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SC Court of Appeals

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., Circuit Court Judge
The Honorable Jessica A. Salvini, Circuit Court Judge

Appellate Case Nos. 2026-001782 (Consolidated Case No.)
2026-001818 (Browning and Browning Geriatric)
2026-001819 (Jennings)

C.A. Nos.: 2024-CP-23-03730 (Browning and Browning
Geriatric) and
2024-CP-23-03271 (Jennings)

Jennifer L. Browning, Browning Geriatric Consulting, LLC,
and Clayton L. Jennings.....Respondents,

v.

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

Of whom, Stacey Grist is theAppellant.

**RESPONDENTS JENNIFER L. BROWNING, BROWNING GERIATRIC
CONSULTING, LLC, AND CLAYTON L. JENNINGS' RETURN TO APPELLANT
STACEY GRIST'S MOTION FOR REMAND**

Respondents Jennifer L. Browning, Browning Geriatric Consulting, LLC, and Clayton L.
Jennings (collectively "Respondents") respectfully oppose Appellant Stacey Grist's
("Appellant's") Motion to Remand and her accompanying request to stay appellate proceedings.

INTRODUCTION

Appellant seeks to interrupt appellate review to pursue relief under Rule 60(b), SCRCP, based on alleged misconduct by lawyers at the Truluck Thomason law firm. Appellant's claim that Truluck Thomason deprived her of an advocate disregards a critical fact: by at least July 10, 2025, M. Dawes Cooke, Jr. and John W. Fletcher of Barnwell, Whaley, Patterson, and Helms were also representing her and actively litigating on her behalf in the circuit court. Appellant alleges no misconduct by Attorneys Cooke or Fletcher, or their firm.

The circuit court dockets also reflect that Christopher B. Major and Arthur F. McLean III of Haynsworth Sinkler Boyd, the firm currently representing Appellant, were listed as her counsel by June 19, 2026. That was approximately eight weeks before this Court received her original notices of appeal in the *Browning* and *Jennings* actions on August 14, 2026, and nearly four weeks before the circuit court entered its post-trial rulings on July 15, 2026. Appellant does not explain why either her representation by Attorneys Cooke and Fletcher or her subsequent representation by Haynsworth Sinkler Boyd failed to afford her an opportunity to address the alleged conflict involving Truluck Thomason or seek relief from judgment before pursuing these appeals.

Appellant also characterizes these actions as defamation suits arising from letters prepared and published by her attorneys, while disregarding the allegations admitted by default and the broader claims asserted against her. The complaints in both actions alleged that the defamatory correspondence was published at Appellant's direction and with her authorization. Both also asserted claims extending beyond the correspondence, including abuse of process, intentional infliction of emotional distress, and interference with prospective contractual relations. In Respondent Browning's action, the circuit court awarded litigation expenses as compensatory damages for abuse of process, more than half of which were attributable to defending the state

court action brought by Appellant in Case No. 2022-CP-23-04055 (Appellate Case No. 2025-000366).

LEGAL STANDARD

Rule 60(b), SCRCP, requires a party seeking relief from a judgment during the pendency of an appeal to obtain leave from the appellate court before making the motion in the circuit court. Rule 240, SCACR, governs the request for remand. The motion must state its grounds and include a memorandum citing supporting authorities. Rule 240(a), (c), SCACR. The present request therefore concerns whether this Court should permit Appellant to pursue relief in the circuit court; it does not itself adjudicate a Rule 60(b) motion.

The grounds available under Rule 60(b) nevertheless inform the Court’s consideration of the proposed motion. Those grounds include mistake, inadvertence, surprise, or excusable neglect; newly discovered evidence that could not have been discovered through due diligence in time to move under Rule 59(b); and fraud, misrepresentation, or misconduct of an adverse party. Rule 60(b)(1)-(3), SCRCP. A motion must be made within a reasonable time, subject to the additional one-year limitation applicable to subsections (1) through (3). Rule 60(b), SCRCP. South Carolina’s rule omits the federal rule’s catchall provision permitting relief for “any other reason justifying relief from the operation of the judgment.” Rule 60(b), SCRCP & accompanying Note.

Once a default judgment has been entered, relief is governed by Rule 60(b). *Sundown Operating Co. v. Intedge Industries, Inc.*, 383 S.C. 601, 608, 681 S.E.2d 885, 888 (2009). “The standard for granting relief from a default judgment under Rule 60(b) is more rigorous than the ‘good cause’ standard established in Rule 55(c).” *Id.* (citing *Ricks v. Weinrauch*, 293 S.C. 372, 374, 360 S.E.2d 535, 536 (Ct. App. 1987)). These principles govern the relief Appellant proposes to seek in the circuit court, rather than establishing a separate threshold test for appellate leave.

A stay of appellate deadlines also requires separate consideration. Under Rule 240(b), SCACR, filing a motion to remand does not automatically stay the time limits for pursuing an appeal. Unless this Court orders otherwise, those deadlines remain in effect. Further, a Rule 60(b) motion does not itself affect the finality of the judgment or suspend its operation. Rule 60(b), SCRCP.

ARGUMENT

I. APPELLANT’S CLAIM OF ABANDONMENT FAILS TO ACCOUNT FOR HER REPRESENTATION BY OTHER COUNSEL AND HER OPPORTUNITY TO SEEK RELIEF BEFORE APPEALING.

Appellant attributes the judgments against her to the alleged conflicts and misconduct by attorneys at Truluck Thomason. She contends that the firm deprived her of an advocate and failed to advise her to seek relief under Rule 60(b), SCRCP. Her motion, however, omits the participation of other attorneys who represented her in these proceedings and does not explain why their representation failed to provide an opportunity to address the alleged misconduct or seek relief from the judgments. *See* Appellant’s Motion to Remand at 1-4.

Attorneys Cooke and Fletcher were representing Appellant by at least July 10, 2025, and continued as her counsel for more than a year without being relieved by the circuit court. The joint motion filed that day expressly included Appellant among the moving defendants and bore Attorney Fletcher’s signature, with both attorneys identified as counsel. Index at 3, 20 (Exhibit A, Defendants’ Motion Filed July 10, 2025, at 2, 19). This motion addressed the default proceedings and advanced arguments concerning the claims against the client defendants, including Appellant. *See* Index at 7-9, 15-16 (Exhibit A at 6-8, 14-15). On August 12, 2025, Attorney Cooke signed a reply expressly submitted on behalf of the attorney defendants and client defendants, including Appellant, advocating for bifurcation of the damages proceedings and opposing sanctions. Index

at 23, 25-26, 30 (Exhibit B, Defendants' Reply Filed August 12, 2025, at 2, 4-5, 9). Attorney Fletcher was again identified as counsel. Index at 30 (Exhibit B at 9). These filings demonstrate substantive advocacy on Appellant's behalf by attorneys outside of the Truluck Thomason law firm.

Attorney Cooke's advocacy extended beyond written submissions. On the first day of the damages hearing, he appeared and argued pre-trial motions on Appellant's behalf. He also appeared and presented argument on Appellant's behalf during Webex hearings. Settlement correspondence concerning the claims against Appellant was likewise received by Attorney Cooke in his capacity as her counsel. His participation in motion practice, hearings, and settlement communications further contradicts Appellant's characterization of the proceedings as ones in which she lacked an advocate outside Truluck Thomason.

Appellant's representation also extended beyond Truluck Thomason and the Barnwell Whaley firm. The July 10, 2025 joint motion expressly identified Attorneys Desa Ballard, Paul Hulsey, and Cherie Durand among the "Attorney Defendants" who "currently represent (and represented at relevant times)" the client defendants, expressly including Appellant. Index at 4 (Exhibit A at 3).

Appellant alleges no misconduct by Attorneys Cooke or Fletcher, or their firm. *See* Appellant's Motion to Remand at 2-3. Nor does she explain the scope of their representation, whether she raised the alleged conflict with them, or why they could not evaluate the availability of relief from default. Although the filings do not establish that Attorneys Cooke and Fletcher represented Appellant when default initially occurred, they demonstrate substantive advocacy on her behalf during the circuit court proceedings. The advocacy of Attorneys Cooke and Fletcher directly undermines Appellant's characterization of the proceedings as ones in which Truluck

Thomason's conduct left her without an advocate or an opportunity to seek relief. Appellant's attribution of the failure to seek Rule 60(b) relief to Truluck Thomason leaves unexplained the role of her other attorneys.

Appellant's subsequent representation by her current counsel presents a further omission. The circuit court docket in the *Browning* action lists Christopher B. Major and Arthur F. McLean III of Haynsworth Sinkler Boyd as Appellant's attorneys, with entries reflecting a last-updated date of June 19, 2026. Index at 33 (Exhibit C, Circuit Court Party Docket in Case No. 2024-CP-23-03730, at 1). The circuit court docket in the *Jennings* action reflects the same attorneys and date. Index at 36 (Exhibit D, Circuit Court Party Docket in Case No. 2024-CP-23-03271, at 1).

The participation of Appellant's current counsel is established by more than docket entries. On June 19, 2026, Attorney Major filed Appellant's Comments Upon Plaintiffs' Proposed Orders, captioned in both the *Browning* and *Jennings* actions. Index at 39-41 (Exhibit E, Defendant Stacey Grist's Comments Upon Plaintiffs' Proposed Orders, at 1-3). The filing expressly stated that Appellant had retained separate counsel and advanced arguments specific to her position as a client defendant. *Id.* Through current counsel, Appellant argued that she had not drafted or reviewed the defamatory letters and had relied on her former attorneys' professional judgment. Index at 40 (Exhibit E at 2). She also attributed the default to those attorneys' analysis of the effect of the rulings on the motions to dismiss. *Id.* On that basis, she expressly asked the circuit court to reconsider its rulings as to her and permit her to present defenses on the merits. *Id.* Attorney Major signed the filing, which identified both Attorneys Major and McLean as Appellant's attorneys. Index at 41 (Exhibit E at 3).

This advocacy occurred before the circuit court entered its July 15, 2026 post-trial rulings. Appellant's Second Amended Notices of Appeal in both the *Browning* and *Jennings* actions

identify those rulings and the subsequent September 11, 2026 corrective orders among the orders she appeals. Index at 43, 47 (Exhibit F, Appellant’s Second Amended Notice of Appeal in the *Browning* action, at 1; Exhibit G, Appellant’s Second Amended Notice of Appeal in the *Jennings* action, at 1). Attorney Major signed both notices, each of which identifies Haynsworth Sinkler Boyd as Appellant’s counsel. Index at 44, 48 (Exhibits F and G at 2). This Court received the *Browning* second amended notice on September 17, 2026, and the *Jennings* second amended notice on September 18, 2026. Index at 43, 47 (Exhibits F and G at 1).

The circuit court expressly acknowledged Appellant’s separate representation when it identified the defendants who filed the corrective motion as “all remaining Defendants (except for Stacey Grist, who is represented by separate counsel).” Index at 56 (Exhibit H, September 11, 2026 Order Granting Defendants’ Rule 60(a) Motion to Correct July 15, 2026 Orders Denying Motions for Judgment as a Matter of Law, at 2). The same order corrected the earlier rulings to identify Appellant among the defendants who had sought judgment as a matter of law in both the *Browning* and *Jennings* actions. Index at 57 (Exhibit H at 3). Thus, Appellant had separate counsel who presented her contention that her former attorneys’ decisions caused the default, requested an opportunity to defend on the merits, and pursued appellate review. Index at 40-41, 43-44, 47-48 (Exhibit E at 2-3; Exhibits F and G at 1-2). Yet her motion before this Court does not explain when current counsel learned of the alleged conflict or why they could not evaluate and pursue Rule 60(b) relief before these appeals. Instead, Appellant attributes the failure to seek that relief to Truluck Thomason without addressing the documented advocacy by Attorneys Cooke and Fletcher or the subsequent advocacy by her current attorneys.

Appellant’s accusations concerning conflicts of interest, deficient advice, and mishandling of her defense are more appropriately pursued through a separate malpractice action against her

former attorneys. *See* Appellant's Motion to Remand at 2-3. Those accusations do not, merely by alleging a breach of professional obligations owed to her, establish a ground for relief from Respondents' judgments under Rule 60(b). *See Sundown Operating Co.*, 383 S.C. at 608-09, 681 S.E.2d at 888-89.

Appellant asks this Court to interrupt appellate review based on alleged abandonment while disregarding the documented advocacy of at least four other attorneys from two separate law firms who represented her in these proceedings. Her motion neither acknowledges that advocacy nor explains why those attorneys could not pursue the relief she now seeks. The omission undermines the premise of her motion, and the Court should deny remand.

II. APPELLANT'S ATTEMPT TO DISCLAIM RESPONSIBILITY FOR THE DEFAMATORY LETTERS DISREGARDS THE ALLEGATIONS ADMITTED BY DEFAULT.

Appellant's motion emphasizes that her attorneys drafted and transmitted the defamatory letters and asserts that she did not draft the letters, select their recipients, or publish them. Motion to Remand at 2. That argument disregards the allegations admitted by default. Respondents did not premise Appellant's liability solely on whether she personally composed or transmitted the correspondence. Index at 69 (Exhibit I, *Browning* Complaint, ¶¶ 60-61); Index at 89 (Exhibit J, *Jennings* Amended Complaint, ¶¶ 30-31). They expressly alleged that the attorney defendants published it at her direction and with her authorization. Index at 69, 89 (Exhibit I, ¶ 61; Exhibit J, ¶ 31).

A defaulting party is deemed to have admitted the truth of the allegations establishing liability and to have conceded liability. *Roche v. Young Bros., Inc., of Florence*, 332 S.C. 75, 81, 504 S.E.2d 311, 314 (1998). Appellant's proposed factual defenses therefore must be considered in light of the existing default judgments and the allegations supporting them.

The *Browning* Complaint alleged that the defendants jointly prepared, signed, transmitted, published, and/or otherwise authorized the defamatory letters. Index at 61 (Exhibit I, ¶ 3). More specifically, it alleged that the attorney defendants published the letters on behalf of their clients, expressly including Appellant, and did so at those clients' direction and with their authorization. Index at 69 (Exhibit I, ¶¶ 60-61). It further alleged that publication was intentional. *Id.*, ¶ 62. These allegations attribute responsibility to Appellant for directing and authorizing publication, regardless of which defendant physically drafted, signed, or transmitted the letters. *See id.*, ¶¶ 60-62.

The *Jennings* Amended Complaint likewise alleged that the defendants jointly prepared, signed, transmitted, and/or otherwise authorized the defamatory correspondence. Index at 84 (Exhibit J, ¶ 1). It specifically alleged that the attorney defendants published the correspondence on behalf of Appellant and the other identified clients, at their direction and with their authorization. Index at 89 (Exhibit J, ¶¶ 30-31). It further alleged that publication was intentional. *Id.*, ¶ 32. Appellant's assertion that her attorneys performed the drafting and publication does not answer these allegations concerning her own direction and authorization. *Compare* Appellant's Motion to Remand at 2, *with* Index at 89 (Exhibit J, ¶¶ 30-32).

The complaints also allege knowing and intentional participation in publication. The *Browning* Complaint alleged that the defendants understood the reputational harm the accusations would cause and nevertheless proceeded with publication. Index at 70 (Exhibit I, ¶ 69). It further alleged that the defendants authored, disseminated, and/or published the accusations with malice and intentionally published the letters despite knowing the accusations were false or being unsure of their truth. Index at 73 (Exhibit I, ¶¶ 93, 95). The *Jennings* Amended Complaint alleged the same knowledge of reputational harm and intentional publication despite knowledge of falsity or

uncertainty about the accusations’ truth. Index at 90, 92 (Exhibit J, ¶¶ 38, 57). It likewise alleged that the defendants authored, disseminated, and/or published the accusations with malice. Index at 93 (Exhibit J, ¶ 59). These allegations, admitted by default, further contradict Appellant’s effort to characterize herself as uninvolved in the publication for which the judgments impose liability.

The circuit court expressly applied the consequences of default in entering the *Browning* judgment. Index at 102, 114 (*See* Exhibit K, Order and Final Judgment in the *Browning* action, at 1, 13). At the outset of its findings, the court stated that the defendants’ failure to answer timely resulted in admission of the facts alleged in the Complaint. Index at 102 (Exhibit K at 1). The court then applied *Roche* in explaining that default admitted the allegations and conceded liability. Index at 114 (Exhibit K at 13). Both judgments expressly include Appellant within their definition of “Defendants” and attribute transmission of the defamatory correspondence to those defendants collectively. Index at 102, 104 (Exhibit K at 1, 3); Index at 125, 127 (Exhibit L at 1, 3). Appellant’s failure to reconcile her asserted non-involvement with the allegations admitted by default and incorporated into both judgments provides a further reason to deny remand.

III. APPELLANT’S MOTION FAILS TO ADDRESS THE BROADER CLAIMS AND DAMAGES UNDERLYING THE JUDGMENTS.

Appellant characterizes these proceedings as defamation actions arising from letters drafted and published by her attorneys. *See* Appellant’s Motion to Remand at 2. Both actions, however, asserted additional claims arising from a broader course of conduct, including abuse of process, intentional infliction of emotional distress, and intentional interference with prospective contractual or business relations. Index at 74-77 (Exhibit I, ¶¶ 102-124); Index at 94-97 (Exhibit J, ¶¶ 66-87). Appellant’s focus on who drafted and transmitted the letters does not address the full scope of the claims asserted against her.

The *Browning* Complaint alleged misuse of legal proceedings for illegitimate collateral objectives, including intimidation, harassment, inflicting harm, obtaining purported evidence for RICO litigation, and financial benefit. Index at 74 (Exhibit I, ¶¶ 103-105). The Complaint specifically identified the state court litigation brought by Appellant against the Browning Respondents, Case No. 2022-CP-23-04055, as part of the conduct underlying the claims. Index at 66-67 (Exhibit I, ¶¶ 47-50). Its emotional distress and interference claims likewise encompassed soliciting and bringing additional litigation, abusing process, harassment, and the continued targeting of the Browning Respondents and their counsel. Index at 75-77 (Exhibit I, ¶¶ 110-111, 118-123).

The *Jennings* Amended Complaint similarly alleged misuse of legal proceedings and identified intimidation, harassment, inflicting harm, and creating purported evidence for RICO cases among the defendants' collateral objectives. Index at 94-95 (Exhibit J, ¶¶ 67-69, 72-74). Its emotional distress and interference claims encompassed continued targeting, abuse of process, and the resulting loss of professional opportunities. Index at 96-97 (Exhibit J, ¶¶ 77-85). As in the *Browning* action, these allegations extended beyond the physical preparation and transmission of the defamatory correspondence.

The damages awarded in *Browning* further demonstrate why Appellant's characterization is incomplete. The circuit court awarded Respondent Browning \$216,045.20 in compensatory damages that included the expenses of defending the underlying litigation, expressly treating those expenses as damages recoverable for abuse of process. Index at 116-118 (Exhibit K at 15-17). Of that amount, \$116,322.79 was attributable to fees paid to Attorney Fred W. Suggs, III to defend the state court action brought by Appellant, Case No. 2022-CP-23-04055. Index at 107, 116 (Exhibit K at 6, 15). The circuit court described the Grist state court litigation as ongoing since

August 1, 2022, well before the May 2024 defamatory letters. Index at 102, 117 (Exhibit K at 1, 16). Although the Browning Respondents obtained summary judgment in that action, the appellate docket lists the appeal from that action as pending on this Court’s preliminary list under Appellate Case No. 2025-000366. Index at 107 (Exhibit K at 6); Index at 142 (Exhibit M, Appellate Docket for Case No. 2025-000366, at 1). The judgment also separately awarded Ms. Browning \$140,368.95 in attorneys’ fees and expenses under S.C. Code Ann. § 15-53-100 for the present action. Index at 118-119, 121 (Exhibit K at 17-18, 20).

Appellant also pursued the accusations underlying the defamatory letters through a federal RICO lawsuit brought in her own name. Index at 146, 149-150 (Exhibit N, Federal RICO Complaint in *Grist, et al. v. Browning, et al.*, Case No. 6:24-cv-03853-BHH, at 1, ¶¶ 1-2). Filed on July 3, 2024, the Federal RICO Complaint named the Respondents as defendants and accused them of participating in a “Sham Probate Enterprise” involving mail fraud, wire fraud, and extortion, which are the same categories of misconduct identified in the defamatory correspondence. Index at 146, 149-150 (Exhibit N at 1, ¶¶ 1-2); Index at 69 (Exhibit I, ¶¶ 63-64); Index at 89 (Exhibit J, ¶¶ 33-34). The defamatory letters were not isolated communications disconnected from Appellant’s own litigation. Her subsequent federal RICO action repeated their central accusations and expressly invoked the letters as notice of the alleged wrongdoing. Index at 146, 149-150, 152 (Exhibit N at 1 fn.1, ¶¶ 1-2, and at 7 fn.3).

On June 24, 2025, the federal court dismissed the action without prejudice. Index at 219-220 (Exhibit O, Order on Motions to Dismiss, Case No. 6:24-cv-03853-BHH, at 31-32). In addition to its jurisdictional and abstention analysis, the court concluded that, even assuming jurisdiction and that abstention was inappropriate, the Complaint failed to allege plausible RICO claims. Index at 219 (Exhibit O at 31). The expenses that Respondent Browning incurred in

defending Appellant's federal action were included in the litigation expenses awarded as compensatory damages by the circuit court in the *Browning* judgment. Index at 116-117 (Exhibit K at 15-16). Specifically, the circuit court included \$76,630 to defend the *Grist*, *Miniard*, and *Michalski* federal actions collectively as compensatory damages recoverable for abuse of process. *Id.*

Appellant's liability was established by default on the allegations underlying these broader claims, and the circuit court assessed damages following extensive damages hearings. Index at 102, 114, 116-118 (Exhibit K at 1, 13, 15-17); Index at 125, 132 (Exhibit L at 1, 8). Yet her motion does not explain how her asserted lack of participation in drafting or transmitting the letters addresses the allegations supporting the additional claims for abuse of process, intentional infliction of emotional distress, and intentional interference with prospective contractual or business relations, all of which arose from her broader course of conduct. *Compare* Appellant's Motion to Remand at 1-4, *with* Index at 74-77 (Exhibit I, ¶¶ 102-124) and Index at 94-97 (Exhibit J, ¶¶ 66-87). Nor does her motion address the substantial litigation expenses awarded as compensation for abuse of process, including those incurred in defending both her state court action and her subsequent federal RICO action. *Compare* Appellant's Motion to Remand at 2-3, *with* Index at 107, 116-118 (Exhibit K at 6, 15-17) and Index at 146 (Exhibit N at 1). Appellant's effort to reduce these judgments to the question of who drafted the letters disregards both the broader allegations admitted by default and the damages actually awarded, providing further reason to deny her Motion to Remand.

IV. APPELLANT HAS NOT JUSTIFIED A STAY OF APPELLATE DEADLINES.

Appellant requests that all appellate deadlines be stayed pending resolution of her motion. *See* Motion to Remand at 1. A motion to remand does not automatically stay deadlines. They

remain in effect unless this Court orders otherwise. Rule 240(b), SCACR. Further, a Rule 60(b) motion does not itself affect the finality of a judgment or suspend its operation. Rule 60(b), SCRCRCP.

Appellant's motion identifies no separate basis for staying appellate deadlines beyond her request to pursue relief from the judgments. *See* Appellant's Motion to Remand at 1-3. For the reasons stated above, that request disregards her representation by other counsel, the allegations admitted by default, and the broader claims and damages underlying the judgments. Respondents therefore request that the Court deny the requested stay and require the appeals to proceed under the applicable deadlines.

CONCLUSION

For the foregoing reasons, Respondents respectfully request that this Court deny Appellant's Motion to Remand and deny her request to stay appellate deadlines.

Dated this 5th day of October, 2026

Respectfully Submitted,

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EXHIBIT A

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	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

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

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

NOTICE OF MOTION AND MOTIONS FOR JUDGMENT
ON THE PLEADINGS OR, IN THE ALTERNATIVE,
TO STAY PENDING RESOLUTION OF FEDERAL MATTERS

NOW COME Defendants Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Luis Michalski, Margaret Miniard, Stacey Grist (collectively "Defendants"), by and through their undersigned counsel, pursuant to the South Carolina Rules of Civil Procedure and common law, and move the Court for an order: (a) granting them judgment on the pleadings pursuant to S.C.R. Civ. P. 12(c); or, in the alternative, (b) staying the above-captioned matters pending resolution of underlying federal court lawsuits. Defendant

reserve the right to set forth the bases for this Motion in more detail in a Memorandum in Support filed in advance of the hearing of this Motion.

INTRODUCTION

A. The Parties

Defendants Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, and Desa Ballard (the “Attorney Defendants”) are attorneys licensed to practice law in the state of South Carolina. The Attorney Defendants currently represent (and represented at relevant times) Defendants Mayra Michalski, Luis Michalski, Margaret Miniard, and Stacey Grist (“Client Defendants”), who are each named in certain of the above-referenced cases.

Plaintiffs in the above captioned matters (collectively the “Defamation Plaintiffs”) are:

- (a) Roland O’Neil Rabon, Jr., Esq. (2024-CP-23-03236, filed May 24, 2024), against the Attorney Defendants and two Client Defendants (Mayra Michalski and Miniard)→asserting causes of action sounding in: (1) Defamation *per se*; (2) interference with prospective contractual relations; (3) civil conspiracy; and (4) South Carolina Unfair Trade Practices Act.¹
- (b) Clayton L. Jennings, Esq. (2024-CP-23-03271, filed May 24, 2024), against the Attorney Defendants and two Client Defendants (Grist and Miniard) →asserting causes of action sounding in: (1) Libel and libel *per se*; (2) abuse of process; (3) intentional infliction of emotional distress (outrage); (4) interference with prospective contractual relations; (5) civil conspiracy; and (6) declaratory judgment.
- (c) Fred W. “Trey” Suggs, Esq. (2024-CP-23-03258, filed May 24, 2024) , against the Attorney Defendants only→asserting causes of action sounding in: (1) Libel and libel *per se* and (2) civil conspiracy.
- (d) Joseph M. Plaxco (2024-CP-23-03329, filed May 29, 2024) , against the Attorney Defendants and two Client Defendants (Mayra and Luis Michalski) →asserting causes of action sounding in: (1) Libel and libel *per se*; (2) abuse of process; (3) intentional infliction of emotional distress (outrage); (4) interference with prospective contractual relations; (5) civil conspiracy; and (6) declaratory judgment.

¹ The suits against the Client Defendants also name as defendants “John & Jane Does 1-14.”

- (e) Jennifer Browning and Browning Geriatric Consulting, LLC (2024-CP-23-03730, filed June 17, 2024), against the Attorney Defendants and Client Defendants→asserting causes of action sounding in: (1) Defamation/libel and libel *per se*; (2) abuse of process; (3) intentional infliction of emotional distress (outrage); (4) interference with prospective contractual relations; and (5) declaratory judgment.²

B. The Underlying Federal Cases

This case presents an unusual scenario, as the Defamation Plaintiffs are all currently defendants (along with others) in three federal lawsuits (“Federal Lawsuits”) filed by the Client Defendants (who are being represented by the Attorney Defendants). Those cases are (with the Defamation Plaintiffs highlighted in yellow):

- *Stanford W. Grist, individually, by and through his attorney-in-fact Stacey Grist, and Stacey Grist, individually v. Jennifer Browning, Browning Geriatric Consulting LLC, Tracy Parsons, Priscilla Mickie Grist, Christopher Couchell, Kiki’s Kare LLC d/b/a Comfort Keepers, Tyler McLeod, Adam Lee, Michael Bridges, Dan Collins, The Vanguard Group Inc., Cheryl Borum, O’Neil Rabon, Caroline York Grist Lyon, Leland Lyon, Jr., Clayton Jennings*, 6:24-cv-03853-BHH (filed July 3, 2024)
- *Margaret Miniard, individually and as Personal Representative of the estate of Geraldine T. Schnabel v. Jennifer Browning, individually, and Browning Geriatric Consulting LLC, Abigail Hodges, Colton Bazzle, Scott Montjoy, Jeffrey Allen, individually, and UBS Financial Services, Inc., Daniel Collins, Renee Tedrick, TNB Financial Services, and Thomasville National Bank, and Thomasville Bancshares, Inc., R. O’Neil Rabon, Clayton Jennings, Melanie Johnson, individually, and Dixon Goodman Hughes, LLP, Christopher Couchell individually and KiKi’s Kare LLC d/b/a Comfort Care, Comerica Bank and Trust N.A., Docket No. 6:24-cv-04132-BHH (filed July 24, 2024)*
- *Luis Michalski and Mayra Michalski, both individually, and as beneficiaries of the Estate of Frances Michalski v. Fred (Trey) Suggs III, Jennifer Browning, individually, and Browning Consulting LLC, Tracy Parsons, R. O’Neil Rabon, Joseph Plaxco, William Fore, Tyler O’Shields, Bon Secours Mercy Health, Inc. (d/b/a Bon Secours Health System, Inc.), St. Francis Physician Services, Inc., Carrie Woodall, Christopher Couchell, individually, KiKi’s Kare LLC (d/b/a Comfort Keepers), and Individual or Corporate Collaborator A, B and C, Docket No. 6:24-cv-04820-BHH (filed September 4, 2024)*

² For ease of reference and for the Court's convenience, this Motion will refer to and cite the filings in *Rabon*. Unless otherwise noted, all of the above cases are similar in relevant substance.

The Federal Lawsuits assert claims under the Racketeer Influenced and Corrupt Organizations Act ("RICO") and other theories. Without going into detail on the factual bases for those claims, the Client Defendants allege in the Federal Lawsuits that the Defamation Plaintiffs conspired to defraud and harm them. The Federal Lawsuits are all currently pending before the United States District Court for the District of South Carolina.³

C. The Claims in these Cases

In these state court lawsuits, Defamation Plaintiffs assert claims against Defendants relating to three allegedly defamatory May 17, 2024 letters ("Letters")⁴ that the Attorney Defendants sent them—and other potential defendants in the Federal Lawsuits—in preparation for the filing of the Federal Lawsuits under RICO. Those Letters are attached hereto as Exhibits A-C. Defamation Plaintiffs assert claims against Defendants under theories of defamation and civil conspiracy.⁵

Rather than respond to the letters to address their content, Defamation Plaintiffs promptly filed defamation lawsuits in an apparent effort to gain leverage in the threatened Federal Lawsuits. Three of the lawsuits were filed on May 24, 2024—only one week after the date of the Letters—with a fourth filed only 5 days later. The last case was commenced only one month after the date of the Letters.

For the following reasons, the Court should grant Defendants' judgment on the pleadings. If the Court does not do so, it should stay this matter pending resolution of federal lawsuits that Client Defendants (represented by Attorney Defendants) filed against the Defamation Plaintiffs.

³ On June 26, 2025, in the *Grist* Federal Lawsuit, the Court dismissed the Complaint without prejudice primarily under the *Roquer-Feldman* doctrine and *Younger/Colorado River* abstention. (See Dist. of S.C. No. 6:24-cv-03853-BHH Docket Entry # 108). The time to file motions to reconsider has not yet expired in that matter.

⁴ Plaintiff *Rabon* also vaguely alleges that Defendants made unidentified oral defamatory statements about him or disclosed the Letters to people other than the named recipients.

⁵ Plaintiff *Rabon* also asserts claims under the South Carolina Unfair Trade Practices Act (SCUTPA) and for intentional interference with prospective contractual relations.

MOTION FOR JUDGMENT ON THE PLEADINGS

A. The Court May Consider Defendants' Motion for Judgment on the Pleadings Notwithstanding the Entry of Default Against Them

On or about October 28, 2024, Defamation Plaintiffs filed Affidavits Supporting the Entry of Default against Defendants.⁶ The Clerk did not enter defaults on the record at that time. On November 12, 2024, Defamation Plaintiffs filed motions seeking the entry of a default judgment. On the same day, out of an abundance of caution, Defendants filed Answers and Counterclaims in these matters. On November 18, 2024, Defendants filed Motions to Set Aside the Entry of Default. On April 4, 2025, the Honorable Eugene C. Griffith, Jr. entered a Form 4 order indicating his intention to grant the Motions for Default Judgment and deny the Motions to Set Aside. On April 17, 2025, Judge Griffith entered a formal Order setting forth his reasons for doing so. Following the entry of those order, a default has been entered on the record against Defendant; however, no default judgment has been entered against Defendants. On April 28, 2025, Defendants filed their Motions for Reconsideration or to Alter or Amend. Those motions remain pending before the Court. For the following reasons, the fact that a default has been entered on the record does not prohibit Defendants from filing the instant motion for judgment on the pleadings.

For over 110 years, the law of our State has been that “in a default case the court can render any judgment to which the plaintiff is entitled **under the facts alleged in his complaint**, not inconsistent with the prayer thereof, and, if there be error in granting relief beyond the scope of the allegations of the complaint, the remedy is by appeal.” *See Gadsden v. Home Fertilizer & Chem. Co.*, 89 S.C. 483, 72 S.E. 15, 16 (1911) (emphasis added).

⁶ Defendants filed motions to dismiss Defamation Plaintiffs' complaints in these matters. On October 2, 2024, the Court denied Defendants' Motions to Dismiss. On October 14, 2024, Defendants moved to alter or amend the denial of their motions to dismiss. Defamation Plaintiffs contend that the time to answer the complaints began to run immediately upon denial of the motions to dismiss and that the filing of motions to alter or amend did not toll the time to answer.

The authorities, with practical unanimity, agree that a default admits only what has been well pleaded, and that it does not forfeit or affect the rights of a defendant, except as to matters necessarily admitted by the default. 23 Cyc. 751. Therefore, if the complaint fails to state facts sufficient to constitute a cause of action, any judgment thereon, except one of dismissal, goes beyond the allegations of the complaint; and so, if the complaint states facts which entitle plaintiff only to a certain kind of relief, or to relief only to a certain extent, a judgment by default which gives a different kind of relief, or relief to a greater extent, is without authority of law and cannot be sustained.

See *id.* at 483, 72 S.E. at 17 (emphasis added). In other words, despite the entry of default, Defamation Plaintiffs are only entitled to judgment if the Complaint actually states a claim upon which relief may be granted under the law.

“[T]he default does not admit that the facts pleaded are sufficient to constitute a cause of action, as the effect of the confession is limited to the material issuable facts well pleaded in the declaration or complaint. Nor does it admit an allegation which constitutes a mere conclusion of law. The facts pleaded must accordingly be sufficient to form a legal basis for the judgment taken by default, or it will be reversed on appeal or set aside on proper application.” *Id.* The *Gadsden* Court held that despite the entry of default against defendant, “[t]he complaint in this case fails to state the facts necessary to entitle plaintiff to recover the special damages which were awarded by the verdict.” *Id.*

Our courts have applied the logic behind *Gadsden* over the years to preclude recovery by a plaintiff against a defaulted defendant where the complaint—even with all factual allegations deemed admitted—fails to state a claim upon which relief may be granted. “A party seeking a default judgment is entitled to only such relief as is framed by his pleading, and then only to the extent requested therein It follows that if a complaint fails to state a cause of action, the rendering of a default judgment thereon is without authority of law and therefore reversible error.” *Mutual Sav. & Loan Ass’n v. McKenzie*, 274 S.C. 630, 632, 266 S.E.2d 423, 424 (1980). “An objection that the complaint does not state facts sufficient to constitute a cause of action is not waived by a default.” *Masters v. Rodgers Dev. Grp.*, 283 S.C. 251, 254, 321 S.E.2d 194, 196 (Ct.

App. 1984) (emphasis added). “Despite the entry of default, the [defendants] may raise, as they have done, issues regarding the sufficiency of the [plaintiffs’] pleadings and their entitlement to damages under each cause of action.” *Blue v. Harrelson*, No. 2004-UP-656, 2004 WL 6339711, at *2 (S.C. Ct. App. Dec. 22, 2004) (unpublished).

Additionally, the South Carolina Rules of Civil Procedure provide that a motion attacking the factual allegations of a complaint may be made at any time. “A defense of failure to state a cause of action upon which relief can be granted . . . may be made in any pleading permitted or ordered under Rule 7(a), or by motion for judgment on the pleadings, or at the trial on the merits.” Rule 12(h)(2), SCRCF (emphasis added). In *Inman v. Ken Hyatt Chrysler Plymouth, Inc.*, 294 S.C. 240, 363 S.E.2d 691 (1988) the Supreme Court of South Carolina held that a trial judge erred in refusing to consider a motion attacking a complaint that was made during trial.

At trial, the judge denied as untimely Dealer’s motion to dismiss the complaint for failure to state facts sufficient to constitute a cause of action. This was error. As permitted under Rule 12(h)(2), SCRCF, a defense of “failure to state a cause of action upon which relief can be granted” may be raised at the trial on the merits. Under our state pleading rules, Rule 8, SCRCF, facts must be pleaded to state a cause of action. Failure to state sufficient facts and failure to state a cause of action upon which relief can be granted constitute the same defense under our state law. A defense of failure to state facts sufficient to constitute a cause of action under Rule 12(b)(6), SCRCF, is therefore properly raised at the trial on the merits pursuant to Rule 12(h)(2), SCRCF. The trial judge erred in refusing to consider this motion.

See Inman, 294 S.C. at 241-42, 363 S.E.2d at 692.

Therefore, the Court should consider Defendants’ Motion for Judgment on the Pleadings, notwithstanding the Court’s entry of default.

B. Even Accepting as True All Well-Pled Factual Allegations of Defamation Plaintiffs’ Amended Complaints, the Only Conclusion Is That Defamation Plaintiffs’ Claims Must Fail.

An appellate court applies the same standard of review as the trial court when reviewing the dismissal of an action pursuant to Rule 12(b)(6) or Rule 12(c). *See Doe v. Marion*, 373 S.C.

390, 395, 645 S.E.2d 245, 247 (2007) (discussing standard of review of motion to dismiss under Rule 12(b)(6)); *Hambrick v. GMAC Mortg. Corp.*, 370 S.C. 118, 122, 634 S.E.2d 5, 7 (Ct. App. 2006) (discussing standard of review of motion for judgment on pleadings).

“Generally, in considering a [Rule] 12(b)(6) motion, the trial court must base its ruling solely upon the allegations set forth on the face of the complaint.” *Doe v. Marion*, 361 S.C. 463, 469, 605 S.E.2d 556, 559 (Ct. App. 2004) (citing *Stiles v. Onorato*, 318 S.C. 297, 457 S.E.2d 601 (1995)). In construing Rule 12(b)(6), federal case law is informative and persuasive, since “federal cases interpreting the rule are persuasive.” *Unisum Ins. v. Hawkins*, 342 S.C. 537, 542, 537 S.E.2d 559, 561-62 (Ct. App. 2000). “South Carolina Rule 12(b)(6) essentially tracks Rule 12(b)(6) of the Federal Rules of Civil Procedure.” *Brown v. Leverette*, 291 S.C. 364, 366, 353 S.E.2d 697, 698 (1987).

A court analyzing a motion to dismiss may consider the complaint and documents integral to it. See *Land v. Green Tree Servicing, LLC*, No. CA 8:14-1165-TMC, 2014 WL 5527854, at *2 (D.S.C. Oct. 31, 2014); *Epstein v. World Acceptance Corp.*, 203 F. Supp. 3d 655, 662 (D.S.C. 2016) (court may consider “documents referenced, and matters of which the court may take judicial notice.”); accord *Martin v. Companion Healthcare Corp.*, No. 99-CP-40-4698, 2001 WL 36222011 (S.C. Com Pl. June 6, 2001) (“Court may consider documents outside the pleadings in determining whether to dismiss a complaint where the documents are integral to the complaint, explicitly relied on in the complaint and where the plaintiff does not challenge their authenticity.”) (citations omitted); *Goines v. Valley Cmt’y Servs. Bd.*, 822 F.3d 159, 166 (4th Cir. 2016) (court may consider document that was integral to complaint and if there is no dispute over authenticity.”); *Phillips v. LCI Int’l, Inc.*, 190 F.3d 609, 618 (4th Cir. 1999) (“[A]lthough the stockholders failed to attach that article to their complaint (LCI attached it to its motion to dismiss), a court may consider it in determining whether to dismiss the complaint because it was integral to and explicitly relied on in the complaint and because the plaintiffs do not challenge its

authenticity.").

For the reasons that follow, notwithstanding Defendants' alleged default, the Court should grant them judgment on the pleadings because—accepting as true all well-pled allegations and the considering the document specifically referenced in the Complaints—Defamation Plaintiffs cannot sustain their claims against Defendants.

1. The Face of the Pleadings Discloses That Letters Were Judicially Privileged.

"When a communication is absolutely privileged, no action lies for its publication, **no matter what the circumstances under which it is published**, i.e., an action will not lie even if the report is made with malice." *Pond Place Partners, Inc. v. Poole*, 351 S.C. 1, 22, 567 S.E.2d 881, 892 (Ct. App. 2002). While "[h]istorically there has been a tendency to restrict the absolute privilege to judicial proceedings, legislative proceedings and acts of state," *Crowell v. Herring*, 301 S.C. 424, 430, 392 S.E.2d 464, 467 (Ct. App. 1990), absolute privilege "does not depend on the rigid requirement of a strictly legislative or judicial proceeding; its limits are fixed rather by considerations of public policy." *See Richardson v. McGill*, 273 S.C. 142, 146, 255 S.E.2d 341, 343 (1979).

Absolute privilege "reflects the prevailing common law view that the public interest in freedom of expression by participants in judicial proceedings, uninhibited by any risk of resultant suits for defamation, outweighs the interest of the individual in the protection of his reputation from defamatory impairment in the judicial forum." *Corbin v. Wash. Fire & Marine Ins. Co.*, 278 F. Supp. 393, 398 (D.S.C. 1968) (citation omitted). In *Crowell*, 301 S.C. at 430-31, 392 S.E.2d at 466-67, the court extended absolute privilege to statements made to initiate a VFW court martial, stating in part: "We hold the absolute privilege exists as to **any utterance arising out of** the judicial proceeding and having any reasonable relation to it, including **preliminary steps leading to judicial action** of any official nature provided those steps bear reasonable relation to it." *See id.* 301 S.C.

at 430, 392 S.E.2d at 467 (emphasis added).⁷

The Letters are plainly within the absolute judicial privilege. They were preliminary steps toward the commencement of the Federal Lawsuits—which are all filed and currently pending. They were sent shortly before the filing of the Federal Lawsuits and were addressed only to potential defendants in those cases—nearly all of whom are, in fact, currently defendants in the Federal Lawsuits. They were sent by the Attorney Defendants in the course of the representation of their clients as a precursor to the filing of the Federal Lawsuits.

The Letters explicitly announce that they concern the potential commencement of the Federal Lawsuits: "Please allow this correspondence to serve as formal notice of forthcoming litigation related to the role you played in furtherance of the actionable conduct detailed above." (See Ex. ___, at 4). The Letters extensively detail the bases for the Client Defendants' potential RICO claims. The Letters further engage in an extensive legal discussion of the merits of the potential Federal Lawsuits, with numerous statutory references and nearly 20 case citations. The Letters also discuss state law claims that might be asserted in the RICO actions:

In addition to the RICO claim, we will be including our common law claims which the Federal Court has jurisdiction to entertain as pendant State law claims. These will include, but are not limited to, disgorgement of ill-gotten gains, wrongful death, fraud, conspiracy, attorneys' fees and costs, estoppel, conversion, unjust enrichment, unclean hands, and fraudulent inducement. We will seek to have a full accounting and a constructive trust imposed on any and all property or assets Defendants have wrongfully obtained or disposed of.

(See Exs. A-C, at 4). Moreover, the Letters expressly identify various litigation-related purposes for Defendants' clients with regard to potential RICO litigation (*see* Exs. A-C):

- The Letters advised the recipients to place their insurers on notice: "[W]e strongly suggest notifying any carrier that could provide a defense and/or coverage because will also be including pendent claims of negligence and negligent misrepresentation, amongst others."

⁷ Judicial privilege is absolute. Unlike a conditional privilege, there is no requirement that the communication not exceed the scope of the occasion.

- The Letters sought to arrange for service of process of the anticipated lawsuit: "Should the principal(s) of the soon to be named corporate defendants prefer personal service, please contact The Law Offices of Truluck Thomason, LLC to arrange the same, otherwise, registered agents will be served."
- The Letters insisted that the recipients not contact the proposed RICO plaintiffs: "[I]t is imperative that neither you nor your agent(s) make any attempts to contact the noted future Plaintiffs."
- The Letters instructed the recipients to retain all evidence: "[T]his letter shall also constitute notice of our request for a litigation hold on any and all documents, communications or other potential evidence related to the upcoming litigation."

The Letters conclude: "If there is any desire to discuss the issues addressed herein short of litigation, please do not hesitate to contact me, my law partner or any of the other undersigned co-counsel." (See Exs. A-C).

The plain language of the Letters establishes beyond any dispute that the Attorney Defendants sent them as part of the ramp up to anticipated litigation. There can be no doubt that the Letters are absolutely privileged and cannot form the basis for claims against any of the Defendants. For the foregoing reasons, despite the entry of default, the Court should dismiss the claims against Defendants because the governing Complaints fail to state a claim upon which relief may be granted. Even if the Complaints are deemed admitted, Defamation Plaintiffs cannot recover under any legal theory.

2. Defamation Plaintiffs' Claims Against the Attorney Defendants Are Contrary to South Carolina Law.

In addition to the foregoing, the Court should grant judgment on the pleadings because Defamation Plaintiffs cannot assert claims against the Attorney Defendants—who were not their attorneys. The Letters were sent in the course of the Attorney Defendants' representation of their clients. The Attorney Defendants are immune from these third-party claims for their actions in the representation of their clients.

South Carolina law is clear that “an attorney is immune from liability to third persons arising from the performance of his professional activities as an attorney on behalf of and with the knowledge of his client.” *Gaar v. N. Myrtle Beach Realty Co., Inc.*, 287 S.C. 525, 528-29, 339 S.E.2d 887, 889 (Ct. App. 1986). “[A]n attorney owes no duty to a non-client unless he ‘breaches some independent duty to a third person or acts in his own personal interest, outside the scope of his representation of the client.’” *Argoe v. Three Rivers Behavioral Ctr. & Psychiatric Sols.*, 388 S.C. 394, 400, 697 S.E.2d 551, 554 (2010) (citing *Stiles v. Onorato*, 318 S.C. 297 (1995)). “Even if the attorney who initiates civil proceedings for his client has no probable cause to do so, he is still not liable if he acts primarily for the purpose of aiding his client in obtaining a proper adjudication of the client's claim.” See *Gaar*, 287 S.C. at 529, 339 S.E.2d at 889 (citing Restatement (Second) of Torts, § 674 cmt. d (1975)). As set forth above, the Letters were plainly sent by the Attorney Defendants acting as lawyers for their clients in connection with the anticipated Federal Lawsuits. South Carolina law protects the Attorney Defendants from suit for their actions designed to aid their clients.

Some of the Defamation Plaintiffs admit in their pleadings that all of the Attorney Defendants’ actions were taken in furtherance of the representation of their clients. For example, in the *Rabon* case, Plaintiffs allege:

37. According to the Defamatory Letters, Hulsey, Ballard, Puriefoy, Thomason, and Durand published the false correspondence on behalf of their clients and principals Mayra Michalski, Margaret Ann Miniard and John and Jane Does ##1-14.

38. Upon information and belief, Hulsey, Ballard, Puriefoy, Thomason, and Durand published the Defamatory Letters at the direction and with the authorization of and in furtherance of the purported interests of their principals, Mayra Michalski, Margaret Ann Miniard, and John and Jane Does ##1-14, who will be named later.

58. Upon information and belief, Hulsey, Durand, Thomason, Pureifoy (sic), and Ballard published the Defamatory Letters on behalf of and in furtherance of

the interests of Defendants Mayra Michalski, Margaret Ann Miniard, and John and Jane Does ##1-14 and with their consent.

(See *Rabon* First Am. Compl. ¶¶ 37-38, and 58; *accord Jennings* Am. Compl. ¶¶ 30-31; *Plaxco* Am. Compl. ¶ 65; *Browning* Compl. ¶¶ 60-61).

For the foregoing reasons, Defamation Plaintiffs’ operative Complaints fail to state a claim upon which relief may be granted against the Attorney Defendants.

3. Defamation Plaintiffs’ Claims Against the Client Defendants Do Not Allege That They Engaged in Wrongful Conduct.

In addition, Defamation Plaintiffs’ Complaints against the Client Defendants fail because they do not allege facts of specific conduct by any of the Client Defendants causing them harm. As set forth above, the Letters giving rise to Defamation Plaintiffs’ claims were sent by the Attorney Defendants, not the Client Defendants. There is no allegation that the Client Defendants wrote, signed, or sent the Letters. Defamation Plaintiffs do not allege any facts—aside from highly ambiguous legal conclusions—supporting their claims against the Client Defendants. At most, they vaguely allege that the Client Defendants somehow “authorized” the sending of the Letters. Defamation Plaintiffs do not allege a single fact stating what any of the Client Defendants actually did to harm them in connection with Letters written and sent by others. As set forth in the preceding section, the Attorney Defendants are immune from liability themselves in connection with the Letters. There is no theory under which Defamation Plaintiffs have alleged facts sufficient to support a claim against the Client Defendants.

Defamation Plaintiffs generically allege at times that “Defendants” engaged in certain acts, without specifying what the Client Defendants specifically did. The law is clear that “it is not reasonable to infer liability against each Defendant” based on “repeated general references to ‘Defendants’ in [the] complaint.” *Langford v. Joyner*, 62 F.4th 122, 126 (4th Cir. 2023); *see also Gardner v. Foremost Ins. Co.*, 2010 WL 4608818, at *2 (D.S.C. Nov. 3, 2010) (granting motion to dismiss because “Complaint lumps the defendants together and does not allege any specific

facts to show wrongdoing by the [moving defendant]”). Because the Federal Rules of Civil Procedure and the South Carolina Rule are similar, South Carolina courts “look[] for guidance to cases interpreting the federal rules.” *Maybank v. BB&T Corp.*, 416 S.C. 541, 565 (2016). A legion of federal court precedent across the country makes clear that a plaintiff “cannot assemble some collection of defendants and then make vague, non-specific allegations against all of them as a group.” *SD3, LLC v. Black & Decker (U.S.) Inc.*, 801 F.3d 412, 422 (4th Cir. 2015), *as amended on reh’g in part* (Oct. 29, 2015); *see also, e.g., In re Travel Agent Comm’n Antitrust Litig.*, 583 F.3d 896, 905 (6th Cir. 2009) (rejecting “indeterminate assertions” regarding the undifferentiated conduct of “‘defendants’ or ‘defendants’ executives’”).

In light of the foregoing, Defamation Plaintiffs’ Complaints fail to state claims upon which relief may be granted against the Client Defendants. Therefore, even if the Court does not grant relief from the entry of default, it should still grant the Client Defendants’ motions for judgment on the pleadings, since there is no allegation that the Client Defendants actually did anything specific to cause injury to Defamation Plaintiffs.

MOTION TO STAY

In the alternative, if the Court does not grant Defendants’ Motion for Judgment on the Pleadings, it should enter an order staying this matter until resolution of the Federal Lawsuits. This will serve the interests of justice and protect judicial resources.

"Courts have inherent power to stay proceedings in actions pending before them as part of their power to control their own docket. [Citation omitted.] The granting or refusing of a stay is discretionary and should be exercised with caution after balancing competing interests." *Carolina Water Serv., Inc. v. Lexington Cty. Joint Mun. Water & Sewer Comm'n*, 367 S.C. 141, 153, 625 S.E.2d 227, 233 (Ct. App. 2006), *rev'd on other grds.*, 373 S.C. 96, 644 S.E.2d 681 (2007)) (*citing* 1A C.J.S. Actions § 244 (2004)); *accord Landis v. North Am. Co.*, 299 U.S. 248, 254-55 (1936) (“The power to stay proceedings is incidental to the power inherent in every court to control the

disposition of the causes of its docket with economy of time and effort for itself, for counsel, and for litigants.”). “The authority of the court to grant continuances and to determine the order in which cases shall be heard is derived from its power to hear and decide cases. This adjudicative power of the court carries with it the inherent power to control the order of its business to safeguard the rights of litigants.” *Capital City Ins. Co. v. BP Staff, Inc.*, 382 S.C. 92, 103, 674 S.E.2d 524, 530 (Ct. App. 2009) (quoting *Williams v. Bordon's, Inc.*, 274 S.C. 275, 279, 262 S.E.2d 881, 883 (1980)). For the following reasons, the Court should exercise its discretion and stay this matter pending resolution of the Federal Lawsuits.

As set forth above, it is undisputed that the Letters make statements about Defamation Plaintiffs that ultimately were reduced to litigation in the Federal Lawsuits. The crux of these lawsuits is that Defendants’ Letters made false and defamatory statements about Defamation Plaintiffs. If the Federal Lawsuits resolve in favor of the Defendants herein, Defamation Plaintiffs’ claims of reputational, emotional, or other injury in these actions would be materially diminished. The resolution of the Federal Lawsuits will have an overwhelming impact on Defamation Plaintiffs’ alleged damages. If a jury determines that Defamation Plaintiffs actually violated RICO, then the damage from the Letters, if any, will be *de minimis*. If the Letters are proven to be true in the Federal Lawsuits, Defamation Plaintiffs would not be entitled to damages of the magnitude they apparently seek here. At this point, it is impossible for the Court to determine how the Letters actually injured Defamation Plaintiffs’ reputations without knowing the resolution of the Federal Lawsuits those Letters anticipated. The Court should stay this matter to allow the Federal Lawsuits to play themselves out. See *Maracich v. Spears*, No. 7:09-1651-HMH, 2010 U.S. Dist. LEXIS 5615 (D.S.C. Jan. 25, 2010) (staying case for six months based on court’s finding “that discovery in this case will raise numerous privilege issues with regard to the [other pending] litigation and disclosure of the information while discovery remains ongoing in the [other pending] litigation may prejudice the Defendants in the [other pending] litigation.”).

Defamation Plaintiffs are using these defamation lawsuits—which all stem from the claims asserted in the Federal Lawsuits—to gain a strategic advantage in the Federal Lawsuits. This is truly a case of the “tail wagging the dog.” Defamation Plaintiffs have requested a trial day in these lawsuits on damages for each case. On June 6, 2025, Defamation Plaintiffs served their First Set of Interrogatories to Defendants directed to the attorney Defendants (Hulsey, Ballard, Durand, Thomason, and Puriefoy), attached hereto as Exhibit D, including 53 broad-ranging interrogatories. Defamation Plaintiffs also served their First Request for Production of Documents with 35 broad requests for documents. (See Exhibit E hereto). On June 6, 2025, Defamation Plaintiffs in *Browning* served the following notices of deposition—collectively attached hereto as Exhibit F—on Defendants, with each deposition scheduled on a separate day beginning at 9:00 a.m.:

- **August 4, 2025 9:00 a.m.:** Cherie Durand, Esq.
- **August 5, 2025 9:00 a.m.:** Kimberly Thomason, Esq.
- **August 6, 2025 9:00 a.m.:** Devon Puriefoy, Esq.
- **August 7, 2025 9:00 a.m.:** Desa Ballard, Esq.
- **August 8, 2025 9:00 a.m.:** Personal Representative of the Estate of Paul Hulsey, Esq.
- **August 11, 2025 9:00 a.m.:** Mayra Michalski
- **August 12, 2025 9:00 a.m.:** Luis Michalski
- **August 13, 2025 9:00 a.m.:** Margaret Miniard
- **August 14, 2025 9:00 a.m.:** Stacey Grist

Defamation Plaintiffs’ discovery efforts seek, among other things, to discover information involving the attorney-client relationship between the Attorney Defendants and the Client Defendants that is clearly privileged.

Defamation Plaintiffs seek to take nine days of depositions,⁸ use five days of Court time, and require the disclosure of voluminous information (most of which is protected by privilege), to prove damages from three letters that were only sent to people who were their alleged co-conspirators—most of whom are now co-defendants with them in the Federal Lawsuits. They do so while there is underlying litigation pending in federal court that will, at the very least, substantially impact Defamation Plaintiffs' damages. They seek to put the cart before the horse and obtain an adjudication of damages from the impact of the Letters before the substance and truthfulness of those letters can be tested in the Federal Lawsuits. In light of the foregoing, the Court should exercise its discretion to stay this matter pending resolution of the Federal Lawsuits.

⁸ Notably, Defamation Plaintiffs do not seek to depose any of the *recipients* of the Letters to determine whether those letters, in fact, impacted their opinions of Defamation Plaintiffs.

CONCLUSION

For the foregoing reasons, the Court should grant Defendants' motion for judgment on the pleadings and dismiss Defamation Plaintiffs' complaints with prejudice. In the alternative, the Court should exercise its discretion to stay these cases pending resolution on the Federal Lawsuits.

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Dated: July 10, 2025
Charleston, South Carolina

EXHIBIT B

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	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

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

Joseph M. Plaxco,

Plaintiff,

v.

Paul Hulse, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Margaret Ann Miniard, John & Jane Does ##1-14,

Defendants.

C.A. No. 2024-CP-23-03329

Jennifer L. Browning and Browning Geriatric Consulting, LLC,

Plaintiffs,

v.

Paul Hulse, 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

DEFENDANTS' REPLY TO PLAINTIFFS' MEMORANDUM IN OPPOSITION FOR BIFURCATION AND MEMORANDUM IN OPPOSITION TO MOTION FOR SANCTIONS

Defendants Kimberly Thomason, Devon Puriefoy, and Desa Ballard (“Attorney Defendants”), and Mayra Michalski, Luis Michalski, Margaret Miniard, and Stacey Grist (“Client Defendants”) hereby file this Reply to Plaintiff’s Memorandum in Opposition to Bifurcate the Damages Hearing and Memorandum in Opposition to Plaintiff’s Motion for Sanctions in this matter.

Reply to Plaintiffs' Memorandum in Opposition for Bifurcation

Plaintiffs Memorandum in Opposition to Defendants Motion to Bifurcate misstates both the propositions put forth by Defendants' case law as well as the purpose of bifurcation under Rule 42(b), SCRCF. Contrary to Plaintiffs' contention, bifurcation is not a "waste of resources" in this matter. Rather, it is a procedural safeguard to ensure that privilege remains intact given the continuation of the Federal Lawsuits.¹

I. Plaintiff Misconstrue the Standard for Bifurcation in Bench Trials

Plaintiffs' reliance on the "judge can disregard prejudicial evidence" principle in *State v. Inman*, does not eliminate the Court's Rule 42(b) discretion. The rule makes no distinction between jury and bench trials in its text, it states only that bifurcation may be ordered "to avoid prejudice" or "when separate trials will be conducive to expedition and economy." S.C.R.C.P. 42(b).

While it is true that trial judges are presumed to set aside inadmissible evidence, that presumption does not preclude bifurcation when the evidentiary presentation for punitive damages is likely to involve broader historical conduct going beyond the defamation per se claims at issue, character-based attacks or unrelated litigation history, and, financial condition evidence intended solely to support punitive measures.

Such material, even in a bench trial, risks conflating issues, expanding proceedings, and inviting disputes over admissibility in the midst of the hearing, delays that bifurcation can avoid.

II. Plaintiff's Argument that Bifurcation Waste Resources is Unsupported

Plaintiffs assert that bifurcation will "turn five damages hearings into ten," ignoring that the second phase would occur only if punitive damages are found warranted. If compensatory

¹ Although Plaintiffs have informed the Court that the Federal Lawsuits have been dismissed, it is vital to understand that these Federal Lawsuits were dismissed *without prejudice*. In fact, Plaintiffs Motions to Dismiss with Prejudice were expressly denied.

damages do not justify punitive consideration in a given case, no further proceedings are needed, saving the Court and parties' time.

Moreover, separating the phases ensures the compensatory record is established cleanly before moving to punitive issues, reducing evidentiary disputes and preserving judicial economy in post-trial motions or appellate review.

III. Allegations of Misstated Case Holdings

Plaintiffs argue the cited authorities are “misapplied” because they were not decided on bifurcation grounds. However, this was not the intent behind the cite to such authority. The purpose of those citations was to illustrate that default is related to liability only and not to damages. Additionally, it was to demonstrate the Court’s broad discretion and policy considerations behind separate phases, not to claim direct factual analogy. Rule 42(b), SCRCP allows for bifurcation in circumstances with certain procedural steps, and the discretion remains firmly in this Court’s hands.

IV. Bifurcation will Prevent Scope Creep and Ensure Evidence is Presented in its Proper Context

Plaintiff’s Opposition confirms the risk Defendants have been focused on since discovery began in this case. Plaintiff’s intend to introduce evidence of alleged “continuous abuse of process,” “improper solicitation,” and unrelated probate matters under the guise of punitive damages proof. Such topics are not necessary to quantify actual damages for defamation per se and related torts, but would inevitably consume substantial hearing time and invite contested objections.

By bifurcating the court divides this matter into:

- a) Phase One addresses compensatory damages with only directly relevant evidence;

- b) Phase Two (if applicable) addresses punitive damages, allowing full but controlled presentation of financial, intent, and deterrence evidence.

This structure narrows the disputes in each phase, reduces the burden on witnesses, and protects the record.

Conclusion

Plaintiffs have not shown how bifurcation would prejudice them. They rely on a blanket assertion that “bench trials can handle it,” ignoring that Rule 42(b) expressly empowers the Court to act in the interests of fairness and efficiency regardless of trial type. Defendants respectfully renew their request that the Court **grant the Motion to Bifurcate** so that compensatory and punitive damages are heard in separate, orderly phases.

Memorandum in Opposition to Plaintiffs’ Motion for Sanctions

Plaintiff’s Motion for Sanctions grossly mischaracterizes the August 5, 6, and 8, 2025 depositions and fails to meet the standard under Rule 37, SCRCP, for fee-shifting or sanctions. The motion is premised on selective excerpts, ignores the applicable rules governing privilege and work product, and omits that defense counsel consistently acted in good faith to comply with the South Carolina Rules of Civil Procedure.

The relief Plaintiffs seek, attorney’s fees without any attempt at remediation, is unwarranted, unsupported by the record, and contrary to the spirit of Rule 37, which is to compel discovery where appropriate, not to punish witnesses for making legitimate privilege assertions.

I. Legal Standard Under Rule 37

Sanctions under Rule 37 require a showing that: (1) The discovery sought was within the permissible scope of Rule 26(b); (2) The responding party failed to obey a discovery order or engaged in willful noncompliance; and (3) Lesser remedies would be inadequate. Plaintiffs have

not demonstrated any of these elements. They have not obtained an order compelling the specific testimony at issue, and they have not shown that the refusals were anything other than good-faith assertions of recognized privileges.

II. Questions at Issue Were Subject to Legitimate Privilege and Work Product Objections

The testimony Plaintiffs complain about was withheld under well-established protections:

- a) **Attorney-Client Privilege** – The attorney-client privilege has long been recognized in this State and protects against disclosure of confidential communications by a client to his attorney regarding a legal matter. *Tobaccoville USA, Inc. v. McMaster*, 387 S.C. at 293, 692 S.E.2d at 529; *State v. Doster*, 276 S.C. 647, 650, 284 S.E.2d 218, 219 (1981). Such privilege is based on a "wise public policy" that determines the best interest of society is served by "inviting the utmost confidence on the part of the client in disclosing his secrets to his professional advisor, under the pledge of the law that such confidence shall not be abused by permitting disclosure of such communications." S.C. State Hwy Dep't v. *Booker*, 260 S.C. at 254, 195 S.E.2d at 619-20; *see also Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 108, 130 S. Ct. 599, 175 L. Ed. 2d 458 (2009) ("By assuring confidentiality, the privilege encourages clients to make 'full and frank' disclosures to their attorneys, who are then better able to provide candid advice and effective representation." (citation omitted)); *Hartsock v. Goodyear Dunlop Tires N. Am. Ltd.*, 422 S.C. 643, 647 n.1, 813 S.E.2d 696, 699 n.1 (2018) (describing the privilege as "rooted in the imperative need for confidence and trust" (quoting *Jaffee v. Redmond*, 518 U.S. 1, 10, 116 S. Ct. 1923, 135 L. Ed. 2d 337 (1996))). South Carolina courts strictly construe the **attorney-client privilege**. *Doster*, 276 S.C. at 651, 284 S.E.2d at 219.

- b) **Attorney Work Product Doctrine** – Under Rule 26(b)(3), SCRCP, “mental impressions, conclusions, opinions, or legal theories of an attorney” are protected from disclosure. The attorney work product doctrine protects from discovery documents prepared in anticipation of litigation, unless a substantial need can be shown by the requesting party. *See* Rule 26(b)(3), SCRCP; *Hickman v. Taylor*, 329 U.S. 495, 67 S.Ct. 385, 91 L.Ed. 451 (1947). Plaintiffs’ questions went to exactly those topics. In determining whether a document has been prepared “in anticipation of litigation,” most courts look to whether or not the document was prepared because of the prospect of litigation. *See Nat’l Union Fire Ins. Co. of Pittsburgh, Pa. v. Murray Sheet Metal Co., Inc.*, 967 F.2d 980, 984 (4th Cir. 1992) (document “must be prepared because of the prospect of litigation when the preparer faces an actual claim or a potential claim,” as contrasted to “materials prepared in the ordinary course of business or pursuant to regulatory requirements or for other non-litigation purposes.”); *In re Grand Jury Subpoena*, 357 F.3d 900, 907 (9th Cir. 2004) (document “should be deemed ‘in anticipation of litigation’ . . . if . . . [it] can be fairly said to have been prepared or obtained because of the prospect of litigation.” (citation omitted)); *In re Kaiser Aluminum & Chemical Co.*, 214 F.3d 586, 593 (5th Cir. 2000)(primary motivation behind creating the document must be to aid in possible future litigation).

As demonstrated in Plaintiff’s Motion for Sanction and Response in Opposition to Motion for Protection and Motion for Bifurcation, Plaintiff’s questions frequently sought communications between the attorney defendants and their clients, in addition to matters concerning litigation strategy, mental impressions, and legal advice, including the preparation of the May 17, 2024 letters. Such communications are squarely protected.

Rule 30(j), SCRCP, does not require a witness to disclose privileged or protected information merely because the examining counsel demands it. The proper course, followed here, was to state the basis for the objection and decline to answer.

III. Plaintiffs Omit Critical Context Regarding Deposition Conduct

Plaintiffs' motion presents an incomplete narrative and misrepresents to the court Attorney Defendants refusal to answer questions on the sole basis that they were asserting privilege or they simply did not care for the response given. In multiple instances, the Attorney Defendants did answer factual questions where privilege was not implicated. In the event that did not happen, objections were raised either by Counsel or by Attorney Defendants themselves on behalf of their Clients in other cases, and such objections were supported by specific privilege or work product grounds, not generalized refusals.

In other instances, Plaintiff's counsel frequently framed questions so broadly that answering would necessarily reveal privileged strategy, client communications, or mental impressions. The rules do not compel a witness to parse a compound or overly broad question to avoid inadvertently waiving privilege.

IV. Plaintiffs Failed to Pursue a Motion to Compel Before Seeking Sanctions

Rule 37 sanctions are not a first-step remedy. The proper process is to (1) Confer in good faith to resolve disputes; (2) Seek an order compelling the discovery; (3) only upon willful violation of such an order, move for sanctions. Here, Plaintiffs blatantly ignore Defendants already pending Motion for Protection filed July 30, 2025 where all the same objections and privilege issues raised during the aforementioned depositions were thoroughly presented to the Court to be ruled upon. Plaintiffs decided on their own to proceed forward with the depositions, even with the pending motions. Defendants are confused that Plaintiff are now requesting sanctions when Defendants raised the same objections that were presented in the July 30th Motion for Protection, the July 25,

2025 Discovery Responses, Defendants Counsel's July 25, 2025 Email correspondence, and again in a July 28, 2025 Email correspondence from Defendants' Counsel. Plaintiff's Counsel have no reason to be shocked or appalled at the same objections that they were made aware of on four separate occasions prior to the depositions. Sanction are unwarranted.

Plaintiffs never sought nor obtained an order compelling the specific testimony they now claim was wrongfully withheld. Without a prior order, sanctions are premature as a matter of law.

V. Plaintiffs' Request for Fees is Unjustified

Even if the Court found some testimony should have been given, the remedy would be to compel that testimony, not to award fees outright. However, Plaintiff's own motion concedes they do not seek to reconvene the depositions, undermining any claim of necessity. Plaintiff's refusal to seek further testimony confirms that this motion is punitive, not remedial. Awarding fees in these circumstances would discourage legitimate assertion of privilege and chill the zealous representation of clients.

Conclusion

Plaintiff's Motion for Sanctions should be denied in its entirety. The testimony at issue was withheld under good-faith privilege and work product assertions, Plaintiffs bypassed the motion-to-compel process, and no willful violation of a court order occurred. The Court should decline to impose any fees or sanctions.

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Counsel for Defendants

Dated: August 12, 2025
Greenville, South Carolina

EXHIBIT C



Greenville County 13th Judicial Circuit Public Index



[Greenville County Home Page](#) [South Carolina Judicial Department Home Page](#)

Switch View

Jennifer L Browning , plaintiff, et al vs. Paul Hulse , defendant, et al

Case Number:	2024CP2303730	Court Agency:	Greenville County Common Pleas	Filed Date:	06/17/2024
Case Type:	Common Pleas	Case Sub Type:	Slander/Libel 380	File Type:	Jury
Status:	Judgment	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Default Uncontested	Disposition Date:	03/12/2026	Disposition Judge:	Griffith, Eugene C. Jr.
Original Source Doc:		Original Case #:			
Judgment Number:	2024CP2303730	Court Roster:			

Case Parties

Judgments

Tax Map Information

Associated Cases

Actions

Financials

Click the  icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Alphin, John R.					Defendant Attorney		08/13/2025
 Ashmore, Beattie B.					Plaintiff Attorney		06/18/2024
 Ballard, Desa					Defendant		03/24/2026
 Browning, Jennifer L					Plaintiff		09/16/2026
 Browning Geriatric Consulting LLC					Plaintiff		03/12/2026
 Carroll, Jessica					Defendant Attorney		06/27/2024
 Cooke, M. Dawes Jr.					Defendant Attorney		04/17/2025
 Crapps, Jordan Michael					Plaintiff Attorney		08/06/2026
Durand, Cherie(Inactive)					Defendant		03/12/2026
 Fletcher, John William					Defendant Attorney		02/02/2026
 Grist, Stacey					Defendant		06/30/2026
Major, Christopher B.					Defendant Attorney		06/19/2026
McLean, Arthur Frazier III					Defendant Attorney		06/19/2026
Harrison, Whitney Boykin(Inactive)					Defendant Attorney		02/02/2026
 Hubbard, Haley Alyse					Defendant Attorney		07/15/2024
Hubbard, Haley Alyse(Inactive)					Defendant Attorney		02/02/2026
Hulse , Paul(Inactive)					Defendant		03/12/2026
Jane Does 1-14(Inactive)					Defendant		03/12/2026
John Does 1-14(Inactive)					Defendant		03/12/2026

☒ Lay, John Thomas Jr.				Plaintiff Attorney	08/06/2026
☒ Major, Christopher B.				Defendant Attorney	06/19/2026
☒ Massingill, Carter R.				Plaintiff Attorney	08/06/2026
☒ McLean, Arthur Frazier III				Defendant Attorney	06/19/2026
☒ Michalski, Luis				Defendant	03/12/2026
☒ Michalski, Mayra				Defendant	03/12/2026
☒ Miniard, Margaret				Defendant	09/09/2026
☒ Powers, William Duffie				Plaintiff Attorney	08/06/2026
☒ Price, AnneElizabeth Goodgame				Plaintiff Attorney	08/06/2026
☒ Puriefoy, Devon				Defendant	03/12/2026
☒ Thomason, Kimberly				Defendant	03/12/2026

EXHIBIT D



Greenville County 13th Judicial Circuit Public Index



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Switch View

Clayton L Jennings vs. Paul Hulse , defendant, et al

Case Number:	2024CP2303271	Court Agency:	Greenville County Common Pleas	Filed Date:	05/24/2024
Case Type:	Common Pleas	Case Sub Type:	Slander/Libel 380	File Type:	Jury
Status:	Judgment	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Default Uncontested	Disposition Date:	03/12/2026	Disposition Judge:	Griffith, Eugene C. Jr.
Original Source Doc:		Original Case #:			
Judgment Number:	2024CP2303271	Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Click the  icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Alphin, John R.(Inactive)					Defendant Attorney		07/02/2026
 Ballard, Desa					Defendant		03/24/2026
 Carroll, Jessica					Defendant Attorney		06/21/2024
 Conits, Ioannis (Ian) George					Plaintiff Attorney		06/27/2024
 Cooke, M. Dawes Jr.					Defendant Attorney		04/17/2025
 Crapps, Jordan Michael					Plaintiff Attorney		08/07/2026
Durand, Cherie(Inactive)					Defendant		03/12/2026
 Fletcher, John William					Defendant Attorney		02/02/2026
 Grist, Stacey					Defendant		06/29/2026
Major, Christopher B.					Defendant Attorney		06/19/2026
McLean, Arthur Frazier III					Defendant Attorney		06/19/2026
Harrison, Whitney Boykin					Defendant Attorney		01/05/2026
 Hubbard, Haley Alyse					Defendant Attorney		06/21/2024
Hulse , Paul(Inactive)					Defendant		03/12/2026
Jane Does ##1-14(Inactive)					Defendant		03/12/2026
Jane Does 1-14(Inactive)					Defendant		03/12/2026
 Jennings, Clayton L.					Plaintiff Attorney		05/24/2024
 Jennings, Clayton L					Plaintiff		03/24/2026
John Does ##1-14(Inactive)					Defendant		03/12/2026

John Does 1-14 (Inactive)					Defendant		03/12/2026
☒ Lay, John Thomas Jr.					Plaintiff Attorney		06/27/2024
☒ Major, Christopher B.					Defendant Attorney		06/19/2026
☒ Massingill, Carter R.					Plaintiff Attorney		06/27/2024
☒ McLean, Arthur Frazier III					Defendant Attorney		06/19/2026
☒ Miniard, Margaret					Defendant		09/09/2026
☒ Powers, William Duffie					Plaintiff Attorney		08/07/2026
☒ Price, AnneElizabeth Goodgame					Plaintiff Attorney		08/07/2026
☒ Puriefoy, Devon					Defendant		04/23/2026
☒ Thomason, Kimberly					Defendant		03/12/2026

EXHIBIT E

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT

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
Clayton Jennings, Plaintiff, v. Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, Margaret Ann Miniard, John & Jane Does ##1-14, Defendants.	C.A. No. 2024-CP-23-03271

**DEFENDANT STACEY GRIST'S COMMENTS UPON PLAINTIFFS' PROPOSED
ORDERS**

NOW COME Defendant Stacey Grist (collectively "Grist"), by and through her undersigned counsel, and file the following Comments Upon Plaintiffs' Proposed Orders. While Grist has retained separate counsel to represent her in these matters, the objections stated by counsel for the other remaining Defendants Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Luis Michalski, and Margaret Miniard (the "Other Defendants") apply with equal force to her. In the interest of judicial economy, Grist will not repeat those objections, which are adopted and incorporated by reference as if restated herein.

Instead, Grist submits this separate objection to note that Grist is not an attorney and relied completely upon her counsel in this action as to what claims were justified by the underlying facts regarding her father's care. As noted in the Proposed Order in *Browning*, the "Defamatory Letters...fail to identify the clients on behalf of whom the correspondence was transmitted." Grist did not participate in drafting any of the letters at issue and did not review the letters before they were transmitted to anyone. Grist was not asked to approve or consult on any recipients of the letters. The proposed Order does not identify any culpable conduct by Grist and instead focuses on the conduct of the same counsel that Grist relied upon for their professional judgment.

In this lawsuit, Grist again relied entirely upon her counsel as to what pleadings were required and at what stage of the litigation. The entry of default was the result of her counsel's analysis of the effect of the Court's rulings on the motions to dismiss. As noted on Page 5 of the Objections filed by the Other Defendants, her former counsel stand by their that judgment as to when an answer was required. Grist relied upon their advice and counsel, and Grist would ask the Court to reconsider its rulings as to her to the extent that the Court finds that her counsel's decisions were incorrect or inconsistent with the Rules of Civil Procedure. Grist would ask for an opportunity to present her defenses on the merits to the allegations of defamation against her, especially in light of her status as a non-lawyer who did not make any of the allegedly defamatory statements.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

s/ Christopher B. Major

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Dated: June 19, 2026

Greenville, South Carolina

EXHIBIT F

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

Appellate Case No. 2026-001818

C.A. No.: 2024-CP-23-03730

Jennifer L. Browning..... Respondent,

v.

Paul Hulse, 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.

SECOND AMENDED 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 and entering default judgment), March 12, 2026 (final order assessing damages), July 15, 2026 (ruling on the post-trial motions) July 15, 2026 (denying motion for judgment as a matter of law) September 11, 2026 (Order correcting July 15, 2026 Orders denying post trial Motions), and

September 11, 2026 (Order granting Defendants' Rule 60(a) motion to correct July 15, 2026 Orders denying motions for judgment as a matter of law). Copies of the orders are attached to this notice.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

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September 16, 2026

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*Attorney for Plaintiffs/Respondents Jennifer L.
Browning and Browning Geriatric Consulting, LLC*

EXHIBIT G

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

Appellate Case No. 2026-001819

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 theAppellant.

SECOND AMENDED 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), July 15, 2026 (denying motion for judgment as a matter of law), September 11, 2026 (Order correcting July 15, 2026 orders denying port trial motions), and September 11, 2026

(Order granting Defendants' Rule 60(a) motion to correct July 15, 2026, orders denying motions for judgment as a matter of law). Copies of the orders are attached to this notice.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

s/ Christopher B. Major

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September 18, 2026

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Attorney for Plaintiffs/Respondent Clayton L. Jennings

RECEIVED

Sep 18 2026

SC Court of Appeals

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

Appellate Case No. 2026-001819

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

Clayton Jennings.....Respondent,

v.

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

Of whom Stacey Grist is theAppellant.

PROOF OF SERVICE OF SECOND AMENDED NOTICE OF APPEAL

I certify that I have served the Amended Notice of Appeal of Appellant Stacy Grist on the above-referenced parties by email in accordance with the South Carolina Supreme Court's Order re: Methods of Electronic Filing and Service under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024) (Appellate Case No. 2020-000447), on September 18, 2026 addressed to their attorneys of record:

ELECTRONICALLY FILED - 2026 Sep 17 11:43 PM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303271

GALLIVAN, WHITE, & BOYD, P.A.

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HAYNSWORTH SINKLER BOYD, P.A.

s/ Christopher B. Major

September 18, 2026

Sep 18 2026

SC Court of Appeals

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September 18, 2026

VIA EMAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

Re: *Clayton Jennings v. Paul Hulse, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Miniard, and John and Jane Does 1-14, & Stacey Grist*
Case No. 2024-CP-23-03271; Appellate Case No. 2026-001819
HSB No. 45890.0002

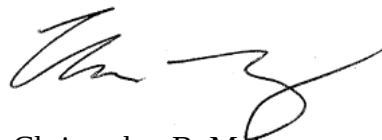
Dear Ms. Kitchings:

This firm represents the Appellant Stacey Grist in the above matter. Enclosed for filing, please find a *Second Amended Notice of Appeal* together with our *Proof of Service* for the same. I have also enclosed a copy of the e-filed Second Amended Notice of Appeal which was filed today with the Greenville County Clerk of Court.

If you have any questions, please give me a call. Thank you for your assistance in this matter.

Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.



Christopher B. Major

CBM:vi
Enclosures

Cc: Jordan Michael Crapps (jcrapps@gwblawfirm.com)
John Thomas Lay, Jr. (jlay@gwblawfirm.com)

The Honorable Jenny Abbott Kitchings
September 18, 2026
Page 2

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EXHIBIT H

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
COUNTY OF GREENVILLE) 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

RECEIVED
Sep 17 2026
SC Court of Appeals

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

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

ORDER GRANTING DEFENDANTS' RULE 60(a)
MOTION TO CORRECT JULY 15, 2026 ORDERS
DENYING MOTIONS FOR JUDGMENT AS A MATTER OF LAW

On August 4, 2026, all remaining Defendants (except for Stacey Grist, who is represented by separate counsel) filed a Rule 60(a) Motion to Correct July 15, 2026 Orders Denying Motions for Judgment as a Matter of Law. Specifically, Defendants asked the Court to correct its July 15, 2026 Orders Denying Motion for Judgment as a Matter of Law ("JMOL Orders") to accurately reflect the identity of all of the Defendants who moved for judgment as a matter of law. Plaintiffs have indicated that they do not object to the granting of this relief.

Currently, the JMOL Orders all state that: "This matter came before the Court on Defendants Kimberly Thomason, Devon Puriefoy, and Desa Ballard's (collectively 'Defendants') Motion for Judgment as a Matter of Law." It is hereby ORDERED, ADJUDGED, and DECREED that the July 15, 2026 Orders Denying Defendants' Motions for Judgment as a Matter of Law are corrected to insert the following to replace the current first paragraph of each such Order:

- **Roland O’Neil Rabon, Jr., Esq. (2024-CP-23-03236)**: "This matter came before the Court on Defendants’ Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, and Margaret Miniard (collectively “Defendants”) Motion for Judgment as a Matter of Law (“JMOL Motion”) in the above-captioned matter."
- **Clayton L. Jennings, Esq. (2024-CP-23-03271)**: "This matter came before the Court on Defendants’ Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, and Margaret Miniard (collectively “Defendants”) Motion for Judgment as a Matter of Law (“JMOL Motion”) in the above-captioned matter."
- **Joseph M. Plaxco (2024-CP-23-03329)**: "This matter came before the Court on Defendants’ Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, and Luis Michalski (collectively “Defendants”) Motion for Judgment as a Matter of Law (“JMOL Motion”) in the above-captioned matter."
- **Jennifer Browning and Browning Geriatric Consulting, LLC (2024-CP-23-03730)**: "This matter came before the Court on Defendants’ Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Luis Michalski, Margaret Miniard, and Stacey Grist (collectively “Defendants”) Motion for Judgment as a Matter of Law (“JMOL Motion”) in the above-captioned matter."

The July 15, 2026 Order Denying Defendants' Motion for Judgment As a Matter of Law in *Fred W. “Trey” Suggs, Esq. v. Paul Hulsey, et al.* (2024-CP-23-03258) is already accurate. That order shall not be affected by this Order.

IT IS SO ORDERED!

[JUDGE'S ELECTRONIC SIGNATURE PAGE TO FOLLOW]



Greenville Common Pleas

Case Caption: Jennifer L Browning , plaintiff, et al vs. Paul Hulsey , defendant, et al
Case Number: 2024CP2303730
Type: Order/Other

It is so ordered

Eugene C. Griffith, Jr. 2154

Electronically signed on 2026-09-11 10:25:29 page 4 of 4

EXHIBIT I

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
	)	
Jennifer L. Browning and	)	
Browning Geriatric Consulting, LLC,	)	
	)	Case No. 2024-CP-23-_____
Plaintiffs,	)	
	)	
v.	)	COMPLAINT
	)	(JURY TRIAL DEMANDED)
Paul Hulsey, Cherie Durand, Kimberly	)	
Thomason, Devon Puriefoy, Desa Ballard,	)	
Mayra Michalski, Luis Michalski, Margaret	)	
Miniard, Stacey Grist, and John and Jane	)	
Does 1-14,	)	
	)	
Defendants.	)	

NOW COME the plaintiffs, Jennifer L. Browning and Browning Geriatric Consulting, LLC, by and through their undersigned attorney, complain of defendants Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Luis Michalski, Margaret Miniard, Stacey Grist, and John and Jane Does 1-14 (collectively “the defendants”), and allege as follows:

INTRODUCTION

1. The defendants have been intentionally and willfully targeting the plaintiffs, authorizing and publishing Defamatory Letters, abusing process, inflicting emotional distress, interfering with their business and prospective business, and causing the plaintiffs significant injuries and damages.

2. Defendants Kimberly Thomason and Devon Puriefoy have initiated three (3) lawsuits against the plaintiffs, have demanded an erroneous accounting in two (2) cases, and now

they, along with the other defendants, have threatened the plaintiffs with three (3) additional lawsuits.

3. The defendants jointly prepared, signed, transmitted, published, and/or otherwise authorized written correspondence to at least thirty-six (36) individuals and entities, (“Defamatory Letters”) falsely accusing the plaintiffs, along with practicing South Carolina attorneys and other individuals and companies, of being engaged in various acts which are violations of Racketeer Influenced and Corrupt Organizations Act (“RICO”) and engaging in serial felonious acts. They also falsely assert that the plaintiffs have engaged in various acts that constitute perjury, disgorgement of ill-gotten gains, wrongful death, fraud, conspiracy, attorneys’ fees and costs, estoppel, conversion, unjust enrichment, unclean hands, and fraudulent inducement.

PARTIES

4. The plaintiffs reiterate and incorporate all prior paragraphs as though set forth herein verbatim.

5. Plaintiff Jennifer L. Browning (“Ms. Browning”) is a natural person residing in Greenville County, South Carolina.

6. Plaintiff Browning Geriatric Consulting, LLC (“Browning Geriatric Consulting”) is a domestic limited liability company with its principal place of business in Greenville County, South Carolina.

7. Defendant Paul Hulsey (“Hulsey”) is a resident and citizen of Charleston County, South Carolina.

8. Defendant Cherie Durand (“Durand”) is a resident and citizen of Charleston County, South Carolina.

9. Defendant Kimberly Thomason (“Thomason”) is a resident and citizen of Greenville County, South Carolina.

10. Defendant Devon Puriefoy (“Puriefoy”) is a resident and citizen of Greenville County, South Carolina.

11. Defendant Desa Ballard (“Ballard”) is a resident and citizen of Lexington County, South Carolina, and practices law out of her Lexington County law office. Upon information and belief, Ballard also maintains a residence in Savannah, Georgia.

12. Husley, Durand, Thomason, Puriefoy, and Ballard are collectively referred to as “the defendant-attorneys.”

13. Defendant Mayra Michalski is a resident and citizen of Greenville County, South Carolina.

14. Defendant Luis Michalski is a resident and citizen of Horry County, South Carolina.

15. Defendant Margaret Miniard (“Miniard”) is a resident and citizen of Laurens County, South Carolina.

16. Defendant Stacey Grist (“Grist”) is a citizen and resident of Greenville County, South Carolina.

17. Defendants John and Jane Does 1-14 are other individuals or entities, referenced in the Defamatory Letters, who Hulseley, Durand, Thomason, Puriefoy, and Ballard claim to represent, and on whose behalf the Defamatory Letters were sent pursuant to their presumptive authorization of the same. To the extent such clients actually exist, which is presently unknown but will be learned in discovery, the instant Complaint will be amended to join them as parties in this action.

JURISDICTION AND VENUE

18. The plaintiffs reiterate and incorporate all prior paragraphs as though set forth herein verbatim.

19. This Court has jurisdiction to hear this action pursuant to S.C. Code Ann. § 14-1-80 and Article V, § 11 of the South Carolina Constitution.

20. Venue is proper in this Court pursuant to S.C. Code Ann. § 15-7-30 because, at the time the action arose, multiple defendants resided in Greenville County, South Carolina. The most substantial part of the acts and omissions giving rise to the dispute between the parties occurred in Greenville County, South Carolina. The harm and damages incurred by the plaintiffs were predominantly sustained by them in Greenville County, South Carolina.

FACTUAL BACKGROUND

21. The plaintiffs reiterate and incorporate all prior paragraphs as though set forth herein verbatim.

22. For over 25 years, Ms. Browning has been licensed by the State of South Carolina as an Independent Social Worker – Clinical Practice.

23. Ms. Browning owns and operates Browning Geriatric Consulting, located in Greenville, South Carolina. Browning Geriatric Consulting is a full-service consulting firm dedicated to designing customized solutions and producing positive results for senior citizens residing in the Upstate and their families. These services include guardians and guardians ad litem in probate cases, home care management, assessments, Medicaid consulting, professional consulting services, and mental health services.

24. Currently, there are only three individuals who serve as professional guardians for probate courts in the Upstate. Ms. Browning is one of those three.

25. Of those three individuals, only two individuals have clinical backgrounds. One of those two individuals is Ms. Browning.

26. Probate judges in the Upstate of South Carolina typically appoint Ms. Browning, or the other individual with a clinical background, in complicated cases.

27. The plaintiffs have earned the reputation of being skilled and ethical, which is a critical component to their practice and livelihood.

28. The defendants have relentlessly targeted the plaintiffs. They have wrongfully used the legal process and threats of the legal process for their own benefit. This conduct has been continuing and ongoing.

29. The defendants have continuously abused process for ulterior purposes, including their own pecuniary gain.

30. For example, in 2019, Thomason and Puriefoy filed a complaint against the plaintiffs, Greenville County Court of Common Pleas, Case No. 2019-CP-23-05912.

31. This complaint was filled with outlandish claims and falsehoods, and the Court clearly lacked subject matter jurisdiction.

32. The plaintiffs, through counsel, defended themselves against this wrongfully brought action. This took significant time and resources of the plaintiffs.

33. The plaintiffs, through counsel, brought a motion to dismiss for lack of subject matter jurisdiction.

34. In 2020, Thomason and Puriefoy agreed that the Common Pleas Court lacked subject matter jurisdiction and consented to dismissal of the case.

35. Unbeknownst to the plaintiffs at the time, this was only the beginning of the defendants' misuse of the legal system for their own ulterior purposes.

36. In 2021, defendant Miniard brought an action in Probate Court against Browning Geriatric Consulting concerning her mother, Geraldine Schnabel. (Laurens County Probate Case No. 2021-GC-30-0001). Attorney Clayton Jennings represented Browning Geriatric Consulting in this case. Within two months of the initial filing of the action, Browning Geriatric Consulting was dismissed with prejudice.

37. The case has morphed into numerous claims in Greenville and Laurens Courts of Common Pleas. *See* 2023-CP-30-00227 (Common Pleas); 2023-CP-23-00451 (Common Pleas); 2022-CP-30-00996 (Common Pleas, transferred to Greenville County under Case No. 2023-CP-23-000451); 2021-GC-30-0001 (erroneously 2021-ES-30-0001) (Probate); 2021-GC-30-00015 (Probate); 2021-GC-30-00016 (Probate).

38. As the Court found, “[i]n all of these cases, Ms. Miniard is represented by the same counsel.” Order Granting Motion to Quash Out-of-County Subpoena or, In the Alternative, For a Protective Order, Case No. 2023-CP-23-04155, p. 4. That counsel is Puriefoy and Thomason, with, upon information and belief, the help of the other defendant-attorneys.

39. The parties and attorneys in these lawsuits include many of the same persons and entities that are listed in the Defamatory Letters. The defendants are using these lawsuits, and process issued therefrom, for ulterior purposes.

40. For example, as referenced above, the defendant-attorneys caused a procedurally defective subpoena to issue to Attorney Dan Collins, who was forced to bring an action for protection.

41. The defendant-attorneys stated their intentions to issue two separate deposition subpoenas to be issued to Attorney Collins, which the Court prohibited. *See* Order Granting

Motion to Quash Out-of-County Subpoena or, In the Alternative, For a Protective Order, Case No. 2023-CP-23-04155.

42. The issuance of the subpoena was not proper in the regular conduct of the proceedings.

43. The defendants used the proceedings to target and harass the plaintiffs directly and/or indirectly through attorneys and those with whom the plaintiffs have a business relationship.

44. For example, the defendants have falsely accused the plaintiffs of engaging in a RICO conspiracy with Attorney Collins, who was subject to the defective subpoena.

45. By way of further example, the defendants have falsely accused the plaintiffs of engaging in a RICO conspiracy with Attorney Jennings, who was the plaintiffs' attorney in the 2021 Miniard case.

46. Upon information and belief, the defendants issued the defective subpoena and are pursuing the Miniard cases for ulterior purposes, including, but not limited to, threatening and intimidating the plaintiffs, intentionally causing emotional distress, and attempting to gain evidence in their purported RICO action.

47. Again in 2022, the plaintiffs were subject to another lawsuit brought by Thomason and Puriefoy, with, upon information and belief, was with the knowledge, help, and authorization of the other defendants.

48. Thomason and Puriefoy, with, upon information and belief, the knowledge, help, and authorization of the other defendants, filed a complaint on behalf of their clients against Ms. Browning, Browning Geriatric Consulting, and others, Greenville County Court of Common

Pleas, Case No. 2022-CP-23-04055. The litigation pertains to Ms. Browning's provision of guardian ad litem services to Grist, who is also the subject of one of the Defamatory Letters.

49. On April 30, 2024, Thomason emailed the plaintiffs' attorney in the Grist case, Attorney Fred W. "Trey" Suggs III, regarding the completely unrelated matter of Mayra Michalski, who is also the subject of one of the Defamatory Letters.

50. The defendants have falsely accused the plaintiffs of engaging in a RICO conspiracy with Attorney Suggs.

51. Ms. Browning was the court appointment temporary guardian of adult siblings Mayra Michalski and Luis Michalski. Upon information and belief, Mayra Michalski and Luis Michalski did not initiate contact with the attorney-defendants for legal services.

52. Upon information and belief, the attorney-defendants have been reviewing the probate files in which the plaintiffs previously served or currently serves as guardian or guardian ad litem. They have been contacting those individuals for whom the plaintiffs served or is currently serving in an effort to create and solicit additional litigation against the plaintiffs.

53. On or about April 22, 2024, a paralegal at Thomason and Puriefoy's law firm authored, signed, and mailed a letter to the plaintiffs. In the letter, the paralegal demanded that the plaintiffs provide an accounting in two cases involving Mayra Michalski (2016-23-00125 and 2016-23-00147). Upon information and belief, the paralegal was acting at the direction and/or with the authorization of the defendants.

54. The defendants' demand for an accounting is completely improper. It was done to intimidate the plaintiffs, harass them, inflict them with harm, abuse process, and attempt to gain purported evidence to support a RICO case.

55. The plaintiffs were again forced to retain legal counsel and expend time and effort to dispute the defendants' outlandish demand.

56. In Thomason's April 30, 2024 email to the plaintiffs' attorney Trey Suggs, Thomason contended that Ms. Browning has committed fraud and "possibly" violated federal statutes through her involvement with Mayra Michalski. Thomason threatened legal action, stating, "We are currently in the process of pursuing this action to the fullest extent allowed by law, including making the fraud known to the court and seeking to void the fraudulently induced settlement agreement and release" and "... we intend to take all action necessary to try to offset some of the damage suffered by Mayra and Luis at the hands of Ms. Browning and the co-conspirators, although nothing can undo the emotional damage caused by those who used the court as an artifice to accomplish an unlawful and unholy, if I might interject, goal to protect Bon Secours Hospital." Exhibit A, Thomason's April 30, 2024 email.

57. Thomason's April 30, 2024 email references the 2016 death of Mayra Michalski and Luis Michalski's mother during a medical procedure. In 2017, Attorney Joseph Plaxco filed a medical malpractice action against Bon Secours on behalf of their mother's estate. The case settled, and in 2020, the Court approved the settlement.

58. The defendants have falsely accused the plaintiffs of engaging in a RICO conspiracy with Attorney Plaxco.

59. May 1, 2024, Ms. Browning sat for a discovery deposition in the Grist case. During this deposition Thomason asked Ms. Browning about Michalski matter. Ms. Browning was instructed not to answer, as the Michalski matter was unrelated to the issues in the Grist case, and Thomason had threatened litigation the day before. Thomason's questions were presented in an effort to intimidate and harass Ms. Browning, intentionally cause her emotional

distress, use legal process and proceedings to gain alleged evidence in an attempt to support the defendants' forthcoming Defamatory Letters and the threatening of three new lawsuits as stated within the Defamatory Letters.

60. According to the Defamatory Letters, Hulsey, Durand, Thomason, Puriefoy, and Ballard published the Defamatory Letters on behalf of their clients, Mayra Michalski, Luis Michalski, Margaret Miniard, and Stacey Grist, as well as John and Jane Does 1-14.

61. Upon information and belief, Hulsey, Durand, Thomason, Puriefoy, and Ballard published the Defamatory Letters at the direction and with the authorization of and in furtherance of the purported interests of their clients, Mayra Michalski, Luis Michalski, Margaret Miniard, and Stacey Grist, as well as John and Jane Does 1-14.

62. The publication of the Defamatory Letters by the defendants was intentional.

63. The Defamatory Letters falsely accuse the plaintiffs of engaging in a "Sham Probate Enterprise" consisting of a "pattern of racketeering activity," among other things.

64. The Defamatory Letters falsely accuse the plaintiffs of engaging in "multiple, repeated, and continuous" acts of mail fraud, wire fraud, and extortion.

65. The Defamatory Letters state that in addition to RICO, the defendants' lawsuits against the plaintiffs "will include, but are not limited to, disgorgement of ill-gotten gains, wrongful death, fraud, conspiracy, attorneys' fees and costs, estoppel, conversion, unjust enrichment, unclean hands, and fraudulent inducement." The Defamatory Letters also state that the defendants "will seek to have a full accounting and a constructive trust imposed on any and all property or assets Defendants have wrongfully obtained or disposed of."

66. The Defamatory Letters state that "RICO is particularly appropriate in this instance given the totality of the economic harm the Sham Probate Enterprise wreaked across the

State” and they will seek “[t]reble damages along with attorneys’ fees and costs” which “will be astronomical and will serve as an exquisite example to those who might contemplate like conduct in the future.”

67. The defendants’ outrageous and false accusations undermine the administration of justice and tarnish the integrity of the legal process for all South Carolina citizens.

68. The defendants’ false accusations were made, at minimum, with reckless indifference to the truth. They were made deliberately and maliciously, with specific intent to injure the reputation and livelihood of the plaintiffs and cause severe emotional distress.

69. The defendants knew and understood the reputational harm that would result from the accusations set forth in the Defamatory Letters and nonetheless proceeded with publication of the same.

70. For example, the Defamatory Letters state: “We are aware of the serious nature of the charges and the impact they may have upon business operations.”

71. Upon information and belief, one or more of the defendants published, or caused to be published, the Defamatory Letters and/or the defamatory contents thereof to the press and/or others presently unknown. Upon information and belief, the press and/or others presently unknown then published the Defamatory Letters and/or the defamatory contents thereof on the internet.

72. The accusations made against the plaintiffs are without any factual basis.

73. The defendants published, or caused to be published, these false accusations without providing any factual support for them.

74. Due to the defendants' relentless attacks as demonstrated throughout this Complaint, the plaintiffs have put themselves on hold to accept any further guardian ad litem or guardianship cases.

75. The plaintiffs have spent an exorbitant amount of time and effort in responding to the continuing and relentless attacks and false accusations made by the defendants.

76. The plaintiffs had the same professional liability insurer for 23 years. This liability insurer recently dropped them from coverage due to the continuing expenses created by the defendants' relentless acts.

77. The plaintiffs have lost standing in the community due to the defendants' relentless acts.

78. The acts of the defendants as set forth at length within this Complaint have directly and proximately caused the plaintiffs significant damages. These damages include, but are not limited to, general, actual, nominal, and special damages.

79. The defendants' conduct was willful, wanton, and/or in reckless disregard of the plaintiffs' rights, and the plaintiffs are entitled to punitive damages.

FIRST CAUSE OF ACTION
Defamation/Libel and Libel *Per Se*

80. The plaintiffs reiterate and incorporate all prior paragraphs as though set forth herein verbatim to the extent not inconsistent herewith.

81. The defendants' conduct is unacceptable, offensive, and warrants significant correction by a jury empaneled by this Court.

82. The defendants transmitted the Defamatory Letters at least thirty-six (36) individuals and entities on or about May 17, 2024.

83. The Defamatory Letters falsely accuse the plaintiffs operating a “Sham Probate Enterprise” through a “pattern of racketeering activity.”

84. They falsely accuse the plaintiffs of participating in the crime of wire fraud in violation of 18 U.S.C. § 1343.

85. They falsely accuse the plaintiffs of participating in the crime of mail fraud in violation of 18 U.S.C. § 1343.

86. They falsely accuse the plaintiffs of the crime of extortion in violation of S.C. Code Ann. § 16-17-640.

87. They falsely accuse the plaintiffs of a “pattern of racketeering activating involved the many lies, deceit and deception” “in order to extort and defraud phenomenal amounts of money, real estate and other forms of valuable assets ...”

88. They falsely accuse the plaintiffs of a “scheme to defraud featuring ex parte orders or communications with the Court or pleadings related thereto” and “perjury.”

89. They falsely accuse the plaintiffs of engaging in disgorgement of ill-gotten gains, wrongful death, fraud, conspiracy, conversion, unjust enrichment, unclean hands, and fraudulent inducement.

90. They falsely accuse the plaintiffs of participating in a “clear pattern of ongoing racketeering activity by an association-in-fact enterprise, involving various predicate acts executed” by the plaintiffs and others to deprive individuals of their “valuable property and rights” in contravention of RICO.

91. None of the false accusations in the Defamatory Letters are protected by privilege.

92. None of the false accusations in the Defamatory Letters are true, and no basis supports them.

93. The defendants authored, disseminated, and/or published the false accusations in the Defamatory Letters with actual, implied, and/or common law malice towards the plaintiffs.

94. The Defamatory Letters called the plaintiffs by name.

95. The defendants knew the accusations in the Defamatory Letters were false or, at minimum, were unsure of their truth. Yet, they still intentionally and maliciously published the Defamatory Letters to over thirty-six (36) individuals and entities.

96. The defamatory meaning of the statements in the Defamatory Letters is apparent from the language itself, and there can be no innocent construction of the statements and accusations set forth above. The statements impeach the honesty, integrity, virtue, and reputation of the plaintiffs.

97. The false, defamatory statements include those that are actionable per se. They include written or printed words which tend to degrade the plaintiffs, reduce their character or reputation in the estimations of their friends, acquaintances, or the public, and/or to disgrace them, and/or to render them odious, contemptible, and/or ridiculous.

98. Because the Defamatory letters falsely accuse the plaintiffs of committing criminal acts and crimes of moral turpitude, damages are presumed as a matter of law.

99. Even absent such presumption, however, the plaintiffs otherwise sustained substantial reputational harm as a consequence of defendants' publication of the Defamatory Letters in the form of lost good will, lost business opportunities, and diminished standing.

100. The acts of the defendants as set forth throughout this Complaint have directly and proximately caused the plaintiffs significant damages. These damages include, but are not limited to, general, actual, nominal, and special damages.

101. The defendants' conduct was willful, wanton, and/or in reckless disregard of the plaintiffs' rights, and the plaintiffs are entitled to punitive damages.

SECOND CAUSE OF ACTION

(Abuse of Process)

102. The plaintiffs reiterate and incorporate all prior paragraphs as though set forth herein verbatim to the extent not consistent herewith.

103. As demonstrated at length throughout this Complaint, the defendants, for ulterior purposes, have willfully used processes that are not proper in the conduct of one or more proceedings.

104. The processes include, but are not limited to, legal proceedings, deposition subpoena(s), deposition(s) and deposition questioning, and demand(s) for accounting. None of the processes were proper in the conduct of the proceedings.

105. The processes are unauthorized and/or aimed at an illegitimate collateral objective, as set forth at length throughout this Complaint, including, but not limited to, intimidation, harassment, inflicting harm, attempting to gain evidence to support a RICO case, and for the defendants' financial benefit.

106. The defendants have continued to target the plaintiffs directly and indirectly through attorneys and other parties, and now, in the Defamatory Letters, they have threatened to bring three additional unsupported lawsuits against the plaintiffs containing RICO claims, disgorgement of ill-gotten gains, wrongful death, fraud, conspiracy, attorneys' fees and costs, estoppel, conversion, unjust enrichment, unclean hands, and fraudulent inducement.

107. As a direct and proximate result, the plaintiffs have incurred significant damages. These include, but are not limited to, general, actual, nominal, and special damages.

108. The defendants' conduct was willful, wanton, and/or in reckless disregard of the plaintiffs' rights, and the plaintiffs are entitled to punitive damages.

THIRD CAUSE OF ACTION

(Intentional Infliction of Emotional Distress / Outrage)

109. The plaintiffs reiterate and incorporate all prior paragraphs as though set forth herein verbatim that are not inconsistent herewith.

110. The defendants intentionally and/or recklessly inflicted severe emotional distress on Ms. Browning or were certain or substantially certain that such distress would result from their conduct.

111. This is reflected at length throughout this Complaint, and includes, but is not limited to, falsely accusing Ms. Browning of committing the crimes of perjury, wire fraud, mail fraud, and extortion; falsely claiming that she is liable for disgorgement of ill-gotten gains, wrongful death, fraud, conspiracy, attorneys' fees and costs, estoppel, conversion, unjust enrichment, unclean hands, and fraudulent inducement; authoring, authorizing, and publishing these false statements to others, upon information and belief, reviewing the probate files in which Ms. Browning previously served or currently serves as a guardian or guardian ad litem, and contacting those individuals for whom Ms. Browning served in an effort to create and solicit additional litigation against the plaintiffs, and in fact, bringing that additional litigation; and the continuous and relentless targeting of the plaintiffs and their counsel.

112. The defendants' conduct is so extreme and outrageous as it exceeds all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.

113. The defendants' actions directly and proximately caused Ms. Browning's emotional distress and/or mental anguish that was so severe that no reasonable person could be expected to endure it.

114. The defendants' conduct was willful, wanton, and/or in reckless disregard of Ms. Browning's rights, and Ms. Browning is entitled to punitive damages.

FOURTH CAUSE OF ACTION

(Intentional Interference with Prospective Contracts/Business Relations)

115. The plaintiffs reiterate and incorporate all prior paragraphs as though set forth herein verbatim that are not inconsistent herewith.

116. As detailed within this Complaint, Ms. Browning has served as one of three professional guardians for probate courts in the Upstate. She is one (of two) of these professional guardians that has clinical backgrounds and is therefore often appointed in complicated cases.

117. The defendants are aware of these routine and continuing appointments and the plaintiffs' long-standing business relationships with the probate courts in the Upstate.

118. The defendants have intentionally interfered with the plaintiffs' prospective appointments.

119. The defendants did so for improper purposes and/or improper methods, including, but not limited to, soliciting clients, authoring, authorizing, and publishing Defamatory Letters, abusing process, harassment, targeting the plaintiffs, inflicting severe emotional distress, accusing the plaintiffs and attorneys (including the plaintiffs' attorney) with crimes, and threatening the plaintiffs and their attorneys with future litigation.

120. Due to the defendants' relentless acts as demonstrated throughout this Complaint, the plaintiffs have put themselves on hold to accept any further guardian ad litem or guardianship cases.

121. If the plaintiffs were to accept further guardian ad litem or guardianship cases, the defendants' abusive tactics and conduct would continue.

122. As a direct and proximate result of the defendants' acts, the plaintiffs have incurred significant damages. These include, but are not limited to, general, actual, nominal, and special damages.

123. The plaintiffs have been deprived of income from future guardian ad litem and guardianship appointments due to the defendants' conduct.

124. The defendants' conduct was willful, wanton, and/or in reckless disregard of the plaintiffs' rights, and the plaintiffs are entitled to punitive damages.

FIFTH CAUSE OF ACTION
(Declaratory Judgment)

125. The plaintiffs reiterate and incorporate all prior paragraphs as though set forth herein verbatim that are not inconsistent herewith.

126. Upon information and belief, the attorney-defendants and/or others acting on their behalf have been reviewing the probate files in which the plaintiffs previously served or are currently serving as guardian or guardian ad litem.

127. They have been contacting those individuals in an effort to create and solicit additional litigation against the plaintiffs.

128. Upon information and belief, this is what happened regarding Mayra Michalski and Luis Michalski.

129. The defendants' actions have caused significant injury and damages to the plaintiffs, as demonstrated throughout this Complaint.

130. The plaintiffs seek a declaratory judgment preventing the defendants, or anyone acting on their behalf, from engaging in such conduct, to include anyone whom the plaintiffs have served as guardian ad litem or guardian, or whom they may serve in the future.

WHEREFORE, the plaintiffs respectfully pray as follows:

1. Actual, consequential, general, nominal, special, and punitive damages to be awarded in favor of the plaintiffs and against the defendants as determined by a jury at a trial of this case;
2. A declaratory judgment to prohibit the defendants, or anyone acting on their behalf, to contact individuals for whom the plaintiffs served or serves as guardian or guardian ad litem, in an effort to create and/or solicit additional litigation of against the plaintiffs;
3. Award the plaintiffs their costs and attorneys' fees; and
4. For such other relief that this Court deems just, equitable, and proper.

THE PLAINTIFFS DEMAND A JURY TRIAL ON ALL ISSUES TRIABLE HEREIN

This 17th day of June, 2024
Greenville, South Carolina

Respectfully submitted,

/s/ Beattie B. Ashmore
Beattie B. Ashmore
SC Bar No. 10419
650 East Washington Street
Greenville, SC 29601
(864) 467-1001 Office
(864) 672-1406 Fax
Beattie@BeattieAshmore.com

Exhibit A

ELECTRONICALLY FILED - 2024 Jun 12 5:10 PM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303730

Trey Suggs

From: Kimberly Thomason <kim@truluckthomason.com>
Sent: Tuesday, April 30, 2024 11:22 AM
To: Trey Suggs
Cc: Sonya; Brandi Larobardiere; Devon Puriefoy; John Chambers
Subject: Mayra Michalski

Trey,

I am in receipt of your letter regarding the above referenced matter. Your client receives the VA funds every month from the VA and is listed as Mayra's guardian(fiduciary) on the VA registry. For years your client has received Mayra's monthly benefit into an account in her name only and then sent Mayra a pre-paid card for an amount she deems appropriate and not always the same amount. She also has questioned Mayra on many occasions regarding how she was going to spend any money received. The problem is your client has zero authority to act as Mayra's VA guardian/fiduciary. In fact, your suggestion that we get a court order to have her removed is rich given that there is already such an Order dismissing the guardianship in its totality because Mayra was never incapacitated in the first place.

We have spoken to Joseph Plaxco, special conservator, and Will Fore who both confirmed that Jennifer was in fact the temporary guardian but that she was dismissed as such. They also both confirmed that she was in control of the money. I'm sure I don't have to detail for you all of the federal statutes your client has possibly violated in fraudulently assuming control of Mayra's VA benefits over the course of 6 years. Mayra is a married woman with three small children and should never have been subjected to the treatment your client subjected she and her brother to over the course of years and in the aftermath of their Mother's death. There was a total misrepresentation to the Court regarding the status of the two adult children in an effort to gain control of them and protect the hospital who directly caused their mother's death. We are currently in the process of pursuing the action to the fullest extent allowed by law, including making the fraud known to the court and seeking to void the fraudulently induced settlement agreement and release.

You can continue to double down on your position in assisting your client to fraudulently and falsely control federally regulated VA benefits or you can simply instruct your client to correct the error immediately with the VA to mitigate any further damage to my client.

I'll await your response. I have a call with Judge Groover and Joseph Plaxco to discuss the status of the matter today. This is not a minor discrepancy and we intend to take all action necessary to try to offset some of the damage suffered by Mayra and Luis at the hands of Ms. Browning and the co-conspirators, although nothing can undo the emotional damage caused by those who used the court as an artifice to accomplish an unlawful and unholy, if I might interject, goal to protect Bons Secours Hospital.

Kim



Kimberly T. Thomason
Managing Member

kim@truluckthomason.com
3 Boyce Avenue, Greenville, SC 29601
T 864-331-1751 F 864-243-8115
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ELECTRONICALLY FILED - 2024 May 01 4:34 PM - GREENVILLE - COMMON PLEAS - CASE#2022CP2304055
ELECTRONICALLY FILED - 2024 Jun 17 5:10 PM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303730

EXHIBIT J

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

AMENDED SUMMONS
(JURY TRIAL DEMANDED)

TO: DEFENDANT(S) ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Amended Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to said Amended Complaint upon the subscriber herein at his office at 1201 Main Street, Suite 1200, Columbia, SC 29202, within **FIFTEEN (15) DAYS** from the date of service hereof, exclusive of the day of service; and, if you fail to answer the Amended Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Amended Complaint.

GALLIVAN, WHITE & BOYD, P.A.

By: /s/ John T. Lay
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Carter R. Massingill (SC Bar No. 101802)
Ioannis ("Ian") G. Conits (SC Bar No. 102675)

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iconits@gwblawfirm.com

July 22, 2024

Attorneys for Plaintiff Joseph M. Plaxco

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Clayton L. Jennings,

Plaintiff,

v.

Paul Husley, 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

AMENDED COMPLAINT
(JURY TRIAL DEMANDED)

Plaintiff Clayton L. Jennings (“Mr. Jennings”) complains of Defendants Paul Hulse, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, Maragret Miniard, and John & Jane Does 1-14 (collectively, “Defendants”), and alleges as follows:

INTRODUCTION

1. Defendants jointly prepared, signed, transmitted and/or otherwise authorized at least two pieces of written correspondence to many individuals and companies (“Defamatory Correspondence”) falsely accusing Mr. Jennings, along with other well-respected individuals and companies, of somehow being probate “racketeers” and engaging in various criminal acts in violation of the Racketeer Influenced and Corrupt Organizations Act (the “RICO Act”). They also falsely assert that Mr. Jennings has engaged in various acts that constitute perjury, disgorgement of ill-gotten gains, wrongful death, fraud, conspiracy, attorneys’ fees and costs, estoppel, conversion, unjust enrichment, unclean hands, and fraudulent inducement.

2. Defendants have been intentionally and willfully targeting Mr. Jennings, authorizing and publishing defamatory correspondence, abusing process, inflicting emotional

distress, interfering with Mr. Jennings' business and prospective business, and causing Mr. Jennings significant injuries and damages.

3. Mr. Jennings brings this action to clear this name. Through it, he seeks to restore his reputation and establish Defendants' liability for continuing their campaign to push a false narrative against him.

4. Mr. Jennings seeks compensatory damages against Defendants. Further, given the willful, intentional, recklessly indifferent and malicious conduct of Defendants, Mr. Jennings seeks an award of punitive damages.

PARTIES

5. Mr. Jennings is a resident and citizen of Greenville County, South Carolina.

6. Defendant Paul Hulsey ("Hulsey") is a resident and citizen of Charleston County, South Carolina.

7. Defendant Cherie Durand ("Durand") is a resident and citizen of Charleston County, South Carolina.

8. Defendant Kimberly Thomason ("Thomason") is a resident and citizen of Greenville County, South Carolina. She is currently a member of the South Carolina Bar.

9. Defendant Devon Puriefoy ("Puriefoy") is a resident and citizen of Greenville County, South Carolina. He is currently a member of the South Carolina Bar.

10. Defendant, Desa Ballard ("Ballard"), is a resident and citizen of Lexington County, South Carolina. She is currently a member of the South Carolina Bar.

11. Defendant Stacy Grist ("Grist") is a resident and citizen of Greenville County, South Carolina.

12. Defendant Margaret Miniard (“Miniard”) is a resident and citizen of Laurens County, South Carolina.

13. Defendants John & Jane Does 1-14 are other individuals, referenced in the Defamatory Correspondence, who Hulsey, Durand, Thomason, Puriefoy, and Ballard claim to represent and on whose behalf the Defamatory Correspondence was likewise sent pursuant to their presumptive authorization of the same. To the extent such clients actually exist, which is presently unknown but will be learned in discovery, the instant Complaint will be amended to join them as parties in this action.

VENUE & JURISDICTION

14. This Court has jurisdiction to hear this action pursuant to S.C. Code § 14-1-80 and Article V, §11 of the South Carolina Constitution.

15. Venue properly exists in this Court pursuant to S.C. Code § 15-7-30 because multiple defendants reside in Greenville County. The events giving rise to the dispute between the Parties substantially occurred in Greenville County, South Carolina. Further, the reputational harms and damages incurred by Mr. Jennings, as described herein, were predominately sustained by him in Greenville County, South Carolina.

FACTUAL BACKGROUND

16. The prior allegations, to the extent not inconsistent, are incorporated herein by reference.

17. Mr. Jennings is a licensed attorney in the State of South Carolina. He has practiced law in Greenville County for nearly twenty-four years, and previously served as an associate probate judge in Greenville County from June 2018 through December 2022.

18. Throughout his career, Mr. Jennings has enjoyed a reputation as a skilled and ethical lawyer.

19. Mr. Jennings' law practice relies in part upon the referral of work from other lawyers and members of his community. Accordingly, Mr. Jennings' livelihood depends significantly upon his reputation in the community.

20. Defendants have relentlessly targeted Mr. Jennings. They have wrongfully used the legal process and threats of the legal process for their own benefit. This conduct has been continuing and is ongoing.

21. Defendants have continuously abused process for ulterior purposes, including their own pecuniary gain.

22. Non-exclusive examples of such abuse are found in the records of other Greenville County actions, including one styled *Stacey Grist, et al. v. Priscilla Mickie Grist, et al.*, Civil Action No. 2022-C-23-04055 (the "*Grist Action*"). There, Defendants Thomason and Puriefoy assert claims against several defendants, including Jennifer Browning and her business, Browning Geriatric Consulting, LLC ("*Browning Geriatric*").

23. Jennifer Browning has been licensed by the State of South Carolina as a clinical independent social worker for over 25 years. Among other services, Browning Geriatric provides guardians and guardians ad litem in probate cases. Presently, there are only three individuals who serve as professional guardians for probate courts in the Upstate. Ms. Browning is one of those three.

24. Upon information and belief, Defendants used depositions in the *Grist Action* in an attempt to build a record for use in frivolous RICO lawsuits, by making false representations to

witnesses regarding Mr. Jennings' conduct as an associate probate judge and as a private practitioner.

25. Upon information and belief, Defendants are also aggressively gathering information in contested probate matters in which Mr. Jennings was previously involved (or is currently involved), with the goal of finding more probate matters involving an independent third-party neutral, so that they may solicit vulnerable persons as prospective clients for such cases, and for the Defendants' financial benefit

26. For example, Defendants Thomason and/or Puriefoy caused a Freedom of Information Act ("FOIA") request to be issued to the Greenville County Probate Court seeking all of the Probate Court's files wherein Jennifer Browning had ever been appointed as a Guardian, Conservator, and/or Guardian ad Litem. A copy of the Probate Court's letter in response to this FOIA request is attached and incorporated as **Exhibit 1**.

27. Upon information and belief, the purpose of this FOIA request was to obtain case files for the Defendants to pick over and unlawfully solicit vulnerable persons as prospective clients for frivolous RICO lawsuits.

28. Such conduct is one of many instances of Defendants' use of process for ulterior purposes, including, but not limited to, attempting to create evidence for their frivolous RICO action(s) and improperly solicit vulnerable persons as prospective clients for such cases, and for the Defendants' financial benefit.

29. On or about May 20, 2024, Mr. Jennings received the Defamatory Correspondence, which was co-authored, signed, authorized and published by Hulsey, Durand, Thomason, Puriefoy, and Ballard to over thirty individuals and entities throughout the Upstate of South Carolina.

30. According to the Defamatory Correspondence, Hulsey, Durand, Thomason, Puriefoy, and Ballard published the Defamatory Correspondence on behalf of their clients, Stacey Grist and Margaret Miniard, as well as John and Jane Does 1-14.

31. Upon information and belief, Hulsey, Durand, Thomason, Puriefoy, and Ballard published the Defamatory Correspondence at the direction and with the authorization of and in furtherance of the purported interests of their principals and clients, Stacey Grist and Margaret Miniard, as well as John and Jane Does 1-14.

32. The publication of the Defamatory Correspondence by the Defendants was intentional.

33. The Defamatory Correspondence falsely accuses Mr. Jennings of engaging in a “Sham Probate Enterprise” consisting of a “pattern of racketeering activity,” in violation of state and federal law, among other things.

34. The Defamatory Correspondence falsely accuses Mr. Jennings of engaging in “multiple, repeated, and continuous” acts of mail fraud, wire fraud, and extortion.

35. The Defamatory Correspondence states that in addition to RICO, the Defendants lawsuits against Mr. Jennings “will include, but are not limited to disgorgement of ill-gotten gains, wrongful death, fraud, conspiracy, attorneys’ fees and costs, estoppel, conversion, unjust enrichment, unclean hands, and fraudulent inducement.” The Defamatory Correspondence also states that the Defendants “will see to have a full accounting and a constructive trust imposed on any and all property or assets Defendants have wrongfully obtained or disposed of.”

36. The Defamatory Correspondence also state that “RICO is particularly appropriate in this instance given the totality of the economic harm the Sham Probate Enterprise wreaked across the State” and they will seek “[t]reble damages along with attorneys’ fees and costs” which

"will be astronomical and will serve as an exquisite example to those who might contemplate like conduct in the future."

37. The Defendants outrageous and false accusations undermine the administration of justice and tarnish the integrity of the legal process for all South Carolina citizens.

38. At the time of the publication of the Defamatory Correspondence (and likely long before), the Defendants knew and understood the reputational harm that would result from the accusations set forth in the Defamatory Correspondence and nonetheless proceeded with publication of the same.

39. For instance, the Defamatory Correspondence stated: "We are aware of the serious nature of the charges and the impact" these false accusations "may have upon business operations."

40. Due to Defendants' relentless attacks, as demonstrated throughout this Complaint, Mr. Jennings has turned down appointment(s) to act as receiver, appointment(s) to act as personal representative, and numerous cases from prospective clients who wished to engage Mr. Jennings to bring probate actions.

41. Mr. Jennings has spent an exorbitant amount of time and effort in responding to the continuing and relentless attacks and false accusations made by Defendants.

42. Not once did any of the Defendants ever ask Mr. Jennings questions or express concerns about any probate matter, much less any "Sham Probate Enterprise" or any issues raised in the Defamatory Correspondence.

43. These false accusations were made, at minimum, with reckless indifference to the truth. Upon information and belief, they were made deliberately and maliciously, with specific intent to injure the reputation and livelihood of Mr. Jennings.

44. Defendants published, or caused to be published, the false accusations without providing any factual support for them.

45. Upon information and belief, separate and apart from the recipients known to date, the Defendants published, or caused to be published, the Defamatory Correspondence and/or the defamatory contents thereof to the press and/or others presently unknown. Upon information and belief, the press and/or others presently unknown then published the Defamatory Correspondence and/or the defamatory contents thereof on the internet.

FIRST CAUSE OF ACTION
(Libel & Libel *Per Se*)

46. The prior allegations, to the extent not inconsistent, are incorporated herein by reference.

47. Defendants transmitted the Defamatory Correspondence to over thirty (30) individuals and entities on or about May 17, 2024.

48. The Defamatory Correspondence falsely accuses Mr. Jennings (and others) of directly or indirectly conducting a “Sham Probate Enterprise” by “committing fraud in the creation or administration of probated estates, settlements, trust agreements and property transactions while ignoring conflicts of interests. . .” in violation of “18 U.S.C. § 1961(1) and (5) and § 1962(c), to wit: multiple, repeated, and continuous violations of 18 U.S.C. § 1341 (mail fraud), 18 U.S.C. § 1343 (wire fraud) and S.C. Code § 16-17-640 (extortion).”

49. The Defamatory Correspondence falsely accuses Mr. Jennings (and others) of participating in a “clear pattern of ongoing racketeering activity by an association-in-fact enterprise, involving various predicate acts executed” by Mr. Jennings and others to deprive individuals of their “valuable property and rights” in contravention of the RICO Act.

50. The Defamatory Correspondence falsely accuses Mr. Jennings (and others) of participating in the crime of wire fraud in violation of 18 U.S.C. §1343.

51. The Defamatory Correspondence falsely accuses Mr. Jennings (and others) of participating in the crime of mail fraud in violation of 18 U.S.C. §1341.

52. The Defamatory Correspondence falsely accuses Mr. Jennings (and others) of the crime of extortion in violation of S.C. Code § 16-17-640 by “compelling our clients through various artifices to engage in conduct and make decisions against their will or in contravention of their best interests.”

53. The Defamatory Correspondence falsely accuses Mr. Jennings of a pattern of “racketeering” activity that involved “many lies, deceit and deception” “in order to extort and defraud phenomenal amounts of money, real estate and other forms of valuable assets . . .”

54. The Defamatory Correspondence falsely accuses Mr. Jennings of engaging in disgorgement of ill-gotten gains, wrongful death, fraud, conspiracy, conversion, unjust enrichment, unclean hands, and fraudulent inducement.

55. The Defamatory Correspondence falsely accuses Mr. Jennings of participating in a “clear pattern of ongoing racketeering activity by an association-in-fact enterprise, involving various predicate acts executed” by Mr. Jennings and others to deprive individuals of their “valuable property and rights” in contravention of RICO.

56. None of the false accusations in the Defamatory Correspondence are protected by privilege.

57. Defendants knew the accusations in the Defamatory Correspondence were false or, at a minimum, were unsure of their truth. Yet, they still intentionally and maliciously published the Defamatory Correspondence to over thirty (30) individuals and entities.

58. Upon information and belief, separate and apart from the recipients known to date, the Defendants published, or caused to be published, the Defamatory Correspondence and/or the defamatory contents thereof to the press and/or others presently unknown. Upon information and belief, the press and/or others presently unknown then published the Defamatory Correspondence and/or the defamatory contents thereof on the internet.

59. Defendants authored, disseminated, and/or published the false accusations in the Defamatory Correspondence with actual, implied, and/or common law malice toward Mr. Jennings.

60. The defamatory meaning of the statements in the Defamatory Correspondence is apparent from the language itself, and there can be no innocent construction of the statements and accusations set forth therein. Such statements impeach the honesty, integrity, virtue, and reputation of Mr. Jennings.

61. The false, defamatory statements include those that are actionable *per se*. They include written or printed words which tend to degrade Mr. Jennings, reduce his character or reputation in the estimations of friends, acquaintances, or the public, and/or to disgrace him, and/or to render him odious, contemptible, and/or ridiculous.

62. Because the Defamatory Correspondence falsely accuses Mr. Jennings of committing criminal acts, damages to his reputation are presumed as a matter of law.

63. Even absent such presumption, however, Mr. Jennings may sustain substantial reputational harms as a consequence of Defendants' publication of the Defamatory Letter in the form of lost good will, lost business opportunities, harm to existing client relationships, and diminished standing among the Bar with which he practices and the judiciary before which he appears.

64. Mr. Jennings is entitled to recover legal damages for the damage inflicted to his reputation and such other losses as he has sustained in an amount to be determined by a jury in Greenville County, South Carolina.

65. Mr. Jennings is likewise entitled to recover punitive damages due to Defendants' malicious, intentional, and recklessly indifferent defamatory acts.

SECOND CAUSE OF ACTION
(Abuse of Process)

66. The prior allegations, to the extent not inconsistent, are incorporated herein by reference.

67. Defendants, for ulterior purposes, have willfully used processes that are not proper in the conduct of one or more proceedings.

68. The processes include, but are not limited to, legal proceedings, deposition subpoena(s), deposition(s) and deposition questioning. None of the processes were proper in the conduct of the proceedings.

69. Just as one example, on or around June 20, 2024, Defendant Thomason and/or Defendant Puriefey caused yet another FOIA request to be issued seeking the production of a voluminous amount of documents from the Greenville County Probate Court. Upon information and belief, the purpose of this FOIA request was to obtain probate court case files for the Defendants to pick over and unlawfully solicit clients for additional frivolous RICO lawsuits.

70. This conduct is a direct violation of South Carolina Code Ann. § 30-2-50(A), which states: "A person or private entity shall not knowingly obtain or use personal information obtained from a state agency, a local government, or other political subdivision of the State **for commercial solicitation** directed to any person in this State." (Emphasis added).

71. South Carolina Code Ann. § 30-2-50(D) specifies the criminal penalty associated with such a violation. It states: “A person knowingly violating the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed five hundred dollars or imprisoned for a term not to exceed one year, or both.”

72. Moreover, upon information and belief, Defendants have inserted (and are attempting to insert) themselves into other actions for conniving and ulterior purposes, all as a part of their scheme to prey on Mr. Jennings and their other targets, and being done to concoct fabricated facts to continue constructing additional frivolous RICO proceedings grounded on utterly false allegations and pure misstatements of fact.

73. The processes are unauthorized and/or aimed at an illegitimate collateral objective, including, but not limited to, intimidation, harassment, inflicting harm, attempting to create evidence to support frivolous RICO cases and to improperly solicit vulnerable persons as prospective clients for such cases, and for the Defendants’ financial benefit.

74. Defendants have continued to target Mr. Jennings directly and indirectly through attorneys and other parties, and now, in the Defamatory Correspondence, they have threatened to bring unsupported lawsuits against Mr. Jennings concerning RICO claims, disgorgement of ill-gotten gains, wrongful death, fraud, conspiracy, attorneys’ fees and costs, estoppel, conversion, unjust enrichment, unclean hands, and fraudulent inducement.

75. As a direct and proximate result, Mr. Jennings has incurred significant damages. These include, but are not limited to general, actual, nominal, special damages, and punitive damages.

THIRD CAUSE OF ACTION
(Intentional Infliction of Emotional Distress/Outrage)

76. The prior allegations, to the extent not inconsistent, are incorporated herein by reference.

77. Defendants intentionally and/or recklessly inflicted severe emotional distress on Mr. Jennings or were certain or substantially certain that such distress would result from their conduct.

78. This includes, but is not limited to, falsely accusing Mr. Jennings of committing the crimes of perjury, wire fraud, mail fraud, and extortion; falsely claiming that he is liable for disgorgement of ill-gotten gains, wrongful death, fraud, conspiracy, attorneys' fees and costs, estoppel, conversion, unjust enrichment, unclean hands, and fraudulent inducement; authoring, authorizing, and publishing these false statements to others, upon information and belief, reviewing the probate files for matters in which Mr. Jennings was or currently is involved, and contacting those involved with such matters in an effort to create and solicit clients and additional litigation against Mr. Jennings, and in fact, bringing that additional litigation; and the continuous and relentless targeting of Mr. Jennings.

79. The Defendants' conduct is so extreme and outrageous as it exceeds all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.

80. The Defendants' actions directly and proximately caused Mr. Jennings' emotional distress and/or mental anguish that was so severe that no reasonable person could be expected to endure it.

81. The Defendants' conduct was willful, wanton, and/or in reckless disregard of Mr. Jennings' rights, and Mr. Jennings is entitled to punitive damages.

FOURTH CAUSE OF ACTION
(Intentional Interference with Prospective Contracts/Business Relations)

82. The prior allegations, to the extent not inconsistent, are incorporated herein by reference.

83. Defendants have intentionally interfered with the prospective business of Mr. Jennings.

84. Defendants did so for improper purposes and/or improper methods, including, but not limited to, soliciting clients, authoring, authorizing, and publishing Defamatory Letters, abusing process harassment, targeting Mr. Jennings, inflicting severe emotional distress, accusing the Mr. Jennings and other attorneys with crimes, and threatening Mr. Jennings and others with future litigation.

85. Due to Defendants' relentless attacks, as demonstrated throughout this Complaint, Plaintiff has turned down appointment(s) to act as receiver, appointment(s) to act as personal representative, and numerous cases from prospective clients who wished to engage Mr. Jennings to bring probate actions. Mr. Jennings has been deprived of income as a result.

86. As a direct and proximate result of the Defendants' acts, Mr. Jennings has incurred significant damages, which include, but are not limited to, general, actual, nominal, and special damages.

87. Defendants' conduct was willful, wanton, and/or in reckless disregard of Mr. Jennings' rights and Mr. Jennings is entitled to punitive damages.

FIFTH CAUSE OF ACTION
(Civil Conspiracy)

88. The prior allegations, to the extent not inconsistent, are incorporated herein by reference.

89. Defendants Hulsey, Durand, Thomason, Puriefoy, and Ballard have joined together for the sole purpose of injuring Mr. Jennings.

90. To further their objective of injuring Mr. Jennings, Defendants acted in concert with each other to falsely accuse Mr. Jennings of committing criminal and unethical acts.

91. Defendants conspired together to draft the Defamatory Correspondence that contained these false allegations.

92. Defendants conspired together to transmit the Defamatory Correspondence to at least thirty (30) other individuals and/or entities, and upon information and belief, other unknown individuals and/or entities.

93. All of these allegations are false and were made with the specific intent of injuring Mr. Jennings, his reputation, and his law practice in South Carolina.

94. Defendants' conduct amounts to an unlawful civil conspiracy that has directly and proximately caused Mr. Jennings to suffer damages stemming from the harm to his reputation, diminished standing among the members of the South Carolina Bar with which he practices law and the judiciary before which he appears, lost business opportunities, and lost credibility with the citizens of Greenville County, South Carolina. The amount of such damages shall be determined by a jury in Greenville County, South Carolina.

SIXTH CAUSE OF ACTION
(Declaratory Judgment)

95. The prior allegations, to the extent not inconsistent, are incorporated herein by reference.

96. Upon information and belief, Defendants and/or others acting on their behalf have been reviewing the probate files in which Mr. Jennings previously appeared or is currently involved, with the goal of finding more probate matters involving an independent third-party

neutral, so that they may solicit vulnerable persons as prospective clients for RICO cases, and for the Defendants' financial benefit.

97. Upon information and belief, Defendants have been contacting individuals from such files in an effort to create and solicit additional litigation against Mr. Jennings.

98. Defendants' actions have caused significant injury and damage to Mr. Jennings.

99. Mr. Jennings seeks a declaratory judgment preventing Defendants, or anyone acting on their behalf, from engaging in such conduct.

WHEREFORE, Plaintiff Clayton L. Jennings respectfully prays to the Court for the following relief:

- A. Judgment against the Defendants as to the First Cause of Action in an amount to be determined by a jury;
- B. Judgment against the Defendants as to the Second Cause of Action in an amount to be determined by a jury;
- C. Judgment against the Defendants as to the Third Cause of Action in an amount to be determined by a jury;
- D. Judgment against the Defendants as to the Fourth Cause of Action in an amount to be determined by a jury;
- E. Judgment against the Defendants as to the Fifth Cause of Action in an amount to be determined by a jury;
- F. Declaratory judgment, as to the Sixth Cause of Action, preventing Defendants, or anyone acting on their behalf, from engaging in such conduct.
- G. Damages to compensate Mr. Jennings in connection with all causes of action alleged herein, including, but not limited to, attorneys' fees, costs and expenses;

- H. For punitive damages; and
- I. For such other and further relief as the Court may deem just and proper.

GALLIVAN, WHITE & BOYD, P.A.

By: /s/ John T. Lay, Jr.

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July 22, 2024

EXHIBIT K

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Jennifer L. Browning and
Browning Geriatric Consulting, LLC,

Plaintiffs,

v.

Paul Hulse, Cherie Durand, Kimberly
Thomason, Devon Puriefoy, Desa
Ballard, Stacey Grist, Margaret
Miniard, Mayra Michalski, and Luis
Michalski,

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No. 2024-CP-23-03730

ORDER AND FINAL JUDGMENT

This matter is before this Court as one of the damages hearings head during the week of January 12, 2026. The hearing for Plaintiffs Jennifer L. Browning and Browning Geriatric Consulting, LLC, ("Browning Geriatric") commenced on January 16, 2026. Based on the record and evidence presented, the Court makes the following findings of fact and conclusions of law:

I. STATEMENT OF FACTS

As Paul Hulse, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, Mayra Michalski, Luis Michalski, and Margaret Miniard (collectively "Defendants") failed to timely file an Answer, the facts as alleged in the Complaint and restated below are admitted. The plaintiffs did not move to substitute the fictitious persons John and Jane Does 1-14, therefore the Court hereby dismisses John and Jane Does 1-14 and strikes them from the caption of this case.

On May 17, 2024, the defendants sent three (3) defamatory letters to Ms. Browning, Browning Geriatric, and numerous other persons and entities. The defamatory

letter “The matter for Standford Grist” was sent to Clayton Jennings, Jennifer Browning, individually, and Browning Geriatrics, Tracy Parsons, Caroline York Grist Lyon, Leyland H. Lyon, Priscilla Mickie Grist, Chris and Erin Couchell, individually, and 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. The defamatory letter “The Matter of Frances Michalski” was sent to Trey Suggs, Jennifer Browning, individually, and Browning Geriatrics, Tracy Parsons, Joseph Plaxco, Frank Plaxco (Mr. Plaxco passed four years earlier), William Fore, Bon Secours Health System, Inc., St. Francis Physician Services, Inc., Tyler O’Shield, Carrie Woodall, and R. O’Neil Rabon. The defamatory letter “The Matter of Geraldine Schnabel” was sent to Clayton Jennings, Jennifer Browning, individually, and Browning Geriatrics, Abigail Hodges, Colton Bazzle, Scott Montjoy, Lisa Browning, individually, and SC House Calls, Jeff Allen, individually, and UBS Financial Services, Inc., Dan Collins, Renee Tedrick, Shelton Tate, individually, and TNB Financial Services, R. O’Neil Rabon, Melanie Hughes, individually and Dixon Hughes Goodman, LLP.

In these letters, the defendants accused Ms. Browning, Browning Geriatric, and other recipients of the defamatory letters of participating in a scheme to defraud the attorney defendants’ clients in violation of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962, *et. seq.* (“RICO”). Defendants accused Ms. Browning and Browning Geriatric of engaging in a “Sham Probate Enterprise” consisting of a “pattern of racketeering activity.” Defendants also accused Ms. Browning and her business 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 alleged

Ms. Browning and Browning Geriatric committed these crimes through “comprehensive, multiple and inter-related schemes to deceive and defraud” which they asserted can generally be understood as “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 Ms. Browning and Browning Geriatric’s “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 Letter, accusing Ms. Browning and Browning Geriatric of committing various federal crimes as well as violations of South Carolina law. On June 17, 2024, Ms. Browning and Browning Geriatric filed a Summons and Complaint against the defendants in Greenville County Court of Common Pleas for South Carolina. 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 Ms. Browning and Browning Geriatric's Complaint were due on October 18, 2024. However, Defendants did not file their Answers until November 12, 2024.

In response, Defendants filed motions to dismiss, which were heard by this Court on September 25, 2024. On October 2, 2024, this Court denied Defendants' motions. On October 14, the defendants purported to file a motion pursuant to Rule 59(e) seeking to "alter or amend judgment or in the alternative motion for clarification." On November 27, 2024, the Honorable Jessica Salvini denied the defendants' 59(e) motion. Defendants' responsive pleadings were due on October 17, 2024; however, the defendants did not attempt to file their Answer until November 12, 2024.

On October 28, 2024, counsel for Ms. Browning and Browning Geriatric 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, Ms. Browning and Browning Geriatric 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

Ms. Browning and Browning Geriatric presented evidence of damages through testimonial and physical evidence. Beginning with testimonial evidence, Ms. Browning and Browning Geriatrics presented Attorney Fred W. "Trey" Suggs ("Attorney Suggs") and Ms. Browning to testify.

A. Attorney Fred W. "Trey" Suggs Testimony

Mr. Suggs has been practicing law for 24 years in South Carolina, and he represents Ms. Browning and Browning Geriatric in the 2022 state court lawsuit *Stacey*

Grist v. Priscilla Mickie Grist, et al., Case No. 2022-CP-23-04055. Mr. Suggs is the past President of the South Carolina Defense Lawyers Association and is widely recognized as an experienced and outstanding member of the South Carolina Bar. In the *Grist* case, there was a conflict among the Grist children, and the Court appointed Ms. Browning to serve as the guardian *ad litem* for Dr. Grist. Kimberly Thomason and Devon Puriefoy of Truluck Thomason (two of the attorney defendants here), and John-Paul Baum, formerly of Truluck Thomason, represented Stacey Grist in that lawsuit. Mr. Suggs testified that Thomason, Puriefoy, and Baum alleged that Ms. Browning misappropriated funds, lied to the Court, and participated in a conspiracy. Based on Mr. Suggs' investigation, the allegations are not true and not one fact was produced to support the allegations. The case was dismissed by way of summary judgment. Stacey Grist, represented by Kimberly Thomason and Devon Puriefoy, appealed. The case is currently pending before the South Carolina Court of Appeals.

Mr. Suggs testified that Ms. Browning has been sued multiple times without cause by the defendants. He further testified that the attorney defendants have utilized PAWS, a probate court case management system, to solicit clients for use against Ms. Browning. Due to the conduct of the defendants, Ms. Browning now refuses to take court appointments, which places a tremendous strain on the Greenville County Probate Court due to her very unique background and experience. According to Mr. Suggs, Ms. Browning has been obliterated by the defendants' acts, both emotionally and professionally.

Mr. Suggs' hourly rate to represent Ms. Browning and Browning Geriatric was significantly reduced from his typical hourly rate. Ms. Browning has incurred \$116,322.79

in attorneys fees and expenses on the *Grist* lawsuit. Mr. Suggs testified that these attorney fees and expenses are appropriate, necessary, and reasonable. Attorneys' fees will continue to accumulate as the order granting summary judgment has been appealed by the attorney defendants.

B. Ms. Browning's Testimony

Ms. Browning owns and operates Browning Geriatric. She obtained a Bachelor of Science degree in social work and a Master's Degree in social work, both from Florida State University. Browning Geriatric is a full-service consulting firm, employing nurses and case managers for the elderly and/or incapacitated. Ms. Browning serves as a personal representative, power of attorney, and healthcare power of attorney. She has routinely been appointed by South Carolina courts as a guardian and guardian *ad litem*.

i. Defendants' Conduct Prior to Ms. Browning and Browning Geriatric Consulting, LLC Filing the Complaint in this Case

Ms. Browning and Browning Geriatric have been involved in seven different lawsuits in the last seven years. Attorney defendants Kimberly Thomason and Devon Puriefoy first sued Ms. Browning and Browning Geriatric on October 10, 2019 in *Deanne Johnston as Guardian of Patricia Singer v. Browning Geriatric Consulting, LLC and Jennifer Browning*, 2019-CP-23-05912, alleging oppressive and abusive conduct. Attorney H.W. Paschal, Jr. represented Ms. Browning and Browning Geriatric. That case was dismissed by consent of the parties. Ms. Browning and Browning Geriatric did not pay any form of compensation, nor have they ever paid any form of compensation to have any of the other cases dismissed.

Attorney defendant Kimberly Thomason then represented Margaret Miniard and sued Browning Geriatric on December 17, 2020 in *Margaret Miniard v. Abigail Hodges*

and *Browning Geriatric Consulting, LLC*, 2021-GC-30-00001, alleging that Browning Geriatric accumulated fees for medical care that was not needed and/or wanted for personal gain. Browning Geriatric was represented in that case by Clayton Jennings, Esquire. That case was also dismissed by consent of the parties.

Attorney defendants Kimberly Thomason, Devon Puriefoy, and John-Paul Baum (a former attorney of Truluck Thomason law firm), represented Stacey Grist against Ms. Browning, Browning Geriatric, and others on August 1, 2022 in *Stacey Grist v. Priscilla Mickie Grist*. Attorney Suggs represented Ms. Browning and Browning Geriatric in that case, and on January 3, 2025, summary judgment was granted in favor of Ms. Browning and her firm.

Ms. Browning testified that for the past seven years, she thought she faced financial ruin. Her and her business have been severely hampered by the payment of substantial legal fees and the resulting loss of time and well-being in defending from frivolous lawsuits, both before and after the defamatory letters were sent.

On May 17, 2024, the defendants mailed the three defamatory letters. Ms. Browning denied all of the alleged conduct stated in the letters, all of which went unchallenged on cross examination.

ii. Defendants' Conduct During the Pendency of this Lawsuit

The Defendants filed three separate federal RICO lawsuits: *Grist v. Browning, et al.*, 6:24-cv-03853-BHH (D.S.C., filed July 3, 2024); *Miniard v. Browning, et al.*, 6:24-cv-04132-BHH (D.S.C., filed July 24, 2024); *Michalski, et al. v. Suggs, et al.*, 6:24-cv-04820-BHH (D.S.C., filed September 4, 2024). The same recipients of the letters were named as defendants. Ms. Browning explained that she is the lead defendant in two of the

lawsuits. Her name will forever appear in internet searches related to these lawsuits. In addition to suing Ms. Browning and Browning Geriatric, the defendants also sued Browning Geriatric's employee Carrie Woodall in the *Michalski* federal lawsuit. These cases were reported in an article published by the Epoch Times, a news periodical on the internet. Ms. Browning received a phone call from an Epoch Times reporter asking for an interview that she declined. The Epoch Times article remains on the internet.

The three federal lawsuits were dismissed based upon lack of jurisdiction and failure to plead a single predicate act. See, e.g., *Grist* Order at p. 29 ("These allegations fail to comply with Rule 9 of the Federal Rules of Civil Procedure, as Plaintiffs do not state with particularity the circumstances constituting fraud; indeed, these allegations do not include *any details* of the time, place, and contents of the alleged instances of mail or wire fraud") (italics original) and *Grist* Order at p. 30 ("the Court finds that Plaintiffs' complaint does not sufficiently identify a single predicate act of racketeering activity, let alone two, to plausibly plead a pattern of racketeering activity under § 1962(c), let alone a conspiracy under § 1962(d) to violate § 1962(a) or (c)"). Like Judge Hendricks, Judge Gravley found no evidence to support the defendants' claims in their state court *Grist* lawsuit against Browning and Browning Geriatric. (January 6, 2025, Summary Judgment Order). Therefore, even after the defendants were aware that Ms. Browning and others were suing them for publishing knowingly false accusations, the defendants were incapable of alleging a factual basis to sustain their RICO actions.

After the defendants were in default, Kimberly Thomason and Devon Puriefoy sued Ms. Browning again in *McCalla, et al. v. Browning, et al.*, Case Nos. 2021-GC-23-00150 and 2022-GC-23-00014 (filed March 25, 2025). They alleged "financial mismanagement,

inappropriate care decisions, and lack of transparency” by Ms. Browning. Knowing Ms. Browning was represented by Attorney Beattie B. Ashmore in this captioned matter and by Attorney Suggs in the *Grist* case, the defendants sent a process server, armed with a gun and wearing a bullet proof vest, to Browning Geriatric to serve the newest complaint. Ms. Browning was not at her office at the time, and she was contacted by her panicked staff. She told the process server that he needed to contact her attorney for service. Ms. Browning testified this event was extremely upsetting to her and the Browning Geriatric staff. The summons was also published in the Greenville Journal. A former Probate Judge and several of Ms. Browning’s clients called her about the publication. Ms. Browning testified that rather than defend on the newest lawsuit, she decided to file an application for relief as guardian due to the ongoing litigation with Truluck Thomason. She testified she gave up significant employment rather than face another frivolous lawsuit at the hands of the attorney defendants.

iii. Impact on Ms. Browning and Browning Geriatric Consulting, LLC

Ms. Browning’s testimony demonstrated that she and Browning Geriatric enjoyed an outstanding reputation as the premier geriatric service in the upstate of South Carolina; however, the defamatory letters and lawsuits have severely damaged that reputation. Ms. Browning testified that not only have these allegations been discussed in the probate court arena, they have also been discussed at Ms. Browning’s church, her neighborhood, and throughout the legal community.

The letters and lawsuits have caused extreme discord in Ms. Browning’s marriage and familial life. She testified that she and her husband had many conversations about the legal fees and loss of income she has incurred, and she tries not to talk to her husband

about it anymore simply because it is upsetting and overwhelming to both of them. She had conversations with her children regarding whether they were going to be able to continue their education at a local private school and whether or not Ms. Browning and her husband were going to be able to pay for their college. Ms. Browning has been unable to attend family vacations, weekends, holidays, vacations, and mealtimes with her family. She estimates that she has spent thousands of hours on these cases.

The defendants' conduct has also had a significant impact on Browning Geriatric. Ms. Browning testified that it was very stressful trying to keep her staff together because her staff had to deal with process servers and frivolous lawsuits. As mentioned, one of her employees has been sued individually by the defendants. Moreover, Ms. Browning testified she has reduced the volume of business that Browning Geriatric once enjoyed so that she could deal with the myriad of litigation processes. Some clients have dismissed Browning Geriatric because of the letters and lawsuits; others are still asking Ms. Browning about the status of the federal RICO actions so that they can update their legal counsel and determine if they can continue to use Browning Geriatric. Business vendors and current clients sent the RICO actions to their attorneys and malpractice carriers to make sure that they could still use Ms. Browning and Browning Geriatric.

Further, the lawsuits caused her malpractice insurance carrier of 20 years to drop her from coverage. It is Ms. Browning's understanding that if she does not have malpractice insurance, she cannot practice. After three (3) months, she found a new provider that costs exponentially more in premium payments. She is also unsure whether this new carrier will continue to insure her because her insurance agent received a letter from the carrier stating that she needs to start looking for a new carrier.

Ms. Browning had clients that switched to alternate care managers and she lost that work. Ms. Browning testified that she has received many calls from the court and from attorneys to act as a guardian and has been asked multiple times to take guardian *ad litem* cases. She has declined these requests due to the attorney defendants' continued baseless lawsuits. She testified that she knows the attorney defendants obtained a list of all her cases from the Greenville County Probate Court with the intention of convincing family members of former clients that she should be sued.

Ms. Browning explained that she tries to remain stoic because a vast network of people depend on her, yet in private moments she sometimes simply breaks down due to the stress and anxiety caused by these letters and lawsuits. When asked what Ms. Browning hopes to achieve from this lawsuit, she testified that she wants the harassment and lawsuits to stop, and she feels like she is "just a sitting duck just waiting for the next lawsuit." This anxiety is a "black cloud" that constantly occupies her mind.

C. Exhibits

The Court also considered the following plaintiffs' exhibits which were entered as evidence in the case: Exhibits 1-3: Grist, Michalski, and Schnabel defamatory letters; Exhibit 4: *Johnston/Singer* Complaint; Exhibit 5: *Johnston/Singer* Consent Order; Exhibit 6: *Miniard* state case complaint; Exhibit 7: *Miniard* state case consent order; Exhibit 8: Petition to South Carolina Supreme Court; Exhibit 9: South Carolina Supreme Court Order; Exhibit 10: *Grist* state case complaint; Exhibit 11: Summary Judgment Order in *Grist* state case; Exhibits 12-17: three Federal lawsuits and Orders; Exhibit 18: *McCalla* petition; Exhibit 19: Greenville Journal publication; Exhibit 20: Letter re: FOIA request attaching Ms. Browning cases; Exhibit 21: Epoch Times article; Exhibit 22: Summary of

attorneys' fees and expenses paid to-date. The deposition transcripts of attorney defendants Thomason, Defendant Puriefoy, Defendant Ballard, and Defendant Durand were also introduced across all related cases.

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, the 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

1. Actual Damages and Damages *Per Se*

A. Compensatory financial damages for the plaintiffs' abuse of process claim:

Ms. Browning testified that she paid the following:

- \$12,011.16 paid to H.W. Paschal, Jr. to defend *Deanne Johnston as Guardian for Patricia Singer v. Browning Geriatric Consulting, LLC and Jennifer Browning*;
- \$1,750.00 paid to Clayton L. Jennings to defend *Margaret Miniard v. Abigail Hodges and Browning Geriatric Consulting, LLC*;
- \$116,322.79 paid to Fred W. Suggs, III to defend *Grist, et al. v. Jennifer Browning and Browning Geriatric Consulting, LLC, et al.*;
- \$76,630.00 paid to Beattie B. Ashmore to defend *Grist, et al. v. Jennifer Browning and Browning Geriatric Consulting, LLC, et al., Miniard, et al. v. Jennifer Browning*

and *Browning Geriatric Consulting, LLC, et al.*, and *Michalski, et al. v. Jennifer Browning and Browning Geriatric Consulting, LLC, et al.* cases; and

- \$9,331.25 paid to Theresa Horton, Fred W. Suggs, III, and Beattie B. Ashmore to defend *McCalla, et al. v. Jennifer Browning and Jennifer Chastain*.

These are compensatory damages recoverable for abuse of process as the natural results of the defendants' continued wrongs, and recompense Ms. Browning for her expenses and loss of financial standing. Moreover, these fees are reasonable when considering the six factors as outlined in *Burton*. In each of these cases, Ms. Browning and Browning Geriatric obtained a favorable result. Counsel in each of these cases has high professional standing (the Court notes that Attorney Theresa Horton has recently passed away). The Grist state case and the three federal cases were complex, and the *Grist* state case has been ongoing since August 1, 2022. Counsel devoted a substantial amount of time to these two cases. These fees are all customary for similar services.

B. Other actual damages and damages *per se*:

As demonstrated by the evidence, Ms. Browning has endured profound emotional distress characterized by extreme marital conflict, sleepless nights, and constant anxiety about her family's future. This anxiety was coupled with the catastrophic professional impact on Browning Geriatric's client base and staff as reflected throughout Ms. Browning's testimony.

Because this case involves admitted allegations of libel *per se*, Ms. Browning and Browning Geriatric were not required to prove general damages. "When a defamatory statement is actionable *per se*, the plaintiff need not prove general damages—as these damages are presumed—and the defendant is presumed to have acted with common law

malice.” *Kunst v. Loree*, 424 S.C. 24, 39, 817 S.E.2d 295, 302–03 (Ct. App. 2018). Thus, Ms. Browning and Browning Geriatric’s noneconomic damages are those that the law presumes as a result of the attorney defendants accusing them of committing felonies 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. The Court takes judicial notice that the RICO cases were dismissed in favor of Ms. Browning and Browning Geriatric. 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 Ms. Browning and Browning Geriatric.

The Court hereby awards Ms. Browning \$216,045.20 to Ms. Browning in compensatory damages. The Court hereby awards Ms. Browning an additional \$5,000,000 in actual and *per se* damages and awards Browning Geriatric \$1,000,000 in actual and *per se* damages.

2. Attorneys Fees

The Court also awards Ms. Browning attorneys fees and expenses pursuant to S.C. Code Ann. § 15-53-100 in the amount of \$140,368.95 reflecting the amount paid to Beattie B. Ashmore. In awarding these attorneys fees, the Court has considered the nature, extent, and difficulty of this case, the time necessarily devoted to the case, the professional standing of counsel, the contingency of compensation, the beneficial results obtained, and customary legal fees for similar services. Attorney Ashmore is recognized

as an experienced and outstanding member of the South Carolina Bar. This case involved a claim for abuse of process, which involved six (now seven) lawsuits brought by the attorney defendants against the plaintiffs. Moreover, within this lawsuit the attorney defendants accused Judge Salvini of being biased and they filed a petition and supplemental petition with the South Carolina Supreme Court. They also filed an interlocutory appeal to the South Carolina Court of Appeals which was dismissed. The time counsel devoted to this case was substantial. Numerous motions were filed and depositions were taken. The fees are customary for similar services. Moreover, counsel for the plaintiffs has a high professional standing and obtained a beneficial result.

3. Punitive Damages

The attorney defendants have harassed the plaintiffs for seven years with frivolous lawsuits. Relevant excerpts from the attorney 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 not merely improper, but reflects a troubling disregard for their obligations as officers of the court. Such conduct not only impeded the plaintiffs' ability to obtain trial evidence for the damages hearings but also demonstrated a level of obstruction and evasiveness that is particularly reprehensible when committed by licensed attorneys who are bound to uphold, and not undermine, the rule of law.

The seriousness of this misconduct was only magnified at the damages hearing, where the attorneys for the attorney defendants continued to posture as though the defamatory accusations might have merit—despite the attorney defendants having previously refused to answer straightforward questions about the very letters they

authored and circulated. The attorney defendants did not see fit to attend the damages hearing. Their conduct following publication of the letters was as egregious as the publication itself and strongly suggests an ongoing unwillingness to accept responsibility or accountability for their reckless and reprehensible behavior.

In light of this pattern of disregard for the truth and for the integrity of judicial proceedings, in evaluating the appropriate measure of punitive damages, the deterrence factor carries particular weight. When the actors are lawyers whose conduct exhibits disrespect for the fundamental rule of law, punitive damages are not only appropriate but necessary to ensure that such behavior is not repeated, either by these attorney defendants or by others.

Therefore, this Court finds that Ms. Browning and Browning Geriatric have each presented clear and convincing evidence of actual malice to warrant a punitive damages award. The Court hereby awards punitive damages in favor of Ms. Browning in the amount \$2,000,000.00¹ against the attorney defendants, Devon Puriefoy, Kimberly Thomason, and Desa Ballard. The Court hereby awards punitive damages in favor of Browning Geriatric in the amount of 400,000.00 against the attorney defendants, Devon Puriefoy, Kimberly Thomason, and Desa Ballard.

VI. CONCLUSION

It is hereby ORDERED:

1. Ms. Browning is granted judgement against all of the defendants, joint and several, as follows:

¹ 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 \$ 5,216,045.20 equals 2,086,418.0 rounding down 2,000,000.00)

- a. Actual damages and damages per se in the principal amount of **\$5,216,045.20**; and
 - b. Attorneys' fees in the amount of **\$140,368.95**.
- 2. Browning Geriatric Consulting, LLC is granted judgment against all of the defendants, jointly and severally, as follows:
 - a. Actual damages and damages per se in the principal amount of **\$1,000,000.00**.
- 3. Punitive damages are hereby ordered against Defendant Devon Puriefoy as follows:
 - a. **\$666,666.67** in favor of Ms. Browning and
 - b. **\$133,333.33** in favor of Browning Geriatric Consulting, LLC.
- 4. Punitive damages are hereby ordered against Defendant Kimberly Thomason as follows:
 - a. **\$666,666.67** in favor of Ms. Browning and
 - b. **\$133,333.33** in favor of Browning Geriatric Consulting, LLC.
- 5. Punitive damages are hereby ordered against Defendant Desa Ballard as follows:
 - a. **\$666,666.67** in favor of Ms. Browning and
 - b. **\$133,333.33** in favor of Browning Geriatric Consulting, LLC.

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: Jennifer L Browning , plaintiff, et al vs. Paul Hulsey , defendant, et al

Case Number: 2024CP2303730

Type: Order/Other

It is so ordered

Eugene C. Griffith, Jr. 2154

Electronically signed on 2026-03-12 11:10:10 page 22 of 22

EXHIBIT L

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

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 Hulse/the Estate of Paul Hulse. 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

Electronically signed on 2026-03-12 11:11:59 page 16 of 16

EXHIBIT M



Cases

Case Search

Participant Search

Disclaimer: The information and documents available here should not be relied upon as an official record of action. Only filed documents can be viewed. Some documents received in a case may not be available for viewing. Some documents originating from a lower court, including records and appendices, may not be available for viewing.

Case Information: 2025-000366

Court:	Court of Appeals	Classification:	Appeal - Common Pleas - Other
Short Title:	Stacey Grist v. Priscilla M. Grist	Case Status:	On Preliminary List
	View Full Title		
Consolidated:			
Filed Date:	02/27/2025	Oral Argument Date:	
Disposition Date:		Disposition Type:	
Remittitur Date:			
Lower Court or Tribunal:	Greenville (2022CP2304055)		

- Party Information

Appellate Role	Party Name	Former	Attorney(s)
Appellant	Chestnut Ridge Farm, LLC	N	Haley Alyse Hubbard (Former) Desa Ballard (Former) Harvey M. Watson, III (Former) Kimberly Truluck Thomason (Former) Devon Marc Puriefoy (Former) Christopher B. Major Arthur Frazier McLean, III
Appellant	Stacey Grist	N	Haley Alyse Hubbard (Former) Desa Ballard (Former) Harvey M. Watson, III (Former) Kimberly Truluck Thomason (Former) Devon Marc Puriefoy (Former) Christopher B. Major Arthur Frazier McLean, III
Appellant	Hilly Street, LLC	N	Haley Alyse Hubbard (Former) Desa Ballard (Former) Harvey M. Watson, III (Former) Kimberly Truluck Thomason (Former) Devon Marc Puriefoy (Former) Christopher B. Major Arthur Frazier McLean, III
Appellant	Stanford Grist Veterinary Services, LLC	N	Haley Alyse Hubbard (Former) Desa Ballard (Former) Harvey M. Watson, III (Former) Kimberly Truluck Thomason (Former) Devon Marc Puriefoy (Former) Christopher B. Major Arthur Frazier McLean, III
Respondent	Browning Geriatrics Consulting, LLC	N	Robert McNair Peele, III Jacqueline Marie Pavlicek Curtis W. Dowling Matthew G. Gerrald Fred W. Suggs, III
Respondent	Jennifer Browning	N	Robert McNair Peele, III Jacqueline Marie Pavlicek Curtis W. Dowling Matthew G. Gerrald Fred W. Suggs, III
Respondent	Chris Couchell	N	Robert McNair Peele, III Jacqueline Marie Pavlicek Curtis W. Dowling Matthew G. Gerrald Fred W. Suggs, III
Respondent	Erin Couchell	N	Robert McNair Peele, III Jacqueline Marie Pavlicek Curtis W. Dowling Matthew G. Gerrald Fred W. Suggs, III
Respondent	Kiki's Kare, LLC	N	Robert McNair Peele, III Jacqueline Marie Pavlicek Curtis W. Dowling Matthew G. Gerrald Fred W. Suggs, III

- Party Information

Respondent	Tracy Parson	N	Robert McNair Peele, III Jacqueline Marie Pavlicek Curtis W. Dowling Matthew G. Gerrald Fred W. Suggs, III
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Views

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Event Information

Filed Date	Event Information	Doc
08/14/2026	Correspondence - Incoming (Six Bound Copies of Respondent Tracy Parson's Final Brief)	
08/12/2026	Correspondence - Incoming (Six Bound Copies of Kiki's Care, Erin Couchell, and Chris Couchell's Respondents' Final Brief)	
08/12/2026	Correspondence - Incoming (Six Bound Copies of Jennifer Browning and Browning Geriatrics Consulting, LLC's Respondents' Final Brief)	
08/05/2026	Correspondence - Outgoing (Six Bound Copies Requested)	
07/08/2026	Non-Dispositional Decision - Order	
07/02/2026	Correspondence - Incoming (Motion Filing Fee)	
06/26/2026	Motion - Substitute as Christopher B. Major and Arthur F. McLean, III as Counsel for Appellants	
03/18/2026	Correspondence - Incoming (Bound Copies of Appellants' Final Reply Briefs)	
03/13/2026	Correspondence - Outgoing (Overdue Letter for Bound Copies of Appellants' Final Reply Briefs)	
02/09/2026	Correspondence - Incoming (Mailed Copy of Notice to Continue Appeal)	
02/03/2026	Correspondence - Incoming (Notice of Continuing Appeal)	
01/30/2026	Final Brief - Reply to Jennifer Browning	
01/30/2026	Final Brief - Reply to Tracy Parson	
12/31/2025	Non-Dispositional Decision - Extension Granted (1st - Appellant's Final Reply Briefs)	
12/29/2025	Correspondence - Incoming (Filing Fee Notification)	
12/23/2025	Motion - Extension of Time (1st - Appellant's Final Reply Briefs)	
12/22/2025	Correspondence - Outgoing (Appellants' Final Reply Briefs Overdue Letter)	
12/18/2025	Non-Dispositional Decision - Order (Motion - Extension - 1st - Record on Appeal and Final Brief)	
11/19/2025	Final Brief - Respondent (Jennifer Browning and Browning Geriatrics Consulting, LLC)	
11/18/2025	Correspondence - Incoming (Inquiry Regarding Bound Copies)	
11/17/2025	Motion - No Return to Motion - Extension (1st - Record on Appeal and Final Brief)	
11/17/2025	Final Brief - Respondent (Kiki's Kare, LLC, Erin Couchell, and Chris Couchell)	
11/10/2025	Correspondence - Incoming (Mailed Copy of Respondent Tracy Parson's Final Brief)	
11/06/2025	Final Brief - Respondent (Tracy Parsons)	
11/05/2025	Record - Proof of Service of Record on Appeal	
11/05/2025	Record - Record on Appeal Filed	
11/05/2025	Final Brief - Appellant	
11/04/2025	Deficiency - Correction (1st - Record on Appeal and Final Brief)	
11/04/2025	Deficiency - Deficiency Letter Sent (1st - Record on Appeal and Final Brief)	
11/04/2025	Motion - Extension of Time (1st - Record on Appeal and Final Brief)	
10/15/2025	Correspondence - Outgoing (Bound Copy Request)	
10/07/2025	Initial Brief - Reply to Respondent Jennifer Browning	
10/07/2025	Initial Brief - Reply to Respondent Tracy Parsons	
09/22/2025	Non-Dispositional Decision - Extension Granted (2nd - Appellants' Initial Reply Brief)	
09/22/2025	Correspondence - Incoming (Notice of Motion Filing Fee)	
09/17/2025	Motion - Extension of Time (2nd - Appellants' Initial Reply Brief)	
09/09/2025	Non-Dispositional Decision - Extension Granted (1st - Appellant's Initial Reply Brief)	
09/09/2025	Motion - Extension of Time (1st - Appellant's Initial Reply Brief)	
09/08/2025	Designation of Matter - Designation of Matter Filed (Tracy Parsons)	
09/08/2025	Initial Brief - Respondent (Tracy Parsons)	
09/04/2025	Initial Brief - Respondent (Kiki's Care, LLC, Erin Couchell, and Chris Couchell)	

09/04/2025	Designation of Matter - Designation of Matter Filed (Kiki's Care, LLC, Erin Couchell, and Chris Couchell)	
09/04/2025	Initial Brief - Respondent (Jennifer Browning and Browning Geriatrics Consulting, LLC)	
09/04/2025	Designation of Matter - Designation of Matter Filed (Jennifer Browning and Browning Geriatrics Consulting, LLC)	
08/06/2025	Non-Dispositional Decision - Extension Granted (2nd - Respondents' Initial Brief and Designation of Matter)	
08/06/2025	Motion - Extension of Time (2nd - Respondents' Initial Brief and Designation of Matter)	
06/27/2025	Non-Dispositional Decision - Extension Granted (1st - Respondents' Initial Brief and Designation of Matter)	
06/27/2025	Motion - Extension of Time (1st - Respondents' Initial Brief and Designation of Matter)	
06/12/2025	Designation of Matter - Designation of Matter Filed	
06/12/2025	Initial Brief - Appellant	
06/06/2025	Designation of Matter - Designation of Matter Filed	
06/06/2025	Initial Brief - Appellant	
06/02/2025	Non-Dispositional Decision - Extension Granted (3rd - Appellants' Initial Brief and Designation of Matter)	
05/28/2025	Motion - Extension of Time (3rd - Appellants' Initial Brief and Designation of Matter)	
04/29/2025	Non-Dispositional Decision - Extension Granted (2nd - Appellants' Initial Brief and Designation of Matter)	
04/29/2025	Motion - Extension of Time (2nd -Appellants' Initial Brief and Designation of Matter)	
03/31/2025	Non-Dispositional Decision - Extension Granted (1st - Appellants' Initial Brief and Designation of Matter)	
03/28/2025	Motion - Extension of Time (1st - Appellants' Initial Brief and Designation of Matter)	
03/17/2025	Transcript Documents - Transcript Ordered	
03/17/2025	Correspondence - Outgoing (Transcript Order Overdue)	
02/28/2025	Correspondence - Outgoing (Initial Letter)	
02/28/2025	Notice of Appeal (Civil) - Third	
02/28/2025	Notice of Appeal (Civil) - Second	
02/27/2025	Notice of Appeal (Civil) - Initial	

EXHIBIT N

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Stanford W. Grist, individually, by and)
through his attorney-in-fact Stacey Grist, and)
Stacy Grist, individually,)

Plaintiffs)

vs.)

Jennifer Browning, Browning Geriatric)
Consulting LLC, Tracy Parsons, Priscilla)
Mickie Grist, Christopher Couchell, Kiki's)
Kare LLC d/b/a Comfort Keepers, Tyler)
McLeod, Adam Lee, Michael Bridges, Dan)
Collins, The Vanguard Group Inc., Cheryl)
Borum, O'Neil Rabon, Caroline York Grist)
Lyon, Leland Lyon, Jr., Clayton Jennings¹,)

Defendants)

Civil Action No.:

COMPLAINT
(Jury Trial Demanded)

Action for Violations of the Organized

Crime Control Act of 1970. Pub.L.No. 91-
452, Title IX, "Racketeer Influenced and
Corrupt Organizations Act"
("RICO")(Codified at 18 U.S.C. §§ **1961-1968**)
And Common Law Claims

¹ Defendants Clayton Jennings and O'Neil Rabon, in response to the notice letter sent by Plaintiffs' counsel, filed lawsuits against Plaintiffs' counsel and others in a reactionary but ill-informed stunt in which they doth protest too much, demonstrating not only their arrogance at having been called out for their illegal activity, but taking affirmative steps to offensively attempt to inhibit their victims from pursuing their legal rights by way of intimidation, which is further evidence of the predicate acts of Defendants Jennings and Rabon as set forth herein and the lack of remorse for his actions, as well as forecasting his inclination to continue to abuse future victims. *Ronald O'Neil Rabon v. Paul Hulsey et al.*, Case No. 2024-CP-23-03236; Clayton L. Jennings v. Paul Hulsey et al., Case No. 2024-CP-23-03271 (filed May 24, 2024). Most recently, Defendant Browning and Browning Geriatric Consulting LLC have filed a lawsuit. *Jennifer L. Browning v. Paul Hulsey et al.*, Case No. 2024-CP-23-03730.

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Plaintiffs, complaining of the Defendants, and seeking legal and equitable relief as prayed for herein, would show unto this Honorable Court:

I. SUMMARY OF ACTION

The Sham Probate Enterprise

1. This is an action brought pursuant to 18 U.S.C. Section 1962 *et seq.* (hereafter referred to as “**RICO**”) to recover legal damages, attorney’s fees and costs and equitable remedies, as well as such other and further relief as the Court deems appropriate, for the cumulative actions of the Defendants (hereafter collectively referred to as the “**Collaborators**” as more specifically described herein) of which Plaintiffs (as defined below) are among the victims: a widespread, comprehensive, systematic, continuous, ongoing scheme to deceive and defraud them and others, as well as deprive Plaintiffs of their property through a long list of racketeering activities prohibited by **RICO**. The liability of the **Collaborators** and those they conspired with is reflected in court filings, property transactions, witness interviews, bank records, trust documents, medical records, other professional records, depositions, hearing transcripts which demonstrate a clear pattern of ongoing racketeering activity by an association-in-fact enterprise involving various predicate acts executed by the **Collaborators** and others to deprive Plaintiffs of valuable property and rights. These comprehensive, multiple and inter-related schemes to deceive and defraud are generally characterized by lawyers knowingly self-dealing while committing fraud in the creation or administration of probated estates, settlements, trust agreements, property transactions, some of which were purportedly authorized by court orders² for which the judicial officers

² Some of the court “orders” in these and related actions appear to have been “signed” using a rubber stamp of a judicial official likely making the document void or voidable in the execution of each, which didn’t slow down the **Collaborators** in their affirmative steps to harm the Plaintiffs and others.

involved do not enjoy any form of immunity, particularly when those judicial officers are, or in the exercise of reasonable care should be, aware of the ongoing pattern and scheme and take no steps to protect the victims, even assisting in the abuse of the victims. This undertaking is referred to herein as the **Sham Probate Enterprise**. During the execution of the **Sham Probate Enterprise**, in addition to appearing as lawyers in Probate matters, some of the Defendant **Collaborators** failed to disclose conflicts of interest and at least five (5) are currently engaged in extortion under South Carolina law but have engaged in other predicate acts in furtherance of the **Sham Probate Enterprise** and continue to do so. In this regard at least one (1) financial institution has willingly participated in the schemes along with health care workers and health care institutions that fraudulently created assessments and other fraudulent documentation to further their abuse of the rights of the victims including the Plaintiffs here. The Defendant **Collaborators** also conspired with others not yet identified herein and were aided and abetted by, as discovery may dictate, others not yet identified herein. The use by the **Sham Probate Enterprise Collaborators** of the court system to advance the racketeering scheme is particularly egregious as it victimized the entire judicial system, impacts the administration of justice across the board and undermines the integrity of the state court legal and judicial process for everyone.

2. Each of the Defendant **Collaborators** and other parties associated with or participated in the affairs of the **Sham Probate Enterprise** as defined herein, in that they conducted or participated directly or indirectly in the operation of the **Sham Probate Enterprise** through a “pattern of racketeering activity” within 18 U.S.C. §1961(1) and (5) and §1962(c), *to wit*: multiple, repeated, and continuous violation of 18 U.S.C. §1341 (mail fraud), 18 U.S.C. §1343 (wire fraud) and S.C. Code §16-17-640 (extortion).

3. The pattern of racketeering conduct includes multiple mailings, wire transmissions and acts causing the Plaintiffs to lose assets that belonged to them and to suffer unwarranted and unwanted restrictions on their liberty. The Defendant **Collaborators** and other related persons or entities conducted themselves in a manner directed toward the Plaintiffs and their heirs and estates in concert acting solely on behalf of the **Sham Probate Enterprise** which caused and continues to cause Plaintiffs and their heirs and estates significant harm.

II. JURISDICTION

4. This Court has jurisdiction under 18 U.S.C. § 1964(a) and (c) (**RICO**); 28 U.S.C. § 1331 (federal question). Supplemental jurisdiction under 28 U.S.C. § 1367 exists as to those claims that are so related to the federal claims in that they form part of the same case or controversy. The matters in controversy arise under the Constitution, treaties and laws of the United States, including those regulating commerce.
5. Venue is proper in this Court under 18 U.S.C. § 1965(a) and 28 U.S.C. § 1391(b) because a substantial part of the events and omissions giving rise to the claims occurred in this district. The ends of justice are served because joint trials for claims against related parties conserve resources and avoid inconsistent verdicts.

III. PARTIES

6. Defendant **Collaborators** coordinated with one another to create and operate a “**Sham Probate Enterprise**” which constituted an association-in-fact enterprise which involved using fraud and abuse of the legal system to take advantage of persons (hereafter referred to as “victims”) to divert some or all of those victims’ assets and/or income and to fraudulently

charge unneeded and unwanted professional fees to be paid to the **Collaborators**, or some of them, and others, sometimes in conjunction with relatives of the victims who had their own private agenda and desire to take advantage of the victims, under circumstances in which such professional services were intended to and did handicap the ability of the victims to self-determination, liberty and freedom, and destroyed the victims' abilities to protect their assets and/or spend them as they chose or as they had directed.

7. The **Sham Probate Enterprise** relied upon interaction with and alleged oversight by the Greenville County Probate Court (hereafter "the Probate court") to initiate and facilitate the **Collaborators'** raids upon the assets and income of the victims, to vitiate and neutralize the stated will of the victims, to the detriment of the victims and to enrich the **Collaborators**, all of whom operate for profit and all of whom profited from their acts and omissions as set forth herein, to the detriment of the victims. This is the first of several similar cases that will be filed for the benefit of other victims who were also harmed and damaged irrevocably by the actions in the **Sham Probate Enterprise**.
8. On information and belief, there are multiple victims of these **Collaborators** and on information and belief the **Sham Probate Enterprise** continues at the present, with the Probate court continuing to assist the **Sham Probate Enterprise**, with some of the named Defendant **Collaborators** and others still entrusted with responsibility to provide service to current victims, who will surely suffer as these Plaintiffs have.³

³ On information and belief, named Defendant **Collaborators** were placed on notice of their illegal activities by letter dated May 17, 2024, which was sent by certified mail to all named Defendant **Collaborators** and to some via email, but on information and belief, the named Defendant **Collaborators** have continued their unlawful **Sham Probate Enterprise**, victimizing even more members of the Greenville community in the month since the Defendant **Collaborators** were alerted that the illegal enterprise had been uncovered and that they would be required to answer for their wrongdoing. To date, only one of the named Defendant **Collaborators** has made tentative contact to Plaintiffs' counsel to cooperate and disclose details regarding the **Sham Probate Enterprise**.

9. On information and belief, Defendant **Collaborator** Jennifer **Browning** is an individual who resides and conducts business in and around the County of Greenville, State of South Carolina and whose conduct was fraudulent and actionable. On multiple occasions, including actions involving these Plaintiffs, Defendant **Collaborator** Jennifer **Browning** has been appointed by the Probate court to serve in a representative capacity for various victims, among them the Plaintiffs named herein and has used those appointments to enrich herself to the detriment of the victim, including these Plaintiffs.
10. On information and belief, Defendant **Collaborator** Jennifer **Browning** is the primary owner of a limited liability corporation organized and existing under the laws of the State of South Carolina called **Browning Geriatric Consulting LLC** which was used as an instrumentality of fraudulent activity and was not within the scope of judicial oversight by virtue of the manipulation of its corporate structure to receive professional fees while not appointed by any Court. On information and belief, Defendant **Collaborator** **Browning Geriatric Consulting LLC** has never been appointed to serve in a representative capacity by the Probate court, but under the guise of appointments of Defendant **Collaborator** Jennifer **Browning**, Defendant **Collaborator** **Browning Geriatric Consulting LLC** has taken advantage of the victims, including Plaintiffs, to its enrichment without ever having been court-appointed or subjected to judicial oversight.
11. On information and belief, Defendant **Collaborator** Tracy **Parsons** is a citizen and resident of the County of Greenville, who has on multiple occasions been appointed, designated or retained, and was at all times paid for services from the assets or income of affected victims, to assist in the **Sham Probate Enterprise** by submitting reports and statements, some of which were false, misleading and calculated to contribute to the continuing nature of the

Sham Probate Enterprise involving these Plaintiffs, and others not yet named, and who, on information and belief, participated in fraudulent conduct by furthering the **Sham Probate Enterprise**, and yet despite that she continued to cooperate and actively participate in the **Sham Probate Enterprise** and to further its efforts and goals and to enrich herself personally.

12. On information and belief, Defendant **Collaborator** Priscilla Mickie **Grist** is one of the adult daughters of Plaintiff Stanford W. **Grist**, is a citizen and individual of the County of Greenville, State of South Carolina, and has at all relevant time periods assisted in the facilitation and implementation of the **Sham Probate Enterprise** to enrich herself and for the express purpose of harming the Plaintiffs and acting contrary to the wishes of Plaintiff Stanford W. **Grist**, and on all relevant occasions, she was a client or agent of other **Collaborators**, some of whom are named as Defendant **Collaborators** herein, who participated in the **Sham Probate Enterprise** and provided false and fraudulent information to the Probate court in order to further the **Sham Probate Enterprise** and her own personal interests and that of others.
13. Upon information and belief, Christopher **Couchell** is the owner of Defendant **Collaborator** Kiki's Care, LLC, is a citizen and individual of the County of Greenville, State of South Carolina, and has at all relevant time periods assisted in the facilitation and implementation of the **Sham Probate Enterprise**.
14. On information and belief, Christopher **Couchell** is the primary owner of a limited liability corporation organized and existing under the laws of the State of South called **Kiki's Care, LLC**, doing business as **Comfort Keepers**. Upon information and belief, Defendant **Collaborator KiKi's Care, LLC** has never been appointed to serve in a representative

capacity by the Probate court, but has provided daily care services under the guise of Jennifer **Browning's** probate appointments, has taken advantage of the victims to its enrichment without ever having been court-appointed or overseen by judicial oversight.

15. Upon information and belief, Defendant **Collaborator** Tyler **McLeod** is a lawyer and a citizen of the County of Greenville, State of South Carolina, who has at all relevant time periods assisted in the facilitation and implementation of the **Sham Probate Enterprise** to enrich himself and for the purposes of harming the Plaintiffs and acting contrary to the wishes of Plaintiff Stanford W. **Grist**, and on relevant occasions worked in concert with other **Collaborators**, some of whom are named as Defendant **Collaborators** herein, who participated in the **Sham Probate Enterprise**. **McLeod** also represented Charlotte Grist before the Probate Court.
16. Upon information and belief, Defendant **Collaborator** Michael **Bridges** is a lawyer and a citizen of the County of Greenville, State of South Carolina, and has at all relevant time periods assisted in the facilitation and implementation of the **Sham Probate Enterprise** to enrich himself while acting contrary to the wishes of Plaintiff Stanford W. **Grist**, and on relevant occasions worked in concert with other **Collaborators**, some of whom are named as Defendant **Collaborators** herein, who participated in the **Sham Probate Enterprise**. **Bridges** was originally engaged by Dr. **Grist** to defend against the actions brought by Defendant **Collaborators** Priscilla Mickie **Grist** and Caroline **Lyon**. **Bridges** also represented Jennifer **Browning** in contemporaneous cases involving other parties before the same court without disclosing the representation to Dr. **Grist**.
17. Upon information and belief, Defendant **Collaborator** Adam **Lee** is a lawyer and a citizen of the County of Greenville, State of South Carolina, and has at all relevant time periods

assisted in the facilitation and implementation of the **Sham Probate Enterprise** to enrich himself while acting contrary to the wishes of Plaintiff Stanford W. **Grist**, and on relevant occasions worked in concert with other **Collaborators**, some of whom are named as Defendant **Collaborators** herein, who participated in the **Sham Probate Enterprise**. **Lee** was originally engaged by Dr. Grist to defend against the actions brought by Defendant **Collaborators** Priscilla Mickie **Grist** and Caroline **Lyon**, and purported to represent the interests of Dr. Grist while actively adverse to him. Defendant **Collaborator Lee** also represented Jennifer **Browning** in contemporaneous cases before the same court without disclosing the representation to Dr. **Grist** that he was acting contrary to Dr. Grist's interests.

18. Upon information and belief, Defendant **Collaborator Daniel Collins** is a lawyer and citizen of the County of Greenville, State of South Carolina, and has at all relevant time periods assisted in the facilitation and implementation of the **Sham Probate Enterprise** to enrich himself while acting contrary to the wishes of Plaintiff Stanford W. **Grist**, and on relevant occasions worked in concert with other **Collaborators**, some of whom are named as Defendant **Collaborators** herein, who participated in the **Sham Probate Enterprise**. **Collins** represented Dr. **Grist** as his estate lawyer for years without disclosing that he contemporaneously represented Defendant **Collaborators** Leyland **Lyon** and Caroline **Lyon** adversely to Dr. **Grist's** interest, or that he had previously retained Defendant **Collaborator Jennifer Browning's** services to get a "finding of incapacity" or as professional guardian in a litany of cases, including one presently pending in another county.
19. Upon information and belief, Defendant **Collaborator The Vanguard Group, Inc.**, (hereafter "Vanguard Group") is a corporation organized and existing under the laws of the State of Pennsylvania, with location in Greenville County, State of South Carolina, which

aided Defendant **Collaborators** Leyland **Lyon** and Caroline **Lyon** in the fraudulent control of Dr. **Grist**'s assets while being compensated agents of Dr. **Grist**. On information and belief, **Vanguard Group** is a financial institution that offered wealth management services to Dr. **Grist** and to **Collaborators**, some of which are Defendant **Collaborators** herein, and to Plaintiffs and facilitated and participated in the **Sham Probate Enterprise**.

20. Upon information and belief, Defendant **Collaborator** Cheryl **Borum** is a citizen and individual of the County of Greenville, State of South Carolina, and has at all relevant time periods assisted in the facilitation and implementation of the **Sham Probate Enterprise** to enrich herself while acting contrary to the wishes of Plaintiff Stanford W. **Grist**, and on relevant occasions worked in concert with other **Collaborators**, some of whom are named as Defendant **Collaborators** herein, who participated in the **Sham Probate Enterprise**. On information and belief, Defendant **Collaborator** **Borum** acted as Dr. **Grist**'s CPA while working adversely to Dr. **Grist**'s interest with Defendant **Collaborators** Leyland **Lyon** and Caroline **Lyon**.
21. Upon information and belief, Defendant **Collaborator** O'Neil **Rabon** is a lawyer and a citizen of the County of Greenville, State of South Carolina, and has at all relevant time periods assisted in the facilitation and implementation of the **Sham Probate Enterprise** to enrich himself while acting contrary to the wishes of Plaintiff Stanford W. **Grist**, and on relevant occasions worked in concert with other **Collaborators**, some of whom are named as Defendant **Collaborators** herein, who participated in the **Sham Probate Enterprise**. **Rabon** represented **Collaborators** Priscilla Mickie **Grist**, Leyland **Lyon**, and Caroline **Lyon**. **Rabon** also represented Defendant **Collaborator** Jennifer **Browning** in numerous

cases and also appeared regularly in *ex parte* proceedings seeking her appointment in multiple cases before the Probate court, indicating his tendency to repeat his bad actions.

22. Upon information and belief, Defendant **Collaborator** Leyland **Lyon** is a citizen and individual of the County of Greenville, State of South Carolina, and has at all relevant time periods assisted in the facilitation and implementation of the **Sham Probate Enterprise** to enrich himself while acting contrary to the wishes of Plaintiff Stanford W. **Grist**, and on relevant occasions worked in concert with other **Collaborators**, some of whom are named as Defendant **Collaborators** herein, who participated in the **Sham Probate Enterprise**.
23. Upon information and belief, Defendant **Collaborator** Caroline **Lyon** is a citizen and individual of the County of Greenville, State of South Carolina, and has at all relevant time periods assisted in the facilitation and implementation of the **Sham Probate Enterprise** to enrich herself while acting contrary to the wishes of Plaintiff Stanford W. **Grist**, and on relevant occasions worked in concert with other **Collaborators**, some of whom are named as Defendant **Collaborators** herein, who participated in the **Sham Probate Enterprise**.
24. Upon information and belief, Defendant **Collaborator** Clayton **Jennings** is a lawyer, judge and citizen of the County of Greenville, State of South Carolina, and has at all relevant time periods assisted in the facilitation and implementation of the **Sham Probate Enterprise** and on relevant occasions worked in concert with other **Collaborators**, some of whom are named as Defendant **Collaborators** herein, who participated in the **Sham Probate Enterprise**. **Jennings** represented Jennifer **Browning** and **Browning Geriatric**, LLC in other court proceedings while acting as Judge in Dr. **Grist's** case without disclosing the same to Plaintiffs.

IV. STATEMENT OF THE CASE

25. Each and every allegation set forth above is realleged and reasserted as if set forth verbatim herein.
26. The Defendant **Collaborators** created the **Sham Probate Enterprise** as an association-in-fact enterprise which operated through a pattern of racketeering conduct in order to deceive and defraud the Plaintiffs and others similarly situated.

V. RELEVANT PERIODS OF TIME

27. Between 2005 to 2020, Dr. Stanford W. **Grist** took extensive steps to ensure that the manner in which he wished for his estate to be distributed upon his death was properly documented and not left open to interpretation. More specifically, Dr. Grist was intentional about establishing certain safeguards to prevent deviation from his wishes in the event of mental incapacity.
28. In 2005, Dr. **Grist** executed his revocable Trust. Dr. **Grist** named himself as the Trustee of his Trust and upon his incapacity or death, Defendant **Collaborator** Leyland **Lyon** was to serve as the successor Trustee. On the same day, Dr. **Grist** executed a General Durable Power of Attorney naming Defendant **Collaborator** Leyland **Lyon** as his Attorney-In-Fact.
29. Over time, however, Dr. **Grist** began reevaluating his succession plan, and upon discovering that thousands upon thousands of dollars were misappropriated by Defendant **Collaborators** Leland **Lyon** and Caroline Grist **Lyon** from the Veterinary Business, Dr. **Grist** elected to amend his corporate documents, as well as his estate documents, to remove Defendant **Collaborators** Leyland **Lyon** and Caroline Grist **Lyon** as successor Trustees and to name

Stacey **Grist** (“Plaintiff”) as an officer of the Business and as successor Trustee under the Trust.

30. Initially Dr. **Grist** went to his prior attorney, Defendant **Collaborator** Daniel **Collins**, to request that he draft these changes. Upon arriving at Defendant Collaborator **Collins**’ office, Dr. **Grist** found himself in a meeting with Defendant **Collaborators** **Collins**, Leyland **Lyon** and Caroline **Lyon**. Dr. **Grist** then learned that Collins also represented Defendant **Collaborators** Leyland **Lyon** and Caroline **Lyon** and had for years without disclosing the same to Dr. **Grist**. Dr. **Grist** was forthcoming in the presence of Leyland Lyon and Caroline Grist **Lyon** regarding his reasons for making the changes to his estate documents business organization. However, Dr. **Grist** was trapped in what was supposed to be a meeting with an attorney to provide legal services to him, and instead was put under pressure by Defendant **Collaborators** **Collins**, Leland **Lyon** and Caroline **Lyon** to favor them in his estate planning.
31. Defendant **Collaborator** Collins originally agreed to make the requested changes, and Dr. **Grist** left Collins’ office believing that the changes would be made pursuant to his request. Later, after a conversation with Defendant **Collaborator** Cheryl **Borum**, Dr. **Grist**’s CPA, who had been originally recommended by Defendant **Collaborator** **Collins** and who had worked with Leyland **Lyon** to set up a complicated web of bank accounts to hide the money trail from the Veterinary Practice, Defendant **Collaborator** **Collins** called Dr. **Grist** to demand that he submit to a mental evaluation to be arranged by Defendant **Collaborator** **Browning** the next morning before Defendant **Collaborator** **Collins** would make the changes removing his clients Defendant **Collaborators** Leyland **Lyon** and Caroline Grist **Lyon**. Upon information and belief, Defendant **Collaborators**, as members of the **Sham Probate Enterprise**, sought to conceal the extent of the fraud already carried out against Dr.

Grist and to secure further control over his extensive assets, through a sham finding of incapacity.

32. On or about February 19, 2019, after firing Defendant **Collaborator Collins** for what he believed was **Collins'** conflict of interest, Dr. **Grist** went to a well-known, and well-respected firm in Greenville, South Carolina to amend his Durable Power of Attorney (the "POA") to reflect his desire that his daughter, Plaintiff Stacy **Grist**, serve as his attorney-in-fact upon the eventuality of his incapacity (springing powers defined in the POA). Article IX, Section 3 of the Durable Power of Attorney specifically nominated "...Agent as Conservator and Guardian for Principal. To the extent that I am permitted by law to do so, I herewith nominate and appoint my Agent to serve as my guardian, conservator, and/or in any similar representative capacity, if such an appointment is necessary."
33. On or about May 1, 2019, Dr. **Grist** went back to the same law firm in Greenville, South Carolina to amend his Trust to reflect his desire that Plaintiff Stacey **Grist** serve as his successor Trustee. The drafting attorney very astutely elected to execute an affidavit stating that Dr. **Grist** had capacity to execute such documents. In addition to this safeguard, the drafting attorney also thought it necessary for Dr. **Grist** to submit to an independent medical evaluation by a disinterested third-party, which confirmed the drafting attorney's belief that Dr. **Grist** was of sound mind. On information and belief, Dr. **Grist** revealed to the lawyer his suspicions of the actions that might be taken by various members of his family to disrupt his estate planning, how important it was to him that Stacey **Grist** be empowered to act on his behalf in the event of his disability, and the lawyer's astute handling of the matter was for this very reason.

34. At all times since the May 1, 2019, amendment, Plaintiff Stacey **Grist** served as Dr. **Grist's** attorney-in-fact upon any determination of incapacity and as successor trustee, as well as an active participant in the operation of the Business.
35. It was during this time that Dr. **Grist** also became increasingly aware of Defendant **Collaborators** Leyland **Lyon** and Caroline Grist **Lyon's** continued efforts to interfere with his control of his assets, specifically assets held by Defendant **Collaborator Vanguard Group, Inc.** Dr. **Grist** made repeated efforts to gain control of his accounts but was faced with continuous unlawful blocks by Defendant **Collaborator Vanguard's** representatives assigned to his accounts. On information and belief, Defendant **Collaborator** Leyland **Lyon** had changed all passwords on Dr. **Grist's** accounts and Defendant **Collaborator Vanguard** continued to assist Defendant **Collaborator** Leland **Lyon** to keep Dr. **Grist's** assets from him, even though Dr. **Grist's** name was on his accounts, his social security number was on them, and his money was in them. Upon information and belief, Defendant **Collaborator Vanguard Group** worked in concert with Defendant **Collaborator** Leland **Lyon** to block Dr. Grist's access, online and in person, to deprive Dr. **Grist** of the ability to move his own money, and to deny his participation in the management of his funds. It was only after months and months of costly efforts and with the assistance of another financial institution, that Plaintiff Stacey **Grist** and Dr. **Grist** gained control of his remaining assets.
36. In the fall of 2019 through the first of 2020, Dr. **Grist** was the subject of an anonymous complaint filed with the South Carolina Department of Labor, Licensing and Regulation, questioning his capacity to act as a Doctor of Veterinary Medicine in supervising the operation of his veterinary clinics. Upon information and belief, this was yet another effort by Defendant **Collaborators** or their agents to gain control of him and of his assets through

a finding of incapacity that would prevent him from working and managing the money flowing through his businesses. Throughout the investigation over months, another well-respected attorney represented Dr. Grist before the state licensing board. Dr. Grist was subjected to extensive interviews, with the ultimate finding of the board being announced via a dismissal of the complaint in early 2020 finding that the complaint of incapacity was unfounded.

37. This latest effort to gain control of him and his assets and to remove him from his clinics prompted Dr. **Grist** to go to another highly regarded law firm located in Greenville, South Carolina to make further amendments to his Trust. This law firm had previously done extensive legal work for Dr. **Grist** related to his businesses over the years and he knew the attorney well and trusted him. The May 13, 2020 amendment to the Trust, made within months of the licensing board finding him competent and fit to practice veterinary medicine, revised how the Trust would be distributed upon his death, while leaving all other provisions, including the appointment of Plaintiff Stacey **Grist** as his successor trustee, in place.
38. The Trust originally provided that the beneficiaries to the Trust, Defendant **Collaborator** Priscilla Mickie **Grist**, Plaintiff Stacey Grist, and another daughter, **Charlotte Grist**, would receive equal shares of the Trust assets *per stirpes*.
39. In the May 13, 2020 amendment, Dr. **Grist** divested any ownership interest Defendant **Collaborator** Priscilla Mickie **Grist** had in Stanford Grist Veterinary Services, LLC, giving immediate ownership of the same to Plaintiff Stacey **Grist**. The amendment also took away Mickie **Grist**'s interest in Chestnut Ridge Farm LLC, and Hilly Street LLC (collectively referred to as the "Companies"), and left Defendant **Collaborator** Priscilla Mickie **Grist** instead to receive all stocks and bonds being held in Trust. Dr. **Grist** then split ownership of

the Companies equally between Plaintiff Stacey **Grist** and his daughter Charlotte **Grist**, giving immediate ownership of Stanford Grist Veterinary Services, LLC to Plaintiff Stacey **Grist** and giving Charlotte **Grist** her share of the Companies upon his death.¹

40. The drafter of the May 13, 2020, amendment also had Dr. **Grist** submit to an independent medical examination by a disinterested third-party. Both the physician and the drafting attorney found Dr. **Grist** to be of sound mind. Dr. **Grist** informed Defendant **Collaborator** Priscilla Mickie **Grist** of the changes and invited her to meet with the attorney as well to fully understand the change. After learning of this change, Defendant **Collaborator** Priscilla Mickie **Grist** subsequently submitted her formal resignation as Dr. **Grist**'s Healthcare Power of Attorney expressly stating as her reason in the body of the resignation that she no longer wanted this responsibility.
41. Immediately following her resignation as HCPOA, Defendant **Collaborator** Priscilla Mickie **Grist** set about to take Dr. **Grist** to an unplanned doctor's appointment to have "papers signed" with no explanation. On June 26, 2020, Dr. **Grist** called his ex-wife, who he remains very close to, to ask for her help because Defendant **Collaborator** Priscilla Mickie **Grist** was trying to force him into the car to take him to a doctor appointment. Dr. **Grist**'s ex-wife came to his aid and called the police to stop Defendant **Collaborator** Priscilla Mickie **Grist** and a man who was assisting her from their attempted kidnapping of Dr. **Grist**. A police report was issued detailing the concern by Dr. **Grist** and his ex-wife had that Defendant **Collaborator** Priscilla Mickie **Grist** was using this tactic as a means to get access to Dr. **Grist**'s money, as she was being pursued by debt collectors. Again, this was after she previously resigned as his HCPOA.

42. Approximately two months after the May 13, 2020 amendment to the Trust eliminating Defendant **Collaborator** Priscilla Mickie **Grist**'s interest in the businesses, Defendant **Collaborators** Priscilla Mickie Grist and Caroline Grist, aided by Defendant **Collaborators** **Browning, Collins, and Rabon**, put into action their scheme calculated to circumvent Dr. **Grist**'s wishes in an effort to conceal Defendant **Collaborators** Leyland **Lyon** and Caroline Grist **Lyon**'s prior embezzlement perpetrated with the help of Defendant **Collaborators** **Collins** and **Borum** and to secure what they respectively believed to be a more favorable distribution of Trust assets to Defendant **Collaborator** Priscilla Mickie **Grist** upon the incapacity or death of Dr. **Grist** than what his carefully drafted and executed estate plan provided.
43. On July 9, 2020, in direct violation of the valid and enforceable Durable Power of Attorney, Defendant **Collaborator** O'Neil **Rabon**, had Defendant **Collaborator** Priscilla Mickie **Grist** execute and submit an *ex-parte* petition to the Greenville County Probate Court seeking to be appointed guardian over Dr. **Grist** while specifically and falsely noting in the petition that Dr. Grist did not previously designate a guardian in his estate documents. At the same time Defendant **Collaborator** **Browning** was appointed as guardian ad litem without disclosing her role just over a year earlier in Defendant **Collaborators** **Collins, Borum, Leyland, and Caroline**'s plan to have Dr. **Grist** declared incapacitated through a sham mental evaluation.
44. Defendant **Collaborator** Caroline **Grist** then filed a subsequent conservatorship petition based on **vague**, baseless and false allegations that Plaintiff Stacey **Grist** was improperly handling Dr. **Grist**'s business and exercising undue influence in the execution of the POA and the amendments to the Trust with absolutely no factual basis. Defendant **Collaborator**

Caroline **Grist** also falsely stated to the Probate Court that Dr. **Grist** had no Trustee with full knowledge that his Trust provided for a successor Trustee upon his incapacity.

45. These baseless allegations were dispelled after Plaintiff Stacey **Grist** voluntarily submitted to a forensic accounting by an independent third party who praised her handling of the business in her final report.
46. The improper filing seeking Defendant **Collaborator** Priscilla Mickie **Grist**'s appointment to serve as Dr. **Grist**'s guardian resulted in a false determination by the Probate Court that Dr. **Grist** was in fact mentally incapacitated, despite recent prior findings otherwise. Following this determination, Defendant **Collaborator** Priscilla Mickie **Grist** was replaced as guardian by Defendant **Collaborator** Tracy **Parsons** with Defendant **Collaborator** Jennifer **Browning** serving as guardian ad litem.
47. Dr. **Grist** had personally retained Defendant **Collaborators** Adam **Lee** and Mike **Bridges** to serve as his counsel to oppose the appointment of a guardian prior to the temporary hearing; however, unbeknownst to Dr. **Grist**, Defendant **Collaborators** Adam Lee and Mike Bridges intentionally hid their true loyalties from Dr. **Grist** and instead, the Defendant **Collaborators** Adam Lee and Mike Bridges, whom Dr. Grist had hired to protect him from Defendant **Collaborators** **Parsons** and **Browning**, were themselves representing **Browning** in another guardianship matter then pending at the same time before the same court.
48. Also unknown to Plaintiff Stacey **Grist** and to Dr. **Grist** was the fact that Defendant **Collaborator** Clayton **Jennings**, the judge who approved Defendant **Collaborator** **Browning**'s fees to be paid from Dr. **Grist**'s assets against his wishes, was himself serving as **Browning**'s lawyer in a guardianship matter pending in Laurens County at the same time he was presiding over **Browning**'s conduct in Dr. **Grist**'s case in Greenville County.

49. The family all knew that Dr. **Grist** expressly instructed that in the event of incapacity, Plaintiff Stacey **Grist** was to serve as his guardian and conservator specifically in order to avoid and prevent any such Probate proceedings, so this proceeding was malicious in that Dr. **Grist** had just recently been determined fit to practice veterinary medicine and it was expressly contrary to Dr. **Grist** written instructions. Even daughter Charlotte **Grist** knew of her father's wishes, but had hired Defendant **Collaborator** Tyler **McLeod** as her counsel who worked closely with Defendant **Collaborators Rabon, Lee, Bridges, Browning and Parsons** to get and keep control of Dr. **Grist** and his considerable assets contrary to the law and outside of the proceeding then pending before the court.
50. Within the coming months it became clear that the guardianship and **conservatorship** proceedings, which should have only affected Dr. **Grist**'s estate assets, were intended to and served as a vehicle to gain control over Trust assets and to force a modification to the terms of the Trust to give Defendant **Collaborator** Priscilla Mickie **Grist** a third of Dr. **Grist**'s assets, including the businesses which should have otherwise been beyond the reach of the guardianship and conservatorship action, and to fund an endless flow of money to the **Sham Probate Enterprise**. The Defendant **Collaborators**' motives were on full display during a mediation of the guardianship and conservatorship case. They used efforts to resolve the guardianship and conservatorship proceeding pending against Dr. **Grist**, to instead, through the use of tactics of extortion in the form of pressure and threats of further future damage, to force Plaintiff Stacey **Grist** to settle according to their wishes and hand over control Dr. **Grist**'s assets to them. Defendant **Collaborators Rabon, Bridges, Lee, and McLeod** all worked furiously to completely take apart Dr. **Grist**'s legitimate estate documents, including

his Trust and the Companies, to get control of everything for the benefit of the **Sham Probate Enterprise** and for the benefit of Defendant **Collaborator** Priscilla Mickie **Grist**.

51. Defendant **Collaborators'** proposal, which was shared with non-parties including Defendant **Collaborators Browning** and **Parsons**, over the course of negotiations, lobbied for the appointment of Defendant **Collaborator Parsons** as Dr. **Grist's** permanent guardian, in complete disregard for Dr. **Grist's** express directives, provided for the liquidation of Stanford Grist Veterinary Services immediately using the **Collaborators'** chosen business broker, provided for payment of all **Collaborators'** fees, and all other professional fees from Dr. **Grist's** assets, and provided for any remaining assets still owned at Dr. **Grist's** death to be divided equally between Priscilla Mickie **Grist**, Charlotte Grist, and Plaintiff Stacey **Grist**, all contrary to Dr. **Grist's** expressed wishes.
52. At a subsequent hearing on the temporary guardianship, Defendant **Collaborator Browning** was appointed as Guardian ad litem. After her appointment she had direct contact with Defendant **Collaborator** Priscilla Mickie **Grist** and/or her counsel on no less than thirty-four (34) separate occasions, while Plaintiff Stacey **Grist**, as Trustee and Power of Attorney, was only contacted twice.
53. Upon removal of Defendant **Collaborator** Priscilla Mickie **Grist** as temporary guardian, the Probate court appointed Defendant **Collaborator** Tracy **Parsons** who was tasked with ensuring Dr. **Grist's** safety and to act in his best interest.
54. In her capacity as guardian, Defendant **Collaborator** Tracy **Parsons**, working with Defendant **Collaborator** Browning, arranged with Defendant **Collaborator Kiki's Kare LLC** d/b/a Comfort Keepers to provide 24 hours a day, 7 days a week, 365 days a year in-home health care for Dr. **Grist**. However, despite Defendant **Collaborator Parsons'**

“hiring” of Defendant **Collaborator Kiki’s Kare, LLC** d/b/a Comfort Keepers, she required Plaintiff Stacey **Grist**, to sign the contract in her capacity as Dr. **Grist’s** Power of Attorney. This is especially troubling because while the Defendant **Collaborators** actively sought to have the Power of Attorney deemed invalid in court, they required Plaintiff Stacey **Grist** to sign contracts and checks under the guise of a valid court order.

55. Dr. Grist’s **Trust** bore the entire financial responsibility of this decision by Defendant **Collaborator Tracy Parsons**.
56. Defendant **Collaborator Tracy Parsons** went to great lengths to isolate Dr. **Grist** and prevent those who love him most, including Plaintiff Stacey **Grist**, from visiting.
57. Defendant **Collaborator Comfort Keepers** has been openly, and seemingly intentionally, derelict in its duties to Dr. **Grist** which is evidenced by instances of Dr. **Grist** being over medicated with sedating medications, exploited, and physically and sexually assaulted.
58. In fact, after having observed instances of inappropriate conduct by Defendant **Collaborator Comfort Keepers’** employee(s) with Dr. **Grist**, Plaintiff Stacey **Grist** demanded an investigation be conducted.
59. In the interim, on or about April 7, 2022, a hearing was conducted to determine whether Defendant **Collaborator Tracy Parson’s** guardianship would be extended at which time, having seen what Defendant **Collaborator Parsons’** chosen in-home care was capable of, Plaintiffs openly objected to the same.
60. In support of Defendant **Collaborator Jennifer Browning’s** belief that Defendant **Collaborator Tracy Parson’s** guardianship needed to be extended, Defendant **Collaborator Jennifer Browning** presented the Court with an email dated March 25, 2022, approximately two weeks before the hearing which sought to remove Defendant **Collaborator Tracy**

Parsons, which purports to be an email from Chris Couchell of Defendant **Collaborator Comfort Keepers**. In this correspondence Mr. Couchell attempts to provide evidence in support of Defendant **Collaborator Comfort Keepers'** ongoing care, citing that Dr. **Grist** has wielded knives, has previously made threats to employees, and has also threatened self-harm.

61. In further support of her contention that Defendant **Collaborator Tracy Parsons'** guardianship should be extended, Ms. Browning submitted a letter to the court which referenced alleged numerous falls that Dr. **Grist** had suffered.
62. Armed with these "facts," most of which were false and known to Defendant **Collaborator Tracy Parsons** and Defendant **Collaborator Jennifer Browning** to be false, the Court, with Defendant **Collaborator Clayton Jennings** serving as Judge in this instance without disclosing his representation of Defendant **Collaborator Browning** in other matters, considered Defendant **Collaborator Browning's** recommendations, and extended Defendant **Collaborator Tracy Parsons'** guardianship over Plaintiff Stacey **Grist's** objections. Shockingly, Defendant **Collaborators Adam Lee** and Mike **Bridges**, purportedly acting as counsel for Dr. **Grist**, did not object to the extension, and again did not disclose to Dr. **Grist** or Plaintiff Stacey **Grist** that they also were contemporaneously representing Defendant **Collaborator Browning** in another guardianship matter.
63. Alarming, upon Plaintiff Stacey **Grist's** receipt of the records from Defendant **Collaborator Comfort Keepers**, obtained via subpoena, it became abundantly clear that none of the conduct noted by Defendant **Collaborator Jennifer Browning** actually occurred, but rather, was completely fabricated. These fabricated facts, facilitated by numerous Defendant **Collaborators** named herein, and submitted to the Probate court by other

Defendant **Collaborators**, contributed significantly to the continued harm being perpetrated upon Plaintiff Dr. **Grist**.

64. Plaintiff Stacey Grist was also made aware by Dr. **Grist** of sexual abuse by an employee of Defendant **Collaborator** Comfort Keepers. Plaintiff Stacey **Grist** reported the same to all parties. A video was reviewed by all and the Defendant **Collaborator** Tracy **Parson's** falsely determined that no such abuse happened based on what could be seen. It was never revealed that any further evidence existed regarding the incident. Plaintiff Stacey **Grist** only recently discovered that an internal investigation by Defendant **Collaborators** **Comfort Keepers** and **Tracy Parsons** had revealed that **Comfort Keepers** employee Kerry Burnett McCreary admitted as a part of the investigation that she had performed numerous sexual acts on Dr. **Grist**, including, upon information and belief, sexual intercourse. Furthermore, and even more alarming, is the fact that these findings were reported to Dr. **Grist's** purported attorneys, Defendants **Collaborators** **Bridges** and **Lee**, as well as to Defendant **Collaborator** **Browning** at a meeting at Defendant **Collaborators** **Bridges'** and **Lee's** office. None of them ever reported the findings or the fact that there was an admission of wrongdoing to Plaintiff Stacey **Grist**, to the Court, or to law enforcement. At this meeting concerning the abuse suffered by **Dr. Grist** at the hands of and under the oversight of Defendant **Collaborators** **Tracy Parsons** and Jennifer **Browning**, Defendant **Collaborators** **Lee** and **Bridges**, under the guise of representing Dr. **Grist** in this matter, actually protected fellow **Collaborators** **Browning** and **Parsons** and ensured the continuation of the **Sham Probate Enterprise** and the continuing harm to Dr. **Grist**.
65. These verified instances of sexual exploitation were included in the internal investigation notes which also, shockingly, referenced Defendant **Collaborator** **Tracy Parsons'** belief that

it was best to “let a sleeping dog sleep” as it related to reporting the sexual abuse of Dr. Grist by the employee of Defendant **Collaborator Comfort Keepers**. Because of this belief, Defendant **Collaborator** Tracy **Parsons** failed to report the same to the Court or any policing agency. It is shocking that all of this took place behind the scenes and that an actual admission was obtained regarding the sexual abuse suffered by Dr. **Grist** at the hands of Defendant **Collaborator** Tracy **Parson**’s hired caregivers and Defendant **Collaborator** Tracy **Parsons, Browning**, or Dr. **Grist**’s own lawyers, Defendants **Collaborators Lee and Bridges** did not think it was necessary to report it to anyone or to take any action at all to protect Dr. **Grist**.

66. After this, Dr. **Grist** was also prescribed a prescription medication contraindicated for the elderly with dementia. While it is important to note that Dr. **Grist** was only 73 years old when all of this began and was not suffering from dementia, by the time two years had passed under the care of Defendant **Collaborators Parsons and Browning**, in which he had been overmedicated repeatedly, physically abused, sexually abused and kept a prisoner in his own home, Dr. **Grist** was a shell of the man he once was.
67. By June and July of 2022, Dr. **Grist** was suffering from trauma and medication induced dementia. Plaintiff Stacey **Grist** continued to fight to get Dr. **Grist** away from the abuse by Defendant **Collaborators**, but not in time. Defendant **Collaborator** Tracy **Parsons** took Dr. **Grist** to the doctor claiming aggressiveness and wanting further sedation for him, a fact that was not supported by caregiver notes at the time. The doctor complied with the wishes of Defendant **Collaborator** Tracy **Parsons** and prescribed a medication that was the final nail. Dr. **Grist** became lethargic, and his immune system plummeted. He was hospitalized by Defendant **Collaborator** Tracy **Parsons**, resulting in the hospital giving him another

medication contraindicated to his current medications, and, upon information and belief, the combination resulted in permanent brain damage.

68. The improperly filed conservatorship and guardianship proceedings, in which **Defendant Collaborators** participated as part of the **Sham Probate Proceedings** have resulted in Dr. **Grist** being exposed to some of the most inhumane mental, physical, and sexual abuse one could imagine.

VI. SUMMARY OF SHAM PROBATE ENTERPRISE
(Scheme to Deceive and Defraud)

69. The purpose was to engage in a “pattern of racketeering activity” under 18 U.S.C. §1961(5) by repeated violations of 18 U.S.C. § 1341 (mail fraud) and 18 U.S.C. § 1343 (wire fraud). The purpose was to continue the scheme to defraud through extortion (under South Carolina laws) by threats and sham lawsuits in order to intimidate Plaintiffs’ counsel into giving up their representation of Plaintiffs, thereby further robbing them of the right to the peaceful enjoyment of their property.
70. Membership of Scheme to Defraud Management: All phases of the scheme and membership in all phases of the Scheme to Defraud include all Defendants: Jennifer **Browning**, **Browning Geriatric Consulting, LLC**, Tracy **Parsons**, Priscilla Mickie **Grist**, Christopher **Couchell**, **Kiki’s Care, LLC d/b/a Comfort Keepers**, Tyler **McLeod**, Adam Lee, Michael **Bridges**, Dan **Collins**, **The Vanguard Group, Inc.**, Cheryl **Borum**, O’Neil **Rabon**, Caroline York Grist **Lyon**, Leland **Lyon, Jr.** and Clayton **Jennings**.
71. Victims of the **Sham Probate Enterprise** are the Plaintiffs, Stanford W. **Grist**, individually, by and through his attorney-in-fact, Stacey **Grist**, and Stacey **Grist**, individually, the public as a whole and the state court judicial system.

72. Timeframe of the Scheme to Defraud: The timeframe was from at least 2019, but the Trust documents were executed in 2005. The “pattern of racketeering activity” was through its persistence, similarity, duration of the regular way of doing business with respect to the Plaintiffs and others that, by information and belief, they have victimized. The **Sham Probate Enterprise** continues through the present by way of Defendant **Collaborators’** recent extortion attempts in filing lawsuits against Plaintiffs’ counsel in an effort to separate Plaintiffs’ counsel from their Clients by intimidating Plaintiffs’ counsel, thereby demonstrating both closed and open continuity.

VII. DEFINITIONS

A. Unlawful Activity

73. The **RICO** Defendants (“Defendant **Collaborators**”) engaged in a “pattern” of “racketeering activity within the meaning of 18 U.S.C. § 1961(5) including fraud under 18 U.S.C. § 1341 and extortion under South Carolina law (S.C. Code §16-17-640).

1. Mail and Wire Fraud – 18 U.S.C. §§ 1341 and 1343

74. The Defendant **Collaborators** used the South Carolina Court system to implement the Scheme to Defraud through trickery, deceit and overreaching. In furtherance of the **Sham Probate Enterprise** the U.S. mails and interstate wires were used to file pleadings and to otherwise communicate so as to maintain the ruse that it was business as usual among the Defendant **Collaborators** rather than the actions of an association-in-fact enterprise.

2. Extortion – S.C. Code § 16-17-640

75. On May 17, 2024, Plaintiffs’ counsel sent a notice letter to the Defendant **Collaborators** to alert them of the need to discuss the issues involved herein and obtain information which might be helpful to all parties involved. In a reactionary but ill-informed action, certain

Defendant **Collaborators** threatened Plaintiffs' counsel while a few actually sued Plaintiffs' counsel for vigorously advocating the rights of their clients.⁴ By information and belief, all Defendant **Collaborators** conferred and conspired in this regard, but, if not, are jointly and severally liable for having committed extortion which is a RICO predicate act. In continuation of their duplicitous conduct, Defendant **Collaborators** sent process servers to harass household employees of counsel Paul H. Hulsey and Cherie Durand late at night at their residence in Arizona when they positively know under South Carolina law only personal service is appropriate and binding. This vindictive and inappropriate conduct is further evidence of their conducting themselves as racketeers.

B. Pattern

76. These "racketeering activities" constitute a pattern of racketeering activity within 18 U.S.C. § 1961(5). The Defendant **Collaborators**' conduct reflects "relationship" and "continuity."
77. The pattern also included collaborating to suborn testimony concerning the manner in which Dr. **Grist** was cared for and his related mental status, collaborating to conceal exculpatory evidence, collaborating to create false mental health claims, making false statements and baseless arguments to judicial authorities and misrepresenting the true nature of Dr. **Grist's** intentions, his health and the status of the relevant Trusts. The pattern included the creation of multiple and complicated bank and property transfers in order to unobtrusively and under false pretenses remove all title and ownership of such properties from Dr. **Grist**. By information and belief, this pattern of conduct had occurred prior to and after the respective

⁴ At present, Plaintiffs' counsel have been named as Defendants in a total of five (5) separate lawsuits filed by Defendant **Collaborators** involved in this case and several others demonstrating overt attempts to intimidate Plaintiffs' counsel. This extortion is unbelievable. Other clients of Plaintiffs' counsel have also been sued, having dramatic and horrific efforts to serve legal process upon them.

fraud upon Dr. **Grist**. The pattern included collaborating upon a plan and conspiracy related thereto by using the U.S. mails and extortionary threats to Plaintiffs' counsel and for some selected co-conspirators of the named Defendant **Collaborators**.

78. The "racketeering activities" are related because they had a similar *purpose or goal*, to hide the true status of the Plaintiff Dr. **Grist's** health so as to deprive him of his assets and financial status and to nullify the exquisite steps he took with advice of counsel to avoid just what other Defendant **Collaborators**, including the named attorneys herein, and others perpetrated upon him. All Defendant **Collaborators** in one manner or another obtained their ill-gotten gains through the related activities. The court system and the Plaintiffs were victimized by the **Sham Probate Enterprise** and Scheme to Defraud and methods of *omission* (the Scheme and racketeering acts described in this Complaint).
79. The "racketeering acts" were otherwise interrelated by their distinguishing characteristics and are not isolated events because they were carried out for the same purpose in a continuous manner through a relevant period of time. The conduct of the **Sham Probate Enterprise** and Scheme to Defraud had an effect upon interstate commerce in that the stocks that were converted were traded and valued nationally, certain **Collaborator** businesses are organized under the laws of states outside South Carolina and/or do business outside the state of South Carolina, the business was operated by Defendant **Collaborators** in violation of IRS tax laws and regulations and the law firms which commonly communicate and trade in interstate commerce.

FIRST CLAIM FOR RELIEF
(Violation of 18 U.S.C. § 1962(c)
Against All Defendant **Collaborators**)

80. Plaintiffs incorporate and reallege all of the allegations contained in the proceeding paragraphs.
81. 18 U.S.C. § 1962(c) provides:

It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity....

82. Plaintiffs are a “person” within 18 U.S.C. §§ 1961(3) and 1964(c) and “capable of holding a legal or beneficial interest in property, and were injured by reason of the “racketeering activity” within 18 U.S.C. 1961(1).
83. Each of the Defendant **Collaborators** is a “person” under 18 U.S.C. §§ 1961(3) and 1962(c) and is “capable of holding legal or beneficial interest in the property.”
84. The **Sham Probate Enterprise** is an “enterprise” within 18 U.S.C. §§ 1964(4) and 1962(c) that was engaged in, and the activities of which affected interstate commerce within 18 U.S.C. §§ 1961(4), 1962(c). The Scheme to Defraud had an effect on interstate commerce as described above.
85. Each of the Defendant **Collaborators** was employed by or associated with, or participated in the affairs of the **Sham Probate Enterprise** and they conducted and participated, directly or indirectly, in the management and operation of the affairs of the **Sham Probate Enterprise** and through a “pattern of racketeering activity” within 18 U.S.C. §§ 1961(1) and (5) and 1962(c), to wit” multiple, repeated and continuous violations of 18 U.S.C. § 1341 (mail fraud), 18 U.S.C. §1943 (wire fraud) and multiple violations of S.C. Code § 16-17-640 (extortion).
86. Plaintiffs suffered (and will continue to suffer) substantial injury to their “business and property” by reason of the violations of 18 U.S.C. § 1962(c) committed by Defendant **Collaborators**. All of Plaintiffs’ damages were anticipated as a substantial factor and natural consequence of their pattern of “racketeering activity.”

SECOND CLAIM FOR RELIEF

(Violations of 18 U.S.C. § 1962(d), Conspiracy to Violate § 1962(c)
Against all Defendant **Collaborators**)

87. Plaintiffs incorporate and reallege all of the allegations contained in the preceding paragraphs.
88. 18 U.S.C. § 1962(d) provides:
- It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.
89. Plaintiffs were a “person” under 18 U.S.C. §§ 1961(3) and 1964(c), were “capable of holding a legal or beneficial interest in property,” and were injured by reason of the “racketeering activity within 18 U.S.C. § 1961(1) of the Defendant **Collaborators**.
90. Each of the Defendant **Collaborator** is a “person” under 18 U.S.C. §§ 1961(3) and 1962(c) and (d), and each is an “entity capable of holding a legal or beneficial interest in property.”
91. The **Sham Probate Enterprise** constitutes an “enterprise” within the meaning of 18 U.S.C. §§ 1961(4) and 1962(c) that was engaged in, and the activities of which affected, interstate commerce. The Defendant **Collaborators** were employed by or associated with the management and operation of the affairs of the **Sham Probate Enterprise**.
92. The Defendant **Collaborators** conspired among themselves within 18 U.S.C. § 1962(d) to conduct, operate and manage the affairs of the **Sham Probate Enterprise**, directly or indirectly, by engaging in a “pattern of racketeering activity” within 18 U.S.C. § 1961(1) in violation of 18 U.S.C. § 1341 (mail fraud), 18 U.S.C. § 1343 (wire fraud), and S.C. Code § 16-17-640 (extortion).
93. The Defendant **Collaborators** acted knowing that these “racketeering activities” within 18 U.S.C. §§ 1961(1) and 1962(c) would proximately and directly cause Plaintiffs to suffer

damages to their “business and property” within 18 U.S.C. § 1964(c). All of Plaintiffs’ damages were reasonably foreseeable by the Defendant **Collaborators** and were anticipated as a substantial factor and a natural consequence of their pattern of “racketeering activity” within 18 U.S.C. 1961(1).

THIRD CLAIM FOR RELIEF

(Violation of 18 U.S.C. § 1962(d) Conspiracy to Violate § 1962(a)
Against Defendant **Collaborators** Collins, Browning, Browning Geriatric Consulting, LLC,
The Vanguard Group, Inc., Kiki’s Kare, LLC d/b/a Comfort Keepers
and O’Neil Rabon)

94. Plaintiffs incorporate and reallege all of the allegations contained in the preceding paragraphs.

95. 18 U.S.C. § 1962(a) provides:

It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

96. 18 U.S.C. § 1962(d) provides:

It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b) or (c) of this section.

97. Plaintiffs are each a “person” under 18 U.S.C. §§ 1961(3) and 1964(c), each “capable of holding a legal or beneficial interest in property,” and were injured by reason of the “racketeering activity” within 18 U.S.C. § 1961(1) of the Defendant **Collaborators**.

98. Each of the Defendant **Collaborators** is a “person” under 18 U.S.C. §§ 1961(3) and 1962(a) and (d) and is “capable of holding a legal or beneficial interest in property.”

99. The **Sham Probate Enterprise** constituted an “enterprise” within 18 U.S.C. §§ 1961(4) and 1962(a) that was engaged in, and the activities of which affected, interstate commerce.
100. The Defendant **Collaborators** conspired among themselves within 18 U.S.C. § 1962(d) to violate § 1962(a), to wit, the Defendant **Collaborators** conspired among themselves to establish and operate, and use and invest income, or the proceeds of income, from a “pattern of racketeering activity” within 18 U.S.C. § 1961(5) in which the Defendant **Collaborators** participated as principals within 18 U.S.C. §§ 1961(1), 1961(5), 1962(a) and (d), to wit: multiple, repeated, and continuous violations of 18 U.S.C. § 1341 (mail fraud), 18 U.S.C. § 1343 (wire fraud), and S.C. Code § 16-17-640 (extortion).
101. The Defendant **Collaborators**’ conspiracy was and is that income, or the proceeds of income, from “racketeering activity” within 18 U.S.C. § 1961(1) received by the Defendant **Collaborators** would be invested in or used in the establishment and operation of the **Sham Probate Enterprise**.
102. The Defendant **Collaborators** acted knowing that these “racketeering activities” within 18 U.S.C. §§ 1961(1), 1962(a) would proximately and directly cause Plaintiffs to suffer damages to their “business and property” within 18 U.S.C. § 1964(c). All of Plaintiffs’ damages were reasonably foreseeable by the Defendant **Collaborators** and were anticipated as a substantial factor and a natural consequence of their pattern of “racketeering activity” within 18 U.S.C. § 1961(1).

FOURTH CLAIM FOR RELIEF
(Tortious Interference with the Right to Inherit)

103. The Plaintiffs incorporate and reallege all of the allegations contained in the preceding paragraphs.

104. At all times material herein, the Plaintiff Stanford W. **Grist** had taken exquisite efforts to ensure that the fruits of his decades of labor, his estate through his succession plan as meticulously described in his Revocable Trust. He made his intentions perfectly clear as he executed his Trust in 2005 and, more particularly, as he amended his Durable Power of Attorney (the “POA”) on May 1, 2019, to reflect his desire that his daughter, Plaintiff Stacey **Grist**, serve as his attorney-in-fact upon his incapacity (the springing powers defined in the POA). The Durable Power of Attorney, Article IX, Section 3, specifically nominated her “agent as conservator and Guardian Principal.” He nominated her to serve as his “Guardian, conservator, and/in or in any similar representational capacity, if such an appointment is necessary.”
105. On May 13, 2020, Dr. **Grist** amended his Trust concerning how it should be distributed upon his death, while leaving all other provisions, including the appointment of Plaintiff Stay Grist as his successor trustee in place.
106. The 2020 amendment took away any ownership Mickie Grist, who originally received equal shares *per stirpes* had in Stanford Grist Veterinary Services, LLC, Chestnut Ridge Farm, LLC and Hilly Strut, LLC (the companies). It left Defendant **Collaborator** Priscilla Mickie **Grist** all the stocks and bonds held in the Trust. The companies were split between Plaintiff Stacey **Grist** and Charlotte **Grist**. After learning of such changes, Defendant **Collaborator** Priscilla Mickie **Grist** submitted her resignation as Healthcare Power of Attorney for the reason that she “no longer wanted this responsibility.”
107. Thereafter, the Defendant **Collaborators** Priscilla Mickie **Grist** and Caroline **Grist**, with the aid and assistance of other Defendant **Collaborators** to the other three causes of action set forth on an elaborate ruse and scheme designed to gain control over the Trust assets of

Plaintiff Stanford W. **Grist** and disenfranchise Plaintiff Stacey **Grist** from her lawful interest in such Trust assets.

108. The manner and method of such tortious interference with the right of Plaintiff Stacey **Grist** to inherit her lawful share of such Trust assets as more fully described in detail in facts and circumstances previously alleged and stated in the body of this document.
109. The scheme employed by Defendant **Collaborators** Priscilla Mickie **Grist** and Caroline **Grist** as aided and abetted by the other Defendant **Collaborators** already addressed herein also tortiously interfered with the rights of Plaintiff Stanford W. **Grist** to determine the manner in which he desired for his estate to be distributed upon his death.
110. In order to effectuate the scheme to interfere with their lawful rights to (bequeath and) inherit, Defendants subjected Dr. **Grist** to extreme mental and emotional distress, attempted to destroy his mental capacity through the needless prescription medication and overmedicating against his will.
111. That the actions described herein subjected Plaintiff Stacey **Grist** to extreme mental and emotional distress as she struggled both with the wrongs that had been perpetrated against Dr. **Grist** as well as her attempts to remedy them.
112. As a direct and proximate result of the Defendant **Collaborators'** wrongful acts, tortious interference with their right to bequeath and inherit, the Plaintiff Stacey **Grist** has suffered economic damages including, but not limited to, loss of her economic benefits specified in the Trust documents, attorneys' fees and such other relief as the Court deems just and equitable.

113. As a direct and proximate result of the wrongful acts of the Defendant **Collaborators** as described herein, both Plaintiffs have sustained significant mental and emotional distress and as such are entitled to punitive damages as well as recovery of all costs incurred herein.

FIFTH CLAIM FOR RELIEF
(Civil Conspiracy)

114. The Plaintiffs incorporate and reallege all of the allegations contained in the preceding paragraphs.

115. The Defendant **Collaborators** herein had a business interest in seeing that they were employed by, appointed as or hired to become involved in as many estates as possible, noticeably those Trusts and Estates with significant assets able to sustain prolonged and multiple fees billed by these entities.

116. The Defendant **Collaborators**, one with the other, conspired to solicit and prolong the administration of their business appointment, employment or activities providing extended and many times questionable healthcare and administrative services to these economically blessed and therefore vulnerable individuals.

117. In order to benefit and profit from such conspiratorial conduct, the Defendant **Collaborators** endeavored to see that the same providers, attorneys or guardian ad litem were appointed or selected to act in each case. In this manner, they could control the assets of the relevant Trust or assets of the individual dealing the profits and ill-gotten gains out amongst themselves.

118. As a direct and proximate result of Defendant **Collaborators'** civil conspiracy, Plaintiffs were caused economic harm, suffered substandard and harmful healthcare as well as incurring significant attorneys' fees and costs.

SIXTH CLAIM FOR RELIEF

(Fraud Against
All Defendant **Collaborators**)

119. The Plaintiffs incorporate and reallege all of the allegations contained in the preceding paragraphs.
120. The Defendant **Collaborators** conspired among themselves and with others to commit and did commit fraud in the manner and method they created extremely complicated bank transfers in order to fraudulently conceal the manipulation of the Trust assets from Plaintiff Stacey **Grist** to others.
121. The Defendant **Collaborators** fraudulently misrepresented the actual health status of Plaintiff Stanford W. **Grist** to the Probate court in order to keep him under their and their designee's control with the self-intent of prolonging their fees and increasing their ill-gotten gains. In doing so, they falsified records, suborned perjury and submitted Plaintiff Dr. **Grist** to unnecessary and harmful healthcare procedures.
122. The Defendant **Collaborators** fraudulently misrepresented the facts and circumstances of the Plaintiff Stanford W. **Grist**, his Trust and his physical and mental status to the Probate Court for their own self-interest and personal gain.
123. As a direct and proximate result of Defendant **Collaborators**' fraudulent conduct, Plaintiffs incurred significant economic damages, including attorneys' fees and costs.

SEVENTH CLAIM FOR RELIEF

(Negligent Misrepresentation)

124. The Plaintiffs incorporate and reallege all of the allegations contained in the preceding paragraphs.

125. The Defendant **Collaborators** made false representations concerning the nature and extent of Plaintiff Stanford W. **Grist**'s personal health status and the representations were relied upon to his detriment.
126. The Defendant **Collaborators** made false representations about the status of Dr. **Grist**'s Trust and created false documents, all of which were relied upon by others to their detriment.
127. The Defendant **Collaborators** had a pecuniary interest in making such representations and owed a duty of care to see that they communicated truthful information. The Defendant **Collaborators** breached their duty in all respects by failing to exercise due care. The Plaintiff Stacey **Grist** did not know at the time concerning the circumstances under which the Defendant **Collaborators** maneuvered her and Dr. **Grist** into and as such she was forced to rely on the misrepresentation and act in a manner to her detriment that she would not have done had such statements and representations not have been made.
128. As a direct and proximate result of Defendant **Collaborators**' wrongful acts, Plaintiff Stanford W. **Grist** was caused to sustain substantial financial loss and to undergo substantial and harmful healthcare resulting in significant mental and emotional distress. The Plaintiff Stacey **Grist** suffered economic damages and incurred attorneys' fees and costs as well as suffered mental and emotional distress as a result of Defendant **Collaborators**' wrongful conduct.

VIII. DEMAND FOR JURY TRIAL

129. Plaintiffs hereby demand a jury trial on all causes of action.

IX. PRAYER FOR RELIEF

WHEREFORE and by reason of the above and foregoing, Plaintiffs pray for judgment, jointly and severally, against the Defendant **Collaborators** as follows:

- a. Awarding Plaintiffs actual damages, treble damages and punitive damages and prejudgment interest as a result of the wrongful conduct complained of herein;
- b. Awarding injunctive relief prohibiting Defendant **Collaborators** from continuing to engage in the illegal practices described herein in this and other similar circumstances;
- c. Awarding Plaintiffs their attorneys' fees for having to file this lawsuit to enforce their undeniable rights, as well as costs incurred therein, including expert fees and expenses;
- d. Requiring Defendant **Collaborators** to provide an accounting to Plaintiffs and to disgorge all ill-gotten gains for which they were unjustly enriched; and
- e. Awarding Plaintiffs such other and further relief as the Court may deem just and equitable.

[signature blocks next page]

Respectfully submitted,

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July 3, 2024

EXHIBIT O

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Stanford W. Grist, individually, by and)
through his attorney-in-fact Stacey Grist,))
and Stacey Grist, individually,)

Plaintiffs,)

v.)

Civil Action No. 6:24-cv-3853-BHH

ORDER

Jennifer Browning, Browning Geriatric)
Consulting LLC, Tracy Parsons, Priscilla)
Mickie Grist, Christopher Couchell, Kiki's)
Kare LLC d/b/a Comfort Keepers, Tyler)
McLeod, Adam Lee, Michael Bridges,)
Dan Collins, The Vanguard Group Inc.,)
Cheryl Borum, O'Neil Rabon, Caroline)
York Grist Lyon, Leland Lyon, Jr.,)
Clayton Jennings,)

Defendants.)

Plaintiffs Stanford W. Grist ("Dr. Grist"), individually, by and through his attorney-in-fact, Stacey Grist ("Stacey Grist"), and Stacey Grist, individually (collectively, "Plaintiffs") filed this action on July 3, 2024, asserting claims against the above-captioned Defendants (collectively referred to as "Collaborators" by Plaintiffs) for violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), codified at 18 U.S.C. §§ 1961-1968, along with common law claims. (ECF No. 1.) Specifically, Plaintiffs allege the following claims against Defendants Jennifer Browning ("Browning"); Browning Geriatric Consulting LLC ("BGC"); Tracy Parsons ("Parsons"); Priscilla Mickie Grist ("Mickie Grist"); Christopher Couchell ("Couchell"); Kiki's Kare LLC d/b/a Comfort Keepers ("Comfort Keepers"); Tyler McLeod ("McLeod"); Adam Lee ("Lee"), Michael Bridges ("Bridges"); Dan Collins ("Collins");

The Vanguard Group Inc. (“Vanguard”); Cheryl Borum (“Borum”); O’Neil Rabon (“Rabon”); Caroline York Grist Lyon (“Caroline Lyon”); Leland Lyon, Jr. (“Leland Lyon”); and Clayton Jennings (“Jennings”) (hereinafter collectively referred to as “Defendants”):

(1) violation of 18 U.S.C. § 1962(c) against all Defendants;

(2) violations of 18 U.S.C. § 1962(d) and conspiracy to violate 18 U.S.C. § 1952(c) against all Defendants;

(3) violation of 18 U.S.C. § 1962(d) and conspiracy to violate 18 U.S.C. § 1962(d) against Defendants Collins, Browning, BGC, Vanguard, Comfort Keepers, and Rabon;

(4) tortious interference with the right to inherit;

(5) civil conspiracy;

(6) fraud against all Defendants; and

(7) negligent misrepresentation.¹

(ECF No. 1 at 31-40.) In connection with their claims, Plaintiffs seek actual damages, treble damages, punitive damages, injunctive relief, attorneys’ fees and costs, and an accounting, among other relief. (*Id.* at 41.)

SUMMARY OF PLAINTIFFS’ ALLEGATIONS

According to Plaintiffs’ complaint, Defendants engaged in a “widespread, comprehensive, systematic, continuous, ongoing scheme to deceive and defraud” Plaintiffs and to deprive Plaintiffs of their property through racketeering activities. (*Id.* at 4.) Plaintiffs

¹ In contrast to the other claim headings, the headings for claims four, five, and seven do not indicate which Defendants against whom the claims are alleged. (ECF No. 1 at 35, 38, and 39.) Nevertheless, Plaintiffs’ fourth claim for tortious interference with the right to inherit only specifically references Defendants Priscilla Grist and Caroline Lyon. (*Id.* at 36-37.) Plaintiffs’ fifth claim for civil conspiracy and their seventh claim for negligent misrepresentation both refer to all “Defendant Collaborators” as a group and do not specifically refer to any individual Defendants. (*Id.* at 38-40.)

refer to Defendants' alleged undertaking as a "Sham Probate Enterprise" and assert that Defendants' liability "is reflected in court filings, property transactions, witness interviews, bank records, trust documents, medical records, other professional records, depositions, [and] hearing transcripts" (*Id.*) Plaintiffs further assert that Defendants' schemes to defraud "are generally characterized by lawyers knowingly self-dealing while committing fraud in the creation or administration of probated estates, settlements, trust agreements, [and] property transactions, some of which were purportedly authorized by court orders² for which the judicial officers involved do not enjoy any for of immunity," (*Id.* at 4-5.)

At issue in this case is the estate plan of Dr. Grist. According to the complaint, Dr. Grist executed a revocable trust in 2005, naming himself as the trustee and Defendant Leland Lyon as the successor trustee upon his incapacity or death. (*Id.* at 14.) However, Plaintiffs contend that Dr. Grist subsequently reevaluated his succession plan when he discovered that Defendants LeLand Lyon and Caroline Lyon had misappropriated funds from his veterinary business. (*Id.*) According to Plaintiffs, Dr. Grist then amended his estate documents to remove Leland Lyon and Caroline Lyon as successor trustees and instead name Plaintiff Stacey Grist as successor trustee.³ (*Id.* at 14-15.)

Plaintiffs contend that when Dr. Grist went to see his prior attorney, Defendant Collins, to request this change, he found himself in a meeting with Collins, Leland Lyon, and Caroline Lyon. (*Id.* at 15.) According to Plaintiffs, Collins also represented Leland

² Plaintiffs note that some of the orders appear to have been signed using a rubber stamp of a judicial official, "likely making the document void or voidable in the execution of each." (*Id.* at 4, n. 2.)

³ Plaintiff Stacey Grist is Dr. Grist's daughter. (ECF No. 1 at 16.) Defendant Mickie Grist and Charlotte Grist are also Dr. Grist's daughters. (*Id.* at 9, 18.) Defendant Caroline Lyon is the sister of Dr. Grist, and Defendant Leland Lyon is the husband of Caroline Lyon and paternal aunt of Dr. Grist's daughters. (ECF No. 73 at 2.)

Lyon and Caroline Lyon and had done so for years without disclosing that fact to Dr. Grist. (*Id.*) Plaintiffs also assert that Collins originally agreed to make the requested changes to Dr. Grist's estate plan, but:

Later, after a conversation with Defendant [] Borum, Dr. Grist's CPA, who had been originally recommended by Defendant Collaborator Collins and who had worked with Leland Lyon to set up a complicated web of bank accounts to hide the money trail from the Veterinary Practice, Defendant Collaborator Collins called Dr. Grist to demand that he submit to a mental evaluation to be arranged by Defendant Collaborator Browning the next morning before Defendant Collaborator Collins would make the changes removing his clients Defendant Collaborators Leland Lyon and Caroline Lyon.

(*Id.* at 15.)

Plaintiffs contend that Dr. Grist fired Collins for what he believed was Collins' conflict of interest, and that, in April of 2019, Dr. Grist went to another law firm to amend his durable power of attorney to name Stacey Grist as his attorney-in-fact upon his incapacity. (*Id.* at 16.) Plaintiffs also contend that Dr. Grist returned to this law firm to amend his trust to name Stacey Grist to serve as his successor trustee. (*Id.*) According to Plaintiffs, the drafting attorney executed an affidavit stating that Dr. Grist had the capacity to execute the documents at issue, and Dr. Grist submitted to an independent medical evaluation, which confirmed that Dr. Grist was of sound mind. (*Id.*)

Plaintiffs assert that, since the May 2019 amendment, Stacey Grist served as Dr. Grist's attorney-in-fact upon any finding of incapacity and as successor trustee. (*Id.* at 17.) Plaintiffs also assert that, during this time, Leland Lyon changed Dr. Grist's Vanguard account passwords, and Vanguard and Leland Lyon "worked in concert" to "block Dr. Grist's access, online and in person, to deprive Dr. Grist of the ability to move his money, and to deny his participation in the management of his funds." (*Id.*)

Plaintiffs further assert that in the fall of 2019 through the beginning of 2020, Dr. Grist was the subject of an anonymous complaint filed with the South Carolina Department of Labor, Licensing and Regulation, questioning Dr. Grist's capacity as a doctor of veterinary medicine, and Plaintiffs contend that "this was yet another effort by Defendant Collaborators or their agents to gain control of him and of his assets through a finding of incapacity" (*Id.* at 17-18.) Plaintiffs state that, after extensive interviews, the Board dismissed the complaint "finding that the complaint of incapacity was unfounded." (*Id.* at 18.)

According to Plaintiffs, this latest effort to gain control over Dr. Grist's assets prompted Dr. Grist to go to another law firm to make additional amendments to his trust. (*Id.*) Plaintiffs state that the May 2020 amendment was "made within months of the licensing board finding him competent and fit to practice veterinary medicine," and that it "revised how the Trust would be distributed upon his death, while leaving all other provisions, including the appointment of Plaintiff Stacey Grist as his successor trustee, in place." (*Id.*) According to Plaintiffs, the original trust provided that the beneficiaries (Dr. Grist's daughters – Mickie Grist, Stacey Grist, and Charlotte Grist) would receive equal shares *per stirpes*, but as a result of the May 2020 amendment, Dr. Grist divested any ownership interest that Mickie Grist had in the veterinary business and gave such interest to Stacey Grist. The amendment also removed Mickie Grist's interest in certain other assets and provided that she would receive all stocks and bonds while the companies at issue would be equally split between Stacey Grist and Charlotte Grist, giving immediate ownership of the veterinary business to them upon Dr. Grist's death. (*Id.* at 18-19.)

Plaintiffs allege that the drafter of the May 2020 amendment asked Dr. Grist to

submit to an independent medical examination, and that both the drafting attorney and the physician found Dr. Grist to be of sound mind. (*Id.* at 19.) Plaintiffs also assert that Dr. Grist explained the changes in his estate plan to Mickie Grist, and that following this, Mickie Grist submitted her formal resignation as Dr. Grist's healthcare power of attorney, stating that she no longer wanted the responsibility. (*Id.*)

According to Plaintiffs, after her resignation, Mickie Grist tried to take Dr. Grist to "an unplanned doctor's appointment to have 'papers signed' with no explanation," whereupon Dr. Grist called his ex-wife to ask for help. (*Id.*) Plaintiffs assert that Dr. Grist's ex-wife called the police to stop Mickie Grist from her attempted kidnapping and that a police report ensued. (*Id.*) Plaintiffs then assert:

Approximately two months after the May 13, 2020 amendment to the Trust eliminating Defendant Collaborator Priscilla Mickie Grist's interest in the businesses, Defendant Collaborators Priscilla Mickie Grist and Caroline Grist, aided by Defendant Collaborators Browning, Collins, and Rabon, put into action their scheme calculated to circumvent Dr. Grist's wishes in an effort to conceal Defendant Collaborators Le[[land Lyon and Caroline Grist Lyon's prior embezzlement perpetrated with the help of Defendant Collaborators Collins and Borum and to secure what they respectively believed to be a more favorable distribution of Trust assets to Defendant Collaborator Priscilla Mickie Grist upon the incapacity or death of Dr. Grist than what his carefully drafted and executed estate plan provided.

(*Id.* at 20.) Plaintiffs claim that on July 9, 2020, in violation of the existing durable power of attorney, Defendant Rabon had Defendant Mickie Grist submit an *ex parte* petition to the Greenville County Probate Court, seeking to be appointed as guardian over Dr. Grist. (*Id.*) Plaintiffs state that Defendant Browning was appointed as guardian "without disclosing her role just over a year earlier in Defendant Collaborators Collins, Borum, Leyland, and Caroline's plan to have Dr. Grist declared incapacitated through a sham mental evaluation." (*Id.*) According to Plaintiffs, Defendant Caroline Lyon then filed a conservatorship petition

alleging that Stacey Grist was mishandling Dr. Grist's business and exercising undue influence. (*Id.*)

Plaintiffs contend that "[t]he improper filing seeking Defendant Collaborator Priscilla Mickie Grist's appointment to serve as Dr. Grist's guardian resulted in a false determination by the Probate Court that Dr. Grist was in fact mentally incapacitated, despite recent prior findings otherwise." (*Id.* at 21.) Plaintiffs also note that Mickie Grist was replaced as guardian by Defendant Parsons, with Defendant Browning serving as guardian ad litem. (*Id.*)

Plaintiffs next assert that Dr. Grist personally retained Defendants Lee and Bridges to serve as counsel to oppose the appointment of a guardian, but, according to Plaintiffs, Defendants Lee and Bridges "hid their true loyalties from Dr. Grist" and were representing Browning in another guardianship matter pending at the same time before the same court. (*Id.*) Plaintiffs further assert that Defendant Jennings, the judge who approved Browning's fees to be paid from Dr. Grist's assets, "was himself serving as Browning's lawyer in a guardianship matter pending in Laurens County at the same time he was presiding over Browning's conduct in Dr. Grist's case in Greenville County."⁴ (*Id.*)

Plaintiffs allege that Charlotte Grist hired Defendant McLeod as her counsel, "who worked closely with Defendant Collaborators Rabon, Lee, Bridges, Browning[,] and Parsons to get and keep control of Dr. Grist and his considerable assets" (*Id.* at 22.) According to Plaintiffs, "Defendant Collaborators Rabon, Bridges, Lee, and McLeod all

⁴ Plaintiffs also assert that "Jennings represented Jennifer Browning and Browning Geriatric, LLC in other court proceedings while acting as Judge in Dr. Grist's case without disclosing the same to Plaintiffs." (ECF No. 1 at 15.)

worked furiously to completely take apart Dr. Grist's legitimate estate documents, including his Trust and the Companies, to get control of everything for the benefit of the Sham Probate Enterprise and for the benefit of Defendant Collaborator Priscilla Mickie Grist." (*Id.* at 22-23.)

Next, Plaintiffs contend that Defendant Parsons, in her capacity as guardian, worked with Defendant Browning and arranged with Defendant Comfort Keepers to provide full-time in-home health care for Dr. Grist, and Plaintiffs assert that Parsons required Stacey Grist to sign the contract in her capacity as Dr. Grist's power of attorney, which Plaintiffs allege is "especially troubling because while the Defendant Collaborators actively sought to have the Power of Attorney deemed invalid in court, they required Plaintiff Stacey Grist to sign contracts and checks under the guise of a valid court order." (*Id.* at 23-24.) Plaintiffs assert that Defendant Parsons isolated Dr. Grist and that Defendant Comfort Keepers was derelict in its duties, as "evidenced by instances of Dr. Grist being over medicated with sedating medications, exploited, and physically and sexually assaulted." (*Id.* at 24.)

Plaintiffs assert that a hearing was held on April 7, 2022, to determine whether Defendant's Parsons' guardianship would be extended, and Plaintiffs contend that Defendant Browning provided the court with information (specifically, a letter from Browning and a purported email from Defendant Couchell) to support Browning's position that Parsons' guardianship needed to be extended. (*Id.* at 24-25.) Plaintiffs allege:

Armed with these "facts," most of which were false and known to Defendant Collaborator Tracy Parsons and Defendant Collaborator Jennifer Browning to be false, the Court, with Defendant Collaborator Clayton Jennings serving as Judge in this instance without disclosing his representation of Defendant Collaborator Browning in other matters, considered Defendant Collaborator

Browning's recommendations, and extended Defendant Collaborator Tracy Parsons' guardianship over Plaintiff Stacey Grist's objections. Shockingly, Defendant Collaborators Adam Lee and Mike Bridges, purportedly acting as counsel for Dr. Grist, did not object to the extension, and again did not disclose to Dr. Grist or Plaintiff Stacey Grist that they also were contemporaneously representing Defendant Collaborator Browning in another guardianship matter.

(*Id.* at 25.)

Plaintiffs then claim that Stacey Grist recently discovered that an internal investigation by Defendants Comfort Keepers and Parsons revealed that a Comfort Keepers employee had admitted performing sexual acts on Dr. Grist, and Plaintiffs assert that these findings were reported to Defendants Bridges, Lee, and Browning, but no one ever reported the findings to law enforcement. (*Id.* at 26.) Plaintiffs contend that by June and July of 2022, Dr. Grist was suffering from trauma and medication-induced dementia, and Plaintiffs claim that Defendant Parsons took Dr. Grist to the doctor claiming aggressiveness and seeking further sedation for him. (*Id.* at 27.)

According to Plaintiffs, [t]he improperly filed conservatorship and guardianship proceedings, in which Defendant Collaborators participated as part of the Sham Probate Proceedings have resulted in Dr. Grist being exposed to some of the most inhumane mental, physical, and sexual abuse one could imagine." (*Id.* at 28.) Plaintiffs also claim that Defendants' "purpose was to continue the scheme to defraud through extortion (under South Carolina laws) by threats and sham lawsuits in order to intimidate Plaintiffs' counsel into giving up their representation of Plaintiffs." (*Id.* at 28.) Plaintiffs contend that Defendants engaged in a pattern of racketeering activity within the meaning of 18 U.S.C. § 1961(5), including fraud under 18 U.S.C. § 1341 and extortion under South Carolina law, S.C. Code § 16-17-640. (*Id.* at 29.) Specifically, Plaintiffs allege that Defendants engaged

in mail and wire fraud and extortion. With regard to the alleged extortion, Plaintiffs assert that Plaintiffs' counsel mailed a notice letter to Defendants to alert them of the matters alleged in their complaint; however, according to Plaintiffs, certain Defendants threatened Plaintiffs' counsel and a few actually sued Plaintiffs' counsel as a result.⁵ (*Id.* at 29-30.)

PENDING MOTIONS

After the filing of Plaintiffs' complaint,⁶ Defendants filed eleven separate dispositive motions. Specifically, on September 6, 2024, Defendant Collins filed a motion to dismiss pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure, asserting that this case should be dismissed pursuant to the *Rooker-Feldman* doctrine and that abstention is appropriate under the *Younger* doctrine and the *Colorado River* doctrine. (ECF No. 21-1 at 5-11.) Defendant Collins also contends that Plaintiffs have no standing to pursue a RICO claim and that Plaintiffs' generic references to "Defendant Collaborators" fail to satisfy the pleading requirements. (*Id.* at 11-14.) In addition, Collins contends that: Plaintiffs have not shown a RICO enterprise; Plaintiffs have not shown a pattern of racketeering activity; Plaintiffs have not connected Collins to any racketeering activity; attorneys are not liable for the actions of clients; the statute of limitations has run on any claims against Collins; Plaintiffs have not alleged a valid claim for tortious interference with

⁵ Plaintiffs note that Plaintiffs' counsel have been named in five separate lawsuits filed by certain Defendants in state court. (*Id.* at 30, n.4.) In a footnote on the first page of their complaint, Plaintiffs reference three of these suits: *Ronald O'Neil Rabon v. Paul Hulse, et al.*, No. 2024-CP-23-03236; *Clayton L. Jennings v. Paul Hulse, et al.*, No. 2024-CP-23-03271; and *Jennifer L. Browning, et al. v. Paul Hulse, et al.*, No. 2024-CP-23-03730. (ECF No. 1 at 1 n.1.)

⁶ The Court notes that after filing the complaint in this action, Plaintiffs' counsel filed two separate actions in this Court on behalf of other Plaintiffs raising claims similar to those raised in this action against some of the same Defendants. See *Miniard, et al., v. Browning, et al.*, Civil Action No. 6:24-4132 (filed on July 24, 2024); *Michalski, et al., v. Suggs, et al.*, Civil Action No. 6:24-4820 (filed on Sept. 4, 2024).

the right to inherit; the Court should not exercise supplemental jurisdiction over any state law claims; Defendant Collins is not the actual or proximate cause of any damages; and Plaintiffs have not stated claims for civil conspiracy, fraud, or negligent misrepresentation. (*Id.* at 14-30.)

Defendant Jennings filed a motion to dismiss pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure on September 6, 2024, asserting that: (1) all of Plaintiffs' allegations relate to Jennings' actions as an associate probate judge, entitling him to absolute judicial immunity; (2) Plaintiffs' complaint fails to state a claim upon which relief can be granted under 18 U.S.C. § 1962(c) and (d); (3) Plaintiffs' claims for civil conspiracy and fraud are legally defective; (4) Plaintiffs fail to state a legally cognizable claim for negligent misrepresentation against Jennings; and (5) Jennings is entitled to an order dismissing him as a matter of law. (ECF No. 24-1 at 3-16.)

Defendant Rabon filed a motion to dismiss pursuant to Rules 9 and 12 of the Federal Rules of Civil Procedure on September 6, 2024, asserting that: (1) Plaintiffs' complaint lacks well-pleaded allegations against Rabon; (2) Plaintiffs' complaint fails to state a claim under 18 U.S.C. § 1962; (3) Rabon is immune from liability for acting in the course and scope of representing his clients; (4) Plaintiffs' complaint fails to state any plausible claims under South Carolina law against Rabon; (5) Plaintiffs' claims are barred by the applicable statutes of limitations; and (6) the Court should abstain from exercising jurisdiction over this action and should dismiss it pursuant to *Colorado River Conservation District v. United States*, 424 U.S. 800 (1976). (ECF No. 25-1 at 6-30.)

Defendant Tracy Parsons filed a motion to dismiss or for judgment on the pleadings pursuant to Rules 12(b)(6) and 12(c) of the Federal Rules of Civil Procedure on September

6, 2024. (ECF No. 26.) In her motion, Parsons asserts that: the Court lacks subject matter jurisdiction under the *Rooker-Feldman* doctrine; the Court should abstain under the *Younger* doctrine; the Court should abstain under the *Colorado River* doctrine; Parsons is immune from civil liability arising out of her service as a court-appointed guardian; the complaint does not assert a viable RICO claim; South Carolina does not currently recognize a claim for tortious interference with the right to inherit; and the complaint fails to state claims for civil conspiracy, fraud, or negligent misrepresentation. (*Id.* at 4-19.)

On September 6, 2024, Defendants Couchell and Comfort Keepers filed a motion to dismiss, asserting that the Court should dismiss this action pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure because the complaint fails to show that Plaintiffs have standing under Article III and because the Court lacks subject matter jurisdiction under the *Rooker-Feldman* doctrine. (ECF No. 28-1 at 8-11.) These Defendants also assert that the Court should abstain from exercising jurisdiction under the *Colorado River* doctrine and that Plaintiffs' complaint is subject to dismissal under Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim. (*Id.* at 11-28.)

On September 9, 2024, Defendants Lee and Bridges filed a motion to dismiss pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure, asserting that: the Court lacks subject matter jurisdiction; the Court should abstain from hearing this action under *Younger* and *Colorado River*; Plaintiffs are not proper parties; Plaintiffs' complaint fails to satisfy the pleading requirements to file a claim against these Defendants; Plaintiffs' complaint fails to state a claim against these Defendants for violation of 18 U.S.C. § 1962; and Plaintiffs' complaint fails to allege plausible state law claims. (ECF No. 31 at 4-35.)

On September 13, 2024, Defendant McLeod filed a motion to dismiss pursuant to

Rule 12(b)(6) of the Federal Rules of Civil Procedure, asserting that Plaintiffs' claims should be dismissed because (1) Plaintiffs do not have adequate standing to pursue a RICO claim; (2) Plaintiffs have not plausibly alleged any predicate racketeering activity by McLeod; (3) Plaintiffs' allegations fail to identify a RICO enterprise; (4) the *Rooker-Feldman* doctrine applies and abstention is appropriate; (5) certain immunities apply to lawyers in South Carolina; (6) Plaintiffs' claims are barred by the statutes of limitations; (7) Plaintiffs fail to allege any tortious conduct by McLeod that would interfere with Plaintiffs' right to inherit; (8) Plaintiffs fail to allege conduct that would support a reasonable inference that McLeod conspired with other Defendants; and (9) Plaintiffs' fraud-based claims fail to satisfy the requirements of Rule 9 of the Federal Rules of Civil Procedure. (ECF No. 42 at 6-22.)

On September 23, 2024, Defendant Vanguard filed a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, asserting that: Plaintiffs' RICO claims are time-barred; Plaintiffs lack standing to assert any RICO claims; Plaintiffs' claims under 18 U.S.C. § 1962(c) fail to state a claim upon which relief can be granted; Plaintiffs have not alleged a RICO conspiracy under 18 U.S.C. § 1962(d); after dismissing Plaintiffs' RICO claims, the Court should not exercise supplemental jurisdiction over any state law claims; Plaintiffs' state law claims are time-barred; and Plaintiffs fail to allege any plausible state law claims. (ECF No. 50-1 at 6-28.)

On September 23, 2024, Defendants Browning and BGC filed a motion to dismiss pursuant to Rules 9, 12(b)(1), and 12(b)(6) of the Federal Rules of Civil Procedure, asserting that: Browning and BGC are entitled to absolute quasi-judicial immunity; Plaintiffs' claims against Browning and BGC are barred by the litigation privilege; the Court lacks subject matter jurisdiction under the *Rooker-Feldman* doctrine; the Court should abstain

from hearing his matter pursuant to the *Younger* and *Colorado River* doctrines; Plaintiffs are not proper parties to bring this action and lack Article III standing; the complaint does not assert a viable RICO claim; and the complaint fails to allege any viable state law claims against Browning or BGC. (ECF No. 53-3 at 3-19.)

On October 21, 2024, after being granted extensions of time, Plaintiffs filed an omnibus response in opposition to the above-outlined motions to dismiss. (ECF No. 60.)

On October 23, 2024, Defendant Borum filed a motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, incorporating many of the arguments raised by the other Defendants in their motions and asserting that: all of Plaintiffs' claims are barred by the applicable statutes of limitations; Plaintiffs' complaint fails to state a claim upon which relief may be granted under 18 U.S.C. § 1962(c); and Plaintiffs' complaint fails to state any state law claim upon which relief may be granted. (ECF No. 61-1 at 4-10.)

On October 27, 2024, Defendants Mickie Grist, Caroline Lyon, and Leland Lyon filed a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, asserting that: Plaintiffs' complaint lacks any well-pleaded factual allegations against these Defendants sufficient to state a claim for any of the causes of action alleged; Plaintiffs do not have adequate standing to pursue a RICO claim under 18 U.S.C. § 1962; Plaintiffs fail to identify a RICO enterprise or allege facts to support a reasonable inference that these Defendants acted with a common purpose or agreement with any other Defendants; the claims should be dismissed pursuant to the *Rooker-Feldman* doctrine; Plaintiffs' complaint fails to state any plausible claims under South Carolina law; Plaintiffs' claims are barred by the applicable statutes of limitations; and the Court should abstain from exercising

jurisdiction under the *Colorado River* doctrine. (ECF No. 73 at 8-19.)

On November 6, 2024, Plaintiffs re-filed their omnibus response in opposition to the motion filed by Mickie Grist, Caroline Lyon, and Leland Lyon. (ECF No. 86.) Plaintiffs also filed a response in opposition to Defendant Borum's motion on November 18, 2024. (ECF No. 93.)

Defendants filed various replies on October 28, 2024; November 1, 2024; November 4, 2024; and November 25, 2024. (ECF Nos. 77-78, 80-85, 89, 91, 94.) In addition, following the filing of their replies, Defendants have filed numerous notices of supplemental authority. Specifically, on January 6, 2025, Defendants Browning and BGC filed a notice of supplemental authority, attaching a copy of an order from the South Carolina Court of Common Pleas dated January 6, 2025, which granted Browning's and BGC's motion for summary judgment in the matter of *Stacey Grist, et al, v. Priscilla Mickie Grist, et al.*, C.A. No. 2022-CP-23-04055 (hereinafter referred to as "the Grist Greenville Common Pleas Action"). (ECF No. 96, 96-1.) On January 7, 2025, Defendant Parsons filed a notice of supplemental authority, attaching a copy of an order entered from the South Carolina Court of Common Pleas dated January 6, 2025, which granted Parsons' motion for summary judgment in the Grist Greenville Common Pleas Action. (ECF No. 97, 97-1.) On January 10, 2025, Defendant McLeod filed a notice of supplemental authority, attaching copies of three orders from the Court of Common Pleas in the Grist Greenville Common Pleas Action, all dated January 6, 2025, granting summary judgment in favor of Browning, BGC, and Parsons (as outlined above), and granting partial summary judgment to Comfort Keepers and Couchell. (ECF Nos. 98, 98-1, 98-2, 98-3.) On January 13, 2025, Defendants Lee and Bridges filed a notice of supplemental authority, submitting via citation

the same summary judgment orders from the Court of Common Pleas in the Grist Greenville Common Pleas Action. (ECF No. 99, 99-1.) On January 29, 2025, Defendant Rabon filed a notice of supplemental authority, submitting the same three summary judgment orders outlined above from the Court of Common Pleas in the Grist Greenville Common Pleas Action. (ECF No. 101, 101-1, 101-2, 101-3.) Lastly, on February 14, 2025, Defendants Browning and BGC filed another notice of supplemental authority, attaching a recent order from the Supreme Court of South Carolina in *Hulsey, et al., v. Rabon, et al.*, Appellate Case No. 2024-001874 (Feb. 13, 2025). (ECF No. 105, 105-1.)

STANDARDS OF REVIEW

I. Rule 12(b)(1)

A Rule 12(b)(1) motion for lack of subject matter jurisdiction raises the fundamental question of whether the Court has jurisdiction to adjudicate the matter before it. Fed. R. Civ. P. 12(b)(1). In determining whether subject matter jurisdiction exists, the Court is to “regard the pleadings’ allegations as mere evidence on the issue, and may consider evidence outside the pleadings without converting the proceeding to one for summary judgment.” *Richmond, Fredericksburg & Potomac R.R. Co. v. United States*, 945 F.2d 765, 768 (4th Cir. 1991) (citing *Adams v. Bain*, 697 F.2d 1213, 1219 (4th Cir. 1982)). The plaintiff bears the burden of proof on questions of subject matter jurisdiction. See *Evans v. B.F. Perkins Co.*, 166 F.3d 642, 647 (4th Cir. 1999).

II. Rule 12(b)(6)

Under Federal Rule of Civil Procedure 8(a)(2), a pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P.

8(a)(2). As the Supreme Court held in *Bell Atl. Corp. v. Twombly*, the pleading standard set forth in Rule 8 “does not require ‘detailed factual allegations,’ but it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Twombly*, 550 U.S. 544, 555 (2007)). Thus, “[a] pleading that offers ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not do.’” *Id.* “Nor does a complaint suffice if it tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Id.* (quoting *Twombly*, 550 U.S. at 557).

A motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) examines the legal sufficiency of the facts alleged on the face of a plaintiff's complaint. *Edwards v. City of Goldsboro*, 178 F.3d 231, 243 (4th Cir. 1999). To survive a Rule 12(b)(6) motion, “[f]actual allegations must be enough to raise a right to relief above the speculative level.” *Twombly*, 550 U.S. at 555. The “complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’ ” *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 570). A claim is facially plausible when the factual content allows the court to reasonably infer that the defendant is liable for the misconduct alleged. *Id.* When considering a motion to dismiss, the court must accept as true all of the factual allegations contained in the complaint. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). “In considering a Rule 12(b)(6) motion, the Court may also ‘properly take judicial notice of matters of public record,’ ‘consider documents attached to the complaint,’ and consider documents attached to the motion to dismiss ‘so long as they are integral to the complaint and authentic.’” *E. Brdige Lofts Prop. Owners Ass’n, Inc. v. Crum & Forster Specialty Ins. Co.*, No. 2:14-cv-2567-RMG, 2015 WL 12831695, at *2 (D.S.C. Mar. 12, 2015) (quoting *Sec’y of State for Deference v. Trimble Navigation Ltd.*, 484 F.3d 700, 705 (4th Cir. 2007)).

III. Rule 9(b)

Rule 9(b) imposes a heightened pleading standard on fraud claims, under which a plaintiff must “state with particularity the circumstances constituting fraud or mistake.” Fed. R. Civ. P. 9(b). The purposes of Rule 9(b) include “providing notice to a defendant of its alleged misconduct,” “preventing frivolous suits,” “eliminating fraud actions in which all the facts are learned after discovery,” and “protecting defendants from harm to their good will and reputation.” *U.S. ex rel. Nathan v. Takeda Pharm. N. Am., Inc.*, 707 F.3d 451, 456 (4th Cir. 2013) (quotation marks and modifications omitted).

IV. Rule 12(c)

Federal Rule of Civil Procedure 12(c) provides that “[a]fter the pleadings are closed—but early enough not to delay trial—a party may move for judgment on the pleadings.” Fed. R. Civ. P. 12(c). The standard of review for Rule 12(c) motions is the same as that for Rule 12(b)(6) motions. *Drager v. PLIVA USA, Inc.*, 741 F.3d 470, 474 (4th Cir. 2014) (citing *Butler v. United States*, 702 F.3d 749, 751-52 (4th Cir. 2012)). However, in assessing a Rule 12(c) motion, the Court may consider the answer and attached exhibits in addition to the complaint.

The standard of review tests only the sufficiency of the complaint; it does not resolve the merits of a plaintiff’s claims or any disputes of fact. *See Butler*, 702 F.3d at 752. Therefore, a motion for judgment on the pleadings “should only be granted if, after accepting all well-pleaded allegations in the plaintiff’s complaint as true and drawing all reasonable factual inferences from those facts in the plaintiff’s favor, it appears certain that the plaintiff cannot prove any set of facts in support of his claim entitling him to relief.” *Edwards v. City of Goldsboro*, 178 F.3d 231, 244 (4th Cir. 1999).

IV. Rule 56

Summary judgment is appropriate if a party “shows that there is no genuine dispute as to any material fact” and that the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a). “By its very terms, this standard provides that the mere existence of some alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summary judgment; the requirement is that there be no genuine issue of material fact.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48 (1986). “Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment.” *Id.* at 248. “[A]t the summary judgment stage the judge’s function is not himself to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial.” *Id.* at 249. “In determining whether a genuine issue has been raised, the court must construe all inferences and ambiguities in favor of the nonmoving party.” *HealthSouth Rehab. Hosp. v. Am. Nat’l Red Cross*, 101 F.3d 1005, 1008 (4th Cir. 1996).

The party seeking summary judgment bears the initial burden of demonstrating that there is no genuine issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). Once the moving party has made this threshold demonstration, the non-moving party, to survive the motion for summary judgment, may not rest on the allegations averred in his pleadings. *Id.* at 324. Rather, the non-moving party must demonstrate that specific, material facts exist that give rise to a genuine issue. *Id.* Under this standard, “[c]onclusory or speculative allegations do not suffice, nor does a ‘mere scintilla of evidence’ ” in support of the non-moving party’s case. *Thompson v. Potomac Elec. Power Co.*, 312 F.3d 645, 649 (4th Cir. 2002) (quoting *Phillips v. CSX Transp., Inc.*, 190 F.3d 285, 287 (4th Cir.

1999)); *see also Anderson*, 477 U.S. at 252.

ANALYSIS

I. *Rooker-Feldman*

Many of Defendants' motions assert that the *Rooker-Feldman* doctrine bars this suit, and because this argument calls into question the Court's subject matter jurisdiction, the Court addresses it first.

The *Rooker-Feldman* doctrine is the product of *Rooker v. Fidelity Trust Company*, 263 U.S. 413 (1923) and *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983). In *Rooker*, the plaintiffs sued in federal district court seeking a declaration that a state-court judgment against them was "null and void" because, according to the plaintiffs, it was in violation of the Constitution. 263 U.S. at 414-15. The Supreme Court concluded that the district court lacked subject-matter jurisdiction over the claim because "[u]nder the legislation of Congress, no court of the United States other than [it] could entertain a proceeding to reverse or modify [a state-court] judgment for errors of [Constitutional] character." *Id.* at 416.

In *Feldman*, the plaintiffs sued in federal district court against the District of Columbia Court of Appeals, alleging that (1) the District of Columbia court's rule prohibiting those who had not graduated from law school from becoming members of the bar violated federal constitutional and statutory law and (2) the District of Columbia court's denial of their petitions for a waiver from the bar-admission rule also violated federal constitutional and statutory law. 460 U.S. at 468. The Supreme Court held that the district court had subject-matter jurisdiction to consider the plaintiffs' first claim because the facial challenge to the rule was like any other challenge of any legislative enactment. *Id.* at 486. The Court

held that the second claim, however, was different because, in ruling on the plaintiffs' application for a waiver, the District of Columbia court had acted in a judicial, rather than a legislative, capacity. *Id.* at 480-82. In other words, because the plaintiffs' second claim challenged the District of Columbia court's judicial determination (and the plaintiffs thus were effectively seeking appellate review of the District of Columbia court's ruling in the district court), the Supreme Court held that the district court lacked subject-matter jurisdiction to hear the plaintiffs' second claim, as only the Supreme Court has appellate jurisdiction to review a state court's order. *Id.* at 482; *see also* 28 U.S.C.A. § 1257(a) (West 1993).

In *Exxon Mobil Corporation v. Saudi Basic Industries Corporation*, the Supreme Court reined in the expansive application of the *Rooker-Feldman* doctrine and held that the doctrine "is confined to the cases of the kind from which the doctrine acquired its name: cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." 544 U.S. 280, 284 (2005). Thus, following *Exxon*, what matters is whether the state-court loser who files suit in federal district court seeks redress for an injury caused by the state-court decision itself. If so, then the *Rooker-Feldman* doctrine applies. *See, e.g., Washington v. Wilmore*, 407 F.3d 274, 280 (4th Cir. 2005) (holding, post-*Exxon*, that the *Rooker-Feldman* doctrine did not apply because "[the plaintiff's] claim of injury rests not on the state court judgment itself, but rather on the alleged violation of his constitutional rights [by the defendant]"). In other words, if a state-court loser seeks redress in a federal district court for an injury caused by a state-court decision, then the federal claim is, by definition, "inextricably intertwined" with

the state-court decision, and it is therefore outside of the jurisdiction of the federal district court. See *Hoblock v. Albany County Bd. of Elections*, 422 F.3d 77, 86-87 (2d Cir. 2005) (“[D]escribing a federal claim as ‘inextricably intertwined’ with a state-court judgment only states a conclusion. *Rooker–Feldman* bars a federal claim, whether or not raised in state court, that asserts injury based on a state judgment and seeks review and reversal of that judgment; such a claim is ‘inextricably intertwined’ with the state judgment.”); cf. *Washington*, 407 F.3d at 280 (concluding that plaintiff’s federal suit was not “inextricably intertwined” with the state-court decision because it sought redress for the defendant’s violation of his rights, not the state-court decision.)

Here, several Defendants assert that the *Rooker-Feldman* doctrine applies because Plaintiffs essentially ask this Court to review and reject unappealed orders issued by South Carolina state courts in cases in which Plaintiffs were a party.⁷ For example, Defendants

⁷ Litigation involving Dr. Grist and his estate has been ongoing since at least 2020, and the Court takes judicial notice of the pleadings filed in the underlying state court actions, as they are part of the public record and are matters integral to the allegations in Plaintiffs’ complaint.

In July of 2020, Defendant Rabon, while representing Defendant Mickie Grist, filed a petition in the Probate Court for Greenville County seeking a finding of incapacity and appointment of a guardian/emergency guardian for Dr. Grist. See *In re Stanford W. Grist–Priscilla Mickie Grist v. Stanford W. Grist, Stacey Desiree Grist, and Charlotte Roxanne Grist*, No. 2020-GC-23-00088 (Greenville County Probate Court) (hereinafter referred to as “the Greenville Probate Action”). The petition was granted and Mickie Grist was initially appointed as Dr. Grist’s guardian before being replaced by court-appointed parties, i.e., Defendant Browning as the guardian ad litem and Defendant Parsons as the guardian.

On September 10, 2020, Charlotte Grist filed a motion for temporary relief and hearing for the appointment of a temporary conservator. See *In the Matter of Stanford W. Grist, an alleged incapacitated individual, Caroline York Grist Lyon v. Stanford W. Grist*, No. 2020-GC-23-00136 (Greenville County Probate Court).

While the above two probate matters were pending, Stacey Grist filed the Grist Greenville Common Pleas Action against Mickie Grist, Browning, Parsons, and others. See *Stacey Grist, et al. v. Priscilla Mickie Grist, et al.*, No. 2022-GC-23-147. The action was removed to the Greenville County Court of Common Pleas and was assigned case number 2022-CP-23-04055. Plaintiffs thereafter filed an amended complaint asserting claims for abuse of process, civil conspiracy, unfair trade practices, negligent hiring, training, and supervision, intentional interference with contractual relations, and violation of the Power of Attorney Act. Of note, paragraphs 20 through 53 of the second amended complaint in case number 2023-CP-23-04055 are largely the same as paragraphs 28 through 68 of Plaintiffs’ complaint in this action. (Cf. ECF No. 1 and ECF No. 25-4.)

In May of 2024, Plaintiffs’ counsel sent letters to certain Defendants and others asserting that they

point out that, by its very terms, the complaint alleges that “[t]he Sham Probate Enterprise relied upon interaction with and alleged oversight by the Greenville County Probate Court (hereafter “the Probate Court”) to initiate and facilitate the Collaborators’ raised upon the assets and income of the victims, to vitiate and neutralize the stated will of the victims, to the detriment of the victims and to enrich the Collaborators,” (ECF No. 1 ¶ 7.) Defendants also point out that the first paragraph of the complaint refers to actions that “were purportedly authorized by court orders”—specifically, orders that Plaintiffs allege are void or voidable. (*Id.* ¶ 1; see also *id.* n. 2.) As such, Defendants contend that Plaintiffs are asking this Court to reject the findings and appointments of South Carolina’s probate courts and to find that the probate court was part of a RICO conspiracy, and Defendants assert that the Court should decline to hear Plaintiffs’ claims on the basis of the *Rooker-Feldman* doctrine.

In response, Plaintiffs contend that Defendants are mistaken and that the *Rooker-Feldman* doctrine “simply does not apply to this case.” In support of their arguments, Plaintiffs cite *Hulsey v. Cisa*, 947 F.3d 246 (4th Cir. 2020). (ECF No. 60 at 33.)

Here, after careful review of Plaintiffs’ complaint and the applicable law, the Court is inclined to agree with Defendants that, to the extent Plaintiffs’ claims seek redress in this Court for alleged injuries caused by certain state court orders, any such claims are

participated in a racketeering scheme to defraud Plaintiffs and others, following which Defendants Rabon, Jennings, Browning, and others filed separate lawsuits against Plaintiffs’ counsel and others, alleging libel and libel *per se* causes of action stemming from the publication of the May letter. See *Rabon v. Hulsey, et al.*, No. 2024-CP-23-3236; *Jennings v. Hulsey, et al.*, No. 2024-CP-23-3271; and *Browning, et al. v. Hulsey, et al.*, No. 2024-CP-23-03730.

“inextricably intertwined” with those state court orders,⁸ and this Court lacks jurisdiction to consider such claims pursuant to the *Rooker-Feldman* doctrine. In other words, the Court finds that Plaintiffs’ complaint effectively pleads itself out of Court to the extent that Plaintiffs attack the validity and enforceability of state court orders, as Plaintiffs would have to show that the decisions made by the state courts were erroneous in order to prove their injuries in this Court, and those matters are for the state court system to address.⁹ See *Doe 1 v. Doicese of Charleston*, 2015 WL 13762980, *7 (D.S.C. Sept. 30, 2015) (explaining that the source of the plaintiffs’ injuries was “the administration and adjudication of the State Court Class Action” and that to show the injuries, “the plaintiffs would have to show that the decisions made by the state court in the State Court Class Action were erroneous”); *Jordahl v. Dem. Party of Virginia*, 122 F.3d 192, 202 (4th Cir. 1997) (“The *Rooker-Feldman* doctrine is in no way dependent upon the temporal posture of the state court judgment, rather, the doctrine reinforces the important principle that review of state court decisions must be made to the state appellate courts, and eventually to the Supreme Court, not by federal district courts or courts of appeals.”).

II. *Younger & Colorado River*

Next, in addition to asserting that the Court lacks subject matter jurisdiction under the *Rooker-Feldman* doctrine, several Defendants also assert that, to the extent the Court

⁸ As the Court previously noted, litigation involving Dr. Grist has been ongoing since 2020, and at least three different state courts have issued orders: the Greenville County Court of Common Pleas, the Greenville County Probate Court, and the Pickens County Probate Court.

⁹ Nor does *Hulsey* alter the Court’s conclusion. In *Hulsey*, the Fourth Circuit found that “the fraud claims in *Hulsey*’s complaint do not challenge the South Carolina court’s decision regarding the defamation claims litigated in state court.” 947 F.3d at 251. Here, in contrast, Plaintiffs’ claims do appear to challenge the state court’s decisions, such as orders of appointment in the Greenville Probate Action and the summary judgments in the Grist Greenville Common Pleas Action. (See, e.g., ECF No. 82-1, 82-2, 82-3.)

does have subject matter jurisdiction over any of Plaintiffs' claims, federal court abstention is appropriate under both the *Younger* doctrine and the *Colorado River* doctrine. See *Younger v. Harris*, 401 U.S. 37 (1971); *Colorado River Water Conserv. Distr. v. United States*, 424 U.S. 800 (1976).

"In *Younger*, the Supreme Court articulated the strong policy against federal court interference with any pending state judicial proceeding unless extraordinary circumstances so warrant." *Martin Marietta Corp. v. Maryland Comm'n on Human Rels.*, 38 F.3d 1392, 1396 (4th Cir. 1994) (citations omitted). In general, the Supreme Court has found abstention appropriate when: (1) there are ongoing state judicial proceedings; (2) that implicate important state interests; and (3) there is an adequate opportunity to raise federal claims in the state judicial proceedings. *Id.* (citing *Middlesex County Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 432 (1982)).

"In *Colorado River*, the Supreme Court held that a federal court may abstain from deciding non-frivolous, nondeclaratory claims in favor of a parallel state suit for reasons of 'wise judicial administration'—but only in 'exceptional' circumstances." *VonRosenberg v. Lawrence*, 781 F.3d 731, 734 (4th Cir. 2015). "Thus, a court must apply *Colorado River* abstention 'parsimoniously.'" *Id.* (quoting *Chase Brexton Health Servs., Inc. v. Maryland*, 411 F.3d 457, 463 (4th Cir. 2005)). In determining whether to abstain in light of a duplicative parallel state court action, the Fourth Circuit has identified six factors a court must consider:

(1) whether the subject matter of the litigation involves property where the first court may assume *in rem* jurisdiction to the exclusion of others; (2) whether the federal forum is an inconvenient one; (3) the desirability of avoiding piecemeal litigation; (4) the relevant order in which the courts obtained jurisdiction and the progress achieved in each action; (5) whether

state law or federal law provides the rule of decision on the merits; and (6) the adequacy of the state proceeding to protect the parties' rights.

Chase Brexton, 411 F.3d at 463-64 (citations omitted). As the Fourth Circuit has explained, "abstention should be the exception, not the rule, and it may be considered only when 'the parallel state-court litigation will be an adequate vehicle for the complete and prompt resolution of the issues between the parties.'" *Id.* (citing *Moses H. Cone Mem'l Hosp. v. Mercury Constr. Corp.*, 460 U.S. 1, 15 (1983)).

In response to Defendants' arguments, Plaintiffs assert that Defendants' reliance on *Younger* is flawed because the complaint does not ask the Court to "enjoin or overturn any state proceeding involving any criminal or quasi-criminal interest." (ECF No. 60 at 40.) According to Plaintiffs, the *Younger* doctrine "is based upon the idea that courts of equity should not be interfering with state criminal proceedings or civil proceedings which bear similarities to criminal cases except under extraordinary circumstances." (*Id.* at 39.)

Plaintiffs also assert that the *Colorado River* doctrine does not apply because the Grist Greenville Common Pleas Action is not a parallel, duplicative suit under *Colorado River*. (*Id.* at 35-39.) According to Plaintiffs, the Grist Greenville Common Pleas Action "involves, among other things, negligence/gross negligence, abuse of process, unfair trade practices, negligent training and supervision, intentional infliction with business contracts, and remedies common to those allegations," whereas this action "implicates rights and remedies established by the RICO act." (*Id.* at 36.) Additionally, Plaintiffs assert that, even if the suits are parallel, the six factors to determine if exceptional circumstances exist do not weigh heavily in favor of abstention. (*Id.* at 38.)

After consideration, and with due respect for notions of comity and federalism, the

Court agrees with Defendants that, to the extent that Plaintiffs' claims are not barred by the *Rooker-Feldman* doctrine, *Younger* abstention is appropriate under the circumstances. First, it is undisputed that there are multiple ongoing state court proceedings, including most notably perhaps the Grist Greenville Common Pleas Action, which involves similar parties and the same underlying facts, and this Court does not wish to interfere with those proceedings at this time. Furthermore, the underlying state proceedings undoubtedly implicate important state interests such as the integrity of the South Carolina state court system as a whole, the validity and finality of state court decisions, including the appropriate appellate procedure in state court, as well as the proper administration of South Carolina estates. Finally, there is no claim in this action that could not be raised in the Grist Greenville Common Pleas action, including any civil RICO claims. *See Tafflin v. Levitt*, 493 U.S. (“[W]e hold that state courts have concurrent jurisdiction to consider civil claims arising under RICO.”).

Likewise, the Court finds *Colorado River* abstention appropriate because Plaintiffs have a pending state court action (i.e., the Grist Greenville Common Pleas Action) involving nearly identical parties and claims. After considering the six relevant factors, the Court finds the first two to be neutral, as the parallel actions do not involve *in rem* jurisdiction, and the federal forum does not appear to be any more or less convenient than the state forum. However, the Court finds that the third factor—the desirability of avoiding piecemeal litigation—weighs heavily in favor of abstention. Indeed, Plaintiff Stacey Grist filed a motion in the state court suit admitting that “the merits of [the state court] case will necessarily be impacted and resolved in large part by the final ruling in the Federal Case.” (ECF No. 22-3 at 1-2.) Critically, and relevant to the fourth factor, the state court obtained jurisdiction prior

to this Court, further weighing in favor of abstention. As to the fifth and sixth factors, both state and federal law applies to Plaintiffs' claims, but there is no law that would prevent the South Carolina courts from reaching the merits of Plaintiffs' claims. In other words, there is nothing to suggest that the South Carolina state court is inadequate to protect the parties' rights.

Thus, under the unusual and exceptional circumstances of this case, the Court finds a real risk of undermining South Carolina state court proceedings. Therefore, the Court, in its discretion, relieves this unseemly tension by applying both *Younger* and *Colorado River* abstention.

III. Plaintiffs' RICO Claims

Next, to the extent the Court does have subject matter jurisdiction over Plaintiff's RICO claims, and to the extent that abstention is not appropriate, the Court also finds, for the following reasons, that Plaintiffs' complaint fails to allege sufficient facts to plead their RICO claims with the required particularity.

As an initial matter, the Court agrees with Defendants that Plaintiffs's complaint does not include sufficient facts to show they have standing to bring RICO claims against Defendants under 18 U.S.C. § 1964(c) as "person[s] injured in his business or property." Stated simply, Plaintiffs do not sufficiently allege an injury to their "business or property" "by reason" of the asserted predicate acts. 18 U.S.C. § 1964(c); see *Bowen v. Adidas Am., Inc.*, 541 F. Supp. 3d 670,679 (D.S.C. 2021) ("Allegations of personal injuries and pecuniary losses incurred therefrom do not qualify as injury to 'business or property.'"). Although Plaintiffs allege in a wholly conclusory fashion that they have "suffered (and will continue to suffer) substantial injury to their 'business and property,'" and that Plaintiff

Stacey Grist “has suffered economic damages including, but not limited to, loss of her economic benefits specified in the Trust documents” and attorney’s fees, the Court finds that simply calling damages economic damages without describing them does not suffice. (See ECF No. 1, ¶¶ 86, 93, 102.) Thus, the Court finds these conclusory allegations insufficient to allege injury under § 1964(c).

Second, even assuming for the sake of argument that Plaintiffs’ complaint does sufficiently allege injury to Plaintiffs’ business or property (and a causal connection between such injury and the alleged predicate acts) to confer standing on Plaintiffs, the Court also finds that the complaint fails to sufficiently plead a pattern of racketeering activity pursuant to 18 U.S.C. § 1962(c). A pattern of racketeering activity is “two or more predicate acts of racketeering . . . committed within a ten-year period.” 18 U.S.C. § 1961(5); *see also ePlus Tech., Inc. v. Aboud*, 313 F.3d 166, 181 (4th Cir. 2002). Importantly, a plaintiff must show that the predicate acts of racketeering are related and that they amount to or pose a threat of continued criminal activity. *Palmetto State Medical Ctr.*, 117 F.3d at 148. To meet the definition of “pattern of racketeering activity,” there must be “at least two acts of racketeering activity” 18 U.S.C. § 1961(5).

Here, the complaint includes only conclusive, non-specific allegations that the “Sham Probate Enterprise” used “the U.S. mails and interstate wires” to commit mail and wire fraud under 18 U.S.C. §§ 1341 and 1343. (See ECF No. 1 ¶ 74.) These allegations fail to comply with Rule 9 of the Federal Rules of Civil Procedure, as Plaintiffs do not state with particularity the circumstances constituting fraud; indeed, these allegations do not include *any details* of the time, place, and contents of the alleged instances of mail or wire fraud. *See Fed. R. Civ. P. 9(b). Harrison v. Westinghouse Savannah River Co.*, 176 F.3d 776,

784 (4th Cir. 1999) (“[T]he ‘circumstances’ required to be pled with particularity under Rule 9(b) are ‘the time, place, and contents of the false representations, as well as the identity of the person making the misrepresentation and what he obtained thereby.’”) (quoting 5 Charles Alan Wright and Arthur R. Miller, *Federal Practice and Procedure: Civil* § 1297, at 590 (2d ed. 1990)). *See also Jones v. Ram Medical, Inc.*, 807 F. Supp. 2d 501, 513 (D.S.C. 2011) (explaining that “a RICO claim premised upon either wire fraud or mail fraud predicate acts must be pleaded with particularity”) (citing *Mylan Lab. Inc. v. Matkari*, 7 F.3d 1130, 1137 (4th Cir. 1993)).

Likewise, with respect to Plaintiffs’ next alleged predicate act (that certain Defendants committed extortion under S.C. Code § 16-7-640¹⁰ when they conferred and conspired, and in some instances, filed lawsuits, *in response to* a notice letter that Plaintiffs’ counsel sent to Defendant Collaborators), the Court agrees with Defendant Collins that “this RICO cart came before the predicate horse.” (ECF No. 21-1 at 18.)

In all, the Court finds that Plaintiffs’ complaint does not sufficiently identify a single predicate act of racketeering activity, let alone two, to plausibly plead a pattern of racketeering activity under § 1962(c), let alone a conspiracy under § 1962(d) to violate § 1962(a) or (c).

Finally—and significantly, as this alone is enough to doom Plaintiffs’ RICO claims—the Court finds that Plaintiffs’ complaint impermissibly ignores the requirement for individual allegations against Defendants. In other words, the Court finds that merely lumping

¹⁰ The section of the South Carolina Code that Plaintiffs cite is for “blackmail.” Regardless, the Court need not determine whether the blackmail statute falls within the purview of “racketeering activity” under 18 U.S.C. § 1961(1) because Plaintiffs do not allege facts demonstrating the elements of S.C. Code § 16-17-640 in the first place.

together all sixteen Defendants and calling them “Collaborators” is wholly insufficient to state plausible RICO claims and does not relieve Plaintiffs of the obligation to plead “sufficient facts to allow the court to infer liability as to *each* defendant.” *Langford v. Joyner*, 62 F.4th 122, 126 (4th Cir. 2023) (italics in original); *see also Juntti v. Prudential-Bache Sec.*, 993 F.2d 228 *2 (4th Cir. 1993) (Table) (“Further indicative of the insufficiently particular character of the complaint is its impermissible aggregation of defendants without specifically alleging which defendant was responsible for which act.”).

For all of the foregoing reasons, the Court finds that, even assuming it has jurisdiction, and even assuming that abstention is not appropriate under the circumstances, Plaintiffs’ complaint ultimately fails to allege plausible RICO claims against Defendants. Having so found, the Court declines to exercise supplemental jurisdiction over Plaintiffs’ remaining non-federal claims.¹¹ *See United Mine Workers v. Gibbs*, 383 U.S. 715, 726 (1966).

CONCLUSION

For all of the foregoing reasons, the Court grants Defendants’ motions (ECF Nos. 21, 24, 25, 26, 28, 30, 42, 50, 53, 61, and 73), and the Court dismisses this action without prejudice.¹²

¹¹ In addition, in light of the Court’s findings, the Court declines to reach the myriad other arguments raised by Defendants in their motions, including, *inter alia*, the statute(s) of limitations, various alleged immunities, and Plaintiffs’s failure to state viable and plausible claims for relief under South Carolina law.

¹² Because the Court finds that Plaintiffs’ claims are barred by the *Rooker-Feldman* doctrine (to the extent that Plaintiffs’ injuries stem from state court orders and judgments), the Court dismisses this action without prejudice. *See, e.g., Smalley v. Shapiro & Burson, LLP*, 526 F. App’x 231, 238 (4th Cir. 2013). Additionally, to the extent that the *Rooker-Feldman* doctrine does not bar Plaintiffs’ claims, the Court still finds dismissal without prejudice appropriate under the circumstances (regardless of whether the claims are dismissed based on *Younger* or *Colorado River* abstention, for failure to state a plausible RICO claim, or because the Court declines to exercise supplemental jurisdiction over state law claims). Thus, the Court declines to dismiss this matter with prejudice as certain Defendants requested.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

June 24, 2025
Charleston, South Carolina

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
In the Court of Common Pleas

The Honorable Eugene C. Griffith, Jr., Circuit Court Judge
The Honorable Jessica A. Salvini, Circuit Court Judge

APPELLATE CASE NOS. 2026-001782 (Consolidated Case No.)
2026-001818 (Browning and Browning Geriatric)
2026-001819 (Jennings)

CASE NO. 2024-CP-23-03730 (Browning and Browning Geriatric)
and
2024-CP-23-03271 (Jennings)

Jennifer L. Browning, Browning Geriatric Consulting, LLC
and Clayton L. Jennings Respondents,

v.

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

Of whom, Stacey Grist is the. Appellant.

PROOF OF SERVICE

I hereby certify that copies of Respondents' Return to Appellant's Motion to Remand
were served upon Appellant's Counsel by electronic mail this 5th day of October, 2026.

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