

EXHIBIT

A

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NOV 17 2016
SC Court of Appeals

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF WILLIAMSBURG

Raheem Reid, by and through his Guardian ad Litem, Roketha Reid, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Williamsburg County School District, et al.,
Defendant

Case Number: 2012-CP-45-592

Pending in Williamsburg County

TO: The Williamsburg County School District and Responsible Employess, by and through their Counsel of Record, Attorney Vernie Williams.

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

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

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	DATE AND TIME , AM
---------------------	--------------------

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 of objects:

Any and all grade change reports submitted to Power School for the 2011-2012 school year relating to student Cambridge Alexander Gamble [currently a senior at C.E. Murray High School] and student Raheem Reid [currently a senior at C.E. Murray High School].

Any and all grade change reports submitted to Power School for any and all students at C.E. Murraray High School for the academic year of 2011-2012 and 2012-2013.

Any and all documents contained in Power School relating to the year end class ranking of student Cambridge Alexander Gamble and Raheem Reid for the academic school years of 2009-2010, 2010-2011, 2011-2012, and 2012-2013.

Any and all grade change documents submitted by Guidance Counselor Rose Marie Moore for the 2011-2012 academic year.

Any and all grade change documents submitted to Power School by any and all employees of Williamsburg County School District for the 2011-2012 and 2012-2013 academic year.

A “point in time” grade and rankings report regarding Mr. Reid and Mr. Cambridge for the following time frames:

- (1) 9th grade class ranking corresponding to each report card period, including the specific grades for each class;
- (2) 9th grade final class ranking and year-end grade reports;
- (3) 10th grade class ranking corresponding to each report card period, including the specific grades for each class;
- (4) 10th grade final class ranking and year-end grade reports;
- (5) 11th grade class ranking corresponding to each report card period, including the specific grades for each class;
- (6) 11th grade final class ranking and year-end grade reports;
- (7) 12th grade class ranking corresponding to each report card period, including the specific grades for each class;
- (8) 12th grade final class ranking and year-end grade reports;
- (9) 11th grade class ranking and grade reports for May 1, 2012;
- (10) 11th grade class ranking and grade reports for May 8, 2012;
- (11) 11th grade class ranking and grade reports for May 15, 2012; and
- (12) 11th grade class ranking and grade reports for each of the days spanning from May 16, 2012, through May 24, 2012.

Regarding all of the documents requested for “point in time” above from PowerSchool, please have the producer of the documents also include a certification that all documents are true and correct and have not be altered in the production process. Any other certification relating to the veracity and accuracy of the documents would be greatly appreciated.

Please also provide all attendance reports involving Mr. Gamble for each of his high school years, as well as all 504 Plans concerning Mr. Gamble, including any and all documents relating to special accommodations for instruction, testing, and attendance, including the following:

- (1) Any and all 504 Plans for Cambridge Alexander Gamble;
- (2) Any and all Individual Education Plans (IEPs) for Cambridge Alexander Gamble;

Attorney for Plaintiff / The Brooks Law Office, LLC, 309 Broad Street, Sumter, South Carolina 29150 / 803-418-5708

Clerk of Court/Issuing Officer's Signature
Pro Se Litigant's Name, Address and Telephone Number :

Date

Print Name

PROOF OF SERVICE

SERVED	DATE 03/10/2016	FEES AND MILEAGE TENDERED TO WITNESS
	PLACE Placeof Business	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO AMOUNT \$
SERVED ON Party Named in Subpoena		MANNER OF SERVICE Mail /Facsimile / Hand-delivered
SERVED BY Irma R. Brooks		TITLE Attorney

DECLARATION OF SERVER

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

Executed on 03/10/2016

SIGNATURE OF SERVER

309 Broad Street, Sumter, South Carolina 29150
ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, 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. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.
- (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 in the court that issued the subpoena 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 nor an officer, director or managing agent of a party, nor a general partner of a partnership that is 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 any such place within the state in which the trial is held; or
 - iii. requires disclosure of privileged or otherwise 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 nor an officer, director or managing agent of a party, nor a general partner of a partnership that is 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.

EXHIBIT

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SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

) IN THE COURT OF COMMON PLEAS
) FOR THE TWELFTH JUDICIAL CIRCUIT
) Civil Action No. 2012-CP-45-592

Raheem Reid, by and through his
Guardian ad litem, Roketha Reid,

Plaintiff,

vs.

Williamsburg County School District,
Superintendent Dr. Yvonne Jefferson-
Barnes, Assistant Superintendent Dr.
Bernice Davis-Cooper, Delaney K.
Frierson, Senitta Swinton, Principal Dr.
Janice Gamble, Rose Marie Moore,
Williamsburg County School District
Board of Trustees,

Defendants.

MOTION TO QUASH

FILED
2016 MAY 26 PM 4:12
CLERK OF COURT
KIMBERLY S.C.

TO: THE PARTIES ABOVE NAMED AND THEIR ATTORNEYS:

YOU WILL PLEASE TAKE NOTICE that Cambridge Alexander Gamble moves this Court pursuant to Rule 45(c)3 of the SC Rules of Civil Procedure for an Order quashing the Subpoena dated March 10, 2016 issued by the Plaintiff to the Defendant, Williamsburg County School District, (hereinafter "District"), in the above matter. This Motion is based on the following grounds:

1. On March 10, 2016, Plaintiff served Defendant, District, with a Subpoena duces tecum requesting the production of various school records of Cambridge Alexander Gamble. Mr. Gamble alleges that the requested documents are protected by the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g(b) and, if disclosed, could cause harm to Mr. Gamble and, are not relevant, nor likely to lead to documents that are relevant, to the issues addressed in the proceeding before this Court.

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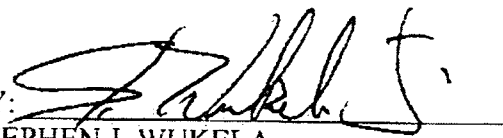
SC Court of Appeals

2. The undersigned has made written objection to the parties to no avail.

Accordingly, the Plaintiff moves that the Court Order the Subpoena dated March 10, 2016, from the Plaintiff to Defendant District be quashed and the Defendant be relieved from any responsibility of responding to said Subpoena.

Respectfully Submitted;

WUKELA LAW FIRM

BY: 
for STEPHEN J. WUKELA
Attorney for Cambridge Alexander Gamble
PO Box 13057
Florence SC 29504
843-669-5634

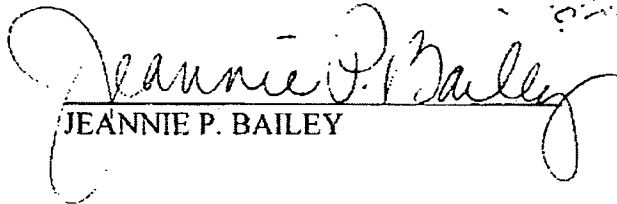
Florence, South Carolina

May 16, 2016

CERTIFICATE OF SERVICE

The undersigned, Jeannie P. Bailey, of the Wukela Law Firm, hereby certifies that on the 16 day of May, 2016, she did place in an envelope, with first class postage prepaid, a copy of the Motion to Quash Subpoena regarding Raheem Reid v. Williamsburg County School District, Civil Action No. 12-CP-45-592, and deposited same in the United States Mail. Said envelope being addressed to the following person(s):

Irma R. Brooks
Attorney at Law
PO Box 3512
Sumter SC 29150


JEANNIE P. BAILEY

SHARON W. BARNETT
CLERK OF COURT
WILLIAMSBURG, S.C.
2016 MAY 26 PM 4:12
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SC Court of Appeals

CERTIFICATE OF SERVICE

The undersigned, Jeannie P. Bailey, of the Wukela Law Firm, hereby certifies that on the 17 day of May, 2016, she did place in an envelope, with first class postage prepaid, a copy of the Motion to Quash Subpoena regarding Raheem Reid v. Williamsburg County School District, Civil Action No. 12-CP-45-592, and deposited same in the United States Mail. Said envelope being addressed to the following person(s):

Vernie L. Williams, Esquire
Attorney at Law
Childs & Halligan, P.A.
PO Box 11367
Columbia SC 29201

FILED
2016 MAY 26 PM 4:12
SHARON L. COURT
CLERK OF COURT
KINGSTREE, S.C.

Jeannie P. Bailey
JEANNIE P. BAILEY

EXHIBIT

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NOV 17 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

IN THE COURT OF COMMON PLEAS
Civil Action No.: 12-CP-45-592

Raheem Reid, by and through his Guardian
ad Litem, Roketha Reid,

Employee,

Plaintiff,

vs.

Williamsburg County School District,
Superintendent Dr. Yvonne Jefferson-Barnes,
Assistant Superintendent Dr. Bernice Davis-
Cooper, Delaney K. Frierson, Senitta
Swinton, Principal Dr. Janice Gamble, Rose
Marie Moore, Williamsburg County School
District Board of Trustees.

Defendants,

**ORDER GRANTING CAMBRIDGE
GAMBLE'S MOTION
TO QUASH**

STATEMENT OF CASE

This matter is before the Court on Mr. Cambridge Gamble's Motion to Quash a Subpoena issued by Plaintiff, Raheem Reed, to the Williamsburg County School District.

By way of background, this Action was filed November 5, 2012 by Plaintiff, Raheem Reid, against the Williamsburg County School District alleging, essentially, that the Defendants, Williamsburg County School District, et al, improperly changed, altered, or recorded student grades resulting in the Plaintiff having a lower class ranking than he believed he was entitled. On March 10, 2016, Plaintiff, Raheem Reid, served the Defendant, School District, with a Subpoena duces tecum requesting the production of various school records of co-student

Cambridge Alexander Gamble. Thereafter, Mr. Gamble filed a Motion to Quash the Subpoena.

Mr. Gamble argues that his school records and, in particular, records containing his individual education and 504 plans, are protected by the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. §1232(g) and the Individuals with Disability Education Act (IDEA) 20 U.S.C. §1401. Mr. Gamble acknowledges that FERPA and IDEA permit the disclosure of such documents by a school upon Order of the Court, but he argues that this Court should not Order the disclosure of his protected student records.

Rule 45(c) of the S.C. Rules of Civil Procedure provides protection for persons subject to Subpoena and charges parties responsible for the issuance of Subpoenas to take reasonable steps to avoid imposing undue burden or expense on the person subject to Subpoena and provides that a Court shall Quash or modify Subpoena if it requires the disclosure of privileged or otherwise protected matter or subjects a person to undue burden.

This Court finds that the instant Subpoena seeks the disclosure of protected matters and subjects Mr. Gamble to an undue burden. The Family Educational Rights and Privacy Act and Individuals with Disability Education Act set out the well-established practice of protecting student records as confidential; particularly those records that pertain to individual education plans established by schools for students under disability. Upon questioning by this Court at hearing on this Motion, the Plaintiff's counsel conceded that the Plaintiff does not allege that Cambridge Gamble did anything improper whatsoever. Mr. Gamble is an innocent student uninvolved in this lawsuit and is entitled to rely on this Court to protect the well established confidentiality of his student records, particularly those records that contain his individual education plan.

THEREFORE, IT IS HEREBY ORDERED that the Plaintiff's Subpoena of March 10, 2016 is hereby quashed.

AND IT IS SO ORDERED!

Judge W. Jeffrey Young

Columbia, South Carolina

Date: _____

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Williamsburg Common Pleas

Case Caption: Raheem Reid VS Williamsburg County School District , defendant,
et al
Case Number: 2012CP4500592
Type: Order/Other

So Ordered

s/W. Jeffrey Young2156

Electronically signed on 2016-10-17 10:25:42 page 4 of 4

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