

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits introduced.)

P R O C E E D I N G S

1
2 THE COURT: All right. This is the case of --
3 Is it Aminah? Did I pronounce it right?

4 MS. RICHBURG: Yes, sir.

5 THE COURT: Aminah Richburg v. E.A. "Rico" Williams,
6 et al.

7 And there's -- I believe there's three motions. Am I
8 correct?

9 MS. HURLEY: I believe that's right, Your Honor.

10 THE COURT: Two motions for -- a motion to compel
11 discovery by the Plaintiff, and then a motion for summary
12 judgments on behalf of --

13 Does that cover all Defendants?

14 MR. MONTGOMERY: Yes, Your Honor.

15 THE COURT: All right.

16 MR. MONTGOMERY: My name is Michael Montgomery. I
17 represent the South Carolina High School League.

18 THE COURT: Okay.

19 MR. MONTGOMERY: We're a separate Defendant from
20 Mr. Williams as director of the --

21 THE COURT: Right.

22 All right. Well, I guess, Ms. Richburg, let me
23 hear -- let's hear the motions for summary judgment first.
24 And then we'll hear the motion to -- well, no, you filed
25 your first. I'm going to let you --

1 It looks like hers was filed first; is that correct?

2 MS. RICHBURG: Yes, sir.

3 THE COURT: All right. Let me hear from her first
4 then.

5 All right. I'll be glad to hear from you.

6 MS. RICHBURG: Okay. Your Honor, I, Aminah Richburg,
7 the Plaintiff, have asked for compensation with the first
8 and second interrogatories to be used as tools to obtain
9 facts due to limitations with knowledge and memory --

10 THE COURT: I guess what -- you tell me what you've
11 asked for that they haven't provided to you.

12 MS. RICHBURG: Okay.

13 THE COURT: Let's just kind of cut to the chase.

14 MS. RICHBURG: Okay. I can do that, Your Honor.

15 With the first set of interrogatories, there were, in
16 all, 18 factual information requests that were made. Out
17 of the factual requests made in the first interrogatories,
18 the Defendants have failed to provide the factual
19 information for interrogatory 1, 5 -- 1, 4, 5, 6, 7, 8, 9,
20 10, 12, 13, 16, and 18.

21 When I submitted my motion, I gave detailed
22 information all descriptive information pertaining to why
23 I'm asking for the information and the information that
24 the Defendants provided.

25 In the second interrogatories, the interrogatories

1 for the second one is for interrogatory 2, 3, 4, 5, 6, 7,
2 8, 11, 13, 14, and 15. The only -- the responses came
3 from Mr. Montgomery that represents the South Carolina
4 High School League. Ms. Hurley, who represents E.A.
5 "Rico" Williams, has failed to send any type of responses
6 for the second interrogatories.

7 So I've only received answers for the first set of
8 interrogatories from the Defendants. And when I
9 communicated in the first interrogatories information I
10 didn't receive, that's from both of the Defendants.

11 And then in the second set of interrogatories, I
12 received factual information only from Michael Montgomery.
13 I did not receive any information from Ms. Hurley since I
14 filed for the second interrogatories.

15 THE COURT: All right. And is this your motion to
16 compel that was filed on October the 11th?

17 MS. RICHBURG: Yes. That's when it started.

18 THE COURT: All right. And that's -- you know,
19 that's where it covers all your -- and you've got very
20 good detail of all the issues there.

21 MS. HURLEY: Your Honor, if I may clarify.

22 THE COURT: Well -- all right.

23 MS. HURLEY: I'm sorry.

24 THE COURT: Go ahead.

25 MS. HURLEY: I think she filed something subsequent

1 to what was filed in October that is -- I believe --

2 MR. MONTGOMERY: January.

3 MS. HURLEY: She filed something in January that's
4 the subject of today's motion hearing.

5 THE COURT: Okay.

6 MS. RICHBURG: The first motion was filed in October.
7 That was with the first set of interrogatories.

8 THE COURT: All right. And that has been addressed?

9 MS. RICHBURG: It was not addressed. That's why --

10 THE COURT: I guess -- has there been a hearing on
11 this?

12 MS. RICHBURG: Well, the hearing took place. The
13 Defendants presented a protection order.

14 And so the Judge -- she did not -- she was not
15 prepared. She didn't even have a copy of the protection
16 order. And what she communicated to us was that she was
17 going to look over the information for the protective
18 order. And she just advised counsel to communicate with
19 me to see what interrogatory information that I was asking
20 for. But --

21 THE COURT: All right.

22 MS. RICHBURG: -- nothing was ever discussed.

23 THE COURT: Let me -- because you filed something in
24 January. I'm -- what is it called? Is it something a
25 little different?

1 MS. RICHBURG: It says -- the one that I filed in
2 January is -- it's second motion -- second notice of
3 motion to compel first and second interrogatories request
4 for a hearing. That was filed in January. That was on
5 the 13th of January.

6 THE COURT: Okay. For some reason, the binder did
7 not get that out. It says, Document error.

8 MS. RICHBURG: Yes. And, Your Honor --

9 THE COURT: So I do not have a copy of that before
10 me.

11 MS. RICHBURG: You do not.

12 And, Your Honor, I'm going to just bring to your
13 attention that I have filed maybe about --

14 THE COURT: Hold on. Let me get this. Let me get
15 this.

16 MS. RICHBURG: Okay.

17 THE COURT: Does anybody have a copy of this? Do
18 y'all have a copy that y'all can --

19 MR. MONTGOMERY: Your Honor, I have a copy that I
20 have not marked on.

21 THE COURT: All right.

22 MS. RICHBURG: Could I make sure that that is the
23 copy that I have for today?

24 THE COURT: Yes.

25 (Pause.)

1 MS. RICHBURG: That's not the same. Because it would
2 have -- you don't have the first and second
3 interrogatories. This is not the one I have.

4 If someone could make a copy of mine, Your Honor.
5 That's the one that --

6 THE COURT: Well, hold on. I think I can find it
7 another way. I may be able to pull it up.

8 MS. RICHBURG: Okay. Thank you.

9 (Pause.)

10 THE COURT: All right. Now, I'm on the same page, 1
11 of 94, I see.

12 MS. RICHBURG: Yes. I'm sorry.

13 THE COURT: Okay. So we're here for the second --
14 okay. And the only -- and the computer file that I had
15 had your first motion. And that was what I was looking
16 at. But we're here for your second motion. Okay. And
17 you very, specifically, have laid out all of the
18 questions.

19 All right. Anything else you would like to tell me
20 about that?

21 MS. RICHBURG: Well, with the motion to --

22 THE COURT: Yes.

23 MS. RICHBURG: Sir, the reason why, you know, I'm
24 asking for this compensation with this information so it
25 can be used to reveal the truth and produce justice and

1 correctness with every question that I have with the
2 interrogatories.

3 Everything really conspired with an e-mail that was
4 sent by the Defendant, Eco -- I mean Rico Williams. He
5 initiated everything. Nothing was initiated by Aminah
6 Richburg, who is standing before you as the Plaintiff.
7 His insidious behavior resulted in a difference of --

8 THE COURT: Well, I'm just talking about discovery
9 here. I don't -- I mean --

10 MS. RICHBURG: Oh, okay. I got you.

11 THE COURT: I mean, I'm not talking about the case.
12 But it looks like this is the same thing that was filed
13 before and you already had a hearing on.

14 MS. RICHBURG: Well, that's the thing, Your Honor.
15 It never was discussed.

16 THE COURT: Okay. Let me hear -- let me hear -- just
17 so I can get a handle, let me hear from what y'all --
18 y'all help me here.

19 MR. MONTGOMERY: If I may --

20 THE COURT: Yes.

21 MR. MONTGOMERY: -- my understanding of sort of the
22 history, how we got here with discovery. There was a
23 motion -- a motion to compel filed very early on in the
24 case. I had asked Ms. Richburg for an extension. She did
25 not respond. I e-mailed her.

1 And I wrote her a second time and said, You've not
2 responded. I assume you've -- you have no problem with an
3 extension. She didn't respond to that and then filed a
4 motion to compel because we didn't serve our responses
5 within 30 days. We had a hearing on that. Judge Couch
6 denied her motion to compel.

7 In the interim, we had answered the discovery for the
8 first set of interrogatories. She then filed a motion to
9 compel based on the answers themselves. That was
10 scheduled for a hearing, I believe, in November. And it
11 was, also, scheduled at the same time that I had filed a
12 motion for a protective order on some of the documents I
13 was willing to give her.

14 The day before that hearing on her motion to compel
15 and the protective order, the three of us had a conference
16 call and we talked for about an hour. And we went through
17 the documents, some of which we said -- we needed some
18 clarification on what exactly she was asking for. She
19 provided some of that. We agreed to look. I responded --
20 excuse me. Let me back up.

21 So we had that conversation. When we got in front of
22 Judge Verdin for the protective order hearing, we told her
23 we had talked, we sort of maybe narrowed it down. And she
24 said, If y'all have talked, let me give you 30 days.
25 Y'all, you know, update your responses based on this

1 conversation that you had trying to work it out, and
2 update your responses within 30 days. She also -- we
3 talked about getting the Plaintiff's deposition scheduled.

4 So I know -- I'm not exactly sure when Ms. Hurley
5 responded. But I know I sent a letter, I believe, that
6 was dated December 2nd that provided some additional
7 information and clarified some of my responses. There
8 were some objections, I think. But that sort of
9 transpired in December. And then we got this motion.
10 We'd gotten a second set of discovery in the meantime.
11 And then we got this motion in January.

12 So some of this we have discussed, it's my belief
13 that some of this, at least, with respect to the first set
14 of discovery that we have discussed. Some of it we've
15 answered. Some of it we don't have documents. And we've
16 said that, or tried to explain what they mean. And so
17 then we got the second motion in January.

18 THE COURT: Okay. Is that a pretty fair
19 representation of the history, not the substance, but the
20 history of how we got to this point here today?

21 MS. RICHBURG: I would agree with some. The reason
22 why I have so much detailed information is because Judge
23 Couch instructed me that in my motion to compel -- because
24 Attorney Montgomery is correct. When I asked for the
25 motion to compel is when I did not receive the

1 documented -- I mean, information in 30 days.

2 So Judge Couch was the one that sort of directed me
3 to say when you file a motion, you must give details as to
4 how and why you're asking for this information. So that's
5 why you see all of these --

6 THE COURT: It's very detailed, too.

7 MS. RICHBURG: Yes. But that's why I'm doing it. I
8 know that I am pro se. I don't have expert knowledge.
9 But I try to function as best as I can. So that's why I
10 make sure. Because everything is factual. And that's as
11 it should be.

12 THE COURT: Well, let me ask -- let me ask them.

13 What in your mind have y'all not given -- or have you
14 given?

15 Ms. Hurley.

16 MS. HURLEY: Thank you, Your Honor.

17 I -- I don't know if you've had a chance to see this,
18 but I did file a short response to the motion to compel
19 about a week ago. And I have another copy here.

20 But I have laid out -- I have laid out the history of
21 our responses, Mr. Williams responses, and sort of
22 identified in there the -- this, Your Honor, just to give
23 you some indication is a copy of everything, my responses
24 to her. We've served multiple responses, along with 38
25 pages of documents from Mr. Williams' file, or that you

1 could get from the -- from the District One records.

2 The last response we served was on January 18th. And
3 that was to produce a confidential document. We were
4 waiting on a protective order to be entered. And once we
5 had that, we felt it was safe to go ahead and produce
6 that. Because the -- the document we were waiting to
7 produce had a list of the officials who had blocked
8 Ms. Richburg from their assignments, meaning that they
9 had, for some reason, indicated that they did not want to
10 be assigned with Ms. Richburg. That was a document that
11 we produced.

12 But, prior to that, we had produced everything that
13 we either had, or felt like was appropriate. There were
14 some things we objected to.

15 For example, she's asked for Mr. Williams' tax
16 returns. We feel like that has absolutely no bearing or
17 relevance to the incident action. She's asked for
18 information about the gender and -- of -- gender and ages
19 of other officials, which, clearly, is not a relevant
20 issue in this case.

21 She's asked us to give -- she asked for the
22 affiliations of all the District One board members. What
23 we did is we gave her -- the District One board is the
24 body that decided that Ms. Richburg's application for
25 readmittance to the South Carolina Basketball Officials

1 Association for District One would not be accepted if she
2 reapplied for 2016 to 2017.

3 We provided the full names of all the board members,
4 their home addresses, and their e-mails. She, also, asked
5 for their affiliations. We weren't clear on what that
6 meant. But I assume she wants to know what their job
7 information is. And we don't have all that. I mean,
8 these are people who volunteer to do these basketball --

9 THE COURT: I'll let you respond when she gets
10 through.

11 MS. RICHBURG: Okay. Thank you.

12 MS. HURLEY: And so I know that that's something
13 we've objected to.

14 I can't remember, but I've, basically, outlined it in
15 here. Now, if there's something else specific -- one of
16 our problems has been it's not quite clear what it is
17 exactly that she still feels like she needs in order to
18 proceed with her case. So if -- if we could narrow it
19 down to say this is exactly what I'm looking for, that
20 would be helpful.

21 But we feel like we have produced everything we have
22 that is not otherwise objectable.

23 THE COURT: All right. And do you have anything
24 specific, Ms. Richburg -- or you wanted to respond.

25 MS. RICHBURG: Yes, sir. I wanted to respond.

1 Based on the -- all the information that I'm asking
2 for would support everything that I communicated in the
3 first complaint that was filed on March, I believe, the
4 31st or -- yeah, on March the 31st.

5 So everything that I listed in my complaint,
6 everything that I've list in the interrogatories, it
7 supports everything that I've communicated in my complaint
8 based on the behaviors and the actions of Rico Williams
9 and the South Carolina High School League.

10 What the attorney just communicated --

11 THE COURT: I guess -- let me ask you this. What,
12 specifically, do you want them to provide?

13 MS. RICHBURG: Everything that -- that is in here.
14 That's why I specifically -- you can see that there's some
15 numbers that I haven't listed, meaning that whatever
16 information they gave me was acceptable.

17 But if they failed to give me the information, that's
18 what I'm asking for. Because it supports everything that
19 I communicated in my first complaint, as well as it
20 counters what was communicated by Mr. Williams when he
21 initiated this e-mail that caused the defamation of the
22 Plaintiff.

23 THE COURT: All right.

24 MS. HURLEY: Your Honor, one other thing just to
25 throw out there. She says there was a set that we never

1 answered. That's not true. We -- we answered it timely.
2 I asserted a number of objections where I could answer. I
3 said we would and --

4 THE COURT: I'll let you respond. You don't have to
5 wave your hand.

6 MS. HURLEY: -- and there -- for a number of items in
7 that second set, we had to rely on the South Carolina High
8 School League to provide. So she has it from the high
9 school league. She just didn't get it from us.

10 So I -- you know, our position is why should we
11 have -- I mean, we don't have it. We're relying on the
12 high school league to produce it. Once it's produced, it
13 shouldn't matter where it came from. It's official league
14 reference.

15 THE COURT: All right. Briefly, so we can move on to
16 another motion.

17 MS. RICHBURG: Yes, Your Honor. As you know, I am
18 pro se, so I am trying to follow the protocol.

19 I was told by Judge Couch that when I asked for the
20 first set of interrogatories that I would receive a
21 response from both Ms. Hurley and Mr. Montgomery. And
22 that has been the practice.

23 Now, all of the sudden, maybe months later, I'm
24 hearing from Ms. Hurley just now that now they're deciding
25 when they are selectively making the decision when they

1 want to respond or not. That is a part of the motion to
2 compel so that I can make sure that I'm getting all of the
3 factual information that I need.

4 If it is that they do not have the information, then
5 I will do a request for admission, meaning that they have
6 to say, Ms. Richburg, we don't --

7 THE COURT: I know what a request for admission is.

8 MS. RICHBURG: I know. I don't know. But I'm
9 just -- I apologize for rambling.

10 THE COURT: I'm going to have to, obviously, look
11 through this to determine and issue an order on the
12 discovery part. Okay. Because you've gone through --
13 you've carefully laid it out in your motion. And I've got
14 your motion here.

15 MS. RICHBURG: And, Your Honor, can I just say one
16 more thing?

17 THE COURT: Yes.

18 MS. RICHBURG: Even with their responses, their
19 responses are counterproductive, meaning Mr. -- Ms. Hurley
20 and Rico Williams will acquiesce to whatever factual
21 information is presented by Mr. Montgomery. Once
22 Mr. Montgomery produces that information and it's not to
23 their satisfaction, all of the sudden they're producing
24 other information.

25 And I communicated that in the summary judgment

1 information whereas it's almost like a flip flop. Oh,
2 we're going to acquiesce to the South Carolina High School
3 League to provide this information. But whatever
4 information the South Carolina High School League
5 provides, now, all of the sudden, when it does not meet
6 their standards or what they think is factual information,
7 then I'm receiving other documentation, some of it being
8 altered, handwritten, very unprofessional. And I feel
9 like it's highly objectionable.

10 So that is what I have been experiencing with both
11 attorneys. And that was really the major -- that's what
12 really propelled me to do the motion to compel so I could
13 have the judge -- and we could all be on one court.

14 THE COURT: Okay. And the only motion you have
15 pending is the motion to compel; right?

16 MS. RICHBURG: And the only other thing I did was
17 the -- when they filed the summary -- I did, also, file a
18 notice to dismiss motion and, also, dismiss summary
19 judgment. So I did do that --

20 THE COURT: And that -- and that would be your
21 response to their motion for summary judgment.

22 MS. RICHBURG: Okay.

23 THE COURT: I did see that. That's --

24 MS. RICHBURG: But those are the only two.

25 THE COURT: All right. Now, let's hear about the

1 motion for summary judgment.

2 MS. HURLEY: Thank you, Your Honor.

3 Would you like me to give you a little bit of
4 background facts --

5 THE COURT: Yes.

6 MS. HURLEY: -- about this case?

7 THE COURT: And let me just tell you, Ms. Richburg.
8 You're going to want to -- you know, when she -- what I'm
9 going to do is I'm going to hear from her --

10 MS. RICHBURG: And then you'll let me --

11 THE COURT: Well, y'all tell me. Would it make sense
12 to hear from both of you and then let her respond?

13 MS. HURLEY: Probably.

14 THE COURT: Okay. I'll hear from both of them, then
15 I'll let you give a complete response.

16 MS. RICHBURG: Okay.

17 THE COURT: So you may want to take notes.

18 MS. RICHBURG: Okay.

19 MS. HURLEY: Your Honor, thank you.

20 Sarah Day Hurley for Rico Williams.

21 I'll just briefly go over the background facts.

22 There are two Defendants in the case, Rico Williams and
23 then the South Carolina High School League.

24 Mr. Williams works for FedEx. But he has for over
25 20 years been a basketball official, which means he

1 officiates basketball games through the South Carolina
2 High School League at the varsity and junior varsity
3 levels. He, also, helps on the side coordinate officials
4 for intramural games at Furman, and games at the Y, and
5 that sort of thing. He just loves basketball. It's his
6 life.

7 So, in 2015 -- in July of 2015, Mr. Williams was
8 elected to become the director of District One of the
9 South Carolina Basketball Officials Association. And
10 District One covers schools in Greenville and Pickens
11 County.

12 And as part of his duties as the District One
13 director, he sets up meetings for officials where they do
14 training, and talk about rules and regulations, that sort
15 of thing. He helps -- he goes to meetings with the other
16 directors and, basically, helps coordinate things and keep
17 things running more or less. And he leads the -- there's
18 a District One board that has about 10 board members, as
19 well -- all of them are basketball officials as well.

20 So Ms. Richburg, I believe, became a basketball
21 official with District One about three years prior to the
22 events. This was her third -- third year. All of the --
23 all of the events here happened in February of 2016, a
24 year ago. And that was Ms. Richburg's third year in the
25 District One.

1 So Mr. Williams had texted the Plaintiff and then
2 followed up with a phone call. And they went back and
3 forth and, finally, connected on the phone. But,
4 essentially, he was trying to reach her. And this is all
5 laid out in his affidavit, by the way, that we filed with
6 our motion.

7 He was attempting to reach Ms. Richburg in order to
8 do two things. One, he wanted to confer with her about
9 her availability to officiate a non-league game that I
10 think may have been at Furman. It doesn't matter, but it
11 was a non-league game. And he had -- he wanted to make
12 sure -- I guess there had been some question about whether
13 the game was still on. He wanted to make sure.

14 As you can imagine, it's his responsibility to gather
15 these people. And he wants to make sure he has their word
16 they're going to be there. Because the game can't go
17 forward if they don't have officials. So he wanted to ask
18 her about that.

19 But he, also, needed to ask her a question about
20 something that had been told to him. And this has all
21 been produced to Ms. Richburg in discovery. But another
22 official named John Williams had reported to Rico Williams
23 a few days earlier that Ms. Richburg had attended a game
24 and officiated a game wearing black jogging pants, tight
25 pants that are not part of the officials approved uniform.

1 Excuse me.

2 And so Mr. Williams said to her, This has been
3 reported to me. Is it true that you were wearing the
4 black jogging pants? And basically -- and this is all,
5 again, laid out in our affidavit and then in the briefs.
6 But she gave him a very short response, said she was at
7 work, and that she doesn't wear such pants, and is that
8 all he had to talk to her about. And so he said, Yes.
9 That's it. Okay. Well -- and he just let it go.

10 A few minutes later that same day after they had this
11 conversation, she sent him a text message. And in the
12 text message, she accused him of harassing her and said
13 that she was going to report his "monopoly status" and how
14 he manipulates the District One organization. She was
15 going to report this to the league, and to his higher ups,
16 and, basically, was complaining about his leadership.

17 So in response to the text message, Mr. Williams then
18 wrote an e-mail to Ms. Richburg and addressed the whole
19 history of their communications and, basically, offered at
20 the end of the communication -- at the end of the e-mail
21 offered to assist in a transfer to another district if she
22 was no longer comfortable with the District One
23 leadership.

24 And in this e-mail, he copied Skip Lax, who is the --
25 or was at the time the commissioner of officials for the

1 South Carolina High School League, who Ms. Richburg knows
2 who he was. And he, also, copied the District One board
3 members. Because it was apparent in the e-mail that --
4 that she had expressed disapproval of his leadership
5 actions, and was going to complain to the league. And
6 Mr. Williams could see that this was not going to go away,
7 that he had to address it, especially since she was
8 alleging that he was harassing her. So it escalated from
9 there.

10 But, essentially, her claim against Rico Williams is
11 one of defamation. She says that he defamed her when he
12 sent that e-mail.

13 Now, in her complaint, there's also -- it's not
14 clearly pled, but there appears to be some claim of
15 negligence against the high school league for failing to
16 intervene. Because after this e-mail, Ms. Richburg sought
17 to bring in Skip Lax, the commissioner of officials, and
18 later sought to -- to solicit the assistance of Joedy
19 Moots, who was the officials representative of the high
20 school league.

21 Essentially, she was contacting people at the league
22 to get them involved in her dispute with Rico Williams,
23 which all started because he asked her whether it was true
24 what John Williams had said about what she was wearing to
25 the game.

1 So we have filed a motion for summary judgment. We
2 have exchanged written discovery requests. We have -- we
3 have taken Ms. Richburg's deposition. We've submitted
4 affidavits. And we believe the case is ripe for
5 disposition on summary judgment.

6 And we have two grounds for asking for summary
7 judgment for Mr. Williams. The first ground is based on
8 the truth of what was stated in the e-mail. As Your Honor
9 knows, truth is an absolute defense to a claim of
10 defamation. And, in this case, liable because it was a
11 written communication.

12 Now, in the e-mail, Mr. Williams said several things.
13 And it's a lengthy e-mail. And I've laid it out in our --
14 we filed a brief today, Your Honor, with the Court
15 electronically. And I can provide a courtesy copy, if you
16 need it. But it should be accessible soon.

17 THE COURT: Right.

18 MS. HURLEY: Would you like a courtesy copy --

19 THE COURT: Yes. Well, you know what, here, I've got
20 it. Defendant Rico Williams brief in opposition --

21 MS. HURLEY: This is -- I don't have a filed stamped
22 copy. And I apologize for not filing it sooner. But I've
23 had two parents in and out of the hospital in the last
24 couple of weeks. So it's been kind of rough.

25 So in that brief, Your Honor, if you'll see -- the

1 alleged defamatory e-mail starts on Page 2. And if you
2 want me to stop and give you time to read it, I can do so.

3 THE COURT: Yeah. Let me read it.

4 (Pause.)

5 THE COURT: All right.

6 MS. HURLEY: All right. Your Honor, so we've
7 addressed the items stated in the e-mail. And notably,
8 everything in the e-mail is factual. He's just repeating
9 facts. He's not making derogatory comments about her.
10 He's not expressing negative adjectives. He's just
11 reputing what he views as the facts.

12 So Ms. Richburg has claimed that it's not true, that
13 she was blocked by other officials. Well, we have, in
14 fact, produced the confidential documents showing the list
15 of officials -- according to the league's records as to
16 the officials who blocked her.

17 And we have a document in our record that shows she
18 was blocked by 10 officials, and the dates of those blocks
19 handwritten beside it. And then the league's counsel has
20 produced additional documents showing the two high schools
21 and additional officials who have blocked her.

22 So we have shown that it's absolutely true that at
23 the time Rico Williams wrote this e-mail that Aminah
24 Richburg had been blocked by 10 officials and two high
25 schools, not including the two high schools where she

1 blocked herself because her kids go there.

2 The second item is the complaint about her
3 unwillingness to accept constructive criticism by other
4 officials. That's in Rico Williams e-mail. He testifies
5 in his -- I mean, in his affidavit. He testifies in his
6 affidavit that, yes, it's absolutely true. And what he's
7 doing is saying here to Aminah, these people have reported
8 to me your unwillingness to accept advice and constructive
9 criticism at times. And that is absolutely true. And we
10 believe that's subject to the hearsay exception and
11 perfectly appropriate for the Court to consider on this --
12 on this motion.

13 The last item is her poor meeting attendance. And
14 Mr. Williams puts in here in his e-mail to her, We have a
15 record of your coming late to meetings. And that is,
16 also, true. And we've produced records from District One.
17 Their treasurer keeps the records. And he keeps them on a
18 computer. There's no sign-in sheet. It's done by roll
19 call. And we produced those to Ms. Richburg. And so that
20 is, also, substantiated by the documents we produced and,
21 also, the affidavit of Rico Williams.

22 So we have produced records showing that these items
23 in this e-mail are true. And all they have to be is
24 substantially true. And we've proven that they are, in
25 fact, true. And so unless she can now come back with

1 evidence showing that something we said is not true, such
2 that it constitutes defamation, we should be entitled to
3 summary judgment on the basis of truth alone.

4 However, we have a second defense, which is the
5 defense of qualified privilege. And that is sort of akin
6 to you say it only to people on a need-to-know basis. A
7 qualified privilege is oftentimes invoked in the
8 employment setting where a supervisor might send an e-mail
9 to human resources about an employee's job performance.
10 That's considers -- considered to be a privileged
11 communication because it's only communicated to people who
12 have an interest in the subject matter. And it's
13 communicated in a proper form. And I would submit that
14 that is the situation here.

15 And, Your Honor, the Court -- the case law says --
16 and this is in our brief -- that it's the duty of the
17 Court to determine whether a privilege applies when the
18 facts are not in dispute. Obviously, if there's a
19 question of fact as -- a question of material fact as to
20 what was said or who it was said to, that would prevent
21 the Court from ruling on this.

22 But in this particular case, it's not in dispute.
23 The alleged defamation is set forth in writing in the
24 e-mail. And there's no dispute as to who it was sent to.

25 For privilege to apply, it had to -- the

1 communication had to have been made in good faith on a
2 subject matter in which the person communicating had an
3 interest or a duty, and made to a person or persons with a
4 corresponding interest or duty in the -- in the subject
5 matter of the communication. And that is true. The
6 privilege would apply in those instances so long as the
7 privilege is not exceeded or abused. But the privilege
8 applies even if the statement would otherwise be
9 actionable.

10 So, in other words, this second ground for summary
11 judgment is independent of the defense of truth. We would
12 not have to show that both apply in order to get summary
13 judgment. We only have to show one or the other. And
14 either one, we believe, is an independent ground for
15 granting summary judgment to Mr. Williams.

16 Now, it's our belief that Mr. Williams' e-mail was
17 made in a proper manner to proper parties. He puts forth
18 in his e-mail -- or in his affidavit. I keep saying
19 "e-mail." Sorry.

20 He says in his affidavit, look, I had the right as
21 the District One director -- and this is absolutely true
22 under the contract that Ms. Richburg had to sign, as all
23 officials sign. He had the absolute right on his own to
24 say to Ms. Richburg that she could not reapply for
25 membership in the District One SCBOA, but he chose not to

1 do that. He gave her the benefit of the doubt because she
2 was directing her complaints against him. He decided to
3 recuse himself and let the board decide whether to take
4 any disciplinary action against her.

5 And, by the way, it's, also, spelled out in
6 Mr. Rico's -- Williams affidavit that he invited
7 Ms. Richburg to the meeting -- the board meeting at which
8 her status was going to be discussed. And she never --
9 she never showed up for that. So she did not attend the
10 meeting in which she was invited to address these issues
11 with the board before they voted on any action to take
12 against her.

13 But the point of this is that the board members
14 historically deal with disciplinary actions of members.
15 And so Mr. Williams thought it was appropriate to copy
16 them on this e-mail to Aminah Richburg because he could
17 see that something was likely to happen with respect to
18 her membership, whether it be a suspension or termination.

19 Similarly, for the same reason, he copied Skip Lax,
20 who is the league's commissioner of officials. He's in
21 charge of membership. He has to notify officials when
22 their applications are rejected. Certainly, this was
23 within the scope of something that would be relevant, and
24 something within his purview of needing to know.

25 The other point about that is that Ms. Richburg

1 herself forwarded Mr. Williams' e-mail to Skip Lax and,
2 also, Joedy Moots, both of whom are commissioners with the
3 South Carolina High School League. So she clearly, also,
4 thought that it was important to get them involved and had
5 no problem with communicating these issues with them.

6 So, at the end of the day, we think if the Court has
7 time to look at the affidavit of Rico Williams and look at
8 our brief, you'll see that there's no dispute as to what
9 communication was made, and who it was made to, and that
10 it was made in good faith, and that the privilege would
11 apply.

12 THE COURT: All right.

13 MS. HURLEY: Thank you.

14 THE COURT: I'll hear from him. And then you can
15 tell me everything you need to tell me.

16 MS. RICHBURG: Okay. Thank you, sir.

17 MR. MONTGOMERY: Thank you, Your Honor.

18 THE COURT: Mr. Montgomery.

19 MR. MONTGOMERY: Again, my name is Michael Montgomery
20 on behalf of the high school league.

21 I, certainly, join in to the arguments made by
22 Ms. Hurley, especially with the defenses of truth and the
23 privilege. We join in those and believe that those have
24 been established.

25 I do -- in case -- I think it's been set forth in our

1 brief, but if the Court has any questions regarding the
2 relationship between the SCBOA and the high school
3 league -- and the high school league bylaws, it gives the
4 high school league the authority to organize these
5 officials organizations for the purpose of certifying
6 officials and supplying officials for high school league
7 games. There's a basketball officials association.
8 There's a football officials association. And then
9 everybody else sort of falls into the South Carolina
10 officials association.

11 And the -- under the SCBOA's bylaws, they have a
12 certain roll carved out for the commissioner of officials,
13 which is somebody designated by the high school league to
14 serve in that role. Skip Lax serves in that role. He
15 still does and was at the time of the case. And he is,
16 also, an associate commissioner of the high school league.
17 He has separate duties and responsibilities for the
18 day-to-day affairs of the high school league. But he,
19 also, serves as the commissioner of officials.

20 And some of the things that the high school league
21 does -- or his role would be with keeping records.
22 There's a computer software system called Arbiter that,
23 basically, is the sort of software that you use to
24 generate assignments, keep records, things of that nature.
25 The high school league primarily does varsity contests

1 from their office. Arbiter does the varsity scheduling.
2 The local district -- there are 12 across the State. They
3 do what we call sub-varsity, JV, and middle school games.

4 So the scheduling sort of goes through different
5 arenas. But the high school league is in charge of
6 certifying -- helping certify, training, providing
7 educational materials. And the one thing that I think,
8 you know, is important for this case is the one thing that
9 the local districts reserve the right to control, and
10 that's who they allow to be members of the local
11 districts. It -- it -- one of the things that's spelled
12 out is the commissioner of officials duties is if there
13 is -- they notify officials when they are accepted or
14 rejected, but only after the local district has
15 determined.

16 So the high school league can't make anybody be an
17 official of the local district. That decision is sort of
18 left with the local districts who have the sole
19 determination as to who's going to become a member.

20 And in terms of Mr. Moots, who was mentioned, Joedy
21 Moots, he's not a commissioner or an employee of the high
22 school league. Mr. Moots is, actually, a high school
23 principle. And he serves as the officials representative,
24 which is the representative of the officials association.

25 The high school league has an executive committee

1 that sort of is the governing body. It's a representative
2 body of 16 people. There are various entities that have a
3 representative, the superintendant's association, the
4 Department of Education. And the officials association is
5 one of them. And that's who Mr. Moots was sort of -- that
6 was his role during this time period. And -- and so I
7 wanted to be sure I sort of clarified from a factual
8 perspective what his role was.

9 In terms of any defamation claims against the high
10 school league, I'm not really sure that's what's being
11 sought here. Clearly, the high school league, Mr. Lax,
12 did not make any communications to anyone, other than he
13 responded to Ms. Richburg. Mr. Moots as well.

14 In our brief -- our position is that Mr. Moots wasn't
15 acting on behalf of the high school league. He was acting
16 on behalf of the officials association. Nonetheless,
17 Ms. Richburg reached out to him, forwarded him
18 Mr. Williams' e-mail and said, Please advise.

19 Mr. Moots gave his advice, his response. It did not
20 sort of -- did not please Ms. Richburg. She -- there were
21 some communications back and forth. But he, basically,
22 said, I don't see anything that -- that Mr. Williams has
23 done wrong, and things like that. But there was no
24 defamatory communication or anything said about the
25 Plaintiff that would support a defamation claim against

1 the league.

2 What sort of was pled to some extent in the complaint
3 was that there's a negligence claim against the league for
4 not intervening and preventing, I guess, the ultimate
5 result, which was the board -- the district board voting
6 not to accept her application in the future, you know.
7 There's -- if I'm taking that to be the claim, several
8 defenses would apply.

9 One, what Mr. Lax did when -- when Ms. Richburg
10 forwarded him the e-mail, he, basically, said, you know,
11 this is -- this concerns a local concern to be addressed
12 at your district level. He explained in his affidavit --
13 Mr. Lax's affidavit that it didn't involve a specific
14 contest or a varsity contest and -- and, therefore, it was
15 a -- it appeared to be a dispute between Mr. Williams and
16 Ms. Richburg to be handled at the district level. So he,
17 basically, deferred it to the district level.

18 So along with that, one, I don't see that there's any
19 duty for Mr. Lax to force himself into that dispute to do
20 it. It's allowed. If you want to call it a discipline
21 issue, the commissioner and the board of directors have
22 the right to -- to be involved with that. He deferred it
23 to the board of directors of District One.

24 If it's a membership issue, which if you read Rico
25 Williams e-mail, it says You're not going to be assigned

1 to any games until your membership status is reviewed by
2 the district board of directors. Again, going back to the
3 bylaws and the relationship between the BOA and the high
4 school league, the BOA retains the right to determine
5 who's going to be a member.

6 So that was a membership issue, but it's also -- it
7 doesn't involve any varsity contest or any specific
8 issues, other than sort of personality differences.

9 We raised in our -- in our brief that the high school
10 league is a governmental entity, such would be subject to
11 the Tort Claims Act. One -- one thing I did not raise in
12 my memo, but I wanted to be clear I raised to Your Honor
13 is under 15-78-60, which is the Tort Claims Act,
14 exceptions to waiver immunity -- waiver of immunity,
15 number five provides immunity --

16 THE COURT: Wait. What was the section number again?

17 MR. MONTGOMERY: 15-78-60, Section -- Paragraph five.

18 THE COURT: 15-78-60, Paragraph Five.

19 MR. MONTGOMERY: Which would be, basically,
20 discretionary immunity, which says that the governmental
21 entity is not liable for a loss resulting from the
22 exercise of discretion or judgment by the governmental
23 entity or employee, or the performance, or failure to
24 perform any act or service which is in the discretion or
25 judgment of the employee -- governmental entity or

1 employee.

2 And given that Mr. Lax has the discretion as to
3 whether or not to be involved, he exercised that
4 discretion. And just because the Plaintiff does not like
5 what he -- that he -- what he said or that it was a local
6 matter, that's not grounds for a negligence claim.

7 Again, the sort of -- to claim that the high school
8 league had some absolute responsibility to get involved
9 sort of ignores the fact that it's the -- that it's the
10 local districts that have the membership right to
11 determine who's going to be a member. We can't force
12 somebody to -- to be a member.

13 And so that's partly where Mr. Lax's decision not to
14 become involved -- and, again, it was Mr. -- Mr. Moots and
15 Mr. Lax said -- said basically, you know, we don't think
16 that there was anything done wrong here by Mr. Williams.
17 And that continues to be the case.

18 And just because the Plaintiff doesn't agree with
19 that conclusion that they reached doesn't mean that it's
20 negligence based upon the standards which, you know, as --
21 as an official she's an independent contractor. She's not
22 an employee. She doesn't have any particular right to
23 continue "employment" as an official. It's up for --
24 every year it's up. And there doesn't appear to have to
25 be a reason to accept or not accept someone.

1 So, again, for those reasons that we set forth in our
2 brief, unless there are any questions, we will join in
3 with the remaining defenses by Mr. Williams.

4 THE COURT: All right. Ms. Richburg, I'm sure you
5 have a lot to respond to there. I'll be glad to hear from
6 you.

7 MS. RICHBURG: Thank you.

8 I'm glad to hear that you have the patience, Your
9 Honor. But what I have to say is pretty much in line with
10 what you've heard from the Defense, but in a different
11 perspective.

12 The Defendants refer to the e-mail. That's what I
13 referred to earlier. This is what initiated everything.
14 And the big dissertation that you received --

15 THE COURT: Well, let me ask you this just -- just so
16 I can get it clear in my mind. Is the e-mail that -- is
17 the -- I mean, I realize there's lots of background
18 information --

19 MS. RICHBURG: Right.

20 THE COURT: -- but is the e-mail the basis of your
21 lawsuit as far as defamation?

22 MS. RICHBURG: That's what initiated it.

23 THE COURT: Okay.

24 MS. RICHBURG: That's what initiated it. And that is
25 why I was leading to this when I submitted the document on

1 the 13th. You will see that I submitted the e-mails that
2 I received from Mr. Williams starting in 2013 up until the
3 present date.

4 In my complaint, I communicated that when I became a
5 member of the South Carolina High School League through
6 District One, which is the Greenville district in the
7 State of South Carolina. Each -- each county has a
8 district. Some counties if they're small, they're
9 included in one district. Greenville County happens to be
10 Greenville and Pickens County. And that's District One.

11 When I became a member then, there was a different
12 president. Her name was Jenny Norris. And when I became
13 a member, Mr. Williams approached me and communicated to
14 me that he assigns games for officials, if I needed to
15 make some extra money. Because he heard me in a
16 conversation with another official say that I was
17 officiating the game so that I could pay for my childrens
18 tuition at Christ Church.

19 So he overheard the conversation and he approached
20 me. So then I have the first e-mail that I received from
21 him, November the 22nd, 2013, where the solicitation
22 started.

23 At the time when I became a basketball official, I
24 was not knowledgeable of the South Carolina Basketball
25 Association's bylaws, their Constitution, the code of

1 ethics. The only thing I was required to do was fill out
2 an application.

3 I'm an employee with Greenville County schools. So I
4 guess that's what gave Ms. Norris the green light. And I
5 have a background in physical education. I've officiated
6 when I was in college. That was a part of my work study.
7 So, yes, I started officiating basketball with District
8 One. But, you know, I did it in college. And I have a
9 long history of officiating.

10 Moving on. The relationship that I had with
11 Mr. Williams was simply business. He would always send me
12 an e-mail or a text giving me an assignment for a game.
13 So what you see in the text when -- remember, this is what
14 he communicated. So I am challenging what he's saying.
15 This is what he sent.

16 But to give you an account of it, he left me a text
17 message saying, Please give me a call at your earliest
18 convenience. It's typical. I've gotten those from him
19 several times. So what I did -- I didn't -- at my
20 earliest convenience, I thought it wasn't a big -- you
21 know, no rush because he said at your earliest
22 convenience. I had already communicated with Mr. Williams
23 that I was available for the game, I believe, on the 4th.

24 So he kept texting me. So that's the basis of the
25 harassment because he kept texting me. So -- and amongst

1 other things.

2 So after -- when I called him back, I was at work. I
3 was thinking it was a quick call, Rico, I'll let you know
4 that I'll be available for the game. So that's how the
5 conversation went.

6 Aminah, remember I scheduled you for the intramural
7 game at Furman University.

8 I said, Yes, I sent you a text.

9 And he said, Oh, by the way, someone told me that you
10 were wearing tight sweatpants to the basketball game at
11 Beck.

12 And I got real quiet because I was not prepared to
13 hear that. That's never been a part of the conversation.

14 And so I just said to him, I don't own or wear
15 sweatpants. Is that all?

16 And then he said, Well, do you have a problem with
17 discussing this?

18 And I just said, I just told you I don't own or wear
19 sweatpants. Is that all? And then I said to him, I am at
20 work. And I really can't talk at this time. And I need
21 to get off the phone. I said, I sent you a text saying
22 that I was available and I will be there. And that was
23 the end of the conversation, point blank.

24 But what Mr. Williams sent out -- that's why in my
25 complaint I communicated that what he sent was a

1 fictitious narrative based upon the conversation. You
2 heard Ms. Hurley read the conversation -- I mean read the
3 narrative. So this is all coming from Mr. Williams.

4 THE COURT: All right. But is that -- is there any
5 question that that was the e-mail that was sent out?

6 MS. RICHBURG: This is the e-mail that he sent out.

7 THE COURT: All right. And what in there is not
8 true, other than you said that wasn't the conversation?
9 Was there anything in there that was not true?

10 MS. RICHBURG: When he put on there that, if you
11 remember last year during a JV tournament, all of that was
12 added in. So the only thing was just a quick in and out
13 conversation.

14 So he added that. That's why I said it was a
15 fictitious narrative, meaning that the information he was
16 presenting was a presentation to blight [phonetic] my
17 integrity in terms of my professionalism with my dress as
18 a basketball official. So that's why I addressed it that
19 way.

20 When I sent the follow-up message to Mr. Williams, I
21 never asked for a transfer. I didn't mention any of that.
22 What I did communicate -- and as you see, I just said,
23 Please continue with the harassing communications. That
24 means that, you know, if you're communicating and it's not
25 about a scheduled game or if you're communicating about

1 hearsay, someone told me that you were wearing tight
2 sweatpants -- that, to me, clearly blighted me and my
3 professionalism in terms of my dress.

4 I am, as I said to you before, a district employee
5 with Greenville County schools. I'm a former
6 administrator. When it comes to professional dress,
7 that's one thing that I hold highly because I present -- I
8 always present myself professionally at all times. So
9 that's why I communicated that to him.

10 I, also, said that previously District One leaders
11 presented a higher level of professionalism. I was only
12 communicating to him that when he says something about my
13 dress -- and to me it was gender based, based on when he
14 said something being tight, meaning -- I mean, that's how
15 I took it.

16 So what I said to him was that former leaders made
17 officiating enjoyable. So I was only communicating to him
18 my disdain to what he communicated to me to say, at this
19 particular point, this is just how I felt. So that's all
20 I said that it made it -- that it was -- that -- I'm
21 sorry. That previous District One leaders made -- okay.
22 Let me just move on.

23 THE COURT: Was this after he sent the e-mail?

24 MS. RICHBURG: No. See, this is what he did.

25 THE COURT: Okay.

1 MS. RICHBURG: He took -- he didn't even send the
2 e-mail, Your Honor, until the next day.

3 THE COURT: Okay.

4 MS. RICHBURG: So he sat down and contemplated what
5 he would do. So I thought -- that's why I thought it was
6 insidious and he was making an attempt to blight me as an
7 individual. Because he didn't send anything to Skip Lax
8 that day. He didn't tell me, Aminah, I don't want you to
9 officiate the games at Furman University. I don't want
10 you to officiate the games that Saturday at -- for the
11 junior varsity tournament. He didn't say any of those
12 things to me. He did not communicate. I didn't hear
13 anything from him.

14 And the reason being is because Mr. Williams has a
15 business. Officiating is a business. You have a lot of
16 organizations in the upstate, youth organizations, adult
17 organizations, and all of them want officials.

18 So if they can find somebody that has any context
19 with officials, they can say, hey, we have eight games.
20 Can you provide eight officials for these times for these
21 games? And whoever provides those officials, they get a
22 cut.

23 THE COURT: Right. And I guess what I want you to
24 address, specifically, again, is what in the e-mail is not
25 true?

1 MS. RICHBURG: Okay. So what in the e-mail is not
2 true is where he starts -- if you remember -- and I listed
3 this in the summary. It's all detailed in the summary as
4 well, sir. But I -- would you like for me to go through
5 the summary? Would that be more helpful?

6 THE COURT: Which -- which summary are you talking
7 about?

8 MS. RICHBURG: I did two challenges to the
9 affidavits --

10 THE COURT: Okay. Your -- okay.

11 MS. RICHBURG: Yeah. I did two of them. So if you
12 want me to just do those two, then I could just line for
13 line address everything that --

14 THE COURT: All right. And what did you call them?
15 This is your --

16 MS. RICHBURG: This is the challenge to the
17 reliability and validity of the affidavit of Defendant
18 Skip Lax. And then I did another one for Rico Williams.

19 THE COURT: All right. So you tell me what you --
20 all right. I've found that, I think.

21 MS. RICHBURG: So I'm thinking it would be easier for
22 me to just go through the summary since this is what we're
23 addressing. And I've already --

24 THE COURT: All right.

25 MS. RICHBURG: Would you rather me do that, sir?

1 THE COURT: Yeah, if you could briefly.

2 MS. RICHBURG: Okay. So if you will recall, when
3 Ms. Hurley mentioned the employment of Mr. Williams at
4 FedEx, that's where I'm starting with when he says, I'm
5 over the age of 18. And he's employed with Federal
6 Express. If you look at two underneath it, I stated that
7 I asked for the tax returns to see where he would list
8 what he does for his business, meaning I know he has a
9 business with providing officials for different
10 organizations. He had not supplied that.

11 So that's why you see that under number two where I
12 said that I asked for that documentation. She just lists
13 that he works for FedEx. But she did not address that
14 Mr. Williams has a business where he provides officials
15 for different organizations in Greenville.

16 For number three where it talked about Mr. Williams
17 experience as an official, they sent me information with
18 all of the members for the South Carolina High School
19 League from 2013 to 2016. And with the factual
20 information that was communicated by Ms. Hurley and
21 Mr. Montgomery, they mentioned the document that came
22 under the protection order where they're stating that
23 Mr. Williams stated the truth about the 10 officials that
24 blocked the Defendant.

25 If you will look, I placed a chart. And in that

1 chart -- I think the chart is under number -- it starts --
2 you can look at number 29.

3 THE COURT: All right.

4 MS. RICHBURG: When I gleaned all of the information
5 that was sent by the South Carolina High School League and
6 Ms. Hurley where they're saying truth -- to say that the
7 summary judgment that they're asking for is based on
8 truth. Out of the 10 officials that they sent under the
9 protection order, seven of those officials aren't even
10 South Carolina High School League basketball officials.
11 And that's for the entire state of South Carolina. I
12 gleaned all of the list of all of the officials.

13 So when you look at that chart where it says --

14 THE COURT: Well, does the affidavit say that -- it
15 just says 10 officials.

16 MS. RICHBURG: Right. It says 29 in my e-mail to --

17 THE COURT: No, no. The e-mail from him says 10
18 officials. It doesn't limit on any particular -- it
19 doesn't describe them as a specific...

20 MS. RICHBURG: See, we're dealing with --

21 THE COURT: I'm dealing with his e-mail. That's what
22 we're talking about.

23 MS. RICHBURG: Right. And what I'm saying is --

24 THE COURT: And I don't need all that background -- I
25 mean, all the stuff that you've got -- I mean, you know, I

1 want you to tell me, specifically, about the e-mail that
2 he sent you, which is the basis of your complaint. You
3 tell me all the reasons why that is not true.

4 MS. RICHBURG: All right. So, again, I'll just go
5 through it where it says, If you remember, starting there.
6 That is not true. Where he put, Even though your
7 responses were short, terse, and rude, that is his -- he
8 is stating that. That is not -- that's coming from him.
9 That is his opinion.

10 The e-mail -- I've already communicated that I had an
11 old flip phone at the time. So I don't have access to
12 this e-mail. So I -- I can't even recall what I sent. So
13 I've already communicated that.

14 THE COURT: Okay.

15 MS. RICHBURG: When he says, I received requested
16 information, there was no requested information sent from
17 Bob Wnukowski or Kevin Brown. They did not request any
18 information.

19 And when it says, You were marked off by two schools,
20 in the [inaudible] system, the two schools that are marked
21 off are Southside High School where I attended high school
22 and Mauldin High School in the zone which I reside.

23 But in the context in which the information was
24 used -- that's what I communicated in my first complaint
25 that in the context in which it was used, it was used to

1 blight me to say that she doesn't get along with
2 officials. She has these schools that have blocked her.
3 Therefore, there is justification in my termination of her
4 as a member.

5 So that's where -- when it says by the 10 officials.
6 At that particular time, there are no 10 officials that
7 have blocked me. We're speaking South Carolina Basketball
8 Officials Association. So when they sent that e-mail to
9 say 10 officials blocked me, 10 officials did not block me
10 from the South Carolina Basketball Officials Association.
11 This is what this is in reference to. I don't even
12 know -- I officiate football. I officiate volleyball. I
13 do lacrosse. And I do softball.

14 THE COURT: All right. Keep going on the e-mail.

15 MS. RICHBURG: Okay. I'll keep going. Okay. So I
16 will say that the two schools as represented by
17 Mr. Williams were used out of context.

18 THE COURT: Okay.

19 MS. RICHBURG: The 10 officials were used out of
20 context.

21 THE COURT: Okay.

22 MS. RICHBURG: When he communicated, Many of them
23 have indicated to me your unwillingness -- no one came --
24 there were no 10 officials that came to Mr. Williams
25 during the 20 -- I mean 2015, 2016 basketball season to

1 say that I have an unwillingness to accept constructive
2 criticism. That did not happen.

3 THE COURT: Okay.

4 MS. RICHBURG: So that is not true.

5 Then he puts, Additionally, before the season, I
6 required officials work in other South Carolina schooling
7 sports to attend four games. And I have, Your Honor. If
8 you want to look -- I don't have a copy for you to keep.
9 But this is what was sent to me --

10 THE COURT: Well, just tell me what it is.

11 MS. RICHBURG: Okay. It's just evidence that shows
12 that I attended four games, which was required. So when
13 he put that I did not attend four required meetings, I did
14 attend four required meetings. And I have the
15 documentation to support it. So that is not true.

16 Then --

17 THE COURT: Well, actually, he states that you
18 attended late. Based on the sign-in sheets, you didn't --
19 it didn't constitute four because you didn't make the
20 whole meeting.

21 MS. RICHBURG: And that is why in my interrogatories
22 I asked for copies of sign-in sheets. And they do not
23 exist.

24 THE COURT: Okay.

25 MS. RICHBURG: Because at the meetings I attended --

1 this is for all officials. There is no sign-in sheet for
2 officials. When you come, you get credit for attendance,
3 period. That's how it is done. No one is sitting there
4 giving any indication in terms of any time anyone attends
5 the meeting -- I mean arrives at the meeting or departs.
6 There is no in and out sign-in sheets.

7 THE COURT: Okay.

8 MS. RICHBURG: So that was part of the interogattories.
9 So when he presented these times, those were times he
10 created.

11 THE COURT: Okay.

12 MS. RICHBURG: There's nothing on record to support
13 any of that. And that is how he, for some reason,
14 communicated some justification that I attended two and a
15 half meetings, which is a false statement.

16 THE COURT: Okay.

17 MS. RICHBURG: In addition, when he listed all of
18 these other meetings, we were only told that we were
19 required to attend four meetings.

20 THE COURT: Okay.

21 MS. RICHBURG: And directors in the past and even for
22 other sports -- when the directors in all sports know that
23 you're doing other sports, there's a level of camaraderie
24 and empathy --

25 THE COURT: All right.

1 MS. RICHBURG: -- if they know that you're
2 officiating another game. ,

3 THE COURT: Okay. I mean, you got -- you're just
4 address the meeting there. All right.

5 MS. RICHBURG: And then when he says, Upon realizing
6 these facts, I contemplated removing you from the
7 tournament. Well, my argument was that if I did anything
8 that was inappropriate, that was unprofessional, that
9 would blight myself where I --

10 THE COURT: Well, this is just saying what he
11 contemplated. I mean --

12 MS. RICHBURG: Oh, okay. All right. Well, okay.

13 So then when he says, Without repeating word for word
14 your comments concerning professionalism, declining
15 standards, I did not state -- if you would read the
16 e-mail, I never stated that my membership was not being
17 served adequately. I have already communicated that I'm a
18 single parent. And for me to even officiate in a
19 different district would be taxing and stressful because
20 of the time required to go on the road to --

21 THE COURT: Well, he's just stating his opinion
22 that -- what he feels that your comments are. Okay.

23 MS. RICHBURG: Okay. And then when he says, I and
24 we, I'm like what is I and we? I don't clearly understand
25 that. But this is -- this is coming from Mr. Williams. I

1 never communicated any of those things. The only thing I
2 communicated to Mr. Williams is, frankly, the conversation
3 I do not wear sweatpants --

4 THE COURT: All right. Let's just stick to the
5 e-mail.

6 MS. RICHBURG: All right. And, as I said before,
7 there was no discussion about me transferring to any
8 district. This is -- everything was coming from
9 Mr. Williams.

10 THE COURT: All right.

11 MS. RICHBURG: And the other thing to support when
12 I -- in the e-mail when it said something about
13 communicate your monopoly status with assigning games with
14 various organizations and how it manipulates the District
15 One organization. The only thing that I was referring to
16 was when I looked at the code of ethics, it says, quite
17 frankly, that solicitation is not allowed.

18 So that's all I was communicating was that I thought
19 that there was a conflict of interest because he's calling
20 me about --

21 THE COURT: Well, that's your statements and not his.

22 MS. RICHBURG: Yes.

23 THE COURT: I mean, again, I'm going to have to
24 review this matter.

25 All right. Any final points?

1 MS. RICHBURG: Okay.

2 THE COURT: Because they've got to respond, and it's
3 10 till 5:00.

4 MS. RICHBURG: Right. I understand, Your Honor.

5 THE COURT: Go ahead.

6 Ms. RICHBURG: What I heard from the Defendants, they
7 were saying that in their summary judgment that it all
8 should be based on truths. Well, my argument is that the
9 information is not truthful and a lot of the facts are
10 taken out of context and are presented in a false
11 narrative to blight me.

12 On the South Carolina High School League site, it
13 lists the responsibilities of the officials
14 representative. It clearly communicates the
15 responsibilities of the commissioner.

16 So the commissioner, it was his job to intervene. If
17 you will see in the e-mails, the commissioner just --
18 quite frankly, just brushed it off. And he did not
19 address it.

20 When I communicated then to the officials
21 representative on-site, the officials representative
22 shared my communication with him with Rico Williams. And
23 that was discussed in the board meeting.

24 THE COURT: Okay.

25 MS. RICHBURG: So I felt that that information was

1 confidential. Anything that I communicated and shared
2 with Mr. Moots -- he's an officials representative. None
3 of that information should have been shared at that board
4 meeting.

5 But what Mr. Moots failed to share at the board
6 meeting, as Mr. Montgomery mentioned, that -- in our
7 correspondence when he sent an e-mail and when he
8 acknowledged I have known Rico Williams for many years and
9 was giving him all of these accolades. And then I
10 responded to him to say that you're sounding more like a
11 directors representative than an officials representative.

12 So once I sent my other plea to Mr. Moots in the last
13 e-mail that he sent me --

14 THE COURT: Well, now, we need to stick to things
15 relative to him. I know you're bringing a lot -- a lot of
16 stuff here. But we're talking about, you know, responding
17 to their motion for summary judgment.

18 MS. RICHBURG: Right. And the --

19 THE COURT: And defamation.

20 MS. RICHBURG: Right. And the reason why I'm
21 mentioning Mr. Joedy Moots is because Mr. Montgomery
22 mentioned Mr. Moots. So I'm just following up just to
23 communicate with you that in the communication that I had
24 with Mr. Moots when I communicated what was going on with
25 my situation, Mr. Moots did say, Aminah, you are correct.

1 I only went on what was said in the e-mails and texts. I
2 didn't mean that you were insubordinate. But if someone
3 on my staff talked to me like that, I would consider it
4 insubordination. Believe me, the basketball directors and
5 I have gotten into many disagreements because I'm always
6 taking up for my officials. But you can't win an argument
7 with your director because they have too much power within
8 the organization. You have to find a way to get along.
9 Like I said --

10 THE COURT: All right.

11 MS. RICHBURG: -- I have no knowledge of your
12 officiating ability. I can definitely see that there's a
13 personality conflict --

14 THE COURT: I'm sorry. I don't see how that relates
15 to any of the issues that we're discussing here.

16 MS. RICHBURG: The only reason why I'm bringing it
17 up --

18 THE COURT: I mean, I don't need detail on every
19 little thing on this e-mail. Because we're going to be
20 here all night if you start reading every e-mail.

21 MS. RICHBURG: Okay. The only -- the only reason why
22 I read the e-mail is just to bring clarification to say
23 that even when I responded to the officials
24 representative, the officials representative did
25 communicate to me that my plea -- that in my plea that I

1 was correct and that the position that Mr. Williams has
2 taken was one that was unwarranted.

3 THE COURT: Okay. Now, that -- I mean, see, that was
4 a lot easier than reading the whole thing.

5 MS. RICHBURG: Okay.

6 THE COURT: All right. And, again, I'm not trying to
7 cut you off, because I want you to tell me everything you
8 need to. But I've just got to, you know, focus down on
9 what the issues are here.

10 All right. Anything else you want to provide?

11 MS. RICHBURG: And the other thing is that the South
12 Carolina High School League, they fall under the Freedom
13 of Information Act. They are a governmental entity.

14 So anything pertaining to torts, it applies to the
15 South Carolina High School League as well. They are not a
16 separate entity where they don't fall under the same
17 jurisdiction if their behaviors are that of unjust
18 behavior -- organizational behavior that is, sir.

19 THE COURT: All right. Any brief response?

20 MS. HURLEY: Just quickly, Your Honor. I just wanted
21 to remind you that this all started with a text that
22 Ms. Richburg sent to Rico.

23 THE COURT: Yeah.

24 MS. HURLEY: And that's in the e-mail. He repeats
25 it. And her text is, actually, pled in the complaint,

1 too.

2 THE COURT: Okay.

3 MS. HURLEY: So there's no issue as to what the text
4 said.

5 THE COURT: Okay.

6 MR. MONTGOMERY: And, Your Honor, if -- if it
7 matters -- if it doesn't, let me know. But to address the
8 blocks where Ms. Richburg said some of the blocks weren't
9 basketball officials, we explained when we produced it,
10 the high school league has access to all varsity sports
11 that she officiates.

12 So those 10 blocks, three of them were basketball
13 officials. And the other seven were from other sports.
14 The blocks that Mr. Williams produced, which I can hand up
15 if you'd like, but it -- it sort of verifies everything --
16 and we've attached these as exhibits to our motion -- to
17 our memo.

18 But for the blocks that were produced subject to the
19 protective order, in the top right, it's got Bob
20 Wnukowski, who's referenced in the e-mail where he says, I
21 requested information from Bob Wnukowski and Kevin Brown.
22 Well, here you see Bob Wnukowski, he's the administrator
23 who pulls the 10 blocks that would be accessible by the
24 BOA for sub-varsity contest. So that, actually, supports
25 the fact that Rico didn't make them up. He asked Bob

1 Wnukowski to provide them.

2 Secondly, he, also, mentions Kevin Brown. Kevin
3 Brown was the treasurer of District One. And we've
4 attached his memo -- exhibits to our memo. His sign-in
5 sheets -- or he created a document based on an Excel
6 spreadsheet. And he writes it and signs it, Kevin Brown,
7 I attest that this is true, where he takes all of those
8 dates that people came in late. It's not just
9 Ms. Richburg. There are other officials where he says,
10 Came in at 6:50, came in at 7:15, left early.

11 MS. HURLEY: And he kept it in real time.

12 MR. MONTGOMERY: And he kept in real time. But he
13 went back from the spreadsheet and created this document
14 which was produced in this case.

15 The other thing, too, Exhibit E to my memo is the
16 e-mail that Ms. Richburg forwarded to Skip Lax. And about
17 halfway down, it says -- or Ms. Richburg writes, It is
18 true that I attended three meetings this year. That sort
19 of confirms what Rico said, which was the equivalent based
20 on the time sheets of two and a half.

21 So she's admitting when she sends this to Mr. Lax
22 that she didn't attend all four meetings. I wanted to be
23 sure that that was referenced --

24 THE COURT: Right.

25 MR. MONTGOMERY: Right. So unless there's anything

1 else that you think needs clarification --

2 THE COURT: All right. Very briefly. Because,
3 basically, I'm going to have to review all this matter
4 anyway.

5 MS. RICHBURG: Right. And I understand that, Your
6 Honor. I just want you to see that that's what I eluded
7 to earlier. When I first asked for -- when I first wrote
8 the complaint and the answers to the interrogatories, the
9 first list that was given to me, as I communicated to you
10 before, seven of the members -- seven of the names were
11 not members of the basketball association.

12 And then Mr. Williams created another list. And I
13 even broke down that list for you, Your Honor, as well.
14 Even in that list, if you will look, that is on the
15 summary.

16 THE COURT: Okay.

17 MS. RICHBURG: The challenge.

18 THE COURT: And I'll look through that.

19 MS. RICHBURG: Yeah. You will see that there are
20 one, two, three, four, five, six officials where they have
21 not been scheduled. I've never even had a game scheduled
22 with any of those officials. And the last official that
23 is on the list, there was no block for that official
24 because I officiated the game.

25 THE COURT: All right. Here's what I'm going to do,

1 I'm going to review all of the information that y'all have
2 provided, including what's in the file. If I need any
3 additional information, I will let you know, both parties,
4 by letter.

5 Do we have your e-mail address? Do you correspond by
6 e-mail or mail?

7 MS. RICHBURG: Yes. I -- my e-mail address, I can
8 give it to you.

9 THE COURT: Well, make sure the clerk has it.

10 All right. And then in the event -- then otherwise,
11 I -- if I -- any rulings that I have, I will either
12 prepare an order or ask one of the parties to prepare an
13 order, and express that by e-mail. And if we do that,
14 then the only thing you'd need to respond to would be a
15 final order.

16 MS. RICHBURG: So what would I be receiving?

17 THE COURT: You'll be getting -- you'll be getting
18 anything via e-mail if I -- either my decision or if I
19 need additional information, I will correspond --

20 MS. RICHBURG: So your decision -- what decisions are
21 you going to send?

22 THE COURT: Well, you will -- whatever I --
23 whatever -- all my communications will come to all parties
24 at the same time by e-mail.

25 MS. HURLEY: I believe Steve Lopez has communicated

1 with her.

2 THE COURT: All right. I'm sure the clerk has it.

3 THE CLERK: I'm going to check just to make sure.

4 THE COURT: All right. And I will let y'all know as
5 soon as possible. There's a lot of stuff to go through.

6 *****END OF TRANSCRIPT OF RECORD*****

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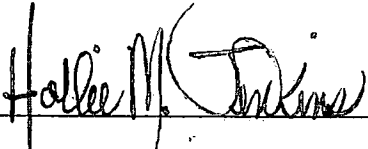
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I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 17, 2017

A handwritten signature in cursive script, reading "Hollie M. Jenkins", is written over a horizontal line.

Hollie M. Jenkins, Court Reporter

My Commission Expires: 09/24/20



State of South Carolina
The Circuit Court of the Thirteenth Judicial Circuit

Hollie M. Jenkins
Circuit Court Reporter

P.O. Box 16506
Greenville, SC 29606

STATEMENT

August 17, 2014

Ms. Aminah A. Richburg
217 Plum Creek Lane
Greenville, SC 29607

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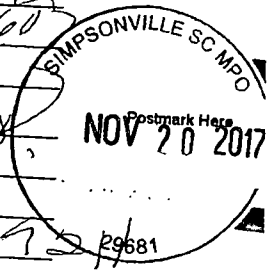
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