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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
DANIEL COBLE, CIRCUIT COURT JUDGE

Appellate Case No.: 2026-000047

Stuart Axelrod, ...Appellant,

v.

Steve Nash and John Doe,
Principal of Steve Nash, Defendants,

of whom Steve Nash is the, ...Respondent.

RECORD ON APPEAL

Desa Ballard (S.C. Bar No. 498)
Harvey M. Watson III (S.C. Bar No. 74053)
Haley Hubbard (S.C. Bar No. 103195)

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FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Richland
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP4005229

Stuart Axelrod
PLAINTIFF(S)

Steve Nash et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☑ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☑ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

This matter came before me on October 12, 2023 on Defendant's SCRCP 12(b)(6) Motion to Dismiss. Present at the hearing was Haley Hubbard, Attorney for the Plaintiff, and Austin Nichols, Attorney for the Defendant.

After consideration of the pleadings, motions, filings, and arguments of the respective parties, this Court concludes that the complaint adequately states a cause of action for civil conspiracy and that the motion to dismiss should be denied.

NOW, THEREFORE, IT IS ORDERED that the Defendant's Motion to Dismiss is DENIED.

AND IT IS SO ORDERED.

ORDER INFORMATION

This order ☐ ends ☑ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 10/20/2023 .

Steve Nash for Steve Nash
Steve Nash for Steve Nash

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ROA 0002

ELECTRONICALLY FILED - 2023 Oct 20 9:35 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4005229

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Richland Common Pleas

Case Caption: Stuart Axelrod vs Steve Nash , defendant, et al

Case Number: 2022CP4005229

Type: Order/Electronic Form 4

So Ordered

s/ Daniel Coble, 2774

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Richland
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP4005229

Stuart Axelrod
PLAINTIFF(S)

Steve Nash et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

Defendant's Motion for Summary Judgment was heard in-person on November 19, 2025. After careful consideration of all arguments presented by counsel, Defendant's Motion is GRANTED, the Court finds there is not a genuine issue of material fact that the Defendant agreed to commit an unlawful act or lawful act by unlawful means. The Defendant shall submit a more formal order within 10 days pursuant to Rule 5(b)(3).

ORDER INFORMATION

This order ☑ ends ☐ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

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Steve Nash for Steve Nash
Steve Nash for Steve Nash

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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Court Reporter:

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Richland Common Pleas

Case Caption: Stuart Axelrod vs Steve Nash , defendant, et al

Case Number: 2022CP4005229

Type: Order/Electronic Form 4

So Ordered

s/ Daniel Coble, 2774

ELECTRONICALLY FILED - 2025 Dec 08 2:27 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4005229

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

CASE NO: 2022-CP-40-05229

Stuart Axelrod, Plaintiff, v. Steve Nash and John Doe, Principal of Steve Nash, Defendants.	)	**ORDER**

This mater came before the Court on November 19, 2025, for a hearing on Defendant's Motion for Summary Judgment. Austin Nichols appeared on behalf of Defendant, Steve Nash ("Defendant") and Haley Hubbard appeared on behalf of Plaintiff, Stuart Axelrod ("Plaintiff"). As set forth below, pursuant to South Carolina Rules of Civil Procedure ("SCRCP") Rule 56, Defendant's Motion for Summary Judgment is granted.

FACTUAL BACKGROUND

Plaintiff Axelrod has served on the Fifteenth Judicial Circuit Public Defender Selection Panel ("Selection Panel") for over ten years. Pursuant to S.C. Code Ann. § 17-3-510, members of the Selection Panel must be residents of South Carolina. In April 2020, the Selection Panel was activated to interview and examine candidates to fill the upcoming vacancy for the Fifteenth Judicial Circuit Public Defender.

On May 4, 2020, Defendant Nash submitted a complaint and affidavit to the South Carolina Commission on Indigent Defense ("SCCID") alleging that Axelrod was a resident of California and therefore ineligible to serve on the Selection Panel. Following Defendant's complaint, the SCCID opened an investigation into Axelrod's residency. The SCCID conducted

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a hearing regarding the allegations on May 28, 2020. On June 4, 2020, the SCCID determined that Axelrod was a resident of South Carolina and dismissed Defendant's complaint. Plaintiff subsequently filed this action for civil conspiracy.

LEGAL STANDARD

Summary judgment is proper when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. See Rule 56(c), SCRCP; *Burriss v. Anderson County Bd. of Educ*., 369 S.C. 443, 450, 633 S.E.2d 482, 486 (2006). When determining if any triable issues of fact exist, the evidence and all inferences which can be reasonably drawn from the evidence must be viewed in the light most favorable to the nonmoving party. *See Wilson v. Style Crest Prods*., 367 S.C. 653, 656, 627 S.E.2d 733, 735 (2006). The moving party has the initial burden of demonstrating the absence of a genuine issue of material fact. *See Baughman v. American Tel. & Tel. Co*., 306 S.C. 101, 115, 410 S.E.2d 537, 545 (1991). However, once the moving party has met that burden, the nonmoving party cannot rest upon mere allegations but must come forward with evidence to show a genuine issue of material fact. *See Baughman*, 306 S.C. 101, 115, 410 S.E.2d 537, 545 (1991).

ORDER

Plaintiff commenced this action on October 4, 2022, alleging civil conspiracy against Defendant and John Doe, Principal of Steve Nash ("Complaint"). Defendant timely filed an Answer to Plaintiff's Complaint on January 17, 2023. Defendant filed a Motion to Dismiss on January 20, 2023. This Court heard oral arguments on October 12, 2023, on Defendant's Motion to Dismiss. On October 20, 2023, this Court issued an order denying Defendant's motion.

On June 17, 2025, Defendant filed this Motion for Summary Judgment. Each party, by and through counsel, submitted legal memoranda to this Court prior to the hearing. This Court

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heard oral arguments on November 19, 2025. After hearing the arguments of the parties, reviewing each party's memoranda, and a review of the submitted testimony and evidence, this Court finds Plaintiff failed to establish a genuine issue of material fact concerning Plaintiff's claim for civil conspiracy.

The elements of civil conspiracy are: "(1) the combination or agreement of two or more persons, (2) to commit an unlawful act or a lawful act by unlawful means, (3) together with the commission of an overt act in furtherance of the agreement, and (4) damages proximately resulting to the plaintiff." *Paradis v. Charleston Cty. Sch. Dist*., 433 S.C. 562, 576, 861 S.E.2d 774, 780 (2021), reh'g denied (Aug. 18, 2021).

Under the general rule of civil conspiracy, Plaintiff has failed to make a showing that Defendant committed any unlawful act or lawful act by unlawful means. Plaintiff's Complaint solely alleges a claim of civil conspiracy. Plaintiff does not assert any other cause of action as the underlying wrong or tort against Defendant. See Pl. Compl. Plaintiff has failed to show that Defendant submitted any false information to the SCCID. The undisputed facts are that Defendant inquired into Plaintiff's residency in the State of California. Defendant is a licensed California Private Detective, and through public information, Defendant discovered Plaintiff held a California Senior Citizen Identification Card as of May 4, 2020. Hervery Young serves as the SCCID Deputy Director and led the investigation into Plaintiff following Defendant's complaint to SCCID. From his investigation, he could confirm the information submitted by Defendant was accurate and public information.

Additionally, Section 5 of the Uniform Guidelines for the Election of Circuit Public Defender Selection Panels of the SCCID provides the procedures for the filing and investigation of a complaint filed with SCCID. These guidelines in no way prevent Defendant from filing a

complaint based upon the information he obtained. Plaintiff has failed to submit any evidence that Defendant committed any unlawful act or lawful act by unlawful means.

Therefore, Plaintiff has failed to meet each necessary element of civil conspiracy. *See Paradis*, 433 S.C. 562.

THEREFORE, IT IS HEREBY ORDERED:

Based on the above reasons, Defendant's Motion for Summary Judgment is GRANTED and the cause of action for civil conspiracy against Defendant Nash is DISMISSED.

AND IT IS SO ORDERED!

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Richland Common Pleas

Case Caption: Stuart Axelrod vs Steve Nash , defendant, et al

Case Number: 2022CP4005229

Type: Order/Other

So Ordered

s/ Daniel Coble, 2774

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Richland
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP4005229

Stuart Axelrod
PLAINTIFF(S)

Steve Nash et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

This matter is before the Court on Plaintiff's Motion for Reconsideration pursuant to Rule 59(e) SCRCP ("the Motion"), which was timely filed on December 18, 2025. The Motion asks this Court to alter, amend, or reconsider its Order granting Summary Judgment, entered December 8, 2025.
After reviewing the applicable law and considering arguments raised in the Motion, the court is unable to discover any material fact or principle of law that has either been overlooked or disregarded and further finds no error of law or fact not appropriately considered. Therefore, the Motion to Alter, Amend, or Reconsider is DENIED.

ORDER INFORMATION

This order ☑ ends ☐ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 12/23/2025 .

Steve Nash for Steve Nash
Steve Nash for Steve Nash

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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Court Reporter:

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Richland Common Pleas

Case Caption: Stuart Axelrod vs Steve Nash , defendant, et al

Case Number: 2022CP4005229

Type: Order/Electronic Form 4

So Ordered

s/ Daniel Coble, 2774

ELECTRONICALLY FILED - 2022 Oct 04 4:31 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4005229

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	FIFTH JUDICIAL CIRCUIT
	)	
	)	Case No.: 2022-CP-40-____
Stuart Axelrod,	)	
Plaintiff,	)	
vs.	)	
	)	
Steve Nash and John Doe, Principal of Steve Nash	)	**SUMMONS**
	)	
Defendants.	)	
	)	

TO: THE ABOVE-NAMED DEFENDANT AND HIS ATTORNEYS:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is hereby served on you, and to serve a copy of your Answer to the said Complaint upon the subscribers at 226 State Street, West Columbia, South Carolina 29169, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in such Complaint.

s/ Desa Ballard
Desa Ballard (S.C. Bar No. 498)
Harvey M. Watson III (S.C. Bar No. 74053)
Haley Hubbard (S.C. Bar No. 103195)

BALLARD & WATSON
226 State Street
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haley@desaballard.com

ATTORNEYS FOR PLAINTIFF

October 4, 2022

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	FIFTH JUDICIAL CIRCUIT
	)	
	)	Case No.: 2022-CP-40-____
Stuart Axelrod,	)	
Plaintiff,	)	
vs.	)	
	)	
Steve Nash and John Doe, Principal of Steve Nash	)	**COMPLAINT**
	)	
Defendants.	)	
	)	

Plaintiff Stuart Axelrod (hereinafter referred to as "Mr. Axelrod"), complaining of the defendants herein, would show respectfully unto this Honorable Court:

1. Plaintiff is a citizen and resident in the State of South Carolina, County of Lexington, and at all times relevant hereto, Plaintiff was a resident of the State of South Carolina.

2. On information and belief, Defendant Steve Nash is a citizen and resident of the State of California, county of Marin. Defendant Nash is employed as a private investigator.

3. On information and belief, John Doe is a citizen and resident of South Carolina and has had professional dealings with Plaintiff.

4. On information and belief, this Court has subject matter jurisdiction over the matters set forth in this complaint.

5. On information and belief, this Court has personal jurisdiction over the parties to this action because the injury complained of was suffered, by design of defendants, in South Carolina as the result of services engaged and supplied from and/or for use in South Carolina, with all such intentionally directed against a resident of South Carolina.

6. On information and belief, venue is proper in Richland County.

ELECTRONICALLY FILED - 2022 Oct 04 4:31 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4005229

FOR A FIRST CAUSE OF ACTION

(Civil Conspiracy)

7. Mr. Axelrod serves on the board of the Fifteenth Judicial Circuit Public Defender Selection Panel (hereinafter "Selection Panel"), which exists under state law for the purpose of nominating a person to serve as that circuit's public defender.

8. Mr. Axelrod has served on the Selection Panel for over ten years.

9. In April 2020, the Selection Panel was activated in anticipation of the forthcoming planned retirement of the current public defender later that year. The Selection Panel planned to interview and otherwise examine and consider applicants for the position in advance of later voting to nominate one person to fill that role for the Fifteenth Judicial Circuit Public Defender.

10. Before applicant interview began, Mr. Axelrod expressed concerns about a potential conflict that existed with one of the candidates.

11. Mr. Axelrod is informed and believes that other members of the Selection Panel did not share, at least outwardly, in his stated concerns about the potential conflict he had raised for consideration by the Selection Panel.

12. On or about May 4, 2020, less than twenty-four hours after Mr. Axelrod raised those concerns about one candidate's potential conflict, Defendant Nash submitted a complaint to the South Carolina Commission on Indigent Defense ("the SCCID"), which alleged that Mr. Axelrod was a resident of the state of California and was ineligible to serve on the Panel. Incorporated herein and attached as **Exhibit A** is a copy of that complaint (with its attachment).

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13. To serve on the Selection Panel, members must be residents within the judicial circuit in which they serve, per S.C. Code § 17-3-510(B).

14. As a result of Defendant Nash's complaint, the SCCID opened an investigation into the allegations regarding Mr. Axelrod's residency.

15. Defendants did not approach Mr. Axelrod in advance of the filed complaint to seek information relevant to any question as to his state of residency.

16. During the SCCID investigation, Mr. Nash refused to answer the investigator's inquiry as to why Mr. Nash had submitted the complaint.

17. Upon information and belief, Defendant John Doe conspired with Defendant Nash to gather and disseminate false, misleading, and incomplete statements and information portraying Mr. Axelrod as a non-resident of South Carolina, with this concerted effort in furtherance of an improper primary purpose, the intimidation and unmerited potential disqualification of Mr. Axelrod from the Selection Panel during its active work in selecting a nominee for public defender.

18. A hearing was held before the SCCID on or about May 28, 2020, as to the allegations, where it was established that Mr. Axelrod was and remains (as he had maintained since first notice of the allegation) a resident of the State of South Carolina. On or about June 4, 2020, the SCCID concluded its investigation and dismissed the complaint against Mr. Axelrod.

19. As a result of actions taken by the Defendants, however, Mr. Axelrod was compelled to publicize personal information to include private familial dynamics and interactions, and sustained additional damages by way of diminished personal and professional standing

among the Selection Panel members, the SCCID, and his professional peers more generally.

20. Further, the SCCID investigation, a direct and intended result of defendants' joint actions, necessitated Mr. Axelrod's retention of legal counsel at Mr. Axelrod's personal expense to defend him in the investigation. Defendants' conspiratorial efforts are the sole cause of such expense, and as such Mr. Axelrod should be awarded an amount from defendants that is equal to his incurred attorney's fees and costs associated with the SCCID investigation.

21. For the reasons set forth above, Mr. Axelrod is further entitled to punitive damages and attorney's fees and costs incurred in this action.

22. Mr. Axelrod reserves the right to amend this complaint when the identity of one or more John Does is determined.

WHEREFORE, having fully set forth the grounds for relief requested, Plaintiff Stuart Axelrod prays for an order:

A. Imposing a judgment in favor of Plaintiff against the Defendants for actual, special, and punitive damages in an amount to be determined by the trier of fact;

B. Awarding reasonable expenses and attorney's fees to Mr. Axelrod; and

C. Such further and other relief as the Court deems just and proper.

Respectfully submitted,

s/ Desa Ballard
Desa Ballard (S.C. Bar No. 498)
Harvey M. Watson III (S.C. Bar No. 74053)
Haley Hubbard (S.C. Bar No. 103195)
BALLARD & WATSON

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ATTORNEYS FOR PLAINTIFF

October 4, 2022

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ELECTRONICALLY FILED - 2022 Oct 04 4:31 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4005229

IN THE MATTER OF STUART MARK AXELROD

FOR THE SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

AFFIDAVIT AND COMPLAINT OF STEVE NASH

Personally appeared before me, Steve Nash, who being duly sworn states that all statements herein are true:

1. I have personal knowledge of the matters set forth in this affidavit.

2. I am a citizen and resident of Marin County, California.

3. I am a retired California Law Enforcement Officer and licensed California Private Detective, License Number PI25880.

4. I am familiar with Stuart Mark Axelrod, hereafter referred to as Mr. Axelrod, who maintains a residence at 3977 Old Adobe Road, Petaluma, Sonoma County, California, pursuant to California Department of Motor Vehicle records.

5. Upon information and belief Mr. Axelrod has caused a stir in his community as an advocate for growing marijuana at his place of residence in Petaluma, California. See Exhibit "A", attached.

6. Mr. Axelrod, based upon public information, is the holder of a current California Senior Citizen Identification Card, which requires proof of residency for issuance. See Exhibit "B", attached.

7. Upon information and belief, Mr. Axelrod is a member of a South Carolina Circuit Public Defender Selection Panel established pursuant to South Carolina Code Section 17-3-510, which requires, in part, South Carolina residency.

8. Upon information and belief, as a resident of California, Mr. Axelrod may not serve as a member of a South Carolina Public Defender Selection Panel based upon his residency.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Steve Nash

SWORN to before me this
4th day of May, 2020.

Signature of California Notary Public

Javad Forouzeh
Printed Name of Notary Public
My Commission Expires: 11-07-2020

JAVAD FOROUZEH
COMM. # 2166757
NOTARY PUBLIC-CALIFORNIA
MARIN COUNTY
MY COMM. EXP. NOV. 2, 2020

ELECTRONICALLY FILED - 2022 Oct 04 4:31 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4005229

EXHIBIT "A"

Petaluma council hones pot regulations

HANNAH BEAUSANG

ARGUS-COURIER STAFF
November 9, 2017

More than a year after California voters legalized recreational marijuana, Petaluma is poised to next week adopt a slate of policies to regulate the cannabis industry inside city limits.

The city council Monday postponed a vote on an ordinance that would allow cannabis-related manufacturing businesses and two marijuana delivery services while increasing the number of plants residents can cultivate on their properties. The new rules will be considered at a Nov. 13 workshop, and city staff will develop regulations surrounding permitting and fees for consideration at the council's Dec. 4 meeting.

Petaluma has long taken a hard-line stance on cannabis, banning brick-and-mortar dispensaries in 2007. In 2016, the city tailored its policy to allow medical card holders to cultivate three plants and for delivery from outside of the city to medical users and caregivers.

The city was forced to revisit the issue after the November passage of Prop. 64, which legalized the sale and possession of recreational cannabis for those ages 21 and over within certain parameters, but left some control in the hands of local jurisdictions. Under Prop. 64, the Adult Use of Marijuana Act, it is not yet possible to purchase marijuana without a doctor's recommendation. The state is expected to issue licenses for recreational cannabis businesses as soon as Jan. 1.

In Petaluma, 62 percent of voters supported Prop. 64, though shaping a comprehensive marijuana policy has been far more divisive for a council that has quibbled over the issue since June.

Though five public speakers Monday urged the city to allow dispensaries, four of the seven council members were not in favor of immediately tailoring its forthcoming policy. Nearby cities, including Cotati, Santa Rosa and Sebastopol currently permit dispensaries.

Eli Melrod, who co-owns Sebastopol-based Solful dispensary, said Petaluma customers visit his business on a daily basis and implored the city to open its doors for retail storefronts.

"Dealing with the issue on a legislative level is really complicated, and helping folks medicinally is also really complicated," he said. "It's a very complicated plant with a lot of different compounds and a lot of different ways to use it. For folks to get the most benefit, they really need to consult with folks who are well-versed in different compounds, affects and delivery methods."

The council will revisit its cannabis policy within the next two years, when it could consider tightening or relaxing the existing rules depending on impacts to the city.

"We're not in the dark ages, I think Petaluma needs to come to the forefront and say 'we're going to be part of this,'" said Petaluma resident Stuart Axelrod, who plans to grow cannabis on his property in unincorporated Petaluma next year. "This is actually coming, whether we agree with it or not, it helps people."

City Attorney Eric Danly said allowing only a limited number of delivery services inside the city is an attempt to preserve safety and minimize impacts to staff at a time when the city is strapped for cash and resources. An unmarked, secure shipping facility that's not open to the public could attract less crime than a retail store, he said.

"I strongly believe in the idea of having dispensaries at a future date, yeah, I can see us doing that," Councilman Chris Albertson said. "Inevitably, I think we will, but I see the slow initiation and incremental increases."

Some council members felt that the limitations, which also prohibit manufacturing and testing facilities from selling cannabis products to the public, were too stringent.

"We're really going much too slowly and acting like none of this is happening right next door to us and we can just look across and see that it's working fine, but somehow, when it hits Petaluma, it's going to be crime central," Vice Mayor Teresa Barrett said. "I'm sorry we're taking that approach."

The set of regulations up for consideration Nov. 13 would allow for the two delivery services based in the city to serve customers from 8 a.m. to 8 p.m.

"We felt that was a good starting point," City Manager John Brown said. "I don't really know what the kind of demand is going to be for this sort of service ... This is something we do view as being a first pass."

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The ordinance also allows for an unlimited number of manufacturing facilities, where testing and infusions can be undertaken on wholesale products, as long as proper permitting and licensing are in place with the city.

It allows for no more than six plants that can be grown indoors or outdoors in an enclosed structure as long as they can't be seen or smelled. Petaluma police will have the ability to crack down on residents violating those rules.

A permitting fee structure and other specifics are also in the works, City Attorney Danly said. There's also much left to hammer out with subtle differences between policies for medical and recreational marijuana, he said.

Taxes are also a tricky subject, he said. The 15 percent state sales tax on cannabis combined with the local sales tax rate would tally to 23.12 percent, and voters would be asked approved an additional local sales tax increase on top of that rate should the city choose to seek increased revenue from the product.

Voters in Cotati Tuesday overwhelmingly approved a cannabis business tax with 78.9 percent support.

(Contact Hannah Beausang at hannah.beausang@arguscourier.com.)

Reprinted from Argus Courier Newpaper. Link / address to online article:
https://www.petaluma360.com/news/7611679-181/petaluma-council-hones-pot-regulations

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EXHIBIT "B"

The Department of Motor Vehicles (DMV) issues an ID card to any person who provides their:

1. Acceptable identity document.
2. True full name.
3. Social security number (SSN), if eligible for one. If you believe you are eligible for a SSN and have not been issued one, contact the Social Security Administration (SSA).
4. Proof of California residency.
5. Fingerprint image, to be taken at DMV.
6. Photograph, to be taken at DMV.
7. Prior ID card(s) in their possession, if any.

https://www.dmv.ca.gov/portal/dmv/detail/pubs/brochures/fast_facts/ffdl06

California DMV

CA DMV ID#Y8201359

Stuart Mark Axelrod

DOB 06/13/1954

SR Citizen ID card issued 6/8/2017 expires 6/13/2026

2022CP4005229

CIVIL CASE NUMBER

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE MAGISTRATE'S COURT

STUART AXLEROD)
PLAINTIFF)

STREET ADDRESS)

CITY, STATE ZIP)

TELEPHONE)

VS.)

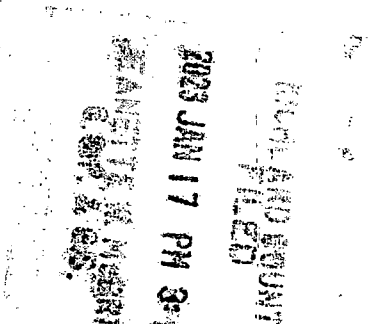
ANSWER

STEVE NASH)
DEFENDANT(S))

PO BOX 5253)
STREET ADDRESS)

NOVATO CA 94948)
CITY, STATE ZIP)

415-996-3530)
TELEPHONE)



On 12/14/22 I was served with a Complaint requiring me to answer within thirty days from the date of service. My Answer, which is hereby filed with the RICHLAND Magistrate Court, is as follows:

CHECK ONE:

A. ☒ I contest the jurisdiction of the court based on the following: (use additional pages if necessary)

1) I AM A RESIDENT OF CALIF
2) ANY WORK I DO IS ONLY IN CALIF
3) STATUATE OF LIMITATIONS ON CIVIL IN CALIF IS 1YR
4) I HAVE NEVER PERFORMED INVESTIGATIONS IN SOUTH CAROLINA

B. ☐ I admit everything in the complaint and do not want a trial.

C. ☐ I admit that I am responsible, but not for the total amount claimed by the Plaintiff(s) because: (use additional pages if necessary) _____

D. ☒ I deny that I am responsible at all because: (use additional pages if necessary)

SEE I HAVE NEVER PERFORMED INVESTIGATIONS OUTSIDE OF CALIF

You must file this document with the Court within thirty days.

THE DEFENDANT STATES THAT THE INFORMATION CONTAINED IN THIS ANSWER IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE.

Dated: 12/12/22

Signature of Defendant (or his attorney)

KEEP A COPY OF THIS ANSWER AND BRING IT TO COURT

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	CASE NO. 2022-CP-400-5229
Stuart Axelrod,	)	
	)	
Plaintiff,	)	
	)	**MOTION TO DISMISS**
v.	)	
	)	
Steve Nash and John Doe, Principal of Steve Nash	)	
	)	
Defendant.	)	

COMES NOW the Defendant, Steve Nash (hereinafter "Nash" or "Defendant Nash", by and through undersigned counsel and pursuant to Rule 12(b)(6) of the *South Carolina Rules of Civil Procedure* to move this Honorable Court to dismiss the action of the of Plaintiff, Stuart Axelrod, with prejudice on the basis of one or more of the following particulars:

1. This complaint should be dismissed for failure to state facts sufficient to constitute a cause of action under Rule 12(b)(6), *SCRCP*;
2. This complaint fails to state facts sufficient to satisfy Rule 8, *SCRCP*;
3. This complaint fails to plead facts of special matters sufficient to satisfy Rule 9, *SCRCP*; and
4. This complaint is jumbled vague and confusing and should be dismissed pursuant to Rule 12(e), *SCRCP*.

WHEREFORE, Defendant Nash respectfully moves this Court for an Order dismissing Plaintiff's complaint and awarding Nash such other and further relief as this Court may deem just and proper.

Alternatively, in the event that Defendant Nash's Motion to Dismiss is denied in whole or in part, Defendant Nash moves this court Pursuant to Rule 12(e), *SCRCP*, for an Order requiring the Plaintiff to make a more definite and certain statement as to the conduct of each Defendant allegedly giving rise to Plaintiff's cause of action and for such other and further relief this Court may deem just and proper.

Defendant Nash's counsel intends to submit a memorandum in support of this Motion prior to the hearing.

Respectfully submitted,

J. Todd Rutherford
1315 Blanding Street
P.O. Box 1452
Columbia, SC 29202
ATTORNEY FOR DEFENDANT

Columbia, South Carolina
January 17, 2023

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ELECTRONICALLY FILED - 2025 Jun 17 1:36 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4005229

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

CASE NO: 2022-CP-40-05229

Stuart Axelrod, Plaintiff, v. Steve Nash and John Doe, Principal of Steve Nash, Defendants.	**DEFENDANT STEVE NASH'S MOTION FOR SUMMARY JUDGMENT**

NOW COMES Defendant Steve Nash ("Nash"), by and through counsel, pursuant to South Carolina Rules of Civil Procedure ("SCRCP") Rule 56, on the ground that Plaintiff has failed to produce any evidence to create a genuine issue of material, and as such Nash is entitled to judgment as a matter of law. Nash submits the following in support of his Motion:

1. Plaintiff commenced this action on October 4, 2022, alleging civil conspiracy ("Complaint").

2. Nash timely filed his Answer to Plaintiff's Complaint on January 17, 2023.

3. Nash filed a Motion to Dismiss on January 20, 2023.

4. This Court issued an Order denying Nash's Motion to Dismiss on October 20, 2023.

5. "A plaintiff asserting a civil conspiracy claim must establish (1) the combination or agreement of two or more persons, (2) to commit an unlawful act or a lawful act by unlawful means, (3) together with the commission of an overt act in furtherance of the agreement, and (4) damages proximately resulting to the plaintiff." *Paradis v. Charleston Cty. Sch. Dist.*, 433 S.C. 562, 861 S.E.2d 774, 780 (2021), reh'g denied (Aug. 18, 2021).

6. Plaintiff failed to present any evidence Nash had any communications with anyone for the purposes of having Plaintiff injured, and Plaintiff has not presented any evidence of an agreement between Nash and any third-party. *Paradis*, 433 S.C. 562.

7. Plaintiff failed to present any evidence that Nash committed an unlawful act, or a lawful act by unlawful means.

8. Plaintiff fails to present any evidence of damages in this matter.

9. Based on the above, this Court should grant Nash's Motion for Summary Judgment. In viewing the facts most favorable to Plaintiff, no genuine issue of material fact exists as to Plaintiff's claims against Nash, and as such his claims should be dismissed with prejudice.

WHEREFORE, Nash prays the Court as follows:

1. For the Court to grant Nash's Motion for Summary Judgment, pursuant to Rule 56; and

2. For such other and further relief as the Court deems just and proper.

This the 17th day of June 2025.

Respectfully submitted,

/s/ Austin D. Nichols
Austin D. Nichols, Esq. (105026)
J. Todd Rutherford, Esq. (12097)
RUTHERFORD LAW FIRM
1315 Blanding Street (29201)
P.O. Box 1452
Columbia, South Carolina 29202
Phone No.: (803) 256-3003
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austin@rutherford.law

ELECTRONICALLY FILED - 2025 Jun 17 1:36 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4005229

ELECTRONICALLY FILED - 2025 Nov 18 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4005229

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Stuart Axelrod, Plaintiff, vs. Steve Nash and John Doe, Principal of Steve Nash Defendants.	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT Case No.: 2022-CP-40-05229 **MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

This matter comes before the Court on Defendant Steve Nash's Motion pursuant to Rule, 56, SCRCP, for summary judgment. Plaintiff Stuart Axelrod (hereinafter "Axelrod") submits the following in opposition to Defendant Nash's Motion for Summary Judgment.

FACTUAL BACKGROUND

This action arises from Axelrod's service on the Fifteenth Judicial Circuit Public Defender Selection Panel (hereinafter "Selection Panel"), and Defendants' conspiracy to disqualify Axelrod from membership on the panel in 2020. Pursuant to S.C. Code § 17-3-510(B), Selection Panel members must be residents within the judicial circuit in which they serve. In April 2020, the Selection Panel was activated to interview candidates for the role of the Fifteenth Judicial Circuit Public Defender upon the impending retirement of the current circuit public defender. (Complaint ¶ 9). Prior to interviewing the applicants, Axelrod expressed concerns about a potential conflict that existed with one of the applicants. (Complaint ¶ 10). On May 4, 2020, less than twenty-four (24) hours after Axelrod raised those concerns, Defendant Nash submitted a complaint to the South Carolina Commission on Indigent Defense ("SCCID"), which alleged that Axelrod was a resident of California and was ineligible to serve on the Selection Panel. **Exhibit A**. (Complaint ¶ 12). Within and attached to the complaint were false, misleading, and incomplete statements and

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information portraying Axelrod as a non-resident of South Carolina. (Complaint ¶ 17). Defendant Nash's complaint was set forth through a sworn affidavit representing that all statements within his complaint and affidavit were true despite their false and misleading nature.

As a result of Defendant Nash's complaint, the SCCID opened an investigation into the allegations concerning Axelrod's residency. (Complaint ¶ 14). In order to effectively defend himself in the investigation, Axelrod retained counsel at his personal expense, which was only necessary due to Defendants' actions. (Complaint ¶ 20). During the investigation, Hervery Young, then-Deputy Director and General Counsel for SCCID attempted to contact Defendant Nash multiple times to obtain more information about the complaint, however Defendant Nash refused to cooperate or answer Mr. Young's inquiry as to why Nash submitted the complaint. (Complaint ¶ 16). Ultimately, the SCCID concluded its investigation and dismissed the complaint against Axelrod on June 4, 2020, after determining that Axelrod was a resident of the State of South Carolina.

Axelrod filed the instant action against Defendants Nash and John Doe on October 5, 2022, asserting a claim for civil conspiracy. On January 20, 2023, Defendant Nash filed a Motion to Dismiss, which was denied pursuant to the Court's order dated October 20, 2023. Thereafter, Defendant Nash filed the instant Motion for Summary Judgment on June 17, 2025.

LEGAL STANDARD

"The grant of summary judgment is appropriate only if it is clear that no genuine issue of material fact exists, that inquiry into the facts is not desirable to clarify the application of the law, and that the movant is entitled to judgment as a matter of law." *Standard Fire Ins. Co. v. Marine Contracting & Towing Co.*, 301 S.C. 418, 422, 392 S.E.2d 460, 462 (1990). Even when there is no dispute as to evidentiary facts, but only as to conclusions or inferences to be drawn from them,

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summary judgment should be denied. *Montgomery v. CSX Transp., Inc.*, 376 S.C. 37, 656 S.E.2d 20 (2007).

"A party seeking summary judgment has the burden of clearly establishing by the record properly before the court the absence of a triable issue of fact. All inferences from facts in the record must be viewed in the light mor favorable to the party opposing the motion for summary judgment." *Standard Fire Ins. Co. v. Marine Contracting & Towing Co.*, 301 S.C. 418, 422, 392 S.E.2d 460, 462 (1990). Moreover, because summary judgment is a "drastic remedy," it "should be cautiously invoked so that a litigant will not be improperly deprived of trial on disputed factual issues." *Conner v. City of Forest Acres*, 348 S.C. 454, 560 S.E.2d 606 (2002).

ARGUMENT

Defendant Nash asserts that Axelrod has failed to present evidence to support a cause of action against Defendant Nash for civil conspiracy. The elements of a civil conspiracy in South Carolina are "(1) the combination or agreement of two or more persons, (2) to commit an unlawful act or a lawful act by unlawful means, (3) together with the commission of an overt act in furtherance of the agreement, and (4) damages proximately resulting to the plaintiff." *Paradis v. Charleston Cnty. Sch. Dist.*, 433 S.C. 562, 861 S.E. 2d 744 (S.C. 2021). Axelrod addresses each of the elements of civil conspiracy and supporting evidence in turn below.

First, a claim for civil conspiracy requires the combination *or* agreement of two or more persons. Axelrod's Complaint specifically alleges that Defendant and an unknown co-conspirator ("John Doe") entered into an agreement to "gather and disseminate false, misleading, and incomplete information portraying Axelrod as a non-resident of South Carolina," in an effort to interfere with his eligibility for the Fifteenth Judicial Circuit Public Defender Selection Panel.

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(Complaint ¶ 17). These allegations are substantiated by both circumstantial and testimonial evidence that raise a reasonable inference of a conspiracy.

Mr. Hervery Young, Executive Director of the South Carolina Commission on Indigent Defense (SCCID), testified that after reviewing the complaint and affidavit submitted by Defendant Nash, he believed someone must have either helped or informed Defendant Nash, who is based in California, about the specific residency requirements of the Selection Panel.

> Q: Would that have been in any way a factor in the investigation, the timing of the complaint at all?
>
> A: Well, yeah, that was a concern, But that was just as concerning to me as to why was a California investigator contacting me about information instead of asking – he said somebody asked him to do this work. Why didn't you give it back to the person who hired you and let that person make the complaint or whatever?
>
> Q: Right.
>
> A: So all of that was a little bit suspect to me. But the investigator guy was not willing to give us any information about what the connection was between him and South Carolina or him and Stuart. So it was like, you know, you run into that corner of the wall and what can you do.

See **Exhibit B,** Dep. Young at 23:17 – 24:5.

As a result, Mr. Young directly asked Defendant to disclose the identity of the true complainant or his employer.

> Q: What do you recall of that conversation?
>
> A: Not much. Pretty much whatever I would have said was in this complaint is what I would have had with him. The only thing that really stands out when talking with him is that he wouldn't disclose any information about who had hired him and why he was in California concerned about a selection panel in South Carolina. He kept claiming that it was confidential or privileged or something along those lines.

See **Exhibit B,** Dep. Young at 15:12 – 20.

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This testimony supports the inference that Defendant was not acting independently, but instead on behalf of someone else, someone with motive and familiarity with the local process, thus satisfying the element of a combination or agreement.

Further supporting this inference, during his own deposition Defendant Nash would not reveal who hired him but did not deny that he had been contacted by another party to investigate Axelrod. *See* **Exhibit C**, Dep. Nash at 14:15-25; 47:24 – 49:7. The refusal to identify who engaged him, combined with the legal specificity of the complaint he submitted, supports the inference that Defendant Nash acted in coordination with a third party, specifically the Defendant "John Doe". Whether a formal agreement exists is a factual issue that cannot be resolved at the summary judgment stage.

To meet the second element of civil conspiracy, Axelrod must show that Defendant and at least one other individual conspired to commit an unlawful act, or to commit a lawful act through unlawful means. In this case, the conduct at issue, submitting materially false sworn statements to a state agency, qualifies as both an unlawful act and, alternatively, a lawful act pursued by unlawful means.

Defendant submitted a sworn affidavit and complaint to the SCCID alleging that Axelrod was not a resident of South Carolina, challenging his eligibility for a public position, documents which are incorporated into the Complaint as **Exhibit A**. (Complaint ¶ 12). These representations were materially false and were made with the intent to disqualify Axelrod from public appointment. Importantly, SCCID's investigation ultimately concluded that Axelrod was in fact a resident of South Carolina and cleared him of any wrongdoing. This outcome is documented in SCCID's investigative report and confirmed by Mr. Young in his deposition testimony. The

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SCCID's findings contradict Defendant's claims and support the conclusion that the statements were knowingly false and made with an improper purpose.

Additionally, witness deposition testimony contradicts Defendant Nash's allegations within his complaint. Each of the members who were serving on the Selection Panel in 2020 were deposed in relation to this matter, and they all testified that Axelrod was a resident of South Carolina, and that they had no reason to question his residency despite knowing that Axelrod spent time in California. When asked about Mr. Axelrod's residency status, Gregory McCollum testified as follows:

> A: The fact that [Axelrod] was in California, it never occurred to me that he would not be a resident, you know. In the law firm here [Axelrod] actively practiced here, he had employees here, he owned a house here, or more than one house. His driver's license was here as far as I know, you know, so all of his vehicles were registered here and that sort of thing.
> Q: Okay. So it would be fair to say that you had no dispute as to whether he was a South Carolina resident?
> A: No. I didn't question that at all.

See **Exhibit D**, Dep. McCollum at 12:6 – 13:3.

Misrepresentations in sworn affidavits, when made with the intent to cause reputational and professional harm, are actionable. They clearly fall within the scope of conduct contemplated by South Carolina precedent on civil conspiracy. *Paradis v. Charleston Cnty. Sch. Dist.*, 433 S.C. 562, 861 S.E. 2d 744 (S.C. 2021). Defendant's argument that no unlawful act occurred overlooks these specific factual allegations and disregards the clear result of SCCID's investigation.

The third element, an overt act in furtherance of the conspiracy, is also satisfied. The overt acts are well-documented: Defendant submitted a sworn affidavit and complaint to SCCID, which initiated a formal investigation into Axelrod's eligibility for public service. These acts were not neutral or passive; they were calculated steps intended to disqualify Axelrod from public

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consideration. The fact that Defendant, a California resident, was involved in filing the complaint using South Carolina-specific information, and has refused to identify who retained him, further supports that these actions were taken in coordination with others, including the Defendant "John Doe". Additionally, the timing of the complaint, less than twenty-four (24) hours after Axelrod raised a concern about a specific candidate, supports an inference that Defendant Nash's submission of the complaint was an intentional, overt act. When questioned about the timing of the complaint, Mr. Young provided the following testimony:

> Q: So were you at all aware of [Axelrod's] contention that he received, or the complaint from Nash came in about six or twelve hours after he had raised an issue or expressed an issue regarding one of the candidates to Mr. Bellamy?
> A: Absolutely he brought that concern up to me. In my very first conversation with [Axelrod] it was like, what a hell of a coincidence that I voice about this and then all of a sudden this comes up. So, yeah, he did mention that.
> Q: Would that have been in any way a factor in the investigation, the timing of the complaint at all?
> A: Well, yeah, that was a concern…

See **Exhibit B,** Dep. Young at 23:9 – 19.

Lastly, the submission of a complaint to the SCCID by an out-of-state private investigator is clearly evidence of an overt act in furtherance of the conspiracy between Defendant Nash and the unknown co-conspirator, Defendant John Doe. In his deposition, Mr. Young testified that while it is not unusual for SCCID to receive complaints from members of the South Carolina Bar, this was likely the first time he had ever received a complaint from a private investigator, which he considered a "red flag". *See* **Exhibit B,** Dep. Young at 25:13 – 26:3. When viewed in a light favorable to Axelrod, such facts give rise to a triable issue as to whether these overt acts were part of a broader conspiracy to cause professional and reputational harm to Axelrod.

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Defendant's claim that Axelrod has failed to show evidence of damages is directly contradicted by both the pleadings and the record. Axelrod has alleged, and supported with factual detail, that he suffered significant reputational damage, harm to his professional standing, and financial loss from the necessity of retaining legal counsel to respond to SCCID's investigation. (Complaint ¶¶ 19–20). These are not hypothetical injuries; they are concrete harms that directly resulted from the allegedly false statements submitted by Defendant and others in furtherance of the conspiracy. At the summary judgment stage, these allegations must be accepted as true and all reasonable inferences drawn in the nonmovant's favor.

The South Carolina Supreme Court in *Paradis* reiterated that civil conspiracy claims may proceed where the plaintiff can show a coordinated scheme, an improper motive, overt acts, and resulting harm. *Paradis v. Charleston Cnty. Sch. Dist.*, 433 S.C. 562, 861 S.E. 2d 744 (S.C. 2021). Axelrod has done precisely that. The record supports the existence of a coordinated scheme through Defendant's refusal to name his employer and Mr. Young's testimony indicating that Defendant must have been assisted or hired by someone familiar with South Carolina law. The improper motive is evidenced by the clear intent to disqualify Axelrod from public service. The overt acts are found in the submission of the affidavit and complaint to SCCID. Finally, the resulting harm, reputational, professional, and financial, is well-documented in the pleadings.

Defendant's conduct was not isolated; it was part of a coordinated effort to improperly and unlawfully interfere with Axelrod's public service eligibility. These facts are more than enough to establish a genuine issue on all aspects of the claim. Therefore, summary judgment should be denied.

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CONCLUSION

For the reasons set forth above, Defendant Nash's Motion for Summary Judgement should be denied.

Respectfully Submitted,

s/ Haley Hubbard
Desa Ballard (S.C. Bar No. 498)
Harvey M. Watson III (S.C. Bar No. 74053)
Haley Hubbard (S.C. Bar No. 103195)

BALLARD & WATSON
226 State Street
West Columbia, South Carolina 29169
Telephone 803.796.9299
desab@desaballard.com
harvey@desaballard.com
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ATTORNEYS FOR PLAINTIFF

November 18, 2025

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Exhibit A

IN THE MATTER OF STUART MARK AXELROD

FOR THE SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

AFFIDAVIT AND COMPLAINT OF STEVE NASH

Personally appeared before me, Steve Nash, who being duly sworn states that all statements herein are true:

1. I have personal knowledge of the matters set forth in this affidavit.

2. I am a citizen and resident of Marin County, California.

3. I am a retired California Law Enforcement Officer and licensed California Private Detective, License Number PI25880.

4. I am familiar with Stuart Mark Axelrod, hereafter referred to as Mr. Axelrod, who maintains a residence at 3977 Old Adobe Road, Petaluma, Sonoma County, California, pursuant to California Department of Motor Vehicle records.

5. Upon information and belief Mr. Axelrod has caused a stir in his community as an advocate for growing marijuana at his place of residence in Petaluma, California. See Exhibit "A", attached.

6. Mr. Axelrod, based upon public information, is the holder of a current California Senior Citizen Identification Card, which requires proof of residency for issuance. See Exhibit "B", attached.

7. Upon information and belief, Mr. Axelrod is a member of a South Carolina Circuit Public Defender Selection Panel established pursuant to South Carolina Code Section 17-3-510, which requires, in part, South Carolina residency.

8. Upon information and belief, as a resident of California, Mr. Axelrod may not serve as a member of a South Carolina Public Defender Selection Panel based upon his residency.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Steve Nash

SWORN to before me this
4th day of May, 2020.

Signature of California Notary Public

Javad Forouzeh

Printed Name of Notary Public

My Commission Expires: 11-07-2020

JAVAD FOROUZEH
COMM. # 2166757
NOTARY PUBLIC-CALIFORNIA
MARIN COUNTY
MY COMM. EXP. NOV. 2, 2020

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EXHIBIT "A"

Petaluma council hones pot regulations

HANNAH BEAUSANG

ARGUS-COURIER STAFF
November 9, 2017

More than a year after California voters legalized recreational marijuana, Petaluma is poised to next week adopt a slate of policies to regulate the cannabis industry inside city limits.

The city council Monday postponed a vote on an ordinance that would allow cannabis-related manufacturing businesses and two marijuana delivery services while increasing the number of plants residents can cultivate on their properties. The new rules will be considered at a Nov. 13 workshop, and city staff will develop regulations surrounding permitting and fees for consideration at the council's Dec. 4 meeting.

Petaluma has long taken a hard-line stance on cannabis, banning brick-and-mortar dispensaries in 2007. In 2016, the city tailored its policy to allow medical card holders to cultivate three plants and for delivery from outside of the city to medical users and caregivers.

The city was forced to revisit the issue after the November passage of Prop. 64, which legalized the sale and possession of recreational cannabis for those ages 21 and over within certain parameters, but left some control in the hands of local jurisdictions. Under Prop. 64, the Adult Use of Marijuana Act, it is not yet possible to purchase marijuana without a doctor's recommendation. The state is expected to issue licenses for recreational cannabis businesses as soon as Jan. 1.

In Petaluma, 62 percent of voters supported Prop. 64, though shaping a comprehensive marijuana policy has been far more divisive for a council that has quibbled over the issue since June.

Though five public speakers Monday urged the city to allow dispensaries, four of the seven council members were not in favor of immediately tailoring its forthcoming policy. Nearby cities, including Cotati, Santa Rosa and Sebastopol currently permit dispensaries.

Eli Melrod, who co-owns Sebastopol-based Solful dispensary, said Petaluma customers visit his business on a daily basis and implored the city to open its doors for retail storefronts.

"Dealing with the issue on a legislative level is really complicated, and helping folks medicinally is also really complicated," he said. "It's a very complicated plant with a lot of different compounds and a lot of different ways to use it. For folks to get the most benefit, they really need to consult with folks who are well-versed in different compounds, affects and delivery methods."

The council will revisit its cannabis policy within the next two years, when it could consider tightening or relaxing the existing rules depending on impacts to the city.

"We're not in the dark ages, I think Petaluma needs to come to the forefront and say 'we're going to be part of this,'" said Petaluma resident Stuart Axelrod, who plans to grow cannabis on his property in unincorporated Petaluma next year. "This is actually coming, whether we agree with it or not, it helps people."

City Attorney Eric Danly said allowing only a limited number of delivery services inside the city is an attempt to preserve safety and minimize impacts to staff at a time when the city is strapped for cash and resources. An unmarked, secure shipping facility that's not open to the public could attract less crime than a retail store, he said.

"I strongly believe in the idea of having dispensaries at a future date, yeah, I can see us doing that," Councilman Chris Albertson said. "Inevitably, I think we will, but I see the slow initiation and incremental increases."

Some council members felt that the limitations, which also prohibit manufacturing and testing facilities from selling cannabis products to the public, were too stringent.

"We're really going much too slowly and acting like none of this is happening right next door to us and we can just look across and see that it's working fine, but somehow, when it hits Petaluma, it's going to be crime central," Vice Mayor Teresa Barrett said. "I'm sorry we're taking that approach."

The set of regulations up for consideration Nov. 13 would allow for the two delivery services based in the city to serve customers from 8 a.m. to 8 p.m.

"We felt that was a good starting point," City Manager John Brown said. "I don't really know what the kind of demand is going to be for this sort of service ... This is something we do view as being a first pass."

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The ordinance also allows for an unlimited number of manufacturing facilities, where testing and infusions can be undertaken on wholesale products, as long as proper permitting and licensing are in place with the city.

It allows for no more than six plants that can be grown indoors or outdoors in an enclosed structure as long as they can't be seen or smelled. Petaluma police will have the ability to crack down on residents violating those rules.

A permitting fee structure and other specifics are also in the works, City Attorney Danly said. There's also much left to hammer out with subtle differences between policies for medical and recreational marijuana, he said.

Taxes are also a tricky subject, he said. The 15 percent state sales tax on cannabis combined with the local sales tax rate would tally to 23.12 percent, and voters would be asked approved an additional local sales tax increase on top of that rate should the city choose to seek increased revenue from the product.

Voters in Cotati Tuesday overwhelmingly approved a cannabis business tax with 78.9 percent support.

(Contact Hannah Beausang at hannah.beausang@arguscourier.com.)

Reprinted from Argus Courier Newpaper. Link / address to online article:
https://www.petaluma360.com/news/7611679-181/petaluma-council-hones-pot-regulations

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EXHIBIT "B"

The Department of Motor Vehicles (DMV) issues an ID card to any person who provides their:

1. Acceptable identity document.
2. True full name.
3. Social security number (SSN), if eligible for one. If you believe you are eligible for a SSN and have not been issued one, contact the Social Security Administration (SSA).
4. Proof of California residency.
5. Fingerprint image, to be taken at DMV.
6. Photograph, to be taken at DMV.
7. Prior ID card(s) in their possession, if any.

https://www.dmv.ca.gov/portal/dmv/detail/pubs/brochures/fast_facts/ffdl06

California DMV

CA DMV ID#Y8201359

Stuart Mark Axelrod

DOB 06/13/1954

SR Citizen ID card issued 6/8/2017 expires 6/13/2026

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Exhibit B

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could -- once it's disclosed to the Commission, then the Commission had to decide whether or not to act on it or not act on it or to request that an investigation be taken, be held. And it was at that meeting that they decided that they wanted more information.

Q. All right. So I have a copy of the investigation report that you prepared and it kind of walks through the steps that you took in investigating the complaint. Did you eventually have a conversation with Mr. Nash?

A. Yes.

Q. What do you recall of that conversation?

A. Not much. Pretty much whatever I would have said in this complaint is what I would have had with him. The only thing that really stands out when talking with him is that he wouldn't disclose any information about who had hired him and why he was in California concerned about a selection panel in South Carolina. He kept claiming that it was confidential or privileged or something along those lines.

Q. Now, in the summary of the investigation on page two -- well, actually, on page three, the last paragraph before the investigation findings, it says that when you asked him about his connection to Axelrod or his interest in serving on the selection committee panel, Mr. Nash stated

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was due to him raising a conflict of interest issue about one of the candidates, Mr. Eric Fox, who was a candidate for the selection panel. Do you remember that coming up when you were speaking with Mr. Axelrod about any of this?

A. No. No. But I never discussed with Stuart about the workings of the selection panel because that wasn't within the scope of what I was investigating. So I would not have inquired about that.

Q. So were you at all aware of his contention that he received, or the complaint from Nash came in about six or twelve hours after he had raised an issue or expressed an issue regarding one of the candidates to Mr. Bellamy?

A. Absolutely he brought that concern up to me. In my very first conversation with him it was like, what a hell of a coincidence that I voice about this and then all of a sudden this comes up. So, yeah, he did mention that.

Q. Would that have been in any way a factor in the investigation, the timing of the complaint at all?

A. Well, yeah, that was a concern. But that was just as concerning to me as to why was a California investigator contacting me about information instead of asking -- he said somebody asked him to do this work. Why didn't you give it back to the person who hired you and let that person make the complaint or whatever?

Q. Right.

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A. So all of that was a little bit suspect to me. But the investigator guy was not willing to give us any information about what the connection was between him and South Carolina or him and Stuart. So it was like, you know, you run into that corner of the wall and what can you do.

Q. Yeah. And like I think you mentioned earlier, that complaint, the one regarding Mr. Axelrod's residency, it wouldn't have required you to speak to any other person on the panel about that outside of Mr. Axelrod --

A. No.

Q. -- so there were no conversations had with Mr. Bellamy about any information that he may have known about or conversations --

A. I don't think I had any conversations with Bellamy about the residency stuff. It wasn't until he alleged that he heard from a solicitor that Stuart was saying that he was supporting one candidate over the other. I think that was when I had a conversation with Bellamy.

Q. I guess for standard practice, if one of the panel members had information or knew something that was potentially problematic for the operation of the panel, what would be the standard procedure for them to make a complaint? Would it be through submitting an affidavit like Mr. Bellamy did?

A. Or they didn't even have to submit an affidavit.

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They could have easily just sent an email to me or called me and said, hey, I've got concerns about X, Y and Z. We're pretty flexible about that. We don't have like a form, fill out this form and then you'll have a complaint.

If they would have contacted us and said, hey, you know, I'm concerned about X, Y and Z going on here, then we would have considered it as being a complaint. I would have disclosed it to the Chairman and the Executive Director and then we would have presented it to the Commission in order for the Commission to decide there's nothing there, yes there's something there, let's do X, Y, Z, or let's commence an investigation and go from there.

Q. Now, in your time as Deputy Director and General Counsel, have you ever received a complaint submitted by a private investigator or would this have been the first instance?

A. This was probably the first time I've ever gotten one from an investigator. Usually they come from members of the Bar, members of that Bar who are interested in being on the selection panel but they didn't get on the selection panel, or somebody who, they're trying to get rid of the current Circuit Public Defender so they're trying to help somebody they want to replace the Circuit Defender.

So usually it's a member of the Bar for the most part. This is probably the first time I've ever heard of

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anybody who is not a member of the Bar filing a complaint, which is another one of those red flags for me, why are you contacting us?

Q. Right.

A. Because, like I said, it's Public Defenders. Nobody ever cared about Public Defenders in the past.

Q. Have you ever run into an instance where maybe like a candidate for selection may have complained about the process?

A. A candidate for the selection panel or a candidate for the Circuit Public Defender?

Q. I'm sorry. For the Circuit Public Defender.

A. Oh, yeah. We've had complaints from people who were trying to be Circuit Public Defender and we've had complaints from people who were trying to be on the selection panel to help somebody become Circuit Public Defender. So that's where most of the complaints usually come from.

Q. So would it be fair to say that Mr. Nash wouldn't have organically known about the goings on in South Carolina on the selection panel or the requirements for being eligible for the selection panel?

MR. NICHOLS: Object to the form.

BY MR. HUBBARD:

Q. You can answer.

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Exhibit C

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telephone before you submitted this Complaint?
A He did call me at one point. I don't know if I -- which order it went in.
Q Okay. Who brought to your attention the fact that Mr. Axelrod was on the Public Defender Board in Horry County? Who brought that to your attention?
A So, that, I can't really remember and, unfortunately, the -- my laptop that had all of my notes and anything to do with this case was stolen out of a hotel room. It was stolen January 15th of '21. So any notes or anything that I had specific to any conversations or anything went with that laptop.
Q Did somebody hire you to do this?
A I remember a -- and I do so many cases, so bear with me here on this, but I do recall another private investigator calling me about an out-of-state case. It may or may not have been this case, because Mr. Axelrod was -- if it's him, because the work would be done here in California.
Q What is the name of the other private investigator who contacted you?
A His name is Matt Ramsey, if it's related to this case.

his -- essentially his clients and to provide you with all the attorneys and their cases in which he's working for. He --

MS. BALLARD: No.

MR. NICHOLS: -- responded to you --

MS. BALLARD: -- I did not do that.

MR. NICHOLS: He responded to you and stated that he cannot do that due to attorney-client privilege, because individuals who had hired an attorney and have hired a private investigator have done so for confidentiality purposes. You're asking him to violate that confidentiality and that's what --

MS. BALLARD: No, sir.

MR. NICHOLS: -- I'm understanding him saying, "I can't do that."

BY MS. BALLARD: No, sir.

Q Mr. Nash, let me ask the question directly. Did any attorney hire you to look into Mr. Axelrod?

A No attorney hired me that I'm -- that I can recall.

Q All right. So what doctrine of law, attorney-client privilege or otherwise, prevents

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you from telling me anything about the background of why you conducted this research into Mr. Axelrod?

MR. NICHOLS: Object to the form.

Q Answer the question.

A Again, this is so long ago and so many other cases that I have worked. I'm not sure who 100 percent contacted me to answer your question. I just don't know.

Q I don't need you to be a hundred percent. I need you to tell me -- you're under oath. I need you tell me to the best of your knowledge and recollection who contacted you, and the only name you've given me is Matt Ramsey. Is there anybody else that might have been the person who contacted you --

MR. NICHOLS: Object to the form.

MS. BALLARD: Let me finish the question.

BY MS. BALLARD:

Q Is there any other person other than Matt Ramsey who might have contacted you and asked you to do this research regarding Mr. Axelrod?

MR. NICHOLS: Object to the form. This has been asked and answered countless times.

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MS. BALLARD: No, it has not.
BY MS. BALLARD:
Q Answer the question, Mr. Nash.
A I believe I have answered, that the person that contacted me, I believe, if it's related to this case, and I have to keep qualifying that, is Matt Ramsey.
MS. BALLARD: Read my question back, Nellie.
THE COURT REPORTER: "Is there any other person other than Matt Ramsey that may have contacted you to request through -- regarding -- to do research regarding Mr. Axelrod?"
BY MS. BALLARD:
Q Answer the question, Mr. Nash. Austin has already objected to the form. Other than Matt Ramsey, who else might it have been?
MR. NICHOLS: Object to the form. This has been asked --
MS. BALLARD: Again --
MR. NICHOLS: -- three consecutive times.
MS. BALLARD: And I've got three consecutive non-answers. I'm going to ask it

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Exhibit D

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from the location, or we may have just said he's joining us remotely because he can't be here in person, and they agreed that that was fine for him to do it that way.

Q. During that time, what was your understanding of Mr. Axelrod's residency?

A. The fact that he was in California, it never occurred to me that he would not be a resident, you know. In the law firm here he actively practiced here, he had employees here, he owned a house here, or more than one house. His driver's license was here as far as I know, you know, so all of his vehicles were registered here and that sort of thing. And I had done -- in a previous period of my life I was involved in election challenges because I was the Chairman of the Democratic Party, and so these things would come up in elections where people would challenge residency.

In fact, we had -- I remember one in particular right down the street from here in a City Council election where this was raised and I represented that individual to prove the residency, so I had some familiarity with that. And that's basically what it comes down to is, you know, you choose your residency and then you have the documents to back it up. It doesn't matter where you are, it's what your intention is and you more or less pick that. So from my perspective it never occurred to me that because he spent time in other places that he wasn't a resident.

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Q. Okay. So it would be fair to say that you had no dispute as to whether he was a South Carolina resident?

A. No. I didn't question that at all.

Q. Okay. And do you know Steve Nash or have you ever spoken with him?

A. I don't know Steve Nash. I don't know who that is.

Q. Do you know any private investigators located in California?

A. I say no. But, I mean, I know that we've had cases where we sent our investigator to California and we may have engaged with investigators in California for different witnesses and things like that. But if I know one, I can't think of one that I know.

Q. And then turning back to 2020 and the duties of the Selection Committee at that time, so I don't know if you've read the complaint that was filed in this matter, but one of the allegations is that Mr. Axelrod had raised, with the timing of Nash's complaint, Axelrod had raised the possibility of a conflict of interest between one of the candidates and his wife, and I believe about six to twelve hours after Mr. Axelrod raised this issue is when this complaint came through. Do you recall any opposition to this candidate who I believe is Eric Fox?

A. Yeah. We had some discussion about it because

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS FOR THE FIFTH JUDICIAL CIRCUIT CASE NO: 2022-CP-40-05229
Stuart Axelrod, Plaintiff, v. Steve Nash and John Doe, Principal of Steve Nash, Defendants.	**DEFENDANT STEVE NASH'S MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

NOW COMES Defendant Steve Nash ("Nash"), by and through counsel, pursuant to South Carolina Rules of Civil Procedure ("SCRCP") Rule 56, and submits Nash's Memorandum in Support of Defendant's Motion for Summary Judgment against Stuart Axelrod's ("Plaintiff") claim of Civil Conspiracy. In support hereof, Nash shows the Court the following:

PROCEDURAL HISTORY

Plaintiff commenced this action on October 4, 2022, alleging civil conspiracy ("Complaint"). Nash timely filed his Answer to Plaintiff's Complaint on January 17, 2023. Nash filed a Motion to Dismiss on January 20, 2023. This Court heard oral arguments on October 12, 2023, on Nash's Motion to Dismiss. On October 20, 2023, this Court issued an order denying Nash's motion. The parties began the exchange of discovery and deposition of several witnesses. On June 17, 2025, Nash filed this Motion for Summary Judgment on the grounds that Plaintiff has failed to produce any evidence to create a genuine issue of material fact as to the claims brought against Nash.

FACTUAL BACKGROUND

Plaintiff alleges he serves on the board of the Fifteenth Judicial Circuit Public Defender Selection Panel (hereinafter "Selection Panel") and has served for over ten years, which exists under state law for the purpose of nominating a person to serve as that circuit's public defender. See Pl. Compl. ¶ 7-8. In or around April 2020, the Selection Panel began interviewing and examining applicants to eventually fill the role of the Fifteenth Judicial Circuit Public Defender, following the retirement of the then-sitting Fifteenth Judicial Circuit Public Defender. See Pl.

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Compl. ¶ 9. S.C. Code Ann. § 17-3-510, requires a member of the Selection Panel to be a resident of South Carolina. On or about May 4, 2020, Nash submitted a complaint to the South Carolina Commission on Indigent Defense ("the SCCID"), which alleged that Plaintiff was a resident of the state of California and was ineligible to serve on the Panel, pursuant to South Carolina Code Ann. § 17-3-510. See Pl. Compl. ¶ 12-13. Plaintiff claims the SCCID opened an investigation into Plaintiff's residency following Nash's complaint. See Pl. Compl. ¶ 14. Plaintiff further alleges, Nash conspired with John Doe to gather and disseminate false, misleading, and incomplete statements and information portraying Plaintiff as a non-resident of South Carolina. See Pl. Compl. ¶ 17.

On May 28, 2020, SCCID conducted a hearing on the allegations in Nash's complaint and allegedly determined that Plaintiff is a resident of the State of South Carolina, and the SCCID dismissed Nash's complaint on June 4, 2020. See Pl. Compl. ¶ 18. Plaintiff further asserts that Nash's complaint caused Plaintiff to obtain legal counsel in representing him during the SCCID investigation. See Pl. Compl. ¶ 20. As a result, Plaintiff brings this action against Nash and John Doe for civil conspiracy.

LEGAL STANDARD

Summary judgment is proper when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. See Rule 56(c), SCRCP; *Burriss v. Anderson County Bd. of Educ*., 369 S.C. 443, 450, 633 S.E.2d 482, 486 (2006). When determining if any triable issues of fact exist, the evidence and all inferences which can be reasonably drawn from the evidence must be viewed in the light most favorable to the nonmoving party. *See Wilson v. Style Crest Prods*., 367 S.C. 653, 656, 627 S.E.2d 733, 735 (2006).

The moving party has the initial burden of demonstrating the absence of a genuine issue of material fact. *See Baughman v. American Tel. & Tel. Co*., 306 S.C. 101, 115, 410 S.E.2d 537, 545 (1991). However, once the moving party has met that burden, ***the nonmoving party cannot rest upon mere allegations but must come forward with evidence to show a genuine issue of material fact***. *See Baughman*, 306 S.C. 101, 115, 410 S.E.2d 537, 545 (1991) (emphasis added).

South Carolina courts have consistently held that a Plaintiff bringing a claim for civil conspiracy must prove each element by a preponderance of the evidence. See *Future Group, II v. Nationsbank*, 324 S.C. 89, 100, 478 S.E.2d 45, 50 (1996). "A court considering summary judgment neither makes factual determinations nor considers the merits of competing testimony;

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however, summary judgment is completely appropriate when a properly supported motion sets forth facts that remain undisputed or are contested in a deficient manner." *See David v. McLeod Reg'l Med. Ctr.*, 367 S.C. 242, 250, 626 S.E.2d 1, 5 (2006).

ARGUMENTS

I. PLAINTIFF FAILED TO PRESENT ANY EVIDENCE OF CIVIL CONSPIRACY.

Plaintiff failed to establish any of the necessary elements sufficient to state a cause of action for civil conspiracy. The elements of civil conspiracy are: "(1) the combination or agreement of two or more persons, (2) to commit an unlawful act or a lawful act by unlawful means, (3) together with the commission of an overt act in furtherance of the agreement, and (4) damages proximately resulting to the plaintiff." *Paradis v. Charleston Cty. Sch. Dist.*, 433 S.C. 562, 576, 861 S.E.2d 774, 780 (2021), reh'g denied (Aug. 18, 2021). Plaintiff has failed to present any evidence sufficient to support a claim of civil conspiracy.

"[I]n civil conspiracy, the graveman of the tort is the damage resulting to plaintiff from an overt act done pursuant to a common design." *Hackworth v. Greywood at Hammett*, 385 S.C. 110, 115, 682 S.E.2d 871, 874 (Ct. App. 2009). "An unexecuted civil conspiracy is not actionable." *Hackworth,* 385 S.C. at 115. "In a civil conspiracy claim, one must plead additional acts in furtherance of the conspiracy separate and independent from other wrongful acts alleged in the complaint, and the failure to properly plead such acts will merit the dismissal of the claim." *Id.* 385 at 115-116. In this case, Plaintiff fails to make a showing of civil conspiracy because (1) he has not shown the existence of any combination or agreement between Nash and any other person, nor has any person other than Nash claimed or stated such combination or agreement exist; (2) he has not alleged nor shown any unlawful or lawful act by unlawful means; (3) he has not shown any overt act in furtherance of the alleged conspiracy; and (4) he has not shown how Nash is the proximate cause of any purported damages.

Therefore, Nash moves that the entirety of Plaintiff's Complaint be dismissed pursuant to Rule 56 of the SCRCP.

A. Plaintiff fails to show any evidence supporting the allegation that Nash combined or entered into an agreement with anyone.

Plaintiff has failed to show any agreement or communication between Nash and any other individual. "In order to establish a conspiracy, evidence, either direct or circumstantial, must be produced from which a party may reasonably infer the joint assent of the minds of two or more

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parties to the prosecution of the unlawful enterprise." *Cowburn v. Leventis*, 366 S.C. 20, 49, 619 S.E.2d 437, 453 (Ct. App. 2005). Plaintiff fails to present any facts to support the allegation that Nash conspired with anyone to injure Plaintiff. Plaintiff merely speculates that Nash and an unknown individual conspired to gather and disseminate false, misleading, and incomplete statements and information portraying Plaintiff as a non-resident of South Carolina. See Pl. Compl. ¶ 17. Yet, Plaintiff has failed to demonstrate any false or misleading information that Nash agreed to distribute. Moreover, Plaintiff has deposed numerous witnesses, and no one has testified to any communications with Nash.

Plaintiff took the deposition Gregory Bellamy. Mr. Bellamy had not only served on the Fifteenth Judicial Circuit Public Defender Selection Panel, but also served on the committee overseeing the Horry County Public Defender's Office prior to the creation of the Selection Panel. Bellamy Depo. Vol. 1 pp. 5:5-12. Mr. Bellamy testified he did not know Mr. Nash and specifically stated that he asked other members of the panel, and no one knew Mr. Nash. Bellamy Depo. Vol. 1 pp. 15:8-16:1. During Mr. Bellamy's second deposition, Plaintiff's counsel asked Mr. Bellamy a series of questions regarding any communications he's had with Nash.

BELLAMY – VOL. 2 (Pp. 14:16 - 15:2)

Q. The affidavit of Mr. Nash that was submitted, I believe last time you said you had never spoken to Mr. Nash or anything.

A. Uh-uh.

Q. You didn't in any way assist with his complaint or affidavit or anything, correct?

A. No.

Q. And to your knowledge, you wouldn't know anybody who has or did if someone did at all?

A. No. I don't know who he is. It just came out of left field. This complaint had been filed and, you know --

Mr. Jason Felts, who served on the Fifteenth Circuit Public Defender Selection Committee with Plaintiff testified just as Mr. Bellamy. Mr. Felts stated he personally does not know Nash and doesn't know anyone who would have communicated any information to him. Bellamy Depo.

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pp. 10:19-25. Marion McCollum has served on the Selection Committee since its inception and also served on the prior oversight committee. McCollum Depo. pp. 6:2-14. Mr. McCollum also testified that he does not know Mr. Nash and does not know anyone who knows him or has spoken to him. McCollum Depo. pp. 13:1-7.

In fact, Plaintiff to date has yet to identify any other individual who knows Mr. Nash, spoken to him, or knew anyone who had. Plaintiff failed to present any evidence that Nash obtained the information submitted in his affidavit from another individual, that any individual instructed him to file the complaint with SCCID, or that Nash otherwise communicated with anyone other than the California Department of Motor Vehicles and SCCID.

Therefore, Plaintiff failed to establish the combination or agreement between Nash and any other individual.

B. Plaintiff fails to present any underlying wrong or tort in which Nash could be liable and fails to make a showing that Nash committed any unlawful act or lawful act by unlawful means in furtherance of a conspiracy.

South Carolina has recognized two forms of civil conspiracy. "The first, which is the general rule, requires an underlying actionable wrong or tort, and liability is imposed on an individual for the tort of another. A second form, also described as an exception to the general rule, exists when the conduct complained of would not be actionable if done by one person, but where by force of numbers or other exceptional circumstances, the defendants possess a peculiar power of coercion that gives rise to an independent tort of civil conspiracy (often referred to as the "force of numbers" or "economic boycott" exception)." *Paradis*, 433 S.C. 562, 576.

Here, Plaintiff has failed to identify any individual whom Nash possesses a peculiar power of coercion or any other exceptional circumstance, which would amount to an exception to the general rule of civil conspiracy. Therefore, the general rule must apply. Under the general rule of civil conspiracy, Plaintiff has failed to make a showing of any underlying actionable wrong or tort. Plaintiff's Complaint solely alleges a claim of civil conspiracy against Nash. Plaintiff does not assert any other cause of action as the underlying wrong or tort against Nash. See Pl. Compl. Based on the face of the Complaint and the evidence, Plaintiff has not established what wrong or tort Nash has otherwise committed.

Nash's complaint states in part that Plaintiff maintains a residence at 3977 Old Adobe Road, Petaluma, Sonoma County, California, according to the California Department of Motor

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Vehicles records attached as "Exhibit B" to Nash's complaint. Plaintiff does not allege this information is false, nor does he dispute the information provided. Section 5 of the Uniform Guidelines for the Election of Circuit Public Defender Selection Panels of the SCCID provides the procedures for the filing and investigation of a complaint filed with SCCID. These guidelines in no way prevent Nash from filing a complaint based upon the information he obtained.

Hervery Young serves as the SCCID Deputy Director and led the investigation into Plaintiff following Nash's complaint to SCCID. Young Depo. pp. 6:1-15. During his deposition, he stated that nothing prevents a non-South Carolina resident from filing a Complaint with the commission should they suspect wrongdoing. Young Depo. pp. 34:5-12. Over the course of his investigation, he interviewed numerous witnesses, including Mr. Nash and members of the California Department of Motor Vehicles. Young Depo. pp. 34:13-38:1. From his investigation, he could confirm the information submitted by Nash was accurate and public information. Young Depo. pp. 39:3-18.

Plaintiff has failed to submit any evidence that Nash committed any unlawful act or lawful act by unlawful means. The undisputed facts are that Nash inquired into Plaintiff's residency in the State of California. That Nash is a licensed California Private Detective, and through public information, Nash discovered Plaintiff held a California Senior Citizen Identification Card as of May 4, 2020. This was then confirmed through the investigation of Mr. Young. Young Depo. pp. 34:13-38:1. Plaintiff does not allege that Nash in any way falsified the information presented to SCCID or that Nash unlawfully obtained the information provided. *See Paradis,* 433 S.C. 562. In actuality, Nash performed the same actions as Mr. Young did in the furtherance of his investigation.

As stated above, Nash simply filed a complaint with SCCID regarding the lawfully obtained information that Plaintiff was a California resident. Nash filed a complaint with SCCID pursuant to their guidelines, which are publicly available. Pursuant to those guidelines, SCCID conducted an investigation into the allegations. An inquiry into Plaintiff's residency is not unlawful. Nash's inquiry is not unlawful. Based on the facts alleged in the Complaint, Plaintiff has failed to establish that Nash acted unlawfully or lawfully in an unlawful manner.

Therefore, as a matter of law, Plaintiff's claim for civil conspiracy should be dismissed.

C. Plaintiff has failed to allege that Nash is the proximate cause of any damages.

Plaintiff has outright failed to show any damages. Plaintiff's sole claim to damages is for

attorney's fees in an unrelated matter and diminished personal and professional standing. See Pl. Compl. ¶ 19-20. Plaintiff has failed to present any facts or evidence to support these claims for damages. The mere assertion that Plaintiff's personal and professional standing has diminished is unsupported based upon the discovery of this case. In fact, Plaintiff admits the SCCID conducted an investigation which resulted in a favorable outcome and decision for Plaintiff. See Pl. Compl. ¶ 18. Plaintiff has not alleged any communications, instances, or occurrences which support the claim that his personal or professional standing his been impacted in any way.

As for the attorney's fees, Plaintiff failed to plead any theory of recovery that entitles him to attorney's fees for an unrelated matter. Through Plaintiff's own volition, he determined legal representation was necessary during the investigation. SCCID does not require individuals to seek legal representation. Plaintiff requests this Court to award attorney's fees for a matter that this Court has no jurisdiction over, and regarding a matter already determined by an administrative body. Plaintiff has suffered no damages. Certainly, Plaintiff has failed to allege any facts supporting the position that Nash is the proximate cause of any damages.

Plaintiff also requests this Court to award punitive damages. S.C. Code Ann. § 15–33–135 provides, "In any civil action where punitive damages are claimed, the plaintiff has the burden of proving such damages by clear and convincing evidence." Plaintiff has failed to plead facts sufficient to constitute a cause of action for civil conspiracy. Therefore, Plaintiff is unable to prove by clear and convincing evidence that he is entitled to punitive damages.

CONCLUSION

Based on the above reasons, Nash's Motion for Summary Judgment should be granted and this case should be dismissed with prejudice. Plaintiff's Complaint must be dismissed because Plaintiff has failed to present any genuine issue of material fact, and Nash is entitled to a judgment as a matter of law.

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[SIGNATURE PAGE TO FOLLOW]

This the 18th day of November, 2025.

Respectfully submitted,

/s/ Austin D. Nichols

Austin D. Nichols, Esq.
J. Todd Rutherford, Esq.
RUTHERFORD LAW FIRM
1315 Blanding Street
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ELECTRONICALLY FILED - 2025 Dec 18 11:11 AM - RICHLAND - COMMON PLEAS - CASE#2022CP4005229

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Stuart Axelrod, Plaintiff, vs. Steve Nash and John Doe, Principal of Steve Nash Defendants.	)	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT Case No.: 2022-CP-40-05229 **MOTION TO ALTER OR AMEND**

Counsel for Stuart Axelrod (hereafter "Axelrod") by and through his undersigned counsel, hereby moves for entry of an order pursuant to Rule 59(e), SCRCP, to alter, amend or reconsider the Order Granting Summary Judgment entered on December 8, 2025. In support of this motion, Axelrod submits the following:

1. The Court erred in granting Defendant's Motion for Summary Judgment when Axelrod has presented sufficient evidence creating a genuine issue of material fact concerning Axelrod's civil conspiracy claim.

2. The Court erred in finding that Axelrod failed to make a showing that Defendant Steve Nash (hereafter "Nash") committed any unlawful act or lawful act by unlawful means. The Complaint establishes and the evidence in this case demonstrates that Nash submitted a sworn affidavit to a state agency, the South Carolina Commission on Indigent Defense ("SCCID"), containing materially false statements about Axelrod, which is actionable. These statements were made with the intent to disqualify Axelrod from serving on the Selection Committee. By submitting his complaint in the form of an affidavit, Nash warranted that all statements within his affidavit were true. However, Nash's affidavit

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contained demonstrably false statements to include, " (4) I am familiar with Stuart Mark Axelrod…who maintains a residence at 3977 Old Adobe Road, Petaluma, Sonoma County, California"; "(8)…as a resident of California, Mr. Axelrod may not serve as a member of a South Carolina Public Defender Selection Panel based upon his residency." It is undisputed that SCCID initiated an investigation into Axelrod's residency and ultimately determined that Axelrod was in fact a resident of South Carolina, therefore proving that Nash's statements, warranted to be true, were false. Additionally, the record before the Court demonstrates that multiple witnesses who knew Axelrod and served with him on the Selection Panel testified that they knew Axelrod to be a resident of South Carolina and had no reason to question his residency despite their knowledge that Axelrod spent time in California. The witness' testimony directly contradicts the statements within Nash's affidavit. As such, the Court further erred in finding that Nash submitted false information to SCCID.

For the reasons set forth above, Axelrod respectfully requests the Court to alter and amend the order to deny Defendant's Moton for Summary Judgment.

Respectfully submitted,

s/ Haley Hubbard
Desa Ballard (S.C. Bar No. 498)
Harvey M. Watson III (S.C. Bar No. 74053)
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ATTORNEYS FOR PLAINTIFF

December 18, 2025

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
DANIEL COBLE, CIRCUIT COURT JUDGE
Case No. 2022-CP-40-05229

Stuart Axelrod,.....Appellant,

v.

Steve Nash and John Doe,
Principal of Steve Nash, Defendants,

of which Steve Nash is the, ...Respondent.

NOTICE OF APPEAL

Appellant Stuart Axelrod (hereafter "Appellant") appeals from the trial court's (1) Form 4 Order that was filed on November 26, 2025, which was received by Appellants on November 26, 2025. Appellants also appeal from the trial court's (2) Order Granting Defendant's Motion for Summary Judgment that was filed December 8, 2025, which was received by Appellants on December 8, 2025. Appellants also appeal from the trial court's (3) Form 4 Order Denying Plaintiff's Motion to Reconsider filed December 23, 2025, which was received by Appellants on December 23, 2025.

[signature block next page]

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Respectfully submitted,

s/ Haley Hubbard

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January 8, 2026

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ATTORNEY FOR RESPONDENT

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Richland
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP4005229

Stuart Axelrod
PLAINTIFF(S)

Steve Nash et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☑ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

Defendant's Motion for Summary Judgment was heard in-person on November 19, 2025. After careful consideration of all arguments presented by counsel, Defendant's Motion is GRANTED, the Court finds there is not a genuine issue of material fact that the Defendant agreed to commit an unlawful act or lawful act by unlawful means. The Defendant shall submit a more formal order within 10 days pursuant to Rule 5(b)(3).

ORDER INFORMATION

This order ☑ ends ☐ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 11/25/2025 .

Steve Nash for Steve Nash
Steve Nash for Steve Nash

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Richland Common Pleas

Case Caption: Stuart Axelrod vs Steve Nash , defendant, et al

Case Number: 2022CP4005229

Type: Order/Electronic Form 4

So Ordered

s/ Daniel Coble, 2774

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

CASE NO: 2022-CP-40-05229

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SC Court of Appeals

Stuart Axelrod,

Plaintiff,

v.

Steve Nash and John Doe, Principal of Steve Nash,

Defendants.

ORDER

This mater came before the Court on November 19, 2025, for a hearing on Defendant's Motion for Summary Judgment. Austin Nichols appeared on behalf of Defendant, Steve Nash ("Defendant") and Haley Hubbard appeared on behalf of Plaintiff, Stuart Axelrod ("Plaintiff"). As set forth below, pursuant to South Carolina Rules of Civil Procedure ("SCRCP") Rule 56, Defendant's Motion for Summary Judgment is granted.

FACTUAL BACKGROUND

Plaintiff Axelrod has served on the Fifteenth Judicial Circuit Public Defender Selection Panel ("Selection Panel") for over ten years. Pursuant to S.C. Code Ann. § 17-3-510, members of the Selection Panel must be residents of South Carolina. In April 2020, the Selection Panel was activated to interview and examine candidates to fill the upcoming vacancy for the Fifteenth Judicial Circuit Public Defender.

On May 4, 2020, Defendant Nash submitted a complaint and affidavit to the South Carolina Commission on Indigent Defense ("SCCID") alleging that Axelrod was a resident of California and therefore ineligible to serve on the Selection Panel. Following Defendant's complaint, the SCCID opened an investigation into Axelrod's residency. The SCCID conducted

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a hearing regarding the allegations on May 28, 2020. On June 4, 2020, the SCCID determined that Axelrod was a resident of South Carolina and dismissed Defendant's complaint. Plaintiff subsequently filed this action for civil conspiracy.

LEGAL STANDARD

Summary judgment is proper when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. See Rule 56(c), SCRCP; *Burriss v. Anderson County Bd. of Educ*., 369 S.C. 443, 450, 633 S.E.2d 482, 486 (2006). When determining if any triable issues of fact exist, the evidence and all inferences which can be reasonably drawn from the evidence must be viewed in the light most favorable to the nonmoving party. *See Wilson v. Style Crest Prods*., 367 S.C. 653, 656, 627 S.E.2d 733, 735 (2006). The moving party has the initial burden of demonstrating the absence of a genuine issue of material fact. *See Baughman v. American Tel. & Tel. Co*., 306 S.C. 101, 115, 410 S.E.2d 537, 545 (1991). However, once the moving party has met that burden, the nonmoving party cannot rest upon mere allegations but must come forward with evidence to show a genuine issue of material fact. *See Baughman*, 306 S.C. 101, 115, 410 S.E.2d 537, 545 (1991).

ORDER

Plaintiff commenced this action on October 4, 2022, alleging civil conspiracy against Defendant and John Doe, Principal of Steve Nash ("Complaint"). Defendant timely filed an Answer to Plaintiff's Complaint on January 17, 2023. Defendant filed a Motion to Dismiss on January 20, 2023. This Court heard oral arguments on October 12, 2023, on Defendant's Motion to Dismiss. On October 20, 2023, this Court issued an order denying Defendant's motion.

On June 17, 2025, Defendant filed this Motion for Summary Judgment. Each party, by and through counsel, submitted legal memoranda to this Court prior to the hearing. This Court

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heard oral arguments on November 19, 2025. After hearing the arguments of the parties, reviewing each party's memoranda, and a review of the submitted testimony and evidence, this Court finds Plaintiff failed to establish a genuine issue of material fact concerning Plaintiff's claim for civil conspiracy.

The elements of civil conspiracy are: "(1) the combination or agreement of two or more persons, (2) to commit an unlawful act or a lawful act by unlawful means, (3) together with the commission of an overt act in furtherance of the agreement, and (4) damages proximately resulting to the plaintiff." *Paradis v. Charleston Cty. Sch. Dist*., 433 S.C. 562, 576, 861 S.E.2d 774, 780 (2021), reh'g denied (Aug. 18, 2021).

Under the general rule of civil conspiracy, Plaintiff has failed to make a showing that Defendant committed any unlawful act or lawful act by unlawful means. Plaintiff's Complaint solely alleges a claim of civil conspiracy. Plaintiff does not assert any other cause of action as the underlying wrong or tort against Defendant. See Pl. Compl. Plaintiff has failed to show that Defendant submitted any false information to the SCCID. The undisputed facts are that Defendant inquired into Plaintiff's residency in the State of California. Defendant is a licensed California Private Detective, and through public information, Defendant discovered Plaintiff held a California Senior Citizen Identification Card as of May 4, 2020. Hervery Young serves as the SCCID Deputy Director and led the investigation into Plaintiff following Defendant's complaint to SCCID. From his investigation, he could confirm the information submitted by Defendant was accurate and public information.

Additionally, Section 5 of the Uniform Guidelines for the Election of Circuit Public Defender Selection Panels of the SCCID provides the procedures for the filing and investigation of a complaint filed with SCCID. These guidelines in no way prevent Defendant from filing a

complaint based upon the information he obtained. Plaintiff has failed to submit any evidence that Defendant committed any unlawful act or lawful act by unlawful means.

Therefore, Plaintiff has failed to meet each necessary element of civil conspiracy. *See Paradis*, 433 S.C. 562.

THEREFORE, IT IS HEREBY ORDERED:

Based on the above reasons, Defendant's Motion for Summary Judgment is GRANTED and the cause of action for civil conspiracy against Defendant Nash is DISMISSED.

AND IT IS SO ORDERED!

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Richland Common Pleas

Case Caption: Stuart Axelrod vs Steve Nash , defendant, et al

Case Number: 2022CP4005229

Type: Order/Other

So Ordered

s/ Daniel Coble, 2774

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Richland
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP4005229

Stuart Axelrod
PLAINTIFF(S)

Steve Nash et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☑ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

This matter is before the Court on Plaintiff's Motion for Reconsideration pursuant to Rule 59(e) SCRCP ("the Motion"), which was timely filed on December 18, 2025. The Motion asks this Court to alter, amend, or reconsider its Order granting Summary Judgment, entered December 8, 2025.
After reviewing the applicable law and considering arguments raised in the Motion, the court is unable to discover any material fact or principle of law that has either been overlooked or disregarded and further finds no error of law or fact not appropriately considered. Therefore, the Motion to Alter, Amend, or Reconsider is DENIED.

ORDER INFORMATION

This order ☑ ends ☐ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 12/23/2025 .

Steve Nash for Steve Nash
Steve Nash for Steve Nash

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Richland Common Pleas

Case Caption: Stuart Axelrod vs Steve Nash , defendant, et al

Case Number: 2022CP4005229

Type: Order/Electronic Form 4

So Ordered

s/ Daniel Coble, 2774

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS

COUNTY OF RICHLAND FIFTH JUDICIAL CIRCUIT

C/A. No. 2022-CP-40-05229

Stuart Axelrod,

Plaintiff,

vs.

Steve Nash and John Doe, Principal of Steve Nash,

Defendant.

VIDEOCONFERENCE DEPOSITION OF

STEVEN NASH

****

Monday, December 11, 2023

12:00 p.m. - 2:40 p.m.

The deposition of STEVEN NASH was taken on behalf of the Plaintiff via videoconference on the 11th day of December, 2023, before Cassandra E. Vance, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and agreement of counsel.

APPEARANCES:

Desa Ballard, Esquire
Ballard & Watson, Attorneys at Law
226 State Street
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Attorney for the Plaintiff

Austin D. Nichols, Esquire
The Rutherford Law Firm, LLC
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Counsel for the Defendant

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telephone before you submitted this Complaint?
A He did call me at one point. I don't know if I -- which order it went in.
Q Okay. Who brought to your attention the fact that Mr. Axelrod was on the Public Defender Board in Horry County? Who brought that to your attention?
A So, that, I can't really remember and, unfortunately, the -- my laptop that had all of my notes and anything to do with this case was stolen out of a hotel room. It was stolen January 15th of '21. So any notes or anything that I had specific to any conversations or anything went with that laptop.
Q Did somebody hire you to do this?
A I remember a -- and I do so many cases, so bear with me here on this, but I do recall another private investigator calling me about an out-of-state case. It may or may not have been this case, because Mr. Axelrod was -- if it's him, because the work would be done here in California.
Q What is the name of the other private investigator who contacted you?
A His name is Matt Ramsey, if it's related to this case.

his -- essentially his clients and to provide you with all the attorneys and their cases in which he's working for. He --

MS. BALLARD: No.

MR. NICHOLS: -- responded to you --

MS. BALLARD: -- I did not do that.

MR. NICHOLS: He responded to you and stated that he cannot do that due to attorney-client privilege, because individuals who had hired an attorney and have hired a private investigator have done so for confidentiality purposes. You're asking him to violate that confidentiality and that's what --

MS. BALLARD: No, sir.

MR. NICHOLS: -- I'm understanding him saying, "I can't do that."

BY MS. BALLARD: No, sir.

Q Mr. Nash, let me ask the question directly. Did any attorney hire you to look into Mr. Axelrod?

A No attorney hired me that I'm -- that I can recall.

Q All right. So what doctrine of law, attorney-client privilege or otherwise, prevents

you from telling me anything about the background of why you conducted this research into Mr. Axelrod?

MR. NICHOLS: Object to the form.

Q Answer the question.

A Again, this is so long ago and so many other cases that I have worked. I'm not sure who 100 percent contacted me to answer your question. I just don't know.

Q I don't need you to be a hundred percent. I need you to tell me -- you're under oath. I need you tell me to the best of your knowledge and recollection who contacted you, and the only name you've given me is Matt Ramsey. Is there anybody else that might have been the person who contacted you --

MR. NICHOLS: Object to the form.

MS. BALLARD: Let me finish the question.

BY MS. BALLARD:

Q Is there any other person other than Matt Ramsey who might have contacted you and asked you to do this research regarding Mr. Axelrod?

MR. NICHOLS: Object to the form. This has been asked and answered countless times.

MS. BALLARD: No, it has not.
BY MS. BALLARD:
Q Answer the question, Mr. Nash.
A I believe I have answered, that the person that contacted me, I believe, if it's related to this case, and I have to keep qualifying that, is Matt Ramsey.
MS. BALLARD: Read my question back, Nellie.
THE COURT REPORTER: "Is there any other person other than Matt Ramsey that may have contacted you to request through -- regarding -- to do research regarding Mr. Axelrod?"
BY MS. BALLARD:
Q Answer the question, Mr. Nash. Austin has already objected to the form. Other than Matt Ramsey, who else might it have been?
MR. NICHOLS: Object to the form. This has been asked --
MS. BALLARD: Again --
MR. NICHOLS: -- three consecutive times.
MS. BALLARD: And I've got three consecutive non-answers. I'm going to ask it

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND) C.A. NO.: 2022-CP-40-05229

Stuart Axelrod,

Plaintiff,

vs.

Steve Nash and John Doe, Principal of Steve Nash,

Defendants.

Deposition of
Gregory Scott Bellamy, Esquire
July 16, 2024

Deposition on oral examination of Gregory Scott Bellamy, Esquire, reported by Laura S. Kelly, Certified Court Reporter and Notary Public in and for the State of South Carolina; said deposition was held at the Law Offices of Axelrod & Associates, 4701 Oleander Drive, Myrtle Beach, South Carolina, on the 16th day of July 2024, commencing at the hour of 11:20 a.m.

APPEARANCES

Representing the Plaintiff:

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Ballard & Watson
226 State Street
West Columbia, South Carolina 29169

Representing the Defendant:

AUSTIN NICHOLS, ESQUIRE
Todd Rutherford Law Offices
1315 Blanding Street
Columbia, South Carolina 29201

courtroom together, and I'd see him at the jail when he was seeing clients and things of that nature.

Q. Understood.

A. So what would that be? Right at 30 years? Not quite 30, but about 30. Yeah, somewhere in that range.

Q. I was born in '92 --

A. Jesus.

Q. -- so about 32 years.

MR. NICHOLS: I was born in '95.

THE WITNESS: God knows. I tried a death penalty case in '95. In '94, I did. You were two.

BY MS. HUBBARD:

Q. So you've known Mr. Axelrod for at least 32 years?

A. Yes. I've known him for a long time.

Q. When you were on the panel in 2020 he was also on the panel?

A. Yes.

Q. Who else was on the panel with you guys?

A. It was me, Stuart, Greg McCollum, Billy Monckton and Jayce Phelps was the Georgetown representative. So the first four were from Horry County, Jayce is elected by the Georgetown Bar based on population.

Q. And do you recall the circumstances surrounding the complaint lodged against Mr. Axelrod while he was on the

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND) C.A. NO.: 2022-CP-40-05229

Stuart Axelrod,

Plaintiff,

vs.

Steve Nash and John Doe, Principal of Steve Nash,

Defendants.

Deposition of Marion Gregory McCollum, Esquire January 20, 2025

Deposition on oral examination of Marion Gregory McCollom, Esquire, reported by Laura S. Kelly, Certified Court Reporter and Notary Public in and for the State of South Carolina; said deposition was held at the Law Offices of Axelrod & Associates, 1550 North Oak Street, Myrtle Beach, South Carolina, on the 20th day of January 2025, commencing at the hour of 1:03 p.m.

APPEARANCES

Representing the Plaintiff:

HALEY HUBBARD, ESQUIRE
Ballard & Watson
226 State Street
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Representing the Defendant:

AUSTIN NICHOLS, ESQUIRE
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1315 Blanding Street
Columbia, South Carolina 29201

from the location, or we may have just said he's joining us remotely because he can't be here in person, and they agreed that that was fine for him to do it that way.

Q. During that time, what was your understanding of Mr. Axelrod's residency?

A. The fact that he was in California, it never occurred to me that he would not be a resident, you know. In the law firm here he actively practiced here, he had employees here, he owned a house here, or more than one house. His driver's license was here as far as I know, you know, so all of his vehicles were registered here and that sort of thing. And I had done -- in a previous period of my life I was involved in election challenges because I was the Chairman of the Democratic Party, and so these things would come up in elections where people would challenge residency.

In fact, we had -- I remember one in particular right down the street from here in a City Council election where this was raised and I represented that individual to prove the residency, so I had some familiarity with that. And that's basically what it comes down to is, you know, you choose your residency and then you have the documents to back it up. It doesn't matter where you are, it's what your intention is and you more or less pick that. So from my perspective it never occurred to me that because he spent time in other places that he wasn't a resident.

Q. Okay. So it would be fair to say that you had no dispute as to whether he was a South Carolina resident?

A. No. I didn't question that at all.

Q. Okay. And do you know Steve Nash or have you ever spoken with him?

A. I don't know Steve Nash. I don't know who that is.

Q. Do you know any private investigators located in California?

A. I say no. But, I mean, I know that we've had cases where we sent our investigator to California and we may have engaged with investigators in California for different witnesses and things like that. But if I know one, I can't think of one that I know.

Q. And then turning back to 2020 and the duties of the Selection Committee at that time, so I don't know if you've read the complaint that was filed in this matter, but one of the allegations is that Mr. Axelrod had raised, with the timing of Nash's complaint, Axelrod had raised the possibility of a conflict of interest between one of the candidates and his wife, and I believe about six to twelve hours after Mr. Axelrod raised this issue is when this complaint came through. Do you recall any opposition to this candidate who I believe is Eric Fox?

A. Yeah. We had some discussion about it because

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND) C.A. NO.: 2022-CP-40-05229

Stuart Axelrod,

Plaintiff,

vs.

Steve Nash and John Doe, Principal of Steve Nash,

Defendants.

Deposition of
Hervery B.O. Young, Esquire
January 21, 2025

Deposition on oral examination of Hervery B.O. Young, Esquire, reported by Laura S. Kelly, Certified Court Reporter and Notary Public in and for the State of South Carolina; said deposition was held at the Law Offices of Ballard & Watson, 226 State Street, Columbia, South Carolina, on the 21st day of January 2025, scheduled for 10:00 a.m. and commencing at the hour of 10:00 a.m.

APPEARANCES

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could -- once it's disclosed to the Commission, then the Commission had to decide whether or not to act on it or not act on it or to request that an investigation be taken, be held. And it was at that meeting that they decided that they wanted more information.

Q. All right. So I have a copy of the investigation report that you prepared and it kind of walks through the steps that you took in investigating the complaint. Did you eventually have a conversation with Mr. Nash?

A. Yes.

Q. What do you recall of that conversation?

A. Not much. Pretty much whatever I would have said in this complaint is what I would have had with him. The only thing that really stands out when talking with him is that he wouldn't disclose any information about who had hired him and why he was in California concerned about a selection panel in South Carolina. He kept claiming that it was confidential or privileged or something along those lines.

Q. Now, in the summary of the investigation on page two -- well, actually, on page three, the last paragraph before the investigation findings, it says that when you asked him about his connection to Axelrod or his interest in serving on the selection committee panel, Mr. Nash stated

was due to him raising a conflict of interest issue about one of the candidates, Mr. Eric Fox, who was a candidate for the selection panel. Do you remember that coming up when you were speaking with Mr. Axelrod about any of this?

A. No. No. But I never discussed with Stuart about the workings of the selection panel because that wasn't within the scope of what I was investigating. So I would not have inquired about that.

Q. So were you at all aware of his contention that he received, or the complaint from Nash came in about six or twelve hours after he had raised an issue or expressed an issue regarding one of the candidates to Mr. Bellamy?

A. Absolutely he brought that concern up to me. In my very first conversation with him it was like, what a hell of a coincidence that I voice about this and then all of a sudden this comes up. So, yeah, he did mention that.

Q. Would that have been in any way a factor in the investigation, the timing of the complaint at all?

A. Well, yeah, that was a concern. But that was just as concerning to me as to why was a California investigator contacting me about information instead of asking -- he said somebody asked him to do this work. Why didn't you give it back to the person who hired you and let that person make the complaint or whatever?

Q. Right.

STATE OF SOUTH CAROLINA)IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND) 22-CP-40-5229

STUART AXELROD,)
)
Plaintiff,)
)
-VS-) TRANSCRIPT OF RECORD
)
)
STEVE NASH,)
)
Defendant.)

November 19, 2025
Columbia, South Carolina

B E F O R E:

THE HONORABLE DANIEL COBLE, Presiding Judge

A P P E A R A N C E S:

HALEY A. HUBBARD, ESQ.,
ATTORNEY FOR THE PLAINTIFF

AUSTIN D. NICHOLS
ATTORNEY FOR THE DEFENDANT

LaToya Camack Perry
Official Court Reporter

THE COURT: Number 13, Axelrod versus Nash, 5229. Good morning.

MR. NICHOLS: Good morning, Judge.

THE COURT: All right. Mr. Nichols, this your motion for summary judgement; is that right?

MR. NICHOLS: That's correct, Your Honor.

THE COURT: Go right ahead, then.

MR. NICHOLS: Your Honor, just kind of jumping into this. This matter originally came before Your Honor on a motion to dismiss quite a while ago. Your Honor, for background and context, this case is solely a case of civil conspiracy filed by the plaintiff against both my client, Steve Nash and John Doe. And Austin Nichols of the Rutherford Law Firm representing Steve Nash.

Your Honor, we move for summary judgment on the grounds that they're just generally no issue of material fact regarding the claim for civil conspiracy against Mr. Nash. Under Paradis, Your Honor, and we obviously stand on our memo, the plaintiff is responsible for establishing that there is a communication or a combination of an agreement between two or more people; that in order for those individuals to commit an act against the plaintiff that is unlawful or lawful but through unlawful means and there's an underlining wrong doing.

Starting with the last part, Your Honor, this is a complaint solely for civil conspiracy. There's no other allegation or cause of action. There's no negligence, no form of defamation or potential report alleging an underlining wrongdoing committed by Mr. Nash or John Doe in this matter who I do not represent. So on that ground alone, Your Honor, this case should be dismissed.

But kind of getting more into the meat of it, Your Honor, starting with the first element a combination or agreement between two or more people, Your Honor, the plaintiff has stated in multiple depositions regarding – There are several individuals who sit on the Indigent Defense Board who are part of the selection panel committee to hire or retain a new public defender across various circuits, in this particular case, for Horry County and the 15th Circuit Public Defender's Office. No individual who has been deposed, including Mr. Nash himself, has testified to any communication between Mr. Nash and any other individual. Every independent party or witness has testified they have personally never spoken with Mr. Nash. They don't know who Steve Nash is outside of the basketball player and that's not who I represent in this case. And they have no idea specifically, I believe it was Mr. McMollum who said specifically I asked other individuals do they know Steve

Nash or anybody has talked to him and no one has any information.

Mr. Nash, in his deposition, was asked specifically numerous times how did he get involve. Mr. Nash in his response is each time is I was procured by individuals who hired me to act as a private detective. I'm an investigator in the State of California. I found public information and I submitted it to the appropriate agency. When asked specifically who hired him, his statement repeatedly was, This was long ago or while ago, noting that this was occurred in 2020. He's being asked in 2022 and 2023, he said I don't remember anybody who hired me to do this. I get hired by a lot of people. But if I can remember anything, another private investigator reached out to me, here is that individual's name. But I, otherwise, have no information. From my understanding and the review of discovery, that individual has never, I believe his name is Mike Bellamy, has never been questioned, never been asked about any of this information. And so we specifically do not have any individual who's had any communication or agreement with Mr. Nash to do anything.

More importantly, getting to the next phase, Your Honor, is not just that there's a communication or agreement to do something. It's that there's an

agreement to do something unlawful or lawful through unlawful means. There was a deposition of Mr., I believe it's Hervery Young, Your Honor. I don't want to mispronounce his name. But he is actually the deputy director of the Indigent Defense Commission or Committee. He testified after my questioning of him that there was nothing that prevents a non-South Carolina resident from filing a complaint. There's nothing that prevented Mr. Nash from filing this complaint. And upon – He also conducted the investigation of this case and his determination was the information submitted by Mr. Nash was true and accurate. It's information that was regularly recorded at the DMV and was publicly available to anybody not to just a private investigator or some type of attorney. It's just public information that was provided to a public body. There's no unlawful act or a lawful act conducted by an unlawful means. He's not even being alleged to have obtained or procured any of this information through nefarious or unlawful means. It's just that the information provided is information that the plaintiff did not want to be provided. But it's not unlawful.

Also, Your Honor, there's, again, there's no claim for defamation. So there's no claim that the information is, in fact, false or that the information was submitted

in an improper manner or a manner to which to harm Mr. Nash. He's alleged that in his complaint, but there's been no testimony that he had the result he suffered any harm from it; that his reputation in the community was affected which is not part of a civil conspiracy claim. There simply just been no issue or damages resulting this incident with Mr. Nash. In fact, the result of the investigation following Mr. Nash's complaint ended up in favor of Mr. Axelrod.

So frankly, Your Honor, just there's been no testimony from any of the evidence supporting a agreement for Mr. Nash to do anything other than to submit publicly recorded information, nothing that was underlining wrong or illegal act. So therefore, they fail on every claim or every element of civil conspiracy and that is the only claim – That's the only cause of action in this case.

THE COURT: Okay.

MR. NICHOLS: Thank you.

THE COURT: Yes, ma'am.

MS. HUBBARD: Good morning. I'm Haley Hubbard. I represent Mr. Axelrod in the firm of Ballard and Watson. Your Honor, I just want to give you a little background. So Mr. Axelrod served on the selection panel committee for a number of years where they are basically charged with selecting the circuit public defender for that

specific circuit every time it comes up. And so this was the case in 2020. It's my understanding and what the complaint alleges is that I believe about the day before Mr. Nash submitted his complaint, Mr. Axelrod had raised a concern about a potential conflict of interest with one of the candidates that was on the circuit public defender. And less than 24 hours later, in comes this complaint essentially seeking to disqualify Mr. Axelrod from serving on the selection panel.

What we are – The finding there alone is suspect. What ended up happening is that the selection committee had to pause their voting in order before, well, to reconcile or investigate these claims in Mr. Nash's complaint before they could move forward with selecting circuit defender. But what's interesting here is Mr. Nash is a California resident. He's testified in his own deposition that he has no ties to South Carolina. He's never been here, has no roots here. Yet, he submits an affidavit to the South Carolina Commission on Indigent Defense citing South Carolina statutes, South Carolina Code Section 17-3-510 alleging that Mr. Axelrod is not a resident of South Carolina and is ineligible to serve on selection panel committee.

Mr. Hervery Young testified that when he received this complaint, he contacted Mr. Nash himself to get more

information and to specifically find out who it was that retained him. Mr. Young testified that in his time serving as deputy director of SCCID, he had never received a complaint from a private investigator, let alone, someone who is not a member of the South Carolina Bar. And I tabbed that testimony and that specific portion of his transcript to my memo. But he said prior to that, no complaint – Complaints are common, but they usually come from candidates or other people who are members of the South Carolina Bar. This was a completely different incident where this complaint from someone not even affiliated with South Carolina, period.

Mr. Young testified to that, you know, that led him to believe that someone else was involved. And when he asked Mr. Nash to reveal who that person was or who the complainant was, Mr. Nash refused to do that. And he followed up with him a few times and he refused to do that. To me, that supports an inference that there is a combination of more than one person here. Mr. Nash also testified himself that he was contacted by himself who he doesn't recall or it's been so long. But he was contacted by someone to investigate Mr. Axelrod, but he's refused to give additional information on who that was whether that's based on off of memory or whatever the case may be.

Secondly, the unlawful act here that we're alleging is submitting an affidavit containing misleading or materially false information. The form in which Mr. Nash submitted his complaint was in the form of an affidavit. It literally said affidavit and complaint of Steve Nash. In that affidavit, he's saying that he's swearing that all these statements within his affidavit are true. He states in number four of his affidavit that Mr. Axelrod maintains a residence in California. Mr. Axelrod does not maintain a residence in California. He does have property that the address that he lists is not Mr. Axelrod's address. In fact, Mr. Young, in his investigation, contacted the register of deed or whoever a part of that in South Carolina. And while they could not reveal the, you know – They could not disclose that information. They could confirm that Mr. Axelrod was not the owner of that property. That's misleading and materially false because that served as the basis, one of the basis for Mr. Nash claiming that Mr. Axelrod wasn't a resident of South Carolina.

And generally, the fact that he submitted this affidavit claiming that he has personal knowledge of the matter set forth herein, that's misleading. He was questioned in his deposition regarding what he knew about Mr. Axelrod. He didn't even know that Mr. Axelrod was an

attorney in South Carolina or he didn't know that he was an attorney general. So that's an issue there. We contend and I believe that our, the affidavit itself, the results of the investigation which ended affirming that Mr. Axelrod was, in fact, a resident of South Carolina, that supports an inference that the affidavit was misleading or contained information that was not accurate and truthful.

Additionally, the third element which is the overt act. The overt act is Mr. Nash submitting the affidavit itself to SCCID. It was done so – The intentionality is there. We asked Mr. Young about the timing of the complaint. That was something that he considered when he was reviewing it. He thought the timing was odd. He said it raised red flags. These are all things that are in his testimony from his deposition. So those were things that raised (inaudible), the timing of it. Mr. Axelrod, during his investigation, relayed to Mr. Young that this came just 24 hours after he raised an issue about a particular candidate. The other members of, at least one of the other members, of the panel selection committee at that time recalled that Mr. Axelrod raised that particular issue and shortly thereafter, came this complaint. We believe that supports an inference. It shows the intentionality, that overt act to, in deed, try

to disqualify Mr. Axelrod during the selection process.

And then the damages. An investigation was commenced by SCCID to look in Mr. Axelrod's residency. That is documented in Mr. Hervery Young's investigation report. I think it took place between, like, a month or two before it was resolved. Mr. Axelrod retained counsel to represent him in the course of that investigation. His reputation was put at the forefront or was damaged because of these allegations that, you know, appeared that he was trying to do something nefarious as far as living in one state and serving on a panel improperly which was not the case at all. And ultimately, the findings were that he was, in fact, a resident of South Carolina.

One of the things that I cited in my memo was that the panel members that we deposed consistently said that they had no reason to believe that he was not a resident of South Carolina and they all knew. It wasn't a secret that Mr. Axelrod spent time in California. I believe his wife's family is from there or spent time out there. This was during Covid. So during one of these instances, he flew out there and got stuck. This was around April of 2020. So like, he couldn't get back here and he took one of the interviews remotely. And multiple of these panel members had testified that the candidates that had

to sit in on those interviews where Mr. Axelrod was remote, I think were aware that he wasn't physically present. And at least one of them testified that Mr. Axelrod may have revealed that he was actually sitting in California.

So we don't know – I mean, the panel members we've interviewed have said they don't know who Mr. Nash is. But it's possible, it's possible that one of the candidates could (inaudible). It's possible that someone else could know – Just because the panel members don't know who he is doesn't mean that someone else wasn't involved and someone else did not give Mr. Nash information to submit this affidavit which is what we are alleging here and what has happened.

THE COURT: If Mr. Nash was working on his own completely, would Mr. Axelrod have a cause of action against him?

MS. HUBBARD: He's working on his own –

THE COURT: For sending in this affidavit.

MS. HUBBARD: Right. There wouldn't be a combination of – He were just acting on his own.

THE COURT: So what he did, though, is, the underlining act is sending in a complaint.

MS. HUBBARD: Sending in a complaint with materially false information.

THE COURT: But on its own, that's not a cause of action. But if he worked with somebody, then it becomes a cause of action. What I'm looking at here is, I mean, when I'm up for re-election, I get complaints all the time. Am I going to be able to start bringing people into court? Because a lot of those complaints, I believe, they are materially wrong. They're probably not. Probably mostly correct. But there are some that are a little out there. If he's serving on a public commission type of thing where you got to put yourself out there on this commission and you start receiving complaints, what causes a cause of action with people sending in complaints?

MS. HUBBARD: I don't think there's a necessarily a cause of action that exists for solely sending in a complaint. I think here, the situation is much different because this California private investigator literally has zero ties to South Carolina but has asserted himself into South Carolina dealing where, you know, the entity that you complained to essentially said this is abnormal. This isn't usually done by a private investigator. It's done by members of the bar.

THE COURT: But that's a standard for – A different standard where it's not normal so the complaint might not be considered. They can be reported to whatever his

licensing is. He can report it to that or (inaudible) South Carolina, as a member of the bar, they can be reported. But for a cause of action in the Court of Common Pleas, sending in, whether he's from California or he's from Newberry, people send in information all the time that they think might be relevant. It might not be. And the underlining information is correct or it's not defamatory, then it becomes – It is not a cause of action, but if they conspire then – We talked about – Well, not we, but you talked it could be – I guess the theory is that somebody here in South Carolina hired a private investigator to investigate Mr. Axelrod.

MS. HUBBARD: Correct.

THE COURT: Who did it, turns out, I guess, we don't know.

MS. HUBBARD: Well, that's the problem is we believe that Mr. Nash knows. There's been kind of two different theories we're going on here or that Mr. Nash has presented which is it's been so long ago that I don't recall. Or I am not permitted to reveal that information to you because it's privileged. And so it's which is it? Is it do you know and you don't reveal because it's allegedly privileged which we don't think that's a valid privilege complaint. Or is it that you truly don't know. I mean, he's admitted that he's been contacted by someone

to do this. Our position is that, based on the information that we received from panel members where it's pretty clear that no one thought Mr. Axelrod was anything but a South Carolina resident even knowing that he spent time in California. And so these allegations that he's a South Carolina resident is simply misleading for ulterior purpose to get him off the selection panel.

THE COURT: Okay. All right. Thank you. Yes, sir.

MR. NICHOLS: Very briefly, Your Honor. I don't want it to be confused. Mr. Nash did not submit a complaint because, for some reason, he found out about a Zoom conference where Mr. Axelrod was in California. He submitted a – Mr. Axelrod presented a California social security ID. Not social security, social citizen ID. Outside of not being a – I'm saying social citizen, senior citizen, Your Honor. Outside of not being a senior citizen, I can't go to any other state and just obtain an ID. There are requirements that have to be met in order for that state to issue you that ID. And that's what was done in California and then that's what was submitted by Mr. Nash to this panel.

Whether Mr. Axelrod believed that is misleading regarding his residence it's just his personal feeling and belief. It's not an actionable issue. There's nothing illegal or unlawful about submitting that factual

information. It's not false. That's why there's no complaint for defamation. It is true information that is being submitted. And as a result of that, there was an inquiry into whether he is a California resident or a South Carolina resident. That's the full extent of it.

What I struggle with the entire time, Your Honor, is that it seems that the theory surrounding arguments and debates amongst the panel members, which I and my client are completely unaware of, were issues regarding whoever John Doe is. But they're not issues concerning Steve Nash. Steve Nash submitted true information that can be obtained from the public to another public body. And then they investigated that and determined that was true, but it did not mean that Mr. Axelrod was a California resident. That's not false information. That's true information that just had a different legal outcome.

And then to clear up the theory or confusion about Mr. Nash's willingness to give up who hired him, it's not a matter of he just doesn't want or refusing to. At the time he was being questioned by Mr. Young, he had an ethical obligation and a duty under their California system that he cannot provide that information to them. So he told Mr. Young, here is the citation, here is the ethical rule of why I cannot provide you that information. So Mr. Young backed off.

It wasn't until he was being deposed by Ms. Ballard where he continuously said, I cannot disclose that information. And then he finally gave up and said, I don't even know who the person is anyway. If I had to guess, it was – I believe that I was contacted by another private investigator. I don't even think that that was the situation for this case. I'm speculating now as Steve Nash that I still don't even know who this person was.

And the crux of it all, Your Honor, is, frankly, it doesn't matter whether he was hired by another individual or not because the fact that there has to be a communication to commit that unlawful act or an underlining wrong and there just isn't one. You can communicate with anybody all day long. It's an actionable offense when you're doing it in an unlawful manner. That never occurred. Again, there's no claim for defamation here. There's no underlining wrong to report here and there's nothing that was done that's illegal or wrong (inaudible). So there's no element of civil conspiracy that can be brought against Steve Nash.

THE COURT: Okay. All right. Let me take it under advisement and review everything. I'll get something out to you guys shortly.

MS. HUBBARD: Thank you, Your Honor.

MR. NICHOLS: Thank you.

THE COURT: All right. Thank you.

END OF TRANSCRIPT

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF FAIFIELD)

I, LaToya C. Perry, Official Court Reporter for the State of South Carolina, 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 Court of Common Pleas of Richland County, South Carolina, on the 19th day of November, 2025.

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

February 23, 2026

LaToya C. Perry

LaToya C. Perry, Court Reporter
My Commission Expires: 06-29-2027

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
DANIEL COBLE, CIRCUIT COURT JUDGE

Appellate Case No.: 2026-000047

Stuart Axelrod, ...Appellant,

v.

Steve Nash and John Doe,
Principal of Steve Nash, Defendants,

of whom Steve Nash is the, ...Respondent.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Respectfully submitted,

s/ Haley Hubbard
Desa Ballard (S.C. Bar No. 498)
Harvey M. Watson III (S.C. Bar No. 74053)
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June 17, 2026