

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Joseph M. Plaxco,

Plaintiff,

v.

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

Defendants.

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

**C.A. No. 2024-CP-23-03329**

**ORDER DENYING DEFENDANTS' MOTION  
FOR JUDGMENT AS A MATTER OF LAW**

**RECEIVED**

**Aug 11 2026**

**SC Court of Appeals**

This matter came before the Court on Defendants' Kimberly Thomason, Devon Puriefoy, and Desa Ballard (collectively "Defendants") Motion for Judgment as a Matter of Law ("JMOL Motion") in the above-captioned matter.

This case along with four interrelated cases were brought by individual parties against several common defendants. All pretrial motions for all five cases were heard collectively because the cases had common issues and common attorneys. Because of the commonalities in the cases, the attorneys for both sides agreed to have the damages hearings heard during one week of court in Greenville County. All five cases were heard during the week of January 12 through 16, 2026. The Court heard testimony and received exhibits on the cases in sequential order. In an attempt to expedite the hearings, The Court deferred motions for directed verdict as a matter of law. The Court allowed post-trial motions to be filed by the Defendants at the conclusion of the five hearings. On January 20, 2026, the Court requested via e-mail that the Defendants transmit their post-trial materials

**Exhibit L**

through email for the Court's convenience; the Court did not intend for the request for email copies of the JMOL Motions to act as a substitute for proper filings under the SCRCP. The Court acknowledges that this directive could have been clearer in its request to wit: "Upon e-filing your post-trial motions, please send the Court a courtesy copy of your motions to the Court and his law clerk via email." The lack of clear instructions created confusion as to how to file the motions. To rectify the confusion created by the Court, the Court is issuing the instant Order to provide its ruling on the Defendants' JMOL motion.

The Court notes that Defendants' JMOL Motions were transmitted to the Court via email on February 18, 2026. The Defendants electronically filed their JMOL Motion with the Clerk of Court on March 6, 2026 (and the JMOL Motions for the four other related cases) just before the Final Order of Judgment was filed by this Court on March 12, 2026. Additionally, Defendants have since filed Motions for Reconsideration as to the Final Order of Judgment.

As to this JMOL matter, the Court finds it unnecessary to conduct and hear oral arguments. Based on the pleadings, motions, memoranda, and evidence of record, the Court deems it necessary to issue this Order denying Defendants' JMOL Motion *nunc pro tunc*.

### **ANALYSIS**

Notwithstanding the Court found the Defendants to be in default, the Court finds that Defendants' JMOL Motion lacks merit. The Court finds the plaintiff, Joseph M. Plaxco ("Mr. Plaxco"), presented ample testimony regarding the damages caused by Defendants. At the damages hearings that were held the week of January 12, 2026, Mr. Plaxco testified to his experience resulting from the letters. Mr. Plaxco is a sole practitioner at Joseph M. Plaxco,

LLC, where his practice focuses on estate litigation, probate administration, estate planning, guardianships and conservatorships, and real property litigation. He testified that his firm does not advertise and receives most of its work via referrals, appointments, and repeat clients. Mr. Plaxco testified as to the professional recognition he has received within the legal community and how the defamatory letters have affected his professional life as well as his personal life through his health and recovery. He testified that his damages include economic losses consisting of lost billable time and a decrease in revenue from lost referrals and cases from other attorneys. As to the lost cases, he testified that he was not able to accept certain types of cases, such as contested guardianship/conservatorship matters and receivership appointments, because of the false allegations spread by Defendants and to reduce the risk of exacerbating the reputational harm caused by the same, as well as to protect potential clients from harm associated with the Defendants targeting him and other probate practitioners. He testified that, based on conservative estimates, his economic damages total approximately \$132,471.00. Mr. Plaxco is also seeking \$5,000,000 in noneconomic damages, which are those that the law presumes for an accusation of the commission of a felony in written correspondence.

This Court also considered the following exhibits which were entered as evidence in the case: (1) Michalski Defamatory Letter; (2) Affidavit of Records Custodian for Piedmont Psychiatric Services; (3) Medical Records for Mr. Plaxco from Piedmont Psychiatric Services dated June 5, 2024; (4) Medical Records for Mr. Plaxco from Piedmont Psychiatric Services dated July 8, 2024; (5) Medical Records for Mr. Plaxco from Piedmont Psychiatric Services dated August 20, 2024; (6) Epoch Times Article dated February 24, 2025; (7) Echo Media

Profile on the Epoch Times; (8) Itemization of Known Economic Damages; and (9) Deposition Testimony of Desa Ballard, Kim Thomason, Devon Puriefoy, and Cherie Durand, and the exhibits marked or used therein. The Court also craves reference to the final order which provides a more extensive summary of facts which were presented by the Plaintiffs in the hearing and upon which the Court bases its ruling herein.

### **RULING**

Based upon the ample, credible and compelling evidence of damages presented by the plaintiff, the Court respectfully denies Defendants' motion for Judgment as a Matter of Law. Additionally, the Court denies all the respective motions as to each of the Plaintiffs' causes of action and facts including: (a) libel; (b) libel *per se*; (c) abuse of process; (d) intentional infliction of emotional distress/outrage; (e) intentional interference with prospective contracts/business relations; (f) civil conspiracy; and (g) a declaratory judgment. The Court denies all issues raised by the Defendants in their JMOL Motion. The Court issues this Order *Nunc Pro Tunc* to reflect the ruling of the court on this JMOL Motion to be prior to the issuance and filing of the Final Order of Judgment in this case.

**IT IS SO ORDERED.**

This \_\_\_\_ day of \_\_\_\_\_, 2026

\_\_\_\_\_  
Eugene C. Griffith, Jr.  
Presiding Circuit Judge



**Case Caption:** Joseph M Plaxco vs. Paul Hulsey , defendant, et al  
**Case Number:** 2024CP2303329  
**Type:** Order/Other

It is so ordered

**Eugene C. Griffith, Jr.** 2154

---