

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Maité D. Murphy, Circuit Court Judge

Case No. 2011-CP-07-04999

Appellate Case No. 2013-002569

RECEIVED
MAR 02 2015
SC Court of Appeals

Steffani Walther and Michael Walther, ... Appellants,

v.

Eddie Maple and Kate Maple, individually
And d/b/a Equine Management, LLC, ... Respondents.

RECORD ON APPEAL

Robert V. Mathison, Jr.
Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
T: (843) 785-6503
F: (843) 785-6170
Email: rmathlaw@aol.com
Attorney for the Appellants

Philip Florence
The Florence Law Group
871 Lowcountry Blvd
Mt. Pleasant, SC 29464
T: (843) 352-2667
F: (843) 352-2668
Email: phil@theflorencelaw.com
Attorneys for the Respondents

Hilton Head Island, South Carolina.

February 7, 2014.

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
)
) Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendants.

13 OCT 29 PM 3:28
BEAUFORT COUNTY
CLERK OF COURT
**ORDER GRANTING DEFENDANTS'
MOTION FOR SANCTIONS AGAINST
PLAINTIFFS AND DISMISSAL
WITHOUT PREJUDICE**

This matter having come before me on a motion for sanctions filed by the Defendants Eddie Maple and Kate Maple, Individually and D/B/A Equine Management, LLC, hereinafter referred to as "Defendants". Defendants were represented at the hearing by Phillip Florence, Jr. of the Florence Law Group, LLC. Neither Plaintiffs nor Plaintiffs' counsel were present at the hearing. The Court confirmed that Plaintiffs' counsel received timely notice of the date and time of the hearing. The Court further delayed the start of the hearing for approximately Thirty (30) minutes to provide Plaintiffs' counsel ample time to arrive at the hearing. Counsel for Plaintiffs did not submit any pleadings or memorandum in opposition to Defendants' Motion for Sanctions. For the reasons set forth below, the Court GRANTS Defendants' Motion for Sanctions against Plaintiffs.

This case was commenced by Plaintiffs in December of 2011 against Defendants alleging defamation and breach of contract. Plaintiffs were initially represented by represented by attorney P. Jeffrey North. The Defendants filed an Answer on January 3, 2012, and the parties engaged in the discovery process. Written discovery was exchanged and Defense Counsel

requested from Plaintiffs' counsel mutually available dates to schedule the depositions of the Plaintiffs. Plaintiffs' counsel informed Defense counsel that Plaintiffs were unavailable for deposition until the summer of 2012 due to their travelling schedule. During the summer of 2012, Defense counsel again requested available dates to schedule the depositions of the Plaintiffs. Plaintiffs' counsel stated that Plaintiffs were unavailable for depositions but indicated a willingness to resolve the matter. Discovery was put on hold while the parties engaged in settlement negotiations for the next few months.

In December 2012, Defense counsel was informed that Mr. North would no longer represent Plaintiffs in this matter. On February 6, 2013, Defense counsel was informed that Robert V. Mathison, Jr. was retained as counsel for Plaintiffs in this matter. After a status conference with the Court on February 8, 2013, counsel for both parties agreed upon a Consent Scheduling Order in which the discovery deadline was stated as August 15, 2013. Since then, Defense counsel has twice noticed and subpoenaed the depositions of Plaintiffs. Defendants first noticed the Plaintiffs' depositions for March 25, 2013, at the office of Mr. Mathison. On March 7, 2013, Defense counsel received an email from Mr. Mathison stating that he had a conflict with March 25, 2013, but was available for these depositions the entire week of April 8, 2013 and April 15, 2013. In response, Defense counsel agreed to postpone the Plaintiffs' depositions until April 8, 2013. Accordingly, Defense counsel issued an Amended Notice of Deposition and Amended Subpoena of Plaintiffs for April 8, 2013, to be taken in the office of Mr. Mathison.

On April 5, 2013, at 4:17 p.m., the Friday before the scheduled depositions, Defense counsel received an email from Plaintiffs' counsel stating that the Plaintiffs' deposition were not going forward on April 8, 2013, due to yet another scheduling conflict. In response on that same date, Defense counsel again agreed to postpone the Plaintiffs' depositions but requested that

Plaintiffs' counsel provide alternative dates for the Plaintiffs' depositions as soon as possible. Having not heard anything further from Plaintiffs' counsel and to avoid any further delays in scheduling Plaintiffs' depositions, Defendants filed a Motion to Compel Plaintiffs' depositions requesting an Order from the court requiring that Plaintiffs appear at their scheduled depositions.

On July 17, 2013, a hearing was held on Defendants' Motion to Compel before The Honorable Marvin H. Dukes, III. During the hearing, the parties agreed that Plaintiffs would appear for their depositions on or before, but no later than, August 28, 2013. On July 24, 2013, Judge Dukes issued an Order requiring Plaintiffs to appear for their depositions on or before, but no later than, August 28, 2013.

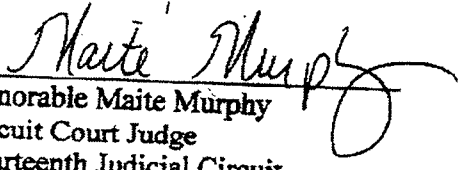
In accordance with the Order of Judge Dukes dated issued July 24, 2013, Defendants properly served a Fifth notice to Plaintiffs that their deposition were scheduled to be taken on August 28, 2013. On August 7, 2013, Plaintiffs' counsel sent an email to Defendants' counsel stating that he had an unidentified scheduling conflict with August 28, 2013, and would prefer to conduct the depositions in September of 2013. Defendants' counsel sent Plaintiffs' counsel a reply email in which he made clear that Defendants did not agree to postpone the deposition past the court ordered date of August 28, 2013. However, in the spirit of cooperation, Defense counsel did make clear that Defendants would be amenable to rescheduling the depositions to a date prior to August 28, 2013, to accommodate Plaintiffs' counsel's unidentified scheduling conflict and requested alternative dates prior to August 28, 2013. Plaintiffs' counsel did not respond to Defendants request for an alternative dates prior to August 28, 2013. Therefore, Defendants' counsel moved forward with his preparations for taking the Plaintiffs depositions on August 28, 2013.

On August 28, 2013, Defendants' counsel traveled from Charleston, S.C. to Plaintiffs' counsel's office in Hilton Head to take the court ordered and properly noticed depositions of Plaintiffs or, at the very least, to make a record of the Plaintiffs failure to appear. Defendants' counsel knocked on the front door of Plaintiffs' counsel's office with the court reporter several times but did not get a response. At that time, Defendants' counsel traveled to the offices of the court reporter and made a full record of the events related to the Defendants' multiple efforts to schedule and take the Plaintiffs' depositions.

Based upon the above stated events, Defendants filed a Motion for Sanctions pursuant to Rule 37 of the South Carolina Rules of Civil Procedure and requested that the Plaintiffs be held in contempt of court and that the Court issue the appropriate sanctions against Plaintiffs including dismissal of all causes of action in this matter with prejudice, and award Defendants' attorney's fees and costs.

The Court grants Defendants' Motion for Sanction and further finds that Plaintiffs have willfully and intentionally failed to appear for their properly noticed depositions on multiple occasions. Additionally, in accordance with the discretion afforded to the Court pursuant to Rule 37 of the South Carolina Rules of Civil Procedure, this Court orders, as sanctions against Plaintiffs, the dismissal of the Plaintiffs' case without prejudice and that Plaintiffs pay reasonable and customary attorney's fees and costs related to Defense counsel's time and efforts to schedule and take Plaintiffs' depositions in the amount of \$9,691.18.

AND IT IS SO ORDERED.


Honorable Maite Murphy
Circuit Court Judge
Fourteenth Judicial Circuit

October 29 2013
Beaufort, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)
)
Steffani Walther and Michael Walther,)
)
Plaintiffs,)
)
Vs.)
)
Eddie Maple and Kate Maple.,)
)
Defendants)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CASE NO: 2011-CP-07-04999

ORDER

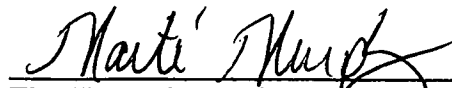
This matter came before this Court by way of Plaintiff's Motion to Alter or Amend Judgment and to Reconsider filed on November 29th, 2013. Plaintiff's Motion recites that it seeks relief from an Order of this Court granting Defendant's Motion for Sanctions on October 29th, 2013. Additionally, the Court reviewed all of the exhibits attached to the Plaintiff's Motion. Oral argument would not assist the Court in ruling on this motion.

Because the Plaintiff's Motion does not raise any novel issues for the Court's consideration, the Plaintiff's Motion for Relief from Judgment is **DENIED**.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

That Plaintiff's Motion To Alter or Amend this Court's Order granting Defendants Motion for Sanctions be, and the same hereby is, **DENIED**.

AND IT IS SO ORDERED this 22 day of January, 2014, at S. Hayes South Carolina.



The Honorable Maité Murphy
Circuit Judge, At-Large Seat #15

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
)
)

Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendants.

ORDER

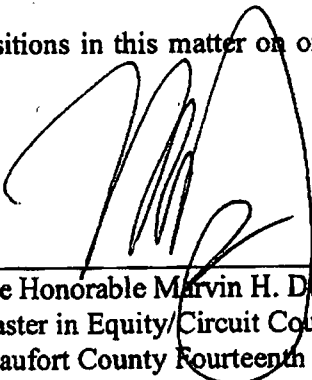
2013 JUL 24 PM 3:30
CLERK OF COURT
BEAUFORT COUNTY, S.C.

This matter having come before me on a motion to compel Plaintiffs' depositions filed by the Defendants. Plaintiffs were represented at the hearing by Robert V. Mathison, of Mathison & Mathison; and Defendants were represented at the hearing by Phillip Florence, Jr. of The Florence Law Group, LLC. The parties agree they have resolved the above matter subject to the following terms and conditions which the Court hereby adopts as its findings of fact and conclusions of law:

1. Plaintiffs filed this case on November 30, 2011, and were represented by attorney P. Jeffrey North. The Defendants filed an Answer on January 3, 2012, and the parties engaged in the discovery process.
2. Defendants have made numerous attempts to schedule the Plaintiffs' depositions and have issued four separate Notices of Depositions to take Plaintiffs deposition during the discovery process in this case. Plaintiffs' counsel has cancelled all scheduled and noticed deposition dates due to scheduling conflicts and/or physical ailments.

3. Plaintiffs are required to appear for their depositions in this matter on or before, but no later than, August 28, 2013.

AND IT IS SO ORDERED.



The Honorable Marvin H. Dukes, III
Master in Equity/Circuit Court Judge
Beaufort County Fourteenth Judicial Circuit

Beaufort, South Carolina
July 24, 2013

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2011CP0704999

13 NOV 18 PM 3:03

Steffani Walther

Michael Walther

Eddie Maple
Equine Management Llc

Kate Maple

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

Motion for Sanctions Against Plaintiffs filed by Eddie Maple 9/27/2013 is granted and this case is dismissed w/o prejudice.

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)
Eddie & Kate Maple	Steffani & Michael Walther	\$9,691.18

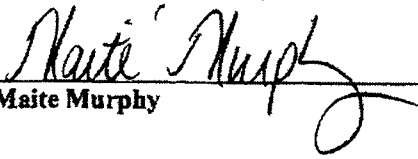
If applicable, describe the property, including tax map information and address, referenced in the order:

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.

CPFORM4Cm

SCCA SCRPC Form 4C (Revised 3/2013)

10


Honorable Maite Murphy

2166

Judge Code

Date

11/15/13

For Clerk of Court Office Use Only

This judgment was entered on 12 NOV 13, and a copy mailed first class or placed in the appropriate attorney's box on 12 NOV 13 to attorneys of record or to parties (when appearing pro se) as follows:

Robert V. Mathison Jr. PO Box 5271 Hilton Head Island,
SC 29938

Phillip Florence Jr. PO Box 22497 Charleston, SC 29413-
2497

Robert Nicholas C. Felix PO Drawer 3 Hilton Head Island,
SC 29938-0

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter


Jerri Ann Roseneau - 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.

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS

2013 NOV 18 PM 1:42

Civil Action No.: 2011-CP-07-4999

JEFFREY A. ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

13 OCT 2013
BEAUFORT COUNTY, S.C.
CLERK OF COURT

ORDER GRANTING DEFENDANTS'
MOTION FOR SANCTIONS AGAINST
PLAINTIFFS AND DISMISSAL
WITHOUT PREJUDICE

This matter having come before me on a motion for sanctions filed by the Defendants Eddie Maple and Kate Maple, Individually and D/B/A Equine Management, LLC, hereinafter referred to as "Defendants". Defendants were represented at the hearing by Phillip Florence, Jr. of the Florence Law Group, LLC. Neither Plaintiffs nor Plaintiffs' counsel were present at the hearing. The Court confirmed that Plaintiffs' counsel received timely notice of the date and time of the hearing. The Court further delayed the start of the hearing for approximately Thirty (30) minutes to provide Plaintiffs' counsel ample time to arrive at the hearing. Counsel for Plaintiffs did not submit any pleadings or memorandum in opposition to Defendants' Motion for Sanctions. For the reasons set forth below, the Court GRANTS Defendants' Motion for Sanctions against Plaintiffs.

This case was commenced by Plaintiffs in December of 2011 against Defendants alleging defamation and breach of contract. Plaintiffs were initially represented by represented by attorney P. Jeffrey North. The Defendants filed an Answer on January 3, 2012, and the parties engaged in the discovery process. Written discovery was exchanged and Defense Counsel

requested from Plaintiffs' counsel mutually available dates to schedule the depositions of the Plaintiffs. Plaintiffs' counsel informed Defense counsel that Plaintiffs were unavailable for deposition until the summer of 2012 due to their travelling schedule. During the summer of 2012, Defense counsel again requested available dates to schedule the depositions of the Plaintiffs. Plaintiffs' counsel stated that Plaintiffs were unavailable for depositions but indicated a willingness to resolve the matter. Discovery was put on hold while the parties engaged in settlement negotiations for the next few months.

In December 2012, Defense counsel was informed that Mr. North would no longer represent Plaintiffs in this matter. On February 6, 2013, Defense counsel was informed that Robert V. Mathison, Jr. was retained as counsel for Plaintiffs in this matter. After a status conference with the Court on February 8, 2013, counsel for both parties agreed upon a Consent Scheduling Order in which the discovery deadline was stated as August 15, 2013. Since then, Defense counsel has twice noticed and subpoenaed the depositions of Plaintiffs. Defendants first noticed the Plaintiffs' depositions for March 25, 2013, at the office of Mr. Mathison. On March 7, 2013, Defense counsel received an email from Mr. Mathison stating that he had a conflict with March 25, 2013, but was available for these depositions the entire week of April 8, 2013 and April 15, 2013. In response, Defense counsel agreed to postpone the Plaintiffs' depositions until April 8, 2013. Accordingly, Defense counsel issued an Amended Notice of Deposition and Amended Subpoena of Plaintiffs for April 8, 2013, to be taken in the office of Mr. Mathison.

On April 5, 2013, at 4:17 p.m., the Friday before the scheduled depositions, Defense counsel received an email from Plaintiffs' counsel stating that the Plaintiffs' deposition were not going forward on April 8, 2013, due to yet another scheduling conflict. In response on that same date, Defense counsel again agreed to postpone the Plaintiffs' depositions but requested that

Plaintiffs' counsel provide alternative dates for the Plaintiffs' depositions as soon as possible. Having not heard anything further from Plaintiffs' counsel and to avoid any further delays in scheduling Plaintiffs' depositions, Defendants filed a Motion to Compel Plaintiffs' depositions requesting an Order from the court requiring that Plaintiffs appear at their scheduled depositions.

On July 17, 2013, a hearing was held on Defendants' Motion to Compel before The Honorable Marvin H. Dukes, III. During the hearing, the parties agreed that Plaintiffs would appear for their depositions on or before, but no later than, August 28, 2013. On July 24, 2013, Judge Dukes issued an Order requiring Plaintiffs to appear for their depositions on or before, but no later than, August 28, 2013.

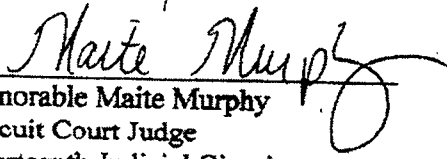
In accordance with the Order of Judge Dukes dated issued July 24, 2013, Defendants properly served a Fifth notice to Plaintiffs that their deposition were scheduled to be taken on August 28, 2013. On August 7, 2013, Plaintiffs' counsel sent an email to Defendants' counsel stating that he had an unidentified scheduling conflict with August 28, 2013, and would prefer to conduct the depositions in September of 2013. Defendants' counsel sent Plaintiffs' counsel a reply email in which he made clear that Defendants did not agree to postpone the deposition past the court ordered date of August 28, 2013. However, in the spirit of cooperation, Defense counsel did make clear that Defendants would be amenable to rescheduling the depositions to a date prior to August 28, 2013, to accommodate Plaintiffs' counsel's unidentified scheduling conflict and requested alternative dates prior to August 28, 2013. Plaintiffs' counsel did not respond to Defendants request for an alternative dates prior to August 28, 2013. Therefore, Defendants' counsel moved forward with his preparations for taking the Plaintiffs depositions on August 28, 2013.

On August 28, 2013, Defendants' counsel traveled from Charleston, S.C. to Plaintiffs' counsel's office in Hilton Head to take the court ordered and properly noticed depositions of Plaintiffs or, at the very least, to make a record of the Plaintiffs failure to appear. Defendants' counsel knocked on the front door of Plaintiffs' counsel's office with the court reporter several times but did not get a response. At that time, Defendants' counsel traveled to the offices of the court reporter and made a full record of the events related to the Defendants' multiple efforts to schedule and take the Plaintiffs' depositions.

Based upon the above stated events, Defendants filed a Motion for Sanctions pursuant to Rule 37 of the South Carolina Rules of Civil Procedure and requested that the Plaintiffs be held in contempt of court and that the Court issue the appropriate sanctions against Plaintiffs including dismissal of all causes of action in this matter with prejudice, and award Defendants' attorney's fees and costs.

The Court grants Defendants' Motion for Sanction and further finds that Plaintiffs have willfully and intentionally failed to appear for their properly noticed depositions on multiple occasions. Additionally, in accordance with the discretion afforded to the Court pursuant to Rule 37 of the South Carolina Rules of Civil Procedure, this Court orders, as sanctions against Plaintiffs, the dismissal of the Plaintiffs' case without prejudice and that Plaintiffs pay reasonable and customary attorney's fees and costs related to Defense counsel's time and efforts to schedule and take Plaintiffs' depositions in the amount of \$9,691.18.

AND IT IS SO ORDERED.


Honorable Maite Murphy
Circuit Court Judge
Fourteenth Judicial Circuit

October 29 2013
Beaufort, South Carolina

STEFFANI WALTHER and
MICHAEL WALTHER

Plaintiff(s)

vs.

EDDIE MAPLE and KATE MAPLE
individually, and d/b/a
EQUINE MANAGEMENT LLC

Defendant(s)

CIVIL ACTION COVERSHEET

2011-CP - 4990

2011 NOV 30 PM 12:37

CLERK OF COURT
BEAUFORT COUNTY, S.C.

(Please Print)

Submitted By: P. JEFFREY NORTH, ESQ.

Address: PO BOX 7525

HILTON HEAD SC 29938

SC Bar #: 73031

Telephone #: 843-341-5200

Fax #: 888-487-7624

Other:

E-mail: attorney@pjnorth.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

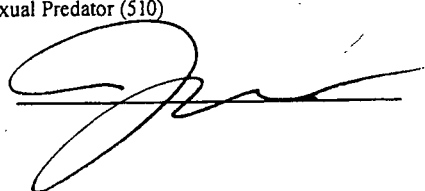
*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|--|---|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20____-CP-_____
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☒ Assault/Slander/Libel (300)
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Other (399) | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Other (799) | Administrative Law/Relief
☐ Reinstatement Driver's License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Commission (990)
☐ Employment Security Comm (991)
☐ Other (999) |
| Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) | | | |
| ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Sexual Predator (510) | | | |

Submitting Party Signature:



Date: November 30, 2011

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

STEFFANI WALTHER and
MICHAEL WALTHER

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
individually, and d/b/a
EQUINE MANAGEMENT LLC

Defendants.

IN THE COURT OF COMMON PLEAS
CASE NO. #: 2011-CP-4999

SUMMONS
(JURY TRIAL DEMANDED)

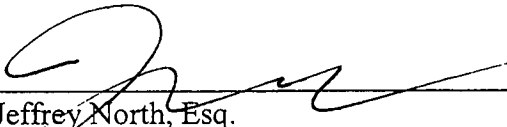
2011 NOV 30 PM 12:37
ERIN A. ROSENEAU
BEAUFORT COUNTY S.C.
CLERK OF COURT

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your Answer to said Complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

THE LAW OFFICE OF P. JEFFREY NORTH LLC

By:


P. Jeffrey North, Esq.
Post Office Box 7525
Hilton Head Island, SC 29938
(843) 341-5200 Fax (888) 487-7624
ATTORNEY FOR PLAINTIFF

Hilton Head Island, SC
November 30, 2011

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

STEFFANI WALTHER and
MICHAEL WALTHER

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
individually, and d/b/a
EQUINE MANAGEMENT LLC

Defendants.

IN THE COURT OF COMMON PLEAS
CASE NO. #: 2011-CP- 4999

COMPLAINT
(JURY TRIAL DEMANDED)

2011 NOV 30 PM 12:37
JENNIFER ROSENEAU
CLERK OF COURT
BEAUFORT COUNTY, S.C.

The Plaintiffs, Steffani Walther and Michael Walther, complaining of the Defendants Eddie Maple, Kate Maple and Equine Management LLC would allege and show unto the Court as follows:

Statement of Facts

1. Plaintiffs Steffani Walther and Michael Walther reside in Rose Hill Plantation, Bluffton, South Carolina, and they are residents and citizens of Beaufort County, South Carolina.
2. Upon information and belief, Defendants Eddie Maple and Kate Maple are residents of Beaufort County, South Carolina.
3. Upon information and belief, Defendants Eddie Maple and Kate Maple are doing business in Beaufort County, South Carolina, individually, and they are doing business as Equine Management LLC.

4. Equine Management LLC is a South Carolina limited liability company in good standing, with its principal place of business in Beaufort County, South Carolina, where it does most of its business.

5. Defendants Eddie Maple and Kate Maple, individually, and d/b/a Equine Management LLC, manage and operate the Rose Hill Equestrian Center (hereinafter "RHEC") located within the Rose Hill Plantation (hereinafter "RHP") in Bluffton SC.

6. Upon information and belief, at all times relevant to the allegations contained herein, Defendants Eddie Maple and Kate Maple were acting as agents and/or employees in the course and scope of their employment with Defendant Equine Management LLC.

7. Plaintiffs Steffani Walther and Michael Walther are the owners of two horses named Cir Richard and Boone Hall.

8. Plaintiff Steffani Walther is a fully certified Senior Adult Amateur who competes and shows her horses full-time, year-round in many settings and locations throughout the United States and, as such, riding is her full-time profession.

9. On or about June 2010, Defendants Eddie Maple and Kate Maple, individually, and d/b/a Equine Management LLC entered into a contract with Plaintiffs Steffani Walther and Michael Walther pursuant to which the Plaintiffs agreed to board their two horses at the RHEC for a fee.

10. This arrangement continued for many months during which Defendant Eddie Maple was rude, abusive, and verbally and physically threatening to Plaintiff Steffani Walther on numerous occasions while she was on-site at the RHEC.

11. On November 4, 2011 at about 3:30 pm, Plaintiff Steffani Walther received a telephone call from Defendant Eddie Maple in which he demanded that she meet him at the RHEC immediately.

12. Upon information and belief, since Plaintiff Michael Walther had not administered medication to the horses on the morning of November 4, 2011, as was his practice, Defendant Eddie Maple was aware that Plaintiff Michael Walther was out of town and would not be available to accompany his wife to the RHEC as Defendant Maple had demanded she do.

13. As a result of the phone call, Mrs. Walther was concerned about the safety of her animals and in compliance with Defendant Maple's urgent demand, she went quickly to the RHEC. Upon Mrs. Walther's arrival at the RHEC following the telephone call, Defendant Eddie Maple in a loud and abusive tone of voice accused Plaintiff Steffani Walther of gross negligence in the care of her horse, Cir Richard. Defendant Eddie Maple cornered Plaintiff Steffani Walther at the barn and coming within inches of her person, Defendant Eddie Maple shouted at Mrs. Walther that he would "call the sheriff" on her if she did not call the vet immediately. In a loud and threatening tone of voice, Defendant Eddie Maple declared that Plaintiff Steffani Walther must do as he demanded "or else." Because she was hemmed in by Defendant Maple against the wall of the barn, Plaintiff Steffani Walther reasonably assumed that Defendant Eddie Maple's ominous "or else" meant further verbal abuse and, possibly, violence against her physical person.

14. Thereafter, and in reasonable apprehension of further verbal abuse and possibly harm to her person at the hands of Defendant Eddie Maple, Plaintiff Steffani Walther filed

an Incident Report with the Beaufort County Sheriff, and requested RHP Security to accompany her on her subsequent visits to the RHEC.

15. In retaliation against Plaintiff Steffani Walther for reporting Defendant Eddie Maple's abusive and threatening conduct toward Plaintiff Steffani Walther to the Sheriff as aforesaid, Defendants Eddie Maple and Kate Maple, individually, and d/b/a Equine Management LLC, defamed Plaintiff Steffani Walther in the letter and email attached hereto as Exhibits "A" and "B."

16. In further retaliation against Plaintiff Steffani Walther for reporting Defendant Eddie Maple's abusive and threatening conduct toward Plaintiff Steffani Walther as aforesaid, Defendants Eddie Maple and Kate Maple, individually, and d/b/a Equine Management LLC, have refused to refund advance rental payments in the amount of \$1,810.00 made to them by the Plaintiffs who have demanded a return of the money.

FIRST CAUSE OF ACTION

(Defamation)

17. Plaintiffs repeat and reiterate the foregoing paragraphs as though fully restated herein verbatim.

18. On or about November 5, 2011, Defendants Eddie Maple and Kate Maple, individually, and d/b/a Equine Management LLC, published a letter, a copy of which is attached hereto as Exhibit "A," addressed to the RHP Property Owners Association, the General Manager, RHP, and the Chief of Security, RHP in which Defendants stated that "... (i)t is our opinion as Managers of the Center that Mrs. Walther' (sic) horse "Richard" is in pain and stress and in need of immediate veterinary care. When attempting to discuss this matter, Mrs. Walther refused having the veterinarian come"

19. On or about November 5, 2011, Defendant Kate Maple, individually, and d/b/a Equine Management LLC, published an email, a copy of which is attached hereto as Exhibit "B." addressed to approximately eighteen individuals, all as shown on the face of the email, in which Defendant Kate Maple stated as follows:

i just wanted to let everyone know ... steffani walther called the sheriff (unbeknowns to us) on maple, because he (maple) felt that her horse needed a vet ... totally swollen leg that seemed to be discovered by her farrier kept secret from us and got worse after he shod him ... now leg is totally swollen and we asked her to call vet and she refused .. end of story she called the general manager and apparently needed a security person to walk her into the barn ... fearing eddie / fearing eddie sooooo much she called the sheriff just to let u know we are asking her to leave the barn tomorrow, i think she has offended all of us enuf ... natesha and everyone else this farrier is Kenny not mark ... i think mrs walther has screamed at everyone in the barn, including me one too many times. i know we seem tooooooo concerned, but we are polite, make nothing and only care about these animals ... she has been very abusive to our boarders if anyone protests let me know. Kate

20. The aforesaid letter and email referred to Plaintiff Steffani Walther by name throughout, was made of and concerning the Plaintiff Steffani Walther, and was so understood by those who read the letter and email to mean that Plaintiff Steffani Walther was grossly negligent in her care of her horse.

21. The aforesaid statements and implications are false as it pertains to Plaintiff Steffani Walther in that the Plaintiff Steffani Walther did consult her veterinarian, and was assured by him and by the farrier that the animal was in no danger, and that it was a mere stone bruise which should be monitored.

22. The aforesaid letter (echoed by the email) further stated that "Mrs. Walther claims to be in fear of our Manager Eddie Maple and has insisted upon Rose Hill security escorting her to the barn."

23. The aforesaid letter and email referred to Plaintiff Steffani Walther by name throughout, was made of and concerning the plaintiff, and was so understood by those who read the letter and email to mean that Plaintiff Steffani Walther was being false and

dishonest in claiming to be afraid of Defendant Eddie Maple, and in requesting that RHP Security accompany her to the RHEC.

24. The aforesaid statements and implications are false as they pertain to Plaintiff Steffani Walther in that the Plaintiff Steffani Walther was justifiably afraid of Defendant Eddie Maple who had been verbally abusive and physically threatening to her when she visited the barn on November 4, 2011 in response to his urgent demand that she meet him there as described above.

25. The statements and implications contained in the aforesaid letter and email are defamatory on their face. The letter and email clearly expose Plaintiff Steffani Walther to hatred, contempt, ridicule and obloquy because they charge Plaintiff Steffani Walther with being grossly negligent in the care of her horse, with being false and dishonest, and depict her in other false and pejorative lights.

26. Upon information and belief, the letter and email were seen and read on or about November 5, 2011 by the many recipients to whom they were sent.

27. As a proximate result of the above-described publication of the letter and the email, Plaintiff Steffani Walther has suffered loss of her personal and professional reputation, shame, mortification, and injury to her feelings, all to her damage in a total amount to be established by proof at trial.

28. The above-described publications were not privileged because they were published by Defendants Eddie Maple and Kate Maple, individually, and d/b/a Equine Management LLC, with malice, hatred and ill will toward Plaintiff Steffani Walther, and with the desire to retaliate against her for having reported Defendant Eddie Maple's abusive and threatening conduct toward her to the Sheriff as aforesaid. Because of

defendants' malice in publishing the letter and the email, Plaintiff Steffani Walther seeks punitive damages in a total amount to be established by proof at trial.

29. The Plaintiffs are informed and believe that the libelous statements made by the Defendants described herein and in the attachments hereto are defamatory *per se*.

30. The Plaintiffs are informed and believe that the Defendants' widely published defamations of Plaintiff Steffani Walther falsely and maliciously impugn her fitness in her profession and business. Accordingly, the aforesaid defamations are actionable *per se*.

31. The Plaintiffs are informed and believe that they are entitled to judgment against the Defendants for general, special, legally presumed and punitive damages in an amount to be determined at trial, for attorneys fees, costs, and for prejudgment interest pursuant to statute, all in such amounts as the evidence at trial will show.

SECOND CAUSE OF ACTION

(Intentional Infliction of Emotional Distress / Outrage)

32. Plaintiffs repeat and reiterate the foregoing paragraphs as though fully restated herein verbatim.

33. As described herein and above, Defendants Eddie Maple and Kate Maple, individually, and d/b/a Equine Management LLC, intentionally and/or recklessly inflicted severe emotional distress upon the Plaintiffs Michael Walther and Steffani Walther.

34. The conduct described herein was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious, and utterly intolerable in a civilized community.

35. The wrongful conduct of Defendants Eddie Maple and Kate Maple, individually, and d/b/a Equine Management LLC, caused the Plaintiffs emotional distress.

36. The emotional distress suffered by the Plaintiffs was so severe that no reasonable person could be expected to endure it.

37. The Plaintiffs are informed and believe that they are entitled to judgment against the Defendants for general, special, legally presumed and punitive damages in an amount to be determined at trial, for attorneys fees, costs, and for prejudgment interest pursuant to statute, all in such amounts as the evidence at trial will show.

THIRD CAUSE OF ACTION

(Breach of Contract)

38. Plaintiffs repeat and reiterate the foregoing paragraphs as though fully restated herein verbatim.

39. The arrangement between Plaintiffs Steffani Walther and Michael Walther on the one hand, and Defendants Eddie Maple and Kate Maple, individually, and d/b/a Equine Management LLC, on the other, constitutes a binding contract entered into between the Plaintiffs and the Defendants.

40. Defendants have breached the binding contract and/or unjustifiably failed to perform pursuant to the terms of the contract.

41. Plaintiffs have suffered damage as a direct and proximate result of the Defendants' breach.

42. The Plaintiffs are informed and believes that they are entitled to judgment against the Defendants for actual, incidental and consequential damages for breach of contract in an amount to be determined at trial, for attorneys fees, costs, and for prejudgment interest pursuant to statute, all in such amounts as the evidence at trial will show.

FOURTH CAUSE OF ACTION

(Promissory Estoppel)

43. Plaintiffs repeat and reiterate the foregoing paragraphs as though fully restated herein verbatim.

44. The aforesaid contract constitutes a promise unambiguous in its terms by the Defendants.

45. Plaintiffs reasonably relied on the promises contained in the contract.

46. Plaintiffs' reliance was expected and foreseeable by the Defendants who made said promises.

47. Plaintiffs have been injured through their reliance on Defendants' promises.

48. The Plaintiffs are informed and believe that they are entitled to judgment against the Defendants for damages for promissory estoppel in an amount to be determined at trial, for attorneys fees, and for prejudgment interest pursuant to statute, all in such amounts as the evidence at trial will show.

FIFTH CAUSE OF ACTION

(Unjust Enrichment)

49. Plaintiffs repeat and reiterate the foregoing paragraphs as though fully restated herein verbatim.

50. Plaintiffs advance rental payments to Defendants were a non-gratuitous benefit conferred by Plaintiffs upon Defendants which Defendants accepted.

51. The Defendants retention of the advance rental payments under the circumstances described herein is inequitable.

52. The Plaintiffs are informed and believe that they are entitled to judgment against the Defendants for damages for unjust enrichment in an amount to be determined at trial, for attorneys fees, costs and for prejudgment interest pursuant to statute.

WHEREFORE, having fully set forth their Complaint against the Defendants, Plaintiffs pray that the Court inquire into the matters set forth herein and issue its Order as follows:

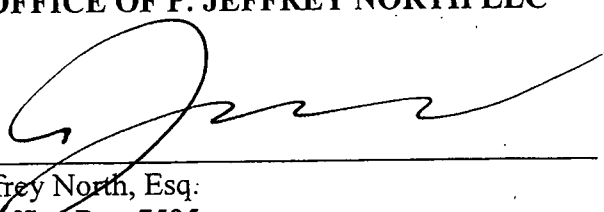
1. Granting judgment against the Defendants for actual, incidental, and consequential damages plus attorneys fees, costs and prejudgment interest in an amount to be determined at trial; and

2. Granting judgment against the Defendants for general, special, legally presumed and punitive damages in an amount to be determined at trial, for attorneys fees, costs and for prejudgment interest pursuant to statute, all in such amounts as the evidence at trial will show.

2. Granting such other and further relief as the Court deems just and proper.

THE LAW OFFICE OF P. JEFFREY NORTH LLC

By: _____


P. Jeffrey North, Esq.
Post Office Box 7525
Hilton Head Island, SC 29938
(843) 341-5200 Fax (888) 487-7624
ATTORNEY FOR PLAINTIFF

Hilton Head Island, SC
November 30, 2011

EXHIBIT "A"

EQUINE MANAGEMENT

Eddie Maple, Director

Kate Maple, Assistant

Rose Hill Equestrian Center

*Rose Hill Way
Bluffton, SC 29910*

November 5, 2011

Rose Hill Property Owners Association
Attn: Chairman

General Manager Rose Hill Plantation

Chief of Security Rose Hill Plantation

Re: Steffani Walther
Boarder at Rose Hill Equestrian Center

Dear Sirs and Madams:

Please be advised of the following events of November 4, 2011 at the Equestrian Center regarding our boarder Steffani Walther.

It is our opinion as Managers of the Center that Mrs.

Walther' horse "Richard" is in pain and stress and in need of immediate veterinary care.

When attempting to discuss this matter, Mrs. Walther refused having the veterinarian come and became irate with us. At no time was she threatened.

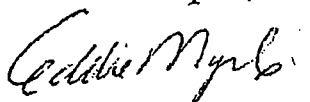
From that conversation of November 4, 2011 Mrs. Walther claims to be in fear of our Manager Eddie Maple and has insisted upon Rose Hill security escorting her to the barn.

Rose Hill's general manager has approved these escorts and we were never consulted about these events. These escorts are absolutely unnecessary.

We have operated this Center for over 5 years without any such incidents or claims occurring. We can't explain Mrs. Walther's motives, but want the record to be clear. She has not been threatened. We are at a loss as to why these actions are being taken by the General Manager without the courtesy of even consulting us.

Very truly yours,

Eddie Maple, Director



Kate Maple, Assistant

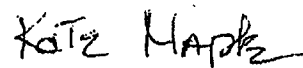


EXHIBIT "B"

steffani@waltheredge.com

From: Kim [oldmthrh@aol.com]
Sent: Saturday, November 05, 2011 12:42 PM
To: steffani@waltheredge.com
Subject: Fwd:

-----Original Message-----

From: katemaple <katemaple@aol.com>
To: dogtana <dogtana@roadrunner.com>; hathaway <hathaway@hargray.com>; OLDMTHRHUB <OLDMTHRHUB@AOL.COM>; amcargile <amcargile@yahoo.com>; lalab20 <lalab20@hotmail.com>; ccrduncan <ccrduncan@hotmail.com>; lalab20 <lalab20@hotmail.com>; bigcyn <bigcyn@catlover.com>; cheryl.Metz <cheryl.Metz@htc.hargray.com>; Danyg <Danyg@aol.com>; jenniferdowdne <jenniferdowdne@gmail.com>; judik <judik@hargray.com>; Danyg <Danyg@aol.com>; jumpforfun <jumpforfun@pol.net>; artikelberg <artikelberg@gmail.com>; amcargile <amcargile@yahoo.com>; amcargile <amcargile@hotmail.com>; sacargile <sacargile@yahoo.com>
Sent: Fri, Nov 4, 2011 9:11 pm

i just wanted to let everyone know...steffani walther called the sheriff (unbeknowns to us) on maple ,because he (maple) felt that her horse needed a vet...totally swollen leg that seemed to be discovered by her farrier.....kept secret from us.... and got worse after he shod him...now leg is totally swollen and we asked her to call vet and she refused..end of story....she called the general manager and apparently needed a security person to walk her into the barn...fearing eddie/fearing eddie sooooo much she called the sheriff.....just to let u know we are asking her to leave the barn tomorrow, i think she has offended all of us enuf...natasha and everyone else....this farrier is kenny not mark...i think mrs walther has screamed at everyone in the barn including me one too many times.i know we seem toooooo concerned ,but we are polite ,make nothing and only care abt these animals....she has been very abusive to our boarders.....if anyone protests let me know.kate

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS

Docket No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL WALTHER,)

Plaintiffs,)

v.)

EDDIE MAPLE and KATE MAPLE,)
INDIVIDUALLY and D/B/A EQUINE)
MANAGEMENT, LLC,)

Defendants.)

**DEFENDANTS' ANSWER TO THE
COMPLAINT**
(Jury Trial Requested)

The Defendants, Eddie Maple and Kate Maple individually and d/b/a Equine Management, LLC, answer Plaintiffs' Complaint as follows:

FOR A FIRST DEFENSE

1. Defendants admit the allegations of Paragraphs 1, 2, 3, 4, 5 and 6 of the Complaint upon information and belief.

2. Defendants lack sufficient information upon which to form a belief as to the truth and veracity of Paragraphs 7 and 8 of the Complaint and, therefore, deny same and demand strict proof thereof.

3. Defendants admit only so much of Paragraph 9 of the Complaint that alleges that Plaintiffs entered into a verbal agreement for a month to month lease for a stall for each of two horses. As to the remaining allegations of Paragraph 9 of the Complaint, Defendants deny same and demand strict proof thereof.

4. Defendants deny the allegations of Paragraphs 10, 11, 12, 13, 14, 15 and 16 of the Complaint.

5. In response to paragraph 17 of said Complaint, Defendants reaffirm and reallege the contents of the preceding paragraphs together as if set forth again verbatim.

6. Defendants admit the allegations of Paragraph 18 of the Complaint that are consistent with the contents of the actual letter and would crave reference to the

actual letter as the best evidence of its contents. Defendants deny any allegations of Paragraph 18 that are inconsistent with the actual contents of the identified letter.

7. Defendants admit only so much of Paragraph 19 of the Complaint that alleges that Kate Maple authored an email on or about November 5, 2011, a copy of which is attached to the Complaint as "Exhibit B". Defendants deny the remaining allegations of Paragraph 19 of the Complaint and further deny any allegations of Paragraph 19 that are inconsistent with the actual contents of the identified email.

8. Defendants deny the allegations of Paragraphs 20 and 21 of the Complaint.

9. Defendants admit the allegations of Paragraph 22 of the Complaint that are consistent with the contents of the actual letter and would crave reference to the actual letter as the best evidence of its contents. Defendants deny any allegations of Paragraph 22 that are inconsistent with the actual contents of the identified letter.

10. Defendants deny the allegations of Paragraphs 23, 24 and 25 of the Complaint.

11. Defendants lack sufficient information upon which to form a belief as to the truth and veracity of Paragraph 26 of the Complaint and, therefore, deny same and demand strict proof thereof.

12. Defendants deny the allegations of Paragraphs 27, 28, 29, 30 and 31 of the Complaint.

13. In response to paragraph 32 of said Complaint, Defendants reaffirm and reallege the contents of the preceding paragraphs together as if set forth again verbatim.

14. Defendants deny the allegations of Paragraphs 33, 34, 35, 36 and 37 of the Complaint.

15. In response to paragraph 38 of said Complaint, Defendants reaffirm and reallege the contents of the preceding paragraphs together as if set forth again verbatim.

16. Defendants submit that the allegations of Paragraph 39 of the Complaint are legal conclusions which can neither be admitted nor denied at this time.

17. Defendants deny the allegations of Paragraphs 40, 41 and 42 of the Complaint.

18. In response to paragraph 43 of said Complaint, Defendants reaffirm and reallege the contents of the preceding paragraphs together as if set forth again verbatim.

19. Defendants deny the allegations of Paragraphs 44, 45, 46, 47 and 48 of the Complaint.

20. In response to paragraph 49 of said Complaint, Defendants reaffirm and reallege the contents of the preceding paragraphs together as if set forth again verbatim.

21. Defendants deny the allegations of Paragraphs 50, 51 and 52 of the Complaint.

22. Defendants deny each and every allegation contained in the Complaint not specifically admitted or otherwise explained above.

FOR A SECOND DEFENSE

23. Defendants deny making the statements attributed to them in Plaintiff's Complaint. However, as to any statements that were made by any of the Defendants, the Defendants plead the truth of those statements as an absolute defense.

FOR A THIRD DEFENSE

24. Defendants allege that, to the extent the any statements were made or issued about Plaintiff, any and all statements were based upon reasonable grounds and beliefs, were done or uttered in good faith, were sufficiently limited in scope and nature, and were made only to persons sharing an appropriate common interest; by reason of which any such statements were absolutely and/or qualifiedly privileged.

FOR A FOURTH DEFENSE

25. Defendants allege that, to the extent the Defendants made or issued any statements about Plaintiff, any such statements were made in good faith and in the absence of malice and, therefore, were not defamatory or actionable.

FOR A FIFTH DEFENSE

26. Defendants allege that there was no publication of any defamatory statements regarding Plaintiff by the Defendants that would be sufficient to support a

defamation claim under South Carolina law, and, therefore, Plaintiffs defamation claims should be dismissed.

FOR A SIXTH DEFENSE

27. Defendants allege that any and all statements made by Defendants about Plaintiff were not defamatory, slanderous or libelous. Further any and all statements made by Defendants about Plaintiff within the corporation were made in good faith and in furtherance of their legitimate business purposes and therefore privileged.

FOR A SEVENTH DEFENSE

28. Defendants allege that, to the extent that any statements were made or issued about Plaintiff, any and all statements were based upon reasonable grounds and beliefs, were done or uttered in good faith without actual malice, were sufficiently limited in scope and nature, and, therefore, any such statements were qualifiedly privileged.

FOR AN EIGHTH DEFENSE

29. Defendants allege that, to the extent the any statements were made or issued about Plaintiff in any judicial and/or administrative proceeding, any and all such statements are subject to an absolute privilege.

FOR A NINTH DEFENSE

30. Plaintiff's causes of action for outrage and intentional infliction of emotional distress fail to state facts sufficient to constitute a cause of action and should be dismissed pursuant to Rule 12(b)(6) of the S. C. Rules of Civil Procedure.

WHEREFORE, Defendants demand judgment in their favor dismissing the Complaint and awarding costs and such further relief as the Court deems just and equitable.

TURNER PADGET

Phillip Florence, Jr.

Post Office Box 22129

Charleston, South Carolina 29413-2129

Telephone: 843-576-2828

Facsimile: 843-577-1627

Email: pflorence@turnerpadget.com

ATTORNEYS FOR DEFENDANTS

Charleston, South Carolina
December 29, 2011

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
)
)

Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendants.

**NOTICE OF MOTION AND MOTION
AND MEMORANDUM
FOR SANCTIONS AGAINST PLAINTIFFS**

TO: ROBERT V. MATHISON JR., ATTORNEY FOR PLAINTIFFS:

YOU WILL PLEASE TAKE NOTICE that the Defendants, by and through their undersigned Counsel, in accordance with Rule 37 of the South Carolina Rules of Civil Procedure, will move before the Presiding Judge of the Fourteenth Judicial Circuit at the Beaufort County Courthouse in Beaufort, South Carolina, on the tenth (10th) day after service hereof or as soon thereafter as the parties might be heard for an Order for Sanctions against Plaintiffs including, but not limited to, Plaintiffs be held in contempt of court, dismissal of all causes of action with prejudice and award Defendants' attorney's fees and costs. The grounds for this Motion are that Plaintiffs willfully and intentionally failed to participate in good faith in the discovery process, willfully and intentionally failed and refused to appear for properly noticed depositions, and have failed to prosecute this matter. More specifically, Plaintiffs and Plaintiffs' counsel have cancelled Plaintiffs' scheduled depositions on at least Five (5) separate occasions for unjustified and insufficient reasons and/or without any valid reason at all. Additionally, Plaintiffs willfully and intentionally ignored the Order of this Court issued by The

Honorable Marvin H. Dukes, III, issued on July 24, 2013, which required that Plaintiffs appear for their depositions on or before, but no later than, August 28, 2013. Defendants properly noticed Plaintiffs depositions for August 28, 2013, and again Plaintiffs willfully refused to appear. Plaintiffs have never filed any request for a protective order in relation to any of the properly noticed depositions for the Plaintiffs. As a result of Plaintiffs multiple willful and intentional failures to appear for their scheduled depositions, even after the issuance of the court order requiring that Plaintiffs appear for their depositions, Defendants file this Motion for Sanctions requesting relief from the court for Plaintiffs willful failure to cooperate in discovery proceeding, failure to prosecute this matter, and willfully and intentionally violating the Court's order requiring Plaintiffs to appear for their depositions on or before August 28, 2013.

DISCUSSION

Since the commencement of this action in December, 2011, Defense Counsel has been more than accommodating with Plaintiffs' and Plaintiffs' Counsels schedules during the discovery process. To no avail, the Plaintiffs have continued to cancel and postpone their scheduled depositions. Further, Plaintiffs' counsel has been non-responsive on providing Defense Counsel with alternative dates for Plaintiffs' depositions. As a result, Defendants filed a Motion to Compel Plaintiffs' Depositions on April 16, 2013, requesting an Order requiring Plaintiffs to appear at their depositions to avoid any further delays in the discovery process. On July 17, 2013, a hearing on Defendants' Motion to Compel was held before The Honorable Marvin H. Dukes, III. On July 24, 2013, Judge Dukes issued an Order requiring Plaintiffs to appear for their depositions on or before, but no later than, August 28, 2013 (Exhibit A).

Plaintiffs filed this case on November 30, 2011, and were represented by attorney P. Jeffrey North. The Defendants filed an Answer on January 3, 2012, and the parties engaged in

the discovery process. Written discovery was exchanged and Defense Counsel requested from Plaintiffs' counsel mutually available dates to schedule the depositions of the Plaintiffs. Plaintiffs' counsel informed Defense counsel that Plaintiffs were unavailable for deposition until the summer of 2012 due to their travelling schedule. During the summer of 2012, Defense counsel again requested available dates to schedule the depositions of the Plaintiffs. Plaintiffs' counsel stated that Plaintiffs were unavailable for depositions but indicated a willingness to resolve the matter. Discovery was put on hold and the parties engaged in settlement negotiations for the next few months.

In December 2012, Defense counsel was informed that Mr. North would no longer represent Plaintiffs in this matter. On February 6, 2013, Defense counsel was informed that Robert V. Mathison, Jr. was retained as counsel for Plaintiffs in this matter. After a status conference with the Court on February 8, 2013, counsel for both parties agreed upon a Consent Scheduling Order in which the discovery deadline was stated as August 15, 2013. Since then, Defense counsel has twice noticed and subpoenaed the depositions of Plaintiffs. Defendants first noticed the Plaintiffs' depositions for March 25, 2013, at the office of Mr. Mathison. On March 7, 2013, Defense counsel received an email from Mr. Mathison stating that he had a conflict with March 25, 2013, but was available for these depositions the entire week of April 8, 2013 and April 15, 2013. (Exhibit B). In response, Defense counsel agreed to postpone the Plaintiffs' depositions until April 8, 2013. (Exhibit C). Accordingly, Defense counsel issued an Amended Notice of Deposition and Amended Subpoena of Plaintiffs for April 8, 2013, to be taken in the office of Mr. Mathison.

On April 5, 2013, at 4:17 p.m., the Friday before the scheduled depositions, Defense counsel received an email from Plaintiffs' counsel stating that the Plaintiffs' deposition were not

going forward on April 8, 2013, due to yet another scheduling conflict. (Exhibit D). In response on that same date, Defense counsel again agreed to postpone the Plaintiffs' depositions but requested that Plaintiffs' counsel provide alternative dates for the Plaintiffs' depositions as soon as possible (Exhibit E). Having not heard anything further from Plaintiffs' counsel and to avoid any further delays in scheduling Plaintiffs' depositions, Defendants filed a Motion to Compel Plaintiffs' depositions requesting an Order from the court requiring that Plaintiffs appear at their scheduled depositions (Exhibit F).

On July 17, 2013A hearing was held on Defendants' Motion to Compel before The Honorable Marvin H. Dukes, III. During the hearing, the parties agreed that Plaintiffs would appear for their depositions on or before August 28, 2013. On July 24, 2013, Judge Dukes issued an Order requiring Plaintiffs to appear for their depositions on or before, but no later than, August 28, 2013. (Exhibit A).

In accordance with the Order of Judge Dukes dated issued July 24, 2013, Defendants properly served a Fifth notice to Plaintiffs that their deposition were scheduled to be taken on August 28, 2013 (Exhibit G). On August 7, 2013, Plaintiffs' counsel sent an email to Defendants' counsel (Exhibit H) stating that he had an unidentified scheduling conflict with August 28, 2013, and would prefer to conduct the depositions in September of 2013. Defendants' counsel sent Plaintiffs' counsel a reply email (Exhibit H) in which he made clear that Defendants did not agree to postpone the deposition past the court ordered date of August 28, 2013. However, in the spirit of cooperation, Defense counsel did make clear that Defendants would be amenable to rescheduling the depositions to a date prior to August 28, 2013, to accommodate Plaintiffs' counsel's unidentified scheduling conflict and requested alternative dates prior to August 28, 2013. Plaintiffs' counsel did not respond to Defendants request for an

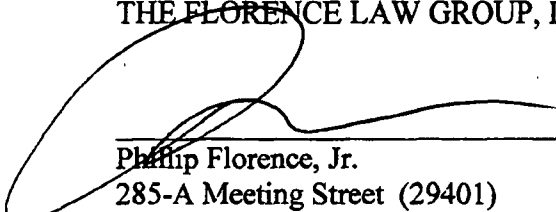
alternative dates prior to August 28, 2013. Therefore, Defendants' counsel moved forward with his preparations for taking the Plaintiffs depositions on August 28, 2013. On August 27, 2013, the day before the scheduled date of the depositions, Plaintiffs' counsel sent Defendants' counsel an email (Exhibit I) stating that not only would the Plaintiffs not appear for the depositions, but that his office would not be open on August 28, 2013.

On August 28, 2013, Defendants' counsel traveled from Charleston, S.C. to Plaintiffs' counsel's office in Hilton Head to take the court ordered and properly noticed depositions of Plaintiffs or, at the very least, to make a record of the Plaintiffs failure to appear. Defendants' counsel knocked on the front door of Plaintiffs' counsel's office with the court reporter several times but did not get a response. At that time, Defendant's counsel traveled to the offices of the court reporter and made a full record of the events related to the Plaintiffs' continued and willful failure to appear for the depositions over the course of the last year and a half (Exhibit J).

Due to the Plaintiffs' repeated willful failure to appear for their depositions and their willful and intentional failure to obey the discovery Order of Judge Dukes, Defendants file this motion pursuant to Rule 37 of the South Carolina Rules of Civil Procedure and request that the Plaintiffs be held in contempt of court and that the Court issue the appropriate sanctions against Plaintiffs including dismissal of all causes of action in this matter with prejudice, and award Defendants' attorney's fees and costs.

The undersigned hereby affirms that, prior to filing this motion, he has communicated, orally or in writing, with opposing counsel and has attempted in good faith to resolve the matter contained in this motion, to no avail.

THE FLORENCE LAW GROUP, LLC



Philip Florence, Jr.
285-A Meeting Street (29401)
Post Office Box 22497
Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

September 23, 2013

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF BEAUFORT)

Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

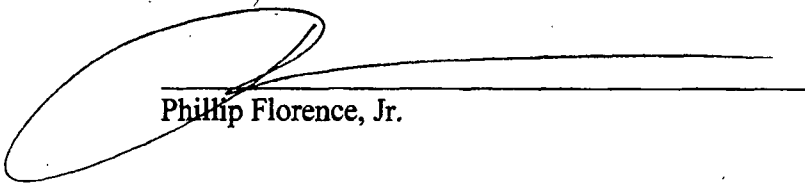
EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that this 23rd day of September, 2013, a copy of the **NOTICE OF
MOTION AND MOTION FOR SANCTIONS AGAINST PLAINTIFFS** has been served upon
other counsel of record by placing same in the United States Mail, postage prepaid, to:

Robert V. Mathison Jr.
Mathison & Mathison
PO Box 5271
Hilton Head Island, S.C. 29938


Phillip Florence, Jr.

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
)

) Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendants.

ORDER

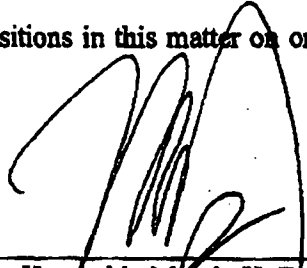
2013 JUL 24 PM 3:30
CLERK OF COURT
S.C.

This matter having come before me on a motion to compel Plaintiffs' depositions filed by the Defendants. Plaintiffs were represented at the hearing by Robert V. Mathison, of Mathison & Mathison; and Defendants were represented at the hearing by Phillip Florence, Jr. of The Florence Law Group, LLC. The parties agree they have resolved the above matter subject to the following terms and conditions which the Court hereby adopts as its findings of fact and conclusions of law:

1. Plaintiffs filed this case on November 30, 2011, and were represented by attorney P. Jeffrey North. The Defendants filed an Answer on January 3, 2012, and the parties engaged in the discovery process.
2. Defendants have made numerous attempts to schedule the Plaintiffs' depositions and have issued four separate Notices of Depositions to take Plaintiffs deposition during the discovery process in this case. Plaintiffs' counsel has cancelled all scheduled and noticed deposition dates due to scheduling conflicts and/or physical ailments.

3. Plaintiffs are required to appear for their depositions in this matter on or before, but no later than, August 28, 2013.

AND IT IS SO ORDERED.



The Honorable Marvin H. Dukes, III
Master in Equity/Circuit Court Judge
Beaufort County Fourteenth Judicial Circuit

Beaufort, South Carolina
July 24, 2013

Phil Florence

From: rmathlaw@aol.com
Sent: Thursday, March 07, 2013 6:40 PM
To: phil@theflorencelaw.com
Subject: Re: Walthers v. Maples

Mr. Florence,

I have been on a deadline to "reconstruct" the record for a case long since tried and now on appeal. The court reporter lost (or never took down in any form) substantial portions of a five-day trial, including the entire record of the proceedings for the final day. That hearing took place today, and I am now free to deal with other issues.

The Scheduling Order that you prepared is fine with me. However, Marvin Dukes is not the Chief Administrative Judge. If you want him to sign it, the order should be changed. If not, Carmen T. Mullen *is* the Chief Administrative Judge.

Unfortunately, the deposition date of Monday, March 25, will not work for me. I have dispositive motions in another case scheduled before Judge Mullen on that date which will either make or break my day.

Because of the press of other business, I would prefer the week of April 8 or April 15. If either of those weeks suits you, give me two or more preferred dates, and I will confirm the availability of my clients on at least one. There will be no need to send additional notices.

I am sorry to have appeared inattentive.

Rob Mathison.

Law Offices of Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
843-785-6503 rmathlaw@aol.com

—Original Message—

From: Phil Florence <phil@theflorencelaw.com>
To: rmathlaw <rmathlaw@aol.com>
Sent: Thu, Mar 7, 2013 11:37 am
Subject: Walthers v. Maples

Robert,

Attached please find notices of depositions and subpoenas for Plaintiffs in the above referenced matter. Also attached please find a corrected proposed scheduling order. Let me know if you have any suggested changes to the scheduling order. If not, please sign the order and either forward to me for filing or sign on my behalf and forward to court.

Phillip Florence, Jr.
The Florence Law Group, LLC
285-A Meeting Street
P.O. Box 22497
Charleston, S.C. 29413-2497
Tel: 843.789.3107
Fax: 843.789.3313
www.theflorencelaw.com

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notified that any dissemination, distribution, retention, archiving, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately by return e-mail.

To ensure compliance with the requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including the attachments) is not intended or written to be used for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or tax-related matter[s]. To provide you with a communication that could be used to avoid penalties under the Internal Revenue Code will entail additional investigations, analysis and conclusions on our part.

Phil Florence

From: Phil Florence <phil@theflorencelaw.com>
Sent: Monday, March 11, 2013 10:44 AM
To: 'rmathlaw@aol.com'
Subject: RE: Walthers v. Maples

Robert,
No problem. I will forward the scheduling order Judge Mullen. Please sign and send me an original. As for the depositions, I would agree to postpone the depositions to April 8, 2013, at your office. I will reissue the notices of depositions.

Phillip Florence, Jr.
The Florence Law Group, LLC
285-A Meeting Street
P.O. Box 22497
Charleston, S.C. 29413-2497
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Sent: Thursday, March 07, 2013 6:40 PM
To: phil@theflorencelaw.com
Subject: Re: Walthers v. Maples

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I am sorry to have appeared inattentive.

Rob Mathison.

Law Offices of Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
843-785-6503 rmathlaw@aol.com

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49

Phil Florence

From: rmathlaw@aol.com
Sent: Friday, April 05, 2013 4:17 PM
To: phil@theflorencelaw.com
Subject: Re: Walthers v. Maples

Mr. Florence,

The depositions will not be held next Monday due to a conflict in my schedule that I expected to be resolved last Wednesday. I also had a two-day final hearing scheduled in Family Court for April 8 and 9 that I expected to be continued. It was not, however, until earlier this afternoon.

Having to prepare for that case, I have not debriefed my clients for depositions in the case referenced. I will accommodate to your schedule, however, to the extent that I am able.

Also, it is not appropriate to serve a subpoena *duces tecum* to require the delivery of documents at the deposition of a witness who is also a party. The exclusive method of obtaining document discovery from a party witness is a request for production under Rule 34. Nevertheless, in view of the age of the subpoena, if you will specify exactly what you want, I think that we can work that matter out.

Thanks for your cooperation and have a good weekend.

Rob Mathison.

Law Offices of Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
843-785-6503 rmathlaw@aol.com

-----Original Message-----

From: Phil Florence <phil@theflorencelaw.com>
To: rmathlaw <rmathlaw@aol.com>
Sent: Fri, Apr 5, 2013 9:45 am
Subject: Walthers v. Maples

Robert,

Please confirm that the noticed depositions for Plaintiffs are going forward Monday, April 8, 2013, at 11am in your office. Thanks. If I do not hear back from you, I will assume that the depositions are moving forward.

Phillip Florence, Jr.
The Florence Law Group, LLC
285-A Meeting Street
P.O. Box 22497
Charleston, S.C. 29413-2497
Tel: 843.789.3107
Fax: 843.789.3313
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avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or tax-related matter[s]. To provide you with a communication that could be used to avoid penalties under the Internal Revenue Code will entail additional investigations, analysis and conclusions on our part.

Phil Florence

From: Phil Florence. <phil@theflorencelaw.com>
Sent: Friday, April 05, 2013 4:42 PM
To: rmathlaw@aol.com
Subject: Re: Walthers v. Maples

Not sure what you are referring to about the subpoena. I sent a subpoena for deposition regarding the Walthers and recently sent a subpoena for documents to Rose Hill Plantation. If that is not reflected in my documentation, I apologize for the confusion but I don't recall sending the plaintiffs a subpoena for the production of documents.

As for the scheduled depositions of the plaintiffs for Monday, I have been more than patient with the plaintiffs in scheduling their deposition in this case which is now approaching 2 years old. Specifically, I have made at least 4 attempts to schedule their depositions. Twice under your representation and twice under the plaintiff's previous depositions. On this last occasion, I again agreed to postpone their deposition based upon your schedule and even rescheduled them for a date given by you as an available date. While I again agree to postpone their depositions, please send me alternative available dates ASAP or I will need to move forward with a motion to compel.

Sent from my iPhone

On Apr 5, 2013, at 4:16 PM, "rmathlaw@aol.com" <rmathlaw@aol.com> wrote:

Mr. Florence,

The depositions will not be held next Monday due to a conflict in my schedule that I expected to be resolved last Wednesday. I also had a two-day final hearing scheduled in Family Court for April 8 and 9 that I expected to be continued. It was not, however, until earlier this afternoon.

Having to prepare for that case, I have not debriefed my clients for depositions in the case referenced. I will accommodate to your schedule, however, to the extent that I am able.

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Thanks for your cooperation and have a good weekend.

Rob Mathison.

Law Offices of Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
843-785-6503 rmathlaw@aol.com

—Original Message—

From: Phil Florence <phil@theflorencelaw.com>
To: rmathlaw <rmathlaw@aol.com>
Sent: Fri, Apr 5, 2013 9:45 am
Subject: Walthers v. Maples

52

Robert,

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Phillip Florence, Jr.:

The Florence Law Group, LLC

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P.O. Box 22497

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Tel: 843.789.3107

Fax: 843.789.3313

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Phillip Florence, Jr.
Attorney at Law

April 16, 2013

The Honorable Jeri Ann Roseneau
Clerk of Court for Beaufort County
Beaufort County Courthouse
102 Ribaut Road
Beaufort, SC 29902

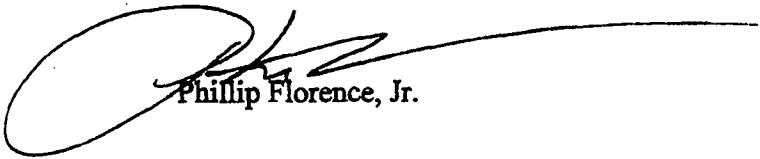
Re: Steffani Walther & Michael Walther v. Eddie Maple & Kate Maple,
individually and d/b/a Equine Management, LLC
Docket No.: 2011-CP-07-4999

Dear Ms. Roseneau,

I am enclosing herewith the original and one copy of Defendants' Motion to Compel. I would appreciate your filing the original and returning a "clocked" copy to me in the self-addressed, stamped envelope provided.

By copy of this letter to Plaintiff's counsel, Robert V. Mathison, Esquire, I am this day serving them with copy of same.

Sincerely,
THE FLORENCE LAW GROUP



Phillip Florence, Jr.

cc: Robert V. Mathison, Jr.

54

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

Steffani Walther & Michael Walther)

☐ Plaintiff)

v.)

Eddie Maple & Kate Maple, individually)
and d/b/a Equine Management, LLC)

☒ Defendant.)

IN THE COURT OF COMMON PLEAS

CASE NO. 2011-CP-07-4999

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

Plaintiff's Attorney:

Robert V. Mathison,

Address:

55 New Orleans Road, Suite 203

Hilton Head, SC 29938

phone: 843-785-6503 fax:

e-mail: rmathlaw@aol.com

Defendant's Attorney:

Phillip Florence, Jr., Bar No. 6721

Address:

285-A Meeting Street (29401)

PO Box 22497

Charleston, SC 29413

phone: 843-789-3107 fax: 843-789-3313

e-mail: phil@theflorenceclaw.com other:

☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)

☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)

☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: Motion for Contempt

Estimated Time Needed: 30 min

Court Reporter Needed: ☒ YES / ☐ NO

SECTION II: Motion/Order Type

☒ Written motion attached

☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☐ Plaintiff / ☒ Defendants

April 16, 2013

Date submitted

SECTION III: Motion Fee

☒ PAID - AMOUNT: \$25.00

☐ EXEMPT: ☐ Rule to Show Cause in Child or Spousal Support

(check reason) ☐ Domestic Abuse or Abuse and Neglect

☐ Indigent Status ☐ State Agency v. Indigent Party

☐ Sexually Violent Predator Act ☐ Post-Conviction Relief

☐ Motion for Stay in Bankruptcy

☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)

☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter:

☐ Other:

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.

☐ Other:

JUDGE

CODE:

Date:

CLERK'S VERIFICATION

Date Filed:

Collected by: _____

☐ MOTION FEE COLLECTED: _____

☐ CONTESTED - AMOUNT DUE: _____

55

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
)
) Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendants.

**NOTICE OF MOTION AND MOTION
TO COMPEL DEPOSITION OF
PLAINTIFFS**

TO: ROBERT V. MATHISON JR., ATTORNEY FOR PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that the Defendants, by and through their undersigned Counsel, will move before the Presiding Judge of the Fourteenth Judicial Circuit at the Beaufort County Courthouse in Beaufort, South Carolina, on the tenth (10th) day after service hereof or as soon thereafter as the parties might be heard for an Order requiring the plaintiffs to appear at a deposition in this matter. The grounds for this Motion are that Plaintiffs have cancelled their scheduled depositions on at least three occasions without any valid reason. Defense Counsel has been more than accommodating with Plaintiffs' and Plaintiffs' Counsels schedules. To no avail, the Plaintiffs continue to cancel and postpone their scheduled depositions. Further, Plaintiffs' counsel has been non-responsive on providing Defense Counsel with alternative dates for Plaintiffs' depositions. Therefore, Defense Counsel requests an Order requiring Plaintiffs to appear at their depositions to avoid any further delays in the discovery process in this action which was commenced in December 2011.

Plaintiffs filed this case on November 30, 2011, and were represented by attorney P. Jeffrey North. The Defendants filed an Answer on January 3, 2012, and the parties engaged in the discovery process. Written discovery was exchanged and Defense Counsel requested from Plaintiffs' counsel mutually available dates to schedule the depositions of the Plaintiffs. Plaintiffs' counsel informed Defense counsel that Plaintiffs were unavailable for deposition until the summer of 2012 due to their travelling schedule. During the summer of 2012, Defense counsel again requested available dates to schedule the depositions of the Plaintiffs. Plaintiffs' counsel stated that Plaintiffs were unavailable for depositions but indicated a willingness to resolve the matter. Discovery was put on hold and the parties engaged in settlement negotiations for the next few months.

In December 2012, Defense counsel was informed that Mr. North would no longer represent Plaintiffs in this matter. On February 6, 2013, Defense counsel was informed that Robert V. Mathison, Jr. was retained as counsel for Plaintiffs in this matter. After a status conference with the Court on February 8, 2013, counsel for both parties agreed upon a Consent Scheduling Order in which the discovery deadline was stated as August 15, 2013. Since then, Defense counsel has twice noticed and subpoenaed the depositions of Plaintiffs. Defendants first noticed the Plaintiffs' depositions for March 25, 2013, at the office of Mr. Mathison. On March 7, 2013, Defense counsel received an email from Mr. Mathison stating that he had a conflict with March 25, 2013, but was available for these depositions the entire week of April 8, 2013 and April 15, 2013. (Exhibit A). In response, Defense counsel agreed to postpone the Plaintiffs' depositions until April 8, 2013. (Exhibit B). Accordingly, Defense counsel issued an Amended Notice of Deposition and Amended Subpoena of Plaintiffs for April 8, 2013, in the office of Mr. Mathison.

On April 5, 2013, at 4:17 p.m. on the Friday before the scheduled depositions, Defense counsel received an email from Plaintiffs' counsel stating that the Plaintiffs' deposition were not going forward on April 8, 2013, due to yet another scheduling conflict. (Exhibit C). In response on that same date, Defense counsel again agreed to postpone the Plaintiffs' depositions but requested that Plaintiffs' counsel provide alternative dates for the Plaintiffs' depositions as soon as possible. (Exhibit D). Having not heard anything further from Plaintiffs' counsel and to avoid any further delays in scheduling Plaintiffs' depositions, Defendants file this Motion to Compel requesting an Order from the court requiring that Plaintiffs appear at their scheduled depositions.

The undersigned hereby affirms that, prior to filing this motion, he has communicated, orally or in writing, with opposing counsel and has attempted in good faith to resolve the matter contained in this motion, to no avail.

THE FLORENCE LAW GROUP, LLC



Phillip Florence, Jr.
285-A Meeting Street (29401)
Post Office Box 22497
Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

April 16th, 2013

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
)
)

Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

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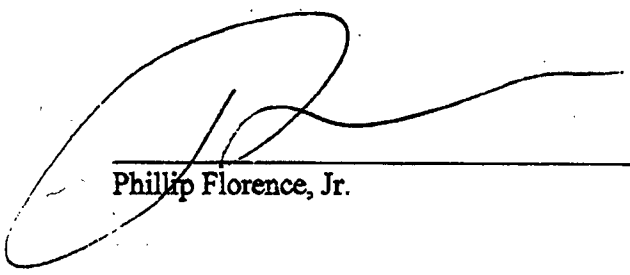
EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that this 16th day of April, 2013, a copy of the **NOTICE OF MOTION
AND MOTION TO COMPEL PLAINTIFFS' DEPOSITION** has been served upon other counsel
of record by placing same in the United States Mail, postage prepaid, to:

Robert V. Mathison Jr.
Mathison & Mathison
55 New Orleans Rd Suite 203
Hilton Head Island, S.C. 29938



Phillip Florence, Jr.

Phil Florence

From: rmathlaw@aol.com
Sent: Thursday, March 07, 2013 6:40 PM
To: phil@theflorencelaw.com
Subject: Re: Walthers v. Maples

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I am sorry to have appeared inattentive.

Rob Mathison.

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Post Office Box 5271
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843-785-6503 rmathlaw@aol.com

-----Original Message-----

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To: rmathlaw <rmathlaw@aol.com>
Sent: Thu, Mar 7, 2013 11:37 am
Subject: Walthers v. Maples

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Phil Florence

From: Phil Florence <phil@theflorencelaw.com>
Sent: Monday, March 11, 2013 10:44 AM
To: 'rmathlaw@aol.com'
Subject: RE: Walthers v. Maples

Robert,

No problem. I will forward the scheduling order Judge Mullen. Please sign and send me an original. As for the depositions, I would agree to postpone the depositions to April 8, 2013, at your office. I will reissue the notices of depositions.

Phillip Florence, Jr.
The Florence Law Group, LLC
285-A Meeting Street
P.O. Box 22497
Charleston, S.C. 29413-2497
Tel: 843.789.3107
Fax: 843.789.3313
www.theflorencelaw.com

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From: rmathlaw@aol.com [mailto:rmathlaw@aol.com]
Sent: Thursday, March 07, 2013 6:40 PM
To: phil@theflorencelaw.com
Subject: Re: Walthers v. Maples

Mr. Florence,

I have been on a deadline to "reconstruct" the record for a case long since tried and now on appeal. The court reporter lost (or never took down in any form) substantial portions of a five-day trial, including the entire record of the proceedings for the final day. That hearing took place today, and I am now free to deal with other issues.

The Scheduling Order that you prepared is fine with me. However, Marvin Dukes is not the Chief Administrative Judge. If you want him to sign it, the order should be changed. If not, Carmen T. Mullen *is* the Chief Administrative Judge.

Unfortunately, the deposition date of Monday, March 25, will not work for me. I have dispositive motions in another case scheduled before Judge Mullen on that date which will either make or break my day.

Because of the press of other business, I would prefer the week of April 8 or April 15. If either of those weeks suits you, give me two or more preferred dates, and I will confirm the availability of my clients on at least one. There will be no need to send additional notices.

I am sorry to have appeared inattentive.

Rob Mathison.

Law Offices of Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
843-785-6503 rmathlaw@aol.com

-----Original Message-----

From: Phil Florence <phil@theflorencelaw.com>
To: rmathlaw <rmathlaw@aol.com>
Sent: Thu, Mar 7, 2013 11:37 am
Subject: Walthers v. Maples

Robert,

Attached please find notices of depositions and subpoenas for Plaintiffs in the above referenced matter. Also attached please find a corrected proposed scheduling order. Let me know if you have any suggested changes to the scheduling order. If not, please sign the order and either forward to me for filing or sign on my behalf and forward to court.

Phillip Florence, Jr.
The Florence Law Group, LLC
285-A Meeting Street
P.O. Box 22497
Charleston, S.C. 29413-2497
Tel: 843.789.3107
Fax: 843.789.3313
www.theflorencelaw.com

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Phil Florence

From: rmathlaw@aol.com
Sent: Friday, April 05, 2013 4:17 PM
To: phil@theflorencelaw.com
Subject: Re: Walthers v. Maples

Mr. Florence,

The depositions will not be held next Monday due to a conflict in my schedule that I expected to be resolved last Wednesday. I also had a two-day final hearing scheduled in Family Court for April 8 and 9 that I expected to be continued. It was not, however, until earlier this afternoon.

Having to prepare for that case, I have not debriefed my clients for depositions in the case referenced. I will accommodate to your schedule, however, to the extent that I am able.

Also, it is not appropriate to serve a subpoena *duces tecum* to require the delivery of documents at the deposition of a witness who is also a party. The exclusive method of obtaining document discovery from a party witness is a request for production under Rule 34. Nevertheless, in view of the age of the subpoena, if you will specify exactly what you want, I think that we can work that matter out.

Thanks for your cooperation and have a good weekend.

Rob Mathison.

Law Offices of Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
843-785-6503 rmathlaw@aol.com

—Original Message—

From: Phil Florence <phil@theflorencelaw.com>
To: rmathlaw <rmathlaw@aol.com>
Sent: Fri, Apr 5, 2013 9:45 am
Subject: Walthers v. Maples

Robert,

Please confirm that the noticed depositions for Plaintiffs are going forward Monday, April 8, 2013, at 11am in your office. Thanks. If I do not hear back from you, I will assume that the depositions are moving forward.

Phillip Florence, Jr.
The Florence Law Group, LLC
285-A Meeting Street
P.O. Box 22497
Charleston, S.C. 29413-2497
Tel: 843.789.3107
Fax: 843.789.3313
www.theflorencelaw.com

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avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or tax-related matter[s]. To provide you with a communication that could be used to avoid penalties under the Internal Revenue Code will entail additional investigations, analysis and conclusions on our part.

Phil Florence

From: Phil Florence <phil@theflorencelaw.com>
Sent: Friday, April 05, 2013 4:42 PM
To: rmathlaw@aol.com
Subject: Re: Walthers v. Maples

Not sure what you are referring to about the subpoena. I sent a subpoena for deposition regarding the Walthers and recently sent a subpoena for documents to Rose Hill Plantation. If that is not reflected in my documentation, I apologize for the confusion but I don't recall sending the plaintiffs a subpoena for the production of documents.

As for the scheduled depositions of the plaintiffs for Monday, I have been more than patient with the plaintiffs in scheduling their deposition in this case which is now approaching 2 years old. Specifically, I have made at least 4 attempts to schedule their depositions. Twice under your representation and twice under the plaintiff's previous depositions. On this last occasion, I again agreed to postpone their deposition based upon your schedule and even rescheduled them for a date given by you as an available date. While I again agree to postpone their depositions, please send me alternative available dates ASAP or I will need to move forward with a motion to compel.

Sent from my iPhone

On Apr 5, 2013, at 4:16 PM, "rmathlaw@aol.com" <rmathlaw@aol.com> wrote:

Mr. Florence,

The depositions will not be held next Monday due to a conflict in my schedule that I expected to be resolved last Wednesday. I also had a two-day final hearing scheduled in Family Court for April 8 and 9 that I expected to be continued. It was not, however, until earlier this afternoon.

Having to prepare for that case, I have not debriefed my clients for depositions in the case referenced. I will accommodate to your schedule, however, to the extent that I am able.

Also, it is not appropriate to serve a subpoena *duces tecum* to require the delivery of documents at the deposition of a witness who is also a party. The exclusive method of obtaining document discovery from a party witness is a request for production under Rule 34. Nevertheless, in view of the age of the subpoena, if you will specify exactly what you want, I think that we can work that matter out.

Thanks for your cooperation and have a good weekend.

Rob Mathison.

Law Offices of Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
843-785-6503 rmathlaw@aol.com

-----Original Message-----

From: Phil Florence <phil@theflorencelaw.com>
To: rmathlaw <rmathlaw@aol.com>
Sent: Fri, Apr 5, 2013 9:45 am
Subject: Walthers v. Maples

Robert,

Please confirm that the noticed depositions for Plaintiffs are going forward Monday, April 8, 2013, at 11am in your office. Thanks. If I do not hear back from you, I will assume that the depositions are moving forward.

Phillip Florence, Jr.

The Florence Law Group, LLC

285-A Meeting Street

P.O. Box 22497

Charleston, S.C. 29413-2497

Tel: 843.789.3107

Fax: 843.789.3313

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STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF BEAUFORT

) Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

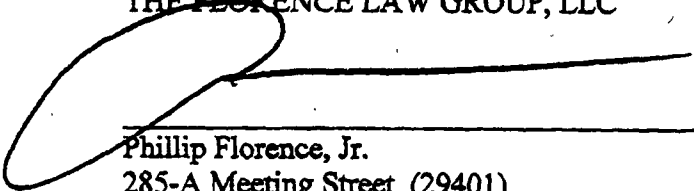
Defendants.

**FOURTH AMENDED NOTICE OF
DEPOSITION
OF STEFFANI WALTHER**

TO: ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Wednesday, August 28, 2013, at the office of Mathison and Mathison, 55 New Orleans Rd Suite 203, Hilton Head Island, South Carolina, the attorneys for Defendants will take the deposition of the Plaintiff, Steffani Walther commencing at 11:00 a.m., by a qualified court reporter upon oral examination, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure. The deposition is to be taken for discovery purposes or for evidence at the trial of this case, or both. The deposition will continue from day to day thereafter until adjournment.

THE FLORENCE LAW GROUP, LLC


Phillip Florence, Jr.
285-A Meeting Street (29401)
Post Office Box 22497
Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

August 7, 2013

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF BEAUFORT)

Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

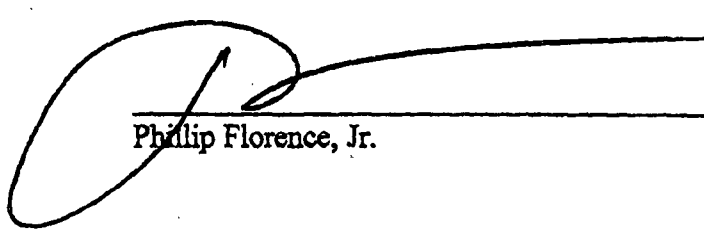
EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that this 7th day of August, 2013, a copy of the *Fourth Amended Notice of Deposition* has been served upon other counsel of record by placing same in the United States Mail, postage prepaid, to:

Robert V. Mathison Jr.
Mathison & Mathison
55 New Orleans Rd Suite 203
Hilton Head Island, S.C. 29938



Phillip Florence, Jr.

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
)
) Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

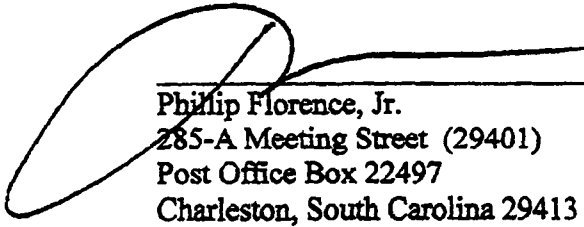
Defendants.

**FOURTH AMENDED NOTICE OF
DEPOSITION
OF MICHAEL WALTHER**

TO: ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Wednesday, August 28 2013, at the office of Mathison and Mathison, 55 New Orleans Rd Suite 203, Hilton Head Island, South Carolina, the attorneys for Defendants will take the deposition of the Plaintiff, Michael Walther commencing at 2:00 p.m., by a qualified court reporter upon oral examination, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure. The deposition is to be taken for discovery purposes or for evidence at the trial of this case, or both. The deposition will continue from day to day thereafter until adjournment.

THE FLORENCE LAW GROUP, LLC



Phillip Florence, Jr.
285-A Meeting Street (29401)
Post Office Box 22497
Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

August 7, 2013

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS

) Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

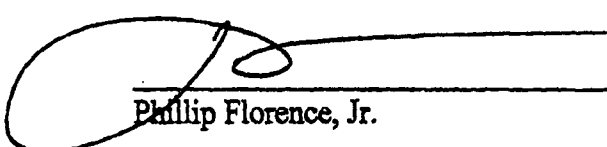
Defendants.

CERTIFICATE OF SERVICE

I hereby certify that this 7th day of August, 2013, a copy of the *Fourth Amended Notice of Deposition* has been served upon other counsel of record by placing same in the United States

Mail, postage prepaid, to:

Robert V. Mathison Jr.
Mathison & Mathison
P.O. Box 5271
Hilton Head Island, S.C. 29938


Phillip Florence, Jr.

71

Phil Florence

From: Phil Florence <phil@theflorencelaw.com>
Sent: Wednesday, August 07, 2013 4:07 PM
To: rmathlaw@aol.com
Subject: Re: Walthers v. Maple

Robert,

Apologize for the mistake on the cover letter but the notices are clear on the date of August 28, 2013, which is in accordance with the order of Judge Dukes. I would agree to take the depositions earlier than August 28, 2013, but certainly no later than that date. If you have issues complying with the court's order then you will need to file the appropriate motion to obtain relief from the court's order. If Plaintiffs insist on refusing to appear for their scheduled depositions, I will promptly file the appropriate motion for sanctions including a request for attorneys fees and dismissal with prejudice. Robert, this has gone on long enough and it is time to comply.

Sent from my iPhone

On Aug 7, 2013, at 3:17 PM, "rmathlaw@aol.com" <rmathlaw@aol.com> wrote:

Mr. Florence,

The date of the depositions set forth in your letter does not coincide with that set forth in the notice. My assumption, due to the impracticability of the first date, is that you mean to take the depositions on August 28, 2013.

I am scheduled for another matter on that date, though, at this point, that matter could be rescheduled. I plan to be in Columbia on August 29 for a football game that I am certain holds no interest for a Citadel graduate. I also am involved in an ongoing hearing before the Securities Commissioner in Columbia that is supposed to resume on a date not yet selected during the same week.

My preference, therefore, is to hold the depositions on the following Wednesday, Thursday or Friday (09/04, 05 or 06).

I have forwarded the letter and notice to my clients with a request that they advise me of their availability.

Best regards.

Rob Mathison.

Law Offices of Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
843-785-6503 rmathlaw@aol.com

—Original Message—

From: Phil Florence <phil@theflorencelaw.com>
To: rmathlaw <rmathlaw@aol.com>
Sent: Wed, Aug 7, 2013 12:10 pm
Subject: Walthers v. Maple

Robert,

Attached for service upon you, please find the Fourth Notices of Deposition of the Plaintiffs in the above referenced matter.

Phillip Florence, Jr.
The Florence Law Group, LLC
285-A Meeting Street
P.O. Box 22497
Charleston, S.C. 29413-2497
Tel: 843.789.3107
Fax: 843.789.3313
www.theflorencelaw.com

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Phil Florence

From: Phil Florence <phil@theflorencelaw.com>
Sent: Tuesday, August 27, 2013 9:06 PM
To: rmathlaw@aol.com
Subject: Re: Walthers v. Maples

Your hospitality is greatly appreciated.

Sent from my iPhone

On Aug 27, 2013, at 7:33 PM, "rmathlaw@aol.com" <rmathlaw@aol.com> wrote:

Mr. Florence,

There will be nobody at my office tomorrow, which will render a needless trip by you even less understandable.

Should you have any question, please call me on my mobile number (843-384-7115), as I requested last week.

Rob Mathison.

Law Offices of Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
843-785-6503 rmathlaw@aol.com

—Original Message—

From: Phil Florence <phil@theflorencelaw.com>
To: rmathlaw <rmathlaw@aol.com>
Cc: david <david@coastalcourt.com>
Sent: Tue, Aug 27, 2013 4:08 pm
Subject: Re: Walthers v. Maples

As you know, tomorrow is the court ordered deadline for Plaintiffs to make themselves available for their deposition. I have not consented to an extension of time and you have not filed any motion with the court requesting relief from the court order. I sent you a full response to your email requesting an extension of time on the court ordered depositions. I intend on showing up at your office tomorrow to make a full record in support of a motion for sanctions. You are welcome to also put your assertions on the record. Therefore, I will be at your office tomorrow with a court reporter to make a full and detailed record.

Sent from my iPhone

On Aug 27, 2013, at 3:47 PM, "rmathlaw@aol.com" <rmathlaw@aol.com> wrote:

Mr. Florence,

I just received a call from David Nussbaum at Coastal Court Reporting, who advised that a woman from your office named Mary Ann had contacted him earlier today in an effort to schedule two depositions for tomorrow at my office. As you know from our previous email correspondence, the August 28 date that you sought was not practicable for me, and you have declined to discuss available dates, most recently last week, when you refused to return my voice mail on this subject.

I so advised Mr. Nussbaum.

Please contact me, lest there be further misunderstanding about these depositions, which will not take place tomorrow.

Rob Mathison.

Law Offices of Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
843-785-6503 rmathlaw@aol.com

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

STEFFANI WALTHER AND MICHAEL WALTHER,
Plaintiffs,

vs.

CIVIL ACTION NUMBER
2011-CP-07-4999

EDDIE MAPLE AND KATE MAPLE,
INDIVIDUALLY AND D/B/A EQUINE
MANAGEMENT, LLC,

Defendants.

-----/

The default statement for the proposed depositions of STEFFANI WALTHER and MICHAEL WALTHER, in the above-entitled cause, pursuant to Notice and Subpoena, before Ceil Weser, Certified Court Reporter and Notary Public, at the Offices of Coastal Court Reporting & Video, Inc., 1 Corpus Christie, 107 Executive Center, Hilton Head Island, South Carolina, on the 28th day of August, 2013, commencing at or about the hour of 11:19 a.m.

1
2 **APPEARANCES OF COUNSEL:**

3 **FOR THE DEFENDANTS:**

4 PHILLIP FLORENCE, JR., ESQUIRE
5 The Florence Law Group
6 285-A Meeting Street
7 Post Office Box 22497
8 Charleston, South Carolina 29401
9 843-789-3107
10 Phil@theflorencelaw.com

11 ...

12 **INDEX**

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15 OPENING REMARKS AND STIPULATIONS _____ 4

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2 **NUMBER DESCRIPTION PAGE**
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4 Compel Deposition of Plaintiffs,
5 with Exhibits A, B, and C 4
6 DX-2 Order 4
7 DX-3 Fourth Amended Notices of
8 Depositions 4
9 DX-4 Chain of E-mails between
10 Phillip Florence and
11 Robert Mathison 8
12 DX-5 Correspondence, Notices of
13 Depositions, Subpoenas
14 with attachments 14

1 (Whereupon, Defendants' Exhibit
2 Numbers 1 through 3 were marked for
3 identification.)

4 **MR. FLORENCE:** My name is Phillip
5 Florence. I am the attorney for the
6 Defendants Eddie Maple, Kate Maple,
7 individually, and d/b/a Equine
8 Management, LLC in this case that was
9 filed on behalf of the Plaintiff
10 Stephanie Walther and Michael Walther,
11 which was filed on November 30, 2011.
12 The Plaintiffs were initially
13 represented in this case by attorney P.
14 Jeffrey North also of Hilton Head, and
15 as of January 2013 Mr. North is no
16 longer representing the Plaintiffs, and
17 the Plaintiffs subsequently hired
18 Robert Mathison, also of Hilton Head to
19 represent them in this case.

20 We are here today because I have
21 noticed the depositions of the
22 Plaintiffs.

23 And let the record reflect we are
24 actually in the court reporter's office
25

1 which is about a block or so away from
2 the Plaintiff's office. The
3 depositions were initially noticed to
4 take place in the Plaintiff's
5 attorney's office, which is at 55 New
6 Orleans Road, Suite 203 in Hilton Head,
7 South Carolina. Both the court
8 reporter and I showed up at Plaintiff's
9 attorney's office and knocked on the
10 door, the door was locked; and we
11 received no response from our knocking
12 on the door. And therefore we are now
13 here at the court reporter's office to
14 put on the record what has happened in
15 this case.

16 The Notice of Deposition for today
17 is the Fourth Amended Notice of
18 Deposition for both Stephanie and
19 Michael Walther scheduled to take place
20 today, which is August 28, 2013, and
21 that is in accordance with the Order of
22 the court which was filed July 24, 2013
23 signed by the Honorable Marvin H.
24 Dukes, III, who is the Master In Equity
25

1 at the Beaufort County Courthouse.
2 That Order which is Exhibit Number 2 to
3 this record clearly requires that the
4 Plaintiffs appear for their depositions
5 in this matter on or before, but no
6 later than August 28, 2013.

7 Obviously the Plaintiffs have not
8 done that. I noticed the depositions
9 or issued the Fourth Amended Notice of
10 Deposition in this case on August 7,
11 2013, plenty of notice and in
12 accordance with the July 24, 2013 Order
13 of the court.

14 Just to back up, to
15 identify the exhibits I want to submit
16 an Exhibit Defendants' Exhibit 1, which
17 is the Defendants' Motion to Compel the
18 depositions of the Plaintiff, which was
19 filed around April 16, 2013 earlier
20 this year and that was as a result of
21 difficulties in scheduling the
22 Plaintiffs' deposition prior to this
23 incident.

24 As a result of my Motion to Compel
25

1 Plaintiffs' deposition Defendants'
2 Exhibit 2 was issued by the Court
3 ordering the Plaintiffs to submit to
4 their depositions by August 28, 2013.
5 After that Order was signed and filed,
6 I then issued a Fourth Amended Notice
7 of Deposition for both Stephanie and
8 Michael Walther for today.

9 Let the record reflect that I have
10 made every attempt to schedule the
11 Plaintiffs' depositions in this case on
12 numerous occasions as reflected in
13 Exhibit Number 2, the Order of the
14 court, and each time the Plaintiffs'
15 attorney and the Plaintiffs have
16 contacted me to either reschedule or
17 postpone the depositions that have been
18 scheduled.

19 At this point in time they are in
20 clear violation of the Court's Order
21 ordering them to appear for their
22 deposition by August 28, 2013, which is
23 plenty of time considering they filed
24 this case in November of 2011 against
25

1 the Defendants and have yet to submit
2 to a deposition in this case.

3 After I sent out the Fourth
4 Amended Notice of Deposition for the
5 Plaintiffs on August 7, 2013 I received
6 an E-mail from Plaintiffs' attorney
7 Robert Mathison, which is dated that
8 same day, August 7, 2013 in which -- if
9 we can make this an exhibit. It will
10 be Exhibit 4.

11 (Whereupon, Defendants' Exhibit
12 Number 4 was marked for
13 identification.)

14 **MR. FLORENCE:** I received an
15 E-mail from Plaintiffs' attorney Robert
16 Mathison stating that the date of the
17 deposition August 28, 2013 did not work
18 with his schedule, which has been the
19 same excuse used on at least three to
20 four prior occasions we tried to
21 schedule the deposition.

22 Let the record also reflect that
23 August 28, 2013 was the date agreed
24 upon, a deadline agreed upon by the
25

1 Judge, myself, and Attorney Robert
2 Mathison at the hearing of the
3 Defendants' Motion to Compel
4 Plaintiffs' deposition. And so the
5 August 28, 2013 date was a date
6 initially agreed upon by Plaintiffs'
7 attorney at the hearing. Mr. Mathison
8 goes on in his August 7, 2013 E-mail
9 that he has plans to be in Columbia for
10 a football game, and he is also
11 involved in ongoing hearings before the
12 Securities Commissioner in Columbia.
13 These are all issues that in my
14 opinion, scheduling issues that could
15 have been discussed at the hearing
16 which was less than a month before --
17 excuse me -- was less than a couple of
18 weeks after the hearing on Defendants'
19 Motion to Compel Plaintiffs'
20 deposition.

21 And in response to Mr. Mathison's
22 August 7, 2013 E-mail to me in which he
23 expressed that August 28, 2013 did not
24 suit his schedule and that his
25

1
2 preference was to hold the depositions
3 in September.

4 I issued an E-mail which is on
5 Exhibit Number 4 in which I clearly
6 informed Mr. Mathison that I would
7 agree to take the depositions earlier
8 than August 28, 2013, but certainly no
9 later than that date which was
10 court-ordered.

11 Further, I told Mr. Mathison that
12 if he had issues complying with the
13 Court's Order, then he would need to
14 file the appropriate motion to obtain
15 relief from that Court's Order. As of
16 today I have not received any such
17 motion.

18 I further wrote in my E-mail that
19 if the Plaintiffs insist on refusing to
20 appear for their scheduled depositions
21 I will promptly file the appropriate
22 motion for sanctions, including a
23 request for attorneys' fees and
24 dismissal with prejudice.

25 So as of August 7, 2013 I have put

1
2 Mr. Mathison on notice that he is
3 subject to a motion for sanctions if
4 they do not comply with the Court's
5 Order. I further as I testified to or
6 stated earlier I have not seen any
7 motion submitted by the Plaintiffs for
8 relief of that Court Order.

9 Without going through all the
10 details of the previous history of
11 trying to get the Plaintiffs'
12 depositions scheduled I would refer to
13 the Defendants' Motion to Compel
14 Plaintiffs' deposition, which has a
15 detailed history of the problems that I
16 have had in trying to schedule the
17 Plaintiffs' deposition.

18 I will say that I have bent over
19 backwards to try to accommodate both
20 the Plaintiffs' schedule and the
21 Plaintiffs' attorney's schedule, both
22 Plaintiffs' attorney's schedule, and
23 since 2011 I have not been successful
24 in taking the Plaintiffs' deposition
25 due to the fact that the Plaintiffs

1
2 have continued to postpone the
3 deposition for various reasons. So I
4 would pray reference to the Defendants'
5 Motion to Compel which has exhibits of
6 E-mails and a detailed summary of the
7 history of trying to take the
8 Plaintiffs' depositions in this case.

9 I will add that also we had a --
10 when Mr. Mathison was first hired in
11 this case we had a pretty quick status
12 conference with Judge Marvin Dukes
13 about the case, and Judge Dukes ordered
14 that we get to him a signed Consent
15 Scheduling Order. I drafted that
16 Consent Scheduling Order almost a week
17 later and signed it and forwarded that
18 to Mr. Mathison for his signature. All
19 of the dates were agreed upon in that
20 initial Scheduling Order. I have yet
21 to see a signed Consent Scheduling
22 Order by Mr. Mathison. And I have
23 brought that issue up to him. He
24 continues to promise me that he will
25 get that to me or get to me an amended

1
2 Scheduling Order. I have yet to see
3 that as well.

4 So at this point in time it is my
5 position that the Plaintiffs and
6 Plaintiffs' attorney are for whatever
7 reason stalling and avoiding
8 prosecuting this case, and as a result
9 I intend to as my E-mail of August 7,
10 2013 identified intend to move forward
11 with filing a motion for sanctions for
12 failing to prosecute and requesting
13 dismissal with prejudice and attorneys'
14 fees and issuing in my efforts in
15 trying to take the Plaintiffs'
16 depositions which includes, but is not
17 limited to, issuing five Notices of
18 Depositions for dates that were
19 initially agreed upon by the
20 Plaintiffs' Counsel and subsequently
21 postponed.

22 I would also like to submit a
23 package as one exhibit of
24 correspondence and E-mails and the
25 Notices of Depositions that have been

1 filed prior to this Fourth Amended
2 Notice of Deposition. Instead of going
3 through all of the E-mails, pleadings,
4 and documents and the correspondence I
5 will submit this package to the court
6 reporter and just ask that she mark
7 this entire packet as Defendants'
8 Exhibit 5.

9 (Whereupon, Defendants' Exhibit
10 Number 5 was marked for
11 identification.)

12 **MR. FLORENCE:** And Defendants'
13 Exhibit 5 goes through in detail by way
14 of documentation of the efforts that I
15 have made in trying to get the
16 Plaintiffs' depositions scheduled and
17 the problems that I have encountered.

18 Let the record also reflect that
19 both the Plaintiffs and the Plaintiffs'
20 attorney refused to show today. They
21 are not here pursuant to the Court's
22 Order and pursuant to my Notice of
23 Deposition. And the E-mails that I
24 received from Mr. Mathison subsequent
25

1 to August 7, 2013, I did receive
2 additional E-mails from Robert Mathison
3 after I informed him on August 7, 2013
4 via E-mail that I intend to move
5 forward with the Plaintiffs'
6 depositions as the Court ordered and
7 that he agreed to at the hearing before
8 Judge Dukes on August 28, 2013 today.

9 He sent me an additional E-mail
10 saying that he and his clients refused
11 to show and for no apparent reason and
12 that I refused to return a voice mail
13 that he allegedly left me to talk about
14 the depositions.

15 For the record, I have not
16 received any other communications from
17 Mr. Mathison about conducting the
18 depositions on any other date prior to
19 August 28, 2013 as I indicated that I
20 would be available to do.

21 But I was not willing to and would
22 not consent to extending the time to
23 take the Plaintiffs' depositions beyond
24 the court-ordered date of August 28,
25

1 2013.

2 (Whereupon, the default statement
3 of Steffani Walther and Michael
4 Walther, was concluded at
5 approximately 11:37 a.m.)
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1 **CERTIFICATE**

2 **STATE OF SOUTH CAROLINA:**
3 **BEAUFORT COUNTY:**

4 I, Ceil Weser, CSR and Notary
5 Public in and for the above county and state, do
6 hereby certify that the foregoing testimony was
7 taken before me at the time and place
8 herein before set forth; that the witness was by
9 me first duly sworn to testify to the truth, the
10 whole truth, and nothing but the truth, that
11 thereupon the foregoing testimony was later
12 reduced by computer transcription; and I certify
13 that this is a true and correct transcript of my
14 stenographic notes so taken.

15 I further certify that I am not of
16 counsel to either party, nor interested in the
17 event of this cause.
18
19
20
21
22
23
24
25

Ceil Weser, CCR
Notary Public
Beaufort, South Carolina

A above-entitled 1:18 accommodate 11:19 ACTION 1:9 add 12:9 additional 15:3,10 agree 10:7 agreed 8:24,25 9:7 12:19 13:19 15:8 allegedly 15:14 amended 3:7 5:18 6:10 7:7 8:5 12:25 14:2 apparent 15:12 appear 6:5 7:22 10:20 APPEARANCES 2:2 appropriate 10:14 10:21 approximately 16:6 April 6:20 attachments 3:11 attempt 7:11 attorney 4:6,14 7:16 8:7,16 9:2,8 13:6 14:21 attorneys 10:23 13:13 attorney's 5:6,10 11:21,22 August 1:24 5:21 6:7,11 7:5,23 8:6 8:9,18,24 9:6,9,23 9:24 10:8,25 13:9 15:2,4,9,20,25 available 15:21 avoiding 13:7 a.m 1:25 16:6 B B 3:5 back 6:15 backwards 11:19 Beaufort 1:3 6:2	17:5,25 behalf 4:10 bent 11:18 beyond 15:24 block 5:2 Box 2:6 brought 12:23 C C 3:2,2,5 17:2,2 Carolina 1:2,23 2:6 5:8 17:4,25 case 4:9,14,20 5:16 6:11 7:12,25 8:3 12:8,11,13 13:8 cause 1:18 17:20 CCR 17:23 Ceil 1:19 17:7,23 Center 1:22 certainly 10:8 CERTIFICATE 2:25 Certified 1:20 certify 17:9,15,18 Chain 3:8 Charleston 2:6 Christie 1:22 CIVIL 1:9 clear 7:21 clearly 6:4 10:5 clients 15:11 Coastal 1:21 Columbia 9:10,13 commencing 1:24 Commissioner 9:13 COMMON 1:2 communications 15:17 Compel 3:4 6:18,25 9:4,20 11:13 12:5 comply 11:4 complying 10:12 computer 17:15 concluded 16:5 conducting 15:18 conference 12:12 consent 12:14,16	12:21 15:23 considering 7:24 contacted 7:17 continued 12:2 continues 12:24 Corpus 1:22 correct 17:16 correspondence 3:10 13:24 14:5 counsel 2:2 13:20 17:19 county 1:3 6:2 17:5 17:8 couple 9:18 court 1:2,20,21 4:25 5:8,14,23 6:14 7:3,15 11:8 14:6 15:7 Courthouse 6:2 Court's 7:21 10:13 10:15 11:4 14:22 court-ordered 10:10 15:25 CSR 17:7 D D 2:14 3:2,2 date 8:17,24 9:6,6 10:9 15:19,25 dated 8:8 dates 12:19 13:18 day 1:24 8:9 deadline 8:25 default 1:16 16:3 Defendants 1:14 2:3 4:2,7 6:17,18 7:2 8:2,12 9:4,19 11:13 12:4 14:8 14:10,13 deposition 3:4 5:17 5:19 6:11,23 7:2,8 7:23 8:3,5,18,22 9:5,21 11:14,17 11:24 12:3 14:3 14:24 depositions 1:17 3:7,11 4:22 5:4	6:5,9,19 7:5,12,18 10:2,7,20 11:12 12:8 13:16,18,25 14:17 15:7,15,19 15:24 DESCRIPTION 3:3 detail 14:14 detailed 11:15 12:6 details 11:10 difficulties 6:22 discussed 9:16 dismissal 10:24 13:13 documentation 14:15 documents 14:5 door 5:11,11,13 drafted 12:15 due 11:25 Dukes 5:25 12:12 12:13 15:9 duly 17:12 DX-1 3:4 DX-2 3:6 DX-3 3:7 DX-4 3:8 DX-5 3:10 d/b/a 1:12 4:8 E E 2:14 3:2,2,2,2 17:2,2 earlier 6:20 10:7 11:6 Eddie 1:12 4:7 efforts 13:14 14:15 either 7:17 17:19 encountered 14:18 entire 14:8 Equine 1:12 4:8 Equity 5:25 ESQUIRE 2:4 event 17:20 excuse 8:20 9:18 Executive 1:22 exhibit 2:20 4:2 6:3	6:17,17 7:3,14 8:10,11,12 10:5 13:23 14:9,10,14 exhibits 3:5 6:16 12:5 expressed 9:24 extending 15:23 E-mail 8:7,16 9:9 9:23 10:4,18 13:9 15:5,10 E-mails 3:8 12:6 13:24 14:4,24 15:3 F F 17:2 fact 11:25 failing 13:12 fees 10:23 13:14 file 10:14,21 filed 4:10,12 5:23 6:20 7:6,24 14:2 filing 13:11 first 12:10 17:12 five 13:17 Florence 2:4,5 3:9 4:5,6 8:15 14:13 football 9:11 foregoing 17:9,14 forth 17:11 forward 13:10 15:6 forwarded 12:17 four 8:21 Fourth 3:7 5:18 6:10 7:7 8:4 14:2 further 10:11,18 11:5 17:18 G game 9:11 goes 9:9 14:14 going 11:9 14:3 Group 2:5 H H 5:24 happened 5:15
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STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
(Case No. 2011-CP-07-04999)

STEFFANI WALTHER and)
MICHAEL D. WALTHER,)

Plaintiffs,)

v.)

EDDIE MAPLE and KATE)
MAPLE, INDIVIDUALLY and)
d/b/a EQUINE MANAGEMENT,)
LLC,)

Defendants.)

AFFIDAVIT OF STEFFANI WALTHER

2013 OCT 30 PM 1:57
BEAUFORT COUNTY, S.C.
CLERK OF COURT

PERSONALLY appeared before me Steffani Walther (herein sometimes "The Affiant"), who, first being duly sworn, says under oath the following:

1. My name is Steffani Walther and I am the primary plaintiff in this action.
2. I am 59 years of age, of sound mind, and I reside at 5 Ghost Pony Road, at Bluffton, in Beaufort County, South Carolina.
3. I make this affidavit on my own personal knowledge.
4. A significant problem in scheduling my deposition has resulted from a failure to communicate about suitable dates prior to sending out deposition notices.
5. That was the case with the so-called Fourth Notice of Deposition, which called for my deposition to be taken on August 28, 2013.
6. Although my attorney had scheduling conflicts, as did my husband, Michael, which were called to the attention of Defendants' counsel on the date that we

learned of the most recent notice (see Exhibit A), August 7, 2013, I did not have a conflict on that date, when it was initially proposed.

7. However, on August 26, 2013, I received notice that my son, Pedram Davoud, had been assaulted (with the intent to kill) on August 25, 2013, in Orange County, California.

8. My son's injuries were so extensive that he had been transferred in serious condition from Placentia Linda Hospital to the University of California at Irvine Emergency Department (where he is photographed in Exhibit B), at which time he was placed under the care of Dr. Robert Katzer.

9. I immediately made plans to attend my son, and, with the assistance of my husband, I was able to purchase an airline ticket on the afternoon of August 26, 2013, as appears from Exhibit C.

10. I stayed with my son in California--both before and after he underwent extensive surgery for his injuries.

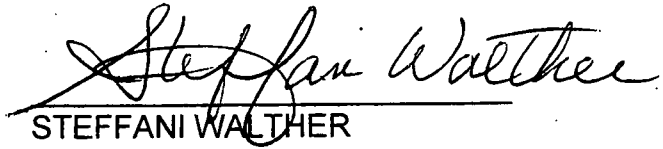
11. I did not return to Bluffton until August 31, 2013, after my son's condition had become stable and I had assured that he had adequate home care.

12. Accordingly, on August 28, 2013, I was not available for a deposition in Beaufort County, South Carolina.

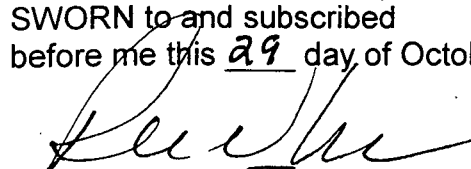
13. I am informed and believe that the Defendants' attorney was advised by email that the deposition would not take place, as appears from Exhibit D.

14. The Defendants' attorney may be unaware of my circumstances as described above because he refused to call my attorney as requested, as also appears from Exhibit D.

FURTHER THE AFFIANT SAYETH NOT.


STEFFANI WALTHER

SWORN to and subscribed
before me this 29 day of October, 2013.


Notary Public for South Carolina
My Commission Expires: 5/2/2016.

From: Phil Florence <phil@theflorencelaw.com>

To: rmathlaw <rmathlaw@aol.com>

Subject: Re: Walthers v. Maple

Date: Wed, Aug 7, 2013 4:07 pm

Robert,

Apologize for the mistake on the cover letter but the notices are clear on the date of August 28, 2013, which is in accordance with the order of Judge Dukes. I would agree to take the depositions earlier than August 28, 2013, but certainly no later than that date. If you have issues complying with the court's order then you will need to file the appropriate motion to obtain relief from the court's order. If Plaintiffs insist on refusing to appear for their scheduled depositions, I will promptly file the appropriate motion for sanctions including a request for attorneys fees and dismissal with prejudice. Robert, this has gone on long enough and it is time to comply.

Sent from my iPhone

On Aug 7, 2013, at 3:17 PM, "rmathlaw@aol.com" <rmathlaw@aol.com> wrote:

Mr. Florence,

The date of the depositions set forth in your letter does not coincide with that set forth in the notice. My assumption, due to the impracticability of the first date, is that you mean to take the depositions on August 28, 2013.

I am scheduled for another matter on that date, though, at this point, that matter could be rescheduled. I plan to be in Columbia on August 29 for a football game that I am certain holds no interest for a Citadel graduate. I also am involved in an ongoing hearing before the Securities Commissioner in Columbia that is supposed to resume on a date not yet selected during the same week.

My preference, therefore, is to hold the depositions on the following Wednesday, Thursday or Friday (09/04, 05 or 06).

I have forwarded the letter and notice to my clients with a request that they advise me of their availability.

Best regards.

Rob Mathison.

Law Offices of Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
843-785-6503 rmathlaw@aol.com

-----Original Message-----

From: Phil Florence <phil@theflorencelaw.com>

To: rmathlaw <rmathlaw@aol.com>

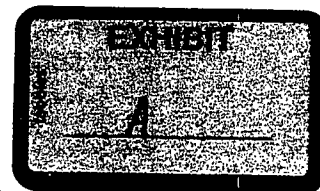
Sent: Wed, Aug 7, 2013 12:10 pm

Subject: Walthers v. Maple

Robert,

Attached for service upon you, please find the Fourth Notices of Deposition of the Plaintiffs in the above referenced matter.

Phillip Florence, Jr.



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EXHIBIT
B-1
FBI

Michael Walther

From: American Airlines@aa.com <notify@aa.globalnotifications.com>
Sent: Monday, August 26, 2013 1:05 PM
To: MICHAEL@WALTHEREDGE.COM
Subject: E-Ticket Confirmation-IQYIBC 26AUG

American Airlines

Reservations

Redeem Miles

My Account

Deals

eTicket Itinerary & Receipt Confirmation

Ticket Issued Aug 26, 2013

Michael D Walther,

Thank you for choosing American Airlines / American Eagle, a member of the oneworld® Alliance. Below are your itinerary and receipt for the ticket(s) purchased. Please print and retain this document for use throughout your trip.

You may check in and obtain your boarding pass for U.S. domestic electronic tickets within 24 hours of your flight time online at AA.com by using www.aa.com/checkin or at a Self-Service Check-In machine at the airport. Check-in options may be found at www.aa.com/options. For information regarding American Airlines checked baggage policies, please visit www.aa.com/baggageinfo.

For faster check-in at the airport, scan the barcode below at any AA Self-Service machine.

You must present a government-issued photo ID and either your boarding pass or a priority verification card at the security screening checkpoint.

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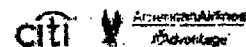


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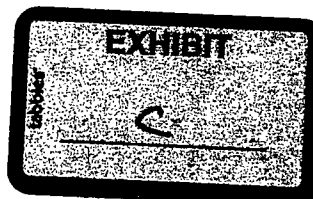
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IQYIBC



Itinerary

Carrier	Flight #	Departing	Arriving	Fare Code
 American Airlines	3603	SAVANNAH MON 26AUG 5:40 PM	DALLAS FT WORTH MON 26AUG 7:20 PM	T
Operated By American Eagle Airlines				
Steffani Walther	Seat 11C	Economy	FF#: R5682D0	Food For Purchase
 American	1747	DALLAS FT WORTH MON 26AUG 9:35 PM	SANTA ANA MON 26AUG 10:30 PM	T
Steffani Walther	Seat 22E	Economy	FF#: R5682D0	Food For Purchase
 American	1680	SANTA ANA SUN 01SEP 12:25 PM	DALLAS FT WORTH SUN 01SEP 5:15 PM	T
Steffani Walther		Economy	FF#: R5682D0	Food For Purchase
 American Airlines	2790	DALLAS FT WORTH SUN 01SEP 6:30 PM	SAVANNAH SUN 01SEP 9:50 PM	T
Operated By American Eagle Airlines				
Steffani Walther	Seat 15A	Economy	FF#: R5682D0	Food For Purchase

Receipt

Passenger	Ticket #	Fare-USD	Taxes and Carrier-Imposed Fees	Ticket Total
M Steffani Walther	0012326433809	0	10.00	10.00
AA Advantage Certificate, Master Card XXXXXXXXXXXXX9858				\$ 10.00

ឧបាយកលក្នុងការសង្គ្រោះ

baggage charges for your itinerary may be governed by American Airlines BAG ALLOWANCE -SASANA- or the checked bags/ American Airlines BAG ALLOWANCE -SASANA- to be checked bags/ American Airlines 1970 CHECKED BAG FEE SASVNA-US125.00/ American Airlines UP TO 50 LB/23 KG AND UP TO 62 LINEAR IN/158 LINEAR CM IS CHECKED BAG FEE-SASANA-USD25.00/ American Airlines UP TO 50 LB/23 KG AND UP TO 62 LINEAR IN/158 LINEAR CM UNCHECKED BAG FEE-SASANA-USD35.00/ American Airlines UP TO 50 LB/23 KG AND UP TO 62 LINEAR IN/158 LINEAR CM UNCHECKED BAG FEE-SASANA-USD35.00/ American Airlines UP TO 50 LB/23 KG AND UP TO 62 LINEAR IN/158 LINEAR CM ADDITIONAL ALLOWANCES AND/OR DISCOUNTS MAY APPLY

90

Mr. Florence,

Should you have any question, please call me on my mobile number (843-384-7115), as I requested last week.

Rob Mathison.

-----Original Message-----

As you know, tomorrow is the court ordered deadline for Plaintiffs to make themselves available for their deposition. I have not consented to an extension of time and you have not filed any motion with the court requesting relief from the court order. I sent you a full response to your email requesting an extension of time on the court ordered depositions. I intend on showing up at your office tomorrow to make a full record in support of a motion for sanctions. You are welcome to also put your assertions on the record. Therefore, I will be at your office tomorrow with a court reporter to make a full and detailed record.

Sent from my iPhone

On Aug 27, 2013, at 3:47 PM, "rmathlaw@aol.com" <rmathlaw@aol.com> wrote:

Mr. Florence,

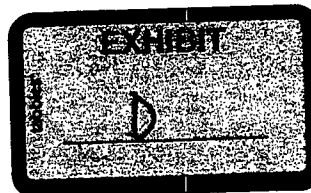
I just received a call from David Nussbaum at Coastal Court Reporting, who advised that a woman from your office named Mary Ann had contacted him earlier today in an effort to schedule two depositions for tomorrow at my office. As you know from our previous email correspondence, the August 28 date that you sought was not practicable for me, and you have declined to discuss available dates, most recently last week, when you refused to return my voice mail on this subject.

I so advised Mr. Nussbaum.

Please contact me, lest there be further misunderstanding about these depositions, which will not take place tomorrow.

Rob Mathison.

Law Offices of Mathison & Mathison
Post Office Box 5271



91

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2011-CP-074999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendants.

**AFFIDAVIT IN SUPPORT OF
ATTORNEY'S FEES**

FILED
CLERK OF COURT
13 OCT 31 PM 3:04
BEAUFORT COUNTY, S.C.

PERSONALLY APPEARED BEFORE ME Phillip Florence, Jr. who, being duly
sworn deposes and says:

1. I was admitted into the practice of law in South Carolina in 1994 and am an active member of the South Carolina Bar Association and the Charleston County Bar Association. I am also admitted to practice before the United States District Court, District of South Carolina and the Fourth Circuit Court of Appeals.
2. I am currently a solo practitioner with The Florence Law Group, LLC, in Charleston, S.C. The emphasis of my practice is general civil litigation including defamation, employment and business law. I have handled litigation cases on a statewide basis since 1994 and am very experienced and knowledgeable in civil litigation.
3. I am the attorney of record for the Defendants in the above-captioned action. The services rendered on behalf of Defendants have been performed by me or under my direction. A detailed statement of time and efforts rendered by my firm specifically related to the time and costs of Defense counsel in pursuing the depositions of

4. The total fees and costs in this case rendered by Defense counsel in pursuing the depositions of the Plaintiffs on behalf of the Defendants are \$9,691.18 through October 28, 2013. My regular billing rate is Two Hundred (\$200.00) Dollars per hour.
5. I believe that all services performed were reasonable and necessary for the proper representation of Defendants, and I am informed and believe that the fees charged in this case reflect those customarily charged in this locality for a similar action.
6. I am requesting that the Court review the file, this Affidavit, and evidence presented to the court and grant Defendants the reasonable sum of attorney's fees and costs to date in accordance with the Court's ruling and order of October 28, 2013, granting Defendant's Motion for Sanctions against Plaintiffs. I am also requesting on behalf of the Defendants that the Court require the Plaintiffs to pay those fees and costs.

EXHIBIT A



P.O. Box 22497
Charleston, South Carolina 29413-2497

Barbara Gault
American Reliable Insurance Company
P. O. Box 6099
Scottsdale, Arizona 85261-6099

INVOICE

Invoice # 8
Date: 05/02/2013
Due On: 06/01/2013

00103

**Michael and Steffani Walther v. Eddie Maple & Kate Maple,
individually and d/b/a Equine Management, LLC (Claim Number
R11-096827) / Date of Loss: November 4, 2011**

Services

Type	Date	Description	Quantity	Rate	Total	
Service	02/08/2013	Travel to Beaufort County Court to for mandatory status conference hearing before Judge Dukes	1.40	\$200.00	\$280.00	*
Service	02/08/2013	Attend Status Conference before Judge Dukes	1.00	\$200.00	\$200.00	*
Service	02/08/2013	return travel from Beaufort County Court to Charleston after conclusion of status conference with Judge Dukes	1.40	\$200.00	\$280.00	*
Service	02/11/2013	Prepare proposed scheduling order and submit to opposing counsel	0.50	\$200.00	\$100.00	*
Service	02/12/2013	Telephone conference with Plaintiffs counsel regarding edits to proposed scheduling order	0.30	\$200.00	\$60.00	*
Service	03/04/2013	Prepare Notice of Depositions and Subpoenas for the depositions of Steffani Walther and Michael Walther	0.70	\$200.00	\$140.00	*
Service	03/07/2013	Prepare Amended Notices of Depositions and Subpoenas (2) for depositions of Plaintiffs and serve	0.40	\$200.00	\$80.00	*
Service	03/22/2013	Telephone conference with Defendant Kate Maple regarding status of case and identification of additional pertinent witnesses	0.40	\$200.00	\$80.00	
Service	03/26/2013	Prepare amended subpoena for documents to be served on Rose Hill Plantation Property Owners Association	0.30	\$200.00	\$60.00	

Service	04/01/2013	Prepare second subpoena for documentation to Rose Hill Property Owners Association regarding Plaintiff Steffani Walther	0.30	\$200.00	\$60.00	
Service	04/02/2013	Conference with Eddie and Kate Maple to discuss deposition strategy for Plaintiffs' scheduled deposition and analyze documents produced by Maples regarding community reputation of Plaintiffs	4.50	\$200.00	\$900.00	*
Service	04/04/2013	Prepare for scheduled depositions of Steffani and Michael Walther	3.20	\$200.00	\$640.00	*
Service	04/05/2013	Telephone conference with Plaintiffs' attorney regarding cancellation of Plaintiffs' depositions scheduled for April 8, 2013	0.20	\$200.00	\$40.00	*
Service	04/16/2013	Prepare Motion to Compel Plaintiffs' depositions with supporting memorandum, affidavit and exhibits	1.50	\$200.00	\$300.00	*
Service	04/23/2013	Prepare supplemental interrogatories and request for production to serve on Plaintiffs' counsel	0.70	\$200.00	\$140.00	
Service	05/02/2013	Conference with material witness Guilana Gusmaroli to discuss pertinent eye witness testimony regarding allegations of complaint and actions of Defendants toward Plaintiffs	1.50	\$200.00	\$300.00	
Services Subtotal					\$3,660.00	

Expenses

Type	Date	Description	Quantity	Rate	Total	
Expense	02/08/2013	travel mileage reimbursement (138 miles roundtrip) at IRS standard rate of 55.5 cents per mile for attendance of status conference in Beaufort County	1.00	\$76.59	\$76.59	*
Expenses Subtotal					\$76.59	
Subtotal					\$3,736.59	
Total					\$3,736.59	

Detailed Statement of Account**Current Invoice**

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
8	06/01/2013	\$3,736.59	\$0.00	\$3,736.59

Outstanding Balance	\$3,736.59
Total Amount Outstanding	\$3,736.59

Please make all amounts payable to: The Florence Law Group, LLC



P.O. Box 22497
Charleston, South Carolina 29413-2497

Barbara Gault
American Reliable Insurance Company
P. O. Box 6099
Scottsdale, Arizona 85261-6099

INVOICE

Invoice # 11
Date: 08/29/2013
Due On: 09/28/2013

00103

**Michael and Steffani Walther v. Eddie Maple & Kate Maple,
individually and d/b/a Equine Management, LLC (Claim Number
R11-096827) / Date of Loss: November 4, 2011**

Services

Type	Date	Description	Quantity	Rate	Total	
Service	06/10/2013	Prepare and serve Second Amended Notices of depositions for Steffani Walther and Michael Walther	0.50	\$200.00	\$100.00	*
Service	07/16/2013	Prepare legal arguments and exhibits for scheduled hearing on Defendants' motion to compel depositions of Plaintiffs	1.20	\$200.00	\$240.00	*
Service	07/17/2013	Travel to court in Beaufort, SC to attend hearing regarding Motion to Compel Depositions of Plaintiffs	1.50	\$200.00	\$300.00	*
Service	07/17/2013	Attend roster meeting and motions hearing regarding Motion to Compel Plaintiffs depositions	2.40	\$200.00	\$480.00	*
Service	07/17/2013	Return trip from court in Beaufort, SC after hearing on Motion to Compel	1.50	\$200.00	\$300.00	*
Service	07/18/2013	Prepare proposed Order in accordance with the ruling of Judge Dukes granting Defendants' Motion to Compel Plaintiffs' depositions	1.40	\$200.00	\$280.00	*
Service	07/31/2013	Prepare for hearing regarding Motion to Quash Subpoena Duces Tecum to Rose Hill Plantation filed by counsel for Rose Hill Plantation	0.80	\$200.00	\$160.00	
Service	08/01/2013	Travel to court in Beaufort, SC to attend hearing regarding Motion to Quash Discovery Subpoena Duces Tecum to Rose Hill Plantation	1.50	\$200.00	\$300.00	

Service	08/01/2013	Attend roster meeting and motions hearing regarding Motion to Quash Subpoena. Motion Denied but ordered to modify subpoena	1.00	\$200.00	\$200.00	
Service	08/01/2013	Return trip from court in Beaufort, SC after hearing on Motion to Quash subpoena	1.50	\$200.00	\$300.00	
Service	08/07/2013	Prepare Fourth Notice of Deposition for Plaintiffs for August 28, 2013	0.40	\$200.00	\$80.00	*
Service	08/19/2013	receipt and review of correspondence from Plaintiffs' attorney regarding cancellation of court ordered deposition of Plaintiffs	0.20	\$200.00	\$40.00	*
Service	08/19/2013	Prepare reply correspondence to Plaintiffs' attorney regarding his request for cancellation of Plaintiffs deposition	0.20	\$200.00	\$40.00	*
Service	08/21/2013	Receive, analyze and outline documents produced by Rose Hill Plantation pursuant to subpoena (330 pages)	2.50	\$200.00	\$500.00	
Service	08/22/2013	Telephone conference with Defendants, Kate and Eddie Maple, regarding documents received from Rose Hill Plantation via subpoena and additional witnesses	0.40	\$200.00	\$80.00	
Service	08/23/2013	Prepare supplemental interrogatories and request for production based upon analysis of documents received from Rose Hill Plantation via subpoena	0.50	\$200.00	\$100.00	
Service	08/23/2013	Interview additional supportive witnesses identified in documents received from Rose Hill Plantation via subpoena	2.50	\$200.00	\$500.00	
Service	08/26/2013	Prepare supplemental responses to Plaintiffs' interrogatories and request for production with pertinent documents and information from Rose Hill Plantation documents received via subpoena	1.50	\$200.00	\$300.00	
Service	08/26/2013	Prepare initial draft of Motion and supporting Memorandum of Law for Sanctions requesting dismissal and attorneys fees on the grounds that Plaintiffs violated court order requiring Plaintiffs to appear for the deposition by August 28, 2013, and Plaintiffs counsel indicated that Plaintiffs will not comply	3.80	\$200.00	\$760.00	*
Service	08/28/2013	Travel to court in Hilton Head, SC to attend take Plaintiffs court ordered scheduled deposition at Plaintiffs' attorney's	2.00	\$200.00	\$400.00	*
Service	08/28/2013	Meet with court reporter for Plaintiffs' deposition to prepare a record with exhibits regarding Plaintiffs failure to appear for their court ordered deposition	0.80	\$200.00	\$160.00	*
Service	08/28/2013	Conference with Defendants Eddie and Kate Maple and witnesses in Hilton Head regarding status of case and case strategy	2.50	\$200.00	\$500.00	*

Service	08/28/2013	Return trip to Charleston from Hilton Head, SC after attending court ordered scheduled deposition (Plaintiffs failed to appear) and conference with Defendants	2.00	\$200.00	\$400.00	*
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Services Subtotal	\$6,520.00
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Expenses

Type	Date	Description	Quantity	Rate	Total	
Expense	08/28/2013	travel mileage reimbursement (250 miles roundtrip) at IRS standard rate of 55.5 cents per mile for attendance of court ordered depositions of Plaintiffs in Hilton Head, S.C.	1.00	\$138.00	\$138.00	*

Expenses Subtotal	\$138.00
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Subtotal	\$6,658.00
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Total	\$6,658.00
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Detailed Statement of Account**Current Invoice**

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
11	09/28/2013	\$6,658.00	\$0.00	\$6,658.00
			Outstanding Balance	\$6,658.00
			Total Amount Outstanding	\$6,658.00

Please make all amounts payable to: The Florence Law Group, LLC



P.O. Box 22497
Charleston, South Carolina 29413-2497

Barbara Gault
American Reliable Insurance Company
P. O. Box 6099
Scottsdale, Arizona 85261-6099

00103

**Michael and Steffani Walther v. Eddie Maple & Kate Maple,
individually and d/b/a Equine Management, LLC (Claim Number
R11-096827) / Date of Loss: November 4, 2011**

Services

Type	Date	Description	Quantity	Rate	Total	
Service	09/02/2013	Conference with material eye witness, Giuliana Gusmaroli regarding her observations and expected testimony	1.50	\$200.00	\$300.00	
Service	09/03/2013	Receive and review transcript of deposition with court reporter in which is was put on the record the facts and circumstances surrounding the Plaintiff's failure to appear	0.30	\$200.00	\$60.00	*
Service	09/04/2013	Prepare supplemental exhibits for memorandum in support of Motion for Sanctions	0.50	\$200.00	\$100.00	*
Service	09/09/2013	Telephone conference with Judge Mullen's office requesting expedited hearing on Motion for Sanctions	0.30	\$200.00	\$60.00	*
Service	09/10/2013	Prepare formal request for expedited hearing per Judge's instructions and file with court	0.50	\$200.00	\$100.00	*
Service	09/13/2013	Receive and review letter from court and motions roster scheduling hearing for Motion for Sanctions for October 28, 2013	0.20	\$200.00	\$40.00	*
Service	10/02/2013	Prepare Notice of deposition and subpoena for witness Donna Wilson	0.40	\$200.00	\$80.00	
Service	10/02/2013	Prepare Notice of deposition and subpoena for witness Brooks and Nancy Braender	0.40	\$200.00	\$80.00	

INVOICE

Invoice # 13
Date: 10/28/2013
Due On: 11/27/2013

Service	10/02/2013	Prepare Notice of deposition and subpoena for witness Cheryl B. Metz	0.40	\$200.00	\$80.00
Service	10/03/2013	Prepare Notice of deposition and subpoena for witness Irene Konstanty	0.40	\$200.00	\$80.00
Service	10/03/2013	Prepare Notice of deposition and subpoena for witness Laura A. Badger	0.40	\$200.00	\$80.00
Service	10/04/2013	Prepare Notice of deposition and subpoena for witness Allison Campbell	0.40	\$200.00	\$80.00
Service	10/04/2013	Prepare Notice of deposition and subpoena for witness Mark chesser	0.40	\$200.00	\$80.00
Service	10/04/2013	Prepare Notice of deposition and subpoena for witness Kathryn Riley	0.40	\$200.00	\$80.00
Service	10/04/2013	Prepare Notice of deposition for witness Joan M. Clear and subpoena	0.40	\$200.00	\$80.00
Service	10/07/2013	Prepare Notice of deposition and subpoena for witness Holly Drew	0.40	\$200.00	\$80.00
Service	10/07/2013	Prepare Notice of deposition and subpoena for witness Audrey Geoffroy	0.40	\$200.00	\$80.00
Service	10/07/2013	Prepare Notice of deposition and subpoena for witness Linda Hall	0.40	\$200.00	\$80.00
Service	10/07/2013	Prepare Notice of deposition and subpoena for witness William r. Hassett	0.40	\$200.00	\$80.00
Service	10/08/2013	Prepare Notice of deposition and subpoena for witness Arti Kolberg	0.40	\$200.00	\$80.00
Service	10/08/2013	Prepare Notice of deposition and subpoena for witness Terri Kreissl	0.40	\$200.00	\$80.00
Service	10/08/2013	Prepare Notice of deposition and subpoena for witness Jennifer Jones-Dowdney	0.40	\$200.00	\$80.00
Service	10/08/2013	Prepare Notice of deposition and subpoena for witness Judi Kestenbaum	0.40	\$200.00	\$80.00
Service	10/21/2013	Prepare Notice of deposition and subpoena for witness Tim Moss	0.40	\$200.00	\$80.00
Service	10/21/2013	Prepare Notice of deposition and subpoena for witness Sandy Termotto	0.40	\$200.00	\$80.00
Service	10/21/2013	Prepare Notice of deposition and subpoena for witness Sandra Lucas	0.40	\$200.00	\$80.00
Service	10/22/2013	Prepare Notice of deposition and subpoena for witness Leslie Sullivan	0.40	\$200.00	\$80.00

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Service	10/22/2013	Prepare Notice of deposition and subpoena for witness Thomas and Hedy Moore	0.30	\$200.00	\$60.00	
Service	10/22/2013	Prepare Notice of deposition and subpoena for witness Judy Pivrotto	0.40	\$200.00	\$80.00	
Service	10/23/2013	Prepare Notice of deposition and subpoena for witness Reece Myran	0.40	\$200.00	\$80.00	
Service	10/23/2013	Prepare Notice of deposition and subpoena for witness Natasha Muckova	0.40	\$200.00	\$80.00	
Service	10/23/2013	Prepare Notice of deposition and subpoena for witness Frank Parker	0.40	\$200.00	\$80.00	
Service	10/23/2013	Prepare Notice of deposition and subpoena for witness Kathryn Warmus	0.40	\$200.00	\$80.00	
Service	10/24/2013	Prepare for scheduled hearing regarding Defendants' Motion for Sanctions against Plaintiff for failure to appear for depositions	0.80	\$200.00	\$160.00	*
Service	10/25/2013	Prepare proposed Order granting Motion for Sanctions to provide to Court at time of hearing	0.80	\$200.00	\$160.00	*
Service	10/25/2013	Prepare Notice of deposition and subpoena for witness Guilana Gusmaroli	0.30	\$200.00	\$60.00	
Service	10/28/2013	Travel to court in Beaufort, SC to attend hearing regarding Motion for Sanctions	1.50	\$200.00	\$300.00	*
Service	10/28/2013	Attend Motions roster meeting and Hearing regarding Motion for Sanctions before Judge Murphy	3.50	\$200.00	\$700.00	*
Service	10/28/2013	Return trip to Charleston, SC from court in Beaufort, SC after hearing on Motion for Sanctions	1.50	\$200.00	\$300.00	*
Service	10/28/2013	Prepare revised and edited order granting Motion for Sanctions against Plaintiffs per instruction of Judge Murphy	0.60	\$200.00	\$120.00	*
Service	10/28/2013	Prepare Affidavit of Attorneys fees per instruction of Judge Murphy in support of order for sanctions against Plaintiffs	1.00	\$200.00	\$200.00	*
Services Subtotal					\$4,800.00	

Expenses

Type	Date	Description	Quantity	Rate	Total	
Expense	10/28/2013	travel mileage reimbursement (138 miles roundtrip) at IRS standard rate of 55.5 cents per mile for attendance of hearing on Motion for Sanctions in Beaufort County	1.00	\$76.59	\$76.59	*
Expenses Subtotal					\$76.59	

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Subtotal **\$4,876.59**
Total **\$4,876.59**

Detailed Statement of Account

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
13	11/27/2013	\$4,876.59	\$0.00	\$4,876.59
			Outstanding Balance	\$4,876.59
			Total Amount Outstanding	\$4,876.59

Please make all amounts payable to: The Florence Law Group, LLC

Please pay within 30 days.



Phillip Florence, Jr.
Attorney at Law

October 29, 2013

The Honorable Jeri Ann Roseneau
Clerk of Court for Beaufort County
Beaufort County Courthouse
102 Ribaut Road
Beaufort, SC 29902

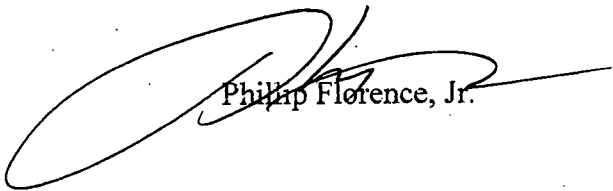
Re: Steffani Walther & Michael Walther v. Eddie Maple & Kate Maple,
individually and d/b/a Equine Management, LLC
Docket No.: 2011-CP-07-4999

Dear Ms. Roseneau,

I am enclosing herewith the original and one copy of Affidavit in Support of Attorney's fees. I would appreciate your filing the original and returning a "clocked" copy to me in the self-addressed, stamped envelope provided.

By copy of this letter to Plaintiff's counsel, Robert V. Mathison, Esquire, I am this day serving him with copy of same.

Sincerely,
THE FLORENCE LAW GROUP



Phillip Florence, Jr.

cc: Robert V. Mathison, Jr.

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STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

STEFFANI WALTHER and MICHAEL WALTHER

☐ Plaintiff

IN THE COURT OF COMMON PLEAS

CASE NO.

2011-CP-07-04999

v.

EDDIE MAPLE And KATE MAPLE,
INDIVIDUALLY AND D/B/A/ EQUINE
MANAGEMENT, LLC

☐ Defendant.

13 DEC 12 PM 3:15
CLERK OF COURT
JOSEPH ROSENEAU
BEAUFORT COUNTY, S.C.

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

Plaintiff's Attorney: Robert V Mathison, Jr., Bar No. 3685 Address: P O Box 5271, Hilton Head Island, SC 29938 phone: 843-785-6503 fax: e-mail: rmathlaw@aol.com other:		Defendant's Attorney: Phillip Florence, Bar No. Address: P O Bpox 22497 Charleston, SC phone: fax: e-mail: other:	
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information Nature of Motion: Rule 59(e) and/or Rule 60(b), SCRCP Estimated Time Needed: 30 min Court Reporter Needed: ☒ YES / ☐ NO			
SECTION II: Motion/Order Type ☒ Written motion attached and affidavit sent under separate cover ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. Signature of Attorney for ☒ Plaintiff / ☐ Defendant <i>Robert V. Mathison Jr.</i> November 29, 2013 Date submitted			
SECTION III: Motion Fee ☒ PAID - AMOUNT: \$25.00 ☐ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: ☐ Other:			
JUDGE'S SECTION ☐ Motion Fee to be paid upon filing of the attached order. ☐ Other:		JUDGE CODE: Date:	
CLERK'S VERIFICATION Collected by: Date Filed:			

☐ MOTION FEE COLLECTED: _____
☐ CONTESTED – AMOUNT DUE: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS

STEFFANI WALTHER and MICHAEL)
WALTHER,)

Plaintiffs,)

v.)

EDDIE MAPLE and KATE MAPLE,)
Defendants,)

NOTICE OF MOTIONS AND MOTIONS

13 DEC -2 PM 3:15
BEAUFORT COUNTY S.C.
CLERK OF COURT

TO: The DEFENDANTS, EDDIE MAPLE and KATE MAPLE, by and through their Attorney, PHILLIP FLORENCE, Esquire.

PLEASE TAKE NOTICE that the Plaintiffs herein, Steffani Walther and Michael Walther, by and through their undersigned attorney, ten (10) days after the service hereof, upon such date and at such time as shall be scheduled by the Court, will move before the Honorable Maite D. Murphy, at the Beaufort County Courthouse, 102 Ribaut Road, Beaufort, South Carolina, or at such other place as the motions may be heard, for the following relief:

1. An order, pursuant to Rules 52(b) and 59(e), SCRCP, amending the findings and conclusions set forth in the Order dated October 29, 2013, in the following particulars and upon the following grounds: (a) The sanctions imposed exceed those warranted by Rule 37(b)(2), SCRCP, and exceed those warranted by a proper exercise of discretion, especially in view of the extenuating circumstances set forth in the Affidavits of Steffani Walther and Robert V. Mathison, Jr.; (b) the dismissal without prejudice is not as innocuous as it otherwise might appear because of the running of the two year statute of limitations for defamation; and (c) the monetary award is either made without a proper evidentiary hearing, as required by Rule 37, SCRCP, or was made without proper notice.

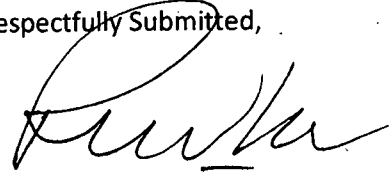
2. An order, pursuant to Rule 60(b), SCRCP, relieving the Plaintiffs and/or their legal representative from the effects of the Order dated October 29, 2013, upon such terms as may be just, because of mistake, inadvertence and/or excusable neglect in concert with a reasonable explanation of

the failure to act and a meritorious position by the Plaintiffs, all as more fully appears in the Complaint in this action, as well as in the Affidavits of Steffani Walther and Robert V. Mathison, Jr.

THIS MOTION is made upon the affidavits more fully described herein above, as well as upon the applicable law.

Respectfully Submitted,

By:



Robert V. Mathison, Jr.
Steffani Walther and Michael Walther

MATHISON & MATHISON
Post Office Box 5271
Hilton Head Island, SC 29938-5271
Telephone: (843) 785-6503
Email: rmathlaw@aol.com

Certificate

I hereby certify that the original
and one copy were mailed to the
Clerk of Court and to Philip
Flanence, Esq. on November 29, 2013.

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
(Case No. 2011-CP-07-04999)

STEFFANI WALTHER and)
MICHAEL D. WALTHER,)

Plaintiffs,)

v.)

EDDIE MAPLE and KATE)
MAPLE, INDIVIDUALLY and)
d/b/a EQUINE MANAGEMENT,)
LLC,)

Defendants.)

AFFIDAVIT OF ROBERT V. MATHISON

13 DEC -2 PM 3:15
CLERK OF COURT
BEAUFORT COUNTY
S.C.

PERSONALLY appeared before me Robert V. Mathison, Jr., who, first being duly sworn, says under oath the following:

1. My name is Robert V. Mathison, Jr. and I reside at 21 Bateau Road at Hilton Head Island in Beaufort County, South Carolina.
2. I am an attorney licensed to practice law in the state of South Carolina, and, in that capacity, I represent the Plaintiffs in this action.
3. I am 66 years of age, of sound mind and I make this Affidavit of my own personal knowledge.
4. Approximately three weeks before the term of court beginning on October 28, 2013, I reviewed the internet site for the Beaufort County Clerk of Court, and, specifically that detailing the various rosters for jury cases, non-jury cases and motions to be heard in and by the Court of Common Pleas.

Rsm

5. I typically perform such a review not less often than once per month, and I place as many as 30 entries on my calendar as a result.

6. Believing the hearing of the Defendants' motion in this case to have been scheduled by the Clerk's office for Tuesday, October 29, 2013, I placed an entry to that effect on my calendar.

7. In order to have an affidavit detailing the reason for Ms. Walter's absence from the last attempt to take her deposition, prior to my departure for the Mountains on Friday, October 25, 2013, I asked Ms. Walther to gather and furnish information pertinent to the assault on her son in California and the duration of her caring for him at the hospital and at his home in California.

8. Upon arriving at my office at 1:10 p.m. on Monday, October 28, 2013, I reviewed my calls and my email, including the information that I had sought from Ms. Walther for use in preparing her affidavit.

9. One email that I had received on Monday from the office of the Honorable Carmen T. Mullen described a motion in which I was counsel for one of the Defendants, and, specifically, a motion for reconsideration of a motion previously decided by Judge Mullen that, evidently, had been discussed at a roster meeting on Monday morning, ^{because it} _^ ^{Rum} could not be heard by the Honorable Maite D. Murphy during her term of court.

10. Because I did not have that motion noted on my calendar, nor, indeed, the roster meeting for that matter, I reviewed the roster on the Beaufort County Clerk of Court's internet site and saw that the Defendants' motion in this case was scheduled for 1:00 p.m. on Monday, not for 1:00 p.m. on Tuesday.

11. I thereupon collected my file and left the office, calling Judge Mullen's office, which was the only number I had indexed in my mobile telephone to advise that I would be late to the motion but was on the way. That telephone call took place at 1:35 p.m. on Monday, October 28, 2013.

12. Approximately ten minutes later, the secretary in Judge Mullen's office called to advise that my message had been delivered to Judge Murphy's Law Clerk, but that the matter had already been heard and decided.

13. I therefore returned to my office and completed the Affidavit for Ms. Walther, which was subsequently filed and, after a copy was furnished to opposing counsel, was presented to the Court.

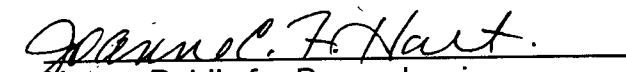
14. I received a copy of the Order dated October 29, 2013, via email from opposing counsel on Monday, November 18, 2013.

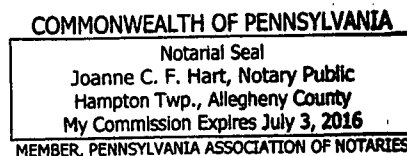
FURTHER the Affiant sayeth not.



Robert V. Mathison, Jr.

SWORN to and subscribed
before me this 29th day of November, 2013.


Notary Public for Pennsylvania
My Commission Expires: July 03, 2016



STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

)
)
)

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendants.

**DEFENDANTS' REPLY TO PLAINTIFFS'
MOTION FOR RELIEF FROM ORDER
UNDER RULES 52(b), 59(e) AND 60(b)**

BACKGROUND

On October 28, 2013, a hearing was held by The Honorable Maite D. Murphy on Defendants' Motion for Sanctions in the above referenced matter. Defendants were represented at the hearing by Phillip Florence, Jr. of the Florence Law Group, LLC. Neither Plaintiffs nor Plaintiffs' counsel were present at the hearing. The Court confirmed that Plaintiffs' counsel received timely notice of the date and time of the hearing. The Court further delayed the start of the hearing for approximately Thirty (30) minutes to provide Plaintiffs' counsel ample time to arrive at the hearing. Counsel for Plaintiffs did not submit any pleadings, memorandum or affidavits in opposition to Defendants' Motion for Sanctions.

At that hearing, Judge Murphy granted Defendants' Motion for Sanctions finding that Plaintiffs and Plaintiffs' counsel have cancelled Plaintiffs' scheduled depositions on at least Five (5) separate occasions for unjustified and insufficient reasons and/or without any valid reason at all, and that Plaintiffs willfully and intentionally ignored the Order of this Court issued by The

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Maite D. Murphy
Circuit Court Judge

Case No. 2011-CP-07-04999

STEFFANI WALTHER and MICHAEL D. WALTHER.....Appellants,

v.

EDDIE MAPLE and KATE MAPLE, INDIVIDUALLY and
d/b/a EQUINE MANAGEMENT, LLC.....Respondents.

PROOF OF SERVICE

I, Robert V. Mathison, Jr., hereby certify that on February 7, 2015, I served by mail a copy of the proposed Record on Appeal dated February 7, 2015, by depositing same, with sufficient first class postage prepaid, at the United States Post Office at Hilton Head Island, South Carolina, addressed as follows:

Phillip Florence, Jr., Esquire
The Florence Law Group, LLC
Post Office Box 22497
Charleston, SC 29413-2497

Robert V. Mathison, Jr.
Attorney for the Appellants
Steffani Walther and
Michael D. Walther

Honorable Marvin H. Dukes, III, issued on July 24, 2013, which required that Plaintiffs appear for their depositions on or before, but no later than, August 28, 2013. Judge Murphy further ordered that the case be dismissed without prejudice and awarded attorney's fees to Defendants. Judge Murphy directed Defense counsel to submit a proposed order and an affidavit in support of attorney's fees. Defense counsel submitted those documents on October 29, 2013. Judge Murphy signed the order granting Defendants' Motion for Sanctions on October 29, 2013. The order was filed and entered on October 18, 2013.¹ (Exhibit A)

On October 30, 2013, two days after the hearing, Plaintiffs' counsel informed Defense Counsel via email that he intended to file an Affidavit of Plaintiff Steffani Walther in response to Defendants' Motion for Sanctions. Since the Affidavit of Steffani Walther was filed by Plaintiffs after the hearing and after the signing of the sanctions order, it is clear that the Affidavit of Steffani Walther was not properly or timely submitted for consideration by the Court on any of the issues related to Defendants' Motion for Sanctions. Accordingly, Defense counsel submitted an objection to the consideration of the Affidavit of Steffani Walther in this matter.

On November 29, 2013, Plaintiffs served Defense counsel with their Motion for Relief from the Order and a Notice of Appeal. (Exhibit B)

DISCUSSION

Plaintiffs Motion for Relief was not timely served and, therefore, should be dismissed in accordance with Rules 52(b) and 59(e), SCRCRCP. Pursuant to those Rules, Plaintiffs must serve a Motion to Alter or Amend the judgment not later than 10 days after receipt of written notice of the entry of the order. Plaintiffs' counsel admits that he received written notice of the entry of Judge Murphy's Order on November 18, 2013. (See Plaintiffs admission in Notice of Appeal in

¹ The Order was actually initially filed on October 29, 2013. However, that filing date was subsequently cancelled and changed to November 18, 2013, by the Beaufort County Clerk of Court.

Exhibit B). Additionally, Defendants' counsel sent to Plaintiffs' counsel a copy of the entered order by email dated November 18, 2013. Consequently, Plaintiffs had until November 28, 2013, ten days from November 18 2013, to serve Defense counsel with their Motion for Relief. However, Plaintiffs did not serve Defendants until November 29, 2013, the Eleventh day after the entry of the order. Therefore, Plaintiffs Motion should be denied on the grounds that it was not timely served in accordance with SCRPC Rule 52(b) and 59(e).

As to the merits of the Motion for Relief, Plaintiffs assert that they are entitled to an amendment of the order under South Carolina Rules of Civil Procedure 52(b) and 59(e) because the sanctions imposed exceed those warranted by Rule 37(b)(2), SCRPC, and exceed those warranted by a proper exercise of discretion in light of the Affidavit of Steffani Walther. Under Rule 37(b)(2)(C), SCRPC, when a party fails to comply with a discovery order, the trial court has the discretion to impose a sanction it deems just, including an order dismissing the action. McNair v. Fairfield County, 379 S.C. 462; 665 S.E.2d 830 (Ct. App. 2008); Barnette v. Adams Bros. Logging, Inc., 355 S.C. 588, 593, 586 S.E.2d 572 (2003). Absent an abuse of discretion, the trial court's imposition of discovery sanctions will not be reversed on appeal, and the party appealing from the order of sanction carries the burden of proving an abuse of discretion occurred. Id. "In determining the appropriateness of a sanction, the court should consider such factors as the precise nature of the discovery and the discovery posture of the case, willfulness, and degree of prejudice." Griffin Grading & Clearing, Inc., 334 S.C. 193, 199, 511 S.E.2d 716, 719. Here, the trial court considered the appropriate factors, and determined the Plaintiffs' willful disobedience of discovery orders warranted the sanction of dismissal with prejudice and an award of attorney's fees.

Plaintiffs' counsel has failed to submit any proof that an abuse of discretion occurred. Plaintiffs make mention of the Affidavit of Steffani Walther. However, that Affidavit was not properly or timely submitted to the Court for consideration on this matter. The Affidavit was submitted two days after the hearing and at least a day after Judge Murphy signed the order. Therefore, Defendants would submit that any reliance upon or reference to said affidavit is improper.² The sanctions issued against Plaintiffs are well within the Court's authority and discretion. Therefore, Plaintiffs have failed to show any abuse of discretion by Judge Murphy in her order granting Defendants' Motion for Sanctions.

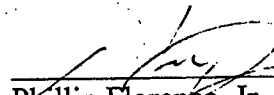
Plaintiffs are not entitled to relief from Judge Murphy's order under Rule 60(b), SCRPC, based upon mistake, inadvertence and/or excusable neglect. Plaintiffs' counsel admits in his affidavit, and the evidence shows, that he received ample notice of the hearing date for the Defendants' Motion for Sanctions. In his affidavit, Plaintiffs' counsel admits that he viewed the internet site of the Beaufort County Clerk of Court detailing the motions rosters approximately 3 weeks prior to the hearing date. The rosters clearly indicated that the hearing would be scheduled for Monday, October 28, 2013 at 1 p.m. Plaintiffs' counsel does not deny that the internet roster indicated the proper date and time for the hearing. Additionally, on October 2, 2013, Plaintiffs' counsel received an email from Defendants' counsel indicating that the hearing date for the Motion for Sanctions was confirmed for October 28, 2013. (Exhibit C). On that same day the Beaufort County Clerk of Court emailed an internet link of the motions roster to both Plaintiffs' counsel and Defendants' counsel. (Exhibit D). Also on that same day, Defendants' counsel forwarded to Plaintiffs' counsel the email he received from the Beaufort County Clerk of Court with the link to the motions roster for October 28, 2013, term of court.

² Even if the Court considers the Affidavit of Steffani Walther, Defendants would submit that the affidavit does not provide any extenuating circumstances to support in any way relief from Judge Murphy's order.

(Exhibit E) Therefore, Plaintiffs' counsel had at least three separate notices of the exact date and time of the hearing. However, Plaintiffs' counsel, an experienced attorney, would have this Court believe that he inexplicably calendared the hearing for October 29, 2013 instead of October 28, 2013. This assertion is unbelievable, incredible, and disingenuous. However, even if we assume that Plaintiffs' counsel mistakenly calendared the hearing for the wrong date, this does not constitute a mistake, inadvertence and/or excusable neglect sufficient to allow Plaintiffs to be relieved from Judge Murphy's order.

Therefore, Plaintiffs' Motion for Relief from Judge Murphy's order should be denied for the above state reasons.

THE FLORENCE LAW GROUP, LLC



Phillip Florence, Jr.

285-A Meeting Street (29401)

Post Office Box 22497

Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

December 10, 2013

EXHIBIT A

FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS**

**JUDGMENT IN A CIVIL CASE
CASE NUMBER 2011CP0704999**

Steffani Walther Michael Walther

Eddie Maple
Equine Management Llc

Kate Maple

NOV 18 PM 3:00
CLERK OF COURT
JANICE C. GIBSON

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

Motion for Sanctions Against Plaintiffs filed by Eddie Maple 9/27/2013 is granted and this case is dismissed w/o prejudice.

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)
Eddie & Kate Maple	Steffani & Michael Walther	\$9,691.18

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.

Maite Murphy
Honorable Maite Murphy

2166
Judge Code

11/15/13
Date

For Clerk of Court Office Use Only

This judgment was entered on 18 NOV 13, and a copy mailed first class or placed in the appropriate attorney's box on 18 NOV 13, to attorneys of record or to parties (when appearing pro se) as follows:

Robert V. Mathison Jr. PO Box 5271 Hilton Head Island,
SC 29938

ATTORNEY(S) FOR THE PLAINTIFF(S)

Court Reporter

Phillip Florence Jr. PO Box 22497 Charleston, SC 29413-
2497

Robert Nicholas C. Felix PO Drawer 3 Hilton Head Island,
SC 29938-0

ATTORNEY(S) FOR THE DEFENDANT(S)

Janet D. Purch

Jerri Ann Roseneau - 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.

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS

2013 NOV 18 PM 1:42

Civil Action No.: 2011-CP-07-4999

JEFFREY P. ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

13 OCT 2013 PM 3:28
BEAUFORT COUNTY, S.C.
CLERK OF COURT
DATE CANCELLED

**ORDER GRANTING DEFENDANTS'
MOTION FOR SANCTIONS AGAINST
PLAINTIFFS AND DISMISSAL
WITHOUT PREJUDICE**

This matter having come before me on a motion for sanctions filed by the Defendants Eddie Maple and Kate Maple, Individually and D/B/A Equine Management, LLC, hereinafter referred to as "Defendants". Defendants were represented at the hearing by Phillip Florence, Jr. of the Florence Law Group, LLC. Neither Plaintiffs nor Plaintiffs' counsel were present at the hearing. The Court confirmed that Plaintiffs' counsel received timely notice of the date and time of the hearing. The Court further delayed the start of the hearing for approximately Thirty (30) minutes to provide Plaintiffs' counsel ample time to arrive at the hearing. Counsel for Plaintiffs did not submit any pleadings or memorandum in opposition to Defendants' Motion for Sanctions. For the reasons set forth below, the Court GRANTS Defendants' Motion for Sanctions against Plaintiffs.

This case was commenced by Plaintiffs in December of 2011 against Defendants alleging defamation and breach of contract. Plaintiffs were initially represented by represented by attorney P. Jeffrey North. The Defendants filed an Answer on January 3, 2012, and the parties engaged in the discovery process. Written discovery was exchanged and Defense Counsel

requested from Plaintiffs' counsel mutually available dates to schedule the depositions of the Plaintiffs. Plaintiffs' counsel informed Defense counsel that Plaintiffs were unavailable for deposition until the summer of 2012 due to their travelling schedule. During the summer of 2012, Defense counsel again requested available dates to schedule the depositions of the Plaintiffs. Plaintiffs' counsel stated that Plaintiffs were unavailable for depositions but indicated a willingness to resolve the matter. Discovery was put on hold while the parties engaged in settlement negotiations for the next few months.

In December 2012, Defense counsel was informed that Mr. North would no longer represent Plaintiffs in this matter. On February 6, 2013, Defense counsel was informed that Robert V. Mathison, Jr. was retained as counsel for Plaintiffs in this matter. After a status conference with the Court on February 8, 2013, counsel for both parties agreed upon a Consent Scheduling Order in which the discovery deadline was stated as August 15, 2013. Since then, Defense counsel has twice noticed and subpoenaed the depositions of Plaintiffs. Defendants first noticed the Plaintiffs' depositions for March 25, 2013, at the office of Mr. Mathison. On March 7, 2013, Defense counsel received an email from Mr. Mathison stating that he had a conflict with March 25, 2013, but was available for these depositions the entire week of April 8, 2013 and April 15, 2013. In response, Defense counsel agreed to postpone the Plaintiffs' depositions until April 8, 2013. Accordingly, Defense counsel issued an Amended Notice of Deposition and Amended Subpoena of Plaintiffs for April 8, 2013, to be taken in the office of Mr. Mathison.

On April 5, 2013, at 4:17 p.m., the Friday before the scheduled depositions, Defense counsel received an email from Plaintiffs' counsel stating that the Plaintiffs' deposition were not going forward on April 8, 2013, due to yet another scheduling conflict. In response on that same date, Defense counsel again agreed to postpone the Plaintiffs' depositions but requested that

Plaintiffs' counsel provide alternative dates for the Plaintiffs' depositions as soon as possible. Having not heard anything further from Plaintiffs' counsel and to avoid any further delays in scheduling Plaintiffs' depositions, Defendants filed a Motion to Compel Plaintiffs' depositions requesting an Order from the court requiring that Plaintiffs appear at their scheduled depositions.

On July 17, 2013, a hearing was held on Defendants' Motion to Compel before The Honorable Marvin H. Dukes, III. During the hearing, the parties agreed that Plaintiffs would appear for their depositions on or before, but no later than, August 28, 2013. On July 24, 2013, Judge Dukes issued an Order requiring Plaintiffs to appear for their depositions on or before, but no later than, August 28, 2013.

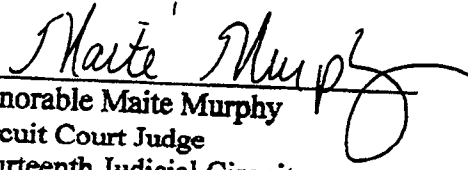
In accordance with the Order of Judge Dukes dated issued July 24, 2013, Defendants properly served a Fifth notice to Plaintiffs that their deposition were scheduled to be taken on August 28, 2013. On August 7, 2013, Plaintiffs' counsel sent an email to Defendants' counsel stating that he had an unidentified scheduling conflict with August 28, 2013, and would prefer to conduct the depositions in September of 2013. Defendants' counsel sent Plaintiffs' counsel a reply email in which he made clear that Defendants did not agree to postpone the deposition past the court ordered date of August 28, 2013. However, in the spirit of cooperation, Defense counsel did make clear that Defendants would be amenable to rescheduling the depositions to a date prior to August 28, 2013, to accommodate Plaintiffs' counsel's unidentified scheduling conflict and requested alternative dates prior to August 28, 2013. Plaintiffs' counsel did not respond to Defendants request for an alternative dates prior to August 28, 2013. Therefore, Defendants' counsel moved forward with his preparations for taking the Plaintiffs depositions on August 28, 2013.

On August 28, 2013, Defendants' counsel traveled from Charleston, S.C. to Plaintiffs' counsel's office in Hilton Head to take the court ordered and properly noticed depositions of Plaintiffs or, at the very least, to make a record of the Plaintiffs failure to appear. Defendants' counsel knocked on the front door of Plaintiffs' counsel's office with the court reporter several times but did not get a response. At that time, Defendants' counsel traveled to the offices of the court reporter and made a full record of the events related to the Defendants' multiple efforts to schedule and take the Plaintiffs' depositions.

Based upon the above stated events, Defendants filed a Motion for Sanctions pursuant to Rule 37 of the South Carolina Rules of Civil Procedure and requested that the Plaintiffs be held in contempt of court and that the Court issue the appropriate sanctions against Plaintiffs including dismissal of all causes of action in this matter with prejudice, and award Defendants' attorney's fees and costs.

The Court grants Defendants' Motion for Sanction and further finds that Plaintiffs have willfully and intentionally failed to appear for their properly noticed depositions on multiple occasions. Additionally, in accordance with the discretion afforded to the Court pursuant to Rule 37 of the South Carolina Rules of Civil Procedure, this Court orders, as sanctions against Plaintiffs, the dismissal of the Plaintiffs' case without prejudice and that Plaintiffs pay reasonable and customary attorney's fees and costs related to Defense counsel's time and efforts to schedule and take Plaintiffs' depositions in the amount of \$9,691.18.

AND IT IS SO ORDERED.


Honorable Maite Murphy
Circuit Court Judge
Fourteenth Judicial Circuit

October 29 2013
Beaufort, South Carolina

EXHIBIT B

Working Copy

LAW OFFICES
MATHISON & MATHISON
POST OFFICE BOX 5271
HILTON HEAD ISLAND, S.C. 29938-5271
TELEPHONE: (843) 785-6503
FACSIMILE: (843) 785-6170
EMAIL: rmathlaw@aol.com

ROBERT V. MATHISON, JR.

KERRY F. MATHISON

November 29, 2013

The Honorable Jenny Abbott Kitchings
Clerk of the Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Steffani Walther, et al. v. Eddie Maple, et al.
Case No. 2011-CP-07-04999

Dear Ms. Kitchings:

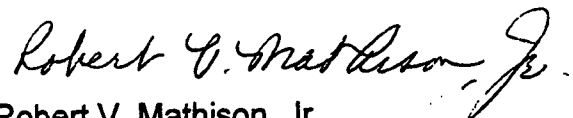
Enclosed for filing are the following:

1. Original Notice of Appeal in the referenced case.
2. Original Proof of Service.
3. A copy of the order which is challenged on appeal.

Also enclosed is our check in the amount of \$100.00 to pay the filing fee.

With kind regards, I am

Sincerely,



Robert V. Mathison, Jr.

RVM:km

Enclosures

cc: The Honorable Jeri Ann Rosenau
Phillip Florence, Jr., Esquire

127

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Maite D. Murphy
Circuit Court Judge

Case No. 2011-CP-07-04999

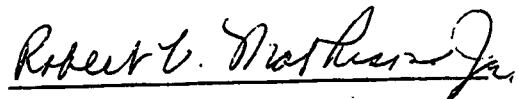
STEFFANI WALTHER and MICHAEL D. WALTHER.....Appellants

v.

EDDIE MAPLE and KATE MAPLE, INDIVIDUALLY and
d/b/a EQUINE MANAGEMENT, LLC.....Respondents.

NOTICE OF APPEAL

PLEASE TAKE NOTICE that the Plaintiffs herein, Steffani Walther and Michael Walther, appeal from the Order of the Honorable Maite D. Murphy, dated October 29, 2013, with e-mail notice of same having been received by counsel on November 18, 2013.



Robert V. Mathison, Jr.
Mathison & Mathison
P. O. Box 5271
Hilton Head Island, SC 29938
(843) 785-6503
Email: rmathlaw@aol.com
Attorneys for the Appellants
Steffani Walther and Michael
Walther

November 29, 2013

Hilton Head Island, South Carolina.

Other Counsel of Record:

Phillip Florence, Esquire
Florence Law Group, LLC
Post Office Box 22497
Charleston, SC 29413-2497
Attorney for the Respondents
Eddie Maple and Kate Maple,
Individually and d/b/a Equine
Management, LLC

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendants.

13 OCT 29 PM 2:28
BEAUFORT COUNTY
CLERK OF COURT
**ORDER GRANTING DEFENDANTS'
MOTION FOR SANCTIONS AGAINST
PLAINTIFFS AND DISMISSAL
WITHOUT PREJUDICE**

This matter having come before me on a motion for sanctions filed by the Defendants Eddie Maple and Kate Maple, Individually and D/B/A Equine Management, LLC, hereinafter referred to as "Defendants". Defendants were represented at the hearing by Phillip Florence, Jr. of the Florence Law Group, LLC. Neither Plaintiffs nor Plaintiffs' counsel were present at the hearing. The Court confirmed that Plaintiffs' counsel received timely notice of the date and time of the hearing. The Court further delayed the start of the hearing for approximately Thirty (30) minutes to provide Plaintiffs' counsel ample time to arrive at the hearing. Counsel for Plaintiffs did not submit any pleadings or memorandum in opposition to Defendants' Motion for Sanctions. For the reasons set forth below, the Court GRANTS Defendants' Motion for Sanctions against Plaintiffs.

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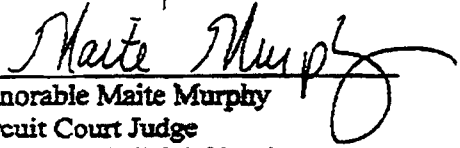
In accordance with the Order of Judge Dukes dated issued July 24, 2013, Defendants properly served a Fifth notice to Plaintiffs that their deposition were scheduled to be taken on August 28, 2013. On August 7, 2013, Plaintiffs' counsel sent an email to Defendants' counsel stating that he had an unidentified scheduling conflict with August 28, 2013, and would prefer to conduct the depositions in September of 2013. Defendants' counsel sent Plaintiffs' counsel a reply email in which he made clear that Defendants did not agree to postpone the deposition past the court ordered date of August 28, 2013. However, in the spirit of cooperation, Defense counsel did make clear that Defendants would be amenable to rescheduling the depositions to a date prior to August 28, 2013, to accommodate Plaintiffs' counsel's unidentified scheduling conflict and requested alternative dates prior to August 28, 2013. Plaintiffs' counsel did not respond to Defendants request for an alternative dates prior to August 28, 2013. Therefore, Defendants' counsel moved forward with his preparations for taking the Plaintiffs depositions on August 28, 2013.

On August 28, 2013, Defendants' counsel traveled from Charleston, S.C. to Plaintiffs' counsel's office in Hilton Head to take the court ordered and properly noticed depositions of Plaintiffs or, at the very least, to make a record of the Plaintiffs failure to appear. Defendants' counsel knocked on the front door of Plaintiffs' counsel's office with the court reporter several times but did not get a response. At that time, Defendants' counsel traveled to the offices of the court reporter and made a full record of the events related to the Defendants' multiple efforts to schedule and take the Plaintiffs' depositions.

Based upon the above stated events, Defendants filed a Motion for Sanctions pursuant to Rule 37 of the South Carolina Rules of Civil Procedure and requested that the Plaintiffs be held in contempt of court and that the Court issue the appropriate sanctions against Plaintiffs including dismissal of all causes of action in this matter with prejudice, and award Defendants' attorney's fees and costs.

The Court grants Defendants' Motion for Sanction and further finds that Plaintiffs have willfully and intentionally failed to appear for their properly noticed depositions on multiple occasions. Additionally, in accordance with the discretion afforded to the Court pursuant to Rule 37 of the South Carolina Rules of Civil Procedure, this Court orders, as sanctions against Plaintiffs, the dismissal of the Plaintiffs' case without prejudice and that Plaintiffs pay reasonable and customary attorney's fees and costs related to Defense counsel's time and efforts to schedule and take Plaintiffs' depositions in the amount of \$9,691.18.

AND IT IS SO ORDERED.


Honorable Maite Murphy
Circuit Court Judge
Fourteenth Judicial Circuit

October 29 2013
Beaufort, South Carolina

EXHIBIT C

Phil Florence

From: Phil Florence <phil@theflorencelaw.com>
Sent: Wednesday, October 02, 2013 10:50 AM
To: rmathlaw@aol.com
Subject: FW: Steffani Walther & Michael Walther v. Eddie Maple & Kate Maple (Civil Action No.: 2011-CP-07-4999)

FYI

Phillip Florence, Jr.
The Florence Law Group, LLC
285-A Meeting Street
P.O. Box 22497
Charleston, S.C. 29413-2497
Tel: 843.789.3107
Fax: 843.789.3313
www.theflorencelaw.com

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To ensure compliance with the requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including the attachments) is not intended or written to be used for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or tax-related matter[s]. To provide you with a communication that could be used to avoid penalties under the Internal Revenue Code will entail additional investigations, analysis and conclusions on our part.

From: Thompson, Jamie [mailto:jthompson@bcgov.net]
Sent: Wednesday, October 02, 2013 10:37 AM
To: 'Phil Florence'
Subject: RE: Steffani Walther & Michael Walther v. Eddie Maple & Kate Maple (Civil Action No.: 2011-CP-07-4999)

I found it and have placed it on the Motions Roster for the 28th. I will post it by the end of this week.

Jamie Thompson
Scheduling Clerk/ADR Coordinator
Beaufort County Clerk of Court

From: Phil Florence [mailto:phil@theflorencelaw.com]
Sent: Wednesday, October 02, 2013 9:28 AM
To: Thompson, Jamie
Subject: RE: Steffani Walther & Michael Walther v. Eddie Maple & Kate Maple (Civil Action No.: 2011-CP-07-4999)

Jamie,
Just confirming whether you were able to find the motion. It should have been entered yesterday. Thanks.

Phillip Florence, Jr.
The Florence Law Group, LLC

285-A Meeting Street
P.O. Box 22497
Charleston, S.C. 29413-2497
Tel: 843.789.3107
Fax: 843.789.3313
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From: Thompson, Jamie [<mailto:jthompson@bcgov.net>]
Sent: Tuesday, October 01, 2013 11:15 AM
To: 'Mullen, Carmen T. Law Clerk (Caroline M. Scrantom)'; Phil Florence; Mullen, Carmen T.
Cc: rmathlaw@aol.com
Subject: RE: Steffani Walther & Michael Walther v. Eddie Maple & Kate Maple (Civil Action No.: 2011-CP-07-4999)

The motion has not been entered yet. Do you know the clock date of the motion?

Jamie Thompson
Scheduling Clerk/ADR Coordinator
Beaufort County Clerk of Court.

From: Mullen, Carmen T. Law Clerk (Caroline M. Scrantom) [<mailto:CMullenLC@sccourts.org>]
Sent: Tuesday, October 01, 2013 10:40 AM
To: Phil Florence; Mullen, Carmen T.
Cc: rmathlaw@aol.com; Thompson, Jamie
Subject: RE: Steffani Walther & Michael Walther v. Eddie Maple & Kate Maple (Civil Action No.: 2011-CP-07-4999)

Mr. Florence,

Your request has been forwarded to our civil docket clerk, Jamie Thompson, and it will be added to the upcoming motions roster. Notice will follow.

Thank you, and please do not hesitate to contact me.

Caroline M. Scrantom
Law Clerk to the Honorable Carmen T. Mullen

From: Phil Florence [<mailto:phil@theflorencelaw.com>]
Sent: Tuesday, October 01, 2013 10:35 AM
To: Mullen, Carmen T.
Cc: Mullen, Carmen T. Law Clerk (Caroline M. Scrantom); rmathlaw@aol.com
Subject: Steffani Walther & Michael Walther v. Eddie Maple & Kate Maple (Civil Action No.: 2011-CP-07-4999)

Judge Mullen,

I represent the Defendants in the above referenced matter which was filed and commenced December of 2011. The Defendants have recently filed a motion for sanction against the Plaintiffs for various discovery violations and ignoring the court order of Judge Marvin H. Dukes III requiring the Plaintiffs to appear for their deposition on or before August 28, 2013. I have attached a copy of the filed Motion for Sanctions without exhibits due to the email memory limitations. It is my understanding that you may be available to hear this motion the week of October 7 or the week of October 28. Please allow this email to serve as a formal request that Defendants' Motion for Sanctions be placed on your roster to be heard during the week of either October 7 or October 28. Given the age of this case and the grounds for the motion, it is very important that this matter be heard sooner rather than later. Plaintiffs' counsel is copied on this email. I greatly appreciate your cooperation and let me know if you need any further information from me.

Phillip Florence, Jr.
The Florence Law Group, LLC
285-A Meeting Street
P.O. Box 22497
Charleston, S.C. 29413-2497
Tel: 843.789.3107
Fax: 843.789.3313
www.theflorencelaw.com

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EXHIBIT D

Phil Florence

From: Thompson, Jamie <jthompson@bcgov.net>
Sent: Wednesday, October 02, 2013 12:49 PM
To: 'J. Olin McDougall, II'; mmm@mccorklejohnson.com; 'Kenneth Tootle';
'dean@besthoneycutt.com'; 'Christine Companion Varnado
(cvarnado@seibelsfirm.com)'; 'Erin Dean'; 'Mary Sharp'; 'bstevens@friedmanmartin.com';
'James D. Smith, Jr. (jsmith@mgclaw.com)'; 'Walter B. Cornwell
(bcornwell@laskylaw.com)'; 'jenny@besthoneycutt.com'; 'Roberts Vaux'; 'Dawes Cook
(mdc@barnwell-whaley.com)'; 'roy@royboggsllaw.com'; 'jim@mossandkuhn.com'; 'Diane
Logan'; 'Charles B. Macloskie (macloskielawfirm@hargray.com)'; 'Mitch Griffith
(emg@griffithsadlersharp.com)'; 'Sean Bolchoz'; finlaw@hargray.com; 'Jesse Kirchner';
'Marshall L. Horton, Esq.'; Drew Laughlin; 'tbrock@hmandrlaw.com';
'jowersb@comcast.net'; 'Stephen Brown'; 'Christopher A. Majure
(cmajure@murphygrantland.com)'; Stacey Patterson Canaday; Cobb, David S.; 'Bachman
S. Smith IV (bsmithiv@hsblawfirm.com)'; 'lpaton@carlockcopeland.com';
mcreech@pmped.com; Patrick M. Higgins (PHiggins@hghpa.com); 'svalinalaw@islc.net';
Darren Sanders; 'elizabeth@buyckfirm.com'; 'Robert W. Achurch III
(rachurch@hghpa.com)'; 'Danny Henderson'; 'Andy Halio'; 'Matthew J. Story
(mstory@clawsonandstaubes.com)'; 'tpritchard@pritchardlawgroup.com'; 'Carl Edwards';
'Jonathan C. Sullivan (jonathan@cothranlawoffice.com)'; William Clark; 'Kelly Dean';
'Nekki Shutt'; 'Joseph Dubois, Esq.'; 'John V. Esposito (jvespositolaw@hargray.com)';
Jolley, Kelly; 'Grier, Manton M.'; 'Paul H. Hoefer (PHoefer@RobinsonLaw.com)';
'jannine@westolivetti.com'; 'F. Ward Borden (wborden@jsplaw.net)'; 'Worth Liipfert';
'Christopher J. Geier (christopherjgeier@gmail.com)'; 'blackmon@huckabeelaw.com';
'louislang@callisontighe.com'; 'mmogil@mogillaw.com'; 'Stephen A. Spitz
(sc.spitz@prodigy.net)'; 'Rick Haight'; bmcdaniel@attorneymcdaniel.com; 'Bill Young';
'ffurr@scmedicalmalpractice.com'; 'Buster Davis'; 'jgresh@hallboothsmith.com'; Adam
Tesh; 'Phil Florence'; rmathlaw@aol.com; nfelix@mcnair.net;
patrick@hiltonheadlawyers.com; 'Bobby.hood@hoodlaw.com'; 'Tom Taylor';
tcangelosi@clawsonandstaubes.com; 'Trey Turner'; 'Leo A. Dryer (pdryer@sc.rr.com)';
'Curtis Coltrane'; 'rblankenship@walkerreibold.net'; 'Antonia T. Lucia';
'rmasella@masellalaw.com'; 'Brendan P. Langendorfer'; Colden R. Battey Jr.;
'harvey@islc.net'; 'switaker@duffyandyoung.com'; 'miles@theadlerlawfirm.com';
Chewning, Kathleen; 'Ashley Twombly'; Jerry Myers; 'jmurphy@murphygrantland.com';
'Wylie Westmoreland Clarkson (wylie.clarkson@kornlawfirm.com)';
Cc: mmurphylc@sccourts.org
Subject: October 28th, 2013 Motions Roster Notice
Importance: High

Office of the Clerk of Court

Beaufort County

Post Office Drawer 1128
Beaufort, South Carolina 29901-1128
(843)255-5050 Fax: (843)255-9412

Jerri Ann Roseneau
Clerk

Jamie Thompson
Schedule Clerk

October 28th, 2013

Motions Roster Notice

You have a Motion(s) scheduled to be heard on October 28th, 2013 before Judge Maite Murphy

The moving party is to notify ALL parties, including Pro Se parties in writing of the time and date of the hearing if applicable. Failure to appear or send a representative on your behalf may result in dismissal of the motion(s). If you have a dispositive motion scheduled to be heard by Judge Murphy; please provide a hard copy of the motion (if it is your motion) and any briefs in support or opposition to John Guerry Judge Murphy's law clerk at: PO Box 802, St George, SC 29477 by Wednesday, October 23rd. If you will need more than 30 minutes time to have your motion heard please contact the court so we can schedule you accordingly. The Roster is available at <http://www.beaufortcourt.org> under "CP Court Rosters." The roster will be updated daily with notes regarding any continuances and/or settlements. Any request for continuance must be made no later than the Wednesday before the roster, failure to do so may result in your motion being dismissed. Please notify the court in writing immediately via email jthompson@bcgov.net if the motions are resolved.

Please note this is the only notice from the court that you will receive.

Jamie Thompson
Scheduling Clerk/ADR Coordinator
Beaufort County Court of Common Pleas
Direct Line (843)255-5053
Fax (843)255-9412
jthompson@bcgov.net

<http://bcgov.net/clerk-of-courts>

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EXHIBIT E

Phil Florence

From: Phil Florence <phil@theflorencelaw.com>
Sent: Wednesday, October 02, 2013 1:34 PM
To: rmathlaw@aol.com
Subject: Fwd: October 28th, 2013 Motions Roster Notice

Sent from my iPhone

Begin forwarded message:

From: "Thompson, Jamie" <jthompson@bcgov.net>
Date: October 2, 2013 at 12:49:23 PM EDT
To: "'J. Olin McDougall, II'" <jom@mcdougalllawfirm.com>, "mmm@mccorklejohnson.com" <mmm@mccorklejohnson.com>, 'Kenneth Tootle' <kentootle@hargray.com>, "'dean@besthoneycutt.com'" <dean@besthoneycutt.com>, "Christine Companion Varnado (cvarnado@seibelsfirm.com)" <cvarnado@seibelsfirm.com>, 'Erin Dean' <erindean@tgdpa.com>, 'Mary Sharp' <msharp@griffithsadlersharp.com>, "'bstevens@friedmanmartin.com'" <bstevens@friedmanmartin.com>, "James D. Smith, Jr. (jsmith@mgclaw.com)" <jsmith@mgclaw.com>, "Walter B. Cornwell (bcornwell@laskylaw.com)" <bcornwell@laskylaw.com>, "'jenny@besthoneycutt.com'" <jenny@besthoneycutt.com>, 'Roberts Vaux' <roberts.vaux@vaux-marscher.com>, "Dawes Cook (mdc@barnwell-whaley.com)" <mdc@barnwell-whaley.com>, "'roy@royboggsllaw.com'" <roy@royboggsllaw.com>, "jim@mossandkuhn.com" <jim@mossandkuhn.com>, 'Diane Logan' <diane@mossandkuhn.com>, "Charles B. Macloskie (macloskielawfirm@hargray.com)" <macloskielawfirm@hargray.com>, "Mitch Griffith (emg@griffithsadlersharp.com)" <emg@griffithsadlersharp.com>, 'Sean Bolchoz' <sbolchoz@bolchozlaw.com>, "finlaw@hargray.com" <finlaw@hargray.com>, 'Jesse Kirchner' <jkirchner@tktylawfirm.com>, "Marshall L. Horton, Esq." <mlh@hortonlawfirmllc.com>, Drew Laughlin <drew.laughlin@laughlinandbowen.com>, "tbrock@hmandrlaw.com" <tbrock@hmandrlaw.com>, "'jowersb@comcast.net'" <jowersb@comcast.net>, 'Stephen Brown' <sbrown@ycrlaw.com>, "Christopher A. Majure (cmajure@murphygrantland.com)" <cmajure@murphygrantland.com>, Stacey Patterson Canaday <staceycanaday@tgdpa.com>, "Cobb, David S." <DCobb@TurnerPadget.com>, "Bachman S. Smith IV (bsmithiv@hsblawfirm.com)" <bsmithiv@hsblawfirm.com>, "lpaton@carlockcopeland.com" <lpaton@carlockcopeland.com>, "mcreech@pmped.com" <mcreech@pmped.com>, "Patrick M. Higgins (PHiggins@hgpha.com)" <PHiggins@hgpha.com>, "svalinalaw@islc.net" <svalinalaw@islc.net>, Darren Sanders <DKS@buyckfirm.com>, "elizabeth@buyckfirm.com" <elizabeth@buyckfirm.com>, "Robert W. Achurch III (rachurch@hgpha.com)" <rachurch@hgpha.com>, 'Danny Henderson' <DHenderson@pmped.com>, 'Andy Halio' <ashalio@bellsouth.net>, "Matthew J. Story (mstory@clawsonandstaubes.com)" <mstory@clawsonandstaubes.com>, "tpritchard@pritchardlawgroup.com" <tpritchard@pritchardlawgroup.com>, 'Carl Edwards' <cedwards@mgclaw.com>, "Jonathan C. Sullivan (jonathan@cothranlawoffice.com)" <jonathan@cothranlawoffice.com>, William Clark <bill@clarkandstevens.com>, 'Kelly Dean' <kdean@griffithsadlersharp.com>, 'Nekki Shutt' <nekkishutt@ctrlawfirm.com>, "Joseph Dubois, Esq." <joe@lowcountrylegal.com>, "John V. Esposito (jvespositolaw@hargray.com)" <jvespositolaw@hargray.com>, "Jolley, Kelly" <KJolley@MCNAIR.NET>, "Grier, Manton M." <MGrier@nexasenpruet.com>, "Paul H. Hoefer (PHoefer@RobinsonLaw.com)" <PHoefer@RobinsonLaw.com>, "jannine@westolivetti.com" <jannine@westolivetti.com>, "F. Ward Borden (wborden@jsplaw.net)" <wborden@jsplaw.net>, 'Worth Liipfert'

<wliipfert@griffithsadlersharp.com>, "'Christopher J. Geier (christopherigeier@gmail.com)'"
 <christopherigeier@gmail.com>, "'blackmon@huckabeelaw.com'" <blackmon@huckabeelaw.com>,
 "'louislang@callisontighe.com'" <louislang@callisontighe.com>, "'mmogil@mogillaw.com'"
 <mmogil@mogillaw.com>, "'Stephen A. Spitz (sc.spitz@prodigy.net)'" <sc.spitz@prodigy.net>, 'Rick
 Haight' <rick@mhalawfirm.com>, "'bmcdaniel@attorneymcdaniel.com'"
 <bmcdaniel@attorneymcdaniel.com>, 'Bill Young' <BYoung@hghpa.com>,
 "'ffurr@scmedicalmalpractice.com'" <ffurr@scmedicalmalpractice.com>, 'Buster Davis'
 <buster@barryjohnsonpa.com>, "'jgresh@hallboothsmith.com'" <jgresh@hallboothsmith.com>, Adam
 Tesh <atesh@richardsonplowden.com>, 'Phil Florence' <phil@theflorenceclaw.com>,
 "'rmathlaw@aol.com'" <rmathlaw@aol.com>, "'nfelix@mcnair.net'" <nfelix@mcnair.net>,
 "'patrick@hiltonheadlawyers.com'" <patrick@hiltonheadlawyers.com>, "'Bobby.hood@hoodlaw.com'"
 <Bobby.hood@hoodlaw.com>, 'Tom Taylor' <tom@thomastaylorlaw.com>,
 "'tcangelosi@clawsonandstaubes.com'" <tcangelosi@clawsonandstaubes.com>, 'Trey Turner'
 <Trey.TURNER@rtt-law.com>, "'Leo A. Dryer (pdryer@sc.rr.com)'" <pdryer@sc.rr.com>, 'Curtis Coltrane'
 <curtis@coltraneandwilkins.com>, "'rblankenship@walkerreibold.net'"
 <rblankenship@walkerreibold.net>, "'Antonia T. Lucia'" <antonia.lucia@vaux-marscher.com>,
 "'rmasella@masellalaw.com'" <rmasella@masellalaw.com>, "'Brendan P. Langendorfer'"
 <brendan@langendorferlaw.com>, 'Colden R. Battey Jr.' <cbattey@harveyandbattey.com>,
 "'harvey@islc.net'" <harvey@islc.net>, "'swhitaker@duffyandyoung.com'"
 <swhitaker@duffyandyoung.com>, "'miles@theadlerlawfirm.com'" <miles@theadlerlawfirm.com>,
 'Chewning, Kathleen' <KChewning@mcnair.net>, 'Ashley Twombly' <twombly@twlawfirm.com>,
 'Jerry Myers' <jmyers@smithdebnamlaw.com>, "'jmurphy@murphygrantland.com'"
 <jmurphy@murphygrantland.com>, "'Wylie Westmoreland Clarkson'"
 (wylie.clarkson@kornlawfirm.com) <wylie.clarkson@kornlawfirm.com>
 Cc: "mmurphy@sccourts.org" <mmurphy@sccourts.org>
 Subject: October 28th, 2013 Motions Roster Notice

Office of the Clerk of Court

Beaufort County

Post Office Drawer 1128
 Beaufort, South Carolina 29901-1128
 (843)255-5050 Fax: (843)255-9412

Jerri Ann Roseneau
 Clerk

Jamie Thompson
 Schedule Clerk

October 28th, 2013 Motions Roster Notice

You have a Motion(s) scheduled to be heard on October 28th, 2013 before Judge
 Maite Murphy

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time to have your motion heard please contact the court so we can schedule you accordingly. The Roster is available at <http://www.beaufortcourt.org> under "CP Court Rosters." The roster will be updated daily with notes regarding any continuances and/or settlements. Any request for continuance must be made no later than the Wednesday before the roster, failure to do so may result in your motion being dismissed. Please notify the court in writing immediately via email jthompson@bcgov.net if the motions are resolved.

Please note this is the only notice from the court that you will receive.

Jamie Thompson
Scheduling Clerk/ADR Coordinator
Beaufort County Court of Common Pleas
Direct Line (843)255-5053
Fax (843)255-9412
jthompson@bcgov.net

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1 State of South Carolina

2 County of Beaufort Case No. 2011CP0704999

3

4 Steffani Walther,

5 Plaintiff,

6 vs.

Transcript of Record

7 Eddie Maple,

8 Defendant.

9

10

11

TRANSCRIPT OF HEARING

12

13

14

15

October 28, 2014

16

Beaufort, South Carolina

17

18

19 TIME: 1:30 p.m. - 1:45 p.m.

20

21

22

23 BEFORE:

24

The Honorable Maite Murphy

25

APPEARANCES

DEFENDANT'S ATTORNEY:

Phillip Florence, Jr, Esquire

803-238-0844

PROCEEDINGS.

1
2 MR. FLORENCE: Judge, my motion is a Motion for
3 Sanctions based on discovery violations. This is par
4 for course, but I'll be more than happy to wait as
5 long as you want or whatever instructions you want to
6 give me to proceed if he doesn't show up.

7 THE COURT: Was he have given proper notice to be
8 here?

9 THE CLERK: Yes, ma'am.

10 THE COURT: Okay. Let's go forward. It is 1:30.

11 MR. FLORENCE: Okay.

12 Judge, have you got -- I filed a motion and a
13 memorandum.

14 THE COURT: I just got it.

15 MR. FLORENCE: Okay. And it has got some
16 exhibits attached to it. I don't know if you have all
17 of the exhibits or not.

18 THE COURT: Do you have an extra copy?

19 MR. FLORENCE: Let me make sure.

20 May I approach, Your Honor?

21 THE COURT: Yes, sir.

22 MR. FLORENCE: This is the entire motion with the
23 exhibits that was filed and I wanted to hand you Judge
24 Duke's order, which was one of the basis for my
25 motion.

1 THE COURT: Okay.

2 You may proceed.

3 MR. FLORENCE: Thank you, Your Honor. Your
4 Honor, this a defamation case. I represent the
5 Defendants in this case. It was filed in I believe
6 early December of 2011 where the Plaintiffs alleged
7 that, first of all, my client is running Rose Hill
8 Plantation, the Maples. And the Plaintiffs are home
9 owners there.

10 And in fact, the wife Plaintiff is on the board for
11 the HOA in that neighborhood. She stored two horses or
12 kept boarded two horses at the equestrian center where
13 Mr. Maples managed. And there was an altercation or
14 argument between the two about the health of her horse.
15 Mr. Maples noticed one evening that the horse was not
16 acting correctly and noticed that he had a swollen ankle
17 and so he had proceeded to call Ms. Walther and describe
18 to her the condition of the horse, and that she might
19 want to have a vet come down and look at it.

20 At that point in the time the stories go haywire.
21 Ms. Walther is alleging that she came down to look at
22 the horse, got into an altercation with Mr. Maple for
23 some reason. Of course, my clients deny that.
24 Mr. Maple just said that he insisted that she get a vet
25 to look at the horse and there was an indication that

1 she didn't want to do that and Mr. Maple insisted that
2 she do that.

3 That was the extent of the altercation at the
4 equestrian center. There were no witnesses to that
5 other than Mr. Maple and Walther. There were no third
6 parties that any comments could be published to about
7 that conversation.

8 After that Ms. Walther went and got the local
9 Sheriff's Department and filed a complaint with them and
10 got them to escort her to the equestrian center to
11 remove both of her horses. And they were removed. And
12 that was the end of it. And there were some letters
13 that went back and forth and e-mails.

14 The basis of the complaint, those communications
15 were attached to the complaint and our whole position to
16 this case, by way of background. There was no
17 defamation in this case at all, even by documents that
18 they attached to their complaint.

19 Again, it was filed in early 2011. Their attorney
20 at that time was Jeffrey Norton. I believe that he was
21 in Hilton Head. And I had been trying to schedule
22 Plaintiff's deposition for that entire next year, 2012.
23 It was put off and put off and we were talking
24 settlement that entire year. So, as far as discovery is
25 concerned there's only been written discovery between

1 the parties. No depositions by either side.

2 About December 2012 the Plaintiffs fired Mr. North
3 as their attorney and hired Robert Mathison.. And he was
4 officially hired January 13, 2013 this year. And so I
5 immediately given to -- I immediately scheduled a status
6 conference with Judge Dukes to get a scheduling order in
7 place and get the case rolling and discovery done.

8 We did that. Mr. Mathison showed up at the
9 discovery conference, February 2013. We agreed on dates
10 for discovery order. I drafted it and after the status
11 conference I forwarded it to Mr. Mathison and we also
12 agreed -- I made it clear to them. And I wanted to hand
13 this up, Judge.

14 Immediately after the status conference I wrote
15 Mr. Mathison a letter in which I indicated the
16 importance of taking the Plaintiff's deposition and
17 getting that done, because to be honest to you -- may I
18 approach, Your Honor? I'm sorry.

19 THE COURT: Yes.

20 MR. FLORENCE: There are about 30 or 40 character
21 witnesses in this case. That is a letter that I wrote
22 to Mr. Mathison indicating what we had talked about
23 during the status conference, what we agreed to with
24 regard to the scheduling order, and that I would draft
25 it and the importance of taking the Plaintiff's

1 deposition. And I believe that that letter mentions
2 March 2013 as a possible date. But I -- at all times,
3 Judge, I requested that he provide me convenient dates
4 for him and his client to take their deposition. I
5 never just sent out notice of depositions without
6 talking to the other side. I never do that.

7 He indicated to me that there were certain dates
8 available in March or April that he would be available
9 to take the depositions and that they would be
10 available. And this happened at least four times this
11 year, that he would do that and then a week before the
12 date that we talked about for the depositions I got the
13 court reporter set up and everything, got ready for it,
14 done the notices, every deposition was duly noticed on
15 each occasion. And I noticed the depositions at least
16 five times.

17 So the latter part of 2013, I believe in August, I
18 filed a Motion to Compel. I didn't know what else to
19 do. I filed a Motion to Compel. Judge Dukes heard it
20 and Robert Mathison showed up at that hearing as well
21 and Mr. Mathison said, I agree. We have been jerking
22 you around this whole year about it and I said, How
23 about August 28th as a deadline to complete the
24 Plaintiff's deposition. That was a month out from the
25 hearing date. And he agreed to do that on the record.

1 Judge Dukes, I gave you a copy of the order, he
2 issued the order and the order clearly states that the
3 Plaintiffs are to be present or be available for the
4 depositions August 28th or before then, not after. Sure
5 enough, a week before August 28th, after I duly noticed
6 the depositions again, I get an e-mail from Mr. Mathison
7 saying he had -- and I'll show you a copy of it. But
8 it's attached as an exhibit. Let me show you exactly --
9 let me see if I can find that for you, Judge. But
10 basically he said he had a conflict, there was a
11 football game in Columbia and he had some other hearing
12 that may come up. And let me show that to you because I
13 think it's very important.

14 Okay. Judge, if you will look at Exhibit -- okay,
15 Exhibit H.

16 THE COURT: Okay.

17 MR. FLORENCE: There's an e-mail exchange between
18 Mr. Mathison and I on August 7th and I -- it says,
19 Robert, attached for service upon you, please find the
20 fourth notices of deposition of the Plaintiffs in the
21 above-referenced matter. And he pointed out that on
22 the cover letter the date was wrong, but clearly the
23 notices indicated August 28th. He said, I'm scheduled
24 for other matters on that date. And at that point
25 that matter could be rescheduled. Whatever it was on

1 that date, he said he could reschedule. I plan to be
2 in Columbia for -- for a Seminole (phonetic) graduate
3 and I'm also involved for -- in an ongoing hearing to
4 be resumed on a date not yet selected during the same
5 week. And he goes on to say, My preference,
6 therefore, is to hold it on the following Wednesday,
7 Thursday, Friday, September 3rd, 4th, 5th.

8 I returned an e-mail to him -- this is after -- and
9 I apologized for the mistake in the cover letter. But
10 the notices on the date -- the notices are clear on the
11 date as being August 28th, 2013, which is in accordance
12 with the order of Judge Dukes. I would agree to take
13 the depositions earlier than August 28th, 2013, but
14 certainly no later than that. If you have any issues
15 complying with the Court's order, you need to file the
16 correct motion for relief of the Court's order.

17 If they fail to appear I'll promptly file a Motion
18 to Compel including attorney's fees and Motion to
19 Dismiss with prejudice. This has gone on long enough
20 and it's time to comply. My response is simply, I can't
21 do it or I can't continue the depositions anymore.
22 There's a court order that says that they have to appear
23 for the depositions by August 28th. I gave them that
24 whole month to comply or give me any dates prior if he
25 had a conflict, but certainly not after.

1 So, what happened on August 28th, Judge, I went
2 down to his office in Hilton Head, drove from Columbia
3 to Hilton Head, not hearing anything from him, went to
4 his door and the door was locked. And I contacted Mr.
5 Mathison and he said, Nobody is there. I don't know why
6 you wasted your time.

7 So I went to the court reporter's office and I made
8 a record, which is an exhibit to the motion. I made a
9 full record of everything that had transpired with
10 regard to my efforts to try to take the Plaintiff's
11 depositions and that day. I told -- I put on the record
12 everything that happened that day. I showed up at his
13 door on the scheduled date and time of the deposition,
14 the door was locked. I couldn't even get in his office.

15 So, at that point, Judge, it's gotten to a point
16 where I don't have any option other than to file a
17 Motion for Sanctions and I want to say this, Judge:
18 This is the first Motion for Sanctions that I have filed
19 in my 19-year career. I don't care to do that with
20 other attorneys, or plaintiffs, I would rather work to
21 schedule the dates for depositions. If they have a busy
22 schedule or conflict and I have tried on every occasion
23 and he's given me dates for the depositions, the only
24 problem, when it comes to that time I get an e-mail, I
25 have got a conflict and can't do it. And frankly, the

1 excuses are flimsy at best.

2 This is a real important matter. They filed a
3 lawsuit against my folks. My folks are looking at this
4 as a 2011 case and I can't schedule a deposition to get
5 that done. I need to get that done at the very least.

6 At this point, Judge, I have been over so much in
7 the past two years, three years actually, I don't have a
8 choice but to file for sanctions at this point. And I
9 ask for the case to be dismissed with failure to
10 prosecute.

11 They have not done any discovery in this case other
12 than initial written discovery from Mr. North. When
13 Mr. Mathison took over the case he said that they wanted
14 to amend the allegations and I have been waiting on
15 that.

16 Also you will notice, on the scheduling conference,
17 I drafted that and I sent it to him a week after the
18 conference. I asked him for that repeatedly, he said
19 that he would get it to me and he never does. We don't
20 have a scheduling order in place because of that. I
21 don't think that I can take it upon myself for the Judge
22 to sign a scheduling order if I can't get his consent.
23 And we agreed to it at the status conference. I
24 forwarded it to him. And he doesn't sign it. That is
25 where I am.

1 THE COURT: Do you have an affidavit for
2 attorney's fees.

3 MR. FLORENCE: I can get that to you.

4 THE COURT: Based on the circumstances of the
5 case I think it's appropriate to grant the Motion for
6 Sanctions and attorney's fees. I'm dismissing the
7 case but I'm not doing it with prejudice. I don't
8 think that it's equitable to hold his clients to that
9 burden if it's no fault of their own. I'm not sure
10 whose it is. I'll grant your motion on those grounds
11 if you will please prepare an order for me.

12 MR. FLORENCE: Yes, Your Honor, thank you. And
13 I'll have that affidavit for attorney's fees filed as
14 soon as possible.

15 THE COURT: If you would in your proposed order
16 detail the number of times that you attempted to
17 schedule the depositions and that he canceled so then
18 I can fill in the blank as far as the amount of
19 sanctions that I will impose.

20 MR. FLORENCE: Thank you, Your Honor.

21 THE COURT: Thank you.

22 MR. FLORENCE: Thank you, Your Honor. Have a
23 good day.

24 (Conclusion of hearing.)
25



Phillip Florence, Jr.
Attorney at Law

March 4, 2013

Robert V. Mathison Jr.
Mathison & Mathison
55 New Orleans Rd Suite 203
Hilton Head Island, S.C. 29938

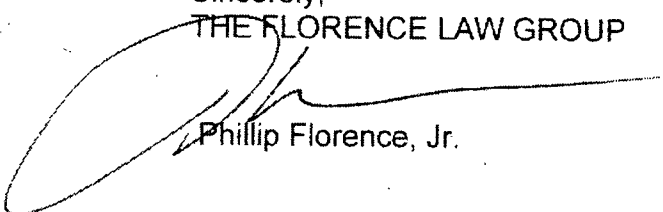
Re: Steffani Walther & Michael Walther v. Eddie Maple & Kate Maple,
individually and d/b/a Equine Management, LLC
Docket No.: 2011-CP-07-4999

Dear Robert,

As you recall, we appeared at a status conference in the above referenced matter before Judge Dukes on February 8, 2013. At that conference you informed Judge Dukes that you would be handling the representation of the Plaintiffs in the above referenced matter. We agreed to submit a proposed scheduling to the court and move forward with discovery proceedings. In those efforts, enclosed please find a proposed scheduling order and notice of depositions I intend to issue on March 6, 2013, for the depositions of Plaintiffs to be taken on March 25, 2013 at your office. Please review the proposed scheduling order and let me know if you have any objections or suggested edits. If I don't hear from you by March 6, 2013, I will take that as an acceptance of the proposed scheduling order and submit the order to the court for signing. Also let me know if you have any objections to the notices of depositions of Plaintiffs as I intend on sending these notices out on March 6, 2013, as well.

I look forward to hearing from you on this matter.

Sincerely,
THE FLORENCE LAW GROUP


Phillip Florence, Jr.

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STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs.

v.

EDDIE MAPLE and KATE MAPLE.
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS

Docket No.: 2011-CP-07-4999

**CONSENT
SCHEDULING ORDER**

These matters come before the Court on joint motion of the parties to enter into a Scheduling Order with respect to these actions. Pursuant to Rule 16 of the South Carolina Rules of Civil Procedure, the parties hereto consent to the following Scheduling Order.

IT IS HEREBY ORDERED as follows:

1. All discovery in this case is to be completed on or before August 15, 2013:
2. Dispositive Motions, except those made pursuant to Rule 12 of the SCRCP, shall be filed no later than 15 days after discovery is completed:
3. Mediation shall be held on or before September 15, 2012.
4. The case is subject to being called for trial after October 1, 2013.
5. Any dates within this Order not affecting the trial date can be changed by written consent of all parties and all dates set forth herein are subject to amendment by future order of this Court.

AND IT IS SO ORDERED.

Chief Administrative Judge
Fourteenth Judicial Circuit

Beaufort, South Carolina
March ____, 2013

WE CONSENT:

MATHISON AND MATHISON

Robert V. Mathison Jr.
P.O. Box 5271
Hilton Head Island, SC 29938

ATTORNEY FOR THE PLAINTIFFS

WE CONSENT:

THE FLORENCE LAW GROUP, LLC

Phillip Florence, Jr.
285-A Meeting Street (29401)
P.O. Box 22497
Charleston, South Carolina 29413
Telephone: (843) 789-3107
Fax: (843) 789-3313
Email: phil@theflorencelaw.com

ATTORNEYS FOR DEFENDANTS

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
)
) Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER.

Plaintiffs.

vs.

EDDIE MAPLE and KATE MAPLE.
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendants.

**NOTICE OF DEPOSITION
OF MICHAEL WALTHER**

TO: ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Monday, March 25, 2013, at the office of Mathison and Mathison, 55 New Orleans Rd Suite 203, Hilton Head Island, South Carolina, the attorneys for Defendants will take the deposition of the Plaintiff, Michael Walther commencing at 2:00 p.m., by a qualified court reporter upon oral examination, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure. The deposition is to be taken for discovery purposes or for evidence at the trial of this case, or both. The deposition will continue from day to day thereafter until adjournment.

THE FLORENCE LAW GROUP, LLC

Phillip Florence, Jr.
285-A Meeting Street (29401)
Post Office Box 22497
Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

March 4, 2013

160

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
)
)

Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER.

Plaintiffs.

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC.

Defendants.

**NOTICE OF DEPOSITION
OF STEFFANI WALTHER**

TO: ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Monday, March 25, 2013, at the office of Mathison and Mathison, 55 New Orleans Rd Suite 203, Hilton Head Island, South Carolina, the attorneys for Defendants will take the deposition of the Plaintiff, Steffani Walther commencing at 11:00 a.m., by a qualified court reporter upon oral examination, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure. The deposition is to be taken for discovery purposes or for evidence at the trial of this case, or both. The deposition will continue from day to day thereafter until adjournment.

THE FLORENCE LAW GROUP, LLC

Phillip Florence, Jr.
285-A Meeting Street (29401)
Post Office Box 22497
Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

March 4, 2013

From: Phil Florence <phil@theflorencelaw.com>
To: rmathlaw <rmathlaw@aol.com>
Subject: Walther v. Maples
Date: Mon, Jun 10, 2013 10:27 am
Attachments: Second_Amended_Notices_of_Depos_of_Plaintiffs.pdf (2792K)

Robert,

Attached please find a copy of the Second Amended Notices of Deposition for Plaintiffs scheduled for June 25, 2013 in your office beginning at 11 am which is also being mailed to your office. As you know, this is my third attempt at scheduling these depositions on dates provided by you. I look forward to seeing you on June 25, 2013, to finally get these depositions completed. Also, I have not yet seen your proposed revised scheduling order. Please forward that to me at your earliest convenience.

Phillip Florence, Jr.

The Florence Law Group, LLC

285-A Meeting Street

P.O. Box 22497

Charleston, S.C. 29413-2497

Tel: 843.789.3107

Fax: 843.789.3313

www.theflorencelaw.com

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To ensure compliance with the requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including the attachments) is not intended or written to be used for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or tax-related matter[s]. To provide you with a communication that could be used to avoid penalties under the Internal Revenue Code will entail additional investigations, analysis and conclusions on our part.

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Phillip Florence, Jr.
Attorney at Law

June 10, 2013

VIA EMAIL AND REGULAR MAIL

Robert V. Mathison Jr.
Mathison & Mathison
P.O. Box 5721
Hilton Head Island, S.C. 29938

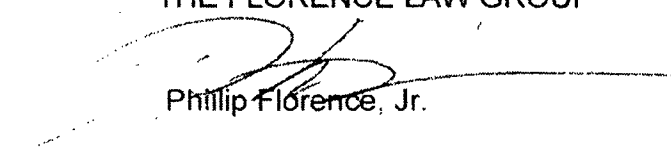
Re: Steffani Walther & Michael Walther v. Eddie Maple & Kate Maple,
individually and d/b/a Equine Management, LLC
Docket No.: 2011-CP-07-4999

Dear Robert,

Enclosed for service please find an **Second Amended Notices of Deposition**
for both **Steffani and Michael Walther** in the above referenced matter, scheduled for
June 25, 2013 at your office beginning at 11 a.m.

If you have any questions, please do not hesitate to contact me.

Sincerely,
THE FLORENCE LAW GROUP


Phillip Florence, Jr.

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STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF BEAUFORT)

Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendants.

**SECOND AMENDED NOTICE OF
DEPOSITION
OF MICHAEL WALTHER**

TO: ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Tuesday, June 25, 2013, at the office of Mathison and Mathison, 55 New Orleans Rd Suite 203, Hilton Head Island, South Carolina, the attorneys for Defendants will take the deposition of the Plaintiff, Michael Walther commencing at 2:00 p.m., by a qualified court reporter upon oral examination, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure. The deposition is to be taken for discovery purposes or for evidence at the trial of this case, or both. The deposition will continue from day to day thereafter until adjournment.

THE FLORENCE LAW GROUP, LLC


Phillip Florence, Jr.
285-A Meeting Street (29401)
Post Office Box 22497
Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

June 10, 2013

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
)
) Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER.

Plaintiffs,

vs.

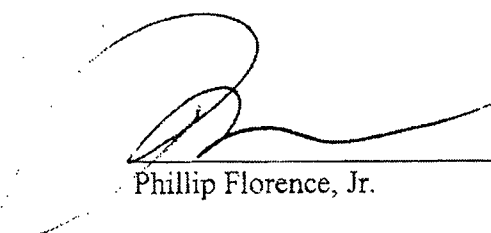
EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that this 10th day of June, 2013, a copy of the *Second Amended Notice of Deposition* has been served upon other counsel of record by placing same in the United States Mail, postage prepaid, to:

Robert V. Mathison Jr.
Mathison & Mathison
55 New Orleans Rd Suite 203
Hilton Head Island. S.C. 29938



Phillip Florence, Jr.

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF BEAUFORT)

Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

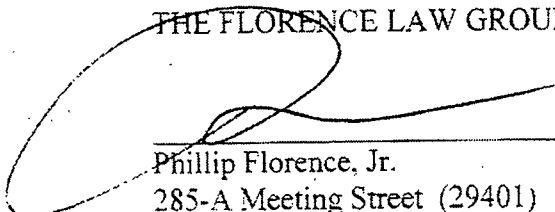
Defendants.

**SECOND AMENDED NOTICE OF
DEPOSITION
OF STEFFANI WALTHER**

TO: ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Tuesday, June 25, 2013, at the office of Mathison and Mathison, 55 New Orleans Rd Suite 203, Hilton Head Island, South Carolina, the attorneys for Defendants will take the deposition of the Plaintiff, Steffani Walther commencing at 11:00 a.m., by a qualified court reporter upon oral examination, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure. The deposition is to be taken for discovery purposes or for evidence at the trial of this case, or both. The deposition will continue from day to day thereafter until adjournment.

THE FLORENCE LAW GROUP, LLC



Phillip Florence, Jr.

285-A Meeting Street (29401)

Post Office Box 22497

Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

June 10, 2013

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

)
)
)

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC.

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that this 10th day of June, 2013, a copy of the *Second Amended Notice of Deposition* has been served upon other counsel of record by placing same in the United States Mail, postage prepaid, to:

Robert V. Mathison Jr.
Mathison & Mathison
55 New Orleans Rd Suite 203
Hilton Head Island, S.C. 29938



Phillip Florence, Jr.

From: Phil Florence <phil@theflorencelaw.com>
To: rmathlaw <rmathlaw@aol.com>
Subject: Re: Walther v. Maples
Date: Tue, Jun 25, 2013 9:01 am

Having not heard back from you regarding the scheduling of plaintiffs' depositions next week, I will go ahead and set them for next Wednesday, July 3, 2013.

Sent from my iPhone

On Jun 24, 2013, at 1:38 PM, "rmathlaw@aol.com" <rmathlaw@aol.com> wrote:

Mr. Florence,

I am attempting to bring to fruition a major project that must be completed on or before this Wednesday. It should have been completed last week, but has not been. Accordingly, I ask that we postpone the depositions one week until next Tuesday, July 2, 2013, at which time all will be ready.

Thanks.

Rob Mathison.

Law Offices of Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
843-785-6503 rmathlaw@aol.com

-----Original Message-----

From: Phil Florence <phil@theflorencelaw.com>
To: rmathlaw <rmathlaw@aol.com>
Sent: Mon, Jun 24, 2013 9:15 am
Subject: FW: Walther v. Maples

Robert,

Per below, please confirm depositions in your office tomorrow morning. If I do not hear anything from you, I will assume that these depositions are moving forward. Thanks.

Phillip Florence, Jr.

The Florence Law Group, LLC

285-A Meeting Street
P.O. Box 22497
Charleston, S.C. 29413-2497
Tel: 843.789.3107
Fax: 843.789.3313
www.theflorencelaw.com

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To ensure compliance with the requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including the attachments) is not intended or written to be used for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or tax-related matter[s]. To provide you with a communication that could be used to avoid penalties under the Internal Revenue Code will entail additional investigations, analysis and conclusions on our part.

From: Phil Florence [<mailto:phil@theflorencelaw.com>]
Sent: Thursday, May 30, 2013 10:44 AM
To: rmathlaw@aol.com
Subject: Walther v. Maples

Robert,
Attached is a letter regarding the rescheduling of the Plaintiffs' depositions for June, 2013.

Phillip Florence, Jr.
The Florence Law Group, LLC
285-A Meeting Street
P.O. Box 22497
Charleston, S.C. 29413-2497
Tel: 843.789.3107
Fax: 843.789.3313
www.theflorencelaw.com

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Re: Steffani Walther, et al v. Eddie Maple, et al. Page 1 of 1

From: Phil Florence <phil@theflorencelaw.com>

To: rmathlaw <rmathlaw@aol.com>

Subject: Re: Steffani Walther, et al v. Eddie Maple, et al.

Date: Wed, Oct 30, 2013 12:16 pm

Judge has already had the hearing and issued a ruling. Therefore, I would object to any such submissions or filings. I will file the appropriate objections with the court and the Judge.

Sent from my iPhone

On Oct 30, 2013, at 12:07 PM, "rmathlaw@aol.com" <rmathlaw@aol.com> wrote:

Mr. Florence,

Attached is a signed copy of the affidavit, as well as copies of the exhibits thereto, that would have been presented had your motion been argued on Tuesday, as I erroneously believed, instead of on Monday. I intend to hand these items up to the Judge's Clerk today.

Thank you for your attention.

Rob Mathison.

Law Offices of Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
843-785-6503 rmathlaw@aol.com

<2013-10-30_Signed_Affidavit_of_S._Walther10302013_00000.pdf>

<2013-10-29_Exhibits_A-_D10292013_00000.pdf>

170

From: Phil Florence <phil@theflorencelaw.com>
 To: mmurphyjc <mmurphyjc@sccourts.org>
 Cc: rmathlaw <rmathlaw@aol.com>
 Subject: FW: Steffani Walther, et al v. Eddie Maple, et al.
 Date: Thu, Oct 31, 2013 9:26 am
 Attachments: 2013-10-30_Signed_Affidavit_of_S._Walther10302013_00000.pdf (1745K), 2013-10-29_Exhibits_A-_D10292013_00000.pdf (6275K)

I am in receipt of Plaintiffs' submission of the attached affidavit and exhibits. Please allow this email to serve as a formal objection to the submissions and consideration by the court at this time. However, if the court would like for me to provide a detailed written response to the Plaintiff's affidavit, I would be more than happy to do so.

Phillip Florence, Jr.

The Florence Law Group, LLC

285-A Meeting Street

P.O. Box 22497

Charleston, S.C. 29413-2497

Tel: 843.789.3107

Fax: 843.789.3313

www.theflorencelaw.com

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To ensure compliance with the requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including the attachments) is not intended or written to be used for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or tax-related matter[s]. To provide you with a communication that could be used to avoid penalties under the Internal Revenue Code will entail additional investigations, analysis and conclusions on our part.

From: rmathlaw@aol.com [mailto:rmathlaw@aol.com]
 Sent: Wednesday, October 30, 2013 12:08 PM
 To: phil@theflorencelaw.com
 Subject: Steffani Walther, et al v. Eddie Maple, et al.

Mr. Florence,

171

Attached is a signed copy of the affidavit, as well as copies of the exhibits thereto, that would have been presented had your motion been argued on Tuesday, as I erroneously believed, instead of on Monday. I intend to hand these items up to the Judge's Clerk today.

Thank you for your attention.

Rob Mathison.

Law Offices of Mathison & Mathison

Post Office Box 5271

Hilton Head Island, SC 29938

843-785-6503 rmathlaw@aol.com

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LAW OFFICES
MATHISON & MATHISON
POST OFFICE BOX 5271
HILTON HEAD ISLAND, S.C. 29938-5271
TELEPHONE: (843) 785-6503
FACSIMILE: (843) 785-6170
EMAIL: rmathlaw@aol.com

ROBERT V. MATHISON, JR.

KERRY F. MATHISON

December 9, 2013

The Honorable Maite D. Murphy
Circuit Court Judge
5200 East Jim Bilton Blvd.
St. George, South Carolina 29477

Re: Steffani Walther, et al. v. Eddie Maple, et al.
Case No. 2011-CP-07-04999

Dear Judge Murphy:

Enclosed for your review are the following:

1. A copy of the Plaintiffs' Motions under Rules 52(b), 59(e) and 60(b), SCRPC.
2. A copy of the Affidavit of Steffani Walther.
3. A copy of the Affidavit of Robert V. Mathison, Jr.

An appeal has been taken in this case, and the hearing of one or more of the motions enclosed may require a remand of the case.

With kind regards, I am

Sincerely,



Robert V. Mathison, Jr.

RVM:km

Enclosures

cc: The Honorable Jeri Ann Rosenau
Phillip Florence, Jr., Esquire
Mr. and Mrs. Michael Walther

13 DEC 11 PM 3:00
CLERK OF COURT
BEAUFORT COUNTY, S.C.

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Phil Florence

From: Murphy, Maite Law Clerk (John Guerry) <mmurphylc@sccourts.org>
Sent: Friday, November 15, 2013 10:54 AM
To: Phil Florence
Subject: FW: 2011@4999 Walther vs. Maple
Attachments: Form 4 Maple.pdf

Mr. Florence,

I hope you're doing well. I got your voicemail and contacted the Clerk's office to see what's going on. From the email below, you'll see that they've found the signed Order and we'll be sure to take care of the Form 4 and the filing before the day is out. I apologize for this error, and I'm sure it's frustrating. Please let me know if I can do anything else. Judge Murphy and I are in court now, so I will call to follow up once we are through.

Take care,

John Guerry
Law Clerk for the Honorable Maité Murphy

From: Burch, April [<mailto:aburch@bcgov.net>]
Sent: Friday, November 15, 2013 10:50 AM
To: Murphy, Maite Law Clerk (John Guerry)
Subject: 2011@4999 Walther vs. Maple

John,

I left you a msg to let you know that I found the Order that Judge Murphy signed 10/29; it was behind the Affidavit for Atty Fees, had been clocked by my office & put back into the file for some reason(?). I unclocked it because there is a money judgment attached to it & there should've been a Form 4 submitted along with this Order. Here is the Form 4 & if you would mail it back to my attention once she signs it, that would be great. I hope that you have a great weekend AND I hope that we beat the tar out of Florida tomorrow.....take care.

April E. Burch
Judgment Clerk
Beaufort County Court of Common Pleas
14th Judicial Circuit
Direct Line: 843.255.5056
Fax Line: 843.255.9412
aburch@bcgov.net

Phil Florence

From: P. Jeffrey North <pjnorth@pjnorth.com>
Sent: Thursday, February 07, 2013 8:19 AM
To: Phil Florence
Cc: rmathlaw@aol.com; 18437856170@myfax.com; Steffani Walther; 'Walther Michael'
Subject: Walthers vs. Maples

Phil,

I have been advised by Mrs. Walther that they have retained Robert Mathison to represent them in this case. I have attempted to reach Mr. Mathison several times to no avail. As he is a very busy trial lawyer, I assume that he is in the midst of a case. I understand from Mrs. Walther that he is aware of the Status Conference tomorrow at 8:30 am, but I do not know whether he is planning to attend. Given this uncertainty, and the need for Mr. Mathison to be involved in the Status Conference, may I suggest that we ask Heather to re-schedule the hearing with Judge Dukes to next week?

Thanks and best regards.

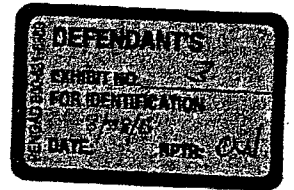
Jeff North

P. Jeffrey North, Esq.
(843) 341-5200 (o)
(843) 263-3200 (c)
(888) 487-7624 (f)



Phillip Florence, Jr.
Attorney at Law

August 7, 2013



VIA EMAIL AND REGULAR MAIL

Robert V. Mathison Jr.
Mathison & Mathison
P.O. Box 5271
Hilton Head Island, S.C. 29938

Re: Steffani Walther & Michael Walther v. Eddie Maple & Kate Maple,
individually and d/b/a Equine Management, LLC
Docket No.: 2011-CP-07-4999

Dear Robert,

Enclosed for service please find **Fourth Amended Notices of Deposition** for both **Steffani and Michael Walther** in the above referenced matter, scheduled for July 3, 2013 at your office beginning at 11 a.m.

If you have any questions, please do not hesitate to contact me.

Sincerely,
THE FLORENCE LAW GROUP

Phillip Florence, Jr.

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
)
) Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

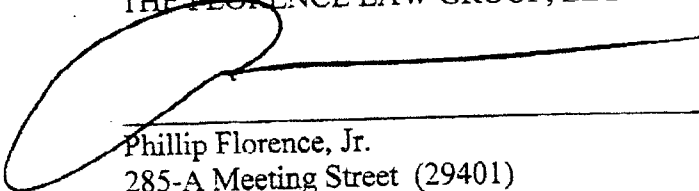
Defendants.

**FOURTH AMENDED NOTICE OF
DEPOSITION
OF STEFFANI WALTHER**

TO: ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Wednesday, August 28, 2013, at the office of Mathison and Mathison, 55 New Orleans Rd Suite 203, Hilton Head Island, South Carolina, the attorneys for Defendants will take the deposition of the Plaintiff, Steffani Walther commencing at 11:00 a.m., by a qualified court reporter upon oral examination, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure. The deposition is to be taken for discovery purposes or for evidence at the trial of this case, or both. The deposition will continue from day to day thereafter until adjournment.

THE FLORENCE LAW GROUP, LLC



Phillip Florence, Jr.
285-A Meeting Street (29401)
Post Office Box 22497
Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

August 7, 2013

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
)
)

Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

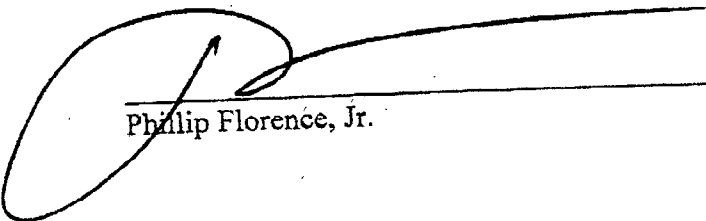
Defendant.

CERTIFICATE OF SERVICE

I hereby certify that this 7th day of August, 2013, a copy of the *Fourth Amended Notice of Deposition* has been served upon other counsel of record by placing same in the United States

Mail, postage prepaid, to:

Robert V. Mathison Jr.
Mathison & Mathison
55 New Orleans Rd Suite 203
Hilton Head Island, S.C. 29938


Phillip Florence, Jr.

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
)
) Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

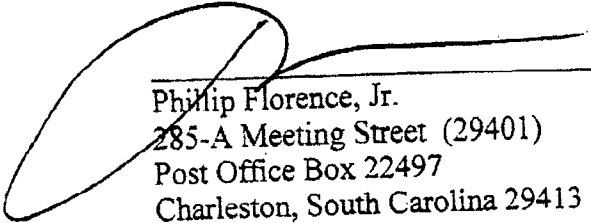
Defendants.

**FOURTH AMENDED NOTICE OF
DEPOSITION
OF MICHAEL WALTHER**

TO: ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Wednesday, August 28 2013, at the office of Mathison and Mathison, 55 New Orleans Rd Suite 203, Hilton Head Island, South Carolina, the attorneys for Defendants will take the deposition of the Plaintiff, Michael Walther commencing at 2:00 p.m., by a qualified court reporter upon oral examination, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure. The deposition is to be taken for discovery purposes or for evidence at the trial of this case, or both. The deposition will continue from day to day thereafter until adjournment.

THE FLORENCE LAW GROUP, LLC



Phillip Florence, Jr.
285-A Meeting Street (29401)
Post Office Box 22497
Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

August 7, 2013

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
)
) Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

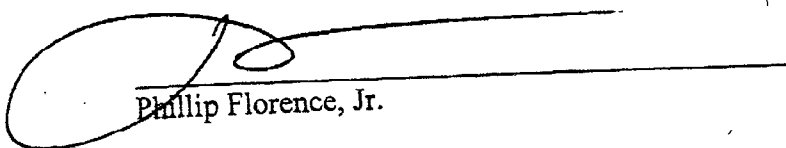
Defendants.

CERTIFICATE OF SERVICE

I hereby certify that this 7th day of August, 2013, a copy of the *Fourth Amended Notice of Deposition* has been served upon other counsel of record by placing same in the United States

Mail, postage prepaid, to:

Robert V. Mathison Jr.
Mathison & Mathison
P.O. Box 5271
Hilton Head Island, S.C. 29938


Phillip Florence, Jr.



Phillip Florence, Jr.
Attorney at Law

March 7, 2013

VIA EMAIL AND REGULAR MAIL

Robert V. Mathison Jr.
Mathison & Mathison
55 New Orleans Rd Suite 203
Hilton Head Island, S.C. 29938

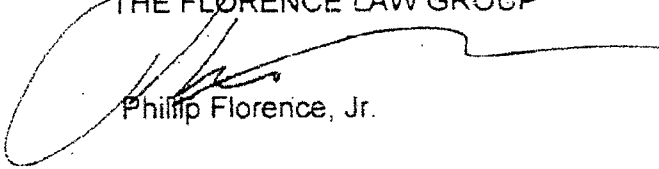
Re: Steffani Walther & Michael Walther v. Eddie Maple & Kate Maple,
individually and d/b/a Equine Management, LLC
Docket No. 2011-CP-07-4999

Dear Robert,

Enclosed for service please find a **Notice of Deposition and Subpoena for both Steffani and Michael Walther** in the above referenced matter, scheduled for March 25, 2013 at your office.

If you have any questions, please do not hesitate to contact me.

Sincerely,
THE FLORENCE LAW GROUP


Phillip Florence, Jr.

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs.

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

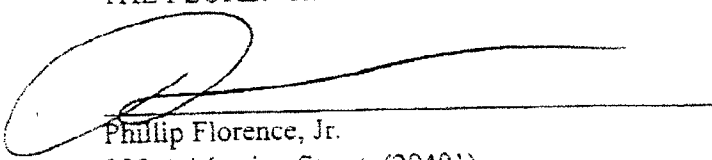
Defendants.

**NOTICE OF DEPOSITION
OF MICHAEL WALTHER**

TO: ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Monday, March 25, 2013, at the office of Mathison and Mathison, 55 New Orleans Rd Suite 203, Hilton Head Island, South Carolina, the attorneys for Defendants will take the deposition of the Plaintiff, Michael Walther commencing at 2:00 p.m., by a qualified court reporter upon oral examination, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure. The deposition is to be taken for discovery purposes or for evidence at the trial of this case, or both. The deposition will continue from day to day thereafter until adjournment.

THE FLORENCE LAW GROUP, LLC



Phillip Florence, Jr.
285-A Meeting Street (29401)
Post Office Box 22497
Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

March 4, 2013

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT

IN THE COUNTY OF BEAUFORT

Jeffani Walther and Michael Walther,

Plaintiffs.

SUBPOENA

VS.

Eddie Maple and Kate Maple,
Individually and D/B/A Equine Management, LLC,

Case Number: 2011-CP-07-4999

Defendants.

TO: Michael Walther
5 Ghost Pony Road
Bluffton, SC 29910

YOU ARE COMMANDED to appear in the above named court at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY:	COURT ROOM:
	DATE AND TIME:

XXX YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION: Mathison & Mathison 55 New Orleans Rd Suite 203 Hilton Head Island, S.C. 29938	DATE AND TIME: Monday, March 25, 2013 at 2:00 P.M.
--	---

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects):

PLACE:	DATE AND TIME:
--------	----------------

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES:	DATE AND TIME:
-----------	----------------

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS SUIT IS HEREBY DIRECTED PURSUANT TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, AND SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED SHALL TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER:

Phillip Florence, Jr., Post Office Box 22497, Charleston, SC 29413-2497 (843) 789-3107

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1) AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) DATE March 7, 2013
SCC-A FORM 254 (7/93) (See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on next page)

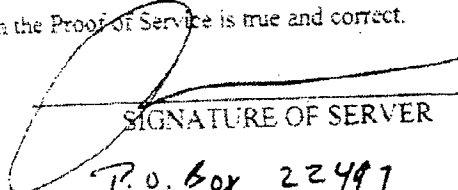
PROOF OF SERVICE

SERVED	DATE 3/7/13	PLACE Mathison & Mathison 55 New Orleans Rd Suite 203 Hilton Head Island, S.C. 29938
SERVED ON (Print Name) Robert V. Mathison, Jr.	MANNER OF SERVICE Regular Mail	
SERVED BY (Print Name) Phillip Florence, Jr.	TITLE Attorney	

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on 3/7/13
DATE


SIGNATURE OF SERVER

P.O. Box 22497
ADDRESS OF SERVER

CHARLESTON, S.C. 29413

Rule 45, South Carolina Rules of Civil Procedure, Parts c and d:

c. PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

- (i) fails to allow reasonable time for compliance; or
 - (ii) requires a person who is not a party or an officer, director or managing agent of a party to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from the county where the subpoena was served to the place within the state where the trial is held, or
 - (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena:
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
 - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
 - (iii) requires a person who is not a party or an officer, director or managing agent of a party to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,
- the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER

Plaintiffs.

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

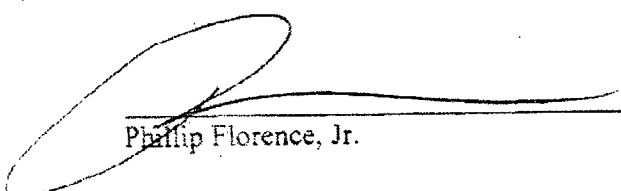
Defendants.

CERTIFICATE OF SERVICE

I hereby certify that this 7th day of March, 2013, a copy of the *Notice of Deposition* has
been served upon other counsel of record by placing same in the United States Mail, postage prepaid,

to:

Robert V. Mathison Jr.
Mathison & Mathison
55 New Orleans Rd Suite 203
Hilton Head Island, S.C. 29938


Philip Florence, Jr.

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC.

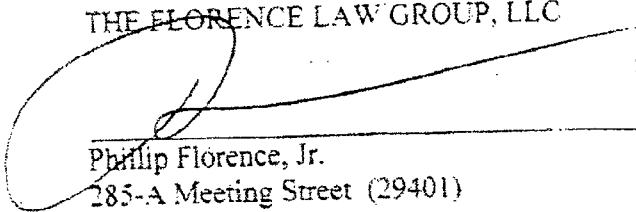
Defendants.

**NOTICE OF DEPOSITION
OF STEFFANI WALTHER**

TO: ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Monday, March 25, 2013, at the office of Mathison and Mathison, 55 New Orleans Rd Suite 203, Hilton Head Island, South Carolina, the attorneys for Defendants will take the deposition of the Plaintiff, Steffani Walther commencing at 11:00 a.m. by a qualified court reporter upon oral examination, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure. The deposition is to be taken for discovery purposes or for evidence at the trial of this case, or both. The deposition will continue from day to day thereafter until adjournment.

THE FLORENCE LAW GROUP, LLC



Philip Florence, Jr.

285-A Meeting Street (29401)

Post Office Box 22497

Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

March 4, 2013

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT

IN THE COUNTY OF BEAUFORT

Steffani Walther and Michael Walther,

Plaintiffs.

SUBPOENA

VS.

Eddie Maple and Kate Maple.
Individually and D/B/A Equine Management, LLC.

Case Number: 2011-CP-07-4999

Defendants.

TO: Steffani Walther
5 Ghost Pony Road
Bluffton, SC 29910

YOU ARE COMMANDED to appear in the above named court at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY:	COURT ROOM:
	DATE AND TIME:

XXX YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION: Mathison & Mathison 55 New Orleans Rd Suite 203 Hilton Head Island, S.C. 29938	DATE AND TIME: Monday, March 25, 2013 at 11:00 A.M.
--	--

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects):

PLACE:	DATE AND TIME:
--------	----------------

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES:	DATE AND TIME:
-----------	----------------

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS SUIT IS HEREBY DIRECTED PURSUANT TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, AND SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED SHALL TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER:

Phillip Florence, Jr., Post Office Box 22497, Charleston, SC 29413-2497 (843) 789-3107

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1) AND THAT NOTICE AS REQUIRED BY RULE 45(d)(1) HAS BEEN GIVEN TO ALL PARTIES.

Attorney for Defendants

ISSUING OFFICER'S SIGNATURE AND TITLE, INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT: DATE March 7, 2013
SCCA FORM 254(7-93) (See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on next page)

PROOF OF SERVICE

SERVED	DATE 3/7/13	PLACE Mathison & Mathison 55 New Orleans Rd Suite 203 Hilton Head Island, S.C. 29938
SERVED ON (Print Name) Robert V. Mathison, Jr.		MANNER OF SERVICE Regular Mail
SERVED BY (Print Name) Phillip Florence, Jr.		TITLE Attorney

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

3/7/13

SIGNATURE OF SERVER

P.O. Box 22497

ADDRESS OF SERVER

CHARLESTON, S.C. 29413

Rule 45, South Carolina Rules of Civil Procedure, Parts c and d:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (4)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

- (i) fails to allow reasonable time for compliance; or
- (ii) requires a person who is not a party or an officer, director or managing agent of a party to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from the county where the subpoena was served to the place within the state where the trial is held; or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information; or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or
- (iii) requires a person who is not a party or an officer, director or managing agent of a party to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Phil Florence

From: Phil Florence <phil@theflorencelaw.com>
Sent: Thursday, April 18, 2013 5:05 PM
To: rmathlaw@aol.com
Subject: Re: Waltners v. Maples

Per my previous email, please send me alternative dates to schedule plaintiffs deposition. Also please send me back the original signed proposed scheduling order so that we can go ahead and get it filed.

Sent from my iPhone

On Apr 18, 2013, at 4:41 PM, "rmathlaw@aol.com" <rmathlaw@aol.com> wrote:

Mr. Florence

This email will confirm my telephone notification to you both yesterday and today that the depositions in the case referenced above will have to be canceled. Please contact me on my mobile tomorrow (843-384-7115).

Thank you.

Rob Mathison.

Law Offices of Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
843-785-6503 rmathlaw@aol.com

Phil Florence

From: Phil Florence <phil@theflorencelaw.com>
Sent: Friday, May 24, 2013 9:54 AM
To: rmathlaw@aol.com
Subject: Walther v. Maple

Robert,

This is a follow up to my previous emails requesting available deposition dates for the Plaintiffs. Please forward to me available dates ASAP so that we don't get too far behind in discovery. Also, as a follow up to my previous requests, please sign and forward to me a signed copy of the proposed scheduling order so that we may get that filed ASAP.

Phillip Florence, Jr.
The Florence Law Group, LLC
285-A Meeting Street
P.O. Box 22497
Charleston, S.C. 29413-2497
Tel: 843.789.3107
Fax: 843.789.3313
www.theflorencelaw.com

IMPORTANT/CONFIDENTIAL: This message contains information from The Florence Law Group, LLC, which may be privileged, confidential, or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, retention, archiving, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately by return e-mail.

To ensure compliance with the requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including the attachments) is not intended or written to be used for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or tax-related matter[s]. To provide you with a communication that could be used to avoid penalties under the Internal Revenue Code will entail additional investigations, analysis and conclusions on our part.



Phillip Florence, Jr.
Attorney at Law

May 30, 2013

VIA EMAIL AND REGULAR MAIL

Robert V. Mathison Jr.
Mathison & Mathison
P.O. Box 5271
Hilton Head Island, S.C. 29928

Re Steffani Walther & Michael Walther v. Eddie Maple & Kate Maple,
individually and d/b/a Equine Management, LLC
Docket No. 2011-CP-07-4999

Dear Robert,

Pursuant to our recent telephone conversation in the above mentioned matter, you indicated that you and your clients are available for depositions the last two weeks in June. I am available June 19, 20, 21, 25, 26, and 27 to take Plaintiffs depositions. Please let me know as soon as possible which of these dates is preferable and I will go ahead and issue notices.

Also, you indicated that you wanted to submit a revised scheduling order. Please forward the revised signed scheduling order to me for signing and I will be more than happy to submit same to the court. I look forward to hearing from you soon on this matter.

If any of the above is incorrect or if you have any questions, please do not hesitate to contact me.

Sincerely,

THE FLORENCE LAW GROUP

Phillip Florence, Jr.



Phillip Florence, Jr.
Attorney at Law

June 10, 2013

VIA EMAIL AND REGULAR MAIL

Robert V. Mathison Jr.
Mathison & Mathison
P.O. Box 5721
Hilton Head Island, S.C. 29938

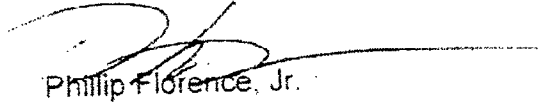
Re: Steffani Walther & Michael Walther v. Eddie Maple & Kate Maple,
individually and d/b/a Equine Management, LLC
Docket No.: 2011-CP-07-4999

Dear Robert,

Enclosed for service please find an **Second Amended Notices of Deposition**
for both **Steffani and Michael Walther** in the above referenced matter, scheduled for
June 25, 2013 at your office beginning at 11 a.m.

If you have any questions, please do not hesitate to contact me.

Sincerely,
THE FLORENCE LAW GROUP


Phillip Florence, Jr.

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER,

Plaintiffs,

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D.B.A EQUINE
MANAGEMENT, LLC,

Defendants.

**SECOND AMENDED NOTICE OF
DEPOSITION
OF MICHAEL WALTHER**

TO: ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Tuesday, June 25, 2013, at the office of Mathison and Mathison, 55 New Orleans Rd Suite 203, Hilton Head Island, South Carolina, the attorneys for Defendants will take the deposition of the Plaintiff, Michael Walther commencing at 2:00 p.m., by a qualified court reporter upon oral examination, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure. The deposition is to be taken for discovery purposes or for evidence at the trial of this case, or both. The deposition will continue from day to day thereafter until adjournment.

THE FLORENCE LAW GROUP, LLC


Phillip Florence, Jr.
285-A Meeting Street (29401)
Post Office Box 22497
Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

June 10, 2013

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER.

Plaintiffs.

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC.

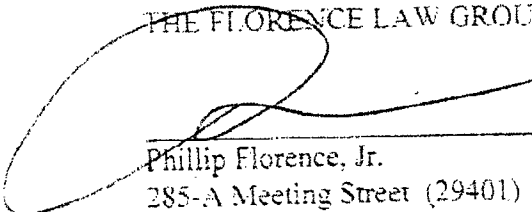
Defendants.

**SECOND AMENDED NOTICE OF
DEPOSITION
OF STEFFANI WALTHER**

TO: ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Tuesday, June 25, 2013, at the office of Mathison and Mathison, 55 New Orleans Rd Suite 203, Hilton Head Island, South Carolina, the attorneys for Defendants will take the deposition of the Plaintiff, Steffani Walther commencing at 11:00 a.m., by a qualified court reporter upon oral examination, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure. The deposition is to be taken for discovery purposes or for evidence at the trial of this case, or both. The deposition will continue from day to day thereafter until adjournment.

THE FLORENCE LAW GROUP, LLC



Phillip Florence, Jr.
285-A Meeting Street (29401)
Post Office Box 22497
Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

June 10, 2013



Phillip Florence, Jr.
Attorney at Law

June 25, 2013

VIA EMAIL AND REGULAR MAIL

Robert V. Mathison Jr.
Mathison & Mathison
P.O. Box 5271
Hilton Head Island, S.C. 29938

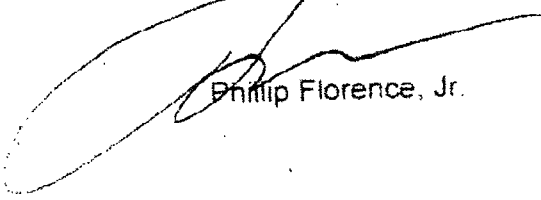
Re: Steffani Walther & Michael Walther v. Eddie Maple & Kate Maple,
individually and d/b/a Equine Management, LLC
Docket No.: 2011-CP-07-4999

Dear Robert,

Enclosed for service please find **Third Amended Notices of Deposition** for
both Steffani and Michael Walther in the above referenced matter, scheduled for July
3, 2013 at your office beginning at 11 a.m.

If you have any questions, please do not hesitate to contact me.

Sincerely,
THE FLORENCE LAW GROUP


Phillip Florence, Jr.

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER.

Plaintiffs.

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC.

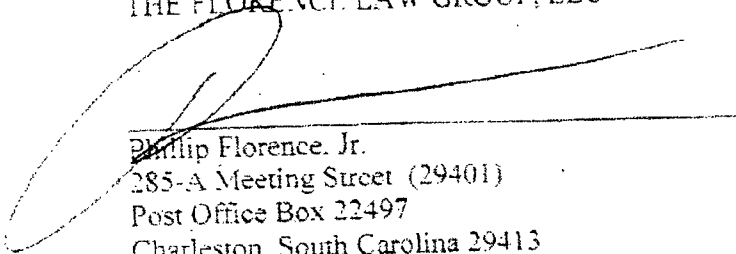
Defendants.

**THIRD AMENDED NOTICE OF
DEPOSITION
OF STEFFANI WALTHER**

TO: ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Tuesday, July 3, 2013, at the office of Mathison and Mathison, 55 New Orleans Rd Suite 203, Hilton Head Island, South Carolina, the attorneys for Defendants will take the deposition of the Plaintiff, Steffani Walther commencing at 11:00 a.m., by a qualified court reporter upon oral examination, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure. The deposition is to be taken for discovery purposes or for evidence at the trial of this case, or both. The deposition will continue from day to day thereafter until adjournment.

THE FLORENCE LAW GROUP, LLC



Phillip Florence, Jr.
285-A Meeting Street (29401)
Post Office Box 22497
Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

June 25, 2013

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2011-CP-07-4999

STEFFANI WALTHER and MICHAEL
WALTHER.

Plaintiffs.

vs.

EDDIE MAPLE and KATE MAPLE,
INDIVIDUALLY and D/B/A EQUINE
MANAGEMENT, LLC,

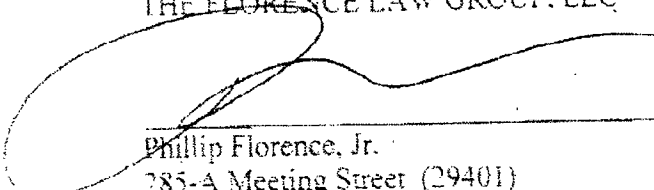
Defendants.

**THIRD AMENDED NOTICE OF
DEPOSITION
OF MICHAEL WALTHER**

TO: ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Tuesday, July 3, 2013, at the office of Mathison and Mathison, 55 New Orleans Rd Suite 203 Hilton Head Island, South Carolina, the attorneys for Defendants will take the deposition of the Plaintiff, Michael Walther commencing at 2:00 p.m., by a qualified court reporter upon oral examination, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure. The deposition is to be taken for discovery purposes or for evidence at the trial of this case, or both. The deposition will continue from day to day thereafter until adjournment.

THE FLORENCE LAW GROUP, LLC


Phillip Florence, Jr.
285-A Meeting Street (29401)
Post Office Box 22497
Charleston, South Carolina 29413

ATTORNEY FOR DEFENDANTS

June 25, 2013

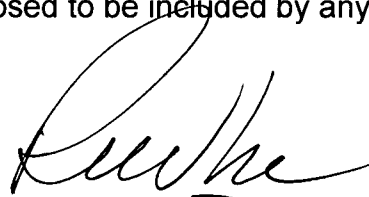
THE STATE OF SOUTH CAROLINA
In the Court of Appeals
APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Maite D. Murphy, Circuit Court Judge
Case No. 2011-CP-07-04999
Case Tracking No. 2013-002569

RECEIVED
MAR 02 2015
SC Court of Appeals

STEFFANI WALTHER and MICHAEL D. WALTHER Appellants,
v.
EDDIE MAPLE and KATE MAPLE, Individually and d/b/a
EQUINE ANAGEMENT, LLC Respondents.

CERTIFICATE OF COUNSEL

I, Robert V. Mathison, Jr., attorney for the Appellants, hereby certify that
the Record on Appeal contains all material proposed to be included by any of the
parties and not any other material.



Robert V. Mathison, Jr.
Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
Telephone: (843) 785-6503
Email: rmathlaw@aol.com

Attorneys for the Appellants
Steffani Walther and Michael D. Walther

February 28, 2015

Hilton Head Island, South Carolina.