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STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE Fred W. "Trey" Suggs Plaintiff, v. Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Defendants.	IN THE COURT OF COMMON PLEAS THIRTEENTH JUDICIAL CIRCUIT **C.A. No. 2024-CP-23-03258** **ORDER DENYING POST TRIAL MOTIONS**

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

I. PROCEDURAL HISTORY

On May 24, 2024, Mr. Suggs filed a Summons and Complaint against Defendants in the Greenville County Court of Common Pleas for South Carolina. Thereafter, on July 12, 2024, Mr. Suggs filed an Amended Complaint against Defendants asserting claims for libel, libel *per se*, and civil conspiracy. Defendants were duly served and filed a motion to dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure ("SCRCP"). On October 3, 2024, Judge Salvini issued a Form 4 Order denying the motion 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 a briefing schedule on Defendants' Motion to Alter or Amend Judgment under Rule 59(e), SCRCP. Thereafter, on November 27, 2024, Judge Salvini denied Defendants' Motion to

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Alter or Amend Judgment. Defendants' Answer to Mr. Suggs' Amended Complaint was due on October 18, 2024. However, Defendants did not file their Answer until November 12, 2024.

On October 28, 2024, counsel for Mr. Suggs filed an affidavit requesting that 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, Mr. Suggs 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 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; *Jennings v. Hulsey*, Case No.: 2024CP2303271; *Plaxco v. Hulsey*, Case No.: 2024CP2303329; *Browning v. Hulsey*, Case No.: 2024CP2303730) to Judge Griffith 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, 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. On August 18, 2025, Defendant Durand filed a Motion to Vacate the Order of Entry of Default and Motion to Dismiss for Failure to Substitute.

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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. This Court also denied Defendants' Motion for Judgment on the Pleadings, Defendants' Motion for Reconsideration or to Alter and Amend, and granted Plaintiffs' Motion for Sanctions which were raised at the beginning of trial.

On January 30, 2026, Mr. Suggs submitted Proposed Order on damages to be awarded in this case and on his Motion for Sanctions, which was joined by the Plaintiffs in the companion cases. Five weeks later, at 12:10 PM on March 6, 2026, the Court notified the Parties that it had signed and submitted an Order and Judgment in this case. Roughly an hour later on March 6, 2026, Defendants filed a 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. Then, the next day on March 24, 2026, Defendants filed their 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 and a Response in Opposition to Defendants' Motion to Alter or Amend the Court's Sanctions Order. Mr. Suggs also filed a Response in Opposition to Defendants' Motion to Stay the Judgments and Order for Sanctions.

Defendants continue to challenge the propriety of their default status, dispute the sufficiency of Mr. Suggs' 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.

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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 and Motion to Stay Judgments and Order for Sanctions are denied for the reasons set forth herein.

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*

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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 Against Them Should Have Been Previously Set Aside.

The Court denies Defendants' Motion to Reconsider, Alter, or Amend the Judgment on the grounds that the Court should have granted relief from default. The Court previously denied Defendants' Motion to Set Aside Entry of Default, finding that "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, at *3). No satisfactory explanation has ever been offered by Defendants. Moreover, the Court found that even if Defendants had made such a threshold showing (they did not), Defendants still 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

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Court granted Defendants' Motion …." (*Id*., at *3-4). This Court agrees with the positions set forth in Plaintiffs' Omnibus Response Brief. Defendants offer neither new evidence nor any meaningful new arguments warranting the Court's alteration or modification of its prior ruling.

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

This Court has previously rejected the arguments contained 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 and their 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 the Court entered its Order and Final Judgments in favor of Mr. Suggs on March 12, 2026, such ruling further 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, therefore, denied.

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[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).

[2] *See, e.g., U.S. v. Dubrule*, 822 F.3d 866 884-85 (6th Cir. 2016) (collecting cases from five other circuits); *see also Keeton*, 667 F.3d at 882 ("Final judgment necessarily denies pending motions."); *United States v. Jasso*, 634 F.3d 305, 307, n.2 (5th Cir. 2011); *Toronto-Dominion Bank v. Cent. Nat. Bank & Tr. Co.*, 753 F.2d 66, 68 (8th Cir. 1985); *Addington v. Farmer's Elevator Mut. Ins. Co.*, 650 F.2d 663, 666 (5th Cir. 1981); *Pinson v. Berkebile*, 576 F. App'x 710, 711 (10th Cir. 2014); *Gorrell v. Hastings*, 541 F. App'x 943, 946 (11th Cir. 2013).

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C. Defendants' Motion for 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 Mr. Suggs' Compensatory Damages.

This Court denies Defendants' Motion to Alter or Amend its Final Order and Judgment as to Mr. Suggs' Compensatory Damages. Defendants assert Mr. Suggs failed to prove he was entitled to recover damages for the economic loss and reputational harm he sustained due to Defendants' authoring, execution, and transmittal of the Defamatory Letters. In short, Defendants claim Mr. Suggs did not present sufficient evidence to establish he suffered economic or reputational harms due to the Defamatory Letters. The Court disagrees.

In its Final Order and Judgment, this Court specifically found that Mr. Suggs had presented sufficient evidence to support an award of economic damages. This finding was based on the testimony and evidence presented at the damages hearing on Mr. Suggs' lost billable time expended responding to the Defamatory Letters and loss of revenue from Mr. Suggs' primary client and one of the recipients of the Defamatory Letters. 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 any evidence

supports the award."). Accordingly, Defendants' contention that Mr. Suggs' evidence was insufficient does not require this Court to alter or amend its award.

Defendants' argument as to Mr. Suggs' damages for reputational harm likewise fails. As this Court stated in its Final Order and Judgment, Mr. Suggs was not required to prove these 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). Defendants' argument that Mr. Suggs did not present evidence showing there was any actual harm to his reputation fails because Mr. Suggs was not required to, these damages are presumed. Defendants present no authority for why these damages would not be presumed in this instance, especially considering Defendants' liability is established as a result of their default status.

Moreover, because Defendants are in default, liability has already been conclusively established. As a result, Defendants cannot relitigate whether the Defamatory Letters' publication caused harm or were otherwise actionable. At the damages trial, the only remaining issue before the Court was the extent of Mr. Suggs' damages. Based on the testimony, documentary evidence, and credibility determinations made during the hearing, this Court found ample evidence supported the amounts awarded to Mr. Suggs' due to his economic, reputational, and non-economic harms resulting from Defendants' misconduct.

Accordingly, Defendants have failed to establish any basis for altering or amending this Court's compensatory damages award.

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E. Clear and Convincing Evidence Supports the Court's Award of Punitive Damages to Mr. Suggs.

According to 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 Defendants.

The Defendants claim: "None of the plaintiffs presented any evidence showing what any of the 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 rejects such assertions 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 Defendants working together in concert. Mr. Suggs' Complaint alleged the Defendants conspired together to send the Defamatory Letters. And the Defendants then defaulted deeming all such allegations as true. *Roche v. Young Bros., 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.").

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

The Court also rejects the Defendants' arguments 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 record evidence includes:

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(a) All of the Defamatory Letters appear on the letterhead of the Hulsey Law Group; all the letters affix the names of the 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 Defendants acted in concert in authoring and transmitting the Defamatory Letters.

(b) Prior to their May 17, 2024 transmittal of the Defamatory Letters, the Defendants failed to contact Mr. Suggs' 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 Mr. Suggs' rights since the Defendants refused to spend even the time for a phone call before widely accusing a licensed professional of serial felonies.

(c) Although the Defendants could have mitigated Mr. Suggs' ongoing reputational harm by recanting their defamatory accusations, they have purposefully chosen not to do so. This purposeful choice perpetuates Mr. Suggs' injuries.

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

(e) After the Defendants filed their RICO Complaints, 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. At the time they filed their RICO lawsuits, the Defendants had already been served with Mr. Suggs' Complaint accusing them of

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defamation. On this factual backdrop, the 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 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 she was aware of the serious nature of the letters' allegations when they were transmitted, as did Desa Ballard. As a result, in May of 2024, the 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 *three* times.

(h) The 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 Greenville Bar Association and Upstate Community. As a result, Mr. Suggs suffered widespread reputational injuries in the Bar Association and community where he lives, works, and most critically relies upon the value of his name.

(i) Durand's testimony likewise confirmed the law firm of Truluck Thomason, LLC transmitted the Defamatory Letters. She also testified the 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 Defendants mirrors credible evidence of record.

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(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, including Mr. Suggs. The Defamatory Letters were published to a wide range of recipients, including Mr. Suggs' clients for no good reason and in bad faith.

(k) Just like the 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 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 Defendants, if any, lacked rigor.

(l) None of the Defendants could testify about even the most basic facts supporting the accusations in the Defamatory Letters but instead asserted improper privileges and immunities. Such evidence of cover-up and concealment 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 against the Defendants in favor of Mr. Suggs in this case.

Second, the Defendants cite Rule 1.6 of the South Carolina Rules of Professional Conduct to justify their deposition misconduct. While the Court previously heard and rejected such arguments when issuing its Sanctions Order, the Defendants appear to have misunderstood the Court's rulings. When compared to one another, a pattern emerges from the Defendants'

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deposition testimony. Their deposition transcripts confirm the existence of an agreed-upon common scheme and plan to obstruct Mr. Suggs from learning the truth about their misconduct by engaging in obstructionist tactics. Simply no justification exists for the misconduct exhibited in the Defendants' depositions where four officers of the Court intentionally obstructed Mr. Suggs 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, while reverting to attacks upon Mr. Suggs and his 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 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.[3] *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).

F. The Court Denies Defendants' Motion to Alter or Amend the Judgment for Reliance Upon the Defendants' Deposition Misconduct.

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

[3] 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.

Plaintiffs' Motion for Sanctions in its corresponding Order on the same and incorporates those findings herein by reference.

Moreover, this Court's Final Order and Judgment is clear that its award of punitive damages to Mr. Suggs was based primarily on the severity and nature of the accusations contained in the Defamatory Letters, Defendants' own acknowledgment within the letter of the gravity of those accusations, and Defendants' intentional decision to disseminate the Defamatory Letters to multiple recipients, including one of Mr. Suggs' clients. This Court also specifically considered that Defendants chose to accuse Mr. Suggs of criminal racketeering activity, fraud, extortion, and corruption of the judicial system without first reporting such alleged conduct to the South Carolina Bar or even contacting Mr. Suggs directly before disseminating the accusations to third parties. These facts alone provided a substantial and independent basis for this Court's punitive damages award.

Significantly, while this Court did reference Defendants' conduct during their depositions as additional support for punitive damages, the deposition conduct was not the sole or even the primary basis for the award. Rather, Defendants' conduct during their depositions further reinforced this Court's conclusion that the Defamatory Letters were sent with an improper, reckless, and malicious purpose. Specifically, 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 Mr. Suggs' damages trial.

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

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G. The Court Denies Defendants' Motion to Alter or Amend the Judgment Due to Defense Counsel's Trial Conduct.

This Court denies Defendants' Motion to Alter or Amend the Judgments for Reliance on Defendants' Counsel's Conduct During Trial. Defendants argue this Court improperly considered the conduct of Defendants' counsel during the trial on Mr. Suggs' damages in support of its punitive damages awards and other findings contained in the Final Orders and Judgments. The Court rejects Defendants' argument in this regard.

Nothing in this Court's Final Orders and Judgments 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 Final Orders and Judgments on this ground.

H. The Court Denies Defendants' Motion for a New Trial Absolute or New Trial *Nisi Remittitur* Due to the Excessiveness of the Verdict.

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 Mr. Suggs is excessive for three reasons: (1) Mr. Suggs 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) Mr. Suggs failed to present evidence Defendants acted with malice or intent with regard to him.

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"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.

The Court nonetheless finds that its Final Order and 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 Mr. Suggs' claims for libel, libel *per se*, and civil conspiracy. *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, Defendants were not entitled to present evidence and defend themselves and Mr. Suggs was not required to present evidence of actual reputational harm in a

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defamation *per se* action (although he did so). *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.d2d 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 Mr. Suggs proved the amount of his damages by no less than a preponderance of evidence.

Finally, Defendants' argument that Mr. Suggs failed to present evidence of malice or intent is directly contradicted by both the evidentiary record and this Court's detailed findings in its Final Order and Judgment. This Court specifically found that Defendants intentionally disseminated defamatory accusations accusing Mr. Suggs of criminal conduct, racketeering, fraud, extortion, and corruption of the judicial system to multiple recipients, including one of Mr. Suggs' clients. Additionally, the language of the Defamatory Letters reflected Defendants' understanding of the extraordinary seriousness of the accusations being made. This Court's findings reflect conduct it determined to be egregious in nature and particularly damaging given the professional standing of Mr. Suggs and the nature of the accusations disseminated against him.

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

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

Next according to the 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 Defendants otherwise 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. And, the factors under Subsection (E) are illustrative, not compulsory in nature.

Even if Subsection (E)'s factors somehow applied to non-jury damage proceedings, however, the Court would still find no basis existed to reduce the punitive damage awards entered against the Defendants. The Court had the direct opportunity to hear Mr. Suggs' 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 Defendants by clear and convincing evidence.

As reflected by the evidence of record, discussed above, and illustratively cited in Mr. Suggs' opposition briefing, the Defendants bore and bear a high degree of culpability for their misconduct. They inflicted severe harms upon Mr. Suggs. Mr. Suggs did not contribute to the harms he sustained. The duration of the Defendants' conduct was substantial (*i.e.,* spanning several

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years). And the Defendants were aware of their misconduct, the harm it caused, and thereafter jointly worked to conceal their actions. The Defendants transmitted multiple Defamatory Letters thereby repeating their misconduct. They stood to gain financially from their misconduct. As to their ability to pay, the Defendants simply refused to provide deposition testimony allowing both Mr. Suggs and the Court to assess their financial resources.

The Court further finds the record evidence supports a finding that an award of punitive damages would deter the repetition of such misconduct in the future by the 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 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 Defendants.

J. The Court Properly Awarded Punitive Damages Separately Against Each Defendant.

The 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 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 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 multi-defendant 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 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 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 Defendants simply proceed to repeat the same arguments the Court rejected above.

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

The 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 such argument as without basis. As the 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 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 twice above.

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

Defendants also 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 Mr. Suggs' 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, Mr. Suggs' Complaint specifically alleged Defendants' conduct, across the entire group of named Defendants, was reckless, intentional, and conducted with a wanton indifference to Plaintiff's rights. In a default context, such admitted allegations statutorily render an allocation of fault among the Defendants moot. 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.

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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). Mr. Suggs specifically pled the 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.

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

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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.

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

As an initial matter, the Court agrees that Mr. Suggs' Judgment against Defendants is subject to a set-off in the amount of any settlement between Mr. Suggs 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 Mr. Suggs may have entered with Hulsey or Durand, if any.

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 Mr. Suggs. 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.

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N. The Court Denies Defendants' Motion to Stay the Execution of the Order and Judgment and the Court's Sanctions Order.

This Court already acknowledged in its Order and Final Judgment that Defendants' intentional and improper litigation conduct was an important consideration in awarding punitive damages against Defendants. *See* Final Order and Judgment at pp. 14-15 ("[Defendants'] obstruction materially impeded Mr. Suggs' ability to obtain relevant evidence for the damages hearing and reflects not only disregard for these proceedings and the Rules of Civil Procedure but a level of willful obstruction that is particularly egregious when committed by licensed attorneys. In light of this pattern of disregard for the truth, discovery obligations, and the integrity of the judicial proceedings, in evaluating the appropriate measure of punitive damages, the deterrence factor carries particular weight. In this unique set of circumstances, where the actors are lawyers whose conduct exhibits disrespect for the truth, the obligations in discovery, a sitting Circuit Court judge, and for the reputation of an outstanding member of the South Carolina bar, punitive damages are appropriate and necessary to ensure that such behavior is not repeated, either by these Defendants or 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

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large punitive damages award against them. The Court found that the Defendants' refusal to answer even the most basic questions about the Defamatory Letters reflected a "disregard for these proceedings and the Rules of Civil Procedure" as well as a "level of willful obstruction" that is "particularly egregious when committed by licensed attorneys." *See* Order and Final Judgment, at p. 15. Accordingly, this Court found Defendants disregarded their "discovery obligations" and the "integrity of the judicial proceedings." *Id*.

Like in *Encore*, the facts contained in the Amended 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 Plaintiff caused significant and irreparable damage to Plaintiff's personal and professional reputation. *Id*., at p. 11. The Court further found that the Defamatory Letters were sent for an improper and malicious purpose, noting specifically that the Defendants acknowledged in the Letter that they were "aware of the impact the accusations may have upon the recipients' business operations," yet, they still intentionally chose to transmit the Defamatory Letter to multiple recipients. *Id*., at pp. 13. Defendants did this presumably only for their own potential financial gain despite the known financial detriment that it would cause Plaintiff.

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 Mr. Suggs' right to timely relief. The Court declines to extend the

benefit of a discretionary stay to parties whose conduct reflects a disregard for the integrity of the Court.

CONCLUSION

In summation and based on the foregoing, the Court DENIES Defendants' Post-Trial Motions and DENIES Defendants' Motion to Stay Judgments and Order for Sanctions Pending Motions.

IT IS SO ORDERED.

_____
Eugene C. Griffith
Circuit Judge Presiding

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Case Caption:	Fred W Trey Suggs III vs. Paul Hulsey , defendant, et al
Case Number:	2024CP2303258
Type:	Order/Other

It is so ordered

Eugene C. Griffith, Jr. 2154