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Apr 30 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM Richland COUNTY
Court of Common Pleas

The Honorable Thomas W. McGee III, Circuit Court Judge

Case No. 2022-CP-40-01390

Appellate Court Case No. 2025-002585

Ex Parte: Mandy MatneyAppellant

David Voros and Alexandra Stasko.....Plaintiffs, Respondents,

v.

Allison Dunavant.....Defendant, Respondent.

**PLAINTIFFS/RESPONDENT’S
MEMORANDUM REGARDING APPEALABILITY & MOOTNESS**

On May 27, 2025, Plaintiffs/Respondents served Appellant with a Notice of Deposition (via zoom) and subpoena to take place on June 26, 2025. Appellant filed a Motion to Quash that subpoena on June 20, 2025. The parties fully briefed the matter, and a hearing took place on August 20, 2025 before the Honorable Thomas W. McGee, III. Appellant’s motion was denied via Form 4 Order on August 20, 2025 and a formal order was entered on September 4, 2025. On September 15, 2025, Appellant filed¹ a motion to reconsider which was subsequently denied on November 13, 2025. On November 24, 2025, Appellants e-filed a Notice of Appeal with the circuit court. On

¹ The record contains no evidence of Appellant serving the circuit court judge with the motion to reconsider in accordance with Rule 59(g), SCRPC.

December 29, 2025, Appellant e-filed her Notice of Appeal with the Court of Appeals. On January 21, 2026, Appellant filed an Amended Notice of Appeal with the Court of Appeals.

On February 24, 2026, this Court dismissed Appellant's appeal. On March 11, 2026, Appellant filed a motion to reinstate the Appeal, which was granted on April 16, 2026. Per this Court's April 16, 2026 Order, Plaintiffs/Respondents submit this memorandum addressing appealability of the underlying order(s) and mootness.

1. The underlying Court Order(s) are not immediately appealable.

An order compelling or denying pretrial discovery is interlocutory and not immediately appealable. *See, e.g. Ex parte Wilson*, 367 S.C. 7, 626 S.E.2d 205 (2005) (finding an order quashing a subpoena issued to a non-party prior to the commencement of enforcement of a judgment is not immediately appealable because it neither involves the merits nor affects a substantial right); *Waddell v. Kahdy*, 309 S.C. 1, 419 S.E.2d 783 (1992) (holding an order requiring a party to submit to a deposition is not immediately appealable). Similarly, an order directing a non-party to submit to discovery is not immediately appealable. *Ex Parte Whetstone*, 289 S.C. 580, 347 S.E.2d 881 (1986). Instead of appealing immediately, a non-party has two alternatives: (1) comply with the discovery order and waive any right to challenge it on appeal; or (2) refuse to comply with the order and appeal after she is held in contempt for her failure to comply. *Id.* Appellant has not been found in contempt.

Ms. Matney is a key non-party fact-witness to the underlying claims at issue in the case. The Court orders on appeal require only that Mrs. Matney sit for a simple deposition. These orders are not immediately appealable; accordingly, the Court should dismiss the appeal and allow the case to proceed.

2. Any Appellate Court holdings regarding the underlying Court Orders would be moot.

“The function of appellate courts is not to give opinions on merely abstract or theoretical matters, but only to decide actual controversies injuriously affecting the rights of some party to the litigation. Accordingly, cases or issues which have become moot or academic in nature are not a proper subject of review. *Sloan v. Greenville Cnty.*, 356 S.C. 531, 590 S.E.2d 338 (Ct. App. 2003); *see Wallace v. City of York*, 276 S.C. 693, 281 S.E.2d 487 (1981).

At issue in this case is whether Ms. Matney can be subpoenaed to sit for a deposition. What issues may arise in that deposition, and what questions will be asked can and should be dealt with at the appropriate time during the deposition in accordance with the Rules of Civil Procedure. Importantly, as recognized by the Trial Court, “Matney has not pointed to any confidential sources or information that may be implicated by the statute.” Order dated September 4, 2025 at p. 4. Accordingly, there are no substantial rights affected by this appeal and it should be dismissed. *Langley v. Boyter*, 284 S.C. 162, 325 S.E.2d 550 (Ct. App. 1984) (“Appellate courts in this state, like well-behaved children, do not speak unless spoken to and do not answer questions they are not asked.”); *see also Sangamo Weston, Inc. v. Nat’l Sur. Corp.*, 307 S.C. 143, 414 S.E.2d 127 (1992) (Appellate courts do not issue advisory opinions and cannot alter precedent based on questions presented in the abstract).

CONCLUSION

For the reasons stated herein, the Court should dismiss this Appeal and allow the underlying parties to proceed with the deposition of Mrs. Matney.

<signature page follows>

April 30, 2026
Columbia, South Carolina

s/ William R. Padget
William R. Padget (SC Bar #72579)
Christina M. Brown (SC Bar #104085)
HHP LAW GROUP, LLC
2020 Assembly Street
Columbia, South Carolina 29201
Email: christina@hhplawgroup.com
Email: bill@hhplawgroup.com
T: (803) 400-8277
Attorneys for Plaintiffs/Respondents

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Ex Parte: Mandy MatneyAppellant
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PROOF OF SERVICE

I certify that I have served Plaintiffs/Respondents Memorandum Regarding Appealability and Mootness on April 30, 2026 by depositing a copy of it in the United States Mail, postage prepaid, on Mandy Matney, addressed to her attorneys of record Rebecca Lindahl at 615 South College Street, Suite 1700, Charlotte, N.C. 28202 and Meredith Bannon at 10 Westbury Parkway, Suite A, Bluffton, S.C. 29910 as well as by sending a courtesy copy to counsel via email at rebecca.lindahl@kannen.com and meredith@bannonlawgroup.com.

<Signature on Following Page>

April 30, 2026

s/ William R. Padget

William R. Padget (SC Bar #72579)
Christina M. Brown (SC Bar #104085)
HHP LAW GROUP, LLC
2020 Assembly Street
Columbia, South Carolina 29201
T: (803) 400-8277
bill@hhplawgroup.com
christina@hhplawgroup.com
Attorneys for Appellant

OTHER COUNSEL OF RECORD:

Samantha Albrecht, Esq. (S.C. Bar # 102642)
912 Lady Street
P.O. Box 1929
Columbia, S.C. 29202
Phone: 803-850-0912
salbrecht@burnetteshutt.law



HHP LAW GROUP

Ashley M. Cashdollar
Litigation Paralegal
ashley@hhplawgroup.com

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SC Court of Appeals

Via Email Only

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

Re: Ex Parte: Mandy Matney; David Voros and Alexandra Stasko v. Allison Dunavant
Appellate Case No. 2025-002585
Civil Action No.: 2022-CP-40-01390

Dear Ms. Kitchings,

Enclosed and for filing, please find the *Plaintiff/Respondent's Memorandum Regarding Appealability and Mootness and Proof of Service* in connection with the above-referenced matter.

Should you have any questions or require any additional information, please do not hesitate to contact our office directly.

With kind regards, I remain,

Kindest regards,

Ashley M. Cashdollar

Enclosure(s): *as stated*

cc: Samantha Albrecht, Esquire (via email at salbrecht@burnetteshutt.law)
Rebeca Lindahl, Esquire (via email at rebecca.lindahl@kannen.com)
Meredith Bannon, Esquire (via email at meredith@bannonlawgroup.com)

Physical Address
2020 Assembly St.
Columbia, SC 29201

HHP LAW GROUP, LLC
HINSON, HILLER, & PADGET
803.400.8277 / www.hhplawgroup.com

Mailing Address
P.O. Box 83
Columbia, SC 29202