

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )  
  
RICHARD BOWMAN, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
COSIMA MACLEAN, )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
CASE NO.: 2024-CP-07-01039

**RECEIVED**  
**May 12 2026**  
**SC Court of Appeals**

ORDER

This matter first came before me for a virtual hearing on February 4, 2026 pursuant to defendant’s Motion for Sanctions filed October 16, 2025 and this Court’s Amended Order and Rule to Show Cause filed on January 22, 2026. Present at the hearing were Darrell Thomas Johnson, Jr., attorney for the plaintiff, the plaintiff Richard Bowman, and John R.C. Bowen, attorney for the defendant. The defendant Cosima MacLean is a resident of the Federal Republic of Germany and was unable to attend. During the hearing, the Court heard arguments, allowed testimony by the plaintiff, and requested counsel to provide additional information so that the hearing could be concluded at a later date. The hearing was reconvened April 1, 2026 at the Beaufort County Courthouse. Present at the reconvened hearing were Darrell Thomas Johnson, Jr., attorney for the plaintiff, and John R.C. Bowen, attorney for the defendant. The plaintiff Richard Bowman and the defendant Cosima MacLean attended virtually via Webex.

**DISCUSSION AND PROCEDURAL HISTORY**

According to the pleadings in this matter, the plaintiff was for a period of time the

“significant partner” of the defendant<sup>1</sup> until that relationship was allegedly terminated by defendant. Following the termination of the relationship, it is alleged that plaintiff refused to vacate defendant’s house and was ultimately evicted by the Bluffton Magistrate who issued a Rule to Vacate Court Order on or about April 14, 2024.

The case before this Court involves a Lis Pendens filed on April 22, 2024 followed by a Summons and Complaint by plaintiff seeking the partition of a residential property in Bluffton, South Carolina filed on May 13, 2024. Plaintiff alleges a single cause of action in which he claims an entitlement to an interest in the property. The defendant filed her Answer and Counterclaim on August 21, 2024 attaching thereto as an exhibit a copy of the recorded deed showing her as the sole owner of the property, denying the allegations of plaintiff, and asserting counterclaims against plaintiff for Actionable Slander/Libel, Breach of Agreement to Repay Loans, Fraud, Wrongful Appropriation of Personality<sup>2</sup>, and Sanctions for Violation of the South Carolina Frivolous Civil Proceedings Act. On December 4, 2024, and with plaintiff’s consent, defendant filed an Amended Answer and Counterclaim containing an additional claim for Intentional Infliction of Emotional Distress for plaintiff’s alleged publication of nude photographs of the defendant taken without her knowledge or consent.

The defendant seeks sanctions against the plaintiff pursuant to Rule 37 for failure to make or cooperate in discovery and argues that the Court should dismiss the plaintiff’s Complaint. From an examination of the Court’s file, it appears that the defendant served Interrogatories and Requests for Production on plaintiff on September 30, 2024. When no response was received,

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<sup>1</sup>Answer and Counterclaim, paragraph 14

<sup>2</sup>Related to identity theft

defense counsel wrote to plaintiff's counsel on November 1, 2024 reminding him that responses were due, informing him that he should contact defendant's counsel if additional time was needed and, otherwise, should provide the discovery within ten days to avoid the filing of a Motion to Compel. On November 15, 2024, Defendant filed a Motion to Compel responses to the Interrogatories and Request for Production. In response, on November 20, 2024 plaintiff's counsel sent incomplete responses to the Interrogatories and did not respond at all to the production requests.

On November 22, 2024 defendant's counsel sent a lengthy deficiency letter to plaintiff's counsel outlining in detail the deficiencies to responses to Interrogatories numbered 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15, 17, 18, 20, 21 and 22 and the failure to produce any documents. Counsel requested that plaintiff properly supplement his responses. It appears that the plaintiff failed to respond to his counsel's request for additional information and on January 10, 2025 defendant filed an Amended Motion to Compel addressing these failures. On January 24, 2025 plaintiff provided Amended Answers to Discovery signed by both plaintiff and his counsel which were again incomplete and/or non-responsive and on January 27, 2025 the defendant's counsel again wrote to plaintiff's counsel pointing out this fact. Thereafter, on March 25, 2025 the defendant filed an additional Memorandum in Support of the original and amended motion, including additional information regarding the inadequacy of plaintiff's January 24, 2025 Amended Answers.

The Motions were heard by this Court and, after considering the memorandum of defendant's counsel containing as exhibits the above discovery requests and communications between counsel regarding the failures and deficiencies, and considering the arguments of

counsel the Court granted defendant's motions and issued an Oral Order on July 24, 2025.<sup>3</sup>

On September 24, 2025 defense counsel wrote to plaintiff's counsel reminding him that it had been two months since the issuance of the Order and the plaintiff still had not complied with the Court's Order. Since no response to that communication was received, defendant then filed a Motion for Sanctions on October 16, 2025 seeking an Order and Rule to Show Cause. On January 8, 2026 the defendant filed its Memorandum in Support of the Motion for Sanctions and on January 22, 2026 the Court issued its Amended Order and Rule to Show Cause requiring the plaintiff to appear on February 4, 2026 and show cause why sanctions should not be imposed.<sup>4</sup>

The hearing was commenced on February 4, 2026 as discussed above, and was adjourned until April 1, 2026. On March 20, 2026 the plaintiff provided his counsel with what was called "draft supplemental discovery" which was then provided to defendant's counsel. On March 30, 2026 defendant filed a Supplemental Memorandum in Support of the Motion for Sanctions in which the "draft supplemental discovery" and the communication between counsel regarding the lack of any production as well as the evasive and incomplete information contained therein. The hearing was then concluded on April 1, 2026 in the Beaufort County Courthouse as aforesaid.

At the hearing the Court considered carefully the entire file on this matter including the "draft" supplemental discovery received on March 20, 2026, the Memoranda submitted by the defendant's counsel and the numerous attachments thereto, the prior Orders in this case, the

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<sup>3</sup> The Motions were heard by the Honorable Carmen T. Mullen who issued a lengthy and detailed Oral Order at the hearing on July 24, 2025. A transcript of the hearing was made an exhibit of the Memoranda and has been reviewed by this Court.

<sup>4</sup> The Amended Order was necessary as the original Order filed days before did not set a date for the hearing.

arguments presented by counsel for plaintiff and defendant, the plaintiff's testimony, and the applicable law. The Court was further able to observe the demeanor of the witness when he testified including his apparent hostility and repeated references to irrelevant, immaterial and scandalous allegations outside the scope of these proceedings. Finally, the Court observed that counsel for both plaintiff and defendant had diligently and ably represented their respective clients in these difficult circumstances, had been candid with the Court, courteous to each other, and displayed a high degree of professionalism.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. SCRCR Rule 37(a)(2) allows the "discovering party" to move for an order compelling an answer where a party fails to answer an interrogatory or discovery request. Further Rule 37(a)(3) provides that "an evasive or incomplete answer is to be treated as a failure to answer."

2. SCRCR Rule 37(b)(2) provides in part that: "If a party . . . fails to obey an order to provide or permit discovery, including an order made under subdivision (a) of this rule . . . the court in which the action is pending may make such orders in regard to the failure as are just, and among others the following: . . . An order striking out pleadings. . . or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party."

3. The power to punish for contempt is inherent in all courts. Its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders and writs of the courts, and consequently to the due administration of justice. *Cheapo-s Truck Sttp, Inc. v. Floyd*, 350 S.C. 596, 567 S.E.2d 514 (S.C. App. 2002) The due administration of justice requires that a willful violation of the Orders of this Court be promptly

punished by appropriate sanctions.

4. The plaintiff in this case has wilfully and repeatedly failed to answer many of the defendant's interrogatories or discovery requests and has provided evasive or incomplete answers and responses to the written discovery which was served on him more than sixteen (16) months ago.

5. In response to the Order of this Court following a hearing on the defendant's Motion to Compel, plaintiff has provided to his counsel non-responsive, irrelevant, and inappropriate material to be sent to defendant which plaintiff's counsel has acknowledged to the Court was actually prepared by the plaintiff himself. This material has been carefully reviewed by the Court.

6. Plaintiff has failed to make or cooperate in discovery as is required by the South Carolina Rules of Civil Procedure, and has failed to demonstrate any cause why defendant's Motion for Sanctions should not be granted.

7. The Court further finds that counsel for both plaintiff and defendant have acted professionally and diligently in this matter, and the failure is that of the plaintiff himself.

8. In the judgment of this Court the dismissal of the plaintiff's Complaint with prejudice is an appropriate sanction under the circumstances of this case.

**WHEREFORE, it is ORDERED, ADJUDGED AND DECREED that:**

1. Defendant's Motion for Sanctions should be and is hereby granted.
2. The Complaint in this matter should be and is hereby stricken, and the plaintiff's case against the defendant is dismissed with prejudice.
3. The Lis Pendens filed by plaintiff against the property of the defendant is hereby

dismissed and the Clerk of Court is directed to cancel said Lis Pendens of record.

4. The defendant may, if she chooses, continue to pursue her counterclaims against the plaintiff.

**AND IT IS SO ORDERED.**

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The Honorable Donald B. Hocker  
At Large Circuit Court Judge

Laurens, South Carolina

April 6, 2026



Beaufort Common Pleas

**Case Caption:** Richard Bowman VS Cosima Maclean

**Case Number:** 2024CP0701039

**Type:** Order/Sanctions

Circuit Court Judge

s/Donald B. Hocker, Judge Code 2167

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