

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

IN THE COURT OF COMMON PLEAS  
C/A # 2016-CP-02-2576

In the Matter of Albert D. Bone,  
An incapacitated person,  
Vivy Haynes Bone,

Appellant,

ORDER FOR CIVIL CONTEMPT AND  
FOR SANCTIONS

v.

Robert G. Bone, Conservator; and Liberty  
Mutual Insurance Company,

Respondent(s).

**RECEIVED**

JAN 14 2019

SC Court of Appeals

This matter came before this Court for hearing on Monday, September 24, 2018, on Respondent Liberty Mutual Insurance Company’s (“Liberty”) Motion to Show Cause as to why John E. Cheatham, Esq. (“Mr. Cheatham”), attorney for Appellant, should not be held in contempt of this Court for failing to pay sanctions as required by prior Order of this Court filed on April 26, 2018. Liberty also filed a Second Motion for Sanctions, for its attorney’s fees in responding to a “Motion to Reconsider, Alter, Amend and grant a New Trial as to this Court’s Order filed April 26, 2018.” Liberty’s second Motion contends that Appellant’s “Motion to Reconsider” is without merit and in violation of S.C.R.Civ.P. 11.

The matter was duly noticed for hearing, and at the appointed hearing time, Mr. Cheatham did not appear. Rather, a few minutes prior to the hearing time, Mr. Cheatham called to say he was “running late” for the hearing and would not be appearing at the appointed time. During the pendency of this case, Mr. Cheatham has repeatedly failed to appear for hearings on time, has continued to file frivolous pleadings, has appeared in this Court unprepared to go forward with properly noticed motions, and has now ignored the Order of this Court, which required him to pay

\$13,479.90 in attorney's fees incurred by Liberty in responding to numerous frivolous pleadings and motions and appearing for numerous hearings in this case. The Court's April 26, 2018 order required Mr. Cheatham to pay the sanctions assessed within ten (10) days of the date of the Order. As of the hearing date of September 24, 2018, Mr. Cheatham had failed to pay any of the sanctions ordered.

For the above reasons, I find that John E. Cheatham is in civil contempt. I also find Appellant's "Motion to Reconsider, Alter, Amend and Grant a New Trial as to this Court's Order filed April 26, 2018," is frivolous, in violation of S.C.R.Civ.P. 11, and is denied by separate order filed contemporaneously herewith. Liberty's Second Motion for Sanctions should be and therefore is GRANTED. Liberty is hereby awarded additional sanctions in the amount of \$1,500.00 in attorney's fees payable to Liberty.

**IT IS HEREBY ORDERED** that within ten (10) days of the date of this Order, John E. Cheatham, Esq. shall pay the amount of \$14,979.90 to the law firm of Elmore Goldsmith, P.A.

**IT IS FURTHER ORDERED** that, should Mr. Cheatham fail to comply with any provision of this Order, Liberty shall inform this Court by way of Affidavit, and additional contempt sanctions, to include incarceration, will be issued against Mr. Cheatham at the Court's discretion until the full amount of sanctions are paid.

**IT IS SO ORDERED.**

**END OF ORDER**

**SIGNATURE PAGE TO FOLLOW**



Aiken Common Pleas

**Case Caption:** Vivy Haynes Bone , plaintiff, et al VS Robert G Conservator Bone ,  
defendant, et al

**Case Number:** 2016CP0202576

**Type:** Order/Other

So Ordered

s/D.A. Early III 2136