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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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IN THE COURT'S ORIGINAL JURISDICTION

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Case No. 2026-000713

(Associated Trial Court) Case No. 2021-CP-25-00392
Honorable R. Keith Kelly, presiding

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Renee S. Beach, Phillip Beach, Robin Beach, Savannah Tuten, and Seth Tuten, …….
Plaintiffs,

Gregory M. Parker, Gregory M. Parker, Inc. d/b/a Parker's Corporation, Blake Greco, Jason D'Cruz, Vicky Ward, Max Fratoddi, Henry Rosado, and Private Investigation Services Group, LLC, …….
Defendants.

Of Whom,

Gregg Roman and Gravitas Synergy Solutions, LLC, ……..…….....
Petitioners,

v.

PNC Financial Services Group, INC d/b/a PNC Bank, Renee S. Beach, Phillip Beach, Robin Beach, Savannah Tuten, and Seth Tuten ……..
Respondents.

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# INITIAL BRIEF OF PETITIONERS

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## STATEMENT OF THE ISSUES

1) Whether the Court should exercise its original jurisdiction, pursuant to Rule 245, SCACR and the South Carolina Constitution, to consider this matter concerning the imminent release of a newsgatherer's sources and methods, in violation of a conditional privilege existing in state law?

2) Whether this Court should issue a writ of injunction and protective order to stop irreparable harm and uphold the asserted conditional privilege of the Petitioners?

## STATEMENT OF THE CASE

On May 1, 2025, Tabor Vaux, Esquire, counsel for Plaintiffs executed a subpoena seeking production of financial records residing at PNC Bank in the "name of Gregg Roman and/or Gregg Roman … and/or Gravitas Synergy Solutions LLC." After service of this subpoena upon PNC Bank, Petitioners Gregg Roman and Gravitas Synergy Solutions LLC filed and served a motion on May 15, 2025, to quash and for a protective order concerning the Vaux subpoena. Exhibit A. The motion to quash attached the affidavit of Gregg Roman and included the Vaux subpoena as an exhibit. *See Id.* The motion asserted, among other things, a privilege against disclosure of information obtained during the newsgathering process, as recognized by S.C. Code Ann. §19-11-100(A). *Id.* Roman's affidavit in support of the motion identified himself as a journalist and said the financial records of his (and Gravitas) at PNC would "reveal my network of sources and areas of investigation." Further, Roman indicated in his affidavit that "[d]isclosure of this highly personal and proprietary financial information would severely impact his ability to cultivate investigations and gather news for publication." *Id.* at

On February 5, 2026, Respondent issued a Form 4 Order denying Petitioner's Motion to Quash. Exhibit B 3-4. Respondent's order provided that a hearing on Respondent's motion to quash occurred on November 26, 2025, and that "[p]resent and appearing at the hearing were counsel for all parties and counsel for Third Party Greg (sic.) Romans' and Gravitas Synergy Solutions." *Id.* at 4. Respondent's order denying Petitioner's motion to quash finishes by saying "[a]fter consideration of the filings of the parties, the pleadings, and the arguments presented by counsel at the hearing, the Court respectfully denies" Petitioner's motion "because this Court finds that good cause has not been shown." *Id.*

On February 11, 2026, Petitioners filed and served their motion to reconsider, pursuant to Rules 6 and 59, SCRCP, Respondent's order denying the motion to quash on several grounds, including (a) the Court's consideration of proposed deposition testimony was irrelevant to Petitioner's motion, (b) counsel for Petitioners were not present at the November 26, 2026 hearing, (c) no notice of the November 2025 motion hearing was provided to Petitioners or their counsel, (d) no "arguments" were "presented by counsel" (Exhibit B at 4) for Petitioners and the public index only contained Petitioner's motion and affidavit, and (e) that Respondent's February 5 Order failed to indicate findings of fact or conclusions of law as to how good cause was not shown, conversely, how the privilege identified in S.C. Code Ann. § 19-11-100(B) was overcome. Exhibit C. When filing the motion to reconsider, Petitioners requested a hearing on their motion to reconsider, via the e-filing system.

On March 16, 2026, Respondent issued a Form 4 Order denying the motion to reconsider. Exhibit D. Respondent provided in the Court's order that "[i]n lieu of oral arguments, the parties submitted filings and briefs in support of their respective positions." *Id.* at 1. The order denying Petitioner's motion to reconsider provides that the motion does not present any newly discovered evidence or manifest errors of law and that "after considering the documents of record, the Motion, and reviewing the arguments of counsel, the Court finds that the Court's order is sufficient and the Motion should be denied." *Id.*

The petition to this Court followed thereafter with the filing of Petitioners' petition for writ of injunction with exhibits, complaint and letter seeking temporary injunctive relief on March 20, 2026. On the same day, this Court issued its order agreeing to hear this matter in its original jurisdiction, provided for Respondents to serve and file and answer, and granted a temporary

injunction for thirty days. Respondents timely served their answer on March 30, 2026 and Petitioners timely served their reply on April 2, 2026. Thereafter Petitioners on April 17, 2026 sought an extension of the temporary injunction via letter filed with the Court. On April 20, 2026, the Court granted the extension and continued the "temporary injunction pending this Court's final decision in this matter." This Court's order further required Petitioners serve and file a brief addressing the issues in this matter within thirty days of it and for Respondents brief to following within thirty days of Petitioners' filing.

## STATEMENT OF FACTS

### A. Petitioner Roman's Status as a Journalist

Petitioner Gregg Roman (hereafter "Roman") is an investigative journalist and policy analyst who has been engaged in news gathering and dissemination activities for over a decade. He serves as Executive Director of the Middle East Forum ("MEF"), a policy research organization that publishes original research and analysis through multiple platforms, including the Middle East Quarterly (a peer-reviewed journal), MEF monographs and books, and regular commentary in national and international media outlets. R. pp. ___; Aff. of Gregg Roman ¶¶ 3–6.

Roman makes over 300 annual media appearances on major television and radio networks as a security analyst, covering issues of national security, counterterrorism, and Middle East policy. He has worked on investigative projects with Discovery Channel and maintains confidential source relationships in conflict zones and sensitive national security contexts. R. pp. ___; Aff. of Gregg Roman ¶¶ 7–9.

Roman's supplemental Affidavit, filed in this Court's original jurisdiction proceeding and attached to his May 13, 2026 Response in the circuit court (Roman Resp., Ex. B), provides significantly greater detail about the nature and scope of his journalistic activities. Roman attests that his career in investigative journalism was profoundly shaped by the kidnapping and beheading of American journalist Steven Sotloff, a close personal friend, by Islamic State militants in 2014—an event that instilled in Roman a deep understanding of the life-and-death stakes of source protection. R. p. ___; Roman Resp., Ex. B (Aff. of Gregg Roman ¶ 4).

Roman's Affidavit details four major investigative undertakings that demonstrate the depth and significance of his journalistic work: (1) an investigation into underground networks facilitating the movement of people and supplies into and out of Syria; (2) compilation of a dossier on the use of chemical weapons in Syria; (3) a multi-year investigation into terrorism financing that led to the termination of approximately three billion dollars in United States government grants from the State Department and USAID; and (4) an investigation known as the "Antisemitism Laundromat," which exposed covert influence operations. R. p. ___; Roman Resp., Ex. B (Aff. of Gregg Roman ¶ 5).) Each of these investigations required Roman to develop and maintain confidential source relationships—relationships that would be jeopardized by the compelled production of financial records revealing payments, travel patterns, and investigative expenditures.

Roman further attests that he has been involved in work with the Iranian opposition, including the distribution of over 470 Starlink satellite internet terminals to activists inside Iran—work that places both Roman and his contacts at risk from the Iranian regime. R. pp. ___; Roman Resp., Ex. B (Aff. of Gregg Roman ¶ 6). Roman has also testified before the United States Congress and the Israeli Knesset on matters of national security and counterterrorism, further establishing his role as a journalist and policy expert engaged in matters of significant public concern. R. pp. ___; Roman Resp., Ex. B (Aff. of Gregg Roman ¶ 14).

Petitioner Gravitas Synergy Solutions LLC (hereafter "GSS") is a business entity through which Roman conducts his journalistic and professional activities. GSS maintains binding non-disclosure agreements with all clients and vendors. The financial records sought by the subpoena would reveal the identities of GSS's clients, the nature and scope of engagements, fee

arrangements, and the timing and nature of investigative activities conducted on their behalf—many of which involve sensitive international matters where confidentiality is essential. Disclosure would breach these contractual obligations and compromise the confidential relationships upon which Roman's work depends. R. pp. ___; Aff. of Gregg Roman ¶¶ 10–11; Roman Resp., Ex. B (Aff. of Gregg Roman ¶ 8).

### B. The PNC Bank Subpoena

The subpoena at issue is directed not to Petitioners but to their bank—PNC Bank—and demands wholesale production of "any and all financial account records and statements" for a period exceeding six years. The categories demanded include: (a) account opening documents and signature cards; (b) power of attorney documents; (c) monthly statements; (d) front and back copies of all cancelled checks; (e) deposit tickets and checks in deposit; (f) withdrawal tickets and cashier's checks; (g) wire transfers and online or internet transfers; (h) alerts on the account or account holder(s); (i) suspicious activity reports; and (j) account closure documents. (R. p. ___; Subpoena Duces Tecum.)

This demand encompasses the entirety of Petitioners' financial lives—personal and business—over a six-year period. Roman's financial accounts contain records of transactions directly linked to his journalistic activities, including payments to confidential sources, travel expenses for investigative reporting, subscriptions to research databases, and compensation arrangements with media organizations. R. pp. ___; Aff. of Gregg Roman ¶¶ 12–15.

### C. The Circuit Court's Order

The circuit court's February 5, 2026 Order addressed four motions heard at the November 26, 2025 hearing. R. pp. ___; Circuit Court order denying motion to quash 3-4. The Order's treatment of Petitioners' motion (Section II) is remarkable for what it does not contain. While the Order does recite the text of §19-11-100(B) and references the *Decker* three-prong test, it makes no factual findings under any prong. It contains no discussion of Roman's status as a journalist; no discussion of the nature of the records sought; no consideration of alternative means of obtaining the information; no weighing of the competing interests; and no explanation of why Respondents had met the "clear and convincing evidence" standard. The entire substantive ruling consists of a single paragraph. R. pp. ___; Circuit Court order denying motion to quash 3-4.

The Order also contains multiple errors that undermine confidence in the court's engagement with the motion: (1) it mischaracterizes the motion as concerning "a Subpoena issued by the Plaintiff's for his deposition testimony" when it concerned financial records; (2) it misspells Petitioner's name as "Greg Romans'"; and (3) it recites that Petitioners' counsel was "present and appearing" when counsel was not present at the hearing. R. p. ___; Circuit Court order denying motion to quash 3-4. On February 11, 2026, Petitioners filed a motion to reconsider the Circuit Court order denying the motion to quash and for a protective order. R. p. ___; Petitioners motion to reconsider with exhibits. On March 16, 2026, the Circuit Court issued its order denying the motion to reconsider the denial of the motion to quash finding that "the motion does not present any newly discovered evidence, manifest errors of law or fact, or an intervening change in controlling law that would warrant relief under SCRCP Rule 59(e)." R. p. ___; Circuit Court order denying motion to reconsider 1-2.

### D. The Wartime Context and Irreparable Harm

The urgency of this matter is compounded by current geopolitical circumstances. Roman has resided near Tel Aviv, Israel since approximately June 2025, and since February 28, 2026 has been living in the vicinity of an active military campaign. R. p. ___; Roman Resp., Ex. B (Aff. of Gregg Roman ¶ 7). He maintains confidential source relationships with individuals in conflict zones, including sources in Syria and Iran whose identities would be compromised by the disclosure of financial transaction records. R. pp. ___; Aff. of Gregg Roman ¶¶ 12–15; Roman Resp., Ex. B (Aff. of Gregg Roman ¶¶ 9–10).

Roman's supplemental Affidavit provides specific detail about the nature of this harm. His financial records reveal, at a granular level, the sources and methods employed in his investigative journalism—including payments to confidential sources, travel to conflict zones, subscriptions to specialized intelligence databases, and expenditures related to the Iranian Starlink distribution operation. R. p. ___; Roman Resp., Ex. B (Aff. of Gregg Roman ¶ 9). GSS's records are further constrained by binding non-disclosure agreements with clients and vendors, many of whom engaged GSS precisely because of the confidentiality inherent in the relationship. R. p. ___; Roman Resp., Ex. B (Aff. of Gregg Roman ¶ 8). Compelled production would breach these contractual obligations and jeopardize both confidential journalistic sources and the protected professional relationships upon which Roman's work depends.

Roman further attests that he was denied any meaningful opportunity to be heard before the circuit court denied his Motion to Quash—an assertion consistent with the undisputed record establishing that his counsel was absent from the November 26, 2025 hearing. R. p. ___; Roman Resp., Ex. B (Aff. of Gregg Roman ¶ 12).) He also attests that the information Respondents seek is available through alternative means, specifically through discovery of PISG, which as a named

defendant is subject to full party discovery and whose own records would reflect any financial relationship with Roman or GSS. R. p. ___; Roman Resp., Ex. B (Aff. of Gregg Roman ¶ 11).

### E. The Defendants' Parallel Deposition Subpoena and Contempt Proceedings

While Petitioners' appeal of the PNC Bank records subpoena is pending before this Court, Defendants Fratoddi, Rosado, and Private Investigation Services Group (hereafter "PISG") have pursued a separate attempt to compel Roman's deposition testimony in the circuit court—also without complying with shield law requirements, proper service, or due process. The following facts are drawn from the defendants' own Motion for Rule to Show Cause filed March 23, 2026, and its Exhibits A through E, as well as Roman's Response filed May 13, 2026, and its Exhibits A and B. R. pp. ___; PISG motion for rule to show cause with exhibits 1-3; R. pp ___; Roman Response to Rule with exhibits 1-6.

On November 11, 2025, John M. Grantland of Murphy & Grantland, P.A., counsel for Fratoddi, Rosado, and PISG (hereafter "Defendants"), mailed a subpoena commanding Roman's deposition to 144 N. Narberth Ave, Apt 442, Narberth, PA 19072. R. pp. ___; Defs.' Mot. for Rule to Show Cause, Ex. A (cover letter and subpoena) 1-8. The subpoena commanded appearance at Chartwell Law, 130 N. 18th Street, Suite 1200, Philadelphia, PA 19103, on December 11, 2025 at 10:00 a.m. R. p. ___; Defs.' Mot. for Rule to Show Cause, Ex. A (cover letter and subpoena) 8. The Proof of Service form attached to the subpoena is blank—no date of service, no manner of service, and no server signature are recorded. R. p. ___; Defs.' Mot. for Rule to Show Cause, Ex. A (cover letter and subpoena) 8. The form affirmatively indicates that witness fees and mileage

were not tendered. R. p. ___; Defs.' Mot. for Rule to Show Cause, Ex. A (cover letter and subpoena) 8.

The address to which the subpoena was mailed—144 N. Narberth Ave, Apt 442, Narberth, PA 19072—is a United States Post Office, not Roman's residence. R. p. ___; Roman Resp. to Defs.' Mot. for Rule to Show Cause, Ex. A (USPS.com printout confirming 144 N Narberth Ave, Narberth, PA 19072 is a Post Office location) .

On December 5, 2025, defendants' agent attempted service at the Middle East Forum's office; Roman's counsel Scott Sholder of Cowan DeBaets Abrahams & Sheppard LLP objected to service. R. p. ___; Defs.' Mot. for Rule to Show Cause 1; R. p. ___; Defs.' Mot. for Rule to Show Cause Ex. B (McLaughlin letter referencing Sholder's December 9, 2025 letter regarding deficient service) 1-5. On December 29, 2025, defendants' process server attempted service at the same Narberth, Pennsylvania address, purportedly serving Roman's "wife"—but Roman and his wife had resided in Israel since June 2025 and maintained no residential property in Pennsylvania. R. pp. ___: Defs.' Mot. for Rule to Show Cause, Ex. B (McLaughlin letter at 1–2, stating Roman and wife moved to Israel in June 2025 and do not own, rent, or occupy residential property in Pennsylvania).)

On January 6, 2026, Arianna K. McLaughlin of Cozen O'Connor sent a detailed four-page letter to J. Grant Stringham of Chartwell Law identifying five independent grounds precluding the deposition: (1) defective service—wrong location, unauthorized person served, no witness fees tendered per Pa.R.C.P. 234.2(c) and Pa.R.C.P. 4007.1(a); (2) lack of personal jurisdiction over Roman in Pennsylvania—Roman lives and works in Israel, not Pennsylvania; (3) undue burden—compelling testimony would require 14+ hours of international travel each way, and Roman is

subject to IDF reserve call-up; (4) the Pennsylvania Shield Law (42 Pa. Const. Stat. § 5942) provides absolute protection with no exceptions for civil litigation; and (5) the First Amendment reporter's privilege. R. p. ___; Defs.' Mot. for Rule to Show Cause, Ex. B (McLaughlin letter of Jan. 6, 2026).

On January 8, 2026, Stringham responded by email, characterizing Roman's retention of counsel as evidence of "continued conspiracy and fraudulent activity" and demanding Roman's home address. R. p. ___; Defs.' Mot. for Rule to Show Cause, Ex. C (Stringham email of Jan. 8, 2026). McLaughlin replied the same day, rebutting each point and noting that threatening criminal process against a non-party journalist who was never validly served may violate Pennsylvania Rule of Professional Conduct 4.4 and South Carolina Rule of Professional Conduct 4.5. R. p. ___; Defs.' Mot. for Rule to Show Cause, Ex. C (McLaughlin response of Jan. 8, 2026).

On February 13, 2026, Grantland emailed Taylor Smith—Petitioners' South Carolina counsel who had appeared before Judge Kelly to file a Motion to Reconsider regarding the PNC Bank subpoena—asserting that because Smith had "appeared for Gregg Roman," defendants were serving him with a deposition notice for Roman. R. p. ___; Defs.' Mot. for Rule to Show Cause, Ex. E (Grantland email of Feb. 13, 2026). Grantland's email conflated two distinct proceedings: Smith's appearance on behalf of Roman and Gravitas regarding the bank records subpoena did not constitute acceptance of service for a deposition subpoena by different parties. (Id.) On February 16, 2026, defendants served an Amended Notice of Deposition on Smith scheduling Roman's deposition for February 26, 2026 at Chartwell Law, Philadelphia. R. p. ___; Defs.' Mot. for Rule to Show Cause, Ex. D.)

On February 25, 2026, Smith responded that neither Roman nor Gravitas would be available for deposition, that Smith lacked authority to accept service of process for deposition, and that he had not been informed of personal service upon Roman. R. p. ___; Defs.' Mot. for Rule to Show Cause, Ex. E (Smith email of Feb. 25, 2026).

On March 23, 2026, defendants filed their Motion for Rule to Show Cause in the circuit court, seeking an order requiring Roman to appear and demonstrate why he should not be held in contempt for failure to respond to a "properly issued and served subpoena." R. p. ___; Defs.' Mot. for Rule to Show Cause at 2. The motion contains no affidavit of personal service on Roman, no analysis under §19-11-100, and no mention of the Pennsylvania Shield Law. (Id.)

On May 13, 2026, Roman's counsel filed a Response opposing sanctions, supported by two exhibits: (a) a USPS.com printout confirming that 144 N. Narberth Ave is a Post Office location (Roman Resp., Ex. A); and (b) a detailed Affidavit of Gregg Roman filed in this Court's original jurisdiction proceedings, attesting to Roman's journalistic activities, his residence in Israel near Tel Aviv since February 28, 2026 during an active military campaign, his binding confidentiality obligations through GSS to clients involved in sensitive international matters, and the grave risks that compelled disclosure would pose to his confidential sources and personal safety R. p. ___; Roman Resp., Ex. B (Aff. of Gregg Roman ¶¶ 4–15). The Response argued that contempt cannot lie under Rule 45(e), SCRCP, absent valid service; that the Post Office address does not constitute service at Roman's residence; that no UIDDA domestication was pursued in Pennsylvania; and that both the SC and PA Shield Laws independently bar the deposition. R. p. ___; Roman Resp. at 1–6.

## STANDARD OF REVIEW

This Court exercises original jurisdiction under S.C. Const. Art. V, §5; S.C. Code Ann. §14-3-310; and Rule 245, SCACR ("(c) … [t]he Supreme Court may provide for discovery, fact finding and/or a briefing schedule as necessary.") Having accepted jurisdiction, this Court reviews the matter de novo and may grant any relief warranted by the record.

Meanwhile, a circuit court's decision on a motion to quash a subpoena is ordinarily reviewed for abuse of discretion. *Hamm v. S.C. Pub. Serv. Comm'n*, 312 S.C. 238, 439 S.E.2d 852 (1994). A court abuses its discretion when its ruling is based on an error of law or is not supported by the evidence. *Clark v. Cantrell*, 339 S.C. 369, 375, 529 S.E.2d 528 (2000). Where a circuit court fails to apply the correct legal standard, the failure constitutes an error of law and an abuse of discretion as a matter of law. Here, the circuit court made no factual findings and applied no analysis under the mandatory three-prong test of S.C. Code Ann. §19-11-100(B). Where there are no specific findings of fact, this Court may make its own findings from the record. *Shirley's Iron Works, Inc. v. City of Union*, 403 S.C. 560, 567, 743 S.E.2d 778 (2013). And finally, review of constitutional questions involving the First Amendment reporter's privilege are subject to independent appellate review. *Bose Corp. v. Consumers Union*, 466 U.S. 485, 499 (1984).

## ARGUMENT

The denial of Petitioners' underlying motion to quash should be reversed and Respondents' and Defendants' mentioned subpoena should be quashed and a protective order should be issued in accordance with the privilege asserted to prevent immediate, irreparable harm to Petitioners and his sources as a journalist and newsgatherer.

### I.

### THE CIRCUIT COURT VIOLATED THE MANDATORY THREE-PRONG TEST UNDER §19-11-100

South Carolina's journalist's qualified privilege, codified at S.C. Code Ann. §19-11-100, provides that a person engaged in the gathering and dissemination of news for the public through any medium "may not be compelled to disclose any information or document or produce any item obtained or prepared in the gathering or dissemination of news" unless the party seeking the information establishes by clear and convincing evidence that: (1) the information "is material and relevant to the controversy for which the testimony or production is sought"; (2) the information "cannot be reasonably obtained by alternative means"; and (3) the information "is necessary to the proper preparation or presentation of the case of [the] party seeking the information." S.C. Code Ann. §19-11-100(B).

This Court's decision in *Matter of Decker*, 322 S.C. 215, 471 S.E.2d 462 (1996), provides the analytical framework for applying this test. *Decker* held that the shield law applies when a "party" seeks to compel production—precisely the circumstance here, where Respondents issued the subpoena. Although the *Decker* court ultimately found the statute inapplicable because it was the trial court, not a party, that sought disclosure in that case, the three-prong framework it articulated governs party-initiated subpoenas such as this one.

The three-prong test is mandatory, and the standard of proof—clear and convincing evidence—is intentionally exacting. It reflects the legislature's determination that the free flow of information to the public requires robust protection of journalistic sources and materials. While the statute uses the phrase "material and relevant" rather than "highly material," the clear-and-convincing-evidence standard elevates this requirement well above the ordinary relevance threshold applicable to routine discovery. A party cannot meet this standard through speculation, conclusory assertions, or generalized allegations of need.

Here, the circuit court's Order recites the text of §19-11-100(B) and references the *Decker* framework, but makes no findings under any prong. Reciting the correct legal standard while conducting no analysis under it is not a discretionary judgment—it is an abdication of the court's statutory obligation. This wholesale failure constitutes reversible error.

**A. The Financial Records Are Not Material and Relevant to the Underlying Claims**

The first prong requires that the information sought be "material and relevant to the controversy for which the testimony or production is sought"—and that this materiality be established by clear and convincing evidence. S.C. Code Ann. §19-11-100(B)(1). The underlying claims in *Beach v. Parker* sound in civil conspiracy and intentional infliction of emotional distress. Roman is not a party to this litigation. He is not named as a defendant. He is not alleged to have participated in any conspiracy. The complaint does not mention Roman by name.

Respondents have articulated no specific, concrete basis for believing that Roman's complete financial history—spanning more than six years—is "material and relevant" to their claims against the named defendants by clear and convincing evidence. The subpoena is a fishing

expedition aimed at discovering whether any connection between Roman and the defendants exists, rather than a targeted request based on a demonstrated need for specific information.

In *Wainscott v. Dunn*, 1994 WL 732093 (S.C. Com. Pl. 1994)(unpublished), the court granted a motion to quash under §19-11-100 where the requesting party failed to demonstrate materiality and relevance to the clear-and-convincing standard. The court recognized that the statute's heightened burden of proof requires more than a showing of general relevance; the party must demonstrate a direct, specific connection between the information sought and the claims at issue. Respondents have made no such showing here.

Significantly, Section IV of the circuit court's own Order denied PISG's attempt to assert a Third-Party Complaint against Roman and GSS. If the circuit court itself concluded that Roman should not be made a party to this litigation, it is difficult to understand how his complete financial history is "material and relevant" to claims against others by clear and convincing evidence.

**B. Alternative Means Exist and Were Not Pursued**

The second prong requires proof that the information "cannot be reasonably obtained by alternative means." S.C. Code Ann. §19-11-100(B)(2). This requirement reflects the fundamental principle that a journalist's records should be the source of last resort. *See Zerilli v. Smith*, 656 F.2d 705, 713 (D.C. Cir. 1981).

Here, PISG is a named defendant in the underlying litigation and is subject to full party discovery. If Respondents seek to determine whether funds flowed between defendants and Roman or GSS, they can obtain that information directly from PISG, whose own financial records would contain records of any such payments. Gregory Parker, the primary defendant, is also subject to full party discovery. The record contains no evidence that Respondents sought the information

from any of these readily available party sources before targeting a non-party journalist's comprehensive banking records.

In *Cusumano v. Microsoft Corp.*, 162 F.3d 708, 718 (1st Cir. 1998), the First Circuit held that confidential research materials could not be subpoenaed where the requesting party had not "exhausted every reasonable alternative source of information." The same principle applies here with even greater force: multiple party defendants possess the very financial records Respondents claim to need.

**C. Disclosure Is Not Necessary to the Proper Preparation of Respondents' Case**

The third prong requires a showing that the information "is necessary to the proper preparation or presentation of the case of [the] party seeking the information." S.C. Code Ann. §19-11-100(B)(3). This is the most demanding element: the requesting party must demonstrate by clear and convincing evidence not merely that the information would be useful, but that it is necessary to prepare or present its case—a standard that presupposes the party has identified what it needs and why it cannot proceed without it.

Respondents have not identified a single specific transaction in Roman's financial records that is necessary to the preparation or presentation of their civil conspiracy or outrage claims. The subpoena is not targeted at specific accounts, specific time periods, or specific transactions. It demands everything—"any and all" records—for more than six years.

The interest in a journalist's financial privacy, by contrast, is substantial. Financial records reveal the identity of a journalist's sources (through payment records), areas of investigation (through travel and expense records), and the scope of the journalist's professional activities.

Particularly given the current wartime context and the risks to Roman's sources, the balance tips heavily in favor of non-disclosure.

## II.

## THE CIRCUIT COURT DENIED PETITIONERS DUE PROCESS BY RULING WITHOUT ADEQUATE NOTICE

The Fourteenth Amendment's Due Process Clause guarantees that no person shall be deprived of property without due process of law. At its core, due process requires notice and an opportunity to be heard. Here, Petitioners were denied both.

### A. Petitioners' Counsel Was Not Present at the Hearing

It is undisputed that Petitioners' counsel was not present at the November 26, 2025 hearing at which the Motion to Quash was heard and denied. Yet the circuit court's Order falsely recites that counsel was "present and appearing." This factual error in the Order is significant: it means the court proceeded to deny Petitioners' motion without hearing from the movant's attorney—a fundamental deprivation of the right to be heard.

### B. General Scheduling Emails Do Not Satisfy Rule 6(d)

Respondents contend that Petitioners' counsel received adequate notice because he was copied on general case-management scheduling emails in November 2025. This argument conflates two different things: being on a distribution list for a multi-party case and receiving specific notice that a particular motion would be called up for hearing.

Rule 6(d), SCRCP, requires that "[a] written motion . . . and notice of the hearing thereof shall be served not later than 10 days before the time specified for the hearing, unless a different period is fixed by these rules or by an order of the court." This rule requires specific notice that

identifies: (1) the motion to be heard; (2) the date and time of the hearing; and (3) that the motion will be called up. General scheduling correspondence copied to numerous counsel in a multi-party case does not satisfy this requirement.

This Court has recognized that due process requires notice "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Dedes v. Strickland*, 307 S.C. 152, 155, 414 S.E.2d 132, 133 (1992). A carbon copy on a generic scheduling email—in a case with multiple defendants, multiple non-parties, and multiple pending motions—does not meet this standard, particularly where the email does not specifically identify the Motion to Quash as one of the motions to be heard.

The distinction matters because Petitioners' counsel had a right to present argument on the Motion to Quash, to respond to any factual or legal claims made by opposing counsel, and to address any concerns the court might have. Instead, the court heard only from Respondents' counsel and entered an order denying the motion without any adversarial presentation. This is not a procedural technicality—it is a fundamental violation of the right to be heard.

**C. The February 5, 2026 Order Is Void**

An order entered without constitutionally adequate notice and an opportunity to be heard cannot stand. Where the circuit court denied Petitioners' Motion to Quash at a hearing at which their counsel was not present, was not heard, and did not receive specific notice, the resulting order was entered in violation of due process and must be vacated. This Court should declare that Petitioners were denied due process and reverse the February 5, 2026 Order insofar as it denies Petitioners' Motion to Quash.

## III.

## THE FIRST AMENDMENT REPORTER'S PRIVILEGE REINFORCES THE STATUTORY PROTECTION

The statutory privilege under §19-11-100 is reinforced by the First Amendment's protection of newsgathering. While the Supreme Court in *Branzburg v. Hayes*, 408 U.S. 665 (1972), declined to recognize an absolute privilege in the grand jury context, every federal circuit court has since recognized a qualified privilege in civil litigation, particularly where non-party journalists are involved. The Fourth Circuit Court of Appeals, which encompasses South Carolina, applies a three-part test requiring the party seeking disclosure to demonstrate relevance, necessity, and the unavailability of alternative sources. *LaRouche v. Nat'l Broadcasting Co.*, 780 F.2d 1134, 1139 (4th Cir. 1986). Although this Court in *Decker* did not adopt the broad First Amendment approach urged there, the constitutional concerns animate and reinforce the statutory protection the legislature enacted.

### A. Financial Records Reveal Confidential Sources and Methods

A journalist's financial records are not ordinary business documents. They constitute a comprehensive map of the journalist's professional activities. Bank statements, cancelled checks, wire transfers, and deposit records reveal: payments to confidential sources, fixers, and intermediaries; travel expenditures that reveal areas of investigation; subscriptions to research databases and specialized information services; compensation arrangements with media organizations; and payments under binding non-disclosure agreements.

Petitioners acknowledge that §19-11-100 protects information "obtained or prepared in the gathering or dissemination of news," and that bank-created account records are not themselves

journalistic work product. But the constitutional concern is functional: the compelled disclosure of these records would reveal protected newsgathering information—source identities, intermediary payments, investigative travel patterns, research tools, and confidential methods—as surely as compelling Roman to testify about his sources directly. *See Zerilli v. Smith*, 656 F.2d 705, 712 (D.C. Cir. 1981) (recognizing that the qualified privilege protects the journalist's interest in maintaining confidential source relationships, and that civil litigants must exhaust alternative sources before seeking confidential information from non-party journalists). The source-revealing function of Roman's financial records—not their form—is what triggers constitutional scrutiny.

**B. Non-Party Journalists Receive Heightened Protection**

The qualified privilege is strongest when the journalist is a non-party to the litigation. *See LaRouche*, 780 F.2d at 1139; *Zerilli v. Smith*, 656 F.2d 705, 712 (D.C. Cir. 1981). Non-party journalists have an even greater interest in not being forced to become an investigative arm of the judiciary or of parties to a lawsuit. *See Cusumano*, 162 F.3d at 717.

Roman is not a party. He has no claim and no defense in *Beach v. Parker*. He was not involved in the events alleged. Yet Respondents seek to lay bare the entirety of his financial life—and the financial life of his business—over a six-year period. This is precisely the type of overreaching that the non-party heightened protection is designed to prevent.

**C. The Privilege Extends to Records Held by Third Parties**

The fact that the subpoena is directed to PNC Bank rather than to Roman personally does not diminish the privilege. To hold otherwise would render both the statutory and constitutional protections a nullity: any party seeking to circumvent the privilege could simply subpoena the journalist's bank, telephone company, or other service provider to obtain information indirectly

that it could not compel the journalist to disclose directly. Consider the statutory language at issue in this matter: "A person, company, or entity engaged in or that has been engaged in the gathering and dissemination of news for the public through a newspaper, book, magazine, radio, television, news or wire service, or other medium has a qualified privilege against disclosure of any information, document, or item obtained or prepared *in the gathering or dissemination of news* in any judicial, legislative, or administrative proceeding in which the compelled disclosure is sought and where the one asserting the privilege is not a party in interest to the proceeding." S.C. Code Ann. § 19-11-100(A)(emphasis added). If the privilege did not apply to every place where the newsgatherer possessed the "information, document or item obtained or prepared" then it would have modified "in the gathering of news" to some narrower possession or custody of the newsgatherer, such as "in their domicile, at their place of business, etc.". It did not, so the privilege extends to records held by Third Parties.

## IV.

## THE CIRCUIT COURT'S DISPARATE TREATMENT DEMONSTRATES ARBITRARY DECISION-MAKING

The circuit court's Order addressed four motions heard at the same hearing. The contrast between the court's treatment of Petitioners' motion (Section II) and its treatment of the motion by Non-Parties Clawson & Staubes, LLC (Section III) is stark and reveals arbitrary decision-making inconsistent with reasoned judicial discretion. *See* R. pp. ___; Circuit Court order denying motion to quash 1-4.

Section III addressed Clawson & Staubes' motion with a detailed analysis spanning multiple paragraphs. The court identified the specific records at issue. It analyzed the scope of the

documents requested. It considered the burden on the non-party. It weighed the competing interests. It concluded that "good cause has been shown" and granted the motion to quash with a reasoned explanation. R. pp. ___; Circuit Court order denying motion to quash 1-4.

Section II addressed Petitioners' motion—which involved the *additional* protection of the journalist's qualified privilege under §19-11-100 and the First Amendment—in a single conclusory paragraph. It made no factual findings. It identified no specific records. It applied no legal test. It provided no reasoning. It mischaracterized the motion. It misspelled Petitioner's name. And it falsely recited that counsel was "present and appearing." R. pp. ___; Circuit Court order denying motion to quash 1-4.

Both motions were heard the same day by the same judge. Both involved non-party movants resisting discovery demands. Both raised privilege-based objections. Yet the court treated the motion with *greater* statutory and constitutional protection with *less* analytical rigor than a motion raising only generic confidentiality concerns. This disparity is not the product of informed discretion—it is the product of a court that did not engage with Petitioners' motion at all. It constitutes an abuse of discretion and independently warrants relief.

## V.

## THE SUBPOENA IS OVERBROAD AND UNDULY BURDENSOME ON NON-PARTIES

Even absent the journalist's privilege, the subpoena is overbroad and imposes an undue burden on non-party Petitioners. Rule 45(c)(3)(A)(iv), SCRCP, requires a court to quash or modify a subpoena that "subjects a person to undue burden." Rule 26(b)(1), SCRCP, limits discovery to

relevant information and permits the court to restrict discovery that is "unreasonably cumulative or duplicative" or obtainable from a more convenient, less burdensome source.

The subpoena demands "any and all financial account records and statements" for Roman and GSS for a period exceeding six years. It encompasses ten categories of records—from account opening documents to suspicious activity reports—covering every financial transaction in Petitioners' lives. This is not a targeted request for specific transactions; it is a demand for the complete financial lives of a non-party individual and his business entity.

The temporal scope—over six years—bears no demonstrated relationship to the claims. The categorical scope—"any and all" records—makes no effort to limit the demand to transactions that might plausibly be related to the underlying litigation. The demand encompasses personal grocery purchases, utility payments, charitable donations, and every other financial transaction Roman has conducted over six years.

Courts consistently hold that the burden on non-parties must be scrutinized with particular care. *Hamm*, 312 S.C. at 243 (recognizing the court's obligation to protect non-parties from unduly burdensome discovery). The records sought also include information protected by binding non-disclosure agreements between GSS and its clients and vendors, whose compelled production would expose GSS to breach-of-contract liability and potentially violate trade secret protections under S.C. Code Ann. § 39-8-20.

The subpoena is independently defective in at least one additional respect. Among the ten categories of records demanded are "suspicious activity reports (SARs)." Federal law makes SARs and any information that would reveal the existence of a SAR confidential. 31 CFR § 1020.320(e); 12 U.S.C. § 5318(g)(2). The regulation provides that any bank "subpoenaed or otherwise requested

to disclose a SAR or any information that would reveal the existence of a SAR, shall decline to produce the SAR or such information" and shall notify FinCEN of the request. 31 CFR § 1020.320(e)(1)(ii). This confidentiality applies in civil litigation without exception. A subpoena that on its face demands material the recipient is federally prohibited from producing is facially defective as to that category, and the circuit court's failure to recognize this defect further demonstrates its lack of engagement with the motion.

Additionally, the subpoena may be procedurally defective. PNC Bank is headquartered in Pennsylvania. The Uniform Interstate Depositions and Discovery Act (S.C. Code Ann. § 15-47-100 et seq.) prescribes specific procedures for issuing subpoenas to out-of-state entities. The record does not reflect compliance with UIDDA requirements.

## VI.

## RESPONDENTS' DEFENSES ARE WITHOUT MERIT

Respondents' Answer raises several defenses, none of which withstand scrutiny.

### A. The "Notice" Defense

Respondents contend that Petitioners' counsel received adequate notice of the hearing because he was copied on scheduling emails. As demonstrated in Argument II, being on a distribution list for a multi-party case does not constitute specific notice under Rule 6(d), SCRCP, that a particular motion would be called up for hearing. Respondents produced the email chain as their Exhibit B; it shows general case-management correspondence copied to numerous counsel, not specific notice of the Motion to Quash hearing. Furthermore, Respondents have offered no explanation for why the Order falsely recites that Petitioners' counsel was "present and appearing,"

why Respondents did not seek clarification of this order separately knowing this was a false statement, or why the Circuit Court properly denied the motion to reconsider despite knowing the order had a false finding of the undersigned's appearance at the hearing.

**B. The "Consultant, Not Journalist" Defense**

Respondents attempt to characterize Roman as a "private consultant" who performed "private consulting services" rather than journalism. This argument fails for two independent reasons.

First, the plain text of §19-11-100(A) extends the privilege to any person who is "engaged in or connected with" news gathering for public communication. The statute does not require that journalism be a person's sole occupation[1]. It asks whether the person *is engaged in* journalism—not whether the person is *exclusively* engaged in journalism. Roman's extensive, documented journalistic activities—over 300 annual media appearances, editorial direction of the Middle East Quarterly, investigative reporting, published research—bring him squarely within the statute. *See* R. pp. ___; Aff. of Gregg Roman ¶¶ 1–11; R. pp. ___; Roman Resp., Ex. B (Aff. of Gregg Roman).

Second, even if Roman performed consulting services in addition to journalism, the subpoena is not limited to records of consulting engagements. It demands "any and all" financial records for more than six years. That sweep encompasses all of Roman's journalistic financial activity—payments to sources, travel for reporting, media compensation—in addition to any consulting work. Respondents cannot justify the production of a journalist's entire financial history on the theory that some subset of those records might relate to non-journalistic activities.

[1] Or that journalism be the activity covered by the privilege as it repeatedly references the broader term: newsgathering.

Respondents have produced no competing sworn evidence to rebut Roman's Affidavit establishing his status as a journalist. Their characterization rests on argument alone.

### C. The "Conflict of Interest" Defense

Respondents assert that Petitioners' counsel has a conflict of interest because he also represents defendants Fratoddi, Rosado, and PISG in the underlying litigation. This argument is a red herring. Whether Petitioners' counsel has a conflict of interest is a matter for the disciplinary authority, the clients, or the court—not for opposing counsel to weaponize in opposing a privilege motion. Respondents cite no authority for the proposition that an alleged conflict of interest vitiates a non-party's statutory privilege under §19-11-100 or constitutional privilege under the First Amendment. The privilege belongs to the journalist, not the lawyer[2].

### D. The "Improvidently Granted" Defense

Respondents argue that this Court's jurisdiction was improvidently granted. This Court's March 20, 2026 Order accepting original jurisdiction was signed by Chief Justice Kittredge and all participating Justices. The April 20, 2026 Order extending the temporary injunction and setting a briefing schedule was signed by the Chief Justice and three additional Justices. This Court has exercised its jurisdiction, the matter is properly before it, and Respondents' argument is addressed to the wrong audience.

[2] Since Beach Respondents' counsel alerted the undersigned to the scrivenors error in the consent withdrawal as counsel of record for PISG that was filed last year, the undersigned provided a corrected version of an order relieving him counsel at Defendants' Rule to Show Cause Hearing on May 15, 2026. No court order has been entered as of yet. Regardless, the undersigned has not represented PISG, Mr. Frattodi or Mr. Rosado since at the least the filing of that consent to withdraw, before filing the motion to quash on behalf of Roman in this matter.

### E. The "Remand" Defense

Respondents request that this matter be remanded to the circuit court with a referee appointed. This request ignores the circuit court's track record: it denied Petitioners' Motion to Quash without a hearing at which counsel was present, without applying the mandatory three-prong test, in a single conclusory paragraph that mischaracterized the motion, and then denied reconsideration. A remand to the same court that has twice failed to provide Petitioners with a meaningful adjudication would be an empty exercise. This Court should resolve the matter on the merits.

## VII.

## THE PATTERN OF SHIELD LAW VIOLATIONS REQUIRES A DEFINITIVE RULING FROM THIS COURT

### A. A Systemic Pattern of Disregard for the Shield Law

The record before this Court reflects more than an isolated procedural irregularity. Both sides of *Beach v. Parker* have sought to compel Roman's participation in a lawsuit to which he is not a party—and neither has complied with the journalist's qualified privilege, proper service requirements, or due process.

Plaintiffs sought Roman's comprehensive financial records through a subpoena duces tecum directed to PNC Bank. The circuit court denied Petitioners' Motion to Quash without conducting any analysis under the mandatory three-prong test of §19-11-100(B), without ensuring Petitioners' counsel was present, and in an order riddled with factual errors. (R. p. __; Order of Feb. 5, 2026, § II.)

Defendants Fratoddi, Rosado, and PISG sought Roman's deposition testimony through a subpoena mailed to a United States Post Office in Narberth, Pennsylvania—not Roman's residence (Roman Resp. to Defs.' Mot. for Sanctions, Ex. A)—without proper personal service, without tendering witness fees (Defs.' Mot. for Rule to Show Cause, Ex. A (Proof of Service form, blank)), without domesticating the subpoena in Pennsylvania under the UIDDA, and without conducting any analysis under §19-11-100 or the Pennsylvania Shield Law (42 Pa. Const. Stat. § 5942). *See* R. p. ___; Defs.' Mot. for Rule to Show Cause (containing no shield law analysis). When Roman did not appear for a deposition of which he was never validly served, defendants still moved for contempt sanctions. R. p. ___; Defs.' Mot. for Rule to Show Cause, filed Mar. 23, 2026.

The correspondence between counsel further illustrates the pattern. When Cozen O'Connor's McLaughlin raised five specific legal objections to the deposition subpoena—including the PA Shield Law—Chartwell Law's Stringham responded not by addressing the legal arguments but by characterizing Roman's retention of counsel as evidence of "continued conspiracy and fraudulent activity." R. p. ___; Defs.' Mot. for Rule to Show Cause, Ex. C (Stringham email of Jan. 8, 2026). McLaughlin's response rebutted each point and warned that proceeding on the basis of a facially defective subpoena could warrant sanctions. R. p. ___; Defs.' Mot. for Rule to Show Cause, Ex. C (McLaughlin response of Jan. 8, 2026).

A further aggravating factor is the defendants' conflation of two distinct legal proceedings. When the undersigned appeared before Judge Kelly on February 13, 2026 to file the motion to reconsider regarding the PNC Bank records subpoena on behalf of Roman and Gravitas, Grantland immediately emailed the undersigned asserting that because Smith had "appeared for Gregg Roman," there "should be no objection to service of his notice of deposition on you as his attorney."

Defs.' Mot. for Rule to Show Cause, Ex. E (Grantland email of Feb. 13, 2026). This conflation is legally baseless: an attorney's appearance on one matter does not constitute a general acceptance of service for all purposes by all parties. Smith promptly responded that he lacked authority to accept service for a deposition. R. p. ___; Defs.' Mot. for Rule to Show Cause, Ex. E (Smith email of Feb. 25, 2026).

In both instances, the parties did not satisfy the three-prong test under §19-11-100. In both instances, proper service never occured. In both instances, Roman was denied meaningful opportunity to be heard before compulsion was attempted. This pattern demonstrates that clear guidance from this Court is needed to ensure that the statutory protections the legislature enacted for non-party journalists are respected at the trial court level.

**B. The Need for Clear Standards**

This Court should establish three clear principles to prevent the continued erosion of the journalist's qualified privilege in South Carolina:

First, the §19-11-100 three-prong test must be applied with specific, written findings under each prong before any compulsion of journalist records or testimony—whether sought by plaintiff or defendant, whether for documents or deposition. A conclusory ruling that recites the statutory text without conducting the required analysis does not satisfy the statute. The circuit court's February 5, 2026 Order demonstrates precisely the type of non-analysis that the legislature intended to prevent when it enacted the clear-and-convincing-evidence standard.

Second, proper service of process under the applicable rules is a jurisdictional prerequisite to any enforcement or contempt proceedings. A subpoena mailed to a Post Office that is not the journalist's address (Roman Resp., Ex. A), without personal service as required by Rule 4(d)(1),

SCRCP, without witness fees (Defs.' Mot. for Rule to Show Cause, Ex. A (Proof of Service indicating fees not tendered)), and without UIDDA domestication, cannot support contempt under Rule 45(e), SCRCP. The defendants' motion for contempt sanctions against Roman—based on his failure to appear at a deposition for which he was never validly served—is a paradigmatic example of the abuse this Court should foreclose.

Third, due process requires that a non-party journalist receive actual notice and a meaningful opportunity to be heard before any order compelling disclosure. The circuit court's ruling on the PNC Bank subpoena at a hearing where Petitioners' counsel was absent—and the defendants' attempt to obtain contempt sanctions for non-appearance at a deposition that was never validly served—represent two sides of the same due process coin. In neither instance was Roman afforded the process the Constitution requires.

**C. The Pennsylvania Shield Law Provides Independent Protection**

The Pennsylvania Shield Law, 42 Pa. Const. Stat. § 5942, provides that no person engaged in the business of gathering or disseminating news "shall not be required to disclose the source of any information procured or obtained" in the course of employment or engagement. Pennsylvania courts have interpreted this as providing absolute protection against compelled disclosure of confidential source identity and information that would reveal a confidential source. Unlike South Carolina's §19-11-100, which establishes a qualified privilege subject to a three-prong test, Pennsylvania's statute contains no balancing test and no mechanism by which a court may override the privilege upon a showing of need with respect to source-identifying information.

This distinction is critical. As McLaughlin's January 6, 2026 letter explained, the PA Shield Law means that Roman "is categorically barred from deposing" on any matter relating to his

journalistic sources or activities—and any testimony defendants seek "regarding his sources, unpublished resource materials, or editorial processes is categorically privileged." R. p. ___; Defs.' Mot. for Rule to Show Cause, Ex. B (McLaughlin letter at 3). The letter further noted that the First Amendment independently provides a qualified reporter's privilege "which may be overcome by only specific, demonstrated showings of relevance, materiality, necessity, unavailability by alternative means, and crucialness to the moving party's case." *Id.* Defendants' clients, McLaughlin concluded, "cannot meet this exacting standard." *Id.*

Roman resides and works in Israel, with his last United States contacts in Pennsylvania. R. p. ___; Defs.' Mot. for Rule to Show Cause, Ex. B (McLaughlin letter at 2, stating Roman lives and works in Israel); R. p. ___; Roman Resp., Ex. B (Aff. of Gregg Roman ¶ 7). The deposition subpoena was directed to a Pennsylvania address—144 N. Narberth Ave, Narberth, PA 19072—and sought to compel testimony at Chartwell Law, 130 N. 18th Street, Suite 1200, Philadelphia, PA 19103. R. pp. ___; Defs.' Mot. for Rule to Show Cause, Ex. A (subpoena). Both the putative place of service and the location of the commanded deposition are in Pennsylvania. Any subpoena served in or through Pennsylvania, seeking testimony from a journalist on matters related to newsgathering, triggers this absolute statutory protection.

Principles of comity require South Carolina courts to give effect to the laws of sister states that provide greater protection than South Carolina law. Where Pennsylvania law absolutely bars the compelled testimony of a journalist, a South Carolina court should not permit litigants to circumvent that absolute bar by the expedient of issuing a South Carolina subpoena directed to a Pennsylvania address for testimony at a Pennsylvania location. To hold otherwise would allow

litigants to engage in forum shopping designed to evade the stronger protections of the journalist's home jurisdiction.

Notably, the defendants' Motion for Rule to Show Cause contains no mention of 42 Pa. Const. Stat. § 5942 and no mention of S.C. Code Ann. §19-11-100. *See generally* R. p. ___; Defs.' Mot. for Rule to Show Cause.) Defendants did not argue that the PA Shield Law is inapplicable. They did not argue that Roman does not qualify as a journalist. They did not attempt to satisfy the three-prong test under South Carolina law. They did not address the privilege at all—just as plaintiffs did not meaningfully address it before the circuit court. This parallel failure to engage with the applicable legal protections reinforces the need for clear guidance from this Court.

**D. Sanctions Should Flow Against the Offending Parties, Not the Journalist**

The appropriate response to defective service and ignored privilege is not contempt of the journalist. South Carolina courts have inherent authority to sanction parties and counsel for litigation misconduct, including frivolous motions and discovery abuse. *See Karppi v. Greenville Terrazzo Co.*, 327 S.C. 538, 489 S.E.2d 496 (Ct. App. 1997); *Creighton v. Coligny Plaza Ltd. P'ship*, 334 S.C. 96, 512 S.E.2d 510 (Ct. App. 1998).c

The record here shows that Defendants' counsel characterized Roman's retention of counsel as evidence of "continued conspiracy and fraudulent activity" Defs.' Mot. for Rule to Show Cause, Ex. C (Stringham email of Jan. 8, 2026)), demanded his home address despite being informed of security concerns, and then moved for contempt based on a subpoena that was never validly served. R. p. ___. This conduct raises concerns under South Carolina Rule of Professional Conduct 4.5, which prohibits threatening criminal or disciplinary charges to gain an advantage in a civil matter,

and Pennsylvania Rule of Professional Conduct 4.4, which prohibits means that serve no substantial purpose other than to burden a third person.

This Court should provide clear guidance that parties who disregard shield law protections and service requirements when seeking to compel journalist participation assume the risk of sanctions. The practical effect of defendants' conduct—seeking criminal contempt against a non-party journalist living in a conflict zone for failing to appear at a deposition for which he was never validly served—is precisely the type of coercive pressure on newsgathering that the journalist's privilege was enacted to prevent.

## CONCLUSION

It is for these reasons the Court should issue such injunctive relief to Respondents Defendants as necessary to prevent the irreparable harm that will come to Petitioners and their sources. Such injunctive relief should include (a) quashing the subpoenas of Beach Respondents and Defendants, (b) reversing the circuit court's orders denying the motion to quash and for reconsideration, and (c) holding the newsgatherer privilege applies to Petitioners and has not been overcome by record of this matter in the Court's original jurisdiction.

Respectfully submitted,

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May 20, 2026