

STATE OF SOUTH CAROLINA	*	COURT OF COMMON PLEAS
	*	
COUNTY OF SALUDA	*	TRANSCRIPT OF RECORD

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HUGH PARKS PRICE,	*
	*
Plaintiff,	*
	*
vs.	* Case No. 2025-CP-41-00150
	*
REBECCA BARTLEY,	*
	*
Defendant.	*
-----X	

March 26, 2026

B E F O R E:

The Honorable Walton J. McLeod, IV, Presiding Judge

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

Hugh Parks Price, Pro Se Plaintiff

William H. Davidson, II, Esq.
Attorney for the Defendant

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AUG 03 2026

SC Court of Appeals

Recorded by: DCRP Court Monitor Julie Brown
Court Reporter: Bobbi Fisher, RPR
SC Official Court Reporter III

I N D E X

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E X H I B I T S

(None.)

COURT REPORTER/TRANSCRIBER LEGEND

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
(ph)	Indicates phonetic word/unclear word
[sic]	Indicates the word is written as said
(Indiscernible)	Indicates word(s) is not known due to poor audio recording quality

P R O C E E D I N G S

(The proceedings commenced at 10:42 a.m.:)

THE COURT: Okay, Mr. Price.

MR. PRICE: I'm sorry, Your Honor. I thought I had a minute.

THE COURT: That's okay. No, no, you're fine. I'm kind of shifting around.

So you saw the email from Mr. Turnblad this morning?

MR. PRICE: I did, Your Honor. I filed a motion to move forward. I just got it timestamped downstairs. They haven't scanned it yet. And I also emailed your clerk.

THE COURT: Okay. What's the other case we got? We got a couple for you. I just want to make sure we're --

MR. PRICE: The other case is 2025-CP-41-100 and 150.

THE COURT: Rebecca Bartley. Is Ms. Bartley here?

Okay. So that's -- so Hugh Price versus Rebecca Bartley. That's 2025-CP-41-00150. Looks like this is Defendant's Motion to Amend; is that correct?

MR. DAVIDSON: There's several tied up in that, Your Honor. It's motion to allow us to answer out of time. Also a Motion to Dismiss and to answer, if necessary.

THE COURT: Okay. Let me pull it up. It's a Motion for Leave and Motion to Dismiss -- Plaintiff's Motion to Dismiss.

Okay. So the plaintiff has a Motion to Dismiss and the defendant has a Motion to Amend.

1 MR. PRICE: May it please the Court, Your Honor.

2 THE COURT: Yes, sir. I think your motion was a little
3 newer, so I'm going to let Mr. Davidson go first, and then
4 I'll hear from you.

5 MR. PRICE: Yes, Your Honor. My mine was -- I had a
6 default motion -- a motion for default was the initial filing
7 as far as motions go in this case, and that was done back in
8 October of 2025.

9 And my question was, I'm not exactly sure which motions
10 we're going to hear today or if we're going to hear multiple
11 motions.

12 THE COURT: Well, I know the defendant's Motion to Amend
13 is rostered, and I see you have a Motion to Compel Entry of
14 Default, which, according to the public index, was filed March
15 16th.

16 MR. PRICE: The Motion to Compel was but the default
17 itself was filed in October. I don't think that it was
18 noticed by the clerk to the parties.

19 THE COURT: Okay. Well, no default was entered, I guess.
20 Is that fair, Madam Clerk?

21 Well, Mr. Davidson, what -- tell me again, what is the
22 kind of the --

23 MR. DAVIDSON: The nexus of this, Your Honor, is
24 Plaintiff's counsel, who is a rather litigious --

25 THE COURT: Pro se plaintiff, not --

1 MR. DAVIDSON: Pro se plaintiff has filed multiple
2 lawsuits, which I've been assigned several of them, a lot of
3 them against the sheriff and his employees.

4 Actually, what happened in this case is the -- I was sent
5 what I thought were two lawsuits, turned out to be three, sent
6 by email. And that's why I hate email.

7 Unbeknownst to me, I didn't see the third lawsuit, and it
8 was not answered within time.

9 When I learned of that problem, I filed a motion, and the
10 motion I filed was a Notice of Motion and Motion to Dismiss,
11 alternative leave to file an answer out of time. And I
12 actually attached my answer to that motion.

13 At that point, I don't believe an Order of Default had
14 been filed in this case. During the process of preparing the
15 motion, in accordance with Rule, I believe, 4 dealing with
16 service, Ms. Bartley is an employee of the Sheriff, and she
17 was sued in that capacity in this instance. And I believe --
18 if I can find the Complaint.

19 Hang on one minute, Your Honor.

20 THE COURT: Okay. And that's to do with filling out a
21 Restraining Order?

22 MR. DAVIDSON: Yeah, it deals with multiple things. He
23 alleges malicious prosecution, abuse of process. He filed an
24 Amended Complaint, is what he's got on file presently.

25 But in his Complaint, he says that, in Section B under

1 "Parties," "Defendant Rebecca Bartley is a South Carolina
2 resident employed by the victim advocacy by the Saluda County
3 Sheriff's Department." Well, in that instance, as a employee
4 of the Sheriff, she would be considered -- number one, under
5 the Tort Claims Act, you shouldn't sue her. You should sue
6 the Sheriff in his official capacity.

7 Number two, as a public official, which you would be
8 considered as victim advocacy, under Rule 4, I can -- I can
9 find it real quick, Your Honor. Under Rule 4(d)(5), "State
10 office or agency," which she would be considered because, as
11 the Court is aware, the sheriff is a constitutional officer.
12 And that was decided by the Supreme Court in a case called
13 Cone v. Nettles, which is kind of a culmination of several
14 cases that dealt with that issue.

15 But the Court -- the rule says, "Upon an officer or
16 agency of the State, by delivering a copy of Summons and
17 Complaint to such officer or agency, and by sending a copy of
18 the Summons and Complaint by registered or certified mail to
19 the Attorney General at Columbia. If the agency is a
20 corporation, the copy shall be delivered as provided in
21 paragraph three of subsection of this Rule."

22 Well, Ms. Bartley would be considered a State officer, as
23 an employee of the Sheriff. I checked with the Attorney
24 General's Office, a lady by the name of Harley Kirkland, who
25 actually, bless her heart, keeps up with all the lawsuits that

1 come in and registers them in a book to see if the Attorney
2 General's Office has been served. That rule has been in place
3 for years, as long as I've been practicing law, and that's for
4 years.

5 The rationale was, during a period of time, the Attorney
6 General's Office would have the opportunity to review the
7 Complaint and decide whether or not they wanted to defend the
8 case.

9 I checked with Ms. Kirkland, and he never served the
10 Attorney General's Office by certified mail, by regular mail,
11 by any type mail.

12 So it's my position under Rule 4, number one, that his
13 Complaint has not been properly served in regard to
14 Ms. Bartley, and No. 2, Ms. Bartley would be the Sheriff, and
15 he knows she works with the Sheriff because, actually, in one
16 of the two lawsuits that I got at the same time, she was named
17 in one of those, which we answered -- and I think Plaintiff
18 may agree -- I think I removed at least one of those cases to
19 federal court because he -- he asked for certain federal
20 claims to be decided.

21 MR. PRICE: He removed both of them to federal court,
22 Your Honor.

23 MR. DAVIDSON: Okay. One came back.

24 MR. PRICE: One just recently came back, yes, sir.

25 MR. DAVIDSON: Yeah, one of them came back, which is now

1 in the clerk's office here, but one of them remains in federal
2 court. Nothing has been done on these cases, Your Honor.
3 There's been no discovery. There's been no prejudice.

4 If the Court will decide to allow me to file out of time,
5 which I've raised, which I can do -- actually, I think I've
6 submitted an answer with my motion. So I've kind of gone at
7 it both ways.

8 No. 1, it wasn't properly served, and, therefore, the
9 action should be dismissed and he needs to re-file it and
10 re-serve it.

11 No. 2, the Court decides that I should be allowed to
12 answer out of time, not looking at the issue of whether
13 service is or is not appropriate.

14 I believe, in this instance, Your Honor, there is ample
15 grounds to grant that motion to be allowed to file out of time
16 and allow the case to proceed on the merits.

17 And if you look at the case -- and I can go through
18 pretty much paragraph-by-paragraph, Your Honor, the Complaint
19 that he raises has multiple issues dealing with immunities,
20 dealing with whether or not she is or is not the proper party,
21 whether or not there's -- there's a theory on neglect. I
22 believe it's G-e-c-y v. Somerset, which deals with a federal
23 case called Heck v. Humphrey.

24 In the Complaint, he talks about -- I think at one point
25 he pled guilty to something and now he's complaining about

1 that.

2 Well, Heck v. Humphrey is a federal case and now, which
3 has somewhat been incorporated by the Court of Appeals,
4 basically says you can't collaterally attack a criminal
5 conviction or plea in civil court unless you have that
6 criminal conviction overturned, which he has not, so that
7 would bar that claim.

8 The conspiracy cause of action, if I read it right -- and
9 it's very nebulous -- is basically based on her role as a
10 victim advocacy. And if that's so, then, Your Honor, all the
11 individuals involved in conspiracy would fall under the victim
12 advocacy role, victims, or the sheriff's department. It would
13 not be subject to suit because then there's no conspiracy
14 there. They're all considered one entity acting in concert.

15 I was trying to think. Same thing with probable cause.
16 In this instance, I believe there's several instances where
17 warrants were actually filed.

18 Malicious prosecution, arrests for false restraining
19 order, witness intimidation charge, terminating his favor by a
20 nolle prosequere or criminal dismissal. Well, if it's a nolle
21 prosequere, it's really depends on what it says, but it's not
22 necessarily in his favor, because it can be re-brought.

23 It says, "Facing a potential of 340 days of time,
24 Plaintiff pled guilty under coercion." Well, if he pled
25 guilty, he can't attack that claim in that instance. And

1 that's on that Heck v. Humphrey case, and I can get you to
2 cite on that, Judge.

3 MR. PRICE: Your Honor, I'm sorry to interrupt, but I
4 have to object that we're hearing this case on the merits, it
5 appears to me, like, right this minute. I don't know what
6 motion we're actually going to address first or what the
7 priority might be. I'm lost over here.

8 THE COURT: Okay. Well, I'm -- I understand he's making
9 a Motion on Ineffective Service and a Motion to Dismiss, or in
10 the alternative, some other things. He's also citing to case
11 law, which he's free to do.

12 But, I mean, I haven't heard any meritorious issues of
13 whether what she did or did not do was proper or not, just a
14 procedural defect.

15 MR. DAVIDSON: And there are ample -- there are ample
16 affirmative defenses against these, which are clearly visible
17 in the Complaint.

18 And it's our position, as a result of that, we have,
19 No. 1, a meritorious defense if we get to that issue, and
20 that's where I was going with that.

21 THE COURT: Yes, sir.

22 MR. DAVIDSON: It's kind of a -- it's kind of a -- like
23 Johnny Carson used to say, the fork in the road.

24 One road leads down just dismissal because he is not
25 properly serving. The other fork in the road is to allow me

1 to answer out of time, because, in this instance, there
2 clearly are ample reasons to allow that, as we set forth. And
3 I have got a memo I can hand up; it's very brief. And I'll
4 give one to the plaintiff, too, Your Honor. And I'll file one
5 with the clerk.

6 THE COURT: Okay.

7 MR. PRICE: Excuse me, Your Honor --

8 THE COURT: Anything else for the moment, Mr. Davidson?

9 MR. DAVIDSON: No, Your Honor. I'm just going to hand up
10 the short brief.

11 THE COURT: Okay.

12 MR. DAVIDSON: And I've given it to Mr. Price.

13 MR. PRICE: If it may please the Court. May I ask a
14 question, Your Honor?

15 THE COURT: Yes, sir. Well, I think once he hands this
16 up, your --

17 MR. PRICE: Is this -- is this considered
18 Mr. Williamson's opening statement?

19 THE COURT: It's not an opening statement. It's just a
20 summary of the argument he's making to his motion. And
21 you're -- and you're free to respond.

22 MR. DAVIDSON: And I'm through, Your Honor.

23 THE COURT: Yes, sir.

24 Mr. Price.

25 MR. PRICE: Okay. Thank-you, Your Honor.

1 I mean, my opening statement -- I'm not an attorney and
2 please forgive any breach of decorum that I -- I incur. It's
3 not intentional. I'm a little bit nervous as well, so I
4 have --

5 THE COURT: Take your time.

6 MR. PRICE: Right. Yes.

7 Well, yeah, I would, Your Honor -- I mean, I'd just like
8 to make an opening statement. I thought that the default
9 would be -- procedurally need to be addressed first, and
10 Mr. Williams has never filed an opposition to that and he
11 hasn't noticed -- I haven't been noticed by opposing counsel
12 for anything at all. I wasn't noticed of their appearance, I
13 wasn't noticed -- I haven't -- they've never sent me any
14 notice whatsoever for anything that's in here.

15 The only notice I received was from the Clerk of Court
16 that we had a motion that the hearing scheduled for Monday the
17 23rd. And, at that point, I went to the roster and looked,
18 and that's when I discovered Mr. Williamson's filings that had
19 occurred in January.

20 So as soon as I discovered them, I did compose an
21 opposition and a memorandum to all of his points, arguments,
22 etc. And I would agree with Mr. Williamson that he, in his
23 own words, he said he's going at it both ways. I do believe
24 he's approaching this with a multi-pronged attack, but I think
25 there's more than two -- there's more than two ways; I think

1 there might be three or four.

2 But this is my opening statement.

3 Your Honor, I'm Hugh Parks Price, appearing pro se as
4 plaintiff in this matter. The defendant's Motion to Dismiss
5 rests on a single legal theory that I was required to serve
6 the South Carolina Attorney General in addition to personally
7 serving Ms. Bartley. That theory is factually wrong and
8 legally unsupported.

9 I respectfully request that this Court deny this motion
10 in its entirety -- the Motion to Dismiss -- and allow this
11 case to proceed on the merits.

12 So -- and before I would discuss any merits, I'd just
13 like to run through the procedural history of the case on -- I
14 believe his motion is -- is procedurally premature and should
15 not be heard before the default issue.

16 On October 23rd, 2025, I filed a complete Motion for
17 Entry of Default, supporting memorandum, and sworn affidavit
18 satisfying every requirement of Rule 55(a) under the South
19 Carolina Rules of Civil Procedure. The Saluda County clerk
20 did not enter default. That failure was error. Entry of
21 default under Rule 55(a) is a ministerial duty, not a
22 discretionary act. RFP vs. SC Department of Social Services,
23 417 S.C. 419, 428; 790 S.E2d 1116, and of course, I'm not very
24 good at reading the citations.

25 Defendant's counsel did not appear until January 15th,

1 2026, 91 days after the answer deadline and 84 days after
2 Plaintiff's default motion was filed.

3 Responding to his opening statement, I would like to say
4 that all these cases were filed separately. Ms. Bartley was
5 served personally at a separate time as the proceeding Saluda
6 County sheriff lawsuits. One of those was served on June 24th
7 or filed on June 24th and served within, you know, the
8 required time.

9 Another one was filed on August 7th and served within the
10 procedural time. They were not all filed together or served
11 together. They were all served separately. So this missing
12 email as a reasonable cause to not answer a properly served
13 Summons and Complaint I don't believe is very valid.

14 The defendant has never moved to set aside default under
15 Rule 55(c). That motion showing good cause, a meritorious
16 defense, and no prejudice to Plaintiff in line required
17 procedural vehicle, it has not been filed -- in the required
18 procedural vehicle. Excuse me.

19 THE COURT: And I need to just real quick, there has been
20 no entry of default either.

21 MR. PRICE: But --

22 THE COURT: Just to be clear. I'm just saying --

23 MR. PRICE: Yes --

24 THE COURT: It's not in the record, so it's not --

25 MR. PRICE: I agree with you.

1 THE COURT: -- able to set aside something that doesn't
2 exist.

3 MR. PRICE: I agree with you.

4 THE COURT: Okay.

5 MR. PRICE: It hinges on that. I was -- I was requesting
6 from the clerk just on Monday, "Did you, you know, observe my
7 Motion to Compel and Notice?" That was the clerk's duty. And
8 the clerk could not answer me as to that question.

9 And I did file a Motion to Compel to file the default as
10 soon as I was aware of what was going on. I filed it in a
11 timely manner.

12 THE COURT: Can you address Mr. Davidson's points about
13 service upon the defendant here? I mean --

14 MR. PRICE: Yes.

15 THE COURT: You -- I believe in your Complaint and --

16 MR. PRICE: Yes, sir.

17 THE COURT: I mean, you're alleging she's an employee of
18 the sheriff or the victim's advocate's office?

19 MR. PRICE: She is an employee of the sheriff, but I am
20 not suing -- I'm not -- she doesn't have immunity. She's not
21 a state officer. I have the argument if you want to --

22 THE COURT: Sure. Go ahead.

23 MR. PRICE: Would you like me to answer that?

24 THE COURT: Sure.

25 MR. PRICE: Okay. I do believe that is the crux of this

1 argument here: Does she have immunity or does she not?

2 THE COURT: Actually, I don't think it's about immunity.
3 It's is she a -- is she a governmental employee that you're
4 alleging that she did something in her role as a governmental
5 employee?

6 MR. PRICE: Yes.

7 Oh, Defendant scheduled a footnote argument that the
8 Saluda County Sheriff should be substituted as the party, but
9 the conspiracy in the Complaint --

10 THE COURT: My question is, Are you saying that she was a
11 governmental employee and that she took an action that you
12 take exception to, as a governmental employee, as far as
13 filing those reports or affidavits you make reference to in
14 your Complaint?

15 MR. PRICE: That's the defendant's counsel's motion, that
16 she works for the Sheriff's Office, she is a State officer
17 requiring service on the Attorney General under Rule 4, but --
18 however, Rule 4 governs service on an officer or agency of the
19 State.

20 The word "officer" is not a catch-all for every
21 government employee. Yes, she does work for the Sheriff's
22 Department, but a public officer requires appointment to a
23 defined position established by law, an oath of office,
24 defined legal powers and duties, and the exercise of sovereign
25 governmental authority.

1 Rebecca Bartley is a civilian victims advocate. She is a
2 non-sworn, non-commissioned civilian support employee. She
3 holds no law enforcement commission. She has no arrest
4 authority. She exercises no sovereign governmental power.

5 Defendant's Counsel relies on Cone vs. Nettles, 308 S.C.
6 That case held that sheriffs and sworn deputies are State
7 officials. It addressed sworn law enforcement officers
8 exercising the constitutional functions of the Sheriff's
9 Office.

10 Cone does not extend to civilian administrative staff,
11 and no South Carolina Court has ever held that it does.
12 Extending Cone to civilian support employees would produce an
13 absurd result. Every administrative assistant, dispatcher,
14 records clerk, and victim advocate employed by a Sheriff's
15 Office would require Attorney General service in any civil
16 suit. That is not the law.

17 Plaintiff correctly served Bartley under Rule 4(d)(1)
18 personal service on an individual because that is the correct
19 rule when an individual is sued in her individual capacity for
20 personal tortious conduct.

21 THE COURT: Okay. So your response is, basically, that
22 service was proper, and I think you've made your point on
23 Mr. Davidson's argument, so...

24 What else would you like to tell me, Mr. Price?

25 MR. PRICE: I'd like to point out that Attorney

1 Williamson filed his representation of counsel, and he based
2 it solely for the purpose of dismissing this case. And then
3 he went on to file a complete answer and make a lot of other,
4 you know, motions and things. And he never addressed the
5 default either, which, you know, may or may not be his fault,
6 and I would like him to address the default. And I think that
7 that should be the proper purpose of this motion. I think
8 that that is what would be appropriate to handle first before
9 we move off into other things.

10 But by him saying, "I'm making a special appearance
11 strictly for the purpose of dismissal of this case" and
12 stating that my service was imperfect when my service was
13 perfect, I don't think that that's a -- I believe it's the --
14 I'm taking both ways to go at this, or maybe three ways, and
15 then he filed a complete answer, and he cited some rules why
16 he was -- it was an honest mistake or something or -- because
17 an email got displaced or it wasn't read due to confusion of
18 the counsel that he thought that there was only two lawsuits,
19 but there's three.

20 But Rebecca Bartley Black's lawsuit is separate from the
21 Sheriff's Department. The conspiracy is not within the
22 Sheriff's Department; it's with Rebecca Bartley Black and
23 private citizens.

24 THE COURT: Okay. Any response from Mr. Davidson?

25 MR. DAVIDSON: Your Honor, if you look at the Tort Claims

1 Act, she would be covered under that as an employee because
2 she's an employee of the Sheriff, which he has pled, that she
3 would be an officer of the Sheriff's Office.

4 You would have to serve the Sheriff. If you have to
5 serve the Sheriff, then he would have to serve the Sheriff
6 with the lawsuit and the Attorney General's Office to make it
7 a proper lawsuit.

8 Clearly, he knows she works for the Sheriff. It's our
9 position under Rule 4, he should have served the Attorney
10 General's Office, be her an officer of the State or because
11 she is an alter ego of the Sheriff.

12 We also moved in the alternative, even if he had the
13 entry of default, to have it set aside for good cause, and
14 we've alleged that, and we even went further to show there
15 were meritorious defenses in this case.

16 So that's our position, Your Honor, on behalf of the
17 Department.

18 THE COURT: All right.

19 MR. PRICE: Your Honor, but she's an employee of the
20 governor's ombudsman office. The victim's advocate falls
21 under the governor's office. It's not within the -- she
22 may -- she may work there, but she's paid by the governor's
23 office, ombudsman. That's who you call when you want to make
24 a complaint about a victim's advocate. Those are the people
25 that have jurisdiction over her.

1 THE COURT: Okay.

2 Your motion here -- anything in response?

3 All right. I'll take the matter under advisement and
4 come up with a decision.

5 MR. DAVIDSON: Thank your, Your Honor.

6 MR. PRICE: Your Honor, may I make a closing statement?

7 THE COURT: Sure.

8 MR. PRICE: May I? Thank you.

9 I would just like to close on my arguments, and it's very
10 brief.

11 THE COURT: Go ahead.

12 MR. PRICE: All right. I would respectfully request that
13 this Court find the defendant's Motion to Dismiss is
14 procedurally improper and premature because the pending
15 default motion has not been resolved and Defendant has not
16 moved under Rule 55(c) and, in the alternative, deny the
17 Motion to Dismiss in its entirety on the merits, because
18 Rule 4(d)(5) does not apply to a civilian victims advocate
19 sued in her individual capacity.

20 Also, Defendants filing of a ten-defense answer
21 constituted a general appearance, waiving any service
22 objection. Another is service under Rule 4(d)(1) was facially
23 valid and uncontested; and, finally, actual notice with no
24 conceivable prejudice forecloses the drastic remedy of
25 dismissal.

1 Please have this Court Order that this action proceeds so
2 that Plaintiff's claims of defamation, malicious prosecution,
3 civil conspiracy, and abuse of process may be heard on their
4 merits.

5 And I respectfully thank this Court for allowing me to
6 speak.

7 THE COURT: Yes, sir.

8 All right. It's under advisement. Thank you.

9 MR. DAVIDSON: Thank you, Your Honor.

10 (The hearing concluded at 11:10 a.m.)
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Certificate of Transcriber

CASE NAME: Price v. Bartley

DATE OF HEARING: 3/26/2026

RECORDING METHOD: DCRP Court Monitor

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Bobbi Fisher

/s/ Bobbi Fisher

Bobbi Fisher, SC Official Court Reporter III, RPR

Transcript Prepared: 5/17/26

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