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, Mayra Michalski, Luis Michalski, Margaret Miniard, Stacey Grist, and John and Jane Does 1-14, Defendants.	)	IN THE COURT OF COMMON PLEAS THIRTEENTH JUDICIAL CIRCUIT Case No. 2024-CP-23-03730 **ORDER DENYING POST TRIAL MOTIONS**

This matter came before the Court upon Defendants' Post-Trial Motions ("Post-Trial Motions") and Defendants' Notice of Motion and Motion to Stay Judgments and Order for Sanctions Pending Motions ("Motion to Stay") (treated together, "Defendants' Motions") filed by Defendants on March 23, 2026, in the above-captioned matter. Based on the pleadings, motions, memoranda, and evidence of record, the Defendants' Motions are DENIED as set forth herein.

I. PROCEDURAL HISTORY

On June 17, 2024, Jennifer L. Browning and Browning Geriatric Consulting, LLC filed a Summons and Complaint against Defendants in the Greenville County Court of Common Pleas for South Carolina asserting causes of action for defamation/libel and libel *per se*, abuse of process, intentional infliction of emotional distress / outrage, international interference with prospective contracts / business relations, and declaratory judgment. Defendants were duly served and filed motions to dismiss pursuant to Rule 12 of the South Carolina Rules of Civil Procedure ("SCRCP"). On October 2, 2024, the Court denied Defendants Kimberly Thomason, Devon Puriefoy, Margaret

Exhibit K

Miniard, and Desa Ballard's motions to dismiss. The Clerk entered the Court's Orders and provided notice to all parties. On October 2, 2024, the Court denied defendants Stacey Grist, Luis Michalski, and Mayra Michalski's motions to dismiss the Complaint. The Clerk entered the Court's Order and provided notice to all parties on October 3, 2024.

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), SCRCP, which established that the motion would be decided on written submissions and set the deadlines for the same. Defendants' Answers to the Complaint were due on October 17 and 18, 2024. However, Defendants did not file their Answers 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.

Three weeks after Plaintiffs filed an affidavit for entry of default, Defendants filed an Objection and Motion to Set Aside Entry of Default on November 18, 2024. On November 27, 2024, the Court denied Defendants' Motion to Alter or Amend the Judgment. 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 March 11, 2025. On February 11, 2025, Defendants filed a Supplemental

Petition to the Chief Justice of the South Carolina Supreme Court. 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; *Jennings v. Hulsey*, Case No. 2024CP2303271) to the undersigned for further proceedings.

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 detailed 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, without an operative Answer on file, 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 the upcoming, nonjury, default damages proceedings.

During the week of January 12, 2026, this Court held damages hearings in this case and the other related matters at which time evidence was presented of the damages suffered by Plaintiffs. The Court heard and denied Defendants' pending Motions for Judgment on the Pleadings and to for Reconsideration or to Alter and Amend the interlocutory order denying their Motion to Set Aside the Entry of Default against them. At this time, the Court also heard and later granted Plaintiffs' Motion for Sanctions against Defendants due to their deposition misconduct.

On January 30, 2026, Ms. Browning, Browning Geriatric, and Plaintiffs in the related actions submitted a Proposed Order on Plaintiffs' Motion for Sanctions. On February 2, 2026, Ms. Browning and Browning Geriatric submitted a Proposed Order on damages to be awarded in this case. Thereafter, on March 6, 2026, Defendants filed their Memorandum in Opposition to the Proposed Order and their Motion for Judgment as a Matter of Law. On March 12, 2026, this Court issued its Order and Final Judgment on damages and an Order granting Plaintiffs' Motion for Sanctions.

On March 23, 2026, Defendants filed a Motion to Stay the Judgments and Order on the Motion for Sanctions, omnibus brief of Post-Trial motions, and Motion to Alter or Amend the Court's Sanctions Order. On April 22, 2026, Plaintiffs filed an omnibus Response in Opposition to Defendants' Post-Trial motions ("Omnibus Response Brief") and a Response to Defendants' Motion to Alter or Amend the Court's Sanctions Order.

With this Order, this Court considers Defendants' Post-Trial Motions and Motion to Stay the Judgments and Order for Sanctions. Notably, rather than identifying any genuine error of law or newly discovered evidence, Defendants' Post-Trial Motions teem with recycled arguments that have already been raised—and rejected—throughout the course of this litigation. In another attempt to re-litigate this Court's Orders, on May 10, 2026 Luis Michalski, Mayra Michalski, Desa Ballard, Kimberly Thomason, and Devon Puriefoy filed another lawsuit against Ms. Browning and Browning Geriatric in federal court. Complaint, ECF No. 1, Case No. 6:26-cv-01909-BHH. The Federal District Court has previously dismissed three RICO complaints against Jennifer Browning and Browning Geriatric. Defendants again allege that Ms. Browning and Browning Geriatric violated RICO when it has already been decided in this Court that Ms. Browning and Browning Geriatric did not violate RICO. They allege, as a RICO predicate act, Ms. Browning and Browning Geriatric's filing the Complaint in this case, claiming that it "contain[s] false statements and was intended to and did obstruct justice, intimidate witnesses and attempt to extort Luis and Mayra from pursing relief for the wrong done to them [by Plaintiffs]." ¶ 104ccc. They allege, as another RICO predicate act, that Ms. Browning and Attorney Suggs testified falsely before this Court, ¶ 104jjj. To be clear, none of the allegations in the Complaint before this Court contain false statements. Defendants have admitted their truth. The Complaint was not intended to, and did not, obstruct justice, intimidate witnesses, or attempt to extort any of the Defendants from any alleged wrong. This Court found Ms. Browning and Attorney Sugg's testimony to be completely truthful and credible, and it awarded Ms. Browning and Browning Geriatric significant damages.

Defendants continue to challenge the propriety of their default status, dispute the sufficiency of Plaintiffs' evidence despite their admitted liability, and attempt to minimize the seriousness of their conduct. These arguments do not provide a valid basis for relief under Rules 52(b), 59(a), or 59(e), or any other Rules of the South Carolina Rules of Civil Procedure.

Because the Court's judgments are supported by competent, credible evidence assessed contemporaneously in its role as the finder of fact, reflect a thorough and deliberate application of the governing legal standards, and fall well within the bounds of the Court's discretion, Defendants' Post-Trial Motions are DENIED in their entirety.

II. STANDARDS OF REVIEW

a. Rule 52(b), SCRCP

Following a trial before the Court, a party may file a motion asking the Court to amend its findings and judgment:

> Upon motion of a party made not later than 10 days after receipt of written notice of entry of judgment the court may amend its findings or make additional findings and may amend the judgment accordingly, and the motion may be made with a timely motion for a new trial. When findings of fact are made in actions tried by the court without a jury, the question of the sufficiency of evidence to support the findings may thereafter be raised whether or not the party raising the question has made in the trial court an objection to such findings or has made a motion to amend them or a motion for judgment.

See SCRCP 52(b). Under this Rule, "the trial court's decision to amend an order and modify its own damages award lies with the sound discretion of the trial court." *Green v. Johnson*, 446 S.C. 326, 338, 919 S.E.2d 894, 900 (2025).

b. Rule 59(a), SCRCP

"A motion for a new trial nisi remittitur asks the trial court to reduce the verdict because the verdict is merely excessive." *James v. Horace Mann Ins. Co*., 371 S.C. 187, 193, 638 S.E.2d 667, 670 (2006). "The denial of a motion for a new trial nisi is within the trial court's discretion and will not be reversed on appeal absent an abuse of discretion." *Id*. "If the amount of the verdict is grossly inadequate or excessive so as to be the result of passion, caprice, prejudice, or some other influence outside the evidence, the trial court must grant a new trial absolute." *Id*.; *see also Sanders v. Prince*, 304 S.C. 236, 238, 403 S.E.2d 640, 642 (1991) ("When a verdict is 'grossly excessive and the amount awarded is so shockingly disproportionate to the injuries as to indicate that the jury acted out of passion, caprice, prejudice, or other consideration not founded on the evidence, it becomes the duty of this Court, as well as the trial court, to set aside the verdict.' ") (quoting *Small v. Springs Indus*., 292 S.C. 481, 487, 357 S.E.2d 452, 455 (1987)).

c. Rule 59(e), SCRCP

Under Rule 59(e), "[a] motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order." "The purpose of Rule 59(e), SCRCP, to alter or amend the judgment[,] is to request the trial judge to 'reconsider matters properly encompassed in a decision on the merits." *Arnold v. State*, 309 S.C. 157, 172, 420 S.E.2d 834, 842 (1992) (quoting *Budinich v. Becton Dickinson and Co*., 486 U.S. 196, 200 (1988).

III. RULINGS

A. No Basis Exists to Alter or Amend the Court's Judgment on Grounds the Entry of Default Should Have Been Set Aside.

According to Defendants, the Court should reconsider, alter, or amend its judgment because the Court should have set aside the entry of default against them. The Court disagrees. When denying their Motion to Set Aside Entry of Default, the Court previously ruled: "Defendants failed to offer a satisfactory explanation as to why they did not file timely answers and counterclaims, as was their required threshold burden needed to establish good cause under SCRCP 55(c)." (April 17, 2025 Order, p. 3).

Even if Defendants had made an adequate threshold showing by offering a satisfactory explanation for their default, which they did not, the Court further found Defendants failed to satisfy the *Wham* factors because: "(1) Defendants waited too long to seek relief from the entry of default against them …; (2) Defendants made no evidentiary submittal establishing the existence of a potential meritorious defense; and (3) Plaintiffs would now be prejudiced if the Court granted Defendants' Motion …." (*Id*., at pp. 3-4). This Court agrees with the positions set forth in by Plaintiffs in their Omnibus Response Brief. Defendants offer neither new evidence nor any meaningful new arguments warranting the Court's alterations or modification of its prior ruling. Defendants' Motion is Denied.

B. The Court Denies Defendants' Motion to Alter or Amend the Judgment Based Upon Plaintiffs' Alleged Failure to State a Claim Supportive of Relief.

This Court has previously rejected the arguments set forth in Defendants' Motion to "Alter or Amend the Judgments Because Plaintiffs Cannot Succeed on Claims Against Defendants" on no less than four (4) prior occasions. The Court expressly addressed and rejected these arguments, without limitation, in its Orders dated October 2 and 3, 2024, November 27, 2024, and April 17, 2025.[1] The Court further rejected such arguments when it denied Defendants' Motion for Reconsideration of the Denial of the Motion to Set Aside or on the Motion for Judgment on the Pleadings during the damages trial. *See* Vol. I, Trans. p. 18, ll. 11-19 and p. 85, ll. 7-11. Then, when

[1] Notably, this Court's April 17, 2025, Order denied Defendants' Motion to Set Aside and specifically held that "Defendants made no evidentiary submittal establishing the existence of a potential meritorious defense." (*Id*., at *3-4).

the Court entered its Order and Final Judgment in favor of Plaintiffs on March 12, 2026, such ruling similarly operated to deny the same.[2] Accordingly, after careful consideration of the record and the Parties' filings, the Court finds no basis exists to disturb its prior rulings; Defendants' Motion, in this regard, is denied.

C. The Defendants' Motion for a Judgment as a Matter of Law.

The Court issued a separate Order, filed *nunc pro tunc*, addressing the JMOL Motion in greater detail. In that order, the Court found that Defendants' Motions for a Judgment as a Matter of Law ("JMOL Motion") lacked merit and were denied.

To the extent that the Defendants' Motions for reconsideration request modification of the Court's denial of the JMOL motion, that Motion is also DENIED.

D. The Court Denies Defendants' Motion to Alter or Amend the Judgment as to Plaintiffs' Compensatory Damages.

This Court denies Defendants' Motion to Alter or Amend its Order and Final Judgment as to Plaintiffs' Compensatory Damages. Defendants assert Ms. Browning and Browning Geriatric, along with the other Plaintiffs, failed to prove they were entitled to recover damages for the

[2] *See, e.g., United States v. Dubrule*, 822 F.3d 866, 884-85 (6th Cir. 2016) (collecting cases from five other circuits); *see also Keeton v. Morningstar, Inc.*, 667 F.3d, 877, 882 (7th Cir. 2012) ("Final judgment necessarily denies pending motions."); *United States v. Jasso*, 634 F.3d, 305, 307 n.2 (5th Cir. 2011) (holding that "the denial of a pending motion may be implied by the entry of final judgment"); *Toronto-Dominion Bank v. Central nat. Bank & Trust Co.*, 753 F.2d 66, 68, n.5 (8th Cir. 1985) ("Denial of a pending motion may be implied from the entry of final judgment or any order inconsistent with the granting of the motion."); *Addington v. Farmer's Elevator Mut. Ins. Co.*, 650 F.2d 663, 666 (5th Cir. 1981) ("The denial of a motion by the district court, although not formally expressed, may be implied by the entry of final judgment."); *Pinson v. Berkebile*, 576 Fed.Appx. 710, 711 (10th Cir. 2014) ("[B]y entering final judgment, the court implicitly denied the pending motions."); *Gorrell v. hastings*, 541 Fed.Appx. 943, 946-47 (11th Cir. 2013) ("When a district court does not expressly rule on a party's pending motion, the entry of a final judgment against the party, as a general matter, implicitly denies that motion."). More recently, the Fifth Circuit affirmed this principle. *See Harris v. FedEx Corporate Services, Inc.*, 92 F.4th 286, 304 n.4 (5th Cir. 2024) ("We treat the district court's entry of final judgment as an implicit denial of any outstanding motions, even if the court does not explicitly deny a particular motion.")

economic loss and reputational harm they sustained due to Defendants' damages for actual economic losses and reputational harm as a result of the defamatory letters. In short, Defendants claim Plaintiffs did not present sufficient evidence to establish he suffered economic or reputation harms due to the defamatory letters. This Court disagrees.

In its Order and Final Judgment, this Court specifically found that Plaintiffs had presented sufficient evidence to support an award of economic damages. The evidence of record amply establishes that by the time Defendants ever filed their federal lawsuits, which were notably all dismissed, Plaintiffs already sustained significant economic and reputational harms. Testimony and evidence presented at the damages hearing included reduction in Plaintiff's court appointments resulting in a loss in revenue.[3]

Such economic losses were in addition to an abundant evidentiary record establishing that Plaintiffs had suffered greatly at the hands of Defendants. As stated in the Order and Final Judgment, "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." Order and Final Judgment, p. 10. As this Court found, "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." Order and Final Judgment, p. 10. The Court of Appeals for South Carolina has explicitly stated that this Court is "vested with considerable discretion over the amount of a damages award." *Vortex Sports & Entm't, Inc. v. Ware*, 378 S.C. 197, 208, 662 S.E.2d 444, 450 (Ct. App. 2008) (also stating Court of Appeals review of "the amount of damages is limited to the correction of errors of law" and it does not "weigh the evidence, but determine if

[3] The Court incorporates all of its findings from its Order and Final Judgment herein.

any evidence supports the award."). Accordingly, the Court rejects Defendants' argument that Plaintiffs failed to establish their damages as lacking merit.

Defendants' argument as to Plaintiffs' damages for reputational harm fails for another reasons. As this Court stated in its Order and Final Judgment, Plaintiffs were not required to prove such damages. "When [as here] 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). Accordingly, Defendants' argument that Plaintiffs did not present evidence showing actual harm to their reprobation also fails because such are presumed.

Moreover, because Defendants are in default, liability has already been conclusively established. As a result, Defendants cannot relitigate the defamatory letters' publication caused harm or were otherwise actionable. The only remaining issue before this Court at the damages trial was the extent of Plaintiffs' damages. Based on the testimony, documentary evidence, and credibility determinations made during the hearing, this Court found ample evidence supported the amounts awarded to Plaintiffs due to their economic, reputational, and non-economic harms resulting from Defendants' misconduct. Accordingly, the Court denies Defendants' challenges to this Court's compensatory damages award.

E. Defendants' Motion to Alter or Amend the Browning Judgement is Denied.

Defendants incorrectly claim that Plaintiffs' claim for declaratory relief is not a justiciable controversy. The solicitation of legal business is illegal. S.C. Code Ann. § 40-5-350 ("It is unlawful for a person or his agent, employee, or anyone acting on his behalf to: (1) solicit or procure through solicitation, either directly or indirectly, legal business; or (2) solicit or procure through solicitation a retainer, written or oral, or an agreement authorizing an attorney to perform or render legal services”). Even after Defendants were in default, including default on the declaratory judgment claim, defendants Kimberly Thomason and Devon Puriefoy sued Ms. Browning in *McCalla*. (Order and Final Judgment, pp. 9-10).

Ms. Browning and Browning Geriatric pled and presented substantial evidence of the cases in which Defendants sued them that involved Ms. Browning and/or Browning Geriatric’s work as a guardian, conservator, and/or guardian *ad litem*, *see*, *e.g.*: (1) *Singer*, Complaint at ¶¶ 30-34; Jan. 16, 2026 Tr. at 22-23; Browning Plaintiffs’ Trial Exs. 4, 5; (2) *Miniard/Schnabel*, Complaint at ¶¶ 36-46; Jan. 16, 2026 Tr. at 23-24; Browning Plaintiffs’ Trial Exs. 6, 7; (3) *Grist* state case, Complaint at ¶¶ 47-49; Jan. 16, 2026 Tr. at 6-13; 25-26; Browning Plaintiffs’ Trial Exs. 10, 11; (4) *Grist* federal RICO case, Jan. 16, 2026 Tr. at 26-29; Browning Plaintiffs’ Trial Exs. 12, 13; (5) *Michalski* federal RICO case, Jan. 16, 2026 Tr. at 26-29; Browning Plaintiffs’ Trial Exs. 14, 15; (6) *Miniard* federal RICO case, Jan. 16, 2026 Tr. at 26-29; Browning Plaintiffs’ Trial Exs. 16, 17; and (7) *McCalla*, Jan. 16, 2026 Tr. at 30-31; Browning Plaintiffs’ Trial Ex. 18. These specific cases demonstrate that Defendants’ conduct was not hypothetical but constituted an ongoing pattern of targeting Browning Plaintiffs, creating precisely the type of real controversy that declaratory judgment is designed to address. Defendants’ position that the declaratory judgment claim fails for lack of ripeness is untenable given that the same conduct has already resulted in numerous lawsuits against Plaintiffs and continued during the pendency of this case. Defendants’ conduct has already resulted in actual harm as demonstrated at the damages hearing.

The Court properly awarded attorneys’ fees under S.C. Code Ann. § 15-53-100. Ms. Browning and Browning Geriatric established a concrete judiciable controversy warranting declaratory relief to prevent Defendants’ continued pattern of solicitating legal business against them.

F. Clear and Convincing Evidence Amply Supports the Court's Award of Punitive Damages to Plaintiffs.

According to Kimberly Thomason, Devon Puriefoy, and Desa Ballard (treated herein as the "Lawyer Defendants"), the evidentiary record fails to support an award of punitive damages against them. The Court rejects such an assertion and instead finds the evidence of record clearly and convincingly supports the Court's award of punitive damages against the Lawyer Defendants.

The Lawyer Defendants claim: "None of the plaintiffs presented any evidence showing what any of the Attorney Defendants even did in connection with the letters. Plaintiffs did not show who wrote the letters, who reviewed the letters, and who sent the letters." (Def. Post Trial Motions, p. 32.) The Court finds such argument fails for three (3) reasons.

As an initial matter, the Court finds that no dispute exists, or has ever existed, about whom wrote or transmitted the Defamatory Letters. It was the Lawyer Defendants working together in concert. Plaintiffs' Complaint alleged the Lawyer Defendants jointly drafted, executed, and coordinated the transmittal of the Defamatory Letters. The Lawyer Defendants then defaulted deeming all such allegations as true. *Roche*, 332 S.C. at 81, 504 S.E.2d at 314 ("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.").

Moreover, the Lawyer Defendants' own filings, filed pursuant to Rule 11 SCRCP, repeatedly certified to the Court *they jointly* sent the Defamatory Letters. Yet, the Lawyer Defendants now appear to question facts they have serially represented and certified to the Court as true, while simultaneously claiming litigation privilege, which similarly concedes they wrote and transmitted the defamatory letters. The Court rejects such arguments.

The Court also rejects the Lawyer Defendants' argument as demonstrably wrong. The undisputed record evidence clearly and convincingly proves all of the evidentiary facts Defendants now claim as somehow missing. An illustrative but non-exhaustive list of such evidence includes:

(a) All of the Defamatory Letters appear on the letterhead of the Hulsey Law Group; all the letters affix the names of the Lawyer Defendants; and all arrived *via* certified mail in envelopes bearing the logo of the Law Office of Truluck Thomason on or about May 17, 2024. Both physical and testimonial evidence, therefore, demonstrates the Lawyer Defendants acted in concert in authoring and transmitting the Defamatory Letters.

(b) Prior to their May 17, 2024 transmittal of the Defamatory Letters, the Lawyer Defendants failed to contact a Plaintiffs about their supposed concerns undergirding the Defamatory Letters, concerns they refused to disclose during their depositions to the extent they exist. Such facts demonstrate a reckless indifference to Plaintiffs' rights since the Lawyer Defendants refused to spend even the time for a phone call before widely accusing licensed professionals of serial felonies.

(c) Although the Lawyer Defendants could have mitigated Plaintiffs' ongoing reputational harms by recanting their defamatory accusations, they have purposefully chose not to do so. This purposeful choice perpetuates Plaintiffs' injuries.

(d) The evidence uniformly established the content of the Defamatory Letters was false. Plaintiffs introduced evidence establishing the severity of the harms inflicted upon them due to the grave accusations contained in the Defamatory Letters. Thus, Plaintiffs continue to absorb reputational harms and damages despite the falsity of Defendants' accusations.

(e) After the Lawyer Defendants filed their RICO Complaint, the United States District Court dismissed all three lawsuits finding none had adequately alleged even a single predicate act to sustain a RICO cause of action. The Lawyer Defendants' inability to allege even a single colorable claim reflects they knew they lacked credible evidence at the time they jointly authored and transmitted the Defamatory Letters.

(f) The Lawyer Defendants have made threats they will persist in their misconduct thereby implicating the need for deterrence from the Court.

(g) Further evidencing their knowledge and intent at the time of their transmittal, the Defamatory Letters themselves acknowledge the damaging nature of their content. Cherie Durand similarly testified during her deposition that she was aware of the serious nature of the letters' allegations when they were transmitted, as did Desa Ballard during her deposition. As a result, in May of 2024, the Lawyer Defendants knew they lacked sufficient evidence to support the Defamatory Letters' accusations, knew the harm that would result from disseminating them, but did so anyway.

(h) The deposition testimony of Cherie Durand confirmed the Defamatory Letters were transmitted to the named recipients. The trial evidence likewise established the Defamatory Letters thereafter spread like wildfire through the Probate Court arena and Ms. Browning's church, her neighborhood, and throughout the legal community. As a result, Plaintiffs suffered widespread reputational injuries community where they live, work, and most critically rely upon the value of their name.

(i) Durand's deposition testimony likewise confirmed the law firm of Truluck Thomason, LLC transmitted the Defamatory Letters. She also testified in her deposition that the Lawyer Defendants had several meetings before transmitting the Defamatory Letters confirming their collective knowledge, direct participation, and concert of action. Accordingly, the Court's finding of uniform culpability among the Lawyer Defendants mirrors the credible evidence it heard.

(j) The Defamatory Letters served no recognizable or *bona fide* purpose. They contain no money demand. They fail to identify the clients on behalf of whom the correspondence was transmitted. They neither attach a draft Complaint, nor explain how the conclusory and false accusations in the Defamatory Letters somehow relate to the letters' recipients. The Defamatory Letters were published to a wide range of recipients, including Plaintiffs' personal and professional networks for no good reason and in bad faith.

(k) Just like the Lawyer Defendants' refusal to identify the basis for any of their defamatory accusations evidences no basis existed, the Defamatory Letters themselves also betray the lack of any *bona fide* supporting investigation. The Defamatory Letters merely state a series of conclusions bereft of any factual enhancement. Indeed, one of the recipients of the Defamatory Letters, who the Lawyer Defendants accused of ongoing participation in a RICO enterprise in mid-May of 2024 had died in 2020, four years earlier. Such facts evidence the investigation conducted by the Lawyer Defendants, if any, lacked rigor.

(l) None of the lawyer defendants could testify about even the most basic facts supporting the outrageous accusations in the Defamatory Letters but instead hid behind plainly improper assertions of privileges and immunities. Evidence of cover-up and concealment, like that here, supports an award of punitive damages

Due to the foregoing and all other evidence of record, more than enough evidence supports the Court's punitive damage awards in this case.

Second, the Lawyer Defendants cite Rule 1.6 of the South Carolina Rules of Professional Conduct to justify their behavior. While the Court previously heard and rejected such arguments when issuing its Sanctions Order, the Lawyer Defendants appear to have misunderstood the Court's rulings. When compared to one another, a pattern emerges from the Lawyer Defendants' deposition transcripts confirming the existence of an agreed upon common scheme and plan to obstruct Plaintiff from learning the truth about their misconduct by engaging in obstructionist tactics. Simply no justification exists for the conduct exhibited in the Lawyer Defendants' depositions where four officers of the Court intentionally obstructed Plaintiffs from obtaining trial evidence in the form of party depositions by baselessly invoking the work product immunity and attorney-client privilege. The Court finds it troubling that Defendants now portray their misconduct as somehow laudable reverting to attacks upon Plaintiffs and their counsel.

The Court finds Defendants' misconduct at their depositions, in and of itself, evidences their ill-intent. It proves a coordinated cover-up. It confirms the Lawyer Defendants communicated, agreed upon a plan to conceal their misconduct, and evidences their joint participation. Otherwise, they would have identified the factual information exculpating their actions.[4] *See, e.g., Hundley ex rel. Hundley v. Rite Aid of S.C.,* Inc., 339 S.C. 285, 295, 529 S.E.2d 45, 51 (Ct. App. 2000).

G. Defendants' Motion to Alter or Amend the Judgment for Reliance on the Lawyer Defendants' Conduct During their Depositions is Denied.

This Court denies Defendants' Motion to Alter or Amend the Judgments for Reliance on the Attorney Defendants' Conduct During their Depositions. Defendants argue it was improper for

[4] In their untimely Answer rejected by the Court, it is noteworthy that the Defendants sought to allege "Truth of the Matter" as a Fourth Affirmative Defense.

this Court to consider Defendants' conduct during their depositions as a basis for its punitive damages award because this Court never adjudicated the merits of Defendants' refusal to answer certain questions. This Court agrees with Plaintiffs that Defendants' argument is simply a rehashing of the argument presented in opposition to Plaintiffs' Motion for Sanctions arising from Defendants' conduct during their depositions. This Court has already outlined the reasons supporting its grant of Plaintiffs' Motion for Sanctions in its corresponding Order on the same and incorporates those findings herein by reference.

This Court's Order and Final Judgment is clear that its award of punitive damages to Plaintiffs was based on the Attorney Defendants' harassment of Plaintiffs for seven years with frivolous lawsuits and Attorney Defendants' pattern of disregard for the truth and for the integrity of the judicial proceedings. As held by this Court, "[t]heir 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." Order and Final Judgment, p. 19. The Court considered Defendants' deposition conduct in evaluating credibility, intent, malice, and Defendants' continuing refusal to acknowledge the seriousness of the accusations they disseminated against Plaintiffs. Further, Defendants' argument ignores that the deposition testimony and conduct were introduced and considered within the broader evidentiary record presented at the damages hearings.

Accordingly, Defendants have failed to establish any basis for altering or amending this Court's Order and Final Judgment on this ground.

H. The Defendants' Motion to Alter or Amend the Judgment for Reliance on Defendants' Counsel's Conduct During Trial is Denied.

This Court denies Defendants' Motion to Alter or Amend the Judgments for Reliance on Defendants' Counsel's Conduct During Trial. Notably, Defendants themselves did not appear at the Plaintiffs' damages hearing. Defendants argue this Court improperly considered the conduct of Defendants' counsel during the damages hearings in support of its punitive damages awards and other findings contained in the Order and Final Judgment. Nothing in this Court's Order and Final Judgment indicates that punitive damages were imposed based on the conduct of Defendants' counsel during trial. To the contrary, this Court made detailed and specific findings supporting its punitive damages awards, and Defendants' counsel's conduct during the hearings is not referenced as a basis for those awards. To the extent Defendants disagree with the Court's factual findings or the weight assigned to the evidence presented during the damages hearings, such disagreement does not establish a basis for relief under Rules 52(b) or 59(e), SCRCP. This Court carefully considered the testimony, exhibits, and evidentiary record before it and issued an award of punitive damages based on competent evidence.

Accordingly, Defendants have failed to establish any basis for altering or amending this Court's Order and Final Judgment on this ground.

I. Defendants' Motion for a New Trial Absolute or New Trial Nisi Remittitur Because of the Excessiveness of the Verdict is Denied.

This Court denies Defendants' Motion for a New Trial Absolute or New Trial Nisi Remittitur Because of the Excessiveness of the Verdicts. Defendants argue the damages awards entered in favor of Plaintiffs is excessive for three reasons: (1) Plaintiffs failed to present any evidence of actual harm; (2) this Court's judgment was not the product of a full and fair litigation in which Defendants were able to defend themselves; and (3) Plaintiffs failed to present evidence Defendants acted with malice or intent with regard to them.

"A new trial absolute should be granted only if the verdict is so grossly excessive that it shocks the conscience of the court and clearly indicates the amount of the verdict was the result of caprice, passion, prejudice, partiality, corruption, or other improper motive." *Knoke v. S.C. Dep't* *of Parks, Recreation & Tourism*, 324 S.C. 136, 141, 478 S.E.2d 256, 258 (1996). "If the trial court determines that the verdict is 'merely excessive,' the court has the power to reduce the verdict by granting a new trial nisi remittitur." *Burke v. AnMed Health*, 393 S.C. 48, 56, 710 S.E.2d 84, 88 (Ct. App. 2011).

At the outset, it is unclear whether such Motions are appropriate in a non-jury trial context. Both Motions appear inseparably tied to the existence of a jury verdict as our Supreme Court has stated, "[i]n determining whether any verdict is adequate or excessive . . . the court must give 'substantial deference' to the jury's determination of damages." *Jolly v. Fisher Controls Int'l, LLC*, 443 S.C. 511, 523, 905 S.E.2d 380, 387 (2024) citing *Rush v. Blanchard*, 310 S.C. 375, 379, 426 S.E.2d 802, 805 (1993). Defendants do not cite any authority supporting the applicability of such Motions under the circumstances of this case, namely a damages hearing conducted following the entry of default.

Nonetheless, this Court finds that its Order and Final Judgment was not excessive so as to warrant a new trial absolute or new trial nisi remittitur. Defendants' first and second arguments fail because they were in default. By failing to timely answer the Complaint, Defendants admitted the allegations contained therein and conceded liability as to all of Plaintiffs' claims. *See Solley v. Navy Fed. Credit Union, Inc*., 397 S.C. 192, 203, 723 S.E.2d 597, 603 (Ct. App. 2012) ("By defaulting, a defendant forfeits his right to answer or otherwise plead to the complaint."). Thus, Plaintiffs were not required to present evidence of actual harm nor was this Court's Order and Final Judgment in error because Defendants were unable to present evidence and defend themselves. *See Roche v. Young Bros., Inc., of Florence*, 332 S.C. 75, 81, 504 S.E.2d 311, 314 (1998) ("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."). The damages hearing was conducted solely for purposes of determining the appropriate amount of damages arising from Defendants' admitted conduct. *See Jackson v. Midlands Human Res. Ctr.*, 296 S.C. 526, 529, 374 S.E.2d 505, 506 (Ct. App. 1988) ("In a default case, the plaintiff must prove by competent evidence the *amount of his damages*. . .") (emphasis added). Further, in a libel *per se* action, "the plaintiff need not prove general damages" because they are presumed. *Kunst v. Loree*, 424 S.C. 24, 39, 817 S.E.2d 295, 302-03 (Ct. App. 2018). Nonetheless, based on competent evidence comprised of testimony and exhibits presented during the hearing, this Court determined Plaintiffs proved their amount of damages by a preponderance of evidence.

Finally, Defendants' argument that Plaintiffs failed to present evidence of malice or intent is directly contradicted by both the evidentiary record and this Court's detailed findings in its Order and Final Judgment. This Court specifically found that Attorney Defendants harassed Plaintiffs for seven years with frivolous lawsuits. Defendants intentionally disseminated defamatory accusations accusing Plaintiffs of criminal conduct, racketeering, fraud, extortion, and corruption of the judicial system to multiple recipients. As set forth in the Order and Final Judgment, the compensatory damages are recoverable for Defendants' abuse of process as the natural result of their continued wrongs, and to recompense Ms. Browning for her expenses and loss of financial standing. The language of the defamatory letters themselves reflected Defendants' understanding of the extraordinary seriousness of the accusations being made. Nothing in this Court's Order and Final Judgment suggests the damages awarded were excessive. This Court's findings reflect conduct it determined to be egregious in nature and particularly damaging given the harm Defendants caused Plaintiffs.

Accordingly, Defendants have failed to establish any basis for a new trial absolute or new trial nisi remittitur, and their Motion is denied.

J. South Carolina Code § 15-32-520(E) Does Not Operate to Reduce the Punitive Awards Against the Lawyer Defendants.

According to Kimberly Thomason, Devon Puriefoy, and Desa Ballard (treated as, "Lawyer Defendants"), the punitive damages awarded against them should be reduced because the Court did not consider the factors set forth in S.C. Code § 15-32-520(E) ("Subsection (E)"). The Court disagrees.

As an initial matter, Subsection E does not apply to punitive damages awarded by the Court without a jury. *See* S.C. Code Ann. § 15-32-520(E) ("[T]he jury may consider..."); *Gurwood v. GCA Servs. Grp., Inc.*, 445 S.C. 324, 331, 914 S.E.2d 149, 153 (2025) ("[O]ur General Assembly enacted statutes to create a framework for trial courts to follow in submitting punitive damage claims to a jury and for reviewing those awards post trial."). Nor were the Lawyer Defendants entitled to a jury trial in the instant proceedings. *Gossett v. Gilliam*, 317 S.C. 82, 87, 452 S.E.2d 6, 9 (Ct. App. 1994) ("Where a party is in default, the right to a jury trial is waived pursuant to Rule 38(d), SCRCP."). Nor were the proceedings bifurcated as also contemplated by Subsection E. In addition, the factors under Subsection (E) are illustrative, not compulsory in nature.

Even if Subsection (E)'s factors applied to non-jury damage proceedings, however, the Court would still find no basis existed to reduce the punitive damage awards entered against the Lawyer Defendants. The Court had the direct opportunity to hear Plaintiffs' evidence and evaluate its credibility. After doing so, the Court found and again finds the evidence of record amply supported the punitive awards entered against the Lawyer Defendants by clear and convincing evidence.

As reflected by the evidence of record and illustratively cited in Plaintiffs' opposition briefing, the Lawyer Defendants bore and bear a high degree of culpability for their misconduct. They inflicted severe harms upon Plaintiffs. Plaintiffs did not contribute to the harms they sustained. The duration of the Lawyer Defendants' conduct was substantial. And the Lawyer Defendants were aware of their misconduct, the harm it caused, and thereafter participated in an attempt to conceal their actions. The Lawyer Defendants transmitted multiple Defamatory Letters thereby repeating their misconduct. They stood to gain financially from their misconduct. As to their ability to pay, the Lawyer Defendants simply refused to provide deposition testimony allowing both Plaintiff and the Court to assess their ability to pay punitive damages.

The Court further finds the evidence of record supports a finding that an award of punitive damages would deter the repetition of such misconduct in the future by the Lawyer Defendants and others. At the same time, the Court finds no evidence of record demonstrates any risk of duplicative punishment exists for the same misconduct on the part of the Lawyer Defendants, whether by other state or federal proceedings alleging the same facts or by criminal or civil penalties imposed due to the same misconduct. As a result, the Court finds that even if Subsection (E) applied to nonjury proceedings, which it does not, the statutory provision would not operate to reduce the punitive awards entered against the Lawyer Defendants.

K. The Court Properly Awarded Punitive Damages Separately Against Each Lawyer Defendant.

The Lawyer Defendants next challenge the punitive damages awarded against them pursuant to S.C. Code § 15-32-520(G) ("Subsection (G)"). The Court likewise rejects the Lawyer Defendants' argument in this regard. Even assuming Section 15-32-520 and its subsections applied to non-jury proceedings, which is incorrect (*see supra*), Subsection (G) still would not support what the Lawyer Defendants argue.

Subsection (G) states: "In an action with multiple defendants, **a punitive damages award must be specific to each defendant**, and each defendant is liable only for the amount of the award made against that defendant." S.C. Code Ann. § 15-32-520(G) (emphasis added). In multidefendant proceedings involving punitive claims, then, Subsection (G) *first* requires juries to award specific punitive damage amounts against specific defendants they find so liable and *then* caps each such defendant's liability to the specific corresponding punitive amount.

In this case, the Lawyer Defendants' brief outright concedes, "the Court properly awarded damages in a separate amount for each of the Attorney[] [Defendants]…" (*See* Def. Post Trial Motions, p. 46.) Thus, if the provision applied in non-jury proceedings, which it does not, Subsection (G) would be satisfied and any inquiry should end there. Yet, the Lawyer Defendants conflate Subsection G's requirement of a jury-specified punitive amount per defendant with their own reading of the provision requiring specific factual findings to support each punitive award. Subsection (G)'s language does not require such findings and the Lawyer Defendants simply proceed to repeat the same arguments the Court rejected above.

L. South Carolina Code § 15-32-320(F) Does Not Create a Process for Reviewing Punitive Damages Awarded in a Non-Jury Trial.

The Lawyer Defendants further urge the Court to conduct a post-trial review of the punitive damages awarded against them pursuant to South Carolina Code § 15-32-320(F) ("Subsection F"). The Court rejects the argument as without basis. As the Lawyer Defendants concede, Subsection (F) only applies to jury verdicts.

Had the legislature intended for Subsection (F) to require trial judges to duplicate efforts by revisiting punitive damages they themselves awarded during bench trials, the General Assembly would not have used the plain and unambiguous language: "the trial court shall review the jury's decision." *Id.*; *see also Vaughn v. Bernhardt*, 345 S.C. 196, 198, 547 S.E.2d 869, 870 (2001) (Courts must apply plain and unambiguous statutory language.) The Lawyer Defendants' argument under Subsection (F) nevertheless introduces no new substance to their Motion, as they simply argue the Court should review the evidence supporting the punitive awards against them, which the Court has already rejected above.

M. The Application of South Carolina Code § 15-38-15 Results in Joint and Several Liability Among the Defendants.

Defendants further seek an allocation of fault under S.C. Code § 15-38-15(C) ("Section 15-38-15(C)"). Based upon the Court's review of the evidence of record, however, a fault allocation among the Defendants will not alter Defendants' joint and several liability. Under the prior iteration of S.C. Code § 15-38-15(C) in effect when Plaintiff's causes of action accrued and thus applicable here, Subsection (C) stated:

> **This section does not apply to a defendant whose conduct is determined to be wilful, wanton, reckless, grossly negligent,** or intentional or conduct involving the use, sale, or possession of alcohol or the illegal or illicit use, sale, or possession of drugs.

S.C. Code Ann. § 15-38-15(F) (emphasis added). In turn, Plaintiffs' Complaint alleged Defendants' conduct, across the entire group of named Defendants, was reckless, intentional, and conducted with a wanton indifference to Plaintiffs' rights. In a default context, such admitted allegations statutorily render an allocation of fault among the Defendants moot.

While Plaintiffs intentionally chose *not* to pursue punitive damages against the Non-Lawyer Defendants although they could have, such election does *not* mean the allegations of intentional and reckless conduct alleged in Plaintiffs' Complaint were not deemed true against the Non-Lawyer Defendants. The Court finds this is because: "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., of Florence*, 332 S.C. at 81, 504 S.E.2d at 314.

Under such facts, Section 15-38-15(F) forecloses Defendants' attempt to seek a fault allocation among the Defendants. As recently as April of 2026, the South Carolina Court of Appeals reached confirmed this exact analysis:

> As to the damages award, we conclude Chagas was not entitled to apportionment because he admitted Respondents' allegations of gross negligence by way of default and under section 15-38-15(F) of the South Carolina Code (Supp. 2025), apportionment is not available to a defendant who is determined to be grossly negligent.

200 River Landing Drive Phase I Condo. Ass'n, Inc., & Steven Garcia & Janis Zomber, individually & on behalf of all others similarly situated, Respondents, v. Watkins Serv., Inc., First Exteriors, LLC, Getulio Perela Chagas, FBM Constr., LLC d/b/a Fernando Monteiro, & John Doe Subcontractors or Material Suppliers 12-50, Defendants, Of whom Getulio Perela Chagas is the Appellant., No. 2023-001832, 2026 WL 948929, at *1 (S.C. Ct. App. Apr. 8, 2026); *see also Green v. McGee*, 446 S.C. 343, 350, 919 S.E.2d 903, 906 (2025) ("However, of particular significance in this case, subsection 15-38-15(F) provides '[t]his section does not apply to a defendant whose conduct is determined to be wilful, wanton, reckless, grossly negligent, or intentional ...."). Accordingly, the Court rejects Defendants' argument because application of South Carolina Code § 15-38-15 renders Defendants jointly and severally liable.

The Court also finds Defendants' argument fails for a second reason, namely, Section 15-38-15(C)(3)(a) forecloses the fault allocation urged by Defendants. In material part, Section 15-38-15(C)(3)(a) states:

> For this purpose, the court may determine that two or more persons are to be treated as a single party. **Such treatment must be used where two or more defendants acted in concert or where, by reason of agency**, employment, or other legal relationship, **a defendant is vicariously responsible for the conduct of another defendant**.

S.C. Code Ann. § 15-38-15(C)(3)(a) (emphasis added). Plaintiffs pled the Lawyer Defendants acted in concert and their default operated to deem such allegations as admitted. *Roche v. Young Bros., of Florence*, 332 S.C. at 81, 504 S.E.2d at 314. Moreover, Plaintiffs' Complaint similarly pled the Lawyer Defendants both acted as agents of the Non-Lawyer Defendants and also acted in concert with them.

Section 15-38-15(C)(3)(a), then, statutorily compels the treatment of all Defendants "as a single party" achieving the same outcome as under Section 15-38-15(F), namely, joint and several liability for all Defendants. Such outcome necessarily follows pursuant to Section 15-38-15(A) because tortfeasors whose fault exceeds fifty percent do not escape the application of joint and several liability and since, here, Section 15-38-15(C)(3)(a) treats them as one party the provision allocates 100% fault against them. *See* S.C. Code § 15-38-15(A) ("[J]oint and several liability does not apply to any defendant whose conduct is determined to be less than fifty percent of the total fault for the indivisible damages…"); *see also Smith v. Tiffany*, 419 S.C. 548, 552–53, 799 S.E.2d 479, 481 (2017) (Section 15-38-15(A), "[A]brogates pure joint and several liability for tortfeasors who are less than fifty percent at fault.) For the reasons above, the Court rejects Defendants' allocation of fault arguments as well.

N. Defendants' Motion to Alter or Amend the Judgments to Reflect Settlement by Defendants Hulsey and Durand is Denied Without Prejudice.

As an initial matter, the Court agrees that Plaintiffs' Judgment against Defendants is subject to a set-off in the amount of any settlement between Plaintiffs and Defendants Cherie Durand and Paul Hulsey and/or The Estate of Paul Hulsey. That is to say: "A nonsettling defendant is entitled to credit for the amount paid by another defendant who settles." *Oaks at Rivers Edge Prop. Owners Ass'n, Inc. v. Daniel Island Riverside Devs., LLC*, 420 S.C. 424, 436, 803 S.E.2d 475, 481–82 (Ct. App. 2017) quoting *Welch v. Epstein*, 342 S.C. 279, 312-13, 536 S.E.2d 408, 425

(Ct. App. 2000) (citations omitted). Thus, the Court does not dispute Defendants are entitled to a set-off for the amount of any settlement Plaintiffs may have entered with Hulsey or Durand.

However, Defendants failed to present any competent evidence establishing the existence of such settlement, if any, and its terms such that the Court can set-off such amount against the Judgment amount awarded to Plaintiffs. Accordingly, the Court denies Defendants' Motion in this regard without prejudice. To the extent appropriate, Defense counsel may re-raise this issue at a later date or during supplemental proceedings.

O. Defendants' Motion to Stay the Execution and Order for Sanctions is Denied.

This Court already acknowledged in the Order and Final Judgment that Defendants' intentionally improper litigation conduct was an important consideration in awarding punitive damages against Defendants. *See id*. at p. 19 ("[Defendants'] 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 behavior. … In light of this pattern of disregard for the truth, for discovery obligations, 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 particularly appropriate and necessary to ensure that such behavior is not repeated, either by these attorney defendants or by others.").

In *Encore Technology Group, LLC v. Trask*, the Greenville County Court of Common Pleas denied the defendant's motion to stay pending post-trial motions under similar circumstances to this case. *See id*., at *16-17. The court noted that the jury awarded millions of dollars in punitive damages against the defendants due to the defendants' conduct and, "[i]n short, Defendants simply cannot be expected to fulfill their legal duties." *Id*., at *17. Therefore, the Court found that "it would not be appropriate to stay execution of the judgment." *Id*.

This case is like *Encore Technology*, and the Court denies Defendants' Motion to Stay because Defendants cannot be expected to fulfill their legal duties in this case. To the contrary, they have shown a blatant disregard for their duties which is, among other things, what led to the large punitive damages awards against them. The Court found that the Lawyer Defendants' "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." *See* Order and Final Judgment, p. 18. The Court found this conduct to be "particularly reprehensible when committed by licensed attorneys who are bound to uphold, and not undermine, the rule of law." *Id*.

Like in *Encore*, the facts contained in the Complaint—admitted due to Defendants' default—along with the evidence presented at the damages hearing, underscores the egregiousness of Defendants' conduct. *See generally* Order and Final Judgment. The Court found that the severe accusations against Plaintiffs and years of harassment caused significant damages. *Id*., at pp. 15-20. The Court further found actual malice and noted that the defamatory letters announced that Defendants were "aware of the serious nature of the charges and the impact they may have upon the recipients' business operations." *Id*. at pp. 3, 19. Defendants did this presumably only for their own potential financial gain despite the known financial detriment that it would cause Plaintiffs.

The record establishes a sustained course of conduct evidencing disregard for discovery obligations, the integrity of judicial proceedings, and the rule of law, which the Court has already found to be both intentional and egregious. Such conduct weighs heavily against the exercise of the Court's discretion to grant equitable relief in the form of a stay.

Under these circumstances, the Court finds that granting a stay would create a substantial risk that Defendants will continue to engage in delay tactics to frustrate enforcement of the Judgment, thereby prejudicing Plaintiffs' right to timely relief. The Court declines to extend the benefit of a discretionary stay to parties whose conduct reflects an ongoing unwillingness to comply with their legal and procedural obligations.

CONCLUSION

The Court DENIES Defendants' Post-Trial Motions and DENIES Defendants' Notice of Motion and Motion to Stay Judgments and to Stay the Court's Order Imposing Sanctions Against Defendants.

IT IS SO ORDERED.

____
Eugene C. Griffith
Circuit Judge Presiding

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