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STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE Jennifer L. Browning and Browning Geriatric Consulting, LLC, Plaintiffs, v. Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, Margaret Miniard, Mayra Michalski, and Luis Michalski, Defendants.	IN THE COURT OF COMMON PLEAS THIRTEENTH JUDICIAL CIRCUIT **C.A. No. 2024-CP-23-03730** **ORDER AND FINAL JUDGMENT**

RECEIVED
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SC Court of Appeals

This matter is before this Court as one of the damages hearings head during the week of January 12, 2026. The hearing for Plaintiffs Jennifer L. Browning and Browning Geriatric Consulting, LLC, ("Browning Geriatric") commenced on January 16, 2026. Based on the record and evidence presented, the Court makes the following findings of fact and conclusions of law:

I. STATEMENT OF FACTS

As Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, Mayra Michalski, Luis Michalski, and Margaret Miniard (collectively "Defendants") failed to timely file an Answer, the facts as alleged in the Complaint and restated below are admitted. The plaintiffs did not move to substitute the fictitious persons John and Jane Does 1-14, therefore the Court hereby dismisses John and Jane Does 1-14 and strikes them from the caption of this case.

On May 17, 2024, the defendants sent three (3) defamatory letters to Ms. Browning, Browning Geriatric, and numerous other persons and entities. The defamatory

Exhibit I

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letter "The matter for Standford Grist" was sent to Clayton Jennings, Jennifer Browning, individually, and Browning Geriatrics, Tracy Parsons, Caroline York Grist Lyon, Leyland H. Lyon, Priscilla Mickie Grist, Chris and Erin Couchell, individually, and Kiki's Care, d/b/a Comfort Keepers, Tyler McLeod, Adam Lee, Dan Collins, The Vanguard Group/Vanguard Flagship Services, Mike Bridges, Cheryl Borum, and R. O'Neil Rabon. The defamatory letter "The Matter of Frances Michalski" was sent to Trey Suggs, Jennifer Browning, individually, and Browning Geriatrics, Tracy Parsons, Joseph Plaxco, Frank Plaxco (Mr. Plaxco passed four years earlier), William Fore, Bon Secours Health System, Inc., St. Francis Physician Services, Inc., Tyler O'Shield, Carrie Woodall, and R. O'Neil Rabon. The defamatory letter "The Matter of Geraldine Schnabel" was sent to Clayton Jennings, Jennifer Browning, individually, and Browning Geriatrics, Abigail Hodges, Colton Bazzle, Scott Montjoy, Lisa Browning, individually, and SC House Calls, Jeff Allen, individually, and UBS Financial Services, Inc., Dan Collins, Renee Tedrick, Shelton Tate, individually, and TNB Financial Services, R. O'Neil Rabon, Melanie Hughes, individually and Dixon Hughes Goodman, LLP.

In these letters, the defendants accused Ms. Browning, Browning Geriatric, and other recipients of the defamatory letters of participating in a scheme to defraud the attorney defendants' clients in violation of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962, *et. seq*. ("RICO"). Defendants accused Ms. Browning and Browning Geriatric of engaging in a "Sham Probate Enterprise" consisting of a "pattern of racketeering activity." Defendants also accused Ms. Browning and her business of engaging in "multiple, repeated, and continuous" acts of mail fraud, wire fraud, and extortion as well as violations of South Carolina common law. Defendants alleged

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Ms. Browning and Browning Geriatric committed these crimes through "comprehensive, multiple and inter-related schemes to deceive and defraud" which they asserted can generally be understood as "knowingly self-dealing while committing fraud in the creation or administration of probated estates, settlements, trust agreements and property transactions while ignoring conflicts of interest and committing extortion. . ." Further, Defendants stated Ms. Browning and Browning Geriatric's "use of the court system to advance the racketeering scheme is particularly egregious" because "it victimized the entire judicial system, impacts the administration of justice across the board and undermines the integrity of the legal process for everyone."

Strikingly, the widely published Defamatory Letters also announced that the Defendants were "aware of the serious nature of the charges and the impact they may have upon [the recipients] business operations[.]"

II. PROCEDURAL HISTORY

On May 17, 2024, Defendants transmitted the Defamatory Letter, accusing Ms. Browning and Browning Geriatric of committing various federal crimes as well as violations of South Carolina law. On June 17, 2024, Ms. Browning and Browning Geriatric filed a Summons and Complaint against the defendants in Greenville County Court of Common Pleas for South Carolina. Defendants were duly served and timely filed motions to dismiss pursuant to Rule 12 of the South Carolina Rules of Civil Procedure ("SCRCP.") On October 3, 2024, Judge Salvini issued Form 4 Orders denying Defendants' respective motions to dismiss. On October 14, 2024, Defendants filed a Motion to Alter or Amend Judgment under Rule 59(e), SCRCP. On October 29, 2024, Judge Salvini issued an Initial Order regarding Defendants' Motion to Alter or Amend Judgment under Rule 59(e),

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SCRCP, which established that the motion would be decided on written submissions and set the deadlines for the same. Defendants' Answers to Ms. Browning and Browning Geriatric's Complaint were due on October 18, 2024. However, Defendants did not file their Answers until November 12, 2024.

In response, Defendants filed motions to dismiss, which were heard by this Court on September 25, 2024. On October 2, 2024, this Court denied Defendants' motions. On October 14, the defendants purported to file a motion pursuant to Rule 59(e) seeking to "alter or amend judgment or in the alternative motion for clarification." On November 27, 2024, the Honorable Jessica Salvini denied the defendants' 59(e) motion. Defendants' responsive pleadings were due on October 17, 2024; however, the defendants did not attempt to file their Answer until November 12, 2024.

On October 28, 2024, counsel for Ms. Browning and Browning Geriatric filed an affidavit requesting the Court enter default against the Defendants under Rule 55, SCRCP. On November 4, 2024, Defendants filed a Petition to the Chief Justice of the South Carolina Supreme Court seeking the recusal of Judge Salvini. On November 12, 2024, Ms. Browning and Browning Geriatric filed a motion for default judgment pursuant to Rule 55(b) and requested a damages hearing. On November 18, 2024, the Defendants filed their Objection and Motion to Set Aside Entry of Default. On November 27, 2024, the Court denied Defendants' Motion to Alter or Amend Judgment under Rule 59(e). On December 27, 2024, Defendants filed an appeal of Judge Salvini's order with an amended appeal following on December 30, 2024. The South Carolina Court of Appeals dismissed the appeal on January 6, 2025. On January 16, 2025, Defendants filed a Motion to Reinstate the Appeal which was subsequently denied on April 17, 2025. On February 11,

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2025, Defendants filed a Supplemental Petition to the Chief Justice of the South Carolina Supreme Court. Finally, on February 13, 2025, the Chief Justice issued an Order assigning this matter and the other related matters (*Rabon v. Hulsey*, Case No: 2024CP2303236; *Suggs v. Hulsey*, Case No.: 2024CP2303258; *Plaxco v. Hulsey*, Case No.: 2024CP2303329; *Browning v. Hulsey*, Case No.: 2024CP2303730) to the undersigned for further handling.

On April 4, 2025, this Court issued a Form 4 Order granting Plaintiffs' Motion for Entry of Default and denying Defendants' Motion to Set Aside the Entry of Default with a more fulsome written Order following on April 17, 2025. On April 28, 2025, Defendants filed a Motion for Reconsideration and to Alter or Amend this Order. On July 10, 2025, Defendants filed a Motion for Judgment on the Pleadings or in the Alternative for a Stay. On July 30, 2025, Defendants filed a Motion to Bifurcate these proceedings.

Finally, on December 8, 2025, this Court scheduled the damages hearing to begin the week of January 12, 2026, and to hear all outstanding motions on Monday, January 12, 2026.

III. EVIDENCE PRESENTED

Ms. Browning and Browning Geriatric presented evidence of damages through testimonial and physical evidence. Beginning with testimonial evidence, Ms. Browning and Browning Geriatrics presented Attorney Fred W. "Trey" Suggs ("Attorney Suggs") and Ms. Browning to testify.

A. Attorney Fred W. "Trey" Suggs Testimony

Mr. Suggs has been practicing law for 24 years in South Carolina, and he represents Ms. Browning and Browning Geriatric in the 2022 state court lawsuit *Stacey*

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Grist v. Priscilla Mickie Grist, et al., Case No. 2022-CP-23-04055. Mr. Suggs is the past President of the South Carolina Defense Lawyers Association and is widely recognized as an experienced and outstanding member of the South Carolina Bar. In the *Grist* case, there was a conflict among the Grist children, and the Court appointed Ms. Browning to serve as the guardian *ad litem* for Dr. Grist. Kimberly Thomason and Devon Puriefoy of Truluck Thomason (two of the attorney defendants here), and John-Paul Baum, formerly of Truluck Thomason, represented Stacey Grist in that lawsuit. Mr. Suggs testified that Thomason, Puriefory, and Baum alleged that Ms. Browning misappropriated funds, lied to the Court, and participated in a conspiracy. Based on Mr. Suggs' investigation, the allegations are not true and not one fact was produced to support the allegations. The case was dismissed by way of summary judgment. Stacey Grist, represented by Kimberly Thomason and Devon Puriefoy, appealed. The case is currently pending before the South Carolina Court of Appeals.

Mr. Suggs testified that Ms. Browning has been sued multiple times without cause by the defendants. He further testified that the attorney defendants have utilized PAWS, a probate court case management system, to solicit clients for use against Ms. Browning. Due to the conduct of the defendants, Ms. Browning now refuses to take court appointments, which places a tremendous strain on the Greenville County Probate Court due to her very unique background and experience. According to Mr. Suggs, Ms. Browning has been obliterated by the defendants' acts, both emotionally and professionally.

Mr. Suggs' hourly rate to represent Ms. Browning and Browning Geriatric was significantly reduced from his typical hourly rate. Ms. Browning has incurred $116,322.79

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in attorneys fees and expenses on the *Grist* lawsuit. Mr. Suggs testified that these attorney fees and expenses are appropriate, necessary, and reasonable. Attorneys' fees will continue to accumulate as the order granting summary judgment has been appealed by the attorney defendants.

B. Ms. Browning's Testimony

Ms. Browning owns and operates Browning Geriatric. She obtained a Bachelor of Science degree in social work and a Master's Degree in social work, both from Florida State University. Browning Geriatric is a full-service consulting firm, employing nurses and case managers for the elderly and/or incapacitated. Ms. Browning serves as a personal representative, power of attorney, and healthcare power of attorney. She has routinely been appointed by South Carolina courts as a guardian and guardian *ad litem*.

i. Defendants' Conduct Prior to Ms. Browning and Browning Geriatric Consulting, LLC Filing the Complaint in this Case

Ms. Browning and Browning Geriatric have been involved in seven different lawsuits in the last seven years. Attorney defendants Kimberly Thomason and Devon Puriefoy first sued Ms. Browning and Browning Geriatric on October 10, 2019 in *Deanne Johnston as Guardian of Patricia Singer v. Browning Geriatric Consulting, LLC and Jennifer Browning*, 2019-CP-23-05912, alleging oppressive and abusive conduct. Attorney H.W. Paschal, Jr. represented Ms. Browning and Browning Geriatric. That case was dismissed by consent of the parties. Ms. Browning and Browning Geriatric did not pay any form of compensation, nor have they ever paid any form of compensation to have any of the other cases dismissed.

Attorney defendant Kimberly Thomason then represented Margaret Miniard and sued Browning Geriatric on December 17, 2020 in *Margaret Miniard v. Abigail Hodges*

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and Browning Geriatric Consulting, LLC, 2021-GC-30-00001, alleging that Browning Geriatric accumulated fees for medical care that was not needed and/or wanted for personal gain. Browning Geriatric was represented in that case by Clayton Jennings, Esquire. That case was also dismissed by consent of the parties.

Attorney defendants Kimberly Thomason, Devon Puriefoy, and John-Paul Baum (a former attorney of Truluck Thomason law firm), represented Stacey Grist against Ms. Browning, Browning Geriatric, and others on August 1, 2022 in *Stacey Grist v. Priscilla Mickie Grist*. Attorney Suggs represented Ms. Browning and Browning Geriatric in that case, and on January 3, 2025, summary judgment was granted in favor of Ms. Browning and her firm.

Ms. Browning testified that for the past seven years, she thought she faced financial ruin. Her and her business have been severely hampered by the payment of substantial legal fees and the resulting loss of time and well-being in defending from frivolous lawsuits, both before and after the defamatory letters were sent.

On May 17, 2024, the defendants mailed the three defamatory letters. Ms. Browning denied all of the alleged conduct stated in the letters, all of which went unchallenged on cross examination.

ii. Defendants' Conduct During the Pendency of this Lawsuit

The Defendants filed three separate federal RICO lawsuits: *Grist v. Browning, et al.*, 6:24-cv-03853-BHH (D.S.C., filed July 3, 2024); *Miniard v. Browning, et al.*, 6:24-cv-04132-BHH (D.S.C., filed July 24, 2024); *Michalski, et al. v. Suggs, et al.*, 6:24-cv-04820-BHH (D.S.C., filed September 4, 2024). The same recipients of the letters were named as defendants. Ms. Browning explained that she is the lead defendant in two of the

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lawsuits. Her name will forever appear in internet searches related to these lawsuits. In addition to suing Ms. Browning and Browning Geriatric, the defendants also sued Browning Geriatric's employee Carrie Woodall in the *Michalski* federal lawsuit. These cases were reported in an article published by the Epoch Times, a news periodical on the internet. Ms. Browning received a phone call from an Epoch Times reporter asking for an interview that she declined. The Epoch Times article remains on the internet.

The three federal lawsuits were dismissed based upon lack of jurisdiction and failure to plead a single predicate act. *See*, *e.g.*, *Grist* Order at p. 29 ("These allegations fail to comply with Rule 9 of the Federal Rules of Civil Procedure, as Plaintiffs do not state with particularity the circumstances constituting fraud; indeed, these allegations do not include *any details* of the time, place, and contents of the alleged instances of mail or wire fraud") (italics original) and *Grist* Order at p. 30 ("the Court finds that Plaintiffs' complaint does not sufficiently identify a single predicate act of racketeering activity, let alone two, to plausibly plead a pattern of racketeering activity under § 1962(c), let alone a conspiracy under § 1962(d) to violate § 1962(a) or (c)"). Like Judge Hendricks, Judge Gravley found no evidence to support the defendants' claims in their state court *Grist* lawsuit against Browning and Browning Geriatric. (January 6, 2025, Summary Judgment Order). Therefore, even after the defendants were aware that Ms. Browning and others were suing them for publishing knowingly false accusations, the defendants were incapable of alleging a factual basis to sustain their RICO actions.

After the defendants were in default, Kimberly Thomason and Devon Puriefoy sued Ms. Browning again in *McCalla, et al. v. Browning, et al.*, Case Nos. 2021-GC-23-00150 and 2022-GC-23-00014 (filed March 25, 2025). They alleged "financial mismanagement,

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inappropriate care decisions, and lack of transparency" by Ms. Browning. Knowing Ms. Browning was represented by Attorney Beattie B. Ashmore in this captioned matter and by Attorney Suggs in the *Grist* case, the defendants sent a process server, armed with a gun and wearing a bullet proof vest, to Browning Geriatric to serve the newest complaint. Ms. Browning was not at her office at the time, and she was contacted by her panicked staff. She told the process server that he needed to contact her attorney for service. Ms. Browning testified this event was extremely upsetting to her and the Browning Geriatric staff. The summons was also published in the Greenville Journal. A former Probate Judge and several of Ms. Browning's clients called her about the publication. Ms. Browing testified that rather than defend on the newest lawsuit, she decided to file an application for relief as guardian due to the ongoing litigation with Truluck Thomason. She testified she gave up significant employment rather than face another frivolous lawsuit at the hands of the attorney defendants.

iii. Impact on Ms. Browning and Browning Geriatric Consulting, LLC

Ms. Browning's testimony demonstrated that she and Browning Geriatric enjoyed an outstanding reputation as the premier geriatric service in the upstate of South Carolina; however, the defamatory letters and lawsuits have severely damaged that reputation. Ms. Browning testified that not only have these allegations been discussed in the probate court arena, they have also been discussed at Ms. Browning's church, her neighborhood, and throughout the legal community.

The letters and lawsuits have caused extreme discord in Ms. Browning's marriage and familial life. She testified that she and her husband had many conversations about the legal fees and loss of income she has incurred, and she tries not to talk to her husband

about it anymore simply because it is upsetting and overwhelming to both of them. She had conversations with her children regarding whether they were going to be able to continue their education at a local private school and whether or not Ms. Browning and her husband were going to be able to pay for their college. Ms. Browning has been unable to attend family vacations, weekends, holidays, vacations, and mealtimes with her family. She estimates that she has spent thousands of hours on these cases.

The defendants' conduct has also had a significant impact on Browning Geriatric. Ms. Browning testified that it was very stressful trying to keep her staff together because her staff had to deal with process servers and frivolous lawsuits. As mentioned, one of her employees has been sued individually by the defendants. Moreover, Ms. Browning testified she has reduced the volume of business that Browning Geriatric once enjoyed so that she could deal with the myriad of litigation processes. Some clients have dismissed Browning Geriatric because of the letters and lawsuits; others are still asking Ms. Browning about the status of the federal RICO actions so that they can update their legal counsel and determine if they can continue to use Browning Geriatric. Business vendors and current clients sent the RICO actions to their attorneys and malpractice carriers to make sure that they could still use Ms. Browning and Browning Geriatric.

Further, the lawsuits caused her malpractice insurance carrier of 20 years to drop her from coverage. It is Ms. Browning's understanding that if she does not have malpractice insurance, she cannot practice. After three (3) months, she found a new provider that costs exponentially more in premium payments. She is also unsure whether this new carrier will continue to insure her because her insurance agent received a letter from the carrier stating that she needs to start looking for a new carrier.

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Ms. Browning had clients that switched to alternate care managers and she lost that work. Ms. Browning testified that she has received many calls from the court and from attorneys to act as a guardian and has been asked multiple times to take guardian *ad litem* cases. She has declined these requests due to the attorney defendants' continued baseless lawsuits. She testified that she knows the attorney defendants obtained a list of all her cases from the Greenville County Probate Court with the intention of convincing family members of former clients that she should be sued.

Ms. Browning explained that she tries to remain stoic because a vast network of people depend on her, yet in private moments she sometimes simply breaks down due to the stress and anxiety caused by these letters and lawsuits. When asked what Ms. Browning hopes to achieve from this lawsuit, she testified that she wants the harassment and lawsuits to stop, and she feels like she is "just a sitting duck just waiting for the next lawsuit." This anxiety is a "black cloud" that constantly occupies her mind.

C. Exhibits

The Court also considered the following plaintiffs' exhibits which were entered as evidence in the case: Exhibits 1-3: Grist, Michalski, and Schnabel defamatory letters; Exhibit 4: *Johnston/Singer* Complaint; Exhibit 5: *Johnston/Singer* Consent Order; Exhibit 6: *Miniard* state case complaint; Exhibit 7: *Miniard* state case consent order; Exhibit 8: Petition to South Carolina Supreme Court; Exhibit 9: South Carolina Supreme Court Order; Exhibit 10: *Grist* state case complaint; Exhibit 11: Summary Judgment Order in *Grist* state case; Exhibits 12-17: three Federal lawsuits and Orders; Exhibit 18: *McCalla* petition; Exhibit 19: Greenville Journal publication; Exhibit 20: Letter re: FOIA request attaching Ms. Browning cases; Exhibit 21: Epoch Times article; Exhibit 22: Summary of

attorneys' fees and expenses paid to-date. The deposition transcripts of attorney defendants Thomason, Defendant Puriefoy, Defendant Ballard, and Defendant Durand were also introduced across all related cases.

IV. LEGAL AUTHORITY

"It is well settled that by suffering a default, the defaulting party is deemed to have admitted the truth of the plaintiff's allegations and to have conceded liability." *Roche v. Young Bros., Inc., of Florence*, 332 S.C. 75, 81, 504 S.E.2d 311, 314 (1998). "In a default case, the plaintiff must prove by competent evidence the amount of his damages, and such proof must be by a preponderance of the evidence." *Jackson v. Midlands Human Res. Ctr.*, 296 S.C. 526, 529, 374 S.E.2d 505, 506 (Ct. App. 1988). However, in an action for libel per se, common law malice and general damages are presumed. *Erickson v. Jones Street Publishers, LLC*, 368 S.C. 444, 629 S.E.2d 653, 664 (2006); *see also Kunst v. Loree*, 424 S.C. 24, 39, 817 S.E.2d 295, 302–03 (Ct. App. 2018) ("When a defamatory statement is actionable per se, the plaintiff need not prove general damages—as these damages are presumed—and the defendant is presumed to have acted with common law malice."). Such presumed damages include injury to reputation, mental suffering, hurt feelings, and "similar injuries, incapable of definite money valuation." *Whitaker v. Sherbrook Distrib. Co.*, 189 S.C. 243, 246, 200 S.E. 848, 849 (1939); *see also Capps v. Watts*, 272 S.C. 276, 281, 246 S.E.2d 606, 609 (1978); *Lily v. Belk's Dept Store*, 178 S.C. 278, 284, 182 S.E. 889, 891 (1935). Damages may extend into the future and may be permanent. *See Abofreka v. Alston Tobacco Co.*, 288 S.C. 122, 126, 341 S.E. 2d 622, 625 (1986).

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Under South Carolina law, a defamation plaintiff must demonstrate clear and convincing evidence of actual malice to warrant an award of punitive damages. *Tharp v. Media General, Inc.*, 987 F. Supp. 2d 673 (D.S.C. 2013) citing *Hainer v. Am. Med. Int'l, Inc.*, 328 S.C. 128, 135, 492 S.E.2d 103, 107 n.8 (1997) ("We remind trial judges that in cases in which the issue of punitive damages is submitted to the jury, there must be clear and convincing evidence of actual malice to warrant such an award."); *see also* S.C. Code Ann. § 15-33-135; *see also Miller v. City of West Columbia*, 322 S.C. 224, 471 S.E.2d 683 (1996) (award of $500,000 punitive damages in defamation case); *Kelley v. Wren*, 415 S.C. 379, 782 S.E.2d 406 (Ct. App. 2016) (award of $250,000 in punitive damages in libel case). In assessing punitive damages, the trial court may properly consider a litigant's "abusive and obstructionist" litigation tactics. *Hundley ex. rel. Hundley v. Rite Aid of South Carolina, Inc.*, 339 S.C. 285, 316, 529 S.E.2d 45, 62 (Ct. App. 2000).

In a default case, "[t]he trial judge has considerable discretion regarding the amount of damages, both actual or punitive." *Austin v. Specialty Transp. Servs., Inc.*, 358 S.C. 298, 310, 594 S.E.2d 867, 873 (Ct. App. 2004). Because of this discretion, the "review on appeal is limited to the correction of errors of law." *Id*. (explaining standard of review does not require Court of Appeals to weigh the evidence, and instead, it must only determine whether there is any evidence to support the damages award).

In determining the award of damages in this case, this Court also relied on the following authority which are analogous defamation cases. In *Sulka v. Hoagland*, Case No. 2017-CP-07-01547, the plaintiff who was serving as the Mayor of Bluffton brought a defamation action against the defendant after the defendant circulated emails to Chamber of Commerce members accusing her of misusing public funds, engaging in criminal

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conduct, and being unfit for office. A jury returned a verdict for the plaintiff in the amount of $40,000,000 in actual damages and $10,000,000 in punitive damages.

Further, in *Kellie and Kayla Bingham v. Medical University of South Carolina*, Case No. 2016-CP-08-013, the plaintiffs brought an action for defamation alleging they were falsely accused of cheating which led to their expulsion. Based on these facts, a jury awarded each plaintiff $750,000.00.

Similarly, in *Kunst v. Loree,* 424 S.C. 24, 817 S.E.2d 295 (Ct. App. 2018), a jury awarded the plaintiff $1,000,000.00 in actual damages after the defendant falsely accused the plaintiff of embezzlement, creating false invoices, and other criminal acts that harmed his reputation and business. The South Carolina Court of Appeals affirmed the verdict.

V. ANALYSIS

1. Actual Damages and Damages *Per Se*

A. Compensatory financial damages for the plaintiffs' abuse of process claim:

Ms. Browning testified that she paid the following:

- $12,011.16 paid to H.W. Paschal, Jr. to defend *Deanne Johnston as Guardian for Patricia Singer v. Browning Geriatric Consulting, LLC and Jennifer Browning*;
- $1,750.00 paid to Clayton L. Jennings to defend *Margaret Miniard v. Abigail Hodges and Browning Geriatric Consulting, LLC*;
- $116,322.79 paid to Fred W. Suggs, III to defend *Grist, et al. v. Jennifer Browning and Browning Geriatric Consulting, LLC, et al.*;
- $76,630.00 paid to Beattie B. Ashmore to defend *Grist, et al. v. Jennifer Browning and Browning Geriatric Consulting, LLC, et al.*, *Miniard, et al. v. Jennifer Browning*

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and Browning Geriatric Consulting, LLC, et al., and *Michalski, et al. v. Jennifer Browning and Browning Geriatric Consulting, LLC, et al.* cases; and

- $9,331.25 paid to Theresa Horton, Fred W. Suggs, III, and Beattie B. Ashmore to defend *McCalla, et al. v. Jennifer Browning and Jennifer Chastain*.

These are compensatory damages recoverable for abuse of process as the natural results of the defendants' continued wrongs, and recompense Ms. Browning for her expenses and loss of financial standing. Moreover, these fees are reasonable when considering the six factors as outlined in *Burton*. In each of these cases, Ms. Browning and Browning Geriatric obtained a favorable result. Counsel in each of these cases has high professional standing (the Court notes that Attorney Theresa Horton has recently passed away). The Grist state case and the three federal cases were complex, and the *Grist* state case has been ongoing since August 1, 2022. Counsel devoted a substantial amount of time to these two cases. These fees are all customary for similar services.

B. Other actual damages and damages *per se*:

As demonstrated by the evidence, Ms. Browning has endured profound emotional distress characterized by extreme marital conflict, sleepless nights, and constant anxiety about her family's future. This anxiety was coupled with the catastrophic professional impact on Browning Geriatric's client base and staff as reflected throughout Ms. Browning's testimony.

Because this case involves admitted allegations of libel *per se*, Ms. Browning and Browning Geriatric were not required to prove general damages. "When a defamatory statement is actionable *per se*, the plaintiff need not prove general damages—as these damages are presumed—and the defendant is presumed to have acted with common law

malice." *Kunst v. Loree*, 424 S.C. 24, 39, 817 S.E.2d 295, 302–03 (Ct. App. 2018). Thus, Ms. Browning and Browning Geriatric's noneconomic damages are those that the law presumes as a result of the attorney defendants accusing them of committing felonies in written correspondence.

The defense averred during cross examination that the Plaintiffs, individually and collectively, could not prove the damages were caused solely by the letters and not the actual lawsuits. The Court takes judicial notice that the RICO cases were dismissed in favor of Ms. Browning and Browning Geriatric. Though the Defendants suggest that the federal case dismissal minimizes the harm done to the Plaintiffs, the Court finds this assertation unjustified. Defendants created the harm when they circulated the letters. The harm has continued and has not ebbed notwithstanding the dismissal of the RICO cases in favor Ms. Browning and Browning Geriatric.

The Court hereby awards Ms. Browning $216,045.20 to Ms. Browning in compensatory damages. The Court hereby awards Ms. Browning an additional $5,000,000 in actual and *per se* damages and awards Browning Geriatric $1,000,000 in actual and *per se* damages.

2. Attorneys Fees

The Court also awards Ms. Browning attorneys fees and expenses pursuant to S.C. Code Ann. § 15-53-100 in the amount of $140,368.95 reflecting the amount paid to Beattie B. Ashmore. In awarding these attorneys fees, the Court has considered the nature, extent, and difficulty of this case, the time necessarily devoted to the case, the professional standing of counsel, the contingency of compensation, the beneficial results obtained, and customary legal fees for similar services. Attorney Ashmore is recognized

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as an experienced and outstanding member of the South Carolina Bar. This case involved a claim for abuse of process, which involved six (now seven) lawsuits brought by the attorney defendants against the plaintiffs. Moreover, within this lawsuit the attorney defendants accused Judge Salvini of being biased and they filed a petition and supplemental petition with the South Carolina Supreme Court. They also filed an interlocutory appeal to the South Carolina Court of Appeals which was dismissed. The time counsel devoted to this case was substantial. Numerous motions were filed and depositions were taken. The fees are customary for similar services. Moreover, counsel for the plaintiffs has a high professional standing and obtained a beneficial result.

3. Punitive Damages

The attorney defendants have harassed the plaintiffs for seven years with frivolous lawsuits. Relevant excerpts from the attorney defendants' depositions are attached hereto for reference in Appendix I. Their refusal to answer even the most basic questions about the defamatory letters, or the grave accusations they chose to publish, was not merely improper, but reflects a troubling disregard for their obligations as officers of the court. Such conduct not only impeded the plaintiffs' ability to obtain trial evidence for the damages hearings but also demonstrated a level of obstruction and evasiveness that is particularly reprehensible when committed by licensed attorneys who are bound to uphold, and not undermine, the rule of law.

The seriousness of this misconduct was only magnified at the damages hearing, where the attorneys for the attorney defendants continued to posture as though the defamatory accusations might have merit—despite the attorney defendants having previously refused to answer straightforward questions about the very letters they

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authored and circulated. The attorney defendants did not see fit to attend the damages hearing. Their conduct following publication of the letters was as egregious as the publication itself and strongly suggests an ongoing unwillingness to accept responsibility or accountability for their reckless and reprehensible behavior.

In light of this pattern of disregard for the truth and for the integrity of judicial proceedings, in evaluating the appropriate measure of punitive damages, the deterrence factor carries particular weight. When the actors are lawyers whose conduct exhibits disrespect for the fundamental rule of law, punitive damages are not only appropriate but necessary to ensure that such behavior is not repeated, either by these attorney defendants or by others.

Therefore, this Court finds that Ms. Browning and Browning Geriatric have each presented clear and convincing evidence of actual malice to warrant a punitive damages award. The Court hereby awards punitive damages in favor of Ms. Browning in the amount $2,000,000.00[1] against the attorney defendants, Devon Puriefoy, Kimberly Thomason, and Desa Ballard. The Court hereby awards punitive damages in favor of Browning Geriatric in the amount of 400,000.00 against the attorney defendants, Devon Puriefoy, Kimberly Thomason, and Desa Ballard.

VI. CONCLUSION

It is hereby ORDERED:

1. Ms. Browning is granted judgement against all of the defendants, joint and several, as follows:

[1] The Court calculates the award of punitive damages as a percentage of the actual damages. The Court utilized a 40% rate to calculate the award. (40% of $ 5,216,045.20 equals 2,086,418.0 rounding down 2,000,000.00)

a. Actual damages and damages per se in the principal amount of **$5,216,045.20**; and

b. Attorneys' fees in the amount of **$140,368.95**.

2. Browning Geriatric Consulting, LLC is granted judgment against all of the defendants, jointly and severally, as follows:

a. Actual damages and damages per se in the principal amount of **$1,000,000.00**.

3. Punitive damages are hereby ordered against Defendant Devon Puriefoy as follows:

a. **$666,666.67** in favor of Ms. Browning and

b. **$133,333.33** in favor of Browning Geriatric Consulting, LLC.

4. Punitive damages are hereby ordered against Defendant Kimberly Thomason as follows:

a. **$666,666.67** in favor of Ms. Browning and

b. **$133,333.33** in favor of Browning Geriatric Consulting, LLC.

5. Punitive damages are hereby ordered against Defendant Desa Ballard as follows:

a. **$666,666.67** in favor of Ms. Browning and

b. **$133,333.33** in favor of Browning Geriatric Consulting, LLC.

These amounts shall be subject to post-judgment interest at the rate of eleven and a half (11.50%) per annum.

IT IS SO ORDERED.

This ___ day of _____, 2026

_____
Eugene C. Griffith, Jr.
Presiding Circuit Judge

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Greenville Common Pleas

Case Caption: Jennifer L Browning , plaintiff, et al vs. Paul Hulsey , defendant, et al

Case Number: 2024CP2303730

Type: Order/Other

It is so ordered

Eugene C. Griffith, Jr. 2154