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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Honorable Robert E. Hood, Circuit Court Judge

Case No. 2014-CP-40-00271

Kerry Paul,

Appellant,

v.

South Carolina Department of Employment and
Workforce,

Respondent.

RECORD ON APPEAL
VOLUME II

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1

1 STATE OF SOUTH CAROLINA
2 COUNTY OF RICHLAND
3
4 KERRY PAUL,
5 Plaintiff,
6 -vs-
7 CHERYL STANTON, ET AL,
8 Defendants.
9
10 July 23, 2014
11 Columbia, South Carolina
12
13 B E F O R E:
14 HONORABLE ROBERT E. HOOD , Judge.
15
16 A P P E A R A N C E S:
17 NANCY BLOODGOOD, Esquire
18 Attorney for the Plaintiff
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20 Attorney for the Defendants
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22
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24 Circuit Court Reporter
25

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11 examination of any witnesses.)
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1415
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18 received into evidence.)
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24
25

1 (The following proceedings are reported on
2 July 23, 2014.)

3 THE COURT: We are on the record, I think, in
4 number ten, Ms. Pantsari, 2014-CP-40-271. This is Kerry
5 Paul versus Cheryl Stanton; is that right?

6 MS. BLOODGOOD: That's right, Your Honor.

7 THE COURT: Who is here for Ms. Paul?

8 MS. BLOODGOOD: I am, Nancy Bloodgood, from
9 Charleston.

10 THE COURT: Great. Welcome. And?

11 MR. MATTHEWS: Gene Matthews, yes, sir, for
12 the Defendants.

13 THE COURT: And this is the Defendant's motion
14 for protective order?

15 MR. MATTHEWS: It is, Your Honor.

16 THE COURT: And Defendant's motion to compel;
17 is that correct?

18 MR. MATTHEWS: That's correct, Your Honor.

19 There are two motions on the docket for today. First is
20 the motion for protective order. With your permission I
21 think it might make more sense to do the motion to
22 compel first and then address the protective order.

23 THE COURT: Whatever makes you happy.

24 MR. MATTHEWS: Very good, Your Honor. If I
25 may approach?

1 THE COURT: Yes, sir.

2 MR. MATTHEWS: What I am handing you are
3 documents which I hope will make it a little more
4 comprehensible to the Court.

5 (Hands to Court.)

6 THE COURT: Thank you, sir.

7 MR. MATTHEWS: What I have handed you is a
8 letter that I sent to my good friend, Ms. Bloodgood, of
9 June 11; the letter she sent back to me of June 20; and
10 a copy of the complaint. I think this will help orient
11 the Court to what the fuss is about.

12 By way of introduction, this is a case brought
13 by Ms. Paul against Ms. Stanton, who is the Director of
14 the Department of Employment Workforce and the
15 Department. There are three causes of action.

16 One is for defamation against both parties,
17 both Defendants, one for abuse of process against both
18 Defendants, and a statutory claim under Title 1, which
19 is against the Department. Of course, that is detailed
20 in the complaint.

21 Again, by way of introduction, Ms. Paul was
22 terminated from employment earlier this year. The
23 suit -- while her grievance which she has filed with the
24 State Office of Human Resources deals specifically with
25 the termination -- this suit deals with issues

1 surrounding the termination. Of course, I defer to
2 Ms. Bloodgood to characterize it further.

3 The main concerns that we have that prompted
4 this motion to compel, even after Ms. Bloodgood amended
5 some of her answers in her letter of the 20th, have to
6 do with, again, as we detailed here. First of all,
7 there are -- and it might be best for me to just start
8 going through this.

9 In our letter of the 11th, one of the things
10 that we point out on page 2 at the top is that Plaintiff
11 essentially said and unequivocally stated she would not
12 respond to specific interrogatories, primarily out of
13 fear that in identifying specific persons, she would
14 expose them to retaliation.

15 Just to give you a specific, our interrogatory
16 26 said: Please identify all persons who informed
17 Plaintiff that the statements identified in our
18 interrogatories 25 and 26 were made. Those are alleged
19 defamatory statements.

20 Naturally enough, we believe we are entitled
21 to know, if we are suing an individual and a department
22 for defamation, specifically what the defamation is
23 about. That seems to us to be unacceptable.

24 Ms. Bloodgood on behalf of her client answered
25 as follows: The Plaintiff objects, as she is extremely

1 concerned that the Defendants will retaliate against
2 these employees of DEW if their names are provided.

3 The Plaintiff will not divulge the names of
4 any employees that contacted her after December 18,
5 2013, without a court order, as she is not willing to
6 jeopardize their jobs.

7 Well, with respect, in the unlikely event that
8 any of these employees suffer unlawful retaliation, they
9 have a remedy. But you cannot simply refuse to answer
10 an otherwise acceptable interrogatory on that basis.

11 It's not a privilege. It's not a -- it's
12 certainly relevant because Ms. Paul has sued these
13 Defendants for defamation. We have a right to know
14 specifically what the DEW did, including -- again, this
15 interrogatory 4, in fact, referred back to interrogatory
16 25, which is simply:

17 Please identify all false and defamatory
18 statements made by Defendant Stanton as alleged in these
19 paragraphs in the Plaintiff's complaint, including time
20 and date of the statement, the persons who received the
21 statement, and the content of the statement.

22 That is -- I believe Your Honor will agree --
23 that is probably found in every discovery request that
24 involves defamation claims, and it's unacceptable. With
25 regard, if you refer back to the second page of my

1 June 11 letter, the Plaintiff's responses are similar or
2 the same to interrogatories 26, 28, 31, and 32.

3 We simply would tell the Court, naturally we
4 don't intend to retaliate against anybody. We don't
5 believe that the Plaintiff would retaliate against them.
6 We understand that is her allegation, yet to be proved.

7 That being said, you can't just say, I'm not
8 going to tell you because I don't want to or I fear that
9 you might take some action that is otherwise unlawful.
10 So our argument on those four interrogatories -- again,
11 26, 28, 31, 32 -- is identical.

12 That is simply not anything that we can -- we
13 are entitled to investigate the lawsuit that was brought
14 against us, and she is suing the individual Department
15 for money. So we get to investigate the claims. To
16 deny us that right is just not lawful. That's not what
17 the rules contemplate.

18 I can -- sir, I can continue on with the
19 individual concerns or I don't know if you want to let
20 Ms. Bloodgood respond as we go, but whatever your
21 preference is.

22 THE COURT: Keep going.

23 MR. MATTHEWS: Number 5 had to do with the
24 calculation of damages. In her supplemental response,
25 Ms. Bloodgood does actually flesh out some of her wage

1 claims, and we appreciate her response to that.

2 I just want to bring your attention, as we
3 will later talk about in more documents related to the
4 wage claim, we acknowledge that we asked Ms. Bloodgood
5 to try again and she did; but I just want to put that in
6 your mind.

7 Number 10 had to do with the number of USB
8 sticks in her possession. Let me give you a little
9 background as to why she was terminated. Apparently on
10 November 20, 2013, the Plaintiff used a USB stick to
11 download a massive amount of PII involving Department
12 employees.

13 It's a violation of specific policies, of
14 which we believe she is aware; and, in fact, had a hand
15 in offering. Our question here was asking her to
16 identify with specificity any other use of removable
17 media, like flash drives and USB sticks, that she had in
18 her possession or downloaded, accessed, or stored PII of
19 any DEW employee, other than herself.

20 Her response is: At the time of my
21 suspension, the only thing I had was a personal thumb
22 drive. That is as far as it goes in response. My
23 question is broader than that. Is there any other
24 removable media that she used, that was in her
25 possession or frankly otherwise, that she used in the

1 course and scope of her job?

2 Not even that, we think that the interrogatory
3 speaks for itself. The Plaintiff downloaded, accessed,
4 or stored the PII of any DEW employee, other than
5 herself. Now, if the answers stand that: Look, while I
6 was employed at DEW, this is the only time I did this,
7 that's fine. We just want some more specificity on
8 that, and we think we are entitled to it.

9 On Number 12, again, this has to do with
10 identifying employees who heard the defamatory
11 statements. Our question has to do with, Okay. Help us
12 understand the dates, times, and places of any action
13 taken by Defendant Stanton that supports the allegations
14 that Defendant Stanton acted outside the scope of her

15 authority.

16 In this case and in one other case, the
17 Plaintiff's response is at the top of page 3 of her
18 letter of June 20: Plaintiff understands that the
19 employees present at those meetings -- and there are two
20 meetings she identifies, one in December of 2013 and one
21 in January of 2014 -- Plaintiff understands that the
22 employees present at those meetings were members of
23 DEW's Leadership Team, HR, and training team,
24 Unemployment Insurance employees, IT employees, Public
25 Information Office employees and Office of General

1 counsel employees.

2 Well, as far as that goes, that's fine; but we
3 still want to know who the Plaintiff believes
4 specifically received this information that she alleges
5 is defamatory. We want to know what the Plaintiff
6 believes. We are entitled to know what the Plaintiff
7 knows. The Plaintiff was the one who filed the
8 complaint.

9 We want to know what she knows. It's not
10 enough for her to say, Well, we think that you already
11 know. Why are you asking us? We are entitled to say,
12 Hold on here. You filed the lawsuit. We want to know
13 what you know, and we are entitled to that.

14 With regard to 24 and 25, again, this is a
15 question designed primarily to elicit information on the
16 specific statements. Again, we think it should be
17 answered. We asked for date and time of the statement,
18 persons who received the statement, and the content of
19 the statement.

20 The answer is what it is. She does generally
21 describe -- the Plaintiff -- generally describes what
22 she believes the defamatory statements are, but she
23 doesn't answer the question.

24 Give us the date and time if you know it. If
25 you don't know it, say you don't know it. If you don't

1 know that part of your allegation, which you have the
2 burden of proof to show, fine.

3 On 29 and 30 -- again, we have already talked
4 about 26. Twenty-seven is related to interrogatory 12.
5 We would simply refute their argument. On 29 and 30,
6 again, we asked for her to tell us what she is suing us
7 for.

8 In this case tell us the names of folks who
9 you believe received the defamatory statements. We have
10 already asked you what the defamatory statements are.
11 We want to know, according to you, who received them.
12 That's an element of a defamation case.

13 As to number 36 -- we talked about 29 and
14 30 -- I believe that's the same reason. On 36 frankly
15 we are willing to believe that is the best she can do at
16 this point.

17 THE COURT: What number was that?

18 MR. MATTHEWS: Thirty-six. That asks her to
19 explain why she believes the Department violated Section
20 1-11-490.

21 On 41 this has to do with our inquiry as to
22 things that may have affected her emotional state. We
23 understand that Ms. Paul went through a divorce several
24 years ago.

25 We understand, but we don't know, that it was

1 very contentious. Because Ms. Paul has sued these
2 Defendants, for among other things, emotional distress,
3 we think that is available to us.

4 We are certainly willing to sign a
5 confidentiality order if that would help shield Ms. Paul
6 undue embarrassment, but we think we are entitled to it.
7 We understand that she is not anxious for that to become
8 public.

9 We are happy to consider whatever the Court
10 would want us to do to help protect the Plaintiff from
11 undue embarrassment, as long as it doesn't trample our
12 defense since we are not the ones suing people; the
13 Plaintiff is.

14 On Number 43 and 44, these have to do with
15 telephone records. Again, the reason that this was not
16 answered is similar to some of her other objections,
17 which are: We are concerned that the Defendants will
18 retaliate against personal friends if their names are
19 provided to the Defendants.

20 Specifically, 43 asks for the number of
21 Plaintiff's home telephones, her cell phones and mobile
22 devices used at any time since January 1, 2014.
23 Number 44 includes any communications with DEW employees
24 since December 18, 2013.

25 That is important because it's the day she was

1 suspended -- including the name of the person contacted,
2 the time and date of communication, the method and
3 devices use to make the response to the communication,
4 the substance of the communication.

5 That would simply help us understand the
6 nature of her complaint. We are entitled to know what
7 she knows on issues relevant to her allegations. It's
8 not appropriate for her to say, I know but I'm not
9 telling you because I fear for the people who might be
10 subject to something that I think is unfair. If that's
11 the case, then let's stop suing each other because we
12 can't conduct discovery.

13 Forty-five and 46, I believe are resolved.
14 Forty-seven has to do with her efforts to mitigate her
15 damages. All we want to do is get the full list. She
16 has given us a list of employees to whom she submitted
17 applications since January 1, 2014, and with whom she is
18 not under consideration for employment as the positions
19 have been filled. We are entitled to know something
20 more broadly than that: Who have you tried to get a job
21 with?

22 That has to do with the interrogatories.
23 Under the requests to produce, there were far fewer.
24 One had to do with -- if I can return and draw your
25 attention back to article number 5. The claim has to do

1 with wages and the like.

2 One of the ways in her response is she quotes
3 a number of cases that are not in this jurisdiction, but
4 they talk about the conditions under which tax returns
5 are ordinarily discoverable.

6 Frankly, we understand Ms. Bloodgood's
7 concerns or the Plaintiff's concern about her private
8 information becoming public. For that reason, in order
9 to verify what her damage complaints are -- and from,
10 frankly, what she is telling someone she has to be
11 truthful with -- does she have any other income which is
12 not disclosed to us.

13 We are happy to accept those and review those
14 under a confidentiality order if that's the Plaintiff's
15 desire or frankly even if you wish to review them in
16 camera to confirm what she is telling us.

17 All we want to do and the focus of that
18 question is to verify what it is she's suing us for, and
19 more importantly in this case, what she wants from us,
20 what she believes she is to entitled and what she can
21 prove; and frankly are her statements in that regard
22 truthful.

23 Now, moving on to numbers 11 through 13, these
24 have to do with medical records, acknowledging that some
25 medical records were produced going back to 2011. We

1 think for the very same reasons, we are entitled to
2 documents going back to 2000 -- to her earlier divorce.
3 We are also entitled to documents related to especially
4 her mental state, her emotional distress to that period.

5 She is asking for that and if she wants us to
6 pay for alleged damage that she now claims that she
7 suffered, she has put that at issue; and we are entitled
8 to those documents. That's 11, 12, and 13.

9 On number 16 this has to do with and is
10 directly related to her earlier objections having to do
11 with her divorce proceedings, which we understand from
12 the Plaintiff's response is the only other civil action
13 that she was involved in.

14 To the extent she has those documents, we are
15 entitled to see them. We understand her stated
16 objection is: This isn't relevant. Well, with all due
17 respect, we think it is.

18 It's an emotional distress claim. Although
19 it's not an IEP claim, she is asking for damages
20 related to emotional distress, emotional damage. We are
21 entitled to that.

22 The last of our requests to admit of our
23 motion to compel had to do with requests to admit. In
24 this case what I would like to do is speak to you about
25 the first of the four requests to admit that are at

1 issue and why we believe we are entitled to an answer to
2 this and why we believed we filed our motion.

3 What I'm going to hand up to you, Your Honor,
4 is -- if I may approach?

5 THE COURT: Yes, sir.

6 (Hands to Court.)

7 MR. MATTHEWS: Is sworn testimony from her
8 grievance hearing before DEW in which the date on which
9 the download occurred was discussed.

10 Now, the four requests to admit which are
11 stated -- and, again, I will refer to Ms. Bloodgood's
12 letter from the 20th, on page 11: Set forth the four
13 requests to admit that are at issue.

14 They had do with our requests for admission
15 that she downloaded or copied files containing the PII
16 of employees other than herself onto a USB stick on
17 November 20, 2013.

18 The response to this and the other three
19 requests are denied. The Plaintiff does not recall
20 downloading the information onto a USB drive on
21 November 20, 2013.

22 If I can direct your attention to her
23 testimony at her grievance hearing, this would be at
24 page 87 starting at line 13. This is a question from a
25 panel member.

1 It says: Kerry, the termination letter cites
2 a specific date that this improper download obviously
3 occurred on November 20th --

4 THE COURT: Slow down. She can only go so
5 fast. When you read you read fast. So just slow down a
6 little bit.

7 MR. MATTHEWS: I will slow down.

8 THE COURT: I tell everybody that.

9 THE WITNESS: Yes, sir.

10 THE COURT: "Are you aware..."

11 MR. MATTHEWS: I will start again. This is at
12 line 13 on page 87: Kerry, the termination letter cites
13 the specific date that this improper download obviously
14 occurred on November 20th. Are you aware of anything

15 that you were doing, downloading anything onto your
16 thumb stick that day?

17 Her answer was: It is possible, yes.

18 THE COURT: It says, is it possible.

19 MR. MATTHEWS: Is it possible, yes, and when I
20 found out the November date, it was January. So, I
21 mean, is it possible? Yes, definitely. I was under the
22 impression that the download happened December 18th,
23 which I knew was not possible because my stick was with
24 me much of December. I didn't use it much in December.

25 So I found out in January, the Friday after

1 New Year's Day, I had a meeting that she scheduled for
2 me; and that's when I found out it was November 20th
3 allegedly.

4 Now, our problem with her answers to request
5 for admissions is this. She says that she does not
6 recall downloading any information onto a USB drive on
7 November 20, 2013.

8 In our letter we state, These responses appear
9 directly at odds with her other representations. We ask
10 her to reanswer. Her response is, Well, it is what it
11 is. You might not like it, but it's our answer.

12 We think that a candid observer would say, No,
13 you can't deny that you say you don't recall it, and
14 then your testimony here seems to say, it appears that
15 it was.

16 So we would simply put that to the Court's
17 decision. If the Court believes these answers are
18 acceptable, we will certainly abide by the Court's
19 decision. We don't think they are. That's what we have
20 for the motion to compel. I don't know if you want to
21 deal with the other motion or simply sit down.

22 THE COURT: Let's deal with the motion to
23 compel first.

24 MR. MATTHEWS: Thank you, Your Honor. Do you
25 have any questions you want me to respond to?

1 THE COURT: No, sir. Thank you, Mr. Matthews.
2 Ms. Bloodgood.

3 MS. BLOODGOOD: Thank you, Your Honor. By way
4 of background, this case was filed in January. We have
5 not yet had depositions. I am trying very hard to have
6 them, but -- and they are scheduled for August. So some
7 of these issues that Mr. Matthew wants more information
8 about hopefully will come out quickly.

9 But, for instance, if he doesn't like it or if
10 he doesn't understand part of the transcript -- and he
11 wasn't at the full grievance hearing -- about my client,
12 Ms. Paul, testifying that she does not recall ever
13 downloading any information on November 20th, which she
14 learned about it two months and a half afterwards.

15 She has also signed an affidavit and testified
16 under oath, I'm not going to change my answer to my
17 admissions on that issue; that is, if he doesn't
18 understand, he can take her deposition and she can
19 explain it more fully. All she said was, It's possible
20 but that complements her, I don't remember.

21 If I could back up a little bit. That's why I
22 think one of the reasons this motion to compel is
23 confusing is because even though it was limited to a few
24 issues, then after I responded, there is a letter that
25 goes through the whole thing.

1 I am glad to go through everything, even
2 though the motion to compel is actually limited. The
3 first thing and just by way of background, my client,
4 who was the HR director at DEW for ten years, went from
5 a band 5 to a band 8 employee in a matter of years,
6 served as the interim Chief of Staff and also interim
7 Division Director, when a new political appointee came
8 into DEW and brought with her another political
9 appointee, neither of whom had any experience in State
10 government.

11 She was told within six weeks, Go find another
12 job. While and before attempting to find that job,
13 there were some egregious employment actions taken
14 against her.

15 These are relevant because I think they will
16 show motive for an ulterior purpose for calling SLED on
17 something that never existed, giving SLED information
18 that was different, giving the press information that
19 was different than the information in her termination
20 letter.

21 But, for instance, our position is that there
22 was no basis to terminate her. There was no --

23 THE COURT: I need to know why the discovery
24 responses haven't been responded to.

25 MS. BLOODGOOD: They have been responded to

1 and I think fully, Your Honor.

2 The first one is that Mr. Matthew wants the
3 names of the employees who heard the defamatory
4 statements, which I have laid out in detail as much as I
5 can in my response in Number 12.

6 If you look at it, I list all the ways that
7 she was defamed; and that is an accurate synopsis as
8 best I can do of the defamation. That would be on
9 page 2 of my 12-page response to Mr. Matthews.

10 THE COURT: I am looking at it.

11 MS. BLOODGOOD: So that is how you we contend
12 she was defamed.

13 THE COURT: This doesn't have one witness's
14 name in it.

15 MS. BLOODGOOD: No, Your Honor. But what I
16 did was at the end, it says, That Defendant Stanton
17 called in in December of 2013 and January 2014, all the
18 employees. She e-mailed them.

19 So she knows the list of people she called in.
20 My client had already been suspended; so she did not
21 attend those meetings. But we know from that e-mail
22 that there were two large meetings with people who had
23 no need to know, including IT staff, including lots of
24 her subordinates when she was Director of HR.

25 She wasn't there. I think we tried as best we

1 can to describe those meetings. I did it again in
2 supplemental. I don't know what time of the day. I
3 will admit that. I don't know. Maybe my client -- I'm
4 sure I asked her that, but I don't have it in there. So
5 I don't think she knew because she wasn't there.

6 But all the people in those meetings were told
7 my client was a criminal actor. They were told there
8 had been a data breach. They were told that this was
9 similar to what had happened at DOR, which was when a
10 bunch of foreigners came in and stole information.

11 Those are the defamatory statements. They
12 were made to people who had no right to know. It's our
13 position that it exceeded the authority. So I don't
14 know the names of the people in those meetings, but they
15 do.

16 We know enough of them that we will use some
17 of them as witnesses, and I have named some of them as
18 witnesses who I know were in the meetings; but we know,
19 for instance, in that e-mail, it was all IT staff,
20 public information people.

21 So we pretty much have done the best we can to
22 say, These were the groups of people that were invited
23 to that meeting.

24 THE COURT: And you just gave me more
25 information than what is listed in your response.

1 MS. BLOODGOOD: That information, Your Honor,
2 if you go to page 4, they wanted to know the lower level
3 employees and senior staff that were at these -- on the
4 e-mails and at the meetings. So it's answered there.

5 I think it's also answered in several places
6 because they keep asking several places: Who are these
7 employees? I have tried. Those are the employees we
8 know who heard this defamatory information.

9 We tried as specifically as we can without
10 being in those meetings. I don't know if everyone on
11 the public information staff went to the meeting, but we
12 do have witnesses who will say there were 20 or 30
13 people in the room.

14 So they know who was at the meeting. That's
15 my point. They already know better than I do who was at
16 the meeting. It's not that I don't know how she was
17 defamed or who published the information or who received
18 the information.

19 What they want is they want to know every
20 single name of every person, which is the best I can do.
21 We weren't at the meeting. So it's not that we are
22 not -- it's not that we are not trying to be as specific
23 as we can.

24 I know in a defamation claim, you've got to
25 know: When, what, where, why, what was said. We tried

1 or I have tried to do that the best I can to explain all
2 the defamatory statements, all the defamatory actions
3 that were taken against my client and prove to the best
4 of our knowledge who these were published to. So quite
5 honestly I don't know what else I could do.

6 THE COURT: You just gave me more information
7 than you gave in your responses. That's what I don't
8 understand. You just gave me more information in
9 response to an interrogatory -- whatever the number is.
10 Hold on -- interrogatory number 12 than you gave in your
11 response to Mr. Matthews.

12 MS. BLOODGOOD: Because I have also responded
13 the same thing in 24 and 25 in the letter that I sent
14 him, Your Honor. That's on page 3. I did it again on
15 the interrogatory number 29 and 30 on page 4.

16 Over and over again, I have already named who
17 those employees were. They are the employees that were
18 e-mailed to come to these two meetings. They were --

19 THE COURT: That's not an answer. That's not
20 an answer. I mean, this is a case we have to have
21 witness names. We have to know who they are. This is a
22 civil case.

23 My understanding is in a civil case everybody
24 is supposed to know what everybody else is going to say.
25 Saying the Director defamed her multiple and often times

1 is not an answer.

2 MS. BLOODGOOD: No, Your Honor. I'm not
3 saying -- I agree.

4 THE COURT: That is your answer to number 12.

5 MS. BLOODGOOD: I'm saying she was defamed in
6 the meeting in December and the meeting in January among
7 multiple employees who were called to the meeting by
8 Ms. Stanton, at which meeting she was called a criminal
9 actor. She was called -- there was alleged that there
10 was a data breach. I am also alleging she --

11 THE COURT: And who did she make that
12 statement to?

13 MS. BLOODGOOD: She made it to everyone on her
14 e-mail.

15 THE COURT: How do you know that?

16 MS. BLOODGOOD: Because I have witnesses who
17 were at the meetings --

18 THE COURT: And who are those witnesses?

19 MS. BLOODGOOD: -- who will say that, the
20 witnesses that I have named.

21 THE COURT: Name them.

22 MS. BLOODGOOD: In our original
23 interrogatories, the witnesses -- all the employees who
24 you were at DEW who I named as witnesses. They
25 already -- you already know, Gene, who I have named as a

1 witness who was an employee of DEW.

2 MR. MATTHEWS: Your Honor, one way to resolve
3 this issue -- I don't mean to interrupt your train of
4 thought -- would be, for instance, in answer to number
5 12 or in another instance to number 30, questions like
6 this: Name the persons who you are aware of. We
7 understand --

8 THE COURT: Here is what I see. I'm sorry.
9 I'm not a rocket scientist. I admit that. But the
10 question is: Please identify by name all lower level
11 employees and senior staff referenced in paragraph 137
12 of the Plaintiff's complaints. There is not one
13 person's name in the answer, not one.

14 MS. BLOODGOOD: Okay.

15 THE COURT: Zero. It says all of the
16 employees who attended the meeting on December 13, 2014
17 [sic].

18 MS. BLOODGOOD: Your Honor, what may be
19 confusing is that the employees who attended the meeting
20 were invited by the department they worked in.

21 THE COURT: I understand that.

22 MS. BLOODGOOD: So I can name the employees
23 who were in those departments at the time.

24 THE COURT: But you don't know that those
25 people were in that meeting.

1 MS. BLOODGOOD: I know most of them were.

2 THE COURT: How do you know that?

3 MS. BLOODGOOD: Can I approach? I already
4 talked -- I will tell you because I have already told
5 Gene. In this kind of a situation when you have a
6 workplace with a supervisor, who acts this way to one
7 person, usually she doesn't act this way to only one
8 person.

9 Under the rules I have been retained by more
10 than one employee at the Department of Employment
11 Workforce. Under the rules of ethics, I have been
12 retained for a similar -- they are also afraid they will
13 get terminated. They will get retaliated against.

14 So these are 20- to 25-year employees at DEW
15 with young families. I understand the allegation that
16 if they get fired, they can file a lawsuit for
17 retaliation; but I have to tell you, filing a lawsuit
18 for retaliation means you don't pay your mortgage, you
19 don't have a job, and you are blackballed.

20 THE COURT: Ms. Paul should have thought about
21 that before she filed the lawsuit.

22 MS. BLOODGOOD: It's not Ms. Paul, Your Honor.
23 It's other employees who are my clients who under the
24 ethics rules, I am not allowed to divulge their names
25 without their permission. If I do so and put them in a

1 position where they will be retaliated against, I'm not
2 allowed to do that either.

3 At some point usually in these employment
4 lawsuits, either things settle down or one of my clients
5 will be treated -- terminated wrongfully, like Ms. Kerry
6 Paul was; and then I will have their permission to say,
7 I represent this person, and I have been monitoring it,
8 and what you done to my client is wrong.

9 Now, I have already told Gene that I am not
10 authorized to release some of the names of my client;
11 however, I have plenty of witnesses who are not my
12 clients who I have named in my response as witnesses who
13 were at the meeting.

14 THE COURT: So because they hired you, they
15 are now non-discoverable in Ms. Paul's case when they
16 are witnesses?

17 MS. BLOODGOOD: No, no -- well, yes, Your
18 Honor. I am not going to provide their names if I
19 cannot.

20 THE COURT: This hearing is over for this day.
21 We are going to schedule this hearing once I finish the
22 William Wallace trial, which is the week of August 11th.
23 No, actually we will do this hearing at the end of next
24 week in Kershaw Country.

25 I'm going to tell you this. This is where I

1 am in this moment: Rule 37, South Carolina Rules of
2 Civil Procedure, Section 4. We will let you know when
3 the hearing is going to be next week. It will probably
4 be Thursday or Friday.

5 MR. MATTHEWS: Thank you, Your Honor.

6 THE COURT: If you resolve it prior to then,
7 let us know.

8 MR. MATTHEWS: Will do, Your Honor. Your
9 Honor, if I may approach? I have a scheduling issue.

10 THE COURT: What is it?

11 MR. MATTHEWS: I have a deposition scheduled
12 for those two days.

13 THE COURT: What about Wednesday?

14 MR. MATTHEWS: Wednesday is fine. If it's not
15 fine, it will be.

16 THE COURT: Wednesday afternoon. I'm in the
17 middle of a castle hearing in Kershaw next week, but we
18 will stop it to hear this. Wednesday afternoon. We
19 will coordinate with the lawyers.

20 *** END OF REQUESTED TRANSCRIPT OF RECORD ***
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C E R T I F I C A T E

I, the undersigned L. Coconut Pantsari, Official Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal, in the Civil Court for Richland County, South Carolina, on the 23rd day of July, 2014.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

July 25, 2014

s/L. Coconut Pantsari

Court Reporter

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Kerry Paul,

Plaintiff,

vs.

Cheryl Stanton in her individual capacity,
and the South Carolina Department of
Employment and Workforce,

Defendants.

) IN THE COURT OF COMMON PLEAS FOR
) THE FIFTH JUDICIAL CIRCUIT
)

) Case No.: 2014-CP-05-271
)

) PLAINTIFF'S RESPONSES TO
) DEFENDANT'S FIRST SET OF
) INTERROGATORIES
)

TO: EUGENE H. MATTHEWS, ESQUIRE, ATTORNEY FOR BOTH DEFENDANTS;

The Plaintiff through her undersigned counsel responds to Defendants' First Set of Interrogatories as follows:

General Objections

1. By providing information in response to these Interrogatories, Plaintiff does not concede the accuracy of Defendant's definitions, assumptions or allegations. Nor does Plaintiff concede that any of the information sought is admissible, material or relevant in these proceedings. Plaintiff does not waive any general or specific objections by providing a response to any of the Interrogatories.

2. Plaintiff has made a reasonable, good-faith inquiry into the subject matter of each Interrogatory. Plaintiff's responses are based on the facts reasonably ascertainable to Plaintiff. Plaintiff reserves the right to modify or amend these responses at any time and as discovery proceeds.

3. Plaintiff objects to these Interrogatories to the extent that they call for information that is protected by the attorney-client privilege, the work product doctrine, or any other privilege

or protection recognized by law.

4. Plaintiff objects to these interrogatories to the extent they attempt to impose burdens and requirements beyond those required by the South Carolina Rules of Civil Procedure.

5. Plaintiff's responses shall not be construed in any way as an admission that any definition provided by Defendant is either factually correct or legally binding upon Plaintiff or a waiver of any of Plaintiff's objections regarding relevancy, discoverability and admissibility.

6. Plaintiff reserves the right to supplement these responses and objections.

Responses to Interrogatories

1. State the name(s), address(es), telephone number(s), and place(s) of employment of all persons known to Plaintiff to have knowledge concerning the facts, allegations, claims, and defenses raised in this case, and whether or not written or recorded statements have been taken from these persons and who has possession of such statements.

RESPONSE: Plaintiff objects to this interrogatory as discovery has just started and Plaintiff does not know all of the persons who have knowledge of the facts, allegations, claims and defenses raised in this matter. Plaintiff further objects to this interrogatory to the extent it seeks the production of attorney-client work product and privileged information, including strategies, thoughts and impressions. Subject to and without waiving these objections, no written or recorded statements have been taken by Plaintiff or Plaintiff's counsel from anyone. Plaintiff believes the following persons may be witnesses to the facts supporting the allegations in Plaintiff's Complaint:

- a. Plaintiff and her husband, c/o undersigned Counsel. These witnesses may testify as to the facts supporting Plaintiff's causes of action, Plaintiff's emotional distress damages, and issues related to abuse of process, defamation, and violations of S.C. Code § 1-11-490.
- b. Cheryl Stanton, Koa Morgan, Adam Twitty, Darrell Scott, Neil Adcox, Don Grant, Adrienne Fairwell, Katherine Krissinger, Derrick McFarland, and Erica VonNessen. These witnesses are all employed by DEW. These witnesses may testify as to the facts supporting Plaintiff's causes of action as well as issues related to abuse of process, defamation, and violations of S.C. Code § 1-11-490.

c. Mark Keel and David Dove are employees of SLED. These witnesses may address issues related to abuse of process and violations of S.C. Code § 1-11-490.

d. Tedd Pitts and Nikki Haley are employees in the S.C. Governor's Office. These witnesses may address issues related to Cheryl Stanton, abuse of process, defamation, and violations of S.C. Code § 1-11-490.

Plaintiff reserves the right to supplement this response with additional witnesses as discovery proceeds and to call as witnesses any witnesses named by Defendants.

2. State the name(s), address(es), telephone number(s), and place(s) of employment of all persons that Plaintiff anticipates calling as a witness in support of her claims and/or defenses at the trial of this case and the issues his/her testimony will address. For each person, state also whether any written or recorded statement regarding this case has been obtained.

RESPONSE: Plaintiff objects to this Interrogatory as she has not yet made a determination as to which witnesses will be called at trial. Plaintiff further objects to this Interrogatory to the extent it seeks the production of attorney-client work product and privileged information, including strategies, thoughts and impressions. Subject to and without waiving these objections, see Response to Interrogatory No. 1 herein. Plaintiff reserves the right to call at trial any witness named by any party during discovery and to supplement this Response as discovery proceeds.

3. Describe fully each document, record, writing, photograph, recording, or other tangible item of which Plaintiff has knowledge, whether or not it is in Plaintiff's possession or under her control, which Plaintiff or her attorney believes is relevant to her claims in this lawsuit, including, but not limited to, personal notes prepared by or for Plaintiff at any time both during and since her employment with SCDEW.

RESPONSE: Plaintiff believes the following documents known to her to already be in Defendants' possession are relevant to her claims in this lawsuit:

1. All of DEW's personnel policies, including its progressive discipline policy;
2. DEW's Mobile Device Security Policy;
3. DEW's Acceptable Use Technology Access Rights and Obligations Policy;
4. DEW's Personal Identification Information Handling and Confidentiality Policy;
5. The US Department of Labor's Training and Employment Guidance Letter of June 28, 2012;
6. SLED's two polygraphs of Plaintiff;

7. Any and all documents in SLED's possession regarding Plaintiff;
8. The search warrant SLED obtained to search Plaintiff's house in December of 2013 and its supporting Affidavit;
9. Plaintiff's personnel file and job descriptions;
10. Affidavits prepared by Plaintiff and provided to Defendants regarding the false allegations made against her;
11. Unemployment documents;
12. All documents requested by Plaintiff in Plaintiff's First and Second Set of Requests to Produce to Defendants; and
13. Plaintiff's grievance hearing transcript and exhibits.

Additionally, Plaintiff's resume, medical records from Dr. Moore, pharmacy records, various emails, some personnel records in her possession, job applications, a DEW personnel list dated 9-13, documents created as templates for HR work, and an envelope containing Plaintiff's termination letter are being provided simultaneously herewith as attachments to Plaintiff's Responses to Requests for Production and are responsive to this Interrogatory. Plaintiff reserves the right to supplement this Response.

4. State the name, address, place of employment, and qualifications of each and every expert witness Plaintiff plans to call at the trial of this case. For each expert identified, provide the subject matter on which he/she is expected to testify; the substance of the facts and opinions to which he/she is expected to testify; the grounds or factual basis for each opinion expected to be elicited from him/her, and the nature of any investigation, inspection, examination, and/or testing he/she conducted in connection with the issues involved in this suit, the results of same and the dates on which such work was performed.

RESPONSE: Plaintiff has not yet retained an expert witness but reserves the right to do so as discovery proceeds. Further, Plaintiff specifically reserves the right to call as an expert any and all expert witnesses identified by any other parties in this litigation.

5. Please list all damages claimed by Plaintiff in this matter by type, amount, and the cause of action to which the damages are related. Please provide a detailed and itemized calculation of the total.

RESPONSE: Plaintiff's damages include back pay wages, lost future wages, reputation damages, emotional distress and other tort damages, punitive damages against the individually named Defendant Stanton, and attorney fees and costs. The total amount of damages against the state entity exceeds the cap under the State's Tort Claims Act.

Plaintiff is unable to provide a detailed calculation of all of her damages at this time but Plaintiff's wage damages are already known to Defendants and Plaintiff's tort and punitive damages will be determined by a jury. Plaintiff reserves the right to supplement this Response as discovery proceeds.

6. Please identify all places, dates, and times that Plaintiff accessed the personal identification information ("PII") as alleged in Paragraph 23 of Plaintiff's Complaint. Plaintiff may limit her response to those places, dates, and times after July 12, 2013 that she accessed the PII of any SCDEW employee other than herself.

RESPONSE: Plaintiff objects to this Interrogatory as it is overly broad, unduly burdensome, seeks evidence that is irrelevant and beyond the issues and defenses in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving this objection, as stated in Paragraph 23 of the Complaint, Plaintiff routinely and frequently accessed PII data for over a decade as she was required to do in her various HR positions and as DEW HR Director. Plaintiff cannot recall the exact places, dates, and times after July 12, 2013 when she accessed such information, though it was almost daily. The document shown to Plaintiff for the first time several months after her termination at a grievance hearing which Plaintiff understands is the document DEW alleges Plaintiff was unauthorized to access and download, is an HR file Plaintiff and several other HR employees at DEW frequently accessed, and which they had full authority to access, use, and download.

7. Please identify all places, dates, and times after July 12, 2013 that Plaintiff downloaded, duplicated, or in any manner copied the PII of any SCDEW employee other than herself onto any flash drive, USB stick, CD-ROM, external hard drive, or any other removable media device.

RESPONSE: Plaintiff objects to this Interrogatory as it is overly broad, unduly burdensome, seeks evidence that is irrelevant and beyond the issues and defenses in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving this objection, Plaintiff accessed, copied and downloaded PII data for over a decade as she was required to do in her various HR positions and as DEW HR Director. Plaintiff cannot recall the exact places, dates, and times after July 12, 2013 that she downloaded, duplicated, or copied such information as such was done on a daily basis in her office, outside of her office, on her lap top, at home, in meetings out of the office, through VPN access, and at other DEW office locations. At all times when Plaintiff was accessing PII data as part of her job responsibilities, she maintained its confidentiality and properly disposed of the confidential PII data when it was no longer needed for HR purposes. Plaintiff was also responsible for training her employees as to safely and securely

access, protect and dispose of PPII data. At no time during her long tenure with the State was there ever any concern or allegation that Plaintiff or any of her employees ever mishandled any PII data until Defendant Stanton used this false allegation to justify Plaintiff's wrongful suspension and termination.

8. Please identify with specificity all policies and procedures that Plaintiff observed in order to "maintain[] confidentiality of all PII" as alleged in Paragraph 23 of Plaintiff's Complaint. Plaintiff may limit her response to those policies and procedures that she observed while employed by SCDEW.

RESPONSE: Plaintiff maintained the confidentiality of PII data by observing all of DEW's policies and procedures and following the specific instructions of DEW's IT staff. Defendants' allegation that Plaintiff failed to maintain the confidentiality of PII data and violated policies when she placed PII data on an unencrypted thumb drive is rebutted by the facts that: 1) Plaintiff had VPN access and routinely was, therefore, routinely required to access and use PII data with a job onto her unencrypted laptop and 2) Plaintiff was expected as part of her HR job responsibilities to access PII data on her laptop through the VPN system. Additionally, Plaintiff was provided an iPhone by the agency to access web based applications containing PII from her unencrypted work phone.

9. Please identify with specificity all devices and computers that Plaintiff used to download, store, or access any PII. Plaintiff may limit her response to those computers used to

download, store, or access the PII of any SCDEW employee other than herself.

RESPONSE: Plaintiff used a lap top with a docking station, multiple printers at work locations, printers at her home, and her agency issued telephone through approved VPN access to download, store and access the PII data on her laptop that she needed to perform her job because she was required to work 24/7 at her job at DEW. At all times, there never any concern or allegation that Plaintiff ever mishandled any PII data until Defendant Stanton used this false allegation to justify Plaintiff's wrongful suspension and termination.

10. Please identify with specificity any flash drive, USB stick, CD-ROM, external hard drive, or any other removable media device on which Plaintiff downloaded, accessed, or stored the PII of any SCDEW employee other than herself.

RESPONSE: The only USB stick Plaintiff had in her possession at the time of her suspension was a personal thumb drive, not state property, and which thumb drive she personally destroyed when she suspected Defendant Stanton was going to use the PII data issue to defame her, which Defendant Stanton did.

11. Please identify all evidence that supports Plaintiff's allegation that SLED "obtained a search warrant against Plaintiff on December 20, 2013 at the direction of Defendant Stanton" as alleged in Paragraph 83 of Plaintiff's Complaint.

RESPONSE: Darrell Scott, Defendant Stanton's Chief of Staff, testified under oath at Plaintiff's grievance hearing that "we" contacted SLED on December 18, 2013. Plaintiff reserves the right to supplement her Response to this Interrogatory as discovery proceeds.

12. Please identify the dates, times and places of any action taken by Defendant Stanton that supports Plaintiff's allegations that Defendant Stanton acted outside the scope of her authority, duty, or employment.

RESPONSE: Defendant Stanton had a personal dislike for Plaintiff as evidenced through her speech and her actions. Stanton was not authorized to unilaterally change Plaintiff's job description or to harm Plaintiff by disciplining Plaintiff for petty reasons; ordering Plaintiff not to communicate with other employees; requiring Plaintiff be physically isolated from other DEW employees; fabricating a false reason to terminate Plaintiff, and defaming Plaintiff by falsely accusing her of violating the State Ethics Act and accessing and distributing personal employee information (as recently as May 2014) in order to cause Plaintiff the loss of her job and ruin Plaintiff's reputation. Stanton functionally demoted Plaintiff by stripping her of all her direct reports with the exception of training; not permitting her to communicate with the HR employees in person or over the phone, removing her from Executive Staff meetings Plaintiff had regularly attended for years, and prohibiting Plaintiff from appearing at certain locations in public buildings. All of these actions were taken in violation of State personnel policies and were defamatory by innuendo. Stanton is not authorized to violate State policies or defame employees. Further, Stanton's defamatory statements against Plaintiff were heard by all of the employees who attended multiple meetings Defendant Stanton called in December of 2013 and January of 2014, and all of the employees who received a January 15th email from Defendant Stanton. The names of these employees are already known to Defendants.

13. Please identify all evidence supporting Plaintiff's allegation that the "search warrant was irregular on its face and was not supported by any probable cause" as alleged in Paragraph 85 of Plaintiff's Complaint.

RESPONSE: The search warrant states on its face it is issued to seize property subject to the provisions of S.C. Code § 16-15-495 which is a statute addressing second degree sexual exploitation of a minor. The search warrant also states on its face that it is issued for a search pursuant to S.C. Code § 8-13-725 which is a statute that addresses the use or

disclosure of confidential information by a public employee for financial gain, yet the Affidavit in support of this search warrant is silent as to any allegations of facts suggest Plaintiff used or disclosed confidential information for financial gain. Plaintiff reserves the right to supplement this Response as discovery proceeds.

14. Please identify all evidence supporting Plaintiff's allegation that she had obtained the approval and permission of SCDEW's IT Director in early August to place her templates and work product on a USB stick so she could use them in her next job position, as alleged in Paragraph 93 of Plaintiff's Complaint, including the date, time, place, and manner that she obtained such permission and approval.

RESPONSE: Neil Adcox, Director of DEW's IT Department advised Plaintiff in August 2013 to purchase the personal thumb drive at issue and told her where to go to purchase it. Plaintiff relied on Adcox's advice and did as instructed. At the time, Adcox did not tell Plaintiff that she should encrypt the thumb drive after she bought it and he did not offer to encrypt the thumb drive for Plaintiff. Plaintiff spoke to Adcox in the RED building, in Adcox's office. It did not subsequently occur to Plaintiff that she should encrypt the thumb drive as she had VPN access and was, with the full knowledge and permission of DEW, authorized to download PII data onto other unencrypted devices such as her work phone.

15. Please identify with specificity the "templates and work product" referenced in Paragraphs 93, 96 and 98 of Plaintiff's Complaint.

RESPONSE: Plaintiff created and intended to re-use work product she had created through her years of State HR experience again at a different state agency to benefit her next state employer. Examples of some documents Plaintiff had created that had and still have value for other state agencies include, but are not limited to: offer letters, disciplinary warnings, substandard performance process, EPMS forms, position description forms, reduction in force, voluntary separation program, retirement incentive program, leave pool, exit interview, FMLA letters, Agency Head performance evaluation, individual development plans, training exercises, PowerPoints, policies, retirement system information and forms, Employee Insurance Program and SCEIS procedures.

16. Please identify with specificity the measures taken by Plaintiff to maintain the security of PII on her USB stick as alleged in Paragraph 96 of Plaintiff's Complaint.

RESPONSE: Plaintiff's door locked automatically when she closed it and she locked her office door when she was not at her desk. When she left her locked office, Plaintiff put her thumb drive in her desk drawer. Plaintiff's laptop and computer turned off automatically and a password was necessary to access them. Plaintiff maintained the thumb drive and/or

laptop in a locked and special location at her home when she was using it. Plaintiff always had possession of her personal thumb drive as it contained her personal information.

17. Please identify with specificity the measures taken by Plaintiff to maintain the security of PII on any device on which she may have placed PII.

RESPONSE: See Response to Interrogatory No. 16 above.

18. Please identify all evidence supporting Plaintiff's allegation that she was authorized to download PII onto an unencrypted USB stick on November 20, 2013, as alleged in Paragraph 110 of Plaintiff's Complaint.

RESPONSE: See Response to Interrogatory No. 14 above.

19. Please identify with specificity all actions taken by Plaintiff when she "deleted all of the information on her USB stick" as alleged in Paragraph 114 of Plaintiff's Complaint, including the time, date, and place of such actions, and the computer(s) used in such actions.

RESPONSE: Plaintiff does not recall the time or date she destroyed her personal thumb drive though it was shortly after her suspension at her house because she had already been expressly prohibited for contacting any DEW employees for help or advice, and forbidden from entering DEW property by Stanton so she could not ask for IT help. She used a large cutter to destroy it as effectively as she could. Plaintiff does not recall when she destroyed it but it was shortly after she was suspended.

20. Please identify with specificity the data deleted by Plaintiff on her USB stick as alleged in Paragraph 114 of Plaintiff's Complaint.

RESPONSE: Plaintiff does not know what information was deleted from her thumb drive as she never opened the files on the thumb drive to view them; she merely moved her work product and templates, personal information such as medical documents for her son and tax information, and resume off the thumb drive and then destroyed it. No PII information other than that of the Plaintiff was removed.

21. Please identify with specificity all actions taken by Plaintiff when she "destroyed the USB stick" as alleged in Paragraph 114 of Plaintiff's Complaint, including the time, date, and

place of such actions, the manner of such actions, and the method she used to dispose of the pieces of the USB stick that are currently missing.

RESPONSE: From the "my computer" icon, Plaintiff opened the USB drive and permanently deleted all folders one at a time ensuring that the electronic trash bin did not contain any of those folders and the documents were not showing up in her recent document history. She then used a large cutter to chop the USB stick into the smallest pieces possible to ensure destruction. She does not recall the time or date. Plaintiff is unaware of any missing pieces of the destroyed thumb drive so she cannot answer this portion of the Interrogatory.

22. Please identify all information concerning polygraph tests that Plaintiff reviewed prior to taking polygraph tests referenced in Paragraph 125 of Plaintiff's Complaint, including but not limited to websites, information viewed on-line, and/or written documents.

RESPONSE: Plaintiff does not recall all of the sites she googled to research polygraphs. Some of the information she read on line and some of the information she printed and then discarded.

23. There is no Interrogatory Number 23 in Defendant's Interrogatories

24. Please identify all "false and defamatory statements" made by Defendant Stanton as alleged in Paragraph 125 of Plaintiff's Complaint, including: (a) the time and date of the statement, (b) the persons(s) who received the statement, and (c) the content of the statement.

RESPONSE: Plaintiff objects to this Interrogatory as it is premature and Stanton continues to make false statements about Plaintiff. However, Stanton has defamed Plaintiff repeatedly and often. Stanton's defamatory statements against Plaintiff were heard by all of the employees who attended meetings Defendant Stanton called in December of 2013 and January of 2014, and all of the employees who received a January 15th email from Defendant Stanton. The names of these employees are already known to Defendants. Additionally, Defendant sent a letter to all current and former employees of DEW alleging Plaintiff had compromised their data which Defendant knew or should have known was not true, and Defendant sent a false press release to the State paper. Plaintiff reserves the right to supplement this Response as discovery proceeds.

25. Please identify all "false and defamatory" statements made by Defendant Stanton as alleged in Paragraphs 132 and 133 of Plaintiff's Complaint, including: (a) the time and date of the statement, (b) the persons(s) who received the statement, and (c) the content of the statement.

RESPONSE: See Response to Interrogatory No. 23 above.

26. Please identify all persons who informed Plaintiff that the statements identified in Interrogatories No. 25 and 26 were made.

RESPONSE: Plaintiff objects to this Interrogatory as she is extremely concerned that Defendants will retaliate against innocent employees of DEW if their names are provided. Plaintiff will not divulge the names of any DEW employees who have contacted her after December 18, 2013 without a court order as she is not willing to jeopardize their jobs.

27. Please identify all evidence supporting Plaintiff's allegation that she was defamed by SCDEW.

RESPONSE: See Response to Interrogatory No. 12 above. Plaintiff reserves the right to supplement this Response as discovery proceeds.

28. Please identify by name all persons referenced in Paragraph 136 of Plaintiff's Complaint.

RESPONSE: Plaintiff objects to this Interrogatory on the basis it requests information already in the possession of Defendant or easily obtainable from other sources, including Defendant's own files for the names of everyone who attended the December and January meetings Stanton called and attended. Plaintiff further objects to this Interrogatory as she is extremely concerned that Defendants will retaliate against innocent employees of DEW if their names are provided. Plaintiff will not divulge the names of any DEW employees who contacted her after December 18, 2013 without a court order as she is not willing to jeopardize their jobs.

29. Please identify by name all "lower-level employees" and "senior staff" referenced in Paragraph 137 of Plaintiff's Complaint.

RESPONSE: All of the employees who attended two meetings Defendant Stanton called in December of 2013 and January 2014, and all of the employees who received a January 15th email from Defendant Stanton. The names of these employees are already known to Defendants so whether they are low level employees or senior staff employees is also necessarily known to Defendants. Additionally, the names of the 5,000 current and former employees of DEW are already known to Defendants. Plaintiff reserves the right to supplement this Response as discovery proceeds.

30. Please identify by name all "DEW employees" referenced in Paragraph 138 of Plaintiff's Complaint.

RESPONSE: Plaintiff objects to this Interrogatory as Stanton's defamatory statements against Plaintiff were heard by all of the employees who attended this meeting that Defendant Stanton called so the names of the employees in attendance are already known to Defendants, whereas Plaintiff was not at this meeting.

31. Please identify by name the "DEW manager" referenced in Paragraph 139 of Plaintiff's Complaint.

RESPONSE: This Interrogatory does not require a response as the name of this employee is already known to Defendant Stanton. Plaintiff, however, objects to this Interrogatory as she is extremely concerned that Defendants will retaliate against an innocent employee of DEW if his/her name is provided. Plaintiff will not divulge the name of this DEW employee without a court order as she is not willing to jeopardize his/her job.

32. Please identify by name the persons who informed Plaintiff that Defendant Stanton made the statements referenced in Paragraphs 137, 138, and 139 of Plaintiff's Complaint.

RESPONSE: Plaintiff objects to this Interrogatory as she is extremely concerned that Defendants will retaliate against an innocent employee of DEW if his/her name is provided. Plaintiff will not divulge the name of this DEW employee without a court order as she is not willing to jeopardize his/her job.

33. Please identify all evidence supporting Plaintiff's allegation that "Defendant Stanton...obtained a search warrant through SLED that was irregular on its face and was issued without probable cause for the ulterior purpose of forcing the termination of Plaintiff's employment" as alleged in Paragraph 146 of Plaintiff's Complaint.

RESPONSE: The testimony of Darrell Scott at the Plaintiff's grievance hearing, the Affidavit signed by David Dove, and the search warrant Dove obtained. Plaintiff reserves the right to supplement this Response as discovery proceeds.

34. Please identify the specific date, time, place, and manner that Plaintiff "rendered the data on her USB stick unusable when she became aware of Defendant's allegation against her" as alleged in Paragraph 159 of Plaintiff's Complaint.

RESPONSE: See Response to Interrogatory No. 19 above.

35. Please identify the location of the USB stick referenced in Paragraph 159 of Plaintiff's Complaint from November 20, 2013 until the date that Plaintiff rendered it unusable.

RESPONSE: It was either locked in her office or locked in a secure location at her home.

36. Please identify all ways in which the SCDEW violated S.C. Code § 1-11-490 as alleged in Paragraph 161 of Plaintiff's Complaint.

RESPONSE: Plaintiff objects to this Interrogatory to the extent it seeks identification of information that "support" a particular fact or contention, as such information is protected by the attorney-client work-product and attorney-client privilege and also protected by Rule 33 (d).

37. Please list by name, address, and telephone number all counselors, physicians, doctors, or other medical, psychological, or psychiatric advisors from which Plaintiff has sought treatment for medical and/or emotional injuries or illnesses. For each person so named, please list the injury or illness for which treatment was sought.

RESPONSE: John H. Moore, M.D. of Columbia Women's Health Care, 1301 Taylor Street, Columbia, SC 29201, treated Plaintiff for anxiety and depression due to Defendant Stanton's actions against Plaintiff.

38. Please list all schools attended and courses taken by Plaintiff, including dates and grades. In lieu of responding to this interrogatory, Plaintiff may produce all transcripts of her educational history since high school.

RESPONSE: Plaintiff objects to this Interrogatory as it seeks information not relevant to the allegations in Plaintiff's Complaint and not reasonably calculated to lead to probative or admissible evidence. Plaintiff further objects to this Interrogatory on the basis it requests information already in the possession of Defendant or easily obtainable from other sources, including Defendant's own files and Plaintiff's resume. Without indicating how

this question could possibly be relevant to the allegations in this Complaint or Defendants' affirmative defenses, Plaintiff is not going to respond.

39. Please list all of Plaintiff's sources of income, and amounts of income received from such source, since her termination from SCDEW.

RESPONSE: None.

40. Please list all employment of Plaintiff since her termination from SCDEW, including the name of the employer, the address and telephone number of the employer, and position held by Plaintiff.

RESPONSE: None.

41. Other than this lawsuit, please describe the circumstances surrounding any civil actions or family court matters brought by or against Plaintiff including the parties, court of jurisdiction, case number, and the disposition of those actions or charges.

RESPONSE: Plaintiff objects to this Interrogatory as it seeks personal information family court information not relevant to the allegations in Plaintiff's Complaint and not reasonably calculated to lead to probative or admissible evidence. Notwithstanding this objection, none, other than previous divorce proceedings which are irrelevant.

42. Please list any civil or criminal case in which Plaintiff has been involved, whether as a party or as a witness, specifically identifying the parties, charge(s) involved, the court and the number of the case, and the disposition of the case.

RESPONSE: None.

43. Please list any number for Plaintiff's home telephone(s), cell phone(s), or other mobile device(s) used at any time since January 1, 2013.

RESPONSE: Plaintiff objects to this Interrogatory as it is overly broad, unduly burdensome, seeks evidence that is irrelevant and beyond the issues and defenses in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Without an explanation by Defendant as to the relevance of this Interrogatory, Plaintiff does not intend to provide a response. Plaintiff further objects to this Interrogatory to the extent it is intended to find out if Plaintiff has spoken to anyone working at DEW since

January 1, 2013. Plaintiff still has close personal friends at DEW with whom she has not discussed this litigation but with whom she communicates often. Plaintiff is concerned that Defendants will retaliate against her personal friends if their names are provided to Defendants. Finally, Plaintiff objects to this Interrogatory on the basis of attorney client privilege to the extent it is intended to obtain information regarding Plaintiff's communications with her counsel.

44. Please list any communications with any SCDEW employee since December 18, 2013 by (1) name of the person contacted, (2) the time and date of the communication, (3) the method or device used to make or respond to the communication, and (4) the substance of the communication.

RESPONSE: Plaintiff objects to this Interrogatory as it is overly broad, unduly burdensome, seeks evidence that is irrelevant and beyond the issues and defenses in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Without an explanation by Defendant as to the relevance of this Interrogatory, Plaintiff does not intend to provide a response. Plaintiff further objects to this Interrogatory to the extent it is intended to find out if Plaintiff has spoken to anyone working at DEW since January 1, 2013. Plaintiff still has close personal friends at DEW with whom she has not discussed this litigation but with whom she communicates often and those communications are not relevant to this litigation.

45. Please identify all persons, by name and telephone number, the persons who Plaintiff called or who called Plaintiff, that are referenced on Exhibit "A."

RESPONSE: Plaintiff cannot respond to this Interrogatory as she does not know what "Exhibit A" is and there is no such exhibit attached to the Interrogatories.

46. Please name all attorney(s) who advised Plaintiff since September 1, 2013, concerning any matter related to SCDEW or Defendant Stanton, and the dates that the attorney(s) so named represented Plaintiff.

RESPONSE: Plaintiff objects to this Interrogatory as it is overly broad, unduly burdensome, seeks evidence that is irrelevant and beyond the issues and defenses in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Without an explanation by Defendant as to the relevance of this Interrogatory, Plaintiff does not intend to provide a response. Plaintiff further objects to this Interrogatory as it uses terms that are is vague, ambiguous and undefined. Plaintiff does not know what the terms "advise" and "represent" mean and she requires further clarification or additional details in order to be able to respond to the same.

47. Please list all employers to whom Plaintiff has submitted an employment application, including date of application and position sought, since January 1, 2013.

RESPONSE: Plaintiff objects to providing Defendants the names of any employers with whom she has applications for employment still pending on the basis that Plaintiff's answer to this Interrogatory may result in Defendant interfering with Plaintiff's ability to obtain new employment. If Defendants agree not to interfere with Plaintiff's attempts to find new employment by agreeing not to contact employers with whom Plaintiff's employment applications are still pending, Plaintiff will supplement this Response. Notwithstanding this objection, the following is a list of employers to whom Plaintiff has submitted employment applications since January 1, 2013 and with whom she is not under consideration for employment as the positions have been filled:

HR Director-Element Electronics
Community Development Director, Lexington County
Management Consultant International Services
HR Director, Claret Networks
Site Human Resources Mgr., Kauracia
People soft HR Functional Analyst
Sr. HR Manager, Arapahoe
Project Manager, Lexington County
Project Manager Innovation Group
HR Director Chester Senior Services Inc.
HR Director Ben Arnold Beverage
HR Business Partner, Schneider Electric
Administrative Manager, Masco Corporation
Business Consultant HCM Lawson Talent Management-Info
HR Manager Recruitment Manager, Whaley Foodservice
Field Director, Planned Parenthood
Compensation Analyst I Affac
Payroll Manager Robert Half & Accounting
HR Manager CoreLogic
Director of Quality Sterling Life Services
Management position EDI
Equal Opportunity Specialist USDA
HR Generalist-Find Great People
HR Generalist-Staples
Executive Dir. of HR-Westport International
HR Manager Global Co-Gallman
Admin Coord/Asst Mgr. Find Great People
Business Analyst I-Affac
Regional HR Generalist CMC Steel
HR/Recruiting Manager-Lexington Co-Robert Half
Office Manager-Caris Healthcare

HR Manager Bryant Bureau
HR Director-Blanchard CAT
HR Director-Sherpa
HR Recruiter-Lexington-Robert Half
Training & Systems Specialist-Jarden
HR Manager-Roper Staffing
HR Business Partner-Amazon
HR Manager-Columbia-Undisclosed chemical manufacturer
HR Manager-Apex Tool Corp
Sr. HR manager: Product Management & Service- Apex Tool Corp.
HR Manager-Phillips Staffing
Transformational Change Management-Sr. Manager- PWC
Recruiting Manager-SMX
PeopleSoft Business Analyst-Hallmark
HR Recruiting Generalist-Hubbell Inc.
HR Recruitment Mgr-CEO Inc.
HR Director-local transport co.
HR Analyst-McAngus Goudelook & Courie

48. Please detail all conversations that Plaintiff has had with employees of the State Law Enforcement Division (SLED), including date of application and position sought, since September 1, 2013.

RESPONSE: Plaintiff has not applied for any jobs with SLED. The following is a summary of the conversations Plaintiff has had with SLED employees:

On December 20, 2013 Agent Dove came to Plaintiff's residence with a search warrant. He arrived in a black Chevy Tahoe with very dark tinted windows. He came to her door alone and then spoke to her in the driveway of my home. Two neighbors came out to speak with Plaintiff while Dove was there, asking if she needed help with her children. Both Plaintiff's 14-year-old son, a personal friend of her son's (also age 14) and her 4-year-old daughter were in the home at the time. Agent Dove showed Plaintiff a single page document that appeared to be a screen shot. He highlighted two items, a file name and a serial number. The name of the file was "Cobra..." (Plaintiff was not sure about the second part of the screen shot but thought it was subsidy). The serial number was an Alpha and numerical number. Dove told Plaintiff that DEW was contending she had downloaded this file on December 18, 2013. Plaintiff became visibly upset, crying. Plaintiff explained to Agent Dove that she did not download any files on December 18th and that she had no idea what he was talking about. Plaintiff knew at that time her personal thumb drive had not been at work with her on December 18th; it had been at her home, secured in her closet, away from her children.

Plaintiff explained to Agent Dove that Ms. Stanton had a personal vendetta against

her and was out to destroy her. Plaintiff explained that any work USB's were in her office at work and that Ms. Stanton had removed two USB sticks from her office December 12, 2013. Agent Dove stated that they checked those two USB sticks and these were not the sticks he was interested in. Plaintiff again explained she had no idea what he was talking about and told him again that she had not downloaded any files/documents on December 18th. Agent Dove said if Plaintiff did not give SLED the USB stick, that he had a search warrant for her home. Plaintiff explained to Dove that she couldn't give him something she didn't have and told him he could search her house.

Agent Dove then motioned to the vehicle and three (3) additional SLED agents got out of the Chevy Tahoe. Again, this was in front of Plaintiff's neighbors. At that time, Plaintiff began to cry profusely. She remained outside while one agent searched her car and her belongings, including her son's friend's backpack. When Plaintiff went into her home, Agent Dove and the two other agents were in her home office. They were going through the desk and connecting items to a SLED laptop and looking at them. At that time, Agent Dove found a paper file with the documents Plaintiff had been collecting to document Cheryl Stanton's wrongful actions against her during the last few months. Plaintiff then explained to Agent Dove what the file was and how Ms. Stanton had been trying to get rid of her since August 2013. Dove briefly flipped through the file.

It was Christmas time and Plaintiff had been wrapping presents. Agent Dove stated they would not open any of the presents already wrapped. Plaintiff continued to wrap presents while they searched further. The agents next went to her bedroom and began searching through her drawers to include her personal undergarment drawers. At that time, Plaintiff became extremely frustrated and contacted Ted Pitts, Chief of Staff for the Governor's Office.

Plaintiff left Pitts a voicemail telling him that four (4) SLED agents were in her home with a search warrant looking for something that didn't exist. Plaintiff knew that she had not downloaded anything on December 18th as Dove was alleging. Shortly after that voicemail, Agent Dove received a phone call and when he hung up he instructed the other agents that they were done. They only searched the office and part of Plaintiff's bedroom. Plaintiff has a 4 bedroom home with a bonus room, attic, two car garage, and laundry room, which consists of about 2800 square feet. Agent Dove informed Plaintiff that they would like her to come in to SLED to make a statement and she could bring an attorney. Dove gave Plaintiff his business card and said he would call her after the holidays. All the agents apologized to Plaintiff as they left.

On December 27, 2013, Agent Dove called Plaintiff and left a voicemail asking her to return his call. Plaintiff called and Dove asked her to schedule a time to come in and make a statement. Plaintiff asked him about the reporting structure of SLED because she had found out that everything she said to Agent Dove on December 20, 2013 had gotten back to Cheryl Stanton and was being repeated by Stanton. Plaintiff asked Dove if she was under criminal investigation and he stated no. Plaintiff asked Dove if she was being charged with a crime and he said no. Plaintiff asked Dove if she was required to make a statement and he said no. Plaintiff told Dove that because Cheryl Stanton was out to destroy her so that she

couldn't even get a job at Wal-Mart, and because everything she told Dove was being repeated by Stanton, she would not come in to make a statement. Plaintiff was crying during the conversation and apologized, ending the call.

On Monday, January 6, 2014, Plaintiff's attorney and Plaintiff met with Agent Dove, another SLED agent and Swati Patel, General Counsel for the Governor's Office. Plaintiff's attorney presented her sworn affidavit. Agent Dove and Ms. Patel wanted some of the information removed from the affidavit, specifically Ms. Stanton's treatment of Plaintiff. Agent Dove demanded Plaintiff take a polygraph and called Plaintiff a liar. Plaintiff subsequently agreed to a polygraph to clear her name.

On Friday, January 10, 2014, Plaintiff was given a polygraph. Plaintiff was asked very ambiguous questions that had no relevance to the issue at hand. The experience was very traumatic and Plaintiff was very emotional, crying during most of the session. The test came back inconclusive. SLED felt Plaintiff was too emotionally distraught during the test and that contributed to the rare result of inconclusive.

On Monday, January 13, 2014, Plaintiff took a second polygraph. During this polygraph, Plaintiff asked significantly more questions about the process as the questions she was being asked were so ambiguous. Plaintiff also asked to see the documents she was accused of downloading to help her better understand the questions. SLED personnel compared her to a murderer and told her that in murder investigations they do not show evidence to the suspect. SLED personnel also asked Plaintiff if she had files that would embarrass the Agency or the Governor. Plaintiff added additional information to her original statement and another SLED agent came in and took her information. Plaintiff was told the polygraph came back inconclusive again. This time Plaintiff was told the result was inconclusive because Plaintiff asked too many questions.

Plaintiff has not heard from or spoken to SLED since.

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FOSTER LAW FIRM, L.L.C.

Nancy Bloodgood

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Attorneys for Plaintiff

Charleston, South Carolina

Date: 5-30-14

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing pleading
was mailed to all persons of record in this proceeding
this 30 day of May,
20 14. *[Signature]*

3

RECEIVED

JUL 21 2014

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) IN THE COURT OF COMMON PLEAS FOR
) THE FIFTH JUDICIAL CIRCUIT
)

Kerry Paul,

) Case No.: 2014-CP-05-271
)

Plaintiff,

) PLAINTIFF'S RESPONSE TO
) DEFENDANTS' MOTION TO COMPEL
)

vs.

Cheryl Stanton in her individual capacity,
and the South Carolina Department of
Employment and Workforce,

Defendants.

INTRODUCTION

Plaintiff responded to Defendants' First Set of Interrogatories, First Request for Production of Documents, and First Request for Admissions on May 30, 2014. (See Attachment A to Defendants' Motion to Compel.) In response, Defendants filed a Motion to Compel on June 11, 2014. Defendants' Motion asks this Court to compel Plaintiff to respond fully to Interrogatories 26, 28, 31, and 32 and any other requests set forth in Exhibit D to their Motion if these requests have not been answered to Defendants' satisfaction by the time this Motion is heard.

Defendants' Exhibit D is a letter sent to Plaintiff's Counsel on the same day Defendants filed their Motion to Compel. In the letter, Defendants outline their concerns with twenty-eight (28) of Plaintiff's responses (Interrogatories 5, 10, 12, 24, 25, 26, 27, 28, 29, 30, 31, 32, 36, 41, 43, 44, 45, 46, and 47; Requests to Produce 4, 11, 12, 13, and 16; and Requests to Admit 21, 22, 23, and 24). Plaintiff's Counsel received Defendants' letter on June 13, 2014 and responded a week later on June 20, 2014. Plaintiff's 12-page response letter attempted to clarify and supplement many of her responses. (See Plaintiff's letter, attached hereto as Exhibit A.)

In preparation for this hearing, Plaintiff has attempted to seek clarification from Defendants' Counsel regarding which responses he still considers to be deficient or inadequate. Plaintiff has not yet received a response from Defendants' Counsel. In the interest of time and with the intent of complying with the Court's request for a Memorandum, Plaintiff submits this Memorandum addressing the discovery responses which, upon information and belief, Defendants may still believe to be deficient.

LEGAL ARGUMENT AND AUTHORITY

A. Interrogatory Nos. 26, 28, 31, and 32

Defendants seek to compel Plaintiff to answer Interrogatories 26, 28, 31, and 32. These interrogatories all request similar information. Specifically, these Interrogatories request that Plaintiff identify the names of Defendants' employees who heard the defamatory statements made by Defendant Stanton and/or who told Plaintiff about these defamatory statements. Plaintiff's primary objection is that this information is already in the possession of Defendant. Because of the number of employees involved, it is impracticable and unnecessary for Plaintiff to list all employees when Defendants are already in possession of this information. Further, Plaintiff has attempted to further clarify this response by giving Defendant additional details regarding the meetings and correspondence through which these statements were made.

Plaintiff's second objection is that the disclosure of these names (especially the names of the employees who alerted Plaintiff that Defendants were making defamatory statements about her) would subject these employees to retaliation by Defendants. Further, this information (who told Plaintiff about the statements) is irrelevant to the claims and defenses in these actions. The issue is whether the statements were made, not who told Plaintiff that the statements were made. Thus, Plaintiff will only disclose these names if the Court orders her to do so. If the Court finds

that such information should be revealed, Plaintiff respectfully requests that the Court include protective language in its Order, such as a "no-retaliation" clause.

B. Interrogatory No. 41 and Request to Produce No. 16

Interrogatory No. 41 and Request to Produce No. 16 relate to prior legal actions of Plaintiff. Plaintiff supplemented her responses to these requests in her June 20th correspondence to Defendants. Plaintiff does not know whether Defendants still consider her responses to be deficient. Plaintiff has provided information about the only other litigation she has ever been involved in, her divorce from her former husband 7 years ago. Plaintiff believes the actual divorce documents are irrelevant to this action, especially in light of the fact that the divorce took place 7 years ago.

C. Request to Produce No. 4

Request to Produce No. 4 seeks disclosure of Plaintiff's tax returns. No South Carolina court has addressed the appropriate test to determine a discovery dispute over the production of income tax returns. However, several cases within the Fourth Circuit provide guidance on this issue. Generally, the disclosure of tax returns is disfavored. *Interstate Narrow Fabrics, Inc. v. Century USA, Inc.*, No. 1:02CV00146, 2004 U.S. Dist. LEXIS 3839, at *1 (M.D.N.C. 2004) (Exhibit B). Courts within the Fourth Circuit rely on a two part test to determine if tax returns are discoverable. *Id.* at *2. The tax returns will be discoverable if they are: (1) "relevant to the matter in dispute"; and (2) "the information is not available from other sources." *Id.* (citing *Terwilliger v. York Int'l Corp.*, 176 F.R.D. 214, 216-17 (W.D. Va. 1997)). Most importantly, the party seeking the tax returns has the burden to show to relevance. *Id.* If the party seeking disclosure carries that burden, the burden then shifts to the opposing party to show that the information is available from an alternate source. *Id.*

The case of *Terwillinger v. York International Corporation* is particularly instructive. (Exhibit B.) In *Terwillinger*, the Defendant Corporation sought the individual tax returns of the plaintiff since it was "relevant to his claim for damages." 176 F.R.D. at 216. The plaintiff successfully argued that the while his wages were relevant (as opposed to all other information on the tax returns), the wage information was easily obtained from other sources such as his deposition, responses to interrogatories, and the fact that his "salary history was easily accessible ... through employment records" and, therefore, disclosure of the full tax returns was not relevant or necessary. *Id.* In ruling that the tax returns were not discoverable, the court pointed out that "unnecessary disclosure of tax returns is to be avoided." *Id.*

District Courts in the Fourth Circuit have applied the *Terwillinger* test regarding discovery of tax returns. In *Hastings v. OneWest Bank*, 2013 U.S. Dist. LEXIS 52331 (D. Md. April 11, 2013), a District of Maryland Court held that personal tax returns are not discoverable in a breach of contract case as they are irrelevant. (Exhibit B.) In *Donin v. MacAloon*, 2011 U.S. Dist. LEXIS 53879 (W.D.N.C. May 18, 2011), a North Carolina District Court applied the *Terwillinger* test and determined that as back taxes were owed to the IRS by the plaintiff, that fact could be causing emotional distress damages and, therefore, the tax returns were relevant. (Exhibit B.) That case is distinguished on the facts and represents a very limited exception to the general rule that the unnecessary disclosure of tax returns is to be avoided.

In the present case, Defendants have failed to carry their burden to prove that the information sought in the tax returns is relevant. Plaintiff has already responded in written responses to discovery that she has not had employment since her wrongful termination and all of Plaintiff's earnings prior to her termination are already known to Defendants who were her employer.

D. Request to Produce No. 11

Request No. 11 seeks all of Plaintiff's medical records from the past ten and one half years. Plaintiff objects that this request is overly broad. Plaintiff has already produced any documents she "contends are reasonably related to her physical, emotional, or health condition, and/or any documents regarding or touching upon liability and damages issues which are the subject of Plaintiff's claims in this lawsuit." (See Plaintiff's Response to Defendants' Request to Produce No. 12 on page 10 of Exhibit A.) Because Plaintiff has already responded fully to Request No. 12, Defendants are already in possession of all relevant medical records. Defendants have not offered any explanation as to why additional medical records from the past ten and one half years are relevant. Plaintiff respectfully requests that the Court deny Defendants' Motion because Plaintiff has already produced relevant records or, in the alternative, limit Defendant's request to a reasonable amount of time, such as three (3) years prior to the filing of this lawsuit. See, e.g., *Kinser v. United Methodist Agency for the Retarded*, 2014 U.S. Dist. LEXIS 5028

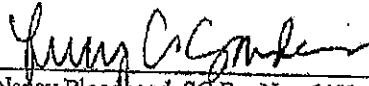
(W.D.N.C. Jan. 14, 2014) (limiting a request for medical records from ten years to three years in an employment case) (Exhibit B).

CONCLUSION

For the reasons outlined herein, Plaintiff respectfully requests that this Court deny Defendants' Motion to Compel.

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Attorneys for Plaintiff

Charleston, South Carolina

Date: July 17, 2014

) IN THE COURT OF COMMON PLEAS FOR
) THE FIFTH JUDICIAL CIRCUIT

Case No.: 2014-CP-05-271

CERTIFICATE OF SERVICE

Cheryl Stanton in her individual capacity,
and the South Carolina Department of
Employment and Workforce,

Defendants.

Eugene H. Matthews, Esquire
Richardson Plowden
1900 Barnwell Street
Columbia, SC 29201

☒ VIA FIRST CLASS MAIL

by placing a copy of said documents in the United States mail with sufficient postage thereon.

Lucy C. Sanders

Exhibit A

FOSTER LAW FIRM, L.L.C.

PAUL J. FOSTER, JR., 1928-1989

Attorneys and Counselors at Law

NANCY BLOODGOOD
nbloodgood@fosterfoster.com
REPLY TO CHARLESTON

June 20, 2014

Eugene H. Matthews, Esquire
Richardson Plowden
1900 Barnwell Street
Columbia, SC 29201

RE: *Kerry Paul v. Cheryl Stanton in her individual capacity, and the South
Carolina Department of Employment and Workforce*
Case No.: 2014-CP-05-0271
Our File No.: 11463

Dear Gene,

Thank you for your letter objecting to my discovery responses which I received Friday,
June 13th. Please accept this letter as supplemental information and clarification.

Interrogatory Objections

1. Interrogatory No. 5: Please list all damages claimed by Plaintiff in this matter by type,
amount, and the cause of action to which the damages are related. Please provide a
detailed and itemized calculation of the total.

RESPONSE: Plaintiffs damages include back pay wages, lost future wages, reputation
damages, emotional distress and other tort damages, punitive damages against the
individually named Defendant Stanton, and attorney fees and costs. The total amount of
damages against the state entity exceeds the cap under the State's Tort Claims Act.

You objected to me not calculating the wage damages. As your client DEW was the entity
that paid Ms. Paul her wages, I am surprised that its payroll department does not know what amount
of wages she was paid. Nevertheless, based on Ms. Paul's paycheck stubs, I calculate Ms. Paul's
back wage damages as \$7,883.56 per month, and as of today, six (6) times that amount as Ms. Paul
was terminated six (6) months ago, or \$47,301.36. This amount is based on an annual salary of
\$89,610 and represents \$3,733.75 gross bi-monthly wages before taxes; \$208.03 lost (7.5%)
monthly contribution to her state retirement account. I have not calculated the value of the loss of a
~~\$300,000 term life insurance policy and all of Ms. Paul's sick leave, or the value of the loss of a~~
supplemental long term disability policy. Ms. Paul's wage damages will continue to increase each

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Paul Foster: 1928-1989

month she is out of work by an additional \$7,883.56 until she obtains new employment at which time her lost wages will be recalculated. We also anticipate that we may hire an expert to calculate Ms. Paul's long term front pay damages in the event she does not obtain employment in the next few months, and we will supplement this Response at that time with that information.

2. Interrogatory No. 10: Please identify with specificity any flash drive, USB stick, CD-ROM, external hard drive, or any other removable media device on which Plaintiff downloaded, accessed, or stored the PIT of any SCDEW employee other than herself.

RESPONSE: The only USB stick Plaintiff had in her possession at the time of her suspension was a personal thumb drive, not state property, and which thumb drive she personally destroyed when she suspected Defendant Stanton was going to use the PII data issue to defame her, which Defendant Stanton did.

You objected to my client not identifying with specificity any flash drive, etc. that she ever used while employed. The only thumb drive Plaintiff used was the one she was advised to purchase with her own funds by IT Director, Neal Adcox, which is now destroyed. Ms. Paul does not recall ever loading any PII data on to that thumb drive as she has previously testified. Therefore, the answer is None.

3. Interrogatory No. 12: Please identify the dates, times and places of any action taken by Defendant Stanton that supports Plaintiff's allegations that Defendant Stanton acted outside the scope of her authority, duty, or employment.

RESPONSE: Defendant Stanton had a personal dislike for Plaintiff as evidenced through her speech and her actions. Stanton was not authorized to unilaterally change Plaintiff's job description or to harm Plaintiff by disciplining Plaintiff for petty reasons; ordering Plaintiff not to communicate with other employees; requiring Plaintiff be physically isolated from other DEW employees; fabricating a false reason to terminate Plaintiff; and defaming Plaintiff by falsely accusing her of violating the State Ethics Act and accessing and distributing personal employee information (as recently as May 2014) in order to cause Plaintiff the loss of her job and ruin Plaintiff's reputation. Stanton functionally demoted Plaintiff by stripping her of all her direct reports with the exception of training; not permitting her to communicate with the HR employees in person or over the phone, removing her from Executive Staff meetings Plaintiff had regularly attended for years, and prohibiting Plaintiff from appearing at certain locations in public buildings. All of these actions were taken in violation of State personnel policies and were defamatory by innuendo. Stanton is not authorized to violate State policies or defame employees. Further, Stanton's defamatory statements against Plaintiff were heard by all of the employees who attended multiple meetings Defendant Stanton called in December of 2013 and January of 2014, and all of the employees who received a January 15th email from Defendant Stanton. The names of these employees are already known to Defendants.

You objected to this Response as you allege Defendant Stanton does not know which employees she required to attend meetings that she scheduled at DEW in December of 2013 and

June 20, 2014

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January of 2014 which my client did not attend as she had been suspended by Stanton before those meetings occurred. Again, notwithstanding the fact that Stanton likely knows which employees she required to attend the meetings she called, and to whom she sent emails, we supplement our Response as follows: Plaintiff understands that the employees present at those meetings were the members of DEW's Leadership Team, HR and training team, Unemployment Insurance employees, IT employees, Public Information Office employees and Office of General Counsel employees. Additionally, all active employees (approximately 950) received the January 15th email.

4. Interrogatory No. 27: Please identify all evidence supporting Plaintiff's allegation that she was defamed by SCDEW.

RESPONSE: See Response to Interrogatory No. 12 above. Plaintiff reserves the right to supplement this Response as discovery proceeds.

Besides the employees who were not Ms. Paul's supervisors who were invited to the meetings mentioned in Interrogatory No. 12 who heard the false allegations made against Ms. Paul, the other evidence that supports Ms. Paul's defamation claim include: 1) the Agency's action of preparing a press release that it knew or should have known was false (especially when DEW previously had a policy of not publicizing employee disciplinary issues); 2) Defendants' use of the terms "data breach" and "breach" to infer Ms. Paul had misused PII data, which is false; 3) Defendants' public statements that Plaintiff violated DEW policies, which is false; and 4) Defendants' continued efforts to infer criminal law violations by Ms. Paul, which Defendants know and have known is false.

5. Interrogatories No. 24 and 25: Please identify all "false and defamatory statements" made by Defendant Stanton as alleged in Paragraph 125 of Plaintiff's Complaint, including: (a) the time and date of the statement, (b) the persons(s) who received the statement, and (c) the content of the statement.

RESPONSE: Plaintiff objects to this Interrogatory as it is premature and Stanton continues to make false statements about Plaintiff. However, Stanton has defamed Plaintiff repeatedly and often. Stanton's defamatory statements against Plaintiff were heard by all of the employees who attended meetings Defendant Stanton called in December of 2013 and January of 2014, and all of the employees who received a January 15th email from Defendant Stanton. The names of these employees are already known to Defendants. Additionally, Defendant sent a letter to all current and former employees of DEW alleging Plaintiff had compromised their data which Defendant knew or should have known was not true, and Defendant sent a false press release to the State paper. Plaintiff reserves the right to supplement this Response as discovery proceeds.

- Interrogatory No. 25: Please identify all "false and defamatory" statements made by Defendant Stanton as alleged in Paragraphs 132 and 133 of Plaintiff's Complaint, including: (a) the time and date of the statement, (b) the persons(s) who received the statement, and (c) the content of the statement.

June 20, 2014

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RESPONSE: See Response to Interrogatory No. 23 above.

You objected that our Responses were not specific enough. Plaintiff supplements her response as follows: It is false and defamatory to accuse an employee of stealing PII data or creating a "data breach" when she did not, and when the employer has no evidence that she did. It is false and defamatory to allege an employee is using public property for her own profit and violating the State Ethics Act when there is no evidence such has occurred. It is false and defamatory to infer an employee has violated various criminal laws when there is no evidence such has occurred. It is false and defamatory to accuse an employee of creating a "data breach" or "breach" when no such thing has occurred and the employer has no evidence to support such an allegation. It is false and defamatory to place an employee on suspension and then to terminate her when she has not violated any policies that would support termination. Stanton and DEW recklessly and repeatedly over the course of many weeks made and caused these false and defamatory statements about Ms. Paul to be made and continue to assert them in order to harm her. Plaintiff's continued inability to find employment is also evidence supporting her defamation claim.

6. Interrogatories No. 29 and No. 30: Please identify by name all "lower level employees" and "senior staff" referenced in Paragraph 137 of Plaintiff's Complaint.

RESPONSE: All of the employees who attended two meetings Defendant Stanton called in December of 2013 and January 2014, and all of the employees who received a January 15th email from Defendant Stanton. The names of these employees are already known to Defendants so whether they are low level employees or senior staff employees is also necessarily known to Defendants. Additionally, the names of the 5,000 current and former employees of DEW are already known to Defendants. Plaintiff reserves the right to supplement this Response as discovery proceeds.

Interrogatory No. 30: Please identify by name all "DEW employees" referenced in Paragraph 138 of Plaintiff's Complaint.

RESPONSE: Plaintiff objects to this Interrogatory as Stanton's defamatory statements against Plaintiff were heard by all of the employees who attended this meeting that Defendant Stanton called so the names of the employees in attendance are already known to Defendants, whereas Plaintiff was not at this meeting.

You objected to our responses as you allege Defendant Stanton does not know which employees she required to attend meetings she called at DEW in December of 2013 and January of 2014 which my client did not attend, and she does not know to whom she sent an email dated January 15, 2014. Again, notwithstanding the fact that Stanton likely knows which employees she required to attend meetings and to whom she sent emails, we supplement this Response as follows: Plaintiff understands that the employees present at those meetings were the members of DEW's Leadership Team, HR and training team, Unemployment Insurance employees, IT

employees, Public Information Office employees and Office of General Counsel employees. Additionally, all active employees (approximately 950) received the January 15th email.

7. Interrogatory No. 36: Please identify all ways in which the SCDEW violated S.C. Code § 1-11-490 as alleged in Paragraph 161 of Plaintiff's Complaint.

RESPONSE: Plaintiff objects to this Interrogatory to the extent it seeks identification of information that "support" a particular fact or contention, as such information is protected by the attorney-client work-product and attorney-client privilege and also protected by Rule 33 (d).

Notwithstanding this objection, Defendants violated this section of the law by sending notification of a breach of the security system when there was no reasonable belief that any PII data had been acquired by an unauthorized person, as Ms. Paul was absolutely authorized to access PII data because it was part of her job to do so; and there was no reason to believe Ms. Paul was likely to illegally use PII data. Therefore, Defendants violated section (A).

Further, there was no breach of the security of the data, which fact was known to DEW, so Defendants violated section (B). Defendants also violated section (D)(2) by alleging a breach of the security of the system had occurred, which they knew was false. Defendants further ignored the definition of "good faith acquisition" in this subsection. Further, per section (G), Plaintiff is a resident of this state injured by Defendants' violation of this statute and, therefore, has standing to allege a violation of this statute.

8. Interrogatory No. 41: Other than this lawsuit, please describe the circumstances surrounding any civil actions or family court matters brought by or against Plaintiff, including the parties, court of jurisdiction, case number, and the disposition of those actions or charges.

RESPONSE: Plaintiff objects to this Interrogatory as it seeks personal information family court information not relevant to the allegations in Plaintiff's Complaint and not reasonably calculated to lead to probative or admissible evidence. Notwithstanding this objection, none, other than previous divorce proceedings which are irrelevant.

Plaintiff's divorce was several years ago and she has been happily remarried since October of 2007 for almost seven (7) years. We will not produce this information without a Court Order as it violates her privacy and is irrelevant.

9. Interrogatory No. 43: Please list any number for Plaintiff's home telephone(s), cell phone(s), or other mobile device(s) used at any time since January 1, 2013.

RESPONSE: Plaintiff objects to this Interrogatory as it is overly broad, unduly burdensome, seeks evidence that is irrelevant and beyond the issues and defenses in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Without an explanation by Defendant as to the relevance of this Interrogatory, Plaintiff

does not intend to provide a response. Plaintiff further objects to this Interrogatory to the extent it is intended to find out if Plaintiff has spoken to anyone working at DEW since January 1, 2013. Plaintiff still has close personal friends at DEW with whom she has not discussed this litigation but with whom she communicates often. Plaintiff is concerned that Defendants will retaliate against her personal friends if their names are provided to Defendants. Finally, Plaintiff objects to this Interrogatory on the basis of attorney client privilege to the extent it is intended to obtain information regarding Plaintiff's communications with her counsel.

Plaintiff's personal conversations with her personal friends are irrelevant to this law suit. It is an invasion of Plaintiff's privacy to require her to name all of the employees at DEW whom she considers her personal friends. Stanton's past behavior indicates she will retaliate against Plaintiff's friends as shortly after Plaintiff was wrongfully suspended, Defendant Stanton instructed everyone at DEW to have no contact at all with Plaintiff and one of Plaintiff's friends then felt compelled to prohibit Plaintiff from bringing her daughter to a birthday party for that employee's seven (7) year old daughter. Based on Stanton's past actions, Plaintiff will not name her personal friends as this information is irrelevant and likely to lead to retaliation by Stanton against her friends.

10. Interrogatory No. 44: Please list any communications with any SCDEW employee since December 18, 2013 by (1) name of the person contacted, (2) the time and date of the communication, (3) the method or device used to make or respond to the communication, and (4) the substance of the communication.

RESPONSE: Plaintiff objects to this Interrogatory as it is overly broad, unduly burdensome, seeks evidence that is irrelevant and beyond the issues and defenses in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Without an explanation by Defendant as to the relevance of this Interrogatory, Plaintiff does not intend to provide a response. Plaintiff further objects to this Interrogatory to the extent it is intended to find out if Plaintiff has spoken to anyone working at DEW since January 1, 2013. Plaintiff still has close personal friends at DEW with whom she has not discussed this litigation but with whom she communicates often and those communications are not relevant to this litigation.

Plaintiff supplements this Response by stating, None, other than communicating with personal friends for personal reasons. Defendants' continued requests for information regarding Plaintiff's personal friends is an invasion of privacy and irrelevant.

11. Interrogatory No. 45: Please identify all persons, by name and telephone number, the persons who Plaintiff called or who called Plaintiff, that are referenced on Exhibit "A."

RESPONSE: Plaintiff cannot respond to this Interrogatory as she does not know what "Exhibit A" is and there is no such exhibit attached to the Interrogatories.

Having reviewed Exhibit A for the first time, Plaintiff responds as follows:

1. Unknown
2. Unknown
3. Unknown
4. Kevin Paul
5. Unknown
6. Kevin Paul
7. Kevin Paul
8. Unknown
9. Unknown
10. Unknown
11. Unknown
12. Unknown
13. Unknown
14. Unknown
15. Unknown
16. Unknown
17. Unknown
18. Kevin Paul
19. Lori Adler
20. Lori Adler

12. Interrogatory No. 46: Please name all attorney(s) who advised Plaintiff since September 1, 2013, concerning any matter related to SCDEW or Defendant Stanton, and the dates that the attorney(s) so named represented Plaintiff.

RESPONSE: Plaintiff objects to this Interrogatory as it is overly broad, unduly burdensome, seeks evidence that is irrelevant and beyond the issues and defenses in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Without an explanation by Defendant as to the relevance of this Interrogatory, Plaintiff does not intend to provide a response. Plaintiff further objects to this Interrogatory as it uses terms that are vague, ambiguous and undefined. Plaintiff does not know what the terms "advise" and "represent" mean and she requires further clarification or additional details in order to be able to respond to the same.

Plaintiff supplements this response by stating as it is unethical for attorneys to provide legal advice to or represent persons who are not their clients, the only attorney who advised or represented Plaintiff after September 1, 2013 is Nancy Bloodgood who was retained as counsel by Plaintiff on December 31, 2013.

13. Interrogatory No. 47: Please list all employers to whom Plaintiff has submitted an employment application, including date of application and position sought, since January 1, 2013.

RESPONSE: Plaintiff objects to providing Defendants the names of any employers with whom she has applications for employment still pending on the basis that Plaintiff's answer to this Interrogatory may result in Defendant interfering with Plaintiff's ability to obtain new employment. If Defendants agree not to interfere with Plaintiff's attempts to find new employment by agreeing not to contact employers with whom Plaintiff's employment applications are still pending, Plaintiff will supplement this Response. Notwithstanding this objection, the following is a list of employers to whom Plaintiff has submitted employment applications since January 1, 2013 and with whom she is not under consideration for employment as the positions have been filled:

HR Director-Element Electronics
Community Development Director-Lexington County
Management Consultant International Services
HR Director Elanwit Networks
Site Human Resources Mgr., Faurecia
People soft HR Functional Analyst
Sr. HR Manager, Aramark
Project Manager Lexington County
Project Manager Innovation Group
HR Directory Chester Senior Services Inc.
HR Director Ben Arnold Beverage
HR Business Partner, Schneider Electric
Administrative Manager Masco Corporation
Business Consultant HCM Lawson Talent Management-Info
HR Manager Recruitment Manager Whaley Foodservice
Field Director Planned Parenthood
Compensation Analyst I Aflac
Payroll Manager Robert Half & Accting
HR Manager CoreLogic
Director of Quality Sterling Life Services
Management position EDEI
Equal Opportunity Specialist USDA
HR Generalist-Find Great People
HR Generalist-Staples
Executive Dir of HR-Westport International
HR Manager Global Co-Gallman
Admin Coord/Acct Mgr- Find Great People
Business Analyst I-Aflac
Regional HR Generalist CMC Steel
szHR/Recruiting Manager-Lexington Co-Robert Half
Office Manager-Carl's Healthcare
HR Manager Bryant Bureau
HR Director-Blanchard CAT
HR Director-Sherpa
HR Recruiter-Lexington-Robert Half

Training & Systems Specialist-Jarden
HR Manager-Roper Staffing
HR Business Partner-Amazon
HR Manager-Columbia-Undisclosed chemical manufacturer
HR Manager-Apex Tool Corp
Sr. HR manager: Product Management & Service- Apex Tool Corp.
HR Manager-Phillips Staffing
Transformational Change Management-Sr. Manager- PWC
Recruiting Manager-SMX
PeopleSoft Business Analyst-Hallmark
HR Recruiting Generalist-Hubbell Inc.
HR Recruitment Mgr-CEO Inc.
HR Director-local transport co.
HR Analyst-McAngus Goudelook & Courie

Plaintiff has no new information to add to this list and has stopped submitting written applications as she has knowledge that the Governor's Chief of Staff was contacted by at least one state agency and ensured Plaintiff was not hired.

Requests to Produce Objections

1. Request to Produce No. 4: Please provide copies of Plaintiff's federal and state income tax returns for 2012, 2013, and every year up to time for trial in this case, including all supporting documents and W-2 forms, any and all other documentation upon which Plaintiff relies in claiming damages.

RESPONSE: Plaintiff objects to this Request as Defendant has provided no compelling reason requiring the production of confidential tax returns. *Sae, Hastings v. OneWest Bank*, 2013 U.S. Dist. LEXIS 52331 (D. Md.); *Donin v. McAloon*, 2011 U.S. Dist. LEXIS 53879 (W.D.N.C.); *Fernville v. York Int'l Corp.*, 176 F.R.D. 214, 217-219 (W.D. Va. 1997); *Gattagno v. PricewaterhouseCoopers, LLP*, 205 F.R.D. 70, 73 (D.Conn. 2001); *Lemanik v. McGinty Allsopp, Inc.*, 125 F.R.D. 602, 609 (S.D.N.Y. 1989); *United States v. Bonanno Organized Crime Family*, 119 F.R.D. 625, 627 (E.D.N.Y. 1988); *Payne v. Howard*, 75 F.R.D. 465, 469 (D.D.C. 1977). Plaintiff further objects to this Request on the basis it requests documents and/or information already in the possession of Defendant or easily obtainable from other sources, including Defendant's own files which accurately reflect all of Plaintiff's wages for 2012 and 2013. Notwithstanding these objections, Plaintiff's only income while employed by DEW in 2012 and 2013 was her salary and her husband's salary, and as Plaintiff has not been employed since her wrongful termination, there is no relevant information in her tax returns. As is already known to Defendants, Plaintiff's husband is also a state employee and his wages are already known to Defendants. Plaintiff has had no income since her wrongful termination so the information already in Defendant's possession is complete and accurate and there is no reason for Plaintiff to produce her confidential tax returns to Defendants.

Plaintiff repeats her answer and will only provide W2's, all of which W2's are already in Defendant DEW's possession.

2. Request to Produce No. 11: Please provide copies of health care records, whether related to Plaintiff's physical or mental health and/or drug or alcohol use, including, but not limited to, office records from treatment rendered to Plaintiff on an outpatient basis, and/or hospital records from treatment rendered to Plaintiff at any facility, including emergency room records, histories and physicals, discharge summaries, consults, physician's orders, physician's notes, nurse's notes and medication, any and all x-rays, triage records, surgical records, prescriptions, rehabilitation records, financial records, bills, invoices, writings, notes or memoranda of each health care provider, including but not limited to those of doctors, nurses, psychologists, social workers, practitioners, podiatrists, emergency rooms, hospitals, clinics, drug stores, institutions or other health care providers or third party private or governmental health or accident insurers who examined, treated, or provided related care and/or services to Plaintiff since January 1, 2004 and/or in connection with the injuries alleged in the Complaint.

RESPONSE: Plaintiff objects to this Request as it is overly broad, unduly burdensome, seeks evidence that is irrelevant and beyond the issues and defenses in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, as the result of the emotional trauma and humiliation Defendants have caused Plaintiff through their actions after January 2011, Plaintiff has sought medical attention from Dr. John H. Moore. Plaintiff's medical records from Dr. Moore from January 2011 forward, are attached and bate stamped Plaintiff 04 - 043. Pharmacy records are attached and bate stamped Plaintiff 044 - 046.

Plaintiff objects to the length of time for medical records requested and will not produce the same without a Court Order as such is an unreasonable invasion of privacy and irrelevant.

3. Request to Produce No. 12: Please provide each and every invoice, statement, document, bill for medicine, treatment, rehabilitation, hospitalization and for any other expenditures and monetary damage amounts for which Plaintiff or her witnesses contend are reasonably related to her physical, emotional or health condition, and/or any documents regarding or touching upon liability and damage issues which are the subject of Plaintiff's claims in this lawsuit.

RESPONSE: Records from Walgreens attached and bate stamped Plaintiff 044 - 046.

Plaintiff supplements this response by stating she has no additional responsive documents.

4. Request to Produce No. 13: Please provide all reports, written memoranda and any other documents of any physician or health care provider who has reviewed the medical records of Plaintiff regardless of whether or not such person will be used as a witness on behalf of Plaintiff.

RESPONSE: See Response to Request to Produce No. 11 herein.

Plaintiff repeats her previous response and supplements it by adding that she has no idea which health care providers have reviewed her medical records and that she had not provided medical records to any healthcare providers, has not named any healthcare providers as witnesses and does not intend to call any healthcare providers as witnesses in this case.

5. Request to Produce No. 16: Please provide all documents related to any civil or criminal proceeding or lawsuit in which Plaintiff was involved as a party or witness.

RESPONSE: Plaintiff objects to this Request on the grounds that the documents requested are personal and confidential and are not reasonably calculated to lead to admissible evidence. Notwithstanding this objection, other than dated family court records which are irrelevant to this Complaint, none.

Plaintiff's divorce was several years ago and she has been happily remarried for almost seven (7) years. There is nothing relevant to emotional distress damages from an old divorce and Plaintiff will not produce this information without a Court Order as it is an invasion of privacy and irrelevant.

Requests to Admit Objections

Requests to Admit Nos. 21-24:

21. Admit that Plaintiff downloaded or copied files containing the PHI of SCDEW employees other than herself onto a USB drive (or "stick") on November 20, 2013.

RESPONSE: Deny. Plaintiff does not recall downloading any information onto a USB drive on November 20, 2013.

22. Admit that the USB drive (or "stick") referenced in Request #21 was not encrypted.

RESPONSE: Deny. Plaintiff does not recall downloading any information onto a USB drive on November 20, 2013.

23. Admit that the USB drive (or "stick") referenced in Request #21 was in Plaintiff's possession when she left SCDEW premises on November 20, 2013.

RESPONSE: Deny. Plaintiff does not recall downloading any information onto a USB drive on November 20, 2013.

24. Admit that Plaintiff downloaded or copied the PHI of SCDEW employees other than herself devices other than the USB drive (or "stick") referenced in Request #21.

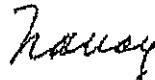
June 20, 2014
Page 12 of 12

RESPONSE: Deny. Plaintiff does not recall downloading any information onto a USB drive on November 20, 2013.

Plaintiff is not going to change her answers because Defendants don't like them. The answers to Requests to Admit Nos. 21-24 are true and accurate and she has never said anything to the contrary.

With kindest regards, I am

Sincerely,



Nancy Bloodgood

NB/alk

cc: Kerry Paul

4



FOSTER LAW FIRM, L.L.C.

Attorneys and Counselors at Law

PAUL J. FOSTER, JR., 1928-1999

NANCY BLOODGOOD
nbloodgood@fosterfoster.com
REPLY TO CHARLESTON

August 5, 2014

BY EMAIL ONLY

Eugene H. Matthews, Esquire
Richardson Plowden
1900 Barnwell Street
Columbia, SC 29201
emathews@richardsonplowden.com

RE: *Kerry Paul v. Cheryl Stanton in her individual capacity, and the South
Carolina Department of Employment and Workforce*
Case No.: 2014-CP-05-0271
Our File No.: 11463

Dear Gene,

Pursuant to our agreement regarding supplementing our discovery responses to your Motion-to-Compel, please accept this letter as additional information regarding your discovery objections.

Interrogatories

1. Interrogatories 26, 28, 31, and 32: These Interrogatories request the names of employees who heard defamatory statements.

RESPONSE: Plaintiff supplements her response by describing the defamatory actions Defendant DEW and Defendant Stanton took as follows:

1. Beginning August 22, 2013, Stanton stripped Plaintiff of most of her direct reports and prohibited Plaintiff from attending Executive Leadership meetings, which actions inferred to members of the Executive Leadership team and to HR Staff Plaintiff had previously supervised that Plaintiff was incompetent in her job and that she could not be trusted. The witnesses to these defamatory actions are Plaintiff, Cheryl Stanton, Darrell Scott, Chief of Staff, Rebecca Battle-Bryant, Assistant Executive Director-Employment Services, Erica Von Nessel, Assistant Executive Director-Unemployment Insurance, Neff Adcox, Assistant Executive Director-Information Technology, Martha Stephenson- Assistant Executive Director, Support Operations, Bill Beckham, Assistant Executive Director, Internal

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Toll Free: 866-270-9772

Audit, Don Grant, Chief Financial Officer, Derrick McFarland, General Counsel, Adrienne Fairwell, Director of Public Information, Koa Morgan, Assistant HR Director (Acting HR Director), Adam Garrett, Adrienne Sorenson, Erin Bower, Sydney Evans, J. Chris Faust, Ronald Bowen, W. Spencer Miller, Pamela Martin, Ann Eldridge-Bryson, and Ashley Burke.

2. Starting on August 22, 2013 and continuing through September 2013, Stanton prohibited Plaintiff from communicating with any DEW executive leadership team, with HR employees other than training staff, from physically being present on the sixth floor of the RED building which was where all HR staff was located, and then Stanton banished Plaintiff to an office in another building (the Harper Building) away from all HR staff, while at the same time returning Plaintiff to the position of HR Director but moving the HR Management function to Darrell Scott and to Plaintiff's Assistant Koa Morgan. The persons who would have seen and known about these wrongful actions and who would have inferred Plaintiff had was incompetent in her job as HR Director are Darrell Scott, Chief of Staff, Rebecca Battle-Bryant, Assistant Executive Director-Employment Services, Erica Von Nessen, Assistant Executive Director-Unemployment Insurance, Neil Adcox, Assistant Executive Director-Information Technology, Martha Stephenson, Assistant Executive Director, Support Operations, Bill Beckham, Assistant Executive Director, Internal Audit, Don Grant, Chief Financial Officer, Derrick McFarland, General Counsel, Adrienne Fairwell, Director of Public Information, Koa Morgan, Assistant HR Director (Acting HR Director), Adam Garrett, Adrienne Sorenson, Erin Bower, Sydney Evans, J. Chris Faust, Ronald Bowen, W. Spencer Miller, Pamela Martin, Ann Eldridge-Bryson, Ashley Burke, Jeremy Cannon, Adam Twitty, Glenn Connelly, Mary Kathryn Craft, and Molly Brantley.
3. Stanton and DEW falsely accused Plaintiff of violating the State Ethics Act during meetings held on December 20, 2013 and January 3, 2014 when there was no evidence at all to support such accusations in order to cause Plaintiff the loss of her job and ruin Plaintiff's reputation. Stanton and DEW inferred Plaintiff had done something wrong by stating on December 20, 2013 that Plaintiff was responsible for a data breach which was similar to the data breach that had occurred at DOR; Stanton then forbid any employee from speaking to Plaintiff, inferring Plaintiff had committed a crime because she stated that Chief Kael from SEED did not want anyone speaking to her. The employees to whom these false statements were published on December 20, 2013 were Darrell Scott, Chief of Staff, Rebecca Battle-Bryant, Assistant Executive Director-Employment Services, Jeremy Cannon sitting in for Erica Von Nessen who was in NY, Neil Adcox, Assistant Executive Director-Information Technology, Martha Stephenson, Assistant Executive Director, Support Operations, Bill Beckham, Assistant Executive Director, Internal Audit, Don Grant, Chief Financial Officer, Derrick McFarland, General Counsel, Adrienne Fairwell, Director of Public Information, and Koa Morgan, Assistant HR Director (Acting HR Director).

On January 3, 2014, Thad Westbrook and Darrell Scott stated to employees who had no need to know at another meeting called by Stanton that Plaintiff was a "criminal actor" and again repeated that there had been a "data breach". The witnesses to this meeting were Darrell Scott, Chief of Staff, Rebecca Battle-Bryant, Assistant Executive Director-Employment Services, Erica Von Nessen, Assistant Executive Director-Unemployment Insurance, Jeremy Cannon, Neil Adcox, Assistant Executive Director-Information Technology, Martha Stephenson, Assistant Executive Director, Support Operations, Bill Beckham, Assistant Executive Director, Internal Audit, Don Grant, Chief Financial Officer, Derrick McFarland, General Counsel, Adrienne Fairwell, Director of Public Information, Koa Morgan, Assistant HR Director (Acting HR Director), Adam Garrett, Adrienne Sorenson, Erin Bower, Sydney Evans, J. Chris Faust, Ronald Bowen, W. Spencer Miller, Pamela Martin, Ann Eldridge-Bryson, Ashley Burke, Jeremy Cannon, Adam Twitty, Glenn Connolly, Mary Kathryn Craft, and Molly Brantley.

4. Stanton and DEW issued a false press release on or about January 15, 2014 accusing Plaintiff of causing a data breach when they knew or should have known this was false. The press release alleged a violation that was different than what had been stated in Plaintiff's termination letter. Witnesses who knew of this read this false press release and believed Plaintiff had done something wrong are Darrell Scott, Chief of Staff, Rebecca Battle-Bryant, Assistant Executive Director-Employment Services, Erica Von Nessen, Assistant Executive Director-Unemployment Insurance, Neil Adcox, Assistant Executive Director-Information Technology, Martha Stephenson, Assistant Executive Director, Support Operations, Bill Beckham, Assistant Executive Director, Internal Audit, Don Grant, Chief Financial Officer, Derrick McFarland, General Counsel, Adrienne Fairwell, Director of Public Information, Koa Morgan, Assistant HR Director (Acting HR Director), Adam Garrett, Adrienne Sorenson, Erin Bower, Sydney Evans, J. Chris Faust, Ronald Bowen, W. Spencer Miller, Pamela Martin, Ann Eldridge-Bryson, Ashley Burke, Jeremy Cannon, Adam Twitty, Glenn Connolly, Mary Kathryn Craft, and Molly Brantley. As well as Governor's office staff, including Ted Pitts, Doug Mayer, Katherine Veldran, and Tim Pearson.

Plaintiff reserves the right to supplement this Response.

2. Interrogatory No. 5: Please list all damages claimed by Plaintiff in this matter by type, amount, and the cause of action to which the damages are related. Please provide a detailed and itemized calculation of the total.

RESPONSE: Plaintiff has no additional information with which to supplement her response of June 20, 2014.

3. Interrogatory No. 10: Please identify with specificity any flash drive, USB stick, CD-ROM, external hard drive, or any other removable media device on which Plaintiff downloaded, accessed, or stored the PIT of any SODEW employee other than herself.

RESPONSE: Defendant has clarified that this Interrogatory is not limited to "at the time of her suspension" so Plaintiff supplements the response she provided June 20, 2014 by stating although Plaintiff routinely used flash drives, USB sticks, CD-ROMs, external hard drives, and other removable media device while employed (as she was fully authorized to do and as was necessary to perform her job), Plaintiff cannot identify with specificity any of these items because she does not have them in her possession and does not recall the specific details about any of them as they were used at different times for different periods of time over the course of many years and to her knowledge they no longer exist. To Plaintiff's knowledge any responsive thumb drives were either left at her office or returned to DEW and there are none in her possession.

4. Interrogatory No. 12: Please identify the dates, times and places of any action taken by Defendant Stanton that supports Plaintiff's allegations that Defendant Stanton acted outside the scope of her authority, duty, or employment.

RESPONSE:

1. Stanton was not authorized to discipline Plaintiff for petty and false reasons in violation of the State's Personnel Policies and DEW's Progressive Discipline Policy. Stanton tried to suspend Plaintiff for talking to an employee about a personnel matter in August of 2013. Stanton attempted to suspend Plaintiff for this alleged violation but after realizing that she could not do so in accordance with DEW's or the State's HR policies Stanton then tried to call the two day forced leave she had given Plaintiff "sick leave", again in violation of State and DEW HR policies, as Plaintiff was not sick. Stanton then failed to record this wrongful two day sick leave she knew her actions were unauthorized. Stanton provided Plaintiff a false oral conference memo on August 22, 2013. About a month later, Stanton prepared a written reprimand for Plaintiff after Plaintiff spoke to two co-workers on October 29, 2013 who approached her to discuss Halloween and a Mexican restaurant; these co-workers had not been told by Stanton that they could not speak to Plaintiff.
2. On November 5, 2013, Stanton asked Plaintiff about her job search, again trying to force Plaintiff out of her job without any authority.
3. On December 19, 2013, Stanton suspended Plaintiff in violation of DEW's policies.
4. Stanton was not authorized to slander Plaintiff by falsely accusing Plaintiff of being responsible for a data breach and for calling, or causing Plaintiff to be called, a criminal actor in meetings of employees, many of whom were employees Plaintiff had supervised.

5. Stanton was not authorized to falsely accuse Plaintiff of violating the State Ethics Act.
6. Stanton was not authorized to provide SLED and the press false information about Plaintiff.

Plaintiff reserves the right to supplement this Response.

4. Interrogatory Nos. 24 and 25: Please identify all "false and defamatory statements" made by Defendant Stanton as alleged in Paragraph 125 of Plaintiff's Complaint, including: (a) the time and date of the statement, (b) the persons(s) who received the statement, and (c) the content of the statement.

RESPONSE: Plaintiff supplements her Response by stating that there is no allegation of "false and defamatory statements" made in Paragraph 125 of Plaintiff's Complaint. Paragraph 125 of Plaintiff's Complaint states, "Besides providing an Affidavit and the destroyed USB sticks, Plaintiff further cooperated by taking two polygraph tests."

5. Interrogatory No. 27: Please identify all evidence supporting Plaintiff's allegation that she was defamed by SCDRW.

RESPONSE: Affidavit prepared by SLED in support of its irregular search warrant; DEW's Press Release of January 15, 2014; Defendant's September 2013 List of Management Employees; the HR Management Drive benefits file; Plaintiff's destroyed personal thumb drive. Plaintiff reserves the right to supplement this Response.

6. Interrogatory No. 29: Please identify by name all "lower level employees" and "senior staff" referenced in Paragraph 137 of Plaintiff's Complaint.

RESPONSE: Plaintiff supplements her response by stating that the "lower level" employees at DEW who heard Stanton's false and defamatory statements that Plaintiff was a thief and she was being uncooperative were Adam Garrett, Adrienne Sorenson, Erin Bower, Sydney Evans, J. Chris Faust, Ronald Bowen, W. Spencer Miller, Pamela Martin, Ann Eldridge-Bryson, Ashley Burke, Jeremy Cannon, Adam Twitty, Glenn Connelly, Mary Kathryn Craft, and Molly Brantley.

The "senior staff" at other agencies who heard Stanton's false and defamatory statements that Plaintiff was a thief and she was being uncooperative were Ted Pitts, Swati Patel, SLED Agent David Dove, Mark Keel, Doug Mayer, Tim Pearson, and Katherine Veldran.

Plaintiff reserves the right to supplement this Response.

7. Interrogatory No. 30: Please identify by name all "DEW employees" referenced in Paragraph 138 of Plaintiff's Complaint.

RESPONSE: Stanton told the following "DEW employees" at a meeting she called on December 19th they were not allowed to speak to Plaintiff and she would fire them if they did: Darrell Scott, Chief of Staff, Rebecca Battle-Bryant, Assistant Executive Director-Employment Services, Erica Von Nessen, Assistant Executive Director-Unemployment Insurance, Neil Adcox, Assistant Executive Director- Information Technology, Martha Stephenson- Assistant Executive Director, Support Operations, Bill Beckham, Assistant Executive Director, Internal Audit, Don Grant, Chief Financial Officer, Derrick McFarland, General Counsel, Adrienne Fairwell, Director of Public Information, and Koa Morgan, Assistant HR Director (Acting HR Director).

8. Interrogatory No. 41: Other than this lawsuit, please describe the circumstances surrounding any civil actions or family court matters brought by or against Plaintiff, including the parties, court of jurisdiction, case number, and the disposition of those actions or charges.

RESPONSE: Plaintiff was involved in an uncontested divorce in 2006 in Lexington County. Any and all divorce records in Plaintiff's possession will be produced.

9. Interrogatory No. 43: Please list any number for Plaintiff's home telephone(s), cell phone(s), or other mobile device(s) used at any time since January 1, 2013.

RESPONSE: Based on Defendant's clarification of the relevance and limitation of this request to determine whether Plaintiff self-publicized any defamatory statements made about her, Plaintiff has agreed to obtain cell phone records and produce them to Defendant. Plaintiff does not have long distance on her home phone and local calls are not shown on her bills so there are no responsive home phone records to this Response.

10. Interrogatory No. 44: Please list any communications with any SCDEW employee since December 18, 2013 by (1) name of the person contacted, (2) the time and date of the communication, (3) the method or device used to make or respond to the communication, and (4) the substance of the communication.

RESPONSE: Based on Defendant's clarification of the relevance and limitation of this request, Plaintiff responds, "No one."

11. Interrogatory No. 47: Please list all employers to whom Plaintiff has submitted an employment application, including date of application and position sought, since January 1, 2013.

RESPONSE: Plaintiff has nothing to supplement regarding her previous response to this Interrogatory.

Requests to Produce

1. Request to Produce No. 4: Please provide copies of Plaintiff's federal and state income tax returns for 2012, 2013, and every year up to time for trial in this case, including all supporting documents and W-2 forms, any and all other documentation upon which Plaintiff relies in claiming damages.

RESPONSE: Per the agreement of counsel, Plaintiff will assemble and provide these documents.

2. Request to Produce No. 11: Please provide copies of health care records, whether related to Plaintiff's physical or mental health and/or drug or alcohol use, including, but not limited to, office records from treatment rendered to Plaintiff on an outpatient basis, and/or hospital records from treatment rendered to Plaintiff at any facility, including emergency room records, histories and physicals, discharge summaries, consults, physician's orders, physician's notes, nurse's notes and medication, any and all x-rays, triage records, surgical records, prescriptions, rehabilitation records, financial records, bills, invoices, writings, notes or memoranda of each health care provider, including but not limited to those of doctors, nurses, psychologists, social workers, practitioners, podiatrists, emergency rooms, hospitals, clinics, drug stores, institutions or other health care providers or third party private or governmental health or accident insurers who examined, treated, or provided related care and/or services to Plaintiff since January 1, 2004 and/or in connection with the injuries alleged in the Complaint.

RESPONSE: Per agreement of counsel, Plaintiff will assemble and provide additional medical documents.

3. Request to Produce No. 12: Please provide each and every invoice, statement, document, bill for medicine, treatment, rehabilitation, hospitalization and for any other expenditures and monetary damage amounts for which Plaintiff or her witnesses contend are reasonably related to her physical, emotional or health condition, and/or any documents regarding or touching upon liability and damage issues which are the subject of Plaintiff's claims in this lawsuit.

RESPONSE: Plaintiff has no additional documents to supplement this response at this time.

4. Request to Produce No. 13: Please provide all reports, written memoranda and any other documents of any physician or health care provider who has reviewed the medical records of Plaintiff regardless of whether or not such person will be used as a witness on behalf of Plaintiff.

RESPONSE: None.

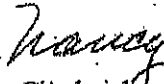
August 5, 2014
Page 8 of 8

5. Request to Produce No. 16: Please provide all documents related to any civil or criminal proceeding or lawsuit in which Plaintiff was involved as a party or witness.

RESPONSE: Plaintiff repeats her previous response and responds, None other than family court records from an uncontested divorce in 2006 which will be produced.

With kindest regards, I am

Sincerely,


Nancy Bloodgood

NB/alk

cc: Kerry Paul, *via email*

5

**RICHARDSON
PLOWDEN**
ATTORNEYS AT LAW

COLUMBIA P.O. Drawer 7788 • Columbia, SC 29202
1900 Barnwell St., Columbia, SC 29201 P 803.771.4400 F 803.779.0016

MYRTLE BEACH P.O. Box 3546 • Myrtle Beach, SC 29578
2103 Parlow St., Myrtle Beach, SC 29577 P 843.446.1006 F 843.446.1533

CHARLESTON 40 Calhoun St., Suite 220 • Charleston, SC 29401
P 843.805.6550 F 843.801.6526

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REPLY TO COLUMBIA
E-mail address for Eugene H. Matthews
emathews@richardsonplowden.com

Certified Specialist in Employment & Labor Law
by the Supreme Court of South Carolina

Licensed in South Carolina and North Carolina

August 6, 2014

VIA E-MAIL TO: nbloodgood@fosterfoster.com

Nancy Bloodgood, Esquire
Foster Law Firm, LLC
895 Island Park Drive, Ste. 202
Charleston, SC 29492

RE: *Kerry Paul v. Cheryl Stanton, in her individual capacity, and the South Carolina
Department of Employment and Workforce*
C/A No.: 2014-CP-40-00271
Our File No.: 181-728

Dear Nancy:

Yesterday afternoon, I received your client's supplementary answers to our Interrogatories. Based on an initial review, we believe these answers raise important concerns that must be immediately addressed.

1. One of your client's answers raises a very serious issue regarding the breach of SCDEW's attorney-client privilege with a law firm it hired to give legal advice and guidance to SCDEW employees concerning issues relevant to this case. Specifically, at the top of page of 3 of your responses, your client has referenced statement(s) allegedly made by Thad Westbrook, Esq., an attorney with Nelson Mullins Riley & Scarborough, LLP, during a purported meeting with several SCDEW employees on January 3, 2014.

Further, your client's response clearly acknowledges that the only persons present at the alleged meeting were SCDEW employees and SCDEW legal counsel. For that reason alone, and the clear nature of the privileged communications at issue, we are very troubled by your client's knowledge of privileged communications, as well as the failure to protect these privileged communications. *See Camden v. State of Maryland*, 910 F. Supp. 1115, 1116 (D. Md. 1996).

This reference is, in our view, a clear breach of SCDEW's attorney-client privilege with its lawyers at Nelson Mullins Riley & Scarborough, LLP. SCDEW has certainly given no current or former employee of SCDEW the authority to breach this privilege, and your

Nancy Bloodgood, Esquire
August 6, 2014
Page 2

client's use of this purported communication is entirely unauthorized. For that reason, you and your client must identify the source of the breach no later than close of business on Thursday, August 7, 2014. SCDEW also reserves the right to pursue its remedies, including steps to protect its privileged communications.

2. Your client's answers also raise important issues concerning her responsiveness and candor. For instance, Interrogatory No. 32 directs your client to "identify by name the persons who informed Plaintiff that Defendant Stanton made the statements referenced in Paragraphs 137, 138, and 139 of Plaintiff's Complaint." We believe your client did not respond to this interrogatory.
3. Also, it is clear that Interrogatory No. 25 asks your client to "identify all 'false and defamatory' statements made by Defendant Stanton as alleged in Paragraphs 132 and 133 of Plaintiff's Complaint, including: (a) the time and date of the statement, (b) the persons(s) who received the statement, and (c) the content of the statement" (emphasis added). We believe your client did not respond to this interrogatory.

As you can readily conclude, SCDEW regards these issues as very important, and wanted me to bring them to your attention immediately. Because Christi Cox is now involved in this case, I invite you to include her on your responses.

With kind personal regards, I am

Sincerely,

RICHARDSON FLOWDEN & ROBINSON, P.A.

Eugene H. Matthews

cc: Christi P. Cox, Esq.

EHM/jlm

6

Ex. 6

FOSTER LAW FIRM, L.L.C.

PAUL J. FOSTER, JR., 1928-1999

Attorneys and Counselors at Law

NANCY BLOODGOOD
nbloodgood@fosterlawfirm.com
REPLY TO CHARLESTON

August 12, 2014

BY EMAIL ONLY
Eugene H. Matthews, Esquire
Richardson Plowden
1900 Barnwell Street
Columbia, SC 29201
emathews@richardsonplowden.com

and
Christi Cox, Esquire
Hamilton Martens Ballou & Carroll, LLC
PO Box 10940
Rock Hill, SC 29745
Christi.Cox@hamiltonmartens.com

RE: *Kerry Paul v. Cheryl Stanton in her individual capacity, and the South
Carolina Department of Employment and Workforce*
Case No.: 2014-CP-05-0271
Our File No.: 11463

Dear Gene and Christi,

Please accept this letter as supplemental information regarding Gene's discovery objections to the interrogatories regarding defamation. Please be advised that the details of the statements Plaintiff understands were made may change once Plaintiff is able to take depositions but at this time this is the information available to Plaintiff that supports the allegations in her Complaint. Additionally, I am sending by separate letter the tax returns and family court records. I will forward the cell phone records once I have received and reviewed them from my client which will hopefully be by the end of this week.

Interrogatories

Interrogatory No. 32: Please identify by name the persons who informed Plaintiff that Defendant Stanton made the statements referenced in Paragraphs 137, 138, and 139 of Plaintiff's Complaint.

RESPONSE:

www.fosterlawfirm.com
GREENVILLE: 601 E. McBee Avenue, Suite 104 • Greenville, SC 29601 • 864-242-9200 • Fax: 864-733-0290
CHARLESTON: 896 Island Park Drive, Suite 202 • Charleston, SC 29402 • 843-972-0313 • Fax: 803-619-0934
Toll Free: 800-279-9772

a. Paragraph 137 of the Complaint alleges, "After Plaintiff was placed on unpaid involuntary leave, Defendant Stanton told lower level employees at DEW and senior staff at other agencies multiple times that Plaintiff is a thief and she was being uncooperative.

On December 20, 2013, at approximately 4 p.m. in the Executive Conference Room, Stanton called a meeting and invited lower level HR staff, PI staff, and IT staff Adam Garrett, Adrienne Sorenson, Erin Bower, Sydney Evans, J. Chris Faust, Ronald Bowen, W. Spencer-Miller, Pamela Martin, Ann Eldridge-Bryson, Ashley Burke, Jeremy Cannon, Adam Twitty, Glenn Connolly, Mary Kathryn Craft, and Molly Brantley to attend as well as the Executive Leadership staff. Until depositions are taken, Plaintiff does not know how many of these persons attended the meeting.

At this meeting, Stanton referred to Ms. Paul by name and stated she had downloaded PII data and that she was responsible for a "data breach." Ms. Stanton talked about the data breach that had previously occurred at DOR in 2012, inferring Ms. Paul's actions were wrongful. Stanton stated Plaintiff had taken social security numbers and she had a long history of doing so, inferring Plaintiff was a thief. Stanton told these employees SLED Chief Keel told Stanton that they could not talk to Plaintiff about this matter and Stanton then threatened to fire anyone at the meeting who spoke to Plaintiff about this matter.

Plaintiff learned about this meeting because she and her husband already had New Year's Eve plans to go to a wine dinner with several friends from DEW and she was called by the husband of one of her friends, [redacted], who apologized and explained that the reason he and his wife were not attending the New Year's Eve party was because there had been a meeting of DEW employees from various departments and that Stanton told everyone, including his wife that since SLED was doing an investigation of Plaintiff, his wife could not speak to Plaintiff, so he felt it would be better if they did not attend the party.

Plaintiff's counsel was contacted by Swati Patel, the Governor's General Counsel, on January 2, 2014 and asked to call her to discuss Plaintiff's "matter." In the phone call that ensued, Plaintiff's counsel informed Swati Patel that Stanton had been trying to terminate Plaintiff for months, that Ted Pitts was aware of the situation, and that Plaintiff had no idea what she was being accused of, but that she had been shown a document by a SLED agent on December 20, 2013 that she did not recognize. Plaintiff's counsel agreed to let Plaintiff meet with Swati Patel and Ted Pitts to further explain the facts and Stanton's animosity towards her.

[redacted] and [redacted] of the Governor's Office met with Plaintiff the next day on January 3, 2014 and told Plaintiff that Stanton was accusing her of downloading PII data and using sensitive data in violation of the law. They specifically compared Stanton's

HK
Harrison
15 to 16

allegations against Plaintiff to the DOR breach in 2012 and inferred she was being dishonest with them and that she had done something wrong based on what Stanton was telling them. Plaintiff adamantly denied doing anything wrong.

At this meeting, Plaintiff was also told by Ted Pitts for the first time that the alleged unauthorized download which she was being accused of had occurred on November 20, 2013, not on December 18, 2013 as Plaintiff had previously been told by SLED Agent Dove when he was at her house on December 20, 2013. This was the first time Plaintiff had been told about a different alleged download and again, she told Ted Pitts and Swati Patel she had no recollection of downloading anything months earlier. Plaintiff also learned from Ted Pitts and Swati Patel for the first time at this meeting that the alleged download was not the 244 social security numbers on a printout that had the word "COBRA" at the top, which was the document SLED Agent Dove had shown Plaintiff, but allegedly thousands of social security numbers. Ted Pitts stressed the comparison to the 2012 DOR incident and stated the concerns the U.S. Department of Labor had with the download of information. Ted Pitts also discussed the notification of the employees whose data has been downloaded. Plaintiff again stated no data had been compromised.

On December 20, 2013, during a staff meeting, Stanton told the assembled employees, who were from the Executive Staff, and lower level IT, HR and PI department staff (Darrell Scott, Chief of Staff, Rebecca Battle-Bryant, Assistant Executive Director- Employment Services, Erica Von Nessen, Assistant Executive Director- Unemployment Insurance, Neil Adcox, Assistant Executive Director- Information Technology, Martha Stephenson, Assistant Executive Director, Support Operations, Bill Beckham, Assistant Executive Director, Internal Audit, Don Grant, Chief Financial Officer, Derrick McFarland, General Counsel, Adrienne Fairwell, Director of Public Information, Koa Morgan, Assistant HR Director (Acting HR Director), Adam Garrett, Adrienne Sorensen, Erin Bower, Sydney Evans, J. Chris Faust, Ronald Bowdoin, W. Spencer Miller, Pamela Martin, Ann Eldridge-Bryson, and Ashley Burke) about comments Plaintiff had made to SLED that day, a few hours earlier when Plaintiff's home had been searched during what Stanton referred to as the "criminal investigation." Specifically, Stanton stated Plaintiff told the SLED agents that Stanton was "out to get her" and then Stanton laughed about Plaintiff's comment and called it "ridiculous." Darrell Scott called Plaintiff a disgruntled employee.

What occurred at this meeting was reported to Plaintiff by [redacted], a former DEW employee afterwards, but Plaintiff does not recall when she was also told about this meeting by Mr. Salley as she also received other reports of this meeting from other non-DEW employees. Specifically, Plaintiff learned about statements made at this meeting from [redacted] Senator Alexander's office who also reported to Plaintiff that Ted Pitts in the Governor's office told Senator Alexander to call SLED directly to get "the full story" about the data breach; Plaintiff learned from Lisa Sox that Ted Pitts and Katherine Veldran of the Governor's office met with Ken Moffitt, the SC Senate's General Counsel,

and with Lisa Sox about Kerry Paul and were told in that meeting that Plaintiff had not been targeted by Stanton as she had told Ted Pitts but, rather, that there had been a routine computer check of DEW senior staff on December 18, 2013, which Plaintiff now knows from documents produced to her in discovery is not true. Ted Pitts and Katherine Veldran stated or inferred during this meeting Plaintiff was not telling the truth and had downloaded and used data she should not have. Ted Pitts also discussed Plaintiff's polygraph sessions with SLED and Ms. Sox and Mr. Moffitt, stating to them that the results did not prove Plaintiff was innocent. Additionally, [redacted] confirmed to Plaintiff in a phone call with Plaintiff on December 27, 2013 that he had called Stanton and talked to her after he had been at Plaintiff's home on December 20, 2013 and told Stanton the details of his conversation with Plaintiff. [redacted] all of these discussions, as well as other conversations between Plaintiff and [redacted], were reported to Plaintiff.

On January 7, 2014, Thad Westbrook and possibly another unknown attorney (possibly from Nelson Mullin's Atlanta office), both of whom were addressing a DEW meeting either in person or by way of a speaker phone, stated to employees at the meeting that Plaintiff was a "criminal actor." The persons on the speaker phone and Darrell Scott repeated the false allegation that there had been a "data breach." Plaintiff knew that Thad Westbrook was referring to her as a criminal actor because [redacted] called her and told her so. The persons at the January 7th meeting were the Executive Leadership staff: Darrell Scott, Chief of Staff, Rebecca Battle-Bryant, Assistant Executive Director-Employment Services, Erica Von Nesson, Assistant Executive Director-Unemployment Insurance, Neil Adecox, Assistant Executive Director-Information Technology, Martha Stephenson- Assistant Executive Director, Support Operations, Bill Beckham, Assistant Executive Director, Internal Audit, Don Grant, Chief Financial Officer, Derrick McFarland, General Counsel, Adrienne Fairwell, Director of Public Information, Koa Morgan, Assistant HR Director (Acting HR Director) as well as lower level employees Adam Twitty & Glenn Connolly from DEW's IT department.

Upon information and belief, Stanton told SLED Agent Dove that Plaintiff was lying because at a meeting with SLED, Swati Patel, Plaintiff and Plaintiff's counsel present, held at SLED headquarters on January 6, 2014, Dove called Plaintiff a liar during that meeting.

b. Paragraph 137 of the Complaint alleges, "Defendant Stanton also told DEW employees after December 19, 2013 they are not allowed to speak to Plaintiff and that she will fire them if they speak to Plaintiff."

Stanton told the employees listed above who attended the December 20, 2013 meeting she called that they were not allowed to talk to Plaintiff and she would terminate them if they did. Plaintiff learned this from Mark Gomez explained above.

c. Paragraph No. 139 of the Complaint alleges, "Defendant Stanton told one DEW manager that he better not talk to Plaintiff and then threatened him by telling him that because he's the only person in his family that works, he would not want to hurt his family, inferring termination.

The employee to whom Stanton made this statement is Jeremy Cannon. It was made to him on or about December 20, 2013 while he was at work. A mutual acquaintance of Plaintiff's who worked at the Budget and Control Board with the Plaintiff and Mr. Cannon, whose name Plaintiff does not recall, saw Plaintiff while they were shopping and told her she was worried about Mr. Cannon.

2. Re: Interrogatory No. 25.

a. Paragraph 132 of the Complaint alleges, "Defendant Stanton, acting outside the scope of her employment, intentionally and recklessly made, and continues to make, false and defamatory statements about Plaintiff to DEW employees and another non-Cabinet Agency Executive Director and Chief of Staff, among others.

Stanton told Ted Pitts and Swati Patel Plaintiff had taken and used PII data or was about to use PII data, which was a false statement repeated to Plaintiff by Pitts and Patel on January 3, 2014;

Stanton contacted Marcia Adams at the Budget and Control Board about revoking Plaintiff's access to the SC Enterprise Information System (SCEIS) in November of 2013 per Darrell Scott's testimony at Plaintiff's DEW grievance hearing in March of this year;

Laura McLendon at the Budget and Control Board confirmed Plaintiff's SCEIS access had been terminated when asked about this by Plaintiff after the DEW grievance hearing;

Stanton talked to Marcia Adams and Paul Koch at the Budget and Control Board and told them that as Plaintiff's husband was a "super user" on the SCEIS system and his wife had caused a breach, Plaintiff's husband should be warned about his use of the system and not to look up anything for her;

Renee Herndon with the Budget and Control Board saw Plaintiff at the grocery store and told her that she had heard Plaintiff was escorted off the property, under criminal investigation with SLED and that SLED had seized Plaintiff's work computer;

Mr. John Finan called Plaintiff after he had spoken to the Executive Director of the Motor Vehicle Department, Kevin Shwedo, at a military event they were both attending and Mr. Shwedo said to Mr. Finan, "What's going on with your girl - she stole all of this information." Mr. Finan then checked the newspapers on line and called Plaintiff concerned that Plaintiff was being called a thief;

In a subsequent conversation with Ted Pitts about two months ago, Ted Pitts told Mr. Finan that Plaintiff was a liar and though she had been a good employee, he would never recommend her for a job in state government again. If anyone ever asked him about her, and

On or about January 15, 2014, Stanton sent an email to all current DEW employees (about which Matt Sexton and Carmen Lankford, former DEW employees will testify) stating that their personal information may have been compromised by a former HR employee and they would receive a separate email if their data had been compromised. Matt Sexton received a second email stating his personal information had been compromised. The only HR employee no longer at DEW at the time was Plaintiff so all the employees who received the email(s) knew the "former employee" mentioned in the email(s) was Plaintiff.

6. Paragraph 133 of the Complaint alleges, "Specifically, Defendant Stanton published false statements inferring that Plaintiff stole, misused, did not confidentially maintain PII data, and/or used such confidential information for financial gain, which statements are false.

In addition to what has already been explained in response to the Interrogatories above, on December 10, 2013, Stanton stated to Plaintiff with Koa Morgan present that Plaintiff was not authorized to purchase unencrypted thumb drives inferring Plaintiff had done something wrong when she purchased thumb drives for her training staff which Plaintiff had done for years.

A few days later, Stanton ordered Matt Sexton to go into Plaintiff's locked office to retrieve the 2 thumb drives Plaintiff had obtained from her training department because she was stealing employee's identities and she was under criminal investigation. Matt Sexton reported this to Plaintiff after she was suspended.

Stanton or someone acting at her direction provided SLED false information about an alleged download on December 18, 2013 regarding a COBRA file with 244 social security numbers on it that Plaintiff had allegedly used for her own personal benefit. SLED Agent Dove then prepared an Affidavit in support of a search warrant based on the false information provided to him which also falsely stated Plaintiff had violated the ethics act by using PII data she had obtained for her own personal financial benefit.

August 12, 2014
Page 7 of 7

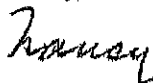
On January 15, 2014, Stanton issued a false press release indicating Plaintiff had downloaded data on December 18, 2014 when she knew that information was false. The correct information, that Plaintiff had used a file called the HR Management benefits drive file on November 20, 2014, which was a file Plaintiff routinely accessed, and which Stanton knew or should have known by then had not been compromised. The Plaintiff had 24 hour, 7 day a week access to this file through the VPN access and laptop provided to her by DEW. Truthful information about Plaintiff's use of the HR Management drive benefits file was purposely kept from the public and from Plaintiff until March of 2014.

Stanton caused thousands of letters to be written to current and former DEW employees inferring a breach by Plaintiff after Stanton knew or should have known Plaintiff had done nothing wrong, but by then Stanton had to continue to make it appear that Plaintiff had done something wrong. The letters were received by the current and former DEW employees on or about January 17, 2014 and falsely state "...files containing confidential human resources information maintained by the department were downloaded from an employee's computer to a removable device against agency policy." The letter went on to state, "Although there is some indication that the removable device containing your data may have been destroyed, we are cooperating with law enforcement and communicating with other state agencies as appropriate to ensure that all measures are being undertaken to address this matter in a reasonable, expeditious and appropriate manner." By now many people knew Plaintiff was the employee mentioned in the letter. Plaintiff personally received this letter at her home address.

I will supplement these responses if necessary as more information becomes available.

With kindest regards, I am

Sincerely,


Nancy Bloodgood

NB/alk

cc: Kerry Paul, via email

7

RECEIVED

AUG 18 2014

FOSTER LAW FIRM, L.L.C.

PAUL J. FOSTER, JR., 1020-1000

Attorneys and Counselors at Law

NANCY BLOODGOOD
nbloodgood@fosterfoster.com
REPLY TO CHARLESTON

August 15, 2014

Eugene H. Matthews, Esquire
Richardson Plowden
1900 Barnwell Street
Columbia, SC 29201

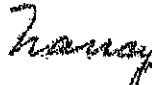
RE: *Kerry Paul v. Cheryl Stanton in her individual capacity, and the South
Carolina Department of Employment and Workforce*
Case No.: 2014-CP-40-271
Our File No.: 11463

Dear Gene,

Enclosed please find supplemental production which consists of my client's cell phone records. Mrs. Paul's teenage son uses this account also so I have not provided his calls. Additionally, any calls between Mrs. Paul and myself have been redacted. Finally, I understand from you that the only significance of the cell phone records to this litigation is regarding the defamation claim, and you assert the cell phone records are relevant to the issue of whether or not my client published the defamatory comments made about her. As the Defendants in the defamation claim are DEW and Ms. Stanton and Mrs. Paul cannot, as a matter of law, "publish" defamatory to the same person who is making them, I have redacted the calls between the Defendants (DEW and/or Ms. Stanton) to my client.

With kindest regards, I am

Sincerely,



Nancy Bloodgood

NB/alk
Enclosures

cc: Kerry Paul
Christi P. Cox, Esquire (with enclosures)

www.fosterfoster.com

GREENVILLE: 601 E. McBee Avenue, Suite 104 • Greenville, SC 29601 • 864-242-6200 • Fax: 864-283-0200
CHARLESTON: 885 Island Park Drive, Suite 202 • Charleston, SC 29492 • 843-972-0319 • Fax: 800-619-0934
Toll Free: 800-279-9772

[illegible]

1. *Pharmaceutical industry* – The pharmaceutical industry is a major contributor to the U.S. economy, with sales of over \$200 billion in 2000. The industry is highly competitive, with many companies vying for market share. The industry is also heavily regulated, with the FDA overseeing the safety and efficacy of drugs.



KERRY PAUL

Page: 1 of 4
BIR Cycle Date: 12/28/13-01/27/14
Account: [REDACTED]
Foundation Account: [REDACTED]Visit us online at: www.att.com

Wireless Statement

Previous Balance	\$189.00
Payment - 01/10 - Thank You!	\$189.00
Adjustments	\$0.00
Balance	\$0.00
New Charges	\$189.24
Amount to be Debited	\$189.24
Your Credit Card will be Debited on or after Feb 10, 2014	

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Visit an AT&T store

Service	Feb	Total
(4) Wireless		\$189.24
003 727-8566 011787	1	
Total New Charges		\$189.24

Group 1 - Data Summary - Dec 18 thru Jan 17

Mobile Share 8GB with Unlimited Talk & Text - Includes 6 gigabytes of domestic data, \$15 per each additional 1 gigabyte of data. Additional monthly charge applies for each service on the plan. Unlimited talk & text on mobile phones. Unlimited talk on Wireless Home Phone, Mobile Hotspot, tethering, video calling, and Visual Voicemail available with compatible devices. Unlimited domestic data usage on the AT&T Wi-Fi Basic Network.

Mobile Share	Rate Used (\$/GB)
803 346-2437	1.700
803 727-8566	1.550
Total	3.250

How to Contact Us:
For questions about your account: 1.800.334-0500
or 611 from your cell phone
For Deaf/Hard of Hearing: TTY: 1.800.244-5947
Visit us online at www.att.com

For important information about your bill, please see the News You Can Use section (Page 2).

If you receive a suspension notice for past due charges, please pay immediately to avoid service interruption.

Your Credit Card will be Debited on or after: Feb 10, 2014

\$189.24



Account Number

KERRY PAUL

AT&T MOBILITY
PO BOX 68701
ATLANTA, GA 30368-7101

9260053412472756700000000159240000015924000

Plaintiff - 969



KERRY PAIR

Page: 2 of 4
Bill Cycle Dates: 12/15/13 - 01/17/14
Account: [REDACTED]
Foundation Account(s): [REDACTED]

Visit us online at: www.att.com

Monthly Charges - Jan 13 thru Feb 14

Monthly charges for phone on 4G LTE - includes unlimited anytime nationwide talk, text, and data. See rates at www.att.com/global.

1. Mobile Share for phone on 4G LTE	\$3.00
2. International Roaming - Expanded	\$5.00
Total Monthly Charges	\$8.00

Other Charges and Credits

Voice Usage Summary	
Mobile Share with Unlimited Talk & Text	Unlimited
Daytime Minutes	\$94
Night & Weekend Minutes	Unlimited
Minutes Used	407

Data Usage Summary	
Mobile Share with Unlimited Talk & Text	Unlimited
Daytime Minutes	2,809
Night & Weekend Minutes	Unlimited
Minutes Used	407

Mobile Share with Unlimited Talk & Text	Unlimited
Daytime Minutes	2,809
Night & Weekend Minutes	Unlimited
Minutes Used	407

Surcharge and Other Fees	
5. Administrative Fee	1.82
6. Federal Universal Service Charge	0.38
7. Municipal Business License Surcharge	0.28
8. Regulatory Cost Recovery Charge	3.07
Total Surcharge and Other Fees	5.55

Government Fees and Taxes	
7. 911 Service Fee	0.03
8. County Sales Tax - Telecom	0.26
9. SC State Sales Tax - Telecom	2.29
Total Government Fees and Taxes	2.58

Total Other Charges & Credits	6.37
Net Monthly Charges	41.37

Monthly Charges - Jan 13 thru Feb 14

Monthly charges for phone on 4G LTE - includes unlimited anytime nationwide talk, text, and data. See rates at www.att.com/global.

1. Mobile Share for phone on 4G LTE	\$3.00
2. International Roaming - Expanded	\$5.00
3. National Account Charge	13.8008
Total Monthly Charges	111.50

Other Charges and Credits

Voice Usage Summary	
Mobile Share with Unlimited Talk & Text	Unlimited
Daytime Minutes	2,809
Night & Weekend Minutes	Unlimited
Minutes Used	407

Data Usage Summary	
Mobile Share with Unlimited Talk & Text	Unlimited
Daytime Minutes	2,809
Night & Weekend Minutes	Unlimited
Minutes Used	407

Mobile Share with Unlimited Talk & Text	Unlimited
Daytime Minutes	2,809
Night & Weekend Minutes	Unlimited
Minutes Used	407

Surcharge and Other Fees	
5. Administrative Fee	1.82
6. Federal Universal Service Charge	0.38
7. Municipal Business License Surcharge	0.28
8. Regulatory Cost Recovery Charge	3.07
Total Surcharge and Other Fees	5.55

Government Fees and Taxes	
7. 911 Service Fee	0.03
8. County Sales Tax - Telecom	0.26
9. SC State Sales Tax - Telecom	2.29
Total Government Fees and Taxes	2.58

Total Other Charges & Credits	6.37
Net Monthly Charges	41.37

12/15/13-01/17/14
12/15/13-01/17/14

Plaintiff - 970



KERRY PAUL

Page: 8 of 4
Bill Cycle Date: 12/18/13 - 01/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

Visit us online at: www.att.com**Other Charges and Credits - Continued**

10. County Sales Tax - Telecom	0.38
11. SC State Sales Tax - Telecom	2.29
Total Government Fees and Taxes	3.30
Total Other Charges & Credits	6.87
Total for 803 727-6588	117.87
Total for Wireless accounts	159.24

INTRODUCING NEW LOWER PRICE PLANS

AT&T introduces lower price plans. Change to our new AT&T Mobile Share Value Plans and get unlimited talk and text for your phones, and share data on up to 10 devices with no annual service contract options. To enroll in a Mobile Share Value Plan, visit www.att.com/mobilesharevalue.

START THE NEW YEAR WITH A NEW TABLET

Add a tablet to game, surf and more on the go! Call 800-449-1672 or visit www.att.com/addtablets.

DISCOUNTS TO MEXICO AND LATIN AMERICA

Sign up for AT&T's low rates to call Mexico and other countries in Latin America, including the Dominican Republic. Plus get unlimited messaging for only \$10 per month! This offer ends March 15, 2014. Maximum limit of 1,000 minutes per month applies. Offer subject to change and may be discontinued at any time. For rates and full details, see www.att.com/latnamerica.

SAFETY FIRST

Security is always close at hand with a smart locator from Amber Alert GPS(R) and AT&T. From a world leader in GPS technology comes this compact device for younger children. Stay connected with real-time tracking on your computer or with an easy-to-use mobile app. Plus, call your children or have them call you with two-way talk. Find out more at www.att.com/amberalertgps.

MOVING SOON?

AT&T can help. Call us to move your existing AT&T services or to order new AT&T home phone, high speed Internet and Digital TV services. 800-MOVE-ATT (800-668-3288) or visit www.att.com/move.

LATE PAYMENT FEE

The late payment fee for consumer and Individual Responsibility User (IRU) bills not paid in full by the payment due date is \$8.

ELECTRONIC CHECK CONVERSION

Paying by check authorizes AT&T to use the information from your check to make a one-time electronic fund transfer from your account. Funds may be withdrawn from your account as soon as the same day your payment is received. If we cannot process the transaction electronically, you authorize AT&T to present an image copy of your check for payment. Your original check will be destroyed once processed. If your check is returned unpaid you agree to pay such fees as identified in the terms and conditions of your AT&T Service Agreement. Returned checks may be presented electronically. If you want to save time and stamps, sign up for auto payment at www.att.com/stoppaper using your checking account. It's easy, secure, and convenient!

TAX ID

AT&T Mobility Tax ID # 84-1656670.

SURCHARGES AND OTHER FEES

In addition to the monthly cost of the rate plan and any selected features, AT&T imposes the following other charges, on a per line basis: (1) federal and state universal service charges, (2) a Regulatory Cost Recovery Charge of up to \$1.25 to help defray its cost incurred in complying with obligations and charges imposed by state and federal telecom regulations, (3) an Administrative Fee on consumer and Individual Responsibility User (IRU) lines to help defray certain expenses AT&T incurs, such as interconnection and cell site rents and maintenance, and (4) other government assessments, including without limitation a gross receipts surcharge and a Property Tax Allocation surcharge of \$0.20 - \$0.48 applied per Corporate Responsibility User's assigned number. These fees are not taxes or government-required charges. See att.com/additionalcharges.

SINGLE PAYMENT AGREEMENT (FOR MOBILE PAYMENT)

I authorize AT&T to pay my bill by debiting my bank account. If my bank rejects a payment, I may be charged a return fee up to \$30.

AT&T NATL. CENTER FOR CUSTOMERS WITH DISABILITIES

Questions on accessibility by persons with disabilities: 1 866 241-6668.

Plaintiff - 971



Visit us online at: www.att.com

Data Detail - Continued

Data Details Continued			
Time	Tel/Fax	Party/Title	Rate Scale
11/10/94 Video Messages			
10:45:00 12/26/94		Flat Video ISO	UNLESS
10:45:00 Bond			6.00
Friday, 11/27			
12:24:00 Bond		Flat Video ISO	UNLESS
12:24:00 Bond			6.00
14:45:00 12/26/94		Flat Video ISO	UNLESS
09:12:00 Bond			6.00
Monday, 01/01			
10:18:00 Bond		Flat Video ISO	UNLESS
10:18:00 Bond			6.00
Wednesday, 01/04			
09:17:00 Bond		Flat Video ISO	UNLESS
09:17:00 Bond			6.00
Subtotal for Video/Video Messages			
Total Data Detail			

Rate Codes
000000 = No Rate Code with Unfurled Talk & Jaws
000000 = No Rate Code with Unfurled Talk & Jaws

Call Detail

[illegible][illegible]

Plaintiff - 972



Visit us online at: www.att.com

[illegible]

Agent Brett Dove
(SLB)

Time Today	Plane Enrled	Number	Callin	Rate Code	Feature Code	Rate	Airline Charge	LD/AT Charge
Saturday, 12/23								
03:25a	COLUMB SC	803-822-5631		SDW				
03:45p	COLUMB SC	803-787-7782		SDW		11	0.00	0.00
03:45p	COLUMB SC	803-337-7367		SDW		1	0.00	0.00
05:47p	COLUMB SC	803-787-7400		SDW		1	0.00	0.00
04:00p	COLUMB SC	803-827-4208		SDW		1	0.00	0.00
04:14p	RAYTON PL	118-870-8444		SDW		1	0.00	0.00
05:12p	COLUMB SC	803-822-5631		SDW		1	0.00	0.00
Saturday, 12/23								
06:15p	COLUMB SC	803-822-7480		SDW		1	0.00	0.00
06:27p	INCONI CL	803-787-4974		SDW		1	0.00	0.00
06:33p	INCONI CL	803-822-7480		SDW		1	0.00	0.00
06:58p	INCONI CL	803-822-7480		SDW		1	0.00	0.00
06:01p	COLUMB SC	803-481-5638		SDW		1	0.00	0.00
Sunday, 12/24								
02:44p	INCONI CL	803-481-5638		SDW		1	0.00	0.00
03:11p	INCONI CL	803-822-5631		SDW		1	0.00	0.00
Monday, 12/25								
03:08a	COLUMB SC	803-883-5148		SDW		1	0.00	0.00
05:10a	INCONI CL	803-787-0474		SDW		1	0.00	0.00
06:22a	COLUMB SC	803-822-5631		SDW		1	0.00	0.00
06:40a	COLUMB SC	803-822-5631		SDW		1	0.00	0.00
06:40a	COLUMB SC	803-822-3370		SDW		1	0.00	0.00
10:10a	COLUMB SC	803-822-5631		SDW		1	0.00	0.00
11:23a	COLUMB SC	803-822-5631		SDW		1	0.00	0.00
11:23a	COLUMB SC	803-822-5630		SDW		1	0.00	0.00
11:33a	COLUMB SC	803-263-2050		SDW		1	0.00	0.00
11:47a	JOHN P CL	800-888-8800		SDW		1	0.00	0.00
11:58a	COLUMB SC	803-888-0148		SDW		2	0.00	0.00
12:00p	COLUMB SC	803-808-8787		SDW		2	0.00	0.00
12:27p	JOHN P CL	800-888-8800		SDW		2	0.00	0.00
12:29p	INCONI CL	803-822-5631		SDW		1	0.00	0.00
12:40p	INCONI SC	803-787-0474		SDW		1	0.00	0.00
Tuesday, 12/26								
03:25a	COLUMB SC	803-822-5631		SDW		1	0.00	0.00
06:41p	INCONI SC	803-787-0474		SDW		1	0.00	0.00
06:52p	INCONI CL	803-787-0474		SDW		1	0.00	0.00
06:52p	WATKIN SC	803-263-2050		SDW		1	0.00	0.00
08:31p	COLUMB SC	803-481-5638		SDW		1	0.00	0.00
01:28a	INCONI CL	803-481-5638		SDW		1	0.00	0.00
02:13p	INCONI CL	803-263-2050		SDW		1	0.00	0.00
03:22p	COLUMB SC	803-822-5631		SDW		1	0.00	0.00
03:41p	INCONI CL	803-822-5631		SDW		1	0.00	0.00
Tuesday, 12/26								
01:13p	COLUMB SC	803-822-5631		SDW		1	0.00	0.00



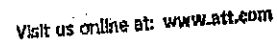
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Place	Auto	Feature	Airing	LD/Adm
<u>Class</u>	<u>Code</u>	<u>Code</u>	<u>Charge</u>	<u>Charge</u>
Thursday, 01/09				

Time	Place	Number Called	Rate	Portion	Min	Charges	Unpaid
Day	State		Code	Code			Charge
02:20	COVING SC	803-895-5145	SDOV		1	0.00	0.00
02:40	INCH CL	803-895-5145	SDOV		1	0.00	0.00
02:40	CHARLE SC	843-697-7087	SDOV		32	5.00	5.00
03:00	DALE HATT	803-548-2437	SDOV	SM	1	0.00	0.00
03:20	PORT H FL	238-240-2384	SDOV		1	0.00	0.00
03:40	COLING SC	803-548-2437	SDOV		2	0.00	0.00
04:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
04:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
04:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
04:50	INCH CL	803-521-0080	SDOV		32	5.00	5.00
05:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
07:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
07:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
07:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
07:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
07:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
07:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
08:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
08:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
08:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
08:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
08:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
08:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
09:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
09:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
09:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
09:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
09:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
09:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
10:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
10:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
10:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
10:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
10:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
10:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
11:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
11:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
11:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
11:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
11:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
11:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
12:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
12:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
12:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
12:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
12:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
12:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
01:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
01:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
01:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
01:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
01:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
01:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
02:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
02:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
02:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
02:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
02:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
02:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
03:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
03:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
03:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
03:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
03:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
03:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
04:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
04:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
04:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
04:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
04:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
04:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
07:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
07:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
07:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
07:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
07:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
07:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
08:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
08:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
08:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
08:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
08:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
08:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
09:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
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09:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
09:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
10:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
10:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
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10:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
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11:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
11:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
12:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
12:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
12:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
12:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
12:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
12:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
01:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
01:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
01:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
01:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
01:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
01:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
02:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
02:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
02:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
02:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
02:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
02:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
03:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
03:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
03:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
03:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
03:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
03:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
04:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
04:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
04:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
04:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
04:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
04:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
05:50	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:00	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:10	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:20	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:30	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:40	INCH CL	803-521-0080	SDOV		1	0.00	0.00
06:50	INCH CL	803-521-0080	SDOV		1	0.00	

File	Class	Accession	Date	Factory	Altitude	Altitude	Altitude
Thursday, 01/09			File	Code	File	Change	Change
11:01	INCOM CL	803-222-282	SDV			0.00	0.00
11:02	COLUMB SC	803-222-282	SDV			0.00	0.00
11:03	COLUMB SC	803-222-282	SDV			0.00	0.00
11:04	INCOM CL	803-222-282	SDV			0.00	0.00
12:12	COLUMB SC	803-222-282	SDV			0.00	0.00
01:37	COLUMB SC	803-222-282	SDV			0.00	0.00
01:38	COLUMB SC	803-222-282	SDV			0.00	0.00
01:39	COLUMB SC	803-222-282	SDV			0.00	0.00
01:40	COLUMB SC	803-222-282	SDV			0.00	0.00
01:41	COLUMB SC	803-222-282	SDV			0.00	0.00
01:42	COLUMB SC	803-222-282	SDV			0.00	0.00
01:43	COLUMB SC	803-222-282	SDV			0.00	0.00
01:44	COLUMB SC	803-222-282	SDV			0.00	0.00
01:45	COLUMB SC	803-222-282	SDV			0.00	0.00
01:46	COLUMB SC	803-222-282	SDV			0.00	0.00
01:47	COLUMB SC	803-222-282	SDV			0.00	0.00
01:48	COLUMB SC	803-222-282	SDV			0.00	0.00
01:49	COLUMB SC	803-222-282	SDV			0.00	0.00
01:50	COLUMB SC	803-222-282	SDV			0.00	0.00
01:51	COLUMB SC	803-222-282	SDV			0.00	0.00
01:52	COLUMB SC	803-222-282	SDV			0.00	0.00
01:53	COLUMB SC	803-222-282	SDV			0.00	0.00
01:54	COLUMB SC	803-222-282	SDV			0.00	0.00
01:55	COLUMB SC	803-222-282	SDV			0.00	0.00
01:56	COLUMB SC	803-222-282	SDV			0.00	0.00
01:57	COLUMB SC	803-222-282	SDV			0.00	0.00
01:58	COLUMB SC	803-222-282	SDV			0.00	0.00
01:59	COLUMB SC	803-222-282	SDV			0.00	0.00
02:00	COLUMB SC	803-222-282	SDV			0.00	0.00
02:01	COLUMB SC	803-222-282	SDV			0.00	0.00
02:02	COLUMB SC	803-222-282	SDV			0.00	0.00
02:03	COLUMB SC	803-222-282	SDV			0.00	0.00
02:04	COLUMB SC	803-222-282	SDV			0.00	0.00
02:05	COLUMB SC	803-222-282	SDV			0.00	0.00
02:06	COLUMB SC	803-222-282	SDV			0.00	0.00
02:07	COLUMB SC	803-222-282	SDV			0.00	0.00
02:08	COLUMB SC	803-222-282	SDV			0.00	0.00
02:09	COLUMB SC	803-222-282	SDV			0.00	0.00
02:10	COLUMB SC	803-222-282	SDV			0.00	0.00
02:11	COLUMB SC	803-222-282	SDV			0.00	0.00
02:12	COLUMB SC	803-222-282	SDV			0.00	0.00
02:13	COLUMB SC	803-222-282	SDV			0.00	0.00
02:14	COLUMB SC	803-222-282	SDV			0.00	0.00
02:15	COLUMB SC	803-222-282	SDV			0.00	0.00
02:16	COLUMB SC	803-222-282	SDV			0.00	0.00
02:17	COLUMB SC	803-222-282	SDV			0.00	0.00
02:18	COLUMB SC	803-222-282	SDV			0.00	0.00
02:19	COLUMB SC	803-222-282	SDV			0.00	0.00
02:20	COLUMB SC	803-222-282	SDV			0.00	0.00
02:21	COLUMB SC	803-222-282	SDV			0.00	0.00
02:22	COLUMB SC	803-222-282	SDV			0.00	0.00
02:23	COLUMB SC	803-222-282	SDV			0.00	0.00
02:24	COLUMB SC	803-222-282	SDV			0.00	0.00
02:25	COLUMB SC	803-222-282	SDV			0.00	0.00
02:26	COLUMB SC	803-222-282	SDV			0.00	0.00
02:27	COLUMB SC	803-222-282	SDV			0.00	0.00
02:28	COLUMB SC	803-222-282	SDV			0.00	0.00
02:29	COLUMB SC	803-222-282	SDV			0.00	0.00
02:30	COLUMB SC	803-222-282	SDV			0.00	0.00
02:31	COLUMB SC	803-222-282	SDV			0.00	0.00
02:32	COLUMB SC	803-222-282	SDV			0.00	0.00
02:33	COLUMB SC	803-222-282	SDV			0.00	0.00
02:34	COLUMB SC	803-222-282	SDV			0.00	0.00
02:35	COLUMB SC	803-222-282	SDV			0.00	0.00
02:36	COLUMB SC	803-222-282	SDV			0.00	0.00
02:37	COLUMB SC	803-222-282	SDV			0.00	0.00
02:38	COLUMB SC	803-222-282	SDV			0.00	0.00
02:39	COLUMB SC	803-222-282	SDV			0.00	0.00
02:40	COLUMB SC	803-222-282	SDV			0.00	0.00
02:41	COLUMB SC	803-222-282	SDV			0.00	0.00
02:42	COLUMB SC	803-222-282	SDV			0.00	0.00
02:43	COLUMB SC	803-222-282	SDV			0.00	0.00
02:44	COLUMB SC	803-222-282	SDV			0.00	0.00
02:45	COLUMB SC	803-222-282	SDV			0.00	0.00
02:46	COLUMB SC	803-222-282	SDV			0.00	0.00
02:47	COLUMB SC	803-222-282	SDV			0.00	0.00
02:48	COLUMB SC	803-222-282	SDV			0.00	0.00
02:49	COLUMB SC	803-222-282	SDV			0.00	0.00
02:50	COLUMB SC	803-222-282	SDV			0.00	0.00
02:51	COLUMB SC	803-222-282	SDV			0.00	0.00
02:52	COLUMB SC	803-222-282	SDV			0.00	0.00
02:53	COLUMB SC	803-222-282	SDV			0.00	0.00
02:54	COLUMB SC	803-222-282	SDV			0.00	0.00
02:55	COLUMB SC	803-222-282	SDV			0.00	0.00
02:56	COLUMB SC	803-222-282	SDV			0.00	0.00
02:57	COLUMB SC	803-222-282	SDV			0.00	0.00
02:58	COLUMB SC	803-222-282	SDV			0.00	0.00
02:59	COLUMB SC	803-222-282	SDV			0.00	0.00
03:00	COLUMB SC	803-222-282	SDV			0.00	0.00

Plaintiff - 975

Plaintiff - 976



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[illegible]

Data Detail			
Time	Text From	Time/Date	Text To
Text Messages			
Wednesday, 12/28			
10:57p	Royd	230-240-2230	MY TEXT MESSAGE
Thursday, 12/19			
01:30a	Royd	230-240-2230	MY TEXT MESSAGE
08:25a	Sent	273-843-2437	MY TEXT MESSAGE
09:01a	Sent	203-344-2437	MY TEXT MESSAGE
09:14a	Royd	230-240-2230	MY TEXT MESSAGE
Text Messages			
11:30p	Sent	630-802-7858	Text Message
11:40p	Sent	630-802-7858	Text Message
11:41p	Royd	630-802-7858	Text Message
11:48a	Sent	630-802-7858	Text Message
04:43p	Royd	800-401-5630	Text Message
04:47p	Sent	800-401-5630	Text Message
04:47p	Royd	800-401-5630	Text Message
04:48p	Sent	800-401-5630	Text Message
04:49p	Sent	630-802-7858	Text Message
04:49p	Sent	630-802-7858	Text Message
04:50p	Royd	800-401-5630	Text Message
04:50p	Sent	800-401-5630	Text Message
04:51p	Royd	800-401-5630	Text Message
04:52p	Sent	800-401-5630	Text Message
04:53p	Royd	800-401-5630	Text Message
04:54p	Sent	800-401-5630	Text Message
04:55p	Royd	800-401-5630	Text Message
04:56p	Sent	800-401-5630	Text Message
04:57p	Royd	800-401-5630	Text Message
04:58p	Sent	800-401-5630	Text Message
04:59p	Royd	800-401-5630	Text Message
05:00p	Sent	800-401-5630	Text Message
05:01p	Royd	800-401-5630	Text Message
05:02p	Sent	800-401-5630	Text Message
05:03p	Royd	800-401-5630	Text Message
05:04p	Sent	800-401-5630	Text Message
05:05p	Royd	800-401-5630	Text Message
05:06p	Sent	800-401-5630	Text Message
05:07p	Royd	800-401-5630	Text Message
05:08p	Sent	800-401-5630	Text Message
05:09p	Royd	800-401-5630	Text Message
05:10p	Sent	800-401-5630	Text Message
05:11p	Royd	800-401-5630	Text Message
05:12p	Sent	800-401-5630	Text Message
05:13p	Royd	800-401-5630	Text Message
05:14p	Sent	800-401-5630	Text Message
05:15p	Royd	800-401-5630	Text Message
05:16p	Sent	800-401-5630	Text Message
05:17p	Royd	800-401-5630	Text Message
05:18p	Sent	800-401-5630	Text Message
05:19p	Royd	800-401-5630	Text Message
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05:21p	Royd	800-401-5630	Text Message
05:22p	Sent	800-401-5630	Text Message
05:23p	Royd	800-401-5630	Text Message
05:24p	Sent	800-401-5630	Text Message
05:25p	Royd	800-401-5630	Text Message
05:26p	Sent	800-401-5630	Text Message
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05:39p	Royd	800-401-5630	Text Message
05:40p	Sent	800-401-5630	Text Message
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05:45p	Royd	800-401-5630	Text Message
05:46p	Sent	800-401-5630	Text Message
05:47p	Royd	800-401-5630	Text Message
05:48p	Sent	800-401-5630	Text Message
05:49p	Royd	800-401-5630	Text Message
05:50p	Sent	800-401-5630	Text Message
05:51p	Royd	800-401-5630	Text Message
05:52p	Sent	800-401-5630	Text Message
05:53p	Royd	800-401-5630	Text Message
05:54p	Sent	800-401-5630	Text Message
05:55p	Royd	800-401-5630	Text Message
05:56p	Sent	800-401-5630	Text Message
05:57p	Royd	800-401-5630	Text Message
05:58p	Sent	800-401-5630	Text Message
05:59p	Royd	800-401-5630	Text Message
06:00p	Sent	800-401-5630	Text Message

Plaintiff- 977

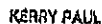
KERRY PAUL



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[illegible]

Plaintiff - 978



Page: 16 of 23
BRI Cycle Date: 12/18/13-01/27/14
Account: [REDACTED]
Funding Account: [REDACTED]

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[illegible][illegible]

Plaintiff - 979



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[illegible]

Plaintiff - 980



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[illegible][illegible]

Plaintiff-981



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[illegible][illegible]



KERRY PAUL
[REDACTED]

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Plaintiff - 984



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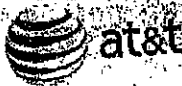
Data Detail - Continued

Time	Day/Date	Day/Date	Data Code	
Data Plane				
Monday, 12/30				
10:47p	Data Transfer	88KB	8DC98B	0.00
Tuesday, 12/31				
07:08a	Data Transfer			
01:53p	Data Transfer	17,400KB	8D4803	0.00
03:23p	Data Transfer	24KB	8D8813	0.00
03:46p	Data Transfer	283B	8D2800	0.00
03:52p	Data Transfer	88B	8D4800	0.00
03:53p	Data Transfer	183B	8D6800	0.00
04:19p	Data Transfer	18B	8D4800	0.00
04:55p	Data Transfer	183B	8D4800	0.00
09:02a	Data Transfer	270B	8D4800	0.00
09:52a	Data Transfer	18B	8D4800	0.00
09:22a	Data Transfer	88,340KB	8D6800	0.00
09:38p	Data Transfer	16,810KB	8D6800	0.00
10:17p	Data Transfer	6,787KB	8D6800	0.00
10:50p	Data Transfer	5,871KB	8D6800	0.00
11:21p	Data Transfer	28KB	8D6800	0.00
11:23p	Data Transfer	1KB	8D6800	0.00
Wednesday, 01/01				
05:17a	Data Transfer	210KB	8D6800	0.00
07:33a	Data Transfer	313KB	8D6800	0.00
12:45p	Data Transfer	15,430KB	8D6800	0.00
01:54p	Data Transfer	146KB	8D6800	0.00
Thursday, 01/02				
02:04a	Data Transfer	236KB	8D6800	0.00
07:57a	Data Transfer	61KB	8D6800	0.00
01:40p	Data Transfer	3,750KB	8D6800	0.00
02:50p	Data Transfer	28KB	8D6800	0.00
Friday, 01/03				
02:12a	Data Transfer	9,841KB	8D6800	0.00
Saturday, 01/04				
01:23a	Data Transfer	7,693KB	8D6800	0.00
01:44a	Data Transfer	81,110KB	8D6800	0.00
01:50a	Data Transfer	89,071KB	8D6800	0.00
02:10p	Data Transfer	47,120KB	8D6800	0.00
Sunday, 01/05				
02:19a	Data Transfer	1,810KB	8D6800	0.00
09:25p	Data Transfer	5,780KB	8D6800	0.00
09:25p	Data Transfer	4,815KB	8D6800	0.00
Tuesday, 01/07				
02:18a	Data Transfer	19,283KB	8D6800	0.00
11:53p	Data Transfer	8B	8D6800	0.00
Wednesday, 01/08				
07:44a	Data Transfer	80KB	8D6800	0.00
08:42a	Data Transfer	105B	8D6800	0.00
09:47a	Data Transfer	832B	8D6800	0.00
10:00a	Data Transfer	47KB	8D6800	0.00
11:58a	Data Transfer	7KB	8D6800	0.00
12:10p	Data Transfer	7KB	8D6800	0.00
12:18p	Data Transfer	200KB	8D6800	0.00

Time	Referral	Time/Unit	Rate Code	
Data Plans				
Wednesday, 01/03				
04:30p	Data Transfer			
08:30p	Data Transfer	14K3	SD0303	0.00
08:30p	Data Transfer	49K3	SD0303	0.00
	Data Transfer	821K3	SD0303	0.00
Thursday, 01/03				
11:30a				
11:30a	Data Transfer	49K3	SD0303	0.00
12:00p	Data Transfer	69K3	SD0303	0.00
04:30p	Data Transfer	10,131K3	SD0303	0.00
	Data Transfer	24K3	SD0303	0.00
Friday, 01/03				
04:32a	Data Transfer			
08:00a	Data Transfer	14K3	SD0303	0.00
09:00a	Data Transfer	1,042K3	SD0303	0.00
10:45a	Data Transfer	20,914K3	SD0303	0.00
11:45a	Data Transfer	4,377K3	SD0303	0.00
11:45a	Data Transfer	41K3	SD0303	0.00
11:45a	Data Transfer	749K3	SD0303	0.00
12:00p	Data Transfer	82K3	SD0303	0.00
12:14p	Data Transfer	21K3	SD0303	0.00
12:41p	Data Transfer	7K3	SD0303	0.00
1:57p	Data Transfer	7K3	SD0303	0.00
1:20p	Data Transfer	7K3	SD0303	0.00
4:01p	Data Transfer	74K3	SD0303	0.00
7:22p	Data Transfer	7K3	SD0303	0.00
8:25p	Data Transfer	82K3	SD0303	0.00
8:30p	Data Transfer	81K3	SD0303	0.00
8:30p	Data Transfer	69K3	SD0303	0.00
8:30p	Data Transfer	391K3	SD0303	0.00
8:30p	Data Transfer	49K3	SD0303	0.00
8:30p	Data Transfer	82K3	SD0303	0.00
8:30p	Data Transfer	82K3	SD0303	0.00
8:30p	Data Transfer	24K3	SD0303	0.00
8:30p	Data Transfer	24K3	SD0303	0.00
8:30p	Data Transfer	59K3	SD0303	0.00
8:30p	Data Transfer	1,839K3	SD0303	0.00
Saturday, 01/04				
8:30p	Data Transfer	2,038K3	SD0303	0.00
8:30p	Data Transfer	1,415K3	SD0303	0.00
8:30p	Data Transfer	27K3	SD0303	0.00
8:30p	Data Transfer	3,938K3	SD0303	0.00
8:30p	Data Transfer	1,839K3	SD0303	0.00
8:30p	Data Transfer	18K3	SD0303	0.00
8:30p	Data Transfer	22K3	SD0303	0.00
8:30p	Data Transfer	59K3	SD0303	0.00
8:30p	Data Transfer	81K3	SD0303	0.00
8:30p	Data Transfer	27K3	SD0303	0.00
8:30p	Data Transfer	2,038K3	SD0303	0.00
8:30p	Data Transfer	5,400K3	SD0303	0.00
8:30p	Data Transfer	4,617K3	SD0303	0.00
8:30p	Data Transfer	92K3	SD0303	0.00
01/12				
	Data Transfer	739K3	SD0303	0.00
	Data Transfer	45K3	SD0303	0.00
01/10				
	Data Transfer	41K3	SD0303	0.00
	Data Transfer	82K3	SD0303	0.00

Plaintiff - 985

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[illegible]

Plaintiff - 986



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KERRY PAUL

Page: 1 of 4
 BKI Cycle Date: 01/19/14 - 02/17/14
 Account: [REDACTED]
 Foundation Account: [REDACTED]

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Wireless Statement

Bill Summary

Previous Balance	\$159.24
Payment - 02/12 - Thank You!	\$159.24 CR
Adjustments	\$0.00
Balance	\$0.00
New Charges	\$159.24
Amount to be Debited	\$159.24

Your Credit Card will be Debited on or after: Mar 10, 2014

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Service	Plan	Total
(*) Wireless		\$159.24
[REDACTED]	1	
[REDACTED]	2	
Total New Charges		\$159.24

Group 2 - Data Summary - Jan 22 thru Feb 17

Mobile Share 6GB with Unlimited Talk & Text - Includes 8 gigabytes of domestic data, 1GB per day (additional 1GB per day of data). Additional monthly charge applies for each device on the plan. Unlimited talk & text on mobile phone. Unlimited talk on Wireless Home Phone. Mobile hotspot tethering, video calling, and Visual Voicemail available with compatible devices. Unlimited domestic data usage on the AT&T Wi-Fi Back network.

Mobile Share
 Rate Used (Mn)
 BOX 340-2437 629
 BOX 127-0560 254
 Total 1,062

How to Contact Us
 For questions about your account 1 800 333-0500 or 511 from your cell phone
 For Deaf/Hard of hearing TTY: 1 888 241-8857
 Visit us online at www.att.com

For important information about your bill, please see the News You Can Use section (Page 3).

If you receive a suspension notice for past due charges, please pay immediately to avoid service interruption.

Your Credit Card will be Debited on or after: Mar 10, 2014

\$159.24



at&t

Account Number

AT&T MOBILITY - RDU
 PO Box 637104
 Atlanta, GA 30363-7104

7810053412472756780000000015724000000157240004

Plaintiff - 987



KERRY PAUL

Page: 2 of 4
Bill Cycle Date: 01/15/14 - 02/27/14
Account: [REDACTED]
Foundation Account: [REDACTED]

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roaming outside the U.S. and International Long Distance
from the U.S. at standard pay-per-use international rates.
See rates at www.att.com/global.

Monthly Charges - Feb 15 thru Mar 17

1. Mobile Share for Phone	35.00
2. International Roaming - Examples	0.00
Total Monthly Charges	35.00

Other Charges and Credits

Voice Usage Summary	
Mobile Share with Unlimited Talk & Text	Unlimited
Daytime Minutes	204
Night & Weekend Minutes	Unlimited
Minutes Used	408
Data Usage Summary	
Mobile Share with Unlimited Talk & Text	Unlimited
Individual MB Used	829
Unlimited MB Used	0
Unlimited in Group MB Used	0
Surcharge and Other Fees	
5. Administrative Fee	1.02
6. Federal Universal Service Charge	0.30
7. Municipal Business License Surcharge	0.26
8. Regulatory Cost Recovery Charge	3.07
Total Surcharge and Other Fees	4.65
Government Fees and Taxes	
9. 911 Service Fee	0.68
10. County Sales Tax - Telecom	2.39
11. State Sales Tax - Telecom	3.30
Total Government Fees and Taxes	6.37
Total Other Charges and Credits	11.02
Net Monthly Charge	46.02

Mobile Share for Phone on 4G LTE. Includes Unlimited
All-in, Mobile Share with Unlimited Talk & Text.
Unlimited domestic text, picture, video messages and
unlimited calling to/from any other domestic mobile phone.
Call Forward Feature, Caller ID, Call Wait, Conference Call
Feature, Mobile Share voice and data plan required.

International Roaming - Examples - Includes International
Roaming outside the U.S. and International Long Distance
from the U.S. at standard pay-per-use international rates.
See rates at www.att.com/global.

Monthly Charges - Feb 15 thru Mar 17

1. Mobile Share with Unlimited Talk & Text	60.00
2. Mobile Share for Phone on 4G LTE	30.00
3. International Roaming - Examples	0.00
4. NetNet Account Debit	13.50CR
Total Monthly Charges	111.50

Other Charges and Credits

Voice Usage Summary	
Mobile Share with Unlimited Talk & Text	Unlimited
Daytime Minutes	Unlimited
Night & Weekend Minutes	Unlimited
Minutes Used	217
Data Usage Summary	
Mobile Share with Unlimited Talk & Text	Unlimited
Individual MB Used	377
Unlimited MB Used	0
Unlimited in Group MB Used	0
Surcharge and Other Fees	
5. Administrative Fee	0.61
6. Federal Universal Service Charge	1.82
7. Municipal Business License Surcharge	0.38
8. Regulatory Cost Recovery Charge	0.26
Total Surcharge and Other Fees	3.07
Government Fees and Taxes	
9. 911 Service Fee	0.68

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#019572121168204
12974466

Plaintiff - 988



KERRY PAUL

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Account: [REDACTED]
Foundation Account: [REDACTED]

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Other Charges and Credits - Continued

10. County Sales Tax - Telecom	0.38
11. SC State Sales Tax - Telecom	2.29
Total Government Fees and Taxes	2.30
Total Other Charges & Credits	6.37
Total for 803 727-6586	117.87
Total for Wireless accounts	159.24

News You Can Use

GO PAPERLESS & GET A \$10 REWARD
Enroll in free paperless billing and get a \$10 Reward Card as our thanks. See offer details at www.att.com/get10.

STAY INFORMED AND ENTERTAINED
Wherever you are, www.att.net delivers the information you need most. Access www.att.net from your smartphone or tablet and get your e-mail, personalized weather, finance, and sports. Plus, get your local news, watch videos, get lifestyle tips, and have fun with www.att.net/entertainment (Data charges may apply). At home or on the go - visit www.att.net.

SHOP OUR SELECTION OF TABLETS

Add a tablet to game, surf and more on the go! Call 800-449-1672 or visit www.att.com/gddjllng.

STAY CONNECTED TO YOUR KIDS

Play it safe with a FLIP(TM) wearable smart locator with voice for kids. This fun, colorful device can monitor your child's safety and location from an app on a compatible smartphone, plus call them directly for a two-way conversation. Get peace of mind while letting your kids be kids! Visit www.att.com/flip for more information. Device cannot call 911 emergency services.

DRIVE ON THE SAFE SIDE WITH 24/7 ROADSIDE SERVICE
AT&T Roadside Assistance follows your phone. Whether you're the driver or the passenger, in your car or there. Services include towing for mechanical failure, battery jump start, flat tire assistance and more for \$2.99/mo. Travel with peace of mind knowing that the help you need is just a phone call away. Sign up today and receive your first 30 days for FREE. Visit www.att.com/roadside.

MOVING SOON?

AT&T can help. Call us to move your existing AT&T services or to order new AT&T home phone, high speed internet and Digital TV services. 800-MOVE-ATT (800-638-3288) or visit www.att.com/move.

Important Information

LATE PAYMENT FEE

The late payment fee for consumer and Individual Responsibility User (IRU) bills not paid in full by the payment due date is \$5.

ELECTRONIC CHECK CONVERSION

Paying by check authorizes AT&T to use the information from your check to make a one-time electronic fund transfer from your account. Funds may be withdrawn from your account as soon as the same day your payment is received. If we cannot process the transaction electronically, you authorize AT&T to present an image copy of your check for payment. Your original check will be destroyed once processed. If your check is returned unpaid you agree to pay such fees as identified in the terms and conditions of your AT&T Service Agreement. Returned checks may be presented electronically. If you want to save time and stamps, sign up for auto payment at www.att.com/stappep using your checking account. It's easy, secure, and convenient.

TAX ID

AT&T Mobility Tax ID # 84-1888970.

SURCHARGES AND OTHER FEES

In addition to the monthly cost of the rate plan and any selected features, AT&T imposes the following other charges, on a per line basis: (1) federal and state universal service charges, (2) a Regulatory Cost Recovery Charge of up to \$1.25 to help defray its cost incurred in complying with obligations and charges imposed by state and federal telecom regulations, (3) an Administrative Fee on consumer and Individual Responsibility User (IRU) lines to help defray certain expenses AT&T incurs, such as interconnection and cell site rents and maintenance, and (4) other government assessments, including without limitation a gross receipts surcharge and a Property Tax Allocation surcharge of \$0.20 - \$0.45 applied per Corporate Responsibility User's assigned number. These fees are not taxes or government-required charges. See att.com/additionalcharges.

SINGLE PAYMENT AGREEMENT (FOR KIOSK PAYMENT)

I authorize AT&T to pay my bill by debiting my bank account.

Plaintiff - 989

KERRY PAUL



Page: 10 of 19
 Bill Cycle Date: 01/18/14 - 02/17/14
 Account: [REDACTED]
 Address Account: [REDACTED]

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Rate Editor:
 UNCLASS = No Title, Start 000 with Enlarged Tail & Text
 UNCLASS = No Title, Start 000, No Enlarging

[illegible]

Plaintiff - 990



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[illegible]

Call Detail - Continued

[illegible]

Time	Phone	Number Called	Date	Feature	Rate	AirTime	12/7/60
Day	Area					Charges	Charges
11:04	CALL WAT	003-707-707	0001	CA	1	0.00	0.00
11:06	CALL WAT	003-707-707	0001		1	0.00	0.00
11:07	CALL WAT	003-707-707	0001		1	0.00	0.00
11:08	CALL WAT	003-707-707	0001		1	0.00	0.00
11:09	CALL WAT	003-707-707	0001		1	0.00	0.00
11:10	CALL WAT	003-707-707	0001		1	0.00	0.00
11:11	CALL WAT	003-707-707	0001		1	0.00	0.00
11:12	CALL WAT	003-707-707	0001		1	0.00	0.00
11:13	CALL WAT	003-707-707	0001		1	0.00	0.00
11:14	CALL WAT	003-707-707	0001		1	0.00	0.00
11:15	CALL WAT	003-707-707	0001		1	0.00	0.00
11:16	CALL WAT	003-707-707	0001		1	0.00	0.00
11:17	CALL WAT	003-707-707	0001		1	0.00	0.00
11:18	CALL WAT	003-707-707	0001		1	0.00	0.00
11:19	CALL WAT	003-707-707	0001		1	0.00	0.00
11:20	CALL WAT	003-707-707	0001		1	0.00	0.00
11:21	CALL WAT	003-707-707	0001		1	0.00	0.00
11:22	CALL WAT	003-707-707	0001		1	0.00	0.00
11:23	CALL WAT	003-707-707	0001		1	0.00	0.00
11:24	CALL WAT	003-707-707	0001		1	0.00	0.00
11:25	CALL WAT	003-707-707	0001		1	0.00	0.00
11:26	CALL WAT	003-707-707	0001		1	0.00	0.00
11:27	CALL WAT	003-707-707	0001		1	0.00	0.00
11:28	CALL WAT	003-707-707	0001		1	0.00	0.00
11:29	CALL WAT	003-707-707	0001		1	0.00	0.00
11:30	CALL WAT	003-707-707	0001		1	0.00	0.00
11:31	CALL WAT	003-707-707	0001		1	0.00	0.00
11:32	CALL WAT	003-707-707	0001		1	0.00	0.00
11:33	CALL WAT	003-707-707	0001		1	0.00	0.00
11:34	CALL WAT	003-707-707	0001		1	0.00	0.00
11:35	CALL WAT	003-707-707	0001		1	0.00	0.00
11:36	CALL WAT	003-707-707	0001		1	0.00	0.00
11:37	CALL WAT	003-707-707	0001		1	0.00	0.00
11:38	CALL WAT	003-707-707	0001		1	0.00	0.00
11:39	CALL WAT	003-707-707	0001		1	0.00	0.00
11:40	CALL WAT	003-707-707	0001		1	0.00	0.00
11:41	CALL WAT	003-707-707	0001		1	0.00	0.00
11:42	CALL WAT	003-707-707	0001		1	0.00	0.00
11:43	CALL WAT	003-707-707	0001		1	0.00	0.00
11:44	CALL WAT	003-707-707	0001		1	0.00	0.00
11:45	CALL WAT	003-707-707	0001		1	0.00	0.00
11:46	CALL WAT	003-707-707	0001		1	0.00	0.00
11:47	CALL WAT	003-707-707	0001		1	0.00	0.00
11:48	CALL WAT	003-707-707	0001		1	0.00	0.00
11:49	CALL WAT	003-707-707	0001		1	0.00	0.00
11:50	CALL WAT	003-707-707	0001		1	0.00	0.00

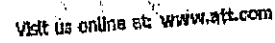
602

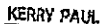


Time	Place	Number Called	Rate	Feature	Adverse	LD/ADP
Monday, 12/11	Salted		Calls	Pods	Charges	Market
01:30A - 01:00A	80	803-797-0674	500V		0.00	0.00
Subtotal				1,278	0.00	0.00

Feature Code:
C4 - Call Waiting

[illegible]

Plaintiff - 994



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[illegible][illegible]



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[illegible]

Plaintiff - 996



Time	To/From	Type/Unit	Rate Code
Text Message			
Sunday, 02/10			
04:04:30	Sent		
04:04:30	Rcvd	Text Message	0.00
04:04:30	Sent	Text Message	0.00
04:04:30	Rcvd	Text Message	0.00
04:04:30	Sent	Text Message	0.00
Monday, 02/11			
05:00:00	Sent	Text Message	0.00
05:00:00	Sent	Text Message	0.00
Subtotal for Text Message: 0.00			
Data Plans			
Friday, 01/17			
03:10p	Data Transfer	5.44MB	3.00
03:10p	Data Transfer	44KB	3.00
03:10p	Data Transfer	69KB	0.00
03:10p	Data Transfer	70B	0.00
03:10p	Data Transfer	70B	0.00
03:10p	Data Transfer	11MB	0.00
03:10p	Data Transfer	2MB	0.00
Saturday, 01/18			
03:10p	Data Transfer	80B	0.00
03:10p	Data Transfer	11KB	0.00
03:10p	Data Transfer	20KB	0.00
03:10p	Data Transfer	30KB	0.00
03:10p	Data Transfer	30KB	0.00
03:10p	Data Transfer	104KB	0.00
03:10p	Data Transfer	70B	0.00
03:10p	Data Transfer	40KB	0.00
03:10p	Data Transfer	24KB	0.00
03:10p	Data Transfer	25KB	0.00
03:10p	Data Transfer	13KB	0.00
03:10p	Data Transfer	70B	0.00
03:10p	Data Transfer	170KB	0.00
03:10p	Data Transfer	100KB	0.00
Sunday, 01/19			
03:10p	Data Transfer	124KB	0.00
03:10p	Data Transfer	1.00MB	0.00
03:10p	Data Transfer	82KB	0.00
Monday, 01/20			
03:10p	Data Transfer	62KB	0.00
03:10p	Data Transfer	150KB	0.00
03:10p	Data Transfer	61KB	0.00
Tuesday, 01/21			
03:10p	Data Transfer	40KB	0.00
03:10p	Data Transfer	60KB	0.00
03:10p	Data Transfer	3.40KB	0.00
03:10p	Data Transfer	5.70KB	0.00
Wednesday, 01/22			
03:10p	Data Transfer	6.00KB	0.00
03:10p	Data Transfer	2.07KB	0.00
03:10p	Data Transfer	6.00KB	0.00
03:10p	Data Transfer	217KB	0.00
Thursday, 01/23			
03:10p	Data Transfer	1.77KB	0.00



KERRY PAUL

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Bill Cycle Dates: 01/16/14 - 02/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

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Data Detail - Continued

Time	Service	Transfers	Rate	Cost
Thursday, 01/23				
06:59p	Data Transfer	1,079K	\$0.0000	0.00
Friday, 01/24				
01:59a	Data Transfer	15,411K	\$0.0000	0.00
04:59p	Data Transfer	397K	\$0.0000	0.00
08:59p	Data Transfer	4,354K	\$0.0000	0.00
Saturday, 01/25				
12:59a	Data Transfer	24,437K	\$0.0000	0.00
02:59p	Data Transfer	1,404K	\$0.0000	0.00
04:59p	Data Transfer	293K	\$0.0000	0.00
10:59p	Data Transfer	1,934K	\$0.0000	0.00
Sunday, 01/26				
11:59p	Data Transfer	7,882K	\$0.0000	0.00
01:59a	Data Transfer	5,770K	\$0.0000	0.00
02:59p	Data Transfer	2,080K	\$0.0000	0.00
04:59p	Data Transfer	5,105K	\$0.0000	0.00
06:59p	Data Transfer	1,440K	\$0.0000	0.00
08:59p	Data Transfer	830K	\$0.0000	0.00
10:59p	Data Transfer	1,507K	\$0.0000	0.00
12:59a	Data Transfer	1,023K	\$0.0000	0.00
02:59p	Data Transfer	2,242K	\$0.0000	0.00
04:59p	Data Transfer	1,071K	\$0.0000	0.00
06:59p	Data Transfer	2,844K	\$0.0000	0.00
08:59p	Data Transfer	1,308K	\$0.0000	0.00
10:59p	Data Transfer	4,228K	\$0.0000	0.00
12:59a	Data Transfer	1,302K	\$0.0000	0.00
Monday, 01/27				
01:59a	Data Transfer	9,414K	\$0.0000	0.00
05:47p	Data Transfer	1,004K	\$0.0000	0.00
10:47p	Data Transfer	1,004K	\$0.0000	0.00
Thursday, 01/28				
02:47a	Data Transfer	6,200K	\$0.0000	0.00
04:47p	Data Transfer	9,990K	\$0.0000	0.00
06:47p	Data Transfer	1,004K	\$0.0000	0.00
08:47p	Data Transfer	1,004K	\$0.0000	0.00
10:47p	Data Transfer	9,990K	\$0.0000	0.00
Friday, 01/29				
11:47a	Data Transfer	2,710K	\$0.0000	0.00
12:47p	Data Transfer	710K	\$0.0000	0.00
12:47p	Data Transfer	2,271K	\$0.0000	0.00
02:47p	Data Transfer	7,401K	\$0.0000	0.00
04:47p	Data Transfer	4,401K	\$0.0000	0.00
06:47p	Data Transfer	1,122K	\$0.0000	0.00
08:47p	Data Transfer	1,122K	\$0.0000	0.00
10:47p	Data Transfer	1,122K	\$0.0000	0.00
12:47p	Data Transfer	1,122K	\$0.0000	0.00
02:47p	Data Transfer	1,122K	\$0.0000	0.00
04:47p	Data Transfer	1,122K	\$0.0000	0.00
06:47p	Data Transfer	1,122K	\$0.0000	0.00
08:47p	Data Transfer	1,122K	\$0.0000	0.00
10:47p	Data Transfer	1,122K	\$0.0000	0.00
12:47p	Data Transfer	1,122K	\$0.0000	0.00
Saturday, 02/01				
05:48a	Data Transfer	3,910K	\$0.0000	0.00

Plaintiff - 998



KERRY PAUL

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Bill Cycle Date: 02/18/14 - 02/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

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Data Detail - Continued

Type	Rate Plan	Time/Unit	Rate Code
Tuesday, 02/11			
04:11p	Data Transfer	8,883KB	800000
09:00p	Data Transfer	34KB	800000
11:00p	Data Transfer	88KB	800000
Wednesday, 02/12			
05:25a	Data Transfer	821KB	800000
07:25p	Data Transfer	774KB	800000
Thursday, 02/13			
07:28p	Data Transfer	1,019KB	800000
Friday, 02/14			
03:25p	Data Transfer	840KB	800000
05:25p	Data Transfer	11,880KB	800000
07:18p	Data Transfer	1,971KB	800000
Sunday, 02/16			
08:01a	Data Transfer	81KB	800000
08:49a	Data Transfer	438KB	800000
Subtotal for Data Plans:			
Subtotal for KB's:			289,421KB
			0.00

Picture/Video Messages

Wednesday, 01/22			
02:18p Sent	600-862-7653	Plot Video MSG	UNLNSD
02:18p Sent	600-862-7653	Plot Video MSG	UNLNSD
Sunday, 02/09			
11:18a Recd	600-419-8740	Plot Video MSG	UNLNSD
Tuesday, 02/11			
06:18p Sent	600-812-7083	Plot Video MSG	UNLNSD
06:18p Sent	600-481-8800	Plot Video MSG	UNLNSD
Subtotal for Picture/Video Messages:			
Total Data Detail			0.00

Rate Codes:

SDG000 = Mobile Share 850 with Unlimited Talk & Text
UNLNSD = Mobile Share Recurring

Plaintiff - 999



[REDACTED]

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CONFIDENTIAL

Previous Balance	\$159.24
Payment - 03/10 - Thank You!	\$159.24 CR
Adjustments	\$0.00
Balance	\$0.00
New Charges	\$204.24
Amount to Be Debited	\$204.24

Your Credit Card will be debited on or after **Apr 10, 2014**

Service	Page	Total
14 Wireless	1	\$204.24
15172-0000-00-100000	2	
Total New Charges		\$204.24

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every 12 months!

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Recap 1 - Data Summary - Feb 16 thru Mar 17

Mobile 31948 8888 with Unlimited Talk & Text
 1 gigabyte of domestic data, 500 per cent equivalent to 100
 gigabytes of data. Additional monthly charge applies for each
 gigabyte over the plan. Unlimited talk & text on mobile phone.
 Unlimited talk on Wireless Mobile Phone, Mobile Hotspot,
 tethering, Wi-Fi Calling and Wi-Fi Voicemail anytime,
 with compatible devices. Unlimited domestic data usage on
 this AT&T Wireless Mobile Network.

**Mobile Share
Data Used for**

TELETYPE UNIT
TELETYPE UNIT

Mobile Slave for Polycom - Includes unlimited Anytime
Distance & Evening, Unlimited

domestic and international text, picture, and video services sent or received from the U.S. Puerto Rico and the U.S. Virgin Islands. Call Forward feature, Call ID, Call Wait, Conference Call features, Mobile Share Voice and data plan required.

How to Contact Us:
For questions about your screen, 1.800.231-0500
or 511 from your cell phone.
For Deal/Deal of handling Tivi 2.050.241-6587
Visit us online at www.att.com

For important information about your bill, please
see the **Now You Can Use** section (page 3).

Information provided by AXE7 (604392, 112)

Your Credit Card will be Debited on or after: Apr 10, 2014

5204.24

Accounting Knowledge



at&t

AT&T MOBILITY - 300
PO Box 837104
Atlanta, GA 30303-7104

4260053412172756700000000020424000000020424000

Plaintiff - 1000



611



KERRY PAUL

Page: 3 of 4
Bill Cycle Date: 02/18/14 - 03/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

Visit us online at: www.att.com**Important Information****LATE PAYMENT FEE**

The late payment fee for consumer and individual responsibility User (IRU) bills not paid in full by the payment due date is \$5.

ELECTRONIC CHECK CONVERSION

Paying by check authorizes AT&T to use the information from your check to make a one-time electronic fund transfer from your account. Funds may be withdrawn from your account as soon as the same day your payment is received. If we cannot process the transaction electronically, you authorize AT&T to present an image copy of your check for payment. Your original check will be destroyed once processed. If your check is returned unpaid you agree to pay such fees as identified in the terms and conditions of your AT&T Service Agreement. Returned checks may be presented electronically. If you want to save time and paper, sign up for auto payment at www.att.com/stopcheck using your checking account. It's easy, secure and convenient.

TAX ID

AT&T Mobility Tax ID # 04-1859970

SURCHARGES AND OTHER FEES

In addition to the monthly cost of the rate plan and any selected features, AT&T imposes the following other charges, on a per line basis: (1) federal and state universal service charges, (2) a Regulatory Cost Recovery Charge of up to \$1.25 to help defray its cost incurred in complying with obligations and charges imposed by state and federal telecommunications regulators, (3) an Administrative Fee on consumer and individual responsibility User (IRU) lines to help defray certain expenses AT&T incurs, such as interconnection and call site rents and maintenance, and (4) other government assessments, including without limitation a gross receipts surcharge and a Property Tax Allocation surcharge of \$0.20 - \$0.45 applied per Corporate Responsibility User's assigned number. These fees are not taxes or government-required charges. See att.com/additionalcharges.

SINGLE PAYMENT AGREEMENT (FOR KIOSK PAYMENT)

I authorize AT&T to pay my bill by debiting my bank account. If my bank rejects a payment, I may be charged a return fee up to \$30.

AT&T NATL CENTER FOR CUSTOMERS WITH DISABILITIES

Questions on accessibility by persons with disabilities:
1.800.241.6661

Other Charges and Credits - Continued

8. Regulatory Cost Recovery Charge	0.25
Total Surcharges and Other Fees	9.07
Government Fees and Taxes	0.63
10. 911 Service Fee	0.58
11. County Sales Tax - Telecom	2.29
12. SC State Sales Tax - Telecom	3.30
Total Government Fees and Taxes	4.17
Total Other Charges & Credits	162.87
Total for 800-727-5555	204.24
Total for Wireless accounts	

Now You Can Use**GET A HOT NEW SMARTPHONE FOR YOUR FAMILY**

AT&T NEXT: Get a new smartphone every 12 months with AT&T Next(SM). Call 800-449-1872 or visit www.att.com/attnext.

LISTEN TO MUSIC IN A WHOLE NEW WAY

Introducing the Beats Music(TM) Family Plan. Exclusively at AT&T, families can get streaming and unlimited music downloads for \$14.99 per month. It's available to share with up to 5 family members and 10 devices. Start the service today and get the first 90 days FREE! Or, sign in with an individual Plan for \$9.99 per month and get your first 30 days FREE! Learn more at www.att.com/beatsmusic. *Data rates apply.

GET READY FOR TAX SEASON

April 15th will be here soon. It's a good time to get organized, learn more about personal finance and review the latest tax filing tips to avoid last-minute stress. Go to www.att.net/finance.

MOVING SOON?

AT&T can help. Call us to move your existing AT&T services or to order new AT&T home phone, high speed internet and Digital TV services. 800-MOVE-ATT (800-668-8288) or visit www.att.com/move.

Plaintiff - 1002



KERRY PAUL

Page: 4 of 4
Bill Cycle Date: 02/18/14 - 03/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

Visit us online at: www.att.com



WRITTEN CORRESPONDENCE

Do not send notes/letters with payment. We cannot guarantee receipt. Send notes/letters to AT&T, PO Box 755, Abwater, CA 95301-0755.

Plaintiff - 1003



KERRY PAUL

Page: 12 of 21
Bill Cycle Dates: 02/10/14 - 03/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

800/747-5866
KERRY PAUL

Call Detail

Call Detail			Rate	Feature	Airtime	Locality
Time	Place	Number Called	Rate	Code	Min	Charge
Thursday 01/25/98						
01:00	INDIAN LAKE, IL	601-476-5744	800		3	0.00
01:10	CHANDLER, AZ	480-444-5144	800		1	0.00
01:20	COLUMBIA, SC	803-707-0074	800		1	0.00
Friday 01/26/98						
01:30	INDIAN LAKE, IL	601-476-5744	800		2	0.00
Saturday 01/27/98						
04:10p	LEXING, SC	803-418-5444	800		1	0.00
04:15p	INDIAN LAKE, IL	601-476-5744	800		1	0.00
07:30p	COLUMBIA, SC	803-707-0074	800		1	0.00
07:30p	DAVIS, CA	949-482-7000	800		2	0.00
Thursday 02/02/98						
02:17p	INDIAN LAKE, IL	601-476-5744	800		2	0.00
04:00p	LEXING, SC	803-418-5444	800		2	0.00
04:10p	COLUMBIA, SC	803-707-0074	800		1	0.00
04:30p	WATSON, FL	800-476-0016	800		1	0.00
04:40p	WATSON, FL	800-476-0016	800		1	0.00
05:10p	INDIAN LAKE, IL	601-476-5744	800		1	0.00
08:10p	COLUMBIA, SC	803-707-0074	800		1	0.00
08:10p	INDIAN LAKE, IL	601-476-5744	800		1	0.00

Plaintiff - 1004



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Call Detail - Continued

Time	Plane	Callin	Number	Called	Rate	Posture	Airline	LP/Rate
Friday, 02/21					Code	Code	Charter	Shannon
10:40a	LEXAIR SC	403-821-0700		SCDV			0.00	0.00
11:15a	FLORIDA SC	403-497-3044		SCDV			0.00	0.00
11:52a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
01:45p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
01:50p	LEXAIR SC	403-821-0700		SCDV			0.00	0.00
04:31p	LEXAIR CL	403-821-0700		SCDV			0.00	0.00
04:40p	LEXAIR CL	403-873-7288		SCDV			0.00	0.00
06:00p	LEXAIR CL	403-340-2437		SCDV			0.00	0.00
Saturday, 02/27								
01:40a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
01:45p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
04:30p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
04:40p	LEXAIR CL	403-873-7288		SCDV			0.00	0.00
04:45p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
04:50p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
04:55p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
05:00p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
05:05p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
05:10p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
05:15p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
05:20p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
05:25p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
05:30p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
05:35p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
05:40p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
05:45p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
05:50p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
05:55p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
06:00p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
06:05p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
06:10p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
06:15p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
06:20p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
06:25p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
06:30p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
06:35p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
06:40p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
06:45p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
06:50p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
06:55p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
07:00p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
07:05p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
07:10p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
07:15p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
07:20p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
07:25p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
07:30p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
07:35p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
07:40p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
07:45p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
07:50p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
07:55p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
08:00p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
08:05p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
08:10p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
08:15p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
08:20p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
08:25p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
08:30p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
08:35p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
08:40p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
08:45p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
08:50p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
08:55p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
09:00p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
09:05p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
09:10p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
09:15p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
09:20p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
09:25p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
09:30p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
09:35p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
09:40p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
09:45p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
09:50p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
09:55p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
10:00p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
10:05p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
10:10p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
10:15p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
10:20p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
10:25p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
10:30p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
10:35p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
10:40p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
10:45p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
10:50p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
10:55p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
11:00p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
11:05p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
11:10p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
11:15p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
11:20p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
11:25p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
11:30p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
11:35p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
11:40p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
11:45p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
11:50p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
11:55p	COLLINS SC	403-390-2818		SCDV			0.00	0.00
12:00a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
12:05a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
12:10a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
12:15a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
12:20a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
12:25a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
12:30a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
12:35a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
12:40a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
12:45a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
12:50a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
12:55a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
1:00a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
1:05a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
1:10a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
1:15a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
1:20a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
1:25a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
1:30a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
1:35a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
1:40a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
1:45a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
1:50a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
1:55a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
2:00a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
2:05a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
2:10a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
2:15a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
2:20a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
2:25a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
2:30a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
2:35a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
2:40a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
2:45a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
2:50a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
2:55a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
3:00a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
3:05a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
3:10a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
3:15a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
3:20a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
3:25a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
3:30a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
3:35a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
3:40a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
3:45a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
3:50a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
3:55a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
4:00a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
4:05a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
4:10a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
4:15a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
4:20a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
4:25a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
4:30a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
4:35a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
4:40a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
4:45a	COLLINS SC	403-390-2818		SCDV			0.00	0.00
4:50a	COLLINS							

Time	Place	Number Called	Rate	Feature	Altoon	120/Adm
Thursday, 9/27			Code	Code	Min	Charge
10:50	INCHIN IL	803-888-5145	8038		1	0.00
11:00	INCHIN IL	803-888-5145	8038		1	0.00
11:10	INCHIN IL	803-888-5145	8038		1	0.00
11:20	INCHIN IL	803-888-5145	8038		1	0.00
11:30	INCHIN IL	803-888-5145	8038		1	0.00
11:40	INCHIN IL	803-888-5145	8038		1	0.00
11:50	INCHIN IL	803-888-5145	8038		1	0.00
12:00	INCHIN IL	803-888-5145	8038		1	0.00
12:10	INCHIN IL	803-888-5145	8038		1	0.00
12:20	INCHIN IL	803-888-5145	8038		1	0.00
12:30	INCHIN IL	803-888-5145	8038		1	0.00
12:40	INCHIN IL	803-888-5145	8038		1	0.00
12:50	INCHIN IL	803-888-5145	8038		1	0.00
1:00	INCHIN IL	803-888-5145	8038		1	0.00
1:10	INCHIN IL	803-888-5145	8038		1	0.00
1:20	INCHIN IL	803-888-5145	8038		1	0.00
1:30	INCHIN IL	803-888-5145	8038		1	0.00
1:40	INCHIN IL	803-888-5145	8038		1	0.00
1:50	INCHIN IL	803-888-5145	8038		1	0.00
2:00	INCHIN IL	803-888-5145	8038		1	0.00
2:10	INCHIN IL	803-888-5145	8038		1	0.00
2:20	INCHIN IL	803-888-5145	8038		1	0.00
2:30	INCHIN IL	803-888-5145	8038		1	0.00
2:40	INCHIN IL	803-888-5145	8038		1	0.00
2:50	INCHIN IL	803-888-5145	8038		1	0.00
3:00	INCHIN IL	803-888-5145	8038		1	0.00
3:10	INCHIN IL	803-888-5145	8038		1	0.00
3:20	INCHIN IL	803-888-5145	8038		1	0.00
3:30	INCHIN IL	803-888-5145	8038		1	0.00
3:40	INCHIN IL	803-888-5145	8038		1	0.00
3:50	INCHIN IL	803-888-5145	8038		1	0.00
4:00	INCHIN IL	803-888-5145	8038		1	0.00
4:10	INCHIN IL	803-888-5145	8038		1	0.00
4:20	INCHIN IL	803-888-5145	8038		1	0.00
4:30	INCHIN IL	803-888-5145	8038		1	0.00
4:40	INCHIN IL	803-888-5145	8038		1	0.00
4:50	INCHIN IL	803-888-5145	8038		1	0.00
5:00	INCHIN IL	803-888-5145	8038		1	0.00
5:10	INCHIN IL	803-888-5145	8038		1	0.00
5:20	INCHIN IL	803-888-5145	8038		1	0.00
5:30	INCHIN IL	803-888-5145	8038		1	0.00
5:40	INCHIN IL	803-888-5145	8038		1	0.00
5:50	INCHIN IL	803-888-5145	8038		1	0.00
6:00	INCHIN IL	803-888-5145	8038		1	0.00
6:10	INCHIN IL	803-888-5145	8038		1	0.00
6:20	INCHIN IL	803-888-5145	8038		1	0.00
6:30	INCHIN IL	803-888-5145	8038		1	0.00
6:40	INCHIN IL	803-888-5145	8038		1	0.00
6:50	INCHIN IL	803-888-5145	8038		1	0.00
7:00	INCHIN IL	803-888-5145	8038		1	0.00
7:10	INCHIN IL	803-888-5145	8038		1	0.00
7:20	INCHIN IL	803-888-5145	8038		1	0.00
7:30	INCHIN IL	803-888-5145	8038		1	0.00
7:40	INCHIN IL	803-888-5145	8038		1	0.00
7:50	INCHIN IL	803-888-5145	8038		1	0.00
8:00	INCHIN IL	803-888-5145	8038		1	0.00
8:10	INCHIN IL	803-888-5145	8038		1	0.00
8:20	INCHIN IL	803-888-5145	8038		1	0.00
8:30	INCHIN IL	803-888-5145	8038		1	0.00
8:40	INCHIN IL	803-888-5145	8038		1	0.00
8:50	INCHIN IL	803-888-5145	8038		1	0.00
9:00	INCHIN IL	803-888-5145	8038		1	0.00
9:10	INCHIN IL	803-888-5145	8038		1	0.00
9:20	INCHIN IL	803-888-5145	8038		1	0.00
9:30	INCHIN IL	803-888-5145	8038		1	0.00
9:40	INCHIN IL	803-888-5145	8038		1	0.00
9:50	INCHIN IL	803-888-5145	8038		1	0.00
10:00	INCHIN IL	803-888-5145	8038		1	0.00
10:10	INCHIN IL	803-888-5145	8038		1	0.00
10:20	INCHIN IL	803-888-5145	8038		1	0.00
10:30	INCHIN IL	803-888-5145	8038		1	0.00
10:40	INCHIN IL	803-888-5145	8038		1	0.00
10:50	INCHIN IL	803-888-5145	8038		1	0.00
11:00	INCHIN IL	803-888-5145	8038		1	0.00
11:10	INCHIN IL	803-888-5145	8038		1	0.00
11:20	INCHIN IL	803-888-5145	8038		1	0.00
11:30	INCHIN IL	803-888-5145	8038		1	0.00
11:40	INCHIN IL	803-888-5145	8038		1	0.00
11:50	INCHIN IL	803-888-5145	8038		1	0.00
12:00	INCHIN IL	803-888-5145	8038		1	0.00
12:10	INCHIN IL	803-888-5145	8038		1	0.00
12:20	INCHIN IL	803-888-5145	8038		1	0.00
12:30	INCHIN IL	803-888-5145	8038		1	0.00
12:40	INCHIN IL	803-888-5145	8038		1	0.00
12:50	INCHIN IL	803-888-5145	8038		1	0.00
1:00	INCHIN IL	803-888-5145	8038		1	0.00
1:10	INCHIN IL	803-888-5145	8038		1	0.00
1:20	INCHIN IL	803-888-5145	8038		1	0.00
1:30	INCHIN IL	803-888-5145	8038		1	0.00
1:40	INCHIN IL	803-888-5145	8038		1	0.00
1:50	INCHIN IL	803-888-5145	8038		1	0.00
2:00	INCHIN IL	803-888-5145	8038		1	0.00
2:10	INCHIN IL	803-888-5145	8038		1	0.00
2:20	INCHIN IL	803-888-5145	8038		1	0.00
2:30	INCHIN IL	803-888-5145	8038		1	0.00
2:40	INCHIN IL	803-888-5145	8038		1	0.00
2:50	INCHIN IL	803-888-5145	8038		1	0.00
3:00	INCHIN IL	803-888-5145	8038		1	0.00
3:10	INCHIN IL	803-888-5145	8038		1	0.00
3:20	INCHIN IL	803-888-5145	8038		1	0.00
3:30	INCHIN IL	803-888-5145	8038		1	0.00
3:40	INCHIN IL	803-888-5145	8038		1	0.00
3:50	INCHIN IL	803-888-5145	8038		1	0.00
4:00	INCHIN IL	803-888-5145	8038		1	0.00
4:10	INCHIN IL	803-888-5145	8038		1	0.00
4:20	INCHIN IL	803-888-5145	8038		1	0.00
4:30	INCHIN IL	803-888-5145	8038		1	0.00
4:40	INCHIN IL	803-888-5145	8038		1	0.00
4:50	INCHIN IL	803-888-5145	8038		1	0.00
5:00	INCHIN IL	803-888-5145	8038		1	0.00
5:10	INCHIN IL	803-888-5145	8038		1	0.00
5:20	INCHIN IL	803-888-5145	8038		1	0.00
5:30	INCHIN IL	803-888-5145	8038		1	0.00
5:40	INCHIN IL	803-888-5145	8038		1	0.00
5:50	INCHIN IL	803-888-5145	8038		1	0.00
6:00	INCHIN IL	803-888-5145	8038		1	0.00
6:10	INCHIN IL	803-888-5145	8038		1	0.00
6:20	INCHIN IL	803-888-5145	8038		1	0.00
6:30	INCHIN IL	803-888-5145	8038		1	0.00
6:40	INCHIN IL	803-888-5145	8038		1	0.00
6:50	INCHIN IL	803-888-5145	8038		1	0.00
7:00	INCHIN IL	803-888-5145	8038		1	0.00
7:10	INCHIN IL	803-888-5145	8038		1	0.00
7:20	INCHIN IL	803-888-5145	8038		1	0.00
7:30	INCHIN IL	803-888-5145	8038		1	0.00
7:40	INCHIN IL	803-888-5145	8038		1	0.00
7:50	INCHIN IL	803-888-5145	8038		1	0.00
8:00	INCHIN IL	803-888-5145	8038		1	0.00
8:10	INCHIN IL	803-888-5145	8038		1	0.00
8:20	INCHIN IL	803-888-5145	8038		1	0.00
8:30	INCHIN IL	803-888-5145	8038		1	0.00
8:40	INCHIN IL	803-888-5145	8038		1	0.00
8:50	INCHIN IL	803-888-5145	8038		1	0.00
9:00	INCHIN IL	803-888-5145	8038		1	0.00
9:10	INCHIN IL	803-888-5145	8038		1	0.00
9:20	INCHIN IL	803-888-5145	8038		1	0.00
9:30	INCHIN IL	803-888-5145	8038		1	0.00
9:40	INCHIN IL	803-888-5145	8038		1	0.00
9:50	INCHIN IL	803-888-5145	8038		1	0.00
10:00	INCHIN IL	803-888-5145	8038		1	0.00
10:10	INCHIN IL	803-888-5145	8038		1	0.00
10:20	INCHIN IL	803-888-5145	8038		1	0.00
10:30	INCHIN IL	803-888-5145	8038		1	0.00
10:40	INCHIN IL	803-888-5145	8038		1	0.00
10:50	INCHIN IL	803-888-5145	8038		1	0.00
11:00	INCHIN IL	803-888-5145	8038		1	0.00
11:10	INCHIN IL	803-888-5145	8038		1	0.00
11:20	INCHIN IL	803-888-5145	8038		1	0.00
11:30	INCHIN IL	803-888-5145	8038		1	0.00
11:40	INCHIN IL	803-888-5145	8038		1	0.00
11:50	INCHIN IL	803-888-5145	8038		1	0.00
12:00	INCHIN IL	803-888-5145	8038		1	0.00
12:10	INCHIN IL	803-888-5145	8038		1	0.00
12:20	INCHIN IL	803-888-5145	8038		1	0.00
12:30	INCHIN IL	803-888-5145	8038		1	0.00
12:40	INCHIN IL	803-888-5145	8038		1	0.00
12:50	INCHIN IL	803-888-5145	8038		1	0.00
1:00	INCHIN IL	803-888-5145	8038		1	0.00
1:10	INCHIN IL	803-888-5145	8038		1	0.00
1:20	INCHIN IL	803-888-5145	8038		1	0.00
1:30	INCHIN IL	803-888-5145	8038		1	0.00
1:40	INCHIN IL	803-888-5145	8038		1	0.00
1:50	INCHIN IL	803-888-5145	8038		1	0.00
2:00	INCHIN IL	803-888-5145	8038		1	0.00
2:10	INCHIN IL	803-888-5145	8038		1	0.00
2:20	INCHIN IL	803-888-5145	8038		1	0.00
2:30	INCHIN IL	803-888-5145	8038		1	0.00
2:40	INCHIN IL	803-888-5145	8038		1	0.00
2:50	INCHIN IL	803-888-5145	8038		1	0.00
3:00	INCHIN IL	803-888-5145	8038		1	0.00
3:10	INCHIN IL	803-888-5145	8038		1	0.00
3:20	INCHIN IL	803-888-5145	8038		1	0.00
3:30	INCHIN IL	803-888-5145	8038		1	0.00
3:40	INCHIN IL	803-888-5145	8038		1	0.00
3:50	INCHIN IL	803-888-5145	8038		1	0.00
4:00	INCHIN IL	803-888-5145	8038		1	0.00
4:10	INCHIN IL	803-888-5145	8038		1	0.00
4:20	INCHIN IL	803-888-5145	8038		1	0.00
4:30	INCHIN IL	803-888-5145	8038		1	0.00
4:40	INCHIN IL	803-888-5145	8038		1	0.00
4:50	INCHIN IL	803-888-5145	8038		1	0.00
5:00	INCHIN IL	803-888-5145	8038		1	0.00
5:10	INCHIN IL	803-888-5145				

Plaintiff- 1005

KERRY PAUL

Page: 14 of 21.
Bill Cycle Data: 02/18/14-03/17/14

Account: [REDACTED]
 n Account: [REDACTED]

Foundation Account: [REDACTED]



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Call Detail - Continued

[illegible][illegible]

Plaintiff - 1006



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Time	Place Called	Number Called	Area Code	Feature Code	Chg.	Airtel Charge	Int'l/Mail Charge
08:35p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:37p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
07:34p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:10p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
Thursday, 03/13							
08:37p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:41p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:43p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:44p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:45p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:46p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:47p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:48p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:49p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:50p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:51p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:52p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:53p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:54p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:55p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:56p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:57p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:58p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
08:59p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:00p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:01p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:02p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:03p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:04p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:05p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:06p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:07p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:08p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:09p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:10p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:11p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:12p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:13p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:14p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:15p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:16p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:17p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:18p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:19p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:20p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:21p	COLUMB SC	803-348-2437	SDNY		1	0.00	0.00
09:22p	COLUMB SC	803-348-2437	SDNY				

Data Detail

Tien

Text Messages
Tuesday, 06/10

01:47p Rxd

41:82p Bent

Condition	Control (%)	MCI (%)	AD (%)
A	~95	~85	~75
B	~90	~80	~70
C	~85	~75	~65
D	~95	~90	~85

100

•

• • • • •

• • • • •

[illegible]



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[illegible]

Plaintiff - 1008



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Data Detail - Continued -

12 Sent	803-451-6850	Text Message	WFLX	0.00
13a Rvd	803-451-5633	Text Message	WFLX	0.00
13b Sent	803-451-6850	Text Message	WFLX	0.00

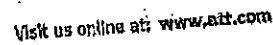
17p	S&T	707-107-3030	Text Message	Unknown	\$0.00
17p	S&T	707-107-3070	Text Message	Unknown	\$0.00
2p	Rvd	707-107-3070	Text Message	Unknown	\$0.00

619



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Plaintiff. 1011

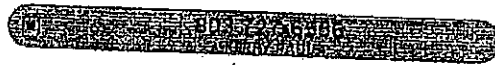
Plaintiff - 1012



KERRY PAUL

Page: 21 of 21
Bill Cycle Date: 02/18/14-03/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

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Data Detail - Continued

Time	To/From	Plan/Rate	Rate Code	
Picture/Video Messages				
Monday, 02/17				
02:09p	Rave 603-451-5839	Plan Video MSG	40LMSG	0.00
03:07p	Rave 603-451-5839	Plan Video MSG	40LMSG	0.00
Subtotal for Picture/Video Messages: 10				0.00
Total Data Detail				0.00

Rate Codes

40LMSG = Mobile Share MSG with Unlimited Talk & Text
40LMSG = Mobile Share Messaging

Plaintiff - 1013



KERRY PAUL

Page: 1 of 4
 Bill Cycle Dates: 03/18/14 - 04/11/14
 Account: [REDACTED]
 Payment Due Account: [REDACTED]

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Wireless Statement

Previous Balance	\$204.14
Payment - 04/10 - Thank You!	\$204.24 CR
Adjustments	\$0.00
Balance	\$0.00
New Charges	\$159.28
Amount to be Debited	\$159.28
Your Credit Card will be Debited on or after: May 10, 2014	

Service	Page	Total
Wireless	1	\$159.28
AT&T Mobility	2	
Total New Charges		\$159.28

How to Contact Us:
 For questions about your account: 1-800-833-0500
 or call from your cell phone: 1-800-242-4361
 For Details/Help of 1-800-833-0500
 Visit us online at www.att.com

For important information about your bill, please see the News You Can Use section (Page 3)

Add a tablet to your Mobile Share plan for \$10/mo.

Call 855-MORE-ATT or visit att.com/mobshare. Visit ATT store (855-867-3446).
 Add a tablet to your Mobile Share plan for \$10/mo. Add a tablet to your Mobile Share plan for \$10/mo. Add a tablet to your Mobile Share plan for \$10/mo.

Group 1 - Data Summary - Star 10 Unlimited 10.
 Mobile Share Star 10 Unlimited 10. Includes 5 GB of data per month. Additional 1 GB of data for each additional 1 GB of data. Additional monthly charge applies for each device on the plan. Unlimited talk & text on mobile phones. Unlimited talk on Wireless Home phone. Mobile hotspot. Unlimited video texting and video voicemail available. With compatible service. Unlimited domestic data usage on the AT&T 4G LTE network.

Mobile Share
 Plan 10GB (10)
 003 348-2437 RTT
 003 727-6566 994
 Total 1,511

Mobile Share Star 10 Unlimited 10. Includes unlimited anytime minutes, nationwide long distance & roaming, unlimited domestic and international text, picture, and video messaging, and/or received from the U.S. Puerto Rico and the U.S. Virgin Islands. Call Forwarding feature, Caller ID, Call Wait, Conference Call feature, Mobile Share voice and data plan required.

Wireless Service provided by AT&T Mobility, LLC

Your Credit Card will be Debited on or after: May 10, 2014

\$159.28



Account Number

AT&T MOBILITY
 PO Box 83704
 Atlanta, GA 30357-7104

9260453424727567000000001592800000015928001

Plaintiff - 1014



KERRY PAUL

Page: 2 of 4
Bill Cycle Date: 03/18/14 - 04/17/14
Account:
Foundation Account:

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International Roaming - Expanded - Includes International
roaming outside the U.S. and international long distance
from the U.S. at standard, pay-per-use international rates.
See rates at www.att.com/global.

Monthly Charges - Apr 18 thru May 17

1. Mobile Share for iPhone	35.00
2. International Roaming - Expanded	0.00
Total Monthly Charges	35.00

Other Charges and Credits

Voice Usage Summary	
Mobile Share with Unlimited Talk & Text	
Daytime Minutes	Unlimited
Minutes Used	784
Night & Weekend Minutes	Unlimited
Minutes Used	270

Data Usage Summary	
Mobile Share Messaging	
Used	Unlimited
	674

Mobile Share 6GB with Unlimited Talk & Text	877
Spillover MB Used	
1 Gigabyte (GB) = 1024MB, 1 Megabyte (MB) = 1024KB	

Surcharges and Other Fees	
3. Administrative Fee	0.61
4. Federal Universal Service Charge	1.64
5. Municipal Business License Surcharge	0.36
6. Regulatory Cost Recovery Charge	0.28
Total Surcharges and Other Fees	3.09

Government Fees and Taxes	
7. 911 Service Fee	0.63
8. County Sales Tax - Telecom	0.26
9. SC State Sales Tax - Telecom	2.28
Total Government Fees and Taxes	3.30

Total Other Charges & Credits	6.39
Total Monthly Charges	41.39

Mobile Share for iPhone on 4G LTE - Includes unlimited
Anytime minutes, Nationwide Long Distance & Roaming,
unlimited domestic and international text, picture, and
video messages sent or received from the U.S., Puerto Rico
and the U.S. Virgin Islands, Call Forward feature, Caller
ID, Call Wait, Conference Call feature, Mobile Share's voice
and data plan required.

International Roaming - Expanded - Includes international
roaming outside the U.S. and international long distance
from the U.S. at standard, pay-per-use international rates.
See rates at www.att.com/global.

Monthly Charges - Apr 18 thru May 17

1. Mobile Share 6GB with Unlimited Talk & Text	90.00
2. Mobile Share for iPhone on 4G LTE	35.00
3. International Roaming - Expanded	0.00
4. National Account Discount	13.5000
Total Monthly Charges	112.50

Other Charges and Credits

Voice Usage Summary	
Mobile Share with Unlimited Talk & Text	
Daytime Minutes	Unlimited
Minutes Used	1,127
Night & Weekend Minutes	Unlimited
Minutes Used	134

Data Usage Summary	
Mobile Share Messaging	
Used	Unlimited
	222

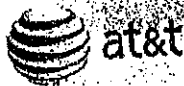
Mobile Share 6GB with Unlimited Talk & Text	8344
Spillover MB Used	334
Others in Group MB Used	877
1 Gigabyte (GB) = 1024MB, 1 Megabyte (MB) = 1024KB	

Surcharges and Other Fees	
6. Administrative Fee	0.61
6. Federal Universal Service Charge	1.64
7. Municipal Business License Surcharge	0.36
8. Regulatory Cost Recovery Charge	0.28
Total Surcharges and Other Fees	3.09

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03/18/2014 11:05:04
1237444

Plaintiff - 1015



KERRY PAUL

Page: 3 of 4
Bill Cycle Date: 03/18/14 - 04/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

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Other Charges and Credits - Continued

Government Fees and Taxes	0.63
9. Bill Service Fee	0.58
10. County Sales Tax - Telecom	2.29
11. SC State Sales Tax - Telecom	3.30
Total Government Fees and Taxes	6.80
Total Other Charges & Credits	117.89
Total for 800-727-8566	159.28
Total for Wireless accounts	

GO PAPERLESS

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MOVING SOON?

AT&T can help. Call us to move your existing AT&T services or to order new AT&T home phone, high speed internet and Digital TV services. 800-MOVE-ATT (800-666-1288) or visit www.att.com/move.

DRIVE SMARTER

With the Android® Car Connection™ Elite Series, get real time vehicle information sent to your smartphone, tablet or computer. Locate your car almost anywhere and set up safety zones to keep an eye on young drivers, get diagnostic recall and trip summary reports, plus fuel and cost saving ideas. Coverage and service limitations apply. Visit www.att.com/carconnection or a store near you.

ADD A LINE WITH AN AT&T MOBILE SHARE VALUE PLAN

Plans start at \$48/month. Add a line of service with Unlimited Talk & Text and shared data. Save and share data while enjoying life at the speed of AT&T. Call 800-449-1672 or visit www.att.com/addaline.

GET NEWS YOUR WAY

With www.att.net for mobile you can customize your news to get the types of stories you want on your smartphone and filter out the topics that you don't want to see. Stay informed and entertained on www.att.net.

Important Information

LATE PAYMENT FEE

The late payment fee for consumer and Individual Responsibility User (IRU) bills not paid in full by the payment due date is \$5.

ELECTRONIC CHECK CONVERSION

Paying by check authorizes AT&T to use the information from your check to make a one-time electronic fund transfer from your account. Funds may be withdrawn from your account as soon as the same day your payment is received. If we cannot process the transaction electronically, you authorize AT&T to present an image copy of your check for payment. Your original check will be destroyed once processed. If your check is returned unpaid you agree to pay all fees as identified in the terms and conditions of your AT&T Service Agreement. Returned checks may be processed electronically, if you want to save time and stamps, sign up for auto payment at www.att.com/stopover using your checking account. It's easy, secure, and convenient!

TAX ID

AT&T Mobility Tax ID # 54-1659570.

SURCHARGES AND OTHER FEES

In addition to the monthly cost of the rate plan and any selected features, AT&T imposes the following other charges, on a per line basis: (1) federal and state universal service charges, (2) a Regulatory Cost Recovery Charge of up to \$1.25 to help defray its cost incurred in complying with obligations and charges imposed by state and federal telecommunications regulatory agencies, (3) a Fee on Consumer and Individual Responsibility User (IRU) lines to help defray certain expenses AT&T incurs, such as interconnection and call site rents and maintenance, and (4) other government assessments, including without limitation a gross receipts surcharge and a Property Tax Allowance surcharge of \$0.20 - \$0.45 applied per Corporate Responsibility User's assigned number. These fees are not taxes or government-required charges. See att.com/additionalcharges.

SINGLE PAYMENT AGREEMENT (FOR KIOSK PAYMENT)

I authorize AT&T to pay my bill by debiting my bank account. If my bank rejects a payment, I may be charged a return fee up to \$30.

AT&T NATL. CENTER FOR CUSTOMERS WITH DISABILITIES

Questions on accessibility by persons with disabilities: 1 866 241-8588.

Plaintiff - 1016



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Data Data - Continued

[illegible]

Rate Code:
SC960A = Mobile Share RCH with Un/Initiated Talk & Text
DLH95A = Mobile Share Rescoping

Call Detail

Time	Station	Number Called	Radio	Radio	Alt. Time	LD/Adm
Weekday	WZLH		State	State	Min	Minutes
02:10a	DAVIS CA	803-902-1084	SDVW		12	0.00
04:05a	COLINGS SC	803-898-3140	SDVW		2	0.00
06:30a	COLINGS CL	803-904-1005	SDVW		1	0.00
07:05a	COLINGS SC	803-406-2118	SDVW		1	0.00
Weekend	WZLH					0.00
08:30a	LACROSSE CL	803-822-1128	SDVW		3	0.00
09:30a	COLINGS SC	803-898-3140	SDVW		1	0.00
09:45a	LACROSSE CL	803-803-3125	SDVW		1	0.00

[illegible]

Plaintiff - 1017



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Plaintiff - 1018



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Call Detail - Continued

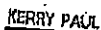
Time	Place	Match Called	Rate	Feature	At Risk	LP/Win
Monday, 04/11			Each	Each	Share	Share
02:00p	COLUMB SC	883-443-2300	SDU		0.00	0.00
03:30p	COLUMB SC	883-443-2145	SDU		0.00	0.00
03:30p	COLUMB SC	883-787-1874	SDU	2	0.00	0.00
03:30p	COLUMB SC	883-443-2300	SDU	1	0.00	0.00
06:12p	COLUMB SC	883-787-1874	SDU	1	0.00	0.00
06:20p	COLUMB SC	883-443-2145	SDU	1	0.00	0.00
06:17p	DAYTON CA	535-962-7053	SDU	2	0.00	0.00
07:00p	INCHIT IL	833-892-7255	SDU	1	0.00	0.00
Wednesday, 04/10				4	0.00	0.00
03:30p	COLUMB SC	883-443-2145	SDU		0.00	0.00
04:20p	DAYTON CA	535-962-7053	SDU	2	0.00	0.00
03:18p	INCHIT IL	833-787-1874	SDU	1	0.00	0.00
08:12p	DAYTON TN	888-104-1088	SDU	5	0.00	0.00
Wednesday, 04/10					0.00	0.00
11:18a	COLUMB SC	883-443-2145	SDU	1	0.00	0.00
06:38p	COLUMB SC	883-303-2815	SDU		0.00	0.00
07:34p	COLUMB SC	883-340-2487	SDU	2	0.00	0.00
07:34p	COLUMB SC	883-340-2487	SDU	1	0.00	0.00
07:34p	COLUMB SC	883-340-2487	SDU	1	0.00	0.00
07:34p	COLUMB SC	883-340-2487	SDU	1	0.00	0.00
07:34p	COLUMB SC	883-340-2487	SDU	1	0.00	0.00
07:34p	COLUMB SC	883-340-2487	SDU	1	0.00	0.00
Thursday, 04/10				3	0.00	0.00
11:14a	COLUMB SC	883-303-2815	SDU		0.00	0.00
11:16p	COLUMB SC	883-340-2487	SDU	4	0.00	0.00
11:35a	SLACKS IL	810-533-8773	SDU	2	0.00	0.00
Friday, 04/11				3	0.00	0.00
10:28p	PORT N.H.	256-243-2200	SDU	1	0.00	0.00
Monday, 04/11					0.00	0.00
10:24p	INCHIT IL	833-892-7255	SDU	2	0.00	0.00
10:51a	COLUMB SC	883-838-6145	SDU	1	0.00	0.00
10:43a	INCHIT IL	833-892-7255	SDU	1	0.00	0.00
11:03a	COLUMB SC	883-892-7255	SDU	1	0.00	0.00
11:00a	COLUMB SC	883-212-8212	SDU	2	0.00	0.00
11:23a	INCHIT IL	833-892-7255	SDU	2	0.00	0.00
11:27a	COLUMB SC	883-892-7255	SDU	1	0.00	0.00
11:30a	DAYTON IL	454-578-1874	SDU	1	0.00	0.00
11:42a	INCHIT IL	833-892-7255	SDU	1	0.00	0.00
03:40p	COLUMB SC	883-838-6145	SDU	4	0.00	0.00

Time	Place	Number	Rate	Feature	Airline	10/6/61
Friday, 10/6/61	Called	Called	Dots	Code	Charges	CHRGES
03:30p	CALL WATT	803-248-2437	SDOV	CL	1	0.00
04:12p	WALSH et	803-348-2416	SDOV	CL	3	0.00
04:16p	COLLINS SC	803-883-8743	SDOV	CL	2	0.00
04:47p	DAYTON DA	803-882-7686	SDOV	CL	1	0.00
05:11p	DAYTON DA	803-212-8123	SDOV	CL	1	0.00
06:41p	DAYTON DA	803-882-7686	SDOV	CL	1	0.00
08:16p	COLLINS SC	803-787-0274	SDOV	CL	2	0.00
08:56p	LEIKINS SC	803-887-8787	SDOV	CL	1	0.00
08:52p	INCHUM CL	803-790-3321	SDOV	CL	14	0.00
Saturday, 10/7/61						
02:36p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
03:28p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:18p	COLLINS SC	803-787-0274	SDOV	CL	1	0.00
08:21p	COLLINS SC	803-787-0274	SDOV	CL	1	0.00
08:49p	INCHUM CL	803-324-7531	SDOV	CL	1	0.00
09:14p	COLLINS SC	803-401-8333	SDOV	CL	1	0.00
07:10p	INCHUM CL	803-401-8333	SDOV	CL	1	0.00
07:00p	INCHUM CL	803-628-7531	SDOV	CL	2	0.00
Monday, 10/9/61						
04:13p	COLLINS SC	803-401-8333	SDOV	CL	3	0.00
06:10p	INCHUM CL	803-348-2437	SDOV	CL	1	0.00
06:14p	DAYTON FL	363-878-5813	SDOV	CL	2	0.00
06:40p	COLLINS SC	803-787-0274	SDOV	CL	1	0.00
07:06p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:08p	INCHUM CL	803-348-2437	SDOV	CL	1	0.00
Tuesday, 10/10/61						
07:11p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:14p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:16p	COLLINS SC	803-787-0274	SDOV	CL	1	0.00
07:20p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:22p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:24p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:26p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:28p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:30p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:32p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:34p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:36p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:38p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:40p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:42p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:44p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:46p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:48p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:50p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:52p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:54p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:56p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
07:58p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:00p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:02p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:04p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:06p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:08p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:10p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:12p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:14p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:16p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:18p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:20p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:22p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:24p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:26p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:28p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:30p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:32p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:34p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:36p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:38p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:40p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:42p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:44p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:46p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:48p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:50p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:52p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:54p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:56p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
08:58p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:00p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:02p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:04p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:06p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:08p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:10p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:12p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:14p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:16p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:18p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:20p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:22p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:24p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:26p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:28p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:30p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:32p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:34p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:36p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:38p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:40p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:42p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:44p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:46p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:48p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:50p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:52p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:54p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:56p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
09:58p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00
10:00p	COLLINS SC	803-348-2437	SDOV	CL	1	0.00

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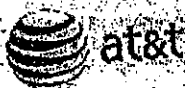
Plaintiff - 1020



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Plaintiff - 1021



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Data Detail				Continued																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		</

Plaintiff - 1022



KERRY PAUL

Pages: 22 of 24
Bill Cycle Date: 03/10/14 - 04/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

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Data Detail - Continued

Time	To/From	Type/Unit	Data Code	
Friday, 03/21				
Data Plane				
06:34p	Data Transfer	730	SD0000	0.00
01:00p	Data Transfer	1000	SD0000	0.00
07:20p	Data Transfer	2230	SD0000	0.00
09:47p	Data Transfer	21,5620	SD0000	0.00
00:22p	Data Transfer	8,0000	SD0000	0.00
00:47p	Data Transfer	3320	SD0000	0.00
09:45p	Data Transfer	4500	SD0000	0.00
Saturday, 03/22				
02:40a	Data Transfer	100	SD0000	0.00
09:00a	Data Transfer	4,9400	SD0000	0.00
10:00a	Data Transfer	1,2400	SD0000	0.00
01:14p	Data Transfer	10,3000	SD0000	0.00
04:00p	Data Transfer	4300	SD0000	0.00
04:00p	Data Transfer	6100	SD0000	0.00
Sunday, 03/23				
12:05a	Data Transfer	3400	SD0000	0.00
03:20a	Data Transfer	8400	SD0000	0.00
03:57a	Data Transfer	2100	SD0000	0.00
10:03a	Data Transfer	8700	SD0000	0.00
02:00p	Data Transfer	2500	SD0000	0.00
Monday, 03/24				
00:02a	Data Transfer	0,0100	SD0000	0.00
10:02a	Data Transfer	1200	SD0000	0.00
01:02a	Data Transfer	3,0400	SD0000	0.00
03:57p	Data Transfer	8000	SD0000	0.00
04:10p	Data Transfer	2300	SD0000	0.00
09:47p	Data Transfer	4100	SD0000	0.00
00:40p	Data Transfer	7000	SD0000	0.00
Tuesday, 03/25				
08:12a	Data Transfer	000	SD0000	0.00
02:30a	Data Transfer	000	SD0000	0.00
01:50p	Data Transfer	000	SD0000	0.00
01:50p	Data Transfer	000	SD0000	0.00
01:50p	Data Transfer	1300	SD0000	0.00
07:15p	Data Transfer	4,0000	SD0000	0.00
07:15p	Data Transfer	2000	SD0000	0.00
Wednesday, 03/26				
03:44p	Data Transfer	2,0000	SD0000	0.00
03:44p	Data Transfer	1500	SD0000	0.00
Thursday, 03/27				
07:44p	Data Transfer	0000	SD0000	0.00
07:44p	Data Transfer	1200	SD0000	0.00
03:16p	Data Transfer	1,0000	SD0000	0.00
03:16p	Data Transfer	1,0000	SD0000	0.00
04:16p	Data Transfer	1,0000	SD0000	0.00
06:12p	Data Transfer	0000	SD0000	0.00
06:18p	Data Transfer	0000	SD0000	0.00
09:20p	Data Transfer	0000	SD0000	0.00
09:21p	Data Transfer	1000	SD0000	0.00
Friday, 03/28				
08:44a	Data Transfer	4000	SD0000	0.00
01:14p	Data Transfer	1,2500	SD0000	0.00
01:14p	Data Transfer	2,2000	SD0000	0.00
04:10p	Data Transfer	1000	SD0000	0.00
04:10p	Data Transfer	0000	SD0000	0.00
Saturday, 03/29				
03:00a	Data Transfer	1000	SD0000	0.00
02:00p	Data Transfer	0000	SD0000	0.00
02:00p	Data Transfer	0000	SD0000	0.00
06:40p	Data Transfer	3,4000	SD0000	0.00
07:10p	Data Transfer	1000	SD0000	0.00
08:20p	Data Transfer	12,0000	SD0000	0.00
08:20p	Data Transfer	0,0000	SD0000	0.00
Sunday, 03/30				
03:10a	Data Transfer	2,0000	SD0000	0.00
12:10p	Data Transfer	1700	SD0000	0.00
07:00p	Data Transfer	1100	SD0000	0.00
Monday, 03/31				
03:00a	Data Transfer	4,4000	SD0000	0.00
10:10a	Data Transfer	0000	SD0000	0.00
11:10a	Data Transfer	1100	SD0000	0.00
11:10a	Data Transfer	1100	SD0000	0.00
02:10p	Data Transfer	1500	SD0000	0.00
03:10p	Data Transfer	0000	SD0000	0.00
07:10p	Data Transfer	1400	SD0000	0.00
07:10p	Data Transfer	700	SD0000	0.00
07:10p	Data Transfer	2000	SD0000	0.00
Tuesday, 04/01				
04:00a	Data Transfer	0000	SD0000	0.00
07:00a	Data Transfer	0000	SD0000	0.00
08:00a	Data Transfer	1000	SD0000	0.00
10:00a	Data Transfer	1000	SD0000	0.00
10:00a	Data Transfer	3,0000	SD0000	0.00
11:00a	Data Transfer	0,0000	SD0000	0.00
12:00p	Data Transfer	3,0000	SD0000	0.00
01:00p	Data Transfer	0,0000	SD0000	0.00
04:00p	Data Transfer	0,0000	SD0000	0.00
06:00p	Data Transfer	1400	SD0000	0.00
06:00p	Data Transfer	1700	SD0000	0.00
06:00p	Data Transfer	2,0000	SD0000	0.00
Wednesday, 04/02				
12:00p	Data Transfer	2,0000	SD0000	0.00
01:00p	Data Transfer	0,0000	SD0000	0.00
01:00p	Data Transfer	0,0000	SD0000	0.00
04:00p	Data Transfer	1300	SD0000	0.00
Thursday, 04/03				
07:00a	Data Transfer	1400	SD0000	0.00
11:00a	Data Transfer	0000	SD0000	0.00
02:00p	Data Transfer	0000	SD0000	0.00
04:00p	Data Transfer	0000	SD0000	0.00
04:00p	Data Transfer	0000	SD0000	0.00
05:00p	Data Transfer	0000	SD0000	0.00
05:00p	Data Transfer	0000	SD0000	0.00
05:00p	Data Transfer	0000	SD0000	0.00
07:00p	Data Transfer	0000	SD0000	0.00
07:00p	Data Transfer	0000	SD0000	0.00
07:00p	Data Transfer	0000	SD0000	0.00

Plaintiff - 1023



KERRY PAUL

Page: 23 of 24
 Bill Cycle Date: 09/18/14 - 04/17/14
 Account: [REDACTED]
 Fundation Account: [REDACTED]

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[illegible]

Plaintiff - 1024



at&t

KERRY PAUL

Page: 1 of 3
 Bill Cycle Date: 04/19/14-05/17/14
 Account: [REDACTED]
 Foundation Account: [REDACTED]

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Wireless Statement

Previous Balance	\$159.28
Payment - 05/10 - Thank You!	\$159.28 CR
Adjustments	\$0.00
Balance	\$0.00
New Charges	\$159.28
Amount to be Debited	\$159.28
Your Credit Card will be Debited on or after: Jul 10, 2014	

Service Summary

Service	Page	Total
(*) Wireless		\$159.28
800 747-6655	1	
800 747-6655	2	
Total New Charges		\$159.28



Our customers are our highest priority

AT&T Power has just ranked AT&T "Highest Customer Service Performance and Highest Satisfaction with Purchasing Experience among Full Service Wireless Providers" two times in a row. You can count on us to keep delivering.

For J.D. Power award information, go to jdpower.com.

Group 1 - Data Summary - Apr 18 thru May 27

Mobile Share G98 with Unlimited Talk & Text - includes 8 gigabytes of domestic data. \$15 per each additional 1 gigabyte of data. Additional monthly charge applies for each device on this plan. Unlimited talk & text on mobile phones. Unlimited talk on Wireless Home Phone. Mobile Hotspot, tethering, video calling, and Visual Voicemail available with compatible device. Unlimited domestic data usage on the AT&T Wi-Fi Basic network.

Mobile Share	Usage (MB)
800 348-2437	417
800 747-6655	2,462
Total	2,879

How to Contact Us
 For questions about your account: 800 341-6300
 or 511 from your cell phone
 For Deaf/Hard of Hearing TTY: 1 866 245-6567
 Visit us online at www.att.com

For Important Information about your bill, please see the News You Can Use section (Page 3).

Wireless services provided by AT&T Mobility LLC

Your Credit Card will be Debited on or after: Jan 10, 2014

\$159.28



at&t

Account Number

KERRY PAUL

AT&T MOBILITY
 PO Box 687104
 Miami, GA 30353-7104

48600834124727567000000001642800000164280001

Plaintiff - 1025



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Monthly charges: May 18 thru Jun 17

Monthly Charges	May 18 thru Jun 11
1st Mobile Charge for Phone # 312-334-1111	\$5.00
2nd International Roaming Expansion	6.00
Total Monthly Charges	\$11.00

Other Charges and Credits

Tobacco License Expenses		1971
Machine Share with Unlimited Tax & Rest	Unlimited	
1. Unlimited Machine	71	
2. Unlimited Rest		
3. Unlimited Machine	191	
4. Unlimited Rest		
5. Unlimited Machine		
6. Unlimited Rest		
7. Unlimited Machine		
8. Unlimited Rest		
9. Unlimited Machine		
10. Unlimited Rest		
11. Unlimited Machine		
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98. Unlimited Rest		
99. Unlimited Machine		
100. Unlimited Rest		

Mobile phone for iPhone on the LTE network is required. Airline flights, including long distance, are required. Unlimited domestic and international text, calling, and data coverage. \$475 required from the U.S. Puerto Rico and the U.S. Virgin Islands. Call forward feature. Call to Call Web Conference Call feature. Mobile phone voice mail data plan required.

International Roundtrip - Expanded - Includes international roundtrip outside the U.S. and interterminal bag distance from the U.S. at standard, pay-per-use international rates. See rates at www.nj.com/global.

Monthly charges - May 18 thru Jun 17

Monthly Charges - May 26 thru June 26	
1- Mobile Share 6635 with Unlimited Talk & Text	\$0.00
2- Mobile Share for iPhone on 6635 Line	\$5.00
3- International Roaming - Expanded	0.00
4- National Accounts Discount	1388CH
Total Monthly Charges	\$11.00

Other expenses and credits

Voice Message Summary	
Mobile Share with Unlimited Talk & Text	Unlimited
All Daytime Minutes	
Standard Use	1,018
Night & Weekend Minutes	
Ported Usage	256
Data Usage Summary	
Mobile Share Messaging	Unlimited
(Used)	848
Mobile Share 8GB with Unlimited Talk & Text	
Included in Plan Yes	0.144
(Included) Not Used	2,482
Others In Group MB Used	457
X-Change (for Activation & Upgrade fee) - 202K\$	
Surovchugan & Other Fees	
K. Unauthorized Fee	0.01
W. Excess International Service Charge	1.84
T. International Business License Charge	0.90
B. International Cost Recovery Charge	0.28
Other Services and Other Fees	2.08



KERRY PAUL

Page: 3 of 3
Bill Cycle Date: 04/18/14-05/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

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Other Charges and Credits - Continued

Government Fees and Taxes	
9. 911 Service Fee	0.63
10. County Sales Tax - Telecom	0.38
11. SC State Sales Tax - Telecom	2.29
Total Government Fees and Taxes	3.30
Total Other Charges & Credits	6.39
Total for 803 727-6586	117.88
Total for Wireless accounts	186.28

STAY CONNECTED WITH OUR BEST-EVER PLAN PRICING.
With an AT&T Mobile Share(R) Value Plan, you'll get unlimited talk and text, shared data for up to 10 devices and unlimited international messaging from the U.S. Find out more at www.att.com/mobileshare or visit an AT&T store near you.

MOVING SOON?

AT&T can help. Call us to move your existing AT&T services or to order new AT&T home phone, high-speed Internet and Digital TV services. 800-MOVE-ATT (800-868-3288) or visit www.att.com/move.

TAP IN TO MORE POSSIBILITIES.

Connect a tablet for \$10/month on a Mobile Share plan. When you add a line with AT&T, you're able to do more of what you love in more places. Shop our great selection of new tablets. Call 800-449-1672 or visit www.att.com/addaline.

LATE PAYMENT FEE

The late payment fee for consumer and Individual Responsibility User (IRU) bills not paid in full by the payment due date is \$6.

ELECTRONIC CHECK CONVERSION

Paying by check authorizes AT&T to use the information from your check to make a one-time electronic fund transfer from your account. Funds may be withdrawn from your account as

soon as the same day your payment is received. If we cannot process the transaction electronically, you authorize AT&T to present an image copy of your check for payment. Your original check will be destroyed once processed. If your check is returned unpaid you agree to pay such fees as identified in the terms and conditions of your AT&T Service Agreement. Returned checks may be presented electronically. If you want to save time and stamps, sign up for auto payment at www.att.com/skippaper using your checking account. It's easy, secure, and convenient.

TAX ID

AT&T Mobility Tax ID # 84-1659970.

SURCHARGES AND OTHER FEES

In addition to the monthly cost of the rate plan and any selected features, AT&T imposes the following other charges, on a per line basis: (1) federal and state universal service charges, (2) a Regulatory Cost Recovery Charge of up to \$1.25 to help defray its cost incurred in complying with obligations and charges imposed by state and federal telecom regulations, (3) an Administrative Fee on consumer and Individual Responsibility User (IRU) lines to help defray certain expenses AT&T incurs in other interconnection and cell site, rents and maintenance, and (4) other government assessments, including without limitation a gross receipts surcharge and a Property Tax Allotment surcharge of \$0.20 - \$0.45 applied per Corporate Responsibility User's assigned number. These fees are not taxes or government-required charges. See att.com/additionalcharges.

SINGLE PAYMENT AGREEMENT (FOR KIOSK PAYMENT)

I authorize AT&T to pay my bill by debiting my bank account. If my bank rejects a payment, I may be charged a return fee up to \$30.

AT&T NAT'L CENTER FOR CUSTOMERS WITH DISABILITIES

Questions on accessibility by persons with disabilities: 1 866 241-6569.

WRITTEN CORRESPONDENCE

Do not send notes/letters with payment. We cannot guarantee receipt. Send notes/letters to AT&T, PO Box 755, Alhambra, CA 91801-0755.

Plaintiff - 1027



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Data Detail - Continued

[illegible]

NASA Goddard

State Code: 5
 SUBJECT: Mobile Share with Unlabeled Talk & Text
 (ALL) MOBILE: Mobile Share Resolving

Call Detail

[illegible][illegible]

Plaintiff - 1028



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[illegible][illegible]



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[illegible][illegible]

Rate Code

Rate Color
\$100 = Mobile Charm with Unlimited Talk & Text

Feature Group

50 = 50% washing

Plaintiff - 1030



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Data Detail

[illegible][illegible]



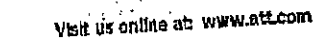
Page: 18 of 21
Bill Cycle Date: 04/18/14 - 05/17/14
Account: [REDACTED]
Indication Account: [REDACTED]

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[illegible]

Plaintiff - 1032

Plaintiff- 1033

Plaintiff - 1034



KERRY PAUL

Page: 19 of 21
Bill Cycle Date: 04/18/14-05/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

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Data Detail - Continued

Time	Act/Conn	Time/Unit	Data Code	Time	Act/Conn	Time/Unit	Data Code
Data Detail - Continued							
08:00p	Data Transfer	38,051KB	800000	08:34a	Data Transfer	1,414KB	800000
08:13p	Data Transfer	21,030KB	800000	08:57p	Data Transfer	177KB	800000
08:17p	Data Transfer	10,800KB	800000	04:00a	Data Transfer	180KB	800000
10:11p	Data Transfer	14,802KB	800000	04:19p	Data Transfer	29KB	800000
11:11p	Data Transfer	21,624KB	800000	04:19p	Data Transfer	9,167KB	800000
Monday, 04/20							
12:11p	Data Transfer	830KB	800000	Wednesday, 04/23			
Tuesday, 04/21				08:34a	Data Transfer	21,204KB	800000
08:10a	Data Transfer	9,414KB	800000	01:12p	Data Transfer	410KB	800000
11:03a	Data Transfer	871KB	800000	01:19p	Data Transfer	173KB	800000
04:00p	Data Transfer	808KB	800000	03:07p	Data Transfer	120KB	800000
04:00p	Data Transfer	14KB	800000	03:17p	Data Transfer	510KB	800000
Wednesday, 04/22				Thursday, 04/23			
01:17a	Data Transfer	5,785KB	800000	00:00a	Data Transfer	670KB	800000
12:12p	Data Transfer	4,474KB	800000	01:11a	Data Transfer	173KB	800000
01:12p	Data Transfer	3,474KB	800000	02:00p	Data Transfer	800KB	800000
03:38p	Data Transfer	4,180KB	800000	03:00p	Data Transfer	2,789KB	800000
04:17p	Data Transfer	820KB	800000	03:00p	Data Transfer	39KB	800000
Wednesday, 04/23				04:00p	Data Transfer	637KB	800000
08:20a	Data Transfer	48,121KB	800000	04:11p	Data Transfer	20,315KB	800000
11:27a	Data Transfer	1,204KB	800000	Friday, 04/25			
12:19p	Data Transfer	247KB	800000	07:00a	Data Transfer	5,523KB	800000
04:12p	Data Transfer	110KB	800000	08:10a	Data Transfer	6,585KB	800000
06:40p	Data Transfer	2,222KB	800000	03:13p	Data Transfer	1,990KB	800000
07:44p	Data Transfer	164KB	800000	03:42p	Data Transfer	85KB	800000
09:11p	Data Transfer	422KB	800000	03:42p	Data Transfer	14KB	800000
11:11p	Data Transfer	14KB	800000	03:42p	Data Transfer	486KB	800000
Thursday, 04/24				11:46p	Data Transfer	2,240KB	800000
12:11a	Data Transfer	316KB	800000	Friday, 04/25			
12:20a	Data Transfer	8,258KB	800000	08:14p	Data Transfer	201KB	800000
01:40a	Data Transfer	240KB	800000	Saturday, 04/26			
07:30a	Data Transfer	74KB	800000	08:17a	Data Transfer	232KB	800000
10:30a	Data Transfer	941KB	800000	02:17p	Data Transfer	2,183KB	800000
11:11a	Data Transfer	10,503KB	800000	04:17p	Data Transfer	70,838KB	800000
05:13p	Data Transfer	270KB	800000	09:04p	Data Transfer	200KB	800000
Friday, 04/25				09:04p	Data Transfer	200KB	800000
08:00a	Data Transfer	29KB	800000	Saturday, 04/26			
08:00a	Data Transfer	180KB	800000	07:00a	Data Transfer	1,940KB	800000
10:42a	Data Transfer	1,200KB	800000	10:10a	Data Transfer	140KB	800000
Saturday, 04/26				02:10p	Data Transfer	180KB	800000
09:00a	Data Transfer	871KB	800000	03:20p	Data Transfer	180KB	800000
09:02p	Data Transfer	9,800KB	800000	03:20p	Data Transfer	784KB	800000
Sunday, 04/27				04:26p	Data Transfer	2,780KB	800000
12:27p	Data Transfer	8,375KB	800000	04:22a	Data Transfer	304KB	800000
01:02p	Data Transfer	10,408KB	800000	06:21a	Data Transfer	189KB	800000
03:47p	Data Transfer	824KB	800000	Tuesday, 04/28			
04:02p	Data Transfer	20KB	800000	07:10a	Data Transfer	2,341KB	800000
08:00p	Data Transfer	163KB	800000	08:00p	Data Transfer	1KB	800000
				05:16p	Data Transfer	18KB	800000
				08:23p	Data Transfer	87KB	800000
				07:31p	Data Transfer	24KB	800000

Plaintiff - 1035



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Data Detail - Continued				Time	Transfer	Transmitt	Data Code
Time	Transfer	Transmitt	Data Code				
Data Plane							
Transfer, 06/08							
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08:08	Data Transfer	8718	80058	0.30			0.00
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11:10	Data Transfer	1818	80058	0.30			0.00
11:11	Data Transfer	1818	80058	0.30			0.

Plaintiff - 1036



KERRY PAUL

Page: 21 of 21
Bill Cycle Date: 04/15/14 - 05/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

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Data Detail - Continued

Time	To/From	Type/Unit	Rate Code	
Picture/Video Messages				
Wednesday, 04/14				
08:30p	800-461-0000	Picture Video MSG	VM MSG	0.00
Subtotal for Picture/Video Messages				0.00
Total Data Detail				0.00

Rate Code:

600000 = Mobile Share 645 with Unlimited Talk & Text
VM MSG = Mobile Share Messaging

Plaintiff - 1037



at&t

KERRY PAUL

Page: 1 of 3
Bill Cycle Date: 09/18/14 - 09/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

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Wireless Statement

Previous Balance	\$159.28
Payment - 08/10 - Thank You!	\$159.28CR
Adjustments	\$0.00
Balance	\$0.00
New Charges	\$159.88
Amount to Be Debited	\$159.88
Your Credit Card will be Debited on or after Jul 10, 2014	

Service	Page	Total
1 Wireless		\$159.88
2 [REDACTED]	1	
3 [REDACTED]	2	
Total New Charges		\$159.88

How to Contact Us:
For questions about your account: 1.800.331-0800
or 611 from your cell phone.
For Data/Plan or Billing TTY: 1.866.244-6567
Visit us online at: www.att.com
For important information about your bill, please
see the News You Can Use section (Page 3).

Your Credit Card will be Debited on or after: Jul 10, 2014

\$159.88



at&t

Account Number [REDACTED]

AT&T MOBILITY
PO Box 852184
Atlanta, GA 30389-7104

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Galaxy S5!

Add lines and
start connecting



Call 855.667.2456 or visit att.com/go/phones. Visit AT&T store.

Group 1 - Data Summary - May 18 thru Jun 17
Mobile Share plan with Unlimited Talk & Text includes 6
megabits of data. Additional monthly charge applies for each
megabyte of data. Additional monthly charge applies for each
day over the plan. Unlimited talk & text on mobile phones.
Unlimited text on wireless email. Mobile Hotspot
with unlimited web browsing and social networking available
with compatible devices. Unlimited domestic data usage on
the AT&T Wi-Fi Hotspot network.

Mobile Share
Plan Used Data
0MB
6,387
4,850

Mobile Share for iPhone includes unlimited anytime
minutes, Nationwide Long Distance & Roaming, unlimited
domestic and international text, picture, and video messages
sent or received from the U.S., Puerto Rico and the U.S.
Virgin Islands. Call Forward Outside Center ID, Call Wait,
Conference Call Transfer, Mobile Share voice and data plan
required.

Wireless Services provided by AT&T Mobility LLC

92600534247275670000000001558600000015788002

Plaintiff - 1038



KERRY PAUL

Page: 2 of 3
Bill Cycle Date: 05/16/14 - 05/17/14
Account:
Foundation AccountVisit us online at www.att.com

International Roaming - Expanded - Includes International roaming outside the U.S. and International long distance from the U.S. at standard, pay-per-use International rates. See rates at www.att.com/global.

Monthly Charges - Jun 15 thru Jul 17

1. Mobile Share for iPhone	35.00
2. International Roaming - Expanded	0.00
Total Monthly Charges	35.00

Other Charges and Credits

Voice Usage Summary	
Mobile Share with Unlimited Talk & Text	Unlimited
Daytime Minutes	
Minutes Used	
Night & Weekend Minutes	135
Minutes Used	135

Data Usage Summary	
Mobile Share Messaging	Unlimited
Used	805

Mobile Share 6GB with Unlimited Talk & Text	
Individual MB Used	603
1 Gigabyte (GB) = 1024MB, 1 Megabyte (MB) = 1024KB	

Surcharges and Other Fees	
6. Administrative Fee	0.61
4. Federal Universal Service Charge	1.66
5. Municipal Business License Surcharge	0.39
6. Regulatory Cost Recovery Charge	0.52
Total Surcharges and Other Fees	3.58

Governments Fees and Taxes	
7. 911 Service Fee	0.62
4. County Sales Tax - Telecom	0.39
0. State Sales Tax - Telecom	2.30
Total Government Fees and Taxes	3.31

Total Other Charges & Credits	6.89
	41.69

Mobile Share for iPhone 6GB with Unlimited Talk & Text. Anytime minutes, International long distance & Roaming. Unlimited domestic and international text, picture and video messages sent or received from the U.S., Puerto Rico and the U.S. Virgin Islands. Call Forward feature, Call ID, Call Wait, Conference Call feature. Mobile Share voice and data plan required.

International Roaming - Expanded - Includes International roaming outside the U.S. and International long distance from the U.S. at standard, pay-per-use International rates. See rates at www.att.com/global.

Monthly Charges - Jun 15 thru Jul 17

1. Mobile Share 6GB with Unlimited Talk & Text	90.00
2. Mobile Share for iPhone on 4G LTE	25.00
3. International Roaming - Expanded	0.00
4. National Account Circuit	13.00
Total Monthly Charges	118.00

Other Charges and Credits

Voice Usage Summary	
Mobile Share with Unlimited Talk & Text	Unlimited
Daytime Minutes	
Minutes Used	
Night & Weekend Minutes	1,816
Minutes Used	247

Data Usage Summary	
Mobile Share Messaging	Unlimited
Used	852

Mobile Share 6GB with Unlimited Talk & Text	
Individual MB Used	6144
1 Gigabyte (GB) = 1024MB, 1 Megabyte (MB) = 1024KB	

Surcharges and Other Fees	
6. Administrative Fee	0.61
4. Federal Universal Service Charge	1.66
5. Municipal Business License Surcharge	0.39
6. Regulatory Cost Recovery Charge	0.52
Total Surcharges and Other Fees	3.58

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P0000412472760754

Plaintiff - 1039



KERRY PAUL

Page: 3 of 3
Bill Cycle Dates: 05/18/14 - 05/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

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User (IRU) bills not paid in full by the payment due date is \$5.

ELECTRONIC CHECK CONVERSION

Paying by check authorizes AT&T to use the information from your check to make a one-time electronic fund transfer from your account. Funds may be withdrawn from your account as soon as the same day your payment is received. If we cannot process the transaction electronically, you authorize AT&T to present an image copy of your check for payment. Your original check will be destroyed once processed. If your check is returned unpaid, you agree to pay such fees as identified in the terms and conditions of your AT&T Service Agreement. Returned checks may be presented electronically. If you want to save time and stamps, sign up for Auto payment at www.att.com/stoppaper using your checking account. It's easy, secure, and convenient!

TAX ID

AT&T Mobility Tax ID # 84-1659870

SURCHARGES AND OTHER FEES

In addition to the monthly cost of the rate plan and any selected features, AT&T imposes the following other charges, on a per line basis: (1) federal and state universal service charges, (2) a Regulatory Cost Recovery Charge of up to \$1.25 to help defray its cost incurred in complying with obligations and charges imposed by state and federal telecom regulations, (3) an Administrative Fee for consumer and individual responsibility User (IRU) lines to help defray certain expenses AT&T incurs, such as interconnection and cell site rents and maintenance, and (4) other government assessments, including without limitation a gross receipts surcharge and a Property Tax Assessment surcharge of \$0.20 - \$0.45 applied per Corporate Responsibility User's assigned number. These fees are not taxes or government required charges. See att.com/additionalcharges.

SINGLE PAYMENT AGREEMENT (FOR KIOSK PAYMENT)

I authorize AT&T to pay my bill by debiting my bank account. If my bank rejects a payment, I may be charged a return fee up to \$30.

AT&T HAIL CENTER FOR CUSTOMERS WITH DISABILITIES
Questions on accessibility by persons with disabilities:
1.866.241.6566.

WRITTEN CORRESPONDENCE

Do not send notes/letters with payment. We cannot guarantee receipt. Send notes/letters to AT&T, PO Box 755, Alhambra, CA 91801-0755.

Other Charges and Credits - Continued

Government Fees and Taxes	8.62
9. 911 Service Fee	0.39
10. County Sales Tax - Telecom	2.30
11. SC State Sales Tax - Telecom	1.97
Total Government Fees and Taxes	8.69
Total Other Charges & Credits	110.19
Total for 800.727.6565	159.89
Total for Wireless accounts	

News You Can Use

MOVING SOON?

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MOBILITY ADMINISTRATIVE FEE

Effective June 22, 2014, the Administrative Fee will be \$0.61 per line per month for Corporate Responsibility User lines. For more information about the Administrative Fee, please visit www.att.com/additionalcharges.

Important Information

LATE PAYMENT FEE

The late payment fee for consumer and individual responsibility

Plaintiff - 1040



Page: 15 of 31
 Bill Cycle Date: 08/18/14 - 08/17/14
 Account: [REDACTED]
 Foundation Account: [REDACTED]

EDG60B = Mobile Share 000 with Unlimited Talk & Text
UNLNU = Mobile Share Messaging

Call Detail

FILE	Phone	Address	State	Feature	Area	Charge	10/1/67
NAME	NO.		Code	Code	MM		Charge
101744	10/14	INDIAN CL	803-340-2457	SDV			
101820	10/18	COLUMB SC	803-787-8874	SDV		0.00	0.07
101847	10/10			SDV		0.00	0.00
101734	10/14	COLUMB SC	803-300-8120	SDV		0.00	0.00
101850	10/18	COLUMB SC	803-828-7288	SDV		0.00	0.00
101860	10/18	COLUMB SC	803-391-9146	SDV		0.00	0.00

Plaintiff - 1041



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[illegible][illegible]

Plaintiff - 1042



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[illegible][illegible]

Plaintiff - 1043



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Call Detail - Continued

[illegible][illegible]

Plaintiff - 1044



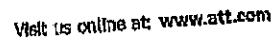
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Time	Place Called	Number Called	Rate Code	Features Code	Attended Min	Attended Charge	Idle Charge
Tuesday, 06/17							
04:19P	COLTON SC	303-883-7145	SDV		2	0.00	0.00
04:27P	BEYRON FL	303-878-5384	SDV		3	0.00	0.00
04:57P	INCHIT CL	803-883-3143	SDV		1	0.00	0.00
08:40P	INCHIT CL	303-487-4381	SDV		4	0.00	0.00
Subtotal					2,063	0.00	0.00

Feature Code: 11
CD = Call Waiting

[illegible]

Plaintiff - 1045

Plaintiff - 1046

KERRY PAUL

Page: 21 of 31
Bill Cycle Date: 05/18/14 - 06/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

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Data Detail - Continued

[illegible][illegible]

Plaintiff - 1047



22 of 31

Bill Cycle Date: 05/18/14 - 06/17/14

Account

Foundation Account

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Data Detail: Continue

[illegible][illegible]

Plaintiff - 1048

[illegible][illegible]

KERRY PAUL

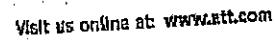


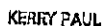
Visit us online at www.att.com

Data Detail - Continued

[illegible]

Plaintiff - 1050

Plaintiff - 1052



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[illegible][illegible]

Plaintiff - 1053



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[illegible]

Plaintiff- 1054



KERRY PAUL

Page: 29 of 31
Bill Cycle Date: 05/18/14-08/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

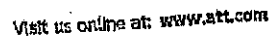
Visit us online at: www.att.com

Data Detail - Continued

Time	Date	Time/Unit	Rate	Cost
Sunday, 08/25				
06:47a	Data Transfer	60K	\$0.00	0.00
07:40a	Data Transfer	1,316K	\$0.00	0.00
07:20a	Data Transfer	6,849K	\$0.00	0.00
08:00a	Data Transfer	21K	\$0.00	0.00
10:00a	Data Transfer	257K	\$0.00	0.00
10:40a	Data Transfer	32K	\$0.00	0.00
11:10a	Data Transfer	13K	\$0.00	0.00
11:19a	Data Transfer	2K	\$0.00	0.00
11:51a	Data Transfer	14K	\$0.00	0.00
11:51a	Data Transfer	24K	\$0.00	0.00
11:53a	Data Transfer	51K	\$0.00	0.00
11:49a	Data Transfer	8,077K	\$0.00	0.00
07:10p	Data Transfer	16K	\$0.00	0.00
08:40p	Data Transfer	30K	\$0.00	0.00
08:10p	Data Transfer	29,043K	\$0.00	0.00
Monday, 08/26				
08:14p	Data Transfer	1,214K	\$0.00	0.00
10:40p	Data Transfer	1,907K	\$0.00	0.00
Tuesday, 08/27				
07:55a	Data Transfer	3,491K	\$0.00	0.00
08:04a	Data Transfer	202K	\$0.00	0.00
08:06a	Data Transfer	267K	\$0.00	0.00
08:11a	Data Transfer	18K	\$0.00	0.00
08:18a	Data Transfer	284K	\$0.00	0.00
08:22a	Data Transfer	18K	\$0.00	0.00
08:24a	Data Transfer	52K	\$0.00	0.00
08:28a	Data Transfer	37K	\$0.00	0.00
08:30a	Data Transfer	180K	\$0.00	0.00
08:40a	Data Transfer	8,147K	\$0.00	0.00
08:40p	Data Transfer	1,305K	\$0.00	0.00
04:14p	Data Transfer	8K	\$0.00	0.00
04:30p	Data Transfer	94K	\$0.00	0.00
04:30p	Data Transfer	1K	\$0.00	0.00
04:40p	Data Transfer	13K	\$0.00	0.00
08:00p	Data Transfer	75K	\$0.00	0.00
08:10p	Data Transfer	8K	\$0.00	0.00
08:10p	Data Transfer	2,610K	\$0.00	0.00
08:14p	Data Transfer	42K	\$0.00	0.00
07:10p	Data Transfer	42K	\$0.00	0.00
08:00p	Data Transfer	10K	\$0.00	0.00
08:00p	Data Transfer	81K	\$0.00	0.00
08:00p	Data Transfer	8K	\$0.00	0.00
10:37p	Data Transfer	28K	\$0.00	0.00
Wednesday, 08/28				
07:01a	Data Transfer	44K	\$0.00	0.00
08:12a	Data Transfer	8K	\$0.00	0.00
08:40a	Data Transfer	122K	\$0.00	0.00
09:00a	Data Transfer	7K	\$0.00	0.00
09:05a	Data Transfer	72K	\$0.00	0.00

Time	Date	Time/Unit	Rate	Cost
Wednesday, 08/28				
11:10a	Data Transfer	130K	\$0.00	0.00
01:10p	Data Transfer	7K	\$0.00	0.00
01:17p	Data Transfer	1,106K	\$0.00	0.00
08:17p	Data Transfer	1,140K	\$0.00	0.00
08:17p	Data Transfer	11,863K	\$0.00	0.00
08:17p	Data Transfer	140K	\$0.00	0.00
Thursday, 08/29				
08:10a	Data Transfer	119K	\$0.00	0.00
10:30a	Data Transfer	29,346K	\$0.00	0.00
08:12p	Data Transfer	2,200K	\$0.00	0.00
Friday, 08/30				
07:11a	Data Transfer	387K	\$0.00	0.00
12:11p	Data Transfer	347K	\$0.00	0.00
04:20p	Data Transfer	368K	\$0.00	0.00
08:11p	Data Transfer	4,182K	\$0.00	0.00
Saturday, 08/31				
08:11a	Data Transfer	4,110K	\$0.00	0.00
04:40p	Data Transfer	34K	\$0.00	0.00
08:20p	Data Transfer	22K	\$0.00	0.00
08:10p	Data Transfer	6K	\$0.00	0.00
08:01p	Data Transfer	4,171K	\$0.00	0.00
08:00p	Data Transfer	37K	\$0.00	0.00
08:11p	Data Transfer	2,607K	\$0.00	0.00
11:11p	Data Transfer	0,344K	\$0.00	0.00
Sunday, 09/01				
08:00a	Data Transfer	83K	\$0.00	0.00
10:00a	Data Transfer	8,163K	\$0.00	0.00
02:00p	Data Transfer	3,000K	\$0.00	0.00
Monday, 09/02				
08:00p	Data Transfer	732K	\$0.00	0.00
08:00p	Data Transfer	253K	\$0.00	0.00
Tuesday, 09/03				
07:43a	Data Transfer	8,000K	\$0.00	0.00
12:40p	Data Transfer	257K	\$0.00	0.00
01:25p	Data Transfer	2,227K	\$0.00	0.00
03:43p	Data Transfer	947K	\$0.00	0.00
Wednesday, 09/04				
08:37a	Data Transfer	15,408K	\$0.00	0.00
12:37p	Data Transfer	8,140K	\$0.00	0.00
02:00p	Data Transfer	174K	\$0.00	0.00
03:37p	Data Transfer	327K	\$0.00	0.00
Thursday, 09/05				
03:11a	Data Transfer	4,185K	\$0.00	0.00
01:42p	Data Transfer	1,111K	\$0.00	0.00
08:12p	Data Transfer	1,205K	\$0.00	0.00
08:15p	Data Transfer	407K	\$0.00	0.00
Friday, 09/06				
12:00a	Data Transfer	540K	\$0.00	0.00
04:00a	Data Transfer	14K	\$0.00	0.00
08:00a	Data Transfer	257K	\$0.00	0.00
09:27a	Data Transfer	110K	\$0.00	0.00
10:01a	Data Transfer	17K	\$0.00	0.00
11:01a	Data Transfer	10K	\$0.00	0.00

Plaintiff - 1055

Plaintiff - 1056



KERRY PAUL

Page: 31 of 31
Bill Cycle Dates: 05/18/14 - 05/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

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Data Detail - Continued

Time	To/From	Data/Min	Rate/Sec
Wednesday, 05/14			
01:41p	Data Transfer	18K	\$0.00
02:01p	Data Transfer	28K	\$0.00
03:13p	Data Transfer	1,462K	\$0.00
04:14p	Data Transfer	2,380K	\$0.00
05:20p	Data Transfer	77K	\$0.00
Thursday, 05/15			
03:14a	Data Transfer	10,550K	\$0.00
08:40a	Data Transfer	2,470K	\$0.00
08:00p	Data Transfer	2,200K	\$0.00
10:47p	Data Transfer	1,610K	\$0.00
Friday, 05/16			
05:10a	Data Transfer	120K	\$0.00
11:04a	Data Transfer	1,640K	\$0.00
11:20a	Data Transfer	11K	\$0.00
11:40a	Data Transfer	21K	\$0.00
02:20p	Data Transfer	42K	\$0.00
03:18p	Data Transfer	18K	\$0.00
04:01p	Data Transfer	41K	\$0.00
04:21p	Data Transfer	18K	\$0.00
05:00p	Data Transfer	20K	\$0.00
05:07p	Data Transfer	18K	\$0.00
06:08p	Data Transfer	10K	\$0.00
07:04p	Data Transfer	1,270K	\$0.00
07:04p	Data Transfer	10,200K	\$0.00
11:00p	Data Transfer	1,020K	\$0.00
11:01p	Data Transfer	22K	\$0.00
11:20p	Data Transfer	161K	\$0.00
11:04p	Data Transfer	102K	\$0.00
Saturday, 05/17			
12:08a	Data Transfer	2,000K	\$0.00
05:25a	Data Transfer	1,202K	\$0.00
10:25a	Data Transfer	70K	\$0.00
10:33a	Data Transfer	8,600K	\$0.00
03:12p	Data Transfer	28K	\$0.00
03:33p	Data Transfer	1,327K	\$0.00
05:02p	Data Transfer	2,000K	\$0.00
05:06p	Data Transfer	18K	\$0.00
07:10p	Data Transfer	3,102K	\$0.00
08:30p	Data Transfer	10,582K	\$0.00
Monday, 05/19			
02:02p	Data Transfer	179K	\$0.00
Subtotal for Data Plans:		8,447,673K	\$0.00
Subtotal for EB's:		8,447,673K	\$0.00
Picture/Video Messages			
Tuesday, 05/20			
Saturday, 05/24			
02:04p	Text	003-312-2304	Picture Video MSG UNLMSG 0.00

Time	To/From	Text/Min	Rate/Sec
Picture/Video Messages			
Saturday, 05/24			
02:04p	Text	003-312-2304	Picture Video MSG UNLMSG 0.00
Thursday, 05/14			
10:03a	Text	003-312-2304	Picture Video MSG UNLMSG 0.00
Friday, 05/15			
09:12p	Text	303-238-1200	Picture Video MSG UNLMSG 0.00
Saturday, 05/16			
09:40a	Text	303-491-0740	Picture Video MSG UNLMSG 0.00
Sunday, 05/17			
02:16p	Text	003-312-2304	Picture Video MSG UNLMSG 0.00
02:16p	Text	003-312-2304	Picture Video MSG UNLMSG 0.00
03:49p	Text	003-312-2304	Picture Video MSG UNLMSG 0.00
03:50p	Text	003-312-2304	Picture Video MSG UNLMSG 0.00
Tuesday, 05/17			
10:22a	Text	003-400-0740	Picture Video MSG UNLMSG 0.00
Subtotal for Picture/Video Messages:		11	\$0.00
Total Data Detail:			\$0.00

Rate Code:
S00000 = Mobile More 600 with Unlimited Talk & Text
UNLMSG = Mobile More Messaging

Plaintiff - 1057



KEERY PAUL

Page: 1 of 8
 Bill Cycle Date: 06/10/14 - 07/17/14
 Account: [REDACTED]
 Postpaid Account

Visit us online at: www.att.com

Wireless Statement

Previous Balance	\$169.88
Payment - 07/10 - Thank You!	\$169.88
Adjustments	\$0.00
Balance	\$0.00
New Charges	\$169.72
Amount to be Debited	\$169.72

Your Credit Card will be debited on or after: Aug 10, 2014

Service	Page 1 of 1
Wireless	\$169.72
Unlimited Talk	\$169.72
Unlimited Text	\$169.72
Unlimited Data	\$169.72
Total New Charges	\$169.72

How to Contact Us:
 For questions about your account: 1 800 954-0500
 or 611 from your cell phone
 For Deaf/Hard of Hearing TTY: 1 800 241-6507
 Visit us online at att.com

For important information about your bill, please
 see the News You Can Use section (Page 2)

Your Credit Card will be Debited on or after: Aug 10, 2014

\$169.72



Account Number: [REDACTED]

ATTN: MOBILITY
 PO BOX 10000
 Mankato, MN 56001-1000

Add a line. Get a lot.

160 min
 Unlimited Talk
 Unlimited Text
 10GB of Data

Get it now! Visit att.com/160min. Visit an AT&T store.
 When you add a line to your existing service, you'll get 160 minutes of talk, unlimited text, and 10GB of data. That's a lot of ways to stay connected. And it's all yours for just \$169.72 a month. Add a line today!

Group 1 - Data Summer: Jan 18 thru Jul 17

Mobile Share Plan: Unlimited Talk & Text - includes a
 selection of domestic data. \$169.72. Add additional lines
 for \$10.00 each. Unlimited Text & Text on Mobile Phones
 on the plan. Unlimited Talk & Text on Mobile Phones
 Unlimited Talk on Wireless Mobile Phones. Mobile Internet
 including video content and video downloading available
 with compatible device. Unlimited domestic data usage on
 the AT&T Wi-Fi network.

Mobile Share
 This Month Only
 \$169.72
 \$10.00
 \$179.72

Mobile Share Plan: Unlimited Talk & Text - includes a
 selection of domestic data. \$169.72. Add additional lines
 for \$10.00 each. Unlimited Text & Text on Mobile Phones
 on the plan. Unlimited Talk & Text on Mobile Phones
 Unlimited Talk on Wireless Mobile Phones. Mobile Internet
 including video content and video downloading available
 with compatible device. Unlimited domestic data usage on
 the AT&T Wi-Fi network.

92600534124727547000000000159720000015972004

Plaintiff - 1058



KERRY PAUL

Page: 2 of 3
Bill Cycle Date: 06/18/14 - 07/17/14
Account: [REDACTED]
Port-in Account: [REDACTED]

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International Roaming - Expanded - Includes international roaming outside the U.S. and international long distance from the U.S. at standard pay-per-use international rates. See rates at www.att.com/global.

Monthly Charges - Jul 18 thru Aug 17

1. Mobile Share for iPhone	35.00
2. International Roaming - Expanded	0.00
Total Monthly Charges	35.00

Other Charges and Credits**Voice Usage Summary**

Mobile Share with Unlimited Talk & Text Unlimited

Daytime Minutes

Minutes Used 290

Night & Weekend Minutes

Minutes Used 103

Data Usage Summary

Mobile Share Messaging

Used Unlimited

964

Mobile Share 6GB with Unlimited Talk & Text

Individual MB Used 382

1 Gigabyte (GB) = 1024MB, 1 Megabyte (MB) = 1024KB

Surcharges and Other Fees

5. Administrative Fee 0.61

6. Federal Universal Service Charge 1.72

7. Municipal Business License Surcharge 0.39

8. Regulatory Cost Recovery Charge 0.62

Total Surcharges and Other Fees 3.34

Government Fees and Taxes

7. 911 Service Fee 0.52

8. County Sales Tax - Telecom 0.39

9. SC State Sales Tax - Telecom 2.29

Total Government Fees and Taxes 3.20

Total Other Charges & Credits 6.61**Total for this bill** 41.61

Mobile Share for iPhone on 4G LTE - Includes Unlimited Anytime Minutes, Nationwide Long Distance & Roaming, Unlimited domestic and international text, picture, and video messages sent or received from the U.S., Puerto Rico and the U.S. Virgin Islands, Call Forward feature, Caller ID, Call Wait, Conference Call feature, Mobile Share voice and data plan required.

International Roaming - Expanded - Includes international roaming outside the U.S. and international long distance from the U.S. at standard pay-per-use international rates. See rates at www.att.com/global.

Monthly Charges - Jul 18 thru Aug 17

1. Mobile Share 6GB with Unlimited Talk & Text	90.00
2. Mobile Share for iPhone on 4G LTE	35.00
3. International Roaming - Expanded	0.00
4. National Account Discount	15.50CR
Total Monthly Charges	111.50

Other Charges and Credits**Voice Usage Summary**

Mobile Share with Unlimited Talk & Text Unlimited

Daytime Minutes

Minutes Used 1,599

Night & Weekend Minutes

Minutes Used 210

Data Usage Summary

Mobile Share Messaging

Used Unlimited

937

Mobile Share 6GB with Unlimited Talk & Text

Included in Plan MB 6,144

Excluded MB Used 2,701

Excess in Group MB Used 363

1 Gigabyte (GB) = 1024MB, 1 Megabyte (MB) = 1024KB

Surcharges and Other Fees

5. Administrative Fee 0.61

6. Federal Universal Service Charge 1.72

7. Municipal Business License Surcharge 0.39

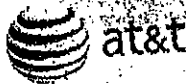
8. Regulatory Cost Recovery Charge 0.62

Total Surcharges and Other Fees 3.34

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1230WANG

Plaintiff- 1059



KERRY PAUL

Page: 3 of 3
Bill Cycle Dates: 06/18/14 - 07/17/14

Account:
Foundation Account:

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Other Charges and Credits - Continued

Government Fees and Taxes	0.82
9. 911 Service Fee	0.39
10. County Sales Tax - Telecom	2.29
11. SC State Sales Tax - Telecom	0.30
Total Government Fees and Taxes	6.81
Total Other Charges & Credits	118.11
Total for [REDACTED]	159.72
Total for Wireless accounts	

Now You Can Use

MOVING SOON?

AT&T can help. Call us to move your existing AT&T services or to order new AT&T home phone, high speed internet and Digital TV services. 800-MOVE-ATT (800-688-3263) or visit www.att.com/move

OUR BEST-EVER PRICING. ADD A LINE TODAY.

Get four lines for \$180/month with Unlimited Talk & Text, plus 10 GB shared data - AT&T Mobile Share@V (value plans). Call 800-449-1872 or visit www.att.com/addalines

MOBILITY ADMINISTRATIVE FEE

Effective July 13, 2014, the Administrative Fee will be \$0.01 per line per month for Corporate Responsibility User Lines. For more information about the Administrative Fee please visit www.att.com/additionalcharges

Important Information

LATE PAYMENT FEE

The late payment fee for consumer and individual Responsibility User (IRU) bills not paid in full by the payment due date is \$5.

ELECTRONIC CHECK CONVERSION

Paying by check authorizes AT&T to use the information from your check to make a one-time electronic fund transfer from your account. Funds may be withdrawn from your account as soon as the same day your payment is received. If we cannot

process the transaction electronically, you authorize AT&T to present an image copy of your check for payment. Your original check will be destroyed once processed. If your check is returned unpaid you agree to pay such fees as identified in the terms and conditions of your AT&T Service Agreement. Returned checks may be presented electronically. If you want to save time and stress, sign up for auto payment at www.att.com/stoppaper using your checking account. It's easy, secure, and convenient.

TAX ID

AT&T Mobility Tax ID # 84-1899870

SURCHARGES AND OTHER FEES

In addition to the monthly cost of the rate plan and any selected features, AT&T imposes the following other charges, on a per line basis: (1) federal and state universal service charges; (2) a regulatory cost recovery charge of up to \$1.25 to help defray its cost incurred in complying with obligations and charges imposed by state and federal telecom regulations; (3) an Administrative Fee to help defray certain expenses AT&T incurs, such as interconnection and call site rents and maintenance; and (4) other government assessments, including without limitation a gross receipts surcharge and a Property Tax Allocation surcharge of \$0.20 + \$0.45 applied per Corporate Responsibility User's assigned number. These fees are not taxes or government required charges. See www.att.com/additionalcharges

SINGLE PAYMENT AGREEMENT (FOR MOBILE PAYMENT)

I authorize AT&T to pay my bill by debiting my bank account. If my bank rejects a payment, I may be charged a return fee up to \$30.

AT&T NATL. CENTER FOR CUSTOMERS WITH DISABILITIES

Questions on accessibility by persons with disabilities: 1-866-247-6800

WRITTEN CORRESPONDENCE

Do not send notes/letters with payment. We cannot guarantee receipt. Send notes/letters to AT&T, PO Box 785, Alhambra, CA 95301-0785.

Plaintiff - 1060

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[illegible]

Plaintiff - 1062



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Time	Place Called	Number Called	Rate	Feature	Rate	Airtime Charge	15/60 Charge
04:20	047-60-1100	047-60-1100	SDNY		1	0.00	0.00
04:20	047-60-1100	047-60-1100	SDNY		1	0.00	0.00
04:20	047-60-1100	047-60-1100	SDNY		20	0.00	0.00
04:20	047-60-1100	047-60-1100	SDNY		1	0.00	0.00
04:20	047-60-1100	047-60-1100	SDNY		1	0.00	0.00

[illegible][illegible]

Plaintiff - 1063



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Time	Plaza	Relief	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
01:15	BLOOMING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
01:30	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
01:45	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
02:15	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
02:30	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
02:45	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
03:15	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
03:30	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
03:45	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
04:15	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
04:30	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
04:45	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
05:15	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
05:30	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
05:45	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
06:15	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
06:30	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
06:45	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
07:15	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
07:30	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
07:45	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
08:15	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
08:30	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
08:45	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
09:15	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
09:30	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
09:45	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
10:15	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
10:30	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
10:45	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
11:15	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
11:30	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
11:45	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
12:15	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
12:30	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
12:45	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
13:15	IRVING	CL	304-826-7511	SDNY	2	1.00	1.00	1.00	1.00
13:30	IRVING	CL	304-826-75						

Rate total
\$100 = 100% share with Unlimited Talk & Text

Feature Code:
GX = Call Waiting

Data Detail		Type/Unit	Rate/Cost
Time	In/From	Type/Unit	Rate/Cost
Text Message			
Wednesday, 06/11			
11:12a	986-283-4422	Text Message	0.00
11:12a	986-283-4422	Text Message	0.00
11:12a	986-283-4422	Text Message	0.00
11:16a	986-283-4422	Text Message	0.00
10:16p	986-283-8767	Text Message	0.00

[illegible]

Plaintiff - 1065

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[illegible][illegible]

Plaintiff - 1066

Plaintiff - 1067



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[illegible]

Plaintiff - 1068

[illegible]



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[illegible]

Plaintiff - 1070



KERRY PAUL

Page: 21 of 24
Bill Cycle Date: 08/19/14 - 07/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

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Data Detail - Continued

Time	Data Plan	Time/Rate	Trans/Unit	Rate Code
Friday, 08/22				
00:00a	Data Transfer	2,397KB	\$0.0000	0.00
00:05a	Data Transfer	210KB	\$0.0000	0.00
00:10a	Data Transfer	60KB	\$0.0000	0.00
00:15a	Data Transfer	1,012KB	\$0.0000	0.00
00:20a	Data Transfer	30KB	\$0.0000	0.00
00:25a	Data Transfer	140KB	\$0.0000	0.00
00:30a	Data Transfer	2,440KB	\$0.0000	0.00
00:35a	Data Transfer	197KB	\$0.0000	0.00
00:40a	Data Transfer	4,711KB	\$0.0000	0.00
00:45a	Data Transfer	2,040KB	\$0.0000	0.00
00:50a	Data Transfer	10,301KB	\$0.0000	0.00
00:55a	Data Transfer	547KB	\$0.0000	0.00
01:00a	Data Transfer	601KB	\$0.0000	0.00
01:05a	Data Transfer	1,613KB	\$0.0000	0.00
01:10a	Data Transfer	4,420KB	\$0.0000	0.00
01:15a	Data Transfer	430KB	\$0.0000	0.00
01:20a	Data Transfer	518KB	\$0.0000	0.00
01:25a	Data Transfer	1,032KB	\$0.0000	0.00
01:30a	Data Transfer	39KB	\$0.0000	0.00
01:35a	Data Transfer	73KB	\$0.0000	0.00
01:40a	Data Transfer	2,471KB	\$0.0000	0.00
Saturday, 08/23				
01:45a	Data Transfer	150KB	\$0.0000	0.00
01:50a	Data Transfer	5,061KB	\$0.0000	0.00
01:55a	Data Transfer	5,130KB	\$0.0000	0.00
02:00a	Data Transfer	4,052KB	\$0.0000	0.00
02:05a	Data Transfer	16,522KB	\$0.0000	0.00
02:10a	Data Transfer	500KB	\$0.0000	0.00
02:15a	Data Transfer	32,227KB	\$0.0000	0.00
02:20a	Data Transfer	822KB	\$0.0000	0.00
02:25a	Data Transfer	2,301KB	\$0.0000	0.00
02:30a	Data Transfer	11,620KB	\$0.0000	0.00
02:35a	Data Transfer	23,100KB	\$0.0000	0.00
02:40a	Data Transfer	9,840KB	\$0.0000	0.00
02:45a	Data Transfer	12,778KB	\$0.0000	0.00
02:50a	Data Transfer	140KB	\$0.0000	0.00
02:55a	Data Transfer	28,075KB	\$0.0000	0.00
03:00a	Data Transfer	3,802KB	\$0.0000	0.00
03:05a	Data Transfer	2,061KB	\$0.0000	0.00
03:10a	Data Transfer	35KB	\$0.0000	0.00
03:15a	Data Transfer	1,731KB	\$0.0000	0.00
03:20a	Data Transfer	11,721KB	\$0.0000	0.00
03:25a	Data Transfer	7,855KB	\$0.0000	0.00
03:30a	Data Transfer	2,780KB	\$0.0000	0.00
03:35a	Data Transfer	2,120KB	\$0.0000	0.00
03:40a	Data Transfer	9,305KB	\$0.0000	0.00
03:45a	Data Transfer	1,784KB	\$0.0000	0.00
03:50a	Data Transfer	50KB	\$0.0000	0.00
03:55a	Data Transfer	14,294KB	\$0.0000	0.00

Time	Data Plan	Time/Rate	Trans/Unit	Rate Code
Saturday, 08/23				
03:55p	Data Transfer	17,251KB	\$0.0000	0.00
04:00p	Data Transfer	21,165KB	\$0.0000	0.00
04:05p	Data Transfer	1,288KB	\$0.0000	0.00
04:10p	Data Transfer	22,273KB	\$0.0000	0.00
04:15p	Data Transfer	11,368KB	\$0.0000	0.00
04:20p	Data Transfer	17,870KB	\$0.0000	0.00
04:25p	Data Transfer	3,714KB	\$0.0000	0.00
04:30p	Data Transfer	289KB	\$0.0000	0.00
04:35p	Data Transfer	2,114KB	\$0.0000	0.00
04:40p	Data Transfer	884KB	\$0.0000	0.00
04:45p	Data Transfer	16,178KB	\$0.0000	0.00
04:50p	Data Transfer	9,678KB	\$0.0000	0.00
04:55p	Data Transfer	3,020KB	\$0.0000	0.00
05:00p	Data Transfer	3,125KB	\$0.0000	0.00
05:05p	Data Transfer	2,664KB	\$0.0000	0.00
05:10p	Data Transfer	10,283KB	\$0.0000	0.00
05:15p	Data Transfer	203KB	\$0.0000	0.00
05:20p	Data Transfer	3,418KB	\$0.0000	0.00
05:25p	Data Transfer	3,342KB	\$0.0000	0.00
05:30p	Data Transfer	191KB	\$0.0000	0.00
05:35p	Data Transfer	844KB	\$0.0000	0.00
Sunday, 08/24				
05:40p	Data Transfer	16KB	\$0.0000	0.00
05:45p	Data Transfer	6,841KB	\$0.0000	0.00
05:50p	Data Transfer	29,372KB	\$0.0000	0.00
05:55p	Data Transfer	21,880KB	\$0.0000	0.00
Monday, 08/25				
06:00a	Data Transfer	35,067KB	\$0.0000	0.00
06:05a	Data Transfer	19,474KB	\$0.0000	0.00
06:10a	Data Transfer	7,282KB	\$0.0000	0.00
06:15a	Data Transfer	7,304KB	\$0.0000	0.00
06:20a	Data Transfer	21KB	\$0.0000	0.00
06:25a	Data Transfer	670KB	\$0.0000	0.00
06:30a	Data Transfer	29KB	\$0.0000	0.00
06:35a	Data Transfer	119KB	\$0.0000	0.00
06:40a	Data Transfer	15,078KB	\$0.0000	0.00
06:45a	Data Transfer	25,140KB	\$0.0000	0.00
06:50a	Data Transfer	21,468KB	\$0.0000	0.00
06:55a	Data Transfer	40,430KB	\$0.0000	0.00
07:00a	Data Transfer	32,348KB	\$0.0000	0.00
07:05a	Data Transfer	29,242KB	\$0.0000	0.00
Tuesday, 08/26				
07:10a	Data Transfer	35,167KB	\$0.0000	0.00
07:15a	Data Transfer	23,641KB	\$0.0000	0.00
07:20a	Data Transfer	2,578KB	\$0.0000	0.00
07:25a	Data Transfer	228KB	\$0.0000	0.00
07:30a	Data Transfer	26,008KB	\$0.0000	0.00
07:35a	Data Transfer	25,840KB	\$0.0000	0.00
07:40a	Data Transfer	26,374KB	\$0.0000	0.00
Wednesday, 08/27				
07:45a	Data Transfer	16,485KB	\$0.0000	0.00
07:50a	Data Transfer	3,951KB	\$0.0000	0.00
Thursday, 08/28				
07:55a	Data Transfer	939KB	\$0.0000	0.00

Plaintiff - 1071



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Data Detail - Continued		Data Code		Data Code	
Date	Time	Date	Time	Date	Time
Thursday, 07/10	12:10	07/10	12:10	07/10	12:10
01:10	01:10	07/10	01:10	07/10	01:10
02:10	02:10	07/10	02:10	07/10	02:10
03:10	03:10	07/10	03:10	07/10	03:10
04:10	04:10	07/10	04:10	07/10	04:10
05:10	05:10	07/10	05:10	07/10	05:10
06:10	06:10	07/10	06:10	07/10	06:10
07:10	07:10	07/10	07:10	07/10	07:10
08:10	08:10	07/10	08:10	07/10	08:10
09:10	09:10	07/10	09:10	07/10	09:10
10:10	10:10	07/10	10:10	07/10	10:10
11:10	11:10	07/10	11:10	07/10	11:10
12:10	12:10	07/10	12:10	07/10	12:10
Friday, 07/10	12:10	07/10	12:10	07/10	12:10
01:10	01:10	07/10	01:10	07/10	01:10
02:10	02:10	07/10	02:10	07/10	02:10
03:10	03:10	07/10	03:10	07/10	03:10
04:10	04:10	07/10	04:10	07/10	04:10
05:10	05:10	07/10	05:10	07/10	05:10
06:10	06:10	07/10	06:10	07/10	06:10
07:10	07:10	07/10	07:10	07/10	07:10
08:10	08:10	07/10	08:10	07/10	08:10
09:10	09:10	07/10	09:10	07/10	09:10
10:10	10:10	07/10	10:10	07/10	10:10
11:10	11:10	07/10	11:10	07/10	11:10
12:10	12:10	07/10	12:10	07/10	12:10
Saturday, 07/10	12:10	07/10	12:10	07/10	12:10
01:10	01:10	07/10	01:10	07/10	01:10
02:10	02:10	07/10	02:10	07/10	02:10
03:10	03:10	07/10	03:10	07/10	03:10
04:10	04:10	07/10	04:10	07/10	04:10
05:10	05:10	07/10	05:10	07/10	05:10
06:10	06:10	07/10	06:10	07/10	06:10
07:10	07:10	07/10	07:10	07/10	07:10
08:10	08:10	07/10	08:10	07/10	08:10
09:10	09:10	07/10	09:10	07/10	09:10
10:10	10:10	07/10	10:10	07/10	10:10
11:10	11:10	07/10	11:10	07/10	11:10
12:10	12:10	07/10	12:10	07/10	12:10
Sunday, 07/10	12:10	07/10	12:10	07/10	12:10
01:10	01:10	07/10	01:10	07/10	01:10
02:10	02:10	07/10	02:10	07/10	02:10
03:10	03:10	07/10	03:10	07/10	03:10
04:10	04:10	07/10	04:10	07/10	04:10
05:10	05:10	07/10	05:10	07/10	05:10
06:10	06:10	07/10	06:10	07/10	06:10
07:10	07:10	07/10	07:10	07/10	07:10
08:10	08:10	07/10	08:10	07/10	08:10
09:10	09:10	07/10	09:10	07/10	09:10
10:10	10:10	07/10	10:10	07/10	10:10
11:10	11:10	07/10	11:10	07/10	11:10
12:10	12:10	07/10	12:10	07/10	12:10

Plaintiff - 1072



KERRY PAUL

Page: 23 of 24
Bill Cycle Date: 06/16/14-07/17/14
Account: [REDACTED]
Foundation Account: [REDACTED]

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Data Detail - Continued

Time	To/From	Type/Unit	Data Code
Data Plans			
Sunday, 07/13			
00:41p	Data Transfer	12,408KB	SDG003 0.00
Monday, 07/14			
10:51a	Data Transfer	1,240KB	SDG000 0.00
10:58a	Data Transfer	28KB	SDG000 0.00
11:20a	Data Transfer	14,068KB	SDG003 0.00
11:49a	Data Transfer	24KB	SDG000 0.00
11:51a	Data Transfer	68KB	SDG000 0.00
12:04p	Data Transfer	1,580KB	SDG000 0.00
12:51p	Data Transfer	7,222KB	SDG000 0.00
01:10p	Data Transfer	47KB	SDG000 0.00
01:31p	Data Transfer	2,753KB	SDG000 0.00
02:31p	Data Transfer	87KB	SDG000 0.00
03:23a	Data Transfer	9KB	SDG000 0.00
03:42a	Data Transfer	1,304KB	SDG000 0.00
03:34p	Data Transfer	16KB	SDG000 0.00
03:24p	Data Transfer	44KB	SDG000 0.00
03:24p	Data Transfer	120KB	SDG000 0.00
11:24p	Data Transfer	190KB	SDG000 0.00
Tuesday, 07/15			
08:42a	Data Transfer	66KB	SDG000 0.00
10:42a	Data Transfer	10KB	SDG000 0.00
11:04a	Data Transfer	10KB	SDG000 0.00
11:07a	Data Transfer	51KB	SDG000 0.00
11:40a	Data Transfer	7KB	SDG000 0.00
12:21p	Data Transfer	23KB	SDG000 0.00
12:49p	Data Transfer	9KB	SDG000 0.00
12:53p	Data Transfer	7KB	SDG000 0.00
01:09p	Data Transfer	18KB	SDG000 0.00
01:41p	Data Transfer	80KB	SDG000 0.00
03:42p	Data Transfer	980KB	SDG000 0.00
04:51p	Data Transfer	2,000KB	SDG000 0.00
04:56p	Data Transfer	22KB	SDG000 0.00
05:25p	Data Transfer	202KB	SDG000 0.00
04:18p	Data Transfer	48KB	SDG000 0.00
Wednesday, 07/16			
07:00a	Data Transfer	1,220KB	SDG003 0.00
03:38a	Data Transfer	16,068KB	SDG003 0.00
03:40p	Data Transfer	22,844KB	SDG003 0.00
Thursday, 07/17			
00:20p	Data Transfer	804KB	SDG000 0.00
00:21p	Data Transfer	7KB	SDG000 0.00
Subtotal for Data Plans:		2,847,870KB	0.00
Subtotal for Data Plans:		2,847,870KB	0.00

Time	To/From	Type/Unit	Data Code
Picture/Video Messages			
Thursday, 06/11			
11:50p	Sent	800-653-4422	Pict Video MSG UNLMSG 0.00
Monday, 06/21			
01:40p	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
01:47p	Sent	388-451-8843	Pict Video MSG UNLMSG 0.00
01:57p	Sent	388-451-8843	Pict Video MSG UNLMSG 0.00
01:58p	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
01:57p	Sent	388-451-8843	Pict Video MSG UNLMSG 0.00
02:02p	Sent	388-451-8843	Pict Video MSG UNLMSG 0.00
02:03p	Sent	388-451-8843	Pict Video MSG UNLMSG 0.00
02:04p	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
03:40p	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
Saturday, 06/28			
10:44a	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
Sunday, 06/30			
02:20p	Sent	388-609-1087	Pict Video MSG UNLMSG 0.00
Wednesday, 07/02			
08:03a	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
Thursday, 07/03			
08:02a	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
Friday, 07/04			
08:47p	Sent	388-451-8843	Pict Video MSG UNLMSG 0.00
08:47p	Sent	388-451-8843	Pict Video MSG UNLMSG 0.00
Saturday, 07/05			
08:40p	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
Tuesday, 07/08			
01:30p	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
01:29p	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
01:30p	Sent	388-451-8843	Pict Video MSG UNLMSG 0.00
01:30p	Sent	388-451-8843	Pict Video MSG UNLMSG 0.00
01:30p	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
Thursday, 07/10			
01:46a	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
10:24a	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
10:25a	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
10:28a	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
10:46a	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
11:23a	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
03:05p	Sent	388-451-8843	Pict Video MSG UNLMSG 0.00
Friday, 07/11			
10:03a	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
10:12a	Sent	388-451-8843	Pict Video MSG UNLMSG 0.00
02:00p	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
03:40p	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
04:00p	Sent	388-451-8843	Pict Video MSG UNLMSG 0.00
Saturday, 07/12			
03:53a	Recv	388-451-8843	Pict Video MSG UNLMSG 0.00
Wednesday, 07/16			
08:20p	Recv	800-653-4422	Pict Video MSG UNLMSG 0.00
08:40p	Recv	800-653-4422	Pict Video MSG UNLMSG 0.00
Subtotal for Picture/Video Messages:		30	0.00
Total Data Detail:			0.00

Plaintiff - 1073

RICHARDSON
PLOWDEN
ATTORNEYS AT LAW

COLUMBIA P.O. Drawer 7788 • Columbia, SC 29202
1900 Bathwell St., Columbia, SC 29201 P 803.771.4400 F 803.779.0018

MYRTLE BEACH P.O. Box 3646 • Myrtle Beach, SC 29576
2103 Farlow St., Myrtle Beach, SC 29577 P 843.440.1008 F 843.448.1933

CHARLESTON 40 Calhoun St., Suite 220 • Charleston, SC 29401
P 843.805.6530 F 843.805.6599

www.richardsonplowden.com

REPLY TO COLUMBIA
E-mail address for Eugene H. Matthews
ematt@richardsonplowden.com

Certified Specialist in Employment & Labor Law
by the Supreme Court of South Carolina

Licensed in South Carolina and North Carolina

August 21, 2014

VIA E-MAIL -- nbloodgood@fosterfoster.com

Nancy Bloodgood, Esquire
Foster Law Firm, LLC
895 Island Park Drive, Ste. 202
Charleston, SC 29492

RE: *Kerry Paul v. Cheryl Stanton, in her individual capacity, and the South Carolina
Department of Employment and Workforce*
C/A No.: 2014-CP-40-00271
Our File No.: 181-728

Dear Nancy:

On Monday, August 18, 2014, I received your client's disclosures of her cell phone records. During my review of them, I also noted that a significant number of the calls referenced in these records have been redacted.

According to your letter, you redacted the information because you "understand from [me] that the only significance of the cell phone records to this litigation is regarding the defamation claim, and [I] assert the cell phone records are relevant to the issue of whether or not [your] client 'self-published' the defamatory comments made about her." Based on that assumption, "[you] have redacted the calls between the Defendants (DBW and/or Ms. Stanton) to my client."

Respectfully, I cannot understand why you have redacted this information.

- I certainly have not restricted my belief that your client's cell phone records are relevant only because your client may have self-published information she believes is otherwise defamatory, although that certainly may be one reason among many. Even if it were the only reason, it still would not be grounds to redact the information. The Defendants are entitled to the information even if it is restricted to show that Plaintiff self-published the defamatory remarks, as well as the specific persons to whom she published the defamatory content.

Nancy Bloodgood, Esquire
August 21, 2014
Page 2

- Moreover, as I stated at the hearing before Judge Hood, I believe the records are relevant because they assist our own investigation into your client's wide-ranging and, in our view, inflammatory and false allegations. Redacting this information needlessly and baselessly prevents the Defendants from conducting that investigation.
- Furthermore, Interrogatory No. 45 specifically requests that you and your client "list any communications with any SCDEW employee since December 18, 2013 by (1) name of the person contacted, (2) the time and date of the communication, (3) the method or device used to make or respond to the communication, and (4) the substance of the communication." If your client has not answered that interrogatory fully, she must supplement it. The fact that she has access to the information that has been redacted indicates that she has failed — yet again — to respond fully to our discovery requests. For that reason alone, and in addition to the reasons stated above, the redactions of these records appear particularly unsupportable.

Naturally, I would like you to reconsider the position you have taken on this matter and produce the documents without redactions. If you and your client will not do so, I believe we must alert the Court to this issue, and have the issue addressed along with the other discovery disputes currently before the Court.

Please contact me if your client is agreeable to producing these documents without redactions.

With kind personal regards, I am

Sincerely,

RICHARDSON PLOWDEN & ROBINSON, P.A.


Eugene H. Matthews

BHM/jlm

cc: Christi P. Cox, Esquire

9

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Kerry Paul,

Plaintiff,

v.

Cheryl Stanton, in her individual capacity
and the South Carolina Department of
Employment and Workforce,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

C/A No.: 2014-CP-40-00271

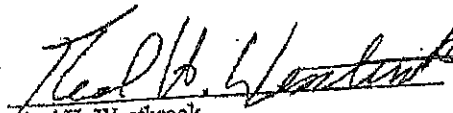
AFFIDAVIT OF THAD H. WESTBROOK

Personally appeared before me, Thad H. Westbrook, who first being duly sworn deposes
and says:

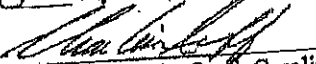
1. I am over the age of twenty-one (21) years, am under no disability, and am competent to give testimony. I understand that this Affidavit will be submitted as evidence in the above-referenced lawsuit.
2. I am a licensed member of the South Carolina Bar and practice with Nelson Mullins Riley & Scarborough, LLP, ("Nelson Mullins") in Columbia, South Carolina.
3. I have visited the SCDEW offices on only one occasion, which was for a meeting on December 27, 2013, with Cheryl Stanton, senior staff and legal counsel. Based on my recollection and notes, the following individuals attended the meeting: Cheryl Stanton, Darrell Scott, Neil Adcox, Adam Twitty, Derriek McFarland, Maura Baker, Deb Tedeschi, Koa Morgan, and David Katz (Nelson Mullins attorney in Atlanta, Georgia who participated by telephone). The purpose of the December 27, 2013, meeting was to provide legal advice to SCDEW.

4. The discussions during the December 27, 2013, meeting were for the purpose of providing legal advice and are protected by the attorney-client privilege.
5. I participated in a conference call from my law office on January 3, 2014, with Cheryl Stanton, Darrell Scott, David Katz, James Burns (Nelson Mullins attorney in Columbia, South Carolina), and a person from the SCDEW IT Department (whose name I do not recall).
6. The discussions during the January 3, 2014, conference call were for the purpose of providing legal advice and are protected by the attorney-client privilege.
7. I participated in a conference call from my law office on January 7, 2014 with Cheryl Stanton, Darrell Scott, Neil Adcox, James Burns, and Al Nickles (SCDEW's employment attorney).
8. The discussions during the January 7, 2014, conference call were for the purpose of providing legal advice and are protected by the attorney-client privilege.
9. As stated above, I attest that I was not present in the SCDEW offices on any day subsequent to December 27, 2013. As stated above, my participation in the January 3, 2014 and January 7, 2014, discussions were by telephone.
10. I am not aware of the participation of any other individual during the January 3, 2014, and January 7, 2014, conference calls other than those listed in paragraphs 3, 5 and 7 above.

FURTHER AFFIANT SAYETH NOT.


Thad H. Westbrook

Sworn to before me this
2nd day of September, 2014


Notary Public for South Carolina
My commission expires: 08/29

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Kerry Paul,

Plaintiff,

v.

Cheryl Stanton, in her individual capacity
and the South Carolina Department of
Employment and Workforce,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

C/A No.: 2014-CP-40-00271

**AFFIDAVIT OF
CHERYL STANTON**

Personally appeared before me, Cheryl Stanton, who first being duly sworn deposes and says:

1. I am over the age of twenty-one (21) years, am under no disability, and am competent to give testimony. I understand that this Affidavit may be submitted as evidence in the above-referenced lawsuit.

2. I serve as the Executive Director for the South Carolina Department of Employment Workforce ("SCDEW" and/or "the Department").

3. On only one occasion, December 27, 2013, Thad Westbrook, an attorney with Nelson Mullins Riley & Scarborough, came to our offices at SCDEW. The purpose of this meeting was to provide legal advice. I specifically understood that this meeting was privileged and confidential.

4. In my capacity as Executive Director for SCDEW, I attended the privileged and confidential meeting with Mr. Westbrook. I never shared any specific details of this meeting with anyone, and I did not in any way breach the Department's privilege.

5. I took notes of this meeting with Mr. Westbrook. My notes reflect that the following people other than me attended this meeting: Neil Adcox, Chief Information Officer, Koa Morgan, then-Interim Human Resources Director, Adam Twitty, then-Chief Information Security Officer, Debra Tedeschi, Deputy General Counsel, Darrell Scott, Chief of Staff, Derrick McFarland, General Counsel, Maura Baker, Assistant General Counsel, and the attorneys from Nelson Mullins Thad Westbrook and David Katz (by phone).

FURTHER AFFIANT SAYETH NOT.

Cheryl M Stanton
Cheryl Stanton

Sworn to before me this
3rd day of September, 2014
Cheryl M Stanton
Notary Public for South Carolina
My commission expires: 12/31/2022

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTH JUDICIAL CIRCUIT
)

Kerry Paul,
Plaintiff,

) C/A No.: 2014-CP-40-00271
)

v.

) AFFIDAVIT OF
) DARRELL T. SCOTT
)

Cheryl Stanton, in her individual capacity
and the South Carolina Department of
Employment and Workforce,

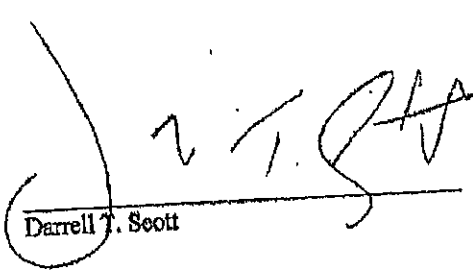
Defendants.

Personally appeared before me, Darrell T. Scott, who first being duly sworn deposes and says:

1. I am over the age of twenty-one (21) years, am under no disability, and am competent to give testimony. I understand that this Affidavit may be submitted as evidence in the above-referenced lawsuit.
2. I serve as the Chief of Staff for the South Carolina Department of Employment Workforce ("SCDEW" and/or "the Department").
3. On only one occasion, December 27, 2013, Thad Westbrook, an attorney with Nelson Mullins Riley & Scarborough, came to our offices at SCDEW. The purpose of this meeting was to provide legal advice. I specifically understood that this meeting was privileged and confidential.
4. In my capacity as Chief of Staff for SCDEW, I attended the privileged and confidential meeting with Mr. Westbrook. I never shared any specific details of this meeting with anyone, and I did not in any way breach the Department's privilege.
5. I recall the following people other than me attended this meeting: Neil Adcox, Koa Morgan, Adam Twitty, Deb Tedeschi, Cheryl Stanton, Derrick McFarland, Maura Baker, and the attorneys from Nelson Mullins Thad Westbrook and David Katz (by phone).

FURTHER AFFIANT SAYETH NOT.

Sworn to before me this
3 day of September, 2014
Sam Lashoneau
Notary Public for South Carolina
My commission expires: 12/5/2022



Darrell T. Scott

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Kerry Paul,

Plaintiff,

v.

Cheryl Stanton, in her individual capacity
and the South Carolina Department of
Employment and Workforce,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

C/A No.: 2014-CP-40-00271

AFFIDAVIT OF
DERRICK MCFARLAND

Personally appeared before me, Derrick McFarland, who first being duly sworn deposes and says:

1. I am over the age of twenty-one (21) years and am competent to give this testimony. I understand that this Affidavit may be submitted as evidence in the above-referenced lawsuit.
2. I serve as the General Counsel for the South Carolina Department of Employment Workforce ("SCDEW" and/or "the Department").
3. On only one occasion in December 2013, I attended a meeting with Thad Westbrook, an attorney with Nelson Mullins Riley & Scarborough, came to our offices at SCDEW. The purpose of this meeting was to listen to legal advice. As far as I was concerned the attorney-client privilege applied to this meeting.
4. In my capacity as General Counsel for SCDEW, I attended the privileged and confidential meeting with Mr. Westbrook. I did not share any specific details of this meeting with anyone outside the meeting, and I did not in any way breach the Department's privilege.
5. I did not take notes of this meeting with Mr. Westbrook. However, my recollection is that the Executive Conference was full and that approximately 15-20 people attended.

FURTHER AFFIANT SAYETH NOT.

Sworn to before me this
31 day of September, 2014
Oliver P. McFarland
Notary Public for South Carolina
My commission expires: 12/5/2022

Derrick McFarland
Derrick McFarland

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTH JUDICIAL CIRCUIT
)

Kerry Paul,

C/A No.: 2014-CP-40-00271

) Plaintiff,
)

v.

) AFFIDAVIT OF
) DEBRA TEDESCHI
)

) Cheryl Stanton, in her individual capacity
) and the South Carolina Department of
) Employment and Workforce,
)

) Defendants.
)

Personally appeared before me, Debra Tedeschi, who first being duly sworn deposes and says:

1. I am over the age of twenty-one (21) years and am competent to give this testimony. I understand that this Affidavit may be submitted as evidence in the above-referenced lawsuit.

2. I serve as Deputy General Counsel for the South Carolina Department of Employment Workforce ("SCDEW" and/or "the Department").

3. On one occasion, December 27, 2013, I participated in a meeting with Thad Westbrook, an attorney with Nelson Mullins Riley & Scarborough, at SCDEW headquarters. The purpose of this meeting was for Mr. Westbrook to provide legal advice. I specifically understood that this meeting was privileged and confidential.

4. In my capacity as Deputy General Counsel for SCDEW, I attended the privileged and confidential meeting with Mr. Westbrook. I did not share any specific details of this meeting with anyone outside the meeting, and I did not in any way breach the Department's attorney-client privilege.

5. I took notes of this meeting with Mr. Westbrook. My notes reflect that, in addition to me, the following SCDEW employees attended this meeting: Neil Adecox, Koa Morgan, Adam Twitty, Cheryl Stanton, Darrell Scott, Derrick McFarland, and Maura Baker. In addition to Mr. Westbrook, another Nelson Mullins attorney participated by phone, whose first name is David.

FURTHER AFFIANT SAYETH NOT.

Sworn to before me this
31st day of September, 2014
Steph D. Sweeney
Notary Public for South Carolina
My commission expires: 12/5/2022

Debra Tedeschi
Debra Tedeschi

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

C/A No.: 2014-CP-40-00271

**AFFIDAVIT OF
MAURA BAKER**

Cheryl Stanton, in her individual capacity
and the South Carolina Department of
Employment and Workforce,

Defendants.

1. I am over the age of twenty-one (21) years and am competent to give this testimony. I understand that this Affidavit may be submitted as evidence in the above-referenced lawsuit.

3. On only one occasion, December 27, 2013, did I meet with Thad Westbrook, an attorney with Nelson Mullins Riley & Scarborough, at our offices at SCDEW. The purpose of this meeting was to provide legal advice. I specifically understood that this meeting was privileged and confidential.

5. I took notes of this meeting with Mr. Westbrook. My notes reflect that the following people other than me attended this meeting Neil Adcox, Koa Morgan, Adam Twitty, Darrell Scott, Derrick McFarland, Deb Tedeschi, and the two attorneys from Nelson Mullins, Thad Westbrook and someone I identified as "D.K." (by phone). My recollection is that Cheryl Stanton was present at the meeting, although not specifically identified in my notes.

FURTHER AFFIANT SAYETH NOT.

Sworn to before me this
3 day of September, 2014

Cheryl P. Brown
Notary Public for South Carolina

My commission expires: 12/5/2022

Maura Baker
Maura Baker

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Kerry Paul,

Plaintiff,

v.

Cheryl Stanton, in her individual capacity
and the South Carolina Department of
Employment and Workforce,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

C/A No.: 2014-CP-40-00271

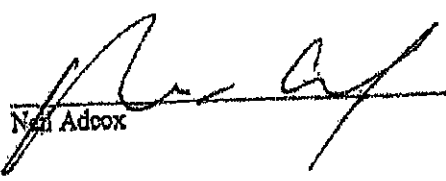
AFFIDAVIT OF
NEIL ADCOX

Personally appeared before me, Neil Adcox, who first being duly sworn deposes and says:

1. I am over the age of twenty-one (21) year, am under no disability, and am competent to give testimony. I understand that this Affidavit may be submitted as evidence in the above-referenced lawsuit.
2. I serve as the Assistant Executive Director/Chief Information Officer for the South Carolina Department of Employment Workforce ("SCDEW" and/or "the Department").
3. On only one occasion in December 2013, Thad Westbrook, an attorney with Nelson Mullins Riley & Scarborough, came to our offices at SCDEW. The purpose of this meeting was to provide legal advice. I specifically understood that this meeting was privileged and confidential.
4. In my capacity as Assistant Executive Director/Chief Information Officer for SCDEW, I attended the privileged and confidential meeting with Mr. Westbrook. I never shared any specific details of this meeting with anyone, and I did not in any way breach the Department's privilege.
5. I did not take notes of this meeting with Mr. Westbrook. However, my recollection is that it was a small group of people.

FURTHER AFFIANT SAYETH NOT.

Sworn to before me this
3rd day of September, 2014
Gaylene Adams
Notary Public for South Carolina
My commission expires: 14/5/2022


Notary Public

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Kerry Paul,

Plaintiff,

v.

Cheryl Stanton, in her individual capacity
and the South Carolina Department of
Employment and Workforce,

Defendants.

C/A No.: 2014-CP-40-00271

**AFFIDAVIT OF
ADAM TWITTY**

Personally appeared before me, Adam Twitty, who first being duly sworn deposes and says:

1. I am over the age of twenty-one (21) years, am under no disability, and am competent to give testimony. I understand that this Affidavit may be submitted as evidence in the above-referenced lawsuit.
2. I serve as the Senior Information Security Officer for the South Carolina Department of Employment Workforce ("SCDEW" and/or "the Department").
3. On only one occasion in late December 2013, Thad Westbrook, an attorney with Nelson Mullins Riley & Scarborough, came to our offices at SCDEW. The purpose of this meeting was to provide legal advice. I specifically understood that this meeting was privileged and confidential.
4. In my capacity as Senior Information Security Officer for SCDEW, I attended the privileged and confidential meeting with Mr. Westbrook. I never shared any specific details of this meeting with anyone, and I did not in any way breach the Department's privilege.
5. I did not take notes of this meeting with Mr. Westbrook. However, my recollection is that this was a small meeting with a handful of people around the table.

FURTHER AFFLIANT SAYETH NOT.

Sworn to before me this
3 day of September, 2014
Adam Twitty
Notary Public for South Carolina
My commission expires: 12/5/2022


ADAM TWITTY

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTH JUDICIAL CIRCUIT
)

Kerry Paul,

C/A No.: 2014-CP-40-00271

Plaintiff,

v.

AFFIDAVIT OF
KOA MORGAN

Cheryl Stanton, in her individual capacity
and the South Carolina Department of
Employment and Workforce,

Defendants.

Personally appeared before me, Koa Morgan, who first being duly sworn deposes and says:

1. I am over the age of twenty-one (21) years and am competent to give this testimony. I understand that this Affidavit may be submitted as evidence in the above-referenced lawsuit.

2. I serve as the Director of Human Resources for the South Carolina Department of Employment Workforce ("SCDEW" and/or "the Department").

3. On only one occasion in December of 2013, Thad Westbrook, an attorney with Nelson Mullins Riley & Scarborough, came to our offices at SCDEW. The purpose of this meeting was to provide legal advice. I specifically understood that this meeting was privileged and confidential.

4. In my capacity as Director of Human Resources for SCDEW, I attended the privileged and confidential meeting with Mr. Westbrook. I never shared any specific details of this meeting with anyone, and I did not in any way breach the Department's privilege.

5. I did not take notes of this meeting with Mr. Westbrook. However, my recollection is that it was a small meeting with 8-9 people in attendance.

FURTHER AFFIANT SAYETH NOT.

Sworn to before me this
31 day of September, 2014
Shirley P. Morgan
Notary Public for South Carolina
My commission expires: 12/5/2022

KOA MORGAN
KOA MORGAN

10

10

STATE OF SOUTH CAROLINA

COUNTY OF YORK

Kerry Paul,

☐ Plaintiff

v.

The South Carolina Department of Employment and
Workforce,
☒ Defendants.

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT

CASE NUMBER: 2014-CP-05-00271

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

Plaintiff's Attorney: Address: Phone: e-mail:	Defendant's Attorney: W. Keith Martens, Bar No. 8645 Address: Hamilton Martens Ballou & Carroll, LLC P. O. Box 10940, Rock Hill, SC 29731 Phone: 803-329-7672 fax: 803-329-7678 e-mail: keith.martens@hamiltonmartens.com
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and II) ☐ 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 to Supplement the Record	
Estimated Time Needed: 30 minutes Court Reporter Needed: ☒ YES / ☐ NO	
SECTION II: Motion/Order Type	
☒ Written motion attached ☐ Form Motion/Order	
Signature of Attorney for ☐ Plaintiff / ☒ Defendant 11/4/14 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, SCROP) ☐ 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: _____	

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Kerry Paul,

Plaintiff,

v.

The South Carolina Department of
Employment and Workforce,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

C/A No.: 2014-CP-40-00271

DEFENDANT'S MOTION TO
SUPPLEMENT THE RULE 37
DISCOVERY SANCTIONS RECORD
AND FOR EVIDENTIARY HEARING

CURRENTLY PENDING BEFORE
JUDGE ROBERT E. HOOD

NOW COMES Defendant the South Carolina Department of Employment and Workforce ("SCDEW"), by and through its undersigned counsel, who hereby moves this Court for leave to supplement the record regarding Defendants' Motion to Compel and resulting Motion for Discovery Sanctions currently under advisement by the Honorable Judge Robert E. Hood. Defendants specifically request that the record be supplemented to include the Affidavits of Derrick McFarland and John Faust, attached and incorporated herein by reference as Exhibits A and B. Defendants further request that the Court conduct an independent inquiry into the facts and circumstances of Plaintiff and her counsel's communications with and representation of SCDEW's General Counsel during the pendency of this litigation.

Good cause exists to allow supplementation because this additional information was not known to Defendant at the time of the previous hearings on this matter, and Defendant believes this information directly impacts the merits of the discovery issues currently pending before the Court. In support this motion, Defendant would show unto the Court as follows:

- 1) On or about July 16, 2014, Defendants filed a Motion to compel discovery responses from Plaintiff, which was heard by Judge Robert E. Hood on or about July 23, 2014. The crux

of Defendants' motion was to compel Plaintiff to provide complete discovery responses, to specifically include disclosure of all alleged sources/witnesses to the defamation claims.

- 2) At the hearing on Defendants' motion to compel on July 23, 2014, Plaintiff and her attorney admittedly acknowledged their refusal to disclose all SCDEW employee witnesses. Plaintiff refused to identify all SCDEW employee witnesses claiming doing so would subject them to "retaliation" by SCDEW. (See Plaintiff's Responses to Interrogatories 28, 30, 31, 32, 44, and July 23, 2014 Hearing Transcript at p. 27). Plaintiff's attorney also refused to disclose all pertinent SCDEW employee sources because she purportedly represented these other SCDEW employees and "was not allowed to divulge their names." (T. at pp. 27-28). Upon hearing Plaintiff's justification for providing incomplete discovery responses, Judge Hood immediately ended the hearing and ruled that the proceedings would resume under the discovery sanctions provisions of Rule 37 SCRPC. (July 23, 2014 Hearing Transcript at pp. 27-28).
- 3) After the hearing on Defendants' motion to compel, the parties attempted to resolve the discovery concerns and the Plaintiff specifically agreed to provide complete responses, to include full disclosure of all witnesses to the alleged defamation. Although Plaintiff did supplement her responses, the new responses remained incomplete and directly contradicted Plaintiff's previous disclosures. More importantly, the Plaintiff's supplemental responses failed to disclose the names of the SCDEW employees referenced at the July 23rd hearing and further revealed that the Plaintiff had obtained SCDEW's attorney-client privileged information. Consequently, Defendants were forced to request that Judge Hood resume the proceedings under Rule 37 SCRPC.

- 4) On September 8, 2014, a hearing under Rule 37 SCRPC was heard before Judge Robert E. Hood. At this hearing, Defendants' continued to raise concerns about the Plaintiff's incomplete discovery responses and refusal to name all pertinent witnesses. Furthermore, because the Plaintiff's new responses contained information about SCDEW's privileged meetings with outside legal counsel (Thad Westbrook, Esq.), Defendants obtained affidavits from all SCDEW employees present at the privileged meetings. Each of these SCDEW employees averred that they had not disclosed any privileged communications with the Plaintiff or Plaintiff's counsel.
- 5) At the September 8th sanctions hearing, neither the Plaintiff nor her attorney disclosed any communications with SCDEW employees who were present for the attorney-client privileged meetings. The clear implication from the representations made by Plaintiff's counsel at the hearing was that neither she, nor her client had ever spoken directly with any SCDEW employees about this case. Plaintiff's counsel further assured the Court that she had specifically instructed her client not to communicate with SCDEW employees.
- 6) Despite these representations, on October 2, 2014, Defendants discovered that both the Plaintiff and her attorney had been communicating with Derrick McFarland (SCDEW's General Counsel) during the pendency of this litigation. See Affidavits of Derrick McFarland and Affidavit of John Faust attached herewith. Defendants' also learned that Mr. McFarland made a personal visit to Plaintiff counsel's office in Charleston in March 2014, however, the details of the meeting are undisclosed. The fact remains, however, that Mr. McFarland was present for the privileged meetings with SCDEW's outside legal counsel.

7) As SCDEW's General Counsel, Mr. McFarland has substantial access to SCDEW's confidential and privileged information. Mr. McFarland owes a common law duty of loyalty to SCDEW and further has an ethical duty to maintain the confidentiality of all DEW's privileged information.

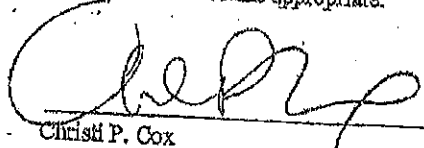
8) Plaintiff Counsel's communications with Mr. McFarland about this case while the case was pending is a clear violation of the Rules of Professional Conduct. Defendant is entitled to know all of the details of any and all communications which Plaintiff's counsel and her client have had with Mr. McFarland and to take all measures necessary to preserve their confidential and privileged information from further disclosure.

9) Defendant believes it is imperative that the Court immediately conduct an independent inquiry into these issues and/or hold a closed evidentiary hearing to determine whether and to what extent any breach of SCDEW's privileged information has occurred. Additionally, Defendant requests that the Court evaluate the circumstances of this discovery dispute and further determine whether Plaintiff's counsel should be precluded from to represent the Plaintiff in this case.

10) Pursuant to Rule 11, SCRPC, counsel for Defendant certifies that prior to filing this motion, she communicated with opposing counsel and understands that opposing counsel does not agree that any conflict exists or that a further hearing on this matter is necessary. FOR THESE REASONS, Defendant respectfully requests that the Court: 1) grant Defendant's motion to supplement the Rule 37 SCRPC hearing record to include the additional affidavits of Derrick McFarland and John Faust; 2) that the Court schedule an immediate supplemental hearing on this matter allowing all parties to be heard; 3) that the Court conduct an independent inquiry (or hold a closed evidentiary hearing) into the facts

and circumstances of the Plaintiff's communications with SCDEW's legal counsel for purposes of determining whether and to what extent SCDEW's privileged information has been improperly intercepted; 4) that the Court determine whether Plaintiff's counsel should be precluded from continuing to represent the Plaintiff in this case; and 5) that the Court issue such other sanctions and relief as it deems appropriate.

November 4, 2014



Christi P. Cox
HAMILTON MARTENS BALLOU & CARROLL, LLC
Post Office Box 10940
Rock Hill, South Carolina 29731
Telephone 803.329.7672
Facsimile 803.329.7678

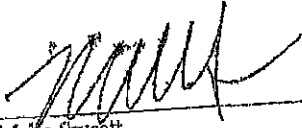
ATTORNEYS FOR DEFENDANT
THE SC DEPARTMENT OF EMPLOYMENT
AND WORKFORCE

CERTIFICATE OF SERVICE

The undersigned, an employee of Hamilton Martens Ballou & Carroll, LLC, certifies that the within DEFENDANT THE SC DEPARTMENT OF EMPLOYMENT AND WORKFORCE'S MOTION TO SUPPLEMENT THE RECORD, AFFIDAVITS OF DERRICK McFARLAND and JOHN C. FAUST, AND NOTICE OF APPEARANCE were served upon other parties of record on this date, by depositing same in the United States Mail, with sufficient postage affixed, and addressed as follows:

Nancy Bloodgood
Lucy C. Sanders
895 Island Park Drive, Suite 202
Charleston, SC 29492

This the 4th day of November, 2014.



L. Melia Sweatt

4215-9144-3536, v. 1

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Kerry Paul,

C/A No.: 2014-CP-40-00271

Plaintiff,

v.

Cheryl Stanton, in her individual capacity
and the South Carolina Department of
Employment and Workforce,

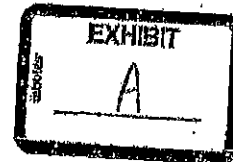
AFFIDAVIT OF
DERRICK McFARLAND

Defendants.

Personally appeared before me, Derrick McFarland, who first being duly sworn deposes and says:

1. I am over the age of twenty-one (21) years and am competent to give this testimony. I understand that this Affidavit will be submitted as evidence in the above-referenced lawsuit.
2. I serve as the General Counsel for the South Carolina Department of Employment Workforce ("SCDEW" and/or "the Department").
3. In or about April or May 2014, I received a telephone call from Nancy Bloodgood, Esq. on my personal cell phone. During this call, Mrs. Bloodgood identified herself as the attorney for the Plaintiff, Kerry Paul, and Ms. Bloodgood proceeded to ask me an isolated question concerning Ms. Paul's employment with SCDEW. Specifically, Ms. Bloodgood asked, "In August 2013, did Ms. Paul tell you about a conversation she had with Neil Adcox concerning the use of a thumb drive?" I answered the question posed by Ms. Bloodgood. I advised her that I did not directly observe or witness any communications between Mrs. Paul and Mr. Adcox, but that I did recall Mrs. Paul telling me about communications she claimed to have had with Neil Adcox in August 2013. I did not corroborate these communications with Mr. Adcox and have no further facts or details to share about this incident.
4. At the time of this conversation with Ms. Bloodgood, I was aware of the pending lawsuit and the pending grievance matter involving Ms. Paul. I did not inform Cheryl Stanton

Page 1 of 2



DM
or anyone else at SCDEW about this call from Mrs. Bloodgood until September 30, 2014, as I did not believe it was a material concern. I did, however, advise Al Nickles, and Butch Bowers of this conversation in our meeting in July 2014.

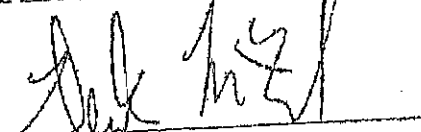
5. I was not asked, nor did I provide any other information to Ms. Bloodgood or to anyone else in her office on her behalf.

6. This isolated telephone in April or May of 2014 is the only communication I have ever had with Ms. Bloodgood. Apart from this isolated communication with Ms. Bloodgood, I have not discussed this lawsuit or any details or facts related to Ms. Paul's employment with DEW with anyone outside of DEW.

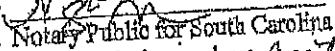
7. I was not involved in the SLED investigation at issue in this lawsuit. I was not personally involved in the notification by SCDEW concerning the information downloaded by Ms. Paul. I did not directly witness or observe any alleged defamation by the Defendants in this lawsuit. I was involved in attorney-client privileged meetings with SCDEW's outside legal counsel, which I understood to be protected communications; however I did not disclose that information to anyone.

8. Based upon and due to the foregoing, I do not believe that I have any discoverable information related to the claims asserted in this lawsuit.

FURTHER AFFIANT SAYETH NOT.


Derrick McFarland

Sworn to before me this
2nd day of September, 2014


Notary Public for South Carolina

My commission expires: April 1, 2022

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Kerry Paul,

Plaintiff

C/A No. 2014-CP-40-00271

AFFIDAVIT OF JOHN C. FAUST

Cheryl Stanton, in her individual capacity
and the South Carolina Department of
Employment and Workforce,

Defendants.

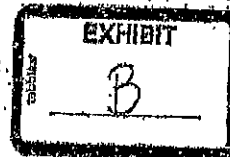
Personally appeared before me, John C. Faust, who first being duly sworn deposes and says:

1. I am over the age of twenty-one (21) years, am under no disability, and am competent to give testimony. I understand that this Affidavit will be submitted as evidence in the above-referenced lawsuit.
2. I am an employee of South Carolina Department of Employment Workforce ("SCDEW" and/or "the Department") and currently serve as the Assistant Human Resources Director. As part of my job duties as the Assistant Human Resources Director, I oversee the preparation and maintenance of personnel files, to include telephone contact information for SCDEW employees. Based upon the records and information available to me, I am able to verify that Derrick McFarland (SCDEW's General Counsel) personal cell phone number is 803-467-4381. This is the same number that is reported on the redacted phone records provided by the Plaintiff in this lawsuit. Attached is an excerpt of the Plaintiff's redacted phone records (Plaintiff-1044) which records two calls between Plaintiff and Derrick McFarland on June 9, 2014.

FURTHER AFFIANT SAYETH NOT.

Sworn to before me this
3rd day of November, 2014
Notary Public for South Carolina
My commission expires: 4/1/18

Page 1 of 1



11

11

3. On November 5, 2014, I was advised by a non-party to this case that that the October 3, 2014 affidavit had been filed with this Court. I immediately contacted DEW litigation counsel (9:00 a.m. November 5, 2014) and advised her that the submitted affidavit was inaccurate and should not be before the court. The purpose of this Supplemental Affidavit is to correct the previous affidavit and to submit a proposed revised affidavit which I personally drafted and provided to DEW's legal counsel on November 5, 2014. (The personal affidavit I provided to DEW's litigation counsel is attached and incorporated as Exhibit A.)

3. The first sentence of Paragraph 6 of the October 3, 2014 affidavit is inaccurate. I have had approximately five conversations with Nancy Bloodgood, Esq. during the pendency of this lawsuit, but the pre-grievance hearing conversation when we discussed the limited nature of my testimony was the only conversation directly involving Ms. Paul's employment situation with DEW.

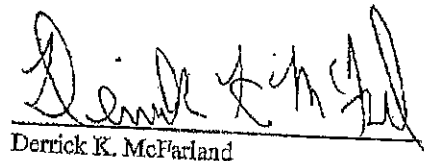
4. Although the remaining Paragraphs of the October 3, 2014 affidavit are accurate in substance, the affidavit I personally drafted and attached as Exhibit A more precisely describes the nature and tenor of the communication with Ms. Bloodgood,

5. My other communications with Ms. Bloodgood, were not to discuss Ms. Paul's employment. Rather, these additional communications with Ms. Bloodgood concerned my personal employment situation at DEW. These additional communications consisted of a telephone communication in March 2014, a personal meeting at Ms. Bloodgood's office in Charleston in April of 2014 and a couple of additional telephone

conversations thereafter. Because these discussions were about my personal employment with DEW, and because of my concern the communications would be misinterpreted, I did not disclose these communications with DEW litigation counsel.

6. During my personal consultation and meeting with Ms. Bloodgood on April 1, 2014 I signed a "Legal Services and Fee Agreement" in order to fully discuss my employment with full confidentiality. No fees were sought or exchanged. Based on our conversations and agreement, my expectation is that our conversations are protected and privileged i.e. Ms. Bloodgood may not be compelled to nor may voluntarily disclose matters I conveyed in confidence to her and I may not be compelled to testify regarding matters communicated to her for the purpose of seeking legal counsel.

FURTHER AFFIANT SAYETH NOT


Derrick K. McFarland

Sworn to before me this
10th day of November, 2014


Notary Public for South Carolina
My commission expires 12/5/2022

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Kerry Paul,

Plaintiff,

vs.

Cheryl Stanton, in her individual capacity
and the South Carolina Department of
Employment and Workforce,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

C/A No.: 2014-CP-40-00271

AFFIDAVIT OF
DERRICK MCFARLAND

I, Derrick McFarland, do hereby swear the following:

1. I am over the age of twenty-one (21) years and am competent to give this testimony. I understand that this Affidavit will be submitted as evidence in the above-referenced lawsuit.
2. I serve as the General Counsel for the South Carolina Department of Employment and Workforce (DEW).
3. On or about April or May of 2014, I received a telephone call from Nancy Bloodgood, Esq. During this call, Ms. Bloodgood and I spoke briefly about an upcoming grievance hearing for her client, Kerry Paul, in which she had subpoenaed me as a witness. Ms. Bloodgood assured me I would be questioned only about a conversation I had with Ms. Paul in August 2013, in which Ms. Paul relayed to me a conversation she had with Neil Adcox concerning, among other things, advice on the use of a thumb drive. I did not directly observe or witness this conversation between Ms. Paul and Mr. Adcox. Ms. Bloodgood



reiterated she would not ask questions related to potential attorney-client issues between myself as General Counsel and DEW. . . .

4. At the time of the conversation with Ms. Bloodgood, I was aware of the pending lawsuit and the pending grievance matter involving Ms. Paul and during deposition preparation, I informed counsel for DEW, Al Nickles and Butch Bowers about the substance of the conversation. Other than counsel, I did not inform anyone else at DEW about the conversation between myself and Ms. Bloodgood.

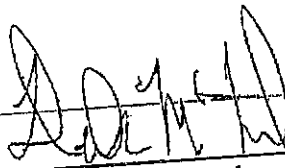
5. I was not asked, and I did not provide any other information to Ms. Bloodgood or to anyone else in her office about the matter involving Ms. Paul.

6. Apart from the previously mentioned conversation with Ms. Bloodgood, I have not discussed this lawsuit or any details or facts related to Ms. Paul's employment with DEW to anyone outside of DEW.

7. I was not involved in the SLED investigation at issue in this lawsuit. I was not personally involved in the notification by DEW concerning the information allegedly downloaded by Ms. Paul. I was involved in attorney-client privileged communications with DEW's outside legal counsel, which I understood was protected as to me, and I did not disclose that information to anyone.

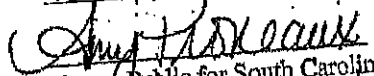
8. Based on the foregoing, I do not believe that I have any discoverable information related to the claims asserted in this lawsuit.

FURTHER AFFIANT SAYETH NOT



Derrick K. McFarland

Sworn to before me this
10th day of November, 2014


Notary Public for South Carolina
My commission expires 12/5/2022

12

STATE OF SOUTH CAROLINA

County of Richland

KERRY PAUL,

PLAINTIFF,

vs.

CHERYL STANTON, IN HER
INDIVIDUAL CAPACITY, AND THE
SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE,

DEFENDANTS,

COURT OF COMMON PLEAS
2014-CP-40-00271

TRANSCRIPT OF RECORD

September 8, 2014
Columbia, South Carolina

BEFORE:

THE HONORABLE ROBERT E. HOOD, JUDGE.

APPEARANCES:

NANCY BLOODGOOD, ESQ.
Attorney for the Plaintiff

EUGENE MATTHEWS, ESQ.
CHRISTI COX, ESQ.
Attorney for the Defendants

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

1 THE COURT: We're on the record in 2014-CP-40-271.
2 This is Kerry Paul vs. Cheryl Stanton in her individual
3 capacity and the South Carolina Department of Employee and
4 Work Force.

5 Present for the plaintiff is Ms. Bloodgood, and
6 present for the defense is Gene Matthews. Who are you,
7 ma'am?

8 MS. COX: Christi Cox, Your Honor.

9 THE COURT: All right. Christi Cox.

10 All right. Somebody get me up to speed on where we
11 are or what the issues are.

12 MR. MATTHEWS: Well, Your Honor, if I may approach.

13 THE COURT: Yes, sir.

14 MR. MATTHEWS: I have handed here what we intend to
15 introduce as an exhibit is a set of the correspondence and
16 other discovery that has gone back and forth. There is
17 also a memorandum of law, as well.

18 THE COURT: Thank you, sir.

19 MR. MATTHEWS: And we've this morning handed that up
20 to the clerk and opposing counsel.

21 THE COURT: One thing, we could not find the order I
22 signed in Camden.

23 MR. MATTHEWS: Sir, I'll be honest, I think there was
24 a Rule 4 under advisement. I think at the hearing, you
25 indicated that we were proceeding at this point under Rule

1 37.

2 THE COURT: Right.

3 MR. MATTHEWS: At that point, Ms. Bloodgood had
4 agreed by email to respond to discovery as we agreed.

5 What brings us today, and frankly it brings us no
6 pleasure, are two issues that we outlined in our
7 memorandum and in our email to the Court and
8 Ms. Bloodgood.

9 The first is, we believe that there is a continuing
10 failure on the part of the plaintiff to respond to
11 discovery requests as they been asked and as the Court has
12 directed. We also believe there is a continuing issue
13 about the breach of the defendant's privileged
14 information.

15 We have made, among other things -- if I could take
16 just one moment to lead you through the index. The first
17 is the transcript of our hearing on June 23rd --

18 THE COURT: Okay.

19 MR. MATTHEWS: -- prepared by Ms. Pantsari. Then
20 there is -- frankly, it's the chronological back and forth
21 between the plaintiffs and defendants on their initial
22 responses, on later correspondence between the parties,
23 supplemental responses and the like.

24 As we stated in our memorandum which I'd like to take
25 a moment to take you through, we believe that the

1 plaintiff -- that the plaintiff has placed us in an
2 untenable position as we laid out.

3 Frankly, I know Ms. Bloodgood well. It appears to
4 me -- this is me my personal opinion -- she has been
5 placed in an untenable position, as well, by her party.

6 If I could start, sir, with the -- if you go to page
7 two.

8 THE COURT: In the memo?

9 MR. MATTHEWS: In the memo.

10 THE COURT: Okay.

11 MR. MATTHEWS: Yes, sir, at the very bottom. We can
12 start out by -- the law applying for Rule 37 that we think
13 is crystal clear. We cited McNair and Barnett as to the
14 cases on point.

15 The second, though, when we get to the meat of the

16 matter first is the plaintiff's initial responses to
17 interrogatories back in May. Plaintiff failed to identify
18 persons receiving alleged defamatory statements.

19 As you'll recall from our earlier hearing, defamation
20 is one of the three claims brought by the plaintiff
21 against both defendants. At this point, the plaintiff
22 failed to identify persons receiving the alleged
23 defamatory statement.

24 If you'll notice, again, this is at tab two to
25 several of our interrogatories, the response was she was

1 not going to -- the plaintiff was not going to divulge the
2 names of the alleged witnesses because she was extremely
3 concerned that the defendants would retaliate against
4 innocent employees of them if their names are provided.

5 At the hearing -- and again, the transcript is at tab
6 one. If I could direct your attention to pages 27 and 28
7 as your time permits, we again heard those words that
8 plaintiff's counsel had been retained by more than one
9 employee of the Department of Employment and Work Force
10 and that she was afraid they would be terminated and
11 retaliated against if their identities as witnesses were
12 revealed.

13 She further described them as 20- to 25-year
14 employees at DEW, and she was not allowed to divulge their
15 names without their permission.

16 If I -- she continued: "If I do so and put them in a
17 position where they would retaliate against, I am not
18 allowed to do that either."

19 -----Of course, as you will recall, your statements I -----
20 think were directly clear to us following that. At Tab 4,
21 following the hearing on August 5th, we again received
22 answers. At that point, two issues came about: One, we
23 still did not get the names of the source of this
24 information that is underlying the defamation claim
25 especially.

1 The second is -- and this is a point where we
2 submitted some affidavits to the Court and to opposing
3 counsel from persons, especially a lawyer, Thad Westbrook,
4 who was -- attended at a meeting...

5 THE COURT: Where are those affidavits?

6 MR. MATTHEWS: Yes, sir.

7 THE COURT: What tab are those affidavits?

8 MR. MATTHEWS: Those are at Tab 9, Your Honor.

9 THE COURT: Okay.

10 MR. MATTHEWS: And they are of Mr. Westbrook,
11 Mr. Stanton, Mr. Scott, Mr. McFarland, Ms. Tadeski, Ms.
12 Baker, Mr. Adcox, Mr. Twitty and Ms. Morgan. Those were
13 the attendees at the meeting, and I think you'll let me --
14 you'll see from each one the only meeting in which
15 Mr. Westbrook was present was on December 27.

16 I think it was involving a couple of other phone
17 calls, but when you -- when you line up the affidavits
18 with the content of what the plaintiff is now telling us,
19 they simply -- it's clear to us that, first of all, the
20 meeting was privileged. It was a meeting in which the
21 Department and its employees were receiving legal advice
22 from not just in-house counsel but also outside counsel.

23 None of the participants at the meeting, you know,
24 had breached privilege nor did they have authority to do
25 so, and yet, we see not just on August 5th but also on

1 August 12th, the plaintiff relying on alleged statements
2 from that meeting to support a claim. Of course, we will
3 speak about that a little bit further.

4 On Tab 5 and Tab 6 -- Tab 5 is our letter back to the
5 plaintiff stating, first of all, our grave concern about
6 the breach of our privilege and, of course, our continuing
7 concerns that she still, despite your directives, had not
8 shared the names with us that we were looking for.

9 On August 12th, we received another communication, a
10 supplemental response from the plaintiff. She continued
11 to rely on the conversation that we believe, frankly, is
12 privileged. We frankly don't know if there's much dispute
13 about that. We just don't know.

14 The second is at this point -- and I'll turn you to
15 page four of our memo and just turn you to footnote two.
16 There were no lists of employees, as we'd ask, but if you
17 read the answer, there were several persons who were
18 referenced as sources, none of whom, none of whom met the
19 description of which we have heard twice from.

20 In our earlier -- in the first response from
21 plaintiffs, she said, "Well, I'm not going to tell you
22 what these names are because they are longtime DEW
23 employees, and I'm afraid you're going to retaliate
24 against them." The second time we heard was, "No. We
25 can't tell you that because we're not allowed to."

1 When you look at the persons who on August 12th were
2 named, none of those persons meet that description which
3 leads us to conclusions, frankly, we're hesitant to draw.
4 Again, we pointed that out.

5 If you look at Tab 7, as if for the plaintiff to make
6 their point even more pointedly, we were given cell phone
7 records with the phone numbers of DEW employees blotted
8 out. We have notified the plaintiff we don't think that's
9 appropriate.

10 If you look at Tab 8, again, we understand we're
11 asking you to look, essentially, at a lot of information
12 in a short amount of time. We pointed out to her that
13 that was inappropriate and not responsive but also we
14 think goes to this point.

15 Now, sir, as an officer of the court, I'll tell you,
16 I know Nancy Bloodgood. I don't think she can represent
17 anything -- misrepresent a thing to the Court.

18 I do think the plaintiff has, and what I think is the
19 problem -- if you look at paragraph -- I'm sorry, page
20 five of our memorandum at the first full paragraph, this
21 is the conundrum that the defendants find themselves in.

22 First of all, if -- if it's true that the persons
23 who -- the 20- to 25-year employees were apparently the
24 source of this information, if her statements earlier were
25 true, the reasons not to answer our questions were true,

1 then she has still failed to tell us who they are.

2 If these people do not exist, then she was telling
3 both us and the Court something that wasn't true; that
4 these 20- to 25-year employees don't exist.

5 In either instance, in either instance, we believe
6 the plaintiff, frankly, has been guileful in dealing with
7 us and with the Court and, frankly, in my view with her
8 own counsel.

9 The problem that we have, we understand that
10 litigation, especially among litigants, is fraught with
11 emotion and bad feelings. We understand that. That being
12 said, the rules of the court are what they are.

13 The Court's directives to the parties have also been
14 clear. We think at this point there's been an abuse of
15 the system by the plaintiff, and that's why we're asking
16 you, as the court, to step in and say, "You can't do this.
17 You have to suffer a sanction because of it."

18 Again, I'm not asking to sanction Ms. Bloodgood. I'm
19 asking to sanction the plaintiff who we believe is the
20 author of these abuses. As we state in our brief, we
21 think McNair would be the appropriate guide to use on this
22 point.

23 McNair was the case where, along with Barnett, the
24 Court said, "Look, I've told you before, you have to do
25 this." There was evidence, frankly, of willful

1 guilefulness on the part of the party whose case was
2 dismissed.

3 Now, the second -- and again, it's a grave concern
4 especially to the defendants has to do with a continuing
5 breach of privilege.

6 The affidavits which we provided to you and to
7 opposing counsel we think set forth pretty clearly without
8 disclosing the content of those meetings or to speak to
9 that meeting -- without disclosing the content which we
10 continue to believe is privileged -- at least we have a
11 continuing duty to uphold this privilege, has been used by
12 the plaintiff in order to support a claim, really with no
13 regard for our privilege.

14 We frankly struggle to find out what to do because on
15 one hand -- and I'll turn you to our argument at page
16 seven -- it's difficult for us to think of a remedy when
17 someone breaches a privilege, breaches someone else's
18 privilege because at one hand, the bell can't be unrung.

19 -----It's like classified information, once the
20 information is out, the damage is done, and there's
21 really -- all you can do at that point is try to double
22 back with half measures, but the damage is done.

23 In fact, at -- on page eight, we quote from Camden v.
24 State of Maryland which involved -- the facts are not the
25 same but in some ways similar, you know, plaintiff

1 accessed the classified -- I'm sorry, the privileged
2 information of the defendants, and I thought the words
3 were particularly appropriate.

4 In this case, the plaintiff had listened in at the
5 legal confession, gained access to confidential
6 information that is damaging to defendants whether or not
7 it becomes formal evidence in the case.

8 The plaintiff had forever deprived the defendant of
9 obtaining a protective order that might have restricted
10 their inquiry in the first place. Merely keeping
11 undeniably confidential materials out of evidence cannot
12 suffice and simply would invite more sudden incursions in
13 the protective realms.

14 Again, our concern here is that the plaintiff in this
15 case, Ms. Paul, has -- perhaps out of zeal, perhaps out of
16 ignorance, I don't know, but we put her on notice that
17 these are privileged conversations that she continues even
18 today to put forth in her responses in order to support
19 her claims.

20 In this case, we ask you again -- we think the
21 sanction for that type of conduct, the appropriate remedy
22 is dismissal. We have other thoughts in the matter, as
23 well, but that's -- that's what we're asking the Court to
24 do here today.

25 We understand the dismissal under Rule 37 is a remedy

1 that's reserved for, really, types of behavior that's
2 characterized by bad faith and prejudice.

3 We think that the plaintiff's bad faith is
4 illustrated at length because, first of all, she has --
5 the plaintiff has been at this court before, you know, she
6 had understood your rulings.

7 The transcript of the matter is quite clear. We are
8 proceeding under Rule 37 and have been since July 23rd,
9 2014. So the fact that we're continuing to have these two
10 problems is evidence, in our view, amply of bad faith.
11 The second is prejudice. The first is the type of
12 prejudice we discussed with you.

13 We can't defend ourselves if the plaintiff is
14 guilefully attempting to at first tell us no, that these
15 witnesses -- and I'm just going to disclose these
16 witnesses even after you direct otherwise.

17 The second evidence, we think -- we couldn't
18 manufacture evidence of bad faith more clearly than
19 continuing to use our privileged information. For that --
20 reason, sir, we're asking to dismiss the case.

21 I'm standing ready to answer any questions you may
22 have.

23 THE COURT: All right. Thank you, Mr. Matthews.

24 All right, Ms. Bloodgood.

25 MS. BLOODGOOD: Your Honor, this is the first I've

1 heard about dismissing the case. I was handed the
2 memorandum when you were, but the underlying problem in
3 this case is that it has been motion, motion heavy before
4 I have had a chance to take the first deposition. I have
5 motions to compel. I haven't gotten documents. My client
6 has been nothing but truthful.

7 I have clients -- I have checked the ethical rules
8 very carefully. I am not at liberty to tell my clients'
9 names until they tell me that I can. Right now there is
10 no reason to because they're not relevant to this case.
11 However, that has nothing to do with the fact that I have
12 spent six pages telling them exactly everything I know.

13 I can't guess everything that I know that I think for
14 this one defamatory statement where my client is called a
15 criminal actor, everything, how my client got that
16 information.

17 I haven't had any conversations with anybody. I know
18 perfectly well what attorney/client privilege is. I would
19 never ask that. -- I never have in a deposition, but that
20 information came to us. I said who it came from.

21 We have lots of other defamatory allegations. We
22 have allegations of bad information being given to SLED
23 and press releases and actions which are defamatory:
24 Moving her office, not letting her talk, excluding her
25 from meetings. So this one little statement is one piece

1 of the defamation.

2 In terms of the attorney privilege, it will be for a
3 court to decide if an attorney calling a person a criminal
4 actor is defamatory.

5 If a court decides that, then it will be for the
6 court to decide if it was privileged. However, the abuse
7 of privilege is a question of fact, and that will not be
8 for the court to decide.

9 With all due respect, it's much too early now at the
10 -- before we have even taken a deposition to know the
11 facts and to know whether the privilege was abused.

12 I haven't taken any depositions. I don't know what
13 those people are going to say in the meetings. To me, the
14 affidavits contradict themselves. I have one that says
15 there were 15 to 20 people there and they don't know the
16 date and another one that says there was a small handful
17 of people. Some of them have the dates, some of them
18 don't.

19 I'm not going to ask what was said at that meeting --
20 since I understand that there was an attorney there, but I
21 think I would -- I would certainly be entitled to know who
22 called the meeting and how did they know there was going
23 to be attorney/client privilege.

24 Now, we don't know that stuff. So because we don't
25 know it, my client can't have done anything wrong to

1 repeat to me what somebody told her. There are lots of
2 other parts of the defamation claim that involve other
3 people saying things.

4 I don't know until I take a deposition. Actually, I
5 probably will know this week because there's a State
6 hearing, and for the first time, I will be able to ask
7 questions of DEW witnesses. I have not done that yet.

8 In terms of the privilege, I certainly understand
9 that anything that's said that's attorney/client advice is
10 privileged. It may be that a court will say -- describe
11 my client in a certain way during an attorney/client
12 privilege meeting is privilege. I don't know that yet. I
13 don't think we have enough facts to know whether or not
14 that's true.

15 Even at the worst scenario that's true, then I will
16 say fine. We can't use that piece of information which is
17 the only thing I know of that I am -- that they have a
18 problem with, that one thing, because that's what I've
19 said. I don't know anything else.

20 We still have a lot in the defamation claim. In
21 terms of the cell phone records, I asked after we had the
22 hearing, Gene and I had pleasant conversations, and I
23 said, "Gene, what is the relevance to the cell phone
24 records? What is the relevance?"

25 The answer was it's relevant to the defamation claim

1 for self-publication. I said, "Okay. I think -- I think
2 you're right. I think the only relevance of all my
3 client's cell phone records could be to a defense, even
4 though they didn't put it in their answer, but
5 self-publication is a defense."

6 So the only relevance could be that my client after
7 she was called names picked up the phone and called other
8 people and self-publicized, and that would be relevant to
9 her defamation claim. But as a matter of law, Your Honor,
10 self-publication is to a third party.

11 Any conversation she had with Cheryl Stanton, who is
12 a defendant in the defamation case or anybody at DEW
13 because DEW is a defendant in the defamation case, cannot
14 be self-publishing. If you call me a name and I -- and I
15 talk to you, that's not defamation.

16 It's only self-publishing if I then say to someone,
17 "I was called a name," but if I say back to you, "I was
18 called -- you shouldn't call me that," we're just having a
19 conversation. That is not relevant.

20 I redacted conversations between me, conversations --
21 her teenage son had because he is on the same cell phone
22 record and any conversations that she had with DEW
23 employees because to the defamation claim, it's not
24 relevant to the issue of self-publication.

25 I don't know of any reason those cell phone records

1 would be relevant. I think that the Supreme Court has
2 just come down very hard on these kinds of "give me all
3 your cell phone records so that we can see what" -- you
4 know, it's a witch hunt. It really is a witch hunt.

5 I don't -- I'll give them if they are relevant, and I
6 think they are relevant for self-publication. But they're
7 not relevant on any other issue, and so that was done in
8 good faith.

9 After I did that, then that's not enough. It's just
10 very difficult because I don't -- I haven't taken a
11 deposition yet. I'm going with what my client and I know,
12 I think, is enough in good faith to file a lawsuit and to
13 allege these causes of action, but we are not yet to the
14 point of proving it.

15 So I know that they don't like the lawsuit. I've
16 been trying to take depositions for months, and they're
17 still not scheduled.

18 It's very difficult for me to just keep getting
19 attacked and to try to defend myself and my client's
20 actions when we're doing the best we can to be as thorough
21 as we can and we're not able to move along.

22 So Your Honor, I think it's way immature. I don't
23 think my client has done anything. I'm not willing to
24 guess. I'm just not willing to guess at some of this
25 stuff, and so we need time.

1 THE COURT: So listen, I'm very simpleminded.
2 Sometimes that's good. Sometimes that's bad, but where is
3 the list of the people who allegedly received the
4 defamatory statements?

5 MS. BLOODGOOD: I put -- I put all the names down,
6 Your Honor.

7 THE COURT: Okay.

8 MS. BLOODGOOD: And they are in -- on every single
9 meeting, I put -- I listed all of the names.

10 THE COURT: Okay.

11 MS. BLOODGOOD: For instance, on paragraph --

12 THE COURT: And what date did you do that on?

13 MS. BLOODGOOD: I did that after the first hearing,
14 August 12th.

15 THE COURT: August 5th?

16 MS. BLOODGOOD: August 12th was my third response,
17 Your Honor. I can hand that up to you if you don't have
18 it. I think the -- I think it's in the e-mails.

19 THE COURT: That's the one?

20 MR. MATTHEWS: It's --

21 THE COURT: Hold on just one second.

22 That's the one where the defendants have extrapolated
23 this list of people?

24 MS. BLOODGOOD: I don't know that, Your Honor.

25 MR. MATTHEWS: Yes, sir.

1 THE COURT: All right. So that's the one -- we're on
2 page four, footnote two. The defendants have extrapolated
3 this list of -- that starts with Mark Gore and ends with
4 Ken Moffitt.

5 MR. MATTHEWS: Yes, Your Honor.

6 THE COURT: Okay. So here is my question: How do
7 any of those witnesses relate to the answer that was
8 provided to the Court that there's going to be some kind
9 of retaliation?

10 MS. BLOODGOOD: Your Honor, are you -- are you
11 referring to the memorandum of law that was handed up
12 today to you?

13 THE COURT: Here is what I'm referring to. We had a
14 hearing --

15 MS. BLOODGOOD: Right.

16 THE COURT: The defense said, "I want to know who she
17 made the statements to" which is as far as I'm concerned
18 pretty much an element of defamation.

19 I was told, Judge, I can't tell you that because it
20 will cause these people to be retaliated against. I'm
21 paraphrasing, for the record.

22 I said something along the lines of, Well, your
23 client should have thought about that before she brought
24 the lawsuit. Then I was told, "Well, I can't tell you
25 that because they're all clients."

1 Now, there's been what's been relayed to me as a list
2 of potential people starting with Mark Gore ending with
3 Ken Moffitt from plaintiff's responses on or about
4 August 12th, 2014, none of which fall into that category.

5 MS. BLOODGOOD: All the names that I put down on
6 August 12th would fall into that category because they are
7 employees at DEW, and whether or not they are employees
8 who said the criminal actor -- who reported the criminal
9 actors, that's a different -- that's a dangerous --

10 THE COURT: Okay. So how is Mark Gore, the husband
11 of one of your client's friends, at the Department -- at
12 DEW a person who is going to be retaliated against?

13 MS. BLOODGOOD: He's not, Your Honor. I didn't say
14 they all -- he is not an employee of DEW.

15 THE COURT: Right. So how does David Sally, a former
16 employee, fit into that mix?

17 MS. BLOODGOOD: He is not, Your Honor.

18 THE COURT: What about Lisa Cox?

19 MS. BLOODGOOD: I don't know who Lisa Cox is.

20 THE COURT: Well, you wrote her name.

21 MS. BLOODGOOD: She is -- I wrote the names of the
22 people who were at the meetings who heard -- that were
23 about my client after she was suspended --

24 THE COURT: Right, and what you told --

25 MS. BLOODGOOD: -- which is what you asked me to do.

1 THE COURT: And what you told me was you can't tell
2 us that information because these people are going to be
3 retaliated against.

4 MS. BLOODGOOD: Your Honor --

5 THE COURT: So either that's not true, or what you're
6 saying now is not true. I'm not saying you personally,
7 but where -- where is your client?

8 MS. BLOODGOOD: Your Honor --

9 THE COURT: Why isn't she here?

10 MS. BLOODGOOD: Well, because this is a discovery
11 matter, and I didn't think she needed to be here.

12 THE COURT: I mean, has she signed off on your --

13 MS. BLOODGOOD: She's looking at --

14 THE COURT: -- verifications for every single one of
15 these answers?

16 MS. BLOODGOOD: Yes, she has, Your Honor. She has
17 looked and --

18 THE COURT: I'm not sure we don't need to have a
19 hearing with her present because somebody is --
20 misrepresenting information to --

21 MS. BLOODGOOD: Your Honor --

22 THE COURT: -- this Court.

23 MS. BLOODGOOD: Your Honor --

24 THE COURT: Don't talk when I talk, Ms. Bloodgood.
25 The court reporter can only take down one person at a

1 time.

2 Now, somebody is misrepresenting information to this
3 court. It's either -- I don't believe that you would do
4 that in any way, shape, or form, but I'm not too -- I'm
5 very concerned about your client's ability to be truthful
6 in the responses to these questions.

7 MS. BLOODGOOD: Your Honor, could you specifically
8 tell me what it is that you think she is not being
9 truthful about?

10 THE COURT: Okay. What I -- I'm just -- what I was
11 told is that -- the defendants asked for was "Please
12 identify the people who received the alleged defamatory
13 statements". Is that right, Mr. Matthews?

14 MR. MATTHEWS: Yes, sir, Your Honor.

15 THE COURT: That was a -- what do we call those
16 things, interrogatory or something like that, right.
17 Okay, and the response to that in writing was: "You
18 already know who they are." Well, that answer is gone.
19 That answer doesn't matter.

20 MS. BLOODGOOD: Okay.

21 THE COURT: I mean, the fact that a lawyer would even
22 write that answer is baffling to me, but that answer is
23 gone. That doesn't count. It's completely invalid and
24 totally inappropriate, or the name was refused to -- she
25 refused to divulge the names of the alleged witnesses

1 because she was extremely concerned that SC DEW is going
2 to retaliate against innocent employees of DEW if their
3 names are provided.

4 Now, that's not a valid reason under the rules in any
5 way, shape, or form or stretch of the imagination. So
6 when I called Ms. Paul's bluff on that, the response was,
7 "Well, Ms. Bloodgood represents all of these other people,
8 and she doesn't have permission" --

9 MS. BLOODGOOD: No, Your Honor.

10 THE COURT: -- "to give all those answers."

11 MS. BLOODGOOD: No, I didn't say that. I didn't
12 represent that I represent all of these people. I did
13 not. I said I represent one or two --

14 THE COURT: Okay. Do I need to --

15 MS. BLOODGOOD: -- over at DEW.

16 THE COURT: Do you want me to go back and read this
17 transcript?

18 MS. BLOODGOOD: I did -- I know I didn't say I
19 represent all of those people, Your Honor.

20 THE COURT: Okay. Regardless of how many you said
21 you represented -- I'll -- well, I'll leave that for my
22 further reading today.

23 When the plaintiffs -- when the defendants did
24 receive a list of the people who are allegedly witnesses
25 to the defamatory statements, the one, two, three, four,

1 five people who were mentioned did not fall into the
2 category of people that could be retaliated against.

3 MS. BLOODGOOD: Yes, Your Honor. I named some people
4 who were not employees, as well as some people who were
5 employees because I went back and I talked to my client --

6 THE COURT: Who did you think was an employee?

7 MS. BLOODGOOD: Who was an employee?

8 THE COURT: Yes.

9 MS. BLOODGOOD: All of the people on my August 12th,
10 2014 -- the people in -- on page three, the people who are
11 the employees. I named every single person in the
12 executive staff, lower level IT, HR and PI Department,
13 Harold Scott, Rebecca Battle-Bryant, Erica VonNessen
14 (phonetic). It's in the middle of the page.

15 I did that for every single answer, Your Honor. So I
16 named everyone who I -- who I think were at meetings
17 because we've been provided emails that show who was
18 invited to the meeting. So I checked with my client. I
19 said, "Who are these people? -- Give me specifically their
20 names."

21 Now, until I take a deposition, I don't know what
22 they're going to say, but the question was, "Who received
23 this information?" I think they received that information
24 because they were in the meeting. That's all that I'm
25 trying to do is establish who our witnesses might be.

1 THE COURT: Okay. And how do you know who was in the
2 meeting on December 20th?

3 MS. BLOODGOOD: Because there were emails sent around
4 of --

5 THE COURT: Okay. Well, emails don't count. How do
6 you know who was physically present in the meeting sitting
7 there in the room --

8 MS. BLOODGOOD: I don't.

9 THE COURT: -- when this happened?

10 MS. BLOODGOOD: I don't until I ask them. I know who
11 was invited to the meetings based on documents that have
12 been provided to me.

13 I have not been able to say to any one of these
14 people -- because we haven't scheduled depositions, "Were
15 you at the meeting, and do you recall what was said at the
16 meeting?"

17 THE COURT: So you don't know who was in the meeting?

18 MS. BLOODGOOD: I know who was --

19 THE COURT: I mean, I'm not saying --

20 MS. BLOODGOOD: -- invited to the meeting, Your
21 Honor.

22 THE COURT: When I say you, I mean your client.

23 MS. BLOODGOOD: Not yet.

24 THE COURT: So your client was not present for the
25 meeting.

1 MS. BLOODGOOD: Correct.

2 THE COURT: So how does she know who was in the
3 meeting?

4 MS. BLOODGOOD: Because of the documents that have
5 been provided to us.

6 THE COURT: Okay. Don't -- I need a specific answer.
7 "My client knows because Susie Henry told her that Jeff
8 Baker was there."

9 MS. BLOODGOOD: I don't think anyone other than this
10 non-person and the husband actually told her because
11 everyone in the meeting was instructed -- and I -- and I
12 put this in my answers. The husband told my client that
13 his wife was instructed not to talk to her.

14 THE COURT: Okay.

15 MS. BLOODGOOD: So I --

16 THE COURT: I need --

17 MS. BLOODGOOD: I'm only --

18 THE COURT: I need a specific answer. How does your
19 client know what happened in the meeting?

20 MS. BLOODGOOD: We don't yet know what happened in
21 the meeting.

22 THE COURT: I thought that was --

23 MS. BLOODGOOD: Except --

24 THE COURT: I thought --

25 MS. BLOODGOOD: Except --

1 THE COURT: I thought that was the basis of the
2 defamation claim.

3 MS. BLOODGOOD: Except from the husband who called my
4 client and said his wife couldn't talk to her because she
5 had been told in the meeting not to talk, and it was a
6 meeting of the executive staff. My client was part of the
7 executive staff. She knows who is in the executive staff
8 so --

9 THE COURT: But she doesn't know who was there.

10 MS. BLOODGOOD: I don't know. She wasn't there. She
11 doesn't know who --

12 THE COURT: Right.

13 MS. BLOODGOOD: -- was there except for what he is
14 telling her.

15 THE COURT: So Mark Gore --

16 MS. BLOODGOOD: Right.

17 THE COURT: -- who is related to whom?

18 MS. BLOODGOOD: I don't know his wife's name. She is
19 one of -- I guess she is one of these people. I don't
20 know which one, Your Honor.

21 Your Honor, it's difficult for me to prove a case
22 before --

23 THE COURT: Does your client know who Mark Gore is
24 married to?

25 MS. BLOODGOOD: Yes, and she has told me, but I --

1 I'm sorry. I just didn't -- I don't know which one of
2 these women who I've already named is the wife. I think
3 probably DEW knows that. I don't. I can find out.

4 THE COURT: Well, it's your case. You're the
5 plaintiff.

6 MS. BLOODGOOD: Your Honor.

7 THE COURT: You have to prove it.

8 MS. BLOODGOOD: Yes, I do, and I have the right to do
9 discovery to do that, and I haven't started it yet. These
10 aren't answers that you know right in the beginning of a
11 lawsuit.

12 THE COURT: No. Your client knows who Mark Gore's
13 wife is.

14 MS. BLOODGOOD: Yes, she does. She told me.

15 THE COURT: And you didn't bother to put --

16 MS. BLOODGOOD: It's not --

17 THE COURT: -- her name in there.

18 MS. BLOODGOOD: It's not her who -- she was at a
19 meeting. I put her in there for being at a meeting
20 because she was one of these people, but she did not have
21 a conversation with my client, so I don't know what she
22 knows yet about that. I'm not trying to be difficult.
23 It's just very hard for me to --

24 THE COURT: So --

25 MS. BLOODGOOD: -- tell you what my lawsuit is going

1 to look like nine months from now before I've gotten all
2 of the responses from them or before I've taken a
3 deposition.

4 THE COURT: So who are the witnesses who are going to
5 be retaliated against?

6 MS. BLOODGOOD: I would think anybody who is at these
7 meetings when I take their deposition and I ask them what
8 was said about my client at the meeting, that they are at
9 risk of being retaliated against.

10 THE COURT: So the answer is --

11 MS. BLOODGOOD: That's what I meant when I was --

12 THE COURT: So the answer is you don't know.

13 MS. BLOODGOOD: No, I don't know what DEW is going to
14 do.

15 THE COURT: Right. So you base discovery responses
16 and responses to this Court off of nothing but pure
17 speculation.

18 MS. BLOODGOOD: Your Honor, I did the best I could do
19 with the discovery responses: -- I went over them with very --
20 -- I have never had a case where I've had as many
21 supplemental, supplemental conversations with Gene as much
22 describing as I could at such an early point of the
23 litigation.

24 THE COURT: It's just interrogatories. Who are your
25 witnesses, that's the question.

1 MS. BLOODGOOD: That's why I named --

2 THE COURT: Who are the witnesses?

3 MS. BLOODGOOD: -- every possible person. I can't
4 tell you which of these will be my witness down the road.
5 I named every possible --

6 THE COURT: You can't say that any of them even are
7 witnesses because you don't know who was in the meeting.

8 MS. BLOODGOOD: Not yet I don't know. That's true.

9 THE COURT: How do you even know the statement was
10 made?

11 MS. BLOODGOOD: Because this David Sally told my
12 client that the statement was made. I have not spoken to
13 David Sally. I don't know David Sally. That is
14 information that we will have down the road. I don't know
15 who talked to David Sally.

16 THE COURT: This says that the plaintiff admits that
17 David Sally was not at any of the meetings.

18 MS. BLOODGOOD: That's right. He is not an employee.

19 THE COURT: So how does he know what was said in the
20 meeting?

21 MS. BLOODGOOD: I don't know, Your Honor. I've been
22 very careful not to talk to anybody until I'm in a
23 situation where I have a deposition and I can ask him.

24 He is evidently a former employee of DEW, and I don't
25 want to be accused of talking to anyone who is a former

1 employee of DEW without their permission. So his
2 deposition will be taken. He has been named as a witness.

3 THE COURT: So the retaliatory people do not exist.
4 We have determined that.

5 MS. BLOODGOOD: No. No, Your Honor. I don't think I
6 said anything wrong at the last hearing. I am concerned.
7 What I told you is I am concerned that these employees are
8 going to be retaliated against. That doesn't mean I'm not
9 going to name them and use them as witnesses. I'm going
10 to have to. I understand that.

11 THE COURT: All right.

12 MS. BLOODGOOD: I -- what I was asked was who
13 received the information. What they're going to say about
14 that, I don't know.

15 THE COURT: I mean, the answer to who received the
16 information is you don't know.

17 MS. BLOODGOOD: I don't know until I take the
18 depositions. However, I believe that if an email goes out
19 from Cheryl Stanton saying in December, "Come to a
20 meeting" and it says "executive staff", I know who the
21 executive staff are.

22 I think some of those -- I think those executive
23 staff will be my witnesses. I think I have a
24 responsibility to err on the side of telling them who I --
25 who might be my witnesses. Which one of those five, ten,

1 15 people right now, I can't tell you.

2 They may all say we didn't hear anything. That
3 meeting wasn't even about your client, but just because I
4 can't stand here today and tell you which one, I intend to
5 be able to do that.

6 THE COURT: But after --

7 MS. BLOODGOOD: -- after I take depositions.

8 THE COURT: I don't know how you file a case if you
9 don't know who the defamatory statement was made against
10 or made to.

11 MS. BLOODGOOD: That's one statement, Your Honor. As
12 I said, I have lots of defamatory actions. This is
13 just -- they're focusing on one little piece of the
14 defamation.

15 She -- there were lots of defamatory actions and
16 statements made outside of this meeting. If you decide
17 that -- today that there is no basis -- that the privilege
18 has either been abused for the statement or that I cannot
19 use that statement, that's one small piece of my
20 defamation claim.

21 THE COURT: Now, is this meeting that I've been
22 referring to the same meeting where all of the lawyers are
23 present?

24 MR. MATTHEWS: Yes, sir, Your Honor. There's -- if
25 you look at the affidavits that are attached, we think

1 they describe a single meeting on December 27th where
2 Mr. Westbrook and I believe another attorney may have been
3 present by phone.

4 Mr. Westbrook was present earlier. Mr. Westbrook
5 also recalls a conference call from his law office on
6 January 3rd with Ms. Stanton, Darryl Scott, Pats, another
7 Nelson Mullins attorney and a person from the IT
8 department, and then a final conference call on
9 January 7th for the first providing legal advice.

10 The only meeting would have occurred on December 27th
11 at DEW, and there were two follow-up conference calls with
12 DEW officials. Your Honor, I don't know if this is an
13 appropriate time.

14 THE COURT: I'm listening.

15 MR. MATTHEWS: Like you, I don't believe
16 Ms. Bloodgood would have intentionally misrepresented a
17 material fact to the court. However, we continue to have
18 grave concerns about her client.

19 We also do not understand how her client could at
20 first say, "these witnesses of mine are long-term
21 employees" when the persons listed at footnote two who are
22 the sources of her information -- Mr. Sally's name was
23 mentioned has not been a DEW employee, according to their
24 records, according to what they tell me, since June
25 of 2012 which was about a year-and-a-half prior to the

1 events that have prompted this case.

2 You know, clearly Mr. Gore will not be an employee,
3 Lisa Socks who was identified in a discovery response as a
4 staff employee, State Senator Alexander and Ken Moffitt
5 who was identified as State General Counsel. These
6 clearly don't fit under the sources of information that
7 the plaintiff described in her earliest responses and
8 continue to this day.

9 Our concern is that we are in an untenable position.
10 The Court is in an untenable position, and Ms. Bloodgood
11 is in an untenable position and been placed there by the
12 plaintiff. That's why our legal memorandum sets forth
13 what we think is the appropriate remedy.

14 THE COURT: What about her argument that there's all
15 of these other causes of defamation?

16 MR. MATTHEWS: Well, in that case, Your Honor, we
17 would go to the theory announced in Camden. You know, and
18 frankly, our state's own -- our state's own -- our state's
19 own precedent which says the court needs to find bad faith
20 and prejudice.

21 The Court, I believe, can find in these facts set
22 before you bad faith by the plaintiff and prejudice. We
23 have been prejudiced because to this day, we still don't
24 know how to defend ourselves against their claims because
25 we can't get a straight answer out of the plaintiff.

1 She says one thing, then she pivots and says another.
2 She says it to us. She apparently says it to her own
3 lawyer, and she says it to this Court, bad faith.

4 Prejudiced, because again, it's prejudice if we can't
5 defend ourselves. It's also prejudice when our privileged
6 conversations are laid bare to the public. That's why we
7 believe, Your Honor, even if you -- we believe that
8 this -- this behavior on the part of plaintiff would
9 certainly justify you acting within your discretion, and
10 it is -- again, the standard for you to make this call is
11 abuse and discretion.

12 Clearly, we don't think you abuse your discretion if
13 you dismiss the case or simply the defamation claim, but
14 the concern we have here is that it becomes the fruit of
15 the poisonous tree, if you want to use the criminal law
16 analogy. Once the privilege is broken and what's --
17 frankly, we've been put through the wringer in terms of --
18 first we're told there are long-term 20- to 25-year
19 employees who are witnesses who in one case are clients of
20 opposing counsel. For that, they can't be named.

21 When we finally get a list of actual sources, none of
22 those names fit either description. That's why we feel
23 jerked around. That's why we believe it's evidence of the
24 plaintiff's bad faith. That's why we believe there's been
25 prejudice.

1 Now, I will say this: Ms. Bloodgood is exactly
2 right. We've had numerous conversations about this.
3 Ms. Bloodgood and I tried to work through this as
4 professionals. I have no complaints about Ms. Bloodgood
5 on that score.

6 I believe -- if you want a personal opinion, I
7 believe Ms. Bloodgood has herself been placed in an
8 untenable position. That's why we've asked the Court to
9 sanction the plaintiff, not the lawyer.

10 MS. BLOODGOOD: Your Honor, could I respond?

11 THE COURT: Oh sure. Yes, ma'am.

12 MS. BLOODGOOD: I have the right under the rules to
13 supplement discovery. I have tried. We have supplemented
14 and supplemented and supplemented. When I -- when I talk
15 to my client, every time I talk to her, she remembers and
16 says oh, yeah.

17 Now, I know maybe she should have remembered two
18 months ago the David Sally piece. However, it happens all
19 of the time with clients. You talk to them and talk to
20 them and pull information like you're pulling teeth.
21 There is no bad faith on her part when she tells me
22 something and I supplement the best that I can.

23 I have -- there is nothing -- I haven't said anything
24 wrong about my fear that once these depositions start and
25 I name all of these employees that there may be

1 retaliation.

2 As you said at the last hearing, they would have a
3 cause of action. I don't -- unfortunately, they would
4 but -- if that happened, but my client has not -- is not a
5 bad person as she -- as they want to make her out.

6 She has been very helpful to me. She does remember
7 things that go -- as they go along. She has been
8 traumatized by this, but I have not felt her to be any
9 different than the way that I have to get information out
10 of a lot of clients which is sometimes it takes time. A
11 lot of times in the middle of a deposition, people
12 remember things and it comes out.

13 So I know they want the case dismissed, but I have to
14 tell you I don't -- I think my client has been trying to
15 be as helpful as she can be and we -- anything more that I
16 provide to them at this point would just be guessing.

17 THE COURT: Go ahead.

18 MR. MATTHEWS: Well, Ms. Bloodgood -- Ms. Bloodgood
19 is a zealous advocate, but the facts, we think, remain.
20 The evidence before the court right now in our view does
21 not support the assertion that her client has been
22 forthcoming.

23 If anything, it supports the -- what we believe is
24 the proper conclusion that her client has been guileful
25 and has misled us, has misled the court, has even in our

1 view misled Ms. Bloodgood.

2 There are also issues that involve what we think is a
3 clear breach of our privilege. I return to this only to
4 emphasize one of the statements that they say is
5 defamatory actually came from the mouth of the lawyer that
6 DEW hired to help them through this process.

7 I can't imagine a more privileged assertion.

8 Further, we are still at sea about waiting for the persons
9 who initially we were told are witnesses, but we can't
10 tell them because we're afraid of retaliation.

11 The list that we received includes none of those
12 names, and Ms. Bloodgood is perfectly right. It is now
13 September, and in the face of your -- what I think were,
14 frankly, quite clear directions to the plaintiff.

15 THE COURT: I still don't know the names of the
16 people who are going to be retaliated against.

17 MS. BLOODGOOD: It -- Your Honor, all the people that
18 I've named in paragraph --

19 THE COURT: The middle paragraph?

20 MS. BLOODGOOD: They're all employees. They're all
21 employees, Your Honor, yes. That's the basis for my fear
22 that they will be retaliated against because --

23 THE COURT: But what is your basis for knowing that
24 they are a witness to anything, the email that invited
25 them?

1 MS. BLOODGOOD: Yes, and the meeting was about my
2 client, Your Honor.

3 THE COURT: Right. Now, I didn't ask that.

4 MS. BLOODGOOD: Yes.

5 THE COURT: I said what is your basis for knowing
6 that the people that you listed are witnesses to anything
7 other than they were invited to a meeting?

8 MS. BLOODGOOD: They were invited to a meeting in
9 which my client was discussed. That's all I know. You're
10 right.

11 THE COURT: How do you know --

12 MS. BLOODGOOD: That's what I asked --

13 THE COURT: -- your client was discussed?

14 MS. BLOODGOOD: Well, I know people like Senator
15 Alexander knew it and Lisa Cox, I remembered. Sorry. She
16 works for Senator Alexander, and they were reporting back
17 to my client.

18 So somebody in that meeting was talking. I don't
19 know how many -- they can get as many affidavits as they
20 want, but I didn't contact any of those people.

21 THE COURT: I didn't say you did.

22 MS. BLOODGOOD: But we got that information. They
23 are also -- it's -- the reason that this is a little bit
24 hard and squirrly is DEW is issuing press releases.
25 There's newspaper articles. There's all sorts of phone

1 calls.

2 There's -- so where -- until I take the depositions
3 and have a chronology, I can't stand here today and guess
4 which of those witnesses will be the witness that I'm
5 going to use.

6 I do think, in all fairness, those would be the only
7 people who would know what was said at that meeting, and
8 that's why I listed them.

9 THE COURT: So the truth is -- the bottom-line truth
10 is your client has no personal knowledge, nor can she name
11 one witness right now who knows exactly what happened in
12 that meeting?

13 MS. BLOODGOOD: That's correct. She has no personal
14 knowledge because she was already suspended when the
15 meetings occurred, and she was not allowed back onto that
16 the -- that's absolutely correct. She wasn't allowed onto
17 the premises.

18 In terms of what happened in those meetings, what we
19 know is they were called immediately after she was
20 suspended. She was discussed. I'll tell you -- and I
21 think I put this in here, Ted Pitts in the Governor's
22 Office told her she was discussed in those meetings. I
23 haven't put his name down as a witness, but I haven't
24 taken his deposition yet.

25 THE COURT: Was he present for the meeting?

1 MS. BLOODGOOD: We -- I don't -- I don't know, Your
2 Honor. He wasn't on the email list of people on the
3 Executive Committee, so I assume he was not.

4 So there were people from the outside --

5 THE COURT: I mean, just because Ted Pitts told her
6 she was mentioned in a meeting isn't proof that she was
7 mentioned in a meeting.

8 MS. BLOODGOOD: That's right, Your Honor, but at this
9 point before discovery, I'm entitled to go to find out
10 where are our strongest pieces for this puzzle.

11 THE COURT: I think you have got to know that before
12 you file a case. You can't name -- she can't name one
13 witness who was present in the meeting that heard the
14 statements that has firsthand knowledge of what happened
15 in a meeting, correct?

16 MS. BLOODGOOD: Your Honor, right now standing here
17 today before taking depositions that's true, but when I
18 take the depositions of these employees, I am hopeful one
19 of them will tell the truth and say what was happening in
20 those meetings. This is just for this one little issue.

21 THE COURT: So what are --

22 MS. BLOODGOOD: We have --

23 THE COURT: So what are the other issues? Expand on
24 that, please.

25 MS. BLOODGOOD: Okay. Once -- the other defamation

1 pieces are that once she was hired, Cheryl Stanton almost
2 immediately moved her office to another building,
3 prohibited her from talking to anyone, even though she was
4 the HR Director, prohibited her from going to executive
5 staff meetings that she had been at for a long time.

6 . What these actions did was they sent a message that
7 she had done something wrong in her job; that she was
8 incompetent in the performance of her job, and so she was
9 isolated and put away from the rest -- from people who --
10 she had been the Chief of Staff.

11 She had been very involved with all these people, and
12 all of the sudden she disappeared. She was -- there was a
13 press release that said that she was -- that she had
14 stolen these 4,000 Social Security numbers which it turns
15 out was -- we find out three months later was a file that
16 she routinely had to access as HR Director.

17 She was -- besides the other statement, those -- once
18 she was suspended, statements were made publicly, and I
19 don't have -- I've asked for the press releases. I don't
20 have those yet. That's a subject of a motion to compel, I
21 believe, but once those public statements -- she was
22 called that she had stolen information and was using it
23 for her public benefit; that this was similar to the DOR
24 which was a serious break, when she was suspended, she was
25 told that it was -- she wasn't told why, but SLED said

1 you're suspended because there's 244 Social Security
2 numbers that -- with COBRA on the top.

3 She had no idea what they were talking about. When
4 she is terminated, that goes away, and now that -- I
5 haven't gotten that document either.

6 I don't even know if it existed. So I think that
7 would be defamatory if, in fact, the reason changes, and
8 we have two different documents, that would be the basis
9 for her termination.

10 So there's lots of actions and statements that were
11 made that we will be able to quantify and be more specific
12 about once we get those documents and take the
13 depositions, so the defamation is much broader than that
14 statement.

15 I -- if the statement is privileged, and I quite
16 honestly -- I don't know. I've never run across an
17 attorney/client privilege situation where there was name
18 calling, but if it is privileged, it still to me would
19 have to be an issue of fact as to whether that privilege
20 was exceeded, so I still think it's too early.

21 The one thing I do have a concern about, I keep
22 hearing that attorney/client privilege is breached. I --
23 I don't know how -- I made one -- what we've heard is one
24 statement, that's it.

25 I don't know what all this that it's been waived and

1 then there's other things. I don't know what that's
2 about, but that -- we're here, as I understand it, because
3 they are concerned about the one name-calling incident.

4 You know, all I can tell you is I don't know what
5 that's about, and I have told my client -- and I believe
6 that she follows my instructions -- that she is not to
7 contact and I don't -- she hasn't. She knows what
8 attorney/client privilege is.

9 Now, who in that group is talking to other people, I
10 don't know, but I can tell you, Your Honor, everybody was
11 talking about it in the beginning, everybody.

12 She got calls from senators. She got calls from
13 Mr. Thiamin (phonetic) who used to be the director before
14 Cheryl Stanton. She got calls from the Governor's Office,
15 so I don't know. I don't have a good enough feel for the
16 case yet to tell you who that -- who that person was. If
17 we get another name, I will supplement like I have done
18 before.

19 MR. MATTHEWS: Your Honor, we do not share
20 Ms. Bloodgood's confidence that her client is playing
21 straight with you -- with us or you. Some of the names
22 that she has just mentioned are not in here either, the
23 senators, the generals that are calling her.

24 The only names that we could find from her client's
25 response of August 12th as actual sources of information

1 are listed on footnote two. None of those persons fit the
2 description that the plaintiff gave us back in May or gave
3 to this court in July.

4 Further, I don't think the mystery of the privilege
5 is a mystery at all. It's clear that when, for instance,
6 I'm outside counsel to DEW -- if I'm having a meeting with
7 DEW officials to discuss a matter in which they're
8 receiving my legal advice, I, as Mr. Westbrook, would
9 regard that as a privileged conversation.

10 A privilege is designed to prevent the very abuse I
11 believe the plaintiff is indulging in right now using what
12 would then be my statements to support a claim against my
13 clients.

14 Now, I don't know, frankly, what SLED told to whom
15 because SLED is not my client. SLED is also not a
16 defendant. We do know without a doubt that the plaintiff
17 downloaded thousands and thousands of PII documents onto
18 an encrypted thumb drive, took it out of the office, took
19 it to her home and plugged it into her computer. We do
20 know that.

21 We do know that the plaintiff does have other forums
22 in which she can address her rights and which she is --
23 she has a concern about that her termination.

24 As Ms. Bloodgood has stated, this week she will have
25 a full and fair opportunity before the State Employee

1 Grievance Committee to have that case heard which we have
2 no objection. What the plaintiff cannot do and what we
3 think she is doing and the evidence shows she is doing is
4 playing fast and loose with all of the people in this room
5 who are fully aware of their professional
6 responsibilities.

7 We cannot, cannot understand how a plaintiff can at
8 one point say, "I cannot give you these names because
9 you're going to retaliate against them," have her attorney
10 represent the same to you in this court and then when push
11 comes to shove be told, "Well, we don't -- these are the
12 only names we know, and they do not fit the description."

13 We are very troubled by that. That's why we think
14 that's evidence of bad faith and prejudice. We think
15 breach and privilege is the same call, bad faith and
16 prejudice.

17 We don't think it's a question of fact about whether
18 or not an attorney is speaking in a meeting to DEW
19 officials to render legal advice can be anything other
20 than privilege.

21 We think respectfully, Your Honor, the Court has,
22 certainly has the discretion and has the appropriate facts
23 in front of him. They -- he has the records that we have
24 included in our index as the law. We've included our
25 memorandum to take the position that we're respectfully

1 urging the Court to take. For other remedies, we think
2 that dismissal is by far in this case the most
3 appropriate.

4 THE COURT: What else, Ms. Bloodgood?

5 MS. BLOODGOOD: I don't think there is any bad faith
6 when my client has four times supplemented discovery.
7 I've named the people who I think are going to be
8 retaliated against. I don't know how to be more clear on
9 that.

10 THE COURT: You have no basis to know that they are
11 witnesses.

12 MS. BLOODGOOD: No, not until I take their
13 deposition.

14 THE COURT: Right.

15 MS. BLOODGOOD: That's right.

16 THE COURT: I mean, I think -- I mean, I understand
17 what Mr. Matthews is saying, but the thing that's more
18 troubling to me is that a lawsuit has been filed alleging
19 a defamatory statement made by somebody and there is -- in
20 the possession of the plaintiff, there is no true
21 knowledge or evidence that would be admissible at trial
22 that could prove it ever happened.

23 MS. BLOODGOOD: Your Honor, I didn't -- just for
24 clarity, that issue has come up after I filed the lawsuit.
25 So it's not like I filed a lawsuit knowing that this

1 statement had been made.

2 I heard the statement -- my client reported the
3 statement to me in an attempt to be forthcoming. I
4 reported it. If you think that that one statement cannot
5 be proven based on what I -- the information before taking
6 depositions, I would ask that you tell me that my
7 defamation claim can't be based on that statement.

8 I have plenty to go forward with on the other
9 defamation claim, but I -- I don't think that dismissal of
10 the case is warranted at this point.

11 There should -- there's certainly going to be
12 significant evidence to support my claims. Otherwise, I
13 wouldn't file this.

14 THE COURT: Well, I think their argument as to
15 dismissal is the fact that the plaintiff has provided
16 responses to you and responses to me that simply have no
17 foundation.

18 MS. BLOODGOOD: Your Honor, I'm sorry but I -- in all
19 cases, in all lawsuits, the lawsuit develops as it goes
20 along.

21 I'm in -- I'm in possession of an email that says
22 there was a meeting, and it was right after my client was
23 suspended. I know who was at the meeting. I've named
24 those people, and I believe I will be able to get evidence
25 from them.

1 IF it turns out that -- that I don't, then the
2 appropriate procedure for them would be to file a motion
3 to dismiss, but I certainly at -- before even getting to
4 that point, I don't think it's fair to throw something out
5 and say that we're -- we're being -- showing bad faith
6 when all I've been trying to do is to get as much
7 information together as I could from the other side.

8 THE COURT: Yes, but the bad faith goes in the
9 response of, "All of these people are going to be
10 retaliated against so we can't tell you."

11 MS. BLOODGOOD: No, Your Honor. I've told -- I've
12 told them who the names are.

13 THE COURT: No, but that was the original response.

14 MS. BLOODGOOD: And I'm sorry I made that statement.
15 You know, I really -- maybe that was an emotional
16 statement.

17 THE COURT: We've now had -- we've now had -- this is
18 the second hearing on that response and I don't know how
19 many-countless of hours of legal expense that DEW is
20 paying because of that response.

21 I mean, everybody in here is a lawyer and is making
22 money and billing time and billing their clients and I
23 understand that. I'm not trying to prohibit any of that,
24 but we've now had two hearings and I don't know how many
25 memorandums and legal research and affidavits and

1 everything else because of the concept of "Well, we can't
2 tell you who these people are because they're going to be
3 retaliated against."

4 MS. BLOODGOOD: But --

5 THE COURT: And now that we know who allegedly they
6 are, we know that statement is not true.

7 MS. BLOODGOOD: No, Your Honor. I -- you know who
8 they are, and when I take their depositions, we'll find
9 out if it's true. I'm sorry that I'm concerned about
10 them. I am concerned but maybe some of those people will
11 be fired, maybe they won't. I hope they won't, but that's
12 -- that's the extent.

13 There's no bad faith in that. I'm just trying to be
14 honest with the Court, but we provided the names.

15 After -- after that last hearing, we provided all of the
16 names of the people who I think might be retaliated
17 against, and if they are, they are.

18 THE COURT: All right. Okay. I'll let you know in a
19 written order. Thank you very much.

20 MS. BLOODGOOD: Thank you, Your Honor.

21 (Pause).

22 MR. MATTHEWS: Your Honor, one last thing.

23 THE COURT: Yes.

24 MR. MATTHEWS: I have been trying to -- no offense to
25 any person here, to withdraw from the case.

1 THE COURT: Okay.

2 MR. MATTHEWS: Ms. Cox is quite able to assume the
3 defense. I've been asked to stay in the case until the
4 end of this particular part of it. As you issue your
5 motion or you issue your order at that point, I'd like to
6 issue a formal notice of withdrawal.

7 THE COURT: That's fine.

8 MR. MATTHEWS: Very good. Thank you.

9 THE COURT: You're welcome.

10 (Whereupon, the proceedings were concluded.)
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CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

I, Karen Ambroziak, Official Court Reporter for the
5th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of Common Pleas for
Richland County, South Carolina, on the 8th day of
September, 2014.

November 21, 2014

/s/ Karen Ambroziak

Karen Ambroziak, RPR
Circuit Court Reporter

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

74937

Honorable Robert E. Hood, Circuit Court Judge

Case No. 2014-CP-40-00271

Kerry Paul,

Appellant,

v.

South Carolina Department of Employment and
Workforce,

Respondent.

NOTICE OF APPEAL

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RECEIVED

FEB 04 2015

SC Court of Appeals

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

Kerry Paul hereby appeals the Order of the Honorable Robert E. Hood, attached hereto as Exhibit A, dated January 6, 2015 and filed with the Richland County Clerk of Court on January 7, 2015.

Respectfully Submitted,



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FEB 04 2015

SC Court of Appeals

COUNTY OF RICHLAND

IN THE CIVIL COURT

KERRY PAUL,

Plaintiff,

- VS -

CHERYL STANTON, ET AL,

Defendants.

TRANSCRIPT OF RECORD

14-CP-40-00271

July 23, 2014
Columbia, South Carolina

B E F O R E:

HONORABLE ROBERT E. HOOD , Judge.

A P P E A R A N C E S:

NANCY BLOODGOOD, Esquire
Attorney for the Plaintiff

EUGENE H. MATTHEWS, Esquire
Attorney for the Defendants

L. COCONUT PANTSARI, R.P.R.
Circuit Court Reporter

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INDEX OF WITNESSES

(Court Reporter's Note: There was no direct or cross examination of any witnesses.)

INDEX OF EXHIBITS

(Court Reporter's Note: No exhibits were marked or received into evidence.)

1 (The following proceedings are reported on
2 July 23, 2014.)

3 THE COURT: We are on the record, I think, in
4 number ten, Ms. Pantsari, 2014-CP-40-271. This is Kerry
5 Paul versus Cheryl Stanton; is that right?

6 MS. BLOODGOOD: That's right, Your Honor.

7 THE COURT: Who is here for Ms. Paul?

8 MS. BLOODGOOD: I am, Nancy Bloodgood, from
9 Charleston.

10 THE COURT: Great. Welcome. And?

11 MR. MATTHEWS: Gene Matthews, yes, sir, for
12 the Defendants.

13 THE COURT: And this is the Defendant's motion
14 for protective order?

15 MR. MATTHEWS: It is, Your Honor.

16 THE COURT: And Defendant's motion to compel;
17 is that correct?

18 MR. MATTHEWS: That's correct, Your Honor.
19 There are two motions on the docket for today. First is
20 the motion for protective order. With your permission I
21 think it might make more sense to do the motion to
22 compel first and then address the protective order.

23 THE COURT: Whatever makes you happy.

24 MR. MATTHEWS: Very good, Your Honor. If I
25 may approach?

1 THE COURT: Yes, sir.

2 MR. MATTHEWS: What I am handing you are
3 documents which I hope will make it a little more
4 comprehensible to the Court.

5 (Hands to Court.)

6 THE COURT: Thank you, sir.

7 MR. MATTHEWS: What I have handed you is a
8 letter that I sent to my good friend, Ms. Bloodgood, of
9 June 11; the letter she sent back to me of June 20; and
10 a copy of the complaint. I think this will help orient
11 the Court to what the fuss is about.

12 By way of introduction, this is a case brought
13 by Ms. Paul against Ms. Stanton, who is the Director of
14 the Department of Employment Workforce and the
15 Department. There are three causes of action.

16 One is for defamation against both parties,
17 both Defendants, one for abuse of process against both
18 Defendants, and a statutory claim under Title 1, which
19 is against the Department. Of course, that is detailed
20 in the complaint.

21 Again, by way of introduction, Ms. Paul was
22 terminated from employment earlier this year. The
23 suit -- while her grievance which she has filed with the
24 State Office of Human Resources deals specifically with
25 the termination -- this suit deals with issues

1 surrounding the termination. Of course, I defer to
2 Ms. Bloodgood to characterize it further.

3 The main concerns that we have that prompted
4 this motion to compel, even after Ms. Bloodgood amended
5 some of her answers in her letter of the 20th, have to
6 do with, again, as we detailed here. First of all,
7 there are -- and it might be best for me to just start
8 going through this.

9 In our letter of the 11th, one of the things
10 that we point out on page 2 at the top is that Plaintiff
11 essentially said and unequivocally stated she would not
12 respond to specific interrogatories, primarily out of
13 fear that in identifying specific persons, she would
14 expose them to retaliation.

15 Just to give you a specific, our interrogatory
16 26 said: Please identify all persons who informed
17 Plaintiff that the statements identified in our
18 interrogatories 25 and 26 were made. Those are alleged
19 defamatory statements.

20 Naturally enough, we believe we are entitled
21 to know, if we are suing an individual and a department
22 for defamation, specifically what the defamation is
23 about. That seems to us to be unacceptable.

24 Ms. Bloodgood on behalf of her client answered
25 as follows: The Plaintiff objects, as she is extremely

1 concerned that the Defendants will retaliate against
2 these employees of DEW if their names are provided.

3 The Plaintiff will not divulge the names of
4 any employees that contacted her after December 18,
5 2013, without a court order, as she is not willing to
6 jeopardize their jobs.

7 Well, with respect, in the unlikely event that
8 any of these employees suffer unlawful retaliation, they
9 have a remedy. But you cannot simply refuse to answer
10 an otherwise acceptable interrogatory on that basis.

11 It's not a privilege. It's not a -- it's
12 certainly relevant because Ms. Paul has sued these
13 Defendants for defamation. We have a right to know
14 specifically what the DEW did, including -- again, this
15 interrogatory 4, in fact, referred back to interrogatory
16 25, which is simply:

17 Please identify all false and defamatory
18 statements made by Defendant Stanton as alleged in these
19 paragraphs in the Plaintiff's complaint, including time
20 and date of the statement, the persons who received the
21 statement, and the content of the statement.

22 That is -- I believe Your Honor will agree --
23 that is probably found in every discovery request that
24 involves defamation claims, and it's unacceptable. With
25 regard, if you refer back to the second page of my

1 June 11 letter, the Plaintiff's responses are similar or
2 the same to interrogatories 26, 28, 31, and 32.

3 We simply would tell the Court, naturally we
4 don't intend to retaliate against anybody. We don't
5 believe that the Plaintiff would retaliate against them.
6 We understand that is her allegation, yet to be proved.

7 That being said, you can't just say, I'm not
8 going to tell you because I don't want to or I fear that
9 you might take some action that is otherwise unlawful.
10 So our argument on those four interrogatories -- again,
11 26, 28, 31, 32 -- is identical.

12 That is simply not anything that we can -- we
13 are entitled to investigate the lawsuit that was brought
14 against us, and she is suing the individual Department
15 for money. So we get to investigate the claims. To
16 deny us that right is just not lawful. That's not what
17 the rules contemplate.

18 I can -- sir, I can continue on with the
19 individual concerns or I don't know if you want to let
20 Ms. Bloodgood respond as we go, but whatever your
21 preference is.

22 THE COURT: Keep going.

23 MR. MATTHEWS: Number 5 had to do with the
24 calculation of damages. In her supplemental response,
25 Ms. Bloodgood does actually flesh out some of her wage

1 claims, and we appreciate her response to that.

2 I just want to bring your attention, as we
3 will later talk about in more documents related to the
4 wage claim, we acknowledge that we asked Ms. Bloodgood
5 to try again and she did; but I just want to put that in
6 your mind.

7 Number 10 had to do with the number of USB
8 sticks in her possession. Let me give you a little
9 background as to why she was terminated. Apparently on
10 November 20, 2013, the Plaintiff used a USB stick to
11 download a massive amount of PII involving Department
12 employees.

13 It's a violation of specific policies, of
14 which we believe she is aware; and, in fact, had a hand
15 in offering. Our question here was asking her to
16 identify with specificity any other use of removable
17 media, like flash drives and USB sticks, that she had in
18 her possession or downloaded, accessed, or stored PII of
19 any DEW employee, other than herself.

20 Her response is: At the time of my
21 suspension, the only thing I had was a personal thumb
22 drive. That is as far as it goes in response. My
23 question is broader than that. Is there any other
24 removable media that she used, that was in her
25 possession or frankly otherwise, that she used in the

1 course and scope of her job?

2 Not even that, we think that the interrogatory
3 speaks for itself. The Plaintiff downloaded, accessed,
4 or stored the PII of any DEW employee, other than
5 herself. Now, if the answers stand that: Look, while I
6 was employed at DEW, this is the only time I did this,
7 that's fine. We just want some more specificity on
8 that, and we think we are entitled to it.

9 On Number 12, again, this has to do with
10 identifying employees who heard the defamatory
11 statements. Our question has to do with, Okay. Help us
12 understand the dates, times, and places of any action
13 taken by Defendant Stanton that supports the allegations
14 that Defendant Stanton acted outside the scope of her
15 authority.

16 In this case and in one other case, the
17 Plaintiff's response is at the top of page 3 of her
18 letter of June 20: Plaintiff understands that the
19 employees present at those meetings -- and there are two
20 meetings she identifies, one in December of 2013 and one
21 in January of 2014 -- Plaintiff understands that the
22 employees present at those meetings were members of
23 DEW's Leadership Team, HR, and training team,
24 Unemployment Insurance employees, IT employees, Public
25 Information Office employees and Office of General

1 counsel employees.

2 Well, as far as that goes, that's fine; but we
3 still want to know who the Plaintiff believes
4 specifically received this information that she alleges
5 is defamatory. We want to know what the Plaintiff
6 believes. We are entitled to know what the Plaintiff
7 knows. The Plaintiff was the one who filed the
8 complaint.

9 We want to know what she knows. It's not
10 enough for her to say, Well, we think that you already
11 know. Why are you asking us? We are entitled to say,
12 Hold on here. You filed the lawsuit. We want to know
13 what you know, and we are entitled to that.

14 With regard to 24 and 25, again, this is a
15 question designed primarily to elicit information on the
16 specific statements. Again, we think it should be
17 answered. We asked for date and time of the statement,
18 persons who received the statement, and the content of
19 the statement.

20 The answer is what it is. She does generally
21 describe -- the Plaintiff -- generally describes what
22 she believes the defamatory statements are, but she
23 doesn't answer the question.

24 Give us the date and time if you know it. If
25 you don't know it, say you don't know it. If you don't

1 know that part of your allegation, which you have the
2 burden of proof to show, fine.

3 On 29 and 30 -- again, we have already talked
4 about 26. Twenty-seven is related to interrogatory 12.
5 We would simply refute their argument. On 29 and 30,
6 again, we asked for her to tell us what she is suing us
7 for.

8 In this case tell us the names of folks who
9 you believe received the defamatory statements. We have
10 already asked you what the defamatory statements are.
11 We want to know, according to you, who received them.
12 That's an element of a defamation case.

13 As to number 36 -- we talked about 29 and
14 30 -- I believe that's the same reason. On 36 frankly
15 we are willing to believe that is the best she can do at
16 this point.

17 THE COURT: What number was that?

18 MR. MATTHEWS: Thirty-six. That asks her to
19 explain why she believes the Department violated Section
20 1-11-490.

21 On 41 this has to do with our inquiry as to
22 things that may have affected her emotional state. We
23 understand that Ms. Paul went through a divorce several
24 years ago.

25 We understand, but we don't know, that it was

1 very contentious. Because Ms. Paul has sued these
2 Defendants, for among other things, emotional distress,
3 we think that is available to us.

4 We are certainly willing to sign a
5 confidentiality order if that would help shield Ms. Paul
6 undue embarrassment, but we think we are entitled to it.
7 We understand that she is not anxious for that to become
8 public.

9 We are happy to consider whatever the Court
10 would want us to do to help protect the Plaintiff from
11 undue embarrassment, as long as it doesn't trample our
12 defense since we are not the ones suing people; the
13 Plaintiff is.

14 On Number 43 and 44, these have to do with
15 telephone records. Again, the reason that this was not
16 answered is similar to some of her other objections,
17 which are: We are concerned that the Defendants will
18 retaliate against personal friends if their names are
19 provided to the Defendants.

20 Specifically, 43 asks for the number of
21 Plaintiff's home telephones, her cell phones and mobile
22 devices used at any time since January 1, 2014.
23 Number 44 includes any communications with DEW employees
24 since December 18, 2013.

25 That is important because it's the day she was

1 suspended -- including the name of the person contacted,
2 the time and date of communication, the method and
3 devices use to make the response to the communication,
4 the substance of the communication.

5 That would simply help us understand the
6 nature of her complaint. We are entitled to know what
7 she knows on issues relevant to her allegations. It's
8 not appropriate for her to say, I know but I'm not
9 telling you because I fear for the people who might be
10 subject to something that I think is unfair. If that's
11 the case, then let's stop suing each other because we
12 can't conduct discovery.

13 Forty-five and 46, I believe are resolved.
14 Forty-seven has to do with her efforts to mitigate her
15 damages. All we want to do is get the full list. She
16 has given us a list of employees to whom she submitted
17 applications since January 1, 2014, and with whom she is
18 not under consideration for employment as the positions
19 have been filled. We are entitled to know something
20 more broadly than that: Who have you tried to get a job
21 with?

22 That has to do with the interrogatories.
23 Under the requests to produce, there were far fewer.
24 One had to do with -- if I can return and draw your
25 attention back to article number 5. The claim has to do

1 with wages and the like.

2 One of the ways in her response is she quotes
3 a number of cases that are not in this jurisdiction, but
4 they talk about the conditions under which tax returns
5 are ordinarily discoverable.

6 Frankly, we understand Ms. Bloodgood's
7 concerns or the Plaintiff's concern about her private
8 information becoming public. For that reason, in order
9 to verify what her damage complaints are -- and from,
10 frankly, what she is telling someone she has to be
11 truthful with -- does she have any other income which is
12 not disclosed to us.

13 We are happy to accept those and review those
14 under a confidentiality order if that's the Plaintiff's
15 desire or frankly even if you wish to review them in
16 camera to confirm what she is telling us.

17 All we want to do and the focus of that
18 question is to verify what it is she's suing us for, and
19 more importantly in this case, what she wants from us,
20 what she believes she is entitled and what she can
21 prove; and frankly are her statements in that regard
22 truthful.

23 Now, moving on to numbers 11 through 13, these
24 have to do with medical records, acknowledging that some
25 medical records were produced going back to 2011. We

1 think for the very same reasons, we are entitled to
2 documents going back to 2000 -- to her earlier divorce.
3 We are also entitled to documents related to especially
4 her mental state, her emotional distress to that period.

5 She is asking for that and if she wants us to
6 pay for alleged damage that she now claims that she
7 suffered, she has put that at issue; and we are entitled
8 to those documents. That's 11, 12, and 13.

9 On number 16 this has to do with and is
10 directly related to her earlier objections having to do
11 with her divorce proceedings, which we understand from
12 the Plaintiff's response is the only other civil action
13 that she was involved in.

14 To the extent she has those documents, we are
15 entitled to see them. We understand her stated
16 objection is: This isn't relevant. Well, with all due
17 respect, we think it is.

18 It's an emotional distress claim. Although
19 it's not an IEP claim, she is asking for damages
20 related to emotional distress, emotional damage. We are
21 entitled to that.

22 The last of our requests to admit of our
23 motion to compel had to do with requests to admit. In
24 this case what I would like to do is speak to you about
25 the first of the four requests to admit that are at

1 issue and why we believe we are entitled to an answer to
2 this and why we believed we filed our motion.

3 What I'm going to hand up to you, Your Honor,
4 is -- if I may approach?

5 THE COURT: Yes, sir.

6 (Hands to Court.)

7 MR. MATTHEWS: Is sworn testimony from her
8 grievance hearing before DEW in which the date on which
9 the download occurred was discussed.

10 Now, the four requests to admit which are
11 stated -- and, again, I will refer to Ms. Bloodgood's
12 letter from the 20th, on page 11: Set forth the four
13 requests to admit that are at issue.

14 They had do with our requests for admission
15 that she downloaded or copied files containing the PII
16 of employees other than herself onto a USB stick on
17 November 20, 2013.

18 The response to this and the other three
19 requests are denied. The Plaintiff does not recall
20 downloading the information onto a USB drive on
21 November 20, 2013.

22 If I can direct your attention to her
23 testimony at her grievance hearing, this would be at
24 page 87 starting at line 13. This is a question from a
25 panel member.

1 It says: Kerry, the termination letter cites
2 a specific date that this improper download obviously
3 occurred on November 20th --

4 THE COURT: Slow down. She can only go so
5 fast. When you read you read fast. So just slow down a
6 little bit.

7 MR. MATTHEWS: I will slow down.

8 THE COURT: I tell everybody that.

9 THE WITNESS: Yes, sir.

10 THE COURT: "Are you aware..."

11 MR. MATTHEWS: I will start again. This is at
12 line 13 on page 87: Kerry, the termination letter cites
13 the specific date that this improper download obviously
14 occurred on November 20th. Are you aware of anything
15 that you were doing, downloading anything onto your
16 thumb stick that day?

17 Her answer was: It is possible, yes.

18 THE COURT: It says, is it possible.

19 MR. MATTHEWS: Is it possible, yes, and when I
20 found out the November date, it was January. So, I
21 mean, is it possible? Yes, definitely. I was under the
22 impression that the download happened December 18th,
23 which I knew was not possible because my stick was with
24 me much of December. I didn't use it much in December.

25 So I found out in January, the Friday after

1 New Year's Day, I had a meeting that she scheduled for
2 me; and that's when I found out it was November 20th
3 allegedly.

4 Now, our problem with her answers to request
5 for admissions is this. She says that she does not
6 recall downloading any information onto a USB drive on
7 November 20, 2013.

8 In our letter we state, These responses appear
9 directly at odds with her other representations. We ask
10 her to reanswer. Her response is, Well, it is what it
11 is. You might not like it, but it's our answer.

12 We think that a candid observer would say, No,
13 you can't deny that you say you don't recall it, and
14 then your testimony here seems to say, it appears that
15 it was.

16 So we would simply put that to the Court's
17 decision. If the Court believes these answers are
18 acceptable, we will certainly abide by the Court's
19 decision. We don't think they are. That's what we have
20 for the motion to compel. I don't know if you want to
21 deal with the other motion or simply sit down.

22 THE COURT: Let's deal with the motion to
23 compel first.

24 MR. MATTHEWS: Thank you, Your Honor. Do you
25 have any questions you want me to respond to?

1 THE COURT: No, sir. Thank you, Mr. Matthews.
2 Ms. Bloodgood.

3 MS. BLOODGOOD: Thank you, Your Honor. By way
4 of background, this case was filed in January. We have
5 not yet had depositions. I am trying very hard to have
6 them, but -- and they are scheduled for August. So some
7 of these issues that Mr. Matthew wants more information
8 about hopefully will come out quickly.

9 But, for instance, if he doesn't like it or if
10 he doesn't understand part of the transcript -- and he
11 wasn't at the full grievance hearing -- about my client,
12 Ms. Paul, testifying that she does not recall ever
13 downloading any information on November 20th, which she
14 learned about it two months and a half afterwards.

15 She has also signed an affidavit and testified
16 under oath, I'm not going to change my answer to my
17 admissions on that issue; that is, if he doesn't
18 understand, he can take her deposition and she can
19 explain it more fully. All she said was, It's possible
20 but that complements her, I don't remember.

21 If I could back up a little bit. That's why I
22 think one of the reasons this motion to compel is
23 confusing is because even though it was limited to a few
24 issues, then after I responded, there is a letter that
25 goes through the whole thing.

1 I am glad to go through everything, even
2 though the motion to compel is actually limited. The
3 first thing and just by way of background, my client,
4 who was the HR director at DEW for ten years, went from
5 a band 5 to a band 8 employee in a matter of years,
6 served as the interim Chief of Staff and also interim
7 Division Director, when a new political appointee came
8 into DEW and brought with her another political
9 appointee, neither of whom had any experience in State
10 government.

11 She was told within six weeks, Go find another
12 job. While and before attempting to find that job,
13 there were some egregious employment actions taken
14 against her.

15 These are relevant because I think they will
16 show motive for an ulterior purpose for calling SLED on
17 something that never existed, giving SLED information
18 that was different, giving the press information that
19 was different than the information in her termination
20 letter.

21 But, for instance, our position is that there
22 was no basis to terminate her. There was no --

23 THE COURT: I need to know why the discovery
24 responses haven't been responded to.

25 MS. BLOODGOOD: They have been responded to

1 and I think fully, Your Honor.

2 The first one is that Mr. Matthew wants the
3 names of the employees who heard the defamatory
4 statements, which I have laid out in detail as much as I
5 can in my response in Number 12.

6 If you look at it, I list all the ways that
7 she was defamed; and that is an accurate synopsis as
8 best I can do of the defamation. That would be on
9 page 2 of my 12-page response to Mr. Matthews.

10 THE COURT: I am looking at it.

11 MS. BLOODGOOD: So that is how you we contend
12 she was defamed.

13 THE COURT: This doesn't have one witness's
14 name in it.

15 MS. BLOODGOOD: No, Your Honor. But what I
16 did was at the end, it says, That Defendant Stanton
17 called in in December of 2013 and January 2014, all the
18 employees. She e-mailed them.

19 So she knows the list of people she called in.
20 My client had already been suspended; so she did not
21 attend those meetings. But we know from that e-mail
22 that there were two large meetings with people who had
23 no need to know, including IT staff, including lots of
24 her subordinates when she was Director of HR.

25 She wasn't there. I think we tried as best we

1 can to describe those meetings. I did it again in
2 supplemental. I don't know what time of the day. I
3 will admit that. I don't know. Maybe my client -- I'm
4 sure I asked her that, but I don't have it in there. So
5 I don't think she knew because she wasn't there.

6 But all the people in those meetings were told
7 my client was a criminal actor. They were told there
8 had been a data breach. They were told that this was
9 similar to what had happened at DOR, which was when a
10 bunch of foreigners came in and stole information.

11 Those are the defamatory statements. They
12 were made to people who had no right to know. It's our
13 position that it exceeded the authority. So I don't
14 know the names of the people in those meetings, but they
15 do.

16 We know enough of them that we will use some
17 of them as witnesses, and I have named some of them as
18 witnesses who I know were in the meetings; but we know,
19 for instance, in that e-mail, it was all IT staff,
20 public information people.

21 So we pretty much have done the best we can to
22 say, These were the groups of people that were invited
23 to that meeting.

24 THE COURT: And you just gave me more
25 information than what is listed in your response.

1 MS. BLOODGOOD: That information, Your Honor,
2 if you go to page 4, they wanted to know the lower level
3 employees and senior staff that were at these -- on the
4 e-mails and at the meetings. So it's answered there.

5 I think it's also answered in several places
6 because they keep asking several places: Who are these
7 employees? I have tried. Those are the employees we
8 know who heard this defamatory information.

9 We tried as specifically as we can without
10 being in those meetings. I don't know if everyone on
11 the public information staff went to the meeting, but we
12 do have witnesses who will say there were 20 or 30
13 people in the room.

14 So they know who was at the meeting. That's
15 my point. They already know better than I do who was at
16 the meeting. It's not that I don't know how she was
17 defamed or who published the information or who received
18 the information.

19 What they want is they want to know every
20 single name of every person, which is the best I can do.
21 We weren't at the meeting. So it's not that we are
22 not -- it's not that we are not trying to be as specific
23 as we can.

24 I know in a defamation claim, you've got to
25 know: When, what, where, why, what was said. We tried

1 or I have tried to do that the best I can to explain all
2 the defamatory statements, all the defamatory actions
3 that were taken against my client and prove to the best
4 of our knowledge who these were published to. So quite
5 honestly I don't know what else I could do.

6 THE COURT: You just gave me more information
7 than you gave in your responses. That's what I don't
8 understand. You just gave me more information in
9 response to an interrogatory -- whatever the number is.
10 Hold on -- interrogatory number 12 than you gave in your
11 response to Mr. Matthews.

12 MS. BLOODGOOD: Because I have also responded
13 the same thing in 24 and 25 in the letter that I sent
14 him, Your Honor. That's on page 3. I did it again on
15 the interrogatory number 29 and 30 on page 4.

16 Over and over again, I have already named who
17 those employees were. They are the employees that were
18 e-mailed to come to these two meetings. They were --

19 THE COURT: That's not an answer. That's not
20 an answer. I mean, this is a case we have to have
21 witness names. We have to know who they are. This is a
22 civil case.

23 My understanding is in a civil case everybody
24 is supposed to know what everybody else is going to say.
25 Saying the Director defamed her multiple and often times

1 is not an answer.

2 MS. BLOODGOOD: No, Your Honor. I'm not
3 saying -- I agree.

4 THE COURT: That is your answer to number 12.

5 MS. BLOODGOOD: I'm saying she was defamed in
6 the meeting in December and the meeting in January among
7 multiple employees who were called to the meeting by
8 Ms. Stanton, at which meeting she was called a criminal
9 actor. She was called -- there was alleged that there
10 was a data breach. I am also alleging she --

11 THE COURT: And who did she make that
12 statement to?

13 MS. BLOODGOOD: She made it to everyone on her
14 e-mail.

15 THE COURT: How do you know that?

16 MS. BLOODGOOD: Because I have witnesses who
17 were at the meetings --

18 THE COURT: And who are those witnesses?

19 MS. BLOODGOOD: -- who will say that, the
20 witnesses that I have named.

21 THE COURT: Name them.

22 MS. BLOODGOOD: In our original
23 interrogatories, the witnesses -- all the employees who
24 you were at DEW who I named as witnesses. They
25 already -- you already know, Gene, who I have named as a

1 witness who was an employee of DEW.

2 MR. MATTHEWS: Your Honor, one way to resolve
3 this issue -- I don't mean to interrupt your train of
4 thought -- would be, for instance, in answer to number
5 12 or in another instance to number 30, questions like
6 this: Name the persons who you are aware of. We
7 understand --

8 THE COURT: Here is what I see. I'm sorry.
9 I'm not a rocket scientist. I admit that. But the
10 question is: Please identify by name all lower level
11 employees and senior staff referenced in paragraph 137
12 of the Plaintiff's complaints. There is not one
13 person's name in the answer, not one.

14 MS. BLOODGOOD: Okay.

15 THE COURT: Zero. It says all of the
16 employees who attended the meeting on December 13, 2014
17 [sic].

18 MS. BLOODGOOD: Your Honor, what may be
19 confusing is that the employees who attended the meeting
20 were invited by the department they worked in.

21 THE COURT: I understand that.

22 MS. BLOODGOOD: So I can name the employees
23 who were in those departments at the time.

24 THE COURT: But you don't know that those
25 people were in that meeting.

1 MS. BLOODGOOD: I know most of them were.

2 THE COURT: How do you know that?

3 MS. BLOODGOOD: Can I approach? I already
4 talked -- I will tell you because I have already told
5 Gene. In this kind of a situation when you have a
6 workplace with a supervisor who acts this way to one
7 person, usually she doesn't act this way to only one
8 person.

9 Under the rules I have been retained by more
10 than one employee at the Department of Employment
11 Workforce. Under the rules of ethics, I have been
12 retained for a similar -- they are also afraid they will
13 get terminated. They will get retaliated against.

14 So these are 20- to 25-year employees at DEW
15 with young families. I understand the allegation that
16 if they get fired, they can file a lawsuit for
17 retaliation; but I have to tell you, filing a lawsuit
18 for retaliation means you don't pay your mortgage, you
19 don't have a job, and you are blackballed.

20 THE COURT: Ms. Paul should have thought about
21 that before she filed the lawsuit.

22 MS. BLOODGOOD: It's not Ms. Paul, Your Honor.
23 It's other employees who are my clients who under the
24 ethics rules, I am not allowed to divulge their names
25 without their permission. If I do so and put them in a

1 position where they will be retaliated against, I'm not
2 allowed to do that either.

3 At some point usually in these employment
4 lawsuits, either things settle down or one of my clients
5 will be treated -- terminated wrongfully, like Ms. Kerry
6 Paul was; and then I will have their permission to say,
7 I represent this person, and I have been monitoring it,
8 and what you done to my client is wrong.

9 Now, I have already told Gene that I am not
10 authorized to release some of the names of my client;
11 however, I have plenty of witnesses who are not my
12 clients who I have named in my response as witnesses who
13 were at the meeting.

14 THE COURT: So because they hired you, they
15 are now non-discoverable in Ms. Paul's case when they
16 are witnesses?

17 MS. BLOODGOOD: No, no -- well, yes, Your
18 Honor. I am not going to provide their names if I
19 cannot.

20 THE COURT: This hearing is over for this day.
21 We are going to schedule this hearing once I finish the
22 William Wallace trial, which is the week of August 11th.
23 No, actually we will do this hearing at the end of next
24 week in Kershaw Country.

25 I'm going to tell you this. This is where I

1 am in this moment: Rule 37, South Carolina Rules of
2 Civil Procedure, Section 4. We will let you know when
3 the hearing is going to be next week. It will probably
4 be Thursday or Friday.

5 MR. MATTHEWS: Thank you, Your Honor.

6 THE COURT: If you resolve it prior to then,
7 let us know.

8 MR. MATTHEWS: Will do, Your Honor. Your
9 Honor, if I may approach? I have a scheduling issue.

10 THE COURT: What is it?

11 MR. MATTHEWS: I have a deposition scheduled
12 for those two days.

13 THE COURT: What about Wednesday?

14 MR. MATTHEWS: Wednesday is fine. If it's not
15 fine, it will be.

16 THE COURT: Wednesday afternoon. I'm in the
17 middle of a castle hearing in Kershaw next week, but we
18 will stop it to hear this. Wednesday afternoon. We
19 will coordinate with the lawyers.

20 *** END OF REQUESTED TRANSCRIPT OF RECORD ***
21
22
23
24
25

C E R T I F I C A T E

I, the undersigned L. Coconut Pantsari, Official Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal, in the Civil Court for Richland County, South Carolina, on the 23rd day of July, 2014.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

July 25, 2014

s/L. Coconut Pantsari
Court Reporter

-	act [1] 27/7	asking [5] 8/15 10/11 15/5 15/19 23/6
-vs [1] 1/5	acted [1] 9/14	asks [2] 11/18 12/20
0	action [4] 4/15 7/9 9/12 15/12	attempting [1] 20/12
00271 [1] 1/6	actions [2] 20/13 24/2	attend [1] 21/21
07/23/14 [1] 2/2	actor [2] 22/7 25/9	attended [2] 26/16 26/19
1	acts [1] 27/6	attention [3] 8/2 13/25 16/22
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10 [1] 8/7	address [1] 3/22	August [2] 19/6 28/22
11 [5] 4/9 7/1 14/23 15/8 16/12	admission [1] 16/14	authority [2] 9/15 22/13
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STATE OF SOUTH CAROLINA)

County of Richland)

COURT OF COMMON PLEAS
2014-CP-40-00271

KERRY PAUL,)

PLAINTIFF,)

vs.)

TRANSCRIPT OF RECORD

CHERYL STANTON, IN HER)
INDIVIDUAL CAPACITY, AND THE)
SOUTH CAROLINA DEPARTMENT OF)
EMPLOYMENT AND WORKFORCE,)

DEFENDANTS,)

September 8, 2014
Columbia, South Carolina

BEFORE:

THE HONORABLE ROBERT E. HOOD, JUDGE.

APPEARANCES:

NANCY BLOODGOOD, ESQ.
Attorney for the Plaintiff

EUGENE MATTHEWS, ESQ.
CHRISTI COX, ESQ.
Attorney for the Defendants

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

1 THE COURT: We're on the record in 2014-CP-40-271.
2 This is Kerry Paul vs. Cheryl Stanton in her individual
3 capacity and the South Carolina Department of Employee and
4 Work Force.

5 Present for the plaintiff is Ms. Bloodgood, and
6 present for the defense is Gene Matthews. Who are you,
7 ma'am?

8 MS. COX: Christi Cox, Your Honor.

9 THE COURT: All right. Christi Cox.

10 All right. Somebody get me up to speed on where we
11 are or what the issues are.

12 MR. MATTHEWS: Well, Your Honor, if I may approach.

13 THE COURT: Yes, sir.

14 MR. MATTHEWS: I have handed here what we intend to
15 introduce as an exhibit is a set of the correspondence and
16 other discovery that has gone back and forth. There is
17 also a memorandum of law, as well.

18 THE COURT: Thank you, sir.

19 MR. MATTHEWS: And we've this morning handed that up
20 to the clerk and opposing counsel.

21 THE COURT: One thing, we could not find the order I
22 signed in Camden.

23 MR. MATTHEWS: Sir, I'll be honest, I think there was
24 a Rule 4 under advisement. I think at the hearing, you
25 indicated that we were proceeding at this point under Rule

1 37.

2 THE COURT: Right.

3 MR. MATTHEWS: At that point, Ms. Bloodgood had
4 agreed by email to respond to discovery as we agreed.

5 What brings us today, and frankly it brings us no
6 pleasure, are two issues that we outlined in our
7 memorandum and in our email to the Court and
8 Ms. Bloodgood.

9 The first is, we believe that there is a continuing
10 failure on the part of the plaintiff to respond to
11 discovery requests as they been asked and as the Court has
12 directed. We also believe there is a continuing issue
13 about the breach of the defendant's privileged
14 information.

15 We have made, among other things -- if I could take
16 just one moment to lead you through the index. The first
17 is the transcript of our hearing on June 23rd --

18 THE COURT: Okay.

19 MR. MATTHEWS: -- prepared by Ms. Pantsari. Then
20 there is -- frankly, it's the chronological back and forth
21 between the plaintiffs and defendants on their initial
22 responses, on later correspondence between the parties,
23 supplemental responses and the like.

24 As we stated in our memorandum which I'd like to take
25 a moment to take you through, we believe that the

1 plaintiff -- that the plaintiff has placed us in an
2 untenable position as we laid out.

3 Frankly, I know Ms. Bloodgood well. It appears to
4 me -- this is me my personal opinion -- she has been
5 placed in an untenable position, as well, by her party.

6 If I could start, sir, with the -- if you go to page
7 two.

8 THE COURT: In the memo?

9 MR. MATTHEWS: In the memo.

10 THE COURT: Okay.

11 MR. MATTHEWS: Yes, sir, at the very bottom. We can
12 start out by -- the law applying for Rule 37 that we think
13 is crystal clear. We cited McNair and Barnett as to the
14 cases on point.

15 The second, though, when we get to the meat of the
16 matter first is the plaintiff's initial responses to
17 interrogatories back in May. Plaintiff failed to identify
18 persons receiving alleged defamatory statements.

19 As you'll recall from our earlier hearing, defamation
20 is one of the three claims brought by the plaintiff
21 against both defendants. At this point, the plaintiff
22 failed to identify persons receiving the alleged
23 defamatory statement.

24 If you'll notice, again, this is at tab two to
25 several of our interrogatories, the response was she was

1 not going to -- the plaintiff was not going to divulge the
2 names of the alleged witnesses because she was extremely
3 concerned that the defendants would retaliate against
4 innocent employees of them if their names are provided.

5 At the hearing -- and again, the transcript is at tab
6 one. If I could direct your attention to pages 27 and 28
7 as your time permits, we again heard those words that
8 plaintiff's counsel had been retained by more than one
9 employee of the Department of Employment and Work Force
10 and that she was afraid they would be terminated and
11 retaliated against if their identities as witnesses were
12 revealed.

13 She further described them as 20- to 25-year
14 employees at DEW, and she was not allowed to divulge their
15 names without their permission.

16 If I -- she continued: "If I do so and put them in a
17 position where they would retaliate against, I am not
18 allowed to do that either."

19 Of course, as you will recall, your statements I
20 think were directly clear to us following that. At Tab 4,
21 following the hearing on August 5th, we again received
22 answers. At that point, two issues came about: One, we
23 still did not get the names of the source of this
24 information that is underlying the defamation claim
25 especially.

1 The second is -- and this is a point where we
2 submitted some affidavits to the Court and to opposing
3 counsel from persons, especially a lawyer, Thad Westbrook,
4 who was -- attended at a meeting...

5 THE COURT: Where are those affidavits?

6 MR. MATTHEWS: Yes, sir.

7 THE COURT: What tab are those affidavits?

8 MR. MATTHEWS: Those are at Tab 9, Your Honor.

9 THE COURT: Okay.

10 MR. MATTHEWS: And they are of Mr. Westbrook,
11 Mr. Stanton, Mr. Scott, Mr. McFarland, Ms. Tadeski, Ms.
12 Baker, Mr. Adcox, Mr. Twitty and Ms. Morgan. Those were
13 the attendees at the meeting, and I think you'll let me --
14 you'll see from each one the only meeting in which
15 Mr. Westbrook was present was on December 27.

16 I think it was involving a couple of other phone
17 calls, but when you -- when you line up the affidavits
18 with the content of what the plaintiff is now telling us,
19 they simply -- it's clear to us that, first of all, the
20 meeting was privileged. It was a meeting in which the
21 Department and its employees were receiving legal advice
22 from not just in-house counsel but also outside counsel.

23 None of the participants at the meeting, you know,
24 had breached privilege nor did they have authority to do
25 so, and yet, we see not just on August 5th but also on

1 August 12th, the plaintiff relying on alleged statements
2 from that meeting to support a claim. Of course, we will
3 speak about that a little bit further.

4 On Tab 5 and Tab 6 -- Tab 5 is our letter back to the
5 plaintiff stating, first of all, our grave concern about
6 the breach of our privilege and, of course, our continuing
7 concerns that she still, despite your directives, had not
8 shared the names with us that we were looking for.

9 On August 12th, we received another communication, a
10 supplemental response from the plaintiff. She continued
11 to rely on the conversation that we believe, frankly, is
12 privileged. We frankly don't know if there's much dispute
13 about that. We just don't know.

14 The second is at this point -- and I'll turn you to
15 page four of our memo and just turn you to footnote two.
16 There were no lists of employees, as we'd ask, but if you
17 read the answer, there were several persons who were
18 referenced as sources, none of whom, none of whom met the
19 description of which we have heard twice from.

20 In our earlier -- in the first response from
21 plaintiffs, she said, "Well, I'm not going to tell you
22 what these names are because they are longtime DEW
23 employees, and I'm afraid you're going to retaliate
24 against them." The second time we heard was, "No. We
25 can't tell you that because we're not allowed to."

1 When you look at the persons who on August 12th were
2 named, none of those persons meet that description which
3 leads us to conclusions, frankly, we're hesitant to draw.
4 Again, we pointed that out.

5 If you look at Tab 7, as if for the plaintiff to make
6 their point even more pointedly, we were given cell phone
7 records with the phone numbers of DEW employees blotted
8 out. We have notified the plaintiff we don't think that's
9 appropriate.

10 If you look at Tab 8, again, we understand we're
11 asking you to look, essentially, at a lot of information
12 in a short amount of time. We pointed out to her that
13 that was inappropriate and not responsive but also we
14 think goes to this point.

15 Now, sir, as an officer of the court, I'll tell you,
16 I know Nancy Bloodgood. I don't think she can represent
17 anything -- misrepresent a thing to the Court.

18 I do think the plaintiff has, and what I think is the
19 problem -- if you look at paragraph -- I'm sorry, page
20 five of our memorandum at the first full paragraph, this
21 is the conundrum that the defendants find themselves in.

22 First of all, if -- if it's true that the persons
23 who -- the 20- to 25-year employees were apparently the
24 source of this information, if her statements earlier were
25 true, the reasons not to answer our questions were true,

1 then she has still failed to tell us who they are.

2 If these people do not exist, then she was telling
3 both us and the Court something that wasn't true; that
4 these 20- to 25-year employees don't exist.

5 In either instance, in either instance, we believe
6 the plaintiff, frankly, has been guileful in dealing with
7 us and with the Court and, frankly, in my view with her
8 own counsel.

9 The problem that we have, we understand that
10 litigation, especially among litigants, is fraught with
11 emotion and bad feelings. We understand that. That being
12 said, the rules of the court are what they are.

13 The Court's directives to the parties have also been
14 clear. We think at this point there's been an abuse of
15 the system by the plaintiff, and that's why we're asking
16 you, as the court, to step in and say, "You can't do this.
17 You have to suffer a sanction because of it."

18 Again, I'm not asking to sanction Ms. Bloodgood. I'm
19 asking to sanction the plaintiff who we believe is the
20 author of these abuses. As we state in our brief, we
21 think McNair would be the appropriate guide to use on this
22 point.

23 McNair was the case where, along with Barnett, the
24 Court said, "Look, I've told you before, you have to do
25 this." There was evidence, frankly, of willful

1 guilefulness on the part of the party whose case was
2 dismissed.

3 Now, the second -- and again, it's a grave concern
4 especially to the defendants has to do with a continuing
5 breach of privilege.

6 The affidavits which we provided to you and to
7 opposing counsel we think set forth pretty clearly without
8 disclosing the content of those meetings or to speak to
9 that meeting -- without disclosing the content which we
10 continue to believe is privileged -- at least we have a
11 continuing duty to uphold this privilege, has been used by
12 the plaintiff in order to support a claim, really with no
13 regard for our privilege.

14 We frankly struggle to find out what to do because on
15 one hand -- and I'll turn you to our argument at page
16 seven -- it's difficult for us to think of a remedy when
17 someone breaches a privilege, breaches someone else's
18 privilege because at one hand, the bell can't be unrung.

19 It's like classified information, once the
20 information is out, the damage is done, and there's
21 really -- all you can do at that point is try to double
22 back with half measures, but the damage is done.

23 In fact, at -- on page eight, we quote from Camden v.
24 State of Maryland which involved -- the facts are not the
25 same but in some ways similar, you know, plaintiff

1 accessed the classified -- I'm sorry, the privileged
2 information of the defendants, and I thought the words
3 were particularly appropriate.

4 In this case, the plaintiff had listened in at the
5 legal confession, gained access to confidential
6 information that is damaging to defendants whether or not
7 it becomes formal evidence in the case.

8 The plaintiff had forever deprived the defendant of
9 obtaining a protective order that might have restricted
10 their inquiry in the first place. Merely keeping
11 undeniably confidential materials out of evidence cannot
12 suffice and simply would invite more sudden incursions in
13 the protective realms.

14 Again, our concern here is that the plaintiff in this
15 case, Ms. Paul, has -- perhaps out of zeal, perhaps out of
16 ignorance, I don't know, but we put her on notice that
17 these are privileged conversations that she continues even
18 today to put forth in her responses in order to support
19 her claims.

20 In this case, we ask you again -- we think the
21 sanction for that type of conduct, the appropriate remedy
22 is dismissal. We have other thoughts in the matter, as
23 well, but that's -- that's what we're asking the Court to
24 do here today.

25 We understand the dismissal under Rule 37 is a remedy

1 that's reserved for, really, types of behavior that's
2 characterized by bad faith and prejudice.

3 We think that the plaintiff's bad faith is
4 illustrated at length because, first of all, she has --
5 the plaintiff has been at this court before, you know, she
6 had understood your rulings.

7 The transcript of the matter is quite clear. We are
8 proceeding under Rule 37 and have been since July 23rd,
9 2014. So the fact that we're continuing to have these two
10 problems is evidence, in our view, amply of bad faith.
11 The second is prejudice. The first is the type of
12 prejudice we discussed with you.

13 We can't defend ourselves if the plaintiff is
14 guilefully attempting to at first tell us no, that these
15 witnesses -- and I'm just going to disclose these
16 witnesses even after you direct otherwise.

17 The second evidence, we think -- we couldn't
18 manufacture evidence of bad faith more clearly than
19 continuing to use our privileged information. For that
20 reason, sir, we're asking to dismiss the case.

21 I'm standing ready to answer any questions you may
22 have.

23 THE COURT: All right. Thank you, Mr. Matthews.
24 All right, Ms. Bloodgood.

25 MS. BLOODGOOD: Your Honor, this is the first I've

1 heard about dismissing the case. I was handed the
2 memorandum when you were, but the underlying problem in
3 this case is that it has been motion, motion heavy before
4 I have had a chance to take the first deposition. I have
5 motions to compel. I haven't gotten documents. My client
6 has been nothing but truthful.

7 I have clients -- I have checked the ethical rules
8 very carefully. I am not at liberty to tell my clients'
9 names until they tell me that I can. Right now there is
10 no reason to because they're not relevant to this case.
11 However, that has nothing to do with the fact that I have
12 spent six pages telling them exactly everything I know.

13 I can't guess everything that I know that I think for
14 this one defamatory statement where my client is called a
15 criminal actor, everything, how my client got that
16 information.

17 I haven't had any conversations with anybody. I know
18 perfectly well what attorney/client privilege is. I would
19 never ask that. I never have in a deposition, but that
20 information came to us. I said who it came from.

21 We have lots of other defamatory allegations. We
22 have allegations of bad information being given to SLED
23 and press releases and actions which are defamatory:
24 Moving her office, not letting her talk, excluding her
25 from meetings. So this one little statement is one piece

1 of the defamation.

2 In terms of the attorney privilege, it will be for a
3 court to decide if an attorney calling a person a criminal
4 actor is defamatory.

5 If a court decides that, then it will be for the
6 court to decide if it was privileged. However, the abuse
7 of privilege is a question of fact, and that will not be
8 for the court to decide.

9 With all due respect, it's much too early now at the
10 -- before we have even taken a deposition to know the
11 facts and to know whether the privilege was abused.

12 I haven't taken any depositions. I don't know what
13 those people are going to say in the meetings. To me, the
14 affidavits contradict themselves. I have one that says
15 there were 15 to 20 people there and they don't know the
16 date and another one that says there was a small handful
17 of people. Some of them have the dates, some of them
18 don't.

19 I'm not going to ask what was said at that meeting
20 since I understand that there was an attorney there, but I
21 think I would -- I would certainly be entitled to know who
22 called the meeting and how did they know there was going
23 to be attorney/client privilege.

24 Now, we don't know that stuff. So because we don't
25 know it, my client can't have done anything wrong to

1 repeat to me what somebody told her. There are lots of
2 other parts of the defamation claim that involve other
3 people saying things.

4 I don't know until I take a deposition. Actually, I
5 probably will know this week because there's a State
6 hearing, and for the first time, I will be able to ask
7 questions of DEW witnesses. I have not done that yet.

8 In terms of the privilege, I certainly understand
9 that anything that's said that's attorney/client advice is
10 privileged. It may be that a court will say -- describe
11 my client in a certain way during an attorney/client
12 privilege meeting is privilege. I don't know that yet. I
13 don't think we have enough facts to know whether or not
14 that's true.

15 Even at the worst scenario that's true, then I will
16 say fine. We can't use that piece of information which is
17 the only thing I know of that I am -- that they have a
18 problem with, that one thing, because that's what I've
19 said. I don't know anything else.

20 We still have a lot in the defamation claim. In
21 terms of the cell phone records, I asked after we had the
22 hearing, Gene and I had pleasant conversations, and I
23 said, "Gene, what is the relevance to the cell phone
24 records? What is the relevance?"

25 The answer was it's relevant to the defamation claim

1 for self-publication. I said, "Okay. I think -- I think
2 you're right. I think the only relevance of all my
3 client's cell phone records could be to a defense, even
4 though they didn't put it in their answer, but
5 self-publication is a defense."

6 So the only relevance could be that my client after
7 she was called names picked up the phone and called other
8 people and self-publicized, and that would be relevant to
9 her defamation claim. But as a matter of law, Your Honor,
10 self-publication is to a third party.

11 Any conversation she had with Cheryl Stanton, who is
12 a defendant in the defamation case or anybody at DEW
13 because DEW is a defendant in the defamation case, cannot
14 be self-publishing. If you call me a name and I -- and I
15 talk to you, that's not defamation.

16 It's only self-publishing if I then say to someone,
17 "I was called a name," but if I say back to you, "I was
18 called -- you shouldn't call me that," we're just having a
19 conversation. That is not relevant.

20 I redacted conversations between me, conversations --
21 her teenage son had because he is on the same cell phone
22 record and any conversations that she had with DEW
23 employees because to the defamation claim, it's not
24 relevant to the issue of self-publication.

25 I don't know of any reason those cell phone records

1 would be relevant. I think that the Supreme Court has
2 just come down very hard on these kinds of "give me all
3 your cell phone records so that we can see what" -- you
4 know, it's a witch hunt. It really is a witch hunt.

5 I don't -- I'll give them if they are relevant, and I
6 think they are relevant for self-publication. But they're
7 not relevant on any other issue, and so that was done in
8 good faith.

9 After I did that, then that's not enough. It's just
10 very difficult because I don't -- I haven't taken a
11 deposition yet. I'm going with what my client and I know,
12 I think, is enough in good faith to file a lawsuit and to
13 allege these causes of action, but we are not yet to the
14 point of proving it.

15 So I know that they don't like the lawsuit. I've
16 been trying to take depositions for months, and they're
17 still not scheduled.

18 It's very difficult for me to just keep getting
19 attacked and to try to defend myself and my client's
20 actions when we're doing the best we can to be as thorough
21 as we can and we're not able to move along.

22 So Your Honor, I think it's way immature. I don't
23 think my client has done anything. I'm not willing to
24 guess. I'm just not willing to guess at some of this
25 stuff, and so we need time.

1 THE COURT: So listen, I'm very simpleminded.
2 Sometimes that's good. Sometimes that's bad, but where is
3 the list of the people who allegedly received the
4 defamatory statements?

5 MS. BLOODGOOD: I put -- I put all the names down,
6 Your Honor.

7 THE COURT: Okay.

8 MS. BLOODGOOD: And they are in -- on every single
9 meeting, I put -- I listed all of the names.

10 THE COURT: Okay.

11 MS. BLOODGOOD: For instance, on paragraph --

12 THE COURT: And what date did you do that on?

13 MS. BLOODGOOD: I did that after the first hearing,
14 August 12th.

15 THE COURT: August 5th?

16 MS. BLOODGOOD: August 12th was my third response,
17 Your Honor. I can hand that up to you if you don't have
18 it. I think the -- I think it's in the e-mails.

19 THE COURT: That's the one.

20 MR. MATTHEWS: It's --

21 THE COURT: Hold on just one second.

22 That's the one where the defendants have extrapolated
23 this list of people?

24 MS. BLOODGOOD: I don't know that, Your Honor.

25 MR. MATTHEWS: Yes, sir.

1 THE COURT: All right. So that's the one -- we're on
2 page four, footnote two. The defendants have extrapolated
3 this list of -- that starts with Mark Gore and ends with
4 Ken Moffitt.

5 MR. MATTHEWS: Yes, Your Honor.

6 THE COURT: Okay. So here is my question: How do
7 any of those witnesses relate to the answer that was
8 provided to the Court that there's going to be some kind
9 of retaliation?

10 MS. BLOODGOOD: Your Honor, are you -- are you
11 referring to the memorandum of law that was handed up
12 today to you?

13 THE COURT: Here is what I'm referring to. We had a
14 hearing --

15 MS. BLOODGOOD: Right.

16 THE COURT: The defense said, "I want to know who she
17 made the statements to" which is as far as I'm concerned
18 pretty much an element of defamation.

19 I was told, Judge, I can't tell you that because it
20 will cause these people to be retaliated against. I'm
21 paraphrasing, for the record.

22 I said something along the lines of, Well, your
23 client should have thought about that before she brought
24 the lawsuit. Then I was told, "Well, I can't tell you
25 that because they're all clients."

1 Now, there's been what's been relayed to me as a list
2 of potential people starting with Mark Gore ending with
3 Ken Moffitt from plaintiff's responses on or about
4 August 12th, 2014, none of which fall into that category.

5 MS. BLOODGOOD: All the names that I put down on
6 August 12th would fall into that category because they are
7 employees at DEW, and whether or not they are employees
8 who said the criminal actor -- who reported the criminal
9 actors, that's a different -- that's a dangerous --

10 THE COURT: Okay. So how is Mark Gore, the husband
11 of one of your client's friends, at the Department -- at
12 DEW a person who is going to be retaliated against?

13 MS. BLOODGOOD: He's not, Your Honor. I didn't say
14 they all -- he is not an employee of DEW.

15 THE COURT: Right. So how does David Sally, a former
16 employee, fit into that mix?

17 MS. BLOODGOOD: He is not, Your Honor.

18 THE COURT: What about Lisa Cox?

19 MS. BLOODGOOD: I don't know who Lisa Cox is.

20 THE COURT: Well, you wrote her name.

21 MS. BLOODGOOD: She is -- I wrote the names of the
22 people who were at the meetings who heard -- that were
23 about my client after she was suspended --

24 THE COURT: Right, and what you told --

25 MS. BLOODGOOD: -- which is what you asked me to do.

1 THE COURT: And what you told me was you can't tell
2 us that information because these people are going to be
3 retaliated against.

4 MS. BLOODGOOD: Your Honor --

5 THE COURT: So either that's not true, or what you're
6 saying now is not true. I'm not saying you personally,
7 but where -- where is your client?

8 MS. BLOODGOOD: Your Honor --

9 THE COURT: Why isn't she here?

10 MS. BLOODGOOD: Well, because this is a discovery
11 matter, and I didn't think she needed to be here.

12 THE COURT: I mean, has she signed off on your --

13 MS. BLOODGOOD: She's looking at --

14 THE COURT: -- verifications for every single one of
15 these answers?

16 MS. BLOODGOOD: Yes, she has, Your Honor. She has
17 looked and --

18 THE COURT: I'm not sure we don't need to have a
19 hearing with her present because somebody is
20 misrepresenting information to --

21 MS. BLOODGOOD: Your Honor --

22 THE COURT: -- this Court.

23 MS. BLOODGOOD: Your Honor --

24 THE COURT: Don't talk when I talk, Ms. Bloodgood.
25 The court reporter can only take down one person at a

1 time.

2 Now, somebody is misrepresenting information to this
3 court. It's either -- I don't believe that you would do
4 that in any way, shape, or form, but I'm not too -- I'm
5 very concerned about your client's ability to be truthful
6 in the responses to these questions.

7 MS. BLOODGOOD: Your Honor, could you specifically
8 tell me what it is that you think she is not being
9 truthful about?

10 THE COURT: Okay. What I -- I'm just -- what I was
11 told is that -- the defendants asked for was "Please
12 identify the people who received the alleged defamatory
13 statements". Is that right, Mr. Matthews?

14 MR. MATTHEWS: Yes, sir, Your Honor.

15 THE COURT: That was a -- what do we call those
16 things, interrogatory or something like that, right.
17 Okay, and the response to that in writing was: "You
18 already know who they are." Well, that answer is gone.
19 That answer doesn't matter.

20 MS. BLOODGOOD: Okay.

21 THE COURT: I mean, the fact that a lawyer would even
22 write that answer is baffling to me, but that answer is
23 gone. That doesn't count. It's completely invalid and
24 totally inappropriate, or the name was refused to -- she
25 refused to divulge the names of the alleged witnesses

1 because she was extremely concerned that SC DEW is going
2 to retaliate against innocent employees of DEW if their
3 names are provided.

4 Now, that's not a valid reason under the rules in any
5 way, shape, or form or stretch of the imagination. So
6 when I called Ms. Paul's bluff on that, the response was,
7 "Well, Ms. Bloodgood represents all of these other people,
8 and she doesn't have permission" --

9 MS. BLOODGOOD: No, Your Honor.

10 THE COURT: -- "to give all those answers."

11 MS. BLOODGOOD: No, I didn't say that. I didn't
12 represent that I represent all of these people. I did
13 not. I said I represent one or two --

14 THE COURT: Okay. Do I need to --

15 MS. BLOODGOOD: -- over at DEW.

16 THE COURT: Do you want me to go back and read this
17 transcript?

18 MS. BLOODGOOD: I did -- I know I didn't say I
19 represent all of those people, Your Honor.

20 THE COURT: Okay. Regardless of how many you said
21 you represented -- I'll -- well, I'll leave that for my
22 further reading today.

23 When the plaintiffs -- when the defendants did
24 receive a list of the people who are allegedly witnesses
25 to the defamatory statements, the one, two, three, four,

1 five people who were mentioned did not fall into the
2 category of people that could be retaliated against.

3 MS. BLOODGOOD: Yes, Your Honor. I named some people
4 who were not employees, as well as some people who were
5 employees because I went back and I talked to my client --

6 THE COURT: Who did you think was an employee?

7 MS. BLOODGOOD: Who was an employee?

8 THE COURT: Yes.

9 MS. BLOODGOOD: All of the people on my August 12th,
10 2014 -- the people in -- on page three, the people who are
11 the employees. I named every single person in the
12 executive staff, lower level IT, HR and PI Department,
13 Harold Scott, Rebecca Battle-Bryant, Erica VonNessen
14 (phonetic). It's in the middle of the page.

15 I did that for every single answer, Your Honor. So I
16 named everyone who I -- who I think were at meetings
17 because we've been provided emails that show who was
18 invited to the meeting. So I checked with my client. I
19 said, "Who are these people? Give me specifically their
20 names."

21 Now, until I take a deposition, I don't know what
22 they're going to say, but the question was, "Who received
23 this information?" I think they received that information
24 because they were in the meeting. That's all that I'm
25 trying to do is establish who our witnesses might be.

1 THE COURT: Okay. And how do you know who was in the
2 meeting on December 20th?

3 MS. BLOODGOOD: Because there were emails sent around
4 of --

5 THE COURT: Okay. Well, emails don't count. How do
6 you know who was physically present in the meeting sitting
7 there in the room --

8 MS. BLOODGOOD: I don't.

9 THE COURT: -- when this happened?

10 MS. BLOODGOOD: I don't until I ask them. I know who
11 was invited to the meetings based on documents that have
12 been provided to me.

13 I have not been able to say to any one of these
14 people -- because we haven't scheduled depositions, "Were
15 you at the meeting, and do you recall what was said at the
16 meeting?"

17 THE COURT: So you don't know who was in the meeting?

18 MS. BLOODGOOD: I know who was --

19 THE COURT: I mean, I'm not saying --

20 MS. BLOODGOOD: -- invited to the meeting, Your

21 Honor.

22 THE COURT: When I say you, I mean your client.

23 MS. BLOODGOOD: Not yet.

24 THE COURT: So your client was not present for the
25 meeting.

1 MS. BLOODGOOD: Correct.

2 THE COURT: So how does she know who was in the
3 meeting?

4 MS. BLOODGOOD: Because of the documents that have
5 been provided to us.

6 THE COURT: Okay. Don't -- I need a specific answer.
7 "My client knows because Susie Henry told her that Jeff
8 Baker was there."

9 MS. BLOODGOOD: I don't think anyone other than this
10 non-person and the husband actually told her because
11 everyone in the meeting was instructed -- and I -- and I
12 put this in my answers. The husband told my client that
13 his wife was instructed not to talk to her.

14 THE COURT: Okay.

15 MS. BLOODGOOD: So I --

16 THE COURT: I need --

17 MS. BLOODGOOD: I'm only --

18 THE COURT: I need a specific answer. How does your
19 client know what happened in the meeting?

20 MS. BLOODGOOD: We don't yet know what happened in
21 the meeting.

22 THE COURT: I thought that was --

23 MS. BLOODGOOD: Except --

24 THE COURT: I thought --

25 MS. BLOODGOOD: Except --

1 THE COURT: I thought that was the basis of the
2 defamation claim.

3 MS. BLOODGOOD: Except from the husband who called my
4 client and said his wife couldn't talk to her because she
5 had been told in the meeting not to talk, and it was a
6 meeting of the executive staff. My client was part of the
7 executive staff. She knows who is in the executive staff
8 so --

9 THE COURT: But she doesn't know who was there.

10 MS. BLOODGOOD: I don't know. She wasn't there. She
11 doesn't know who --

12 THE COURT: Right.

13 MS. BLOODGOOD: -- was there except for what he is
14 telling her.

15 THE COURT: So Mark Gore --

16 MS. BLOODGOOD: Right.

17 THE COURT: -- who is related to whom?

18 MS. BLOODGOOD: I don't know his wife's name. She is
19 one of -- I guess she is one of these people. I don't
20 know which one, Your Honor.

21 Your Honor, it's difficult for me to prove a case
22 before --

23 THE COURT: Does your client know who Mark Gore is
24 married to?

25 MS. BLOODGOOD: Yes, and she has told me, but I --

1 I'm sorry. I just didn't -- I don't know which one of
2 these women who I've already named is the wife. I think
3 probably DEW knows that. I don't. I can find out.

4 THE COURT: Well, it's your case. You're the
5 plaintiff.

6 MS. BLOODGOOD: Your Honor.

7 THE COURT: You have to prove it.

8 MS. BLOODGOOD: Yes, I do, and I have the right to do
9 discovery to do that, and I haven't started it yet. These
10 aren't answers that you know right in the beginning of a
11 lawsuit.

12 THE COURT: No. Your client knows who Mark Gore's
13 wife is.

14 MS. BLOODGOOD: Yes, she does. She told me.

15 THE COURT: And you didn't bother to put --

16 MS. BLOODGOOD: It's not --

17 THE COURT: -- her name in there.

18 MS. BLOODGOOD: It's not her who -- she was at a
19 meeting. I put her in there for being at a meeting
20 because she was one of these people, but she did not have
21 a conversation with my client, so I don't know what she
22 knows yet about that. I'm not trying to be difficult.
23 It's just very hard for me to --

24 THE COURT: So --

25 MS. BLOODGOOD: -- tell you what my lawsuit is going

1 to look like nine months from now before I've gotten all
2 of the responses from them or before I've taken a
3 deposition.

4 THE COURT: So who are the witnesses who are going to
5 be retaliated against?

6 MS. BLOODGOOD: I would think anybody who is at these
7 meetings when I take their deposition and I ask them what
8 was said about my client at the meeting, that they are at
9 risk of being retaliated against.

10 THE COURT: So the answer is --

11 MS. BLOODGOOD: That's what I meant when I was --

12 THE COURT: So the answer is you don't know.

13 MS. BLOODGOOD: No, I don't know what DEW is going to
14 do.

15 THE COURT: Right. So you base discovery responses
16 and responses to this Court off of nothing but pure
17 speculation.

18 MS. BLOODGOOD: Your Honor, I did the best I could do
19 with the discovery responses. I went over them with very
20 -- I have never had a case where I've had as many
21 supplemental, supplemental conversations with Gene as much
22 describing as I could at such an early point of the
23 litigation.

24 THE COURT: It's just interrogatories. Who are your
25 witnesses, that's the question.

1 MS. BLOODGOOD: That's why I named --

2 THE COURT: Who are the witnesses?

3 MS. BLOODGOOD: -- every possible person. I can't
4 tell you which of these will be my witness down the road.
5 I named every possible --

6 THE COURT: You can't say that any of them even are
7 witnesses because you don't know who was in the meeting.

8 MS. BLOODGOOD: Not yet I don't know. That's true.

9 THE COURT: How do you even know the statement was
10 made?

11 MS. BLOODGOOD: Because this David Sally told my
12 client that the statement was made. I have not spoken to
13 David Sally. I don't know David Sally. That is
14 information that we will have down the road. I don't know
15 who talked to David Sally.

16 THE COURT: This says that the plaintiff admits that
17 David Sally was not at any of the meetings.

18 MS. BLOODGOOD: That's right. He is not an employee.

19 THE COURT: So how does he know what was said in the
20 meeting?

21 MS. BLOODGOOD: I don't know, Your Honor. I've been
22 very careful not to talk to anybody until I'm in a
23 situation where I have a deposition and I can ask him.

24 He is evidently a former employee of DEW, and I don't
25 want to be accused of talking to anyone who is a former

1 employee of DEW without their permission. So his
2 deposition will be taken. He has been named as a witness.

3 THE COURT: So the retaliatory people do not exist.
4 We have determined that.

5 MS. BLOODGOOD: No. No, Your Honor. I don't think I
6 said anything wrong at the last hearing. I am concerned.
7 What I told you is I am concerned that these employees are
8 going to be retaliated against. That doesn't mean I'm not
9 going to name them and use them as witnesses. I'm going
10 to have to. I understand that.

11 THE COURT: All right.

12 MS. BLOODGOOD: I -- what I was asked was who
13 received the information. What they're going to say about
14 that, I don't know.

15 THE COURT: I mean, the answer to who received the
16 information is you don't know.

17 MS. BLOODGOOD: I don't know until I take the
18 depositions. However, I believe that if an email goes out
19 from Cheryl Stanton saying in December, "Come to a
20 meeting" and it says "executive staff", I know who the
21 executive staff are.

22 I think some of those -- I think those executive
23 staff will be my witnesses. I think I have a
24 responsibility to err on the side of telling them who I --
25 who might be my witnesses. Which one of those five, ten,

1 15 people right now, I can't tell you.

2 They may all say we didn't hear anything. That
3 meeting wasn't even about your client, but just because I
4 can't stand here today and tell you which one, I intend to
5 be able to do that.

6 THE COURT: But after --

7 MS. BLOODGOOD: -- after I take depositions.

8 THE COURT: I don't know how you file a case if you
9 don't know who the defamatory statement was made against
10 or made to.

11 MS. BLOODGOOD: That's one statement, Your Honor. As
12 I said, I have lots of defamatory actions. This is
13 just -- they're focusing on one little piece of the
14 defamation.

15 She -- there were lots of defamatory actions and
16 statements made outside of this meeting. If you decide
17 that -- today that there is no basis -- that the privilege
18 has either been abused for the statement or that I cannot
19 use that statement, that's one small piece of my
20 defamation claim.

21 THE COURT: Now, is this meeting that I've been
22 referring to the same meeting where all of the lawyers are
23 present?

24 MR. MATTHEWS: Yes, sir, Your Honor. There's -- if
25 you look at the affidavits that are attached, we think

1 they describe a single meeting on December 27th where
2 Mr. Westbrook and I believe another attorney may have been
3 present by phone.

4 Mr. Westbrook was present earlier. Mr. Westbrook
5 also recalls a conference call from his law office on
6 January 3rd with Ms. Stanton, Darryl Scott, Pats, another
7 Nelson Mullins attorney and a person from the IT
8 department, and then a final conference call on
9 January 7th for the first providing legal advice.

10 The only meeting would have occurred on December 27th
11 at DEW, and there were two follow-up conference calls with
12 DEW officials. Your Honor, I don't know if this is an
13 appropriate time.

14 THE COURT: I'm listening.

15 MR. MATTHEWS: Like you, I don't believe
16 Ms. Bloodgood would have intentionally misrepresented a
17 material fact to the court. However, we continue to have
18 grave concerns about her client.

19 We also do not understand how her client could at
20 first say, "these witnesses of mine are long-term
21 employees" when the persons listed at footnote two who are
22 the sources of her information -- Mr. Sally's name was
23 mentioned has not been a DEW employee, according to their
24 records, according to what they tell me, since June
25 of 2012 which was about a year-and-a-half prior to the

1 events that have prompted this case.

2 You know, clearly Mr. Gore will not be an employee,
3 Lisa Socks who was identified in a discovery response as a
4 staff employee, State Senator Alexander and Ken Moffitt
5 who was identified as State General Counsel. These
6 clearly don't fit under the sources of information that
7 the plaintiff described in her earliest responses and
8 continue to this day.

9 Our concern is that we are in an untenable position.
10 The Court is in an untenable position, and Ms. Bloodgood
11 is in an untenable position and been placed there by the
12 plaintiff. That's why our legal memorandum sets forth
13 what we think is the appropriate remedy.

14 THE COURT: What about her argument that there's all
15 of these other causes of defamation?

16 MR. MATTHEWS: Well, in that case, Your Honor, we
17 would go to the theory announced in Camden. You know, and
18 frankly, our state's own -- our state's own -- our state's
19 own precedent which says the court needs to find bad faith
20 and prejudice.

21 The Court, I believe, can find in these facts set
22 before you bad faith by the plaintiff and prejudice. We
23 have been prejudiced because to this day, we still don't
24 know how to defend ourselves against their claims because
25 we can't get a straight answer out of the plaintiff.

1 She says one thing, then she pivots and says another.
2 She says it to us. She apparently says it to her own
3 lawyer, and she says it to this Court, bad faith.

4 Prejudiced, because again, it's prejudice if we can't
5 defend ourselves. It's also prejudice when our privileged
6 conversations are laid bare to the public. That's why we
7 believe, Your Honor, even if you -- we believe that
8 this -- this behavior on the part of plaintiff would
9 certainly justify you acting within your discretion, and
10 it is -- again, the standard for you to make this call is
11 abuse and discretion.

12 Clearly, we don't think you abuse your discretion if
13 you dismiss the case or simply the defamation claim, but
14 the concern we have here is that it becomes the fruit of
15 the poisonous tree, if you want to use the criminal law
16 analogy. Once the privilege is broken and what's --
17 frankly, we've been put through the wringer in terms of --
18 first we're told there are long-term 20- to 25-year
19 employees who are witnesses who in one case are clients of
20 opposing counsel. For that, they can't be named.

21 When we finally get a list of actual sources, none of
22 those names fit either description. That's why we feel
23 jerked around. That's why we believe it's evidence of the
24 plaintiff's bad faith. That's why we believe there's been
25 prejudice.

1 Now, I will say this: Ms. Bloodgood is exactly
2 right. We've had numerous conversations about this.
3 Ms. Bloodgood and I tried to work through this as
4 professionals. I have no complaints about Ms. Bloodgood
5 on that score.

6 I believe -- if you want a personal opinion, I
7 believe Ms. Bloodgood has herself been placed in an
8 untenable position. That's why we've asked the Court to
9 sanction the plaintiff, not the lawyer.

10 MS. BLOODGOOD: Your Honor, could I respond?

11 THE COURT: Oh sure. Yes, ma'am.

12 MS. BLOODGOOD: I have the right under the rules to
13 supplement discovery. I have tried. We have supplemented
14 and supplemented and supplemented. When I -- when I talk
15 to my client, every time I talk to her, she remembers and
16 says oh, yeah.

17 Now, I know maybe she should have remembered two
18 months ago the David Sally piece. However, it happens all
19 of the time with clients. You talk to them and talk to
20 them and pull information like you're pulling teeth.
21 There is no bad faith on her part when she tells me
22 something and I supplement the best that I can.

23 I have -- there is nothing -- I haven't said anything
24 wrong about my fear that once these depositions start and
25 I name all of these employees that there may be

1 retaliation.

2 As you said at the last hearing, they would have a
3 cause of action. I don't -- unfortunately, they would
4 but -- if that happened, but my client has not -- is not a
5 bad person as she -- as they want to make her out.

6 She has been very helpful to me. She does remember
7 things that go -- as they go along. She has been
8 traumatized by this, but I have not felt her to be any
9 different than the way that I have to get information out
10 of a lot of clients which is sometimes it takes time. A
11 lot of times in the middle of a deposition, people
12 remember things and it comes out.

13 So I know they want the case dismissed, but I have to
14 tell you I don't -- I think my client has been trying to
15 be as helpful as she can be and we -- anything more that I
16 provide to them at this point would just be guessing.

17 THE COURT: Go ahead.

18 MR. MATTHEWS: Well, Ms. Bloodgood -- Ms. Bloodgood
19 is a zealous advocate, but the facts, we think, remain.
20 The evidence before the court right now in our view does
21 not support the assertion that her client has been
22 forthcoming.

23 If anything, it supports the -- what we believe is
24 the proper conclusion that her client has been guileful
25 and has misled us, has misled the court, has even in our

1 view misled Ms. Bloodgood.

2 There are also issues that involve what we think is a
3 clear breach of our privilege. I return to this only to
4 emphasize one of the statements that they say is
5 defamatory actually came from the mouth of the lawyer that
6 DEW hired to help them through this process.

7 I can't imagine a more privileged assertion.
8 Further, we are still at sea about waiting for the persons
9 who initially we were told are witnesses, but we can't
10 tell them because we're afraid of retaliation.

11 The list that we received includes none of those
12 names, and Ms. Bloodgood is perfectly right. It is now
13 September, and in the face of your -- what I think were,
14 frankly, quite clear directions to the plaintiff.

15 THE COURT: I still don't know the names of the
16 people who are going to be retaliated against.

17 MS. BLOODGOOD: It -- Your Honor, all the people that
18 I've named in paragraph --

19 THE COURT: The middle paragraph?

20 MS. BLOODGOOD: They're all employees. They're all
21 employees, Your Honor, yes. That's the basis for my fear
22 that they will be retaliated against because --

23 THE COURT: But what is your basis for knowing that
24 they are a witness to anything, the email that invited
25 them?

1 MS. BLOODGOOD: Yes, and the meeting was about my
2 client, Your Honor.

3 THE COURT: Right. Now, I didn't ask that.

4 MS. BLOODGOOD: Yes.

5 THE COURT: I said what is your basis for knowing
6 that the people that you listed are witnesses to anything
7 other than they were invited to a meeting?

8 MS. BLOODGOOD: They were invited to a meeting in
9 which my client was discussed. That's all I know. You're
10 right.

11 THE COURT: How do you know --

12 MS. BLOODGOOD: That's what I asked --

13 THE COURT: -- your client was discussed?

14 MS. BLOODGOOD: Well, I know people like Senator
15 Alexander knew it and Lisa Cox, I remembered. Sorry. She
16 works for Senator Alexander, and they were reporting back
17 to my client.

18 So somebody in that meeting was talking. I don't
19 know how many -- they can get as many affidavits as they
20 want, but I didn't contact any of those people.

21 THE COURT: I didn't say you did.

22 MS. BLOODGOOD: But we got that information. They
23 are also -- it's -- the reason that this is a little bit
24 hard and squirrly is DEW is issuing press releases.
25 There's newspaper articles. There's all sorts of phone

1 calls.

2 There's -- so where -- until I take the depositions
3 and have a chronology, I can't stand here today and guess
4 which of those witnesses will be the witness that I'm
5 going to use.

6 I do think, in all fairness, those would be the only
7 people who would know what was said at that meeting, and
8 that's why I listed them.

9 THE COURT: So the truth is -- the bottom-line truth
10 is your client has no personal knowledge, nor can she name
11 one witness right now who knows exactly what happened in
12 that meeting?

13 MS. BLOODGOOD: That's correct. She has no personal
14 knowledge because she was already suspended when the
15 meetings occurred, and she was not allowed back onto that
16 the -- that's absolutely correct. She wasn't allowed onto
17 the premises.

18 In terms of what happened in those meetings, what we
19 know is they were called immediately after she was
20 suspended. She was discussed. I'll tell you -- and I
21 think I put this in here, Ted Pitts in the Governor's
22 Office told her she was discussed in those meetings. I
23 haven't put his name down as a witness, but I haven't
24 taken his deposition yet.

25 THE COURT: Was he present for the meeting?

1 MS. BLOODGOOD: We -- I don't -- I don't know, Your
2 Honor. He wasn't on the email list of people on the
3 Executive Committee, so I assume he was not.

4 So there were people from the outside --

5 THE COURT: I mean, just because Ted Pitts told her
6 she was mentioned in a meeting isn't proof that she was
7 mentioned in a meeting.

8 MS. BLOODGOOD: That's right, Your Honor, but at this
9 point before discovery, I'm entitled to go to find out
10 where are our strongest pieces for this puzzle.

11 THE COURT: I think you have got to know that before
12 you file a case. You can't name -- she can't name one
13 witness who was present in the meeting that heard the
14 statements that has firsthand knowledge of what happened
15 in a meeting, correct?

16 MS. BLOODGOOD: Your Honor, right now standing here
17 today before taking depositions that's true, but when I
18 take the depositions of these employees, I am hopeful one
19 of them will tell the truth and say what was happening in
20 those meetings. This is just for this one little issue.

21 THE COURT: So what are --

22 MS. BLOODGOOD: We have --

23 THE COURT: So what are the other issues? Expand on
24 that, please.

25 MS. BLOODGOOD: Okay. Once -- the other defamation

1 pieces are that once she was hired, Cheryl Stanton almost
2 immediately moved her office to another building,
3 prohibited her from talking to anyone, even though she was
4 the HR Director, prohibited her from going to executive
5 staff meetings that she had been at for a long time.

6 What these actions did was they sent a message that
7 she had done something wrong in her job; that she was
8 incompetent in the performance of her job, and so she was
9 isolated and put away from the rest -- from people who --
10 she had been the Chief of Staff.

11 She had been very involved with all these people, and
12 all of the sudden she disappeared. She was -- there was a
13 press release that said that she was -- that she had
14 stolen these 4,000 Social Security numbers which it turns
15 out was -- we find out three months later was a file that
16 she routinely had to access as HR Director.

17 She was -- besides the other statement, those -- once
18 she was suspended, statements were made publicly, and I
19 don't have -- I've asked for the press releases. I don't
20 have those yet. That's a subject of a motion to compel, I
21 believe, but once those public statements -- she was
22 called that she had stolen information and was using it
23 for her public benefit; that this was similar to the DOR
24 which was a serious break, when she was suspended, she was
25 told that it was -- she wasn't told why, but SLED said

1 you're suspended because there's 244 Social Security
2 numbers that -- with COBRA on the top.

3 She had no idea what they were talking about. When
4 she is terminated, that goes away, and now that -- I
5 haven't gotten that document either.

6 I don't even know if it existed. So I think that
7 would be defamatory if, in fact, the reason changes, and
8 we have two different documents, that would be the basis
9 for her termination.

10 So there's lots of actions and statements that were
11 made that we will be able to quantify and be more specific
12 about once we get those documents and take the
13 depositions, so the defamation is much broader than that
14 statement.

15 I -- if the statement is privileged, and I quite
16 honestly -- I don't know. I've never run across an
17 attorney/client privilege situation where there was name
18 calling, but if it is privileged, it still to me would
19 have to be an issue of fact as to whether that privilege
20 was exceeded, so I still think it's too early.

21 The one thing I do have a concern about, I keep
22 hearing that attorney/client privilege is breached. I --
23 I don't know how -- I made one -- what we've heard is one
24 statement, that's it.

25 I don't know what all this that it's been waived and

1 then there's other things. I don't know what that's
2 about, but that -- we're here, as I understand it, because
3 they are concerned about the one name-calling incident.

4 You know, all I can tell you is I don't know what
5 that's about, and I have told my client -- and I believe
6 that she follows my instructions -- that she is not to
7 contact and I don't -- she hasn't. She knows what
8 attorney/client privilege is.

9 Now, who in that group is talking to other people, I
10 don't know, but I can tell you, Your Honor, everybody was
11 talking about it in the beginning, everybody.

12 She got calls from senators. She got calls from
13 Mr. Thiamin (phonetic) who used to be the director before
14 Cheryl Stanton. She got calls from the Governor's Office,
15 so I don't know. I don't have a good enough feel for the
16 case yet to tell you who that -- who that person was. If
17 we get another name, I will supplement like I have done
18 before.

19 MR. MATTHEWS: Your Honor, we do not share
20 Ms. Bloodgood's confidence that her client is playing
21 straight with you -- with us or you. Some of the names
22 that she has just mentioned are not in here either, the
23 senators, the generals that are calling her.

24 The only names that we could find from her client's
25 response of August 12th as actual sources of information

1 are listed on footnote two. None of those persons fit the
2 description that the plaintiff gave us back in May or gave
3 to this court in July.

4 Further, I don't think the mystery of the privilege
5 is a mystery at all. It's clear that when, for instance,
6 I'm outside counsel to DEW -- if I'm having a meeting with
7 DEW officials to discuss a matter in which they're
8 receiving my legal advice, I, as Mr. Westbrook, would
9 regard that as a privileged conversation.

10 A privilege is designed to prevent the very abuse I
11 believe the plaintiff is indulging in right now using what
12 would then be my statements to support a claim against my
13 clients.

14 Now, I don't know, frankly, what SLED told to whom
15 because SLED is not my client. SLED is also not a
16 defendant. We do know without a doubt that the plaintiff
17 downloaded thousands and thousands of PII documents onto
18 an encrypted thumb drive, took it out of the office, took
19 it to her home and plugged it into her computer. We do
20 know that.

21 We do know that the plaintiff does have other forums
22 in which she can address her rights and which she is --
23 she has a concern about that her termination.

24 As Ms. Bloodgood has stated, this week she will have
25 a full and fair opportunity before the State Employee

1 Grievance Committee to have that case heard which we have
2 no objection. What the plaintiff cannot do and what we
3 think she is doing and the evidence shows she is doing is
4 playing fast and loose with all of the people in this room
5 who are fully aware of their professional
6 responsibilities.

7 We cannot, cannot understand how a plaintiff can at
8 one point say, "I cannot give you these names because
9 you're going to retaliate against them," have her attorney
10 represent the same to you in this court and then when push
11 comes to shove be told, "Well, we don't -- these are the
12 only names we know, and they do not fit the description."

13 We are very troubled by that. That's why we think
14 that's evidence of bad faith and prejudice. We think
15 breach and privilege is the same call, bad faith and
16 prejudice.

17 We don't think it's a question of fact about whether
18 or not an attorney is speaking in a meeting to DEW
19 officials to render legal advice can be anything other
20 than privilege.

21 We think respectfully, Your Honor, the Court has,
22 certainly has the discretion and has the appropriate facts
23 in front of him. They -- he has the records that we have
24 included in our index as the law. We've included our
25 memorandum to take the position that we're respectfully

1 urging the Court to take. For other remedies, we think
2 that dismissal is by far in this case the most
3 appropriate.

4 THE COURT: What else, Ms. Bloodgood?

5 MS. BLOODGOOD: I don't think there is any bad faith
6 when my client has four times supplemented discovery.
7 I've named the people who I think are going to be
8 retaliated against. I don't know how to be more clear on
9 that.

10 THE COURT: You have no basis to know that they are
11 witnesses.

12 MS. BLOODGOOD: No, not until I take their
13 deposition.

14 THE COURT: Right.

15 MS. BLOODGOOD: That's right.

16 THE COURT: I mean, I think -- I mean, I understand
17 what Mr. Matthews is saying, but the thing that's more
18 troubling to me is that a lawsuit has been filed alleging
19 a defamatory statement made by somebody and there is -- in
20 the possession of the plaintiff, there is no true
21 knowledge or evidence that would be admissible at trial
22 that could prove it ever happened.

23 MS. BLOODGOOD: Your Honor, I didn't -- just for
24 clarity, that issue has come up after I filed the lawsuit.
25 So it's not like I filed a lawsuit knowing that this

1 statement had been made.

2 I heard the statement -- my client reported the
3 statement to me in an attempt to be forthcoming. I
4 reported it. If you think that that one statement cannot
5 be proven based on what I -- the information before taking
6 depositions, I would ask that you tell me that my
7 defamation claim can't be based on that statement.

8 I have plenty to go forward with on the other
9 defamation claim, but I -- I don't think that dismissal of
10 the case is warranted at this point.

11 There should -- there's certainly going to be
12 significant evidence to support my claims. Otherwise, I
13 wouldn't file this.

14 THE COURT: Well, I think their argument as to
15 dismissal is the fact that the plaintiff has provided
16 responses to you and responses to me that simply have no
17 foundation.

18 MS. BLOODGOOD: Your Honor, I'm sorry but I -- in all
19 cases, in all lawsuits, the lawsuit develops as it goes
20 along.

21 I'm in -- I'm in possession of an email that says
22 there was a meeting, and it was right after my client was
23 suspended. I know who was at the meeting. I've named
24 those people, and I believe I will be able to get evidence
25 from them.

1 If it turns out that -- that I don't, then the
2 appropriate procedure for them would be to file a motion
3 to dismiss, but I certainly at -- before even getting to
4 that point, I don't think it's fair to throw something out
5 and say that we're -- we're being -- showing bad faith
6 when all I've been trying to do is to get as much
7 information together as I could from the other side.

8 THE COURT: Yes, but the bad faith goes in the
9 response of, "All of these people are going to be
10 retaliated against so we can't tell you."

11 MS. BLOODGOOD: No, Your Honor. I've told -- I've
12 told them who the names are.

13 THE COURT: No, but that was the original response.

14 MS. BLOODGOOD: And I'm sorry I made that statement.
15 You know, I really -- maybe that was an emotional
16 statement.

17 THE COURT: We've now had -- we've now had -- this is
18 the second hearing on that response and I don't know how
19 many countless of hours of legal expense that DEW is
20 paying because of that response.

21 I mean, everybody in here is a lawyer and is making
22 money and billing time and billing their clients and I
23 understand that. I'm not trying to prohibit any of that,
24 but we've now had two hearings and I don't know how many
25 memorandums and legal research and affidavits and

1 everything else because of the concept of "Well, we can't
2 tell you who these people are because they're going to be
3 retaliated against."

4 MS. BLOODGOOD: But --

5 THE COURT: And now that we know who allegedly they
6 are, we know that statement is not true.

7 MS. BLOODGOOD: No, Your Honor. I -- you know who
8 they are, and when I take their depositions, we'll find
9 out if it's true. I'm sorry that I'm concerned about
10 them. I am concerned but maybe some of those people will
11 be fired, maybe they won't. I hope they won't, but that's
12 -- that's the extent.

13 There's no bad faith in that. I'm just trying to be
14 honest with the Court, but we provided the names.
15 After -- after that last hearing, we provided all of the
16 names of the people who I think might be retaliated
17 against, and if they are, they are.

18 THE COURT: All right. Okay. I'll let you know in a
19 written order. Thank you very much.

20 MS. BLOODGOOD: Thank you, Your Honor.

21 (Pause).

22 MR. MATTHEWS: Your Honor, one last thing.

23 THE COURT: Yes.

24 MR. MATTHEWS: I have been trying to -- no offense to
25 any person here, to withdraw from the case.

1 THE COURT: Okay.

2 MR. MATTHEWS: Ms. Cox is quite able to assume the
3 defense. I've been asked to stay in the case until the
4 end of this particular part of it. As you issue your
5 motion or you issue your order at that point, I'd like to
6 issue a formal notice of withdrawal.

7 THE COURT: That's fine.

8 MR. MATTHEWS: Very good. Thank you.

9 THE COURT: You're welcome.

10 (Whereupon, the proceedings were concluded.)
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CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, Karen Ambroziak, Official Court Reporter for the
5th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of Common Pleas for
Richland County, South Carolina, on the 8th day of
September, 2014.

November 21, 2014

s/Karen Ambroziak

Karen Ambroziak, RPR
Circuit Court Reporter

1 STATE OF SOUTH CAROLINA) IN COMMONS PLEAS
2 COUNTY OF RICHLAND) COURT
3)
4 KERRY PAUL,)
5) TRANSCRIPT
6 -V-) OF
7) RECORD
8 SOUTH CAROLINA DEPARTMENT OF)
9 EMPLOYMENT AND WORKFORCE) 2014-CP-40-271
10 DEFENDANT.)
11

12 NOVEMBER 25, 2014

13 RICHLAND, SOUTH CAROLINA

14

15 B-E-F-O-R-E:

16 HONORABLE ROBERT E. HOOD, JUDGE;

17

18 A-P-P-E-A-R-A-N-C-E-S:

19 FOR THE PLAINTIFF:

20 NANCY BLOODGOOD, ESQ

21

22 FOR THE DEFENDANT:

23 KEITH MARTIN, ESQ.

24 CHRISTI COX, ESQ.

25

I-N-D-E-X

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1 (The following proceeding were held on
2 November 25, 2014.)

3 THE COURT: We're on the record with Kerry Paul
4 vs. Cheryl Stanton in her individual capacity with the South
5 Carolina Department of Employment and Work Force. This is
6 civil action number 2014-CP-40-271. Present for the
7 Plaintiff is Ms. Bloodgood and present for the Defendant is
8 Ms. Cox.

9 Tell me your name, sir?

10 MR. MARTIN: I'm Keith Martin, also, on behalf of
11 the Plaintiff.

12 THE COURT: Tell me what we're here for today.

13 MS. COX: May it please the Court, Your Honor.

14 THE COURT: Yes, ma'am, Ms. Cox.

15 MS. COX: I represent the Department of Employment
16 and Work Force. I will probably refer to them as DEW just
17 to keep my straight. As the Court may already be aware,
18 the -- of Ms. Stanton was dismissed by the parties and that
19 is the reason why she is not included on the motion.

20 THE COURT: Okay. So Ms. Stanton has been
21 dismissed?

22 MS. COX: Correct.

23 THE COURT: Okay.

24 MS. COX: Your Honor, if I may approach?

25 THE COURT: Yes, ma'am.

1 MS. COX: It's, essentially, an amended -- which
2 tracks what Jean has already produced. And, really, what
3 this is is just an easy reference tool --

4 THE COURT: Okay. Great.

5 MS. COX: -- for the Court to be able to look at
6 the different filings that have been made in the case.
7 Additionally, my client from DEW is here as well. I know
8 the Court's time is limited and my client very much
9 appreciates the opportunity --

10 THE COURT: Well, I'm fine. Go ahead. I don't
11 want anybody to feel like I'm going to cut them off if they
12 can't argue what they need to, so.

13 MS. COX: Sure.

14 THE COURT: My next hearing was canceled, so --
15 I'm not saying you have all day, but I don't want anybody to
16 feel like I'm restraining them. Go ahead.

17 MS. COX: Well, I appreciate that. I will let the
18 Court know, I wasn't sure if the Court wanted to take
19 testimony, we do have Mr. McFarland, who is DEW's general
20 counsel here, who is the individual I think the affidavits
21 will bring to light as I explain --

22 THE COURT: If you want to present testimony,
23 Ms. Cox, I will allow you to do so.

24 MS. COX: Okay.

25 THE COURT: I will leave that up to your decision.

1 MS. COX: Okay. Your Honor, the issue before the
2 Court, essentially, is whether discovery sanctions should be
3 issue against the Plaintiff. And before I get into the
4 substance, I do want to say this, I take absolutely no
5 pleasure in being before the Court on this. This probably
6 is the most uncomfortable situation I've ever been in as a
7 lawyer. I take my responsibilities as a lawyer very
8 seriously. I want to represent to the Court as an officer
9 of the court, the sole reason I'm here is to protect my
10 client's legitimate interests, which are the right to defend
11 itself, the right to receive accurate discovery responses,
12 and the right to preserve its attorney/client privilege
13 information.

14 Now, moving to the basis of Defendant's motion,
15 Your Honor, we -- we've, essentially, requested that the
16 Court allow the Defendant to supplement the record on the
17 discovery sanctions matter, which is still currently pending
18 by Your Honor.

19 THE COURT: Yes, ma'am.

20 MS. COX: The additional affidavits are included
21 in the motion and they're found in the documents that I've
22 provided to you. They include the affidavit of Derrick
23 McFarland, who is general counsel for DEW, as well as
24 additional records, which show that the Plaintiff was called
25 and Mr. McFarland did communicate during the pendency of

1 this litigation.

2 We believe these additional affidavits and this
3 additional information is extremely important to the Court's
4 decision on this discovery sanctions issue. It relates
5 directly to the discovery concerns that were raised before
6 Your Honor at the hearings on July 23rd and September 8th.

7 Your Honor, just by way of brief history, this
8 is -- and I'm sure the Court is well aware of this. This is
9 the third hearing that we would have had on this matter.

10 THE COURT: Right.

11 MS. COX: And, really, all of these hearings stem
12 from one basic question and that is Defendant's request that
13 the Plaintiff identify all of the alleged defamation and the
14 witnesses that they claim support that. At the July 23rd
15 hearing, the Plaintiff gave very detailed information about
16 what they believed was said in certain meetings, who said
17 them. And that's specifically cited in the transcript on
18 Page 22. Essentially, Plaintiff's counsel was quoted as
19 saying all the people in those meetings were told my client
20 was a criminal actor. They were told there had been a data
21 breach. They were told that this was similar to what had
22 happened to a bunch of foreigners that came in and stole
23 information.

24 So with that, Defendant wanted to know who was
25 your source? Where did you get this information?

1 Initially, the Plaintiff refused to provide a response
2 stating, you should already know that because you scheduled
3 these meetings. Then the Plaintiff refused to respond
4 claiming that these folks were DEW employees and if we name
5 them, they're going to get terminated or retaliated against.
6 Finally, at the hearing on July 23rd, Plaintiff's counsel
7 asserts that she cannot disclose the list of names because
8 she represents them and doesn't have their permission to
9 disclose their names.

10 At that point, the Court, essentially, said, we're
11 going to stop. You can't withhold information, witnesses,
12 fact information. And we're going to resume this hearing
13 under rule 37. What we tried to do after that point, Your
14 Honor -- and, again, the clear import, as I read the
15 transcript and as has been cited in previous briefs, is that
16 the Plaintiff knew details of the meeting that only someone
17 in the meeting could have known. She had the source and
18 that she can't name that source because that person is a DEW
19 employee, whom she represents.

20 So after that hearing, we -- and it was Jean
21 Matthews, who was representing DEW at that point, work with
22 her, saying, please, let's get to the bottom of it. Let's
23 find out who this is. The Plaintiff promised that she would
24 provide that information. After several attempts to
25 supplement the response, there still was no name that could

1 explain the issue.

2 THE COURT: That was the list of people that we
3 figured out there's no way that any of those people were
4 involved in the meeting?

5 MS. COX: Correct, Your Honor.

6 THE COURT: Okay.

7 MS. COX: At that point, and what was even more
8 troubling, was that we learned that the meeting where these
9 alleged statements were made was, actually, an
10 attorney/client privilege meeting --

11 THE COURT: Outside counsel was present?

12 MS. COX: Correct.

13 THE COURT: Right.

14 MS. COX: So when we learned that, we immediately
15 contacted the Court and said we need to move forward with
16 the rule 37 motion, which was heard on September 8th. At
17 this hearing, Plaintiff, essentially, after reviewing the
18 transcript, which, again, is at tab N, the materials are
19 provided. We were just given that Friday, so we weren't
20 able to provide that until now.

21 Essentially, as I read the entire transcript, we
22 have the Court pushing again to say why have you not named
23 these folks? And what we see is the Plaintiff stating I
24 don't have a witness now, retracting previous statements.
25 We don't know who it is and I haven't talked to anybody at

1 DEW. And I've instructed my client not to talk to anyone at
2 DEW. And I've tabbed specific portions where those
3 representations were made. In fact, you know Plaintiff's
4 counsel said they she didn't want to be accused of talking
5 to anyone. That's at Page 31, Line 24. Additionally, she
6 said she didn't contact any of those folks and that she told
7 her client not to and she believed that her client did not.

8 At this point and after that, really, what I
9 walked away from, Judge, was thinking okay, there's an issue
10 here, but, clearly, you know, at least, we have counsel on
11 record as saying not talk to any of these people. We're
12 going to have to deal with that explanation of discovery.
13 You know, why we still had trouble figuring out
14 discrepancies, that's where we were left.

15 After that hearing, we have since learned that
16 Plaintiff and counsel have been communicating with South
17 Carolina DEW's general counsel. And, in fact, had a
18 relationship that Ms. Bloodgood believes was an
19 attorney/client privilege relationship. So when we found
20 out this information -- and it's taken a while to figure out
21 exactly what has happened, even after that hearing. And I
22 still don't understand what has happened. So that's why I'm
23 bringing it to the Court's attention. But it's, clearly,
24 relevant to the things that we have been discussing in both
25 of those hearings. At this point, Your Honor, we really

1 need the Court's help figuring out what to do.

2 After reviewing the transcripts again, it seems
3 clear to me that Mr. McFarland is the client or the person
4 that in July Ms. Bloodgood felt prohibited from disclosing.
5 And from her disclosure, there is no other person that she
6 represented at DEW other than Mr. McFarland and I think that
7 has to be the case. We believe that communications with
8 general counsel is a major problem. There is no more
9 sacrosanct relationship than the attorney/client privilege.
10 So when we discovered this, we were extremely concerned. We
11 also believed that the failure to disclose this individual's
12 name was willful and further supports dismissal of the
13 entire case at this point.

14 To be honest, Judge, I'm exhausted. I feel like
15 I'm having to try this case with one arm tied behind my
16 back. I don't believe I can get straight answers from the
17 discovery requests. I tried to work hard to speak with
18 Ms. Bloodgood as well as Mr. McFarland about what the
19 situation is. I -- I'm -- Mr. McFarland states that Ms.
20 Bloodgood is not his lawyer. Ms. Bloodgood says that she
21 is. Mr. McFarland initially states that he's only had one
22 cell phone conversation. We filed an affidavit, then I
23 learned no, there's been five conversations. And I just
24 think we're at the point now where I'd like to believe that
25 those communications have ended and try to resolve that. I

1 just have no confidence that that is the case.

2 The remedy that we're seeking, Your Honor, is,
3 essentially, the same remedy that we proposed at the last
4 hearing. We believe and would request that the Court allow
5 the supplementation of the affidavits and would request that
6 the Court dismiss the case entirely. Plaintiff and counsel
7 are using privileged information as part of their claim.
8 Clearly, talking with general counsel is an issue that
9 violates, we believe, the rules of ethics. Plaintiff still
10 has to this day not identified the person, so we're not
11 sure, but that's the conclusion that I think we've reached.

12 Defendants are clearly prejudiced when they can't
13 communicate with their own general counsel about the case
14 because of limitations that potentially are an issue. We
15 can't get complete discovery responses. We don't even know
16 to what extent the attorney/client privilege may have been
17 breached. We believe under the -- case that was previously
18 submitted in the memorandum that the Court has the ability
19 to dismiss the case and that is what we would ask the Court
20 to do.

21 We have supplemented that memorandum to also
22 request as an alternative if the Court believes or is
23 unwilling to issue dismissal of the case, we are requesting
24 that the Court dismiss the defamation claim with prejudice.
25 That the Court disqualify Plaintiff's counsel from

1 representation in this case. And we cited case law in the
2 supplemental memorandum that we believe supports that. And
3 we, also, believe -- and I think the Court suggested this at
4 the hearing, the September hearing, that the Court conduct
5 and in-camera evidentiary hearing to determine to what
6 extent the privilege may have been breached so we can figure
7 out what matters to strike, what discovery matters to strike
8 and how to move forward with this.

9 THE COURT: All right. Ms. Bloodgood.

10 MS. BLOODGOOD: Thank you, Your Honor. As I
11 understand this third go-round, the complaint is that my
12 discovery responses are not accurate. It is not true. I
13 named David Salley three months ago as the -- one of our
14 witnesses who will testify as to what he reported to my
15 client went on in that meeting.

16 THE COURT: Was he, actually, in the meeting?

17 MS. BLOODGOOD: No, he was not.

18 THE COURT: Okay.

19 MS. BLOODGOOD: And I have not spoken to him.

20 THE COURT: Okay.

21 MS. BLOODGOOD: But we are in -- again, we are
22 still in the early stages of discovery. Even though I had
23 depositions scheduled for the week of August, we have not
24 yet taken the first deposition in this case. I can tell you
25 that my answers have changed, although everything we agreed

1 is on hold for now because since the last hearing, there was
2 a two-day state grievance hearing, which is a parallel case
3 I had here. And even though I haven't been allowed to take
4 depositions, it's clear to me what some of those DEW
5 witnesses will and will not say. And, therefore, in my
6 initial responses where I listed everybody who was in the
7 meeting, it is clear to me now that some of those people are
8 not going to be witnesses onto that issue.

9 So I've told the Court before and I will tell him
10 again, I don't know who my witnesses will be at trial. I
11 will know better when -- and amend my discovery responses
12 after I take depositions, but I cannot -- I cannot guess,
13 which is what I'm being asked to. And what really is
14 happening here, Your Honor, with all due respect is that a
15 discovery issue is being used to -- and tied in with a
16 nonexistence ethical complaint, which I will address in a
17 minute, in order to strong arm me and harm my client. And I
18 will not allow them to harm my client through this
19 procedure.

20 In terms of the ethical issues, I am allowed to
21 say -- and which is what I told Ms. Cox, I no longer
22 represent Derrick McFarland. I did represent him both times
23 I have been before you. And I have his permission now to
24 say that he was my client, which is all that I have said
25 since the last hearing. He has terminated my

1 representation. However, under 1.6, I have no consent from
2 him to reveal any information regarding my representation of
3 him. Under 1.8, I am not going to put him at a disadvantage
4 and, quite honestly, this is the entirely wrong forum for
5 ethical allegations against me. I've already told Ms. Cox,
6 if she has a problem, she can file an ethical complaint
7 against me and then I will explain in the proper setting
8 what I am asked to explain. But I will not violate the code
9 of professional ethics in order to get involved in a
10 discovery issue.

11 Mr. -- I've seen Mr. McFarland's most recent
12 affidavits and he states that he has not abused the
13 privilege. Evidently, they don't believe that, but that has
14 nothing to do with a discovery issue that's before the
15 Court. There is absolutely -- there's allegations that
16 there's a conflict of interest. Yes, I have two clients --
17 I had two clients at this agency. I often have two clients,
18 multiple clients within an employer because that's the
19 nature of employment. When you have something where a
20 supervisor is terminating, disciplining, doing something
21 that the employees consider wrongful, there's usually more
22 than one.

23 THE COURT: Are you saying you're general counsel?

24 MS. BLOODGOOD: Well, that's what they don't like,
25 Your Honor. But I represent lawyers, doctors, professors,

1 HR directors and general counsel. And if -- quite honestly,
2 I think if Mr. McFarland was not the general counsel, this
3 would be a nonissue. But I don't tell somebody when they
4 sign me up to be their lawyer that I won't take them because
5 you are a lawyer or because you are the general counsel, but
6 I am very clear as to what your issue is because I -- and I
7 abide by his decisions regarding the objectives of the
8 representation. And I am fully aware of attorney/client
9 privilege.

10 Now, just because he is general counsel -- and
11 I've already told Ms. Cox this. I was his attorney in early
12 April. And if there's -- what the rules say is that there
13 shouldn't be overreaching. If there's been any overreaching
14 here, there's four attorneys here (indicating) who are
15 taking the position that my former client did something
16 wrong and I am not going to support that proposition. Even
17 if he's my former client, I have a duty to protect him and
18 our relationship and I will do that.

19 So I know that they want to use this as a ghost --
20 as a hunt to try to find somebody who's done something
21 wrong. But if they think that's the case, then they need to
22 go through the right channels and file a complaint. I have
23 called the office of general counsel and I was told they
24 don't give advice very clearly. But I was, also, told this
25 is the kind of thing that tell them if they've got a

1 complaint, file a complaint. I haven't had -- you know, if
2 they want to file an ethics complaint against me, fine.
3 We'll be in a setting where the people who know what to do
4 and how to handle that can handle it, but don't use it as a
5 tool to try to hammer me and hurt my client through
6 discovery. And I just think that's wrong, Your Honor.

7 And just -- I'm sorry, just for the record, in
8 terms of discovery, I answered on May 2nd. I answered on
9 May 30th. I supplemented on August 12th. I supplemented on
10 August 15th. I supplemented on August 19th. I supplemented
11 on September 10th and I supplemented on September 26th.
12 There has been no lack of effort on my part to be thorough
13 and accurate in my answers. They just don't like them.

14 THE COURT: Well, I would be very careful about
15 that statement, Ms. Bloodgood. So here's my question, so at
16 the time you filed the lawsuit, tell me what witness that
17 you had personal knowledge of that had personal knowledge of
18 what happened in that meeting?

19 MS. BLOODGOOD: Nobody, Your Honor.

20 THE COURT: Okay. All right. Your motion to
21 dismiss is granted. Prepare an order in 30 days.

22 MS. COX: Thank you.

23 MS. BLOODGOOD: Your Honor, is that the motion to
24 dismiss the defamation claim?

25 THE COURT: That's the motion to dismiss the case.

1 MS. BLOODGOOD: Okay. Your Honor, one more thing,
2 may I supplement the record? I didn't see this memorandum
3 until it was handed to me today and I haven't read the
4 transcript. so there may be something I want to supplement.

5 THE COURT: You may supplement it within 10 days.

6 MS. BLOODGOOD: Thank you.

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END OF PROCEEDINGS

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1 COUNTY OF RICHLAND)

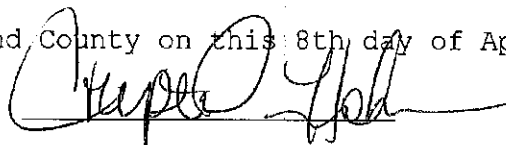
2 CERTIFICATE OF REPORTER

3 I, Crystal Holmes, hereby certify that I reported
4 the preceding case entitled Kerry Paul V. South Carolina
5 Department of Employment and Workforce No. 2014-CP-40-271,
6 at the Richland County Courthouse, November 25, 2014.

7 I FURTHER CERTIFY that the foregoing pages 1
8 through 18 constitute a true, accurate and full transcript
9 of said hearing.

10 I FURTHER CERTIFY that I am not employed by any of
11 the parties hereto and I have no financial interest in the
12 outcome of said case.

13 IN WITNESS WHEREOF, I have heretofore set my hand
14 and seal at Richland County on this 8th day of April, 2015.

15 

16 Crystal Holmes, Official Court Reporter

Amanda Kramer

11403

From: Christi Cox <christi.cox@hamiltonmartens.com>
Sent: Tuesday, November 04, 2014 5:26 PM
To: Hood, Robert E. Law Clerk (Karlen Senn)
Cc: Amanda Kramer; Hood, Robert E. Secretary (Jennifer S. Smith); Nancy Bloodgood; Melia Sweatt
Subject: Kerry Paul v Cheryl Stanton & SCDEW (Case No. 2014-CP-40-00271)
Attachments: Motion to Supplement the Record (Paul v. SCDEW)(Case No. 2014-CP-40-00271).pdf

Pldgs

Dear Emily,

I represent Defendants Cheryl Stanton and SCDEW in regard to the above matter. Plaintiff's counsel, Nancy Bloodgood, Esq., is being copied on this communication.

As you may be aware, Defendants previously filed a Motion to Compel discovery responses from the Plaintiff, which motion was heard by Judge Hood on July 23, 2014. In connection with these discovery matters, a subsequent hearing under Rule 37 SCRPC was also heard by Judge Hood on September 8, 2014. These matters are currently still pending before Judge Hood.

After the last hearing in September, Defendants became aware of additional facts which are critical to the Court's pending decision. Specifically, Defendants recently discovered that Plaintiff and Plaintiff's counsel have been communicating with SCDEW's General Counsel during this litigation. In addition, Plaintiff's counsel recently disclosed that she represented SCDEW's General Counsel during the pendency of this lawsuit. Details about this representation have not been fully discussed, due to concerns of privilege.

Defendants' believe these communications are clearly germane to the issues previously addressed at the hearing before Judge Hood on September 8th. This information also heightens Defendants' concern that the Plaintiff has improperly intercepted SCDEW's attorney-client privileged information. For these reasons Defendants have moved to supplement the sanctions record. A copy of this motion, submitted for filing today, is attached for the Court's reference. Defendants also request that a supplemental hearing be scheduled as soon as possible before Judge Hood.

Prior to filing this Motion, I reached out to Ms. Bloodgood on several occasions. Despite our previous discussions, the parties were unable to come to a mutual understanding or resolution of these concerns. It is my understanding that Ms. Bloodgood does not believe a conflict exists or that further hearing on this matter is warranted. While I certainly take no pleasure in bringing these issues to the Court's attention, I believe I am obligated to do so in order to protect the Defendants' interests.

Defendants will make themselves available for hearing at the Court's convenience and defer to Plaintiff's counsel as to her availability. Thank you for your attention to this matter. Best regards,

CHRISTI PORTER COX
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THIS MESSAGE IS INTENDED SOLELY FOR THE ADDRESSEES AND MAY CONTAIN CONFIDENTIAL AND PRIVILEGED INFORMATION. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY ME IMMEDIATELY BY ELECTRONIC MAIL OR TELEPHONE.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Honorable Robert E. Hood, Circuit Court Judge

Case No. 2014-CP-40-00271

Kerry Paul,

Appellant,

v.

South Carolina Department of Employment and
Workforce,

Respondent.

**CERTIFICATION OF COUNSEL AND CERTIFICATION OF COMPLIANCE
WITH ORDER ON REDACTION OF PERSONAL DATA IDENTIFIERS**

I, Nancy Bloodgood, Esquire, hereby certify, pursuant to Rule 210(g) of the South Carolina Appellate Court Rules, that this Record on Appeal contains all of the material and documentation proposed to be included by any of the parties and does not contain any other material. In addition, I further certify that this Record on Appeal complies with the South Carolina Supreme Court's Order dated August 13, 2007 and Revised Order

dated April 15, 2014, addressing the redaction of personal data identifiers and other sensitive information.



Nancy Bloodgood, Esq., SC Bar No. 6459

Lucy C. Sanders, Esq., SC Bar No. 78169

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Attorneys for the Appellant

Charleston, South Carolina

Date: 9/17/15

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
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Honorable Robert E. Hood, Circuit Court Judge

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PROOF OF SERVICE OF RECORD ON APPEAL

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Attorneys for the Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

SEP 21 2015

Honorable Robert E. Hood, Circuit Court Judge

SC Court of Appeals

Case No. 2014-CP-40-00271

Kerry Paul,

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PROOF OF SERVICE OF RECORD ON APPEAL

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lsanders@foosterfooster.com
Attorneys for the Appellant

I, Nancy Bloodgood, Esquire, certify that on September 17, 2015, I served a copy of the Record on Appeal via First Class Mail by placing a copy of the said documents in the United States mail with sufficient postage thereon on the following:

Christi P. Cox, Esquire
Hamilton Martens Ballou & Carroll
PO Box 10940
Rock Hill, SC 29731
Attorneys for the Respondent

Nancy Bloodgood
Nancy Bloodgood, Esquire

Charleston, South Carolina

Date: 9/17/15

I, Nancy Bloodgood, Esquire, certify that on September 17, 2015, I served a copy of the Record on Appeal via First Class Mail by placing a copy of the said documents in the United States mail with sufficient postage thereon on the following:

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Hamilton Martens Ballou & Carroll
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Rock Hill, SC 29731
Attorneys for the Respondent

Nancy Bloodgood
Nancy Bloodgood, Esquire

Charleston, South Carolina

Date: 9/17/15