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Oct 08 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 Nos.
2026-001782 (Consolidated Case No.)
2026-001819 (Browning and Browning Geriatric)
2026-001819 (Jennings)

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

Jennifer L. Browning, and
Browning Geriatric Consulting, LLCRespondent,

v.

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

AND

Clayton L. JenningsRespondent,

v.

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

Of whom Stacey Grist is theAppellant.

MOTION TO AMEND/ SUPPLEMENT NOTICE OF APPEAL

Pursuant to Rule 240, SCACR, Appellant Stacey Grist (“Grist”) hereby moves to amend her Notices of Appeal in each of the above-referenced cases to incorporate orders entered by the circuit court after Grist filed her original Notices of Appeal. A copy of the Third Amended Notice of Appeal is attached hereto as **Exhibit A**. The later entered orders were issued by the court below for clarification purposes and are styled as follows: (1) Order correcting July 15, 2026, orders denying post trial motions, entered September 11, 2026; and (2) Order granting defendants’ Rule 60(a) motion to correct July 15, 2026, orders denying motions for judgment as a matter of law, entered September 11, 2026. Each of the above-referenced orders are attached as exhibits to Exhibit A. Appellant originally sought to amend the Notice of Appeal on September 18, 2026, through its Second Amended Notice of Appeal, and now files this motion to cure a prior defect.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

s/ Christopher B. Major

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Greenville, South Carolina
October 8, 2026

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And Browning Geriatric Consulting, LLC*

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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
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The Honorable Eugene C. Griffith, Jr.
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Appellate Case Nos.
2026-001782 (Consolidated Case No.)
2026-001819 (Browning and Browning Geriatric)
2026-001819 (Jennings)

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

Jennifer L. Browning, and
Browning Geriatric Consulting, LLCRespondent,

v.

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

AND

Clayton L. JenningsRespondent,

v.

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

Of whom Stacey Grist is theAppellant.

THIRD AMENDED NOTICE OF APPEAL

Stacey Grist (“Grist”), appeals the orders in each of the above-referenced matters 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 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.

s/ Christopher B. Major

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October 8, 2026

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*Attorneys for Plaintiffs/Respondent Jennifer L. Browning
And Browning Geriatric Consulting, LLC*

Exhibit 1

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP2303730

Jennifer L Browning et al
PLAINTIFF(S)

Paul Hulsey et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

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

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

This matter was before the Court on September 25, 2024. Beattie Ashmore appeared on behalf of Plaintiff and Jessica Carroll appeared on behalf of Defendants Stacey Grist, Luis Michalski, and Mayra Michalski. Defendants' motion to dismiss Plaintiff's complaint is dismissed.

IT IS SO ORDERED.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

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

John Does 1-14
Jane Does 1-14

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

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



Greenville Common Pleas

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

Case Number: 2024CP2303730

Type: Order/Electronic Form 4

So Ordered

Jessica A. Salvini

Exhibit 2

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
	)	
Jennifer L. Browning and Browning	)	
Geriatric Consulting, LLC.,	)	
Plaintiff,	)	
	)	INITIAL ORDER REGARDING
vs.	)	MOTION TO RECONSIDER
	)	
Paul Hulsey, Cherie Durand, Kimberly	)	
Thomason, Devon Puriefoy, Desa	)	
Ballard, Mayra Michalski, Luis	)	
Michalski, Margaret Miniard, Stacey	)	
Grist, and John & Jane Does #1-14,	)	
	)	
Defendants.	)	Case No.: 2024-CP-23-03730

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

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

AND IT IS SO ORDERED.

October 28th, 2024

Jessica Ann Salvini, Judge

Circuit Court



Greenville Common Pleas

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

Case Number: 2024CP2303730

Type: Order/Other

So Ordered

Jessica A. Salvini

Exhibit 3

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
	)	
Jennifer L. Browning and Browning	)	
Geriatric Consulting, LLC.,	)	
Plaintiff,	)	
	)	FINAL ORDER REGARDING
vs.	)	MOTION TO RECONSIDER
	)	
Paul Hulse, Cherie Durand, Kimberly	)	
Thomason, Devon Puriefoy, Desa	)	
Ballard, Mayra Michalski, Luis	)	
Michalski, Margaret Miniard, Stacey	)	
Grist, and John & Jane Does #1-14,	)	
	)	
Defendants.	)	Case No.: 2024-CP-23-03730

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

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

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

AND IT IS SO ORDERED.

Dated:

_____, 2024

Judge Jessica Ann Salvini
Circuit Court

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



Greenville Common Pleas

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

Case Number: 2024CP2303730

Type: Order/Other

So Ordered

Jessica A. Salvini

Exhibit 4

Jennifer L. Browning and Browning Geriatric Consulting, LLC.
PLAINTIFF(S)

Paul Hulse, et al.
DEFENDANT(S)

Submitted by:

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

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

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court: Defendants’ Motion to set aside Default Judgment is denied. Plaintiffs’ Motion to Enter Default Judgment is granted. A more formal order will be submitted. This order is consistent with the rulings in 2024CP2303258, 2024CP2303271, 2024CP2303329, and 2024CP2303236.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate “N/A” in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

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

Date

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

CLERK OF COURT

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

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

FORM 4C INSTRUCTIONS—JUDGMENT IN A CIVIL CASE
(Instructions for Information Only-Not to be filed with Form 4C)

1. Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.
2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

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

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).
4. The “Information for the Judgment Index” section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the “Judgment in Favor of” column, enter the name of the party to whom the judgment is awarded. In the “Judgment Against” column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the “Judgment Amount” column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate “N/A” in one of the boxes in this section of the form.
5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.
6. The section “For the Clerk of Court Office Use Only” should be completed by the clerk as it has been with the previous version of Form 4.
7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.
8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through “Circuit Court Judge” and indicate “Arbitrator” in the signature block.

9. If a Special Circuit Court Judge, Master in Equity, or Special Referee prepares an order after hearing a Circuit Court matter, then he or she should strike through the title "Circuit Court Judge" below the signature line and indicate the appropriate title.
10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.
11. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the "Judgment Amount To Be Enrolled" box.
12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.
13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.
14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.



Greenville Common Pleas

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

Case Number: 2024CP2303730

Type: Order/Form 4

It is so ordered

Eugene C. Griffith, Jr. 2154

Exhibit 5

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Roland O’Neil Rabon, Jr.,
Plaintiff,

C.A. No. 2024-CP-23-03236

v.

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

ORDER

Defendants.

Fred W. “Trey” Suggs, III,
Plaintiff,

C.A. No. 2024-CP-23-03258

v.

Paul Hulsey, Cherie Durand, Kimberly
Thomason, Devon Puriefoy, Desa Ballard,

Defendants.

Clayton Jennings,
Plaintiff,

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

v.

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

Defendants.

Joseph M. Plaxco,

Plaintiff,

v.

Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Luis Michalski, John & Jane Does ##1-14,

Defendants.

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

Jennifer L. Browning and Browning Geriatric Consulting, LLC,

Plaintiffs,

v.

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

Defendants.

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

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

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

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

Defendants failed to offer a satisfactory explanation as to why they did not file timely answers and counterclaims, as was their required threshold burden needed to establish good cause under SCRCP 55(c). *See Sundown Operating Co., Inc. v. Intedge Indus., Inc.*, 383 S.C. 601, 607, 681 S.E.2d 885, 888 (2009); *Williams v. Vanvolkenburg*, 312 S.C. 373, 375, 440 S.E.2d 408, 409 (Ct. App. 1994) with Tr. 6:4-6 and 12:23-24. But, even if they had made such a threshold showing, Defendants still failed to satisfy South Carolina's *Wham* factors because: (1) Defendants waited too long to seek relief from the entry of default against them particularly after receiving Plaintiffs' Default Affidavits explaining the facts and circumstances surrounding Defendants' default (*e.g.*, ineffective SCRCP 59(e) Motion, etc.); (2) Defendants made no evidentiary submittal establishing

the existence of a potential meritorious defense; and (3) Plaintiffs would now be prejudiced if the Court granted Defendants' Motion, as Plaintiffs have now lost the ability to depose Defendant Hulsey, a named party in these cases, whose deposition could have been published substantively as evidence by Plaintiffs at trial, *see* Tr. p. 31: 1. 7, and because Plaintiffs' ability to vindicate their reputations would be even further delayed. *See Palmetto Constr. Grp., LLC v. Restoration Specialists, LLC*, 444 S.C. 328, 339–40, 907 S.E.2d 129, 135 (Ct. App. 2024); *Wilder v. Blue Ribbon Taxicab Corp.*, 396 S.C. 139, 144, 719 S.E.2d 703 (Ct. App. 2011); *Bank of Southside Virginia v. Host & Cook, LLC*, 239 F.R.D. 441, 445 (E.D. Va. 2007) (to support meritorious defense, movant "must proffer 'some evidence'—not just a 'conclusory assertion'...."); *see also* SCRCP 32(a). Accordingly, the Court finds Defendants have not established the good cause needed to set aside the entry of default against them as required under SCRCP 55(c).

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

IT SO ORDERED this ____ day of April, 2025.

Eugene C. Griffith, Jr.
Circuit Judge Presiding



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

Exhibit 6

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Jennifer L. Browning and
Browning Geriatric Consulting, LLC,

Plaintiffs,

v.

Paul Hulsey, 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 Hulsey, 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

Exhibit 7

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-23-03730
Plaintiffs,	)	
	)	
v.	)	
	)	ORDER DENYING POST
	)	TRIAL MOTIONS
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.	)	

This matter came before the Court upon Defendants' Post-Trial Motions ("Post-Trial Motions") and Defendants' Notice of Motion and Motion to Stay Judgments and Order for Sanctions Pending Motions ("Motion to Stay") (treated together, "Defendants' Motions") filed by Defendants on March 23, 2026, in the above-captioned matter. Based on the pleadings, motions, memoranda, and evidence of record, the Defendants' Motions are DENIED as set forth herein.

I. PROCEDURAL HISTORY

On June 17, 2024, Jennifer L. Browning and Browning Geriatric Consulting, LLC filed a Summons and Complaint against Defendants in the Greenville County Court of Common Pleas for South Carolina asserting causes of action for defamation/libel and libel *per se*, abuse of process, intentional infliction of emotional distress / outrage, international interference with prospective contracts / business relations, and declaratory judgment. Defendants were duly served and filed motions to dismiss pursuant to Rule 12 of the South Carolina Rules of Civil Procedure ("SCRCP"). On October 2, 2024, the Court denied Defendants Kimberly Thomason, Devon Puriefoy, Margaret

Miniard, and Desa Ballard's motions to dismiss. The Clerk entered the Court's Orders and provided notice to all parties. On October 2, 2024, the Court denied defendants Stacey Grist, Luis Michalski, and Mayra Michalski's motions to dismiss the Complaint. The Clerk entered the Court's Order and provided notice to all parties on October 3, 2024.

On October 14, 2024, Defendants filed a Motion to Alter or Amend Judgment under Rule 59(e), SCRCPP. On October 29, 2024, Judge Salvini issued an Initial Order regarding Defendants' Motion to Alter or Amend Judgment under Rule 59(e), SCRCPP, which established that the motion would be decided on written submissions and set the deadlines for the same. Defendants' Answers to the Complaint were due on October 17 and 18, 2024. However, Defendants did not file their Answers 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, SCRCPP. 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.

Three weeks after Plaintiffs filed an affidavit for entry of default, Defendants filed an Objection and Motion to Set Aside Entry of Default on November 18, 2024. On November 27, 2024, the Court denied Defendants' Motion to Alter or Amend the Judgment. 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 March 11, 2025. On February 11, 2025, Defendants filed a Supplemental

Petition to the Chief Justice of the South Carolina Supreme Court. On February 13, 2025, the Chief Justice issued an Order assigning this matter and the other related matters (*Rabon v. Hulsey*, Case No: 2024CP2303236; *Suggs v. Hulsey*, Case No.: 2024CP2303258; *Plaxco v. Hulsey*, Case No.: 2024CP2303329; *Jennings v. Hulsey*, Case No. 2024CP2303271) to the undersigned for further proceedings.

On April 4, 2025, this Court issued a Form 4 Order granting Plaintiffs' Motion for Entry of Default and denying Defendants' Motion to Set Aside the Entry of Default with a more detailed Order following on April 17, 2025. On April 28, 2025, Defendants filed a Motion for Reconsideration and to Alter or Amend this Order. On July 10, 2025, without an operative Answer on file, Defendants filed a Motion for Judgment on the Pleadings or in the Alternative for a Stay. On July 30, 2025, Defendants filed a Motion to Bifurcate the upcoming, nonjury, default damages proceedings.

During the week of January 12, 2026, this Court held damages hearings in this case and the other related matters at which time evidence was presented of the damages suffered by Plaintiffs. The Court heard and denied Defendants' pending Motions for Judgment on the Pleadings and to for Reconsideration or to Alter and Amend the interlocutory order denying their Motion to Set Aside the Entry of Default against them. At this time, the Court also heard and later granted Plaintiffs' Motion for Sanctions against Defendants due to their deposition misconduct.

On January 30, 2026, Ms. Browning, Browning Geriatric, and Plaintiffs in the related actions submitted a Proposed Order on Plaintiffs' Motion for Sanctions. On February 2, 2026, Ms. Browning and Browning Geriatric submitted a Proposed Order on damages to be awarded in this case. Thereafter, on March 6, 2026, Defendants filed their Memorandum in Opposition to the Proposed Order and their Motion for Judgment as a Matter of Law. On March 12, 2026, this Court

issued its Order and Final Judgment on damages and an Order granting Plaintiffs' Motion for Sanctions.

On March 23, 2026, Defendants filed a Motion to Stay the Judgments and Order on the Motion for Sanctions, omnibus brief of Post-Trial motions, and Motion to Alter or Amend the Court's Sanctions Order. On April 22, 2026, Plaintiffs filed an omnibus Response in Opposition to Defendants' Post-Trial motions ("Omnibus Response Brief") and a Response to Defendants' Motion to Alter or Amend the Court's Sanctions Order.

With this Order, this Court considers Defendants' Post-Trial Motions and Motion to Stay the Judgments and Order for Sanctions. Notably, rather than identifying any genuine error of law or newly discovered evidence, Defendants' Post-Trial Motions teem with recycled arguments that have already been raised—and rejected—throughout the course of this litigation. In another attempt to re-litigate this Court's Orders, on May 10, 2026 Luis Michalski, Mayra Michalski, Desa Ballard, Kimberly Thomason, and Devon Puriefoy filed another lawsuit against Ms. Browning and Browning Geriatric in federal court. Complaint, ECF No. 1, Case No. 6:26-cv-01909-BHH. The Federal District Court has previously dismissed three RICO complaints against Jennifer Browning and Browning Geriatric. Defendants again allege that Ms. Browning and Browning Geriatric violated RICO when it has already been decided in this Court that Ms. Browning and Browning Geriatric did not violate RICO. They allege, as a RICO predicate act, Ms. Browning and Browning Geriatric's filing the Complaint in this case, claiming that it "contain[s] false statements and was intended to and did obstruct justice, intimidate witnesses and attempt to extort Luis and Mayra from pursuing relief for the wrong done to them [by Plaintiffs]." ¶ 104ccc. They allege, as another RICO predicate act, that Ms. Browning and Attorney Suggs testified falsely before this Court, ¶ 104jjj. To be clear, none of the allegations in the Complaint before this Court contain false

statements. Defendants have admitted their truth. The Complaint was not intended to, and did not, obstruct justice, intimidate witnesses, or attempt to extort any of the Defendants from any alleged wrong. This Court found Ms. Browning and Attorney Sugg's testimony to be completely truthful and credible, and it awarded Ms. Browning and Browning Geriatric significant damages.

Defendants continue to challenge the propriety of their default status, dispute the sufficiency of Plaintiffs' evidence despite their admitted liability, and attempt to minimize the seriousness of their conduct. These arguments do not provide a valid basis for relief under Rules 52(b), 59(a), or 59(e), or any other Rules of the South Carolina Rules of Civil Procedure.

Because the Court's judgments are supported by competent, credible evidence assessed contemporaneously in its role as the finder of fact, reflect a thorough and deliberate application of the governing legal standards, and fall well within the bounds of the Court's discretion, Defendants' Post-Trial Motions are DENIED in their entirety.

II. STANDARDS OF REVIEW

a. Rule 52(b), SCRCP

Following a trial before the Court, a party may file a motion asking the Court to amend its findings and judgment:

Upon motion of a party made not later than 10 days after receipt of written notice of entry of judgment the court may amend its findings or make additional findings and may amend the judgment accordingly, and the motion may be made with a timely motion for a new trial. When findings of fact are made in actions tried by the court without a jury, the question of the sufficiency of evidence to support the findings may thereafter be raised whether or not the party raising the question has made in the trial court an objection to such findings or has made a motion to amend them or a motion for judgment.

See SCRCP 52(b). Under this Rule, "the trial court's decision to amend an order and modify its own damages award lies with the sound discretion of the trial court." *Green v. Johnson*, 446 S.C. 326, 338, 919 S.E.2d 894, 900 (2025).

b. Rule 59(a), SCRPC

“A motion for a new trial nisi remittitur asks the trial court to reduce the verdict because the verdict is merely excessive.” *James v. Horace Mann Ins. Co.*, 371 S.C. 187, 193, 638 S.E.2d 667, 670 (2006). “The denial of a motion for a new trial nisi is within the trial court's discretion and will not be reversed on appeal absent an abuse of discretion.” *Id.* “If the amount of the verdict is grossly inadequate or excessive so as to be the result of passion, caprice, prejudice, or some other influence outside the evidence, the trial court must grant a new trial absolute.” *Id.*; *see also Sanders v. Prince*, 304 S.C. 236, 238, 403 S.E.2d 640, 642 (1991) (“When a verdict is ‘grossly excessive and the amount awarded is so shockingly disproportionate to the injuries as to indicate that the jury acted out of passion, caprice, prejudice, or other consideration not founded on the evidence, it becomes the duty of this Court, as well as the trial court, to set aside the verdict.’”) (quoting *Small v. Springs Indus.*, 292 S.C. 481, 487, 357 S.E.2d 452, 455 (1987)).

c. Rule 59(e), SCRPC

Under Rule 59(e), “[a] motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order.” “The purpose of Rule 59(e), SCRPC, to alter or amend the judgment[,] is to request the trial judge to ‘reconsider matters properly encompassed in a decision on the merits.’” *Arnold v. State*, 309 S.C. 157, 172, 420 S.E.2d 834, 842 (1992) (quoting *Budinich v. Becton Dickinson and Co.*, 486 U.S. 196, 200 (1988)).

III. RULINGS

A. No Basis Exists to Alter or Amend the Court’s Judgment on Grounds the Entry of Default Should Have Been Set Aside.

According to Defendants, the Court should reconsider, alter, or amend its judgment because the Court should have set aside the entry of default against them. The Court disagrees. When denying their Motion to Set Aside Entry of Default, the Court previously ruled: “Defendants failed

to offer a satisfactory explanation as to why they did not file timely answers and counterclaims, as was their required threshold burden needed to establish good cause under SCRCP 55(c).” (April 17, 2025 Order, p. 3).

Even if Defendants had made an adequate threshold showing by offering a satisfactory explanation for their default, which they did not, the Court further found Defendants failed to satisfy the *Wham* factors because: “(1) Defendants waited too long to seek relief from the entry of default against them ...; (2) Defendants made no evidentiary submittal establishing the existence of a potential meritorious defense; and (3) Plaintiffs would now be prejudiced if the Court granted Defendants’ Motion” (*Id.*, at pp. 3-4). This Court agrees with the positions set forth in by Plaintiffs in their Omnibus Response Brief. Defendants offer neither new evidence nor any meaningful new arguments warranting the Court’s alterations or modification of its prior ruling. Defendants’ Motion is Denied.

B. The Court Denies Defendants’ Motion to Alter or Amend the Judgment Based Upon Plaintiffs’ Alleged Failure to State a Claim Supportive of Relief.

This Court has previously rejected the arguments set forth in Defendants’ Motion to “Alter or Amend the Judgments Because Plaintiffs Cannot Succeed on Claims Against Defendants” on no less than four (4) prior occasions. The Court expressly addressed and rejected these arguments, without limitation, in its Orders dated October 2 and 3, 2024, November 27, 2024, and April 17, 2025.¹ The Court further rejected such arguments when it denied Defendants’ Motion for Reconsideration of the Denial of the Motion to Set Aside or on the Motion for Judgment on the Pleadings during the damages trial. *See* Vol. I, Trans. p. 18, ll. 11-19 and p. 85, ll. 7-11. Then, when

¹ Notably, this Court’s April 17, 2025, Order denied Defendants’ Motion to Set Aside and specifically held that “Defendants made no evidentiary submittal establishing the existence of a potential meritorious defense.” (*Id.*, at *3-4).

the Court entered its Order and Final Judgment in favor of Plaintiffs on March 12, 2026, such ruling similarly operated to deny the same.² Accordingly, after careful consideration of the record and the Parties' filings, the Court finds no basis exists to disturb its prior rulings; Defendants' Motion, in this regard, is denied.

C. The Defendants' Motion for a Judgment as a Matter of Law.

The Court issued a separate Order, filed *nunc pro tunc*, addressing the JMOL Motion in greater detail. In that order, the Court found that Defendants' Motions for a Judgment as a Matter of Law ("JMOL Motion") lacked merit and were denied.

To the extent that the Defendants' Motions for reconsideration request modification of the Court's denial of the JMOL motion, that Motion is also DENIED.

D. The Court Denies Defendants' Motion to Alter or Amend the Judgment as to Plaintiffs' Compensatory Damages.

This Court denies Defendants' Motion to Alter or Amend its Order and Final Judgment as to Plaintiffs' Compensatory Damages. Defendants assert Ms. Browning and Browning Geriatric, along with the other Plaintiffs, failed to prove they were entitled to recover damages for the

² See, e.g., *United States v. Dubrule*, 822 F.3d 866, 884-85 (6th Cir. 2016) (collecting cases from five other circuits); see also *Keeton v. Morningstar, Inc.*, 667 F.3d, 877, 882 (7th Cir. 2012) ("Final judgment necessarily denies pending motions."); *United States v. Jasso*, 634 F.3d, 305, 307 n.2 (5th Cir. 2011) (holding that "the denial of a pending motion may be implied by the entry of final judgment"); *Toronto-Dominion Bank v. Central nat. Bank & Trust Co.*, 753 F.2d 66, 68, n.5 (8th Cir. 1985) ("Denial of a pending motion may be implied from the entry of final judgment or any order inconsistent with the granting of the motion."); *Addington v. Farmer's Elevator Mut. Ins. Co.*, 650 F.2d 663, 666 (5th Cir. 1981) ("The denial of a motion by the district court, although not formally expressed, may be implied by the entry of final judgment."); *Pinson v. Berkebile*, 576 Fed.Appx. 710, 711 (10th Cir. 2014) ("[B]y entering final judgment, the court implicitly denied the pending motions."); *Gorrell v. Hastings*, 541 Fed.Appx. 943, 946-47 (11th Cir. 2013) ("When a district court does not expressly rule on a party's pending motion, the entry of a final judgment against the party, as a general matter, implicitly denies that motion."). More recently, the Fifth Circuit affirmed this principle. See *Harris v. FedEx Corporate Services, Inc.*, 92 F.4th 286, 304 n.4 (5th Cir. 2024) ("We treat the district court's entry of final judgment as an implicit denial of any outstanding motions, even if the court does not explicitly deny a particular motion.")

economic loss and reputational harm they sustained due to Defendants' damages for actual economic losses and reputational harm as a result of the defamatory letters. In short, Defendants claim Plaintiffs did not present sufficient evidence to establish he suffered economic or reputation harms due to the defamatory letters. This Court disagrees.

In its Order and Final Judgment, this Court specifically found that Plaintiffs had presented sufficient evidence to support an award of economic damages. The evidence of record amply establishes that by the time Defendants ever filed their federal lawsuits, which were notably all dismissed, Plaintiffs already sustained significant economic and reputational harms. Testimony and evidence presented at the damages hearing included reduction in Plaintiff's court appointments resulting in a loss in revenue.³

Such economic losses were in addition to an abundant evidentiary record establishing that Plaintiffs had suffered greatly at the hands of Defendants. As stated in the Order and Final Judgment, "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." Order and Final Judgment, p. 10. As this Court found, "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." Order and Final Judgment, p. 10. The Court of Appeals for South Carolina has explicitly stated that this Court is "vested with considerable discretion over the amount of a damages award." *Vortex Sports & Entm't, Inc. v. Ware*, 378 S.C. 197, 208, 662 S.E.2d 444, 450 (Ct. App. 2008) (also stating Court of Appeals review of "the amount of damages is limited to the correction of errors of law" and it does not "weigh the evidence, but determine if

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

any evidence supports the award.”). Accordingly, the Court rejects Defendants’ argument that Plaintiffs failed to establish their damages as lacking merit.

Defendants’ argument as to Plaintiffs’ damages for reputational harm fails for another reasons. As this Court stated in its Order and Final Judgment, Plaintiffs were not required to prove such damages. “When [as here] a defamatory statement is actionable per se, the plaintiff need not prove general damages—as these damages are presumed—and the defendant is presumed to have acted with common law malice.” *Kunst v. Loree*, 424 S.C. 24, 39, 817 S.E.2d 295, 302-03 (Ct. App. 2018). Accordingly, Defendants’ argument that Plaintiffs did not present evidence showing actual harm to their reprobation also fails because such are presumed.

Moreover, because Defendants are in default, liability has already been conclusively established. As a result, Defendants cannot relitigate the defamatory letters’ publication caused harm or were otherwise actionable. The only remaining issue before this Court at the damages trial was the extent of Plaintiffs’ damages. Based on the testimony, documentary evidence, and credibility determinations made during the hearing, this Court found ample evidence supported the amounts awarded to Plaintiffs due to their economic, reputational, and non-economic harms resulting from Defendants’ misconduct. Accordingly, the Court denies Defendants’ challenges to this Court’s compensatory damages award.

E. Defendants’ Motion to Alter or Amend the Browning Judgement is Denied.

Defendants incorrectly claim that Plaintiffs’ claim for declaratory relief is not a justiciable controversy. The solicitation of legal business is illegal. S.C. Code Ann. § 40-5-350 (“It is unlawful for a person or his agent, employee, or anyone acting on his behalf to: (1) solicit or procure through solicitation, either directly or indirectly, legal business; or (2) solicit or procure through solicitation a retainer, written or oral, or an agreement authorizing an attorney to perform or render legal

services”). Even after Defendants were in default, including default on the declaratory judgment claim, defendants Kimberly Thomason and Devon Puriefoy sued Ms. Browning in *McCalla*. (Order and Final Judgment, pp. 9-10).

Ms. Browning and Browning Geriatric pled and presented substantial evidence of the cases in which Defendants sued them that involved Ms. Browning and/or Browning Geriatric’s work as a guardian, conservator, and/or guardian *ad litem*, *see, e.g.*: (1) *Singer*, Complaint at ¶¶ 30-34; Jan. 16, 2026 Tr. at 22-23; Browning Plaintiffs’ Trial Exs. 4, 5; (2) *Miniard/Schnabel*, Complaint at ¶¶ 36-46; Jan. 16, 2026 Tr. at 23-24; Browning Plaintiffs’ Trial Exs. 6, 7; (3) *Grist* state case, Complaint at ¶¶ 47-49; Jan. 16, 2026 Tr. at 6-13; 25-26; Browning Plaintiffs’ Trial Exs. 10, 11; (4) *Grist* federal RICO case, Jan. 16, 2026 Tr. at 26-29; Browning Plaintiffs’ Trial Exs. 12, 13; (5) *Michalski* federal RICO case, Jan. 16, 2026 Tr. at 26-29; Browning Plaintiffs’ Trial Exs. 14, 15; (6) *Miniard* federal RICO case, Jan. 16, 2026 Tr. at 26-29; Browning Plaintiffs’ Trial Exs. 16, 17; and (7) *McCalla*, Jan. 16, 2026 Tr. at 30-31; Browning Plaintiffs’ Trial Ex. 18. These specific cases demonstrate that Defendants’ conduct was not hypothetical but constituted an ongoing pattern of targeting Browning Plaintiffs, creating precisely the type of real controversy that declaratory judgment is designed to address. Defendants’ position that the declaratory judgment claim fails for lack of ripeness is untenable given that the same conduct has already resulted in numerous lawsuits against Plaintiffs and continued during the pendency of this case. Defendants’ conduct has already resulted in actual harm as demonstrated at the damages hearing.

The Court properly awarded attorneys’ fees under S.C. Code Ann. § 15-53-100. Ms. Browning and Browning Geriatric established a concrete judicable controversy warranting declaratory relief to prevent Defendants’ continued pattern of soliciting legal business against them.

F. Clear and Convincing Evidence Amply Supports the Court's Award of Punitive Damages to Plaintiffs.

According to Kimberly Thomason, Devon Puriefoy, and Desa Ballard (treated herein as the "Lawyer Defendants"), the evidentiary record fails to support an award of punitive damages against them. The Court rejects such an assertion and instead finds the evidence of record clearly and convincingly supports the Court's award of punitive damages against the Lawyer Defendants.

The Lawyer Defendants claim: "None of the plaintiffs presented any evidence showing what any of the Attorney Defendants even did in connection with the letters. Plaintiffs did not show who wrote the letters, who reviewed the letters, and who sent the letters." (Def. Post Trial Motions, p. 32.) The Court finds such argument fails for three (3) reasons.

As an initial matter, the Court finds that no dispute exists, or has ever existed, about whom wrote or transmitted the Defamatory Letters. It was the Lawyer Defendants working together in concert. Plaintiffs' Complaint alleged the Lawyer Defendants jointly drafted, executed, and coordinated the transmittal of the Defamatory Letters. The Lawyer Defendants then defaulted deeming all such allegations as true. *Roche*, 332 S.C. at 81, 504 S.E.2d at 314 ("It is well settled that by suffering a default, the defaulting party is deemed to have admitted the truth of the plaintiff's allegations and to have conceded liability.").

Moreover, the Lawyer Defendants' own filings, filed pursuant to Rule 11 SCRPC, repeatedly certified to the Court *they jointly* sent the Defamatory Letters. Yet, the Lawyer Defendants now appear to question facts they have serially represented and certified to the Court as true, while simultaneously claiming litigation privilege, which similarly concedes they wrote and transmitted the defamatory letters. The Court rejects such arguments.

The Court also rejects the Lawyer Defendants' argument as demonstrably wrong. The undisputed record evidence clearly and convincingly proves all of the evidentiary facts Defendants now claim as somehow missing. An illustrative but non-exhaustive list of such evidence includes:

- (a) All of the Defamatory Letters appear on the letterhead of the Hulsey Law Group; all the letters affix the names of the Lawyer Defendants; and all arrived *via* certified mail in envelopes bearing the logo of the Law Office of Truluck Thomason on or about May 17, 2024. Both physical and testimonial evidence, therefore, demonstrates the Lawyer Defendants acted in concert in authoring and transmitting the Defamatory Letters.
- (b) Prior to their May 17, 2024 transmittal of the Defamatory Letters, the Lawyer Defendants failed to contact a Plaintiffs about their supposed concerns undergirding the Defamatory Letters, concerns they refused to disclose during their depositions to the extent they exist. Such facts demonstrate a reckless indifference to Plaintiffs' rights since the Lawyer Defendants refused to spend even the time for a phone call before widely accusing licensed professionals of serial felonies.
- (c) Although the Lawyer Defendants could have mitigated Plaintiffs' ongoing reputational harms by recanting their defamatory accusations, they have purposefully chose not to do so. This purposeful choice perpetuates Plaintiffs' injuries.
- (d) The evidence uniformly established the content of the Defamatory Letters was false. Plaintiffs introduced evidence establishing the severity of the harms inflicted upon them due to the grave accusations contained in the Defamatory Letters. Thus, Plaintiffs continue to absorb reputational harms and damages despite the falsity of Defendants' accusations.

- (e) After the Lawyer Defendants filed their RICO Complaint, the United States District Court dismissed all three lawsuits finding none had adequately alleged even a single predicate act to sustain a RICO cause of action. The Lawyer Defendants' inability to allege even a single colorable claim reflects they knew they lacked credible evidence at the time they jointly authored and transmitted the Defamatory Letters.
- (f) The Lawyer Defendants have made threats they will persist in their misconduct thereby implicating the need for deterrence from the Court.
- (g) Further evidencing their knowledge and intent at the time of their transmittal, the Defamatory Letters themselves acknowledge the damaging nature of their content. Cherie Durand similarly testified during her deposition that she was aware of the serious nature of the letters' allegations when they were transmitted, as did Desa Ballard during her deposition. As a result, in May of 2024, the Lawyer Defendants knew they lacked sufficient evidence to support the Defamatory Letters' accusations, knew the harm that would result from disseminating them, but did so anyway.
- (h) The deposition testimony of Cherie Durand confirmed the Defamatory Letters were transmitted to the named recipients. The trial evidence likewise established the Defamatory Letters thereafter spread like wildfire through the Probate Court arena and Ms. Browning's church, her neighborhood, and throughout the legal community. As a result, Plaintiffs suffered widespread reputational injuries community where they live, work, and most critically rely upon the value of their name.
- (i) Durand's deposition testimony likewise confirmed the law firm of Truluck Thomason, LLC transmitted the Defamatory Letters. She also testified in her deposition that the Lawyer Defendants had several meetings before transmitting the Defamatory Letters

confirming their collective knowledge, direct participation, and concert of action. Accordingly, the Court's finding of uniform culpability among the Lawyer Defendants mirrors the credible evidence it heard.

- (j) The Defamatory Letters served no recognizable or *bona fide* purpose. They contain no money demand. They fail to identify the clients on behalf of whom the correspondence was transmitted. They neither attach a draft Complaint, nor explain how the conclusory and false accusations in the Defamatory Letters somehow relate to the letters' recipients. The Defamatory Letters were published to a wide range of recipients, including Plaintiffs' personal and professional networks for no good reason and in bad faith.
- (k) Just like the Lawyer Defendants' refusal to identify the basis for any of their defamatory accusations evidences no basis existed, the Defamatory Letters themselves also betray the lack of any *bona fide* supporting investigation. The Defamatory Letters merely state a series of conclusions bereft of any factual enhancement. Indeed, one of the recipients of the Defamatory Letters, who the Lawyer Defendants accused of ongoing participation in a RICO enterprise in mid-May of 2024 had died in 2020, four years earlier. Such facts evidence the investigation conducted by the Lawyer Defendants, if any, lacked rigor.
- (l) None of the lawyer defendants could testify about even the most basic facts supporting the outrageous accusations in the Defamatory Letters but instead hid behind plainly improper assertions of privileges and immunities. Evidence of cover-up and concealment, like that here, supports an award of punitive damages

Due to the foregoing and all other evidence of record, more than enough evidence supports the Court's punitive damage awards in this case.

Second, the Lawyer Defendants cite Rule 1.6 of the South Carolina Rules of Professional Conduct to justify their behavior. While the Court previously heard and rejected such arguments when issuing its Sanctions Order, the Lawyer Defendants appear to have misunderstood the Court's rulings. When compared to one another, a pattern emerges from the Lawyer Defendants' deposition transcripts confirming the existence of an agreed upon common scheme and plan to obstruct Plaintiff from learning the truth about their misconduct by engaging in obstructionist tactics. Simply no justification exists for the conduct exhibited in the Lawyer Defendants' depositions where four officers of the Court intentionally obstructed Plaintiffs from obtaining trial evidence in the form of party depositions by baselessly invoking the work product immunity and attorney-client privilege. The Court finds it troubling that Defendants now portray their misconduct as somehow laudable reverting to attacks upon Plaintiffs and their counsel.

The Court finds Defendants' misconduct at their depositions, in and of itself, evidences their ill-intent. It proves a coordinated cover-up. It confirms the Lawyer Defendants communicated, agreed upon a plan to conceal their misconduct, and evidences their joint participation. Otherwise, they would have identified the factual information exculpating their actions.⁴ See, e.g., *Hundley ex rel. Hundley v. Rite Aid of S.C., Inc.*, 339 S.C. 285, 295, 529 S.E.2d 45, 51 (Ct. App. 2000).

G. Defendants' Motion to Alter or Amend the Judgment for Reliance on the Lawyer Defendants' Conduct During their Depositions is Denied.

This Court denies Defendants' Motion to Alter or Amend the Judgments for Reliance on the Attorney Defendants' Conduct During their Depositions. Defendants argue it was improper for

⁴ In their untimely Answer rejected by the Court, it is noteworthy that the Defendants sought to allege "Truth of the Matter" as a Fourth Affirmative Defense.

this Court to consider Defendants' conduct during their depositions as a basis for its punitive damages award because this Court never adjudicated the merits of Defendants' refusal to answer certain questions. This Court agrees with Plaintiffs that Defendants' argument is simply a rehashing of the argument presented in opposition to Plaintiffs' Motion for Sanctions arising from Defendants' conduct during their depositions. This Court has already outlined the reasons supporting its grant of Plaintiffs' Motion for Sanctions in its corresponding Order on the same and incorporates those findings herein by reference.

This Court's Order and Final Judgment is clear that its award of punitive damages to Plaintiffs was based on the Attorney Defendants' harassment of Plaintiffs for seven years with frivolous lawsuits and Attorney Defendants' pattern of disregard for the truth and for the integrity of the judicial proceedings. As held by this Court, "[t]heir 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." Order and Final Judgment, p. 19. The Court considered Defendants' deposition conduct in evaluating credibility, intent, malice, and Defendants' continuing refusal to acknowledge the seriousness of the accusations they disseminated against Plaintiffs. Further, Defendants' argument ignores that the deposition testimony and conduct were introduced and considered within the broader evidentiary record presented at the damages hearings.

Accordingly, Defendants have failed to establish any basis for altering or amending this Court's Order and Final Judgment on this ground.

H. The Defendants' Motion to Alter or Amend the Judgment for Reliance on Defendants' Counsel's Conduct During Trial is Denied.

This Court denies Defendants' Motion to Alter or Amend the Judgments for Reliance on Defendants' Counsel's Conduct During Trial. Notably, Defendants themselves did not appear at

the Plaintiffs' damages hearing. Defendants argue this Court improperly considered the conduct of Defendants' counsel during the damages hearings in support of its punitive damages awards and other findings contained in the Order and Final Judgment. Nothing in this Court's Order and Final Judgment indicates that punitive damages were imposed based on the conduct of Defendants' counsel during trial. To the contrary, this Court made detailed and specific findings supporting its punitive damages awards, and Defendants' counsel's conduct during the hearings is not referenced as a basis for those awards. To the extent Defendants disagree with the Court's factual findings or the weight assigned to the evidence presented during the damages hearings, such disagreement does not establish a basis for relief under Rules 52(b) or 59(e), SCRCP. This Court carefully considered the testimony, exhibits, and evidentiary record before it and issued an award of punitive damages based on competent evidence.

Accordingly, Defendants have failed to establish any basis for altering or amending this Court's Order and Final Judgment on this ground.

I. Defendants' Motion for a New Trial Absolute or New Trial Nisi Remittitur Because of the Excessiveness of the Verdict is Denied.

This Court denies Defendants' Motion for a New Trial Absolute or New Trial Nisi Remittitur Because of the Excessiveness of the Verdicts. Defendants argue the damages awards entered in favor of Plaintiffs is excessive for three reasons: (1) Plaintiffs failed to present any evidence of actual harm; (2) this Court's judgment was not the product of a full and fair litigation in which Defendants were able to defend themselves; and (3) Plaintiffs failed to present evidence Defendants acted with malice or intent with regard to them.

"A new trial absolute should be granted only if the verdict is so grossly excessive that it shocks the conscience of the court and clearly indicates the amount of the verdict was the result of caprice, passion, prejudice, partiality, corruption, or other improper motive." *Knoke v. S.C. Dep't*

of *Parks, Recreation & Tourism*, 324 S.C. 136, 141, 478 S.E.2d 256, 258 (1996). “If the trial court determines that the verdict is ‘merely excessive,’ the court has the power to reduce the verdict by granting a new trial nisi remittitur.” *Burke v. AnMed Health*, 393 S.C. 48, 56, 710 S.E.2d 84, 88 (Ct. App. 2011).

At the outset, it is unclear whether such Motions are appropriate in a non-jury trial context. Both Motions appear inseparably tied to the existence of a jury verdict as our Supreme Court has stated, “[i]n determining whether any verdict is adequate or excessive . . . the court must give ‘substantial deference’ to the jury’s determination of damages.” *Jolly v. Fisher Controls Int’l, LLC*, 443 S.C. 511, 523, 905 S.E.2d 380, 387 (2024) citing *Rush v. Blanchard*, 310 S.C. 375, 379, 426 S.E.2d 802, 805 (1993). Defendants do not cite any authority supporting the applicability of such Motions under the circumstances of this case, namely a damages hearing conducted following the entry of default.

Nonetheless, this Court finds that its Order and Final Judgment was not excessive so as to warrant a new trial absolute or new trial nisi remittitur. Defendants’ first and second arguments fail because they were in default. By failing to timely answer the Complaint, Defendants admitted the allegations contained therein and conceded liability as to all of Plaintiffs’ claims. *See Solley v. Navy Fed. Credit Union, Inc.*, 397 S.C. 192, 203, 723 S.E.2d 597, 603 (Ct. App. 2012) (“By defaulting, a defendant forfeits his right to answer or otherwise plead to the complaint.”). Thus, Plaintiffs were not required to present evidence of actual harm nor was this Court’s Order and Final Judgment in error because Defendants were unable to present evidence and defend themselves. *See Roche v. Young Bros., Inc., of Florence*, 332 S.C. 75, 81, 504 S.E.2d 311, 314 (1998) (“It is well settled that by suffering a default, the defaulting party is deemed to have admitted the truth of the plaintiff’s allegations and to have conceded liability.”). The damages hearing was conducted solely for

purposes of determining the appropriate amount of damages arising from Defendants' admitted conduct. *See Jackson v. Midlands Human Res. Ctr.*, 296 S.C. 526, 529, 374 S.E.2d 505, 506 (Ct. App. 1988) ("In a default case, the plaintiff must prove by competent evidence the *amount of his damages*. . .") (emphasis added). Further, in a libel *per se* action, "the plaintiff need not prove general damages" because they are presumed. *Kunst v. Loree*, 424 S.C. 24, 39, 817 S.E.2d 295, 302-03 (Ct. App. 2018). Nonetheless, based on competent evidence comprised of testimony and exhibits presented during the hearing, this Court determined Plaintiffs proved their amount of damages by a preponderance of evidence.

Finally, Defendants' argument that Plaintiffs failed to present evidence of malice or intent is directly contradicted by both the evidentiary record and this Court's detailed findings in its Order and Final Judgment. This Court specifically found that Attorney Defendants harassed Plaintiffs for seven years with frivolous lawsuits. Defendants intentionally disseminated defamatory accusations accusing Plaintiffs of criminal conduct, racketeering, fraud, extortion, and corruption of the judicial system to multiple recipients. As set forth in the Order and Final Judgment, the compensatory damages are recoverable for Defendants' abuse of process as the natural result of their continued wrongs, and to recompense Ms. Browning for her expenses and loss of financial standing. The language of the defamatory letters themselves reflected Defendants' understanding of the extraordinary seriousness of the accusations being made. Nothing in this Court's Order and Final Judgment suggests the damages awarded were excessive. This Court's findings reflect conduct it determined to be egregious in nature and particularly damaging given the harm Defendants caused Plaintiffs.

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

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

According to Kimberly Thomason, Devon Puriefoy, and Desa Ballard (treated as, “Lawyer Defendants”), the punitive damages awarded against them should be reduced because the Court did not consider the factors set forth in S.C. Code § 15-32-520(E) (“Subsection (E)”). The Court disagrees.

As an initial matter, Subsection E does not apply to punitive damages awarded by the Court without a jury. *See* S.C. Code Ann. § 15-32-520(E) (“[T]he jury may consider...”); *Gurwood v. GCA Servs. Grp., Inc.*, 445 S.C. 324, 331, 914 S.E.2d 149, 153 (2025) (“[O]ur General Assembly enacted statutes to create a framework for trial courts to follow in submitting punitive damage claims to a jury and for reviewing those awards post trial.”). Nor were the Lawyer Defendants entitled to a jury trial in the instant proceedings. *Gossett v. Gilliam*, 317 S.C. 82, 87, 452 S.E.2d 6, 9 (Ct. App. 1994) (“Where a party is in default, the right to a jury trial is waived pursuant to Rule 38(d), SCRCP.”). Nor were the proceedings bifurcated as also contemplated by Subsection E. In addition, the factors under Subsection (E) are illustrative, not compulsory in nature.

Even if Subsection (E)’s factors applied to non-jury damage proceedings, however, the Court would still find no basis existed to reduce the punitive damage awards entered against the Lawyer Defendants. The Court had the direct opportunity to hear Plaintiffs’ evidence and evaluate its credibility. After doing so, the Court found and again finds the evidence of record amply supported the punitive awards entered against the Lawyer Defendants by clear and convincing evidence.

As reflected by the evidence of record and illustratively cited in Plaintiffs’ opposition briefing, the Lawyer Defendants bore and bear a high degree of culpability for their misconduct. They inflicted severe harms upon Plaintiffs. Plaintiffs did not contribute to the harms they

sustained. The duration of the Lawyer Defendants' conduct was substantial. And the Lawyer Defendants were aware of their misconduct, the harm it caused, and thereafter participated in an attempt to conceal their actions. The Lawyer Defendants transmitted multiple Defamatory Letters thereby repeating their misconduct. They stood to gain financially from their misconduct. As to their ability to pay, the Lawyer Defendants simply refused to provide deposition testimony allowing both Plaintiff and the Court to assess their ability to pay punitive damages.

The Court further finds the evidence of record supports a finding that an award of punitive damages would deter the repetition of such misconduct in the future by the Lawyer Defendants and others. At the same time, the Court finds no evidence of record demonstrates any risk of duplicative punishment exists for the same misconduct on the part of the Lawyer Defendants, whether by other state or federal proceedings alleging the same facts or by criminal or civil penalties imposed due to the same misconduct. As a result, the Court finds that even if Subsection (E) applied to nonjury proceedings, which it does not, the statutory provision would not operate to reduce the punitive awards entered against the Lawyer Defendants.

K. The Court Properly Awarded Punitive Damages Separately Against Each Lawyer Defendant.

The Lawyer Defendants next challenge the punitive damages awarded against them pursuant to S.C. Code § 15-32-520(G) ("Subsection (G)"). The Court likewise rejects the Lawyer Defendants' argument in this regard. Even assuming Section 15-32-520 and its subsections applied to non-jury proceedings, which is incorrect (*see supra*), Subsection (G) still would not support what the Lawyer Defendants argue.

Subsection (G) states: "In an action with multiple defendants, **a punitive damages award must be specific to each defendant**, and each defendant is liable only for the amount of the award made against that defendant." S.C. Code Ann. § 15-32-520(G) (emphasis added). In multi-

defendant proceedings involving punitive claims, then, Subsection (G) *first* requires juries to award specific punitive damage amounts against specific defendants they find so liable and *then* caps each such defendant's liability to the specific corresponding punitive amount.

In this case, the Lawyer Defendants' brief outright concedes, "the Court properly awarded damages in a separate amount for each of the Attorney[] [Defendants]..." (*See* Def. Post Trial Motions, p. 46.) Thus, if the provision applied in non-jury proceedings, which it does not, Subsection (G) would be satisfied and any inquiry should end there. Yet, the Lawyer Defendants conflate Subsection G's requirement of a jury-specified punitive amount per defendant with their own reading of the provision requiring specific factual findings to support each punitive award. Subsection (G)'s language does not require such findings and the Lawyer Defendants simply proceed to repeat the same arguments the Court rejected above.

L. South Carolina Code § 15-32-320(F) Does Not Create a Process for Reviewing Punitive Damages Awarded in a Non-Jury Trial.

The Lawyer Defendants further urge the Court to conduct a post-trial review of the punitive damages awarded against them pursuant to South Carolina Code § 15-32-320(F) ("Subsection F"). The Court rejects the argument as without basis. As the Lawyer Defendants concede, Subsection (F) only applies to jury verdicts.

Had the legislature intended for Subsection (F) to require trial judges to duplicate efforts by revisiting punitive damages they themselves awarded during bench trials, the General Assembly would not have used the plain and unambiguous language: "the trial court shall review the jury's decision." *Id.*; *see also Vaughn v. Bernhardt*, 345 S.C. 196, 198, 547 S.E.2d 869, 870 (2001) (Courts must apply plain and unambiguous statutory language.) The Lawyer Defendants' argument under Subsection (F) nevertheless introduces no new substance to their Motion, as they simply

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

M. The Application of South Carolina Code § 15-38-15 Results in Joint and Several Liability Among the Defendants.

Defendants further seek an allocation of fault under S.C. Code § 15-38-15(C) (“Section 15-38-15(C)”). Based upon the Court’s review of the evidence of record, however, a fault allocation among the Defendants will not alter Defendants’ joint and several liability. Under the prior iteration of S.C. Code § 15-38-15(C) in effect when Plaintiff’s causes of action accrued and thus applicable here, Subsection (C) stated:

This section does not apply to a defendant whose conduct is determined to be wilful, wanton, reckless, grossly negligent, or intentional or conduct involving the use, sale, or possession of alcohol or the illegal or illicit use, sale, or possession of drugs.

S.C. Code Ann. § 15-38-15(F) (emphasis added). In turn, Plaintiffs’ Complaint alleged Defendants’ conduct, across the entire group of named Defendants, was reckless, intentional, and conducted with a wanton indifference to Plaintiffs’ rights. In a default context, such admitted allegations statutorily render an allocation of fault among the Defendants moot.

While Plaintiffs intentionally chose *not* to pursue punitive damages against the Non-Lawyer Defendants although they could have, such election does *not* mean the allegations of intentional and reckless conduct alleged in Plaintiffs’ Complaint were not deemed true against the Non-Lawyer Defendants. The Court finds this is because: “It is well settled that by suffering a default, the defaulting party is deemed to have admitted the truth of the plaintiff’s allegations and to have conceded liability.” *Roche v. Young Bros., of Florence*, 332 S.C. at 81, 504 S.E.2d at 314.

Under such facts, Section 15-38-15(F) forecloses Defendants' attempt to seek a fault allocation among the Defendants. As recently as April of 2026, the South Carolina Court of Appeals reached confirmed this exact analysis:

As to the damages award, we conclude Chagas was not entitled to apportionment because he admitted Respondents' allegations of gross negligence by way of default and under section 15-38-15(F) of the South Carolina Code (Supp. 2025), apportionment is not available to a defendant who is determined to be grossly negligent.

200 River Landing Drive Phase I Condo. Ass'n, Inc., & Steven Garcia & Janis Zomber, individually & on behalf of all others similarly situated, Respondents, v. Watkins Serv., Inc., First Exteriors, LLC, Getulio Perela Chagas, FBM Constr., LLC d/b/a Fernando Monteiro, & John Doe Subcontractors or Material Suppliers 12-50, Defendants, Of whom Getulio Perela Chagas is the Appellant., No. 2023-001832, 2026 WL 948929, at *1 (S.C. Ct. App. Apr. 8, 2026); *see also Green v. McGee*, 446 S.C. 343, 350, 919 S.E.2d 903, 906 (2025) ("However, of particular significance in this case, subsection 15-38-15(F) provides '[t]his section does not apply to a defendant whose conduct is determined to be wilful, wanton, reckless, grossly negligent, or intentional'). Accordingly, the Court rejects Defendants' argument because application of South Carolina Code § 15-38-15 renders Defendants jointly and severally liable.

The Court also finds Defendants' argument fails for a second reason, namely, Section 15-38-15(C)(3)(a) forecloses the fault allocation urged by Defendants. In material part, Section 15-38-15(C)(3)(a) states:

For this purpose, the court may determine that two or more persons are to be treated as a single party. **Such treatment must be used where two or more defendants acted in concert or where, by reason of agency, employment, or other legal relationship, a defendant is vicariously responsible for the conduct of another defendant.**

S.C. Code Ann. § 15-38-15(C)(3)(a) (emphasis added). Plaintiffs pled the Lawyer Defendants acted in concert and their default operated to deem such allegations as admitted. *Roche v. Young Bros., of Florence*, 332 S.C. at 81, 504 S.E.2d at 314. Moreover, Plaintiffs' Complaint similarly pled the Lawyer Defendants both acted as agents of the Non-Lawyer Defendants and also acted in concert with them.

Section 15-38-15(C)(3)(a), then, statutorily compels the treatment of all Defendants "as a single party" achieving the same outcome as under Section 15-38-15(F), namely, joint and several liability for all Defendants. Such outcome necessarily follows pursuant to Section 15-38-15(A) because tortfeasors whose fault exceeds fifty percent do not escape the application of joint and several liability and since, here, Section 15-38-15(C)(3)(a) treats them as one party the provision allocates 100% fault against them. *See* S.C. Code § 15-38-15(A) ("[J]oint and several liability does not apply to any defendant whose conduct is determined to be less than fifty percent of the total fault for the indivisible damages..."); *see also Smith v. Tiffany*, 419 S.C. 548, 552–53, 799 S.E.2d 479, 481 (2017) (Section 15-38-15(A), "[A]brogates pure joint and several liability for tortfeasors who are less than fifty percent at fault.) For the reasons above, the Court rejects Defendants' allocation of fault arguments as well.

N. Defendants' Motion to Alter or Amend the Judgments to Reflect Settlement by Defendants Hulsey and Durand is Denied Without Prejudice.

As an initial matter, the Court agrees that Plaintiffs' Judgment against Defendants is subject to a set-off in the amount of any settlement between Plaintiffs and Defendants Cherie Durand and Paul Hulsey and/or The Estate of Paul Hulsey. That is to say: "A nonsettling defendant is entitled to credit for the amount paid by another defendant who settles." *Oaks at Rivers Edge Prop. Owners Ass'n, Inc. v. Daniel Island Riverside Devs., LLC*, 420 S.C. 424, 436, 803 S.E.2d 475, 481–82 (Ct. App. 2017) quoting *Welch v. Epstein*, 342 S.C. 279, 312-13, 536 S.E.2d 408, 425

(Ct. App. 2000) (citations omitted). Thus, the Court does not dispute Defendants are entitled to a set-off for the amount of any settlement Plaintiffs may have entered with Hulsey or Durand.

However, Defendants failed to present any competent evidence establishing the existence of such settlement, if any, and its terms such that the Court can set-off such amount against the Judgment amount awarded to Plaintiffs. Accordingly, the Court denies Defendants' Motion in this regard without prejudice. To the extent appropriate, Defense counsel may re-raise this issue at a later date or during supplemental proceedings.

O. Defendants' Motion to Stay the Execution and Order for Sanctions is Denied.

This Court already acknowledged in the Order and Final Judgment that Defendants' intentionally improper litigation conduct was an important consideration in awarding punitive damages against Defendants. *See id.* at p. 19 (“[Defendants’] 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 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. ... When 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 attorney defendants or by others.”).

In *Encore Technology Group, LLC v. Trask*, the Greenville County Court of Common Pleas denied the defendant's motion to stay pending post-trial motions under similar circumstances to this case. *See id.*, at *16-17. The court noted that the jury awarded millions of dollars in punitive damages against the defendants due to the defendants' conduct and, “[i]n short, Defendants simply

cannot be expected to fulfill their legal duties.” *Id.*, at *17. Therefore, the Court found that “it would not be appropriate to stay execution of the judgment.” *Id.*

This case is like *Encore Technology*, and the Court denies Defendants’ Motion to Stay because Defendants cannot be expected to fulfill their legal duties in this case. To the contrary, they have shown a blatant disregard for their duties which is, among other things, what led to the large punitive damages awards against them. The Court found that the Lawyer Defendants’ “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.” *See* Order and Final Judgment, p. 18. The Court found this conduct to be “particularly reprehensible when committed by licensed attorneys who are bound to uphold, and not undermine, the rule of law.” *Id.*

Like in *Encore*, the facts contained in the Complaint—admitted due to Defendants’ default—along with the evidence presented at the damages hearing, underscores the egregiousness of Defendants’ conduct. *See generally* Order and Final Judgment. The Court found that the severe accusations against Plaintiffs and years of harassment caused significant damages. *Id.*, at pp. 15-20. The Court further found actual malice and noted that the defamatory letters announced that Defendants were “aware of the serious nature of the charges and the impact they may have upon the recipients’ business operations.” *Id.* at pp. 3, 19. Defendants did this presumably only for their own potential financial gain despite the known financial detriment that it would cause Plaintiffs.

The record establishes a sustained course of conduct evidencing disregard for discovery obligations, the integrity of judicial proceedings, and the rule of law, which the Court has already found to be both intentional and egregious. Such conduct weighs heavily against the exercise of the Court’s discretion to grant equitable relief in the form of a stay.

Under these circumstances, the Court finds that granting a stay would create a substantial risk that Defendants will continue to engage in delay tactics to frustrate enforcement of the Judgment, thereby prejudicing Plaintiffs' right to timely relief. The Court declines to extend the benefit of a discretionary stay to parties whose conduct reflects an ongoing unwillingness to comply with their legal and procedural obligations.

CONCLUSION

The Court DENIES Defendants' Post-Trial Motions and DENIES Defendants' Notice of Motion and Motion to Stay Judgments and to Stay the Court's Order Imposing Sanctions Against Defendants.

IT IS SO ORDERED.

Eugene C. Griffith
Circuit Judge Presiding



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

Exhibit 8

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

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, and John and Jane Does 1-14,

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

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

**ORDER DENYING DEFENDANTS' MOTION
FOR JUDGMENT AS A MATTER OF LAW**

This matter came before the Court on Defendants' Kimberly Thomason, Devon Puriefoy, and Desa Ballard (collectively "Defendants") Motion for Judgment as a Matter of Law ("JMOL Motion") in the above-captioned matter.

This case along with four interrelated cases were brought by individual parties against several common defendants. All pretrial motions for all five cases were heard collectively because the cases had common issues and common attorneys. Because of the commonalities in the cases, the attorneys for both sides agreed to have the damages hearings heard during one week of court in Greenville County. All five cases were heard during the week of January 12 through 16, 2026. The Court heard testimony and received exhibits on the cases in sequential order. In an attempt to expedite the hearings, the Court deferred motions for directed verdict as a matter of law. The Court allowed post-trial motions to be filed by the Defendants at the conclusion of the five hearings. On January 20, 2026, the Court requested via e-mail that the Defendants transmit their post-trial materials

through email for the Court's convenience; the Court did not intend for the request for email copies of the JMOL Motions to act as a substitute for proper filings under the SCRCP. The Court acknowledges that this directive could have been clearer in its request to wit: "Upon e-filing your post-trial motions, please send the Court a courtesy copy of your motions to the Court and his law clerk via email." The lack of clear instructions created confusion as to how to file the motions. To rectify the confusion created by the Court, the Court is issuing the instant Order to provide its ruling on the Defendants' JMOL motion.

The Court notes that Defendants' JMOL Motions were transmitted to the Court via email on February 18, 2026. The Defendants electronically filed their JMOL Motion with the Clerk of Court on March 6, 2026 (and the JMOL Motions for the four other related cases) just before the Final Order of Judgment was filed by this Court on March 12, 2026. Additionally, Defendants have since filed Motions for Reconsideration as to the Final Order of Judgment.

As to this JMOL matter, the Court finds it unnecessary to conduct and hear oral arguments. Based on the pleadings, motions, memoranda, and evidence of record, the Court deems it necessary to issue this Order denying Defendants' JMOL Motion *nunc pro tunc*.

ANALYSIS

Notwithstanding the Court found the Defendants to be in default, the Court finds the plaintiffs, Jennifer Browning and Browning Geriatrics Consulting, LLC., presented ample testimony regarding the damages to her personally and the damages to the LLC. The plaintiffs called Fred W. "Trey" Suggs, Esquire ("Suggs") and Mrs. Browning to testify. 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.

The testimony and evidence clearly established that Mrs. Browning and Browning Geriatric lost business income as a result of the actions of the defendant attorneys. She gave specific testimony regarding loss of income from prospective clients that did not hire her due to the letters and lawsuits. Mrs. Browning testified that her attorneys' fees and expenses paid to-date total \$356,414.15. The attorney fees and expenses paid have caused Mrs. Browning a huge financial constraint. Mrs. Browning has been married for 32 years. The letters and lawsuits have caused extreme discord in her marriage. All the suits caused undeserved chaos to her marriage and family. Mrs. Browning testified that she and her husband had many conversations about the legal fees and loss of income she has incurred. 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 Mrs. Browning and her husband were going to be able to pay for their college. Mrs. Browning has been unable to

attend family vacations, and she has missed weekends, holidays, and mealtimes with her family. Her husband took their children on vacations while Mrs. Browning had to stay home in order to prepare and defend the lawsuits. Mrs. Browning testified that she will never be able to recover the loss of family time. She estimates that she has spent thousands of hours on these cases, through meeting with attorneys, going through and printing out emails, answering questions, all while working. She testified that she felt like she was drowning as a result of the continued harassment. The Court also craves reference to the final order which provides a more extensive summary of facts which were presented by the Plaintiffs in the hearing and upon which the Court bases its ruling herein.

RULING

Based upon the ample, credible and compelling evidence of damages presented by the plaintiffs, the Court respectfully denies the defendants' motion for Judgment as a Matter of Law. Additionally, the Court denies all the respective motions as to each of the Plaintiffs' causes of action and facts including: (a) Abuse of Process; (b) Interference with Prospective Contractual Relations; (c) Intentional Infliction of Emotional Distress; (d) Declaratory Judgment; and (e) Proof of Malice. The Court denies all issues raised by the Defendants in their motion for Judgment as a Matter of Law. The Court issues this Order *Nunc pro Tunc* to reflect the ruling of the Court on this JMOL motion to be prior to the issuance and filing of the Final Order in this case.

IT IS SO ORDERED.

This ____ day of _____, 2026

Eugene C. Griffith, Jr.

Presiding Circuit Judge



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

Exhibit 9

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>

ORDER CORRECTING JULY 15, 2026 ORDERS
DENYING POST TRIAL MOTIONS

On March 23, 2026, Defendants filed the following posttrial motions in the above-captioned matters: (a) Notice of Motion and Motion to Alter or Amend Order for Sanction ("Sanction Motions"); and (b) Post-Trial Motions ("Judgment Motions"). On July 15, 2026, the Court entered Orders Denying Post-Trial Motions ("Post-Trial Motion Orders"). It was the intent of the Court for the Post-Trial Motion Orders to deny the Sanction Motions and the Judgment Motions in the above-captioned matters.

In an effort to be absolutely clear and unambiguous, the Court enters this Order to Correct the Post-Trial Motion Orders to explicitly clarify that those Orders deny all of Defendants' posttrial motions filed in each of the above-captioned matters, including: (a) Defendants' March 23, 2026 Notice of Motions and Motions to Alter or Amend Order for Sanction; and (b) Defendants' March 23, 2026 Post-Trial Motions.

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

Exhibit 10

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>

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

Exhibit 11

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP2303271

Clayton L Jennings
PLAINTIFF(S)

Paul Hulse et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

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

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

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

IT IS SO ORDERED.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

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

Jane Does 1-14
John Does 1-14

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

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



Greenville Common Pleas

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

Case Number: 2024CP2303271

Type: Order/Electronic Form 4

So Ordered

Jessica A. Salvini

Exhibit 12

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

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

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

AND IT IS SO ORDERED.

October 28th, 2024

Jessica Ann Salvini, Judge
Circuit Court



Greenville Common Pleas

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

Case Number: 2024CP2303271

Type: Order/Other

So Ordered

Jessica A. Salvini

Exhibit 13

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

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

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

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

AND IT IS SO ORDERED.

Dated:

_____, 2024

Judge Jessica Ann Salvini
Circuit Court

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



Greenville Common Pleas

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

Case Number: 2024CP2303271

Type: Order/Other

So Ordered

Jessica A. Salvini

Exhibit 14

Clayton Jennings PLAINTIFF(S)	Paul Hulse, et al. DEFENDANT(S)
Submitted by:	Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

- DISPOSITION TYPE (CHECK ONE)**
- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

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

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

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate “N/A” in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

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

Date _____

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

CLERK OF COURT

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

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

FORM 4C INSTRUCTIONS—JUDGMENT IN A CIVIL CASE
(Instructions for Information Only-Not to be filed with Form 4C)

1. Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.
2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

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

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).
4. The “Information for the Judgment Index” section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the “Judgment in Favor of” column, enter the name of the party to whom the judgment is awarded. In the “Judgment Against” column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the “Judgment Amount” column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate “N/A” in one of the boxes in this section of the form.
5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.
6. The section “For the Clerk of Court Office Use Only” should be completed by the clerk as it has been with the previous version of Form 4.
7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.
8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through “Circuit Court Judge” and indicate “Arbitrator” in the signature block.

9. If a Special Circuit Court Judge, Master in Equity, or Special Referee prepares an order after hearing a Circuit Court matter, then he or she should strike through the title "Circuit Court Judge" below the signature line and indicate the appropriate title.
10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.
11. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the "Judgment Amount To Be Enrolled" box.
12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.
13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.
14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.



Greenville Common Pleas

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

Case Number: 2024CP2303271

Type: Order/Form 4

It is so ordered

Eugene C. Griffith, Jr. 2154

Exhibit 15

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

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.

IN THE COURT OF COMMON PLEAS

THIRTEENTH JUDICIAL CIRCUIT

C.A. No. 2024-CP-23-03236

ORDER

Fred W. “Trey” Suggs, III,
Plaintiff,

v.

Paul Hulsey, Cherie Durand, Kimberly
Thomason, Devon Puriefoy, Desa Ballard,

Defendants.

C.A. No. 2024-CP-23-03258

Clayton Jennings,
Plaintiff,

v.

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

Defendants.

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

Joseph M. Plaxco,

Plaintiff,

v.

Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Luis Michalski, John & Jane Does ##1-14,

Defendants.

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

Jennifer L. Browning and Browning Geriatric Consulting, LLC,

Plaintiffs,

v.

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

Defendants.

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

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

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

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

Defendants failed to offer a satisfactory explanation as to why they did not file timely answers and counterclaims, as was their required threshold burden needed to establish good cause under SCRCP 55(c). *See Sundown Operating Co., Inc. v. Intedge Indus., Inc.*, 383 S.C. 601, 607, 681 S.E.2d 885, 888 (2009); *Williams v. Vanvolkenburg*, 312 S.C. 373, 375, 440 S.E.2d 408, 409 (Ct. App. 1994) with Tr. 6:4-6 and 12:23-24. But, even if they had made such a threshold showing, Defendants still failed to satisfy South Carolina's *Wham* factors because: (1) Defendants waited too long to seek relief from the entry of default against them particularly after receiving Plaintiffs' Default Affidavits explaining the facts and circumstances surrounding Defendants' default (*e.g.*, ineffective SCRCP 59(e) Motion, etc.); (2) Defendants made no evidentiary submittal establishing

the existence of a potential meritorious defense; and (3) Plaintiffs would now be prejudiced if the Court granted Defendants' Motion, as Plaintiffs have now lost the ability to depose Defendant Hulsey, a named party in these cases, whose deposition could have been published substantively as evidence by Plaintiffs at trial, *see* Tr. p. 31: 1. 7, and because Plaintiffs' ability to vindicate their reputations would be even further delayed. *See Palmetto Constr. Grp., LLC v. Restoration Specialists, LLC*, 444 S.C. 328, 339–40, 907 S.E.2d 129, 135 (Ct. App. 2024); *Wilder v. Blue Ribbon Taxicab Corp.*, 396 S.C. 139, 144, 719 S.E.2d 703 (Ct. App. 2011); *Bank of Southside Virginia v. Host & Cook, LLC*, 239 F.R.D. 441, 445 (E.D. Va. 2007) (to support meritorious defense, movant "must proffer 'some evidence'—not just a 'conclusory assertion'...."); *see also* SCRCP 32(a). Accordingly, the Court finds Defendants have not established the good cause needed to set aside the entry of default against them as required under SCRCP 55(c).

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

IT SO ORDERED this ____ day of April, 2025.

Eugene C. Griffith, Jr.
Circuit Judge Presiding



Greenville Common Pleas

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

Case Number: 2024CP2303271

Type: Order/Other

It is so ordered

Eugene C. Griffith, Jr. 2154

Exhibit 16

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 Hulsey/the Estate of Paul Hulsey. Further, Mr. Jennings never substituted in any additional defendant in place of any of the John or Jane Doe Defendants referenced in the Amended Complaint and, therefore, this Order and Final Judgment shall only be enforceable against Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, and Margaret Miniard.

VI. CONCLUSION

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

- a. Actual damages in the principal amount of **\$5,181,759.25** against Defendants Kimberly Thomason, Devon Puriefoy, Desa Ballard, Stacey Grist, and Margaret Miniard, jointly and severally,
- b. Punitive damages are hereby ordered against Defendant Devon Puriefoy in the amount of **\$666,666.67**.
- c. Punitive damages are hereby ordered against Defendant Kimberly Thomason in the amount of **\$666,666.67**.
- d. Punitive damages are hereby ordered against Defendant Desa Ballard in the amount of **\$666,666.67**.

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

IT IS SO ORDERED.

This ____ day of _____, 2026

Eugene C. Griffith, Jr.
Presiding Circuit Judge



Greenville Common Pleas

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

Case Number: 2024CP2303271

Type: Order/Other

It is so ordered

Eugene C. Griffith, Jr. 2154

Exhibit 17

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Clayton L. Jennings,

Plaintiff,

v.

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

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Civil Action No. 2024-CP-23-03271

ORDER DENYING POST TRIAL MOTIONS

This matter came before the Court upon Defendants' Post-Trial Motions ("Post-Trial Motions") and Defendants' Motion to Stay Judgment and Order for Sanctions ("Motion to Stay") (treated together, "Defendants' Motions") filed on March 23, 2026, in the above-captioned matter. Based on the pleadings, motions, memoranda, and evidence of record, Defendants' Motions are DENIED as set forth herein.

I. PROCEDURAL HISTORY

On May 24, 2024, Plaintiff Clayton L. Jennings ("Mr. Jennings" or "Plaintiff") filed a Summons and Complaint against Defendants in the Greenville County Court of Common Pleas for South Carolina. On July 22, 2024, Mr. Jennings filed an Amended Complaint against Defendants asserting claims for libel, libel *per se*, abuse of process, intentional infliction of emotional distress/outrage, intentional interference with prospective contracts/business relations, civil conspiracy, and a declaratory judgment. Defendants were duly served and filed a motion to dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure ("SCRCPP"). On October 3, 2024, Judge Salvini issued a Form 4 Order denying Defendants' motion to dismiss.

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

On October 28, 2024, counsel for Mr. Jennings filed an affidavit asking the Court to enter default against the Defendants under Rule 55, SCRCPP. On November 4, 2024, Defendants filed a Petition to the Chief Justice of the South Carolina Supreme Court seeking the recusal of Judge Salvini. On November 12, 2024, Mr. Jennings filed a motion for default judgment pursuant to Rule 55(b) and requested a damages hearing.

Three weeks after Mr. Jennings filed an affidavit for entry of default, Defendants filed an Objection and Motion to Set Aside Entry of Default on November 18, 2024. On December 27, 2024, Defendants filed an appeal of Judge Salvini's November 27, 2024 order with an amended appeal following on December 30, 2024. The South Carolina Court of Appeals dismissed the appeal on January 6, 2025. On January 16, 2025, Defendants filed a Motion to Reinstate the Appeal which was denied on April 17, 2025 and again resulted in the appeal's dismissal. On February 11, 2025, Defendants filed a Supplemental Petition to the Chief Justice of the South Carolina Supreme Court. On February 13, 2025, the Chief Justice issued an Order assigning this matter and the other related matters (*Rabon v. Hulsey*, Case No: 2024CP2303236; *Suggs v. Hulsey*, Case No.: 2024CP2303258; *Plaxco v. Hulsey*, Case No.: 2024CP2303329; *Browning v. Hulsey*, Case No.: 2024CP2303730) to the undersigned for further handling.

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

Order following on April 17, 2025. On April 28, 2025, Defendants filed a Motion for Reconsideration and to Alter or Amend this Order. On July 10, 2025, without an operative Answer on file, Defendants filed a Motion for Judgment on the Pleadings or in the Alternative for a Stay. On July 30, 2025, Defendants filed a Motion to Bifurcate the upcoming, nonjury, damages trial arising from their default. On August 18, 2025, while Defendants' other motions remained pending, Defendant Durand filed a Motion to Vacate the Order of Entry of Default and another Motion to Dismiss.

On January 13 and 14, 2026, this Court held a default judgment hearing concerning damages in the above-captioned matter. Evidence was presented of the damages suffered by Mr. Jennings due to the defamatory letters ("Defamatory Letters") transmitted by Defendants about him. Prior to the commencement of this hearing, the Court heard and denied Defendants' pending Motions for Judgment on the Pleadings and for Reconsideration or to Alter and Amend the interlocutory order denying their Motion to Set Aside the Entry of Default against them. At this time, the Court also heard and later granted Plaintiff's Motion for Sanctions against Defendants due to misconduct during their depositions.

On January 30, 2026, Mr. Jennings submitted Proposed Order on damages to be awarded in this case and on his Motion for Sanctions, which was joined by the Plaintiffs in the companion cases. Five weeks later, at 12:10 PM on March 6, 2026, the Court notified the Parties that it had signed and submitted an Order and Judgment in this case. Roughly an hour later on March 6, 2026, Defendants filed a Memorandum in Opposition to the Proposed Order and their Motion for Judgment as a Matter of Law. On March 12, 2026, this Court issued its Order and Final Judgment on damages and an Order granting Plaintiff's Motion for Sanctions.

On March 23, 2026, Defendants filed a Motion to Stay the Judgments and Order on the Motion for Sanctions. Then, the next day on March 24, 2026, Defendants filed their omnibus brief of Post-Trial motions and Motion to Alter or Amend the Court's Sanctions Order. On April 22, 2026, Plaintiffs filed an omnibus Response in Opposition to Defendants' Post-Trial motions and Motion to Alter or Amend the Court's Sanctions Order. Mr. Jennings also filed a Response in Opposition to Defendants' Motion to Stay the Judgments and Order for Sanctions.

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

II. STANDARDS OF REVIEW

a. Rule 52(b), SCRCP

Following a trial before the Court, a party may file a motion asking the Court to amend its findings and judgment:

Upon motion of a party made not later than 10 days after receipt of written notice of entry of judgment the court may amend its findings or make additional findings and may amend the judgment accordingly, and the motion may be made with a timely motion for a new trial. When findings of fact are made in actions tried by the court without a jury, the question of the sufficiency of evidence to support the findings may thereafter be raised whether or not the party raising the question has made in the trial court an objection to such findings or has made a motion to amend them or a motion for judgment.

See SCRCP 52(b). Under this Rule, "the trial court's decision to amend an order and modify its own damages award lies with the sound discretion of the trial court." *Green v. Johnson*, 446 S.C. 326, 338, 919 S.E.2d 894, 900 (2025).

b. Rule 59(a), SCRPC

“A motion for a new trial *nisi remittitur* asks the trial court to reduce the verdict because the verdict is merely excessive.” *James v. Horace Mann Ins. Co.*, 371 S.C. 187, 193, 638 S.E.2d 667, 670 (2006). “The denial of a motion for a new trial *nisi* is within the trial court's discretion and will not be reversed on appeal absent an abuse of discretion.” *Id.* “If the amount of the verdict is grossly inadequate or excessive so as to be the result of passion, caprice, prejudice, or some other influence outside the evidence, the trial court must grant a new trial absolute.” *Id.*; *see also Sanders v. Prince*, 304 S.C. 236, 238, 403 S.E.2d 640, 642 (1991) (“When a verdict is ‘grossly excessive and the amount awarded is so shockingly disproportionate to the injuries as to indicate that the jury acted out of passion, caprice, prejudice, or other consideration not founded on the evidence, it becomes the duty of this Court, as well as the trial court, to set aside the verdict.’”) (quoting *Small v. Springs Indus.*, 292 S.C. 481, 487, 357 S.E.2d 452, 455 (1987)).

c. Rule 59(e), SCRPC

Under Rule 59(e), “[a] motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order.” “The purpose of Rule 59(e), SCRPC, to alter or amend the judgment[,] is to request the trial judge to ‘reconsider matters properly encompassed in a decision on the merits.’” *Arnold v. State*, 309 S.C. 157, 172, 420 S.E.2d 834, 842 (1992) (quoting *Budinich v. Becton Dickinson and Co.*, 486 U.S. 196, 200 (1988)).

III. FINDINGS OF THE COURT

A. No Basis Exists to Alter or Amend the Court’s Judgment on Grounds the Entry of Default Against Them Should Have Been Previously Set Aside.

According to Defendants, the Court should reconsider, alter, or amend its judgment because the Court should have set aside the entry of default against them. The Court disagrees. When denying their Motion to Set Aside Entry of Default, the Court previously ruled: “Defendants failed

to offer a satisfactory explanation as to why they did not file timely answers and counterclaims, as was their required threshold burden needed to establish good cause under SCRCP 55(c).” (April 17, 2025 Order, at *3). No satisfactory explanation has ever been offered by Defendants.

Even if Defendants had made an adequate threshold showing by offering a satisfactory explanation for their default, which they did not, the Court further found Defendants failed to satisfy the *Wham* factors because: “(1) Defendants waited too long to seek relief from the entry of default against them ...; (2) Defendants made no evidentiary submittal establishing the existence of a potential meritorious defense; and (3) Plaintiffs would now be prejudiced if the Court granted Defendants’ Motion” (*Id.*, at *3-4). This Court agrees with the positions set forth in Plaintiffs in their Omnibus Response Brief. Defendants offer neither new evidence nor any meaningful new arguments warranting the Court’s alteration or modification of its prior ruling.

B. The Court Denies Defendants’ Motion to Alter or Amend the Judgment Based Upon Plaintiff’s Alleged Failure to State a Claim Supportive of Relief.

This Court has previously rejected the arguments set forth in Defendants’ Motion to “Alter or Amend the Judgments Because Plaintiffs Cannot Succeed on Claims Against Defendants” on no less than four (4) prior occasions. The Court expressly addressed and rejected these arguments, without limitation, in its Orders dated October 2 and 3, 2024, November 27, 2024, and April 17, 2025.¹ The Court further rejected such arguments when it denied Defendants’ Motion for Reconsideration of the Denial of the Motion to Set Aside or on the Motion for Judgment on the Pleadings during the damages trial. *See* Vol. I, Trans. p. 18, ll. 11-19 and p. 85, ll. 7-11. Then, when the Court entered its Order and Final Judgments in favor of Mr. Jennings on March 12, 2026,

¹ Notably, this Court’s April 17, 2025, Order denied Defendants’ Motion to Set Aside and specifically held that “Defendants made no evidentiary submittal establishing the existence of a potential meritorious defense.” (*Id.*, at *3-4).

such ruling further operated to deny same.² Accordingly, after careful consideration of the record and the Parties' filings, the Court finds no basis exists to disturb its prior rulings; Defendants' Motion, in this regard, is, therefore, denied.

C. The Defendants' Motion for a Judgment as a Matter of Law.

The Court issued a separate Order, filed *nunc pro tunc*, addressing the JMOL Motion in greater detail. In that order, the Court found that Defendants' Motions for a Judgment as a Matter of Law ("JMOL Motion") lacked merit and were denied.

To the extent that the Defendants' Motions for reconsideration request modification of the Court's denial of the JMOL motion, that Motion is also DENIED.

D. The Court Denies Defendants' Motion to Alter or Amend the Judgment as to Jennings' Compensatory Damages.

This Court similarly denies Defendants' Motion to Alter or Amend its Final Order and Judgment as to Mr. Jennings' Compensatory Damages. Defendants assert Mr. Jennings failed to prove he was entitled to recover damages for the economic loss and reputational harm he sustained due to Defendants' authoring, execution, and transmittal of the Defamatory Letters. In short, Defendants claim Mr. Jennings did not present sufficient evidence to establish he suffered economic or reputational harms due to the Defamatory Letters. The Court disagrees.

In its Final Order and Judgment, this Court specifically found that Mr. Jennings had presented sufficient evidence to warrant an economic damages award. Ample evidence of record

² See, e.g., *U.S. v. Dubrule*, 822 F.3d 866 884-85 (6th Cir. 2016) (collecting cases from five other circuits); see also *Keeton*, 667 F.3d at 882 ("Final judgment necessarily denies pending motions."); *United States v. Jasso*, 634 F.3d 305, 307 n.2 (5th Cir. 2011); *Toronto-Dominion Bank, v. Cent. Nat. Bank & Tr. Co.*, 753 F.2d 66, 68 (8th Cir. 1985); *Addington v. Farmer's Elevator Mut. Ins. Co.*, 650 F.2d 663, 666 (5th Cir. 1981); *Pinson v. Berkebile*, 576 F. App'x 710, 711 (10th Cir. 2014); *Gorrell v. Hastings*, 541 F. App'x 943, 946 (11th Cir. 2013).

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

Such economic losses were in addition to an abundant evidentiary record establishing Mr. Jennings had suffered greatly at the hands of Defendants. He suffered humiliation, anxiety, mental anguish, and sadness due to Defendants' misconduct. The Court of Appeals for South Carolina has explicitly stated that this Court is "vested with considerable discretion over the amount of a damages award." *Vortex Sports & Entm't, Inc. v. Ware*, 378 S.C. 197, 208, 662 S.E.2d 444, 450 (Ct. App. 2008) (also stating appellate review of "the amount of damages is limited to the correction of errors of law" and it does not "weigh the evidence, but determine if any evidence supports the award."). Accordingly, the Court rejects Defendants' argument that Jennings failed to establish the damages awarded to him.

Defendants' argument as to Mr. Jennings' damages for reputational harm fails for another reason. As this Court stated in its Final Order and Judgment, Mr. Jennings was not required to prove such damages. "When [as here] a defamatory statement is actionable *per se*, the plaintiff need not prove general damages—as these damages are presumed—and the defendant is presumed to have acted with common law malice." *Kunst v. Loree*, 424 S.C. 24, 39, 817 S.E.2d 295, 302-03 (Ct. App. 2018). Accordingly, Defendants' argument that Mr. Jennings did not present evidence showing actual harm to his reputation also fails because such are presumed.

Moreover, because Defendants are in default, liability has already been conclusively established. Defendants therefore cannot relitigate whether the Defamatory Letters' publication caused harm or were otherwise actionable. At the damages trial, the only remaining issue before the Court was the extent of Mr. Jennings' damages. Based on the testimony, documentary

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

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

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

According to Defendants Kimberly Thomason, Devon Puriefoy, and Desa Ballard (treated herein as, "Lawyer Defendants"), the evidentiary record fails to support an award of punitive damages against them. The Court rejects such an assertion and instead finds the evidence of record clearly and convincingly supports the Court's award of punitive damages against the Lawyer Defendants.

The Lawyer Defendants claim: "None of the plaintiffs presented any evidence showing what any of the Attorney Defendants even did in connection with the letters. Plaintiffs did not show who wrote the letters, who reviewed the letters, and who sent the letters." (Def. Post-Trial Motions, p. 32.) The Court rejects such assertions for three (3) reasons.

As an initial matter, the Court finds that no dispute exists, or has ever existed, about whom wrote or transmitted the Defamatory Letters. It was the Lawyer Defendants working together in concert. Mr. Jennings' Complaint alleged the Lawyer Defendants jointly drafted, executed, and coordinated the transmittal of the Defamatory Letters. And the Lawyer Defendants then defaulted deeming all such allegations as true. *Roche v. Young Bros., of Florence*, 332 S.C. 75, 81, 504 S.E.2d 311, 314 (1998) ("It is well settled that by suffering a default, the defaulting party is deemed to have admitted the truth of the plaintiff's allegations and to have conceded liability.").

Moreover, the Lawyer Defendants' own filings, filed subject to Rule 11 SCRCP, repeatedly certified to the Court that *they jointly* sent the Defamatory Letters. Yet, the Lawyer Defendants

now appear to question facts they have serially represented and certified to the Court as true, while simultaneously attempting to invoke litigation privilege, which likewise concedes they wrote and transmitted the Defamatory Letters. The Court rejects such arguments.

The Court also rejects the Lawyer Defendants' arguments as demonstrably wrong. The undisputed record evidence clearly and convincingly proves all of the evidentiary facts Defendants now claim as somehow missing. An illustrative but non-exhaustive list of such record evidence includes:

- i. All of the Defamatory Letters appear on the letterhead of the Hulsey Law Group; all the letters affix the names of the Lawyer Defendants; and all arrived *via* certified mail in envelopes bearing the logo of the Law Office of Truluck Thomason on or about May 17, 2024. Both physical and testimonial evidence, therefore, demonstrates the Lawyer Defendants acted in concert in authoring and transmitting the Defamatory Letters.
- ii. Prior to their May 17, 2024 transmittal of the Defamatory Letters, the Lawyer Defendants failed to contact Mr. Jennings about their supposed concerns undergirding the Defamatory Letters, concerns they refused to disclose during their depositions to the extent they exist. Such facts demonstrate a reckless indifference to Mr. Jennings' rights since the Lawyer Defendants refused to spend even the time for a phone call before widely accusing a licensed professional of serial felonies.
- iii. Although the Lawyer Defendants could have mitigated Mr. Jennings' ongoing reputational harm by recanting their defamatory accusations, they have purposefully chosen not to do so. This purposeful choice perpetuates Mr. Jennings' injuries.
- iv. The record evidence uniformly established the content of the Defamatory Letters was false. Mr. Jennings likewise introduced evidence establishing the severity of the harms

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

- v. After the Lawyer Defendants filed their RICO Complaints, the United States District Court dismissed all three lawsuits finding none had adequately alleged even a single predicate act to sustain a RICO cause of action. At the time they filed their RICO lawsuits, the Lawyer Defendants had already been served with Mr. Jennings' Complaint accusing them of defamation. On this factual backdrop, the Lawyer Defendants' inability to allege even a single colorable claim reflects they knew they lacked credible evidence at the time they jointly authored and transmitted the Defamatory Letters.
- vi. The Lawyer Defendants have made threats they will persist in their misconduct thereby implicating the need for deterrence from the Court.
- vii. Further evidencing their knowledge and intent at the time of their transmittal, the Defamatory Letters themselves acknowledge the damaging nature of their content. Cherie Durand similarly testified she was aware of the serious nature of the Letters' allegations when they were transmitted, as did Desa Ballard. As a result, in May of 2024, the Lawyer Defendants knew they lacked sufficient evidence to support the Defamatory Letters' accusations, knew the harm that would result from disseminating them, but did so anyway on *two* separate occasions.
- viii. The testimony of Cherie Durand confirmed the Defamatory Letters were transmitted to the named recipients. The trial evidence likewise established the Defamatory Letters thereafter spread like wildfire through the Greenville Bar Association and Upstate Community. As a result, Mr. Jennings suffered widespread reputational injuries in the

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

- ix. Durand's testimony likewise confirmed the law firm of Truluck Thomason, LLC transmitted the Defamatory Letters. She also testified the Lawyer Defendants had several meetings before transmitting the Defamatory Letters confirming their collective knowledge, direct participation, and concert of action. Accordingly, the Court's finding of uniform culpability among the Lawyer Defendants mirrors credible evidence of record.
- x. The Defamatory Letters served no recognizable or *bona fide* purpose. They contain no money demand. They fail to identify the clients on behalf of whom the correspondence was transmitted. They neither attach a draft Complaint, nor explain how the conclusory and false accusations in the Defamatory Letters somehow relate to the letters' recipients, including Mr. Jennings. The Defamatory Letters were published to a wide range of recipients, including Plaintiff's clients, for no good reason and in bad faith.
- xi. Like Mr. Jennings, Kim Thomason, Devon Puriefoy, and Desa Ballard handle probate matters, compete for work, and benefitted commercially by tarnishing Jennings' reputation while competing against him for work. The Lawyer Defendants, therefore, had a pecuniary motive to harm Mr. Jennings' reputation further explaining their misconduct and callousness.
- xii. Just like the Lawyer Defendants' refusal to identify the basis for any of their defamatory accusations evidences no basis existed, the Defamatory Letters themselves also betray the lack of any *bona fide* supporting investigation. The Defamatory Letters merely state a series of conclusions bereft of any factual enhancement. Indeed, one of the recipients of

the Defamatory Letters, who the Lawyer Defendants accused of ongoing participation in a RICO enterprise in mid-May of 2024 had died in 2020, four years earlier. Such facts evidence the investigation conducted by the Lawyer Defendants, if any, lacked rigor.

- xiii.** None of the Lawyer Defendants could testify about even the most basic facts supporting the accusations in the Defamatory Letters but instead asserted improper privileges and immunities. Such evidence of cover-up and concealment supports an award of punitive damages

Due to the foregoing and all other evidence of record, more than enough evidence supports the Court's punitive damage awards against the Lawyer Defendants in favor of Mr. Jennings in this case.

Second, the Lawyer Defendants cite Rule 1.6 of the South Carolina Rules of Professional Conduct to justify their deposition misconduct. While the Court previously heard and rejected such arguments when issuing its Sanctions Order, the Lawyer Defendants appear to have misunderstood the Court's rulings. When compared to one another, a pattern emerges from the Lawyer Defendants' deposition testimony. Their deposition transcripts confirm the existence of an agreed-upon common scheme and plan to obstruct Mr. Jennings from learning the truth about their misconduct by engaging in obstructionist tactics. Simply no justification exists for the misconduct exhibited in the Lawyer Defendants' depositions where four officers of the Court intentionally obstructed Mr. Jennings from obtaining trial evidence in the form of party depositions by baselessly invoking the work product immunity and attorney-client privilege. The Court finds it troubling that Defendants now portray their misconduct as somehow laudable, while reverting to attacks upon Mr. Jennings and his counsel.

The Court finds Defendants' misconduct at their depositions, in and of itself, evidences their ill-intent. It proves a coordinated cover-up. It confirms the Lawyer Defendants communicated, agreed upon a plan to conceal their misconduct, and evidences their joint participation. Otherwise, they would have identified the factual information exculpating their actions.⁴ *See, e.g., Hundley ex rel. Hundley v. Rite Aid of S.C., Inc.*, 339 S.C. 285, 295, 529 S.E.2d 45, 51 (Ct. App. 2000).

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

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

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

⁴ In their untimely Answer rejected by the Court, it is noteworthy that the Defendants sought to allege "Truth of the Matter" as a Fourth Affirmative Defense.

false accusations, and Defendants' intentional decision to disseminate the Defamatory Letters to an array of recipients, including Mr. Jennings' clients and referral sources. This Court also specifically considered that Defendants chose to accuse Mr. Jennings of criminal racketeering activity, fraud, extortion, and corruption of the judicial system without first reporting such alleged conduct to the South Carolina Bar or even contacting Mr. Jennings directly before widely disseminating such accusations to third parties. In addition to the discussion of the evidentiary basis for the Court's award of punitive damages, *see supra*, such facts alone provided a substantial and independent basis for this Court's punitive damages award.

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

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

G. The Court Denies Defendants' Motion to Alter or Amend the Judgment Due to Defense Counsel's Trial Conduct.

This Court denies Defendants' Motion to Alter or Amend the Judgments for Reliance on Defendants' Counsel's Conduct During Trial. Defendants argue this Court improperly considered

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

Nothing in this Court's Final Order and Judgment indicates that punitive damages were imposed against the Lawyer Defendants based upon the conduct of Defense Counsel during trial. Ample evidence of record and corresponding factual findings support the Court's award of punitive damages to Mr. Jennings against the Lawyer Defendants. Nowhere did the Court indicate Defense Counsel's conduct during the trial on Mr. Jennings' damages was a basis for such award. To the extent Defendants disagree with the Court's factual findings or the weight assigned to the evidence presented during the damages hearings, such disagreement fails to establish a basis for relief under Rules 52(b) or 59(e), SCRCp. This Court carefully considered the testimony, exhibits, and evidentiary record before it and issued an award of punitive damages based on competent evidence.

Accordingly, Defendants have failed to establish any basis for altering or amending this Court's Final Orders and Judgments on this ground.

H. The Court Denies Defendants' Motion for a New Trial Absolute or New Trial *Nisi Remittitur* Due to the Excessiveness of the Verdict.

The Court denies Defendants' Motion for a New Trial Absolute or New Trial *Nisi Remittitur* Because of the Excessiveness of the Verdicts. Defendants argue the damages awards entered in favor of Mr. Jennings is excessive for three reasons: (1) Mr. Jennings failed to present any evidence of actual harm; (2) this Court's judgment was not the product of a full and fair litigation in which Defendants were able to defend themselves; and (3) Mr. Jennings failed to present evidence Defendants acted with malice or intent with regard to him.

It is axiomatic: "A new trial absolute should be granted only if the verdict is so grossly excessive that it shocks the conscience of the court and clearly indicates the amount of the verdict

was the result of caprice, passion, prejudice, partiality, corruption, or other improper motive.” *Knoke v. S.C. Dep't of Parks, Recreation & Tourism*, 324 S.C. 136, 141, 478 S.E.2d 256, 258 (1996). “If the trial court determines that the verdict is ‘merely excessive,’ the court has the power to reduce the verdict by granting a new trial nisi remittitur.” *Burke v. AnMed Health*, 393 S.C. 48, 56, 710 S.E.2d 84, 88 (Ct. App. 2011).

At the outset, it is unclear whether such Motion is even appropriate in a non-jury trial context. The relief sought by Defendants appears inseparably tied to the existence of a jury verdict as our Supreme Court has stated, “[i]n determining whether any verdict is adequate or excessive . . . the court must give ‘substantial deference’ to the jury’s determination of damages.” *Jolly v. Fisher Controls Int’l, LLC*, 443 S.C. 511, 523, 905 S.E.2d 380, 387 (2024) citing *Rush v. Blanchard*, 310 S.C. 375, 379, 426 S.E.2d 802, 805 (1993). Defendants do not cite any authority supporting the applicability of such Motions under the circumstances of this case, namely a non-jury damages trial conducted following the entry of default.

The Court nonetheless finds that its Final Order and Judgment was not excessive so as to warrant a new trial absolute or new trial *nisi remittitur*. Defendants’ first and second arguments fail because they were in default. By failing to answer Plaintiff’s Complaint in the time required, Defendants admitted the allegations contained therein and conceded liability as to Mr. Jennings’ claims for libel, libel *per se*, abuse of process, intentional infliction of emotional distress/outrage, intentional interference with prospective contracts/business relations, civil conspiracy, and declaratory judgment. *See Solley v. Navy Fed. Credit Union, Inc.*, 397 S.C. 192, 203, 723 S.E.2d 597, 603 (Ct. App. 2012) (“By defaulting, a defendant forfeits his right to answer or otherwise plead to the complaint.”). Thus, Defendants were not entitled to present evidence and defend themselves and Mr. Jennings was not required to present evidence of actual reputational harm in a

defamation *per se* action (although he did so). *See Roche v. Young Bros., Inc., of Florence*, 332 S.C. 75, 81, 504 S.E.2d 311, 314 (1998) (“It is well settled that by suffering a default, the defaulting party is deemed to have admitted the truth of the plaintiff’s allegations and to have conceded liability.”). The damages hearing was conducted solely for purposes of determining the appropriate amount of damages arising from Defendants’ admitted conduct. *See Jackson v. Midlands Human Res. Ctr.*, 296 S.C. 526, 529, 374 S.E.2d 505, 506 (Ct. App. 1988) (“In a default case, the plaintiff must prove by competent evidence the *amount of his damages*. . .”) (emphasis added). Further, in a libel *per se* action, “the plaintiff need not prove general damages” because they are presumed. *Kunst v. Loree*, 424 S.C. 24, 39, 817 S.E.2d 295, 302-03 (Ct. App. 2018). Based upon competent evidence of record comprised of both testimony and exhibits, this Court determined Mr. Jennings proved the amount of his damages by no less than a preponderance of evidence.

Finally, Defendants’ argument that Mr. Jennings failed to present evidence of malice or intent is directly contradicted by both the evidentiary record and this Court’s detailed findings in its Final Order and Judgment. *See Discussion, supra*. Among the other findings above, this Court specifically found that Defendants intentionally disseminated defamatory accusations accusing Mr. Jennings of criminal conduct, racketeering, fraud, extortion, and corruption of the judicial system to multiple recipients, including Mr. Jennings’ clients. Additionally, the language of the Defamatory Letters themselves reflected Defendants’ understanding of the extraordinary seriousness of the accusations being made. This Court’s findings reflect misconduct it determined to be egregious in nature and particularly damaging given the professional standing of Mr. Jennings and the nature of the accusations disseminated against him.

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

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

Next, according to the Lawyer Defendants, the punitive damages awarded against them should be reduced because the Court did not consider the factors set forth in S.C. Code § 15-32-520(E) (“Subsection (E)”). The Court disagrees.

As an initial matter, Subsection E does not apply to punitive damages awarded by the Court without a jury. *See* S.C. Code Ann. § 15-32-520(E) (“[T]he jury may consider...”); *Gurwood v. GCA Servs. Grp., Inc.*, 445 S.C. 324, 331, 914 S.E.2d 149, 153 (2025) (“[O]ur General Assembly enacted statutes to create a framework for trial courts to follow in submitting punitive damage claims to a jury and for reviewing those awards post trial.”). Nor were the Lawyer Defendants otherwise entitled to a jury trial in the instant proceedings. *Gossett v. Gilliam*, 317 S.C. 82, 87, 452 S.E.2d 6, 9 (Ct. App. 1994) (“Where a party is in default, the right to a jury trial is waived pursuant to Rule 38(d), SCRCP.”). Nor were the proceedings bifurcated as also contemplated by Subsection E. And, the factors under Subsection (E) are illustrative, not compulsory in nature.

Even if Subsection (E)’s factors somehow applied to non-jury damage proceedings, however, the Court would still find no basis existed to reduce the punitive damage awards entered against the Lawyer Defendants. The Court had the direct opportunity to hear Mr. Jennings’ evidence and evaluate its credibility. After doing so, the Court found and again finds the evidence of record amply supported the punitive awards entered against the Lawyer Defendants by clear and convincing evidence.

As reflected by the evidence of record, discussed above, and illustratively cited in Mr. Jennings’ opposition briefing, the Lawyer Defendants bore and bear a high degree of culpability

for their misconduct. They inflicted severe harms upon Plaintiff. Mr. Jennings did not contribute to the harms he sustained. The duration of the Lawyer Defendants' conduct was substantial (*i.e.*, spanning several years). And the Lawyer Defendants were aware of their misconduct, the harm it caused, and thereafter jointly worked to conceal their actions. The Lawyer Defendants transmitted multiple Defamatory Letters thereby repeating their misconduct. They stood to gain financially from their misconduct. As to their ability to pay, the Lawyer Defendants simply refused to provide deposition testimony allowing both Plaintiff and the Court to assess their financial resources.

The Court further finds the record evidence supports a finding that an award of punitive damages would deter the repetition of such misconduct in the future by the Lawyer Defendants and others. At the same time, the Court finds no evidence of record demonstrates any risk of duplicative punishment exists for the same misconduct on the part of the Lawyer Defendants, whether by other state or federal proceedings alleging the same facts or by criminal or civil penalties imposed due to the same misconduct. As a result, the Court finds that even if Subsection (E) applied to nonjury proceedings, which it does not, the statutory provision would not operate to reduce the punitive awards entered against the Lawyer Defendants.

J. The Court Properly Awarded Punitive Damages Separately Against Each Lawyer Defendant.

The Lawyer Defendants next challenge the punitive damages awarded against them pursuant to S.C. Code § 15-32-520(G) ("Subsection (G)"). The Court likewise rejects the Lawyer Defendants' argument in this regard. Even assuming Section 15-32-520 and its subsections applied to non-jury proceedings, which is incorrect (*see supra*), Subsection (G) still would not support what the Lawyer Defendants argue.

Subsection (G) states: "In an action with multiple defendants, **a punitive damages award must be specific to each defendant**, and each defendant is liable only for the amount of the award

made against that defendant.” S.C. Code Ann. § 15-32-520(G) (emphasis added). In multi-defendant proceedings involving punitive claims, then, Subsection (G) *first* requires juries to award specific punitive damage amounts against specific defendants they find so liable and *then* caps each such defendant’s liability to the specific corresponding punitive amount.

In this case, the Lawyer Defendants’ brief outright concedes, “the Court properly awarded damages in a separate amount for each of the Attorney[] [Defendants]...” (*See* Def. Post-Trial Motions, p. 46.) Thus, if the provision applied in non-jury proceedings, which it does not, Subsection (G) would be satisfied and any inquiry should end there. Yet, the Lawyer Defendants conflate Subsection G’s requirement of a jury-specified punitive amount per defendant with their own reading of the provision requiring specific factual findings to support each punitive award. Subsection (G)’s language does not require such findings and the Lawyer Defendants simply proceed to repeat the same arguments the Court rejected above.

K. South Carolina Code § 15-32-320(F) Does Not Create a Process for Reviewing Punitive Damages Awarded in a Non-Jury Trial.

The Lawyer Defendants further urge the Court to conduct a post-trial review of the punitive damages awarded against them pursuant to South Carolina Code § 15-32-320(F) (“Subsection F”). The Court rejects such argument as without basis. As the Lawyer Defendants concede, Subsection (F) only applies to jury verdicts.

Had the legislature intended for Subsection (F) to require trial judges to duplicate efforts by revisiting punitive damages they themselves awarded during bench trials, the General Assembly would not have used the plain and unambiguous language: “the trial court shall review the jury’s decision.” *Id.*; *see also Vaughn v. Bernhardt*, 345 S.C. 196, 198, 547 S.E.2d 869, 870 (2001) (Courts must apply plain and unambiguous statutory language.) The Lawyer Defendants’ argument under Subsection (F) nevertheless introduces no new substance to their Motion, as they simply

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

L. The Application of South Carolina Code § 15-38-15 Results in Joint and Several Liability Among the Defendants.

Defendants also seek an allocation of fault under S.C. Code § 15-38-15(C) (“Section 15-38-15(C)”). Based upon the Court’s review of the evidence of record, however, a fault allocation among the Defendants will not alter Defendants’ joint and several liability. Under the prior iteration of S.C. Code § 15-38-15(C) in effect when Mr. Jennings’ causes of action accrued and thus applicable here, Subsection (C) stated:

This section does not apply to a defendant whose conduct is determined to be wilful, wanton, reckless, grossly negligent, or intentional or conduct involving the use, sale, or possession of alcohol or the illegal or illicit use, sale, or possession of drugs.

S.C. Code Ann. § 15-38-15(F) (emphasis added). In turn, Mr. Jennings’ Complaint specifically alleged Defendants’ conduct, across the entire group of named Defendants, was reckless, intentional, and conducted with a wanton indifference to Plaintiff’s rights. In a default context, such admitted allegations statutorily render an allocation of fault among the Defendants moot.

While Mr. Jennings intentionally chose *not* to pursue punitive damages against the Non-Lawyer Defendants although he could have, such election does *not* mean the allegations of intentional and reckless conduct alleged in Plaintiff’s Complaint were not deemed true against the Non-Lawyer Defendants. The Court finds this is because: “It is well settled that by suffering a default, the defaulting party is deemed to have admitted the truth of the plaintiff’s allegations and to have conceded liability.” *Roche v. Young Bros., of Florence*, 332 S.C. at 81, 504 S.E.2d at 314.

Under such facts, Section 15-38-15(F) forecloses Defendants' attempt to seek a fault allocation among the Defendants. As recently as April of 2026, the South Carolina Court of Appeals reached confirmed this exact analysis:

As to the damages award, we conclude Chagas was not entitled to apportionment because he admitted Respondents' allegations of gross negligence by way of default and under section 15-38-15(F) of the South Carolina Code (Supp. 2025), apportionment is not available to a defendant who is determined to be grossly negligent.

200 River Landing Drive Phase I Condo. Ass'n, Inc., & Steven Garcia & Janis Zomber, individually & on behalf of all others similarly situated, Respondents, v. Watkins Serv., Inc., First Exteriors, LLC, Getulio Perela Chagas, FBM Constr., LLC d/b/a Fernando Monteiro, & John Doe Subcontractors or Material Suppliers 12-50, Defendants, Of whom Getulio Perela Chagas is the Appellant., No. 2023-001832, 2026 WL 948929, at *1 (S.C. Ct. App. Apr. 8, 2026); *see also Green v. McGee*, 446 S.C. 343, 350, 919 S.E.2d 903, 906 (2025) ("However, of particular significance in this case, subsection 15-38-15(F) provides '[t]his section does not apply to a defendant whose conduct is determined to be wilful, wanton, reckless, grossly negligent, or intentional'). Accordingly, the Court rejects Defendants' argument because application of South Carolina Code § 15-38-15 renders Defendants jointly and severally liable.

The Court also finds Defendants' argument fails for a second reason, namely, Section 15-38-15(C)(3)(a) forecloses the fault allocation urged by Defendants. In material part, Section 15-38-15(C)(3)(a) states:

For this purpose, the court may determine that two or more persons are to be treated as a single party. **Such treatment must be used where two or more defendants acted in concert or where, by reason of agency, employment, or other legal relationship, a defendant is vicariously responsible for the conduct of another defendant.**

S.C. Code Ann. § 15-38-15(C)(3)(a) (emphasis added). Mr. Jennings specifically pled the Lawyer Defendants acted in concert and their default operated to deem such allegations as admitted. *Roche*

v. Young Bros., of Florence, 332 S.C. at 81, 504 S.E.2d at 314. Moreover, Mr. Jennings' Complaint similarly pled the Lawyer Defendants both acted as agents of the Non-Lawyer Defendants and also acted in concert with them.

Section 15-38-15(C)(3)(a), then, statutorily compels the treatment of all Defendants "as a single party" achieving the same outcome as under Section 15-38-15(F), namely, joint and several liability for all Defendants. Such outcome necessarily follows pursuant to Section 15-38-15(A) because tortfeasors whose fault exceeds fifty percent do not escape the application of joint and several liability and since, here, Section 15-38-15(C)(3)(a) treats them as one party the provision allocates 100% fault against them. *See* S.C. Code § 15-38-15(A) ("[J]oint and several liability does not apply to any defendant whose conduct is determined to be less than fifty percent of the total fault for the indivisible damages..."); *see also Smith v. Tiffany*, 419 S.C. 548, 552–53, 799 S.E.2d 479, 481 (2017) (Section 15-38-15(A), "[A]brogates pure joint and several liability for tortfeasors who are less than fifty percent at fault."). For the reasons above, the Court rejects Defendants' allocation of fault arguments as well.

M. The Court Denies Defendants' Motion to Alter or Amend the Judgments to Reflect the Settlement by Defendants Hulsey and Durand is Denied Without Prejudice.

As an initial matter, the Court agrees that Mr. Jennings' judgment against Defendants is subject to a set-off in the amount of any settlement between Mr. Jennings and Defendants Cherie Durand and the Estate of Paul Hulsey. That is to say: "A nonsettling defendant is entitled to credit for the amount paid by another defendant who settles." *Oaks at Rivers Edge Prop. Owners Ass'n, Inc. v. Daniel Island Riverside Devs., LLC*, 420 S.C. 424, 436, 803 S.E.2d 475, 481–82 (Ct. App. 2017) quoting *Welch v. Epstein*, 342 S.C. 279, 312-13, 536 S.E.2d 408, 425 (Ct. App. 2000) (citations omitted). Thus, the Court does not dispute Defendants are entitled to a set-off for the amount of any settlement Jennings may have entered with Hulsey or Durand.

However, Defendants failed to present any competent evidence establishing the existence of such settlement, if any, and its terms such that the Court can set-off such amount against the Judgment amount awarded to Jennings. Accordingly, the Court denies Defendants' Motion in this regard without prejudice. To the extent appropriate, Defense counsel may re-raise this issue at a later date or during supplemental proceedings.

N. The Court Denies Defendants' Motion to Stay the Execution of the Order and Judgment and the Court's Sanctions Order.

This Court already acknowledged in its Order and Final Judgment that Defendants' intentional and improper litigation conduct was a factor when awarding punitive damages against Defendants. In *Encore Technology Group, LLC v. Trask*, the Greenville County Court of Common Pleas denied the defendant's motion to stay pending post-trial motions under similar circumstances to this case. *See id.*, at *16-17. The *Encore* court noted that the jury awarded millions of dollars in punitive damages against the defendants due to the defendants' conduct and, "[i]n short, Defendants simply cannot be expected to fulfill their legal duties." *Id.*, at *17. Therefore, the Court found that "it would not be appropriate to stay execution of the judgment." *Id.*

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

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

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

The record establishes a sustained course of conduct evidencing disregard for discovery obligations, the integrity of judicial proceedings, and the rule of law, which the Court has already found to be both intentional and egregious. Such conduct and unclean hands weigh heavily against the exercise of the Court’s discretion to grant equitable relief in the form of a stay.

Under these circumstances, the Court finds that granting a stay would create a substantial risk that Defendants will continue to engage in improper tactics to frustrate Mr. Jennings’ rights to pursue timely relief thereby prejudicing him. Accordingly, the Court respectfully declines to extend the benefit of a discretionary stay to parties whose conduct reflects a disregard for the integrity of the Court.

CONCLUSION

The Court DENIES Defendants' Post-Trial Motions and DENIES Defendants' Notice of Motion and Motion to Stay Judgments and to Stay the Court's Order Imposing Sanctions Against Defendants.

IT IS SO ORDERED.

Eugene C. Griffith
Circuit Judge Presiding



Case Caption: Clayton L Jennings vs. Paul Hulsey , defendant, et al
Case Number: 2024CP2303271
Type: Order/Other

It is so ordered

Eugene C. Griffith, Jr. 2154

Exhibit 18

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Clayton L. Jennings,
Plaintiff,
v.

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

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

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

**ORDER DENYING DEFENDANTS' MOTION
FOR JUDGMENT AS MATTER OF LAW**

This matter came before the Court on Defendants' Kimberly Thomason, Devon Puriefoy, and Desa Ballard (collectively "Defendants") Motion for Judgment as a Matter of Law ("JMOL Motion") in the above-captioned matter.

This case along with four interrelated cases were brought by individual parties against several common defendants. All pretrial motions for all five cases were heard collectively because the cases had common issues and common attorneys. Because of the commonalities in the cases, the attorneys for both sides agreed to have the damages hearings heard during one week of court in Greenville County. All five cases were heard during the week of January 12 through 16, 2026. The Court heard testimony and received exhibits on the cases in sequential order. In an attempt to expedite the hearings, the Court deferred the motions for directed verdict as a matter of law. The Court allowed post-trial motions to be filed by the Defendants at the conclusion of the five hearings. On January 20, 2026, the Court requested via e-mail that the Defendants transmit their post-trial materials through email for the Court's convenience; the Court did not intend for the request for email

copies of the JMOL Motions to act as a substitute for proper filings under the SCRCP. The Court acknowledges that this directive could have been clearer in its request to wit: “Upon e-filing your post-trial motions, please send the Court a courtesy copy of your motions to the Court and his law clerk via email.” The lack of clear instructions created confusion as to how to file the motions. To rectify the confusion created by the Court, the Court is issuing the instant Order to provide its ruling on the Defendants’ JMOL motion.

The Court notes that Defendants’ JMOL Motions were transmitted to the Court via email on February 18, 2026. The Defendants electronically filed their JMOL Motion with the Clerk of Court on March 6, 2026 (and the JMOL Motions for the four other related cases) just before the Final Order of Judgment was filed by this Court on March 12, 2026. Additionally, Defendants have since filed Motions for Reconsideration as to the Final Order of Judgment.

As to this JMOL matter, the Court finds it unnecessary to conduct and hear oral arguments. Based on the pleadings, motions, memoranda, and evidence of record, the Court deems it necessary to issue this Order denying Defendants’ JMOL Motion *nunc pro tunc*.

ANALYSIS

Notwithstanding the Court found the Defendants to be in default, the Court finds that Defendants’ JMOL Motion lacks merit. The Court finds the plaintiff, Clayton L. Jennings (“Mr. Jennings”) presented ample testimony regarding the damages caused by Defendants. 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 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 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.

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.

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. The Court also craves reference to the Final Order of Judgment, which provides a more extensive summary of facts which were presented by the Plaintiffs in the hearing and upon which the Court bases its ruling herein.

RULING

Based upon the ample, credible and compelling evidence of damages presented by the plaintiff, the Court respectfully denies Defendants' Motion for Judgment as a Matter of Law. Additionally, the Court denies all the respective motions as to each of the Plaintiffs' causes of action and facts including: (a) libel; (b) libel *per se*; (c) abuse of process; (d) intentional

infliction of emotional distress/outrage; (e) intentional interference with prospective contracts/business relations; (f) civil conspiracy; and (g) a declaratory judgment. The Court denies all issues raised by the Defendants in their JMOL Motion. The Court issues this order *Nunc Pro Tunc* to reflect the ruling of the Court on this JMOL Motion to be prior to the issuance and filing of the Final Order of Judgment in this case.

IT IS SO ORDERED.

This ____ day of _____, 2026

Eugene C. Griffith, Jr.
Presiding Circuit Judge



Case Caption: Clayton L Jennings vs. Paul Hulsey , defendant, et al
Case Number: 2024CP2303271
Type: Order/Other

It is so ordered

Eugene C. Griffith, Jr. 2154

Exhibit 19

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>

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: Clayton L Jennings vs. Paul Hulsey , defendant, et al
Case Number: 2024CP2303271
Type: Order/Other

It is so ordered

Eugene C. Griffith, Jr. 2154

Exhibit 20

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>

ORDER CORRECTING JULY 15, 2026 ORDERS
DENYING POST TRIAL MOTIONS

On March 23, 2026, Defendants filed the following posttrial motions in the above-captioned matters: (a) Notice of Motion and Motion to Alter or Amend Order for Sanction ("Sanction Motions"); and (b) Post-Trial Motions ("Judgment Motions"). On July 15, 2026, the Court entered Orders Denying Post-Trial Motions ("Post-Trial Motion Orders"). It was the intent of the Court for the Post-Trial Motion Orders to deny the Sanction Motions and the Judgment Motions in the above-captioned matters.

In an effort to be absolutely clear and unambiguous, the Court enters this Order to Correct the Post-Trial Motion Orders to explicitly clarify that those Orders deny all of Defendants' posttrial motions filed in each of the above-captioned matters, including: (a) Defendants' March 23, 2026 Notice of Motions and Motions to Alter or Amend Order for Sanction; and (b) Defendants' March 23, 2026 Post-Trial Motions.

IT IS SO ORDERED!

[JUDGE'S ELECTRONIC SIGNATURE PAGE TO FOLLOW]



Greenville Common Pleas

Case Caption: Clayton L Jennings vs. Paul Hulsey , defendant, et al
Case Number: 2024CP2303271
Type: Order/Other

It is so ordered

Eugene C. Griffith, Jr. 2154

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Oct 08 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 Nos.
2026-001782 (Consolidated Case No.)
2026-001819 (Browning and Browning Geriatric)
2026-001819 (Jennings)

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

Jennifer L. Browning, and
Browning Geriatric Consulting, LLCRespondent,

v.

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

AND

Clayton L. JenningsRespondent,

v.

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

Of whom Stacey Grist is theAppellant.

PROOF OF SERVICE OF THIRD AMENDED NOTICE OF APPEAL

I certify that I have served the Third 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 October 8, 2026 addressed to their attorneys of record:

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HAYNSWORTH SINKLER BOYD, P.A.

s/ Christopher B. Major

October 8, 2026