

Original in 13-1715
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STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Michael Stehney, Jr.,

Plaintiff,

vs.

Ronald E. Ferguson, Susan M. Ferguson and
Ronald J. Ferguson,

Defendants.

Ronald E. Ferguson and Susan M. Ferguson,

Plaintiffs,

vs.

Christopher Todd Usher, Addison Corporation
and Addison Homes, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2013-CP-23-01715

FILED-CLERK OF COURT
GREENVILLE, S.C.
PAUL B. WICKHAM, CLERK
2015 JUL 24 AM 9 37

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AUG 17 2015

SC Court of Appeals

ORDER

CIVIL ACTION NO.: 2013-CP-23-03179

This matter was before for a hearing on Monday, July 13, 2015, to rule upon on pending motions in the above-captioned cases of Stehney v. Ferguson, et al., Civil Action No.: 2013-CP-23-01715 and Ferguson et. al. v. Usher et. al., Civil Action No. 2013-CP-23-03179, which have been consolidated for discovery by this Court's Order. Present in the courtroom were Ronald E. Ferguson, Susan M. Ferguson and Ronald J. Ferguson, Nathan Farmer, who is counsel for Plaintiffs Ronald E. Ferguson and Susan M. Ferguson in case no. 2013-CP-23-03179, Chace Campbell, who is counsel for Plaintiff Michael Stehney, Jr. in case no. 2013-CP-23-01715, Brent M. Boyd, who is counsel for Christopher Todd Usher and Addison Homes, LLC, and Zachary

Horton, who is co-counsel for Christopher Todd Usher and Addison Homes, LLC and counsel for Addison Corporation.

In the case of Stehney v. Ferguson, et al., Civil Action No.: 2013-CP-23-01715, Defendants Ronald E. Ferguson, Susan M. Ferguson and Ronald J. Ferguson, who represent themselves pro se, filed a Motion for Sanctions against attorneys Chace Campbell, Brent M. Boyd, and Zachary Horton. At the hearing, Mr. Ronald J. Ferguson withdrew that Motion on behalf of and in the presence of all Defendants. Accordingly, the Motion is denied with prejudice by Order of this Court, and Ronald E. Ferguson, Susan M. Ferguson and Ronald J. Ferguson were advised they could not re-file this Motion.

Also in the case of Stehney v. Ferguson, et al., Civil Action No.: 2013-CP-23-01715, Plaintiff Stehney, through his counsel, filed a Motion to Quash Subpoenas issued by Defendants Ronald E. Ferguson, Susan M. Ferguson and Ronald J. Ferguson to Greer State Bank, the Department of Labor, Licensing and Regulation, and any others pertaining to Addison Homes on the grounds that such Motions were not germane to the issues in his suit. Furthermore, Stehney argued that the Motions were submitted in violation of the Rules due to Defendants' failure to provide notice of the Subpoenas to counsel.

Likewise, Brent M. Boyd, on behalf of Addison Homes, LLC and Christopher Todd Usher, filed a similar Motion to Quash in the case of Ferguson et. al. v. Usher et. al., Civil Action No. 2013-CP-23-03179. Counsel for Defendants Addison Homes, LLC and Christopher Todd Usher argued the subpoenas issued by the Ferguson's in the companion case were in reality intended to obtain evidence related to issues involved in the case of Ferguson et. al. v. Usher et. al., Civil Action No. 2013-CP-23-03179, and, therefore, the Ferguson's were required by rule to provide counsel with copies of the subpoenas. Ronald J. Ferguson on behalf of the Ferguson's



could not produce proof of service of the subpoenas on counsel. Furthermore, the Court asked the Fergusons three times to explain how the subpoenas were germane to the case; Mr. Ronald J. Ferguson was unable to answer this question.

Accordingly, this Court grants the Motions to Quash in both Stehney v. Ferguson, et al., Civil Action No.: 2013-CP-23-01715 and Ferguson et. al. v. Usher et. al., Civil Action No. 2013-CP-23-03179. Ronald E. Ferguson, Susan M. Ferguson, and Ronald J. Ferguson cannot use any documents obtained from the subpoenas in evidence in depositions or at trial in either case. Furthermore, the Ferguson's must either destroy or return the documents obtained by subpoena to the issuing party and provide a letter documenting or verifying same to all other parties in the court. The Fergusons represented to the Court that no other subpoenas had been issued on their behalf other than the one to Greer State Bank and to the Department of Labor, Licensing, and Regulation. The Ferguson's are free to issue subpoenas as long as they comply with the South Carolina Rules of Civil Procedure. This Court cautioned the Ferguson's that to the extent they represent themselves and undertake discovery or motions' practice, this Court will hold them accountable to the same procedural and ethical rules and regulations that apply to licensed attorneys of the South Carolina bar.

In the case of Ferguson et. al. v. Usher et. al., Civil Action No. 2013-CP-23-03179, Defendants Addison Homes, LLC and Christopher Todd Usher filed a Motion to Compel/or In the Alternative Motion to Dismiss the Case for Failure to Prosecute. Defendants argued the Plaintiffs and witness Ronald J. Ferguson have failed to appear for depositions, and that Plaintiffs have failed to allow access for Defendants, their counsel, and their expert to inspect the property. Plaintiffs argued that request for inspection had not been properly submitted under the Rules.

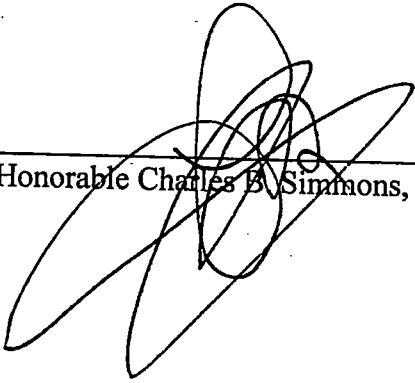
In return, Plaintiffs filed a Motion to Compel responses to Plaintiffs' Requests for Production. Plaintiffs argued there were additional documents responsive to prior Requests for Production to Defendants that had not been produced. Defendants' counsel argued that many of the requests for information in the Motion to Compel were in reality new requests for production. In addition, Defendants' counsel argued that they had previously produced substantial documentation in response to the Plaintiffs' Motion.

After hearing arguments concerning the pending Motions to Compel in the case of Ferguson et. al. v. Usher et. al., Civil Action No. 2013-CP-23-03179, the Court makes the following rulings: the parties to this case should fully respond to any outstanding discovery requests within 30 days of the hearing on July 13, 2015. Within 30 days thereafter, the Plaintiffs and witness Ronald J. Ferguson must appear for their depositions. In addition, Plaintiffs are ordered to grant access to Defendants, their counsel, and their experts for an inspection of the subject property and home as soon as possible and at a mutually convenient date no later than 30 days from the date of this Order.

All prior Orders of this Court remain in effect.

IT IS HEREBY SO ORDERED:

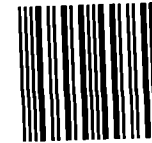
Dated: 7/24, 2015


The Honorable Charles B. Simmons, Jr.

Ronald
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Piedmont, SC 29073



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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
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