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SC Court of Appeals

Exhibit F

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Clayton L. Jennings,
Plaintiff,
v.

Paul Hulse, 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

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SC Court of Appeals

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 Hulse, 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

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

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

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

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,

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

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 SCRCF; (4) CEAR Facebook Post dated August 31, 2024; (5) CEAR "About" Page; (6) Greenville County Register of Deeds Facebook Post dated June 28,

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.*

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).

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

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

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 assertion 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

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 excerpts 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).

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 \$2,000,000.00² 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.

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



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