

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2014CP3200210

Matt Laughridge

Matt Laughridge for State
Senate Inc

Sewell Consultancy llc

D Jeffrey Sewell

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 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: _____
- 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:

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 or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

Judge Code

7/16/2014

Date

For Clerk of Court Office Use Only

This judgment was entered on 17th of July 2014, and a copy mailed first class or placed in the appropriate attorney's box on 17th of July 2014, to attorneys of record or to parties (when appearing pro se) as follows:

Mitchell Willoughby
PO Box 8416 Columbia, SC 29202-8416
Benjamin Parker Mustian
PO Box 8416 Columbia, SC 29202-8416

D Jeffrey Sewell
100 Sunset Blvd. Suite 203 West Columbia, SC 29169

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Beth A. Carrigg/mh

Court Reporter

Beth A. Carrigg - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

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

FILED

ORIGINAL

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF LEXINGTON)

2014 JUN -7 11:53

Case Number 2014CP3200210

ETHEL A. CARRINE
CLERK OF COURT

MATT LAUGHRIDGE and MATTINGTON SC
LAURIDGE FOR STATE SENATE, INC.,)

RECEIVED

AUG 04 2014

Plaintiffs,)

vs.)

ORDER

S.C. SUPREME COURT

RE: MOTION TO COMPEL

SEWELL CONSULTANCY, LLC, and)
D. JEFFREY SEWELL, INDIVIDUALLY,)

Defendants.)

The issues before the court relate to discovery. The court grants the plaintiffs' motions and directs the defendant, Mr. D. Jeffrey Sewell, to submit to a deposition and to respond to outstanding discovery requests. The court imposes a sanction against Mr. Sewell and the LLC in the amount of \$3,500 for attorneys' fees and costs needlessly caused by the defendants' refusals to cooperate with discovery.

*WPA
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Mr. Sewell is representing himself. He understands that the LLC must have a licensed attorney to appear in circuit court. Despite sufficient opportunity to obtain counsel, that has not been done. So, the LLC did not appear for the hearing.

The plaintiffs scheduled a deposition of Mr. Sewell. He requested and received the rescheduling of that deposition, and he agreed to appear in Richland County at the office of the attorneys for the plaintiffs. Mr. Sewell lives in West Columbia. The office of the plaintiffs' attorneys is in downtown Columbia, no more than a few miles away. As the date approached for the rescheduled deposition, Mr. Sewell contacted the plaintiffs'

attorneys and stated that he would not appear. He was told that the deposition would be convened at the previously-agreed-upon date, time, and place. He did not appear.

At the hearing today, Mr. Sewell argued that the deposition is premature, but provided no specifics, other than to cite Rule 30, SCRPC. The court finds nothing premature about the scheduling of the deposition.

He also cited the fact that he has not been paid, presumably the \$25 plus mileage required for a witness under Rule 30. It is the court's belief that Mr. Sewell misunderstands the distinction between a party and a witness under that rule. The objection on that ground is denied.

Mr. Sewell challenges the location of the scheduled deposition. He argues that he is a resident of Lexington County and cannot be compelled to attend a deposition in Richland County. He has not raised this objection previously. He agreed to the deposition being held at the office in Richland, and he lives nearby in West Columbia. *W.P.C. #2* *W.P.C.* objection on this ground is denied.

The court sets the deposition to be held at the office of the plaintiffs' attorneys and orders that Mr. Sewell appear and meaningfully participate in the deposition. The plaintiffs' attorneys are directed to provide Mr. Sewell with notice of at least 10 days, and he must appear and participate on the designated date and time, unless he is relieved of the obligation by order of the Court based on a properly filed motion, or unless the plaintiffs' attorneys consent to the rescheduling. In the event of such rescheduling, he must appear at the rescheduled date and time, and the agreement for rescheduling must be documented by writing or email.

Plaintiffs' counsel also argues that the defendants have not responded to Interrogatories and Requests to Produce. Mr. Sewell filed an objection, but made no argument in opposition to the position that he has failed to respond at all to the written discovery requests. The court finds no basis for refusing to comply with discovery in this regard. Mr. Sewell [and the LLC (through appropriate counsel)] are ordered to provide meaningful discovery responses within 30 days of the date that a copy of this order is mailed by the Clerk of Court's office.

As for sanctions, it has been clearly demonstrated that the defendants are unreasonably and improperly refusing to participate in discovery. Plaintiffs' counsel has provided the court with an affidavit seeking \$11,547.50 in attorneys' fees, \$83.30 for expenses related to the deposition, and \$50 for costs related to the motion. The court has considered the relevant factors related to attorneys' fees and sanctions. The affidavit reflects that Mitchell Willoughby, Esquire, is a senior shareholder, billing at \$450 per hour, and that he spent 1.2 hours in dealing with the motion related to the deposition. It states that Benjamin P. Mustain, Esquire, is a shareholder, who bills at \$350 per hour, and has expended 29.2 hours on these matters. The affidavit also states that Andrew J. D'Antoni, Esquire, is an attorney who bills at \$250 per hour, and has spent 3.5 hours related to the issues before the court.

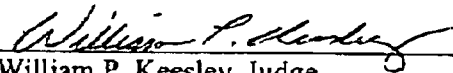
The court was not provided specifics as to how the hours are broken down. In the court's view, there has not been a sufficient showing that 33.9 billable hours were required to deal with rescheduling and seeking to compel, nor has there been a showing that the top billable rate was required. Having reviewed the file, the court accepts that this matter has involved repeated scheduling issues needlessly caused by the defendants'

WJL
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refusal to comply. Considering the factors, including the time necessary expended, the customary and prevailing fees, the results achieved, the difficulty of the issues, and the professional standing of counsel, the court finds that it has been established that a minimum of 10 billable hours were unnecessarily incurred due to the defendants' wrongful refusal to comply with discovery, and that Mr. Mustain is the attorney who primarily would be dealing with this matter. His hourly rate is appropriate for dealing with matters of this nature. Therefore, the court awards \$3,500 in sanctions for attorneys' fees, finding that amount to be reasonable to award under these circumstances. In addition, the court awards \$83.30 in expenses and \$50 in costs that were required as a result of the defendants' unjustified non-compliance.

AND IT IS SO ORDERED.

#4
July 7, 2014



William P. Keesley, Judge

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

IN THE COURT OF APPEALS)
CASE NO.: 2014-CP-32-02210)

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AUG - 4 2014

Matt Laughridge and Matt)
Laughridge for State Senate, Inc.,)

S.C. Supreme Court

Plaintiffs,)

vs.)

**MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS**

Sewell Consultancy, and)
D. Jeffrey Sewell, individually,)

Defendants.)

I, D. Jeffrey Sewell being duly sworn, State that I am the Defendant, and that I do not have the funds available to pay the costs and fees associated with filing(s), motion(s), and or service in the aforementioned matter and notice of appeal. I hereby request that all such costs be waived, and that I be allowed to proceed In Forma Pauperis.

Sworn to and Subscribed before me)
this 4th day of August, 2014.)

Debbie M. Hopkins



Notary Public for South Carolina)

D. Jeffrey Sewell
Pro Se Defendant

My Commission expires *March 14, 2017*)

ORDER

Leave is *granted* to proceed in forma pauperis without payment of the filing fee.

Leave is *granted* to proceed in forma pauperis without payment of the service cost.

Leave is *denied* to proceed in forma pauperis.

Dated: _____, 2

JUDGE/CLERK OF COURT

Lexington , South Carolina



CERTIFICATE OF SERVICE

I, D. Jeffrey Sewell, *Pro Se*, do hereby certify that the foregoing Motion and Affidavit to Proceed in Forma Pauperis has this day August 4th, 2014 have been served on the following person(s) by either mail, fax or electronic transfer a true and correct copy, as follows:

Documents served: MOTION AND AFFIDAVID TO PROCEED IN FORMA PAUPERIS

Parties Served:

Mitchell Willoughby
PO Box 8416, Columbia, SC 29202-8416
MWilloughby@Willoughbyhoefer.com

Benjamin Parker Mustian
PO Box 8416, Columbia, SC 29202-8416
BMustian@Willoughbyhoefer.com

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AUG 04 2014
S.C. SUPREME COURT

D. Jeffrey Sewell, *Pro Se* Plaintiff
100 Sunset Boulevard
Suite 183
Columbia, SC 29169
(803) 318-3000

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AUG 05 2014
SC Court of Appeals