THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Ex parte: Gregg Roman and Gravitas Synergy Solutions, LLC, Petitioners,

v.

PNC Financial Services Group, Inc. d/b/a PNC Bank, Renee S. Beach, Phillip Beach, Robin Beach, Savannah Tuten, and Seth Tuten, Respondents.

In re: Renee S. Beach, Phillip Beach, Robin Beach, Savannah Tuten, and Seth Tuten, Plaintiffs,

v.

Gregory M. Parker, Gregory M. Parker, Inc. d/b/a Parker's Corporation, Blake Greco, Jason D'Cruz, Vicky Ward, Max Fratoddi, Henry Rosado, and Private Investigation Services Group, LLC, Defendants.

Appellate Case No. 2026-000713

ORIGINAL JURISDICTION

Memorandum Opinion No. 2026-MO-016
Submitted July 29, 2026 – Filed November 4, 2026

REVERSED

Taylor Meriwether Smith, IV, of Meriwether Law, LLC, of Columbia, for Petitioners.

Mark Brandon Tinsley, of Gooding & Gooding, PA, of Allendale; Roberts "Tabor" Vaux, Jr., of Vaux Marscher Berglind, P.A., of Bluffton; and John S. Nichols, of Bluestein Thompson Sullivan, LLC, of Columbia, for Respondents Renee S. Beach, Phillip Beach, Robin Beach, Savannah Tuten, and Seth Tuten.

PER CURIAM: We agreed to hear Petitioners' complaint for injunctive relief in our original jurisdiction. Petitioners seek to prevent PNC Financial Services Group (PNC) from complying with a subpoena requesting Petitioners' financial records issued by Plaintiffs[1] to PNC in the underlying action. We find a writ of certiorari offers a more appropriate way to address the circuit court's denial of Petitioners' motion to quash the subpoena. We, therefore, issue a common law writ of certiorari and, because we find the subpoena overly broad, reverse the decision of the circuit court.

The underlying action alleges that Defendants engaged consultants and investigators in an attempt to affect the public perception in a Dram Shop case against Defendants involving the death of Mallory Beach and to harass and discourage Plaintiffs from continuing the Dram Shop case. Petitioner Roman is alleged to have to worked for Defendants in their public relations and harassment campaign. Petitioners are not parties to the underlying action, nor is PNC.

The subpoena to PNC requested:

> Any and all financial account records and statements (including but not limited to: account opening documents, signature cards, power of attorney documents, monthly statements, front and back copies of all cancelled checks, deposit tickets, checks in deposit, withdrawal tickets, cashier's checks, courtesy checks, wire transfers, online or internet transfers, alerts on the account or account holder(s), suspicious activity reports, account closure documents, etc.) related to any [PNC] accounts in the name of [Petitioners] for the time period of February 24, 2019 to

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[1] Plaintiffs in the underlying action are Respondents in this matter. However, we refer to them here as Plaintiffs.

present including any account that has been closed or deactivated during said time period.

Petitioners moved to quash the subpoena and to reconsider the denial of the motion to quash or, alternatively, for a protective order. The circuit court denied the motions.

A common law writ of certiorari is a remedy to correct errors of law made by a lower court. *Jacoby v. S.C. Bd. of Naturopathic Exam'rs*, 219 S.C. 66, 88, 64 S.E.2d 138, 148 (1951). This Court will not generally accept matters on a writ of certiorari that can be entertained in the trial court or on appeal. *In re Breast Implant Prod. Liab. Litig.*, 331 S.C. 540, 543 n.2, 503 S.E.2d 445, 447 n.2 (1998). However, an order directing a non-party to submit to discovery is not immediately appealable. *Ex parte Whetstone*, 289 S.C. 580, 580, 347 S.E.2d 881, 881 (1986); *see also Ex parte Wilson*, 367 S.C. 7, 13–14, 625 S.E.2d 205, 208 (2005) (holding an order quashing a subpoena duces tecum issued to a non-party prior to commencement of enforcement of a judgment is not immediately appealable). A non-party may comply with a discovery order and waive any right to challenge it on appeal or refuse to comply with the order, be cited for contempt, and appeal the contempt order. *Ex parte Whetstone*, 289 S.C. at 580, 347 S.E.2d at 881–82; *Tucker v. Honda of S.C. Mfg., Inc.*, 354 S.C. 574, 577, 582 S.E.2d 405, 407 (2003).

In this case, requiring a contempt charge before an appeal may be taken is complicated by the fact that the subpoena was issued to a third party. In order to protect disclosure of the financial records, PNC, a third party, would have to refuse to comply with the discovery order, be held in contempt, and appeal the contempt order. Petitioners cannot force PNC to refuse to comply with the discovery order; therefore, they cannot protect the information they seek to protect.

A common law writ of certiorari may be issued to review a discovery order where exceptional circumstances exist. *Oncology & Hematology Assocs. of S.C., LLC v. S.C. Dep't of Health & Envtl. Control*, 387 S.C. 380, 387, 692 S.E.2d 920, 924 (2010) (issuing a common law writ of certiorari where a party abused discovery by submitting requests that were not remotely relevant to the resolution of the issue in the case). Because Petitioners have no other adequate remedy to review the circuit court's order denying the motion to quash the subpoena and protect the information sought, which they plausibly assert could reveal sources Roman has paid for sensitive information and lead to physical harm to Roman and/or his sources, extraordinary circumstances exist to warrant the issuance of a common law writ of certiorari in this matter.

Rule 26(b)(1), SCRCP, provides, unless otherwise limited by order of the court, "[p]arties may obtain discovery regarding any matter, not privileged, which is *relevant to the subject matter* involved in the pending action." (Emphasis added). The information must be relevant not only to the general subject matter of the litigation, but also relevant specifically to the issues involved in the litigation. *Laffitte v. Bridgestone Corp.*, 381 S.C. 460, 475, 674 S.E.2d 154, 163 (2009).

If the discovery process threatens to become abusive or creates particularized harm to a litigant or third party, an order may be issued "to protect a party or person from annoyance, embarrassment, oppression, or undue burden by expense." Rule 26(c), SCRCP; *Hamm v. S.C. Pub. Serv. Comm'n,* 312 S.C. 238, 241–42, 439 S.E.2d 852, 854 (1994). If a person requesting a protective order shows a particularized harm that will be caused by allowing the discovery, the opposing party has the burden of showing the information sought is "relevant and necessary" to the case, and the party seeking the information must "demonstrate with specificity exactly how the lack of information will impair the presentation of the case on the merits to the point that an unjust result is a real, rather than a merely possible, threat." *Hollman v. Woolfson*, 384 S.C. 571, 577–78, 683 S.E.2d 495, 498 (2009). The Court will then weigh the factors of whether the information sought is "relevant and necessary" evidence against any particularized harm the opposing party may suffer and whether there are reasonable alternatives available to discover the information. *Id.; see also Oncology & Hematology Assocs. of S.C., LLC*, 387 S.C. at 387, 692 S.E.2d at 924 (noting that although the scope of discovery is broad, "there are limits, which we see trial courts generally unwilling to recognize and enforce").

The over-six-year period of the request begins on the date of the death of Mallory Beach. Petitioners contend the request for all of their financial transactions from that date to the present is overly broad. We agree.

Plaintiffs cannot show how *all* of Petitioner's financial records for over six years are relevant to the underlying action. The request is not limited to transactions involving Defendants to prove Petitioners assisted Defendants in their campaign to undermine Petitioners in the Dram Shop case. Further, the production of the records would certainly reveal personal and professional information that is in no way relevant to the underlying action and could be embarrassing to harmful to Petitioners. Because the subpoena could be significantly narrowed to request only information relevant to the underlying action, Plaintiffs have an alternative to obtain the information sought. Accordingly, we reverse the decision of the trial court denying Petitioners' motion to quash the subpoena on the ground that it was overly broad. Any new subpoena issued by Plaintiffs to PNC for Petitioners' transactions must be appropriately limited to *transactions related to the underlying case*.

In light of our disposition of the case, it is not necessary to address Petitioners' arguments concerning violation of the Reporter's Shield Law[2] and Due Process. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (holding an appellate court need not address remaining issues when its determination of a prior issue is dispositive of the appeal).

REVERSED.

KITTREDGE, C.J., JAMES, HILL and VERDIN, JJ., concur.

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[2] S.C. Code Ann. § 19-11-100 (2014) (providing a qualified privilege against disclosure of any information, document, or item obtained or prepared in the gathering or dissemination of news and compelling disclosure only if the privilege is waived or (1) is material and relevant to the controversy for which the testimony or production is sought; (2) cannot be reasonably obtained by alternative means; and (3) is necessary to the proper preparation or presentation of the case of a party seeking the information).