

Jul 20 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BERKELEY COUNTY
COURT OF COMMON PLEAS

HONORABLE THOMAS W. MCGEE, III
CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2026-001287

Thomas Fortner, individually, and on
behalf of all others similarly situated,

Appellant.

v.

Daniel Island Golf Club, LLC,

Respondent.

STIPULATION TO DISMISS APPEAL

Appellant Thomas Fortner (“Appellant”) and Respondent Daniel Island Golf Club, LLC (“Respondent”) (collectively “Parties”), pursuant to South Carolina Rules of Appellate Procedure Rule 260(b), stipulate as follows:

WHEREAS, on January 7, 2026, Appellant filed a class action complaint in the State of South Carolina, County of Berkeley, against Respondent in relation to Respondent's recent data security incident;

WHEREAS, on February 16, 2026, Respondent filed a Motion to Dismiss Appellant’s class action complaint;

WHEREAS, on March 31, 2026, the Honorable Thomas W. McGee, III entered an order granting Respondent's Motion to Dismiss;

WHEREAS, on June 17, 2026, Appellant filed a Notice of Appeal of the Order Granting Defendant's Motion to Dismiss entered by the Honorable Thomas W. McGee, III, filed March 31, 2026. (the "Appeal");

WHEREAS, after discussing the appeal and its merits, the Parties agreed to dismiss the appeal, with each side agreeing to waive its fees and costs in both the appellate proceedings and underlying trial court proceedings;

THEREFORE, the Parties, pursuant to South Carolina Rules of Appellate Procedure Rule 260(b), respectfully request this Court dismiss the Appeal of the Order Granting Defendant's Motion to Dismiss entered by the Honorable Thomas W. McGee, III, filed March 31, 2026, with each side waiving its fees and costs in both the appellate proceedings and underlying trial court proceedings.

Dated: July 20, 2026

Respectfully submitted,

/s/ Paul J. Doolittle

Paul J. Doolittle, Esq. (S.C. Bar No. 66490)

POULIN | WILLEY | ANASTOPOULO

32 Ann Street Charleston, SC 29403

Telephone: (843) 834-4712

Email: Paul.Doolittle@poulinwilley.com

Email: cmad@poulinwilley.com

Scott Edward Cole, Esq. (CA S.B. No. 160744)*

COLE & VAN NOTE

555 12th Street, Suite 2100

Oakland, California 94607

Telephone: (510) 891-9800

Email: sec@colevannote.com

**Pro hac vice*

Attorneys for Appellant

W. Andrew Gowder, Jr.

W. Andrew Gowder, Jr. (S.C. Bar No. 7895)

AUSTEN AND GOWDER, LLC

1629 Meeting Street, Suite A

Charleston, S.C. 29405

Phone: 843.727.2229

Email: andy@austengowder.com.

Paulyne Gardner (P.A. Bar No. 80227)

MULLEN COUGHLIN LLC

426 W. Lancaster Avenue, Suite 200

Devon, PA 19333

(267) 930-4771

pgardner@mullen.law

Counsel for Respondent