

IN THE STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO: 2016-CP-10-1204

Joe Dennis Fitch,

Plaintiff(s)

ORDER

v.

**RECEIVED**

Dianne Griffin,

JUN 04 2018

Defendant

SC Court of Appeals

FILED  
2017 OCT 20 PM 8:28  
JULIE A. ANDERSON  
CLERK OF COURT

The Defendant's Third Motion to Compel Discovery Responses came before this court on October 10, 2017, at approximately 12:30 PM. Victoria N. Smith, Esq. was present on behalf of the Defendant and Shawn M. French, Esq. was present on behalf of the Plaintiff.

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This Court recognizes that Defendant's Counsel previously filed a Motion to Compel Discovery Responses for the second time in this case on or about June 19, 2017. On August 8, 2017, that matter came before this Court. At that time, the Plaintiff was unable to set forth any explanation whatsoever as to his complete failure to respond or request an extension to respond to these discovery requests. This Court ordered that responses be produced on behalf of the Plaintiff by the end of the day on August 11, 2017. Counsel for the Defendant subsequently received responses that were postmarked August 12, 2017. Said responses contained blanket objections which gave rise to the Defendant's Third Motion to Compel Discovery.

Defendant's Counsel has set forth an argument for the necessity of obtaining Plaintiff's medical records in order to defend against Plaintiff's contention that the monetary proceeds described in Plaintiff's Complaint were not a gift to Defendant. Defendant asserts that the proceeds that are the subject matter of this action were given to Defendant as a dying gift because of Plaintiff's then declining health and the nature of the twenty-year romantic relationship between the Plaintiff and Defendant. Plaintiff's Counsel asserted that the Plaintiff's health and mental state

were irrelevant and that Defendant's discovery requests were vexatious. This Court disagrees and finds that the Plaintiff's health and mental state at the time of the acts giving rise to this action occurred are relevant and as such this Court orders that Defendant comply with Plaintiff's discovery requests and produce a complete copy of Defendant's medical records and bills from January of 2014 through March of 2016. Plaintiff's Counsel requested that this Court order Defendant to reimburse Plaintiff for the costs of obtaining these records. This Court orders that Plaintiff be reimbursed by the Defendant only for the copying costs of obtaining Plaintiff's medical records.

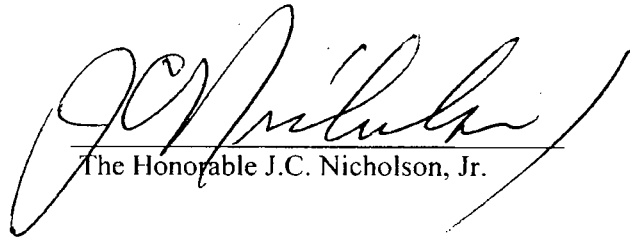
Defendant's Counsel further informed this Court that Plaintiff previously asserted at the Defendant's deposition that the boat that is the subject matter of Defendant's defense and counterclaims was purchased with proceeds owed to Plaintiff from Plaintiff's contribution to real property located in either Holden Beach, North Carolina or Clover, South Carolina. Plaintiff previously stated on or about April 5, 2017, that he would produce bank statements documenting the amounts he allegedly contributed within two weeks. To date, Plaintiff has failed to produce any documents supporting his assertions that he monetarily contributed a single dollar to the purchase of either of the aforementioned properties. Plaintiff's Counsel asserts that Plaintiff has made efforts but has been unsuccessful in obtaining said bank statements. This Court orders that Plaintiff submit and file with this Court an Affidavit under penalty of perjury stating that Plaintiff has made diligent efforts to support these bank statements within ten (10) days of this Order.

**ACCORDINGLY, IT IS ORDERED AS FOLLOWS:**

- 1. Plaintiff will formally request a complete copy of all medical records and bills from any and all healthcare providers that treated Plaintiff for any condition from January of 2014 through March of 2016. Plaintiff must show that these requests have been made by or on behalf of the Plaintiff by the end of the day on ~~October~~ <sup>NOV.</sup> 15, 2017, by sending copies of the same to Payne Law Firm, LLC via email, fax, or USPS mail.**

2. Once Plaintiff produces a complete copy of all medical records and bills to Defendant's Counsel along with invoice and receipts showing actual payment by Plaintiff of copying costs to Plaintiff's medical providers, Defendant will reimburse Plaintiff for the copying costs alone.
3. Plaintiff will submit and file with this Court an Affidavit stating under penalty of perjury that he has made diligent efforts to obtain bank statements that would support his assertions that he financially contributed to the purchase of real property located in Holden Beach, North Carolina and/or Clover, South Carolina by the end of the day on ~~October~~ <sup>NOV</sup> 15 <sub>2017</sub>, 2017.

IT IS SO ORDERED!



The Honorable J.C. Nicholson, Jr.

20 of October, 2017  
Charleston, South Carolina