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Jul 31 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from the
COURT OF COMMON PLEAS, BERKELEY COUNTY
The Honorable Dale E. Slambrook, Circuit Judge

Appellate Case No. 2026-001506
Case No. 2023-CP-08-03019

Joy D. Phillips individually and
as guardian of Sierra A. Phillips,
and James C. Phillips.....Respondents,

v.

Community Options, Inc.,
Angela Stuckey, Shirley Anderson,
and Willa Manigault.....Appellants.

**RESPONDENTS' RESPONSE IN OPPOSITION
TO APPELLANTS' MOTION TO STAY
AND MOTION TO REINSTATE**

This is a frivolous interlocutory appeal that Appellants filed to delay this case and attempt to avoid much deserved consequences when the circuit court convenes a hearing on Respondents' pending motion for a rule to show cause and a contempt order.

On July 13, 2026, this Court, on its own motion, dismissed this appeal, concluding the underlying order compelling discovery was not immediately appealable. That is exactly right. It has long been the law in this State that a litigant disgruntled with a discovery order has two options: either comply with the discovery order and waive the right to challenge it on appeal or refuse to comply, be held in contempt, and appeal the contempt order. Ex parte Whetstone, 289 S.C. 580, 580–81, 347 S.E.2d 881, 881–82 (1986).

The record below is replete with Appellants' efforts to delay and mislead the circuit court with false assertions about the record and duplicative motions seeking to relitigate the issues already decided by the discovery order. This appeal and Appellants' motion to reinstate and stay remittitur is more of the same.

Appellants' motion to reinstate claims this Court should intervene because the discovery order "affects a substantial right" which they claim is protected health information that "may" be in Appellants' phones. See MIS Mot. Reinstate, 4. "May" is the operative word because, as the circuit court explained, "instead of collecting the phones and reviewing the messages for responsiveness, counsel left it to the individual Defendants to decide whether they had responsive messages." Disc. Order, 8. Notably, Appellants told the circuit court it was "pure speculation" that there was relevant discovery in the phones—a claim belied by the record and rejected by the circuit court. See Disc. Order, 7. Now, having lost arguing there is no relevant discovery in the phones, they now claim they cannot go looking for it because the discovery order is "devoid of any of the required procedural safeguards to protect the confidential and sensitive information of vulnerable nonparty consumers[.]" See MIS Mot. Reinstate, 4. That is also false. The discovery order requires Appellants' counsel to collect and review the phone data for responsive messages and allows for the redaction of the names of other consumers and confidential designation under the Consent Confidentiality Order. See Disc. Order, 11. Notably, in Consent Confidentiality Order:

The parties stipulate that discovery in this case may also require the production of protected health information ("PHI") that is protected by the Health Insurance Portability and Accountability Act of 1996, as amended (see Pub. L. 104-191, 110 Stat. 1936; Pub. L. 111-5, 123 Stat. 115) ("HIPAA"), and regulations promulgated thereunder, specifically 45 C.F.R. §§ 164.512(e)(1)(ii)(B) and 164.512(e)(1)(v).

Consent Conf. Order ¶ 3 (emphasis added) (filed Jan 11, 2024). Appellants jointly moved to enter this order to facilitate precisely the discovery they now refuse to collect, review, and produce.

The manufactured hysterics about collecting, reviewing, and producing responsive discovery (with appropriate redaction and confidential designations) is belied by another simple fact: if these medical appointment reminders and the like are so sensitive, then why are they being shared on Appellants' *personal* cell phones? Cf. Disc. Order, 7 ("Stuckey, Anderson, and Manigault all testified that they used their personal phones to send work-related text messages.").

"[I]n discovery, time does eventually run out on bad behavior." Innovative Waste Mgmt., Inc. v. Crest Energy Partners GP, LLC, 445 S.C. 19, 22, 911 S.E.2d 406, 407 (2025). The motions should be denied and remittitur should issue immediately. If the Court intends to hold a hearing on the motion to reinstate, Respondents respectfully request leave to file a supplemental memorandum in opposition and will move to supplement the record and have Appellants' motion heard alongside a motion to strike their Answer and sanction them and their lawyers for frivolous proceedings.

Respectfully submitted,

s/Christopher P. Kenney
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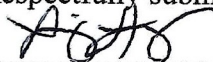
Community Options, Inc.,
Angela Stuckey, Shirley Anderson,
and Willa Manigault.....Appellants.

CERTIFICATE OF SERVICE

I served Respondent's response in opposition on the Appellant as indicated below:

VIA Email: Ashley Heslop, Esq.
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Respectfully submitted,



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July 31, 2026
VIA E-FILING

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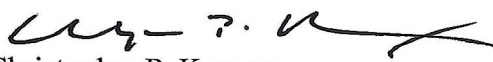
In re: Phillips v. Community Options, Inc. et al., Appellate Case No. 2026-001501

Dear Ms. Kitchings:

Enclosed please find Respondent's response in opposition to Appellant's motion to stay and motion to reinstate and certificate of service for filing.

With warm regards, I am

Sincerely,



Christopher P. Kenney

CPK/lmd
Enclosure
cc: Counsel of Record (email only)