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Mar 19 2026

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

IN THE COURT’S ORIGINAL JURISDICTION

(Associated Lower Court) Case No. 2021-CP-25-00392
Honorable R. Keith Kelly, presiding

Renee S. Beach, Phillip Beach, Robin Beach, Savannah Tuten, and Seth Tuten,
..... Plaintiffs,

Gregory M. Parker, Gregory M. Parker, Inc. d/b/a Parker's Corporation, Blake Greco, Jason
D'Cruz, Vicky Ward, Max Fratoddi, Henry Rosado, and Private Investigation Services Group,
LLC, Defendants.

Of Whom,

Gregg Roman and Gravitas Synergy Solutions, LLC,Petitioners,

v.

PNC Financial Services Group, INC d/b/a PNC Bank, Renee S. Beach, Phillip Beach, Robin
Beach, Savannah Tuten, and Seth Tuten Respondents.

PETITION FOR WRIT OF INJUNCTION

INTRODUCTION

Petitioners rise to this esteemed body’s original jurisdiction for an extraordinary writ to protect democratic values and prevent irreparable harm. As Petitioners will demonstrate herein, in the attached exhibits and in the accompanying complaint: a writ of injunction is necessary to protect a journalist’s ability to inform the public, reinforce a statutory privilege, and quell an emergency of Respondents’ making.

CERTIFICATE OF COUNSEL

The Court of Common Pleas (Honorable R. Keith Kelly presiding) issued its order denying Petitioner’s motion to quash and for protective order on February 5, 2026. Petitioners timely filed a motion to reconsider on February 11, 2026. The Court of Common Pleas (Honorable R. Keith Kelly presiding) issued its order denying Petitioners’ motion to reconsider on March 16, 2026. This petition for a writ of injunction is timely filed and served.

QUESTIONS PRESENTED

- 1) Whether the Court should exercise its original jurisdiction, pursuant to Rule 245, SCACR and the South Carolina Constitution, to consider this matter concerning the imminent release of a newsgatherer’s sources and methods, in violation of conditional privilege existing in state law?
- 2) Whether this Court should issue a writ of injunction and protective order to stop irreparable harm and uphold the asserted conditional privilege of the Petitioners?

STATEMENT OF THE CASE

On May 1, 2025, Tabor Vaux, Esquire, counsel for Plaintiffs executed a subpoena seeking production of financial records residing at PNC Bank in the “name of Gregg Roman and/or Gregg Roman ... and/or Gravitas Synergy Solutions LLC.” After service of this subpoena upon PNC Bank, Petitioners Gregg Roman and Gravitas Synergy Solutions LLC filed and served a motion on May 15, 2025, to quash and for a protective order concerning the Vaux subpoena. Exhibit A. The motion to quash attached the affidavit of Gregg Roman and included the Vaux subpoena as an exhibit. *See Id.* The motion asserted, among other things, a privilege against disclosure of information obtained during the newsgathering process, as recognized by S.C. Code Ann. §19-11-

100(A). *Id.* Roman’s affidavit in support of the motion identified himself as a journalist and said the financial records of his (and Gravitass) at PNC would “reveal my network of sources and areas of investigation.” Further, Roman indicated in his affidavit that “[d]isclosure of this highly personal and proprietary financial information would severely impact his ability to cultivate investigations and gather news for publication.” *Id.* at

On February 5, 2026, Respondent issued a Form 4 Order denying Petitioner’s Motion to Quash. Exhibit B 3-4. Respondent’s order provided that a hearing on Respondent’s motion to quash occurred on November 26, 2025, and that “[p]resent and appearing at the hearing were counsel for all parties and counsel for Third Party Greg (sic.) Romans’ and Gravitass Synergy Solutions.” *Id.* at 4. Respondent’s order denying Petitioner’s motion to quash finishes by saying “[a]fter consideration of the filings of the parties, the pleadings, and the arguments presented by counsel at the hearing, the Court respectfully denies” Petitioner’s motion “because this Court finds that good cause has not been shown.” *Id.*

On February 11, 2026, Petitioners filed and served their motion to reconsider, pursuant to Rules 6 and 59, SCRCR, Respondent’s order denying the motion to quash on several grounds, including (a) the Court’s consideration of proposed deposition testimony was irrelevant to Petitioner’s motion, (b) counsel for Petitioners were not present at the November 26, 2026 hearing, (c) no notice of the November 2025 motion hearing was provided to Petitioners or their counsel, (d) no “arguments” were “presented by counsel” (Exhibit B at 4) for Petitioners and the public index only contained Petitioner’s motion and affidavit, and (e) that Respondent’s February 5 Order failed to indicate findings of fact or conclusions of law as to how good cause was not shown, conversely, how the privilege identified in S.C. Code Ann. § 19-11-100(B) was overcome. Exhibit

C. When filing the motion to reconsider, Petitioners requested a hearing on their motion to reconsider, via the e-filing system.

On March 16, 2026, Respondent issued a Form 4 Order denying the motion to reconsider. Exhibit D. Respondent provided in the Court's order that "[i]n lieu of oral arguments, the parties submitted filings and briefs in support of their respective positions." *Id.* at 1. The order denying Petitioner's motion to reconsider provides that the motion does not present any newly discovered evidence or manifest errors of law and that "after considering the documents of record, the Motion, and reviewing the arguments of counsel, the Court finds that the Court's order is sufficient and the Motion should be denied." *Id.*

The petition to this Court followed thereafter.

ARGUMENT

The denial of Petitioners' underlying motion to quash should be reversed and Respondents' subject subpoena should be quashed and a protective order should be issued in accordance with the privilege asserted to prevent immediate, irreparable harm to Petitioners and his sources as a journalist and newsgatherer.

I. The Court should accept this matter in its original jurisdiction for the public interest involved and to stem the emergency created by the lower court's denial of Petitioners' motion to quash

Petitioners do not appear in this forum lightly. They are firmly aware that this Court "will not entertain matters in its original jurisdiction where the matter can be determined in a lower court in the first instance, without material prejudice to the rights of the parties." Rule 245, SCACR. Petitioners rise in this forum because it is the only venue (at this stage) where the emergency can be abated and the public interest vindicated.

On March 16, 2026, the Court of Common Pleas (Honorable R. Keith Kelly presiding) issued a Form 4 order, attached as Exhibit D, where Petitioners' motion to reconsider the denial of their motion to quash was denied. This decision created a legal duty for Respondent PNC Financial Services Group, INC d/b/a PNC Bank (hereinafter "PNC") to supply the responsive information sought by Respondents Renee S. Beach, Phillip Beach, Robin Beach, Savannah Tuten, and Seth Tuten (hereinafter "Beach Respondents") in their May 2, 2025 subpoena, attached as Exhibit A. As stated in Petitioners' affidavit in support of the motion to quash in May 2025 and now in this forum (attached as Exhibit E), the responsive PNC information includes information relative to sources used in the process of newsgathering, which would imminently imperil the safety of those sources and Petitioner Roman if released. Additionally, the disclosure of information in this instance would erode statutory protections for the confidentiality of sources of newsgatherers, affecting the ability of any South Carolinian to report matters of public concern without fear or favor. Consequently, this petition sets out the special grounds for emergency and the involvement special grounds for emergency, pursuant to Rule 245, SCACR, that are required for the discretionary review of this esteemed body.

Please note that this matter cannot "be determined by a lower court in the first instance, without material prejudice to the rights of the parties," per Rule 245, SCACR, because at this point, as will be explained below, the laws of this state provide this to be exclusive forum whereby Petitioners can obtain relief.

II. A Writ of Injunction should be issued, alongside a protective order, to indicate the asserted qualified privilege attaches and has not been overcome

This Court possesses the power to issue writs or orders of injunction or mandamus. S.C. Const. Art V, § 5; S.C. Code Ann. §14-3-310. “The supreme court shall have power to issue writs or orders of injunction, mandamus, quo warranto, prohibition, certiorari, habeas corpus and other original and remedial writs.” *Salinas v. C. Aultman & Co.*, 49 S.C. 325, 27 S.E. 385, 386 (1897). “Generally speaking, an injunction should be granted only where some irreparable injury is threatened for which the parties have no adequate remedy at law.” *Sanford v. South Carolina State Ethics Com’n*, 385 S.C. 483 (2009)(citing *Greenwood County v. Shay*, 202 S.C. 16, 23 S.E.2d 825 (1943)). Often the first step to injunctive relief is a temporary restraining order “which requires the plaintiff to establish that: (1) he would suffer irreparable harm if the injunction is not granted; (2) he will likely succeed on the merits of the litigation; and (3) there is an inadequate remedy at law.” *In re Rucker*, 458 B.R. 287, 291 (Bankr. D.S.C. 2011)(citing *AJG Holdings, LLC v. Dunn*, 382 S.C. 43, 51, 674 S.E.2d 505, 508 (S.C.Ct.App.2009). As will be explained in the no adequate remedy of law section below, neither a preliminary injunction nor a temporary restraining order were procedurally appropriate in the matter below. Consequently, it is the form of a permanent injunction that Petitioners ultimately seek¹ in this action. The standard for a permanent injunction is “essentially the same” as for preliminary injunctive relief, “with the exception that the plaintiff must show ... actual success [on the merits].” *Smith v. South Carolina State Election Com’n*, 901 F.Supp.2d 639 (2012)(quoting *Amoco Production Co. v. Village of Gambell*, 480 U.S. 531, 546 n. 12, 107 S.Ct. 1396, 94 L.Ed.2d 542 (1987)). Petitioners will demonstrate that they and their

¹ The complaint more specifically indicates that if the extraordinary writ of injunction is not immediately issued, a temporary restraining order or preliminary injunction is appropriate to stay the release of concerned records pending this matter’s resolution.

sources will suffer irreparable harm, that they have succeeded on the merits that the qualified privilege attaches and has not been overcome, and that there is no adequate remedy at law.

a. If PNC releases the subpoenaed records several individuals, including Petitioner Roman, will suffer immediate, irreparable harm

Beach Respondents' subpoena, signed by Tabor Vaux, Esquire, seeks production of

any and all financial account records and statements (including but not limited to: account opening documents, signature cards, power of attorney documents, monthly statements, front and back copies of all cancelled checks, deposit tickets, checks in deposit, withdrawal tickets, cashier's checks, courtesy checks, wire transfers, online or internet transfers, alerts on the account or account holder(s), suspicious activity reports, account closure documents, etc.) related to any and all PNC Financial Services Group, INC d/b/a PNC Bank accounts in the name of Gregg Roman and/or Gregg E. Roman (DOB: 05/xx/1985; SSN ending in -8267) and/or for Gravitas Synergy Solutions, LLC for the time period of February 24, 2019 to present including any account that has been closed or deactivated during said time period.

Exhibit A.

As Petitioner Roman indicates in his affidavits (at the time of filing the 2025 motion to quash, alongside Exhibit A) and more specifically, in his supplemental affidavit, attached hereto as Exhibit E: "Every day that passes without relief from this Court brings the irreversible disclosure of my confidential sources, investigative methods, and professional relationships closer to reality." Exhibit E 2. Roman says that in his work as a journalist he has used the PNC bank, and the security it provides all similarly situated individuals, to store information and assist sources so can report on matters of public concern: it is his "document payments, travel, communications infrastructure, and logistical support connected to this work" that will be revealed if PNC supplies the information responsive to Beach Respondents' subpoena. *Id.* at 4. (A lengthier explanation of how the records stored at PNC Bank assisted his investigatory journalism into certain matters also appears on pages

3 and 4.) However, some of the harm that would occur if PNC released this information is also unique to Roman as a journalist,

Unlike a typical individual's bank records, my PNC account records and those of GSS constitute a detailed operational record of my investigative journalism and consulting practice. These records would reveal: payments to confidential sources, informants, and stringers in the Middle East and elsewhere, including individuals inside Syria who provided intelligence on narcotics trafficking and chemical weapons at risk of their lives; travel expenditures showing when and where I met with sources, including in countries where such meetings could endanger the sources; subscription fees and payments for specialized intelligence databases, research services, and monitoring tools that reveal my areas of active investigation; payments related to communications security infrastructure, including satellite communications terminals deployed inside Iran; compensation arrangements with freelance investigators, translators, and local fixers whose identities must remain confidential; transactions with Iranian diaspora organizations and individuals whose financial connections to my work, if disclosed, could result in retaliation against their family members still inside Iran; and the identities and fee arrangements of every corporate, legal, and individual client who has retained GSS under NDA.

Id. at 5.

In addition to illustrating the immediate harm that would result if PNC released the subpoenaed records, Roman also describes how the release of such confidential information would also be irreparable, especially in the part of the world (currently ravaged by war) where he and his sources operate. *See Id. at 7.* "The harm that will result from disclosure is immediate, irreparable, and in the current wartime context, potentially fatal to individuals who have entrusted me with their safety. I have seen firsthand what happens when a journalist's identifying information is exposed to hostile actors. There is no adequate remedy at law. Once these records are produced, no subsequent court order can restore the confidentiality that has been destroyed." *Id.* If the qualified privilege asserted in S.C. Code Ann. § 19-11-100 does not attach to Petitioners, or is

somehow overcome upon the test elucidated below, immediate irreparable harm will result if PNC releases the records.

b. Petitioners will succeed on the merits of establishing the qualified privilege attaches and it is not overcome by clear and convincing evidence

The first profession mentioned in the Bill of Rights (“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the **press**; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievance.” *See* U.S. Const. amend. I (emphasis added)) attempted to establish that the text of the First Amendment meant the press did not have to comply with lawful subpoenas for information. It didn’t go well. In the case of *Branzburg v. Hayes*, 408 U.S. 665 (1972), the United States Supreme Court rejected their arguments, holding the First Amendment creates no such right. In response, states around the country passed what colloquially referred to as “reporter shield laws.” They are not exactly shields – at least not ones without holes in them – as many laws are (like South Carolina’s) codified as qualified privileges against disclosure. South Carolina’s reads as follows:

SECTION 19-11-100. Qualified privilege against disclosure for news media; waiver.

(A) A person, company, or entity engaged in or that has been engaged in the gathering and dissemination of news for the public through a newspaper, book, magazine, radio, television, news or wire service, or other medium has a qualified privilege against disclosure of any information, document, or item obtained or prepared in the gathering or dissemination of news in any judicial, legislative, or administrative proceeding in which the compelled disclosure is sought and where the one asserting the privilege is not a party in interest to the proceeding.

(B) The person, company, or other entity may not be compelled to disclose any information or document or produce any item obtained or prepared in the gathering or dissemination of news unless the party seeking to compel the

production or testimony establishes by clear and convincing evidence that this privilege has been knowingly waived or that the testimony or production sought:

(1) is material and relevant to the controversy for which the testimony or production is sought;

(2) cannot be reasonably obtained by alternative means; and

(3) is necessary to the proper preparation or presentation of the case of a party seeking the information, document, or item.

(C) Publication of any information, document, or item obtained in the gathering and dissemination of news does not constitute a waiver of the qualified privilege against compelled disclosure provided for in this section.

S.C. Code Ann. §19-11-100.

From its plain text this is not an absolute privilege. (B) Supplies the path to overcoming the privilege, but it is a steep one: “unless the party seeking to compel the production or testimony establishes by clear and convincing evidence” that information sought also satisfies (1), (2), and (3), then the privilege is not overcome and the newsgatherer’s sources are protected. *Id.*

It is this newsgatherer’s sources that are imperiled due to PNC’s pending production to the Beach Respondents’ subpoena. At all times since this subpoena was served has Petitioner maintained that he is a newsgatherer. *See* Exhibits A and E. In the two attached orders there are no findings of fact or conclusions of law concerning Petitioner’s status as a newsgatherer. *See* Exhibits B and D. The undersigned was not provided notice of the November 26, 2025, hearing concerning the motion to quash and was not present so cannot comment on what evidence was presented. However, no evidence in the form of affidavits, exhibits, or transcripts has been filed to the matter’s public index since the hearing. Consequently, it appears uncontested that Petitioner is in fact a newsgatherer and the privilege has attached. S.C. Code Ann. §19-11-100(A)(“A person,

company, or entity engaged in or that has been engaged in the gathering and dissemination of news for the public through a newspaper, book, magazine, radio, television, news or wire service, or other medium has a qualified privilege...”). It also appears uncontested – again from the language of the Court’s orders and from the lack of filings – that no evidence was presented to overcome the privilege. Petitioners will succeed on the merits establishing that qualified privilege attaches and that it was not overcome by clear and convincing evidence.

c. Petitioners possess no adequate remedy of law to stop the immediate, irreparable harm

After learning that Petitioners motion to reconsider (Exhibit C) was denied (Exhibit D) on March 16, 2026 – still failing to consider issues raised concerning lack of notice or findings of fact/conclusions of law about how the asserted privilege was overcome – it was that next morning, that Beach Respondents’ counsel reached out to PNC to inform them of the ruling and ask that it be supplied immediately. Then, after informing PNC’s counsel of Petitioners’ desires to challenge the ruling, the undersigned received several emails from Respondents’ counsel indicating an appeal would be improper as interlocutory. Respondents are correct, there is no adequate remedy of law.

This Court has previously held that an order denying or compelling pretrial discovery is not directly appealable since it is an intermediate or interlocutory decision. *Ex parte Wilson*, 367 S.C. 7, 625 S.E.2d 205(2005)(*See also Lowndes Products, Inc. v. Brower*, 262 S.C. 431, 205 S.E.2d 184 (1974); *Patterson v. Specter Broadcasting Corp.*, 287 S.C. 249, 335 S.E.2d 803 (1985)). Also, the Court has held that orders directing a nonparty to submit to discovery is not immediately appealable. *Id.*; *Ex parte Whetstone*, 289 S.C. 580, 347 S.E.2d 881 (1986). As this Court stated in

Wilson, that because there is “some further act to be done by the court before the rights of the parties in an enforcement proceeding are determined” an appeal on that discovery order was interlocutory and improper. *Id.* at 13 and S.E2d 208.

This Court has already considered the application of the qualified privilege asserted in this matter by Petitioners below and the journalist in that case was also a non-party. *See Decker, Matter of*, 471 S.E.2d 462, 322 S.C. 215 (S.C. 1995). In that case journalist Twila Decker was asked by the trial judge to reveal the source behind the contents of Susan Smith’s psychiatric report that had been leaked to her. *Id.* at 217 and S.E.2d 463. She refused, was incarcerated for civil contempt, and the trial judge “provided that she could purge the contempt by revealing the identity of the confidential source.” *Id.* at S.C. 218. She appealed to this Court and a supersedeas was obtained staying “imposition of the contempt sanction pending disposition of this appeal.” *Id.* This Court has often provided its appellate jurisdiction to civil litigants who find themselves in contempt, even to nonparties like Twila Decker. But here, it is Respondent PNC who must provide the sensitive, privileged, financial records of Petitioners to Respondents’ subpoena. Petitioners cannot ethically or legally ask its own banking institution to defy a subpoena and be held in contempt to access the state’s appellate jurisdictions where it then would *hopefully* assert Petitioner’s interests. It is unworkable. But this is perhaps, as the associated complaint illustrates, the way the Beach Respondents intended: a path around S.C. Code Ann. § 19-11-100, whereby the newsgatherers of the state² will receive subpoenas directed to the entities who store their confidential source

² And their counsel: this is the second time the undersigned has asserted S.C. Code Ann. § 19-11-100 in a motion to quash subpoenas by Beach Respondents’ counsel, to say nothing of a different privilege asserted when Beach Respondents’ counsel issued subpoenas concerning the underlying case requiring the undersigned, Meriwether Law’s paralegal, and the undersigned’s former law partner, to all supply records and/or be deposed by Beach Respondents.

information and because of improper consideration by a trial court and the lack of appellate jurisdiction available, there will be nowhere to turn to stop the harm coming to them and their sources. In addition to Petitioners not having an adequate remedy of law, this matter presents a sobering matter of public importance, going to the heart of whether an informed citizenry will be aided by a free press in South Carolina.

CONCLUSION

It is for these reasons (and those stated in the accompanying exhibits and complaint) that this Honorable Court should exercise its original jurisdiction, pursuant to Rule 245, SCACR and the South Carolina Constitution, to address this significant question of public importance and quell the emergency stated within this petition. Further, Petitioners humbly request this Court issue such injunctive relief as necessary to prevent the irreparable harm that will come to Petitioners and their sources.

Respectfully submitted,

/s/ Taylor Smith

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March 19, 2026