placed.

25. Miller's statements caused Camp to be embarrassed and humiliated and to experience emotional distress.

26. Camp is entitled to actual and punitive damages from Miller.

FOR A THIRD CAUSE OF ACTION

Invasion of Privacy/Public Disclosure of Private Matter

27. Camp realleges each and every prior allegation not inconsistent herewith.

28. Miller publicized a matter concerning the private life of Camp.

29. Miller's statements would be highly offensive to a reasonable person.

30. Miller's statements were not of legitimate concern to the public.

31. Miller's statements caused Camp to be embarrassed and humiliated and to experience emotional distress.

32. Camp is entitled to actual and punitive damages from Miller.

FOR A FOURTH CAUSE OF ACTION

Negligence

33. Camp realleges each and every prior allegation not inconsistent herewith.

34. Miller owed Camp a duty to not publish matters concerning her private life or to negligently and recklessly make statements about her, especially false statements .

35. Miller's statements were not only false but also negligent and reckless.

36. Camp was damaged by Miller's negligent and reckless statements.

37. Miller's statements caused Camp to be embarrassed and humiliated and to experience emotional distress.

38. Camp is entitled to actual and punitive damages from Miller.

WHEREFORE, Camp prays for actual and punitive damages from Miller and for such other and further relief as the Court may deem appropriate.

Respectfully submitted,

UPSTATE LAWYER

By: /s/Douglas A. Churdar
Douglas A. Churdar
S.C. Bar No. 11971
304 Pettigru Street
Greenville, SC 29601
Phone: (864) 233-0203
Fax: (864) 233-3020
Email: doug@upstatelawyer.com

February 27, 2025

Greenville, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

Cindy Barnette Camp,)
)
Plaintiff,)
v.)
)
Christopher Miller,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Case No. 2025-CP-23-01271

SUMMONS

TO: DEFENDANT(S) ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Amended Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to the Amended Complaint on the subscriber at 601 E. McBee Ave., Ste. 109, Greenville, SC 29601, within thirty (30) days from the date of service hereof, exclusive of the date of such service. If you fail to answer the Amended Complaint within the time of the aforesaid, judgment by default will be rendered against you for the relief demanded in the Amended Complaint.

Respectfully submitted,

UPSTATE LAWYER

By: /s/Douglas A. Churdar
Douglas A. Churdar
S.C. Bar No. 11971
601 E. McBee Ave., Ste. 109
Greenville, SC 29601
Phone: (864) 233-0203
Fax: (864) 233-3020
Email: doug@upstatelawyer.com

May 23, 2025
Greenville, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

Cindy Barnette Camp,)
)
Plaintiff,)
v.)
)
Christopher Miller,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Case No. 2025-CP-23-01271

AMENDED COMPLAINT

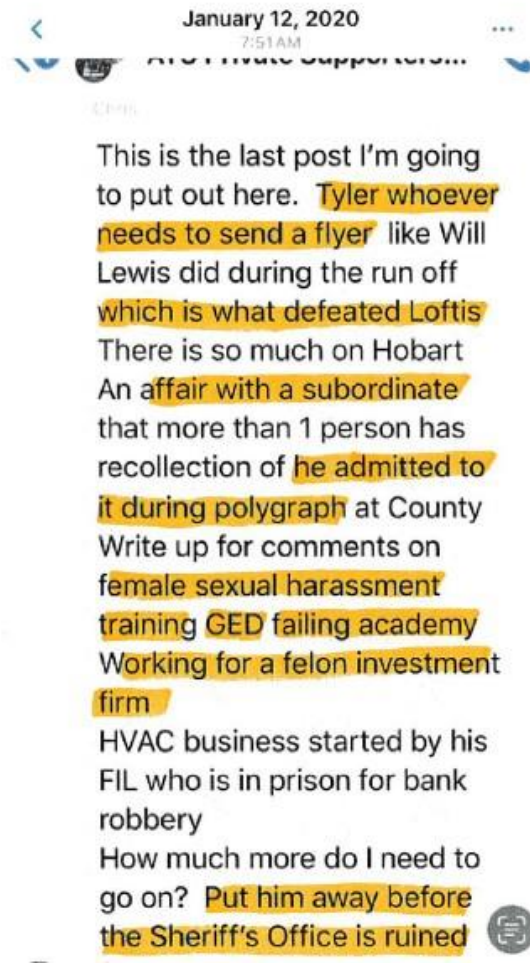
Plaintiff Cindy Barnette Camp (“Camp”) hereby files her complaint against Defendant Christopher Miller (“Miller”) and would allege that:

1. Camp is a resident of Anderson County, South Carolina.
2. At all times relevant, Miller was a resident of Spartanburg County, South Carolina.
3. In January 2020, Miller was aware of a runoff campaign between Hobart Lewis and A.T. Smith to represent the Republican party in the Greenville County Sheriff’s election.
4. Miller supported A.T. Smith in the runoff campaign.
5. Miller was a member of a Facebook group called ATS Private Supporters, which had approximately seventy (70) members.
6. Between January 7, 2020, and January 12, 2020, Miller posted false statements about Camp to other members of ATS Private Supporters. Specifically, he stated that A.T. Smith’s opponent, Hobart Lewis, had an affair (“the alleged affair”) with

Camp - “[G]et Cindy Barnett out there Hobart is done...The same thing Will Lewis did.”

Miller stated it was time to “take the gloves off” and “make Hobart go away”.

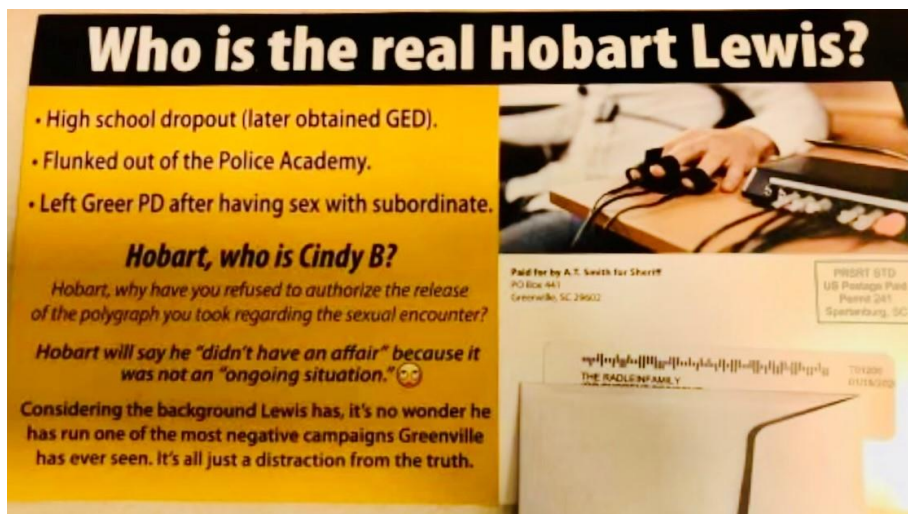
7. On or about January 12, 2020, Miller posted the following:



8. Upon information and belief, on January 12, 2020 Miller contacted (or was contacted by) A.T. Smith or Kerry Wood, a consultant for A.T. Smith's campaign. Miller provided the information contained in his January 12, 2020 post and encouraged A.T.

Smith or Kerry Wood to mail out a flyer or flyers containing the information to potential voters.

9. On January 13, 2020, Kerry Wood prepared two flyers that incorporated the information provided by Miller, and he invoiced A.T. Smith's campaign. The two flyers are below:



10. On January 13, 2020, A.T. Smith wrote a check to Kerry Wood for printing and mailing the two flyers. More than 20,000 flyers were mailed to potential voters.

11. Between 2001 and 2004, Camp had worked with Hobart Lewis in the Greer Police Department.

12. Camp grew up in Greer, and her maiden name was Cindy Barnette.

13. When Camp worked for the Greer Police Department, it was a small department, and only a few females worked there.

14. As a result, many people knew the flyer that said “Hobart, who is Cindy B?” was referring to Camp. Moreover, the flyers and the alleged affair were further published on social media.

15. Camp has never had an affair with Hobart Lewis. To be clear, any relationship between Camp and Hobart Lewis was 100% professional.

16. Camp was understandably upset and distressed by the actions of Miller, A.T. Smith, and Kerry Wood.

17. Camp did not discover Miller’s role as the ultimate source of the false statement about her until January 16, 2025. She previously brought an action - Case No. 2021-CP-21-05802, which recently settled. The action named A.T. Smith and Kerry Wood because they paid for and mailed the flyers. The flyers contained false statements about Camp, namely the alleged affair. Camp did not know the ultimate source of the false statements was Miller. During a deposition January 14, 2025, Hobart Lewis made a reference to Matt Wavle, who was a member of ATS Private Supporters. Camp’s counsel

contacted Matt Wavle, who provided him with screenshots of Miller's posts on January 16, 2025.

FOR A FIRST CAUSE OF ACTION

Defamation

18. Camp realleges each and every prior allegation not inconsistent herewith.

19. Miller's statements about Camp were defamatory and, because they were made in writing, actionable *per se*.

20. Miller's statements caused Camp to be embarrassed and humiliated and to experience emotional distress.

21. Camp is entitled to actual and punitive damages from Miller.

FOR A SECOND CAUSE OF ACTION

Invasion of Privacy/False Light

22. Camp realleges each and every prior allegation not inconsistent herewith.

23. Millers' statements gave publicity to a matter concerning Camp that placed her before the public in a false light.

24. The light in which Miller's statements placed Camp would be highly offensive to a reasonable person.

25. Miller acted in reckless disregard as to the falsity of his statements and the false light in which Camp would be placed.

26. Miller's statements caused Camp to be embarrassed and humiliated and to experience emotional distress.

27. Camp is entitled to actual and punitive damages from Miller.

FOR A THIRD CAUSE OF ACTION

Civil Conspiracy-Invasion of Privacy/False Light

28. Camp realleges each and every prior allegation not inconsistent herewith.

29. Miller conspired and agreed with A.T. Smith and/or Kerry Wood to give publicity to a matter concerning Camp that placed her before the public in a false light.

30. The act of giving publicity to a matter concerning Camp that placed her before the public in a false light was unlawful and/or done in an unlawful manner; moreover, it was done pursuant to a scheme between Miller and A.T. Smith and/or Kerry Wood.

31. Millers' statements and the statements on the flyers gave publicity to a matter concerning Camp that placed her before the public in a false light.

32. The light in which Miller's statements and the statements on the flyers placed Camp would be highly offensive to a reasonable person.

33. Miller and A.T. Smith and/or Kerry Wood acted in reckless disregard as to the falsity of the statements and the false light in which Camp would be placed.

34. Miller's statements and the statements on the flyers caused Camp to be embarrassed and humiliated and to experience emotional distress.

35. Camp is entitled to actual and punitive damages from Miller.

FOR A FOURTH CAUSE OF ACTION

Invasion of Privacy/Public Disclosure of Private Matter

36. Camp realleges each and every prior allegation not inconsistent herewith.

37. Miller publicly disclosed a private matter concerning Camp.

38. Miller's statements would be highly offensive to a reasonable person.

39. Miller's statements were not of legitimate concern to the public.

40. Miller's statements caused Camp to be embarrassed and humiliated and to experience emotional distress.

41. Camp is entitled to actual and punitive damages from Miller.

FOR A FIFTH CAUSE OF ACTION

Civil Conspiracy-Invasion of Privacy/Public Disclosure of Private Matter

42. Camp realleges each and every prior allegation not inconsistent herewith.

43. Miller conspired and agreed with A.T. Smith and/or Kerry Wood to publicly disclose a private matter concerning Camp.

44. The act of giving publicity to a private matter concerning Camp was unlawful and/or done in an unlawful manner; moreover, it was done pursuant to a scheme between Miller and A.T. Smith and/or Kerry Wood.

45. The publication of the matter by Miller and A.T. Smith and/or Kerry Wood would be highly offensive to a reasonable person.

46. The matter publicized by Miller and A.T. Smith and/or Kerry Wood were not of legitimate concern to the public.

47. The publication of the matter by Miller and A.T. Smith and/or Kerry Wood caused Camp to be embarrassed and humiliated and to experience emotional distress.

48. Camp is entitled to actual and punitive damages from Miller.

FOR A SIXTH CAUSE OF ACTION

Negligence

49. Camp realleges each and every prior allegation not inconsistent herewith.

50. Miller owed Camp a duty to not publish matters concerning her private life or to negligently and recklessly make statements about her, especially false statements .

51. Miller's statements were not only false but also negligent and reckless.

52. Camp was damaged by Miller's negligent and reckless statements.

53. Miller's statements caused Camp to be embarrassed and humiliated and to experience emotional distress.

54. Camp is entitled to actual and punitive damages from Miller.

WHEREFORE, Camp prays for actual and punitive damages from Miller and for such other and further relief as the Court may deem appropriate.

Respectfully submitted,

UPSTATE LAWYER

By: /s/Douglas A. Churdar
Douglas A. Churdar
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May 23, 2025

Greenville, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
Cindy Barnette Camp,)
)
Plaintiff,)
)
v.)
)
Christopher Miller,)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C. A. No.: 2025-CP-23-01271

**MOTION TO DISMISS
PLAINTIFF’S COMPLAINT**

TO THE PLAINTIFF BY AND THROUGH HER ATTORNEY OF RECORD DOUGLAS

A. CHURDAR:

Defendant Christopher Miller by and through his undersigned counsel, hereby moves to dismiss the Plaintiff’s Complaint asserted against him by Plaintiff Cindy Barnette Camp as follows pursuant to Rule 12(b)(6) SCRPC;

1. Plaintiff’s complaint alleges that between January 7, 2020 and January 12, 2020, during the primary campaign for Greenville County Sheriff, that the Defendant posted false statements about the Plaintiff on a private Facebook group that discussed the election and their support for A.T. Smith in the primary election and allegedly encouraged the issuance of a flyer about the Plaintiff. (Comp. Para. 6)
2. The Complaint further alleges that the Plaintiff did not “discover” the false statements on the private Facebook group until January 16, 2025 but admits that a previous action, commenced in 2021 (2021-CP-23-5802), was based upon the publication of the flyer published in 2020 that stated Sheriff Lewis had “Left the Greer P.D. after having sex with subordinate... Hobart, who is Cindy B?” (Comp. Para. 7 and 10)
3. The Complaint further alleges that “many people knew whom the flyer was referring to [the Plaintiff] and contacted her about it.” (Comp. Para. 14)

4. The Complaint goes on to allege, “As a result, many people knew the flyer was referring to Camp and contacted her about it. Moreover, the flyer and the alleged affair were further published on social media.” (Comp. p.14)
5. The Plaintiff’s first cause of action is Defamation.
6. A party asserting a claim of defamation must prove the following elements: “(1) a false and defamatory statement was made; (2) the unprivileged publication of the statement to a third party; (3) the publisher was at fault; and (4) either the statement was actionable irrespective of harm or the publication of the statement caused special harm.” *Williams v. Lancaster Cty. Sch. Dist.*, 369 S.C. 293, 302–03, 631 S.E.2d 286, 292 (Ct. App. 2006). “The publication of a statement is defamatory if it tends to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him.” *Fleming v. Rose*, 350 S.C. at 494, 567 S.E.2d at 860 (2002)
7. In South Carolina, defamation claims are subject to a two-year statute of limitations. S.C. Code Ann. § 15–3–550 (2005). The statute of limitations period begins when the alleged defamatory statement is made, not when the plaintiff learns of the statement. *See Jones v. City of Folly Beach*, 326 S.C. 360, 369, 483 S.E.2d 770, 775 (Ct. App. 1997) (affirming the trial court's grant of summary judgment as to the plaintiff's defamation claim because South Carolina has not adopted the discovery rule in libel or slander cases). *Harris v. Tietex Int'l Ltd.* 417 S.C. 533, 790 S.E.2d 411 (S.C. Ct. App. 2016). Therefore, the statute of limitations completely bars the first course of action.
8. The Plaintiff’s second cause of action is invasion of privacy/false light. Plaintiff’s claim of "false light," is not a recognized cause of action in South Carolina. *Brown v. Pearson*,

483 S.E.2d 477, 326 S.C. 409 (Ct. App. 1996) F. Patrick Hubbard & Robert L. Felix, *The South Carolina Law of Torts* 453 (1990). Therefore, Plaintiff's second cause of action fails to state a claim upon which relief can be granted

9. The tort of false light, which is recognized in other jurisdictions outside of South Carolina, is a type of action claiming an invasion of privacy. See, e.g., *Ostrzenski v. Seigel*, 177 F.3d 245, 247 (4th Cir. 1999). South Carolina recognizes three separate and distinct causes of action for invasion of privacy: 1) wrongful appropriation of personality; 2) wrongful publicizing of private affairs; and 3) wrongful intrusion into private affairs. See *Swinton Creek Nursery v. Edisto Farm Credit*, 330 S.C. 469 514, S.E.2d 126 (1999). "A cause of action for public disclosure lies only for disclosure of private facts which are of no legitimate public concern." *Parker v. Evening Post Publ. Co.* 317 S.C. 236, 246, 452 S.E.2d 640, 646 (Ct. App. 1994). Because any publication in this case involved matters of public concern – namely whether a candidate of Greenville County Sheriff had an extramarital affair with a law enforcement co-worker – any claim of privacy would necessarily fail. Regardless, Plaintiff has not asserted at the elements necessary to support such an invasion of privacy claim. Therefore, Plaintiff's second cause of action fails to state a cause of action since it clearly pleads a matter of public concern.
10. Even if the second cause of action were a cause of action or if it can be construed as a defamation claim, Plaintiff's claims are barred by the statute of limitations.
11. The Plaintiff's third cause of action is wrongful publication of private matters and false light.

12. Wrongful publicizing of private affairs involves a public disclosure of private facts about the plaintiff. The gravamen of the tort is publicity as opposed to mere publication. The defendant must intentionally disclose facts in which there is no legitimate public interest--there is no right of privacy in public matters. Additionally, the disclosure must be such as would be highly offensive and likely to cause serious mental injury to a person of ordinary sensibilities. Finally, where the plaintiff is a public figure, other considerations, including whether the defendant acted with malice, may be relevant to establishing a cause of action. *Snakenberg v. Hartford*, 383 S.E.2d 2, 299 S.C. 164 (Ct. App. 1989) Since the Plaintiff has shown in her Complaint that this was a matter of public concern, the third cause of action fails to state a claim upon which relief can be granted.
13. The Statute of Limitations for invasion of privacy is three years. S.C. Code § 15-3-530(5) “an action for assault, battery, or any injury to the person or rights of another, not arising on contract and not enumerated by law, and those provided for in Section 15-3-545.”
14. According to the discovery rule, the statute of limitations begins to run when a cause of action reasonably ought to have been discovered. *Dean v. Ruscon Corp.*, 321 S.C. 360, 468 S.E.2d 645 (1996). The statute runs from the date the injured party either knows or should have known by the exercise of reasonable diligence that a cause of action arises from wrongful conduct. *Young v. South Carolina Dep't of Corrections*, 333 S.C. 714, 511 S.E.2d 413 (Ct.App. 1999). "In other words, whether the particular plaintiff actually knew he had a claim is not the test. Rather, courts must decide whether the circumstances of the case would put a person of common knowledge and experience

on notice that some right of his has been invaded, or that some claim against another party might exist." *Young*, 333 S.C. at 719, 511 S.E.2d at 416. In this case that event was the "flyer" that was distributed in 2020. Therefore, Plaintiff's third cause of action violates the statute of limitations.

15. The Plaintiff's fourth cause of action is negligence. That too is a three-year statute of limitations. S.C. Code § 15-3-530(5) "an action for assault, battery, or any injury to the person or rights of another, not arising on contract and not enumerated by law, and those provided for in Section 15-3-545;"
16. In *Tanyel v. Osborne*, 312 S.C. 473, 441 S.E.2d 329 (Ct.App.1994) the facts involved a collision at an intersection. Tanyel was stopped at a red light. Osborne entered the intersection and turned left in front of an oncoming school bus driven by an employee of the Department of Education. The bus hit Osborne's car pushing it into Tanyel's car. The accident occurred on November 14, 1990. In early 1991, Tanyel brought an action against Osborne only. In early December of 1992, Tanyel amended his complaint to add the bus driver as a defendant when he discovered new evidence indicating negligence by the bus driver. Tanyel alleged the statute did not begin to run until he "discovered" evidence supporting a claim of negligence against the bus driver. The Court determined the statute of limitations on Tanyel's claim against the school bus driver began to run when Tanyel witnessed the events causing his loss, thereby putting him on notice he might have a potential claim against another person, not when he later discovered evidence to support his claim. Therefore, Plaintiff's fourth cause of action violates the statute of limitations.

17. Rule 12(b)(6) of the South Carolina Rules replaces and performs the same function as the old statutory pleading rules regarding demurrers. *New Hanover County Department of Social Services, ex rel. Gore v. Graham*, 288 S.C. 138, 341 S.E.2d 631 (1986). South Carolina Rule 12(b)(6) essentially tracks Rule 12(b)(6) of the Federal Rules of Civil Procedure. The trial court must dispose of a motion for failure to state a cause of action based solely upon the allegations set forth on the face of the complaint. *Tele-Communications of Key West v. United States*, 757 F.2d 1330 (D.C.Cir.1985); *Hill v. Watford*, 276 S.C. 344, 278 S.E.2d 347 (1981). The motion cannot be sustained if facts alleged in the complaint and inferences reasonably deducible therefrom would entitle plaintiff to any relief on any theory of the case. *Milburn v. United States*, 734 F.2d 762 (11th Cir.1984); *Blandon v. Coleman*, 285 S.C. 472, 330 S.E.2d 298 (1985); and *Glass v. Glass*, 276 S.C. 625, 281 S.E.2d 221 (1981).
18. A Rule 12(b)(6) motion can be used to dismiss a complaint on a statute of limitations defense provided the Court does look outside the pleadings. If the court looks outside the pleadings, then the court may consider the same pursuant to Summary Judgment. *McDonnell v. Consolidated School Dist. of Aiken*, 445 S.E.2d 638, 315 S.C. 487. (Sup.Crt. 1994)
19. In the present case, all the facts necessary to establish that the Statute of Limitations has expired are on the face of the complaint. “In January of 2020, Miller was aware of a run-off campaign between Hobart Lewis and A.T. Smith to represent the Republican Party in the Greenville County Sheriff’s Office.” (Comp. Para. 3) “Between January 7, 2020 and January 12, 2020 “Miller posted false statements about Camp to members of ATS Private Supporter.” (Id. Para. 6). Plaintiff’s complaint refers to 2021-CP-21-5802

“The action arose after A.T. Smith and/or his campaign staff published a flyer containing several allegations made by Miller in ATS private supporters” (Id. Para. 7).

20. Clearly based solely upon the Complaint the Plaintiff was on notice in January of 2020 of her injuries and potential claims.). As stated above, the limitations period begins when the alleged defamatory statement is made, not when a plaintiff learns of the statement. *See Jones v. City of Folly Beach*, 326 S.C. 360, 369, 483 S.E.2d 770, 775 (Ct. App. 1997).
21. Plaintiff’s defamation claim in the first cause of action is barred by the statute of limitations.
22. The second cause of action for False Light/Invasion of privacy is not actionable in South Carolina. Even if it were, both the second and third causes of action for Invasion of Privacy are subject to the three-year statute of limitations and the Plaintiff knew her rights had been invaded in 2020.
23. The third cause of action also fails to state a claim upon which relief can be granted.
24. As for the fourth cause of action, negligence, the statute of limitations began to run on the day the Plaintiff was injured in January of 2020 not when she discovered who caused her loss.

WHEREFORE, the Defendant moves to dismiss all Plaintiff’s causes of action based upon the statute of limitations, the second cause of action based upon its failure to state a claim that is actionable in South Carolina, and the third cause of action because it fails to state a claim because it was a matter of public concern.

s/Robert C. Childs III
Robert C. Childs, III, #1218
Attorney for Defendant Miller
Childs Law Firm, LLC

Greenville, SC
Date: 04/08/2025

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ELECTRONICALLY FILED - 2025 Apr 08 10:50 AM - GREENVILLE - COMMON PLEAS - CASE#2025CP2301271

II. THE FACT THAT FALSE LIGHT INVASION OF PRIVACY HAS NOT YET BEEN RECOGNIZED IN SOUTH CAROLINA CANNOT FORM THE BASIS FOR DISMISSAL AT THE PLEADING STAGE.

The fact that no South Carolina case has yet recognized “false light” invasion of privacy should not prevent Plaintiff from pursuing such a cause of action.¹ Questions of novel impression may be pled and should ordinarily survive motions to dismiss. *Madison v. Am. Home Products. Corp.*, 358 S.C. 451, 595 S.E.2d 493, 494 (Ct. App. 2004). (“As a general rule, important questions of novel impression should not be decided on a motion to dismiss.”) **Notably, this rule has been applied with regard to false light invasion of privacy.** *Sign-N-Ryde, LLC v. Preferred Automotive Group, LLC*, UP No. 2011 – UP-554 (Ct. App. 2011).² (“As to dismissal of the cause of action for false light invasion of privacy, we agree with Sign-N-Ryde, LLC that dismissal of this claim at the pleading stage solely on the ground that it has not been recognized as an actionable tort is premature”.)

UPSTATE LAWYER

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June 16, 2025
 Greenville, South Carolina

¹ The courts have not ruled that the cause of action does not exist. They have merely acknowledged the cause of action has not been recognized yet – usually failing for a lack of “publicity.” *Brown v. Pearson*, 326 SC 409, 421, 483 SE2d 477 (Ct. App. 1997) (Dismissal of invasion of privacy causes, including false light, proper because facts not “publicized.”); *Sign-N-Ryde, LLC v. Preferred Automotive Group, LLC*, UP No. 2011 – UP-554 (Ct. App. 2011)) (Dismissal of false light proper because facts not “publicized.”)

² *Sign-N-Ryde* is an unpublished opinion and cannot be cited as precedent. However, this court may wish to consider how the Court of Appeals addressed the exact issue before it.

STATE OF SOUTH CAROLINA * COURT OF COMMON PLEAS
*
COUNTY OF GREENVILLE * TRANSCRIPT OF RECORD

-----X
CINDY BARNETTE CAMP, *
*
Plaintiff, *
*
vs. * Case No. 2025-CP-23-01271
*
CHRISTOPHER MILLER, *
*
Defendant. *
-----X

June 17, 2025

MOTION TO DISMISS

B E F O R E:

The Honorable Patrick C. Fant, III, Presiding Judge

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

Douglas A. Churdar, Esq.
Attorney for the Plaintiff

Robert Childs, III, Esq.
Attorney for the Defendant

Recorded by: TEC Courtroom

Court Transcriber: Bobbi Fisher, RPR
SC Official Court Reporter III

I N D E X

DESCRIPTION	PAGE
Proceedings	3

E X H I B I T S

(None.)

COURT REPORTER LEGEND

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
(ph)	Indicates phonetic word
[Verbatim]	Indicates the word is said as written
(Indiscernible)[Transcription]	Indicates word(s) is not known due to audio recording quality

P R O C E E D I N G S

1
2 THE COURT: All right. This is 2025-CP-23-01271, Cindy
3 Camp versus Christopher Miller. And we are here on
4 Mr. Childs' Motion to Dismiss on behalf of the defendant.

5 I do have -- if y'all would just introduce yourselves for
6 the record, Mr. Churdar, and who you represent, and then we'll
7 go over a few things and then I'll hear from you.

8 MR. CHURDAR: Your Honor, Douglas Churdar and Cindy Camp.

9 And I'll say this case will sound familiar --

10 THE COURT: I know.

11 MR. CHURDAR: All right. So this is Round Two.

12 THE COURT: (Indiscernible).

13 MR. CHURDAR: Right. Here we go. Robbie?

14 MR. CHILDS: I'm Robbie Childs. I represent the
15 defendant.

16 THE COURT: That's Mr. Childs to you, Mr. Churdar.

17 MR. CHURDAR: I always call him "Mr. Childs."

18 MR. CHILDS: Chris Miller is my client and he's a
19 defendant in this case. We filed a Motion to Dismiss on April
20 the 8th.

21 THE COURT: All right. It looks to me, Mr. Churdar, that
22 you concede on the defamation; right?

23 MR. CHURDAR: Yes, sir. And, you know, I thought, Your
24 Honor, that the discovery rule applied, and then, in my
25 research, I found the same case that Mr. Childs did, which is

1 that there is no discovery rule. It's the utterance. I think
2 it's called, like, the Date of Utterance Rule. And so that is
3 -- there is no discovery rule in defamation.

4 THE COURT: So, basically, as far as your first cause of
5 action concerning defamation, they're basically -- you're just
6 conceding that that should be dismissed?

7 MR. CHURDAR: Yes, Your Honor.

8 THE COURT: Okay.

9 MR. CHURDAR: Well, I want to make clear. I mean, if I
10 go -- if we end up, you know, in Columbia ever, that would be
11 something I'd want to raise as --

12 THE COURT: So you're not conceding it? That's fine.

13 MR. CHURDAR: I just need a ruling on it, but I'm
14 conceding -- and I know what the law says.

15 THE COURT: Okay.

16 MR. CHURDAR: Thank you, Judge.

17 THE COURT: Well, I just wanted to give you a heads-up;
18 I'm probably going to find against you on that.

19 MR. CHURDAR: I understand.

20 THE COURT: All right.

21 Okay. Mr. Childs?

22 MR. CHILDS: All right. Your Honor, aside from my
23 motion, which really had my citations in it, I have handed up
24 time frames of -- from the Complaint, a copy of my Motion to
25 Dismiss, and also, I printed some of the cases for you if you

1 wanted to read those.

2 My client is a 30-year veteran of law enforcement. Now,
3 he's Honea Path Police Chief, Chris Miller.

4 The allegations as filed in this case revolve around a
5 2020 republican Sheriff's Office runoff between A.T. Smith and
6 Sheriff Hobart Lewis. All Mr. Miller is accused of doing is
7 talking on a private chat room on Facebook in support of
8 Mr. Smith.

9 The Complaint -- the plaintiff's Complaint in this case
10 talks about 2021 and 2024 where she was employed at the Greer
11 Police Department with Hobart Lewis.

12 In January of 2020, the runoff election for Sheriff
13 between Smith and Lewis was set; I think, it was January 21.
14 The Complaint alleges that Chief Miller posted defamatory
15 information that Hobart Lewis had an affair with a
16 subordinate, on this Facebook chat room.

17 It also alleges that, in January 13th, 2020, Kerry Wood
18 prepared two flyers. A.T. Smith wrote a check to Wood for
19 those flyers, and those flyers went out or are listed in the
20 Complaint, and it says, "Paid for by A.T. Smith for Sheriff."

21 There's two flyers. One flyer says, "Sex Scandal,"
22 follows with "Paragraph [sic] results" -- "Polygraph results
23 revealed Lewis behaved inappropriately with a subordinate and
24 he was forced to resign."

25 The other flyer that was published by Smith says, "Paid

1 for by A.T. Smith for Sheriff," "Hobart, who is Cindy B?"
2 "Hobart, why have you refused to authorize the release of the
3 polygraph you took regarding the sexual encounter?", "Hobart
4 will say he 'didn't have an affair' because it was an 'ongoing
5 situation'."

6 So those are the real issues in this case occurring in
7 January of 2020.

8 Camp, apparently, publicly identified herself on January
9 the 14th of 2020. So the date of her injury, which is not the
10 date that you discover some facts about the case, the date of
11 your injury is the relevant part for all statutes of
12 limitations, or a date that you know the cause of action has
13 accrued is January of 2020 in this case.

14 So Ms. Camp also sued A.T. Smith for defamation and
15 intentional infliction of emotional distress in December of
16 2021.

17 January of 2022, two years had expired from the date of
18 her injury or the utterance in this case also.

19 December 9th, 2020, Camp amended her Complaint against
20 Smith, added several more parties to that.

21 January 13th, 2023, was three years from the date of the
22 injury.

23 April 18th, additional people were added to that original
24 lawsuit.

25 January 13th, 2024, was four years from the date of

1 Camp's injury.

2 July 5th, 2024, Hoover -- the other case moves for
3 summary judgment.

4 April 1st, 2024, Camp moves to amend her Complaint in the
5 prior litigation.

6 May 24th, 2024, Camp's motion is approved.

7 July 23rd, 2024, the Hoovers are dismissed.

8 And then December the 7th of 2024 was three years after
9 suit was filed -- well, actually, was over four years since
10 the injury as well. So January 13th, 2025, is five years from
11 the date of the injury.

12 So the Complaint alleges that Sheriff Lewis's deposition
13 was taken on January the 14th of 2025, and that's over four
14 years after she filed suit against those people. And she says
15 that, on January 16th, 2024, Matt Wavle provided screenshots
16 of Miller's post on the Facebook private page.

17 January 24, 2024, the parties dismissed the lawsuit.

18 February 7th, 2025, this Complaint was filed, five years
19 and 26 days after the injury, and served on March 4th. We
20 moved to dismiss.

21 Now, Mr. Churdar filed an Amended Summons and Complaint
22 on May 23rd, 2025, but we had discussions about that. I
23 thought that was improper at the time. We agreed to let it
24 go. We agreed to argue this Motion to Dismiss as it relates
25 to the Amended Complaint. And so we just kept the motion

1 going, and that was by agreement with Mr. Churdar.

2 So what did the plaintiff -- the plaintiff did not
3 discover in 2025 that she discovered in 2020 was her cause of
4 action. She discovered injuries on January 13th, 2020, more
5 than five years before filing her Complaint in this case.

6 The law is directly on point. The illustrative case I
7 have read on this issue (indiscernible) included in your
8 packet, Bayle vs. SCDOT, which is 542 (ph) S.E.2d 73.
9 Unfortunately, it was a case I was involved in. It's at the
10 back of your packet. The plaintiff's wife had just signed a
11 multimillion-dollar contract in Atlanta. It was a modeling
12 contract. And she was killed in October of '94 when she
13 hydroplaned on 85 on her way back from Atlanta with the
14 contract in hand.

15 And our firm represented another person who was injured
16 in the same area and requested all the accident reports from
17 SCDOT. We found numerous deadly and extreme accidents around
18 the same time, all from hydroplaning as a result of the
19 construction and maintenance and the concave surface for I-85
20 which collected water rather than dispersing water. There was
21 also lack of a median barrier.

22 Then we sought out those people we got from the accident
23 reports, including -- one of those Joel Bell (ph), the
24 plaintiff in the Bell case. And in September of 1997, nearly
25 three years later, we filed suit after we received those

1 incident reports. So SCDOT answered and claimed the statute
2 of limitations had run. The judge agreed with the DOT and so
3 did the Court of Appeals, basically stating, "The date on
4 which discovery and the cause of action should have been made
5 was an objective rather than subjective question; in other
6 words, (indiscernible) the plaintiff actually knew she had
7 (indiscernible) test."

8 And so, in this case, Mr. Churdar says, "I didn't know we
9 (indiscernible) until after we got the information from Matt
10 Wavle in 2025. But that's not the question. That's what the
11 plaintiff actually knew or should have known.

12 And so the courts must decide (indiscernible)
13 circumstances of the case would put a person with common
14 knowledge and experience that some right has been invaded or
15 that some claim against another party might exist.

16 The Bound (ph) case, citing Young vs. SCDOC -- I think
17 it's SC Department of Corrections, 511 S.E.2d 413. They also
18 quoted Joubert, which is DSS, 534 S.E.2d 1. It stated, The
19 statute of limitations begins to run when the plaintiff should
20 know he might have a potential claim against another, not when
21 he develops a full-blown theory of recovery. As we attempted
22 to do in Bayle, we tried to distinguish Tanyel v. Osborne,
23 that's 441 S.E.2d 329, which held that Tanyel's claim the bus
24 driver began to run when Mr. Tanyel witnessed the accident
25 causing new injuries, putting him on notice that he might have

1 a potential claim against another person, not when he later
2 discovered evidence to support his claim.

3 As we argued in Bayle, Mr. Bayle had not witnessed the
4 accident, but the Court held that Bayle had knowledge of the
5 circumstances of the accident and was unavailing that he
6 didn't witness it. Therefore, the time began when Mr. Bayle
7 knew of this wife's injury and death.

8 THE COURT: Okay. Mr. Childs, is there not a distinction
9 -- and, again, I have read what was submitted and as I -- I've
10 said this very often -- you probably heard me say it -- that,
11 you know, to me, this is black and white. I read it, and if I
12 can read it more than once, sometimes that occurs, but not
13 often, until I hear arguments.

14 Y'all have lived it. It's in color for y'all. But
15 there's the issue or it seems like there's a distinction
16 between the flyer that went out and then what your defendant
17 had, which is a Facebook post. Would you agree with that?

18 MR. CHILDS: I'm not sure, from the plaintiff's
19 Complaint. But I will say that she alleges that he made this
20 private Facebook chat, but obviously, her injuries could not
21 arise from a private Facebook chat. Her injuries, as alleged
22 in the Complaint, go to the flyers only.

23 And so what she realize --

24 THE COURT: But in your case.

25 MR. CHILDS: Yes. And so the law is that, when she

1 realizes she's been injured, that's when her cause of action
2 accrues. It is not a question of who did it. It's a question
3 of am I injured, does that tell a reasonable person on notice
4 that they need to do something within a reasonable period of
5 time within the statute of limitations.

6 And so, if you look at all those cases, it's really not
7 that the lawyer discovered the defendant. It's that the
8 lawyer -- or the client, actually -- the client had reason to
9 know that they had been injured by something and they were on
10 notice to investigate it promptly and to file an action to
11 discover it.

12 THE COURT: So -- and, again, I'm just trying to follow
13 you here. So once she was aware that there was a flyer, you
14 would say it was her duty to investigate to find out if it had
15 been disseminated through Facebook or whatnot?

16 MR. CHILDS: Correct.

17 THE COURT: Is that what you're saying?

18 MR. CHILDS: Yes. But even more to the point --

19 THE COURT: Even if she didn't have access to it?

20 MR. CHILDS: Right. Well, I mean, she can't -- she can't
21 sue people for defamation for two flyers and then say there's
22 a private Facebook page that this is published on, but I never
23 looked at it, I never saw it, and never got it.

24 I think, in particular in this case, it is -- they had an
25 opportunity in 2021 to depose Sheriff Lewis or to investigate

1 whatever they wanted to investigate. It wasn't until 2025
2 that they actually took his deposition.

3 So we can't rely upon that as an element of the statute
4 of limitations. I mean, you can't rely upon the plaintiff's
5 lawyers due diligence in doing discovery and somehow create "I
6 didn't discover it until much later" as an argument. I don't
7 think that applies. I don't think it is -- it is solely an
8 issue of, "Are you injured?" If you are, then you need to
9 investigate and get to the bottom of it before the statute
10 runs. I think that's the law in general.

11 So my response to that is, yeah, there's a comment about
12 it, but I still say that she's got to have an injury then.
13 And to say now that because they discovered a private Facebook
14 chat group, now she's got a new injury, that she was damaged
15 by what they discovered in adultery and didn't -- I mean, in
16 discovery and didn't know about it before?

17 So either she didn't have any injury from that or she
18 knew she had an injury in January of 2020.

19 So I won't get into the false light. I've argued that,
20 the nonexistence in South Carolina. That's one of the
21 arguments he has about that. There's a number of cases about
22 that.

23 THE COURT: Well, when I had that come up last time, we
24 did some research, and I -- of course, when I was reading
25 this, I immediately knew -- I had dealt with it, and I can't

1 remember if Jean Marie was on the other side from you, Doug,
2 on that case. Not Jean Marie. Who was on the other side? I
3 just remember -- but it's the same -- it's coming out of
4 essentially the same facts; right?

5 But one of the arguments that was made about the false
6 light was that it was novel. But I think the case law kind of
7 said or suggested that false light or whenever you have, like,
8 a novel issue, it's better for there to be a record created,
9 and even though it might be denied at the summary judgment
10 stage or probably denied at the summary judgment stage, it
11 survives a Motion to Dismiss just because you're creating more
12 of a record.

13 MR. CHILDS: Still, the statute of limitations --

14 THE COURT: But you're saying -- I gotcha. I hear you.
15 Okay.

16 MR. CHILDS: And so, I mean, our stronger argument is,
17 obviously, the statute of limitations. And I read the same
18 case as you did, so I understand the novel issue. But I
19 think, based on these pleadings as they are pled, you know,
20 how long do you need notice of a novel issue in order to keep
21 pleading it and allege it's novel?

22 So that's kind of bothersome. You know? So I think,
23 really, the defamation/slander (indiscernible) plaintiff has
24 the legal right to sue on it also applies to (indiscernible)
25 cause of action because, really, if you read all the cases,

1 basically, it talks about when you should have known you were
2 injured, if you want to boil it on down to some final point
3 for every cause of action, for slander, conspiracy,
4 negligence, whatever you want to call it. You boil it down
5 to, "When did you discover your injury?"

6 THE COURT: But isn't it -- and, again, like I said -- I
7 mean, I maybe missed the boat here, but isn't it when she was
8 injured by your client?

9 MR. CHILDS: Well, apparently, she didn't know she was
10 injured at all because she hasn't sued my client until after
11 the statute of limitations ran. You see what I mean? So she
12 discovers that in 2025. She has no allegation that she was
13 slandered in 2025.

14 THE COURT: Okay. Please continue. Thank you.

15 MR. CHILDS: And so I think the -- you know, the claim
16 is, clearly -- I think what I would tell you --

17 THE COURT: So the fourth would be the negligence claim;
18 right?

19 MR. CHILDS: Right.

20 THE COURT: Okay. So --

21 MR. CHILDS: I would tell you, Brown vs. Pearson,
22 483 S.E.2d 477, the proper focus is on the date of the injury,
23 not discovery of the wrongdoer. And so I think that boils it
24 down to the exact point it ought to be in this case.

25 And, again, as I stated earlier, it's not when counsel

1 learned facts sufficient to support a cause of action against
2 a defendant. That is wrong for two reasons. Plaintiff's
3 counsel, as stated in Young vs. SCDOC, it's the plaintiff who
4 knew or should have known he had a claim. It's not his -- her
5 counsel; rather, the Court must decide whether the
6 circumstances of the case would put a person of common
7 knowledge and experience on notice that some right of his has
8 been invaded.

9 Again, the allegations are solely she was damaged by the
10 flyers and that all occurred in 2020. She tries to allege a
11 conspiracy, but that all was in 2020. And merely because they
12 failed in discovery to -- I don't have -- the defendant has no
13 control over discovery in a lawsuit they're not involved in.

14 And so I don't think the fact that they took the
15 defendant's deposition for five years in that case has
16 anything to do with this case. It is when she should have
17 discovered her injury. And that would be my argument.

18 THE COURT: Thank you, Mr. Childs.

19 All right, Mr. Churdar.

20 MR. CHURDAR: Your Honor, my client was not a member of
21 A.T. Smith's private chat group, which, as I alleged, had over
22 70 members. She was not told that she was being defamed in
23 that chat room, and she was not told and never knew that, in
24 fact, it was Chris Miller who was driving this rumor, which
25 ended up being completely false.

1 Now, whether this should have been discovered earlier is
2 something, I think, that is a -- it will be a fact question.
3 As a matter of fact, I would cite to the case of Dean vs.
4 Ruscon where they say the question of fact exists ordinarily
5 as to whether Dean was reasonably diligent in determining, you
6 know, whether the damage to her building was attributable to
7 Ruscon.

8 It's usually a fact question. It's usually a jury
9 question. I will inform the Court -- and I don't think this
10 is for -- for purposes of this motion -- throughout the
11 discovery, we were trying to determine who was the ultimate
12 source of this information and got numerous answers. "I heard
13 so-and-so talk about it," "I heard so-and-so talk about it."

14 If I scheduled the deposition of everybody that was
15 supposedly talking about it, according to A.T. Smith, the
16 defendant in that case, I would have been taking a lot of
17 unnecessary depositions, I believe.

18 Eventually, he named the defendant as a witness, as this
19 case is moving on toward trial. I took Chris Miller's
20 deposition, and he acted, you know, like he had merely
21 suggested that they -- that A.T. Smith and his staff, you
22 know, look into this rumor.

23 Then, A.T. Smith wanted to take Hobart Lewis's
24 deposition. I didn't take his deposition. And he starts
25 asking him questions, and there's some reference to A.T.'s

1 private supporters and some screenshot that Hobart Lewis had
2 received.

3 So I went and got those screenshots from Matt Wavle, and
4 sure enough, what Chris Miller posted basically formed an
5 outline for the flyers. And Chris Miller, the defendant, was
6 very, very clear that the A.T. Smith campaign needed to send
7 out these flyers to do just like Will Lewis did during the
8 runoff, which is what defeated Loftis. So he knew, you know,
9 they were going to drop some atomic bombs at the last second,
10 and it was all Chris Miller.

11 Again, whether my client or -- and/or I acted with
12 sufficient diligence is a -- is another question, but it would
13 be -- it would be for the -- you know, for the jury to decide.
14 I think it will be a fact question.

15 But I think the Court is really on to something and that
16 is that it was not until we even found out about the existence
17 of A.T.'s private supporters that we knew, that it was Chris
18 Miller who was the ultimate source, that she had a cause of
19 action against Chris Miller, and that cause of action would
20 not be merely for pushing this information to the A.T. Smith
21 campaign and getting this information out on flyers, but also
22 to the publication to 70 people within this private group that
23 my client knew virtually nothing about.

24 So she did not know about this -- she did not know that
25 they were in this group of 70 people, which included many law

1 enforcement personnel yakking about her private life, you
2 know, saying -- making false statements about her in this
3 group. She had no idea that that had occurred, and she had no
4 idea who was the source.

5 I would point out that it is also significant -- I mean,
6 the discovery rule assumes that you're going to know, when you
7 discover what happened, who did the -- who did the bad thing
8 to you. She didn't know that. And it's like, you know,
9 riding down the street and getting hit by a brick and you have
10 physical problems for three years and one day, and one day
11 after the third year, you find out, well, it was your -- you
12 know, you find out for the first time who did it, who threw
13 the brick and hit you in the dark?

14 You know, according to Mr. Child's position, you know,
15 the three years would be up and -- because you now got hit in
16 the head with a brick; you should have figured out who did it.
17 But if that's outside of your control, then that should not be
18 held against you. And there's case law that supports that.

19 But in the cases that Mr. Child cites, I think it's also
20 significant that they involved the Tort Claims Act definition
21 of "loss." In the Bayle case that he refers to, the Court of
22 Appeals stated that the Tort Claims Act contains a definition
23 of "loss" that differs from that of other statutes; therefore,
24 Bayle's reliance on medical or legal malpractice cases not
25 governed by the Act is misplaced.

1 So Bayle was trying to say it was -- the discovery rule
2 applied, and they were saying not at this particular case
3 because the loss is -- its focus is not on when you discover
4 it but when you are -- or discover who did it but when you're
5 aware of it.

6 And the Court states, on page 123 -- let's see --
7 344 S.C. 115, 123, it refers to knowing not only that some
8 right has been invaded, it says "or that some claim against
9 another party might exist."

10 So it's also implicit that you know who did -- who did
11 this wrong thing to you. So you discover not only that you
12 were -- that you were put before the public in a false light,
13 but you discover where this information came from.

14 THE COURT: Didn't your client know about the Facebook
15 post?

16 MR. CHURDAR: No. That did not occur until Hobart Lewis
17 mentioned this group in January of 2025.

18 THE COURT: Did she identify herself? And I'm just
19 looking on this time frame for Mr. Childs.

20 MR. CHURDAR: But not in this -- not in this particular
21 group. When she was -- when these thousands and thousands of
22 flyers went out, two days later -- and it said, "Who is Cindy
23 B," and everybody in Greer knew who Cindy B was. That was
24 part of the prior case and that will be part of this case.

25 She said, "Hey, I'm Cindy B., and it's a lie." And she

1 felt like she had to. Okay? So she put on Facebook, "Hey,
2 Mr. A.T. Smith" -- and she didn't know him either from the man
3 on the moon -- "I'm Cindy B., and this is a lie."

4 THE COURT: Okay. So she -- I'm sorry. So she
5 identified herself on her own Facebook.

6 MR. CHURDAR: Correct, not in this A.T. Smith private
7 supporters group. She didn't know anything about that. Even
8 I had to tell her about it. I had to tell her about it
9 because I found out about it. And that's where we came to
10 realize that the ultimate source of this information and the
11 driving force behind these publications was the defendant
12 here.

13 I mean, I asked in A.T. Smith's deposition -- he named
14 several people. He named a man who I think at the end he's
15 got Parkinson's and had no earthly idea what was going on
16 here. I don't think he had anything to do with it. I think
17 it was Chris Miller. But, you know, the discovery will bear
18 that out.

19 But clearly -- clearly, you know, I have attached his
20 post to 70-plus people, and he says, "This is the last post
21 I'm going to put" -- there's, like, 20 of them -- "This is the
22 last post I'm going to put out here. Tyler Hoover [sic] needs
23 to send a flyer like Will Lewis did." And if you go to the
24 next page, there are the flyers --

25 MR. CHILDS: I think that's "Tyler whoever."

1 MR. CHURDAR: Pardon?

2 MR. CHILDS: "Whoever."

3 MR. CHURDAR: It was actually Hoover, but I think it was
4 -- anyway, it was a typo.

5 Needs to send a flyer like Will Lewis did during the
6 runoff. And then the next page, you know, all the things he
7 said, had an affair with a subordinate, admitted to it during
8 a polygraph, female sexual harassment, GED. It's all on these
9 -- I mean, three days later, the A.T. Smith campaign is
10 cutting checks and putting this stuff out there.

11 So it came straight from Chris Miller, but it's a
12 combination of his -- his publication within the A.T. Smith
13 private supporters, which my client knew virtually nothing
14 about, and also his -- his actions -- his conspiracy with the
15 A.T. Smith campaign, which she also knew nothing about until
16 January.

17 So, again, it would be our position that we concede there
18 is no discovery rule for defamation, but with regard to the
19 others, they're all covered by Section 15-3-535, and it's the
20 discovery rule.

21 THE COURT: Okay. Any response, Mr. Childs?

22 MR. CHILDS: Yes. It's the discovery of the injury.
23 There is no case out there that (indiscernible) determine who
24 the (indiscernible) is. (Indiscernible) from the injury.

25 And interesting from the Complaint that we were talking

1 about, paragraph 7 is, obviously, what Miller posted on the
2 private Facebook chat room, which basically was -- I'll read
3 it again: "This is the last post I'm going to put here.
4 Tyler whoever needs to send a flyer like Will Lewis did during
5 the runoff, which is what defeated Loftis. There is so much
6 of Hobart -- on Hobart. An affair with a subordinate that
7 more than one person has recollection of. He admitted it to
8 -- during the polygraph at County; write-up for comments on
9 female sexual harassment training, GED, failing academy,
10 working on [sic] a felon investment firm, HVAC business
11 started by FIL, who is in prison for bank robbery."

12 So nowhere is a Cindy B or anybody named in that
13 publication to the private group, but nevertheless, on the
14 very next day or on the very day that that was posted on
15 Facebook private chat group -- it looks like 7:51 a.m. -- A.T.
16 -- it says, "Miller contacted A.T. Smith and Kerry Wood, a
17 consultant. Miller provided the information in his post and
18 encouraged A.T. Smith or Kerry Wood to mail out a flyer or
19 flyers containing the information to potential voters."

20 That's just a couple of hours after the alleged post. Of
21 course he denies that, but that's outside the four corners of
22 the Complaint.

23 But he says then, on January 13th, Kerry Wood prepared
24 two flyers and incorporated the information provided by
25 Miller. Well, it had a lot of other information in it, too.

1 And he invoiced A.T. Smith's campaign. The two flyers are
2 listed. None of those -- some of those have additional
3 information that Mr. Miller posted in the private group, but
4 one of those does say, "Hobart, who is Cindy B.?"

5 And, obviously, my client had no control over what the
6 person they sued, Kerry Wood, did. I don't understand why
7 they couldn't take his deposition. But, then again, it's a
8 quagmire.

9 So the Complaint also goes on to paragraph 14 that says,
10 "As a result, many people knew the flyer that said, 'Hobart,
11 who is Cindy B.?' was referring to Camp." There's no
12 allegation that many people saw the Facebook post and knew
13 that was Camp.

14 Moreover, the flyers of the alleged affair were further
15 published on social media. The flyers and the alleged affair
16 were published on social media.

17 Camp has never had an affair with Hobart Lewis. That's
18 good. To be clear, any relationship between Camp and Hobart
19 Lewis was 100% professional.

20 But -- so the allegations of damages are that the flyers
21 caused her the damages. There's no -- I don't see how
22 possibly you could say that something could be published and
23 not published. And so an element of defamation, these other
24 causes of action at least, require some publication of that,
25 but it also requires the other elements of defamation, which

1 are damages that result from that, all those things. And so
2 they've kind of glossed over that in hopes of rehabilitating
3 the statute of limitations.

4 But the discovery rule is not as to discovery of the
5 perpetrator. It is the discovery of your injury. And that's
6 the equivalent -- if you look at medical malpractice cases,
7 the idea behind that discovery rule is that -- so, for
8 instance, you have surgery, and ten years later, you find a
9 scalpel on an X-ray, you then discover your injury because you
10 found the scalpel on the X-ray, and so, then you can sue the
11 doctor.

12 But Mr. Churdar's argument is you can just sit around and
13 wait for 20 or 50 years and then go, "Hey, wait a minute; I
14 think somebody offended me 50 years ago" and file suit because
15 you just discovered it. I don't think that's a decent
16 argument. The case should be dismissed.

17 THE COURT: All right. Thank you both, Counsel. Always
18 good to see you.

19 MR. CHURDAR: Good to see you.

20 MR. CHILDS: Thank you, Judge.

21 (The above hearing concluded.)
22
23
24
25

Certificate of Transcriber

 CASE NAME: Cindy Camp v. Christopher Miller

DATE OF HEARING: 6/17/25

RECORDING METHOD: TEC Courtroom

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that I was not present for the live proceeding; and that said proceedings were transcribed to the best of my ability from the audio and/or video recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case; and I have no interest, financial or otherwise, in its outcome.

Bobbi Fisher

/s/ Bobbi Fisher _____

Bobbi Fisher, SC Official Court Reporter III, RPR

Transcript Prepared: 7/31/25

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STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Cindy Barnette Camp,)
)
Plaintiff,)
v.)
)
A.T. "Tommy" Smith,)
)
Defendant.)
_____)

Case No.

SUMMONS

TO: DEFENDANT(S) ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to the Complaint on the subscriber at 304 Pettigru Street, Greenville, SC 29601, within thirty (30) days from the date of service hereof, exclusive of the date of such service. If you fail to answer the Complaint within the time of aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

Date: December 7, 2021

By: /s/ Douglas A. Churdar
Douglas A. Churdar
S.C. Bar No. 11971
304 Pettigru Street
Greenville, SC 29601
Phone: (864) 233-0203
Fax: (864) 233-3020
Email: dachurdar@churdarlaw.com

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Cindy Barnette Camp,)
)
Plaintiff,)
v.)
A.T. "Tommy" Smith,)
)
Defendant.)
_____)

Case No.

COMPLAINT

Plaintiff ("Camp"), complaining of Defendant ("Smith"), would allege that:

1. At all times relevant, Camp was a resident of Anderson County, South Carolina.
2. At all times relevant, Smith was a resident of Greenville County, South Carolina.
3. In January 2020, Smith was in a run-off with Hobart Lewis to represent the Republican party in the Greenville County Sheriff's election. As it turned out, he was willing to do whatever it took to win.
4. Meanwhile, Camp was in Anderson, South Carolina minding her own business.
5. Smith was losing badly to Hobart Lewis, and he became desperate and went negative.
6. Among other things, Smith began floating a rumor about an alleged affair between Hobart Lewis and an unnamed female in the Greer Police Department.
7. The run-off election was scheduled for January 21, 2020. The weekend before the run-off election, Smith released mailers and robocalls that continued to refer

to an alleged affair; however, Smith began to implicate Camp. One of the mailers titled “Who is the real Hobart Lewis?” stated that Hobart Lewis had “Left Greer P.D. after having sex with subordinate” and specifically asked “Hobart, who is Cindy B?”.

8. Between 2001 and 2004, Camp had worked with Hobart Lewis in the Greer City Police Department.

9. Camp grew up in Greer, and her maiden name was Cindy Barnette.

10. When Camp worked for the Greer Police Department, it was a small department, and only a few females worked there.

11. As a result, many people knew that Smith was referring to Camp, and she received several calls regarding Smith’s mailers and robocalls.

12. Camp has never had a sexual relationship with Hobart Lewis. To be clear, any relationship between Camp and Hobart Lewis was 100% professional.

13. Smith’s decision to drag Camp into the public square was wrong, even more so since his allegations were and are false.

14. Camp was understandably upset and distressed by Smith’s actions.

FOR A FIRST CAUSE OF ACTION

Defamation

15. Camp realleges each and every prior allegation not inconsistent herewith.

16. Smith’s mailers and robocalls stated by clear implication that Camp had a sexual relationship with Hobart Lewis. The mailers and robocalls were defamatory *per se*; they injured her reputation and held her up to public contempt or ridicule.

17. Smith’s mailers and robocalls were false.

18. Smith’s mailers and robocalls were directed toward thousands of people in Greenville County.

19. Smith's mailers and robocalls caused Camp general damages of embarrassment, humiliation, and mental suffering but also special damages of expenses relating to counseling Camp underwent.

20. Camp is entitled to actual and punitive damages from Smith.

FOR A SECOND CAUSE OF ACTION

Outrage/Intentional Infliction of Emotional Distress

21. Camp realleges each and every prior allegation not inconsistent herewith.

22. Smith's decision to send out mailers and robocalls dragging Camp into the public square was extreme and outrageous and exceeded all bounds of decency.

23. Smith's actions were intentional.

24. Smith caused Camp emotional distress.

25. Camp's emotional distress was severe such that no reasonable person should be expected to endure it.

26. Camp is entitled to actual and punitive damages from Smith.

WHEREFORE, Camp prays for actual and punitive damages from Smith and for such other and further relief as the Court may deem appropriate.

Respectfully submitted,

CHURDAR LAW FIRM

By: /s/Douglas A. Churdar
Douglas A. Churdar
S.C. Bar No. 11971
304 Pettigru Street
Greenville, SC 29601
Phone: (864) 233-0203
Fax: (864) 233-3020
Email: dachurdar@churdarlawfirm.com

December 7, 2021
Greenville, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Cindy Barnette Camp,)
)
Plaintiff,)
v.)

Case No. 2021-CP-23-05802

SUMMONS

A.T. "Tommy" Smith, Tyler Dean)
Hoover, Dan Hoover, Hoover Strategies,)
LLC., and Kerry Wood,)
)
Defendant.)

(Amended Complaint)

TO: DEFENDANT(S) ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Amended Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to the Amended Complaint on the subscriber at 304 Pettigru Street, Greenville, SC 29601, within thirty (30) days from the date of service hereof, exclusive of the date of such service. If you fail to answer the Amended Complaint within the time of aforesaid, judgment by default will be rendered against you for the relief demanded in the Amended Complaint.

Respectfully submitted,

UPSTATE LAWYER/CHURDAR LAW FIRM

By: /s/Douglas A. Churdar
Douglas A. Churdar
S.C. Bar No. 11971
304 Pettigru Street
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December 9, 2022
Greenville, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Cindy Barnette Camp,)

Case No. 2021-CP-23-05802

Plaintiff,)

v.)

AMENDED COMPLAINT

A.T. "Tommy" Smith, Tyler Dean)

Hoover, Dan Hoover, Hoover Strategies,)

LLC., and Kerry Wood,)

Defendant.)

With the written consent of opposing counsel, Plaintiff ("Camp") hereby files her amended complaint against Defendants ("Smith", "Tyler Dean Hoover" "Dan Hoover", "Hoover Strategies, LLC" and "Wood"), and would allege that:

1. Camp was a resident of Anderson County, South Carolina.
2. Smith was a resident of Greenville County, South Carolina.
3. Tyler Dean Hoover was a resident of Pickens County, South Carolina.
4. Dan Hoover was a resident of Greenville County, South Carolina.
5. Hoover Strategies, LLC was a public relations agency doing business in Greenville County, South Carolina.
6. Wood was a resident of Spartanburg County, South Carolina.
7. In January 2020, Smith was in a run-off with Hobart Lewis to represent the Republican party in the Greenville County Sheriff's election.
8. Smith hired Tyler Dean Hoover, Dan Hoover, Hoover Strategies, LLC and Wood to run his campaign. These Defendants, among other things, assisted Smith in writing and designing mailers and scripts for robocalls that would be directed to voters.

9. Meanwhile, Camp was in Anderson, South Carolina minding her own business.

10. Smith was losing badly to Hobart Lewis, and he became desperate. Defendants, acting in concern, decided to go negative.

11. Among other things, Defendants began floating a rumor about an alleged affair between Hobart Lewis and an unnamed female in the Greer Police Department.

12. The run-off election was scheduled for January 21, 2020. The weekend before the run-off election, Defendants, acting in concert, released mailers and robocalls that continued to refer to an alleged affair; however, Defendants began to implicate Camp. One of the mailers titled “Who is the real Hobart Lewis?” stated that Hobart Lewis had “Left Greer P.D. after having sex with subordinate” and specifically asked “Hobart, who is Cindy B?”.

13. Between 2001 and 2004, Camp had worked with Hobart Lewis in the Greer Police Department.

14. Camp grew up in Greer, and her maiden name was Cindy Barnette.

15. When Camp worked for the Greer Police Department, it was a small department, and only a few females worked there.

16. As a result, many people knew that Defendants were referring to Camp, and she received several calls regarding Defendants’ mailers and robocalls.

17. Camp has never had a sexual relationship with Hobart Lewis. To be clear, any relationship between Camp and Hobart Lewis was 100% professional.

18. Defendants’ decision to drag Camp into the public square was wrong, even more so since the allegations were and are false.

19. Camp was understandably upset and distressed by Defendants’ actions.

FOR A FIRST CAUSE OF ACTION

Defamation

20. Camp realleges each and every prior allegation not inconsistent herewith.

21. Defendants' mailers and robocalls stated by clear implication that Camp had a sexual relationship with Hobart Lewis. The mailers and robocalls were defamatory *per se*; they injured her reputation and held her up to public contempt or ridicule.

22. Defendants' mailers and robocalls were false.

23. Defendants' mailers and robocalls were directed toward thousands of people in Greenville County.

24. Defendants' mailers and robocalls caused Camp general damages of embarrassment, humiliation, and mental suffering but also special damages of expenses relating to counseling Camp underwent.

25. Camp is entitled to actual and punitive damages from Defendants.

FOR A SECOND CAUSE OF ACTION

Outrage/Intentional Infliction of Emotional Distress

26. Camp realleges each and every prior allegation not inconsistent herewith.

27. Defendants' decision to send out mailers and robocalls dragging Camp into the public square was extreme and outrageous and exceeded all bounds of decency.

28. Defendants' actions were intentional.

29. Defendants' caused Camp emotional distress.

30. Camp's emotional distress was severe such that no reasonable person should be expected to endure it.

31. Camp is entitled to actual and punitive damages from Defendants.

FOR A THIRD CAUSE OF ACTION

Negligence/Negligent Appropriation

32. Camp realleges each and every prior allegation not inconsistent herewith.

33. Defendants negligently named Camp in the mailers and robocalls. If Hobart Lewis ever had sex with a subordinate at Greer Police Department., that subordinate was not Camp.

34. Defendants negligently and wrongfully appropriated Camp's name for their own purposes and benefit, and thus violated her personal dignity and mental security.

35. Camp is entitled to actual and punitive damages from Defendants.

WHEREFORE, Camp prays for actual and punitive damages from Defendants and for such other and further relief as the Court may deem appropriate.

Respectfully submitted,

UPSTATE LAWYER/CHURDAR LAW FIRM

By: /s/Douglas A. Churdar
Douglas A. Churdar
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December 9, 2022
Greenville, South Carolina

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE)	
Cindy Barnette Camp,)	Case No. 2021-CP-23-05802
)	
Plaintiff,)	
v.)	
)	SECOND AMENDED COMPLAINT
A.T. "Tommy" Smith, Tyler Dean)	
Hoover, Dan Hoover, Hoover Strategies,)	
LLC., and Kerry Wood,)	
)	
Defendant.)	
)	

Plaintiff ("Camp") hereby files her second amended complaint against Defendants ("Smith", "Tyler Dean Hoover" "Dan Hoover", "Hoover Strategies, LLC" and "Wood"), and would allege that:

1. Camp was a resident of Anderson County, South Carolina.
2. Smith was a resident of Greenville County, South Carolina.
3. Tyler Dean Hoover was a resident of Pickens County, South Carolina.
4. Dan Hoover was a resident of Greenville County, South Carolina.
5. Hoover Strategies, LLC was a public relations agency doing business in Greenville County, South Carolina.
6. Wood was a resident of Spartanburg County, South Carolina.
7. In January 2020, Smith was in a run-off with Hobart Lewis to represent the Republican party in the Greenville County Sheriff's election.
8. Smith hired Tyler Dean Hoover, Dan Hoover, Hoover Strategies, LLC and Wood to run his campaign. These Defendants, among other things, assisted Smith in writing and designing mailers and scripts for robocalls that would be directed to voters.

9. Meanwhile, Camp was in Anderson, South Carolina minding her own business.

10. Smith was losing badly to Hobart Lewis, and he became desperate. Defendants, acting in concern, decided to go negative.

11. Among other things, Defendants began floating a rumor about an alleged affair between Hobart Lewis and an unnamed female in the Greer Police Department.

12. The run-off election was scheduled for January 21, 2020. The weekend before the run-off election, Defendants, acting in concert, released mailers and robocalls that continued to refer to an alleged affair; however, Defendants began to implicate Camp. One of the mailers titled “Who is the real Hobart Lewis?” stated that Hobart Lewis had “Left Greer P.D. after having sex with subordinate” and specifically asked “Hobart, who is Cindy B?”.

13. Between 2001 and 2004, Camp had worked with Hobart Lewis in the Greer Police Department.

14. Camp grew up in Greer, and her maiden name was Cindy Barnette.

15. When Camp worked for the Greer Police Department, it was a small department, and only a few females worked there.

16. As a result, many people knew that Defendants were referring to Camp, and she received several calls regarding Defendants’ mailers and robocalls.

17. Camp has never had a sexual relationship with Hobart Lewis. To be clear, any relationship between Camp and Hobart Lewis was 100% professional.

18. Defendants’ decision to drag Camp into the public square was wrong, even more so since the allegations were and are false.

19. Camp was understandably upset and distressed by Defendants' actions.

FOR A FIRST CAUSE OF ACTION

Defamation

20. Camp realleges each and every prior allegation not inconsistent herewith.

21. Defendants' mailers and robocalls stated by clear implication that Camp had a sexual relationship with Hobart Lewis. The mailers and robocalls were defamatory *per se*; they injured her reputation and held her up to public contempt or ridicule.

22. Defendants' mailers and robocalls were false.

23. Defendants' mailers and robocalls were directed toward thousands of people in Greenville County.

24. Defendants' mailers and robocalls caused Camp general damages of embarrassment, humiliation, and mental suffering but also special damages of expenses relating to counseling Camp underwent.

25. Camp is entitled to actual and punitive damages from Defendants.

FOR A SECOND CAUSE OF ACTION

Outrage/Intentional Infliction of Emotional Distress

26. Camp realleges each and every prior allegation not inconsistent herewith.

27. Defendants' decision to send out mailers and robocalls dragging Camp into the public square was extreme and outrageous and exceeded all bounds of decency.

28. Defendants' actions were intentional.

29. Defendants' caused Camp emotional distress.

30. Camp's emotional distress was severe such that no reasonable person should be expected to endure it.

31. Camp is entitled to actual and punitive damages from Defendants.

FOR A THIRD CAUSE OF ACTION

Negligence/Negligent Appropriation

32. Camp realleges each and every prior allegation not inconsistent herewith.

33. Defendants negligently named Camp in the mailers and robocalls. If Hobart Lewis ever had sex with a subordinate at Greer Police Department, that subordinate was not Camp.

34. Defendants negligently and wrongfully appropriated Camp's name for their own purposes and benefit, and thus violated her personal dignity and mental security.

35. Camp is entitled to actual and punitive damages from Defendants.

FOR A FOURTH CAUSE OF ACTION

Invasion of Privacy/False Light

36. Camp realleges each and every prior allegation not inconsistent herewith.

37. Defendants' mailers and robocalls gave publicity to a matter concerning Camp that placed her before the public in a false light.

38. The light in which Defendants' publication placed Camp would be highly offensive to a reasonable person.

39. Defendants acted in a reckless disregard as to the falsity of the publication and the false light in which Camp would be placed.

40. Camp is entitled to actual and punitive damages from Defendants.

WHEREFORE, Camp prays for actual and punitive damages from Defendants and for such other and further relief as the Court may deem appropriate.

Respectfully submitted,

UPSTATE LAWYER

By: /s/Douglas A. Churdar
Douglas A. Churdar
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March 29, 2024

Greenville, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

Cindy Barnette Camp,)
)
Plaintiff,)
v.)
)
A.T. "Tommy" Smith, Tyler Dean)
Hoover, Dan Hoover, Hoover Strategies)
LLC., and Kerry Wood,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Case No. 2021-CP-23-05802

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a)(1)(A) of the *South Carolina Rules of Civil Procedure*, Plaintiff, by and through her undersigned counsel, and A.T. "Tommy" Smith, by and through his undersigned counsel, stipulate to the dismissal of this case with prejudice.

/s/ Douglas A. Churdar
DOUGLAS A. CHURDAR
Attorney for Plaintiff
304 Pettigru Street
Greenville, SC 29601
864-233-0203
doug@upstatelawyer.com

/s/ Hannah Rogers Metcalfe
HANNAH ROGERS METCALFE
Attorney for Defendant
A.T. "Tommy" Smith
Metcalfe & Atkinson, LLC
1395 S. Church Street
Greenville, SC 29605
hmetcalfe@malawfirm.com

Date: January 22, 2025

CERTIFICATE OF COUNSEL

RECEIVED

Feb 23 2026

SC Court of Appeals

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

/s/ Douglas A. Churdar

Douglas A. Churdar, Esq.

CHURDAR LAW FIRM-UPSTATE LAWYER

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Greenville, South Carolina 29601

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Attorney for Appellant Cindy Barnette Camp