

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY AND DARLINGTON COUNTY
Circuit Court

J. Michael Baxley, Circuit Court Judge
Case No. 2007-CP-40-0576

J. Michael Baxley, Circuit Court Judge
Case No. 2010-CP-16-0332
Appellant Case No. 2013-001461

Ex Parte: Douglas N. Truslow, Respondent,

Ex Parte: Tony R. Megna, Appellant,

In re:

James Anasti, Plaintiff,

v.

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

AND

Ex Parte: Desa Ballard, Respondent,

Ex Parte: Tony R. Megna, Appellant,

In re:

Pee Dee Health Care, P.A., Plaintiff,

v.

Estate of Hugh S. Thompson, Defendant.

RECORD ON APPEAL
VOLUME TWO

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James M. Griffin
Ariail E. King
Lewis, Babcock and Griffin, LLP
P.O. Box 11208
Columbia, SC 29211
(803) 771-8000

ATTORNEY FOR APPELLANT

Douglas N. Truslow
P.O. Box 1465
Truslow & Truslow
Columbia, SC 29202
(803) 256-6276

ATTORNEY FOR RESPONDENT
TRUSLOW

Desa Ballard
Ballard Watson Weissenstein
P.O. Box 6338
West Columbia, SC 29171
(803) 796-9299

ATTORNEY FOR RESPONDENT
BALLARD

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COPY

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)
WILLIS GOODWIN,)
GINA L. ANASTI LEE,)
and RICHLAND COUNTY)
CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

MEMORANDUM IN REPLY TO
"SYNOPSIS" OF TONY
MEGNA

JEANETTE W. McBRIDE
C.C.P. & G.S.
2012 MAY -9 PM 3:52

RICHLAND COUNTY
FILED

INTRODUCTION

Purporting to act on behalf of his former client Gina Lee ("Lee"), Tony Megna ("Megna") is attempting to take depositions and otherwise engage in unauthorized discovery. In conjunction, he has threatened that if his demands are not met, he will commence contempt proceedings. Plaintiff has objected to Megna's demands and has filed a Motion to Quash and for Protection. The motion is ripe for resolution.¹

Megna is not only acting improperly, but he is also doing so under the guise of this case as a stratagem or subterfuge for use in another case(s) in which he is disqualified and/or is an actual party.² Moreover, Megna is utilizing abusive and harassing tactics in an ill-conceived attempt to accomplish his goals.

Megna is conducting himself in this manner despite having repeatedly represented that all discovery had been completed; despite admitting that all Lee's involvement in this case has conclusively ended; and despite having repeatedly acknowledged and represented that the course of action being pursued is unauthorized and prohibited by law.

¹ A Rule 11 South Carolina Rules of Civil Procedure (SCRCP) motion is outstanding, but it is not currently before the Court for resolution.

² Megna is obviously acting for selfish, self-serving purposes. Therefore, this memorandum is more direct and descriptively blunt than if Megna had been providing legal services on behalf of an actual client.

Lee has expressed that she does not approve of or condone Megna's behavior – neither do Defendants Wilson and Goodwin. Megna is proceeding herein for his own benefit. He does so at his own peril.

In response to Plaintiff's motion, Megna has emailed to the Court (Judge Baxley) an unsolicited "Synopsis" in which Megna attempts to justify his actions. As well, Megna attempts to blame others for his misconduct, and thereby he seeks to avoid the imposition of sanctions and other, ancillary relief sought by Plaintiff and Ms. Ballard. Megna opines that the Court is legally prohibited from sanctioning him. At the same time, and without formally reserving any jurisdictional objection, Megna seeks affirmative relief. In a rather rambling, inconsistent fashion, Megna alleges "facts" and seeks a resolution that goes far beyond the scope of what is to be appropriately addressed. By responding as he has, Megna has not followed proper procedure. Furthermore, he has waived jurisdictional defenses that he may have, at least theoretically, advanced regardless of their lack of substance, their lack of merit and their lack of relevance.

This memorandum is, unfortunately, long – for reasons that will hereafter be made clear.³ Plaintiff has attempted to be especially thorough in consideration of the serious implications associated with what Megna has alleged to have occurred. In support of his memorandum, Plaintiff relies on considerable evidence reflecting on the veracity of Megna's arguments. As well, Plaintiff asks that the Court take judicial notice of the Court files in this case (and its appeal); the Darlington case (Pee Dee Health Care, P.A. v. Estate of Hugh S. Thompson, 2010-CP-16-0332) and any relevant appeal; the Florence cases (Lake City Community Hospital, et al. v. Tony Megna, Benjamin R. Matthews, et al., 2008-CP-21-706) and Matthews, Megna, et al. v. Celeste Jones, Leroy Nettles, et al., 2011-CP-21-841); and Lee's bankruptcy case (including all appellate related documents).

Attention is initially drawn to Plaintiff's Exhibits A(1) - (3) – extracts from what Megna has previously represented to be "fact". These exhibits are compared to Plaintiff's Exhibit A(4) – what Megna has in fact actually done. Plaintiff has initially drawn attention to these exhibits because they call into question Megna's compliance with SCRCF as a threshold matter. In consideration of same, the Court may find non-

³ Ms. Ballard's motion is being heard at the same time as Plaintiff's. Much of what is being asserted herein is applicable to Ms. Ballard's motion. Thus, her memorandum may be more abbreviated.

compliance with SCRCF by Megna; grant Plaintiff's motion and move on to the issue of sanctions. Indeed, much of the remainder of this memorandum and exhibits go to the issue of sanctions.

Plaintiff's Exhibit B (Megna's "Synopsis") has been included (and filed) both because there has been a need to quote from it and, from his email/letter of transmittal, it does not appear that Megna filed it. The remaining documentation relied upon is collectively included as Plaintiff's Exhibit C.

Exhibit C is just as significant, if not more so, than the other exhibits. The inclusion of Exhibits C(7)(f) and (g) is, *inter alia*, for the purpose of comparison to Exhibit A(4) – the addresses and zip codes utilized by Megna since February 28, 2012, in which he purports to send communications to and/or "serve" Plaintiff's counsel with the "discovery" that is the subject of Plaintiff's motion.

The referenced exhibits demonstrate a continuing pattern of inattention to detail on Megna's part that has plagued this case from its inception (See in support the Court's Order dated April 3, 2008). For example, Megna has continued to send communications with wrongfully addressed envelopes, with incorrect zip codes, and he has sent emails to a place where Megna is on notice they were unlikely to ever be seen. These circumstances too provide authority to grant Plaintiff relief pursuant to SCRCF as a threshold matter. This is so because Megna has not properly served "discovery", regardless of the impropriety of attempting to engage in post-appeal, post-bankruptcy submissions. Plaintiff's exhibits overlap, but they are primarily organized so as to correspond to the seven (7); interconnected points being made that follow herein. Supporting affidavits are included at the end of the memorandum.⁴

The evidence presented by Plaintiff meets (and; in fact exceeds) the standard of proof required for the Court to dispositively address and deal with the motion(s) before it. The Court may do so based on Plaintiff's motion and/or also based on its actual and/or inherent authority and/or *sua sponte*.

⁴ It is understood that Lee is or has separately filed an affidavit in which she makes clear that she does not support Megna.

ARGUMENT

More profound than its numerous typos and misstatements of fact,⁵ Megna's "Synopsis" is in material part meritless. Furthermore, the myriad of arguments he makes are irrelevant. Seven (7) points⁶ demonstrate the baselessness of Megna's various claims.

1. RELEVANT MOTION AND ACCUSATIONS OF LACK OF CANDOR

Initially, and repeatedly throughout his "Synopsis", Megna jumbles together and confuses matters that were (and most definitely were not) considered on appeal. In conjunction, he attempts to shift blame. As well, Megna carps about irrelevant matters – matters in which most of the irrelevant assertions made are not only false, but predicated on false assumptions. Megna's "Synopsis" argument is nothing more than a distraction, though a considerable one. Because of the nature and scope of Megna's accusations and allegations, extra time and space have been required to be expended to address them.

Megna's "Synopsis" begins with an assertion that Plaintiff's March 9, 2012 motion is the "same" motion previously "filed in" and "denied" by "unanimous decision of the Court of Appeals". In conjunction, Megna has accused the undersigned (and others) of unethical behavior. Megna's assertion(s) and accusation(s) are addressed immediately below in two overlapping parts (A. and B.).

A. Was the March 9, 2012 motion filed in and denied by the Court of Appeals?

If it is indeed Megna's assertion that the within motion was filed in and denied by the Court of Appeals, then the assertion can only be characterized for what it would be – a prevarication. Such a conclusion is readily ascertainable by even the most cursory inspection of the motion under consideration, juxtaposed against the Richland County Clerk of Court's file and the Court of Appeals' file. The appeal was dismissed as untimely. There was no Motion for Protection from Discovery Abuses filed in the Court

⁵ To illustrate a pattern of inattention to detail that has permeated Megna's conduct and his various submissions: nothing occurred on November 22, 2012 (sic); no "status conference" was held in March, 2012; and there have been no "clams" (sic) served up by Plaintiff or Desa Ballard. For other pervasive errors and misstatements by Megna, see the Court's Order dated April 3, 2008 (the last paragraph of the last page of the Order).

⁶ By virtue of its placement, the seventh point is no less important than the others.

of Appeals. There was no Motion to Quash Subpoenas filed in the Court of Appeals. There was no damages determination by the Court of Appeals. There was no Rule 11 motion decided by the Court of Appeals. Moreover, an outstanding Rule 11 motion has not yet been scheduled, much less heard, ruled upon by the Court of Common Pleas and/or addressed on appeal. Finally, a Rule 11 motion is not now before the Court.^{7, 8} More to the point, no issue of discovery was ever before the Court of Appeals for resolution. Any assertion that it was, or that it was determined favorable to Lee, is completely unsustainable.

Megna alternatively theorizes and opines that, because the Court of Appeals denied one of Plaintiff/Respondent's appellate motions (a Rule 269, SCACR motion), that means that all other matters have automatically and retroactively been resolved in his favor. Megna's reliance on an isolated, readily distinguishable Order in the Court of Appeals is grossly misplaced. Megna has jumbled together and confused matters that were before the Court of Appeals with matters that were not. He has also jumbled together and confused matters conclusively resolved by the Court of Appeals with those that were not. It is unfortunate that Megna has done so because it takes an inordinate amount of time to set the record straight. A review of matters in context provides ample support for what is contended by Plaintiff, and it should dispel any notion that what Megna has argued is in any way correct:

The appeal lasted more than three and a half (3 ½) years from start to finish. Interspersed, there was a bankruptcy. There were a number of contentious motions/responses to motions before the Court of Appeals.⁹ There were actually two (2) appeals (involving three (3) separate Orders) filed by Megna. He resoundingly lost both appeals on a jurisdictional basis – failure to timely file the appeal(s). It is notable and significant that the Court of Appeals Ordered that the briefs and appeal(s) be limited to jurisdictional matters only. The merits of the case were never considered. Likewise,

⁷ Megna has represented that he will produce all pertinent pleadings. The Court will have an opportunity to inspect and compare the documents to confirm that they belie the veracity of what Megna asserts.

⁸ Lee's appeal was dismissed on a jurisdictional basis. A Rule 11 motion's inclusion in the Record on Appeal was to support the lower Court's conclusion that Megna was not credible, that his appeal was untimely and to demonstrate his motive to file an out of time appeal (See Order dated April 1, 2009).

⁹ See, for example, Megna's Memorandum in response to Respondent's motion to dismiss; Plaintiff's Exhibit C(7)(e).

motions and issues of damages otherwise before the Lower Court were never considered. Simply stated, the appeal(s) were dismissed on a threshold basis. Megna's reliance on one isolated, out of context and clearly distinguishable Court of Appeals Order in May, 2011 is grossly misplaced for reasons too numerous to list; however, a few of them demonstrate the fallacy of Megna's claim:

(1) The Court of Appeals dismissed the appeal(s) on a jurisdictional basis.

It is emphasized that the Court never addressed the merits of the appeal, much less any motions in the Lower Court.

(2) It is both logical and reasonable (and legally compelling) to believe that the Court of Appeals would never have rendered an all-encompassing decision (on the merits and/or involving a discovery-related motion and/or involving damages) over a matter in which there was no jurisdiction.

(3) As is obvious from Respondent's attorney's time sheets, they do not commence until after the appeal was filed. They end before the appeal was definitively concluded and they relate solely to the appeal. They have nothing directly to do with the merits of the underlying case, damages or a pending Rule 11 motion, much less a subsequent motion for protection and motion to quash from subsequent discovery-related abuses since February 28, 2012.

(4) Even if Megna were partially correct, the scope of Rule 269, SCACR, is certainly distinguishable from Rule 11, SCRCP.

(5) If Megna were correct in attributing to the Court of Appeals what he contends, the Court of Appeals would have set aside, reversed, and/or disregarded the Lower Courts' repeated determinations and conclusions (Orders) that the appeal was untimely.¹⁰ Clearly, the Court of Appeals did not agree. It was unnecessary for it to go further, and it did not do so.

¹⁰ In his brief, that is what Megna requested.

(6) In view of the dismissal of Megna's appeals on a jurisdictional basis, it is logical to conclude that the Court of Appeals deferred to the Lower Court, for consideration of matters that are properly to be determined by it and it alone.

(7) This Court is a fact-finding court. It is uniquely qualified, legally authorized and entitled to consider discovery issues and Rule 11 matters. Appellate Courts, by definition, typically deal with appeals from Lower Court proceedings. Issues relating to discovery, damages and Rule 11 initially vest in the Circuit Courts, not in the appellate courts. Since there was no discovery Order, damages or Rule 11 hearing Order addressed on appeal, it would not have been possible for the Court of Appeals to have considered matters that were not before it.

Court records demonstrate that Lee's appeal was dismissed as untimely. Both her Motion for Reconsideration and Megna's Petition for Writ of Certiorari were denied. The case was only then remitted for resolution of outstanding matters. Those matters remaining for resolution are a damages hearing (involving Defendants Wilson and Goodwin alone) and a separate and distinct Rule 11 motion hearing (against Megna, his law firm and his law partner Benjamin Matthews "Matthews").

Incredibly, Megna has repeatedly represented to the Court and many others that he actually won the case on appeal and that it was "over", resolved in his/Lee's favor. He has claimed that the Court of Appeals had reversed and rejected the findings and conclusions contained in the Lower Court's April 1, 2009 Order.¹¹ Megna's and Matthews' representations were then and remain now untrue. Megna did not win the case -- he lost it. And, although he would (and should) have lost the case anyway (see

¹¹ See Megna's letter to the Court on November 3, 2011 (Exhibit A(2)) and also Megna's emails and Matthews' letter to the Bankruptcy Trustee (with a copy to the Chief Judge of the Bankruptcy Court -- Exhibit C (4)).

Summary Judgment Order), it is beyond dispute that he ultimately lost it because of attorney error in failing to timely file Lee's appeal.¹²

B. Megna's accusations of unethical conduct

In association with his false claim that he actually won the case, Megna repeatedly accuses the undersigned and others of ethical violations, "conspiracy" and "collaboration" – that too is untrue.¹³

Given the gravity of what Megna has asserted, it is only fair to those accused by Megna of ethical misconduct for this Court to have the benefit of the relevant history of proceedings. Unfortunately, it takes much time and space to put matters in proper context, but the moving party herein (and Ms. Ballard) is confident that the Court would want no less than a thorough explanation of events under these serious and potentially consequential circumstances.

The history of proceedings disproves what Megna alleges:

- (1) The Court granted partial Summary Judgment on October 26, 2007 (with a damages hearing being reserved, to be heard at a subsequent date).
- (2) The Summary Judgment Order was forwarded to respective counsel by the Clerk of Court on October 29, 2007.
- (3) On November 7, 2007, Plaintiff filed and served a Rule 11 motion. The Rule 11 motion was against Megna personally.¹⁴

¹² If he had "won" the appeal, Megna would not need any discovery.

¹³ If Megna had genuinely felt that the undersigned had done anything unethical, and he was not merely making idle threats to gain some perceived tactical advantage, then he would have had an obligation to report it. He has not done so, and he has no client upon whom he could rely as a basis for not doing so. To be distinguished from the other cases in which Megna has attempted to smear, denigrate and abuse respective Counsel with false claims of unethical conduct, Megna has merely filed pleadings and emailed letters to Plaintiff's Counsel accusing him of perjury, subornation of perjury, and other unethical conduct. He has in conjunction been sending insulting emails to his paralegal and his son (while he was on active duty, military service and could not respond even if he were otherwise inclined to do so). See Exhibit C(7)(f)'s last three (3) emails for examples of Megna's insults that have plagued this case.

¹⁴ The Rule 11 motion was amended to include Megna's law firm and his law partner, Matthews.

- (4) Matthews has averred in an affidavit that he was involved in the case at this point, but he neglected to make his participation known to Plaintiff, the other Defendants, or the Court(s). Megna admits that, despite receiving the Rule 11 motion, he did not complain that he had not received the Court's Order granting Summary Judgment (neither did Matthews). In fact, on December 5, 2007, in a separate and distinct case (what Megna has called the "companion case"), when the specific issue of receipt of the Court's Summary Judgment Order came up, Megna acknowledged that he had received it and that he had received it in a timely fashion – "within a week to ten days" of the day it was signed (see the Court's Order dated April 3, 2008).
- (5) The Rule 11 motion was set by the Clerk of Court to be heard on January 8, 2008. However, as the date for the hearing was imminent, Megna filed an appeal in Lee's name on January 4, 2008.
- (6) Only then (January 4, 2008) did Megna complain that he had not received the Court's Order granting summary judgment in a timely fashion.

The inescapable conclusion has been that Megna filed the Notice of Appeal at that out of time date to prevent the Rule 11 hearing (i.e. sanctions against him personally) from being addressed.¹⁵ In fact, Megna and Matthews have reiterated in correspondence and pleadings on multiple occasions since that time that neither the pending damages hearing, nor the Rule 11 motion could be conducted because Megna had appealed and his appeal remained outstanding.¹⁶

Plaintiff/Respondent filed a motion to dismiss the appeal as untimely on January 22, 2008. Upon timeliness of the appeal being contested, that issue was remanded to the Lower Court for a factual determination. Obviously, an evaluation of Megna's credibility was going to be central to resolution of the timeliness issue. The Court of Appeals directed on March 18, 2008 that the remand hearing was to be held "as soon as possible." Megna did not express any concern or make any inquiry at all relative to scheduling the remand hearing. Megna received proper notice under the circumstances of the date, time

¹⁵ The Bankruptcy Court independently came to a similar conclusion.

¹⁶ See for one example Exhibit C(1).

and place set for the remand hearing (April 3, 2008). Megna did not notify the Court or opposing Counsel of any conflict with scheduling. He simply did not appear at the time set for the remand hearing, and he could not be located, even after an initial recess in proceedings for that purpose. Megna was unaccountably absent. Similarly, Matthews failed to appear, although he at least has not attempted to blame his absence on anyone else; he had neglected to make any formal appearance (that would have been required for him to receive notice of court proceedings); he did not appear to be making any effort to inform himself of the case status.

Despite Megna's neglect in failing to attend the remand hearing, the Lower Court nonetheless considered everything Megna had presented, including Megna's affidavit and all of his other submissions. The evidence pertaining to Megna's failure to timely appeal was more than compelling; it was overwhelming. In consideration of all that was "of record" and all that had been filed, the Court properly determined that the appeal was untimely (see Order dated April 3, 2008). The Court also found that Megna had made "repeated and gross misrepresentations to the Court" and that Megna had unjustly attempted to blame Plaintiff's counsel for his (Megna's) own malfeasance and misconduct.¹⁷

Upon the Court's Order being filed, the Court of Appeals dismissed the appeal. After the Court of Appeals dismissed the appeal, Megna alleged that he had had "no notice whatsoever" of the remand hearing. He sought to reopen the appeal and have the issue of timeliness reconsidered. While Megna's excuse for non-attendance at the remand hearing was dubious at best, he was given another full opportunity to make whatever arguments he might wish to make. It is notable that, in conjunction, Megna was afforded a unique opportunity to be forthright and quietly admit to his multitude of mistakes – he did not avail himself of the opportunity. The appeal was consequently reopened and remanded by the Court of Appeals a second time. Thus, with a second remand, there

¹⁷ In addition to failing to timely appeal, and among other unwarranted *ad hominem* attacks and excuses for his misconduct, Megna claimed that he was intentionally "avoiding" Plaintiff's counsel because he was "stalking" him and/or his family (see Appellant's initial submission to the Court of Appeals in response to Respondent's Motion to Dismiss the appeal as untimely). As well, Megna incongruently claimed that Plaintiff's counsel had "pilfered" a part of his file (establishing that he, Megna, had been unethical).

would not be even the remotest possibility of prejudice or any realistic basis for further *ad hominem* attacks that Megna could advance.

Considerable delays took place thereafter, with both Megna and Matthews claiming that they had vacation conflicts and other scheduling problems. In fact, their collective scheduling conflicts were so substantial that the Court ultimately allowed Lee's counsel to select the time for the second remand hearing. At the second remand hearing (October 2, 2008), Megna once again neglected to heed the Court(s)' prior admonitions and warnings, much less take into consideration his professional responsibilities. Instead, Megna continued to dissemble and once again failed to tell the truth – that is what the Court found. Megna repeated the falsehoods he had previously perpetrated in affidavits, but with a greater vengeance. His *ad hominem* attacks escalated while his conduct otherwise spiraled downward, further out of control. At the second remand hearing, the Court again carefully considered everything that was presented. The Court also specifically considered additional proof relative to whether Megna was truthful in claiming that “no notice whatsoever” had been sent to him and that he had received “no notice whatsoever” of the initial remand hearing. The Court clearly did not take the matter lightly. The Court was very conscientious and at the same time was very accommodating and fair to Megna. Megna had a full opportunity to be heard and to present anything that he wished. Ironically, after claiming as a basis for a second remand hearing that he had not been allowed to argue his position at the original remand hearing, Megna refused the Court's invitation to provide any testimony or even to speak. He also failed to honor the Court's request that he produce the envelope in which he claimed to have received the Order granting Summary Judgment (at a late date – that would justify a facially out of time filing of his appeal). Instead, Megna relied on his own affidavits (determined by the Court to be false) and the unpersuasive affidavits of his business subordinates, his wife, and Matthews. Despite having received continuances because of various conflicts, Matthews neglected to appear at the hearing, much less to provide any excuse whatsoever for his absence. He apparently found it more prudent to remain away than to have to answer to the Court.

After the hearing, Megna and Matthews were afforded even more time to resolve matters before the Court ruled. Megna remained intractable and defiant. He refused to make peace. He refused to address anything in a responsible manner, opting instead for a course of more delay, more personal attacks, and more obfuscation. Based on his failure to attend court, and his lack of responsiveness, Matthews appeared to have abandoned not only the case, but Megna as well. As a result of Megna's recalcitrance and Matthews "no-show" status, the Court was required to issue a second remand Order. In its second remand Order, the Court once again found and concluded that Megna's appeal was untimely. In its Order, the Court gave considerable weight to written documentation, specifically including Megna's own business records, his own court filings and Matthews' letters. Megna was once again overwhelmingly proven not to be believable (see Order filed April 1, 2009). The Court further found that Megna clearly had received notice of the prior (initial) remand hearing. Simply stated, Megna was once again, but with even greater emphasis and reference to specific evidence, demonstrated and determined to be deviously dishonest. Regrettably, there is no other way to describe Megna's conduct and at the same time do justice to the Court's findings and conclusions.

Upon receiving the April 1, 2009 Order establishing that Megna had been untimely in perfecting the appeal and that he had been dishonest (and that Matthews was complicit – he was in business with Megna and had by at least November 10, 2007 joined in with him in the practice of law; he was found to have been engaging in unseemly conduct; he was also found to be not credible),¹⁸ it appeared that Megna and Matthews had exhausted all means to postpone the administration of justice. However, that was not to be. Knowing that upon receipt of the Court's April 1, 2009 Order, the Court of Appeals was going to dismiss the appeal once again (and in fact did so), and knowing that Megna would then be faced with a Rule 11 sanctions hearing, Megna attempted to file yet another appeal on April 15, 2009. The next day, April 16, 2009, Matthews resurfaced and filed a bankruptcy in Lee's name. The net effect of the bankruptcy filing was that the

¹⁸ Matthews has had a history of ethical lapses. (See *In Re Matthews*, opinion 26237 filed December 11, 2006). In his ethics proceedings, Matthews claimed to be abandoning the private practice of law (to go into business with Megna), but given his involvement in this case, that appears to have been a contrived claim.

second dismissal of Lee's appeal had to be set aside and Plaintiff was then subjected to what is commonly known as a "362 stay".

The bankruptcy filing, in conjunction with the second appeal, had the practical effect of even further delaying the case's ultimate resolution because the appeal was stayed. As well, the effect was one that financially put at risk Plaintiff's ability to continue/to preserve his legal rights and property. Whether Megna's and Matthews' conduct was an intentionally orchestrated ploy appears to be in dispute, but it is not necessary to address that issue at this time. In view of Megna's and Matthews' bankruptcy filings, neither the State appeal(s), the Rule 11 motion, nor a damages hearing could be concluded. Plaintiff either had to accede to Megna's and Matthews' methods or else employ bankruptcy counsel. Plaintiff opted to employ bankruptcy counsel.

Megna and Matthews then engaged in numerous other artifices to further delay matters from being concluded. Their actions in the bankruptcy court included, among other things, not proceeding in a timely manner, changing the forms of bankruptcy, repeatedly filing motions (that they lost) and simultaneously and paradoxically opposing all efforts to lift the bankruptcy stay -- so that the appeals Megna insisted they would win could be completed. The circumstances surrounding Megna's and Matthews' inapposite positions and motives were not lost on the Bankruptcy Court -- the stay was lifted by the Bankruptcy Court on November 9, 2009.¹⁹ It is without coincidence that Megna and Matthews opposed the lifting of the bankruptcy stay so that their own State Court appeal filed on Lee's ostensible behalf could be concluded. Megna even went so far as to repeatedly assert to the Court(s) after the bankruptcy stay was lifted that the case remained stayed, that all prior Court Orders adverse to his position were likely to be set aside, and that the Court of Appeals should not require him to complete his appeal (see Exhibit A(2), the Richland County Clerk of Court's file and the Court of Appeals file).

Obviously, neither the Bankruptcy Court nor the Federal District Court (nor the Court of Common Pleas, the State Court of Appeals, the State Supreme Court, or the 4th Circuit Court of Appeals) agreed with Megna. Megna and Matthews were uniformly unsuccessful. However, their continued, far ranging and extensive legal maneuvering

¹⁹ Upon the Bankruptcy Court lifting the stay, Megna and Matthews filed numerous motions that they lost and then filed numerous appeals. They have now conclusively lost all their appeals.

had its intended result of greater delay. Neither a damages hearing, nor the Rule 11 motion could be heard. The net effect of the Bankruptcy Court's lifting of the bankruptcy stay was that Megna's and Matthews' state appeal was finally required to be abandoned or to be pursued. In that Megna (and most likely Matthews) would then be faced with, at a bare minimum, serious and substantial Rule 11 sanctions if the appeal were abandoned, they chose to proceed with the State appeal.²⁰ Their actions thereafter resulted in even more tortured legal wrangling and delay. The motives for delay remain quite obvious.

Nonetheless, all of Megna's and Matthews' appeals have now been rejected and dismissed by all Courts. Megna's Petition for Writ of Certiorari was denied, and the case was only then remitted in October, 2011, for resolution of Plaintiff's damages claim against Wilson and Goodwin alone and a separate and distinct Rule 11 sanctions hearing against Lee's (former) attorney(s) Megna and Matthews.

Plaintiff wrote to the Court on November 1, 2011 to request a status conference so that those matters could be scheduled for hearings. Megna wrote to the Court in response on November 3, 2011 (Exhibit A(2)). In his letter, Megna stated that he objected to the Court conducting any status conference. He repeatedly stated that:

"the state Court of Appeals actually denied Mr. Anasti's request for damages" (emphasis added);

the Court of Appeals "denied Plaintiff's Rule 11 motion for sanctions" (emphasis added), and

"the state appellate court judgment may, indeed, be void *ab initio*".

The fact that Megna's quoted statements were and are legally misplaced, inconsistent, and factually untrue did not deter him.²¹ Besides, the Fourth Circuit Court of Appeals has denied all Megna's bankruptcy and federal appeal(s) in a *per curiam* decision and likewise denied his Petition for Rehearing and his Petition for Rehearing *En*

²⁰ Given her bankruptcy, Lee would not benefit by any appeal. Neither the Bankruptcy trustee(s) nor any creditors supported or endorsed the conduct of Megna and Matthews. These points were not lost on the Bankruptcy Court (see its Orders and in particular its Order dated January 15, 2010).

²¹ While it is beyond incredible if not pathologically illogical to have done, Megna submitted to the Court an "Order" ([sic] -- prepared by him or by Matthews) which he claimed proved that he had won the appeal.

Banc as well. Thus, Megna's averments to the Court(s) were and are not only obviously false, but also claiming that the matter remained in limbo in federal court by virtue of his appeals in that venue is moot since Megna has lost all federal appeals.

Plaintiff would crave special reference to the exhibits Megna attached to his November 3, 2011 letter (Plaintiff's Exhibit A(2)). They certainly do not corroborate what Megna contends. Megna's "exhibit A" is NOT a Court Order. Megna's "exhibit B" in particular is NOT a Court Order. Both of the documents he claims to be "Court Orders" are documents prepared by either him or Matthews.

Setting aside Megna's argument that the Court was without jurisdiction and that there were no matters left for resolution, the Court held a status conference on January 18, 2012. The purpose of the status conference was to discuss scheduling both the damages hearing and the Rule 11 motion. Plaintiff requested that the status conference be held with a court reporter "on the record", for obvious reasons. Megna and Matthews appeared, but did so without counsel to represent them. Lee was not present (there was no need since her involvement had ended).

At the status conference, the Court requested that those present confer and make known their scheduling preferences. Everyone present confirmed that the damages hearing would only involve Plaintiff and Defendants Wilson and Goodwin. Wilson and Goodwin did not express a need for further discovery as to damages. In fact, they had already agreed on how the damages hearing would be conducted. At that time, Megna stated unequivocally that neither he nor Lee had any interest in the damages aspect of the case. He stated that a damages hearing did not involve Lee or her former counsel Megna and Matthews. Thus, it is confirmed further that there was no need for discovery as to damages because neither Megna nor Lee would be involved in that process. By his silence, Matthews appears to have concurred.

The Court indicated that the damages hearing would likely be set for some time shortly after March 15, 2012 and that Megna would likely have until the middle of April before the Rule 11 motion would be heard, but that the Clerk of Court scheduling clerk would ultimately determine what time(s) were appropriate. The pending Rule 11 motion hearing was initially anticipated to follow the damages hearing, though no time for it was

set. At that point, and without counsel to represent him and/or Matthews, and being ignorant of, or intentionally disregarding proper legal procedure, Megna attempted to argue the merits of his defenses relative to the pending Rule 11 motion. Matthews did not take an adverse position and appears to have conceded the case status contended by Plaintiff. The transcript reflects that the Court properly and summarily refused to address Megna's argument. The transcript further reflects that the Court specifically advised Megna that he was to make his arguments relative to the Rule 11 motion at the appropriate time in appropriate circumstances – at the Rule 11 hearing.

On February 24, 2012, the scheduling clerk set the damages hearing for March 12, 2012. On February 28, 2012, it was reported that Wilson and Goodwin's attorney Thomas Earle was hospitalized, in a coma, and that his law firm would have to formally withdraw from the case. Megna immediately (that same day), and without Wilson and Goodwin and Lee's knowledge, permission, approval or condonation, began to engage in the discovery related abuses, SCRPC violations and other transgressions that are the subject of the within motion dated March 9, 2012.²² Megna's reasons to act as he has and to seek "damages discovery" remain quite transparent. Matthews' motives have been less overt.

The history of events establishes that what Megna has asserted relative to the within motion having been "unanimously denied by the Court of Appeals" and that the undersigned has lacked candor (and that he and other attorneys have unethically collaborated and conspired) is not true. Megna's assertions and accusations are in essence very inappropriate, irrelevant, red herring, time-consuming, distractions. With specific reference to Courts' Orders and Court files, it is inexorably confirmed that what Megna has argued is more seriously misplaced than merely being baseless. Megna's "Synopsis" argument is not even a mere reckless disregard for the truth or an inadvertent, harmless series of mistakes made by one new to the practice of the law.

The undersigned realizes that the procedural recap of what has transpired is, perhaps, somewhat tedious to read. Much of it is indeed irrelevant to the core, discovery-

²² Megna was acutely aware of the seriousness of Mr. Earle's condition in January, 2012, yet he did not claim any right or need to engage in formal discovery at that time or, for that matter, from the time of the Remittitur in October, 2011 until February 28, 2012. Instead, he had stated in writing that all discovery was complete (see Exhibit A(1)).

related issue before the Court at this time. However, it has been necessary to present events in detail and in context, in consideration of the convoluted, fabricated claims and serious ethical violations conjured up by Megna. And, for every misstatement and claim of misconduct averred by Megna, it takes considerably longer to demonstrate why he is so unequivocally wrong. Finally, relevant events have been and are presented in detail to underscore why fees and costs being sought have necessarily been what they are.

2. BANKRUPTCY, IRRELEVANCY AND UNAUTHORIZED CONDUCT

Megna argues that the Court's hands are tied by virtue of Lee's bankruptcy. That argument is another irrelevant, red herring distraction. It is particularly irrelevant because Lee is not the focus of Plaintiff's motion. It is not Lee who is attempting to engage in unauthorized discovery – discovery that Megna has previously and repeatedly affirmed to have been completed. It is not Lee who is engaging in discovery abuses and other misconduct in violation of SCRPC. It is not Lee who is engaging in conduct that has not been authorized by the Bankruptcy Court. And, it is not Lee who has threatened that, if her discovery demands are not met, she will commence contempt proceedings. That misconduct is attributable directly to Megna. He is the focus of Plaintiff's motion.

The within motion for protection from discovery-related abuses has virtually nothing to do with Lee's bankruptcy, with one notable exception: While making abundantly clear that it seriously doubted that Megna would ever be successful on appeal and that Megna and Matthews appeared to be acting for self-serving purposes (because Megna had neglected to timely file an appeal), the Bankruptcy Court made even more explicit in its Order(s) that Lee's bankruptcy stay was lifted only for completion of the State appeal(s) Megna had filed. And, Matthews and Megna were not authorized to be paid from the debtor's (Lee's) estate for pursuing the appeal. Megna and Matthews were not authorized by the Bankruptcy Court to proceed further (See FN 34 herein for a concise excerpt of what the Bankruptcy Court found.). Megna has, nonetheless, opted to ignore the Bankruptcy Court's Order(s), the same as he has ignored the Court's Order(s) disqualifying him in the Darlington case.

Regardless of how Megna may attempt to frame his argument relative to Lee's bankruptcy, he actually makes Plaintiff's point. Megna has unequivocally conceded that;

"Plaintiff ([sic] – actually Defendant Lee) is operating under a confirmed Chapter 13 bankruptcy plan of reorganization which prohibits any action being taken against her" (emphasis added).

Of course, that is accurate as far as it goes. That said, it is stressed that action is not being taken against Lee. The within motion focuses on Megna's (and to a lesser degree Matthews') personal misconduct. Lee's bankruptcy does not act as a shield behind which Megna and/or Matthews may hide, especially in the context of the discovery-related abuses occurring since February 28, 2012, long after Lee's bankruptcy discharge. Megna and Matthews are not in bankruptcy. There is no legal concept of surrogate bankruptcy protection behind which Megna and Matthews can seek asylum.

Moreover, bankruptcy is, in this context, a "two way street" – the debtor (i.e. the debtor alone) has been protected from a continuation of the lawsuit against her individually, and further action by Megna and/or Matthews, selfishly misappropriating Lee's name, is to be treated in a consistent fashion – precisely so as to protect Plaintiff and others against abusive, self-serving schemes. In fact, even Lee is entitled to protection from Megna and Matthews under these circumstances. Megna is certainly entitled to no special treatment by virtue of Lee's bankruptcy and, he is entitled to no special treatment simply because he has possessed a law license. Again, he has willfully chosen to act for his own self-interest. He must suffer the consequences of personally motivated misconduct.

It is stressed that Megna and Matthews have not been authorized by the Bankruptcy Court to proceed as they have, aside from the limited, restricted scope of completing the appeal. The appeal has been completed. Lee's bankruptcy has been concluded. The Bankruptcy Court's Order(s) are abundantly clear. With the loss of Lee's State appeal, Megna and Matthews were not entitled to proceed further in this case. The Bankruptcy Court has not authorized Megna and Matthews to engage in post-appeal,

SCRCP discovery for self-serving purposes, especially after the appeal was lost. Megna's actions have neither been sanctioned by the Bankruptcy Court, nor have they been sanctioned or authorized by any other Court, or by any court rule (or by Lee).

Megna's concession relative to the effects of bankruptcy actually makes Plaintiff's points that (a) by virtue of Lee's bankruptcy, coupled with her loss of all appeals, she clearly has no further interest in this case; Lee has no need to engage in SCRCP discovery; and (b) Megna is pursuing SCRCP discovery under the guise of Lee's name for ulterior, purely personal/selfish purposes.

Lee has completely and with finality lost her case. She/Megna and Matthews have lost all appeals. Any interest Lee may have claimed in the previously disputed property has been conclusively resolved. Given her bankruptcy, neither damages nor sanctions are being sought against Lee, although sanctions were authorized by the Bankruptcy Court (post-bankruptcy filing) if Lee had been the architect of the discovery abuses engineered by Megna. It is abundantly clear that Lee is neither the architect nor the engineer of the discovery abuses complained of herein – it is Megna. Clearly Megna, and to a lesser degree Matthews, is proceeding solely on his own and solely for his own perceived benefit or gain. He has done so at his own peril and to the peril of Matthews.

As further proof of Megna's unauthorized conduct and violation of SCRCP, it has been proven that Megna initially attempted to serve (by "email") Darlington County subpoenas for use in this case. He claims to have served them on February 27, 2012 (see Exhibit A(4) – Megna's March 1, 2012 email). Megna's claimed date of service is inaccurate, but it is readily confirmed that that is what he claimed, and he did unquestionably attempt to serve those Darlington County subpoenas. He only manufactured an excuse for their issuance after he was confronted with the fact that Plaintiff was aware of his repeated violation(s) of the Court's Orders in Darlington. He then further compounded his errors by claiming that his subpoenas were in actuality for use in this case. Megna's discovery (Exhibit A(4)) and his "Synopsis" claims are submitted for comparison to one another and the Court's Darlington Orders. They demonstrate that, regardless of how words may be parsed, Megna's subpoenas, in conjunction with requests to produce and interrogatories, were in fact intended for use in

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

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

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

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

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

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

3. CONTINUANCE, MISREPRESENTATIONS AND ABUSIVE CONDUCT

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

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

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

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

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

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

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

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

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

Significantly, the Order also provides that:

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

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

"The Court: Y'all agree Ms. Lee is not, would not be involved in that?

(Damages hearing)

Mr. Megna: Yes, sir, Your Honor."

(Tr. Page 6, Line 25 through Page 7, Line 2) (emphasis added).

...

"The Court: I guess y'all don't care since you're not involved in that process. (Relative to scheduling a damages hearing)

Mr. Megna: No, Your Honor."

(Tr. Page 8, Lines 15-17) (emphasis added).

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

"There has been no discovery as to the issue of damages." (emphasis added).

...

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

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

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

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

“Ms. Lee has determined, now that discovery has been concluded...”
(emphasis added).

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

“all discovery” has been completed. (emphasis added).

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

“...the state Court of Appeals actually denied Mr. Anasti’s request for damages.” (emphasis added).²⁴

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

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

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

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

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

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

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

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

4. ETHICAL CONFLICTS, ESTOPPEL AND ULTERIOR MOTIVES

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

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

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

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

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

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

²⁶ Under the terms of the Bankruptcy Court's Order(s), Lee's interest is now adverse to Megna's.

²⁷ Wilson and Goodwin had sued Lee in the companion case for selling Anasti's property to them.

²⁸ The Arbitration Award (August 15 2008) did not put Lee in bankruptcy. The bankruptcy filing came on the heels of the Court's Order of April 1, 2009. The motive for its filing is elsewhere addressed in this memorandum.

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

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

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

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

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

5. MOTION BEFORE THE COURT AND MEGNA'S DISSEMBLING

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

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

name in the Richland case as a pretext upon which to pursue unrelated, irrelevant matters, in willful and unrepentant disobedience of this Court's Orders in the Darlington case; (c) Megna's repeated and serious violations of SCRC³⁰; and (d) the determination of what relief and sanctions are appropriate.

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

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

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

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

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

6. JURISDICTION, EVASION, DELAY AND FURTHER INCONSISTENCY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. MEGNA'S AD HOMINEM ATTACKS IN CONTEXT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

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

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

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

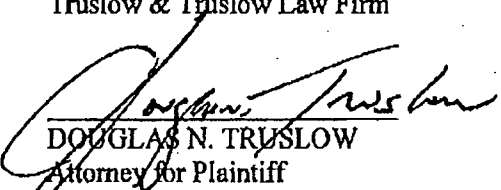
Finally, a full explanation of events has been appropriate because it tends to shed light on reasons why substantial time (and cost) has been required to be expended. These matters are not ones that have been taken lightly. It is respectfully submitted that the Court has a right to expect that all pertinent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

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

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

Respectfully Submitted,

Truslow & Truslow Law Firm



DOUGLAS N. TRUSLOW

Attorney for Plaintiff

P.O. Box 1465

Columbia, SC 29202

(803) 256-6276

Fax (803) 256-7659

douglastruslow@truslowlaw.com

Columbia, South Carolina

May 2, 2012

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)

WILLIS GOODWIN,)

GINA L. ANASTI LEE,)

And RICHLAND COUNTY)

CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

EXHIBIT A (1)

Thomas G. Earle
Douglas N. Truslow
September 13, 2007
Page 2 of 2

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

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

With kind regards, I remain

Sincerely yours,

Tony R. Megna

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

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

COPY

STATE OF SOUTH CAROLINA

James Anasti,

Plaintiff,

vs.

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

Defendant.

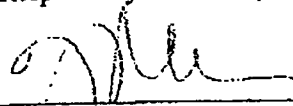
IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 2007-CP-40-0576

DEFENDANT LEE'S MOTION FOR
ORDER TERMINATING FURTHER
DISCOVERY REQUESTS FROM
PLAINTIFF

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

Respectfully submitted,



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

September 11, 2007.

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

EXHIBIT A (2)

Truslow & Truslow
Attorneys At Law

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

Douglas N. Truslow
douglastruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

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

Mailing Address:
P.O. Box 1466
Columbia, SC 29202

November 1, 2011

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

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

Dear Judge Lee:

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

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

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

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

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

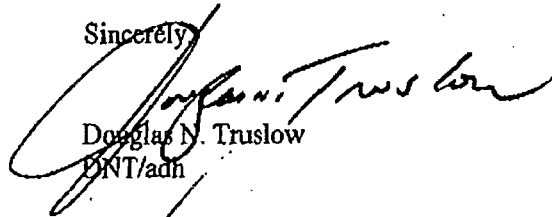
And again, Plaintiff Anasti wants to make clear that he will not be seeking damages or sanctions against Ms. Lee, except as may be specifically authorized and permitted by the Bankruptcy Court.

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

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

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

Sincerely,



Douglas N. Truslow
DNT/adh

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

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

EX.A

EXHIBIT A TO SC LBR 3015

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: Gina Anastu Lee	CASE NO: 08-02854 FIFTH AMENDED CHAPTER: 13
Debtor. ¹	NOTICE, SIXTH AMENDED CHAPTER 13 PLAN, MOTIONS TO VALUE SECURITY, AVOID JUDICIAL LIEN, AVOID A NONPURCHASE MONEY, NONPOSSESSORY SECURITY INTEREST AND LIEN, AND/OR TO ASSUME OR REJECT AN EXECUTORY CONTRACT/UNEXPIRED LEASE

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

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

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

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

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

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

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

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

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

² When used herein, the term "debtor" shall apply as applicable either in the singular or in the plural, if there are joint debtors in the case.

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

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

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

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

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

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

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

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

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

A. Attorney for the debtor:

1. The debtor and the debtor's attorney have agreed to an attorney's fee in the amount of \$ 3,000.00 for the services identified in the Rule 2016(b) disclosure statement filed in this case. The amount of 0.00 was paid prior to the filing of the case. The remaining fee shall be disbursed by the trustee as follows: Following confirmation of the plan and unless the Court orders otherwise, the trustee shall disburse \$300.00 to the attorney from the initial disbursement.¹ Thereafter, the balance of the attorney's compensation as allowed by the Court shall be paid, to the extent then due, with all funds remaining each month after payment of allowed secured claims and pre-petition arrearages on domestic support obligations. In instances where an attorney assumes representation in a pending *pro se* case and a plan is confirmed, a separate order may be entered by the Court, without further notice, which allows for the payment of a portion of the attorney's fees in advance of payments to creditors. 2. If, as an alternative to the above treatment, the debtor's attorney has received a retainer and cost advance and agreed to file fee applications for compensation and expenses in this case pursuant to 11 U.S.C. § 330, the retainer and cost advance shall be held in trust until fees and expense reimbursements are approved by the Court. Prior to the filing of this case, the attorney has received \$0 and for plan confirmation purposes only, the fees and expenses of counsel are estimated at \$unkown or less.

¹The chapter 13 trustee shall not disburse more than the unpaid balance of the fee to be paid under the plan pursuant to (a), the balance of the fee previously applied for and authorized pursuant to (b), or the unpaid balance to be paid together with any supplemental fee then applied for and authorized under the terms of Operating Order 07-12, as applicable.

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

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

2. **Long-term or mortgage debt. No default:**

The debtor is current on obligations to **NONE** and will continue regular payments directly to that creditor. Description of collateral:

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

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

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

4. **Secured portion of claims altered by valuation and lien avoidance: NONE**

The trustee shall pay **NONE** the sum of \$(payment amount) or more per month, along with (percentage)% interest until the secured claim of \$(amount of secured claim) established above is paid in full. The remaining portion of the allowed claim will be treated as a general unsecured claim.

5. Other secured debts (allowed claim to be paid in full without valuation or avoidance of lien): **NONE**
The trustee shall pay **-NONE-** the sum of \$(payment amount) or more per month, along with (percentage)% interest until the secured claim is paid in full.

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

7. Secured tax debt: **NONE**
The trustee shall pay the sum of \$ 0.00 or more per month until the net balance of creditor's secured claim plus 0 % interest has been paid. If the lien is to be valued, the debtor shall file a separate motion to value the claim and establish priority of any remaining tax obligations. If a tax priority creditor files a claim designated as secured, is not treated as secured in this paragraph, and does not timely object to confirmation of this plan, then the claim may be paid as a priority claim for purposes of distributions from the trustee.

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

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

a. Pre-petition arrearages.

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

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

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

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

D. Executory Contracts and Unexpired Leases: Regular payments that arise post-petition under an executory contract or lease that is being assumed shall be paid directly by the debtor according to the terms of the contract or lease. Pre-petition defaults will be cured by payments of the sum of \$(payment amount) or more per month by the trustee or the debtor according to paragraph 11(D). Claims arising from the rejection of executory contracts or leases shall be general unsecured claims unless otherwise ordered by the Court.

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

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

Date: March 24, 2010

BY: /s/ Benjamin R. Matthews

Benjamin R. Matthews
3400 West Avenue
Columbia, SC 29203
803-798-1700
District Court I.D. 3332
Attorney for the Debtor

EX. B

STATE OF SOUTH CAROLINA

James Anasti,

Plaintiff,

vs.

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

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 2007-CP-40-0576

ORDER

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

By order entered December 21, 2009¹, the Court granted limited relief from the automatic stay to allow the state court to finalize its consideration of state court appellate proceeding that were pending at the time of the filing of the Debtor's bankruptcy case.

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

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

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

Alison Renee Lee, Administrative Judge

_____, 2011.

Truslow & Truslow
Attorneys At Law

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

Douglas N. Truslow
douglstruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

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

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

November 7, 2011

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

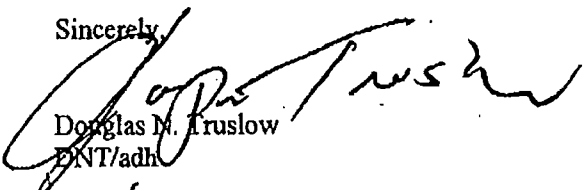
The Honorable Alison Rence Lee
Chief Administrative Judge of Common Pleas
Fifth Judicial Circuit
P. O. Box 192
Columbia, SC 29202-0192

Dear Judge Lee:

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

Rather than attempt to argue the merits here or present you with other, more important Orders¹ of the Court, I respectfully ask for a status conference before you sign any Order or do anything else.

Sincerely,


Douglas N. Truslow
DNT/adh

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

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

Truslow & Truslow
Attorneys At Law

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

Douglas N. Truslow
douglastruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

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

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

January 9, 2012

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

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

Dear Judge Barber:

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

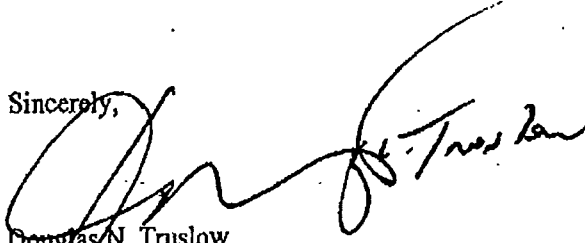
By way of essential history, Plaintiff was granted Summary Judgment with a damages hearing and Rule 11 sanctions hearing to be heard at a subsequent date. Defendant Lee appealed and lost. She then filed a Petition for Writ of Certiorari and lost. In the interim Defendant Lee had filed for bankruptcy.

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Douglas N. Truslow". The signature is fluid and extends across the line of the word "Sincerely,".

Douglas N. Truslow
DNT/ldh

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

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

EXHIBIT A (3)

State of South Carolina)
County of Richland)

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

James A. Anastasi,
Plaintiff,

vs.

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

Defendants.

Transcript of Record

January 18, 2012
Columbia, South Carolina

B E F O R E:

The Honorable James R. Barber, III, Judge

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

Douglas N. Truslow, Esquire
Attorney for the Plaintiff

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

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

Elizabeth B. Harris, CVR-M
Circuit Court Reporter

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

3 MR. EARLE: Yes, Your Honor.

4 THE COURT: And who has Willis Goodwin?

5 MR. EARLE: I do.

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

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

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

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

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

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

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

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

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

1 her bankruptcy.

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

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

10 MR. TRUSLOW: I would think that it would take no more
11 than two hours. We're talking about rentals for -- since
12 2007 or so. So, we're, you know, we're going to have a lot
13 of money at stake.

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

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

24 MR. TRUSLOW: Yes, sir.

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

1 involved in that?

2 MR. MEGNA: Yes, sir, Your Honor.

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

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

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

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

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

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

24 MR. EARLE: Yes, Your Honor.

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

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

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

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

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

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

11 MR. TRUSLOW: No, Your Honor.

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

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

17 MR. MEGNA: No, Your Honor.

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

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

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

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

5 MR. TRUSLOW: That day certain?

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

8 MR. TRUSLOW: Yes, sir. Thank you.

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

17 MR. TRUSLOW: All right.

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

20 MR. TRUSLOW: Yes, sir.

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

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

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

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

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

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

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

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

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

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

15 THE COURT: We can go ahead and do that.

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

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

21 MR. MEGNA: Right.

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

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

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)
WILLIS GOODWIN,)
GINA L. ANASTI LEE,)
And RICHLAND COUNTY)
CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

EXHIBIT A (4)

Douglas N. Truslow

*From L. Lee;
Junk File
Nothing attached*

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

*? No mailing
Received*

Douglas:

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

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

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

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

Best regards, Tony

Please send all written correspondence to:

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

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

4/24/12

Four in Junk file

Nothing attached.

Douglas N. Truslow

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

Douglas:

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

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

Thanks, Tony

Please send all written correspondence to:

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

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*Just K file
Noting response from
Feb 27, not served.*

Douglas N. Truslow

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

Douglas:

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

Thank you for your time and consideration.

Best regards, Tony

Please send all written correspondence to:

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

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Ch. 11.1

Douglas N. Truslow

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

Douglas:

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

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

Regards, Tony

Please send all written correspondence to:

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

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Thank you.

? 11-juin-1

Douglas N. Truslow

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

Thanks, Tony

Please send all written correspondence to:

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

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

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

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

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

Best regard, Tony

Please send all written correspondence to:

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

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TONY R. MEGNA

ATTORNEY-AT-LAW

3400 WEST AVENUE

TELEPHONE: 803-799-1700

tmegna@gmail.com

March 8, 2012

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

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

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

Douglas:

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

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

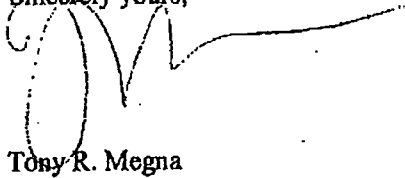
As you ponder these matters, I also suggest we discuss in advance the waiver of the attorney-client privilege that has occurred by you making yourself and Steve Licata a witness in these matters. The rules of procedure are designed to avoid trial by ambush. It is that simple. I have no desire to file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

Douglas N. Truslow, Esquire
P.O. Box 1465
Columbia, SC 29202
January 20, 2012
Page 2 of 2

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

With kind regards, I remain

Sincerely yours,

A handwritten signature in black ink, appearing to be 'Tony R. Megna', with a long horizontal flourish extending to the right.

Tony R. Megna

cc: Gina L. Lee

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

James A. Anasti, Plaintiff

v.

Lance Wilon, et. al., Defendant

SUBPOENA IN A CIVIL CASE

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Douglas Truslow

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

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

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

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

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

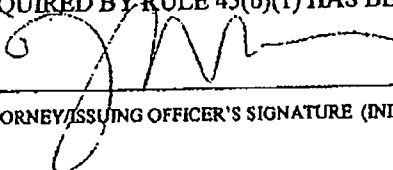
PLACE	DATE AND TIME , AM

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

PREMISES	DATE AND TIME , AM

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

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

 ATTY for GINA LEE
TONY R MEGNA DATE 3-8-12
ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CLERK OF COURT/ISSUING OFFICER SIGNATURE	DATE	PRINT NAME

PROOF OF SERVICE

SERVED	DATE <u>3/8/12</u>	FEES AND MILEAGE TENDERED TO WITNESS
	PLACE <u>914 Rockwood St, Columbia, SC</u>	☒ YES ☐ NO AMOUNT \$ <u>28.00</u>
SERVED ON	<u>Douglas Traylor</u>	MANNER OF SERVICE <u>Personal</u>
SERVED BY	<u>Wade Smith</u>	TITLE

DECLARATION OF SERVER

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

Executed on 3/8/12

Wade Smith
 SIGNATURE OF SERVER
3400 West Ave., Columbia, SC
 ADDRESS OF SERVER 29008

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

(c) Protection of Persons Subject to Subpoenas.

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

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

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

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

- i. fails to allow reasonable time for compliance; or
- ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
- iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
- iv. subjects a person to undue burden.

(B) If a subpoena:

- i. requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- ii. requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

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

(d) Duties in Responding to Subpoena.

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

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

STATE OF SOUTH CAROLINA

James A. Anastasi,

Plaintiff,

vs.

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

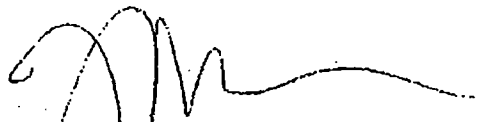
Defendants.

IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

NOTICE OF DEPOSITIONS

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



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

March 8, 2012.

noty to Wilson & Goodwin

STATE OF SOUTH CAROLINA

James A. Anastasi,

Plaintiff,

vs.

Lance Wilson, Willis Goodwin, Gina
L. Anastasi-Lee, Richland County Clerk
of Court,

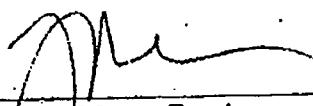
Defendants.

IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

NOTICE OF DEPOSITIONS

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



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

March 8, 2012.

STATE OF SOUTH CAROLINA

James A. Anast,

Plaintiff,

vs.

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

Defendants.

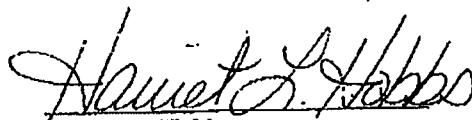
IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

CERTIFICATION OF SERVICE

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

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



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

March 8, 2012.

STATE OF SOUTH CAROLINA

James A. Anasti,

Plaintiff,

vs.

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

Defendants.

IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

DEFENDANT LEE'S FIRST SET
OF AMENDED
INTERROGATORIES AND
REQUEST FOR PRODUCTION OF
DOCUMENTS

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

INSTRUCTIONS AND DEFINITIONS

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

4. Identify means, when referring to policy positions or practices [written or unwritten] of the Plaintiff, to give, to the extent known, all information regarding the policy, practice, or procedure, including but not limited to identifying any documents that evidence the policy, practice or procedure. If no document evidences the policy, practice, or procedure, explain how the policy, practice or procedure was developed, how the policy, practice or procedure is actually used and by whom, and who, if anyone, has the discretion to apply or not to apply the policy, practice, or procedure.
5. Identify means, when referring to communications by and/or among individuals, the Plaintiff to give, to the extent known, all information regarding the communication(s) referred, including but not limited to details of the communications as well as the identities of the parties to the communications and further identifying all documents evidencing the communications.
6. When referring to documents, identify means to give, to the extent known: (i) the title, heading or caption of such document, if any; (ii) the identifying number(s), letter(s), or any combination thereof, if any, and the significance or meaning of such; (iii) type of document; (iv) general subject matter; (v) date of the document; (vi) author(s), address(es), and recipient(s).
7. A document is defined to be synonymous in meaning and equal in scope to the usage of this term in the SRCP Rules of Civil Procedure. A document specifically includes data compilations from which information can be obtained, translated, if necessary, by the Plaintiff through detection devices into reasonably usable form – regardless of where such data compilations located. A draft or nonidentical copy is a separate document within the meaning of this term.

8. Parties means the Plaintiff or Defendant as well as a party's full or abbreviated name or pronoun referring to a party mean the party and/ where applicable, its officers, directors, employees, or agents. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation but is intended to include agents, employees, consultants, etc. of the Plaintiff.
9. Concerning means relating to, referring to, describing, evidencing, or constituting.
10. Should Plaintiff claim privilege for any documents about which information or inspection is requested by any of the following interrogatories, such documents shall be described in a manner sufficient for identification including the date, author, all recipients, and identity of each party receiving a copy of the document and the subject matter thereof, as well as all person who have reviewed and/or read the document regardless of their affiliation with the Plaintiff, and in addition to supplying the above-named information concerning such documents, shall indicate that Plaintiff claims privilege therefore and Plaintiff shall state the grounds on which the claim of privilege rests.
11. All interrogatories herein are continuing in nature, so as to require Plaintiff to supplement or amend her responses in accordance with the SCRPC.

INTERROGATORIES AND REQUEST FOR PRODUCTION

1. Please identify all persons answering these interrogatories, and specify which interrogatory was answered by whom.
2. Please identify all persons answering the Defendant's Request for Production of Documents, and specify which request for production was prepared and answered by whom.
3. Please identify and produce all documents you intend to at the damages hearing.

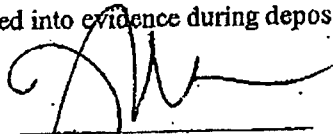
4. Please produce all documents and communications [electronic and/or hard-copy] that relate to and/or reference in any manner Tony R. Megna, Gina Lee, or related parties that you [Douglas Truslow and/or James Anasti] have provided to or have been provided by Celeste Jones, Jay James, Kenneth Woodington, Renee Josey and/or Desa Ballard and/or their agents.
5. Please identify and produce all documents and communications [electronic and/or hard-copy] that relate to and/or reference in any manner Tony R. Megna, Gina Lee, or related parties that you [Douglas Truslow and/or James Anasti] have provided to or have been provided by any person.
6. Please identify all persons with knowledge of or information relevant to the subject matters as stated in the Plaintiff Anasti's request for damages further provide a description that fully and completely describes the content of such knowledge or information.
7. Please identify all persons which Plaintiff intends to call as experts at trial, and specify the subject matter upon which each expert is expected to testify, giving a statement regarding the substance of the facts and opinions to which the expert is expect to testify at trial and a summary of the grounds for each fact.
8. Please identify and produce all documents in support of all damages, however defined, you intend to request be ordered against Ms. Lee and or her agents.
9. If you intend to request damages for any matters that have occurred in federal court, please explain the basis of the jurisdiction of the state circuit court to order such damages.
10. Please identify all persons which Plaintiff intends to call as fact witnesses at trial, and specify the subject matter upon which each witness is expected to testify, giving a

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

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

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

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



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

March 8, 2012.

STATE OF SOUTH CAROLINA

James A. Anasti,

Plaintiff,

vs.

Lance Wilson, Willis Goodwin, Gina
Anasti Lee, Richland County Clerk
Court,

Defendants.

The undersigned hereby certifies, on
Set of Amended Interrogatories and I
by depositing a copy of same with fi
follows:

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

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

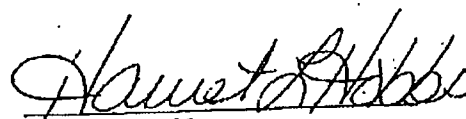
Mr. Lance Wilson
149 Barney Lane
Columbia, SC 29223

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

*Nothing
Received
by mail
3/9/12*

ntiff's First
e undersigned,
ressed as


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

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

1ST CITIZENS BK & TR CO. INC.
87-604/538

763

2/28/2012

PAY TO THE
ORDER OF Amanda Hilley

\$ 28.00

Twenty-Eight and 00/100

DOLLARS



MEMO

witness fee for subpoena

⑈000763⑈ ⑆05390604⑆08305 435000⑆⑈

TONY R. MEGNA

ATTORNEY-AT-LAW

3400 WEST AVENUE

TELEPHONE: 803-799-1700

tmegna@gmail.com

March 5, 2012

Ms. Amanda Hilley

914 Richland Street, Suite B102

Columbia, SC 29202

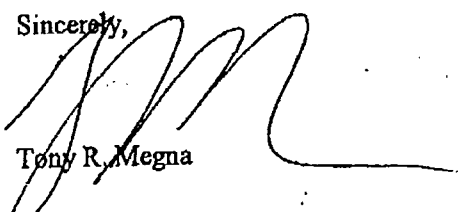
Re: James Anasti v. Wilson, et. al.,
Case Number: 2007-CP-40-0576

Dear Ms. Hilley:

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

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

Sincerely,



Tony R. Megna

Enclosures

STATE OF SOUTH CAROLINA

James A. Anast,

Plaintiff,

vs.

**Lance Wilson, Willis Goodwin, Gina
L. Anast Lee, Richland County Clerk
of Court,**

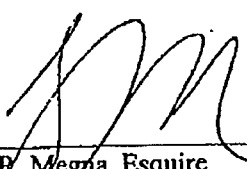
Defendants.

**IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT**

CIVIL ACTION NO: 07-CP-40-0576

NOTICE OF DEPOSTIONS

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



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

March 5, 2012.

C-1

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

James A. Anasti, Plaintiff

v.

Lance Wilon, et. al. , Defendant

SUBPOENA IN A CIVIL CASE

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Amanda Hilley

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

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

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

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

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

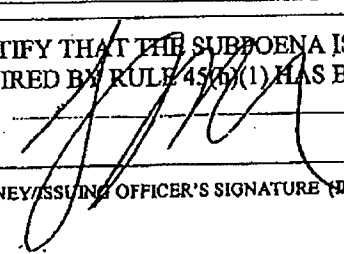
PLACE 3400 WEST AVENUE, COLUMBIA, SC 29203	DATE AND TIME March 27, 2012 @ 10:00 AM

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

PREMISES	DATE AND TIME , AM

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

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

 3/5/12 DATE
ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CLERK OF COURT/ISSUING OFFICER SIGNATURE

DATE

PRINT NAME

PROOF OF SERVICE

SERVED	DATE <u>1/13/12</u>	FEES AND MILEAGE TENDERED TO WITNESS
	PLACE <u>914 Richland St. Suite B102</u>	☒ YES ☐ NO AMOUNT \$ <u>28.00</u>
SERVED ON	<u>Amanda Hilley</u>	MANNER OF SERVICE <u>Personal Delivery</u>
SERVED BY	<u>Wade Dourtin</u>	TITLE

DECLARATION OF SERVER

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

Executed on 3/6/11 Wade Dourtin
 SIGNATURE OF SERVER
3400 West Ave. Columbia, SC 29203
 ADDRESS OF SERVER

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

(c) Protection of Persons Subject to Subpoenas.

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

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

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

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

- i. fails to allow reasonable time for compliance; or
- ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
- iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
- iv. subjects a person to undue burden.

(B) If a subpoena:

- i. requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- ii. ~~requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or~~
- iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

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

(d) Duties in Responding to Subpoena.

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

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

Truslow & Truslow
Attorneys At Law

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

Douglas N. Truslow
douglastruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

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

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

March 9, 2012

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

CERTIFIED MAIL, RESTRICTED
PERSONAL & CONFIDENTIAL

Tony R. Megna, Esquire
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

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

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

Sincerely,

Mackenzie Woodward

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

DNT/mcw

STATE OF SOUTH CAROLINA

James A. Anast,.

Plaintiff,

vs.

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

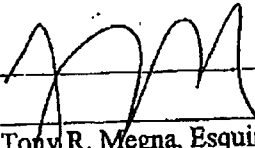
Defendants.

IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

NOTICE OF DEPOSITIONS

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



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

February 28, 2012.

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

James A. Anast, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Lance Wilon, et. al., Defendant

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: James Anast

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

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

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

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

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

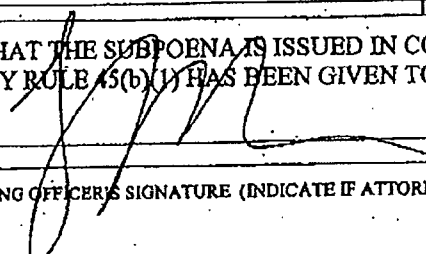
PLACE 3400 WEST AVENUE, COLUMBIA, SC 29203	DATE AND TIME March 6, 2012 @ 10:00 AM

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

PREMISES	DATE AND TIME , AM

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

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

ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  2/28/12 DATE

CLERK OF COURT/ISSUING OFFICER SIGNATURE DATE PRINT NAME

PROOF OF SERVICE

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

DECLARATION OF SERVER

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

Executed on: _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

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

(c) Protection of Persons Subject to Subpoenas.

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

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

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

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

- i. fails to allow reasonable time for compliance; or
- ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
- iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
- iv. subjects a person to undue burden.

(B) If a subpoena:

- i. requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- ii. requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

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

(d) Duties in Responding to Subpoena.

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

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

STATE OF SOUTH CAROLINA

James A. Anasti,

Plaintiff,

vs.

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

Defendants.

IN THE COURT OF COMMON
PLEAS

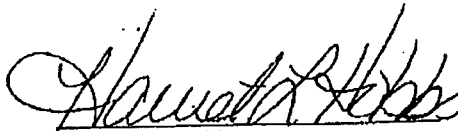
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

CERTIFICATION OF SERVICE

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

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



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

February 28, 2012.

STATE OF SOUTH CAROLINA

James A. Anasti,

Plaintiff,

vs.

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

Defendants.

IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

DEFENDANT LEE'S FIRST SET
OF INTERROGATORIES AND
REQUEST FOR PRODUCTION OF
DOCUMENTS

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

INSTRUCTIONS AND DEFINITIONS

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

4. Identify means, when referring to policy positions or practices [written or unwritten] of the Defendant, to give, to the extent known, all information regarding the policy, practice, or practice, including but not limited to identifying any documents that evidence the policy, practice or procedure. If no document evidences the policy, practice, or procedure, explain how the policy, practice or procedure was developed, how the policy, practice or procedure is actually used and by whom, and who, if anyone, has the discretion to apply or not to apply the policy, practice, or procedure.
5. Identify means, when referring to communications by and/or among individuals, the Defendant to give, to the extent known, all information regarding the communication(s) referred, including but not limited to details of the communications as well as the identities of the parties to the communications and further identifying all documents evidencing the communications.

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

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

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

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

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

above-named information concerning such documents, shall indicate that Defendants claim privilege therefore and Defendants shall state the ground on which the claim of privilege rests.

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

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

INTERROGATORIES AND REQUEST FOR PRODUCTION

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

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

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

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

and/or Desa Ballard and/or their agents.

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

6. Please identify all persons with knowledge of or information relevant to the subject matters as stated in the Defendant Anasti's request for damages further provide a

description that fully and completely describes the content of such knowledge or information.

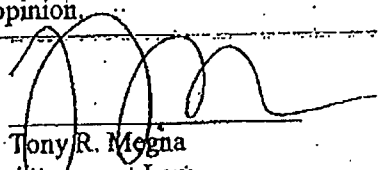
7. Please identify all persons which Defendants intend to call as experts at trial, and specify the subject matter upon which each expert is expected to testify, giving a statement regarding the substance of the facts and opinions to which the expert is expect to testify at

trial and a summary of the grounds for each fact.

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

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

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



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

February 28, 2012.

STATE OF SOUTH CAROLINA

James A. Anasti,

Plaintiff,

vs.

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

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

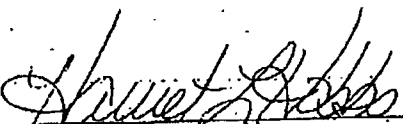
CIVIL ACTION NO: 07-CP-40-0576

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

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

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

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



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

February 28, 2012:

STATE OF SOUTH CAROLINA

James A. Anastl,

Plaintiff,

vs.

**Lance Wilson, Willis Goodwin, Gina
L. Anast Lee, Richland County Clerk
of Court,**

Defendants.

IN THE COURT OF COMMON

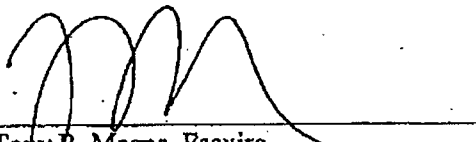
PLEAS

FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

NOTICE OF DEPOSTIONS

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



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

February 28, 2012.

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

James A. Anast, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Lance Wilon, et. al. , Defendant

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Douglas Truslow

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

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME , AM

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

PLACE OF DEPOSITION
3400 West Avenue, Columbia, SC 29203

DATE AND TIME , AM

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

PLACE
3400 WEST AVENUE, COLUMBIA, SC 29203

DATE AND TIME March 6, 2012 @ 10:00 AM

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

PREMISES

DATE AND TIME , AM

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

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

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

2/28/12 DATE

CLERK OF COURT/ISSUING OFFICER SIGNATURE

DATE

PRINT NAME

PROOF OF SERVICE

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

DECLARATION OF SERVER

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

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

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

(c) Protection of Persons Subject to Subpoenas.

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

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

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

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

- i. fails to allow reasonable time for compliance; or
- ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
- iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
- iv. subjects a person to undue burden.

(B) If a subpoena:

- i. requires disclosure of a trade secret or other confidential research, development, or commercial information; or
- ii. requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or
- iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

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

(d) Duties in Responding to Subpoena.

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

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

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

James A. Anastasi, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Lance Wilon, et. al., Defendant

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Steve Licata

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

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

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

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

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

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

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

PREMISES	DATE AND TIME , AM

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

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

2/28/12 DATE

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

CLERK OF COURT/ISSUING OFFICER SIGNATURE

DATE

PRINT NAME

PROOF OF SERVICE

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

DECLARATION OF SERVER

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

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

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

(c) Protection of Persons Subject to Subpoenas.

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

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

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

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

- i. fails to allow reasonable time for compliance; or
- ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
- iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
- iv. subjects a person to undue burden.

(B) If a subpoena:

- i. requires disclosure of a trade secret or other confidential research, development, or commercial information; or
- ii. requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or
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the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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STATE OF SOUTH CAROLINA

James A. Anast,

Plaintiff,

vs.

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

Defendants.

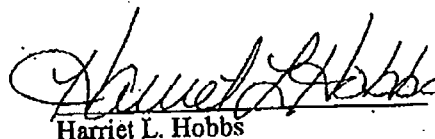
IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

CERTIFICATION OF SERVICE

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

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



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

February 28, 2012.

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

James A. Anast, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Lance Wilon, et. al. , Defendant

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Amanda Hilley

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

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

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

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

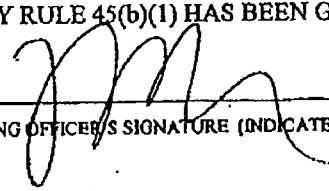
PLACE 3400 WEST AVENUE, COLUMBIA, SC 29203	DATE AND TIME March 6, 2012 @ 10:00 AM

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

PREMISES	DATE AND TIME , AM

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

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

 2/28/12 DATE
ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CLERK OF COURT/ISSUING OFFICER SIGNATURE

DATE

PRINT NAME

PROOF OF SERVICE

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

DECLARATION OF SERVER

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

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

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

(c) Protection of Persons Subject to Subpoenas.

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

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

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

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

- i. fails to allow reasonable time for compliance; or
- ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
- iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
- iv. subjects a person to undue burden.

(B) If a subpoena:

- i. requires disclosure of a trade secret or other confidential research, development, or commercial information; or
- ii. requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or
- iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

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

(d) Duties in Responding to Subpoena.

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

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

STATE OF SOUTH CAROLINA

James A. Anasti,

Plaintiff,

vs.

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

Defendants.

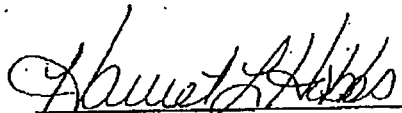
IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

CERTIFICATION OF SERVICE

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

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



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

February 28, 2012.

We got it
we started P.O.
of Magnolia
Columbia, SC 29203
mailing to many addresses

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

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

COLUMBIA SC 292
TUE 28 FEB 2012 PM



STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF DARLINGTON

James A. Anast, Plaintiff

v.

Lance Wilson et. al., Defendant

SUBPOENA IN A CIVIL CASE

Case Number: 07-CP-40-0576

Pending in RICHLAND County

** He has been
banned by
the Court from
participating
in this
case*

TO: Douglas N. Truslow

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

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME , AM

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

PLACE OF DEPOSITION

3400 West Avenue, Columbia, SC 29203

DATE AND TIME , AM

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

PLACE

3400 WEST AVENUE, COLUMBIA, SC 29203

DATE AND TIME March 6, 2012 @ 10:00 AM

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

PREMISES

DATE AND TIME , AM

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

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

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

CLERK OF COURT/ISSUING OFFICER SIGNATURE

DATE

PRINT NAME

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF DARLINGTON

James A. Anasti, Plaintiff

v.

Lance Wilson et. al., Defendant

SUBPOENA IN A CIVIL CASE

Case Number: 07-CP-40-0576

Pending in RICHLAND County

*He has been
banned from
participating
in this
case by
the court*

TO Steve Licata

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

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME , AM

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PLACE OF DEPOSITION

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DATE AND TIME , AM

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PLACE

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DATE AND TIME March 6, 2012 @ 10:00 AM

*same
or not
time as
sat for
two other
depos. time*

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DATE AND TIME , AM

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

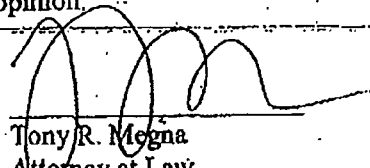
CLERK OF COURT/ISSUING OFFICER SIGNATURE

DATE

PRINT NAME

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

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



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

February 28, 2012.

STATE OF SOUTH CAROLINA

James A. Anasti,

Plaintiff,

vs.

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

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

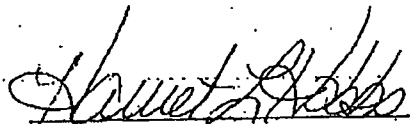
CIVIL ACTION NO: 07-CP-40-0576

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

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

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

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



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

February 28, 2012.

STATE OF SOUTH CAROLINA

James A. Anasti,

Plaintiff,

vs.

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

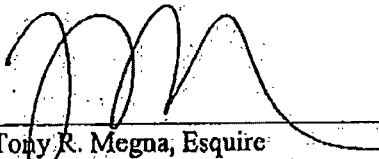
Defendants.

IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

NOTICE OF DEPOSITIONS

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



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

February 28, 2012.

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

James A. Anasti, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Lance Wilon, et. al., Defendant

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Douglas Truslow

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

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

AM

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

PLACE OF DEPOSITION

3400 West Avenue, Columbia, SC 29203

DATE AND TIME

AM

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

PLACE

3400 WEST AVENUE, COLUMBIA, SC 29203

DATE AND TIME March 6, 2012 @ 10:00 AM

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

PREMISES

DATE AND TIME

AM

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

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

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

DATE

CLERK OF COURT/ISSUING OFFICER SIGNATURE

DATE

PRINT NAME

PROOF OF SERVICE

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

DECLARATION OF SERVER

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

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

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

(c) Protection of Persons Subject to Subpoenas.

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

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

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

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

- i. fails to allow reasonable time for compliance; or
- ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
- iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
- iv. subjects a person to undue burden.

(B) If a subpoena:

- i. requires disclosure of a trade secret or other confidential research, development, or commercial information; or
- ii. requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or
- iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

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

(d) Duties in Responding to Subpoena.

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

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

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

James A. Anast, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Lance Wilon, et. al. , Defendant

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Steve Licata

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

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

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

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

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

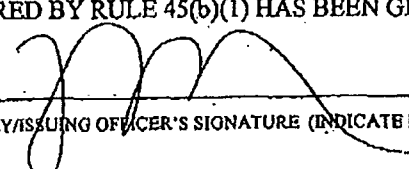
PLACE 3400 WEST AVENUE, COLUMBIA, SC 29203	DATE AND TIME March 6, 2012 @ 10:00 AM

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PREMISES	DATE AND TIME , AM

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

 2/28/12 DATE
ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CLERK OF COURT/ISSUING OFFICER SIGNATURE DATE PRINT NAME

PROOF OF SERVICE

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

DECLARATION OF SERVER

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

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

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

(c) Protection of Persons Subject to Subpoenas.

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

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

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

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

- i. fails to allow reasonable time for compliance; or
- ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
- iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
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(B) If a subpoena:

- i. requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- ii. requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
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the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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

James A. Anasti, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Lance Wilon, et. al. , Defendant

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Amanda Hilley

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

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

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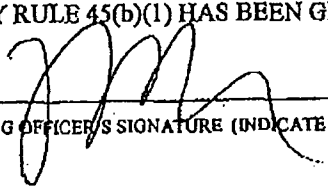
PLACE 3400 WEST AVENUE, COLUMBIA, SC 29203	DATE AND TIME March 6, 2012 @ 10:00 AM

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 2/28/12 DATE
ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CLERK OF COURT/ISSUING OFFICER SIGNATURE

DATE

PRINT NAME

PROOF OF SERVICE

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

DECLARATION OF SERVER

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

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

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(c) Protection of Persons Subject to Subpoenas.

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

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

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

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

- i. fails to allow reasonable time for compliance; or
- ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(ii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
- iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
- iv. subjects a person to undue burden.

(B) If a subpoena:

- i. requires disclosure of a trade secret or other confidential research, development, or commercial information; or
- ii. requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or
- iii. requires a person who is not a party nor an officer, director or managing agent of a party; nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

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

(d) Duties in Responding to Subpoena.

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

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

STATE OF SOUTH CAROLINA

James A. Anasti,

Plaintiff,

vs.

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

Defendants.

IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

CERTIFICATION OF SERVICE

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

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



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

February 28, 2012.

STATE OF SOUTH CAROLINA

James A. Anast,

Plaintiff,

vs.

**Lance Wilson, Willis Goodwin, Gina
L. Anast Lee, Richland County Clerk
of Court,**

Defendants.

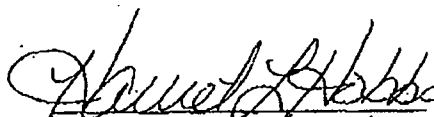
**IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT**

CIVIL ACTION NO: 07-CP-40-0576

CERTIFICATION OF SERVICE

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

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



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

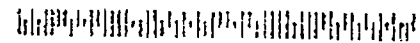
February 28, 2012.

We got it
we started P.O.
of Magna's
creating duplicate
addresses to many addresses

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

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

COLUMBIA SC 292
JUL 28 PM 2017



STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF DARLINGTON

James A. Anasti, Plaintiff

v.

Lance Wilson, et. al., Defendant

SUBPOENA IN A CIVIL CASE

Case Number: 07-CP-40-0576

Pending in RICHLAND County

** He has been
banned by
the Court from
participating
in this
case*

TO: Douglas N. Truslow

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

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME , AM

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

PLACE OF DEPOSITION

3400 West Avenue, Columbia, SC 29203

DATE AND TIME , AM

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

PLACE

3400 WEST AVENUE, COLUMBIA, SC 29203

DATE AND TIME March 6, 2012 @ 10:00 AM

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

PREMISES

DATE AND TIME , AM

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

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

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

CLERK OF COURT/ISSUING OFFICER SIGNATURE

DATE

PRINT NAME

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF DARLINGTON

James A. Anast, Plaintiff

v.

Lance Wilson et. al., Defendant

SUBPOENA IN A CIVIL CASE

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO Steve Licata

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

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

AM

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

PLACE OF DEPOSITION

3400 West Avenue, Columbia, SC 29203

DATE AND TIME

AM

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

PLACE

3400 WEST AVENUE, COLUMBIA, SC 29203

DATE AND TIME March 6, 2012 @ 10:00 AM

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

PREMISES

DATE AND TIME

AM

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

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

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

CLERK OF COURT/ISSUING OFFICER SIGNATURE

DATE

PRINT NAME

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND.)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)

WILLIS GOODWIN,)

GINA L. ANASTI LEE,)

And RICHLAND COUNTY)

CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

EXHIBIT B

Matthews and Megna, LLC

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

March 19, 2012

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

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

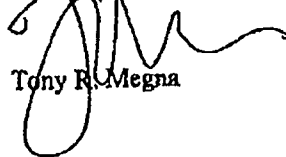
Dear Judge Baxley:

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

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

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

Sincerely yours,



Tony R. Megna

STATE OF SOUTH CAROLINA

James A. Anastl,

Plaintiff,

vs.

**Lance Wilson, Willis Goodwin, Gina
L. Anastl Lee, Richland County Clerk
of Court,**

Defendants.

**IN THE COURT OF COMMON
PLEAS**

FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

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

Pee Dee Health Care, P.A.,

Plaintiff,

v.

Estate of Hugh S. Thompson,

Defendant.

10-CP-16-0332

SYNOPSIS

I

THE RICHLAND COUNTY CASE
(Background)

A

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

B

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

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

not seeking review of the decision, the decision of the Court of Appeals is a final determination of the matter, and the law of the case² because a party is precluded from re-litigating, after an appeal, matters not raised in a petition for rehearing before the Supreme Court from the Court of Appeals as well as issues not raised on appeal but expressly rejected by the appellate court. See *Mazloom v. Mazloom*, 709 SE 2d 661 (2011) (holding an issue not raised in a petition for rehearing to the Supreme Court from the Court of Appeals is the law of the case). See *Buckner v. Preferred Mut. Ins. Co.*, 255 S.C. 159, 160-61, 177 S.E.2d 544, 544 (1970) (holding an unappealed ruling, right or wrong, is the law of the case). See also *Bakala v. Bakala*, 352 S.C. 612, 576 S.E.2d 156 (2003) (holding that a family court judge could not overrule the prior unappealed order of another family court judge because it had become law of the case).

In sum, the unappealed ruling of the Court of Appeals is the law of the case.

C

HISTORY OF MR. TRUSLOW' S MOTION

1

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

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

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

In failing to make the disclosures to this court, Mr. Truslow knowingly³ violated Rule 407, Rule 3.3(a)(2), SCACR, which states: "A lawyer shall not knowingly . . . (2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel. . . See comment 2 which states in part:

[A]lthough a lawyer in an adversary proceeding is not required to present an impartial exposition of the law or to vouch for the evidence submitted in a cause, the lawyer must not allow the tribunal to be misled by false statements of law or fact or evidence that the lawyer knows to be false.

See also comment 2 which states;

Legal argument based on a knowingly false representation of law constitutes dishonesty toward the tribunal. A lawyer is not required to make a disinterested exposition of the law, but must recognize the existence of pertinent legal authorities. Furthermore, as stated in paragraph (a)(2), an advocate has a duty to disclose directly adverse authority in the controlling jurisdiction that has not been disclosed by the opposing party. The underlying concept is that legal argument is a discussion seeking to determine the legal premises properly applicable to the case.

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

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

2

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

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

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

D

JUDGE BARBER'S ORDER OF CONTINUANCE

1

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

2

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

E

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

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

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

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

c. Mr. Josey's law firm represented my client [Pee Dee Health Care, P.A.] during the same time he represented an adverse party before your court in the *Thompson* case. The matter was presented to this Court on July 19, 2011. Because of the manner in which the court considered and determined the pending motions before the court, this Court never addressed the issue of Mr. Josey's conflicts of interest. As has been previously disclosed to this court, Mr. Josey's law firm's representation of my client had been on-going since 2002.⁵ He never requested to withdraw nor to consult. Regardless, he subsequently withdrew from his lengthy representation of my client, and has continued to represent the adverse party. He unilaterally obtained a new law firm for the Plaintiff, but failed to inform the new attorneys of the fact that he had never consulted with the Plaintiff in withdrawing from the representation nor consulted with the Plaintiff in the selection of substitute counsel nor did he inform the new counsel that he had signed the consent order of substitution without the consent or knowledge of the Plaintiff. The court has been previously provided with this information and the affidavit of the law firm that was substituted as counsel for Mr. Josey. The Plaintiff respectfully requests that if this court re-opens the *Thompson* case for any reason, that the Court disqualify Mr. Josey and his law firm from any involvement in the matters because of his past representation of the Plaintiff in the *Thompson* case as well as the violation of their professional responsibilities to the Plaintiff.

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

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

II

RICHLAND CASE (Application of Law)

A

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

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

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

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

B

The undersigned respectfully request the Court take the following actions:

1. Dismiss Mr. Truslow's motion based on the un-appealed mandate of the Court of Appeals that does not allow the matters decided on appeal to be reheard, reconsidered, or re-litigated in the trial court, even under the guise of a different form. *Ackerman*, *supra*.
2. Allow the filing of a motion for sanctions against Mr. Truslow based on S.C. Code Ann. § 15-36-10(A)(4)(a)(iii) (Supp. 2010)⁶ because:
 - (a) Mr. Truslow could not reasonably believe this court has jurisdiction to hear the same motion that he previously brought in and which was denied by the Court of Appeals, and
 - (b) Mr. Truslow's motion for sanctions in this court is one which this court is obligated as a matter of law to deny based on the prior un-appealed determination of the Court of Appeals,

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

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

III

THE DARLINGTON CASE (Thompson)

A

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

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

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

B

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

C

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

Court of Appeals has exclusive jurisdiction of the cases. I have attached the Notices of Appeal.

Our Supreme Court has specifically held:

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

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

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

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

IV

CONCLUSION

A

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

B

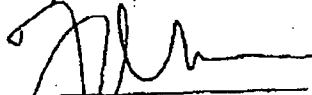
Ms. Ballard's motion is not properly before this Court for the same reasons the Court of Appeals determined was present in *Ness v. Eckerd Corp.*, 350 S.C. 399, 402, 566 S.E.2d 193, 195 (Ct. App. 2002). Trial judges retain jurisdiction to alter judgments on their own initiative for ten days if a Rule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

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

C.

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

Respectfully submitted,



Tony R. Megna, Esquire
1400 West Avenue
Columbia, SC 29203
Office: 803-254-3676

March 19, 2012.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE COURT OF COMMON PLEAS
COUNTY OF DARLINGTON

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

PEE DEE HEALTH CARE, P.A.,

APPELLANT,

v.

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

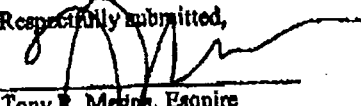
RESPONDENT.

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

NOTICE OF APPEAL

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

Respectfully submitted,


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

August 15, 2011.

RECEIVED
AUG 24 2011
SC Court of Appeals

Attorneys for Respondent:

**Jay James
PO Box 507
Darlington, SC 29540**

**Renee Josey
319 S. Iby Street
Florence, SC 29501**



**Ballard
Watson Weissenstein**
PERSISTENT. UNWAVERING.

TRUE CERTIFIED COPY,

Scott B. Suggs
CLERK OF COURT/IMC
DARLINGTON COUNTY, S.C.

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

Post Office Box 6338 | West Columbia, SC 29171
226 State Street | West Columbia, SC 29169 | PH 803.796.6299 | FX 803.796.1066 | desaballard.com

Thursday, August 04, 2011

RECEIVED

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

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

Dear Mr. Matthews:

Pursuant to Rule 43(c)(2)(B), SCRCP, enclosed for service upon you is an Objection to Subpoena, in response to a subpoena issued by Tony R. Megna on or about July 27, 2011. I am informed and believe that Mr. Megna has been disqualified as acting for plaintiff in this action. I consulted the online information at the Clerk of Court's office in Darlington and determined that you remain active as counsel for Plaintiff, so I am serving this objection on you.

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

Sincerely yours,

Debra Ballard

Debra Ballard
desab@desaballard.com

SCOTT B. SUGGS
CLERK OF COURT/IMC
DARLINGTON COUNTY, S.C.

2011 AUG - 5 PM 1:13

FILED



Only "P" and "C" are to be used in the subject line

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

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

Ms. Ballard and Mr. Megna,

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

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

time.

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

Sincerely,
Mason King

Mason William King

Law Clerk to the Honorable J. Michael Baxley

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

Desa Ballard

Thu, Feb 23, 2012 at 11:20
AM

<desab@desaballard.com>

To: "Baxley, J. Michael Law Clerk (Mason W. King)"

<JBaxleyLC@sccourts.org>, tmegna@gmail.com

Cc: RJosey@turnerpadget.com, pjlaw507@bellsouth.net, "Suggs,

Scott" <clerk@darcosc.com>, Mara Ballard

<Mara@desaballard.com>

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

From: Baxley, J. Michael Law Clerk (Mason W. King) [mailto:JBaxleyLC@sccourts.org]

Sent: Thursday, February 23, 2012 10:36 AM

To: Desa Ballard; tmegna@gmail.com

Cc: Josey, J. Rene (RJosey@turnerpadget.com); pjlaw507@bellsouth.net; Suggs, Scott

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

[Quoted text hidden]

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 04CP4005333

Lance Wilson

Gina L Anast Lee

Willis S Goodwin

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

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

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a decision rendered.
- ☐ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC; ☐ Rule 43(k), SCRPC (Settled); ☐ Other _____
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other _____

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

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

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE PUBLIC INDEX

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

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

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

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

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

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

Thomas George Earle

Thomas George Earle

Tony R Megna

Curtis W Dowling

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

Jeannette W. McBride

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 04CP4005334Lance WilsonDallis Law Firm P AWillis S GoodwinSandra Michelsen

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

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

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. No. suit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other _____
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other _____

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

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

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE PUBLIC INDEX

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

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

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

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

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

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

Thomas George Earle

Thomas George Earle

Curtis W Dowling

Curtis W Dowling

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

Jeanette W McBride

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Lance Wilson and Willis Goodwin,
Plaintiffs,

Docket No. 04-CP-40-5333

-VS-

Gina L. Anasti Lee,
Defendant/Third-Party Plaintiff,

**ORDER TERMINATING
EMPLOYMENT AND
CONTINUANCE**

-VS-

Dallis Law Firm, P.A.,
Defendant/Fourth-Party Plaintiff,

-VS-

Sandra Michelson d/b/a Abstract Title,
Fourth Party Defendant,

2012 MAR 12 AM 11:05

Lance Wilson and Willis Goodwin,
Plaintiffs,

Docket No: 04-CP-40-5334

-VS-

Dallis Law Firm, P.A.,
Defendant/Third Party Plaintiff,

**ORDER TERMINATING
EMPLOYMENT AND
CONTINUANCE**

-VS-

Sandra Michelson d/b/a Abstract Title,
Third Party Defendant.



Page 159

SCANNED

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

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

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

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

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

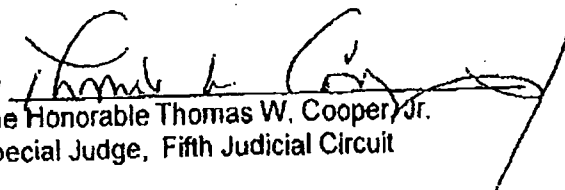
Furthermore, to accommodate the termination of employment and employment of new counsel, it is necessary that the case be continued and more time allowed for the defense to be prepared, and for good cause shown.

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

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

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

AND IT IS SO ORDERED.

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

March 9, 2012
MANNING, South Carolina

We so move.

SEIGLER, EARLE & ELLSWORTH

By Thomas G. Earle
by Carl A. Ellsworth

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

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Lance Wilson & Willis Goodwin

Plaintiff,

vs.

Gina L. Anasti Lee

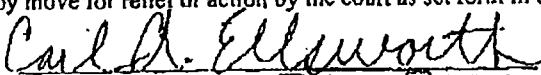
Defendant.

IN THE COURT OF COMMON PLEAS -
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2004-CP-40-5333

COPY

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: Tony R. Megna, Bar No. _____ Address: 3400 West Avenue, Columbia, SC 29223 Phone: 799-1700 Fax _____ E-mail: tmegna@gmail.com Other: _____		Defendant's Attorney: Carl A. Ellsworth, Bar No. 1885 Address: 1735 St. Julian Place, Suite 103, Columbia, SC 29204 Phone: 254-2791 Fax 254-7755 E-mail: carl@seigleearleellsworth.com Other: _____	
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: Release of Counsel Estimated Time Needed: 10 minutes Court Reporter Needed: ☐ YES ☒ NO			
SECTION II: Motion/Order Type			
☒ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
 Signature of Attorney for ☒ Plaintiff / ☐ Defendant		3/8/12 Date submitted	
SECTION III: Motion Fee			
☒ PAID - AMOUNT: \$ ☐ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____			
JUDGE'S SECTION		JUDGE CODE _____	
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____		Date: _____	
CLERK'S VERIFICATION			
Collected by: _____ Date Filed: _____ ☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____			

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Lance Wilson & Willis Goodwin

Plaintiff,

vs.

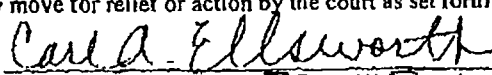
Dallis Law Firm

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2004-CP-40-5334

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: Curtis W. Dowling, Bar No. _____ Address: 1613 Main Street, Columbia, SC 29201 Phone: 799-1111 Fax 254-1335 E-mail: curtis@basjlaw.com Other: _____		Defendant's Attorney: Carl A. Ellsworth, Bar No. 1885 Address: 1735 St. Julian Place, Suite 103, Columbia, SC 29204 Phone: 254-2791 Fax 254-7755 E-mail: carl@seiglierearleellsworth.com Other: _____	
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: Release of Counsel		Court Reporter Needed: ☐ YES / ☒ NO	
Estimated Time Needed: 10 minutes			
SECTION II: Motion/Order Type			
☒ Written motion attached ☐ Form Motion/Order			
I hereby move for relief or action by the court as set forth in the attached proposed order.			
 Signature of Attorney for ☒ Plaintiff / ☐ Defendant		3/8/12 Date submitted	
SECTION III: Motion Fee			
☒ PAID - AMOUNT: \$ _____			
☐ EXEMPT: (check reason)			
☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____			
JUDGE'S SECTION			
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____		JUDGE CODE _____ Date: _____	
CLERK'S VERIFICATION			
Collected by: _____ Date Filed: _____ ☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____			

SEIGLER, EARLE & ELLSWORTH

By Thomas G. Earle
by Carl A. Ellsworth

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

Columbia, South Carolina
March 8, 2012



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11639
COLUMBIA, SOUTH CAROLINA 29211
1035 SUMNER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
WWW.SCODUTR.GOV

May 20, 2011

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

Re: Anast, James v. Wilson, Lance

Dear Mr. Truslow:

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Renee S. Johnson", is written over the typed name.

Renee S. Johnson
Administrative Specialist

VCA
TAG/rj

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

The South Carolina Court of Appeals

James A. Anasti,

Respondent,

v.

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

Defendants,

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

Respondents,

And Gina L. Anasti Lee is the

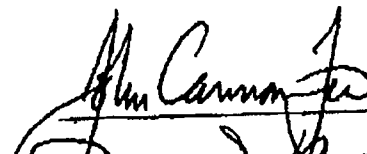
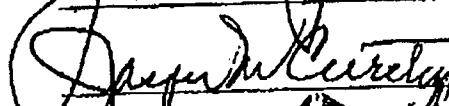
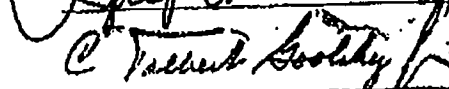
Appellant.

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

ORDER

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

IT IS SO ORDERED.


C.J.

A.J.

A.J.

Columbia, South Carolina

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

FILED
MAY 20 2011

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

Ph:(803)256-6276

Fax:(803)256-7659

James Anasti
 237 D King Street
 Charleston, SC
 29401

May 6, 2011

Attention:

File #: 06-059
 Inv #: Sample

RE: Anasti v. Lee

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

Invoice #:	Sample	Page 2		May 6, 2011
Mar-24-08	Preparation of letter and f/u re: hearing	2.00	590.00	DNT
Mar-28-08	Travel to Court re: hearing date on Motion	0.60	177.00	DNT
	Preparation of various letter(s) and faxes	0.20	59.00	DNT
	Telephone conference with Mr. Dowling and Mr. Earle	0.40	118.00	DNT
Mar-29-08	Research and preparation for hearing	2.50	737.50	DNT
Mar-31-08	Preparing for hearing	4.30	1,268.50	DNT
Apr-01-08	Preparing for hearing	2.00	590.00	DNT
	Preparing for hearing	2.50	737.50	DNT
	Preparation of Memo and Proposed Order	1.00	50.00	ADH
Apr-02-08	Working on argument	6.00	1,770.00	DNT
	Preparation of Memorandum	2.50	125.00	ADH
	Preparation for evidentiary hearing	3.00	150.00	ADH
Apr-03-08	Travel to Court; hearing; working on Order, etc. No appearance by Mogna and he cannot be located.	6.50	1,917.50	DNT
	Meeting with David Byrd	2.00	590.00	DNT
	Attendance at hearing	1.00	50.00	ADH
Apr-04-08	Delivery of Order to Court of Appeals	0.50	147.50	DNT
	Telephone conference with client (x2)	1.00	295.00	DNT
Apr-07-08	Working on response to Defendant Appellant's Motion and follow up research re: jurisdiction; telephone conference with David Byrd and Dowling	6.00	1,770.00	DNT
Apr-08-08	Follow up regarding Order preparation and research re: service of hearing notice and issues involved	2.00	590.00	DNT

Invoice #:	Sample	Page	3	May 6, 2011
	Preparation of Draft Order re: Motion to Reconsider	1.00	50.00	ADH
Apr-10-08	Telephone conference with attorneys in other cases and follow up	3.00	885.00	DNT
	Preparation of copies and fax to Attorney's Firm	0.50	25.00	ADH
Apr-11-08	Telephone conference with law firm and follow up; telephone conference with attorney's regarding other cases.	3.00	885.00	DNT
Apr-14-08	Review of incoming correspondence and follow up letter	1.50	442.50	DNT
	Legal research on issues relating to Appeal and ethics	1.00	295.00	DNT
	Telephone conference with Desa Ballard regarding ethics issues	0.30	88.50	DNT
	Preparation of letter to Desa Ballard and copying of documents	0.50	25.00	ADH
Apr-15-08	Telephone conference with Celeste Jones' office and follow up	0.50	147.50	DNT
	Review of documents and internet research	3.00	885.00	DNT
Apr-16-08	Telephone conference with Jones and follow up	0.30	88.50	DNT
	Review of documents	1.50	442.50	DNT
Apr-17-08	Telephone call to Circuit Court re: hearing or reconsideration	0.10	29.50	DNT
	Research (Appeal)	1.00	295.00	DNT
	Telephone conference with Court of Appeals	0.10	29.50	DNT
	Research on motions and jurisdiction	2.50	737.50	DNT
Apr-22-08	Extensive work of reviewing incoming correspondence and file; telephone conferences with Matthews and Court re: hearing and follow up letters	4.50	1,327.50	DNT

Invoice #:	Sample	Page 4	May 6, 2011		
	Preparation of letters	1.00	75.00	ADH	
Apr-23-08	Preparation of various letters and follow up	2.50	187.50	ADH	
Apr-24-08	Preparation of letters and revisions to Motion	2.00	100.00	ADH	
Apr-25-08	Preparation of Exhibits	0.50	25.00	ADH	
Apr-26-08	Working on Appeal issues and question of jurisdiction	3.50	1,032.50	DNT	
Apr-28-08	Working on detailed Memo re: Appeal with documentation	5.00	1,475.00	DNT	
	Revision of Return and Exhibits; preparation for filing, copying and cover letters; preparation of Respondent's Motion for Costs and Fees, itemized statement of fees and costs, and Memorandum in Support of Motion for Costs and Fees	7.00	350.00	ADH	
	Preparation of Respondent's Motion for Costs & Fees, itemized statement of fees and costs, and Memorandum in Support of Motion for Costs & Fees	4.00	300.00	ADH	
Apr-29-08	Working on case/Appeal and Motions. Revisions on Return and copies of Exhibits; filing with Court of Appeals	3.00	885.00	DNT	
	Revisions to Return and copies of Exhibits; filing with Court of Appeals	4.00	200.00	ADH	
Apr-30-08	Working on Appeal	2.00	590.00	DNT	
	Legal research re: ethics issue (additional issues based on Megna's claims)	2.00	590.00	DNT	
May-02-08	Telephone conference with Desa Ballard re: legal issues and f/u	1.50	442.50	DNT	
May-06-08	Review of incoming information and research re: notice and service	2.50	737.50	DNT	
May-07-08	Research April 28 case and Rule 60	2.00	590.00	DNT	
May-08-08	Research of notice and conversation with McCauley regarding resolution by Arbitration or Mediation	1.00	295.00	DNT	

Invoice #:	Sample	Page 5		May 6, 2011
May-12-08	Telephone conference with Court re: Motion hearing and status	0.20	59.00	DNT
	Telephone conference with Appeals Court re: status and need to respond	0.25	73.75	DNT
May-14-08	Research re: Court of Appeals and what to do re: outstanding Motions	1.00	295.00	DNT
May-15-08	Review of incoming correspondence	0.10	29.50	DNT
	Telephone conference with Earle re: rent	0.20	59.00	DNT
May-20-08	Preparation of responses to Defendant's letters	1.75	516.25	DNT
	Preparation of letters (x3)	1.00	75.00	ADH
May-22-08	Telephone conference(s) with McNair Law Firm re: files, status on Appeal and legal issue	1.00	295.00	DNT
Jun-02-08	Review of incoming correspondence and follow up	0.20	59.00	DNT
Jun-10-08	Telephone conference with Earle's office re: status.	0.25	73.75	DNT
	Telephone conference with Dowling's office re: status	0.25	73.75	DNT
Jun-20-08	Review of incoming correspondence and telephone conference with Ballard re: appeal, case status, ethical issues claimed by Megna (x2)	0.30	88.50	DNT
Jun-23-08	Preparing for hearing, Order, Brief, Exhibits, etc.	8.00	2,360.00	DNT
Jun-24-08	Travel to Court to review Clerk's file for update of filings	1.00	295.00	DNT
Jun-25-08	Working on case for hearing including outline of argument	2.00	590.00	DNT
Jun-30-08	Detailed work on draft and redraft of Order, exhibits and research, etc.	4.00	1,180.00	DNT
Jul-01-08	Review Order and additional documents	2.00	590.00	DNT

Invoice #:	Sample	Page 6	May 6, 2011	
	Working on case (see details from Court of Appeals files)	4.00	1,180.00	DNT
Jul-07-08	Follow up research re: notice and Rule 5	2.50	737.50	DNT
	<u>Office conference with Desa Ballard regarding additional ethical issues needlessly arising by Megna and Matthews</u>	1.50	442.50	DNT
Jul-08-08	Review of documents for hearing	1.00	295.00	DNT
	Telephone conference with clerk re: hearing	0.20	59.00	DNT
Jul-10-08	Working on case; travel to Court re: hearing	2.00	590.00	DNT
	Preparation of Affidavit of Amanda Hilley	1.00	75.00	ADH
Jul-11-08	Revise brief and research	4.00	1,180.00	DNT
Jul-14-08	Legal research and appeal/motions prep	4.00	1,180.00	DNT
Jul-15-08	Working on Motion(s)	1.50	442.50	DNT
Jul-17-08	Revise exhibits, etc.	3.00	885.00	DNT
Jul-21-08	Preparation for hearing	1.00	295.00	DNT
	Telephone conference with Dick Harpootlian	0.25	73.75	DNT
Jul-22-08	Office conference with staff and follow up re: hearing and information for Harpootlian	1.00	295.00	DNT
Jul-23-08	Telephone conference with Dick Harpootlian	0.20	59.00	DNT
Jul-28-08	Review of incoming correspondence, preparation of letters, and telephone conference with Desa Ballard regarding appeal and issues	3.00	885.00	DNT
Jul-31-08	Telephone conference with Judge Manning's office to schedule Motions hearing and telephone conference with Harpootlian's assistant. Postponed at last minute by Megna's and Matthews' actions to delay case.	0.20	15.00	ADH
Aug-04-08	Preparation of letter to Harpootlian, faxing and copying cc's	0.75	56.25	ADH

Invoice #: Sample Page 7 May 6, 2011

Invoice #	Sample	Page	7	May 6, 2011
Aug-19-08	Preparation of letter to Earle re: property matter on Appeal	0.20	15.00	ADH
Sep-03-08	Preparation and revision of letter to Harpootlian per Douglas N. Truslow	0.50	37.50	ADH
Sep-05-08	Review of dates re: SOL and revision of letter. Research issues on Appeal.	1.30	383.50	DNT
Sep-15-08	~~Office conference~~ with Ballard	0.75	221.25	DNT
	Preparation of letter	0.10	7.50	ADH
Sep-22-08	Preparation for hearing and preparation for redrafting of proposed Order	3.50	1,032.50	DNT
Sep-23-08	Preparation for revision of Order and review of other case	2.00	590.00	DNT
Sep-29-08	Case prep and more research on needless issues raised by Megna	2.00	590.00	DNT
Sep-30-08	Revision of document	2.00	150.00	ADH
Oct-02-08	Preparation for Argument and Court	3.50	1,032.50	DNT
Oct-06-08	Revision of proposed Order in light of various alternative arguments raised by Megna	1.50	442.50	DNT
Oct-09-08	Preparation of Brief	1.00	295.00	DNT
Feb-09-09	Working on major <u>tax issues</u> regarding Appeal and delays caused by Megna	2.75	811.25	DNT
	Telephone conference with Tom Earle	0.20	59.00	DNT
	Preparation of letter	0.10	29.50	DNT
	Preparation of letter to Richland County Tax Assessor and follow up	0.50	37.50	ADH
Apr-03-09	Travel to Court re: Order	1.00	295.00	DNT
Apr-06-09	Telephone conference and follow up with client; filings, mailings, etc and purchase info regarding appeal	4.50	1,327.50	DNT

Invoice #:	Sample	Page 8	May 6, 2011		
Apr-07-09	Various emails and follow up	2.30	678.50	DNT	
	Telephone calls to Harpootlian regarding remand of Appeal (x6)	0.30	88.50	DNT	
	Follow up with David Byrd and emails re: purchase and problems from Appeal	1.70	501.50	DNT	
Apr-08-09	Misc. work re: real estate; delays in Appeal and issues created	2.50	737.50	DNT	
Apr-09-09	Telephone conference with Harpootlian and follow up letter	0.25	73.75	DNT	
Apr-13-09	Telephone conference with David Byrd, telephone conference with Streater, revision of settlement letter and review of file regarding damages from delay on Appeal	4.00	1,180.00	DNT	
Apr-14-09	Working on same issues. Delays by Megna are causing serious damages to client and he may lose property.	4.00	1,180.00	DNT	
Apr-15-09	Working on appeal issues and letters re: ethics issue	3.75	1,106.25	DNT	
Apr-16-09	Working on letter, etc., conference with D. Ballard, etc.	3.50	1,032.50	DNT	
Apr-17-09	Review and revision of letter	0.50	147.50	DNT	
Apr-18-09	Review of incoming correspondence (x2) re: Appeal and Bankruptcy	0.50	147.50	DNT	
	Research of "stay" law	2.50	737.50	DNT	
	Preparation of letter	0.20	59.00	DNT	
Apr-20-09	Research on Bankruptcy, stay regarding Appeal; conference with Emmits and Licati and preparation of letter	3.00	885.00	DNT	
Apr-21-09	Research re: stay and effect	0.50	147.50	DNT	
Apr-22-09	Working on Bankruptcy regarding Appeal and telephone conference with Earle, telephone conference with Byrd regarding Appeal delays	3.25	958.75	DNT	

Invoice #:	Sample	Page	9	May 6, 2011
Apr-23-09	Review of file re: bankruptcy and Appeal; send to Licata	0.25	73.75	DNT
	Office conference with staff regarding problems with Megna and delay	0.25	73.75	DNT
	Preparation of letter	0.30	88.50	DNT
Apr-24-09	Review of Appeal file and follow up; telephone conference with Court of Appeals; preparation of letter	2.50	737.50	DNT
Apr-28-09	Research re: tax and discharge in bankruptcy regarding Appeal	2.00	590.00	DNT
Apr-30-09	Misc work; conferences with Licata, review of Court letter, research of law re: appeal	2.75	811.25	DNT
May-05-09	Working on ethics issue and bankruptcy problems/Appeal; telephone conference with Steve Licata and client	3.50	1,032.50	DNT
May-06-09	Conference with Andy S. and S. Licata and follow up; preparation of emails on effect of bankruptcy on Appeal	4.00	1,180.00	DNT
May-11-09	Office conference with Byrd re: tenant, taxes and Appeal.	0.75	221.25	DNT
	Telephone conference with Earle	0.20	59.00	DNT
May-18-09	Telephone conference with Court of Appeals and preparation of Brief and research on Hobbs Affidavit	4.00	1,180.00	DNT
May-19-09	Drafting of proposed return and follow up	2.00	590.00	DNT
May-20-09	Revise Brief	1.50	442.50	DNT
May-26-09	Review of incoming correspondence and follow up, working on Brief and telephone conference with Ballard and Licata	4.00	1,180.00	DNT
	Preparation of Return to Memorandum	1.50	112.50	ADH
May-27-09	Research on Bankruptcy and Appeal	1.50	442.50	DNT
	Telephone conference with Licata	0.25	73.75	DNT

Invoice #:	Sample	Page 10	May 6, 2011		
	Revision of Brief (x3)	1.00	295.00	DNT	
	Preparation of letters copying documents to Ballard and Licata, Return to Appellants Memo, cover letter and certificate of service	2.50	187.50	ADH	
May-28-09	Preparation of letter and follow up	0.50	37.50	ADH	
May-29-09	Various work as result of Megna's emails, etc.	2.50	737.50	DNT	
Jun-01-09	Various work re: Megna email and letters; and emailing Desa and Steve	2.00	590.00	DNT	
Jun-08-09	Review of file re: Appeal and Bankruptcy and follow up	0.25	73.75	DNT	
Jun-18-09	Review of incoming correspondence	0.25	73.75	DNT	
	Telephone conference with Court	0.25	73.75	DNT	
	Telephone conference with Licata	0.25	73.75	DNT	
Jul-14-09	Telephone conference with Licata	0.10	29.50	DNT	
	Review of incoming correspondence from Megna and response with Licata and follow up	0.50	147.50	DNT	
Aug-11-09	Telephone conference with bankruptcy attorney Licata re: offer and status of bankruptcy and Appeal	0.50	147.50	DNT	
Aug-12-09	Review of incoming correspondence re: bankruptcy, settlement, offer, response and effect on Appeal	0.25	73.75	DNT	
Sep-17-09	Bankruptcy Court and follow up with Licata and review of emails	1.75	516.25	DNT	
Sep-18-09	Review files and telephone conference with Licata regarding Bankruptcy suit - not served; impact on Appeal	1.50	442.50	DNT	
Jan-03-10	Emailing of ethics question	0.40	0.00	NDT	
Jan-04-10	Telephone conference with client (x2) and emailing attorney	1.00	295.00	DNT	
	Research of ethics issue	0.50	147.50	DNT	

Invoice #:	Sample	Page 11	May 6, 2011		
	Telephone call from client	0.10	20.00	NDT	
	Review of file re: ethics answer/duty to report per Appeal and Order	0.50	100.00	NDT	
Jan-14-10	Misc re: Court of Appeals research, etc.	0.50	147.50	DNT	
	Editing Brief/report	1.00	200.00	NDT	
Jan-15-10	Revision of letter and follow up	1.50	442.50	DNT	
Jan-16-10	Preparation of letter and follow up re: possible settlement of issues - effect on Appeal and bankruptcy	3.00	885.00	DNT	
	Letter to Court of Appeals; drafting of Order; review of letter from Bankruptcy Court	0.60	120.00	NDT	
Jan-17-10	Research on all bankruptcy issues and effect on Appeal	4.00	1,180.00	DNT	
	Phone conference with Licata and 3 emails	0.50	147.50	DNT	
Jan-18-10	Revision of letter to Court of Appeals and review of Appeal file and consult with Neal D. Truslow	2.00	590.00	DNT	
	Draft of letter to Court of Appeals and review of file	1.30	260.00	NDT	
Jan-19-10	Telephone conference with Earle	0.25	73.75	DNT	
	Telephone conference with Dowling	0.25	73.75	DNT	
	Telephone conference with Jones re: "stay"	0.25	73.75	DNT	
Jan-20-10	Review of incoming correspondence	0.10	20.00	NDT	
	Review of Court Rule 269 and email	0.10	20.00	NDT	
Jan-25-10	Preparation of letter to Court	0.25	18.75	ADH	
Feb-10-10	Appeal issues as it relates to Bankruptcy and telephone calls with Licata and follow up	5.00	1,475.00	DNT	
	Preparation of letter, fax and copies to Court of Appeals; follow up	2.00	150.00	ADH	

Invoice #:	Sample	Page 12	May 6, 2011		
Feb-12-10	Various emails (3) with client re: succession plan in context of Appeals and delay	0.50	147.50	DNT	
Feb-15-10	Responding to Megna's emails; research re: stay; Licata re: bankruptcy and two letters; new ethics issues	2.75	811.25	DNT	
Feb-18-10	Note to Appeal file after telephone conference with Steve Licata last evening	0.30	88.50	DNT	
Feb-19-10	Review of incoming correspondence	0.10	29.50	DNT	
	Review of file	0.20	59.00	DNT	
	Telephone conference with S. Licata to confirm	0.25	73.75	DNT	
	Preparation of letter to Court of Appeals	0.75	221.25	DNT	
Feb-24-10	Drafting of letter to Court of Appeals; review of Court of Appeals Order of 2/19/10	1.50	300.00	NDT	
	Review of file; drafting & editing letter	0.40	80.00	NDT	
Feb-25-10	Various work on Appeal issue and responses to Megna emails	2.00	590.00	DNT	
	Preparation of Motion for Reconsideration	1.00	75.00	ADH	
Feb-28-10	Legal research re: interlocutory appeals; telephone call to Ashley Stratton; review and follow up	1.60	320.00	NDT	
Mar-01-10	Revision of Motions to Court of Appeals; telephone conference with Desa Ballard	1.50	442.50	DNT	
	Preparation of second motion and follow up	1.50	442.50	DNT	
	Revisions to Motion for Reconsideration and delivery to Court of Appeals	2.00	150.00	ADH	
Mar-02-10	Preparation and revisions to Motion to Dismiss	1.00	75.00	ADH	
Mar-05-10	Additional changes to Motion to Dismiss	1.50	112.50	ADH	
Mar-07-10	Review of incoming correspondence from Court of Appeals and follow up	0.25	73.75	DNT	

Invoice #:	Sample	Page 13	May 6, 2011		
	Working on Appeal	3.00	885.00	DNT	
Mar-08-10	Various emails, telephone conference with Steve Licata (x2)	0.50	147.50	DNT	
	Working on Appeal and Statement of Facts	7.50	2,212.50	DNT	
Mar-09-10	Review of emails (x3)	0.25	73.75	DNT	
	Telephone conference with Steve Licata re: case, award, federal court, law	0.50	147.50	DNT	
	Revision of Appeal Statement	3.00	885.00	DNT	
	Working on Appeal and Statement of Facts	4.00	1,180.00	DNT	
Mar-10-10	Working on Appeal (trying to frame issues with supporting facts)	4.50	1,327.50	DNT	
Mar-13-10	Working on Appeal and Facts of Case	4.50	1,327.50	DNT	
Mar-14-10	Working on Appeal and Facts of Case	4.50	1,327.50	DNT	
Mar-15-10	Working on Appeal and Facts of Case. Made more difficult by Megna obstreperous actions.	6.00	1,770.00	DNT	
Mar-17-10	Preparation of corrections/revisions of Initial Brief	4.00	300.00	ADH	
Mar-22-10	Editing of initial brief	3.60	720.00	NDT	
Mar-26-10	Running total of time from 3/18-3/26 - working on Appeal and deadlines	21.00	6,195.00	DNT	
Mar-27-10	3/27/10 - 4/02/10 - Finishing work on initial Appeal and extensive time on transcript materials	15.00	4,425.00	DNT	
Mar-29-10	Editing of Brief	2.00	400.00	NDT	
Mar-30-10	Editing of Brief	2.50	500.00	NDT	
Apr-01-10	Editing of Brief	2.30	460.00	NDT	
Apr-03-10	Work on Final Brief; letter; and Designation Of Matter To Be Included On The Record On Appeal - problems created by Megna	2.00	590.00	DNT	

Invoice #:	Sample	Page 14	May 6, 2011		
Apr-05-10	Hand-delivery of Briefs, et. al	1.00	200.00	NDT	
Apr-06-10	Various emails and review of file regarding Megna's continuing misconduct	3.75	1,106.25	DNT	
Apr-07-10	Telephone conference with Licata; emails; telephone conference with Earle	2.50	737.50	DNT	
	Checking on Megna's fax with Court of Appeals and follow up	0.25	73.75	DNT	
Apr-08-10	Detailed review of Arbitration transcript; research record on Appeal and emails with client; meeting with Derrick re: sale regarding Appeal	4.50	1,327.50	DNT	
Apr-10-10	Working on Appellant issues and getting record research	2.00	590.00	DNT	
Apr-14-10	Misc work on Appeal issue and follow up on Bankruptcy and Appeal; Megna delay issues	2.00	590.00	DNT	
May-13-10	Review of incoming correspondence; review of file; telephone conference re: Anderson Order and follow up re: Appeal	1.00	295.00	DNT	
Jun-14-10	Review of various emails, etc from last two weeks regarding Megna and uncivil actions	2.50	737.50	DNT	
Jun-16-10	Preparation and revision of letter to Megna	0.25	18.75	ADH	
Jun-23-10	Emails from Megna (x10)	0.50	100.00	NDT	
	Response to emails (x6)	0.60	120.00	NDT	
	Follow up on demands from opposing counsel.	0.30	60.00	NDT	
Jun-25-10	Working on Motion, letter, etc. Follow up on Megna's demands.	2.50	737.50	DNT	
	Various emails, consideration of response(s) re: appeal, insults, etc (ultimately did not respond)	2.50	737.50	DNT	
Jun-28-10	Preparation of Memorandum in Support	2.00	150.00	ADH	
Jun-29-10	Working on Motion caused by Megna's failure to follow rules	4.00	1,180.00	DNT	

Invoice #:	Sample	Page 15	May 6, 2011		
Jun-30-10	Review of email	0.20	59.00	DNT	
	Working on revisions to Brief	2.00	590.00	DNT	
	Preparation of Motion to Dismiss and Memorandum in Support	4.00	300.00	ADH	
Jul-01-10	Review of memos and Appeal by Megna and follow up (based on his false claims).	2.00	590.00	DNT	
	Revision and completion of Motion and memo in light of Appeal of Judge Anderson's Order to the 4th Circuit	1.75	516.25	DNT	
Jul-05-10	Appeal issue	2.50	737.50	DNT	
Jul-06-10	Appeal and misc issues; various communications with client and Byrd. Delays by Megna.	4.00	1,180.00	DNT	
Jul-07-10	Review of incoming correspondence from Court and follow up	0.10	29.50	DNT	
	Follow up revisions of Response to Motion to Extend	0.50	147.50	DNT	
Jul-08-10	Preparation of Return and Reply to Megna's delay tactics	1.00	295.00	DNT	
Jul-09-10	Various emails, Motions, etc.	3.50	1,032.50	DNT	
Jul-12-10	Working on various Motions and problems created by Megna. Preparations of additional correction and revisions to Return and Reply.	2.00	590.00	DNT	
Jul-13-10	Preparation of additional corrections and revisions to Return and Reply	1.00	295.00	DNT	
Jul-14-10	Preparation of additional corrections and revisions to Return and Reply	5.00	1,475.00	DNT	
Jul-15-10	Working on Appeal Motions. Preparation of additional corrections and revisions to Return and Reply; preparation of Exhibits, copies, highlighting and mailing.	6.00	1,770.00	DNT	
Jul-16-10	Working on Appeal Motions. Preparation of additional corrections and revisions to Return and Reply; preparation of Exhibits, copies, highlighting and mailing.	6.00	1,770.00	DNT	

Invoice #:	Sample	Page 16		May 6, 2011
Jul-21-10	Review of incoming correspondence from Megna and forward and responses	1.00	295.00	DNT
Jul-22-10	Responses to emails and insults from Megna and his claims of unethical conduct	2.00	590.00	DNT
Jul-23-10	Misc work re: letter, etc.	2.00	590.00	DNT
Jul-28-10	Various responses to Megna's recent filings	2.00	590.00	DNT
Aug-05-10	Review of incoming correspondence and research of response. Preparation of letter to Court of Appeals re: Megna's letter.	1.20	354.00	DNT
Aug-18-10	Review of incoming correspondence	0.10	29.50	DNT
	Telephons conference with Ballard (x2)	0.20	59.00	DNT
	Research on whether to respond	0.25	73.75	DNT
Aug-26-10	Review of Court Order	0.10	29.50	DNT
Aug-30-10	Preparation and revision of letter	0.50	147.50	DNT
	Preparation of letter to Megna and follow up	1.00	75.00	ADH
Aug-31-10	Revision and put on yet another schedule caused by Megna	1.00	295.00	DNT
Sep-01-10	Working on Appeal and new issues raised by Megna	4.00	1,180.00	DNT
Sep-02-10	Working on Appeal and telephone conference with Licata	2.50	737.50	DNT
Sep-08-10	Telephone conference with Licata and follow up regarding effect of Appeal on Bankruptcy	0.25	73.75	DNT
	Preparation of letter, etc.	0.50	147.50	DNT
Sep-16-10	Misc work on Appeal	0.50	147.50	DNT
Sep-17-10	Preparation of letter	0.20	59.00	DNT
Sep-20-10	Preparation of letter re: appeal and follow up	0.50	147.50	DNT

Invoice #:	Sample	Page 17	May 6, 2011		
	Preparation of letter and fax coversheet. Follow up.	0.40	30.00	ADH	
Sep-25-10	Dealing with Megna's filings and Memo and research	4.50	1,327.50	DNT	
Sep-28-10	Response to Motions under time table	6.00	1,770.00	DNT	
Sep-29-10	Response to Motions and discussions with D. Ballard regarding more Appeal issues caused by Megna	6.00	1,770.00	DNT	
Sep-30-10	Review/edit Reply to Megna's 9/23/10 Motion(s)	1.50	300.00	NDT	
Oct-01-10	Review/edit Reply to Megna's 9/23/10 Motion(s)	2.10	420.00	NDT	
Oct-04-10	Misc work re: Megna emails and filings	1.00	295.00	DNT	
Oct-07-10	Responding to Megna issue	2.00	590.00	DNT	
	Preparation of corrections to letter and follow up	0.50	37.50	ADH	
Oct-08-10	Telephone call to Court and preparation of letter	0.30	88.50	DNT	
Oct-11-10	Preparation of letter to Megna and follow up regarding time tables and Appeal issues	0.50	37.50	ADH	
Dec-07-10	Preparation of letter to Tom Earle and Court of Appeals. Follow up.	0.50	37.50	ADH	
	Preparation of letter to Court of Appeals	0.50	37.50	ADH	
Dec-13-10	Preparation of letter to Megna	0.20	15.00	ADH	
Dec-15-10	Pulling documents for DNT & Megna to complete Appeal	2.00	150.00	ADH	
Dec-16-10	Preparation of letter to Megna	0.75	56.25	ADH	
Dec-17-10	Preparation of corrections to letter	0.50	37.50	ADH	
Dec-21-10	Preparation of Return to Motion of Appellant	3.00	225.00	ADH	
	Preparation of corrections to letter	0.10	7.50	ADH	

Invoice #:

Sample

Page 18

May 6, 2011

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

invoice #:	Sample	Page 19	6, 2011
Feb-23-11	Research re: untimely & review what Appellant sent and follow up	5.00	1,500.00 DNT
Feb-24-11	Working on Appeal and new issues created by Megna	3.00	88.10 DNT
Feb-25-11	Revision of letter; conference with Licata, Ballard; preparation of letters & Affidavit	3.00	885.00 DNT
Mar-01-11	Review and responding and research re: Megna's 3/1/11 letter	3.75	1,106.25 DNT
Mar-02-11	Further follow up to Megna's letter, DB, Licata, research etc. and especially ethics issues	4.50	1,375.25 DNT
Mar-03-11	Review all that Appellant sent; D. Ballard; COA (Eliz.) re: due date and certificate; drafting docs and letters	5.25	1,548.75 DNT
Mar-04-11	Working on Motion issues	6.00	1,770.00 DNT
	Preparation of corrections to Motion to Dismiss	0.75	56.25 ADH
Mar-06-11	Working on Motion	1.50	442.50 DNT
Mar-07-11	Revision of Motion and research	2.00	590.00 DNT
	Telephone conference with J.J. and follow up	0.50	147.50 DNT
	Preparation of corrections to Motion to Dismiss and follow up	0.75	56.25 ADH
Mar-08-11	Revise motion regarding Megna's non-compliance with Rules	1.00	295.00 DNT
Mar-14-11	Review of Brief and research of multiple issues created by Megna	6.50	1,917.50 DNT
	Telephone conference with J.J.	0.30	88.50 DNT
	Correspondence to Megna	0.10	7.50 ADH
Mar-15-11	Prepare letter; conference with J.J.; research issues (multiple) and follow up	2.00	590.00 DNT
	Correspondence to Ms. Gee	0.10	7.50 ADH

Invoice #:	Sample	Page 20	May 6, 2011		
Mar-16-11	Preparation of appeal matters, motions, letters. Research on case issues.	1.50	442.50	DNT	
Mar-17-11	Working on Appeal	8.00	2,360.00	DNT	
Mar-21-11	Working on appeal. Travel to court to review documents. Prepare affidavit.	2.75	811.25	DNT	
Mar-22-11	Revise affidavit. Send e-mails related to case. Follow up.	1.50	442.50	DNT	
Mar-23-11	Check status of Dowling's case with Megna as it imports on this case. Follow up.	0.50	147.50	DNT	
Mar-25-11	Research on cases cited in Atty. Megna's 3/22/11 pleadings	3.00	885.00	DNT	
Mar-28-11	Telephone call with J.J. and follow up	0.25	73.75	DNT	
	Review of letters, memos and materials from Atty. Megna	0.75	221.25	DNT	
	Correspondence to court	0.10	7.50	ADH	
Mar-30-11	Various work on reviewing file; follow up with client	1.50	442.50	DNT	
	Preparation of letter and mailing to Megna	0.20	15.00	ADH	
Mar-31-11	Review of incoming correspondence from Atty. Megna and follow up	0.75	221.25	DNT	
Apr-01-11	Telephone call with CJ regarding status of other cases where Megna claims other attorneys are unethical	0.50	147.50	DNT	
	Review of incoming correspondence from Atty. Megna	0.10	29.50	DNT	
Apr-04-11	Preparation of Appeal. T/C (x2) with client.	3.00	885.00	DNT	
Apr-05-11	Telephone call with James re appeal, status of case and follow up	0.75	221.25	DNT	
Apr-06-11	Follow up regarding client's extended complaint regarding appeal (Megna) and how much Megna and Matthews are needlessly wasting time.	1.00	295.00	DNT	

Invoice #: Sample Page 21 May 6, 2011

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

DISBURSEMENTS

	Filing Fee	310.20
	Miscellaneous	183.40
	Photocopies	1,840.29
	Postage	483.95
Apr-10-07	Service of Process (Lee)	45.00
Jul-12-07	Copies of documents - Deposition transcripts & Court reporter fee	542.00
Aug-21-07	Copies of documents - Deposition transcripts & Court reporter fee	209.00
Aug-30-07	Motion Fee	25.00
Oct-25-07	Transcript of Record (9/19 hearing)	77.25
Dec-19-07	Expert Examination	990.00
Jan-22-08	Motion Fee (Appeal)	25.00
Feb-18-08	Expert Examination	540.00
Feb-29-08	Filing Fee - Application for Ejectment	40.00
Apr-23-08	Copies of documents - Clerk of Court	0.80
May-13-08	Expert Examination	90.00
Jun-23-08	Expert Examination	60.00
Mar-01-10	Filing Fee - Motion fee	25.00
Mar-31-10	Filing Fee - Motion fee	25.00
Jul-29-10	Expert Examination	9.12
Oct-11-10	Expert Examination	51.29
Dec-13-10	Appellant Brief preparation	577.20
Mar-07-11	Expert Examination	360.00
Mar-21-11	Copies of documents	127.31
Totals		\$6,636.81
Total Fee & Disbursements		\$188,198.81
Balance Now Due		\$188,198.81

TAX ID Number 57-0859340

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)

WILLIS GOODWIN,)

GINA L. ANASTI LEE,)

And RICHLAND COUNTY)

CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

EXHIBIT C (1)

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

May 19, 2008

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

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

Dear Judge Manning,

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

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

With kind regards, I am

Sincerely,



Benjamin R. Matthews

cc: Douglas N. Truslow, Esquire

Douglas N. Truslow

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

Douglas:

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

Thanks, Tony

Please send all written correspondence to:

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

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

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.449 / Virus Database: 271.1.1/3377 - Release Date: 01/18/11 07:34:00

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)
WILLIS GOODWIN,)
GINA L. ANASTI LEE,)
And RICHLAND COUNTY)
CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

EXHIBIT C (2)a

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

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

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

James A. Anast,

Respondent,

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

v.

Defendants,

**Of Whom Gina L. Anast
Lee is the**

Petitioner.

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

I

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

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

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

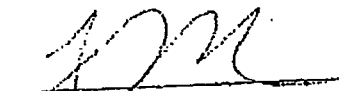
II

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

CONCLUSION

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

Respectfully submitted,



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

August 10, 2011.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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

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

James A. Anasti,

Respondent,

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

v.

Defendants,

Of Whom Gina L. Anasti
Lee is the

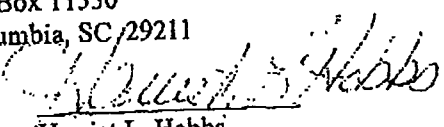
Petitioner.

CERTIFICATE OF SERVICE

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

Douglas Truslow, Esquire
PO Box 1465
Columbia, SC 29201

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


Harriet L. Hobbs

August 4, 2011

Tony Megna, Esquire
3400 West Ave.
Columbia, SC 29203

RE: James Anasti v. Gina L. Lee, et al.

Dear Mr. Megna:

It has come to my attention that you are attempting to subpoena materials from others relative to communications with or from me that, to the extent they ever existed, would be confidential, work product, mental impressions and/or privileged. Please let this letter serve as an objection.

If you can explain the precise nature of what you want, why it is relevant, not privileged and show how you are not simply on a "fishing expedition." I may reconsider the objection, but until then, it stands. Finally, I would like to note that at this point, you have not served me with any subpoena, nor have you attempted to put me on notice that you were serving subpoenas on others.

Sincerely,

Douglas N. Truslow
DNT/mcw

cc: Desa Ballard
Jay James
Rene Josey
Steve Licata
Curtis Dowling

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)

WILLIS GOODWIN,)

GINA L. ANASTI LEE,)

And RICHLAND COUNTY)

CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

EXHIBIT C (2)b

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

Gina Anastasi Lee,

Debtor(s).

C/A No. 09-02854-JW

Chapter 13

**ORDER DENYING MOTION TO
STAY ORDERS PENDING APPEAL**

This matter comes before the Court upon Debtor's Motion to Stay Orders Pending Appeal ("Motion") pursuant to Fed. R. Bankr. P. 8005. On November 9, 2009, the Court entered an order granting James Anastasi's ("Anastasi") Amended Motion Seeking 11 U.S.C. § 362(d) Relief pursuant to § 362(d)(1) so that the state court could finalize its determination of Debtor's claims under state law to the real property identified as 2325 Two Notch Road, Columbia, SC 29202 (the "Property"). Thereafter, on December 21, 2009, the Court granted in part and denied in part Debtor's Motion to Alter or Amend Judgment and entered an Amended Order Granting 11 U.S.C. § 362(d) Relief to Anastasi based on § 362(d)(1).

In her Motion, Debtor asserts that the Court should stay the granting of relief because the Court failed to recognize her standing as a debtor-in-possession to pursue actions pursuant to 11 U.S.C. § 544. Debtor claims the state trial court order was not a final order and thus, is not enforceable.¹

To determine whether to issue a stay pending appeal under Rule 8005, the Court must examine the following four factors: (1) that Debtor, as the moving party, will likely prevail on the merits of the appeal; (2) that the Debtor will suffer irreparable injury if the stay is denied, (3) that other parties will not be substantially harmed by the stay, and (4) that the public interest will be served by granting the stay. In re Tubular Techs., LLC, C/A No. 06-00228-JW, slip op. (Bankr.

¹ Debtor also notes that should the Court stay its previous orders and allow the Adversary Proceeding to move forward, she would seek to amend her complaint to add a cause of action for equitable subordination.

D.S.C. Jul. 18, 2006) (citations omitted). The party seeking a stay pending appeal bears the burden of showing each factor, and the failure to satisfy any one of the factors precludes the establishment of a stay. Id.

In a prior state court proceeding, Anasti was determined to be the title holder of the Property based on a deed recorded in 1978. Despite admitting that she conveyed any prior interest she would have claimed in the Property to third parties in 2000, Debtor asserted an interest under certain state law claims, including adverse possession, laches, and estoppel. After a full contested proceeding in which Debtor was represented, the state court confirmed the title to the Property in Anasti. The state court order did not transfer title from Debtor, but rather, it merely declared that Debtor never obtained title. Debtor appealed that ruling.

It is apparent that one of the primary reasons Debtor filed for bankruptcy relief was to escape the consequence of the state court order and any determination that the order was final due to the untimely appeal filed by Debtor or her counsel. Debtor initially filed a Chapter 7 case, but soon after the Chapter 7 trustee declared the case to contain no assets and decided not to pursue any interest Debtor claimed in the Property, Debtor voluntarily converted the case to Chapter 13. In her Chapter 13 case, Debtor proposes to sell the Property upon this Court's determination of her interest under the same state law theories presented in the state court proceeding. While Debtor makes much of her standing and desire to pursue her claimed interest for the benefit of her creditors, the Court notes that the Chapter 13 Trustee, who would normally embrace or require pursuit of an action to benefit creditors, has not objected to Anasti having relief from the stay.

As previously indicated, the state court order did not transfer the Property from Debtor, it merely recognized Anasti's prior interest. Even if the Court ignored the state court order, before the Property could be sold, the Court would have to determine Debtor's claim to the Property under the same state law theories which were fully litigated in state court. Debtor insists the state court order

should be ignored because it is not final. However, although Debtor is the party who filed the appeal in state court, when faced with issues of the timeliness of her appeal and possible issues of attorney error, she filed bankruptcy to prohibit a final ruling.

For all the reasons stated previously, including judicial economy, this Court believes it is best for the state court to finalize the appeal. If the appellate court affirms the trial court or determines the state court order is otherwise final, then Debtor has no interest in the Property that can be administered in this Court. However, if by reversal or remand, the state appellate court finds Debtor has an interest in the Property, then pursuant to this Court's order, the automatic stay would apply to that interest and effectively return consideration of the Debtor's interest in the Property to this Court. In this way, neither Debtor nor creditors are prejudiced by relief from stay.

In her Motion, Debtor does not set forth grounds to satisfy each of the factors listed above; rather, she reasserts her arguments for why relief from the automatic stay should not be granted to Anasti. Regardless, an evaluation of the factors supports the denial of the Motion. Anasti continues to be substantially harmed by delay in this proceeding and would be further harmed by a stay pending appeal; in contrast, Debtor's interest in the Property remains protected if she has any interest under South Carolina law. Debtor is unlikely to prevail on appeal, and public interest is not served by Debtor's motion in this case. Furthermore, the Court has conducted two hearings in this matter and the related Adversary Proceeding (No. 09-80133) pertaining to the same issues raised in this Motion, and has evaluated Debtor's arguments in its Orders entered on November 9, 2009, and December 21, 2009. As the Court indicated in its earlier orders, the issues concerning Debtor's claim to the Property have been comprehensively reviewed in state court, the state court order has been appealed, and a resolution in the pending state appellate proceedings would provide this Court with a final determination of state law regarding Debtor's claim to the Property. Accordingly, the Court finds that further delay and argument from the parties is unnecessary and denies the Motion.

AND IT IS SO ORDERED.

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)

WILLIS GOODWIN,)

GINA L. ANASTI LEE,)

And RICHLAND COUNTY)

CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

EXHIBIT C (3)

*Law Offices of
Seigler, Earle & Ellsworth
Suite 103
1735 St. Julian Place
Columbia, S. C. 29204*

*Thomas G. Earle
Carl A. Ellsworth*

*(803) 254-2791
(803) 254-7755 -- Fax*

*Harold C. Seigler (1911-1981)
Ray M. Seigler (1922- 1989)*

March 5, 2012

**Certified Mail Return Receipt
and Regular US Mail**

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203

RE: **James A. Anastasi vs. Lance Wilson, Willis Goodwin, Gina L. Anastasi
Lee and Richland County Clerk of Court
2007CP40-0576**

Dear Tony:

After you and I talked about Tom's condition and inability to serve as attorney for Lance Wilson and Willis Goodwin in any case and any capacity, I received in the mail addressed to Tom on February 29, 2012, Defendant Lee's First Set of Interrogatories and Request for Production of Documents, dated February 28, 2012.

I appreciate your comments that you were willing to cooperate and be supportive of what we needed to do. As you are aware of the correspondence that you should received in the next few days, I have presented an Order to Judge Barber for Tom Earle and Seigler, Earle & Ellsworth to be relieved as counsel and for continuance. As you will note by the copy of the blank Order that I sent to you as a courtesy, it should be signed any day which I will then serve upon you but it requires Mr. Wilson and Mr. Goodwin to employ new counsel within thirty days of the date of the Order and the damages hearing be postponed for up to ninety days.

In view of this, please be advised that we are no longer the attorneys of record in this case. You will need to serve the new attorney and, meanwhile, I enclose the addresses of Lance Wilson and Willis Goodwin and will forward this to them for them to deliver to their new attorney to respond. I do not believe that Thomas G. Earle, Seigler, Earle & Ellsworth or Carl A. Ellsworth are obligated to respond to your discovery documents. I would appreciate your acknowledging that and enclose an extra copy of the letter for that purpose for you to sign, date and return to me in the self-addressed stamped envelope as soon as possible confirming it. Please call me if you have any comments or questions.

Very truly yours,

Seigler, Earle & Ellsworth

By



TGE/rle
Enclosures

I understand and agree to withdraw any discovery obligation against Thomas G. Earle,
Carl A. Ellsworth and Seigler, Earle & Ellsworth:

Tony R. Megna, Esquire
Attorney for Defendant Gina Lee

CC: Douglas N. Truslow, Esquire
Truslow & Truslow, Attorneys at Law
P.O. Box 1465
Columbia, SC 29202

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

Mr. Lance Wilson
149 Barney Lane
Columbia, S.C. 29223

3 (d)

Law Offices of
Seigler, Earle & Ellsworth
Suite 103
1735 St. Julian Place
Columbia, S. C. 29204

COPY

Thomas G. Earle
Carl A. Ellsworth

(803) 254-2791
(803) 254-7755 - Fax

Harold C. Seigler (1911-1981)
Ray M. Seigler (1922-1989)

March 9, 2012

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203

RE: James A. Anastasi vs. Lance Wilson, Willis Goodwin, Gina L. Anastasi
Lee and Richland County Clerk of Court
2007CP40-0576

Dear Tony:

You probably have received my letter sent to you dated March 5, 2012, in behalf of Tom Earle. I did receive on Tom's computer an email you sent on March 8 where you indicate that you were just copying Tom for information. I presume that this does not apply to our former clients of Lance Wilson and Willis Goodwin but need for you to confirm that it does not in writing on the copy of the letter. I presume this meant the discovery information such that I would appreciate your signing and returning to us the March 5, 2012 letter on the back where it indicates "I understand and agree to withdraw any discovery obligation against Thomas G. Earle, Carl A. Ellsworth and Seigler, Earle & Ellsworth". I have given you two sections and if you will sign both of those and return this to us as soon as possible in the enclosed self-addressed stamped envelope.

Very truly yours,

Seigler, Earle & Ellsworth

By 

TGE/rle
Enclosures

I understand and agree to withdraw any discovery obligation against Thomas G. Earle, Carl A. Ellsworth and Seigler, Earle & Ellsworth:

Tony R. Megna, Esquire
Attorney for Defendant Gina Lee

I understand and agree to withdraw any discovery obligation against Lance Wilson and Willis Goodwin.

Tony R. Megna, Esquire
Attorney for Defendant Gina Lee

CC: Douglas N. Truslow, Esquire
Truslow & Truslow, Attorneys at Law
P.O. Box 1465
Columbia, SC 29202

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

Mr. Lance Wilson
149 Barney Lane
Columbia, S.C. 29223

Amesh.

FILE MEMO

Dated: 3.08.12

In reviewing the various emails from and between Tony Megna, Curtis Dowling and Judge Cooper...in one email February 28, 2012, Tony Megna has attached Interrogatories to Doug Truslow. Interestingly enough, he had also attached a Notice of Depositions for Amanda Hilley, Douglas N. Truslow and Steve Licata, with an attached Certificate of Service saying that it was served on Thomas G. Earle.

I open the mail and on February 29th, we received a letter from Tony Megna. It contained Defendant Lee's First Set of Interrogatories and Request for Production of Documents. It contained a Certificate of Service signed by Harriet L. Hobbs. There was nothing else in the envelope.

Nor have we received any mailing from Tony Megna in regard to the Notice of Depositions that he claims to have served on Thomas G. Earle by mail.

TGE/rle

Tom/RE/Wilson, Lance/Wilson, Lance FM 3.08.12

Law Offices of
Seigler, Earle & Ellsworth
Suite 103
1735 St. Julian Place
Columbia, S. C. 29204

COPY

Thomas G. Earle
Carl A. Ellsworth

(803) 254-2791
(803) 254-7755 - Fax

Harold C. Seigler (1911-1981)
Ray M. Seigler (1922-1989)

March 9, 2012

**Certified Mail Return Receipt
and Regular Mail**

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

**Certified Mail Return Receipt
and Regular Mail**

Mr. Lance Wilson
149 Barney Lane
Columbia, S.C. 29223

RE: **Anasti v. Lee, et al**
2007CP40-576

Dear Mr. Goodwin and Mr. Wilson:

Enclosed herein please find copy of Defendant Lee's First Set of Interrogatories and Request for Production of Documents which we received in the mail on February 29, 2012. We are also enclosing copies of the Notice of Depositions which were emailed to Mr. Earle and Mr. Truslow but of which we never received a copy in the US Mail. Even though Mr. Earle has been relieved as counsel in this matter, we are sending this on to you so that you might take a copy to your new counsel.

Very truly yours,

Seigler, Earle & Ellsworth

By

Carl A. Ellsworth
for Thomas G. Earle

CAE/rle
Enclosures

Cc: Douglas N. Truslow, Esquire
Truslow & Truslow
PO Box 1465
Columbia, SC 29202

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

JAMES A. ANASTI,

Plaintiff,

VS.

LANCE WILSON, WILLIS GOODWIN,
GINA L. ANASTI LEE AND RICHLAND,
COUNTY CLERK OF COURT

Defendants.

COURT OF COMMON PLEAS

Case No. 2007CP40-0576

ORDER TERMINATING
EMPLOYMENT AND
CONTINUANCE

RICHLAND COUNTY
FILED
2012 MAR -1 AM 10:36
JEANNETTE W. MCBRIDE
C.C.C. & G.S.

This matter is before me on a Notice of Motion and Motion of Thomas G. Earle, Esquire, by Carl A. Ellsworth, Esquire of Seigler, Earle & Ellsworth, dated February 24, 2012 and duly filed in the Office of the Clerk of Court for Richland County, South Carolina on February 24, 2012. Included in the Motion was the Motion and Order Information Form And Coversheet. Personal service was effected upon Lance Wilson as shown by Affidavit of Service filed herein, dated February 28, 2012 as well as in accordance with Rule 11(b) South Carolina Rules of Civil Procedure and pursuant to Rules 4 and 5 of South Carolina Rules of Civil Procedure by regular mail and certified mail, restricted delivery to the addressees of Lance Wilson and Willis Goodwin along with service by mail upon Douglas N. Truslow, Esquire, in behalf of James A. Anasti and Tony R. Megna, Esquire, in behalf of Gina L. Anasti Lee. Technically, Mr. Megna is not involved nor is his client in this aspect of the case such that his concurrence will not be necessary.

ough his counsel, Douglas N. Truslow, Esquire, in the above captioned case it is necessary that this case be continued and more time allowed for the defense to be prepared, and for good cause shown.

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

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

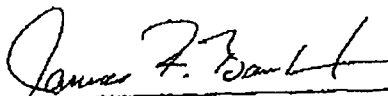
IT IS FURTHER ORDERED that Lance Wilson of 149 Barney Lane, Columbia, South Carolina 29223 and Willis Goodwin of 1000 Windsor Shores Drive, Columbia, South Carolina 29222 shall have thirty (30) days from the date of the signing of this Order to employ new counsel. *IF THEY FAIL TO DO SO THEY WILL PROCEED 720 SE.*

IT IS FURTHER ORDERED that the hearing of the damages case brought by Plaintiff scheduled for March 12, 2012 before Judge Manning at 2:00 p.m. be and hereby is continued for a period of at least ninety (90) days from the date of this Order or until further Order of this Court.

AND IT IS SO ORDERED.

29 day of February, 2012
Columbia, South Carolina

By


The Honorable James R. Barber, III
Chief Administrative Judge
Fifth Judicial Circuit

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)

WILLIS GOODWIN,)

GINA L. ANASTI LEE,)

And RICHLAND COUNTY)

CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

EXHIBIT C (4)

Matthews and Megna, LLC
Attorneys and Counselors at Law

Columbia Office:
3400 West Avenue
Columbia, SC 29203
800-253-7705
E-mail: matthewsandmegna@gmail.com

Pee Dee Office:
112 Oak Street
Darlington, SC 29532
843-395-8431 or
843-662-9699 (Florence)

February 24, 2010

W. Keenan Stephenson
Chapter 13 Trustee
Post. Office Box 8477
Columbia, SC 29202
VIA ECF

Re: In re: Lee: Case number 09-2854

Dear Keenan:

The Debtor in the above case has this date filed a Chapter 13 plan which we trust will meet with your approval. The specific language of the newly filed Chapter 13 plan is as follows:

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

Due to past issues with the precise language agreeable to all parties, we would appreciate you, the Court or any other interested party informing us if the above language is acceptable or not. If not, we will make needed changes prior to the confirmation hearing in order to avoid further delays in confirming the Chapter 13 plan.

W. Keenan Stephenson
Chapter 13 Trustee
February 24, 2010
Page 2

Ms. Lee intends to attend the confirmation hearing as the Court has requested. She has informed us, however, that she has health difficulties and would appreciate the Court reconsidering the request that she personally attend the hearing. We are making the request to the Court by copy of this letter to Judge Waites. She will, of course, abide by the Court's decision. She has signed a statement that we have attached hereto that reflects her understanding of the proceedings and her desire to proceed with the appellate avenues available to her in regard to her claims to the Two Notch property.

Also, I have attached a copy of the order of the SC Court of Appeals that I received this morning. The state COA denied Mr. Anasti's Motion to Dismiss the state appeal on the 'timeliness' issue [i.e., that the state court appeal in regard to Judge Kinard's original order was not timely filed in the first instance], and ordered that briefs be filed by the parties in the state appellate proceedings to determine ownership of the Two Notch property. In essence, the 'timeliness' order of the state trial court [Judge Manning] has been reversed and vacated by the state COA. It will be noticed to all parties, including the Bankruptcy Court, via the ECF system. I have sent counsel for Mr. Anasti as well as counsel a copy of the state COA order by e-mail this morning.

Thank you in advance for your consideration in this matter.

With kind regards, I remain

Sincerely yours,

s/Benjamin R. Matthews

cc: Stephen B. Licata, Esquire via ECF
The Honorable John E. Waites
Chief Judge
United States Bankruptcy Court
via ECF

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Wednesday, February 24, 2010 8:27 AM
To: Steven B. Licata; Douglas N. Truslow; Tom Earle; Lydia Eloff
Cc: Harriet; Ben Matthews
Subject: In re: Lee - Order of SC Court of Appeals denying Anast's Motion to Dismiss and requiring briefs be filed to determine ownership of Two Notch property
Attachments: COA order dated 022210.jpeg

Ladies and Gentlemen:

I have attached a copy of the order of the SC Court of Appeals that I received this morning in the event you have not received it. As you will note, the COA denied Mr. Anast's Motion to Dismiss the appeal on the 'timeliness' issue [i.e., that the state court appeal in regard to Judge Kinard's original order was not timely filed in the first instance], and ordered that briefs be filed by the parties to determine ownership of the Two Notch property. In essence, the 'timeliness' order of the state trial court [Judge Manning] has been reversed and vacated by the state COA.

I intend to notify the District Court and the Bankruptcy Court of this matter today, and it will be noticed to all parties, including the Chapter 13 trustee, via the ECF system.

Thanks, Tony

Please send all written correspondence to:

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

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

No virus found in this incoming message.

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Version: 8.5.435 / Virus Database: 271.1.1/2697 - Release Date: 02/23/10 07:34:00

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Wednesday, February 24, 2010 9:51 AM
To: ck13ks@ch13.newsouth.net
Cc: Lydia Eloff; Douglas N. Truslow; Steven B. Licata; Ben Matthews
Subject: In re: Lee
Attachments: Order of Judge Cureton 02-19-10.pdf; Keenan letter 022410.doc

Keenan:

Please find attached a letter in regard to the above case. We intend to file the amended Chapter 13 plan and the letter today with the Bankruptcy Court and wanted to advise you of the filing and the wording of the language in the plan prior to the filing. Please let us know if you have objections or suggestions.

Also, earlier this morning, I sent Lydia a copy of the order of the SC Court of Appeals that I received this morning. I inadvertently omitted you from the email. The COA denied Mr. Anasti's Motion to Dismiss the appeal on the 'timeliness' issue [i.e., that the state court appeal in regard to Judge Kinard's original order was not timely filed in the first instance], and ordered that briefs be filed by the parties to determine ownership of the Two Notch property. In essence, the 'timeliness' order of the state trial court [Judge Manning] has been reversed and vacated by the state COA. I know this has been an important issue to all parties and we are obviously grateful it has been resolved and the order of Judge Manning vacated and reversed. It will make the on-going District Court appellate process much more streamlined.

Thanks, Tony

Please send all written correspondence to:

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

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No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.5.435 / Virus Database: 271.1.1/2697 - Release Date: 02/24/10 07:34:00

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, March 08, 2010 4:10 PM
To: Lydia Eloff; ch13ks@ch13.newsouth.net; Steven B. Licata; Douglas N. Truslow; Harriet
Cc: Dick Harpoollian; Jim Griffin
Subject: Lee Bankruptcy
Attachments: LEE.COUROFAPPEALS.REHEARING.pdf; LEE MEDICAL LTR FROM DR BROWN 03.03.10.pdf

Ladies and Gentlemen:

I wanted to let you know the SC COA entered an order dated Friday, March 5, 2010 [on a motion that Mr. Truslow had made on the previous Wednesday, I believe]. The COA denied Mr. Truslow's Motion to Clarify the Court's previous order filed February 22, 2010 that had denied his Motion to Dismiss based the 'timeliness Manning order' that all of you have now seen by now. I have attached a copy of the March 5, 2010 Order of the state COA that dispels any notion other than the 'Manning' order has, at best, been disregarded by the state COA. Certainly, the March 5 order of the state COA indicates they are through with the matter. The 'timeliness' issue has been decided in Ms. Lee's favor, and I believe it is a fair reading to say the state COA does not intend to entertain any further discussion on the matter. That is plainly evident. As you may discern, the 'Manning order' was never supported by any evidence in the first instance. My guess is that the person who drafted the order for Judge Manning will have some explaining to do. But that is not the issue at present.

My concern now is the extent of the damage this has caused Ms Lee, and others. I am particularly concerned for Ms. Lee. She is an exceptionally kind and wonderful person and deserves to be treated much better than she has been treated to date. She has little money, she and her family struggles for a living every day as do millions of other middle-class Americans. I have attached a letter from Ms. Lee's physician that I received today that is self-explanatory. I will sent it to Judge Waites tomorrow. Due to the constraints of HIPPA, and Ms. Lee right to medical privacy, it is not appropriate to address the matter further. The fact that she has had to go to such lengths to assert her interests in the face of significant medical issues says much about the system in which we all play a part. Ben and I have committed to her that we will do everything reasonable to insure her rights are protected. In doing so, we intend to pursue every legal avenue available to her.

Finally, thanks to each of your patience and understanding. This has been a difficult case and we now await the appellate decisions of the District Court as well as the state COA. Ben and I have had some time [but certainly not enough] to reflect and understand the implications of what has occurred lately. We would appreciate any suggestions as to any issue.

Regards, Tony

Please send all written correspondence to:

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

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STATE OF SOUTH CAROLINA)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Case No.: 2007-CP-40-0576

Plaintiff,)

vs.)

LANCE WILSON,)

WILLIS GOODWIN,)

GINA L. ANASTI LEE,)

And RICHLAND COUNTY)

CLERK OF COURT,)

Defendants.)

EXHIBIT C (5)

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

Plaintiff requests that the Court take judicial notice of the following case files:

- 1) Richland County Case (and appeal): 2007-CP-40-0576
- 2) Richland County Arbitration Case(s): 2004-CP-40-5333 and 2004-CP-40-5334
- 3) Darlington County Case (and appeal): 2010-CP-16-0332
- 4) Florence County Cases: 2008-CP-21-706 and 2011-CP-21-841
- 5) Bankruptcy Court Case (and appeal(s)): 09-02854-JW

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)

WILLIS GOODWIN,)

GINA L. ANASTI LEE,)

And RICHLAND COUNTY)

CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

EXHIBIT C (6)

Truslow & Truslow

Attorneys At Law

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

~~Douglas N. Truslow~~

~~douglastruslow@truslowlaw.com~~

~~Neal D. Truslow~~

~~nealtruslow@truslowlaw.com~~

Physical Address:

914 Richland Street, Suite B-102
Columbia, SC 29201

Mailing Address:

P.O. Box 1465
Columbia, SC 29202

March 7, 2012

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

Pee Dee Health Care P.A. v. Estate of Hugh S. Thompson
Docket Number: 2010-CP-16-0332

PERSONAL & CONFIDENTIAL (Regular and Certified Mail)

Tony R. Megna, Esquire
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

It appears that you are currently attempting to engage in conduct (discovery), which I believe is inappropriate and objectionable on a number of interrelated levels. Based on the unfortunate past history of dealing with you, it does not appear that any further, reasonable, good faith attempts at resolution at this juncture will help bring the issues to closure, and I will simply address three points and let the Courts decide how to resolve the issues with which you are faced.

RICHLAND COUNTY CASE

You are untimely, improperly and impermissibly attempting to engage in discovery after your (former) client Gina Lee's involvement as a party defendant in this case has ended. Such a conclusion is apparent for a variety of reasons, the most obvious of which is that you clearly know plaintiff (my client) has received a favorable, final judgment clearing title to the real estate in question, and he is not seeking money damages from Ms. Lee. Perhaps just as obvious, Ms. Lee's bankruptcy, in conjunction with your continuing claim(s)/admissions that she is now immune from suit, support such a conclusion (that she is precluded at this point from engaging in discovery). It is likewise noteworthy that Summary Judgment was granted in my client's favor against Ms. Lee in October, 2007. Thus, I can find no legally cognizable basis for you to assert that Ms. Lee may now, at this late date, use this case as a platform to take my deposition, much less to take the deposition of my paralegal and the depositions of the bankruptcy attorney (Mr. Licata) whose legal services my client used to lift the bankruptcy stay (for a limited purpose), retake my client's deposition or take the depositions of attorneys Jay James, Desa Ballard, Rene

Josey, Celeste Jones and/or Kenneth Woodington. Finally, and regardless of anything else, you are not permitted to use this case to go on a fishing expedition in a baseless attempt to obtain legally protected records of other attorneys in separate and distinct, unrelated cases in which you ~~are or have been involved (such as seeking to require me to turn over to you any and all records in unrelated cases relative to attorneys such as Mr. James, Mr. Josey, Ms. Ballard, Ms. Jones and/or Mr. Woodington).~~ Simply stated, let this serve as my objection to your conduct.

DARLINGTON COUNTY CASE

This is the case involving a claim by Pee Dee Health Care as plaintiff against a deceased doctor's estate. You were initially representing Pee Dee Health Care as its attorney, although you were undoubtedly its CEO and had an obvious and inherent conflict. Jay James and Rene Josey are representing the defendant estate. Soon after you commenced the case, the estate moved to have you disqualified for ethical reasons. As a result of a hearing on the issue of disqualification, Judge Baxley found and Ordered that you were disqualified (for ethical reasons). You were apparently displeased with the Court's Order, subsequently did not obey it and as a consequence Judge Baxley entered yet another Order(s) making even more abundantly clear the terms of your disqualification. Thereafter, and again apparently choosing to disregard the Court's Order, you attempted to subpoena irrelevant (to the extent it even existed) evidence from numerous party and non-party attorneys including Desa Ballard.¹ Ms. Ballard was clearly not involved in the case, and she first attempted in good faith to work out the issue with you. Those efforts were unsuccessful, and you wrote a series of insulting letters. She objected, sought a protective Order and moved for sanctions against you personally. Judge Baxley then quashed your subpoenas, *sua sponte*. I understand Ms. Ballard's Motion for sanctions against you is pending, and that it may be delayed, based on your contention that your appeal (from the Order granting Summary Judgment against Pee Dee – the case in which you were disqualified to act as attorney) "stays" the hearing of Ms. Ballard's Motion for sanctions against you.

Despite the fact that you were disqualified in the Darlington case and that your subsequent attempts to engage in discovery were specifically disallowed by the Court, you are now apparently trying to use a similar tactic, albeit under the auspices of the unrelated Richland County case referenced above, to troll for any evidence my firm and/or others might have relative to that same Darlington case in which you are disqualified and have had your subpoenas quashed. It is significant that neither my client in the Richland County case, nor myself, nor your former client Ms. Lee are parties in the Darlington County case, yet you have utilized Darlington subpoenas! Simply stated, the two cases are separate and distinct. They are not related to one another and you have no right to use Darlington subpoenas much less for a case in which you have been disqualified. I know very little about the Darlington case, other than what is of record and there is nothing relevant that I could share in any event. Notwithstanding that fact, you have stated in writing that you have now had issued subpoenas (from Darlington County) and served both interrogatories and requests to produce captioned under the Richland case - for any records that I may have relative to the Darlington case in which you have been disqualified. And you are apparently attempting to take my deposition, as well as my paralegal's. You have stated in writing that you are seeking among other items Medicare, Medicaid and Health and Human Service Department records, Pee Dee Health Care records, and all records relating to Jay

¹ You sought to use the auspices of the Darlington case to subpoena Ms. Ballard's records pertaining legal work she had performed at my request in the Richland County case.

James, Rene Josey, Desa Ballard, Celeste Jones and Kenneth Woodington². Obviously, Mr. James and Mr. Josey are involved in the Darlington case and, it is just as obvious that (a) they are not involved in the Richland case and (b) Ms. Jones and Mr. Woodington are involved in neither case. I understand the Darlington case involves Medicare or Medicaid and Health and Human Services issues, and it is clear beyond a doubt that no such issues are involved in the Richland case....it essentially related to clearing title to real estate.

With all due respect, I believe the conduct in which you are engaging is inappropriate and that I have an obligation to report it to Judge Baxley and opposing counsel in the Darlington case and to Ms. Ballard, Ms. Jones and Mr. Woodington. In conjunction, I am asking the respective Clerks of Court to place a copy of this letter in their case files. I am also including Orders (from the Bankruptcy Court, Richland Court and Darlington Court) and your most recent communications that reflect on the matter.

Sincerely,

Douglas M. Truslow
Douglas M. Truslow
DNT/adh

cc: ✓ Honorable J. Michael Baxley
Desa Ballard, Esquire
Celeste Jones, Esquire
Kenneth P. Woodington, Esquire
John J. James, Esquire
Jon Renee Jose, Esquire
Scott B. Suggs, Darlington Clerk of Court
Jeanette McBride, Richland County Clerk

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City, State, ZIP+4 <i>Columbia, SC 29203</i>	

March 7, 2012
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With and attachments

² It is my understanding that Ms. Jones' firm may currently have or has had a case against you personally and that Mr. Woodington may have or has had a case against Pee Dee Health Care (in which you apparently acted as the attorney, although you appear to have been its CEO). Ms Ballard did assist me in the Richland County case reference above, but she has no involvement in the Darlington case to my knowledge.

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

EXHIBIT C (7)a

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF RICHLAND)

COURT OF COMMON PLEAS
07-CP-40-0576

3
4 James A. Anast,)
5 Plaintiff,)
6 vs.)
7 Willis Goodwin, Gina L.)
8 Anast Lee, Richland County)
9 Clerk of Court, Lance Wilson,)
10 Defendants.)

TRANSCRIPT OF RECORD

September 19, 2007
Columbia, South Carolina

10

11

12

13 B E F O R E:

14 THE HONORABLE J. ERNEST KINARD, JR., JUDGE.

15

16

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

18 DOUGLAS N. TRUSLOW, ESQ.
Attorney for the Plaintiff

19

20 THOMAS GEORGE EARLE, ESQ.
TONY RAY MEGNA, ESQ.
Attorney for the Defendant

21

22

23

24

DEBORAH M. McCURDY, RPR
Official Court Reporter

25

1 MR. MEGNA: Sir? This is commercial property.
2 You know, she took the property, she owned the
3 property, she took the rents on the property, she
4 dealt with the property. Yes, sir. The law is
5 very specific, and there is case law which I have
6 supplied to this Court. This is not an issue for
7 summary judgment. ~~That is our only concern.~~ This
8 is an issue to be decided at trial, rightfully.

9 THE COURT: Not rightfully. You've got a
10 sister who doesn't like the fact that the dad let
11 the property go to the son and she is trying to
12 flimflam him.

13 MR. MEGNA: Your Honor, that is just not fair.

14 THE COURT: I'm reading this. Why do you even
15 put all this stuff in here about Mr. Truslow is
16 examining her and she has got cancer and all that?

17 MR. MEGNA: Because if you will -- the Court
18 will read -- Your Honor, that is just not fair.
19 That is just inappropriate, with all due respect,
20 sir.

21 THE COURT: I mean, I'm reading what you --

22 MR. MEGNA: And I did -- and that is a very
23 appropriate affidavit, Your Honor. And it is very
24 appropriate to say that there are issues of fact
25 here. And regardless of how this Court feels about

1 it, there are issues of fact for a jury.

2 THE COURT: Hold it, hold it, hold it. You
3 submit to me an affidavit in proper form without
4 going into all these extraneous things saying what
5 she did to satisfy a claim, and I will let it go
6 forward.

7 MR. MEGNA: To satisfy a claim?

8 THE COURT: For adverse possession. That she
9 occupied the property, that she told --

10 MR. MEGNA: I will be happy to do that. I
11 will be happy to do that.

12 THE COURT: -- she told her brother, listen, I
13 don't care what dad did, I'm entitled to this
14 property, and so forth and so forth.

15 MR. MEGNA: I will happy to submit that to the
16 Court, Your Honor.

17 MR. TRUSLOW: Your Honor, in that regard,
18 Mr. Earle is here, and he is an officer of the
19 court, and he will, I believe he will tell you he
20 hasn't opposed our motion for summary judgment. He
21 is the person that got the property and paid
22 \$177,000 to Mr. Megna's client that he is trying to
23 get back and my client is trying to -- dealing
24 with. He, as an officer of the court, I'm sure
25 Mr. Earle will tell you his client has been

1 continuously in that property since 1980.

2 MR. MEGNA: This is commercial property.

3 MR. TRUSLOW: As a tenant. Excuse me, if I
4 can finish. And just because she might sign just
5 like this affidavit --

6 THE COURT: That puts facts in issue. You are
7 going to eventually win because she has not played
8 fair, irrespective of what he says. She is going
9 to lose. She is going to owe him back \$100,000
10 something dollars. Your client is going to have
11 the property, because you have got legal title.

12 MR. TRUSLOW: I'm just --

13 THE COURT: If he wants to fool with it and
14 bring it out and put in an affidavit like that, you
15 can have a trial on it, but you need to have it
16 right away. It doesn't need to drag out.

17 MR. TRUSLOW: Well, I would think so. I would
18 respectfully -- and I'm choosing my words
19 carefully, but I believe it would not -- I am going
20 to just say not appropriate, if she knows she has
21 not been -- counsel knows she hasn't been on the
22 property, she knows she hasn't been on the
23 property.

24 THE COURT: He has got to file an affidavit
25 signed by her setting forth grounds for the claim.

MR. TRUSLOW: But she can't, because we have done her deposition.

THE COURT: Well, I don't know that, Mr. Truslow. If she does not file an appropriate affidavit, she loses at summary judgment.

MR. TRUSLOW: We have already taken her deposition and she said that she had not even set foot on the property.

THE COURT: Then you prepare an affidavit.

MR. TRUSLOW: Okay.

THE COURT: Then you prepare an order granting it and address all those issues, you prepare an order denying it and send it to him, and we'll deal with it.

MR. TRUSLOW: I understand.

THE COURT: Okay.

MR. TRUSLOW: Your Honor, my point was, I just take it seriously if somebody says something that is in -- not in direct contradiction to her deposition, her affidavit that she had given before.

THE COURT: You will be able to address that when you see the affidavit.

MR. TRUSLOW: I understand. Thank you, Your Honor.

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)

WILLIS GOODWIN,)

GINA L. ANASTI LEE,)

And RICHLAND COUNTY)

CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

EXHIBIT C (7)b

1 MR. DOWLING: Well, show -- show me
2 the ---

3 MR. MEGNA: And if it turns out that
4 it ---

5 MR. DOWLING: --- where you ---

6 MR. MEGNA: --- it's not true, ---

7 JUDGE COOPER: How about talk to me,
8 please.

9 MR. MEGNA: I apologize, Your Honor.

10 JUDGE COOPER: That's all right. Mr.
11 Dowling.

12 MR. DOWLING: If they can show me that
13 this has ever been produced, I can have a
14 stack of documents that I've kept intact
15 and I haven't seen these and there are
16 other reasons why it would be irrelevant.
17 To begin with, every check that I just
18 looked at, I think, probably without
19 exception, was pre-closing anyway from the
20 time, from '95, you know, '96, '97, '98,
21 '99 has nothing to do with Dallis at all.

22 JUDGE COOPER: Right.

23 MR. DOWLING: So, just the fact that
24 we're even going there, I believe, is
25 irrelevant.

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MR. DOWLING: Your Honor, if that's the case, if he knows this, he's untimely in his Motion to Reconsider because he's already filed a Motion to Reconsider that he didn't even know about the Order until what, ---

MR. MEGNA: I filed the Motion.

MR. DOWLING: --- about three weeks
-- about three weeks ---

MR. MEGNA: That is totally untrue.

JUDGE COOPER: You all can go down the hall and argue that motion before Judge Kinard. If the Motion to Reconsider

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arbitration. The issue here is how to do -- my client is out of a piece of property that she has testified she would not have sold but for the allegations of this.

JUDGE COOPER: I don't question that at all. Here's what I've got. I've got an Order of a circuit judge that says I take this in the status of the pleadings at the time this case was heard on the 27th, or whenever it was, and the status of the case at that time. If I were a circuit judge, I might be able to do a whole lot different today than what I've done so far. As a matter of fact, I wouldn't have put up with a whole lot today that I've put up with if I was wearing my robe, but that's another matter.

But nonetheless, whether I'm wearing a robe or a suit, I'm bound by what I have

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STATE OF SOUTH CAROLINA)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Case No.: 2007-CP-40-0576

Plaintiff,)

vs.)

LANCE WILSON,)

WILLIS GOODWIN,)

GINA L. ANASTI LEE,)

And RICHLAND COUNTY)

CLERK OF COURT,)

Defendants.)

EXHIBIT C (7)c

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

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

Pee Dee Health Care, P.A.,

Plaintiff,

v.

Estate of Hugh S. Thompson,

Defendant.

10-CP-16-0332

2011 MAR 11 AM 10:45
FILED
SCOTT B. SUGGS
CLERK OF COURT/PMC
DARLINGTON COUNTY, S.C.

RETURN OF PEE DEE HEALTH CARE, P.A. TO
DEFENDANT'S MOTION TO DISQUALIFY

INTRODUCTION

PART I

The Plaintiff, Pee Dee Health Care, P.A. is a professional medical association with clinical offices in Darlington, SC and Olanta, SC. The Defendant is the Estate of Hugh S. Thompson, M.D. Dr. Thompson died on November 5, 2009.¹ This action is a proceeding pursuant to S.C. Code Ann. Section 62-1-201(32). The Plaintiff is a claimant of the estate S.C. Code Ann. Section 62-1-201(4). The Personal Representatives of the Decedent's estate [the Decedent's grown children] are the sole successors as defined by S.C. Code Ann. Section 62-1-201(42) to the assets of the estate other than the claim of the Plaintiff², and trustees to the estate as defined by S.C. Code Ann. Section 62-1-201(45) with corollary fiduciary duties to the estate.

¹ The undersigned has been the CEO and General Counsel to Plaintiff since 1995. The undersigned had no conversations with the Decedent in regard to any of the matters contained in this lawsuit. However, the Decedent initiated a telephone call indicating he was sending unspecified documents to the Plaintiff. Those documents have been provided to the Defendant during discovery. During discovery, the Defendant was notified of the employees of the Plaintiff who did, in fact, have actual contact with the Decedent.

² There is another claim against the estate that is being defended by the Decedent's professional malpractice carrier.

PART VIII

PREDJUCIAL USE OF UNRELATED, INAPPROPRIATE INFORMATION, AND DEFAMATORY LITIGATION STRATEGY

The undersigned submits that not only do the Personal Representatives of the Estate of the Decedent have conflicts of interest in the case at bar, and not only have they made mis-statements of material facts by co-mission and omission, but that they have also resorted to an inappropriate and demeaning litigation strategy in the case at bar that is, in its best light, dishonorable. The Defendant has produced absolutely no evidence whatsoever that the undersigned had any contact with the Decedent other than the Decedent providing limited documents to the Plaintiff that have been disclosed to the Defendant during discovery. Mr. Josey and Mr. James also know they obtained these same documents from the SC Board of Medical Examiners, see Mr. James letter dated June 2, 2010 [See Exhibit KK]. It is not much of a leap to conclude that that there was and is no reasonable basis to file the Motion to Disqualify in the first instance.¹³

The Motion to Disqualify is replete with implied [and not so implied] offensive and unjustified personal and professional attacks on the integrity of the undersigned. It is no secret that the Plaintiff and the undersigned are involved in litigation now pending in Florence County that is completely unrelated to the case at bar. Nor is it a secret that the undersigned was the CEO of MCHG, LLC, the holding company that is at the center of the Lake City litigation. Mr. Josey's and Mr. James' attaching a copy of the Medicare 855 to the Motion to Disqualify noting that fact is for no legitimate reason other than to inflame the passions of this Court. The undersigned is extremely aware that Mr. Josey and Mr. James are attempting to convey to the

¹³ Mr. Josey's law firm has been previously admonished for discovery misconduct. The Plaintiff remains astounded that Mr. James' has participated in such matters.

Court the misleading, insulting and not so subtle message to this Court that the undersigned is somehow "dishonest, untrustworthy", etc. They can phrase the issue however they wish. But the truth is they have underestimated the undersigned's absolute unwillingness to bend to such baseless, self-serving, dishonorable actions. The undersigned's association with MCHG and the "Lake City" litigation issues occurred no less than seven [7] years *AFTER* the Decedent left the employ of the Plaintiff. Moreover, the Decedent *has actually admitted his own wrongdoing*. [See Exhibit E]. Mr. Josey, Mr. James, and the Personal Representatives of the Estate of the Decedent have seriously miscalculated the determination of the Plaintiff, and the undersigned, to remedy the wrong that has occurred in the case at bar -- as well as in the Lake City matters.

The undersigned has no qualms in informing this Court that the 'Lake City litigation' involves significant allegations of unethical and unprofessional conduct by lawyers of one of the largest law firms in this state, allegations of unethical and unprofessional conduct by lawyers in an influential firm in the Pee Dee, allegations of unethical and unprofessional conduct by relatives of a judge in Florence County, allegations of unethical and unprofessional conduct by physicians with medical practices in Lake City, SC, and allegations of conspiracy, fraud and unprofessional conduct by many others. Neither is it a secret that the 'Lake City litigation' began with the foregoing lawyers and physicians providing *ex parte* information to a Florence County judge¹⁴ that led to the issuance of an *ex parte* restraining order against the undersigned and others. Nor is it secret that the *ex parte* order, as intended by the unethical conduct of many, destroyed a business venture in which the Plaintiff, the undersigned and others were partners.

While the undersigned is perhaps prohibited from discussing the precise nature of the

¹⁴ The undersigned was the Chief Executive Officer of the venture. That is no secret and the undersigned has never denied it. However, the undersigned's position as CEO of that venture, that was initiated in 2007-08 has nothing to do with the current proceedings before this Court.

pending investigations surrounding the matters, the undersigned can attest to the fact, that nearly three years after the initial events, no allegations of wrongdoing against the Plaintiff nor the undersigned have been proven true for the simple reason that there was no wrongdoing by the Plaintiff nor the undersigned in the first instance.

In sum, the Plaintiff and the undersigned, as well as many others, were victimized by many in the Pee Dee area in regard to the Lake City matters. Neither the Plaintiff nor the undersigned has asked for nor expect compassion, empathy, or even understanding from anyone. Additional litigation against those involved in the events leading up to and including the obtaining of the fraudulently obtained *ex parte* order is forthcoming. The Plaintiff provides the foregoing information to this Court for one simple reason. Counsel for the Defendants have unnecessarily, maliciously, and unethically interjected the 'Lake City litigation' into this lawsuit by their personal attacks and insinuations of improper conduct by the undersigned; and have attached a Lake City document to their Motion to Disqualify for the sole realistic reason of prejudicing these proceedings. The Motion to Disqualify crosses the line from advocacy to obstructionism. See the foregoing discussion in relation to Rule 401, Rules 3.3 and 3.4.

The false and unprincipled personal accusations and innuendos being made by Mr. James and Mr. Josey against the undersigned have placed this Court in the unfair and unenviable position of determining whether or not Mr. James and Mr. Josey's accusations [implied and explicit] have prejudiced these proceedings to the extent this Court should *sua sponte* recuse itself from hearing and determining these matters. In the Lake City litigation, the Chief Justice of the SC Supreme Court specifically assigned the proceedings to a jurist outside of the immediate Pee Dee area because of concerns of actual and perceived conflicts of interest as well as the appearance of such conflicts. Mr. James' and Mr. Josey's unprincipled attacks on the

undersigned and the Plaintiff have placed this Court in a similar position considering the distasteful circumstances we collectively find ourselves discussing.

Regardless of the Court's determination of the foregoing, the Plaintiff responds to the Defendant's Motion as follows with the foregoing and the following.

PART IX

1. The basic dispute between the parties revolves about funds repaid to Medicare by Plaintiff on Decedent's behalf during a time period [1999-2000] when, unknown to Plaintiff Decedent was admittedly disbarred as a provider of medical services under the Medicare program. As noted herein,

- a. Decedent admitted in May, 2004 that, in March 1996 [the first letter], he received a letter from the Medicare OIG stating he had been disbarred as a provider in the Medicare program. [See Exhibit F].
- b. The Defendant's issue as to the undersigned's 'necessary' testimony concerning the document and the authenticity of this document in the first instance has been obviously, purposely and patently intended to mislead this Court because:
 - 1) As noted previously, Mr. Jay James, by letter dated July 9, 2010 (a copy of which is attached hereto as Exhibit GG) actually provided both pages 1 and 2 of the document to the Plaintiff. As noted, Mr. James specifically entitled the document "Summary of events and observations believed to have been prepared by Hugh S. Thompson, Jr. May 28, 2004."
 - 2) A two-page version of this document was produced and provided to Plaintiff during discovery in this case from FirstChoice Health. The two page version of the document is attached hereto as Exhibit II. This same document (as all documents provided by FirstChoice) was provided to the Defendant by Plaintiff on July 30, 2010. A copy of the email evidencing the documents produced from First Choice to Defendant's counsel, Jay James, is attached hereto as Exhibit MM.

The Plaintiff's answers to interrogatories have been updated to reflect the complete document was obtained by Plaintiff as noted above even though the Defendant's received the document from Plaintiff months prior to the filing of their Motion and provided the Plaintiff the document.

The Plaintiff respectfully requests the Motion to Disqualify filed by Defendant be denied,
and for this Court to provide such other and further relief as is just and appropriate, including
reasonable attorney's fees and costs for the defense of the matter.

Respectfully submitted,



Tony R. Megna
Attorney-at-Law
3400 West Avenue
Columbia, SC 29203
803.799.1700

March 11, 2011.

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

Pee Dee Health Care, P.A.,

Plaintiff,

v.

Estate of Hugh S. Thompson,

Defendant.

10-CP-16-0332

2011 MAY -2 AM 11:12
SCOTT B. SUGGS
CLERK OF COURT
DARLINGTON COUNTY, S.C.

FILED

PLAINTIFF'S MOTION TO RECONSIDER

Pursuant to Rule 59(e), SCRPC, the Plaintiff, Pee Dee Health Care, P.A. (PDHC), respectfully requests this to Court to reconsider its order (dated April 15, 2011, filed April 19, 2011, and received by mail by Plaintiff on April 21, 2011) disqualifying the undersigned from representing Plaintiff on the following grounds:

1. The Plaintiff incorporates herein its response to the Defendant's Motion to Disqualify previously filed with this Court.
2. As indicated by the attached affidavit of Mark Matthews, the document [Exhibit HH] that this Court primarily relied upon to disqualify the undersigned was obtained during the course of discovery in this case between the parties.¹ The document in Plaintiff's files is attached to his affidavit. The Court's reliance on Exhibit HH to Disqualify the undersigned is error.
3. The Court overlooked the Plaintiff's request that the Court should recuse itself from hearing matters concerning the Plaintiff and the undersigned due to the litigation now pending in Florence County where this Court often sits by designation.
4. The Court overlooked that the Medicare 855 attached to the Defendant's Motion to

¹ The document was either provided by the Defendant or was a documents obtained by subpoena or requests under the FOIA.

Disqualify the undersigned has no bearing whatsoever on the case at bar and only indicates that the undersigned was an interested party in Mid-Carolina Hospital Group [MCHG].

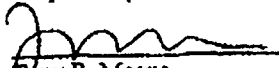
5. The Court further overlooked that the 'Medicare 855 document' it relied upon was not created *until eight years after the deceased left the employ of Plaintiff*.

6. The Court overlooked the fact that the actual, plain wording of Rule 3.7, SCACR, 401 [and all the case law interpreting the plain wording of Rule 3.7] states that disqualification, if appropriate in the first instance, which the Plaintiff denies, is limited to disqualification *at trial* as opposed to total disqualification as this Court so provided. Respectfully, disregarding the plain wording of Rule 3.7 sets a troubling precedent for litigants, attorneys and this Court. As noted in the attached affidavits of Josiah Matthews, M.D., Alexander H. Cohen, M.D., James D. McInnis, M.D., Mark Matthews and Katie Noyes, there is no reasonable basis for this court to expect or to anticipate that the undersigned will be a fact witness at all, much less a necessary fact witness as required by Rule 3.7 for disqualification.

7. The Court made conclusions of fact that are incorrect in regard to the nature of the undersigned's relationship with the Plaintiff as well as Dr. Thompson as more fully set forth in the affidavits attached hereto.

8. The Plaintiff respectfully requests this Court to withdraw its order disqualifying the undersigned from representing Plaintiff, and to provide the Plaintiff the relief previously requested.

Respectfully submitted,


Tony R. Megna
Attorney-at-Law
3400 West Avenue
Columbia, SC 29203
803.799.1700

FILED
2011 MAY -2 AM 11:12
SCOTT B. SUESS
CLERK OF COURT, P.O.
CAROLINE FOR COUNTY, S.C.

May 2, 2011.

Page 2 of 3

Page 243

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)

WILLIS GOODWIN,)

GINA L. ANASTI LEE,)

And RICHLAND COUNTY)

CLERK OF COURT,,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

EXHIBIT C (7)d

TONY R. MEGNA

ATTORNEY-AT-LAW
3400 West Avenue
Columbia, SC 29203
TELEPHONE: 803-799-1700
E-mail: tmegna@gmail.com

March 1, 2011

**SENT VIA TELEFAX TO 803-796-1066
AND BY FIRST-CLASS MAIL**

Desa Ballard
226 State Street
West Columbia, SC 29171-6338

Re: Lee v. Anastasi et. al. -- 2007-CP-40-0576

Dear Desa:

I have been provided a copy of the Affidavit that you provided for Douglas Truslow. I am bewildered. I have not discussed the matter with you, and you did not contact me or anyone in my office prior to filing the Affidavit. Hopefully, you did not have knowledge of the fact that Douglas had provided my office with hundreds of pages of documents with comments and notes that we had to reorder and 'white-out' so that the page numbers could be inserted and the pages placed in the correct order -- as best we could. I cannot speculate as to your motive or comment otherwise except to say I am very disappointed you did not contact me prior to filing the Affidavit.

For your information, I have attached a letter that I have sent to the Court of Appeals this date. The letter is self-explanatory. I respectfully suggest that you consider the fact that you may have been used by Mr. Truslow in a less than appropriate manner, and now find yourself at the center of a difficult situation that you have, hopefully inadvertently, complicated further. I respectfully suggest that you contact Harriet Hobbs at my office (254-3646) if you believe it would be too awkward to contact me directly so that you can understand the actual facts. My intent is to avoid any type of 'he said- she said.' Then, you can make the decision you are now confronted with as to whether or not you should [or have an ethical obligation] to provide the Court of Appeals a more balanced statement that is consistent with the requirements of Rules 3.3 and 3.4 of Rule 407 of the SC Rules of Appellate Practice.

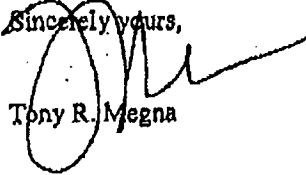
I am very sorry that you have seen fit to insert yourself into these matters -- without even the courtesy of a telephone call. You must decide what, if any further obligation you have to the Court, to inquire into matters you now have knowledge were, at best, partially correct when conveyed to you in the first instance. I am more than happy to speak with you if you wish. I can be reached at 803-254-3676 or on my mobile at 803-6106-5983.

I have no control over Douglas nor your decision not to verify the information you were

Desa Ballard
March 1, 2011
Page 2 of 2

provided by him. I am, however, personally astonished that you did not so, but that was and remains your decision. One simple telephone call on your part would have avoided, or at least ameliorated, these matters.

Sincerely yours,


Tony R. Megna

cc: Douglas N. Truslow, Esquire
Gina Leo
SC Court of Appeals

TONY R. MEGNA

ATTORNEY-AT-LAW

3400 West Avenue

Columbia, SC 29203

TELEPHONE: 803-799-1700

E-mail: tmegna@gmail.com

March 8, 2011

**SENT VIA TELEFAX TO 803-796-1066
AND BY FIRST-CLASS MAIL**

Desa Ballard
226 State Street
West Columbia, SC 29171-6338

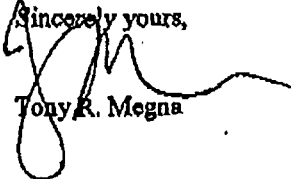
Re: Lee v. Anastj et. al. - 2007-CP-40-0576

Dear Desa:

As I often tell my children -- old enough does not necessarily denote 'wise enough'.
Please find enclosed the information you requested in your letter dated March 1, 2011.

I am very sorry that you have seen fit to insert yourself into these matters without even the courtesy of a telephone call. Obviously, I have no control over the injudicious decision not to verify the information you were providing to the Court of Appeals prior to making what you now know are misleading statements. While I remain astounded that you did not do so, and continue to refuse to do so, I respect your judgment that you are 'old enough' to make your own decisions.

Sincerely yours,


Tony R. Megna

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

EXHIBIT C (7)e

C 011

TONY R. MEGNA

ATTORNEY-AT-LAW

3400 West Avenue

Columbia, SC 29203

TELEPHONE: 803-799-1700

E-mail: tmegna@gmail.com

SENT VIA TELEFAX TO 803-734-1839
AND SENT FIRST-CLASS MAIL

The Honorable Tanya Gee
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Lee v. Anasti et. al. -- 2007-CP-40-0576

Dear Ms. Gee:

I would appreciate you advising the Court that I am surprised [and again embarrassed] by Mr. Truslow's most recent [and, once again, misleading] statements to the Court in his letter dated February 25, 2011.

As noted on my attached Affidavit and the Affidavit of my paralegal, Ms. Harriet Hobbs, Mr. Truslow informed us, in writing, on February 22, 2011 that the proposed ROA we had provided him in the above case was 'acceptable to him.' Once Mr. Truslow's blessings were obtained, my office copied the documents in the Record on Appeal he accepted, hand-delivered 734+ pages to him, and also a pdf copy to Mr. Truslow's office on Wednesday, February 23, 2011. We then reviewed the ROA again, corrected a few errors, and completed the preparation of the ROA to send to the printers. This process was cumbersome as Mr. Truslow had provided our office over 500+ pages of documents [most out of any understandable order; many with hand-writing covering them, most with multiple page numbers on the bottoms of the pages [all of which had to be 'whited out'], many duplicates, others that were blank or blacked out, and the vast majority that were in violation of the orders of the Court as well as Court's procedural rules. We did not complain, but rather cleaned up the documents as best we could. We then went through the ROA again on Thursday, re-positioned some of the documents to better assure they were in correct order, and sent the file to the printers on Friday morning. The printer is going through the ROA again to check our work.

Mr. Truslow's statement that he does not have a copy of the ROA with page numbers on the bottom is a product of his own sad making. The bottom of virtually every page of the 500+ pages [as well as other writings on the documents] he inappropriately insisted be included in the ROA had numerous markings that had to be erased and 'whited-out'. He obviously and purposely did everything he could to make it all but impossible to get the ROA complete and to the printers and returned in any less time that we have done. And now, he has used his own misconduct to file a request with this Court to dismiss the appeal yet once again. With all due

The Honorable Tanya Gee
South Carolina Court of Appeals
March 1, 2011
Page 2 of 3

respect, no one can reasonably state or believe we have not taken every reasonable effort to comply with the orders of this Court. We have. The truth is Mr. Truslow has done, and is continuing to do, his absolute best to mislead this Court. His intentional misconduct is abhorrent and violates any concept of fairness, reasonableness or even the simplest concept of thoughtfulness. I am truly sorry that Mr. Truslow has once again provided partially correct statements to the Court. Once again, the issue is not the information Mr. Truslow provided, but the information he failed to provide to the Court that, respectfully, is the equivalent of an affirmatively false statement. As noted in the comment to Rule 407, SCACR, and Rule 4.1 [Comment 1]: ... Misrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements.

Mr. Truslow now has exactly what I have - a record that he found acceptable and suitable for him to use to complete his brief and for me to complete the Appellant's brief. Once the printers complete their processes of review, including putting page numbers at the bottom of each page, I have requested they forward Mr. Truslow and me a pdf copy of the ROA with page numbers on the bottom. I intend to file the Appellant's brief and the Record on Appeal with the Court as the rules of procedure require, and within the time frame the Court has required. I also intend to provide Mr. Truslow with exactly what I have to work with. I do not intend to take advantage, and have not taken advantage, of any issue regarding these matters. The truth is that Mr. Truslow knowingly created this situation, and is now doing everything he can to capitalize on his own misconduct. To date, the Appellant has met her obligation to provide Mr. Truslow the ROA as the orders of this Court and the rules require. Mr. Truslow has what I have - a full and complete copy of the ROA that was hand-delivered and served on him within the time periods required by this Court. It does not include the page numbers at the bottom of each page as the printer is inserting those numbers after making certain the mess Mr. Truslow intentionally created is corrected. If Mr. Truslow was truly concerned about the time limits and page numbers, he would have been much more considerate in the first instance. He was not. It is not much of a leap to conclude that Mr. Truslow is taking every conceivable action to avoid having these matters heard on the merits, and violating his obligations of candor and truthfulness in the process. His assertions are untrue and violate, at the minimum, the spirit and intent of both Rules 407, Rule 3.3 and 3.4 of the SCACR.

As to Ms. Ballard's Affidavit that Mr. Truslow provided to the Court, I am at a complete loss. I have not discussed the matter with Desa. She did not contact me nor anyone in my office prior to filing her Affidavit. It is obvious [hopefully] that Desa did not have knowledge of the facts including the fact that he had provided hundreds of pages of documents that we had to reorder and "white-out" comments and numerous other unrelated markings so that the page numbers could be inserted and the pages placed in the correct order - as best we can. I cannot speculate as to her motives or comment otherwise except to say I am very disappointed she did not contact me prior to the filing of the Affidavit. I trust that the Court will consider the fact that

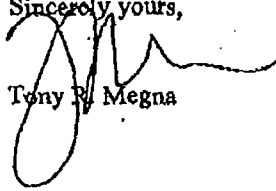
The Honorable Tanya Gee
South Carolina Court of Appeals
March 1, 2011
Page 3 of 3

Desa failed to contact anyone at my office, did not know or understand the hundreds of documents that Mr. Truslow included in the Record of Appeal that were unrelated to the appeal, did not know or understand the hundreds of documents that had to be 'whited-out' on the bottoms so that the numbers could be inserted by the printer, and did not take into account the hundreds of documents included in the Record on Appeal on matters that had been 'stayed' by un-appealed orders of the Trial Court, and that Mr. Truslow actually agreed to the ROA as 'acceptable' to him as noted on the attached letter. Again, I can only surmise that Mr. Truslow provided but partial information to Desa as he consistently has done with this Court and the Trial Court. And, unfortunately, instead of verifying the matters, simply accepted Mr. Truslow's assertions- again, apparently providing only partial truths in violation of Rules 3.3 and 3.4 as noted above. I have attached a letter sent to her this date.

In closing, please inform the Court the ROA was, indeed, served on the Appellee within the time limits as the Court required and as verified by the attached Affidavit of Ms. Hobbs. I expect the pdf version of the ROA [that was timely served and hand-delivered to Mr. Truslow as required by this Court] with correct page numbers on the bottom of each page of the ROA to be available to both me and Mr. Truslow by the end of this week. The ROA is not due to be filed with the Court until Thursday, March 10, 2011. Mr. Truslow will have several days to complete and file his brief - as will I; and he will have access to the ROA that this Court will have. I intend to file my brief timely. There is no excuse for Mr. Truslow not to do the same.

Again, please accept my apologies for these matters. But, I have no control over Mr. Truslow's continuing misconduct and untruthfulness.

Sincerely yours,


Tony R. Megna

cc: Douglas N. Truslow, Esquire
Gina Lee
Desa Ballard

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr., Circuit Court Judge

RECEIVED

JAN 31 2008

SC Court of Appeals

CIVIL ACTION NO: 2007-CP-40-0576

James A. Anasth

Respondent,

v.

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

Defendants,

Of whom Lance Wilson,
Willis Goodwin, Gina L.
Lee, Richland County Clerk
of Court are

Respondents

And Gina L. Lee is the ,

Appellant.

RETURN OF APPELLANT
TO MOTION TO DISMISS OF RESPONDENT LEE

First, and foremost, undersigned counsel apologizes to this Court for the tone of the Motion to Dismiss filed by the Respondent Anasth's attorney. It is embarrassing [and threatening] to me personally. The information supporting the Motion to Dismiss consists of half-truths, totally false statements, misleading statements, overtones of hypocrisy. In short, the Motion to Dismiss is frivolous, and an affront to the dignity of these proceedings.

WHAT IS THE 'ELEPHANT IN THE ROOM?'

Appellant Lee respectfully and reluctantly submits that less than proper motives have been contrived by Respondent Anastasi's attorney to conceal the real issue behind the filing of the Motion to Dismiss in this Court.

In his deposition in this case, the Respondent Anastasi testified that he gave his attorneys copies of a lawsuit brought by the South Carolina Department of Transportation to condemn a piece of the property that is subject of the current dispute between the parties. He testified he did not know what his attorneys did in regard to that lawsuit other than that he had given them the lawsuit to "handle." [page 22, lines 12-25, page 23, lines 1-22].

In point of fact, no legal action was taken by Respondent's attorneys until Mr. Truslow filed the current action against Appellant Lee on January 26, 2007 --- more than ten (10) years following the passing and filing of the Deed of Distribution to Appellant Lee in regard to the property that is the subject of this litigation and several years after they had told Anastasi they were taking care of the matters related to the 2004 lawsuit. The Deed of Distribution was filed in November, 1996 with the actual knowledge and consent of the Respondent's power-of-attorney. The more than ten (10) year delay in filing the Respondent Anastasi's action to clear title to the property is the central issue in this case -- the 'elephant in the room.' Appellant Lee does not know if Mr. Truslow represented Anastasi prior to November, 2006 [the ending point of the ten (10) year period of time needed for Appellant Lee to establish title by adverse possession] or if Anastasi's criminal attorneys continued their involvement. But, obviously, someone made a mistake in failing to file the action to clear title in a timely manner. To date, it has not been a pressing concern to Appellant Lee to

discover whether or not Mr. Truslow was representing Respondent Anasti prior to the filing of this action. If Appellant Lee prevails with her claims in this Court, which is highly likely, someone is going to face a potential malpractice action. This would explain Mr. Truslow's reference in his motion to dismiss to the Motion to Join that was filed (and withdrawn) in the other action concerning the same property -- in which neither Respondent Anasti nor Mr. Truslow was involved. In retrospect, it appears Mr. Truslow or the Respondent Anasti erroneously depended [without the knowledge of the undersigned or Appellant that they were even following that litigation] on the filing of the Motion to Join to resolve the underlying dispute between Appellant and Respondent Anasti in this case. The undersigned had never met Mr. Truslow prior to the filing of the action to clear title in January, 2007, and was never advised that Respondent Anasti was even in the country during the litigation of the companion case much less represented by counsel. When Respondent Anasti finally discovered the motion to join parties had been withdrawn, Respondent Anasti filed his action to clear title. But, it was and remains too late. The ten (10) year statute of limitations in regard to Appellant Lee's claim of adverse possession had ended. And that is the issue in this Appeal.

The filing of the Motion to Dismiss and the extreme and personal nature of the attacks on counsel for Appellant, by any reasonable standard, violates the spirit and intent of SCACR 238. The motion filed by Mr. Truslow evidences an escalating pattern of unhealthy partisanship that directly contradicts Respondent Anasti's own sworn statement that he did not believe his sister, Appellant Lee, had or has ever acted in bad faith or with bad motives in any dealings with him whatsoever at any time. The Appellant Lee respectfully directs this

Court, in particular, to the cross-examination of the Respondent, James Anasti by his own attorney at his deposition on June 26, 2007. [pages 28, lines 21-25, page 29, lines 1-13, 17-18, page 31, lines 5-7, lines 18-20, page 33, lines 5-7, page 34, lines 14-17]. Astoundingly, and as noted, both Anasti and Mr. Truslow, in his own client's deposition, went out of their way to assure all parties during the deposition that Appellant Lee, at most, had been mistaken as to her understanding of the ownership of the property in dispute in the current matter before the Court, and that was distributed to her during the probate proceedings and to which she has asserted ownership for more than a decade. Great pains were taken by both the Respondent, James Anasti, and his attorney, Mr. Truslow, to make certain that everyone understood that Anasti's claims against Appellant Lee were based on 'mistaken belief' as opposed to charges of intentional misconduct. Yet, in the motion to dismiss filed in this Court, as well as other motions filed earlier in the lower courts, the Respondent, James Anasti, asserts exactly the opposite.

The underlying dispute of ownership of the property in question must be decided by this Court. The filing of the Motion to Dismiss is an effort to avoid the truth of what occurred prior to his filing of the action to clear title on January 26, 2007. The Motion to Dismiss deliberately distorts the truth and the facts to attempt to manipulate the Appeal of this case.

Despite any other issue, the timeliness of the Rule 59(e) motion made by Appellant Lee in the lower court is based on the date of *actual receipt* of the lower court order. It was actually received by the undersigned on Saturday, November 10, 2007. All of Mr. Truslow's rantings, insults, and insinuations to the contrary do not change the truth of this one fact.

nature of the claims may in the motion indicate what can only realistically be termed abnormally obsessive and destructive behavior.

As the Affidavit of Ms. Hobbs indicates, she has known Mr. Truslow for in excess of thirty years. To her, Mr. Truslow's behavior in this case over the past several months is very troubling and very different than she has known him to be in the past. She is sincerely distressed by the downward spiraling of his behavior as it is at odds with anything she has known of him in the past. As noted in her affidavit, Mr. Truslow has completely misled this Court as to counsel for Appellant not providing to discovery and/or not voluntarily participating in the discovery process. I am at a loss to explain how he could totally mislead this court except to believe he has totally misled himself and he has convinced himself of the truth of his self-made delusions. Mr. Truslow's behavior in this case has frightened Ms. Hobbs and it has certainly caused me to believe he has become blindly obsessed with finding issues that have been created solely in his own mind. As a result of the information he filed with this Court, my wife has requested I change my mailing address and take steps to remove all personal information that may affect my family from local and other records. I have begun that process.

My staff and my wife have also suggested that counsel for Respondent is, in fact, 'stalking' the undersigned and has become so abnormally obsessed with the matters relating to this case that the undersigned should take additional precautionary measures. While I believe they may be reacting somewhat prematurely, the mere fact that such a concern is being raised speaks volumes as to how Mr. Truslow's behavior has been interpreted by others. And the escalating pattern of his odd behavior is potentially dangerous on many

levels – professionally and personally. His deceitfulness in misstating and omitting facts to this Court that do not support his errant conclusions is a problem this Court should address because the undersigned is at a loss as to how to stop counsel for the Respondent from continuing further foolishness.

CONCLUSION

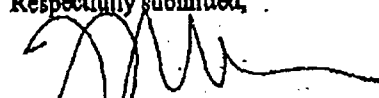
Appellant Lee respectfully requests the motion to dismiss be denied for the simple reason that the factual bases of the motion are contrived, baseless, frivolous and without merit. The Appellant's Rule 59(e) motion was, as a matter of fact and law, filed timely within ten (10) days of the actual receipt of the order granting Respondent partial summary judgment. The Appellant's notice of appeal was subsequently filed timely in this Court. Mr. Truslow's assertions to the contrary are false.

The Appellant further requests that counsel for the Respondent, Mr. Truslow, be enjoined by this Court from continuing the pattern of destructive behavior of the past several months that is unworthy of our profession, offensive to the dignity of this Court and these proceedings, and a potential danger to all involved. Alternatively, the Appellant respectfully requests this Court to disqualify Mr. Truslow from further participation in this appeal lest his behaviors spiral completely out-of-control – an event the undersigned fears is not far away.

Appellant Lee further requests she be awarded her costs for defending against these matters, including a reasonable attorney's fee. To date, counsel for the Appellant Lee has spent approximately six (7) hours responding to the Motion to Dismiss and Ms. Hobbs has spent approximately ten (10) hours of her time on these matters. A reasonable attorney's fee

would be \$1,750.00 for attorney time and \$750.00 for Ms. Hobbs time. If awarded, 100% of the award will be donated to the SC Bar lawyers-helping lawyers program because the question to the undersigned is not the money but the opportunity to stop the behavior of counsel for Respondent that has led to the filing of a frivolous motion and spurious allegations.

Respectfully submitted,



Tony R. Megna, Esquire
1815 Fulmer Road
Blytheood, SC 29016
803-799-1700
Attorney for Defendant Lee

January 31, 2008. z

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

EXHIBIT C (7)f

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, March 08, 2010 3:30 PM
To: Douglas N. Truslow
Cc: Harriet; Ben Matthews; Steven B. Licata
Subject: COA order on Lee case
Attachments: LEE.COUROFAPPEALS.REHEARING.pdf

Dogu-

If you have not received it yet, the the SC COA entered an order dated Friday, March 5, 2010 on the 'motion for clarification and reconsideration' you made last week. I have attached hereto a copy of the latest order of the Court of Appeals. It speaks for itself - and was obviously very direct about their apparent distaste for your continued filings in the matter.

Doog, I would appreciate you letting me know to whom, if anyone, you have distributed copies of the 'Manning order' and if so, how intend to notify them that the 'Manning order' has been, one way or the other, disregarded by the COA or vacated. I would like to also know [if you in fact distributed the order to others], if you simultaneously let them know the 'Manning' order had been automatically stayed by operation of law and was of no force and effect until the COA acted. And now they have - twice rejecting your contentions.

Regardless of the wording of the COA orders, the result is the same. - the COA knows the 'Manning order' was, to be extremely kind, not supported by any evidence whatsoever. I guess the more important question down the road is why you had to draft such a hateful order for a Judge's signature when you actually knew the evidence did not support it. At the very least, I imagine Judge Manning is less than pleased he has been placed in such a position.

My intent now is to proceed with the appeal on the substantive issues to the COA and to determine over time what damage has resulted from dissemination of the order by you to others - if in fact you did so. Again, please let me know.

Finally, no matter how the 'Manning order' is described by me, you or anyone else, it has either been vacated or disregarded by the COA. That much is plainly evident.

As I mentioned previously, I remain open to any reasonable suggestion you or others have to make the COA or federal bankruptcy appellate processes as easy as possible on everyone. Just let me know. Also, I look forward to hearing from you in regard to the foregoing.

Regards, Tony

Please send all written correspondence to:

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

This message is intended for the use of the person or entity to which it is addressed and may contain information, including legal and/or health information, that is privileged, confidential, and the disclosure of

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Thursday, March 31, 2011 9:16 AM
To: Douglas N. Truslow
Subject: Lee v. Anast (state Court of Appeals)

*After
9XAMPLE 3
insisting on it
very U.S. 1st
Block them
add Lee v. Hilley
on*

Douglas:

I received your letter dated March 28, 2011. First, once again, please accept my most sincere apologies if you believe I have been uncivil. Contrary to your assertions, however, I have been restrained in my comments to you.

I remain particularly concerned with the false affidavit you drafted for Ms. Hilley and presented to the trial court and the Court of Appeals. You should be equally concerned that you have provided documents to the Courts and others that you actually know were ineffective to due to the staying of the actions they related to by the order of the trial court -- and that were never responded to by the Respondent. These are but two examples of your consistent and continuous misrepresentations you have made to the Courts and others. You should be ashamed of your behavior as it has been, in the best light possible, less than professional. I am sorry you see it otherwise. In any event, I trust you will take the opportunity to correct your misrepresentations.

Finally, please accept or not communications from my office as you deem appropriate.

Regards, Tony

PS - I have received so many emails and letters form your office on matters of little import, please excuse me if some have been overlooked. Certainly, you would expect such a result.

Please send all written correspondence to:

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Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.799.1700

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No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.449 / Virus Database: 271.1.1/3538 - Release Date: 03/31/11 06:34:00

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Thursday, October 07, 2010 11:37 AM
To: Douglas N. Truslow
Subject: Silliness

Douglas:

Your recent letters, once again, and as usual, contain half-truths - at best. But you are consistent.

Please send all written correspondence to:

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

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No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.448 / Virus Database: 271.1.1/3169 - Release Date: 10/07/10 06:34:00

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, July 12, 2010 4:02 PM
To: Douglas N. Truslow
Subject: Re: Anast v Lee

Douglas:

You continue to evidence such oddness.. I imagine this is a life-long issue. Were you bullied as a child? For goodness sake, let it go.

It is certainly no secret that I am out of the Columbia office much of the time. But, I am generally in the my other offices if not ion Columbia. Fortunately, I owe you no explanation of where I am at any particular time.

If you wish to send me something, e-mail it to me as I have repeatedly requested. I always tend to get your bothersome emails. In addition, my Columbia office is open everyday except weekends and holidays. You can send the document certified mail return receipt requested and someone in my office will sign for it, scan in onto our systems and email it to me. The post office will not deliver documents when I am not in the Columbia office if you mail them with a signature of recipient required. We both know that service on my office is sufficient under the rules; and it can be verified by a return receipt if you wish. You are simply being silly.

There is a pattern on your part to do everything possible to avoid a decision on the substance of Judge Kinard's rulings. I imagine the COA will see through your petty actions. I simply do not intend to engage your silliness. Your refusal to email or fax or mail [regular or certified] me the document demonstrates the essence of your silliness, your pettiness and your odd behavior. But, FYI, I intend to be in the Cola office on Wednesday or Thursday. Please have the documents delivered those days if you wish. But, again, and for at least the fifth or sixth time, you can email them anytime. I will accept service. Or you can fax them to 254-3678. Or you can hand-deliver to my to my Columbia office. You have many choices. Or, you can continue your silliness. Your choice.

Regards, Tony

Please send all written correspondence to:

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

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Page 263

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, April 05, 2010 9:59 AM
To: Douglas N. Truslow
Subject: Re: Anast/Lee

Dog-

Please refer to my previous responses. The 362 statement was informative. You remain invited to review the final record on appeal with me at my office if you so choose. I will let you know when I have the documents ready.

Thanks, Tony

Please send all written correspondence to:

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

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On Thu, Apr 1, 2010 at 9:39 AM, Douglas N. Truslow <douglastruslow@truslowlaw.com> wrote:

See response in caps edited within your email.

From: Tony R. Megna [mailto:tmegna@gmail.com]
Sent: Wednesday, March 31, 2010 8:52 PM
To: Douglas N. Truslow
Subject: Re: Anast/Lee

Doug-

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, April 05, 2010 3:24 PM
To: Douglas N. Truslow
Subject: Re: Anasti/Lee

Doug (spelled correctly):

Whatever. You can stop the diatribes. They really are strange. As to the record on appeal, my offer remains open. I will let you know when I get everything together so you can review it at my offices.

Thanks, Tony

PS - Your brief is certainly long - but, goodness, you must tire of the vitriol. Odd...

Please send all written correspondence to:

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

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On Mon, Apr 5, 2010 at 2:40 PM, Douglas N. Truslow <douglastruslow@truslowlaw.com> wrote:

Repeated and continuous inattention to detail does in fact make a resolution of the issues more difficult, but I would prefer to address the substance of your email.

I'm not in favor of doing anything that would delay the case on appeal any further than it has already been unnecessarily delayed. However, as a compromise I would offer the following observations:

1. Go ahead and do your initial reply brief (if you insist one is necessary) in a timely fashion and get the transcript of record in shape for its timely submission as required by the rules of court. You can send me a proposed record on appeal in the interim so that we'll have a jump start on everything.
2. Set up a time in the next thirty days with Cravens, Reece or someone else with comparable credentials to mediate matters. You should give whoever it is your brief, mine and all the items that should go in the transcript of record. Your

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Monday, June 14, 2010 10:01 AM
To: Douglas N. Truslow
Subject: Re: Lee v. Anast: Record on Appeal

Douglas:

You are a genuine piece of work. If you want the documents included, provide them, or explain to the COA why your behavior lacks the respect the Court is entitled to receive. I have tried to locate them but cannot. If that explanation does not suffice, continue to act like an obstinate child & do not send them.. My take is simple - grow up.

You have tried to cover up your & your staff's mistakes, you have provided perjured information to state & federal courts, you have published & disseminated slanderous information that has been harmful to my client, your client, & my business partners (and lord only knows who else) - through acts & omissions. You have placed your client, staff, partner and Licata at professional & legal risk - & I intend to pursue everything. Your school yard bully tactics and child-like pouting is unbecoming to someone of your experience & only makes matters worse. Considering your attitude, we will be in litigation for years to come - & I intend to see all of it through to the end. I learned a long time ago that you cannot give in to schoolyard bullies & inappropriate behavior such as you continue to display.

I have attempted to be reasonable & accommodating with you (& will continue to be despite your efforts to the contrary), but to no avail. The ball remains in your court. You have made all of this unnecessarily 'trying' on everyone even after the COA dismissed your meritless MTD.

I will file the ROA next week with explanations to the COA of your silly & juvenile behavior. Then we wait.

Regards, Tony

PS- I am on the beach with my family. Pls try to be a grown-up (or at least pretend) & leave me alone the rest of the week. The weather is great, the water is beautiful & your continued ranting is an unnecessary intrusion to an otherwise rare opportunity to enjoy my family & friends. Just send FILED copies of the documents I have told you I cannot locate to my office - or not. Life is a choice. And try to rise above your silly, pouty childlike behavior.

A story: A frog meets a juvenile behaving scorpion along side a raging river. Mr. Frog says the juvenile scorpion - please let me ride on your back across the river. The frog replies - I am sorry scorpion but I cannot. The scorpion was relentless. The kind frog relented. They got halfway across the raging river & the scorpion stung the frog. Why did you do that asked the kind frog. I could not rise above my nature said the juvenile scorpion. Lacking the strength to carry them both, the kind but knowing frog did what he hoped he would not have to do. He rolled over. The scorpion slipped off & drowned. The frog struggled to shore, recovered & prospered - & learned to be wary of & ignore the relentless, immature nature of the childish.

Moral: The scorpion could not rise above his childish nature even in the face of such personal peril. The kindly frog struggled to the other side, survived, & continued his journey..

Douglas N. Truslow

From: Tony R. Megna [tmegna@gmail.com]
Sent: Thursday, July 01, 2010 6:07 PM
To: Douglas N. Truslow
Subject: Re: Anastli Appeal

Dear Douglass:

Certainly someone of your experience should recognize it is in our collective interest to tone down the rhetoric, and just get the work done. I cannot imagine you really believe the Court is going to be amused with your refusal to participate in the completion of the JA or to even review it because you have been offended. Do you honestly believe they [or anyone one else for that matter] cares you are miffed at me? Oh, please ...

Regardless of how behave, however, my response is simple. My offers are sincere and honestly intended to tone things down. You treat them as you wish. I intend to represent the interests of my client regardless of how difficult you try to make things. And I have decided to keep things as civil as possible. Do as you see fit - but do yourself a favor. Stop and think.

Best regards, Tony

Please send all written correspondence to:

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

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

On Thu, Jul 1, 2010 at 3:49 PM, Douglas N. Truslow <douglastruslow@truslowlaw.com> wrote:

Aside from an observation that your email has the appearance of simply being self serving and clearly not consistent with Respondent's view of the situation, further response would not likely serve any useful purpose under the circumstances. Regrettably, Respondent and Appellant must agree to disagree on what is necessary to complete the case, as well as by whom (and when).

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)
WILLIS GOODWIN,)
GINA L. ANASTI LEE,)
And RICHLAND COUNTY)
CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

EXHIBIT C (7)g

July 23, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

Certified Mail, Restricted Delivery
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

In response to your July 21, 2010 email:

1. I previously asked that you stop sending emails, especially given the tone, content and volume of them, and that, instead, you simply use the more conventional method of mailing items you wish for me to consider (to my Post Office box). Since you have not heeded that request, and are now, in addition, sending what are considered even more, inflammatory, insulting emails - to both my paralegal and my son (who is now performing active duty military service and is not in a position to read your emails even if he were inclined to do so), I am making my request once again.
2. Given the unfortunate and protracted history of conflict - especially relative to delivery and receipt of legal pleadings, faxes and correspondence, you may wish to reconsider your position relative to using the U.S. Mail system. Moreover, since you have stated repeatedly (and in pleadings) that you are purposefully avoiding all personal contact with me, the U.S. mail make the most sense. I believe that Certified Mail, Restricted Delivery is the best option for us under the circumstances. It will in fact not only ensure receipt, but hopefully cut down on further (and unnecessary) unpleasantness. I believe the Post Office is reliable and that use of the mail system will be of benefit to both of us, for reasons that should be obvious. I had thought that the two Orders of Judge Manning alone, but especially when considered in juxtaposition to the underlying facts and the Orders of Judge Waites and Judge

- Anderson, would have formed a sufficient basis for you to agree to use the U.S. mail as the best means of communication, but if we cannot agree, then we must agree to disagree. That said, my office has already gone the extra mile in repeatedly providing you with documents that you have apparently "lost", but if the Courts were to direct me to document matters in some other fashion outside the norm, I would certainly do so. Please note in closing on this point that it is not my intent to cause you unnecessary work, but rather to ensure that everything is handled properly. On reflection, I would hope that you would agree so that we could move on to more significant issues.
3. You have attributed to me knowledge that I simply do not have -- such as your personal business situation/schedule. I don't want to sound rude or uncaring, but your outside, unrelated personal business activities and your apparently extensive non-legal travel schedule are not my concern, nor could I possibly be expected to keep track of whether you are in or out of your law office or away from it working on non-legal, personal business matters daily, weekly or monthly. Moreover, I do not think that it would be reasonable for me to be required to delve into such matters. I don't want to sound judgmental, but rather with all due respect -- I believe it IS your responsibility to be reasonably available to handle legal matters, and it is not my responsibility to determine when you will be in your law offices. Simply stated, the personal conflicts you are experiencing between your legal obligations and your personal business dealings are not relevant to the issues at hand.
 4. That said, if you have conflicts between handling your business activities and your law practice, perhaps you can have your law partner or a paralegal be of assistance, but that is for you to determine, not me.
 5. Quite frankly, once you apparently closed your home law office (where you said you had done your legal work for the last several years) and opened a more conventional law office (ostensibly with legal staff and a law partner), I had hoped you might have been more available to tend to legal matters.
 6. Given the unique history of this case, I respectfully disagree that my staff and I are mishandling matters or that we are being disrespectful of you and the Courts. I believe the record will speak for itself.
 7. In closing on the issues you have raised, there are obviously available non-intrusive and conventional means for you to accept your mail that will not impose any onerous or unreasonable burden on you, and I invite you to consider alternatives to insults. Perhaps you could request oral arguments relative to the pending motions. As another, preferable alternative, I have previously suggested utilizing either Reece Williams or Cravens Ravenel to assist us with, *inter alia*, the civility issues, but you have declined. Will you reconsider? As an alternative, what do you think about using Professor John Freeman to help work through all of this? Again, I am amenable to a reasonable suggestion on a means to resolve the issues.

8. Finally, and I reiterate, please do not email me or my staff again, especially if you intend to continue to include claims or arguments of a type similar to those set forth in your recent emails. Other means of communication remain open. I regret it is necessary to send your emails to "junk mail", but I know of no other way to avoid the unpleasantness and lack of civility that seems to have been pervasive. Again, I think Professor Freeman would be an excellent choice of a professional who could be of assistance to everyone and help us be better stewards for the legal system.

Sincerely,

Douglas N. Truslow
DNT/adh

April 23, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

Via Certified & Restricted Delivery
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

On April 20, 2010 you sent me an email asserting that you had the week before filed Appellant's Reply Brief, "Amended" Designation and a "Modified Objection" and asserting that you had served me by mail.

Because I had not received these documents at the time I read your email, I called other Respondent's counsel Mr. Earle to inquire if he had gotten them and was informed that he had (in that they were addressed and sent to his correct address with a correct zip code listed). However, it appears that you wrongfully certified as having sent a copy of two of the aforesaid documents to my attention at mere street address (where there are ten separate offices) with no zip code and no suite listed and the other document was wrongfully certified by you as having been sent at the same time separately to my correct mailing address - but you did not in fact send it there. In other words, you inaccurately certified that you sent one document to my correct address (which you did not do) and you certified that you sent the other two documents at the same time to an inaccurate/incomplete address and apparently enclosed all documents in the inaccurately certified mailing.

A review of this case reflects that;

1. You have my correct mailing address with the proper zip code, as well as my correct street address with the correct suite and zip code and historically you have mailed correspondence to my correct mailing address.
2. Certifying that you are sending mail to a street address, without a suite number and without a zip code is not acceptable. You know and I know I am not assured of getting mail that is improperly certified by you (or that I will get it late if at all).
3. You must sign both pleadings and certificates of service. You have not always done so in the past.

4. You have in the past sent correspondences (at least using the correct address) with gross misspelling of my last name, then addressing an envelope to "Dougie" and ultimately sending me an email to "Dog". I've tried to just blow it off as petty but I have alerted you repeatedly to many problems involving inattention to important details. In addition you have backdated critical documents (such as out of time Answers to Requests to Admit and other discovery), failed to produce the envelope in which you admittedly got the Order granting Summary Judgment and apparently failed to file both a timely 59(e) Motion or a timely Appeal (and initially filed on January 4, 2008 in the wrong Court but that is another matter). Then, you apparently filed a motion objecting to Respondent's Appeal designation for transcript purposes but did not sign it, or certify that you sent it and sent it incorrectly...and the list goes on and on.
5. You sent me an odd email last Friday evening and in it there was no mention that you had filed anything.
6. Upon notifying you of errors and suggesting that you handle the matter properly, you claimed that you "mailed them to the address I have always mailed them to". A review of past Certificates of Service reflects otherwise than what you now claim.
7. To point;
 - a. Please provide me with your Reply Brief Certificate of Service reflecting where you sent it, as well as your Designation Of Matter To Be Included On Appeal Certificate of Service and all cover letters. In essence, please just comply with the rules of Court relative to service
 - b. Send me your "modified" objections as well as unmodified objections with all Certificates of Service and cover letters, again simply obeying Court rules.
 - c. If you did not properly serve Respondent at either my mailing address or physical location with zip code certification, please explain why not. If you just erred, disclose it to the Court, handle it correctly and let's move on.
 - d. If you certified as having sent something to my mailing address, but did not do so, please explain why not.
 - e. If you did not comply with the rules, you need to alert the Court to your error. This is necessary since your conduct has the appearance that you sent me something in a manner so that I would be less likely to get it or get it late. I would hope that would not be the case, but the facts are what they are.
8. I have not written the Court relative to your most recent problems complying with Court rules and will not do so, provided you;
 - a. Notify the Court that both your service and Certificates of Service are in error.
 - b. Serve the appropriate documents properly.
9. Please send all further correspondence by Certified Mail/Restricted Delivery to avoid future problems.

Sincerely,

Douglas N. Truslow
DNT/sop

July 12, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

Via Certified & Restricted Delivery
Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

In response to your email dated the afternoon of Friday, July 9, 2010;

1. I have in fact responded to your numerous emails, while repeatedly asking for you to simply use the mail. I do not wish to engage in constant emails with you, for reasons that should be obvious
2. The Motion was in fact sent Certified Mail. If you tell me you checked and it is not at the Post Office, I will resend it. However, the Post Office has confirmed the Motion is and has been available for you to pick up. The problem is that you have apparently not made an effort to retrieve it.

Given the history of this case, as well as your "loss" of other critical mail and the repeated findings of Judge Manning, Judge Waites and Judge Anderson, it should be obvious why documented compliance with the rules is imperative. Regardless, an additional copy of the Motion and Memorandum are once again enclosed.

Sincerely,

Douglas N. Truslow
DNT/sop

July 21, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

Certified Mail, Restricted Delivery

Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

In response to your July 21, 2010 email:

1. I have repeatedly asked that you stop sending emails to my office and that, instead, you simply mail items you wish for me to consider to my Post Office box. Given the history of the case, you may want to reconsider your position relative to Certified Mail. It will in fact ensure delivery and hopefully cut down on unnecessary conflict. I believe the Post Office is reliable, though not perfect, and that use of the mail system will be of benefit to both of us, for reasons that should be obvious.
2. While I am mindful that you have previously stated that you were (and had been) avoiding contact with me, I have not been in a position to be knowledgeable of your personal business conflicts, much less your apparently extensive business travel schedule. That said, I am aware that one of your business employees previously said that you were often not ever available for legal matters. But, quite frankly, once you apparently closed your home law office and opened a more conventional law office (ostensibly with legal staff), I had hoped you might have been more available to tend to legal matters. Regardless, we are still faced with a problem that needs a solution without resorting to insults. Perhaps you could request oral arguments relative to the pending motions. I have before suggested utilizing either Reece Williams or Cravens Ravenel to assist us, but you have declined. As an alternative, what do you think about John Freeman to help work through all of this?

3. Given the unique history of this case, I respectfully disagree that my staff and I are mishandling matters or being disrespectful of the Courts.
4. In closing, there are some very obvious, easy and non-intrusive means for you to accept your mail that will not impose on you and I invite you to consider alternatives.
5. Please do not attempt to email me or my staff again, especially if you intend to continue to include claims or arguments of a type similar to those set forth in your recent emails. I regret it is necessary to block you, but I know of no other way to avoid the unpleasantness and lack of civility that seems to have been pervasive.

Sincerely,

Douglas N. Truslow
DNT/adh

August 30, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

PERSONAL AND CONFIDENTIAL

Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

In response to your fax dated 8-26-10;

The Appellant Court Rules are clear, as is the Court's Order. Appellant has the duty to "make" the record and you certainly know what was presented to Judge Manning as it was filed in the Court of Appeals and/or the lower Court.

Your demand that I once again provide you with the documents you already have is declined. You were served, you lost them, you were given them again and in many cases again after that. If you are dissatisfied, I suggest that you visit the respectable Clerks of the Court of Appeals and the lower Court and get more copies. That said, and at the risk of being redundant, you had them, were provided with them again and you certainly know what was presented to Judge Manning because you were present with Appellant's substitute counsel for the presentation. If Appellant chooses not to make a record, that would be unfortunate, but you have everything you should include, rather than attempting to exclude pertinent matter designated by Respondent.

At a minimum, you should include:

Finally, I note that, despite repeated requests not to attempt to email me, coupled with warnings that further emails would be blocked/diverted and/or otherwise not read, you apparently are continuing to try to send them. They are not being read. This was necessary due to a) the sheer volume and b) their content and the fact that you were sending unbecoming emails to both my paralegal and my son. Again, emails from you are not welcome. I suggest use of the mails as the means to communicate and the past history of past events and conduct support my position.

To conclude, Respondent has complied with the Court's directives, the Rules and his obligations. It is incumbent upon Appellant to do the same. To the extent you "read the Order" otherwise, I do not agree. Finally, given the unfortunate, but well documented history of discord, the simplest thing to do is to submit all that is required. You may, if you wish, copy me in advance and I will respond as my schedule permits and is otherwise appropriate to your submission.

Sincerely,

Douglas N. Truslow
DNT/adh

October 1, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

PERSONAL AND CONFIDENTIAL and CERTIFIED MAIL

Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

I have repeatedly asked you not to mail anything to me directed to my street address and I am doing so once again.

It was by sheer luck that I received your September 23, 2010 filings. The certification reflected it was mailed to my Post Office Box, but that is not true – as is obvious from the envelope. This is a serious matter and I ask again that you comply with my request.

Sincerely,

Douglas N. Truslow
DNT/adh

October 6, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576
Your Sunday, October 3, 2010 email

PERSONAL AND CONFIDENTIAL and CERTIFIED MAIL

Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

You are apparently still emailing unwanted communications to my paralegal and son, despite the fact that you have specifically been requested not to do so. The request not to send emails was made in that, *inter alia*, your emails had gotten totally out of hand and I have already told you that I am not reading your current emails – they have gone straight to junk mail. Again, you may write me at my mailing address. Please ensure that you use the correct address and zip code as well as my correct name.

I have filed a response to your Motions and note initially that you represented to have first mailed them to my current mailing address. In actuality, you did not do as you represented – you sent them to my street address knowing (because I had repeatedly told you in the past) that large packages will not fit in the small street address box. And, it does not help with post office delivery when you address mail to other names such as simply "Dougie" or "Dougass" and other less inappropriate names as has been true in the past when you have also placed the wrong zip codes on letters.

Again, send mail to my correct Post Office Box (P.O. Box 1465), with the correct zip code (29202). Do not send emails and do not send mail addressed in such a fashion as will be more likely to ensure that I do not get it – or get it late. Finally, please ensure that I get exactly what you submit to the Court because what I have reviewed is not in proper form or format and the emailed version sent to my staff and son are not consistent with the mailed version.

Finally, what you emailed to Amanda and my son is not all consistent with what you sent me in the mail (addressed improperly, not signed and not certified pursuant to SCACR).

I have not received through the mail an October 1, 2010 letter and the "Amended Record on Appeal" you have "emailed me" is not consistent with what you mailed and represented had been filed.

December 14, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

PERSONAL AND CONFIDENTIAL and CERTIFIED MAIL

Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

By this point you should have received the South Carolina Court of Appeals' Order denying the relief sought by Appellant in its Motion filed September 23, 2010.

There are obviously critical deadlines to be noted. Respondent has provided you with all documents that are to be included in the Record on Appeal (many on multiple occasions) so you are clearly in a position to comply with the Court's Order. Again, you have what Respondent wants in the Record and the Court has made its position clear. If you have any need for a further response, please write to me and detail what you lack. Simply stated, put the items in and comply with the Court's directive. Please make sure to do the Record on Appeal in the form and format required by the Court and without extraneous, unnecessary comment.

Finally, I want to reiterate that mail should come to my post office mailing address (P.O. Box 1465, Columbia, SC 29202), rather than my street address for the reasons previously and repeatedly communicated to you. The same holds true for email -- do not send them as they are unlikely to be read. Again, the basis for this is set forth in prior emails and letters. Faxes are acceptable regardless of the fact that you have made clear that telephone communications are unacceptable to you.

If you have any questions, you may communicate directly with me in writing by mail or fax.

Sincerely,

Douglas N. Truslow
DNT/adh

December 15, 2010

RE: James Anasti v. Gina L. Lee, et al.
2007-CP-40-00576

PERSONAL AND CONFIDENTIAL and CERTIFIED MAIL

Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

In reference to your December 14, 2010 fax:

1. As I have indicated in the past (in writing), your emails may not be read for the reasons previously stated. There was no intent to be discourteous. Again, please do not rely on or expect your emails to be received, read or acted upon.
2. I prepared a letter to you and had actually signed it before I got your December 14, 2010 fax, the handwritten note at the bottom is self-explanatory.
3. I have provided and provided, again and again documents provided to Judge Manning, as is obvious from his Order, but I will endeavor to do so again if you are missing anything. I understood you to say you had lost part of your file and I resupplied documents and even supplied documents which Appellant had the duty to obtain for the Record on Appeal. We can agree to disagree on whether items were before Judge Manning but that is not the current issue. May I ask, what are you missing that has been designated by Respondent?

Sincerely,

Douglas N. Truslow
DNT/adh

cc: Thomas Earle, Esquire
Jim Anasti

October 11, 2010

RE: James Anast v. Gina L. Lee, et al.
2007-CP-40-00576
Your Sunday, October 3, 2010 email

PERSONAL AND CONFIDENTIAL and CERTIFIED MAIL

Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

Mr. Truslow asked me to send you a copy of the envelope from your most recent filing reflecting that you are still sending pleadings and letters to our office complex (street address), while certifying that your mailings are being sent to our post office mailing address. The problem, as you know, is that our office is part of an office complex with small mailbox slots which does not allow for easy delivery of bulky or large packages. He also asks that you please use the correct zip code and correct addressee, so as to ensure delivery.

Mr. Truslow is asking again that all mail be sent to our post office box mailing address. He has also asked that your mail be certified to ensure compliance and that, as well, the Certificates of Service be accurate.

Sincerely,

Amanda Douglas Hilley
Paralegal for Douglas N. Truslow

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

AFFIDAVITS

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)

WILLIS GOODWIN,)

GINA L. ANASTI LEE,)

And RICHLAND COUNTY)

CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

**AFFIDAVIT OF JAMES A.
ANASTI**

PERSONALLY APPEARED BEFORE ME, James A. Anastí, who being duly sworn,
deposes and says (in his words):

Since my recent return to South Carolina (I had previously lived in Mexico), I have resumed a cordial relationship with my sister Gina Lee. She initiated the contact. Gina recently told me (sometime in early February, 2012) that she felt very, very uncomfortable with how Mr. Megna had handled her case(s) – that she had simply followed his lead, done what he had told her to do and she was now adjudicated bankrupt as a result. She said she felt like Mr. Megna had misled her and had taken advantage of her and/or misused his status as an attorney under the circumstances. Gina said that she thought her involvement in this case was supposed to be over long ago – at the latest, by the time she was discharged in bankruptcy and without any doubt by the time Mr. Megna had lost the appeal in this case. I did not press the issue; I just listened.

Gina said that Mr. Megna was originally representing her “for free” in another case (the “companion case” that was tried by way of arbitration in 2007). She did not divulge why Mr. Megna was representing her for free. It seemed very strange, but I did not ask about their relationship, much less ask why he would have ever represented her for free; again, I just listened. That said, I am aware that Gina’s husband has no relationship with Mr. Megna and, according to her “Pete doesn’t know much about him”. Gina said that her personal and professional relationship with Mr. Megna, as well as her involvement in the case(s) had ended as far as she was concerned. Gina said she wanted no further contact with Mr. Megna. She also

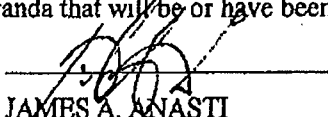
said that she does not think that she had a written contract with Mr. Megna for this case -- that he had confided to her in early 2007 (when I initiated this lawsuit) that he would represent her on a "no fee" basis. Gina said she did not have to pay any fee for Mr. Megna's representation in this case, in the arbitration case or for any of the appeals. Gina said that Mr. Megna has pursued this case (and the appeals) "on his own" after summary judgment was rendered by the court in my favor and after Mr. Megna had lost the arbitration case as well. She said that he was adamant and insisted that the case needed to be continued. She said she was mostly in the dark as to what Mr. Megna was doing and why and that she could not figure out how what he was doing was beneficial for her or her relationship with me.

Gina indicated that she intended to get a second (legal) opinion from a lawyer so she could simply understand what her rights and responsibilities were. I was not involved in Gina's choice of an attorney. Gina said that she had not "fired" Mr. Megna -- that both their relationship and the case had ended as far as she knew and was concerned. Gina said that if Mr. Megna was still pursuing this case, she wanted to not be involved with it and had previously made her wishes known to him, but that Mr. Megna had a very strong, aggressive, domineering personality and seemed to have his mind made up as to what he was going to be doing. Gina said she had felt somewhat intimidated by Mr. Megna, but that she had made clear that she had no interest in pursuing any litigation involving me, that Mr. Megna had been well aware of that fact long ago and that if Mr. Megna was continuing with the case and/or trying to engage in discovery using her name at this point, it was without her approval and not in her best interests. Gina made clear that in seeking a "second opinion", she was not going to have the lawyer take over any case from Mr. Megna -- she just needed someone objective to look over what had been done ostensibly on her behalf/using her name and so that neither she nor I would be prejudiced by his actions.

Recently, Gina indicated that she had in fact engaged an attorney to assist her in trying to find out what Mr. Megna had done and was purporting to do and why. She said the attorney had written a letter to Mr. Megna to simply request a copy of his file, but that after approximately a month had expired Mr. Megna still had not turned over a copy of his (her) file to the lawyer.

Finally, I am retired, living on social security and a very small county pension. Mr. Megna's actions have caused my attorney to have to spend an inordinate amount of time dealing with Mr. Megna's recent discovery-related conduct and I believe he is entitled to be paid. I have

gone over the details with my attorney and I agree with what he has asserted. I ask the Court to favorably consider the relief sought by my attorney in the March 9, 2012 motion and in his memoranda that will be or have been submitted to the Court.


JAMES A. ANASTASI

SWORN TO AND SUBSCRIBED BEFORE ME

this 8th day of May, 2012

Mackenzie Woodward

Notary Public for South Carolina

My Commission Expires

My Commission Expires
June 16, 2021

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

PERSONALLY APPEARED BEFORE ME, Douglas N. Truslow, who being duly sworn, deposes and says (in his words):

I have been practicing law on a full time basis since 1975 (approximately 37 years). I have an "AV" rating. Among my peers, I believe I enjoy an excellent reputation. A substantial part (almost all) of my practice deals with litigation and hence discovery related issues. I submit that I am very well qualified to render an opinion relative to the necessity for and appropriateness of the time expended on this matter (March 9, 2012 motion), as well as fees incurred and that the fees sought are appropriate and should be awarded. Both the time and the opinions set forth herein are separate and distinct from Plaintiff's pending Rule 11 sanctions motion and a damages hearing (not before the Court at this juncture).

I have represented Plaintiff James Anasti throughout these proceedings. Mr. Anasti is retired, living on a very small pension and social security. He is of modest means. He has no ability to pay my fees relative to the issue currently before the Court -- allegations of discovery abuses by Tony Megna ("Megna") and associated relief that is sought.

My typical hourly rate for a matter such as this would be \$295.00 per hour. However, given the contingent nature of this matter (Mr. Anasti's inability to pay) juxtaposed against pervasive and serious misconduct by Megna that is alleged, the complexity of the matter in

context and Megna's claims of misconduct, I am of the opinion that it would be both appropriate and proper for the Court to use a loadstar fee multiplier of between 1.50 and 1.75. Therefore, I assert that a fee of between \$442.50 and \$516.25 per hour, multiplied by the hours that have been required to have been expended dealing with the matters associated with the March 9, 2012 motion alone is proper.

Time necessarily spent exclusively dealing with the subject of the aforesaid motion is attached as Exhibit 1. It reflects that fees in the amount of between \$31,547.25 and \$56,555.19 as well as costs of \$295.14 (filing fee of \$25.00, estimated roundtrip mileage for travel from Columbia to Darlington (154 miles at \$0.56 per mile), copying charges, postage charges and costs of a transcript (\$65.00)) have been incurred.

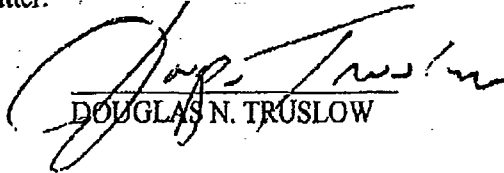
The history of events and circumstances are contained in Plaintiff's March 9, 2012 Motion and Memorandum attached, as well as in the Response to Megna's "Synopsis" that have been filed and submitted to the Court by the undersigned, and the relevant contents of same are incorporated herein by reference as a further basis upon which relief is requested. As well, reference is craved to the Clerk of Court's file (and appeal documents, as well as the file from Darlington (2010-CP-16-0332) and the files from Florence County (2008-CP-21-706 and 2011-CP-21-841)).

Extensive time has been required to be expended. This is so because of the claims Megna has advanced relative to his need and right to now engage in discovery. Detailed documentation also had to be carefully reviewed, especially in light of Megna's claims of unethical conduct by the undersigned (and others) specifically relative to discovery sought by Megna in the context of the within motion. This required the detailed inspection of pleadings in this case, and the underlying facts going back to at least 1996.

Legal services that were required as a result of Megna's misconduct herein -- involving the within motion alone -- included the need for a detailed inspection of the case itself, remand issues, bankruptcy, bankruptcy appeals, appeals in this case, Megna's petition for Writ of Certiorari and Remittitur, the companion case that had been filed in 2004, real estate and probate matters from 1996 through 2000, legal research and careful review of the cases in Darlington and Florence counties that have been referenced. There are literally boxes and boxes of documentation that necessarily had to be inspected.

Attempts to reason with Megna were rebuffed, met with insults and were fruitless.

Relative to sanctions sought herein, the burden is upon Megna to establish that he is not capable of paying such amounts as the Court may find to be appropriate.¹ The imposition of sanctions is believed to only be reviewable for an abuse of discretion. That said, Megna professes to be the CEO of a medical related business and appears to be otherwise occupied in other businesses, as has been confirmed by reference to the Secretary of State web site. A Richland County web site search and a "Google" search reflects that Megna appears to own at least two significant real estate holdings in Richland County, as well as a large residence in Blythewood. He professes to have practiced law for over twenty years and to have been so successful that he does not need to rely upon income from the practice of law for his livelihood. Further, it has been made public/is public knowledge/has been published that Megna has made very significant political contributions in the past. Thus, it appears that Megna is capable of paying sanctions and fees, and the award sought herein is not an amount that would force him into bankruptcy or otherwise cause undue financial hardship, especially when juxtaposed against the financial hardship he has caused in this matter.


DOUGLAS N. TRUSLOW

SWORN TO AND SUBSCRIBED BEFORE ME

this 14th day of May, 2012

Mackenzie Woodward

Notary Public for South Carolina

My Commission Expires: My Commission Expires
June 16, 2021

¹ The imposition of sanctions is reviewable only for abuse of discretion. In that context, that is a further basis to conduct sanctions matters by affidavit, in the Court's discretion.

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)

WILLIS GOODWIN,)

GINA L. ANASTI LEE,)

And RICHLAND COUNTY)

CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

**AFFIDAVIT OF DOUGLAS N.
TRUSLOW**

EXHIBIT 1

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

Ph: (803) 256-6276

Fax: (803) 256-7659

James A. Anasti v. Lee, et al
2007-CP-40-0576

File #: 06-059

<u>DATE</u>	<u>DESCRIPTION</u>	<u>HOURS</u>	<u>AMOUNT</u>	<u>LAWYER</u>
2/28/2012	Review and respond to Att'y Megna's e-mail correspondence including: Review of "e-mail subpoena" from Megna. Research law regarding his "service." Review file in context of 1/18/12 Status Conference wherein Megna claimed that neither he nor Lee has any intent in the damage aspect of the case and why he seeks "discovery" in a case where Lee's intent has ended. Review Megna's November 3, 2011 letter to Judge Lee, where he claimed the outstanding damage and sanctions issues had been decided by the Court of Appeals and numerous other inconsistent claims, including bankruptcy. Review of extensive documentation.	3.75	1,106.25	DNT
	Review of second e-mail from Megna regarding deposition of Plaintiff and Motion from Attorney Earle to be Relieved. Follow up with staff, client and Mr. Earle's office.	0.30	88.50	DNT
2/29/2012	Draft Document for Relief Sought. Review file and copy attachments.	1.00	75.00	ADH
3/1/2012	Communication with postman to be on the lookout for more bulky and wrongfully addressed mail from Megna. Review of past numerous communications that relate to numerous mailings from Megna that were addressed (wrong street, zip code, etc.) incorrectly.	0.50	147.50	DNT
	Review e-mail from Megna in context of his Notice of Depositions scheduled for the same time with less than 10 days notice. Follow up with staff and Att'y Licata.	0.30	88.50	DNT

	Letter to Megna - says he will send by mail. Megna threatens contempt even though he is not authorized to act or be involved for Lee. Review file regarding discovery. Follow up with Attorney Licata regarding bankruptcy and Megna's involvement regarding discovery.	0.50	147.50	DNT
	Draft Motion for Protection and initial outline of Argument.	1.00	75.00	ADH
3/4/2012	Review letter from Att'y. Licata regarding discovery by Att'y Megna and follow up.	0.10	29.50	DNT
3/5/2012	Received envelope postmarked 2/28. Receipt of subpoenas addressed to 944 [sic] Richland Street, which is neither our mailing nor street address. More detailed review of subpoenas and discovery related materials in context of Megna's prior assertions. Phone call with Jay James to confirm that Megna was disqualified in the Darlington case. Discussed with James why Megna would issue a subpoena in the Darlington County case for use in the Richland, Darlington and Florence County cases. Follow up review and research.	3.50	1,032.50	DNT
	Meeting with client. According to client, Megna's client does not endorse what Att'y Megna is doing.	0.50	147.50	DNT
	Review e-mails (x 3) from Megna and follow up with letter after review of documents. Megna knows his e-mails go to junk, so why is he sending? How to protect client?	1.50	442.50	DNT
3/6/2012	Extended legal research regarding "discovery" abuses. Preparation of Motion, Memorandum and review of extensive documentation and revision; including Bankruptcy Orders, prior Court Orders, Federal Appellate Pleadings and various communications.	8.20	2,419.00	DNT
3/8/2012	Extended telephone call with Desa Ballard relevant to subpoena, discovery, relevance and ethical duties and responsibility in context of discovery sought by Megna and his actions. Follow up on issues.	2.00	590.00	DNT

3/9/2012	Legal research in regards to possible actions to stop Megna's discovery abuses and what alternatives are available. Confirmation that attempts to reason with him are futile.	1.50	442.50	DNT
	Follow up to complete Memorandum. Travel to court to file.	0.50	147.50	DNT
	Review e-mail from Megna in which he threatens to bring sanctions against me if I don't do what he says; follow up to determine how he is able to evade being blocked from e-mail. Research and documentation regarding consequences, if any, of not doing as Megna demands.	2.10	619.50	DNT
	Review blocked e-mail from Megna and confirm it was not faxed or mailed as claimed. Research issue of how Att'y Megna is able to override blocked e-mails and how to read what has been blocked.	1.00	295.00	DNT
	Conference with staff relative to subpoenas that were incorrectly certified as having been personally served on Amanda Hilley and Doug Truslow. Follow up with research. Review letter sent by staff to Megna and confirm that no response had been received.	1.50	442.50	DNT
	E-mail from Megna that I know of because he copies others. He says he is sending by mail but does not do so. He says he wants discovery regarding damages yet he has said before he has no interest in damages portion of case. Review file to confirm and ensure transcript is ordered. He is repeatedly asking for information that he <u>already has</u> or which is irrelevant and is wrongfully attempting discovery in any event. Follow up review of case to confirm that what he is asserting is not true and harrassment.	1.00	295.00	DNT
	Prepare cover sheet and letter for pleadings. Copy and mail.	1.50	112.50	ADH
3/12/2012	Travel to Florence and Darlington. Review court's files in those cases to determine relevance, if any, to Richland County case.	6.50	1,917.50	DNT

Meeting with Jay James (who I had never met before) to confirm case status and to inquire about the Appeal's relevance to the discovery sought by Megna. T/c with Celeste Jones' paralegal to inquire about subpoena and relevance, if any. (Roundtrip travel time is not

included in charges.) Megna is asking for discovery for unrelated cases and in a case where he has been disqualified.

	Check on status of delivery of 3/5/12 letter from Megna. Not sent as he asserts.	0.10	29.50	DNT
3/15/2012	Confirmation regarding receipt/non receipt from Megna as I am going on vacation and knows I will be gone.	0.30	88.50	DNT
3/23/2012	Detailed review of Att'y Megna's "synopsis" and outline response to same. He raises serious ethical issues that will take considerable time to address.	4.50	1,327.50	DNT
3/24/2012	Extensive review of file in context of Megna's synopsis - 4 files, bankruptcy and appeals.	4.00	1,180.00	DNT
3/25/2012	Review of file and extensive documents in context of Megna's synopsis	2.00	590.00	DNT
3/26/2012	3/26/2012 - 3/31/2012: Detailed review of Megna's "synopsis" and further draft outline for response. Further prepare and revise Memorandum in further support of Motion to Quash. Inspect and review of extensive documents relative to the falsity of Att'y. Megna's assertions. Necessary because of his extensive misconduct and claims of ethical violations by many others.	48.00	14,160.00	DNT
4/1/2012	Initial draft of Affidavits.	3.75	1,106.25	DNT
	Review of Court's e-mail regarding issues to be heard and revise memorandum in context.	0.50	147.50	DNT
	Review letters from others regarding participation in hearing	0.20	59.00	DNT
	Review Megna's e-mails with staff relative to whether he was mailing or faxing information	0.20	59.00	DNT

4/2/2012	Review transcript from January 18, 2012 to disprove Megna's claim that he "needed" discovery for the damages hearing. He specifically and unequivocally told Judge Barber the opposite on January 18, 2012. Revise Memorandum and Affidavits.	2.75	811.25	DNT
	Meeting with staff to revise document. Review Affidavits.	1.00	295.00	DNT
5/15/2012	Anticipated final preparations and travel to Darlington for Hearing.	3.50	1,032.50	DNT
	TOTAL FEE (No Loadstar Multiplier)	109.55	\$31,547.25	
	TOTAL FEE (\$295.00*1.50 Loadstar Multiplier)		\$48,475.88	
	TOTAL FEE (\$295.00*1.75 Loadstar Multiplier)		\$56,555.19	

DISBURSEMENTS

	Photocopies	69.20
	Postage	49.70
3/8/2012	Motion Fee	25.00
4/5/2012	Transcript of Jan. 18 2012 Status Conference	65.00
5/15/2012	Mileage - Darlington, SC - 154 miles	86.24
	TOTAL COSTS	\$295.14

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

JAMES A. ANASTI,

Plaintiff,

vs.

LANCE WILSON,
WILLIS GOODWIN,
GINA L. ANASTI LEE,
And RICHLAND COUNTY
CLERK OF COURT,

Defendants.

COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

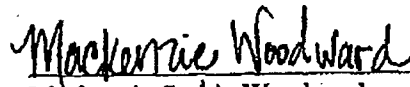
Docket Number: 2007-CP-40-0576

**AFFIDAVIT OF
MACKENZIE WOODWARD**

PERSONALLY APPEARED BEFORE ME, MACKENZIE WOODWARD, who
being duly sworn, deposes and says (her words):

1. I am a legal assistant and I am employed by Douglas N. Truslow.
2. I am responsible for keeping Mr. Truslow's time records.
3. Records of time spent on matters solely associated with the March 9, 2012 motion are attached as Exhibit A.
4. My workspace is close to Mr. Truslow's office. Our office is a small practice consisting of four people; therefore I am well aware of what occurs on a daily basis.
5. The period of March 23, 2012 through March 30, 2012 was consumed with this matter as is obvious from Mr. Truslow's time records. Additional time was expended with the qualification that Mr. Truslow has not charged for all time expended. Time is entered into our billing software and automatically calculated at Mr. Truslow's normal hourly rate of \$295.00 without any loadstar multiplier.
6. The files for this case are voluminous. There are files for this case that are well over five years old and it is the largest file in our office.
7. I am able to confirm that Mr. Truslow spent considerable time on this matter as documented in the attached exhibit.

8. Because of the location of my workspace, I am usually the first person that greets visitors to our office. On or about March 6, 2012, a man came to our office saying he was here to deliver some paperwork. He did not ask who I was or request to see anyone in particular. He did not identify himself or the papers he was here to deliver. He simply handed me the paperwork, said thank you and left.
9. After his departure, I noticed that the paperwork was addressed to Amanda Hilley and included a letter, subpoena, a Notice of Deposition, and a witness fee check in the amount of \$28.00 from HTR, LLC. The subpoena's Proof of Service had been completed prior to the delivery. It stated that Amanda Hilley was personally served. That is not accurate. I am not Mrs. Hilley's agent and I am not authorized to accept service on her behalf.
10. On or about March 8, 2012, the same man returned to our office. He delivered more unspecified papers. Once again, he did not ask who I was or request to see anyone in particular. Again, he did not identify himself. He simply handed me the papers but this time, upon my inquiry, he stated that he was delivering them as Mr. Megna had instructed. He handed me the papers. This set of papers included a subpoena and Notice of Deposition for Mr. Truslow.
11. As before, the subpoena's Proof of Service had been completed prior to delivery. It stated that Douglas Truslow was personally served. This, again, was not accurate.
12. On March 9, 2012, I sent a letter to Mr. Megna because I thought he would want to be made aware of the problems with the manner of "service" of his subpoenas. The letter is attached as Exhibit B. I have not received any response to my letter and to the best of my knowledge Mr. Megna has not addressed this issue with Mr. Truslow either.


Mackenzie Corbin Woodward
Legal Assistant for Douglas N. Truslow

[NOTARY CERTIFICATION ON FOLLOWING PAGE]

SWORN TO AND SUBSCRIBED BEFORE ME

this 3 day of May, 2012

Amanda Douglas Haeff
Notary Public for South Carolina

My Commission Expires: November 22, 2020

COUNTY OF RICHLAND

JAMES A. ANASTI,

Plaintiff,

vs.

LANCE WILSON,
WILLIS GOODWIN,
GINA L. ANASTILEE,
And RICHLAND COUNTY
CLERK OF COURT,

Defendants.

FIFTH JUDICIAL CIRCUIT

Docket Number: 2007-CP-40-0576

AFFIDAVIT OF
MACKENZIE WOODWARD

EXHIBIT A

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

Ph: (803) 256-6276

Fax: (803) 256-7659

James A. Anasti v. Lee, et al
2007-CP-40-0576

File #: 06-059

<u>DATE</u>	<u>DESCRIPTION</u>	<u>HOURS</u>	<u>AMOUNT</u>	<u>LAWYER</u>
2/28/2012	Review and respond to Att'y Megna's e-mail correspondence including: Review of "e-mail subpoena" from Megna. Research law regarding his "service." Review file in context of 1/18/12 Status Conference wherein Megna claimed that neither he nor Lee has any intent in the damage aspect of the case and why he seeks "discovery" in a case where Lee's intent has ended. Review Megna's November 3, 2011 letter to Judge Lee, where he claimed the outstanding damage and sanctions issues had been decided by the Court of Appeals and numerous other inconsistent claims, including bankruptcy. Review of extensive documentation.	3.75	1,106.25	DNT
	Review of second e-mail from Megna regarding deposition of Plaintiff and Motion from Attorney Earle to be Relieved. Follow up with staff, client and Mr. Earle's office.	0.30	88.50	DNT
2/29/2012	Draft Document for Relief Sought. Review file and copy attachments.	1.00	75.00	ADH
3/1/2012	Communication with postman to be on the lookout for more bulky and wrongfully addressed mail from Megna. Review of past numerous communications that relate to numerous mailings from Megna that were addressed (wrong street, zip code, etc.) incorrectly.	0.50	147.50	DNT
	Review e-mail from Megna in context of his Notice of Depositions scheduled for the same time with less than 10 days notice. Follow up with staff and Att'y Licata.	0.30	88.50	DNT

	Letter to Megna - says he will send by mail. Megna threatens contempt even though he is not authorized to act or be involved for Lee. Review file regarding discovery. Follow up with Attorney Licata regarding bankruptcy and Megna's involvement regarding discovery.	0.50	147.50	DNT
	Draft Motion for Protection and initial outline of Argument.	1.00	75.00	ADH
3/4/2012	Review letter from Att'y. Licata regarding discovery by Att'y Megna and follow up.	0.10	29.50	DNT
3/5/2012	Received envelope postmarked 2/28. Receipt of subpoenas addressed to 944 [sic] Richland Street, which is neither our mailing nor street address. More detailed review of subpoenas and discovery related materials in context of Megna's prior assertions. Phone call with Jay James to confirm that Megna was disqualified in the Darlington case. Discussed with James why Megna would issue a subpoena in the Darlington County case for use in the Richland, Darlington and Florence County cases. Follow up review and research.	3.50	1,032.50	DNT
	Meeting with client. According to client, Megna's client does not endorse what Att'y Megna is doing.	0.50	147.50	DNT
	Review e-mails (x 3) from Megna and follow up with letter after review of documents. Megna knows his e-mails go to junk, so why is he sending? How to protect client?	1.50	442.50	DNT
3/6/2012	Extended legal research regarding "discovery" abuses. Preparation of Motion, Memorandum and review of extensive documentation and revision; including Bankruptcy Orders, prior Court Orders, Federal Appellate Pleadings and various communications.	8.20	2,419.00	DNT
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	Conference with staff relative to subpoenas that were incorrectly certified as having been personally served on Amanda Hilley and Doug Truslow. Follow up with research. Review letter sent by staff to Megna and confirm that no response had been received.	1.50	442.50	DNT
	E-mail from Megna that I know of because he copies others. He says he is sending by mail but does not do so. He says he wants discovery regarding damages yet he has said before he has no interest in damages portion of case. Review file to confirm and ensure transcript is ordered. He is repeatedly asking for information that he <u>already has</u> or which is irrelevant and is wrongfully attempting discovery in any event. Follow up review of case to confirm that what he is asserting is not true and harrassment.	1.00	295.00	DNT
	Prepare cover sheet and letter for pleadings. Copy and mail.	1.50	112.50	ADH
3/12/2012	Travel to Florence and Darlington. Review court's files in those cases to determine relevance, if any, to Richland County case.	6.50	1,917.50	DNT

Meeting with Jay James (who I had never met before) to confirm case status and to inquire about the Appeal's relevance to the discovery sought by Megna. T/c with Celeste Jones' paralegal to inquire about subpoena and relevance, if any. (Roundtrip travel time is not

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3/26/2012	3/26/2012 - 3/31/2012: Detailed review of Megna's "synopsis" and further draft outline for response. Further prepare and revise Memorandum in further support of Motion to Quash. Inspect and review of extensive documents relative to the falsity of Att'y. Megna's assertions. Necessary because of his extensive misconduct and claims of ethical violations by many others.	48.00	14,160.00	DNT
4/1/2012	Initial draft of Affidavits.	3.75	1,106.25	DNT
	Review of Court's e-mail regarding issues to be heard and revise memorandum in context.	0.50	147.50	DNT
	Review letters from others regarding participation in hearing	0.20	59.00	DNT
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	Meeting with staff to revise document. Review Affidavits.	1.00	295.00	DNT
5/15/2012	Anticipated final preparations and travel to Darlington for Hearing.	3.50	1,032.50	DNT
	TOTAL FEE	109.55	\$31,547.25	

DISBURSEMENTS

	Photocopies	69.20
	Postage	49.70
3/8/2012	Motion Fee	25.00
4/5/2012	Transcript of Jan. 18 2012 Status Conference	65.00
5/15/2012	Mileage - Darlington, SC - 154 miles	86.24
	TOTAL COSTS	\$295.14

TOTAL FEE & DISBURSEMENTS	\$31,842.39

COUNTY OF RICHLAND

JAMES A. ANASTI,

Plaintiff,

vs.

LANCE WILSON,
WILLIS GOODWIN,
GINA L. ANASTI LEE,
And RICHLAND COUNTY
CLERK OF COURT,

Defendants.

FIFTH JUDICIAL CIRCUIT

Docket Number: 2007-CP-40-0576

AFFIDAVIT OF
MACKENZIE WOODWARD

EXHIBIT B

Truslow & Truslow
Attorneys At Law

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

Douglas N. Truslow
douglastruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

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

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

March 9, 2012

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

CERTIFIED MAIL, RESTRICTED
PERSONAL & CONFIDENTIAL

Tony R. Megna, Esquire
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

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

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

Sincerely,



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

DNT/mcw

ow & Truslow
orneys At Law

P.O. Box 1465
South Carolina 29202

CERTIFIED MAIL



7010 0290 0000 9966 2230



CERTIFIED MAIL, RESTRICTED
PERSONAL & CONFIDENTIAL

Tony R. Megna, Esquire
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tony R. Megna, Esq.
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

2. Article Number

(Transfer from service label)

7010 0290 0000 9966 2230

PS Form 3811, February 2004

Domestic Return Receipt

102695-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from Item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

0290 9966 0000 0620 0702

CERTIFIED MAIL - RECEIPT

(Domestic Mail Only: No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

0.45

Certified Fee

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Page 308

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3400 West Ave.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <i>*Pam Crachole</i> ☐ Agent ☐ Addressee	
1. Article Addressed to: <i>Tony R. Megna, Esq.</i> <i>Matthews & Megna, LLC</i> <i>3400 West Ave.</i> <i>Columbia, SC 29203</i>		B. Received by (Printed Name) <i>Pam Crachole</i> C. Date of Delivery <i>3/12/12</i>	
		D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☒ Yes	
2. Article Number (Transfer from service label)		7010 0290 0000 9966 2230	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	



914 RICHLAND STREET
SUITE A-101
POST OFFICE BOX 436 (29202)
COLUMBIA, SC 29201
P 803.350.9230
F 877.789.6340
E rgoings@goinglawfirm.com

May 8, 2012

VIA UNITED STATES MAIL

The Honorable Jeanette W. McBride
Richland County Clerk of Court
1701 Main Street, Room 205
Columbia, South Carolina 29202

Re: James A. Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and
Richland County Clerk of Court
Civil Action No.: 2007-CP-40-0576

Dear Ms. McBride:

Enclosed please find the original and one (1) copy of the Affidavit of Gina Anasti Lee in the above-referenced matter. Please file the original and return the clocked-in copy to me in the enclosed envelope.

By copy of this letter, I am hereby sending a copy of this Affidavit to The Honorable J. Michael Baxley, along with all counsel of record listed on the Certificate of Service.

Thank you for your assistance in this matter. Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Robert F. Goings

Enclosures

cc: The Honorable J. Michael Baxley
Gina Anasti Lee
All Counsel of Record

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

)
)
)

AFFIDAVIT OF GINA ANASTI LEE

PERSONALLY APPEARED BEFORE ME, the undersigned, GINA ANASTI LEE, who after being duly sworn, deposes and says:

1. I am over eighteen (18) years of age and the facts stated herein are true and accurate to the best of my knowledge and belief and based on information that I believe to be true.
2. I understand that Mr. Tony R. Megna has issued several deposition notices, interrogatories and requests for production of documents on my behalf.
3. I never authorized Mr. Megna to issue this discovery on my behalf.
4. Mr. Megna never contacted or consulted with me to obtain my approval or permission prior to issuing this discovery.
5. Mr. Megna never told me about, or sent me a copy of, the discovery that he apparently issued.
6. Mr. Megna has not informed me about a hearing related to this discovery.
7. I do not approve of Mr. Megna's conduct.
8. To the extent the court determines Mr. Megna's conduct was wrongful, I request that sanctions not be issued against me personally because I had nothing to do with Mr. Megna's actions or conduct.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.

Gina Anastasi Lee
GINA ANASTI LEE

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 26th DAY OF April, 2012.

Mallory Guibault
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9/6/2021

STATE OF SOUTH CAROLINA)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Case No.: 2007-CP-40-0576

Plaintiff,)

vs.)

**CERTIFICATE OF
SERVICE**

LANCE WILSON,)

WILLIS GOODWIN,)

GINA L. ANASTI LEE,)

And RICHLAND COUNTY)

CLERK OF COURT,)

Defendants.)

The undersigned does hereby certify that the following named individual(s) were served with a copy of the pleading(s) indicated below by mailing a copy of same to said person(s) in the United States Postal Service, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

Benjamin R. Matthews, Esquire
Tony R. Megna, Esquire
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

John J. James, II, Esquire
P.O. Box 507
Darlington, SC 29540

Jon Rene Josey, Esquire
P.O. Box 5478
Florence, SC 29502

Douglas N. Truslow
914 Richland St., Suite B-102
P.O. Box 1465
Columbia, SC 29202

Kenneth P. Woodington, Esquire
Davidson and Lindemann, PA
P.O. Box 8568
Columbia, SC 29202

Celeste T. Jones, Esquire
McNair Law Firm, PA
P.O. Box 11390
Columbia, SC 29211

Desa Ballard, Esquire
Ballard Watson & Weissenstein
P.O. Box 6338
West Columbia, SC 29171

Charlie Jay Johnson, Jr., Esquire
P.O. Box 11212
Columbia, SC 29211

PLEADINGS:

• AFFIDAVIT OF GINA ANASTI LEE

Mallory Guibault
Mallory Guibault

Columbia, South Carolina

May 8, 2012

)
) IN THE COURT OF COMMON PLEAS
) FIFTH JUDICIAL CIRCUIT

) Docket Number: 2007-CP-40-576

;

1

;

:

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)

(Attorney Truslow's Motion)
Procedural Posture

On November 1, 2011, Mr. Truslow sent a letter to Judge Lee, the administrative judge for the Richland County Court of Common Pleas, requesting a status conference on a motion for sanctions he stated intended to file in the Richland County Circuit Court. (Exhibit 3, 2011, Mr. Megna wrote Judge Lee, copying Mr. Truslow, informing the

Court the motion had been previously considered and denied by the Court of Appeals. (Exhibit E) The November 3, 2011 letter was also copied to the Defendant, Ms. Lee, Mr. Megna's client, with an explanation the motion was being filed against Mr. Megna and not her. On November 22, 2011, Mr. Truslow filed his motions for sanctions against Mr. Megna. (Exhibit F) This motion was based on the same allegations presented previously to the Court of Appeals motion but Mr. Truslow included that the anticipated damages were expected to exceed \$500,000.00.

On January 9, 2012, Mr. Truslow sent a letter to Judge Barber (the new administrative judge for Richland County) requesting him to hold a status conference on his motion for sanctions. (Exhibit G). In the same letter, Mr. Truslow informed Judge Barber that he would have several witnesses prepared to testify at the hearing. Those witnesses included:

1. Desa Ballard
2. James Anasti
3. Steve Licata
4. Curtis Dowling
5. Renee Josey
6. Tom Earle
7. Celeste Jones
8. Bobby Steppe

On January 18, 2012, Judge Barber held a status conference on the matter at Mr. Truslow's request. (Exhibit H) During the status conference, Mr. Truslow stated he

would present the testimony of Ms. Desa Ballard, and Mr. Licata. (Transcript at page 16, lines 1-6). Judge Barber then told Mr. Truslow he was limited to three witnesses. Mr. Truslow indicated that the testimony would consist of him and Ms. Ballard (Transcript at page 16, lines 18-20), and himself. Transcript at page 16, lines 19. Mr. Megna sent Mr. Truslow eleven (11) interrogatories and thirteen (13) requests for production. (Exhibit I) He also issued notices of three depositions to determine the nature of the witnesses' testimony, and to understand the specific damages that comprised the \$500,000.00 Mr. Truslow had claimed were incurred by Mr. Anasti. (Exhibit J)

After the discovery was sent, Mr. Truslow filed Motions to Quash and for sanctions based on Mr. Megna's discovery requests. (Exhibit K)

On March 16, 2012, the parties received this Court's email stating that Judge Barber has assigned the matters to Judge Baxley, and that, among other things, those seeking sanctions under the motions must provide the document to all parties at least 48 hours prior to the hearing. (Exhibit L)

On May 4, 2012, Mr. Truslow filed an affidavit with the Court requesting fees and expenses totaling \$56,555.19 [with his lodestar request] for responding to the summary that Mr. Megna sent to the Court on March 19, 2012. (Exhibit M) Mr. Truslow **did not file** any request for damages or attorney's fees for the Motion for Sanctions he filed in the circuit court on November 22, 2012 that led to the requests for discovery being issued in the first instance. (emphasis added).

Argument

Because Mr. Truslow has not filed an affidavit for any damages incurred prior to the filing for Amended Motion for Sanctions as this Court required in its' March 16,

2012, notice to all parties, he has abandoned the Amended Motion for Sanctions he originally filed with the court on November 22, 2011, or, in the alternative, he has defaulted on the Court's order. Regardless, the effect is the same. However, Mr. Truslow continues to request this Court to assess fees against Mr. Megna because Mr. Megna requested limited discovery of the witnesses generated by Mr. Truslow's Amended Motion for Sanctions.

It is undisputed that the underlying case between the parties has been concluded. As matter of law, the decision of the Court of Appeals is the law of the case, and is binding upon all parties. It is also undisputed that the Court of Appeals unanimously denied Mr. Truslow's allegations of misconduct against Mr. Megna. It is also undisputed that Mr. Truslow filed the Motion for Sanctions in this Court after the Court of Appeals had denied his previous motion for sanctions. It is also undisputed that Mr. Truslow did not appeal the order of the Court of Appeals that denied his request for sanctions.

In regard to Mr. Truslow's Motion to Quash, South Carolina Court rules of procedure are very clear that a party has the right to discovery. Mr. Truslow's representations at the status and in correspondence necessitated the need for the limited discovery Mr. Megna requested. As Rule 26(b)(1), states:

Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. (SCRCP)

Having reviewed Mr. Megna's requests, they are extremely reasonable and tailored,

especially considered in light of the fact that Mr. Truslow's Amended Motion for Sanctions specifically requests damages and expenses in excess of \$500,000.00.

Because Mr. Truslow has not provided the affidavits in support of his motion for sanctions as the court required, there is no controversy for the court to determine. Because the Court of Appeals denied Mr. Truslow's allegations of misconduct against Mr. Megna, the order of the Court of Appeals is the law of the case. Thus, there is no controversy to be determined by this Court in the first instance. Because there is no controversy, the discovery requested by Mr. Megna becomes unnecessary. I have advised Mr. Megna, with the concurrence of the Court, to withdraw his requests for discovery as well as his motion to compel. If there are no outstanding discovery requests, there is no need for the Court to proceed on Mr. Truslow's Motions to Quash.

THE DARLINGTON COUNTY CASE (Attorney Ballard's Motion)

At present, the matter of the Court's order disqualifying Mr. Megna in the *Thompson* case on the basis he may be witness at trial is on appeal. (Exhibit N) The Court of Appeals has held all other matters in abeyance until the disqualification matter is determined. (Exhibit N). While Mr. Megna is continuing to act as an advocate for his client in the Court of Appeals, he has agreed not to do so in this Court until pending the determination of the appeal. See correspondence dated October 27, 2011, (Exhibit O).

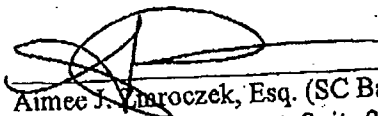
CONCLUSION

Lawyers have a duty to maintain the integrity of the legal profession, SCRPC 8.1-8.4 and must not violate or attempt to violate the rules of professional conduct. In the attorney's oath, lawyers pledge to "maintain the respect due to courts of justice and judicial officers; they also pledge, "never to seek to mislead the judge or jury by any artifice or false statement of fact prejudicial to the honor or reputation of a party or witness."

The primary purpose of disciplinary actions is to protect the public, the courts, and the legal profession to assure that the moral fitness and professional competence of attorneys, not the punishment of transgressing lawyers (SCSCR 413(24)(C)). Mr. Megna

has been a member of the SC Bar in good standing since 1984. He has no disciplinary actions taken against him. (Exhibit P). The claims of misconduct by Mr. Truslow were unanimously rejected by the Court of Appeals prior to Mr. Truslow filing a motion for sanctions with this Court. As such, the claims of Mr. Truslow should be dismissed and the claims of Ms. Ballard be held in abeyance until the Court of Appeals releases jurisdiction.

Respectfully Submitted,
A.J.Z. Law Firm, LLC



Aimee J. Zaroczek, Esq. (SC Bar 77193)
1001 Washington Street, Suite 207
Columbia, South Carolina 29201
(803) 400-1918 (telephone)
(803) 403-8005 (fax)
ajzlawfirm@gmail.com

May 15, 2012.

EXHIBIT A

Truslow & Truslow
Attorneys At Law

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

Douglas N. Truslow
douglastruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

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

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

May 9, 2011

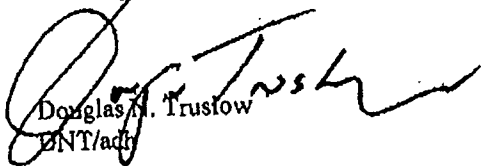
Re: James Anastj v. Gina L. Anastj Lee, Lance Wilson, Willis Goodwin, Richland
County Clerk of Court
Civil Action Number: 2007-CP-40-0576

The Honorable Tonya Gee
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Dear Ms. Gee:

Please see the enclosed Motion for Sanctions, Memorandum in Support of Motion, Affidavit of Douglas N. Truslow, Proof of Service and requisite motion fee. Please file same and return the clocked copies to the runner.

Sincerely,


Douglas N. Truslow
DNT/adh

cc: ✓ Tony Megna, Esquire (via Certified Mail and regular U.S. Mail)
Thomas Earle, Esquire

COPY

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL(S) FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr. Circuit Court Judge
L. Casey Manning, Circuit Court Judge

RECEIVED
MAY 09 2011
SC Court of Appeals

CIVIL ACTION NO.: 2007-CP-40-0576

James A. Anast,

Respondent,

v.

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

Defendants,

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

Respondents

And Gina Anast Lee is the

Appellant.

MOTION FOR SANCTIONS

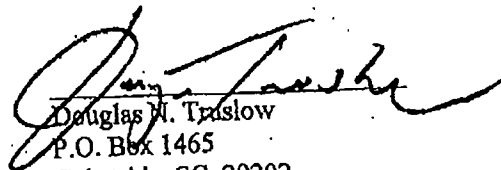
Respondent moves for sanctions against Appellant's counsel pursuant to Rule 269,
SCACR.

This motion is made on the grounds that, *inter alia*, Appellant's counsel has wrongfully
and frivolously pursued this Appeal and has engaged in inappropriate conduct for wrongful
purposes and delay.

In support of this Motion, Respondent would rely on the entire record in this case
including but not limited to the Orders of the Lower Court, the Order(s) of the Bankruptcy Court
and District Court and such Memorandum(s), Affidavit(s), the Fee Affidavit and Exhibits as may
be presented.

RESPECTFULLY SUBMITTED,

(Signature on following page.)



Douglas M. Trislow

P.O. Box 1465

Columbia, SC 29202

(803)256-6276

Attorney for Respondent Anasti

Columbia, South Carolina

May 9, 2011

COPY

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr. Circuit Court Judge
L. Casey Manning, Circuit Court Judge.

RECEIVED

MAY 9 2011

COURT OF APPEALS

CIVIL ACTION NO.: 2007-CP-40-0576

James A.
Anasti, ...Respondent,

v.

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

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

And Gina L. Anasti Lee is
the Appellant.

PROOF OF SERVICE

I certify that I have served Respondent's Motion for Sanctions, Memorandum in Support of Motion, and Affidavit of Douglas N. Truslow on Appellant Gina Anasti Lee, and Respondents Willis Goodwin and Lance Wilson by depositing a copy of same in the United States Mail, postage prepaid, on May 9, 2011, addressed to their attorneys of record, Tony R. Megna (Certified and regular U.S. Mail), 3400 West Avenue, Columbia, SC 29203 and Thomas G. Earle, 1735 St. Julian Place, Suite 103, Columbia, SC 29204.

May 9 2011


Amanda Douglas Hilley
Paralegal for Douglas N. Truslow

COPY

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL(S) FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr. Circuit Court Judge
L. Casey Manning, Circuit Court Judge

RECEIVED
MAY 09 2011
SC Court of Appeals

CIVIL ACTION NO.: 2007-CP-40-0576

James A. Anast, _____

Respondent,

v.

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

Defendants,

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

Respondents

And Gina Anast Lee is the

Appellant.

MEMORANDUM IN SUPPORT

Respondent Anast seeks Rule 269, SCACR sanctions, damages, legal fees and costs
caused by Appellant's counsel's (Megna's) misconduct and bad faith in this frivolous Appeal.¹

¹ Technically, two Appeals involving the same case were consolidated and have now been dismissed.

HISTORY²

The essence of the underlying case is that it should have been a simple, straightforward, uncontested matter involving the confirmation of title to real estate. There should have been no need for litigation, especially extraordinary contentious litigation spanning many years.³

However, Megna continued, from the inception of the case through dismissal of the Appeal, to advance claims that were proven to be false, disingenuous and unprofessional. Defenses and counterclaims that Megna asserted – that Appellant owned the property in question by way of adverse possession because, he argued, she owned what she had sold because she could not sell what she did not own [sic] (see transcript of the Summary Judgment hearing), were specious, at best.

Subsequent to Summary Judgment being granted on October 26, 2007, a Rule 11, SCRCPC sanctions hearing was set for January 8, 2008. Megna admitted just weeks before (December 5, 2007) to having timely received the Summary Judgment Order (see Transcript in the "Companion Case" and Orders dated April 3, 2008 and April 1, 2009), and Megna was beyond any doubt squarely and unequivocally on notice that the Rule 11 hearing had been set for a day-certain. Despite knowing that he was out-of-time, Megna nonetheless filed a Notice of Intent to Appeal on January 4, 2008, claiming for the first time "late receipt" of the Order granting Summary Judgment as an excuse for his facially defective filing.

The net effect of the appeal was to prevent the Rule 11 sanctions hearing from proceeding; a hearing in which sanctions, fees and damages were expected to be levied against

² A more complete procedural and factual history of this Appeal is contained in the Record on Appeal and other documents filed in this case, specifically including Respondent's Motion to Dismiss of January 23, 2008 (with supporting Exhibits); Respondent's Initial Brief dated April 5, 2010; Respondent's Motion to Dismiss dated July 1, 2010, and Respondent's Final Brief dated March 16, 2011.

³ The Appeal alone lasted three and one-half years.

Megna personally.⁴ A Motion to Compel discovery, which would have proven to be extremely problematic for Megna, was also set to be heard in conjunction with the Rule 11 sanctions hearing. It too could not be heard because of Megna's legal maneuvering.

Upon receiving notice that Megna had appealed, albeit untimely, Respondent filed a Motion to Dismiss the Appeal. Thereafter, Megna engaged in more egregious, duplicitous conduct by personally signing and filing Affidavits that were not merely inaccurate, but which were twice found by the Lower Court on remand to constitute "gross misrepresentations".

Upon receiving two separate Orders confirming that he (Megna) had engaged in gross misrepresentations to both the Court of Appeals and the Lower Court, Megna compounded his misconduct by making further, even more bizarre and outrageous claims and engaging in further transgressions. In conjunction, Megna immediately filed for bankruptcy (for Appellant) with the practical effect being that Appellant's own Appeal was mired in a legalistic artifice.

Significantly, and for transparent reasons, Megna opposed Respondent's application for a lifting of the Bankruptcy stay so that Appellant's own Appeal could be concluded. Megna's procedural perversions caused additional and unnecessary delay and expense (to respondent's prejudice), as well as being an undue burden on the Courts.

In ruling against Megna's opposition to a lifting the stay, so that Appellant's Appeal could be resolved, the Bankruptcy Court found:

"It is apparent that one of the primary reasons Debtor filed for bankruptcy relief was to escape the consequence of the state court order and any determination that the order was final due to the untimely appeal filed by Debtor or her counsel.";

⁴ From discovery, it was clear that the frivolous defenses, counterclaims and the Appeal itself were directly attributable to Megna.

And,

"...although Debtor is the party who filed the appeal in state court, when faced with issues of the timeliness of her appeal and possible issues of attorney error, she filed bankruptcy to prohibit a final ruling."

Subsequently, the Bankruptcy Court denied Megna's motion for reconsideration of its Order(s). He then appealed to the Federal District Court and was denied again. He then lost another motion for reconsideration in the District Court, yet he continues to unnecessarily grind the legal wheel in the Fourth Circuit Court of Appeals, while at the same time inaccurately suggesting, if not outright misrepresenting to this Court, that the within Appeal should be stayed by his continued appeals of the separate and distinct Bankruptcy Court Order(s).

The file in the Court of Appeals establishes the extent to which Megna has gone to prevent the matter from being concluded in a timely, just manner. The Appeal has, however, now been dismissed on the grounds initially submitted by Respondent in January, 2008. Thus, in context, the following Courts have ruled against Megna:

- Judge Kinard (twice, in Summary Judgment and on Megna's out of time Rule 59 (e), SCRCF motion),
- Judge Manning (twice, on remand – finding that Megna was not at all credible and had made repeated and gross misrepresentations to the Court),
- Judge Cooper in the "Companion Case" (finding and concluding that the evidence was irrefutable that Appellant never had title to, nor the right to sell, the property in question);

- Judge Waites (twice relative to Megna's objection to the request to lift the stay so that the within Appeal could move forward)
- Judge Anderson (twice upholding the Orders of Judge Waites and denying Megna's motion for reconsideration), and
- the South Carolina Court of Appeals (in dismissing the appeal as out of time and thus jurisdictionally defective).

Relevant to the Appeal, and to the point of the within Rule 269 Motion, Megna has in bad faith and for personal, unacceptable ulterior motives chosen to continue with frivolous, bad faith litigation. He has deliberately and repeatedly utilized tactics and has made misrepresentations that have been determined to be unacceptable, especially for an attorney. Megna has repeatedly been found to have engaged in misconduct, the result of which has been unnecessary delay, an undue burden on the Courts, and for Respondent to unnecessarily incur very significant costs and fees.⁵

In basic terms, it appears that Megna initiated and has continued the within vexatious and unjustifiable Appeal for at least three totally inappropriate, interrelated reasons:

1. Megna has a documented record of making false claims in an attempt to wear-down Respondent financially and so as to "win at all costs".

Upon the Appeal being remanded for a factual determination as to timeliness, the Lower Court carefully reviewed all of Megna's submissions, assertions and arguments. Megna's

⁵ Since Appellant is in personal bankruptcy and the conduct complained of is asserted to be directly attributable to Megna, the damages hearing should be simple. Although the grounds for the Rule 11 sanctions is arguably technically distinct from the grounds for Rule 269 sanctions, the Court has the authority and there is ample precedent to remand the Rule 269 hearing to the Lower Court to be heard in conjunction with the Rule 11 hearing, which may be in the interest of judicial economy, consistency and which may perhaps promote a more complete resolution of the entire matter once and for all.

personal credibility was central to the issue of timeliness because it was he who received the Order from which the Appeal emanated, and it was he who claimed that it came to him out-of-time. He was found to be untruthful. In the context of finding and concluding that the Appeal was untimely, the Lower Court unequivocally stated;

"In making these findings and conclusions, I have considered Megna's serious and repeated inattention to detail, which is well documented and of record, as well as his repeated and gross misrepresentations to the Court, as well as his unwarranted, unjustified and untrue attacks on opposing counsel who clearly appears to have been remarkably restrained and professional in the representation of his client and in dealing with Megna under the circumstances."

It is also noteworthy that, upon a subsequent remand⁶, the Lower Court adopted the identical findings it made previously, with even more emphasis on Megna's penchant for continued and even more egregious, outrageously untruthful claims and unjustified personal attacks.

At that point, and aside from the subsequent and distinct Bankruptcy Court findings and conclusions quoted herein, Megna had been admonished three separate times by two separate Courts for making false claims and in engaging in untrue, uncivil *ad hominem* attacks. Despite being repeatedly rebuked by the Courts, Megna has continued unapologetically and in fact has escalated his vituperative, grossly inappropriate, inaccurate and uncivil attacks (that were

⁶ The second hearing was found to have been due to Megna's contrived, untruthful excuses for non-appearance at the first hearing.

irrelevant in any event to any issue of substance). Most seriously, he continued to assert substantial untruths and engage in other behavior that has been concluded to be reprehensible, all in an attempt or with the affect of harming Respondent, circumventing the law, avoiding personal responsibility, and detracting from the case.

In essence, Megna's repeated misconduct from the inception of this case through the entire appellate process has reflected that he has a habit of engaging in inappropriate conduct in a transparent, but unsuccessful attempt to "win at all costs".

2. Megna's motives to cause more delay.

A) Rule 11 Sanctions

Although the Appeal was dismissed on the grounds of being untimely, the underlying case was frivolous and the Appeal has the appearance of having been interjected for, inter alia, the purposes of avoiding Rule 11 sanctions. Once the Lower Court granted Summary Judgment, a Rule 11 sanctions hearing was set for January 8, 2008, along with Respondent's Motion to Compel discovery that would certainly have proven problematic for Megna (especially given his assertion that he has throughout these extensive proceedings apparently represented Appellant for, free, based on some personal relationship between the two of them).

It was not coincidental that, with absolutely no prior assertion by Megna of a "late receipt" of the Summary Judgment Order appealed from, and refusing to produce the envelope or any other notation showing the time of receipt, Megna waited until the last possible moment before the Rule 11 and Motion to Compel

hearing were to be heard before unjustifiably filing the patently out-of-time Appeal. At that point in time, he and his law partner, Benjamin Matthews, asserted that the Lower Court was without jurisdiction to hear those matters. They were successful at that time in delaying the Rule 11 and Motion to Compel hearing that had been scheduled. The Appeal was clearly without merit and it is submitted to have been interjected for an ulterior motive – to delay sanctions from being rendered against Megna personally.

B) It appears that Megna has attempted to cover up for missing important deadlines

As is readily apparent from the Record on Appeal, Megna has a history of inattention to important legal detail. Missing the critical, jurisdictionally mandated time in which to appeal is but one more example.

At that point, Megna had two choices, to wit:

(1) make full disclosure, and deal with the consequences, whatever they might have been, or

(2) engage in blatant dishonesty and attempt to blame others for his oversight, in an ill conceived attempt to gain a collateral advantage.

Under Megna's seriously flawed theory, he would have won the Appeal, as well as the underlying case and the "Companion Case", but for having filed the underlying Appeal out-of-time. The essence of what Megna has posited is that it was through his lack of professional diligence that his client lost her case(s) and was forced into bankruptcy. Under these circumstances where there may have been significant consequences attendant to Megna's oversight, his conduct is perhaps understandable, but nonetheless completely unacceptable conduct,

especially for an attorney. Respondent is reminded of a longstanding axiom that is applicable to this situation: "When one finds himself in a hole, the first thing to do is to stop digging."

Given his continued behavior, Megna now should be held accountable for all the damages and fees he has unnecessarily caused Respondent to incur.

3. Megna has demonstrated throughout this case, as in other cases, a continual pattern of engaging in extremely uncivil and unbecoming conduct in an attempt to gain a perceived advantage.

A third reason for Megna's pursuit of frivolous claims is explained and exemplified by the extraordinary mean spirited manner in which he has chosen to practice law, not only in this case, but in other recent cases.

Megna has engaged in a patterns of incivility and extremely discourteous conduct, from the trivial to the outrageous. Initially, he was admonished by the Lower Court at the time of Summary Judgment for unseemly, personal and unjustified attacks, as well as for advancing disingenuous claims. His tactics have unfortunately permeated this Appeal, and in fact escalated subsequent to the time he was admonished twice again for making false claims, as well as making unjustified and untrue attacks directed at opposing counsel. And, it is stressed that such conduct by Megna is not isolated, or an unfortunate dispute between two otherwise professional attorneys in the heat of battle, as reflected in Exhibits 1 and 2 that are attached hereto – Megna has repeatedly engaged in similar conduct and used the same uncivil, unprofessional tactics in dealing with other counsel – accusing two of the

most reputable law firms in South Carolina, multiple respected attorneys in the Pee Dee, a respected former U.S. Attorney, and the Judiciary of the same or similar unethical conduct Megna has asserted Respondent's counsel in this case. Moreover, but to a lesser degree, Megna accused opposing counsel in the "Companion Case" of making untrue representations to the Court, for which he was again admonished. As well, he has made similar odious and abusive complaints against witnesses in this case and against an eminently qualified, respected appellate attorney who rendered an opinion relative to Megna's continued non-compliance with Appellate Rules.

Unfortunately, it has been Megna's *modus operandi* to utilize uncivil and untrue *ad hominem* attacks in a desperate attempt to "win at all costs". Such conduct should not be condoned or ignored.

CONCLUSION

It has been repeatedly found, concluded and now confirmed once again that Megna was untimely in the pursuit of this Appeal. Aside from the utter frivolousness of Appellant's underlying case and Appeal, the Appeal was beyond a doubt untimely. Megna's disingenuous excuses were repeatedly proven to be untrue, at great cost to Respondent. In short, Megna was found to have been grossly and repeatedly untruthful, uncivil, and unprofessional. He has personally caused Respondent to needlessly incur significant legal fees for which Megna, and to a lesser degree his partner Matthews, who also participated in this Appeal and caused unnecessary delay, should be held accountable.

While this Court may certainly elect to assign the within Rule 269 hearing to one of its members for resolution, an alternative choice would be to remand the matter to the Lower Court

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr. Circuit Court Judge
L. Casey Manning, Circuit Court Judge

CIVIL ACTION NO.: 2007-CP-40-0576

James A. Anast,.....Respondent,

v.

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

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

And Gina L. Anast Lee is the.....Appellant.

EXHIBIT 1

PORTION OF MEGNA'S PLEADING IN A SEPARATE CASE

PART VIII

PREDJUDICIAL USE OF UNRELATED INAPPROPRIATE INFORMATION AND DEFAMATORY LITIGATION STRATEGY

The undersigned submits that not only do the Personal Representatives of the Estate of the Decedent have conflicts of interest in the case at bar, and not only have they made misstatements of material facts by co-mission and omission, but that they have also resorted to an inappropriate and demeaning litigation strategy in the case at bar that is, in its best light, dishonorable. The Defendant has produced absolutely no evidence whatsoever that the undersigned had any contact with the Decedent other than the Decedent providing limited documents to the Plaintiff that have been disclosed to the Defendant during discovery. Mr. Josey and Mr. James also know they obtained these same documents from the SC Board of Medical Examiners, see Mr. James letter dated June 2, 2010 [See Exhibit KK]. It is not much of a leap to conclude that that there was and is no reasonable basis to file the Motion to Disqualify in the first instance.¹³

The Motion to Disqualify is replete with implied [and not so implied] offensive and unjustified personal and professional attacks on the integrity of the undersigned. It is no secret that the Plaintiff and the undersigned are involved in litigation now pending in Florence County that is completely unrelated to the case at bar. Nor is it a secret that the undersigned was the CEO of MCHQ, LLC, the holding company that is at the center of the Lake City litigation. Mr. Josey's and Mr. James' attaching a copy of the Medicare 855 to the Motion to Disqualify noting that fact is for no legitimate reason other than to inflame the passions of this Court. The undersigned is extremely aware that Mr. Josey and Mr. James are attempting to convey to the

¹³ Mr. Josey's law firm has been previously admonished for discovery misconduct. The Plaintiff remains astounded that Mr. James' has participated in such matters.

Court the misleading, insulting and not so subtle message to this Court that the undersigned is somehow "dishonest, untrustworthy", etc. They can phrase the issue however they wish. But the truth is they have underestimated the undersigned's absolute unwillingness to bend to such baseless, self-serving, dishonorable actions. The undersigned's association with MCHG and the "Lake City" litigation issues occurred no less than seven [7] years *AFTER* the Decedent left the employ of the Plaintiff. Moreover, the Decedent *has actually admitted his own wrongdoing*. [See Exhibit E]. Mr. Josey, Mr. James, and the Personal Representatives of the Estate of the Decedent have seriously miscalculated the determination of the Plaintiff, and the undersigned, to remedy the wrong that has occurred in the case at bar – as well as in the Lake City matters.

The undersigned has no qualms in informing this Court that the 'Lake City litigation' involves significant allegations of unethical and unprofessional conduct by lawyers of one of the largest law firms in this state, allegations of unethical and unprofessional conduct by lawyers in an influential firm in the Pee Dee, allegations of unethical and unprofessional conduct by relatives of a judge in Florence County, allegations of unethical and unprofessional conduct by physicians with medical practices in Lake City, SC, and allegations of conspiracy, fraud and unprofessional conduct by many others. Neither is it a secret that the 'Lake City litigation' began with the foregoing lawyers and physicians providing *ex parte* information to a Florence County judge¹⁴ that led to the issuance of an *ex parte* restraining order against the undersigned and others. Nor is it secret that the *ex parte* order, as intended by the unethical conduct of many, destroyed a business venture in which the Plaintiff, the undersigned and others were partners.

While the undersigned is perhaps prohibited from discussing the precise nature of the

¹⁴ The undersigned was the Chief Executive Officer of the venture. That is no secret and the undersigned has never denied it. However, the undersigned's position as CEO of that venture, that was initiated in 2007-08 has nothing to do with the current proceedings before this Court.

pending investigations surrounding the matters, the undersigned can attest to the fact, that nearly three years after the initial events, no allegations of wrongdoing against the Plaintiff nor the undersigned have been proven true for the simple reason that there was no wrongdoing by the Plaintiff nor the undersigned in the first instance.

In sum, the Plaintiff and the undersigned, as well as many others, were victimized by many in the Pee Dee area in regard to the Lake City matters. Neither the Plaintiff nor the undersigned has asked for nor expect compassion, empathy, or even understanding from anyone. Additional litigation against those involved in the events leading up to and including the obtaining of the fraudulently obtained *ex parte* order is forthcoming. The Plaintiff provides the foregoing information to this Court for one simple reason. Counsel for the Defendants have unnecessarily, maliciously, and unethically interjected the 'Lake City litigation' into this lawsuit by their personal attacks and insinuations of improper conduct by the undersigned; and have attached a Lake City document to their Motion to Disqualify for the sole realistic reason of prejudicing these proceedings. The Motion to Disqualify crosses the line from advocacy to obstructionism. See the foregoing discussion in relation to Rule 401, Rules 3.3 and 3.4.

The false and unprincipled personal accusations and innuendos being made by Mr. James and Mr. Josey against the undersigned have placed this Court in the unfair and unenviable position of determining whether or not Mr. James and Mr. Josey's accusations [implied and explicit] have prejudiced these proceedings to the extent this Court should *sua sponte* recuse itself from hearing and determining these matters. In the Lake City litigation, the Chief Justice of the SC Supreme Court specifically assigned the proceedings to a jurist outside of the immediate Pee Dee area because of concerns of actual and perceived conflicts of interest as well as the appearance of such conflicts. Mr. James' and Mr. Josey's unprincipled attacks on the

undersigned and the Plaintiff have placed this Court in a similar position considering the distasteful circumstances we collectively find ourselves discussing.

Regardless of the Court's determination of the foregoing, the Plaintiff responds to the Defendant's Motion as follows with the foregoing and the following.

PART IX

1. The basic dispute between the parties revolves about funds repaid to Medicare by Plaintiff on Decedent's behalf during a time period [1999-2000] when, unknown to Plaintiff, Decedent was admittedly disbarred as a provider of medical services under the Medicare program. As noted herein,

- a. Decedent admitted in May, 2004 that, in March 1996 (the first letter), he received a letter from the Medicare OIG stating he had been disbarred as a provider in the Medicare program. [See Exhibit F].
- b. The Defendant's issue as to the undersigned's 'necessary' testimony concerning the document and the authenticity of this document in the first instance has been obviously, purposely and patently intended to mislead this Court because:
 - 1) As noted previously, Mr. Jay James, by letter dated July 9, 2010 (a copy of which is attached hereto as Exhibit GG) actually provided both pages 1 and 2 of the document to the Plaintiff. As noted, Mr. James specifically entitled the document "Summary of events and observations believed to have been prepared by Hugh S. Thompson, Jr. May 28, 2004."
 - 2) A two-page version of this document was produced and provided to Plaintiff during discovery in this case from FirstChoice Health. The two page version of the document is attached hereto as Exhibit II. This same document (as all documents provided by FirstChoice) was provided to the Defendant by Plaintiff on July 30, 2010. A copy of the email evidencing the documents produced from First Choice to Defendant's counsel, Jay James, is attached hereto as Exhibit MM.

The Plaintiff's answers to interrogatories have been updated to reflect the complete document was obtained by Plaintiff as noted above even though the Defendant's received the document from Plaintiff months prior to the filing of their Motion and provided the Plaintiff the document.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr. Circuit Court Judge
L. Casey Manning, Circuit Court Judge

CIVIL ACTION NO.: 2007-CP-40-0576

James A. Anasti,.....Respondent,

v.

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

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

And Gina L. Anasti Lee is the.....Appellant.

EXHIBIT 2

TONY R. MEGNA

ATTORNEY-AT-LAW
3400 West Avenue
Columbia, SC 29203
TELEPHONE: 803-799-1700
E-mail: tmegna@gmail.com

March 1, 2011

SENT VIA TELEFAX TO 803-796-1066
AND BY FIRST-CLASS MAIL

Desa Ballard
226 State Street
West Columbia, SC 29171-6338

Re: Lee v. Anastasi et al - 2007-CP-40-0576

Dear Desa:

I have been provided a copy of the Affidavit that you provided for Douglas Truslow. I am bewildered. I have not discussed the matter with you, and you did not contact me or anyone in my office prior to filing the Affidavit. Hopefully, you did not have knowledge of the fact that Douglas had provided my office with hundreds of pages of documents with comments and notes that we had to reorder and 'white-out' so that the page numbers could be inserted and the pages placed in the correct order - as best we could. I cannot speculate as to your motive or comment otherwise except to say I am very disappointed you did not contact me prior to filing the Affidavit.

For your information, I have attached a letter that I have sent to the Court of Appeals this date. The letter is self-explanatory. I respectfully suggest that you consider the fact that you may have been used by Mr. Truslow in a less than appropriate manner, and now find yourself at the center of a difficult situation that you have, hopefully inadvertently, complicated further. I respectfully suggest that you contact Harriet Hobbs at my office (254-3646) if you believe it would be too awkward to contact me directly so that you can understand the actual facts. My intent is to avoid any type of 'he said- she said.' Then, you can make the decision you are now confronted with as to whether or not you should [or have an ethical obligation] to provide the Court of Appeals a more balanced statement that is consistent with the requirements of Rules 3.3 and 3.4 of Rule 407 of the SC Rules of Appellate Practice.

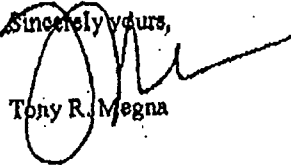
I am very sorry that you have seen fit to insert yourself into these matters - without even the courtesy of a telephone call. You must decide what, if any further obligation you have to the Court, to inquire into matters you now have knowledge were, at best, partially correct when conveyed to you in the first instance. I am more than happy to speak with you if you wish. I can be reached at 803-254-3676 or on my mobile at 803-6106-5983.

I have no control over Douglas nor your decision not to verify the information you were

Desa Ballard
March 1, 2011
Page 2 of 2

provided by him. I am, however, personally astonished that you did not so, but that was and remains your decision. One simple telephone call on your part would have avoided, or at least ameliorated, these matters.

Sincerely yours,


Tony R. Megna

cc: Douglas N. Truslow, Esquire
Gina Lee
SC Court of Appeals

TONY R. MEGNA

ATTORNEY-AT-LAW

3400 West Avenue

Columbia, SC 29203

TELEPHONE: 803-799-1700

E-mail: tmegna@gmail.com

**SENT VIA TELEFAX TO 803-734-1839
AND SENT FIRST-CLASS MAIL**

The Honorable Tanya Gee
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Lee v. Anast et. al. - 2007-CP-40-0576

Dear Ms. Gee:

I would appreciate you advising the Court that I am surprised [and again embarrassed] by Mr. Truslow's most recent [and, once again, misleading] statements to the Court in his letter dated February 25, 2011.

As noted on my attached Affidavit and the Affidavit of my paralegal, Ms. Harriet Hobbs, Mr. Truslow informed us, in writing, on February 22, 2011 that the proposed ROA we had provided him in the above case was 'acceptable to him.' Once Mr. Truslow's blessings were obtained, my office copied the documents in the Record on Appeal he accepted, hand-delivered 734+ pages to him, and also a pdf copy to Mr. Truslow's office on Wednesday, February 23, 2011. We then reviewed the ROA again, corrected a few errors, and completed the preparation of the ROA to send to the printers. This process was cumbersome as Mr. Truslow had provided our office over 500+ pages of documents [most out of any understandable order; many with hand-writing covering them, most with multiple page numbers on the bottoms of the pages [all of which had to be 'whited out'], many duplicates, others that were blank or blacked out, and the vast majority that were in violation of the orders of the Court as well as Court's procedural rules. We did not complain, but rather cleaned up the documents as best we could. We then went through the ROA again on Thursday, re-positioned some of the documents to better assure they were in correct order, and sent the file to the printers on Friday morning. The printer is going through the ROA again to check our work.

Mr. Truslow's statement that he does not have a copy of the ROA with page numbers on the bottom is a product of his own sad making. The bottom of virtually every page of the 500+ pages [as well as other writings on the documents] he inappropriately insisted be included in the ROA had numerous markings that had to be erased and 'whited-out'. He obviously and purposely did everything he could to make it all but impossible to get the ROA complete and to the printers and rehired in any less time that we have done. And now, he has used his own misconduct to file a request with this Court to dismiss the appeal yet once again. With all due

respect, no one can reasonably state or believe we have not taken every reasonable effort to comply with the orders of this Court. We have. The truth is Mr. Truslow has done, and is continuing to do, his absolute best to mislead this Court. His intentional misconduct is abhorrent and violates any concept of fairness, reasonableness or even the simplest concept of thoughtfulness. I am truly sorry that Mr. Truslow has once again provided partially correct statements to the Court. Once again, the issue is not the information Mr. Truslow provided, but the information he failed to provide to the Court that, respectfully, is the equivalent of an affirmatively false statement. As noted in the comment to Rule 407, SCACR, and Rule 4.1 [Comment 1]: "... Misrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements.

Mr. Truslow now has exactly what I have - a record that he found acceptable and suitable for him to use to complete his brief and for me to complete the Appellant's brief. Once the printers complete their processes of review, including putting page numbers at the bottom of each page, I have requested they forward Mr. Truslow and me a pdf copy of the ROA with page numbers on the bottom. I intend to file the Appellant's brief and the Record on Appeal with the Court as the rules of procedure require, and within the time frame the Court has required. I also intend to provide Mr. Truslow with exactly what I have to work with. I do not intend to take advantage, and have not taken advantage, of any issue regarding these matters. The truth is that Mr. Truslow knowingly created this situation, and is now doing everything he can to capitalize on his own misconduct. To date, the Appellant has met her obligation to provide Mr. Truslow the ROA as the orders of this Court and the rules require. Mr. Truslow has what I have - a full and complete copy of the ROA that was hand-delivered and served on him within the time periods required by this Court. It does not include the page numbers at the bottom of each page as the printer is inserting those numbers after making certain the mess Mr. Truslow intentionally created is corrected. If Mr. Truslow was truly concerned about the time limits and page numbers, he would have been much more considerate in the first instance. He was not. It is not much of a leap to conclude that Mr. Truslow is taking every conceivable action to avoid having these matters heard on the merits; and violating his obligations of candor and truthfulness in the process. His assertions are untrue and violate, at the minimum, the spirit and intent of both Rules 407, Rule 3.3 and 3.4 of the SCACR.

As to Ms. Ballard's Affidavit that Mr. Truslow provided to the Court, I am at a complete loss. I have not discussed the matter with Desa. She did not contact me nor anyone in my office prior to filing her Affidavit. It is obvious [hopefully] that Desa did not have knowledge of the facts including the fact that he had provided hundreds of pages of documents that we had to reorder and "white-out" comments and numerous other unrelated markings so that the page numbers could be inserted and the pages placed in the correct order - as best we can. I cannot speculate as to her motives or comment otherwise except to say I am very disappointed she did not contact me prior to the filing of the Affidavit. I trust that the Court will consider the fact that

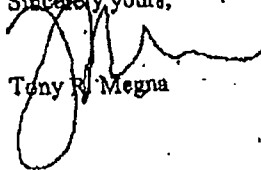
The Honorable Tanya Geo
South Carolina Court of Appeals
March 1, 2011
Page 3 of 3

Desa failed to contact anyone at my office, did not know or understand the hundreds of documents that Mr. Truslow included in the Record of Appeal that were unrelated to the appeal, did not know or understand the hundreds of documents that had to be 'whited-out' on the bottoms so that the numbers could be inserted by the printer, and did not take into account the hundreds of documents included in the Record on Appeal on matters that had been 'stayed' by un-appealed orders of the Trial Court, and that Mr. Truslow actually agreed to the ROA as 'acceptable' to him as noted on the attached letter. Again, I can only surmise that Mr. Truslow provided but partial information to Desa as he consistently has done with this Court and the Trial Court. And, unfortunately, instead of verifying the matters, simply accepted Mr. Truslow's assertions- again, apparently providing only partial truths in violation of Rules 3.3 and 3.4 as noted above. I have attached a letter sent to her this date.

In closing, please inform the Court the ROA was, indeed, served on the Appellee within the time limits as the Court required and as verified by the attached Affidavit of Ms. Hobbs. I expect the pdf version of the ROA (that was timely served and hand-delivered to Mr. Truslow as required by this Court) with correct page numbers on the bottom of each page of the ROA to be available to both me and Mr. Truslow by the end of this week. The ROA is not due to be filed with the Court until Thursday, March 10, 2011. Mr. Truslow will have several days to complete and file his brief-- as will I; and he will have access to the ROA that this Court will have. I intend to file my brief timely. There is no excuse for Mr. Truslow not to do the same.

Again, please accept my apologies for these matters. But, I have no control over Mr. Truslow's continuing misconduct and untruthfulness.

Sincerely yours,


Tony R. Megna

cc: Douglas N. Truslow, Esquire
Gina Lee
Desa Ballard

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr. Circuit Court Judge
L. Casey Manning, Circuit Court Judge

CIVIL ACTION NO.: 2007-CP-40-0576

James A. Anasti,.....Respondent,

v.

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

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

And Gina L. Anasti Lee is the.....Appellant.

EXHIBIT 3

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

C/A No. 09-02854-JW

Gina Anasti Lee,

Chapter 13

Debtor(s).

ORDER CONDITIONING AND
CONFIRMING PLAN

This matter comes before the Court for confirmation of the Amended Chapter 13 Plan ("Plan") filed on March 24, 2010 by Gina Anasti Lee ("Debtor"). After notice and a hearing, the Court makes the following findings of fact and conclusions of law.

Debtor filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code on April 16, 2009. The case was subsequently converted to a case under chapter 13. On August 5, 2009, Debtor filed a chapter 13 plan. The plan has been amended a number of times during the course of the case and confirmation has previously been denied because the plan under consideration did not meet the requirements of 11 U.S.C. § 1325(a). The Court finds that further amendment of the Plan would delay distributions to creditors and would not be in the best interest of the parties.

A central part of the Plan is represented by certain nonstandard language set forth in Part III, Subsection A, which addresses contingent litigation regarding property located at 2325 Two Notch Road, Columbia, South Carolina ("Property"). This Property is the subject of state court litigation and appeals to the United States District Court regarding the establishment of Debtor's interest in the Property. Debtor proposes in the Plan to continue such litigation, and upon the establishment of her interest in the Property, to sell the Property under the direction of the Court with all proceeds of the sale to be turned over to the Trustee for appropriate distribution to all creditors who have filed timely

proofs of claim with the Court after the Court determines the amount, if any, for attorney's fees and costs that are due to counsel for Debtor.

The Court believes it is in the best interests of all parties in-interest for the Plan to be confirmed but finds that portions do not meet the requirements for confirmation or should otherwise be adjusted or conditioned by this Order. Therefore, the Court finds as follows:

- (1) The provision indicating that the opposing party in state court, James Anasti, has waived claims for monetary damages is not approved. The evidence indicates that while Mr. Anasti has not and may not intend to file a claim for prepetition debt, he does not waive any post petition claim(s), including any claim for costs or damages associated with the ongoing state court litigation and federal appeals.
- (2) The provision indicating that "all proceeds of the sale [shall] be turned over to the Trustee for appropriate distribution to all creditors who have filed timely proofs of claim with the Court" provides for no deduction of any type from the proceeds for Debtor. Therefore, the Court confirms that Debtor shall receive no distribution or deduction of any type from the sale of the Property unless all claims are paid in full.
- (3) To the extent that Part III, Subsection A, may be read to provide for the deduction of attorney's fees and costs for Debtor's counsel before any turnover of proceeds to the Trustee, it is not approved. At the hearing, Debtor's counsel recognized that any allowance of fees or costs would have to be approved in advance by the Court based upon an application pursuant to 11

U.S.C. § 330. Fees and costs shall not be paid according to the schedule provided in Part IV, Subsection A of the Plan. Therefore, all proceeds shall be immediately turned over to the Trustee with any payment of approved fees and costs paid thereafter.

- (4) Claims of unsecured creditors shall be paid in full to the extent sufficient funds are received from any sale of the Property.

The Court finds that the remaining provisions of the Plan comply with the provisions of Chapter 13 and with all other applicable provisions of the Bankruptcy Code and that all fees and charges to be paid before confirmation have been paid. Accordingly,

IT IS ORDERED THAT:

1. Subject to the provisions of this Order, the Amended Chapter 13 Plan filed on March 24, 2010 is confirmed; and
2. Debtor shall not incur indebtedness nor sell, encumber, or otherwise transfer any interest in estate property outside the ordinary course of business without approval of the Court.

AND IT IS SO ORDERED.

**FILED BY THE COURT
04/15/2010**



Entered: 04/16/2010

Chief US Bankruptcy Court Judge
District of South Carolina

COPY

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL(S) FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr. Circuit Court Judge
L. Casey Manning, Circuit Court Judge

RECEIVED
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SC Court of Appeals

CIVIL ACTION NO.: 2007-CP-40-0576

James A. Anasti,

Respondent,

v.

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

Defendants,

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

Respondents

And Gina Anasti Lee is the

Appellant.

AFFIDAVIT OF DOUGLAS N. TRUSLOW

PERSONALLY APPEARED BEFORE ME, DOUGLAS N. TRUSLOW, who
being duly sworn, deposes and says (in his words):

I have been continuously practicing law since 1975 and have an "AV" rating.

I devoted substantial work to this appeal. My hourly rate is \$295.00 and my
billing associated with this appeal is attached. The time spent is accurate and was
necessary under the circumstances. The client was unable to pay, so there has been a
contingency of payment.

The case was obviously decided favorably to my client on the grounds submitted
by my client.

The record in this appeal clearly shows that opposing counsel was uncivil and
found to be untruthful.

The appeal representation is from January 8, 2008 through May 1, 2011 (when I received notice that the appeal had been dismissed).

Summary:

Hours by attorney necessary devoted to appeal: 606

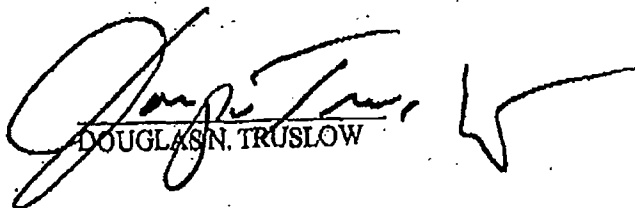
Hours by paralegal necessary devoted to appeal: 78

Costs: \$4,112.56

Time records are attached.

The undersigned did not handle the efforts to lift the bankruptcy stay (now believed to be on Appeal by Attorney Megna to the Fourth Circuit), but he is informed and believes that the fees associated with that issue exceeded \$30,000.00 and were caused by Attorney Megna's actions.

In summary, Appellant's attorney engaged in extensive unprofessional and unethical acts, caused extensive delay and unfairly and needlessly caused the Respondent to suffer losses. Respondent seeks a hearing on the issues.



DOUGLAS N. TRUSLOW

SWORN TO AND SUBSCRIBED BEFORE ME

this _____ day of _____, 2011

Notary Public for South Carolina

My Commission Expires: _____

Truslow & Truslow, PA

Post Office Box 1465
Columbia, SC 29202-1465

Ph:(803)256-6276

Fax:(803)256-7659

James Anasti
237 D King Street
Charleston, SC
29401

May 6, 2011

Attention:

File #: 06-059
Inv #: Sample

RE: Anasti v. Lee

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

Invoice #: Sample Page 2 May 6, 2011

Invoice #	Sample	Page	2	May 6, 2011
Mar-24-08	Preparation of letter and f/u re: hearing	2.00	590.00	DNT
Mar-28-08	Travel to Court re: hearing date on Motion	0.60	177.00	DNT
	Preparation of various letter(s) and faxes	0.20	59.00	DNT
	Telephone conference with Mr. Dowling and Mr. Earle	0.40	118.00	DNT
Mar-29-08	Research and preparation for hearing	2.50	737.50	DNT
Mar-31-08	Preparing for hearing	4.30	1,268.50	DNT
Apr-01-08	Preparing for hearing	2.00	590.00	DNT
	Preparing for hearing	2.50	737.50	DNT
	Preparation of Memo and Proposed Order	1.00	50.00	ADH
Apr-02-08	Working on argument	6.00	1,770.00	DNT
	Preparation of Memorandum	2.50	125.00	ADH
	Preparation for evidentiary hearing	3.00	150.00	ADH
Apr-03-08	Travel to Court; hearing; working on Order, etc. No appearance by Megna and he cannot be located.	6.50	1,917.50	DNT
	Meeting with David Byrd	2.00	590.00	DNT
	Attendance at hearing	1.00	50.00	ADH
Apr-04-08	Delivery of Order to Court of Appeals	0.50	147.50	DNT
	Telephone conference with client (x2)	1.00	295.00	DNT
Apr-07-08	Working on response to Defendant Appellant's Motion and follow up research re: jurisdiction; telephone conference with David Byrd and Dowling	6.00	1,770.00	DNT
Apr-08-08	Follow up regarding Order preparation and research re: service of hearing notice and issues involved	2.00	590.00	DNT

Invoice #:	Sample	Page 3	May 6, 2011		
	Preparation of Draft Order re: Motion to Reconsider	1.00	50.00	ADH	
Apr-10-08	Telephone conference with attorneys in other cases and follow up	3.00	885.00	DNT	
	Preparation of copies and fax to Attorney's Firm	0.50	25.00	ADH	
Apr-11-08	Telephone conference with law firm and follow up; telephone conference with attorney's regarding other cases.	3.00	885.00	DNT	
Apr-14-08	Review of incoming correspondence and follow up letter	1.50	442.50	DNT	
	Legal research on issues relating to Appeal and ethics	1.00	295.00	DNT	
	Telephone conference with Desa Ballard regarding ethics issues	0.30	88.50	DNT	
	Preparation of letter to Desa Ballard and copying of documents	0.50	25.00	ADH	
Apr-15-08	Telephone conference with Celeste Jones' office and follow up	0.50	147.50	DNT	
	Review of documents and internet research	3.00	885.00	DNT	
Apr-16-08	Telephone conference with Jones and follow up	0.30	88.50	DNT	
	Review of documents	1.50	442.50	DNT	
Apr-17-08	Telephone call to Circuit Court re: hearing or reconsideration	0.10	29.50	DNT	
	Research (Appeal)	1.00	295.00	DNT	
	Telephone conference with Court of Appeals	0.10	29.50	DNT	
	Research on motions and jurisdiction	2.50	737.50	DNT	
Apr-22-08	Extensive work of reviewing incoming correspondence and file; telephone conferences with Matthews and Court re: hearing and follow up letters	4.50	1,327.50	DNT	

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Invoice #:	Sample	Page 4	May 6, 2011
	Preparation of letters	1.00	75.00 ADH
Apr-23-08	Preparation of various letters and follow up	2.50	187.50 ADH
Apr-24-08	Preparation of letters and revisions to Motion	2.00	100.00 ADH
Apr-25-08	Preparation of Exhibits	0.50	25.00 ADH
Apr-26-08	Working on Appeal issues and question of jurisdiction	3.50	1,032.50 DNT
Apr-28-08	Working on detailed Memo re: Appeal with documentation	5.00	1,475.00 DNT
	Revision of Return and Exhibits; preparation for filing, copying and cover letters; preparation of Respondent's Motion for Costs and Fees, itemized statement of fees and costs, and Memorandum in Support of Motion for Costs and Fees	7.00	350.00 ADH
	Preparation of Respondent's Motion for Costs & Fees, itemized statement of fees and costs, and Memorandum in Support of Motion for Costs & Fees	4.00	300.00 ADH
Apr-29-08	Working on case/Appeal and Motions. Revisions on Return and copies of Exhibits; filing with Court of Appeals	3.00	885.00 DNT
	Revisions to Return and copies of Exhibits; filing with Court of Appeals	4.00	200.00 ADH
Apr-30-08	Working on Appeal	2.00	590.00 DNT
	Legal research re: ethics issue (additional issues based on Megna's claims)	2.00	590.00 DNT
May-02-08	Telephone conference with Desa Ballard re: legal issues and f/u	1.50	442.50 DNT
May-06-08	Review of incoming information and research re: notice and service	2.50	737.50 DNT
May-07-08	Research April 28 case and Rule 60	2.00	590.00 DNT
May-08-08	Research of notice and conversation with McCauley regarding resolution by Arbitration or Mediation	1.00	295.00 DNT

Invoice #:	Sample	Page	5	May 6, 2011
May-12-08	Telephone conference with Court re: Motion hearing and status	0.20	59.00	DNT
	Telephone conference with Appeals Court re: status and need to respond	0.25	73.75	DNT
May-14-08	Research re: Court of Appeals and what to do re: outstanding Motions	1.00	295.00	DNT
May-15-08	Review of incoming correspondence	0.10	29.50	DNT
	Telephone conference with Barle re: rent	0.20	59.00	DNT
May-20-08	Preparation of responses to Defendant's letters	1.75	516.25	DNT
	Preparation of letters (x3)	1.00	75.00	ADH
May-22-08	Telephone conference(s) with McNair Law Firm re: files, status on Appeal and legal issue	1.00	295.00	DNT
Jun-02-08	Review of incoming correspondence and follow up	0.20	59.00	DNT
Jun-10-08	Telephone conference with Barle's office re: status	0.25	73.75	DNT
	Telephone conference with Dowling's office re: status	0.25	73.75	DNT
Jun-20-08	Review of incoming correspondence and telephone conference with Ballard re: appeal, case status, ethical issues claimed by Megna (x2)	0.30	88.50	DNT
Jun-23-08	Preparing for hearing, Order, Brief, Exhibits, etc.	8.00	2,360.00	DNT
Jun-24-08	Travel to Court to review Clerk's file for update of filings.	1.00	295.00	DNT
Jun-25-08	Working on case for hearing including outline of argument	2.00	590.00	DNT
Jun-30-08	Detailed work on draft and redraft of Order, exhibits and research, etc.	4.00	1,180.00	DNT
Jul-01-08	Review Order and additional documents	2.00	590.00	DNT

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

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

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

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

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

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

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

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

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

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

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

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

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

invoice #:	Sample	Page 19		6, 2011
Feb-23-11	Research re: untimely & review of what Appellant sent and follow up	5.00	1,100.00	DNT
Feb-24-11	Working on Appeal and new issues created by Megna	3.00	88.00	DNT
Feb-25-11	Revision of letter; conference with Licata, Ballard; preparation of letters & Affidavit	3.00	885.00	DNT
Mar-01-11	Review and responding and research re: Megna's 3/1/11 letter	3.75	1,106.50	DNT
Mar-02-11	Further follow up to Megna's letter, DB, Licata, research etc. and especially ethics issues	4.50	1,327.50	DNT
Mar-03-11	Review all that Appellant sent; D. Ballard; COA (Eliz.) re: due date and certificate; drafting docs and letters	5.25	1,548.75	DNT
Mar-04-11	Working on Motion issues	6.00	1,770.00	DNT
	Preparation of corrections to Motion to Dismiss	0.75	56.25	ADH
Mar-06-11	Working on Motion	1.50	442.50	DNT
Mar-07-11	Revision of Motion and research	2.00	590.00	DNT
	Telephone conference with J.J. and follow up	0.50	147.50	DNT
	Preparation of corrections to Motion to Dismiss and follow up	0.75	56.25	ADH
Mar-08-11	Revise motion regarding Megna's non-compliance with Rules	1.00	295.00	DNT
Mar-14-11	Review of Brief and research of multiple issues created by Megna	6.50	1,917.50	DNT
	Telephone conference with J.J.	0.30	88.50	DNT
	Correspondence to Megna	0.10	7.50	ADH
Mar-15-11	Prepare letter; conference with J.J.; research issues (multiple) and follow up	2.00	590.00	DNT
	Correspondence to Ms. Gee	0.10	7.50	ADH

Invoice #: Sample Page 20 May 6, 2011

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

Invoice #: Sample Page 21 May 6, 2011

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

DISBURSEMENTS

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

Total Fee & Disbursements

\$188,198.81

Balance Now Due

\$188,198.81

TAX ID Number 57-0859340

EXHIBIT B



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11619
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 734-1190
FAX (803) 734-1839
WWW.SCCOURTS.ORG

May 20, 2011

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

Re: Anasti, James v. Wilson, Lance

Dear Mr. Truslow:

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

Sincerely,

A handwritten signature in black ink, appearing to read "Renee S. Johnson".

Renee S. Johnson
Administrative Specialist

ves
TAG/rj

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

The South Carolina Court of Appeals

James A. Anasti,

Respondent,

v.

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

Defendants,

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

Respondents;

And Gina L. Anasti Lee is the

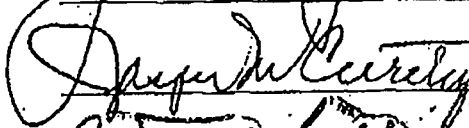
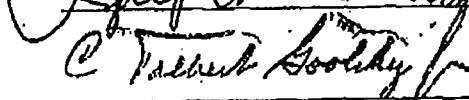
Appellant.

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

ORDER

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

IT IS SO ORDERED.


C.J.

A.J.

A.J.

Columbia, South Carolina

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

FILED
MAY 20 2011

EXHIBIT C



The South Carolina Court of Appeals

TANYA A. OEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1690
FAX: (803) 734-1129
www.sccourts.org

October 7, 2011

REMITTITUR

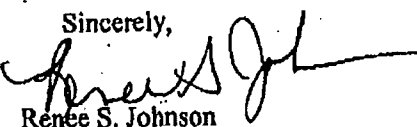
The Honorable Jeanette W. McBride
1701 Main Street, Room 205
PO Box 2766
Columbia, SC 29202

Re: Anastasi, James v. Wilson, Lance
2007-CP-40-00576 2007-CP-40-00576

Dear Mrs. McBride:

The above referenced matter is hereby remitted to the lower court. A copy of the judgment of this Court is attached.

Sincerely,


Renee S. Johnson
Administrative Specialist

TAMAG/rj

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

EXHIBIT D

Truslow & Truslow
Attorneys At Law

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

Douglas N. Truslow
douglstruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

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

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

November 1, 2011

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

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

Dear Judge Lee:

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

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

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

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

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

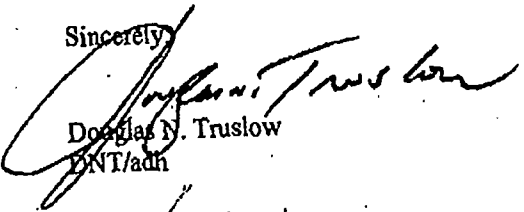
And again, Plaintiff Anasti wants to make clear that he will not be seeking damages or sanctions against Ms. Lee, except as may be specifically authorized and permitted by the Bankruptcy Court.

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

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

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

Sincerely,



Douglas N. Truslow
DNT/adh

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

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

EXHIBIT E

MATTHEWS AND MEGNA, P.A.

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

November 3, 2011

VIA FAX TO (803) 576-1768

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

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

Dear Judge Lee:

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

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

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

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

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

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

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

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

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

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

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

The Honorable Alison Renee Lee
Page 3 of 4
November 3, 2011

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

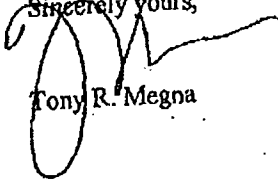
Mr. Truslow is now attempting to re-litigate matters in state court that have already been determined adversely to him in the state Court of Appeals and by confirmation of Ms. Lee's Chapter 13 bankruptcy plan or reorganization. His attempts to do so are in direct violation of the confirmation orders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

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

The Honorable Alison Renee Lee
Page 4 of 4
November 3, 2011

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

Sincerely yours,


Tony R. Megna

Cc: D. Truslow

The Honorable Alison Renee Lee
Page 4 of 4
November 3, 2011

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

Sincerely yours,

Tony R. Megna

Cc: D. Truslow

November 3, 2011.

Gina-

I have also enclosed a copy of Douglas Truslow's letter to me dated November 1, 2011. It is self-explanatory. This is all directed at me - not you. You are protected by the Chapter 13 bankruptcy. Mr. Truslow brought the same motion against me in the Court of Appeals, and he lost. He knows he cannot do so again. I have no idea of why his has taken such action again - other than his on-going harassment of me. I believe his action violates the rules of court, and will bring the matter to the court's attention when appropriate. The Court will likely not respond well to his actions, but I still have to respond and try to determine exactly what his doing now. Please call me or Harriet if you have questions. Otherwise, I will just continue doing what is necessary to get the matter concluded. Trust all is going well.

Tony

PS - See letter to Judge Lee
Take care -
Tony

EX-A

EXHIBIT A TO SC LBR 3015

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

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

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

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

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

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

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

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

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

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

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

² When used herein, the term "debtor" shall apply as applicable either in the singular or in the plural, if there are joint debtors in the case.
Software Copyright (c) 1996-2009 Best Case Solutions - Evansville, IL - (800) 492-8037

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

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

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

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

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

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

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

B. Payments from the debtor directly to creditors: The debtor shall pay all post-petition priority obligations, including but not limited to taxes and post-petition domestic support, and pay regular payments on assumed executory contracts or leases, directly to the holder of the claim as the obligations come due+, unless otherwise ordered by the Court. The debtor may be required to pay some or a portion of pre-petition debts directly to a creditor in addition to required payments to the trustee, as indicated in paragraph 11(D) above and/or in the paragraphs that follow.

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

A. Attorney for the debtor:

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

²The chapter 13 trustee shall not disburse more than the unpaid balance of the fee to be paid under the plan pursuant to (a), the balance of the fee previously applied for and authorized pursuant to (b), or the unpaid balance to be paid together with any supplemental fee then applied for and authorized under the terms of Operating Order 07-12, as applicable.

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

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

2. **Long-term or mortgage debt. No default:**

The debtor is current on obligations to **-NONE-** and will continue regular payments directly to that creditor. Description of collateral:

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

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

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

4. **Secured portion of claims altered by valuation and lien avoidance: NONE**

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

5. Other secured debts (allowed claim to be paid in full without valuation or avoidance of lien): **NONE**
The trustee shall pay **-NONE-** the sum of \$(payment amount) or more per month, along with (percentage)% interest until the secured claim is paid in full.

6. Surrender of property: **NONE**
The debtor will surrender the following property upon confirmation of the plan. The order confirming plan shall terminate the automatic stay as to that property: **-NONE-**. Any creditor affected by this provision may file an itemized proof of claim for any unsecured deficiency within a reasonable time after the surrender of the property.

7. Secured tax debt: **NONE**
The trustee shall pay the sum of \$ 0.00 or more per month until the net balance of creditor's secured claim plus 0 % interest has been paid. If the lien is to be valued, the debtor shall file a separate motion to value the claim and establish priority of any remaining tax obligations. If a tax priority creditor files a claim designated as secured, is not treated as secured in this paragraph, and does not timely object to confirmation of this plan, then the claim may be paid as a priority claim for purposes of distributions from the trustee.

C. Priority Creditors: Priority claims shall be paid as follows:

1. Domestic Support Claims. 11 U.S.C. § 507(a)(1):

a. Pre-petition arrearages.

The trustee shall pay the pre-petition domestic support obligation arrearage to **-NONE-**, at the rate of \$(amount) or more per month until the balance, without interest, is paid in full.

b. The debtor shall pay all post-petition domestic support obligations as defined in 11 U.S.C. §101(14A) on a timely basis directly to the creditor.

c. Any party entitled to collect child support or alimony under applicable nonbankruptcy law may collect those post-petition obligations from the income or assets of the debtor-parent/spouse without further order or relief from the automatic stay. (Any claim for pre-petition child support or alimony must be collected in accordance with 11 U.S.C. § 507(a)(1) and 11 U.S.C. § 1322(a)(2).)

2. Other Priority debt. The trustee shall pay all remaining pre-petition 11 U.S.C. § 507 priority claims on a pro rata basis.
INTERNAL REVENUE SERVICE - \$4,176.74

D. Executory Contracts and Unexpired Leases: Regular payments that arise post-petition under an executory contract or lease that is being assumed shall be paid directly by the debtor according to the terms of the contract or lease. Pre-petition defaults will be cured by payments of the sum of \$(payment amount) or more per month by the trustee or the debtor according to paragraph II(D). Claims arising from the rejection of executory contracts or leases shall be general unsecured claims unless otherwise ordered by the Court.

E. General Unsecured Creditors: General unsecured creditors shall be paid allowed claims pro rata by the trustee to the extent that funds are available after payment of all other allowed claims. The Debtor does not propose to pay 100% of general unsecured claims.

V. PROPERTY OF THE ESTATE, STATUS AND OBLIGATIONS OF THE DEBTOR AFTER CONFIRMATION: Upon confirmation of the plan, property of the estate will remain property of the estate, but possession of property of the estate shall remain with the debtor. The chapter 13 trustee shall have no responsibility regarding the use or maintenance of property of the estate. The debtor is responsible for protecting the non-exempt value of all property of the estate and for protecting the estate from any liability resulting from operation of a business by the debtor. Nothing herein is intended to waive or affect adversely any rights of the debtor, the trustee, or party with respect to any causes of action owned by the debtor.

Date: March 24, 2010

BY: /s/ Benjamin R. Matthews
Benjamin R. Matthews
3400 West Avenue
Columbia, SC 29203
803-799-1700
District Court J.D. 3332
Attorney for the Debtor

EX. B

STATE OF SOUTH CAROLINA

James Anasti,

Plaintiff,

vs.

Lance Wilson, Willis Goodwin, Gina
L. Anasti Lee, Richland County Clerk
of Court

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 2007-CP-40-0576

ORDER

This matter comes before the Court on the request of the attorney for Mr. Anasti for a status conference. Ms. Lee is in Chapter 13 bankruptcy and operating under a Chapter 13 plan of reorganization confirmed by the United States Bankruptcy Court for the District of South Carolina on by order dated March 24, 2010. That order states, in part:

By order entered December 21, 2009¹, the Court granted limited relief from the automatic stay to allow the state court to finalize its consideration of state court appellate proceeding that were pending at the time of the filing of the Debtor's bankruptcy case.

By its' plain terms, Ms. Lee's confirmed Chapter 13 plan of reorganization allows only the state appellate proceedings to be finalized in the state judicial system. It does not allow this Court to take further action on any matter relating to the dispute between the parties. In addition, the Court of Appeals issued its' order dated May 20, 2011 denying Mr. Anasti's request for sanctions and damages. Mr. Anasti did not appeal the decision of the Court of Appeals to our Supreme Court, and the decision of the Court of Appeals is now the law of the case. *Barth v. Barth*, 360 SE2d 309 (1987); (...the disposition of a case in the Court of Appeals when certiorari is not applied for nor granted becomes the law of the case...).

¹ The parties agree that the state court appellate appeal has been finalized.

It is therefore ordered that the request of Mr. Anasti for a pretrial conference is denied and the case is closed.

Alison Renee Lee, Administrative Judge

_____, 2011.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

C/A No. 09-02854-JW

Gina Anasti Lee,

Chapter 13

Debtor(s).

ORDER CONDITIONING AND
CONFIRMING PLAN

This matter comes before the Court for confirmation of the Amended Chapter 13 Plan ("Plan") filed on March 24, 2010 by Gina Anasti Lee ("Debtor"). After notice and a hearing, the Court makes the following findings of fact and conclusions of law.

Debtor filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code on April 16, 2009. The case was subsequently converted to a case under chapter 13. On August 5, 2009, Debtor filed a chapter 13 plan. The plan has been amended a number of times during the course of the case and confirmation has previously been denied because the plan under consideration did not meet the requirements of 11 U.S.C. § 1325(a). The Court finds that further amendment of the Plan would delay distributions to creditors and would not be in the best interest of the parties.

A central part of the Plan is represented by certain nonstandard language set forth in Part III, Subsection A, which addresses contingent litigation regarding property located at 2325 Two Notch Road, Columbia, South Carolina ("Property"). This Property is the subject of state court litigation and appeals to the United States District Court regarding the establishment of Debtor's interest in the Property. Debtor proposes in the Plan to continue such litigation, and upon the establishment of her interest in the Property, to sell the Property under the direction of the Court with all proceeds of the sale to be turned over to the Trustee for appropriate distribution to all creditors who have filed timely

proofs of claim with the Court after the Court determines the amount, if any, for attorney's fees and costs that are due to counsel for Debtor.

The Court believes it is in the best interests of all parties in interest for the Plan to be confirmed but finds that portions do not meet the requirements for confirmation or should otherwise be adjusted or conditioned by this Order. Therefore, the Court finds as follows:

- (1) The provision indicating that the opposing party in state court, James Anasti, has waived claims for monetary damages is not approved. The evidence indicates that while Mr. Anasti has not and may not intend to file a claim for prepetition debt, he does not waive any post petition claim(s), including any claim for costs or damages associated with the ongoing state court litigation and federal appeals.
- (2) The provision indicating that "all proceeds of the sale [shall] be turned over to the Trustee for appropriate distribution to all creditors who have filed timely proofs of claim with the Court" provides for no deduction of any type from the proceeds for Debtor. Therefore, the Court confirms that Debtor shall receive no distribution or deduction of any type from the sale of the Property unless all claims are paid in full.
- (3) To the extent that Part III, Subsection A, may be read to provide for the deduction of attorney's fees and costs for Debtor's counsel before any turnover of proceeds to the Trustee, it is not approved. At the hearing, Debtor's counsel recognized that any allowance of fees or costs would have to be approved in advance by the Court based upon an application pursuant to 11

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	FIFTH JUDICIAL CIRCUIT
JAMES A. ANASTI,	)	Docket Number: 2007-CP-40-0576
Plaintiff,	)	
vs.	)	AMENDED MOTION FOR
	)	RULE 11, SCRPC ¹
LANCE WILSON,	)	
WILLIS GOODWIN,	)	
GINA L. ANASTI LEE,	)	
And RICHLAND COUNTY	)	
CLERK OF COURT,	)	
Defendants.	)	

TO: TONY R. MEGNA, BENJAMIN R. MATTHEWS, and MATTHEWS AND MEGNA, LLC, ATTORNEYS FOR DEFENDANT GINA L. ANASTI LEE:

PLEASE TAKE NOTICE that Plaintiff, by and through the undersigned attorney, on the 10th day after service hereof or at such time and place as the Court may set, will move for Rule 11, SCRPC sanctions to be rendered against Defendant Lee's counsel.²

The grounds for the Motion are, *inter alia*, that;

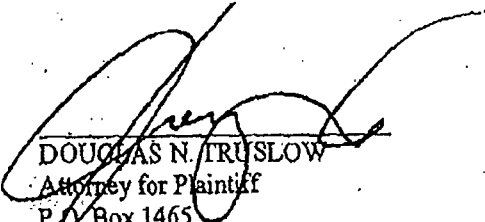
1. Lee's counsel interjected frivolous defenses, pleadings and Affidavits and otherwise engaged in wrongful conduct, the result of which has been to harm Plaintiff.
2. Summary Judgment has been granted and Lee's appeals and other actions by her attorneys have been determined with finality adverse to their claims (excepting a damages hearing against Defendants Wilson and Goodwin).
3. Damages and sanctions are expected to exceed \$500,000.00 and a status conference needs to be conducted before hearings are held.

The undersigned counsel for Plaintiff hereby certifies that consultation with opposing counsel would serve no useful purpose.

(Signature on following page.)

¹ The original Motion was filed November 7, 2007 and has not yet been heard (because of Lee's Appeal -- dismissed and remitted October 7, 2011). This motion is intended to supplement the prior motion so as to make clear that sanctions are not sought against Defendant Lee at this juncture and to make clear that sanctions are sought against Lee's attorneys only.

² Defendant Lee is in bankruptcy and she is therefore not a necessary party to these proceedings at this juncture.



DOUGLAS N. TRUSLOW

Attorney for Plaintiff

P.O. Box 1465

Columbia, South Carolina 29202

(803) 256-6276

Fax (803) 256-7659

Columbia, South Carolina

Nov 21, 2011

Truslow & Truslow
Attorneys At Law

Telephone: 803-256-6276 Fax: 803-256-7659

Douglas N. Truslow
douglstruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

Physical Address:
914 Richland Street, Suite B-102
Columbia, SC 29201

Mailing Address:
P.O. Box 1465
Columbia, SC 29202

November 22, 2011

RE: Jim Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland
County Clerk of Court
Docket number: 2007-CP-40-0576

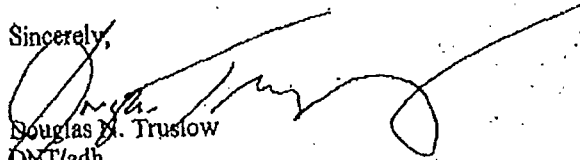
Jeanette McBride
Richland County Clerk of Court
P.O. Box 2766
Columbia, SC 29202-2766

Dear Ms. McBride:

Please see the enclosed Amended Motion for Rule 11, SCRCP which is enclosed along with the requisite cover sheet and fee. Please file same and return the clocked copies in the self-addressed and stamped envelope enclosed.

By copy of this letter, I am serving same upon opposing counsel.

Sincerely,


Douglas N. Truslow
DNT/adh

cc: James Anasti
Tony Megna, Esquire
✓ Benjamin Matthews, Esquire
Thomas Earle, Esquire

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

JAMES ANASTI

Plaintiff,

vs.

LANCE WILSON, WILLIS GOODWIN,
GINA L. ANASTI LEE, AND RICHLAND
COUNTY CLERK OF COURT

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2007-CP-40-0576

COPY

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: Douglas N. Truslow, Bar No. 5642 Address: P.O. Box 1465, Columbia, SC 29202 Phone: 803-256-6276 Fax 803-256-7659 E-mail: douglastruslow@truslowlaw.com Other:		Defendant's Attorney: Tony Megna, Bar No. _____ Address: 3400 West Ave., Columbia, SC 29203 Phone: 799-1700 Fax _____ E-mail: _____ Other: _____	
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: Amended Motion for Rule 11, SCRPC Estimated Time Needed: 10 minutes Court Reporter Needed: ☒ YES / ☐ NO			
SECTION II: Motion/Order Type			
☐ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
Signature of Attorney for ☒ Plaintiff / ☐ Defendant		Date submitted: 11/22/11	
SECTION III: Motion Fee			
☒ PAID - AMOUNT: \$ _____ ☐ EXEMPT (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____			
JUDGE'S SECTION		JUDGE CODE _____	
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____		Date: _____	
CLERK'S VERIFICATION			
Collected by: _____ Date Filed: _____ ☐ MOTION FEE COLLECTED: \$ _____			

☐ CONTESTED - AMOUNT DUE: \$ _____

SCCA 233 (11/2003)

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

JAMES ANASTI

Plaintiff,

vs.

LANCE WILSON, WILLIS GOODWIN,
GINA L. ANASTI LEE, AND RICHLAND
COUNTY CLERK OF COURT

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2007-CP-40-0576

COPY

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: Douglas N. Truslow, Bar No. 5642 Address: P.O. Box 1465, Columbia, SC 29202 Phone: 803-256-6276 Fax 803-256-7659 E-mail: douglastruslow@truslowlaw.com		Defendant's Attorney: Tony Megna, Bar No. _____ Address: 3400 West Ave., Columbia, SC 29203 Phone: 799-1700 Fax _____ E-mail: _____ Other: _____	
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: Amended Motion for Rule 11, SCRCP Estimated Time Needed: 10 minutes Court Reporter Needed: ☒ YES ☐ NO			
SECTION II: Motion/Order Type			
☐ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
Signature of Attorney for ☒ Plaintiff ☐ Defendant		Date submitted: 11/22/11	
SECTION III: Motion Fee			
☒ PAID - AMOUNT: \$ ☐ EXEMPT (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____			
JUDGE'S SECTION		JUDGE CODE _____	
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____		Date: _____	
CLERK'S VERIFICATION			
Collected by: _____ Date Filed: _____ ☐ MOTION FEE COLLECTED: \$ _____			

EXHIBIT F

Truslow & Truslow
Attorneys At Law

Telephone: 803-256-6276 Fax: 803-256-7659

Douglas N. Truslow
douglstruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

Physical Address:
914 Richland Street, Suite B-102
Columbia, SC 29201

Mailing Address:
P.O. Box 1466
Columbia, SC 29202

November 22, 2011

RE: Jim Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland
County Clerk of Court
Docket number: 2007-CP-40-0576

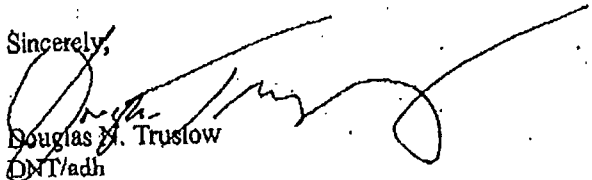
Jeanette McBride
Richland County Clerk of Court
P.O. Box 2766
Columbia, SC 29202-2766

Dear Ms. McBride:

Please see the enclosed Amended Motion for Rule 11, SCRCF which is enclosed along with the requisite cover sheet and fee. Please file same and return the clocked copies in the self-addressed and stamped envelope enclosed.

By copy of this letter, I am serving same upon opposing counsel.

Sincerely,


Douglas N. Truslow
DNT/adh

cc: James Anasti
Tony Megna, Esquire
✓ Benjamin Matthews, Esquire
Thomas Earle, Esquire

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

JAMES ANASTI

Plaintiff,

vs.

LANCE WILSON, WILLIS GOODWIN,
GINA L. ANASTI LEE, AND RICHLAND
COUNTY CLERK OF COURT

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2007-CP-40-0576

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: Douglas N. Truslow, Bar No. 5642 Address: P.O. Box 1465, Columbia, SC 29202 Phone: 803-256-6276 Fax 803-256-7659 E-mail: douglastruslow@truslowlaw.com Other:		Defendant's Attorney: Tony Megna, Bar No. _____ Address: 3400 West Ave., Columbia, SC 29203 Phone: 799-1700 Fax _____ E-mail: _____ Other: _____	
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
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SECTION II: Motion/Order Type ☐ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. Signature of Attorney for ☒ Plaintiff ☐ Defendant Date submitted 11/22/11			
SECTION III: Motion Fee ☒ PAID -- AMOUNT: \$ _____ ☐ EXEMPT (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____			
JUDGE'S SECTION ☐ Motion Fee to be paid upon filing of the attached order. ☐ Other:		JUDGE CODE _____ Date: _____	
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____ ☐ MOTION FEE COLLECTED: \$ _____			

☐ CONTESTED - AMOUNT DUE: \$ _____

SCCA 233 (11/2003)

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)
WILLIS GOODWIN,)
GINA L. ANASTI LEE,)
And RICHLAND COUNTY)
CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Docket Number: 2007-CP-40-0576

**AMENDED MOTION FOR
RULE 11, SCRC¹**

TO: TONY R. MEGNA, BENJAMIN R. MATTHEWS, and MATTHEWS AND MEGNA,
LLC, ATTORNEYS FOR DEFENDANT GINA L. ANASTI LEE:

PLEASE TAKE NOTICE that Plaintiff, by and through the undersigned attorney, on the 10th day after service hereof or at such time and place as the Court may set, will move for Rule 11, SCRC¹ sanctions to be rendered against Defendant Lee's counsel.²

The grounds for the Motion are, *inter alia*, that;

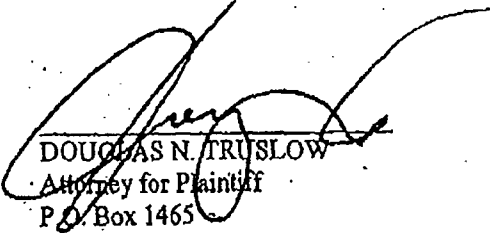
1. Lee's counsel interjected frivolous defenses, pleadings and Affidavits and otherwise engaged in wrongful conduct, the result of which has been to harm Plaintiff.
2. Summary Judgment has been granted and Lee's appeals and other actions by her attorneys have been determined with finality adverse to their claims (excepting a damages hearing against Defendants Wilson and Goodwin).
3. Damages and sanctions are expected to exceed \$500,000.00 and a status conference needs to be conducted before hearings are held.

The undersigned counsel for Plaintiff hereby certifies that consultation with opposing counsel would serve no useful purpose.

(Signature on following page.)

¹ The original Motion was filed November 7, 2007 and has not yet been heard (because of Lee's Appeal-- dismissed and remitted October 7, 2011). This motion is intended to supplement the prior motion so as to make clear that sanctions are not sought against Defendant Lee at this juncture and to make clear that sanctions are sought against Lee's attorneys only.

² Defendant Lee is in bankruptcy and she is therefore not a necessary party to these proceedings at this juncture.



DOUGLAS N. TRUSLOW

Attorney for Plaintiff

P.O. Box 1465

Columbia, South Carolina 29202

(803) 256-6276

Fax (803) 256-7659

Columbia, South Carolina

Nov 21, 2011

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)
WILLIS GOODWIN,)
GINA L. ANASTI LEE,)
And RICHLAND COUNTY)
CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Docket Number: 2007-CP-40-0576

CERTIFICATE OF SERVICE

I, Amanda Douglas Hilley, paralegal for Douglas N. Truslow, Esquire, attorney for Plaintiff, certify I have this date served the foregoing document(s) on the individual(s) listed below by placing a copy in the United States Mail, postage prepaid to the following address:

Tony R. Megna, Esquire
3400 West Ave.
Columbia, SC 29203

Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

Benjamin R. Matthews, Esquire
3400 West Ave.
Columbia, SC 29203

Thomas G. Earle, Esquire
Seigler Earle and Ellsworth
1735 Saint Julian Place #103
Columbia, SC 29204

DOCUMENT(S):

1. Amended Motion for Rule 11, SCRCF


Amanda Douglas Hilley

Columbia, South Carolina

November 22, 2011

EXHIBIT G

Truslow & Truslow
Attorneys At Law

Telephone: 803-256-6276 Fax: 803-256-7659

Douglas N. Truslow
douglastruslow@truslowlaw.com

Physical Address:
914 Richland Street, Suite B-102
Columbia, SC 29201

Neal D. Truslow
nealtruslow@truslowlaw.com

Mailing Address:
P.O. Box 1465
Columbia, SC 29202

January 9, 2012

Re: James Anastasi v. Gina L. Anastasi Lee, Lance Wilson, Willis Goodwin, Richland
County Clerk of Court
Civil Action Number: 2007-CP-40-0576

The Honorable James R. Barber III
Chief Administrative Judge for Common Pleas
P.O. Box 2766
Columbia, SC 29202-2766

Dear Judge Barber:

I am writing to request a status conference relative to the above case.

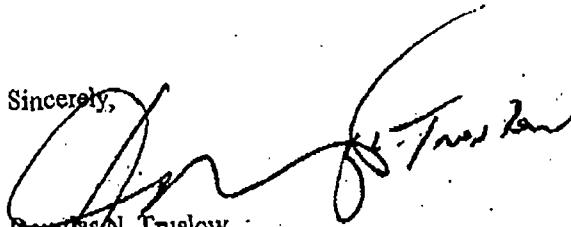
By way of essential history, Plaintiff was granted Summary Judgment with a damages hearing and Rule 11 sanctions hearing to be heard at a subsequent date. Defendant Lee appealed and lost. She then filed a Petition for Writ of Certiorari and lost. In the interim Defendant Lee had filed for bankruptcy.

When I asked for a status conference (after the Supreme Court denied the Petition for Writ of Certiorari), Lee represented that she had pending an appeal in the Fourth Circuit and that "Depending on the outcome of that appeal, the State Appellate Court Judgment may, indeed, be void *ab initio*".

Lee once again has lost and my client is entitled to both a damages hearing against Defendants Wilson and Goodwin and a resolution of the other pending motions.

I would appreciate it if you could set up a status conference. Under the circumstances and, especially given prior rulings of the Court, I believe that it would be best to have the status conference on the record.

Sincerely,



Douglas N. Truslow
DNT/ldh

cc: James Anasti
✓ Tony Megna, Esquire
Benjamin Matthews, Esquire
Thomas Earle, Esquire

EXHIBIT H

State of South Carolina)
County of Richland)

In The Court of Common Pleas
Fifth Judicial Circuit
2007-CP-40-576

James A. Anastasi,
Plaintiff,

vs.

Gina L. Anastasi Lee, Lance
Wilson, Willis Goodwin, and
Richland County Clerk of
Court,

Defendants.

Transcript of Record

January 18, 2012
Columbia, South Carolina

B E F O R E:

The Honorable James R. Barber, III, Judge

A P P E A R A N C E S:

Douglas N. Truslow, Esquire
Attorney for the Plaintiff

Thomas G. Earle, Esquire
Attorney for Defendants Wilson and Goodwin

Tony R. Megna, Esquire
Benjamin R. Matthews, Esquire
Attorneys for Defendant Lee

Elizabeth B. Harris, CVR-M
Circuit Court Reporter

I N D E X

<u>Witness/Description</u>	<u>Page No.</u>
Status Conference	4
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E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>I.D.</u>	<u>Ev.</u>

No Exhibits Introduced.

1 THE COURT: All right, this is the case of Anasti vs.
2 Anasti, et al. Mr. Truslow requested a status conference
3 apparently, and apparently my law clerk got him to get
4 everybody together, and we're all here this morning. So,
5 if y'all would tell everybody who you are for the court
6 reporter so Ms. Harris will know exactly who is speaking
7 when you speak.

8 MR. TRUSLOW: Your Honor, thank you for accommodating
9 us. I'm Doug Truslow; I represent the plaintiff in this
10 action. Mr. Tom Earle is here; he represents Wilson and
11 Goodwin. They are defendants. There is ---

12 THE COURT: Mr. Megna.

13 MR. TRUSLOW: Mr. Megna and Mr. Matthews, they
14 represent Ms. Lee, and I think ---

15 THE COURT: Does somebody represent the clerk of
16 court?

17 MR. TRUSLOW: They were only involved as a
18 stakeholder. They're not necessary at this point in time.
19 This has all been resolved.

20 THE COURT: All right. So ---

21 MR. TRUSLOW: Your Honor, Your Honor.

22 THE COURT: Y'all have Ms. Lee?

23 MR. MATTHEWS: Yes, sir.

24 MR. MEGNA: Yes, Your Honor, Tony Megna and Ben
25 Matthews.

1 THE COURT: All right, who has Lance Wilson? Mr.
2 Earle, you do?

3 MR. EARLE: Yes, Your Honor.

4 THE COURT: And who has Willis Goodwin?

5 MR. EARLE: I do.

6 THE COURT: Oh, you got both of them? Okay, good.

7 All right, tell me what we need to talk about here,
8 Mr. Truslow.

9 MR. TRUSLOW: Your Honor, we're requesting a status
10 conference. We've asked that this be considered to be on
11 the record because I wasn't sure what claims were going to
12 be made, and whether an assertion would be made in case the
13 matter shouldn't go forward at this time. There are two
14 basic issues: setting of a damages hearing, and setting of
15 a Rule 11 sanctions hearing.

16 THE COURT: All right, is there already a judgment in
17 this case?

18 MR. TRUSLOW: Yes, sir. By way of history, this was a
19 real-estate matter. It went up on appeal. It's got a
20 tortured history of coming back for, for certain factual
21 findings that are, that are in large part the basis for
22 Rule 11 sanctions.

23 From that point in time, after the lower court ruled
24 in my client's favor, there was -- ultimately an appeal was
25 commenced, but there was a filing of bankruptcy by Ms. Lee

1 which stayed proceedings until the stay was lifted. The
2 Court of Appeals ruled in my client's favor. There was a
3 petition for writ of certiorari; that was also resolved in
4 my client's favor. An argument was made that the matter
5 was stayed because of appeals by Ms. Lee in a bankruptcy
6 court. That was rejected by the bankruptcy court on least
7 two occasions, by the federal district court on at least
8 two occasions, and by the Fourth Circuit Court of Appeals
9 most recently.

10 We -- quite frankly, the plaintiff didn't think that
11 anything that was going on in appeal in the Fourth Circuit
12 had anything to do with the case since the, since the
13 Supreme Court of the State of South Carolina had ruled it
14 in view of comity. But be that as it may, we waited until
15 that was resolved. I thought that was going to be
16 inevitable that she was going to lose. She did.

17 So, the matter is now ripe for two things. For a
18 damages hearing, and that will involve -- it won't involve
19 Ms. Lee because she's filed for bankruptcy and has some
20 limited protection. Your Honor, we could, we could
21 potentially go beyond that, but there's no need. We're
22 going to be dealing with -- in the, in the damages hearing
23 would be my friend and Mr. Goodwin and Mr. Wilson. I don't
24 believe Ms. Lee would be even involved in that because
25 we're not seeking dollars from her, and especially given

1 her bankruptcy.

2 So, the damages hearing will be, will involve just
3 myself, Mr. Earle, and our respective clients. We think
4 that that probably ought to be resolved first because that
5 goes almost ---

6 THE COURT: All right, let me ask you. How do you --
7 I mean, is that a normal damages hearing, fifteen minutes
8 or so? Is it going to be, going to be protracted because
9 if I'm going to need ---

10 MR. TRUSLOW: I would think that it would take no more
11 than two hours. We're talking about rentals for -- since
12 2007 or so. So, we're, you know, we're going to have a lot
13 of money at stake.

14 Mr. Earle has had some -- he's one of the nicest -- I
15 know Your Honor knows, but he's one of the nicest, nicest,
16 most conscientious professionals I've ever had the pleasure
17 to deal with. He's had some recent health problems, and as
18 you would expect, I would certainly accommodate whatever,
19 whatever his needs are, and my client would. But we're
20 probably going to need two hours for that.

21 THE COURT: All right. So, you're requesting a
22 damages hearing with respect to Mr. Wilson and Mr. Goodwin
23 only. You think it will take two hours?

24 MR. TRUSLOW: Yes, sir.

25 THE COURT: Y'all agree Ms. Lee is not, would not be

1 involved in that?

2 MR. MEGNA: Yes, sir, Your Honor.

3 THE COURT: All right, and then after that, you're
4 going to request, assuming damages are awarded, you're
5 going to ask the court to set a Rule 11 hearing on
6 sanctions against all of them or?

7 MR. TRUSLOW: No. That would be only against Mr.
8 Megna and/or Mr. Matthews. It's them and the order is
9 without -- I'm not here to argue the case, Your Honor. I'm
10 just trying to get this thing scheduled.

11 THE COURT: Well, I'm just trying to figure out.

12 All right, Mr. Earle, what are you -- tell me about
13 your clients or you and when y'all will be available.

14 MR. EARLE: Your Honor, I've been diagnosed with MG,
15 and it's sort of doubtful how speedily I'll recover. I can
16 speak today; tomorrow I may not be able to speak. So, I
17 would ask for protection until the end of March to see if
18 I'm going to improve, or if not, I'll need to get
19 substitute counsel for that damages hearing. It's very
20 doubtful at the moment whether or not I will be able to
21 handle it.

22 THE COURT: All right, do you concur is that it's
23 probably a two hour hearing?

24 MR. EARLE: Yes, Your Honor.

25 THE COURT: All right. Well, I'll look and see what

1 kind of damages hearing we can -- how long if, in fact,
2 somebody is substituted, Mr. Earle, how long would it take
3 them to get up to stuff?

4 MR. EARLE: I think it would take them about two
5 weeks.

6 THE COURT: All right. So, you will be able to make a
7 decision by March 1st, and we could have a hearing some
8 time after March 15th?

9 MR. EARLE: Yes, Your Honor. Yes, Your Honor.

10 THE COURT: Any problems with that, Mr. Truslow?

11 MR. TRUSLOW: No, Your Honor.

12 THE COURT: All right. Well, I'll have to find out
13 what nonjury court we have and when it is, and I'll see
14 about trying to schedule some hearing.

15 I guess y'all don't care since you're not involved in
16 that process.

17 MR. MEGNA: No, Your Honor.

18 THE COURT: Although we'll give y'all notice so if you
19 want to appear for whatever reason, you're certainly able
20 to do so.

21 All right, well, I'll -- let me ask you this. I don't
22 know whether your clients have any ability to respond to a
23 judgement, Mr. Earle. Your position may be that they got
24 nothing anyway. So, whatever anybody got against them,
25 it's just a piece of paper. But is there any chance that

1 -- do your clients have any ability to respond to a
2 judgement?

3 MR. EARLE: I would say very little. I would say very
4 little. The -- I'm trying to surmise. I would guess, and
5 this is just my guess, that the damages hearing primarily
6 would relate somewhere to the Rule 11 sanctions. I'm not
7 sure, but I would think.

8 THE COURT: I was just curious as to whether y'all
9 might be able to resolve it before we tie up two hours of
10 court, and then something happens and it falls off.

11 I assume your primary purpose, Mr. Truslow, is to
12 collect money for your client. So, you know, if in fact
13 some way y'all can resolve -- a little bit of something is
14 worth a lot more than a whole lot of nothing. But I'll try
15 to get you something scheduled after March 15th for two
16 hours.

17 MR. TRUSLOW: And if we can work it out, I'll let you
18 know just as soon as possible.

19 THE COURT: Yes. I mean, even if it's a week before
20 because we can plug in stuff all the time if I got two
21 hours. That basically will ruin a morning if we don't go
22 forward.

23 MR. TRUSLOW: All right. Your Honor, in that regard,
24 one, one request I'm going to have. Since it's nonjury, I
25 don't think it would be a problem. My client lives in

1 Mexico at this point in time, and I assume since it's
2 nonjury, we'll have a date certain.

3 THE COURT: Well, as much as a day certain -- you
4 know, there may be three cases set at 9:00.

5 MR. TRUSLOW: That day certain?

6 THE COURT: Yeah, you'll have a day. You'll know what
7 day the hearing is.

8 MR. TRUSLOW: Yes, sir. Thank you.

9 THE COURT: And you'll know. I don't know. Sometimes
10 they'll set them up. They'll give each one of them fifteen
11 minutes, thirty minutes, whatever time they claim they
12 need. And sometimes they'll, as you know, put four of them
13 at 9:00, and three of them will drop off. But yeah, y'all
14 know the time frame, and the roster should be out several
15 weeks ahead. I don't know how much time you need to get
16 your client here.

17 MR. TRUSLOW: All right.

18 THE COURT: Matter of fact, it will probably be on the
19 Internet thirty days ahead of time.

20 MR. TRUSLOW: Yes, sir.

21 THE COURT: All right, anything y'all want to say?

22 MR. MEGNA: Yes, Your Honor. Only that the -- number
23 one, that Mr. Truslow made this same motion before the
24 Court of Appeals, motion for sanctions, and that we, since
25 we're on the record, we would like -- appreciate having the

1 opportunity to have this filed with the record. And the
2 Court of Appeals unanimously denied it on May 29, 2011.
3 And he did not appeal that order to the South Carolina
4 Supreme Court, and the case law is very plain. That
5 becomes the law of the case, right or wrong.

6 In addition to that, we would apparently all agree he
7 wrote me a letter on January 9, 2012, saying that the
8 underlying motions, there are some underlying motions from
9 his side and our side to compel discovery and other motions
10 similar to that, and that they are moot as a practical
11 matter.

12 The federal court actions have nothing to do with the
13 state court actions, and that our position is very simple.
14 And I believe the court has the authority to deal with this
15 now. That the Court of Appeals has ruled on this. It's
16 ruled unanimously on this. He has no -- he has nothing,
17 and rightly or wrongly, he didn't appeal that and it
18 becomes the law of the case. And if for no other reason --
19 may I approach the bench and file this?

20 THE COURT: Well, I'm not here to -- this is a status
21 conference, not a motions hearing. It wasn't noticed as
22 anything like that. You know, if y'all can't agree and
23 there is a motion, it will probably be scheduled for a
24 hearing, and then you can make your argument at that time.

25 MR. MEGNA: Right. Your Honor, as long as it's a

1 status conference, may I have the opportunity also? It's
2 kind of hard to do a motion to dismiss the motion for
3 sanctions. But the plaintiff would like to have an
4 opportunity after they finish whatever they're finishing --
5 or the defendant Ms. Lee would, to file a response and file
6 a counter motion to whatever he has filed with the court as
7 a part of the status conference. And we'll have -- just
8 need a few weeks, thirty days, fifteen days.

9 THE COURT: All right, tell me that again now. You
10 want to file something, a motion? You want to file your
11 own motion for sanctions under Rule ---

12 MR. MEGNA: Well, I don't know if I want to file for
13 sanctions. I want to respond to -- if we file any response
14 to what, ---

15 THE COURT: We can go ahead and do that.

16 MR. MEGNA: Well, I could if you wanted me to. I just
17 thought if you'd wait until this damages hearing was over.

18 THE COURT: Well, I don't know. I mean, his motion is
19 pending. I don't know. See, I don't know what this has to
20 do with motions for sanctions.

21 MR. MEGNA: Right.

22 THE COURT: I mean, I'm just trying to accommodate
23 y'all.

24 MR. MEGNA: Yes, sir. I understand, but I'm happy to
25 file in the next few weeks anyway. That's fine.

1 THE COURT: I wasn't planning on setting the Rule 11
2 hearing until after the 15th, so it may be the term after
3 that. But again, I just turn it over to the scheduling
4 clerk, and he does all that stuff, and so you would
5 probably have -- I mean, what is today? You got two months
6 before the earliest that his hearing would be held.

7 MR. MEGNA: Okay. That will be fine.

8 THE COURT: So, I mean, you can just keep that in
9 mind.

10 MR. MEGNA: I will. Thank you.

11 THE COURT: I would tell you even if it comes up
12 short, whatever you want to file, file it.

13 MR. MEGNA: Okay. Thank you, Your Honor.

14 THE COURT: Even the day before the hearing,
15 understanding that if you send it to the clerk, the judge
16 won't get it because it will languish in the clerk's office
17 for two months before it gets in a file. So, make sure
18 that whoever hears it gets a copy of whatever you file.

19 MR. MEGNA: I will. Thank you. May I file this today
20 since it's on the record now?

21 THE COURT: Sure.

22 MR. MEGNA: Thank you.

23 THE COURT: Well, you'll just have to take it to the
24 clerk.

25 MR. MEGNA: Sir?

1 THE COURT: You'll have to take it to the clerk to
2 file.

3 MR. MEGNA: Okay.

4 THE COURT: We don't -- you can't file them in here.
5 Just take it in there and give it to Randy or Athena.

6 All right, I thank y'all, and you will be noticed.

7 MR. TRUSLOW: It sounds like we don't, we don't even
8 need to deal with the setting of the Rule 11 hearing at
9 this point.

10 THE COURT: Well, didn't you tell me you wanted -- I
11 can set the Rule 11 hearing right now. I mean, the next
12 term that I can get, I think we're scheduled up through the
13 end of this month on nonjury, but there's probably a
14 nonjury term some time in February I can put the Rule 11
15 on.

16 MR. TRUSLOW: I was thinking that the Rule 11 probably
17 ought to go after. I think both sides ---

18 THE COURT: Well, based on what Mr. Earle told me, I
19 assumed that was the case.

20 MR. TRUSLOW: Yes, sir.

21 THE COURT: So.

22 MR. TRUSLOW: We would just ask that it be some time
23 after March 15th. Give the -- Ms. Lee's counsel time to be
24 adequately prepared, and if they have concerns, they can
25 let me know or they can file whatever motions they deem

1 appropriate.

2 THE COURT: How long is the Rule 11 going to take?

3 MR. TRUSLOW: Your Honor, I'm guessing -- I've started
4 to list who I thought the witnesses were going to be. I'm
5 guessing nonjury, regrettably at least a day. And I can
6 tell you some of the witnesses, I would expect -- here are
7 some of them.

8 THE COURT: Well, I don't need to know that.

9 MR. TRUSLOW: Yes, sir. All right.

10 THE COURT: But that's going to be, that's going to be
11 difficult finding a day, and that won't be a -- that will
12 probably go on a nonjury trial week. And it would be --
13 you'll have a roster meeting, and you'll just have to show
14 up because we don't, we don't have days we can ---

15 MR. TRUSLOW: I realize. It's a, it's a very serious
16 matter and ---

17 MR. MEGNA: Could we ask Your Honor ---

18 MR. MEGNA: --- they're entitled to their day in
19 court.

20 MR. MEGNA: Could we ask Your Honor for a list? This
21 is the first we've heard of this. Could we also request
22 for a list of all the witnesses? And that's my concern.
23 We have no notice of what he's going to do at this point in
24 time so we can address it.

25 THE COURT: Well, you want to tell him who your

1 witnesses are?

2 MR. TRUSLOW: I don't have any problem at all with
3 that. This is a preliminary list that would be here would
4 be Desa Ballard, possibly Mr. Earle, depending on where
5 this goes. Curtis Dowling, Rene Josey, Celeste Jones,
6 Steve Blacatto.

7 THE COURT: And all these people are going to come in
8 and testify as to some ---

9 MR. MEGNA: Nothing related to this case.

10 THE COURT: Well, I don't know. I mean, they're all
11 going to -- this is not all cumulative, is it?

12 MR. TRUSLOW: I think each one stands separately.

13 THE COURT: Well, I know they're all well respected
14 attorneys, but we're not going to hear five or six lawyers
15 coming in to say the same thing: that these are bad
16 fellows. If that's what you're going to say, I mean, two
17 people can say that.

18 MR. TRUSLOW: It could be, it could be Ms. Ballard and
19 myself. I think he has lot of the documentation because
20 we've provided it before, but if he needs something ---

21 THE COURT: Well, I would tell you to write him and
22 tell him who -- what prospective witnesses you might have.
23 Now, I can't promise you you're going to hear -- we're
24 going to hear seven or eight lawyers come in and say
25 basically the same thing.

1 MR. TRUSLOW: It's on different cases with Mr. Megna.

2 THE COURT: Well, I don't know about that.

3 MR. TRUSLOW: May relate, maybe not. We're not
4 arguing that right now.

5 THE COURT: Well, I'm arguing it because I've got to
6 schedule time.

7 MR. TRUSLOW: Oh, yes.

8 THE COURT: Y'all understand that.

9 MR. MEGNA: I would ask the court to please consider
10 that other cases have no bearing on ---

11 THE COURT: Well, that will be up to the hearing
12 judge. I can't rule at this point in time.

13 MR. MEGNA: Well, if I ---

14 THE COURT: Let me tell y'all something. There's very
15 little benefit to being the administrative judge in the
16 Fifth Circuit of Richland County, but there is one: you
17 don't hear nonjury. So, I probably will not be involved in
18 this because of that prohibition. But you'll have to take
19 that up with whoever the hearing judge is.

20 MR. TRUSLOW: Thank you, Your Honor.

21 MR. MEGNA: Well, can I ask just one more thing, Your
22 Honor?

23 THE COURT: Sure.

24 MR. MEGNA: Since this is a status conference. If
25 we're going to do this, and obviously that's the -- your

1 court's -- Mr. Truslow's decision, it would seem only fair
2 that we have an understanding that he detail what his
3 issues are so that we can be prepared to counter them.
4 Otherwise, we aren't prepared to counter them.

5 THE COURT: Well, I don't know how that would work.
6 But, I mean, y'all, y'all need to have some conversation
7 about it.

8 Doug, I'm probably not going to schedule this for more
9 than a half a day. You're just going to have to fit it in
10 in a half a day.

11 MR. TRUSLOW: All right, sir.

12 THE COURT: And I may just go ahead and schedule it on
13 a motions thing because -- I mean, I don't want to tie
14 lawyers up sitting around for days at a time waiting to see
15 whether a case comes for trial.

16 But, you know, tell them what your complaints are
17 against -- is it against the clients or the lawyers?

18 MR. TRUSLOW: Lawyer. You can look at the record and
19 you can see the orders of Judge Manning and draw your own
20 conclusions, and you can look at the summary judgement
21 order and the transcript and probably ---

22 MR. MEGNA: And the Court of Appeals has already
23 denied all those motions.

24 THE COURT: Well, that may, that may free up that
25 judge quickly, whoever it is.

1 MR. MEGNA: As long as we understand exactly what he's
2 dealing with and that we can respond. That's all we ask.

3 THE COURT: Well, I can't -- I don't know anything
4 about the case, Mr. Megna, so I cannot speak to ---

5 MR. MEGNA: No, sir, I'm not ---

6 THE COURT: --- any of the allegations in the ---

7 MR. MEGNA: I'm not asking you to.

8 THE COURT: --- in the motion.

9 MR. MEGNA: I just would like for him to ---

10 THE COURT: Well, talk, talk to Mr. Truslow. Y'all
11 have some conversations.

12 All right, y'all will get a notice as to a hearing.

13 MR. TRUSLOW: Thank you.

14 MR. MEGNA: Thank you, Your Honor.

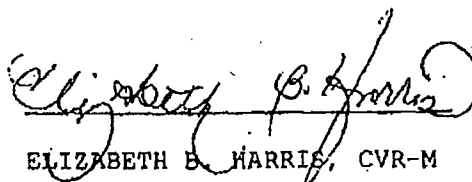
15 THE COURT: Y'all have a nice day.

16 --- END OF TRANSCRIPT OF RECORD ---

CERTIFICATE

I, THE UNDERSIGNED ELIZABETH B. HARRIS, CERTIFIED
VERBATIM OFFICIAL COURT REPORTER FOR THE FIFTH
JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO
HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE
AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE
PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE HEARING
OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE
CIRCUIT COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON
THE 18TH DAY OF JANUARY, 2012.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL, NOR INTEREST IN ANY PARTY HERETO.


ELIZABETH B. HARRIS, CVR-M

COLUMBIA, SOUTH CAROLINA.

MARCH 28TH, 2012

EXHIBIT I

STATE OF SOUTH CAROLINA

James A. Anastl,

Plaintiff,

vs.

Lance Wilson, Willis Goodwin, Gina
L. Anastl Lee, Richland County Clerk
of Court,

Defendants.

IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

DEFENDANT LEE'S FIRST SET
OF AMENDED
INTERROGATORIES AND
REQUEST FOR PRODUCTION OF
DOCUMENTS

2012 MAR -8 PM 2:21
JEANETTE W. McBRIDE
C.C.P. & G.S.

RICHLAND COUNTY
FILED

PLEASE TAKE NOTICE that the Defendant, Gina Lee, by and through her undersigned attorney, hereby requests, pursuant to SCRCF Rule 33 that Plaintiff, James Anastl, respond to the following interrogatories.

INSTRUCTIONS AND DEFINITIONS

1. A Person is defined as any natural person or any business, legal or governmental entity or association.
2. Identify means, when referring to a person, to give, to the extent known, the persons full name, his/her present resident and/or business address and telephone number, and if that is not known, the answer shall so state; in lieu of his/her present residence and/or business address, his/her last known residence and/or business address and the last known date when he/she resided there.
3. Identify means, when referring to legal authorities, to give, to the extent known, the full and complete citation of the legal authority asserted.

4. Identify means, when referring to policy positions or practices [written or unwritten] of the Plaintiff, to give, to the extent known, all information regarding the policy, practice, or procedure, including but not limited to identifying any documents that evidence the policy, practice or procedure. If no document evidences the policy, practice, or procedure, explain how the policy, practice or procedure was developed, how the policy, practice or procedure is actually used and by whom, and who, if anyone, has the discretion to apply or not to apply the policy, practice, or procedure.
5. Identify means, when referring to communications by and/or among individuals, the Plaintiff to give, to the extent known, all information regarding the communication(s) referred, including but not limited to details of the communications as well as the identities of the parties to the communications and further identifying all documents evidencing the communications.
6. When referring to documents, identify means to give, to the extent known: (i) the title, heading or caption of such document, if any; (ii) the identifying number(s), letter(s), or any combination thereof, if any, and the significance or meaning of such; (iii) type of document; (iv) general subject matter; (v) date of the document; (vi) author(s), address(es), and recipient(s).
7. A document is defined to be synonymous in meaning and equal in scope to the usage of this term in the SRCP Rules of Civil Procedure. A document specifically includes data compilations from which information can be obtained, translated, if necessary, by the Plaintiff through detection devices into reasonably usable form – regardless of where such data compilations located. A draft or nonidentical copy is a separate document within the meaning of this term.

8. Parties means the Plaintiff or Defendant as well as a party's full or abbreviated name or pronoun referring to a party mean the party and/ where applicable, its officers, directors, employees, or agents. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation but is intended to include agents, employees, consultants, etc. of the Plaintiff.
9. Concerning means relating to, referring to, describing, evidencing, or constituting.
10. Should Plaintiff claim privilege for any documents about which information or inspection is requested by any of the following interrogatories, such documents shall be described in a manner sufficient for identification including the date, author, all recipients, and identity of each party receiving a copy of the document and the subject matter thereof, as well as all person who have reviewed and/or read the document regardless of their affiliation with the Plaintiff, and in addition to supplying the above-named information concerning such documents, shall indicate that Plaintiff claims privilege therefore and Plaintiff shall state the grounds on which the claim of privilege rests.
11. All interrogatories herein are continuing in nature, so as to require Plaintiff to supplement or amend her responses in accordance with the SCRCF.

INTERROGATORIES AND REQUEST FOR PRODUCTION

1. Please identify all persons answering these interrogatories, and specify which interrogatory was answered by whom.
2. Please identify all persons answering the Defendant's Request for Production of Documents, and specify which request for production was prepared and answered by whom.
3. Please identify and produce all documents you intend to at the damages hearing.

4. Please produce all documents and communications [electronic and/or hard-copy] that relate to and/or reference in any manner Tony R. Megna, Gina Lee, or related parties that you [Douglas Truslow and/or James Anasti] have provided to or have been provided by Celeste Jones, Jay James, Kenneth Woodington, Renee Josey and/or Desa Ballard and/or their agents.

5. Please identify and produce all documents and communications [electronic and/or hard-copy] that relate to and/or reference in any manner Tony R. Megna, Gina Lee, or related parties that you [Douglas Truslow and/or James Anasti] have provided to or have been provided by any person.

6. Please identify all persons with knowledge of or information relevant to the subject matters as stated in the Plaintiff Anasti's request for damages further provide a description that fully and completely describes the content of such knowledge or information.

7. Please identify all persons which Plaintiff intends to call as experts at trial, and specify the subject matter upon which each expert is expected to testify, giving a statement regarding the substance of the facts and opinions to which the expert is expect to testify at trial and a summary of the grounds for each fact.

8. Please identify and produce all documents in support of all damages, however defined, you intend to request be ordered against Ms. Lee and or her agents.

9. If you intend to request damages for any matters that have occurred in federal court, please explain the basis of the jurisdiction of the state circuit court to order such damages.

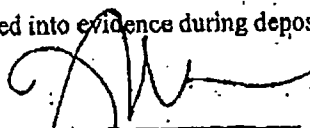
10. Please identify all persons which Plaintiff intends to call as fact witnesses at trial, and specify the subject matter upon which each witness is expected to testify, giving a

statement regarding the substance of the facts to which the witness is expected to testify at trial and a summary of the grounds for each opinion.

11. Please provide a copy of the legal fee agreement between James Anasti and Douglas Truslow, and please further provide copies of all checks or other financial documents that demonstrate the amounts Anasti has actually paid for attorney fees or costs in the cases.

12. Any and all other books, documents, and other tangible items relevant to this action, within the scope of Rule 34 of the South Carolina Rules of Civil Procedure and/or which you intend to introduce at trial.

13. Copies of any regulations, standards, manuals, texts, journals, or other documents or publications which the Third-Party Plaintiff may use in direct examination or cross examination of any witness or introduced into evidence during depositions or at trial.



Tony R. Megna
Attorney at Law
3400 West Avenue
Columbia, SC 29203
Office: 803-799-1700

March 8, 2012.

STATE OF SOUTH CAROLINA

James A. Anastl,

Plaintiff,

vs.

Lance Wilson, Willis Goodwin, Gina L.
Anastl Lee, Richland County Clerk of
Court,

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

JEANETTE W. McBRIDE
C.C.P. & G.S.

2012 MAR -8 PM 2:21

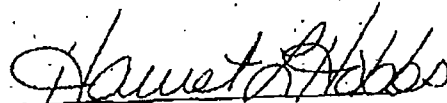
RICHLAND COUNTY
FILED

The undersigned hereby certifies, on the 8th day of March, 2012, a copy of the Plaintiff's First Set of Amended Interrogatories and Production of Documents was served upon the undersigned, by depositing a copy of same with first class postage in the United States Mail addressed as follows:

Douglas Truslow, Esquire
PO Box 1465
Columbia, SC 29201
*Copy of said documents also hand delivered to office:
944 Richland Street, Suite 4, Columbia, SC 29201*

Mr. Willis S. Goodwin
1000 Windsor Shores Drive
Columbia, SC 29222

Mr. Lance Wilson
149 Barney Lane
Columbia, SC 29223



Harriet L. Hobbs
3400 West Avenue
Columbia, SC 29203
Office: 803-799-1700

STATE OF SOUTH CAROLINA

James A. Anastasi,

Plaintiff,

vs.

Lance Wilson, Willis Goodwin, Gina
L. Anastasi Lee, Richland County Clerk
of Court,

Defendants.

IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

NOTICE OF DEPOSITIONS

Pursuant to Rule 30 of the South Carolina Rules of Civil Procedure, by and through undersigned counsel, Plaintiff shall take the deposition of James Anastasi. The depositions shall be held at the offices of the undersigned beginning at 10:00 a.m., Thursday, March 6, 2012, and will continue until complete.



Tony R. Megna, Esquire
Benjamin R. Matthews, Esquire
3400 Maxcy Street
Columbia, SC 29203
803.799.1700
tmegna@gmail.com

February 28, 2012.

STATE OF SOUTH CAROLINA

James A. Anast,

Plaintiff,

vs.

Lance Wilson, Willis Goodwin, Gina
L. Anast Lee, Richland County Clerk
of Court,

Defendants.

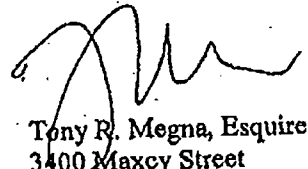
IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the indicated below, a copy of the Plaintiff's Notice of Deposition upon the Defendant by delivering a copy first class mail, postage prepaid to

Douglas N. Truslow
944 Richland Street
Suite 4
Columbia, SC 29201



Tony R. Megna, Esquire
3400 Maxcy Street
Columbia, SC 29203
803.799.1700
tmegna@gmail.com

February 28, 2012.

EXHIBIT J

STATE OF SOUTH CAROLINA

James A. Anast,

Plaintiff,

vs.

Lance Wilson, Willis Goodwin, Glna
L. Anast Lee, Richland County Clerk
of Court,

Defendants.

IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 07-CP-40-0576

NOTICE OF DEPOSITIONS

Pursuant to Rule 30 of the South Carolina Rules of Civil Procedure, by and through undersigned counsel, Plaintiff shall take the deposition of Amanda Hilley, Douglas N. Truslow, and Steve Licata. The depositions shall be held at the offices of the undersigned beginning at 10:00 a.m., Thursday, March 6, 2012, and will continue until complete.


Tony R. Megna, Esquire
Benjamin R. Matthews, Esquire
3400 Maxcy Street
Columbia, SC 29203
803.799.1700
tmegna@gmail.com

February 28, 2012.

STATE OF SOUTH CAROLINA

James A. Anasti,

Plaintiff,

vs.

Lance Wilson, Willis Goodwin, Gina
L. Anasti Lee, Richland County Clerk
of Court,

Defendants.

IN THE COURT OF COMMON
PLEAS
FIFTH JUDICIAL CIRCUIT

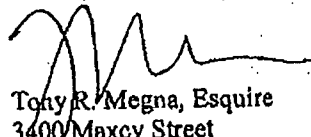
CIVIL ACTION NO: 07-CP-40-0576

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the indicated below, a copy of the Plaintiff's Notice of Deposition upon the Defendant by delivering a copy first class mail, postage prepaid to

Douglas N. Truslow
944 Richland Street
Suite 4
Columbia, SC 29201

Thomas G. Earle
1735 Saint Julian Place # 103
Columbia, SC 29204-2402


Tony R. Megna, Esquire
3400 Maxcy Street
Columbia, SC 29203
803.799.1700
tmegna@gmail.com

February 28, 2012.

STATE OF SOUTH CAROLINA
ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF DARLINGTON

James A. Anast, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Lance Wilson, et. al., Defendant

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Douglas N. Truslow

☐ YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION 3400 West Avenue, Columbia, SC 29203	DATE AND TIME , AM

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents of objects:

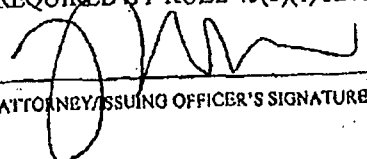
PLACE 3400 WEST AVENUE, COLUMBIA, SC 29203	DATE AND TIME March 6, 2012 @ 10:00 AM

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME , AM

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

 2/28/2012 DATE
ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CLERK OF COURT/ISSUING OFFICER SIGNATURE	DATE	PRINT NAME

PROOF OF SERVICE

SERVED	DATE _____ PLACE _____	FEES AND MILEAGE TENDERED TO WITNESS ☒ YES ☐ NO AMOUNT \$ 28.00
SERVED ON	MANNER OF SERVICE	
SERVED BY	TITLE	

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedure, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

- i. fails to allow reasonable time for compliance; or
- ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
- iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
- iv. subjects a person to undue burden.

(B) If a subpoena:

- i. requires disclosure of a trade secret or other confidential research, development, or commercial information; or
- ii. requires disclosure of an untainted expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or
- iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

STATE OF SOUTH CAROLINA
ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF DARLINGTON

James A. Anast, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Lance Wilon, et. al., Defendant

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Steve Licata

☐ YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME , AM

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

3400 West Avenue, Columbia, SC 29203

DATE AND TIME , AM

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects:

PLACE

3400 WEST AVENUE, COLUMBIA, SC 29203

DATE AND TIME March 6, 2012 @ 10:00 AM

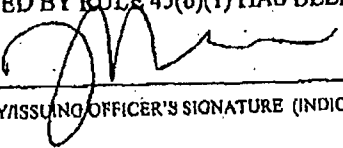
☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME , AM

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

 DATE 2/28/12
ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CLERK OF COURT/ISSUING OFFICER SIGNATURE

DATE

PRINT NAME

PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TENDERED TO WITNESS
	PLACE	☐ YES ☐ NO AMOUNT \$ 28.00
SERVED ON		MANNER OF SERVICE
SERVED BY		TITLE

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

- i. fails to allow reasonable time for compliance; or
- ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
- iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
- iv. subjects a person to undue burden.

(B) If a subpoena:

- i. requires disclosure of a trade secret or other confidential research, development, or commercial information; or
- ii. requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or
- iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

STATE OF SOUTH CAROLINA
ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF DARLINGTON

James A. Anastasi, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Lance Wilson, et. al., Defendant

Case Number: 07-CP-40-0576

Pending in RICHLAND County

TO: Steve Licata

☐ YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION 3400 West Avenue, Columbia, SC 29203	DATE AND TIME , AM

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects:

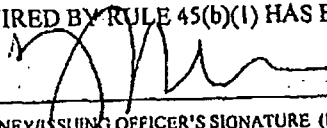
PLACE 3400 WEST AVENUE, COLUMBIA, SC 29203	DATE AND TIME March 6, 2012 @ 10:00 AM

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME , AM

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

 2/28/12 DATE
ATTORNEY/ISSUING OFFICER'S SIGNATURE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CLERK OF COURT/ISSUING OFFICER SIGNATURE DATE PRINT NAME

PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TENDERED TO WITNESS
	PLACE	☒ YES ☐ NO AMOUNT \$ 28.00
SERVED ON		MANNER OF SERVICE
SERVED BY		TITLE

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

- i. fails to allow reasonable time for compliance; or
- ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
- iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
- iv. subjects a person to undue burden.

(B) If a subpoena:

- i. requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- ii. requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person.

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT K

Truslow & Truslow
Attorneys At Law

Telephone: 803-256-6276 Fax: 803-256-7659

Douglas N. Truslow
douglastruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

Physical Address:
914 Richland Street, Suite B-102
Columbia, SC 29201

Mailing Address:
P.O. Box 1465
Columbia, SC 29202

May 4, 2012

RE: Jim Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland
County Clerk of Court
Docket Number: 2007-CP-40-0576

CERTIFIED MAIL, RESTRICTED
PERSONAL & CONFIDENTIAL

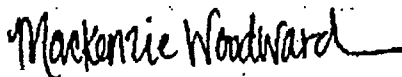
Tony R. Megna, Esquire
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

Please find enclosed copies of the Affidavits of Douglas N. Truslow and Mackenzie Woodward in support of the March 9, 2012 Motion to Quash in the above captioned matter.

A response to the Synopsis that was submitted to Judge Baxley on March 19, 2012 will follow next week prior to the hearing.

Sincerely,



Mackenzie Woodward
Legal Assistant to Douglas N. Truslow

/mcw

COPY

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)
WILLIS GOODWIN,)
GINA L. ANASTI LEE,)
And RICHLAND COUNTY)
CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

AFFIDAVIT OF DOUGLAS N.
TRUSLOW

PERSONALLY APPEARED BEFORE ME, Douglas N. Truslow, who being duly sworn, deposes and says (in his words):

I have been practicing law on a full time basis since 1975 (approximately 37 years). I have an "AV" rating. Among my peers, I believe I enjoy an excellent reputation. A substantial part (almost all) of my practice deals with litigation and hence discovery related issues. I submit that I am very well qualified to render an opinion relative to the necessity for and appropriateness of the time expended on this matter (March 9, 2012 motion), as well as fees incurred and that the fees sought are appropriate and should be awarded. Both the time and the opinions set forth herein are separate and distinct from Plaintiff's pending Rule 11 sanctions motion and a damages hearing (not before the Court at this juncture).

I have represented Plaintiff James Anasti throughout these proceedings. Mr. Anasti is retired, living on a very small pension and social security. He is of modest means. He has no ability to pay my fees relative to the issue currently before the Court -- allegations of discovery abuses by Tony Megna ("Megna") and associated relief that is sought.

My typical hourly rate for a matter such as this would be \$295.00 per hour. However, given the contingent nature of this matter (Mr. Anasti's inability to pay) juxtaposed against pervasive and serious misconduct by Megna that is alleged, the complexity of the matter in

context and Megna's claims of misconduct, I am of the opinion that it would be both appropriate and proper for the Court to use a loadstar fee multiplier of between 1.50 and 1.75. Therefore, I assert that a fee of between \$442.50 and \$516.25 per hour, multiplied by the hours that have been required to have been expended dealing with the matters associated with the March 9, 2012 motion alone is proper.

Time necessarily spent exclusively dealing with the subject of the aforesaid motion is attached as Exhibit 1. It reflects that fees in the amount of between \$31,547.25 and \$56,555.19 as well as costs of \$295.14 (filing fee of \$25.00, estimated roundtrip mileage for travel from Columbia to Darlington (154 miles at \$0.56 per mile), copying charges, postage charges and costs of a transcript (\$65.00)) have been incurred.

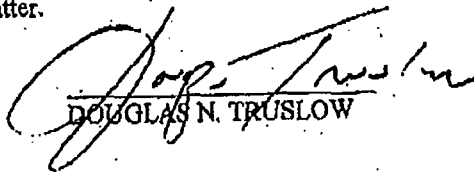
The history of events and circumstances are contained in Plaintiff's March 9, 2012 Motion and Memorandum attached, as well as in the Response to Megna's "Synopsis" that have been filed and submitted to the Court by the undersigned, and the relevant contents of same are incorporated herein by reference as a further basis upon which relief is requested. As well, reference is craved to the Clerk of Court's file (and appeal documents, as well as the file from Darlington (2010-CP-16-0332) and the files from Florence County (2008-CP-21-706 and 2011-CP-21-841)).

Extensive time has been required to be expended. This is so because of the claims Megna has advanced relative to his need and right to now engage in discovery. Detailed documentation also had to be carefully reviewed, especially in light of Megna's claims of unethical conduct by the undersigned (and others) specifically relative to discovery sought by Megna in the context of the within motion. This required the detailed inspection of pleadings in this case, and the underlying facts going back to at least 1996.

Legal services that were required as a result of Megna's misconduct herein -- involving the within motion alone -- included the need for a detailed inspection of the case itself, remand issues, bankruptcy, bankruptcy appeals, appeals in this case, Megna's petition for Writ of Certiorari and Remittitur, the companion case that had been filed in 2004, real estate and probate matters from 1996 through 2000, legal research and careful review of the cases in Darlington and Florence counties that have been referenced. There are literally boxes and boxes of documentation that necessarily had to be inspected.

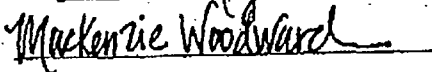
Attempts to reason with Megna were rebuffed, met with insults and were fruitless.

Relative to sanctions sought herein, the burden is upon Megna to establish that he is not capable of paying such amounts as the Court may find to be appropriate.¹ The imposition of sanctions is believed to only be reviewable for an abuse of discretion. That said, Megna professes to be the CEO of a medical related business and appears to be otherwise occupied in other businesses, as has been confirmed by reference to the Secretary of State web site. A Richland County web site search and a "Google" search reflects that Megna appears to own at least two significant real estate holdings in Richland County, as well as a large residence in Blythewood. He professes to have practiced law for over twenty years and to have been so successful that he does not need to rely upon income from the practice of law for his livelihood. Further, it has been made public/is public knowledge/has been published that Megna has made very significant political contributions in the past. Thus, it appears that Megna is capable of paying sanctions and fees, and the award sought herein is not an amount that would force him into bankruptcy or otherwise cause undue financial hardship, especially when juxtaposed against the financial hardship he has caused in this matter.


DOUGLAS N. TRUSLOW

SWORN TO AND SUBSCRIBED BEFORE ME

this 4th day of May, 2012


Mackenzie Woodward

Notary Public for South Carolina

My Commission Expires: June 16, 2021

¹ The imposition of sanctions is reviewable only for abuse of discretion. In that context, that is a further basis to conduct sanctions matters by affidavit, in the Court's discretion.

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)
WILLIS GOODWIN,)
GINA L. ANASTI LEE,)
And RICHLAND COUNTY)
CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

**AFFIDAVIT OF DOUGLAS N.
TRUSLOW**

EXHIBIT 1

Truslow & Truslow, PA
Post Office Box 1466
Columbia, SC 29202-1466

Ph: (803) 256-6276

Fax: (803) 256-7659

James A. Anasti v. Lee, et al
2007-CP-40-0576

File #: 06-059

<u>DATE</u>	<u>DESCRIPTION</u>	<u>HOURS</u>	<u>AMOUNT</u>	<u>LAWYER</u>
2/28/2012	Review and respond to Att'y Megna's e-mail correspondence including: Review of "e-mail subpoena" from Megna. Research law regarding his "service." Review file in context of 1/18/12 Status Conference wherein Megna claimed that neither he nor Lee has any intent in the damage aspect of the case and why he seeks "discovery" in a case where Lee's intent has ended. Review Megna's November 3, 2011 letter to Judge Lee, where he claimed the outstanding damage and sanctions issues had been decided by the Court of Appeals and numerous other inconsistent claims, including bankruptcy. Review of extensive documentation.	3.75	1,106.25	DNT
	Review of second e-mail from Megna regarding deposition of Plaintiff and Motion from Attorney Earle to be Relieved. Follow up with staff, client and Mr. Earle's office.	0.30	88.50	DNT
2/29/2012	Draft Document for Relief Sought. Review file and copy attachments.	1.00	75.00	ADH
3/1/2012	Communication with postman to be on the lookout for more bulky and wrongfully addressed mail from Megna. Review of past numerous communications that relate to numerous mailings from Megna that were addressed (wrong street, zip code, etc.) incorrectly.	0.50	147.50	DNT
	Review e-mail from Megna in context of his Notice of Depositions scheduled for the same time with less than 10 days notice. Follow up with staff and Att'y Licata.	0.30	88.50	DNT

	Letter to Megna - says he will send by mail. Megna threatens contempt even though he is not authorized to act or be involved for Lee. Review file regarding discovery. Follow up with Attorney Licata regarding bankruptcy and Megna's involvement regarding discovery.	0.50	147.50	DNT
	Draft Motion for Protection and initial outline of Argument.	1.00	75.00	ADH
3/4/2012	Review letter from Att'y. Licata regarding discovery by Att'y Megna and follow up.	0.10	29.50	DNT
3/5/2012	Received envelope postmarked 2/28. Receipt of subpoenas addressed to 944 [sic] Richland Street, which is neither our mailing nor street address. More detailed review of subpoenas and discovery related materials in context of Megna's prior assertions. Phone call with Jay James to confirm that Megna was disqualified in the Darlington case. Discussed with James why Megna would issue a subpoena in the Darlington County case for use in the Richland, Darlington and Florence County cases. Follow up review and research.	3.50	1,032.50	DNT
	Meeting with client. According to client, Megna's client does not endorse what Att'y Megna is doing.	0.50	147.50	DNT
	Review e-mails (x 3) from Megna and follow up with letter after review of documents. Megna knows his e-mails go to junk, so why is he sending? How to protect client?	1.50	442.50	DNT
3/6/2012	Extended legal research regarding "discovery" abuses. Preparation of Motion, Memorandum and review of extensive documentation and revision; including Bankruptcy Orders, prior Court Orders, Federal Appellate Pleadings and various communications.	8.20	2,419.00	DNT
3/8/2012	Extended telephone call with Desa Ballard relevant to subpoena, discovery, relevance and ethical duties and responsibility in context of discovery sought by Megna and his actions. Follow up on issues.	2.00	590.00	DNT

3/9/2012	Legal research in regards to possible actions to stop Megna's discovery abuses and what alternatives are available. Confirmation that attempts to reason with him are futile.	1.50	442.50	DNT
	Follow up to complete Memorandum. Travel to court to file.	0.50	147.50	DNT
	Review e-mail from Megna in which he threatens to bring sanctions against me if I don't do what he says; follow up to determine how he is able to evade being blocked from e-mail. Research and documentation regarding consequences, if any, of not doing as Megna demands.	2.10	619.50	DNT
	Review blocked e-mail from Megna and confirm it was not faxed or mailed as claimed. Research issue of how Att'y Megna is able to override blocked e-mails and how to read what has been blocked.	1.00	295.00	DNT
	Conference with staff relative to subpoenas that were incorrectly certified as having been personally served on Amanda Hilley and Doug Truslow. Follow up with research. Review letter sent by staff to Megna and confirm that no response had been received.	1.50	442.50	DNT
	E-mail from Megna that I know of because he copies others. He says he is sending by mail but does not do so. He says he wants discovery regarding damages yet he has said before he has no interest in damages portion of case. Review file to confirm and ensure transcript is ordered. He is repeatedly asking for information that he <u>already has</u> or which is irrelevant and is wrongfully attempting discovery in any event. Follow up review of case to confirm that what he is asserting is not true and harrassment.	1.00	295.00	DNT
	Prepare cover sheet and letter for pleadings. Copy and mail.	1.50	112.50	ADH
3/12/2012	Travel to Florence and Darlington. Review court's files in those cases to determine relevance, if any, to Richland County case.	6.50	1,917.50	DNT

Meeting with Jay James (who I had never met before) to confirm case status and to inquire about the Appeal's relevance to the discovery sought by Megna. T/c with Celeste Jones' paralegal to inquire about subpoena and relevance, if any. (Roundtrip travel time is not

included in charges.) Megna is asking for discovery for unrelated cases and in a case where he has been disqualified.

	Check on status of delivery of 3/5/12 letter from Megna. Not sent as he asserts.	0.10	29.50	DNT
3/15/2012	Confirmation regarding receipt/non receipt from Megna as I am going on vacation and knows I will be gone.	0.30	88.50	DNT
3/23/2012	Detailed review of Att'y Megna's "synopsis" and outline response to same. He raises serious ethical issues that will take considerable time to address.	4.50	1,327.50	DNT
3/24/2012	Extensive review of file in context of Megna's synopsis - 4 files, bankruptcy and appeals.	4.00	1,180.00	DNT
3/25/2012	Review of file and extensive documents in context of Megna's synopsis	2.00	590.00	DNT
3/26/2012	3/26/2012 - 3/31/2012: Detailed review of Megna's "synopsis" and further draft outline for response. Further prepare and revise Memorandum in further support of Motion to Quash. Inspect and review of extensive documents relative to the falsity of Att'y. Megna's assertions. Necessary because of his extensive misconduct and claims of ethical violations by many others.	48.00	14,160.00	DNT
4/1/2012	Initial draft of Affidavits.	3.75	1,106.25	DNT
	Review of Court's e-mail regarding issues to be heard and revise memorandum in context.	0.50	147.50	DNT
	Review letters from others regarding participation in hearing	0.20	59.00	DNT
	Review Megna's e-mails with staff relative to whether he was mailing or faxing information	0.20	59.00	DNT

4/2/2012	Review transcript from January 18, 2012 to disprove Megna's claim that he "needed" discovery for the damages hearing. He specifically and unequivocally told Judge Barber the opposite on January 18, 2012. Revise Memorandum and Affidavits.	2.75	811.25	DNT
	Meeting with staff to revise document. Review Affidavits.	1.00	295.00	DNT
5/15/2012	Anticipated final preparations and travel to Darlington for Hearing.	3.50	1,032.50	DNT
	TOTAL FEE (No Loadstar Multiplier)	109.55	\$31,547.25	
	TOTAL FEE (\$295.00*1.50 Loadstar Multiplier)		\$48,475.88	
	TOTAL FEE (\$295.00*1.75 Loadstar Multiplier)		\$56,555.19	

DISBURSEMENTS

	Photocopies	69.20
	Postage	49.70
3/8/2012	Motion Fee	25.00
4/5/2012	Transcript of Jan. 18 2012 Status Conference	65.00
5/15/2012	Mileage - Darlington, SC - 154 miles	86.24
	TOTAL COSTS	\$295.14

COPY

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

JAMES A. ANASTI,

Plaintiff,

vs.

LANCE WILSON,
WILLIS GOODWIN,
GINA L. ANASTI LEE,
And RICHLAND COUNTY
CLERK OF COURT,

Defendants.

COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Docket Number: 2007-CP-40-0576

**AFFIDAVIT OF
MACKENZIE WOODWARD**

PERSONALLY APPEARED BEFORE ME, MACKENZIE WOODWARD, who
being duly sworn, deposes and says (her words):

1. I am a legal assistant and I am employed by Douglas N. Truslow.
2. I am responsible for keeping Mr. Truslow's time records.
3. Records of time spent on matters solely associated with the March 9, 2012 motion are attached as Exhibit A.
4. My workspace is close to Mr. Truslow's office. Our office is a small practice consisting of four people; therefore I am well aware of what occurs on a daily basis.
5. The period of March 23, 2012 through March 30, 2012 was consumed with this matter as is obvious from Mr. Truslow's time records. Additional time was expended with the qualification that Mr. Truslow has not charged for all time expended. Time is entered into our billing software and automatically calculated at Mr. Truslow's normal hourly rate of \$295.00 without any loadstar multiplier.
6. The files for this case are voluminous. There are files for this case that are well over five years old and it is the largest file in our office.
7. I am able to confirm that Mr. Truslow spent considerable time on this matter as documented in the attached exhibit.

8. Because of the location of my workspace, I am usually the first person that greets visitors to our office. On or about March 6, 2012, a man came to our office saying he was here to deliver some paperwork. He did not ask who I was or request to see anyone in particular. He did not identify himself or the papers he was here to deliver. He simply handed me the paperwork, said thank you and left.
9. After his departure, I noticed that the paperwork was addressed to Amanda Hilley and included a letter, subpoena, a Notice of Deposition, and a witness fee check in the amount of \$28.00 from HTR, LLC. The subpoena's Proof of Service had been completed prior to the delivery. It stated that Amanda Hilley was personally served. That is not accurate. I am not Mrs. Hilley's agent and I am not authorized to accept service on her behalf.
10. On or about March 8, 2012, the same man returned to our office. He delivered more unspecified papers. Once again, he did not ask who I was or request to see anyone in particular. Again, he did not identify himself. He simply handed me the papers but this time, upon my inquiry, he stated that he was delivering them as Mr. Megna had instructed. He handed me the papers. This set of papers included a subpoena and Notice of Deposition for Mr. Truslow.
11. As before, the subpoena's Proof of Service had been completed prior to delivery. It stated that Douglas Truslow was personally served. This, again, was not accurate.
12. On March 9, 2012, I sent a letter to Mr. Megna because I thought he would want to be made aware of the problems with the manner of "service" of his subpoenas. The letter is attached as Exhibit B. I have not received any response to my letter and to the best of my knowledge Mr. Megna has not addressed this issue with Mr. Truslow either.


Maekenzie Corbin Woodward
Legal Assistant for Douglas N. Truslow

[NOTARY CERTIFICATION ON FOLLOWING PAGE]

SWORN TO AND SUBSCRIBED BEFORE ME

this 3 day of May, 2012

Amanda Douglas Hoot
Notary Public for South Carolina

My Commission Expires: November 22, 2020

COUNTY OF RICHLAND

JAMES A. ANASTI,

Plaintiff,

vs.

LANCE WILSON,
WILLIS GOODWIN,
GINA L. ANASTI LEE,
And RICHLAND COUNTY
CLERK OF COURT,

Defendants.

FIFTH JUDICIAL CIRCUIT

Docket Number: 2007-CP-40-0576

AFFIDAVIT OF
MACKENZIE WOODWARD

EXHIBIT A

Truslow & Truslow, PA
Post Office Box 1465
Columbia, SC 29202-1465

Ph: (803) 256-6276

Fax: (803) 256-7669

James A. Anastasi v. Lee, et al
2007-CP-40-0576

File #: 06-059

<u>DATE</u>	<u>DESCRIPTION</u>	<u>HOURS</u>	<u>AMOUNT</u>	<u>LAWYER</u>
2/28/2012	Review and respond to Att'y Megna's e-mail correspondence including: Review of "e-mail subpoena" from Megna. Research law regarding his "service." Review file in context of 1/18/12 Status Conference wherein Megna claimed that neither he nor Lee has any intent in the damage aspect of the case and why he seeks "discovery" in a case where Lee's intent has ended. Review Megna's November 3, 2011 letter to Judge Lee, where he claimed the outstanding damage and sanctions issues had been decided by the Court of Appeals and numerous other inconsistent claims, including bankruptcy. Review of extensive documentation.	3.75	1,106.25	DNT
	Review of second e-mail from Megna regarding deposition of Plaintiff and Motion from Attorney Earle to be Relieved. Follow up with staff, client and Mr. Earle's office.	0.30	88.50	DNT
2/29/2012	Draft Document for Relief Sought. Review file and copy attachments.	1.00	75.00	ADH
3/1/2012	Communication with postman to be on the lookout for more bulky and wrongfully addressed mail from Megna. Review of past numerous communications that relate to numerous mailings from Megna that were addressed (wrong street, zip code, etc.) incorrectly.	0.50	147.50	DNT
	Review e-mail from Megna in context of his Notice of Depositions scheduled for the same time with less than 10 days notice. Follow up with staff and Att'y Licata.	0.30	88.50	DNT

	Letter to Megna - says he will send by mail. Megna threatens contempt even though he is not authorized to act or be involved for Lee. Review file regarding discovery. Follow up with Attorney Licata regarding bankruptcy and Megna's involvement regarding discovery.	0.50	147.50	DNT
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	Meeting with client. According to client, Megna's client does not endorse what Att'y Megna is doing.	0.50	147.50	DNT
	Review e-mails (x 3) from Megna and follow up with letter after review of documents. Megna knows his e-mails go to junk, so why is he sending? How to protect client?	1.50	442.50	DNT
3/6/2012	Extended legal research regarding "discovery" abuses. Preparation of Motion, Memorandum and review of extensive documentation and revision; including Bankruptcy Orders, prior Court Orders, Federal Appellate Pleadings and various communications.	8.20	2,419.00	DNT
3/8/2012	Extended telephone call with Desa Ballard relevant to subpoena, discovery, relevance and ethical duties and responsibility in context of discovery sought by Megna and his actions. Follow up on issues.	2.00	590.00	DNT

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	Follow up to complete Memorandum. Travel to court to file.	0.50	147.50	DNT
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3/15/2012	Confirmation regarding receipt/non receipt from Megna as I am going on vacation and knows I will be gone.	0.30	88.50	DNT
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3/24/2012	Extensive review of file in context of Megna's synopsis - 4 files, bankruptcy and appeals.	4.00	1,180.00	DNT
3/25/2012	Review of file and extensive documents in context of Megna's synopsis	2.00	590.00	DNT
3/26/2012	3/26/2012 - 3/31/2012: Detailed review of Megna's "synopsis" and further draft outline for response. Further prepare and revise Memorandum in further support of Motion to Quash. Inspect and review of extensive documents relative to the falsity of Att'y. Megna's assertions. Necessary because of his extensive misconduct and claims of ethical violations by many others.	48.00	14,160.00	DNT
4/1/2012	Initial draft of Affidavits.	3.75	1,106.25	DNT
	Review of Court's e-mail regarding issues to be heard and revise memorandum in context.	0.50	147.50	DNT
	Review letters from others regarding participation in hearing	0.20	59.00	DNT
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4/2/2012	Review transcript from January 18, 2012 to disprove Megna's claim that he "needed" discovery for the damages hearing. He specifically and unequivocally told Judge Barber the opposite on January 18, 2012. Revise Memorandum and Affidavits.	2.75	811.25	DNT
	Meeting with staff to revise document. Review Affidavits.	1.00	295.00	DNT
5/15/2012	Anticipated final preparations and travel to Darlington for Hearing.	3.50	1,032.50	DNT
	TOTAL FEE	109.55	\$31,547.25	

DISBURSEMENTS

	Photocopies	69.20
	Postage	49.70
3/8/2012	Motion Fee	25.00
4/5/2012	Transcript of Jan. 18 2012 Status Conference	65.00
5/15/2012	Mileage - Darlington, SC - 154 miles	86.24
	TOTAL COSTS	\$295.14

TOTAL FEE & DISBURSEMENTS

\$31,842.39

COUNTY OF RICHLAND

JAMES A. ANASTI,

Plaintiff,

vs.

LANCE WILSON,
WILLIS GOODWIN,
GINA L. ANASTI LEE,
And RICHLAND COUNTY
CLERK OF COURT,

Defendants.

FIFTH JUDICIAL CIRCUIT

Docket Number: 2007-CP-40-0576

AFFIDAVIT OF
MACKENZIE WOODWARD

EXHIBIT B

Truslow & Truslow
Attorneys At Law

Telephone: 803-256-6276 Fax: 803-256-7659

Douglas N. Truslow
douglastruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

Physical Address:
914 Richland Street, Suite B-102
Columbia, SC 29201

Mailing Address:
P.O. Box 1465
Columbia, SC 29202

March 9, 2012

RE: Jim Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland
County Clerk of Court
Docket Number: 2007-CP-40-0576

CERTIFIED MAIL, RESTRICTED
PERSONAL & CONFIDENTIAL

Tony R. Megna, Esquire
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

Someone from your office handed a pack of papers to me and then immediately left. I was not requested to sign for anything or give my name or position. In looking at the papers, I saw that the "Proof of Service" was already filled out before I received the documents. The "Proof of Service" indicates that the documents were delivered to Mr. Truslow personally (emphasis added). That, of course, is not accurate.

Mr. Truslow is not in the office at the time of this writing but I wanted you to know that what is being represented by your office is incorrect. Also, as you know, Mr. Truslow has protection from the court starting next week through Monday, March 23, so I suggest that you may want to discuss the matter with him after Monday, March 26, if you are unable to take care of this problem immediately.

Sincerely,

Mackenzie Woodward

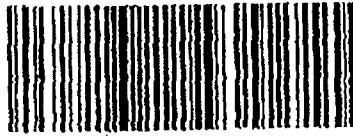
Mackenzie Woodward
Legal Assistant to Truslow and Truslow, P.A.

DNT/mcw

ow & Truslow
 torneys At Law

O. Box 1465
 South Carolina 29202

CERTIFIED MAIL



7010 0290 0000 9966 2230



CERTIFIED MAIL, RESTRICTED
PERSONAL & CONFIDENTIAL

Tony R. Megna, Esquire
 Matthews & Megna, LLC
 3400 West Ave.
 Columbia, SC 29203

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X	
		☐ Agent ☐ Addressee	
		B. Received by (Printed Name)	C. Date of Delivery
1. Article Addressed to: Tony R. Megna, Esq. Matthews & Megna, LLC 3400 West Ave. Columbia, SC 29203		D. Is delivery address different from Item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ O.D.D.	
		4. Restricted Delivery? (Extra Fee) ☒ Yes	
2. Article Number (Transfer from service label)		7010 0290 0000 9966 2230	
PS Form 3811, February 2004		Domestic Return Receipt 100599-02-11-1540	

CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	0.45
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	4.55
Total Postage & Fees	\$ 7.95

Sent to **Megna**
 Street Apt. No. **3400 WEST AVE.**
 or PO Box No.
 City, State, ZIP+4 **29203**

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <i>x Pam Crachio</i> ☐ Agent ☐ Addressee	
1. Article Addressed to: <i>Tony R. Megna, Esq.</i> <i>Matthews & Megna, LLC</i> <i>3400 West Ave.</i> <i>Columbia, SC 29203</i>		B. Received by (Printed Name) <i>Pam Crachio</i>	C. Date of Delivery <i>3/12/12</i>
		D. Is delivery address different from Item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ O.D.D.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) ☒ Yes	
		7010 0290 0000 9966 2230	
PS Form 3811, February 2004		Domestic Return Receipt	
		(02595-02-M-1840)	

EXHIBIT L



Pee Dee Health Care v. Thompson (Darlington); Anasti v. Wilson (Richland)

195.

Baxley, J. Michael Secretary (Jamie L. Capell)

Fri, Mar 16, 2012 at

<JBaxleySC@sccourts.org>

3:47 PM

To: "Desa Ballard (desab@desaballard.com)" <desab@desaballard.com>, "cjones@mcnair.net" <cjones@mcnair.net>, "Kenneth P. Woodington (kwoodington@DML-LAW.com)" <kwoodington@dml-law.com>, "pjlaw507 (pjlaw507@bellsouth.net)" <pjlaw507@bellsouth.net>, "Josey, J. Rene (RJosey@turnerpadget.com)" <RJosey@turnerpadget.com>, "Tony R. Megna (tmegna@gmail.com)" <tmegna@gmail.com>, "douglastruslow@truslowlaw.com" <douglastruslow@truslowlaw.com>, "nealtruslow@truslowlaw.com" <nealtruslow@truslowlaw.com>

Cc: "Baxley, J. Michael Law Clerk (Mason W. King)" <JBaxleyLC@sccourts.org>

Counsel—

Recently, Attorney Truslow filed a motion to quash and for sanctions in the Richland case of Anasti v. Wilson (07-CP-40-0576). The issues raised therein are related to matters in the Darlington case of Pee Dee Health Care v. Thompson (10-CP-16-0332). This Court presided over the Thompson case and retains jurisdiction over a motion for sanctions filed by attorney Desa Ballard that was filed prior to an appeal on the granting of summary judgment being taken by Pee Dee Health Care. For reasons of judicial economy, Richland Chief Administrative Judge Barber has now assigned the pending motion in Anasti to this Court.

It is my intention to conduct a simultaneous hearing into both of these matters, in the Fourth Judicial Circuit, at a time that is best convenient for the multiple attorneys involved. Given below are two choices of date and time. Please respond to my judicial assistant Jamie Capell to advise whether you desire to attend the hearing, and if so, which date is your preference. Please use the "reply to all" email feature to avoid the appearance of ex-parte communications. We will accommodate the preference of the majority desiring to attend. The hearing

should take no more than an hour and a half. Once the date is determined, this office will notify attorney Truslow and ask him to serve a formal notice of hearing on all interested parties.

If you have requested sanctions, or believe you are entitled to such, please bring with you to the hearing an affidavit of costs detailing your hourly rate as well as the number of hours expended as a result of what you allege to be wrongful conduct, including a time projection for travel and attendance at this scheduled hearing. Please provide this information to Attorney Megna at least 48 hours prior to the hearing date. No live testimony is anticipated, please provide any necessary evidence by affidavit. Any affidavits or memoranda should be provided to all counsel at least 48 hours prior to the hearing. Because he is the subject of multiple requests for sanctions, Attorney Megna is advised to obtain counsel and be prepared to respond to counsels' allegations at the hearing.

Proposed dates/times of hearing: April 23 at 2:00 p.m. in Dillon or May 15 at 3:00 in Darlington. Please respond back to our office within 5 business days.

J. Michael Baxley

Presiding Judge

Neal Truslow <NealTruslow@truslowlaw.com>

Mon, Mar 19, 2012 at 9:18 AM

To: "Baxley, J. Michael Secretary (Jamie L. Capell)" <JBaxleySC@sccourts.org>, Desa Ballard <desab@desaballard.com>, cjones@mcnair.net, "Kenneth P. Woodington" <kwoodington@dml-law.com>, pjlaw507 <pjlaw507@bellsouth.net>, "Josey, J. Rene" <RJosey@turnerpadget.com>, "Tony R. Megna" <tmegna@gmail.com>, douglastruslow@truslowlaw.com, "Baxley, J. Michael Law Clerk (Mason W. King)" <JBaxleyLC@sccourts.org>

Cc: Amanda Hilley <AmandaHilley@truslowlaw.com>, Mackenzie Woodward <mackenziewoodward@truslowlaw.com>

Doug Truslow will be in attendance and either date works for his calendar.

ATTORNEY AT LAW

nealtruslow@truslowlaw.com

Columbia, SC 29201

PO Box 1465

Columbia, SC 29202

CONFIDENTIAL & PRIVILEGED

Unless otherwise indicated or obvious from the nature of the above communication, the information contained herein is attorney-client privileged and confidential information/work product. The communication is intended for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies, electronic or otherwise, which you may have of this communication.

From: Baxley, J. Michael Secretary (Jamie L. Capell) [mailto:JBaxleySC@sccourts.org]
Sent: Friday, March 16, 2012 3:48 PM
To: Desa Ballard (desab@desaballard.com); cjones@mcnair.net; Kenneth P. Woodington (kwoodington@DML-LAW.com); pjlaw507 (pjlaw507@bellsouth.net); Josey, J. Rene (RJosey@turnerpadget.com); Tony R. Megna (tmegna@gmail.com); douglastruslow@truslowlaw.com; nealtruslow@truslowlaw.com
Cc: Baxley, J. Michael Law Clerk (Mason W. King)
Subject: Pee Dee Health Care v. Thompson (Darlington); Anast v. Wilson (Richland)

[Quoted text hidden]

Kenneth P. Woodington <kwoodington@dml-law.com>

Mon, Mar 19, 2012 at 9:23 AM

To: Neal Truslow <NealTruslow@truslowlaw.com>, "Baxley, J. Michael Secretary (Jamie L. Capell)" <JBaxleySC@sccourts.org>, Desa Ballard <desab@desaballard.com>, cjones@mcnair.net, pjlaw507 <pjlaw507@bellsouth.net>, "Josey, J. Rene" <RJosey@turnerpadget.com>, "Tony R. Megna" <tmegna@gmail.com>, douglastruslow@truslowlaw.com, "Baxley, J. Michael Law Clerk (Mason W. King)" <JBaxleyLC@sccourts.org>
Cc: Amanda Hilley <AmandaHilley@truslowlaw.com>, Mackenzie Woodward

EXHIBIT M

Truslow & Truslow
Attorneys At Law

Telephone: 803-256-6276 Fax: 803-256-7659

Douglas N. Truslow
douglastruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

Physical Address:
914 Richland Street, Suite B-102
Columbia, SC 29201

Mailing Address:
P.O. Box 1465
Columbia, SC 29202

May 4, 2012

RE: Jim Anasti v. Lance Willson, Willis Goodwin, Gina L. Anasti Lee, and Richland
County Clerk of Court
Docket Number: 2007-CP-40-0576

CERTIFIED MAIL, RESTRICTED
PERSONAL & CONFIDENTIAL

Tony R. Megna, Esquire
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

Please find enclosed copies of the Affidavits of Douglas N. Truslow and Mackenzie Woodward in support of the March 9, 2012 Motion to Quash in the above captioned matter.

A response to the Synopsis that was submitted to Judge Baxley on March 19, 2012 will follow next week prior to the hearing.

Sincerely,



Mackenzie Woodward
Legal Assistant to Douglas N. Truslow

/mcw

COPY

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)
WILLIS GOODWIN,)
GINA L. ANASTI LEE,)
And RICHLAND COUNTY)
CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

**AFFIDAVIT OF DOUGLAS N.
TRUSLOW**

PERSONALLY APPEARED BEFORE ME, Douglas N. Truslow, who being duly sworn, deposes and says (in his words):

I have been practicing law on a full time basis since 1975 (approximately 37 years). I have an "AV" rating. Among my peers, I believe I enjoy an excellent reputation. A substantial part (almost all) of my practice deals with litigation and hence discovery related issues. I submit that I am very well qualified to render an opinion relative to the necessity for and appropriateness of the time expended on this matter (March 9, 2012 motion), as well as fees incurred and that the fees sought are appropriate and should be awarded. Both the time and the opinions set forth herein are separate and distinct from Plaintiff's pending Rule 11 sanctions motion and a damages hearing (not before the Court at this juncture).

I have represented Plaintiff James Anastasi throughout these proceedings. Mr. Anastasi is retired, living on a very small pension and social security. He is of modest means. He has no ability to pay my fees relative to the issue currently before the Court - allegations of discovery abuses by Tony Megna ("Megna") and associated relief that is sought.

My typical hourly rate for a matter such as this would be \$295.00 per hour. However, given the contingent nature of this matter (Mr. Anastasi's inability to pay) juxtaposed against pervasive and serious misconduct by Megna that is alleged, the complexity of the matter in

context and Megna's claims of misconduct, I am of the opinion that it would be both appropriate and proper for the Court to use a loadstar fee multiplier of between 1.50 and 1.75. Therefore, I assert that a fee of between \$442.50 and \$516.25 per hour, multiplied by the hours that have been required to have been expended dealing with the matters associated with the March 9, 2012 motion alone is proper.

Time necessarily spent exclusively dealing with the subject of the aforesaid motion is attached as Exhibit 1. It reflects that fees in the amount of between \$31,547.25 and \$56,555.19 as well as costs of \$295.14 (filing fee of \$25.00, estimated roundtrip mileage for travel from Columbia to Darlington (154 miles at \$0.56 per mile), copying charges, postage charges and costs of a transcript (\$65.00)) have been incurred.

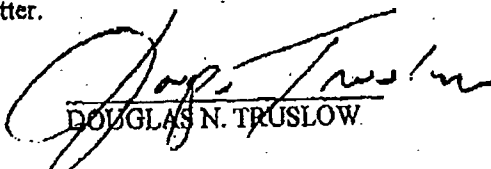
The history of events and circumstances are contained in Plaintiff's March 9, 2012 Motion and Memorandum attached, as well as in the Response to Megna's "Synopsis" that have been filed and submitted to the Court by the undersigned, and the relevant contents of same are incorporated herein by reference as a further basis upon which relief is requested. As well, reference is craved to the Clerk of Court's file (and appeal documents, as well as the file from Darlington (2010-CP-16-0332) and the files from Florence County (2008-CP-21-706 and 2011-CP-21-841)).

Extensive time has been required to be expended. This is so because of the claims Megna has advanced relative to his need and right to now engage in discovery. Detailed documentation also had to be carefully reviewed, especially in light of Megna's claims of unethical conduct by the undersigned (and others) specifically relative to discovery sought by Megna in the context of the within motion. This required the detailed inspection of pleadings in this case, and the underlying facts going back to at least 1996.

Legal services that were required as a result of Megna's misconduct herein -- involving the within motion alone -- included the need for a detailed inspection of the case itself, remand issues, bankruptcy, bankruptcy appeals, appeals in this case, Megna's petition for Writ of Certiorari and Remittitur, the companion case that had been filed in 2004, real estate and probate matters from 1996 through 2000, legal research and careful review of the cases in Darlington and Florence counties that have been referenced. There are literally boxes and boxes of documentation that necessarily had to be inspected.

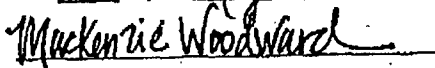
Attempts to reason with Megna were rebuffed, met with insults and were fruitless.

Relative to sanctions sought herein, the burden is upon Megna to establish that he is not capable of paying such amounts as the Court may find to be appropriate.¹ The imposition of sanctions is believed to only be reviewable for an abuse of discretion. That said, Megna professes to be the CEO of a medical related business and appears to be otherwise occupied in other businesses, as has been confirmed by reference to the Secretary of State web site. A Richland County web site search and a "Google" search reflects that Megna appears to own at least two significant real estate holdings in Richland County, as well as a large residence in Blythewood. He professes to have practiced law for over twenty years and to have been so successful that he does not need to rely upon income from the practice of law for his livelihood. Further, it has been made public/is public knowledge/has been published that Megna has made very significant political contributions in the past. Thus, it appears that Megna is capable of paying sanctions and fees, and the award sought herein is not an amount that would force him into bankruptcy or otherwise cause undue financial hardship, especially when juxtaposed against the financial hardship he has caused in this matter.


DOUGLAS N. TRUSLOW

SWORN TO AND SUBSCRIBED BEFORE ME

this 4th day of May, 2012


Mackenzie Woodward

Notary Public for South Carolina

My Commission Expires: June 18, 2021

¹ The imposition of sanctions is reviewable only for abuse of discretion. In that context, that is a further basis to conduct sanctions matters by affidavit, in the Court's discretion.

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

JAMES A. ANASTI,)

Plaintiff,)

vs.)

LANCE WILSON,)
WILLIS GOODWIN,)
GINA L. ANASTI LEE,)
And RICHLAND COUNTY)
CLERK OF COURT,)

Defendants.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No.: 2007-CP-40-0576

AFFIDAVIT OF DOUGLAS N.
TRUSLOW

EXHIBIT 1

Truslow & Truslow, PA
Post Office Box 1465
Columbia, SC 29202-1465

Ph: (803) 256-6276

Fax: (803) 256-7659

James A. Anasti v. Lee, et al
2007-CP-40-0576

File #: 06-059

<u>DATE</u>	<u>DESCRIPTION</u>	<u>HOURS</u>	<u>AMOUNT</u>	<u>LAWYER</u>
2/28/2012	Review and respond to Att'y Megna's e-mail correspondence including: Review of "e-mail subpoena" from Megna. Research law regarding his "service." Review file in context of 1/18/12 Status Conference wherein Megna claimed that neither he nor Lee has any intent in the damage aspect of the case and why he seeks "discovery" in a case where Lee's intent has ended. Review Megna's November 3, 2011 letter to Judge Lee, where he claimed the outstanding damage and sanctions issues had been decided by the Court of Appeals and numerous other inconsistent claims, including bankruptcy. Review of extensive documentation.	3.75	1,106.25	DNT
	Review of second e-mail from Megna regarding deposition of Plaintiff and Motion from Attorney Earle to be Relieved. Follow up with staff, client and Mr. Earle's office.	0.30	88.50	DNT
2/29/2012	Draft Document for Relief Sought. Review file and copy attachments.	1.00	75.00	ADH
3/1/2012	Communication with postman to be on the lookout for more bulky and wrongfully addressed mail from Megna. Review of past numerous communications that relate to numerous mailings from Megna that were addressed (wrong street, zip code, etc.) incorrectly.	0.50	147.50	DNT
	Review e-mail from Megna in context of his Notice of Depositions scheduled for the same time with less than 10 days notice. Follow up with staff and Att'y Licata.	0.30	88.50	DNT

	Letter to Megna - says he will send by mail. Megna threatens contempt even though he is not authorized to act or be involved for Lee. Review file regarding discovery. Follow up with Attorney Licata regarding bankruptcy and Megna's involvement regarding discovery.	0.50	147.50	DNT
	Draft Motion for Protection and initial outline of Argument.	1.00	75.00	ADH
3/4/2012	Review letter from Att'y. Licata regarding discovery by Att'y Megna and follow up.	0.10	29.50	DNT
3/5/2012	Received envelope postmarked 2/28. Receipt of subpoenas addressed to 944 [sic] Richland Street, which is neither our mailing nor street address. More detailed review of subpoenas and discovery related materials in context of Megna's prior assertions. Phone call with Jay James to confirm that Megna was disqualified in the Darlington case. Discussed with James why Megna would issue a subpoena in the Darlington County case for use in the Richland, Darlington and Florence County cases. Follow up review and research.	3.50	1,032.50	DNT
	Meeting with client. According to client, Megna's client does not endorse what Att'y Megna is doing.	0.50	147.50	DNT
	Review e-mails (x 3) from Megna and follow up with letter after review of documents. Megna knows his e-mails go to junk, so why is he sending? How to protect client?	1.50	442.50	DNT
3/6/2012	Extended legal research regarding "discovery" abuses. Preparation of Motion, Memorandum and review of extensive documentation and revision; including Bankruptcy Orders, prior Court Orders, Federal Appellate Pleadings and various communications.	8.20	2,419.00	DNT
3/8/2012	Extended telephone call with Desa Ballard relevant to subpoena, discovery, relevance and ethical duties and responsibility in context of discovery sought by Megna and his actions. Follow up on issues.	2.00	590.00	DNT

3/9/2012	Legal research in regards to possible actions to stop Megna's discovery abuses and what alternatives are available. Confirmation that attempts to reason with him are futile.	1.50	442.50	DNT
	Follow up to complete Memorandum. Travel to court to file.	0.50	147.50	DNT
	Review e-mail from Megna in which he threatens to bring sanctions against me if I don't do what he says; follow up to determine how he is able to evade being blocked from e-mail. Research and documentation regarding consequences, if any, of not doing as Megna demands.	2.10	619.50	DNT
	Review blocked e-mail from Megna and confirm it was not faxed or mailed as claimed. Research issue of how Att'y Megna is able to override blocked e-mails and how to read what has been blocked.	1.00	295.00	DNT
	Conference with staff relative to subpoenas that were incorrectly certified as having been personally served on Amanda Hilley and Doug Truslow. Follow up with research. Review letter sent by staff to Megna and confirm that no response had been received.	1.50	442.50	DNT
	E-mail from Megna that I know of because he copies others. He says he is sending by mail but does not do so. He says he wants discovery regarding damages yet he has said before he has no interest in damages portion of case. Review file to confirm and ensure transcript is ordered. He is repeatedly asking for information that he <u>already has</u> or which is irrelevant and is wrongfully attempting discovery in any event. Follow up review of case to confirm that what he is asserting is not true and harrassment.	1.00	295.00	DNT
	Prepare cover sheet and letter for pleadings. Copy and mail.	1.50	112.50	ADH
3/12/2012	Travel to Florence and Darlington. Review court's files in those cases to determine relevance, if any, to Richland County case.	6.50	1,917.50	DNT

Meeting with Jay James (who I had never met before) to confirm case status and to inquire about the Appeal's relevance to the discovery sought by Megna. T/c with Celeste Jones' paralegal to inquire about subpoena and relevance, if any. (Roundtrip travel time is not

included in charges.) Megna is asking for discovery for unrelated cases and in a case where he has been disqualified.

	Check on status of delivery of 3/5/12 letter from Megna. Not sent as he asserts.	0.10	29.50	DNT
3/15/2012	Confirmation regarding receipt/non receipt from Megna as I am going on vacation and knows I will be gone.	0.30	88.50	DNT
3/23/2012	Detailed review of Att'y Megna's "synopsis" and outline response to same. He raises serious ethical issues that will take considerable time to address.	4.50	1,327.50	DNT
3/24/2012	Extensive review of file in context of Megna's synopsis - 4 files, bankruptcy and appeals.	4.00	1,180.00	DNT
3/25/2012	Review of file and extensive documents in context of Megna's synopsis	2.00	590.00	DNT
3/26/2012	3/26/2012 - 3/31/2012: Detailed review of Megna's "synopsis" and further draft outline for response. Further prepare and revise Memorandum in further support of Motion to Quash. Inspect and review of extensive documents relative to the falsity of Att'y. Megna's assertions. Necessary because of his extensive misconduct and claims of ethical violations by many others.	48.00	14,160.00	DNT
4/1/2012	Initial draft of Affidavits.	3.75	1,106.25	DNT
	Review of Court's e-mail regarding issues to be heard and revise memorandum in context.	0.50	147.50	DNT
	Review letters from others regarding participation in hearing	0.20	59.00	DNT
	Review Megna's e-mails with staff relative to whether he was mailing or faxing information	0.20	59.00	DNT

4/2/2012	Review transcript from January 18, 2012 to disprove Megna's claim that he "needed" discovery for the damages hearing. He specifically and unequivocally told Judge Barber the opposite on January 18, 2012. Revise Memorandum and Affidavits.	2.75	811.25	DNT
	Meeting with staff to revise document. Review Affidavits.	1.00	295.00	DNT
5/15/2012	Anticipated final preparations and travel to Darlington for Hearing.	3.50	1,032.50	DNT
	TOTAL FEE (No Loadstar Multiplier)	109.55	\$31,547.25	
	TOTAL FEE (\$295.00*1.50 Loadstar Multiplier)		\$48,475.88	
	TOTAL FEE (\$295.00*1.75 Loadstar Multiplier)		\$56,555.19	

DISBURSEMENTS

	Photocopies	69.20
	Postage	49.70
3/8/2012	Motion Fee	25.00
4/5/2012	Transcript of Jan. 18 2012 Status Conference	65.00
5/15/2012	Mileage - Darlington, SC - 154 miles	86.24
	TOTAL COSTS	\$295.14

COPY

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

JAMES A. ANASTI,

Plaintiff,

vs.

LANCE WILSON,
WILLIS GOODWIN,
GINA L. ANASTI LEE,
And RICHLAND COUNTY
CLERK OF COURT,

Defendants.

COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

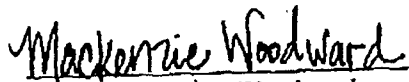
Docket Number: 2007-CP-40-0576

**AFFIDAVIT OF
MACKENZIE WOODWARD**

PERSONALLY APPEARED BEFORE ME, MACKENZIE WOODWARD, who
being duly sworn, deposes and says (her words):

1. I am a legal assistant and I am employed by Douglas N. Truslow.
2. I am responsible for keeping Mr. Truslow's time records.
3. Records of time spent on matters solely associated with the March 9, 2012 motion are attached as Exhibit A.
4. My workspace is close to Mr. Truslow's office. Our office is a small practice consisting of four people; therefore I am well aware of what occurs on a daily basis.
5. The period of March 23, 2012 through March 30, 2012 was consumed with this matter as is obvious from Mr. Truslow's time records. Additional time was expended with the qualification that Mr. Truslow has not charged for all time expended. Time is entered into our billing software and automatically calculated at Mr. Truslow's normal hourly rate of \$295.00 without any loadstar multiplier.
6. The files for this case are voluminous. There are files for this case that are well over five years old and it is the largest file in our office.
7. I am able to confirm that Mr. Truslow spent considerable time on this matter as documented in the attached exhibit.

8. Because of the location of my workspace, I am usually the first person that greets visitors to our office. On or about March 6, 2012, a man came to our office saying he was here to deliver some paperwork. He did not ask who I was or request to see anyone in particular. He did not identify himself or the papers he was here to deliver. He simply handed me the paperwork, said thank you and left.
9. After his departure, I noticed that the paperwork was addressed to Amanda Hilley and included a letter, subpoena, a Notice of Deposition, and a witness fee check in the amount of \$28.00 from HTR, LLC. The subpoena's Proof of Service had been completed prior to the delivery. It stated that Amanda Hilley was personally served. That is not accurate. I am not Mrs. Hilley's agent and I am not authorized to accept service on her behalf.
10. On or about March 8, 2012, the same man returned to our office. He delivered more unspecified papers. Once again, he did not ask who I was or request to see anyone in particular. Again, he did not identify himself. He simply handed me the papers but this time, upon my inquiry, he stated that he was delivering them as Mr. Megna had instructed. He handed me the papers. This set of papers included a subpoena and Notice of Deposition for Mr. Truslow.
11. As before, the subpoena's Proof of Service had been completed prior to delivery. It stated that Douglas Truslow was personally served. This, again, was not accurate.
12. On March 9, 2012, I sent a letter to Mr. Megna because I thought he would want to be made aware of the problems with the manner of "service" of his subpoenas. The letter is attached as Exhibit B. I have not received any response to my letter and to the best of my knowledge Mr. Megna has not addressed this issue with Mr. Truslow either.


Mackenzie Corbin Woodward
Legal Assistant for Douglas N. Truslow

[NOTARY CERTIFICATION ON FOLLOWING PAGE]

SWORN TO AND SUBSCRIBED BEFORE ME

this 3 day of May, 2012

Amanda Douglas Hally
Notary Public for South Carolina

My Commission Expires: November 22, 2020

COUNTY OF RICHLAND

JAMES A. ANASTI,

Plaintiff,

vs.

LANCE WILSON,
WILLIS GOODWIN,
GINA L. ANASTI LEE,
And RICHLAND COUNTY
CLERK OF COURT,

Defendants.

FIFTH JUDICIAL CIRCUIT

Docket Number: 2007-CP-40-0576

AFFIDAVIT OF
MACKENZIE WOODWARD

EXHIBIT A

Truslow & Truslow, PA
Post Office Box 1465
Columbia, SC 29202-1465

Ph: (803) 256-6276

Fax: (803) 256-7659

James A. Anastasi v. Lee, et al
2007-CP-40-0576

File #: 06-059

<u>DATE</u>	<u>DESCRIPTION</u>	<u>HOURS</u>	<u>AMOUNT</u>	<u>LAWYER</u>
2/28/2012	Review and respond to Att'y Megna's e-mail correspondence including: Review of "e-mail subpoena" from Megna. Research law regarding his "service." Review file in context of 1/18/12 Status Conference wherein Megna claimed that neither he nor Lee has any intent in the damage aspect of the case and why he seeks "discovery" in a case where Lee's intent has ended. Review Megna's November 3, 2011 letter to Judge Lee, where he claimed the outstanding damage and sanctions issues had been decided by the Court of Appeals and numerous other inconsistent claims, including bankruptcy. Review of extensive documentation.	3.75	1,106.25	DNT
	Review of second e-mail from Megna regarding deposition of Plaintiff and Motion from Attorney Earle to be Relieved. Follow up with staff, client and Mr. Earle's office.	0.30	88.50	DNT
2/29/2012	Draft Document for Relief Sought. Review file and copy attachments.	1.00	75.00	ADH
3/1/2012	Communication with postman to be on the lookout for more bulky and wrongfully addressed mail from Megna. Review of past numerous communications that relate to numerous mailings from Megna that were addressed (wrong street, zip code, etc.) incorrectly.	0.50	147.50	DNT
	Review e-mail from Megna in context of his Notice of Depositions scheduled for the same time with less than 10 days notice. Follow up with staff and Att'y Licata.	0.30	88.50	DNT

	Letter to Megna - says he will send by mail. Megna threatens contempt even though he is not authorized to act or be involved for Lee. Review file regarding discovery. Follow up with Attorney Licata regarding bankruptcy and Megna's involvement regarding discovery.	0.50	147.50	DNT
	Draft Motion for Protection and initial outline of Argument.	1.00	75.00	ADH
3/4/2012	Review letter from Att'y. Licata regarding discovery by Att'y Megna and follow up.	0.10	29.50	DNT
3/5/2012	Received envelope postmarked 2/28. Receipt of subpoenas addressed to 944 (sic) Richland Street, which is neither our mailing nor street address. More detailed review of subpoenas and discovery related materials in context of Megna's prior assertions. Phone call with Jay James to confirm that Megna was disqualified in the Darlington case. Discussed with James why Megna would issue a subpoena in the Darlington County case for use in the Richland, Darlington and Florence County cases. Follow up review and research.	3.50	1,032.50	DNT
	Meeting with client. According to client, Megna's client does not endorse what Att'y Megna is doing.	0.50	147.50	DNT
	Review e-mails (x 3) from Megna and follow up with letter after review of documents. Megna knows his e-mails go to junk, so why is he sending? How to protect client?	1.50	442.50	DNT
3/6/2012	Extended legal research regarding "discovery" abuses. Preparation of Motion, Memorandum and review of extensive documentation and revision; including Bankruptcy Orders, prior Court Orders, Federal Appellate Pleadings and various communications.	8.20	2,419.00	DNT
3/8/2012	Extended telephone call with Desa Ballard relevant to subpoena, discovery, relevance and ethical duties and responsibility in context of discovery sought by Megna and his actions. Follow up on issues.	2.00	590.00	DNT

3/9/2012	Legal research in regards to possible actions to stop Megna's discovery abuses and what alternatives are available. Confirmation that attempts to reason with him are futile.	1.50	442.50	DNT
	Follow up to complete Memorandum. Travel to court to file.	0.50	147.50	DNT
	Review e-mail from Megna in which he threatens to bring sanctions against me if I don't do what he says; follow up to determine how he is able to evade being blocked from e-mail. Research and documentation regarding consequences, if any, of not doing as Megna demands.	2.10	619.50	DNT
	Review blocked e-mail from Megna and confirm it was not faxed or mailed as claimed. Research issue of how Att'y Megna is able to override blocked e-mails and how to read what has been blocked.	1.00	295.00	DNT
	Conference with staff relative to subpoenas that were incorrectly certified as having been personally served on Amanda Hilley and Doug Truslow. Follow up with research. Review letter sent by staff to Megna and confirm that no response had been received.	1.50	442.50	DNT
	E-mail from Megna that I know of because he copies others. He says he is sending by mail but does not do so. He says he wants discovery regarding damages yet he has said before he has no interest in damages portion of case. Review file to confirm and ensure transcript is ordered. He is repeatedly asking for information that he <u>already has</u> or which is irrelevant and is wrongfully attempting discovery in any event. Follow up review of case to confirm that what he is asserting is not true and harrassment.	1.00	295.00	DNT
	Prepare cover sheet and letter for pleadings. Copy and mail.	1.50	112.50	ADH
3/12/2012	Travel to Florence and Darlington. Review court's files in those cases to determine relevance, if any, to Richland County case.	6.50	1,917.50	DNT

Meeting with Jay James (who I had never met before) to confirm case status and to inquire about the Appeal's relevance to the discovery sought by Megna. T/c with Celeste Jones' paralegal to inquire about subpoena and relevance, if any. (Roundtrip travel time is not

included in charges.) Megna is asking for discovery for unrelated cases and in a case where he has been disqualified.

	Check on status of delivery of 3/5/12 letter from Megna. Not sent as he asserts.	0.10	29.50	DNT
3/15/2012	Confirmation regarding receipt/non receipt from Megna as I am going on vacation and knows I will be gone.	0.30	88.50	DNT
3/23/2012	Detailed review of Att'y Megna's "synopsis" and outline response to same. He raises serious ethical issues that will take considerable time to address.	4.50	1,327.50	DNT
3/24/2012	Extensive review of file in context of Megna's synopsis - 4 files, bankruptcy and appeals.	4.00	1,180.00	DNT
3/25/2012	Review of file and extensive documents in context of Megna's synopsis	2.00	590.00	DNT
3/26/2012	3/26/2012 - 3/31/2012: Detailed review of Megna's "synopsis" and further draft outline for response. Further prepare and revise Memorandum in further support of Motion to Quash. Inspect and review of extensive documents relative to the falsity of Att'y. Megna's assertions. Necessary because of his extensive misconduct and claims of ethical violations by many others.	48.00	14,160.00	DNT
4/1/2012	Initial draft of Affidavits.	3.75	1,106.25	DNT
	Review of Court's e-mail regarding issues to be heard and revise memorandum in context.	0.50	147.50	DNT
	Review letters from others regarding participation in hearing	0.20	59.00	DNT
	Review Megna's e-mails with staff relative to whether he was mailing or faxing information	0.20	59.00	DNT

4/2/2012	Review transcript from January 18, 2012 to disprove Megna's claim that he "needed" discovery for the damages hearing. He specifically and unequivocally told Judge Barber the opposite on January 18, 2012. Revise Memorandum and Affidavits.	2.75	811.25	DNT
	Meeting with staff to revise document. Review Affidavits.	1.00	295.00	DNT
5/15/2012	Anticipated final preparations and travel to Darlington for Hearing.	3.50	1,032.50	DNT
	TOTAL FEE	109.55	\$31,547.25	

DISBURSEMENTS

	Photocopies	69.20
	Postage	49.70
3/8/2012	Motion Fee	25.00
4/5/2012	Transcript of Jan. 18 2012 Status Conference	65.00
5/15/2012	Mileage - Darlington, SC - 154 miles	86.24
	TOTAL COSTS	\$295.14

TOTAL FEE & DISBURSEMENTS

\$31,842.39

COUNTY OF RICHLAND

JAMES A. ANASTI,

Plaintiff,

vs.

LANCE WILSON,
WILLIS GOODWIN,
GINA L. ANASTI LEE,
And RICHLAND COUNTY
CLERK OF COURT,

Defendants.

FIFTH JUDICIAL CIRCUIT

Docket Number: 2007-CP-40-0576

AFFIDAVIT OF
MACKENZIE WOODWARD

EXHIBIT B

Truslow & Truslow
Attorneys At Law

Telephone: 803-256-6276 Fax: 803-256-7659

Douglas N. Truslow
douglastruslow@truslowlaw.com

Neal D. Truslow
nealtruslow@truslowlaw.com

Physical Address:
914 Richland Street, Suite B-102
Columbia, SC 29201

Mailing Address:
P.O. Box 1465
Columbia, SC 29202

March 9, 2012

RE: Jimi Anasti v. Lance Wilson, Willis Goodwin, Gina L. Anasti Lee, and Richland
County Clerk of Court
Docket Number: 2007-CP-40-0576

CERTIFIED MAIL, RESTRICTED
PERSONAL & CONFIDENTIAL

Tony R. Megna, Esquire
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

Dear Mr. Megna:

Someone from your office handed a pack of papers to me and then immediately left. I was not requested to sign for anything or give my name or position. In looking at the papers, I saw that the "Proof of Service" was already filled out before I received the documents. The "Proof of Service" indicates that the documents were delivered to Mr. Truslow personally (emphasis added). That, of course, is not accurate.

Mr. Truslow is not in the office at the time of this writing but I wanted you to know that what is being represented by your office is incorrect. Also, as you know, Mr. Truslow has protection from the court starting next week through Monday, March 23, so I suggest that you may want to discuss the matter with him after Monday, March 26, if you are unable to take care of this problem immediately.

Sincerely,

Mackenzie Woodward

Mackenzie Woodward
Legal Assistant to Truslow and Truslow, P.A.

DNT/mcw

ow & Truslow
Attorneys At Law

P.O. Box 1466
South Carolina 29202

CERTIFIED MAIL



7010 0290 0000 9966 2230



CERTIFIED MAIL, RESTRICTED
PERSONAL & CONFIDENTIAL

Tony R. Megna, Esquire
Matthews & Megna, LLC
3400 West Ave.
Columbia, SC 29203

SENDER: COMPLETE THIS SECTION		COMPLETE THE FOLLOWING ON DELIVERY	
■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X _____ ☐ Agent ☐ Addressee	
1. Article Addressed to: Tony R. Megna, Esq. Matthews & Megna, LLC 3400 West Ave. Columbia, SC 29203		B. Received by (Printed Name) _____	
		C. Date of Delivery _____	
2. Article Number (Transfer from service label) 7010 0290 0000 9966 2230		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ O.D.D.	
		4. Restricted Delivery? (Extra Fee) ☒ Yes	

PS Form 3811, February 2004 Domestic Return Receipt 102895-02-M-1540

0222 9966 0000 0620 0102

OFFICIAL USE	
Postage	0.45
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	4.55
Total Postage & Fees	\$ 7.95

Postmark Here

Sent to Megna
Street, Apt. No., or P.O. Box No. 3400 West Ave.
City, State, ZIP+4 29203

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☐ Agent ☐ Addressee B. Received by (Printed Name) ☐ Date of Delivery C. Is delivery address different from Item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
1. Article Addressed to: Tony R. Megna, Esq. Matthews & Megna, LLC 3400 West Ave. Columbia, SC 29203		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ O.O.D. 4. Restricted Delivery? (Extra Fee) ☒ Yes	
2. Article Number (Transfer from service label)		7010 0290 0000 9966 2230	
PS Form 3811, February 2004		Domestic Return Receipt	

102593-02-01/1540

EXHIBIT N

J. RENÉ JOSEY

REPLY TO: FLORENCE OFFICE
E-MAIL: RJOSEY@TURNERPADGET.COM
WRITER'S DIRECT DIAL: (843) 656-4451
WRITER'S DIRECT FAX: (843) 413-5818

April 19, 2011

Benjamin R. Matthews, Esquire
Matthews & Megna, LLC
3400 West Avenue
Columbia, SC 29203

Tony Ray Megna, Esquire
Matthews & Megna, Esquire
3400 West Avenue
Columbia, SC 29203

Re: Pee Dee Health Care, P.A. v. Estate of Hugh S. Thompson
Civil Action No.: 2010-CP-16-0332
TPGL File No.: 10667.101

Dear Tony and Ben:

While I am addressing this letter to both of you, I am sending it in distinct separate envelopes for each of you in light of the court's ruling reflected in the enclosed Order. Enclosed please find a copy of the letter received from Judge Baxley today together with the originally executed Order in this matter. We have taken the original Order to the Clerk of Court pursuant to Judge Baxley's instructions and filed the same this afternoon. As reflected in the enclosed Certificate of Service, I am enclosing for each of you in your respective separate envelopes, a certified copy of the Order filed stamped by the Darlington County Clerk of Court at 2:11 p.m. this afternoon. By copy of this letter to Judge Baxley (without any enclosures), I am confirming for him that we have complied with his letter directives.

Sincerely,

TURNER, PADGET, GRAHAM & LANEY, P.A.

J. René Josey

JRJ:vlb
Enclosures

Cc: Hon. J. Michael Baxley (with Certificate of Service only)
John J. James, II, Esquire (with filed stamped copy)

BUSINESS • LITIGATION • SOLUTIONS

BB&T Building • 4th Floor • 1831 West Evans Street (29501) • PO Box 5478 • Florence, SC 29502
Phone (843) 662-9008 • Fax (843) 667-0828 • turnerpadget.com

TPGL 3776488v1



State of South Carolina
The Circuit Court of the Fourth Judicial Circuit

J. MICHAEL BAXLEY
JUDGE

531 EAST CAROLINA AVENUE
HARTSVILLE, SOUTH CAROLINA 29550-4311
TELEPHONE: (843) 383-4114
FAX: (843) 383-4118
E-MAIL: jbaxley@scdc.state.sc.us

April 15, 2011

Jon Rene Josey, Esquire
Turner, Padgett, Graham & Laney
Post Office Box 5478
Florence, SC 29502

Re: Pee Dee Health Care v. Estate of Hugh S. Thompson
C/A No: 2010-CP-16-0332

Counsel:

Enclosed please find the original signed Order in the above-entitled matter. Please be aware that it is your responsibility to file this Order with the Clerk of Court and serve clocked copies on all parties. Thank you for your attention to this matter.

Sincerely yours,

J. Michael Baxley
J. Michael Baxley

JMB/jlc
Enclosure

*Rec'd
4/19/11*

STATE OF SOUTH CAROLINA,

COUNTY OF DARLINGTON

Pee Dee Health Care, P.A.,

Plaintiff,

vs.

Estate of Hugh S. Thompson,

Defendant.

IN THE COURT OF COMMON PLEAS
DOCKET NO.: 10-CP-16-0332

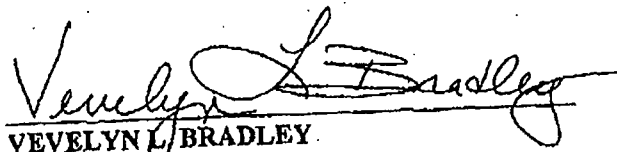
CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of April, 2011 a copy of the Court's Order Disqualifying Plaintiff's Counsel Tony R. Megna, dated April 15, 2011 and filed April 19, 2011, has been mailed to all counsel of record, postage prepaid and properly addressed as follows:

Benjamin R. Matthews, Esquire (Continuing Counsel)
Matthews & Megna, LLC
3400 West Avenue
Columbia, SC 29203

Tony Ray Megna, Esquire (Disqualified Counsel)
Matthews & Megna, LLC
3400 West Avenue
Columbia, SC 29203

John J. James, II, Esquire
Paulling & James
P.O. Box 507
Darlington, SC 29540-0507


VEVELYN L. BRADLEY
Secretary to J. René Josey

STATE OF SOUTH CAROLINA,
COUNTY OF DARLINGTON.

IN THE COURT OF COMMON PLEAS
2010-CP-16-0332

Pee Dee Health Care, P.A.,
Plaintiff,

vs.

Estate of Hugh S. Thompson,
Defendant.

ORDER DISQUALIFYING
PLAINTIFF'S COUNSEL TONY R. MEGNA

FILED
2011 APR 15 PM 2:11
SCOTT A. SUGGS
CLERK OF COURT/CLERK
DARLINGTON COUNTY, S.C.

J.S.
1
This is an action originally filed in the Probate Court wherein the Plaintiff is attempting to recover reimbursement from the Defendant estate for losses in Medicare reimbursements allegedly occasioned by the actions of Dr. Hugh S. Thompson during his period of practice with Plaintiff. Counsel for the Defendant has now moved this Court for an Order disqualifying Plaintiff's counsel Tony R. Megna. This motion is based upon the Rules of Professional Conduct, as found in SCACR 407, and supporting case law. Plaintiff filed a response to the motion on March 11, 2011, and the matter was heard by the Court on March 16, 2011. After consideration of all the pleadings, motions, exhibits, and the arguments of counsel, the Court finds that Attorney Megna should be disqualified from further representation of the Plaintiff in this matter. This determination is based upon the following findings of fact and conclusions of law.

FINDINGS OF FACT

(1) Counsel Tony R. Megna has identified himself as the Chief Executive Officer ("CEO") of Plaintiff Pee Dee Health Care, P.A. ("PDHC"). In addition to such identification made to the Court at the March 16th hearing, the response of PDHC to the pending motion to

disqualify states that Mr. Megna "has been the CEO and General Counsel to the Plaintiff since 1995." Plaintiff's Return (see footnote 1 below).

(2) Mr. Megna's admitted position as the CEO for PDHC confirms his focal point as a witness in this matter. By his signature in Section 15 of a "Medicare Enrollment Application" submitted to the Centers for Medicare and Medicaid Services (CMS) within the United States Department of Health and Human Services (Exhibit B to the Motion), "completed for" PDHC, Mr. Megna "binds this provider to the laws, regulations, and program instructions of the Medicare program."¹ Accordingly, Mr. Megna is positioned to be a person with knowledge at PDHC about the efforts of that organization to comply with Medicare "laws, regulations, and program instructions." PDHC's adjudicated non-compliance led to the adverse Medicare decision at the heart of this case. Thus, Mr. Megna is a necessary witness to matters raised in this case.

Jan 2
(3) PDHC has answered interrogatories propounded pursuant to Rule 33 of the South Carolina Rules of Civil Procedure (responses dated July 28, 2010 attached as Exhibit C to the Motion). In response to interrogatory 1, which calls for the identification of witnesses, PDHC lists Tony R. Megna.² In addition, the response to Interrogatory 8 identifies Tony Megna as the only person known to PDHC with whom Hugh S. Thompson (the "decedent") communicated about the adverse Medicare determination for recoupment. While the motion response of PDHC now seeks to minimize Attorney Megna's communications with Dr. Thompson, the

¹ At the close of argument, PDHC suggested that this document is not supportive of Megna's CEO status - a status now admitted by PDHC. While the application cover letter indicates that it generally relates to Lower Florence County Hospital, the letter specifically provides that sections 6 and 15 relate to PDHC of Darlington. These sections identify Megna as an owner of PDHC, a managing employee of PDHC, and as a "Director/Officer" of PDHC - all uncontested at this point according to PDHC positions at the hearing. In the PDHC written response to the Motion to Disqualify, Megna is specifically confirmed to have an interest in the outcome of this lawsuit. Response page 30.

² PDHC's interrogatory answer asserts that "Mr. Megna is not likely to testify...." This anticipatory disclaimer does not alter Defendant's right to discover information from witness Megna and this alone requires disqualification whether called at trial as a witness, by either party, or not.

communications described in these initial interrogatory answers and in the complaint³ make Mr. Megna a witness to relevant issues in this matter.

(4) The appeal of the adverse PDHC Medicare determination is relevant in this matter. While PDHC asserts that the Defendant should be estopped, even by the decedent's alleged silence, from denying liability for the indemnification of Plaintiff's Medicare overpayment, there would have been no liability to Medicare at all if the PDHC appeal had been successful like the appeal of decedent's other employer, Firstchoice Healthcare, which arose over the same issue. The claim to equitable indemnification referenced by PDHC in argument at this motion hearing requires a finding that the proposed indemnitee (PDHC) was without fault or liability for the damages. See Fowler v. Hunter, 388 S.C. 355, 697 S.E.2d 531 (2010). Thus, PDHC's fault is at issue in this case and the decision of federal Administrative Law Judge Metry (Exhibit A to the Motion) speaks to that issue directly and decisively. The appeal of Judge Metry's Order, if any, would be relevant in this matter on the preclusive finding that PDHC was at fault and therefore could not be indemnified.⁴

Mr. Megna is identified in PDHC's answer to interrogatory 9 as the person involved with the defense of the adverse Medicare determination. He has firsthand knowledge regarding the status and results of any administrative appeals.

³ In its complaint (¶ 13), PDHC alleges that the decedent Thompson made "contact" with PDHC by sending a letter to the Plaintiff in which he is alleged to have "admitted" not providing "accurate information to Plaintiff upon and during his employment with the Plaintiff...." The unsigned letter was submitted at the hearing, without objection, as Defense Hearing Exhibit I, and is directed to "Tony"—current counsel for PDHC. The complaint purports to attach a copy of the alleged letter as an exhibit. The same document is submitted in the motion response of PDHC as Exhibit HH.

PDHC's answer to Interrogatory 2 identifies the same alleged letter from decedent Thompson to Tony Megna as a document that relates to a claim or defense in the case. That interrogatory answer also references other "information sent to Tony Megna by Dr. Thompson relating to the SC Board of Medical Examiners." Thus, by the Plaintiff's own responses, Mr. Megna is the alleged recipient of documents and information relevant to claims and defenses in the case. Questions regarding the authenticity of this letter, the circumstances of its alleged receipt, and its alleged contextual meaning are all fairly directed to Mr. Megna.

⁴ Judge Metry's finding of fault was based upon the affirmative duty of employers to perform due diligence by investigating the program exclusion status of prospective employees lest they face liability for exclusion facts they "should know." See 42 U.S.C. § 1320a-7a(a)(6); 42 CFR 1003.102(a)(2).

(5) Even if PDHC were not at fault, communications between PDHC and Thompson about the Medicare claim and appeals process are relevant to the issues raised in this case. At least in part, PDHC's claim to equitable indemnification also depends upon showing that Dr. Thompson was provided timely notification and an opportunity to participate and help defend the claim Medicare made against PDHC. This is because one who seeks equity must do equity.⁵

(6) Disqualification of Mr. Megna will not work a substantial hardship. This matter is early in the discovery phase. No depositions have been taken. Thus, there is minimal extra expense or loss of time, if any. Both Mr. Megna and attorney Benjamin Matthews have made appearances on behalf of PDHC in this action; indeed, it is Mr. Matthews who executed the complaint in this Court. Further, Mr. Megna represented to the Court that the Plaintiff has 75-80 employees; the Court finds that Plaintiff has the resources to add additional counsel if needed.

CONCLUSIONS OF LAW

9-6
14 (A) In South Carolina, an attorney cannot "act as an advocate at a trial in which the lawyer is likely to be a necessary witness," unless the issue about which the attorney will testify (1) is uncontested, (2) relates to the nature or the value of the legal services rendered, or (3) disqualification would work a substantial hardship on the attorney's client. Rule of Prof. Conduct 3.7, SCACR 407. Rule 3.7 is absolute; only when one of the three delineated exceptions applies may a witness also serve as an advocate. 1 S. C. Juris. *Attorney and Client* § 53; ROBERT M. WILCOX, South Carolina Legal Ethics § 9.1.1. An adversary, such as the Estate of Dr. Thompson, has an obligation to immediately move for disqualification when there is an issue of the opposing advocate's position as a witness. Comment (I), RESTATEMENT (THIRD) OF THE LAW GOVERNING LAWYERS § 108.

⁵ Accord *Otis Elevator, Inc. v. Hardin Constr. Co. Group*, 316 S.C. 292, 296-97 450 S.E.2d 41, 44 (1994) (allowing indemnification where "indemnitee gave the indemnitor notice and an opportunity to participate in the litigation....").

(B) The first two exceptions allowed by Rule of Professional Conduct 3.7, SCACR 407, are not applicable here. Mr. Megna's testimony relates, in part, to contested communications with the decedent at the heart of the claims and defenses in this case. In addition, Mr. Megna's testimony relates to contested administrative issues of Medicare compliance (such as employee screening, due diligence, and record keeping) and the contested issue of Plaintiff's alleged damages. Mr. Megna's testimony does not relate to "legal services rendered" in this Court of Common Pleas matter.

(C) The hardship exception of Rule 3.7 provides no relief here. A South Carolina District Court has noted that the hardship exception to Rule 3.7 should be construed very narrowly. Brown v. Daniel, 180 F.R.D. 298, 302 (D.S.C. 1998). Simple extra expense or the loss of time that is inherent in any disqualification is not a substantial hardship. To find substantial hardship, "courts have required something beyond the normal incidents of changing counsel, such as the loss of extensive knowledge of a case based upon a long-term relationship between the client and counsel and substantial discovery conducted in the actual litigation." Id. Here, the normal incidents of changing counsel are not even present as Rule 3.7(b) will allow for Mr. Megna's non-witness partner Mr. Matthews to continue in his existing representation of PDHC.

(D) The Dead Man Statute⁶ does not change Mr. Megna's status as a fact witness in this case under Rule 3.7 of the Rules of Professional Conduct – regardless of how it might apply in the ultimate trial of this matter. Moreover, the Dead Man Statute has no effect upon the discoverability of information allegedly known by Megna as a fact witness.⁷

⁶ The Dead Man Statute, codified in South Carolina at S.C. Code § 19-11-20, is an evidentiary rule that relates to the competency of a witness to testify about certain matters. The statute exists to prevent interested parties from offering self-serving, incontrovertible testimony that may be unreliable. Harris v. Berry, 231 S.C. 201, 98 S.E.2d 251 (1957); Trimmer v. Thomson, 41 S.C. 123, 19 S.E. 291 (1894). Specifically, a competency objection may be raised by the decedent's representatives to prohibit a person or party with an interest in the matter from testifying about communications or transactions with another person who is deceased at the time of such testimony. See, e.g., Estate of Revis by Revis v. Revis, 326 S.C. 470, 484 S.E.2d 112 (Cl. App. 1997) ("The 'dead man's' statute is an exception to the general rule of witness competency. It is to be read restrictively, and the party requesting its use bears the burden of establishing its applicability.").

⁷ While the competency objection may be waived by the decedent's representatives at trial, the Court of Appeals has previously held that a discovery deposition regarding the communications between a decedent and an interested person or party does not "open the door" or waive the availability of the objection at trial. Thomas v. Taylor, 300 S.C. 127, 386 S.E.2d 630 (Cl. App. 1989) (Sanders, Chief Judge) (Relying, in part, on SCRCP 32(d)(3)(A) which provides that "Objections to the competency of a witness ... are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time."). Obviously, Dr. Thompson's death cannot be removed or obviated "before or during" any Megna deposition so waiver is not possible at a deposition. PDHC's assertion that the statute acts as a complete bar to any examination is belied, however, by the statute's own provision for "opening the door" to otherwise incompetent testimony. See, e.g., Hanahan v. Simpson, 326 S.C. 140, 485 S.E.2d 903 (1997).

(E) Mr. Megna's role as general counsel to PDHC does not change Mr. Megna's status as a fact witness in this case under Rule 3.7 of the Rules of Professional Conduct – regardless of how this status might trigger evidentiary privileges. While PDHC asserts that privileges attach to anything and everything that Mr. Megna might say, thereby freeing him to act only as counsel, this Court concludes that the potential application of attorney-client privilege⁸ does not preclude anything and everything that Mr. Megna might say as a witness.

PDHC's complaint is that decedent Thompson did not disclose information to PDHC or gave wrong information to PDHC – in part through its CEO Tony Megna. Under the guise of privilege, Mr. Megna cannot avoid examination on the disclosures and communications made to him that he now claims were tortious.⁹

Jan 6
In further support of the court's decision, focusing narrowly on PDHC's exhibit HH submitted in response to the motion to disqualify, there is nothing in that alleged Thompson letter to Mr. Megna that indicates that Thompson is seeking legal advice. Furthermore, that communication has already been divulged by PDHC as part of its complaint – so even if it arguably related to legal advice needed by PDHC at the time, that privilege has clearly been

⁸ South Carolina has long recognized the attorney-client privilege against the disclosure of confidential communications by a client to his attorney. State v. Love, 275 S.C. 55, 59, 271 S.E.2d 110, 112 (1980). The privilege applies only to "confidential disclosures by a client to his attorney made in order to obtain legal assistance." Fisher v. United States, 425 U.S. 391, 403, 96 S.Ct. 1569, 48 L.Ed.2d 186 (1980). The burden is on the proponent of the privilege to demonstrate its applicability. United States v. Jones, 696 F.2d 1069, 1072 (4th Cir. 1982). The party asserting the attorney-client privilege must establish not only that the attorney-client relationship existed, but also that the particular communication at issue is privileged and that the privilege was not waived. Cameron v. Gen. Motors Corp., 158 F.R.D. 581, 584 (D.S.C. 1994), vacated by, in part In re Gen. Motors Corp., No. 94-2435, 1995 U.S. App. LEXIS 41270 (4th Cir. 1995).

⁹ The precise boundaries of any applicable privilege are not before the court in this motion. As noted by the Defendant, however, PDHC may have implicitly waived any possible remaining or existing privilege by placing the subject of communications and disclosures between the decedent and Mr. Megna (on behalf of PDHC) into controversy. See Duplan Corp. v. Deering Milliken, Inc., 397 F.Supp. 1146, 1161 (D.S.C. 1975). See also In re Long Point Road Ltd. P'ship, No. 93-72769-JW, 1997 Bank. LEXIS 2403, at *9-10 (Bankr. D.S.C. Sept. 8, 1997); see also Heam v. Rhay, 68 F.R.D. 574, 580 (E.D. Wash. 1975). Fairness is the underlying touchstone for implicit waiver; the rationale is that privileged materials ought not be used as both a shield and sword. See In re: United Supermarkets, Inc., 36 S.W.3d 619, 621 (Tex. Ct. App. 2000) ("a party who is seeking affirmative relief should not be permitted to maintain an action, and at the same time, maintain evidentiary privileges that protect from discovery outcome determinative information not otherwise available to the other party."); see also Hengards, Inc. v. Johnson & Johnson, 413 F. Supp. 926, 929 (N.D. Cal. 1976) ("a party may not insist on the protection of the attorney-client privilege for damaging communications while disclosing other selected communications because they are self-serving").

waived by its disclosure. Thus, Mr. Megna is now subject to examination as to details of that document.

More broadly, the privilege would only extend to Mr. Megna's communications where the medical practice of PDHC is seeking legal advice. The privilege would not extend to Mr. Megna when acting in the capacity of CEO of the medical practice; for example, Mr. Megna's communications with third parties such as government regulators, insurers, and Medicare program administrators is clearly not privileged and would be relevant to issues in this case. Likewise, questions directed to the CEO's knowledge of business operations, finances, and damages would not infringe upon privileged communications. Further, the existence of other persons who may also have knowledge in these areas does not remove Mr. Megna from the witness list prohibited by Rule 3.7.

Job 7 (F) The work-product privilege also does not preclude anything and everything that Mr. Megna might say as a witness. The work-product doctrine seeks to protect things or information "prepared in anticipation of litigation or for the trial ..." SCRCP 26(b)(3). Specifically, the rule protects "against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation." The work-product doctrine does not, however, extend to anything and everything an attorney might have done – particularly when acting in the capacity of a CEO of a medical practice.¹⁰

¹⁰ The work-product privilege applies only to "attorneys' or legal representatives mental impressions, conclusions, opinions, or legal theories authored in anticipation of litigation." Grace United Methodist Church v. City of Cheyenne, 451 F.3d 643, 668 (10th Cir. 2006). Fact work product is not absolutely privileged and discovery of fact or non-opinion work product may be compelled in some circumstances. In Qwest Communications Int'l. Inc., 450 F.3d 1179, 1186 (10th Cir. 2006). "Work product which is primarily factual in nature is not absolutely immune from discovery under the rule. At best, it receives a qualified protection which is overcome if the opposing party shows substantial need of the material and inability to obtain it elsewhere without undue hardship." Transit Authority of River City v. Vinson, 703 S.W.2d 482, 486 (Ky. App. 1985); see also Duffy v. Wilson, 289 S.W.3d 555, 559 (Ky. 2009).

While the Court can address specific assertions of privilege if and when they arise, the Defendant correctly points out that the work-product doctrine is limited to protecting such things in the context of the litigation to which the information relates – *not other litigation*. Accord Kirschbaum v. WRGSB Assocs., No. 97-5532, 1998 U.S. Dist. LEXIS 8860, at *3 (E.D. Pa. June 18, 1998). In this case, the Defendant is not interested in Mr. Megna's thoughts about the present litigation with the Estate; rather, its interest is in the litigation with Medicare. The litigation with Medicare is now concluded and the work product protection, if applicable at all, would only apply in the context of that litigation – protecting against disclosure to Medicare.

Even where applicable, Rule 26(b)(3) provides for an exception when a party is "unable without undue hardship to obtain the substantial equivalent of the materials by other means." Absent some audio recording, the only means to get the substantial equivalent of Dr. Thompson's alleged conversations with the CEO of PDHC is to ask the surviving party to those conversations.

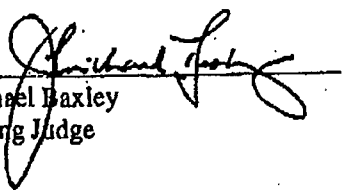
CONCLUSION

 This is the type of factual scenario for which Rule 3.7 was written. Mr. Megna is the CEO of the Plaintiff organization and is an owner with a financial stake in the outcome of this litigation. By his position alone, Mr. Megna is central to the issues involved in this case. In addition, Mr. Megna was intimately involved in the relationship between Plaintiff and the Decedent Hugh S. Thompson, and was responsible for many decisions that were made regarding the employment relationship between the two parties. Mr. Megna's knowledge of these important facts assure that his testimony will be necessary in this case.

The Court is not persuaded by the Plaintiff's assertions of various privileges. Even if applicable in some limited context, the applicability of any particular privilege does not change

Mr. Megna's obvious status as a witness. In discovery or at trial or both, Mr. Megna may be called upon to testify regarding facts at issue in the present action, and thus, Mr. Megna cannot proceed as an advocate for the Plaintiff in this proceeding. The Court orders complete disqualification effective with the execution of this Order.¹¹

IT IS SO ORDERED.


J. Michael Baxley
Presiding Judge

April 15, 2011
Hartsville, South Carolina

FILED
2011 APR 19 PM 2:11
SCOTT B. SUGGS
CLERK OF COURT/PRO.
DARLINGTON COUNTY, S.C.

¹¹ The Court concludes that it is not feasible for Mr. Megna to remain involved as counsel of record even before trial. The potential for problems would exist with depositions and other pre-trial functions. The immediate availability of Mr. Megna's partner eliminates any hardship or difficulty associated with this effective date.

EXHIBIT O



State of South Carolina
The Circuit Court of the Fourth Judicial Circuit

J. MICHAEL BAXLEY
JUDGE

531 EAST CAROLINA AVENUE
HARTSVILLE, SOUTH CAROLINA 29550-4
TELEPHONE: (843) 383-4114
FAX: (843) 383-4110
E-MAIL: jbxley@jcd.state.sc.us

October 27, 2011

Tony R. Megna, Esquire
Attorney at Law
3400 West Avenue
Columbia, South Carolina 29203

Re: PDHC v Estate of Thompson (Case No. 10-CP-16-0332)

Dear Mr. Megna:

Thank you for your letter of October 10, 2011, stating your intention to refer any further circuit proceedings in this matter to your partner Ben Matthews. This act of good faith and deference to my decision is appreciated. I look forward to working with you on other matters in the future, as well as with Mr. Matthews should there be further circuit proceedings in this case. Until our paths again cross, best wishes to you. Thank you again for your letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Michael Baxley".

J. Michael Baxley
JMB/jlc

cc: John Jay James, II, Esquire
J. Rene Josey, Esquire
Hon. Scott Suggs (for filing)

EXHIBIT P



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Member Profile

Name: Mr. Tony Ray
Company: Megna
Address: Matthews &
 Megna, LLC
Address: 3400 West
 Ave.
(cont):
City, State:
Zip: Columbia, SC
Phone: 29203
Fax: (803) 254-
County: 3676
SC Bar
Admission: Richland
 11/15/1984
Law
School: University of
 South Carolina
 School of Law
Graduating
Year: 1984
Website:
Membership Greater Than
Status: 3 Years

Discipline/Administrative
Actions If Any

This person has no
disciplinary actions.



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Member Profile

Name: Mr. Tony Ray
Company: Megna
Address: Matthews & Megna, LLC
Address (cont): 3400 West Ave.
City, State: Columbia, SC
Zip: 29203
Phone: (803) 254-3676
Fax: 3676
County: Richland
SC Bar Admission: 11/15/1984
Law School: University of South Carolina School of Law
Graduating Year: 1984
Website:
Membership Status: Greater Than 3 Years

Discipline/Administrative Actions if Any

This person has no disciplinary actions.



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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY AND DARLINGTON COUNTY
Circuit Court

J. Michael Baxley, Circuit Court Judge

Case No. 2007-CP-40-0576

J. Michael Baxley, Circuit Court Judge

Case No. 2010-CP-16-0332

Appellant Case No. 2013-001461

Ex Parte: Douglas N. Truslow, Respondent,

Ex Parte: Tony R. Megna, Appellant,

In re:

James Anasti, Plaintiff,

v.

Lance Wilson, Willis Goodwin, Gina L. Anasti Lee and Richland County Clerk of
Court, Defendants.

AND

Ex Parte: Desa Ballard, Respondent,

Ex Parte: Tony R. Megna, Appellant,

In re:

Pee Dee Health Care, P.A., Plaintiff,

v.

Estate of Hugh S. Thompson, Defendant.

CERTIFICATE OF COUNSEL

The undersigned certifies that the Record on Appeal contains all material proposed to included by any of the parties and not any other material, and that Appellant has complied with the August 13, 2007 Order of the Supreme Court on Personal Data Identifiers.



James M. Griffin

Ariail E. King

LEWIS, BABCOCK, & GRIFFIN, L.L.P.

1513 Hampton Street

Post Office Box 11208

Columbia, South Carolina 29211

(803) 771-8000

(803) 733-3534 (facsimile)

Columbia, South Carolina
March 5, 2014

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY AND DARLINGTON COUNTY
Circuit Court

J. Michael Baxley, Circuit Court Judge
Case No. 2007-CP-40-0576
J. Michael Baxley, Circuit Court Judge
Case No. 2010-CP-16-0332
Appellant Case No. 2013-001461

Ex Parte: Douglas N. Truslow, Respondent,

Ex Parte: Tony R. Megna, Appellant,

In re:

James Anasti, Plaintiff,

v.

Lance Wilson, Willis Goodwin, Gina L. Anasti Lee and Richland County Clerk of
Court, Defendants.

AND

Ex Parte: Desa Ballard, Respondent,

Ex Parte: Tony R. Megna, Appellant,

In re:

Pee Dee Health Care, P.A., Plaintiff,

v.

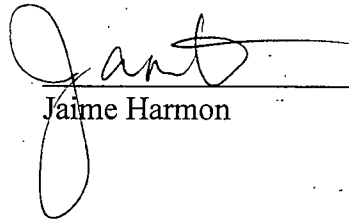
Estate of Hugh S. Thompson, Defendant.

PROOF OF SERVICE

I, Jaime Harmon, the undersigned employee of Lewis, Babcock & Griffin LLP, attorneys for Tony R. Megna, do hereby certify that I have served a copy of the foregoing **Record on Appeal**, in connection with the above-referenced case by mailing a copy of the same by United States Mail, postage prepaid, to the following address:

Douglas Truslow
Truslow & Truslow
P.O. Box 1465
Columbia, SC 29202

Desa Ballard
Ballard Watson Weissenstein
P.O. Box 6338
West Columbia, SC 29171


Jaime Harmon

Columbia, South Carolina
March 5, 2014