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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Ninth Judicial Circuit

The Honorable George M. McFaddin, Jr., Circuit Court Judge

Case No. 2024-CP-10-04530
Appellate Case No. 2025-001313

Scott R. Manna.....Appellant

v.

Jack SinclairRespondent

RESPONDENT'S RECORD ON APPEAL

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

Pro Se Appellant

EARHART OVERSTREET, LLC
PO Box 22528
Charleston, SC 29413
(843) 972-9400

David W. Overstreet
Bar No.: 16965
david@earhartoverstreet.com

Elizabeth K. Garrett
Bar No. 103900
Elizabeth.garrett@earhartoverstreet.com

Counsel for Respondent

RECORD ON APPEAL

Index

Orders and Judgments

Order Dismissing Complaint, filed April 4, 2025	1
Order Denying Plaintiff’s Motion to Reconsider, filed April 21, 2025	7

Pleadings

Summons and Complaint, and Exhibits, filed September 10, 2024	10
---	----

Motions

Plaintiff’s Response to Defendant Sinclair’s Motion to Dismiss, filed October 7, 2024.....	124
Defendant Sinclair’s Memorandum of Law in Support of His Motion to Dismiss Plaintiff’s Complaint, filed January 16, 2025	132
Plaintiff’s Motion to Reconsider and Exhibits, filed April 10, 2025	137

Transcripts

Transcript of February 28, 2025, hearing in front of the Honorable George M. McFaddin Jr. ...	146
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STATE OF SOUTH CAROLINA	)	
	)	
COUNTY OF CHARLESTON	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
Scott R. Manetta,	)	
	)	
Plaintiff,	)	Civil Action No. 2024-CP-10-04530
	)	
vs.	)	
	)	ORDER
Jack Sinclair,	)	
	)	
Defendant.	)	
	)	

This matter came before the Court on February 28, 2025, for a hearing on three motions; (1) a Motion to Dismiss and (2) a Motion for Protective Order filed by the Defendant, Jack Sinclair, Esq. (hereinafter the “Attorney” or the “Defendant”) and (3) a Motion to Amend the Complaint by the Plaintiff, Scott R. Mannetta. The Motions were heard in open court (Webex videoconference). Appearing and arguing on behalf of the Defendant was Robert L. Eaton, Esq. Appearing and arguing on his own behalf was the Plaintiff, Scott R. Mannetta, *pro se*.

Having considered the arguments of counsel and the Plaintiff, the written submissions and pleadings on file, the Court hereby **GRANTS** the Defendant’s Motion to Dismiss and Motion for Protective Order and **DENIES** Plaintiff’s Motion to Amend. The Court finds and concludes as follows:

FACTS

This case arises out of the Defendant’s court-appointed representation of Jake Mannetta (hereinafter “Jake”), the adult son of Plaintiff, in a guardianship matter in the Charleston County Probate Court, styled *Jake Mannetta, a ward, Dana Mannetta v. Jake Mannetta, an alleged incapacitated individual and Scott Mannetta, next of kin*, Case No. 2022-GC-10-0078.

Plaintiff, who was a Respondent in that matter, sought appointment as Jake's guardian. Following a final hearing on October 10, 2023, the Probate Court appointed Jake's mother, Dana Mannetta (Plaintiff's ex-wife), as sole limited guardian. The Honorable Lenna S. Kirchner entered a formal Order on January 22, 2024, appointing Dana as guardian.

Plaintiff initiated this action on September 10, 2024, alleging legal malpractice, arising from the Defendant's strategic decisions during his representation of Jake in the guardianship matter. Defendant was served with the Summons and Complaint on or about September 12, 2024, and subsequently filed his Motion to Dismiss and Motion for Protective Order on October 4, 2024. Plaintiff filed his Motion to Amend and a Response to the Motion to Dismiss on October 7, 2024.

I. STANDARD OF REVIEW

"In considering a motion to dismiss a complaint based on a failure to state facts sufficient to constitute a cause of action, the trial court must base its ruling solely on allegations set forth in the complaint. Doe v. Marion, 373 S.C. 390, 395, 645 S.E.2d 245, 247 (2007). If the facts alleged and inferences reasonably deducible therefrom, viewed in the light most favorable to the plaintiff, would not entitle the plaintiff to relief on any theory, then dismissal under Rule 12(b)(6) is proper. Id.

II. LEGAL CONCLUSIONS

Defendant Owed No Duty to the Plaintiff

Plaintiff alleges legal malpractice arising out of the Defendant's representation of Jake in the guardianship matter. However, as a court-appointed attorney, Defendant's duty was to Jake, not to the Plaintiff.

"In an action for legal malpractice, the claimant must prove four elements: (1) the existence of an attorney-client relationship; (2) breach of a duty by the attorney; (3) damage to the client;

and (4) proximate causation of the client's damages by the breach." McNair v. Rainsford, 330 S.C. 332, 342, 499 S.E.2d 488, 493 (Ct. App. 1998). "A plaintiff in a legal malpractice action must generally establish the standard of care by expert testimony." Id. at 342, 499 S.E.2d at 494; *see also* Mali v. Odom, 295 S.C. 78, 80, 367 S.E.2d 166, 168 (Ct. App. 1988) ("A plaintiff in a legal malpractice case must ordinarily establish by expert testimony the standard of care, unless the subject matter is of common knowledge to laypersons.")

The Court finds that there was no attorney-client relationship between the Plaintiff and Defendant. Defendant was appointed solely to represent Jake, and no duty was owed to Plaintiff. As such, Plaintiff's claim for legal malpractice fails as a matter of law and must be dismissed.

Plaintiff Failed to Comply with SC Code § 15-36-100

Defendant also argues that Plaintiff failed to comply with S.C. Code § 15-36-100, which requires the contemporaneous filing of an expert affidavit in professional negligence actions, including those against attorneys. Plaintiff asserts that the affidavit was unnecessary under the "common knowledge" exception.

The Court finds that Plaintiff's claims of malpractice arising from the Defendant's strategic decisions during his representation of Jake in the guardianship action do not fall within the ambit of common knowledge such that the exception would apply. *See* Mali v. Odom, S.C. at 80. Therefore, Plaintiff was required to file an expert affidavit in compliance with § 15-36-100.

Moreover, the statute does not impose any duty upon the Court to notify a plaintiff of its requirements. It is the responsibility of the litigant to comply with statutory prerequisites to filing suit. Plaintiff's failure to do so renders the Complaint subject to dismissal.

Because Plaintiff failed to demonstrate an attorney-client relationship or a duty owed, and because his claims are procedurally deficient under § 15-36-100, the Court finds that granting

leave to amend the Complaint would be futile. Accordingly, Plaintiff's Motion to Amend is denied. See Health Promotion Specialists, LLC v. S.C. Bd. of Dentistry, 403 S.C. 623, 632, 743 S.E.2d 808, 812 (2013) (motion to amend is within the discretion of the trial court).

III. CONCLUSION

In conclusion, the Court finds that viewing the Complaint in the light most favorable to the Plaintiff, dismissal is warranted for Defendant. Therefore, Defendant Jack Sinclair, Esq.'s Motion to Dismiss is GRANTED. Defendant's request for Protection from Discovery is hereby GRANTED, Plaintiff's Motion to Amend his Complaint is DENIED and this case is hereby DISMISSED.

IT IS SO ORDERED

George M. McFaddin, Jr.
Circuit Court Judge

April __, 2025
Charleston, South Carolina



Charleston Common Pleas

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

Case Number: 2024CP1004530

Type: Order/Dismissal

So Ordered

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

Electronically signed on 2025-04-04 11:35:26 page 6 of 6

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP1004530

Scott Mannelta et al
PLAINTIFF(S)

Jack Sinclair
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), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ 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 court issued an order on April 4, 2025. Plaintiff timely filed and served his SCRPC 59(e) motion. Plaintiff and Defendant presented arguments and supporting memoranda at the hearing and since. This court in its discretion declines to hold a hearing to address the motion, and respectfully declines to alter, amend, or vacate the prior order. This court declines to grant Plaintiff thirty days to submit a supporting affidavit and declines to reopen this action.

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 04/21/2025 .

Scott R Mannelta for Scott R Mannelta
Scott R Mannelta for Scott R Mannelta
Scott Mannelta for Scott Mannelta
Scott Mannelta for Scott Mannelta

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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.



Charleston Common Pleas

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

Case Number: 2024CP1004530

Type: Order/Electronic Form 4

So Ordered

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

Electronically signed on 2025-04-21 09:24:49 page 3 of 3

STATE OF SOUTH CAROLINA

COUNTY OF

CHARLESTON

Scott R. MANNETTA

Plaintiff(s)

vs.

JACK SINCLAIRE

Defendant(s)

Submitted By:

Scott MANNETTA

Address:

7575 MORGAN WAY
NAPLES, FL 34119

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2024-CP-10-4530

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

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

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

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

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|--|--|
| Contracts
☐ Construction (100)
☐ Debt Collection (110)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) _____
Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) _____ | Torles - Professional Malpractice
☐ Dental Malpractice (200)
☒ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20-34-_____
☐ Notice/ File Med Mal (234)
☐ Other (299) _____ | Torles - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☐ Other (399) _____ | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) _____ |
| Special/Complex/Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) _____
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680)
☐ Interpleader (690) | Administrative Law/Relief
☐ Reinstates Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) _____
Special/Complex/Other
☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of-State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Pre-Suit Discovery (670) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers Compensation Settlement Approval (780)
☐ Incapacitated Adult Settlement (790)
☐ Other (799) _____ | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) _____ |

Submitting Party Signature:

Date:

9.10.24

Legal Complaint: Scott Mannelta vs. Jack Sinclair

Civil Cover Sheet

Plaintiff: Scott Mannelta
Defendant: Jack Sinclair
Court: Charleston County Court of Common Pleas
Case Number: [To be assigned]
Nature of Suit: Attorney Misconduct, Breach of Fiduciary Duty, Legal Malpractice

2024 SEP 10 PM 2:55

FILED

CLERK OF COURT

22

Summons

To: Jack Sinclair, Esq.
115 River Landing Drive, Suite 102
Charleston, SC 29492

You are hereby summoned and required to answer the complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint on the Plaintiff at 7575 Morgan Way, Naples, FL 34119 within thirty (30) days after service hereof, exclusive of the day of such service. If you fail to answer the complaint within that time, the Plaintiff will apply to the court for the relief demanded in the complaint and judgment by default will be entered against you.

Complaint

Plaintiff: Scott Mannelta
Defendant: Jack Sinclair

1. Introduction

This is a civil action for damages resulting from legal malpractice, breach of fiduciary duty, and attorney misconduct.

The Plaintiff, Scott Mannelta, brings this action against his court-appointed attorney, Jack Sinclair,

for failing to act in the Plaintiff's best interest, failing to communicate key legal strategies

with his client,

and for ignoring the Plaintiff's son's clearly stated wishes. The actions and omissions of the Defendant

have caused emotional distress, financial harm, and irreparable damage to the Plaintiff's relationship with his son.

2. Parties

Plaintiff: Scott Mannelta is a retired, disabled police officer residing at 7575 Morgan Way, Naples, FL 34119.

Defendant: Jack Sinclair is an attorney operating out of 115 River Landing Drive, Suite 102, Charleston, SC 29492.

3. Jurisdiction

This court has jurisdiction over the subject matter of this complaint pursuant to the laws of South Carolina.

4. Factual Background

a. Plaintiff hired Defendant to represent his son, Jake Mannelta, in probate matters related to guardianship.

b. The Defendant repeatedly failed to communicate important information, including details regarding proposed orders, and denied the Plaintiff his rightful involvement.

c. Multiple emails show the Defendant's failure to protect Plaintiff's rights, neglecting fiduciary duties, and ignoring critical requests from the Plaintiff and his son.

d. Dates of key emails include: 9/15/22, 10/18/22, 11/30/22, 1/17/24, and others, demonstrating Defendant's misconduct.

5. Causes of Action

a. Breach of Fiduciary Duty: Defendant had a fiduciary duty to act in the best interest of his client, Jake Mannelta, and to properly represent his legal interests. The Defendant's actions and inactions represent a breach of that duty.

b. Legal Malpractice: Defendant failed to exercise reasonable skill and care in the representation of his client, resulting in harm to the Plaintiff and his son.

c. Attorney Misconduct: Defendant's failure to follow court procedures, communicate adequately with the Plaintiff, and failure to uphold legal duties constitutes attorney misconduct.

6. Prayer for Relief

WHEREFORE, Plaintiff Scott Mannelta seeks the following relief:

a. Judgment against Defendant for damages in the amount to be determined at trial.

b. An order requiring Defendant to pay all attorney's fees and court costs related to this

action.

c. Any further relief as the court deems just and proper.

Sworn Statement

I, Scott Mannelta, hereby swear and affirm that the foregoing facts stated in this complaint are true and accurate

to the best of my knowledge and belief. Specific details from emails exchanged between the Plaintiff and Defendant,

including those dated 9/15/22, 10/18/22, 11/30/22, and 1/17/24, provide clear evidence of the Defendant's misconduct and breaches of fiduciary duties.

Date: 09/04/24

Signature: 

Conclusion

This complaint and accompanying documents will be filed with the Clerk of the Charleston County Court of Common Pleas.

The Plaintiff is prepared to provide any additional evidence or testimony as needed in the pursuit of justice.

Exhibit List

****Plaintiff:**** Scott R. Mannelta
****Defendant:**** Jack Sinclair, Esq.
****Case No.:**** [Insert Case Number]
****Court:**** Charleston County Court of Common Pleas

****Exhibit 1:****

****Title:**** Email from Scott Mannelta to Jack Sinclair, September 15, 2022
****Description:**** Notification from Scott Mannelta terminating representation by attorney Stephen Bucher and emphasizing the importance of including Scott in all discussions regarding Jake's case.

****Exhibit 2:****

****Title:**** Email from Jack Sinclair to Scott Mannelta, September 28, 2022
****Description:**** Jack's refusal to include Scott in strategy sessions with Jake, despite Jake's request for his father's involvement, demonstrating failure to follow client instructions.

****Exhibit 3:****

****Title:**** Email from Scott Mannelta to Jack Sinclair, October 21, 2022
****Description:**** Scott outlines breaches of fiduciary duty by Dana Mannelta, including Jake's continued access to inappropriate websites, which Jack failed to act upon despite acknowledging them.

****Exhibit 4:****

****Title:**** Email from Scott Mannelta to Jack Sinclair, November 23, 2022
****Description:**** Notification regarding breaches of the temporary guardian's duties, specifically regarding Jake's exposure to overt harm, which was not acted upon by Jack.

****Exhibit 5:****

****Title:**** Email from Scott Mannelta to Jack Sinclair, November 29, 2022
****Description:**** Detailed email outlining further issues with Dana's guardianship and evidence of her failure to protect Jake from accessing inappropriate content. Jack did not respond or file a motion.

****Exhibit 6:****

****Title:**** Email from Jack Sinclair to Scott Mannelta, January 17, 2024
****Description:**** Jack's response confirming the restriction of communication between Scott and Jake, without a formal motion or hearing, demonstrating overreach and violation of Scott's rights.

****Exhibit 7:****

****Title:**** Proposed Order by Virginia Spencer from Conference Call, September 9, 2023
****Description:**** Transcript of the conference call where Dana admitted to breaches of fiduciary duty. Jack

Exhibit 8:

Title: Email from Scott Mannelta to Jack Sinclair, December 2, 2023

Description: Scott's request for clarification on the appeal process in preparation for a potential unfavorable ruling. Jack did not adequately inform Jake or Scott of their legal options for appeal.

Exhibit 9: *TRANSCRIPT*

Title: Audio Recording of Conference Call, ~~September 9, 2023~~ *July 7, 2023*

Description: Full audio recording of the conference call where Dana made multiple admissions regarding breaches of fiduciary duty, which Jack failed to address in his legal strategy.

EXHIBIT 9X - FLASH DRIVE WITH AUDIO OF 9/9/23 - 07/11/23

Exhibit 10:

Title: Guardian Ad Litem Report

Description: A report by the Guardian ad Litem demonstrating bias, which Jack failed to adequately challenge, affecting the outcome of the case.

Exhibit 11:

Title: Dr. Mulbry's Evaluation Report

Description: Document showing Jake's need for minimal supervision, contrary to the guardianship proposed by Dana, which Jack did not adequately defend in court.

Exhibit 12:

Title: Sworn Statement of Scott R. Mannelta, [Insert Date]

Description: Plaintiff's sworn statement detailing key facts of the case, including Jack Sinclair's failures in representation, breach of fiduciary duties, and legal malpractice.

Exhibit 13:

Title: Transcribed Conversation Between Scott and Jake Mannelta, April 28, 2024

Description: A transcription of a recorded conversation where Jake admits Jack Sinclair made the decision not to appeal, despite Jake's desire to do so, demonstrating further failure of representation.

EXHIBIT 13X - FLASH DRIVE WITH AUDIO OF 4/28/24

Exhibit 14:

Title: Email from Scott Mannelta to Jack Sinclair, January 23, 2024

Description: Email detailing Scott's request for involvement in the appeal process and his concerns about the guardianship decision. Jack ignored the request and did not adequately advise Jake regarding his rights to appeal.

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

Scott R. Mannelta, Plaintiff

v.

Jack Sinclair, Esq., Defendant

Case No.: [_____]

CIVIL COVER SHEET

- ****Plaintiff****: Scott Mannelta
- ****Defendant****: Jack Sinclair
- ****Court****: Charleston County Court of Common Pleas
- ****Nature of Suit****: Attorney Misconduct, Breach of Fiduciary Duty, Legal Malpractice

SUMMONS

To:

Jack Sinclair, Esq.
115 River Landing Drive, Suite 102
Charleston, SC 29492

You are hereby summoned and required to answer the complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint on the Plaintiff at ****7575 Morgan Way, Naples, FL 34119**** within thirty (30) days after service hereof, exclusive of the day of such service. If you fail to answer the complaint within that time, the Plaintiff will apply to the court for the relief demanded in the complaint, and judgment by default will be entered against you.

COMPLAINT

1. Introduction

This is a civil action for damages resulting from ****legal malpractice****, ****breach of fiduciary duty****, and ****attorney misconduct****. The Plaintiff, Scott R. Mannelta, brings this action against his court-appointed attorney, ****Jack Sinclair****, for failing to act in Jake Mannelta's best interest, failing to communicate key legal strategies, and ignoring Jake's clearly stated wishes. The Defendant's actions and omissions have caused emotional distress, financial harm, and irreparable damage to the Plaintiff's relationship with his son.

2. Parties

- ****Plaintiff****: Scott Mannelta is a retired, disabled police officer residing at ****7575 Morgan Way, Naples, FL 34119****.

- **Defendant**: Jack Sinclair is an attorney practicing at **115 River Landing Drive, Suite 102, Charleston, SC 29492**.

3. Jurisdiction

This court has jurisdiction over the subject matter of this complaint pursuant to the laws of **South Carolina**.

4. Factual Background

- a. **Attorney Appointment**: Defendant was appointed as the attorney for Plaintiff's son, **Jake Mannelta**, in a guardianship case initiated by Jake's mother, Dana Mannelta.
- b. **Failure to Act in Client's Best Interest**: Despite Jake's repeated requests to include his father, Plaintiff, in strategy sessions, the Defendant excluded Plaintiff, leaving Jake without proper legal counsel or understanding of his rights.
- c. **Inadequate Preparation for Trial**: Defendant **failed to depose key witnesses**, including Plaintiff, Dana, and Dr. Mulbry, and did not request interrogatories or gather evidence that would support Jake's defense.
- d. **Failure to Challenge Ex Parte Order**: Defendant did not challenge the initial **ex parte order** that initiated this case, nor did he provide a robust legal defense.
- e. **Ineffective Meetings**: The Defendant often held meetings in Jake's bedroom at Plaintiff's small apartment, with Dana present or nearby, risking eavesdropping or recording.
- f. **Denial of Appeal**: After Judge Kirchner's ruling, Jake expressed a desire to **appeal the decision**, but Defendant failed to advise Jake properly or act on his wishes, resulting in missed opportunities to reverse the unfavorable ruling.

5. Causes of Action

a. Breach of Fiduciary Duty

Defendant had a fiduciary duty to act in Jake Mannelta's best interest and provide sound legal counsel. By failing to challenge the ex parte order, neglecting to prepare adequately for trial, and ignoring Jake's desire for an appeal, the Defendant violated this duty.

b. Legal Malpractice

Defendant failed to exercise reasonable care and skill in his legal representation, resulting in emotional and financial harm to both Jake and Plaintiff. The Defendant's inadequate trial preparation and refusal to advise Jake on his appeal options contributed directly to the negative outcome of the case.

c. Attorney Misconduct

Defendant's failure to follow through on critical legal duties, including maintaining communication with his client and protecting Jake's rights, constitutes misconduct. The Defendant prioritized convenience over protecting Jake's legal interests, thereby violating South Carolina's professional standards of conduct.

6. Prayer for Relief

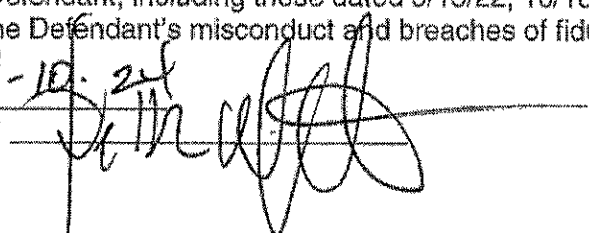
WHEREFORE, Plaintiff **Scott Mannelta** seeks the following relief:

- a. ****Judgment against Defendant**** for damages in an amount to be determined at trial, including compensatory damages for emotional distress, financial loss, and loss of parental rights.
- b. ****Attorney's fees**** and court costs related to this action.
- c. ****An order**** requiring Defendant to refund all legal fees paid by Plaintiff for his services.
- d. ****Any further relief**** the court deems just and proper.

****SWORN STATEMENT****

I, ****Scott Mannelta****, hereby swear and affirm that the foregoing facts stated in this complaint are true and accurate to the best of my knowledge and belief. Specific details from emails exchanged between the Plaintiff and Defendant, including those dated 9/15/22, 10/18/22, 11/30/22, and 1/17/24, provide clear evidence of the Defendant's misconduct and breaches of fiduciary duties.

****Date:**** 9-10-24

****Signature:**** 

****CONCLUSION****

This complaint and accompanying documents will be filed with the Clerk of the ****Charleston County Court of Common Pleas****. Plaintiff ****Scott Mannelta**** is prepared to provide additional evidence or testimony as necessary to ensure that justice is served.

****CIVIL COVER SHEET****

****State of South Carolina****

****Charleston County Court of Common Pleas****

****Case Number:** _____ (Assigned by the court)**

****I. PLAINTIFF**:**

****Name:** Scott R. Manna**

****Address:** 7575 Morgan Way, Naples, FL 34119**

****Phone:** [Phone Number]**

****Email:** [Email Address]**

****II. DEFENDANT**:**

****Name:** Jack Sinclair, Esq.**

****Address:** 115 River Landing Drive, Suite 102, Charleston, SC 29492**

****Phone:** [Phone Number] (If known)**

****III. BASIS OF JURISDICTION:****

- ☐ 1. U.S. Government Plaintiff
- ☐ 2. U.S. Government Defendant
- ☐ 3. Federal Question (U.S. Government not a party)
- ☒ 4. Diversity (Plaintiff and Defendant are from different states)

****IV. NATURE OF SUIT:****

- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment and Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders Suits
- ☒ 190 Other Contract
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

****V. CAUSE OF ACTION:****

This action is for attorney malpractice, breach of fiduciary duty, and violations of the professional conduct expected of attorneys. Plaintiff seeks relief based on the failure of the defendant to appropriately represent his interests, negligence in handling his case, and misconduct in the performance of legal duties, as outlined in the detailed complaint.

****VI. DEMAND:****

Amount sought in excess of \$75,000 for compensatory and punitive damages.

****VII. JURY DEMAND:****

- ☒ Yes
- ☐ No

****VIII. RELATED CASES (IF ANY):****

List any related cases, if applicable.

****STATE OF SOUTH CAROLINA****

****IN THE COURT OF COMMON PLEAS FOR CHARLESTON COUNTY****

****Scott R. Mannelta, Plaintiff****

v.

****Jack Sinclaire, Esq., Defendant****

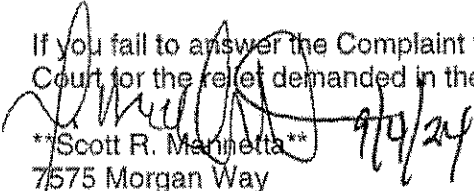
****Case No.: [To Be Assigned]****

****SUMMONS****

TO: ****Jack Sinclaire, Esq.****
115 River Landing Drive, Suite 102
Charleston, SC 29492

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the Plaintiff, ****Scott R. Mannelta****, at the address provided below, within thirty (30) days after service hereof, exclusive of the day of such service.

If you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you.


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

****Dated**:** 09/04/2024

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

CASE NO.:

****Scott R. Mannetta****,
Plaintiff,
vs.
****Jack Sinclair, Esq.****,
Defendant.

****MOTION FOR EXPEDITED HEARING****

****COMES NOW,**** the Plaintiff, Scott R. Mannetta, appearing pro se, and respectfully moves this Honorable Court for an expedited hearing on the grounds that the harm caused by the Defendant's misconduct continues to irreparably damage the Plaintiff and his family, specifically his son, Jake Mannetta. This motion is supported by the following grounds:

**1. Ongoing Harm:**

The Plaintiff and his son, Jake Mannetta, have suffered significant emotional and psychological distress due to the Defendant's legal misconduct, breach of fiduciary duty, and failure to uphold the responsibilities of legal representation. The failure of the Defendant to provide adequate legal services has directly led to ongoing harm, as detailed in the Complaint, including but not limited to:

- The unlawful restriction of Plaintiff's relationship with his son;
- The mishandling of key legal strategies, which have prolonged the suffering of the Plaintiff and his family;
- The failure to advocate in Jake Mannetta's best interests, leaving him vulnerable to further harm under inappropriate guardianship.

**2. Urgency of Relief:**

The Plaintiff has suffered over two years of emotional trauma, estrangement from his son, and financial loss as a result of Defendant's actions. Given the ongoing nature of the harm caused to Jake Mannetta and his precarious situation under the care of his mother (as described in the numerous emails and affidavits), expedited relief is urgently needed to avoid further damage. Delaying this matter would cause irreparable harm to both the Plaintiff and Jake, potentially undermining any future relief that may be granted by the Court.

**3. Interest of Justice:**

An expedited hearing is essential to protect the rights of the Plaintiff and his son. This case involves severe violations of professional conduct, attorney-client privilege, and the overall administration of justice. The Plaintiff's claims present credible allegations of legal malpractice, neglect, and misconduct that demand immediate judicial review to prevent further harm.

**4. Legal Precedent:**

The court has inherent authority to expedite proceedings in matters where ongoing harm is demonstrable, and in the interest of justice. Plaintiff seeks such relief to ensure that this case is heard in a timely manner, and that justice is delivered expeditiously.

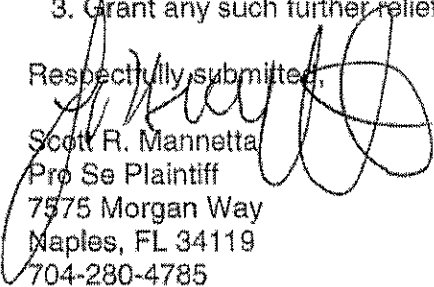
**PRAYER FOR RELIEF:**

Wherefore, Plaintiff respectfully requests this Court:

1. Grant this Motion for an Expedited Hearing;
2. Schedule a hearing as soon as practicable given the ongoing harm being suffered by Plaintiff and his son;

3. Grant any such further relief as this Court deems necessary and proper.

Respectfully submitted,

 9/4/24
Scott R. Manna
Pro Se Plaintiff

7575 Morgan Way

Naples, FL 34119

704-280-4785

U120@yahoo.com

09/04/24

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

****Scott R. Mannetta, Plaintiff****

V.

****Jack Sinclair, Esq., Defendant****

****Case No.: [To Be Assigned]****

****MOTION FOR EXPEDITED HEARING****

****COMES NOW**** the Plaintiff, ****Scott R. Mannetta****, by and through himself, and respectfully moves this Court for an expedited hearing in the above-captioned matter pursuant to Rule 7(b) of the South Carolina Rules of Civil Procedure. In support of this motion, Plaintiff states as follows:

**1. Immediate and Irreparable Harm**

Plaintiff and his son, Jake Mannetta, are currently suffering immediate and irreparable harm as a direct result of the Defendant's negligence, legal malpractice, and breach of fiduciary duty. Defendant, ****Jack Sinclair****, failed to properly represent Jake Mannetta during critical guardianship proceedings, causing continued emotional, psychological, and financial harm to both Plaintiff and his son.

**2. Need for Expedited Relief**

The current legal matter is of utmost urgency, as the Plaintiff's son remains in an abusive and restrictive guardianship, under which his rights and freedoms are severely restricted. Defendant's failures, including refusal to follow Jake's wishes and denial of Plaintiff's involvement in legal strategies, continue to cause lasting harm. Given these circumstances, the Plaintiff cannot afford unnecessary delays in seeking relief.

**3. Ongoing Alienation and Misrepresentation**

Plaintiff contends that Defendant's actions have led to the ongoing alienation between Plaintiff and his son. Defendant's refusal to challenge an ex parte order and failure to properly prepare for trial by not deposing critical witnesses, including Plaintiff, Dana Mannetta, and Dr. Mulbry, has prolonged the legal process unnecessarily. Plaintiff seeks an expedited hearing to resolve these matters in the best interest of justice.

**4. Legal Grounds for Expedited Hearing**

The South Carolina Rules of Civil Procedure grant the Court discretion to expedite hearings when there is good cause. In this case, the irreparable harm caused by Defendant's conduct and the need to prevent further damage to Plaintiff's relationship with his son constitute such good cause.

5. Prayer for Relief

WHEREFORE, Plaintiff, **Scott R. Mannelta**, respectfully requests that this Honorable Court:

1. **Grant this Motion for Expedited Hearing** to address the ongoing legal malpractice, breach of fiduciary duty, and attorney misconduct committed by Defendant, **Jack Sinclair**;
2. **Set an expedited hearing date** to allow Plaintiff to present his case and to prevent further harm to Plaintiff and his son; and
3. **Grant such other and further relief** as this Court deems just and proper.

Respectfully submitted,

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

Date: 9-10-24

Subject Jake Mannelta
From u120@yahoo.com <u120@yahoo.com>
To: Jack Sinclair
<sinclairlawfirm@gmail.com>
Date Sep 15, 2022 at 2:01 PM

Dear Jack,

I am notifying you that I have terminated my representation by Stephen Bucher today, in the Probate Court Guardianship case.

We had a lengthy phone conversation on Friday 09/09/22 in which we discussed in full the case. We both did agree that the petitioner has little to no evidence which proves her allegations about my situation no incapacitation. We both agreed that you are doing a sufficient job defending my sons clear and convincing wishes to never have the petitioner as a guardian, and his wishes to no longer live as a hostage under her temporary guardianship. I will now put all my trust and faith in my son Jake, and God to make certain that justice is done, and my son is no longer abused by the petitioner and the Charleston Probate Court.

It has also come to my attention that you've discussed your conversation with my son, to Stephen Bucher. Can you help me understand if that falls under confidentiality clauses between lawyer/client?

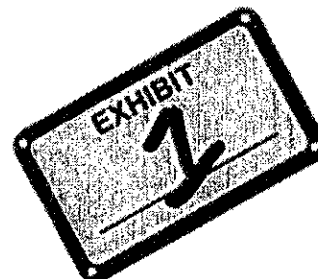
Now that Stephen Bucher is no longer my attorney, Jake wishes for me to be included in all further interactions between he and you. Please let me know if you require anything from me regarding Jake's wishes.

You do appreciate you assisting my son during these extremely challenging and confusing times, and will pray that you continue to defend him against the false allegations of his being incapacitated and requiring a guardianship.

Thanks,

Scott

Sent from Yahoo Mail for iPhone



Subject Jake Mannelta
From u120@yahoo.com <u120@yahoo.com>
To: Jack Sinclair
<sinclairelawfirm@gmail.com>
Date Sep 28, 2022 at 1:56 PM

Hi Jack,

I realize that I sent you loads of questions/concerns about my son, and you haven't written back. I also realize that you're not being compensated fairly for what it is that the courts are asking you to do, and both Jake and myself greatly appreciate your help.

I'm very concerned that my son has no understanding of all of his rights at this moment. He continues to be abused, controlled, manipulated, and lied to, and because he shy's away from conflict, he is abiding by all of this discriminatory behavior.

He has told me that he wants a active role in everything moving forward, including being present at the temporary hearing.

Can we schedule a conference call between the 3 of us soon, so that we can assure that my son is fully understanding all of his rights regarding this travesty which his mother is putting him through? This would be very helpful.

Thank you,

Scott Mannelta

Sent from Yahoo Mail for iPhone



Subject Examination Testing
From u120@yahoo.com <u120@yahoo.com>
To: Jack Sinclair
<jack@sinclairlawfirm.com>, Jack
Sinclair <sinclairlawfirm@gmail.com>
Date Oct 21, 2022 at 11:02 AM

Jack,

Please confirm that you've received all of the medical records which I sent to you on my son Jake Mannelta?

I do not want my son to endure any examination or testing from a court appointed individual. My son has no responsibility to prove that he is not incapacitated, and there exists no evidence that he is. I have no trust or faith in the probate court, and my son has been treated incredibly unfair because of his mild disability.

Jake has told me that the courts are making him do this test, and now that you are recommending it to him. Is this accurate?

It is imperative that we all meet either in person or via webcam to clarify all of this, and assure that my son fully understands the truth, risks, and benefits of this situation as well as the exam which they are wanting.

Please contact me at your earliest convenience to discuss.

Scott Mannelta
704-280-4785

Sent from Yahoo Mail for iPhone



Subject 04/04/22 Dr John C Watts
From u120@yahoo.com <u120@yahoo.com>
To: Jack Sinclair
<sinclairlawfirm@gmail.com>, Jack
Sinclair <jack@sinclairlawfirm.com>
Date Oct 21, 2022 at 9:37 PM

Jack,

I literally just read every one of my sons records. I am flabbergasted by what took place from 04/04/22 when my son was taken to see Dr John C Watts for "well visit"

I highly recommend you reading these reports. You will find that the petitioner pressured this doctor with multiple phone calls, asking for him to fill out the guardianship affidavit. There were a multitude of phone calls between the petitioners lawyers, Dr Watts office, and the petitioner. Dr Watts even stated he hadn't any evidence to provide the petitioner what she was requesting as my son was never tested or diagnosed with Autism. Shockingly, Kim Shelton even had a phone conversation with Dr Watts. The petitioner even went as far as admitting that she was doing this because she knew that Jake wanted to and was planning to move to FL with me.

There is a abundance of evidence that the petitioner has perjured herself on her affidavit, pressured Dr Watts to write the affidavit, and is using probate court to extend her family court malicious attacks against me.

This all needs to be immediately brought to the judges attention and I want the petitioner charged with perjury, amongst many other violations, including civil liberties.

Jack, I believe you are a good man. I know you are a proud dad, and your believe that you want to do the right thing. I also realize that you are court appointed, and you aren't receiving the compensation which you typically do in your practice, but I am pleading with you to please do everything that you can for my son Jake. His mother is a immature, malicious, controlling person, who in my opinion, gets some sick sense of value by believing that she's fixing my son. She does not want him to leave her, be independent, and have a life of his own, without her in control. It's pretty sick.

Can you please call me at your earliest convenience?

Thank you.



Scott
704-280-4785

Sent from Yahoo Mail for iPhone



Subject Jake Mannelta
From u120@yahoo.com <u120@yahoo.com>
To: Jack Sinclair
<sinclairlawfirm@gmail.com>, Jack
Sinclair <jack@sinclairlawfirm.com>
Date Nov 23, 2022 at 9:54 PM

Jack,

I had a lengthy phone conversation with Dr Marbry today.
Are you aware that he's met with Jake?
Were you with Jake when he met Dr Marbry?

He asked me to forward him all of the medical records
which I have on Jake. He alleged to not have any.

He also alluded to the fact that he has only just been
assigned to this case, and has much work to do on it. He
doesn't feel that Tuesdays court hearing will happen, or be
of significance since he's unprepared. I'll be traveling 9
hours from Naples FL, so you can imagine that I would like
to know in advance if this hearing will be happening or not,
and will it be significant enough for me to travel the 9 hours.
Sadly it's not like I'll even get to spend time with my son, as
Dana has increasingly become worse with her control.

Another very important factor that you need to know is that
Jake feels that he is I can tell you that this has had a
normalization effect on Jake, meaning that he sees Sarah
as someone whom he has very strong feelings about, and
is older than him, and that she's doing rather well with her
guardianship. I have so many concerns regarding this. My
ex wife has a relationship with Sarah's parents, and will be
spending Thanksgiving with them. All of this has
significantly changed how Jake is processing all that's
happening. To put it bluntly, Jake is getting hand jobs on
the back porch of his mothers apartment, and it's having a
significant effect on his brain. Yes, this is what he's told
me.

I've sent Dr Marbry all of the medical records.

I'm hoping you can help me understand where we stand
regarding Tuesdays hearing, and I look forward to being
included in Mondays meeting with Jake.

Scott

Sent from Yahoo Mail for iPhone



Subject Jake Mannelta
From u120@yahoo.com <u120@yahoo.com>
To: Jack Sinclair
<jack@sinclairlawfirm.com>, Jack
Sinclair <sinclairlawfirm@gmail.com>
Date Nov 29, 2022 at 4:21 PM

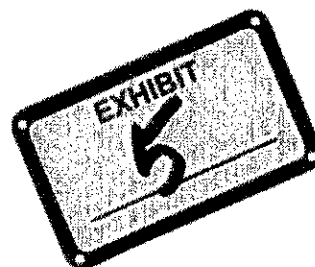
Hello Jack

It's 4 PM, and I've just returned Jake back to his mothers apartment. I wanted to thank you for all you did today. Unfortunately, I realize that there is very little that any of us can do to change the course of this very unfair treatment. It is very evident that Kim Shelton has a made up her mind that I am a unfit, dangerous, father.

During my time with Jake today, he made me aware that he continues to watch porn while in his mothers apartment. He is able to freely watch it in his bedroom when his mother is asleep or not paying attention. The hypocrisy is rich. I do not know whether or not you feel that this is something that you should speak with Jake about, and have him testify to, or swear to in a statement. Jake told me that he has been secretly watching porn from when we all lived together in 2017. I realize that Kim Shelton, Virginia, Spencer, and the court hall, want to pretend that this is a significant matter, and have based all of their rulings regarding the temporary guardianship solely on this, yet the truth is, Jake has had the ability, the desire, and the freedoms to access these type of videos for a very long time. Jake is no different than any other typical young adult, and his interest in this sort of material, not to mention no different than the overwhelming majority of the male population in our country. The fact that this topic has been used to prove that I have created a dangerous environment for my son should also be considered for Dana, as he is doing the same exact thing with her, and under her temporary guardianship.

Another thing Jake made me aware of today was that after he told his mother yesterday that he wanted to come to court today, she responded to him that he must now tell his girlfriend, Sarah that he will have to break up with her because he wants to live in Florida. Dana has proven herself to be a very malicious, vindictive, and just cruel person over the past 2 to 3 years, and is willing to say, and to do anything it takes to maintain her control over Jake.

Jake and I both have a lot of respect for you and trust you. He really does like you a lot and believes that you will do

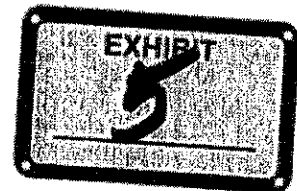


everything you can to help him regain his freedom. Please let me know if you believe that any of this information I provided you with today in this email is important enough to pursue with the courts. Yes in fact, Jake is continuing to be able to watch pornography under his mothers temporary guardianship, then how am I being persecuted for simply the allegations of this happening while he was with me?

I'll look forward to hearing your response

Sincerely,
Scott Mannelta

Sent from Yahoo Mail for iPhone



Subject Re: Jake needs your help
From u120@yahoo.com <u120@yahoo.com>
To: Jack Sinclair
<sinclairlawfirm@gmail.com>
Date Jan 17 at 6:42 PM

Jack,

These allegations and accusations which you've accepted as fact, and also levied punishments have me feeling as if I need to contact Judge Kirchner.

Is the judge aware of these actions which both you and Virginia have taken? It is my understanding that the legal process to charge any violation of order requires a motion with cause. It seems to me that Virginia and you have decided to forego the legal process here, and deliver your own punishments, without a trial. I would appreciate a response to this, as well as all of the evidence which you must have corroborating these allegations.

I would also like to know about the numerous breaches of Dana's fiduciary duties which I've brought to your attention, including Jake's access to full internet, Dana restricting Jake's communications with me, Dana's continuing disparaging remarks about me, as well as much else.

A 5 minute honest conversation with Jake will confirm all of the above. I know that you have already discussed Jake's continued viewing of inappropriate websites, and you decided not to do anything about it. Jake will corroborate his mother's disclosures about the case with him, and her very nasty disparaging comments about me to him, and his full access to the internet.

Are we going to file motions at this point, and will Judge Kirchner be interested in hearing all that Jake, myself, and Haley have to say, or have you and Virginia been granted authorization to make judgements based on allegations from one party, enacting punishment and restrictions?

My son's rights, freedoms and liberties are being trampled upon throughout this entire process, and deep down, as a man, I know that you realize this.

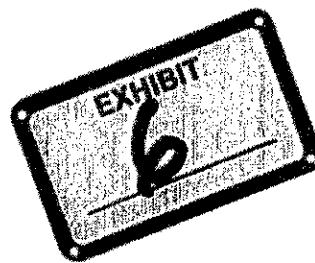
As a father, I'd appreciate your explanation to my above concerns. I am not an attorney, but I am also not an idiot. I want to notify Judge Kirchner about all of this, but I will wait on your response.



Scott

Sent from Yahoo Mail for iPhone

Show trimmed content



Subject Re: Jake needs your help
From Jack Sinclair
<sinclairelawfirm@gmail.com>
To: <u120@yahoo.com>,
<jake.mannetta8@gmail.com>
Date Jan 17 at 4:37 PM

Scott,

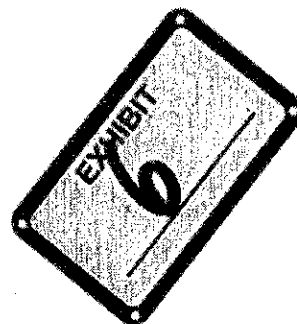
I spoke to Jake (copied here) and Virginia Spencer. The reason your phone calls have been terminated is that you have been discussing issues related to this case and making disparaging comments about Dana to Jake during previous telephone conversations when Dana was not present. These are violations of Paragraphs 5 and 6 of the Temporary Consent Order dated December 6, 2022. Paragraph 5 states "Neither Scott nor Dana will make negative, disparaging, or derogatory remarks or comments about each other ...in front of Jake..." and that paragraph authorizes Jake or Dana to "immediately terminate any communication which violates this provision without notice to the offending party." Paragraph 6 states, "Neither Scott nor Dana will discuss the issues of this matter...with Jake..."

If you can stop discussing issues related to this case with Jake and stop making disparaging comments about Dana to Jake, we can attempt to reinstate the unsupervised telephone conversations.

Jack

Jack Sinclair
Sinclair Law Firm, L.L.C.
115 River Landing Drive, Suite 102
Charleston, SC 29492
sinclairelawfirm@gmail.com
www.sinclairelawfirm.com

(843) 849-1384 (Office)
(843) 853-9377 (Fax)
(843) 345-7707 (Cell)



Show trimmed content

Subject Jake needs your help
From u120@yahoo.com <u120@yahoo.com>
To: Jack Sinclair
<sinclairlawfirm@gmail.com>
Date Jan 17 at 1:44 PM

Jack,

I realize this case has turned into a never ending nightmare, without any explanation of why, but Jake continues to be victimized because of it.

My son still needs your assistance as it appears that you are the only one who he will listen to.

Both Haley and I have attempted to express to him that his mothers behavior in threatening him to not speak with me while he is left home alone M-TH 8-4pm/8pm is abusive and a breach of her fiduciary duties as his temporary guardian.

She has told him that if he speaks with me during these hours, that she will cut off all contact with me and him forever, and he believes this. He is scared of this happening and living in this fear while this court drags its feet.

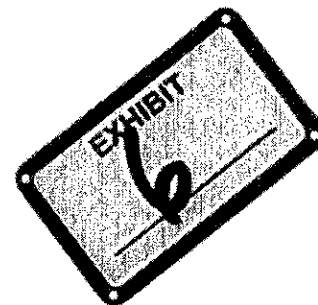
I cannot fathom how this is happening and why this court has taken almost 2 years to settle this injustice of myself and my son. At some point, I don't see how a major civil suit doesn't perpetuate from all of these actions.

Would you please call Jake, and help him understand his rights, and quell his fears of his mother's threatening behaviors?

Thank you,

Scott

Sent from Yahoo Mail for iPhone



STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

IN THE MATTER OF:

JAKE MANNETTA,
a ward.

DANA MANNETTA,

Petitioner(s),

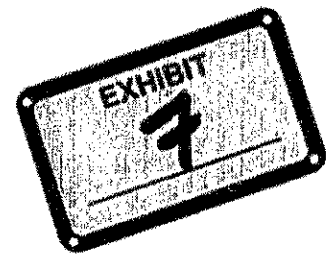
vs.

JAKE MANNETTA, an alleged
incapacitated individual and SCOTT
MANNETTA, next of kin,

Respondent(s).

IN THE PROBATE COURT
CASE NUMBER 2022-GC-10-00078

ORDER APPOINTING
LIMITED CO-GUARDIANS



Hearing Date:	October 10-11, 2023
Presiding Judge:	Lenna S. Kirchner
Petitioner's Attorney:	Virginia S. Spencer, Esq.
Petitioner:	Dana Mannetta
Attorney:	Jack Sinclair, Esq.
Guardian ad Litem:	Kimberly Shelton, Esq.
Respondent:	Scott Mannetta, <i>pro se</i>

On the basis of the petition, the Court finds that venue is proper, that the required notices have been given or waived, and the alleged incapacitated individual (A.I.I.) is incapacitated.

The Court finds the following facts concerning the nature and degree of incapacity:

Dr. William Mulbry has diagnosed Jake Mannetta with pervasive developmental disorder and autism — versus autism spectrum disorder and anxiety disorder, and in his opinion, it was not necessary to decide one versus the other. Dr. Mulbry opines the two diagnoses are very similar, and they now all fall under the general auspices of what is called autism spectrum disorder. Unlike many diagnoses, and particularly mental illness diagnoses, which are pretty clearly defined and pretty finite, there is a reason this has the word spectrum in it. Because it is a spectrum of presentations, it can present in a wide variety of fashions, and it is very poorly understood. Separating it into autism versus pervasive developmental disorder is difficult and separating them is not usually germane to the treatment of them.

FORM #535GC (01/2019)
62-5-301, 62-5-303, 62-5-304
62-5-307, 62-5-309, 62-5-310

Page 1 of 8

In Dr. Mulbry's evaluation, he recommended "a Limited Guardianship designed to protect Jake Mannetta from "overt harm," related to his delayed maturity and documented handicaps. It would not [be] designed to preclude the often negative experiences related to growing up or what might be "optimal," or "safest," in non-dangerous situations that are a part of developing maturity and life skills."

Dr. Mulbry testified that in determining whether a guardian, limited or otherwise, is necessary, the whole essence is whether that person's impairments, whatever their impairments are, are so serious that they require the removal of the person's autonomy to run their life the way they want to. And in Dr. Mulbry's opinion, the only legal limitations that should be put on Jake's autonomy are monitoring, direction and observation over his use of the internet.

Again, Dr. Mulbry's primary concern was that Jake be subject to supervision, specifically over his use of the internet due to Jake's lack of discernment and understanding of social cues on the internet. Dr. Mulbry testified, "The big one is social awareness... social boundaries, social adroitness. But again, that doesn't so much get -- that's -- social adroitness is not so much not going to get him into trouble as a lack of awareness of the intent of others."

When asked directly if Jake Mannetta needed a limited guardian appointed or whether his parents could provide the necessary supervision he was talking about, Dr. Mulbry testified that if the parents can provide the necessary oversight to protect Jake from social harm and downloading illegal material from websites, dating websites, dangerous situations... and as long as his parents provide social awareness or provide protection from the social awareness of intent, because Jake lacks the ability to know the intent of the other party on the internet, then Jake would not need a guardian.

Jake testified that he wants to live with his dad and that he would be amenable to living with his dad for three months and then his mother for three months. Dr. Mulbry reports, "Removing access to Jake's father would not seem to be in Jake's interest as his father can serve as a mentor promoting Jake's socialization, and occupational development while protecting him."

It was clear from the testimony that Jake's parents love Jake very much and will do anything in their power to make sure Jake avoids "overt harm." Jake's sister, Haley Mannetta, has an undergraduate degree in psychology from the College of Charleston and is working on her Master's Degree in Clinical Mental Health Counseling at the Citadel. It was clear from the testimony that no one knows the Mannetta family dynamics better than Haley Mannetta, and she testified that she would be willing to serve as the limited guardian for Jake.



Although Haley Mannetta testified that her parents' relationship was toxic, she also testified that neither parent would ever let Jake be put in a situation where he could be in danger of overt harm. The testimony reflected that if both Scott and Dana Mannetta died suddenly, that they had already discussed their desire that Haley be Jake's Guardian, and Haley testified that if her parents couldn't be co-guardians, she would not want anyone else but her to serve in that capacity. She also testified that if she was appointed guardian, she would have the intestinal fortitude to stand up to both of her parents.

The Court finds that all parties have been given sufficient notice of these proceedings and no formal hearing is required pursuant to S.C. Code Ann. § 62-5-403C, and that the Respondents, JAKE MANNETTA is a resident of the County of Charleston and SCOTT MANNETTA is a resident of Florida.

Based on the foregoing facts, the Court concludes the evidence is clear and convincing that the A.I.I. lacks the ability to effectively receive, evaluate, and respond to information or make or communicate decisions involving social media, social awareness, social intent, social boundaries, dating websites and the internet, but that with proper oversight, direction, guidance, and protection that JAKE MANNETTA could avoid the overt harm that unprotected access to those mediums could present, necessitating the need for limited co-guardians.

The Court concludes JAKE MANNETTA is incapacitated and the appointment of limited co-guardians is necessary to provide continuing care and supervision of the A.I.I. as outlined above. Pursuant to S.C. Code Ann. § 62-5-304(A) the Court shall exercise its authority to encourage maximum self-reliance and independence of the A.I.I. and issue orders only to the extent necessitated by the incapacity of the individual. The Court also concludes that Dana Mannetta and Scott Mannetta are fit and proper persons to serve as Limited Co-Guardians for the A.I.I.

IT IS ORDERED THAT Limited Co-Guardianship is appropriate given the evidence presented.

JAKE MANNETTA is incapacitated to the extent that he cannot exercise the following rights pursuant to S.C. Code Ann. § 62-5-304(A):

REMOVE RETAIN OTHER
 X



FORM #535GC (01/2019)
62-5-301, 62-5-303, 62-5-304
62-5-307, 62-5-309, 62-5-310

- | | |
|---|--|
| X | 1. Marry or divorce, after consultation with both parents and completion of a marriage evaluation of both the A.I.I. and the proposed spouse. |
| X | 2. The A.I.I. will spend equal amounts of time with both of his parents, and for the six months following the date of this Order, the A.I.I. will alternate between each parent's home in consecutive six-week increments. |
| X | 3. Travel with the consent of the DANA MANNETTA and SCOTT MANNETTA to facilitate the A.I.I.'s living arrangements. |

- | | | |
|---|---|---|
| X | | 4. Give, withhold, or withdraw consent and make other informed decisions relative to routine medical, mental, and physical examinations, care, treatment and therapies, however, should the A.I.I. refuse medical treatment that in the opinion of the Limited Co-Guardians endangers his health, the Limited Co-Guardians shall have the authority to require the A.I.I. to attend such medical, mental, and physical examinations, care, treatment and therapies. |
| X | | 5. Make end-of-life decisions including, but not limited to, a 'do not resuscitate' order or the application of any medical procedures intended solely to sustain life, and consent or withhold consent to artificial nutrition and hydration. |
| X | | 6. Consent or refuse to consent to hospitalization and discharge or transfer to a residential setting, group home, or other facility for additional care and treatment, unless in the opinion of the Limited Co-Guardians, such consent or refusal will endanger the A.I.I.'s health and well-being. |
| X | | 7. Authorize disclosures of confidential information. |
| | X | 8. Operate a vehicle after successfully completing a driver education class and obtaining a driver's license. |
| X | | 9. Vote |
| X | | 10. Be employed in a suitable environment with the consent of the Co-Guardians |
| X | | 11. Consent to or refuse educational services. |
| X | | 12. Participate in social, religious or political activities |
| X | | 13. Buy, sell, or transfer real or personal property or transact business of any type where the dollar amount of the financial transaction does not exceed \$1,000.00. |
| X | | 14. Make, modify, or terminate contracts, however, for contracts where the dollar amount exceeds \$1,000.00, the Limited Co-Guardians shall determine if such contract will significantly and negatively impact the A.I.I.'s finances prior to authorization of said contract. |
| | X | 15. Bring or defend any action at law or equity. |
| X | | 16. Have access to pornographic material, pornographic websites, internet chat rooms and adult dating sites. Any other access to the internet shall be supervised by the Co-Guardians and all devices must be installed with parental controls that allow both parents to track the sites visited and the apps installed. |

IT IS ORDERED that Scott Mannetta and Dana Mannetta are appointed Limited Co-Guardians of JAKE MANNETTA and Letters of Limited Co-Guardianship shall be issued.

IT IS ORDERED that the A.I.I. will spend equal amounts of time with both of his parents, and for the six months following the date of this Order, the A.I.I. will alternate between each parent's home in consecutive six-week increments.

IT IS ORDERED that for six (6) months from the date of this Order, should the Limited Co-Guardians disagree on any matter relevant to the custody, care and control of JAKE MANNETTA, that Haley Mannetta shall decide the proper course of action on said matter and that her decision is binding upon all parties.

FORM #535GC (01/2019)
62-5-301, 62-5-303, 62-5-304
62-5-307, 62-5-309, 62-5-310



Page 4 of 8

Pursuant to S.C. Code Ann. § 62-5-309, subject to the rights and powers retained by the ward and except as modified by order of the court, a guardian has the following duties, rights, and powers:

- (1) to the extent that it is consistent with the terms of any order by a court of competent jurisdiction relating to detention or commitment of the ward, maintaining custody of the ward and the ability to establish the ward's place of abode within or without this State;
- (2) if entitled to custody of the ward, providing for the care, comfort, and maintenance of the ward; the guardian is entitled to receive reasonable compensation for his/her services and for room and board furnished to the ward as approved by the court;
- (3) arranging for appropriate habilitation and rehabilitation services and educational, social, and vocational services to assist the ward in the development of maximum self-reliance and independence;
- (4) taking reasonable care of the ward's clothing, furniture, vehicles, and other personal effects, and commencing protective proceedings if other property of the ward is in need of protection;
- (5) providing any consents, denials, or approvals necessary to enable the ward to receive or refuse to receive medical or other professional care, counsel, treatment, or service, including institutional care. If there is no conservator and placement or care of the ward requires the execution of an admission agreement or other documents for the ward's placement in a facility, the guardian may execute such documents on behalf of the ward, without incurring personal liability;
- (6) if no conservator for the estate of the ward is appointed or if the guardian is also conservator:
 - (a) instituting proceedings to compel any person under a duty to support the ward or to pay sums for the welfare of the ward to perform his/her duty;
 - (b) receiving money and tangible property deliverable to the ward and applying the money and property for support, care, and education of the ward; however, he/she may not use funds from the ward's estate for room and board or services that he/she, his/her spouse, parent, or child have furnished the ward unless a charge for the services or room and board is approved by order of the court made upon notice to at least one of the next of kin of the ward, if notice is possible. He/she must exercise care to conserve any excess for the ward's needs; and
 - (c) exercising the ward's rights as trust beneficiary to the extent provided in Article 7, Title 62;
- (7) reporting the condition of the ward and of the estate that has been subject to his/her possession or control to the court, as required by the court or court rule, but at least on an annual basis;
- (8) if a conservator has been appointed:
 - (a) paying over to the conservator all of the ward's estate received by the guardian in excess of those funds expended to meet current expenses for support, care, and education of the ward and accounting to the conservator for funds expended; and



(b) requesting the conservator to expend the ward's estate by payment to the guardian or to third persons or institutions for the ward's care and maintenance;

(9) if co-guardians have been appointed, keeping the other co-guardian informed of all relevant information regarding the care and custody of the ward, including, but not limited to, the identity of the ward's care providers, medical providers, or similar professionals and informing the other co-guardian when scheduling medical appointments for the ward; and

(10) exercising any other power, right, or duty ordered by the court.

(B) A guardian, within thirty (30) days of his appointment, shall file a plan of care. The plan must be based on the actual needs of the ward, taking into consideration the best interest of the ward. The guardian shall revise the plan as the needs and circumstances of the ward require. The guardian shall include in the plan a statement of the extent to which the ward may be able to develop or recover ability for independent decision making and any proposed steps to develop or restore the ward's ability for independent decision making. The court shall approve, disapprove, or modify the plan in informal or formal proceedings, as the court deems appropriate. Nothing herein shall require the court to oversee the plan of care.

(C) A guardian, by a properly executed special power of attorney, may delegate to another person, for a period not to exceed sixty (60) days, any of his powers regarding the care and custody of the ward. The original power of attorney must be filed with the court having jurisdiction over the guardianship.

(D) A guardian is not legally obligated to provide for the ward from the guardian's funds solely by reason of his/her appointment as guardian.

(E) A guardian is not liable to a third person for acts of the ward solely by reason of the guardianship relationship and is not liable for injury to the ward resulting from the wrongful conduct of a third person providing medical or other care, treatment or service for the ward except to the extent that the guardian failed to exercise reasonable care in choosing the provider.

(F) Pursuant to S.C. Code Ann. § 62-5-511(c), if the ward previously executed a valid health care power of attorney, decisions concerning the ward's health care made by the guardian must be made in accordance with the directions stated in the health care power of attorney. In addition, if the ward previously executed a Declaration of a Desire for a Natural Death pursuant to Chapter 77, Title 44, the declaration must be given effect in any situation to which it is applicable.

IT IS ORDERED that within thirty (30) days, the Co-Guardians shall notify the Court in writing of:

1. Any change in his address.
2. Any change in the incapacitated individual's condition such that the incapacitated individual is capable/incapable of exercising rights previously removed or retained.
3. Any change in the incapacitated individual's condition such that the incapacitated individual is capable/incapable of exercising rights previously removed or retained.

IT IS ORDERED:

FORM #535GC (01/2019)
62-5-301, 62-5-303, 62-5-304
62-5-307, 62-5-309, 62-5-310



- ☒ The Limited Co- Guardians shall notify the following people of any change in the Ward's primary residence: Dana Mannelta, Scott Mannelta and Haley Mannelta
- ☒ That for six (6) months from the date of this Order should the Limited Co-Guardians disagree on any matter relevant to the custody, care and control of JAKE MANNETTA, that Haley Mannelta shall decide the proper course of action and that her decision is binding upon all parties.
- ☒ The Limited Guardian shall notify the following people of the death of the Ward or a significant change in his condition: Dana Mannelta, Scott Mannelta and Haley Mannelta

IT IS ORDERED that the Limited Co-Guardians shall be required to keep the family of JAKE MANNETTA informed of his medical and placement decisions; however, the ultimate decision shall be that of the Limited Co-Guardians, however, for six (6) months from the date of this Order should the Limited Co-Guardians disagree on any matter relevant to the custody, care and control of JAKE MANNETTA, that Haley Mannelta shall decide the proper course of action and that her decision is binding upon all parties.

IT IS ORDERED that the Limited Co-Guardians shall file the Plan of Care within sixty (60) days.

IT IS ORDERED that the Petitioner Dana Mannelta and the Respondent Scott Mannelta shall pay all the reasonable costs and fees incurred in this matter including those for the examiner(s). Kimberly Shelton, Esquire, court-appointed Guardian *ad Litem* and Jack Sinclair, Esquire, Court-appointed Attorney for the A.L.I., shall submit their Affidavits of Attorney's Fees and itemized bill along with a proposed Order to the Court for review, and upon approval, the Petitioner Dana Mannelta and the Respondent Scott Mannelta shall also pay their fees.

IT IS ORDERED that this Order shall expire in six months, and if the ward or protected person, the Petitioner Dana Mannelta or the Respondent Scott Mannelta does not request a formal hearing within six months, the Court shall issue a Final Order upon such terms agreed to by the GAL and the parties.

IT IS ORDERED that this Order is subject to such further Orders of the Probate Court of Charleston County as may be, or shall become necessary for the custody, control, conduct and administration of the person of the said JAKE MANNETTA.

The notice required by S.C. Code Ann. § 23-31-1040 (a copy of which is attached to and made a part of this Order) has been provided to the ward or his/her representative.

IT IS SO ORDERED.



Lenna S. Kirchner, Associate Judge of Probate

_____ day of _____, 202_____.

Charleston, South Carolina

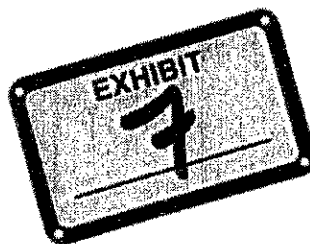
PURSUANT TO S. C. CODE ANN. § 23-31-1040(D), YOU are hereby notified that it is unlawful and a felony under state and federal law for you to ship, transport, possess, or receive a firearm or ammunition.

Section 23-31-1040. (A) It is unlawful for a person who has been adjudicated as a mental defective or who has been committed to a mental institution to ship, transport, possess, or receive a firearm or ammunition.

(B) A person who violates this section is guilty of a felony, and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both.

(C) In addition to the penalty provided in this section, the firearm or ammunition involved in the violation of this section must be confiscated. The firearm or ammunition must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated firearm or ammunition may use the firearm or ammunition within the agency, transfer the firearm or ammunition to another law enforcement agency for the lawful use of that agency, trade the firearm or ammunition with a retail dealer licensed to sell firearms or ammunition in this State for a firearm, ammunition, or any other equipment approved by the agency, or destroy the firearm or ammunition. A firearm or ammunition must not be disposed of in any manner until the results of any legal proceeding in which the firearm or ammunition may be involved are finally determined. If SLED seized the firearm or ammunition, SLED may keep the firearm or ammunition for use by SLED's forensic laboratory. Records must be kept of all confiscated firearms or ammunition received by the law enforcement agencies pursuant to this section. A law enforcement agency that receives a firearm or ammunition pursuant to this subsection may administratively release the firearm or ammunition to an innocent owner. If possession of the firearm or ammunition is necessary for legal proceedings, the firearm or ammunition must not be released to the innocent owner until the results of any legal proceedings in which the firearm or ammunition may be involved are finally concluded. Before the firearm or ammunition may be released, the innocent owner shall provide the law enforcement agency with proof of ownership and shall certify that the innocent owner will not release the firearm or ammunition to the person who has been charged with a violation of this subsection which resulted in the firearm's or ammunition's confiscation. The law enforcement agency shall notify the innocent owner when the firearm or ammunition is available for release. If the innocent owner fails to recover the firearm or ammunition within thirty days after notification of the release, the law enforcement agency may maintain or dispose of the firearm or ammunition as otherwise provided in this subsection.

(D) At the time the person is adjudicated as a mental defective or is committed to a mental institution, the court shall provide to the person or the person's representative, as appropriate, a written form that conspicuously informs the person or the person's representative, as appropriate, of the provisions of this section.



FORM #535GC (01/2019)
62-5-301, 62-5-303, 62-5-304
62-5-307, 62-5-309, 62-5-310

Page 8 of 8

Subject Appeals Court
From u120@yahoo.com <u120@yahoo.com>
To: Jack Sinclair
<sinclairlawfirm@gmail.com>
Date Dec 2, 2023 at 3:01 PM

Hello Jack,

Jake and I are committed to appealing any order which removed any of his rights and freedoms, including residence, travel, medical, finance, education, employment.

Jake has asked me to inquire with you about the rules surrounding an appeal in preparation for an unsatisfactory decision.

Can you please advise him and I on this option

Thank you

Scott

Sent from Yahoo Mail for iPhone



Subject Corrected transcript

From

To:

Exhibit 9

Conference Call: 07/11/2023

00:00:02

Scott: Hi Jake

Scott: its a little low

Scott: Can you hear me now?

Virginia: yeah

Scott: Hello

Virginia: Hey Scott, were all here except Kim

Jake: Hey Dad.

Scott: Hey Jake.

Jack S: Okay, good to ask.

Jake: And there's Mulberry.

Dr Mulbry: Guys?

Jack Sinclair: Mulberry. Who is that?

Dr Mulbry: Close enough.

Jake: Mulberry. I mean, Mulbry. I don't even know. So, I can't say your name right?

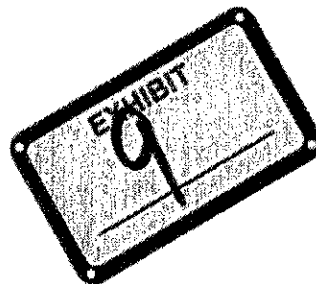
Dr Mulbry: It's okay. A lot of people can. I don't worry about it.

Scott: Let's see. Come on. We're a little low.

Jake: We're just waiting on Scott now. Just to...

Virginia: So, yeah. He's on mute. So, I just want to make sure that he's got his audio. And then we're waiting on Kim.

Scott M: Can you hear me now? Hold on. Hello? Good God, we're on air. We're on video.



Jack Sinclair: Kim Shelton, yeah

Scott: Hello

Virginia Spencer: Hi Scott, we're all here

Jake: Are you gonna turn your video on Dad or no?

Scott: Oh, am I, let me see

Jake: We all have our video on. Yeah, I can see you guys now.

Scott: OK hold on, thanks Jake... Can you see me now?

Jake: Yeah I can see ya dad, hello

Scott: Hi Jake...

00:01:53

Jake: Theres Kim right there

Jack: yup

Kimberly Shelton: Hello, Can you all hear me?

Jack: But I just did.

Jake: That's it.

Kim Shelton: Hey everyone its Kim, Im joining you by phone I'm trying to get back there.

Jack Sinclair: Hold on, hold on. Where did we go?

Jake: Here turn that, no, that on the bottom, there we go

00:02:24

Virginia Spencer: You're fine. I think you guys just turned your video off for a second. You're all fine. We can... Turn, turn the... You saw something. You're all right. You're all good.

Kim Shelton: Can you all hear me? This is Kim

Virginia: Yes, Kim we can hear you.

Kim: Okay, cool.

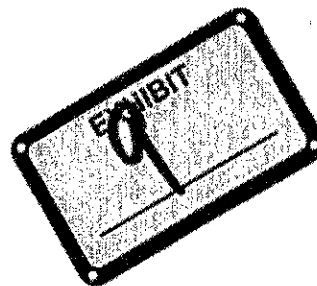
Virginia: All right, Jack. I guess we'll turn this floor over to you.

00:02:57

Jack Sinclair: Well, um... Ive talked to Jake at length... Jake loves his mom and his dad very much and very equally. As a result of that, he wants to spend an equal amount of time with both of his parents. I propose that he live with Scott for a month, and then come back and live with his mom for a month, and then live with his dad for a month, back and forth. I think that neither parent reflects or is anywhere remotely capable of creating or putting a position in a situation where he would be in danger of overt harm.

00:03:45

Jack Sinclair: That's what Jake wants, and that's what we're going to ask the court for.



2

Virginia: Just a couple of questions on that. I know that Jake is currently working. How would that work if you jumped on my boss in terms of continuing employment?

Jack Sinclair: I talked to him about that. You know, he basically helps out in the kitchen, at the pizza place. I'm confident that with the shortages that the food and beverage industry is suffering right now,

00:04:19

Jack: that it'd be no less than just taking some time off. You know, there's job sharing. My wife did it with another lady. We went part-time, so I think they could see him as a part-time employee. If not, he found a job where they would appreciate part-time employees and get them to same in Florida.

Virginia: Um, looking through Dr. Mulbry's report, Dr. Mulbry did encourage him to work more. Um, what, do you think of a plan for that?

00:04:50

Jack Sinclair: Well, I'd rather see this more as a gap year. Uh, if I might speak on your behalf, a gap year from having just graduated from high school. I know he's talked about creating a website and possibly running a Disc Jockey. If he doesn't do that, certainly he can work around whatever schedule and jobs people offer him. I think it's important now that he's cut the cord because not sever it completely.

00:05:31

Jack: we let Jake spend time with his dad independently and time with his mom independently.

Virginia: Do you want to hear from Scott or that or from Dana on the position plan or do you all want to...

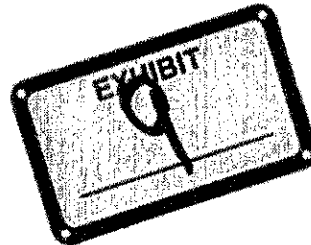
Jack Sinclair: Let's hear from Dr. Mulberry. Okay.

Dr. Mulbry: Oh, okay. No, I wouldn't be... I would encourage him to be socially active. Maybe that's through employment, maybe that's through other mechanisms.

00:06:04

only to be out of the world as much as that can be arranged. And if that involves a little less work and a little more time back and forth, and get the situation with his parents ironed out, that would seem to me to be a very reasonable trade-off. Now, in the long run, employment is going to be, I think, really important. But I wouldn't let that get in the way of a resolution to this problem.

00:06:37



Dr Mulbry: That's more pressing at this time. Does that make sense?

Jack: Thank you, Doctor. And i did talk to Jake about that on his Saturday meetings, with Tony Boucher sometimes they go and have fun doing things, sometimes by zoom,

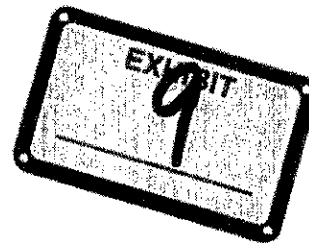
Jake: Sometimes we go to Tonys office too

Jack: sometimes they go to tonys office. I don't think Scott would have any objections for Jake to continue to enjoy those sessions those meetings via zoom when he's not in town.

Dana: they're only on zoom when she's out of town. she's out of town, that's why they're on zoom . They're supposed to be getting together and getting out into the community doing stuff.

Jack Sinclair: Well there's gotta be like organizations down in Naples.

Dana: yeah well Scott's all that stuff but Scott doesn't recognize that Jake has some issues he's not going to look into these things. So, Scott needs to recognize that his son has some disabilities that it's ok to hang out with people with disabilities and he's gonna have to look into whats in his area. Im right now looking into community activities that start up here um looking into jake taking a coding class or looking into trident so he can offer him the college experience which he said yesterday he really didn't want but they do certain for special needs the you can you can go, you can go to school to get a certificate you can live there experience and take classes he really doesn't wanna take, when you mention classes to him, he doesn't want to , he's not interested , so



Jake: Yeah, I just don't wanna feel the pressure, i just don't wanna feel more pressured with doing more homework, you know what I'm saying, i just don't wanna feel pressured

Dana: well, i don't think its a very difficult program you'd have to go

Jake; thats why id rather stick to my job that I'm doing

Dana: right and your job too you know he can't just go out and get a job, he needs to work at a place thats gonna work with him Migliores already hires people with disabilities thats what this is all about so thats why they work with jake and when they run out of things for him to do they find more things for him to do with the tremors and things that he's capable of doing. now theres another restaurant right down

the street that some of his friends have gone to and they're looking to get into the same program so they may be able to get a job over there which he voiced wanting to work there too so you can't just like get a job, like they have to be willing to work with jake and has to be a safe environment

00:09:50

Virginia: um So, this is me, kind of trying to see if theres common ground um

Dana: thats a little too much to take kids need routine, a month here and a month there, he's gonna be off his routine, he's not gonna wanna come back, a month here and a month there is just too much for 2 different states, he can go for time, but thats a lot. for time. That's a lot.

Virginia: That's, um, a couple of things a couple of points i wanna ask, so, Jake, have you looked at or attempted to obtain competitive employment not as part of the program at your current job just a regular old job that any other normal teenager would get?

Jack Sinclair: Jakes mom is the one that dictates what he does for a living

Dana: No Jakes asked me things that he'd like to work, he and his dad try to get him a job at Chick Fil A he failed and he didn't get it, he had the interview and he didn't get it. and i don't think, i didn't agree that that was a good environment but they went and did the interview anyway its a hard place to work but they went anyway, he didn't get the job

Virginia: um Dana

Jack: Do you think that Chick Fil A wasn't a good environment because the work was too hard? Is that what i heard?

Dana: Chick Fil A is crazy have you seen the lines? around the corner, ya, and i heard things like i have people wo have children who work there and they were like its very high pressure and its stress

Virginia: Okay, um, i heard you express concern about the frequency of Jakes proposal one month on one month off is one month being a too short of a time period for routine stability, would you open to a different time period that would achieve his goal of having equal time periods with both of his parents?

Dana: He can't have equal time if were not in the same state

Virginia: OK so the i guess, let me ask this question ya know i'm just gonna throw this out there, jack and jake when y'all talked about this, how do you plan for the exchanges to work how does jake get back and forth

00:12:00

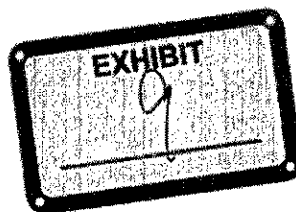
Jack Sinclair: We just had to figure that out. I googled it, I knew it was a 9 hour drive. Maybe you'll meet in the middle. If you need to know whoever will have him for the next 30 days, you'll be responsible for it coming to get him.

Jake: yeah, i was thinking if me and dad were gonna meet i was thinking that we could meet at the border of florida if he wanted to do that

Virginia: Dana, is something that you're willing to do?

Jake: I was also thinking of hopping on an Amtrak to just by myself to go to Florida

Dana: Every month thats a little, Thats too much



5

Virginia: mmmm, um.

Dana: for every month just for a visit, not for them to just see each other, no, if i was going to florida, i would absolutely reach out to scott and say i'm going to florida meet me, come stop by my moms, or ill meet you somewhere, like things like that can definitely be done, but you're saying just saying every month you're gonna go back and forth to florida and meet in the middle?

Virginia: that is the proposal, yes

00:12:32

Uh.

00:13:05

Jack Sinclair: Dr Mulbrys, Whats your thoughts on this month to month>

Virginia: Yeah, id like to know Do you have any experience with just the routine and the need for routine and how that would impact?

Dr Mulbry: There's no question that routine is helpful. And maybe that one month is too much. Maybe longer periods of time might be more suitable. There's no question it's going to be stressful. I mean, it's a 9-hour drive every 30 days. That would be a lot for me.

00:13:36

Dr Mulbry: And I do think that the idea of alternating is good. Maybe 30 days, the curiosity is just too short. And that some more extended period of time would be more suitable. It is 9 hours every 30 days. That means once a month you're going to spend a lot of time. And that's, if that's how we're going to do it, it's going to be stressful.

00:14:07

Dr Mulbry: And it's going to play havoc with jobs. It's going to also be difficult for jobs.

Jack: So let's just be honest, what would be the pitfalls of six months on and six months off?

Dr Mulbry: Are you asking me?

Jack: Yes, sir.

Dr Mulbry: Simply having both parents keep an eye on what's going on. In other words, a period too long means it's time for things to happen that get in to a disagreement about it.

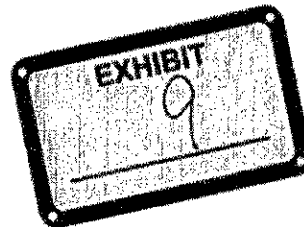
00:14:45

Dr Mulbry: Oh gosh, this has been going on for four months and I didn't know about it. Something to that effect. The more rapid the back and forth, the more both parents get to keep track of what's going on and understand what's going on. And if something begins to go south, in their opinion, they have time to intervene, to do something about it. If the period is too long, those kinds of problems can happen.

00:15:15

Dr Mulbry: Shorter periods alleviate that. Longer periods are more stable and less strassful for everybody involved. It's just a matter of coming up with a period of time that both parents feel they can work with. That would give them enough control, seeing Jake enough to know what's happening, and yet at the same time, not having their lives be chaotic.

Jack Sinclair: Well, as we are in today's meeting, there's nothing precluding either parent from having a Zoom face-to-face meeting with



6

their child.

00:15:49

Jack: And if I hear you correctly, and nobody wants that drive every four weeks, we can make it six weeks or seven weeks, I'm not tied to 30 days, I'm not tied to six months. You know, it's but what I am tied to is an equal amount of time with both parents.

Dana: Well, then maybe Scott can move back how would you expect equal time in different states Jack I mean, That's unrealistic.

Jack: Well, my parents divorced when I was seven and believe it or not They put me on a plane, you know for the entire summer.

00:16:22

Jack: Of course, I was in school in Charleston at the time They put me on a plane and some stewardess would walk me off and there would my dad be and I spent two months with Him, you know, and he walked me back to the plane believe it or not, Me and my sister back on the plane back to Charleston.

Dana: Well, so you spent the summer with your dad and the year with your mom.

Jack: well, I was like, nine years old, nine or ten, so.

00:16:54

Virginia: What I'm also kind of have picked up on during this case is that the financial burden, on the parents of that frequency of a back-and-forth, you know, may be, problematic. You know, I know that, you know, we're all on what can actually be termed a limited income in that, you know, we only get paid so much, you know, whether that's through, you know, our own employment or through other sources.

00:17:25

There's only so much money that comes in each month, and I don't know that either Scott or Dana has a significant amount of disposable income with which to pay for nine hours of travel, whether, regardless of what that means, you know, if that's a train, a plane, that's a lot of money every month, or even just on a regular basis more than, you know, a couple of times, a couple of times a year, and this is just me kind of thinking, seeing issues, seeing.

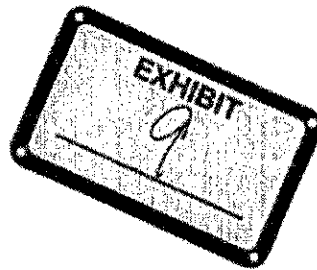
00:18:00

points that we would need to work out if we're having this conversation, you know, these are the things that we need to, To work out, you know, Kim Scott we haven't heard from either of you guys with I, Would whichever one of you guys would like to go first?

Scott: Yeah, so I'm very open to everything that was said so far I think you know needless to say Jake has Made it clear to everybody that he's spoken with that He'd like to spend equal amount of times as both his parents and I'm very much looking forward to that.

00:18:31

It's been a long time since that's happened, I'm open to you know, different different time frames, I Cannot wait to see Jake again and spend some significant time with him. I miss him dearly, I, And I only say this because Jake has told me this numerous times as has my daughter and you know so this this one month or two months or six weeks or seven weeks may be just a temporary thing because, I'm of the understanding that his mom can you hear me now yes all right so I.



7

00:19:09

see did you hear everything I originally said okay so this this one month back and forth or six weeks or six months whatever it is I believe will only be temporary and again that's only based on what Jake has told me and that his sister has told me that his mom is considering relocating to Florida at some point in time which was always our which was always our plan which was.

00:19:39

always our plan in the past when we were married we had relocated from Jupiter to Charleston for Hallie and our plan was always to come back to Florida after Hallie had graduated so Jake had told me that after he had graduated high school that his mother told him that, would start looking for places to live in Florida. I don't know if those plans have changed but he had then told me that he was waiting for after the mediation so again this is just what he has told me so maybe you know maybe the.

00:20:16

back-and-forth will only be a temporary solution until we're both living in the same state.

00:20:52

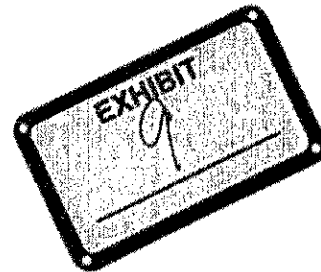
Dana: I don't think, I'm deciding to sign another lease, deciding between a 10 month or a 12 month, so that's not on the table right now I can't afford to move so I'm staying here I have to get a job here, I'm staying here Jake has friends here, he has a job here he's got good things here and he if I do go to Florida, I'd have to research an area that has like possibilities for things for Jake, the programs, you know adult living, like all, I want all those things that and that's gonna take some time

Jack: lost you

Dana: ok, can you hear me now

Jack: yeah

virginia: I can hear you



Dana: I just need to, even if I were to move to Florida, it would be a while because I would need to research the area and make sure they have everything that I found here for him there. I don't want to just bring him somewhere and he has no friends and he has nobody but his dad.

00:21:26

You know, so.

Virginia: So Dana, I just, you know, I want to clarify. Are you, I understand that you're not looking to move to Florida in the next year. Is that something that you are looking to do in a longer term in the future or you're undecided or do not?

Dana: Depends on what kind of job I get. Here, okay. If I can find something remote and work from anywhere, it would be possible, but if not, I really, I can't even say.

00:21:58

Dana: But one day, if I'm in Florida. Absolutely. I'm not going to be in Naples. I'm going to be a couple of hours away in Florida. I don't have

8

family or friends in Naples, and he's in Naples. I wouldn't go there or around there. I would stick to where we know we used to live, and that's a couple of hours away.

Virginia: Kim, let's hear from you. I am definitely in support of Jake saying both of his parents.

00:22:33

Kimberly Shelton: I definitely am in support of Jake seeing both of his parents, um, I have concerns about just compliance with a court order, protection of Jake from some of the things that we've all identified and things that are identified in Dr. Mulberry's report, things that we consider overt harm, which we've been over several times in the case. I am concerned that there hasn't been a lot of compliance with court orders in this case by Jake's dad.

00:23:09

Kimberly: I wish that there had been more of that so I could kind of look at some progress and be able to write a report. Things seem to have progressed and I feel like he'd be safe with either parent, but I don't have a lot of confidence in that. Just based on the history and I wish that there had been some more visits. Ideally, I would like to see Jake have more time with both of his parents.

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Kimberly: I'm just structuring that in a way that keeps Jake safe and happy and not alienated from one parent or the other. But I know that's the difficult part of working out the details and how they would be enforced and those kinds of things. But I, you know, and maybe in a trial period to see, you know, if a time, you know, maybe trying out different time periods.

00:24:10

Kimberly: Maybe a 45 day or a 60 day or with those kind of similar restrictions that we've had in place on exposure to, you know, adult websites and all those kinds of things. And then, you know, if that seems to have worked and there's been success in that, then maybe looking at continuing something. And if it didn't work in a time period, then pulling it back and, you know, maybe having a trial run with some extended visits might be the way to go.

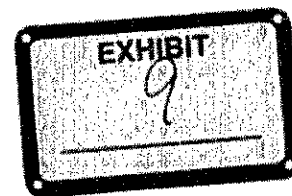
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Kimberly: I just really, I just really would hope that, I would have hoped that we would have seen just better, just more visits during this time period that we've kind of had, which has to me kind of been a trial period, and more compliance, less alienating language. But those things don't seem to have happened, all of that seems to have continued during this time period, which is disappointing.

Jack: Well, I like your idea about the 45 days for a trial period.

00:25:14

Jack: Everybody can talk to each other on a daily basis. And I'm just going to read from Dr. Mulberry's report. I recommend a limited guardianship designed to protect Manna from overt harm related to his delayed immaturity and handicaps. It would not be designed to preclude the often negative experiences related to growing up or what might be optimal or safest in non-dangerous situations that are part of developing maturity and life skills. Neither one of these parents are going to allow Jake to do anything that will harm him.



9

00:25:48

Jack: They both love him. They had dirty magazines when I was 17, 18, and 19 years old. Far worse as I grew up and I am a very happily married father. I just believe that it's time to cut the cord and this child experienced 45 days with his dad. Stay in touch with him. Stay in touch with his brood. We'll iron out the problems with work and things down the road as he develops, as he.

00:26:24

Jack: grows more and more mature. Because I can tell you right now, in the year that I've known Jake, he's way more mature than he was when I met him a year ago. Thank you. In my opinion. So that's what I think. And honestly, in full disclosure, I think that's what the court's going to think. I think the judge is going to ultimately decide it's time to cut the cord, let's do something other than the status quo where, you know, he's got no leash at all. No freedom

00:27:06

Kimberly: I can't say I agree with everything you said, Jack. Minimizing what Jake sees is just a dirty magazine on a coffee table. It's not exactly what we're talking about here. But I think that, I don't know, we need to move somewhere. And if we can't get to something today, then I think we should probably schedule mediation as soon as possible.

Dana: Right, Jack, and I understand he's fighting for Jake, but he really doesn't know a lot, even though he's a...

00:27:42

Dana: And we're not talking about... I mean, I know Jake has Playboys at Scott's house, because Scott's purchased them for him. We're not talking about that. We're talking about porn. We're talking about kids on the spectrum that like routine. So if Jake watches it on Friday_night at 8 o'clock, Jack, guess what he's going to want to do every Friday_night at 8 o'clock? He's going to want to watch it. He was getting addicted to it. Kids on the spectrum act out. They mimic. They mimic and they have a routine. They get addicted. It's very dangerous. Research it.

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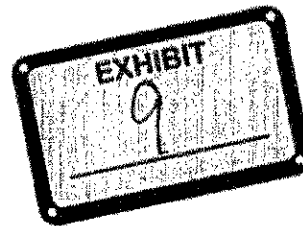
Dana: There's been many cases where kids get addicted, especially kids with special needs. I don't expect you to understand. You're comparing yourselves. You don't have a disability. You don't have autism. You don't have ADHD. You don't listen. You cannot compare.

Jack Sinclair: I think the jury is still out on the autism. I mean, his basic development disorder versus autism.

Dana: Did you ask Jake about the incident he had with his ex-girlfriend? Jake did not want to discuss it.

00:28:43

Dana: Jake didn't understand because of his hormones that no means no. And he's very lucky that he dated someone with a disability because he could have got in trouble. This was a real incident that happened. You need to talk to Jake about it. She broke up with him. She's not allowed to date. I got a very terrible embarrassing phone call and he's been counseled about it by Tony Boucher who's in charge of the social group, his entrepreneur. He was counseled about it, but you have to be careful. That's what we mean by safety.



10

00:29:21

Just because you see something doesn't mean you actually can act it out.

Virginia: Dr. Mulberry, I have a question for you. Jack read from your report, you referenced that over harm is situations that those who are knowledgeable in the field agree place him at risk for harm. Can you give us some examples of things that in your professional experience you would be looking at?

00:30:00

Virginia: I'm looking to see from either or both parents in terms of, you know, structure of things put in place to ensure that Jake is protected from those overt harms, you know, that you have specifically thought, that you were specifically thinking about in writing your recommendation.

Dr Mulbry: um ok, The internet stuff is going to be big, and that's going to have to be monitored. Most of my experience with kids that had trouble in the ASD spectrum, they've gotten into trouble on the internet because they've gotten into pornography that can get you put in jail.

00:30:43

Dr Mulbry: And the feds, the feds are not particularly sensitive about it. And I've written a number of reports for the feds here in town about kids that either had severe personality disorders or were in the ASD spectrum. They just went to a couple of wrong sites, downloaded some information, and it's a federal crime. It is, and you know, a year or two of legal work, you might be able to make the case,

00:31:15

Dr Mulbry: but I'll warn you, it's a very dangerous, very dangerous situation. So the internet, flat out, all communications that the parents are unaware of have to be, as best possible, monitored. That is, on a day-to-day basis, my son is staying overnight with a friend. You're going to need to have a sense of what that friend's about, what happens while they're there, are their parents around, or is someone around that's responsible.

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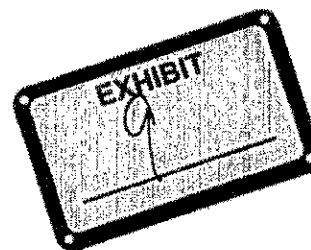
Dr Mulbry: On the internet, you're going to have to keep a close eye on what goes on. You can tread into trouble very, very easily. Dating websites are just, in my opinion, mind one step down. They're okay for people who understand implications, but you can also allow for unsupervised contact. I mean, you can agree to do things, to accept shipments, to sign up for.

00:32:19

Dr Mulbry: things. There are a conduit that unsupervised can lead to significant problems, financially, legally, morally. And so I would say right off the top of my head, and the problem is, I'm just, what I'm thinking is probably dozens more, but it's going to have to be the internet, for sure. That's unquestioned. And then to some extent, day-to-day activities. Now, the good.

00:32:54

Dr Mulbry: news is, from what I, everything I've heard, Jake sort of likes being with his parents. And doesn't go off a great deal with a lot of other folks. And that kind of thing. And so that may not be a difficult task, but there's crocodiles out there and he's just gonna have to,



11

somebody's gonna have to keep an eye out for those crocodiles virtually all the time. And in my mind, the Internet is the biggest overt, clear danger of all.

00:33:29

Dr Mulbry: Sorry, I'm wandering.

Virginia: So I guess it's kind of a follow-up question on that. And just kind of really looking at, we're trying to come up with a plan here, trying to, so that in terms of what that, I heard a theme of supervision and oversight. Are we talking, is this parental controls? Is this physically monitoring, like going in and checking every day? With.

00:34:00

Virginia: the danger that is out there, you know, particularly with the internet, for any adult, you know, much less one who has, you know, a delayed maturity like Jake does, you know, what kinds of things should his parents be doing in terms of giving that supervision, that monitoring, that protection, to prevent issues from occurring?

00:34:30

Dr Mulbry: You know, overt things, you could go with parental if, you know, if Jake doesn't have a problem with it, or maybe even if he does. Yeah.

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Dr Mulbry: Both might be one good option, but my experience with Jake was, you just got to sit down with him every day and say, hey, what did you do on the internet last night? What did you see? What did you do? What, what, what? I mean, again, I think overt controls, if you can make them work. Parental control, if you can do it, that's cool. You might want to monitor websites. It's going to have to be multifaceted. I don't think there's one easy fix.

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Dr Mulbry: It's going to require a great deal of parental supervision, watching out, talking to him, looking at the websites he goes to, looking at the search bars, what terms were put in the search bars. It's just going to have to be multifaceted. And whatever hard... I'm not very familiar with parental controls, frankly, so I just don't know what they can really do.

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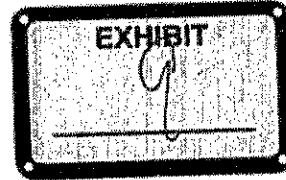
Dana: You have to kind of like hire someone, because I know the woman who's in trouble, I know her son got into big trouble and might go to jail now because he got addicted and did these things that you said. It is true, it's out there. I know another kid that got arrested, too, and they don't care. And so you, if somebody, because I went to learn all about it at a meeting, and then there was somebody that can help you, because I didn't know.

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Dana: It's like a fire stick, and I didn't know that through the fire stick he was able to watch. He can go on the internet and watch. While I'm sleeping, he was saying he could get in there and watch at night. So, like, there's things I just didn't know, and I would not give him the internet overnight. He can have it during the day, do it when it's bedtime. He brings it to me at night. But we're doing... There was another issue where... So, Jake's in front of me.

00:37:11

Dana: My apartment's small, so I was in the kitchen. He was right...



12

It's one room. Kitchen, living room. He was on the couch with his girlfriend. And he turned on his iPad. I gave him an iPad during the day. He literally showed her a pornography pic. They looked at porn while I was right in the kitchen cooking them dinner. A couple of feet away, he had said... Because I got the phone call about that, too. He asked her to watch porn with him. And I said, when do...

00:37:43

Dana: I just don't understand. If I think I'm controlling it somewhat pretty good, and this is still going on right... That was like half. Because he told me. He's like, oh... It was just pictures. I go, where? He's like, right here on the couch. I'm like, I want to meet you for dinner. And you're watching a Disney movie. They took a Disney movie. That's where their mind is. That's what you don't get. They're like not fully mature, so they watch Disney movies, cartoon movies, but yet he was turning that on at the same time.

Dr Mulberry: And if there have been incidents, now see, to my knowledge there haven't been any incidents, but if you're beginning to see incidents where that's beginning to happen,

00:38:21

Dr Mulbry: that significantly means that the kind of control I'm talking about is going to be even more important. In other words, if it's suggested that's the case, it's already becoming a problem. In other words, it's not a potential problem, it's a problem. And that means the monitoring is going to have to be more rigid, more full, and you might need an IT guy to say there's only one device you can use and we're going to monitor that device.

00:39:00

Dr Mulbry: It may be something like that.

Jack: Does Jake learn from his mistakes?

Jake: Yeah, I learn from my mistakes. I learn from my mistakes.

Jack: If he tells you he suffered dearly as a result of the incidences that you just described, Dana, and he doesn't want to experience that pain and suffering again, do you think he'd still go right back to it?

Dana: To watching porn if he could? Yeah.

Dana: And I'm the only one that's monitoring it. When he goes to his dad's house, his dad's going to let him do it.

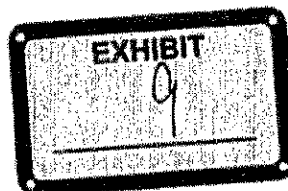
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Dana: There's no rules. That's what he says to him all the time. No rules when you're here. You can do whatever you want. Dad's not going to restrict anything. He's very open about it. Jake can do what he wants. He's not going to restrict anything over there. Because he feels that Jake's the boss.

Virginia: Let's ask Scott.

Virginia: So Scott, you've listened to this. You've heard Dr. Mulbry's recommendations. I think you're aware of some of the things that Dana is doing.

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13

Scott: Yeah, I agree with everything Dr. Mulbry said. I'm in full agreement with him. Can you hear me? I'm in full agreement with everything Dr. Mulbry said.

Virginia: Okay, that doesn't answer my question. Please tell us, I think we all need to hear, exactly what things you are going or planning to do to put in place so that, you know, when Jake is with you, that he is protected from harm.

00:40:42

Scott: Exactly the things that Dr. Mulbry talked about. Everything he recommended, I completely agree with. Same things that Dana is doing, I guess, which apparently wasn't enough. You know, maybe I would have to do more than what she's doing. But I agree with everything Dr. Mulbry said. I don't think really that there's many, I mean, apparently Dana hasn't been able to control it because Jake is, you know, she's caught him watching it under her supervision and, you know, maybe, you know, it's got to be better.

00:41:15

Scott: It's got to be stronger and we have to figure out a way. You know, Jake does learn like, like Jack said Jake learns his lessons when he makes a mistake. You know, one thing which is great, which is also, you know, sometimes, you know, can get him in trouble. But I love the fact that Jake is the most honest young man you'll ever meet. He very, very rarely if ever lies. He always admits his mistakes and he always learns from them. So, you know, that's about all I have to say regarding that.

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Dana: Unfortunately, Jake, since our divorce, Jake has learned how to lie. He lies to me and he lies to you. He's learned how to lie, unfortunately, because of our situation.

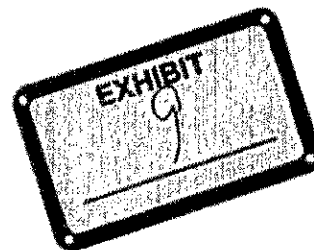
Kimberly: Um, I mean, something that I would recommend, you know, if you get into a situation that is, I mean, one way I think to help maybe work on some of the Internet restrictions is to have one, you know, I know Jake has a phone, but whatever device he's using, so if it's a laptop or whatever it is, that that's something that travels between you.

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Kimberly: And that he'd be, that he'd be on one and one thing only that has, that has either like 360 or whatever, whatever the program is that helps you all monitor and that way everybody has access to it. Everybody can see, you know, what websites, um, everybody can have access to those restrictions to see, and that could be an easier way. Because if he's, if he's going, if we're, if at any point you all are doing, he's visiting.

00:43:01

Kimberly: And then he goes to Scott's house and he's given a whole separate computer that obviously is opening a whole different door. So, I mean, it's the same thing at Dana's, you know, if there's a separate device that he can go use a fire stick on, like what you were saying. You know, I mean, keeping one, having one device with like



14

360 or whatever the other restrictions are that they could put on there, that to me would be the easiest way. But, and everybody would have to agree to just keep it to that. But, I mean, can you all, you know, is that something that can be done? Dana, do you all have one device?
00:43:35

Dana: Yeah, but Scott has Jake's iPhone waiting for him because he tells him, I have your phone here when you're ready. He's going to have to get his iPhone and just let Jake continue with the phone I have. And with the, I guess the iPad, yeah. But the iPad, I think, I believe is under Scott's service and the phone is under my service. Yeah. Well, so. That said to me, like what I said to him. I was like, what? That day when I found out that he showed him his girlfriend looking at pictures and I said...

00:44:07

Dana: He's like, I did it on my iPad because dad don't even care. He's like, I've never done it on my phone. I went to check his phone. He's like, I don't do anything on my phone because that's you. He's like, but my dad doesn't care. So I do it on mine.

Kimberly: I mean, that's the kind of thing. There has to be one device that one person puts the restrictions on. And there's got to be compliance with that kind of thing. I mean, otherwise, this is not ever going to work. As the guardian of item, I can't agree to something where every time he goes to visit a different house,

00:44:42

Kimberly: things go completely off the rails and we're back to square one on working on this particular issue. I mean, to me, this is such an easy thing for people to agree on and comply with. And it's like something to me that would be... If we're considering going back and forth visitations, that if that falls apart when we go to a visit, then that's the thing that reverts it back to coming back home.

00:45:13

Kimberly: To me, that's an easy thing. The doctor's recommending it. All research would recommend it. This is just something, a protection that needs to be put in place and I think is a no-brainer. And if it falls apart, I just think that that indicates that a going back and forth situation is just not going to work. It's not going to be safe. That's kind of where my bottom line on the safety issue is. This particular issue to me is the most important.

Virginia: Kim, I have a question. You were talking about one device. Would this be like, so he would have either the phone or the iPad, not both, going back and forth?

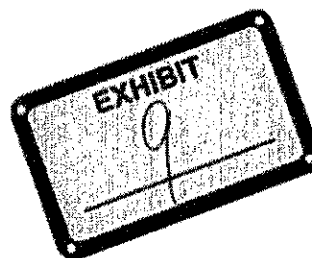
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Kimberly: Both, but both having the same restrictions being controlled by one person. You know, one computer.

Virginia: Okay, so regardless of whose account they're on, they both have permissions and access to whatever monitoring program it is that we're using. Both parents have access to it. Is that my understanding?

00:46:24

Kimberly: I would, yeah. Okay. That's how I would see that it would



15

work most productively, so that both people can see it. Even, because, I mean, if you're, the iPad and the phone that they have, I would, I mean, you can install, and I keep saying Y360, I know there are other programs, I'm just using that as an example, but I mean, that's just, just whatever program needs, you know, and we can look at others, too, but, and I think that all of them have, where multiple parties can have access to the information.

00:46:55

Virginia: Scott, is that something you're willing to do, considering the iPad's on your account?

Scott: Yeah, of course.

Virginia: Dana, considering the files on your account, is that something you're willing to do?

Dana: Yeah, but I think maybe the iPad maybe should get switched over to me or something. I don't know. Like, how am I going to know that... Like, if it's something under him and he... I just don't understand

where the compli... I don't think he's going to be compliant. I just...

Virginia: That's not the question. The question is whether or not, you know, you guys each own the device, own the account that is on the device.

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Virginia: You know, so whether or not you're willing... This is something that you are willing to do, meaning that you would, you know, you would have to ensure that it's shared and, you know, all of that, you know. You know, because...

Kimberly: The information in that scenario would be, it'd be information... So, the restrictions would be put in place and then each of you can see what content is being accessed through this app or through this computer program, whatever.

00:48:01

Kimberly: So it would give you and Scott access to see what Jake is looking at. You both could see everything on the phone, on the iPad. You know, you know, basically could monitor, you know, just like, you know, essentially like you're IT people.

Dana: Right. Okay. Yeah, no, I agree with that. I just didn't know. I thought that one person should register and then share it with the other parent. I didn't know you can have your own account and share it.

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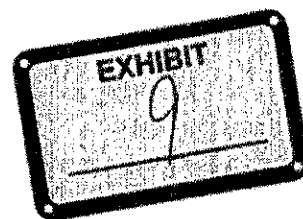
Kimberly: Yeah, I can do that. It would be good. Yeah. The logistics we can work out. It's pretty quick. Like 360 on.

Virginia: At this point, the question is just a matter of whether or not that's something that you were willing to do in terms of the thing that you owe. So because then the next question is, Jake, are you willing? You know, like these are the devices that you use, even though they are owned and controlled by your parents. Are you willing to do this?

00:49:09

Dana: Yeah, he's not.

Jack: Listen, he's willing to do whatever y'all tell him to do. So that he



16

can spend equal time with his parents. Hold on just a second. Hold on. Let me know. Where is this thing? Okay, let me know. Can y'all hear me now? Yes, yeah we can. Oh, you just muted yourself. There you go. Oh, he muted himself. Yeah.

00:50:24

Jack: Yeah, he's 100% on board with the controls that y'all put on his phone. Because he would choose, he's just briefing attorney-client privilege with you right now. He said he'd rather spend time with his parents and time on porn sites. So, there you go.

Virginia: Okay, alright. Um, looking at, you know, I guess other areas that we may need to talk about.

00:50:55

Virginia: We talked about kind of the time period and placement. probably the best way to say that. Let's talk about medical care. You know, medical care and treatment are, you know, how is that going to work in terms of, you know, let's just talk about routine and regular health care, you know, with the back and forth. Is that something that is going to be maintained here in Charleston? Is that something that is good.

00:51:26

Virginia: that Jake intends to transfer to Florida? What's the, you know, how are we addressing regular and routine health care?

Jack: I will defer to Scott and Dana on that. I see Jake can't, provide for his own health care.

Virginia: Is Jake proposing to make his own health care decisions?

Jack: Talk about that. He said. Yeah.

00:52:00

Jack: There's different medical, routine medical decisions and complex medical decisions. And he said on both of those, he wanted the authority to have the final say. But he would also say that he would consult with both parents and the medical professionals before he made a decision on that.

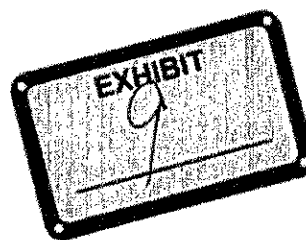
Virginia: Okay, so does that mean that he is, that he would be the one providing, signing the consents to treatment subject to input from both parents?

Jack: Yes.

00:52:36

Jack: I just believe Jake is smart enough to listen to the two people he trusts the most, who are listening to the medical professionals about what needs to happen next for his best health decisions, and then having the wherewithal to say, that's what I want to do.

Virginia: Thank you. Do you have information, I feel like when I talked



17

a year or more ago, or Jake, I guess I can ask you this question too, how often do you go to the dentist, for example?

00:53:18

Jake: To what?

Virginia: I'm asking Jake.

Jake: I haven't gone to the dentist in a long time. The last time I went was when I was living in Florida a very long time ago. Okay. I've never been to the dentist. Okay.

Virginia: How often do you go to like a regular, for a regular doctor to check up? I don't know. Hey mom, Do you know?

Dana: Uh-huh. Jake, do you want me to answer?

00:53:49

Jack: That's why he would consult with both of his parents on decisions like that that are important to his health and well-being.

Virginia: Okay. Dana, is there a dentist that's in place in Charleston, or that he's seen?

Dana: Yeah, someone just gave me a referral to a, is that, uh, is gentler, or is patient, and,

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Dana: you know, works with kids like Jake, cause Jake's terrified to go, and I told him we have to go, and he keeps saying, I'm not going, but, um, he needs to go, he needs to go get cleaned, he needs to, they'll work with him, um, he, or, well, when he was younger, they held him down, and it was a pretty bad situation, so we couldn't get, I couldn't get him to go back, and, um, but yeah, no, there is, there is apparently a really good dentist here, though.

Virginia: Okay.

00:54:51

Dana: Um, his eye doctor is here, he's due to go now, I am going to switch his, cause now, I'd like, he doesn't need to go to, like, a TV show. Um, so I'm going to switch his primary for his yearly.

Virginia: Okay. And Jake, you will go, you go to the doctor when somebody makes an appointment for you, if you go. Without any issues?

Jake: Yeah, without any issues.

00:55:23

Virginia: Okay. Okay, um, and if all the doctors need to be, I mean typically unless there's an emergency, you keep all your doctor, all your healthcare providers in one state. Do you see if some of your providers are in the Charleston area right now, you would keep those in Charleston?



18

Jack: I don't see Jake choosing different medical professionals in the Lowcountry, other than those recommended to him by his parents.

00:56:04

Jack: That's why he said he'd like to stay but would consult with them before he made any decision.

Virginia: Are there other areas that you all wanted to address?

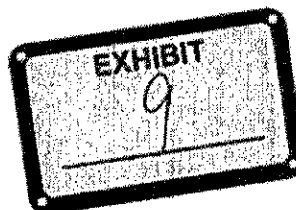
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Jack: Well, I mean, just if you look at all of the marriage, divorce, where to live, travel, I mean, Jake wants a final say in almost all of those except for the ones that we talked about. You know, could he have a driver's license? Well, he needs driver education and he needs to pass the test. He needs to be able to then prove to the state that he's capable of driving. I don't think it's ever going to be an issue for him in the near future.

00:57:08

Jack: He said to me he wouldn't do anything like that without consulting parents.

What about registering to vote? He says, you know, he's 18, 19 years old now. I mean, he even wants the right to vote. All he's got to do is register. Um, uh, transact other business. I mean, he's, I, I would love to have the final say, he says, but I wouldn't do it without the parental guidance. Legal assistance. He wouldn't do it without the parents' advice and the legal professionals. Stockbrokers, same thing. Um, making home improvements.



00:57:40

Jack: You know, he's talked to his parents and the contractor. What are we talking about? How much does it cost? Um, you know, and he's got his own debit card now. I would love to see, and I think Jake would too, you know, statements coming in. Um, legal assistance. Let's see as he grows, as he matures, his ability to handle his own finances. I mean, I agree with Dr. Mulberry's report.

00:58:11

Jack: I think, you know, we've got pervasive development disorders versus the autism spectrum. You've got these things. It's been a roadblock for him. I mean, unless he's given more freedom to make mistakes, learn from those mistakes, then he's stuck in a rabbit hole he can't get out of. So that's just what, that's what we believe. That's what we think. He makes mistakes with the money, his money in his bank account.

00:58:43

Dana: He's got to be protected. There's people that will play you and

19

scam you. I was just scammed myself pretty bad. So, like, that's one thing I think he can learn from his mistakes, but not when it comes to his money that he's working very hard for.

Jack: I'm not trying to cut you off, but I think Dr. Mulbry says limited guardianship for that very reason. Don't give them total autonomy because that's too dangerous. I mean, limited guardianship.

00:59:13

We say it all the time in the GNC probate court. You have to give them \$50 a week, \$25 a week. Spend it, be careful with it, report back how you spent it. If you do it wisely and you don't get scammed out of it, next month you get \$200 a month. I agree with you, Dana. I wouldn't just give him \$500 and say go have fun with it.

Dana: No, he has to have his bank account guaranteed by it because he has no money. If he controls his banking, he has no money.

00:59:47

Jack: Then we agree. I think Jacob agrees that a limited guardianship on that is a good idea.

Virginia: Thank you. So, I guess I'm just kind of looking back and, you know, looking through the consent order, or the orders and all that. So, what I'm hearing is that everyone is okay with Jake retaining the right, at this time, to marry or divorce subject to appropriate protections with parental consent.

01:00:24

Virginia: Am I understanding that correctly from everyone? Yes. Scott?
Scott: yes Yes.

Kim: Dr. Mulberry had something to say.

Dr Mulbry: Yeah, you can, believe it or not, there is a specific evaluation for capacity to marry. They're very, very, very rarely done, but they can be. And so that if there was, if tomorrow Jake wants to marry somebody and you're concerned about their ulterior motives, you could request a capacity to marry.

01:01:00

Dr Mulbry: evaluation and it would be specific to that relationship. In other words you don't have to say can he marry or can he not. You can say if you choose to get married then we're going to request an evaluation and it would involve an interview both with both individuals and to see what's at stake. So for instance if it's a woman from overseas who's trying to you know arrange overseas marriage to get citizenship or money you could put an end to it. You.

01:01:35

Dr Mulbry: could stop it. Now maybe you don't want to do that. You just have to let the parents make those decisions and that's okay too. Or you can do both. In other words you could say the parents would have both have to consent and or a capacity to marry evaluation where you actually investigate the actual relationship. Number two, reside in a place of his choosing, and I'm going to bifurcate this.



20

01:02:09

Virginia: So in terms of residing in a place of his choosing, I think what I'm hearing is that the proposal is that be modified slightly at this point to arrange for equal parenting time. What about consenting or withholding consent to custodial placement, such as an inpatient psychiatric facility, should that be needed?

01:02:44

Jack: I talked to him specifically about that, and he said the same thing. His parents feel that he needs to be put in a patient somewhere for whatever reason, and the medical providers that are talking to him, that he's... He's cognizant enough to understand that the medical provider's position, he's going to defer to those people.

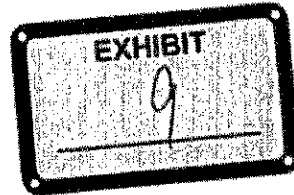
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Virginia: Kim, any thoughts on custodial placement?

Kim: I mean, some of these things, there has to be a backstop. And so that's, I mean, when we're talking about a limited guardianship, you're going to have to have a final say on each thing. And so if each, on some of these, like residency, I think that there's got to be one person that's not Jake making that decision, a final decision.

01:03:57

Kim: And medical decisions, I don't know that there's two. Um, any issue, although, I mean, I guess there is some fear about, you know, medical appointments and things like that. And so refusal to go to doctor's appointments, then there's, to me, there's got to be a backstop. That it's, you know, consulting with Jake, that Jake gets to make as much of the decisions as possible, but then if it comes down to it and Jake can't schedule the appointment or Jake can't, um,



01:04:34

Kimberly: is scared to attend the appointment or scared to schedule the appointment, then there's got to be one person in charge of doing these things. And that's, I feel like we're maybe dancing around that issue a little bit while we're talking. But I think that there's got to be, and that's, I think, ultimately, maybe I'm jumping ahead here.

Virginia: No, so I think it's, you know, and I understand your concern. I'm going to read something. This actually came from an order from Dorchester.

01:05:16

Virginia: The individual retains the right to give, withhold, withdraw, consent, or make other informed decisions relative to medical, mental, or physical examinations, care, treatment, and therapies. It is

21

recommended that any major health care decisions remain vested with the guardian to the extent that the individual's decisions are inconsistent with what is in his best interest for longevity and quality of life. The same criteria shall apply as to residential or custodial placement based on individual's medical or safety needs if recommended by physicians, but individuals should retain.

01:05:50

Virginia: the right to choose his place of residence provided he is not in need of a custodial or other placement. For more information visit www.FEMA.gov, in terms of who that decision maker is to be able to override if Jake is suggesting a decision that is not consistent with his best interest. For example, choosing not to go to the dentist, deciding not to go to the dentist out of fear, even though I've got a toothache.

01:06:25

Kimberly: Right. I think that some of that language would work. Jack, what do you think?

Jack: I agree with the language wholeheartedly.

Jack: The risk of kicking the elephant in the room, right, in the snout. If the parents can't agree and one of them is the guardian, then that puts the other one in a very unfavorable position.

So are we thinking that they're going to have an independent, limited guardian to make decisions?

01:07:05

Kimberly: I don't think that Scott and Dana have the funds to have a limited guardian appointed. I don't know. Have you all thought about that at all?

Dana: No. I think that's absurd. I'm a nurse. I'm a health coach. Why would I hire someone? Like, to have final say in medical decisions. I am concerned, though, because the parents will decide. The parents will decide.

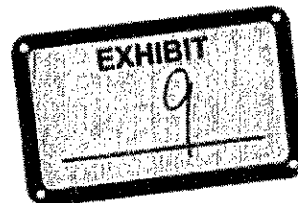
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Dana: Scott and I don't see eye to eye on anything. He's saying that he's going to be, all of a sudden, he's going to start working with us or working with me.

Kimberly: I don't know. That's my point in what I said. But there's got to be, there has to be a final say language. And it's going to be. And so. And knowing that you all have the history of disagreeing on a lot of issues, that's Jack that's asking, you know, should it then be a third party to be that final say?

01:08:09

Kimberly: And then my concern is that that hasn't been discussed yet,



22

and the cost of, because that's a \$100 an hour person that stays involved permanently. And if that's, if that was financially feasible, then that very well be a great option, but...

Scott: I actually don't think there's anything we've disagreed upon medically for Jake.

Kim: We can't hear you.

Scott: Oh, yeah, I don't think Dana and I have disagreed upon anything when it comes to medical for Jake.

01:08:43

Scott: I think we've been on board together. You know, I mean, our disagreements have only started when we got divorced and, you know, the ugliness of the divorce. But I think, you know, she knows that I deeply care about, you know, Jake's health, and you know his safety and and I believe she does as well so I don't think there's any issue regarding making a decision upon what's in best what's in Jake's best interest for for his health for his dental you know checkups or his.

01:09:18

Scott: doctor checkups yearly I mean I don't believe he's under any other sort of, doctor's care at the moment you know hopefully he maintains good health and you know his parents will do always you know I will always do and I believe she will as well what's in the best interest of Jake for his for any health issues.

Jack: okay is there ever been a situation Virginia that you're aware of or that you're aware of where whoever has you know whoever he's living with at the.

01:09:53

Jack: time I mean if in the next 45 days he's down in Florida and you know he gets in, automobile accident you know obviously we're going to notify you know if you see in Florida we're going to notify Dana but you know the doctors need a decision right then and there is it going to be the person with with whom he's currently residing to make that decision. I know both parents love their son.

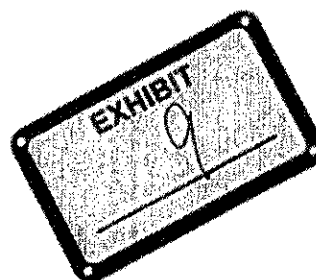
Kim: I know both would make that possible. I think that probably could be worked out the emergency care situation and that's not really what I'm at you all I don't.

01:10:29

Kim: imagine you all disagreeing on routine medical care like a primary care annual appointment or a dentist annual appointment the things you all disagree on are for example the whole subject matter of this case which is also part of his you know medical and mental health treatment and that's if there's a huge disparity in your agreement on that and so that's and if at any time a physician is recommending he gets some kind of you know therapies related to that whether it be.

01:11:00

Kim: physical or any other kind of therapies or medications related to



23

his diagnoses with developmental delays or anything like that. Those are the things that we're going to see a problem.

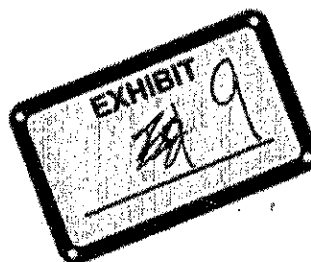
Scott: That's actually that's actually untrue and I don't know that's actually untrue. I don't know where she's getting any of that information from. That's actually untrue and not factual. I have no idea where any of that information that Kim Shelton just said comes from. I said what.

01:11:32

Scott: Kim Shelton, can you hear me now? What Kim Shelton just said there is just not factual. There's never been a disagreement regarding any you know, mental health programs or we've never had any conflicts regarding any of it. As a matter of fact, you know for the past few years she has kept a secret. I haven't really even known about anything you know. She has kind of done her own thing and used the court systems to get her way, but I've.

01:12:07

Scott: never disagreed with her in any factor as it pertains to therapies for Jake. As a matter of fact, I've been the one who's been there for Jake quite often and taken him to his therapy sessions, including speech and occupational therapy and physical therapy, for a long time. So, there really is no disagreement or conflicts in any regards for anything that any doctor would ever recommend for my son.



01:12:37

Virginia: I'm just going to start asking some questions about some of the things that I know that, are in place currently and where there's potential disagreement. For example, as of right now, Jake is participating in a men's group with Tony Boucher. you know, therapy, a kind of a not, I don't know if it's ABA therapy, but it, you know, it, you know, as a, as a supplemental therapy, you know, kind of ongoing training and support.

01:13:10

relating to his diagnoses. Scott, are you in agreement with him?

Scott: 100%. Okay.

Virginia: What about other therapies relating to his diagnoses in order for him to develop and learn or develop life skills?

Scott: Of course. 100%. Um,

Scott: sorry, somebody's beeping here. Go ahead. Okay. Um,

01:13:46

Virginia: Dana, are there specific therapies or processes or programs that you, you know, have identified or, or, you know, At this point see as potential for Jake that you are concerned that Jack that Scott would

24

not agree with,

Dana: Anything that I suggest Scott usually does not agree with probably because it's coming from me. But you can stop that did come from a physician. He did not follow. He's never been compliant since.

01:14:19

2019 about Jake at all,

Virginia: Can you give me an example of something he has not been compliant with that was suggested by a physician?

Dana: Okay, this physician suggested that Jake do gluten-free dairy-free clean eating. Did not agree with that says, you know, and this what he said, I think well I think what what did you see but this was an MD from MUSC, This is neurologist, He did not agree to that. You know, he just said limit screen time to two out Jake.

01:14:55

Dana: It sometimes you think he has anxiety because he breathes heavy and, He had that for years and we finally figured out what it was. He said he's very sensitive to internet. And that was from being on computers and your phone or, you know, looking at stuff. So playing games and just having Wi-Fi around you. He's very sensitive to Wi-Fi. So he saw it. He did his tests and said, if you change these things, you'll see a big difference.

01:15:27

Dana: It was just common sense that he suggested. Clean eating, good sleep, exercise and blue light blocking glasses when he's playing his games. Not wired earphones, nothing wireless by his brain. Shut off your Wi-Fi at night if you can. These were things that he was told. And I did these things and I saw a big difference in Jake. And I just would not comply and did not believe it.

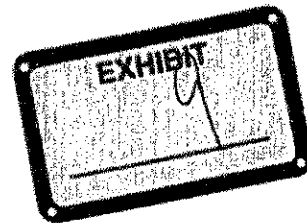
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Dana: There's always going to be an issue, I believe, with us with decisions, no matter what's being said here. With everyday stuff. We run completely different homes. We watch completely different things with our child, too. Like, it's not even what restricting Jake is fine. You can do that. Jake says he's willing. But then, what's the stuff that Scott sits and watches with him, in his lifestyle? There's no going to be no, you know, ups and downs. We just run to completely different homes.

01:16:35

Virginia: And unfortunately, Dana, and I'm not trying to be the devil's advocate here, but that's, something that's the nature of any divorced family, you know, if you know, I think Jack would say, you know,

Dana: he's said and worked with, tried to work with us, but he quit co-



25

parenting, and tried counseling. He's quit it. But she did. Thank you. You guys can just try to work together, so it's not so drastic when he goes back and forth.

01:17:06

Dana: Try to make it so Jake, for his routine, make it similar. Like, have some of the similar rules and similar things to make it easier for him to transition back and forth. But he wasn't willing to do that. If things could change, that would be wonderful. "Bottom line, this whole case comes down to God not being compliant or agreeing with certain things like porn and don't think that Jake has a disability."

01:17:46

Dana: "That's what this case is about. One parent sees it, one parent doesn't. I hope, I pray, that I would love for things to change and Scott and I could work together. What's in your best interest? I mean, I really do pray for that all the time, and I love it, but I just, I don't see how it will change today. It's going to change when it hasn't for so many years."

01:18:18

Jack: Dr. Mulbry, you got any thoughts on that?

Dr Mulbry: On medical decision making? Well, just the routine Dana's talking about and the different parenting styles.

01:18:55

Dr Mulbry: It's me, and it's why, and I know it sounded wild, but I was looking for that neutral. In other words, like the diet thing is a good example, and they're miles apart on the diet thing. I don't think there's going to be any disagreement about what you do in the case of a car accident. That's pretty straightforward. But what about the diet and EMF and all the rest of that, those kinds of things?

01:19:26

Dr Mulbry: If you consider the medical, then there's going to be significant differences in their approaches. I can't—I don't have any good thoughts. I have opinions, but no, I can't offer anything as an expert. But consistency, there is value in consistency. There is unquestionably value in consistency.

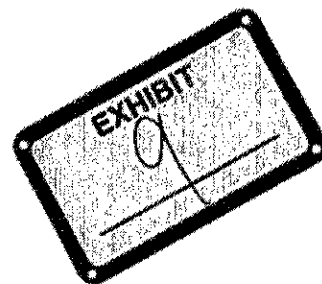
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Jack: I stand by what I said earlier. We need to get beyond the status quo, and if we see overt harm along the way, modify the status and modify it again.

Kim: Virginia, what do you think would be helpful in trying to iron some of the details? I mean, do you all think it would be helpful to start putting some of this in writing and.

01:20:46

Kim: start tinkering with language? Or is there a larger issue that we need to decide on right now on this call?



26

Virginia: I think that you know maybe starting starting to you know kind of work through some of that language and kind of you know you know would be probably helpful you know as we start kind of talking through what that because then you know at least for me you know when I'm putting together you know an.

01:21:19

Virginia: agreement or I think about things you know that come up you know like when we started talking about you know the placement and and on and off like okay well how is how is that actually going to work you know we may need to come back together and have another conversation like this you know as we as we work through some of those issues it's just I think it's hard for us to I think it's hard for all of us to know at this point just because there's so much that we've covered today what is you know what kind of I don't think we all.

01:22:03

Virginia: And I think that, you know, everyone has gotten a lot to process and probably needs some time to kind of think about, you know, what we talked about today and how they feel about, that in terms of, you know, we've talked about, you know, time periods and, you know, how we feel about that and, you know, some of those kind of adjacent issues, you know, kind of going back to, you know, some of the diet, the co-parenting, the scheduling, I think.

01:22:37

Virginia: there's some research that we all need to do as well, kind of talking about, you know, the different apps and things like that in terms of, like, you know, what does that look like before we, you know, finalize anything. I think we all need to think, I think there's some information that we all don't have. But I do think we've made progress, I think we're moving in the right, I think we're moving in a direction, I think the next step is probably to start, to start thinking about, I'm trying to put this down on paper to see so that we have, we all have something to refer to and go by, you know, I call, you know, call it the rules of Monopoly, you know, like this is how we play the game.

01:23:13

Virginia: This is how we play the game of life with Jake. How, what we've agreed to do and how, you know, in terms of how Jake plans to live and have his parents support him.

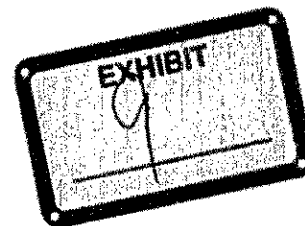
Scott: Well, can we do that sooner than later because the game of Monopoly in my life as it pertains to my son has not been fun. It's been

going on way too long, and we would both like this to be over as soon as possible. So if you guys can work on this and get it done, I think I can be in agreement with everything that was talked about today, as can Jake, and we would like to move forward with, with our lives again.

01:23:52

Scott: And, you know, one day, hopefully not have attorneys and guardians and judges and counselors and, you know, people such and such.

01:24:32



27

Virginia: I'm happy to send that to you so we're all working off of the same kind of, you know, starting point. Um, you know, if you'd like to put, you know, and then, you know, that way we could all put together our suggested language.

Scott: Thank you.

Virginia: Um, and plan to circulate that, you know, by, you know, close the business on Friday. Thank you. Does that work for you?

Scott: Yes.

Virginia: Jack, can you make that work?

Jack: I can make that work. All right.

Virginia: Kim, what about you?

Kim: You're asking me to put together a completely separate proposed order?

01:25:06

Virginia: Not necessarily. I guess to maybe turn around thoughts to us relatively quickly. Unless you want to do your own proposed order, you can do your own order.

Kim: No, I'm just, is one person going to start an order and then circulate? Is that what you're saying?

Virginia: So my thought would be that each, so that Scott, Jack, and I each put together our own kind of, I guess,

01:25:37

Virginia: really just the rights section mostly. And, you know, that we then circulate that so that we're all, you know, basically we've got three different versions that we can compare and combine to consolidate. If that makes any sense.

Jack: Well, I'm looking at my calendar right now, and I'm telling you, I, I think by tomorrow afternoon, rather than the three people work on different things.

01:26:10

Jack: Ginny, I can send you my interpretation of what we all talked about today. And then you can tweak it, send it to Scott or Dana or Kim. And that way, instead of three people working on different orders, you can tweak whatever I put together, send it to Scott. He can then tweak it back or handle whatever suggestions he's got on it. And then by Friday, we will have an idea of whether we all agree with what we discussed today.

01:26:40

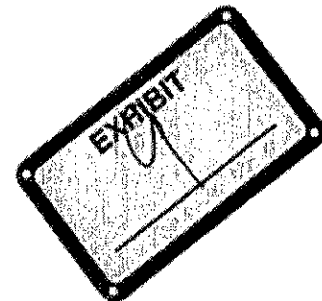
Jack: What are your thoughts on that?

Scott: I'm good with that.

Kimberly: I think there are some significant things that have been left out today, too. And I think those are going to be the things that stop us. And that's going to be who the limited guardian is. But hopefully we can agree on as much as possible. I think that, and that's going to have to be something that you all include. Yeah. But yeah,

Virginia: I mean, I just, knowing my, like, you know, I know my schedule and I just don't.

01:27:12



28

Virginia: have time to work on it until later in the week. So, you know, but yeah, if you're willing to take, if you're, if you'd like to take a first stab at it and put it in your own paper, you know, that we certainly would be happy to do that.

Jack: Well, Scott, what are your thoughts on Dan and Dane continuing to roll as a limited guardian, knowing that any new order we sign is going to require, you know, Jake's input, your input, and if it's a medical or legal issue, the professional's input?

01:27:46

Scott: You know, I don't really know enough about that at the moment, just asking me, you know, here and now, I would have to be more, you know, understanding about what that exactly means.

Jack: Here's what it means. It means she'd still have final say after consulting with everybody. That's what it means, which is why I had recommended informally to everybody, in accordance with Dr. Mulberry's report, an independent guardian.

01:28:25

Jack: If you can't afford an independent, limited guardian, then I think the court is going to have to decide between the two of you. And if you want, in my opinion, now, based on last year, I believe if the court were to force a decision between the two of you, the court would decide it would be Dana. Yeah.

Scott: So, an independent guardian would be fine with me.

Scott: I don't really think that we would use it very often. I can't see really any circumstances that we would probably require it. But, you know, I would use it.

01:29:00

Scott: need to give that a little bit of thought. I mean personally I don't really understand again why we can't both be co-guardians but you know then again maybe I can but you know I'll need to give that some thought I'd like to see the proposal that you that you write up and tweak it a little bit if I if I feel the need to do so but at least I think we've

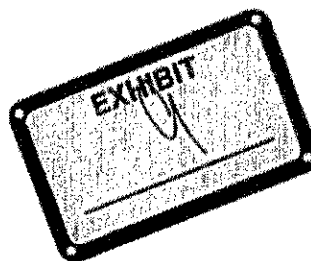
made some progress here thank God and you know we could start moving forward and you know heading back to a.

01:29:34

Scott: normal relationship between my son and I, yeah and you know it's interesting because, I just, I don't think, you know, it's like the media, you know, Dana and I don't have.

01:30:07

Scott: that contentious of a relationship. I think the problem comes into play when the lawyers start getting involved in it. I think, you know, for the most part, we agree on most things. You know, again, within limitations, you know, she, this diet thing is always a big thing with her. I'm a healthy guy. I mean, you can see me. I'm not overweight. I don't drink alcohol. I don't do drugs. I'm, you know, fit. I'm very active. I think, you know, Jake likes to eat clean now. He has, it's not a problem. We're not going to have an issue with that.



29

01:30:38

Scott: She doesn't follow a strict gluten-free diet. Jake tells me the things he still eats, which is, again, moderation is the key to this, you know, to health. So you know, you guys want to continue to make it sound like Dana and I hate each other and, you know, we're very contentious and, you know, the lawyers have done a very good job of making this a very, very messy situation. So, I think, I don't think there's really going to be that much contentiousness between Dana and I. I really don't. I think we agree on most things.

01:31:10

Scott: I think we love Jake very much and we care about him, you know, equally and, you know, I respect Dana's, you know, she's much more into alternative medicine and health and, you know, I mean as far as, you know, minerals and vitamins and diets and I'm not and I'll agree with you. I'm not as knowledgeable and educated, but I'm certainly not going to hurt him by, you know, by giving him something that she thinks would hurt him, you know, in any way.

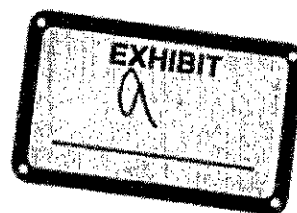
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Scott: So, I don't think we're that, we're as contentious as, you know, you guys would make it sound.

Kimberly: I don't think anyone else is making the relationship sound contentious. I mean, there's lots of documentation about how contentious the relationship is, but that's what it is. There's, the courts just never go to co guardians court. And it would be wonderful if we could afford a third party, but again, I guess the reality is that a third party costs \$100 an hour, and they would probably be involved, and that's.

01:32:15

Kimberly: how they make their money, is by becoming involved in a situation, you know, if there's any kind of disagreement about how much, you know, text messages that are getting sent, or what TikTok accounts are getting sent, or anything like that, that's the, they could be called to be involved in lots of different situations that you don't think about yet, and then that bill goes up. I understand. If there's a way to limit the involvement, then that could be maybe a potential way to resolve some of this, but again, it could, the ticket can go up.



Scott: Yeah. If we could work on a way of limiting their involvement, then absolutely, I think that.

01:32:48

would be the best case scenario, I mean, has anybody, who would Jake prefer as a limited guardian?

Virginia: Jack, do you need to talk about that with him? I don't know if you guys have talked about that.

Jack: I will tell you that we have talked about it, and I'll let you know again in another minute.

01:33:19

Jake: Hey. What if, what if, what if there was a way? Um, can you hear us now?

30

All: Yeah, we can hear you. There you go.

Virginia: Um, yeah, so I just, I, you know, I hear you about, you know, in terms of, like, I want to kind of follow up on something that Kim had said about limited guardians. Professional guardians, in my experience, um, working with them, and I think probably Jack and Kim have similar, um, they're going to want to, even if they're not, like, really, if we're not needing them.

01:33:56

Yeah. They still want to kind of, like, see Jack at least like that. I don't know that either one of y'all have the ability to afford that and it's not necessary.

Dana: I don't have the ability to afford and it's not necessary and if Scott just agrees to let me be the limited guardian.

Scott: do you think it would be \$100 per month?

01:34:30

Virginia: I would say just visits without any complications or further discussions. I would say it's probably a minimum of \$200 to \$300 a month. And that's in just a kind of a run-in-the-mill, no-conflict situation.

Jack: Jake, does not want to be in a position where he has to choose between his two parents. He thinks his dad would be a good limited guardian and he thinks his mom would be a good limited guardian.

Scott : Okay, thats fair

01:35:02

Virginia: Fair enough. Yeah. Okay. Do we want to pause the conversation then to let everyone start working on drafts and then you all will, Jack, do you want to start your version and then circulate that?

Jack: Yeah, let me get started on that. Okay.

Virginia: Okay, that sounds like a good plan. Thank you everybody for your time today. I think this has been very helpful for us to talk about how we.

01:35:34

get out of this status quo.

Scott: I agree.

Kim: And thank you Dr. Mulberry.

Scott: Yeah, Dr. Mulberry, thank you.

Dr Mulberry Glad to help. Thank you. Bye.



STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF CHARLESTON	)	
	)	CASE NO. 2022-GC-10-00078
IN THE MATTER OF:	)	
JAKE MANNETTA	)	SECOND SUPPLEMENTAL FINAL
	)	REPORT OF GUARDIAN <i>AD LITEM</i>
	)	
	)	

I was appointed as Guardian *ad litem* for the alleged incapacitated adult, Jake Mannetta on May 19, 2022, following the filing of a Petition for Finding of Incapacity, and Appointment of Guardian and Conservator, Motion for Temporary Relief and Ex Parte Order for Emergency Relief on May 19, 2022. I filed an Interim Report on June 21, 2022, a Supplemental Interim Report on November 28, 2022, a final Report and a Supplemental report to the Final Report on October 9, 2023. Following the two-day trial on the merits in this matter, attorney for Jake Mannetta raised the possibility that Haley Mannetta, sister of Jake Mannetta and daughter of Scott and Dana Mannetta, could be a possible option for appointment as Guardian for Jake Mannetta. The Court requested that I investigate this possibility and report my findings back to the Court.

Shortly after this matter was filed in 2022, I had an early opportunity to interview Haley. During that meeting, she was open and forthcoming, and stated that she preferred that her information be kept out of the report. She said she wanted to stay out of the middle of the case because, in the past, when she had spoken up, her father had retaliated by withholding financial support from her. Due to her request, I did not continue to interview Haley during the pendency of the case. She was never suggested as an alternate Guardian until the time of the trial in the matter, and therefore, there was no investigation until this time.

Haley Mannetta is 24 years old, and a graduate student at The Citadel working towards a



master's degree in clinical Mental Health Counseling. She expects to graduate in spring 2025. She thinks she might try to get licensed in both South Carolina and Florida and could possibly work remotely in both states. She also works part-time as a caregiver for an adult with special needs (physical and cognitive). Haley lives near downtown Charleston.

I met with Haley at my office on October 20, 2023, to discuss the suggestion of her appointment as Guardian. She said that this was not raised to her until her meeting with Jack Sinclaire just prior to the merits hearing. She said that she didn't understand the level of this recommendation by Mr. Sinclaire at the time as it was presented as an option if a third-party Guardian was ordered by the Court. Haley said that she thought that her parents were the first people that should be appointed, but that she would never want a stranger appointed as a third-party Guardian, and that she would be a better option than a stranger. She said that if something ever happened to both her parents, that it was always discussed that she would be the one to take care of Jake.

During our meeting, Haley and I discussed some of the concerns she raised during our initial meeting, and how those things had changed since that time. Specifically, I asked how she would be able to address her parents about her concerns about Jake when, in the past, she has withheld opinions due to responses like financial retaliation by her father. She said that her statements have caused strains in her relationships with both parents. She said (as she did in court), that she has been financially retaliated against twice by her father in the last year or so, and that she now feels more financially independent. She said that she works part time making \$25/hour which gives her sufficient funds to pay her rent, living, and phone expenses. When asked about other expenses, she said her dad continues to pay for her car and car insurance.

We discussed the issues from our first meeting, specifically one example of when I asked



Haley in June 2022 if she would be able to influence her father to attend an informal settlement meeting to try to see if everyone could come together to make some decisions without having to go to court. At that time, Scott was adamantly opposed to any kind of meeting and wanted a court hearing. Haley said that she didn't think she had the ability to convince her dad to do anything, including attending a meeting about the case. I asked during our recent meeting how this opinion had changed. She said that she thinks her dad would listen more to her now and that if he didn't, she would put a stop to anything she thought was wrong.

Regarding some of the issues that have been contested during the case, Haley said that she now thought that porn should be completely off limits for Jake, and that dating sites for developmentally "normal" adults should also be totally restricted. She thinks that both parents have to put safeguards in place on all devices to prevent this and there should be "no passive parenting" on these issues. She said that she believed her mom had sufficient safeguards in place and that she was actively monitoring these issues with Jake, and that she would have to get her dad to do the same.

When I asked about how she would handle Jake's living and visitation arrangement, she said it would depend on what the court ordered, but that she thinks Jake is in a good routine here, that his work schedule would need to be worked out and recommended possibly weeks long visits in Florida. She was not aware that Jake's employer would only allow approximately one-week absences to keep his job. She said that if Jake were here, she would keep him involved in his current employment, social group with Toni Boucher and the additional individual sessions he gets at that office. She would keep him involved in the additional social and sports activities that he is currently involved in. Haley thinks that Jake must be able to visit Scott in Florida and would want to schedule regular visits at least a few times a year in Florida. We discussed the



possibility that the court may restrict visits to South Carolina only, and I asked how she would handle that situation. Haley said that she thinks this will push the situation to the edge, and that Jake might run away if the court doesn't allow out of state visits. I pointed out that the only way Jake would be able to "run away" would be for her father (or someone at his request) to facilitate this. Haley shrugged.

When we discussed the possibility of Jake living in Florida with Scott and visiting her mother, she said that Jake would need to be given similar opportunities for a supportive environment, including a job that supports adults with special needs, job training, autism support/social groups, etc. She said that she would have to go down to investigate what is available with her dad. I discussed with Haley her father's statement to me that he would not be enrolling Jake into any supportive services in Florida even if they are available because they are not needed for Jake, and that Jake would be "mainstreamed," and would not be put into any environments with other special needs adults. Haley was not aware that this was her father's opinion and said that they had not really discussed anything about Jake's needs or future in any detail with her dad. I asked how she was going to deal with this if her father refused to participate or interfered with plans to pursue services, and she was not sure how that would work out, and she was hopeful that he would cooperate if she was appointed Guardian.

Apart from the information provided during our meeting, several issues were raised during the merits hearing that inform my investigation. During the hearing, when testifying about how often she sees Jake or talks to Jake, Haley said that she sees him about once a month and is on a text with him about once a week. When asked about how often her mom has asked for assistance with Jake, she said that in the past she has been asked to keep Jake while her mom has something to do, like go on a date or something with friends. She testified that she has helped a



few times, but that she stays busy, and her mom's place is far away, so she has helped when she "has nothing better to do."

During the hearing on the merits, Dr. Mulbry was specifically asked if in the current situation, Haley Mannetta would be an appropriate person to be appointed as Guardian for Jake. Dr. Mulbry said that this "would not be possible" in this family because if a third party would be appointed, that person would have to be sufficiently neutral and have the ability to withstand the pressure of the parents. He said that another sibling of the family would not fit those requirements and would not be appropriate. He was asked this question in several different ways, and continued to stay firm that Jake's sibling would not be an appropriate person to act as Guardian given the family dynamics.

Additionally, during the initial month of the case, Haley was given the responsibility of taking Jake to meet their father at a restaurant for Father's Day. Dana Mannetta, who was temporary Guardian at the time, advised Haley that Jake should be taken to the restaurant and should not be in Scott's home at all. Haley took Jake to Scott's home, despite Dana's directions. Haley did not bring Jake home that night. This led to the highly contentious and volatile situation which resulted in Jake being held in Scott's home with his refusal to return Jake, multiple attempted police interventions, an emergency court order ordering Jake's return to Dana, Jake's removal from the state by Scott, and a contempt order against Scott, requiring Jake's return to the state.

I do not believe that Haley Mannetta is an appropriate person to be appointed as Guardian for Jake Mannetta. While I believe that Haley can serve in a supportive role to her brother and parents, I do not believe that she has the ability to navigate the difficult relationship of her mother and father to make decisions that are in Jake's best interest. I don't believe Haley has the



time and interest necessary to devote to Jake's care, which has been evident over the last year and a half where she has had relatively little contact or willingness to assist. I have very serious concerns about Haley's ability to make decisions in Jake's best interest that would override her dad's positions. There have been many opportunities during this case to try to influence her father to follow the court orders, abide by restrictions, etc., and there is no evidence that she has been able to influence her father in any way (continued order violations, no visits). While I think Haley may have some good intentions when it comes to putting in safeguards for internet safety and supports if Jake were to move to Florida, I do not believe she has the ability to enforce those good intentions when her father chooses to ignore them and force his own positions. Based on my concerns, I do not believe Haley would be an appropriate person to be appointed as Guardian.

I would also like to address the statement that Haley made regarding the potential of Jake running away if visits with Scott must be in South Carolina - similar to that in last temporary consent order. I have very serious concerns about this issue, and the potential for Scott to assist in Jake's removal from the state, which would cause further court and police intervention. I don't know if allowing periodic visits in Florida would help alleviate the potential for this or exacerbate the problem, and I am raising this as something I would recommend the court considering when making a final determination on placement and visitation.

Respectfully submitted,

s/Kimberly Shelton

Kimberly Shelton, Esq.

October 25, 2023



STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON



E.E. FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2022GC1000078
10/9/2023 9:19AM

IN THE MATTER OF:

JAKE MANNETTA,
an alleged incapacitated individual

▲ PROBATE COURT USE ONLY ▲

IN THE PROBATE COURT
CASE NUMBER 2022-GC-10-00078

GUARDIAN AD LITEM REPORT

The undersigned court-appointed Guardian *ad Litem* in this guardianship and/or protective proceeding submits the following report concerning the investigation which was conducted pursuant to S.C. Code Ann. § 62-5-106.

DURING MY INVESTIGATION, I INTERVIEWED THE FOLLOWING INDIVIDUALS:

	NAME OF PERSON INTERVIEWED:	DATE OF INTERVIEW:	METHOD OF INTERVIEW (e.g. in person, by phone):
1.	Jake Manna	Multiple dates: 5/23/22 – 9/28/23	In person
2.	Haley Manna	6/2/22	In person
3.	Dana Manna	Multiple dates: 5/19/23 – 9/28/23	By phone
4.	Scott Manna	Multiple dates: 5/26/23 – 10/3/23	By phone
5.	Davis Henderson, PhD	5/27/23	By phone
6.	Bill Mulbry	1/24/23	By phone
7.	Toni Boucher	11/21/22, 10/2/23	By phone

DURING MY INVESTIGATION, I REVIEWED THE FOLLOWING DOCUMENTS:

	TYPE OF DOCUMENT:	PROVIDER OF THE DOCUMENT:
1.	Pleadings	Court
2.	MUSC medical records (including primary, occupational therapy, speech therapy, eye) (8/26/19 – 5/16/22)	Jack Sinclair
3.	Dr. James Beattie (Infants and Children, PA) – appointment notes (10/8/2015)	MUSC file
4.	School District of Palm Beach Co. – Psycho- Educational Evaluation (1/29/10)	Dana Manna
5.	School District of Palm Beach Co. – Psycho- Educational Evaluation (5/24/13)	Dana Manna
6.	Dan Marino Center Neurologic evaluation (8/3/10)	Dana Manna
7.	Dr. Alexakis-Lanigan, Pediatric Neuropsychological Evaluation (2009)	Dana Manna
8.	Dr. Robert Turner – (11/19) – Network Neurology neurology follow up notes	Dana Manna
9.	Dept. of Disabilities and Special Needs – Case Management Assessment (7/13/22)	Dana Manna
10.	DDSN – Autism Spectrum Disorder Evaluation Report (7/13/22)	Dana Manna

I. REPORT ON ALLEGED INCAPACITATED INDIVIDUAL:

1. Date and place of interview(s): Multiple dates, last date September 29/28, 2023; 1375 Hackberry Ave., Apt. 301, Mt. Pleasant, SC 29466
2. Was the alleged incapacitated individual (A.I.I.) oriented to the time and place? ☒ YES ☐ NO
3. Describe the A.I.I.'s physical appearance: The A.I.I. is dressed neatly in all appointments, and most of the time greets me in a costume, mask or with a puppet.
4. Who are the A.I.I.'s closest family members? Mother: Dana Mannelta, Father: Scott Mannelta, Sister: Haley Mannelta
5. Does the A.I.I. have an attorney? ☒ YES ☐ NO If yes, list the attorney's name, address, and phone number. Jack Sinclair, Esq., 115 River Landing Dr., Ste. 102, Charleston, SC 29492; (843) 849-1384
6. Does the A.I.I. have a primary care physician or other treating medical provider? ☒ YES ☐ NO If yes, list the doctor's name, address, and phone number.
No current primary care since aging out of MUSC developmental pediatrics; Dr. Edward Wilson, MUSC – pediatric ophthalmology, 167 Ashley Ave., Charleston, SC 29425, 792-2020; Dentist: Coastal Kids Dental and Braces, 1701 Beaucastle Rd. Ste. A, Mt. Pleasant, SC 29464, 892-1101
7. Please list any known medical diagnoses of the A.I.I.
Autism spectrum disorder (ASD)
Pervasive Developmental Disorder (PDD)
Tremor
Cataracts
8. What are the current care and treatment needs of the A.I.I.? The A.I.I. is high functioning, but requires assistance with meal preparation due to tremors, reminders and follow up on hygiene, transportation as he is currently not able to drive, assistance in financial management, assistance in decision-making and scheduling for healthcare other major life decisions, currently is not comfortable living independently.
9. What are the future care and treatment needs of the A.I.I.? The A.I.I. will continue to require assistance with meal preparation due to tremors, reminders and follow up on self-hygiene, transportation, assistance in financial management, assistance in decision-making and scheduling for healthcare other major life decisions, and living independently, but has the potential to live independently and without as many supports if he continues to be trained on life, social, and job skills, and gains experience in those areas.
10. The A.I.I. has been rated or found to be: (Check all that apply)
☒ Disabled;
☐ Mentally ill or incompetent;
☐ Chemically Dependent; or
☐ None of the above.
11. The A.I.I. would benefit from: (Check all that apply)
☐ Further education;
☒ Further training;
☒ Therapy or treatment;
☐ Medical aids or equipment;



- ☐ An operation or medical procedure(s);
☒ Structured living arrangements;
☐ Psychiatric treatment; or
☐ None of the above.

12. Is the A.I.I. capable of communicating, with or without reasonable accommodations, his or her wishes, interests, or preferences regarding a protective proceeding or the appointment of a guardian and/or conservator? ☒ YES ☐ NO

If no, proceed to Section II.

13. What is the plan of the A.I.I. to provide care for himself or herself?

Jake believes that he can make his own decisions, but that he requires support in many areas: he does not want to live independently, and prefers to live with his parents, he cannot drive, so needs rides from family, is unsure about most medical decisions and major life decisions so would like assistance in making those decisions, needs someone to assist in preparing hot meals because he is nervous about burning himself due to tremors. He believes he can make decisions about his employment and social life, but needs rides to facilitate both.

14. What is the plan of the A.I.I. to (i) manage his or her property or financial affairs, (ii) provide for his or her support, and/or (iii) provide support for his or her legal dependents?

The A.I.I. works approximately 8-10 hours per week at two separate places. He is not able to provide for himself to the extent necessary to live independently. Dana Mannetta has applied for SSI, but this has not been determined.

15. If a protective proceeding is pending, how does the A.I.I. feel about a finding of incapacity and the issuance of the requested protective order?

Jack does not believe he is incapacitated, and wants to be able to make his own decisions.

16. If a Petition for guardianship is pending, how does the A.I.I. feel about the proposed guardianship and the proposed guardian?

Jake does not believe a guardianship is necessary, but acknowledges he needs support in many areas of his life. He would like to live the majority of the time with his father in Florida, and visit his mother. He says that he requires support in the following areas: he does not want to live independently, and prefers to live with his parents, he cannot drive, so needs rides from family, is unsure about most medical decisions and major life decisions so would like assistance in making those decisions, needs someone to assist in preparing hot meals because he is nervous about burning himself due to tremors. He believes he can make decisions about his employment and social life but needs rides to facilitate both.

17. If a Petition for conservatorship is pending, how does the A.I.I. feel about the proposed conservatorship and the proposed conservator?

II. REPORT ON THE CONDITIONS OF PRESENT AND FUTURE RESIDENCE

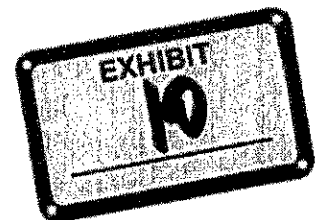
18. Date and time visited: Most recent visit: September 28, 2023

19. Address (including street, city, county, state, zip): September 2928, 2023; 1375 Hackberry Ave., Apt. 301, Mt. Pleasant, SC 29466

20. Type of abode: single-family – apartment with mother, Dana Mannetta

21. Condition:

a. Exterior: Good



- b. Interior: Excellent
 c. Utilities working: Yes
 d. Cleanliness: Excellent
 e. Fire hazards: None
 f. Other (explain): _____

22. Is there a proposed change in the residential plan for the A.I.I.? ☒ YES ☒ NO
 If yes, please explain the plan and whether you believe the plan is in the best interest of the A.I.I.
 Petitioner, Dana Mannetta, proposes that there be no change in residential plan for Jake. She proposes that Jake continue to live in her home.
 Scott Mannetta proposes that Jake move to Florida to live with him, and travel to visit his mother when he wants to.

III. **REPORT ON THE PROPOSED GUARDIAN:** *(If there is not a Petition for Appointment of Guardian pending, proceed to Section IV.)*

23. Name of the proposed guardian: Dana Mannetta

24. Relationship of the proposed guardian to the A.I.I.: mother

25. Is the proposed guardian currently a primary caretaker for the A.I.I.? ☒ YES ☐ NO
 If no, who is?

26. What are the proposed guardian's long-term plans for the A.I.I.?
 Continued residence in her home until such time as sufficient life and job skills are obtained for Jake to live in a semi-independent environment with developmentally similar young adults with some level of adult supervision. She plans to continue to seek life, social skills and job training opportunities for Jake, and employment opportunities that support his needs.

27. Upon review of the proposed guardian's criminal background check, do you have any concerns regarding the ability of the proposed guardian to serve in this role? ☐ YES ☒ NO

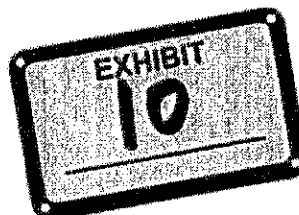
If yes, please explain your concerns. _____

28. Has DSS ever investigated the proposed guardian? ☐ YES ☒ NO

If yes, please explain the circumstances and provide any information the DSS record revealed that you believe the Court should know.

29. Did your investigation of the proposed guardian reveal anything that you believe the Court should know? ☐ YES ☒ NO

If yes, please explain. _____



30. Do you believe the proposed guardian is an appropriate person to serve as a guardian for the A.I.I. considering (i) his or her geographic location, (ii) his or her familial or other relationship, (iii) his or her ability to carry out the duties of the guardianship, (iv) his or her potential conflict of interests, (v) the wishes of the A.I.I., and (vi) the recommendations of the relatives of the A.I.I.? Provide a detailed response.

I believe Dana Mannetta is an appropriate person to serve as Guardian. She has been the primary caretaker for Jake for the last several years, and caretaker for him prior to adulthood in his life. Jake has lived with Dana Mannetta since his parents separated in June 2019. Dana has the ability to carry the duties of the guardianship, and has demonstrated knowledge of Jake's abilities, needs, and family relationships. Dana has handled issues that have arisen regarding Jake competently and has taken appropriate actions when necessary. She attempts to communicate with Jake's father. She allows reasonable communication between Jake and his father, and has been open to visitation with Jake's father. She has no conflicts of interest. Jake's sister, Haley, expressed her opinions regarding the matter, and requested in my meeting with her on June 2, 2022 that her opinions not be made public.

31. Did your investigation reveal any other person who should be considered to be appointed the guardian in this matter? ☒ YES ☐ NO

If yes, please explain, including the name, address, telephone number, age, and relationship to the A.I.I. Scott Mannetta, last known address: 7575 Morgan Way, Naples, FL 34119; (704) 280-4785; age 55, Father

I have also evaluated the possible appointment of Scott Mannetta to serve in the role of guardian. Scott Mannetta is the father of Jake. He does not believe that Jake lacks capacity in any area and opposes the appointment of a Guardian for Jake. In his Answer filed with the Court, he stated that he would prefer to be appointed if the court determined Jake required the appointment of a Guardian. Scott has visited with Jake periodically over the last few years but has limited his contact with Jake because he does not believe he should have to visit his son under a court order, so has chosen to go long periods without visiting Jake over the last 2 years. He has not visited Jake since January. I do not believe Scott has the ability to carry out the duties of guardianship. He lacks insight into Jake's abilities and needs and denies the need for any support and training. Scott believes that the only support Jake needs is financial support, meaning him providing Jake with financial support. Scott believes that current supports in place should end, and that Jake should be "mainstreamed." Scott would like Jake to live with him and work for him in his pickleball apparel business and other entrepreneurial endeavors, including YouTube channels. I believe that Scott's plans will not only diminish the progress Jake has made in developing life, social and work skills, I believe that it will ultimately make Jake completely dependent on Scott for his needs, which is antithetical to what the goal is and should be.

I am concerned that Scott has exposed Jake to pornographic materials, believes that access to pornography is healthy and normal for Jake, and facilitates the use and viewing of those materials by Jake when he spends time with him, which by all professional recommendations is completely inappropriate for Jake's developmental level and detrimental for him. Scott also introduced Jake to multiple dating sites, and believes that these sites are healthy and appropriate for Jake despite all professional recommendations that Jake not use dating sites as they are developmentally inappropriate and could lead to potential criminal ramifications due to Jake's level of discernment and vulnerability. I also have concern that Scott is incapable of facilitating a relationship with Jake's mother. He refuses to communicate directly with Dana about Jake and continues to send inappropriate communications to Jake despite a court order otherwise. These communications include TikTok and YouTube videos on narcissistic parents, parental alienation, child abuse, and videos of a father who has documented the details of a custody battle for years which demeans the mother of that child -- most with notes that this is what Jake's mother is doing. These actions show incredibly poor judgment, no respect for the court order, and are detrimental to Jake's emotional and mental well-being.

Additionally, Scott has failed to visit Jake during the majority of this matter, despite Jake's desire to see his father. Scott's position is that he will not visit his son under a court order. He stated that this was his position and reason for not visiting his son during a long period during their custody case and is still his position during this case. As a result, he did not visit for Jake's birthday or graduation this year, causing Jake to be very disappointed. When I asked Scott about the potential of his case ending with a final order



including visitation, he said that he could not say whether he would visit, and would not comment on hypothetical situations.

IV. REPORT ON THE PROPOSED CONSERVATOR

(If there is not a Petition for Appointment of Conservator pending, proceed to Section V.)

32. Name of the proposed conservator: _____

33. Relationship of the proposed conservator to the A.I.I.: _____

34. Is the proposed conservator currently the primary person assisting the A.I.I. with his or her finances? ☐ YES ☐ NO

If no, who is? _____

35. What assets does the A.I.I. own or income does the A.I.I. receive that require a conservator? _____

36. Upon review of the proposed conservator's criminal background check, do you have any concerns regarding the ability of the proposed conservator to serve in this role? ☐ YES ☐ NO
If yes, please explain your concerns. _____

37. Has DSS ever investigated the proposed conservator? ☐ YES ☐ NO
If yes, please explain. _____

38. Upon review of the proposed conservator's credit report, do you have any concerns regarding the ability of the proposed conservator to serve in this role? ☐ YES ☐ NO
If yes, please explain your concerns. _____

39. Did your investigation of the proposed conservator reveal anything that you believe the Court should know? ☐ YES ☐ NO
If yes, please explain. _____

40. Do you believe the proposed conservator is an appropriate person to serve as a conservator for the A.I.I. considering (i) his or her geographic location, (ii) his or her familial or other relationship, (iii) his or her ability to carry out the duties of the conservatorship, (iv) his or her potential conflict of interests, (v) the wishes of the A.I.I., and (vi) the recommendations of the relatives of the A.I.I.? Provide a detailed response.

The Petitioner is an appropriate person to serve as Conservator. She is familiar with the financial needs of the AII and is assisting in probate of the AII's spouse's estate which holds the majority of assets for the AII. She does not have any conflicts of interest. The other child of the AII was unable to be located to express his opinion.

41. Did your investigation reveal any other person who should be considered to be appointed the conservator in this matter? ☐ YES ☐ NO

If yes, please explain, including the name, address, telephone number, age, and relationship to the A.I.I.



V. REPORT ON PETITION FOR PROTECTIVE ORDER AND/OR REQUEST TO RATIFY HEALTH CARE POA, AND RATIFICATION OF POA/POAs

*If this is a Protective Proceeding in which you are **NOT** recommending the appointment of a guardian or conservator, please complete Section VI and the Addendum Concerning Petition for Protective Order, which is attached to this Report (Page 9). If you are recommending the appointment of a guardian and conservator, proceed to Section VI but do not complete the Addendum.*

VI. CONCLUSIONS AND ADDITIONAL COMMENTS

42. Do you believe the A.I.I. is an incapacitated person pursuant to S.C. Code Ann. § 62-5-101(13)?

☒ YES ☐ NO

43. Do you believe the A.I.I. needs a guardian?

☒ YES ☐ NO

44. Do you believe there is a less restrictive alternative to the guardianship?

☐ YES ☒ NO

If yes, please explain. I believe Jake has the ability to gain more independence over time with support and training and potentially be regain rights in some areas.

45. Do you believe there should be limitations placed on the guardianship?

☒ YES ☒ NO

If yes, please explain. I believe Jake should be consulted on all employment, medical and major life decisions, but that the Guardian should have final decision-making power.

46. Do you believe the A.I.I. needs a conservator?

☐ YES ☒ NO

47. Do you believe there is a less restrictive alternative to the conservatorship?

☐ YES ☐ NO

If yes, please explain. _____

48. Do you believe there should be limitations placed on the conservatorship?

☐ YES ☐ NO

If yes, please explain. _____

49. Pursuant to S.C. Code Ann. §§ 62-5-304A(A) and 62-5-407, as Guardian *ad Litem*, I believe that the A.I.I. should **retain** the following rights and powers: (Check the rights and powers you recommend the A.I.I. should **retain**.)

a. ☐ Marry or divorce;

b. ☐ Reside in a place of the A.I.I.'s choosing, and consent or withhold consent to any residential or custodial placement;

c. ☐ Travel without the consent of a guardian;

d. ☐ Give, withhold, or withdraw consent and make other informed decisions relative to medical, mental, or physical examinations, care, treatment, and therapies;

e. ☐ Make end-of-life decisions including, but not limited to, a "do not resuscitate" order or the application of any medical procedures intended solely to sustain life and consent or withhold consent to artificial nutrition and hydration;



- f. ☐ Consent or refuse to consent to hospitalization and discharge or transfer to a residential setting, group home, or other facility for additional care and treatment;
- g. ☐ Authorize disclosure of confidential information;
- h. ☐ Operate a vehicle;
- i. ☒ Vote;
- j. ☒ Be employed without the consent of a guardian; with oversight by the Guardian
- k. ☒ Consent to or refuse educational services;
- l. ☒ Participate in social, religious, or political activities;
- m. ☐ Buy, sell, or transfer real or personal property or transact business of any type including, but not limited to, those powers conferred upon a conservator under § 62-5-422;
- n. ☐ Make, modify, or terminate contracts;
- o. ☐ Bring or defend any action at law or equity; and
- p. ☐ Other: _____

If necessary, please explain these recommendations. If additional space is needed, please use additional sheets and attach. _____

50. Pursuant S.C. Code Ann. §§ 62-5-304A(B) and 62-5-407(B), as Guardian *ad Litem*, I believe that a guardian or conservator's rights and powers shall include, but not be limited to: (*Check the rights and powers you recommend be vested with a guardian or conservator.*)

- a. ☒ Determine the place where the ward shall reside and consent or withhold consent to any residential or custodial placement;
- b. ☒ Consent to travel;
- c. ☒ Consent or refuse to consent to visitation with family, friends, and others;
- d. ☒ Give, withhold, or withdraw consent and make other informed decisions relative to medical mental, or physical examinations, care, treatment, and therapies;
- e. ☐ Make end-of-life decisions including, but not limited to, a "do not resuscitate" order or the application of any medical procedures intended solely to sustain life and consent or withhold consent to artificial nutrition and hydration;
- f. ☒ Consent or refuse to consent to hospitalization and discharge or transfer to a residential setting, group home, or other facility for additional care and treatment;
- g. ☒ Authorize disclosure of confidential information;
- h. ☒ Consent to employment;
- i. ☒ Consent to or refuse educational services;
- j. ☒ Buy, sell, or transfer real or personal property or transact business of any type including, but not limited to, those powers conferred upon a conservator under § 62-5-422;



- k. ☒ Make, modify, or terminate contracts; and
- l. ☒ Bring or defend any action at law or equity.

If necessary, please explain these recommendations. If additional space is needed, please use additional sheets and attach. _____

51. Prior to your appointment, did you know the A.I.I.? ☐ YES ☒ NO
If yes, please explain. _____

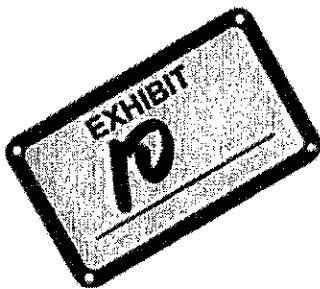
52. Prior to your appointment, did you know the person(s) seeking appointment as guardian and/or conservator? ☐ YES ☒ NO
If yes, please explain. _____

53. Prior to your appointment, did you or do you now have a personal interest in these proceedings? ☐ YES ☒ NO
If yes, please explain. _____

54. Do you believe there should be a formal hearing on this matter even if all parties are in agreement? ☐ YES ☒ NO
If yes, please explain. _____

55. Do you have any other recommendations relevant to this matter? ☐ YES ☒ NO
If yes, please explain. _____

Executed this 6th day of October, 2023.



Signature: _____
Print Name: Kimberly Shelton, Esq.
Firm Name (if applicable): Shelton Law, LLC
Bar Number (if applicable): 74174
Address: 21 Gamecock Ave. Ste. A
Charleston, SC 29407
Telephone: (843)-576-2293
Email: attorney@sheltonlawllc.com



**ADDENDUM CONCERNING PETITION FOR PROTECTIVE ORDER AND/OR REQUEST
TO RATIFY HEALTH CARE POWER OF ATTORNEY**

COMPLETE THIS ADDENDUM ONLY IF IT APPLIES TO THE UNDERLYING PETITION. IF
NOT, PLEASE DO NOT FILE THIS PAGE WITH YOUR REPORT.

**REPORT ON PETITION FOR PROTECTIVE ORDER AND/OR REQUEST TO RATIFY HEALTH
CARE POA, AND RATIFICATION OF POA/POAs:**

56. What type(s) of planning documents does the A.I.I. have (e.g., power of attorney, will, trust)? _____

57. Name of the Petitioner: _____

58. Is the Petitioner a named agent or alternate agent in the A.I.I.'s power(s) of attorney (POA(s))? ☐ YES ☐ NO

If yes, which document or documents? _____

If no, what is the relationship of the Petitioner to the A.I.I.? _____

59. Have you been provided with copies of and reviewed the A.I.I.'s POA(s)? ☐ YES ☐ NO

60. Do you believe the POA or POAs of the A.I.I. are sufficient to address the needs of the A.I.I., based on your investigation? ☐ YES ☐ NO

If no, please explain the concerns. _____

61. Do either you or the A.I.I. have any concerns about or objection to the individual named as agent in the A.I.I.'s POA or POAs serving in that role, if the court ratifies the documents? ☐ YES ☐ NO

If yes, please explain the concerns: _____

62. If you have concerns, would the A.I.I. be better served by the appointment of a guardian and/or conservator rather than ratification of the document(s)? ☐ YES ☐ NO

If yes, please explain: _____

63. Do you recommend that the Court make a finding of incapacity and ratify the POA(s)? ☐ YES ☐ NO
Please explain. _____

64. If you recommend the removal of any rights as part of the protective order, please indicate in Section VI which rights you believe should be removed and/or vested in the agent operating under the POA.

Executed this _____ day of _____, 20____.

Signature: _____

Print Name: _____

Firm Name (if applicable): _____

Bar Number (if applicable): _____

Address: _____

Telephone: _____

Email: _____



STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF CHARLESTON	)	
	)	CASE NO. 2022-GC-10-00078
IN THE MATTER OF:	)	
JAKE MANNETTA	)	SUPPLEMENTAL INTERIM
	)	REPORT OF GUARDIAN <i>AD LITEM</i>
	)	
	)	

I was appointed as Guardian *ad litem* for the alleged incapacitated adult, Jake Mannelta on May 19, 2022, following the filing of a Petition for Finding of Incapacity, and Appointment of Guardian and Conservator, Motion for Temporary Relief and Ex Parte Order for Emergency Relief on May 19, 2022. I filed an Interim Report on June 21, 2022, and a Supplemental Interim Report on November 28, 2022. This report will supplement information included in those reports.

Since the last report, the parties, entered into a temporary order by consent which included continued temporary guardianship to continue with Dana Mannelta, and a visitation schedule for Scott Mannelta to visit with Jake, in addition to other relief and restrictions.

I have visited Jake Mannelta several times since the Court's order. In my most recent visit on September 29, Jake greeted me at the door with a puppet who talked for a few minutes before I could persuade him to talk to me as Jake. During my meeting, Jake talked about his current schedule, which he said was busy. He said he is now working three days a week at Migliori's -- a pizza restaurant in Mt. Pleasant that specifically hires and trains special needs teens and young adults. His schedule has increased from 2 days a week, and he is now working during the actual lunch rush, rather than lunch prep. His responsibilities have also increased during the shifts. He is proud of what he is doing and seems to really like his coworkers. He said he is also working evening a week at the cotillion, which was a group he attended several years



ago. He assists the group leader with the new group of attendees and is planning to DJ the upcoming dance. He was very proud of this and seems to enjoy it.

He will also be working with DDSN Vocational Rehabilitation doing job skills training, interview skills, and other life and job skills. He will be meeting about once a week with the job counselor for these sessions which may also take place at his places of employment. He had his first appointment for interview training last week with Voc Rehab and interviewed for a position at Chick-fil-A the next day. He was hired in a mascot position, with the potential to also work in the dining room. This Chick-fil-A location also has experience with hiring and training special needs adults.

Jake also continues to participate in the social group for adults on the autism spectrum which he started about a year ago. He has made good friends in the group, who have introduced him to a larger network of friends that he also talks to on a regular basis. Jake enjoys going to the group and likes the group leader, Toni Boucher.

Jake wouldn't comment to me on who he would like to live with but said he didn't want to live alone. He directed me to speak with his attorney. His attorney said that he would like to spend 9 months a year with his dad, and 3 months with his mom. He said he talks to his dad every day, and that his dad calls him all day, but he usually waits to call him back to talk later at night. He said hasn't seen his dad in a long time. He couldn't remember when the last time was, but said it was when he was in town for a pickleball event. He mentioned again that his dad didn't come in for his graduation or birthday and was disappointed that he didn't come in. He said he didn't know why his dad didn't come in, but he's very busy.

Since the court hearing, I have had an opportunity to speak again with Toni Boucher about Jake's progress in her group. He meets with this group at least once a week, usually on the



weekend, in both a male only and co-ed settings. Ms. Boucher has 34 years of experience working with people of all ages on the autism spectrum and was the director of Autism Division with the Department of Disabilities and Special Needs. She works with people on the autism spectrum of all ages from a wide range of abilities from high-level employees at large corporations to young adults with significant needs.

The group meetings sometimes occur at Toni's office, but also in outings to restaurants, movies, etc. Jake enjoys this group and considers the others his friends. Ms. Boucher said that the group is primarily to give the group a safe space to socialize with their peers where they are not judged for being different and are accepted and cared for by each other. Secondly, the group works on life skills in real life social settings, such as out to eat or at the movies. She also worked specifically with Jake as he developed a romantic relationship with another group member to help guide the two on establishing and respecting relationship boundaries, understanding the concept of consent in a physical relationship and how to practice recognizing consent.

Ms. Boucher said that Jake has made improvements over the last year in some areas. She said that Jake has improved at recognizing other group members when they are speaking, and not always interrupting and inserting what he wants to talk about. She also said that Jake has become better at social boundaries, specifically at being more cautious when trying to date. She said that Jake is handling the breakup with his girlfriend well and has been able to express his emotions about the situation, identifying that he misses his girlfriend, and realizes that he is sad, rather than ignoring or trying to move quickly past the breakup. Another noted improvement is Jake's ability to keep a secret – which can also be a double-edged sword. When I explained that Jake had become much more secretive in sharing information with me as GAL, going from being a



complete open book to being unwilling to discuss deeper topics, Ms. Boucher said that should actually be considered a positive. While it is not good that he is learning to keep secrets from someone when disclosure is important to his safety, the mere fact that he is able to identify me, as GAL, as someone to filter “secrets” away from can be an improvement as long as he is choosing the correct safe people to keep personal information from.

Ms. Boucher said that there are many skills on which Jake is still working. He is working on volume control and impulsivity. She said that when ideas are brought up in group, that Jake immediately Jake wants to act on the idea, without thinking about logistics, actual possibility, or considering options – that there is no thought process behind the decision. She is concerned that this plays out in other areas of his life which leaves him open to exploitation. She is continuing to work on relationship boundaries as Jake demonstrates conceptual understanding of consent and age of consent, but his impulsivity still causes issues with this in practice. She is concerned about this specifically with internet access and dating and other sites which could place Jake in danger of corresponding and approaching girls who are not of age. She said that this is a very common issue among autistic young adults as they struggle with discernment of ages, motives, and safety of online postings. She said that autistic young men, in particular, face a very high risk of criminal implications for online behavior due to these issues, and she has concerns for Jake in these areas as he has a history of exposure to mainstream dating sites and pornography.

Ms. Boucher also said that Jake is working on the obsessive qualities of autism which, like many people with autism, he becomes hyper-focused on certain ideas or activities and will not let them go. For example, she said that Jake will talk obsessively about his YouTube channels to the other group members and will not let other move to another topic and does not recognize the social cues when group would like to move on – and needs intervention to ask him



to stop speaking about one issue so others can also share their ideas. Ms. Boucher said that this quality can be alienating for autistic people because it is considered rude or annoying to the general public and can affect acceptance in work and social settings.

Jake is also working on body awareness in spaces. He has a tendency to intrude on other people's space or spread his belongings out in a space to take up room where other people would be moving around and needs redirection to realize that he is doing this.

He is also working on cognitive abilities such as counting money, paying a check at a restaurant and understanding how to calculate a tip. His cognitive abilities also affect other areas of his life. This is an area which she has not seen as much improvement over the last year and is something which will need significant support to ensure he is not exploited financially.

Ms. Boucher said that Jake's mother has been a very proactive parent, and addresses concerns appropriately (out of earshot of Jake). She said Dana has good insight into Jake's needs, and seeks other information about what she can be doing differently or better.

Overall, Ms. Boucher believes Jake is a bright, capable and motivated young man. She believes that if Jake continues to live with the current level of support, and is protected from exploitation, that he is capable of living a fairly independent life with reduced supports as he makes cognitive, social and life skill improvements. She does not believe that Jake will be able to develop the necessary skills for an independent life if he is not involved in training focused on adults on the autism spectrum.

I have also had the opportunity to speak with Jake's father. Within a month of the filing of the case, Scott sold his home and moved to Naples, Florida, and continues to reside there. Scott's position has not changed during the case. He does not believe that Jake is incapacitated to any extent, and that he only requires the "typical" supports of any 19-year-old. He said that the



only real support would need would be financial, and that just like with his daughter, Haley, he will also financially support Jake. He said that he knows Jake was diagnosed with developmental delays, but that he is much "smarter and wiser" now. Scott said that Jake has no desire to live independently and will live with him. Scott doesn't believe guardianship is required because Jake has two parents that manage everything fine. He said that communication is basically non-existent between himself and Dana because she has so much resentment towards him that she won't communicate with him. He spoke many times about Dana's hatred and resentment towards him and that this is the source of the custody battle a couple of years ago and everything related to this case -- that she cannot let go of their divorce and is seeking to control Jake to get back at him.

I discussed the potential supports that exist in the Naples area for autistic or developmentally delayed adults. He said that he's sure they are around, but he hasn't looked into anything because he doesn't believe Jake needs any of that support and wants to "break him away from special needs children" so he can be "mainstreamed." He believes Jake should be an entrepreneur and will work for Scott in his pickleball apparel business. He said he will also help Jake with his YouTube channels or any other entrepreneurial interest Jake has. Scott said that since he receives disability/pension from the New York City Police Department he doesn't really need to work, and can therefore, make his own schedule with his business and work as much or as little as he wants. Scott said that he wants Jake to be in control of his visits with his parents and he will let Jake see his mom whenever he wants and would never interfere with that time. When asked about why he didn't visit with Jake in the last 9 months, he said that he didn't really agree to anything in the court order, that it was a "forced agreement" and that he is "not interested in playing games of visitation" scheduled by the Court. He said he is also "not



interested in Court orders” and said he would not comment on whether he would comply with scheduled visitation in a final order because that is a hypothetical situation, and he didn’t think there will be an order because the case will be dismissed.

I also interviewed Dana Mannetta regarding how things have gone since our last court hearing. She said that Jake has been doing well with his work and social group and likes participating in his activities. She said that his responsibilities at work seem to have increased, and his hours shifted to the lunch rush. She said he is exhausted after his shifts. She said that she and Jake’s relationship is good, but she struggles with some pushback on daily hygiene and defiance at other times. Dana has been proactive in addressing Jake’s desire to seek out pornography, which has continued to be an issue on occasion. She understands the risk of access to pornography and has tried to implement measures to prevent this, but Jake has accessed sites on two occasions that she is aware of. Each time she has addressed the situation with Jake.

Dana said that communications with Scott have continued to be poor. She said that when she attempts to communicate about things as simple as access to current insurance information for Jake, her communication are completely ignored. She said Jake continues to receive TikToks and other videos about narcissism, parental alienation, child abuse, and custody battles. She forwarded screen shots of the TikToks sent by Scott to Jake by text message, all since our last court hearing in November. These videos are the same type of videos Jake showed me during our first appointment in 2022. She said Scott has also continued to discuss the case with Jake with texts/emails with the language from the court order and a statement “it will never end...this is your mother continuing the sickness.” (see exhibit #1). Scott has also continued to pressure Jake not to speak with his own attorney in the case, as he was doing at the onset of the case before and during an appointment I attended. For example, one text thread on May 29, 2023 was sent by



Scott saying "I just wrote Jack a very long email...if you talk with him tomorrow without me there's going to be major problems...I'm letting your know as your father, and someone who cares and loves you more than anyone...and has been fighting for you...if you talk with Jack in your bedroom tomorrow, he knows that there will be serious consequences...you are being mistreated...ok?...do you understand..." On May 30, after no reply from Jake he continues at 11:49 a.m. "Jake" at 12:14 "Jake...are you with Jack?" At 12:30: "Ok ... call me" "Why aren't you answering your phone" At 12:59: "I'm really confused about what's happening Jake...Can you please explain" (see exhibit #2) According to Dana, he has also continuously talked about and sent videos to Jake about a family who was involved in a high conflict divorce where the dad (Caleb Leverette) documents every detail of his custody battle with the child's mother wherein he accuses the mother of being narcissistic, of parental alienation and child abuse and has dedicated his life to his YouTube and other social media channels to posting about his complaints. Dana said that Scott has repeatedly told Jake that he will "stop fighting and walk away" if Jake doesn't follow his plans. She said Jake believes that if he doesn't do what his dad wants, that his dad will never speak to him again. In an email/text from May 24 Scott messaged to Haley and Jake "You'll both notice that I'm not answering phone calls. I've been incredibly sad lately and am having trouble understanding choices you both continue to make. It hurts every second of every day, and I'm not going to allow myself to be sickened anymore with the abuse of your mother. I'm fighting it alone, and neither of you have shown any interest or desire to change." (see exhibit #3)

CONCLUSION

I believe Jake requires the appointment of a guardian. In my review of the medical records made available it appears that Jake has repeatedly met criteria for an autism spectrum



diagnosis and pervasive developmental disorder. Jake's attorney and Jake's father state that there is not a firm diagnosis and therefore, he is not incapacitated to the extent that he requires a guardian. Even if, under a reading of all of the evaluations, a person could determine there is not a firm diagnosis of ASD, Jake's limitations and needs remain the same. By Jake's own requests, he does not believe he can live alone, he does not follow up on his own hygiene without prodding from his mother, he cannot drive, he is unsure about most medical decisions and major life decisions so would like assistance in making those decisions, he needs someone to assist in preparing hot meals because he is nervous about burning himself due to tremors. He believes he can make decisions about his employment and social life but needs rides to facilitate both. Jake is a smart, talented young man with great potential to lead a fulfilling and mostly independent life with the supports recommended by the professionals who have worked with Jake, but requires a Guardian to facilitate these and other aspects of his life.

I do not believe Scott Mannetta is a fit and property person to act as Guardian. Scott does not appear to have insight into Jake's limitations and need for support. He speaks about Jake's diagnoses as if they are weaknesses and therefore, something that should not be acknowledged. He has repeatedly facilitated Jake's access to pornography and dating sites despite knowing that these were specifically warned against by professionals involved in Jake's life, as far back as when Jake was a minor child during the custody case. Scott also has had no regard for this process or the Court orders, has violated the orders by refusing to return Jake while in state, removing Jake from the state after being ordered to return him, posting fundraising websites with confidential case information and refusing to remove it, repeatedly sending negative, disparaging and derogatory information about Jake's mother directly to Jake during the pendency of the case, and after being ordered not to, and despite Jake asking him to "knock it off." He also refuses to

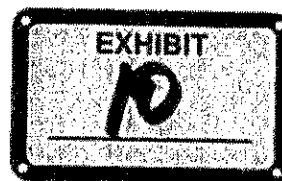


communicate with Dana, and only communicates through Jake, despite claiming that Dana is the one who refuses to respond to him. Scott continues to make poor and harmful decisions regarding Jake that appear to be motivated entirely by his resentment for Dana, causing much confusion and disappointment to Jake as he uses the withholding of visitation as a weapon which only hurts Jake. Scott places enormous pressure on Jake to conform to what Scott wants him to do, or he will cut him off.

Dana Mannelta is a fit and proper person to act as Guardian as she acknowledges Jake's current needs, is proactive in seeking resources and opportunities that are developmentally appropriate and supportive for Jake. She does not speak about Jake's limitations as things that are wrong with him or things that he should be embarrassed about or ashamed of. Dana appears to be dedicated to continuing Jake's forward progression in job, social and life skills with the ultimate goal of living as independently as possible. She is also open to learning and changing her own approaches to fit recommendations on Jake's needs. She is capable of and has attempted to facilitate communication with Jake's father despite very aggressive return communications or no communication at all.

Unfortunately, Jake's desire for a shared custody arrangement could not practically work because he is an adult, not on a school/summer break schedule, and he would not be able to maintain employment with such a schedule.

I believe if an order for guardianship is established, it will be necessary for the court to lay out specific visitation guidelines like what was included in the Temporary Order from November 2022, due to the past refusal to follow orders, and the police refusal to become involved with vague order language. Likewise, I believe all of the additional restraints from the temporary order also continue to be necessary as there have been no visits which could have

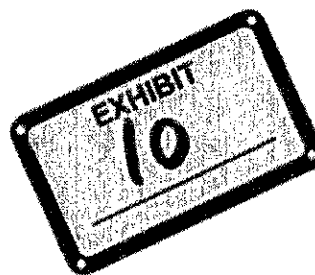


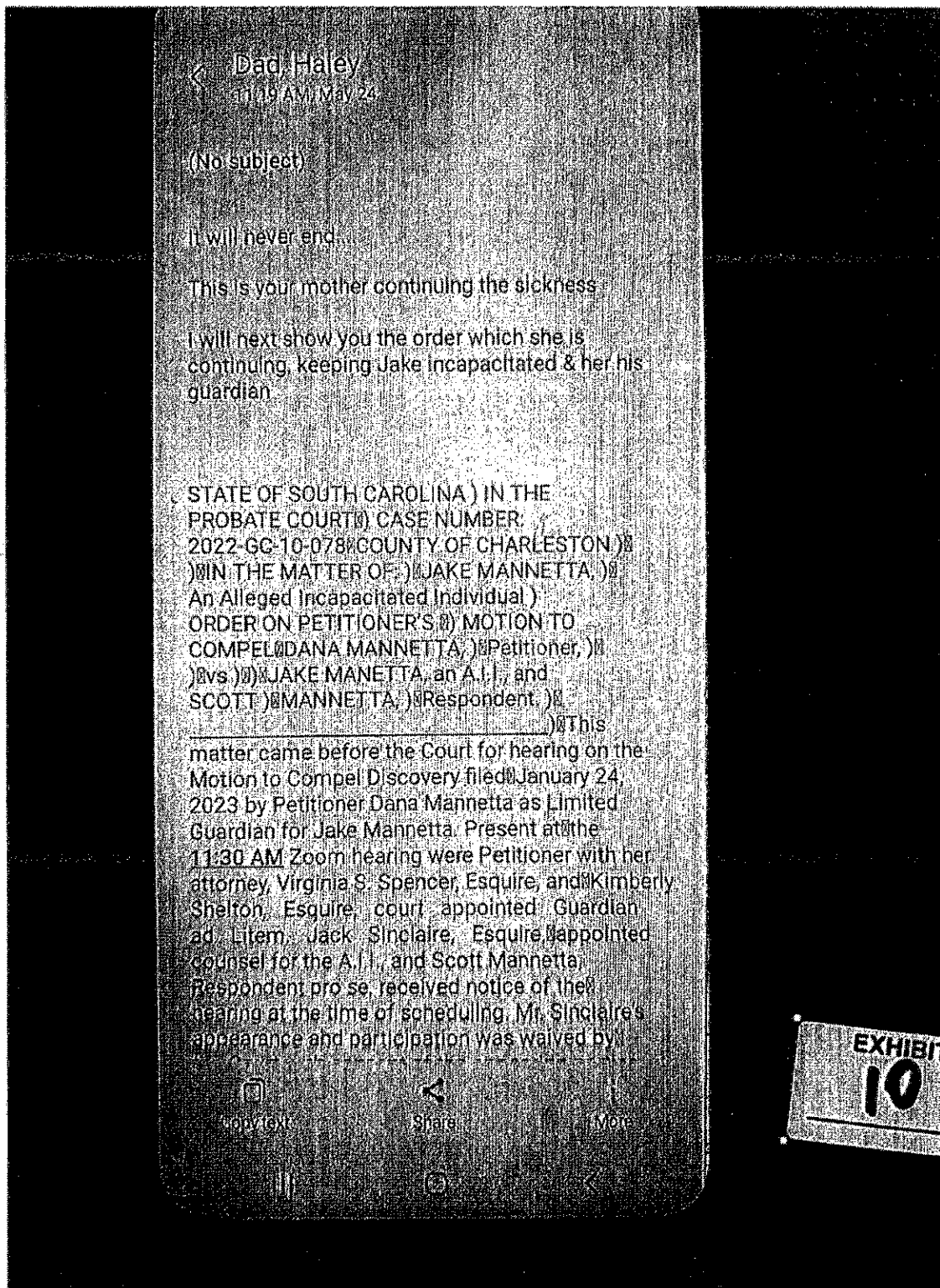
allowed some observation of positive experiences and relaxation of guidelines.

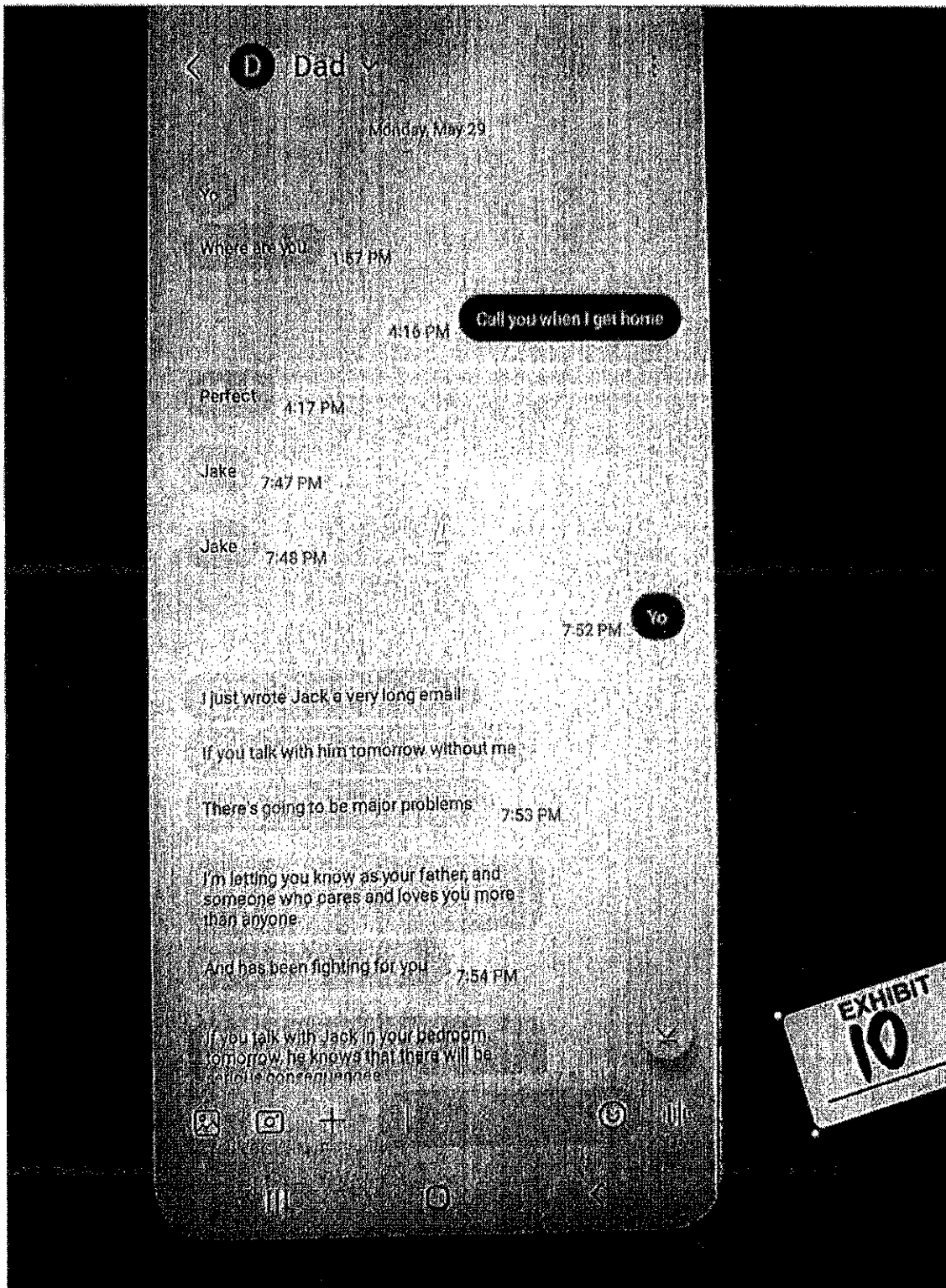
Respectfully submitted,

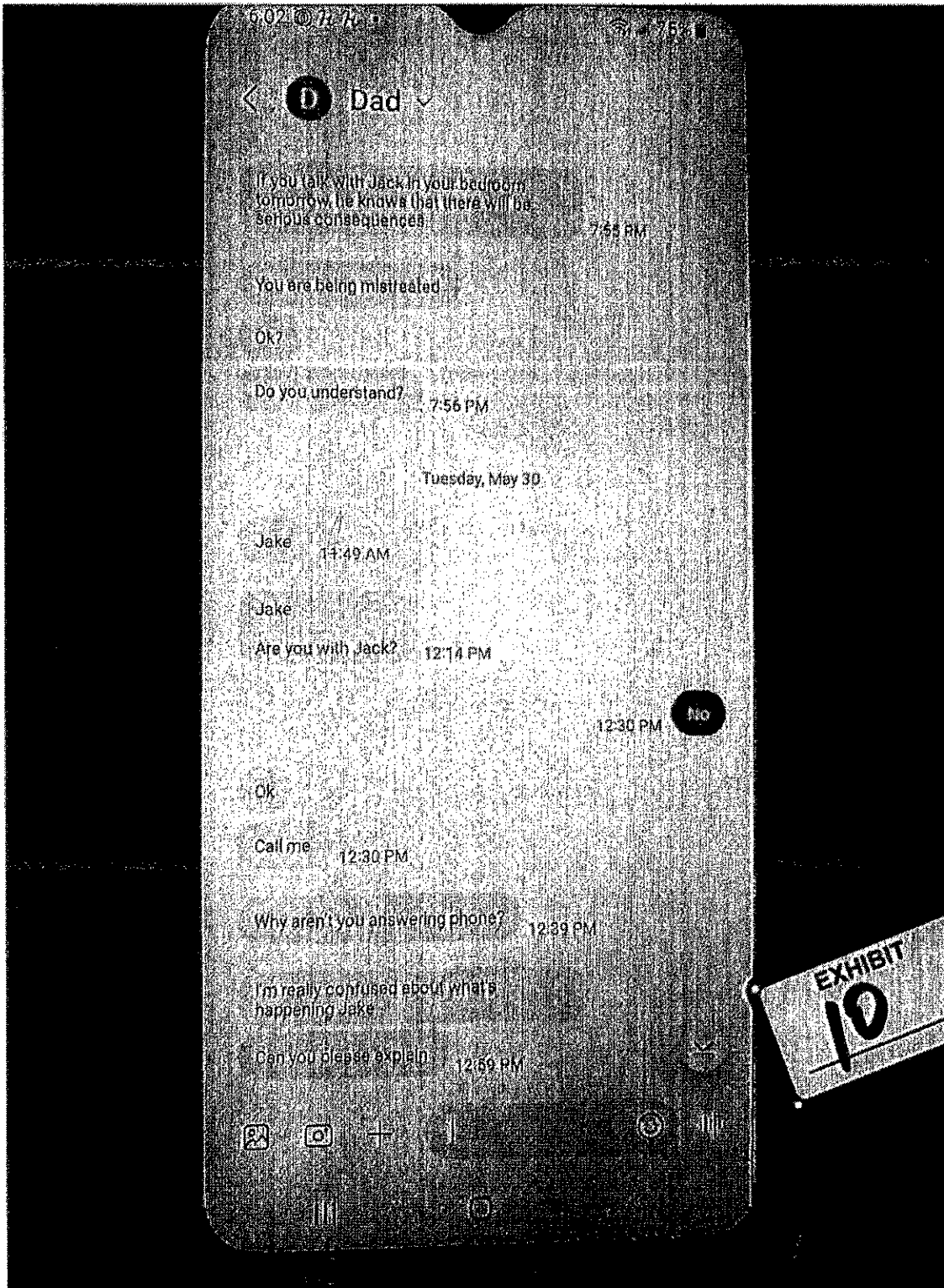
s/Kimberly Shelton

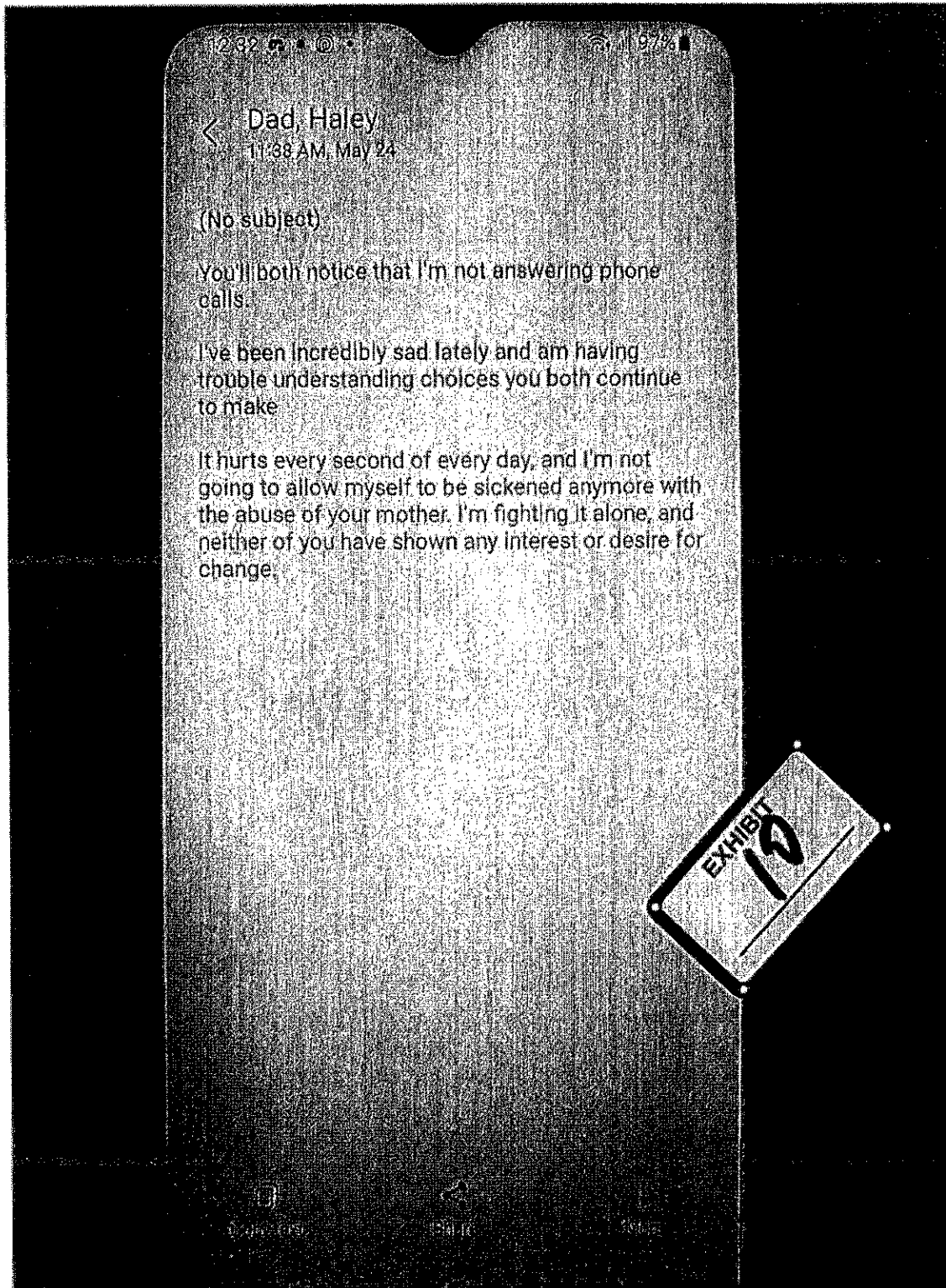
Kimberly Shelton, Esq.











STATE OF SOUTH CAROLINA

COUNTY OF

IN THE MATTER OF:

Jake R. Mannetta

an alleged incapacitated individual.

PROBATE COURT USE ONLY

IN THE PROBATE COURT
CASE NUMBER

EXAMINER REPORT AND AFFIDAVIT
REGARDING CAPACITY

Please answer the following questions concerning the alleged incapacitated individual (hereinafter, "patient") and provide explanations or additional comments and details at the end of this form or on an attached sheet of paper.

1. Patient's name: *Jake R. Mannetta*
2. Have you treated the patient previously? *no* Yes ☐ No ☐

If yes, how long?

3. a) Date(s) and place(s) of all examination(s) within previous ninety (90) days:

Nov 18, 2022

- b) Date(s) and place(s) of all examination(s) relied upon in making this report:

Nov 18, 2022

4. Please provide a diagnosis and assessment of the patient's mental and physical condition, including whether he/she is taking any medications that may affect his/her actions:

*Pervasive Developmental Disorder v. Autism Spectrum Disorder
Anxiety Disorder*

Are additional tests or assessments, such as lab tests, neuroimaging/MRI, neuropsychological testing, or other tests needed in order to give a more definitive diagnosis? If so, what further tests or examinations are needed?

no

5. Please specify which diagnoses and/or condition(s) are progressive, permanent, or temporary.

Progressive:

Permanent: *PDD v. ASD*

Temporary: *Anxiety*

6. Please describe the nature and extent of any incapacity, including specific impairments:

*social cognition.
medical problems (mild)*



Page 4 of 4

7. Please describe the nature and extent of the patient's abilities, including those that would allow him/her to accomplish certain tasks with reasonably available "supports and assistance"¹:

cando ADL, can be employed.

8. Does the patient have the capacity to retain the following rights (If you cannot attest to yes or no, please explain what additional test/s can be done to achieve that information):

- | | |
|--|--|
| a) Marry or divorce? | Yes ☐ No ☒ Unknown ☐ |
| b) Reside in a place of his/her choosing, and consent or withhold consent to any residential or custodial placement? | Yes ☐ No ☐ Unknown ☐ |
| c) Travel without the consent of a guardian? | Yes ☐ No ☒ Unknown ☐ |
| d) Give, withhold, or withdraw consent and make other informed decisions relative to medical, mental, and physical examinations, care, treatment, and therapies? | Yes ☐ No ☒ Unknown ☐ |
| e) Make end-of-life decisions including, but not limited to, a "do not resuscitate" order or the application of any medical procedures intended solely to sustain life, and consent or withhold consent to artificial nutrition and hydration? | Yes ☒ No ☐ Unknown ☐ |
| f) Consent or refuse consent to hospitalization and discharge or transfer to a residential setting, group home, or other facility for additional care and treatment? | Yes ☒ No ☐ Unknown ☐ |
| g) Authorize disclosures of confidential information? | Yes ☐ No ☒ Unknown ☐ |
| h) Operate a vehicle*? | Yes ☐ No ☐ Unknown ☒ |
| i) Vote? | Yes ☒ No ☐ Unknown ☐ |
| j) Be employed without the consent of a guardian? | Yes ☒ No ☐ Unknown ☐ |
| k) Consent to or refuse educational services? | Yes ☒ No ☐ Unknown ☐ |
| l) Participate in social, religious or political activities? | Yes ☒ No ☐ Unknown ☐ |
| m) Buy, sell, or transfer real or personal property or transact business of any type? | Yes ☐ No ☐ Unknown ☒ |
| n) Make, modify, or terminate contracts? | Yes ☐ No ☐ Unknown ☒ |
| o) Bring or defend any action at law or equity? | Yes ☐ No ☐ Unknown ☐ |
| p) Any other rights and powers? Please list. | |

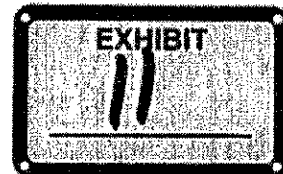
no weapons.

COMPLETE EXPLANATION(S) FOR QUESTIONS a) through p) HERE.

If more space is required, use additional sheets and attach.

(*If you answered "yes" to h), please state below whether a full driving evaluation has been conducted.)

please see report



¹ As defined in S.C. Code Ann. § 62-5-101(23), "Supports and assistance" includes:

(a) systems in place for the alleged incapacitated individual to make decisions in advance or to have another person to act on his behalf, including, but not limited to, having an agent under a durable power of attorney, a health care power of attorney, a trustee under a trust, a representative payee to manage social security funds, a Declaration of Desire for Natural Death (living will), a designated health care decision maker under Section 44-66-30, or an educational representative designated under Section 59-33-310 to Section 59-33-370; and

(b) reasonable accommodations that enable the alleged incapacitated individual to act as the principal decision maker, including, but not limited to, using technology and devices; receiving assistance with communication; having additional time and focused discussion to process information; providing tailored information oriented to the comprehension level of the alleged incapacitated individual; and accessing services from community organizations and governmental agencies.

9. Would the patient benefit from:

- a) Therapy or treatment?
- b) Medical aids or equipment?
- c) An operation or medical procedure(s)?
- d) Psychiatric treatment?

Yes ☒ No ☐
Yes ☐ No ☐
Yes ☐ No ☐
Yes ☒ No ☐

10. Has the patient had in the last six months:

- a) Hospitalization(s)?
- b) Therapy or treatment?
- c) Inpatient or outpatient surgery?
- d) Major medical test(s)?
- e) Psychological or psychiatric testing?

Yes ☐ No ☐
Yes ☒ No ☐
Yes ☐ No ☐
Yes ☐ No ☐
Yes ☐ No ☐

11. In your opinion, does the patient have the ability to:

- a) effectively manage his/her property or individual financial affairs, provide for his/her support, or for the support of his/her legal dependents? Yes ☒ No ☐

If yes, is the ability limited in any way? Please explain:

requires some supervision

- b) meet the essential requirements for his/her physical health, safety, or self-care. Yes ☐ No ☒

requires some assistance

If yes, is the ability limited in any way? Please explain:

12. The patient continues to perform the following activities of daily living: *yes*

13. Does the patient have:

- a) A power of attorney?
- b) A healthcare power of attorney?
- c) A "living will"?

Yes ☐ No ☐ Unknown ☒
Yes ☐ No ☐ Unknown ☒
Yes ☐ No ☐ Unknown ☒

14. Does the patient have any of the following coverages?

- a) Health insurance?
- b) Medicare?
- c) Medicaid?
- d) Veteran's health care?

Yes ☐ No ☐ Unknown ☒
Yes ☐ No ☐ Unknown ☒
Yes ☐ No ☐ Unknown ☒
Yes ☐ No ☐ Unknown ☒

15. Does the patient have a primary caregiver? *mother*

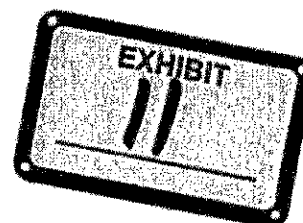
Yes ☐ No ☐

If yes, provide caregiver's name, address, and relationship to the patient.

16. Please identify the persons with whom you met or consulted regarding the patient's mental or physical condition:

*Dana Mannette
Scott Mannette
Hara White
Harry Hutchins
Davis Henderson
Toni Bocher*

*Katie Hudson
Haley Mannette
Medical Records
DDST Reports*



Page 2 of 4

17. BASED UPON MY EVALUATION OF THIS PATIENT:

- a. ☐ I DO NOT BELIEVE THIS PATIENT IS "INCAPACITATED."² I do not find that he/she lacks the ability to effectively receive, evaluate, and respond to information or make or communicate decisions such that a person, even with appropriate, reasonably available support and assistance cannot:
- a) meet the essential requirements for his/her physical health, safety, or self-care, necessitating the need for a guardian; or
 - b) manage his/her property or financial affairs or provide for his/her support of for the support of his/her legal dependents, necessitating the need for a protective order.
- b. ☒ I DO BELIEVE THIS PATIENT IS "INCAPACITATED" to such an extent, that he/she lacks the ability to effectively receive, evaluate, and respond to information or make or communicate decisions such that a person, even with appropriate, reasonably available support and assistance cannot:
- a) meet the essential requirements for his/her physical health, safety, or self-care, necessitating the need for a guardian; or
 - b) manage his/her property or financial affairs or provide for his/her support of for the support of his/her legal dependents, necessitating the need for a protective order.

Use this space to provide explanations or additional comments.

Limited Guardian

SWORN to before me this 13th day of February, 20 23

Examiner's Signature: [Signature]

Print Name: Leonard W. Mulvey Jr MD
Credentials: MD

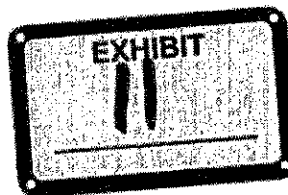
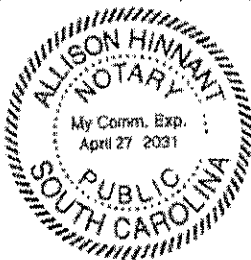
Allison Hinnant
Print Name: Allison Hinnant
Notary Public for: SC

(e.g., M.D., Ph.D., D.O., R.N.)

Address: 520 Folly Rd Ste 25 #262
Charleston SC 29412

Telephone: 843 755 2666

(State)
My Commission Expires: 04/27/2031
(Date)

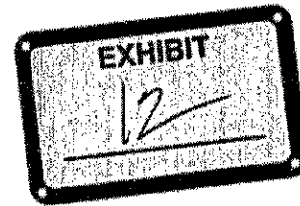


²As defined in S.C. Code Ann. § 62-5-101(13), "Incapacity" means the inability to effectively receive, evaluate, and respond to information or make or communicate decisions such that a person, even with appropriate, reasonably available support and assistance cannot:

- a) meet the essential requirements for his/her physical health, safety, or self-care, necessitating the need for a guardian; or
b) manage his property or financial affairs or provide for his support of for the support of his legal dependents, necessitating the need for a protective order.

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

Affidavit of Scott R. Mannetta
Plaintiff: Scott R. Mannetta
Defendant: Jack Sinclair, Esq.
Case No.: [To Be Assigned]



SWORN STATEMENT OF SCOTT R. MANNETTA

I, **Scott R. Mannetta**, being duly sworn, depose and state as follows:

1. Background and Personal Information

1. I am a retired, disabled police officer residing at **7575 Morgan Way, Naples, FL 34119**. I am the father of **Jake Mannetta**, who is the subject of ongoing legal proceedings regarding his guardianship.
2. This affidavit is being submitted in support of my **legal malpractice and breach of fiduciary duty lawsuit** against **Jack Sinclair**, who was appointed by the court to represent my son Jake in probate court proceedings initiated by my son's mother, **Dana Mannetta**.
3. I affirm that the facts stated in this affidavit are true and correct to the best of my knowledge and belief, based on both personal experience and written evidence.

2. Key Facts and Evidence

A. Exclusion from Critical Legal Discussions

4. My son Jake specifically requested that I, as his father, be included in all strategic discussions regarding his case with his attorney, **Jack Sinclair**. Jake's mental state and the complexity of the guardianship proceedings required my guidance and presence.
5. Despite Jake's expressed wishes, **Jack Sinclair systematically excluded me from all important discussions and decisions**. As a result, Jake was left unprepared and unsupported, unable to adequately advocate for his own rights during the process.

B. Failure to Act on Evidence of Negligence by Dana Mannetta

6. **Dana Mannetta**, Jake's mother, has repeatedly failed in her fiduciary duties as temporary guardian, allowing Jake unrestricted access to inappropriate websites and placing him in other harmful situations.
7. In a **conference call held on September 9, 2023**, Dana admitted to breaches of her duty, including Jake's involvement in a dangerous situation with a special-needs female. Despite this admission, **Jack Sinclair failed to act**, leaving these critical issues unaddressed and allowing harm to continue.
8. I sent **multiple emails** to Jack Sinclair notifying him of Dana's breaches, including emails dated:
 - **September 15, 2022**: Notification to include me in discussions about the case.
 - **October 21, 2022**: Details of Dana's negligence in protecting Jake from harmful online content.
 - **November 29, 2022**: Further evidence of Dana's neglect and harm, to which Jack did not respond.

9. These communications were ignored, and ****no legal action was taken by Sinclair**** to rectify Dana's failure to fulfill her responsibilities as temporary guardian, contributing to Jake's continued exposure to danger.

**C. Failure to Adequately Prepare for Trial**

10. ****Jack Sinclair failed to depose**** any key witnesses prior to the hearing, including myself, Dana, or ****Dr. William Mulbry****, a critical expert witness who could testify to Jake's need for limited supervision.

11. Sinclair also did not conduct discovery, failed to request ****interrogatories****, and did not file any necessary pre-trial motions to properly defend Jake's interests or challenge the ****ex parte order**** that initiated the case.

12. The absence of these crucial trial preparations ****severely weakened Jake's defense**** and allowed an unfavorable outcome, directly affecting my son's rights and well-being.

**D. Denial of Appeal and Missed Opportunity for Reversal**

13. Following ****Judge Kirchner's decision****, Jake expressed to me his immediate desire to appeal the ruling, which stripped him of key rights under the guardianship.

14. ****Jack Sinclair refused to proceed with an appeal****, advising Jake against it without proper consultation. Jake only withdrew his desire to appeal due to ****pressure and coercion from Dana****, who threatened consequences if he continued with legal action.

15. In a recorded conversation with Jake, dated ****April 28, 2024****, Jake admitted that he initially wanted to appeal but was dissuaded by Sinclair's inaction and his mother's threats. This recording further demonstrates Jack's neglect in protecting Jake's legal rights.

**E. Improper Conduct During Legal Strategy Sessions**

16. ****Jack Sinclair frequently met with Jake in his bedroom at Dana's apartment****, where Dana was nearby and could have overheard or recorded their legal strategy discussions. Jack never took steps to ensure confidentiality or Jake's protection from potential eavesdropping or surveillance.

17. It was only after I raised concerns with Sinclair that he began meeting Jake in other public locations, but this was ****too late to protect the integrity of their discussions****, leaving Jake vulnerable to external influences throughout the case.

**3. Legal Impact and Consequences**

18. As a result of ****Jack Sinclair's negligence, malpractice, and breach of fiduciary duty****, my son Jake has suffered tremendous emotional, psychological, and legal harm. He remains under an oppressive guardianship, which he never wanted, and has been denied his right to an appeal, further isolating him from my support and guidance.

19. Additionally, I have suffered severe emotional distress and financial loss due to Sinclair's failures. His refusal to act in my son's best interest and uphold his professional responsibilities has caused irreparable damage to my relationship with Jake and has left my son in a hostile, harmful environment.

**4. Prayer for Relief**

****WHEREFORE****, I respectfully request the court to:



- ****Grant judgment against Defendant**** for damages, including emotional distress, financial loss, and the irreparable harm caused by Defendant's actions and inactions.
- ****Order the reimbursement of attorney's fees**** and legal expenses incurred by Plaintiff.
- ****Take further corrective action**** to hold Defendant accountable for his legal malpractice, fiduciary breach, and attorney misconduct.
- ****Grant any additional relief**** that the court deems necessary and just.

****NOTARY SECTION****

****STATE OF SOUTH CAROLINA****
****COUNTY OF CHARLESTON****

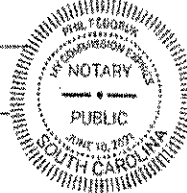
I, ****Scott R. Mannetta****, hereby swear and affirm under penalty of perjury that the foregoing statements in this affidavit are true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me on this 10 day of SEPT, 2024, by ****Scott R. Mannetta****, who is personally known to me or has produced identification.

****Notary Public****: [Signature]

****Name****: Paul R. Doran

****My Commission Expires****: 10 June 2031



00:00:03

Scott: Hey, this is Scott Mannelta, it's April 28th, Sunday, and I'm here with Jake Mannelta, my son, who is going to be 20 years old on May 19th, right? So we are only a couple weeks away, and this is probably the first time since his mother had started a guardianship case against him, which was almost two years ago, that I've got to spend time with him, because they used the court system to keep him away from me,

00:00:37

they kind of manipulated the system, and unfortunately he had an attorney that kind of played along with it and did, you know, he did the bare minimum, and I'm not even sure if even the bare minimum is right to say, because he caused a lot of this by, you know, his mother, and this by, you know, his mother, and I'm not even sure if even the bare minimum is right, not allowing me to be a part of strategy sessions with Jake so basically Jake is

00:01:08

it correct that Jack you told you, we've already had a discussion about this and I'm not forcing you to do this right so you're doing this on your own free will

Jake: yeah yeah

Scott: and you want to just tell your story now right about yeah how you were mistreated during this entire trial okay so you told me that you wanted me to be a part of all your strategy sessions during the two years or almost two years of your case but what did you tell me why you didn't because

Jake: Jack didn't want.
you involved in our conversation and you know

Scott: any idea why Jack didn't want me involved

Jake: because he said you should get your own lawyer to talk to him about it

Scott: right but so so I should get my own lawyer meanwhile this case wasn't about me it was about you my son who I wanted to just be there to assist you because, you really didn't know the right questions to ask Jack did you

Jake: yeah

Scott: is that correct you didn't know the right

Jake: yes

Scott: right so basically whatever Jack told you to do you did right

Jake: yeah

Scott: and you didn't know whether it was right or.

00:02:13

wrong you just you trusted him yeah and inevitably this case ended and whatever Jack did or didn't do led for you to now be under this quote-unquote limited guardianship but you basically have all of your rights gone now right so you can't your your phone is now blocked from any communication with me right, this is the first time that I've been able to see you for almost two years so.

00:02:48

you were kept away from me for for a very long extended period of time correct

Jake: yes

Scott: and. Because... So Jack, let's get back to Jack Sinclair, your attorney. He held all of his strategy sessions up until I said something to him. Where did you guys meet?

Jake: We would usually meet at my old apartment. One time I met over at his law firm when Ms. Shelton came and talked to us.



00:03:24

Scott: Okay. So when you said that you would meet in your apartment, your mother was home as well?

Jake: She would usually be in her room.

Scott: She would be in her room?

Jake: Yes.

Scott: And where would you be? Jake: Usually I would be on the back porch or usually I would head to my... Usually I would head to the clubhouse.

Scott: Right. But did you have... Didn't you have... Did you talk in your bedroom?

Jake: One of... I think like a couple times.

Scott: Right. So most of the times you are... I'm just going to call them strategy sessions because I don't know what else to call them.

00:03:56

But when you met with Jack, most of the time it was in your apartment. with your mother still there right?

Jake: Yes.

Scott: Your mother who was the petitioner who was petitioning alleging that you were incapacitated and she made up all of these things about you you know being severely autistic and you know requiring her to keep you from from dangerous things right?

Jake: Yeah.

Scott: Okay and so did you guys ever think that maybe it wasn't a good idea to meet in your apartment.

00:04:26

because maybe your mother was listening in or anything or did he ever talk to you about that?

Jake: Yeah.

Scott: He did?

Jake: Yeah.

Scott: What did he say?

Jake: He technically said we do not want your mom hearing this. Scott: Right. Okay. But he's kept, he continued to just meet you there right?

Jake: Yeah he continued but usually I would always go to the clubhouse.

Scott: Right well that was when so I sent him an email and I told him that I couldn't.

00:04:58

believe that he was meeting with you. in the apartment in your bedroom in the living room on the porch with your mother who was obviously you know fighting against you trying to get a guardianship over you with an earshot which means you know she could be either hearing it naturally or she could be having recording devices somewhere in that house which we know that she has cameras set up in that apartment right.

Jake: yeah but those cameras are for only when she's gone and I'm always home alone



00:05:30

Scott: that's what that's what you're assuming right but we don't know

Jake: yeah we do not know

Scott: they could have been running we did it could have been recording everything that you and Jack were talking about so and you said that Jack tell me what Jack said to you about me being involved again,

Jake: he said about we do not want him being involved because he thinks that it's not going to help the court case Scott: right right so he didn't want me to help you to add you know to advise you.

00:06:00

Jake: Yes, technically.

Scott: because he told me that it was your decision to not allow me to be part of it so it wasn't your decision it was Jacks decision

Jake: yes

Scott: Jack made you say

Jake: yes he did

Scott: ok, um now so your life has significantly changed now, right? Now that you're under this.

Jake: yeah

Scott: guardianship where you're not allowed you're not allowed to travel you're not allowed to open up a credit card any place that you want you literally need

00:06:44

No, that was actually one of my rights. I had it.

Scott: right but I think it says something about your guardian has a say in it

Jake: Yeah.

Scott: so you can vote pretty much

Jake: yeah

Scott: so then, And all of these boxes were checked off that you couldn't do. You wanted to appeal it right away, right?

Jake: Yes, I did.

Scott: Yeah, because it was horrible to you. You couldn't believe it. I couldn't believe it. I mean, this was, this went completely against what Dr. Mulberry reported and testified.

00:07:18

And were you, were you really angry and upset or like, how'd you feel?

Jake: I felt like, I felt like, I felt angry.

Scott: Yeah. And what did you say you felt? You told me before that you felt like,

Jake: Uh, I felt like a slave inside of a prison.

Scott: Yeah. Right. Uh, and because of the way that your mother's treating you, right?

Basically she tells you everything that you can do, including your diet.

Jake: Yes. She still tells you what you can eat, what you can't eat mostly and, um, what else does.

00:07:55

she tell you? What else does she control?

Jake: She's controlling the rate at R movies.

Scott: So she doesn't let you watch rated R movies?

Jake: Nope.

Scott: And obviously after you turn 18 you're allowed to watch R rated movies, right?

Jake: Yes. She doesn't let you play mature rated video games? Jake: Yep.

Scott: Right. Does she limit your internet at all?

Jake: No, she does not.

Dana: So you still have free access to all internet?

Jake: Yeah.

Scott: You can watch anything you want?

Jake: Uh-huh.

Scott: Okay. And of course, like we said, she's blocked your father on your phone.

00:08:29

Jake: Yes.

Scott: And if you try to unblock me, what would she do?

Jake: Block it again. She'll just block it again.

Scott: And then did you say she'll punish, like she'll take your phone from you?

Jake: Yes.

Scott: Okay. So again, so now getting back to the appeal. So now this order comes out and we're all in shock. Obviously after, you know, we read Dr. Mulberry's report and the testimony of you and I and Hallie and, you know, everybody else in there, we all felt pretty good afterwards. We thought that, yeah, it's great. I mean, I never wanted to be your guardian. I didn't petition to be your guardian.

00:09:00

So even if, worst case scenario, your mother got limited guardian, you would still retain all of your rights. But, you know, she would basically act as a safety net. But obviously this whole thing came down and you were stripped of the overwhelming majority of your rights. You were angry, you were upset, you were disappointed, and you immediately wanted to appeal it.

Jake: Yes.

Scott: Right. And why didn't you pursue the appeal?

Jake: Because Jack Sinclair. Scott: Why? What do you mean? Explain.



3

Jake: Because my mom told me to not appeal.

00:09:32

Scott: So your mom told you not to appeal? What else did she say about that?

Jake: I don't know.

Scott: Did she, like, tell you that you couldn't do, like, if you did appeal, something would happen to you?

Jake: Yeah, I remember one time when my S-24 got delivered to my apartment.

Scott: Right.

Jake: And I was going to open it, and then my mom called me and she said she thinks I did it. I didn't deserve the phone after I appealed.

Scott: OK so she was not gonna let you have the phone because she found out that you wanted to appeal this?

00:10:07

Yes. Yes, that's correct. Yes.

Scott: she said if you continue to fight this in appeal and that she wasn't gonna be able to get the house that she was gonna get?

Jake: yes that's correct

Scott; that's correct, ok

Scott: and so basically then you told Jack Sinclair that you didn't want to appeal it because of what you did my appeal it because of what you're not because you honestly didn't not want to because that's what your mother made you do right ?

Jake: Yeah

Scott: ask you about that the Jack say did Jack ask you that you know did your mother make you do this ?

00:10:55

No, he did not. I just don't remember.

Scott; Um, and did Jack ever ask you, so did Jack ever ask you, do you want to appeal this? Jake: Yes,

Scott: he did. And what did you say?

Jake: I said no.

Scott: You said no. That was the first time or the second time?

Jake: I think that was the second time.

Jake: So the first time...

Jake: I said yes, I would like to appeal it.

Scott: Ok, so he asked you the first time and you said yes, I want to appeal it. And then he said ok, we'll meet and we'll talk about it?

00:11:26

Jake: yeah

Scott: Yeah. And you guys met and that's when you told him, that's after your mom had made those threats against you

Jake: yeah

Scott: and then you told him no, I don't want to appeal it?

Jake: Yes, the second time he called, yeah.

Scott: Right, ok. And he just said ok, no problem?

Jake: Yeah, he said ok. He didn't think that, he didn't like ask you, he didn't advise you that you really should appeal it?

Jake: No, I don't remember.

Scott: Oh, that's fine, that's fine, I know there's a lot that's going on. You've done a great job.

00:11:57

Scott: Ok, that's fine. So that was it. So then, didn't you say Jack Sinclair said he was going to check on you and get back with you?

Jake: Yeah, which he never did. Scott: He never did.

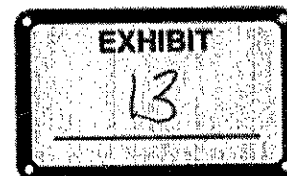
Scott: So that was after, after the last meeting that you had with him.

Jake: Yes.

Scott: He asked you if, you know, he met with you in person?

Jake: Yes.

Scott: Do you remember where it was?



Jake: I don't remember if he met with me in person or not. Or if it was over the phone? Yeah, I just don't remember where it was. Scott: That's fine. And this was when, so you told him, maybe you told him over the phone or maybe you told him in person,

00:12:29

that you decided that you didn't want to pursue the appeal?

Jake: yeah

Scott: nd he was just like, he just said, okay, I'll get back in touch with you?

Jake: Yes. And he never... He never did.

Scott: He never did.

Scott: So you haven't talked to Jack Sinclair since that day? Jake: Yes.

Scott: You have or you haven't?

Jake: I haven't.

Scott: You haven't. You have not. Okay. All right. I mean, I know that, you know, you are in a very hostile environment where your mom is not treating you the way you wanna be treated right?

Jake: yeah

Scott: you never wanted her to be the guardian correct?

Jake: uh huh

Scott: and do you still not want her to be the guardian?

00:13:15

I want to have no guardian in my life.

Scott: yeah, you don't think you need a guardian?

Jake: No, I don't think I need a guardian at all.

Scott: ok, right and so you want your independence basically.

Jake: I want my rights and my independence back. Yes.

Scott: so you can live a life like a contributing society, contributing member to society and live your best life to its fullest potential, right?

Jake: yes

Scott: do you feel like your mom is holding you back right now?

00:13:45

Jake: yes

Scott: and how is she holding you back?

Jake: by not letting me stay overnight with you

Scott: well yeah so she's completely alienating you from from your father for whatever it makes no sense. Have I ever put you in any harm or danger?

Jake: never

Scott: I mean that that's pretty much been been convincing throughout the entire case that that you know they portrayed me to be a very bad person when I wasn't and you know it worked I mean for whatever reason so I.

00:14:18

mean do you have any opinions on why Judge Kirchner ruled the way she did,

Jake: no

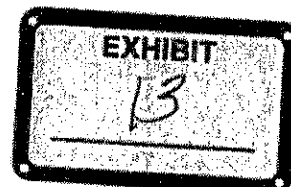
Scott: neither do

Jake: I got nothing

Scott: okay well this has been good thanks Jake for the talk hopefully this will help us someday in the future and you know we're going to look for maybe some advocacy groups and some you know representatives who will help you through this very unfortunate situation thanks

Jake: thank you

Scott. Bye



Subject Jack
From u120@yahoo.com <u120@yahoo.com>
To: Jack Sinclair
<sinclairelawfirm@gmail.com>
Date Jan 23 at 10:06 PM

Jack,

I need to be a part of the conversation with Jake on Friday.

As you should understand, he does not know the questions to ask of you.

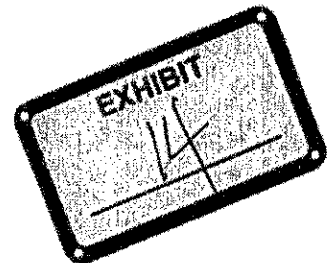
He is scared of his mother, and his life has now been made substantially insignificant by this absurd decision. A decision based on no facts, but solely opinions. A decision which goes against Jake's wishes, Dr Mulbry's reports and statements in his testimony, and goes against the fact of numerous lesser restrictive options being available to keep Jake from overt harm.

If you are to do anything else worthwhile as a father, and a man, you need to convince Jake that he must appeal this rogue courts decision. Jake needs to understand all of his options, his rights, and his ability to still do what he wishes in his life, even if that entails a stupid violation of a bullshit order which Judge Kirchner wrote. His life will never be ruled by what a probate court judge says, and he needs to know that he can live his life as he chooses, and fully understand what the repercussion will and won't be. His mother will need to file a motion, and we would be happy to see her anytime in court, but this time much better prepared with facts, evidence, and testimony.

Jake is 19 years old, and has been abused for multiple years. He's afraid, he is threatened, and his is a victim of a malicious mother, and a rogue, hostile court. Jake like any other 19 year old needs guidance from a man, his father, and anyone else who truly cares for what is in Jake's best interest, not strapped by financial considerations.

I need to be included in your meeting on Friday, and I'd implore you to not conduct it in his bedroom, as you have on multiple occasions already. Please take him to the clubhouse, or someplace public outdoors where you can be assured that you aren't being recorded.

Please Jack. Do the right thing here, as you depart Jake. Nobody with any sense of decency would believe that this



rogue judge has been fair in her decisions, and rest assured, I am already in touch with numerous autism advocacy groups, NAMI, and Able SC. This is not ending like this.

Sent from Yahoo Mail for iPhone



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

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

Case No.: 2024-CP-10-04530

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

FILED

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

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

I. RESPONSE TO MOTION TO DISMISS

1. Defendant Owed a Clear Legal Duty

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

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

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

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

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

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

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

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

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

II. MOTION FOR LEAVE TO AMEND THE COMPLAINT

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

III. CONCLUSION

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

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

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

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



Date: 10/7/24

2. Response to the Motion for Protective Order

Copy and paste the following text into another document:

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

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

Case No.: 2024-CP-10-04530

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

FILED
2024 OCT -7 PM 4:42
JULIE J. ARMSTRONG
CLERK OF COURT
BY MK

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

I. ARGUMENTS IN OPPOSITION

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

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

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

2. No Undue Burden on the Defendant

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

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

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

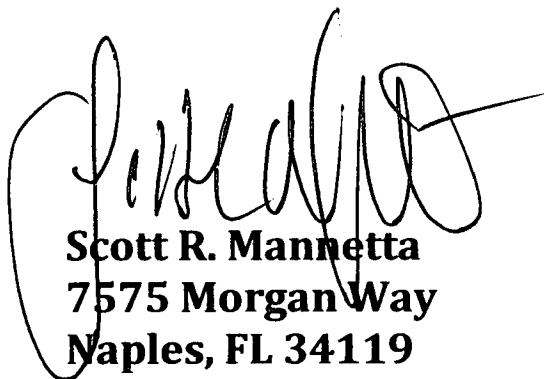
Plaintiff and his son, Jake Mannetta, have already suffered significant harm due to Defendant's actions. Each delay in this case prolongs the emotional distress and financial hardship being inflicted on Plaintiff and Jake. Delaying discovery will only exacerbate the harm, as crucial evidence could become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

II. CONCLUSION

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

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

Respectfully submitted,



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

Date: 10/7/24

3. Certificate of Service

Copy and paste the following text into a third document:

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

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

Case No.: 2024-CP-10-04530

CERTIFICATE OF SERVICE

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

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

FILED
2024 OCT -7 PM 12:45
JULIE L. ARMSTRONG
CLERK OF COURT
BY: MK

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

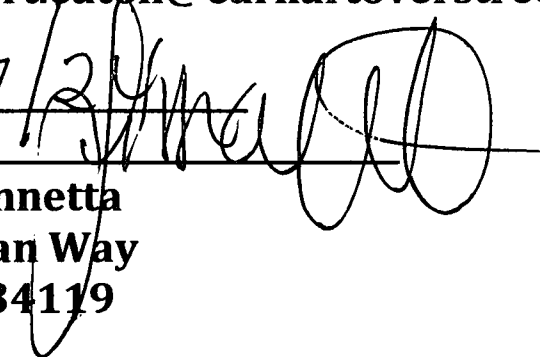
Were served on Robert L. Eaton and David W. Overstreet, attorneys for Defendant Jack Sinclair, via [certified mail/email/other method of service] at the following address:

**Earhart Overstreet LLC
P.O. Box 22528
Charleston, SC 29413
Email: david@earhartoverstreet.com
Email: robert.eaton@earhartoverstreet.com**

Date:

Signature:

**Scott R. Manna
7575 Morgan Way
Naples, FL 34119**

A handwritten signature in black ink, appearing to read 'Scott R. Manna', is written over a horizontal line. The signature is stylized with large, looping letters.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Scott R. Mannetta,

Plaintiff,

vs.

Jack Sinclair,

Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2024-CP-10-04530

**DEFENDANT’S MEMORANDUM OF LAW
IN SUPPORT OF HIS MOTION TO DISMISS
PLAINTIFF’S COMPLAINT**

Preliminary Statement

Scott R. Mannetta (“Plaintiff”) was a respondent in a guardian action in the Charleston County probate court and disagrees with the decision made by that court. Plaintiff, appearing *pro se*, has brought this action for legal malpractice against his son’s attorney (or “Jake”). However, Plaintiff fails to state a claim against Jack Sinclair, Esq. (or “Defendant”) because Mr. Sinclair never owed a duty to the Plaintiff. Furthermore, there are no possible amendments which would change that determination. Mr. Sinclair was the court-appointed attorney for Jake, only. Any duty arising out of his representation is to Jake, not the Plaintiff. Therefore, this motion to dismiss should be granted.

Legal Standard

Rule 12(b)(6) allows for the court to grant dismissal of an action when the defendant demonstrates that the plaintiff has failed to state facts sufficient to constitute a cause of action in the pleadings filed with the court. Williams v. Condon, 347 S.C. 227 (Ct.App.2001). Generally, in considering a 12(b)(6) motion, the trial court must base its ruling solely upon allegations set forth on the face of the complaint. Stiles v. Onorato, 318 S.C. 297 (1995). Looking at the facts in a light most favorable to plaintiff, and with all doubts resolved in her behalf, the court must

consider whether the pleadings articulate any valid claim for relief against the Moving Defendants. Cowart v. Poore, 337 S.C. 359 (Ct.App.1999). “To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” Ashcroft v. Iqbal, 556 U.S. 662 (2009) (quoting Bell Atl. Corp. V. Twombly, 550 U.S. 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” Id.

Argument

I. An attorney representing an allegedly incapacitated individual in a guardianship case owes no duties to and is immune from liability to his client’s potential guardians, and other non-client adversaries.

It is undisputed that Mr. Sinclair was, at all times, representing Jake in his guardianship case. Mr. Sinclair did not represent Plaintiff and cannot be held liable to him for the advice and representation he provided in the course and scope of representing Jake. Regardless of the theory or cause of action, allowing Plaintiff to sue Mr. Sinclair on these facts would be tantamount to finding that a non-client third-party can hold an attorney liable for providing advice to his client.

Our courts have long recognized that an attorney acting in the course and scope of representing a client owes no duties to non-clients and is immune from liability to third parties absent some independent duty owed to the third party. Pye v. Estate of Fox, 369 S.C. 555, 564, 633 S.E.2d 505, 509 (2006); Stiles v. Onorato, 318 S.C. 297, 300, 457 S.E.2d 601, 602 (1995); Gaar v. N. Myrtle Beach Realty Co., Inc., 287 S.C. 525, 528, 339 S.E.2d 887, 889 (Ct. App. 1986) (“In his professional capacity the attorney is not liable, except to his client and those in privity with his client, for injury allegedly arising out of the performance of his professional activities.”); Argoe v. Three Rivers Behavioral Center & Psychiatric Solutions, 388 S.C. 394,

697 S.E.2d 551, 554-55 (“Because [Attorney] represented Son and not Appellant in the Beaufort Property transaction, the only duty of care arising out of that relationship was owed to Son.”).

The rule against liability to non-client third parties is not limited to traditional legal malpractice claims. Non-client third parties often label their claims as something other than legal malpractice to avoid dismissal for lack of an attorney-client relationship. As shown in the cases cited above, courts have applied the rule to a variety of non-traditional legal malpractice claims. See Pye v. Estate of Fox, 633 S.E.2d at 51 (civil conspiracy and abuse of process); Gaar, 339 S.E.2d at 889 (malicious prosecution); Argoe, 697 S.E.2d at 554 (breach of fiduciary duty, *et al.*).

Fundamental to this rule of law is that a non-client cannot sue an attorney for advice, good or bad, that the attorney gave his client. Gaar, 339 S.E.2d at 889 (“The fact that through ignorance he gives his client bad advice, on which he acts to the hurt of another, will not make the attorney liable to the other.”). This is exactly what Plaintiff has attempted to do in this lawsuit.

Plaintiff seeks to hold Mr. Sinclair liable for advising and representing his client in a guardianship case that was ultimately ruled against him. Mr. Sinclair did not represent the Plaintiff. He owed no duties to him. He cannot be held liable to him.

II. Plaintiff’s Complaint fails because it does not comply with S.C. Code § 15-36-100.

In an action for damages against an attorney, “the plaintiff must file as part of the complaint an affidavit of an expert witness which must specify at least one negligent act or omission claimed to exist and the factual basis for each claim based on the available evidence at the time of the filing of the affidavit.” S.C. Code Ann. § 15-36-100(B). If the affidavit is not timely filed, “the complaint

is subject to dismissal for failure to state a claim.” S.C. Code Ann. § 15-36-100(C)(1). It is undisputed that Plaintiff did not, and has not, filed the required expert affidavit.

Plaintiff’s claim of legal malpractice clearly requires the testimony of an expert to establish a breach of the applicable standard of care. See Harris Teeter, Inc. v. Moore & Van Allen, PLLC, 390 S.C. 275, 282, 701 S.E.2d 742, 745 (2010) (holding that plaintiff in a legal malpractice action must generally establish the standard of care by expert testimony). Expert testimony is required to opine whether Defendant somehow deviated from the standard of care, which is disputed. Additionally, the “common knowledge” exception is inapplicable. See H & H of Johnston, LLC v. Old Republic Nat. Title Ins. Co., 405 S.C. 469, 474, 748 S.E.2d 72, 74 (Ct. App. 2013) (affirming dismissal of claims against attorney pursuant to § 15-36-100 because plaintiff failed to file expert affidavit); Barnes v. Seigler, No. CIV.A. 5:11-1156-MBS, 2012 WL 265409, at *2 (D.S.C. Jan. 30, 2012) (dismissing pro se plaintiff’s legal malpractice claim for failure to file expert affidavit and holding that for breaches of professional duty arising exercise of legal judgment, more than “common knowledge” is required to evaluate whether his actions violate the standard of care owed by members of his profession).

Plaintiff has failed to file any such affidavit here. Accordingly, Plaintiff’s claim for legal malpractice and breach of fiduciary duty are barred by statute, and the Defendant requests that this Court grant his motion to dismiss.

Conclusion

Based on the facts and applicable law, Mr. Sinclair respectfully submits that dismissal should be granted in his favor.

This 16th day of January, 2025.

Respectfully submitted,

EARHART OVERSTREET LLC

By: /s/ Robert L. Eaton

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

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

Attorneys for Defendant

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

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) JUDICIAL CIRCUIT

COUNTY OF)

) CASE NO. **2024 CP-10-04530**
)

MANNETTA

) MOTION AND ORDER INFORMATION
) FORM AND COVERSHEET
)

vs.)

SINCLAIRE

) Defendant.)

Plaintiff's Attorney: **PROSE, SCOTT R. MANNETTA**
Bar No. **7575 MOPEAN WAY NAPLES FL 34110**
Address: **704-280-4785**
Phone: Fax
E-mail: Other:

Defendant's Attorney: **ROBERT L. EATON**
Bar No. **106005**
Address: **PO BOX 22528 CHARLESTON S**
Phone: Fax
E-mail: Other: **843-972-9406 29413**

MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information
Nature of Motion: **ALTER/AMEND JUDGEMENT UNDER RULE 59c**
Estimated Time Needed: **TBD** Court Reporter Needed: YES/ **(NO) 30 DAY EXTENSION**

SECTION II: Motion/Order Type
Written motion attached ☒
Form Motion/Order
I hereby move for relief of action by the court as set forth in the attached proposed order.

SCOTT R. PROSE **4/10/25**
Signature of Attorney for Plaintiff / Defendant Date submitted

SECTION III: Motion Fee
PAID - AMOUNT: \$
EXEMPT: Rule to Show Cause in Child or Spousal Support
(check reason) Domestic Abuse or Abuse and Neglect
Indigent Status State Agency v. Indigent Party
Sexually Violent Predator Act Post-Conviction Relief
Motion for Stay in Bankruptcy
Motion for Publication Motion for Execution (Rule 69, SCRCP)
Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter:
Other:

JUDGE'S SECTION
Motion Fee to be paid upon filing of the attached order.
Other: JUDGE CODE
Date:

CLERK'S VERIFICATION
Collected by: Date Filed:
MOTION FEE COLLECTED: \$
CONTESTED - AMOUNT DUE: \$

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON
Case No.: 2024-CP-10-04530

SCOTT R. MANNETTA,
Plaintiff,

v.

JACK SINCLAIRE,
Defendant.

FILED
2025 APR 10 PM 4:27
JULIE J. ARMSTRONG
CLERK OF COURT

PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO RULE 59(c), SCRCP

TO: THE HONORABLE COURT AND ALL PARTIES:

COMES NOW, Plaintiff Scott R. Mannetta, and respectfully moves this Court, pursuant to Rule 59(c) of the South Carolina Rules of Civil Procedure, to alter or amend the judgment dismissing his Complaint, entered following the March 27, 2025 ruling. Plaintiff respectfully shows the Court the following:

1. The Courts written order states that Plaintiff sought appointment as his son Jakes guardian. This is factually incorrect. Plaintiff never sought guardianship, but rather advocated for Jakes autonomy and his express wishes to not be placed under the limited guardianship of his mother, Dana Mannetta. This misstatement may have materially influenced the Courts interpretation of Plaintiff's intent and standing.
2. The Court also determined that no attorney-client relationship existed between Plaintiff and Defendant.

While that may be technically true, Plaintiff respectfully submits that he qualifies as a third-party beneficiary of the legal services provided to his son, Jake Mannelta. Plaintiff was directly affected by the alleged legal malpractice of Defendant, who failed to follow Jakes express legal instructions to include his father in all strategic decisions and meetings. South Carolina courts have recognized the viability of third-party legal malpractice claims under appropriate circumstances.

3. Plaintiff's Complaint alleged facts and inferences from which a duty of care can be deduced, especially given the unique fiduciary obligations of court-appointed counsel in guardianship matters, where the rights of vulnerable adults and the integrity of due process are paramount. At a minimum, this matter deserved a fuller evidentiary development before dismissal.

4. Regarding the expert affidavit requirement under S.C. Code Ann. 15-36-100, Plaintiff respectfully acknowledges the Courts position. Plaintiff made diligent efforts to retain counsel or a qualified affiant but encountered difficulty due to the procedural posture of the case and the reluctance of attorneys to opine against another member of the Bar.

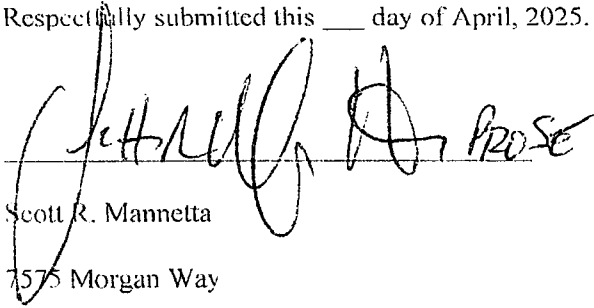
5. Plaintiff therefore respectfully requests that this Court permit a 30-day extension from the date of this motion to submit an expert affidavit, as allowed under 15-36-100(C)(1) and in the interest of justice. Courts, including in *Grier v. AMISUB*, have recognized that procedural compliance should not prevent meritorious claims from being heard on their substance.

6. Finally, dismissal of this action, especially without a complete factual record or expert analysis, would result in substantial injustice. Jake Mannelta, a vulnerable adult, has endured over a year of abuse and isolation. His father, the Plaintiff, was wrongfully excluded from participation despite his sons repeated wishes and trust. The Defendants failure to advocate, investigate alternatives, or protect Jakes rights warrants judicial scrutiny not summary dismissal.

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Alter or amend the March 27, 2025 ruling;
2. Grant Plaintiff 30 days to submit a supporting expert affidavit;
3. Reopen this action so that it may proceed on the merits, consistent with the interests of justice.

Respectfully submitted this ____ day of April, 2025.

A handwritten signature in black ink, appearing to read "Scott R. Manna", is written over a horizontal line.

Scott R. Manna

7575 Morgan Way

Naples, FL 34119

704-280-4785

u120@yahoo.com

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON
Case No.: 2024-CP-10-04530

SCOTT R. MANNETTA,
Plaintiff,

v.

JACK SINCLAIRE,
Defendant.

CERTIFICATE OF SERVICE

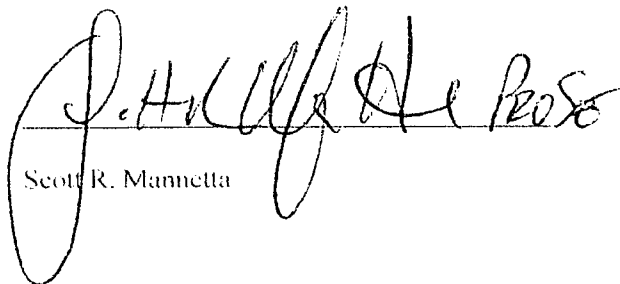
I hereby certify that I have served a copy of the Plaintiffs Motion to Alter or Amend Judgment Pursuant to Rule 59(c), SCRCP, dated 4/10/25, upon the following party(ies) by:

☒ Depositing it in the United States mail, postage prepaid, addressed as follows:

Robert L. Eaton, Esq.
Earhart Overstreet LLC
1156 Bowman Road, Suite 200
Mount Pleasant, SC 29464

Date: 4/10/25

FILED
2025 APR 10 PM 4:27
JULIE J. ARMSTRONG
CLERK OF COURT

A handwritten signature in black ink, appearing to read "J. H. Mannelta Rose", is written over a horizontal line. Below the line, the name "Scott R. Mannelta" is printed in a standard black font.

Scott R. Mannelta



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

GEORGE M. MCFADDIN, Jr.
JUDGE

215 N. HARVIN STREET
SUMTER, SOUTH CAROLINA 29150

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

DATE: 27 March 2025

TO: SCOTT MANNETTA
ROBERT L. EATON, ESQ

FROM: GEORGE M. McFADDIN, JR.

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

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

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

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

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

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

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

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

THIS IS NOT THE FORMAL ORDER.

Respectfully submitted.

/gmmjr



Charleston Common Pleas

Case Caption: Scott Mannelta , plaintiff, et al VS Jack Sinclair
Case Number: 2024CP1004530
Type: Order/Other

So Ordered

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

Electronically signed on 2025-03-27 09:57:14 page 3 of 3

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON) C.A. NO. 2024CP1004530

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

RECEIVED
Oct 28 2025
SC Court of Appeals

H E A R I N G

Before The Honorable George M McFaddin Jr

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

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

1 APPEARANCES:

2 SCOTT MANNETA, Pro se

3 Attorney for the Plaintiff,

4

5 ROBERT LUBS EATON, Esquire

6 4000 Faber Place Drive

7 Suite 300

8 North Charleston, SC 29405

9 Attorney for the Defendant,

10

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INDEX

Proceedings.....	4
Certificate of Reporter.....	17

EXHIBITS

(None Marked)

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

1 PROCEEDINGS

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

4 MR. EATON: Your Honor.

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

7 MR. EATON: Believe so. Yes, sir.

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

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

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

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

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

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

25 THE COURT: Please ma'am. Thank you,

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

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

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

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

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

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

16 THE CLERK: Yes, sir.

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

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

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

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

1 already been continued once last month and respectfully --

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

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

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

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

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

13 (RECESS TAKEN.)

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

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

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

22 MR. EATON: Okay. Thank you.

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

24 MR. EATON: Thank you, your Honor.

25 THE COURT: Thank you all.

1 MR. SINCLAIRE: Thank you, your Honor.

2 (RECESS TAKEN.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 MR. EATON: That's correct.

9 THE COURT: Manneta.

10 MR. MANNETA: Yes, your Honor.

11 THE COURT: Your response to that assertion.

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

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

1 son lost his fundamental rights.

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

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

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

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

25 This is nothing more than a delay tactic in my

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

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

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

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

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

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

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

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

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

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

1 this complaint.

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

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

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

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

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

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

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

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

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

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

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

12 MR. MANNETTA: Yes, your Honor.

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

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

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

1 MR. EATON: Yes, your Honor.

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

3 MR. MANNETA: Thank you, your Honor.

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

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CERTIFICATE OF REPORTER

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

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

Jane Daniel

September 30, 2025

JANE DANIEL

TRANSCRIBER

EXHIBIT A

May 7, 2026

VIA EMAIL AND U.S. MAIL

Mr. Scott Mannelta
7575 Morgan Way
Naples, FL 34119
704-280-4785
u120@yahoo.com

Re: Scott R. Mannelta v. Jack Sinclair
Appellate Case No.: 2025-001313

Mr. Mannelta,

The Respondent, Jack Sinclair, by and through the undersigned counsel, requests that the Record of Appeal filed on May 6, 2026, be properly supplemented.

The Record on Appeal is largely incomplete and does not contain all material proposed by Respondent in Respondent's Designation of Matter to be Included in the Record on Appeal filed on April 29, 2026.

Specifically, the Record on Appeal filed by Appellant fails to include the following materials listed in Respondent's Designation of Matter:

1. Order Dismissing Complaint, filed April 4, 2025
2. Summons and Complaint, and Exhibits filed September 10, 2024
3. Defendant Sinclair's Memorandum of Law in Support of His Motion to Dismiss Plaintiff's Complaint, filed January 16, 2025
4. Plaintiff's Motion to Reconsider and Exhibits, filed April 10, 2025
5. Order Denying Plaintiff's Motion to Reconsider, filed April 21, 2025

Please update your Record on Appeal with the Court of Appeals to include these materials within ten (10) days. Thank you for your attention to this matter.

Sincerely,



ELIZABETH K. GARRETT
DAVID W. OVERSTREET

From: u120@yahoo.com
Sent: Thursday, May 14, 2026 1:10 PM
To: Elizabeth Garrett
Cc: Elise Ethredge; David Overstreet
Subject: Re: Record on Appeal - Appellate Case No. 2025 - 001313

Counsel,

I acknowledge receipt of your correspondence dated May 7, 2026 regarding the Record on Appeal.

I am reviewing the materials referenced in Respondent's Designation of Matter and will address any necessary supplementation of the Record on Appeal accordingly.

Respectfully,

Scott R. Manna
Pro Se Appellant

[Sent from Yahoo Mail for iPhone](#)

On Thursday, May 14, 2026, 1:04 PM, Elizabeth Garrett <elizabeth.garrett@earhartoverstreet.com> wrote:

Good Afternoon,

I am reaching out because the record on appeal still remains incomplete with the court and I wanted to follow up regarding the attached letter sent. Thank you in advance.

Best,



Elizabeth Garrett
Attorney
Direct 843-628-3786
PO Box 22528, Charleston, SC
29413

From: Court Of Appeals Filings <ctappfilings@sccourts.org>
Sent: Wednesday, May 6, 2026 12:14 PM
To: u120@yahoo.com; Court Of Appeals Filings <ctappfilings@sccourts.org>
Cc: Brent DeShields <brent.deshields@earhartoverstreet.com>; Paralegal <Paralegal@earhartoverstreet.com>; Robert Eaton <robert.Eaton@earhartoverstreet.com>; David Overstreet <david.overstreet@earhartoverstreet.com>
Subject: RE: Record on Appeal - Appellate Case No. 2025 - 001313

The Court has received your filing. A stamped copy is attached for your records.

Thank you!

From: u120@yahoo.com <u120@yahoo.com>
Sent: Wednesday, May 6, 2026 12:02 PM
To: Court Of Appeals Filings <ctappfilings@sccourts.org>
Cc: brent.deshields@earhartoverstreet.com; paralegal@earhartoverstreet.com; robert.eaton@earhartoverstreet.com; david.overstreet@earhartoverstreet.com
Subject: Record on Appeal - Appellate Case No. 2025 - 001313

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

To the Clerk of the South Carolina Court of Appeals and Counsel:

Please find attached the Appellant's Record on Appeal in the matter of:

Scott R. Mannetta, Appellant,

v.

Jack Sinclair, Respondent.

Appellate Case No. 2025-001313

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

A bound paper copy will be filed and served in accordance with the Court's April 30, 2026 correspondence and Rule 267, SCACR.

Respectfully submitted,

Scott R. Mannetta

Pro Se Appellant

7575 Morgan Way

Naples, FL 34119

704-280-4785

u120@yahoo.com

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

# EXHIBIT B

June 3, 2026

**VIA EMAIL AND U.S. MAIL**

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

Re: Scott R. Manna v. Jack Sinclair  
Appellate Case No.: 2025-001313

Mr. Manna,

The Respondent, Jack Sinclair, by and through the undersigned counsel, requests that the Supplemental Record on Appeal filed on May 27, 2026, be properly corrected to include all material proposed by Respondent in Respondent's Designation of Matter to be Included in the Record on Appeal filed on April 29, 2026.

Specifically, the Supplemental Record on Appeal fails to include the following materials listed in Respondent's Designation of Matter:

1. Transcript of February 28, 2025, hearing in front of the Honorable George M. McFaddin Jr.
2. Summons and Complaint, including all Exhibits, filed September 10, 2024
3. Defendant Sinclair's Memorandum of Law in Support of His Motion to Dismiss Plaintiff's Complaint, filed January 16, 2025
4. Order Denying Plaintiff's Motion to Reconsider, filed April 21, 2025

Please update your Record on Appeal with the Court of Appeals to include these materials and all other materials proposed by Respondent in Respondent's Designation of Matter within ten (10) days of the date of this correspondence. Thank you for your attention to this matter.

Sincerely,



ELIZABETH K. GARRETT  
DAVID W. OVERSTREET