

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
Daniel Coble, Circuit Court Judge

Appellate Case No. 2026-000736

Kenneth B. Loveless,Appellant,
v.

Kevin Scully, Edward K. White, Flora E. “Beth” Hutchison,
Michael Montgomery and Beatrice Dennis-White Respondents.

MOTION FOR PARTIAL REMAND¹

Appellant Kenneth B. Loveless (“Loveless”) seek a partial remand on the appeal against Respondent Kevin Scully, for the purpose of allowing the circuit court to hear and rule on a motion that has been pending at the trial court slightly less than one year, but which was not docketed for hearing at the same time the order on appeal were docketed.

During the pendency of trial court proceedings in Scully, Respondent Scully appeared before a subcommittee of the Senate Judicial Committee, where he made additional false and defamatory statements about Loveless. (Transcript of April 23, 2025, Attached hereto as **Exhibit A**). Subsequent to the filing of the Motion for Supplemental Complaint, a trial judge issued an

¹ This motion relates only to that portion of the appeal that addresses Respondent Kevin Scully, which Notice of Appeal was filed on March 24, 2026. By letter dated March 25, 2026, the clerk’s office notified Appellant Loveless that the appeal as to Respondent Scully had been combined with two (2) other appeals, and a single Record on Appeal was requested for the consolidated appeal. That consolidated caption is used here, but the Motion relates only to the appeal involving Respondent Scully.

order granting Loveless' earlier motion to file a Second Amended Complaint, which order was filed on July 25, 2025.² The Second Amended Complaint was filed and served on August 8, 2025.

Loveless timely filed a motion seeking to supplement his complaint in this matter. **Exhibit B.** Scully and others filed subsequent motions,³ all of which were scheduled for hearing on February 3, 2026. **Exhibit C.** Loveless also filed a Motion to Compel the deposition of Scully on September 9, 2025, and that motion properly was included on the roster for hearings, and was also included on the roster for February 3, 2026. *Id.*

At the commencement of the hearing on February 3, 2026, Loveless' counsel raised the issue regarding the pending Motion for Supplemental Complaint, but the trial judge proceeded without hearing the Motion for Supplemental Complaint, nonetheless. (Transcript has been ordered but not received). On information and belief, the pending Motion for Supplemental Complaint is the sole pending motion that was not heard before February 3, 2026 hearing.

Since the instant appeal is in its very early stages (the transcript is on order) Loveless is informed and believes it is in the interests of justice to allow a limited remand to the circuit court to hear the pending Motion for Supplemental Complaint, so that issue can be on the same timetable as all of the other motions that post-dated the filing of the Motion for Supplemental Complaint.

Loveless is informed and believes that the failure of the clerk's office to schedule the Motion for Supplemental Complaint on February 3, 2026, when all other pending motions were heard, was an oversight or a scrivener's error, and it would streamline the process of resolving all

² The parties who were added to the action in the Order Granting Second Supplemental Complaint all filed motions to reconsider with the trial court. Those parties did not include Scully.

³ In response to the Second Amended Complaint, Scully filed a Motion to Dismiss or Strike Second Amended Complaint on September 8, 2025.

pending matters in the instant appeal if a limited remand could allow the pending Motion for Supplemental Complaint to be heard at this time.

Counsel has not consulted with opposing counsel regarding this motion for reasons she believes are valid.

Respectfully submitted,

s/ Desa Ballard

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ATTORNEYS FOR APPELLANT

April 22, 2026

Exhibit A



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VIDEO TRANSCRIPTION

April 23, 2025

SC Senate Judiciary Subcommittee meeting

REPORTER: Lauren Faber

SC Senate Judiciary Subcommittee meeting

April 23, 2025

Pages: 1 - 21

Transcribed by: Lauren Faber, CVR, RVR

A P P E A R A N C E S

SC Sub-Committee Members

Taylor Smith, IV, Esq.

Mr. Sculley

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1 P R O C E E D I N G S

2 (The excerpt began.)

3 CHAIRMAN: I keep forgetting to push my
4 button. Forgive me, ladies and gentlemen.

5 Anybody on the subcommittee have any
6 comments they'd like to offer on the legislation
7 prior to taking some testimony?

8 Okay. Senator Mitchell, and we'll take
9 those during the testimony. We have first up,
10 Taylor Smith, SC Press Association.

11 Mr. Smith, come on up. If you would please
12 raise your right hand for me.

13 TAYLOR SMITH

14 Having been called as a witness and having been duly sworn was
15 examined and testified as follows:

16 CHAIRMAN: Thank you, sir. Please proceed.

17 MR. SMITH: Good morning. My name is Taylor
18 Smith of the firm Meriwether Law here in Columbia,
19 an attorney principally today for the South Carolina
20 Press Association. In defending a defamation suit,
21 many times you run into this issue. Your reputation
22 is at issue as a plaintiff. You're claiming an
23 untrue statement was made that identified you within
24 the community that harmed your reputation. So if
25 you put yourself in the position of any trial judge

1 on this case then, when you think about what is it a
2 plaintiff should be able to obtain to understand how
3 harm the reputation was in this case, you would
4 entitle them to some discovery. That makes sense,
5 right? You do some depositions, some discovery
6 requests.

7 The problem, and this is a significant
8 problem, which is why multiple states have addressed
9 this. Sometimes an ulterior purpose is actually put
10 forth that is not clear to anyone as to why that
11 suit is filed. A client of mine that testified in
12 this bill last year testified that her only
13 statement about this individual as the police chief
14 of this jurisdiction was to sled about money she had
15 found that was missing from their town council's
16 budget, according to the police department. He sued
17 for defamation against this person.

18 Why? Well, getting to the bottom of the why
19 is what takes time and money in discovery. So in
20 this situation, then, what has happened around the
21 country is we've seen individuals, usually powerful,
22 usually moneyed, use defamation suits for the other
23 reasons why it could help you.

24 How? Well, if you sue someone for
25 defamation, what you're doing, or privacy, or

1 frankly, any lawsuit, guys, is you're telling
2 everyone, if you speak about me, you're gonna catch
3 a lawsuit.

4 Now, there's a second component to this
5 strategy. The use of discovery by a plaintiff in a
6 defamation case or in a privacy case, you're now
7 entitled to do depositions of potential witnesses,
8 right? And in that context, then you could depose
9 everyone else within that form that was also
10 speaking. This has raised significant harm to local
11 information economies in this state, particularly in
12 more rural areas, where people are more scared now
13 to speak about this usually elected official who is
14 the plaintiff in these cases.

15 So if you're the trial judge, then, and
16 you're trying to defend these individuals who are
17 being sued by these public officials or by these
18 moneyed individuals, the court says, hey, wait, we
19 need to give them more discovery. I can't kick your
20 case out now on summary judgment. They need more
21 time for discovery.

22 I'm going to have after this, if y'all will
23 allow, Mr. Scully come up. He's one of my clients,
24 and he will describe for you what this is like as a
25 defendant in one of these cases brought by one of

1 these public officials. Very briefly, I promise. I
2 want you to think about how one of these cases looks
3 procedurally. When I was hired by Mr. Scully, I
4 then looked in and submitted our answer and a notice
5 of appearance on the public index. The statements
6 at issue in this case came from a Facebook group of
7 which he was a commenter about a school board member
8 within the area that he actually voted. He was a
9 constituent. And this person who brought this
10 defamation suit, by the time I entered my responsive
11 pleading on approximately the 40th day after it was
12 filed, had already noticed for and deposed every
13 other person who commented in that Facebook group
14 who was not a party to that case.

15 This chills freedom of expression. This is
16 why this is so important. If passed, this would
17 allow a trial judge to understand this is a matter
18 of public concern that this case might be about.
19 And if this statute applies, it would allow us to
20 finally say, yes, you can get out of this case
21 because it is likely being brought with an ulterior
22 motive than reputational harm. If they can't come
23 forward, for instance, under this scheme, to show
24 that reputational harm, this statute works not only
25 to get rid of the case, but to send a message to

1 people who try to use litigation to silence others.

2 CHAIRMAN: Does the subcommittee have
3 questions for Mr. Smith? Senator from Richland.

4 SENATOR DEVINE: Thank you. And thank you,
5 Mr. Smith. And I appreciate the context, because
6 when I read this, I -- I hadn't kind of -- had lots
7 of questions, but I still have a question because --
8 and I've been a public official for a long time.
9 I've honestly been the proponent of people being
10 able to have any kind of conversations. However, we
11 do know that now, you know, lots of folks,
12 especially on social media, will say all kinds of
13 things. So -- and I've always been told, of course,
14 as a public official, the standard for defamation is
15 a lot higher.

16 So I -- you're talking about a case. My
17 understanding is it's very hard for a public
18 official to actually bring a lawsuit for defamation,
19 unless there's malicious, wanton, you know,
20 reckless, those kind of things. So this suit, I
21 mean, this -- I guess these suits that you're
22 talking about, they rise -- is the allegation that
23 it rises to those levels? Because I'm just not sure
24 that I see lots of elected officials suing citizens
25 because you said something.

1 MR. SMITH: You're right, and it's not. And
2 we still have a standing law in New York Times v.
3 Sullivan which establishes that high bar. A
4 reckless disregard for the truth has to be shown by
5 clear and convincing evidence, usually for a party
6 to succeed at the end of a case. Meaning what's
7 happening we're seeing, is that they might know that
8 they're going to lose these cases, frankly, because
9 of the standard that you and I have just discussed.
10 But that's not the reason they brought this, and
11 that's not the harm that they're doing.

12 As my client, Mr. Scully, might testify to
13 here in a moment, his case has been going on for
14 about two and a half years. There's multiple
15 attempts to amend the complaint to assert other
16 things, which is basically to litigate a lost
17 election at this point. Honestly, you can look at
18 the record for yourselves and make that
19 determination. Don't listen to my characterizations
20 as his attorney. The point is that even if that
21 standard is in play, Senator, they don't care that
22 they're going to lose at trial or at the point at
23 which a motion for summary judgment is appropriate
24 and ripe to be considered by the court under that
25 standard later on. By the time you get to the end

1 of discovery in a defamation case or reputation as
2 at issue, it rightly can take a long time to get to
3 that place. This shifts that burden and allows a
4 party to come forward and try to stop that.

5 SENATOR DEVINE: And so with this law, if
6 this was passed, it would allow for that to be
7 dismissed earlier, and then the defendant that has
8 spent all this money defending themselves to get
9 their money back, is that --

10 MR. SMITH: It would. And what it would
11 force the party to do who's brought that case is to
12 come forward with presumably some type of sworn
13 statement, perhaps even testimony, I guess, at one
14 of these hearings indicating a reputational harm, if
15 we're talking about defamation. And so then at
16 least you know that this is about reputational harm,
17 and it would -- then it would be appropriate to deny
18 this motion on this basis, theoretically, and
19 proceed with the case as normal.

20 CHAIRMAN: Senator from Charleston,
21 Senator Tedder?

22 SENATOR TEDDER: Thank you, Mr. Chair.

23 So, looking at this, what this would do is
24 this emergency or expedited motion, plaintiff sues
25 defendant for defamation. Defendant now has this

1 tool, hires counsel, immediately files this new
2 motion, and at that point, everything is stayed;
3 correct, based on this?

4 MR. SMITH: That's correct. Assuming it
5 applies. That's right.

6 SENATOR TEDDER: And within -- it's probably
7 in here somewhere. How soon is a hearing required?
8 Okay, yeah, how soon would a hearing be required?
9 Because if everything stayed, then now essentially
10 the plaintiff's right to sue his kind of -- it's
11 just in the -- in the wind until -- if and until a
12 hearing is set for the plaintiff to then come and
13 prove that he or she was, in fact, defamed; is that
14 correct?

15 MR. SMITH: You need to come forward then,
16 under the summary judgment standard in that case to
17 prove that you have some evidence, at least to
18 indicate that there is -- the case needs to proceed
19 further. So in this case, we're talking about
20 defamation. You would need to include the untrue
21 statement, harmed reputation, identification,
22 publishing, the community, et cetera, et cetera.
23 And if you can do that, then I would think that you
24 could defeat this motion. 60 days, to answer your
25 question, by the way, is when this has to be

1 considered.

2 SENATOR TEDDER: Okay. Isn't that -- I
3 mean, isn't that usually pled in the complaint? I
4 mean, this --

5 MR. SMITH: It is pled. That's right.

6 SENATOR TEDDER: -- what the -- you know, I
7 was defamed because one, two, three.

8 MR. SMITH: Well, it -- it always says
9 nominally, my reputation was harmed. As to how,
10 what statements harm reputation in which ways, there
11 is vast differences with the specificity on that
12 type of pleading. And I've seen some very general
13 statements, frankly, about defamation, which would
14 survive a motion to dismiss, but would not be
15 appropriate for a motion for summary judgment.

16 CHAIRMAN: Plaintiff, if I could, Senator
17 from Charleston, just to clarify, so under -- so
18 Section 15, it would add section 15-3-940, require a
19 court to hear a motion to dismiss within 60 days of
20 the filing unless a later hearing is ordered to
21 allow for discovery or for other good cause.

22 SENATOR TEDDER: Okay.

23 CHAIRMAN: So essentially, you're trying to
24 prevent these extracted, drawn-out proceedings that
25 drain people's bank accounts, to your point earlier.

1 I mean, I think that's the whole chilling effect,
2 right? I mean, to your point about the Facebook
3 group -- and I don't mean to interject on you. When
4 you basically go in a Facebook group and say, I'm
5 suing everybody in here --

6 MR. SMITH: You're only suing, like, one
7 entity. In this case, it was my client. So I'm
8 showing up, and all these poor people who had only
9 spoken to this group now have been noticed for
10 depositions and are sitting by this elected
11 official, and they're asking me, can you represent
12 me? Like, no, I can't. I represent this other
13 person. It's a very difficult position as a
14 litigator to be in.

15 SENATOR TEDDER: Well, and I understand.
16 And so I get to that specific example. I don't know
17 who had filed that, but anyways, that -- that I
18 understand. What I'm a little bit concerned about,
19 or as the senator from Williamsburg would say, a wee
20 bit concerned about, is the -- because if -- so --
21 because you started out with, when a public official
22 or anybody sues for defamation, it sort of sends a
23 message that you can't -- I mean, I think that's --
24 if somebody -- if somebody's intentionally lying
25 about you to harm your reputation, particularly in

1 public officials, and with what you put something on
2 social media now, everybody believes it before you
3 even have a chance to come and defend yourself.

4 And so my concern there is I think it should
5 send a message that if it's -- if you're not
6 legitimately stating a fact, then you do need to
7 know that this is serious business, and he or she
8 will come after you in a lawsuit. So what I don't
9 want to do is harm those who have a legitimate claim
10 by now delaying this. And maybe we can shorten the
11 days, but 60 days, and now that's another 60 days
12 that you're -- that they can continue to just berate
13 you on online before you can even go and prove to
14 the judge. I mean, by that time, the damage is
15 done. And so that's my concern.

16 CHAIRMAN: Senator, would you be okay for us
17 to go in and bring up Mr. Sculley?

18 SENATOR TEDDER: Sure, yeah.

19 CHAIRMAN: Because I want to hear that
20 testimony to keep things moving. And I understand,
21 we just have a very tight timeline, so if you don't
22 mind, we're gonna let you step down.

23 Mr. Sculley, come on up. Let us hear from
24 you. Would you please raise your right hand?

25 MR. SCULLEY

1 Having been called as a witness and having been duly sworn was
2 examined and testified as follows:

3 CHAIRMAN: All right. Sir, please give us
4 the synopsis of this, and we'll ask a few questions.
5 We'll see what we can do today.

6 MR. SCULLEY: Yeah. Thank you, your
7 honorable members, for giving me the opportunity.
8 As Mr. Smith alluded to -- and I will ask you to
9 stay close by and not let me say anything that would
10 be compromising. I did, I made comments on a
11 Facebook page. I can go back, but to give you the
12 brief details. It started during COVID I didn't
13 know what school boards did or I couldn't tell you
14 one thing, one person, who was on our school board,
15 how many people or anything about a school board
16 prior to COVID.

17 But then COVID happened, and as a parent, as
18 the husband, my wife is a teacher in our school
19 district, we had kids in the school. It became more
20 important during the COVID process to pay attention.
21 So that's when I started paying attention to the
22 school board and the decisions that they make. In
23 that process, you start seeing things more publicly,
24 the information that I wasn't really paying
25 attention to before.

1 And in that I did, I noticed some school
2 board members, one in particular, who was, in my
3 opinion, not being aboveboard and was doing things.
4 And so I was critical of him. You can question the
5 merits, and I understand the questions of the manner
6 in which I expressed my criticism. That's, you
7 know, I did over Facebook and, you know, if I'm
8 guilty of something, what I think that I -- I did
9 not defame him. By law, I told -- what I said about
10 him was truthful. It was based on truth, based on
11 fact and reasonable information that I had to
12 support that. And a lot of it -- some he admitted
13 in his deposition too, but he's still suing me.

14 Some things have come out in the ethics
15 commission that have supported my statements, but
16 I'm still being sued. So I understand your concerns
17 about, you know, what I did for speaking about --
18 your public -- I'm speaking to public officials
19 right now. And so I know, I understand that, and I
20 appreciate that concern.

21 On the other side of it, though, is as a
22 constituent and part of our democratic process, in
23 my opinion, is we -- we need to be able to have that
24 right to criticize. And to your point about if
25 somebody -- if there is a legitimate claim, should

1 you absolutely still have the ability to seek
2 recourse through the system, through the judicial
3 system for that, if that's a legitimate, legitimate
4 claim. In my case, it was not. It is not. I was
5 being sued for defamation, libel, but the intent was
6 to shut me up, and it was very effective. I have
7 not said a word about that publicly since then. It
8 shut up the Facebook group, which was a school board
9 focused Facebook group that was the sole purpose of
10 that group was because, like me, a lot of people
11 during COVID came and started paying attention to
12 school board. That was an important part of our
13 interaction or our lives during COVID because the
14 decisions they made with going back to school and
15 masks and all that directly impacted a lot of
16 people.

17 And so the lawsuit, though, as it turned
18 out, or is turning out, is about more than just me
19 defaming. It's been 20 -- since March of 2022 when
20 the suit was filed. Here it is, April of '25, and
21 it's still going on and I'm paying attorney fees all
22 this time.

23 CHAIRMAN: Mr. Sculley, if I may ask, and
24 just in the interest of time, let me just ask you
25 this. Ultimately, this Facebook group was

1 pertaining to their official actions, right?

2 MR. SCULLEY: It was.

3 CHAIRMAN: Okay. Look, there's plenty of
4 people -- we're all human beings up here on this
5 panel. There's plenty of people that say stuff
6 about me on Facebook that if I crawl through --
7 crawl through the screen and smack them in the face,
8 I might would like to do it. But you know what?
9 The great thing about American democracy is they can
10 say stuff at the top of their lungs that I'd like to
11 refute at the top of mine. But it is their right to
12 do it, and I've never sued anybody in my official
13 capacity, and I don't think anybody on this panel
14 has, even if I just totally hate what they're
15 saying. You should never use your official capacity
16 to sue and shut somebody up just because you
17 disagree with them.

18 MR. SCULLEY: I absolutely agree.

19 CHAIRMAN: And I think that you shouldn't be
20 persecuted just because you disagree with somebody
21 politically. So in the sake of time, if you're okay
22 with it, I would like to entertain, unless somebody
23 has a very pressing question about this, a motion to
24 advance this to full judiciary so that we have a
25 chance to do something about it this year.

1 Is anybody okay with that?

2 Are you okay with that as members of
3 subcommittee?

4 I mean, we can entertain amendments in full
5 committee, but if we don't do something now this
6 late in the year, we're gonna have to -- we're
7 running out of time.

8 SENATOR TEDDER: Yeah. No, I'm fine with
9 advancing it for the purposes of allowing it to have
10 more testimony, but I do have some concerns.

11 CHAIRMAN: I understand. And we can do that
12 in full committee, but if we don't get out of sub,
13 we can't do anything.

14 Favorable report and second, all in favor
15 say aye.

16 (Multiple ayes.)

17 CHAIRMAN: Mr. Sculley, I don't mean to cut
18 you off. We did what you wanted to do today. It's
19 going to full judiciary. Thank you.

20 MR. SCULLEY: Can I make one more comment?
21 Just for your --

22 CHAIRMAN: Sure.

23 MR. SCULLEY: -- your information. I also
24 know how you feel. Since that election or since
25 that -- that time, the lawsuit, I, myself, have run

1 for election and was elected to the same school
2 board that I was criticizing. I, myself, am like
3 you, a public official. And I, myself, have been
4 the target of the similar attacks against me that I
5 did -- that I made against him, and probably
6 similarly to what you guys face on a daily basis as
7 well.

8 CHAIRMAN: God bless you. That's why I'm
9 convinced God made cabernet.

10 MR. SCULLEY: Thank you.

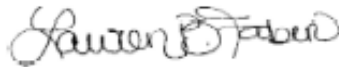
11 (The excerpt concluded.)
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CERTIFICATE

I, Lauren Faber, the Official Court Reporter and officer who listened to the digital recording created by the Clerk of Court, do hereby certify that said hearing, pages 1 through 20 inclusive, is a true, correct, and verbatim transcript of said recorded, audible proceedings, except for the portions noted where no transcription was possible due to the lack of audible recording.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was heard; and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, and am not financially or otherwise interested in the outcome of the action.



Lauren Faber, CVR, RVR

<hr/> <p style="text-align: center;">1</p> <hr/> <p>15 12:18 15-3-940 12:18</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>20 17:19 2022 17:19 25 17:20</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>40th 7:11</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>60 11:24 12:19 14:11</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>ability 17:1 aboveboard 16:3 absolutely 17:1 18:18 accounts 12:25 actions 18:1 add 12:18</p>	<p>addressed 5:8 admitted 16:12 advance 18:24 advancing 19:9 agree 18:18 allegation 8:22 allowing 19:9 alluded 15:8 amend 9:15 amendments 19:4 American 18:9 appearance 7:5 applies 7:19 11:5 approximately 7:11 April 17:20 area 7:8 areas 6:12 assert 9:15 Association 4:10,20 Assuming 11:4</p>	<p>attacks 20:4 attempts 9:15 attention 15:20,21,25 17:11 attorney 4:19 9:20 17:21 aye 19:15 eyes 19:16</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>back 10:9 15:11 17:14 bank 12:25 bar 9:3 based 11:3 16:10 basically 9:16 13:4 basis 10:18 20:6 beings 18:4 believes 14:2 berate 14:12 bill 5:12 bit 13:18,20 bless 20:8</p>	<p>board 7:7 15:14,15,22 16:2 17:8,12 20:2 boards 15:13 bottom 5:18 briefly 7:1 bring 8:18 14:17 brought 6:25 7:9,21 9:10 10:11 budget 5:16 burden 10:3 business 14:7 button 4:4</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>cabernet 20:9 called 4:14 15:1 capacity 18:13,15 care 9:21 Carolina 4:19 case 5:1,3 6:6,20 7:6, 14,18,20,25 8:16 9:6,13 10:1,11,19 11:16,18,19</p>	<p>13:7 17:4 cases 6:14,25 7:2 9:8 catch 6:2 cetera 11:22 Chair 10:22 CHAIRMAN 4:3,16 8:2 10:20 12:16,23 14:16, 19 15:3 17:23 18:3,19 19:11, 17,22 20:8 chance 14:3 18:25 characterization s 9:19 Charleston 10:20 12:17 chief 5:13 chilling 13:1 chills 7:15 citizens 8:24 claim 14:9 16:25 17:4 claiming 4:22 clarify 12:17 clear 5:10 9:5 client 5:11 9:12 13:7 clients</p>
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Exhibit B

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)	FIFTH JUDICIAL CIRCUIT
Kenneth B. Loveless,)	Civil Action No.: 2022-CP-40-01307
)	
)	
Plaintiff)	
vs.)	
)	
Kevin Scully,)	
)	
)	
Defendant)	

MOTION FOR SUPPLEMENTAL COMPLAINT

Plaintiff Kenneth B. Loveless (hereinafter “Loveless “) moves this Honorable Court for an order granting his motion to file the attached Supplemental Complaint (**Exhibit 1**) against defendant Kevin Scully (hereafter “Scully”). In support of his motion, Loveless would show:

While this case has been pending for more than three (3) years, the complaint has been amended twice as additional evidence has become available, more cause of action have been identified, and more co-conspirators have been identified. There are currently pending two motions to add additional defendants to this case, which motions are scheduled for hearing on May 19, 2025. The case is not on the trial roster, and just recently

Less than a month ago, on April 23, 2025, Scully and his counsel Taylor Smith appeared before a subcommittee of the Senate Judicial Committee and both provided further false and defamatory statements about Loveless.¹ The specific false and defamatory statements are identified in the Proposed Supplemental Complaint that is attached hereto as the Proposed Supplemental Complaint, as is a transcript of the statements actually made by Scully and Taylor.

¹ Neither Smith nor Scully called Loveless by name during their sworn testimony before the subcommittee. However, the circumstances described by both of them make it crystal clear that they were talking about Loveless and specifically about this existing defamatory case. *Stokes v. Oconee County*, 441 S.C. 566, 895 2d 689 (Ct.App. 2023). *See also Lampo v. Amedisys Holding LLC*, 437 S.C. 236, 877 S.E.2d 486 (Ct.App. 2022); *Kelley v. Wren*, 415 S.C. 379, 782 S.E.2d 406 (Ct.App. 2016).

Rule 15(d) expressly allows for a supplemental complaint when “transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented” which relate to the original allegations of the complaint. *See Mullinax v. J. M. Brown Amusement*, 333 S.C. 89, 508 S.E.2d 844 (1998).

Ironically, the sworn testimony provided by Scully and his counsel Smith would have had effect on the pendency of this case, even if the proposed legislation (H 3305) had been in effect at the time this lawsuit was filed. This is explained in more detail in the proposed supplemental complaint. By way of brief explanation, Scully did not file a motion to dismiss, and, while he has filed motions for summary judgment on two occasions, both motions have been denied. It is unclear why Scully and his counsel Smith elected to use this case in support of the proposed legislation. However, as the Chairman of the Senate Judicial Subcommittee said “Mr. Scully. . . we did what you wanted to today.” (Transcript p. 19, lines 17-18). Scully and Smith’s testimony prompted the subcommittee to “advance this to full judiciary so that we have a chance to do something about it this year. . . We can entertain amendments in full committee, but if we don’t do something now this late in the year, . . . we’re running out of time.” *Id.*²

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² Smith and Scully were the only people to testify in support of the proposed legislation. *See* Exhibit B, Proposed Supplemental Complaint. And the proposed legislation is, in fact, moving pretty quickly. Exhibit C, Proposed Supplemental Complaint.

Respectfully submitted,

s/ Desa Ballard

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ATTORNEYS FOR PLAINTIFF

May 19, 2025

Exhibit 1

2. Loveless is a private citizen and has been since November, 2022.
3. On or about April 23, 2025, Scully and his counsel Taylor Smith appeared before a Senate Judicial subcommittee and testified (**Exhibit A**) in support of proposed legislation H 3305 (**Exhibit B**), which was, on that date, voted out of subcommittee to the full Senate Judiciary Committee. The proposed legislation is now before the full Senate Judiciary Committee. **Exhibit C**.
4. At the hearing, Scully made additional false and defamatory statements about Loveless. These statements include but are not limited to:
 - (a) “I noticed some school board members, one in particular who was, in my opinion, not being aboveboard¹. . .”
 - (b) “What I said about him was truthful.”
 - (c) “Some of it he admitted in his deposition too.”
 - (d) “Somethings have come out in the ethics commission that have supported my statements.”
 - (e) “In my case, it was not. It is not [a legitimate claim]”.
 - (f) “The intent was to shut me up and it was very effective.”
 - (g) The Facebook page [on which Scully made his comments] “was a school board focused Facebook page that was the sole purpose of that group was because, like me, a lot of people during COVID came and started paying attention to school

¹ This particular statement, standing alone, is one of opinion and not *per se* actionable on its own. However, when taken in the context of Scully’s other statements, reinforces statements set forth in prior pleadings in this action and buttressed statements he continued to make during his testimony before the Senate Judiciary subcommittee. This is also immediately reflective of Plaintiff Loveless, because of widespread publicity, particularly by The State Newspaper, of the now-five-year conspiracy of Scully and others (some of whom are the subject of pending Motions to Amend the Complaint to add them as Defendants, scheduled for hearing for the third time on May 19, 2025).

board.²” This is false by omission. Scully’s Facebook posts were on a Facebook post initiated by Leslie B. Stiles, who is herself a defendant based on her own statements and her republication of defamatory statements about Loveless. Case No. 2022-CP-40-001364, now pending the South Carolina Court of Appeals as Appellate Case No. 2023-000145, oral argument held February 13, 2025). His posts were also on a Facebook page that he personally created, as more fully set forth in Footnote 2, *supra*.

- (h) When asked by a subcommittee member whether the Facebook page was “pertaining to [Board member’s] official actions, Scully said “It was.” That is totally untrue, so not only did Scully defame Loveless and conspire to harm him, Scully has now provided false testimony, under oath, to a Senate Judicial subcommittee. Evidence of Scully’s lying under oath is relevant to his character, and is further grounds for his malice in making the original defamation statements as set forth in the existing pleadings in this action.
5. Scully also admitted that the original defamatory statements he made about Loveless were made to “attack” Loveless. Scully testified “I, myself, have been the target of

² Scully’s original defamatory statements were made on multiple Facebook pages, including one which he started himself, at the urging of Edward K. White, Beth Hutchison, and Beatrice Dennis-White, which page was later converted to a campaign Facebook page for Scully and other candidates who were recruited by the co-conspirators to run for the School Board. Scully has produced documents in discovery in this action that establish that, not only did he create a Facebook group to “stir up interest” before the Facebook page was converted into a campaign page. The page created by Scully at the urging of his co-conspirators, who pushed Scully up front to be the mouthpiece for what they personally were not willing to say on social media. On information and belief, the Facebook page was used by Scully and his co-conspirators to run the campaigns of Scully and several people who have served or now serve on the School Board. Beginning in the summer of 2020, Scully and his co-conspirators, working with political advisor Tige Watts, ran active campaigns for multiple Board seats, the detail of which is spelled out in the documents Scully has produced. Loveless was not a candidate in 2020, the defamatory statements by Scully were solely intended to harm Loveless. Loveless has also obtained emails by subpoena from political consultant Tige Watts who participated significantly in the campaigns of Scully and the other candidates being supported by Scully’s co-conspirators Edward K. White, Beth Hutchison and Beatrice Dennis-White when Loveless was not a candidate at all. (Motion for Second Amended Complaint filed 11.15.2024; Motion for Supplemental Second Amended Complaint filed 1.20.2025, both scheduled for hearing on May 19, 2025).

the similar attacks against me, that I did – that I made against [Loveless].” This disputes Scully’s answer in this proceeding, admits he attacked Loveless, and constitutes an admission against interest, making this Supplemental Complaint relevant and proper.

6. Scully also admitted that he now realized that his involvement in the attacks on Loveless were part of a larger scheme. “And so this lawsuit . . . , as it turned out, or is turning out, is about more than just the defaming.” Scully’s testimony shows that he now realizes how he was recruited and used by others for their own selfish purposes. It is now clear that the conspiracy to damage Loveless’ reputation existed long before Scully joined the group and got pushed out front as the public spokesperson for the other co-conspirators. This disputes both Scully’s denial that a conspiracy exists and provides further evidence of the conspiracy claim that is currently pending against him and is relevant to the pending motions to add additional defendants
7. “Smith,³ representing himself as appearing “principally for the South Carolina Press Association” but also as Scully’s counsel, also made false statements, however, Taylor did not name Loveless directly, and he inferred facts and circumstances that were not actually true without affirmatively falsehoods. By way of example, Smith stated:
 - (a) “Sometimes an ulterior purpose is actually put forth that is not clear to anyone as to why that suit is filed.”

³ Smith is not named as a Defendant in this action, but he is now a witness by virtue of him introducing Scully to the Senate Judicial Committee on April 23, 2025 and making statements that supported Scully’s further defamatory statements about Loveless. Smith is therefore prohibited from participating as counsel in this proceeding going forward. Rule 3.7, Rules of Professional Conduct, Rule 407, SCACR.

- (b) “We’ve seen individuals. . . use defamation suits for the other reasons why it could help you.”
- (c) Smith testified that the proposed legislation would require a defamation plaintiff to “come forward then, under the summary judgment standard. . . to prove you have some evidence.” The proposed legislation about which Smith was purportedly testifying before the subcommittee would not have applied to this case because (a) Scully never filed a motion to dismiss; and (2) both of his motions for summary judgment were denied. Scully has moved for summary judgment twice and it has been denied, with judges determining, by denial of summary judgment, that genuine issues of material fact exist. Orders dated June 16, 2023 and May 16, 2024.
- (d) Smith stated “[a]nd this person who brought this defamation suit, by the time I entered my responsive pleadings on approximately the 40th day after it was filed, had already noticed for and deposed **every other person** who commented in that Facebook group who was not a party to that case.” (emphasis added). This is completely untrue, and constitutes further defamation by Scully because, in making this statement, Smith’s statements are inferred to Scully.
- (e) “In this case, . . . all these poor people who had only spoken to this [Facebook] group now have been noticed for depositions.” This is also completely untrue and further defamation of Loveless by Scully, through his agent Smith.
8. The allegations set forth above constitute further defamatory statements by Scully, reflect evidence of his participation in a broader conspiracy, show his admissions

which contradict statements made in this litigation already, and support the malicious nature of the Facebook “attacks” (Scully’s own word) that he made on Loveless.

Wherefore, having fully set forth the supplemental grounds for these supplemental allegations against Defendant Scully, Loveless prays that these additional allegations are asserted against defendant Scully for the reasons set forth herein. Additionally, the supplemental allegations, admissions by Scully, and additional proof of malicious intent further support the existing complaint for punitive damages.

Respectfully submitted,

s/ Desa Ballard

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May 19, 2025

Exhibit A



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VIDEO TRANSCRIPTION

April 23, 2025

SC Senate Judiciary Subcommittee meeting

REPORTER: Lauren Faber

SC Senate Judiciary Subcommittee meeting

April 23, 2025

Pages: 1 - 21

Transcribed by: Lauren Faber, CVR, RVR

A P P E A R A N C E S

SC Sub-Committee Members

Taylor Smith, IV, Esq.

Mr. Sculley

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1 P R O C E E D I N G S

2 (The excerpt began.)

3 CHAIRMAN: I keep forgetting to push my
4 button. Forgive me, ladies and gentlemen.

5 Anybody on the subcommittee have any
6 comments they'd like to offer on the legislation
7 prior to taking some testimony?

8 Okay. Senator Mitchell, and we'll take
9 those during the testimony. We have first up,
10 Taylor Smith, SC Press Association.

11 Mr. Smith, come on up. If you would please
12 raise your right hand for me.

13 TAYLOR SMITH

14 Having been called as a witness and having been duly sworn was
15 examined and testified as follows:

16 CHAIRMAN: Thank you, sir. Please proceed.

17 MR. SMITH: Good morning. My name is Taylor
18 Smith of the firm Meriwether Law here in Columbia,
19 an attorney principally today for the South Carolina
20 Press Association. In defending a defamation suit,
21 many times you run into this issue. Your reputation
22 is at issue as a plaintiff. You're claiming an
23 untrue statement was made that identified you within
24 the community that harmed your reputation. So if
25 you put yourself in the position of any trial judge

1 on this case then, when you think about what is it a
2 plaintiff should be able to obtain to understand how
3 harm the reputation was in this case, you would
4 entitle them to some discovery. That makes sense,
5 right? You do some depositions, some discovery
6 requests.

7 The problem, and this is a significant
8 problem, which is why multiple states have addressed
9 this. Sometimes an ulterior purpose is actually put
10 forth that is not clear to anyone as to why that
11 suit is filed. A client of mine that testified in
12 this bill last year testified that her only
13 statement about this individual as the police chief
14 of this jurisdiction was to sled about money she had
15 found that was missing from their town council's
16 budget, according to the police department. He sued
17 for defamation against this person.

18 Why? Well, getting to the bottom of the why
19 is what takes time and money in discovery. So in
20 this situation, then, what has happened around the
21 country is we've seen individuals, usually powerful,
22 usually moneyed, use defamation suits for the other
23 reasons why it could help you.

24 How? Well, if you sue someone for
25 defamation, what you're doing, or privacy, or

1 frankly, any lawsuit, guys, is you're telling
2 everyone, if you speak about me, you're gonna catch
3 a lawsuit.

4 Now, there's a second component to this
5 strategy. The use of discovery by a plaintiff in a
6 defamation case or in a privacy case, you're now
7 entitled to do depositions of potential witnesses,
8 right? And in that context, then you could depose
9 everyone else within that form that was also
10 speaking. This has raised significant harm to local
11 information economies in this state, particularly in
12 more rural areas, where people are more scared now
13 to speak about this usually elected official who is
14 the plaintiff in these cases.

15 So if you're the trial judge, then, and
16 you're trying to defend these individuals who are
17 being sued by these public officials or by these
18 moneyed individuals, the court says, hey, wait, we
19 need to give them more discovery. I can't kick your
20 case out now on summary judgment. They need more
21 time for discovery.

22 I'm going to have after this, if y'all will
23 allow, Mr. Scully come up. He's one of my clients,
24 and he will describe for you what this is like as a
25 defendant in one of these cases brought by one of

1 these public officials. Very briefly, I promise. I
2 want you to think about how one of these cases looks
3 procedurally. When I was hired by Mr. Scully, I
4 then looked in and submitted our answer and a notice
5 of appearance on the public index. The statements
6 at issue in this case came from a Facebook group of
7 which he was a commenter about a school board member
8 within the area that he actually voted. He was a
9 constituent. And this person who brought this
10 defamation suit, by the time I entered my responsive
11 pleading on approximately the 40th day after it was
12 filed, had already noticed for and deposed every
13 other person who commented in that Facebook group
14 who was not a party to that case.

15 This chills freedom of expression. This is
16 why this is so important. If passed, this would
17 allow a trial judge to understand this is a matter
18 of public concern that this case might be about.
19 And if this statute applies, it would allow us to
20 finally say, yes, you can get out of this case
21 because it is likely being brought with an ulterior
22 motive than reputational harm. If they can't come
23 forward, for instance, under this scheme, to show
24 that reputational harm, this statute works not only
25 to get rid of the case, but to send a message to

1 people who try to use litigation to silence others.

2 CHAIRMAN: Does the subcommittee have
3 questions for Mr. Smith? Senator from Richland.

4 SENATOR DEVINE: Thank you. And thank you,
5 Mr. Smith. And I appreciate the context, because
6 when I read this, I -- I hadn't kind of -- had lots
7 of questions, but I still have a question because --
8 and I've been a public official for a long time.
9 I've honestly been the proponent of people being
10 able to have any kind of conversations. However, we
11 do know that now, you know, lots of folks,
12 especially on social media, will say all kinds of
13 things. So -- and I've always been told, of course,
14 as a public official, the standard for defamation is
15 a lot higher.

16 So I -- you're talking about a case. My
17 understanding is it's very hard for a public
18 official to actually bring a lawsuit for defamation,
19 unless there's malicious, wanton, you know,
20 reckless, those kind of things. So this suit, I
21 mean, this -- I guess these suits that you're
22 talking about, they rise -- is the allegation that
23 it rises to those levels? Because I'm just not sure
24 that I see lots of elected officials suing citizens
25 because you said something.

1 MR. SMITH: You're right, and it's not. And
2 we still have a standing law in New York Times v.
3 Sullivan which establishes that high bar. A
4 reckless disregard for the truth has to be shown by
5 clear and convincing evidence, usually for a party
6 to succeed at the end of a case. Meaning what's
7 happening we're seeing, is that they might know that
8 they're going to lose these cases, frankly, because
9 of the standard that you and I have just discussed.
10 But that's not the reason they brought this, and
11 that's not the harm that they're doing.

12 As my client, Mr. Scully, might testify to
13 here in a moment, his case has been going on for
14 about two and a half years. There's multiple
15 attempts to amend the complaint to assert other
16 things, which is basically to litigate a lost
17 election at this point. Honestly, you can look at
18 the record for yourselves and make that
19 determination. Don't listen to my characterizations
20 as his attorney. The point is that even if that
21 standard is in play, Senator, they don't care that
22 they're going to lose at trial or at the point at
23 which a motion for summary judgment is appropriate
24 and ripe to be considered by the court under that
25 standard later on. By the time you get to the end

1 of discovery in a defamation case or reputation as
2 at issue, it rightly can take a long time to get to
3 that place. This shifts that burden and allows a
4 party to come forward and try to stop that.

5 SENATOR DEVINE: And so with this law, if
6 this was passed, it would allow for that to be
7 dismissed earlier, and then the defendant that has
8 spent all this money defending themselves to get
9 their money back, is that --

10 MR. SMITH: It would. And what it would
11 force the party to do who's brought that case is to
12 come forward with presumably some type of sworn
13 statement, perhaps even testimony, I guess, at one
14 of these hearings indicating a reputational harm, if
15 we're talking about defamation. And so then at
16 least you know that this is about reputational harm,
17 and it would -- then it would be appropriate to deny
18 this motion on this basis, theoretically, and
19 proceed with the case as normal.

20 CHAIRMAN: Senator from Charleston,
21 Senator Tedder?

22 SENATOR TEDDER: Thank you, Mr. Chair.

23 So, looking at this, what this would do is
24 this emergency or expedited motion, plaintiff sues
25 defendant for defamation. Defendant now has this

1 tool, hires counsel, immediately files this new
2 motion, and at that point, everything is stayed;
3 correct, based on this?

4 MR. SMITH: That's correct. Assuming it
5 applies. That's right.

6 SENATOR TEDDER: And within -- it's probably
7 in here somewhere. How soon is a hearing required?
8 Okay, yeah, how soon would a hearing be required?
9 Because if everything stayed, then now essentially
10 the plaintiff's right to sue his kind of -- it's
11 just in the -- in the wind until -- if and until a
12 hearing is set for the plaintiff to then come and
13 prove that he or she was, in fact, defamed; is that
14 correct?

15 MR. SMITH: You need to come forward then,
16 under the summary judgment standard in that case to
17 prove that you have some evidence, at least to
18 indicate that there is -- the case needs to proceed
19 further. So in this case, we're talking about
20 defamation. You would need to include the untrue
21 statement, harmed reputation, identification,
22 publishing, the community, et cetera, et cetera.
23 And if you can do that, then I would think that you
24 could defeat this motion. 60 days, to answer your
25 question, by the way, is when this has to be

1 considered.

2 SENATOR TEDDER: Okay. Isn't that -- I
3 mean, isn't that usually pled in the complaint? I
4 mean, this --

5 MR. SMITH: It is pled. That's right.

6 SENATOR TEDDER: -- what the -- you know, I
7 was defamed because one, two, three.

8 MR. SMITH: Well, it -- it always says
9 nominally, my reputation was harmed. As to how,
10 what statements harm reputation in which ways, there
11 is vast differences with the specificity on that
12 type of pleading. And I've seen some very general
13 statements, frankly, about defamation, which would
14 survive a motion to dismiss, but would not be
15 appropriate for a motion for summary judgment.

16 CHAIRMAN: Plaintiff, if I could, Senator
17 from Charleston, just to clarify, so under -- so
18 Section 15, it would add section 15-3-940, require a
19 court to hear a motion to dismiss within 60 days of
20 the filing unless a later hearing is ordered to
21 allow for discovery or for other good cause.

22 SENATOR TEDDER: Okay.

23 CHAIRMAN: So essentially, you're trying to
24 prevent these extracted, drawn-out proceedings that
25 drain people's bank accounts, to your point earlier.

1 I mean, I think that's the whole chilling effect,
2 right? I mean, to your point about the Facebook
3 group -- and I don't mean to interject on you. When
4 you basically go in a Facebook group and say, I'm
5 suing everybody in here --

6 MR. SMITH: You're only suing, like, one
7 entity. In this case, it was my client. So I'm
8 showing up, and all these poor people who had only
9 spoken to this group now have been noticed for
10 depositions and are sitting by this elected
11 official, and they're asking me, can you represent
12 me? Like, no, I can't. I represent this other
13 person. It's a very difficult position as a
14 litigator to be in.

15 SENATOR TEDDER: Well, and I understand.
16 And so I get to that specific example. I don't know
17 who had filed that, but anyways, that -- that I
18 understand. What I'm a little bit concerned about,
19 or as the senator from Williamsburg would say, a wee
20 bit concerned about, is the -- because if -- so --
21 because you started out with, when a public official
22 or anybody sues for defamation, it sort of sends a
23 message that you can't -- I mean, I think that's --
24 if somebody -- if somebody's intentionally lying
25 about you to harm your reputation, particularly in

1 public officials, and with what you put something on
2 social media now, everybody believes it before you
3 even have a chance to come and defend yourself.

4 And so my concern there is I think it should
5 send a message that if it's -- if you're not
6 legitimately stating a fact, then you do need to
7 know that this is serious business, and he or she
8 will come after you in a lawsuit. So what I don't
9 want to do is harm those who have a legitimate claim
10 by now delaying this. And maybe we can shorten the
11 days, but 60 days, and now that's another 60 days
12 that you're -- that they can continue to just berate
13 you on online before you can even go and prove to
14 the judge. I mean, by that time, the damage is
15 done. And so that's my concern.

16 CHAIRMAN: Senator, would you be okay for us
17 to go in and bring up Mr. Sculley?

18 SENATOR TEDDER: Sure, yeah.

19 CHAIRMAN: Because I want to hear that
20 testimony to keep things moving. And I understand,
21 we just have a very tight timeline, so if you don't
22 mind, we're gonna let you step down.

23 Mr. Sculley, come on up. Let us hear from
24 you. Would you please raise your right hand?

25 MR. SCULLEY

1 Having been called as a witness and having been duly sworn was
2 examined and testified as follows:

3 CHAIRMAN: All right. Sir, please give us
4 the synopsis of this, and we'll ask a few questions.
5 We'll see what we can do today.

6 MR. SCULLEY: Yeah. Thank you, your
7 honorable members, for giving me the opportunity.
8 As Mr. Smith alluded to -- and I will ask you to
9 stay close by and not let me say anything that would
10 be compromising. I did, I made comments on a
11 Facebook page. I can go back, but to give you the
12 brief details. It started during COVID I didn't
13 know what school boards did or I couldn't tell you
14 one thing, one person, who was on our school board,
15 how many people or anything about a school board
16 prior to COVID.

17 But then COVID happened, and as a parent, as
18 the husband, my wife is a teacher in our school
19 district, we had kids in the school. It became more
20 important during the COVID process to pay attention.
21 So that's when I started paying attention to the
22 school board and the decisions that they make. In
23 that process, you start seeing things more publicly,
24 the information that I wasn't really paying
25 attention to before.

1 And in that I did, I noticed some school
2 board members, one in particular, who was, in my
3 opinion, not being aboveboard and was doing things.
4 And so I was critical of him. You can question the
5 merits, and I understand the questions of the manner
6 in which I expressed my criticism. That's, you
7 know, I did over Facebook and, you know, if I'm
8 guilty of something, what I think that I -- I did
9 not defame him. By law, I told -- what I said about
10 him was truthful. It was based on truth, based on
11 fact and reasonable information that I had to
12 support that. And a lot of it -- some he admitted
13 in his deposition too, but he's still suing me.

14 Some things have come out in the ethics
15 commission that have supported my statements, but
16 I'm still being sued. So I understand your concerns
17 about, you know, what I did for speaking about --
18 your public -- I'm speaking to public officials
19 right now. And so I know, I understand that, and I
20 appreciate that concern.

21 On the other side of it, though, is as a
22 constituent and part of our democratic process, in
23 my opinion, is we -- we need to be able to have that
24 right to criticize. And to your point about if
25 somebody -- if there is a legitimate claim, should

1 you absolutely still have the ability to seek
2 recourse through the system, through the judicial
3 system for that, if that's a legitimate, legitimate
4 claim. In my case, it was not. It is not. I was
5 being sued for defamation, libel, but the intent was
6 to shut me up, and it was very effective. I have
7 not said a word about that publicly since then. It
8 shut up the Facebook group, which was a school board
9 focused Facebook group that was the sole purpose of
10 that group was because, like me, a lot of people
11 during COVID came and started paying attention to
12 school board. That was an important part of our
13 interaction or our lives during COVID because the
14 decisions they made with going back to school and
15 masks and all that directly impacted a lot of
16 people.

17 And so the lawsuit, though, as it turned
18 out, or is turning out, is about more than just me
19 defaming. It's been 20 -- since March of 2022 when
20 the suit was filed. Here it is, April of '25, and
21 it's still going on and I'm paying attorney fees all
22 this time.

23 CHAIRMAN: Mr. Sculley, if I may ask, and
24 just in the interest of time, let me just ask you
25 this. Ultimately, this Facebook group was

1 pertaining to their official actions, right?

2 MR. SCULLEY: It was.

3 CHAIRMAN: Okay. Look, there's plenty of
4 people -- we're all human beings up here on this
5 panel. There's plenty of people that say stuff
6 about me on Facebook that if I crawl through --
7 crawl through the screen and smack them in the face,
8 I might would like to do it. But you know what?
9 The great thing about American democracy is they can
10 say stuff at the top of their lungs that I'd like to
11 refute at the top of mine. But it is their right to
12 do it, and I've never sued anybody in my official
13 capacity, and I don't think anybody on this panel
14 has, even if I just totally hate what they're
15 saying. You should never use your official capacity
16 to sue and shut somebody up just because you
17 disagree with them.

18 MR. SCULLEY: I absolutely agree.

19 CHAIRMAN: And I think that you shouldn't be
20 persecuted just because you disagree with somebody
21 politically. So in the sake of time, if you're okay
22 with it, I would like to entertain, unless somebody
23 has a very pressing question about this, a motion to
24 advance this to full judiciary so that we have a
25 chance to do something about it this year.

1 Is anybody okay with that?

2 Are you okay with that as members of
3 subcommittee?

4 I mean, we can entertain amendments in full
5 committee, but if we don't do something now this
6 late in the year, we're gonna have to -- we're
7 running out of time.

8 SENATOR TEDDER: Yeah. No, I'm fine with
9 advancing it for the purposes of allowing it to have
10 more testimony, but I do have some concerns.

11 CHAIRMAN: I understand. And we can do that
12 in full committee, but if we don't get out of sub,
13 we can't do anything.

14 Favorable report and second, all in favor
15 say aye.

16 (Multiple ayes.)

17 CHAIRMAN: Mr. Sculley, I don't mean to cut
18 you off. We did what you wanted to do today. It's
19 going to full judiciary. Thank you.

20 MR. SCULLEY: Can I make one more comment?
21 Just for your --

22 CHAIRMAN: Sure.

23 MR. SCULLEY: -- your information. I also
24 know how you feel. Since that election or since
25 that -- that time, the lawsuit, I, myself, have run

1 for election and was elected to the same school
2 board that I was criticizing. I, myself, am like
3 you, a public official. And I, myself, have been
4 the target of the similar attacks against me that I
5 did -- that I made against him, and probably
6 similarly to what you guys face on a daily basis as
7 well.

8 CHAIRMAN: God bless you. That's why I'm
9 convinced God made cabernet.

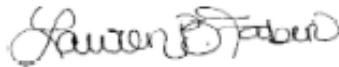
10 MR. SCULLEY: Thank you.

11 (The excerpt concluded.)
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1 CERTIFICATE

2
3 I, Lauren Faber, the Official Court Reporter and
4 officer who listened to the digital recording created
5 by the Clerk of Court, do hereby certify that said
6 hearing, pages 1 through 20 inclusive, is a true, correct,
7 and verbatim transcript of said recorded, audible
8 proceedings, except for the portions noted where no
9 transcription was possible due to the lack of audible
10 recording.

11 I further certify that I am neither counsel for, related
12 to, nor employed by any of the parties to the action in
13 which this proceeding was heard; and further, that I am
14 not a relative or employee of any attorney or counsel
15 employed by the parties thereto, and am not financially
16 or otherwise interested in the outcome of the action.

17
18 

19 _____
Lauren Faber, CVR, RVR

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Exhibit B

Session 126 - (2025-2026)

H 3305 General Bill, By W. Newton


Similar (S 0043)

A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 7 TO CHAPTER 3, TITLE 15 SO AS TO ESTABLISH THE "SOUTH CAROLINA PUBLIC EXPRESSION PROTECTION ACT," REGARDING A CAUSE OF ACTION ASSERTED IN A CIVIL ACTION BASED UPON A PERSON'S COMMUNICATION IN CERTAIN CIRCUMSTANCES, AND TO ESTABLISH REQUIREMENTS FOR THESE PROCEEDINGS.

12/05/24	House	Prefiled
12/05/24	House	Referred to Committee on Judiciary
01/14/25	House	Introduced and read first time (House Journal-page 160)
01/14/25	House	Referred to Committee on Judiciary (House Journal-page 160)
03/20/25	House	Committee report: Favorable with amendment Judiciary (House Journal-page 7)
03/25/25	House	Amended (House Journal-page 52)
03/25/25	House	Read second time (House Journal-page 52)
03/25/25	House	Roll call Yeas-112 Nays-0 (House Journal-page 54)
03/26/25	House	Read third time and sent to Senate (House Journal-page 15)
03/26/25	Senate	Introduced and read first time (Senate Journal-page 8)
03/26/25	Senate	Referred to Committee on Judiciary (Senate Journal-page 8)
04/29/25	Senate	Committee report: Favorable with amendment Judiciary (Senate Journal-page 15)
05/01/25	Senate	Committee Amendment Adopted (Senate Journal-page 58)
05/01/25	Senate	Read second time (Senate Journal-page 58)

Exhibit C

South Carolina Legislature

H 3305 found 3 times. 

H 3305

Session 126 (2025-2026)

[View Full Text](#)

[View Vote History](#)

[View Fiscal Impact](#)

H 3305  General Bill, By W. Newton

A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 7 TO CHAPTER 3, TITLE 15 SO AS TO ESTABLISH THE "SOUTH CAROLINA PUBLIC EXPRESSION PROTECTION ACT," REGARDING A CAUSE OF ACTION ASSERTED IN A CIVIL ACTION BASED UPON A PERSON'S COMMUNICATION IN CERTAIN CIRCUMSTANCES, AND TO ESTABLISH REQUIREMENTS FOR THESE PROCEEDINGS.

Date	Body	Action Description with journal page number
12/5/2024	House	Prefiled
12/5/2024	House	Referred to Committee on Judiciary
1/14/2025	House	Introduced and read first time (House Journal-page 160)
1/14/2025	House	Referred to Committee on Judiciary (House Journal-page 160)
3/20/2025	House	Committee report: Favorable with amendment Judiciary (House Journal-page 7)
3/25/2025	House	Amended (House Journal-page 52)
3/25/2025	House	Read second time (House Journal-page 52)
3/25/2025	House	Roll call Yeas-112 Nays-0 (House Journal-page 54)
3/26/2025	House	Read third time and sent to Senate (House Journal-page 15)
3/26/2025	Senate	Introduced and read first time (Senate Journal-page 8)
3/26/2025	Senate	Referred to Committee on Judiciary (Senate Journal-page 8)
4/29/2025	Senate	Committee report: Favorable with amendment Judiciary (Senate Journal-page 15)
5/1/2025	Senate	Committee Amendment Adopted (Senate Journal-page 58)
5/1/2025	Senate	Read second time (Senate Journal-page 58)

VERSIONS OF THIS BILL

12/05/2024
03/20/2025
03/25/2025
04/29/2025
05/01/2025

 **H. 3305** 

~~Indicates Matter Stricken~~
~~Indicates New Matter~~

COMMITTEE AMENDMENT ADOPTED
May 1, 2025

H. 3305

Introduced by Rep. W. Newton

S. Printed 5/1/25--S.
Read the first time March 26, 2025

A BILL

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 7 TO CHAPTER 3, TITLE 15 SO AS TO ESTABLISH THE "SOUTH CAROLINA PUBLIC EXPRESSION PROTECTION ACT," REGARDING A CAUSE OF ACTION ASSERTED IN A CIVIL ACTION BASED UPON A PERSON'S COMMUNICATION IN CERTAIN CIRCUMSTANCES, AND TO ESTABLISH REQUIREMENTS FOR THESE PROCEEDINGS.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 3, Title 15 of the S.C. Code is amended by adding:

Article 7

South Carolina Public Expression Protection Act

Section **15-3-900**. This article may be cited as the "South Carolina Public Expression Protection Act."

Section **15-3-910**. (A) In this article:

- (1) "Governmental unit" means a public corporation or government or governmental subdivision, agency, or instrumentality.
- (2) "Person" means an individual, estate, trust, partnership, business or nonprofit entity, governmental unit, or other legal entity.

(B) Except as otherwise provided in subsection (C), this article applies to a cause of action asserted in a civil action against a person based on the person's:

- (1) communication in a legislative, executive, judicial, administrative, or other governmental proceeding;
- (2) communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or
- (3) exercise of the right of freedom of speech or of the press, the right to assemble or petition, or right of association, guaranteed by the United States Constitution or the South Carolina Constitution on a matter of public concern.

(C) This article does not apply to a cause of action asserted against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity; or

Section **15-3-920**. Not later than sixty days after a party is served with a complaint, crossclaim, third-party claim, or other pleading that asserts a cause of action to which this article applies, or at a later time on a showing of good cause, the party may file a special motion for expedited relief to dismiss the cause of action or part of the cause of action.

Section 15-3-930. (A) Except as otherwise provided in subsections (D) through (G), on the filing of a motion pursuant to Section 15-3-920:

- (1) all other proceedings between the moving party and responding party, including discovery and a pending hearing or motion, are stayed; and
- (2) on motion by the moving party, the court may stay a hearing or motion involving another party, or discovery by another party, if the hearing or ruling on the motion would adjudicate, or the discovery would relate to, an issue material to the motion pursuant to Section **15-3-920**.

(B) A stay pursuant to subsection (A) remains in effect until entry of an order ruling on the motion pursuant to Section **15-3-920**.

(C) Except as otherwise provided in subsections (E), (F), and (G), if a party appeals from an order ruling on a motion pursuant to Section **15-3-920**, all proceedings between all parties in the action are stayed. The stay shall remain in effect until the conclusion of the appeal.

(D) During a stay pursuant to subsection (A), the court may allow limited discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy a burden pursuant to Section 15-3-960(A) and the information is not reasonably available unless discovery is allowed.

(E) A motion pursuant to Section 15-3-980 for costs, attorney's fees, and expenses is not subject to a stay pursuant to this section.

(F) A stay pursuant to this section does not affect a party's ability to voluntarily dismiss a cause of action or part of a cause of action or move to sever a cause of action.

(G) During a stay pursuant to this section, the court for good cause may hear and rule on:

- (1) a motion unrelated to the motion pursuant to Section **15-3-920**; and

(2) a motion seeking a special or preliminary injunction to protect against an imminent threat to public health or safety.

Section 15-3-940. (A) The court shall hear a motion pursuant to Section **15-3-920** not later than sixty days after filing of the motion, unless the court orders a later hearing:

- (1) to allow discovery pursuant to Section 15-3-930(D); or
- (2) for other good cause.

(B) If the court orders a later hearing pursuant to subsection (A)(1), the court shall hear the motion pursuant to Section **15-3-920** not later than sixty days after the court order allowing the discovery, unless the court orders a later hearing pursuant to subsection (A)(2).

Section 15-3-950. In ruling on a motion pursuant to Section **15-3-920**, the court shall consider the pleadings, the motion, any reply or response to the motion, and any evidence that could be considered in ruling on a motion for summary judgment pursuant to Rule 56 of the South Carolina Rules of Civil Procedure.

Section 15-3-960. (A) In ruling on a motion pursuant to Section **15-3-920**, the court shall dismiss with prejudice a cause of action or part of a cause of action, if:

- (1) the moving party establishes pursuant to Section **15-3-910**(B) that this article applies;
- (2) the responding party fails to establish pursuant to Section **15-3-910**(C) that this article does not apply; and
- (3) the moving party establishes that:

- (a) the responding party failed to state a cause of action upon which relief can be granted; or
- (b) there is no genuine issue to any material fact and the moving party is entitled to judgment as a matter of law on the cause of action or part of the cause of action.

(B) A voluntary dismissal without prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion pursuant to Section **15-3-920** does not affect a moving party's right to obtain a ruling on the motion and seek costs, attorney's fees, and expenses pursuant to Section **15-3-980**.

(C) A voluntary dismissal with prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion pursuant to Section **15-3-920** establishes for the purpose of Section **15-3-980** that the moving party prevailed on the motion.

Section 15-3-970. The court shall rule on a motion pursuant to Section **15-3-920** not later than thirty days after a hearing held pursuant to Section **15-3-940**.

Section 15-3-980. On a motion pursuant to Section **15-3-920**, the court shall award court costs, reasonable attorney's fees, and reasonable litigation expenses related to the motion:

- (1) to the moving party if the moving party prevails on the motion; or
- (2) to the responding party if the responding party prevails on the motion and the court finds that the motion was frivolous or filed solely with intent to delay the proceeding.

Section 15-3-990. This article must be construed and applied to protect the exercise of the right of freedom of speech and of the press, the right to assemble and petition, and the right of association, guaranteed by the United States Constitution or the South Carolina Constitution.

SECTION 2. Chapter 3, Title 15 of the S.C. Code is amended by adding:

Section 15-3-985. A moving party may appeal as a matter of right from an order denying, in whole or in part, a motion pursuant to Section **15-3-920**. The appeal must be filed not later than thirty days after written notice of entry of the order.

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect on June 1, 2025, and applies to civil actions filed or to a cause of action asserted in a civil action on or after June 1, 2025. This act does not affect a cause of action asserted in a civil action before June 1, 2025.

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This web page was last updated on May 1, 2025 at 3:29 PM

Legislative Services Agency
<http://www.scstatehouse.gov>

ELECTRONICALLY FILED - 2025 May 19 1:34 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4001307

Exhibit C

Richland County Fifth Judicial Circuit - Roster Details
MOTIONS ROSTER FEBRUARY 3, 2026 COURTROOM 2-C

Court Agency	Richland County Common Pleas	Judge	Coble	Roster Id	2490
Roster Type	Motions Non Jury Roster	Roster Begin Date	02/03/2026	Roster End Date	02/03/2026

Number of motions = 26

#	Date	Time	hr:mn	Description	Filing Party	Filed Date	Case	Sub Type	Plaintiff Attorney	Defendant Attorney	Notes
1	02/03/2026	9:30 AM	0:15	Motion To Deem Defendant Edward K White Request Admitted	Kenneth B Loveless -PLT	10/29/2025	2022CP4001307 Kenneth B Loveless vs Kevin Scully , defendant, et al	Slander/Libel 380	Desa Ballard (803) 796-9299 x106 Haley Alyse Hubbard (229) 254-6756 Harvey M. Watson III (803) 796-9299	David Allen Anderson (803) 576-3702 Jerry Jay Bender (803) 799-9091 Eugene Hamilton Matthews (803) 771-4400 Robert McNair Peele III (803) 254-2200 Tucker S. Player (803) 315-6300 Andrew Sims Radeker (803) 500-0891 Taylor Meriwether Smith IV (803) 779-2211	
2	02/03/2026	9:30 AM	0:15	Motion To Deem Defendant Flora "Beth" Hutchison's Requests A	Kenneth B Loveless -PLT	10/29/2025	2022CP4001307 Kenneth B Loveless vs Kevin Scully , defendant, et al	Slander/Libel 380	Desa Ballard (803) 796-9299 x106 Haley Alyse Hubbard (229) 254-6756 Harvey M. Watson III (803) 796-9299	David Allen Anderson (803) 576-3702 Jerry Jay Bender (803) 799-9091 Eugene Hamilton Matthews (803) 771-4400 Robert McNair Peele III (803) 254-2200 Tucker S. Player (803) 315-6300 Andrew Sims Radeker (803) 500-0891 Taylor Meriwether Smith IV (803) 779-2211	
3	02/03/2026	9:30 AM	0:15	Motion To Deem Defendant Michael Montgomery's Request Admitt	Kenneth B Loveless -PLT	10/29/2025	2022CP4001307 Kenneth B Loveless vs Kevin Scully , defendant, et al	Slander/Libel 380	Desa Ballard (803) 796-9299 x106 Haley Alyse Hubbard (229) 254-6756 Harvey M. Watson III (803) 796-9299	David Allen Anderson (803) 576-3702 Jerry Jay Bender (803) 799-9091 Eugene Hamilton Matthews (803) 771-4400 Robert McNair Peele III (803) 254-2200 Tucker S. Player (803) 315-6300 Andrew Sims Radeker (803) 500-	

Richland County Fifth Judicial Circuit - Roster Details
MOTIONS ROSTER FEBRUARY 3, 2026 COURTROOM 2-C

Court Agency	Richland County Common Pleas	Judge	Coble	Roster Id	2490
Roster Type	Motions Non Jury Roster	Roster Begin Date	02/03/2026	Roster End Date	02/03/2026

Number of motions = 26

#	Date	Time	hr:mn	Description	Filing Party	Filed Date	Case	Sub Type	Plaintiff Attorney	Defendant Attorney	Notes
										0891 Taylor Meriwether Smith IV (803) 779-2211	
4	02/03/2026	9:30 AM	0:15	Motion To Deem Defendant Kevin Scully Requests Admitted Or F	Kenneth B Loveless -PLT	10/29/2025	2022CP4001307 Kenneth B Loveless vs Kevin Scully , defendant, et al	Slander/Libel 380	Desa Ballard (803) 796-9299 x106 Haley Alyse Hubbard (229) 254-6756 Harvey M. Watson III (803) 796-9299	David Allen Anderson (803) 576-3702 Jerry Jay Bender (803) 799-9091 Eugene Hamilton Matthews (803) 771-4400 Robert McNair Peele III (803) 254-2200 Tucker S. Player (803) 315-6300 Andrew Sims Radeker (803) 500-0891 Taylor Meriwether Smith IV (803) 779-2211	
5	02/03/2026	9:30 AM	0:15	Motion/Stay Discovery Pending Motion To Dismiss	Beatrice Dennis White-OTH	10/08/2025	2022CP4001307 Kenneth B Loveless vs Kevin Scully , defendant, et al	Slander/Libel 380	Desa Ballard (803) 796-9299 x106 Haley Alyse Hubbard (229) 254-6756 Harvey M. Watson III (803) 796-9299	David Allen Anderson (803) 576-3702 Jerry Jay Bender (803) 799-9091 Eugene Hamilton Matthews (803) 771-4400 Robert McNair Peele III (803) 254-2200 Tucker S. Player (803) 315-6300 Andrew Sims Radeker (803) 500-0891 Taylor Meriwether Smith IV (803) 779-2211	
6	02/03/2026	9:30 AM	0:20	Motion/Compel Discovery	Kenneth B Loveless -PLT	10/02/2025	2022CP4001307 Kenneth B Loveless vs Kevin Scully , defendant, et al	Slander/Libel 380	Desa Ballard (803) 796-9299 x106 Haley Alyse Hubbard (229) 254-6756 Harvey M. Watson III (803) 796-9299	David Allen Anderson (803) 576-3702 Jerry Jay Bender (803) 799-9091 Eugene Hamilton Matthews (803) 771-4400 Robert McNair Peele III (803) 254-2200	

Richland County Fifth Judicial Circuit - Roster Details
MOTIONS ROSTER FEBRUARY 3, 2026 COURTROOM 2-C

Court Agency	Richland County Common Pleas	Judge	Coble	Roster Id	2490
Roster Type	Motions Non Jury Roster	Roster Begin Date	02/03/2026	Roster End Date	02/03/2026

Number of motions = 26

#	Date	Time	hr:mn	Description	Filing Party	Filed Date	Case	Sub Type	Plaintiff Attorney	Defendant Attorney	Notes
										Tucker S. Player (803) 315-6300 Andrew Sims Radeker (803) 500-0891 Taylor Meriwether Smith IV (803) 779-2211	
7	02/03/2026	9:30 AM		Motion/Stay Discovery For Defendants White, Montgomery And H	Flora E Hutccchison-OTH	10/02/2025	2022CP4001307 Kenneth B Loveless vs Kevin Scully , defendant, et al	Slander/Libel 380	Desa Ballard (803) 796-9299 x106 Haley Alyse Hubbard (229) 254-6756 Harvey M. Watson III (803) 796-9299	David Allen Anderson (803) 576-3702 Jerry Jay Bender (803) 799-9091 Eugene Hamilton Matthews (803) 771-4400 Robert McNair Peele III (803) 254-2200 Tucker S. Player (803) 315-6300 Andrew Sims Radeker (803) 500-0891 Taylor Meriwether Smith IV (803) 779-2211	
8	02/03/2026	9:30 AM	0:20	Motion/Compel Deposition	Kenneth B Loveless -PLT	09/09/2025	2022CP4001307 Kenneth B Loveless vs Kevin Scully , defendant, et al	Slander/Libel 380	Desa Ballard (803) 796-9299 x106 Haley Alyse Hubbard (229) 254-6756 Harvey M. Watson III (803) 796-9299	David Allen Anderson (803) 576-3702 Jerry Jay Bender (803) 799-9091 Eugene Hamilton Matthews (803) 771-4400 Robert McNair Peele III (803) 254-2200 Tucker S. Player (803) 315-6300 Andrew Sims Radeker (803) 500-0891 Taylor Meriwether Smith IV (803) 779-2211	
9	02/03/2026	9:30 AM	0:20	Motion/Dismiss Or Strike Second Amended Complaint	Kevin Scully-DEF	09/08/2025	2022CP4001307 Kenneth B Loveless vs Kevin Scully , defendant, et al	Slander/Libel 380	Desa Ballard (803) 796-9299 x106 Haley Alyse Hubbard (229) 254-6756 Harvey M. Watson III	David Allen Anderson (803) 576-3702 Jerry Jay Bender (803) 799-9091 Eugene Hamilton Matthews (803)	

Richland County Fifth Judicial Circuit - Roster Details
MOTIONS ROSTER FEBRUARY 3, 2026 COURTROOM 2-C

Court Agency	Richland County Common Pleas	Judge	Coble	Roster Id	2490
Roster Type	Motions Non Jury Roster	Roster Begin Date	02/03/2026	Roster End Date	02/03/2026

Number of motions = 26

#	Date	Time	hr:mn	Description	Filing Party	Filed Date	Case	Sub Type	Plaintiff Attorney	Defendant Attorney	Notes
									(803) 796-9299	771-4400 Robert McNair Peele III (803) 254-2200 Tucker S. Player (803) 315-6300 Andrew Sims Radeker (803) 500-0891 Taylor Meriwether Smith IV (803) 779-2211	
10	02/03/2026	9:30 AM	0:15	Motion/Dismiss	Beatrice Dennis White-OTH	08/12/2025	2022CP4001307 Kenneth B Loveless vs Kevin Scully , defendant, et al	Slander/Libel 380	Desa Ballard (803) 796-9299 x106 Haley Alyse Hubbard (229) 254-6756 Harvey M. Watson III (803) 796-9299	David Allen Anderson (803) 576-3702 Jerry Jay Bender (803) 799-9091 Eugene Hamilton Matthews (803) 771-4400 Robert McNair Peele III (803) 254-2200 Tucker S. Player (803) 315-6300 Andrew Sims Radeker (803) 500-0891 Taylor Meriwether Smith IV (803) 779-2211	
11	02/03/2026	9:30 AM	0:30	Motion/Dismiss Plaintiff's Second Amended Complaint	Flora E Hutccchison- OTH	08/11/2025	2022CP4001307 Kenneth B Loveless vs Kevin Scully , defendant, et al	Slander/Libel 380	Desa Ballard (803) 796-9299 x106 Haley Alyse Hubbard (229) 254-6756 Harvey M. Watson III (803) 796-9299	David Allen Anderson (803) 576-3702 Jerry Jay Bender (803) 799-9091 Eugene Hamilton Matthews (803) 771-4400 Robert McNair Peele III (803) 254-2200 Tucker S. Player (803) 315-6300 Andrew Sims Radeker (803) 500-0891 Taylor Meriwether Smith IV (803) 779-2211	
12	02/03/2026	9:30 AM		Amended Motion for Contempt	Kenneth B Loveless -PLT	07/15/2025	2022CP4001307 Kenneth B Loveless vs Kevin Scully ,	Slander/Libel 380	Desa Ballard (803) 796-9299 x106 Haley Alyse	David Allen Anderson (803) 576-3702	

Richland County Fifth Judicial Circuit - Roster Details
MOTIONS ROSTER FEBRUARY 3, 2026 COURTROOM 2-C

Court Agency	Richland County Common Pleas	Judge	Coble	Roster Id	2490
Roster Type	Motions Non Jury Roster	Roster Begin Date	02/03/2026	Roster End Date	02/03/2026

Number of motions = 26

#	Date	Time	hr:mn	Description	Filing Party	Filed Date	Case	Sub Type	Plaintiff Attorney	Defendant Attorney	Notes
							defendant, et al		Hubbard (229) 254-6756 Harvey M. Watson III (803) 796-9299	Jerry Jay Bender (803) 799-9091 Eugene Hamilton Matthews (803) 771-4400 Robert McNair Peele III (803) 254-2200 Tucker S. Player (803) 315-6300 Andrew Sims Radeker (803) 500-0891 Taylor Meriwether Smith IV (803) 779-2211	
13	02/03/2026	9:30 AM	0:30	Motion/Rule to Show Cause/Renewed Petition for Contempt	Kenneth B Loveless -PLT	07/15/2025	2022CP4001307 Kenneth B Loveless vs Kevin Scully , defendant, et al	Slander/Libel 380	Desa Ballard (803) 796-9299 x106 Haley Alyse Hubbard (229) 254-6756 Harvey M. Watson III (803) 796-9299	David Allen Anderson (803) 576-3702 Jerry Jay Bender (803) 799-9091 Eugene Hamilton Matthews (803) 771-4400 Robert McNair Peele III (803) 254-2200 Tucker S. Player (803) 315-6300 Andrew Sims Radeker (803) 500-0891 Taylor Meriwether Smith IV (803) 779-2211	
14	02/03/2026	9:30 AM	0:15	Motion For Second Amended Complaint	Kenneth B Loveless -PLT	11/15/2024	2022CP4001307 Kenneth B Loveless vs Kevin Scully , defendant, et al	Slander/Libel 380	Desa Ballard (803) 796-9299 x106 Haley Alyse Hubbard (229) 254-6756 Harvey M. Watson III (803) 796-9299	David Allen Anderson (803) 576-3702 Jerry Jay Bender (803) 799-9091 Eugene Hamilton Matthews (803) 771-4400 Robert McNair Peele III (803) 254-2200 Tucker S. Player (803) 315-6300 Andrew Sims Radeker (803) 500-0891 Taylor Meriwether Smith IV	

Richland County Fifth Judicial Circuit - Roster Details
MOTIONS ROSTER FEBRUARY 3, 2026 COURTROOM 2-C

Court Agency	Richland County Common Pleas	Judge	Coble	Roster Id	2490
Roster Type	Motions Non Jury Roster	Roster Begin Date	02/03/2026	Roster End Date	02/03/2026

Number of motions = 26

#	Date	Time	hr:mn	Description	Filing Party	Filed Date	Case	Sub Type	Plaintiff Attorney	Defendant Attorney	Notes
										(803) 779-2211	
15	02/03/2026	9:30 AM	0:15	Motion To Deem Defendant Beatrice Dennis-White Requests Admi	Kenneth B Loveless -PLT	10/29/2025	2022CP4001307 Kenneth B Loveless vs Kevin Scully , defendant, et al	Slander/Libel 380	Desa Ballard (803) 796-9299 x106 Haley Alyse Hubbard (229) 254-6756 Harvey M. Watson III (803) 796-9299	David Allen Anderson (803) 576-3702 Jerry Jay Bender (803) 799-9091 Eugene Hamilton Matthews (803) 771-4400 Robert McNair Peele III (803) 254-2200 Tucker S. Player (803) 315-6300 Andrew Sims Radeker (803) 500-0891 Taylor Meriwether Smith IV (803) 779-2211	
16	02/03/2026	2:00 PM		Motion/Approve Minor Settlement	Rachel Burns-PLT	01/07/2026	2026CP4000107 Rachel Burns , plaintiff, et al vs Roshawn Jermaine Weeks Jr , defendant, et al	Minor Settlement 730	Matthew O'Neal Williams (843) 297-8485 x1307	John Austin Hood (800) 774-8242	
17	02/03/2026	2:00 PM	0:15	Motion/Compel And For Sanctions	Jonathan Habbick-PLT	11/18/2025	2023CP4005884 Jonathan Habbick vs Mark Keane , defendant, et al	Real Prop/Other 499	Allyson Simons Hurst (803) 765-2383 Robert B. Ransom (803) 765-2383	Stephen Craig White (803) 665-2288	
18	02/03/2026	2:00 PM	0:15	Motion/Compel Discovery Responses	Nygel Rogers-DEF	11/18/2025	2025CP4002987 Horris L Frazier vs Nygel Rogers	Breach of Cont 140	James McLeod Ervin (803) 394-8417	Harry Alwyn Dixon (803) 404-6900 W. Alex Weatherly Jr. (803) 404-6900	
19	02/03/2026	2:00 PM		Motion/Compel Discovery Responses	Michael Duncan-PLT	11/19/2025	2025CP4001032 Michael Duncan vs South Carolina Department Of Corrections	Person Inj/Other 399	James Andrew Bradshaw (864) 231-8090 Sarah Tamara Collins (864) 231-8090 Kyle Jason White (864) 231-8090	Stephanie Holmes Burton (864) 327-5000	
20	02/03/2026	2:00 PM	0:30	Motion/Compel Compliance With Records Subpoena	Alias Of Columbia Lic-DEF	11/21/2025	2024CP4005241 Nishaya Gordon vs Charde Hardee , defendant, et al	Motor Veh Accid 320	Toyya Brawley-Gray (803) 771-1550	John Austin Hood (800) 774-8242 Morgan S. Templeton (843) 329-9500 Ford Hamby Thrift (843) 329-9500 Margaret Mary	

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										Urbanic (843) 577-2026	
21	02/03/2026	2:00 PM	0:15	Motion/Compel Defendants' Discovery Responses	Vanessa Veronica Clark-PLT	11/21/2025	2025CP4005052 Vanessa Veronica Clark vs Checker Yellow Cab Company Inc , defendant, et al	Personal Injury 350	Tyler Blake Rody (864) 381-7969	Charles Fawcett Moore (803) 233-6265	
22	02/03/2026	2:00 PM	0:30	Motion/Compel	Tavarrus Brown-PLT	12/12/2025	2025CP4001733 Tavarrus Brown vs Richland County	Person Inj/Other 399	Stuart M. Andrews Jr. (803) 269-8067 Elizabeth Dalzell (803) 929-0008 D. Ashley Pennington (843) 478-1230	Alfred Johnston Cox (803) 779-1833 x1728 Steffan H. Kelly (704) 910-4023 James Clayton Mitchell III (803) 779-1833 Ronald Lawrence Nester Sr. (803) 854-4484	
23	02/03/2026	2:00 PM	0:30	Motion/Requesting Extension to Respond to Discovery	Cathy Payne-DEF	11/05/2025	2025CP4004960 Michael Ottone , plaintiff, et al vs Cathy Payne , defendant, et al	Real Prop/Other 499	Thomas Jefferson Goodwyn Jr. (803) 251-4517	Chris Gibbs Robert Kalin Cathy Payne	
24	02/03/2026	2:00 PM	0:15	Motion/Set Aside Default & for Reconsideration	Vista Roadhouse Llc-DEF	04/28/2025	2024CP4006672 Vista 4976 Llc vs Vista Roadhouse Llc , defendant, et al	Breach of Cont 140	Bryan D. Caskey (803) 708-3252 Robert Alan Walters (803) 708-3252	G. Robin Alley (803) 252-6323 x102	
25	02/03/2026	2:00 PM	1:30	Motion For Post Appeal Award Of Statutory Attorney's Fees Co	Wendy Brawley-PLT	06/13/2025	2015CP4001805 Hopkins And Lower Richland Citizens United Inc , plaintiff, et al vs Richland County	Special-Comp/Oth 699	Shaun C. Blake (803) 256-1268 Jenkins McMillan Mann (803) 978-2831	Andrew F. Lindemann (803) 881-8920	
26	02/03/2026	2:00 PM		Motion/Approve Minor Settlement	Candace Marie Dru Jones-PLT	11/20/2025	2025CP4007738 Candace Marie Dru Jones vs Shardae Avents	Minor Settlement 730	Candace Marie Dru Jones	Diana Marie August (803) 782-4100	