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SC Court of Appeals

ELECTRONICALLY FILED - 2026 Aug 13 11:08 AM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303271

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Eugene C. Griffith, Jr.
The Honorable Jessica A. Salvini

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

Clayton Jennings ..... Respondent,

v.

Paul Hulsey, Cherie Durand, Kimberly Thomason,
Devon Puriefoy, Desa Ballard, Mayra Miniard, and
John and Jane Does 1-14 & Stacey Grist ..... Defendants

Of whom Stacey Grist is the ..... Appellant.

NOTICE OF APPEAL

Stacey Grist ("Grist"), appeals the orders in this matter entered October 3, 2024 (denying Grist's motion to dismiss), October 29, 2024 (initial order on Rule 59 motion to reconsider), November 27, 2024 (denying Rule 59 motion to reconsider), April 4, 2025 (Form 4 Order denying motion to set aside entry of default and entering default judgment), April 17, 2025 (denying motion to set aside entry of default), March 12, 2026 (final order assessing damages), July 15, 2026 (ruling on the post-trial motions), and July 15, 2026 (denying motion for judgment as a matter of law).

Grist received written notice of the ruling on the post-trial motions on July 15, 2026. Copies of the orders are attached to this notice.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

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August 13, 2026

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Desa Ballard, Mayra Michalski,
Luis Michalski, and Margaret Miniard

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Exhibit A

ELECTRONICALLY FILED - 2026 Aug 13 11:08 AM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303271

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP2303271

Clayton L Jennings
PLAINTIFF(S)

Paul Hulsey et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☑ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

This matter was before the Court on September 25, 2024. Carter Massingill appeared on behalf of Plaintiff and Jessica Carroll appeared on behalf of Defendants Stacey Grist and Margaret Miniard. Defendants' motion to dismiss Plaintiff's amended complaint is denied.

IT IS SO ORDERED.

ORDER INFORMATION

This order ☐ ends ☑ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 10/02/2024 .

Jane Does 1-14
John Does 1-14

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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FILED ELECTRONICALLY IN THE COURT OF COMMON PLEAS - GREENVILLE COUNTY, SOUTH CAROLINA - 2024CP2303271 - 10-2-2024 01:08:14 PM

Greenville Common Pleas

Case Caption: Clayton L Jennings vs. Paul Hulsey , defendant, et al

Case Number: 2024CP2303271

Type: Order/Electronic Form 4

So Ordered

Jessica A. Salvini

Exhibit C

ELECTRONICALLY FILED - 2026 Aug 13 11:08 AM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303271

ELECTRONICALLY FILED – 2024-Nov-13 1:08 PM – GREENVILLE – COMMON PLEAS – CASE#2024CP2303271

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	)	IN THE COURT OF COMMON PLEAS THIRTEENTH JUDICIAL CIRCUIT
Clayton L. Jennings, Plaintiff, vs. Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, Margaret Miniard, and John & Jane Does #1-14, Defendants.	)	FINAL ORDER REGARDING MOTION TO RECONSIDER Case No.: 2024-CP-23-03271

A Rule 59(e), SCRCP motion to reconsider and to alter or amend has been received, filed with the Court on October 14, 2024, and served on the Court on October 24, 2024. The Motion to Reconsider was properly served on the Court per Rule 59(g), SCRCP. As previously explained to Counsel, pursuant to Rule 59(f), SCRCP, the Court, in its discretion, may decide the motion based on briefs without oral argument. The Court indicated to the parties by prior order in the Initial Order Regarding Motion for Reconsideration that it would decide the issues on written submissions. Further, the Court informed the parties that written submissions were not required by the non-moving party, and that the moving party could rely upon its filings or supplement. The deadlines to file written submissions regarding these motions has now passed.

After careful consideration of the able arguments and filings of Counsel and review of the record, the Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or fact not appropriately considered.

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Accordingly, the Motion for Reconsideration made pursuant to Rule 59, SCRCP, [1] is respectfully DENIED.

AND IT IS SO ORDERED.

Dated:
_____, 2024

_____
Judge Jessica Ann Salvini
Circuit Court

[1] The Court, in its discretion, has determined this Motion on the filings, without oral argument, pursuant to Rule 59(f), SCRCP.

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2024CP2303271
11-27-2024 01:31:08 PM
GREENVILLE COMMON PLEAS
CASE#2024CP2303271

Greenville Common Pleas

Case Caption: Clayton L Jennings vs. Paul Hulsey , defendant, et al

Case Number: 2024CP2303271

Type: Order/Other

So Ordered

Jessica A. Salvini

Exhibit B

ELECTRONICALLY FILED - 2026 Aug 13 11:08 AM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303271

FILED ELECTRONICALLY IN COMMON PLEAS - GREENVILLE - CLERK OF COURT - 2024 Oct 28 1:30 PM - 2024-CP-23-03271

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	)	IN THE COURT OF COMMON PLEAS THIRTEENTH JUDICIAL CIRCUIT
Clayton L. Jennings, Plaintiff, vs. Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, Margaret Miniard, and John & Jane Does #1-14, Defendants.	)	INITAL ORDER REGARDING MOTION TO RECONSIDER Case No.: 2024-CP-23-03271

A Rule 59 (e) SCRCP motion to alter or amend has been filed with the Court on October 14 2024, and emailed to the Court on October 24, 2024. Pursuant to Rule 59(f), SCRCP, the Court, in its discretion, may decide this motion based on briefs without oral argument. The Court will decide this motion on written submissions. Written submissions are not required by the non-moving party, but will be considered. The moving party may rely upon what has been filed or may supplement.

No additional briefs are required and Counsel may rely the current record, however the deadline to file written submissions **from the movant regarding this motion is 4:00 PM on Monday, November 4, 2024.** Any submissions in **reply must be filed by 4:00 p.m. on Tuesday, November 12, 2024.** A copy of any documents filed must be forwarded immediately to the undersigned judge and to opposing counsel. The copies to the judge shall be sent via US Postal Service to 305 E. North Street, Greenville, SC 29601, and/or by electronic mail to jsalvinisc@sccourts.org and jsalvinilc@sccourts.org.

AND IT IS SO ORDERED.

October 28th, 2024

Jessica Ann Salvini, Judge
Circuit Court

FILED IN THE COURT OF COMMON PLEAS - GREENVILLE COUNTY - 2024 OCT 29 01:30 PM - CASE# 2024CP2303271

Greenville Common Pleas

Case Caption: Clayton L Jennings vs. Paul Hulsey , defendant, et al

Case Number: 2024CP2303271

Type: Order/Other

So Ordered

Jessica A. Salvini

Exhibit D

ELECTRONICALLY FILED - 2026 Aug 13 11:08 AM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303271

FORM 4

STATE OF SOUTH CAROLINA **JUDGMENT IN A CIVIL CASE**
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS **CASE NO.** 2024 **CP-**2303271

Clayton Jennings
PLAINTIFF(S)

Paul Hulsey, et al.
DEFENDANT(S)

Submitted by:	**Attorney for :** ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*: ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court: Defendants' Motion to set aside Default Judgment is denied. Plaintiffs' Motion to Enter Default Judgment is granted. A more formal order will be submitted. This order is consistent with the rulings in 2024CP2303258, 2024CP2303236, 2024CP2303329, and 2024CP2303730.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	**Judgment Against (List name(s) below)**	**Judgment Amount To be Enrolled (List amount(s) below)**
		$
		$
		$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest

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or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge	**Judge Code**	**Date**

For Clerk of Court Office Use Only

This judgment was entered on the day of , 20 and a copy mailed first class or placed in the appropriate attorney's box on this day of , 20 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)	**ATTORNEY(S) FOR THE DEFENDANT(S)**
	CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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****

FORM 4C INSTRUCTIONS—JUDGMENT IN A CIVIL CASE

(Instructions for Information Only-Not to be filed with Form 4C)

1. Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.

2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

   The attorney or prevailing party will prepare and attach the Form 4C when submitting the proposed order that includes judgment enrollment information for the judgment index. The judge will review and sign Form 4C when he or she signs an order that includes judgment enrollment information for the judgment index.

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).

4. The "Information for the Judgment Index" section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the "Judgment in Favor of" column, enter the name of the party to whom the judgment is awarded. In the "Judgment Against" column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the "Judgment Amount" column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate "N/A" in one of the boxes in this section of the form.

5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.

6. The section "For the Clerk of Court Office Use Only" should be completed by the clerk as it has been with the previous version of Form 4.

7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.

8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through "Circuit Court Judge" and indicate "Arbitrator" in the signature block.

9. If a Special Circuit Court Judge, Master in Equity, or Special Referee prepares an order after hearing a Circuit Court matter, then he or she should strike through the title "Circuit Court Judge" below the signature line and indicate the appropriate title.

10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.

11. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the "Judgment Amount To Be Enrolled" box.

12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.

13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.

14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.

FILED IN THE COURT OF COMMON PLEAS - GREENVILLE COUNTY - 2024CP2303271 - 2025-04-04 06:02:46 - 6 pages

Greenville Common Pleas

Case Caption: Clayton L Jennings vs. Paul Hulsey , defendant, et al

Case Number: 2024CP2303271

Type: Order/Form 4

It is so ordered

Eugene C. Griffith, Jr. 2154

Exhibit E

ELECTRONICALLY FILED - 2026 Aug 13 11:08 AM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303271

ELECTRONICALLY FILED - 2026 Aug 13 10:28 AM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303271

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	IN THE COURT OF COMMON PLEAS THIRTEENTH JUDICIAL CIRCUIT
Roland O'Neil Rabon, Jr., Plaintiff, v. Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Margaret Ann Miniard, John & Jane Does ##1-14, Defendants.	**C.A. No. 2024-CP-23-03236** **ORDER**
Fred W. "Trey" Suggs, III, Plaintiff, v. Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Defendants.	**C.A. No. 2024-CP-23-03258**
Clayton Jennings, Plaintiff, v. Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, Mayra Michalski, Margaret Ann Miniard, John & Jane Does ##1-14, Defendants.	**C.A. No. 2024-CP-23-03271**

ELECTRONICALLY FILED - 2025 Aug 13 10:28 AM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303271

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

This matter came before the Court upon the respective Motions for Default Judgment (treated together, "Default Motions") filed by Plaintiffs Roland O'Neil Rabon, Jr., Fred W. "Trey" Suggs, III, Clayton Jennings, Joseph M. Plaxco, Jennifer L. Browning, and Browning Geriatric Consulting, LLC (collectively, "Plaintiffs") on November 12, 2024; and the Motions to Set Aside Entry of Default (treated together, "Defendants' Motions") filed by Defendants Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Luis Michalski, Margaret Miniard, Stacey Grist, and John & Jane Does ##1-14 (collectively, "Defendants") on November 18, 2024, in the above-captioned cases. The Court held a hearing on

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the Default Motions and Defendants' Motions on March 14, 2025. For Plaintiffs, Lane W. Davis of Maynard Nexsen, PC appeared on behalf of Mr. Rabon; Samuel W. Outten of Nelson Mullins Riley & Scarborough, LLP appeared on behalf of Mr. Suggs; Beattie B. Ashmore of Beattie B. Ashmore, P.A. appeared on behalf of Ms. Browning and Browning Geriatric Consulting, LLC; and Carter R. Massingill of Gallivan, White & Boyd, P.A. appeared on behalf of Messrs. Jennings and Plaxco. Haley Hubbard of Ballard & Watson and Jessie T. Carroll of Truluck Thomason, LLC appeared on behalf of Defendants.

The filings of record are consistent across all five cases. Pursuant to the agreement of counsel for all parties, the Default Motions and Defendants' Motions were heard collectively by the Court to determine the common issue of whether good cause exists to set aside the entry of default against Defendants in each case. Based upon the filings of record, the dates of such filings, arguments of counsel, and the authorities cited by the parties, the Court denies Defendants' Motions. The Court further grants Plaintiffs' Default Motions pending an ensuing damages hearing needed prior to the entry of a final judgment.

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). *See Sundown Operating Co., Inc. v. Intedge Indus., Inc.*, 383 S.C. 601, 607, 681 S.E.2d 885, 888 (2009); *Williams v. Vanvolkenburg*, 312 S.C. 373, 375, 440 S.E.2d 408, 409 (Ct. App. 1994) *with* Tr. 6:4-6 and 12:23-24. But, even if they had made such a threshold showing, Defendants still failed to satisfy South Carolina's *Wham* factors because: (1) Defendants waited too long to seek relief from the entry of default against them particularly after receiving Plaintiffs' Default Affidavits explaining the facts and circumstances surrounding Defendants' default (*e.g.*, ineffective SCRCP 59(e) Motion, etc.); (2) Defendants made no evidentiary submittal establishing

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the existence of a potential meritorious defense; and (3) Plaintiffs would now be prejudiced if the Court granted Defendants' Motion, as Plaintiffs have now lost the ability to depose Defendant Hulsey, a named party in these cases, whose deposition could have been published substantively as evidence by Plaintiffs at trial, *see* Tr. p. 31: l. 7, and because Plaintiffs' ability to vindicate their reputations would be even further delayed. *See Palmetto Constr. Grp., LLC v. Restoration Specialists, LLC*, 444 S.C. 328, 339–40, 907 S.E.2d 129, 135 (Ct. App. 2024); *Wilder v. Blue Ribbon Taxicab Corp.*, 396 S.C. 139, 144, 719 S.E.2d 703 (Ct. App. 2011); *Bank of Southside Virginia v. Host & Cook, LLC*, 239 F.R.D. 441, 445 (E.D. Va. 2007) (to support meritorious defense, movant "must proffer '*some evidence*'—not just a 'conclusory assertion'…."); *see also* SCRCP 32(a). Accordingly, the Court finds Defendants have not established the good cause needed to set aside the entry of default against them as required under SCRCP 55(c).

The Parties shall confer and contact the Court to request a status conference on scheduling the damages phase of Plaintiffs' Default Motions. Following the conclusion of each damages hearing in each case, the Court shall thereafter enter a corresponding Final Order.

IT SO ORDERED this ___ day of April, 2025.

_____

Eugene C. Griffith, Jr.
Circuit Judge Presiding

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Greenville Common Pleas

Case Caption: Clayton L Jennings vs. Paul Hulsey , defendant, et al

Case Number: 2024CP2303271

Type: Order/Other

It is so ordered

Eugene C. Griffith, Jr. 2154

Exhibit F

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BOSNIA AND HERZEGOVINA

"They Tried to Blackmail Me": Bosnia's Prime Minister Reveals Shocking Details About U.S. Defense Firm

Bosnia's Prime Minister claims U.S. defense firm Regulus Global attempted to blackmail him — while Zelenskyy's office has already warned Sarajevo about the company's track record.

Chris Patkin
06 Apr 2026 — 5 min read

Photo: FENA

Sarajevo, April 6, 2026. | AdriaDefense.com

Three senior officials of the Federation of Bosnia and Herzegovina — Energy Minister Vedran Lakić, Defence Minister Zukan Helez, and Federation Prime Minister Nermin Nikšić — have publicly turned against Sikto LLC and the Vice President of Regulus Global Akos Horvat, announcing legal action.

Lakić: Defamation Lawsuit, Companies to Follow

Energy, Mining and Industry Minister Vedran Lakić has announced a personal defamation lawsuit against Akos Horvat, stating that Horvat has spent months publicly making claims that are, in Lakić's words, false and damaging to the reputation of Bosnia's defense industry companies. Lakić also announced that the companies themselves will file separate lawsuits.

"The defence industry is not and will not be a testing ground for experiments, pressure, or takeovers under any circumstances that are not transparent and lawful. The spreading of falsehoods, manipulation and personal attacks will not go unanswered. Every attempt to deliberately mislead the public and damage the reputation of institutions and companies in the Federation of BiH will carry corresponding legal consequences. We will not allow the success of our domestic industry to be undermined by statements from those who clearly do not understand the system or are trying to bend it to their will," Lakić told Klix.ba.

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The Minister also highlighted the contradictions in Horvat's public positions — Horvat previously advocated for the dismissal of Binas management, only to now strongly defend it — questioning what lies behind such shifts.

"The Federation of BiH is not and will not be a space where individual investors dictate management structures or business rules. Every investment is welcome — but exclusively in compliance with the law, established procedures and the strategic interests of the state. Claims of 'blockades' are simply an attempt to present the non-fulfilment of certain demands as a systemic problem," Lakić said.

Helez: Letter from Zelenskyy's Office and Fraud Allegations

A day earlier, Defense Minister Zukan Helez publicly called out Horvat, describing him — in his own words — as "an international criminal and fraudster."

Helez revealed that as early as May 2025, he received a letter he describes as an official warning from the Office of Ukrainian President Volodymyr Zelenskyy.

"I received an official letter from the Office of President Volodymyr Zelenskyy of Ukraine, which clearly warns about Akos Horvat. The letter, which was also delivered to the Government of the Federation of BiH, states that the Ukrainian side ordered arms worth approximately 300 million KM and paid an advance, after which Horvat cut off all communication and disappeared from the deal," Helez stated.

AdriaDefense.com is unable to independently verify the contents of the said letter.

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Helez also raised allegations of irregularities in Binas's operations: "The same product — a fuse manufactured by Binas — was sold at drastically different prices, ranging from 53 to 107 euros. The appointment of new management is an opportunity to fully investigate and make the company's operations transparent." Helez's claims have not been legally verified.

Nikšić: "They Tried to Blackmail Me" — and an Investigation Announced

In a statement given to public broadcaster FTV, Prime Minister Nermin Nikšić made perhaps the most direct public remarks to date, revealing details he had not previously disclosed.

Confirming the allegations regarding the Ukrainian advance payment, Nikšić said: "These are serious allegations, but they are very easy to dismiss. However, no explanation has been given for the Ukrainian Government's allegations that Regulus took a $200 million advance and delivered nothing. This is a company that has raised my suspicions."

The Prime Minister announced the launch of an investigation based on available information — that Regulus representatives had misrepresented themselves internationally, collected advance payments and created additional financial losses.

The most serious allegation concerns direct pressure on the Prime Minister personally: "They tried to blackmail me. They 'friendly advised' me to be good to Regulus."

Nikšić also revealed that Regulus had engaged retired U.S. intelligence officers for its purposes — which, in the context of previous pressure campaigns

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involving high-profile American figures such as former Attorney General Barr and former Energy Secretary Brouillette, takes on additional significance.

The Prime Minister dismissed allegations of political hiring at the factories and denied that family members of those in government hold positions in defence company management: "We will hire 50 people at BNT, which three years ago was unimaginable because the company was on the verge of closure. How can we take profits and use them for pre-election purposes?"

Background: How Regulus Entered Pretis and Binas

Regulus Global allegedly entered the ownership structure of Pretis in early 2024, acquiring a 41.5% stake for approximately 8.7 million euros through Sikto LLC and two other companies, simultaneously acquiring a 25% stake in Binas d.d. in Bugojno. From that point, pressure on the Federation Government did not relent. In April 2025, Chairman Somerindyke organised a meeting in Washington surrounded by former Attorney General Barr and former Energy Secretary Brouillette, after which came letters threatening to escalate the matter to the State Department, the National Security Council and Congressional committees.

The Federal Government attempted to find constructive solutions: it dismissed Pretis's long-serving director Almira Zulić — solely under pressure from Regulus — despite the fact that Pretis had recorded outstanding business results under her leadership. According to CompanyWall data, the company's revenues nearly tripled in two years — from 27.6 million euros in 2022 to 78.7 million euros in 2024 — while net profit in the same period jumped from 3 million to 19.8 million euros. The company's credit rating for 2025 is A+. In her place, interim director Ajdin Kupus was appointed and the Government permitted an international audit. Every concession was met with new demands. Kupus eventually resigned, citing disagreements with the Supervisory Board.

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Within 48 hours, three senior Federation of BiH officials delivered a coordinated public response to Regulus's media campaign — lawsuits, the disclosure of the Kyiv letter, an announced investigation and an allegation of direct blackmail of the Prime Minister. The legal and political outcome of this dispute remains to be seen. But Sarajevo's message is clear: Bosnia's defense industry, which is posting record export results, will not be handed over to a company whose track record — according to three senior officials and a letter from Kyiv — is more than questionable.

AdriaDefense.com contacted Regulus Global and Akos Horvat for comment. No response was received prior to publication.

Who is Regulus Global?

Regulus Global LLC is a U.S.-based private defence and logistics company headquartered in Virginia Beach, Virginia. Founded by Will Somerindyke, who serves as Chairman, the company describes itself as specialising in national security, defence procurement, humanitarian missions and expeditionary logistics. The company has no publicly traded shares and limited publicly available financial disclosures.

Forbes also reported that Regulus became embroiled in a dispute over a $1.7 billion contract to sell artillery shells to the Ukrainian government — a dispute currently in arbitration before a London court. The Financial Times has separately noted that Somerindyke has a history of legal disputes with business partners.

In January 2025, Somerindyke stepped down as CEO of Regulus — retaining his role as Chairman — to lead Union, a new Silicon Valley-backed ammunition

manufacturing startup. Notably, Regulus is both Union's first customer and an investor in the company, placing Somerindyke on both sides of that business relationship.

Disclaimer: This article relays statements made by public officials and claims reported in domestic and international media (Forbes, Financial Times, FTV and Klix.ba). AdriaDefense.com is not the author of the allegations and does not confirm them as established fact. All qualifications and claims are attributed to their respective sources.

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STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE Clayton L. Jennings, Plaintiff, v. Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, Margaret Miniard and John & Jane Does 1-14, Defendants.	IN THE COURT OF COMMON PLEAS THIRTEENTH JUDICIAL CIRCUIT **C.A. No. 2024-CP-23-03271** **ORDER AND FINAL JUDGMENT**

This matter is before this Court as one of the damages hearings heard during the week of January 12, 2026. The hearing for Plaintiff Clayton L. Jennings commenced on January 13, 2026 and concluded on January 14, 2026. Based on the record and evidence presented, this Court makes the following findings of fact and conclusions of law:

I. STATEMENT OF FACTS

As the Defendants Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, and Margaret Miniard (collectively "Defendants") failed to timely file an Answer to the Amended Complaint, the allegations and claims in Plaintiff's Amended Complaint and restated below are admitted.

On May 17, 2024 Defendants transmitted two letters to at least Mr. Clayton Jennings, Jennifer Browning, Browning Geriatrics, Tracy Parsons, Caroline York Grist Lyon and Leyland H. Lyon, Jr., Priscilla Mickie Grist, Chris and Erin Couchell, Kiki's Care, d/b/a Comfort Keepers, Tyler McLeod, Adam Lee, Dan Collins, The Vanguard Group/Vanguard Flagship Services, Mike Bridges, Cheryl Borum, and R. O'Neil Rabon (in one letter); and to Mr. Jennings, Jennifer Browning, Browning Geriatrics, Abigail

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Hodges, Colton Bazzle, Scott Montjoy, Lisa Browning, SC House Calls, Jeff Allen, UBS Financial Services, Inc., Dan Collins, Renee Tedrick, Shelton Tate, TNB Financial Services, R. O'Neil Rabon, Melanie Hughes, and Dixon Hughes Goodman, LLP (in a second letter) (collectively, the "Defamatory Letters").

Defendants accused Mr. Jennings and the other recipients of the letters of participating in a scheme to defraud Defendants' clients in violation of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962, et. seq. ("RICO"). Defendants accused Mr. Jennings of engaging in a "Sham Probate Enterprise" consisting of a "pattern of racketeering activity." Defendants also accused Mr. Jennings of engaging in "multiple, repeated, and continuous" acts of mail fraud, wire fraud, and extortion as well as violations of South Carolina common law. Defendants allege Mr. Jennings committed these crimes through "comprehensive, multiple and inter-related schemes to deceive and defraud" which they asserted can generally be understood as Mr. Jennings "knowingly self-dealing while committing fraud in the creation or administration of probated estates, settlements, trust agreements and property transactions while ignoring conflicts of interest and committing extortion. . ." Further, Defendants stated Mr. Jennings' "use of the court system to advance the racketeering scheme is particularly egregious" because "it victimized the entire judicial system, impacts the administration of justice across the board and undermines the integrity of the legal process for everyone."

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

II. PROCEDURAL HISTORY

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On May 17, 2024, Defendants transmitted the Defamatory Letters. The Defamatory Letters accused Mr. Jennings of committing various federal crimes as well as violations of South Carolina law. On May 24, 2024, Mr. Jennings filed a Summons and Complaint against Defendants in the Greenville County Court of Common Pleas for South Carolina. Thereafter, on July 22, 2024, Mr. Jennings filed an Amended Complaint against Defendants asserting claims for libel, libel *per se*, abuse of process, intentional infliction of emotional distress/outrage, intentional interference with prospective contracts/business relations, civil conspiracy, and a declaratory judgment. Defendants were duly served and timely filed motions to dismiss pursuant to Rule 12 of the South Carolina Rules of Civil Procedure ("SCRCP"). On October 3, 2024, Judge Salvini issued Form 4 Orders denying Defendants' respective motions to dismiss. On October 14, 2024, Defendants filed a Motion to Alter or Amend Judgment under Rule 59(e), SCRCP. On October 29, 2024, Judge Salvini issued an Initial Order regarding Defendants' Motion to Alter or Amend Judgment under Rule 59(e), SCRCP, which established that the motion would be decided on written submissions and set the deadlines for the same. Defendants' Answers to Mr. Jennings' Amended Complaint were due on October 18, 2024. However, Defendants did not file their Answers until November 12, 2024.

On October 28, 2024, counsel for Mr. Jennings 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, Mr. Jennings 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

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Entry of Default. On November 27, 2024, the Court denied Defendants' Motion to Alter or Amend Judgment under Rule 59(e). On December 27, 2024, Defendants filed an appeal of Judge Salvini's order with an amended appeal following on December 30, 2024. The South Carolina Court of Appeals dismissed the appeal on January 6, 2025. On January 16, 2025, Defendants filed a Motion to Reinstate the Appeal which was subsequently denied on April 17, 2025. On February 11, 2025, Defendants filed a Supplemental Petition to the Chief Justice of the South Carolina Supreme Court. Finally, on February 13, 2025, the Chief Justice issued an Order assigning this matter and the other related matters (*Rabon v. Hulsey*, Case No: 2024CP2303236; *Suggs v. Hulsey*, Case No.: 2024CP2303258; *Plaxco v. Hulsey*, Case No.: 2024CP2303329; *Browning v. Hulsey*, Case No.: 2024CP2303730) to the undersigned for further handling.

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

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

III. EVIDENCE PRESENTED

Mr. Jennings presented evidence of his damages through testimonial and physical evidence. Beginning with the testimonial evidence, Mr. Jennings presented the following

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three witnesses: Bo Russell ("Mr. Russell"), Sidney Mitchell ("Mr. Mitchell"), and Mr. Jennings, himself.

Mr. Russell is a shareholder at Maynard Nexsen PC. He is a well-respected lawyer who has been practicing law in Greenville County and throughout South Carolina for over twenty-five (25) years. Mr. Russell primarily represents clients in corporate matters, including mergers and acquisitions. He offered testimony about his personal and professional relationship with Mr. Jennings as well as Mr. Jennings' reputation within the legal community and beyond. Mr. Russell testified about the importance of a lawyer's reputation among other lawyers, judges, and in the marketplace. His testimony established that reputation is critical to a lawyer's success, and that reputational harm once inflicted is extraordinarily difficult, if not impossible, to repair. Mr. Russell further testified about his personal knowledge of the Defamatory Letters. Based on his knowledge of Mr. Jennings and his reputation in the legal community in Greenville as well as in South Carolina, Mr. Russell testified as to the impact the allegations of the Defamatory Letters have had on Mr. Jennings' reputation as well as the impact the Defamatory Letters have had on Mr. Jennings personally. He testified that, given the seriousness of the false accusations contained in the Defamatory Letters, their publication could only be characterized as reckless.

Mr. Mitchell, of Mitchell Ramseur LLC, is a well-respected attorney who has been practicing law in Greenville County and throughout South Carolina for nearly thirty (30) years. Mr. Mitchell represents clients in divorce, child custody, support, and other domestic matters, and has experience in criminal matters. Mr. Mitchell testified regarding his knowledge of Mr. Jennings and Mr. Jennings' reputation within Greenville, generally,

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and the legal community. Mr. Mitchell further testified to the critical importance of a lawyer's reputation, including the impact reputational harm can have on a lawyer's career, ability to attract and retain clients, and working relationships with other attorneys. He also testified based on his personal knowledge of how the allegations contained within the Defamatory Letters spread throughout Mr. Jennings' community.

Finally, Mr. Jennings testified regarding his educational background and legal career. He is a sole practitioner at Jennings Law Firm, LLC, where his practice focuses on civil litigation and probate and estate planning. He testified that his firm does not advertise and receives most of its work via referrals, appointments, and repeat clients. He is a former Associate Probate Judge and has been practicing law in Greenville County and throughout South Carolina for nearly twenty-five (25) years. Mr. Jennings also testified as to the professional recognition he has received within the legal community.

Mr. Jennings testified concerning his roles in the Schnabel and Grist matters ostensibly referenced in the Defamatory Letters. Mr. Jennings further testified regarding the Defamatory Letters and the falsity of the accusations contained therein, and the impact of the letter on him both personally and professionally. He also testified regarding media publications associated with the Defamatory Letters, including an article published by an international newspaper, the Epoch Times. Mr. Jennings further testified regarding Facebook posts by a group referred to as the Center for Estate Administration Reform ("CEAR"), which branded him as an estate trafficker and compared him to another South Carolina lawyer whose recent prosecution and nationally followed conviction cast a negative light on the entire South Carolina legal system. He testified regarding the amounts of "shares" and "comments" regarding this CEAR Facebook post and how the

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CEAR Facebook page appeared to have many followers. He testified that he did not know how to have these false allegations removed from the internet and that he was concerned about prospective clients seeing this false information. He testified that the Defamatory Letters were published to referral sources and past clients, as well as to other individuals and companies that he did not know.

Lastly, Mr. Jennings testified regarding the damages he has incurred as a result of the Defamatory Letters. 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 matters, such as contested guardianship/conservatorship cases 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 $181,759.25. Mr. Jennings 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. The defense averred during cross examination that the Plaintiffs, individually and collectively, could not prove the damages were caused solely by the letters and not the actual lawsuits.

This Court also considered the following exhibits which were entered as evidence in the case: (1) Schnabel Defamatory Letter; (2) Grist Defamatory Letter; (3) Definitions Section of the SCRCP; (4) CEAR Facebook Post dated August 31, 2024; (5) CEAR "About" Page; (6) Greenville County Register of Deeds Facebook Post dated June 28,

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2018; (7) CEAR Facebook Home Page; (8) CEAR Facebook Post dated February 25, 2025; (9) Epoch Times Article dated February 24, 2025; (10) CLE Article by Defendant Desa Ballard; (11) Email from Courtney Atkinson to Mr. Jennings; (12) Email from Mr. Jennings to Stokely Holder, Steven Buckingham, and Andrew Frederick; (13) Email from Mr. Jennings to Will Maxey; (14) Email from Mr. Jennings to Sidney Mitchell; (15) Email from Mr. Jennings to Carole Dennison; (16) Email from Mr. Jennings to James Drennan; (17) Estate Detail for Lost Referral in the 2024ES2301010 Matter; (18) Itemization of Known Economic Damages; and (19) Deposition Testimony of Desa Ballard, Kim Thomason, Devon Puriefoy, and Cherie Durand, and the exhibits marked or used therein.

IV. LEGAL AUTHORITY

"It is well settled that by suffering a default, the defaulting party is deemed to have admitted the truth of the plaintiff's allegations and to have conceded liability." *Roche v. Young Bros., Inc., of Florence*, 332 S.C. 75, 81, 504 S.E.2d 311, 314 (1998). "In a default case, the plaintiff must prove by competent evidence the amount of his damages, and such proof must be by a preponderance of the evidence." *Jackson v. Midlands Human Res. Ctr.*, 296 S.C. 526, 529, 374 S.E.2d 505, 506 (Ct. App. 1988). However, in an action for libel per se, common law malice and general damages are presumed. *Erickson v. Jones Street Publishers, LLC*, 368 S.C. 444, 629 S.E.2d 653, 664 (2006); *see also Kunst v. Loree*, 424 S.C. 24, 39, 817 S.E.2d 295, 302–03 (Ct. App. 2018) ("When a defamatory statement is actionable per se, the plaintiff need not prove general damages—as these damages are presumed—and the defendant is presumed to have acted with common law malice."). Such presumed damages include injury to reputation, mental suffering, hurt feelings, and "similar injuries, incapable of definite money valuation." *Whitaker v.*

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Sherbrook Distrib. Co., 189 S.C. 243, 246, 200 S.E. 848, 849 (1939); *see also Capps v. Watts*, 272 S.C. 276, 281, 246 S.E.2d 606, 609 (1978); *Lily v. Belk's Dept Store*, 178 S.C. 278, 284, 182 S.E. 889, 891 (1935). Damages may extend into the future and may be permanent. *See Abofreka v. Alston Tobacco Co.*, 288 S.C. 122, 126, 341 S.E. 2d 622, 625 (1986).

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

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

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In determining the award of damages in this case, this Court also relied on the following authority which are analogous defamation cases. In *Sulka v. Hoagland*, Case No. 2017-CP-07-01547, the plaintiff who was serving as the Mayor of Bluffton brought a defamation action against the defendant after the defendant circulated emails to Chamber of Commerce members accusing her of misusing public funds, engaging in criminal conduct, and being unfit for office. A jury returned a verdict for the plaintiff in the amount of $40,000,000 in actual damages and $10,000,000 in punitive damages.

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

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

V. ANALYSIS

This case involves admitted allegations of libel per se, Mr. Jennings was not required to prove general damages. *See also Kunst v. Loree*, 424 S.C. 24, 39, 817 S.E.2d 295, 302–03 (Ct. App. 2018) ("When a defamatory statement is actionable per se, the plaintiff need not prove general damages—as these damages are presumed—and the defendant is presumed to have acted with common law malice."). Thus, Mr. Jennings' noneconomic damages are those that the law presumes as a result of Defendants publicly

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accusing Mr. Jennings of committing felonies in written correspondence published to third parties. The Court finds that the severe nature of Defendants' accusations against Mr. Jennings, and the significant and irreparable damage they caused to Mr. Jennings' personal and professional reputation, supports an award of non-economic damages in the amount of $5,000,000.00.

In addition to Mr. Jennings' presumed damages, he also sought economic damages for the amount he has suffered as a result of the Defamatory Letters. This Court finds that Mr. Jennings established his entitlement to an award of economic damages by a preponderance of the evidence. Through multiple witnesses, Mr. Jennings presented compelling testimony regarding the central importance of a lawyer's reputation to professional success, the reliance placed on that reputation by courts, clients, and fellow attorneys, and the extraordinary difficulty of repairing reputational harm once inflicted. Further, Mr. Jennings established his reputation within the legal community as a well-respected attorney held in high regard.

Testimony confirmed that the Defamatory Letters contained serious allegations capable of irreparable harm to his reputation and thus, his career. The Court finds that this harm is concrete and not speculative. Mr. Jennings presented specific evidence of matters he was unable to take because of these false allegations and his efforts to mitigate further reputational harm and protect potential clients from harm. Mr. Jennings testified regarding his conservative estimate of the total dollars lost because of his inability to take on these matters, totaling $164,259.25. Moreover, as the defamatory statements were in writing and transmitted to multiple recipients without any limitation on third-party

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access or republication, Mr. Jennings presented evidence that the harm to his reputation extended beyond the legal community.

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

Since the transmission of the Defamatory Letters, Mr. Jennings established that he suffered lost billable time. Mr. Jennings testified that he has also lost billable time responding to the consequences of the Defamatory Letters in the amount of $17,500.00. Thus, Mr. Jennings established by a preponderance of the evidence that the known economic harm he has suffered as a result of the Defamatory Letters equates to approximately $181,759.25.

The last issue for consideration before this Court is the amount of punitive damages that Mr. Jennings has proven he is entitled to. *See Hainer v. Am. Med. Int'l, Inc*., 328 S.C. 128, 135, 492 S.E.2d 103, 107 n.8 (1997) ("We remind trial judges that in cases in which the issue of punitive damages is submitted to the jury, there must be clear and convincing evidence of actual malice to warrant such an award."). Here, the evidence establishes actual malice by clear and convincing evidence. The Defamatory Letters were deliberately transmitted to multiple recipients without regard to third-party access or

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republication. Though the Defamatory Letters accuse Mr. Jennings of committing multiple crimes, Mr. Jennings testified that no Defendant ever contacted him regarding these allegations prior to the publication of the Letters to give him an opportunity to respond to the allegations. Defendants also acknowledge in the Letters that they were aware of the impact they may have upon the recipients' business operations. That announcement, their intentional choice to transmit the Defamatory Letters to multiple recipients, considered alongside the remarkable testimony from the depositions of the Lawyer Defendants, supports a finding that the Defamatory Letters were sent for an improper and malicious purpose.

Relevant excepts from the Lawyer Defendants' depositions are attached hereto for reference in **Appendix I**. Their refusal to answer even the most basic questions about the Defamatory Letters, or the grave accusations they chose to publish, was highly improper and reflected a troubling disregard for their obligations as officers of the court. Such conduct impeded Plaintiff's ability to obtain relevant trial evidence for the damages hearings but also demonstrated a level of obstruction and evasiveness that is particularly unacceptable when committed by licensed attorneys who are bound to uphold (not undermine) the rule of law.[1]

The seriousness of this misconduct was only magnified at the damages hearing, where the Lawyer Defendants continued to posture as though the defamatory accusations might still have merit, despite having previously refused to answer straightforward questions about the very Letters they authored and circulated. Their

[1] The Court finds that Defendants' litigation tactics were "abusive and obstructionist." *See Hundley*, 339 S.C. at 316, 529 S.E.2d at 62 (finding that the trial court may properly consider "abusive and obstructionist" litigation tactics on the part of a litigant in assessing punitive damages).

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conduct following publication of the Letters was nearly 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. In this unique set of circumstances, where 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 Lawyer Defendants or by others. Therefore, this Court finds that Mr. Jennings has presented clear and convincing evidence of actual malice to warrant a punitive damages award of $2,000,000.00[2] against the Lawyer Defendants, Devon Puriefoy, Kimberly Thomason, and Desa Ballard.

After thorough review of the testimonial and physical evidence presented in this case, this Court finds Mr. Jennings has presented sufficient evidence to support an award of actual damages in the amount of $5,181,759.25, against Defendants Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, and Margaret Miniard.[3] In addition, this Court find that the evidence before the Court also supports an award of punitive damages against Defendants Thomason, Puriefoy, and Ballard ("Lawyer Defendants") in the amount of and $2,000,000.00.

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[2] The Court calculates the award of punitive damages as a percentage of the actual damages. The Court utilized a 40% rate to calculate the award. (40% of $5,181,759.25 equals 2,072,703.70 and rounding down to $2,000,000.00).

[3] Prior to his damages hearing, Mr. Jennings reached a settlement with Cherie Durand and Paul Hulsey/the Estate of Paul Hulsey. Further, Mr. Jennings never substituted in any additional defendant in place of any of the John or Jane Doe Defendants referenced in the Amended Complaint and, therefore, this Order and Final Judgment shall only be enforceable against Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, and Margaret Miniard.

VI. CONCLUSION

Due to the Defendants' default, and the evidence presented at the damages hearing, it is hereby ORDERED that Mr. Jennings have judgment as follows:

a. Actual damages in the principal amount of **$5,181,759.25** against Defendants Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, and Margaret Miniard, jointly and severally,

b. Punitive damages are hereby ordered against Defendant Devon Puriefoy in the amount of **$666,666,67**.

c. Punitive damages are hereby ordered against Defendant Kimberly Thomason in the amount of **$666,666,67**.

d. Punitive damages are hereby ordered against Defendant Desa Ballard in the amount of **$666,666,67**.

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

IT IS SO ORDERED.

This ___ day of _____, 2026

_____
Eugene C. Griffith, Jr.
Presiding Circuit Judge

FILED ELECTRONICALLY IN CIRCUIT COURT -- 2026 Mar 13 12:21:58 PM -- GREENWILLE -- COMMON PLEAS -- CASE #2024CP2303327/1

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Greenville Common Pleas

Case Caption: Clayton L Jennings vs. Kimberly Thomason , defendant, et al

Case Number: 2024CP2303271

Type: Order/Other

It is so ordered

Eugene C. Griffith, Jr. 2154

Exhibit G

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STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE Clayton L. Jennings, *Plaintiff*, v. Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, Margaret Miniard, and John & Jane Does ##1-14, *Defendants*.	IN THE COURT OF COMMON PLEAS THIRTEENTH JUDICIAL CIRCUIT Civil Action No. 2024-CP-23-03271 **ORDER DENYING POST TRIAL MOTIONS**

This matter came before the Court upon Defendants' Post-Trial Motions ("Post-Trial Motions") and Defendants' Motion to Stay Judgment and Order for Sanctions ("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, Plaintiff Clayton L. Jennings ("Mr. Jennings" or "Plaintiff") filed a Summons and Complaint against Defendants in the Greenville County Court of Common Pleas for South Carolina. On July 22, 2024, Mr. Jennings filed an Amended Complaint against Defendants asserting claims for libel, libel *per se*, abuse of process, intentional infliction of emotional distress/outrage, intentional interference with prospective contracts/business relations, civil conspiracy, and a declaratory judgment. 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 Defendants' motion to dismiss.

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On October 14, 2024, Defendants filed a Motion to Alter or Amend Judge Salvini's interlocutory order denying their motion to dismiss pursuant to Rule 59(e), SCRCP. Even though their Answer to Mr. Jennings' Amended Complaint was due on October 18, 2024, Defendants failed to file an Answer until November 12, 2024. Judge Salvini thereafter denied Defendants' Motion to Alter or Amend her October 3, 2024 order on November 27, 2024.

On October 28, 2024, counsel for Mr. Jennings filed an affidavit asking the Court to 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. Jennings filed a motion for default judgment pursuant to Rule 55(b) and requested a damages hearing.

Three weeks after Mr. Jennings filed an affidavit for entry of default, Defendants filed an Objection and Motion to Set Aside Entry of Default on November 18, 2024. On December 27, 2024, Defendants filed an appeal of Judge Salvini's November 27, 2024 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 denied on April 17, 2025 and again resulted in the appeal's dismissal. 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; *Browning v. Hulsey*, Case No.: 2024CP2303730) to the undersigned for further handling.

On April 4, 2025, this Court issued a Form 4 Order granting Plaintiffs' Motion for Entry of Default and denying Defendants' Motion to Set Aside the Entry of Default with a more detailed

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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, damages trial arising from their default. On August 18, 2025, while Defendants' other motions remained pending, Defendant Durand filed a Motion to Vacate the Order of Entry of Default and another Motion to Dismiss.

On January 13 and 14, 2026, this Court held a default judgment hearing concerning damages in the above-captioned matter. Evidence was presented of the damages suffered by Mr. Jennings due to the defamatory letters ("Defamatory Letters") transmitted by Defendants about him. Prior to the commencement of this hearing, the Court heard and denied Defendants' pending Motions for Judgment on the Pleadings and 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 Plaintiff's Motion for Sanctions against Defendants due to misconduct during their depositions.

On January 30, 2026, Mr. Jennings 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 Plaintiff's Motion for Sanctions.

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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 Motion to Alter or Amend the Court's Sanctions Order. Mr. Jennings also filed a Response in Opposition to Defendants' Motion to Stay the Judgments and Order for Sanctions.

With this Order, this Court considers Defendants' Post-Trial Motions and Motion to Stay the Judgments and Order for Sanctions. Based on the evidence presented at the damages hearing as well as the parties' briefs on the issues, this Court denies Defendants' Motions as 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).

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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. FINDINGS OF THE COURT

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.

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

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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.

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 *3-4). This Court agrees with the positions set forth in Plaintiffs in their 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 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 the Court entered its Order and Final Judgments in favor of Mr. Jennings on March 12, 2026,

[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).

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such ruling further operated to deny 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.

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 Jennings' Compensatory Damages.

This Court similarly denies Defendants' Motion to Alter or Amend its Final Order and Judgment as to Mr. Jennings' Compensatory Damages. Defendants assert Mr. Jennings 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. Jennings 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. Jennings had presented sufficient evidence to warrant an economic damages award. Ample evidence of record

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[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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establishes Jennings sustained significant economic and reputational harms. The record evidence confirms Jennings lost billable time and lost referrals and cases from other attorneys.[3]

Such economic losses were in addition to an abundant evidentiary record establishing Mr. Jennings had suffered greatly at the hands of Defendants. He suffered humiliation, anxiety, mental anguish, and sadness due to Defendants' misconduct. 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 appellate 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, the Court rejects Defendants' argument that Jennings failed to establish the damages awarded to him.

Defendants' argument as to Mr. Jennings' damages for reputational harm fails for another reason. As this Court stated in its Final Order and Judgment, Mr. Jennings was 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 Mr. Jennings did not present evidence showing actual harm to his reputation also fails because such are presumed.

Moreover, because Defendants are in default, liability has already been conclusively established. Defendants therefore 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 or Mr. Jennings' damages. Based on the testimony, documentary

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

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evidence, and credibility determinations made during the hearing, this Court found more than adequate evidence supported the amounts awarded to Mr. Jennings due to his economic, reputational, and non-economic harms resulting from Defendants' misconduct. Accordingly, the Court denies Defendants' challenges to this Court's compensatory damages award.

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

According to Defendants Kimberly Thomason, Devon Puriefoy, and Desa Ballard (treated herein as, "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 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 Lawyer Defendants working together in concert. Mr. Jennings' Complaint alleged the Lawyer Defendants jointly drafted, executed, and coordinated the transmittal of the Defamatory Letters. And the Lawyer 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 Lawyer Defendants' own filings, filed subject to Rule 11 SCRCP, repeatedly certified to the Court that *they jointly* sent the Defamatory Letters. Yet, the Lawyer Defendants

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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 Lawyer 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:

i. 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.

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

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

iv. The record evidence uniformly established the content of the Defamatory Letters was false. Mr. Jennings likewise introduced evidence establishing the severity of the harms

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inflicted upon him due to the grave accusations contained in the Defamatory Letters. Thus, Mr. Jennings continues to absorb reputational harms and damages despite the falsity of Defendants' accusations.

v. After the Lawyer 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 Lawyer Defendants had already been served with Mr. Jennings' Complaint accusing them of defamation. On this factual backdrop, 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.

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

vii. 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 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 on *two* separate occasions.

viii. 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. Jennings suffered widespread reputational injuries in the

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Bar Association and community where he lives, works, and most critically relies upon the value of his name.

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

x. 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. Jennings. The Defamatory Letters were published to a wide range of recipients, including Plaintiff's clients, for no good reason and in bad faith.

xi. Like Mr. Jennings, Kim Thomason, Devon Puriefoy, and Desa Ballard handle probate matters, compete for work, and benefitted commercially by tarnishing Jennings' reputation while competing against him for work. The Lawyer Defendants, therefore, had a pecuniary motive to harm Mr. Jennings' reputation further explaining their misconduct and callousness.

xii. 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.

xiii. None of the Lawyer 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 Lawyer Defendants in favor of Mr. Jennings in this case.

Second, the Lawyer 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 Lawyer Defendants appear to have misunderstood the Court's rulings. When compared to one another, a pattern emerges from the Lawyer Defendants' deposition testimony. Their deposition transcripts confirm the existence of an agreed-upon common scheme and plan to obstruct Mr. Jennings from learning the truth about their misconduct by engaging in obstructionist tactics. Simply no justification exists for the misconduct exhibited in the Lawyer Defendants' depositions where four officers of the Court intentionally obstructed Mr. Jennings 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. Jennings and his counsel.

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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).

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

This Court denies Defendants' Motion to Alter or Amend the Judgments for Reliance on the Attorney Defendants' Conduct During their Depositions. Defendants incorrectly contend it was improper for this Court to consider Defendants' misconduct during their depositions as a consideration for its punitive damages award because this Court never adjudicated the merits of Defendants' refusal to answer certain questions. The Court rejects this analysis. The Court instead agrees with Mr. Jennings that Defendants' argument simply rehashes the argument presented in opposition to Mr. Jennings' Motion for Sanctions against Defendants due to their deposition-misconduct. This Court has already outlined the reasons supporting its grant of Mr. Jennings' Motion for Sanctions in its corresponding Order and incorporates those findings herein by reference. The Court has also discussed Defendants' deposition-misconduct above in this Order.

Moreover, the Court's Final Order and Judgment is clear that its award of punitive damages to Mr. Jennings was based primarily on the severity and nature of the accusations contained in the Defamatory Letters, Defendants' own acknowledgment within those letters of the gravity of their

[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.

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false accusations, and Defendants' intentional decision to disseminate the Defamatory Letters to an array of recipients, including Mr. Jennings' clients and referral sources. This Court also specifically considered that Defendants chose to accuse Mr. Jennings 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. Jennings directly before widely disseminating such accusations to third parties. In addition to the discussion of the evidentiary basis for the Court's award of punitive damages, *see supra*, such facts alone provided a substantial and independent basis for this Court's punitive damages award.

Significantly, while this Court did reference Lawyer Defendants' conduct during their depositions as *a* basis for punitive damages, such misconduct was not the sole nor primary basis for such award. But, Defendants' misconduct during their depositions did further reinforce the Court's conclusion that Defendants' Defamatory Letters were sent with an improper, reckless, and malicious purpose. Such misconduct likewise confirmed the concert of action by the Lawyer Defendants. The Court did also consider Lawyer Defendants' deposition-misconduct when evaluating their credibility, intent, malice, and continued refusal to acknowledge the gravity of the false accusations they disseminated against Mr. Jennings. Further, the Lawyer Defendants' argument ignores that their deposition testimony and misconduct were introduced and considered within the broader evidentiary record presented at Mr. Jennings' damages trial.

For these reasons, the Court finds that Defendants have failed to establish any basis for altering or amending this Court's Final Orders and Judgment on this ground.

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 Defense Counsel during the trial on Jennings' damages in support of its punitive damages awards and other findings contained in the Final Order and Judgment. The Court rejects Defendants' argument in this regard.

Nothing in this Court's Final Order and Judgment indicates that punitive damages were imposed against the Lawyer Defendants based upon the conduct of Defense Counsel during trial. Ample evidence of record and corresponding factual findings support the Court's award of punitive damages to Mr. Jennings against the Lawyer Defendants. Nowhere did the Court indicate Defense Counsel's conduct during the trial on Mr. Jennings' damages was a basis for such award. 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 fails to 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.

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

It is axiomatic: "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

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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 Motion is even appropriate in a non-jury trial context. The relief sought by Defendants appears 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 non-jury damages trial 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 answer Plaintiff's Complaint in the time required, Defendants admitted the allegations contained therein and conceded liability as to Mr. Jennings' claims for libel, libel *per se*, abuse of process, intentional infliction of emotional distress/outrage, intentional interference with prospective contracts/business relations, civil conspiracy, and declaratory judgment. *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. Jennings 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). Based upon competent evidence of record comprised of both testimony and exhibits, this Court determined Mr. Jennings proved the amount of his damages by no less than a preponderance of evidence.

Finally, Defendants' argument that Mr. Jennings 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. *See* Discussion, *supra.* Among the other findings above, this Court specifically found that Defendants intentionally disseminated defamatory accusations accusing Mr. Jennings of criminal conduct, racketeering, fraud, extortion, and corruption of the judicial system to multiple recipients, including Mr. Jennings' clients. Additionally, the language of the Defamatory Letters themselves reflected Defendants' understanding of the extraordinary seriousness of the accusations being made. This Court's findings reflect misconduct it determined to be egregious in nature and particularly damaging given the professional standing of Mr. Jennings and the nature of the accusations disseminated against him.

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

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

Next, according to the 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 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 Lawyer Defendants. The Court had the direct opportunity to hear Mr. Jennings' 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, discussed above, and illustratively cited in Mr. Jennings' opposition briefing, the Lawyer Defendants bore and bear a high degree of culpability

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for their misconduct. They inflicted severe harms upon Plaintiff. Mr. Jennings did not contribute to the harms he sustained. The duration of the Lawyer Defendants' conduct was substantial (*i.e.,* spanning several years). And the Lawyer Defendants were aware of their misconduct, the harm it caused, and thereafter jointly worked 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 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 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.

J. 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 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 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.

K. 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 such 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

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argue the Court should review the evidence supporting the punitive awards against them, which the Court has already rejected twice above.

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. Jennings' 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. Jennings' 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.

While Mr. Jennings intentionally chose *not* to pursue punitive damages against the Non-Lawyer Defendants although he could have, such election does *not* mean the allegations of intentional and reckless conduct alleged in Plaintiff's 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.

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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). Mr. Jennings specifically pled the Lawyer Defendants acted in concert and their default operated to deem such allegations as admitted. *Roche*

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v. Young Bros., of Florence, 332 S.C. at 81, 504 S.E.2d at 314. Moreover, Mr. Jennings' 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.

M. The Court Denies 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. Jennings' judgment against Defendants is subject to a set-off in the amount of any settlement between Mr. Jennings and Defendants Cherie Durand and 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 Jennings may have entered with Hulsey or Durand.

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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 Jennings. 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.

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 a factor when awarding punitive damages against Defendants. 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 *Encore* 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*. The Court denies Defendants' Motion to Stay because Defendants cannot be expected to fulfill their legal duties in this case. They have shown a blatant disregard for their duties which is, among other things, what led to the award of punitive damages awards against the Lawyer Defendants. Specifically, the Court found that the Lawyer Defendants' refusal to answer even the most basic questions about the Defamatory Letters reflected a "troubling disregard for their obligations as officers of the court" as well as a "level of obstruction" that is "particularly unacceptable when committed by licensed attorneys." *See* Order and Final Judgment, at p. 13. Accordingly, this Court found the Lawyer Defendants, despite being Officers of the Court,

had disregarded their "discovery obligations" imperiling the "integrity of judicial proceedings." *Id*. at p. 14.

Like in *Encore*, the facts contained in Mr. Jennings' Amended Complaint—admitted due to Defendants' default—along with the evidence presented at the damages hearing, underscore the egregiousness of Defendants' conduct. The Court found that the severe accusations against Mr. Jennings caused significant and irreparable damage to Plaintiff's personal and professional reputation. The Court further found that the Defamatory Letters were authored, executed, and transmitted for an improper and malicious purpose, noting specifically that the Defendants acknowledged in their Letters that they were "aware of the impact the accusations may have upon the recipients' business operations." Yet, Defendants still intentionally chose to transmit the Defamatory Letters to an array of recipients. Defendants did this for potential financial gain despite the known financial detriment that it would cause Mr. Jennings.

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 and unclean hands weigh 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 improper tactics to frustrate Mr. Jennings' rights to pursue timely relief thereby prejudicing him. Accordingly, the Court respectfully declines to extend the benefit of a discretionary stay to parties whose conduct reflects a disregard for the integrity of the Court.

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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

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Type: Order/Other

It is so ordered

Eugene C. Griffith, Jr. 2154