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STATE OF SOUTH CAROLINA COUNTY OF MARION	IN THE COURT OF COMMON PLEAS TWELFTH JUDICIAL CIRCUIT C/A # 2025-CP-33-00120
Brittany Gwen Bryant, Plaintiff, v. V&V Group, LLC, Maksat Duisheev, RUL Transport, LLC, Borderline Motorsports, LLC, Defendant.	ORDER

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SC Court of Appeals

COMES NOW before the Court, Plaintiff Brittany Gwen Bryant, on her Motion to Strike Defendants V&V Group, LLC, Maksat Duisheev, and Borderline Motorsports, LLC's (collectively, "Defendants")[1] answers to Plaintiff's Requests for Admission and Motion for Rule to Show Cause. A videoconference hearing was held on April 14, 2026. Present at the hearing was Plaintiff Brittany Bryant, Plaintiff's legal counsel, Alexander S. Hogsette, Esq., and Adrian Peguese-Carter, Esq., legal counsel for Defendants. After careful review of the record, the arguments advanced at the hearing, the case law, and for the reasons set forth herein, the Court **GRANTS** Plaintiff's Motions.

LAW

Rule 1 of the South Carolina Rules of Civil Procedure sets forth the scope and purpose of the rules by stating they "shall be construed to secure the just, speedy, and inexpensive determination of every action." Rule 1, SCRCP.

[1] This Order concerns the Plaintiff's motions against the specific Defendants. Defendant RUL Transport, LLC is in default and, therefore, this Order is not directed towards Defendant RUL Transport, LLC.

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"Discovery is the quintessence of preparation for trial and, when discovery rights are trampled, prejudice must be presumed." *Scott v. Greenville Hous. Auth.*, 353 S.C. 639, 652, 579 S.E.2d 151, 158 (Ct. App. 2003). "The primary objective of discovery is to ensure that lawsuits are decided by what the facts reveal, not by what facts are concealed." *Welch v. Advance Auto Parts, Inc.*, 445 S.C. 640, 656, 916 S.E.2d 320 (2025) (citing *In re Anonymous Member of S.C. Bar*, 346 S.C. 177, 193, 552 S.E.2d 10, 18 (2001)); *State Highway Dep't v. Booker*, 260 S.C. 245, 252, 195 S.E.2d 615, 619 (1973)("The entire thrust of the discovery rules involves full and fair disclosure, to prevent a trial from becoming a guessing game or one of surprise for either party"). 2003); *see also State Highway Dep't v. Booker*, 260 S.C. 245, 252, 195 S.E.2d 615, 619 (1973).

Unreasonable discovery conduct needlessly protracts litigation, leading both sides to incur unnecessary fees and costs. The discovery process, like a lawsuit itself, "is not a children's game, but a serious effort on the part of adult human beings to administer justice." *Griffin v. Capital Cash*, 310 S.C. 288 (Ct. App. 1992) (quoting *United States v. A.H. Fischer Lumber Co.*, 102 F.2d 872 (4th Cir. 1947). "To use an oft-quoted phrase, justice delayed is justice denied. Although this saying is often invoked in the criminal context, it is no less applicable to civil cases." *In re Atwater*, 397 S.C. 518, 528, 725 S.E.2d 686, 691 (2012).

"Pursuant to Rule 37(b)(2)(C), SCRCP, when a party fails to obey an order to provide or permit discovery, the court may 'make such orders in regard to the failure as are just,' including an order dismissing the action or proceeds, or any part thereof." *Innovative Waste Management, Inc. v. Crest Energy Partners GP, LLC*, 445 S.C. 19, 28,

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911 S.E.2d 406, 410 (2025) (quoting *Barnette v. Adams Bros. Logging, Inc.*, 355 S.C. 588, 595, 586 S.E.2d 572, 576 (2003)).

The purpose of Rule 36, SCRCP, specifically, is to narrow the issues for trial. *Scott v. Greenville Hous. Auth.* 353 S.C. at 650.

> "[Requests for admission's] function is to define and limit the matter in controversy between the parties. Through such definition and limitation, admissions promote both efficiency and economy in resolving disputes. If a point is conceded, litigants need not expend effort in investigations concerning it nor incur expense in presenting evidence to prove it. Judicial administration is also aided. Admission reduces the time required to try a case. Indeed, they often make summary judgment possible. Finally, admissions encourage litigants to evaluate realistically the hazards of trial, and thus tend to promote settlements. The rule is intended to expedite the trial and to relieve the parties of the cost of proving facts that will not be disputed at trial, the truth of which is known to the parties or can be ascertained by reasonable inquiry." *Id.* at 649.

Further, Rule 36, SCRCP, provides that the Court may deem requests to admit admitted if it finds the answers are insufficient.

"In selecting the appropriate sanctions, the trial court must consider the nature of the discovery refused, the discovery stage of the case, willfulness, and prejudice." *Welch v. Advance Auto Parts, Inc.*, 445 S.C. at 655. The sanction of striking a party's pleadings is extreme, but it is a specific response our rules endorse. *Id.* (citing Rule 37(b)(2)(C), SCRCP). "Any sanction imposed must be sufficient to vindicate the important rights the discovery rules guarantee and the essential tools they provide to allow lawyers to prepare their clients' cases for trial." *Id.* at 655-56.

FINDINGS of Fact

This case arises out of an automobile collision wherein Defendant Maksat Duisheev collided with Plaintiff Bryant's vehicle in Marion County, South Carolina on September 19, 2024.

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Plaintiff commenced litigation on February 18, 2025. The allegations of the Complaint are that Defendant Duisheev was operating a commercial motor vehicle engaged in interstate commerce under the employment and/or operating authority of Defendants V&V Group, LLC (hereinafter, "VVG") and Borderline Motorsports, LLC (hereinafter, "Borderline") when he disregarded a stop sign, collided with Bryant's vehicle (hereinafter, "Wreck"), and caused Bryant's vehicle to violently spin off the roadway and crashing into a fence. *See* Complaint. Bryant alleges that as a result of the Wreck she sustained permanent injuries, property damages, and past and future mental, emotional and financial damages. *Id.*

Counsel for Defendants accepted service and requested a 30-day extension to file a responsive pleading/Answer, which Plaintiff granted. Defendants filed their Answer on June 6, 2026. Defendants' Answer admitted the following: (1) Plaintiff is a resident of Marion County; (2) Defendant Borderline is an out-of-state corporation that is a licensed Motor Carrier through the Federal Motor Carrier Safety Administration and was properly served with the Summons and Complaint; (3) Defendant VVG is a South Carolina based corporation; (4) a collision between the parties occurred; and (5) that this Court has jurisdiction over the subject matter and parties, and venue is proper. Answer, ¶¶ 1, 2, 4, and 12.

Defendants' Answer, however, asserted that Plaintiff was comparatively negligent, that Defendant Duisheev was operating the vehicle in a careful and prudent manner, without fault, and faced a sudden and unexpected emergency, that punitive damages were improper or should be limited, and attempted to reserve the right to assert further affirmative defenses during the course of discovery. Answer, ¶¶ 42-47. Defendants

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denied the remaining eighty-six (86) paragraphs in the Complaint, demanding Plaintiff provide strict proof of those allegations, a majority of which Plaintiff could only establish through the discovery process. *See* Answer. Similarly, Defendants also denied fault in their responses to Plaintiff's Requests for Admission. Defendants' Responses to Plaintiff's First Set of Requests for Admission, ¶1.

Plaintiff and Defendants each served Interrogatories and Requests for Production. Defendants were properly served with written discovery requests on or before June 19, 2025.

Defendants requested, and were granted, a second 30-day extension to respond to Plaintiff's interrogatories and requests for production, extending the deadline to August 19. Plaintiff's counsel agreed to the extension under the express condition that no other extensions would be granted. Defendants nonetheless failed to serve responses by August 19, leaving Plaintiff with no choice but to file a motion to compel. Notably, Plaintiff responded to and supplemented her discovery responses, and in doing so, has produced over one thousand seven hundred (1,700) items to include medical records and billing, videos, photographs, and documents.

On September 23, the Court issued an Order requiring Defendants to provide "complete and non-evasive responses" on or before October 15. Defendants provided answers to said discovery on October 15 and produced one hundred seventy-nine (179) items[2], and Plaintiff filed her Motion for Rule to Show Cause the following day. Plaintiff's

[2] Defendants document production is comprised of several photographs, the South Carolina TR-310 Collision Report Form, an insurance policy, and claims file documents related to a subrogation demand by Plaintiff's insurance carrier, USAA, and an invoice for the damaged fence. Defendants did not provide *any* corporate records, records required to be maintained pursuant to the Federal Motor Carrier Safety Regulations, or even a copy of Defendant Duisheev's drivers' license.

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Motion for Rule to Show Cause notified Defendants that she would be seeking an order "holding Defendants in contempt for violating the South Carolina Rules of Civil Procedure and an order of the Court, striking Defendants' Answer and holding Defendants in Default, and for such other relief as the Court may deem just and proper." Plaintiff's Motion for Rule to Show Cause, pg. 2.

As indicated previously, Plaintiff's discovery to Defendants also included Requests for Admission. Plaintiff served Defendants Borderline Motorsports and VVG with two separate sets of Requests for Admission and Defendant Duisheev with one set of Requests for Admission. On January 22, 2026, Plaintiff filed a Motion for an order deeming Plaintiff's Requests for Admission admitted, asserting that Defendants' responses contained improper objections, general denials, and insufficient, evasive responses.

The present dispute arises from Defendants' continued discovery conduct. Plaintiff avers that Defendants have, since the outset of litigation, engaged in a consistent pattern of contemptuous and willful behavior to include:

- Failure to respond to Interrogatories and Requests for Production in accordance with the timelines set forth in Rule 33 and 34, respectively, of the South Carolina Rules of Civil Procedure.
- Failure to timely respond to Interrogatories and Requests for Production despite multiple extensions.
- Failure to respond to Interrogatories and Requests for Production despite receipt of a Rule 11 letter demanding responses prior to filing her Motion to Compel.
- Failure to answer Requests for Admission in accordance with Rule 36, SCRCP, and
- Failure to comply with an Order of this Court.

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Plaintiff's Motions seek sanctions against Defendants to include striking their responses to the Requests for Admission and Answer, holding Defendants in default, and the attorneys' fees and costs associated with having to pursue said Motions.

ANALYSIS

After careful and deliberate consideration of the record, the prior Order of this Court, and the parties' oral arguments, the Court grants Plaintiff's Motions and strikes Defendants' Answer and responses to all of Plaintiff's Requests for Admission. This decision is not made lightly, as the Court recognizes that such sanctions are "'harsh medicine,' reserved for episodes of discovery misconduct displaying bad faith, willful disobedience, or a callous indifference to the rights of other parties and the discovery process." *Welch*, 445 S.C. at 655. The Court is finding no fault in regard to Attorney Carter in this ruling. In fact, defense counsel has done a great job, but it appears that her clients are not taking this case seriously. This decision is made with a full understanding of its ramifications in this matter and only after careful consideration of the nature of the discovery refused, Defendants' discovery responses, the procedural posture of this matter, Defendants' conduct, and the prejudicial effect on Plaintiff.

Central to the Court's ruling is its belief that Defendants' conduct is more than just a discovery violation – it is a pattern of willful and intentional conduct by Defendants to obstruct, delay, and frustrate the discovery process, and in gross indifference to the rights of the Plaintiff and the Order of this Court. The record of discovery disputes in this case document a pattern of conduct in which Defendants have dragged their feet from the outset of litigation, ignoring not only their duties and obligations under the South Carolina

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Rules of Civil Procedure, but also by which Defendants have willfully disobeyed an order of the Court.

I. DEFENDANTS' FAILURE TO COMPLY WITH THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE AND THE COURT'S ORDER REGARDING WRITTEN DISCOVERY.

Plaintiff's Interrogatories, Requests for Production, and Requests for Admission, along with Defendants' responses to those requests, are in the record. The South Carolina Rules of Civil Procedure mandate that a party serves answers and objections within thirty (30) days after service of written discovery. Rules 33, 34, and 36, SCRCP.

As an initial matter, Defendants did not respond to Plaintiff's Interrogatories or Requests for Production in accordance with the South Carolina Rules of Civil Procedure, after multiple extensions were granted, and after Plaintiff sent a Rule 11 letter. When Defendants eventually responded – after having to be ordered to do so by the Court – on the day mandated by the Court's Order, they were still rife with incomplete, evasive answers that were largely non-responsive.

a. Defendant Duisheev

Defendant Duisheev was required to provide complete and non-evasive responses to written discovery by October 15. When this Defendant did respond his answers were incomplete, evasive, and largely non-responsive. By way of example, but by no means exhaustive, Defendant still failed to answer at least thirty-four (34) Interrogatories. Indeed, this Defendant asserted that he would "timely supplement" his Answer to Interrogatories 8-23, 39, and 45, questions regarding his fitness to operate a commercial motor vehicle pursuant to a commercial driver's license, and his training, accident, criminal, and employment history. Additionally, he did not respond to Interrogatories 25-32, 35-36, 40-44, questions regarding the Wreck itself. This Defendant objected when asked the basis

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for his comparative negligence defense and, perhaps most damning, Defendant left his Answer to Interrogatory 38 blank. As for this Defendant's responses to Requests for Production, and without commenting on the sufficiency of his other responses therein, he provided evasive responses to Requests for Production 3-31, 33-35, 38, and 40-42.

b. Defendants Borderline and VVG

Defendants Borderline and VVG were also required to provide complete and non-evasive responses to written discovery by October 15. When these Defendants did respond their answers were also incomplete, evasive, and largely non-responsive. By way of example, but by no means exhaustive, Defendant Borderline still did not answer Interrogatories 8, 10-23, 25-28, questions that dealt with compliance with Federal and State laws, corporate records, its own employees, and their knowledge of the Wreck. Defendant VVG still failed to answer Interrogatories 8, and 10-28.

As for these Defendants' responses to Requests for Production, Defendants Borderline and VVG did not provide complete and non-evasive responses to Requests for Production 4-29, 31-37, 39, 42-49, 51-52, 54, and 56-71, requests that dealt, *inter alia*, with corporate records, vehicle information, policies and procedures, governmental filings, training records, and the Wreck.

Defendants even, after months of discovery abuse, feigned an ability to object to Requests for Production 73, 75, and 76, which sought information supporting their defenses, claims of comparative negligence, and Request for Admission denials. *See Like v. Stonehedge Const. Co., Inc.*, 2003 WL 27394456, at *2 (S.C. Com. Pl. June 26, 2003) (The language of Rules 33 and 37 allows a court to deem dilatory objections waived stating, "[t]o hold otherwise would eviscerate the mandatory language of the rule, leaving

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the Court no choice but to rule on the validity of late objections and reward the offending party's dilatory tactics. . . [a]llow[ing] defendants to deliver late responses and then to still file objections hinders and delays the 'just, speedy, and inexpensive determination of every action.'"); *see also White v. MFI Healthcare, LLC*, No. 2018-CP-11-00126, 2018 WL 11429458 (Cherokee Cnty. Com. Pl. Aug. 23, 2018); *Wicker v. Dowling*, No. 2017-CP-10-02504, 2019 WL 6048616 (Charleston Cnty. Com. Pl. Mar. 8, 2019).

Six months have past since Defendants provided their "answers and responses" to Plaintiff's discovery requests. Defendants still have yet to supplement their discovery responses.

II. DEFENDANTS' FAILURE TO COMPLY WITH AN ORDER OF THE COURT.

Orders are not pleas, not solicitations, not faint desires, not prayers, nor are they negotiations, "full of sound and fury, [s]ignifying nothing,"[3] they are orders. The Court, in an Order dated September 23, 2025, instructed that "Defendants . . . *shall* provide Plaintiff with complete and non-evasive responses to Plaintiff's Interrogatories and Requests for Production of Documents on or before October 15, 2025." (emphasis added).

As discussed above, Defendants incomplete and evasive responses served after the expiration of the deadline set forth in the Rules, multiple extensions, and an Order of this Court signals a deliberate and willful disobedience to the letter and purpose of the South Carolina Rules of Civil Procedure, and a contemptuous disregard for the authority of this Court.

[3] *Griffin Grading & Clearing, Inc. v. Tire Service Equip. Manufacturing Co., Inc.*, 334 S.C. 193, 199, 511 S.E.2d 716, 719 (Ct. App. 1999) (internal citation omitted).

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III. DEFENDANTS FAILURE TO COMPLY WITH RULE 36 OF THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE.

The above timeline demonstrates that since commencement of this lawsuit, Plaintiff's efforts to prosecute this matter have been systematically obstructed by Defendants' conduct.

As set forth in detail below, Defendants' Responses to Plaintiff's First and Second Requests for Admission continue a pattern of conduct meant to obstruct Plaintiff's discovery efforts. In violation of Plaintiff's discovery rights, Defendants asserted improper answers, general objections and, in bad faith, maintained improper general denials purportedly based on lack of sufficient knowledge or information. Defendants failed to provide any plausible explanation for this conduct. As such, the Court is left to only one conclusion: Defendants did so in an attempt to evade the discovery rules and to obstruct Plaintiff's ability to obtain information about this case and prepare for trial.

a. *Defendants improperly object to Plaintiff's Requests on the ground that they "impose upon Defendants obligations or burdens ... greater than or inconsistent with Rule 36 of the South Carolina Rules of Civil Procedure."*

As emphasized above, in South Carolina, the scope of discovery is very broad. *Samples,* 495 S.E.2d at 215. The obligation of a responding party is to provide information when asked that is "relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party..." SCRCP 26(b)(1). Each of Plaintiff's First and Second Requests to Admit to Defendants are relevant to the subject matter involved and relate to the claim or defenses of the parties.

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For example, Defendants VVG, Borderline, and Duisheev all assert the same objection in response to Plaintiff's First Request for Admission, Request Number 1: "Admit that [you or your driver] caused the Collision with Brittany Bryant." Plaintiff's Request goes directly to the core liability issue in Plaintiff's claim and as such, does not impose an obligation or burden on Defendants greater than or inconsistent with the purpose and scope of Rule 36. Notably, this objection was made on behalf of each of these Defendants despite counsel for Defendants being provided clear video depicting the subject wreck and definitive evidence from the event data recorder (EDR) on its vehicle establishing Defendant Duisheev did not stop for the stop sign. Moreover, Defendants' own discovery production included an acceptance of liability.

Plaintiff's other Requests of which Defendants gave the same response are of the same nature. Thus, Plaintiff alleges Defendants' objections on these grounds are improper and not in compliance with SCRCP 36.

b. Defendants improperly object to Plaintiff's Requests on the ground that they "improper[ly] attempt[s] to shift the burden of proof in this matter..."

The purpose of SCRCP 36 is to narrow the issues for trial. SCRCP 36 specifically states "A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, *on that ground alone*, object to the request." SCRCP 36 (emphasis added). Additionally, "requests for admissions are not objectionable merely because they go to ultimate facts or other issues that must be proven by the plaintiff." *Scott*, 353 S.C. 650.

Despite the plain language of Rule 36, when asked to admit whether the driver, Defendant Duisheev, violated at least one traffic law, all Defendants responded that Plaintiff was "improperly attempting to shift the burden of proof in this matter, which does

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not rest with the Defendant." This objection directly conflicts with Rule 36's purpose and is a continued attempt to evade Defendants' discovery obligations. Thus, Defendants' objection is improper and not in compliance with SCRCP 36.

c. Defendants assert improper, general denials based on "lack of sufficient knowledge or information" after claiming in bad faith that reasonable inquiry was made.

Rule 36, SCRCP, provides that a party "may not give lack of information or knowledge as a reason for failure to admit or deny *unless* the party states that it has made *reasonable* inquiry and that the information *known or readily obtainable* by him is insufficient to enable it to admit or deny." (emphasis added). Defendants' improperly asserted this reason as a basis for its inability to admit or deny Plaintiff's requests.

Most notably, this assertion was made to Requests for Admission going to elementary, readily ascertainable facts within Defendants' own knowledge, including:

as to Defendant Duisheev

No. 3: Admit that you were distracted immediately prior to the Collision.

No. 9: Admit that your employer did not discipline you following the Collision.

No. 10: Admit that you were using your cell phone immediately prior to the Collision.

No. 11: Admit that your employer did not have a cell phone policy.

No. 12: Admit that prior to this Collision, you were involved in at least one other wreck as a driver of a commercial motor vehicle.

Defendant Borderline

First Set –

No. 7: Admit you knew Defendant Duisheev was involved in at least one other wreck while operating a commercial motor vehicle.

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No. 8: Admit that you did not discipline Defendant Duisheev following this Collision.

No. 9: Admit that you did not investigate the cause of this Collision.

No. 11: Admit that you never attempted to contact Brittany Bryant to see how she was doing following the Collision.

No. 12: Admit that an unsafe driver could kill another motorist if they operate a commercial motor vehicle in an unsafe manner.

No. 13: Admit that Defendant Duisheev was using his cell phone immediately prior to the Collision.

No. 14: Admit you did not train Defendant Duisheev.

No. 15: Admit that you did not supervise Defendant Duisheev.

Second Set –

No. 1: Admit that Defendant Duisheev was your employee at the time of the subject collision.

No. 2: Admit that Defendant, as an authorized motor carrier through the Federal Motor Carrier Safety Administration, had a legal obligation to comply with the applicable Federal Motor Carrier Safety Regulations.

No. 3-5: Defendant was asked to admit certain information it was mandated by law to report to the Federal Motor Carrier Safety Administration, and which is published on a public website.[4]

No. 6: Admit that Defendant did not require Defendant Duisheev to be tested for drugs or alcohol in the 24 hours following the subject collision.

Defendant VVG

First Set –

No. 7: Admit you knew Defendant Duisheev was involved in at least one other wreck while operating a commercial motor vehicle.

No. 8: Admit that you did not discipline Defendant Duisheev following this Collision.

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No. 9: Admit that you did not investigate the cause of this Collision.

No. 11: Admit that you never attempted to contact Brittany Bryant to see how she was doing following the Collision.

No. 12: Admit that an unsafe driver could kill another motorist if they operate a commercial motor vehicle in an unsafe manner.

No. 13: Admit that Defendant Duisheev was using his cell phone immediately prior to the Collision.

No. 14: Admit you did not train Defendant Duisheev.

No. 15: Admit that you did not supervise Defendant Duisheev.

Second Set –

No. 2-6: Requested admissions that confirmed the information contained in Defendant VVG's insurance policy was accurate.

Defendants failed to provide any justification for being unable to admit or deny the above requests nor did Defendants set forth an explanation regarding the "reasonable inquiry" they made in an attempt to respond to these Requests.

The Court finds that the matters addressed in these Requests for Admission involve elementary facts well within Defendants' knowledge or readily ascertainable to them by reasonable inquiry. Under the totality of the circumstances, Defendants responses portend a willful, deliberate attempt to violate Plaintiff's discovery rights, promote judicial inefficiency, and reduce liability through obfuscation, any of which alone, much less in combination, constitute bad faith.

IV. SANCTIONS

"The practice of law is among the noblest of professions, but it is a hard enough way to earn a living without having to joist with the [discovery disputes]. Courts should not sit passively by as mere spectators while the expanding tide of discovery abuse erodes the collegiality of the bar. The rules of discovery are simple; only one intent on

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accomplishing a secondary purpose such as stonewalling or delay could feign misunderstanding of their basic principles." *Spencer Pest Control Co. v. Wood*, 2005-CP-39-1347 (Pickens Cnty. Com. Pl. Oct. 11, 2006) (emphasis added).

As of April 24, 2026, it has been 583 days since the wreck, 430 days since this lawsuit was filed, and 310 days since written discovery was served on Defendants. Yet, to date, Defendants have failed to: (a) provide complete, non-evasive and meaningful responses to Plaintiff's written discovery; (b) respond to Plaintiff's request for dates to depose Defendant Duisheev; and (c) cooperate with Plaintiff's requests to conduct a forensic examination of the electronic devices in Defendant Duisheev's possession on the date of the wreck.

By contrast, Plaintiff has abided by the Rules of Civil procedure and through original and supplemental responses to Defendants' written discovery has provided over seventeen hundred (1,700) pages of documents, videos, photographs, and other evidence to Defendants.

It is with this history in mind that the Court addresses the following factors relevant to any decision to award sanctions.

a. Nature of Discovery

The nature of discovery sought by the Plaintiff includes answers to interrogatories, requests for production of documents, and requests for admission as to all Defendants, as well as deposition testimony of Defendant Duisheev and the inspection of electronic devices. Defendants have failed to properly respond to any of Plaintiff's discovery requests.[5] Notably, Defendants have not just refused to comply with the Rules of

[5] *See* exhibits filed herewith.

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discovery but have even ignored the standard interrogatories approved by the South Carolina Supreme Court.

While Defendants produced 179 pages at the eleventh hour of the deadline imposed by the Court, over , more than half were duplicates previously provided—including a duplicate 63-page insurance policy—and the remainder were USAA subrogation claim file documents. That production stands in stark contrast to Defendants' repeated and untenable liability denials. Plaintiff has a right to discover information that not only aides in the prosecution of her claims but that upon which the Defendants base their denial of liability and claim of comparative negligence.

Defendants' failure to comply with any of the rules of discovery and an Order of this Court weighs heavily in favor of harsh sanctions.

b. Discovery Posture

As of April 24, 2026, this matter has been pending for 430 days. According to Rules 3 and 5(f), SCRCP, this case is subject to mandatory mediation that should have been completed on or before December 15, 2025. Furthermore, a civil case shall not be on the circuit court trial roster until proof of mediation is filed. Rule 5(f), SCRCP. Yet, because of Defendants' intentional and prejudicial conduct, Plaintiff's ability to discover relevant facts and prepare for mediation, much less trial, has been met with inexcusable obstruction. Defendants have delayed all of Plaintiff's productive discovery efforts and prevented Plaintiff from learning information fundamental to any forward progress.

The discovery posture of the case weighs heavily in favor of severe sanctions.

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c. Defendants' Willfulness

Defendants were personally served with the Summons and Complaint, are properly under the jurisdiction of the Court, and are obligated to comply with the Rules of Civil Procedure and orders from this Court. Still, Defendant Duisheev refuses to provide his availability for his deposition. The tortured history of this case leads to only one reasonable conclusion regarding Defendants' non-compliance with the Rules of discovery and an Order of this Court: Defendants are willfully and intentionally preventing full and fair disclosure of the facts and their legal defenses.

Defendants' utter refusal to comply with the discovery rules and Order of the Court evinces a willfulness that weighs heavily in favor of severe sanctions.

d. Prejudice to Plaintiff

Defendants' refusal to answer interrogatories, requests for production of documents, and requests for admission in compliance with the rules of discovery, and failure to even provide dates for Defendant Duisheev's deposition have prohibited Plaintiff from conducting any meaningful discovery into the facts and circumstances of this catastrophic collision or from developing a factual record that may support a finding of gross negligence or recklessness that may support a punitive damages award.

Plaintiff asserts that she is prejudiced by Defendants' conduct and this Court agrees. Plaintiff has been unable to inquire of Defendant Duisheev whether the wreck was caused by distraction, cell phone use, fatigue, prescription medications, employer pressure, or other facts that may support a finding of gross negligence or violations of the Federal Motor Carrier Safety Act and South Carolina law, or to ascertain whether another commercial motor vehicle on scene shortly before the wreck is connected with

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Defendants' business, thereby preventing Plaintiff from learning of additional witnesses, the events leading up to this wreck, and other discoverable evidence.

Defendants have engaged in a systematic campaign of delay, evasion and obstruction. Meanwhile Plaintiff – who Defendants admit suffered injuries and damages in this wreck – is left without any recourse while she continues to suffer and incur damages.

Justice delayed is justice denied.[6] As such, Plaintiff's rights have been trampled by Defendants. The delay caused by Defendants further prejudices Plaintiff's right to have her claim heard. Defendants are solely to blame for this unconscionable delay. As the Court of Appeals held in *McNair v. Fairfield County*, "the Defendants' conduct amounts to contempt...a sanction less than striking the Answer in this case would not achieve justice...The defendant's conduct in refusing to provide that which it has been ordered to produce is a serious affront to the integrity of the judicial system...the defendant's failure to make any attempt to comply with the court order compelling discovery is a blatant violation of Rule 37(b)(2), SCRCP." 379 S.C. 462, 467, 665 S.E.2d 830, 832 (Ct. App. 2008).

To permit Defendants to escape even the most severe sanctions would only serve to reward this obstructionist behavior and erode South Carolinian's faith in the judicial system.

[6] Rule 1, SCRCP, expressly commands that the rules be "construed to secure the just, speedy, and inexpensive determination of every action." ... Justice delayed is justice denied (*Like v. Stonehedge Construction Co., Inc.*, 2002-CP-32-3562, 2003 WL 27394456 (Lexington Cnty. Com. Pl. June 23, 2003).

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CONCLUSION

Defendants' cavalier disregard for the South Carolina Rules of Civil Procedure and an Order of this Court justifies severe sanctions. Defendants, without any plausible reason, failed to adhere to the conditions imposed by the Circuit Court order signed by The Honorable Michael G. Nettles. Therefore, this Court **GRANTS** Plaintiff's Motions.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendants' answers to Plaintiff's Requests for Admission are struck and Defendants are hereby deemed to have admitted same.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants' Answer is hereby struck. As a result, Defendants Duisheev, V&V Group, and Borderline Motorsports are hereby in default.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants' shall reimburse Plaintiff for the costs and attorneys' fees associated with filing the Motion for Rule to Show Cause. Counsel for Plaintiff is instructed to file an Affidavit that sets forth the amount of attorneys' fees and costs associated with same within 10 days from the date of this Order. Defendants' shall promptly reimburse Plaintiff within 15 days of the filing of her counsel's affidavit.

IT IS SO ORDERED!

_____
The Honorable William H. Seals, Jr.
Presiding Judge

This ___ day of _____, 2026.

_____, SC.

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Marion Common Pleas

Case Caption: Brittany Bryant VS Borderline Motorsports, Llc , defendant, et al

Case Number: 2025CP3300120

Type: Order/Sanctions

IT IS SO ORDERED

s/ The Honorable William H. Seals Jr. #2157