

Apr 02 2026

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

**IN THE SUPREME COURT OF
SOUTH CAROLINA**

**Gregg Roman and Gravitass Synergy
Solutions, LLC,**

Appellate Case No. 2026-000713

Petitioners,

-vs-

**REPLY OF PETITIONERS GREGG
ROMAN AND GRAVITAS SYNERGY
SOLUTIONS, LLC**

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

Respondents.

PETITIONERS GREGG ROMAN (ROMAN) AND GRAVITAS SYNERGY SOLUTIONS, LLC, (GSS) replying to the affirmative assertions, allegations and counterclaims of the Answer and Counterclaims of the Respondents, replies and alleges as follows by and through undersigned Counsel, hereby state as follows:

PRELIMINARY STATEMENT

This Court accepted original jurisdiction on March 20, 2026, and granted a temporary injunction for a period of thirty days. That Order, signed by the Chief Justice and all Justices, reflects this Court’s determination that the matter warranted original jurisdiction and that the threatened disclosure justified immediate injunctive relief. The core procedural facts (that Petitioners’ counsel received no notice of the November 26, 2025 hearing, that the February 5, 2026 Order contains no application of the three-prong test under S.C. Code Ann. § 19-11-100, and that the Order mischaracterizes Petitioners’ motion) are either admitted by Respondents or apparent from the face of the orders themselves. Respondents’ Answer presents no competing sworn evidence: no counter-affidavit, no deposition testimony, and no documentary rebuttal. Respondents contest no material fact asserted in Petitioners’ affidavits. The following replies are directed to the affirmative defenses and counterclaims raised in Respondents’ Answer, as required by Rule 7(a), SCRPC.

FOR A FIRST REPLY AND DEFENSE

1. Each assertion set forth in this pleading that is consistent with the following is incorporated herein by reference as if here set forth verbatim.
2. Any affirmative assertions and allegations of the Answer not herein admitted, qualified, or explained are denied. Any affirmative assertions and allegations of the Answer subject of qualified admissions made herein are denied insofar as the affirmative assertions and allegations are not qualifiedly admitted, and any affirmative assertions and allegations of the Answer and subject of any other qualifications or explanations herein are denied insofar as they are not otherwise qualified or explained.

FOR A SECOND REPLY AND DEFENSE

3. Each assertion set forth in this pleading that is consistent with the following is incorporated herein by reference as if here set forth verbatim.
4. Replying to the affirmative assertions and allegations of paragraph 45 (among other paragraphs providing a second defense), Petitioners deny they are seeking anything other than what the petition provides. To the extent the circuit court's orders are before the Court, they are provided to show "(2) he will likely succeed on the merits of the litigation; and (3) there is an inadequate remedy at law" as required to petition for the writ of injunction they are seeking. *See 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).
5. Replying to the affirmative assertions and allegations of paragraph 46, Petitioners deny they have failed to demonstrate the public interest or special circumstances requiring this Court's exercise of original jurisdiction. Respondents' characterization of Mr. Roman's affidavit as "self-serving" warrants response: an affidavit is a sworn statement made under penalty of perjury. Affidavits are the standard evidentiary vehicle for injunction proceedings and petitions for extraordinary writs. Critically, Respondents have offered no competing sworn evidence: no counter-affidavit, no deposition testimony, and no documentary evidence contradicting any material fact in Mr. Roman's affidavits. Characterizing sworn testimony as "self-serving" is advocacy, not evidence, and cannot defeat an uncontroverted evidentiary record.
6. Replying to the affirmative assertions and allegations of paragraph 47, Petitioners deny this Petition was improvidently granted. This Court accepted original jurisdiction and entered its March 20, 2026 Order, signed by the Chief Justice and all Justices, granting a temporary injunction for thirty days and directing service and responsive pleadings. That Order constitutes an exercise of this Court's discretion under Rule 245, SCACR. Respondents' request that this Court reconsider its own jurisdictional determination, without identifying any changed circumstances or new information, is without basis.
7. Replying further to the Second Defense generally, to the extent Respondents' assertions in paragraphs 14, 37, 38, and 39 of their Answer form the factual predicate for their motion to dismiss (i.e., that the lower court proceedings were procedurally adequate), Petitioners deny those assertions and respond as follows. Respondents' claim at paragraph 38 that Petitioners' counsel was "copied on all emails coordinating the time and place for the hearing" conflates general case-management communications with constitutionally adequate notice under Rule 6(d), SCRCPP, that a specific pending motion will be heard and adjudicated. Inclusion on a general email distribution list or electronic roster does not constitute specific notice that the Motion to Quash would be called up, argued, and decided at the November 26, 2025 proceeding. *See Dedes v. Strickland*, 307 S.C. 152, 414 S.E.2d 132 (1992) (recognizing the 10-day notice requirement of Rule 6(d) for written motions). Respondents themselves admit at paragraph 15 that "no counsel for Petitioners appeared" and that "Petitioners' counsel was notified of the hearing." The admission that counsel did not appear is consistent with counsel's position that no specific notice of a hearing on the Motion to Quash was provided. The February 5, 2026 Order's false recital that counsel was "present and appearing," which Respondents themselves do not defend, further demonstrates the inadequacy of the proceeding.

FOR A THIRD REPLY AND DEFENSE

8. Each assertion set forth in this pleading that is consistent with the following is incorporated herein by reference as if here set forth verbatim.
9. Replying to the affirmative assertions and allegations of paragraph 49 (among other paragraphs providing a third defense and counterclaim seeking remand), Petitioners deny this matter should be

remanded for any discovery. The Legislature chose to protect “any information, document, or item obtained or prepared in the gathering or dissemination of news.” S.C. Code Ann § 19-11-100(A). Respondents have identified no case, in South Carolina or elsewhere, holding that a journalist forfeits the shield law’s protection merely because the journalist also performs consulting work. The statute does not require exclusivity. It asks whether the person is or has been “engaged in” newsgathering. *Id.* Moreover, Respondents’ repeated contention that § 19-11-100 and *Matter of Decker*, 322 S.C. 215, 471 S.E.2d 462 (1995), do not apply because Petitioners performed “private consulting services” for the Parker Defendants misapprehends the scope of the subpoena. The May 2, 2025 subpoena demands all financial records from February 24, 2019 to the present, not merely records related to consulting. It sweeps in every statement, wire transfer, cancelled check, deposit, and suspicious activity report for both Mr. Roman and GSS across more than seven years. It is impossible to segregate consulting-related records from journalism-related records without first applying the three-prong privilege analysis that the circuit court never conducted (and the Respondents ignored). A blanket production order is improper absent that analysis.

10. Replying to the affirmative assertions and allegations of paragraph 50, Petitioners deny that by seeking the affirmative relief in his Petition, Mr. Roman has subjected himself to the jurisdiction of South Carolina. Seeking emergency relief from this Court to protect a statutory privilege under S.C. Code Ann. § 19-11-100 does not constitute a general submission to the jurisdiction of South Carolina courts for all purposes. Absent effective service of process and as a nonparty to *Beach v. Parker*, Mr. Roman has no obligation to make himself available for deposition in the underlying litigation. Respondents’ conflation of a nonparty’s petition to protect statutory rights with a submission to general jurisdiction is without legal basis. Petitioners further deny that Mr. Roman has been “evading process.” Mr. Roman resides in the State of Israel, not in Pennsylvania as Respondents suggest, and all attempts to serve Mr. Roman with a deposition subpoena have been defective.
11. Replying to the affirmative assertions and allegations of paragraph 51, Petitioners deny this matter should be remanded to the circuit court. The circuit court has already twice failed to apply the mandatory framework of S.C. Code Ann. § 19-11-100: the February 5, 2026 Order contains no application of the three-prong test, and the March 16, 2026 denial of reconsideration did not address the statutory omission (or any other substantive matter). Remand to the same court that entered the challenged orders without statutory analysis or constitutionally adequate notice would not serve the interests of justice or judicial economy, would defeat the purpose of this Petition, and would result in severe and irreparable prejudice to Petitioners.

FOR A FOURTH REPLY AND DEFENSE

12. Each assertion set forth in this pleading that is consistent with the following is incorporated herein by reference as if here set forth verbatim.
13. Replying to the affirmative assertions and allegations of paragraph 52 (among other paragraphs providing a fourth defense and by way of counterclaim to appoint a referee, complete the discovery and provide a briefing schedule), Petitioners deny this matter should have a referee appointed. Respondents have not supplied any evidence (here or below) tending to show a dispute of material fact in determining whether an injunction is appropriate to uphold the qualified privilege; accordingly, there is nothing for a special referee to determine.
14. Replying to the affirmative assertions and allegations of paragraph 53, Petitioners deny this matter needs a special referee or that discovery is appropriate to determine whether a qualified privilege applies. This Court recognized in *Decker* that the privilege attaches to the person, not the subject matter of a particular lawsuit. *See Decker, Matter of*, 471 S.E.2d 462, 322 S.C. 215 (S.C. 1995).

Discovery into the status of a privilege asserted to stop discovery based on the qualified privilege is an affront to judicial economy and would defeat the purpose of this Petition.

15. Replying to the affirmative assertions and allegations of paragraph 54, Petitioners deny this matter needs a special referee or instructions to this individual. Like *Decker*, Petitioner asserts the privilege as a nonparty newsgatherer whose confidential sources and methods would be exposed (destroying a carefully curated network and potentially the very lives of the sources in that network) by compelled disclosure of his financial records, which provide a roadmap to such confidential sources and methods. If a litigant could evade the privilege by directing a subpoena to a bank rather than to the journalist, the privilege would be nullified in practice; the Court should reject any construction that allows circumvention via end-runs like the ones Respondents are attempting in their subpoena and are needed in this forum.
16. Replying to the affirmative assertions and allegations of paragraph 55, Petitioners deny this matter needs a special referee or instructions to this individual, especially until any ruling from Court whether Petitioner is a newsgatherer and whether the qualified privilege is overcome in this matter. If the Court were to determine the privilege does not attach or is overcome, a protective order regarding sources and methods of this journalist would be appropriate to stop the harm that would come to their disclosure. As to Respondents' suggestion at paragraph 55 that in camera review or a protective order may serve as an alternative to quashing the subpoena, Petitioners submit that any such procedure is premature until the three-prong test under S.C. Code Ann. § 19-11-100(B) has been properly applied. The statute's analytical framework must be satisfied before the Court considers the manner of any production. The circuit court never applied that framework (and Respondents have ignored it), and this Court should not proceed to fashioning remedies for production until the threshold privilege question is resolved.

FOR A FIFTH REPLY AND DEFENSE

17. Each assertion set forth in this pleading that is consistent with the following is incorporated herein by reference as if here set forth verbatim.
18. To the extent Respondents raise questions regarding Petitioners' counsel's representation in footnote 4 of their Answer, Petitioners deny that any conflict of interest exists that would affect the proceedings before this Court. The representation of Petitioners in this original jurisdiction action does not involve the assertion of a claim by one client against another client, and is therefore not subject to the conflict rules cited by Respondents. Petitioners' counsel's ethical obligations are a matter between counsel and the applicable disciplinary authority and Respondents do not even have standing to raise this issue, let alone plausibly argue that this non-existent conflict provides a basis for dismissal of the Petition or denial of injunctive relief.

PRAYER FOR RELIEF

WHEREFORE, Petitioners/Plaintiffs Gregg Roman and Gravitas Synergy Solutions, LLC respectfully pray that this Court:

- a) For the relief sought in the Petitioners' Complaint;
- b) For the denial of the relief sought by the Respondents;
- c) For the dismissal of all counterclaims raised or attempted to be raised in the Answer and Counterclaims;
- d) For the dismissal of any affirmative defenses raised or attempted to be raised in the Answer and Counterclaims; and
- e) For such other and further relief as the Court may deem just and proper.

Respectfully submitted,

s/ Taylor Smith

Taylor M. Smith, IV

S.C. Bar No. 101584

MERIWETHER LAW

923 Calhoun Street

Columbia, South Carolina 29201

(803) 779-2211

taylor@meriwetherfirm.com

ATTORNEY FOR PETITIONERS

April 2, 2026

Columbia, South Carolina