ELECTRONICALLY FILED - 2026 Mar 12 3:53 PM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303730

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

THIRTEENTH JUDICIAL CIRCUIT

Roland O'Neil Rabon, Jr.,

Plaintiff,

v.

Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Margaret Ann Miniard, John & Jane Does ##1-14,

Defendants.

C.A. No. 2024-CP-23-03236

ORDER FOR SANCTIONS

RECEIVED
Aug 11 2026
SC Court of Appeals

Fred W. "Trey" Suggs, III,

Plaintiff,

v.

Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard,

Defendants.

C.A. No. 2024-CP-23-03258

Clayton L. Jennings,

Plaintiff,

v.

Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, Margaret Ann Miniard, John & Jane Does 1-14,

Defendants.

C.A. No. 2024-CP-23-03271

Exhibit J

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Joseph M. Plaxco, Plaintiff, v. Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Luis Michalski, John & Jane Does 1-14, Defendants.	**C.A. No. 2024-CP-23-03329**
Jennifer L. Browning and Browning Geriatric Consulting, LLC, Plaintiffs, v. Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Luis Michalski, Margaret Miniard, Stacey Grist, John & Jane Does 1-14, Defendants.	**C.A. No. 2024-CP-23-03730**

Plaintiffs Fred W. "Trey" Suggs, III, Clayton L. Jennings, Joseph M. Plaxco, Roland O'Neil Rabon, Jr., Jennifer L. Browning, and Browning Geriatric Consulting, LLC (collectively "Plaintiffs") jointly moved for sanctions under Rule 37 of the South Carolina Rules of Civil Procedure based on the conduct of Defendants Desa Ballard, Kimberly

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Thomason, and Devon Puriefoy (collectively, "Defendants") at their depositions which took place on August 5, 2025, August 7, 2025, and August 8, 2025, respectively.

During the depositions, all three Defendants essentially refused to answer questions about the letters which form the basis of the lawsuits filed against Defendants. Ms. Ballard was asked three hundred and four (304) questions and refused to answer one hundred and seventy-nine (179) of them. Ms. Thomason was asked three hundred and forty-one (341) questions and refused to answer one hundred and twenty-four (124). Mr. Puriefoy was asked three hundred and eighty-five (385) questions and refused to answer one hundred and fifty-five (155). Critically, Defendants refused to answer the most basic and foundational questions regarding the letters—information Plaintiffs were plainly entitled to obtain in discovery. For example, Ms. Ballard refused to confirm whether she mailed the letters, who drafted them, or whether she had ever even seen the letters before:

15	Q. But you put the -- did you mail these
16	letters?
17	A. I'm not going to answer questions about
18	these letters.
19	Q. Who drafted these letters?
20	A. I'm not going to answer questions about
21	these letters.
22	Q. Have you ever seen these letters?
23	A. I'm not going to answer questions about
24	these letters.

(Ballard Dep. (Aug. 5, 2025) 9:15-24). Ms. Thomason responded similarly to the same questions:

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> Q. When did the drafting of these letters begin?
> A. I'm not going to discuss these letters.

(Thomason Dep. (Aug. 6, 2025) 12:8-10). Taking it a step further, Ms. Thomason also refused to answer questions even after her counsel expressly advised her that she could do so:

> MS. CARROLL: My client may answer the questions.
> THE WITNESS: I'm not answering the question.

(*Id*. at 12:22-25). Despite sending the letters and arguing they are subject to privilege as they relate to a potential lawsuit, Mr. Puriefoy refused to identify who he represented in relation to the letters that he signed and sent on behalf of his alleged clients:

> Okay. And so with respect to Deposition Exhibit Number 2, who was your client in relation to that exhibit?
> A. I'm not discussing the letter.

(Devon Puriefoy Dep. (Aug. 8, 2025) 16:19-22). Further, Plaintiffs complain that Defendants made assertions of attorney-client privilege and work product immunity which were improper and in bad faith. In other words, these Defendants refused to participate in discovery despite being experienced litigators and officers of the court. Based upon a review of each deposition transcript, the Court finds that each Defendant refused to answer questions that were highly relevant to the claims and defenses in this action. Moreover, in the few instances where Defendants asserted privilege, the Court finds that the asserted privilege did not apply and did not justify the refusal to answer.

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In awarding sanctions in this case, this Court is mindful of the South Carolina Court of Appeals' admonishment in the case of *Downey v. Dixon*, 362 S.E.2d 317 (Ct. App. 1987) that sanctions be meaningful to discourage violations of the South Carolina Rules of Civil Procedure and Rules of Professional Conduct. *Downey* is particularly applicable here where conduct violating discovery was done by lawyers who know the rules of discovery.

Therefore, this Court awards sanctions against each Defendant in the amount of ten thousand and 00/100ths dollars ($10,000.00) for a total of **thirty thousand and 00/100ths dollars ($30,000.00)** which shall be paid within ten (10) days of the filing of this Order. This amount represents the Plaintiffs' lawyers time for deposing the Defendants as well as the costs associated with the depositions. Plaintiffs have agreed for this award to be paid to Nelson Mullins Riley & Scarborough, LLP which shall be responsible for distributing the funds evenly amongst the Plaintiffs.

IT IS SO ORDERED.

_____
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/Sanctions

It is so ordered

Eugene C. Griffith, Jr. 2154