

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

)

COUNTY OF OCONEE

) TENTH JUDICIAL CIRCUIT

DOROTHY PIERCE,

) Case No.: 2022-CP-3700182

)

Plaintiff,

)

v.

)

**ORDER GRANTING
DEFENDANTS' MOTIONS FOR
SANCTIONS**

JERRY EDWARDS; EDWARDS GROUP
HOLDINGS; EDWARDS PRINTING;
RICHARD HUNT MCDUFF; MJM LAW,
LLC; RILEY MORNINGSTAR; THE
JOURNAL NEWSPAPER; AND HAL
WELCH,

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Defendants.

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May 18 2026

SC Court of Appeals

THIS MATTER is before the Court on Defendants' Motions for Sanctions (the "Motions") pursuant to Rule 37(b)(2)(C) of the South Carolina Rules of Civil Procedure. Based on the Motions, Defendants' Briefs in Support of their Motions, Plaintiff's Memorandum of Law in Opposition to the Motions, and the arguments of the parties during the March 22, 2023 hearing on the Motions, the Court FINDS and CONCLUDES as follows:

I. FACTUAL BACKGROUND

1. Background of Case

Plaintiff filed the operative Amended Complaint in this case on March 17, 2022, seeking more than \$250 million from the Journal Defendants and the Attorney Defendants. The Court dismissed some of Plaintiff's claims against the Defendants on June 20, 2022. Discovery into the remaining claims began at this point.

2. Journal Defendants' Motion for Sanctions

The Journal Defendants served written discovery requests dated August 22, 2022, which Plaintiff responded to two months later. Plaintiff failed to produce or identify vast amounts of

responsive material, including any records related to her claim for hundreds of millions of dollars in alleged damages. The Journal Defendants notified Plaintiff of these discovery deficiencies, by letter, on November 22, 2022, and agreed to give Plaintiff until December 1, 2022 to remedy them. Plaintiff did not do so. The Journal Defendants thereafter filed a Motion to Compel the missing information. The Court heard argument on the Journal Defendants' motion to compel on January 27, 2023. Following the hearing, the Court ordered Plaintiff, *inter alia*, to "provide all records in her possession that relate to her claim for damages . . . to Defense Counsel within fifteen (15) days." Order (February 13, 2023). Plaintiff produced **three documents**, identified as Court exhibits, none of which satisfy the requirements of the February 13, 2023 Order. The Journal Defendants then filed a Motion for Sanctions against Plaintiff for failure to comply with the discovery order.

(1, 2 & 3) Rln
Court exhibits 1, 2 & 3 were filed under seal because of the parties' Confidentiality Agreement.

3. Attorney Defendants' Motion for Sanctions

Mr. McDuff served his First Set of Interrogatories and First Requests for Production on September 6, 2022. On October 10, 2022, Plaintiff served written responses to Mr. McDuff's Interrogatories, and failed entirely to respond to the Requests for Production or produce a single document. Within these written responses, Plaintiff refused to identify any witnesses who could support her claims within the Amended Complaint stating, "[b]y disclosing this information right now, the legal strategy of the plaintiff could be known. The plaintiff, therefore, declines to answer this question at this time" and "[d]ue to legal strategy, the Plaintiff declines to answer this question." In addition to refusing to identify witnesses Plaintiff refused to provide any information regarding how she calculated her alleged damages.

In November 2023, Mr. McDuff's counsel sent Ms. Pierce a good faith letter requesting she supplement her responses to the written discovery and provide responses to the Requests for

Production. Plaintiff did not respond. As such, Mr. McDuff filed a motion to compel Plaintiff to provide complete discovery responses to the written discovery requests. On January 9, 2023, Ms. Pierce supplied supplemental responses to the Interrogatories and written responses to the Requests for Production. In response to Interrogatories requesting witness information, Plaintiff lists “[A]ll Journal Subscriber and Readers”; “current and former employees of the Journal Defendants and Merrell, Jahn & McDuff”; and the Journal Defendants themselves. She also objected to providing tax returns or financial statements to support her damages claims.

As with the Journal Defendants, the Court heard argument on Mr. McDuff’s motion to compel on January 27, 2023. Following the hearing, the Court ordered Plaintiff, *inter alia*, to produce “all records in her possession that relate to her claim for damages and a complete witness list to Defense Counsel within fifteen (15) days.” Plaintiff provided the same three documents which were provided to the Journal Defendants, and re-sent a nearly identical witness list, which did not satisfy her obligations under the Order. Mr. McDuff moved on March 15, 2023 to sanction Plaintiff as a result.

After hearing the arguments of the Parties, reviewing the discovery responses of Plaintiff, and reviewing Judge Sprouse’s Order, the Court finds as follows.

II. CONCLUSIONS OF LAW

1. Pursuant to the South Carolina Rules of Civil Procedure, parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. *See* S.C.R.C.P. 26(b)(1).

2. As the Court of Appeals has explained, “The gist and gravamen of the discovery rules mandate full and fair disclosure to prevent a trial from becoming a guessing game or one of ambush for either party. Essentially, the rights of discovery articulated by the rules give the

attorney the means to prepare for trial.” *Scott v. Greenville Hous. Auth.*, 353 S.C. 639, 652 (Ct. App. 2003).

3. Sanctions “protect the rights of discovery provided by the Rules.” *Downey v. Dixon*, 294 S.C. 42, 45 (Ct. App. 1987). The South Carolina Rules empower this Court to determine appropriate sanctions for a party’s failure to comply with its discovery orders. S.C. R. Civ. P. 37(b)(2) (“If a party . . . fails to obey an order to provide or permit discovery . . . the court in which the action is pending may make such orders in regard to the failure as are just . . .”).

4. Plaintiff has failed to comply with both the discovery rules and with the February 15, 2023 Order of this Court. As such, sanctions are warranted.

5. In making a determination concerning the appropriate sanction for this conduct, the Court considers the following factors: “the nature of discovery sought, the discovery stage of the case, willfulness, and the degree of prejudice.” *Richardson v. \$21,000.00 U.S. Currency & Various Jewelry*, 430 S.C. 594, 600 (Ct. App. 2020).

6. Here, the discovery to which Plaintiff has failed to appropriately respond concerns essential elements of the case at issue: the witnesses who can attest to the facts and damages alleged by Plaintiff and the very damages alleged themselves.

7. Further, this case is advanced in age and is currently set for mediation in July of this year. A successful mediation requires the Parties to be fully aware of the witnesses to be presented, the nature and amount of damages sought, and how such damages will be substantiated.

8. Plaintiff’s failure to provide this basic information, even after directed to do so by this Court, is evidence of willfulness.

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9. Finally, the Defendants have been provided no evidence to support Plaintiff’s claims for damages, and have been denied access to the witnesses Plaintiff believes have pertinent

knowledge regarding her allegations within the Complaint. Plaintiff's failure to provide this information is clearly prejudicial to the Defendants.

III. CONCLUSION

THEREFORE, it is ORDERED, ADJUDGED, and DECREED that Defendants' Motions for Sanctions are GRANTED and the Defendants are awarded attorney's fees and costs for the pursuit of the requested information, as evidenced by the affidavits submitted of Ms. Dakota E. Knehans, Mr. Chris Smith, and Mr. Maxwell Mishkin. Though additional fees were incurred in the pursuit of discovery from Plaintiff, these affidavits reflect only the Defendants' travel to and attendance at the hearings concerning this discovery. Plaintiff is directed to provide any and all information regarding her alleged damages to the Defendants, as well as a full and complete witness list, by April 23, 2023. Plaintiff shall do so by responding in full to the Journal Defendants' Interrogatories Nos. 2, 3, 4, and 5; the Journal Defendants' Requests for Production Nos. 10 and 11; the Attorney Defendants' Interrogatories Nos. 3, 10, 11, and 26; and the Attorney Defendants' Requests for Production Nos. 2, 6, 11, 19, and 20. If Plaintiff fails to do so, Plaintiff will be constrained to the witnesses currently identified, and will be allowed to present only the three documents submitted as Court exhibits at the March 22, 2023 hearing as evidence of her damages.

Plaintiff shall have the right to request cross-examination of AS Counsel on the sole issue of attorney's fees & cost requested herein. Plaintiff's request for cross-examination shall be filed with the Court & served on opposing Counsel with (enc. 10) docs for the date of this order

[Signature]
THE HONORABLE R. LAWTON McINTOSH
OCONEE COUNTY CIRCUIT COURT,
PRESIDING JUDGE

Dated: 4-4-23
Anderson, SC