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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

Appellate Case No. 2015-002054
Case No. 2007-CP-40-0576

In re: Tony Megna, Respondent,

James A. Anasti, Appellant,

v.

Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court, Defendants.

RECORD ON APPEAL

VOLUME II

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the Darlington case. The Court may take Judicial Notice of its Orders, as well as the basis for its Orders disqualifying Megna in the Darlington case. And, notably, Megna has unapologetically refused to retreat from his unjust attacks on Ms. Ballard. He has attempted to subpoena her, as well as her legally protected files, using the Darlington case in which he has been disqualified as a pretext to harass her and apparently to dissuade others from defending and/or pursuing their legal rights. Lee has never had any involvement whatsoever in the Darlington case. Megna has unequivocally conceded that fact (see page 9 of Megna's "Synopsis", the first paragraph under Section II A). Simply put, Megna's own "Synopsis" provides clear and convincing evidence disproving his own argument.

Megna's own words prove that what he is asserting relative to the Court being powerless in these circumstances by virtue of Lee's bankruptcy is also predicated on false assumptions and based on justifications that appear contrived. Once more, Megna's argument is merely an inappropriate, but time-consuming distraction. The inevitable conclusion is that Megna is now willfully, deliberately and unapologetically misusing the legal process. He is doing so for ulterior purposes in a transparent attempt to, *inter alia*, evade this Court's Orders in the Darlington case. Megna's conduct is unauthorized and his conduct is a major violation of SCRCP on multiple levels, aside from his violation of the Bankruptcy Court's Orders. Matthews is making no attempt to regulate Megna, to require that he conform to SCRCP or to demand that he obey the Court's Orders in Darlington (or the Bankruptcy Court's Orders). By omission/failing to control his law partner, it appears that Matthews is approving of and condoning Megna's repeated violations of the terms of the Court's Order(s) disqualifying him (Megna) from the Darlington case.

Having been disqualified in the Darlington case, the conclusion drawn is that Megna is attempting to circumvent the Court's Order(s) under the pretext of this case to harass and/or to gather information relative to Rene Josey, Jay James, the Thompson Estate, Celeste Jones and/or Kenneth Woodington (and/or their respective law firms) and/or others in unrelated cases. In this context, attention is drawn to "PETHONER'S

REPLY TO RESPONDENT ANASTI'S MOTION TO EXPETITE" [sic] (See Exhibit C(2)). It also makes clear that Megna has unabashed, ulterior motives to act as he has.

For reasons that can only be classified as bizarre, mean-spirited and abusive, Megna is making extremely offensive claims and is inappropriately attempting to pursue SCRCP discovery against attorney Desa Ballard under the auspices of Lee's name. He has also attempted to do so in the Darlington case, after he had unquestionably been disqualified and after Lee's bankruptcy has ended. From his own "Synopsis" arguments, in conjunction with the Court of Appeals' file, it appears clear that Megna is very aggressively and deliberately trying to annoy and provoke Ms. Ballard simply because she previously rendered an accurate, completely truthful, legal opinion relative to a technical point involving Lee/Megna's appeal (not as irrelevantly and inaccurately claimed by Megna to have been an opinion "uniformly rejected by the Court of Appeals"), and also because Ms. Ballard had separately rendered appropriate ethical, legal advice relative to how one might deal with Megna under the extraordinarily challenging circumstances that have existed.

Ms. Ballard is a well-respected attorney with a thriving legal practice that emphasizes legal ethics. It is submitted that she is, at a minimum, entitled to a greater modicum of respect and civility than that demonstrated by Megna. In fact, Rule 45(c)(1), SCRCP and the Bar's oath of civility require it. More significantly, she and others are entitled to have Megna show due respect to the Court's Darlington Orders. It is apparent that he has not done so.

3. CONTINUANCE, MISREPRESENTATIONS AND ABUSIVE CONDUCT

As an attachment to his "Synopsis", Megna has included an Order(s) from a separate case(s) (not involving Plaintiff) terminating the employment of Wilson and Goodwin's attorney and granting them a continuance in order to retain substitute Counsel. Megna apparently relies upon the Order(s) as a basis for arguing that: (a) it entitles him to engage in SCRCP discovery, (b) that the Order(s) is to be interpreted to mean that all matters involving Megna in this case have been continued, (c) the Order(s) of continuance means that Megna is immune from sanctions, and (d) this Court has no

right or authority to regulate or restrict Megna's conduct in any event. At the same time, and in conjunction, Megna argues that he must engage in formal SCRCP discovery because "there has been no discovery as to the issue of damages". Megna's argument is without merit. It is irrelevant, and it is based on assumptions that are in and of themselves both false and irrelevant. Regrettably, space and time must once again be expended to address Megna's claims.

First, it is obvious from the Order(s) and cover sheets Megna has attached to his "Synopsis" that they involve separate cases (04-CP-40-5333 and 04-CP-40-5334) from the matter before this Court. The Court may take judicial notice of the content of those case files. They involve cases that were submitted to binding arbitration before Judge Thomas Cooper, a retired Circuit Court Judge. Plaintiff is not a party in those cases (collectively referred to by Megna as the "companion case"). An Order of Continuance in the companion case has no bearing on this case.

Second, the companion case was tried on December 5, 2008, and an Award rendered August 15, 2009. The Award was rendered against Megna's (then) client Lee and in favor of Mr. Earle's clients, Wilson and Goodwin. Megna filed a 59(e) motion [sic] in the companion case, but its denial has been held up by Megna's contention that the Lower Court would reverse itself at the time of the second remand hearing (held October 2, 2008 (see its Order dated April 1, 2009) and by virtue of Matthews and Megna's filing of Lee's bankruptcy on April 16, 2009. The Arbitrator has indicated that he is prepared to deny Megna's motion, but he has postponed entering an Order to that effect because Wilson and Goodwin's attorney has been incapacitated and they have had to seek the services of another attorney. They have been given a continuance of thirty (30) days time in which to engage substitute counsel and a continuance of a total of ninety (90) days time in which to be prepared for subsequent litigation. Upon the Arbitrator denying Megna's outstanding motion, Wilson and Goodwin will be entitled to seek Rule 11 sanctions against Megna. It is only fair that they be given time to be prepared. Hence, the Arbitrator granted them a reasonable opportunity to do so. They now have an attorney (Charles Johnson). It is again noteworthy that Lee is Megna's former client. She has been adjudicated bankrupt and has no further interest in

proceedings in the companion case. She is certainly not paying Megna and Matthews to proceed on her behalf, the same as she is not paying them to proceed in this case. In fact, it is unknown if Megna has ever had a contract of employment with Ms. Lee in this case – he previously refused to produce one, claiming it was "privileged". Regardless, it is reemphasized that Lee has not approved of or condoned Megna's misconduct in a separate case(s).

Third, the Order upon which Megna relies was not signed or filed until a time after he commenced the discovery process in this case to which Plaintiff objects. Megna even admits that he did not receive the Order of Continuance in the companion case until March 17, 2012, so he could not very well have relied on it as a basis to pursue discovery in this case on February 27, 2012.

Fourth, the terms of the Order of Continuance in the companion case do not at all support Megna's contentions. The Order does not even attempt to authorize post-appeal, post-arbitration, post bankruptcy SCRCP discovery. The Order does not continue any matters in this case, and it definitely does not shield Megna and Matthews against discovery related abusive misconduct in this case.

Fifth, there is an Order of Continuance in this case, but it relates to a continuance of the damages hearing only, a matter in which Megna previously has represented to the Court that neither he nor Lee was interested. The Order of Continuance in this case makes clear that only the damages hearing was being continued, in order to allow Mr. Earle's clients time to obtain substitute counsel for the damages hearing. In relevant part, the Order provides that:

> **"the hearing of the damages case brought by Plaintiff scheduled for March 12, 2012 before Judge Manning at 2:00 p.m. be and hereby is continued for a period of at least ninety (90) days"** (emphasis added).

Significantly, the Order also provides that:

"Megna is not involved nor is his client in this aspect of the case..."[23]

This quoted language is consistent with the January 18, 2012 status conference discussions, as reflected in the transcript (Exhibit A(3)). At that time, the following took place:

> "The Court: **Y'all agree Ms. Lee is not, would not be involved in that?** (Damages hearing)
> Mr. Megna: **Yes, sir, Your Honor.**"
> (Tr. Page 6, Line 25 through Page 7, Line 2) (emphasis added).
> ...
> "The Court: **I guess y'all don't care since you're not involved in that process.** (Relative to scheduling a damages hearing)
> Mr. Megna: **No, Your Honor.**"
> (Tr. Page 8, Lines 15-17) (emphasis added).

Megna has now, in direct contradiction, unequivocally represented to this Court in his March 19, 2012 "Synopsis" (page 6, Section D1) that he must avail himself of the discovery process as to damages because:

> **"There has been no discovery as to the issue of damages."** (emphasis added).
> ...
> **"There has been no discovery as to the issue of damages. There are outstanding discovery requests including requests for production of documents, interrogatories and subpoenas that have been served."** (emphasis added).

As the Court considers the matter of sanctions and the duty of candor required of attorneys, it is important to reflect on the following: after the suit was filed, Megna served detailed, wide ranging SCRCP discovery upon Plaintiff on April 18, 2007. In the

[23] Megna was in fact made aware of the circumstances and appears to have agreed.

summer of 2007, Megna took comprehensive, all-inclusive depositions of Plaintiff and other witnesses whom he deemed necessary. Damages were certainly at issue at that time. Megna addressed the damages issue as he saw fit in his discovery efforts. He did all of this well before Plaintiff ever moved for Summary Judgment. In addition, Megna stated, in a September 13, 2007 letter – Exhibit A(1) – (in which he specifically objected to any further discovery) that;

> **"Ms. Lee has determined, now that discovery has been concluded..."** (emphasis added).

Furthermore, it is emphasized that Megna had filed a motion dated September 11, 2007 insisting and demanding that discovery be terminated. His stated grounds were:

> "**all discovery**" has been completed. (emphasis added).

Finally, in Megna's November 3, 2011 letter to the Court (Exhibit A(2)), he represented that;

> **"...the state Court of Appeals actually denied Mr. Anasti's request for damages."** (emphasis added).[24]

Megna's actions, statements, claims and representations to the Courts from 2007 through February 26, 2012 are at least consistent (that there was no need for discovery/it had been completed). His March 19, 2012 "Synopsis" representation that there has been "no discovery as to the issue of damages" is absolutely inconsistent with what he has previously represented. The Court is certainly capable of determining which, if any, of the myriad of inconsistent representations and arguments Megna has postulated is true. Plaintiff submits that the quoted exchanges set forth hereinabove demonstrate that Megna has been singularly much less than candid. Discovery as to damages is complete and

[24] If this were so, then Megna would have had absolutely no need or basis to seek "discovery".

everyone involved has confirmed that fact. Using laymen's terms, "Megna can't get his story straight". Quoting the Court at the time of summary judgment; "You (Megna) are talking out of four sides (of your mouth) to me" (See transcript contained in the Record on Appeal, pg. 535).

It is unfortunate, but nonetheless a fact that, having once again dug himself into a deep hole and once again being exposed, Megna has kept on digging deeper and deeper. It is within the authority of the Court to determine the consequences. As the Court considers this matter, Plaintiff asks the Court to also consider the following: In attempting to engage in post-appeal, post-bankruptcy discharge, post-disqualification, unauthorized SCRCP discovery using Lee's name as a pretext, Megna has acted in such an inconsiderate manner as to cause as much difficulty as possible for the witnesses Megna has purported to subpoena, and most notably Wilson and Goodwin's attorney of record at the time.[25] In conjunction with his unauthorized discovery submissions and an initial, unilateral insistence that depositions were required on less than ten (10) days notice, Megna threatened to commence "contempt and sanctions" if his discovery demands were not met (see Megna's March 5, 2012 email; Exhibit A(4)).

Because his law firm could not continue with the case, Defendants Wilson and Goodwin's attorney was authorized to withdraw. The Court's Order is dated February 29, 2012. Wilson and Goodwin were provided with a reasonable period of time (March 31, 2012) to obtain substitute counsel for the damages hearing. Nonetheless, Megna attempted to engage in "discovery as to the issue of damages" without providing those Defendants an opportunity to engage substitute counsel or otherwise participate. Further, Megna has attempted to conduct discovery without having applied for, much less been authorized by any Court or SCRCP to engage in discovery after Lee's role in the case had ended. Notably, and consistent with Mr. Earle's position, Wilson and Lee's substitute Counsel Mr. Johnson has not approved of or endorsed Megna's discovery-related,

[25] Megna arbitrarily set four (4) separate depositions for the same exact day at the exact same time without ten (10) days notice, and he apparently failed to give Mr. Earle or his clients any notice (except to Mr. Earle by email to his office while Mr. Earle was in the hospital in a coma). Further, believing that Plaintiff was living in Mexico at the time, Megna noticed and set Plaintiff's deposition (on less than ten (10) days notice) for his (Megna and Matthews) offices in Columbia. Note: Megna had already taken Plaintiff's deposition once before and he had never sought the Court's (nor Plaintiff's) permission to take it once again.

abusive conduct. He has not moved for discovery as to damages for obvious reasons. In fact, Defendants Wilson and Goodwin previously agreed that no further discovery was needed. These facts likewise underscore the conclusion that Megna has acted unreasonably and in bad faith. He is deserving of having sanctions rendered against him on the basis of Plaintiff's motion, within the actual and inherent authority of the Court, *sua sponte*, and/or all of the above. And, it goes without saying that if Megna had truly felt any need or entitlement to engage in discovery "as to damages" (notably including interrogatories and requests to produce), it is something a prudent attorney certainly would have both previously applied for and commenced more than a mere twelve (12) days prior to the date set for the damages hearing. The fact that he has proceeded as he has speaks volumes relative to Megna's professionalism, assuming for the moment, but not acknowledging in any way, that Megna's argument has ever had any merit or that Lee (or anyone else other than Matthews) approved of his behavior.

The net result of Mr. Earle's unfortunate illness is that the damage hearing has had to be delayed. Neither that fact, nor the Court's Order granting Wilson and Goodwin a continuance for the purpose of engaging substitute counsel, has anything to do with the motion to prevent Megna from engaging in unauthorized, abusive discovery devices. Megna's argument is, simply stated, irrelevant. In context, Megna's "continuance" argument appears to have been submitted purely as a ruse so as to detract from the central issue before the Court. It further appears to have been submitted in an effort to cause further delay, to obfuscate issues, and to cause unnecessary expense to innocent parties.

4. ETHICAL CONFLICTS, ESTOPPEL AND ULTERIOR MOTIVES

Megna argues in his "Synopsis" that it is his obligation on "behalf of Lee" and independently on behalf of "unrepresented defendants" to engage in post-appeal, post-bankruptcy "discovery as to the issue of damages". He makes this claim despite (1) having repeatedly acknowledged that neither he nor Lee has any right or need to engage in discovery; (2) having repeatedly claimed and represented to the Court(s) that the damages aspect of the case has been concluded (in Lee's favor); (3) having repeatedly claimed and acknowledged that neither he nor Lee were at all interested in any damages

hearing; and (4) having repeatedly claimed and represented that all discovery has been concluded.

Although having repeatedly taken a diametrically opposite position, Megna nonetheless now contends in his "Synopsis" that it has been his duty to conduct discovery "as to damages" on "behalf of Lee"[26] and the "unrepresented defendants", without even allowing them an opportunity to obtain independent counsel, much less consulting with them or considering their input.

Aside from being estopped from taking such a contrary position, the date for Megna to engage in discovery "on Lee's behalf" and "on behalf of" the "unrepresented defendants" has long passed. Figuratively speaking, the train left the station long ago and is far down the track, nearing its terminus, with Megna in the headlights. Putting the train in reverse and detouring at this late date so that it can be held up once again is not a viable option. It would only harm the innocent, paying passengers, the conductor, the train engineer and railroad system.

Furthermore, it is stressed that the "unrepresented defendants" remain adverse to Megna. The same is true for Lee, given the terms of the Bankruptcy Court's Order(s). The pleadings and Orders in this case, the companion case, and Lee's bankruptcy file unequivocally establish that fact. The "unrepresented defendants" on whose behalf Megna professes to be concerned, and for whom he professes to act, actually sued Lee and received a verdict for in excess of $216,000.00 in the companion case.[27, 28] Megna represented Lee in that companion case. It was his gross mishandling of the case(s) that ended with her bankruptcy (initiated and exclusively handled by Megna and Matthews).

The basis relied upon by Megna to engage in discovery at this stage in the proceedings is not only irrelevant, but specious. It is simply beyond implausible for Megna to assert that he is acting on behalf of Wilson and Goodwin (or Lee) or in their best interests. There are clear ethical prohibitions against an attorney acting in such a conflicting fashion, aside from the timing and complete legal inappropriateness of

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[26] Under the terms of the Bankruptcy Court's Order(s), Lee's interest is now adverse to Megna's.
[27] Wilson and Goodwin had sued Lee in the companion case for selling Anasti's property to them.
[28] The Arbitration Award (August, 15 2008) did not put Lee in bankruptcy. The bankruptcy filing came on the heels of the Court's Order of April 1, 2009. The motive for its filing is elsewhere addressed in this memorandum.

Megna's discovery demands. This is especially so because it is clear that Megna is acting purely for himself and/or Matthews and/or for their separate and distinct business interest(s).

Given Lee's lack of interest in the case, in conjunction with Megna's admission that Lee has no connection whatsoever with the Darlington case, it is obvious that Megna is seeking discovery information (such as Medicare/Medicaid information, information relative to Rene Josey and his law firm, the Thompson Estate, Celeste Jones and her law firm and her clients in the Florence cases and Kenneth Woodington) that would never, by any stretch of the imagination, have any relevance or connection to Lee or damages.[29]

Likewise, Megna's attempts to acquire Ms. Ballard's records by subpoena (under the guise of the Darlington Case in which he was disqualified) pertaining to, among others, a well-known, well-respected Charleston criminal defense attorney (Andrew Savage); a consummate professional, appellate attorney (Ashley Stratton); and a Magistrate/attorney (Caroline Streater) is truly alarming, if not unparalleled.

It is inconceivable that the information sought by Megna, to the degree it even exists, would have any relevance whatsoever to damages in this case. Such a conclusion is especially compelling, given that Megna has failed to make even a minimally required showing of need, much less made a timely effort to comply with SCRCP or to give those persons whose records he has attempted to subpoena notice that he was attempting to acquire information relative to their private, personal and/or professional affairs.

Singularly and collectively, Megna's "Synopsis" excuses and arguments have the appearance of being contrived.

5. MOTION BEFORE THE COURT AND MEGNA'S DISSEMBLING

The matter currently before the Court boils down to: (a) Megna's unauthorized and abusive attempts to engage in discovery; (b) Megna's misappropriation of Lee's

[29] This case has involved the quieting of title to real estate. In no way did/does it involve Medicare/Medicaid issues, the probate of the estate of Dr. Thompson in Darlington, issues involving a hospital in Lake City or its physicians, family members of a Judge in Florence County or a case in which Megna, on behalf of Pee Dee Health Care, sued the Governor of South Carolina. (Kenneth Woodington has represented the Governor in that matter. Megna was CEO of Pee Dee Healthcare, but continued to act as its attorney in the matter nonetheless. Whether he had a conflict goes far beyond the scope of this memorandum).

name in the Richland case as a pretext upon which to pursue unrelated, irrelevant matters, in willful and unrepentant disobedience of this Court's Orders in the Darlington case; (c) Megna's repeated and serious violations of SCRCP[30] ; and (d) the determination of what relief and sanctions are appropriate.

Megna's "Synopsis" attempts to lump together cases in Richland, Darlington and Florence counties (as well as a case that may exist in some other forum – involving Mr. Woodington). His attempts in this regard are both misplaced and unjustifiable. The respective cases are not a single case. They are separate and distinct cases with separate and distinct applications of law and separate and distinct motions, having as the only common denominator Megna.

The allegations contained in the respective cases and their procedural history(ies) prove beyond a doubt that the cases are separate and distinct and that the motion herein, as well as any other motion(s), is entitled to separate and distinct treatment: This case does not involve hospitals, medical providers or medical issues. It does not involve physicians in Lake City. It does not involve the Governor of South Carolina. It does not involve "the family of a Judge in Florence". With the limited exception of Bankruptcy Orders, it does not involve federal law. Instead, it has involved a straightforward State court legal issue of title to real estate. And, but for Megna's misconduct, accompanied by repeatedly irrelevant *ad hominem* attacks, it should have been a simple and inexpensive case to resolve in each of the litigants' individual and collective best interest.

To conclude on this point, it is reiterated that much of what has been argued is irrelevant. However, it has been necessary for Plaintiff to respond in detail in consideration of the extensive, convoluted, disjointed and consistently misplaced arguments and serious ethical charges Megna has attempted to foist upon the Court. The facts and circumstances demonstrate that Megna is continuing to operate in the same fashion as he has in the past in this case and obviously in other case(s) as well. Megna's response to the motion to disqualify him in the Darlington case is but one example (see Plaintiff's Exhibit C(7)(c)).

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[30] Megna has, *inter alia*, attempted to serve subpoenas by email (to an email address from which he knows he has been blocked) and by sending subpoenas to the undersigned at a fictitious address (944 Richland Street – not the undersigned's mailing address).

This point, in association with the others, is presented to demonstrate that Megna is once again merely dissembling in a thinly disguised, ill-considered attempt to evade responsibility for his pervasive misconduct. On the grounds he has argued, Megna is entitled to no relief and certainly no preferred treatment. Based on his conduct (and his *ad hominem* attacks), it is respectfully advocated that Megna needs to be prevented from further abuses of both the legal system and innocent persons whom he would attempt to disparage. In this context, it is submitted that the Court should consider dealing with Megna's behavior in a firm, decisive manner, in the interest of preserving the integrity of the legal process, in the interest of justice, in the interest of disallowing further harm to innocent parties, and as the Court deems appropriate.[31]

6. JURISDICTION, EVASION, DELAY AND FURTHER INCONSISTENCY

In what appears to be a final attempt to delay, if not evade, the imposition of sanctions, Megna suggests that, by virtue of his appeal in the Darlington case, the Court is prohibited from enforcing its Order(s); prohibited from enforcing the inherent right of the Court to insist that proper procedure be followed; and that the Court is prohibited from enforcing SCRCP. Megna essentially argues that the Court is prohibited from doing anything at all. Inconsistently, Megna argues that the Court should (without Megna ever being required to file a motion(s)) authorize him to engage in SCRCP discovery "for Lee" and "unrepresented defendants" and for use in the Darlington and Florence cases as well. At the same time, Megna opines that the Court should reopen the Darlington case so that he may conduct discovery and then attempt to have Mr. Josey disqualified. Megna urges the Court to reopen the Darlington case so that he may conduct discovery, despite having been disqualified to act as an attorney and despite the fact that he appealed the Court's Order(s) in the Darlington case. In addition, and without so much as filing a motion and affidavit in support, Megna has repeatedly opined that the Court should recuse itself from all matters in which Megna is involved. The only hypothesis Megna can offer as a basis to disqualify the Presiding Judge is that he is an active jurist who has, on occasion, been assigned to hold court in a judicial circuit encompassing Florence.

[31] The Court has authority and various options at its disposal under these circumstances, not the least of which is its contempt powers. Past Orders and admonitions of the Court(s) have not dissuaded Megna.

Megna's conduct and contentions have been contemptible. Megna's arguments singularly and collectively are telling because they once again demonstrate his fundamental misunderstanding of rules of court; they demonstrate his deliberate unwillingness to abide by the Court's Order(s); they underscore his ignorance of proper legal procedure; and they provide strong support for the relief sought by Plaintiff.

Megna's argument is also baseless, inconsistent and ultimately irrelevant for a variety of other reasons. Megna must concede that this case is separate and distinct from the Darlington case. There is no outstanding appeal in this case. The case against Lee is over. Any appeal by Megna and Matthews in the Darlington case is unrelated to, distinguished from, and unaffected by Plaintiff's motion. SCACR 205 is on point – this proceeding for protection from discovery-related abuses is unaffected by and unrelated to Megna's appeal in the Darlington case. This case may not be used as a mechanism for Megna to conduct discovery in the Darlington case, in the Florence case, or as a platform upon which he may frivolously pursue others such as Ms. Ballard and Mr. Licata (the bankruptcy attorney who opposed Megna and Matthews and who was successful in having the bankruptcy stay lifted). Megna can cite no relevant fact or any relevant law to support his argument because there is no relevant fact or relevant law supporting his argument. The position argued by Megna is untenable. The Court clearly has the right, authority and entitlement to consider Plaintiff's motion for protection from discovery-related abuses under these circumstances, especially where Megna has waived his objections by, *inter alia*, seeking affirmative relief.

Megna makes an additional very odd, inconsistent and disjointed, argument in which waiver is also applicable. His argument is believed to be unprecedented, and it has the appearance of being a last gasp effort to both delay and confuse matters even further. Regrettably, time and space must be expended once again as Plaintiff is forced to respond: At the same time Megna opines that the Court is deprived of jurisdiction (and having previously asserted that no further discovery was needed or appropriate), he argues that the Court has jurisdiction so as to independently authorize or condone his behavior – because he wants discovery for use in the unrelated Darlington case – so that he may "address the issue of Mr. Josey's conflicts of interests" and so that he may

investigate "significant misconduct against her (Ms. Jones), her law firm, and others" in the unrelated Florence case(s) (see pages 7 and 8 of Megna's "Synopsis").[32]

Related to those whom he would attempt to target for even more abuse in the Darlington and/or Florence cases, Megna is attempting to take the depositions of the undersigned, his paralegal and the attorney who assisted the undersigned in lifting Lee's bankruptcy stay. Additionally, Megna is attempting to re-take Plaintiff's deposition without so much as having any Court Order allowing him to do so. Megna's motivation is readily transparent. His self-avowed "Synopsis" basis to engage in discovery is contradictory and parenthetically irrelevant to what he argues.

In the context of the Darlington case, Megna's conduct is especially unbecoming and abusive. It is designed for no other reason than to harass and so as to disingenuously avoid the Court's Orders disqualifying him. Megna is apparently also attempting to take the depositions of others such as Ms. Ballard, Mr. Josey, Mr. James, Ms. Jones and possibly Mr. Woodington for the same reasons (see Megna's email). Megna is apparently attempting to employ other unjustified, abusive tactics simply to pester those who may have opposed him in pending cases or whom he feels to have somehow slighted him in the past. Such conduct by Megna cannot be justified. By the same token it cannot be condoned. It needs to be decisively condemned. Ex Parte Gregory, 378 S.C. 430 (2008); Runyon v. Wright; 322 S.C. 15, 471 S.E.2D 160; Wieters v. Bon Secours, case # 27016 (August 11, 2011); and Ex Parte Cannon, case # 4570, (June 23, 2009) provide more than enough authority for the Court to impose sanctions. The Court has both actual and inherent authority to address these serious matters and to protect the public from further abusive conduct, especially if a contempt citation is for less than six (6) months. Megna's conduct also clearly violates SCRCP – SCRCP provides ample, additional authority for the Court to impose sanctions.

If Megna's rationalization for discovery ever had any merit, he would have at a minimum first sought Lee's (and Wilson and Goodwin's) permission to proceed. He would have then applied to the appropriate Court(s) for authority to do so. And, a

[32] Megna and Matthews are actual party Defendants in one of the Florence cases. They are *pro se* Plaintiffs in the other Florence case.

reasonably diligent attorney would have commenced "discovery" long before now.[33] Besides, Megna presumably could have readily availed himself of discovery in the other cases in Florence and/or Darlington were his concerns genuine.

Megna's manifold excuses are indefensible. Megna's conduct has not been authorized and it is not permitted. His arguments are irrelevant. The basis for the arguments Megna relies on, especially a nefarious collaboration and "conspiracy" of reputable attorneys, law firms, and physicians throughout the State, has the appearance of being delusional. Megna's behavior remains thoroughly obnoxious and offensive. He professes to be accommodating, but his actions, pleadings, letters and emails certainly speak louder. He has not conducted himself properly. He has not played by the rules. He has not obeyed Court Orders. He has not given proper weight or consideration to the oath of civility that is demanded of members of the South Carolina Bar. Megna has harmed Plaintiff economically and threatens to do more harm if he is not prevented from doing so. He has at the same time caused Plaintiff's counsel to incur an inordinate amount of time addressing serious, but baseless allegations of unethical conduct.

It is stressed that Megna vehemently opposed the lifting of the bankruptcy stay and he has just as vehemently, consistently and constantly argued that no further action may be taken, excepting the conclusion of the appeal in this case. Megna has constantly argued that all further action involving Lee is prohibited by virtue of Lee's bankruptcy and by virtue of the State court appeal. Megna is judicially, collaterally and equitably estopped to now take a contrary position so as to attempt to use Lee's name as a proxy to engage in discovery in this case, in the Darlington case, in the Florence cases and/or against Ms. Ballard and Mr. Licata.

Despite being estopped from now taking a position contrary to that which he has previously and repeatedly submitted to the Courts, Megna inconsistently argues that he must engage in discovery for the "unrepresented defendants" to prove that attorneys involved in Darlington and Florence litigation, as well as Ms. Ballard and "numerous others", are unethical, conspiratorial and fraudulent, and that they have illegally

[33] Megna has been given a full and complete, written explanation relative to the impending Rule 11 hearing, so it cannot claim that he needs "discovery" for that purpose either, regardless of the fact that it has not been a basis alleged by him to justify his behavior.

collaborated against him. The fact that those persons are on opposite sides of cases in which Megna may be involved does not, *pro tanto*, mean that they are collaborators or co-conspirators. Surely those persons have more important duties to attend to than what Megna imagines. The fact that no one with any involvement in, or connection with, this case (excepting possibly Matthews, who has failed to even respond to Plaintiff's motion) supports Megna is irrelevant. The fact that others, unconnected with this case, may not approve of or condone Megna's conduct is likewise irrelevant. Megna's claims of unethical, unlawful "collaboration" and "conspiracy" are singularly and collectively more than unjustifiable; they are outrageous. In context, these circumstances are only relevant in that they reflect on Megna's credibility, his lack of reasonableness, his ulterior motives and the issue of sanctions.

In what appears to be an impulsive afterthought, Megna disjointedly and inconsistently argues that, because he has appealed Court's Orders in the Darlington case, everything in the Richland case is stayed. Irrationally, he argues that those circumstances authorize him to engage in discovery under the auspices of the Richland case in Lee's name – to prove unlawful "collaboration", "conspiracy" and breaches of ethics by Ms. Ballard and by those opposing him in the Darlington and Florence cases. Plaintiff Anasti is not involved in those cases and neither is Lee.

Aside from Megna's argument having the appearance of being beyond frivolous, it is utterly preposterous for Megna to argue that all activity in this case and the Darlington case is stayed and/or prohibited, while at the same time arguing that Lee must engage in discovery in this case (and in the Darlington case) for use against others. Megna's argument is especially troubling in that (a) he has been specifically disqualified to act as an attorney in the Darlington case; (b) he has been repeatedly rebuked and admonished by the Courts; (c) he has failed to heed the admonitions of the Courts and/or others who would attempt to steer him on a more fitting path; (d) he has repeatedly failed to comport himself in an appropriate civil manner; and (e) he has consistently argued positions diametrically inconsistent with what he now asserts. That said, Megna's argument may shed even further light on the reasons to impose sanctions.

7. MEGNA'S *AD HOMINEM* ATTACKS IN CONTEXT

Despite Megna's seemingly obsessive assertions to the contrary, those attorneys and others whom he would repeatedly accuse of serious ethical violations and continually seek to vilify are believed to be held in the highest esteem. There is absolutely no finding or conclusion by any Court that any of those persons Megna has singled out, sought to impose upon, attempted to subpoena and intended to belittle, have acted improperly. Simply put, there is no cognizable basis for Megna's mean-spirited attacks.

On the other hand, in context, Courts have repeatedly found in their Orders (none of which have been overturned or modified on Appeal and hence, using Megna's terminology, "it is the law of the case"), that Megna has repeatedly been dishonest and has repeatedly comported himself in an unprofessional manner. He has repeatedly been found to have been deceptive in dealing not only with opposing counsel, but more significantly he has repeatedly been deceptive in dealing with the Courts. That conclusion was specifically found and not reversed on any appeal(s).

Megna has been found to be a person with a bent to make repeated and gross misrepresentation of fact in a variety of circumstances, involving unrelated persons, unrelated cases and unrelated courts. He is a person (currently) holding a law license who has demonstrated an uncanny ability not to comply with his legal, professional and/or ethical responsibilities. He is a person who has repeatedly been found to have violated the Court's Orders. He is a person who has continually demonstrated an almost unparalleled inattention to important legal detail. In the same vein, he is a person who has repeatedly, by separate and distinct, independent Courts, been found to have a disturbing pattern of making unwarranted, inappropriate attacks on professionals who oppose him.

Megna's *ad hominem* attacks are not limited to one isolated case in which respective Counsel have had a simple personality conflict. From the record before the Court, it is quite obvious that Megna has had a litigation strategy of intentionally, repeatedly and needlessly insulting those who might not see matters in the same way Megna sees them. His attacks have included repeated unseemly and unjustified personal affronts, as well as

accusations of unethical conduct. They have not abated. They have, if anything, increased as this case is set to be concluded.

The Courts, in evaluating and addressing Megna's conduct and credibility, have found and found again:

> Megna has shown a "**serious and repeated inattention to detail, which is well documented and of record, as well as his repeated and gross misrepresentations to the Court, as well as his unwarranted, unjustified and untrue attacks on opposing counsel who clearly appears to have been remarkably restrained and professional in the representation of his client and in dealing with Megna under the circumstances**" (emphasis added).

As well, the Bankruptcy Court's assessment and conclusions relative to Megna's conduct and apparent motives are well chronicled and "of record".[34]

At the summary judgment hearing, the Court rebuked Megna for unfairly and irrelevantly attacking opposing counsel and Plaintiff. The Court also rebuked Megna for misrepresenting the facts to the Court (see Transcript of summary judgment hearing contained in the Record on Appeal that Megna has promised to produce for the Court's inspection). And, the Court accurately characterized Megna's defense for what it was, a "flimflam" (Record on Appeal at page 539). Megna's response was to accuse the Court of not being "fair". The Court was exceedingly "fair" to Megna – he was offered a safe harbor opportunity to comport himself in a more appropriate manner, to tell the truth and to refrain from preparing and submitting false affidavits. Megna refused the Court's offer and has only made matters worse for himself as a Rule 11 sanctions hearing is looming.

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[34] See, for example, the Bankruptcy Court's Order dated January 15, 2010 wherein the Court addresses the reason Megna had opposed the lifting of the bankruptcy stay, *to wit*: "It is apparent that one of the primary reasons Debtor filed for bankruptcy relief was to escape the consequences of the state court order and any determination that the order was final due to the untimely appeal filed by Debtor or her counsel". And, "Although Debtor is the party who filed the appeal in state court, when faced with issues of the timeliness of her appeal and possible issues of attorney error, she filed bankruptcy to prohibit a final ruling". And, "Debtor is unlikely to prevail on appeal, and public interest is not served by Debtor's motion in this case". Of course, Megna and Matthews were the counsel/attorneys referred to by the Court.

The Court's/Arbitrator's comments in the trial transcript in the companion case, though restrained, likewise reflected very poorly on Megna.

In denying Megna's bankruptcy appeal(s), the District Court referred to proceedings as having a "tortured" history.

The Lower Court's Orders of April 3, 2008 and April 1, 2009 provide overwhelming support for the conclusions set forth herein.

Megna has not taken heed of the (multiple, independent) Courts' admonitions. He has failed to give credence to concerted efforts to help steer him on a more appropriate path of civility, honesty and professional integrity. In fact, he has repeatedly ignored Courts' Orders and Court Rules. Megna has apparently concocted in his mind that everyone who does not agree with him is in some grand conspiracy to "get" him. It is not true, but that is what Megna apparently believes. It thoroughly dominates his actions. Megna's misconduct and personal attacks on others has not ebbed. Instead they have increased at an alarming rate to the point where Plaintiff's Motion (and Ms. Ballard's) and this memorandum are regrettable, but necessary.

To summarize Megna's conduct and tactics in context: his diatribe and scurrilous attacks are no more than a continuing pattern of completely inappropriate *ad hominem* arguments, transparently designed and calculated to falsely draw attention away from the serious issue at hand – Megna's unceasing, unprofessional conduct and his lack of candor on material issues currently before the Court. In conjunction is Megna's willful disobedience of this Court's Orders, his noncompliance with SCRCP, and his disobedience to the Bankruptcy Court's Orders. Megna's conduct is, and has constantly been, undignified and unjustifiable, not only in this case but repeatedly in others as well.[35] His vitriol is completely unwarranted and irrelevant. However, it provides considerable insight as to the appropriateness of and compelling need to impose sanctions.

Finally, on the subject of Megna's *ad hominem* attacks, it is respectfully suggested that the Court would be entitled in its Order to address the personal assaults against those whom Megna would seek to castigate so that innocent victims of his

[35] For but one example, the Court may refer to Megna's memorandum in opposition to the motion to have him disqualified in the Darlington case. See especially pages 18 -21.

continuous harangues will not be further harmed. There is ample precedent for such suggested relief.

CONCLUSION

Plaintiff realizes that the within memorandum is much longer than what may typically have been expected under normal circumstances. However, this has by no means been a garden-variety motion for protection against discovery abuses, and the memorandum includes arguments that may be advanced for use in the Darlington case in which Ms. Ballard is also seeking sanctions. This case was filed in January, 2007. It has festered in an unresolved state precisely because of Megna.

The motion(s) before the Court has involved substantial, serious legal and factual questions relating to discovery entitlement, discovery abuses, ethical misconduct, credibility, motive and issues of civil and/or criminal contempt of court. Claims advanced by Megna are considered to be quite serious. The matter(s) now before the Court has been made unnecessarily convoluted and contentious by Megna. He has submitted a lengthy "Synopsis" with numerous attachments that have required a detailed analysis and response in context. Megna has historically insisted upon having the "last word", regardless of whether or not it has been invited, welcome or lawful. It is anticipated that, although not appropriate, Megna will likely prove true to form and attempt to interject some additional, accusatory and irrelevant matters into the record at the last moment.

Megna has refused to enter into any stipulations (such as simply agreeing that the Court may take Judicial Notice of the Clerk of Court files). And, at the point in time of the preparation of the within memorandum, it is unknown if Megna will heed the directive of the Court to retain counsel. Had he done so, it is very possible that this entire process could have been streamlined or possibly dispensed with, with less time and expense being incurred. More than one month has elapsed at the time of the preparation of this memorandum and the undersigned has not been contacted by anyone purporting to represent Megna and/or Matthews. There has been no notice of appearance filed by any attorney purporting to represent either or both of them, and Megna has refused to respond to Counsel(s) request that he disclose the name of his representative.

It is submitted that the Court has deserved to have a full explanation of relevant events and a complete record. It is a serious matter. It has been necessary to respond in context to the voluminous claims advanced by Megna. The factual events are ones that go back to 1978, and Megna's allegations and conduct have required thorough research and review of extensive documentation for the purpose of this motion.

Finally, a full explanation of events has been appropriate because it tends to shed light on reasons why substantial time (and cost) has been required to be expended. These matters are not ones that have been taken lightly. It is respectfully submitted that the Court has a right to expect that all pertinent facts be disclosed and that Counsel be diligent.

The relief requested in the March 9, 2012 motion, for the reasons submitted herein and otherwise as the Court may find appropriate, is that:

1. All discovery sought by Megna and/or Matthews should be denied and quashed;
2. It should be made clear that all involvement of Megna and Matthews (excluding a pending hearing for Rule 11 sanctions) has ended and they have no right to take any action in the case, especially purporting to act as attorneys for Lee or on behalf of Wilson and Goodwin;
3. Appropriate sanctions should be imposed against Megna, Matthews and their law firm, to include making them accountable for all fees and costs incurred; and
4. While not necessary to disposition, the Court may consider in its Order a provision for the right of any offended person to file or submit a copy of the Court's Order to any other court or court-related body, entity or person that may have an interest in maintaining the integrity of legal proceedings.

Respectfully Submitted,

Truslow & Truslow Law Firm

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douglastruslow@truslowlaw.com

Columbia, South Carolina

May 2, 2012

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT A (1)

I am also copying this letter to Curtis Dowling since he is obviously involved in these matters. I believe it would simplify matters if we all agreed to discuss our cases prior to trial in a non-adversarial manner. I am willing to do so at your convenience. Just let me know. Finally, I again request that Doug provide me copies of the exact documents he has claimed are privileged in the case to which the attorney-client privilege has allegedly been waived. Regardless of whether or not the documents came from my files, I need to know precisely which documents are in controversy. It is impossible to defend against the unknown. Finally, despite all of the recent activity, I believe there is no reason for further discovery to be had from Mrs. Lee. Please see the attached affidavit of my assistant, Harriet Hobbs.

Also, in order to simplify matters for everyone, Mrs. Lee has determined, now that discovery has concluded, that nothing has been produced that disputes the validity of the 1978 deed transferring the 'Two Notch property' to Albert and James Anasti. However, Mrs. Lee continues her claim to the Two Notch property based on her adverse possession of the property beginning in 1995 based on actual notice to Mr. Anasti that has extended to more than 10 years -- until the initiation of litigation by Mr. Anasti on January 28, 2007. I look forward to resolving all of these issues, hopefully, in a less adversarial manner than has been the case for the past few weeks. In this light, Mrs. Lee has offered to mediate the cases, if, for no other reason, to narrow the issues between the parties and to identify all of the documents that are relevant to these matters that anyone intends to introduce at trial.

With kind regards, I remain

Sincerely yours,

Tony R. Megna

Cc: Gina L. Lee
PO Box 655
Blythewood, SC 29016

Curtis W. Dowling
1613 Main Street
Post Office Box 8448
Columbia, SC 29202-8448

COPY

STATE OF SOUTH CAROLINA **James Anasti,** **Plaintiff,** **vs.** **Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court** **Defendant.**	**IN THE COURT OF COMMON PLEAS** **FIFTH JUDICIAL CIRCUIT** **CIVIL ACTION NO: 2007-CP-40-0576** **DEFENDANT LEE'S MOTION FOR ORDER TERMINATING FURTHER DISOVERY REQUESTS FROM PLAINITFF**

Pursuant to Rule 26 of the South Carolina Rules of Civil Procedure, the Defendant Lee, ten days henceforth, by and through her undersigned attorney, moves this Honorable Court for an order terminating all further discovery in the above case on the grounds that all depositions of all major witnesses in the case have been completed, and that the Defendant Lee has produced all documents required of her, and for such other reason that the Defendant Lee may advance at the hearing on this Motion.

Respectfully submitted,

Tony R. Megna, Esquire
1815 Fulmer Road
Blythewood, SC 29016
803-799-1700

September 11, 2007.

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT A (2)

Truslow & Truslow

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November 1, 2011

RE: Jim Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court
Docket number: 2007-CP-40-0576

The Honorable Alison Renee Lee
Chief Administrative Judge of Common Pleas
Fifth Judicial Circuit
P. O. Box 192
Columbia, SC 29202-0192

Dear Judge Lee:

As a result of the Supreme Court's denial of Defendant Lee's Petition for Writ of Certiorari, in conjunction with the Court of Appeals' denial of Defendant Lee's Appeal(s), the above case is in the process of being returned to the Court of Common Pleas along with an indication that the action to quiet title has now been definitely and definitively resolved in my client James Anasti's favor.

This letter is to request a status conference to address outstanding issues. I believe the issues to be addressed in a status conference are: 1) setting a date for a damages hearing (damages to be awarded to Plaintiff Anasti) and 2) setting a date for a sanctions hearing (fees to be awarded Plaintiff Anasti and other sanctions that the Court may wish to impose).

In that Defendant Lee has now filed for Chapter 13 Bankruptcy, damages against her will not be sought, absent some unforeseen circumstance of which I am unaware - although the Bankruptcy Court appears to have authorized it, post filing should the Plaintiff seek appropriate relief from the Bankruptcy Court. That said, given the circumstances and as a practical matter, I would like to reiterate that damages are not expected to be sought against Defendant Lee. Damages (basically "rents") are being sought against Defendants Goodwin and Wilson.

Relative to sanctions, it is obvious that none are being sought against Defendants Goodwin and Wilson, and the same analysis stated in the paragraph above is expected to apply to Defendant Lee personally. At the status conference, I believe we will need to have guidance on how you wish for us to proceed and how much time will be needed.

Under the circumstances, in which sanctions will be sought to be imposed against Lee's counsel, it may be best to have the status conference held on the record, but I will defer to your Honor and other counsel.

And again, Plaintiff Anasti wants to make clear that he will not be seeking damages or sanctions against Ms. Lee, except as may be specifically authorized and permitted by the Bankruptcy Court.

There are some other matters, such as Motions to Compel discovery and associated issues that are outstanding, but given Ms. Lee's bankruptcy, they would appear to Plaintiff to be moot. Nonetheless, this subject may need to be appropriately addressed at the status conference. I will leave it up to Lee's counsel to advise the Court if there are Motions they would like to have addressed at a time subsequent to the status conference.

Finally, for what it is worth, I believe that it might conserve judicial resources for there to be a damages hearing first (as it should not take more than an hour or two) and a sanctions hearing on a separate date, especially given the seriousness of the sanctions issues and the time that will need to be set aside for it.[1]

Please let us know how you would like for us to proceed and when we are to appear.

Sincerely,

Douglas N. Truslow
DNT/adh

cc: James Anasti
Tony Megna, Esquire
Benjamin Matthews
Thomas Earle

[1] I am not certain if a sanctions hearing can be held by way of arbitration, but if so and if Lee's counsel is willing, my client is agreeable to having those issues tried by binding arbitration before the Honorable Thomas Cooper (retired Circuit Court Judge) in that he tried the "Companion Cases" and he is familiar with the circumstances. Alternatively, the issue could be addressed by a presiding judge in the 5th Judicial Circuit, as the matter would be heard non-jury.

MATTHEWS AND MEGNA, P.A.

ATTORNEYS-AT-LAW
3400 WEST AVENUE
COLUMBIA, SOUTH CAROLINA 29016
TELEPHONE: 803-254-3676
tmegna@gmail.com

November 3, 2011

VIA FAX TO (803) 576-1768

The Honorable Alison Renee Lee
P O Box 192
1701 Main St., Room 324
Columbia, SC 29202-0192

Re: Lee v. Anasti, Docket Number 2007-CP-40-0576

Dear Judge Lee:

I have received a copy of a letter from Douglas Truslow in which he requested a status conference in regard to the above matter. I respectfully request the Court to disregard the request for a status conference, and deny any request by Mr. Truslow or others to take any further action in the above-referenced case due to the following:

1. Ms. Lee filed for Chapter 13 bankruptcy in February, 2009. The provisions of 11 USC Section 362 automatically stayed the state-court action then pending between Mr. Anasti and Ms. Lee. On December 21, 2009, the bankruptcy court allowed the state court appeal to be finalized. Ms. Lee's confirmed Chapter 13 plan dated March 24, 2010. A copy is attached as Exhibit A.

   > By order entered December 21, 2009, the Court granted ***limited relief from the automatic stay to allow the state court to finalize its consideration of state court appellate proceeding*** that were pending at the time of the filing of the Debtor's bankruptcy case.

   By its' plain terms, the confirmed plan allows only the state appellate proceedings to be finalized.

2. Mr. Truslow has informed the Court that the bankruptcy court allowed this court to determine damages. That is not correct. The bankruptcy court, in its' order of confirmation, stated:

   > ". The evidence indicates that while Mr. Anasti has not and may not intend to file a claim for prepetition debt, he does not waive any post petition claim(s), including any claim for costs or damages associated with the ongoing state court litigation and federal appeals."

A copy of the order of confirmation is attached as Exhibit B. Mr. Anasti, in fact, did ***not*** file a filed a proof of claim in the bankruptcy case for pre-petition damages or any other type of relief based on pre-petition issues between the parties. Failure to file a proof of claim results in the discharge of the Debtor from any relief that based on prepetition issues. See 11 U.S.C. §§ 524, 727; Bankruptcy Rule 3002(a). Moreover, as noted below, the state Court of Appeals actually denied Mr. Anasti's request for damages. [See Exhibit B].

3. I am befuddled by Mr. Truslow's failure to inform this Court of the decision of the Court of Appeals denying his request he made during the appellate proceedings for sanctions and damages. I have enclosed a copy of the order of the Court of Appeals as Exhibit C to this letter. Mr. Truslow did not appeal the decision of the Court of Appeals to our Supreme Court, and the decision of the Court of Appeals is now the law of the case. *Barth v. Barth*, 360 SE2d 309 (1987): (...the disposition of a case in the Court of Appeals when certiorari is not applied for nor granted becomes the law of the case...) See also *Charleston Lumber Co., Inc. v. Miller Hous. Corp.*, 338 S.C. 171, 175, 525 S.E.2d 869, 871 (2000):

> *Charleston Lumber I* reversed the grant of summary judgment on fraud, specifically found employee time expended on the Charleston Lumber billing was compensable, and remanded for "development of the facts ... to determine the extent of actual damages." *Charleston Lumber I* at 481, 318 S.E.2d at 437. This ruling was adverse to Charleston Lumber. Accordingly, it was incumbent upon Charleston Lumber to seek rehearing and/or petition this Court for a writ of certiorari or be bound by *Charleston Lumber I* as the law of the case. *ML-Lee Acquisition Fund, L.P. v. Deloitte & Touche,* 327 S.C. 238, 489 S.E.2d 470 (1997) (unappealed ruling is law of the case); *Buckner v. Preferred Mut. Ins. Co.*, 255 S.C. 159, 161, 177 S.E.2d 544, 544 (1970) (an unchallenged ruling, "right or wrong, is the law of this case and requires affirmance.").

4. Ms. Lee appealed the orders of the bankruptcy orders lifting the automatic stay [that allowed the state court appeals to go forward in the first instance] to the Fourth Circuit Court of Appeals. Those appeals remain pending. Depending on the outcome of that appeal, the state appellate court judgment may, indeed, be *void ab initio*.

5. As the state Court of Appeals has denied Mr. Truslow's motion for damages, as noted on exhibit A, and he did not appeal the denial of the motion to the Supreme Court, principles of issue preclusion [collateral estoppel, judgment estoppel, res judicata, etc.] prevent re-litigating the issues. See *In re Crews*, 389 S.C. 322, 340, 698 S.E.2d 785, 794 (2010) (equating issue preclusion and collateral estoppel). "Collateral estoppel prevents a party from re-litigating an issue in a subsequent suit which was actually and necessarily litigated and determined in a prior action." *Aaron v. Mahl*, 381 S.C. 585, 592, 674 S.E.2d 482, 486 (2009). Thus, Mr. Anasti is estopped in both state and federal court from re-litigating these matters.

In sum, Ms. Lee's bankruptcy stay has been in effect since the filing of her bankruptcy petition, and it has remained in effect as to all matters other than the one matter that the bankruptcy court allowed to proceed, i.e., the determination by the state appellate courts of ownership of the Two Notch property. The bankruptcy court did not authorize any further proceedings in state court, and not such proceedings are allowed under the terms of the bankruptcy code. In addition, our Court of Appeals denied Mr. Anasti's request for damages during the appellate proceedings that were actually allowed by the bankruptcy court to be finalized. I respectfully request this Court deny Mr. Truslow's request for a pretrial conference as Ms. Lee is operating under a confirmed chapter 13 bankruptcy case. Mr. Anasti did not file a proof of claim in the bankruptcy court, and all claims he had and may have had, have been waived and ended as a matter of law by the bankruptcy court's confirmation of Ms. Lee's Chapter 13 plan of reorganization. Moreover, the bankruptcy court did not authorize any proceedings to continue in circuit court, and the state appellate court proceedings have concluded.

Mr. Truslow is now attempting to re-litigate matters in state court that have already been determined adversely to him in the state Court of Appeals and by confirmation of Ms. Lee's Chapter 13 bankruptcy plan or reorganization. His attempts to do so are in direct violation of the confirmation orders of the bankruptcy court, the provisions of Ms. Lee's confirmed Chapter 13 plan, and the bankruptcy code. His failure to appeal the order of the Court of Appeals denying his motion for damages to the SC Supreme Court is the law of the case in state court. In addition, matters of issue preclusion prevent the re-assertion of claims that have been previously determined adversely to his client in state or federal court. Therefore, Ms. Lee respectfully requests this Court deny any request of Mr. Anasti for any further proceedings in the circuit court, including but not limited to a pre-trial conference. My concern is that Mr. Truslow's request, in and of itself, is a violation of the bankruptcy code, and harassment of both Ms. Lee and myself. Based simply on the documents have attached to this letter, and to which Mr. Truslow has received on numerous occasions, I am at a complete loss to understand how Mr. Truslow could make such requests to your office as the requests, in any of themselves, are unlawful.

I remain available to discuss this with you at your convenience if you so desire. However, I would agree to an order that simply notes the state court appellate proceedings that the confirmed Chapter 13 plan of reorganization have been completed, and that the circuit court has no further involvement in the matters. For the Court's convenience, I have attached a proposed order to this effect. Thank you in advance for your consideration in this matter, and

please contact me at your convenience if I may be of further assistance.

Sincerely yours,

Tony R. Megna

Cc: D. Truslow

EX. A

EXHIBIT A TO SC LBR 3015

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: **Gina Anasti Lee** Debtor.[1]	CASE NO: **09-02854** FIFTH AMENDED CHAPTER: 13 **NOTICE, SIXTH AMENDED CHAPTER 13 PLAN, MOTIONS TO VALUE SECURITY, AVOID JUDICIAL LIEN, AVOID A NONPURCHASE MONEY, NONPOSSESSORY SECURITY INTEREST AND LIEN, AND/OR TO ASSUME OR REJECT AN EXECUTORY CONTRACT/UNEXPIRED LEASE**

I. NOTICE TO CREDITORS AND PARTIES IN INTEREST: The debtor has filed a chapter 13 bankruptcy case and listed you as a creditor or interested party. The debtor has filed the following chapter 13 plan and motions which may affect your rights. **Failure to object may constitute an implied acceptance of and consent to the relief requested in this document.**

A. ADDITIONS, MODIFICATIONS, OR DELETIONS: All additions or modifications to the Court's form plan (See exhibits to SC LBR 3015-1 and 3015-2, "SC LBR" refers to the SC Local Bankruptcy Rules, available at www.scb.uscourts.gov) are highlighted by italics. Deletions are noted as "Not Applicable" or by striking through the deleted provisions. If changes are substantial or if an alternative plan is proposed, a cover sheet that summarizes and identifies the changes shall be filed and served herewith.

B. DEADLINE FOR FILING OBJECTIONS, NOTICE OF HEARING ON CONFIRMATION OF CHAPTER 13 PLAN AND MOTIONS: Objections to the motions and any provision of the plan must be made in accordance with SC LBR 9014-1, properly served, and filed with the United States Bankruptcy Court, 1100 Laurel Street, Columbia, SC 29201, within twenty-five (25) days from the date this document is filed. Timely objections will be heard at the confirmation hearing, notice of which is given separately in the Notice of Meeting of Creditors. If a timely objection is filed after the confirmation hearing, a separate hearing on the objection will be scheduled and notice of such a hearing will be given. If no timely objection is filed, the Court, upon recommendation of the chapter 13 trustee and without further hearing or notice, may enter an order confirming the plan and granting the motions.

II. MOTION TO VALUE SECURITY, AVOID JUDICIAL LIEN, AVOID A NONPURCHASEMONEY, NONPOSSESSORY SECURITY INTEREST AND LIEN, AND/OR TO ASSUME OR REJECT AN EXECUTORY CONTRACT/UNEXPIRED LEASE. The debtor requests that confirmation of this plan alter the rights of the following creditor:

A. Nonpossessory, Nonpurchase Money Lien: The debtor moves, pursuant to 11 U.S.C. § 522(f), to avoid the following nonpossessory, nonpurchase money security interest and lien in household goods:

Name of creditor and description of property securing lien	Value of Debtor's interest in property	Total of all other liens	Exemption claimed	Estimated security interest/debt	Security interest Not avoided (see IV(B)(4) below)	Security interest to be avoided (see IV(E) below)
-NONE-						

B. Judicial Lien: The debtor moves, pursuant to 11 U.S.C. § 522(f), to avoid the following judicial lien:[2]

Name of creditor and description of property securing lien	Value of Debtor's interest in property	Total of all other liens	Exemption claimed	Estimated judicial lien	Judicial lien Not avoided (see IV(B)(4) below)	Judicial lien avoided (see IV(E) below)
-NONE-						

[2] For co-owned property, see In re Ware, 274 B.R. 206 (Bankr. D.S.C. 2001) and Exhibit C to SC LBR 4003-1.

[1] When used herein, the term "debtor" shall apply as applicable either in the singular or in the plural, if there are joint debtors in the case.

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C. Valuation of Security: The debtor moves, in accordance with 11 U.S.C. § 506, to establish the value of a lien as follows:

Name of creditor and description of property securing lien	Value of Debtor's interest in property	Holder and amount of superior liens	Estimate of creditor's claim	Value of lien (see IV(B)(4) below)	Unsecured claim after valuation (see IV(E) below)
-NONE-					

D. Assumption or Rejection of Executory Contract/Unexpired Lease: The debtor moves for the assumption of the following executory contract and/or unexpired lease. The debtor agrees to abide by all terms of the agreement and to cure any pre-petition arrearage or default in the manner below. Any executory contract or unexpired lease not specifically mentioned is rejected.

Name of Creditor and lease or contract to be assumed	Amount of regular payment	Estimated amount of Default (state if none)	Cure Provisions for any default paid by (Debtor or trustee)	Regular payments to be paid by Debtor directly to creditor beginning (month/year)
-NONE-				

III. THE FIFTH AMENDED CHAPTER 13 PLAN: PAYMENT OBLIGATIONS OF THE DEBTOR.

A. Payments from the debtor to the chapter 13 trustee (the "trustee"): The debtor submits to the supervision and control of the trustee all or such portion of future earnings or other future income as is necessary for the execution of the plan. In addition, the debtor will pay to the trustee any portion of a recovery under a pre-petition claim or cause of action that constitutes disposable income or is not exempt.

The debtor shall pay to the trustee the sum of $178.00 per month for a period of 60 months, unless all allowed claims (other than long-term claims) are fully paid pursuant to the plan. ***Debtor asserts an interest in real property located at 2325 Two Notch Road, Columbia, SC. That real property is the subject of legal actions in both state and federal court. By order entered December 21, 2009, the Court granted limited relief from the automatic stay to allow the state court to finalize its consideration of state court appellate proceeding that were pending at the time of the filing of the Debtor's bankruptcy case. The opposing party in state court, who claims ownership of the Two Notch property, has waived claims for monetary damages. The orders of the Bankruptcy Court in regard to the property, including this Court's dismissal without prejudice of the adversary action regarding the estate's interest in the property, are on appeal to the United States District Court. In the event that the Debtor is determined to be the owner of the Two Notch property, the automatic stay shall apply, and the property shall be property of the estate, and upon further determination by the Court, Debtor proposes the property be sold under the direction of the Court with all proceeds of the sale to be turned over to the Trustee for appropriate distribution to all creditors who have filed timely proofs of claim with the Court after the Court determines the amount, if any, for attorney's fees and costs that are due to counsel for the Debtor.***

B. Payments from the debtor directly to creditors: The debtor shall pay all post-petition priority obligations, including but not limited to taxes and post-petition domestic support, and pay regular payments on assumed executory contracts or leases, directly to the holder of the claim as the obligations come due+, unless otherwise ordered by the Court. The debtor may be required to pay some or a portion of pre-petition debts directly to a creditor in addition to required payments to the trustee, as indicated in paragraph II(D) above and/or in the paragraphs that follow.

IV. PLAN DISTRIBUTIONS TO CREDITORS. To receive a distribution from the trustee, a proof of claim, including adequate supporting documentation, must be filed with the Court. If a claim designated in this plan as secured is filed as an unsecured claim and the plan is confirmed, the claim may be treated as unsecured for purposes of plan distributions by the trustee. If a creditor files a proof of claim alleging that the claim is secured, but does not timely object to the confirmation of the plan and the claim is treated as unsecured in a confirmed plan, the claim may be treated as unsecured for purposes of plan distributions by the trustee. Confirmation of this plan does not bar a party in interest from objecting to a claim. The trustee, after the deduction of the trustee's commission and expenses, or the debtor, as indicated, shall make payments as follows:

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A. Attorney for the debtor:

1. The debtor and the debtor's attorney have agreed to an attorney's fee in the amount of $ **3,000.00** for the services identified in the Rule 2016(b) disclosure statement filed in this case. The amount of **0.00** was paid prior to the filing of the case. The remaining fee shall be disbursed by the trustee as follows: Following confirmation of the plan and unless the Court orders otherwise, the trustee shall disburse $500.00 to the attorney from the initial disbursement.[3] Thereafter, the balance of the attorney's compensation as allowed by the Court shall be paid, to the extent then due, with all funds remaining each month after payment of allowed secured claims and pre-petition arrearages on domestic support obligations. In instances where an attorney assumes representation in a pending *pro se* case and a plan is confirmed, a separate order may be entered by the Court, without further notice, which allows for the payment of a portion of the attorney's fees in advance of payments to creditors.2. If, as an alternative to the above treatment, the debtor's attorney has received a retainer and cost advance and agreed to file fee applications for compensation and expenses in this case pursuant to 11 U.S.C. § 330, the retainer and cost advance shall be held in trust until fees and expense reimbursements are approved by the Court. Prior to the filing of this case, the attorney has received $0 and for plan confirmation purposes only, the fees and expenses of counsel are estimated at $unkown or less.

---

[3]The chapter 13 trustee shall not disburse more than the unpaid balance of the fee to be paid under the plan pursuant to (a), the balance of the fee previously applied for and authorized pursuant to (b), or the unpaid balance to be paid together with any supplemental fee then applied for and authorized under the terms of Operating Order 07-12, as applicable.

B. Secured Creditor Claim: The plan treats secured claims as follows:

1. General Provisions: The terms of the debtor's pre-petition agreement with a secured creditor shall continue to apply except as modified by this plan, the order confirming the plan, or other order of the Court. Holders of secured claims shall retain liens to the extent provided by 11 U.S.C. § 1325(a)(5)(B)(i). Secured creditors paid the full secured claim provided for by this plan shall timely satisfy any liens in the manner required by applicable law or order of this Court. Any creditor holding a claim secured by property that is removed from the protection of the automatic stay by order, surrender, or through operation of the plan will receive no further distribution from the chapter 13 trustee on account of any secured claim. This also applies to creditors who may claim an interest in, or lien on, property that is removed from the protection of the automatic stay by another lienholder or released to another lienholder, unless the Court orders otherwise. Any funds that would have been paid to any such creditor will be distributed according to the remaining terms of the plan. (The preceding language does not apply if the sole reason for its application arises under 11 U.S.C. §362(c)(3) or (c)(4).) Any creditor affected by this provision may file an itemized proof of claim for any unsecured deficiency within a reasonable time after the removal of the property from the protection of the automatic stay. Secured creditors that will be paid directly by the debtor may send standard payment and escrow notices, payment coupons, or inquiries about insurance, and such action will not be considered a violation of the automatic stay.

2. Long-term or mortgage debt. No default:
The debtor is current on obligations to **-NONE-** and will continue regular payments directly to that creditor. Description of collateral:

3. Long term or mortgage debt. Curing default: 11 U.S.C. 1322(b)(3) and/or (5):

a. Arrearage payments. The trustee shall pay the arrearage as stated in the creditor's allowed claim or as otherwise ordered by the Court to FIRST CITIZENS BANK at the rate of $54.00 or more per month, for (RESIDENCE, LOCATED AT RIMER POND RD., BLYTHEWOOD, SC), along with 0.0% interest. The creditor shall apply trustee payments solely to those designated arrearages, i.e., those arrearages accruing before the month specified in (b) below. For so long as the debtor complies with this plan, a creditor may not declare a default based on any payment delinquency to be cured by this paragraph and the creditor shall not impose any post-petition fee on account of any arrearage paid by the trustee.

b. Maintenance of regular non-arrearage payments. Beginning on October 1, 2009, the Debtor shall pay directly to the creditor non-arrearage payments arising under the agreement with the secured creditor. The creditor shall apply each payment under this paragraph solely to post-petition obligations that accrue during or after the month specified herein.

4. Secured portion of claims altered by valuation and lien avoidance: **NONE**.
The trustee shall pay **-NONE-** the sum of $(payment amount) or more per month, along with (percentage)% interest until the secured claim of $(amount of secured claim) established above is paid in full. The remaining portion of the allowed claim will be treated as a general unsecured claim.

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5. Other secured debts (allowed claim to be paid in full without valuation or avoidance of lien): **NONE**

The trustee shall pay **-NONE-** the sum of $(payment amount) or more per month, along with (percentage)% interest until the secured claim is paid in full.

6. Surrender of property: **NONE**

The debtor will surrender the following property upon confirmation of the plan. The order confirming plan shall terminate the automatic stay as to that property: **-NONE-**. Any creditor affected by this provision may file an itemized proof of claim for any unsecured deficiency within a reasonable time after the surrender of the property.

7. Secured tax debt: **NONE**

The trustee shall pay the sum of $ **0.00** or more per month until the **net balance** of creditor's secured claim plus **0** % interest has been paid. If the lien is to be valued, the debtor shall file a separate motion to value the claim and establish priority of any remaining tax obligations. If a tax priority creditor files a claim designated as secured, is not treated as secured in this paragraph, and does not timely object to confirmation of this plan, then the claim may be paid as a priority claim for purposes of distributions from the trustee.

C. Priority Creditors: Priority claims shall be paid as follows:

1. Domestic Support Claims. 11 U.S.C. § 507(a)(1):

a. Pre-petition arrearages.

The trustee shall pay the pre-petition domestic support obligation arrearage to **-NONE-**, at the rate of $(amount) or more per month until the balance, without interest, is paid in full.

b. The debtor shall pay all post-petition domestic support obligations as defined in 11 U.S.C. §101(14A) on a timely basis directly to the creditor.

c. Any party entitled to collect child support or alimony under applicable nonbankruptcy law may collect those post-petition obligations from the income or assets of the debtor-parent/spouse without further order or relief from the automatic stay. (Any claim for pre-petition child support or alimony must be collected in accordance with 11 U.S.C. § 507(a)(1) and 11 U.S.C. § 1322(a)(2).)

2. Other Priority debt. The trustee shall pay all remaining pre-petition 11 U.S.C. § 507 priority claims on a pro rata basis.
INTERNAL REVENUE SERVICE - $4,176.74

D. Executory Contracts and Unexpired Leases: Regular payments that arise post-petition under an executory contract or lease that is being assumed shall be paid directly by the debtor according to the terms of the contract or lease. Pre-petition defaults will be cured by payments of the sum of $(payment amount) or more per month by the trustee or the debtor according to paragraph II(D). Claims arising from the rejection of executory contracts or leases shall be general unsecured claims unless otherwise ordered by the Court.

E. General Unsecured Creditors: General unsecured creditors shall be paid allowed claims pro rata by the trustee to the extent that funds are available after payment of all other allowed claims. The Debtor **does not** propose to pay 100% of general unsecured claims.

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V. PROPERTY OF THE ESTATE, STATUS AND OBLIGATIONS OF THE DEBTOR AFTER CONFIRMATION: Upon confirmation of the plan, property of the estate will remain property of the estate, but possession of property of the estate shall remain with the debtor. The chapter 13 trustee shall have no responsibility regarding the use or maintenance of property of the estate. The debtor is responsible for protecting the non-exempt value of all property of the estate and for protecting the estate from any liability resulting from operation of a business by the debtor. Nothing herein is intended to waive or affect adversely any rights of the debtor, the trustee, or party with respect to any causes of action owned by the debtor.

Date: **March 24, 2010**

BY: **/s/ Benjamin R. Matthews**

Benjamin R. Matthews
3400 West Avenue
Columbia, SC 29203
803-799-1700
District Court I.D. **3332**
Attorney for the Debtor

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EX. B

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT
James Anasti, Plaintiff, vs. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court Defendant.	CIVIL ACTION NO: 2007-CP-40-0576 ORDER

This matter comes before the Court on the request of the attorney for Mr. Anasti for a status conference. Ms. Lee is in Chapter 13 bankruptcy and operating under a Chapter 13 plan of reorganization confirmed by the United States Bankruptcy Court for the District of South Carolina on by order dated March 24, 2010. That order states, in part:

> By order entered December 21, 2009[1], the Court granted ***limited relief from the automatic stay to allow the state court to finalize its consideration of state court appellate proceeding*** that were pending at the time of the filing of the Debtor's bankruptcy case.

By its' plain terms, Ms. Lee's confirmed Chapter 13 plan of reorganization allows only the state appellate proceedings to be finalized in the state judicial system. It doe does not allow this Court to take further action on any matter relating to the dispute between the parties. In addition, the Court of Appeals issued filed its' order dated May 20, 2011 denying Mr. Anasti's request for sanctions and damages. Mr. Anasti did not appeal the decision of the Court of Appeals to our Supreme Court, and the decision of the Court of Appeals is now the law of the case. *Barth v. Barth*, 360 SE2d 309 (1987): (...the disposition of a case in the Court of Appeals when certiorari is not applied for nor granted becomes the law of the case...).

[1] The parties agree that the state court appellate appeal has been finalized.

It is therefore ordered that the request of Mr. Anasti for a pretrial conference is denied and the case is closed.

_____
Alison Renee Lee, Administrative Judge

_____, 2011.

Truslow & Truslow
Attorneys At Law

Telephone: 803-256-6276 Fax: 803-256-7659

Douglas N. Truslow
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Neal D. Truslow
nealtruslow@truslowlaw.com

Physical Address:
914 Richland Street, Suite B-102
Columbia, SC 29201

Mailing Address:
P.O. Box 1465
Columbia, SC 29202

November 7, 2011

RE: Jim Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court
Docket number: 2007-CP-40-0576

The Honorable Alison Renee Lee
Chief Administrative Judge of Common Pleas
Fifth Judicial Circuit
P. O. Box 192
Columbia, SC 29202-0192

Dear Judge Lee:

In response to Mr. Megna's letter, we are seeking a damages hearing as it relates to Mr. Earle's clients and a sanctions hearing against Mr. Megna (not his client).

Rather than attempt to argue the merits here or present you with other, more important Orders[1] of the Court, I respectively ask for a status conference before you sign any Order or do anything else.

Sincerely,

Douglas N. Truslow
DNT/adh

cc: James Anasti
Tony Megna, Esquire
Benjamin Matthews, Esquire

[1] You could, if needed, refer to the Court's Orders dated April 3, 2008 and April 1, 2009 for the tip of the iceberg as to why sanctions are being sought.

Truslow & Truslow

Attorneys At Law

Telephone: 803-256-6276 Fax: 803-256-7659

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Columbia, SC 29202

January 9, 2012

Re: James Anasti v. Gina L. Anasti Lee, Lance Wilson, Willis Goodwin, Richland County Clerk of Court
Civil Action Number: 2007-CP-40-0576

The Honorable James R. Barber III
Chief Administrative Judge for Common Pleas
P.O. Box 2766
Columbia, SC 29202-2766

Dear Judge Barber:

I am writing to request a status conference relative to the above case.

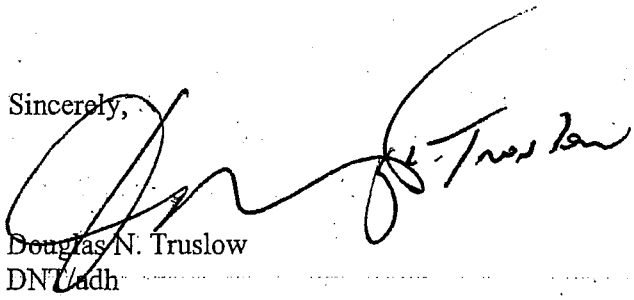
By way of essential history, Plaintiff was granted Summary Judgment with a damages hearing and Rule 11 sanctions hearing to be heard at a subsequent date. Defendant Lee appealed and lost. She then filed a Petition for Writ of Certiorari and lost. In the interim Defendant Lee had filed for bankruptcy.

When I asked for a status conference (after the Supreme Court denied the Petition for Writ of Certiorari), Lee represented that she had pending an appeal in the Fourth Circuit and that "Depending on the outcome of that appeal, the State Appellate Court Judgment may, indeed, be void *ab initio*".

Lee once again has lost and my client is entitled to both a damages hearing against Defendants Wilson and Goodwin and a resolution of the other pending motions.

I would appreciate it if you could set up a status conference. Under the circumstances and, especially given prior rulings of the Court, I believe that it would be best to have the status conference on the record.

Sincerely,



Douglas N. Truslow
DNT/adh

cc: James Anasti
Tony Megna, Esquire
Benjamin Matthews, Esquire
Thomas Earle, Esquire

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT A (3)

State of South Carolina)
)
County of Richland)

In The Court of Common Pleas
Fifth Judicial Circuit
2007-CP-40-576

James A. Anasti,

Plaintiff,

vs.

Gina L. Anasti Lee, Lance Wilson, Willis Goodwin, and Richland County Clerk of Court,

Defendants.

Transcript of Record

January 18, 2012
Columbia, South Carolina

B E F O R E:

The Honorable James R. Barber, III, Judge

A P P E A R A N C E S:

Douglas N. Truslow, Esquire
Attorney for the Plaintiff

Thomas G. Earle, Esquire
Attorney for Defendants Wilson and Goodwin

Tony R. Megna, Esquire
Benjamin R. Matthews, Esquire
Attorneys for Defendant Lee

Elizabeth B. Harris, CVR-M
Circuit Court Reporter

THE COURT: All right, who has Lance Wilson? Mr. Earle, you do?

MR. EARLE: Yes, Your Honor.

THE COURT: And who has Willis Goodwin?

MR. EARLE: I do.

THE COURT: Oh, you got both of them? Okay, good.

All right, tell me what we need to talk about here, Mr. Truslow.

MR. TRUSLOW: Your Honor, we're requesting a status conference. We've asked that this be considered to be on the record because I wasn't sure what claims were going to be made, and whether an assertion would be made in case the matter shouldn't go forward at this time. There are two basic issues: setting of a damages hearing, and setting of a Rule 11 sanctions hearing.

THE COURT: All right, is there already a judgment in this case?

MR. TRUSLOW: Yes, sir. By way of history, this was a real-estate matter. It went up on appeal. It's got a tortured history of coming back for, for certain factual findings that are, that are in large part the basis for Rule 11 sanctions.

From that point in time, after the lower court ruled in my client's favor, there was -- ultimately an appeal was commenced, but there was a filing of bankruptcy by Ms. Lee

which stayed proceedings until the stay was lifted. The Court of Appeals ruled in my client's favor. There was a petition for writ of certiorari; that was also resolved in my client's favor. An argument was made that the matter was stayed because of appeals by Ms. Lee in a bankruptcy court. That was rejected by the bankruptcy court on least two occasions, by the federal district court on at least two occasions, and by the Fourth Circuit Court of Appeals most recently.

We -- quite frankly, the plaintiff didn't think that anything that was going on in appeal in the Fourth Circuit had anything to do with the case since the, since the Supreme Court of the State of South Carolina had ruled it in view of comity. But be that as it may, we waited until that was resolved. I thought that was going to be inevitable that she was going to lose. She did.

So, the matter is now ripe for two things. For a damages hearing, and that will involve -- it won't involve Ms. Lee because she's filed for bankruptcy and has some limited protection. Your Honor, we could, we could potentially go beyond that, but there's no need. We're going to be dealing with -- in the, in the damages hearing would be my friend and Mr. Goodwin and Mr. Wilson. I don't believe Ms. Lee would be even involved in that because we're not seeking dollars from her, and especially given

her bankruptcy.

So, the damages hearing will be, will involve just myself, Mr. Earle, and our respective clients. We think that that probably ought to be resolved first because that goes almost ---

THE COURT: All right, let me ask you. How do you -- I mean, is that a normal damages hearing, fifteen minutes or so? Is it going to be, going to be protracted because if I'm going to need ---

MR. TRUSLOW: I would think that it would take no more than two hours. We're talking about rentals for -- since 2007 or so. So, we're, you know, we're going to have a lot of money at stake.

Mr. Earle has had some -- he's one of the nicest -- I know Your Honor knows, but he's one of the nicest, nicest, most conscientious professionals I've ever had the pleasure to deal with. He's had some recent health problems, and as you would expect, I would certainly accommodate whatever, whatever his needs are, and my client would. But we're probably going to need two hours for that.

THE COURT: All right. So, you're requesting a damages hearing with respect to Mr. Wilson and Mr. Goodwin only. You think it will take two hours?

MR. TRUSLOW: Yes, sir.

THE COURT: Y'all agree Ms. Lee is not, would not be

involved in that?

MR. MEGNA: Yes, sir, Your Honor.

THE COURT: All right, and then after that, you're going to request, assuming damages are awarded, you're going to ask the court to set a Rule 11 hearing on sanctions against all of them or?

MR. TRUSLOW: No. That would be only against Mr. Megna and/or Mr. Matthews. It's them and the order is without -- I'm not here to argue the case, Your Honor. I'm just trying to get this thing scheduled.

THE COURT: Well, I'm just trying to figure out.

All right, Mr. Earle, what are you -- tell me about your clients or you and when y'all will be available.

MR. EARLE: Your Honor, I've been diagnosed with MG, and it's sort of doubtful how speedily I'll recover. I can speak today; tomorrow I may not be able to speak. So, I would ask for protection until the end of March to see if I'm going to improve, or if not, I'll need to get substitute counsel for that damages hearing. It's very doubtful at the moment whether or not I will be able to handle it.

THE COURT: All right, do you concur is that it's probably a two hour hearing?

MR. EARLE: Yes, Your Honor.

THE COURT: All right. Well, I'll look and see what

kind of damages hearing we can -- how long if, in fact, somebody is substituted, Mr. Earle, how long would it take them to get up to stuff?

MR. EARLE: I think it would take them about two weeks.

THE COURT: All right. So, you will be able to make a decision by March 1st, and we could have a hearing some time after March 15th?

MR. EARLE: Yes, Your Honor. Yes, Your Honor.

THE COURT: Any problems with that, Mr. Truslow?

MR. TRUSLOW: No, Your Honor.

THE COURT: All right. Well, I'll have to find out what nonjury court we have and when it is, and I'll see about trying to schedule some hearing.

I guess y'all don't care since you're not involved in that process.

MR. MEGNA: No, Your Honor.

THE COURT: Although we'll give y'all notice so if you want to appear for whatever reason, you're certainly able to do so.

All right, well, I'll -- let me ask you this. I don't know whether your clients have any ability to respond to a judgement, Mr. Earle. Your position may be that they got nothing anyway. So, whatever anybody got against them, it's just a piece of paper. But is there any chance that

Mexico at this point in time, and I assume since it's nonjury, we'll have a date certain.

THE COURT: Well, as much as a day certain -- you know, there may be three cases set at 9:00.

MR. TRUSLOW: That day certain?

THE COURT: Yeah, you'll have a day. You'll know what day the hearing is.

MR. TRUSLOW: Yes, sir. Thank you.

THE COURT: And you'll know. I don't know. Sometimes they'll set them up. They'll give each one of them fifteen minutes, thirty minutes, whatever time they claim they need. And sometimes they'll, as you know, put four of them at 9:00, and three of them will drop off. But yeah, y'all know the time frame, and the roster should be out several weeks ahead. I don't know how much time you need to get your client here.

MR. TRUSLOW: All right.

THE COURT: Matter of fact, it will probably be on the Internet thirty days ahead of time.

MR. TRUSLOW: Yes, sir.

THE COURT: All right, anything y'all want to say?

MR. MEGNA: Yes, Your Honor. Only that the -- number one, that Mr. Truslow made this same motion before the Court of Appeals, motion for sanctions, and that we, since we're on the record, we would like -- appreciate having the

opportunity to have this filed with the record. And the Court of Appeals unanimously denied it on May 29, 2011. And he did not appeal that order to the South Carolina Supreme Court, and the case law is very plain. That becomes the law of the case, right or wrong.

In addition to that, we would apparently all agree he wrote me a letter on January 9, 2012, saying that the underlying motions, there are some underlying motions from his side and our side to compel discovery and other motions similar to that, and that they are moot as a practical matter.

The federal court actions have nothing to do with the state court actions, and that our position is very simple. And I believe the court has the authority to deal with this now. That the Court of Appeals has ruled on this. It's ruled unanimously on this. He has no -- he has nothing, and rightly or wrongly, he didn't appeal that and it becomes the law of the case. And if for no other reason -- may I approach the bench and file this?

THE COURT: Well, I'm not here to -- this is a status conference, not a motions hearing. It wasn't noticed as anything like that. You know, if y'all can't agree and there is a motion, it will probably be scheduled for a hearing, and then you can make your argument at that time.

MR. MEGNA: Right. Your Honor, as long as it's a

status conference, may I have the opportunity also? It's kind of hard to do a motion to dismiss the motion for sanctions. But the plaintiff would like to have an opportunity after they finish whatever they're finishing -- or the defendant Ms. Lee would, to file a response and file a counter motion to whatever he has filed with the court as a part of the status conference. And we'll have -- just need a few weeks, thirty days, fifteen days.

THE COURT: All right, tell me that again now. You want to file something, a motion? You want to file your own motion for sanctions under Rule ---

MR. MEGNA: Well, I don't know if I want to file for sanctions. I want to respond to -- if we file any response to what ---

THE COURT: We can go ahead and do that.

MR. MEGNA: Well, I could if you wanted me to. I just thought if you'd wait until this damages hearing was over.

THE COURT: Well, I don't know. I mean, his motion is pending. I don't know. See, I don't know what this has to do with motions for sanctions.

MR. MEGNA: Right.

THE COURT: I mean, I'm just trying to accommodate y'all.

MR. MEGNA: Yes, sir. I understand, but I'm happy to file in the next few weeks anyway. That's fine.

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT A (4)

From Licata;
Junk File
Nothing attached

Douglas N. Truslow

? No mailing Received

From: Tony R. Megna [tmegna@gmail.com]
Sent: Tuesday, February 28, 2012 11:28 AM
To: Douglas N. Truslow
Cc: Tom Earle; Steven B. Licata; Amanda Hilley
Subject: Anasti v Lee - Damages hearing

Douglas:

Please find attached copies of subpoenas, notices of deposition (pertaining to you, Ms. Hilley and Steve as you informed the Court they were witnesses you intended to call), interrogatories and request for production of documents in regard to your requested damages hearing. I will be sending them out today and wanted to get the documents to you by email first as a matter of professional courtesy.

I am more than happy to take the depositions at your office if it would be more convenient for any or all of you. I am also willing to continue them if the time is not convenient. As Steven is also being subpoenaed to have his deposition taken, I am copying this email to him and making the same offers to let me know if another time is more convenient. Please let me know.

Also, I received a call from Tom Earle's partner last week. He stated Tom was in a medically-induced coma at Richland Memorial Hospital. He indicated Mr. Goodwin and Mr. Wilson would be obtaining new counsel. I received the motion this morning requesting Tom be relieved as counsel. I would appreciate you letting me know if you intend to inform the Court of the matter as the damages hearing has been scheduled for March 12, 2012 and it was my understanding from the status conference that the damages hearing would be postponed until at least after the middle of March - depending on Tom's health. As this is your motion, and you apparently have had conversations with Tom, I believe it most appropriate for you to inform the Court of the issues with him. Obviously, we will all keep ion our thoughts and prayers. Please let me know if I can assist in any manner. Tom is a fine man, and I am obviously concerned, as I am sure are you, that the interests of clients as well as Tom are protected.

Finally, I would appreciate you letting me know if you intend to call any other witnesses so that I can notice their depositions prior the hearing.

Best regards, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

This message is intended for the use of the person or entity to which it is addressed and may contain information, including legal and/or health information, that is privileged, confidential, and the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver

4/24/12 Found in Junk File Nothing Unusual.

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Tuesday, February 28, 2012 11:57 AM
To: Douglas N. Truslow; Tom Earle
Subject: Anasti v Lee

Douglas:

Please find attached the notice of deposition for Mr. Anasti as well as a copy of the motion to be relieved of counsel as signed by Mr. Earle's clients. I do not object to the motion.

Also, in the event the request for production of documents and interrogatories are not clear, I request that Mr. Anasti provide a copy of the legal fee agreement with you, and that he also provide copies of all checks or other financial documents that demonstrate the amounts he has paid for attorney fees or costs in the cases.

Thanks, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

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Jud Mc
Notice to Produce
Feb 27, NOT Served.

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Thursday, March 01, 2012 11:20 AM
To: Douglas N. Truslow
Cc: Steven B. Licata; Amanda Hilley
Subject: Anasti v Lee

Douglas:

On reviewing the subpoenas and notices of depositions, I noted that they did not provide for the fourteen (14) day and ten day (10) notice time periods respectively as required by the rules of procedure. If the dates noticed on the documents cause you, Steve, or Ms. Hilley any inconvenience whatsoever, I am more than pleased to reschedule them at a date that is more convenient. This accords with a letter I received today from Tom's law firm indicating the damages hearing would not be held for at least 90 days from the date of the order relieving Tom as counsel. Therefore, please let me know the dates that you, Steve, and Ms. Hilley determine would be most convenient with you to appear according to the subpoenas and notice of deposition. I am copying this to Steve for his consideration. I would prefer a Tuesday, Thursday or Friday morning and that the depositions occur after you produce the documents requested and answer the interrogatories. As they were served upon you on February 27, 2012, I would anticipate taking the depositions no later than the middle of April. Because of the timing, please let me know if you are unable to reply in a timely manner to the discovery requests as I obviously will have to inform the court immediately of any difficulties in meeting the schedule in the order of Judge Barber.

Thank you for your time and consideration.

Best regards, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

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Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, March 05, 2012 10:25 AM
To: Douglas N. Truslow
Subject: Anasti v Lee

Douglas:

I received your letter dated March 1, 2012. The emails are being sent to you to assist in maintaining an accurate record. You may do with them as you wish. However, in a continuing attempt to at mediation, I will also mail each to you as you have requested.

Prior to me me filing a motion for contempt and sanctions for, as I gather form your March 1 letter, your willful and deliberate refusal to participate in discovery for the damages motion pending before the court, please confirm that you are refusing to participate in discovery concerning the issues you have raised in your motions, and directing others to not comply with the rules of procedure. I will send you a follow-up letter and email requesting the same. I also encourage you to re-evaluate your position. I will make every reasonable accommodation to ease any undue burden on you or others.

Regards, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

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Thank you.

? ch. quick run-1

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, March 05, 2012 12:08 PM
To: Douglas N. Truslow
Subject: Anasti v Lee

Thanks, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

This message is intended for the use of the person or entity to which it is addressed and may contain information, including legal and/or health information, that is privileged, confidential, and the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED. If you have received this in error, please notify us immediately and destroy the related message. Thank you.

(Appeared In Junk mail)

Douglas N. Truslow

From:	Tony R. Megna [tmegna@gmail.com]
Sent:	Friday, March 09, 2012 10:38 AM
To:	Douglas N. Truslow
Cc:	Steven B. Licata; gina.lee58@gmail.com
Subject:	Anasti v Lee
Attachments:	COA denying sanctions.pdf; Amedned Discovery Requests to Truslow 03-08-2012..pdf; Record on Appeal Vol ume II.pdf; Record on Appeal Volume I of II.pdf

Douglas:

Yesterday, you were personally served [and served via mail to your PO Box] with amended discovery requests to assuage concerns you were espousing that, in any event, were groundless. I decided it was easier to assuage your concerns as opposed to discussing such silliness. As I have previously explained to you and Steve Licata, and explain again to both of you [I am copying this to Steve for his consideration.], the need for discovery is based on:

a. At the recent status record held on the record before Judge Barber, you named several people, including yourself, as potential witnesses and individuals with relevant information regarding the damages hearings you have requested. As you recall, you included yourself as a prime witness. You have a copy of the transcript. Please review it. Obviously, based on your personal representation to the Court, your deposition [as well as the others you mentioned] must be taken so that we can understand what you, and the remainder of your witnesses, intend to testify to, the documents you intend to present at any hearing, and the information you have at your disposal to which I have not been privy.

b. There has never been discovery on any of the damages issues you are pursuing.

c. Your own time records that you filed as a public record with the Court of Appeals indicate you have had hours of troubling conversations with attorneys who have represented [and who were consulted for the purposes of representation] me, my company, and individuals associated with my company as well as others. You are not involved in these matters and your personal time records indicate you shared information with them. We simply wish to understand the extent of the information. Obviously, these matters pose significant implications for the case at bar. These are perfectly appropriate matters to inquire into in order to determine what relationship these matters have to the case we have been litigating.

As you continue to evaluate the extent of your legal, professional and ethical duties to comply with the discovery requests, please keep in mind the law in South Carolina in regard to trial preparation. Our Court of Appeals has stated:

> "The gist and gravamen of the discovery rules mandate full and fair disclosure to prevent a trial from becoming a guessing game or one of ambush for either party." *Scott v. Greenville Hous. Auth.*, 353 S.C. 639, 652, 579 S.E.2d 151, 158 (Ct.App.2003). "The rights of discovery provided by the Rules give the trial lawyer the means to be prepared for trial. Where these rights are not accorded, prejudice must be presumed and, unless the party who has failed to submit to discovery can show a lack of prejudice, reversal is required." *Downey v. Dixon* 294 S.C. 42, 46, 362 S.E.2d 317, 319 (Ct.App. 1987).

I truly trust you will re-consider your refusal to participate in the discovery process as you and Mr. Anasti, and others who are subpoenaed, are obligated to do. As I have repeatedly informed you, I will take every reasonable measure to reduce any undue burden on you and the others including working on a schedule that best suits your needs and scheduling any depositions at your office or any other place most convenient to all. My goal is simply to insure full and fair disclosure to prevent a trial from becoming a guessing game or one of ambush for either party.

As you recall, the Court of Appeals unanimously denied your motion for sanctions [I have attached a copy of the order of the Court of Appeals denying your motion for sanctions.] for your convenience. and in the course of doing so, obviously disregarded your averments as well as the averments of others you submitted for their consideration. In denying your motion for sanctions, the Court indicated it reviewed the file 'as a whole.' So, for your convenience and review, I have also attached a pdf copy of the filed record on appeal to make it easier on you to understand what you filed in the appellate record. As you basically included everything that you filed in the lower court in the appellate record on appeal, I am at a loss to understand what you intend to produce before the trial court as the COA specifically stated they reviewed the record 'as a whole' in denying your motion for sanctions. This is obviously another reason for taking your deposition and requesting you produce the documents you intend to produce at the trial. You did not appeal that order and it is thus now the law of the case. Obviously, I am very troubled if, in fact, you are pursuing matters against me and Ben personally that have already been denied by the Court of Appeals.

As you consider these matters, please be thoughtful and reflective so we can have the matters prepared for in advance of trial to make the trial more streamlined and so no one will be involved in a 'trial by ambush.'

Finally, please remember that this email is for your information and to assist in maintaining an electronic record of our continuing communications. While I trust you will review it carefully, that is, of course, your decision. Regardless, I sincerely appreciate you giving these matters your attention. Please feel free to contact me at your convenience at any time if you wish to do so if I can be of any assistance. I remain willing to discuss any matter, including but not limited to the manner in which to accomplish the discovery requests that eases any undue burden on you or others. However, I respectfully insist you comply with the discovery obligations as required under the SC Rules of Civil Procedure.

Best regard, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

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TONY R. MEGNA

ATTORNEY-AT-LAW
3400 WEST AVENUE
TELEPHONE: 803-799-1700
tmegna@gmail.com

March 8, 2012

(sent via email to douglastruslow@truslowlaw.com and first class mail)

Douglas N. Truslow, Esquire
Post Office Box 1465
Columbia, SC 29202

Re: Anasti v. Wilson, et. al.,
Docket number 2007-CP-40-0576

Douglas:

While one of the subpoenas recently sent to you mistakenly identified 'Darlington' County on the caption, the subpoena specifically noted it was being issued by the Richland County Court of Common Pleas, Docket number 2007-CP-40-0576. To assuage your concerns, however, please disregard the former documents, and find enclosed revised discovery documents that are herby served upon you.

As to the taking of your deposition, and the other discovery requests, you very specifically avowed to Judge Barber on the record that you intended to testify as a witness at the hearing, and you specifically named others as either witnesses and/or persons with pertinent information regarding the matters you have requested the court to address. You have a copy of the transcript of that hearing. Pease read it. It is your representations that necessitate the taking of your deposition and the issuance of the subpoena. I trust you will be reasonable, and comply with the rules of procedure which allow for discovery due to the circumstances you have created.

As you ponder these matters, I also suggest we discuss in advance the waiver of the attorney-client privilege that has occurred by you making yourself and Steve Licata a witness in these matters. The rules of procedure are designed to avoid trial by ambush. It is that simple. I have no desire to file motions for contempt and sanctions against anyone. And I encourage you to re-evaluate your position.

In closing, please check your calendar. I agree in advance that depositions, or other discovery requests, be completed in a manner that eases any undue burden on you or anyone. In short, I intend to be reasonable, but thorough as we prepare for these matters.

With kind regards, I remain

Sincerely yours,

Tony R. Megna

cc: Gina L. Lee

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

James A. Anasti, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Lance Wilon, et. al. , Defendant

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Douglas Truslow

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

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

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

PLACE OF DEPOSITION	DATE AND TIME
3400 West Avenue, Columbia, SC 29203	March 27, 2012, 10:00 AM

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

PLACE	DATE AND TIME , AM

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

PREMISES	DATE AND TIME , AM

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

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

ATTY for GINA LEE
TONY R MEGNA DATE 3-8-12

ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CLERK OF COURT/ISSUING OFFICER SIGNATURE DATE PRINT NAME

SCCA 254 (10/04)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on next page)

PROOF OF SERVICE

SERVED	DATE 3/8/12	FEES AND MILEAGE TENDERED TO WITNESS	
	PLACE 914 Richland St, Columbia, SC	☒ YES ☐ NO	AMOUNT $ 28.00
SERVED ON	Douglas Tryslow	MANNER OF SERVICE	Personal
SERVED BY	Noah Powell	TITLE	

DECLARATION OF SERVER

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

Executed on 3/8/12

Noah Powell
SIGNATURE OF SERVER

3400 West Ave, Columbia, SC 29203
ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

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

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

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

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

i. fails to allow reasonable time for compliance; or

ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

iv. subjects a person to undue burden.

(B) If a subpoena:

i. requires disclosure of a trade secret or other confidential research, development, or commercial information, or

ii. requires disclosure of an unretained expert=s opinion or information not describing specific events or occurrences in dispute and resulting from the expert=s study made not at the request of any party, or

iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

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

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

STATE OF SOUTH CAROLINA	**IN THE COURT OF COMMON PLEAS**
James A. Anasti,	**FIFTH JUDICIAL CIRCUIT**
Plaintiff,	**CIVIL ACTION NO: 07-CP-40-0576**
vs.	
Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court,	
Defendants.	

NOTICE OF DEPOSTIONS

Pursuant to Rule 30 of the South Carolina Rules of Civil Procedure, by and through undersigned counsel, Plaintiff shall take the deposition of Douglas N. Truslow, and Steve Licata. The depositions shall be held at the offices of the undersigned beginning at **10:00 a.m., Thursday, March 27, 2012**, and will continue until complete.

Tony R. Megna, Esquire
Benjamin R. Matthews, Esquire
3400 West Avenue
Columbia, SC 29203
803-799-1700
tmegna@gmail.com

March 8, 2012.

STATE OF SOUTH CAROLINA	**IN THE COURT OF COMMON PLEAS**
James A. Anasti,	**FIFTH JUDICIAL CIRCUIT**
Plaintiff,	**CIVIL ACTION NO: 07-CP-40-0576**
vs.	
Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court,	
Defendants.	

NOTICE OF DEPOSTIONS

Pursuant to Rule 30 of the South Carolina Rules of Civil Procedure, by and through undersigned counsel, Plaintiff shall take the deposition of James Anasti. The depositions shall be held at the offices of the undersigned beginning at **10:00 a.m., Thursday, March 27, 2012**, and will continue until complete.

Tony R. Megna, Esquire
Benjamin R. Matthews, Esquire
3400 West Avenue
Columbia, SC 29203
803-799-1700
tmegna@gmail.com

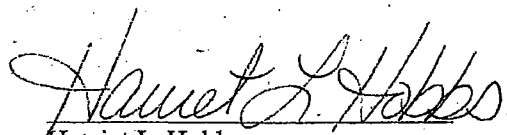
March 8, 2012.

STATE OF SOUTH CAROLINA	**IN THE COURT OF COMMON PLEAS**
James A. Anasti,	**FIFTH JUDICIAL CIRCUIT**
Plaintiff,	**CIVIL ACTION NO: 07-CP-40-0576**
vs.	
Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court,	
Defendants.	

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 8th day of March, 2012, a copy of the Plaintiff's Notice of Deposition upon the Defendant was served upon the undersigned, by depositing a copy of same with first class postage in the United States Mail addressed as follows:

Douglas N. Truslow
PO Box 1465
Columbia, SC 29201
Attorney for James Anasti



Harriet L. Hobbs
3400 West Avenue
Columbia, SC 29203
803-799-1700

March 8, 2012.

STATE OF SOUTH CAROLINA	**IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT**
James A. Anasti,	
Plaintiff,	**CIVIL ACTION NO: 07-CP-40-0576**
vs.	
Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court,	**DEFENDANT LEE'S FIRST SET OF AMENDED INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**
Defendants.	

PLEASE TAKE NOTICE that the Defendant, Gina Lee, by and through her undersigned attorney, hereby requests, pursuant to SCRCP Rule 33 that Plaintiff, James Anasti, respond to the following interrogatories.

INSTRUCTIONS AND DEFINITIONS

1. A Person is defined as any natural person or any business, legal or governmental entity or association.
2. Identify means, when referring to a person, to give, to the extent known, the persons full name, his/her present resident and/or business address and telephone number, and if that is not known, the answer shall so state; in lieu of his/her present residence and/or business address, his/her last known residence and/or business address and the last known date when he/she resided there.
3. Identify means, when referring to legal authorities, to give, to the extent known, the full and complete citation of the legal authority asserted.

4. Identify means, when referring to policy positions or practices [written or unwritten] of the Plaintiff, to give, to the extent known, all information regarding the policy, practice, or practice, including but not limited to identifying any documents that evidence the policy, practice or procedure. If no document evidences the policy, practice, or procedure, explain how the policy, practice or procedure was developed, how the policy, practice or procedure is actually used and by whom, and who, if anyone, has the discretion to apply or not to apply the policy, practice, or procedure.

5. Identify means, when referring to communications by and/or among individuals, the Plaintiff to give, to the extent known, all information regarding the communication(s) referred, including but not limited to details of the communications as well as the identities of the parties to the communications and further identifying all documents evidencing the communications.

6. When referring to documents, identify means to give, to the extent known: (i) the title, heading or caption of such document, if any; (ii) the identifying number(s), letter(s), or any combination thereof, if any, and the significance or meaning of such; (iii) type of document; (iv) general subject matter; (v) date of the document; (vi) author(s), address(es), and recipient(s).

7. A document is defined to be synonymous in meaning and equal in scope to the usage of this term in the SRCP Rules of Civil Procedure. A document specifically includes data compilations from which information can be obtained, translated, if necessary, by the Plaintiff through detection devices into reasonably usable form – regardless of where such data compilations located. A draft or nonidentical copy is a separate document within the meaning of this term.

8. Parties means the Plaintiff or Defendant as well as a party's full or abbreviated name or pronoun referring to a party mean the party and/ where applicable, its officers, directors, employees, or agents. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation but is intended to include agents, employees, consultants, etc. of the Plaintiff.

9. Concerning means relating to, referring to, describing, evidencing, or constituting.

10. Should Plaintiff claim privilege for any documents about which information or inspection is requested by any of the following interrogatories, such documents shall be described in a manner sufficient for identification including the date, author, all recipients, and identity of each party receiving a copy of the document and the subject matter thereof, as well as all person who have reviewed and/or read the document regardless of their affiliation with the Plaintiff, and in addition to supplying the above-named information concerning such documents, shall indicate that Plaintiff claims privilege therefore and Plaintiff shall state the grounds on which the claim of privilege rests.

11. All interrogatories herein are continuing in nature, so as to require Plaintiff to supplement or amend her responses in accordance with the SCRCP.

INTERROGATORIES AND REQUEST FOR PRODUCTION

1. Please identify all persons answering these interrogatories, and specify which interrogatory was answered by whom.

2. Please identify all persons answering the Defendant's Request for Production of Documents, and specify which request for production was prepared and answered by whom.

3. Please identify and produce all documents you intend to at the damages hearing.

4. Please produce all documents and communications [electronic and/or hard-copy] that relate to and/or reference in any manner Tony R. Megna, Gina Lee, or related parties that you [Douglas Truslow and/or James Anasti] have provided to or have been provided by Celeste Jones, Jay James, Kenneth Woodington, Renee Josey and/or Desa Ballard and/or their agents.

5. Please identify and produce all documents and communications [electronic and/or hard-copy] that relate to and/or reference in any manner Tony R. Megna, Gina Lee, or related parties that you [Douglas Truslow and/or James Anasti] have provided to or have been provided by any person.

6. Please identify all persons with knowledge of or information relevant to the subject matters as stated in the Plaintiff Anasti's request for damages further provide a description that fully and completely describes the content of such knowledge or information.

7. Please identify all persons which Plaintiff intends to call as experts at trial, and specify the subject matter upon which each expert is expected to testify, giving a statement regarding the substance of the facts and opinions to which the expert is expect to testify at trial and a summary of the grounds for each fact.

8. Please identify and produce all documents in support of all damages, however defined, you intend to request be ordered against Ms. Lee and or her agents.

9. If you intend to request damages for any matters that have occurred in federal court, please explain the basis of the jurisdiction of the state circuit court to order such damages.

10. Please identify all persons which Plaintiff intends to call as fact witnesses at trial, and specify the subject matter upon which each witness is expected to testify, giving a

statement regarding the substance of the facts to which the witness is expect to testify at trial and a summary of the grounds for each opinion.

11. Please provide a copy of the legal fee agreement between James Anasti and Douglas Truslow, and please further provide copies of all checks or other financial documents that demonstrate the amounts Anasti has actually paid for attorney fees or costs in the cases.

12. Any and all other books, documents, and other tangible items relevant to this action, within the scope of Rule 34 of the South Carolina Rules of Civil Procedure and/or which you intend to introduce at trial.

13. Copies of any regulations, standards, manuals, texts, journals, or other documents or publications which the Third-Party Plaintiff may use in direct examination or cross examination of any witness or introduced into evidence during depositions or at trial.

Tony R. Megna
Attorney at Law
3400 West Avenue
Columbia, SC 29203
Office: 803-799-1700

March 8, 2012.

STATE OF SOUTH CAROLINA	**IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT**
James A. Anasti,	
Plaintiff,	**CIVIL ACTION NO: 07-CP-40-0576**
vs.	
Lance Wilson, Willis Goodwin, Gina T Anasti Lee, Richland County Clerk Court,	
Defendants.	

Nothing received by mail 3/9/12

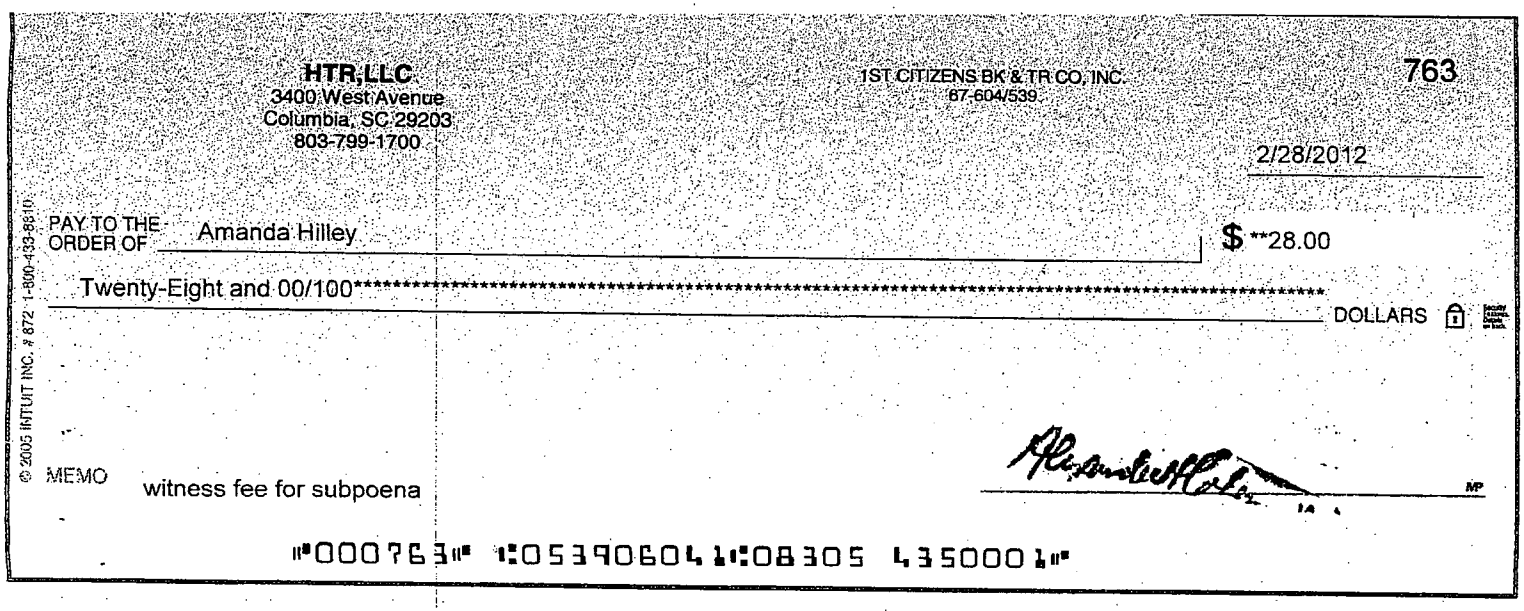
The undersigned hereby certifies, on ntiff's First Set of Amended Interrogatories and I e undersigned, by depositing a copy of same with fi dressed as follows:

Douglas Truslow, Esquire
PO Box 1465
Columbia, SC 29201
Copy of said documents also hand delivered to office:
944 Richland Street, Suite 4, Columbia, SC 29201

Mr. Willis S. Goodwin
1000 Windsor Shores Drive
Columbia, SC 29222

Mr. Lance Wilson
149 Barney Lane
Columbia, SC 29223

Harriet L. Hobbs
3400 West Avenue
Columbia, SC 29203
Office: 803-799-1700



HTR,LLC
3400 West Avenue
Columbia, SC 29203
803-799-1700

1ST CITIZENS BK & TR CO, INC.
67-604/539

763

2/28/2012

PAY TO THE ORDER OF Amanda Hilley

$ **28.00

Twenty-Eight and 00/100**********

DOLLARS

MEMO witness fee for subpoena

"000763" 1:053906041:08305 435000 1"

© 2005 INTUIT INC. # 872 1-800-433-8610

TONY R. MEGNA

ATTORNEY-AT-LAW
3400 WEST AVENUE
TELEPHONE: 803-799-1700
tmegna@gmail.com

March 5, 2012

Ms. Amanda Hilley
914 Richland Street, Suite B102
Columbia, SC 29202

Re: James Anasti v. Wilson, et. al.,
Case Number: 2007-CP-40-0576

Dear Ms. Hilley:

Enclosed please find a copy of the Notice of Taking Deposition, Subpoena, and check in the amount of Twenty Eight and No/100 ($28.00) Dollars regarding the taking of your deposition of March 27, 2012 at 10:00 am in my office located at 3400 West Avenue, Columbia, South Carolina.

If you have a conflict with this date and/or time, please contact me at 803-799-1700, and I will be more than happy to work around any scheduling conflicts you may have.

Sincerely,

Tony R. Megna

Enclosures

STATE OF SOUTH CAROLINA	**IN THE COURT OF COMMON PLEAS**
James A. Anasti,	**FIFTH JUDICIAL CIRCUIT**
Plaintiff,	**CIVIL ACTION NO: 07-CP-40-0576**
vs.	
Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court,	
Defendants.	

NOTICE OF DEPOSTIONS

Pursuant to Rule 30 of the South Carolina Rules of Civil Procedure, by and through undersigned counsel, Plaintiff shall take the deposition of Amanda Hilley. The deposition shall be held at the offices of the undersigned beginning at 10:00 a.m., Tuesday, March 27, 2012, and will continue until complete.

Tony R. Megna, Esquire
Benjamin R. Matthews, Esquire
3400 West Avenue
Columbia, SC 29203
803-799-1700
tmegna@gmail.com

March 5, 2012.

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

James A. Anasti, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Lance Wilon, et. al. , Defendant

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Amanda Hilley

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

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

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

PLACE OF DEPOSITION 3400 West Avenue, Columbia, SC 29203	DATE AND TIME , AM

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

PLACE 3400 WEST AVENUE, COLUMBIA, SC 29203	DATE AND TIME March 27, 2012 @ 10:00 AM

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

PREMISES	DATE AND TIME , AM

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

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

3/5/12 DATE

ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CLERK OF COURT/ISSUING OFFICER SIGNATURE DATE PRINT NAME

SCCA 254 (10/04)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on next page)

PROOF OF SERVICE

SERVED	DATE 7/6/12	FEES AND MILEAGE TENDERED TO WITNESS
	PLACE 914 Richland St. Suite B102	☒YES ☐ NO AMOUNT $ 28.00
SERVED ON	Amanda Hilley	MANNER OF SERVICE Personal Delivery
SERVED BY	Wade Dawtin	TITLE

DECLARATION OF SERVER

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

Executed on 7/6/12

Wade Dawtin
SIGNATURE OF SERVER

3400 West Ave. Columbia, SC 29203
ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

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

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

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

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

i. fails to allow reasonable time for compliance; or

ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

iv. subjects a person to undue burden.

(B) If a subpoena:

i. requires disclosure of a trade secret or other confidential research, development, or commercial information, or

ii. requires disclosure of an unretained expert=s opinion or information not describing specific events or occurrences in dispute and resulting from the expert=s study made not at the request of any party, or

iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

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

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

Ex A

Truslow & Truslow

Attorneys At Law

Telephone: 803-256-6276 Fax: 803-256-7659

Douglas N. Truslow
douglastruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

Physical Address:
914 Richland Street, Suite B-102
Columbia, SC 29201

Mailing Address:
P.O. Box 1465
Columbia, SC 29202

March 9, 2012

RE: Jim Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court
Docket Number: 2007-CP-40-0576

CERTIFIED MAIL, RESTRICTED
PERSONAL & CONFIDENTIAL
Tony R. Megna, Esquire
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

Someone from your office handed a pack of papers to me and then immediately left. I was not requested to sign for anything or give my name or position. In looking at the papers, I saw that the "Proof of Service" was already filled out before I received the documents. The "Proof of Service" indicates that the documents were delivered to Mr. Truslow personally (emphasis added). That, of course, is not accurate.

Mr. Truslow is not in the office at the time of this writing but I wanted you to know that what is being represented by your office is incorrect. Also, as you know, Mr. Truslow has protection from the court starting next week through Monday, March 23, so I suggest that you may want to discuss the matter with him after Monday, March 26, if you are unable to take care of this problem immediately.

Sincerely,

Mackenzie Woodward

Mackenzie Woodward
Legal Assistant to Truslow and Truslow, P.A.

DNT/mcw

STATE OF SOUTH CAROLINA **James A. Anasti,** **Plaintiff,** **vs.** **Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court,** **Defendants.**	**IN THE COURT OF COMMON PLEAS** **FIFTH JUDICIAL CIRCUIT** **CIVIL ACTION NO: 07-CP-40-0576**

NOTICE OF DEPOSTIONS

Pursuant to Rule 30 of the South Carolina Rules of Civil Procedure, by and through undersigned counsel, Plaintiff shall take the deposition of James Anasti. The ~~depositions shall be held at the offices of the undersigned beginning at 10:00 a.m.,~~ Thursday, March 6, 2012, and will continue until complete.

Tony R. Megna, Esquire
Benjamin R. Matthews, Esquire
3400 West Avenue
Columbia, SC 29203
803-799-1700
tmegna@gmail.com

February 28, 2012.

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

James A. Anasti, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Lance Wilon, et. al. , Defendant

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: James Anasti

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

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

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

PLACE OF DEPOSITION	DATE AND TIME , AM
3400 West Avenue, Columbia, SC 29203	

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

PLACE	DATE AND TIME March 6, 2012 @ 10:00 AM
3400 WEST AVENUE, COLUMBIA, SC 29203	

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

PREMISES	DATE AND TIME , AM

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

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

2/27/12 DATE

ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CLERK OF COURT/ISSUING OFFICER SIGNATURE DATE PRINT NAME

SCCA 254 (10/04)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on next page)

PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TENDERED TO WITNESS
	PLACE	☒YES ☐ NO AMOUNT $ 28.00
SERVED ON		MANNER OF SERVICE
SERVED BY		TITLE

DECLARATION OF SERVER

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

Executed on_____

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

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

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

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

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

i. fails to allow reasonable time for compliance; or

ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

iv. subjects a person to undue burden.

(B) If a subpoena:

i. requires disclosure of a trade secret or other confidential research, development, or commercial information, or

ii. requires disclosure of an unretained expert=s opinion or information not describing specific events or occurrences in dispute and resulting from the expert=s study made not at the request of any party, or

iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

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

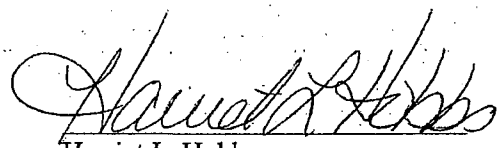
(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient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

STATE OF SOUTH CAROLINA **James A. Anasti,** **Plaintiff,** **vs.** **Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court,** **Defendants.**	**IN THE COURT OF COMMON PLEAS** **FIFTH JUDICIAL CIRCUIT** **CIVIL ACTION NO: 07-CP-40-0576**

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 28th day of February, 2012, a copy of the Plaintiff's Notice of Deposition upon the Defendant was served upon the undersigned, by depositing a copy of same with first class postage in the United States Mail addressed as follows:

Douglas N. Truslow
944 Richland Street, Suite 4
Columbia, SC 29201
Attorney for James Anasti



Harriet L. Hobbs
3400 West Avenue
Columbia, SC 29203
803-799-1700

February 28, 2012.

STATE OF SOUTH CAROLINA **James A. Anasti,** **Plaintiff,** **vs.** **Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court,** **Defendants.**	**IN THE COURT OF COMMON PLEAS** **FIFTH JUDICIAL CIRCUIT** **CIVIL ACTION NO: 07-CP-40-0576** **DEFENDANT LEE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

PLEASE TAKE NOTICE that plaintiff, by the undersigned attorney, hereby requests, pursuant to SCRCP Rule 33 that Defendant respond to the following interrogatories.

INSTRUCTIONS AND DEFINITIONS

1. ~~A Person is defined as any natural person or any business, legal or governmental~~ entity or association.
2. Identify means, when referring to a person, to give, to the extent known, the persons full name, his/her present resident and/or business address and telephone number, and if that is not known, the answer shall so state; in lieu of his/her present residence and/or business address, his/her last known residence and/or business address and the last known date when he/she resided there.
3. Identify means, when referring to legal authorities, to give, to the extent known, the full and complete citation of the legal authority asserted.

4. Identify means, when referring to policy positions or practices [written or unwritten] of the Defendant, to give, to the extent known, all information regarding the policy, practice, or practice, including but not limited to identifying any documents that evidence the policy, practice or procedure. If no document evidences the policy, practice, or procedure, explain how the policy, practice or procedure was developed, how the policy, practice or procedure is actually used and by whom, and who, if anyone, has the discretion to apply or not to apply the policy, practice, or procedure.

5. Identify means, when referring to communications by and/or among individuals, the Defendant to give, to the extent known, all information regarding the communication(s) referred, including but not limited to details of the communications as well as the identities of the parties to the communications and further identifying all documents evidencing the communications.

6. When referring to documents, identify means to give, to the extent known: (i) the title, heading or caption of such document, if any; (ii) the identifying number(s), letter(s), or any combination thereof, if any, and the significance or meaning of such; (iii) type of document; (iv) general subject matter; (v) date of the document; (vi) author(s), address(es), and recipient(s).

7. A document is defined to be synonymous in meaning and equal in scope to the usage of this term in the SRCP Rules of Civil Procedure. A document specifically includes data compilations from which information can be obtained, translated, if necessary, by the Defendants through detection devices into reasonably usable form – regardless of where such data compilations located. A draft or nonidentical copy is a separate document within the meaning of this term.

8. Parties means the plaintiff or defendant as well as a party's full or abbreviated name or pronoun referring to a party mean the party and/ where applicable, its officers, directors, employees, or agents. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation but is intended to include agents, employees, consultants, etc. of the Defendants.

9. Concerning means relating to, referring to, describing, evidencing, or constituting.

10. Should defendant claim privilege for any documents about which information or inspection is requested by any of the following interrogatories, such documents shall be described in a manner sufficient for identification including the date, author, all recipients, and identity of each party receiving a copy of the document and the subject matter thereof, as well as all person who have reviewed and/or read the document regardless of their affiliation with the Defendants, and in addition to supplying the above-named information concerning such documents, shall indicate that Defendants claim privilege therefore and Defendants shall state the ground on which the claim of privilege rests.

11. All interrogatories herein are continuing in nature, so as to require defendant to supplement or amend her responses in accordance with the SCRCP.

12. CMS administers the Medicare and Medicaid programs under the direction of the direction of the Department Of Health and Human Services.

INTERROGATORIES AND REQUEST FOR PRODUCTION

1. Please identify all persons answering these interrogatories, and specify which interrogatory was answered by whom.

2. Please identify all persons answering the Plaintiff's Request for Production of Documents, and specify which request for production was prepared and answered by whom.

3. Please identify and produce all documents you intend to at the damages hearing.

4. Please produce all documents and communications [electronic and/or hard-copy] that relate to and/or reference in any manner Tony R. Megna, Pee Dee Health Care, P.A., Gina Lee, or related parties that you [Douglas Truslow and/or James Anasti] have provided to or have been provided by Celeste Jones, Jay James, Kenneth Woodington, Renee Josey and/or Desa Ballard and/or their agents.

5. Please identify and produce all documents and communications [electronic and/or hard-copy] that relate to and/or reference in any manner Tony R. Megna, Pee Dee Health Care, P.A., Gina Lee, or related parties that you [Douglas Truslow and/or James Anasti] have provided to or have been provided by any person.

6. Please identify all persons with knowledge of or information relevant to the subject matters as stated in the Defendant Anasti's request for damages further provide a description that fully and completely describes the content of such knowledge or information.

7. Please identify all persons which Defendants intend to call as experts at trial, and specify the subject matter upon which each expert is expected to testify, giving a statement regarding the substance of the facts and opinions to which the expert is expect to testify at trial and a summary of the grounds for each fact.

8. Please identify and produce all documents in support of all damages, however defined, you intend to request be ordered against S. Lee and or her agents.

9. If you intend to request damages for any matters that have occurred in federal court, please explain the basis of the jurisdiction of the state circuit court to order such damages.

10. Please identify all persons which Defendants intend to call as fact witnesses at trial, and specify the subject matter upon which each witness is expected to testify, giving a statement regarding the substance of the facts to which the witness is expect to testify at trial and a summary of the grounds for each opinion.

Tony R. Megna
Attorney at Law
3400 West Avenue
Columbia, SC 29203
Office: 803-799-1700

February 28, 2012.

STATE OF SOUTH CAROLINA **James A. Anasti,** **Plaintiff,** **vs.** **Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court,** **Defendants.**	**IN THE COURT OF COMMON PLEAS** **FIFTH JUDICIAL CIRCUIT** **CIVIL ACTION NO: 07-CP-40-0576**

The undersigned hereby certifies, on the date indicated below, copies of the following documents in the above-captioned matter were mailed to the below-named by United States Mail, first class, postage prepaid.

1. Plaintiff's First Set of Interrogatories and Production of Documents

Douglas Truslow, Esquire
944 Richland Street
Suite 4
Columbia, SC 29201

Thomas G. Earle, Esquire
1735 Saint Julian Place # 103
Columbia, SC 29204-2402

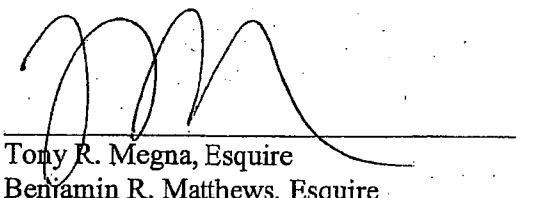
Harriet L. Hobbs
3400 West Avenue
Columbia, SC 29203
Office: 803-799-1700

February 28, 2012.

STATE OF SOUTH CAROLINA **James A. Anasti,** **Plaintiff,** **vs.** **Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court,** **Defendants.**	**IN THE COURT OF COMMON PLEAS** **FIFTH JUDICIAL CIRCUIT** **CIVIL ACTION NO: 07-CP-40-0576**

NOTICE OF DEPOSTIONS

Pursuant to Rule 30 of the South Carolina Rules of Civil Procedure, by and through undersigned counsel, Plaintiff shall take the deposition of Amanda Hilley, Douglas N. Truslow, and Steve Licata. The depositions shall be held at the offices of the undersigned beginning at 10:00 a.m., Thursday, March 6, 2012, and will continue until complete.



Tony R. Megna, Esquire
Benjamin R. Matthews, Esquire
3400 West Avenue
Columbia, SC 29203
803-799-1700
tmegna@gmail.com

February 28, 2012.

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

James A. Anasti, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Lance Wilon, et. al. , Defendant

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Douglas Truslow

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

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

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

PLACE OF DEPOSITION 3400 West Avenue, Columbia, SC 29203	DATE AND TIME , AM

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

PLACE 3400 WEST AVENUE, COLUMBIA, SC 29203	DATE AND TIME March 6, 2012 @ 10:00 AM

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

PREMISES	DATE AND TIME , AM

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

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

2/28/12 DATE

ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CLERK OF COURT/ISSUING OFFICER SIGNATURE DATE PRINT NAME

SCCA 254 (10/04)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on next page)

PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TENDERED TO WITNESS
	PLACE	☒YES ☐ NO AMOUNT $ 28.00
SERVED ON		MANNER OF SERVICE
SERVED BY		TITLE

DECLARATION OF SERVER

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

Executed on_____

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

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

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

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

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

i. fails to allow reasonable time for compliance; or

ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

iv. subjects a person to undue burden.

(B) If a subpoena:

i. requires disclosure of a trade secret or other confidential research, development, or commercial information, or

ii. requires disclosure of an unretained expert=s opinion or information not describing specific events or occurrences in dispute and resulting from the expert=s study made not at the request of any party, or

iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

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

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

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

James A. Anasti, Plaintiff

v.

Lance Wilon, et. al. , Defendant

SUBPOENA IN A CIVIL CASE

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Steve Licata

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

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

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

PLACE OF DEPOSITION 3400 West Avenue, Columbia, SC 29203	DATE AND TIME , AM

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

PLACE 3400 WEST AVENUE, COLUMBIA, SC 29203	DATE AND TIME March 6, 2012 @ 10:00 AM

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

PREMISES	DATE AND TIME , AM

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

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

2/28/12 DATE

ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CLERK OF COURT/ISSUING OFFICER SIGNATURE DATE PRINT NAME

SCCA 254 (10/04)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on next page)

PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TENDERED TO WITNESS
	PLACE	☐YES ☐ NO AMOUNT $ 28.00
SERVED ON		MANNER OF SERVICE
SERVED BY		TITLE

DECLARATION OF SERVER

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

Executed on_____

_____
SIGNATURE OF SERVER

_____
ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

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(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

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

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

i. fails to allow reasonable time for compliance; or

ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

iv. subjects a person to undue burden.

(B) If a subpoena:

i. requires disclosure of a trade secret or other confidential research, development, or commercial information, or

ii. requires disclosure of an unretained expert=s opinion or information not describing specific events or occurrences in dispute and resulting from the expert=s study made not at the request of any party, or

iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

James A. Anasti, Plaintiff

v.

Lance Wilon, et. al. , Defendant

SUBPOENA IN A CIVIL CASE

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Amanda Hilley

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

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

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

PLACE OF DEPOSITION 3400 West Avenue, Columbia, SC 29203	DATE AND TIME , AM

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

PLACE 3400 WEST AVENUE, COLUMBIA, SC 29203	DATE AND TIME March 6, 2012 @ 10:00 AM

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

PREMISES	DATE AND TIME , AM

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

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2/28/12 DATE

ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CLERK OF COURT/ISSUING OFFICER SIGNATURE DATE PRINT NAME

SCCA 254 (10/04)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on next page)

PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TENDERED TO WITNESS
	PLACE	☒YES ☐ NO AMOUNT $ 28.00
SERVED ON		MANNER OF SERVICE
SERVED BY		TITLE

DECLARATION OF SERVER

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

Executed on_____

SIGNATURE OF SERVER

ADDRESS OF SERVER

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(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

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

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

i. fails to allow reasonable time for compliance; or

ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

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i. requires disclosure of a trade secret or other confidential research, development, or commercial information, or

ii. requires disclosure of an unretained expert=s opinion or information not describing specific events or occurrences in dispute and resulting from the expert=s study made not at the request of any party, or

iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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

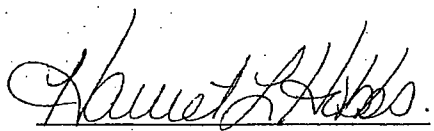
(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient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

STATE OF SOUTH CAROLINA **James A. Anasti,** **Plaintiff,** **vs.** **Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court,** **Defendants.**	**IN THE COURT OF COMMON PLEAS** **FIFTH JUDICIAL CIRCUIT** **CIVIL ACTION NO: 07-CP-40-0576**

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 28th day of February, 2012, a copy of the Plaintiff's Notice of Deposition upon the Defendant was served upon the undersigned, by depositing a copy of same with first class postage in the United States Mail addressed as follows:

Douglas N. Truslow, Esquire
944 Richland Street, Suite 4
Columbia, SC 29201



Harriet L. Hobbs
3400 West Avenue
Columbia, SC 29203
803-799-1700

February 28, 2012.

STATE OF SOUTH CAROLINA	**IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT**
James A. Anasti,	
Plaintiff,	**CIVIL ACTION NO: 07-CP-40-0576**
vs.	
Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court,	
Defendants.	

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 28th day of February, 2012, a copy of the Plaintiff's Notice of Deposition upon the Defendant was served upon the undersigned, by depositing a copy of same with first class postage in the United States Mail addressed as follows:

Ms. Amanda Hilley
944 Richland Street, Suite 4
Columbia, SC 29201

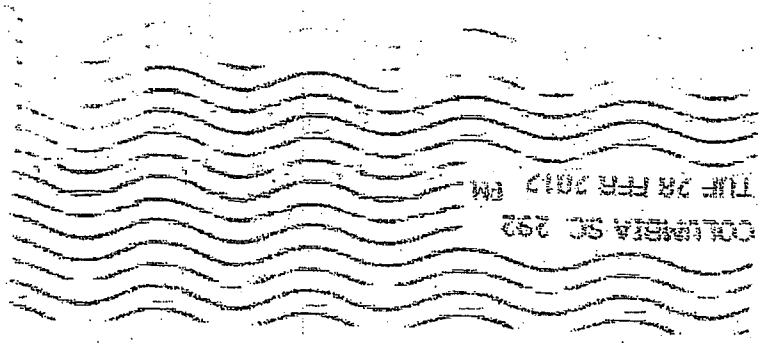
Harriet L. Hobbs
3400 West Avenue
Columbia, SC 29203
803-799-1700

February 28, 2012.

We got it
we Marked P.O
of Megna's Duplicates
Combining addresses
mailings to many addresses

Tony R. Megna
Attorney-At-Law
3400 West Avenue
Columbia, SC 29203

Douglas N. Truslow
944 Richland Street
Suite 4
Columbia, SC 29201



STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF DARLINGTON

JAmes A. Anasti, Plaintiff

v.

Lance Wilon, et. al., Defendant

SUBPOENA IN A CIVIL CASE

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Douglas N. Truslow

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

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

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

PLACE OF DEPOSITION 3400 West Avenue, Columbia, SC 29203	DATE AND TIME , AM

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

PLACE 3400 WEST AVENUE, COLUMBIA, SC 29203	DATE AND TIME March 6, 2012 @ 10:00 AM

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

PREMISES	DATE AND TIME , AM

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

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

2/28/2012 DATE

ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CLERK OF COURT/ISSUING OFFICER SIGNATURE DATE PRINT NAME

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF DARLINGTON

JAmes A. Anasti, Plaintiff

v.

Lance Wilon, et. al., Defendant

SUBPOENA IN A CIVIL CASE

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Steve Licata

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

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

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

PLACE OF DEPOSITION	DATE AND TIME , AM
3400 West Avenue, Columbia, SC 29203	

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

PLACE	DATE AND TIME
3400 WEST AVENUE, COLUMBIA, SC 29203	March 6, 2012 @ 10:00 AM

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

PREMISES	DATE AND TIME , AM

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

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

2/28/12 DATE

ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CLERK OF COURT/ISSUING OFFICER SIGNATURE DATE PRINT NAME

SCCA 254 (10/04) (See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on next page)

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
Plaintiff,	)	
vs.	)	
LANCE WILSON, WILLIS GOODWIN, GINA L. ANASTI LEE, And RICHLAND COUNTY CLERK OF COURT,	)	
Defendants.	)	

EXHIBIT B

Matthews and Megna, LLC

Attorneys and Counselors at Law
3400 West Avenue
Columbia, SC 29203
Telephone: 803-799-1700

March 19, 2012

The Honorable J. Michael Baxley
531 East Carolina Avenue
Hartsville, SC 29550-4311
[Via email to JBaxleyLC@sccourts.org]

Re: Your email dated March 16, 2012
Estate of Hugh S. Thompson, Case No: 10-CP-16-0332
Anasti v. Lee, Case No: 07-CP-40-0576

Dear Judge Baxley:

I have enclosed a synopsis of the status of the matters you referenced in your email dated March 16, 2012 As you requested, I have also provided the same to the other attorneys you noticed in your March 16, 2012 email. I invite the others noticed by the court to review the attached synopsis, and notify everyone of oversights or errors so the court will have the most accurate information possible. I will be out of town most of the week of March 20, 2012 and from April 5 to 15, 2012. Otherwise, I will be available to attend any hearing the Court may wish to have at a time and place of the Court's convenience.

I am confident that the Court will have a different view of matters upon reviewing the synopsis and documents. For instance, I have attached an order of the South Carolina Court of Appeals denying Mr. Truslow's motion for sanctions. Mr. Truslow filed the motion in this court without disclosing that the motion has been previously filed in the Court of Appeals and denied by unanimous decision of the Court of Appeals. In addition, the Richland county case involves unrepresented parties who live and reside in Richland county. Judge Barber recently entered an order in the Richland County case continuing all matters for no less than 90 days from the date of his order because their attorney [Tom Earle] has fallen gravely ill and has been hospitalized since January of this year. Judge Barber's order, filed March 13, 2012, is attached. I received the filed order on Saturday, March 17, 2012.

Thank you in advance for your time and consideration, and I look forward to hearing from you. With kind regards, I remain

Sincerely yours,

Tony R. Megna

STATE OF SOUTH CAROLINA James A. Anasti, Plaintiff, vs. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court, Defendants.	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT CIVIL ACTION NO: 07-CP-40-0576

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

Pee Dee Health Care, P.A., Plaintiff, v. Estate of Hugh S. Thompson, Defendant.	10-CP-16-0332

SYNOPSIS

I

THE RICHLAND COUNTY CASE
(Background)

A

During the state court appellate proceedings, in the SC Court of Appeals, Mr. Truslow filed the same motion for sanctions that he has now re-filed in this court. Mr. Truslow's motion was *unanimously denied* by the Court of Appeals. A copy of the order of the Court of Appeals dated May 20, 2011 is attached for the Court's review. In denying the motion, the Court of Appeals specifically stated it considered Mr. Truslow's motion, the Appellant's return and "the record before the Court." The record before the Court was eight hundred and twenty-six pages, and included the original motion for sanctions Mr. Truslow filed in circuit court as well as every other document that Mr. Truslow filed in the circuit court as well as documents from the federal proceedings.[1] He has labeled the current motion as an amended motion. See *Ackerman v. McMillan,* 324 S.C. 440, 443, 477 S.E.2d 267, 268 (Ct. App. 1996): (Matters decided by the appellate court cannot be reheard, reconsidered, or re-litigated in the trial court, even under the guise of a different form. 5 C.J.S. *Appeal and Error* § 975(a) (1993). The decision of the appellate court is final as to all questions decided. It is the duty of the trial court to follow the decision of the appellate court.

B

Mr. Truslow did not petition the Supreme Court for review of the order of the Court of Appeals that denied his motion nor did he petition the Supreme Court for a writ of certiorari. By

[1] I have not attached the entire record on appeal because of its length, but will do so at this Court's request or at any hearing before this Court on the matter. There is no doubt that Mr. Truslow had his day in court. After allowing Mr. Truslow a full and fair opportunity to assert his claims, the Court of Appeals unanimously denied his motion.

not seeking review of the decision, the decision of the Court of Appeals is a final determination of the matter, and the law of the case[2] because a party is precluded from re-litigating, after an appeal, matters not raised in a petition for rehearing before the Supreme Court from the Court of Appeals as well as issues not raised on appeal but expressly rejected by the appellate court. See *Mazloom v. Mazloom,* 709 SE 2d 661 (2011) (holding an issue not raised in a petition for rehearing to the Supreme Court from the Court of Appeals is the law of the case). See *Buckner v. Preferred Mut. Ins. Co.*, 255 S.C. 159, 160-61, 177 S.E.2d 544, 544 (1970) (holding an unappealed ruling, right or wrong, is the law of the case). S*ee also Bakala v. Bakala,* 352 S.C. 612, 576 S.E.2d 156 (2003) (holding that a family court judge could not overrule the prior un-appealed order of another family court judge because it had become law of the case).

In sum, the un-appealed ruling of the Court of Appeals is the law of the case.

C

HISTORY OF MR. TRUSLOW' S MOTION

1

On November 22, 2012, six months after the Court of Appeals denied Mr. Truslow's motion for sanctions, Mr. Truslow re-filed his motion for sanctions with this Court amending it to be directed only against me, as opposed to the Plaintiff. He did so because the Plaintiff is operating under a confirmed Chapter 13 bankruptcy plan of reorganization which prohibits any actions being taken against her by Mr. Truslow.

---

[2] The Supreme Court has held that its' review authority of decisions of the Court of Appeals is appellate in nature regardless of the method that is used to label the review process. ("[W]hen a court is reviewing some proceeding held in a lower tribunal, the proceeding is an appellate proceeding, regardless of the title given the proceedings by the reviewing court.") *Rowe v. City of W. Columbia,* 334 S.C. 400, 404, 513 S.E.2d 379, 381 Ct.App.1999). Thus, an un-appealed decision of the Court of Appeals becomes to the law of the case. *Mazloom, supra.*

When Mr. Truslow filed his motion for sanctions in this court, he failed to inform this court he had filed a virtually identical motion in the Court of Appeals, and he failed to inform this court that the Court of Appeals had denied the virtually identical motion after considering the entire lower court record.

In failing to make the disclosures to this court, Mr. Truslow knowingly[3] violated Rule 407, Rule 3.3(a)(2), SCACR, which states: "A lawyer shall not knowingly . . . (2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel. . . See comment 2 which states in part:

> [A]lthough a lawyer in an adversary proceeding is not required to present an impartial exposition of the law or to vouch for the evidence submitted in a cause, the lawyer must not allow the tribunal to be misled by false statements of law or fact or evidence that the lawyer knows to be false.
>
> See also comment 2 which states;
>
> Legal argument based on a knowingly false representation of law constitutes dishonesty toward the tribunal. A lawyer is not required to make a disinterested exposition of the law, but must recognize the existence of pertinent legal authorities. Furthermore, as stated in paragraph (a)(2), an advocate has a duty to disclose directly adverse authority in the controlling jurisdiction that has not been disclosed by the opposing party. The underlying concept is that legal argument is a discussion seeking to determine the legal premises properly applicable to the case.

---

[3] Rule 407, Rule 1.0(h), SCACR defines knowingly as follows: "Knowingly," "known," or "knows" denotes actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances. Knowingly, deliberate indifference and gross negligence are similar concepts. For instance, deliberate indifference and gross negligence are closely associated because conduct constituting gross negligence creates a rebuttable presumption of deliberate indifference. *Doe v. New York City Department of Social Services,* 649 F.2d at 143 (1981), In the case at bar, Mr. Trulsow actually participated in the matters in the Court of Appeals, and had actual knowledge of the decision of the Court of Appeals, yet failed to inform this court of the matter, and filed his claim in this court as if the litigation in the Court of Appeals had not occurred.

a. Mr. Truslow's re-filing of the same motion that had been *expressly rejected* by the Court of Appeals, and Mr. Truslow's failure to advise this Court of the matter has caused all parties substantial damage, and most importantly, Mr. Truslow has knowingly misled this Court by omission.

2

Regardless of Mr. Truslow's personal biases, or the information or documents that Mr. Truslow may personally believe supports his repetitive filing of motions for sanctions against me, the one and only relevant fact of the matter is that the Court of Appeals unanimously denied his motion for sanctions.[4] The Court of Appeals disregarded Mr. Truslow's request to remand the matter to this court as he had requested. The Court of Appeals unanimously determined there was no basis for sanctions as Mr. Truslow requested.

Without any regard for the consequences of his actions on himself or others or this court, Mr. Truslow then took it upon himself to continue to pursue the same matter in this court. He did so without informing this court that the same motion had already been rejected by the Court of Appeals.

[4] Mr. Truslow is also collaterally estopped from re-litigating his claims in this court as the issue has been determined against him in by the Court of Appeals. In analyzing possible inconsistent decisions between a trial court and an appellate court, the Supreme Court stated: "Wal-Mart contends the determination relied on as preclusive is inconsistent with another determination of the same issue, relying upon the Restatement (Second) of Judgments § 29(4). The inconsistent decisions to which Wal-Mart refers are the district court's decision and the appellate decision of the same case. Clearly these decisions are not inconsistent, the appellate decision is the final decision of that case." *South Carolina Prop. and Cas. Ins. Guar. Ass'n v. Wal-Mart Stores, Inc.*, 304 S.C. 210, 403 S.E.2d 625, 627 (1991).

D

JUDGE BARBER'S ORDER OF CONTINUANCE

1

Judge Barber recently entered an order in the Richland County case continuing all matters in the case for no less than 90 days from the date of his order [filed March 13, 2012] because the attorney for the Defendants Goodwin and Wilson had fallen gravely ill and had been hospitalized since January of this year. Judge Barber's order is attached. I have no knowledge as to whether or not Mr. Wilson and Mr. Goodwin have obtained new counsel, nor do I know whether or not they have been advised of the matters to which you have been assigned. Regardless, the issue of damages has not come before the Court prior to this time because the issue of ownership and damages were bifurcated when Mr. Truslow filed his Motion for Partial summary Judgment with the circuit court. There has been no discovery as to the issue of damages. There are outstanding discovery requests including requests for production of documents, interrogatories and subpoenas that have been served [as well as motions to quash requests for depositions].

2

In March, 2012, a status conference was held on the record before Judge Barber in the Richland County Court of Common Pleas. I have ordered a copy of the transcript and will forward it to you as soon as I receive it. At that status conference, Mr. Truslow represented to Judge Barber that all of the attorneys listed in this court's email dated March 16, 2012 [with the exception of Mr. Woodington] have knowledge of the facts of the matters which he is pursuing and are witnesses he intends to call at the hearings he has requested.

E

None of the attorneys the court listed in the email sent by this court (Mr. Josey, Mr. James, Ms. Ballard, Mr. Woodington, Ms. Jones) are attorneys of record in the Richland County case. However, they have all had contact with Mr. Truslow, and among themselves, concerning the Richland County case as evidenced by the time and billing sheets of Mr. Truslow's filed with the SC Court of Appeals. See attached. Mr. Truslow informed Judge Barber he intends to call many of them as witnesses. The limited discovery requested to date is targeted at understanding their individual and collective involvement in the matter and what they intend to testify to in the Richland county case. As indicated by the time and billing sheets of Mr. Truslow's filed with the SC Court of Appeals, these joint collaborations are of particular concern legally because:

a. Ms. Ballard was consulted as an attorney on matters of litigation to represent several parties, including my client, me, and others in regard to litigation against Ms. Jones, her law firm, and several other Defendants. I have attached copies of the emails evidencing that Ms. Ballard was provided confidential information by me and others, and that she actually agreed to represent us. After considering her offer, we retained other counsel. Thereafter, Ms. Ballard inserted herself in the Richland County case, consulted with Mr. Truslow, and prepared and filed an affidavit in support of his motion to dismiss the Richland County case appeal that was pending in the Court of Appeals. The Court of Appeals denied the motion to dismiss the appeal, and gave no weight whatsoever to Ms. Ballard's affidavit.

b. As outlined by our Supreme Court, Ms. Ballard owed duties of confidentiality to me and the others who consulted her because of her agreement to represent us in litigation adverse to Ms. Jones and others. The Supreme Court has noted "...that matters are "substantially related" under Rule 407, 1.9 when the [attorney] reasonably could have gained information in the

first matter that will be relevant in the second matter. *Townsend v. Townsend,* 323 S.C. 309, 474 S.E.2d 424, 428 (1996); see also 7A C.J.S. *Attorney and Client* § 185, at 173 (Supp. 2008) ("[An] attorney cannot use any knowledge or information acquired through his or her former representation if such information is of a confidential or secret nature or is so regarded by the former client.").

c. Mr. Josey's law firm represented my client [Pee Dee Health Care, P.A.] during the same time he represented an adverse party before your court in the *Thompson* case. The matter was presented to this Court on July 19, 2011. Because of the manner in which the court considered and determined the pending motions before the court, this Court never addressed the issue of Mr. Josey's conflicts of interest. As has been previously disclosed to this court, Mr. Josey's law firm's representation of my client had been on-going since 2002.[5] He never requested to withdraw nor to consult. Regardless, he subsequently withdrew from his lengthy representation of my client, and has continued to represent the adverse party. He unilaterally obtained a new law firm for the Plaintiff, but failed to inform the new attorneys of the fact that he had never consulted with the Plaintiff in withdrawing from the representation nor consulted with the Plaintiff in the selection of substitute counsel nor did he inform the new counsel that he had signed the consent order of substitution without the consent or knowledge of the Plaintiff. The court has been previously provided with this information and the affidavit of the law firm that was substituted as counsel or Mr. Josey. The Plaintiff respect requests that if this court re-opens the *Thompson* case for any reason, that the Court disqualify Mr. Josey and his law firm from any involvement in the matters because of his past representation of the Plaintiff in the *Thompson* case as well as the violation of their professional responsibilities to the Plaintiff.

[5] Mr. Josey's representation of an adverse party was in direct violation of Rule 407, Rule 1.7 and 1.9, SCACR as noted by our Supreme Court's definition in *Townsend*, supra.

d. Ms. Jones, her law firm, and several others are parties to a lawsuit in which significant misconduct against her, her law firm, and others has been alleged. These lawsuits are now pending. In addition, as noted on the time and billing statements Mr. Truslow filed with the Court of Appeals, and that are attached hereto, Ms. Jones has previously been involved in the Richland county case as have Ms. Ballard, Mr. Josey, and Mr. James. I respectfully request the Court to allow discovery for the purpose of determining the extent of the collaborations among and between those identified in Mr. Truslow's time and billing statements.

II

RICHLAND CASE
(Application of Law)

A

The Richland County case is separate and distinct from the *Thompson* case over which this Court presided in Darlington County. The parties in the two cases are entirely different. The attorneys in the Richland County case are entirely different (other than myself), and there are no common questions of law or fact between the cases. All parties in the Richland County case reside in Richland County. I understand the Plaintiff Anasti lives outside the country. The unrepresented defendants in the case are not being provided any opportunity to prepare a defense, nor have they been provided notice that there are proceedings occurring in the case in which they are parties.

The motion for sanctions filed by Mr. Truslow against me in the Richland case is based on accusations that have been expressly considered and unanimously denied by the SC Court of Appeals. Therefore, the decision of the Court of Appeals is the law of the case, and "[a] trial court has no authority to exceed the mandate of the appellate court on remand." *S.C. Dep't of Soc. Servs. v. Basnight,* 346 S.C. 241, 250-51, 551 S.E.2d 274, 279 (CT. App. 2001) (citing 5

Am. Jur. 2d *Appellate Review* § 784, at 453 (1995)). Further, the mandate of the appellate court is jurisdictional. *Id.* The trial court has a duty to follow the appellate court's directions. *Ackerman v. McMillan,* 324 S.C. 440, 443, 477 S.E.2d 267, 268 (Ct.App.1996): (Matters decided by the appellate court cannot be reheard, reconsidered, or re-litigated in the trial court, even under the guise of a different form. 5 C.J.S. *Appeal and Error* § 975(a) (1993).

Regardless of how Mr. Truslow characterizes his motion, it is the same motion based on the same facts, and the same arguments as the Court of Appeals denied. Respectfully, a trial court cannot rehear, reconsider, or re-litigate any matter, however it is characterized, decided by the appellate courts.

B

The undersigned respectfully request the Court take the following actions:

1. Dismiss Mr. Truslow's motion based on the un-appealed mandate of the Court of Appeals that does not allow the matters decided on appeal to be reheard, reconsidered, or re-litigated in the trial court, even under the guise of a different form. *Ackerman,* supra.

2. Allow the filing of a motion for sanctions against Mr. Truslow based on S.C. Code Ann. § 15-36-10(A)(4)(a)(iii) (Supp. 2010)[6] because:

(a) Mr. Truslow could not reasonably believe this court has jurisdiction to hear the same motion that he previously brought in and which was denied by the Court of Appeals, and

(b) Mr. Truslow's motion for sanctions in this court is one which this court is obligated as a matter of law to deny based on the prior un-appealed determination of the Court of Appeals,

---

[6] § 15-36-10(A)(4)(a)(iii) provides that an attorney may be sanctioned for filing a frivolous pleading, motion, or document if "a reasonable attorney presented with the same circumstances would believe that the procurement, initiation, continuation, or defense of a civil cause was intended merely to harass or injure the other party"). See *Ex parte Bon Secours –St. Francis Xavier Hospital*, 393 SC 590, 713 S.E.2d 624 (2011).

(c) Mr. Truslow has knowingly failed to inform this Court of the mandate of the Court of Appeals as he is required to do operation of law.

III

THE DARLINGTON CASE
(Thompson)

A

Respectfully, there are no actionable motions pending before the Court from Ms. Ballard or others in the *Thompson* case because this court quashed the subpoenas by written order entered October 13, 2011. That order has not been appealed by any party other than the Plaintiff, and is the law of the case as to parties that did not appeal because upon the filing of that order, the rights of the parties were fixed. In accordance with clearly established case law, "[T]he moment . . . [the order] is filed by the clerk of court, it becomes the judgment of the court, and fixes the rights of the parties." *Archer v. Long,* 46 S.C. 292, 295, 24 S.E. 83, 84 (1896). See also *Ness v. Eckerd Corp.*, 350 S.C. 399, 402, 566 S.E.2d 193, 195 (Ct. App. 2002), which states "Although trial judges retain jurisdiction to alter judgments on their own initiative for ten days if a Rule 59(e), SCRCP, motion is filed, after ten days that jurisdiction is lost.").

Nothing in the court's October 13, 201 order indicates the court reserved jurisdiction on any matter in the *Thompson* case nor, under established case law, could it do so after ten days following entry of the order by the clerk of court. *Ness*, supra. Moreover, on October 4, 2011, this court had entered its' order specifically captioned as 'Ending Case.' The October 13 order was issued in response to the Plaintiff's motion for reconsideration of the October 4 order, and the motions to quash filed with the court, including the objection filed by Ms. Ballard on August 5, 2011. Ms. Ballard had specific knowledge of the matters as indicated by her cover letter to the court in which she specifically stated she had consulted the online information maintained by the

Darlington county clerk of court. See attached cover letter of Ms. Ballard dated May 20, 2011.

B

The court also had correspondence in February, 2012 with Ms. Ballard and the undersigned in regard to the matters. Copies of the emails are attached for the court's convenience. Regardless of any other matter, Ms. Ballard's was aware of the filing of her August 5, 2011 objection. She admitted reviewed the filings at the Darlington County Clerk of Court as evidenced by her own letter to the court. Yet, she took no actions to notify this court of the matter until she did so by letter dated February 7, 2012. By correspondence dated February 23, 2012, this court notified the parties it would not consider the matters until after the disposition of the appeals. Ms. Ballard replied on the same date [February 23, 2012] that she would petition the Court of Appeals for relief. She did not. Nor did she request this court to re-consider its prior decisions. At the very latest, Ms. Ballard admittedly had notice of the orders of this court no later than February 23, 2012. As of the date of this filing [March 18, 2012], twenty-five days have elapsed. As noted above, "[a]lthough trial judges retain jurisdiction to alter judgments on their own initiative for ten days if a Rule 59(e), SCRCP, motion is filed, after ten days that jurisdiction is lost."). *Ness*, supra. Even assuming this court otherwise retained jurisdiction of the matter following the entry of the August 24, 2011 order filed with the Clerk of Court, Ms. Ballard's time for filing a motion for reconsideration in this court is long past the time allowed this Court to maintain jurisdiction to hear her complaints.

C

In addition to the foregoing, all orders of this Court pertaining to the *Thompson* matter, including the order of August 24, 2011, have been appealed by the Plaintiff, and the therefore the

Court of Appeals has exclusive jurisdiction of the cases. I have attached the Notices of Appeal. Our Supreme Court has specifically held:

> "...Under Rule 205 and the last sentence of ... Rule 225, the lower court may not act or issue orders that affect an issue on appeal. Under Rule 225, the lower court may act only to enforce matters not stayed by the appeal...

Arnal v. Fraser, 371 S.C. 512, 518, 641 S.E.2d 419, 422 (2007)

As this Court is aware, all orders in the *Thompson* case are before the SC Court of Appeals. One of the major issues now on appeal revolve about whether or not court the court erred in issuing the order of disqualification in the first instance.

Respectfully, this court should defer to the exclusive jurisdiction of the Supreme Court.

IV

CONCLUSION

A

Regardless of Mr. Truslow's assertions and allegations of misconduct, the unassailable truth before this Court is that the South Carolina Court of Appeals did not find his allegations supported by the evidence, and unanimously denied his motion, for sanctions. This un-appealed decision of the Court of Appeals is the law of the case. Clearly established case law requires that this court dismiss Mr. Truslow's motion.

B

Ms. Ballard's motion is not properly before this Court for the same reasons the Court of Appeals determined was present in *Ness v. Eckerd Corp.*, 350 S.C. 399, 402, 566 S.E.2d 193, 195 (Ct. App. 2002). Trial judges retain jurisdiction to alter judgments on their own initiative for ten days if a Rule 59(e), SCRCP, motion is filed; after ten days that jurisdiction is lost. In

addition, the orders in the *Thompson* case over which this court presided in Darlington county are on appeal. The Court of Appeals has exclusive jurisdiction of the matters as this Court recognized in its e-mail to both me and Ms. Ballard dated February 23, 2012.

C

The other individuals who received a copy of the court's March 16th email are not attorneys of record in the Richland county case and have no interest in the matters other than their individual and joint collaborations with Mr. Truslow. This undersigned respectfully requests this court dismiss the clams of Mr. Truslow and Ms. Ballard, and further grant the relief requested herein.

Respectfully submitted,

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
Office: 803-254-3676

March 19, 2012.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE COURT OF COMMON PLEAS
COUNTY OF DARLINGTON

CASE NO: 2010-CP-16-0332
The Honorable J. Michael Baxley, Jr.

FILED
2011 OCT 13 AM 9:52
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

PEE DEE HEALTH CARE, P.A.,

APPELLANT,

v.

HUGH S. THOMPSON, III, LOUISE T. DAILEY AS PERSONAL REPRESENTATIVES OF THE ESTATE OF HUGH S. THOMPSON,

RESPONDENT.

NOTICE OF APPEAL

The Appellant, Pee Dee Health Care, P.A. hereby appeals the order of the Honorable J. Michael Baxley dated August 12, 2011, the signed copy by the Court being received by Appellant on August 15, 2011, a copy being attached hereto. A copy of the underlying order dated April 15, 2011, [filed April 19, 2011, and received by Appellant on Thursday, April 21, 2011] as well as a copy of the Rule 59(e) Motion to Reconsider filed Monday, May 2, 2011 are attached hereto.

Respectfully submitted,

Tony R. Megna, Esquire
Attorney for Appellant
3400 West Avenue
Columbia, South Carolina 29203
803.254.3676
Attorneys for Appellant

RECEIVED
AUG 24 2011
SC Court of Appeals

August 15, 2011.

Attorneys for Respondent:

Jay James
PO Box 507
Darlington, SC 29540

Renee Josey
319 S. Irby Street
Florence, SC 29501

Ballard
Watson Weissenstein
PERSISTENT. UNWAVERING.

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

Desa Ballard
Harvey M. Watson III
Stephanie Weissenstein
Attorneys at Law

Post Office Box 6338 | West Columbia, SC 29171
226 State Street | West Columbia, SC 29169 | ph 803.796.9299 | fx 803.796.1056 | desaballard.com

RECEIVED

Thursday, August 04, 2011

Via U.S. Mail Only
Benjamin R. Matthews, Esquire
Matthews & Megna, LLC
3400 West Avenue
Columbia, South Carolina 29203

Re: *Pee Dee Health Care, PA v. Estate of Hugh S. Thompson*
Case No.: 10-CP-16-0332

Dear Mr. Matthews:

Pursuant to Rule 45(c)(2)(B), SCRCP, enclosed for service upon you is an Objection to Subpoena, in response to a subpoena issued by Tony R. Megna on or about July 27, 2011. I am informed and believe that Mr. Megna has been disqualified as acting for plaintiff in this action. I consulted the online information at the Clerk of Court's office in Darlington and determined that you remain active as counsel for Plaintiff, so I am serving this objection on you.

My motions for sanctions will be forthcoming. With warm personal regards, I am,

Sincerely yours,

Desa Ballard

Desa Ballard
desab@desaballard.com

FILED
2011 AUG -5 PM 1:13
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

EXHIBIT 3

Pee Dee Health Care, PA v. Estate of Hugh S. Thompson; 10-CP-16-0332

Baxley, J. Michael Law Clerk (Mason W. King) Thu, Feb 23, 2012 at 10:35 AM
<JBaxleyLC@sccourts.org>
To: "Desa Ballard (desab@desaballard.com)" <desab@desaballard.com>, "tmegna@gmail.com" <tmegna@gmail.com>
Cc: "Josey, J. Rene (RJosey@turnerpadget.com)" <RJosey@turnerpadget.com>, "pjlaw507@bellsouth.net" <pjlaw507@bellsouth.net>, "Suggs, Scott" <clerk@darcosc.com>

Ms. Ballard and Mr. Megna,

Our office is in receipt of Ms. Ballard's letter dated February 7, 2012, and Mr. Megna's reply letter, dated February 9, 2012. The Court learned for the first time, only after reading these letters, of Ms. Ballard's pending motion for sanctions, filed August 5, 2011.

The underlying case was a difficult one, and it subsumed a substantial amount of time and judicial resources. Judge Baxley is currently in a month-long trial in Columbia, and he is not scheduled to return to Darlington for a common pleas term until May. Rather than entertain Ms. Ballard's motion at this time, it is this Court's preference that she address this issue with the Court of Appeals. If the Court of Appeals declines to consider the motion, then upon remittitur of the case back to the circuit court, Ms. Ballard may call it to this Court's attention and we will be glad to take it up at that

time.

Please let me know if I can be of any further assistance.

Sincerely,
Mason King

Mason William King

Law Clerk to the Honorable J. Michael Baxley

Chief Administrative Judge - Civil
Circuit Court of the Fourth Judicial Circuit
531 E. Carolina Avenue
Hartsville, South Carolina 29550
Telephone: 843.383.4114
Fax: 843.383.4116
jbaxleylc@sccourts.org

Desa Ballard <desab@desaballard.com> Thu, Feb 23, 2012 at 11:20 AM
To: "Baxley, J. Michael Law Clerk (Mason W. King)" <JBaxleyLC@sccourts.org>, tmegna@gmail.com
Cc: RJosey@turnerpadget.com, pjlaw507@bellsouth.net, "Suggs, Scott" <clerk@darcosc.com>, Mara Ballard <Mara@desaballard.com>

Thank you Mason. I will petition the Court of Appeals.

From: Baxley, J. Michael Law Clerk (Mason W. King) [mailto:JBaxleyLC@sccourts.org]
Sent: Thursday, February 23, 2012 10:36 AM
To: Desa Ballard; tmegna@gmail.com
Cc: Josey, J. Rene (RJosey@turnerpadget.com); pjlaw507@bellsouth.net; Suggs, Scott
Subject: Pee Dee Health Care, PA v. Estate of Hugh S. Thompson; 10-CP-16-0332

[Quoted text hidden]

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 04CP4005333

Lance Wilson
Willis S Goodwin
PLAINTIFF(S)

Gina L Anasti Lee
DEFENDANT(S)

Submitted by:	Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.
Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		$
		$
		$

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

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge _____ **Judge Code** _____ **Date** _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20 _____ and a copy mailed first class or placed in the appropriate attorney's box on this 13 March 2012 to attorneys of record or to parties (when appearing pro se) as follows:

Thomas George Earle | Thomas George Earle | Tony R Megna | Curtis W Dowling

ATTORNEY(S) FOR THE PLAINTIFF(S) **ATTORNEY(S) FOR THE DEFENDANT(S)**

Court Reporter _____ **Clerk of Court** Jeanette W McBride

RICHLAND COUNTY FILED 2012 MAR 13 P 2:31 JEANETTE W. McBRIDE C.C.P.&G.S.

SCRCP Form 4C (10/2011)

SCANNED

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 04CP4005334

Lance Wilson
Willis S Goodwin
PLAINTIFF(S)

Dallis Law Firm P A
Sandra Michelsen
DEFENDANT(S)

Submitted by: _____	Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other _____

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

RICHLAND COUNTY FILED
2012 MAR 13 PM 12:31
JEANETTE W. McBRIDE C.C.C.P.&R. G.S.

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.
Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		$
		$
		$

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

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge _____ **Judge Code** _____ **Date** _____

For Clerk of Court Office Use Only

This judgment was entered on the ____ day of _____, 20 ____ and a copy mailed first class or placed in the appropriate attorney's box on this 13 March 2012 to attorneys of record or to parties (when appearing pro se) as follows:

Thomas George Earle | Thomas George Earle | Curtis W Dowling | Curtis W Dowling

ATTORNEY(S) FOR THE PLAINTIFF(S) | **ATTORNEY(S) FOR THE DEFENDANT(S)**

Court Reporter _____ **Clerk of Court** Jeanette W. McBride

SCRCP Form 4C (10/2011)

SCANNED

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS
Lance Wilson and Willis Goodwin, Plaintiffs, -vs- Gina L. Anasti Lee, Defendant/Third-Party Plaintiff, -vs- Dallis Law Firm, P.A., Defendant/Fourth-Party Plaintiff, -vs- Sandra Michelson d/b/a Abstract Title, Fourth Party Defendant,	Docket No. 04-CP-40-5333 **ORDER TERMINATING EMPLOYMENT AND CONTINUANCE**
Lance Wilson and Willis Goodwin, Plaintiffs, -vs- Dallis Law Firm, P.A., Defendant/Third Party Plaintiff, -vs- Sandra Michelson d/b/a Abstract Title, Third Party Defendant.	Docket No: 04-CP-40-5334 **ORDER TERMINATING EMPLOYMENT AND CONTINUANCE**

2012 MAR 12 A 11:05

1

SCANNED

This matter is before me on a Notice of Motion and Motion of Thomas G. Earle, Esquire, by Carl A. Ellsworth, Esquire of Seigler, Earle & Ellsworth, dated March 8, 2012 and duly filed in the Office of the Clerk of Court for Richland County, South Carolina on March 8, 2012. Included in the Motion was the Motion and Order Information Form And Coversheet. Service was effected in accordance with Rule 11(b) South Carolina Rules of Civil Procedure and pursuant to Rules 4 and 5 of South Carolina Rules of Civil Procedure by regular mail and certified mail, restricted delivery to the addressees of Lance Wilson and Willis Goodwin along with service by mail upon Tony R. Megna, Esquire, in behalf of Gina L. Anasti Lee and Curtis W. Dowling, Esquire, in behalf of Dallis Law Firm. Mr. Ellsworth has advised the Court that neither attorney objects to his Motion.

The substance of the Motion is to terminate the employment of Thomas G. Earle, Carl A. Ellsworth and Seigler, Earle & Ellsworth as a result of Thomas G. Earle's experiencing sudden and serious health problems which prevent him from continuing to handle the above captioned cases and any other cases such as 2007CP40-0576 as a result of his being placed in a medically induced coma in the Intensive Care Unit (ICU) at Palmetto Richland Memorial Hospital since on or about January 27, 2012 and his being diagnosed with a condition called "myasthenia gravis". He is still in the hospital. His return to the practice of law is questionable at the present time and any future date. The medical opinion letter of Franklin R. McGuire, M.D. attached to the Motion as Exhibit A and incorporated by reference herein confirms the same in support of this Motion.

It has been reported to the Court that the workload placed on Carl A. Ellsworth in the two-man partnership of Seigler, Earle & Ellsworth has been overwhelming according to Carl A. Ellsworth, Esquire, and has made continued handling of this case and any and all other cases of Lance Wilson and Willis Goodwin impossible. Seigler, Earle & Ellsworth waives any and all attorney's fees and costs which were substantial.

It is expected that a new Consent and Release will be signed by Lance Wilson and Willis Goodwin to be filed herein. Previous Consent to Release Counsel in the case involving these clients identified as James A. Anasti vs. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee and Richland County Clerk of Court, 2007CP40-0576 was duly filed and Order issued by the Honorable James R. Barber, III, Chief Administrative Judge, Fifth Judicial Circuit, dated February 29, 2012, relieving counsel and continuance and enrolled on March 1, 2012, copy of which is attached hereto and incorporated herein by reference.

All the files of Lance Wilson and Willis Goodwin were delivered personally to Lance Wilson and Willis Goodwin on February 24, 2012 at the offices of Seigler, Earle & Ellsworth as requested and as shown by the Receipt and Release for them to employ new counsel or to proceed *pro se* (individually by themselves) if they so desire.

Furthermore, to accommodate the termination of employment and employment of new counsel, it is necessary that the case be continued and more time allowed for the defense to be prepared, and for good cause shown.

NOW, THEREFORE, IT IS ORDERED that the relief requested by Thomas G. Earle, Carl A. Ellsworth and Seigler, Earle & Ellsworth, attorneys at law, and as sought by Lance Wilson and Willis Goodwin be and hereby is granted.

3

IT IS FURTHER ORDERED that good cause has been shown and/or consent given by all interested parties approving the termination of employment of Thomas G. Earle, Carl A. Ellsworth and Seigler, Earle & Ellsworth by Lance Wilson and Willis Goodwin as it pertains to any and all legal matters including the above captioned cases they have past, present and future with the aforementioned attorneys which this Court hereby grants, and the Clerk of Court shall remove the name of Thomas G. Earle, Carl A. Ellsworth and Seigler, Earle & Ellsworth as attorneys of record.

IT IS FURTHER ORDERED that Lance Wilson of 149 Barney Lane, Columbia, South Carolina 29223 and Willis Goodwin of 1000 Windsor Shores Drive, Columbia, South Carolina 29222 shall have until March 31, 2012 to employ new counsel. If they fail to do so, they will proceed *pro se*.

AND IT IS SO ORDERED.

By _____
The Honorable Thomas W. Cooper, Jr.
Special Judge, Fifth Judicial Circuit

March 9, 2012
Manning, South Carolina

We so move.

SEIGLER, EARLE & ELLSWORTH

By Thomas G. Earle by Carl A. Ellsworth

Thomas G. Earle by Carl A. Ellsworth
Attorney for Defendants, Lance Wilson
And Willis Goodwin

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Lance Wilson & Willis Goodwin)
Plaintiff,)
vs.)
)
Gina L. Anasti Lee)
Defendant.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2004-CP-40-5333

COPY

MOTION AND ORDER INFORMATION FORM AND COVERSHEET

Plaintiff's Attorney:	Defendant's Attorney:
Tony R. Megna, Bar No. ____ Address: 3400 West Avenue, Columbia, SC 29223 Phone: 799-1700Fax ____ E-mail: tmegna@gmail.comOther: ____	Carl A. Ellsworth, Bar No. 1885 Address: 1735 St. Julian Place, Suite 103, Columbia, SC 29204 Phone: 254-2791 Fax254-7755 E-mail: carl@seiglerearleellsworth.comOther:

2012 MAR 8 AM 11:47

☒ **MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)**
☐ **FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)**
☐ **PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)**

SECTION I: Hearing Information

Nature of Motion: Release of Counsel
Estimated Time Needed: 10 minutes Court Reporter Needed: ☐YES/☒ NO

SECTION II: Motion/Order Type

☒ Written motion attached
☐ Form Motion/Order

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

Carl A. Ellsworth 3/8/12
Signature of Attorney for ☒ Plaintiff / ☐ Defendant Date submitted

SECTION III: Motion Fee

☒ PAID – AMOUNT: $____
☐ EXEMPT: (check reason)
☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: ____
☐ Other: ____

JUDGE'S SECTION	
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other:	JUDGE CODE ____ Date: ____

CLERK'S VERIFICATION

Collected by:____ Date Filed: ____
☐ MOTION FEE COLLECTED: $ ____
☐ CONTESTED – AMOUNT DUE: $ ____

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Lance Wilson & Willis Goodwin Plaintiff, vs. Dallis Law Firm Defendant.	)	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT CASE NO.: 2004-CP-40-5334 **MOTION AND ORDER INFORMATION FORM AND COVERSHEET**

2012 MAR 18 AM 11 41

C.C.P. & G.S. RICHLAND CO.

Plaintiff's Attorney:	Defendant's Attorney:
Curtis W. Dowling, Bar No. _____ Address: 1613 Main Street, Columbia, SC 29201 Phone: 799-1111Fax 254-1335 E-mail: curtis@basjlaw.comOther: _____	Carl A. Ellsworth, Bar No. 1885 Address: 1735 St. Julian Place, Suite 103, Columbia, SC 29204 Phone: 254-2791 Fax254-7755 E-mail: carl@seigleearleellsworth.comOther:

☒ **MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)**
☐ **FORM MOTION; NO HEARING REQUESTED (complete SECTIONS II and III)**
☐ **PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)**

SECTION I: Hearing Information

Nature of Motion: Release of Counsel
Estimated Time Needed: 10 minutes Court Reporter Needed: ☐YES/☒ NO

SECTION II: Motion/Order Type

☒Written motion attached
☐Form Motion/Order

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

Carl A. Ellsworth 3/8/12
Signature of Attorney for ☒ Plaintiff /☐ Defendant Date submitted

SECTION III: Motion Fee

☒ PAID – AMOUNT: $_____
☐ EXEMPT: (check reason)
- ☐ Rule to Show Cause in Child or Spousal Support
- ☐ Domestic Abuse or Abuse and Neglect
- ☐ Indigent Status ☐ State Agency v. Indigent Party
- ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
- ☐ Motion for Stay in Bankruptcy
- ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
- ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
  Name of Court Reporter: _____
- ☐ Other: _____

JUDGE'S SECTION	
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____	JUDGE CODE _____ Date: _____

CLERK'S VERIFICATION

Collected by:_____ Date Filed: _____
☐ MOTION FEE COLLECTED: $ _____
☐ CONTESTED – AMOUNT DUE: $ _____

SEIGLER, EARLE & ELLSWORTH

By Thomas G. Earle by Carl A. Ellsworth

Thomas G. Earle
by Carl A. Ellsworth
Attorney for Defendants, Lance Wilson
And Willis Goodwin
1735 St. Julian Place
Suite #103
Columbia, S.C. 29204
(803) 254-2791

Columbia, South Carolina
March 8, 2012

The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 20, 2011

Douglas N. Truslow, Esquire
Truslow & Truslow
P.O. Box 1465
Columbia, SC 29202

Re: Anasti, James v. Wilson, Lance

Dear Mr. Truslow:

Enclosed is a copy of an Order of the Court Denying your Motion for Sanctions in the above case.

Sincerely,

Renee S. Johnson
Administrative Specialist

VCA
TAG/rj

cc: Tony R. Megna, Esq.
Ben Matthews, Esq.
Thomas George Earle, Esquire

The South Carolina Court of Appeals

James A. Anasti, Respondent,

v.

Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court, Defendants,

Of Whom Lance Wilson, Willis Goodwin and Richland County Clerk of Court are Respondents,

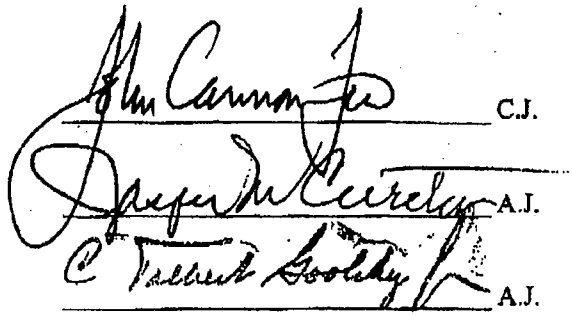
And Gina L. Anasti Lee is the Appellant.

The Honorable L. Casey Manning
Richland County
Trial Court Case No. 2007-CP-40-00576
2007-CP-40-00576

ORDER

After consideration of Respondent's motion for sanctions, Appellant's return, and the record before this Court, Respondent's motion is denied.

IT IS SO ORDERED.



C.J.

A.J.

A.J.

Columbia, South Carolina

cc: Tony R. Megna, Esq.
Ben Matthews, Esq.
Douglas N. Truslow, Esquire
Thomas George Earle, Esquire



Truslow & Truslow, PA
Post Office Box 1465
Columbia, SC 29202-1465

Ph:(803)256-6276 Fax:(803)256-7659

James Anasti
237 D King Street
Charleston, SC
29401

May 6, 2011

File #: 06-059
Inv #: Sample

Attention:

RE: Anasti v. Lee

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Jan-08-08	1/8/08 - 1/23/08: Preparation of Motion to Dismiss (Appeal is late). Memorandum including exhibits.	12.00	3,540.00	DNT
Feb-12-08	Review of file regarding submission, law, facts and ethical issues	2.00	590.00	DNT
	Telephone conference with Desa Ballard regarding issues raised	0.20	59.00	DNT
	Telephone conference with Curtis Dowling regarding companion case.	0.20	59.00	DNT
	Preparation of letter and revisions after reviewing transcript	1.75	516.25	DNT
Feb-13-08	Preparation of letter to Megna and revisions based on transcripts and follow up	1.00	295.00	DNT
	Telephone conference with Desa Ballard regarding Appeal and ethics issues.	0.50	147.50	DNT
Mar-10-08	Review of proposal and issues	0.50	147.50	DNT
	Telephone conference with Mr. Earle	0.30	88.50	DNT
Mar-20-08	Conference with client	1.50	442.50	DNT

Mar-24-08	Preparation of letter and f/u re: hearing	2.00	590.00	DNT
Mar-28-08	Travel to Court re: hearing date on Motion	0.60	177.00	DNT
	Preparation of various letter(s) and faxes	0.20	59.00	DNT
	Telephone conference with Mr. Dowling and Mr. Earle	0.40	118.00	DNT
Mar-29-08	Research and preparation for hearing	2.50	737.50	DNT
Mar-31-08	Preparing for hearing	4.30	1,268.50	DNT
Apr-01-08	Preparing for hearing	2.00	590.00	DNT
	Preparing for hearing	2.50	737.50	DNT
	Preparation of Memo and Proposed Order	1.00	50.00	ADH
Apr-02-08	Working on argument	6.00	1,770.00	DNT
	Preparation of Memorandum	2.50	125.00	ADH
	Preparation for evidentiary hearing	3.00	150.00	ADH
Apr-03-08	Travel to Court; hearing; working on Order, etc. No appearance by Megna and he cannot be located.	6.50	1,917.50	DNT
	Meeting with David Byrd	2.00	590.00	DNT
	Attendance at hearing	1.00	50.00	ADH
Apr-04-08	Delivery of Order to Court of Appeals	0.50	147.50	DNT
	Telephone conference with client (x2)	1.00	295.00	DNT
Apr-07-08	Working on response to Defendant Appellant's Motion and follow up research re: jurisdiction; telephone conference with David Byrd and Dowling	6.00	1,770.00	DNT
Apr-08-08	Follow up regarding Order preparation and research re: service of hearing notice and issues involved	2.00	590.00	DNT

	Preparation of Draft Order re: Motion to Reconsider	1.00	50.00	ADH
Apr-10-08	Telephone conference with attorneys in other cases and follow up	3.00	885.00	DNT
	Preparation of copies and fax to Attorney's Firm	0.50	25.00	ADH
Apr-11-08	Telephone conference with law firm and follow up; telephone conference with attorney's regarding other cases.	3.00	885.00	DNT
Apr-14-08	Review of incoming correspondence and follow up letter	1.50	442.50	DNT
	Legal research on issues relating to Appeal and ethics	1.00	295.00	DNT
	Telephone conference with Desa Ballard regarding ethics issues	0.30	88.50	DNT
	Preparation of letter to Desa Ballard and copying of documents	0.50	25.00	ADH
Apr-15-08	Telephone conference with Celeste Jones' office and follow up	0.50	147.50	DNT
	Review of documents and internet research	3.00	885.00	DNT
Apr-16-08	Telephone conference with Jones and follow up	0.30	88.50	DNT
	Review of documents	1.50	442.50	DNT
Apr-17-08	Telephone call to Circuit Court re: hearing or reconsideration	0.10	29.50	DNT
	Research (Appeal)	1.00	295.00	DNT
	Telephone conference with Court of Appeals	0.10	29.50	DNT
	Research on motions and jurisdiction	2.50	737.50	DNT
Apr-22-08	Extensive work of reviewing incoming correspondence and file; telephone conferences with Matthews and Court re: hearing and follow up letters	4.50	1,327.50	DNT

	Preparation of letters	1.00	75.00	ADH
Apr-23-08	Preparation of various letters and follow up	2.50	187.50	ADH
Apr-24-08	Preparation of letters and revisions to Motion	2.00	100.00	ADH
Apr-25-08	Preparation of Exhibits	0.50	25.00	ADH
Apr-26-08	Working on Appeal issues and question of _____ jurisdiction	3.50	1,032.50	DNT
Apr-28-08	Working on detailed Memo re: Appeal with documentation	5.00	1,475.00	DNT
	Revision of Return and Exhibits; preparation for filing, copying and cover letters; preparation of Respondent's Motion for Costs and Fees, itemized statement of fees and costs, and Memorandum in Support of Motion for Costs and Fees	7.00	350.00	ADH
	Preparation of Respondent's Motion for Costs & Fees, itemized statement of fees and costs, and Memorandum in Support of Motion for Costs & Fees	4.00	300.00	ADH
Apr-29-08	Working on case/Appeal and Motions. Revisions on Return and copies of Exhibits; filing with Court of Appeals	3.00	885.00	DNT
	Revisions to Return and copies of Exhibits; filing with Court of Appeals	4.00	200.00	ADH
Apr-30-08	Working on Appeal	2.00	590.00	DNT
	Legal research re: ethics issue (additional issues based on Megna's claims)	2.00	590.00	DNT
May-02-08	Telephone conference with Desa Ballard re: legal issues and f/u	1.50	442.50	DNT
May-06-08	Review of incoming information and research re: notice and service	2.50	737.50	DNT
May-07-08	Research April 28 case and Rule 60	2.00	590.00	DNT
May-08-08	Research of notice and conversation with McCauley regarding resolution by Arbitration or Mediation	1.00	295.00	DNT

May-12-08	Telephone conference with Court re: Motion hearing and status	0.20	59.00	DNT
	Telephone conference with Appeals Court re: status and need to respond	0.25	73.75	DNT
May-14-08	Research re: Court of Appeals and what to do re: outstanding Motions	1.00	295.00	DNT
May-15-08	Review of incoming correspondence	0.10	29.50	DNT
	Telephone conference with Earle re: rent	0.20	59.00	DNT
May-20-08	Preparation of responses to Defendant's letters	1.75	516.25	DNT
	Preparation of letters (x3)	1.00	75.00	ADH
May-22-08	Telephone conference(s) with McNair Law Firm re: files, status on Appeal and legal issue	1.00	295.00	DNT
Jun-02-08	Review of incoming correspondence and follow up	0.20	59.00	DNT
Jun-10-08	Telephone conference with Earle's office re: status	0.25	73.75	DNT
	Telephone conference with Dowling's office re: status	0.25	73.75	DNT
Jun-20-08	Review of incoming correspondence and telephone conference with Ballard re: appeal, case status, ethical issues claimed by Megna (x2)	0.30	88.50	DNT
Jun-23-08	Preparing for hearing, Order, Brief, Exhibits, etc.	8.00	2,360.00	DNT
Jun-24-08	Travel to Court to review Clerk's file for update of filings	1.00	295.00	DNT
Jun-25-08	Working on case for hearing including outline of argument	2.00	590.00	DNT
Jun-30-08	Detailed work on draft and redraft of Order, exhibits and research, etc.	4.00	1,180.00	DNT
Jul-01-08	Review Order and additional documents	2.00	590.00	DNT

	Working on case (see details from Court of Appeals files)	4.00	1,180.00	DNT
Jul-07-08	Follow up research re: notice and Rule 5	2.50	737.50	DNT
	Office conference with Desa Ballard regarding additional ethical issues needlessly arised by Megna and Matthews	1.50	442.50	DNT
Jul-08-08	Review of documents for hearing	1.00	295.00	DNT
	Telephone conference with clerk re: hearing	0.20	59.00	DNT
Jul-10-08	Working on case; travel to Court re:hearing	2.00	590.00	DNT
	Preparation of Affidavit of Amanda Hilley	1.00	75.00	ADH
Jul-11-08	Revise brief and research	4.00	1,180.00	DNT
Jul-14-08	Legal research and appeal/motions prep	4.00	1,180.00	DNT
Jul-15-08	Working on Motion(s)	1.50	442.50	DNT
Jul-17-08	Revise exhibits, etc.	3.00	885.00	DNT
Jul-21-08	Preparation for hearing	1.00	295.00	DNT
	Telephone conference with Dick Harpootlian	0.25	73.75	DNT
Jul-22-08	Office conference with staff and follow up re:hearing and information for Harpootlian	1.00	295.00	DNT
Jul-23-08	Telephone conference with Dick Harpootlian	0.20	59.00	DNT
Jul-28-08	Review of incoming correspondence, preparation of letters, and telephone conference with Desa Ballard regarding appeal and issues	3.00	885.00	DNT
Jul-31-08	Telephone conference with Judge Manning's office to schedule Motions hearing and telephone conference with Harpootlian's assistant. Postponed at last minute by Megna's and Matthews actions to delay case.	0.20	15.00	ADH
Aug-04-08	Preparation of letter to Harpootlian, faxing and copying cc's	0.75	56.25	ADH

Aug-19-08	Preparation of letter to Earle re: property matter on Appeal	0.20	15.00	ADH
Sep-03-08	Preparation and revision of letter to Harpootlian per Douglas N. Truslow	0.50	37.50	ADH
Sep-05-08	Review of dates re: SOL and revision of letter. Research issues on Appeal.	1.30	383.50	DNT
Sep-15-08	Office conference with Ballard	0.75	221.25	DNT
	Preparation of letter	0.10	7.50	ADH
Sep-22-08	Preparation for hearing and preparation for redrafting of proposed Order	3.50	1,032.50	DNT
Sep-23-08	Preparation for revision of Order and review of other case	2.00	590.00	DNT
Sep-29-08	Case prep and more research on needless issues raised by Megna	2.00	590.00	DNT
Sep-30-08	Revision of document	2.00	150.00	ADH
Oct-02-08	Preparation for Argument and Court	3.50	1,032.50	DNT
Oct-06-08	Revision of proposed Order in light of various alternative arguments raised by Megna	1.50	442.50	DNT
Oct-09-08	Preparation of Brief	1.00	295.00	DNT
Feb-09-09	Working on major tax issues regarding Appeal and delays caused by Megna	2.75	811.25	DNT
	Telephone conference with Tom Earle	0.20	59.00	DNT
	Preparation of letter	0.10	29.50	DNT
	Preparation of letter to Richland County Tax Assessor and follow up	0.50	37.50	ADH
Apr-03-09	Travel to Court re: Order	1.00	295.00	DNT
Apr-06-09	Telephone conference and follow up with client; filings, mailings, etc and purchase info regarding appeal	4.50	1,327.50	DNT

Apr-07-09	Various emails and follow up	2.30	678.50	DNT
	Telephone calls to Harpootlian regarding remand of Appeal (x6)	0.30	88.50	DNT
	Follow up with David Byrd and emails re: purchase and problems from Appeal	1.70	501.50	DNT
Apr-08-09	Misc. work re: real estate; delays in Appeal and issues created	2.50	737.50	DNT
Apr-09-09	Telephone conference with Harpootlian and follow up letter	0.25	73.75	DNT
Apr-13-09	Telephone conference with David Byrd, telephone conference with Streater, revision of settlement letter and review of file regarding damages from delay on Appeal	4.00	1,180.00	DNT
Apr-14-09	Working on same issues. Delays by Megna are causing serious damages to client and he may lose property.	4.00	1,180.00	DNT
Apr-15-09	Working on appeal issues and letters re: ethics issue	3.75	1,106.25	DNT
Apr-16-09	Working on letter, etc., conference with D. Ballard, etc.	3.50	1,032.50	DNT
Apr-17-09	Review and revision of letter	0.50	147.50	DNT
Apr-18-09	Review of incoming correspondence (x2) re: Appeal and Bankruptcy	0.50	147.50	DNT
	Research of "stay" law	2.50	737.50	DNT
	Preparation of letter	0.20	59.00	DNT
Apr-20-09	Research on Bankruptcy, stay regarding Appeal; conference with Emmits and Licati and preparation of letter	3.00	885.00	DNT
Apr-21-09	Research re: stay and effect	0.50	147.50	DNT
Apr-22-09	Working on Bankruptcy regarding Appeal and telephone conference with Earle, telephone conference with Byrd regarding Appeal delays	3.25	958.75	DNT

Apr-23-09	Review of file re: bankruptcy and Appeal; send to Licata	0.25	73.75	DNT
	Office conference with staff regarding problems with Megna and delay	0.25	73.75	DNT
	Preparation of letter	0.30	88.50	DNT
Apr-24-09	Review of Appeal file and follow up; telephone conference with Court of Appeals; preparation of letter	2.50	737.50	DNT
Apr-28-09	Research re: tax and discharge in bankruptcy regarding Appeal	2.00	590.00	DNT
Apr-30-09	Misc work; conferences with Licata, review of Court letter, research of law re: appeal	2.75	811.25	DNT
May-05-09	Working on ethics issue and bankruptcy problems/Appeal; telephone conference with Steve Licata and client	3.50	1,032.50	DNT
May-06-09	Conference with Andy S. and S. Licata and follow up; preparation of emails on effect of bankruptcy on Appeal	4.00	1,180.00	DNT
May-11-09	Office conference with Byrd re: tenant, taxes and Appeal.	0.75	221.25	DNT
	Telephone conference with Earle	0.20	59.00	DNT
May-18-09	Telephone conference with Court of Appeals and preparation of Brief and research on Hobbs Affidavit	4.00	1,180.00	DNT
May-19-09	Drafting of proposed return and follow up	2.00	590.00	DNT
May-20-09	Revise Brief	1.50	442.50	DNT
May-26-09	Review of incoming correspondence and follow up, working on Brief and telephone conference with Ballard and Licata	4.00	1,180.00	DNT
	Preparation of Return to Memorandum	1.50	112.50	ADH
May-27-09	Research on Bankruptcy and Appeal	1.50	442.50	DNT
	Telephone conference with Licata	0.25	73.75	DNT

	Revision of Brief (x3)	1.00	295.00	DNT
	Preparation of letters copying documents to Ballard and Licata, Return to Appellants Memo, cover letter and certificate of service	2.50	187.50	ADH
May-28-09	Preparation of letter and follow up	0.50	37.50	ADH
May-29-09	Various work as result of Megna's emails, etc.	2.50	737.50	DNT
Jun-01-09	Various work re: Megna email and letters; and emailing Desa and Steve	2.00	590.00	DNT
Jun-08-09	Review of file re: Appeal and Bankruptcy and follow up	0.25	73.75	DNT
Jun-18-09	Review of incoming correspondence	0.25	73.75	DNT
	Telephone conference with Court	0.25	73.75	DNT
	Telephone conference with Licata	0.25	73.75	DNT
Jul-14-09	Telephone conference with Licata	0.10	29.50	DNT
	Review of incoming correspondence from Megna and response with Licata and follow up	0.50	147.50	DNT
Aug-11-09	Telephone conference with bankruptcy attorney Licata re: offer and status of bankruptcy and Appeal	0.50	147.50	DNT
Aug-12-09	Review of incoming coorespondence re: bankruptcy, settlement, offer, response and effect on Appeal	0.25	73.75	DNT
Sep-17-09	Bankruptcy Court and follow up with Licata and review of emails	1.75	516.25	DNT
Sep-18-09	Review files and telephone conference with Licata regarding Bankruptcy suit - not served; impact on Appeal	1.50	442.50	DNT
Jan-03-10	Emailing of ethics question	0.40	0.00	NDT
Jan-04-10	Telephone conference with client (x2) and emailing attorney	1.00	295.00	DNT
	Research of ethics issue	0.50	147.50	DNT

	Telephone call from client	0.10	20.00	NDT
	Review of file re:ethics answer/duty to report per Appeal and Order	0.50	100.00	NDT
Jan-14-10	Misc re: Court of Appeals research, etc.	0.50	147.50	DNT
	Editing Brief/report	1.00	200.00	NDT
Jan-15-10	Revision of letter and follow up	1.50	442.50	DNT
Jan-16-10	Preparation of letter and follow up re: possible settlement of issues - effect on Appeal and bankruptcy	3.00	885.00	DNT
	Letter to Court of Appeals; drafting of Order; review of letter from Bankruptcy Court	0.60	120.00	NDT
Jan-17-10	Research on all bankruptcy issues and effect on Appeal	4.00	1,180.00	DNT
	Phone conference with Licata and 3 emails	0.50	147.50	DNT
Jan-18-10	Revision of letter to Court of Appeals and review of Appeal file and consult with Neal D. Truslow	2.00	590.00	DNT
	Draft of letter to Court of Appeals and review of file	1.30	260.00	NDT
Jan-19-10	Telephone conference with Earle	0.25	73.75	DNT
	Telephone conference with Dowling	0.25	73.75	DNT
	Telephone conference with Jones re: "stay"	0.25	73.75	DNT
Jan-20-10	Review of incoming correspondence	0.10	20.00	NDT
	Review of Court Rule 269 and email	0.10	20.00	NDT
Jan-25-10	Preparation of letter to Court	0.25	18.75	ADH
Feb-10-10	Appeal issues as it relates to Bankruptcy and telephone calls with Licata and follow up	5.00	1,475.00	DNT
	Preparation of letter, fax and copies to Court of Appeals; follow up	2.00	150.00	ADH

Feb-12-10	Various emails (3) with client re: succession plan in context of Appeals and delay	0.50	147.50	DNT
Feb-15-10	Responding to Megna's emails; research re: stay; Licata re: bankruptcy and two letters; new ethics issues	2.75	811.25	DNT
Feb-18-10	Note to Appeal file after telephone conference with Steve Licata last evening	0.30	88.50	DNT
Feb-19-10	Review of incoming correspondence	0.10	29.50	DNT
	Review of file	0.20	59.00	DNT
	Telephone conference with S. Licata to confirm	0.25	73.75	DNT
	Preparation of letter to Court of Appeals	0.75	221.25	DNT
Feb-24-10	Drafting of letter to Court of Appeals; review of Court of Appeals Order of 2/19/10	1.50	300.00	NDT
	Review of file; drafting & editing letter	0.40	80.00	NDT
Feb-25-10	Various work on Appeal issue and responses to Megna emails	2.00	590.00	DNT
	Preparation of Motion for Reconsideration	1.00	75.00	ADH
Feb-28-10	Legal research re: interlocutory appeals; telephone call to Ashley Stratton; review and follow up	1.60	320.00	NDT
Mar-01-10	Revision of Motions to Court of Appeals; telephone conference with Desa Ballard	1.50	442.50	DNT
	Preparation of second motion and follow up	1.50	442.50	DNT
	Revisions to Motion for Reconsideration and delivery to Court of Appeals	2.00	150.00	ADH
Mar-02-10	Preparation and revisions to Motion to Dismiss	1.00	75.00	ADH
Mar-05-10	Additional changes to Motion to Dismiss	1.50	112.50	ADH
Mar-07-10	Review of incoming correspondence from Court of Appeals and follow up	0.25	73.75	DNT

	Working on Appeal	3.00	885.00	DNT
Mar-08-10	Various emails; telephone conference with Steve Licata (x2)	0.50	147.50	DNT
	Working on Appeal and Statement of Facts	7.50	2,212.50	DNT
Mar-09-10	Review of emails (x3)	0.25	73.75	DNT
	Telephone conference with Steve Licata re: case, award, federal court, law	0.50	147.50	DNT
	Revision of Appeal Statement	3.00	885.00	DNT
	Working on Appeal and Statement of Facts	4.00	1,180.00	DNT
Mar-10-10	Working on Appeal (trying to frame issues with supporting facts)	4.50	1,327.50	DNT
Mar-13-10	Working on Appeal and Facts of Case	4.50	1,327.50	DNT
Mar-14-10	Working on Appeal and Facts of Case	4.50	1,327.50	DNT
Mar-15-10	Working on Appeal and Facts of Case. Made more difficult by Megna obstreperous actions.	6.00	1,770.00	DNT
Mar-17-10	Preparation of corrections/revisions of Initial Brief	4.00	300.00	ADH
Mar-22-10	Editing of initial brief	3.60	720.00	NDT
Mar-26-10	Running total of time from 3/18-3/26 - working on Appeal and deadlines	21.00	6,195.00	DNT
Mar-27-10	3/27/10 - 4/02/10 - Finishing work on initial Appeal and extensive time on transcript materials	15.00	4,425.00	DNT
Mar-29-10	Editing of Brief	2.00	400.00	NDT
Mar-30-10	Editing of Brief	2.50	500.00	NDT
Apr-01-10	Editing of Brief	2.30	460.00	NDT
Apr-03-10	Work on Final Brief; letter; and Designation Of Matter To Be Included On The Record On Appeal - problems created by Megna	2.00	590.00	DNT

Apr-05-10	Hand-delivery of Briefs, et. al	1.00	200.00	NDT
Apr-06-10	Various emails and review of file regarding Megna's continuing misconduct	3.75	1,106.25	DNT
Apr-07-10	Telephone conference with Licata; emails; telephone conference with Earle	2.50	737.50	DNT
	Checking on Megna's fax with Court of Appeals and follow up	0.25	73.75	DNT
Apr-08-10	Detailed review of Arbitration transcript; research record on Appeal and emails with client; meeting with Derrick re: sale regarding Appeal	4.50	1,327.50	DNT
Apr-10-10	Working on Appellant issues and getting record research	2.00	590.00	DNT
Apr-14-10	Misc work on Appeal issue and follow up on Bankruptcy and Appeal; Megna delay issues	2.00	590.00	DNT
May-13-10	Review of incoming correspondence; review of file; telephone conference re: Anderson Order and follow up re: Appeal	1.00	295.00	DNT
Jun-14-10	Review of various emails, etc from last two weeks regarding Megna and uncivil actions	2.50	737.50	DNT
Jun-16-10	Preparation and revision of letter to Megna	0.25	18.75	ADH
Jun-23-10	Emails from Megna (x10)	0.50	100.00	NDT
	Response to emails (x6)	0.60	120.00	NDT
	Follow up on demands from opposing counsel	0.30	60.00	NDT
Jun-25-10	Working on Motion, letter, etc. Follow up on Megna's demands.	2.50	737.50	DNT
	Various emails, consideration of response(s) re: appeal. insults, etc (ultimately did not respond)	2.50	737.50	DNT
Jun-28-10	Preparation of Memorandum in Support	2.00	150.00	ADH
Jun-29-10	Working on Motion caused by Megna's failure to follow rules	4.00	1,180.00	DNT

Jun-30-10	Review of email	0.20	59.00	DNT
	Working on revisions to Brief	2.00	590.00	DNT
	Preparation of Motion to Dismiss and Memorandum in Support	4.00	300.00	ADH
Jul-01-10	Review of memos and Appeal by Megna and follow up (based on his false claims).	2.00	590.00	DNT
	Revision and completion of Motion and memo in light of Appeal of Judge Anderson's Order to the 4th Circuit	1.75	516.25	DNT
Jul-05-10	Appeal issue	2.50	737.50	DNT
Jul-06-10	Appeal and misc issues; various communications with client and Byrd. Delays by Megna.	4.00	1,180.00	DNT
Jul-07-10	Review of incoming correspondence from Court and follow up	0.10	29.50	DNT
	Follow up revisitions of Response to Motion to Extend	0.50	147.50	DNT
Jul-08-10	Preparation of Return and Reply to Megna's delay tactics	1.00	295.00	DNT
Jul-09-10	Various emails, Motions, etc.	3.50	1,032.50	DNT
Jul-12-10	Working on various Motions and problems created by Megna. Preparations of additional correction and revisions to Return and Reply.	2.00	590.00	DNT
Jul-13-10	Preparation of additional corrections and revisions to Return and Reply	1.00	295.00	DNT
Jul-14-10	Preparation of additional corrections and revisions to Return and Reply	5.00	1,475.00	DNT
Jul-15-10	Working on Appeal Motions. Preparation of additional corrections and revisions to Return and Reply; preparation of Exhibits, copies, highlighting and mailing.	6.00	1,770.00	DNT
Jul-16-10	Working on Appeal Motions. Preparation of additional corrections and revisions to Return and Reply; preparation of Exhibits, copies, highlighting and mailing.	6.00	1,770.00	DNT

Jul-21-10	Review of incoming correspondence from Megna and forward and responses	1.00	295.00	DNT
Jul-22-10	Responses to emails and insults from Megna and his claims of unethical conduct	2.00	590.00	DNT
Jul-23-10	Misc work re: letter, etc.	2.00	590.00	DNT
Jul-28-10	Various responses to Megna's recent filings	2.00	590.00	DNT
Aug-05-10	Review of incoming correspondence and research of response. Preparation of letter to Court of Appeals re: Megna's letter.	1.20	354.00	DNT
Aug-18-10	Review of incoming correspondence	0.10	29.50	DNT
	Telephone conference with Ballard (x2)	0.20	59.00	DNT
	Research on whether to respond	0.25	73.75	DNT
Aug-26-10	Review of Court Order	0.10	29.50	DNT
Aug-30-10	Preparation and revision of letter	0.50	147.50	DNT
	Preparation of letter to Megna and follow up	1.00	75.00	ADH
Aug-31-10	Revision and put on yet another schedule caused by Megna	1.00	295.00	DNT
Sep-01-10	Working on Appeal and new issues raised by Megna	4.00	1,180.00	DNT
Sep-02-10	Working on Appeal and telephone conference with Licata	2.50	737.50	DNT
Sep-08-10	Telephone conference with Licata and follow up regarding effect of Appeal on Bankruptcy	0.25	73.75	DNT
	Preparation of letter, etc.	0.50	147.50	DNT
Sep-16-10	Misc work on Appeal	0.50	147.50	DNT
Sep-17-10	Preparation of letter	0.20	59.00	DNT
Sep-20-10	Preparation of letter re: appeal and follow up	0.50	147.50	DNT

	Preparation of letter and fax coversheet. Follow up.	0.40	30.00	ADH
Sep-25-10	Dealing with Megna's filings and Memo and research	4.50	1,327.50	DNT
Sep-28-10	Response to Motions under time table	6.00	1,770.00	DNT
Sep-29-10	Response to Motions and discussions with D. Ballard regarding more Appeal issues caused by Megna	6.00	1,770.00	DNT
Sep-30-10	Review/edit Reply to Megna's 9/23/10 Motion(s)	1.50	300.00	NDT
Oct-01-10	Review/edit Reply to Megna's 9/23/10 Motion(s)	2.10	420.00	NDT
Oct-04-10	Misc work re: Megna emails and filings	1.00	295.00	DNT
Oct-07-10	Responding to Megna issue	2.00	590.00	DNT
	Preparation of corrections to letter and follow up	0.50	37.50	ADH
Oct-08-10	Telephone call to Court and preparation of letter	0.30	88.50	DNT
Oct-11-10	Preparation of letter to Megna and follow up regarding time tables and Appeal issues	0.50	37.50	ADH
Dec-07-10	Preparation of letter to Tom Earle and Court of Appeals. Follow up.	0.50	37.50	ADH
	Preparation of letter to Court of Appeals	0.50	37.50	ADH
Dec-13-10	Preparation of letter to Megna	0.20	15.00	ADH
Dec-15-10	Pulling documents for DNT & Megna to complete Appeal	2.00	150.00	ADH
Dec-16-10	Preparation of letter to Megna	0.75	56.25	ADH
Dec-17-10	Preparation of corrections to letter	0.50	37.50	ADH
Dec-21-10	Preparation of Return to Motion of Appellant	3.00	225.00	ADH
	Preparation of corrections to letter	0.10	7.50	ADH

Dec-22-10	Preparations of corrections to letters, preparation of proof of service and mailings	3.00	225.00	ADH
Jan-03-11	Preparation of letter	0.10	7.50	ADH
Jan-11-11	Preparation of letter to Court	0.10	7.50	ADH
Jan-13-11	Travel to SC Court of Appeals to file document	0.50	37.50	ADH
	Preparation of letters; copies of pleadings	0.25	18.75	ADH
Jan-18-11	Preparation of letter & corrections	0.20	15.00	ADH
	Travel to SC Court of Appeals to file	0.50	37.50	ADH
	Preparation of letters and mailing out copies of filed documents	0.25	18.75	ADH
Jan-19-11	12/15/10-1/19/11: Summary of work--final brief; record on Appeal; research; bond; letters; telephone conference with Steve Licata & Desa Ballard; drafting and redrafing of Response to Motion; stay research, etc.	32.10	9,469.50	DNT
Jan-24-11	Preparation of letter to Megna & certified mail	0.10	7.50	ADH
Jan-26-11	Preparation of 2 letters and 2 coversheets. Follow up.	0.50	37.50	ADH
Feb-04-11	Various work and conferences with J. James and R. Jossey and follow up regarding comparison cases and ethics issues	4.00	1,180.00	DNT
Feb-07-11	Telephone conference with Desa and follow up re: Appeal, et. al.	1.50	442.50	DNT
Feb-16-11	Preparation of letter to Megna	0.25	18.75	ADH
Feb-20-11	Working on Appeal under deadlines	4.50	1,327.50	DNT
Feb-21-11	Working on Appeal	2.50	737.50	DNT
Feb-22-11	Working on Final Brief	5.00	1,475.00	DNT

Feb-23-11	Research re: untimely & review of what Appellant sent and follow up	5.00	1,475.00	DNT
Feb-24-11	Working on Appeal and new issues created by Megna	3.00	885.00	DNT
Feb-25-11	Revision of letter; conference with Licata, Ballard; preparation of letters & Affidavit	3.00	885.00	DNT
Mar-01-11	Review and responding and research re: Megna's 3/1/11 letter	3.75	1,106.25	DNT
Mar-02-11	Further follow up to Megna's letter, DB, Licata, research etc. and especially ethics issues	4.50	1,327.50	DNT
Mar-03-11	Review all that Appellant sent; D. Ballard; COA (Eliz.) re: due date and certificate; drafting docs and letters	5.25	1,548.75	DNT
Mar-04-11	Working on Motion issues	6.00	1,770.00	DNT
	Preparation of corrections to Motion to Dismiss	0.75	56.25	ADH
Mar-06-11	Working on Motion	1.50	442.50	DNT
Mar-07-11	Revision of Motion and research	2.00	590.00	DNT
	Telephone conference with J.J. and follow up	0.50	147.50	DNT
	Preparation of corrections to Motion to Dismiss and follow up	0.75	56.25	ADH
Mar-08-11	Revise motion regarding Megna's non-compliance with Rules	1.00	295.00	DNT
Mar-14-11	Review of Brief and research of multiple issues created by Megna	6.50	1,917.50	DNT
	Telephone conference with J.J.	0.30	88.50	DNT
	Correspondence to Megna	0.10	7.50	ADH
Mar-15-11	Prepare letter; conference with J.J.; research issues (multiple) and follow up	2.00	590.00	DNT
	Correspondence to Ms. Gee	0.10	7.50	ADH

Mar-16-11	Preparation of appeal matters, motions, letters. Research on case issues.	1.50	442.50	DNT
Mar-17-11	Working on Appeal	8.00	2,360.00	DNT
Mar-21-11	Working on appeal. Travel to court to review documents. Prepare affidavit.	2.75	811.25	DNT
Mar-22-11	Revise affidavit. Send e-mails related to case. Follow up.	1.50	442.50	DNT
Mar-23-11	Check status of Dowling's case with Megna as it imports on this case. Follow up.	0.50	147.50	DNT
Mar-25-11	Research on cases cited in Atty. Megna's 3/22/11 pleadings	3.00	885.00	DNT
Mar-28-11	Telephone call with J.J. and follow up	0.25	73.75	DNT
	Review of letters, memos and materials from Atty. Megna	0.75	221.25	DNT
	Correspondence to court	0.10	7.50	ADH
Mar-30-11	Various work on reviewing file; follow up with client	1.50	442.50	DNT
	Preparation of letter and mailing to Megna	0.20	15.00	ADH
Mar-31-11	Review of incoming correspondence from Atty. Megna and follow up	0.75	221.25	DNT
Apr-01-11	Telephone call with CJ regarding status of other cases where Megna claims other attorneys are unethical	0.50	147.50	DNT
	Review of incoming correspondence from Atty. Megna	0.10	29.50	DNT
Apr-04-11	Preparation of Appeal. T/C (x2) with client.	3.00	885.00	DNT
Apr-05-11	Telephone call with James re appeal, status of case and follow up	0.75	221.25	DNT
Apr-06-11	Follow up regarding client's extended complaint regarding appeal (Megna) and how much Megna and Matthews are needlessly wasting time.	1.00	295.00	DNT

Apr-11-11	Review of incoming correspondence and follow up	0.25	73.75	DNT
May-01-11	Receipt of Order and follow up.	0.50	147.50	DNT
	Totals	682.80	$181,562.00	

DISBURSEMENTS

	Filing Fee	310.20
	Miscellaneous	183.40
	Photocopies	1,840.29
	Postage	483.95
Apr-10-07	Service of Process (Lee)	45.00
Jul-12-07	Copies of documents - Deposition transcripts & Court reporter fee	542.00
Aug-21-07	Copies of documents - Deposition transcripts & Court reporter fee	209.00
Aug-30-07	Motion Fee	25.00
Oct-25-07	Transcript of Record (9/19 hearing)	77.25
Dec-19-07	Expert Examination	990.00
Jan-22-08	Motion Fee (Appeal)	25.00
Feb-18-08	Expert Examination	540.00
Feb-29-08	Filing Fee - Application for Ejectment	40.00
Apr-23-08	Copies of documents - Clerk of Court	0.80
May-13-08	Expert Examination	90.00
Jun-23-08	Expert Examination	60.00
Mar-01-10	Filing Fee - Motion fee	25.00
Mar-31-10	Filing Fee - Motion fee	25.00
Jul-29-10	Expert Examination	9.12
Oct-11-10	Expert Examination	51.29
Dec-13-10	Appellant Brief preparation	577.20
Mar-07-11	Expert Examination	360.00
Mar-21-11	Copies of documents	127.31
	Totals	$6,636.81

Total Fee & Disbursements **$188,198.81**

Balance Now Due **$188,198.81**

TAX ID Number 57-0859340

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT C (1)

BENJAMIN R. MATTHEWS
ATTORNEY-AT-LAW
3400 WEST AVENUE
COLUMBIA, SOUTH CAROLINA 29203
803-799-1700

May 19, 2008

Honorable L. Casey Manning
Chief Administrative Judge
P. O. Box 192
Columbia, SC 29202

RE: 2007CP4000576
James A. Anasti vs. Lance Wilson, et al

Dear Judge Manning,

I have been added as co-counsel for the Defendant Gina Lee in the above matter, and have received notice of the motion hearings scheduled before Judge Culbertson on May 27, 2008. It appears that all of the motions in this matter are stayed pending the appeal of your Order of April 3, 2008 except for the 59(e) motion which would not be before Judge Culbertson.

The 59(e) motion in this matter concerns whether or not notice of the March 28, 2008 hearing was provided to counsel for the Defendant Gina Lee. Mr. Tony Megna was sole counsel for the Defendant Lee at that time. Plaintiff's counsel seems to maintain that service via fax machine is proper which is contrary to the South Carolina Rules of Civil Procedure 5. There is some disagreement about which fax number was used but that is irrelevant. I have, therefore, enclosed for your consideration a proposed order granting the motion for a new hearing in this matter.

With kind regards, I am

Sincerely,

Benjamin R. Matthews

cc: Douglas N. Truslow, Esquire

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Wednesday, January 19, 2011 11:56 AM
To: Douglas N. Truslow
Subject: Lee v Anasti - Record on Appeal

Douglas:

In regard to your most recent letter to the Court of Appeals, I am more than happy to file a Record on Appeal when you fully comply with the orders of the court and the law. To date, for your own reasons, you have consistently and willfully failed to do so. If you decide you should comply with the orders and rules of the court as you are required to do as an officer of the Court, please let me know. Also, I have sent you the copies of the January and May, 2008 un-appealed orders of the trial court that were provided to the Court of Appeals. As you know, they evidence the fact that all motions and matters [other than the order of Judge Kinard] were stayed in the trial court as of 1.8.08 - prior to the Court of Appeals remanding the matter to Judge Manning in the first instance. As all matters were stayed, the documents in regard to such matters could not have been before Judge Manning in April or October, 2008 as a matter of law. You know this but have again for your own reasons, deliberately and willfully ignored the orders of the Court. Let me know if you need additional copies of the January and May orders of the Court, and I will provide them to you. In the meantime, however, I encourage you again to please review your actions and to abide by the rules and orders of the Court. I am more than willing to complete the the Record on Appeal in compliance with the orders of the Court. It is you who is continuing to delay matters. And, again, I very respectfully request you reconsider so that the appeals can be concluded.

Thanks, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

This message is intended for the use of the person or entity to which it is addressed and may contain information, including legal and/or health information, that is privileged, confidential, and the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED. If you have received this in error, please notify us immediately and destroy the related message. Thank you.

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.5.449 / Virus Database: 271.1.1/3377 - Release Date: 01/18/11 07:34:00

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT C (2)a

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
L. Casey Manning, Circuit Court Judge
J. Ernest Kinard, Jr., Circuit Court Judge

UNPUBLISHED OPINION NO. 2011-UP-187
CIVIL ACTION NO: 2007-CP-40-0576

James A. Anasti,

Respondent,

Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court,

v.

Defendants,

Of Whom Gina L. Anasti Lee is the

Petitioner.

PETITIONER'S REPLY TO RESPONDENT ANASTI'S MOTION TO EXPEDITE

I

The Petitioner respectfully submits this Court should deny the Respondent Anasti's Motion to Expedite, and rule upon the Petition for Writ of Certiorari in the ordinary course of the Court's business as it deems fit and proper.

The true motives behind Mr. Anasti's motion to expedite are that his counsel and others are engaged in inappropriate behavior that is the subject of pending subpoenas and motions for enforcement of the subpoenas in another action pending before the Darlington County Court of Common Pleas. The undersigned would be pleased to share those documents with the Court if it

so desires. Petitioner has not included the documents with this response as it does not seem appropriate without the Court's request. Although counsel for Mr. Anasti is not directly involved in those matters, he has seen fit to interject himself into those proceedings, and to respond to issues in that action by letter received by me on Monday, August 8. 2011. The Petitioner has not been previously advised of any tax or other pressing issues, and thus cannot comment other than to note that Mr. Anasti's failure to contact the Petitioner about such matters prior to filing the motion to expedite before this Court speaks volumes.

II

There is a corollary action [an appeal and a motion to stay the order of the federal trial court] concerning this property pending in the Fourth Circuit Court of Appeals. The appeal and motion concern the disposition of issues that originated in the United States Bankruptcy Court for the District of South Carolina. A decision on the motion is anticipated at any time. Depending on the outcome of the motion and the appeal pending before the Fourth Circuit, the state-court proceedings may effect. Petitioner suggests this is further reason to allow the matters before this Court to proceed in the ordinary and usual course of the Court's business.

CONCLUSION

Petitioner requests the Motion to Expedite filed by Mr. Anasti be denied.

Respectfully submitted,

Tony R. Megna
3400 West Avenue
Columbia, South Carolina 29203
803.254.3678
Attorney for Petitioner

August 10, 2011.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
L. Casey Manning, Circuit Court Judge
J. Ernest Kinard, Jr., Circuit Court Judge

UNPUBLISHED OPINION NO. 2011-UP-187
CIVIL ACTION NO: 2007-CP-40-0576

James A. Anasti,

Respondent,

Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court,

v.

Defendants,

Of Whom Gina L. Anasti Lee is the

Petitioner.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the **10th** day of **August, 2011**, a copy of the Petitioner's Response to Respondent Anasti's Motion to Expedite was deposited in the United States Mail, with first class postage annexed thereto, and served upon the following:

Douglas Truslow, Esquire
PO Box 1465
Columbia, SC 29201

The Honorable Daniel E. Shearouse
Clerk, SC Supreme Court
PO Box 11330
Columbia, SC 29211

Harriet L. Hobbs

August 4, 2011

Tony Megna, Esquire
3400 West Ave.
Columbia, SC 29203

RE: James Anasti v. Gina L. Lee, et al.

Dear Mr. Megna:

It has come to my attention that you are attempting to subpoena materials from others relative to communications with or from me that, to the extent they ever existed, would be confidential, work product, mental impressions and/or privileged. Please let this letter serve as an objection.

If you can explain the precise nature of what you want, why it is relevant, not privileged and show how you are not simply on a "fishing expedition." I may reconsider the objection, but until then, it stands. Finally, I would like to note that at this point, you have not served me with any subpoena, nor have you attempted to put me on notice that you were serving subpoenas on others.

Sincerely,

Douglas N. Truslow
DNT/mcw

cc: Desa Ballard
Jay James
Rene Josey
Steve Licata
Curtis Dowling

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT C (2)b

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF SOUTH CAROLINA

IN RE: Gina Anasti Lee, Debtor(s).	C/A No. 09-02854-JW Chapter 13 **ORDER DENYING MOTION TO STAY ORDERS PENDING APPEAL**

This matter comes before the Court upon Debtor's Motion to Stay Orders Pending Appeal ("Motion") pursuant to Fed. R. Bankr. P. 8005. On November 9, 2009, the Court entered an order granting James Anasti's ("Anasti") Amended Motion Seeking 11 U.S.C. § 362(d) Relief pursuant to § 362(d)(1) so that the state court could finalize its determination of Debtor's claims under state law to the real property identified as 2325 Two Notch Road, Columbia, SC 29202 (the "Property"). Thereafter, on December 21, 2009, the Court granted in part and denied in part Debtor's Motion to Alter or Amend Judgment and entered an Amended Order Granting 11 U.S.C. § 362(d) Relief to Anasti based on § 362(d)(1).

In her Motion, Debtor asserts that the Court should stay the granting of relief because the Court failed to recognize her standing as a debtor-in-possession to pursue actions pursuant to 11 U.S.C. § 544. Debtor claims the state trial court order was not a final order and thus, is not enforceable.[1]

To determine whether to issue a stay pending appeal under Rule 8005, the Court must examine the following four factors: (1) that Debtor, as the moving party, will likely prevail on the merits of the appeal; (2) that the Debtor will suffer irreparable injury if the stay is denied, (3) that other parties will not be substantially harmed by the stay, and (4) that the public interest will be served by granting the stay. In re Tubular Techs., LLC, C/A No. 06-00228-JW, slip op. (Bankr.

[1] Debtor also notes that should the Court stay its previous orders and allow the Adversary Proceeding to move forward, she would seek to amend her complaint to add a cause of action for equitable subordination.

D.S.C. Jul. 18, 2006) (citations omitted). The party seeking a stay pending appeal bears the burden of showing each factor, and the failure to satisfy any one of the factors precludes the establishment of a stay. Id.

In a prior state court proceeding, Anasti was determined to be the title holder of the Property based on a deed recorded in 1978. Despite admitting that she conveyed any prior interest she would have claimed in the Property to third parties in 2000, Debtor asserted an interest under certain state law claims, including adverse possession, laches, and estoppel. After a full contested proceeding in which Debtor was represented, the state court confirmed the title to the Property in Anasti. The state court order did not transfer title from Debtor, but rather, it merely declared that Debtor never obtained title. Debtor appealed that ruling.

It is apparent that one of the primary reasons Debtor filed for bankruptcy relief was to escape the consequence of the state court order and any determination that the order was final due to the untimely appeal filed by Debtor or her counsel. Debtor initially filed a Chapter 7 case, but soon after the Chapter 7 trustee declared the case to contain no assets and decided not to pursue any interest Debtor claimed in the Property, Debtor voluntarily converted the case to Chapter 13. In her Chapter 13 case, Debtor proposes to sell the Property upon this Court's determination of her interest under the same state law theories presented in the state court proceeding. While Debtor makes much of her standing and desire to pursue her claimed interest for the benefit of her creditors, the Court notes that the Chapter 13 Trustee, who would normally embrace or require pursuit of an action to benefit creditors, has not objected to Anasti having relief from the stay.

As previously indicated, the state court order did not transfer the Property from Debtor, it merely recognized Anasti's prior interest. Even if the Court ignored the state court order, before the Property could be sold, the Court would have to determine Debtor's claim to the Property under the same state law theories which were fully litigated in state court. Debtor insists the state court order

should be ignored because it is not final. However, although Debtor is the party who filed the appeal in state court, when faced with issues of the timeliness of her appeal and possible issues of attorney error, she filed bankruptcy to prohibit a final ruling.

For all the reasons stated previously, including judicial economy, this Court believes it is best for the state court to finalize the appeal. If the appellate court affirms the trial court or determines the state court order is otherwise final, then Debtor has no interest in the Property that can be administered in this Court. However, if by reversal or remand, the state appellate court finds Debtor has an interest in the Property, then pursuant to this Court's order, the automatic stay would apply to that interest and effectively return consideration of the Debtor's interest in the Property to this Court. In this way, neither Debtor nor creditors are prejudiced by relief from stay.

In her Motion, Debtor does not set forth grounds to satisfy each of the factors listed above; rather, she reasserts her arguments for why relief from the automatic stay should not be granted to Anasti. Regardless, an evaluation of the factors supports the denial of the Motion. Anasti continues to be substantially harmed by delay in this proceeding and would be further harmed by a stay pending appeal; in contrast, Debtor's interest in the Property remains protected if she has any interest under South Carolina law. Debtor is unlikely to prevail on appeal, and public interest is not served by Debtor's motion in this case. Furthermore, the Court has conducted two hearings in this matter and the related Adversary Proceeding (No. 09-80133) pertaining to the same issues raised in this Motion, and has evaluated Debtor's arguments in its Orders entered on November 9, 2009, and December 21, 2009. As the Court indicated in its earlier orders, the issues concerning Debtor's claim to the Property have been comprehensively reviewed in state court, the state court order has been appealed, and a resolution in the pending state appellate proceedings would provide this Court with a final determination of state law regarding Debtor's claim to the Property. Accordingly, the Court finds that further delay and argument from the parties is unnecessary and denies the Motion.

AND IT IS SO ORDERED.

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT C (3)

Law Offices of
Seigler, Earle & Ellsworth
Suite 103
1735 St. Julian Place
Columbia, S. C. 29204

Thomas G. Earle
Carl A. Ellsworth

(803) 254-2791
(803) 254-7755 – Fax

Harold C. Seigler (1911-1981)
Ray M. Seigler (1922- 1989)

March 5, 2012

Certified Mail Return Receipt and Regular US Mail
Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203

RE: James A. Anasti vs. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee and Richland County Clerk of Court
2007CP40-0576

Dear Tony:

After you and I talked about Tom's condition and inability to serve as attorney for Lance Wilson and Willis Goodwin in any case and any capacity, I received in the mail addressed to Tom on February 29, 2012, Defendant Lee's First Set of Interrogatories and Request for Production of Documents, dated February 28, 2012.

I appreciate your comments that you were willing to cooperate and be supportive of what we needed to do. As you are aware of the correspondence that you should received in the next few days, I have presented an Order to Judge Barber for Tom Earle and Seigler, Earle & Ellsworth to be relieved as counsel and for continuance. As you will note by the copy of the blank Order that I sent to you as a courtesy, it should be signed any day which I will then serve upon you but it requires Mr. Wilson and Mr. Goodwin to employ new counsel within thirty days of the date of the Order and the damages hearing be postponed for up to ninety days.

In view of this, please be advised that we are no longer the attorneys of record in this case. You will need to serve the new attorney and, meanwhile, I enclose the addresses of Lance Wilson and Willis Goodwin and will forward this to them for them to deliver to their new attorney to respond. I do not believe that Thomas G. Earle, Seigler, Earle & Ellsworth or Carl A. Ellsworth are obligated to respond to your discovery documents. I would appreciate your acknowledging that and enclose an extra copy of the letter for that purpose for you to sign, date and return to me in the self-addressed stamped envelope as soon as possible confirming it. Please call me if you have any comments or questions.

Very truly yours,

Seigler, Earle & Ellsworth

By Carl Ellsworth

TGE/rle
Enclosures

I understand and agree to withdraw any discovery obligation against Thomas G. Earle, Carl A. Ellsworth and Seigler, Earle & Ellsworth:

_____
Tony R. Megna, Esquire
Attorney for Defendant Gina Lee

CC: Douglas N. Truslow, Esquire
Truslow & Truslow, Attorneys at Law
P.O. Box 1465
Columbia, SC 29202

Mr. Willis S. Goodwin
1000 Windsor Shores Drive
Columbia, S.C. 29222

Mr. Lance Wilson
149 Barney Lane
Columbia, S.C. 29223

3 (C)

Law Offices of
Seigler, Earle & Ellsworth
Suite 103
1735 St. Julian Place
Columbia, S. C. 29204

COPY

Thomas G. Earle
Carl A. Ellsworth

(803) 254-2791
(803) 254-7755 – Fax

Harold C. Seigler (1911-1981)
Ray M. Seigler (1922- 1989)

March 9, 2012

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203

RE: James A. Anasti vs. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee and Richland County Clerk of Court
2007CP40-0576

Dear Tony:

You probably have received my letter sent to you dated March 5, 2012, in behalf of Tom Earle. I did receive on Tom's computer an email you sent on March 8 where you indicate that you were just copying Tom for information. I presume that this does not apply to our former clients of Lance Wilson and Willis Goodwin but need for you to confirm that it does not in writing on the copy of the letter. I presume this meant the discovery information such that I would appreciate your signing and returning to us the March 5, 2012 letter on the back where it indicates "I understand and agree to withdraw any discovery obligation against Thomas G. Earle, Carl A. Ellsworth and Seigler, Earle & Ellsworth". I have given you two sections and if you will sign both of those and return this to us as soon as possible in the enclosed self-addressed stamped envelope.

Very truly yours,

Seigler, Earle & Ellsworth

By Carl A. Ellsworth

TGE/rle
Enclosures

I understand and agree to withdraw any discovery obligation against Thomas G. Earle, Carl A. Ellsworth and Seigler, Earle & Ellsworth:

_____
Tony R. Megna, Esquire
Attorney for Defendant Gina Lee

I understand and agree to withdraw any discovery obligation against Lance Wilson and Willis Goodwin.

Tony R. Megna, Esquire
Attorney for Defendant Gina Lee

CC: Douglas N. Truslow, Esquire
Truslow & Truslow, Attorneys at Law
P.O. Box 1465
Columbia, SC 29202

Mr. Willis S. Goodwin
1000 Windsor Shores Drive
Columbia, S.C. 29222

Mr. Lance Wilson
149 Barney Lane
Columbia, S.C. 29223

Arash.

FILE MEMO

Dated: 3.08.12

In reviewing the various emails from and between Tony Megna, Curtis Dowling and Judge Cooper...in one email February 28, 2012, Tony Megna has attached Interrogatories to Doug Truslow. Interestingly enough, he had also attached a Notice of Depositions for Amanda Hilley, Douglas N. Truslow and Steve Licata, with an attached Certificate of Service saying that it was served on Thomas G. Earle.

I open the mail and on February 29th, we received a letter from Tony Megna. It contained Defendant Lee's First Set of Interrogatories and Request for Production of Documents. It contained a Certificate of Service signed by Harriet L. Hobbs. There was nothing else in the envelope.

Nor have we received any mailing from Tony Megna in regard to the Notice of Depositions that he claims to have served on Thomas G. Earle by mail.

TGE/rle
Tom/RE/Wilson, Lance/Wilson, Lance FM 3.08.12

Law Offices of
Seigler, Earle & Ellsworth
Suite 103
1735 St. Julian Place
Columbia, S. C. 29204

Thomas G. Earle
Carl A. Ellsworth

(803) 254-2791
(803) 254-7755 – Fax

Harold C. Seigler (1911-1981)
Ray M. Seigler (1922- 1989)

COPY

March 9, 2012

Certified Mail Return Receipt and Regular Mail
Mr. Willis S. Goodwin
1000 Windsor Shores Drive
Columbia, S.C. 29222

Certified Mail Return Receipt and Regular Mail
Mr. Lance Wilson
149 Barney Lane
Columbia, S.C. 29223

RE: **Anasti v. Lee, et al**
2007CP40-576

Dear Mr. Goodwin and Mr. Wilson:

Enclosed herein please find copy of Defendant Lee's First Set of Interrogatories and Request for Production of Documents which we received in the mail on February 29, 2012. We are also enclosing copies of the Notice of Depositions which were emailed to Mr. Earle and Mr. Truslow but of which we never received a copy in the US Mail. Even though Mr. Earle has been relieved as counsel in this matter, we are sending this on to you so that you might take a copy to your new counsel.

Very truly yours,

Seigler, Earle & Ellsworth

By Carl A. Ellsworth
for Thomas G. Earle

CAE/rle
Enclosures

Cc: Douglas N. Truslow, Esquire
Truslow & Truslow
PO Box 1465
Columbia, SC 29202

STATE OF SOUTH CAROLINA)
) COURT OF COMMON PLEAS
COUNTY OF RICHLAND)

Case No. 2007CP40-0576

JAMES A. ANASTI,

Plaintiff,

VS.

LANCE WILSON, WILLIS GOODWIN, GINA L. ANASTI LEE AND RICHLAND, COUNTY CLERK OF COURT

Defendants.

RICHLAND COUNTY FILED 2012 MAR -1 AM 10: 36 JEANNETTE W. MCBRIDE C.C.P. & G.S.

ORDER TERMINATING EMPLOYMENT AND CONTINUANCE

This matter is before me on a Notice of Motion and Motion of Thomas G. Earle, Esquire, by Carl A. Ellsworth, Esquire of Seigler, Earle & Ellsworth, dated February 24, 2012 and duly filed in the Office of the Clerk of Court for Richland County, South Carolina on February 24, 2012. Included in the Motion was the Motion and Order Information Form And Coversheet. Personal service was effected upon Lance Wilson as shown by Affidavit of Service filed herein, dated February 28, 2012 as well as in accordance with Rule 11(b) South Carolina Rules of Civil Procedure and pursuant to Rules 4 and 5 of South Carolina Rules of Civil Procedure by regular mail and certified mail, restricted delivery to the addressees of Lance Wilson and Willis Goodwin along with service by mail upon Douglas N. Truslow, Esquire, in behalf of James A. Anasti and Tony R. Megna, Esquire, in behalf of Gina L. Anasti Lee. Technically, Mr. Megna is not involved nor is his client in this aspect of the case such that his concurrence will not be necessary.

SCANNED

through his counsel, Douglas N. Truslow, Esquire, in the above captioned case it is necessary that this case be continued and more time allowed for the defense to be prepared, and for good cause shown.

NOW, THEREFORE, IT IS ORDERED that the relief requested by Thomas G. Earle, Carl A. Ellsworth and Seigler, Earle & Ellsworth, attorneys at law, and as sought by Lance Wilson and Willis Goodwin be and hereby is granted.

IT IS FURTHER ORDERED that good cause has been shown and consent given by all interested parties approving the termination of employment of Thomas G. Earle, Carl A. Ellsworth and Seigler, Earle & Ellsworth by Lance Wilson and Willis Goodwin as it pertains to any and all legal matters they have past, present and future with the aforementioned attorneys which this Court hereby grants, and the Clerk of Court shall remove the name of Thomas G. Earle, Carl A. Ellsworth and Seigler, Earle & Ellsworth as attorneys of record.

IT IS FURTHER ORDERED that Lance Wilson of 149 Barney Lane, Columbia, South Carolina 29223 and Willis Goodwin of 1000 Windsor Shores Drive, Columbia, South Carolina 29222 shall have thirty (30) days from the date of the signing of this Order to employ new counsel. IF THEY FAIL TO DO SO THEY WILL PROCEED PRO SE. JDB

IT IS FURTHER ORDERED that the hearing of the damages case brought by Plaintiff scheduled for March 12, 2012 before Judge Manning at 2:00 p.m. be and hereby is continued for a period of at least ninety (90) days from the date of this Order or until further Order of this Court.

AND IT IS SO ORDERED.

By _____
The Honorable James R. Barber, III
Chief Administrative Judge
Fifth Judicial Circuit

29 day of FEBRUARY, 2012
Columbia, South Carolina

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT C (4)

Matthews and Megna, LLC
Attorneys and Counselors at Law

Columbia Office:
3400 West Avenue
Columbia, SC 29203
800-253-7705
E-mail: matthewsandmegna@gmail.com

Pee Dee Office:
112 Oak Street
Darlington, SC 29532
843-395-8431 or
843-662-9699 (Florence)

February 24, 2010

W. Keenan Stephenson
Chapter 13 Trustee
Post. Office Box 8477
Columbia, SC 29202
VIA ECF

Re: In re: Lee: Case number 09-2854

Dear Keenan:

The Debtor in the above case has this date filed a Chapter 13 plan which we trust will meet with your approval. The specific language of the newly filed Chapter 13 plan is as follows:

> Debtor asserts an interest in real property located at 2325 Two Notch Road, Columbia, SC. That real property is the subject of legal actions in both state and federal court. By order entered December 21, 2009, the Court granted limited relief from the automatic stay to allow the state court to finalize its consideration of state court appellate proceeding that were pending at the time of the filing of the Debtor's bankruptcy case. The opposing party in state court, who claims ownership of the Two Notch property, has waived claims for monetary damages. The orders of the Bankruptcy C, and ourt in regard to the property, including this Court's dismissal without prejudice of the adversary action regarding the estate's interest in the property, are on appeal to the United States District Court. In the event that the Debtor is determined to be the owner of the Two Notch property, the automatic stay shall apply, and the property shall be property of the estate, and upon further determination by the Court, Debtor proposes the property be sold under the direction of the Court with all proceeds of the sale to be turned over to the Trustee for appropriate distribution to all creditors who have filed timely proofs of claim with the Court after the Court determines the amount, if any, for attorney's fees and costs that are due to counsel for the Debtor.

Due to past issues with the precise language agreeable to all parties, we would appreciate you, the Court or any other interested party informing us if the above language is acceptable or not. If not, we will make needed changes prior to the confirmation hearing in order to avoid further delays in confirming the Chapter 13 plan.

Ms. Lee intends to attend the confirmation hearing as the Court has requested. She has informed us, however, that she has health difficulties and would appreciate the Court reconsidering the request that she personally attend the hearing. We are making the request to the Court by copy of this letter to Judge Waites. She will, of course, abide by the Court's decision. She has signed a statement that we have attached hereto that reflects her understanding of the proceedings and her desire to proceed with the appellate avenues available to her in regard to her claims to the Two Notch property.

Also, I have attached a copy of the order of the SC Court of Appeals that I received this morning. The state COA denied Mr. Anasti's Motion to Dismiss the state appeal on the 'timeliness' issue [i.e., that the state court appeal in regard to Judge Kinard's original order was not timely filed in the first instance], and ordered that briefs be filed by the parties in the state appellate proceedings to determine ownership of the Two Notch property. In essence, the 'timeliness' order of the state trial court [Judge Manning] has been reversed and vacated by the state COA. It will be noticed to all parties, including the Bankruptcy Court, via the ECF system. I have sent counsel for Mr. Anasti as well as counsel a copy of the state COA order by e-mail this morning.

Thank you in advance for your consideration in this matter.

With kind regards, I remain

Sincerely yours,

s/Benjamin R. Matthews

cc: Stephen B. Licata, Esquire via ECF
The Honorable John E. Waites
Chief Judge
United States Bankruptcy Court
via ECF

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Wednesday, February 24, 2010 8:27 AM
To: Steven B. Licata; Douglas N. Truslow; Tom Earle; Lydia Eloff
Cc: Harriet; Ben Matthews
Subject: In re: Lee - Order of SC Court of Appeals denying Anasti's Motion to Dismiss and requiring briefs be filed to determine ownership of Two Notch property
Attachments: COA order dated 022210.jpeg

Ladies and Gentlemen:

I have attached a copy of the order of the SC Court of Appeals that I received this morning in the event you have not received it. As you will note, the COA denied Mr. Anasti's Motion to Dismiss the appeal on the 'timeliness' issue [i.e., that the state court appeal in regard to Judge Kinard's original order was not timely filed in the first instance], and ordered that briefs be filed by the parties to determine ownership of the Two Notch property. In essence, the 'timeliness' order of the state trial court [Judge Manning] has been reversed and vacated by the state COA.

I intend to notify the District Court and the Bankruptcy Court of this matter today, and it will be noticed to all parties, including the Chapter 13 trustee, via the ECF system.

Thanks, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

This message is intended for the use of the person or entity to which it is addressed and may contain information, including legal and/or health information, that is privileged, confidential, and the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED. If you have received this in error, please notify us immediately and destroy the related message. Thank you.

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.5.435 / Virus Database: 271.1.1/2697 - Release Date: 02/23/10 07:34:00

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Wednesday, February 24, 2010 9:51 AM
To: ck13ks@ch13.newsouth.net
Cc: Lydia Eloff; Douglas N. Truslow; Steven B. Licata; Ben Matthews
Subject: In re: Lee
Attachments: Order of Judge Cureton 02-19-10.pdf; Keenan letter 022410.doc

Keenan:

Please find attached a letter in regard to the above case. We intend to file the amended Chapter 13 plan and the letter today with the Bankruptcy Court and wanted to advise you of the filing and the wording of the language in the plan prior to the filing. Please let us know if you have objections or suggestions.

Also, earlier this morning, I sent Lydia a copy of the order of the SC Court of Appeals that I received this morning. I inadvertently omitted you from the email. The COA denied Mr. Anasti's Motion to Dismiss the appeal on the 'timeliness' issue [i.e., that the state court appeal in regard to Judge Kinard's original order was not timely filed in the first instance], and ordered that briefs be filed by the parties to determine ownership of the Two Notch property. In essence, the 'timeliness' order of the state trial court [Judge Manning] has been reversed and vacated by the state COA. I know this has been an important issue to all parties and we are obviously grateful it has been resolved and the order of Judge Manning vacated and reversed. It will make the on-going District Court appellate process much more streamlined.

Thanks, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

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Checked by AVG - www.avg.com
Version: 8.5.435 / Virus Database: 271.1.1/2697 - Release Date: 02/24/10 07:34:00

Douglas N. Truslow

From:	Tony R. Megna [tmegna@gmail.com]
Sent:	Monday, March 08, 2010 4:10 PM
To:	Lydia Eloff; ch13ks@ch13.newsouth.net; Steven B. Licata; Douglas N. Truslow; Harriet
Cc:	Dick Harpootlian; Jim Griffin
Subject:	Lee Bankruptcy
Attachments:	LEE.COUROFAPPEALS.REHEARING.pdf; LEE MEDICAL LTR FROM DR BROWN 03.03.10.pdf

Ladies and Gentlemen:

I wanted to let you know the SC COA entered an order dated Friday, March 5, 2010 [on a motion that Mr. Truslow had made on the previous Wednesday, I believe]. The COA denied Mr. Truslow's Motion to Clarify the Court's previous order filed February 22, 2010 that had denied his Motion to Dismiss based the 'timeliness Manning order' that all of you have now seen by now. I have attached a copy of the March 5 , 2010 Order of the state COA that dispels any notion other than the 'Manning' order has, at best, been disregarded by the state COA. Certainly, the March 5 order of the state COA indicates they are through with the matter. The 'timeliness' issue has been decided in Ms. Lee's favor, and I believe it is a fair reading to say the state COA does not intend to entertain any further discussion on the matter. That is plainly evident. As you may discern, 'the Manning order' was never supported by any evidence in the first instance. My guess is that the person who drafted the order for Judge Manning will have some explaining to do. But that is not the issue at present.

My concern now is the extent of the damage this has caused Ms Lee, and others. I am particularly concerned for Ms. Lee. She is an exceptionally kind and wonderful person and deserves to be treated much better than she has been treated to date. She has little money, she and her family struggles for a living every day as do millions of other middle-class Americans. I have attached a letter from Ms. Lee's physician that I received today that is self-explanatory. I will sent it to Judge Waites tomorrow. Due to the constraints of HIPPA, and Ms. Lee right to medical privacy, it is not appropriate to address the matter further. The fact that she has had to go to such lengths to assert her interests in the face of significant medical issues says much about the system in which we all play a part. Ben and I have committed to her that we will do everything reasonable to insure her rights are protected. In doing so, we intend to pursue every legal avenue available to her.

Finally, thanks to each of your patience and understanding. This has been a difficult case and we now await the appellate decisions of the District Court as well as the state COA. Ben and I have had some time [but certainly not enough] to reflect and understand the implications of what has occurred lately. We would appreciate any suggestions as to any issue.

Regards, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

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STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT C (5)

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

Plaintiff requests that the Court take judicial notice of the following case files:

1) Richland County Case (and appeal): 2007-CP-40-0576

2) Richland County Arbitration Case(s): 2004-CP-40-5333 and 2004-CP-40-5334

3) Darlington County Case (and appeal): 2010-CP-16-0332

4) Florence County Cases: 2008-CP-21-706 and 2011-CP-21-841

5) Bankruptcy Court Case (and appeal(s)): 09-02854-JW

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT C (6)

Truslow & Truslow

Attorneys At Law

Telephone: 803-256-6276 Fax: 803-256-7659

Douglas N. Truslow
douglastruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

Physical Address:
914 Richland Street, Suite B-102
Columbia, SC 29201

Mailing Address:
P.O. Box 1465
Columbia, SC 29202

March 7, 2012

RE: **Jim Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court**
Docket Number: 2007-CP-40-0576

Pee Dee Health Care P.A. v. Estate of Hugh S. Thompson
Docket Number: 2010-CP-16-0332

PERSONAL & CONFIDENTIAL (Regular and Certified Mail)
Tony R. Megna, Esquire
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

It appears that you are currently attempting to engage in conduct (discovery), which I believe is inappropriate and objectionable on a number of interrelated levels. Based on the unfortunate past history of dealing with you, it does not appear that any further, reasonable, good faith attempts at resolution at this juncture will help bring the issues to closure, and I will simply address three points and let the Courts decide how to resolve the issues with which you are faced.

RICHLAND COUNTY CASE

You are untimely, improperly and impermissibly attempting to engage in discovery after your (former) client Gina Lee's involvement as a party defendant in this case has ended. Such a conclusion is apparent for a variety of reasons, the most obvious of which is that you clearly know plaintiff (my client) has received a favorable, final judgment clearing title to the real estate in question, and he is not seeking money damages from Ms. Lee. Perhaps just as obvious, Ms. Lee's bankruptcy, in conjunction with your continuing claim(s)/admissions that she is now immune from suit, support such a conclusion (that she is precluded at this point from engaging in discovery). It is likewise noteworthy that Summary Judgment was granted in my client's favor against Ms. Lee in October, 2007. Thus, I can find no legally cognizable basis for you to assert that Ms. Lee may now, at this late date, use this case as a platform to take my deposition, much less to take the deposition of my paralegal and the depositions of the bankruptcy attorney (Mr. Licata) whose legal services my client used to lift the bankruptcy stay (for a limited purpose), retake my client's deposition or take the depositions of attorneys Jay James, Desa Ballard, Rene

Josey, Celeste Jones and/or Kenneth Woodington. Finally, and regardless of anything else, you are not permitted to use this case to go on a fishing expedition in a baseless attempt to obtain legally protected records of other attorneys in separate and distinct, unrelated cases in which you are or have been involved (such as seeking to require me to turn over to you any and all records in unrelated cases relative to attorneys such as Mr. James, Mr. Josey, Ms. Ballard, Ms. Jones and/or Mr. Woodington). Simply stated, let this serve as my objection to your conduct.

DARLINGTON COUNTY CASE

This is the case involving a claim by Pee Dee Health Care as plaintiff against a deceased doctor's estate. You were initially representing Pee Dee Health Care as its attorney, although you were undoubtedly its CEO and had an obvious and inherent conflict. Jay James and Rene Josey are representing the defendant estate. Soon after you commenced the case, the estate moved to have you disqualified for ethical reasons. As a result of a hearing on the issue of disqualification, Judge Baxley found and Ordered that you were disqualified (for ethical reasons). You were apparently displeased with the Court's Order, subsequently did not obey it and as a consequence Judge Baxley entered yet another Order(s) making even more abundantly clear the terms of your disqualification. Thereafter, and again apparently choosing to disregard the Court's Order, you attempted to subpoena irrelevant (to the extent it even existed) evidence from numerous party and non-party attorneys including Desa Ballard.[1] Ms. Ballard was clearly not involved in the case, and she first attempted in good faith to work out the issue with you. Those efforts were unsuccessful, and you wrote a series of insulting letters. She objected, sought a protective Order and moved for sanctions against you personally. Judge Baxley then quashed your subpoenas, *sua sponte*. I understand Ms. Ballard's Motion for sanctions against you is pending, and that it may be delayed, based on your contention that your appeal (from the Order granting Summary Judgment against Pee Dee – the case in which you were disqualified to act as attorney) "stays" the hearing of Ms. Ballard's Motion for sanctions against you.

Despite the fact that you were disqualified in the Darlington case and that your subsequent attempts to engage in discovery were specifically disallowed by the Court, you are now apparently trying to use a similar tactic, albeit under the auspices of the unrelated Richland County case referenced above, to troll for any evidence my firm and/or others might have relative to that same Darlington case in which you are disqualified and have had your subpoenas quashed. It is significant that neither my client in the Richland County case, nor myself, nor your former client Ms. Lee are parties in the Darlington County case, yet you have utilized Darlington subpoenas! Simply stated, the two cases are separate and distinct. They are not related to one another and you have no right to use Darlington subpoenas much less for a case in which you have been disqualified. I know very little about the Darlington case, other than what is of record and there is nothing relevant that I could share in any event. Notwithstanding that fact, you have stated in writing that you have now had issued subpoenas (from Darlington County) and served both interrogatories and requests to produce captioned under the Richland case - for any records that I may have relative to the Darlington case in which you have been disqualified. And you are apparently attempting to take my deposition, as well as my paralegal's. You have stated in writing that you are seeking among other items **Medicare, Medicaid and Health and Human Service Department records, Pee Dee Health Care records, and all records relating to Jay**

[1] You sought to use the auspices of the Darlington case to subpoena Ms. Ballard's records pertaining legal work she had performed at my request in the Richland County case.

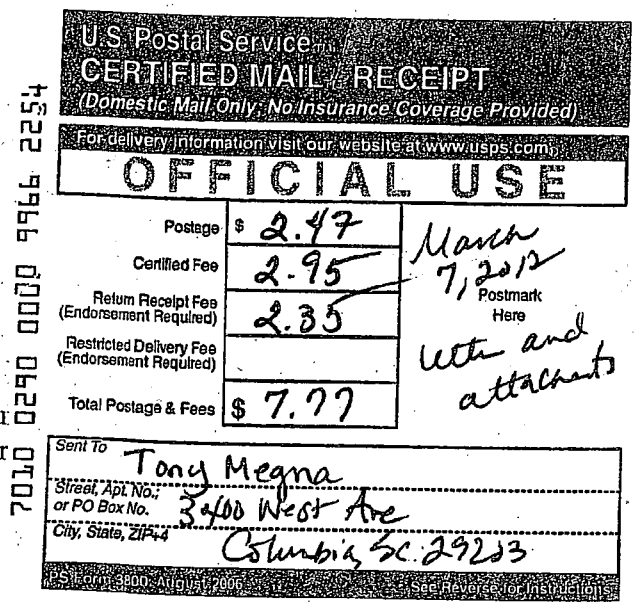
James, Rene Josey, Desa Ballard, Celeste Jones and Kenneth Woodington[2]. Obviously, Mr. James and Mr. Josey are involved in the Darlington case and, it is just as obvious that (a) they are not involved in the Richland case and (b) Ms. Jones and Mr. Woodington are involved in neither case. I understand the Darlington case involves Medicare or Medicaid and Health and Human Services issues, and it is clear beyond a doubt that no such issues are involved in the Richland case....it essentially related to clearing title to real estate.

With all due respect, I believe the conduct in which you are engaging is inappropriate and that I have an obligation to report it to Judge Baxley and opposing counsel in the Darlington case and to Ms. Ballard, Ms. Jones and Mr. Woodington. In conjunction, I am asking the respective Clerks of Court to place a copy of this letter in their case files. I am also including Orders (from the Bankruptcy Court, Richland Court and Darlington Court) and your most recent communications that reflect on the matter.

Sincerely,

Douglas N. Truslow
DNT/adh

cc: ✓ Honorable J. Michael Baxley
Desa Ballard, Esquire
Celeste Jones, Esquire
Kenneth P. Woodington, Esquire
John J. James, Esquire
Jon Renee Jose, Esquire
Scott B. Suggs, Darlington Clerk of Cou
Jeanette McBride, Richland County Cler



[2] It is my understanding that Ms. Jones' firm may currently have or has had a case against you personally and that Mr. Woodington may have or has had a case against Pee Dee Health Care (in which you apparently acted as the attorney, although you appear to have been its CEO). Ms Ballard did assist me in the Richland County case reference above, but she has no involvement in the Darlington case to my knowledge.

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT C (7)a

STATE OF SOUTH CAROLINA)
) COURT OF COMMON PLEAS
COUNTY OF RICHLAND) 07-CP-40-0576

James A. Anasti,

Plaintiff,

vs.) TRANSCRIPT OF RECORD

Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court, Lance Wilson,

Defendants.

September 19, 2007
Columbia, South Carolina

B E F O R E:

THE HONORABLE J. ERNEST KINARD, JR., JUDGE.

A P P E A R A N C E S:

DOUGLAS N. TRUSLOW, ESQ.
Attorney for the Plaintiff

THOMAS GEORGE EARLE, ESQ.
TONY RAY MEGNA, ESQ.
Attorney for the Defendant

DEBORAH M. McCURDY, RPR
Official Court Reporter

MR. MEGNA: Sir? This is commercial property. You know, she took the property, she owned the property, she took the rents on the property, she dealt with the property. Yes, sir. The law is very specific, and there is case law which I have supplied to this Court. This is not an issue for summary judgment. That is our only concern. This is an issue to be decided at trial, rightfully.

THE COURT: Not rightfully. You've got a sister who doesn't like the fact that the dad let the property go to the son and she is trying to flimflam him.

MR. MEGNA: Your Honor, that is just not fair.

THE COURT: I'm reading this. Why do you even put all this stuff in here about Mr. Truslow is examining her and she has got cancer and all that?

MR. MEGNA: Because if you will -- the Court will read -- Your Honor, that is just not fair. That is just inappropriate, with all due respect, sir.

THE COURT: I mean, I'm reading what you --

MR. MEGNA: And I did -- and that is a very appropriate affidavit, Your Honor. And it is very appropriate to say that there are issues of fact here. And regardless of how this Court feels about

it, there are issues of fact for a jury.

THE COURT: Hold it, hold it, hold it. You submit to me an affidavit in proper form without going into all these extraneous things saying what she did to satisfy a claim, and I will let it go forward.

MR. MEGNA: To satisfy a claim?

THE COURT: For adverse possession. That she occupied the property, that she told --

MR. MEGNA: I will be happy to do that. I will be happy to do that.

THE COURT: -- she told her brother, listen, I don't care what dad did, I'm entitled to this property, and so forth and so forth.

MR. MEGNA: I will happy to submit that to the Court, Your Honor.

MR. TRUSLOW: Your Honor, in that regard, Mr. Earle is here, and he is an officer of the court, and he will, I believe he will tell you he hasn't opposed our motion for summary judgment. He is the person that got the property and paid $177,000 to Mr. Megna's client that he is trying to get back and my client is trying to -- dealing with. He, as an officer of the court, I'm sure Mr. Earle will tell you his client has been

continuously in that property since 1980.

MR. MEGNA: This is commercial property.

MR. TRUSLOW: As a tenant. Excuse me, if I can finish. And just because she might sign just like this affidavit --

THE COURT: That puts facts in issue. You are going to eventually win because she has not played fair, irrespective of what he says. She is going to lose. She is going to owe him back $100,000 something dollars. Your client is going to have the property, because you have got legal title.

MR. TRUSLOW: I'm just --

THE COURT: If he wants to fool with it and bring it out and put in an affidavit like that, you can have a trial on it, but you need to have it right away. It doesn't need to drag out.

MR. TRUSLOW: Well, I would think so. I would respectfully -- and I'm choosing my words carefully, but I believe it would not -- I am going to just say not appropriate, if she knows she has not been -- counsel knows she hasn't been on the property, she knows she hasn't been on the property.

THE COURT: He has got to file an affidavit signed by her setting forth grounds for the claim.

MR. TRUSLOW: But she can't, because we have done her deposition.

THE COURT: Well, I don't know that, Mr. Truslow. If she does not file an appropriate affidavit, she loses at summary judgment.

MR. TRUSLOW: We have already taken her deposition and she said that she had not even set foot on the property.

THE COURT: Then you prepare an affidavit.

MR. TRUSLOW: Okay.

THE COURT: Then you prepare an order granting it and address all those issues, you prepare an order denying it and send it to him, and we'll deal with it.

MR. TRUSLOW: I understand.

THE COURT: Okay.

MR. TRUSLOW: Your Honor, my point was, I just take it seriously if somebody says something that is in -- not in direct contradiction to her deposition, her affidavit that she had given before.

THE COURT: You will be able to address that when you see the affidavit.

MR. TRUSLOW: I understand. Thank you, Your Honor.

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT C (7)b

MR. DOWLING: Well, show -- show me the ---

MR. MEGNA: And if it turns out that it ---

MR. DOWLING: --- where you ---

MR. MEGNA: --- it's not true, ---

JUDGE COOPER: How about talk to me, please.

MR. MEGNA: I apologize, Your Honor.

JUDGE COOPER: That's all right. Mr. Dowling.

MR. DOWLING: If they can show me that this has ever been produced, I can have a stack of documents that I've kept intact and I haven't seen these and there are other reasons why it would be irrelevant. To begin with, every check that I just looked at, I think, probably without exception, was pre-closing anyway from the time, from '95, you know, '96, '97, '98, '99 has nothing to do with Dallis at all.

JUDGE COOPER: Right.

MR. DOWLING: So, just the fact that we're even going there, I believe, is irrelevant.

MR. DOWLING: Your Honor, if that's the case, if he knows this, he's untimely in his Motion to Reconsider because he's already filed a Motion to Reconsider that he didn't even know about the Order until what, ---

MR. MEGNA: I filed the Motion.

MR. DOWLING: --- about three weeks -- about three weeks ---

MR. MEGNA: That is totally untrue.

JUDGE COOPER: You all can go down the hall and argue that motion before Judge Kinard. If the Motion to Reconsider

arbitration. The issue here is how to do -- my client is out of a piece of property that she has testified she would not have sold but for the allegations of this.

JUDGE COOPER: I don't question that at all. Here's what I've got. I've got an Order of a circuit judge that says I take this in the status of the pleadings at the time this case was heard on the 27th, or whenever it was, and the status of the case at that time. If I were a circuit judge, I might be able to do a whole lot different today than what I've done so far. As a matter of fact, I wouldn't have put up with a whole lot today that I've put up with if I was wearing my robe, but that's another matter.

But nonetheless, whether I'm wearing a robe or a suit, I'm bound by what I have

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT C (7)c

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/FMC
DARLINGTON COUNTY, S.C.

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

Pee Dee Health Care, P.A.,

Plaintiff,

v.

Estate of Hugh S. Thompson,

Defendant.

10-CP-16-0332

FILED
2011 MAR 11 AM 10:45
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.C.
DARLINGTON COUNTY, S.C.

RETURN OF PEE DEE HEALTH CARE, P.A. TO DEFENDANT'S MOTION TO DISQUALIFY

INTRODUCTION

PART I

The Plaintiff, Pee Dee Health Care, P.A. is a professional medical association with clinical offices in Darlington, SC and Olanta, SC. The Defendant is the Estate of Hugh S. Thompson, M.D. Dr. Thompson died on November 5, 2009.[1] This action is a proceeding pursuant to S.C. Code Ann. Section 62-1-201(32). The Plaintiff is a claimant of the estate S.C. Code Ann. Section 62-1-201(4). The Personal Representatives of the Decedent's estate [the Decedent's grown children] are the sole successors as defined by S.C. Code Ann. Section 62-1-201(42) to the assets of the estate other than the claim of the Plaintiff[2]], and trustees to the estate as defined by S.C. Code Ann. Section 62-1-201(45) with corollary fiduciary duties to the estate.

[1] The undersigned has been the CEO and General Counsel to Plaintiff since 1995. The undersigned had no conversations with the Decedent in regard to any of the matters contained in this lawsuit. However, the Decedent initiated a telephone call indicating he was sending unspecified documents to the Plaintiff. Those documents have been provided to the Defendant during discovery. During discovery, the Defendant was notified of the employees of the Plaintiff who did, in fact, have actual contact with the Decedent.

[2] There is another claim against the estate that is being defended by the Decedent's professional malpractice carrier.

PART VIII

PREDJUCIAL USE OF UNRELATED, INAPPROPRIATE INFORMAITON, AND DEFAMATORY LITAGATION STATEGY

The undersigned submits that not only do the Personal Representatives of the Estate of the Decedent have conflicts of interest in the case at bar, and not only have they made mis-statements of material facts by co-mission and omission, but that they have also resorted to an inappropriate and demeaning litigation strategy in the case at bar that is, in its best light, dishonorable. The Defendant has produced absolutely no evidence whatsoever that the undersigned had any contact with the Decedent other than the Decedent providing limited documents to the Plaintiff that have been disclosed to the Defendant during discovery. Mr. Josey and Mr. James also know they obtained these same documents from the SC Board of Medical Examiners, see Mr. James letter dated June 2, 2010 [See Exhibit KK]. It is not much of a leap to conclude that that there was and is no reasonable basis to file the Motion to Disqualify in the first instance.[13]

The Motion to Disqualify is replete with implied [and not so implied] offensive and unjustified personal and professional attacks on the integrity of the undersigned. It is no secret that the Plaintiff and the undersigned are involved in litigation now pending in Florence County that is completely unrelated to the case at bar. Nor is it a secret that the undersigned was the CEO of MCHG, LLC, the holding company that is at the center of the Lake City litigation. Mr. Josey's and Mr. James' attaching a copy of the Medicare 855 to the Motion to Disqualify noting that fact is for no legitimate reason other than to inflame the passions of this Court. The undersigned is extremely aware that Mr. Josey and Mr. James are attempting to convey to the

[13] Mr. Josey's law firm has been previously admonished for discovery misconduct. The Plaintiff remains astounded that Mr. James' has participated in such matters.

Court the misleading, insulting and not so subtle message to this Court that the undersigned is somehow "dishonest, untrustworthy", etc. They can phrase the issue however they wish. But the truth is they have underestimated the undersigned's absolute unwillingness to bend to such baseless, self-serving, dishonorable actions. The undersigned's association with MCHG and the "Lake City' litigation issues occurred no less than seven [7] years *AFTER* the Decedent left the employ of the Plaintiff. Moreover, the Decedent *has actually admitted his own wrongdoing.* [See Exhibit E]. Mr. Josey, Mr. James, and the Personal Representatives of the Estate of the Decedent have seriously miscalculated the determination of the Plaintiff, and the undersigned, to remedy the wrong that has occurred in the case at bar – as well as in the Lake City matters.

The undersigned has no qualms in informing this Court that the 'Lake City litigation' involves significant allegations of unethical and unprofessional conduct by lawyers of one of the largest law firms in this state, allegations of unethical and unprofessional conduct by lawyers in an influential firm in the Pee Dee, allegations of unethical and unprofessional conduct by relatives of a judge in Florence County, allegations of unethical and unprofessional conduct by physicians with medical practices in Lake City, SC, and allegations of conspiracy, fraud and unprofessional conduct by many others. Neither is it a secret that the 'Lake City litigation' began with the foregoing lawyers and physicians providing *ex parte* information to a Florence County judge[14] that led to the issuance of an *ex parte* restraining order against the undersigned and others. Nor is it secret that the *ex parte* order, as intended by the unethical conduct of many, destroyed a business venture in which the Plaintiff, the undersigned and others were partners.

While the undersigned is perhaps prohibited from discussing the precise nature of the

[14] The undersigned was the Chief Executive Officer of the venture. That is no secret and the undersigned has never denied it. However, the undersigned's position as CEO of that venture, that was initiated in 2007-08 has nothing to do with the current proceedings before this Court.

pending investigations surrounding the matters, the undersigned can attest to the fact, that nearly three years after the initial events, no allegations of wrongdoing against the Plaintiff nor the undersigned have been proven true for the simple reason that there was no wrongdoing by the Plaintiff nor the undersigned in the first instance.

In sum, the Plaintiff and the undersigned, as well as many others, were victimized by many in the Pee Dee area in regard to the Lake City matters. Neither the Plaintiff nor the undersigned has asked for nor expect compassion, empathy, or even understanding from anyone. Additional litigation against those involved in the events leading up to and including the obtaining of the fraudulently obtained *ex parte* order is forthcoming. The Plaintiff provides the foregoing information to this Court for one simple reason. Counsel for the Defendants have unnecessarily, maliciously, and unethically interjected the 'Lake City litigation' into this lawsuit by their personal attacks and insinuations of improper conduct by the undersigned; and have attached a Lake City document to their Motion to Disqualify for the sole realistic reason of prejudicing these proceedings. The Motion to Disqualify crosses the line from advocacy to obstructionism. See the foregoing discussion in relation to Rule 401, Rules 3.3 and 3.4.

The false and unprincipled personal accusations and innuendos being made by Mr. James and Mr. Josey against the undersigned have placed this Court in the unfair and unenviable position of determining whether or not Mr. James and Mr. Josey's accusations [implied and explicit] have prejudiced these proceedings to the extent this Court should *sua sponte* recuse itself from hearing and determining these matters. In the Lake City litigation, the Chief Justice of the SC Supreme Court specifically assigned the proceedings to a jurist outside of the immediate Pee Dee area because of concerns of actual and perceived conflicts of interest as well as the appearance of such conflicts. Mr. James' and Mr. Josey's unprincipled attacks on the

undersigned and the Plaintiff have placed this Court in a similar position considering the distasteful circumstances we collectively find ourselves discussing.

Regardless of the Court's determination of the foregoing, the Plaintiff responds to the Defendant's Motion as follows with the foregoing and the following.

PART IX

1. The basic dispute between the parties revolves about funds repaid to Medicare by Plaintiff on Decedent's behalf during a time period [1999-2000] when, unknown to Plaintiff, Decedent was admittedly disbarred as a provider of medical services under the Medicare program. As noted herein,

   a. Decedent admitted in May, 2004 that, in March 1996 [the first letter], he received a letter from the Medicare OIG stating he had been disbarred as a provider in the Medicare program. [See Exhibit F].

   b. The Defendant's issue as to the undersigned's 'necessary' testimony concerning the document and the authenticity of this document in the first instance has been obviously, purposely and patently intended to mislead this Court because:

      1) As noted previously, Mr. Jay James, by letter dated July 9, 2010 (a copy of which is attached hereto as Exhibit GG) actually provided both pages 1 and 2 of the document to the Plaintiff. As noted, **Mr. James specifically entitled the document "Summary of events and observations believed to have been prepared by Hugh S. Thompson. Jr. May 28, 2004.**

      2} A two-page version of this document was produced and provided to Plaintiff during discovery in this case from FirstChoice Health. The two page version of the document is attached hereto as Exhibit II. This same document (as all documents provided by FirstChoice) was provided to the Defendant by Plaintiff on July 30, 2010. A copy of the email evidencing the documents produced from First Choice to Defendant's counsel, Jay James, is attached hereto as Exhibit MM.

The Plaintiff's answers to interrogatories have been updated to reflect the complete document was obtained by Plaintiff as noted above even though the Defendant's received the document from Plaintiff months prior to the filing of their Motion and provided the Plaintiff the document.

The Plaintiff respectfully requests the Motion to Disqualify filed by Defendant be denied, and for this Court to provide such other and further relief as is just and appropriate, including reasonable attorney's fees and costs for the defense of the matter.

Respectfully submitted,

Tony R. Megna
Attorney-at-Law
3400 West Avenue
Columbia, SC 29203
803.799.1700

March 11, 2011.

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

Pee Dee Health Care, P.A.,	
Plaintiff,	
v.	10-CP-16-0332
Estate of Hugh S. Thompson,	
Defendant.	

FILED
2011 MAY -2 AM 11:12
SCOTT B. SUGGS
CLERK OF COURT P.D.D.
DARLINGTON COUNTY, S.C.

PLAINTIFF'S MOTION TO RECONSIDER

Pursuant to Rule 59(e), SCRCP, the Plaintiff, Pee Dee Health Care, P.A. [PDHC], respectfully requests this to Court to reconsider its order [dated April 15, 2011, filed April 19, 2011, and received by mail by Plaintiff on April 21, 2011] disqualifying the undersigned from representing Plaintiff on the following grounds:

1. The Plaintiff incorporates herein its response to the Defendant's Motion to Disqualify previously filed with this Court.

2. As indicated by the attached affidavit of Mark Matthews, the document [Exhibit HH] that this Court primarily relied upon to disqualify the undersigned was obtained during the course of discovery in this case between the parties.[1] The document in Plaintiff's files is attached to his affidavit. The Court's reliance on Exhibit HH to Disqualify the undersigned is error.

TRUE CERTIFIED COPY
CLERK OF COURT
DARLINGTON COUNTY, S.C.

3. The Court overlooked the Plaintiff's request that the Court should recuse itself from hearing matters concerning the Plaintiff and the undersigned due to the litigation now pending in Florence County where this Court often sits by designation.

4. The Court overlooked that the Medicare 855 attached to the Defendant's Motion to

[1] The document was either provided by the Defendant or was a documents obtained by subpoena or requests under the FOIA.

Disqualify the undersigned has no bearing whatsoever on the case at bar and only indicates that the undersigned was an interested party in Mid-Carolina Hospital Group [MCHG].

5. The Court further overlooked that the 'Medicare 855 document' it relied upon was not created *until eight years after the deceased left the employ of Plaintiff.*

6. The Court overlooked the fact that the actual, plain wording of Rule 3.7, SCACR, 401 [and all the case law interpreting the plain wording of Rule 3.7] states that disqualification, if appropriate in the first instance, which the Plaintiff denies, is limited to disqualification *at trial* as opposed to total disqualification as this Court so provided. Respectfully, disregarding the plain wording of Rule 3.7 sets a troubling precedent for litigants, attorneys and this Court. As noted in the attached affidavits of Josiah Matthews, M.D., Alexander H. Cohen, M.D., James D McInnis, M.D., Mark Matthews and Katie Noyes, there is no reasonable basis for this court to expect or to anticipate that the undersigned will be a fact witness at all, much less a necessary fact witness as required by Rule 3.7 for disqualification.

7. The Court made conclusions of fact that are incorrect in regard to the nature of the undersigned's relationship with the Plaintiff as well as Dr. Thompson as more fully set forth in the affidavits attached hereto.

8. The Plaintiff respectfully requests this Court to withdraw its order disqualifying the undersigned form representing Plaintiff, and to provide the Plaintiff the relief previously requested.

Respectfully submitted,

Tony R. Megna
Attorney-at-Law
3400 West Avenue
Columbia, SC 29203
803.799.1700

FILED
2011 MAY -2 AM 11:12
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

May 2, 2011.

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT C (7)d

TONY R. MEGNA

ATTORNEY-AT-LAW
3400 West Avenue
Columbia, SC 29203
TELEPHONE: 803-799-1700
E-mail: tmegna@gmail.com

March 1, 2011

SENT VIA TELEFAX TO 803-796-1066
AND BY FIRST-CLASS MAIL

Desa Ballard
226 State Street
West Columbia, SC 29171-6338

Re: Lee v. Anasti et. al. – 2007-CP-40-0576

Dear Desa:

I have been provided a copy of the Affidavit that you provided for Douglas Truslow. I am bewildered. I have not discussed the matter with you, and you did not contact me or anyone in my office prior to filing the Affidavit. Hopefully, you did not have knowledge of the fact that Douglas had provided my office with hundreds of pages of documents with comments and notes that we had to reorder and 'white-out" so that the page numbers could be inserted and the pages placed in the correct order – as best we could. I cannot speculate as to your motive or comment otherwise except to say I am very disappointed you did not contact me prior to filing the Affidavit.

For your information, I have attached a letter that I have sent to the Court of Appeals this date. The letter is self-explanatory. I respectfully suggest that you consider the fact that you may have been used by Mr. Truslow in a less than appropriate manner, and now find yourself at the center of a difficult situation that you have, hopefully inadvertently, complicated further. I respectfully suggest that you contact Harriet Hobbs at my office [254-3646] if you believe it would be too awkward to contact me directly so that you can understand the actual facts. My intent is to avoid any type of 'he said- she said.' Then, you can make the decision you are now confronted with as to whether or not you should [or have an ethical obligation] to provide the Court of Appeals a more balanced statement that is consistent with the requirements of Rules 3.3 and 3.4 of Rule 407 of the SC Rules of Appellate Practice.

I am very sorry that you have seen fit to insert yourself into these matters – without even the courtesy of a telephone call. You must decide what, if any further obligation you have to the Court, to inquire into matters you now have knowledge were, at best, partially correct when conveyed to you in the first instance. I am more than happy to speak with you if you wish. I can be reached at 803-254-3676 or on my mobile at 803-6106-5983.

I have no control over Douglas nor your decision not to verify the information you were

provided by him. I am, however, personally astonished that you did not so, but that was and remains your decision. One simple telephone call on your part would have avoided, or at least ameliorated, these matters.

Sincerely yours,

Tony R. Megna

cc: Douglas N. Truslow, Esquire
Gina Lee
SC Court of Appeals

TONY R. MEGNA

ATTORNEY-AT-LAW
3400 West Avenue
Columbia, SC 29203
TELEPHONE: 803-799-1700
E-mail: tmegna@gmail.com

March 8, 2011

SENT VIA TELEFAX TO 803-796-1066
AND BY FIRST-CLASS MAIL

Desa Ballard
226 State Street
West Columbia, SC 29171-6338

Re: Lee v. Anasti et. al. – 2007-CP-40-0576

Dear Desa:

As I often tell my children – old enough does not necessarily denote 'wise enough'. Please find enclosed the information you requested in your letter dated March 1, 2011.

I am very sorry that you have seen fit to insert yourself into these matters without even the courtesy of a telephone call. Obviously, I have no control over the injudicious decision not to verify the information you were providing to the Court of Appeals prior to making what you now know are misleading statements. While I remain astounded that you did not do so, and continue to refuse to do so, I respect your judgment that you are 'old enough' to make your own decisions.

Sincerely yours,

Tony R. Megna

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT C (7)e

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr., Circuit Court Judge

RECEIVED
JAN 31 2008
SC Court of Appeals

CIVIL ACTION NO: 2007-CP-40-0576

James A. Anasti	Respondent,
v.	
Lance Wilson, Willis Goodwin, Gina L. Lee, Richland County Clerk of Court,	Defendants,
Of whom Lance Wilson, Willis Goodwin, Gina L. Lee, Richland County Clerk of Court are	Respondents
And Gina L. Lee is the,	Appellant.

RETURN OF APPELLANT TO MOTION TO DISMISS OF RESPONDEN LEE

First, and foremost, undersigned counsel apologizes to this Court for the tone of the Motion to Dismiss filed by the Respondent Anasti's attorney. It is embarrassing [and threatening] to me personally. The information supporting the Motion to Dismiss consists of half-truths, totally false statements, misleading statements, overtones of hypocrisy. In short, the Motion to Dismiss is frivolous, and an affront to the dignity of these proceedings.

WHAT IS THE 'ELEPHANT IN THE ROOM?'

Appellant Lee respectfully and reluctantly submits that less than proper motives have been contrived by Respondent Anasti's attorney to conceal the real issue behind the filing of the Motion to Dismiss in this Court.

In his deposition in this case, the Respondent Anasti testified that he gave his attorneys copies of a lawsuit brought by the South Carolina Department of Transportation to condemn a piece of the property that is subject of the current dispute between the parties. He testified he did not know what his attorneys did in regard to that lawsuit other than that he had given them the lawsuit to "handle." [page 22, lines 12-25, page 23, lines 1-22].

In point of fact, no legal action was taken by Respondent's attorneys until Mr. Truslow filed the current action against Appellant Lee on January 26, 2007 --- more than ten (10) years following the passing and filing of the Deed of Distribution to Appellant Lee in regard to the property that is the subject of this litigation and several years after they had told Anasti they were taking care of the matters related to the 2004 lawsuit. The Deed of Distribution was filed in November, 1996 with the actual knowledge and consent of the Respondent's power-of-attorney. he more than ten (10) year delay in filing the Respondent Anasti's action to clear title to the property is the central issue in this case – the 'elephant in the room.' Appellant Lee does not know if Mr. Truslow represented Anasti prior to November, 2006 [the ending point of the ten (10) year period of time needed for Appellant Lee to establish title by adverse possession] or if Anasti's criminal attorneys continued their involvement. But, obviously, someone made a mistake in failing to file the action to clear title in a timely manner. To date, it has not been a pressing concern to Appellant Lee to

discover whether or not Mr. Truslow was representing Respondent Anasti prior to the filing of this action. If Appellant Lee prevails with her claims in this Court, which is highly likely, someone is going to face a potential malpractice action. This would explains Mr. Truslow's reference in his motion to dismiss to the Motion to Join that was filed [and withdrawn] in the other action concerning the same property – in which neither Respondent Anasti nor Mr.Truslow was involved. In retrospect, it appears Mr. Truslow or the Respondent Anasti erroneously depended [without the knowledge of the undersigned or Appellant that they were even following that litigation] on the filing of the Motion to Join to resolve the underlying dispute between Appellant and Respondent Anasti in this case. The undersigned had never met Mr. Truslow prior to the filing of the action to clear title in January, 2007, and was never advised that Respondent Anasti was even in the country during the litigation of the companion case much less represented by counsel. When Respondent Anasit finally discovered the motion to join parties had been withdrawn, Respondent Anasti filed his action to clear title. But, it was and remains too late. The ten (10) year statute of limitations in regard to Appellant Lee's claim of adverse possession had ended. And that is the issue in this Appeal.

The filing of the Motion to Dismiss and the extreme and personal nature of the attacks on counsel for Appellant, by any reasonable standard, violates the spirit and intent of SCACR 238. The motion filed by Mr. Truslow evidences an escalating pattern of unhealthy partisanship that directly contradicts Respondent Anasti's own sworn statement that he did not believe his sister, Appellant Lee, had or has ever acted in bad faith or with bad motives in any dealings with him whatsoever at any time. The Appellant Lee respectfully directs this

Court, in particular, to the cross-examination of the Respondent, James Anasti by his own attorney at his deposition on June 26, 2007. [pages 28, lines 21-25, page 29, lines 1-13, 17-18, page 31, lines 5-7, lines 18-20, page 33, lines 5-7, page 34, lines 14-17]. Astoundingly, and as noted, both Anasti and Mr. Truslow, in his own client's deposition, went out of their way to assure all parties during the deposition that Appellant Lee, at most, had been mistaken as to her understanding of the ownership of the property in dispute in the current matter before the Court, and that was distributed to her during the probate proceedings and to which she has asserted ownership for more than a decade. Great pains were taken by both the Respondent, James Anasti, and his attorney, Mr. Truslow, to make certain that everyone understood that Anasti's claims against Appellant Lee were based on 'mistaken belief' as opposed to charges of intentional misconduct. Yet, in the motion to dismiss filed in this Court, as well as other motions filed earlier in the lower courts, the Respondent, James Anasti, asserts exactly the opposite.

The underlying dispute of ownership of the property in question must be decided by this Court. The filing of the Motion to Dismiss is an effort to avoid the truth of what occurred prior to his filing of the action to clear title on January 26, 2007. The Motion to Dismiss deliberately distorts the truth and the facts to attempt to manipulate the Appeal of this case.

Despite any other issue, the timeliness of the Rule 59(e) motion made by Appellant Lee in the lower court is based on the date of *actual receipt* of the lower court order. It was actually received by the undersigned on Saturday, November 10, 2007. All of Mr. Truslow's rantings, insults, and insinuations to the contrary do not change the truth of this one fact.

nature of the claims may in the motion indicate what can only realistically be termed abnormally obsessive and destructive behavior.

As the Affidavit of Ms. Hobbs indicates, she has known Mr. Truslow for in excess of thirty years. To her, Mr. Truslow's behavior in this case over the past several months is very troubling and very different than she has known him to be in the past. She is sincerely distressed by the downward spiraling of his behavior as it is at odds with anything she has known of him in the past. As noted in her affidavit, Mr. Truslow has completely misled this Court as to counsel for Appellant not providing to discovery and/or not voluntarily participating in the discovery process. I am at a loss to explain how he could totally mislead this court except to believe he has totally misled himself and he has convinced himself of the truth of his self-made delusions. Mr. Truslow's behavior in this case has frightened Ms. Hobbs and it has certainly caused me to believe he has become blindly obsessed with finding issues that have been created solely in his own mind.. As a result of the information he filed with this Court, my wife has requested I change my mailing address and take steps to remove all personal information that may affect my family from local and other records. I have begun that process.

My staff and my wife have also suggested that counsel for Respondent is, in fact, 'stalking' the undersigned and has become so abnormally obsessed with the matters relating to this case that the undersigned should take additional precautionary measures. While I believe they may be reacting somewhat prematurely, the mere fact that such a concern is being raised speaks volumes as to how Mr. Truslow's behavior has been interpreted by others. And the escalating pattern of his odd behavior is potentially dangerous on many

levels – professionally and personally. His deceitfulness in misstating and omitting facts to this Court that do not support his errant conclusions is a problem this Court should address because the undersigned is at a loss as to how to stop counsel for the Respondent from continuing further foolishness.

CONCLUSION

Appellant Lee respectfully requests the motion to dismiss be denied for the simple reason that the factual bases of the motion are contrived, baseless, frivolous and without merit. The Appellant's Rule 59(e) motion was, as a matter of fact and law, filed timely within ten (10) days of the actual *receipt* of the order granting Respondent partial summary judgment. The Appellant's notice of appeal was subsequently filed timely in this Court. Mr. Truslow's assertions to the contrary are false.

The Appellant further requests that counsel for the Respondent, Mr. Truslow, be enjoined by this Court from continuing the pattern of destructive behavior of the past several months that is unworthy of our profession, offensive to the dignity of this Court and these proceedings, and a potential danger to all involved. Alternatively, the Appellant respectfully requests this Court to disqualify Mr. Truslow from further participation in this appeal lest his behaviors spiral completely out-of-control – an event the undersigned fears is not far away.

Appellant Lee further requests she be awarded her costs for defending against these matters, including a reasonable attorney's fee. To date, counsel for the Appellant Lee has spent approximately six (7) hours responding to the Motion to Dismiss and Ms. Hobbs has spent approximately ten (10) hours of her time on these matters. A reasonable attorney's fee

would be $1,750.00 for attorney time and $750.00 for Ms. Hobbs time. If awarded, 100% of the award will be donated to the SC Bar lawyers-helping lawyers program because the question to the undersigned is not the money but the opportunity to stop the behavior of counsel for Respondent that has led to the filing of a frivolous motion and spurious allegations.

Respectfully submitted,

Tony R. Megna, Esquire
1815 Fulmer Road
Blythewood, SC 29016
803-799-1700
Attorney for Defendant Lee

January 31, 2008.

TONY R. MEGNA
ATTORNEY-AT-LAW
3400 West Avenue
Columbia, SC 29203
TELEPHONE: 803-799-1700
E-mail: tmegna@gmail.com

SENT VIA TELEFAX TO 803-734-1839
AND SENT FIRST-CLASS MAIL

The Honorable Tanya Gee
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Lee v. Anasti et. al. – 2007-CP-40-0576

Dear Ms. Gee:

I would appreciate you advising the Court that I am surprised [and again embarrassed] by Mr. Truslow's most recent [and, once again, misleading] statements to the Court in his letter dated February 25, 2011.

As noted on my attached Affidavit and the Affidavit of my paralegal, Ms. Harriet Hobbs, Mr. Truslow informed us, in writing, on February 22, 2011 that the proposed ROA we had provided him in the above case was 'acceptable to him.' Once Mr. Truslow's blessings were obtained, my office copied the documents in the Record on Appeal he accepted, hand-delivered 734+ pages to him, and also a pdf copy to Mr. Truslow's office on Wednesday, February 23, 2011. We then reviewed the ROA again, corrected a few errors, and completed the preparation of the ROA to send to the printers. This process was cumbersome as Mr. Truslow had provided our office over 500+ pages of documents [most out of any understandable order, many with hand-writing covering them, most with multiple page numbers on the bottoms of the pages [all of which had to be 'whited out'], many duplicates, others that were blank or blacked out, and the vast majority that were in violation of the orders of the Court as well as Court's procedural rules. We did not complain, but rather cleaned up the documents as best we could. We then went through the ROA again on Thursday, re-positioned some of the documents to better assure they were in correct order, and sent the file to the printers on Friday morning. The printer is going through the ROA again to check our work.

Mr. Truslow's statement that he does not have a copy of the ROA with page numbers on the bottom is a product of his own sad making. The bottom of virtually every page of the 500+ pages [as well as other writings on the documents] he inappropriately insisted be included in the ROA had numerous markings that had to be erased and 'whited-out'. He obviously and purposely did everything he could to make it all but impossible to get the ROA complete and to the printers and returned in any less time that we have done. And now, he has used his own misconduct to file a request with this Court to dismiss the appeal yet once again. With all due

respect, no one can reasonably state or believe we have not taken every reasonable effort to comply with the orders of this Court. We have. The truth is Mr. Truslow has done, and is continuing to do, his absolute best to mislead this Court. His intentional misconduct is abhorrent and violates any concept of fairness, reasonableness or even the simplest concept of thoughtfulness. I am truly sorry that Mr. Truslow has once again provided partially correct statements to the Court. Once again, the issue is not the information Mr. Truslow provided, but the information he failed to provide to the Court that, respectfully, is the equivalent of an affirmatively false statement. As noted in the comment to Rule 407, SCACR, and Rule 4.1 [Comment 1]: ... Misrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements.

Mr. Truslow now has exactly what I have - a record that he found acceptable and suitable for him to use to complete his brief and for me to complete the Appellant's brief. Once the printers complete their processes of review, including putting page numbers a the bottom of each page, I have requested they forward Mr. Truslow and me a pdf copy of the ROA with page numbers on the bottom. I intend to file the Appellant's brief and the Record on Appeal with the Court as the rules of procedure require, and within the time frame the Court has required. I also intend to provide Mr. Truslow with exactly what I have to work with. I do not intend to take advantage, and have not taken advantage, of any issue regarding these matters. The truth is that Mr. Truslow knowingly created this situation, and is now doing everything he can to capitalize on his own misconduct. To date, the Appellant has met her obligation to provide Mr. Truslow the ROA as the orders of this Court and the rules require. Mr. Truslow has what I have – a full and complete copy of the ROA that was hand-delivered and served on him within the time periods required by this Court. It does not include the page numbers at the bottom of each page as the printer is inserting those numbers after making certain the mess Mr. Truslow intentionally created is corrected. If Mr. Truslow was truly concerned about the time limits and page numbers, he would have been much more considerate in the first instance. He was not. It is not much of a leap to conclude that Mr. Truslow is taking every conceivable action to avoid having these matters heard on the merits, and violating his obligations of candor and truthfulness in the process. His assertions are untrue and violate, at the minimum, the spirit and intent of both Rules 407, Rule 3.3 and 3.4 of the SCACR.

As to Ms. Ballard's Affidavit that Mr. Truslow provided to the Court, I am at a complete loss. I have not discussed the matter with Desa. She did not contact me nor anyone in my office prior to filing her Affidavit. It is obvious [hopefully] that Desa did not have knowledge of the facts including the fact that he had provided hundreds of pages of documents that we had to reorder and "white-out" comments and numerous other unrelated markings so that the page numbers could be inserted and the pages placed in the correct order – as best we can. I cannot speculate as to her motives or comment otherwise except to say I am very disappointed she did not contact me prior to the filing of the Affidavit. I trust that the Court will consider the fact that

Desa failed to contact anyone at my office, did not know or understand the hundreds of documents that Mr. Truslow included in the Record of Appeal that were unrelated to the appeal, did not know or understand the hundreds of documents that had to be 'whited-out' on the bottoms so that the numbers could be inserted by the printer, and did not take into account the hundreds of documents included in the Record on Appeal on matters that had been 'stayed' by un-appealed orders of the Trial Court, and that Mr. Truslow actually agreed to the ROA as 'acceptable' to him as noted on the attached letter. Again, I can only surmise that Mr. Truslow provided but partial information to Desa as he consistently has done with this Court and the Trial Court. And, unfortunately, instead of verifying the matters, simply accepted Mr. Truslow's assertions- again, apparently providing only partial truths in violation of Rules 3.3 and 3.4 as noted above. I have attached a letter sent to her this date.

In closing, please inform the Court the ROA was, indeed, served on the Appellee within the time limits as the Court required and as verified by he attached Affidavit of Ms. Hobbs. I expect the pdf version of the ROA [that was timely served and hand-delivered to Mr. Truslow as required by this Court] with correct page numbers on the bottom of each page of the ROA to be available to both me and Mr. Truslow by the end of this week. The ROA is not due to be filed with the Court until Thursday, March 10, 2011. Mr. Truslow will have several days to complete and file his brief – as will I; and he will have access to the ROA that this Court will have. I intend to file my brief timely. There is no excuse for Mr. Truslow not to do the same.

Again, please accept my apologies for these matters. But, I have no control over Mr. Truslow's continuing misconduct and untruthfulness.

Sincerely yours,

Tony R. Megna

cc: Douglas N. Truslow, Esquire
Gina Lee
Desa Ballard

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON;	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT C (7)f

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, March 08, 2010 3:30 PM
To: Douglas N. Truslow
Cc: Harriet; Ben Matthews; Steven B. Licata
Subject: COA order on Lee case
Attachments: LEE.COUROFAPPEALS.REHEARING.pdf

Dogu-

If you have not received it yet, the the SC COA entered an order dated Friday, March 5, 2010 on the 'motion for clarification and reconsideration' you made last week. I have attached hereto a copy of the latest order of the Court of Appeals. It speaks for itself - and was obviously very direct about their apparent distaste for your continued filings in the matter.

Doog, I would appreciate you letting me know to whom, if anyone, you have distributed copies of the 'Manning order' and if so, how intend to notify them that the 'Manning order' has been, one way or the other, disregarded by the COA or vacated. I would like to also know [if you in fact distributed the order to others], if you simultaneously let them know the 'Manning' order had been automatically stayed by operation of law and was of no force and effect until the COA acted. And now they have - twice rejecting your contentions.

Regardless of the wording of the COA orders, the result is the same. - the COA knows the 'Manning order' was, to be extremely kind, not supported by any evidence whatsoever. I guess the more important question down the road is why you had to draft such a hateful order for a Judge's signature when you actually knew the evidence did not support it. At the very least, I imagine Judge Manning is less than pleased he has been placed in such a position.

My intent now is to proceed with the appeal on the substantive issues to the COA and to determine over time what damage has resulted from dissemination of the order by you to others - if in fact you did so. Again, please let me know.

Finally, no matter how the 'Manning order' is described by me, you or anyone else, it has either been vacated or disregarded by the COA. That much is plainly evident.

As I mentioned previously, I remain open to any reasonable suggestion you or others have to make the COA or federal bankruptcy appellate processes as easy as possible on everyone. Just let me know. Also, I look forward to hearing from you in regard to the foregoing.

Regards, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

This message is intended for the use of the person or entity to which it is addressed and may contain information, including legal and/or health information, that is privileged, confidential, and the disclosure of

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Thursday, March 31, 2011 9:16 AM
To: Douglas N. Truslow
Subject: Lee v. Anasti (state Court of Appeals)

Douglas:

I received your letter dated March 28, 2011. First, once again, please accept my most sincere apologies if you believe I have been uncivil. Contrary to your assertions, however, I have been restrained in my comments to you.

I remain particularly concerned with the false affidavit you drafted for Ms. Hilley and presented to the trial court and the Court of Appeals. You should be equally concerned that you have provided documents to the Courts and others that you actually know were ineffective to due to the staying of the actions they related to by the order of the trial court -- and that were never responded to by the Respondent. These are but two examples of your consistent and continuous misrepresentations you have made to the Courts and others. You should be ashamed of your behavior as it has been, in the best light possible, less than professional. I am sorry you see it otherwise. In any event, I trust you will take the opportunity to correct your misrepresentations.

Finally, please accept or not communications from my office as you deem appropriate.

Regards, Tony

PS - I have received so many emails and letters form your office on matters of little import, please excuse me if some have been overlooked. Certainly, you would expect such a result.

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tmegna@gmail.com
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Checked by AVG - www.avg.com
Version: 8.5.449 / Virus Database: 271.1.1/3538 - Release Date: 03/31/11 06:34:00

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Thursday, October 07, 2010 11:37 AM
To: Douglas N. Truslow
Subject: Silliness

Douglas:

Your recent letters, once again, and as usual, contain half-truths - at best. But you are consistent.

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

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Version: 8.5.448 / Virus Database: 271.1.1/3169 - Release Date: 10/07/10 06:34:00

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, July 12, 2010 4:02 PM
To: Douglas N. Truslow
Subject: Re: Anasti v Lee

Douglas:

You continue to evidence such oddness. I imagine this is a life-long issue. Were you bullied as a child? For goodness sake, let it go.

It is certainly no secret that I am out of the Columbia office much of the time. But, I am generally in the my other offices if not ion Columbia. Fortunately, I owe you no explanation of where I am at any particular time.

If you wish to send me something, e-mail it to me as I have repeatedly requested. I always tend to get your bothersome emails. In addition, my Columbia office is open everyday except weekends and holidays. You can send the document certified mail return receipt requested and someone in my office will sign for it, scan in onto our systems and email it to me. The post office will not deliver documents when I am not in the Columbia office if you mail them with a signature of recipient required. We both know that service on my office is sufficient under the rules; and it can be verified by a return receipt if you wish. You are simply being silly.

There is a pattern on your part to do everything possible to avoid a decision on the substance of Judge Kinard's rulings. I imagine the COA will see through your petty actions. I simply do not intend to engage your silliness. Your refusal to email or fax or mail [regular or certified] me the document demonstrates the essence of your silliness, your pettiness and your odd behavior. But, FYI, I intend to be in the Cola office on Wednesday or Thursday. Please have the documents delivered those days if you wish. But, again, and for at least the fifth or sixth time, you can email them anytime. I will accept service. Or you can fax them to 254-3678. Or you can hand-deliver to my to my Columbia office. You have many choices. Or, you can continue your silliness. Your choice.

Regards, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

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Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, April 05, 2010 9:59 AM
To: Douglas N. Truslow
Subject: Re: Anasti/Lee

Dog-

Please refer to my previous responses. The 362 statement was informative. You remain invited to review the final record on appeal with me at my office if you so choose. I will let you know when I have the documents ready.

Thanks, Tony

Please send all written correspondence to:

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Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

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On Thu, Apr 1, 2010 at 9:39 AM, Douglas N. Truslow <douglastruslow@truslowlaw.com> wrote:

See response in caps edited within your email.

From: Tony R. Megna [mailto:tmegna@gmail.com]
Sent: Wednesday, March 31, 2010 8:52 PM
To: Douglas N. Truslow
Subject: Re: Anasti/Lee

Doug-

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, April 05, 2010 3:24 PM
To: Douglas N. Truslow
Subject: Re: Anasti/Lee

Doug (spelled correctly):

Whatever. You can stop the diatribes. They really are strange. As to the record on appeal, my offer remains open. I will let you know when I get everything together so you can review it at my offices.

Thanks, Tony

PS - Your brief is certainly long - but, goodness, you must tire of the vitriol. Odd...

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

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On Mon, Apr 5, 2010 at 2:40 PM, Douglas N. Truslow <douglastruslow@truslowlaw.com> wrote:

Repeated and continuous inattention to detail does in fact make a resolution of the issues more difficult, but I would prefer to address the substance of your email.

I'm not in favor of doing anything that would delay the case on appeal any further than it has already been unnecessarily delayed. However, as a compromise I would offer the following observations:

1. Go ahead and do your initial reply brief (if you insist one is necessary) in a timely fashion and get the transcript of record in shape for its timely submission as required by the rules of court. You can send me a proposed record on appeal in the interim so that we'll have a jump start on everything.

2. Set up a time in the next thirty days with Cravens, Reece or someone else with comparable credentials to mediate matters. You should give whoever it is your brief, mine and all the items that should go in the transcript of record. Your

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, June 14, 2010 10:01 AM
To: Douglas N. Truslow
Subject: Re: Lee v. Anasti: Record on Appeal

Doulas:

You are a genuine piece of work. If you want the documents included, provide them, or explain to the COA why your behavior lacks the respect the Court is entitled to receive. I have tried to locate them but cannot. If that explanation does not suffice, continue to act like an obstinate child & do not send them.. My take is simple - grow up.
You have tried to cover up your & your staff's mistakes, you have provided perjured information to state & federal courts, you have published & disseminated slanderous information that has been harmful to my client, your client, & my business partners (and lord only knows who else) - through acts & omissions. You have placed your client, staff, partner and Licata at professional & legal risk - & I intend to pursue everything. Your school yard bully tactics and child-like pouting is unbecoming to someone of your experience & only makes matters worse. Considering your attitude, we will be in litigation for years to come - & I intend to see all of it through to the end. I learned a long time ago that you cannot give in to schoolyard bullies & inappropriate behavior such as you continue to display.

I have attempted to be reasonable & accommodating with you (& will continue to be despite your efforts to the contraruy) , but to no avail. The ball remains in your cart. You have made all of this unnecessarily 'trying' on everyone even after the COA dismissed your meritless MTD.

I will file the ROA next week with explanations to the COA of your silly & juvenile behavior. Then we wait.

Regards, Tony

PS- I am on the beach with my family. Pls try to be a grown-up (or at least pretend) & leave me alone the rest of the week. The weather is great, the water is beautiful & your continued ranting is an unnecessary intrusion to an otherwise rare opportunity to enjoy my family & friends. Just send FILED copies of the documents I have told you I cannot locate to my office - or not. Life is a choice. And try to rise above your silly, pouty childlike behavior.

A story: A frog meets a juvenile behaving scorpion along side a raging river. Mr. Frog says the juvenile scorpion - please let me ride on your back across the river. The frog replies - I am sorry scorpion but I cannot. The scorpion was relentless. The kind frog relented. They got halfway across the raging river & the scorpion stung the frog. Why did you do that asked the kind frog. I could not rise above my nature said the juvenile scorpion. Lacking the strength to carry them both, the kind but knowing frog did what he hoped he would not have to do. He rolled over. The scorpion slipped off & drowned. The frog struggled to shore, recovered & prospered - & learned to be wary of & ignore the relentless, immature nature of the childish.

Moral: The scorpion could not rise above his childish nature even in the face of such personal peril. The kindly frog struggled to the other side, survived, & continued his journey..

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Thursday, July 01, 2010 6:07 PM
To: Douglas N. Truslow
Subject: Re: Anasti Appeal

Dear Douglass:

Certainly someone of your experience should recognize it is in our collective interest to tone down the rhetoric, and just get the work done. I cannot imagine you really believe the Court is going to be amused with your refusal to participate in the completion of the JA or to even review it because you have been offended. Do you honestly believe they [or anyone one else for that matter] cares you are miffed at me? Oh, please ...

Regardless of how behave, however, my response is simple. My offers are sincere and honestly intended to tone things down. You treat them as you wish. I intend to represent the interests of my client regardless of how difficult you try to make things. And I have decided to keep things as civil as possible. Do as you see fit - but do yourself a favor. Stop and think.

Best regards, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

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On Thu, Jul 1, 2010 at 3:49 PM, Douglas N. Truslow <douglastruslow@truslowlaw.com> wrote:

Aside from an observation that your email has the appearance of simply being self serving and clearly not consistent with Respondent's view of the situation, further response would not likely serve any useful purpose under the circumstances. Regrettably, Respondent and Appellant must agree to disagree on what is necessary to complete the case, as well as by whom (and when).

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT C (7)g

July 23, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

Certified Mail, Restricted Delivery
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

In response to your July 21, 2010 email:

1. I previously asked that you stop sending emails, especially given the tone, content and volume of them, and that, instead, you simply use the more conventional method of mailing items you wish for me to consider (to my Post Office box). Since you have not heeded that request, and are now, in addition, sending what are considered even more, inflammatory, insulting emails - to both my paralegal and my son (who is now performing active duty military service and is not in a position to read your emails even if he were inclined to do so), I am making my request once again.
2. Given the unfortunate and protracted history of conflict - especially relative to delivery and receipt of legal pleadings, faxes and correspondence, you may wish to reconsider your position relative to using the U.S. Mail system. Moreover, since you have stated repeatedly (and in pleadings) that you are purposefully avoiding all personal contact with me, the U.S. mail make the most sense. I believe that Certified Mail, Restricted Delivery is the best option for us under the circumstances. It will in fact not only ensure receipt, but hopefully cut down on further (and unnecessary) unpleasantness. I believe the Post Office is reliable and that use of the mail system will be of benefit to both of us, for reasons that should be obvious. I had thought that the two Orders of Judge Manning alone, but especially when considered in juxtaposition to the underlying facts and the Orders of Judge Waites and Judge

Anderson, would have formed a sufficient basis for you to agree to use the U.S. mail as the best means of communication, but if we cannot agree, then we must agree to disagree. That said, my office has already gone the extra mile in repeatedly providing you with documents that you have apparently "lost", but if the Courts were to direct me to document matters in some other fashion outside the norm, I would certainly do so. Please note in closing on this point that it is not my intent to cause you unnecessary work, but rather to ensure that everything is handled properly. On reflection, I would hope that you would agree so that we could move on to more significant issues.

3. You have attributed to me knowledge that I simply do not have – such as your personal business situation/schedule. I don't want to sound rude or uncaring, but your outside, unrelated personal business activities and your apparently extensive non-legal travel schedule are not my concern, nor could I possibly be expected to keep track of whether you are in or out of your law office or away from it working on non-legal, personal business matters daily, weekly or monthly. Moreover, I do not think that it would be reasonable for me to be required to delve into such matters. I don't want to sound judgmental, but rather with all due respect -- I believe it IS your responsibility to be reasonably available to handle legal matters, and it is not my responsibility to determine when you will be in your law offices. Simply stated, the personal conflicts you are experiencing between your legal obligations and your personal business dealings are not relevant to the issues at hand.
4. That said, if you have conflicts between handling your business activities and your law practice, perhaps you can have your law partner or a paralegal be of assistance, but that is for you to determine, not me.
5. Quite frankly, once you apparently closed your home law office (where you said you had done your legal work for the last several years) and opened a more conventional law office (ostensibly with legal staff and a law partner), I had hoped you might have been more available to tend to legal matters.
6. Given the unique history of this case, I respectfully disagree that my staff and I are mishandling matters or that we are being disrespectful of you and the Courts. I believe the record will speak for itself.
7. In closing on the issues you have raised, there are obviously available non-intrusive and conventional means for you to accept your mail that will not impose any onerous or unreasonable burden on you, and I invite you to consider alternatives to insults. Perhaps you could request oral arguments relative to the pending motions. As another, preferable alternative, I have previously suggested utilizing either Reece Williams or Cravens Ravenel to assist us with, *inter alia*, the civility issues, but you have declined. Will you reconsider? As an alternative, what do you think about using Professor John Freeman to help work through all of this? Again, I am amenable to a reasonable suggestion on a means to resolve the issues.

8. Finally, and I reiterate, please do not email me or my staff again, especially if you intend to continue to include claims or arguments of a type similar to those set forth in your recent emails. Other means of communication remain open. I regret it is necessary to send your emails to "junk mail", but I know of no other way to avoid the unpleasantness and lack of civility that seems to have been pervasive. Again, I think Professor Freeman would be an excellent choice of a professional who could be of assistance to everyone and help us be better stewards for the legal system.

Sincerely,

Douglas N. Truslow
DNT/adh

April 23, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

Via Certified & Restricted Delivery
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

On April 20, 2010 you sent me an email asserting that you had the week before filed Appellant's Reply Brief, "Amended" Designation and a "Modified Objection" and asserting that you had served me by mail.

Because I had not received these documents at the time I read your email, I called other Respondent's counsel Mr. Earle to inquire if he had gotten them and was informed that he had (in that they were addressed and sent to his correct address with a correct zip code listed). However, it appears that you wrongfully certified as having sent a copy of two of the aforesaid documents to my attention at mere street address (where there are ten separate offices) with no zip code and no suite listed and the other document was wrongfully certified by you as having been sent at the same time separately to my correct mailing address - but you did not in fact send it there. In other words, you inaccurately certified that you sent one document to my correct address (which you did not do) and you certified that you sent the other two documents at the same time to an inaccurate/incomplete address and apparently enclosed all documents in the inaccurately certified mailing.

A review of this case reflects that;

1. You have my correct mailing address with the proper zip code, as well as my correct street address with the correct suite and zip code and historically you have mailed correspondence to my correct mailing address.
2. Certifying that you are sending mail to a street address, without a suite number and without a zip code is not acceptable. You know and I know I am not assured of getting mail that is improperly certified by you (or that I will get it late if at all).
3. You must sign both pleadings and certificates of service. You have not always done so in the past.

4. You have in the past sent correspondences (at least using the correct address) with gross misspelling of my last name, then addressing an envelope to "Dougie" and ultimately sending me an email to "Dog". I've tried to just blow it off as petty but I have alerted you repeatedly to many problems involving inattention to important details. In addition you have backdated critical documents (such as out of time Answers to Requests to Admit and other discovery), failed to produce the envelope in which you admittedly got the Order granting Summary Judgment and apparently failed to file both a timely 59(e) Motion or a timely Appeal (and initially filed on January 4, 2008 in the wrong Court but that is another matter). Then, you apparently filed a motion objecting to Respondent's Appeal designation for transcript purposes but did not sign it, or certify that you sent it and sent it incorrectly...and the list goes on and on.
5. You sent me an odd email last Friday evening and in it there was no mention that you had filed anything.
6. Upon notifying you of errors and suggesting that you handle the matter properly, you claimed that you "mailed them to the address I have always mailed them to". A review of past Certificates of Service reflects otherwise than what you now claim.
7. To point;
    a. Please provide me with your Reply Brief Certificate of Service reflecting where you sent it, as well as your Designation Of Matter To Be Included On Appeal Certificate of Service and all cover letters. In essence, please just comply with the rules of Court relative to service
    b. Send me your "modified" objections as well as unmodified objections with all Certificates of Service and cover letters, again simply obeying Court rules.
    c. If you did not properly serve Respondent at either my mailing address or physical location with zip code certification, please explain why not. If you just erred, disclose it to the Court, handle it correctly and let's move on.
    d. If you certified as having sent something to my mailing address, but did not do so, please explain why not.
    e. If you did not comply with the rules, you need to alert the Court to your error. This is necessary since your conduct has the appearance that you sent me something in a manner so that I would be less likely to get it or get it late. I would hope that would not be the case, but the facts are what they are.
8. I have not written the Court relative to your most recent problems complying with Court rules and will not do so, provided you;
    a. Notify the Court that both your service and Certificates of Service are in error.
    b. Serve the appropriate documents properly.
9. Please send all further correspondence by Certified Mail/Restricted Delivery to avoid future problems.

Sincerely,

Douglas N. Truslow
DNT/sop

July 12, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

Via Certified & Restricted Delivery
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

In response to your email dated the afternoon of Friday, July 9, 2010;

1. I have in fact responded to your numerous emails, while repeatedly asking for you to simply use the mail. I do not wish to engage in constant emails with you, for reasons that should be obvious
2. The Motion was in fact sent Certified Mail. If you tell me you checked and it is not at the Post Office, I will resend it. However, the Post Office has confirmed the Motion is and has been available for you to pick up. The problem is that you have apparently not made an effort to retrieve it.

Given the history of this case, as well as your "loss" of other critical mail and the repeated findings of Judge Manning, Judge Waites and Judge Anderson, it should be obvious why documented compliance with the rules is imperative. Regardless, an additional copy of the Motion and Memorandum are once again enclosed.

Sincerely,

Douglas N. Truslow
DNT/sop

July 21, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

Certified Mail, Restricted Delivery
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

In response to your July 21, 2010 email:

1. I have repeatedly asked that you stop sending emails to my office and that, instead, you simply mail items you wish for me to consider to my Post Office box. Given the history of the case, you may want to reconsider your position relative to Certified Mail. It will in fact ensure delivery and hopefully cut down on unnecessary conflict. I believe the Post Office is reliable, though not perfect, and that use of the mail system will be of benefit to both of us, for reasons that should be obvious.
2. While I am mindful that you have previously stated that you were (and had been) avoiding contact with me, I have not been in a position to be knowledgeable of your personal business conflicts, much less your apparently extensive business travel schedule. That said, I am aware that one of your business employees previously said that you were often not ever available for legal matters. But, quite frankly, once you apparently closed your home law office and opened a more conventional law office (ostensibly with legal staff), I had hoped you might have been more available to tend to legal matters. Regardless, we are still faced with a problem that needs a solution without resorting to insults. Perhaps you could request oral arguments relative to the pending motions. I have before suggested utilizing either Reece Williams or Cravens Ravenel to assist us, but you have declined. As an alternative, what do you think about John Freeman to help work through all of this?

3. Given the unique history of this case, I respectfully disagree that my staff and I are mishandling matters or being disrespectful of the Courts.
4. In closing, there are some very obvious, easy and non-intrusive means for you to accept your mail that will not impose on you and I invite you to consider alternatives.
5. Please do not attempt to email me or my staff again, especially if you intend to continue to include claims or arguments of a type similar to those set forth in your recent emails. I regret it is necessary to block you, but I know of no other way to avoid the unpleasantness and lack of civility that seems to have been pervasive.

Sincerely,

Douglas N. Truslow
DNT/adh

August 30, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

PERSONAL AND CONFIDENTIAL
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

In response to your fax dated 8-26-10;

The Appellant Court Rules are clear, as is the Court's Order. Appellant has the duty to "make" the record and you certainly know what was presented to Judge Manning as it was filed in the Court of Appeals and/or the lower Court.

Your demand that I once again provide you with the documents you already have is declined. You were served, you lost them, you were given them again and in many cases again after that. If you are dissatisfied, I suggest that you visit the respectable Clerks of the Court of Appeals and the lower Court and get more copies. That said, and at the risk of being redundant, you had them, were provided with them again and you certainly know what was presented to Judge Manning because you were present with Appellant's substitute counsel for the presentation. If Appellant chooses not to make a record, that would be unfortunate, but you have everything you should include, rather than attempting to exclude pertinent matter designated by Respondent.

At a minimum, you should include:

Finally, I note that, despite repeated requests not to attempt to email me, coupled with warnings that further emails would be blocked/diverted and/or otherwise not read, you apparently are continuing to try to send them. They are not being read. This was necessary due to a) the sheer volume and b) their content and the fact that you were sending unbecoming emails to both my paralegal and my son. Again, emails from you are not welcome. I suggest use of the mails as the means to communicate and the past history of past events and conduct support my position.

To conclude, Respondent has complied with the Court's directives, the Rules and his obligations. It is incumbent upon Appellant to do the same. To the extent you "read the Order" otherwise, I do not agree. Finally, given the unfortunate, but well documented history of discord, the simplest thing to do is to submit all that is required. You may, if you wish, copy me in advance and I will respond as my schedule permits and is otherwise appropriate to your submission.

Sincerely,

Douglas N. Truslow
DNT/adh

October 1, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

PERSONAL AND CONFIDENTIAL and CERTIFIED MAIL
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

I have repeatedly asked you not to mail anything to me directed to my street address and I am doing so once again.

It was by sheer luck that I received your September 23, 2010 filings. The certification reflected it was mailed to my Post Office Box, but that is not true – as is obvious from the envelope. This is a serious matter and I ask again that you comply with my request.

Sincerely,

Douglas N. Truslow
DNT/adh

October 6, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576
Your Sunday, October 3, 2010 email

PERSONAL AND CONFIDENTIAL and CERTIFIED MAIL
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

You are apparently still emailing unwanted communications to my paralegal and son, despite the fact that you have specifically been requested not to do so. The request not to send emails was made in that, *inter alia*, your emails had gotten totally out of hand and I have already told you that I am not reading your current emails – they have gone straight to junk mail. Again, you may write me at my mailing address. Please ensure that you use the correct address and zip code as well as my correct name.

I have filed a response to your Motions and note initially that you represented to have first mailed them to my current mailing address. In actuality, you did not do as you represented – you sent them to my street address knowing (because I had repeatedly told you in the past) that large packages will not fit in the small street address box. And, it does not help with post office delivery when you address mail to other names such as simply "Dougie" or "Dougass" and other less inappropriate names as has been true in the past when you have also placed the wrong zip codes on letters.

Again, send mail to my correct Post Office Box (P.O. Box 1465), with the correct zip code (29202). Do not send emails and do not send mail addressed in such a fashion as will be more likely to ensure that I do not get it – or get it late. Finally, please ensure that I get exactly what you submit to the Court because what I have reviewed is not in proper form or format and the emailed version sent to my staff and son are not consistent with the mailed version.

Finally, what you emailed to Amanda and my son is not all consistent with what you sent me in the mail (addressed improperly, not signed and not certified pursuant to SCACR).

I have not received through the mail an October 1, 2010 letter and the "Amended Record on Appeal" you have "emailed me" is not consistent with what you mailed and represented had been filed.

December 14, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

PERSONAL AND CONFIDENTIAL and CERTIFIED MAIL
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

By this point you should have received the South Carolina Court of Appeals' Order denying the relief sought by Appellant in its Motion filed September 23, 2010.

There are obviously critical deadlines to be noted. Respondent has provided you with all documents that are to be included in the Record on Appeal (many on multiple occasions) so you are clearly in a position to comply with the Court's Order. Again, you have what Respondent wants in the Record and the Court has made its position clear. If you have any need for a further response, please write to me and detail what you lack. Simply stated, put the items in and comply with the Court's directive. Please make sure to do the Record on Appeal in the form and format required by the Court and without extraneous, unnecessary comment.

Finally, I want to reiterate that mail should come to my post office mailing address (P.O. Box 1465, Columbia, SC 29202), rather than my street address for the reasons previously and repeatedly communicated to you. The same holds true for email – do not send them as they are unlikely to be read. Again, the basis for this is set forth in prior emails and letters. Faxes are acceptable regardless of the fact that you have made clear that telephone communications are unacceptable to you.

If you have any questions, you may communicate directly with me in writing by mail or fax.

Sincerely,

Douglas N. Truslow
DNT/adh

December 15, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

PERSONAL AND CONFIDENTIAL and CERTIFIED MAIL
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

In reference to your December 14, 2010 fax:

1. As I have indicated in the past (in writing), your emails may not be read for the reasons previously stated. There was no intent to be discourteous. Again, please do not rely on or expect your emails to be received, read or acted upon.
2. I prepared a letter to you and had actually signed it before I got your December 14, 2010 fax, the handwritten note at the bottom is self-explanatory.
3. I have provided and provided, again and again documents provided to Judge Manning, as is obvious from his Order, but I will endeavor to do so again if you are missing anything. I understood you to say you had lost part of your file and I resupplied documents and even supplied documents which Appellant had the duty to obtain for the Record on Appeal. We can agree to disagree on whether items were before Judge Manning but that is not the current issue. May I ask, what are you missing that has been designated by Respondent?

Sincerely,

Douglas N. Truslow
DNT/adh

cc: Thomas Earle, Esquire
Jim Anasti

October 11, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576
Your Sunday, October 3, 2010 email

PERSONAL AND CONFIDENTIAL and CERTIFIED MAIL
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

Mr. Truslow asked me to send you a copy of the envelope from your most recent filing reflecting that you are still sending pleadings and letters to our office complex (street address), while certifying that your mailings are being sent to our post office mailing address. The problem, as you know, is that our office is part of an office complex with small mailbox slots which does not allow for easy delivery of bulky or large packages. He also asks that you please use the correct zip code and correct addressee, so as to ensure delivery.

Mr. Truslow is asking again that all mail be sent to our post office box mailing address. He has also asked that your mail be certified to ensure compliance and that, as well, the Certificates of Service be accurate.

Sincerely,

Amanda Douglas Hilley
Paralegal for Douglas N. Truslow

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

AFFIDAVITS

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	**AFFIDAVIT OF DOUGLAS N. TRUSLOW**
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

PERSONALLY APPEARED BEFORE ME, **Douglas N. Truslow,** who being duly sworn, deposes and says (in his words):

I have been practicing law on a full time basis since 1975 (approximately 37 years). I have an "AV" rating. Among my peers, I believe I enjoy an excellent reputation. A substantial part (almost all) of my practice deals with litigation and hence discovery related issues. I submit that I am very well qualified to render an opinion relative to the necessity for and appropriateness of the time expended on this matter (March 9, 2012 motion), as well as fees incurred and that the fees sought are appropriate and should be awarded. Both the time and the opinions set forth herein are separate and distinct from Plaintiff's pending Rule 11 sanctions motion and a damages hearing (not before the Court at this juncture).

I have represented Plaintiff James Anasti throughout these proceedings. Mr. Anasti is retired, living on a very small pension and social security. He is of modest means. He has no ability to pay my fees relative to the issue currently before the Court – allegations of discovery abuses by Tony Megna ("Megna") and associated relief that is sought.

My typical hourly rate for a matter such as this would be $295.00 per hour. However, given the contingent nature of this matter (Mr. Anasti's inability to pay) juxtaposed against pervasive and serious misconduct by Megna that is alleged, the complexity of the matter in

context and Megna's claims of misconduct, I am of the opinion that it would be both appropriate and proper for the Court to use a loadstar fee multiplier of between 1.50 and 1.75. Therefore, I assert that a fee of between $442.50 and $516.25 per hour, multiplied by the hours that have been required to have been expended dealing with the matters associated with the March 9, 2012 motion alone is proper.

Time necessarily spent exclusively dealing with the subject of the aforesaid motion is attached as Exhibit 1. It reflects that fees in the amount of between $31,547.25 and $56,555.19 as well as costs of $295.14 (filing fee of $25.00, estimated roundtrip mileage for travel from Columbia to Darlington (154 miles at $0.56 per mile), copying charges, postage charges and costs of a transcript ($65.00)) have been incurred.

The history of events and circumstances are contained in Plaintiff's March 9, 2012 Motion and Memorandum attached, as well as in the Response to Megna's "Synopsis" that have been filed and submitted to the Court by the undersigned, and the relevant contents of same are incorporated herein by reference as a further basis upon which relief is requested. As well, reference is craved to the Clerk of Court's file (and appeal documents, as well as the file from Darlington (2010-CP-16-0332) and the files from Florence County (2008-CP-21-706 and 2011-CP-21-841)).

Extensive time has been required to be expended. This is so because of the claims Megna has advanced relative to his need and right to now engage in discovery. Detailed documentation also had to be carefully reviewed, especially in light of Megna's claims of unethical conduct by the undersigned (and others) specifically relative to discovery sought by Megna in the context of the within motion. This required the detailed inspection of pleadings in this case, and the underlying facts going back to at least 1996.

Legal services that were required as a result of Megna's misconduct herein -- involving the within motion alone -- included the need for a detailed inspection of the case itself, remand issues, bankruptcy, bankruptcy appeals, appeals in this case, Megna's petition for Writ of Certiorari and Remittitur, the companion case that had been filed in 2004, real estate and probate matters from 1996 through 2000, legal research and careful review of the cases in Darlington and Florence counties that have been referenced. There are literally boxes and boxes of documentation that necessarily had to be inspected.

Attempts to reason with Megna were rebuffed, met with insults and were fruitless.

Relative to sanctions sought herein, the burden is upon Megna to establish that he is not capable of paying such amounts as the Court may find to be appropriate.[1] The imposition of sanctions is believed to only be reviewable for an abuse of discretion. That said, Megna professes to be the CEO of a medical related business and appears to be otherwise occupied in other businesses, as has been confirmed by reference to the Secretary of State web site. A Richland County web site search and a "Google" search reflects that Megna appears to own at least two significant real estate holdings in Richland County, as well as a large residence in Blythewood. He professes to have practiced law for over twenty years and to have been so successful that he does not need to rely upon income from the practice of law for his livelihood. Further, it has been made public/is public knowledge/has been published that Megna has made very significant political contributions in the past. Thus, it appears that Megna is capable of paying sanctions and fees, and the award sought herein is not an amount that would force him into bankruptcy or otherwise cause undue financial hardship, especially when juxtaposed against the financial hardship he has caused in this matter.

DOUGLAS N. TRUSLOW

SWORN TO AND SUBSCRIBED BEFORE ME

this 1st day of May, 2012

Mackenzie Woodward

Notary Public for South Carolina

My Commission Expires: My Commission Expires June 16, 2021

[1] The imposition of sanctions is reviewable only for abuse of discretion. In that context, that is a further basis to conduct sanctions matters by affidavit, in the Court's discretion.

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Case No.: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	**AFFIDAVIT OF DOUGLAS N. TRUSLOW**
vs.	)	
	)	
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT 1

Truslow & Truslow, PA
Post Office Box 1465
Columbia, SC 29202-1465

Ph: (803) 256-6276 Fax: (803) 256-7659

James A. Anasti v. Lee, et al
2007-CP-40-0576

File #: 06-059

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
2/28/2012	Review and respond to Att'y Megna's e-mail correspondence including: Review of "e-mail subpoena" from Megna. Research law regarding his "service." Review file in context of 1/18/12 Status Conference wherein Megna claimed that neither he nor Lee has any intent in the damage aspect of the case and why he seeks "discovery" in a case where Lee's intent has ended. Review Megna's November 3, 2011 letter to Judge Lee, where he claimed the outstanding damage and sanctions issues had been decided by the Court of Appeals and numerous other inconsistent claims, including bankruptcy. Review of extensive documentation.	3.75	1,106.25	DNT
	Review of second e-mail from Megna regarding deposition of Plaintiff and Motion from Attorney Earle to be Relieved. Follow up with staff, client and Mr. Earle's office.	0.30	88.50	DNT
2/29/2012	Draft Document for Relief Sought. Review file and copy attachments.	1.00	75.00	ADH
3/1/2012	Communication with postman to be on the lookout for more bulky and wrongfully addressed mail from Megna. Review of past numerous communications that relate to numerous mailings from Megna that were.addressed (wrong street, zip code, etc.) incorrectly.	0.50	147.50	DNT
	Review e-mail from Megna in context of his Notice of Depositions scheduled for the same time with less than 10 days notice. Follow up with staff and Att'y Licata.	0.30	88.50	DNT

	Letter to Megna - says he will send by mail. Megna threatens contempt even though he is not authorized to act or be involved for Lee. Review file regarding discovery. Follow up with Attorney Licata regarding bankruptcy and Megna's involvement regarding discovery.	0.50	147.50	DNT
	Draft Motion for Protection and initial outline of Argument.	1.00	75.00	ADH
3/4/2012	Review letter from Att'y. Licata regarding discovery by Att'y Megna and follow up.	0.10	29.50	DNT
3/5/2012	Received envelope postmarked 2/28. Receipt of subpoenas addressed to 944 [sic] Richland Street, which is neither our mailing nor street address. More detailed review of subpoenas and discovery related materials in context of Megna's prior assertions. Phone call with Jay James to confirm that Megna was disqualified in the Darlington case. Discussed with James why Megna would issue a subpoena in the Darlington County case for use in the Richland, Darlington and Florence County cases. Follow up review and research.	3.50	1,032.50	DNT
	Meeting with client. According to client, Megna's client does not endorse what Att'y Megna is doing.	0.50	147.50	DNT
	Review e-mails (x 3) from Megna and follow up with letter after review of documents. Megna knows his e-mails go to junk, so why is he sending? How to protect client?	1.50	442.50	DNT
3/6/2012	Extended legal research regarding "discovery" abuses. Preparation of Motion, Memorandum and review of extensive documentation and revision; including Bankruptcy Orders, prior Court Orders, Federal Appellate Pleadings and various communications.	8.20	2,419.00	DNT
3/8/2012	Extended telephone call with Desa Ballard relevant to subpoena, discovery, relevance and ethical duties and responsibility in context of discovery sought by Megna and his actions. Follow up on issues.	2.00	590.00	DNT

3/9/2012	Legal research in regards to possible actions to stop Megna's discovery abuses and what alternatives are available. Confirmation that attempts to reason with him are futile.	1.50	442.50	DNT
	Follow up to complete Memorandum. Travel to court to file.	0.50	147.50	DNT
	Review e-mail from Megna in which he threatens to bring sanctions against me if I don't do what he says; follow up to determine how he is able to evade being blocked from e-mail. Research and documentation regarding consequences, if any, of not doing as Megna demands.	2.10	619.50	DNT
	Review blocked e-mail from Megna and confirm it was not faxed or mailed as claimed. Research issue of how Att'y Megna is able to override blocked e-mails and how to read what has been blocked.	1.00	295.00	DNT
	Conference with staff relative to subpoenas that were incorrectly certified as having been personally served on Amanda Hilley and Doug Truslow. Follow up with research. Review letter sent by staff to Megna and confirm that no response had been received.	1.50	442.50	DNT
	E-mail from Megna that I know of because he copies others. He says he is sending by mail but does not do so. He says he wants discovery regarding damages yet he has said before he has no interest in damages portion of case. Review file to confirm and ensure transcript is ordered. He is repeatedly asking for information that he already has or which is irrelevant and is wrongfully attempting discovery in any event. Follow up review of case to confirm that what he is asserting is not true and harrassment.	1.00	295.00	DNT
	Prepare cover sheet and letter for pleadings. Copy and mail.	1.50	112.50	ADH
3/12/2012	Travel to Florence and Darlington. Review court's files in those cases to determine relevance, if any, to Richland County case.	6.50	1,917.50	DNT

	Meeting with Jay James (who I had never met before) to confirm case status and to inquire about the Appeal's relevance to the discovery sought by Megna. T/c with Celeste Jones' paralegal to inquire about subpoena and relevance, if any. (Roundtrip travel time is not included in charges.) Megna is asking for discovery for unrelated cases and in a case where he has been disqualified.			
	Check on status of delivery of 3/5/12 letter from Megna. Not sent as he asserts.	0.10	29.50	DNT
3/15/2012	Confirmation regarding receipt/non receipt from Megna as I am going on vacation and knows I will be gone.	0.30	88.50	DNT
3/23/2012	Detailed review of Att'y Megna's "synopsis" and outline response to same. He raises serious ethical issues that will take considerable time to address.	4.50	1,327.50	DNT
3/24/2012	Extensive review of file in context of Megna's synopsis - 4 files, bankruptcy and appeals.	4.00	1,180.00	DNT
3/25/2012	Review of file and extensive documents in context of Megna's synopsis	2.00	590.00	DNT
3/26/2012	3/26/2012 - 3/31/2012: Detailed review of Megna's "synopsis" and further draft outline for response. Further prepare and revise Memorandum in further support of Motion to Quash. Inspect and review of extensive documents relative to the falsity of Att'y. Megna's assertions. Necessary because of his extensive miscounduct and claims of ethical violations by many others.	48.00	14,160.00	DNT
4/1/2012	Initial draft of Affidavits.	3.75	1,106.25	DNT
	Review of Court's e-mail regarding issues to be heard and revise memorandum in context.	0.50	147.50	DNT
	Review letters from others regarding participation in hearing	0.20	59.00	DNT
	Review Megna's e-mails with staff relative to whether he was mailing or faxing information	0.20	59.00	DNT

4/2/2012	Review transcript from January 18, 2012 to disprove Megna's claim that he "needed" discovery for the damages hearing. He specifically and unequivocally told Judge Barber the opposite on January 18. 2012. Revise Memorandum and Affidavits.	2.75	811.25	DNT
	Meeting with staff to revise document. Review Affidavits.	1.00	295.00	DNT
5/15/2012	Anticipated final preparations and travel to Darlington for Hearing.	3.50	1,032.50	DNT
	TOTAL FEE (No Loadstar Multipler)	**109.55**	**$31,547.25**	
	TOTAL FEE ($295.00*1.50 Loadstar Multiplier)		**$48,475.88**	
	TOTAL FEE ($295.00*1.75 Loadstar Multiplier)		**$56,555.19**	

DISBURSEMENTS

	Photocopies	69.20
	Postage	49.70
3/8/2012	Motion Fee	25.00
4/5/2012	Transcript of Jan. 18 2012 Status Conference	65.00
5/15/2012	Mileage - Darlington, SC - 154 miles	86.24
	TOTAL COSTS	**$295.14**

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	FIFTH JUDICIAL CIRCUIT
	)	
JAMES A. ANASTI,	)	Docket Number: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	**AFFIDAVIT OF**
LANCE WILSON,	)	**MACKENZIE WOODWARD**
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

PERSONALLY APPEARED BEFORE ME, MACKENZIE WOODWARD, who being duly sworn, deposes and says (her words):

1. I am a legal assistant and I am employed by Douglas N. Truslow.
2. I am responsible for keeping Mr. Truslow's time records.
3. Records of time spent on matters solely associated with the March 9, 2012 motion are attached as Exhibit A.
4. My workspace is close to Mr. Truslow's office. Our office is a small practice consisting of four people; therefore I am well aware of what occurs on a daily basis.
5. The period of March 23, 2012 through March 30, 2012 was consumed with this matter as is obvious from Mr. Truslow's time records. Additional time was expended with the qualification that Mr. Truslow has not charged for all time expended. Time is entered into our billing software and automatically calculated at Mr. Truslow's normal hourly rate of $295.00 without any loadstar multiplier.
6. The files for this case are voluminous. There are files for this case that are well over five years old and it is the largest file in our office.
7. I am able to confirm that Mr. Truslow spent considerable time on this matter as documented in the attached exhibit.

8. Because of the location of my workspace, I am usually the first person that greets visitors to our office. On or about March 6, 2012, a man came to our office saying he was here to deliver some paperwork. He did not ask who I was or request to see anyone in particular. He did not identify himself or the papers he was here to deliver. He simply handed me the paperwork, said thank you and left.

9. After his departure, I noticed that the paperwork was addressed to Amanda Hilley and included a letter, subpoena, a Notice of Deposition, and a witness fee check in the amount of $28.00 from HTR, LLC. The subpoena's Proof of Service had been completed prior to the delivery. It stated that Amanda Hilley was personally served. That is not accurate. I am not Mrs. Hilley's agent and I am not authorized to accept service on her behalf.

10. On or about March 8, 2012, the same man returned to our office. He delivered more unspecified papers. Once again, he did not ask who I was or request to see anyone in particular. Again, he did not identify himself. He simply handed me the papers but this time, upon my inquiry, he stated that he was delivering them as Mr. Megna had instructed. He handed me the papers. This set of papers included a subpoena and Notice of Deposition for Mr. Truslow.

11. As before, the subpoena's Proof of Service had been completed prior to delivery. It stated that Douglas Truslow was personally served. This, again, was not accurate.

12. On March 9, 2012, I sent a letter to Mr. Megna because I thought he would want to be made aware of the problems with the manner of "service" of his subpoenas. The letter is attached as Exhibit B. I have not received any response to my letter and to the best of my knowledge Mr. Megna has not addressed this issue with Mr. Truslow either.

Mackenzie Woodward

Mackenzie Corbin Woodward
Legal Assistant for Douglas N. Truslow

[NOTARY CERTIFICATION ON FOLLOWING PAGE]

SWORN TO AND SUBSCRIBED BEFORE ME

this 3 day of May, 2012

Amanda Douglas Hall

Notary Public for South Carolina

My Commission Expires: November 22, 2020

COUNTY OF RICHLAND	)	FIFTH JUDICIAL CIRCUIT
	)	
JAMES A. ANASTI,	)	Docket Number: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	**AFFIDAVIT OF**
WILLIS GOODWIN,	)	**MACKENZIE WOODWARD**
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT A

Truslow & Truslow, PA
Post Office Box 1465
Columbia, SC 29202-1465

Ph: (803) 256-6276 Fax: (803) 256-7659

James A. Anasti v. Lee, et al
2007-CP-40-0576

File #: 06-059

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
2/28/2012	Review and respond to Att'y Megna's e-mail correspondence including: Review of "e-mail subpoena" from Megna. Research law regarding his "service." Review file in context of 1/18/12 Status Conference wherein Megna claimed that neither he nor Lee has any intent in the damage aspect of the case and why he seeks "discovery" in a case where Lee's intent has ended. Review Megna's November 3, 2011 letter to Judge Lee, where he claimed the outstanding damage and sanctions issues had been decided by the Court of Appeals and numerous other inconsistent claims, including bankruptcy. Review of extensive documentation.	3.75	1,106.25	DNT
	Review of second e-mail from Megna regarding deposition of Plaintiff and Motion from Attorney Earle to be Relieved. Follow up with staff, client and Mr. Earle's office.	0.30	88.50	DNT
2/29/2012	Draft Document for Relief Sought. Review file and copy attachments.	1.00	75.00	ADH
3/1/2012	Communication with postman to be on the lookout for more bulky and wrongfully addressed mail from Megna. Review of past numerous communications that relate to numerous mailings from Megna that were addressed (wrong street, zip code, etc.) incorrectly.	0.50	147.50	DNT
	Review e-mail from Megna in context of his Notice of Depositions scheduled for the same time with less than 10 days notice. Follow up with staff and Att'y Licata.	0.30	88.50	DNT

	Letter to Megna - says he will send by mail. Megna threatens contempt even though he is not authorized to act or be involved for Lee. Review file regarding discovery. Follow up with Attorney Licata regarding bankruptcy and Megna's involvement regarding discovery.	0.50	147.50	DNT
	Draft Motion for Protection and initial outline of Argument.	1.00	75.00	ADH
3/4/2012	Review letter from Att'y. Licata regarding discovery by Att'y Megna and follow up.	0.10	29.50	DNT
3/5/2012	Received envelope postmarked 2/28. Receipt of subpoenas addressed to 944 [sic] Richland Street, which is neither our mailing nor street address. More detailed review of subpoenas and discovery related materials in context of Megna's prior assertions. Phone call with Jay James to confirm that Megna was disqualified in the Darlington case. Discussed with James why Megna would issue a subpoena in the Darlington County case for use in the Richland, Darlington and Florence County cases. Follow up review and research.	3.50	1,032.50	DNT
	Meeting with client. According to client, Megna's client does not endorse what Att'y Megna is doing.	0.50	147.50	DNT
	Review e-mails (x 3) from Megna and follow up with letter after review of documents. Megna knows his e-mails go to junk, so why is he sending? How to protect client?	1.50	442.50	DNT
3/6/2012	Extended legal research regarding "discovery" abuses. Preparation of Motion, Memorandum and review of extensive documentation and revision; including Bankruptcy Orders, prior Court Orders, Federal Appellate Pleadings and various communications.	8.20	2,419.00	DNT
3/8/2012	Extended telephone call with Desa Ballard relevant to subpoena, discovery, relevance and ethical duties and responsibility in context of discovery sought by Megna and his actions. Follow up on issues.	2.00	590.00	DNT

3/9/2012	Legal research in regards to possible actions to stop Megna's discovery abuses and what alternatives are available. Confirmation that attempts to reason with him are futile.	1.50	442.50	DNT
	Follow up to complete Memorandum. Travel to court to file.	0.50	147.50	DNT
	Review e-mail from Megna in which he threatens to bring sanctions against me if I don't do what he says; follow up to determine how he is able to evade being blocked from e-mail. Research and documentation regarding consequences, if any, of not doing as Megna demands.	2.10	619.50	DNT
	Review blocked e-mail from Megna and confirm it was not faxed or mailed as claimed. Research issue of how Att'y Megna is able to override blocked e-mails and how to read what has been blocked.	1.00	295.00	DNT
	Conference with staff relative to subpoenas that were incorrectly certified as having been personally served on Amanda Hilley and Doug Truslow. Follow up with research. Review letter sent by staff to Megna and confirm that no response had been received.	1.50	442.50	DNT
	E-mail from Megna that I know of because he copies others. He says he is sending by mail but does not do so. He says he wants discovery regarding damages yet he has said before he has no interest in damages portion of case. Review file to confirm and ensure transcript is ordered. He is repeatedly asking for information that he already has or which is irrelevant and is wrongfully attempting discovery in any event. Follow up review of case to confirm that what he is asserting is not true and harrassment.	1.00	295.00	DNT
	Prepare cover sheet and letter for pleadings. Copy and mail.	1.50	112.50	ADH
3/12/2012	Travel to Florence and Darlington. Review court's files in those cases to determine relevance, if any, to Richland County case.	6.50	1,917.50	DNT

	Meeting with Jay James (who I had never met before) to confirm case status and to inquire about the Appeal's relevance to the discovery sought by Megna. T/c with Celeste Jones' paralegal to inquire about subpoena and relevance, if any. (Roundtrip travel time is not included in charges.) Megna is asking for discovery for unrelated cases and in a case where he has been disqualified.			
	Check on status of delivery of 3/5/12 letter from Megna. Not sent as he asserts.	0.10	29.50	DNT
3/15/2012	Confirmation regarding receipt/non receipt from Megna as I am going on vacation and knows I will be gone.	0.30	88.50	DNT
3/23/2012	Detailed review of Att'y Megna's "synopsis" and outline response to same. He raises serious ethical issues that will take considerable time to address.	4.50	1,327.50	DNT
3/24/2012	Extensive review of file in context of Megna's synopsis - 4 files, bankruptcy and appeals.	4.00	1,180.00	DNT
3/25/2012	Review of file and extensive documents in context of Megna's synopsis	2.00	590.00	DNT
3/26/2012	3/26/2012 - 3/31/2012: Detailed review of Megna's "synopsis" and further draft outline for response. Further prepare and revise Memorandum in further support of Motion to Quash. Inspect and review of extensive documents relative to the falsity of Att'y. Megna's assertions. Necessary because of his extensive miscounduct and claims of ethical violations by many others.	48.00	14,160.00	DNT
4/1/2012	Initial draft of Affidavits.	3.75	1,106.25	DNT
	Review of Court's e-mail regarding issues to be heard and revise memorandum in context.	0.50	147.50	DNT
	Review letters from others regarding participation in hearing	0.20	59.00	DNT
	Review Megna's e-mails with staff relative to whether he was mailing or faxing information	0.20	59.00	DNT

4/2/2012	Review transcript from January 18, 2012 to disprove Megna's claim that he "needed" discovery for the damages hearing. He specifically and unequivocally told Judge Barber the opposite on January 18. 2012. Revise Memorandum and Affidavits.	2.75	811.25	DNT
	Meeting with staff to revise document. Review Affidavits.	1.00	295.00	DNT
5/15/2012	Anticipated final preparations and travel to Darlington for Hearing.	3.50	1,032.50	DNT
	TOTAL FEE	**109.55**	**$31,547.25**	

DISBURSEMENTS

	Photocopies	69.20
	Postage	49.70
3/8/2012	Motion Fee	25.00
4/5/2012	Transcript of Jan. 18 2012 Status Conference	65.00
5/15/2012	Mileage - Darlington, SC - 154 miles	86.24
	TOTAL COSTS	**$295.14**

TOTAL FEE & DISBURSEMENTS **$31,842.39**

COUNTY OF RICHLAND	)	FIFTH JUDICIAL CIRCUIT
	)	
JAMES A. ANASTI,	)	Docket Number: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	**AFFIDAVIT OF**
LANCE WILSON,	)	**MACKENZIE WOODWARD**
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
	)	
Defendants.	)	
	)	

EXHIBIT B

Truslow & Truslow

Attorneys At Law

Telephone: 803-256-6276 Fax: 803-256-7659

Douglas N. Truslow
douglastruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

Physical Address:
914 Richland Street, Suite B-102
Columbia, SC 29201

Mailing Address:
P.O. Box 1465
Columbia, SC 29202

March 9, 2012

RE: Jim Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court
Docket Number: 2007-CP-40-0576

CERTIFIED MAIL, RESTRICTED
PERSONAL & CONFIDENTIAL
Tony R. Megna, Esquire
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

Someone from your office handed a pack of papers to me and then immediately left. I was not requested to sign for anything or give my name or position. In looking at the papers, I saw that the "Proof of Service" was already filled out before I received the documents. The "Proof of Service" indicates that the documents were delivered to Mr. Truslow personally (emphasis added). That, of course, is not accurate.

Mr. Truslow is not in the office at the time of this writing but I wanted you to know that what is being represented by your office is incorrect. Also, as you know, Mr. Truslow has protection from the court starting next week through Monday, March 23, so I suggest that you may want to discuss the matter with him after Monday, March 26, if you are unable to take care of this problem immediately.

Sincerely,

Mackenzie Woodward

Mackenzie Woodward
Legal Assistant to Truslow and Truslow, P.A.

DNT/mcw

ow & Truslow
torneys At Law

O. Box 1465
South Carolina 29202

CERTIFIED MAIL

7010 0290 0000 9966 2230

CERTIFIED MAIL, RESTRICTED
PERSONAL & CONFIDENTIAL
Tony R. Megna, Esquire
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Tony R. Megna, Esq.
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☒ Yes

2. Article Number (*Transfer from service label*) 7010 0290 0000 9966 2230

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	$ 0.45
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	4.55
Total Postage & Fees	$ 7.95

Postmark Here

Sent To Megna
Street, Apt. No.; or PO Box No. 3400 West Ave.
City, State, ZIP+4 29203

7010 0290 0000 9966 2230

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tony R. Megna, Esq.
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Pam Crachiolo ☐ Agent ☐ Addressee

B. Received by (Printed Name) PAM CRACHIOLO
C. Date of Delivery 3/12/12

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☒ Yes

2. Article Number (Transfer from service label) 7010 0290 0000 9966 2230

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

STATE OF SOUTH CAROLINA)	COURT OF COMMON PLEAS
)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND)	
)	
JAMES A. ANASTI,)	Case No.: 2007-CP-40-0576
)	
Plaintiff,)	
)	**AFFIDAVIT OF JAMES A. ANASTI**
vs.)	
)	
LANCE WILSON,)	
WILLIS GOODWIN,)	
GINA L. ANASTI LEE,)	
And RICHLAND COUNTY)	
CLERK OF COURT,)	
)	
Defendants.)	
)	

PERSONALLY APPEARED BEFORE ME, **James A. Anasti,** who being duly sworn, deposes and says (in his words):

Since my recent return to South Carolina (I had previously lived in Mexico), I have resumed a cordial relationship with my sister Gina Lee. She initiated the contact. Gina recently told me (sometime in early February, 2012) that she felt very, very uncomfortable with how Mr. Megna had handled her case(s) – that she had simply followed his lead, done what he had told her to do and she was now adjudicated bankrupt as a result. She said she felt like Mr. Megna had misled her and had taken advantage of her and/or misused his status as an attorney under the circumstances. Gina said that she thought her involvement in this case was supposed to be over long ago – at the latest, by the time she was discharged in bankruptcy and without any doubt by the time Mr. Megna had lost the appeal in this case. I did not press the issue; I just listened.

Gina said that Mr. Megna was originally representing her "for free" in another case (the "companion case" that was tried by way of arbitration in 2007). She did not divulge why Mr. Megna was representing her for free. It seemed very strange, but I did not ask about their relationship, much less ask why he would have ever represented her for free; again, I just listened. That said, I am aware that Gina's husband has no relationship with Mr. Megna and, according to her "Pete doesn't know much about him". Gina said that her personal and professional relationship with Mr. Megna, as well as her involvement in the case(s) had ended as far as she was concerned. Gina said she wanted no further contact with Mr. Megna. She also

said that she does not think that she had a written contract with Mr. Megna for this case – that he had confided to her in early 2007 (when I initiated this lawsuit) that he would represent her on a "no fee" basis. Gina said she did not have to pay any fee for Mr. Megna's representation in this case, in the arbitration case or for any of the appeals. Gina said that Mr. Megna has pursued this case (and the appeals) "on his own" after summary judgment was rendered by the court in my favor and after Mr. Megna had lost the arbitration case as well. She said that he was adamant and insisted that the case needed to be continued. She said she was mostly in the dark as to what Mr. Megna was doing and why and that she could not figure out how what he was doing was beneficial for her or her relationship with me.

Gina indicated that she intended to get a second (legal) opinion from a lawyer so she could simply understand what her rights and responsibilities were. I was not involved in Gina's choice of an attorney. Gina said that she had not "fired" Mr. Megna -- that both their relationship and the case had ended as far as she knew and was concerned. Gina said that if Mr. Megna was still pursuing this case, she wanted to not be involved with it and had previously made her wishes known to him, but that Mr. Megna had a very strong, aggressive, domineering personality and seemed to have his mind made up as to what he was going to be doing. Gina said she had felt somewhat intimidated by Mr. Megna, but that she had made clear that she had no interest in pursuing any litigation involving me, that Mr. Megna had been well aware of that fact long ago and that if Mr. Megna was continuing with the case and/or trying to engage in discovery using her name at this point, it was without her approval and not in her best interests. Gina made clear that in seeking a "second opinion", she was not going to have the lawyer take over any case from Mr. Megna – she just needed someone objective to look over what had been done ostensibly on her behalf/using her name and so that neither she nor I would be prejudiced by his actions.

Recently, Gina indicated that she had in fact engaged an attorney to assist her in trying to find out what Mr. Megna had done and was purporting to do and why. She said the attorney had written a letter to Mr. Megna to simply request a copy of his file, but that after approximately a month had expired Mr. Megna still had not turned over a copy of his (her) file to the lawyer.

Finally, I am retired, living on social security and a very small county pension. Mr. Megna's actions have caused my attorney to have to spend an inordinate amount of time dealing with Mr. Megna's recent discovery-related conduct and I believe he is entitled to be paid. I have

gone over the details with my attorney and I agree with what he has asserted. I ask the Court to favorably consider the relief sought by my attorney in the March 9, 2012 motion and in his memoranda that will be or have been submitted to the Court.

JAMES A. ANASTI

SWORN TO AND SUBSCRIBED BEFORE ME
this 8th day of May, 2012

Notary Public for South Carolina

My Commission Expires

My Commission Expires
June 16, 2021

GOINGS
GOINGS LAW FIRM, LLC

914 RICHLAND STREET
SUITE A-101
POST OFFICE BOX 436 (29202)
COLUMBIA, SC 29201
P 803.350.9230
F 877.789.6340
E rgoings@goingslawfirm.com

May 8, 2012

VIA UNITED STATES MAIL
The Honorable Jeanette W. McBride
Richland County Clerk of Court
1701 Main Street, Room 205
Columbia, South Carolina 29202

Re: James A. Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court
Civil Action No.: 2007-CP-40-0576

Dear Ms. McBride:

Enclosed please find the original and one (1) copy of the Affidavit of Gina Anasti Lee in the above-referenced matter. Please file the original and return the clocked-in copy to me in the enclosed envelope.

By copy of this letter, I am hereby sending a copy of this Affidavit to The Honorable J. Michael Baxley, along with all counsel of record listed on the Certificate of Service.

Thank you for your assistance in this matter. Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Robert F. Goings

Enclosures
cc: The Honorable J. Michael Baxley
Gina Anasti Lee
All Counsel of Record

STATE OF SOUTH CAROLINA)
) AFFIDAVIT OF GINA ANASTI LEE
COUNTY OF RICHLAND)

PERSONALLY APPEARED BEFORE ME, the undersigned, GINA ANASTI LEE, who after being duly sworn, deposes and says:

1. I am over eighteen (18) years of age and the facts stated herein are true and accurate to the best of my knowledge and belief and based on information that I believe to be true.

2. I understand that Mr. Tony R. Megna has issued several deposition notices, interrogatories and requests for production of documents on my behalf.

3. I never authorized Mr. Megna to issue this discovery on my behalf.

4. Mr. Megna never contacted or consulted with me to obtain my approval or permission prior to issuing this discovery.

5. Mr. Megna never told me about, or sent me a copy of, the discovery that he apparently issued.

6. Mr. Megna has not informed me about a hearing related to this discovery.

7. I do not approve of Mr. Megna's conduct.

8. To the extent the court determines Mr. Megna's conduct was wrongful, I request that sanctions not be issued against me personally because I had nothing to do with Mr. Megna's actions or conduct.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.

Gina Anasti Lee
GINA ANASTI LEE

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 26th DAY OF April, 2012.

Mallory Guibault
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9/6/2021

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND JAMES A. ANASTI, Plaintiff, vs. LANCE WILSON, WILLIS GOODWIN, GINA L. ANASTI LEE, And RICHLAND COUNTY CLERK OF COURT, Defendants.	)	COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT Case No.: 2007-CP-40-0576 **CERTIFICATE OF SERVICE**

The undersigned does hereby certify that the following named individual(s) were served with a copy of the pleading(s) indicated below by mailing a copy of same to said person(s) in the United States Postal Service, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

Benjamin R. Matthews, Esquire
Tony R. Megna, Esquire
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

John J. James, II, Esquire
P.O. Box 507
Darlington, SC 29540

Jon Rene Josey, Esquire
P.O. Box 5478
Florence, SC 29502

Douglas N. Truslow
914 Richland St., Suite B-102
P.O. Box 1465
Columbia, SC 29202

Kenneth P. Woodington, Esquire
Davidson and Lindemann, PA
P.O. Box 8568
Columbia, SC 29202

Celeste T. Jones, Esquire
McNair Law Firm, PA
P.O. Box 11390
Columbia, SC 29211

Desa Ballard, Esquire
Ballard Watson & Weissenstein
P.O. Box 6338
West Columbia, SC 29171

Charlie Jay Johnson, Jr., Esquire
P.O. Box 11212
Columbia, SC 29211

PLEADINGS:

- **AFFIDAVIT OF GINA ANASTI LEE**

Mallory Guibault
Mallory Guibault

Columbia, South Carolina

May 8, 2012

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	FIFTH JUDICIAL CIRCUIT
JAMES A. ANASTI,	)	Docket Number: 2007-CP-40-0576
Plaintiff,	)	
vs.	)	**MEMORANDUM OF PLAINTIFF REGARDING SANCTIONS**
LANCE WILSON, WILLIS GOODWIN, GINA L. ANASTI LEE, And RICHLAND COUNTY CLERK OF COURT,	)	
Defendants.	)	

RICHLAND COUNTY
FILED
2013 DEC 23 PM 4:57
JEANETTE W. McBRIDE
C.C.P. & G.S.

INTRODUCTION

This matter involves attorney misconduct by Tony Megna/his law firm (hereinafter "Megna"). Megna's misconduct has been pervasive and is likely unprecedented for this Court. Indeed, Megna's misconduct has been found to be unprecedented for a separate Court, involving separate misconduct by Misconduct. Megna's misconduct has significantly harmed Plaintiff, Plaintiff's counsel and the justice system. Plaintiff seeks the imposition of appropriate sanctions against Megna.

A compelling basis for sanctions sought herein is set forth and/or is contained in the pleadings, depositions, transcripts of proceedings, various court files (including Appellate, Bankruptcy, and Fourth Circuit Courts), orders of various Courts, affidavits and memoranda and also in the exchange of communications between Megna and Plaintiff's counsel that are of record. Plaintiff has submitted exhibits supporting his claims. Plaintiff requests that the court take judicial notice of all that has been filed.

Plaintiff would note at the inception that, subsequent to his submission of a patently frivolous answer and significant discovery abuses by Megna in 2007:

(a) Plaintiff was granted summary judgment.[1] At the time of the summary judgment hearing, Megna was admonished by the court for making false statements, "talking out of four sides (of his mouth)" to the court, "for not playing fair" and for presenting a "flim-flam" defense. Megna was provided by the court with an opportunity for a "safe harbor" retraction of the improper, untrue and vitriolic affidavit of his client (which he concededly prepared), but he did not take advantage of the opportunity. Instead he submitted another affidavit and made even more disingenuous, dishonest arguments, thereby compounded his exposure to sanctions. From the initiation of Lee's defense, through summary judgment, Megna engaged in serious misconduct for which sanctions are sought. He knew he was wrong, but he proceeded nonetheless – Megna's motives appear to have been greed, as well as to bully those who opposed him. He claims to have been representing Lee for free in all of these protracted proceedings spanning nine years because of some as yet undefined relationship he had with her. Notably, Megna's representation included two cases, an appeal, bankruptcy and multiple bankruptcy appeals, a petition for writ of certiorari and other legal proceedings. Megna lost at all pertinent stages. He lost because the claims he has continually advanced have never had any merit whatsoever. Financial sanctions sought for Megna's misconduct from the time of Megna's appearance in January, 2007 through January 3, 2008 are in excess of $285,000;

(b) On January 4, 2008, Megna (untimely) appealed the grant of summary judgment. He was acting in bad faith and so as to avoid the imposition of sanctions. On remand to determine if the appeal was timely, Megna was (twice) found by the Circuit Court to have been untruthful and to have unfairly and unjustly attacked Plaintiff's counsel. Sanctions could not be pursued at the time because the matter was immediately appealed by Megna and thus stayed during appeal. Megna has reiterated that sanctions could not be pursued during the appeals of those matters. The courts stayed the sanctions hearing during those appeals. The relevant appeals are now over.[2] Financial sanctions are also sought for the period of time from the initiation of the

[1] This is threshold and, as discussed *infra*, his appeal was **dismissed.**

[2] Megna has appealed another court's order sanctioning him for other, separate and distinct misconduct, but it is not germane to the sanctions being sought herein. He is still the subject of other numerous other sanctions motions unrelated to Plaintiff herein.

appeal on January 4, 2008 through dismissal of the appeal as untimely in April, 2011. Those sanctions amounts are in excess of $177,000 and are in addition to the $285,000 referenced above. Additional sanctions relative to Megna's ploy to avoid sanctions (by misusing a former client's bankruptcy for self interest) are also sought. They total $30,000, discussed *infra* and by affidavit.

(c) Independent of this sanctions hearing, Megna has been sanctioned by a separate court for additional, separate and distinct misconduct in this case and in another, unrelated case. Megna is still facing further (criminal) sanctions, *sua sponte,* for independent, separate and distinct misconduct – delayed because of one of his current/substituted (now fourth) attorney's unfortunate illness. There are other pending sanctions motions against Megna subsequent to dismissal of his appeal in yet another matter (dismissed on appeal). Sanctions awarded against Megna previously or prospectively by other courts do not form the basis for sanctions in this matter, nor can they be utilized for set-off purposes. They are separate and distinct. Thus, depending on how the court may look at it, financial sanctions currently before the court are as low as $285,200 and as high as $530,333 plus costs and interest. The court may impose additional sanctions, *sua sponte*, in its discretion, given the ongoing misconduct of Megna since 2007.

The court has wide latitude and discretion relative to sanctions. Ex Parte: Bon Secours-St. Francis Xavier Hospital, Opinion No. 27016, filed August 1, 2011. Plaintiff seeks financial sanctions. It is stressed that no matter how Megna may wish to parse words, damages have not ever been sought from him. Moreover, damages issues are not before the court. Megna has repeatedly averred that damages issues were addressed by the Court of Appeals previously, but that is both untrue and irrelevant. Given Lee's bankruptcy, coupled with her loss of all appeals, damages would not have involved either Lee or Megna in any event. Financial sanctions are what is being sought from Megna. This Court is entitled to use legal fees as benchmark in assessing sanctions. The Court may impose additional sanctions against Megna as well, *sua sponte*. Another Court has issued financial sanctions and other sanctions against Megna, *sua sponte*, based on his

separate and distinct misconduct. In doing so, that court made clear that the sanctions matter before this Court is separate and distinct from those sanctions previously issued.

BACKGROUND

At its inception in 2007, this case revolved around what should have been simple issues of quieting title to real estate and an accounting for money wrongfully received and retained by Megna's client (Lee). Megna's misconduct caused the case to be unnecessarily convoluted, contentious and financially harmful to Plaintiff and to the prejudice of the administration of justice.

- Plaintiff and his father Albert Anasti owned commercial property at 2325 Two Notch Rd. in Columbia (hereinafter the "property"). They had owned the property as joint tenants with the right of survivorship since 1978. Lance Wilson and his family were long term tenants.
- Albert Anasti died on October 19, 1995, leaving as survivors his adult children Plaintiff James Anasti and Gina Anasti Lee "Lee". Lee handled the probate of Albert Anasti's estate. Plaintiff and Lee were not particularly close at the time, given their significant age disparity (more than ten years difference) and geographical locations. Plaintiff was retired from his position as a Deputy Richland County Coroner and was living in Europe on a small government pension. Lee worked as a hair dresser in Blythewood. She was married to a roofer and lived in a house trailer in Blythewood. Neither Plaintiff nor Lee had any significant experience with real estate matters. Neither of them was particularly sophisticated. Neither of them was college educated.
- On October 25, 1996, Lee filed in the RMC/Richland County Court a "deed of distribution" to the property, naming herself as its owner. She did not disclose that act to Plaintiff. Thereafter, Lee represented to Plaintiff that the Two Notch property was not generating a profit and needed a new roof. Lee did distribute to Plaintiff funds from the estate of their father from time to time thereafter and bought out Plaintiff's interest in the former residence (bequeathed by Mr. Anasti

to Plaintiff and Lee). Based on Lee's representations to him, Plaintiff believed that Lee was protecting his interests. Unfortunately, she was not.

- On January 6, 2000, after collecting rents from Wilson for approximately four years and without disclosure to Plaintiff, Lee sold the property to Lance Wilson and Willis Goodwin. She represented that she was the sole owner. The sales price was $177,000. In conjunction with the sale, Lee and Wilson and Goodwin utilized the services of a real estate law firm (Dallis Law Firm). Dallis in turn utilized the services of an independent title abstractor. The title abstractor erred in reporting that Lee owned the property. Consequently Dallis erred in certifying to Wilson and Goodwin that Lee had marketable title to the property. The closing/sale was accomplished with the exchange of a general warranty deed, a $50,000 down payment to Lee and Lee's personal "owner financing". Lee received a note and mortgage for $127,000. Lee retained the $50,000 down payment, as well as all mortgage payments made by Wilson and Goodwin. Lee paid no taxes on the property after sale, nor did she insure it.
- Wilson and Goodwin subsequently learned that Lee did not own the property she had sold them. In 2002, they stopped paying Lee altogether, but they continued to exclusively conduct business on the property. Notably, though not receiving any mortgage payments after 2002, Lee did not seek to foreclose, nor did she seek other redress. She did not return the $50,000.00 down payment, nor did she return any of the mortgage payments that had been paid, after demand.
- On November 12, 2004, Wilson and Goodwin initiated a suit against Lee (2004-CP-40-5333/5334, often referred to in this litigation as the "companion case"). They alleged Lee was not the owner of the property she had sold them. They did not seek to quiet title. Instead, they alleged negligence and fraud causes of action against Lee. They did not sue Plaintiff for obvious reasons – they contended Lee had sold them property that she did not own; hence, by their own admissions and conduct, they did not own. They were truthful. Their attorney was ethical.
- Megna was Lee's attorney both in the companion case lawsuit filed by Wilson and Goodwin against Lee and in this case.

- In November, 2004, as Megna was ostensibly investigating and/or preparing Lee's defense in the companion case, he had received a real estate title opinion from Blue Granite Title/attorney Joe Moore, reflecting that Lee had no legitimate title interest in the property she had sold to Wilson and Goodwin. Megna also received in conjunction a real estate title opinion from Mr. Moore reflecting that Lee had no cognizable legal interest in the property and that any foreclosure action would be meritless. (See April 30, 2004 opinion from attorney Joe Moore)
- On January 12, 2005, Megna filed a motion to join James Anasti in Wilson and Goodwin's companion case lawsuit. What is remarkable is that Megna alleged, as a basis for his motion;
    - **"disposition of the action in his (James Anasti's) absence may, as a practical matter, impair or impede his ability to protect that interest and puts defendant Lee at substantial risk";**

- On January 13, 2005, Megna reconfirmed Lee's lack of title interest in the property (see his letter). At that time, and knowing it was untrue, Megna affirmatively proposed to Lee that they present a defense of **"adverse possession"** to Wilson and Goodwin's lawsuit. The problem for Megna (now) is that he knew what he was proposing was at all times an absolute sham. Clearly, as established by the record and as addressed, *infra*, this unscrupulous idea was hatched by Megna in bad faith and was clearly designed by him as a dishonest ploy to gain an unjust financial result. Unfortunately, there is no other way to say it, except to call it what it was – a lie attempted to be perpetrated on opposing parties and the court by Megna. Megna proposed this defense specifically in order to "perhaps" gain **"leverage"** (his words) for settlement. Megna further stated that Lee must;

> **"...bring whatever possible actions you may have against Jim in the context of this lawsuit (i.e. the one by Wilson and Goodwin against Lee) or they will most likely be forever barred."** (again his words, emphasis added).

- On March 24, 2005, Megna answered Wilson and Goodwin's complaint in the companion case on behalf of Lee. Despite having proof to the contrary, Megna denied all allegations of the complaint. Megna falsely alleged that Lee had good and marketable title based on "ouster and adverse possession". In Lee's answer, Megna also sought to foreclose on the note and mortgage provided by Wilson and Goodwin to Lee. At the time, Megna knew Lee had no legitimate note and mortgage (again, see letter of April 30, 2004 from Mr. Moore in comparison to Megna's of January 13, 2005).
- In a Third Party/Crossclaim negligence suit against Dallis Law Firm in the companion case, Megna alleged that there was a;

"defect in the marketable title".

Thus, while inconsistent with other assertions of Megna made previously in the companion case and subsequently in this matter, Megna acknowledged that there was in fact an impediment to Lee's sale to Wilson and Goodwin. He sued Dallis for legal malpractice and sought to foreclose on that contrived basis, nonetheless.

- On April 7, 2005, Megna inexplicably wrote to the court, stating;

"I would appreciate you denying the Rule 19 motion and removing it from the docket."

In essence, Megna asked the court to deny joining James Anasti in the lawsuit. He did so despite previously asserting that Anasti was necessary and that his absence would prejudice Lee. Later events and especially Megna's email to Mr. Moore in November, 2006 discussed *infra,* prove that Megna had ulterior, disingenuous motives.

- On January 2, 2006, Megna wrote to Dallis', attorney, demanding that:

"under their (Dallis') continuing legal and ethical obligations to Ms. Lee as her attorneys, take no action contrary to her position that she is, and has been since October, 1995, (emphasis added) the rightful owner of the property in question".

In the context of threats of ethical misconduct directed to Dallis' attorney, it is significant that Megna asserted Lee's "ownership" of the property commenced at its earliest in **1995**. It ended with its sale in 2000. This circumstance is significant in that this period of "ownership" is obviously less than that required to establish adverse possession. Thus, it is in and of itself proof of a violation of Rule 11, especially in the context of claims made by Megna and his receipt of the Blue Granite Title report. Megna knew there was no cognizable basis to allege adverse possession or any basis to deny culpability. He submitted dishonest defenses knowing that they were dishonest.

- On November 12, 2006, and after specifically asking the court to deny his motion to joint Plaintiff in the companion case, Megna wrote to Mr. Moore, proposing a lawsuit (against Plaintiff). He stated;

  "the new lawsuit will be based on ten-year adverse possession, plus twenty years prior"

  And;

  "obviously, we do not want to revive it (companion case) because I do not want anything to refer back to the original date..."

  And;

  "I'll split the fee with you and the expenses"

Megna did not disclose to Mr. Moore that this case was about to be filed and that he was not heeding Mr. Moore's legal opinion rendered April 30, 2004 – that Lee had no legal interest in the property. Mr. Moore reiterated his recollection that Lee had sold the property in 2000 (and thus would have no cognizable claim to ownership). Mr. Moore declined to get involved in Megna's scheme. Mr. Moore

acted ethically, as had Goodwin and Wilson's attorney. Mr. Megna did not. Notably, Megna twice wrote to Lee suggesting that they submit a legal claims he knew had no merit (see his 2005 and 2006 letters to Lee).[3]

- On January 26, 2007, as Wilson and Goodwin's companion case languished without resolution and had been subjected to a SCRCP 40 (j), Plaintiff filed the within lawsuit against Wilson and Goodwin and Lee. Plaintiff sought to quiet/clear title to the Two Notch property, for an accounting of funds paid/ for damages. In response, Wilson and Goodwin answered, admitting that they did not own the Two Notch property sold to them by Lee -- because she did not truly own what she had sold to them. Wilson and Goodwin further alleged in their answer that the resolution of the case in favor of James Anasti would buttress their claims against Lee in case 2004-CP-40-5333/34/the companion case, ie. for selling them property that she did not own.
- Upon Lee being sued by Plaintiff, Megna undertook her representation and once again knowingly initiated and advanced fraudulent defenses and counterclaims. In Lee's answer to Plaintiff's complaint, Megna falsely alleged that Lee was and had been in continuous, and exclusive possession of the property for both ten and twenty years such as to be entitled to the property by way of "ouster" and "adverse possession". Megna certainly knew at the time that what he was not only asserting was false but fraudulent. This is so because (a) Megna had previously asserted in Wilson and Goodwin's companion case lawsuit that Lee had acquired the property in either 1995 or 1996 and had sold it in 2000, and (b) he already had a title opinion and other compelling evidence establishing that the claims he was advancing were contrived by him. Furthermore, any minimally competent attorney would know that three or four years does not constitute adverse possession, especially under color of title and particularly when the purchaser had already alleged that Lee had no title to transfer to them in the first place – it was not seeking to tack on the time of Lee's "ownership" for adverse possession purposes. In essence, Megna was the one who had suggested the

[3] Lee has produced the documentation, presumably to show that it was Megna's scheme all along and that, as a layperson, she had merely coalesced.

dishonest defenses to Lee in 2004, in 2005 and again in 2006 as a means to gain "leverage" (his express words). Moreover, he then acted on it and executed his scheme. However, whether it was initially Lee's idea to perpetuate a fraud or Megna's (or both together) is relatively immaterial and moot. This so because an attorney is specifically prohibited from encouraging or participating in perjured testimony and/or the advancing of completely unsustainable and/or fraudulent claims – that he knows are unjust.

- On March 20, 2007, the companion case had been reinstated. Lee was deposed at that time.[4] She testified:
  - **her basis for claiming an interest in the Two Notch property was predicated on her deed of distribution of October 25, 1996;**
  - **she sold the Two Notch property on January 6, 2000;**
  - **she never went to the Two Notch property after 2000** (after it sale); and
  - **after she sold the property in 2000, Lee had no more interest in it** (Tr. 77, lines 21 and 22).
- After many discovery problems and delaying tactics interposed by Megna and discussed *infra*, Lee's deposition was taken in this case, as well. In her deposition, Lee testified;
  - **she knew of no evidence supporting any claim of ouster;**
  - **Megna confided in her during a break in her deposition that the deed of distribution they were relying on "is just no good"** (Tr. 96);
  - **Lee's claim to any ownership interest in the Two Notch property was based on her 1996 deed of distribution;**
  - **her deed of distribution was not in proper form**; and
  - **she had in fact sold the Two Notch property to Wilson and Goodwin in 2000.**
- Given Lee's testimony to the effect that she never held the property for the requisite period of time to ever acquire it under any legal theory that could in good faith be advanced, Plaintiff filed a motion for summary judgment. Notably, and despite knowing that his/Lee's defenses were a sham, Megna continued to

[4] Megna would not respond to discovery and Defendant's counsel had to file a motion to compel.

advance them nonetheless. In conjunction, he began a more oppressive campaign of *ad hominem* attacks. And continued with other misconduct. Megna also alleged that he was representing Lee for free (but refused to provide a copy of his contract of employment, claiming that it was "privileged").

- On October 26, 2007, Plaintiff was granted summary judgment. The order was duly filed on October 29th and transmitted that day to respective counsel. It was unquestionably received by respective counsel, and specifically by Megna.[5]
- On November 7, 2007, Plaintiff filed a motion for sanctions against Megna. The motion was in large part pursuant to Rule 11. It was based on Megna's multiple acts of misconduct in this case. Other motions, including motions to compel discovery, had been filed by that point, as well as a motion relative to Megna's submission of an improper affidavit(s) at summary judgment.
- On November 20, 2007, Megna filed a motion for reconsideration of the order granting Plaintiff summary judgment. The motion was facially untimely. Megna did not allege late receipt of the order. Megna did not otherwise comply with Rule 59(e). His failure to do so simply demonstrated once again Megna's apparent lack of familiarity with the Rules of Civil Procedure and lack of professional diligence. In denying the motion, the court questioned timeliness. Still, Megna did not allege late receipt or any other excuse for being untimely.
- On December 5, 2007, the companion case lawsuits filed by Wilson and Goodwin against Lee i.e. 2004-CP-40-5333 and 5334 were tried. In that trial Lee testified;
    - **her claim to the property was based on her October, 1996 deed of distribution**; and
    - **she sold the property to Wilson and Goodwin on January 6, 2000.**
- On December 11, 2007, Plaintiff's motion for sanctions against Megna was scheduled to be heard - on January 8, 2008.
- On January 4, 2008, Megna filed an appeal from the order granting summary judgment. The pending motions for sanctions against Megna were stayed (see Order dated January 8, 2008). Notably, it was only at this time that Megna

[1] In the trial of the companion case, Megna asserted to the court and opposing counsel that he had received the order within a week to ten days of its issuance.

claimed late receipt of the order granting summary judgment. That claim by Megna was the opposite of what he had represented to the court at the December 5th trial (when it served his purposes to argue that he had received it and that "everybody knew about it"). Moreover, it was a transparent pretext to avoid the consequences of his out of time filing of the appeal; (see conclusion of the Bankruptcy Court Judgment in conjunction with the orders). As subsequent circumstances reflect, it appears that the out of time appeal and subsequent acts of misconduct by Megna were in fact a ploy by him to avoid or at least delay for as long as possible the sanctionable consequences of his prior misconduct.

- On January 22, 2008, Plaintiff moved that the appeal filed by Megna be dismissed as untimely. Megna contested it. Substantial evidence on the issue was filed by both Plaintiff and Megna.
- On March 18, 2008, the Court of Appeals remanded the case for a determination of Megna's timeliness in filing the appeal.
- On April 3, 2008, a hearing was held as to the issue of timeliness. Megna had notice of the hearing but inexplicably he did not appear and could not be located.[6] The court, however, considered all the evidence and arguments that Megna had presented and filed. The Court (Judge Manning) found that the appeal filed by Megna was untimely and that what Megna had represented was not true. The court's order was duly submitted to the Court of Appeals and the appeal was dismissed. With dismissal of the appeal, Megna was facing sanctions.
- To forestall sanctions being rendered against him, Megna then claimed that he had not gotten notice of the hearing. The matter was remanded once again for factual findings as to Megna's timeliness or lack thereof in filing the appeal. Considerable delays took place, caused by Megna. Thus, the sanctions hearing against Megna was once again delayed.

[6] In another case, Megna could not be located for purposes of court scheduling (see order of Judge Baxley in Thompson attempting to schedule a summary judgment hearing).

- On August 15, 2008, the court rendered its decision in Wilson and Goodwin's companion case against Lee and Lee's case against Dallis.[7] The decision was resoundingly adverse to both Lee and Megna. The court found and reiterated:

  - **at the death of Albert Anasti, the Two Notch property became the exclusive property of James Anasti;**
  - **Lee clearly never had any legitimate claim to the Two Notch property (and hence no legitimate basis upon which to seek foreclosure or to sue the real estate closing attorney for malpractice – and she suffered no damages in any event);**
  - **Lee's sale of the Two Notch property was invalid;**
  - **Lee clearly did not own the Two Notch property by way of adverse possession or based upon any other legal theory advanced by Megna; and**
  - **The evidence adverse to the position taken by Megna was "irrefutable".**

  Accordingly, the court rendered a verdict/award in favor of Wilson and Goodwin (against Lee) in the amount of $216,337.70.[8] Lee's counterclaims against Wilson and Goodwin and her cross-claims against Dallis for legal malpractice were all specifically rejected by the court. Finding that the claims advanced by Megna were meritless, and without the need to address the matter further, the court found that the legal malpractice claims Megna had filed against Dallis were time barred. Megna once again had conducted himself below even the minimal level of competence expected of a lawyer.

- On April 1, 2009 the Court (Judge Manning) found and concluded once again that Megna's appeal had been untimely. Hence, there was no jurisdiction over the appeal he had filed. The court again found that Megna had been untruthful, but

[7] Among other factors, and as a threshold matter, Megna had missed the statute of limitations relative to any claim, legitimate or otherwise, that Lee might have had. This once again demonstrated Megna's lack of professional competence.

[8] Had Megna acted properly and in Lee's best interest, this $216,000+ award against Lee, as well as her subsequent bankruptcy, could have been completely avoided.

with more emphasis and with more conclusive documentary evidence proving it. Megna had once again made material and gross representations to the Court(s) on multiple levels.[9] The court's order was once again promptly filed with the Court of Appeals. The appeal was then dismissed again.

- On April 15, 2009, Megna filed another appeal (from the orders finding he had been untimely in filing Lee's appeal in the first instance).
- On April 16, 2009, Megna filed a bankruptcy action in Lee's name. As a result, the dismissal of the appeal, and hence the motions for sanctions against Megna, were stayed/delayed once again. From the evidence, it appears clear that Megna's misconduct caused Lee to have a $216,000+ award against her, forcing her into bankruptcy and that Megna was then using that circumstance as a selfish scheme to protect himself from the imposition of sanctions sought herein.
- On November 9, 2009, and over Megna's objection, the bankruptcy stay was lifted. Therefore, the appeal was required to be concluded or abandoned. If the appeal were abandoned, Megna would then be facing sanctions. He opted to appeal so to further delay sanctions from being imposed against him.
- As a component of the bankruptcy court's order, Megna was allowed only to represent Lee in this case through the appeal process. He was not authorized to charge her for the appeal or to otherwise appear on her behalf. Given her bankruptcy, Lee had no more interest in the matter. Megna opted to continue with the appeal for obvious -- selfish motives to avoid sanctions. Once again, Megna was the architect of the misconduct giving rise to sanctions being pursued.
- At various dates after the bankruptcy stay was lifted, Megna represented to various courts and attorneys, as well as the bankruptcy trustee and clerk, that he had won the State appeal and that the April 3, 2008 and April 1, 2009 orders of Judge Manning finding that he had been untimely in filing Lee's appeal had been reversed, set aside and ignored by the court of appeals. Specifically, **Megna represented that Judge Manning's orders of April 3, 2008 and April 1, 2009**

[9] At that juncture, three separate judges had found Megna's claims to be meritless.

had been "reversed" by the Court of Appeals.[10] At the same time, Megna was representing to the Court of Appeals that the matter remained stayed. (see Megna's letter dated December 31, 2009) While what Megna claimed was untrue, it too caused considerable delay and undue cost.

- Despite Megna's fervent and repeated, but continued false assertions to the contrary, the appeal was in fact limited to the issue of Megna's timeliness. Neither Rule 11 sanctions nor the merits were addressed by the Court of Appeals. Likewise, damages were not addressed by the Court of Appeals. Megna has repeatedly claimed the converse, but he has not been truthful. (See his submissions to Judge Baxley and Judge Baxley's order dated February 11, 2012 as but one example).
- On April 1, 2011, the Court of Appeals rendered its decision that the appeal was **untimely**. On April 28, 2011, the appeal was **dismissed as untimely**. There was no jurisdiction over the appeal from the inception. Megna filed a motion for reconsideration. It was denied. He then filed a petition for writ of certiorari. It was denied. Notably, and despite his subsequent assertions to the contrary, Megna's grounds had nothing to do with the merits, damages or sanctions.
- Upon denial of Megna's petition for writ of certiorari, the matter was then remitted. At that point, all that was left for resolution was a damages hearing (not involving Lee or Megna, since Lee had been adjudicated bankrupt)and Megna then had no client for the purposes of this case) and the sanctions hearing against Megna alone.
- By letter dated November 1, 2011, Plaintiff sought from the court a status conference to schedule the damages hearing against Wilson and Goodwin and the separate and distinct sanctions hearing against Megna.
- By letter dated November 3, 2011, Megna asserted to the court (Judge Lee), *inter alia*, that the Rule 11 hearing had been addressed by the Court of Appeals and resolved in both his and Lee's favor. He also made disingenuous claims alleging that the Court of Appeals had addressed the merits and resolved them in Lee's

[10] Megna later, *infra*, repeatedly but falsely represented to the courts (and Judge Lee in particular) that he had been successful in the appeal and that the matter remained stayed because of Lee's bankruptcy.

favor. Simultaneously, Megna submitted documentation he relied on that, in context, were not true. Judge Lee had not signed any order dismissing the case (his exhibit B) and the bankruptcy document attached as exhibit A was not what it purported to be – it was not a court order. Rather it was a (6th) proposal submitted by Megna' law firm to the bankruptcy court. No pertinent claim by Megna was true. Finally, in what appears to be a last gasp effort to avoid sanctions, Megna represented that the matter to be addressed (sanctions against him) remained stayed by Lee's various bankruptcy appeals. That claim too was untrue. As the bankruptcy files reflect, Megna lost each and every relevant motion, each and every motion for reconsideration and all appeals, including his appeal to the Fourth Circuit Court of Appeals and his motion for reconsideration. Moreover, the substance of Megna's claim is belied by the transcript of proceedings before Judge Barber on January 18, 2012. In summary, the only things in which Megna was successful were (a) further delaying matters; (b) forcing Lee into bankruptcy and (c) causing more unnecessary harm to Plaintiff and to the administration of justice.

- On January 18, 2012, a status conference was held relative to setting the damages hearing against Wilson and Goodwin and the separate and distinct sanctions hearing against Megna. This event once again establishes that what Megna has claimed was not true. A schedule was tentatively set.
- Upon the sanctions hearing against Megna appearing imminent, Megna engaged in subsequent misconduct so as to once again further delay the matter and to harm Plaintiff. That misconduct by Megna resulted in two separate and distinct sanctions/ contempt orders being issued against Megna. Other than causing additional delay and harm to Plaintiff, that conduct by Megna has nothing to do with the substance of the issues before this Court at this juncture. That said, it does demonstrate almost pathological, unprecedented and continuous bad faith on

the part of Megna. Reference is made to the relevant orders filed February 12, 2012. [11]

Sanctions against Megna are sought for: knowingly and continually advancing frivolous defenses in conjunction with inappropriate discovery tactics. Then, having been exposed, utilizing extraordinary and disingenuous delaying tactics to avoid the imposition of sanctions.

DISHONEST DEFENSE, DISCOVERY ABUSES AND OTHER MISCONDUCT

- After receiving the patently frivolous answer interposed by Megna on behalf of Lee, Plaintiff sought discovery in this case in an attempt to bring the matter to an expeditious, least costly and proper conclusion.
- On March 30, 2007, Plaintiff served interrogatories, requests to produce and requests to admit upon Lee's counsel Megna. Plaintiff's initial request to produce requested Megna to produce all documents relied upon by Lee. Without formally responding, Megna wrote that

> *"all documents were produced and forwarded to counsel for Plaintiff on April, 2007".*

He also asserted that

> *"the documents show that the claims of Plaintiff are barred by the doctrine of adverse possession as the possession by Defendant Lee of the property which is the subject of the action has been actual, open, notorious and exclusive possession under claim of title...",* and that

[11] The criminal sanctions component of those orders has not yet been heard – it has been continued because of Megna's substitute counsel's unfortunate illness. It is noted that, aside from representing himself, Megna has had at various times 5 or 6 different lawyers.

"exclusive occupation, possession and claim under title of the premises by Defendant Lee has existed for over ten years".

Megna unquestionably knew at that time that his assertions were untrue: the documents proved to be the exact opposite of what Megna contended – possession under color of title was for no more than 3.5 years before Lee "sold" it on January 6, 2000. The documents submitted by Megna merely consisted of a CD that came in a plain brown paper envelope. There was not a return address on the mailing. There was no cover letter enclosed. The postmark was from Darlington, South Carolina. Counsel for Plaintiff was unaware at the time that Megna had a "business" in Darlington and was initially hesitant to even open the CD, but then received technical advice that it could be opened without harming the computer. The content of the CD was inspected. Contained on the CD was a real estate title report from Blue Granite Title Company, LLC, as well as documents proving that what Megna asserted was unequivocally untrue and known by him to be untrue. The title report reflected that Lee had no legal title to the Two Notch property. The title report provided substantial, documented evidence establishing that Megna knew that the claims he was advancing in Lee's name were false all along. The January 6, 2000 real estate closing documents have corroborated the same thing, as did Mr. Moore's letter and Megna's letter of January 13, 2005.

- Megna submitted "revised" answers to Plaintiff Anasti's initial interrogatories on June 8, 2007. They were more seriously at odds with the truth. Megna continued to assert adverse possession claims that he knew were untrue. Further, he referenced Lee's deposition taken March 20, 2007 in action 2004-CP-40-5333/the companion case. Plaintiff was not involved in that case, but subsequently obtained a copy of the deposition. Reference to it by Megna was quite odd because even the most cursory review of Lee's deposition established that it <u>did not</u> support any claims being advanced by Megna. Lee's deposition completely refuted Megna's claims. Thus, it was obvious that Megna was, beyond a doubt, aware that the claims he was advancing were not only unfounded, but were known by him to be more seriously untrue than merely being frivolous.

- Plaintiff served requests to admit on Megna on March 30, 2007. Megna responded by letter [sic] on April 18, 2007. Although Megna was provided with the documents conclusively proving the chain of title (and he already had the information per the title report of Blue Granite Title Company), Megna denied what was of record and that which he had produced!
- After being unsuccessful in attempting to set Lee's deposition by agreement with Megna, Plaintiff served a notice upon Megna to take the deposition of Lee. Megna wrote to Plaintiff's counsel, objecting to the deposition. He claimed he could not attend. Plaintiff's counsel consented to postpone the deposition. However, Megna would not agree to reschedule it. Plaintiff Anasti's counsel wrote to Megna on April 20, May 3, May 17 and June 1, 2007. Those communications establish that Megna was being obstreperous in scheduling Lee's deposition and others, as well as in not responding properly to discovery. The reasons for Megna to act as he did are now transparent. He did not want Lee to testify because he knew she would not independently endorse his attempts to prevaricate. Lee's deposition had to be renoticed several times.[12]
- On April 23, 2007, Plaintiff Anasti served a second request to produce upon Megna. Megna did not respond.
- On June 4, 2007, Megna finally responded relative to the notice for taking the deposition of Lee. However, he proposed to set conditions without properly responding to discovery, ie. he wanted to take Plaintiff's deposition without adequately providing overdue discovery. Megna ultimately submitted responses to discovery. Significantly, his discovery was dated May 7, 2007, but was received June 4, 2007. From the mailing, context and content of the documentation as well as by reference to the dates, it was clear that Megna's discovery was backdated so as to appear to have been timely (and hence timely as to objections) when it was not. The overdue discovery was not responsive. In conjunction, Megna proposed putting off Lee's deposition once again. He claimed that Lee "requires immediate surgery". Plaintiff's counsel promptly and

[12] Megna went so far as to object to the taking of Dallis' (real estate closing attorney) deposition claiming it was "privileged". Simultaneously he was suing Dallis.

appropriately responded – that since Lee was indeed continuing to work on a daily basis, appeared regularly in the community and was able to have her deposition taken in the companion case a month or so before, she ought to be able to participate. Plaintiff offered to accommodate Lee. Megna's response was to feign outrage, but he refused to provide any deposition dates.

- Plaintiff's counsel also followed up with a letter specifying discovery deficiencies. An exchange of communications ensued relative to taking Lee's deposition, the essence of which was that disingenuous attempts were continually being made by Megna to frustrate, if not prevent, the taking of Lee's deposition, as well as to avoid properly responding to discovery requests.
- On June 4, 2007, Plaintiff filed a motion to compel proper discovery responses.
- On June 5, 2007, Plaintiff served a second set of requests to admit. On August 9, 2007 (untimely), Megna responded in contradictory fashion. Significant to sanctions, Megna denied that Lee's adverse possession claims were predicated on open, notorious and exclusive possession. Thus, if the claim was under color of title there would have been a 20 year waiting period, as had been conceded by Megna. That fact is relatively insignificant in that Lee did not ever hold the property for even 10 years - if her adverse possession claims had ever been predicated on open, notorious and exclusive possession. Further, Megna denied that Lee sold the Two Notch property on January 6, 2000. This is particularly disturbing because a) the real estate closing documents provided by Megna proved the sale, b) the Clerk of Court's records proved the sale, c) Megna was pursuing legal malpractice and foreclosure claims in the companion case – involving the same issues relative to the sale of the property and d) Lee testified twice in two separate cases that she had sold the property. Again, Megna was grossly untruthful. These were intentional, deliberate acts of misrepresentation by Megna. They are also to be compared to what Megna asserted to the court at the time of summary judgment and what Megna represented to the court and opposing counsel in the trial of the companion case.[13]

[13] At summary judgment Megna argued that Lee owned the property by way of adverse possession because a) she had openly and exclusively owned it through the year 2007, b) she sold it but she could not sell what

- On or about June 14, 2007, Megna called Plaintiff's counsel on the telephone and indicated that he (Megna) was "sick and tired of dealing with discovery issues". Consequently, he said he was going to have one of his employees "deliver to you (Plaintiff's counsel) my entire file (original file), and you can copy anything and everything in it; take what you want; I don't care". Thereafter, an employee of Megna's (Hobbs) delivered Megna's "original" file and confirmed and reconfirmed what it was and also confirmed again that Plaintiff's counsel could, per Megna's instruction, inspect and copy everything in the file. Hobbs even provided an Affidavit that is of record. Megna's employee was given the option of assisting and/or remaining while copies were made. Upon review of the file it reconfirmed that Megna had continuously been engaged in dishonest activity. This is so because Megna once again produced the Blue Granite Title report reflecting that Lee did not have good title. Significantly, the title report was accompanied by the January 13, 2005 letter from Megna suggesting to Lee that they make untrue claims as a defense strategy and as a means to gain "leverage". Documents were indeed copied. They were copied with Megna's express permission. The originals were replaced in Megna's file and "post-its" placed on them so as to indicate that they had been copied. The entire file was then returned to Megna's employee upon her return. She confirmed it.
- Megna's January 13, 2005 letter, in conjunction with the Blue Granite title report and the file established that it was Megna who had initially suggested and encouraged Lee to advance dishonest to claims to gain an unlawful advantage/leverage at the inception. Plaintiff's counsel consulted with an ethics attorney (Desa Ballard) to seek a second opinion as to what could or should be done with the conclusive proof of Megna's wrongdoing. Ms. Ballard advised seeking sanctions and leaving it up to the client as to whether or not report Megna to ODC - that Megna's conduct was so egregious as to warrant him being reported. She opined that Plaintiff was clearly entitled to use what Megna had produced. However, it did not materially relate to summary judgment. Rather, it

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she did not own and therefore she had not owned what she sold and therefore owned it [sic]. When the court followed up, Megna denied that she had sold the property and reasserted that she had exclusively possessed it until 2007 (see transcript of the proceedings).

related to sanctions against Megna. Thus, Plaintiff has had little reason to use it until now[14].

- On July 12, 2007, Plaintiff served a third set of requests to admit and requests to produce upon Megna. Megna did not timely respond. If/when he did; it was to deny the undeniable.
- Plaintiff noticed the deposition of Goodwin and Wilson to be taken on July 27, 2007. On July 20, 2007, Megna wrote to Plaintiff's attorney, and obtained a delay of the depositions. Upon the depositions being rescheduled for August 9, 2007, Megna did not appear. He asserted that there had been no need for him to appear. Megna had his (non-attorney) employee Hobbs "monitor" the depositions. This reflects that Megna's basis to postpone the depositions in the first instance was not genuine.
- On August 3, 2007, Plaintiff Anasti filed a third motion to compel discovery.
- On August 20, 2007, Megna mailed a letter (not a pleading) purporting to object to producing documents, such as tax returns which would reflect on Megna's/Lee's claim of adverse possession. Significantly, that letter from Megna was back dated to July 20, 2007, such as to make it appear to have been a timely objection and thus not an objection waiver. The transmittal envelope and other documentation reflects that it was sent August 20, 2007 and hence was untimely. This was another example of Megna's duplicitous acts. It is perhaps noteworthy that Megna frequently back dated letters and/or misaddressed them.
- Megna wrote numerous letters to Plaintiff's counsel, addressing him as "Dog", "Dougass", "Dpug", "Dogu", "Truluck", etc. He also sent an email expressly stating he was spelling the undersigned's name correctly. The content of Megna's emails and letters, in conjunction with his other misconduct and acknowledgement that he was misaddressing correspondence in an insulting manner reflect that his conduct was intentional and unethical. Megna also sent numerous insulting emails and letters that are of record. He also sent insulting communications to Counsel's son and his paralegal.

[14] Ms. Lee has independently consented to it being used. And, the court has the benefit of her affidavit(s).

- On or about September 4, 2007, Megna filed a motion for protection. As a basis for the motion, Megna asserted that Plaintiff's counsel had "pilfered" communication(s) between Lee and her attorney that were privileged and work product [sic – the documents Megna had produced for copying]. It is noteworthy in that regard, that on September 13, 2007, Megna filed an affidavit of his employee Harriet Hobbs. In the Hobbs affidavit, she asserted that, upon the directive of Megna to do so, she had delivered to Plaintiff's counsel's office "the entire contents of Mr. Megna's files concerning the above referenced matter". The affidavit makes clear that nothing was "pilfered" and that Megna had waived any privilege(s) that might have theoretically existed relative to his fraudulent activity. Furthermore, and to corroborate that Megna had unequivocally waived all privilege(s) that might otherwise apply, Megna wrote a letter on August 22, 2007 admitting that he had provided Plaintiff's counsel with his entire file for inspection and copying. And, on April 29, 2008, Megna's law partner (Matthews) wrote to Plaintiff's attorney once again confirming that Megna had provided his "entire file" to Plaintiff's counsel for inspection and copying. Finally, and aside from any issue of waiver, the communications Megna does not want disclosed to this Court were not privileged because they show that Megna was knowingly advising and encouraging Lee to make claims that he knew were fraudulent, to be utilized as **"leverage"** (his words). Megna's own words once again provide overwhelming, compelling proof establishing why sanctions should be imposed. Counsel confirmed with Ms. Ballard that he was acting properly and that it was Megna who had acted unethically and that he should be subjected to Rule 11 sanctions and other sanctions by the Court, *sua sponte*.
- On September 7, 2007, Plaintiff Anasti served a fourth request to produce upon Megna. Megna did not timely respond or object.
- On November 9, 2007, Megna served an answer to Plaintiff's third set of requests to admit. Megna actually denied that Blue Granite Title, LLC, had prepared and/or produced a title report relative to the Two Notch property. He did so, apparently disregarding or forgetting that he had both received and twice produced the documents and that he had repeatedly (in writing) addressed his

scheme with Lee. In conjunction, and despite the filing on September 13, 2007 of the Hobbs' affidavit acknowledging that Megna had directed her to deliver his entire file for inspection and copying, Megna apparently at that point recognized the dilemma he had created for himself by providing Plaintiff with proof of his (Megna's) duplicity, complicity and bad faith. He then further sought to deflect just criticism by engaging in further *ad hominem* attacks.

- Megna's dishonest conduct and failure to abide by SCRCP discovery were the cause of expenditures of very significant time and money.
- This case is not an isolated set of circumstances involving an unseemly disagreement between two attorneys. In a misguided attempt to deflect just criticism of his conduct, Megna has made outrageous claims of unethical misconduct against numerous respected attorneys including the McNair Law Firm and its partners, Turner Padgett and its partners, the former U.S. Attorney, some of the most respected attorneys in the Pee Dee, judges and their families, physicians, etc. (see documents contemporaneously provided). All Megna's have been found to be meritless. Nonetheless, they have taken considerable time to address.

SUMMARY JUDGMENT

- Plaintiff filed a motion for partial summary judgment.
- The summary judgment hearing was held on September 19, 2007.
- Consistent with their prior pleadings and depositions, Goodwin and Wilson did not assert that their purchase from Lee was valid. They in no way supported Lee/Megna's various and contradictory claims of adverse possession or ouster. They supported Plaintiff's claims as to title.
- In opposition, Megna submitted an affidavit signed by Lee. The affidavit was concededly prepared by Megna. It was patently false and did not comply with Rule 56. Megna again knew that the claims he was continuing to advance were untrue. In essence, Megna's actions have been to suborn a false affidavit by Lee. The affidavit was significantly contradicted by Lee's own deposition(s)

testimony, her real estate closing documents and the legal malpractice case which Megna had filed. In addition, the affidavit obviously included impermissible matter. Notably, however, Lee made clear in her affidavit that the Will of Albert Anasti formed the basis for whatever ownership interest she might have had in the Two Notch property.

- Significantly, and relevant to the ultimate issue of sanctions against Megna, Lee's affidavit averred that her possession of the Two Notch property had been continuous, uninterrupted and hostile ownership for more than ten years, **to the exclusion of "all other interests".** Megna included in Lee's affidavit assertions of continuous ownership by her for over both twenty and ten years, despite knowing that those assertions were absolutely untrue. This is so because Lee had repeatedly **admitted** in her deposition testimony to having **"sold"** the Two Notch property on **January 6, 2000, after initially acquiring it by virtue of the "Deed of Distribution" on October 25, 1996.** Surely, Megna knew that three and a half years is less than twenty (or ten), and Megna unquestionably knew that at least 10 year exclusive, hostile possession was necessary to establish adverse possession. Megna included in Lee's affidavit *ad hominem* attacks on Plaintiff's counsel, blaming him for wrongfully taking Lee's deposition when she was allegedly under "duress" and "stress". The fact that she was required to tell the truth in her two separate depositions was a problem for Megna because it exposed Megna to sanctions. Incredibly, Megna urged the Court to <u>not</u> give Megna's own client's deposition(s) testimony credence. It is noted in that regard that Lee's deposition testimony, given in this case on June 26, 2007, was not different from her testimony in the deposition she gave on March 20, 2007 in the companion lawsuits (2004-CP-40-5333 and 5334). In that case, she was <u>not</u> alleged by Megna to have been suffering from any disability, stress or duress. These circumstances belie Megna's claim of Lee being under "duress" and giving false testimony. The fact was that in each case, Lee authoritatively and conclusively

disproved the claims by Megna.[15] Also, in context, the *ad hominem* attacks were both irrelevant and inappropriate, as noted by the court at the time of summary judgment and as also separately found in the court's orders dated April 3, 2008 and April 1, 2009. Nonetheless, Megna's attacks caused extra time to have to be expended dealing with unwarranted attacks.

- At the summary judgment hearing, it is significant that Megna first conceded to the court that the deed to Plaintiff and his father Albert Anasti as joint tenants with right of survivorship

> **"did exactly what he (Plaintiff) says it did at the time of death".**

In fact, Megna said;

> **"There is no doubt that we will concede..."** (Tr. 6, lines 18-20).

- Succinctly stated, Megna clearly acknowledged that at Albert Anasti's death in 1995 the Two Notch property became the sole property of Plaintiff Anasti. Moreover, Megna conceded at summary judgment that Lee did not own the property under "probate law", by virtue of the "deed of distribution", by ouster or pursuant to any other legal theory. Megna then, however, inexplicably and falsely represented to the court that Lee

> **"has held that property more than ten years under deed of title, under color of title"** (Tr. 6, lines 21-24).

He then further untruthfully represented to the court that Lee had

> **"continued in possession of the property..."**
> **"for more than ten years"** (Tr. 8, lines 12-14).

[15] If Lee was indeed under "duress", that would perhaps explain how Megna was able to get her to execute a patently false affidavit. Otherwise, it is irrelevant to the issue at hand in that Megna knew the content of Lee's affidavit(s) were untrue, but he prepared and had her sign them nonetheless.

Megna acknowledged to the court that "tacking" would be inapplicable to Lee's claims of adverse possession (because, *inter alia*, she had **"sold"** the Two Notch property). However, in conjunction Megna once again falsely represented to the court that Lee

> **"actually owned this property for ten years"** (Tr. 9, lines 5 & 6).

Upon the court indicating it was prepared to grant Plaintiff summary judgment, Megna then stated to the court that

> **"during the probate... 1995, '96, she took possession of this property"** (Tr. 9, lines 9-11), and **"our factual allegations are that she continued in possession of this property until 2007 (emphasis added)... It is more than ten years"** (Tr. 9, lines 13-17).

- Those assertions by Megna of continuous possession of the Two Notch property for over ten years until 2007 were clearly known by him to have been untrue. The claim by Megna that Lee was still in exclusive possession in 2007 is arguably the most egregious untruth he attempted to palm off on the court. If he had been under oath, it would have been a pejurious statement. This was not a situation in which Megna merely misspoke or otherwise made an innocent or accidental misrepresentation. Megna deliberately and continually made those false representations in an ill-conceived attempt to deceive the court and to further harm Plaintiff.
- Megna expressed feigned outrage at the inception and throughout, claiming that Plaintiff was a "faggot" and pervert and that he would see that Plaintiff would not be successful. He claimed he could drag the case out for years on end. In this case, the court can readily see that Megna has done what he said he would do, even going so far as to attach to Lee's affidavit a news report of an arrest. The

fact that the charges against Plaintiff were dismissed was of seeming little import to Megna.

- Megna knew that Lee had sold the property in 2000 and never returned. She never paid any taxes or exhibited any indicia of ownership after "selling" it. Notably, he refused to produce Lee's relevant financial records reflecting on whether she had paid taxes, collected rents, received mortgage payments or had sold the property.
- In view of the irreconcilable, inapposite assertions of respective counsel as to whether there had been continuous, exclusive and uninterrupted possession of the Two Notch property by Lee for over ten (10) years continuing from 1995 until 2007, the court specifically questioned Megna as to whether Lee had sold the Two Notch property in year 2000. At that time, after attempting to dissemble once again, Megna admitted that Lee had in fact sold the Two Notch property in 2000. Significantly Megna stated;

> **"I agree with you".**

He then stated;

> **"but the truth is, when she sold it, there was nothing – she owned nothing"** (Tr. 10. Lines 6-9).[16]

Upon being questioned further by the Court, Megna admitted that Lee had sold the Two Notch property in 2000, thus establishing conclusively that what he had represented to the Court was not true; that Lee **had <u>not</u>** held the Two Notch property for ten years needed for hostile adverse possession, much less twenty years necessary to make any legitimate claim of adverse possession under "color of title".

- At that point, the court indicated that it was granting Plaintiff summary judgment.

[16] Subsequent to this exchange, the Court told Megna "you know, you are talking out of four sides (of your mouth) to me.

- In what can only be classified as a pathological attempt to prevaricate, Megna then attempted to retract his concession that Lee had sold the Two Notch property in 2000. Incredibly, Megna stated;

> **"She did not sell the property. There is no way she could have sold that property."** (Tr. 11, lines 3-5).

- Upon Megna making that claim, the court once again admonished and rebuked Megna against making further untrue statements (Tr. 11, lines 22 and 23). However, Megna persisted and continued to dissemble (Tr. 11, line 24). Upon follow up questioning by the court, Megna admitted and acknowledged that a) the Two Notch property passed to Plaintiff Anasti at the time Albert Anasti died (Tr. 12, line 14) and b) he (Megna) had prepared Lee's Affidavit (Tr. 13, line 1). Megna then reconfirmed that he was, "not saying she took under the Probate Code" i.e. – not making a claim under the "deed of distribution" (Tr. 13, lines 21-24). However he then further compounded his problems surrounding lack of candor by appearing to claim that Lee actually lived in the property and/or exclusively possessed it until 2007, to the exclusion of others [sic – commercial property] (Tr. 13, line 25 through p. 14, line 4).[17] At that point, the court had told Megna that he was "talking out four sides (of his mouth) to court; that the defense was an attempt at a flim flam and that Lee was not playing fair or by the rules.
- When questioned about inappropriately criticizing Plaintiff's counsel in Lee's affidavit, Megna then accused the court of being "unfair" (Tr. 14, lines 18-20).
- Despite Megna's lack of candor, the court generously granted Megna an opportunity/grace period to rectify his errors and be truthful. Specifically, the court allowed Megna what is commonly referred to in Federal Court as a "safe harbor" to retract false defenses and perhaps avoid more serious sanctions than financial ones. Megna was provided time to submit a proper affidavit of Lee or abandon the defense relative to title. Once again the court admonished and

[17] The property is essentially a bar. Lee had testified in her deposition that it was an undesirable place for her to visit and that she had not been there since selling it in 2000.

cautioned Megna about the wisdom being untruthful and that he was going to lose (Tr. 16, lines 6-11).

- Despite being given an opportunity to correct and make amends for the falsehoods he attempted to foist upon the court and the parties, Megna did not thereafter respond appropriately, much less honestly. He was once again dishonest, accompanied by even greater dishonesty and prevarication. In failing to heed the court's admonishments, Megna clearly exacerbated and compounded his problems because he then prepared and submitted a second affidavit for Lee that was more materially and patently false and pejurious. Megna had Lee falsely aver again that she had

> **"<u>always</u> maintained <u>exclusive</u> ownership of the Two Notch property"; and, her "ownership of the property has been on-going for over 11 years and has been open, continuous, and hostile <u>to all other interests.</u>"** (emphasis added).

- Megna once again deliberately engaged in serious misconduct and attempts at further deception. He has been given chance after chance to be truthful, yet time and time again he has done the exact opposite, albeit with more contrived passion. Megna's repeated misconduct warrants substantial sanctions, especially in light of the harm unnecessarily caused to Plaintiff. Simply stated, repeatedly lying to the court cannot be tolerated, especially by one who has (heretofore) possessed a law license.
- Plaintiff objected to Megna's submission of Lee's second, amended affidavit(s). However that objection and motion to exclude became moot in that the court granted summary judgment by order dated October 26, 2007.

FURTHER DELAYING TACTICS AND FURTHER MISCONDUCT

- At the point when the Court granted summary judgment, Megna had unjustly caused over $285,000 in harm to Plaintiff. He was then facing sanctions. To

delay the imposition of sanctions, he has engaged in the other conduct set forth herein, *supra* and *infra* and which is of record.

- Upon receipt of Lee's initial notice of intention to appeal, Plaintiff moved on January 22, 2008 to dismiss it as untimely - jurisdictionally defective. In contradiction to what he asserted to the court and opposing counsel in the companion case's trial on December 5, 2007 – that he had timely received the order granting summary judgment (within ten days of its issuance), Megna then adamantly disputed his prior representation to the court. He alleged he had not (timely) received the order from the court. The matter was remanded to the circuit court for findings as to timeliness.
- The circuit court then found that Megna was both untimely and untruthful. Specifically, in the court's orders dated April 3, 2008 and April 1, 2009, Megna was found to have made

> **"repeated, gross misrepresentations to the court, to have demonstrated a serious and repeated pattern of inattention to important legal detail and to have made unwarranted, unjustified and untrue attacks on opposing counsel."**

Those findings and conclusions were not reversed by the Court of Appeals, as Megna has repeatedly asserted.

- Plaintiff argued that the appeal was untimely and should be dismissed. The Court of Appeals obviously agreed. The appeal was dismissed. Judge Manning's orders were not reversed or overturned. Megna thereafter petitioned for writ of certiorari, which was denied by the Supreme Court. Thus, using Megna's own words it is "law of the case" that (a) Plaintiff always owned the Two Notch property, not Lee and (b) Megna has engaged in gross misconduct.
- Megna appealed in Lee's name on April 15, 2009, from the April 1, 2009 order of the court finding and concluding that a) Lee's appeal in this case was untimely and b) Megna had engaged in gross misconduct. After filing those appeals, Megna's law firm filed a bankruptcy action in Lee's name the very next day. That bankruptcy filing had the legal and practical effect of "staying" the state

appellate process initiated by Megna. It further deprived Plaintiff of his property and further frustrated and delayed his ability to seek redress, specifically sanctions against Megna. Relative to those issues, Megna opposed each of Plaintiff's efforts to lift the bankruptcy stay so that Lee's own appeal(s) and the sanctions hearing could be resolved and concluded. The reason for filing an appeal and immediately filing for bankruptcy in juxtaposition to opposing the lifting of the bankruptcy stay is transparent. This is so because Lee would neither have benefited nor suffered any harm by having her appeal and the sanctions motion addressed at that point. It is no coincidence Megna's representation of Lee resulted in her bankruptcy. It could have been completely avoided. The benefit of bankruptcy inured to Megna. Megna is the only one who would be subject to sanctions being imposed were the case to proceed to its logical conclusion (lifting the bankruptcy stay, dismissing the appeal, and returning the case to the court of common pleas for the sanctions hearings).[18]

- On November 9, 2009, the bankruptcy court lifted the bankruptcy stay over Megna's objection. The Bankruptcy Court's order lifting the stay had the practical effect of allowing the timeliness of Lee's appeal to be addressed. As well, the issues relating to sanctions against Megna would then be ripe for disposition upon dismissal of the appeal. Upon the bankruptcy court lifting the stay, Megna then wrote to the court of appeals, suggesting, if not overtly representing, that the matter remained stayed. That claim by Megna was untrue. On January 15, 2010, the bankruptcy court made even more abundantly clear that it had lifted the stay and that it wanted the current matter(s) before the court to proceed. The bankruptcy court stated in that regard:

[18] Neither the Bankruptcy Trustee(s) nor any creditor ever supported any material position taken by Megna. Perhaps more significantly, neither the Bankruptcy Trustee(s) nor any creditor claimed that the Two Notch property was in fact an asset of Lee's bankruptcy estate – because, aside from the order granting summary judgment, the Two Notch property had been sold nine years before any bankruptcy filing and it was thus outside the scope of the bankruptcy. It is also noted that Megna originally filed a Chapter 7 Bankruptcy for Lee and when that was not successful (and the Trustee and creditors would not support Lee), he converted the bankruptcy to Chapter 13 (and again, neither the Trustee nor the creditors supported what Megna was doing).

> ***"It is apparent that one of the primary reasons Debtor filed for bankruptcy relief was to escape the consequence of the state court order and any determination that the order was final due to the untimely appeal filed by Debtor or her counsel."***
>
> And;
>
> ***"Although Debtor is the party who filed the appeal in state court, when faced with issues of the timeliness of her appeal and possible issues of attorney error, she filed bankruptcy to prohibit a final ruling."***

- Those findings and conclusions of the bankruptcy court were not overturned by the United States District Court or the Fourth Circuit Court of Appeals. Megna was at all times the attorney referenced.
- It is noteworthy that Megna was not permitted by the bankruptcy court (or by Lee) to act on Lee's behalf relative to this case, other than to conclude the appeal. He attempted to do so nonetheless – without court approval and without Lee's consent. He did so in a disingenuous attempt to shield himself from sanctions.

DELAYING TACTICS/MISUSING THE LEGAL PROCESS (APPEAL) TO AVOID SANCTIONS

- Upon the bankruptcy stay being lifted, there were extraordinary legal machinations and other unseemly delaying tactics that were employed by Megna in an attempt to prevent the State appeal(s) he filed from being addressed. Those delaying tactics are "of record". Extensive efforts were required to be expended by Plaintiff to ensure that a proper record was made and that the obvious jurisdictional barriers to appeal could be addressed. Lee's appeals were dismissed by the court of appeals on a

jurisdictional basis. Megna did not "win" the case. Judge Manning's orders were not reversed or vacated. Damages due Plaintiff were not addressed by the Court of Appeals. As to Megna's petition for writ of certiorari, it was denied.[19]

- The tactics and conduct by Megna during the appeal and in Lee's bankruptcy were dishonest, disingenuous and were interposed by Megna to avoid or delay sanctions from being imposed against him. He calculated that Plaintiff would be financially unable to pursue his rights, especially against a lawyer. Otherwise, given Plaintiff's age, Megna appears to have calculated that Plaintiff would simply give up or die while Megna continued with frivolous legal proceedings for these past six years.
- It has been conclusively determined that there was never jurisdiction to hear the appeal(s) filed by Megna. The appeal appears to have been interjected merely to harm Plaintiff ("flim flam" as the court concluded at the summary judgment hearing) and to avoid the imposition of sanctions.
- Megna may argue that sanctions of $177,000 for this one aspect of the case (appeal) should not be awarded. If so, he would be wrong for three primary reasons.

  1) No immunity – This case involves Rule 11 sanctions for which an attorney may be held liable. Furthermore, it is clear that an attorney is subject to being sanctioned where he has acted in bad faith, fraudulently, in a conspiracy with his client or for personal motivation. Stiles v. Ororato, 457 SE2d 601(1995). Megna acted in bad faith from the inception. Megna's letter of January 13, 2005 in conjunction with the Blue Granite title report, Lee's depositions, the pleadings filed by him and Megna's arguments in both summary judgment and the arbitration trial, as well as in the bankruptcy and appellate proceedings, clearly and unequivocally demonstrate knowledge and continuous bad faith, fraudulent activities on his part. Megna was put on

[19] Without notifying the South Carolina Supreme Court or Plaintiff's counsel, Megna petitioned the Fourth Circuit Court of Appeals on July 18, 2011, requesting that it stop the South Carolina Supreme Court from ruling on Lee's petition for writ of certiorari in this matter. That request was promptly and summarily denied by the Fourth Circuit on August 12, 2011.

notice by both the court at summary judgment and separately by the court in the bankruptcy proceedings of the risks he was running by advancing disingenuous claims, yet he continued to make them. He continued to prevaricate despite Judge Manning's orders. In acting as he has, Megna has, among other violations, clearly violated Rule 407 South Carolina Rules of Professional Conduct/Rules 3.1 and 3.3. Sanctions are warranted for reasons that include the protection of the legal system from those who would practice law in an unscrupulous manner and for the protection of Plaintiff, who has been victimized by Megna's misconduct.

2) Collateral Estoppel and Res Judicata – The order granting summary judgment, as well as the two orders finding and concluding that Megna had made repeated and gross misrepresentations to the courts were not reversed or set aside on appeal. Megna has argued that they were. He has once again been untruthful and totally unapologetic. It is anticipated that Megna will, nonetheless, argue that the prior failure of the appellate court to deal with his sanctionable conduct under Rule 269 has become the "law of the case". If he makes such an argument, he would be wrong for a variety of compelling reasons. First, Plaintiff asserted from the inception that the Court of Appeals had no jurisdiction because the appeal was untimely. Briefs were required to be limited to jurisdiction. Megna even conceded it in his brief. The Court of Appeals found it did not have jurisdiction and it dismissed the appeal on that basis. It did not merely affirm or reverse; it dismissed. Thus, jurisdiction to address sanctions would lie in this court, not initially in the Court of Appeals. In essence the Court of Appeals appears to have cleared the way for this court to address sanctions. This court, as a fact finder, is better suited to address the issue. Second, it is not reasonable or plausible to believe that the Court of Appeals would have condoned Megna's misconduct, especially in consideration of his false claims that Judge Manning's orders had been reversed and vacated and that the matter remained stayed by bankruptcy. Third, Plaintiff timely filed for sanctions in this court on November 7, 2007 and that sanctions hearing would have been held on January 8, 2008, but for

Megna's out of time appeal. Had Plaintiff not filed for Rule 269 relief after dismissal of his appeal, Megna would have undoubtedly argued to this court that the remedy should have been to make the Court of Appeals the fact-finder. That is a role best suited for this court. Having separate sanctions hearings for various acts of misconduct by Megna would have been a waste of court resources. By not granting Rule 269 relief, it makes Plaintiff's point once again that jurisdiction initially lies with this Court. Fourth, summary judgment was granted. Incredibly, Megna has previously argued that sanctions cannot be awarded because "Lee survived summary judgment" and that Anasti's "motion for sanctions is neither timely, nor appropriate, as the appeal has not been finally determined". Those claims by Megna of having survived summary judgment and that his appeal(s) has not been finally determined are patently untrue. Lee did not survive summary judgment and both the appeal and the bankruptcy appeals have been determined with finality, adverse to Megna. Furthermore, the Supreme Court issued its order returning the case to the court of common pleas. Plaintiff's Rule 11 motion was filed November 7, 2007. It was merely amended to delete Lee, given her subsequent bankruptcy and to further corroborate what was asserted – that sanctionable conduct was attributable to Megna. Such a conclusion is so because of the fact that Megna was untimely in Lee's initial appeal and there was never jurisdiction to hear the appeal. Finally, the excuses professed by Megna in his November 3, 2011 letter to the court, as well as in his Synopsis to Judge Baxley of March 19, 2012 assert patently false basis for his actions and false allegations as to what transpired. Regardless, he should be estopped to offer yet another disingenuous, contrived excuse.

3) Bad Faith – The summary judgment order and Judge Manning's orders have been determined with finality. The next step is a determination of the extent of sanctions. From the record, it is clear that Megna both initially planned and then utilized artifice after artifice in an attempt to harm Plaintiff and avoid the consequences of misconduct. When that was not successful, he selfishly

sought to delay the case so as to further harm Plaintiff, to do an injustice to the court system, and even to harm his own (former) client.

CONCLUSION

The means utilized by Megna to harm Plaintiff and promote injustice included, but are not limited to: submitting a false defense, filing an out of time appeal, making false claims to having filed timely, and then offering disingenuous, dishonest excuses for his non-appearance, resisting the lifting of a bankruptcy stay so that his own client's appeal and sanctions could proceed, claiming that the appeal remained stayed by bankruptcy although it had clearly been lifted, failing to timely or properly make a record on appeal, falsely representing that Judge Manning's Orders had been reversed and vacates, etc. The list goes on and on, and it would be an understatement to say that Megna's misconduct has been to Plaintiff's extreme prejudice, and perhaps more significantly to the court's prejudice. Affidavits and exhibits are attached hereto.

RESPECTFULLY SUBMITTED,

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23, 2013

James Anasti v. Lee, et al.
2007-CP-40-0576

EXHIBIT 1
Orders

1. Summary Judgment Order (October 26, 2007, Judge Kinard; highlighted sections – Order is of record)
2. Order of Judge Manning dated April 3, 2008
3. Award in companion case -- $216,000 against Lee; Megna represented her
4. Order of Judge Manning dated April 1, 2009

   Note: Megna represented that Judge Manning's Orders were "reversed" and "vacated" by the Court of Appeals.
5. Court of Appeals' Order dismissing Megna's appeals as untimely (Judge Manning's Orders were not reversed or vacated)
6. Confession of Judgment (of Defendants Wilson and Goodwin, dated July 1, 2013 and filed July 9, 2013)
7. Order of Judge Baxley; unrelated sanctions against Megna in this case
8. Order of Judge Baxley; sanctions against Megna for unrelated misconduct in Thompson case.

STATE OF SOUTH CAROLINA	COURT OF COMMON PLEAS
COUNTY OF RICHLAND	FIFTH JUDICIAL CIRCUIT
JAMES A. ANASTI,	Docket Number: 2007-CP-40-0576
Plaintiff,	
vs.	**ORDER GRANTING PARTIAL SUMMARY JUDGEMENT IN FAVOR OF PLAINTIFF**
LANCE WILSON, WILLIS GOODWIN, GINA L. ANASTI LEE, RICHLAND COUNTY CLEKR OF COURT,	
Defendants.	

THIS MATTER CAME BEFORE ME on September 19, 2007 pursuant to Plaintiff's Motion for Summary Judgment, as well as two separate Motions to Compel Discovery filed by Plaintiff June 4, 2007 and July 12, 2007.[1] Plaintiff was represented by Douglas N. Truslow; Defendants Wilson and Goodwin were represented by Thomas Earle and Defendant Lee was represented by Tony Megna. The Richland County Clerk of Court is merely a stake holder of funds received from the South Carolina Department of Transportation in a related condemnation action (2000-CP-40-/filed December 16, 2002) and consequently it did not need to appear.

In support of his Motion for Summary Judgment, Plaintiff submitted Affidavits, pleadings, portions of significant depositions and requested that the Court take Judicial Notice of other documents that are of record. Defendants Wilson and Goodwin submitted no Affidavits, pleadings, depositions, or other documents and made no argument in Plaintiff's Motion for Summary Judgment. Defended Lee submitted an affidavit that was consistent with the format

[1] Plaintiff suggested that his Motions to Compel Discovery should be heard, if necessary, subsequent to the resolution of Summary Judgment in the interests of judicial economy, and hence they were not addressed at this time.

V. On January 6, 2000, Defendant Lee in ostensible reliance on her deed of distribution and will of Albert Anasti purported to sell and deed the Two Notch real property to Plaintiff's Lance Wilson and/or Willis Goodwin by way of "owner financing." That deed is recorded at Deed Book 00373, pages 0223 through 0225.

VI. On November 12, 2004 Defendant Wilson filed action(s) (04-CP-40-5333/5334) in which she alleged, inter alia, that Defendant Lee did not have sufficient title so as to be able to convey fee simple marketable title of the Two Notch real property to either he or Defendant Goodwin. In turn Defendant Lee filed a Third Party Action on March 25th, 2005 (Cross Claim) alleging that, inter alia, the attorney attending to her Two Notch real property real estate closing with Defendant Wilson and/or Goodwin had deviated from acceptable standards by certifying that she had good marketable fee simple title. Significantly, Plaintiff herein was not made a party to any of those lawsuits, which were dismissed under SCRCP 40(j) and later reinstated (yet to be heard).

VII. On January 26, 2007 Plaintiff filed within action seeking, inter alia, quieting of title to the within Two Notch real property.

VIII. In her deposition of June 26, 2007, Defendant Lee swore under oath the following:

a. She had not been on the premises since the mid 1980's (TR29, L4-13)

b. She wanted to be honest and not take something that was not hers (TR 41, L 12-18).

c. That Plaintiff now owns one half of the Two Notch real property in dispute herein (TR 68, L 24 and 25),

d. Her claim to the Two Notch real property is predicated on Albert Anasti's will (TR 68, L24 and 25)

e. Her deed of distribution relative to the Two Notch real property was acknowledged by her to be defective (TR 77, L 2-14 and TR 63, L 11-17),

f. She relinquished and sold her complete interest e.g. any interest she may have had in the Two Notch real property in 2000 and after that she didn't own it anymore (TR 83, L 16-25),

g. She did not own the Two Notch real property for ten years and at most only owned it for four years and a couple of months (TR 84, L 9-14),

h. She does not rely on any facts in alleging Laches and does not know what Estoppel means (TR 89, L 2-11),

i. Her whole case would be based on the deed of distribution and will of her father (TR 89, L 23-25) (whose interest the Court finds ended at his death),

j. Plaintiff was never Ousted from the Two Notch real property (TR 90, L 12-21; TR 91, L 7-9, and TR 92, L 1-7) and Plaintiff and his father Albert Anasti enjoyed a very good relationship until he died (TR 91, L 10-13),

k. Defendant Lee does not know of any facts to support her claim of a Presumption of Grant (TR 923, L 14-24),

l. Defendant Lee has claimed damages and attempted to foreclose against Defendant Wilson relative to Two Notch real property, to which she apparently now asserts she had no title (and hence could not sell).

IX. In early January, 2000, the Dallis Law Firm, P.A., a real estate law firm located in Columbia, SC, certified that the Defendant Lee had legal title to the Two Notch Property. The Defendant Lee signed a general warranty deed to the property that was prepared by

S.C Code 15-67-220(1976). A party occupies and possesses the property adversely if the party uses the property for the ordinary use for which the land is fitted. *See S.C. Code* 15-67-230(3)(1976); Bardin v. Commercial Ins. & Trust Co. 82 S.C. 358, 64 S.E. 165 (1909) (Under this section [former Code 1962 §.10-2423], possession is adverse and continuous where land, though not cultivated or enclosed, is continuously used for the supply of fuel and timber, the ordinary use for which the land is fitted.); Mullis v. Winchester, 237 S.C. 487, 118 S.E.2d 61, 65-66 (1961) ("Acts of adverse possession with regard to open, wild, unfenced lands not capable of cultivation, are only required to be exercised in such manner as is consistent with the use to which the lands may be put and the situation of the property admits of without actual residence or occupancy.").

According to the undisputed facts of the case, Defendant Lee claim of title was made November 7, 1996, when she filed and recorded a deed of distribution purportedly giving herself individually the entire Two Notch real property. Defendant Lee leased the property to tenants, who paid her rent. Defendant Lee made sure the tenants maintained the property. On January 2, 2000, the Dallis law firm conducted the closing where Defendant Lee signed a deed to sell the property. In the light most favorable to the non-moving party, Defendant Lee adversely possessed the property from November 7, 1996 to January 2, 2000, a period of four years, one month and 26 days.

Defendant Lee claims that her actions following the January 2nd, 2000 sale of the property are sufficient to establish a claim for adverse possession. I disagree. After January 2nd, 2000 the defendant did not assert ownership of the property; the defendant did not collect rent from the tenants, the defendant did not maintain the property, and the defendant did not claim that she possessed a deed to the property. The defendant maintained owner financing on the

property, essentially a mortgage, and kept insurance on the property. The defendant did not use the property for the ordinary use for which the land is fitted following January 2, 2000. Further the last tax record which specifically mentions the Two Notch Road property is in 2001. *See* Supplemental Income and Loss Form 2001 attached to Defendant Lee's supplemental affidavit. There is no specific reference to the Two Notch road property in any of the post 2001 tax records. The mere fact that the defendant had a mortgage on the property and kept insurance on the property is insufficient to establish a claim of adverse possession. Therefore, I find that the Defendant did not adversely possess the property for a period of ten years as required by statute.

Since I have decided Defendant Lee did not meet the statutory minimum period required for adverse possession, I do not need to discuss the effect of any notice by Plaintiff Anasti.

It is undisputed that in 1978 Laura Corvi deeded the Two Notch real property to Albert Anasti and his son James Anasti as tenants in common with a right of survivorship. Further, it is undisputed that shortly after October 24, 1995 a South Carolina probate court directed that in accordance with Albert Anasti's will, Defendant Lee inherited the Two Notch Road Property. Future interest created by tenancy in common with right of survivorship vest on the death of the other party. Smith v. Cutler, 366 S.C. 546, 623 S.E.2d 644. Upon the death of Albert Anasti the property passed immediately to his son, Plaintiff Anasti, as tenant in common with right of survivorship. Albert Anasti's act of leaving the property to his daughter did not destroy the tenancy in common with right of survivorship. *See* Id. ("Future interests created by a tenancy in common with a right of survivorship are indestructible, i.e. not subject to defeat by the unilateral act of one cotenant"). Therefore, I find the Two Notch Road property was not part of the probate estate of Albert Anasti, but property of Plaintiff Anasti, when the probate court made its ruling.

Now therefore it is Ordered: (a) Plaintiff is granted Summary Judgment as to Defendant Lee's defenses, (b) Plaintiff is granted Summary Judgment as to his claims against Defendants Wilson and Goodwin, (c) Title to the within Two Notch real property is certified and found to be the exclusive real property of Plaintiff and Plaintiff is granted title to the within property located at 2325 Two Notch Road, Columbia, South Carolina and described in Deed Book 782, page 756 is Confirmed and Ordered as belonging solely to the Plaintiff, (d) Plaintiff shall be and is hereby entitled to such sums as are being held by the Richland County Clerk of Court, and (e) the case shall proceed to trial to the issue of damages to be awarded to Plaintiff.

AND IT IS SO ORDERED.

John Ernest Kinard, Jr.
Presiding Judge
Fifth Judicial Circuit
Court of Common Pleas

Columbia, South Carolina

10/26, 2007

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STATE OF SOUTH CAROLINA	COURT OF COMMON PLEAS
COUNTY OF RICHLAND	FIFTH JUDICIAL CIRCUIT
JAMES A. ANASTI,	Docket Number: 2007-CP-40-0576
Plaintiff/Respondent,	
vs.	ORDER
LANCE WILSON, WILLIS GOODWIN, GINA L. ANASTI LEE, And RICHLAND COUNTY CLERK OF COURT,	
Defendants,	
OF WHOM GINA L. ANASTI LEE Is Appellant.	

FILED
2008 APR -3 PM 4:13
BARBARA A. SCOTT
C.C.C. & G.S.

THIS MATTER CAME BEFORE ME on April 3, 2008 pursuant to an Order of the South Carolina Court of Appeals dated March 18, 2008 requiring an evidentiary hearing as to when Appellant Gina Lee's counsel (Megna) received the Order granting Summary Judgment herein. Present representing the Plaintiff James A. Anasti (Respondent) was Douglas N. Truslow. As well, Thomas Earle was present representing Wilson and Goodwin. Neither the Appellant nor her attorney (Megna) were present, and in that regard, the Court was presented with documentary proof that Megna was put on specific notice of the date and time of the within hearing on March 28, 2008. Regardless of Appellant's and Megna's absence however, I have considered all previous submissions to the Court by or on behalf of Appellant, including pleadings, affidavits, evidence and memoranda presented to the South Carolina Court of Appeals.[1]

Having considered the record, including the pleadings, affidavits, memoranda and evidence presented, as well as the representations and arguments of counsel who were present, I find and conclude as follows:

[1] The Clerk of Court was merely the holder of certain funds deposited pursuant to a South Carolina Department of Transportation Condemnation (case 2002-CP-40-6062) and its presence was not required.

1. The Honorable Ernest Kinard issued an Order granting James Anasti (hereinafter Anasti) Summary Judgment on Friday, October 26, 2007.

2. The Order granting Summary Judgment was promptly and properly filed and entered into the Richland County Clerk of Court's records on October 26, 2007, then mailed to respective counsel by the Richland County Clerk on Monday, October 29, 2007 and received by Anasti's and Goodwin and Wilson's attorneys on November 1, 2007 and October 31, 2007 respectively. The said Order was likewise received by Megna on or about the same date as received by other counsel of record, but pursuant to S.C.R.C.P. 6(e), and giving Megna the benefit of the doubt, receipt of written notice of the Order granting Summary Judgment shall be and is deemed effective as of November 3, 2007.

3. A closely related case involving issues pertaining to the same real estate at issue herein e.g. "companion case" in which Megna was involved as counsel for Lee (Wilson and Goodwin v. *Lee*, 04-CP-40-5333) was set for trial on October 29, 2007; Megna has represented in writing that he appeared in Court at that time and that he checked on the status of the instant case on that date. I find and conclude that, if he did as he represented, he was on further notice of the Order granting Summary Judgment being issued on October 26, 2007.

4. On or about November 7, 2007, Anasti's counsel provided Megna with additional written notice that the Court had previously issued an Order granting Summary Judgment by virtue of a letter and Motion for Rule 11 sanctions that was duly served.

5. On November 20, 2007, Megna filed a Motion for Reconsideration of the October 26, 2007 Order granting Summary Judgment to Anasti, which was received by Anasti's counsel on November 26, 2007 and received by Judge Kinard on December 3, 2007.

6. Relative to receipt of the written notice of the Court's Order granting Summary Judgment that was mailed by the Richland County Clerk of Court on October 29, 2007, there is a rebuttable presumption of fact of

prompt receipt of properly addressed mail with postage attached, Bakala v. Bakala, 576 SE2d 156, 352 SC 612 (2003); Weir V. Citicorp National Services, 435 SE2d 864, 312 SC 54 (1993) e.g. the "mailbox rule", and Megna has not contested that the Court's Order granting Summary Judgment was properly mailed, nor has he denied actual receipt. Therefore, it is beyond dispute that the Court's Order was both mailed and received by Megna. However, Megna appears to argue that the written notice was not mailed on the date represented by the Clerk of Court, or that it was not delivered in a prompt manner. The Court may take Judicial Notice of the usual course of the mails CJS Evidence §43. Also, it is noted that failure to acknowledge receipt, ignorance of delivery or failure to read one's mail does not nullify the fact or presumption of receipt to be afforded under the circumstances. See CJS Evidence §155, et seq.

7. Megna is not engaged in the full time practice of law. Rather, he practices sporadically from his home in Blythewood, S.C. (Richland County), where he receives his mail, prepares his own pleadings and correspondence and personally undertakes responsibility for calendaring significant dates and deadlines. Further, Megna is engaged in employment outside of the Richland County area and he regularly travels out of the area during normal week days.

8. Taking into consideration the fact of the filing of Megna's Motion for Reconsideration, it is beyond a doubt that he received the Court's Order granting Summary Judgment but, in the Motion for Reconsideration, Megna did not set forth any date of receipt, irregular or otherwise, of the Court's Order granting Summary Judgment, nor has he ever produced the envelope in which said Order was delivered to him, nor has he produced any document time stamping the date of receipt of the Order, nor has he provided any other evidence supporting his claim of late receipt of the Order (such as documentation from the United Stated Post Office, or a letter to the Court or opposing counsel notifying them of late receipt), excepting his Affidavit(s), pleadings and written memoranda (subsequent

to his Notice of Appeal) that I have considered. In fact, the first time Megna raised any issue regarding a late receipt of the Court's Order was at the time he filed the Notice of Appeal (that was out of time).[2]

9. The Court denied Lee's Motion for Reconsideration *sua sponte* on December 5, 2007.

10. On January 4, 2008, Lee filed the Notice of Intent to Appeal.

11. I find and conclude that Megna received written notice of the Court's Order much more than ten days prior to the filing of his Motion for Reconsideration, even when all "grace periods" are factored in pursuant to S.C.R.C.P. 6(e).

12. Perhaps most compelling, in the closely related case that was litigated on December 5, 2007 e.g. the "companion case", Megna represented to the Court and opposing counsel that:

> **"within a week after he (Judge Kinard) filed the Order, a week to ten days after he filed the Order... the Motion to Reconsider was filed".**

Thus, by his own words, Megna acknowledged and admitted that he received the Order dated October 26, 2007 within a week to ten days after it was issued, (but he seriously misrepresented the time when he filed his Motion for Reconsideration). And just as egregious if not more so, in the instant case Megna now makes representations relative to the date he received the Order granting Summary Judgment inconsistent with his prior adamant and strident representations made to the trier of fact (Judge Thomas W. Cooper) and opposing counsel in the trial of the "companion case".[3]

13. I find and conclude that Megna is not at all credible as to any contested issue, specifically including the date he now (in this case) alleges he received the Court's Order granting Summary Judgment, and he is and

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[2] On December 5, 2007 opposing counsel in the "companion case" alerted Megna that his Motion for Reconsideration was too late.

[3] I have considered in full context all appropriate pages of the transcript in the "companion case" that is of record as Exhibit 10 to Respondent's Memorandum in Support of the Motion to Dismiss.

should be equitably, judicially and legally estopped to deny timely receipt of the Court's Order dated October 26, 2007 within a week to ten days after the Order was filed e.g. receipt by November 6, 2007 at the latest. In essence, I do not believe the assertions of Megna relative to any contested issue and find that Megna had written notice of Court's Order granting Summary Judgment on November 1, 2007, on November 3, 2007 and by November 6, 2007 and on November 12, 2007 factoring in all possible "grace periods" in a light most favorable to him and without regard to his claim of having personally checked with the Clerk of Court on the status of the case on October 29, 2007. In making these findings and conclusions, I have considered Megna's serious and repeated inattention to detail, which is well documented and of record, as well as his repeated and gross misrepresentations to the Court, as well as his unwarranted, unjustified and untrue attacks on opposing counsel who clearly appears to have been remarkably restrained and professional in the representation of his client and in dealing with Megna under the circumstances.

AND IT IS SO ORDERED.

Casey L. Manning
Presiding Circuit Court Judge
Fifth Judicial Circuit

Columbia, South Carolina
April 3, 2008

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	
Lance Wilson and Willis Goodwin, Plaintiffs,	)	Docket No.: 2004-CP-40-5333
v.	)	
Gina L. Anasti Lee	)	
Defendant/ Third-Party Plaintiff	)	**AWARD**
v.	)	
Dallis Law Firm, P.A.,	)	
Defendant/ Fourth-Party Plaintiff,	)	
v.	)	
Sandra Michelsen d/b/a Abstract Title, Fourth-Party Defendant, Defendants.	)	

Lance Wilson and Willis Goodwin, Plaintiffs,	)	Docket No.: 2004-CP-40-5334
v.	)	
Dallis Law Firm, P.A.,	)	
Defendant/ Third-Party Plaintiff,	)	**AWARD**
v.	)	
Sandra Michelsen d/b/a Abstract Title, Third-Party Defendant, Defendants.	)	

This matter comes before me pursuant to binding arbitration agreed to by three of the four parties to these matters: (1) Lance Wilson and Willis Goodwin ("Wilson" and "Goodwin"); (2) Gina L. Anasti Lee ("Lee"); and (3) the Dallis Law Firm, P.A ("Dallis Law Firm" or "Dallis"). This arbitration was agreed to pursuant to a consent Order dated November 9, 2007. This award finally determines, without appeal, the rights of the three parties to this arbitration in Case Nos. 04-CP-40-5333 and 04-CP-40-5334.

A fourth party is Sandra Michelsen d/b/a Abstract Title ("Michelsen"). Michelsen has never appeared in either of these cases and is in default. Michelsen was sued by the Dallis Law Firm, which sought a recovery only in the event the Dallis Law Firm was found liable to Wilson and Goodwin and/or Lee. Michelsen is not a party to this binding arbitration but, by virtue of being in default, is bound to indemnify the Dallis Law Firm for any award against the Dallis Law Firm.

STATEMENT OF THE CASE

This case revolves around a parcel of property, the "Two Notch property," that is the source of the dispute between the parties. With regard to these cases, the first relevant owner of the property was Albert Anasti who owned the property in fee simple. On November 17, 1978, he deeded the property to a third party who, on the same day, deeded it back to Albert Anasti and his son James Anasti as joint tenants with right of survivorship. Albert died testate on October 24, 1995. At his death the "Two Notch property" became the exclusive property of James Anasti pursuant to the survivorship deed noted above.

Complicating matters, Albert Anasti's Will bequeathed the property to his daughter, Gina Lee. When Albert Anasti died in 1995, James Anasti was out of the country. Gina Lee served as personal representative and in that capacity, Gina Lee deeded the property to herself in fee simple in a deed of distribution on October 24, 1996, pursuant to Albert's Will..

While Albert Anasti was still alive, he had rented the Two Notch property to Lance Wilson who operated a club on the property. After Anasti's death, Wilson continued to pay rent and other sums to Gina Lee, who he believed, at least for a time, to

be the rightful successor owner of the property. Eventually Lee and Wilson worked out a deal for the sale of the property to Wilson, but due to financing issues, Wilson enlisted his friend Willis Goodwin to help financially.

Wilson and Goodwin together were able to strike a deal with Lee to buy the parcel in 2000. However, still in 2000, Wilson and Goodwin became aware of title problems with the property when they became interested in using it as collateral for a loan. In February of 2002, Lee herself became aware of title problems with the property. Eventually, in a different civil action, James Anasti was able to obtain a judgment that he was the rightful owner of the parcel.

Wilson and Goodwin sued Lee and all three sued the Dallis Law Firm, the firm that handled the real estate closing. The Dallis Law Firm was sued by Wilson and Goodwin on November 12, 2004 but was not sued by Lee until March 24, 2005. Dallis, in turn, sued Sandra Michelsen d/b/a Abstract Title, who has defaulted and never appeared.

FINDINGS OF FACT

1. Prior to 1978, Albert Anasti came into fee simple ownership of the Two Notch property.

2. On November 17, 1978, Albert Anasti deeded the Two Notch property to a third party who, on the same day, deeded it back to Albert Anasti and his son, James Anasti, to hold as joint tenants with right of survivorship.

3. Albert Anasti died on October 24, 1995, and at his death the Two Notch property became the exclusive property of James Anasti pursuant to the survivorship deed in Finding Number Two.

4. Albert Anasti's daughter, Gina Lee, served as personal representative of her father's estate.

5. Albert Anasti's Will attempted to bequeath the Two Notch property to Gina Lee. On November 7, 1996, a deed of distribution appeared to transfer ownership of the property to Lee. This deed of distribution was prepared by the Probate Court with jurisdiction over the Albert Anasti estate.

6. Wilson was a renter of the property both before Albert Anasti's death and after.

7. Wilson paid rent to Lee after Albert Anasti's death.

8. Wilson and Goodwin together paid the following sums relating to the Two Notch property: (1) $61,250 (rent collected the 49 months from November 1995 to November 1999; rent was $1,250 per month); (2) $3,000 (rent collected the 2 months from December 1999 to January 2000; rent was $1,500 per month); (3) $50,000 (a down payment on the purchase of the property); (4) $51,646.68 (mortgage payments collected the 34 months from February 2000 to December 2002; mortgage payments were $1,519.02 per month). All of these monies were paid to Lee by Wilson and/or Goodwin.

9. Wilson and/or Goodwin also paid property taxes for the parcel totaling $18,657.24.

10. Wilson learned of problems with the title to the disputed property in 2000. Shortly after the closing of the sale of the disputed property in January 2000, Wilson went to the Bank of America to see about getting a loan with the property as collateral. Wilson Depo. p. 48 ll. 11-13 ("Q. When did you go to the Bank of America to get a loan?

Wilson. That was in—I believe around 2000."). Wilson learned that neither he nor Goodwin were the actual owners of the property. Wilson Depo. p. 49 ll. 7-25.

Q. Now, when you went to the Bank of America in whenever it was to get a loan, what were you told?
Wilson. My name was not on the building or the property.
Q. And that was it. Since you were not the owner of the property, you couldn't get a loan?
Wilson. Yes.
Q. Did you ask Mr. Goodwin, since his name was on there, did you ask him if he could get another loan?
Wilson. His name was not on the property.
Q. All right, so you're saying whenever you went to Bank of America, you were aware then that there was some problem with the title or did they tell you? Did you know before?
Wilson. No, I didn't know before.
Q. So Bank of America is the one that told you? Was this before there was a condemnation action?
Wilson. (Nods head affirmatively).
Q. You're shaking your head yes?
Wilson. Yes.

Id. Wilson then went to his attorney regarding this matter. Id. at p. 50 ll. 1-9.

Q. What did you do at that time, since Bank of America is telling you that Mr. Goodwin didn't own the property? You know you didn't own the property? What did you do at that point to try to figure out what was going on?
Wilson. That's about when I went to Mr. Earle.
Q. Did you go to Mr. Earle before the condemnation action?
Wilson. I believe so.

Id.

Wilson's live testimony offered at the arbitration hearing was punctuated by serious gaps in memory. Wilson suffered a stroke and brain damage in August of 2000 and has attendant memory problems. Due to his memory problems, Wilson offered no reliable testimony as a live witness regarding whether or not he approached a bank in 2000 and learned that neither he nor Goodwin were the actual owners of the disputed property.

Because of his inability to recall the events of 2000, counsel for the Dallis Law Firm introduced into evidence portions of his deposition testimony cited above without objection. Tr. at p. 55 et seq. The portions of Wilson's deposition in the record establish that Wilson approached a bank for a loan in 2000 but the bank advised Wilson he could not borrow against the property because neither he nor Goodwin owned it. Wilson then proceeded to speak to a lawyer about the matter.

A preponderance of the evidence supports the finding that Wilson learned in 2000 that there were problems with the title to the disputed property due to his dealings with a bank in an effort to secure a loan on the property. Wilson's memory problems during the hearing of this matter made his live testimony unhelpful on this question, but his deposition testimony, tips the scales toward Wilson's learning about title problems to the disputed property in 2000. Further, because Wilson suffered a stroke in mid-August of 2000 that debilitated him for approximately 18 months, Wilson's activities with regard to the property (seeking a loan, finding out that neither he nor Goodwin owned the property, and seeking advice of counsel) must have taken place between January and August of 2000.

11. Wilson and Goodwin went in together with regard to the purchase of the Two Notch property.

12. Lee learned of the problems with the title to the disputed property on February 27, 2002. The testimony is undisputed on this point. In late 2001 and early 2002, the State of South Carolina became interested in exercising eminent domain to take a sliver of the disputed property for a road widening project. Link Aff. Exhibit A (Plaintiff's Exhibit 11). John Link was an agent of the State of South Carolina involved

in this project. Link Aff. On February 27, 2002, Link communicated to Lee that there were title problems with the disputed property and that it appeared that James Anasti owned the disputed property. Link Aff. ¶¶ 9-10 ("[O]n February 27, 2002 I spoke to Gina L. Anasti Lee regarding the [Two Notch property]. . . . [D]uring this February 27, 2002 conversation, I explained to Ms. Lee that there were problems with the title to the parcel and that her brother had an interest in the property."); Tr. p. 162 l. 25 – p. 164 l. 7 ("[T]here was a fellow that just called the shop where I worked at that said . . . something about the property that . . . I inherited was supposedly my brother's.").

13. On September 27, 1999, Wilson and Lee, without the benefit of an attorney, entered into a contract for sale of the Two Notch property that Lee represented she owned. However, that contract was renegotiated later in the year and Dallis was retained to prepare the Contract documents and protect Goodwin's interest also. By the terms of the Lee-Goodwin Contract, Goodwin agreed to purchase the Two Notch property from Lee for the sum of $177,000.00, paying $50,000.00 down with "owner financing" by Lee, as evidenced by a note and mortgage in the sum of $127,000.00, payable at the rate of $1,519.02 per month commencing February 6, 2000 (Plaintiffs' Exhibit 3). At or about the same time, Goodwin and Wilson entered into an "Installment Sale Contract," also prepared by Dallis, by the terms of which Wilson would purchase the identical Two Notch property from Goodwin (Plaintiff's Exhibit 4). This installment sales contract was a material component of the contract and was specifically approved of and consented to by Lee. In other words, she gave written permission for Wilson to assume Goodwin's promissory note and mortgage obligations (Plaintiff's Exhibit 5) so

that he would be the ultimate owner of the Two Notch property which she erroneously represented that she owned.

14. In conjunction with the aforesaid transactions, Wilson and Goodwin engaged Dallis for purposes of a real estate closing, to include preparing all necessary documents and performing a title search to ensure that Lee had proper/"good", marketable, fee simple title to the Two Notch property to be deeded to Goodwin and then ultimately to Wilson. Dallis in turn has alleged that it engaged Abstract to perform a title search.

15. Based upon Abstract's real estate title report, Dallis subsequently represented or certified to Wilson and Goodwin that Lee had proper/"good", marketable, fee simple title to the Two Notch property, a closing took place as evidenced by Lee's general warranty deed (Plaintiffs' Exhibit 9) and the settlement statement (Plaintiffs' Exhibit 2). Thereafter, Wilson paid Goodwin most all of the sums due under his Installment Sale Contract, as well as paying to Lee all sums ostensibly due her under the note and mortgage with Goodwin e.g. $1,519.02 per month. In addition, Wilson asserts that he paid all real estate taxes on the Two Notch property from 2000 through 2006, and he presented receipts for the period of 1994 – 2004 (Plaintiffs' Exhibit 6).

From the records produced, I find that Wilson has paid taxes relative to the Two Notch property in reliance on the deed from Lee to Goodwin and in conjunction with his installment sales contract with Goodwin as follows:[1]

Year	Amount	With Prejudgment Interest
2000	$3,346.75	$5,536.03

[1] From the real estate closing statement, it appears that Lee had not paid property taxes on the Two Notch property for 1998 or 1999, such that they were deducted from her settlement at closing on January 6, 2000.

2001	$3,120.34	$5,161.49
2002	$3,362.23	$5,114.16
2003	$4,389.92	$6,140.08
2004	$4,438.00	$5,707.89
TOTALS	$18,657.24	$27,659.65

Although Wilson testified that he paid applicable real estate taxes through 2006, no documentary evidence of payments for 2005 and 2006 (and more importantly no evidence as to amounts paid) was presented and, therefore, I am not able to speculate as to what sums were in fact paid (or by whom).

16. In August, 2000, Wilson suffered a stroke, has suffered significant permanent memory loss and was not able to work for approximately 18 months. During that time Goodwin and Mrs. Robin Wilson (wife of Lance Wilson) operated Dave's. Nonetheless all monthly mortgage payments of $1,519.02 each were paid to Lee until December, 2002 for a total of 34 payments and a total amount paid of $51,646.68.

17. Wilson and Goodwin were, in essence, the buyers of the Two Notch property from Lee, and the business known as Dave's (owned and operated by the corporation known as Pedaro, Inc.) was a separate entity. All repairs and improvements were asserted by Wilson to have been made and/or paid for by him. However, having recited that testimony, it is not dispositive because Wilson presented no documentation nor other evidence relative to the amount(s) of repairs and improvements and hence any award for same would be speculative and must

therefore be denied. Furthermore, any damages to the corporation known as Pedaro and/or Dave's are not compensable in that (a) they are not parties to the within action and (b) such claims, if any, would be too speculative upon which to base any award.

18. Wilson has asserted that he has paid and maintained insurance on the Two Notch property, but he has provided no proof of the costs of same such that no award can properly be made.

19. From January, 2000 until being served with an action by S.C.D.O.T. in December, 2002 (case # 02-CP-40-6062) Wilson paid Lee $1,519.02 per month relative to Goodwin's note and mortgage. Thereafter, all payments to Lee stopped.

20. I have taken judicial notice of the terms of the Court's Order dated October 26, 2007 in action 07-CP-40-0576 and I adopt the terms, findings and conclusions as my own. Thus, it is clear that title to the Two Notch property is now in the name of James A. Anasti (since the death of Albert A. Anasti).

21. I find and conclude that Lee never at any stage had any ownership in the Two Notch property and that she obtained funds from Goodwin and/or Wilson to which she was not entitled, as follows:

January 6, 2000 = $50,000.00 at closing

February, 2000 through November, 2002 -- $1,519.02 per month

34 months x $1,519.02 = $51,646.68

Total $101,646.68

22. Wilson has continued to operate Dave's at the Two Notch property but has paid no sums as rent or otherwise since his November 2002 payment to Lee.

23. As reflected in Plaintiff's Exhibit 2, Lee did not pay real estate taxes on the Two Notch property in 1998 or 1999 (or since that time); she presented no documentary evidence that she has ever paid any real estate taxes on it, and no documentary evidence (or amounts) was presented that she has ever paid any sums for insurance on the Two Notch property. Thus, I find and conclude that she has never paid real estate taxes or insurance on the Two Notch property, excepting taxes paid or advanced by Wilson and/or Goodwin which were deducted at the closing January 6, 2000 for 1999, and Wilson paid the real estate taxes in 1998.

24. When Lee "sold" the Two Notch property to Goodwin, she testified that she thought in good faith that she had good, marketable title and that she took pursuant to a "deed of distribution" prepared by the Probate Court. Further, she testified that she would want to do what was honest and would not have attempted to sell it if she did not own it.

25. No competent evidence was advanced in support of Lee's foreclosure and debt claims, which claims I would have found to have been totally without merit in any event since she would have been seeking to foreclose on property she clearly never owned and on a debt that was clearly not owed to her.

26. In Wilson and Goodwin's complaint, they allege that Dallis was negligent and that they were damaged as a proximate result. They presented no expert testimony but instead rely upon the common knowledge exception to the general requirement that expert witness is required in a professional malpractice or negligence action. Their premise simply stated is that Dallis was retained to represent

them in a real estate closing to ensure that they (Goodwin, initially, and Wilson, ultimately) receive good, marketable fee simple title to the property.

27. Plaintiffs have shown that Dallis Law Firm was retained to represent them in a two stage real estate transaction in which:

a. Dallis Law Firm was given the earlier "store bought" contract

b. Dallis Law Firm was to draft the contracts (1) contract between Gina L. Anasti Lee and Willis Goodwin and (2) secondary contract to protect Lance Wilson in this now 3 party transaction.

c. Dallis Law Firm was to conduct a title examination to make sure Mrs. Lee did in fact own the property and thus could convey good marketable fee simple title to Willis Goodwin who in turn could obligate himself to Lance Wilson in the secondary contract.

d. Prior to closing Dallis Law Firm advised Goodwin and Wilson that title was good; that the closing would occur at their office on 6 January 2000 and that Willis Goodwin would need to bring $45,000.00 to closing in order with Mrs. Lee and that Wilson would also need to be at closing so he and Goodwin could execute the Installment Sale Contract.

e. It is not clear who contacted Mrs. Lee but she was a necessary party for the closing and she along with Goodwin and Wilson were at Dallis Law Firm for the closing conferences.

28. The crux of this litigation from the plaintiffs' point of view is that Dallis Law Firm was retained by them to assure them that they would get good marketable fee simple title to the property subject only to the Goodwin to Lee purchase money

mortgage to be given by Goodwin to secure the deferred portion of the purchase price.

29. The order of the Honorable J. Ernest Kinard, Jr. (Lee's Exhibit 9) in the case of James A. Anasti vs. Goodwin, Wilson, Lee and Barbara Scott as Clerk of Court (2007CP40-576) conclusively established that James A. Anasti is the sole owner of the real property. The Dallis Law Firm certified to Willis S. Goodwin, to Lance Wilson (and from the testimony of Gina L. Anasti Lee to her also) that Gina L. Lee was the owner of and that Willis S. Goodwin, once the closing was completed and the deed recorded, would own fee simple marketable title to the property subject to the Purchase Money Mortgage back to Mrs. Lee as provided for in the Contact of Sale (which Dallis Law Firm prepared for Goodwin and Wilson).

30. Lance Wilson in reliance upon the representations of Dallis Law Firm that Willis S. Goodwin had good marketable fee simple title to the property (subject to the Goodwin to Lee promissory note secured by said Purchase Money Mortgage) then entered into the Installment Sale Contract with Willis S. Goodwin. Goodwin then entered into the agreement with Wilson.

31. The evidence is irrefutable that Mrs. Lee never had any title to the property.

32. The Dallis Firm asserts that the claims of professional negligence of Wilson, Goodwin, and Mrs. Lee, fail, in part, because no expert testimony has been offered on the issues of the standard of care, the breach of care, and the proximate cause of any damages.

33. This case clearly comes within the "common knowledge" exception to the requirement of expert testimony in cases of this sort. The Dallis Firm recognized its need for a title examination to determine the true owner of the property. It retained its own abstractor to conduct that examination and to satisfy the Dallis Firm itself as to the true ownership. Unfortunately for all parties concerned, the abstractor hired by Dallis failed to discover and/or report the true ownership of the property as being in Mr. James Anasti pursuant to the survivorship terms of the deed referred to in Finding Number Two above. That negligent oversight is imputed to Dallis, the firm which hired the abstractor to conduct the examination. No expert is required to explain a survivorship deed; by its very terms, the ownership is apparent.

34. It is not necessary to know how to examine a title to reach that finding. If the issues of whether or not liens existed against the property or whether or not there was some esoteric rule of property law (the Rule against Perpuities, for example) then clearly expert testimony may be necessary. However, in this case, the question is a simple one of true ownership. The Dallis Firm reported the true owner was Gina L. Anasti Lee. The clear wording of the survivorship deed indicated the true ownership in James Anasti.

35. Therefore, the claims of Wilson, Goodwin and Gina Lee against the Dallis Firm do not fail for the lack of expert testimony. They fail because their respective suits were not filed within the three year period allowed by the Statute of Limitations. (See paragraphs ten and twelve above and Conclusions five and six below.)

CONCLUSIONS OF LAW[2]

[2] To the extent any conclusions of law may be, in whole or in part, findings of fact, they are to be construed as such.

1. Albert Anasti and James Anasti held the Two Notch property as joint tenants with right of survivorship prior to Albert Anasti's death. At Albert Anasti's death, James Anasti came into ownership of the entirety of the Two Notch property in fee simple. Accordingly, the language in Albert Anasti's Will indicating the Two Notch property was bequeathed to Gina Lee never operated. Since Albert Anasti's death, James Anasti has held title to the Two Notch property.

2. Therefore, neither Lee nor anyone else other than James Anasti has held title to the Two Notch property since Albert Anasti's death.

3. Lee never had the legal right to sell the Two Notch property.

4. The attempted sale of the property was invalid because Lee could not sell the property.

5. The statute of limitations is a bar to Lee recovering against the Dallis Law Firm. The statute of limitations defense is an affirmative defense. Arant v. Kressler, 327 S.C. 225, 227, 489 S.E.2d 206, 208 n.1 (1997). For the defendant to prevail, the defendant must show by a preponderance of the evidence that the plaintiff was on notice that a claim might exist more than three years prior to the filing of the lawsuit. Cole v. South Carolina Electric and Gas, Inc., 355 S.C. 183, 195, 584 S.E.2d 405, 412 (Ct. App. 2003); Epstein v. Brown, 363 S.C. 372, 380, 610 S.E.2d 816, 820 (2005).

"[The South Carolina Supreme Court] has recognized that, under the discovery rule, the statute of limitations begins to run when a reasonable person of common knowledge and experience would be on notice that a claim against another party might exist. The fact that the injured party may not comprehend the full extent of the damage is immaterial." Epstein v. Brown, 363 S.C. 372, 382, 610 S.E.2d 816, 821 (2005) (citing,

inter alia, Dean v. Ruscon Corp., 321 S.C. 360, 363-364, 468 S.E.2d 645, 647 (1996)). "[An] injured party must act with some promptness where [the] facts and circumstances of injury would put [a] person of common knowledge and experience on notice that some right of his has been invaded or that some claim against another party might exist; [the] statute of limitations begins to run from this point and not when advice of counsel is sought or [a] full-blown theory of recovery is developed." Id. (describing the holding of Wiggins v. Edwards, 314 S.C. 126, 442 S.E.2d 169 (1994)).

The undisputed facts of the case are that Lee learned about title problems regarding the disputed property on February 27, 2002. Lee's testimony and the stipulated testimony of John Link both establish, without question, that Link notified Lee of title problems and, in fact, told Lee that it appeared her brother owned the disputed property. Link Aff. ¶¶ 9-10 ("[O]n February 27, 2002 I spoke to Gina L. Anasti Lee regarding the [Two Notch property]. . . . [D]uring this February 27, 2002 conversation, I explained to Ms. Lee that there were problems with the title to the parcel and that her brother had an interest in the property."); Tr p. 162 l. 25 – p. 164 l. 7 ("[T]here was a fellow that just called the shop where I worked at that said . . . something about the property that . . . I inherited was supposedly my brother's.").

When Lee was told on February 27, 2002 that her brother James Anasti owned the disputed property rather than Lee or the putative buyers, Wilson and Goodwin, she was put on notice that there was a title problem regarding the property. Lee's statute of limitation against the Dallis Law Firm began to run on February 27, 2002, because a reasonable person of common knowledge and experience would have been put on notice that she might have a claim at that point in time.

Lee did not file suit against the Dallis Law Firm until March 24 of 2005, more than three years after the statute of limitations began running as to any claims against the Dallis Law Firm. The applicable statute of limitations in this matter is three years. Epstein v. Brown, 363 S.C. 372, 380, 610 S.E.2d 816, 820 (2005). Accordingly, Lee's claims against the Dallis Law Firm are time-barred and the Dallis Law Firm is entitled to a defense award with respect to all claims leveled by Lee.

6. The statute of limitations is also a bar to Wilson and Goodwin recovering against the Dallis Law Firm. The statute of limitations defense is an affirmative defense. (See paragraph five above.)

In the instant case, Wilson learned of problems with the title to the disputed property in 2000. Finding of Fact 10, supra. The segments of Wilson's deposition entered into the record in this case reveal that he learned about problems with the title to the disputed property sometime in 2000. Further, no other evidence in the case points to a different date of discovery. Neither counsel for Wilson nor any other party elicited any testimony or adduced any evidence that would point to a different discovery date. It is true that Wilson himself had no reliable memory regarding when he discovered problems with the title to the property, but the portions of his deposition testimony entered into the record are incontroverted: Wilson learned of problems with the title to the disputed property in 2000.

Wilson's knowledge that neither he nor Goodwin owned the property in 2000 after the closing was sufficient to put a reasonable person of common knowledge and experience on notice that he might have a claim. While it was not necessary for Wilson to consult with a lawyer before triggering the running of the statute, Wilson nonetheless

did consult with an attorney in 2000 regarding the disputed property. Because of Wilson's stroke in mid-August of 2000, this consultation must have occurred sometime between January and August of 2000. Therefore, the statute of limitations began running as to Wilson no later than August of 2000.

It is well-settled law that the knowledge of one co-adventurer is imputed to all members of the joint venture. E.g., In re Parmalat Securities Litigation, 501 F.Supp.2d 560 (S.D.N.Y. 2007) (citing Mallis v. Bankers Trust Co., 717 F.2d 683, 689 n. 9 (2d Cir. 1983)) ("Knowledge of a joint adventurer is imputed to its co-adventurers."). Because Wilson and Goodwin were engaged in a joint venture with respect to the purchase of the disputed property, Wilson's knowledge of problems with the title in 2000 is imputed to Goodwin. Accordingly, the statute of limitations began running as to Goodwin the same time it began running as to Wilson: no later than August of 2000.

The preponderance of the evidence then indicates that Wilson (and, vicariously, Goodwin) learned of problems with the title to the disputed property in 2000. Wilson and Goodwin did not file suit against the Dallis Law Firm until November of 2004, more than four years after the statute of limitations began running as to any claims against the Dallis Law Firm. The applicable statute of limitations in this matter is three years. Epstein v. Brown, 363 S.C. 372, 380, 610 S.E.2d 816, 820 (2005). Accordingly, Wilson and Goodwin's claims against the Dallis Law Firm are time-barred and the Dallis Law Firm is entitled to a defense award with respect to all claims leveled by Wilson and Goodwin.

CONCLUSION

Based on the findings of fact and conclusions of law set forth above, it is accordingly ordered:

1. The Wilson-Goodwin joint venture be awarded the sum of $216,337.70 in actual damages against Gina L. Anasti Lee. That amount is derived from the following calculations:

a.) $50,000.00 paid at closing plus prejudgment interest at 8.75% per annum through January 6, 2008, which equals $97,814.70;

b.) 34 monthly mortgage payments of $1,519.12 each for a total of $57,646.68, plus prejudgment interest as above totaling $90,863.35;

c.) Real estate taxes for the years 2000 through 2004 total $18,657.24, plus prejudgment interest as above, totaling $27,659.65.

2. Wilson and Goodwin's claim against The Dallis Law Firm must be denied because it was filed after the statute of limitations had expired for the filing of such a claim.

3. Gina Anasti Lee's claim against The Dallis Law Firm must also be denied because it was filed after the statute of limitations has expired for the filing of such a claim. Further, Ms. Lee failed to prove that she suffered any damages proximately caused by the actions of The Dallis Law Firm.

4. This court has not awarded punitive damages in this case because the actions of Ms. Lee were not willful actions in that she had a good faith belief that she was the owner of the subject property as a result of Albert Anasti's Will. However, a good faith belief does not afford any protection against Wilson and Goodwin's claim for actual damages awarded above.

5. Lee's claim for foreclosure against Wilson and Goodwin is denied because Lee never owned the Two Notch property and therefore cannot foreclose.

6. All other claims by the parties are denied, except, however, for claims the Dallis Law Firm has against Sandra Michelsen d/b/a Abstract Title for any sums which Dallis becomes legally obligated to pay or reasonably chooses to pay as a result of this matter. These claims by Dallis against Michelsen are not resolved by this arbitration as Michelsen was not a party to this arbitration.

7. The fees for the arbitrator will be evenly divided among the three parties to this action.

AND IT IS SO AWARDED.

Thomas W. Cooper, Jr.
Arbitrator

August 15, 2008

Manning, South Carolina

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	FIFTH JUDICIAL CIRCUIT
JAMES A. ANASTI,	)	Docket Number: 2007-CP-40-0576
Plaintiff,	)	
vs.	)	
LANCE WILSON, WILLIS GOODWIN, GINA L. ANASTI LEE, And RICHLAND COUNTY CLERK OF COURT;	)	ORDER
Defendants.	)	

RICHLAND COUNTY FILED
2009 APR -1 PM 4:51
JEANETTE W. McBRIDE C.C.P. & G.S.

IN RE:

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr. Circuit Court Judge

CIVIL ACTION NO.: 2007-CP-40-0576

James A. Anasti,.....Respondent,

v.

Lance Wilson, Willis Goodwin, Gina Anasti Lee, Richland County Clerk of Court,.....Defendants,

Of Whom Lance Wilson, Willis Goodwin and Richland County Clerk of Court are.....Respondents,

And Gina L. Anasti Lee is the.....Appellant.

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THIS MATTER CAME BEFORE ME on October 2, 2008, pursuant to the South Carolina Court of Appeals Order dated June 19, 2008, in which this Court was directed to conduct a hearing on Appellant Gina L. Anasti Lee's Motion to Alter or Amend this Court's Order dated April 3, 2008, said Motion being filed April 7, 2008 pursuant to SCRCP 59(e).[1] [2]

FINDINGS, CONCLUSIONS AND DISPOSITION

Having heard extensive arguments and carefully considered all supporting documents and pleadings, as well as all the asserted basis(s) for Appellant's pending 59(e) Motion, I find and conclude that it should be and is denied in that;

I. Appellant did in fact receive notice of the hearing held April 3, 2008 that was in writing, properly transmitted, reasonable under the circumstances and in compliance with due process.

II. Appellant did in fact timely receive the Order granting partial Summary Judgment dated October 26, 2007, as determined and set forth in this Court's Order dated April 3, 2008, but she failed to thereafter timely file a 59(e) Motion to Alter or Amend (eg. her untimely 59(e) Motion of November 20, 2007, relative to the Court's October 26, 2007 Order) and she failed to timely file a Notice of Appeal (untimely filed on January 4, 2008).

III. For the reasons set forth in the Order dated April 3, 2007, which are adopted by reference herein.

IV. For the reasons set forth in the Order herein.

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[1] The pending 59(e) Motion filed April 7, 2008 was not previously considered because (a) the case was then on Appeal and had been remanded on March 18, 2008 for an evidentiary hearing only, (b) subsequent to this Court's Order dated April 3, 2008, the Appeal was dismissed by Order dated April 16, 2008, (c) Appellant filed a Motion pursuant to SCACR 221 on April 22, 2008, apparently confirming that she was taking the position that the matter was then exclusively before the Court of Appeals for a resolution, (d) Appellant had previously submitted (in writing) that this Court was without jurisdiction to hear her 59(e) Motion, (e) no copy of the 59(e) Motion was submitted to me by the moving party, as required by Rule 59(g), prior to dismissal of the Appeal and (f) for the reasons that are apparent for footnote 6.

[2] In Appellant's Rule 59(e) Motion, she seeks to have this Court set aside its April 3, 2008 Order as improvidently granted and to hold an evidentiary hearing as to when her counsel (Megna) received the Court's Order dated October 26, 2007, granting partial Summary Judgment.

PROCEDURAL HISTORY

For the purposes of the within Order, the pertinent procedural history of the case reflects that;

a) Partial Summary Judgment was granted to Respondent (Plaintiff herein) James *Anasti* by Order of the Honorable J. Ernest Kinard, Jr. dated October 26, 2007. That Order was filed on October 26, 2007 and mailed to respective counsel by the Richland County Clerk of Court on Monday, October 29, 2007.

b) On November 20, 2007, Appellant filed a Motion to Alter or Amend Judge Kinard's Order pursuant to SCRCP 59(e).[3]

c) On December 5, 2007, Judge Kinard denied Appellant's Rule 59(e) Motion, *sua sponte*.[4]

d) On January 4, 2008, Appellant filed a Notice of Intent to Appeal.

e) On January 22, 2008, Respondent Anasti filed a Motion to Dismiss Appellant's Appeal on the grounds that it was not timely filed.

f) On March 18, 2008, the South Carolina Court of Appeals remanded the matter, with written notice to all counsel, for an evidentiary hearing as to the date when Appellant Lee's counsel (Megna) received the Order granting partial Summary Judgment. The accompanying transmittal letter from the Clerk of Court of the Court of Appeals to respective counsel directed that Respondent's counsel was to schedule a hearing "as soon as possible". Thereafter, Respondent's counsel requested (in writing) a hearing, and Appellant's counsel was copied with that request.

g) On March 28, 2008 an evidentiary hearing date was set by this Court for April 3, 2008, and Respondent Anasti's counsel was directed to notify opposing counsel of the hearing date, which I have found and concluded

[3] Appellant's Motion did not set forth an irregular date of receipt of Judge Kinard's Order granting partial Summary Judgment (or any date of receipt whatsoever for that matter).

[4] Appellant's November 20, 2007 59(e) Motion was not received by Judge Kinard until December 3, 2007 because Appellant had addressed and mailed it to an incorrect address for Judge Kinard.

that he did, promptly and properly by the most reasonable means under the circumstances.[5]

h) On April 3, 2008, the said evidentiary hearing was held, an Order was issued by the undersigned and it was promptly filed with the South Carolina Court of Appeals on April 4, 2008.

i) On April 7, 2008, counsel for Appellant (Megna) filed yet another Motion with the Richland County Clerk of Court pursuant to SCRCP 59(e), requesting a rehearing of the evidentiary hearing of April 3, 2008, and representing that (a) he never received any notice of the said evidentiary hearing and (b) no notice had been sent.

j) On April 10, 2008 Appellant's counsel wrote to the Court, asserting that all motions were stayed pending the Appeal.

k) On April 16, 2008, the South Carolina Court of Appeals dismissed Appellant's Appeal.

l) On April 22, 2008, Appellant filed a Motion to Rehear, Alter or Amend pursuant to SCACR 221(a) and at that time did Appellant make the Court of Appeals aware that her 59(e) Motion of April 7, 2008 had been filed.

m) By Order dated June 19, 2008, the Court of Appeals again remanded the matter for a hearing on Appellant's pending (April 7, 2008) 59(e) Motion, and the within Order is issued pursuant to that Order of the South Carolina Court of Appeals.[6]

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[5] Appellant's counsel (Megna) has asserted, *inter alia*, that at both his law office/home and at his non-law office business he was experiencing difficulty receiving mail from the U.S. Post Office in a timely manner (and relied on that assertion as a basis for his apparent late filing of Appellant's November 20, 2007 59(e) motion, as well as his apparent late filing of Appellant's Notice of Appeal), and he also asserted that he had purposely chosen to limit or avoid contact with Anasti's counsel. While rejecting that Megna had any reasonable basis for purposefully avoiding contact with opposing counsel, I have found that written notice to Megna of the evidentiary hearing ultimately held on April 3, 2008 by fax at the same fax number he had used for years, with proof of both a successful fax text confirmation and a sent/received fax receipt journal is and was clearly appropriate notice under the circumstances with which Respondent's counsel was faced, especially given the arguments, affidavits and documents previously submitted to the South Carolina Court of Appeals and this Court, and also given the written notice to Megna on March 18, 2008 that a hearing was to be held "as soon as possible".

[6] Subsequent to the Court's Order of April 3, 2008 and subsequent to dismissal of the Appeal on April 16, 2008, Ben Matthews was added as co-counsel with attorney Megna on Appellant's behalf and upon the matter being remanded on June 19, 2008 for another evidentiary hearing, Megna then requested protection from the Court (for vacations) for both he and Matthews for the period of June 27, 2008 through July 27, 2008. Then, the day before the matter was scheduled to be heard (July 22, 2008), Richard Harpootlian was

NOTICE OF THE APRIL 3, 2008 HEARING

As a basis(s) for Appellant's pending 59(e) Motion to Alter or Amend, Appellant's counsel (Megna) first asserted that no notice of the April 3, 2008 hearing was sent and that he did not receive any notice whatsoever for the hearing. Specifically, Megna asserted:

1. he "*completely denies the existence of any notice provided*" to him, "*by any means*" (emphasis added by the Court).

And;

2. "*Any assertion that the undersigned had any notice of a March 28, 2008 (sic) hearing before this Court is absolutely untrue and completely false.*" (emphasis added by the Court)

And;

3. "*...no such notice has been sent* (emphasis added by the Court) *to his office or home.*"[7]

I find each of those assertions by Megna to be untrue and in fact belied by overwhelming evidence to the contrary.

On March 28, 2008, this Court set the date of April 3, 2008 for the evidentiary hearing relative to when Megna received Judge Kinard's October 26, 2007 Order granting partial Summary Judgment (which Order Megna first claimed to have not timely received on January 4, 2008 – long after his November 20, 2007 Rule 59 (e) Motion was denied by Judge Kinard, long after misrepresenting to Judge Thomas W. Cooper, Jr. and opposing counsel on December 5, 2007 that he had in fact filed a 59(e) Motion within a week to ten days of the date the Summary Judgment Order was filed and only after being put on specific notice that his November 20, 2007 59(e) motion was untimely (see transcript in the "companion case"/Arbitration hearing of December 5, 2007, page 193 in conjunction with page 23), and directed Respondent Anasti's counsel to notify opposing

added as additional co-counsel for Appellant and he was permitted to set a time for the hearing that would allow him to be prepared and which would not conflict with other counsel(s)' schedules, with the result being that there were further delays in having the matter concluded. Matthews did not appear for the within hearing and no reason was given for his absence.

[7] At all pertinent times, Megna's only "law office" was his home at 1815 Fulmer Rd., Blythewood, SC.

counsel, which I find beyond a doubt that he promptly did in writing by fax dated March 28, 2008. I further find and conclude that the March 18, 2008 written notice from the Court of Appeals (which Megna does not deny timely receiving) that a hearing was to be set as soon as possible and also specifically the written, faxed notice of March 28, 2008 for the April 3, 2008 hearing that were provided to Megna were both proper and reasonable under the circumstances. Evidence proving both transmission to and receipt by Megna on March 28, 2008 of written notice for the April 3, 2008 hearing has clearly been established by successful fax text transmission confirmation to his published fax number (753-9004) and also by sent/received fax journal confirmation to the same number. The March 28, 2008 notice of hearing was in fact sent by fax on that day to the exact same fax number Megna had listed and published in the South Carolina Bar Directory, on his correspondence, on pleadings previously prepared by him and subsequently on his signed April 7, 2008 59(e) Motion Cover Sheet. Without a doubt, other faxes had previously and/or subsequently been transmitted to (and received by) Megna by Respondent's counsel and/or other members of the South Carolina Bar at the exact same fax number without any complaint, objection or attempt by Megna for correction, and there was no evidence presented reflecting that Megna had notified the Clerk(s) of Court, opposing counsel, counsel in other cases or the South Carolina Bar that notice should not be sent to that fax number (or that Megna was not using that fax number).

In a letter faxed to Respondent's counsel (by Megna from an undisclosed fax number) dated April 22, 2008, Megna clearly appears to have ultimately acknowledged that Respondent's counsel did in fact send him specific written notice on March 28, 2008 (for the April 3, 2008 evidentiary hearing) to his law office fax number (753-9004), and Megna cannot truthfully deny that notice of the April 3, 2008 evidentiary hearing was in fact sent to and received by him at the very same fax number he had listed and represented to be his law office fax number (753-9004). However, Megna then asserted in his April 22, 2008 letter, as the basis for non-appearance at the evidentiary hearing on April 3, 2008, that Respondent's counsel had utilized a fax number (753-9004) for Megna "***that is not in active use***" and that "***the recent confusion over the April 3, 2008 Order entered by Judge Manning was apparently caused by your (Respondent's***

counsel) office faxing me notice on March 28, 2008 to a number that had not been in active use for a long while." (emphasis added by the Court). I stress that the fax number (753-9004) that Megna claims to have "not been in active use for a long while" prior to March 28, 2008 is in fact the identical fax number he had listed on his April 7, 2008 Motion Cover Sheet (signed by Megna) that accompanied his April 7, 2008 Motion pursuant to Rule 59(e). Respondent's counsel promptly responded to Megna's April 22, 2008 fax and again provided supporting evidence completely disproving Megna's claims and assertions that notice of the hearing had not been sent or received or that Megna had not used his fax number "for a long while". Further, Megna has presented no documentary evidence that his fax number (753-9004) listed with the South Carolina Bar and utilized by him in his Motion of April 7, 2008 and which clearly has been used by him for a number of years on various of his law office letterheads, correspondence, emails and pleadings had ever been out of service or not used "for a long while" (such as a cancellation of service, his sent/received fax journal records, a new fax listing, his payment records for his fax service, a notice to other counsel or Courts, etc.), despite being requested (in writing) to do so.

Based on the overwhelming evidence presented, as well as the lack of any believable documentary evidence or affidavits produced by Megna to the contrary, I find and conclude that Megna was and had been actively using fax number 753-9004 on March 28, 2008, prior to March 28, 2008 ("for a long while" -- more than three years) and in fact subsequent to March 28, 2008.

I have considered, in juxtaposition to Megna's assertions that he had no notice of the April 3, 2008 hearing, the entire record including but not limited to Respondent's Return with accompanying exhibits filed in the South Carolina Court of Appeals on April 29, 2008, as well the exhibits submitted in conjunction with Respondent's Motion to Dismiss the Appeal and all the pleadings, documentary evidence and affidavits before me, and I find them to provide overwhelming evidence of the lack of credibility of Megna as to all contested issues.

SERVICE PURSUANT TO SCRCP 5

As an excuse for non-appearance for the April 3, 2008 evidentiary hearing, Megna first claimed on April 7, 2008 that no notice of the hearing was sent to him by "any means", and he also claimed that no notice of the hearing was received by him at "his office or home". Once it was clearly established that in fact notice of the hearing had been both sent to and received by Megna on March 28, 2008, he then claimed on April 22, 2008 that notice of the hearing had been sent to him at a fax number (753-9004) that he had not used "in a long while". That claim has also clearly been proven to be false because he was using that same exact fax number for years prior to March 28, 2008, on March 28, 2008 and subsequent to March 28, 2008 (for at least approximately a month). Megna now claims that, even if he did in fact receive notice of the April 3, 2008 hearing on March 28, 2008, as well as prior written notice from the South Carolina Court of Appeals that a hearing was to be scheduled as soon as possible, those facts should be considered irrelevant because the notice of the hearing was not in strict compliance with the terms of SCRCP 5. [1]

In the context of Rule 5 and if it were applicable, an analysis of the facts as I find them to be establishes that Megna was at all pertinent times engaged in non-legal business activities, usually out of the Columbia area during normal work weeks, and he only practiced law (as a sole practitioner) on a limited basis (such as Court appointed cases) from his home/"law office". At all pertinent times, he represented on his legal stationary that his law office was at 1815 Palmer Road, Blythewood, SC (his home) and that his law office fax number was 753-9004. He received his legal mail at his home/law office. He prepared his own correspondence and pleadings and he docketed his own calendar. Megna has sworn under oath that he was and had been purposefully avoiding contact with Respondent's counsel for some time, and he submitted evidence, though not believable, that Respondent's counsel was "stalking" him or his family at his home/law office by virtue of, *inter alia*, sending letters to Megna (at his published law office address) and by virtue of confirming for the Court that Megna's home was in fact his

[1] This last claim is the essence of the argument presented on behalf of Appellant by Mr. Harpootlian and he has made abundantly clear that he is representing Appellant only and not Mr. Megna.

"law office". Under these circumstances in which Megna already knew on or about March 18, 2008 that the evidentiary hearing was to be set as soon as possible, I find that prompt written notice to Megna of the April 3, 2008 evidentiary hearing date by fax on March 28, 2008 with both fax text confirmation and sent/received fax journal confirmation was certainly reasonable, proper and in compliance with due process, especially given Megna's claim that the U.S. Post Office was not promptly delivering his mail.

I find and conclude that Appellant had notice of the April 3, 2008 hearing by March 28, 2008 that was both express and implied. Further Appellant had constructive notice of the hearing, and her counsel should have had inquiry notice as well in that the circumstances reflect that Megna knew or should have known that an evidentiary hearing was imminent by virtue of the Court of Appeals' March 18, 2008 Order remanding the case for a hearing as "soon as possible" and by virtue of Respondent's subsequent written request for a hearing, yet Megna apparently did nothing to ever check on the status of the matter. In addition and perhaps more compelling, and given that Megna had in fact received written, specific notice of the April 3, 2008 hearing on March 28, 2008, he made no timely objection to the matter being heard on April 3, 2008, nor did he claim any irregularity, nor did he appear or timely assert that the notice given for the April 3, 2008 hearing was in anyway defective or prejudicial. Finally and most compelling, Appellant has not suffered any prejudice because I had previously considered and now have reconsidered all that has been submitted on Appellant's behalf, and I reiterate that on all contested issues I continue to find Appellant's claims to be totally without merit.

I find and conclude that Appellant's reliance on Dedes v. Strickland, 307 S.C. 152, 414 S.E.(2d) 132 (1992) is both misplaced and distinguishable in that, *inter alia*, in Dedes, all counsel in fact appeared for a Summary Judgment hearing; counsel timely objected to hearing the matter on short notice with no meaningful opportunity to present affidavits; counsel's request for an opportunity to submit opposing affidavits was denied and the rights of the party were in fact prejudiced thereby. Such distinguishing factors are compared to the instant case in which Appellant's counsel did not appear or raise any objection whatsoever until after the April 3, 2008 Order was issued; Appellant has been afforded a full and complete opportunity to submit (and did submit) affidavits, and

Appellant was encouraged to make a full and complete argument and record, which has been done, and which I have considered and reconsidered. Furthermore, Appellant was also allowed to set and schedule the within hearing for October 2, 2008, after having it continued from its original hearing date of July 22, 2008 and Appellant's counsel (Mr. Harpootlian) appeared to have been very well prepared. Therefore, Appellant has not suffered any prejudice under the circumstances.

TIMELY RECEIPT OF OCTOBER 26, 2007 ORDER

After providing Appellant with another full opportunity to be heard, nothing credible, believable or favorable to Appellant has been presented that would compel me to reverse the findings and conclusions set forth in my April 3, 2008 Order[9], and I reiterate and incorporate the terms of that Order herein by reference, with special emphasis on the transcript in the "companion" case in which, in diametrical opposition to what Megna has now represented to this Court and the South Carolina Court of Appeals relative to the critical date when he received the Court's October 26, 2007 Order (eg. his current claim that he only received the Order on Saturday, November 10, 2007), whereas Megna previously represented to the Court (Arbitrator Thomas W. Cooper, Jr. and opposing counsel at an Arbitration hearing on December 5, 2007) that he had in fact received written notice of the October 26, 2007 Order within a week or ten (10) days of that date (because he falsely claimed to have filed his 59(e) Motion within a week or ten days of the October 26, 2007 Order - see transcript of hearing TR 28, L 14-20).[10]

NOW, THEREFORE, IT IS ORDERED that Appellant's 59(e) Motion to Alter or Amend filed April 7, 2008 is denied in that;

[9] Despite being requested to do so (in writing), Megna has failed to produce the envelope in which the October 26, 2007 Order was mailed to him (which he has acknowledged to have received) by the Richland County Clerk of Court (which would have exhibited a US Mail date stamp), nor has he produced a date stamp or any other record establishing the date of actual receipt by him, nor has he produced any other calendar/time table docketing record(s) (reflecting when he received the Order) that he may have theoretically maintained as a component of his law practice.

[10] As well, I have taken notice of all of the content of the Arbitration award in the "companion case".

a) Appellant's counsel (Megna) clearly received reasonable notice of the April 3, 2008 hearing, to which he did not appear or timely object, and he has no legitimate excuse or basis for his non-appearance. Regardless, his client has suffered no prejudice by his initial non-appearance based on my review and reconsideration of this entire matter.

b) I have considered and reconsidered all submissions by or on behalf of Appellant in any event, and I remain convinced that my April 3, 2008 Order and all findings and conclusions of law were correct and proper as further expanded on and explained herein.

c) Appellant's counsel (Megna) received written notice of the October 26, 2007 Order granting partial Summary Judgment more than ten (10) days prior to his untimely 59(e) Motion filed November 20, 2007 and more than thirty (30) days prior to his untimely Notice of Appeal dated January 4, 2008.

AND IT IS SO ORDERED,

L. Casey Manning
Presiding Circuit Court Judge
Fifth Judicial Circuit

Columbia, South Carolina

April 1, 2008

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

James A. Anasti, Respondent,

v.

Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court, Defendants,

Of Whom Gina L. Anasti Lee is the Appellant.

Appeal from Richland County
L. Casey Manning, Circuit Court Judge

Unpublished Opinion No. 2011-UP-187
Submitted April 1, 2011 – Filed April 28, 2011

APPEAL DISMISSED

Tony R. Megna, of Columbia, for Appellant.

Douglas N. Truslow and Thomas George Earle, both of Columbia, for Respondent.

PER CURIAM: In January 2008, Appellant filed a notice of appeal from an order granting Respondent partial summary judgment and from the order denying reconsideration. In March 2008, this court remanded the appeal to the circuit court for an evidentiary hearing regarding the timeliness of Appellant's notice of appeal. After a hearing,[1] and after reviewing "all previous submissions to the [circuit] court by or on behalf of Appellant, including pleadings, affidavits, evidence, memoranda and evidence presented," the circuit court found that because Appellant received the order granting partial summary judgment more than ten days prior to filing her motion for reconsideration, her motion for reconsideration did not toll the time for filing her notice of appeal; thus, her notice of appeal was untimely.[2] Appellant moved for reconsideration, which was denied.[3] In its order denying reconsideration, the circuit court noted that "nothing credible, believable, or favorable to Appellant ha[d] been presented that would compel [the circuit court] to reverse the findings and conclusions set forth in [its prior order."[4] Because the circuit court's factual findings regarding timeliness are

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[1] Neither Appellant nor her counsel attended the hearing; however, the trial court found Appellant received notice of the hearing.

[2] Specifically, the circuit court found the order granting summary judgment was mailed to the parties on October 29, 2007, and received by Respondent's attorney on November 1, 2007. Giving Appellant the benefit of the doubt, and tacking on an additional five days for service by mail pursuant to Rule 6(e), SCRCP, the circuit court deemed Appellant's receipt of the order as being effective on November 3, 2007. Because November 3, 2007, was a Saturday, Appellant had ten days from Monday, November, 5, 2007, to file her motion for reconsideration. Appellant's motion for reconsideration was served and filed on November 20, 2007; therefore, the circuit court found it was untimely. The circuit court noted that Appellant did not contest that the order was properly mailed or that she actually received the order. The circuit court found Appellant's counsel was "not credible as to any contested issue" and, specifically, as to the date he claimed he received the order granting summary judgment.

[3] Appellant's counsel was present for the hearing on Appellant's motion for reconsideration.

supported by evidence, we dismiss[5] this appeal pursuant to Rule 220(b)(1), SCACR, and the following authorities: Canal Ins. Co. v. Caldwell, 338 S.C. 1, 5, 524 S.E.2d 416, 418 (Ct. App. 1999) ("Rule 203(b), SCACR, requires a party to serve his notice of appeal within thirty days after receiving written notice of the entry of a final order or judgment, and failure to do so divests this court of subject matter jurisdiction and results in dismissal of the appeal."); Elam v. S.C. Dep't of Transp., 361 S.C. 9, 15, 602 S.E.2d 772, 775 (2004) (citing Rule 203(b)(1), SCACR, and Rules 50(e), 52(c), and 59(f), SCRCP) ("A timely post-trial motion, including a motion to alter or amend the judgment pursuant to Rule 59(e), SCRCP, stays the time for an appeal for all parties until receipt of written notice of entry of the order granting or denying such motion."); Coward Hund Constr. Co. v. Ball Corp., 336 S.C. 1, 3, 518 S.E.2d 56, 57 (Ct. App. 1999) ("A motion under Rule 59(e) is timely if it is 'served not later than ten days after receipt of written notice of the entry of the order.'"); Pollard v. Cnty. of Florence, 314 S.C. 397, 402, 444 S.E.2d 534, 536 (Ct. App. 1994) (reviewing the circuit court's ruling on a Rule 59(e) motion pursuant to an abuse of discretion standard); Stearns Bank Nat'l Ass'n v. Glenwood Falls, LP, 373 S.C. 331, 336, 644 S.E.2d 793, 795 (Ct. App. 2007) ("An abuse of discretion arises where the judge issuing the order was controlled by an error of law or where the order is based on factual conclusions that are without evidentiary support.") (citation and quotation marks omitted); USAA Prop. & Cas. Ins. Co. v. Clegg, 377 S.C. 643, 651, 661 S.E.2d 791, 795 (2008) (deferring to the circuit court's credibility determinations regarding the timeliness of a motion for reconsideration and declining to reverse the circuit court's decision); Reed v. Ozmint, 374 S.C. 19, 24, 647 S.E.2d 209, 211 (2007) (noting the circuit court judge, who saw and heard the witnesses, is in a better position to evaluate their credibility and assign comparative weight to their testimony).

APPEAL DISMISSED.

FEW, C.J., and CURETON and GOOLSBY, A.J., concur.

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[4] In a footnote, the circuit court stated Appellant's counsel failed to produce the envelope in which the October 29, 2007 order was mailed to him or a date stamp or any other record establishing a date of receipt.

[5] We decide this case without oral argument pursuant to Rule 215, SCACR.

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	FIFTH JUDICIAL CIRCUIT
JAMES A. ANASTI,	)	Docket Number(s): 2007-CP-40-0576
Plaintiff,	)	
vs.	)	**CONSENT ORDER AND CONFESSION OF JUDGMENT**
LANCE WILSON, WILLIS GOODWIN, GINA L. ANASTI LEE, and RICHLAND COUNTY CLERK OF COURT,	)	
Defendants.	)	

This matter came before me for a damages hearing on May 13, 2013. Plaintiff was represented by Douglas N. Truslow. Defendant Wilson ("Wilson") was represented by Tristan M. Shaffer. Defendant Goodwin ("Goodwin") was represented by Charlie J. Johnson, Jr.

STATEMENT OF THE CASE AND OVERVIEW

This hearing relates to a calculation of sums due Plaintiff from Wilson and Goodwin.[1] Wilson and Goodwin's obligations to Plaintiff are essentially equitable in nature and based on continued occupancy and use of Plaintiff's property – property determined by the courts and reiterated herein to have been owned by Plaintiff continuously and exclusively since the death of his father in October, 1995. It is evident that Wilson and Goodwin's obligations to Plaintiff have continued to mount as litigation instigated and continued by Lee relative to ownership of the property (and hence the specific party entitled to payment) has circuitously and laboriously wended its way through the courts. While continuing to occupy and use Plaintiff's property and/or by

[1] Defendant Lee ("Lee") is no longer involved by virtue of the terms of her bankruptcy discharge. The Clerk of Court likewise has no further interest – approximately $5,600 in funds from a separate and distinct condemnation action involving a small portion of the underlying property previously at issue had been paid into the court while ownership of the property was being litigated. Upon ownership being conclusively determined and all Lee's appeals exhausted, the funds were released to Plaintiff, by and with the express consent of Wilson and Goodwin.

virtue of Goodwin allowing its continuous use by his joint venturer Wilson, they failed to pay what would have been due. They failed to pay, while a) conceding that they had no lawful interest in the property (that they had ostensibly purchased from Lee with a good faith belief by them that she was the owner), b) alleging that a resolution of the title issue in Plaintiff's favor would bolster their claims against Lee, and c) successfully pursuing damages claims against Lee.

One of Wilson and Goodwin's positions in this matter has been that they were wronged by Lee, who had disingenuously and continuously advanced competing claims of ownership to the property. The net effect of Lee's claims and her continuing litigation on multiple fronts was that Wilson and Goodwin's ability to make repairs, improvements and other investments necessary to continue to effectively operate a business on the property they occupied was substantially impaired. Thus, their revenues declined to the point that they were unable to meet their obligations. They ultimately abandoned the property. They also assert that they were wronged by their real estate closing attorney, from whom the court/arbitrator has determined that they could not collect because of their failure to sue him within the applicable statute of limitations.

Plaintiff has conclusively been determined by the court(s) to have been at all pertinent times the lawful owner of the property. He was granted summary judgment as to all causes of action. He then promptly filed a Rule 11 SCRCP motion against Lee and her counsel.

In a separate, subsequently arbitrated lawsuit, Wilson and Goodwin asserted and established that Plaintiff was at all pertinent times the owner of the property, not Lee. That assertion and proof formed the basis for their damages award against Lee. It would be inappropriate for them to make a contrary assertion in this case; they have not attempted to do so.

The summary judgment Order herein provided that damages due Plaintiff from Wilson and Goodwin and also from Lee were to be determined at a subsequent hearing. The damages hearing, as well as the Rule 11 motion, were promptly scheduled. However, before they could be heard, Lee appealed. While the appeal was pending, and after having the arbitration award rendered against her, Lee filed for (and was ultimately discharged in) bankruptcy. This prevented recourse against her personally.

Lee's bankruptcy filing brought all State proceedings to a halt until the bankruptcy automatic stay could be lifted. The bankruptcy stay was lifted for the limited purpose of concluding the State appeal filed by Lee. Lee thereafter pursued multiple State and Federal appeals, as well as pursuing multiple motions for reconsideration and a Petition for Writ of Certiorari in the State Supreme Court. In bankruptcy court, Lee filed multiple motions, including multiple motions for reconsideration. Lee filed multiple appeals and multiple motions for reconsideration in the Federal District Court. She thereafter appealed to the Fourth Circuit Court of Appeals. While Lee lost at all levels and in all pertinent proceedings, the parties have submitted, acknowledged and agreed that this damages hearing, as well as the Rule 11 hearing, could not properly and conclusively be held until all Lee's appeals were exhausted.[2] Additionally, the parties herein have submitted, acknowledged and agreed that the actions taken by Lee kept Plaintiff from having use of his property. Those actions by Lee caused Plaintiff, as well as Wilson and Goodwin, considerable difficulty and expense. Under circumstances asserted to be sympathetic but nonetheless concededly legally non-cognizable, Wilson availed himself of the opportunity and/or ability to use and occupy Plaintiff's property, with the apparent coalescence of his joint venturer Goodwin.

Having heard arguments of counsel, considered all evidence presented, as well as having taken judicial notice of pleadings, Orders and other voluminous records in this matter, the arbitrated companion cases (2004-CP-40-5333 and 2004-CP-40-5334), the SCDOT condemnation case (2002-CP-40-06062), Lee's bankruptcy and her multiple State and Federal appeals and the stipulations of record, **I FIND AND CONCLUDE**:[3]

1. Albert Anasti and his son James Anasti owned property located at 2325 Two Notch Road, Columbia, South Carolina ("property"). They had owned the property together as joint tenants with right of survivorship since 1978.

[2] The same attorney represented Lee throughout all proceedings until a time after her Petition for Writ of Certiorari was denied and she formally discharged him. The Rule 11 sanctions hearing against that (former) attorney has not yet been heard.

[3] To the extent conclusions of law may be, in whole or in part, findings of fact and vise versa, they are to be construed as such. Further the terms of the statement of the case and overview are adopted herein as findings and conclusions.

2. Albert Anasti died in October, 1995. He left as his sole survivors and heirs his son James Anasti (Plaintiff) and his daughter Defendant Gina Anasti Lee ("Lee").
3. At the death of Albert Anasti, Plaintiff became the sole, lawful owner of the property.
4. At the time of Albert Anasti's death, and until approximately 2003, Plaintiff had been living in Europe; Lee continuously resided in Richland County.
5. Lee was appointed as the personal representative of the estate of Albert Anasti.
6. For an extended period of years prior to Albert Anasti's death (since 1980 according to Wilson and Goodwin's pleadings), Wilson's father and Wilson (and thereafter Wilson alone since at least 1995) had rented the property from Mr. Anasti and Plaintiff for use as a nightclub -- on a month-to-month rental basis. Wilson operated the nightclub under the name of "Dave's". Until his death, Albert Anasti handled property matters on behalf of himself and Plaintiff.
7. Upon the death of Albert Anasti, Lee represented to Wilson that she had inherited the property and that all future rents should be paid to her individually.
8. Independently and thereafter, Lee represented to Plaintiff that the property was tied up in the probate of the estate of Albert Anasti. She also represented that it was not generating any income. Since Lee was his sister, Plaintiff accepted as true and relied upon those representations. It goes without saying that those representations of Lee were not accurate, although she may have initially or arguably been confused about ownership (before the condemnation lawsuit filed by SCDOT in 2002).
9. Based on her representations of being the owner of the property, Wilson paid rents to Lee from November, 1995 until December, 1999. Lee kept those sums as her own. The rental rate was $1,250 per month. In addition, Wilson was supposed to pay taxes and insurance on the property, as well as to keep it maintained.
10. Plaintiff was initially unaware of the circumstances surrounding Lee's claim of ownership, Wilson's consequent payments to Lee and that Lee had "sold" the property to Wilson and Goodwin.
11. In late 1999, believing to be true Lee's representations of ownership, Wilson entered into an agreement with her to buy the property. Rent was agreed upon

(and paid to Lee) at a rate of $1,500 per month for two months, until the projected real estate closing could take place.

12. Because Wilson was apparently unable to obtain satisfactory commercial financing to buy the property, he enlisted the assistance of his friend Goodwin.

13. As asserted by them in their multiple pleadings and, as subsequently found and concluded by the court as a result of their arbitration trial, Wilson and Goodwin were involved with one another in activities and an investment to purchase and thereafter own and use the property. Hence, they were found to have engaged in a joint venture with joint ownership, as well as imputed knowledge to one another in whatever interest they might possess in the property.

14. Under their arrangement, Lee agreed to sell the property to Goodwin with "owner financing" for the sum of $177,000. Goodwin was to make a down payment to Lee of $50,000. Mortgage payments due Lee from Goodwin on the balance were established at a rate of $1,519 per month, to be secured by a note and mortgage.

15. Upon receiving a title opinion (an erroneous title opinion) from their real estate attorney that Lee was the owner, Goodwin bought the property on the terms he and Wilson had negotiated with Lee.[4]

16. Wilson continued to operate his nightclub on the premise until October, 2012.

17. Goodwin worked at the nightclub for a period of time after Wilson had suffered a stroke, subsequent to his installment purchase in 2000. Goodwin was paid most of the installment payments due for the $50,000.00 down payment he had made for the purchase of the property from Lee.

18. Sometime in 2002 or 2003, Plaintiff returned to the United States and found that matters relating to his father's estate and specifically the property herein were not in fact tied up in probate; that Lee had "sold" the property to Wilson and Goodwin.

[4] Technically, title was to be placed in Goodwin's name, but Wilson had an agreement to buy the property from Goodwin by way of an installment sales contract and to assume the mortgage obligation, as well as responsibility for taxes. Upon projected payment to him by Wilson of the initial $50,000 over a four year period, Goodwin was to then transfer title to Wilson; provided, Goodwin was thereafter to retain a ten percent interest in the property along with Wilson.

19. Both Wilson and Goodwin knew in 2002 that Lee most likely did not own the property she had sold to them.[5] At that time, they completely stopped making any payments to Lee and never made another rent or mortgage payment thereafter.

20. Despite discontinuing payments to Lee, she did not at that time seek to foreclose or otherwise seek any relief from Wilson and/or Goodwin. That circumstance seemingly corroborated their beliefs that Lee was not the lawful owner.

21. Wilson and Goodwin initiated a lawsuit against Lee in 2004 (2004-Cp-40-5333). In their lawsuit, they alleged, *inter alia*, that Lee had sold them the property (that she did not own). They sought the return of the money they had paid her, as well as taxes they claimed they paid on the property and other damages.

22. In a separate, but related lawsuit (2004-CP-40-5334), they sued the attorney who had mishandled their real estate transaction with Lee for legal malpractice.

23. Lee counterclaimed to Wilson and Goodwin's lawsuit against her. She alleged that she was in fact the lawful owner of the property; that she had not been paid mortgage payments due and she sought to foreclose.

24. Why clearly not damaged by his error, Lee also sued the attorney who had mishandled the real estate transaction between her, Wilson and Goodwin for legal malpractice.

25. Notably, Plaintiff was not made a party to any lawsuits filed by Wilson and Goodwin or by Lee.

26. The lawsuits initiated by Wilson and Goodwin against Lee and their real estate attorney were subjected to SCRCP 40(j) dismissal, but were reinstated. Thereafter, Plaintiff brought the within suit, seeking to clear his title to the property and for damages. Wilson and Goodwin asserted in their Answer that a verdict in Plaintiff's favor would buttress their separate case against Lee.

27. Wilson and Goodwin did not file any pleading alleging affirmative legal or equitable defenses to Plaintiff's claims, nor have they advanced claims against each other. In answer to Lee's cross-claim seeking to foreclose, Wilson denied same and asserted that Plaintiff was likely the true, legal owner of the property.

[5] Wilson was found by the Arbitrator to have known it shortly after the sale in 2000, when he attempted to find alternative commercial financing. Wilson and Goodwin were each aware of those circumstances at the time of the commencement of the SCDOT condemnation action filed in 2002.

premises); b) while remaining on the premises and continuing to operate the nightclub and/or allowing Wilson to do so, Wilson and Goodwin did not pay any periodic rents or mortgage payments to Plaintiff (or Lee) after October, 2002; c) as established in the arbitration award, shortly after acquiring the property in 2000, Wilson was put on notice that Lee did not appear to own the property; d) in October, 2002 Wilson and Goodwin each knew that Lee appeared to have "sold" them property that she did not own; and e) Wilson and/or Goodwin paid Lee monthly "mortgage" payments of $1,519 between February, 2000 and October, 2002.

35. The parties have stipulated that $1,250 per month plus payment of taxes, insurance and maintenance was the fair market rental rate for the property from November, 1995 through November, 1999; that $1,500 per month was the fair market rental rate for December, 1999 and January, 2000 and that $1,520 per month plus payment of taxes, insurances and maintenance has been the fair market rental rate since that time.

36. Plaintiff has asserted that he is entitled to be recompensed from Wilson and Goodwin for their possession and/or use of his property from 2000 through October, 2012. Plaintiff's summary of damages is set forth as Plaintiff's Exhibit 8. It is self-explanatory. It establishes the basis for damages. Plaintiff's damages claims appear credible and well founded. Wilson and Goodwin have argued that Lee and/or former counsel were culprit(s) in this case and that they caused damages. While that maybe so, it is not germane to the issue currently under consideration. Further, it is unrelated to the pending Rule 11 sanctions motion pending against Lee's former counsel.

37. Wilson and Goodwin concede they could most likely have been made whole and otherwise had a ready source of funds to pay Plaintiff if they timely sued the real estate attorney who was found to have committed malpractice in certifying the title and facilitating the real estate closing transaction. While this circumstance is perhaps sympathetic, it too is likewise and admittedly not germane to the issue currently under consideration.

38. In essence, Wilson and together with Goodwin in a joint venture have since 2000 utilized to their financial benefit what clearly appears to have been specious claims of ownership by Lee. They subsequently further utilized the fact that Plaintiff was stymied in seeking redress by virtue of Lee's claims of ownership and especially her bankruptcy filings and multiple appeals. As a matter of equity, Plaintiff is entitled to relief, regardless of the circumstances faced by Wilson and Goodwin.

39. It is not equitable for Wilson and/or Goodwin to have had the exclusive use of Plaintiff's property without paying for it. Likewise, it would not be equitable for Wilson and Goodwin together to make claims for damages (and recover a judgment/arbitration award against Lee) for the period of January 6, 2000 forward until they received the award and to thereafter deny an obligation to Plaintiff for occupancy and use during the same period of time. As hereinafter set forth, their confession of judgment is prudent, well considered and logical.

40. Wilson occupied Plaintiff's property from 1995 to January, 2000. Wilson paid Lee rent during that time and she retained the proceeds as her own. Those funds were not Lee's and Plaintiff received no payments.

41. Goodwin allowed his friend Wilson to occupy and use Plaintiff's property after their ostensible "purchase" in 2000. In doing so, and according to the findings and conclusions in the arbitration award, Goodwin was involved in a joint venture with Wilson. This conclusion is further borne out by, *inter alia*, the fact that they together sued Lee for damages, and they asserted no claims for contribution between each other in the arbitration case, nor in this one.

42. A short time before the submission of the within Order, it was represented that Plaintiff and Wilson had settled their differenced relative to sums due Plaintiff from Wilson for the period of time from 1995 through 1999. Therefore, there is no need for this court to determine damages to be awarded during that specified period. Furthermore, it has been represented to the Court that Wilson and Goodwin have agreed to a confession of judgment in Plaintiff's favor in the sum of two hundred and fifty thousand dollars ($250,000.00) effective as of June 15, 2013. Plaintiff has in turn represented that he accepts the offer of judgment and

waives claims against Wilson and Goodwin for any excess damages that may be due. In doing so, Plaintiff does not waive, and instead specifically reserves, any and all Rule 11 claims against Lee's former counsel. Given the confession of judgment and acceptance by Plaintiff, it is not necessary for the court to address damages further.

Accordingly, judgment is granted in Plaintiff's favor against Defendants Wilson and Goodwin jointly and severally in the sum of two hundred and fifty thousand dollars ($250,000.00) effective as a judgment on June 15, 2013.

AND IT IS SO ORDERED.

G. Thomas Cooper
Presiding Judge
Fifth Judicial Circuit

Camden, South Carolina
July 1, 2013

The undersigned confess judgment in the amount of $250,000.00 and authorize the entry of same.

Lance Wilson

SWORN TO AND SUBSCRIBED BEFORE ME

this 19 day of June, 2013

Notary Public for South Carolina

My Commission Expires: My Commission Expires July 20, 2016

Willis Goodwin

SWORN TO AND SUBSCRIBED BEFORE ME

this 20 day of June, 2013

Notary Public for South Carolina

My Commission Expires: My Commission Expires July 20, 2016

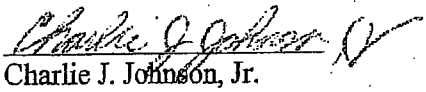
I Consent:

Douglas N. Truslow
Attorney for Plaintiff Anasti

I Consent:

Tristan Shaffer
Attorney for Defendant Wilson

I Consent:



Charlie J. Johnson, Jr.
Attorney for Defendant Goodwin

James Anasti v. Lee, et al.
2007-CP-40-0576

EXHIBIT 2

Megna's pattern of ad hominem attacks

1. See full content of Judge Baxley's two Orders of February 11, 2012
2. See full content of Judge Manning's Orders (both with pertinent exhibits)
3. See letters to and from Megna
4. See accusations of unethical conduct by Megna against numerous lawyers, etc., including but not limited to:

   * Plaintiff's counsel
   * Mr. Goings
   * Mr. Josey
   * Mr. James
   * Ms. Ballard
   * Mr. Nettles [1]
   * Turner, Padgett and its partners
   * McNair firm and its partners [2]
   * Judges and their families [3]

[1] The firms and the Judge referenced by Megna previously relate to the "Lake City litigation" in Florence (which Megna also lost).
[2] See footnote one above.
[3] See footnote one above.

Judge Baxley Feb 11, 2010 In this case

reviewed. An immense amount of judicial time has been required to review these matters, only to discover that most of it was unnecessary.

21. The arguments in Megna's "Synopsis" are fragmented and illogical, but fervently presented; however, they are wholly without merit. The Court of Appeals has never considered sanctions with respect to Megna's service of discovery upon Truslow. Megna's other arguments can be summed up as follows: Megna does not like Truslow and/or Anasti and has hurled multiple accusations against them in an effort to deflect the Court from Megna's own misconduct. None of Megna's accusations have merit.

22. The Court notes that Megna has not heeded previous admonitions about his conduct. In his Orders on remand (April 3, 2008 and April 1, 2009) in this case, Judge Manning found that Megna had made "repeated and gross misrepresentations" to the Court, and he had made "unwarranted, unjustified and untrue attacks on opposing counsel." That has continued. This Court intends to stop it now.

23. Megna has willfully, deliberately, and unapologetically attempted to misuse the legal process through both this case and the Darlington case (as more specifically described in the order issued this date in *Thompson*). He has engaged in such misconduct for ulterior purposes in seeking to defend his own personal interests in this case.

24. Megna's conduct is willful and deliberate. In both his "Synopsis" and the memorandum, he continued to hurl fabricated allegations of misconduct upon Ballard, Truslow, and multiple others he considers to be adverse to him.

25. A substantial component of Megna's conduct is his uncompromised assertion that everyone else is wrong, everyone else is unethical, and he is blameless. This Court

would be faced with an entirely different scenario if Megna had at any time admitted his misconduct and shown remorse to any degree, or had he apologized for his continuous affronts upon the Court and his colleagues.

26. The lack of respect Megna has shown for this Court, the legal process, and the purposes of these legal proceedings is unprecedented for this Court.

27. Even viewed separately from Megna's conduct in the Darlington County case, Megna's conduct is ill-conceived, vitriolic, and abusive. When the evidence from both cases is viewed together, Megna's conduct is alarming and disturbing. He has engaged in a concerted effort to abuse the legal process in both cases for his own purposes, abusing this Court, his colleagues, and adverse parties in the process.

28. Megna's conduct in this case cannot be justified, nor condoned. The Court has both actual and inherent authority to address these matters, to preserve the integrity of the court system, to ensure respect for Court Orders and Court rules, and to protect litigants and counsel from further abusive conduct. Megna's conduct clearly violates the SCRCP, and Rule 11 provides ample authority for the Court to impose sanctions. *Ex Parte: Bon Secours and St. Francis Xavier Hospital Inc.,* 393 S.C. 590, 713 S.E.2d 624 (2011).

30. Truslow has requested, by way of Rule 11 sanctions, an award for the time and expenses he incurred in responding to Megna's efforts at improper discovery. I find and conclude that Truslow did in fact expend the amount of time set forth in his fee and cost affidavit. The hours of legal time expended were both reasonable and necessary under the circumstances, given Megna's conduct.

conduct. As indicated in the language of this Order, this Court is concerned that the conduct of Attorney Megna reveals a continuous pattern of violations of the civility and professionalism requirements of South Carolina's attorney oath with respect to members of the Bar, consistently uses language that is accusatory and demeaning directed at opposing counsel, includes inappropriate references to the judiciary, and contains unwarranted criticisms of other professionals, parties, and witnesses. Moreover, this Court finds that Attorney Megna's actions have resulted in the tremendous unnecessary consumption of attorney time, excessive and unnecessary costs to litigants, and the significant waste of judicial resources and public funds required to operate the Court system.

Because of the willful misconduct set forth throughout the body of the factual findings herein and the factual findings in the Darlington County case set forth by Order issued this same date, the Court has determined to conduct a hearing to require Mr. Megna to show cause why he should not be held in criminal contempt of this Court for intentionally and willfully violating a Court Order. Mr. Megna is hereby advised that he has the right to counsel during such hearing, and shall be given an opportunity to present arguments to the Court. Mr. Megna is hereby specifically advised that a finding of criminal contempt by this Court may subject him up to six (6) months' imprisonment therefor, in addition to other sanctions. This Show Cause and Sanctions hearing is hereby set for March 18, 2013, beginning at 2:00 p.m., after the call of the regular non-jury roster for that day, in the fifth floor courtroom of the Darlington County Courthouse. Service of this Order upon Attorney Megna and his counsel shall constitute service of the Notice of Contempt hearing upon Mr. Megna.

Thompson case involving Ms. Ballard Judge Baxley

specifically finds there could be no other purpose for the discovery sought but to use the information to defend Truslow's claim for sanctions against Megna in the Richland case.

22. The subpoena to Ballard was issued in violation of this Court's order disqualifying Megna as counsel, sought privileged information regarding the advice she had given to Truslow, and constituted a fishing expedition into what other discussions she or others may have had with Truslow, all apparently for the purpose, *inter alia*, of seeking to deflect sanctions against himself in the Richland case.

23. Between his conduct in this case and in the Richland case, Megna has shown little regard for the Orders of this Court or for the legal limitations imposed upon him in his representative capacity as counsel for his client.

24. The inevitable conclusion is that Megna has, under the auspices of this case, attempted to subpoena Ballard, as well as her legally protected files, even though he has been disqualified, and that his intentions were fully improper. The Court has no choice but to conclude that he did so, at least in part, as a pretext to harass her and apparently to dissuade her from providing legal advice to Truslow in the Richland case.

25. Megna has willfully, deliberately, and unapologetically attempted to misuse the legal process through both this case and the Richland case and he is in willful violation of this Court's orders, specifically including the Order disqualifying him as counsel for the plaintiff. He has engaged in such misconduct for ulterior purposes in seeking to defend his own personal interests in the Richland County case.

26. Megna's conduct is willful, deliberate and unapologetic. In both his "Synopsis" (captioned with both cases) and the memorandum he submitted to the Court in connection with the hearing in this matter, Megna continued to hurl fabricated allegations of misconduct upon Ballard, Truslow, and others who he considers to be adverse to him.

27. Perhaps the most egregious part of Megna's conduct is his uncompromised assertion that everyone else is wrong, everyone else is unethical, and he is blameless. This Court would be faced with an entirely different scenario if Megna had admitted his misconduct and shown remorse in any degree, or had he apologized for his continuous affronts upon the Court and his colleagues.

28. The lack of respect Megna has shown for this Court, the legal process, and the purposes of these legal proceedings is unprecedented for this Court.

29. Even viewed separately from Megna's conduct in the Richland case, Megna's conduct is ill-conceived, vitriolic, and abusive. When viewed in conjunction with the lengthy period during which he has engaged in similar conduct in the Richland case (as more thoroughly discussed in an Order issued this date), Megna's conduct is alarming and disturbing. He has engaged in a concerted effort to abuse the legal process in both cases for his own purposes, abusing this Court and his colleagues in the process.

30. Ballard has requested an award of sanctions pursuant to Rule 11(a), SCRCP, for her time in having to respond to the subpoena served upon her by Megna. I find that sanctions under Rule 11(a) are warranted. *Runyon v. Wright*, 322 S.C. 15, 471 S.E.2d 160 (1996).

should be equitably, judicially and legally estopped to deny timely receipt of the Court's Order dated October 26, 2007 within a week to ten days after the Order was filed e.g. receipt by November 6, 2007 at the latest. In essence, I do not believe the assertions of Megna relative to any contested issue and find that Megna had written notice of Court's Order granting Summary Judgment on November 1, 2007, on November 3, 2007 and by November 6, 2007 and on November 12, 2007 factoring in all possible "grace periods" in a light most favorable to him and without regard to his claim of having personally checked with the Clerk of Court on the status of the case on October 29, 2007. In making these findings and conclusions, I have considered Megna's serious and repeated inattention to detail, which is well documented and of record, as well as his repeated and gross misrepresentations to the Court, as well as his unwarranted, unjustified and untrue attacks on opposing counsel who clearly appears to have been remarkably restrained and professional in the representation of his client and in dealing with Megna under the circumstances.

AND IT IS SO ORDERED.

Casey L. Manning
Presiding Circuit Court Judge
Fifth Judicial Circuit

Columbia, South Carolina
April 3, 2008

TONY R. MEGNA
ATTORNEY-AT-LAW
1815 FULMER ROAD
BLYTHEWOOD, SOUTH CAROLINA 29016
TELEPHONE: 803-799-1700
E-mail: tmegna@gmail.com

COPY
FYI

December 24, 2007

Mr. Thomas Mann
Attorney at Law
1527 Richland Street
Columbia, SC 29201

Re: James Anasti v. Gina L. Anasti Lee, Lance Wilson, Willis Goodwin, Richland County Clerk of Court, Respondents v., CA No: 2007-CP-40-0576

The affidavit signed by you dated December 17, 2007

Dear Mr. Mann:

On December 22, 2007, I received a copy of an affidavit signed by you and filed by Doug Truslow in the above matter. By separate letter, I have encouraged Mr. Truslow to withdraw the affidavit as it is replete, at the very least, with misleading information.

First, I had nothing to do with the filing of the 1996 probate court deeds transferring the Two Notch property to Mrs. Lee, nor did I represent Mrs. Lee at the time. In fact, I knew none of the parties at the time. To the extent your affidavit states and/or implies otherwise, it is totally false.

Second, you and I have never met you nor had any type of communications with you – written, oral or otherwise, that I recall. To the extent your affidavit implies you and I had any type of communication wherein I told you or I led you to believe that I intended to add Mr. James Anasti as a third-party defendant to any case at any time, the allegations of your affidavit are incorrect. If you received such information from another party, please clarify your statements. In any event, it was not my responsibility nor my client's responsibility to act on Mr. Anasti's behalf in regard to any third-party allegations. In fact, neither my client nor I knew of Mr. Anasti's whereabouts at the time.

Third, according to Mr. Anasti's sworn deposition testimony, he took the SCDOT lawsuit to your office shortly after he received a copy of it in 2002. He further testified he depended on your office to handle the matter, and all subsequent matters relating to his ownership of the property. I have no idea of who was representing Mr. Anasti at the time, but I do know that neither your office nor anyone else intervened in any matter until Mr. Truslow filed a lawsuit against my client on January 28, 2007.

Fourth, it is obvious that someone failed to take any legal action of any type to begin the judicial process to clear Mr. Anasti's title to the Two Notch property prior to the running

Rec'd 12/26/07

of the ten-year statute of limitations in regard to issue or potential issue of adverse possession. At this time, I have no idea if this was your responsibility or Mr. Truslow's. But, the fact is, the ten-year limitations period began with the filing of the Deed of Distribution [11-1996]. Mr. Anasti's lawsuit to clear title to the property was not initiated until January 28, 2007. The fact that the Court considered the sale of the property in January, 2000, to interrupt the 'continuous use' requirement for adverse possession is separate and distinct from the fact that the limitations period expired prior to Mr. Anasti filing his action to clear the title to the property. As you may know, the lawsuits concerning the January, 2000 sale were referred to binding arbitration.

Fifth, regardless of whether you personally or Mr. Anasti personally had copies of the probate documents as indicated in your affidavit [bottom of page 1], you conveniently forgot to mention in your affidavit that Mr. Anasti's power-of-attorney actually participated in all of the probate court proceedings with Mrs. Lee. This is a matter of record. Mr. Anasti's deposition testimony further supports this fact as well as the fact that his power-of-attorney was filed in Richland County prior to Mr. Albert Anasti's death. I do not know who prepared the power-of-attorney but I was under the impression that it, as well as Mr. Albert Anasti's will, was prepared by your office in the early 1990's. Perhaps this is incorrect. To this point, this matter has not been an issue. But, it obviously will be if, in fact, as your affidavit suggests, no one in your office knew of anything in regard to these matters.

Finally, based on the language of the affidavit, I suspect the affidavit you signed was prepared by Doug. If so, the omissions and innuendos contained in the affidavit are even more startling [and perversely misleading to the Court] because Doug knows the 'facts' in the affidavit you signed that he filed with the Court are misleading, at best. Because you signed the affidavit, and Doug filed it, you are now at the center of the matter with him. Now that you have actual knowledge of the inaccuracies or misleading statements contained in the affidavit, you have a responsibility to the court to clarify your statements. I suggest you consider separate counsel to evaluate the matter, if, in fact, Doug prepared the affidavit, as it apparent Doug's interests may lie elsewhere.

In any event, please proceed thoughtfully. Judge Kinard's order is in the process of being appealed. Decisions are pending in the lawsuits that were referred to arbitration. It appears, based on the statements made in your affidavit, that you are, at the very least, confused as to many of the facts. None of us know the final outcome of any of the matters at this time. While I prefer that further issues be avoided with you or anyone else, I cannot allow the statements in your affidavit to go uncontested. I am filing a formal response to the court that I will supplement later, if necessary.

With kind regards, I remain

Sincerely yours,

Tony R. Megna

Douglas N. Truslow, Esquire

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr., Circuit Court Judge

RECEIVED
JAN 31 2008
SC Court of Appeals

CIVIL ACTION NO: 2007-CP-40-0576

James A. Anasti	Respondent,
v.	
Lance Wilson, Willis Goodwin, Gina L. Lee, Richland County Clerk of Court,	Defendants,
Of whom Lance Wilson, Willis Goodwin, Gina L. Lee, Richland County Clerk of Court are	Respondents
And Gina L. Lee is the ,	Appellant.

RETURN OF APPELLANT TO MOTION TO DISMISS OF RESPONDEN LEE

First, and foremost, undersigned counsel apologizes to this Court for the tone of the Motion to Dismiss filed by the Respondent Anasti's attorney. It is embarrassing [and threatening] to me personally. The information supporting the Motion to Dismiss consists of half-truths, totally false statements, misleading statements, overtones of hypocrisy. In short, the Motion to Dismiss is frivolous, and an affront to the dignity of these proceedings.

WHAT IS THE 'ELEPHANT IN THE ROOM?'

Appellant Lee respectfully and reluctantly submits that less than proper motives have been contrived by Respondent Anasti's attorney to conceal the real issue behind the filing of the Motion to Dismiss in this Court.

In his deposition in this case, the Respondent Anasti testified that he gave his attorneys copies of a lawsuit brought by the South Carolina Department of Transportation to condemn a piece of the property that is subject of the current dispute between the parties. He testified he did not know what his attorneys did in regard to that lawsuit other than that he had given them the lawsuit to "handle." [page 22, lines 12-25, page 23, lines 1-22].

In point of fact, no legal action was taken by Respondent's attorneys until Mr. Truslow filed the current action against Appellant Lee on January 26, 2007 --- more than ten (10) years following the passing and filing of the Deed of Distribution to Appellant Lee in regard to the property that is the subject of this litigation and several years after they had told Anasti they were taking care of the matters related to the 2004 lawsuit. The Deed of Distribution was filed in November, 1996 with the actual knowledge and consent of the Respondent's power-of-attorney. he more than ten (10) year delay in filing the Respondent Anasti's action to clear title to the property is the central issue in this case – the 'elephant in the room.' Appellant Lee does not know if Mr. Truslow represented Anasti prior to November, 2006 [the ending point of the ten (10) year period of time needed for Appellant Lee to establish title by adverse possession] or if Anasti's criminal attorneys continued their involvement. But, obviously, someone made a mistake in failing to file the action to clear title in a timely manner. To date, it has not been a pressing concern to Appellant Lee to

discover whether or not Mr. Truslow was representing Respondent Anasti prior to the filing of this action. If Appellant Lee prevails with her claims in this Court, which is highly likely, someone is going to face a potential malpractice action. This would explains Mr. Truslow's reference in his motion to dismiss to the Motion to Join that was filed [and withdrawn] in the other action concerning the same property – in which neither Respondent Anasti nor Mr.Truslow was involved. In retrospect, it appears Mr. Truslow or the Respondent Anasti erroneously depended [without the knowledge of the undersigned or Appellant that they were even following that litigation] on the filing of the Motion to Join to resolve the underlying dispute between Appellant and Respondent Anasti in this case. The undersigned had never met Mr. Truslow prior to the filing of the action to clear title in January, 2007, and was never advised that Respondent Anasti was even in the country during the litigation of the companion case much less represented by counsel. When Respondent Anasit finally discovered the motion to join parties had been withdrawn, Respondent Anasti filed his action to clear title. But, it was and remains too late. The ten (10) year statute of limitations in regard to Appellant Lee's claim of adverse possession had ended. And that is the issue in this Appeal.

The filing of the Motion to Dismiss and the extreme and personal nature of the attacks on counsel for Appellant, by any reasonable standard, violates the spirit and intent of SCACR 238. The motion filed by Mr. Truslow evidences an escalating pattern of unhealthy partisanship that directly contradicts Respondent Anasti's own sworn statement that he did not believe his sister, Appellant Lee, had or has ever acted in bad faith or with bad motives in any dealings with him whatsoever at any time. The Appellant Lee respectfully directs this

Court, in particular, to the cross-examination of the Respondent, James Anasti by his own attorney at his deposition on June 26, 2007. [pages 28, lines 21-25, page 29, lines 1-13, 17-18, page 31, lines 5-7, lines 18-20, page 33, lines 5-7, page 34, lines 14-17]. Astoundingly, and as noted, both Anasti and Mr. Truslow, in his own client's deposition, went out of their way to assure all parties during the deposition that Appellant Lee, at most, had been mistaken as to her understanding of the ownership of the property in dispute in the current matter before the Court, and that was distributed to her during the probate proceedings and to which she has asserted ownership for more than a decade. Great pains were taken by both the Respondent, James Anasti, and his attorney, Mr. Truslow, to make certain that everyone understood that Anasti's claims against Appellant Lee were based on 'mistaken belief' as opposed to charges of intentional misconduct. Yet, in the motion to dismiss filed in this Court, as well as other motions filed earlier in the lower courts, the Respondent, James Anasti, asserts exactly the opposite.

The underlying dispute of ownership of the property in question must be decided by this Court. The filing of the Motion to Dismiss is an effort to avoid the truth of what occurred prior to his filing of the action to clear title on January 26, 2007. The Motion to Dismiss deliberately distorts the truth and the facts to attempt to manipulate the Appeal of this case.

Despite any other issue, the timeliness of the Rule 59(e) motion made by Appellant Lee in the lower court is based on the date of *actual receipt* of the lower court order. It was actually received by the undersigned on Saturday, November 10, 2007. All of Mr. Truslow's rantings, insults, and insinuations to the contrary do not change the truth of this one fact.

nature of the claims may in the motion indicate what can only realistically be termed abnormally obsessive and destructive behavior.

As the Affidavit of Ms. Hobbs indicates, she has known Mr. Truslow for in excess of thirty years. To her, Mr. Truslow's behavior in this case over the past several months is very troubling and very different than she has known him to be in the past. She is sincerely distressed by the downward spiraling of his behavior as it is at odds with anything she has known of him in the past. As noted in her affidavit, Mr. Truslow has completely misled this Court as to counsel for Appellant not providing to discovery and/or not voluntarily participating in the discovery process. I am at a loss to explain how he could totally mislead this court except to believe he has totally misled himself and he has convinced himself of the truth of his self-made delusions. Mr. Truslow's behavior in this case has frightened Ms. Hobbs and it has certainly caused me to believe he has become blindly obsessed with finding issues that have been created solely in his own mind. As a result of the information he filed with this Court, my wife has requested I change my mailing address and take steps to remove all personal information that may affect my family from local and other records. I have begun that process.

My staff and my wife have also suggested that counsel for Respondent is, in fact, 'stalking' the undersigned and has become so abnormally obsessed with the matters relating to this case that the undersigned should take additional precautionary measures. While I believe they may be reacting somewhat prematurely, the mere fact that such a concern is being raised speaks volumes as to how Mr. Truslow's behavior has been interpreted by others. And the escalating pattern of his odd behavior is potentially dangerous on many

levels – professionally and personally. His deceitfulness in misstating and omitting facts to this Court that do not support his errant conclusions is a problem this Court should address because the undersigned is at a loss as to how to stop counsel for the Respondent from continuing further foolishness.

CONCLUSION

Appellant Lee respectfully requests the motion to dismiss be denied for the simple reason that the factual bases of the motion are contrived, baseless, frivolous and without merit. The Appellant's Rule 59(e) motion was, as a matter of fact and law, filed timely within ten (10) days of the actual *receipt* of the order granting Respondent partial summary judgment. The Appellant's notice of appeal was subsequently filed timely in this Court. Mr. Truslow's assertions to the contrary are false.

The Appellant further requests that counsel for the Respondent, Mr. Truslow, be enjoined by this Court from continuing the pattern of destructive behavior of the past several months that is unworthy of our profession, offensive to the dignity of this Court and these proceedings, and a potential danger to all involved. Alternatively, the Appellant respectfully requests this Court to disqualify Mr. Truslow from further participation in this appeal lest his behaviors spiral completely out-of-control – an event the undersigned fears is not far away.

Appellant Lee further requests she be awarded her costs for defending against these matters, including a reasonable attorney's fee. To date, counsel for the Appellant Lee has spent approximately six (7) hours responding to the Motion to Dismiss and Ms. Hobbs has spent approximately ten (10) hours of her time on these matters. A reasonable attorney's fee

would be $1,750.00 for attorney time and $750.00 for Ms. Hobbs time. If awarded, 100% of the award will be donated to the SC Bar lawyers-helping lawyers program because the question to the undersigned is not the money but the opportunity to stop the behavior of counsel for Respondent that has led to the filing of a frivolous motion and spurious allegations.

Respectfully submitted,

Tony R. Megna, Esquire
1815 Fulmer Road
Blythewood, SC 29016
803-799-1700
Attorney for Defendant Lee

January 31, 2008.

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, March 08, 2010 3:30 PM
To: Douglas N. Truslow
Cc: Harriet; Ben Matthews; Steven B. Licata
Subject: COA order on Lee case
Attachments: LEE.COUROFAPPEALS.REHEARING.pdf

Dogu-

If you have not received it yet, the the SC COA entered an order dated Friday, March 5, 2010 on the 'motion for clarification and reconsideration' you made last week. I have attached hereto a copy of the latest order of the Court of Appeals. It speaks for itself - and was obviously very direct about their apparent distaste for your continued filings in the matter.

Doog, I would appreciate you letting me know to whom, if anyone, you have distributed copies of the 'Manning order' and if so, how intend to notify them that the 'Manning order' has been, one way or the other, disregarded by the COA or vacated. I would like to also know [if you in fact distributed the order to others], if you simultaneously let them know the 'Manning' order had been automatically stayed by operation of law and was of no force and effect until the COA acted. And now they have - twice rejecting your contentions.

Regardless of the wording of the COA orders, the result is the same. - the COA knows the 'Manning order' was, to be extremely kind, not supported by any evidence whatsoever. I guess the more important question down the road is why you had to draft such a hateful order for a Judge's signature when you actually knew the evidence did not support it. At the very least, I imagine Judge Manning is less than pleased he has been placed in such a position.

My intent now is to proceed with the appeal on the substantive issues to the COA and to determine over time what damage has resulted from dissemination of the order by you to others - if in fact you did so. Again, please let me know.

Finally, no matter how the 'Manning order' is described by me, you or anyone else, it has either been vacated or disregarded by the COA. That much is plainly evident.

As I mentioned previously, I remain open to any reasonable suggestion you or others have to make the COA or federal bankruptcy appellate processes as easy as possible on everyone. Just let me know. Also, I look forward to hearing from you in regard to the foregoing.

Regards, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

This message is intended for the use of the person or entity to which it is addressed and may contain information, including legal and/or health information, that is privileged, confidential, and the disclosure of

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, April 05, 2010 9:59 AM
To: Douglas N. Truslow
Subject: Re: Anasti/Lee

Dog-

Please refer to my previous responses. The 362 statement was informative. You remain invited to review the final record on appeal with me at my office if you so choose. I will let you know when I have the documents ready.

Thanks, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

This message is intended for the use of the person or entity to which it is addressed and may contain information, including legal and/or health information, that is privileged, confidential, and the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED. If you have received this in error, please notify us immediately and destroy the related message. Thank you.

On Thu, Apr 1, 2010 at 9:39 AM, Douglas N. Truslow <douglastruslow@truslowlaw.com> wrote:

See response in caps edited within your email.

From: Tony R. Megna [mailto:tmegna@gmail.com]
Sent: Wednesday, March 31, 2010 8:52 PM
To: Douglas N. Truslow
Subject: Re: Anasti/Lee

Doug-

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, April 05, 2010 3:24 PM
To: Douglas N. Truslow
Subject: Re: Anasti/Lee

Doug (spelled correctly):

Whatever. You can stop the diatribes. They really are strange. As to the record on appeal, my offer remains open. I will let you know when I get everything together so you can review it at my offices.

Thanks, Tony

PS - Your brief is certainly long - but, goodness, you must tire of the vitriol. Odd...

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

This message is intended for the use of the person or entity to which it is addressed and may contain information, including legal and/or health information, that is privileged, confidential, and the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED. If you have received this in error, please notify us immediately and destroy the related message. Thank you.

On Mon, Apr 5, 2010 at 2:40 PM, Douglas N. Truslow <douglastruslow@truslowlaw.com> wrote:

Repeated and continuous inattention to detail does in fact make a resolution of the issues more difficult, but I would prefer to address the substance of your email.

I'm not in favor of doing anything that would delay the case on appeal any further than it has already been unnecessarily delayed. However, as a compromise I would offer the following observations:

1. Go ahead and do your initial reply brief (if you insist one is necessary) in a timely fashion and get the transcript of record in shape for its timely submission as required by the rules of court. You can send me a proposed record on appeal in the interim so that we'll have a jump start on everything.

2. Set up a time in the next thirty days with Cravens, Reece or someone else with comparable credentials to mediate matters. You should give whoever it is your brief, mine and all the items that should go in the transcript of record. Your

April 23, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

Via Certified & Restricted Delivery
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

On April 20, 2010 you sent me an email asserting that you had the week before filed Appellant's Reply Brief, "Amended" Designation and a "Modified Objection" and asserting that you had served me by mail.

Because I had not received these documents at the time I read your email, I called other Respondent's counsel Mr. Earle to inquire if he had gotten them and was informed that he had (in that they were addressed and sent to his correct address with a correct zip code listed). However, it appears that you wrongfully certified as having sent a copy of two of the aforesaid documents to my attention at mere street address (where there are ten separate offices) with no zip code and no suite listed and the other document was wrongfully certified by you as having been sent at the same time separately to my correct mailing address - but you did not in fact send it there. In other words, you inaccurately certified that you sent one document to my correct address (which you did not do) and you certified that you sent the other two documents at the same time to an inaccurate/incomplete address and apparently enclosed all documents in the inaccurately certified mailing.

A review of this case reflects that;

1. You have my correct mailing address with the proper zip code, as well as my correct street address with the correct suite and zip code and historically you have mailed correspondence to my correct mailing address.
2. Certifying that you are sending mail to a street address, without a suite number and without a zip code is not acceptable. You know and I know I am not assured of getting mail that is improperly certified by you (or that I will get it late if at all).
3. You must sign both pleadings and certificates of service. You have not always done so in the past.

4. You have in the past sent correspondences (at least using the correct address) with gross misspelling of my last name, then addressing an envelope to "Dougie" and ultimately sending me an email to "Dog". I've tried to just blow it off as petty but I have alerted you repeatedly to many problems involving inattention to important details. In addition you have backdated critical documents (such as out of time Answers to Requests to Admit and other discovery), failed to produce the envelope in which you admittedly got the Order granting Summary Judgment and apparently failed to file both a timely 59(e) Motion or a timely Appeal (and initially filed on January 4, 2008 in the wrong Court but that is another matter). Then, you apparently filed a motion objecting to Respondent's Appeal designation for transcript purposes but did not sign it, or certify that you sent it and sent it incorrectly...and the list goes on and on.
5. You sent me an odd email last Friday evening and in it there was no mention that you had filed anything.
6. Upon notifying you of errors and suggesting that you handle the matter properly, you claimed that you "mailed them to the address I have always mailed them to". A review of past Certificates of Service reflects otherwise than what you now claim.
7. To point;
    a. Please provide me with your Reply Brief Certificate of Service reflecting where you sent it, as well as your Designation Of Matter To Be Included On Appeal Certificate of Service and all cover letters. In essence, please just comply with the rules of Court relative to service
    b. Send me your "modified" objections as well as unmodified objections with all Certificates of Service and cover letters, again simply obeying Court rules.
    c. If you did not properly serve Respondent at either my mailing address or physical location with zip code certification, please explain why not. If you just erred, disclose it to the Court, handle it correctly and let's move on.
    d. If you certified as having sent something to my mailing address, but did not do so, please explain why not.
    e. If you did not comply with the rules, you need to alert the Court to your error. This is necessary since your conduct has the appearance that you sent me something in a manner so that I would be less likely to get it or get it late. I would hope that would not be the case, but the facts are what they are.
8. I have not written the Court relative to your most recent problems complying with Court rules and will not do so, provided you;
    a. Notify the Court that both your service and Certificates of Service are in error.
    b. Serve the appropriate documents properly.
9. Please send all further correspondence by Certified Mail/Restricted Delivery to avoid future problems.

Sincerely,

Douglas N. Truslow
DNT/sop

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, June 14, 2010 10:01 AM
To: Douglas N. Truslow
Subject: Re: Lee v. Anasti: Record on Appeal

Doulas:

You are a genuine piece of work. If you want the documents included, provide them, or explain to the COA why your behavior lacks the respect the Court is entitled to receive. I have tried to locate them but cannot. If that explanation does not suffice, continue to act like an obstinate child & do not send them.. My take is simple - grow up.
You have tried to cover up your & your staff's mistakes, you have provided perjured information to state & federal courts, you have published & disseminated slanderous information that has been harmful to my client, your client, & my business partners (and lord only knows who else) - through acts & omissions. You have placed your client, staff, partner and Licata at professional & legal risk - & I intend to pursue everything. Your school yard bully tactics and child-like pouting is unbecoming to someone of your experience & only makes matters worse. Considering your attitude, we will be in litigation for years to come - & I intend to see all of it through to the end. I learned a long time ago that you cannot give in to schoolyard bullies & inappropriate behavior such as you continue to display.

I have attempted to be reasonable & accommodating with you (& will continue to be despite your efforts to the contraruy) , but to no avail. The ball remains in your cart. You have made all of this unnecessarily 'trying' on everyone even after the COA dismissed your meritless MTD.

I will file the ROA next week with explanations to the COA of your silly & juvenile behavior. Then we wait.

Regards, Tony

PS- I am on the beach with my family. Pls try to be a grown-up (or at least pretend) & leave me alone the rest of the week. The weather is great, the water is beautiful & your continued ranting is an unnecessary intrusion to an otherwise rare opportunity to enjoy my family & friends. Just send FILED copies of the documents I have told you I cannot locate to my office - or not. Life is a choice. And try to rise above your silly, pouty childlike behavior.

A story: A frog meets a juvenile behaving scorpion along side a raging river. Mr. Frog says the juvenile scorpion - please let me ride on your back across the river. The frog replies - I am sorry scorpion but I cannot. The scorpion was relentless. The kind frog relented. They got halfway across the raging river & the scorpion stung the frog. Why did you do that asked the kind frog. I could not rise above my nature said the juvenile scorpion. Lacking the strength to carry them both, the kind but knowing frog did what he hoped he would not have to do. He rolled over. The scorpion slipped off & drowned. The frog struggled to shore, recovered & prospered - & learned to be wary of & ignore the relentless, immature nature of the childish.

Moral: The scorpion could not rise above his childish nature even in the face of such personal peril. The kindly frog struggled to the other side, survived, & continued his journey..

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Thursday, July 01, 2010 6:07 PM
To: Douglas N. Truslow
Subject: Re: Anasti Appeal

Dear Douglass:

Certainly someone of your experience should recognize it is in our collective interest to tone down the rhetoric, and just get the work done. I cannot imagine you really believe the Court is going to be amused with your refusal to participate in the completion of the JA or to even review it because you have been offended. Do you honestly believe they [or anyone one else for that matter] cares you are miffed at me? Oh, please ...

Regardless of how behave, however, my response is simple. My offers are sincere and honestly intended to tone things down. You treat them as you wish. I intend to represent the interests of my client regardless of how difficult you try to make things. And I have decided to keep things as civil as possible. Do as you see fit - but do yourself a favor. Stop and think.

Best regards, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
negna@gmail.com
Office telephone: 803.799.1700

This message is intended for the use of the person or entity to which it is addressed and may contain information, including legal and/or health information, that is privileged, confidential, and the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED. If you have received this in error, please notify us immediately and destroy the related message. Thank you.

On Thu, Jul 1, 2010 at 3:49 PM, Douglas N. Truslow <douglastruslow@truslowlaw.com> wrote:

Aside from an observation that your email has the appearance of simply being self serving and clearly not consistent with Respondent's view of the situation, further response would not likely serve any useful purpose under the circumstances. Regrettably, Respondent and Appellant must agree to disagree on what is necessary to complete the case, as well as by whom (and when).

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, July 12, 2010 4:02 PM
To: Douglas N. Truslow
Subject: Re: Anasti v Lee

Douglas:

You continue to evidence such oddness. I imagine this is a life-long issue. Were you bullied as a child? For goodness sake, let it go.

It is certainly no secret that I am out of the Columbia office much of the time. But, I am generally in the my other offices if not ion Columbia. Fortunately, I owe you no explanation of where I am at any particular time.

If you wish to send me something, e-mail it to me as I have repeatedly requested. I always tend to get your bothersome emails. In addition, my Columbia office is open everyday except weekends and holidays. You can send the document certified mail return receipt requested and someone in my office will sign for it, scan in onto our systems and email it to me. The post office will not deliver documents when I am not in the Columbia office if you mail them with a signature of recipient required. We both know that service on my office is sufficient under the rules; and it can be verified by a return receipt if you wish. You are simply being silly.

There is a pattern on your part to do everything possible to avoid a decision on the substance of Judge Kinard's rulings. I imagine the COA will see through your petty actions. I simply do not intend to engage your silliness. Your refusal to email or fax or mail [regular or certified] me the document demonstrates the essence of your silliness, your pettiness and your odd behavior. But, FYI, I intend to be in the Cola office on Wednesday or Thursday. Please have the documents delivered those days if you wish. But, again, and for at least the fifth or sixth time, you can email them anytime. I will accept service. Or you can fax them to 254-3678. Or you can hand-deliver to my to my Columbia office. You have many choices. Or, you can continue your silliness. Your choice.

Regards, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
megna@gmail.com
Office telephone: 803.799.1700

This message is intended for the use of the person or entity to which it is addressed and may contain information, including legal and/or health information, that is privileged, confidential, and the disclosure of which is governed by applicable law. If the reader of

July 21, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

Certified Mail, Restricted Delivery
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

In response to your July 21, 2010 email:

1. I have repeatedly asked that you stop sending emails to my office and that, instead, you simply mail items you wish for me to consider to my Post Office box. Given the history of the case, you may want to reconsider your position relative to Certified Mail. It will in fact ensure delivery and hopefully cut down on unnecessary conflict. I believe the Post Office is reliable, though not perfect, and that use of the mail system will be of benefit to both of us, for reasons that should be obvious.
2. While I am mindful that you have previously stated that you were (and had been) avoiding contact with me, I have not been in a position to be knowledgeable of your personal business conflicts, much less your apparently extensive business travel schedule. That said, I am aware that one of your business employees previously said that you were often not ever available for legal matters. But, quite frankly, once you apparently closed your home law office and opened a more conventional law office (ostensibly with legal staff), I had hoped you might have been more available to tend to legal matters. Regardless, we are still faced with a problem that needs a solution without resorting to insults. Perhaps you could request oral arguments relative to the pending motions. I have before suggested utilizing either Reece Williams or Cravens Ravenel to assist us, but you have declined. As an alternative, what do you think about John Freeman to help work through all of this?

3. Given the unique history of this case, I respectfully disagree that my staff and I are mishandling matters or being disrespectful of the Courts.
4. In closing, there are some very obvious, easy and non-intrusive means for you to accept your mail that will not impose on you and I invite you to consider alternatives.
5. Please do not attempt to email me or my staff again, especially if you intend to continue to include claims or arguments of a type similar to those set forth in your recent emails. I regret it is necessary to block you, but I know of no other way to avoid the unpleasantness and lack of civility that seems to have been pervasive.

Sincerely,

Douglas N. Truslow
DNT/adh

Truslow & Truslow

Attorneys At Law

Telephone: 803-256-6276 Fax: 803-256-7659

Douglas N. Truslow
douglastruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

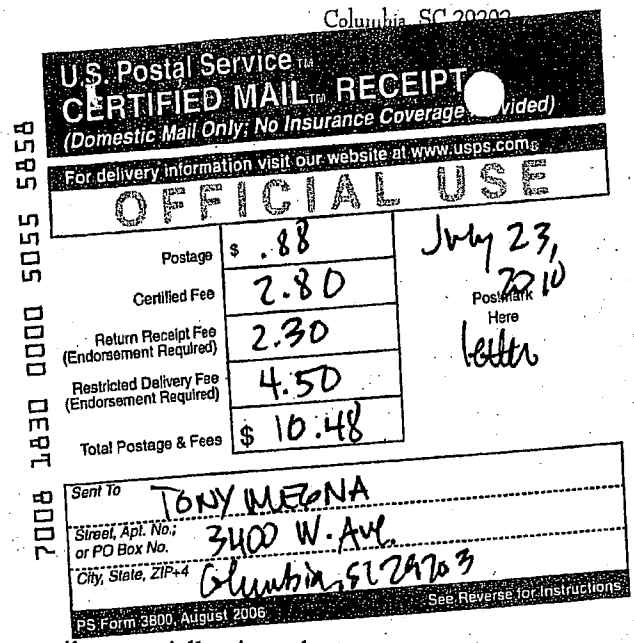
Physical Address:
914 Richland Street, Suite B-102
Columbia, SC 29201

Mailing Address:
P.O. Box 1465
Columbia, SC 29202

July 23, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

Certified Mail, Restricted Delivery
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203



Dear Mr. Megna:

In response to your July 21, 2010 email:

1. I previously asked that you stop sending emails, especially given the tone, content and volume of them, and that, instead, you simply use the more conventional method of mailing items you wish for me to consider (to my Post Office box). Since you have not heeded that request, and are now, in addition, sending what are considered even more, inflammatory, insulting emails - to both my paralegal and my son (who is currently performing active duty military service and is not in a position to read your emails even if he were inclined to do so), I am making my request once again.
2. Given the unfortunate and protracted history of conflict - especially relative to delivery and receipt of legal pleadings, faxes and correspondence (as well as your claim in pleadings that I am "stalking" you and your family), you may wish to reconsider your position relative to using the U.S. Mail system. Moreover, since you have stated repeatedly (and in pleadings) that you are purposefully avoiding personal contact with me, utilization of the U.S. Mail system makes the most sense. I believe that Certified Mail, Restricted Delivery is the best option for us under the circumstances. It will in fact not only ensure receipt, but hopefully cut down on further (and unnecessary) unpleasantness and a tendency to "shoot from the hip" with constant emails. Besides, I am not as adept as you in the use of computers. As well, I wish to avoid the potential for computer related problems. I trust you will

understand, if not agree. Again, I believe the Post Office is reliable, that its use is in compliance with the Rules of Court and that utilization of the mail system will be of benefit to both of us, for reasons that should be obvious. I had thought that the two Orders of Judge Manning alone, but especially when considered in conjunction with the Court's underlying findings and conclusions, along with the Orders of Judge Waites and Judge Anderson, would have formed a sufficient basis for you to agree to use the U.S. Mail service as the best means of communication, but if we cannot agree, then we must agree to disagree. For my office, the plan is to use the United States Mail service exclusively. That said, my office has already gone the extra mile in repeatedly providing you with documents that you have apparently "lost", lost again and again and/or inexplicably don't otherwise have. I do not think I should be burdened with having to send the documents yet again to additional recipients. Quite frankly, the claims of non-receipt, never having had documents and again losing them is at odds with the facts. The "Mann Affidavit" is a perfect example because, although you claimed to not have it and then to have lost it, you filed a written response to it and also wrote to Mr. Mann complaining about the content of the Affidavit. Regardless, I sent it again, but enough is enough. Please note in closing on this point that it is not my intent to cause you unnecessary work or inconvenience, but rather to ensure that everything is in fact confirmed to have been handled properly while not in turn being repeatedly inconvenienced and imposed upon. On reflection, I would hope that you would agree so that we could move on to more significant issues than the ones you suggest.

3. You have attributed to me knowledge of or responsibility for your personal business schedule that I simply do not have. I don't want to sound rude or uncaring, but your unrelated (to this case) personal and business activities, as well as your apparently extensive non-legal travel schedule, are not my concern, nor could I possibly be expected to keep track of whether you are in your law office or away from it working on non-legal, personal business matters daily, weekly or monthly. I don't want to sound judgmental, but rather with all due respect -- I believe it IS your responsibility to be reasonably available to handle legal matters, and it is not my responsibility to determine when you will be in your law office or away from it (or for how long) dealing with non-legal matters. Simply stated, the conflicts you apparently have between your legal obligations and your personal business dealings are not relevant to the issues at hand. That said, if you have conflicts between handling your business activities and your law practice, perhaps you could consider having your law partner or a paralegal be of assistance, but that is for you to determine, not me.
4. Quite frankly, once you apparently closed your home law office (where you said you had done your legal work for the last several years) and opened a more conventional law office (ostensibly with legal staff and a law partner), I had hoped you might have

been more available to tend to legal matters. Unfortunately, that has not been the case.

5. I again respectfully disagree with the contention that my staff and I are mishandling matters or that we are being disrespectful of you and the Courts. I believe the record will speak for itself.
6. In closing on the service issue you have raised, there are obviously available non-intrusive and conventional means for you to accept your mail that will not impose any onerous or unreasonable burden on you. I invite you to consider alternatives to insults. Perhaps you could request oral arguments relative to the pending motions and your concerns. As another, preferable alternative, I had previously suggested utilizing either Reece Williams or Cravens Ravenel to assist us with, *inter alia*, the civility issues, but you have declined. Will you reconsider? As another alternative, what do you think about using Professor John Freeman to help work through all of this? Again, I am amenable to a reasonable suggestion on a means to resolve the issues. Please pick one (or all) of these alternatives and let me know.
7. Finally, and I reiterate, please do not email me or my staff again, especially if you intend to continue to include claims or arguments of a type similar to those set forth in your recent emails, including the one you sent to my paralegal and my son. I regret it is necessary to now block your emails, but I know of no other way to avoid the unpleasantness and lack of civility that seems to have been pervasive and which appears more problematic as time goes on.[1] Again, I think Professor Freeman, Mr. Williams or Mr. Ravenel would be excellent choices of professionals who could be of assistance to everyone and help us be better stewards for the legal system. Are you amenable to using their services? If so, I am willing to evenly split the costs with you.

Sincerely,

Douglas N. Truslow
DNT/adk

[1] I only knew of your July 21, 2010 email because you sent it to my staff and my son. Otherwise it would have been blocked (and not read). Future emails will be blocked and likely not read – so please send future communications by U.S. Mail instead.

Truslow & Truslow

Attorneys At Law

Telephone: 803-256-6276 · Fax: 803-256-7659

Douglas N. Truslow
douglastruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

Physical Address:
914 Richland Street, Suite B-102
Columbia, SC 29201

Mailing Address:
P.O. Box 1465
Columbia, SC 29202

October 6, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576
Your Sunday, October 3, 2010 email

PERSONAL AND CONFIDENTIAL and CERTIFIED MAIL
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

You are apparently still emailing unwanted communications to my paralegal and son, despite the fact that you have specifically been requested not to do so. The request not to send emails was made in that, *inter alia*, your emails had gotten totally out of hand and I have already told you that I am not reading your current emails – they have gone straight to junk mail. Again, you may write me at my mailing address. Please ensure that you use the correct address and zip code as well as my correct name.

I have filed a response to your Motions and note initially that you represented to have first mailed them to my current mailing address. In actuality, you did not do as you represented – you sent them to my street address knowing (because I had repeatedly told you in the past) that large packages will not fit in the small street address box. And, it does not help with post office delivery when you address mail to other names such as simply "Dougie" or "Dougass" and other less inappropriate names as has been true in the past when you have also placed the wrong zip codes on letters.

Again, send mail to my correct Post Office Box (P.O. Box 1465), with the correct zip code (29202). Do not send emails and do not send mail addressed in such a fashion as will be more likely to ensure that I do not get it – or get it late. Finally, please ensure that I get exactly what you submit to the Court because what I have reviewed is not in proper form or format and the emailed version sent to my staff and son are not consistent with the mailed version.

Finally, what you emailed to Amanda and my son is not all consistent with what you sent me in the mail (addressed improperly, not signed and not certified pursuant to SCACR).

I have not received through the mail an October 1, 2010 letter and the "Amended Record on Appeal" you have "emailed me" is not consistent with what you mailed and represented had been filed.

P.S. Since the time I dictated this letter, I have received your Oct 1, 2010 letter. D.T.

Sincerely,

Douglas N. Truslow
DNT/adh

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
TONY MEGNA, ESQ.
3400 WEST AVE.
COLUMBIA, SC 29203

10/6/10 letter

2. Article Number (Transfer from service label) 7008 1830 0000 5055 5070

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Barb Jones C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7008 1830 0000 5055 5070

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage	$ .44
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 5.54

Postmark Here

Sent To TONY R. MEGNA, ESQ.
Street, Apt. No.; or PO Box No. 3400 West Ave.
City, State, ZIP+4 Columbia, SC 29203

PS Form 3800, August 2006 See Reverse for Instructions

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Thursday, October 07, 2010 11:37 AM
To: Douglas N. Truslow
Subject: Silliness

Douglas:

Your recent letters, once again, and as usual, contain half-truths - at best. But you are consistent.

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

This message is intended for the use of the person or entity to which it is addressed and may contain information, including legal and/or health information, that is privileged, confidential, and the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED. If you have received this in error, please notify us immediately and destroy the related message. Thank you.

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.5.448 / Virus Database: 271.1.1/3169 - Release Date: 10/07/10 06:34:00

TONY R. MEGNA

ATTORNEY-AT-LAW
3400 West Avenue
Columbia, SC 29203
TELEPHONE: 803-799-1700
E-mail: tmegna@gmail.com

March 8, 2011

SENT VIA TELEFAX TO 803-796-1066
AND BY FIRST-CLASS MAIL

Desa Ballard
226 State Street
West Columbia, SC 29171-6338

Re: Lee v. Anasti et. al. – 2007-CP-40-0576

Dear Desa:

As I often tell my children – old enough does not necessarily denote 'wise enough'. Please find enclosed the information you requested in your letter dated March 1, 2011.

I am very sorry that you have seen fit to insert yourself into these matters without even the courtesy of a telephone call. Obviously, I have no control over the injudicious decision not to verify the information you were providing to the Court of Appeals prior to making what you now know are misleading statements. While I remain astounded that you did not do so, and continue to refuse to do so, I respect your judgment that you are 'old enough' to make your own decisions.

Sincerely yours,

Tony R. Megna

C(7)

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

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

Pee Dee Health Care, P.A.,

Plaintiff,

v.

Estate of Hugh S. Thompson,

Defendant.

10-CP-16-0332

FILED
2011 MAR 11 AM 10:45
SCOTT B. SUGGS
CLERK OF COURT/R.D.D.
DARLINGTON COUNTY, S.C.

RETURN OF PEE DEE HEALTH CARE, P.A. TO DEFENDANT'S MOTION TO DISQUALIFY

INTRODUCTION

PART I

The Plaintiff, Pee Dee Health Care, P.A. is a professional medical association with clinical offices in Darlington, SC and Olanta, SC. The Defendant is the Estate of Hugh S. Thompson, M.D. Dr. Thompson died on November 5, 2009.[1] This action is a proceeding pursuant to S.C. Code Ann. Section 62-1-201(32). The Plaintiff is a claimant of the estate S.C. Code Ann. Section 62-1-201(4). The Personal Representatives of the Decedent's estate [the Decedent's grown children] are the sole successors as defined by S.C. Code Ann. Section 62-1-201(42) to the assets of the estate other than the claim of the Plaintiff[2]], and trustees to the estate as defined by S.C. Code Ann. Section 62-1-201(45) with corollary fiduciary duties to the estate.

[1] The undersigned has been the CEO and General Counsel to Plaintiff since 1995. The undersigned had no conversations with the Decedent in regard to any of the matters contained in this lawsuit. However, the Decedent initiated a telephone call indicating he was sending unspecified documents to the Plaintiff. Those documents have been provided to the Defendant during discovery. During discovery, the Defendant was notified of the employees of the Plaintiff who did, in fact, have actual contact with the Decedent.

[2] There is another claim against the estate that is being defended by the Decedent's professional malpractice carrier.

PART VIII

PREDJUCIAL USE OF UNRELATED, INAPPROPRIATE INFORMAITON, AND DEFAMATORY LITAGATION STATEGY

The undersigned submits that not only do the Personal Representatives of the Estate of the Decedent have conflicts of interest in the case at bar, and not only have they made mis-statements of material facts by co-mission and omission, but that they have also resorted to an inappropriate and demeaning litigation strategy in the case at bar that is, in its best light, dishonorable. The Defendant has produced absolutely no evidence whatsoever that the undersigned had any contact with the Decedent other than the Decedent providing limited documents to the Plaintiff that have been disclosed to the Defendant during discovery. Mr. Josey and Mr. James also know they obtained these same documents from the SC Board of Medical Examiners, see Mr. James letter dated June 2, 2010 [See Exhibit KK]. It is not much of a leap to conclude that that there was and is no reasonable basis to file the Motion to Disqualify in the first instance.[13]

The Motion to Disqualify is replete with implied [and not so implied] offensive and unjustified personal and professional attacks on the integrity of the undersigned. It is no secret that the Plaintiff and the undersigned are involved in litigation now pending in Florence County that is completely unrelated to the case at bar. Nor is it a secret that the undersigned was the CEO of MCHG, LLC, the holding company that is at the center of the Lake City litigation. Mr. Josey's and Mr. James' attaching a copy of the Medicare 855 to the Motion to Disqualify noting that fact is for no legitimate reason other than to inflame the passions of this Court. The undersigned is extremely aware that Mr. Josey and Mr. James are attempting to convey to the

[13] Mr. Josey's law firm has been previously admonished for discovery misconduct. The Plaintiff remains astounded that Mr. James' has participated in such matters.

Court the misleading, insulting and not so subtle message to this Court that the undersigned is somehow "dishonest, untrustworthy", etc. They can phrase the issue however they wish. But the truth is they have underestimated the undersigned's absolute unwillingness to bend to such baseless, self-serving, dishonorable actions. The undersigned's association with MCHG and the 'Lake City' litigation issues occurred no less than seven [7] years *AFTER* the Decedent left the employ of the Plaintiff. Moreover, the Decedent *has actually admitted his own wrongdoing.* [See Exhibit E]. Mr. Josey, Mr. James, and the Personal Representatives of the Estate of the Decedent have seriously miscalculated the determination of the Plaintiff, and the undersigned, to remedy the wrong that has occurred in the case at bar – as well as in the Lake City matters.

The undersigned has no qualms in informing this Court that the 'Lake City litigation' involves significant allegations of unethical and unprofessional conduct by lawyers of one of the largest law firms in this state, allegations of unethical and unprofessional conduct by lawyers in an influential firm in the Pee Dee, allegations of unethical and unprofessional conduct by relatives of a judge in Florence County, allegations of unethical and unprofessional conduct by physicians with medical practices in Lake City, SC, and allegations of conspiracy, fraud and unprofessional conduct by many others. Neither is it a secret that the 'Lake City litigation' began with the foregoing lawyers and physicians providing *ex parte* information to a Florence County judge[14] that led to the issuance of an *ex parte* restraining order against the undersigned and others. Nor is it secret that the *ex parte* order, as intended by the unethical conduct of many, destroyed a business venture in which the Plaintiff, the undersigned and others were partners.

While the undersigned is perhaps prohibited from discussing the precise nature of the

[14] The undersigned was the Chief Executive Officer of the venture. That is no secret and the undersigned has never denied it. However, the undersigned's position as CEO of that venture, that was initiated in 2007-08 has nothing to do with the current proceedings before this Court.

pending investigations surrounding the matters, the undersigned can attest to the fact, that nearly three years after the initial events, no allegations of wrongdoing against the Plaintiff nor the undersigned have been proven true for the simple reason that there was no wrongdoing by the Plaintiff nor the undersigned in the first instance.

In sum, the Plaintiff and the undersigned, as well as many others, were victimized by many in the Pee Dee area in regard to the Lake City matters. Neither the Plaintiff nor the undersigned has asked for nor expect compassion, empathy, or even understanding from anyone. Additional litigation against those involved in the events leading up to and including the obtaining of the fraudulently obtained *ex parte* order is forthcoming. The Plaintiff provides the foregoing information to this Court for one simple reason. Counsel for the Defendants have unnecessarily, maliciously, and unethically interjected the 'Lake City litigation' into this lawsuit by their personal attacks and insinuations of improper conduct by the undersigned; and have attached a Lake City document to their Motion to Disqualify for the sole realistic reason of prejudicing these proceedings. The Motion to Disqualify crosses the line from advocacy to obstructionism. See the foregoing discussion in relation to Rule 401, Rules 3.3 and 3.4.

The false and unprincipled personal accusations and innuendos being made by Mr. James and Mr. Josey against the undersigned have placed this Court in the unfair and unenviable position of determining whether or not Mr. James and Mr. Josey's accusations [implied and explicit] have prejudiced these proceedings to the extent this Court should *sua sponte* recuse itself from hearing and determining these matters. In the Lake City litigation, the Chief Justice of the SC Supreme Court specifically assigned the proceedings to a jurist outside of the immediate Pee Dee area because of concerns of actual and perceived conflicts of interest as well as the appearance of such conflicts. Mr. James' and Mr. Josey's unprincipled attacks on the

undersigned and the Plaintiff have placed this Court in a similar position considering the distasteful circumstances we collectively find ourselves discussing.

Regardless of the Court's determination of the foregoing, the Plaintiff responds to the Defendant's Motion as follows with the foregoing and the following.

PART IX

1. The basic dispute between the parties revolves about funds repaid to Medicare by Plaintiff on Decedent's behalf during a time period [1999-2000] when, unknown to Plaintiff, Decedent was admittedly disbarred as a provider of medical services under the Medicare program. As noted herein,

   a. Decedent admitted in May, 2004 that, in March 1996 [the first letter], he received a letter from the Medicare OIG stating he had been disbarred as a provider in the Medicare program. [See Exhibit F].

   b. The Defendant's issue as to the undersigned's 'necessary' testimony concerning the document and the authenticity of this document in the first instance has been obviously, purposely and patently intended to mislead this Court because;

      1) As noted previously, Mr. Jay James, by letter dated July 9, 2010 (a copy of which is attached hereto as Exhibit GG) actually provided both pages 1 and 2 of the document to the Plaintiff. As noted, **Mr. James specifically entitled the document "Summary of events and observations believed to have been prepared by Hugh S. Thompson, Jr. May 28, 2004.**

      2} A two-page version of this document was produced and provided to Plaintiff during discovery in this case from FirstChoice Health. The two page version of the document is attached hereto as Exhibit II. This same document (as all documents provided by FirstChoice) was provided to the Defendant by Plaintiff on July 30, 2010. A copy of the email evidencing the documents produced from First Choice to Defendant's counsel, Jay James, is attached hereto as Exhibit MM.

The Plaintiff's answers to interrogatories have been updated to reflect the complete document was obtained by Plaintiff as noted above even though the Defendant's received the document from Plaintiff months prior to the filing of their Motion and provided the Plaintiff the document.

The Plaintiff respectfully requests the Motion to Disqualify filed by Defendant be denied, and for this Court to provide such other and further relief as is just and appropriate, including reasonable attorney's fees and costs for the defense of the matter.

Respectfully submitted,

Tony R. Megna
Attorney-at-Law
3400 West Avenue
Columbia, SC 29203
803.799.1700

March 11 2011.

TONY R. MEGNA
ATTORNEY-AT-LAW
3400 West Avenue
Columbia, SC 29203
TELEPHONE: 803-799-1700
E-mail: tmegna@gmail.com

March 29, 2011

The Honorable Tanya Gee
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Lee v. Anasti et. al. – 2007-CP-40-0576

Dear Ms. Gee:

I am in receipt of Mr. Truslow's letter to you dated March 28, 2011. I provided Mr. Truslow a courtesy copy of the contents of the Reply Brief I filed with the Court by mail on March 28, 2011. It was accompanied by a copy of an e-mail in which I specifically informed him he would be receiving a bound copy of the reply brief by mail – and which he has received.

COPY
FOR YOUR INFORMATION

For his own reasons, Mr. Truslow continues to provide this Court, as he did with the lower court, untruthful and misleading information. Please accept my apologies.

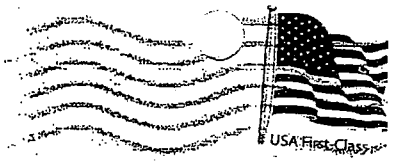
Sincerely yours,

Tony R. Megna

cc: Douglas N. Truslow, Esquire
Gina Lee

Tony R. Megna
Attorney-At-Law
3400 West Avenue
Columbia, SC 29203

COLUMBIA SC 292
30 MAR 2011 PM 4 L



Doughlas Truslow
PO Box 1465
Columbia, SC 29201

29202+1465

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Thursday, March 31, 2011 9:16 AM
To: Douglas N. Truslow
Subject: Lee v. Anasti (state Court of Appeals)

Douglas:

I received your letter dated March 28, 2011. First, once again, please accept my most sincere apologies if you believe I have been uncivil. Contrary to your assertions, however, I have been restrained in my comments to you.

I remain particularly concerned with the false affidavit you drafted for Ms. Hilley and presented to the trial court and the Court of Appeals. You should be equally concerned that you have provided documents to the Courts and others that you actually know were ineffective to due to the staying of the actions they related to by the order of the trial court -- and that were never responded to by the Respondent. These are but two examples of your consistent and continuous misrepresentations you have made to the Courts and others. You should be ashamed of your behavior as it has been, in the best light possible, less than professional. I am sorry you see it otherwise. In any event, I trust you will take the opportunity to correct your misrepresentations.

inally, please accept or not communications from my office as you deem appropriate.

Regards, Tony

PS - I have received so many emails and letters form your office on matters of little import, please excuse me if some have been overlooked. Certainly, you would expect such a result.

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

This message is intended for the use of the person or entity to which it is addressed and may contain information, including legal and/or health information, that is privileged, confidential, and the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED. If you have received this in error, please notify us immediately and destroy the related message. Thank you.

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Version: 8.5.449 / Virus Database: 271.1.1/3538 - Release Date: 03/31/11 06:34:00

MATTHEWS AND MEGNA, P.A.

ATTORNEYS-AT-LAW
3400 WEST AVENUE
COLUMBIA, SOUTH CAROLINA 29016
TELEPHONE: 803-254-3676
tmegna@gmail.com

November 3, 2011

VIA FAX TO (803) 576-1768

The Honorable Alison Renee Lee
P O Box 192
1701 Main St., Room 324
Columbia, SC 29202-0192

Re: Lee v. Anasti, Docket Number 2007-CP-40-0576

Dear Judge Lee:

I have received a copy of a letter from Douglas Truslow in which he requested a status conference in regard to the above matter. I respectfully request the Court to disregard the request for a status conference, and deny any request by Mr. Truslow or others to take any further action in the above-referenced case due to the following:

1. Ms. Lee filed for Chapter 13 bankruptcy in February, 2009. The provisions of 11 USC Section 362 automatically stayed the state-court action then pending between Mr. Anasti and Ms. Lee. On December 21, 2009, the bankruptcy court allowed the state court appeal to be finalized. Ms. Lee's confirmed Chapter 13 plan dated March 24, 2010. A copy is attached as Exhibit A.

> By order entered December 21, 2009, the Court granted ***limited relief from the automatic stay to allow the state court to finalize its consideration of state court appellate proceeding*** that were pending at the time of the filing of the Debtor's bankruptcy case.

By its' plain terms, the confirmed plan allows only the state appellate proceedings to be finalized.

2. Mr. Truslow has informed the Court that the bankruptcy court allowed this court to determine damages. That is not correct. The bankruptcy court, in its' order of confirmation, stated:

> ". The evidence indicates that while Mr. Anasti has not and may not intend to file a claim for prepetition debt, he does not waive any post petition claim(s), including any claim for costs or damages associated with the ongoing state court litigation and federal appeals."

A copy of the order of confirmation is attached as Exhibit B. Mr. Anasti, in fact, did *not* file a filed a proof of claim in the bankruptcy case for pre-petition damages or any other type of relief based on pre-petition issues between the parties. Failure to file a proof of claim results in the discharge of the Debtor from any relief that based on prepetition issues. See 11 U.S.C. §§ 524, 727; Bankruptcy Rule 3002(a). Moreover, as noted below, the state Court of Appeals actually denied Mr. Anasti's request for damages. [See Exhibit B].

3. I am befuddled by Mr. Truslow's failure to inform this Court of the decision of the Court of Appeals denying his request he made during the appellate proceedings for sanctions and damages. I have enclosed a copy of the order of the Court of Appeals as Exhibit C to this letter. Mr. Truslow did not appeal the decision of the Court of Appeals to our Supreme Court, and the decision of the Court of Appeals is now the law of the case. *Barth v. Barth*, 360 SE2d 309 (1987): (...the disposition of a case in the Court of Appeals when certiorari is not applied for nor granted becomes the law of the case...) See also *Charleston Lumber Co., Inc. v. Miller Hous. Corp.*, 338 S.C. 171, 175, 525 S.E.2d 869, 871 (2000):

> *Charleston Lumber I* reversed the grant of summary judgment on fraud, specifically found employee time expended on the Charleston Lumber billing was compensable, and remanded for "development of the facts ... to determine the extent of actual damages." *Charleston Lumber I* at 481, 318 S.E.2d at 437. This ruling was adverse to Charleston Lumber. Accordingly, it was incumbent upon Charleston Lumber to seek rehearing and/or petition this Court for a writ of certiorari or be bound by *Charleston Lumber I* as the law of the case. *ML-Lee Acquisition Fund, L.P. v. Deloitte & Touche*, 327 S.C. 238, 489 S.E.2d 470 (1997) (unappealed ruling is law of the case); *Buckner v. Preferred Mut. Ins. Co.*, 255 S.C. 159, 161, 177 S.E.2d 544, 544 (1970) (an unchallenged ruling, "right or wrong, is the law of this case and requires affirmance.")..

4. Ms. Lee appealed the orders of the bankruptcy orders lifting the automatic stay [that allowed the state court appeals to go forward in the first instance] to the Fourth Circuit Court of Appeals. Those appeals remain pending. Depending on the outcome of that appeal, the state appellate court judgment may, indeed, be *void ab initio*.

5. As the state Court of Appeals has denied Mr. Truslow's motion for damages, as noted on exhibit A, and he did not appeal the denial of the motion to the Supreme Court, principles of issue preclusion [collateral estoppel, judgment estoppel, res judicata, etc.] prevent re-litigating the issues. See *In re Crews*, 389 S.C. 322, 340, 698 S.E.2d 785, 794 (2010) (equating issue preclusion and collateral estoppel). "Collateral estoppel prevents a party from re-litigating an issue in a subsequent suit which was actually and necessarily litigated and determined in a prior action." *Aaron v. Mahl*, 381 S.C. 585, 592, 674 S.E.2d 482, 486 (2009). Thus, Mr. Anasti is estopped in both state and federal court from re-litigating these matters.

In sum, Ms. Lee's bankruptcy stay has been in effect since the filing of her bankruptcy petition, and it has remained in effect as to all matters other than the one matter that the bankruptcy court allowed to proceed, i.e., the determination by the state appellate courts of ownership of the Two Notch property. The bankruptcy court did not authorize any further proceedings in state court, and not such proceedings are allowed under the terms of the bankruptcy code. In addition, our Court of Appeals denied Mr. Anasti's request for damages during the appellate proceedings that were actually allowed by the bankruptcy court to be finalized. I respectfully request this Court deny Mr. Truslow's request for a pretrial conference as Ms. Lee is operating under a confirmed chapter 13 bankruptcy case. Mr. Anasti did not file a proof of claim in the bankruptcy court, and all claims he had and may have had, have been waived and ended as a matter of law by the bankruptcy court's confirmation of Ms. Lee's Chapter 13 plan of reorganization. Moreover, the bankruptcy court did not authorize any proceedings to continue in circuit court, and the state appellate court proceedings have concluded.

Mr. Truslow is now attempting to re-litigate matters in state court that have already been determined adversely to him in the state Court of Appeals and by confirmation of Ms. Lee's Chapter 13 bankruptcy plan or reorganization. His attempts to do so are in direct violation of the confirmation orders of the bankruptcy court, the provisions of Ms. Lee's confirmed Chapter 13 plan, and the bankruptcy code. His failure to appeal the order of the Court of Appeals denying his motion for damages to the SC Supreme Court is the law of the case in state court. In addition, matters of issue preclusion prevent the re-assertion of claims that have been previously determined adversely to his client in state or federal court. Therefore, Ms. Lee respectfully requests this Court deny any request of Mr. Anasti for any further proceedings in the circuit court, including but not limited to a pre-trial conference. My concern is that Mr. Truslow's request, in and of itself, is a violation of the bankruptcy code, and harassment of both Ms. Lee and myself. Based simply on the documents have attached to this letter, and to which Mr. Truslow has received on numerous occasions, I am at a complete loss to understand how Mr. Truslow could make such requests to your office as the requests, in any of themselves, are unlawful.

I remain available to discuss this with you at your convenience if you so desire. However, I would agree to an order that simply notes the state court appellate proceedings that the confirmed Chapter 13 plan of reorganization have been completed, and that the circuit court has no further involvement in the matters. For the Court's convenience, I have attached a proposed order to this effect. Thank you in advance for your consideration in this matter, and

please contact me at your convenience if I may be of further assistance.

Sincerely yours,

Tony R. Megna

Cc: D. Truslow

EX. A

EXHIBIT A TO SC LBR 3015

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: Gina Anasti Lee Debtor.[1]	CASE NO: 09-02854 FIFTH AMENDED CHAPTER: 13 **NOTICE, SIXTH AMENDED CHAPTER 13 PLAN, MOTIONS TO VALUE SECURITY, AVOID JUDICIAL LIEN, AVOID A NONPURCHASE MONEY, NONPOSSESSORY SECURITY INTEREST AND LIEN, AND/OR TO ASSUME OR REJECT AN EXECUTORY CONTRACT/UNEXPIRED LEASE**

I. NOTICE TO CREDITORS AND PARTIES IN INTEREST: The debtor has filed a chapter 13 bankruptcy case and listed you as a creditor or interested party. The debtor has filed the following chapter 13 plan and motions which may affect your rights. **Failure to object may constitute an implied acceptance of and consent to the relief requested in this document.**

A. ADDITIONS, MODIFICATIONS, OR DELETIONS: All additions or modifications to the Court's form plan (See exhibits to SC LBR 3015-1 and 3015-2, "SC LBR" refers to the SC Local Bankruptcy Rules, available at www.scb.uscourts.gov) are highlighted by italics. Deletions are noted as "Not Applicable" or by striking through the deleted provisions. If changes are substantial or if an alternative plan is proposed, a cover sheet that summarizes and identifies the changes shall be filed and served herewith.

B. DEADLINE FOR FILING OBJECTIONS, NOTICE OF HEARING ON CONFIRMATION OF CHAPTER 13 PLAN AND MOTIONS: Objections to the motions and any provision of the plan must be made in accordance with SC LBR 9014-1, properly served, and filed with the United States Bankruptcy Court, 1100 Laurel Street, Columbia, SC 29201, within twenty-five (25) days from the date this document is filed. Timely objections will be heard at the confirmation hearing, notice of which is given separately in the Notice of Meeting of Creditors. If a timely objection is filed after the confirmation hearing, a separate hearing on the objection will be scheduled and notice of such a hearing will be given. If no timely objection is filed, the Court, upon recommendation of the chapter 13 trustee and without further hearing or notice, may enter an order confirming the plan and granting the motions.

II. MOTION TO VALUE SECURITY, AVOID JUDICIAL LIEN, AVOID A NONPURCHASEMONEY, NONPOSSESSORY SECURITY INTEREST AND LIEN, AND/OR TO ASSUME OR REJECT AN EXECUTORY CONTRACT/UNEXPIRED LEASE. The debtor requests that confirmation of this plan alter the rights of the following creditor:

A. Nonpossessory, Nonpurchase Money Lien: The debtor moves, pursuant to 11 U.S.C. § 522(f), to avoid the following nonpossessory, nonpurchase money security interest and lien in household goods:

Name of creditor and description of property securing lien	Value of Debtor's interest in property	Total of all other liens	Exemption claimed	Estimated security interest/debt	Security interest Not avoided (see IV(B)(4) below)	Security interest to be avoided (see IV(E) below)
-NONE-						

B. Judicial Lien: The debtor moves, pursuant to 11 U.S.C. § 522(f), to avoid the following judicial lien:[2]

Name of creditor and description of property securing lien	Value of Debtor's interest in property	Total of all other liens	Exemption claimed	Estimated judicial lien	Judicial lien Not avoided (see IV(B)(4) below)	Judicial lien avoided (see IV(E) below)
-NONE-						

[2] For co-owned property, see In re Ware, 274 B.R. 206 (Bankr. D.S.C. 2001) and Exhibit C to SC LBR 4003-1.

[1] When used herein, the term "debtor" shall apply as applicable either in the singular or in the plural, if there are joint debtors in the case.

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C. Valuation of Security: The debtor moves, in accordance with 11 U.S.C. § 506, to establish the value of a lien as follows:

Name of creditor and description of property securing lien	Value of Debtor's interest in property	Holder and amount of superior liens	Estimate of creditor's claim	Value of lien (see IV(B)(4) below)	Unsecured claim after valuation (see IV(E) below)
-NONE-					

D. Assumption or Rejection of Executory Contract/Unexpired Lease: The debtor moves for the assumption of the following executory contract and/or unexpired lease. The debtor agrees to abide by all terms of the agreement and to cure any pre-petition arrearage or default in the manner below. Any executory contract or unexpired lease not specifically mentioned is rejected.

Name of Creditor and lease or contract to be assumed	Amount of regular payment	Estimated amount of Default (state if none)	Cure Provisions for any default paid by (Debtor or trustee)	Regular payments to be paid by Debtor directly to creditor beginning (month/year)
-NONE-				

III. THE FIFTH AMENDED CHAPTER 13 PLAN: PAYMENT OBLIGATIONS OF THE DEBTOR.

A. Payments from the debtor to the chapter 13 trustee (the "trustee"): The debtor submits to the supervision and control of the trustee all or such portion of future earnings or other future income as is necessary for the execution of the plan. In addition, the debtor will pay to the trustee any portion of a recovery under a pre-petition claim or cause of action that constitutes disposable income or is not exempt.

The debtor shall pay to the trustee the sum of $178.00 per month for a period of 60 months, unless all allowed claims (other than long-term claims) are fully paid pursuant to the plan. *Debtor asserts an interest in real property located at 2325 Two Notch Road, Columbia, SC. That real property is the subject of legal actions in both state and federal court. By order entered December 21, 2009, the Court granted limited relief from the automatic stay to allow the state court to finalize its consideration of state court appellate proceeding that were pending at the time of the filing of the Debtor's bankruptcy case. The opposing party in state court, who claims ownership of the Two Notch property, has waived claims for monetary damages. The orders of the Bankruptcy Court in regard to the property, including this Court's dismissal without prejudice of the adversary action regarding the estate's interest in the property, are on appeal to the United States District Court. In the event that the Debtor is determined to be the owner of the Two Notch property, the automatic stay shall apply, and the property shall be property of the estate, and upon further determination by the Court, Debtor proposes the property be sold under the direction of the Court with all proceeds of the sale to be turned over to the Trustee for appropriate distribution to all creditors who have filed timely proofs of claim with the Court after the Court determines the amount, if any, for attorney's fees and costs that are due to counsel for the Debtor.*

B. Payments from the debtor directly to creditors: The debtor shall pay all post-petition priority obligations, including but not limited to taxes and post-petition domestic support, and pay regular payments on assumed executory contracts or leases, directly to the holder of the claim as the obligations come due+, unless otherwise ordered by the Court. The debtor may be required to pay some or a portion of pre-petition debts directly to a creditor in addition to required payments to the trustee, as indicated in paragraph II(D) above and/or in the paragraphs that follow.

IV. PLAN DISTRIBUTIONS TO CREDITORS. To receive a distribution from the trustee, a proof of claim, including adequate supporting documentation, must be filed with the Court. If a claim designated in this plan as secured is filed as an unsecured claim and the plan is confirmed, the claim may be treated as unsecured for purposes of plan distributions by the trustee. If a creditor files a proof of claim alleging that the claim is secured, but does not timely object to the confirmation of the plan and the claim is treated as unsecured in a confirmed plan, the claim may be treated as unsecured for purposes of plan distributions by the trustee. Confirmation of this plan does not bar a party in interest from objecting to a claim. The trustee, after the deduction of the trustee's commission and expenses, or the debtor, as indicated, shall make payments as follows:

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A. Attorney for the debtor:

1. The debtor and the debtor's attorney have agreed to an attorney's fee in the amount of $ 3,000.00 for the services identified in the Rule 2016(b) disclosure statement filed in this case. The amount of 0.00 was paid prior to the filing of the case. The remaining fee shall be disbursed by the trustee as follows: Following confirmation of the plan and unless the Court orders otherwise, the trustee shall disburse $500.00 to the attorney from the initial disbursement.[2] Thereafter, the balance of the attorney's compensation as allowed by the Court shall be paid, to the extent then due, with all funds remaining each month after payment of allowed secured claims and pre-petition arrearages on domestic support obligations. In instances where an attorney assumes representation in a pending *pro se* case and a plan is confirmed, a separate order may be entered by the Court, without further notice, which allows for the payment of a portion of the attorney's fees in advance of payments to creditors.2. If, as an alternative to the above treatment, the debtor's attorney has received a retainer and cost advance and agreed to file fee applications for compensation and expenses in this case pursuant to 11 U.S.C. § 330, the retainer and cost advance shall be held in trust until fees and expense reimbursements are approved by the Court. Prior to the filing of this case, the attorney has received $0 and for plan confirmation purposes only, the fees and expenses of counsel are estimated at $unkown or less.

---

[2]The chapter 13 trustee shall not disburse more than the unpaid balance of the fee to be paid under the plan pursuant to (a), the balance of the fee previously applied for and authorized pursuant to (b), or the unpaid balance to be paid together with any supplemental fee then applied for and authorized under the terms of Operating Order 07-12, as applicable.

B. Secured Creditor Claim: The plan treats secured claims as follows:

1. General Provisions: The terms of the debtor's pre-petition agreement with a secured creditor shall continue to apply except as modified by this plan, the order confirming the plan, or other order of the Court. Holders of secured claims shall retain liens to the extent provided by 11 U.S.C. § 1325(a)(5)(B)(i). Secured creditors paid the full secured claim provided for by this plan shall timely satisfy any liens in the manner required by applicable law or order of this Court. Any creditor holding a claim secured by property that is removed from the protection of the automatic stay by order, surrender, or through operation of the plan will receive no further distribution from the chapter 13 trustee on account of any secured claim. This also applies to creditors who may claim an interest in, or lien on, property that is removed from the protection of the automatic stay by another lienholder or released to another lienholder, unless the Court orders otherwise. Any funds that would have been paid to any such creditor will be distributed according to the remaining terms of the plan. (The preceding language does not apply if the sole reason for its application arises under 11 U.S.C. §362(c)(3) or (c)(4).) Any creditor affected by this provision may file an itemized proof of claim for any unsecured deficiency within a reasonable time after the removal of the property from the protection of the automatic stay. Secured creditors that will be paid directly by the debtor may send standard payment and escrow notices, payment coupons, or inquiries about insurance, and such action will not be considered a violation of the automatic stay.

2. Long-term or mortgage debt. No default:
The debtor is current on obligations to -NONE- and will continue regular payments directly to that creditor. Description of collateral:

3. Long term or mortgage debt. Curing default: 11 U.S.C. 1322(b)(3) and/or (5):

a. Arrearage payments. The trustee shall pay the arrearage as stated in the creditor's allowed claim or as otherwise ordered by the Court to FIRST CITIZENS BANK at the rate of $54.00 or more per month, for (RESIDENCE, LOCATED AT RIMER POND RD., BLYTHEWOOD, SC), along with 0.0% interest. The creditor shall apply trustee payments solely to those designated arrearages, i.e., those arrearages accruing before the month specified in (b) below. For so long as the debtor complies with this plan, a creditor may not declare a default based on any payment delinquency to be cured by this paragraph and the creditor shall not impose any post-petition fee on account of any arrearage paid by the trustee.

b. Maintenance of regular non-arrearage payments. Beginning on October 1, 2009, the Debtor shall pay directly to the creditor non-arrearage payments arising under the agreement with the secured creditor. The creditor shall apply each payment under this paragraph solely to post-petition obligations that accrue during or after the month specified herein.

4. Secured portion of claims altered by valuation and lien avoidance: NONE
The trustee shall pay -NONE- the sum of $(payment amount) or more per month, along with (percentage)% interest until the secured claim of $(amount of secured claim) established above is paid in full. The remaining portion of the allowed claim will be treated as a general unsecured claim.

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5. Other secured debts (allowed claim to be paid in full without valuation or avoidance of lien): NONE

The trustee shall pay -NONE- the sum of $(payment amount) or more per month, along with (percentage)% interest until the secured claim is paid in full.

6. Surrender of property: NONE

The debtor will surrender the following property upon confirmation of the plan. The order confirming plan shall terminate the automatic stay as to that property: -NONE-. Any creditor affected by this provision may file an itemized proof of claim for any unsecured deficiency within a reasonable time after the surrender of the property.

7. Secured tax debt: NONE

The trustee shall pay the sum of $ 0.00 or more per month until the net balance of creditor's secured claim plus 0 % interest has been paid. If the lien is to be valued, the debtor shall file a separate motion to value the claim and establish priority of any remaining tax obligations. If a tax priority creditor files a claim designated as secured, is not treated as secured in this paragraph, and does not timely object to confirmation of this plan, then the claim may be paid as a priority claim for purposes of distributions from the trustee.

C. Priority Creditors: Priority claims shall be paid as follows:

1. Domestic Support Claims. 11 U.S.C. § 507(a)(1):

a. Pre-petition arrearages.

The trustee shall pay the pre-petition domestic support obligation arrearage to -NONE-, at the rate of $(amount) or more per month until the balance, without interest, is paid in full.

b. The debtor shall pay all post-petition domestic support obligations as defined in 11 U.S.C. §101(14A) on a timely basis directly to the creditor.

c. Any party entitled to collect child support or alimony under applicable nonbankruptcy law may collect those post-petition obligations from the income or assets of the debtor-parent/spouse without further order or relief from the automatic stay. (Any claim for pre-petition child support or alimony must be collected in accordance with 11 U.S.C. § 507(a)(1) and 11 U.S.C. § 1322(a)(2).)

2. Other Priority debt. The trustee shall pay all remaining pre-petition 11 U.S.C. § 507 priority claims on a pro rata basis.
INTERNAL REVENUE SERVICE - $4,176.74

D. Executory Contracts and Unexpired Leases: Regular payments that arise post-petition under an executory contract or lease that is being assumed shall be paid directly by the debtor according to the terms of the contract or lease. Pre-petition defaults will be cured by payments of the sum of $(payment amount) or more per month by the trustee or the debtor according to paragraph II(D). Claims arising from the rejection of executory contracts or leases shall be general unsecured claims unless otherwise ordered by the Court.

E. General Unsecured Creditors: General unsecured creditors shall be paid allowed claims pro rata by the trustee to the extent that funds are available after payment of all other allowed claims. The Debtor does not propose to pay 100% of general unsecured claims.

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EX. B

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT
James Anasti, Plaintiff, vs. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court Defendant.	CIVIL ACTION NO: 2007-CP-40-0576 **ORDER**

This matter comes before the Court on the request of the attorney for Mr. Anasti for a status conference. Ms. Lee is in Chapter 13 bankruptcy and operating under a Chapter 13 plan of reorganization confirmed by the United States Bankruptcy Court for the District of South Carolina on by order dated March 24, 2010. That order states, in part:

> By order entered December 21, 2009[1], the Court granted ***limited relief from the automatic stay to allow the state court to finalize its consideration of state court appellate proceeding*** that were pending at the time of the filing of the Debtor's bankruptcy case.

By its' plain terms, Ms. Lee's confirmed Chapter 13 plan of reorganization allows only the state appellate proceedings to be finalized in the state judicial system. It doe does not allow this Court to take further action on any matter relating to the dispute between the parties. In addition, the Court of Appeals issued filed its' order dated May 20, 2011 denying Mr. Anasti's request for sanctions and damages. Mr. Anasti did not appeal the decision of the Court of Appeals to our Supreme Court, and the decision of the Court of Appeals is now the law of the case. *Barth v. Barth*, 360 SE2d 309 (1987): (...the disposition of a case in the Court of Appeals when certiorari is not applied for nor granted becomes the law of the case...).

[1] The parties agree that the state court appellate appeal has been finalized.

It is therefore ordered that the request of Mr. Anasti for a pretrial conference is denied and the case is closed.

Alison Renee Lee, Administrative Judge

_____, 2011.

GOINGS
GOINGS LAW FIRM, LLC

914 RICHLAND STREET
SUITE A-101
POST OFFICE BOX 436 (29202)
COLUMBIA, SC 29201

P 803.350.9230
F 877.789.6340

E rgoings@goingslawfirm.com

May 8, 2012

VIA UNITED STATES MAIL
The Honorable Jeanette W. McBride
Richland County Clerk of Court
1701 Main Street, Room 205
Columbia, South Carolina 29202

Re: James A. Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court
Civil Action No.: 2007-CP-40-0576

Dear Ms. McBride:

Enclosed please find the original and one (1) copy of the Affidavit of Gina Anasti Lee in the above-referenced matter. Please file the original and return the clocked-in copy to me in the enclosed envelope.

By copy of this letter, I am hereby sending a copy of this Affidavit to The Honorable J. Michael Baxley, along with all counsel of record listed on the Certificate of Service.

Thank you for your assistance in this matter. Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Robert F. Goings

Enclosures
cc: The Honorable J. Michael Baxley
Gina Anasti Lee
All Counsel of Record

STATE OF SOUTH CAROLINA)
) AFFIDAVIT OF GINA ANASTI LEE
COUNTY OF RICHLAND)

PERSONALLY APPEARED BEFORE ME, the undersigned, GINA ANASTI LEE, who after being duly sworn, deposes and says:

1. I am over eighteen (18) years of age and the facts stated herein are true and accurate to the best of my knowledge and belief and based on information that I believe to be true.

2. I understand that Mr. Tony R. Megna has issued several deposition notices, interrogatories and requests for production of documents on my behalf.

3. I never authorized Mr. Megna to issue this discovery on my behalf.

4. Mr. Megna never contacted or consulted with me to obtain my approval or permission prior to issuing this discovery.

5. Mr. Megna never told me about, or sent me a copy of, the discovery that he apparently issued.

6. Mr. Megna has not informed me about a hearing related to this discovery.

7. I do not approve of Mr. Megna's conduct.

8. To the extent the court determines Mr. Megna's conduct was wrongful, I request that sanctions not be issued against me personally because I had nothing to do with Mr. Megna's actions or conduct.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.

Gina Anasti Lee
GINA ANASTI LEE

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 26th DAY OF April, 2012.

Mallory Guibault
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9/6/2021

MATTHEWS AND MEGNA, P.A.

ATTORNEYS-AT-LAW
3400 WEST AVENUE
COLUMBIA, SOUTH CAROLINA 29016
TELEPHONE: 803-254-3676

May 9, 2012

Mr. Robert Goings
914 Richland Street, Suite A-101
PO Box 436
Columbia, SC 29201
VIA mail and email to ergoings@goingslawfirm.com

Re: Your letter dated May 8, 2012

Dear Mr. Goings:

I am in receipt of your most recent letter dated May 8, 2012. As you are not representing Ms. Lee, I cannot comment on statements in regard to the status of the on-going litigation nor can I disclose the communications nor the agreements I have had with Ms. Lee. Moreover, please note these matters before the Court are matters directed against me, not Ms. Lee. Please review the amended motion filed by Mr. Truslow.

I am particularly concerned with your communications to the court, Ms. Lee and to me because you admittedly are not representing her interests. You have prepared an affidavit for Ms. Lee, filed it with the court on her behalf – all while admittedly not legally representing her interests as an attorney, and admitting having actual knowledge she is otherwise represented by counsel – both me and Mr. Matthews. Additionally, it appears that your written admission that are not representing Ms. Lee indicates that all conversations and communications (as well as your work product) you have had with her (and others) to date are not privileged and you are now a fact witness to matters pending before the Court.

Mr. Goings, I respectfully insist that you discontinue all communications with Ms. Lee, that you inform her that your conversations with her and whoever else you have spoken to in regard to these matters are not privileged in any sense of the word, that you cease all discussions with Mr. Truslow or anyone else adverse to Ms. Lee's interests in the hopeful (but not likely) circumstance some semblance of the attorney-client privilege can be asserted to protect Ms. Lee's conversations with you. In addition, I request you immediately notify Judge Baxley that you are NOT representing Ms. Lee. Your filing of documents on her behalf with the court intimates you are representing her interests. This is a false representation to the Court. Judge Baxley must know that you are not representing Ms. Lee, but rather representing Mr. Goodwin and Mr. Wilson – adverse parties in the same litigation. I also suggest that you fully disclose to the Court if you have been working with Mr. Truslow or others in regard to these matters. The important

issue is that you are truthful with the Court so that Ms. Lee's interests are protected. We can sort out the remainder of the matters at a later date.

If you are insistent upon further inserting yourself into these matters, however, you are free, as is any person, to obtain the public physical documents filed in the federal actions on PACER [Public Access to Court Electronic Records]. PACER is available 24 hours a day, including weekends. Updates are processed in real-time and are available immediately. First, you will need a PACER account. The local internet addresses for accessing the documents in each matter, are as follows:

Fourth Circuit Court of Appeals: 10-1772
The internet link maintained by the Fourth Circuit to access all the documents filed in the appeals is: https://pacer.login.uscourts.gov/cgi-bin/login.pl?court_id=04ca

United States District Court for the District of South Carolina: 3:10-cv-00626-JFA
The specific internet link maintained by the Fourth Circuit to access all the documents filed in the appeals is: https://ecf.scd.uscourts.gov/cgi-bin/login.pl

United States Bankruptcy Court for the District of South Carolina:
Your Bankruptcy CASE NUMBER: 09-02854
ADVERSARY NUMBER: 09-80133-jw
The specific internet link maintained by the Bankruptcy Court to access all the documents filed in the appeals is: https://ecf.scb.uscourts.gov/

In addition to the foregoing, I provided Ms. Lee a CD with the state-court Record on Appeal as well as other documents as well as the briefs filed in Court of Appeals. The documents on the CD as well as the documents obtained from PACER comprise the vast majority of the documents in the state-court matters other than correspondence that has been previously sent to Ms. Lee and is protected under the attorney-client privilege – a privilege that, once again, you admittedly do not have with Mr. Lee.

With kind regards, I remain

Sincerely yours,

s/Tony R. Megna

Cc: Gina L. Lee
PO Box 655
Blythewood, SC 29016

EXHIBIT 3

Examples of discovery problems with Megna are attached and include:

1. Multiple motions to compel
2. Megna's denial of request to admit
3. Refusal to engage in discovery and motion
4. Motion to exclude (proof of Megna's sanctionable conduct)
5. Megna's refusal to participate in taking the deposition of a witness whom he had identified in discovery (and whom Megna had sued for legal malpractice in the companion case for conduct directly related to this case).

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	IN THE FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Docket Number: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	**PLAINTIFF'S FIRST SET**
WILLIS GOODWIN,	)	**OF INTERROGATORIES**
GINA L. ANASTI LEE,	)	**DIRECTED TO DEFENDANT**
RICHLAND COUNTY CLERK	)	**GINA L. ANASTI LEE**
OF COURT	)	
	)	
Defendants.	)	
	)	

TO DEFENDANT GINA L. ANASTI LEE and TONY MEGNA, ESQUIRE, ATORNEY FOR DEFENDANT LEE:

The Plaintiff, by and through the undersigned attorney, hereby requests that the following Interrogatories be answered within thirty (30) days after service pursuant to Rule 33 (b) of the South Carolina Rules of Civil Procedure:

INSTRUCTIONS

A. Every interrogatory herein shall be deemed a continuing request and you are to supplement your answers promptly, if and when you obtain relevant information in addition to, or in any way inconsistent with your initial answer to any such interrogatory.

B. If you object to, or otherwise decline to answer any portion of any interrogatory, provide all information called for by that portion of the interrogatory to which you do not object or which you do not decline to answer. If you object to any interrogatory on the ground that it is too broad, provide such information which is concededly relevant. For those portions of any interrogatory to which you object or to which you otherwise decline to answer, state the reason for your objection.

C. Every reference to "you" or "your" in these interrogatories refers to the Defendant. References to "you" or "your" do not refer to Defendant's attorney.

D. When an interrogatory or any of its subparts calls for you to "specify in detail" your allegations in your Complaint, the interrogatory calls for you to set forth each fact and identify each document which you contend supports your allegation, to identify each person who possesses knowledge of facts relating to your allegation, and to identify any other basis for your allegation.

INTERROGATORIES

1. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.
2. Set forth a list of photographs, plats, sketches, or other prepared documents in possession of the party that relate to the claim or defense in the case.
3. List the names and addresses of any expert witnesses whom the party proposed to use as a witness at the trial of the case.
4. For each person known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.
5. Set forth all facts relied on as set forth in your *Answer of Defendant Lee to Claims of Plaintiff and Cross-Claims of Defendant Lee Against Defendant Wilson* as it relates to the following:
    a) paragraph 4;
    b) paragraph 5;
    c) paragraph 6;
    d) paragraph 7;

e) paragraph 8;

f) paragraph 9; and

g) paragraph 10.

6. Set forth the names and addresses of all witnesses to the Deed of Distribution regarding the within lawsuit.

7. Set forth all facts, reasons, and documents supporting any contention that you had any interest in the real property subject to within lawsuit.

8. If you deny any Requests for Admission, explain and set forth all facts justifying your denial.

These Interrogatories are deemed to continue until trial.

DOUGLAS N. TRUSLOW
Attorney for Plaintiff
PO Box 1465
Columbia, SC 29202
(803)256-6276

Columbia, South Carolina

3/30, 2007

STATE OF SOUTH CAROLINA **James A. Anasti,** **Plaintiff,** **vs.** **Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court,** **Defendants.**	**IN THE COURT OF COMMON PLEAS** **FIFTH JUDICIAL CIRCUIT** **CIVIL ACTION NO: 07-CP-40-0576** **ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

TO: (a) Plaintiff named above and his attorney, Douglas N. Truslow, Esquire

1. a Plaintiff, address unknown.
   b. Gina Lee
   PO Box 655
   Blythewood, SC 29016
   c. Curtis W. Dowling, Esquire
   Post Office Box 8448
   Columbia, SC 29202
   d. Thomas G. Earle
   Attorney at Law
   1735 St. Julian Place
   Suite 103
   Columbia, SC 29204
   e. Lance Wilson, address unknown
   f. Willis Goodwin, address unknown
   g. Dallis Law Firm, Charleston SC, address unknown

2. All documents were produced and forwarded to counsel for Plaintiff in April, 2007.

3. None at this time.

4. The documents formerly produced to counsel for Plaintiff speak for themselves. The documents show that the claims of the Plaintiff are barred by the doctrine of adverse possession as the possession by Defendant Lee of the property which is

the subject of this action has been actual, open, notorious and exclusive possession under claim of title as filed in the Office of the Richland County Clerk of Court, and that continued exclusive occupation, possession and claim under title of the premises by Defendant Lee has existed for over ten (10) years prior to the filing of this action. In addition, The Plaintiff is barred and estopped from asserting any claim, however defined, against the Defendant Lee of any interest, legal or equitable, in the property known as 2325 Two Notch Road, Columbia, SC because:

a. the Plaintiff participated [personally and through his attorney-in-fact] in the Probate Court proceedings that led to the transfer of the property of which Plaintiff complains and is bound by the orders and/or deeds of transfer,

b. the Plaintiff acquiesced and participated [personally and through his attorney-in-fact] in the transfer of the property to Defendant Lee by the Probate Court and is bound by the orders and/or deeds of transfer, and

c. the provisions of S.C. Code Ann. 62-3-1006 bar recovery by Plaintiff against the Defendant Lee.

5. The documents that the claims of the Plaintiff are barred by the doctrine of adverse possession as the possession by Defendant Lee of the property which is the subject of this action has been actual, open, notorious and exclusive possession under claim of title as filed in the Office of the Richland County Clerk of Court, and that continued exclusive occupation, possession and claim under title of the premises by Defendant Lee has existed for over ten (10) years prior to the filing of this action. In addition, The Plaintiff is barred and estopped from asserting any claim, however defined, against the Defendant Lee of any interest,

legal or equitable, in the property known as 2325 Two Notch Road, Columbia, SC because:

a. the Plaintiff participated [personally and through his attorney-in-fact] in the Probate Court proceedings that led to the transfer of the property of which Plaintiff complains and is bound by the orders and/or deeds of transfer,

b. the Plaintiff acquiesced and participated [personally and through his attorney-in-fact] in the transfer of the property to Defendant Lee by the Probate Court and is bound by the orders and/or deeds of transfer, and

c. the provisions of S.C. Code Ann. 62-3-1006 bar recovery by Plaintiff against the Defendant Lee.

6. As stated in the deposition of the Defendant Lee [which will be produced as soon as the Defendant Lee receives a copy], she does not recall the names of the witnesses named in the deed of distribution other than she is informed and believes they were employees of the Richland county Probate Court. In fact, the Defendant Lee's recollection is that all such documents were prepared by employees of the Richland County Probate Court.

7. The essence of the Defendant Lee's contentions are:

a. stated in the Defendant Lee's Answers and Counterclaims filed in this matter and related actions concerning the property in question;

b. That the Plaintiff actually participated [personally and through his attorney-in-fact] in all events leading up to and including all distributions of property [real and personal] through the last will and testament of Albert A. Anasti.

c. the Plaintiff acquiesced and participated [personally and through his attorney-in-fact] in the transfer of the property to Defendant Lee by the Probate Court and is bound by the orders and/or deeds of transfer, and

d. the provisions of S.C. Code Ann. 62-3-1006 bar recovery by Plaintiff against the Defendant Lee.

Tony R. Megna, Esquire
Attorney at Law
Bar Number 3930
1815 Fulmer Road
Blythewood, SC 29016
Telephone: 803-799-1700
Facsimile: 803-753-9004
E-mail: tony@pdhc.com

May 9, 2007.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	IN THE FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Docket Number: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	**PLAINTIFF'S FIRST SET**
WILLIS GOODWIN,	)	**OF REQUESTS FOR ADMISSION**
GINA L. ANASTI LEE,	)	**DIRECTED TO DEFENDANTS**
RICHLAND COUNTY CLERK	)	**LANCE WILSON, WILLIS GOODWIN,**
OF COURT	)	**and GINA L. ANASTI LEE**
	)	
Defendants.	)	
	)	

TO DEFENDANTS LANCE WILSON AND WILLIS GOODWIN and THOMAS G. EARLE, ESQUIRE, ATTORNEY FOR DEFENDANTS WILSON AND GOODWIN, and DEFENDANT GINA L. ANASTI LEE and TONY MEGNA, ESQUIRE, ATORNEY FOR DEFENDANT LEE:

Plaintiff hereby requests, pursuant to SCRCP Rule 36, that the Defendants admit the truth of the following matters of fact:

1. Admit that the real property that is the subject of the within lawsuit is located at 2325 Two Notch Road in Columbia, South Carolina. A
2. Admit that on November 17, 1978 Laura Corvi was the owner of the Two Notch Road property that is the subject of the within lawsuit. ?! D
3. Admit that on November 17, 1978 Laura Corvi deeded the Two Notch Road property to Albert Anasti and James Anasti as joint tenants with a right of survivorship as is reflected in the deed attached hereto as Exhibit A and which was recorded in the Richland County RMC Office at Deed Book D 482, pages 756 and 757. ?! D
4. Admit that Albert Anasti died on October 24, 1995. A
5. Admit that Plaintiff James Anasti is the true and lawful owner of the property described in Exhibit A. D

YOU WILL PLEASE TAKE FURTHER NOTICE that, if Defendants fail to admit the genuiness of any document or the truth of any matter as requested hereinabove, or if Defendants otherwise fail to comply with the requirements of SCRCP 36, and if Plaintiff thereafter proves the genuiness of the documents or the truth of the matter, then Plaintiff will apply to the Court for an Order requiring Defendants to pay to Plaintiff the reasonable expenses incurred in making that proof, including reasonable attorneys fees, suit money, costs and expert fees, and for such other and further relief as the Court may find proper.

DOUGLAS N. TRUSLOW
Attorney for Plaintiff
Post Office Box 1465
Columbia, South Carolina 29202
(803)256-6276

Columbia, South Carolina

3/30, 2007

TONY R. MEGNA

ATTORNEY-AT-LAW
1815 FULMER ROAD
BLYTHEWOOD, SOUTH CAROLINA 29016
TELEPHONE: 803-799-1700
tony.megna@scbar.org

April 18, 2007

Douglas N. Truslow, Esquire
P.O. Box 1465
Columbia, SC. 29202

Re: Anasti v. Wilson, et. al., Case No. 07-CP-40-00576

(a) Objections to Deposition of Gina Lee
(b) Notice of Deposition of Plaintiff Anasti
(c) Request for Discovery Conference
(d) Defendant Lee's First Set of Interrogatories
(e) Defendant Lee's First Set of Requests to Produce
(f) Defendant Lee's Amended Answer, Counterclaims and Crossclaim
(g) Defendant Lee's response to Plaintiff's Request to Produce

Dear Doug:

First, this letter is my written objection to Mrs. Lee's proposed deposition date of April 24 because (a) I am not able to attend on April 24, and (b) the Defendant Wilson has not thirty (30) days to answer Mrs. Lee's cross-claims. Also, as you may be aware, two other cases are pending in Richland County that were brought by Mr. Earle and center about the same or similar issues and facts as the case you recently initiated. I believe it is appropriate for the Court to consider conducting a discovery conference pursuant to Rule 26(f) and perhaps join the cases, at least for discovery not for trial. By copy of this letter, I am advising Mr. Earle and Curtis Dowling of my concerns and requests.

Mr. Earl I agree to your date!

Second, this letter is my notice to you and of the Plaintiff intent to take Mr. Anasti's deposition on the same date and at the same place that Mrs. Lee's deposition is taken by you. Mrs. Lee has advised me that your client has lived out of the country much of the past ten to fifteen years and does not currently live in Richland County. To minimize the burden to everyone, I suggest agreeing to a mutually acceptable time for all depositions to be taken on the same date. If you will advise of several dates convenient to you and your client, I will discuss the matter with Mrs. Lee and let you know. I have deliberately not filed a request for a protective order at this time as Rule 26(f)(5) contemplates we will attempt to work out such issues. I am agreeable to any reasonable schedule for discovery and trial of all cases. As you and Mr. Earle have met in the past, I would appreciate the two of you taking the lead in this matter. Hopefully, everyone will agree that it is best to pursue these issues in an orderly, holistic manner. If so, we can resolve all the cases in a timely fashion.

Finally, I am also enclosing Defendant Lee's First Set of Interrogatories, Defendant Lee's First set of Requests to Produce, and Defendant Lee's Amended Answer, Counterclaim and Crossclaim. In response to your request for production of documents, my office is separately sending you a CD that contains PDF versions of the documents you requested. You should receive it within the next few days. In addition, as you are likely aware, we recently completed depositions of Mrs. Lee as well as the other defendants in a companion case brought by Mr. Earle. I have not received a copy of the deposition but will forward you a copy when I receive it if you request. The depositions include copies of materials that Ms. Lee has in her possession that is relevant to your request.

Not done

I can be reached at 803.799.1700. My office will take a message and I will return your call. I can also be reached at tony@pdhc.com.

With kind regards, I remain

Sincerely yours,

Tony R. Megna

Cc: Curtis W. Dowling, Esquire
Post Office Box 8448
Columbia, SC 29202

Gina L. Lee
PO Box 655
Blythewood, SC 29016

Thomas G. Earle
1735 St. Julian Place
Suite 103
Columbia, SC 29204

DOUGLAS N. TRUSLOW, P.A.
ATTORNEY
914 RICHLAND STREET, SUITE B-102
POST OFFICE BOX 1465
COLUMBIA, SOUTH CAROLINA 29202

TELEPHONE (803) 256-6276 E-MAIL: doug_dnt@bellsouth.net FAX (803) 256-7659

April 20, 2007

Re: ***James A. Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court***
Civil Action Number: 2007-CP-40-0576

Tony R. Megna, Esquire
1815 Fulmer Rd.
Blythewood, SC 29016

Dear Tony:

In response to your letter dated April 18, 2007:

1. It is very difficult to reach you by phone and I had to set a deposition date without your input. Please give me dates for a deposition and I will try to accommodate your schedule. I expect to take the deposition within the next two weeks and it was set more than thirty days after service of the cross-claim in any event. Please advise me of your schedule.
2. I would respectfully suggest that under the circumstances simply telling me you object to a deposition is not sufficient when my client's notice was in compliance with the rules. You need to file a formal objection if your client will not comply with discovery.
3. I was previously unaware of any pending action involving Mr. Earle. The last I knew -- at the time I noticed the deposition, was that it was dismissed or inactive. Will you provide me with copies of the file and all discovery? not done.
4. Mr. Anasti lives in Charleston and can be available. Please just have your staff contact mine about taking his deposition – your suggestion of taking it on the same day as Ms. Lee's seems appropriate to me.
5. You may be laboring under a misconception – I have not met with Mr. Earle in the past. We have only talked very briefly by phone.
6. Based on the disclosures of a deposition of Ms. Lee, you will find enclosed an additional request to produce.

Sincerely,

Douglas N. Truslow
DNT/adh
cc: Jim Anasti
Thomas Earle, Esquire

DOUGLAS N. TRUSLOW, P.A.
ATTORNEY
914 RICHLAND STREET, SUITE B-102
POST OFFICE BOX 1465
COLUMBIA, SOUTH CAROLINA 29202

TELEPHONE (803) 256-6276 E-MAIL: doug_dnt@bellsouth.net FAX (803) 256-7659

May 17, 2007

Re: ***James A. Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court***
Civil Action Number: 2007-CP-40-0576

Tony R. Megna, Esquire
1815 Fulmer Rd.
Blythewood, SC 29016

Dear Mr. Megna:

It's been some time now since Harriet and I talked about taking your client's deposition this month. And I haven't heard from you, nor have I gotten full discovery responses. Please give me the courtesy of a prompt response.

Sincerely,

Douglas N. Truslow
DNT/adh

DOUGLAS N. TRUSLOW, P.A.
ATTORNEY
914 RICHLAND STREET, SUITE B-102
POST OFFICE BOX 1465
COLUMBIA, SOUTH CAROLINA 29202

TELEPHONE (803) 256-6276 E-MAIL: doug_dnt@bellsouth.net FAX (803) 256-7659

June 1, 2007

Re: ***James A. Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court***
Civil Action Number: 2007-CP-40-0576

Tony R. Megna, Esquire
1815 Fulmer Rd.
Blythewood, SC 29016

Dear Tony:

I am writing this letter to follow up on discovery I sent in March, the notice of Deposition of April 3, 2007 and my letters of April 20, 2007, May 3, 2007 and May 17, 2007 to which I have gotten no (or inadequate) responses.

In my April 20, 2007 letter I asked for a convenient date for a deposition. Some time later Harriett called and asked if we could take the deposition in late May and I agreed, provided you would give me a firm date, as confirmed in my May 3, 2007 letter. When I heard nothing in return, I wrote on May 17, 2007 and likewise I received no response.

Under the circumstances, I know of nothing else I can do. Accordingly, this will serve as the notice of the taking of your client's deposition on Friday June 15, 2007 at my office at 10:00 a.m. Under the circumstances we will have to take Mr. Anasti's deposition on another date.

Also enclosed is a Motion to Compel.

Sincerely,

Douglas N. Truslow
DNT/adh

cc: Jim Anasti
Thomas Earle, Esquire

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	IN THE FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
JAMES A. ANASTI,	)	Docket Number: 2007-CP-40-0576
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LANCE WILSON,	)	**MOTION TO COMPEL**
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
RICHLAND COUNTY CLERK	)	
OF COURT	)	
	)	
Defendants.	)	
	)	

TO: TONY MEGNA, ESQ., ATTORNEY FOR DEFENDANT GINA L. ANASTI LEE:

PLEASE TAKE NOTICE that Plaintiff, by and through the undersigned attorney, on the 10th day after service hereof or at such time and place as the Court may set, will move before the Court pursuant to Rules, 33, 34 and 37 of the South Carolina Rules of Civil Procedure for an order compelling the Defendant to appropriately respond to Plaintiff's First Set of Interrogatories and Request for Production of Documents, copies of said Interrogatories and Request for Production being attached hereto. Counsel for Plaintiff also will seek appropriate sanctions, including but not limited to attorney's fees, allowable under Rule 37, SCRCP.

This motion is based on the following grounds:

1. Plaintiff's First Set of Interrogatories Directed to Defendant Gina L. Anasti Lee and Plaintiff's First Set of Requests for Production Directed to Defendants Lance Wilson, Willis Goodwin, and Gina L. Anasti Lee were both served on Defendant on March 30, 2007.

2. Plaintiff's Second Set of Requests for Production Directed to Defendant Gina L. Anasti Lee was served on Defendant on April 23, 2007.

3. That more than 30 days have expired since the Defendant was served with the Interrogatories and two sets of Requests for Production of Documents and the Defendant has failed to completely answer.

4. As of the date of filing of this motion, neither Plaintiff nor Plaintiff's attorney's have received complete answers to discovery requests.

The undersigned counsel for Plaintiff hereby certifies, pursuant to Rule 11 of the South Carolina Rules of Civil Procedure, that consultation with opposing counsel would serve no useful purpose.

DOUGLAS N. TRUSLOW
Attorney for Plaintiff
P.O. Box 1465
Columbia, South Carolina
(803) 256-6276
Fax (803) 256-7659

Columbia, South Carolina

5/31, 2007

Recd 6/4/07

note: Pgs are dated MTG's on compared to this letter, with it proves it was mailed MTG

TONY R. MEGNA
ATTORNEY-AT-LAW
1815 FULMER ROAD
BLYTHEWOOD, SOUTH CAROLINA 29016
TELEPHONE: 803-799-1700
tony.megna@scbar.org

May 7, 2007

Douglas N. Truslow, Esquire
P.O. Box 1465
Columbia, SC 29202

Re: Anasti v. Wilson, et. al., 07-CP-40-00576

Dear Doug:

I spoke to Gina today, and she has advised me she is having medical problems. She is unsure of the exact type of intervention that will be required, but her physician believes she requires immediate surgery. She would appreciate everyone, and, in particular, her brother, being accommodating at this difficult time for her. I will contact you when she informs me she has recovered sufficiently for her deposition to be taken. Also, I have enclosed the answers to your interrogatories, and, of course, await your reply to my discovery requests.

Thank you for your consideration in the matter, and please feel free to call me or Harriet at 799.1700 if we can be of assistance.

With kind regards, I remain

Sincerely yours,

Tony R. Megna

Cc: Curtis W. Dowling, Esquire
Post Office Box 8448
Columbia, SC 29202

Gina L. Lee
PO Box 655
Blythewood, SC 29016

Thomas G. Earle
1735 St. Julian Place, Suite 103
Columbia, SC 29204

DOUGLAS N. TRUSLOW, P.A.
ATTORNEY
914 RICHLAND STREET, SUITE B-102
POST OFFICE BOX 1465
COLUMBIA, SOUTH CAROLINA 29202

TELEPHONE (803) 256-6276 E-MAIL: doug_dnt@bellsouth.net FAX (803) 256-7659

June 5, 2007

Re: ***James A. Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court***
Civil Action Number: 2007-CP-40-0576

Tony R. Megna, Esquire
1815 Fulmer Rd.
Blythewood, SC 29016

Dear Tony:

After I wrote to you last Friday, I received a letter from you dated May 7, 2007. I certainly don't doubt that you mailed the letter on that date, but it was addressed to Douglas Truluck at what appears to be an address different from mine (but the ink/type is so faint that is it difficult to tell). In any event, it was at some point forwarded to me.

On another note, if your client is having "medical problems", but is working then she should be able to have her deposition taken. If your client has a disabling medical condition, I certainly want to accommodate her. To that extent, an Affidavit from your client to the effect that she is not working and an Affidavit form her doctor confirming this should be sufficient. Otherwise, I expect to take the deposition.

May I hear from you?

Sincerely,

Douglas N. Truslow
DNT/adh

cc: Jim Anasti

DOUGLAS N. TRUSLOW, P.A.
ATTORNEY
914 RICHLAND STREET, SUITE B-102
POST OFFICE BOX 1465
COLUMBIA, SOUTH CAROLINA 29202

TELEPHONE (803) 256-6276 E-MAIL: doug_dnt@bellsouth.net FAX (803) 256-7659

June 6, 2007

Re: ***James A. Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court***
Civil Action Number: 2007-CP-40-0576

Tony R. Megna, Esquire
1815 Fulmer Rd.
Blythewood, SC 29016

Dear Mr. Megna:

In reviewing Defendant Lee's Answers to Interrogatories dated May 9, 2007 (received June 4, 2007), I have the following comments:

Interrogatory #1: Your client has not indicated if there are any statements.

Interrogatory #2: Your client has not listed responses and I am unable to ascertain what documents you refer to. I did receive a disc (with no cover letter or explanation) in May. Again, I need precise responses.

Interrogatory #4: I need to know what each witness will testify to.

Interrogatory #8: There was no response.

Also, the answers to interrogatories are not verified. Please see that this is done as soon as possible.

Finally, I have no response to the 2nd set of requests for production dated April 23, 2007. When may I expect a response? I must have this prior to your client's deposition and/or we will need to recess the deposition until your client complies with discovery.

Sincerely,

Douglas N. Truslow
DNT/adh

P.S. Your client needs to comply with the Court Rules (& provide discovery) before I bring my client's

cc: Jim Anasti

P.S. Please see the enclosed 2nd set of requests for admission directed to your client.

TONY R. MEGNA
Attorney At Law
1815 Fulmer Road
Blythewood, South Carolina 29016
Telephone: 803-799-1700
Telefax: 803-753-9004
tony.megna@scbar.org

June 6, 2007

SENT VIA E-MAIL

Douglas N. Truslow, Esquire
Post Office Box 1465
Columbia, South Carolina 29202

Dear Doug:

This letter is to confirm our telephone conversation of June 5, 2007, wherein you agreed to make your client available for his deposition to be taken on June 15, 2007, immediately following Gina's deposition.

I apologize that a cover letter was not sent with the CD containing the remainder of the discovery, but I am glad the mystery of the unknown CD has been solved. It is my understanding that all information has now been provided to you as to your request for discovery. Therefore, I trust the motion(s) recently filed to enforce discovery will be withdrawn. If this is not correct, please so advise.

I ask that your office please confirm the date, time, and place of the taking of these depositions.

If the above does not accurately reflect our conversation, please contact me at your earliest convenience at 803-799-1700.

I look forward to seeing you in the near future.

With kind regards, I remain

Sincerely yours,

Harriet L. Hobbs

Harriet L. Hobbs
Paralegal

No virus found in this incoming message.

Douglas N. Truslow

From: Doug Truslow [doug_dnt@bellsouth.net]
Sent: Wednesday, June 06, 2007 4:16 PM
To: 'harrieth@pdhc.com'
Subject: RE: Confirming Our Telephone Conversation

I have written to Mr. Megna several times, and I had previously left messages to no avail. If you have an opportunity to review the file, you will obviously be able to see what deficiencies there are. I am very sorry that your client is ill and will try to accomidate her - even more reason to go ahead and get discovery completed.

Doug

From: Harriet Hobbs [mailto:harrieth@pdhc.com]
Sent: Wednesday, June 06, 2007 4:04 PM
To: 'Doug Truslow'
Subject: RE: Confirming Our Telephone Conversation

Good Afternoon -

Ms. Lee is scheduled for surgery the week following her deposition. She will be in the hospital for several days and out of commission for at least 6 to 8 weeks following surgery. She will not be able to drive for at least 4 to 6 weeks.

If you would please let me know what responses Tony has not provided, I will make every effort to assist. Although, Tony has informed me that he has nothing left to provide.

If we are unable to take both depositions on the same day, I propose we check the calendars to find a day that would be acceptable to you, your client, Tony, and Gina.

I look forward to hearing from you.

Harriet

-----Original Message-----
From: Doug Truslow [mailto:doug_dnt@bellsouth.net]
Sent: Wednesday, June 06, 2007 3:27 PM
To: harrieth@pdhc.com
Subject: RE: Confirming Our Telephone Conversation

I would like to take both depositions at the same time, but I cannot do so unless or until I get full discovery responses. Therefore, I would propose to go ahead and at least start on Ms. Lee's deposition and just adjourn it, to be resumed at a later date and thereafter having Mr. Anasti's depostion taken. Also, since Mr. Megna has listed Mr. Earle as a witness, this may complilcate matters somewhat.

From: Harriet Hobbs [mailto:harrieth@pdhc.com]
Sent: Wednesday, June 06, 2007 9:54 AM
To: doug_dnt@bellsouth.net
Cc: tony@pdhc.com
Subject: Confirming Our Telephone Conversation

DOUGLAS N. TRUSLOW, P.A.
ATTORNEY
914 RICHLAND STREET, SUITE B-102
POST OFFICE BOX 1465
COLUMBIA, SOUTH CAROLINA 29202

TELEPHONE (803) 256-6276 E-MAIL: doug_dnt@bellsouth.net FAX (803) 256-7659

June 11, 2007

Re: ***James A. Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court***
Civil Action Number: 2007-CP-40-0576

Tony R. Megna, Esquire
1815 Fulmer Rd.
Blythewood, SC 29016

Dear Mr. Megna:

In response to your letter dated June 8, 2007 (received June 11, 2007), I am not trying to be difficult and to the extent you think I am, I am truly sorry. However, you are extremely difficult to get in touch with, as confirmed by your staff (Harriett Hobbs). Harriet, who I understand works in a corporate office with which you are affiliated indicated that you perform your legal work out of your home in Blythewood, that you prepare your own correspondence and pleadings and that you are extremely busy at present working out of town on what I understand to be non-legal personal business ventures(s).

I have been trying to take your client's deposition for months now, and in fact agreed with Harriett to accommodate what I understood to be your busy personal business schedule and take your client's deposition in late May at a date selected by and convenient for you and your client. However, when I had not heard from you after agreeing to reasonable accommodations, I had to just set a deposition date.

I did previously say to Harriett that it seemed to make perfectly good sense to take my client's deposition on the same date as yours, predicated on your client fully complying with discovery (not yet done). I thought I made it perfectly clear and followed up with my June 1, 2007 letter but if you are confused, let me make it clear now – the taking of my client's deposition on June 15, 2007 has always been dependant on your client's timely and full discovery responses (obviously not done and hence my June 1, 2007 letter).

In response for your "Revised Answers to Plaintiff's First Set of Interrogatories", I am unfortunately not "mollified". All I want is complete discovery responses. It is that simple. For example, I do not have copies of depositions as your client opines, nor do I have copies of the file in the other case you referenced.

Regarding the remainder of the second paragraph of your letter, I did not overlook the CD mailed from Darlington. The CD came in a plain envelope with no letterhead, much less a cover letter or the proper form or format by which attorneys normally respond to discovery (and I didn't know and still don't know you had a Darlington law office – I have no address for it in any event, but Harriett did explain at a later date that you are doing some type of non-legal work in Darlington). Upon opening the envelope and then opening the CD, I did assume it came from your office, but my staff jokingly labeled it "mystery file" given the extraordinarily unusual manner of delivery. Nonetheless it is obviously not complete as previously indicated and as reiterated herein.

As to Ms. Lee's health and ability to be deposed I understood from your previous letter dated May 7, 2007 (received June 4, 2007, subsequent to my client's Motion to Compel) that Ms. Lee may be unable to have her deposition taken in a timely manner because of health reasons, yet I confirmed that she was in fact working. My thought process under the unique circumstances with which I was presented was that if she could work full time, she could certainly have her deposition taken. I knew nothing about her health care insurance coverage and in any event would have agreed to take the deposition at a time so as to reasonably accommodate her schedule if she were too sick to participate in legal proceedings, had you communicated with me in a timely fashion.

Finally, in response to my concerns about not being able to reach you, Harriett has now made clear that all my concerns should be directed to her – and she is most courteous and polite and I enjoy talking with her. The problem is that she apparently does not receive or respond to pleadings, correspondence, etc. and hence her ability to relay to you my concerns is limited.

In closing, I expect to start with the taking of your client's deposition on June 15, 2007 (to be concluded when she fully responds to discovery). After that time you may take my client's deposition – either with proper notice or by consent. If your client does not fully respond before her deposition my client will seek fees and costs.

Sincerely,

Douglas N. Truslow
DNT/adh

cc: Jim Anasti

DOUGLAS N. TRUSLOW, P.A.
ATTORNEY
914 RICHLAND STREET, SUITE B-102
POST OFFICE BOX 1465
COLUMBIA, SOUTH CAROLINA 29202

TELEPHONE (803) 256-6276 E-MAIL: doug_dnt@bellsouth.net FAX (803) 256-7659

June 14, 2007

Re: ***James A. Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court***
Civil Action Number: 2007-CP-40-0576

Tony R. Megna, Esquire
1815 Fulmer Rd.
Blythewood, SC 29016

Dear Mr. Megna:

Please accept this as the notice of the taking of your client's deposition on Tuesday, June 26, 2007 at my office at 9:00 a.m. We will take Mr. Anasti's deposition on the same date following that of Mrs. Gina L. Anasti Lee.

Sincerely,

Douglas N. Truslow
DNT/sop

cc: Jim Anasti
Thomas Earle, Esquire

TONY R. MEGNA

ATTORNEY-AT-LAW
1815 FULMER ROAD
BLYTHEWOOD, SOUTH CAROLINA 29016
TELEPHONE: 803-799-1700
tony.megna@scbar.org

July 20, 2007

Douglas N. Truslow, Esquire
P.O. Box 1465
Columbia, SC 29202

Re: Anasti v. Wilson, et. al., 07-CP-40-00576
Wilson v. Lee, CA Number 04-CP-40-5333

Dear Doug:

I received your notice to take the depositions of Defendants Wilson and Goodwin on July 27. As you may recall, I am out of town the last week of July for a long-scheduled trip. I would appreciate you re-scheduling the deposition for a time I can attend. Thank you for your consideration in the matter. Please feel free to call Harriet at 799.1700 for a date and time that is convenient for you.

With kind regards, I remain

Sincerely yours,

Tony R. Megna

Cc:

Mr. Thomas Earle
1735 St. Julian Place
Suite 103
Columbia, SC 29204

Gina L. Lee
PO Box 655
Blythewood, SC 29016

Note: Postmarked Aug 20, 2007 & received Aug 21, 20[illegible]

TONY R. MEGNA
ATTORNEY-AT-LAW
1815 FULMER ROAD
BLYTHEWOOD, SOUTH CAROLINA 29016
TELEPHONE: 803-799-1700
tony.megna@scbar.org

July 20, 2007

Douglas N. Truslow, Esquire
P.O. Box 1465
Columbia, SC 29202

Re: Anasti v. Wilson, et. al., 07-CP-40-00576
Wilson v. Lee, CA Number 04-CP-40-5333

Dear Doug:

Ms. Lee respectfully objects to your recent request for production of her tax records as well as to your request for communications she may have had with Joe Moore, a previous attorney who worked with both Ms. Lee and me in regard to these matters. The basis of the objections are (a) the request for Ms. Lee's tax returns are unnecessarily harassing in view of the fact that no judgment has been rendered against her and she has requested no damages from your client and (b) Ms. Lee asserts her privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between client and lawyer. In addition, any writing performed by Mr. Moore that reflects his impressions, conclusions, opinions, or legal research or theories, are not discoverable as the information is attorney work product for both him and me.

As I have stated in the past, I suggest we agree to stipulate some of the facts of the case in order to assist the court. If you agree, please let me know of a time that would be convenient to discuss the matter with you - preferably by e-mail as I am out-of-town most of the week. I will call you at the arranged time. Thank you for your consideration in the matter. Again, please feel free to call Harriet at 799.1700 at any time.

With kind regards, I remain

Sincerely yours,

Tony R. Megna

Cc: Gina L. Lee
PO Box 655
Blythewood, SC 29016

Tony R. Megna
Attorney and Counselor at Law
1815 Fulmer Road
Blythewood, South Carolina 29016

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20 AUG 2007 PM 2 L

Douglas N. Truslow, Esquire
P.O. Box 1465
Columbia, SC 29202

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DOUGLAS N. TRUSLOW, P.A.
ATTORNEY
914 RICHLAND STREET, SUITE B-102
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COLUMBIA, SOUTH CAROLINA 29202

TELEPHONE (803) 256-6276 E-MAIL: doug_dnt@bellsouth.net FAX (803) 256-7659

September 4, 2007

Re: ***James A. Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland County Clerk of Court***
Civil Action Number: 2007-CP-40-0576

Tony R. Megna, Esquire
1815 Fulmer Rd.
Blythewood, SC 29016

Dear Tony:

In response to your letter dated August 31, 2007, I suggest you simply reread my June 6, 2007 letter as it is abundantly clear as to your client's discovery deficiencies. Nonetheless, I will restate them;

Discovery deficiencies are, *inter alia*, as follows:

a. First Set of Interrogatories[1]:
#2 – there is no list of what was produced.
#4 – no witnesses, nor summary of each witnesses' testimony, is set forth.
#5 – Defendant set forth summaries or conclusions of law only. If, however, Defendant does not intend to offer testimony beyond her specific responses, there would be no deficiency.
#7 – I have requested all facts, reasons and supporting documents. If Defendant does not intend to offer testimony beyond the specific responses there would be no deficiency.
#8 – there is no response.[2]

b. First Set of Requests to Produce:
A sole computer disc contained in a plain envelope with no cover letter was submitted. If there are no other documents (or testimony) relied on, Defendant's response may be sufficient, but items produced should be listed so there will be no confusion.

c. Second Set of Requests to Produce:
Simply having your staff bring a single, disorganized file is not sufficient. Please list each item produced, so we will be "on the same page" and so there will be no confusion.

d. Third Set of Requests to Produce:
#1 – obviously not produced.

[1] Defendant's responses are not in the customary format.
[2] I have your revised answers dated June 8, 2007, but your assumption at that time that I had copies of depositions was inaccurate. Please respond fully.

STATE OF SOUTH CAROLINA James Anasti, Plaintiff, vs. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court Defendant.	**IN THE COURT OF COMMON PLEAS** **FIFTH JUDICIAL CIRCUIT** CIVIL ACTION NO: 2007-CP-40-0576 **DEFENDANT LEE'S MOTION FOR PROTECTIVE ORDER, RETURN OF PRIVILEGED INFORMAITON AND FOR ATTORNEY'S FEES AND COSTS**

Pursuant to Rules 11 and 26(c) of the South Carolina Rules of Civil Procedure, the Defendant Lee, ten days henceforth, by and through their undersigned attorney, moves this Honorable Court for a protective order preventing the Plaintiff Anasti from possessing or using privileged information in regard to any communications between Defendant Lee and her attorneys and/or the work product of such attorneys. Defendant Lee is informed and believes that the Plaintiff's attorney has come into such information and has used such information in the course of this litigation. In addition, the Plaintiff's attorney has refused to take steps to return such information to the Defendant Lee even though demand for the return of such information has been made on two occasions, and has, instead affirmatively used such information in the preparation of his case-in-chief. In addition, Plaintiff and his attorney refuse to divulge how they came into possession of the privileged information. Defendant Lee respectfully requests this Court into its orders as follows:

a. Requiring the Plaintiff and his attorney to return all such communications to Defendant Lee regardless of how they were obtained and to explain how such communications were obtained,

b. Prohibiting the Plaintiff and his attorney from using the information in any manner whatsoever and striking from the record all references to such communications,

c. Finding that the Plaintiff and his attorney have violated the ethical rules governing their conduct in this litigation, and

d. Awarding the Defendant Lee attorney fee's and costs for the prosecution of this motion.

Respectfully submitted,

Tony R. Megna, Esquire
1815 Fulmer Road
Blythewood, SC 29016
803-799-1700

September 4, 2007.

TONY R. MEGNA

ATTORNEY-AT-LAW
1815 FULMER ROAD
BLYTHEWOOD, SOUTH CAROLINA 29016
TELEPHONE: 803-799-1700
tmegna@gmail.com

September 11, 2007

Douglas N. Truslow, Esquire
P.O. Box 1465
Columbia, SC 29202

Re: Anasti v. Wilson, et. al., 07-CP-40-00576

Dear Doug:

Please slow down and consider the implications of your writings, and make certain of your facts before making accusations such as those contained in your most recent outburst to me. For whatever reasons, your behavior toward me has become increasing volatile and erratic as this case draws to a conclusion. You are making unsupported accusations, embarrassing yourself, and making this case unnecessarily personal. I am also very concerned that you are imagining issues that have no basis in reality.

You should also consider this letter an update to any and all requests for discovery you have made to Mrs. Lee.

First, I was completely truthful with Judge Lee. I am sorry you misunderstood. My first motion was mailed to the Court over the holiday weekend. The Clerk's office returned an 'unclocked' copy to me Thursday. The second motion was filed by me Tuesday morning. Copies of both were mailed to you. I checked the Common Please web-based docket and both motions are listed as being received by the Clerk of Court on September 4. I have copied the information that shows up on the Clerk's website below. Based on your letter, you received both motions on September 5th. As you received the motions the date after they were mailed, the motions have not been scheduled to be heard by the Court, and the Court indicated the status of the case would be revisited in October, you certainly have nothing to complain about other than the fact that your behavior required me to file the motions in the first instance.

Anasti, James A	Defendant Lees Motion/Protective Order Return Of	Motion	09/04/2007
Anasti, James A	Motion/Protective Order Defendant Lees 15 Min	Motion	09/04/2007

Second, I know of no rule that requires me to enclose a 'cover letter' with the service of a motion or any other paper. The important fact is that you acknowledge receiving the

motions and they were served within the time periods of Rule 5. In addition, I am trying to keep communication with you at minimum because I truly believe you continue to act injudiciously.

Third, I have made no suggestions as to the other attorneys' conduct in this case – period. The only person I know to have acted inappropriately is you. You absolutely refused to provide me any information other than telling me you had obtained privileged documents that concern Mrs. Lee and a prior attorney. All I have wanted to know from you was and remains basic information – the complete identity of the documents you claim support your accusations and where they were obtained. Prior to last Tuesday, you had been totally unwilling to tell me anything other than you had documents in your possession you had obtained, and that any privilege Mrs. Lee claimed to the documents was waived to their disclosure during the discovery process. To this date, you have refused to identify and provide me a copy of the specific documents you maintain are in your possession. You have created a totally unnecessary adversarial situation as opposed to handling the matter with even a modicum of grace, understanding and/or professionalism. With Harriet present, you could have easily told her of the potential problem and contacted me. The ABA and several other jurisdictions have taken strong stances on the ethical difficulty with your position on the matter. My guess is that our Supreme Court will also take a very dim view of your behavior in this matter regardless of the technical legal issues of waiver. There is no doubt I must contend with the legalities of the waiver issue, but we must both now consider how to address your breach of professional ethics in the matter.

Please recall the facts that led to the current issue:

1. After much discussion in April and May, you and I came to an agreement that I would allow you to inspect documents in my files because I thought you were a person of character than could be trusted to act professionally, and because I wanted to make certain you had access to all of the non-privileged documents in my possession before you took depositions you had scheduled.

2. As a matter of courtesy and convenience to you, I sent my employee [a person you knew] to your office in early June.

3. You then took months just to mention you took from my files what you knew or had reason to know was privileged information. You refused to identify the document and give me a copy. Then, upon telling me the document came from my files, you continue to refuse to provide me a copy. In short, you accepted my offer to inspect non-privileged documents, and knew you had no right to documents that were subject to privilege. Perhaps, even more importantly, you implicitly agreed to act professionally, which I respectfully suggest you have not.

4. I have received a letter and subpoena from Curtis Dowling over the weekend that implies someone, more likely than not you, have discussed the matter with him, and informed him that there were documents in your possession that belonged to my client that were no longer privileged. As I cannot imagine Curtis participating in such a matter if he understood the extent of your misconduct in obtaining the documents and refusing to identify the documents, my guess is that you failed to fully inform him of your manipulation of our agreement to inappropriately obtain the documents.

5. The issue I am raising with you at this point is one of professional ethics. The ABA has ethic opinions dating to 1992 that conduct that you have exhibited in this matter is totally inappropriate. Other jurisdictions have taken a similar approach. I know of no opinion in South Carolina that addresses these particular facts, but suspect our Court will take a dim view of your behavior – particularly in light of the recent changes to the attorney code of conduct. I am pondering how to handle all of this, and your continued peculiar behavior. However, for the time period, my very hopeful suggestion is that you reflect upon the foregoing, and proceed cautiously. You have taken a series of actions you need to reassess prior to matters escalating.

Fourth, you know that all documents [other those in dispute] have been made available for you to copy and inspect at your leisure as you did. Please review Rule 34, SCRCP. I am truly sorry the documents that I had my employee take to your office at your convenience were not organized to your specifications. Organize them as you wish – or not. But it is odd, at best, that you would wait months to raise the issue. My obligation is more than complete. Harriet will provide an affidavit at the motion hearing that you reviewed numerous documents in her presence in June, that you knew what you were inspecting, that you never told her that any document was potentially privileged, that you copied the documents you wished to copy, that she believes you purposely misled her, and that she has heard nothing further from you in regard to any of these issues even though you have been notified on a number of occasions to call her with any questions at your convenience..

Fifth, as for your continuing and odd fascination with the CD my offices sent to you months ago [April, I believe], I am honestly mystified. Over the months, I have repeatedly explained to you the CD was sent to you directly from my Darlington office because the computer server where I maintain those files is located in that office. The CD contained 82 pages of documents that I provided to you early on in the litigation. I had them placed on a CD as a courtesy to you so you would not have to travel to Darlington where they are maintained to inspect. I am sorry receipt of the CD confused you. That must be disconcerting. I am sorry the CD did not specifically contain a cover letter with detailed

instructions for you to follow. That must have been confusing for you. However, your continued obsession with the issue is quite peculiar [to put it mildly]. As to the tax returns you recently requested, I have them in my possession, and my objections remain. If the court orders their production, I will make them available to you at my office to inspect and copy if you wish. You will simply need to contact Harriet at your convenience.

Sixth, as to the witnesses I intend to call at trial, please let me make it easy and clear. At this time, I intend to call only witnesses that have been deposed in this case or the companion cases. Their testimony will revolve about the information and documents provided in their depositions. Your questioning in the depositions was very precise, and provides a very detailed explanation of their anticipated testimony would provide. Of course, I reserve the right to cross-examine witnesses that you or the other defendants call during the case and to call additional witnesses if I deem necessary and the court so allows.

Seventh, upon reflection and review, I believe the Mrs. Lee's deposition testimony to be tainted due to your insistence that it be taken at a time of great physical and emotional personal stress in her life. If you recall, she was under significant duress at the time you insisted on taking her deposition against my advice. I informed you on numerous occasions prior to the deposition that she had recently been told she may have a cancerous abdominal tumor, she had no health insurance, she was in the process of scheduling surgery for the week following the deposition schedule you insisted upon, she had no previous experience with these types of situations, and that it would be best to postpone the deposition until a later time when she would be better able to answer your questions. For reasons known only to you, you remained deliberately indifferent to Mrs. Lee's physical and emotional turmoil, and demanded her deposition go forward on your schedule while knowing she was emotionally distraught, physically exhausted, under the care of a physician, sleep-deprived, and anticipating major surgery in the coming days. It was absolutely predictable to any reasonable person that her deposition testimony would have to be understood in this context. Mrs. Lee appeared as you required, and she did the best she could do under such considerable and extreme duress. Upon reflection, it appears this evidenced a pattern of diminished judgment on your part that continues to this date. For this reason, I will make the Court aware of the matter, and move to limit the applicability of her deposition testimony. Any reasonable court will likely consider her deposition testimony ineffectual and of no probative value for any adverse evidentiary purpose at trial. If you wish to take her deposition again, and reimburse her for the expenses she will incur in the re-taking of the deposition [including attorney's fees, her time, and the associated costs for the cost reporter, another copy of the deposition, etc.], I will make every reasonable attempt to encourage Mrs. Lee to agree to do so. But, at this time, she is less than enthusiastic about the possibility. She believes that your conduct in this case has been harassing, and odd, and that you have all of the information from her any reasonable person could require. Please contact Harriet if you wish to pursue this option and she will be work with Mrs. Lee and you to estimate the expenses associated with the request and the available times, if any, Mrs. Lee may be available to schedule the matter. As you know, my work requires much out-of-town travel and it is difficult for me to schedule such matters. If you wish to proceed, please do not delay.

Eighth, as to Jim and the property, Gina has always wanted to do the right thing, i.e., to follow her father's final wishes as described in his last will and testament – as she consistently followed over the nearly 12 years it took Jim to initiate legal action to clear title to the property, [or for that fact, to take any interest whatsoever in the property] -- during which time she openly and hostilely maintained a continuous and active interest in the property.

A few final thoughts that it appears you may want to consider:

1. Adverse possession is defined over a 10 year period – not 20. See your recent letter. I imagine this was a typographical mistake but was concerned that you may still not fully appreciate Mrs. Lee's position. I will be happy to provide further information as to this issue if you so desire.

2. In South Carolina, "under color of title" for purposes of adverse possession means any semblance of title by which the extent of possession can be ascertained. The 1996 deed of distribution from the Probate Court to Mrs. Lee, *regardless of who prepared it or whether or not it was legally sufficient to pass perfect legal title to her, was, as matter of law, actual and constructive notice in* to Jim [his power-of attorney signed a statement in 1996 that the real and personal property identified in the will and the probate documents had been properly distributed] and the world [the deed of distribution was recorded in the Richland County RMC Office] that Gina claimed exclusive legal title to all of the Two Notch property.

3. Mrs. Lee *first* claimed the property as her own [openly and hostilely] immediately following her father's death in 1995 when the probate action was filed. Mr. Anasti's will specifically stated that Mrs. Lee was to take title to all of the "real and personal" property on Two Notch. Jim thus received actual notice of the probate proceedings through his power of attorney, actually participated in these proceedings though his power of attorney, and actually knew of the 1996 filing of the deeds of distribution as well as the earlier probate of the will.

4. Upon her father's death in 1995, Mrs. Lee immediately began collecting the rents, took care of the property, conversed with the renters, placed the property for sale, provided owner-financing in what was essentially an installment land-sale contract that went bad and is now in litigation, signed statements attesting to her ownership during the course of the land-sale contract closing [which is further proof of her intent to claim the property as her own though adverse possession], defended the property against condemnation by the SCDOT, and defended it against a lawsuit from Jim. By

so doing over a period of time that exceeds ten years, Mrs. Lee established actual and constructive possession against any interest Jim may now present.

5. *Jim did not initiate the lawsuit to clear title against Mrs. Lee for more than 11 years after Mrs. Lee first claimed ownership of the property – well outside the statutory limitations period. This failure on Jim's part to act within the statutory time limits provides Mrs. Lee with conclusive presumption of title to the Two Notch property against any interest that he may now assert.* The fact that Mrs. Lee chose to attempt to sell the property in the interim time period, and to provide owner financing of her interest in the property, is of no legal comfort to Jim because (a) her attempt to sell was actually the ultimate demonstration of claim to the property against all other *prior* title interests (b) the sale [if indeed it was in law a sale] was void because she had no legal interest in the property at the time. As you have pointed out repeatedly, Jim became the sole title owner in 1995 when his father died [although Mrs. Lee was claiming title adversely to Jim's legal title at the time], (c) the sale was, as a matter of law and equity, a land-sale contract wherein Mrs. Lee made the promise of legal title in return for owner financing.

6. Mrs. Lee became the sole owner of the Two Notch property by adverse possession when Jim waited more than 10 years [11 years, 3 months, 3 days, I believe] to assert his legal interest in the property in the property *against Mrs. Lee* once he had both actual and constructive notice of her claim to the property in 1995, 1996 [through Jim's power-of-attorney friend]. In addition, Jim admitted in his deposition that he actually knew *himself* of the 1996 deed filing when he received notice of the SCDOT condemnation in 2003 which he admitted in his deposition he took to his attorneys. The fact that Jim chose to take no action to dispute Mrs. Lee's claim to title until the current case was filed on January 26, 2007, well past the 10 year statutory limitation period that began with the death of Mr. Anasti in 1995 and well past the filing of the probate deed of distribution in 1996, well past his attorney-in-fact, by Jim's own admission, having actual knowledge of all events since 1995, and well past the admission of personal knowledge in 2003 demonstrates the fact that Mrs. Lee's actual and constructive possession ends the matter. Claims to the contrary ring hollow.

7. I also respectfully refer you to S.C. Code Section 62-3-1006 which bars the Plaintiff's action against Mrs. Lee as a matter of law.

Doug, I again respectfully demand the return of any and all documents that you know and or reasonably should know you deliberately removed from my files while knowing you were breaching an implied and explicit trust between us as attorneys. You admittedly removed confidential documents from my files. You admitted waited months to mention your misconduct. You have placed Harriet in an awkward situation in the process. And I

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT
James Anasti, Plaintiff, vs. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court Defendant.	CIVIL ACTION NO: 2007-CP-40-0576

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below a copy of the Defendant Lee's Motion for Protective Order was served upon the Douglas N. Truslow, PO Box 1465, Columbia, SC 29202 by first class mail, postage prepaid on the date indicated below.

Tony R. Megna
1815 Fulmer Road
Blythewood, SC 29016
803-799-1700

September 11, 2007.

TONY R. MEGNA

ATTORNEY-AT-LAW
1815 FULMER ROAD
BLYTHEWOOD, SOUTH CAROLINA 29016
TELEPHONE: 803-799-1700
tmegna@mail.com

September 13, 2007

ORIGINAL BULLDOG CLIPPED W/ LARGE ATTACHMENTS LOOSE IN FILE

Thomas G. Earle
Attorney at Law
1735 St. Julian Place
Suite 103
Columbia, SC 29204

Douglas N. Truslow
914 Richland Street
Suite B102
Columbia, SC 29201

Re: Anasti v. Lee, Wilson, and Goodwin , CA Number 07CP400576

Gentlemen:

Please find enclosed the following:

1. Mrs. Lee's Motion for Summary Judgment.
2. Mrs. Lee's affidavit being filed both in support of her Motion for Summary Judgment and in opposition to Mr. Anasti's Motion for Summary Judgment. [Please note that the last exhibits to Mrs. Lee's affidavit were filed in a sealed envelope to protect Mrs. Lee's confidentiality under the federal HIPAA regulations. I will certainly make the documents available to each of you if you provide a written statement indicating you will maintain the confidentiality of the documents unless the Court order otherwise].
3. Affidavit of Harriet Hobbs.

If the Court decides these matters are best suited for trial, most of the documents I intend to rely upon are attached to Mrs. Lee's affidavit as well as the depositions relevant to the case. I believer everyone now has copies of all of the depositions. The only difficulty is Mrs. Lee's objection to use of her deposition taken by Mr. Truslow for adverse purposes based on the reasons set forth in her affidavit filed with the Court this date. I also respectfully request and propose that each of us file all original depositions with the Court. I have this date filed with the Richland County Clerk of Court the original deposition of James Anasti dated June 26, 2007.

I am also copying this letter to Curtis Dowling since he is obviously involved in these matters. I believe it would simplify matters if we all agreed to discuss our cases prior to trial in a non-adversarial manner. I am willing to do so at your convenience. Just let me know. Finally, I again request that Doug provide me copies of the exact documents he has claimed are privileged in the case to which the attorney-client privilege has allegedly been waived. Regardless of whether or not the documents came from my files, I need to know precisely which documents are in controversy. It is impossible to defend against the unknown. Finally, despite all of the recent activity, I believe there is no reason for further discovery to be had from Mrs. Lee. Please see the attached affidavit of my assistant, Harriet Hobbs.

Also, in order to simplify matters for everyone, Mrs. Lee has determined, now that discovery has concluded, that nothing has been produced that disputes the validity of the 1978 deed transferring the 'Two Notch property' to Albert and James Anasti. However, Mrs. Lee continues her claim to the Two Notch property based on her adverse possession of the property beginning in 1995 based on actual notice to Mr. Anasti that has extended to more than 10 years -- until the initiation of litigation by Mr. Anasti on January 28, 2007. I look forward to resolving all of these issues, hopefully, in a less adversarial manner than has been the case for the past few weeks. In this light, Mrs. Lee has offered to mediate the cases, if, for no other reason, to narrow the issues between the parties and to identify all of the documents that are relevant to these matters that anyone intends to introduce at trial.

With kind regards, I remain

Sincerely yours,

Tony R. Megna

Cc: Gina L. Lee
PO Box 655
Blythewood, SC 29016

Curtis W. Dowling
1613 Main Street
Post Office Box 8448
Columbia, SC 29202-8448

TONY R. MEGNA
ATTORNEY-AT-LAW
1815 FULMER ROAD
BLYTHEWOOD, SOUTH CAROLINA 29016
TELEPHONE: 803-799-1700
tmegna@gmail.com

September 13, 2007

Douglas N. Truslow, Esquire
P.O. Box 1465
Columbia, SC 29202

Re: Anasti v. Wilson, et. al., 07-CP-40-00576

Dear Doug:

Now that you have finally produced the letter you removed from my files [after nearly four months], it is self-evident that you had absolutely no claim to it. An ethical attorney would never have taken that letter from my files in the first instance. And the fact that you are attempting to use a document you pilfered to claim I have waived all privilege with my client adds substantially to the severity of the wrong you committed in the first place. You have embarrassed yourself, breached your trust to the Court, Harriet and me, and compounded the matter with your on-going misconduct. Your behavior in this matter is below any reasonable standard of conduct expected from an officer of the Court. I cannot imagine any Judge in South Carolina condoning such behavior from an attorney.

In addition, the Clerk of Court never returned a 'clock-in' copy of the first motion I *mailed* over the weekend. They returned the copy to me as it was sent to them. In short, they made a mistake. But the Clerk does indicate filing of the motion as you have now been informed. If you choose not to appear at the motion hearing, you do so with notice.

With kind regards, I remain

Sincerely yours,

Tony R. Megna

Cc: Gina L. Lee
PO Box 655
Blythewood, SC 29016

DOUGLAS N. TRUSLOW, P.A.
ATTORNEY
914 RICHLAND STREET, SUITE B-102
POST OFFICE BOX 1465
COLUMBIA, SOUTH CAROLINA 29202

TELEPHONE (803) 256-6276 E-MAIL: doug_dnt@bellsouth.net FAX (803) 256-7659

September 25, 2007

Re: Anasti v. Lee et al.
2007-CP-40-0576

Tony R. Megna, Esquire
1815 Fulmer Rd.
Blythewood, SC 29016

Dear Tony:

Regardless of the resolution of the Summary Judgment Motion, I will still need your client's tax returns since 1995, as well as all payment records relative to the property in question.

If you wish to prepare a letter of understanding or Consent Order relative to non-disclosure to disinterested parties and return of the tax returns at the conclusion of the case, please feel free to do so, if that will satisfy any concerns your client may have.

May I hear from you?

Sincerely,

Douglas N. Truslow
DNT/adh

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	FIFTH JUDICIAL CIRCUIT
JAMES A. ANASTI,	)	Docket Number: 2007-CP-40-0576
Plaintiff,	)	
vs.	)	**PLAINTIFF'S FOURTH SET OF REQUESTS FOR ADMISSION DIRECTED TO DEFENDANTS**
LANCE WILSON, WILLIS GOODWIN, GINA L. ANASTI LEE, And RICHLAND COUNTY CLERK OF COURT,	)	
Defendants.	)	

TO DEFENDANT GINA L. ANASTI LEE and TONY MEGNA, ESQUIRE, ATTORNEY FOR DEFENDANT LEE, and DEFENDANTS LANCE WILSON AND WILLIS GOODWIN and THOMAS EARLE, ESQUIRE, ATTORNEY FOR DEFENDANTS WILSON AND GOODWIN:

The Plaintiff hereby requests pursuant to SCRCP Rule 36, that Defendants admit the truth of the following matters of fact:

1. Admit that Sandra Michelsen d/b/a Abstract Title who prepared the title search of 2325 Two Notch Road relative to the proposed January 6, 2000 sale from Gina Anasti Lee to Lance Wilson and/or Willis Goodwin deviated from accepted standards of care in failing to note Plaintiff's interest in the property that is the subject of the within lawsuit.

2. Admit that Blue Granite Title, LLC prepared a title search relative to the 2325 Two Notch Road property on Defendant Lee's behalf (through attorney Joe Moore) in March of 2004, which reflected Plaintiff's interest in the property.

YOU WILL PLEASE TAKE FURTHER NOTICE that, if Defendants fail to admit the genuiness of any document or the truth of any matter as requested hereinabove, or if Defendants otherwise fails to comply with the requirements of SCRCP 36, and if Plaintiff thereafter proves the genuiness of the documents or the truth of the matter, then Plaintiff will apply to the Court for an Order requiring Defendants to pay to Plaintiff the reasonable expenses incurred in making that proof, including reasonable attorneys fees, suit money, costs and expert fees, and for such other and further relief as the Court may find proper.

DOUGLAS N. TRUSLOW
Attorney for Plaintiff
PO Box 1465
Columbia, SC 29202
(803) 256-6276

Columbia, South Carolina

10/18, 2007

DOUGLAS N. TRUSLOW, P.A.
ATTORNEY
914 RICHLAND STREET, SUITE B-102
POST OFFICE BOX 1465
COLUMBIA, SOUTH CAROLINA 29202

TELEPHONE (803) 256-6276 E-MAIL: doug_dnt@bellsouth.net FAX (803) 256-7659

November 8, 2007

Re: Anasti v. Lee et al.
2007-CP-40-0576

Tony R. Megna, Esquire
1815 Fulmer Rd.
Blythewood, SC 29016

Dear Mr. Megna:

Please provide me with a copy of the sealed document/exhibit referenced in your September 13, 2007 letter. I will agree not to disclose it to any non-party, excepting attorneys that may be involved in this case (or the Court) without a Court Order.

Also, you will find enclosed a Request for Production, given that you have raised an issue that your client's deposition testimony was "tainted" (your letter of September 11, 2007) and/or could not be relied on. I will agree to confidentiality as set forth above and/or you may prepare an appropriate Consent Order.

Sincerely,

Douglas N. Truslow
DNT/adh

Rec'd 11/12/07

STATE OF SOUTH CAROLINA James A. Anasti, Plaintiff, vs. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court, Defendants.	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT CIVIL ACTION NO: 07-CP-40-0576 ANSWERS TO PLAINTIFF'S THIRD SET REQUEST TO ADMIT DIRECTED TO DEFENDANT LEE

TO: (a) Plaintiff named above and his attorney, Douglas N. Truslow, Esquire

The answers to your requests to admit dated October 18, 2007 are as follows:

1. The Defendant Lee is informed and believes that the Dallis Law Firm prepared the title search of 2325 Two Notch Road. As the Defendant Lee relied upon the legal expertise of the Dallis Law Firm in completing the title search of 2325 Two Notch Road, and has no independent knowledge of the extent of the reliance by the Dallis Law Firm of any title work undertaken by Sandara Michelson dba Absract Title, the request to admit proffered by the Plaintiff is denied.

2. After much discussion in April and May, 2007, the Defendant Lee agreed to allow the attorney for the Plaintiff [Mr. Truslow] to inspect non-privileged documents in the possession of the Defendant Lee to insure the Plaintiff had access to all of the non-privileged documents before the deposition of the Defendant Lee was undertaken. Approximately four [4] months later, Mr. Truslow notified the attorney for the Defendant Lee that Mr. Truslow had obtained client-privileged documents between the Defendant Lee and her attorneys, and because of his this, the Defendant Lee had waived all privileges with her attorneys. However, Mr. Truslow adamantly, wrongly and unethically refused to identify the documents he had obtained and relied upon in making his assertion. Nor would Mr. Truslow provide copies of the documents to the Defendant Lee or her attorneys.

   After several months of unwarranted delay, and continued demands of waiver of confidentiality, Mr. Truslow admitted that the documents upon which he was relying were documents he had pilfered from the files he had been allowed to access by Defendant Lee's attorney. Mr. Truslow continued to refuse to provide copies of the documents which he alleged were privileged. Subsequent to these matters, the attorneys for the Defendant Lee received a letter and subpoena from Curtis Dowling, an attorney involved in a companion case, that implied Mr. Truslow had discussed the matter with Mr. Dowling, and informed him that there

were documents in Mr. Truslow's possession that belonged to the Defendant Lee that were no longer privileged. The Defendant Lee remains troubled by Mr. Truslow's conduct because it, at the minimum, gives the appearance of being unprofessional, and further, because Mr. Truslow has continued use his ill-gained knowledge to obtain admissions form the Defendant Lee by use of inappropriately obtained and withheld information. It was and remains obvious that Mr. Truslow set about on a course of action to harm the Defendant Lee through the use of ill-gotten information that is protected by the attorney-client privilege. See Ethics Opinion 108: Inadvertent Disclosure of Privileged or Confidential Documents, Adopted May 20, 2000 by the Ethics Committee of the Colorado Car Association. Based on the foregoing, request to admit number 2 is denied.

Tony R. Megna, Esquire
Attorney at Law
Bar Number 3930
1815 Fulmer Road
Blythewood, SC 29016
Telephone: 803-799-1700
Facsimile: 803-753-9004
E-mail: tony@pdhc.com

November 9, 2007.

STATE OF SOUTH CAROLINA James Anasti, Plaintiffs, vs. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, Richland County Clerk of Court, Defendants.	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT CIVIL ACTION NO: 07-CP-40-0576

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below a copy of the Defendant Lee's Requests to Admit was served upon the below-named by delivering a copy first class mail, postage prepaid as follows:

Dougie N. Truslow, PO Box 1465, Columbia, SC 29202 [tel: 803.256.6276]

The Honorable Barbara A. Scott, Richland County Clerk of Court,
P.O. Box 2766, Columbia, SC 29202-2766 [803.748.4684]

Tony R. Megna
Attorney-at-law
1815 Fulmer Road
Blythewood, SC 29016
803-799-1700
tony@pdhc.com

November 9, 2007.

THIS DEPOSITION IS TAKEN PURSUANT TO THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE; THAT ALL OBJECTIONS, EXCEPT AS TO THE FORM OF THE QUESTION, ARE RESERVED UNTIL TIME OF TRIAL.

IT IS FURTHER STIPULATED AMONG COUNSEL AND THE WITNESS THAT THE WITNESS WILL WAIVE READING AND SIGNING OF THE DEPOSITION.

THEREUPON,

WILLIS GOODWIN,

BEING FIRST DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, AS HEREINAFTER CERTIFIED, TESTIFIED AS FOLLOWS:

MR. TRUSLOW: LET ME GET THIS ON THE RECORD. I HAVE ON TELEPHONE STANDBY MR. MEGNA'S PARALEGAL, HARRIETT HOBBS, WHO HAS COMMUNICATED THAT MR. MEGNA IS NOT GOING TO ATTEND THE DEPOSITION EITHER BY PHONE OR IN PERSON, BUT THAT IT WAS PERFECTLY ACCEPTABLE FOR US TO GO AHEAD AND TAKE THE DEPOSITION, AND MS. HOBBS IS JUST GOING TO BE ON THE TELEPHONE LISTENING TO THE TAKING OF THE DEPOSITION AND OF COURSE THERE WILL BE A TRANSCRIPT MADE. IS THAT CORRECT, HARRIETT?

MS. HOBBS: CORRECT.

EXHIBIT 4

Joe Moore's letter and Megna's response

This proves beyond any doubt that Megna was engaging in dishonest conduct from the inception (see also Ms. Ballard's affidavit confirming same):

1. Joe Moore's April 30, 2004 letter and title opinion.
2. Megna's January 13, 2005 letter to Lee acknowledging Mr. Moore's April 30, 2004 letter and urging the client to present a fraudulent defense in the companion case.
3. Megna's letter of July 13, 2006, urging the client to present a fraudulent defense in this case.
4. Megna's email to Mr. Moore dated November 12, 2006 soliciting him to join with Megna in pursuing claims that he knew had no validity.
5. These records are juxtaposed against Megna's objections to producing these documents and also denying that they ever existed.

COOPER COFFAS MOORE & GRAY, P.A.

ATTORNEYS AT LAW

April 30, 2004

JAMES D. COOPER, JR.
JAMES COFFAS (OF COUNSEL)
CHARLES F. COOPER, II (1952-2003)
W. JOSEPH MOORE, JR.
LIL ANN GRAY*
OLA A. JOHNSON

*ADMITTED IN SC AND GA

1416 LAUREL STREET
POST OFFICE BOX 11869
COLUMBIA, SOUTH CAROLINA 29211-1869
(803) 779-3939
TELECOPY (803) 779-4037

Mrs Gina Lee
P.O. Box 655
Blythewood, SC 29016

Re: Property Located at 2325 Two Notch Road, Columbia, SC 29223

Dear Mrs. Lee:

Enclosed please find a copy of the title report which I have obtained for the above referenced property. Based on the information contained in this report, it appears that at the time of you father's death the property was titled in Albert A. Anasti and James A. Anasti, as joint tenants with right of survivorship. Accordingly, when your father died the your brother James A. Anasti became the sole owner of the property. Pursuant to the deeds on file at the courthouse you did not inherited any interest in the property. Therefore, you did not own anything to conveyed to Mr. Goodwin.

As we discussed the closing attorney should have discovered this defect at the time the property was conveyed to Mr. Goodwin. As result of this failure Mr. Goodwin likely has a claim against the attorney. However, the attorney's negligence does not relieve you from the obligation of conveying good title to the property. Accordingly, Mr. Goodwin also has a claim against you for breach fo the warranty of title. Further, since you did not convey godd title to Mr. Goodwin, the purchase money note and mortgage are not supported by valid consideration, and therefore are voidable. Therefore, I do not believe that it would be in your best interest to commence a foreclosure action against Mr. Goodwin at this time unless you can also remedy the defect in the title to the property.

Of course, the simplest and maybe only answer would be to have your brother execute a deed of his interest to Mr. Goodwin. However, based on our conversations, it is my understanding that this is unlikely that your brother will voluntarily execute a such a deed for no consideration. It is further my impression, that your brother will not convey the the property unless he receives all of the consideration.

I may be possible to commence an action to set aside your brother's interest in the property by invalidating the deed. In order to be successful in such an action it would be necessary to prove that there was some fraud or undue influence at the time your father conveyed the one half (½) interest to your brother. Given the passage of time and circumstances I believe that it would be come difficult to develop such evidence.

In our meeting we discussed the fact that your father deeded the property first to your aunt and that she then executed a joint tenancy deed to your father and brother. It is my understanding that this used to be a common practice. Some attorney's used to be of the opinion that a person could not deed property to himself so as to create a joint tenancy with right of survivorship. Accordingly, the parties employed the services of a strawman, in this case your aunt, to take title to the property and then immediately convey it back to the party subject to the desired tenancy. Therefore, absence some evidence to the contrary the mere fact that the property was deeded to your aunt and then back to your father and brother would not be sufficient to invalidate the transaction.

I would like to consult with another attorney who also has experience in real estate matter and who is more familiar with the prior practice. I hope that he may have some idea of how we can resolve this matter in your interest. However, if he cannot offer any other suggestions, it may be necessary to contact your brother to attempt to negotiate a resolution to this matter so as to minimize any potential liability you may have to Mr. Goodwin. I will contact you once I have had an opportunity to discuss this matter with him.

Please do not hesitate to contact me if you have any questions concerning this matter. I am

Sincerely,

W. Joseph Moore, Jr.

Blue Granite Title, LLC
Post Office Box 2724
Columbia, SC 29202-2724
(803) 771-0117 Fax (803) 771-0118
Federal ID # 01-0555407

Invoice

DATE	INVOICE #
3/8/2004	04.0088

BILL TO	SHIP TO
Cooper Coffas Moore & Gray, P.A. 1416 Laurel Street Columbia, SC 29201	Joe Moore, Esquire

DUE DATE	P.O. NUMBER
3/18/2004	Goodwin

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
	Commercial Update Title Search. Willis S. Goodwin 2325 Two Notch Road Columbia, SC 29223 TMS # 11510-03-03 Richland County.	1	150.00	150.00
	Copy Costs.	21	0.50	10.50

Thank you for your business!

Total 160.50

BLUE GRANITE TITLE, LLC

TITLE REPORT

ORDER NO.: 04.0088

PREPARED FOR: Cooper Coffas Moore & Gray, P.A.

PROPERTY: Western side of Two Notch Road (US #1), as shown on a plat, dated February 18, 1958, and recorded in Plat Book 11 at page 223; commonly known as 2325 Two Notch Road, Columbia, SC 29223
TMS # 11510-03-03
Richland County

PRESENT RECORD OWNER(S): James A. Anasti and Willis S. Goodwin

PURCHASER(S): N/A

PERIOD OF EXAM: 02/01/1971 to 02/25/2004 @ 08:00 a.m.

DERIVATION/CHAIN:

From:	Gina L. Anasti Lee
To:	Willis S. Goodwin
Dated:	01/06/2000
Recorded:	01/07/2000
Book:	R-375
Page:	223

From:	Albert A. Anasti
To:	Gina L. Anasti Lee
Dated:	10/18/1996
Recorded:	11/07/1996
Book:	D-1347
Page:	991

1901 DEVONSHIRE DRIVE ♦ UNIT 5 ♦ COLUMBIA, SOUTH CAROLINA
POST OFFICE BOX 2724 ♦COLUMBIA, SOUTH CAROLINA 29202-2724
TELEPHONE: (803) 771-0117 ♦ FACSIMILE: (803) 771-0118
E-MAIL: TITLES@BLUEGRANITETITLE.COM
WWW.BLUEGRANITETITLE.COM

BLUE GRANITE TITLE, LLC

TITLE REPORT CONTINUED
ORDER NO.: 04.0088

DERIVATION/CHAIN CONTINUED:

From:	Laura Corvi
To:	Albert A. Anasti and James A. Anasti
Dated:	11/17/1978
Recorded:	11/17/1978
Book:	D-482
Page:	756

From:	Albert A. Anasti
To:	Laura Corvi
Dated:	11/17/1978
Recorded:	11/17/1978
Book:	D-482
Page:	744

From:	Lilliam L. Anasti
To:	Albert A. Anasti
Dated:	11/17/1978
Recorded:	11/17/1978
Book:	D-482
Page:	744

From:	Anne M. Hunter, n/k/a Anne M. Beavers
To:	Albert A. Anasti and Lilliam L. Anasti
Dated:	02/01/1971
Recorded:	02/01/1971
Book:	D-198
Page:	411

MORTGAGE(S): **NONE OF RECORD DURING THE TIME PERIOD SEARCHED. PLEASE VERIFY.**

JUDGMENTS: None of record during the time period searched

LIS PENDENS: None of record during the time period searched.

1901 DEVONSHIRE DRIVE ♦ UNIT 5 ♦ COLUMBIA, SOUTH CAROLINA
POST OFFICE BOX 2724 ♦COLUMBIA, SOUTH CAROLINA 29202-2724
TELEPHONE: (803) 771-0117 ♦ FACSIMILE: (803) 771-0118
E-MAIL: TITLES@BLUEGRANITETITLE.COM
WWW.BLUEGRANITETITLE.COM

BLUE GRANITE TITLE, LLC

TITLE REPORT CONTINUED
ORDER NO.: 04.0088

MECHANICS LIENS: None of record during the time period searched.

FEDERAL TAX LIENS: None of record during the time period searched.

STATE TAX LIENS: None of record during the time period searched.

U.C.C. LIENS: None of record during the time period searched.

RESTRICTIONS:

1. None of record during the time period searched.
2. No representation is made as to whether restrictions on the property, if any, have been violated, and if there is a forfeiture or reversion of title provision in the restrictions whether a forfeiture or reversion has taken place because of said violation.

EASEMENTS: Easements, Rights of Way, Setback lines, etc. as shown on all plats referenced hereinbelow.

PLATS: Plat Book 11 at Page 223.

SPECIAL NOTATIONS:

1. General Power of Attorney from James Anthony Anasti to Joseph W. Gravelyn as recorded in Book D-1088 at Page 421
2. Installment Sales Contract as recorded in Book R-376 at Page 1268. There is no probate on this document.
3. There are no deeds out of James A. Anasti or Joseph W. Gravelyn, James A. Anasti's Attorney-In-Fact, to Gina L. Anasti Lee or Willis S. Goodwin.
4. The Probate Court records reflect no estate in the name of James A. Anasti.

1901 DEVONSHIRE DRIVE ♦ UNIT 5 ♦ COLUMBIA, SOUTH CAROLINA
POST OFFICE BOX 2724 ♦COLUMBIA, SOUTH CAROLINA 29202-2724
TELEPHONE: (803) 771-0117 ♦ FACSIMILE: (803) 771-0118
E-MAIL: TITLES@BLUEGRANITETITLE.COM
WWW.BLUEGRANITETITLE.COM

BLUE GRANITE TITLE, LLC

TITLE REPORT CONTINUED
ORDER NO.: 04.0088

REAL PROPERTY
TAX DATA:

TMS NUMBER:	11510-03-03
TAX YEAR:	2002
TAX PAYER:	Willis S. Goodwin
PAID:	Yes
DATE PAID:	12/31/2003
AMOUNT PAID:	$3,362.23

TAX YEAR:	2003
TAX PAYER:	Willis S. Goodwin
PAID:	No.

PAST DUE. PLEASE SEE THE ATTACHED NOTICE FOR DETAILS.

NOTE	**TAXES FOR THE YEAR 2004, AND ALL SUBSEQUENT YEARS, ARE A LIEN, BUT NOT YET DUE AND PAYABLE.**
NOTE	**ATTENTION IS DIRECTED TO THE FACT THAT CHANGES IN USE MAY RESULT IN ASSESSMENT OF "ROLL-BACK TAXES" UNDER SECTION 12-43-220 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED.**

1901 DEVONSHIRE DRIVE ♦ UNIT 5 ♦ COLUMBIA, SOUTH CAROLINA
POST OFFICE BOX 2724 ♦COLUMBIA, SOUTH CAROLINA 29202-2724
TELEPHONE: (803) 771-0117 ♦ FACSIMILE: (803) 771-0118
E-MAIL: TITLES@BLUEGRANITETITLE.COM
WWW.BLUEGRANITETITLE.COM

Recd Trm
Megna 6/14/05

TONY R. MEGNA
ATTORNEY-AT-LAW
1815 FULMER ROAD
BLYTHEWOOD, SOUTH CAROLINA 29016
TELEPHONE: 803-799-1700
Facsimile: 803-753-9004
tony.megna@scbar.org

File copy

January 13, 2005

Gina L. Lee
PO Box 655
Blythewood, SC 29016

Re: Wilson v. Lee, CA Number 04CP405333

Dear Gina:

As we discussed during our meeting yesterday, please find enclosed the Legal Services Agreement that I have prepared. If it meets with your approval, please sign it and mail it to me at your earliest convenience.

I have also attached a copy of Joe Moore's letter dated April 30, 2004. As we discussed yesterday, I believe Joe's analysis of the matter is essentially correct. The only reasonable alternative is to claim that that you own the property via a combination of the act of 'ouster' that has been on-going for more than twenty years and adverse possession that has been continuing for more than ten years. This would mean that your father 'ousted' Jim as co-tenant, and this culminated in him leaving you the property in his will. It is likely a 'long-shot' assertion, but, at this time, appears to be your only real option. We will discuss this possibility in more depth soon.

Under any set of circumstances, you must still defend the lawsuit filed against you by Lance Wilson and bring whatever possible actions you may have against Jim in the context of this lawsuit or they will most likely be forever barred. To this end, I have agreed to assist you in resolving the matter. If we are fortunate, a good result would be preventing a judgment from being filed against you. If we are extremely fortunate, perhaps the argument of 'ouster' will at least provide some leverage in reaching an amicable settlement of the matter.

With kind regards, I remain

Sincerely yours,

Tony R. Megna

Joe Moore - Re: Gina lawsuit

From: wjm@ccmgpa.com (wjm@ccmgpa.com)
To: tmegna@gmail.com
Date: 11/13/2006 11:14 AM
Subject: Re: Gina lawsuit

Hi Tony. Its been awhile.

I have forgotten most of the fact about the case. Can you refresh my memory? Has Gina had actual possession of the property for 10 years. I thought she sold it but did not have title. I would have to do a little research on whether selling property and taking back a mortgage constitutes possession for adverse possession. Give me a few more facts so that I can evaluate. I will also see if I kept anything when I discussed this with your client last time.

How are things otherwise? Is business still good? Since I never heard back from you I am assuming you decided not to clean up the Pee Dee Corporate minutes and/or convert to some other type of business.

I look forward to hearing form you.

Joe

W. Joseph Moore, Jr.
Cooper Coffas Moore & Gray, P.A.
P.O. Box 11869
Columbia, SC 29211-1869
(803) 779-3939
(803) 779-4037 Fax

>>> Tony R. Megna<tmegna@gmail.com> 11/12/06 09:11AM >>>
Joe-

I need to file a new lawsuit for Gina the first of the year to clear title and foreclose the mortgage. It has been ten years as of last October since the original probate deed was filed pursuant to the will to give her the property. Obviously, the new lawsuit will be based on ten-year adverse possession plus the twenty years prior that her father continued to act as sole owner of the property even though he had transferred the property to the son in 1977 or so. The last lawsuit [where she was sued by the current mortgagors] was dismissed [40j(?)] last April, Obviously we do not want to revive it because I do not want anything to refer back to the original date of filing of that lawsuit but want the ten years plus to have passed - i.e, the October ten year anniversary. If we prevail, we get 1/3 of the value of whatever we recover [the property and/or anything we can get from the current occupants on the foreclosure. They cannot have much of a counterclaim as all we are doing in stepping in the shoes of the owner to foreclose and they have not paid anything for at least a few years. I've done most of thw rok and can forward you the counterclaims form the last lawsuit that I drafted to clear title and foreclose. I'll split the fee with you - and the expenses. Let me know if you are

interested. Look forward to hearing from you.

Thanks - Tony

--
Thanks, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
1815 Fulmer Road
Blythewood, South Carolina 29016
tony@pdhc.com
Office telephone: 803.799.1700
Facsimile: 803.753.9004

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TONY R. MEGNA

ATTORNEY-AT-LAW
1815 FULMER ROAD
BLYTHEWOOD, SOUTH CAROLINA 29016
TELEPHONE: 803-799-1700
Facsimile: 803-753-9004
tony.megna@scbar.org

T 6065983

July 3, 2006

Gina L. Lee
PO Box 655
Blythewood, SC 29016

Re: Wilson v. Lee, CA Number 04CP405333

Dear Gina:

I have not spoken to you in a while and trust you are well. I wanted to provide you an update on the case. The lawsuit against you has been 'dismissed without prejudice.' This means, as a [practical matter, everything remain in limbo for the present time.

As we have previously discussed, the only reasonable claim on your behalf is that that you own the property via a combination of the act of 'ouster' that has been on-going for more than twenty years and adverse possession that has been continuing for more than ten years. As you recall, this means arguing that your father 'ousted' Jim as co-tenant, and this culminated in him leaving you the property in his will. The last time I discussed this with your buyer's lawyers, they seemed to agree that you certainly had an argument to this effect. For them to admit such is very good for your position. My advice is to wait until the first of next year and file a lawsuit against Jim to clear the title to the property, and to file suit against the buyers to foreclose your mortgage. By the first of the year, the argument of adverse possession and ouster becomes a very difficult burden for Jim and the buyers to overcome.

I know this is taking a long time, but your position has improved dramatically over the last few years and is likely to improve more next year. Time is in your side. In the meantime, it is important that the property taxes be paid so that the County does not sell the property at tax sale. Please let me know if you receive any notices to this effect. This is very important as you could lose any possible chance of regaining the property id it is sold at tax sale.

We have been extremely fortunate to date. In this type of situation, long-term patience is not only a virtue but adds significantly to the possibility of a good outcome. Please give my best to Pete, Candace and Bobby and contact me at your convenience if you have questions of any kind.

With kind regards, I remain

Sincerely yours,

Tony R. Megna

James Anasti v. Lee, et al.
2007-CP-40-0576

EXHIBIT 5

Lee's depositions

Refuting Megna's continuous claims of adverse possession to Circuit Courts, Court of Appeals, and Bankruptcy Court.

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)

Lance Wilson and Willis Goodwin,

Plaintiffs,

-vs-

Gina L. Anasti Lee,

Defendant/
3rd Party
Plaintiff,

-vs-

Dallis Law Firm, P.A.,

3rd Party
Defendant/
4th Party
Plaintiff,

-vs-

Sandra Michelsen d/b/a
Abstract Title,

4th Party
Defendant.

Case# 2004-CP-40-5333

DEPOSITION OF

GINA LEE

FAYE A. GRAINGER, d/b/a
GRAINGER REPORTING SERVICE
Post Office Box 532
Irmo, South Carolina 29063
(803) 798-2679 fax# (803) 772-1108

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stating that you were the owner of the property?
(OFF THE RECORD)
MR. DOWLING: Let's go ahead and mark the Promissory Note as the next Exhibit.
(Defendant's Deposition Exhibit Number Eleven was marked for identification purposes)
MR. DOWLING:
Q Did you have a chance to look at the Seller's Affidavit?
A Yes, sir.
Q And even at the closing, you understood and thought you were the owner of the property, is that correct?
A Yes, sir.
Q As we sit here today, do you believe that when you sold that property, you were the owner of the property?
A Yes, sir, I do.
Q And think about this before you answer, because I don't want to know anything that you and your lawyer have discussed, but if something other than what you and your lawyer discussed and if something other than what you've previously told me about what your father told you, what the Will said, what the Deed of Distribution said, anything else, what is it that

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you base your position on that you were the owner of the property when you deeded the property to the Godwins or Wilson in January of 2000?
A I thought it was mine because I had the Deed of Distribution and the Will.
Q And, as you say, you still believe that that is correct?
A I still do.
Q And that you believe that you're entitled to receive or you should be receiving the monthly payments?
A Yes, sir.
Q And even through today, you do not -- your brother hasn't taken a contrary -- well, I guess maybe he has, I haven't seen the documents -- at least he's telling you, talking to you, he has not taken a contrary position?
A What do you mean contrary, I mean?
Q Does your brother maintain that he is the owner currently of the property?
A Well, according to that paper, I would say.
Q All right.
A Yes.
Q And I haven't seen it, but I understood that it was coming and I did talk to his lawyer who called me and at least, that's what he told me is that he

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thought that Jim Anastl was the owner of the property. Have you heard or do you know whether your brother knew about the arrangements and what was going on over the years with this property?
A No, sir.
Q Because what his lawyer told me is that he did and was just sitting watching and seeing what was going on, which is odd to me, but nevertheless, that's what I was told, but you don't know of anything like that?
A No, he got copies of everything. To my knowledge, he should have gotten copies of the Will, the deeds and everything.
Q Your brother should have?
A Uh-huh (affirmative response).
Q So when all this was being done back in '95, when the Estate was being probated --
A Right.
Q -- you were providing copies to your brother, wherever he was?
A Yes, sir, right.
Q All right, so your brother was on notice from the time of when the Will was filed, he got a copy of the Will, Deeds of Distribution, everything?
A He did.

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Q He did?
A Or he should have.
Q Did you do what you were supposed to do? Did you provide him --
A I did.
Q You provided him copies?
A Uh-huh (affirmative response).
MR. DOWLING: Mark this as the next exhibit, please.
(Defendant's Deposition Exhibit Number Twelve was marked for identification purposes)
MR. DOWLING:
Q When the condemnation action by -- who was it, the city, was it?
A Yes.
Q Is that what kind of stirred this up and brought it to a head for you, anyway?
A Yes, sir.
Q Tell me what happened there? Is that condemnation action over now?
A They've done the sidewalk because that's what it was over.
Q Did you receive any money from the city?
A No, sir.

Q Do you know if the city paid any money to anybody?
A That, I don't know.
MR. MEGNA: To the Court.
A Oh, to the Court.
MR. DOWLING:
Q Did you take a position with the Court or in the condemnation action that you were entitled to that money?
A No, sir.
Q You didn't?
A Huh-uh (negative response).
Q All right, and that's because you had already sold the property by ---
A Right.
Q --- the time the condemnation action took place? So, then in the condemnation action, it would either be your brother's money or the Goodwins' or Wilson's money or you just don't have any ---
A Just, I don't know.
Q All you know is you're supposed to be getting your monthly payment?
A Right.
Q So, I take your position would be the same with whatever you sold it to should be getting it?
A Right.

Q Is that correct?
A Right.
Q And not your brother?
A Yes.
Q Now, in the quiet title action ---
MR. DOWLING: Is that what it is, a quiet title action?
MR. MEGNA: I don't know what you call all this. I mean, in the final result, that's what ---
MR. DOWLING: I mean, this other one is whatever what he's done ---
MR. MEGNA: It is kind of more or less, yes, I would call. It is a quiet title.
MR. DOWLING: Because that's what he told me when he called me, that's the words that he used.
MR. MEGNA: That's a fairly accurate description.
MR. DOWLING: All right.
MR. MEGNA: And a foreclosure.
MR. DOWLING: That's what I was going to get to.
Q Are you familiar with when your lawyer says

foreclosure, what a foreclosure is?
A Not exactly.
Q All right, are you taking the position at least against who you sold the property to that they should be paying you the monthly -- whatever is due monthly?
A Right.
Q Are you further taking the position that if they don't pay it, you're entitled to foreclose and get the property returned to you?
A Yes, sir.
Q Up until the condemnation action, is it fair to say that whoever bought the property from you, either Mr. Goodwin or Mr. Wilson, whatever agreement they reached between themselves, that one of them was timely paying monthly payments?
A Yes, sir.
Q And with that money, were you then depositing it into your checking account?
A Yes, sir.
Q And at that point, you had no further interest in the property, correct?
A Yes, sir.
Q You were not, I mean, you were not paying -- you were not doing any repairs. You were not paying

taxes?
A No, sir.
Q During the time after your father died and I believe you said this earlier, you were paying the taxes, correct?
A Yes, sir.
Q Did the tax assessor's office have you listed as being the owner? You were the one receiving the notices?
A Yes, sir.
Q As far as you know, you were never delinquent on the property taxes, were you?
A No, sir.
Q The property was never sold for tax sale?
A No, sir.
Q Have you reached any agreements with anybody, whether it's your brother, whether Wilson, Goodwin, with respect to anything relating to these cases or the quiet title action?
A No, sir.
Q When is the last time that you talked to either of the gentlemen in this room, Mr. Wilson or Mr. Goodwin?
A It's been about three or four years ago. Whenever the payments stopped.

IN THE COURT OF COMMON PLEAS

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

JAMES A. ANASTI, PLAINTIFF,	
VERSUS	C.A. NO.: 07-CP-40-0576
LANCE WILSON, WILLIS GOODWIN, GINA L. ANASTI LEE, RICHLAND COUNTY CLERK OF COURT, DEFENDANT.	

- - -

THE DEPOSITION OF GINA L. ANASTI LEE

- - -

LAW OFFICES OF DOUGLAS N. TRUSLOW

914 RICHLAND STREET, SUITE B-102

COLUMBIA, SOUTH CAROLINA

JUNE 26, 2007

9 A.M. - 11:10 A.M.

IN BEHALF OF THE ATTORNEYS FOR THE PLAINTIFF, THE DEPOSITION OF THE ABOVE-NAMED WITNESS WAS TAKEN BEFORE ME, JUDITH H. HAYES, CERTIFIED COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA, PURSUANT TO NOTICE AND/OR AGREEMENT IN THE ABOVE-ENTITLED CAUSE PENDING IN THE ABOVE-NAMED COURT.

REAL PROPERTY WAS DEEDED OVER TO ALBERT ANASTI AND JAMES ANASTI AS JOINT TENANTS, IN FEE SIMPLE, WITH RIGHT OF SURVIVORSHIP, CORRECT?

A. YES, SIR.

(PLAINTIFF'S EXHIBIT NO. 2 WAS MARKED FOR IDENTIFICATION.)

Q. I AM GOING TO SHOW YOU WHAT'S GOING TO BE MARKED AS PLAINTIFF'S TWO. I HAVE SHOWN YOU PLAINTIFF'S TWO. TELL COURT WHAT THAT IS.

A. MY DAD'S DEATH CERTIFICATE.

Q. YOUR FATHER DIED ON OCTOBER 24, 1995, IS THAT CORRECT?

A. YES, SIR.

Q. YOU'RE CERTAIN HE DIED THAT DAY, CORRECT?

A. YES, SIR.

Q. IN FACT, I THINK YOUR AUNT LAURA CORVI AND YOU BASICALLY PLANNED THE FUNERAL, DIDN'T YOU?

A. I PLANNED THE FUNERAL.

Q. DID SHE ASSIST YOU?

A. NO, SIR.

Q. DID ANYBODY ASSIST YOU?

A. NO, SIR.

Q. DID YOU ASK FOR ANY ASSISTANCE?

A. NO. I PRETTY MUCH DID IT MYSELF. DAD'S SISTERS AND THEM CAME DOWN AND THEY HELPED ME DO THE OBITUARY.

DID I SAY 2006? I MEANT 1996. I APOLOGIZE. YOU CAN SEE WHEN THIS WAS FILED. I HAD THE WRONG EXHIBIT. IT WAS EXHIBIT FIVE. YOU CAN LOOK UP HERE AND YOU CAN SEE THAT THIS DEED OF DISTRIBUTION WAS FILED ON NOVEMBER 7?

A. I THINK SO, YES.

Q. AND WE DON'T KNOW WHEN YOU ACTUALLY SIGNED THIS BUT MAYBE AS EARLY AS OCTOBER OF 1996, BUT FILED IN NOVEMBER OF 1996?

A. YES, SIR.

Q. AND THEN YOU SOLD IT IN JANUARY OF THE YEAR 2000, CORRECT?

A. I THINK THAT WAS THE YEAR.

Q. YOU CAN LOOK AT EXHIBIT SEVEN AND SEE THAT. LOOK ON THE THIRD PAGE AND SEE NOVEMBER 6, 2000.

A. YES, SIR.

Q. SO AFTER NOVEMBER 6, 2000, YOU DIDN'T OWN IT ANYMORE?

A. NO, SIR.

Q. THE ONLY WAY YOU COULD EVER REACQUIRE PROPERTY WOULD BE BY WAY OF FORECLOSING ON A -- I THINK THAT MIGHT BE THE RIGHT WORD, FORECLOSE ON A DEBT THAT YOU MIGHT BE OWED IF, IN FACT, IT WAS OWED TO YOU, CORRECT?

A. YES, SIR.

Q. YOU HAD RELINQUISHED, SOLD COMPLETELY YOUR INTEREST IN THIS PROPERTY AS OF JANUARY 6, 2000?

A. YES, SIR.

Q. I HAVE NOTICED AND YOU MIGHT KNOW THIS AND YOU MIGHT NOT KNOW IT, BUT DO YOU KNOW WHAT ADVERSE POSSESSION IS?

A. I HAVE HEARD OF IT, YES.

Q. DO YOU KNOW WHAT IT MEANS?

A. SOMETHING LIKE PROPERTY THAT'S RIGHTFULLY YOURS GOES BACK TO YOU.

Q. YOU DIDN'T OWN THIS PROPERTY FOR TEN YEARS, DID YOU, BECAUSE YOU SOLD IT IN 2000?

A. YES.

Q. SO AT THE MOST YOU OWNED IT ABOUT FOUR YEARS AND A COUPLE OF MONTHS?

A. YES, SIR.

Q. AS OF THE YEAR 2002, YOU ARE AWARE THAT THE HIGHWAY DEPARTMENT ASSERTED THAT THERE WERE ISSUES RELATING TO THE OWNERSHIP, CORRECT?

A. YES, SIR.

Q. IS THAT THE FIRST TIME YOU WERE AWARE THAT THERE MIGHT HAVE BEEN A PROBLEM?

A. YES, SIR.

Q. IN ADDITION TO THAT, THOSE PAYMENTS OF $58,800, AFTER THE DATE OF SALE, WERE PAYMENTS MADE TO YOU AFTER THAT IN RELIANCE ON THE SALE OF THE PROPERTY?

A. YES.