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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Civil Action Court Case No. 2025-CP-10-04577

Appellate Case No. _____

The Bastion Group, LLC and Aaron Willard, Petitioners,

v.

Robbins Construction Group, LLC Respondent.

MOTION TO SUPPRESS ELECTRONIC COMMUNICATIONS

This matter comes before the Court on behalf of The Bastion Group LLC and Aaron Willard, Petitioners herein (the Defendants in the pending Common Pleas action in Charleston County, Civil Action No. 2025-CP-10-04577) by and through their undersigned counsel, who would show unto this Court, pursuant to Rule 240, SCACR, and S. C. Code Ann. §17-30-110 and §17-30-65, that the relief requested here should be granted. Petitioner moves before this Court for an Order to suppress certain electronic communications (and derivative works) between Petitioner Aaron Willard and non-parties, and based upon information and belief, between Aaron Willard and his employer, Bastion Group LLC, and Aaron Willard and his counsel of record in the pending Common Pleas action.

Petitioners make this Motion on the following grounds supported by the attached affidavit of Aaron Willard:

Facts

1. On June 9, 2026, Petitioner Aaron Willard ("Willard") became aware that Respondent, Robbins Construction Group, LLC ("Robbins"), was in possession of Willard's private electronic communications (text messages) obtained without his knowledge or consent. A private and confidential text message sent to Willard on his personal Android smartphone by a business colleague was attached to an email sent by Robbins owner, Derek Robbins, to a common client of Robbins and Willard's current employer, Petitioner, The Bastion Group, LLC ("Bastion"). Willard investigated the intercepted text message attached to Derek Robbins' email and soon realized that Respondent Robbins had likely misused Microsoft Phone Link software to intercept Willard's private text message traffic from his personally owned Android smartphone for nearly a year since he left employment with Robbins for a similar position with Bastion. As described below it is likely that the multiple and ongoing interceptions of Willard's text messages by Robbins was the basis of Robbins' Complaint (Civil Action No.: 2025-CP-10-04577) against Petitioners Bastion and Willard filed in Charleston County Court of Common Pleas. This Motion seeks to enforce the provisions of SC Code § 17-30-65 to prevent Respondent Robbins from using Willard's intercepted electronic communications (including text messages and email) as the basis for its currently filed litigation and to gain commercial advantage against Petitioners. Respondent and Petitioner are competing construction businesses in the lucrative Charleston market.

2. Upon discovering his private text messages were being intercepted by Robbins, Willard brought his phone to a digital forensics examiner, John Ackerman, who made a forensic image of the phone to preserve the evidence, and began an examination. Ackerman is currently looking on Willard's phone for evidence related to specific text message traffic and the artifacts left by the Microsoft Phone Link client.

3. Willard closely examined the text message attached to the email sent by Derek Robbins and realized that the email attachment was in the unique format used by Microsoft Phone Link software, a tool Willard had used while employed by Robbins on a Dell laptop that he returned to Robbins when his employment with Robbins ended. Being computer savvy, Willard had made sure to erase his Phone Link password and other personal information including passwords from the Dell laptop before returning it to Robbins. Willard identified the text message attached to Derek Robbins' June 9, 2026, email as one he had received on June 8, 2026, from an employee of Charleston Southern University on his personal Android smartphone. Willard also confirmed that he and the employee of CSU were the only two parties involved in the text message traffic, and in speaking with the CSU sender of the text message confirmed that she had not forwarded or in any way shared the text message with anyone but Willard. He was equally certain that he had not forwarded or shared the text message with anyone. Both Willard and the employee of CSU had a reasonable expectation of privacy in their private electronic communication (text message) that was sent exclusively between them.

4. It is unknown when exactly the misconduct of Respondent began or ended. As stated hereinabove, Petitioner became aware of these intercepted communications when he was alerted on June 9, 2026, that Derek Robbins had attached a private text message sent by an employee of CSU to Willard on June 8, 2026, on a business email from Derek Robbins to the President of CSU. Derek Robbins' email was sent for business purposes to disparage Petitioners Bastion and Willard in an ongoing construction bid process between Bastion and Robbins who were competing for business at CSU.

5. As described in his affidavit, Willard observed many times over the year since he left employment with Robbins for employment with Bastion, that the Microsoft Phone link connection from his Dell laptop (uniquely identified as "RCG-Dell") that was returned to Robbins

became reactivated on his personal Android phone. Each time Willard observed this connection become active he terminated it, only to see it reactivated again at a later time. Willard described it this way in his affidavit,

> "Reviewing Phone Link history, I confirmed that the RCG-DELL connection did not simply remain connected to my personal communications, after I left [Robbins] the RCG-DELL connection with Phone Link became active again and again. Whenever I noticed an active Phone Link connection with RCG-DELL, I would sign it out. Within several days it would become active again. This occurred multiple times, sometimes several times per week. To my knowledge, I did not reactivate or reconnect RCG-DELL.
>
> With the ability to reactivate the RCG-DELL Phone Link connection, [Robbins] could have used the Dell laptop to intercept all my electronic communications from the time I returned the laptop to them." (*Aff'd of Willard*, Paragraphs 11 and 12, Aug. 6, 2026).

6. After leaving employment with Robbins, in March 2026 Willard replaced his Samsung Galaxy S22 Android smartphone with a new Galaxy S25 Android smartphone. Upon information and belief, the June 8, 2026, text message between Willard and the CSU employee was intercepted by Robbins from Willard's new S25 phone. This is a phone that Willard had not even owned while employed by Robbins. It appears that Robbins had used the Phone Link software and the RCG-Dell laptop to connect to Willard's new personal S25 Smartphone.

Relief Sought

7. The actions of Respondent willfully intercepting, using, and disclosing Willard's private electronic communications on his personal smartphone are clearly violations of the Electronic Communications Privacy Act, The South Carolina Homeland Security Act, the Computer Fraud and Abuse Act, and, based upon information and belief, include the interceptions of electronic communications between Petitioner Willard and his employer, Bastion, and non-party individuals, including his counsel of record in the civil suit filed by Respondent. Petitioner is informed and believes that Respondent has utilized and disclosed these illegally intercepted electronic communications to further its business goals such as with the one attached to the email

sent to the president of CSU and as the basis for allegations in Respondent's Complaint in the action filed in the Court of Common Pleas.

8. Counsel for Petitioner would submit that on its face the actions of Respondent in intercepting electronic communications between Petitioner Willard and non-parties is in violation of federal law, specifically U.S. Code Ann., 18 U.S.C.A. § 2511 (1) and the use and disclosure of the contents of these electronic communications pursuant to 18 U.S.C.A. § 2515 would subject the violator to both criminal and civil sanctions. Further, 18 U.S.C.A. § 2515 specifically prohibits the use of these recorded conversations or the use of any evidence of intercepted wire or oral communications in "… any trial, hearing, or other proceeding in or before any Court, … of the United States, a state, or a political subdivision thereof if the disclosure of that information would be in violation of this chapter" as well as the corresponding state statute as addressed hereinbelow.

9. South Carolina law similarly forbids under S.C. Code Ann. § 17-30-20 the intentional interception, attempt to intercept, use, or disclosure to any person the contents of any wire, oral, or electronic communication knowing or having reason to know that the information was obtained by an interception is subject to both criminal and civil liability. South Carolina law similarly under S.C. Code Ann. § 17-30-65, forbids the admissibility or use of the contents of such intercepted communication or the fruits thereof. Petitioner is informed and believes that the complaint filed against Petitioners by Respondent in Common Pleas, civil case number 2025-CP-10-04577, is based largely, if not entirely, on the intercepted electronic communications from Willard's personal Android smartphones, and as such should be suppressed and deemed inadmissible.

10. The actions of Respondent have left no option to Petitioner but to seek an Order of this Court suppressing the use and dissemination of the content of these electronic

communications in any proceedings including the pending proceeding herein. Further, Petitioner believes that Respondent's actions resulted in the necessity of filing this Motion to Suppress and Petitioner seeks an award of reasonable attorney's fees and costs for the necessity of this motion.

11. For these reasons and such further reasons as may appear at any hearing to be set on the matter, Petitioner hereby moves for a hearing to be held by this Court, if needed following this Court's review of this Motion and attachments, as required by S. C. Code Ann. § 17-30-110, *et seq*, and U. S. Code Ann., 18 U.S.C.A. § 2511, *et seq*, and appropriate rulings made as to the intercepted communication(s) and that in the interim, any action by the trial court below be stayed in addition to an Order requiring the immediate listing of and disclosure of all documents and/or records concerning the interception of electronic communications of Petitioner, plus, such other action, rulings, and other relief as may be appropriate in this matter, including but not limited to, an award of attorney's fees, costs and expenses. Petitioner's counsel affirms to this Court that they have, by copy of this Motion, notified all counsel of record for the Respondent in the Common Pleas action, and the Court below.

12. Petitioner also moves for an order of this Court requiring the lower Court to segregate and seal the unlawfully obtained communications and derivative works and any pleadings or evidence that has been gleaned from the use of said communications. Petitioners believe that information should be separated in the Court's file prohibiting review of said information by the Court, either party, or the public.

Respectfully submitted,

/s Steven M. Abrams
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Attorney for Petitioners

September 17, 2026

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
	)	
	)	Case No. 2025-CP-10-04577
Robbins Construction Group LLC,	)	
		Affidavit of Aaron Willard
Plaintiff,		
	)	
versus	)	
	)	
The Bastion Group LLC and Aaron Willard,	)	
	)	
Defendants.	)	
	)	

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PERSONALLY appeared before me the undersigned who being duly sworn says as follows:

1. My Name is Aaron Willard. I have personal knowledge of the facts set forth in this affidavit and am competent to testify about them.
2. From April 2022 until July 23, 2025, I was employed by Plaintiff, Robbins Construction Group LLC, as Senior Project Manager of Special Projects. Derek Robbins is the Owner of Plaintiff.
3. Since July 24, 2025, I have been employed by Defendant, The Bastion Group, LLC, ("Bastion") working in a similar position.
4. Within days of assuming my new position, Plaintiff began making allegations of impropriety against me and my work with clients at Bastion. On August 14, 2025, less than a month after I arrived at my new job Plaintiff filed this case against me and Bastion.

5. The tone and allegations of the Complaint made it appear that Plaintiff had a means of closely monitoring my interactions with clients and coworkers on behalf of my new employer from the moment I left employment with Plaintiff.
6. How Plaintiff was monitoring my interactions with clients and coworkers while employed by Bastion became clearer on June 9, 2026, when I learned that Derek Robbins had sent an email to the President of Charleston Southern University attaching a copy of a text message that Candice Chastain had sent directly to me on June 8, 2026.
7. There were only two participants in that text-message conversation: Candice Chastain and me. Neither Ms. Chastain nor I provided the message to Robbins, CSU management, or any other third party.
8. Upon reflection I began to piece together how Robbins had likely obtained the text message that was sent as an attachment on Derek Robbins' June 9, 2026, email, and how Robbins had likely been intercepting my electronic communications for nearly a year from the time I began working for Bastion.
9. While working for Plaintiff, I used my personally owned Samsung Galaxy S22 Ultra, my personal Microsoft account associated with the email address aaron.gnsllc@gmail.com, and a Dell laptop owned by Robbins. The laptop was identified as "RCGDell." While working for Plaintiff, I used a Microsoft application known as Microsoft Phone Link, formerly known as Your Phone, to access text messages and other phone data from Windows on the Dell laptop. The Phone Link software connected my Samsung Galaxy S22 Ultra to Plaintiff's Dell laptop through my personal Microsoft account.

In approximately March 2026, after I had left Robbins, I replaced the Samsung Galaxy S22 Ultra with my current Samsung Galaxy S25 Ultra. I continued using the same personal Microsoft account and Phone Link service. The Samsung Galaxy S25 Ultra was the phone I was using when Candice Chastain sent me the June 8, 2026 text message.

When I left employment with Plaintiff, I returned their Dell laptop but retained and continued to use my personal Samsung Galaxy S22 Ultra and Gmail account. Before returning the Dell laptop, I intentionally signed out of my personal accounts and removed the personal passwords that I knew were saved on the laptop. I left the other contents of the laptop intact so Plaintiff would continue to have access to company emails and work-related files after my departure. At the time I returned the laptop, I believed I had removed my personal access and did not realize Windows or Microsoft could retain authentication tokens, cached credentials, or an existing Phone Link pairing.

10. Upon seeing the copy of the text message attached to Derek Robbins' June 9, 2026, email I immediately recognized the format of the text message as being consistent with Phone Link. I also found the original text message on my phone and verified that the message attached to Derek Robbins' June 9, 2026 email was the same message Candice Chastain sent directly to me on June 8, 2026.

11. Reviewing Phone Link history, I confirmed that the RCG-DELL connection did not simply remain connected to my personal communications after I left Plaintiff. I recall over the past year since leaving Plaintiff, that I have noticed the RCG-DELL connection with Phone Link become active again and again. Whenever I noticed an active Phone Link connection with RCG-DELL, I would sign it out. Within several days it would become active again.

This occurred multiple times, sometimes several times per week. To my knowledge, I did not reactivate or reconnect RCG-DELL.

12. With the ability to reactivate the RCG-DELL Phone Link connection, Plaintiff could have used the Dell laptop to intercept all my electronic communications from the time I returned the laptop to them.
13. The text message attached to Derek Robbins' June 9th email is evidence that Plaintiff was in fact intercepting my personal and confidential electronic communications in which I had an expectation of privacy.
14. Given the evidence that Plaintiff (Derek Robbins) has been intercepting my personal communications, the allegations contained in Plaintiff's Complaint are likely based heavily on their interpretations of my electronic communications that Mr. Robbins or his agents intercepted from my personal phone or email account after I left his company.

FURTHER THE AFFIANT SAYETH NOT!

Aaron Willard

SWORN TO BEFORE ME
This 10th day of August 2026.

Notary Public for South Carolina
My Commission Expires: 3/20/33

AMANDA OVERLY
Notary Public - State of South Carolina
My Commission Expires
March 20, 2033

STATE OF SOUTH CAROLINA	)	**IN THE COURT OF COMMON PLEAS**
	)	**NINTH JUDICIAL CIRCUIT**
COUNTY OF CHARLESTON	)	**Case No. 2025-CP-10-04577**
	)	
Robbins Construction Group LLC,	)	
Plaintiff,	)	**CERTIFICATE OF SERVICE**
	)	
v.	)	
The Bastion Group LLC and Aaron Willard,	)	
Defendants.	)	

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I hereby certify that on this September 17, 2026, I served true and correct copies of the foregoing "MOTION TO SUPPRESS ELECTRONIC COMMUNICATIONS", "MEMORANDUM IN SUPPORT OF PETITIONERS' MOTION TO SUPPRESS EVIDENCE PURSUANT TO S.C. CODE ANN. § 17-30-110", and the "Affidavit of Aaron Willard" filed today in the South Carolina Court of Appeals upon the parties listed below via Email and U.S. Mail in accordance with the South Carolina Rules of Civil Procedure.

Parties Served include:

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Attorney for Defendant/Petitioner,
The Bastion Group LLC

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 17, 2026, at Mount Pleasant, South Carolina

/Steven M. Abrams
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