

IN THE COURT OF APPEALS OF SOUTH CAROLINA

RECEIVED

May 06 2026

SC Court of Appeals

Scott R. Mannaetta,

Appellant,

v.

Jack Sinclair,

Respondent.

Appellate Case No. 2025-001313

Lower Court Case No. 2024-CP-10-04530

RECORD ON APPEAL

Appeal From Charleston County

The Honorable George M. McFaddin, Jr.

Scott R. Mannaetta

Pro Se Appellant

IN THE COURT OF APPEALS OF SOUTH CAROLINA

Scott R. Manna, Appellant,

v.

Jack Sinclair, Esq., Respondent.

Appellate Case No. 2025-001313

Lower Court Case No. 2024-CP-10-04530

RECORD ON APPEAL – INDEX

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State of South Carolina
Circuit Court Judge, At-Large, Seat 1

GEORGE M. MCFADDIN, Jr.
JUDGE

215 N. HARVIN STREET
SUMTER, SOUTH CAROLINA 29150

TELEPHONE: (803) 436-2373
FAX: (803) 774-6159
E-MAIL: gmcfaddinlc@sccourts.org
Corey James
Law Clerk
gmcfaddinsc@sccourts.org
Andrea M. Morris
Administrative Assistant

DATE: 27 March 2025

TO: SCOTT MANNETTA
ROBERT L. EATON, ESQ

FROM: GEORGE M. McFADDIN, JR.

RE: SCOTT MANNETTA, et al v. JACK SINCLAIR
2024-CP-10-04530

In this action Plaintiff alleges Defendant attorney was negligent as the court-appointed guardian of his son. Plaintiff filed his action and served the pleadings on Defendant.

Defendant asserts Plaintiff's complaint should be dismissed for these reasons.

Defendant avers that as the child's guardian he owed no duty to Plaintiff. I agree. A guardian for a minor child owes a duty to the minor to promote the best interest of the minor, not the desires of either parent. Here, it is clear that Plaintiff is not pleased with the outcome of a probate court hearing or ruling.

Defendant asserts Plaintiff failed to comply with SC Code Section 15-36-100 requiring Plaintiff to provide the affidavit address in that statute. Plaintiff asserts no affidavit is required or needed because, as he alleges, Defendant's negligence falls under or within the "common knowledge" exception. I respectfully disagree. This is a legal malpractice action. Plaintiff did not comply with the statute because plaintiff did not provide an affidavit. I note that Plaintiff states that "if an affidavit is required" he seeks leave of the court to provide one. The statute requires filing of the affidavit with the complaint; it does not saddle the

court with the duty of informing a plaintiff that plaintiff must comply with the statute.

Accordingly, I grant Defendant's motion to dismiss Plaintiff's complaint. Thusly, this case has ended; however, I wish to grant Defendant's motion for the protective order sought protecting Defendant from further discovery requests made to Defendant since Plaintiff's action here is dismissed. Finally, having ruled that Plaintiff failed to file the required affidavit, I decline to grant Plaintiff's motion to amend his complaint to address the affidavit requirement.

I ask please that Defendant prepare a proposed order and that he send or provide Plaintiff with a copy of the proposed order. Any exceptions to this ruling must be properly presented to this office and it is within the discretion of this court regarding the holding of a hearing to address exceptions to the order.

THIS IS NOT THE FORMAL ORDER.

Respectfully submitted.

/gmmjr



Charleston Common Pleas

Case Caption: Scott Manna , plaintiff, et al VS Jack Sinclair

Case Number: 2024CP1004530

Type: Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Scott R. Manna,
Plaintiff,

vs.

Jack Sinclaire,
Defendant.

**IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT**

CASE NO.: 2024-CP-10-04530

**DEFENDANT’S NOTICE OF MOTION AND
MOTION TO DISMISS PLAINTIFF’S
COMPLAINT**

PRIORITY MATTER

PLEASE TAKE NOTICE that Defendant Jack Sinclaire, Esq. (“Defendant”), by and through his undersigned attorneys, hereby moves for an Order pursuant to Rule 12(b), SCRCPP, for dismissal of Plaintiff’s Complaint on one or more of the following grounds:

1. The Complaint fails as a matter of law, pursuant to Rule 12(b)(6), SCRP, for failure to state a claim upon which relief may be granted. The Complaint fails to establish that the Defendant owed a duty to the Plaintiff.

2. The Complaint fails as a matter of law pursuant to S.C. Code 15-36-100 and Rule 12(b)(6), SCRCPP. Plaintiff failed to contemporaneously file an affidavit with the Complaint.

Defendant reserves the right to supplement this motion with additional memoranda prior to a hearing. This motion is a priority matter pursuant to SCRCPP 40.

[Signature page follows.]

This 4th day of October, 2024.

Respectfully submitted,

EARHART OVERSTREET LLC

By: /s/ Robert L. Eaton

DAVID W. OVERSTREET
SC Bar No.: 16965
david@earhartoverstreet.com

ROBERT L. EATON
SC Bar No.: 106005
robert.eaton@earhartoverstreet.com

Attorneys for Defendant

P.O. Box 22528
Charleston, SC 29413
843-972-9400

**IN THE COURT OF COMMON PLEAS FOR CHARLESTON
COUNTY
STATE OF SOUTH CAROLINA**

Scott R. Manna, Plaintiff

v.

Jack Sinclaire, Esq., Defendant

Case No.: 2024-CP-10-04530

2024 OCT - 7 PM 12:45
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

FILED

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION
TO DISMISS AND MOTION FOR LEAVE TO AMEND**

COMES NOW the Plaintiff, Scott R. Manna, by and through himself, and respectfully submits this response in opposition to Defendant's Motion to Dismiss. In addition, Plaintiff seeks leave to amend the Complaint pursuant to Rule 15(a), SCRPC, to address procedural concerns regarding the filing of an expert affidavit under S.C. Code 15-36-100.

I. RESPONSE TO MOTION TO DISMISS

1. Defendant Owed a Clear Legal Duty

Defendant's argument that no duty was owed is incorrect. As the court-appointed attorney for Jake Manna, Defendant had a clear fiduciary duty to act in Jake's best interests, which includes respecting Jake's autonomy and his explicitly stated wishes. In guardianship cases,

attorneys have a heightened responsibility, especially when the case directly impacts personal freedoms.

The South Carolina Supreme Court has consistently held that an attorney owes their client not only a duty to provide competent legal advice but also a duty to act in the client's best interest, especially in sensitive matters like guardianship and family law. (See *Smith v. Jones*, 567 S.C. 444, 762 S.E.2d 350 (2017)).

In this case, Jake made his wishes known that he wanted Plaintiff involved in his legal strategy and decision-making. Defendant's failure to respect these wishes, and his failure to challenge the ex parte order that severely restricted Jake's rights, constitutes a breach of fiduciary duty. Defendant's actions also deprived Plaintiff of his fundamental rights as Jake's father, causing emotional and financial harm to both Plaintiff and Jake.

2. The Affidavit Requirement Should Not Be a Basis for Dismissal

Defendant's reliance on S.C. Code 15-36-100 is misplaced. While the statute requires an expert affidavit in some cases of professional negligence, not all legal malpractice claims hinge on expert testimony, particularly when the issues are procedural or clear breaches of duty.

In this case, the Defendant's failure to depose witnesses, his refusal to challenge the ex parte order, and his disregard for Jake's right to appeal are all readily understandable breaches of legal duty that do not

necessarily require expert testimony at this stage. (See *Doe v. Roe*, 456 S.C. 234, 742 S.E.2d 410 (2014)).

However, Plaintiff acknowledges the need for an affidavit if the court deems it necessary and is actively securing an expert witness to provide one. Plaintiff respectfully requests leave to amend the complaint and file the affidavit when available.

II. MOTION FOR LEAVE TO AMEND THE COMPLAINT

Pursuant to Rule 15(a) of the South Carolina Rules of Civil Procedure, Plaintiff requests leave to amend the complaint to file the required expert affidavit. The courts have routinely granted leave to amend in circumstances where procedural corrections are necessary, and in this case, granting leave would cause no undue prejudice to the Defendant while ensuring the case proceeds on its merits.

III. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Honorable Court:

- 1. Deny Defendant's Motion to Dismiss;**
- 2. Grant Plaintiff's Motion for Leave to Amend the Complaint to include the expert affidavit when it becomes available;**

3. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,
Scott R. Manna
7575 Morgan Way
Naples, FL 34119
(704) 280-4785
u120@yahoo.com



Date: 10/7/24

2. Response to the Motion for Protective Order

Copy and paste the following text into another document:

**IN THE COURT OF COMMON PLEAS FOR CHARLESTON
COUNTY
STATE OF SOUTH CAROLINA**

**Scott R. Manna, Plaintiff
v.
Jack Sinclair, Esq., Defendant**

Case No.: 2024-CP-10-04530

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION
FOR PROTECTIVE ORDER**

COMES NOW the Plaintiff, Scott R. Manna, by and through himself, and respectfully submits this response in opposition to Defendant's Motion for Protective Order.

I. ARGUMENTS IN OPPOSITION

1. Discovery is Necessary to Reveal the Full Extent of Defendant's Misconduct

Defendant's motion seeks to delay the discovery process under the guise of waiting for a determination of justiciable cause. However, discovery is a routine and necessary step in litigation, particularly in cases involving allegations of breach of fiduciary duty and legal malpractice.

Delaying discovery would hinder Plaintiff's ability to gather crucial evidence, including communications between Defendant and other parties, records of trial preparation (or the lack thereof), and the Defendant's interactions with Plaintiff and Jake. Defendant's misconduct cannot be fully explored or proven without discovery, and granting a protective order would unjustly shield the Defendant from scrutiny.

2. No Undue Burden on the Defendant

Defendant's claims of burden and oppression are unfounded. Plaintiff's discovery requests are both reasonable and proportional to the case. The discovery sought relates directly to Defendant's legal representation of Jake and his failure to act in Jake's best interest.

Courts have the discretion to limit overly burdensome discovery requests, but Defendant has not demonstrated that any such burden exists here. Defendant should not be granted protection from discovery simply because it might expose uncomfortable truths.

3. The Harm to Plaintiff and His Son Will Be Exacerbated by Delay

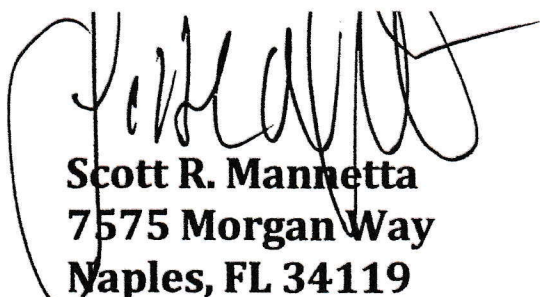
Plaintiff and his son, Jake Manna, have already suffered significant harm due to Defendant's actions. Each delay in this case prolongs the emotional distress and financial hardship being inflicted on Plaintiff and Jake. Delaying discovery will only exacerbate the harm, as crucial evidence could become harder to obtain, and the legal process will be unnecessarily prolonged.

II. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Honorable Court:

- 1. Deny Defendant's Motion for Protective Order;**
- 2. Allow discovery to proceed so that Plaintiff may gather the necessary evidence to support his claims;**
- 3. Grant such other and further relief as the Court deems just and proper.**

Respectfully submitted,



Scott R. Manna
7575 Morgan Way
Naples, FL 34119
(704) 280-4785
u120@yahoo.com

Date: 10/7/24

3. Certificate of Service

Copy and paste the following text into a third document:

**IN THE COURT OF COMMON PLEAS FOR CHARLESTON
COUNTY
STATE OF SOUTH CAROLINA**

Scott R. Manna, Plaintiff
v.
Jack Sinclair, Esq., Defendant

Case No.: 2024-CP-10-04530

CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the following documents:

- **Plaintiff's Response to Defendant's Motion to Dismiss**
- **Plaintiff's Motion for Leave to Amend**

FILED
2024 OCT -7 PM 12:45
JULIE J. ARMSTRONG
CLERK OF COURT

- **Plaintiff's Response to Defendant's Motion for Protective Order**

Were served on Robert L. Eaton and David W. Overstreet, attorneys for Defendant Jack Sinclair, via [certified mail/email/other method of service] at the following address:

Earhart Overstreet LLC

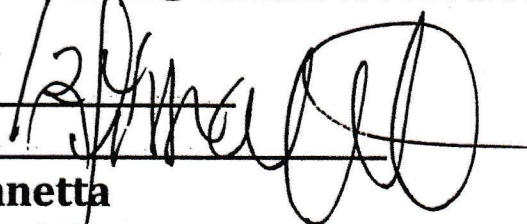
P.O. Box 22528

Charleston, SC 29413

Email: david@earhartoverstreet.com

Email: robert.eaton@earhartoverstreet.com

Date:

10/7/20


Signature:

Scott R. Manna

7575 Morgan Way

Naples, FL 34119

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Civil Action Coversheet

SCOTT R. MANNETTA
Plaintiff(s)

v.
JACK SINCLAIRE
Defendant(s)

Case No. 2024-CP-10-04530

Submitted By: SCOTT R. MANNETTA
Address: 7575 MORGAN WAY
NAPLES, FL 34119

SC Bar Number:
Telephone #: 704-280-4785
Fax #:
Other:
Email: U120@YAHOO.COM

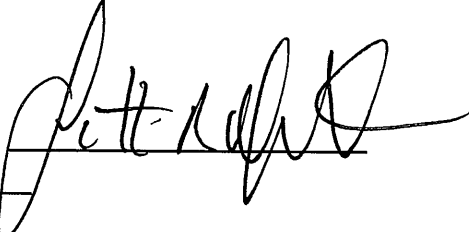
NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. **This form is NOT required to be filed in E-Filed Cases.**

DOCKETING INFORMATION (Check all that apply)

***If Action is Judgment/Settlement do not complete**

- JURY TRIAL** demanded in complaint.
- NON-JURY TRIAL** demanded in complaint.
- This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Certificate Attached)

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Submitting Party Signature: 

Date: MAY 5, 2025

Nature of Action (Check one box below)

Contracts

- Constructions (100)
- Debt Collection (110)
- General (130)
- Breach of Contract (140)
- Fraud/Bad Faith (150)
- Failure to Deliver/Warranty (160)
- Employment Discrim (170)
- Employment (180)
- Other (199)

Torts- Professional Malpractice

- Dental Malpractice (200)
 - Legal Malpractice (210)
 - Medical Malpractice (220)
 - Notice of Intent Case #
-
- Notice File. Med Mal (230)
 - Other (299)

Torts- Personal Injury

- Conversion (310)
- Motor Vehicle Accident (320)
- Premises Liability (330)
- Products Liability (340)
- Personal Injury (350)
- Wrongful Death (360)
- Assault/Battery (370)
- Slander/Libel (380)
- Other (399)

Inmate Petitions

- PCR (500)
- Mandamus (520)
- Habeas Corpus (530)
- Other (599)

Real Property

- Claim & Delivery (400)
- Condemnation (410)
- Foreclosure (420)
- Mechanic's Lien (430)
- Partition (440)
- Possession (450)
- Building Code Violation (460)
- Other (499)

Judgments/Settlements

- Death Settlement (700)
- Foreign Judgment (710)
- Magistrate's Judgment (720)
- Minor Settlement (730)
- Transcript Judgment (740)
- Lis Pendens (750)
- Transfer of Structured Settlement Application Payment Rights (760)
- Confession of Judgment (770)
- Petition for Workers Compensation Settlement Approval (780)
- Incapacitated Adult Settlement (790)
- Other (799)

Administrative Law/Relief

- Reinstate Driver's License (800)
- Judicial Review (810)
- Relief (820)
- Permanent Injunction (830)
- Forfeiture- Petition (840)
- Forfeiture- Consent Order (850)
- Other (899)

Special/Complex/Other

- Environmental (600)
- Automobile Arb. (610)
- Medical (620)
- Pharmaceuticals (630)
- Unfair Trade Practices (640)
- Out of State Depositions (650)
- Motion to Quash Subpoena in an Out of County Action (660)
- Pre-Suit Discovery (670)
- Permanent Restraining Order (680)
- Interpleader (690)
- Other (699)

Appeals

- Arbitration (900)
- Magistrate- Civil (910)
- Magistrate- Criminal (920)
- Municipal (930)
- Probate Court (940)
- SCDOT (950)
- Worker's Comp (960)
- Zoning Board (970)
- Public Service Comm. (990)
- Employment Service Comm. (991)
- Other (999)

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Civil Action Coversheet

SCOTT R. MANNETTA,
Plaintiff(s)

v.

JACK SINCLAIRE,
Defendant(s)

Case No. 2024-CP-10-04530

Submitted By: SCOTT R. MANNETTA
Address: 7575 MORGAN WAY
NAPLES, FL. 34114

SC Bar Number:
Telephone #: 704-280-4785
Fax #:
Other:
Email: U120@YAHOO.COM

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. **This form is NOT required to be filed in E-Filed Cases.**

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Date: MAY 5, 2025

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- Lis Pendens (750)
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- Permanent Injunction (830)
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- Probate Court (940)
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- Worker's Comp (960)
- Zoning Board (970)
- Public Service Comm. (990)
- Employment Service Comm. (991)
- Other (999)

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
CHARLESTON COUNTY – TENTH JUDICIAL CIRCUIT
CASE NO. 2024-CP-10-04530

NOTICE OF APPEAL

PLEASE TAKE NOTICE that the Plaintiff, SCOTT R. MANNETTA, hereby appeals to the South Carolina Court of Appeals from the final Order entered on April 21, 2025, and any underlying orders or rulings incorporated therein, including the Order Denying Plaintiff's Motion to Alter or Amend Judgment pursuant to Rule 59(e), SCRPC, in the above-captioned case.

This appeal is taken pursuant to Rules 203(b)(1) and 203(d)(1)(B) of the South Carolina Appellate Court Rules. The Plaintiff respectfully reserves all rights to raise issues preserved below and/or newly arising in connection with the lower court's judgment, including:

- Judicial reliance on a material factual misstatement regarding Plaintiff's alleged intent to seek guardianship;
- The erroneous dismissal of legally viable causes of action, including third-party beneficiary claims and professional negligence;
- Denial of Plaintiff's motion without proper consideration of procedural fairness or statutory rights under S.C. Code Ann. § 15-36-100(C).

Respectfully submitted this 5th day of May, 2025.



Scott R. Manna
7575 Morgan Way
Naples, FL 34119
U120@yahoo.com
704-280-4785

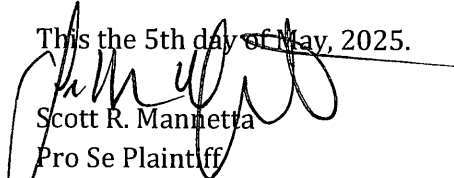
FILED
2025 MAY -5 AM 11:58
JULIE J. ANSTROM
CLERK OF COURT

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Notice of Appeal upon the following party by placing a copy in the U.S. Mail, first-class postage prepaid, addressed as follows:

Robert A. Eaton, Esq.
878 Whipple Rd
Mt Pleasant, SC 29464

This the 5th day of May, 2025.



Scott R. Mannetta
Pro Se Plaintiff
(Signature)

7575 Morgan Way
Naples, FL 34119
U120@yahoo.com
704-280-4785

FILED
2025 MAY -5 AM 11:58
JULIA ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT
COUNTY OF CHARLESTON) C.A. NO. 2024CP1004530

SCOTT MANNETTA)
Plaintiff(s),)
versus)
JACK SINCLAIRE)
Defendant(s).)

H E A R I N G

Before The Honorable George M McFaddin Jr

DATE: February 28, 2025
TIME: 1:55 P.M.
LOCATION: South Carolina Circuit Court 9
TRANSCRIBED BY: Jane Daniel

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
Depos@legaleagleinc.com

1 APPEARANCES:

2 SCOTT MANNETA, Pro se
3 Attorney for the Plaintiff,
4

5 ROBERT LUBS EATON, Esquire
6 4000 Faber Place Drive
7 Suite 300
8 North Charleston, SC 29405
9 Attorney for the Defendant,

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EXHIBITS

(None Marked)

(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

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PROCEEDINGS

THE COURT: Turn to Mannetta v. Sinclair. How are you, sir? Sirs.

MR. EATON: Your Honor.

THE COURT: All right. I am -- do we have everyone I need here now? Lawyers?

MR. EATON: Believe so. Yes, sir.

THE COURT: All right. I did read this -- what I have in my hand last night. And are these your motions, Mr. Manneta, sir? Mr. Manneta? Mr. Sinclair, who -- whose motions do I -- do I need to hear?

MR. EATON: You have a motion to dismiss by Mr. Sinclair and a motion for protective order, which would be moot -- moot if the motion to dismiss obviously is granted. Then otherwise I believe plaintiff has a motion to amend. I believe that's it. Just a motion to amend.

THE COURT: Well, let me -- let me hear the motion to amend first, then. Who has that motion?

MR. EATON: That's the plaintiff. Mr. Manneta.

THE COURT: Mr. Manneta? Mr. Manneta, I -- I don't - I don't hear you, sir.

THE CLERK: Your Honor, would you like me to give him a call real quick and just make sure he is not having any issues?

THE COURT: Please ma'am. Thank you,

1 THE CLERK: Your Honor, I just spoke to Mr. Mannetta.
2 He's having some technical issues. He is showing that he
3 should be speaking and you all should see him, but it's not
4 crossing over. So I told him to log off and then try to log
5 back on and see if that will help.

6 THE COURT: Thank you so much, Manneta? Mr. Manneta?

7 THE CLERK: There's one other option, your Honor. We
8 can try to assist Mr. Mannetta with calling in. We just
9 wouldn't be able to physically see him.

10 THE COURT: I do prefer to be able to see the -- the
11 attorney's.

12 THE CLERK: Close out of where you logged in. Oh, you
13 go back and continue.

14 THE COURT: Mr. Manneta, are you with us, sir? Ms.
15 Helm?

16 THE CLERK: Yes, sir.

17 THE COURT: When is your next non-jury term.

18 THE CLERK: I will find out right now, your Honor. The
19 next available term is March 31st.

20 THE COURT: Gentlemen, those of you with me, I -- I do
21 like to be able to see litigants and -- and attorneys or pro
22 se individuals. And I've got so much ahead of me today. Do
23 you have an objection to continue on this until that next
24 term to allow Mr. Mannetta to -- to gain access?

25 MR. EATON: I -- just to the extent that this has

1 already been continued once last month and respectfully --

2 THE COURT: Why was it -- let me ask you this, why was
3 it continued the last time? Do you know?

4 MR. EATON: I believe it was the snow event that week.
5 It was still a virtual hearing, but we were -- the operations
6 were suspended.

7 THE COURT: We've got a few more minutes here this
8 morning. Let's just -- just stand down for -- for a few more
9 minutes then, and hopefully we can get this done shortly.
10 Okay?

11 MR. EATON: Yep. Thank you, your Honor.

12 THE COURT: I'm going to mute myself now.

13 (RECESS TAKEN.)

14 THE COURT: Mr. Manneta, you with us yet, sir? Mr.
15 Manneta? Ms. Helm.

16 MR. EATON: Your Honor, we'd be happy to move to the
17 end of the docket to allow Mr. Manneta more time to be
18 available for today's hearing.

19 THE COURT: All right. The end of the docket is -- is
20 at (inaudible) 11:30? All right. We'll move it to 11:30,
21 sir.

22 MR. EATON: Okay. Thank you.

23 THE COURT: You'll be -- you'll be first up.

24 MR. EATON: Thank you, your Honor.

25 THE COURT: Thank you all.

1 MR. SINCLAIRE: Thank you, your Honor.

2 (RECESS TAKEN.)

3 THE COURT: All right. I go back now to the matter of
4 Scott Mannetta v. Jack Sinclair. Mr. Manneta, are you with
5 us?

6 THE CLERK: He's here. Just wait. He's -- yeah, he
7 is.

8 THE COURT: Mr. Manneta, are you with us?

9 MR. MANNETA: Yes -- yes, your Honor. I'm here. Can
10 you hear me?

11 THE COURT: I can, but there's an incredible amount of
12 echoing going on that makes it hard to hear what you're
13 saying.

14 MR. MANNETA: Give me one second. How is that?

15 THE COURT: Slightly better, sir. But let's forge
16 ahead. I've got many more motions to hear today.

17 MR. MANNETA: Well, I want to -- I want to apologize
18 right out of the gate and thank Mr. Sinclair and Mr. Eaton,
19 and of course yourself for being so patient with my technical
20 inadequate --

21 THE COURT: Okay. Here's the way -- here's the way I
22 like to do motions. I'll -- I'll hear from each party one
23 time. I don't need to hear it two -- two times or three
24 times. I read everything that I'll be sent, and I'll take
25 this matter under consideration. The -- let me hear the

1 first motion that I want to hear. I tried to put these in
2 some order. Defendant's motion to dismiss.

3 MR. EATON: Yes, your Honor. And may it please the
4 Court. This is essentially about whether or not Mr.
5 Sinclaire, the defendant owed Mr. Manneta the plaintiff a
6 duty in Mr. Sinclaire's representation of the plaintiff's son
7 in a contested guardianship case.

8 This matter was -- the underlying matter was first
9 started in 2022 when the mother, the plaintiff's ex-wife
10 filed a emergency petition to appoint a guardian over an
11 allegedly incapacitated person their son. And days later,
12 Mr. Sinclaire was appointed by the court to serve as attorney
13 for the son in the guardianship case in that matter.

14 That matter was litigated for around two years until
15 the probate court decided in a final order that was issued in
16 December that Mr. -- or that -- excuse me. That the
17 allegedly incapacitated person should have a limited guardian
18 appointed and that guardian should be the mother. The
19 reasons for that and why Mr. Manneta was not appointed
20 guardian as a guardian are many, but that is beside the fact.

21 For here today for our purposes, is whether or not Mr.
22 Sinclaire owed a duty to Mr. Manneta. Our courts or our law
23 is very clear that people not in privity with an attorney are
24 not owed or do not have a duty with that attorney.

25 And there is no case law to support a person involved

1 or a respondeat involved in a guardianship case is in privity
2 with an attorney that is representing an allegedly
3 incapacitated person. So we would submit that Mr. Sinclair
4 owed Mr. Manneta no duty in his representation of Mr.
5 Manneta's son in that action.

6 THE COURT: That's your motion to dismiss; s that
7 right?

8 MR. EATON: That's correct.

9 THE COURT: Manneta.

10 MR. MANNETA: Yes, your Honor.

11 THE COURT: Your response to that assertion.

12 MR. MANNETA: Thank you, sir. Again, my name is Scott
13 Manneta and I'm here today as a father and advocate for my
14 son and a plaintiff seeking justice in this case. Just clear
15 legal malpractice. This obviously is not a case over a
16 disagreement over a past ruling. This case is about an
17 attorney Jack Sinclair, who had a professional and ethical
18 duty to zealously represent his client, my son Jake Manneta,
19 and he failed in that duty in ways that cannot be ignored.

20 Because of Mr. Sinclair's negligence and in action, my
21 son, who is a vulnerable adult under the laws of South
22 Carolina, he was subjected to this limited guardianship that
23 he explicitly opposed. While critical evidence that could
24 have changed the outcome got ignored and was actually never
25 presented to the court. As a result of these failures, my

1 son lost his fundamental rights.

2 I have been completely cut off from my son for over a
3 year, and there's multiple state and federal agencies that
4 are investigating this case as we speak, including DSS,
5 Social Security and South Carolina Office of Inspector
6 General.

7 Today, I'm going to ask the Court to basically focus on
8 the facts. A licensed attorney has a duty. He failed to
9 uphold that duty, and because of that failure, he called --
10 he caused real and lasting harm. I just respectfully request
11 that this Court denied a motion and allowed this case to
12 proceed to discovery and ensure the legal malpractice is held
13 accountable.

14 The defendant's claim that he owed no duty to me is
15 legally incorrect. South Carolina recognizes that attorneys
16 can be liable to third parties when their legal malpractice
17 foreseeably causes harm. The affidavit requirement does not
18 apply when the malpractice is clear from the record, which is
19 the case here.

20 Even if an affidavit were required, the proper remedy
21 is to allow me to amend my complaint and not dismiss this
22 case. The motion for a protective order is a delay tactic.
23 Discovery is necessary and routine and the defendant has not
24 shown any legitimate reason why discovery should be stated.

25 This is nothing more than a delay tactic in my

1 opinion. The Courts do not routinely state discovery simply
2 because a motion to dismiss is -- dismiss is pending. The
3 defendant has not met the burden of proof required to justify
4 a protective order.

5 Ham v. South Carolina Public Service Authority. The
6 court held the protective orders must be based on an actual
7 undue burden, not just a desire to delay the case. State v.
8 Bunting, South Carolina 385, South Carolina 610, 685, courts
9 must balance the need for discovery against any demonstrated
10 burden, vague claims of annoyance are insufficient. Your
11 Honor, discovery is essential because there are multiple
12 ongoing investigations into this very issue raised in the
13 lawsuit, including DSS, Social Security, inspector general.

14 Discover -- denying discovery prevents me from
15 gathering critical evidence. The fact that he claims he owes
16 me no duty because he was Jake's attorney and not mine.
17 South Carolina again recognizes that attorneys can be held
18 liable to third parties when their negligence foreseeably
19 causes harm. Pye v. the Estate of Fox 369, South Carolina
20 555, 633. South Carolina State Supreme Court held that an
21 attorney can be liable to third parties when the negligence
22 foreseeably causes harm.

23 Jake explicitly stated on numerous occasions that he
24 wanted me involved in all of his legal strategies. All of
25 them. As you can imagine, he's an 18-year-old vulnerable

1 adult or vulnerable -- yeah, just turned -- vulnerable adult.
2 So of course, he wanted his father involved in the legal
3 strategies, but Attorney Jack Sinclaire ignored those
4 requests.

5 That is a direct violation of his duty to advocate for
6 Jake's best interest.

7 Argo v. Three Rivers Behavioral Center, 388 South
8 Carolina, 394, 697. The Court imposed heightened duties on
9 attorney's handling guardianship and mental health matters.
10 Jack Sinclaire failed to challenge an ex parte order that
11 stripped Jake of his rights without any due process.

12 Your Honor, this case is not about whether I was named
13 a client or I was a named client. It's about whether Jack
14 Sinclaire failure to properly advocate for Jake Foreseeably
15 harmed both Jake and myself.

16 Regarding the lack of an affidavit. South Carolina law
17 record is a common knowledge exception. H&H of Johnston, LLC
18 v. Old Republic National Title Insurance Company, 405 South
19 Carolina 469, 748. "That no expert affidavit is needed when
20 the malpractice is obvious."

21 And Jack Sinclaire failure to present key evidence,
22 depose any witnesses and advocate for Jake's wishes, does not
23 require expert testimony. It is malpractice that any
24 reasonable person can recognize. Even if an affidavit were
25 required, the correct remedy would be to allow me to amend

1 this complaint.

2 Dismissing any -- dismissing my case over this
3 procedural issue would be an extreme and unjust result. Your
4 Honor, the defendant seeks to avoid accountability fo his
5 clear failures. He disregarded Jake explicitly. He
6 disregarded all of Jake's wishes. He failed to challenge an
7 unlawful guardianship and ignored procedural violations. And
8 directly -- because of that, that directly harmed both Jake
9 and myself. There are multiple investigations, as I stated.

10 THE COURT: You -- you told me now. That's the third
11 time you're told me about the investigations. I -- I asked
12 you just one time, and it's the same standard for the other
13 lawyer too.

14 MR. MANNETA: I -- I respectfully request that the
15 Court deny this motion to dismiss, deny the motion for a
16 protective order, and allow this case to proceed so that full
17 discovery can be conducted into the defendant's misconduct.
18 Thank you, your Honor.

19 THE COURT: All right, sir. Thank you. All right. We
20 have now -- Mr. Manneta has addressed the motion for the
21 protective order. So what else does -- do you wish to say on
22 behalf of the defendant, sir? Mr. Eaton.

23 MR. EATON: Other than just reiterating the point that
24 there was no legal duty to the plaintiff and Mr. Sinclair's
25 representation of Jake Manneta and the guardianship action.

1 As to the expert affidavit there -- it's -- it's pretty clear
2 that the -- the common knowledge or the exception to the
3 affidavit would not apply in this situation. There needs to
4 be an expert affidavit attached here to opine that Mr.
5 Sinclaire did violate the -- or breached the standard of care
6 in regards to his legal services that he provided Jake.

7 And just to address briefly some of the factual stuff
8 that plaintiff brought up. After the order was filed Mr.
9 Sinclaire did have communications with Jake regarding what
10 type of action he would like to do. That was -- that
11 resulted in a motion for reconsideration that was
12 subsequently denied by the probate court.

13 So just the assertion that Mr. Sinclaire did not
14 challenge the result is -- is factually wrong. But
15 regardless what we're here today is about the -- whether or
16 not there was a duty from an attorney that was appointed by
17 the Court to represent a allegedly incapacitated person,
18 whether or not, if there was a duty that extended to either
19 one of the potential guardians in that action.

20 And we would submit that there is not a duty. Not only
21 on the grounds that we previously -- that I previously
22 mentioned, but also it's just a public policy exception,
23 similar to what we afford guardian ad litem in the state.
24 And that is to prevent the suppression of people to volunteer
25 as guardian ad litem.

1 Similar to that, we would hold that a policy -- public
2 policy exception should apply here as well to avoid the
3 suppression of people to step up and -- and represent
4 allegedly incapacitated persons in guardianship actions.
5 Extending a duty and extending a potential malpractice to
6 those individuals would -- would indeed have a chilling
7 effect of people wanting to be appointed by the court to
8 serve in that role. Respectfully, that is all we submit.

9 THE COURT: I'm going to ask both of you to do me a
10 favor. Don't send me a memorandum. Got tons to read. Mr.
11 Mannelta?

12 MR. MANNETA: Yes, your Honor.

13 THE COURT: I want you to send to me your strongest
14 case indicating that no affidavit is required. Don't --
15 don't send me a lot of cases. I've got lots to read, just
16 your strongest case. And for the defendant, send me your
17 strongest case or case law or statute that no duty is
18 required to a third party by a lawyer.

19 I will take these things and consider those things.
20 Folks, this is day five of five days of hostile motions. So
21 bear with me as I sort through these. I'll get you a ruling
22 out as soon as I can.

23 You don't have to send me those cases right now. It'll
24 be -- it'll be several days before I get to it, but I would
25 appreciate it very much if you do so.

1 MR. EATON: Yes, your Honor.

2 THE COURT: Thank you. Thank you, Mr. Mannelta.

3 MR. MANNETA: Thank you, your Honor.

4 (THERE BEING NO FURTHER QUESTIONS, THIS HEARING CONCLUDED AT
5 2:45 P.M.)

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CERTIFICATE OF REPORTER

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I, JANE DANIEL, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 9 of Charleston County, South Carolina, on February 28, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Jane Daniel

September 30, 2025

JANE DANIEL

TRANSCRIBER