

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 Timothy Jones as the Personal)
 Representative for Dewitt Jones,)
)
 Plaintiff,)
)
 vs.)
)
 Innovative Scientific Solutions, LLC, J. Ryan)
 Flanagan, Jay A, Flanagan, Jr., and Marion L.)
 Snyder,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 THIRTEENTH JUDICIAL CIRCUIT

C. A. No. 2023-CP-23-00011

ORDER

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SC Court of Appeals

This matter is before the Court regarding Timothy Jones as the Personal Representative for Dewitt Jones’s (the “Estate”) Motion to Compel Defendants’ financial records and tax returns from June 2021 through the present. As set forth more fully below, upon consideration of the filings submitted by the parties and arguments of counsel, the Court denies the Estate’s motion.

This case arises from a dispute regarding the value of Dewitt Jones’s membership units in Innovative Scientific Solutions, LLC (“ISS”). Both Defendants and the Estate agree that the valuation of Dewitt Jones’s membership units are governed by ISS’s operating agreement. The Estate and the Defendants also agree that the date of Dewitt Jones’s death is controlling regarding the point in time at which Dewitt Jones’s shares are to be valued. *See* Timothy Jones Dep. 49:11-12.

Rule 26 of the *South Carolina Rules of Civil Procedure* provides that a party “may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action.” Rule 26(b)(1) SCRCF. While information sought in discovery need not be admissible, it must be calculated to lead to the discovery of admissible evidence. *Id.* The parties

agree that the relevant date for the valuation of Dewitt Jones's membership units in ISS is the date of his death. Dewitt Jones passed away on June 16, 2021. The relevant financial information that Defendants are required to produce under Rule 26 is financial information known at the time of Dewitt Jones's death. The Estate failed to articulate a sufficient reason why financial records and tax records after June 2021 are relevant to the valuation of Dewitt Jones's membership units in ISS.

Therefore, Plaintiff's motion to compel Defendants' financial records and tax returns after June 2021 is denied.

IT IS SO ORDERED.



Greenville Common Pleas

Case Caption: Dewitt Jones , plaintiff, et al vs. Innovative Scientific Solutions LLC ,
defendant, et al
Case Number: 2023CP2300011
Type: Order/Other

So Ordered

s/Alex Kinlaw, Jr., #2763