

APPELLATES' FINAL REPLY BRIEF OF RESPONDENT E.A. "RICO" WILLIAMS

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas  
Perry H. Gravely, Circuit Court Judge

Case No. 2016-CP-23-02113  
Appellate Case No. 2017-001147

Aminah A. Richburg,

Appellant,

v.

E.A. "Rico" Williams, District  
One S.C. Basketball Officials  
Association and the South  
Carolina High School League,

Respondent,

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FEB 16 2018  
SC Court of Appeals

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## **STATEMENT OF THE CASE**

The Respondents communicated that there was a completion of Discovery which is entirely untrue. The Respondents are guilty of Discovery Abuse which is why the Appellate repeatedly filed several Motions to Compel. Unfortunately, every Judge that heard the case from the Greenville County Court of Common Pleas, failed to address the Discovery Abuse of the Legal Representation from the Respondents. The Respondents were allowed to have their Motions added to the case at every hearing and the Appellate Motions were never addressed. The Appellate would like to obtain the transcripts from all hearings to reveal the behavior of the Respondents and their Legal Representation in purposefully failing to provide documentation to the Appellate that is critical in presenting the facts of this case.

## **STATEMENT OF FACTS**

### **Introduction**

In September of 2013, the Appellate attended her first basketball officials meeting after contacting Jenny Norris, the SCBOA District One Director. The Respondent Rico Williams overheard conversations the Appellate had with other basketball officials at the conclusion of the meeting about her motivations with officiating with SCBOA District One. The Appellate did not know the Respondent Rico Williams prior to the meeting. (Richburg Aff., 43). The Respondent Rico Williams approached the Appellate and solicited opportunities for the Appellate to officiate games for his private business if the Appellate was interested in making some extra money (Richburg Aff., 43-50). The Respondent gave the Appellate his contact information and the Appellate contacted him and began officiating games through his business. The Appellate asked for the tax returns for the Respondent Rico Williams to reflect the private business he has with assigning basketball officials for organizations in the Upper State Region.

The Appellate wore the required uniform communicated in the By-Laws and Constitution of the SCBOA/SCHSL. There is no protocol for any type of reporting by peer officials, all communications fabricated by the Respondents are hearsay. The Appellate communicated that she was harassed due to the remarks of Respondent Rico Williams which were unwanted and sexual in nature. The Appellate interacted with Jenny Norris (SCBOA District One Director) for the first two years of her membership and was mentored properly in all areas in officiating by Jenny Norris. The Respondent Rico Williams during the third year of the Appellate SCBOA membership, became the SCBOA District One Director and asked the Appellate to serve on a committee representing District One. (Richburg Aff., 61-62).

### **THE ALLEGED DEFAMATORY EMAIL**

The narrative presented by the Respondents email (Williams 00004-5) is completely falsified. The Appellate did not possess a cell phone that is capable of storing text data during the time of the alleged text communication. The Appellate (Richburg Aff., 79-122), addressed all details pertaining to the defamatory email sent by the Respondent Rico Williams.

## **ADDITIONAL EMAILS BETWEEN APPELLANT AND SCHSL**

The Appellate sought assistance from Skip Lax because the Respondent Rico Williams communicated that he sent all information to him and the general public. The Appellate sent communications to other SCHSL Leaders based on information presented in the By-Laws and Constitution of the SCBOA/ SCHSL. (Richburg Aff., 125-130). The Appellate pleads with the court to refer to all communications in its entirety between the Appellate and SCHSL according to the Designation of Matter to be Included in the Record on Appeal provided by the Appellate when determining factual truths communicated by the Appellate. The Respondents continue to present biased fragmented quotes to misrepresent the truth and facts argued by the Appellant.

## **DISTRICT ONE BOARD MEETING AND DECISION**

The Respondent Rico Williams, communicated in the Email Presented in the Initial Brief of Respondent E.A. Rico Williams, "Upon realizing there facts I contemplated removing you from your JV tournament assignment Saturday (Feb. 6) afternoon. But I will leave your schedule as is, and you will not be considered for any future assignments until your status as a District 1 member is reviewed by the Board of Directors, which brings me to the final issue if you will. Without repeating again word for word your comments concerning "professionalism", "declining standards", etc. it is obvious that you feel your membership is not being served adequately by the "present leadership". I and we certainly don't want any member to be so uncomfortable in our District, therefore a transfer to another District that best suites you may be in order. As a matter of fact, I will facility the communication to any District in South Carolina that you choose if that is the route that you deem favorable. The Appellant was not invited to the SCBOA District One Board of Directors Meeting and the Appellant communicated that she received no notification of the meeting. (Richburg Aff., 130-144).

## **STANDARD OF REVIEW ON APPEAL**

Summary judgment was not proper on behalf of the Respondents because a genuine issue exists. It is the hope of the Appellate that the Court of Appeals will review all evidence and dismiss the summary judgment. The Respondents and their Legal Counsel are guilty of Discovery Abuse. The order to deny the Motion to Compel and the Motion to Dismiss Summary Judgment against the Appellate was done in error based upon the false communication made by the Respondents and their Legal Representation.

## **ARGUMENT**

All of the evidence presented by the Appellate was not considered and the arguments communicated by Appellant were dismissed. All evidence presented by the Respondents and their legal counsel were tampered, falsely created, invalid and not credible. Doubt exists in all areas of communications presented by the Respondents. Failure to produce Discovery documents committed by the Respondent Rico Williams and his Legal Counsel affected the outcome of Discovery, therefore summary judgment was not properly entered for Respondent Williams.

**A. The Trial Court Did Not Properly Enter Judgment in Favor of Respondent Rico Williams on all Matters.**

The substance of all communications are disputed by the Appellant. (Richburg Aff., 88-89). The Appellate cannot determine who the recipients of the email were as well as other parties involved. The Appellate believes that the email and all communications pertaining to the Appellate were shared with the general public. The Appellate officiated basketball games with basketball officials in other districts that she made acquaintance while attending state meetings and basketball tournaments in her three years as a member of the SCBOA District One. The Appellate was given an opportunity to work as a basketball official through the YBOA and was confirmed as a member on March 11, 2016. The Appellate received an email communicating that she would be unable to work on March 16, 2016 from the YBOA. The Appellate believes the Respondent Rico Williams, Board Members of SCBOA District One, SCBOA District One Member Tony McDavid shared information with the public and thwarted financial opportunities for the Appellate to officiate for the YBOA. The Respondents presented false evidence therefore the court did not properly enter judgment in favor of Respondent Rico Williams.

**1. The Statements Made by Rico Williams in the February 5, 2016 Email Were Entirely False**

The Appellate presented evidence that was not recognized by the Court. All statements made by the Respondent Rico Williams were false and untrue. The Appellant presented evidence that publication communications were sent to a third party and the publication communication caused the Appellate harm and the Respondent Rico Williams and the SCHSL were at fault. The Appellate stands behind her truth with factual information. The Respondents presented false evidence therefore the defense of truth was not provided to support the order granted by Judge Gravely.

**(a) Statement that Appellant is Blocked by Ten Basketball Officials and Two Schools is untrue.**

The Appellant provided evidence that ten basketball officials did not block her during the 2015-2016 Basketball Season. The Court failed to recognize and honor the evidence presented by the Appellate. The Respondent Rico Williams communicated in his response to the 1<sup>st</sup> Set of Interrogatories number (17) sent by the Appellate; Provide documentation of all ten basketball officials communicated by E.A. Rico Williams as the Director of the SCBOA District One that blocked the Appellate. RESPONSE: Defendant objects to this Interrogatory to the extent such information is confidential. Defendant will refer to the co-defendant, South Carolina High School League, which he understands will produce this information upon entry of a Protective order. The Respondent Rico Williams communicated in his response to the 1<sup>st</sup> Set of Interrogatories number (13) Provide documentation of all schools that blocked the Plaintiff and the Schools the Plaintiff blocked for the South Carolina High School league/ SCBOA District One officiating services for all sports for District One. RESPONSE: Defendant objects to this Interrogatory to the extent such information is confidential. Defendant will refer to the co-defendant, South Carolina High School League, which he understands will produce this information upon entry of a Protective Order. The schools entered by Cockfield (Adm.), Wynne

Dee, were entered into the Arbiter system on November 6 or 9, 2013. Administration at the SCHSL set the Blocks according to the information communicated by the Appellate; the high school she attended and the high school located where she lives. The schools did not set the blocks communicated by Respondent Rico Williams. The Appellate first games scheduled with the so called blocked schools took place on February 7, 2015, and November 12, 2015.

**(b) Reports that Appellant was not open to Constructive Criticism are not true.**

The Appellate communicated that the Respondent Rico Williams asked her to represent SCBOA District by serving on a Basketball Official's committee based on her performance as a basketball official from the 2013-2014 basketball season and continuing through the 2015-2016 basketball season (Richburg Aff., 61-62). The Appellate officiated basketball games through the Respondent Rico Williams business from 2013-2016. About ninety-eight percent of the members of SCBOA District One officials and Board Members, officiate games for the Respondent Rico Williams through his business. It is impossible for the Appellate to ask fellow officials to give testimony against the Respondent Rico Williams because they work for him. The Appellate must rely on requested Discovery documents that the Respondent Rico Williams and his Legal Counsel habitually refuse to provide. The Respondent Rico Williams communicated that ten basketball officials blocked the Plaintiff and many of the ten basketball officials communicated that the Appellant was not open to constructive criticism. The Appellate provided documentation that ten basketball officials did not block her and the officials presented by the Respondent Williams seven of them are not Basketball officials with SCBOA District One and the Appellate has never officiated any sport with the so called many basketball officials communicated by Respondent Williams.

**(c) Statement about Appellant's poor attendance at meetings is not true.**

The Appellate met the requirements for meeting attendance according to the 2015-2016 SCBOA District #1 Roster. There are several officials listed on the official SCBOA District #1 Roster that failed to attend all meetings that are still considered as members and their membership was not terminated. The Appellate has been bullied by the Respondent Rico Williams with his abuse of power to subjugate the Appellate to standards and accusations not applied to all basketball officials in SCBOA District One. The Appellate communicated that she attended three SCBOA District One Meetings. The Appellate attended the meeting led by Skip Lax which would be considered the fourth meeting therefore he would have documentation of her attendance at that meeting and it was not necessary for the Appellate to communicate her attendance at that meeting. The Respondent Rico Williams provided falsified evidence to blight the Appellate. The Appellate provided the evidence many times and it was not observed by the court. The Appellate officiated several scrimmages during the summer offseason and those scrimmages are accepted in lieu of District Meetings due to performance application of rules discussed in meetings. The scrimmages are reflected in the Appellate basketball schedule for the 2015-2016 Basketball Season Schedule. The created attendance chart presented as evidence by the Respondents reflects the four meeting attendance requirement recognized by Bob Wnukowski, the SCBOA District One member. Respondent Rico Williams requested information on the Appellant from him as he

communicated and presented in the email sent to Skip Lax.

The Appellate provided the court with evidence and facts and the courts refused to recognize all factual data provided. The Appellate has an affidavit where she gave deposition testimony. The Respondents are guilty of Discovery Abuse and Perjury and should be held accountable for their actions. The Appellant filed a Motion to Dismiss Summary Judgment and has evidence to present and it was not recognized by the court. The Court ruled in error by granting the Respondent Rico Williams motion for Summary Judgment.

## **2. Rico Williams' Communication with Members of the District One Board and Skip Lax, the Commissioner of Basketball Officials were not Privileged.**

All statements communicated by the Respondent Rico Williams in the email sent to Skip Lax and the general public were false. Summary Judgment was not appropriate for the Respondent Rico Williams. The Respondent Rico Williams communications were not made in good faith. The communication by Respondent Rico Williams were made with the intent of malice towards the Appellate. The communications sent by the Respondent Rico Williams were to protect his own self-interest not the interest of SCBOA District One. The Respondent Rico Williams abused his power and the SCHSL failed in its paid professional status by failing to intervene according to the By-Laws and Constitution of the SCBOA/SCHSL. The issues between the Appellate and Respondent Rico Williams had no interest, impact or influence on the operations of the SCBOA District One. The issues presented by the Appellate only reflected the behavior of the Respondent Rico Williams. There was no occasion needed for the Respondent Rico Williams to present a personal matter between the Appellate and the Respondent to the general public, Skip Lax or the SCBOA District One Board of directors. Respondent Williams created a narrative filled with untruths to purposefully blight the Appellate through the use of his power as SCBOA District One Director. The publication was not proper and it was sent to the general public resulting in the Appellate termination as an SCBOA District One Basketball Official and an YBOA Basketball Official. The terminations have caused the Appellate continued financial hardship. The Appellate followed every professional standard according to the SCBOA By-Laws and Constitution. The Appellate would not be subjected to a conversation with the Respondent if she were a male. The Appellate has the right as a human being to communicate her dismay when she is harassed or treated unfairly. The Appellate was professional in all communication she sent to the Respondent Rico Williams. The Appellate performs best practices as a basketball official, which is reflected in the Respondent Rico Williams solicitation for the Appellate to serve on a basketball committee serving SCBOA District One. The Appellate remarks did not warrant the attention of the general public and Skip Lax and the Board of Directors for SCBOA District One. The remarks did not warrant disciplinary action nor the termination of the Appellant according to the SCBOA By-Laws and Constitution and the South Carolina State Law pertaining to Non-Profit organizations in the State of South Carolina. The Appellant was subjected to unfair treatment and standards not enforced on members of SCBOA District One. The SCBOA District One Board Meeting Minutes have been tampered and there is no indication in the document to reflect Board Member decisions. The Board Meeting Minutes did include selected confidential documents between Mr. Joedy Moots, the Official's Representative and the Appellate. The email sent by the Respondent Rico Williams is not subject to qualified privilege and was not made in a

proper manner. The Respondent Rico Williams sent the information to the general public which caused the Appellant financial harm with her termination with the YBOA organization. The Appellate could make close to four thousand dollars during the Basketball tournament season and has been unable to do so due to the actions of Respondent Williams.

**B. The Circuit Court Abused its Discretion in Denying the Appellants' Motion to Compel**

The hearing transcript on March 20, 2017 reflects that the Court did not recognize the Appellants Motion to Compel and Motion to Dismiss Summary Judgment. The Court did not substantially address the Discovery Abuses performed by the Respondents communicated by the Appellate. Every hearing that was granted for the Appellate for her Motion to Compel and later to Dismiss Summary Judgment, the Respondent's would request a hearing for a Protection Order and later Summary Judgment. The Appellate has asked to procure the transcripts to expose the behavior and communications of all Judges and the Respondents pertaining to the Appellate' Motion to Compel and Motion to Dismiss Summary Judgment. Prior to March 20, 2017, Judge Gravely heard arguments that Discovery was incomplete and Judge Gravely suggested that all parties involved should set an appointment with a mediator and Judge Gravely set the court date for August 7, 2017. In the transcript, the Court allowed the Respondents to present unclerked evidence and the Respondents admitted they were guilty of Discovery Abuse. A majority of the documents sent by the Respondents through Discovery have been tampered with and are falsely created. The Appellate asked for the Respondent Rico Williams tax returns to reflect his personal business with assigning basketball officials with various groups and organization in the Upper State of South Carolina. The Appellate specifically stated in detail all information she was seeking through Discovery and what she did not receive. The Respondents objected to every Discovery request and influenced many Judges that they were cooperating with the Appellate. The Respondents are guilty of Discovery Abuse and not one Judge in the Greenville County Court of Common Pleas addressed the failure of the Respondents to produce documentation requested by the Appellate. The inappropriate behavior of the Respondents of Discovery Abuse was continuously upheld by every Judge in the Greenville County Court of Common Pleas. It was not appropriate for the Court to render Summary Judgment for the Respondents. The Transcript on March 20, 2017 will reflect the perjury and Discovery Abuse committed by the Respondents and all Motions written by the Appellate provide factual documentation that further Discovery would have contributed greatly to all issues presented by the appellate.

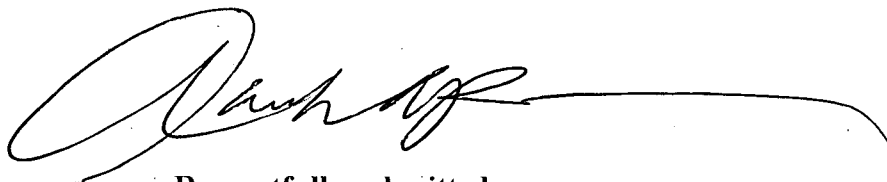
**C. Appellant's Issue of Unfair Termination, Discovery Abuse, Perjury and Damages should be recognized for Appellate Review**

The Appellate made several attempts to communicate all issues before Judge Gravely on March 20, 2017, and was not given an opportunity to do so. The opportunities granted and not granted for the Appellate are evident in the Transcript on Record. The Appellate has asked to be given the opportunity to obtain all court transcripts to present her inability to have her Motion to Compel, Motion to Dismiss Summary Judgment and all other Motions presented recognized or

addressed by Judges from the Greenville County Court of Common Pleas. All issues raised are appropriate for review by the South Carolina Court of Appeals. The Appellate sought assistance from the SCHSL as a basketball official based on her paid membership with the SCBOA on all issues she had with the Respondent Rico Williams after he sent an email message to Skip Lax with intentions to terminate her paid membership with SCBOA District One. The South Carolina High School League failed to assist the Appellant on any matters presented based on the responsibility of the South Carolina High School League according to the South Carolina Code of Laws pertaining to Non-Profit Organizations in the State of South Carolina and the Bylaws and Constitution of the SCBOA organization. The Appellate was terminated and filed her Complaint. The Appellate submitted all required Motions, Requested Hearings and was subjected to Judges beginning hearing proceedings without documentation, dismissing all arguments communicated by the Appellate and accepting communications by the Respondents that they are cooperating with the Appellate through the Discovery process when they were not. The Greenville County Court of Common Pleas Judges never addressed the Discovery Abuse communicated in all of the Appellate Motions and the Perjury committed by the Respondents. The Greenville County Court of Common Pleas has presented itself incapable of preparedness to address issues presented by the Appellate and the Summary Judgment was ruled in error for the Respondents.

#### **Conclusion**

For the reasons set forth above, Appellate Aminah Richburg request that the April 19, 2017 Order be dismissed.



**Respectfully submitted,**

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**February 14, 2018  
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