

**THE STATE OF SOUTH CAROLINA  
(In the Court of Appeals)**

**APPEAL FROM HORRY COUNTY  
Court of Common Pleas**

**Benjamin H. Culbertson, Circuit Court Judge**

**RECEIVED**

**APR 08 2020**

**Appellate Case No. 2019-001286  
Case No. 2017-CP-26-8184**

**SC Court of Appeals**

Jane Doe, ..... Appellant,

v.

Crazy Horse Saloon & Restaurant, Inc., d/b/a Thee New Dollhouse and  
Dog Leg Right, LLC, ..... Respondents.

**RECORD ON APPEAL**

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FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF Horry  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2017CP2608184

Jane Doe  
PLAINTIFF(S)

Crazy Horse Saloon And Restaurant Inc et al  
DEFENDANT(S)

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. Nonsuit);  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
- STAYED DUE TO BANKRUPTCY
- 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:

Plaintiff's Motion to Alter and/or Amend Order Granting Def. Summary Judgment is DENIED.

ORDER INFORMATION

This order  ends  does not end the case.  See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 07/23/2019 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2019 Jul 23 1:27 PM - Horry - COMMON PLEAS - CASE#2017CP2608184

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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**Horry Common Pleas**

**Case Caption:** Jane Doe VS Crazy Horse Saloon And Restaurant Inc , defendant, et al  
**Case Number:** 2017CP2608184  
**Type:** Order/Electronic Form 4

**Presiding Circuit Court Judge**

**s/Benjamin H. Culbertson, Judge Code 2148**

Electronically signed on 2019-07-23 11:38:12 page 3 of 3

ELECTRONICALLY FILED - 2019 Jul 23 1:27 PM - HORRY - COMMON PLEAS - CASE#2017CP2608184

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY,

IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT  
CASE NO: 2017-CP-26-08184

Jane Doe,

Plaintiff,

vs.

Crazy Horse Saloon and Restaurant, Inc.  
d/b/a Thee New Dollhouse and Dog Leg  
Right, LLC

Defendants.

**ORDER GRANTING  
SUMMARY JUDGMENT**

This matter came before the court on April 3, 2019. The Plaintiff was represented by William J. Luse, Esquire and the Defendants were represented by William H. Monckton, VI, Esquire. The Defendants are moving for Summary Judgment on all of Plaintiff causes of action

**FACTS**

The plaintiff was a cocktail waitress at Thee Dollhouse located in Atlantic Beach, South Carolina. She was not an entertainer or a dancer. The Plaintiff's complaint alleges that she was secretly filmed and video recorded while changing in the "cocktail waitress" dressing room and that these images were shared on the internet. The pertinent part of the Plaintiff's complaint alleges that:

13. When the Plaintiff worked at the Dollhouse she would enter the establishment in her personal clothing and then change into the mandatory "cocktail waitress" outfit and/or uniform inside of a dressing room specifically for the cocktail wait staff at the direction of the Defendants.

14. The exotic dancers and/or strippers had a separate and distinct dressing room from the Plaintiff and the other cocktail wait staff.

16. At all times during the Plaintiff's employment with the Defendants she was told that the dressing room for the "cocktail waitresses" was private.

17. At all times during the Plaintiff's employment with the Defendants she believed and was told by the Defendants that when she changed into her cocktail outfit that it would be in the privacy of the "cocktail waitress" dressing room and that under no circumstances would the Plaintiff or other "cocktail waitresses" be filmed, be on a camera, or be recorded while changing into or out of their "cocktail waitress" outfit(s).

(Exhibit A) At the time of the plaintiff's employment there was a live stream feed on the mainstage dance floor that would only show the dancers and digitally filtered out anyone around the stage. There was also a live feed in one of the entertainer/dancers dressing room area. At no time was there any recording device in or outside of the "cocktail waitress" dressing room. The plaintiff has alleged in her complaint that she was filmed in the cocktail waitress private dressing room. In her deposition the Plaintiff alleges she may have also been filmed in the entertainer/dancer dressing room. Her complaint alleges three causes of action to address this issue: Negligence, Invasion of Privacy and Intentional Infliction of Emotional Distress.

The Plaintiff's case is that she was filmed or video recorded changing into her cocktail waitress outfit in the cocktail waitress dressing room as evidenced by her complaint. The Plaintiff deposed Martin James McNamee who is the one that installed the live stream cameras in the club.

Q. Okay to your knowledge, were any recording devices or live feeds ever installed in the what I'm going to call the cocktail waitress dressing room?

**A. No. There was never to my knowledge, there was never any cameras or recording devices in that area**

**Q. Okay. Anything in hallway or whatever is between the two?**

**A. No. Never in that hall way. P.39 Line 6-16 (Exhibit B)**

Mr. McNamee also describes the other cameras in the club in detail in that the Plaintiff could not have appeared on them if she was changing in the "cocktail waitress" dressing room.

**Q. And that camera on the main stage, would there be any way a cocktail waitress could appear on that camera, walking around, serving drinks?**

**A. She could not.**

**Q. Can you explain, why not?**

**A. Because we've only got the stage area. Anything else was – had a digital, like mask, covering it.**

**Q. So—so if I'm sitting at the stage, watching a dancer, would the digital camera be able to pick me up?**

**A. It would not.**

**Q. All right. And in order to be on the stage—in order to be on that camera, you would have to be on stage; is that correct?**

**A. On the stage or leaning over—you know, past—you know—leaning over, extending yourself onto the stage. You know—you know, you're standing to the side, but if you extend yourself over.**

**Q. But that would be the only way you could see me?**

**A. Correct**

**Q. Okay. Now, in the dressing room—and let's go to the cocktail waitress dressing room. The dressing room off to the left, once you go up the stairs, was there any camera ever positioned in that dressing room?**

**A. There was not.**

**Q. Did that dressing room have mirrors where a girl could put on her makeup, and get dressed?**

**A. It did.**

**Q. Now, was there ever a camera directed at that door, from the outside, from the hallways?**

**A. No, there was not.**

**Q. The two cameras you described for Mr. Luse, if those cameras rotated at 360 Degree Angle, could they have, in any way, picked up the doorway to the cocktail waitress dressing room?**

**A. It could not.**

**Q. Is that—how—can you explain why they couldn't have done that?**

**A. Because there's – you'd have to turn two hallways—two or three hallways to depending on which camera you're talking about you know, there was—we had a couple of 90 degree turns, in the hallways. P. 57 Line 17 through P. 59 Line 20 (Exhibit C)**

The Plaintiff was asked about the cameras at Thee Dollhouse in her deposition and whether or not she had any evidence that she appeared on them

**Q. Has anybody ever told you that they saw you on any camera from the Dollhouse?**

**A. No**

**Q. Do you know or have any information that you did appear on any camera from the Dollhouse?**

**A. No. P. 21 Line 15-21 (Exhibit D)**

The Plaintiff was later asked in her deposition if she had any evidence regarding her appearing on a video.

**Q. Okay, I understand, Now, do you have any evidence or any witness that can provide testimony that you actually appeared on one of these cameras?**

**A. No. May I elaborate?**

**Q. Sure**

**A. No, I do not have evidence of that. P. 24 Line21 through P. 25 Line2 (Exhibit E)**

#### STANDARD

Rule 56(c), SCRPC, “provides the Circuit Court shall grant summary judgment if there is no genuine issue as to any material fact and . . . the moving party is entitled to judgment as a matter of law.” Stoneledge at Lake Keowee Owners’ Ass’n v. Builders FirstSource-Southeast Grp., 413 S.C. 630, 634, 776 S.E.2d 434, 436 (Ct. App. 2015). While the evidence and inferences which can reasonably be drawn therefrom must be viewed in the light most favorable to the nonmoving party, “it is not sufficient for a party to create an inference that is not reasonable or an issue of fact that is not genuine.” *Id.* at 635, 776 S.E.2d at 436. Rule 56 (c) of the South Carolina Rules of Civil Procedure requires that summary judgment be granted “if the pleadings, depositions, answers to interrogatories and admissions on file, together with affidavits, if any, show that there is no genuine issue as any material fact and that the moving party is entitled to judgment as a matter of law.” S.C.R. Civ. P. 56(c). “In determining whether a

genuine question of fact exists, the court must view the evidence and all inferences which can reasonably be drawn from the evidence in the light most favorable to the nonmoving party.” Faile v. S.C. Department of Juvenile Justice, 350 S.C. 315, 323-324 (2202). Once the moving party has made and supported its motion, the responding party “must set forth specific facts showing that there is a genuine issue for trial.” S.C.R. Civ. P. 56(e).

After reviewing all of the memorandums, complaint and depositions submitted at the hearing I make the following findings of fact:

1. There were cameras that live streamed a feed in Thee Dollhouse entertainer dressing room.
2. That the Plaintiff is only assuming that she appeared on the live stream.
3. That the Plaintiff has no evidence that she actually appeared on any videos or live stream.

THEREFORE, Summary Judgment is Granted in favor of the Defendants.

IT IS SO ORDERED!

Date: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Benjamin H. Culbertson  
Resident Judge Fifteenth Judicial Circuit



**Horry Common Pleas**

**Case Caption:** Jane Doe VS Crazy Horse Saloon And Restaurant Inc , defendant, et al  
**Case Number:** 2017CP2608184  
**Type:** Order/Summary Judgment

**Presiding Circuit Court Judge**

**s/Benjamin H. Culbertson, Judge Code 2148**

Electronically signed on 2019-05-06 14:50:18 page 7 of 7

ELECTRONICALLY FILED - 2019 May 06 4:46 PM - HORRY - COMMON PLEAS - CASE#2017CP2608184

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF Horry  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2017CP2608184

ELECTRONICALLY FILED - 2018-May 16 4:16 PM - Horry - COMMON PLEAS - CASE#2017CP2608184

Jane Doe		Crazy Horse Saloon And Restaurant Inc Dog Leg Right LLC	Thee New Dollhouse
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by: Clerk of Court	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> 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.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 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: \_\_\_\_\_
- STAYED DUE TO BANKRUPTCY**
- 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**

**Defendant's Motion/Vacate is GRANTED.**

This order  ends  does not end the case.  
 Additional Information for the Clerk: \_\_\_\_\_

**INFORMATION FOR THE JUDGMENT 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 (List amount(s) below)
N/A	N/A	N/A

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.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge	2148 Judge Code	5/15/2018 Date
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**For Clerk of Court Office Use Only**

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on , to attorneys of record or to parties (when appearing pro se) as follows:

William James Luse Law Office Of William J. Luse 917  
Broadway Street Myrtle Beach, SC 29577

William Henry Monckton VI 1300 Professional Dr., Ste.102  
Myrtle Beach, SC 29577

---

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

---

**ATTORNEY(S) FOR THE DEFENDANT(S)**

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**Court Reporter**

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**Renee N. Elvis - Clerk of Court**

**Court Reporter:**

**E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.**

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**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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ELECTRONICALLY FILED - 2018 May 16 4:15 PM - Horry - COMMON PLEAS - CASE#2017CP2608184



**Horry Common Pleas**

**Case Caption:** Jane Doe VS Crazy Horse Saloon And Restaurant Inc , defendant, et al  
**Case Number:** 2017CP2608184  
**Type:** Order/Form 4

**Presiding Circuit Judge**

s/Benjamin H. Culbertson, Judge Code 2148

Electronically signed on 2018-05-16 15:42:11 page 3 of 3

ELECTRONICALLY FILED - 2018 May 16 4:16 PM - HORRY - COMMON PLEAS - CASE#2017CP2608184

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF HORRY )  
 )  
 JANE DOE, )  
 )  
 PLAINTIFF, )  
 )  
 vs. )  
 )  
 CRAZY HORSE SALOON and )  
 RESTAURANT, INC., d/b/a THEE NEW )  
 DOLLHOUSE and DOG LEG RIGHT, )  
 LLC )  
 )  
 DEFENDANTS. )  
 )

IN THE COURT OF COMMON PLEAS  
 FIFTEENTH JUDICIAL CIRCUIT  
 CASE NO. 2017-CP-26-08184

**ORDER FOR  
 DEFAULT JUDGMENT**

**IT APPEARING** from the Affidavit of William J. Luse, attorney for the Plaintiff, from the Motion for Entry of Default Judgment and the attached exhibits that the Defendants Crazy Horse Saloon & Restaurant, Inc. d/b/a Thee New Doll House and Dog Leg Right, LLC in this matter have been duly served with a Summons and Complaint by Certified Mail – Return Receipt Requested, and that more than thirty (30) days has elapsed during which time no responsive pleadings have been filed by the Defendants, nor anyone on their behalf nor has anyone appeared on behalf of the Defendants in response to the Summons and Complaint.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED**

1. That the Defendant, Crazy Horse Saloon & Restaurant, Inc. d/b/a Thee New Doll House is hereby adjudged to be in default.
2. That the Defendant, Dog Leg Right, LLC, is hereby adjudged to be in default.
3. The Defendants Crazy Horse Saloon & Restaurant, Inc. d/b/a Thee New Doll House and Dog Leg Right, LLC, are hereby adjudged to be in default and a judgment shall be filed in favor of the Plaintiff.

**AND IT IS SO ORDERED**

\_\_\_\_\_  
Judge for the 15<sup>th</sup> Judicial Circuit

Date: \_\_\_\_\_



Horry Common Pleas

**Case Caption:** Jane Doe VS Crazy Horse Saloon And Restaurant Inc , defendant, et al  
**Case Number:** 2017CP2608184  
**Type:** Order/Entry of Default

So Ordered

s/Renee N. Elvis, Horry County Clerk of Court

Electronically signed on 2018-02-23 14:02:17 page 3 of 3

ELECTRONICALLY FILED - 2018 Feb 23 2:02 PM - HORRY - COMMON PLEAS - CASE#2017CP2608184

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS )  
FIFTEENTH JUDICIAL CIRCUIT )

COUNTY OF HORRY )

JANE DOE, )

CASE NO. 2017-CP-26-08184 )

PLAINTIFF, )

vs. )

**ORDER GRANTING PLAINTIFF'S )  
MOTION TO PROCEED UNDER THE )  
PSEUDONYM "JANE DOE" )**

CRAZY HORSE SALOON and )  
RESTAURANT, INC., d/b/a THEE NEW )  
DOLLHOUSE and DOG LEG RIGHT, )  
LLC, )

DEFENDANTS. )

This matter is before the Court for consideration of the Plaintiff's Motion to Proceed under a Pseudonym. In this action, the Plaintiff has sought to proceed in the name of "Jane Doe" due to the sensitive and highly personal nature of the allegations she has asserted in this matter.

The Court finds that it is appropriate to allow the Plaintiff to proceed at this time under the pseudonym "Jane Doe" due to the sensitive and personal nature of the allegations she has asserted in her Complaint. However, this Court also recognizes that this motion is decided on the plaintiff's assertions alone. The defendants have not yet been served with the pleadings in this case and have not been afforded an opportunity to raise any objections to the plaintiff's motion.

**IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED** that the Plaintiff may proceed, at this time, under the pseudonym, "Jane Doe" in this matter.

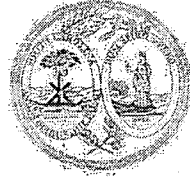
**IT IS FURTHER ORDERED** that any information provided with regard to the Plaintiff's identity shall be used strictly for the purpose of litigation in this matter and shall remain confidential.

**IT IS FURTHER ORDERED** that nothing hereunder shall prohibit any defendant, after service of process, from filing a motion to rescind this order and requiring the plaintiff to proceed without the use of a pseudonym. In such event, this order shall not have any precedential value at a hearing on the merits of a defendant's motion. Further, since this order is issued at the request of the plaintiff without a formal hearing or input from any defendants, any motion to rescind this order may be heard by a judge of competent jurisdiction.

**IT IS SO ORDERED.**

\_\_\_\_\_  
South Carolina Circuit Judge  
15<sup>th</sup> Judicial Circuit

\_\_\_\_\_, 2017



Horry Common Pleas

**Case Caption:** Jane Doe VS Crazy Horse Saloon And Restaurant Inc , defendant, et al  
**Case Number:** 2017CP2608184  
**Type:** Order/Other

Resident Judge - 15th Judicial Circuit

s/Benjamin H. Culbertson, Judge Code 2148

Electronically signed on 2017-12-14 13:56:29 page 3 of 3

ELECTRONICALLY FILED - 2017 Dec 15 10:56 AM - HORRY - COMMON PLEAS - CASE#2017CP2608184



STATE OF SOUTH CAROLINA )

COUNTY OF HORRY )

JANE DOE, )

PLAINTIFF, )

vs. )

CRAZY HORSE SALOON and )  
RESTAURANT, INC., d/b/a THEE NEW )  
DOLLHOUSE and DOG LEG RIGHT, )  
LLC, )

DEFENDANTS. )

IN THE COURT OF COMMON PLEAS

FIFTEENTH JUDICIAL CIRCUIT

CASE NO. 2017-CP-26-

**COMPLAINT**  
*(Jury Trial Demanded)*

THE PLAINTIFF ABOVE NAMED, complaining of the Defendant(s) above named would respectfully show unto this Court:

1. Plaintiff, Jane Doe, is a citizen and resident of Horry County, South Carolina.
2. Defendant, Crazy Horse Saloon and Restaurant Inc. d/b/a Thee New DollHouse ("the Dollhouse") is a South Carolina corporation which has operations and employees in Horry County, South Carolina, contracts in, does business in, and derives benefit from the laws of the State of South Carolina and has a principal place of business at 3102 Highway 17, North Myrtle Beach, South Carolina 29582.
3. Defendant Dog Leg Right, LLC is a North Carolina Corporation that owns the multiple parcels of real property that form the business premises where Defendant Dollhouse is located in North Myrtle Beach, SC 29582.
4. Venue is properly set before this Court because a majority of the acts and omissions giving rise to Plaintiff's claims occurred in Horry County, South Carolina.
5. This Court has jurisdiction over the parties and the subject matter.

FACTS

6. Plaintiff realleges and reincorporates the above paragraphs as if fully set forth herein verbatim.
7. At all relevant times herein, Plaintiff Jane Doe was and is a resident of Horry County, South Carolina.
8. In or about the summer of 2016, the Plaintiff was interviewed and hired as a cocktail waitress for the Defendants.
9. The Plaintiff was employed by the Defendants from in or about the summer of 2016 until in or about December of 2016 as a cocktail waitress.
10. As part of the Plaintiff's position with the Defendants, it was understood that the Plaintiff was not an exotic dancer, performer or stripper.
11. The Plaintiff was hired by the Defendants to serve alcoholic beverages to the patrons of the Dollhouse.
12. Each night that Plaintiff worked at the Dollhouse she was required to wear a "cocktail waitress" outfit and/or uniform provided by an employee of the Dollhouse.
13. When the Plaintiff worked at the Dollhouse she would enter the establishment in her personal clothing and then change into the mandatory "cocktail waitress" outfit and/or uniform inside of a dressing room specifically for the cocktail wait staff at the direction of the Defendants.
14. The exotic dancers and/or strippers had a separate and distinct dressing room from the Plaintiff and the other cocktail wait staff.

15. Prior to the Plaintiff beginning her shifts, the Plaintiff's "cocktail waitress" outfit and/or uniform had to be inspected and approved by an employee of Defendant Dollhouse.
16. At all times during the Plaintiff's employment with the Defendants she was told that the dressing room for the "cocktail waitresses" was private.
17. At all times during the Plaintiff's employment with the Defendants she believed and was told by the Defendants that when she changed into her cocktail outfit that it would be in the privacy of the "cocktail waitress" dressing room and that under no circumstance would the Plaintiff or other "cocktail waitresses" be filmed, be on a camera or be recorded while changing into or out of their "cocktail waitress" outfit(s).
18. Plaintiff had a reasonable expectation of privacy within the dressing/changing room area.
19. Upon information and belief, there are surreptitious videos of Plaintiff on the Internet, thereby allowing, permitting, and disseminating the illegal and unauthorized video(s) worldwide.
20. The unknowing and unwelcome filming of the Plaintiff while she was changing into or out of her "cocktail waitress" outfit and/or uniform and further dissemination of unauthorized, private videos of the Plaintiff in the dressing room has caused and continues to cause Plaintiff great harm and emotional distress and embarrassment.

**FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS  
NEGLIGENCE**

21. Plaintiff realleges and reincorporates the above paragraphs as if fully set forth herein verbatim.

22. Defendants had a duty to exercise reasonable and ordinary care with respect to employees, independent contractors, business invitees and persons such as Plaintiff.
23. Defendants were negligent in their acts and/or omissions by negligently engaging in acts as set forth above that Defendants knew, or should have known, would cause Plaintiff harm.
24. As a direct and proximate result of the above-stated conduct of Defendants, Plaintiff has suffered, and continues to suffer from, including, but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and loss of earning capacity.

**FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANTS:  
INVASION OF PRIVACY-PUBLIC DISCLOSURE OF PRIVATE FACTS**

25. Plaintiff realleges and reincorporates the above paragraphs as if fully set forth herein verbatim.
26. The acts of the Defendants, individually, and by and through their agents, employees, servants, and/or independent contractors, as set forth above, include, but are not limited to, surreptitiously videotaping the Plaintiff while changing and/or getting dressed within the "cocktail waitress" changing room and allowing, permitting, and disseminating the illegal and unauthorized video(s) worldwide for profit.
27. The intrusions by the Defendants were specific to Plaintiff's privacy.
28. As set forth above, Defendants posted, uploaded, distributed, and disseminated the illegal, unauthorized and private video(s) of Plaintiff changing and/or getting dressed, in a dressing room through the internet for profit.
29. The illegal unauthorized and private video(s) displayed Plaintiff's most vulnerable and private moments.

30. The distribution and dissemination of these video(s) by Defendants were highly offensive to any reasonable person, including the Plaintiff.

31. As a direct and proximate result of the invasion of privacy by Defendants, Plaintiff has suffered and, continues to suffer from, including, but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and loss of earning capacity.

**FOR A THIRD CAUSE OF ACTION AGAINST DEFEDANTS:  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

32. Plaintiff realleges and reincorporates the above paragraphs as if fully set forth herein verbatim.

33. The acts of the Defendants individually, and by and through their agents, employees, servants, and/or independent contractors, as set forth above include but are not limited to, surreptitiously videotaping the Plaintiff while undressing within the changing room and allowing, permitting, and disseminating the illegal and unauthorized video(s) worldwide for profit.

34. The intrusions by the Defendants were specific to Plaintiff's privacy.

35. As set forth above, Defendants posted, uploaded, distributed, and disseminated the illegal, unauthorized and private video(s) of Plaintiff changing and/or getting dressed, in a dressing room, through the internet.

36. The illegal unauthorized and private videos displayed Plaintiff's most vulnerable and private moments.

37. The distribution and dissemination of these videos by Defendants were highly offensive to any reasonable person, including the Plaintiff.

38. Defendants subjected the Plaintiff to extreme and outrageous conduct as set forth above and Defendants intended its' conduct to inflict severe distress or knew that there was a high probability that its' conduct would inflict such distress to Plaintiff, as shown by its dissemination of unauthorized, private videos of the Plaintiff undressing in the dressing/changing room.
39. As a direct and proximate result of the above-said conduct of the Defendants, Plaintiff has suffered and continues to suffer from, including but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and loss of earning capacity.
40. Defendants' conduct as outlined above was reckless, wanton, and willful and, as such, Plaintiff is further entitled to and hereby requests an award of punitive damages.
41. Plaintiff is entitled to judgment against the Defendants, jointly and severally, for the above-described actual damages and injuries to Plaintiff and for punitive damages, in an amount to be determined by a jury.

WHEREFORE, the Plaintiff prays as follows:

- (a) For judgment against the Defendants and an award of actual, consequential, incidental, special and punitive damages in a sum to be determined by a jury;

- (b) For the costs of any medical care to date or ongoing treatment received by the Plaintiff;
- (c) For the costs and disbursements incurred in the pursuit of this matter; and
- (d) For such other and further relief as this Court deems just and proper.

**Law Office of William J. Luse**

/s/ William J. Luse

William J. Luse, Esquire

SC Bar No.: 72790

917 Broadway Street

Myrtle Beach, SC 29577

Phone: 843.839.4795

Fax: 843.839.4815

[Bill@GetLuseNow.com](mailto:Bill@GetLuseNow.com)

Attorney for the Plaintiff

Myrtle Beach, SC

December 12, 2017



5. On January 4, 2018, Plaintiff's counsel filed an Affidavit of Service as to Defendant, Crazy Horse Saloon and Restaurant, Inc. d/b/a Thee New Doll House in this matter. (See Exhibit 2).
6. To date, Defendants have failed to file a response to the aforesaid Summons and Complaint.

Plaintiff's counsel further states that:

- A) As of this date, more than thirty (30) days have passed since the date of service on the Defendants;
- B) No Answer or other responsive pleadings have been served on Plaintiff's counsel or filed with the Court by Defendant Crazy Horse Saloon and Restaurant, Inc. d/b/a Thee New Doll House as required under South Carolina law and under the *South Carolina Rules of Civil Procedure*.
- C) No Answer or other responsive pleadings have been served on Plaintiff's counsel or filed with the Court by Defendant Dog Leg Right, LLC as required under South Carolina law and under the *South Carolina Rules of Civil Procedure*.
- D) Defendants Crazy Horse Saloon and Restaurant, Inc. d/b/a Thee New Doll House and Dog Leg Right, LLC are now in Default;

**WHEREFORE**, Plaintiff respectfully requests that this Court enter an Order of Default against Defendants, Crazy Horse Saloon and Restaurant, Inc. d/b/a Thee New Doll House and Dog Leg Right, LLC.

[Signature Page to Follow]

Respectfully Submitted,

/s/William J. Luse

---

William J. Luse

SC Bar No.: 72790

917 Broadway Street

Myrtle Beach, SC 29577

Phone: (843) 839-4795

Fax: (843) 839-4815

Bill@GetLuseNow.com

Attorney for the Plaintiff

# EXHIBIT 1



STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

) IN THE COURT OF COMMON PLEAS  
) FIFTEENTH JUDICIAL CIRCUIT  
) CASE NO. 2017-CP-26-

JANE DOE,

PLAINTIFF,

vs.

CRAZY HORSE SALOON and  
RESTAURANT, INC., d/b/a THEE NEW  
DOLLHOUSE and DOG LEG RIGHT,  
LLC,

DEFENDANTS.

**COMPLAINT**  
*(Jury Trial Demanded)*

THE PLAINTIFF ABOVE NAMED, complaining of the Defendant(s) above named would respectfully show unto this Court:

1. Plaintiff, Jane Doe, is a citizen and resident of Horry County, South Carolina.
2. Defendant, Crazy Horse Saloon and Restaurant Inc. d/b/a Thee New DollHouse ("the Dollhouse") is a South Carolina corporation which has operations and employees in Horry County, South Carolina, contracts in, does business in, and derives benefit from the laws of the State of South Carolina and has a principal place of business at 3102 Highway 17, North Myrtle Beach, South Carolina 29582.
3. Defendant Dog Leg Right, LLC is a North Carolina Corporation that owns the multiple parcels of real property that form the business premises where Defendant Dollhouse is located in North Myrtle Beach, SC 29582.
4. Venue is properly set before this Court because a majority of the acts and omissions giving rise to Plaintiff's claims occurred in Horry County, South Carolina.
5. This Court has jurisdiction over the parties and the subject matter.

FACTS

6. Plaintiff realleges and reincorporates the above paragraphs as if fully set forth herein verbatim.
7. At all relevant times herein, Plaintiff Jane Doe was and is a resident of Horry County, South Carolina.
8. In or about the summer of 2016, the Plaintiff was interviewed and hired as a cocktail waitress for the Defendants.
9. The Plaintiff was employed by the Defendants from in or about the summer of 2016 until in or about December of 2016 as a cocktail waitress.
10. As part of the Plaintiff's position with the Defendants, it was understood that the Plaintiff was not an exotic dancer, performer or stripper.
11. The Plaintiff was hired by the Defendants to serve alcoholic beverages to the patrons of the Dollhouse.
12. Each night that Plaintiff worked at the Dollhouse she was required to wear a "cocktail waitress" outfit and/or uniform provided by an employee of the Dollhouse.
13. When the Plaintiff worked at the Dollhouse she would enter the establishment in her personal clothing and then change into the mandatory "cocktail waitress" outfit and/or uniform inside of a dressing room specifically for the cocktail wait staff at the direction of the Defendants.
14. The exotic dancers and/or strippers had a separate and distinct dressing room from the Plaintiff and the other cocktail wait staff.

15. Prior to the Plaintiff beginning her shifts, the Plaintiff's "cocktail waitress" outfit and/or uniform had to be inspected and approved by an employee of Defendant Dollhouse.
16. At all times during the Plaintiff's employment with the Defendants she was told that the dressing room for the "cocktail waitresses" was private.
17. At all times during the Plaintiff's employment with the Defendants she believed and was told by the Defendants that when she changed into her cocktail outfit that it would be in the privacy of the "cocktail waitress" dressing room and that under no circumstance would the Plaintiff or other "cocktail waitresses" be filmed, be on a camera or be recorded while changing into or out of their "cocktail waitress" outfit(s).
18. Plaintiff had a reasonable expectation of privacy within the dressing/changing room area.
19. Upon information and belief, there are surreptitious videos of Plaintiff on the Internet, thereby allowing, permitting, and disseminating the illegal and unauthorized video(s) worldwide.
20. The unknowing and unwelcome filming of the Plaintiff while she was changing into or out of her "cocktail waitress" outfit and/or uniform and further dissemination of unauthorized, private videos of the Plaintiff in the dressing room has caused and continues to cause Plaintiff great harm and emotional distress and embarrassment.

**FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS  
NEGLIGENCE**

21. Plaintiff realleges and reincorporates the above paragraphs as if fully set forth herein verbatim.

22. Defendants had a duty to exercise reasonable and ordinary care with respect to employees, independent contractors, business invitees and persons such as Plaintiff.
23. Defendants were negligent in their acts and/or omissions by negligently engaging in acts as set forth above that Defendants knew, or should have known, would cause Plaintiff harm.
24. As a direct and proximate result of the above-stated conduct of Defendants, Plaintiff has suffered, and continues to suffer from, including, but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and loss of earning capacity.

**FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANTS:  
INVASION OF PRIVACY-PUBLIC DISCLOSURE OF PRIVATE FACTS**

25. Plaintiff realleges and reincorporates the above paragraphs as if fully set forth herein verbatim.
26. The acts of the Defendants, individually, and by and through their agents, employees, servants, and/or independent contractors, as set forth above, include, but are not limited to, surreptitiously videotaping the Plaintiff while changing and/or getting dressed within the "cocktail waitress" changing room and allowing, permitting, and disseminating the illegal and unauthorized video(s) worldwide for profit.
27. The intrusions by the Defendants were specific to Plaintiff's privacy.
28. As set forth above, Defendants posted, uploaded, distributed, and disseminated the illegal, unauthorized and private video(s) of Plaintiff changing and/or getting dressed, in a dressing room through the internet for profit.
29. The illegal unauthorized and private video(s) displayed Plaintiff's most vulnerable and private moments.

30. The distribution and dissemination of these video(s) by Defendants were highly offensive to any reasonable person, including the Plaintiff.

31. As a direct and proximate result of the invasion of privacy by Defendants, Plaintiff has suffered and, continues to suffer from, including, but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and loss of earning capacity.

**FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANTS:  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

32. Plaintiff realleges and reincorporates the above paragraphs as if fully set forth herein verbatim.

33. The acts of the Defendants individually, and by and through their agents, employees, servants, and/or independent contractors, as set forth above include but are not limited to, surreptitiously videotaping the Plaintiff while undressing within the changing room and allowing, permitting, and disseminating the illegal and unauthorized video(s) worldwide for profit.

34. The intrusions by the Defendants were specific to Plaintiff's privacy.

35. As set forth above, Defendants posted, uploaded, distributed, and disseminated the illegal, unauthorized and private video(s) of Plaintiff changing and/or getting dressed, in a dressing room, through the internet.

36. The illegal unauthorized and private videos displayed Plaintiff's most vulnerable and private moments.

37. The distribution and dissemination of these videos by Defendants were highly offensive to any reasonable person, including the Plaintiff.

38. Defendants subjected the Plaintiff to extreme and outrageous conduct as set forth above and Defendants intended its' conduct to inflict severe distress or knew that there was a high probability that its' conduct would inflict such distress to Plaintiff, as shown by its dissemination of unauthorized, private videos of the Plaintiff undressing in the dressing/changing room.
39. As a direct and proximate result of the above-said conduct of the Defendants, Plaintiff has suffered and continues to suffer from, including but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and loss of earning capacity.
40. Defendants' conduct as outlined above was reckless, wanton, and willful and, as such, Plaintiff is further entitled to and hereby requests an award of punitive damages.
41. Plaintiff is entitled to judgment against the Defendants, jointly and severally, for the above-described actual damages and injuries to Plaintiff and for punitive damages, in an amount to be determined by a jury.

WHEREFORE, the Plaintiff prays as follows:

- (a) For judgment against the Defendants and an award of actual, consequential, incidental, special and punitive damages in a sum to be determined by a jury;

- (b) For the costs of any medical care to date or ongoing treatment received by the Plaintiff;
- (c) For the costs and disbursements incurred in the pursuit of this matter; and
- (d) For such other and further relief as this Court deems just and proper.

**Law Office of William J. Luse**

/s/ William J. Luse

William J. Luse, Esquire

SC Bar No.: 72790

917 Broadway Street

Myrtle Beach, SC 29577

Phone: 843.839.4795

Fax: 843.839.4815

Bill@GetLuseNow.com

Attorney for the Plaintiff

Myrtle Beach, SC

December 12, 2017

# **EXHIBIT 2**

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

) IN THE COURT OF COMMON PLEAS  
) FIFTEENTH JUDICIAL CIRCUIT  
) CASE NO. 2017-CP-26-08184

JANE DOE,  
  
PLAINTIFF,

vs.

**AFFIDAVIT OF SERVICE**

CRAZY HORSE SALOON and  
RESTAURANT, INC., d/b/a THEE NEW  
DOLLHOUSE and DOG LEG RIGHT,  
LLC

DEFENDANT.

I HEREBY CERTIFY that on December 18, 2017, I served a copy of the Summons and Complaint in this action, dated December 12, 2017 upon the Defendant, Crazy Horse Saloon and Restaurant, Inc. d/b/a Thee New Doll House by:

- Delivering it to him/her personally; or,
- Mailing it to him/her, at his/ her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:
- By mailing the Summons and Complaint to her by certified/registered mail (return receipt attached), to the address as follows:

Laura Watson, Registered Agent  
Crazy Horse Saloon and Restaurant, Inc.  
3102 Hwy. 17 South  
North Myrtle Beach, SC 29582

**Law Office of William J. Luse, Inc.**

/s/William J. Luse  
SC Bar No.: 72790  
Attorney for the Plaintiff  
917 Broadway Street  
Myrtle Beach, SC 29577  
Phone: 843.839.4795  
Fax: 843.839.4815  
Bill@GetLuseNow.com


January 4, 2018.

### Product Tracking & Reporting

Home Search Reports Manual Entry Rates/Commitments PTR / EDW USPS Corporate Accounts January 04, 2018 [Help](#)

#### USPS Tracking Intranet


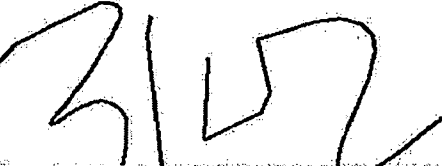
#### Delivery Signature and Address

 On Sunday, October 22, 2017, the End of Day (EOD) report was re-enabled with no tracking numbers available. The End of Day report is intentionally providing data without tracking numbers. Please do not log a Help Desk ticket for this change. Thank you for your support.

Tracking Number: 7017 1450 0001 6367 3063

This item was delivered on 12/18/2017 at 11:27:00

[Return to Tracking Number View](#)

Signature	
Address	

Enter up to 35 items separated by commas.

Select Search Type:

Product Tracking & Reporting, All Rights Reserved  
Version: 18.0.0.1.1

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# **EXHIBIT 3**

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY	)	CASE NO. 2017-CP-26-08184
JANE DOE,	)	
	)	
PLAINTIFF,	)	
	)	
vs.	)	
	)	<b>AFFIDAVIT OF SERVICE</b>
	)	
CRAZY HORSE SALOON and	)	
RESTAURANT, INC., d/b/a THEE NEW	)	
DOLLHOUSE and DOG LEG RIGHT,	)	
LLC	)	
	)	
DEFENDANT.	)	

I HEREBY CERTIFY that on December 18, 2017, I served a copy of the Summons and Complaint in this action, dated December 12, 2017 upon the Defendant, Dog Leg Right, LLC by:


- Delivering it to him/her personally; or,
- Mailing it to him/her, at his/ her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:
- By mailing the Summons and Complaint to him by certified/registered mail (return receipt attached), to the address as follows:

William Paul Young, Registered Agent  
Dog Leg Right, LLC  
418-A Main Street  
North Myrtle Beach, SC 29582

**Law Office of William J. Luse, Inc.**

/s/William J. Luse  
SC Bar No.: 72790  
Attorney for the Plaintiff  
917 Broadway Street  
Myrtle Beach, SC 29577  
Phone: 843.839.4795  
Fax: 843.839.4815  
[Bill@GetLuseNow.com](mailto:Bill@GetLuseNow.com)

December 22, 2017

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<input type="checkbox"/> Complete items 1, 2, and 3. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature x <i>Janette Conner</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <i>Mr. William Paul Young, Registered Agent</i> <i>Dog Leg Right, LLC</i> <i>418-A Main St.</i> <i>North Myrtle Beach, SC 29582</i>	B. Received by (Printed Name) _____ C. Date of Delivery <i>12-18</i>
 9590 9402 2154 6193 6096 88	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (transfer from service label) <b>7017 1450 0001 6367 3070</b>	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery (ver \$500)
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt



3) Defendants, Crazy Horse Saloon & Restaurant, Inc. d/b/a Thee New Doll House and Dog Leg Right, LLC are now in default.

Respectfully submitted,

*William J. Luse*

William J. Luse, Esquire  
Attorney for Plaintiff  
SC Bar No: 72790  
917 Broadway Street  
Myrtle Beach, SC 29577  
Phone: 843.839.4795  
Fax: 843.839.4815  
[bill@getlusenow.com](mailto:bill@getlusenow.com)

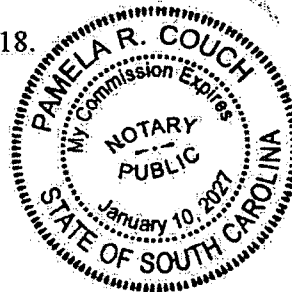
February 22, 2018

Myrtle Beach, SC

Sworn to before me this 22<sup>nd</sup> day of February, 2018.

*Pamela R. Couch*  
\_\_\_\_\_  
Notary Public for South Carolina

My commission expires: 01/10/2021



STATE OF SOUTH CAROLINA )

COUNTY OF HORRY )

Jane Doe, )

Plaintiff, )

vs. )

Crazy Horse Saloon and Restaurant, Inc., )  
d/b/a/ Thee New Dollhouse and Dog Leg )  
Right, LLC )

Defendants. )

IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT  
CASE NO: 2017-CP-26-8184

MOTION TO VACATE DEFAULT  
JUDGMENT  
RULE 60 (b)

**TO: PLAINTIFF THROUGH HER ATTORNEY, WILLIAM J. LUSE, ESQUIRE:**

The Defendants by and through their attorney, William H. Monckton, VI, hereby move for relief from a default judgment entered in the above-referenced matter. The Summons and Complaint were filed on December 12, 2017 and served by certified mail on December 18, 2017 via the defendants' registered agent.

The defendants provided the Summons and Complaint to their insurance carrier. The insurance carrier contacted the Plaintiff's Counsel and discussed an extension in which to answer. The insurance did not follow-up and obtain an extension in which to answer the Complaint. The insurance carrier notified the defendants that there was no insurance coverage and took no further action resulting in the Defendants being placed in default.

The Defendants request that this Honorable Court set aside the Default pursuant to Rule 60(b) due to the fact defendants submitted the Summons and Complaint to their insurance carrier. The insurance carrier contacted Plaintiff's counsel and discussed an extension in which to answer but did not follow up. The insurance carrier subsequently informed the defendants that

no insurance coverage existed and took no further action causing the defendants to be placed in default.

The Defendants also request that their answer be admitted and this case be allowed to proceed without a default.

MONCKTON HEMBREE & HUMPHRIES, P.A.



William H. Monckton, VI  
S. C. Bar #: 65167  
1300 Professional Dr. Suite 102  
Myrtle Beach, SC. 29577  
Phone: (843) 946-6556  
Attorney for Plaintiff

Myrtle Beach, South Carolina  
March 22, 2018

STATE OF SOUTH CAROLINA

COUNTY OF HORRY,

Jane Doe,

Plaintiff,

vs.

Crazy Horse Saloon and Restaurant, Inc.  
d/b/a Thee New Dollhouse and Dog Leg  
Right, LLC

Defendants.

IN THE COURT OF COMMON PLEAS

FIFTEENTH JUDICIAL CIRCUIT

CASE NO: 2017-CP-26-08184

**ANSWER**

**(JURY TRIAL DEMANDED)**

The Defendants named above are answering the Complaint of the Plaintiff and would respectfully show and allege unto this Honorable Court as follows:

1. At this time, The Defendants do not have enough information to state whether the Plaintiff, Jane Doe, is a resident and citizen of Horry County, South Carolina.

2. Each and every allegation of the Complaint that is not hereinafter specifically admitted, modified, or explained is denied and the Defendants Crazy Horse Saloon and Restaurant, Inc. d/b/a Thee New Dollhouse and Dog Leg Right, LLC demand strict proof thereof. Thee New Dollhouse is not a business licensed in the State of South Carolina; it is more correctly named Thee Dollhouse.

3. The Defendants Crazy Horse Saloon and Restaurant, Inc. d/b/a Thee New Dollhouse (Thee Dollhouse) are South Carolina corporations which operate in Horry County, South Carolina as noted in Paragraph 2.

4. Defendant Dog Leg Right, LLC is a North Carolina Corporation as noted in Paragraph 3.

5. Defendants do agree that this court claims jurisdiction since the majority of the acts and omissions complained of in the Complaint occurred in Horry County, South Carolina.

**ANSWERS TO "FACTS"**

5. Each and every allegation of the Complaint that is not hereinafter specifically admitted, modified, or explained is denied and the Defendants demand strict proof thereof.

6. The Defendants denies the Plaintiff has the residence in Horry County and demands strict proof thereof.

7. The Defendants admit to the allegations noted in Paragraph 8.

8. The Defendants do not have enough information to form a belief as to the allegations contained in Paragraphs 9 and 10 and therefore denies the same and demands proof thereof.

9. The Defendants admit to the allegations noted in paragraph 11.

10. The Defendants do not have enough information to form a belief as to the allegations contained in Paragraphs 12 through 20 and therefore denies the same and demands strict proof thereof.

**FOR A FIRST DEFENSE  
(Negligence)**

11. Each and every allegation of the Complaint that is not hereinafter specifically admitted, modified, or explained is denied and the Defendants demand strict proof thereof.

12. The Defendants deny the allegations in paragraphs 22 through 24 and demand strict proof thereof.

**FOR A SECOND DEFENSE  
(Invasion of Privacy)**

13. Each and every allegation of the Complaint that is not hereinafter specifically admitted, modified, or explained is denied and the Defendants demand strict proof thereof.

14. The Defendants deny the allegations made by the Plaintiff in Paragraphs 26 through 31 and Defendants demand strict proof thereof.

**FOR A THIRD DEFENSE  
(Intentional Infliction of emotional Distress)**

15. Each and every allegation of the Complaint that is not hereinafter specifically admitted, modified, or explained is denied and the Defendants demand strict proof thereof.

16. As to the allegations by the Plaintiff in Paragraphs 33 through 41, the Defendants deny the allegations made by the Plaintiff and Defendants demand strict proof thereof.

**FOR A FOURTH DEFENSE  
(Contributory Negligence)**

17. Each and every allegation of the Complaint that is not hereinafter specifically admitted, modified, or explained is denied and the Defendants demand strict proof thereof.

18. The Plaintiff knew of the cameras and allowed herself to be photographed.

**FOR A FIFTH DEFENSE  
(Waiver)**

19. Each and every allegation of the Complaint that is not hereinafter specifically admitted, modified, or explained is denied and the Defendants demand strict proof thereof.

20. The Plaintiff knew of the cameras and allowed herself to be photographed.

**FOR A SIXTH DEFENSE  
(Assumption of risk)**

21. Each and every allegation of the Complaint that is not hereinafter specifically admitted, modified, or explained is denied and the Defendants demand strict proof thereof.

22. The Plaintiff knew of the cameras and allowed herself to be photographed.

**FOR A SEVENTH DEFENSE  
(Punitive Damage)**

23. Each and every allegation of the Complaint that is not hereinafter specifically admitted, modified, or explained is denied and the Defendants demand strict proof thereof.

24. That the Plaintiff, to the extent that she seeks punitive or exemplary damages, if any, is in violation of the rights of the Defendant under the United States Constitution, and the Constitution of the State of South Carolina and, therefore, fails to state a cause of action upon which either punitive or exemplary damages may be awarded.

WHEREFORE, having fully answered the allegation herein, the Defendants pray that this Honorable Court:

- A. Dismiss the Plaintiff's claim.
- B. Award Defendants with the costs of defending this action, and
- c. Any other relief that this Honorable Court may deem just and proper.

MONCKTON HEMBREE & HUMPHRIES

s/William H. Monckton, VI  
William H. Monckton, VI  
1300 Professional Dr. Suite 102  
Myrtle Beach, SC 29579  
Phone: (843) 946-6556  
wmonckton@myrtlebeachlawfirm.net

April 11, 2018

Myrtle Beach, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF HORRY,

Jane Doe,

Plaintiff,

vs.

Crazy Horse Saloon and Restaurant, Inc.  
d/b/a Thee New Dollhouse and Dog Leg  
Right, LLC

Defendants.

IN THE COURT OF COMMON PLEAS

FIFTEENTH JUDICIAL CIRCUIT

CASE NO: 2017-CP-26-08184

**MOTION FOR  
SUMMARY JUDGMENT**

NOW COMES Defendants Crazy Horse Saloon and Restaurant, Inc. d/b/a Thee New Dollhouse and Dog Leg Right, LLC by and through the undersigned counsel and hereby request the Court enter an Order granting their Motion for Summary Judgment pursuant to Rule 56, SCRPC. This Motion seeks the dismissal of all causes of action on behalf of the Plaintiff, Jane Doe on the ground that there is no genuine issue of material fact and the Defendants are entitled to judgment as a matter of law. This Motion is supported by all the pleadings, evidence exchanged in discovery to date, applicable state and federal statutory/case law, and the South Carolina Rules of Civil Procedure. Defendants will also submit a Memorandum in Support of this Motion for Summary Judgment in advance of a future hearing.

Base on the foregoing, Defendants hereby request the Court enter an Order granting their Motion for Summary Judgment. Defendants further seek any additional relief this court deems just and proper.

This 26<sup>th</sup> day of February, 2019.

Respectfully submitted,

**MONCKTON, HEMBREE & HUMPHRIES, PA**

By: *s/William H. Monckton, VI*

William H. Monckton, VI  
State Bar No.: 65167  
1300 Professional Drive, Suite 102  
Myrtle Beach, South Carolina 29577  
(843) 946-6556  
wmonckton@myrtlebeachlawfirm.net

ELECTRONICALLY FILED - 2019 Feb 26 8:38 AM - HORRY - COMMON PLEAS - CASE#2017CP2608184

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

JANE DOE,

PLAINTIFF,

V.

CRAZY HORSE SALOON AND  
RESTAURANT, INC., d/b/a THEE  
DOLLHOUSE and DOG LEG RIGHT, LLC,

DEFENDANTS.

CASE NO.: 2017-CP-26-09-8184

**PLAINTIFF'S MEMORANDUM IN  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Jane Doe, by her undersigned counsel, hereby files her Opposition to Defendants' Crazy Horse Saloon and Restaurant, Inc. d/b/a Thee Dollhouse and Dog Leg Right, LLC's Rule 56 Motion for Summary Judgment. The Plaintiff originally filed her Complaint on December 12, 2017 and alleged causes of action for negligence, invasion of privacy and the intentional infliction of emotional distress. Defendants filed a Motion for Summary Judgment on February 26, 2019.

**RELEVANT FACTS**

Plaintiff worked as a cocktail waitress for the Defendants from on or about the summer of 2016 until December of 2016. As part of the Plaintiff's position it was understood that the Plaintiff was not an exotic dancer, performer or stripper. The Plaintiff was hired to sell alcoholic beverages to the patrons of Thee Dollhouse. As part of the Plaintiff's job duties she was required to wear a cocktail waitress outfit provided to her by the Dollhouse. While the Plaintiff worked for the Defendants she would enter the establishment in her personal clothing and then change

into the mandatory cocktail waitress outfit in the Defendants' dressing room. Although, the Defendants had two dressing rooms one allegedly for the cocktail waitresses and one for the entertainers the Plaintiff and other cocktail waitresses routinely used the entertainers' dressing room. Plaintiff would routinely go into the entertainers' dressing room to have other employees' help her put her uniform on. In addition, the Plaintiff and other cocktail waitresses would enter the entertainers' dressing room to put on makeup, use the bathrooms and to wait in line to be inspected by the house mom before beginning their shift. The only bathrooms for the employees to use were located on the second floor in the entertainers' dressing room. Further, the house mom's office was located at the end of the entertainer's dressing room and all of the entertainers and cocktail waitresses were required to be inspected by the house mom before they could begin their shift. At all times while the Plaintiff worked as a cocktail waitress she believed that the dressing room was a private area and that she was not being video-taped, recorded or part of a live feed over the internet. The Plaintiff was unaware that the Defendants' had set up a 24 hour live feed video of the entertainers' dressing room which customers could pay a monthly fee to access and watch. It is undisputed that the Defendants did in fact have a live feed set up in the entertainers' dressing room. (See deposition of Martin James McNamee page 13 lines 13-18, lines 21-24 and page 14 lines 16-19)<sup>1</sup> Despite Defendants' outrageous behavior in hiding cameras in a dressing room they are now before the Court claiming this case should be dismissed.

**ARGUMENT  
STANDARD FOR DECISION**

In determining whether summary judgment is proper, this court must view all evidence in

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<sup>1</sup> A full copy of the Martin James McNamee's transcript will be provided at the motion hearing but will not be submitted as an exhibit to protect personal information of the deponent such as his social security number from the public record.

the light most favorable to the non-moving party. Summary Judgment is appropriate only when it is clear there is no genuine issue of material fact, and the moving party is entitled to judgment as a matter of law. In determining whether any triable issues of fact exist, the evidence and all inferences which can be reasonably drawn from the evidence must be viewed in the light most favorable to the non-moving party. *Silvester v. Spring Valley Country Club*, 344 S.C. 280, 285, 543 S.E. 2d 563, 566 (Ct. App. 2001). *Bankers Trust Co. v. Braten*, 317 S.C. 547, 455 S.E.2d 199, 201 (Ct. App. 1995). In deciding a Rule 56 motion, the Court must view the facts and inferences therefrom in the light most favorable to the non-moving party. Summary judgment is appropriate only when the pleadings, depositions, interrogatory answers, admissions and affidavits show that there is no issue of material fact. *Gilmore v. Ivey*, 290 S.C. 53, 58, 348 S.E.2d 18, 183 (Ct. App. 1986).

**PLAINTIFF HAS STATED VIABLE CLAIMS FOR NEGLIGENCE, INVASION OF  
PRIVACY/PUBLIC DISCLOSURE OF A PRIVATE MATTER AND INTENTIONAL  
INFLECTION OF EMOTIONAL DISTRESS**

Defendants as employers of the Plaintiff clearly have a duty to exercise reasonable and ordinary care to their employees and or invitees or guests of the club. Defendants breached their reasonable and ordinary duty of care when they allowed live web feeds of the Plaintiff changing in the dressing room without her consent to be viewed by paying customers of a website. This is no different than allowing live web feeds of customers using the restroom without their consent to be viewed by a third party over the internet. This is without a question a breach of duty and negligence on the part of the Defendants.

The Plaintiff easily meets the requirements to bring a cause of action for invasion of privacy/public disclosure of a private fact. In the case at hand, the Defendants secretly videotaped the Plaintiff and other cocktail waitresses while they were changing and disseminated

the illegal and unauthorized videos worldwide for a profit. The Plaintiff was unaware she was being videotaped and did not consent to her image being sold or sent out over the internet. The live feeds of the Plaintiff being sent over the internet displayed Plaintiff at her most vulnerable and private moments.

The Plaintiff's third cause of action is for the intentional infliction of emotional distress. The intrusions by the Defendants were specific to the Plaintiff's privacy. The illegal and unauthorized and private live feeds of the Plaintiff changing were of the Plaintiff's most private and vulnerable moments. The distribution and these live feeds by Defendant were highly offensive to any reasonable person including the Plaintiff. Defendants have subjected the Plaintiff to extreme and outrageous conduct by disseminating live feeds of the Plaintiff changing in a dressing room over the internet.

#### **DEPOSITION OF JAMES MCNAMEE**

The Deposition of Martin James McNamee was taken on October 10, 2018 in which he was asked about installing digital equipment in the Dollhouse building. (See McNamee transcript page 13 lines 13-18) The deponent responded that he worked for ClubCam Systems in 2013 and that he had installed equipment then. (See McNamee transcript page 13 lines 13-18) When asked what equipment was installed Mr. McNamee stated "well cameras were installed. The .. all the related components that go with it." (See McNamee transcript page 13 lines 19-22). Later in his deposition Mr. McNamee stated that "two webcams were installed in 2013." (See McNamee transcript page 14 line 19). Mr. McNamee recalled that he had installed a camera on the front of the stage pointing down towards the stage. "And the other one was in the - - in the dressing room, like, for the dancers" (See Mr. McNamee transcript page 15 lines 1-2). Mr. McNamee also stated that sometime after 2013 they put a second camera in the dressing room. "At one point we

had one camera shooting here – (indicating) – and another shooting here.” (See McNamee transcript Page 21, lines 18-20) The deponent then described the camera as a live feed (see McNamee transcript page 31 line 16) and that a person could view the live feed of the dressing room by becoming a subscriber and entering your credit card information (See McNamee transcript page 31 lines 23-25) and then the feed could be viewed on the website thedollhouselive. (See McNamee Transcript page 32 line 12) To view the live feed of the dressing room a customer would have to pay \$23.87 a month. (See McNamee transcript page 34 lines 10-11) Mr. McNamee also stated that the live feed sent over the internet could be recorded. “They could be recording it, so it could be played again. I mean, again - - like, you could record it with your I-phone, and play it – play it over and over again.” (See McNamee transcript page 45, lines 17-20). When Mr. McNamee was asked if it was possible for the live feed to be sent to one person and then out to thousands he responded yes it could be. (See Mr. McNamee transcript page 46 line 25, page 47 lines 1-11) Later in his deposition Mr. McNamee admitted a person’s naked image should not be sent over the internet without their knowledge. (Page 49, lines 15-19) In addition, Mr. McNamee agreed that filming a person changing in a dressing room would be an invasion of privacy. (See Mr. McNamee transcript page 53 lines 4-22)

#### CONCLUSION

For the foregoing reasons including the testimony of James McNamee at his deposition the Plaintiff request that the Defendants’ Motion be denied.

**SIGNATURE PAGE TO FOLLOW**

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April 1, 2019  
Myrtle Beach, SC

ELECTRONICALLY FILED - 2019 Apr 01 6:29 PM - Horry - COMMON PLEAS - CASE#2017CP2608184

STATE OF SOUTH CAROLINA

COUNTY OF HORRY,

Jane Doe,

Plaintiff,

vs.

Crazy Horse Saloon and Restaurant, Inc.  
d/b/a Thee New Dollhouse and Dog Leg  
Right, LLC

Defendants.

IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT  
CASE NO: 2017-CP-26-08184

**MEMORANDUM IN SUPPORT  
SUMMARY JUDGMENT**

The Defendants by and through their attorney William H. Monckton, VI hereby offer this Memorandum in Support of Summary Judgment being granted to the Defendants.

**FACTS**

The plaintiff was a cocktail waitress at Thee Dollhouse located in Atlantic Beach, South Carolina. She was not an entertainer or a dancer. The Plaintiff's complaint alleges that she was secretly filmed and video recorded while changing in the "cocktail waitress" dressing room and that these images were shared on the internet. The pertinent part of the Plaintiff's complaint alleged

13. When the Plaintiff worked at the Dollhouse she would enter the establishment in her personal clothing and then change into the mandatory "cocktail waitress" outfit and/or uniform inside of a dressing room specifically for the cocktail wait staff at the direction of the Defendants.

14. The exotic dancers and/or strippers had a separate and distinct dressing room from the Plaintiff and the other cocktail wait staff.

16. At all times during the Plaintiff's employment with the Defendants she was told that the dressing room for the "cocktail waitresses" was private.

17. At all times during the Plaintiff's employment with the Defendants she believed and was told by the Defendants that when she changed into her cocktail outfit that it would be in the privacy of the "cocktail waitress" dressing room and that under no circumstances would the Plaintiff or other "cocktail waitresses" be filmed, be on a camera, or be recorded while changing into or out of their "cocktail waitress" outfit(s).

(Exhibit A) At the time of the plaintiff's employment there was a live stream feed on the mainstage dance floor that would only show the dancers and digitally filtered out anyone around the stage. There was also a live feed in one of the entertainer/dancers dressing room area. At no time was there any recording device in or outside of the "cocktail waitress" dressing room. The plaintiff has alleged in her complaint that she was filmed in the cocktail waitress private dressing room. Her complaint alleges three causes of action to address this issue: Negligence, Invasion of Privacy and Intentional Infliction of Emotional Distress.

**STANDARD**

Rule 56(c), SCRCR, "provides the Circuit Court shall grant summary judgment if there is no genuine issue as to any material fact and . . . the moving party is entitled to judgment as a matter of law." Stoneledge at Lake Keowee Owners' Ass'n v. Builders FirstSource-Southeast Grp., 413 S.C. 630, 634, 776 S.E.2d 434, 436 (Ct. App. 2015). While the evidence and inferences which can reasonably be drawn therefrom must be viewed in the light most favorable to the nonmoving party, "it is not sufficient for a party to create an inference that is not reasonable or an issue of fact that is not genuine." Id. at 635, 776 S.E.2d at 436.

**ARGUMENT**

The crux of the Plaintiff's case is that she was filmed or video recorded changing into her cocktail waitress outfit in the cocktail waitress dressing room as evidenced by her complaint. The Plaintiff deposed Martin James McNamee who is the one that installed the live stream cameras in the club.

**Q. Okay to your knowledge, were any recording devices or live feeds ever installed in the what I'm going to call the cocktail waitress dressing room?**

**A. No. There was never to my knowledge, there was never any cameras or recording devices in that area**

**Q. Okay. Anything in hallway or whatever is between the two?**

**A. No. Never in that hall way. P.39 Line 6-16 (Exhibit B)**

Mr. McNamee also describes the other cameras in the club in detail in that the Plaintiff could not have appeared on them if she was changing in the "cocktail waitress" dressing room.

**Q. And that camera on the main stage, would there be any way a cocktail waitress could appear on that camera, walking around, serving drinks?**

**A. She could not.**

**Q. Can you explain, why not?**

**A. Because we've only got the stage area. Anything else was – had a digital, like mask, covering it.**

**Q. So—so if I'm sitting at the stage, watching a dancer, would the digital camera be able to pick me up?**

**A. It would not.**

**Q. All right. And in order to be on the stage—in order to be on that camera, you would have to be on stage; is that correct?**

A. On the stage or leaning over—you know, past—you know—leaning over, extending yourself onto the stage. You know—you know, you're standing to the side, but if you extend yourself over.

Q. But that would be the only way you could see me?

A. Correct

Q. Okay. Now, in the dressing room—and let's go to the cocktail waitress dressing room. The dressing room off to the left, once you go up the stairs, was there any camera ever positioned in that dressing room?

A. There was not.

Q. Did that dressing room have mirrors where a girl could put on her makeup, and get dressed?

A. It did.

Q. Now, was there ever a camera directed at that door, from the outside, from the hallways?

A. No, there was not.

Q. The two cameras you described for Mr. Luse, if those cameras rotated at 360 Degree Angle, could they have, in any way, picked up the doorway to the cocktail waitress dressing room?

A. It could not.

Q. Is that—how—can you explain why they couldn't have done that?

A. Because there's – you'd have to turn two hallways—two or three hallways to depending on which camera you're talking about you know, there was—we had a couple of 90 degree turns, in the hallways. P. 57 Line 17 through P. 59 Line 20 (Exhibit C)

The Plaintiff was asked about the cameras at Thee Dollhouse in her deposition and whether or not she had any evidence that she appeared on them

**Q. Has anybody ever told you that they saw you on any camera from the Dollhouse?**

**A. No**

**Q. Do you know or have any information that you did appear on any camera from the Dollhouse?**

**A. No. P. 21 Line 15-21 (Exhibit D)**

The Plaintiff was later asked in her deposition if she had any evidence regarding her appearing on a video.

**Q. Okay, I understand, Now, do you have any evidence or any witness that can provide testimony that you actually appeared on one of these cameras?**

**A. No. May I elaborate?**

**Q. Sure**

**A. No, I do not have evidence of that. P. 24 Line21 through P. 25 Line2 (Exhibit E)**

In all three of the Plaintiff's causes of actions she alleges that she was videotaped in the cocktail waitress dressing room. However, she has no evidence that she was ever videotaped.

#### **STANDARD FOR MOTION FOR SUMMARY JUDGMENT**

Rule 56 (c) of the South Carolina Rules of Civil Procedure requires that summary judgment be granted "if the pleadings, depositions, answers to interrogatories and admissions on file, together with affidavits, if any, show that there is no genuine issue as any material fact and that the moving party is entitled to judgment as a matter of law." S.C.R. Civ. P. 56(c). "In determining whether a genuine question of fact exists, the court must view the evidence and all inferences which can reasonably be drawn from the evidence in the light most favorable to the

nonmoving party.” Faile v. S.C. Department of Juvenile Justice, 350 S.C. 315, 323-324 (2202). Once the moving party has made and supported its motion, the responding party “must set forth specific facts showing that there is a genuine issue for trial.” S.C.R. Civ. P. 56(e).

The Plaintiff’s allegations are that she was videotaped changing in the cocktail waitress dressing room while changing. The facts produced during discovery are there were no cameras in the cocktail waitress dressing room as evidenced by the deposition of Mr. McNamee. The Plaintiff also has “No” evidence that she was ever videotaped. The court cannot speculate on this issue. There has to be some evidence produced that the Plaintiff was videotaped to support her causes of action. Without any evidence that the Plaintiff was videotaped all three causes of action she has complained of, failed..

Therefore, the court should grant summary judgment to the defendants on all causes of action.

Respectfully submitted,

**MONCKTON, HEMBREE & HUMPHRIES, PA**

By: s/William H. Monckton, VI

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STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )

IN THE COURT OF COMMON PLEAS )  
FIFTEENTH JUDICIAL CIRCUIT )  
CASE NO. 2017-CP-26- 08184 )

JANE DOE, )  
PLAINTIFF, )

vs. )

CRAZY HORSE SALOON and )  
RESTAURANT, INC., d/b/a THEE NEW )  
DOLLHOUSE and DOG LEG RIGHT, )  
LLC, )  
DEFENDANTS. )

COMPLAINT  
(Jury Trial Demanded)

THE PLAINTIFF ABOVE NAMED, complaining of the Defendant(s) above named would respectfully show unto this Court:

*Prove*

1. Plaintiff, Jane Doe, is a citizen and resident of Horry County, South Carolina.
2. Defendant, Crazy Horse Saloon and Restaurant Inc. d/b/a Thee New DollHouse ("the Dollhouse") is a South Carolina corporation which has operations and employees in Horry County, South Carolina, contracts in, does business in, and derives benefit from the laws of the State of South Carolina and has a principal place of business at 3102 Highway 17, North Myrtle Beach, South Carolina 29582.
3. Defendant Dog Leg Right, LLC is a North Carolina Corporation that owns the multiple parcels of real property that form the business premises where Defendant Dollhouse is located in North Myrtle Beach, SC 29582.
4. Venue is properly set before this Court because a majority of the acts and omissions giving rise to Plaintiff's claims occurred in Horry County, South Carolina.
5. This Court has jurisdiction over the parties and the subject matter.

FACTS

6. Plaintiff realleges and reincorporates the above paragraphs as if fully set forth herein verbatim.

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7. At all relevant times herein, Plaintiff Jane Doe was and is a resident of Horry County, South Carolina.
8. In or about the summer of 2016, the Plaintiff was interviewed and hired as a cocktail waitress for the Defendants.
9. The Plaintiff was employed by the Defendants from in or about the summer of 2016 until in or about December of 2016 as a cocktail waitress.
10. As part of the Plaintiff's position with the Defendants, it was understood that the Plaintiff was not an exotic dancer, performer or stripper.
11. The Plaintiff was hired by the Defendants to serve alcoholic beverages to the patrons of the Dollhouse.
12. Each night that Plaintiff worked at the Dollhouse she was required to wear a "cocktail waitress" outfit and/or uniform provided by an employee of the Dollhouse.
13. When the Plaintiff worked at the Dollhouse she would enter the establishment in her personal clothing and then change into the mandatory "cocktail waitress" outfit and/or uniform inside of a dressing room specifically for the cocktail wait staff at the direction of the Defendants.
14. The exotic dancers and/or strippers had a separate and distinct dressing room from the Plaintiff and the other cocktail wait staff.

15. Prior to the Plaintiff beginning her shifts, the Plaintiff's "cocktail waitress" outfit and/or uniform had to be inspected and approved by an employee of Defendant Dollhouse.

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16. At all times during the Plaintiff's employment with the Defendants she was told that the dressing room for the "cocktail waitresses" was private.
17. At all times during the Plaintiff's employment with the Defendants she believed and was told by the Defendants that when she changed into her cocktail outfit that it would be in the privacy of the "cocktail waitress" dressing room and that under no circumstance would the Plaintiff or other "cocktail waitresses" be filmed, be on a camera or be recorded while changing into or out of their "cocktail waitress" outfit(s).
18. Plaintiff had a reasonable expectation of privacy within the dressing/changing room area.
19. Upon information and belief, there are surreptitious videos of Plaintiff on the Internet, thereby allowing, permitting, and disseminating the illegal and unauthorized video(s) worldwide.
20. The unknowing and unwelcome filming of the Plaintiff while she was changing into or out of her "cocktail waitress" outfit and/or uniform and further dissemination of unauthorized, private videos of the Plaintiff in the dressing room has caused and continues to cause Plaintiff great harm and emotional distress and embarrassment.

**FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS  
NEGLIGENCE**

21. Plaintiff realleges and reincorporates the above paragraphs as if fully set forth herein verbatim.

22. Defendants had a duty to exercise reasonable and ordinary care with respect to employees, independent contractors, business invitees and persons such as Plaintiff.
23. Defendants were negligent in their acts and/or omissions by negligently engaging in acts as set forth above that Defendants knew, or should have known, would cause Plaintiff harm.
24. As a direct and proximate result of the above-stated conduct of Defendants, Plaintiff has suffered, and continues to suffer from, including, but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and loss of earning capacity.

**FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANTS:  
INVASION OF PRIVACY-PUBLIC DISCLOSURE OF PRIVATE FACTS**

25. Plaintiff realleges and reincorporates the above paragraphs as if fully set forth herein verbatim.
26. The acts of the Defendants, individually, and by and through their agents, employees, servants, and/or independent contractors, as set forth above, include, but are not limited to, surreptitiously videotaping the Plaintiff while changing and/or getting dressed within the "cocktail waitress" changing room and allowing, permitting, and disseminating the illegal and unauthorized video(s) worldwide for profit.
27. The intrusions by the Defendants were specific to Plaintiff's privacy.
28. As set forth above, Defendants posted, uploaded, distributed, and disseminated the illegal, unauthorized and private video(s) of Plaintiff changing and/or getting dressed, in a dressing room through the internet for profit.
29. The illegal unauthorized and private video(s) displayed Plaintiff's most vulnerable and private moments.

30. The distribution and dissemination of these video(s) by Defendants were highly offensive to any reasonable person, including the Plaintiff.

31. As a direct and proximate result of the invasion of privacy by Defendants, Plaintiff has suffered and, continues to suffer from, including, but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and loss of earning capacity.

**FOR A THIRD CAUSE OF ACTION AGAINST DEFEDANTS:  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

32. Plaintiff realleges and reincorporates the above paragraphs as if fully set forth herein verbatim.

33. The acts of the Defendants individually, and by and through their agents, employees, servants, and/or independent contractors, as set forth above include but are not limited to, surreptitiously videotaping the Plaintiff while undressing within the changing room and allowing, permitting, and disseminating the illegal and unauthorized video(s) worldwide for profit.

34. The intrusions by the Defendants were specific to Plaintiff's privacy.

35. As set forth above, Defendants posted, uploaded, distributed, and disseminated the illegal, unauthorized and private video(s) of Plaintiff changing and/or getting dressed, in a dressing room, through the internet.

36. The illegal unauthorized and private videos displayed Plaintiff's most vulnerable and private moments.

37. The distribution and dissemination of these videos by Defendants were highly offensive to any reasonable person, including the Plaintiff.

38. Defendants subjected the Plaintiff to extreme and outrageous conduct as set forth above and Defendants intended its' conduct to inflict severe distress or knew that there was a high probability that its' conduct would inflict such distress to Plaintiff, as shown by its dissemination of unauthorized, private videos of the Plaintiff undressing in the dressing/changing room.
39. As a direct and proximate result of the above-said conduct of the Defendants, Plaintiff has suffered and continues to suffer from, including but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and loss of earning capacity.
40. Defendants' conduct as outlined above was reckless, wanton, and willful and, as such, Plaintiff is further entitled to and hereby requests an award of punitive damages.
41. Plaintiff is entitled to judgment against the Defendants, jointly and severally, for the above-described actual damages and injuries to Plaintiff and for punitive damages, in an amount to be determined by a jury.

WHEREFORE, the Plaintiff prays as follows:

- (a) For judgment against the Defendants and an award of actual, consequential, incidental, special and punitive damages in a sum to be determined by a jury;

- (b) For the costs of any medical care to date or ongoing treatment received by the Plaintiff;
- (c) For the costs and disbursements incurred in the pursuit of this matter; and
- 
- (d) For such other and further relief as this Court deems just and proper.

**Law Office of William J. Luse**

/s/ William J. Luse

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Attorney for the Plaintiff

Myrtle Beach, SC

December 12, 2017

1 A. That would be fair to say.

2 Q. Okay. The only thing you would have  
3 any record of would be just a document, concerning  
4 these webcams, nothing else.

5 A. Correct.

6 Q. Okay. To your knowledge, were any  
7 recording devices or live feeds ever installed in  
8 the -- what I'm going to call this cocktail  
9 waitress dressing room?

10 A. No. There was never -- to my  
11 knowledge, there was never any cameras or recording  
12 devices in -- in that area.

13 Q. Okay. Anything in this  
14 --(indicating)-- hallway or whatever that is  
15 between the two?

16 A. No. Never in that hallway.

17 Q. Okay. Are you aware of any cocktail  
18 waitresses that received a royalty or a commission  
19 for being on the video? Did that ever happen?

20 A. Not that I'm aware of, no.

21 Q. Okay. So I -- you've, kind of,  
22 explained how they earned money. How would they  
23 be paid?

24 A. Let -- let me go back to expand on  
25 that answer. A lot of times a cocktail waitress

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1 A. I don't know -- I get all -- you  
2 know, I get these things forwarded to me. I  
3 forward them along, just like -- you know, a lot  
4 -- a lot of people --

5 Q. Okay.

6 A. The -- the funny -- you know, the  
7 funny things people forward to each other.

8 MR. LUSE: There is the exhibit. No  
9 more questions.

10 BY MR. MONCKTON:

11 Q. I just have a couple questions.  
12 Mr. McNamee, when you described the two cameras  
13 that were in the upstairs dressing room, I believe  
14 you said there was another camera that was directed  
15 at the main stage; is that correct?

16 A. That's correct.

17 Q. And that camera on the main stage,  
18 would there be any way a cocktail waitress could  
19 appear on that camera, walking around, serving  
20 drinks?

21 A. She could not.

22 Q. Can you explain, why not?

23 A. Because we've only got the stage  
24 area. Anything else was -- had a digital, like,  
25 mask, covering it.

1 Q. So -- so if I'm sitting at the stage,  
2 watching a dancer, would the digital camera be able  
3 to pick me up?

4 A. It would not.

5 Q. All right. And in order to be on the  
6 stage -- in order to be on that camera, you would  
7 have to be on that stage; is that correct?

8 A. On the stage or leaning over -- you  
9 know, past -- you know -- leaning over, extending  
10 yourself onto the stage. You know -- you know,  
11 you're standing to the side, but if you extend  
12 yourself over -- (demonstrating) --

13 Q. But that would be the only way you  
14 could see me?

15 A. Correct.

16 Q. Okay. Now, in the dressing room  
17 -- and let's go to the cocktail waitress dressing  
18 room. The small dressing room off to the left,  
19 once you go up the stairs, was there any camera  
20 ever positioned in that dressing room?

21 A. There was not.

22 Q. Did that dressing room have mirrors  
23 where a girl could put on her makeup, and get  
24 dressed?

25 A. It did.

1 Q. Now, was there ever a camera directed  
2 at that door, from the outside, from the hallways?

3 A. No, there was not.

4 Q. The two cameras you described for

5 Mr. Luse, if those cameras were rotated at a  
6 360 degree angle, could they have, in any way,  
7 picked up the doorway to the cocktail waitress  
8 dressing room?

9 A. It could not.

10 Q. Is there any way any of those cameras  
11 could've seen into the cocktail waitress  
12 dressing room?

13 A. They could not.

14 Q. Is that -- how -- can you explain why  
15 they couldn't have done that?

16 A. Because there's -- you'd have to turn  
17 two hallways -- two or three hallways to  
18 -- depending on which camera you're talking about  
19 -- you know, there was -- we had a couple of  
20 90 degree turns, in the hallways.

21 Q. Okay. Do you know the name of this  
22 cocktail waitress that is: Jane Doe, that's the  
23 subject of this lawsuit?

24 A. I do not.

25 Q. Okay. Do you know whether or not she

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A. No.

Q. Okay. Did -- who told you about those cameras?

A. I found out about it on my own through the other lawsuit.

Q. Okay. How did you find out about them through the other lawsuit?

A. I happen to run across it, online.

Q. Okay. Did you ever speak to that plaintiff in that other lawsuit?

A. No.

Q. Did you ever speak to that plaintiff's attorney in that other lawsuit?

A. No.

Q. Has anybody ever told you that they saw you on any camera from Thee Dollhouse?

A. No.

Q. Do you know or have any information that you did appear on any camera from Thee Dollhouse?

A. No.

Q. All right. I'm going to show you what's been marked as -- here, hold on Bill -- Plaintiff's Exhibit No. 1. I mean, Defendant's Exhibit No. 1. I'm sorry, Bill.

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1 or be recorded, while changing into and out of  
2 their cocktail waitresses outfit. Is that correct?

3 A. Yes. However, we were not told there  
4 was a camera in the entertainer dressing room that

5 we had to utilize as well, due to the house mom  
6 being there.

7 Q. Okay.

8 A. And the bathrooms.

9 Q. Well, I'm -- I'm just stating what's  
10 in your Complaint. The allegations that you have  
11 brought, that you've stated were true, indicate  
12 that you were told that there was a camera in the  
13 other areas that you could be filmed in. That's  
14 based on your Complaint.

15 A. Let me make sure I understand what  
16 you're saying. To be clear, I never said that I  
17 was aware there was a camera in either dressing  
18 room, and even though I primarily used the cocktail  
19 waitress dressing room, I still had to use and  
20 enter the entertainer dressing room as well.

21 Q. Okay. I understand. Now, do you  
22 have any evidence or any witness that can provide  
23 testimony that you actually appeared on one of  
24 these cameras?

25 A. No. May I elaborate?

1 Q. Sure.

2 A. No, I do not have evidence of that.  
3 However, when I found out there was a camera,  
4 streaming live video on the World Wide Web, in the

5 dressing -- in the cocktail -- excuse me, in the  
6 dancer's dressing room, I know that I had to use  
7 that room as well, sometimes not fully clothed, and  
8 I was under the impression that I was, in both, in  
9 full privacy, as I should be in a dressing room.  
10 So I have no reason to believe that it would not  
11 have been out there, knowing now that there was  
12 a camera.

13 Q. Are you -- do you -- since you don't  
14 know where the cameras were, do you know what area  
15 of the dressing rooms that the cameras covered?

16 A. I do not.

17 Q. Are you aware that the cameras in the  
18 dressing room did not cover the entire  
19 dressing room?

20 A. I am not. However, I utilized the  
21 entertainer dressing room quite often, to purchase  
22 things from the house mom, to store my items,  
23 because I wasn't provided with a locker in the  
24 cocktail waitress dressing room, to socialize with  
25 the entertainers, to use the restroom. Therefore,



## SCRCP 7(B)(1) & Administrative Order

2. Defendants Crazy Horse Saloon and Restaurant, Inc. and Dog Leg Right, LLC filed their Motion for Summary Judgment on February 26, 2019. The Defendants did not support their Motion with a Memorandum and provided no specific grounds for their Motion, made no reference to any evidence or testimony supporting their Motion, attached no affidavits, and did not file an accompanying Memorandum. Rule 7(b)(1), SCRCP, requires that motions “*shall state with particularity the grounds thereof.*” As noted in Camp v. Camp, 386 S.C. 571, 575, 689 S.E. 2d 634, 636 (2010):

By requiring notice to the court and the opposing party of the basis for the motion, Rule 7(b)(1) advances the policies of reducing prejudice to either party and assuring that the Court can comprehend the basis for the motion and deal with it fairly. Accordingly, when a motion is challenged for a lack of particularity, the court should ask whether any party is prejudiced by a lack of particularity or whether the court can comprehend the basis for the motion and deal with it fairly.” Id. For example, an otherwise defective motion under Rule 7(b)(1) has been upheld where a detailed memorandum in support of the motion, setting out its grounds, was served at the same time the written motion was served. Chastain vs. Hiltabidle, 381 S.C. 508, 517-18, 673 S.E. 2d 826, 831 (Ct. App. 2009).

In addition, to Rule 7(b)(1), Justice Toal issued an Administrative Order, dated September 10, 2015, in furtherance of a “Civil Motions Pilot Program.” In relevant part, this Order, which applies simply to the Third and Fifteenth Judicial Circuits, and is applicable to all motions filed on or after October 1, 2015, provides as follows:

A written motion shall be filed and served with a supporting memorandum of law. A supporting memorandum of law is not required if a full explanation of the motion is contained within the motion and a memorandum would serve no useful purpose. Affidavits and other materials supportive of the motion shall be filed and served with the motion...

Except as provided in Rule 59©, an opposing memorandum of law shall be filed and served not later than thirty days after service of the initial motion. Affidavits and other supporting materials shall be attached.

After the submission of all timely filed briefs, the trial court may grant oral arguments in its discretion or may rule without further notice on the written filings without scheduling oral argument. Oral argument shall be held on all dispositive motions unless the parties agree that no such argument is necessary...

Plaintiffs respectfully submit that the Defendants have failed to comply with Rule 7(b)(1), SCRPC, and the Administrative Order of Justice Toal. Further, Plaintiffs were prejudiced by the Defendants' failure to submit a memorandum laying out their grounds for Summary Judgment prior to the call of the motion hearing. The Plaintiff would respectfully request the Court reconsider its finding of facts numbers two and three in light of the Defendants' failure to comply with the Rule 7(b)(1) and the Administrative Order of Justice Toal, as well as the prejudice to the Plaintiff in not having the opportunity to file materials and/or affidavits to contradict the Defendants assertions.

**SCRPC 8. & 15**

3. During the Motion hearing, Defendants made reference to limited parts of the Plaintiff's complaint specifically paragraphs 13, 14, 16, and 17. (See hearing transcript page 4 lines 4-6). Although Courts may look to the evidence as a whole in determining a Motion for Summary Judgment, pleadings by themselves are never introduced at a trial or considered evidence in a case. Pleadings under rule 8 of SCRPC are to only be general in nature. In addition, rule 8 of SCRPC is to be construed liberally. Rule 15 SCRPC enable parties to conform the pleadings to the facts and relief demanded, as they develop. South Carolina Courts have always been cognizant that pleadings are general in nature and that as discovery in cases is conducted, parties will have to conform the pleadings to the facts. Throughout the Plaintiff's deposition she testified about how she would change clothes in the "large" or "entertainers' dressing room" and that she did this because that is where they (the workers) would put their make-up on, that the only restrooms were in the "large" locker room so she would go to that locker room to use the restroom, that she would have to stand in line in the "large" locker room to be inspected by the house mother and that other workers would often have to help her put on her uniform which was done in the "entertainers" locker room. (Plaintiff's transcript was given to the Court at the time of the motion hearing) Plaintiffs would respectfully ask the Court to

reconsider its findings of facts two and three based on the Plaintiff's deposition testimony and facts of the case as a whole and based on Rules 8 and 15 of the SCRCP.

#### **CIRCUMSTANTIAL EVIDENCE**

4. The Plaintiff would request that the Court reconsider findings of facts numbers two and three. At the motion hearing arguments were made regarding if a nude photograph or image of the Plaintiff could be presented to a jury. The Plaintiff believes she was prejudiced by the Defendants not providing a basis for their Summary Judgment motion prior to the call of the hearing to allow her to time to produce such evidence. In addition, discovery had not yet been completed in the case and the Defendants did not respond that they did not have information regarding the customer list to the live feed into the locker room until March 19, 2019. This did not allow the Plaintiff time to subpoena and depose a third party who allegedly controlled such records until after the Motion for Summary Judgment hearing was scheduled. The Plaintiff also testified during her deposition that she would regularly change clothes in the "entertainer dressing room," that she would put her make-up while changing in the "entertainers dressing room," that she would wait in line to be inspected by the house mother and have other entertainers help her put her outfit on while in the "entertainers dressing room," all clear and convincing evidence that Plaintiff would have been naked or partially naked while in the "entertainers" dressing room where the live feed was streaming. Plaintiff did not have the opportunity to submit beneficial snippets of her transcript as the Defendants did not submit the particulars of their Motion for Summary Judgment prior to the hearing. Although the Plaintiff believes there is more than circumstantial evidence surrounding the Plaintiff's claims, circumstantial evidence alone would not be a basis for dismissing a case on Summary

Judgment. Circumstantial evidence can and often is used as evidence during a jury trial and juries are more than capable in reaching a verdict using circumstantial evidence. The issue of whether it is more likely than not that the Plaintiff's naked image was sent out over the world wide web is an issue for a jury to decide and not a matter for Summary Judgment. The Plaintiff does not believe the use of circumstantial evidence alone automatically gives rise to the granting of Summary Judgment. The Plaintiff would respectfully ask the Court to reconsider its findings of facts two and three and allow the Plaintiff to submit her own snippets of her deposition transcript and or affidavits or other exhibits in response to the Defendants' memorandum submitted at the time of the motion hearing. The Plaintiff also attempted to submit the transcript of Martin McNamee at the time of the Motion hearing but was handed by a copy of the transcript from the Court. The Plaintiff has included a copy of Mr. McNamee's transcript with his personal information redacted as an exhibit for the Court's review.

**STANDARD FOR DECISION ON SUMMARY JUDGMENT  
DISCOVERY NOT YET COMPLETED/ REQUESTED DOCUMENTS AND  
INFORMATION HAVE NOT YET BEEN PROVIDED**

5. In determining whether Summary Judgment is proper this court must view all evidence in the light most favorable to the non-moving party. Summary Judgment is appropriate only when it is clear there is no genuine issue of material fact, and the moving party is entitled to judgment as a matter of law. In determining whether any triable issues of fact exist, the evidence and all inferences which can be reasonably drawn from the evidence must be viewed in the light most favorable to the non-moving party. *Silvester v. Spring Valley Country Club*, 344 S.C. 280, 285, 543 S.E. 2d 563, 566 (Ct. App. 2001). *Bankers Trust Co. v. Braten*, 317 S.C. 547, 455 S.E.2d 199, 201 (Ct. App.

1995). In deciding a Rule 56 motion, the Court must view the facts and inferences therefrom in the light most favorable to the non-moving party. Summary Judgment is appropriate only when the pleadings, depositions, interrogatory answers, admissions and affidavits show that there is no issue of material fact. *Gilmore v. Ivey*, 290 S.C. 53, 58, 348 S.E.2d 18, 183 (Ct. App. 1986).

Summary Judgment must not be granted until the opposing party has had the full and fair opportunity to complete discovery. *Baird v. Charleston County*, 333 S.C. 519, 511 S.E.2d 69, 74 (1999)

In the case at hand, Discovery had not yet been completed in the case. In addition, the Plaintiff asked for records of the subscribers to the live feed of the locker room sold by the Defendants. The Defendants did not respond to the Plaintiff's discovery request until March 13, 2019. The Defendants filed their Motion for Summary Judgment on February 26, 2019. At the motion hearing, without any prior memorandum being filed, the Defendants suddenly brought forth the defense that they could not be blamed for the destruction of evidence because that was done by a third party M3JP. The Plaintiff was never able to subpoena a representative of M3JP because the Plaintiff was not told that they would have the records, and not the Defendants, until the Defendants Discovery response on March 13, 2019 was provided. By this time the Defendants' Motion for Summary Judgment was already pending. The Plaintiff would respectfully ask the Court to reconsider its finding of facts numbers two and three and allow the Plaintiff to conduct further discovery. The Plaintiff respectfully contends that the Defendants' Motion for Summary Judgment was premature that discovery had not yet been fully conducted and that requested documents had not yet been produced by Defendants.

The Plaintiff would request that the Court reconsider its finding of facts based on the standard of review requiring the Court to interpret the facts in the light most favorable to the Plaintiff and based on the fact that Discovery had not yet been completed.

### CONCLUSION

6. For the foregoing reasons, the Plaintiff would respectfully ask the Court to alter or amend its previous ruling of May 6, 2019.

### Law Office of William J. Luse

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May 16, 2019

Myrtle Beach, South Carolina

1 State of South Carolina ) Court of Common Pleas  
2 County of Horry ) 2017-CP-26-08184

3  
4 Jane Doe )  
5 vs. ) Transcript of Record  
6 Crazy Horse Saloon and )  
7 Restaurant, Inc., et al. )

8  
9 May 15th, 2018  
10 Conway, South Carolina

11 BEFORE:  
12 Honorable Benjamin Culbertson, Judge.  
13

14 APPEARANCES:  
15 William J. Luse, Esq.  
16 Attorney for the Plaintiff  
17 William H. Monckton, VI, Esq.  
18 Attorney for the Defendant  
19

20  
21 Teresa J. F. Bautz, RPR  
22 Official Court Reporter  
23  
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25

E X H I B I T S

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No exhibits submitted.			
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Exhibits retained by Clerk of Court.			
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1 THE COURT: Next is 2017-CP-26-8184, Jane Doe  
2 versus Crazy Horse Saloon and Restaurant, Inc., and  
3 others. According to my roster, this is a motion to  
4 vacate. Please give the court reporter your name and  
5 who you represent.

6 MR. LUSE: Bill Luse for Jane Doe.

7 THE COURT: All right.

8 MR. MONCKTON: Your Honor, Billy Monckton for the  
9 Crazy Horse.

10 THE COURT: All right. Mr. Monckton, this is your  
11 motion?

12 MR. MONCKTON: That's correct, Your Honor.

13 THE COURT: All right. Let me hear from you.

14 MR. MONCKTON: This is a default. Just factually,  
15 judge, I'll go through and give this to you. This  
16 lawsuit by Jane Doe was filed by the Plaintiff in  
17 December of 2017, December 12th. It was filed on the  
18 registered agent of the Crazy Horse December 18th,  
19 2017. Affidavit of service was filed on December 27th,  
20 2017.

21 The Crazy Horse Saloon sent this to their  
22 insurance company in Florida. The insurance company in  
23 Florida made contact with Plaintiff's counsel,  
24 discussed getting an extension. After speaking with  
25 Plaintiff's counsel, Mr. Luse, he heard no follow up

1 from the insurance company out of Florida.

2       They in turn notified the -- my client, the Crazy  
3 Horse, that they were not providing coverage after the  
4 default had already run, after the 30 days had run. I  
5 immediately called Mr. Luse and said, hey, I'm going to  
6 go ahead and file an answer and file a motion to  
7 vacate.

8       And if I stated anything wrong, Bill, let me know.

9       Obviously, he could not agree. But the insurance  
10 company did make contact with him, but they didn't  
11 follow through. And then they just sent my client a  
12 letter saying, hey, we're not providing coverage.

13       THE COURT: I got you.

14       MR. MONCKTON: You need to go handle it. We've  
15 already entered into some discovery already in good  
16 faith, and I've already answered his complaint. We  
17 just ask that it was not neglect on my client. They've  
18 done everything, like I said, we've already answered  
19 his request to admit. And I know he can't consent, and  
20 we'd ask you to vacate the order of default, Your  
21 Honor.

22       THE COURT: Is there a meritorious defense?

23       MR. MONCKTON: Yes, sir, Your Honor, there is.

24       THE COURT: Okay.

25       MR. MONCKTON: It involves cameras. And I've been

1 dealing with this matter for a while, so there is a  
2 meritorious defense in this, Your Honor. And it was  
3 not neglect on my client. Thank you.

4 THE COURT: Yes, sir. All right, Mr. Luse?

5 MR. LUSE: May I approach, Your Honor?

6 THE COURT: Yes, sir.

7 MR. LUSE: This is the correspondence to date in  
8 this case. It starts with a letter that I sent prior  
9 to filing the lawsuit on October the 2nd of last year.  
10 So on October the 2nd the Defendants were aware of this  
11 lawsuit, and we know that from the e-mails that  
12 immediately follow which are on November the 2nd where  
13 they say, hey, we got your notice of your lawsuit. We  
14 want to try to resolve it, we'd like an extension.

15 At that point, and you can see from the e-mails, I  
16 said, well, I haven't officially filed the lawsuit, I  
17 can't grant you an extension until a lawsuit's filed.

18 THE COURT: Now, this correspondence is with the  
19 carrier or with --

20 MR. LUSE: This is with Gaebe, Mullen, Antonelli  
21 and Tomato in Florida, which is on the bottom of that  
22 e-mail where that e-mail came from, which is my  
23 understanding is the carrier's attorneys on a coverage  
24 issue.

25 THE COURT: Okay. All right.

1 MR. LUSE: At that point, they didn't have any  
2 authority. So although we didn't grant an extension  
3 prior to the lawsuit, we did wait an additional over 30  
4 days. We didn't file until December 12th. This was  
5 sent on October 2nd.

6 And then after that, we didn't even move for a  
7 default until --

8 MR. MONCKTON: February 22nd, I think.

9 MR. LUSE: -- February 22nd. So we gave them  
10 another 65 days then. It's not like it got to the  
11 thirtieth day, and I went down and filed.

12 THE COURT: Yeah.

13 MR. LUSE: So really they had like five months  
14 where they knew. In addition, this is a companion  
15 case. There is another case, the exact same charges,  
16 similar -- same defendants, same facts and  
17 circumstances. That from the docket looks like it was  
18 settled May the 2nd. And I even brought that up in the  
19 e-mail that they had already done a coverage issue  
20 because they had a current lawsuit which they were  
21 defending.

22 THE COURT: So that other lawsuit, the settlement  
23 was with someone other than the carrier, or did the  
24 carrier cover that?

25 MR. LUSE: My understanding is the carrier covered

1 that.

2 THE COURT: Okay.

3 MR. LUSE: And it was settled May the 2nd.

4 THE COURT: But the carrier has not covered this  
5 one?

6 MR. LUSE: Apparently not, right.

7 THE COURT: Okay.

8 MR. LUSE: So that's not disputed. In addition,  
9 these are not unsophisticated defendants. I attached  
10 some public index. I mean, the Crazy Horse Saloon has  
11 been sued over 20 times recently and the Dollhouse in  
12 Dog Leg Right, which is known in that facility. They  
13 are very sophisticated defendants. They were already  
14 aware of another lawsuit. They admitted they had  
15 notice of this, knew it was coming before it was filed.

16 THE COURT: Yeah. But the question is, is his  
17 argument is, yes, they knew the lawsuit, yes, they knew  
18 they were being sued. They turned it over to their  
19 carrier, which is presumably what they had always done,  
20 and the matter had been addressed.

21 The difference is in this case the time passes,  
22 they are held in default. And then the carrier says,  
23 we're not covering this, you're on your own. And there  
24 is nothing they can do because they've already been  
25 held in default. When they turned it over to the

1 carrier, they thought that the carrier, like the  
2 carrier had done in these other incidents, would hire  
3 the attorney, file the answer, prepare the defense,  
4 which is what they're paying insurance for.

5 MR. LUSE: Well...

6 THE COURT: I mean, that's --

7 MR. LUSE: Perhaps, Your Honor. I mean, I haven't  
8 seen an affidavit of that. I mean, I can't believe --  
9 I mean, they were aware of this on October 2nd. I  
10 can't believe people that have been sued 20 times in  
11 recent memory wait five and a half months and then  
12 suddenly come in and answer and didn't know that they  
13 had the answer.

14 THE COURT: Well, I mean, on all of these 20  
15 lawsuits, was there ever a case where they filed the  
16 answer other than their carrier contacting an attorney  
17 and filing an answer on their behalf? I mean, that's  
18 what Mr. Monckton's argument is.

19 MR. MONCKTON: And, Your Honor, just for the  
20 record, I am not hired by a carrier. The club is  
21 actually --

22 THE COURT: That's my understanding, yes. My  
23 understanding is they have gone out and hired an  
24 attorney to file an answer when they got notice from  
25 their carrier that said, we're not paying for it.

1 You've got to go hire your own lawyer, file your own  
2 answer because we're not doing it for you.

3 My question is, now, I agree with you, that's not  
4 a very good argument if they have been sued 20 times  
5 for the same thing, and all 20 times the carrier has  
6 come back and said, we've told you 19 times we're not  
7 covering this, you got to get your own lawyer.

8 But from what I understand, on this prior lawsuit  
9 when it was settled, it was settled with the carrier.

10 MR. MONCKTON: That's correct.

11 THE COURT: So that's --

12 MR. LUSE: Well, I would just submit that I think  
13 the prior case today where they're talking about  
14 insurance agent attaching to an insurance company, you  
15 know, I don't know what their dispute is, I'm not privy  
16 to their conversations between their carrier and  
17 themselves, but I think that attaches to the Defendant.  
18 In my opinion, that's not good cause.

19 THE COURT: Well, and I would agree with you if  
20 the carrier said, yes, this is insured, we're obligated  
21 to get you a lawyer. And they just went in default and  
22 let it fall through. And, yeah, that's imputed to the  
23 Defendant.

24 The problem I have here is where you've got a  
25 Defendant that turns it over to a carrier thinking that

1 the carrier does cover the alleged loss, is going to  
2 take care of the getting the defense, and then after  
3 the -- and I agree, they had contacted them right off  
4 the bat before they went into default, and said, this  
5 isn't covered, you better get your own attorney, fine.  
6 But the problem I'm having is holding their feet to the  
7 fire where they don't even get notice that it's not  
8 covered until after the default.

9 MR. LUSE: And I --

10 THE COURT: Yes.

11 MR. LUSE: -- understand where you're going. If I  
12 may, Your Honor, just --

13 THE COURT: Right.

14 MR. LUSE: -- you know, on one hand, you know, I  
15 could have filed it October 2nd, or I could have  
16 immediately filed for a motion to compel. And I really  
17 feel like the Plaintiffs here, I mean, we've bent over  
18 backwards to try to accommodate them. You know, we've  
19 waited a good bit of time, I mean. So I think there is  
20 a timeliness issue. I mean, how long should we have  
21 waited? You know, should we wait six months and then  
22 file a motion to compel?

23 THE COURT: Well, I mean, who are you talking to?  
24 Are you talking about attorneys for the insurance  
25 company?

1 MR. LUSE: Well, I'm just saying, you know, we  
2 filed this in December 12 of 2017. And we could have  
3 filed immediately in January, we didn't do that. We  
4 waited until the end of February to give them  
5 sufficient time in an abundance of caution.

6 I mean, if Defendants can come in and at any time  
7 say, well, it was a coverage issue, I mean, at what  
8 point is it too long to wait? And one of the issues is  
9 timeliness when they answer. And, you know, we still  
10 have a long period of time, more than two months from  
11 when they were served and more than five months from  
12 when they knew about the lawsuit. I think that alone  
13 gets us into, you know, one reason the default was  
14 granted and should be upheld.

15 THE COURT: Okay.

16 MR. MONCKTON: Your Honor, just for the record,  
17 since I got involved, I went ahead and got with Mr.  
18 Luse, I filed an answer. I went ahead and answered all  
19 of his discovery, all of his requests to admit that he  
20 had submitted, which were over 50. I've done  
21 everything I can so it didn't get delayed. So really  
22 we are already ahead of the game on the discovery  
23 issue.

24 As soon as I got involved, I got with Mr. Luse's  
25 office and went ahead and answered. I didn't want to

1 wait until after this hearing for you to make a  
2 decision. We've gone ahead and done everything we  
3 could so there wouldn't be any further delay.

4 MR. LUSE: But, Your Honor, they still can  
5 participate in the litigation in a damages hearing.  
6 We're just talking about them being able to deny the  
7 claim. And he has not answered discovery other than  
8 the requests to admit, which was, I deny it.

9 THE COURT: All right. I'm going to grant the  
10 motion. I find that there is good cause to set aside  
11 the default. The fact that you had these prior  
12 lawsuits that were covered or apparently at least some  
13 of them were covered by the carrier, the carrier took  
14 care of everything, and in this case they denied  
15 coverage after the default was entered.

16 So I'm going to go ahead and grant the motion. I  
17 find that there is good cause, and then the answer does  
18 set forth a meritorious defense. It didn't say it's --  
19 they'll prevail, but at least the allegations are  
20 there. All right?

21 MR. MONCKTON: Thank you, Your Honor.

22 MR. LUSE: Thank you.

23 THE COURT: Mr. Luse, do you want a formal order  
24 to that effect, or will a Form 4 suffice?

25 MR. LUSE: Form 4 will be fine.

1 THE COURT: Okay. Thank you.  
2 (WHEREUPON, the hearing concluded at approximately  
3 2:31 p.m.)  
4 (End of Transcript of Record)  
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**Owens, Michele A.**

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**From:** bill@getlusenow.com  
**Sent:** Tuesday, July 30, 2019 5:09 PM  
**To:** RetiredCR  
**Subject:** Hearing Transcript Needed

To Whom It May Concern:

Please let this serve as my written notice requesting a hearing transcript for the May 16, 2018 hearing with Judge Culbertson presiding which was held in Horry County, South Carolina. The case no is 2017-cp-26-08184 the case caption is Jane Doe v. Crazy Horse Saloon & Restaurant Inc. d/b/a Thee New Dollhouse and Dog Leg Right, LLC.

Ms. Teresa Bautz was the Court Reporter and it is my understanding she is now retired. Please let me know if any additional information will be needed in processing this request.

Sincerely,

Bill Luse

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7-31-19  
TUTB

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS

COUNTY OF HORRY ) 2017-CP-26-8184

Jane Doe, )

Plaintiff, )

Versus )

April 3, 2019

Crazy Horse Saloon and )  
Restaurant, Inc., et al., )

Defendants. )

B E F O R E:

Honorable Benjamin H. Culbertson  
Horry County Courthouse  
Conway, South Carolina

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

William James Luse, Esquire  
Attorney for Plaintiff

William Henry Monckton, VI, Esquire  
Attorney for Defendants

Grace L. Hurley, CVR-CM-M  
Circuit Court Reporter

1 (There were no exhibits marked during the hearing.)

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1 (On the record, April 3, 2019.)

2 THE COURT: All right. Next is 2017-CP-26-8184, Jane Doe  
3 versus Crazy Horse Saloon and Restaurant, Inc., d/b/a Thee New  
4 Dollhouse and Dog Leg Right LCC.

5 MR. MONCKTON: Good news, Your Honor, it's not a contract  
6 case.

7 THE COURT: Good. According to my roster this is a  
8 motion for summary judgment. Please give the court reporter  
9 your names and who you represent.

10 MR. MONCKTON: Yes, sir, Your Honor. My name is Billy  
11 Monckton. I represent the Crazy Horse, d/b/a Thee Dollhouse  
12 and Dog Leg Right.

13 THE COURT: All right.

14 MR. LUSE: Bill Luse for the Plaintiff, Jane Doe.

15 THE COURT: All right.

16 MR. MONCKTON: Your Honor, I did not e-file these -- this  
17 memorandum in support because he has filed it as a Jane Doe,  
18 and there are references to the Plaintiff's name, and to  
19 protect the Plaintiff I did not want to --

20 THE COURT: All right.

21 MR. MONCKTON: -- give her name.

22 THE COURT: All right. This is your motion?

23 MR. MONCKTON: Yes, sir, Your Honor.

24 Your Honor, what this is is basically the Plaintiff  
25 worked as a cocktail waitress at Thee Dollhouse which is

1 located in Atlantic Beach, South Carolina. She has made  
2 allegations that she was secretly videotaped, pursuant to her  
3 complaint, in the cocktail waitress dressing room, and those  
4 images were sent out via the internet. I've attached a copy  
5 of her complaint, which is Exhibit A to my memorandum,  
6 specifically paragraphs 13, 14, 16 and 17, Your Honor.

7 MR. LUSE: Your Honor, may I object? My understanding is  
8 this memorandum and any affidavits or exhibits would have had  
9 to have been submitted prior to today. There was just a  
10 general one-page motion, a motion for summary judgment under  
11 Rule 56. There was nothing -- I, I believe the rule says two  
12 days prior to the hearing, and there was nothing submitted.  
13 This isn't even a clocked copy. It's -- I don't know if  
14 that's admissible or not. I'll let the Court determine that.

15 MR. MONCKTON: Your Honor, I'm basing it solely on his --  
16 there are no affidavits, and the rule would require me if I  
17 submitted any affidavits. I'm basing solely off --

18 THE COURT: All right.

19 MR. MONCKTON: -- what's already been filed in the  
20 record.

21 THE COURT: All right. I'll allow the memorandum and  
22 references to what have already been transpired as far as it  
23 looks like you've got attached what is that deposition?

24 MR. MONCKTON: Deposition and the, the complaint --

25 THE COURT: Complaint.

1 MR. MONCKTON: -- are the only things attached.

2 THE COURT: All right.

3 MR. MONCKTON: There are no affidavits whatsoever. These  
4 are things that have already been provided in discovery, Your  
5 Honor.

6 THE COURT: I'll allow that. Go ahead.

7 MR. MONCKTON: Basically, the Plaintiff's complaint is  
8 that she was secretly videotaped in the cocktail waitress  
9 dressing room and that was sent out via the internet. We took  
10 -- Mr. Luse took the deposition of a gentleman by the name of  
11 Martin James McNamee [spelled phonetically]. He is the  
12 gentleman that installed video cameras in Thee Dollhouse. He  
13 testified under oath that there was no video cameras put in  
14 the cocktail waitress dressing room, and let me explain a  
15 little bit, Thee Dollhouse had a livestream of the stage, of  
16 the main stage that if you paid a fee you could get on and  
17 watch the main stage, and they also had a live feed of the  
18 entertainer, one part of the entertainer's dressing room that  
19 if you paid a fee you could get on and look at it. The  
20 allegations from the Plaintiff is that this live feed was  
21 installed in the cocktail waitress dressing room. So we asked  
22 -- Mr. Luse and myself asked Mr. McNamee were there ever any  
23 recording devices in the cocktail dressing room. He said no.  
24 Then took the deposition of the Plaintiff. I said, "Did you  
25 ever see any video cameras in the cocktail waitress dressing

1 room?" She said no, and I guess the most important thing I  
2 asked the Plaintiff, Your Honor, because the Plaintiff has  
3 alleged that she was secretly videotaped. She -- and these  
4 videotapes went out on the internet. She's alleged causes of  
5 actions of negligence, invasion of privacy and intentional  
6 infliction of emotional distress. I asked her, and it's on  
7 page five of my memorandum in her deposition, Your Honor, "Do  
8 you have any evidence whatsoever that you ever appeared on any  
9 camera? Has anybody told you or you have any evidence," and  
10 her answer's, "Nothing." To my knowledge, the Plaintiff has  
11 no evidence she was ever on any video camera whatsoever, and  
12 if she can't prove that, then all three of her causes of  
13 actions will fail, and her causes of action, as I said, were  
14 negligence, invasion of privacy, intentional infliction of  
15 emotional distress. If she can't -- she can't speculate she  
16 was on them. There is no evidence that we've got that we've  
17 provided or they've given us that she ever appeared on any  
18 videotape, and that's, that's what the basic of my motion is,  
19 Your Honor. Without that evidence her case can't go forward.  
20 Thank you.

21 THE COURT: All right. Mr. Luse.

22 MR. LUSE: Thank you, Your Honor. I'd like to go into  
23 the facts of the case a little bit more. So what we're  
24 referring to it used to be the Crazy Horse, is now Thee  
25 Dollhouse. Upstairs there's locker rooms for the people that

1 work there and there's what they allege is a cocktail waitress  
2 locker room. Let's assume this is the locker room here and  
3 then right next to that would be what they call a house mom  
4 who would inspect the dancers or entertainers or cocktail  
5 waitresses before they would go on their shift. So they'd  
6 have to have an outfit on. Right next to that is a large  
7 locker room that is what they're referring to as the  
8 entertainer's locker room, and in that locker room there are  
9 several things. There are -- there's a large area for them to  
10 put their makeup on. There are the only bathrooms, and that  
11 is where you would wait in line to get checked and inspected  
12 by the house mom. In the testimony of --

13 THE COURT: Wait, wait. You would get inspected by the  
14 house mom in the entertainer's locker room?

15 MR. LUSE: Correct. She -- her office is at the very end  
16 of it and the -- if the line would be in --

17 THE COURT: Wait. I thought you said hers was in the  
18 middle.

19 MR. LUSE: Well, it's between -- it's at the end of  
20 either one or in the middle.

21 THE COURT: Okay.

22 MR. LUSE: But I didn't mean to confuse you. So you  
23 would, I guess, technically she's outside the locker room, but  
24 to be inspected you would be in the locker room, and she would  
25 look at you and there would be a line going back.

1 THE COURT: So she would go -- all right. She'd get  
2 dressed in the cocktail waitresses' locker room.

3 MR. LUSE: Well, let me -- I'm just explaining the  
4 dynamics. So this -- the testimony that the -- Jane Doe gave  
5 during her deposition is that she would unchange in both the  
6 cocktail waitress and the entertainer's locker room, and that  
7 she often just put her belongings in a locker there. There's  
8 several reasons for that. One, she'd say, "Well, I'd often  
9 have to use the restroom. The only restrooms were in the  
10 entertainer's dressing room." She described taking off, and  
11 this isn't like putting a shirt on, she would have to be  
12 completely naked and then put this outfit on. In addition,  
13 these other women would have to help her put the, put the  
14 uniform on. So she would have, in essence, be half-dressed,  
15 have her top down and be waiting in line, and these  
16 entertainers that were behind her, whatever, they would help  
17 her and she would help them. She would also be standing in  
18 front of the mirror to put makeup on or whatever she wanted to  
19 do, and she would also be in that line waiting to be  
20 inspected, which she would have to enter this quote,  
21 entertainer's locker room. So there's all kinds of testimony  
22 that she would constantly be in that locker room. She would  
23 have to be in there every day that she worked to be inspected.  
24 When I took the deposition of Mr. McNamee, Mark McNamee  
25 who put the cameras in, and I have a copy of his deposition

1 transcript if you'd like that. It's referred to in, in our  
2 memorandum, it's undisputed that they put cameras in, that  
3 there were two cameras in the locker room. I'm talking about  
4 what they're calling the entertainer's locker room, that it  
5 was a 24-hour feed. So it was never turned off. If she was  
6 in there and she didn't have her clothes on or whoever, you  
7 would have access to a 24-hour feed. You would pay \$23.87 to,  
8 I guess, get a subscription, and then you could view this 24-  
9 hour feed, and if you wanted to you could do additional things  
10 on that site. They've admitted that there's no waiver, that  
11 she's never consented. They -- The Dollhouse says that at  
12 some point entertainers, not cocktail waitresses, entertainers  
13 signed a waiver, but that there's no evidence that the  
14 Plaintiff, Jane Doe, signed a waiver. So is it a little more  
15 likely than not if we went in front of a jury that her working  
16 for a six-month period in which she had to go into the locker  
17 room every day, which she's saying, "I'm changing," that she  
18 could be seen on this 24-hour live feed. In addition, I asked  
19 for discovery. I said, "Hey, send me a list of your  
20 subscribers that viewed these videos," and I can ask them,  
21 "Did you look at her nude photo?" Here's their response, can  
22 I approach?

23 THE COURT: All right.

24 MR. LUSE: Their response is, "We don't have those  
25 records. They can't be produced." So on one hand they're

1 saying, "We can't produce these records," and then they're  
2 saying basically, "Nah, nah, nah, nah, you can't call somebody  
3 that saw it." You know, I think a jury, it would be  
4 definitely more than scintilla of evidence could surmise if  
5 there's a 24-hour feed that's never coming off that's viewing  
6 the locker room, she's changing in there, that her image could  
7 be out over the internet.

8 THE COURT: But what is the scintilla of evidence? I  
9 mean --

10 MR. LUSE: Well, she's saying --

11 THE COURT: -- she's -- your client's going to bear the  
12 burden of proof that says she was videotaped and it was  
13 livestreamed. You can't just say, "Yes. They videotaped this  
14 room and they livestream it, and so over a six-month period my  
15 client was probably videotaped nude and probably  
16 livestreamed." I mean, you're going to have to -- I don't  
17 think that that's sufficient. That's not any evidence.

18 MR. LUSE: I think it would be -- I think it would be --  
19 I understand what you're saying, Your Honor. I think it would  
20 be improbable, a miracle if she, on this 24-hour live feed  
21 that's videotaping the locker room, people are changing, that  
22 she would not have been in that -- on that live feed. She's  
23 changing in there. So, I mean, the standard of proof, you  
24 know, is a little more likely than not, preponderance of the  
25 evidence at trial. I think clearly a jury could gather.

1 THE COURT: I mean, is she saying she didn't know there  
2 were cameras in that locker room?

3 MR. LUSE: Yes, Your Honor. She's definitely saying she  
4 didn't know, and that's how they didn't get consent. These --  
5 she had no idea they were videotaping her. They never got her  
6 consent, and I sort of refer to this in my brief, I mean, this  
7 is like, you know, having a live feed in a bathroom of a, of a  
8 patron. I mean, it's -- there's -- if there's a place she  
9 would expect privacy it would be the locker room.

10 THE COURT: All right. Let's, let's say that. Let's say  
11 they. Let's say they had a video camera in the bathroom for  
12 patrons. Does that mean that any patron can say, "I use that  
13 bathroom. Therefore, I have a cause of action against them  
14 because more probably than not they videotaped me in the  
15 bathroom and sent it out over the internet."

16 MR. LUSE: Well, Your Honor, I think if the -- if the  
17 camera was placed in an area where it's, you know, showing the  
18 toilet and you went and used the toilet, it would be highly  
19 likely that it occurred. So, you know, I think it would just  
20 be improbable to say there's a camera, you know, if there's  
21 one toilet and you use that toilet and it's pointed at it and  
22 it's a 24-hour live feed that their meaning is there, they  
23 didn't tell you, it wasn't shut off that you would be on that  
24 -- that you would be filmed.

25 THE COURT: All right. Go ahead.

1 MR. LUSE: And I also wanted to submit the testimony of  
2 Mr. McNamee. This is his deposition which we had referred to  
3 in our memorandum. I did not make that public record. His  
4 Social Security number, date of birth, things like that are in  
5 it. So that's why you're getting that today.

6 THE COURT: But Mr. Luse, let me ask you this, is it fair  
7 to say that your client does not know whether she was  
8 videotaped and does not know or does not know whether she  
9 appeared on this feed, that because of the fact that there was  
10 a camera in there and that she dressed in there then she is  
11 drawing the assumption that she was videoed and it was  
12 livestreamed while she was in there nude, but that she doesn't  
13 have any actual knowledge?

14 MR. LUSE: That is fair to say.

15 THE COURT: Okay.

16 MR. LUSE: And again, the people that would know would be  
17 the subscribers. You know, they're saying, "Uh-oh, we  
18 destroyed that evidence. It's no longer here, but take our  
19 word for it that this six-months period where she changed  
20 every day she wasn't filmed." I think that's an important  
21 issue. I mean, you know, on one hand they're saying, "Hey,  
22 we're not going to provide you the evidence, but take our word  
23 for it, she just wouldn't be on this film." I think, you  
24 know, in the, in the light most favorable to the Plaintiff and  
25 I, I think it's definitely reasonable, a reasonable jury could

1 say is that more likely than not she was on -- her image was  
2 displayed. Now, what the damages are, another issue.

3 THE COURT: All right.

4 MR. LUSE: Let's see. That's all, Your Honor.

5 THE COURT: All right. Anything in reply?

6 MR. MONCKTON: Your Honor, just, just briefly, we didn't  
7 have possession. It was an outside company that did it.  
8 They've gone out of business prior to Mr. Luse filing this  
9 lawsuit. We made an attempt to get whatever information there  
10 was from them. From what we've been told, it was a  
11 livestream. There is no video recording. There is no way to  
12 find out if she was ever in it. Your Honor, I just point back  
13 to her complaint. She's alleging now she changed in the  
14 entertainer locker room, but her complaint says she changed  
15 her clothes in the cocktail waitress dressing room. I'll  
16 leave it at that, Your Honor. Thank you.

17 THE COURT: All right.

18 MR. LUSE: And Your Honor, one additional fact, if I may,  
19 I asked Mr. McNamee, you know, if it was possible on this live  
20 feed for people to tape it, disseminate it across the  
21 internet, replay it, and he admitted that, you know, that  
22 could be done, you certainly -- somebody that was on the  
23 subscriber list could have got it, recorded it, resent it.

24 THE COURT: But I mean, has it been done?

25 MR. LUSE: Well, I, I can't depose these people.

1 THE COURT: All right. But she hasn't seen anything on  
2 the internet where it's been done?

3 MR. LUSE: Well, the -- it's taken down now, this live  
4 website with this lawsuit. So the answer is no, has she  
5 personally seen it. I mean, they've taken that information  
6 down.

7 THE COURT: Okay. All right. Mr. Monckton, I'm going to  
8 grant your motion for summary judgment. I think the  
9 undisputed facts are that there was a camera, that it was a  
10 livestream, but that the Plaintiff is only assuming that she  
11 was livestreamed, that it is a third -- I was thinking that  
12 you might get around it on the spoliation of evidence, but if  
13 it's a third-party that operated it I don't see how that  
14 affects Crazy Horse Saloon or Thee New Dollhouse. I mean,  
15 what are the -- Dog Leg Right LLC, what is that?

16 MR. MONCKTON: Dog Leg Right LLC is simply the property  
17 owner.

18 THE COURT: I got you. Okay. All right. So I'm going  
19 to grant the motion for summary judgment. Mr. Monckton, if  
20 you would prepare an order to that effect.

21 MR. MONCKTON: Yes, sir, Your Honor.

22 THE COURT: All right.

23 MR. MONCKTON: Thank you, sir.

24 THE COURT: Thank you.

25 MR. LUSE: Thank you, Your Honor.

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THE COURT: Thank you.

(Adjourned.)

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C E R T I F I C A T E

I, the undersigned, Grace L. Hurley, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of the hearing held in the case of Jane Doe versus Crazy Horse Saloon and Restaurant, Inc., et al., held in the Court of Common Pleas for Horry County, Horry County Courthouse, Conway, South Carolina, on April 3, 2019.

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

---

Grace L. Hurley, CVR-CM-M  
Official Reporter

May 14, 2019.



STATE OF SOUTH CAROLINA )  
 ) IN THE COURT OF COMMON PLEAS  
COUNTY OF HORRY )

JANE DOE, )  
 )  
 PLAINTIFF, )  
 )  
VERSUS ) TRANSCRIPT OF RECORD  
 )  
CRAZY HORSE SALOON AND )  
RESTAURANT, INC., ET AL., ) 2017-CP-26-08184  
 )  
 )  
DEFENDANTS. )  
\_\_\_\_\_ )

JULY 23<sup>RD</sup>, 2019  
CONWAY, SOUTH CAROLINA

B E F O R E:

THE HONORABLE BENJAMIN H. CULBERTSON

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

WILLIAM J. LUSE, ESQUIRE  
ATTORNEY FOR THE PLAINTIFF

WILLIAM H. MONCKTON, VI, ESQUIRE  
ATTORNEY FOR THE DEFENDANT

SANDRA H. DAVIS  
OFFICIAL COURT REPORTER  
EIGHTH JUDICIAL CIRCUIT  
AT-LARGE, EIGHTH JUDICIAL CIRCUIT

*THIS TRANSCRIPT WAS PREPARED FOR WILLIAM J. LUSE, ESQUIRE*

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E X H I B I T S

(NO EXHIBITS WERE MARKED FOR THIS HEARING.)

*THIS TRANSCRIPT WAS PREPARED FOR WILLIAM J. LUSE, ESQUIRE*

P R O C E E D I N G S

July 23<sup>rd</sup>, 2019

**THE COURT:** All right. Next is 2017CP268184; that is Jane Doe versus Crazy Horse Saloon and Restaurant, Inc. d/b/a Thee New Doll House and Dog Leg Right, LLC.

According to my roster, the matter is before the Court on a Motion to Alter and/or Amend Order granting defendant summary judgement.

Please give the court reporter your names and who you represent.

**MR. LUSE:** Bill Luse for the plaintiff, Jane Doe.

**THE COURT:** All right.

**MR. MONCKTON:** Billy Monckton for the Crazy Horse Saloon, Thee Doll House, and Dog Leg Right.

**THE COURT:** All right. Mr. Luse, this is your Motion?

**MR. LUSE:** Yes, Your Honor.

**THE COURT:** All right. Let me hear from you.

**ARGUMENT BY MR. LUSE**

**MR. LUSE:** And just a very brief refresher for the Court, this is the case of Jane Doe versus Thee Doll House where it is alleged there were video in the locker room that the plaintiff was not aware about. His Honor heard this Motion for Summary Judgement --

**THE COURT:** Well, and -- and if I remember

*THIS TRANSCRIPT WAS PREPARED FOR WILLIAM J. LUSE, ESQUIRE*

1 correctly, it was case of where there were two separate  
2 dressing rooms; there was a camera, or some type of stream  
3 feed on one of them, --

4 **MR. LUSE:** That's correct.

5 **THE COURT:** -- but there was no indication that  
6 the plaintiff was ever filmed or ever telecast or broadcast  
7 to anybody, anywhere, any time.

8 **MR. LUSE:** That's correct.

9 **THE COURT:** Okay. All right. Go ahead.

10 **MR. LUSE:** All right. Thank you, Your Honor.

11 We brought this Motion, basically, on Rule 7(b)1  
12 and Chief Justice Toal's Administrative Order basically  
13 saying that a memorandum or affidavit should be -- should  
14 be presented with the defendant's motion, which, of course,  
15 wasn't done at the time. A motion hearing --

16 And, as a result of that, we believe the Court  
17 and the plaintiff were prejudiced because we weren't -- we  
18 didn't know what defendant's argument was going to be; we  
19 weren't able to present an adequate defense at that time  
20 based on no memorandum being presented.

21 And, also, I think it's important discovery had  
22 not been completed at the time of the motion hearing, and  
23 we've -- the parties' have signed a scheduling order  
24 allowing for continued discovery, and I believe the  
25 plaintiff was prejudiced in court at that time because all

1 of the information wasn't available.

2 And a -- a key issue that was brought up was the  
3 -- whether a video could be produced, and we have -- as far  
4 as discovery request, the plaintiff, had sent defendant's  
5 information regarding a client list and information  
6 regarding a live feed. And the defendant's answer to that  
7 right -- right before the motion hearing -- and our answer  
8 was that they did not have that information -- I -- I  
9 believe them -- and there was a third-party. And there was  
10 an issue of spoliation of evidence. And I think the Court  
11 correctly Ruled that if there was spoliation of evidence,  
12 it wouldn't be the defendant's; it would be this third-  
13 party who set up the cameras and would have the client list  
14 and that equipment.

15 Unfortunately, because the case was dismissed, we  
16 were never able to get that information, and that could  
17 entirely change the case. We were never able to subpoena -  
18 - Lost our subpoena power. The case was dismissed. -- this  
19 third -- excuse me -- this third-party for their client  
20 list and this information, if that image was there and/or  
21 how to get that image.

22 And so, you know, we think if we were able to  
23 complete discovery, we would be able to get that  
24 information to -- you know, if the Court wanted that  
25 information. If that third-party defendant doesn't have

1 that information and it was destroyed, of course, that  
2 would be held against the defendants, and the plaintiff  
3 would have the information. If they have the information,  
4 we could go get it and we could produce the image.

5 So I think either way the plaintiff will be able  
6 to produce that information if additional discovery was  
7 allowed. And just -- when the timing of the summary  
8 judgement motion came up -- We don't think there's any  
9 prejudice to the defendants if we're allowed to continue  
10 discovery. Nothing would prevent them from later -- you  
11 know, filing another Motion for Summary Judgement. But we  
12 think it's prejudicial to the plaintiff at this point to  
13 not allow us to at least go an extra step, try to get that  
14 information.

15 **THE COURT:** All right. Mr. Monckton.

16 **ARGUMENT BY MR. MONCKTON**

17 **MR. MONCKTON:** Your Honor, just -- just briefly,  
18 I didn't file any affidavits because I didn't need one.  
19 All I did was use the plaintiff's deposition, and from your  
20 Order you -- you addressed specific pieces of her  
21 deposition in your grant of the summary judgement.

22 And the questions that were asked of her in a  
23 deposition: "Do you have any evidence that anybody's ever  
24 seen you on any picture whatsoever?" Her answer was, "No."

25 The whole case that the plaintiff has filed is an

1 evasion of privacy case. They say they were videotaped.

2 From my questions to her in a deposition, it was  
3 asked: "Has anybody ever said they saw you, innuendo they  
4 saw you, anything?" And the answer is, "No." There is no  
5 evidence out there.

6 Yes, a third-party managed our system. We  
7 received no spoliation letter. We don't manage it. It's  
8 over and done with it. It no longer exists. There's no --

9 And we've been told, and we communicated it to  
10 Mr. Luse, that they destroyed their information. It was a  
11 live stream. It's not a recording system. I don't have  
12 anything to give him. There is no evidence out there that  
13 she ever appeared on any live stream or any video, and  
14 that's why Your Honor granted the summary judgement as you  
15 did; because there's no evidence out there.

16 That's all I have to say, Your Honor. Thank you.

17 **THE COURT:** Anything in reply?

18 **REPLY BY MR. LUSE**

19 **MR. LUSE:** Again, Your Honor, we just think  
20 discovery wasn't completed. It was premature, and I -- I  
21 would like to continue the discovery.

22 **THE COURT:** Okay.

23 **RULING BY THE COURT**

24 **THE COURT:** All right. I'm going to deny the  
25 motion. There has to be something that indicates that she

1 was filmed or she was put on the camera or that it was  
2 telecast. As I understand, her argument was, "There's a  
3 camera there. It must have picked me -- it had to have  
4 picked me up at some point in time, but I don't know when.  
5 I don't know if. I don't know whether anybody saw it."  
6 And I think you've got to have more than that to proceed on  
7 the lawsuit, so I'm going to deny the motion.

8 **MR. LUSE:** Thank you. Thank you, Your Honor.

9 **THE COURT:** Thank you.

10 (WHEREUPON, THE HEARING IN THE ABOVE-  
11 ENTITLED MATTER WAS CONCLUDED.)



*In the Matter Of:*  
Jane Doe vs.  
Crazy Horse Saloon, et al

---

October 10, 2018

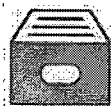
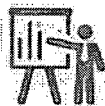
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1 STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS  
2 COUNTY OF Horry

3 JANE DOE,  
4 Plaintiff,

5 vs. CASE NO. 2017-CP-26-08184

6 CRAZY HORSE SALOON and RESTAURANT, INC., d/b/a  
7 THEE NEW DOLLHOUSE and DOG LEG RIGHT, LLC,  
8 Defendants.

9 Jane Doe

10 DEPOSITION OF: [REDACTED]

11 DATE: Wednesday, October 10, 2018

12 TIME: 3:00 p.m.

13 LOCATION: The Law Offices of William J. Luse  
14 917 Broadway Street  
Myrtle Beach, SC 29577

15 TAKEN BY: Counsel for the Defendants

16 REPORTED BY: Tia Shean, Court Reporter

17  
18  
19 A. WILLIAM ROBERTS, JR., & ASSOCIATES

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23 (INDEX AT REAR OF TRANSCRIPT)  
24  
25

STIPULATION

It is stipulated by and between Counsel that this deposition is being taken in accordance with the South Carolina Rules of Civil Procedure, Rule 30; that all objections as to Notice of this deposition are hereby waived; that all objections except as to form are reserved until the time of trial; and that the deponent waives reading and signing of this deposition.

\* \* \* \* \*

being first duly sworn, testified as follows:

EXAMINATION

BY MR. MONCKTON:

Q. Michelle, my name is Billy Monckton. I'm an attorney here in Myrtle Beach, and I represent The Crazy Horse/Dollhouse/Dog Leg Right in this action, and today we're going to take your deposition. Have you ever given a deposition before?

A. Yes.

Q. Okay. In what venue did you give a deposition? Were you a plaintiff or a defendant?

A. I was a plaintiff.

Q. Okay. What kind of case was that?

1 Q. Where did you go then?

2 A. So I was unemployed for just a couple  
3 months. I had some health issues that occurred  
4 that was the reason why I was no longer employed  
5 there. After me being on bedrest, and home, and in  
6 a lot of pain, he had to fill the position, and I  
7 understood. So I was unemployed for a couple of  
8 months, and then I went to go work for  
9 BlueGreen Vacations in two-thousand -- the summer  
10 of 2016, until April of 2018, before I took my  
11 current role now. And when I worked for BlueGreen,  
12 I was a quality assurance specialist, because I  
13 wasn't going to go back into the sales.

14 Q. Okay. So where are you working now?

15 A. I now manage a property management  
16 company for vacation rentals in a real estate  
17 office, Oceanfront Guru.

18 Q. So you work for Bradley Bennett?

19 A. Yes.

20 Q. Okay. Let me ask you this, when did  
21 you work at Thee Dollhouse?

22 A. I worked there the summer of '16 to  
23 the winter of '16, as a part-time job, in addition  
24 to what I was already working, what I stated.

25 Q. All right. Summer of '16, first of

1 the summer, middle summer?

2 A. Roughly July, if I recall correctly.

3 Q. Until November-December?

4 A. Yes.

5 Q. And how did you come to apply for  
6 that job? Did you know somebody or -- tell me how  
7 you came to apply for that cocktail waitress job.

8 A. I didn't know anyone. I just needed  
9 something part-time, extra, and I had previous  
10 serving experience, and so I just thought, you  
11 know, maybe I could do well financially as a  
12 cocktail waitress to provide for my son, as an  
13 additional job.

14 Q. Who -- who hired you? Do you  
15 remember?

16 A. I can't remember his name. I tried  
17 to -- believe -- remember it the other day. I  
18 apologize. I can't remember.

19 Q. All right. Did you go through an  
20 interview with that person or multiple people?

21 A. I went through one interview with  
22 that person.

23 Q. Okay. And what were your hours?

24 A. They were from 7:00 p.m. until  
25 whenever the club -- the club shutdown. Anywhere

1 A. \$150.

2 Q. Okay. Now, did you have a -- what  
3 were you required to wear, as part of your job?

4 A. I was required to undress to fully  
5 nude upstairs in the dressing rooms and put on  
6 pantyhose, white scrunch butt panties, a white  
7 corset, white fishnet hose with the garter  
8 connecting, heels, and a hat.

9 Q. Okay. And who provided this? Did  
10 you have to buy this on your own or was it provided  
11 to you by the club?

12 A. The club provided the initial outfit,  
13 and then we had to purchase additional items, as  
14 they got dirty and worn, from the house mom, out of  
15 our pocket.

16 Q. Okay. Did you ever have to replace  
17 your uniform?

18 A. Yes.

19 Q. How -- do you know how much it would  
20 cost to replace your uniform?

21 A. I recall the corset being  
22 approximately \$50-60, just for that item. The  
23 fishnet hose were \$5, which were replaced quite  
24 often. The panties, I don't recall but,  
25 approximately, maybe, twenty bucks.

1 Q. As I understand, you would be  
2 responsible for cleaning and maintaining your own  
3 outfit. It's not something you would leave at the  
4 club and come back and they'd clean it for you,  
5 is it?

6 A. No. I was responsible for  
7 cleaning it.

8 Q. Okay. Now, where did you do your  
9 changing and your dressing?

10 A. I changed some of the time in the  
11 cocktail waitress dressing room, and sometimes in  
12 the dancer's dressing -- entertainer's dressing  
13 room. Sometimes I would start to change in the  
14 cocktail waitress dressing room, and realize I need  
15 new fish -- fishnet hose, and then I would have to  
16 walk around into the entertainer dressing room to  
17 purchase that, from the house mom.

18 Q. Okay. So you would dress in the  
19 other dressing room as opposed to the cocktail  
20 waitress dressing room?

21 A. I would dress some of the time in the  
22 cocktail waitress dressing room and sometimes in  
23 the entertainer dressing room, depending on what I  
24 needed for my uniform.

25 Q. Were you ever told that the -- the

1 -- your dressing room was the cocktail waitress  
2 dressing room?

3 A. Yes.

4 Q. Okay. Who told you that; do  
5 you remember?

6 A. Not someone in particular, but the  
7 staff. That was the understanding.

8 Q. That you were to change in the  
9 cocktail waitress dressing room?

10 A. They never said you had to, they  
11 said, that is the cocktail -- the dressing room  
12 that's provided for cocktail waitresses.

13 Q. Okay. Let me ask you, did you have  
14 any friends at the club, prior to you  
15 working there?

16 A. No. I made them after.

17 Q. Okay. That's what I'm asking. I  
18 mean, it wasn't a trick question. I'm not trying  
19 to trick you here. Who was your immediate  
20 supervisor; do you remember?

21 A. I was trying to recall his name the  
22 other day, and I'm struggling recalling his name.

23 Q. Okay. Let me -- part of your -- your  
24 lawsuit -- and we'll get into that in a minute,  
25 says you were videotaped, okay, or appeared on a

1 live stream is, basically, what you're allegation  
2 has been through what I've been able to see in your  
3 Complaint. Did you know there were cameras in  
4 the club?

5 A. No, I did not.

6 Q. Okay. So when did you find out there  
7 were cameras in the club?

8 A. Well, after I had already left the  
9 establishment.

10 Q. Okay. So during the whole time you  
11 were there, you didn't know there were dressing  
12 room cameras in the entertainer's dressing room?

13 A. No, I did not.

14 Q. Did you ever see the signs in the  
15 entertainer's dressing room about the cameras?

16 A. No, I did not.

17 Q. All right. Did you ever hear of  
18 -- there was a live camera, of the stage, and  
19 gentlemen could call-in and: Make it rain, and the  
20 money would blow up on the stage?

21 A. I did not hear about that, until  
22 after, as well.

23 Q. Okay. So -- so I understand for the  
24 six months you were there, you did not know there  
25 were any cameras in the club?

1 A. That is correct.

2 Q. So you never saw any cameras in  
3 the club?

4 A. No.

5 Q. Okay. Part of your allegation is,  
6 you were videotaped in the cocktail waitress  
7 dressing room. Are you aware of that?

8 A. That's not a hundred percent  
9 accurate.

10 Q. Okay. Well, that's -- I'm -- and  
11 I'll show you your Complaint in a minute. Did you  
12 ever see any cameras in the cocktail waitress  
13 dressing room?

14 A. No, but I wasn't looking for them,  
15 because I never agreed to being videotaped.

16 Q. Any you can -- I'm not trying to  
17 trick you. I -- I'm just trying to understand what  
18 you knew or didn't know or what you saw or didn't  
19 see. You can explain -- and I will let Mr. Luse  
20 ask you any questions. I'm not trying to trick  
21 you, and I understand your position, but did you  
22 ever see any cameras in the cocktail waitress  
23 dressing room?

24 A. No, and I wasn't looking for them.

25 Q. Okay. That's fair. Did you ever see

1 any cameras in the entertainer dressing room?

2 A. No.

3 Q. Okay. Did you ever see any signs in  
4 the entertainer dressing room?

5 A. No.

6 Q. Were you ever told or heard anybody  
7 discuss any cameras in the entertainer  
8 dressing room?

9 A. No.

10 Q. Did you ever hear anybody discuss a  
11 camera that showed the stage?

12 A. No. Not until after I was already  
13 not employed there.

14 Q. Okay. Who told you about the cameras  
15 in the club?

16 A. One of the girls that used to work  
17 there, but I don't recall her name.

18 Q. What did she do at the club?

19 A. Let me clarify. The person who told  
20 me that there was a camera on stage or are you  
21 talking about a camera in the dressing room?

22 Q. I'm talking -- I'll talk about  
23 -- let's do the stage camera, first.

24 A. Okay.

25 Q. Who told you about the stage camera?

1 A. As I just said, I don't recall her  
2 name, but she was a cocktail waitress as well.

3 Q. Okay. What did she tell you about  
4 that? How long after you left?

5 A. Spring of the next year, of '17.

6 Q. Okay. Was she ever a dancer at  
7 the club?

8 A. No.

9 Q. Did she ever bring any lawsuit or  
10 legal action against the club?

11 A. No.

12 Q. Okay. And that's the stage camera.

13 A. Correct.

14 Q. All right. Let's talk about the  
15 cameras in the entertainer dressing room. Were you  
16 an entertainer?

17 A. No.

18 Q. Did you ever dance?

19 A. Never.

20 Q. Did you ever go to any private dances  
21 in the back room, as a dancer?

22 A. No, I did not.

23 Q. And I understand you may have served  
24 drinks, but did you ever dance as an entertainer at  
25 the club?

1 A. No.

2 Q. Okay. Did -- who told you about  
3 those cameras?

4 A. I found out about it on my own  
5 through the other lawsuit.

6 Q. Okay. How did you find out about  
7 them through the other lawsuit?

8 A. I happen to run across it, online.

9 Q. Okay. Did you ever speak to that  
10 plaintiff in that other lawsuit?

11 A. No.

12 Q. Did you ever speak to that  
13 plaintiff's attorney in that other lawsuit?

14 A. No.

15 Q. Has anybody ever told you that they  
16 saw you on any camera from Thee Dollhouse?

17 A. No.

18 Q. Do you know or have any information  
19 that you did appear on any camera from  
20 Thee Dollhouse?

21 A. No.

22 Q. All right. I'm going to show you  
23 what's been marked as -- here, hold on Bill  
24 -- Plaintiff's Exhibit No. 1. I mean,  
25 Defendant's Exhibit No. 1. I'm sorry, Bill.

1 or be recorded, while changing into and out of  
2 their cocktail waitresses outfit. Is that correct?

3 A. Yes. However, we were not told there  
4 was a camera in the entertainer dressing room that  
5 we had to utilize as well, due to the house mom  
6 being there.

7 Q. Okay.

8 A. And the bathrooms.

9 Q. Well, I'm -- I'm just stating what's  
10 in your Complaint. The allegations that you have  
11 brought, that you've stated were true, indicate  
12 that you were told that there was a camera in the  
13 other areas that you could be filmed in. That's  
14 based on your Complaint.

15 A. Let me make sure I understand what  
16 you're saying. To be clear, I never said that I  
17 was aware there was a camera in either dressing  
18 room, and even though I primarily used the cocktail  
19 waitress dressing room, I still had to use and  
20 enter the entertainer dressing room as well.

21 Q. Okay. I understand. Now, do you  
22 have any evidence or any witness that can provide  
23 testimony that you actually appeared on one of  
24 these cameras?

25 A. No. May I elaborate?

1 Q. Sure.

2 A. No, I do not have evidence of that.

3 However, when I found out there was a camera,  
4 streaming live video on the World Wide Web, in the  
5 dressing -- in the cocktail -- excuse me, in the  
6 dancer's dressing room, I know that I had to use  
7 that room as well, sometimes not fully clothed, and  
8 I was under the impression that I was, in both, in  
9 full privacy, as I should be in a dressing room.  
10 So I have no reason to believe that it would not  
11 have been out there, knowing now that there was  
12 a camera.

13 Q. Are you -- do you -- since you don't  
14 know where the cameras were, do you know what area  
15 of the dressing rooms that the cameras covered?

16 A. I do not.

17 Q. Are you aware that the cameras in the  
18 dressing room did not cover the entire  
19 dressing room?

20 A. I am not. However, I utilized the  
21 entertainer dressing room quite often, to purchase  
22 things from the house mom, to store my items,  
23 because I wasn't provided with a locker in the  
24 cocktail waitress dressing room, to socialize with  
25 the entertainers, to use the restroom. Therefore,

1 I used a lot of different areas of the entertainer  
2 dressing room.

3 Q. Okay. But that brings me back to my  
4 next question. If -- and I understand what you're  
5 saying, but if you didn't appear on a camera, can  
6 you agree with me that you wouldn't be on the  
7 World Wide Web?

8 A. Yes, but you also can't prove that I  
9 wasn't on video or under a camera.

10 Q. Well, I mean, just -- you can explain  
11 your answers, Michelle. I'm -- and, again, I am  
12 not trying to be argumentative with you, at all. I  
13 know this is difficult. So you can answer yes or  
14 no, and I'm not going to get upset if you explain  
15 your answer. You're perfectly fine to do that, and  
16 if I try and cut you off, Mr. Luse is going to jump  
17 in and say: You can't do that Mr. Monckton, and I'm  
18 going to go: You're right. So if you want to  
19 explain it, that's fine. Have you been back to  
20 Thee Dollhouse/Crazy Horse since you left  
21 their employment?

22 A. No.

23 Q. All right. Have you got any friends  
24 or anybody that works up there now?

25 A. Yes, but I don't speak to them.

1 of no longer having privacy when I thought that I  
2 did, looking over my shoulder, not wanting to  
3 undress in a dressing room, worrying that, God  
4 forbid, what if my friends or family or my son were  
5 to find out about this, you know, with it out there  
6 on the internet. What would that do to my  
7 reputation? I'm not that kind of person.

8 I went in there for a cocktail  
9 waitress position, they tried to talk me into being  
10 an entertainer, and I turned it down. I refused  
11 it, because I didn't want to degrade myself, even  
12 though it was a second job, trying to make ends  
13 meet, and provide as a mother.

14 Q. Let me ask you this, did you keep  
15 this secret, this job, from everybody?

16 A. Yes.

17 Q. All right. So when you were working  
18 at Thee Dollhouse you did not share it with  
19 anybody, friend or family?

20 A. Only my boyfriend.

21 Q. Only your boyfriend. Are you -- is  
22 this the boyfriend you went to family counseling --

23 A. Yes.

24 Q. Are y'all still together?

25 A. Yes, but it has caused issues.

1 Q. Okay.

2 A. This has.

3 Q. What -- you working at the -- working  
4 there caused issues?

5 A. He didn't like that I was working  
6 there, to begin with, and now that this has  
7 happened, he's that much more unhappy, as you  
8 can imagine.

9 Q. Okay. If you didn't appear on any  
10 videos, what do you think your outcome should be?

11 A. I can't answer that because no one  
12 can prove that I didn't when they were streaming  
13 live video, without my permission and consent.

14 Q. Well, I understand, but just listen  
15 to my question: If you didn't appear in any video,  
16 what do you think your outcome should be?

17 A. Honestly, nothing, but again, no one  
18 can prove that.

19 Q. Okay. And let me ask you this, well,  
20 and we may have already covered that -- I'm looking  
21 at one of my later notes. Has -- you said that you  
22 -- would you do all your dressing -- I guess part  
23 of what I need to know is, you would go back and  
24 buy hose from the house mom, you said, fishnets,  
25 which I think you said were \$5 a piece --

1 A. Yes.

2 Q. -- would you be naked when you walked  
3 back there or -- to buy the hose or how -- what  
4 state of dress would you be?

5 A. Partially nude.

6 Q. Okay. When you say partially nude,  
7 and I don't need you to be graphic, what do  
8 you mean?

9 A. At times I would have on just  
10 pantyhose and the bottoms, and no top or no  
11 bottoms, no top, and just run over there and buy  
12 the fishnet hose, and then go back to  
13 finish dressing.

14 Q. Okay. So if -- no top, there was no  
15 bra or anything. You were completely exposed on  
16 your top?

17 A. Yes.

18 Q. And if you went to buy the hose,  
19 nothing beneath the corset?

20 A. Sometimes nothing beneath -- I  
21 apologize. Let me correct myself. Never anything  
22 below or underneath the corset. However, sometimes  
23 I would have the white panties on over the  
24 pantyhose, but no corset, and sometimes I would  
25 -- you know, it would just depend on where I was,

1 in dressing, before I went to go purchase  
2 the fishnet.

3 Q. Okay. Do you know how many times  
4 that would've occurred?

5 A. Numerous. I can't count. I needed  
6 -- fishnet hose got dirty and ripped quite often.  
7 They were very cheap. They were \$5.

8 Q. Right. Michelle, thank you for  
9 coming. Talk to Mr. Luse about the -- the  
10 counseling sessions.

11 A. Okay. May I add something?

12 Q. Sure.

13 A. Because you went back to questioning,  
14 and I wanted to just finish what I was saying. I  
15 was very, very hurt and disappointed that someone  
16 would make that decision after I said no to being  
17 an entertainer, because I was not going to get nude  
18 on stage. I was not going to degrade myself, no  
19 matter how high my bills were, no matter how much I  
20 was working two jobs to provide for my son. That  
21 someone would take what should absolutely be in  
22 private, in a dressing room, and not have my  
23 consent, not tell me, and have me in my most  
24 vulnerable state, and record me, and all of the  
25 other women that don't know about this -- how wrong

1 that is, and why I'm here today.

2 I cannot explain to you how upset,  
3 embarrassed, humiliated, angry I am. If that was  
4 to ruin my reputation, God forbid -- I regret  
5 working there. I should've known better. I didn't  
6 want to go work there, but I did, and so to find  
7 this out -- they should absolutely be ashamed of  
8 themselves.

9 Q. Now, you said: The other people.  
10 What other people didn't know they were  
11 being filmed?

12 A. Any other women who worked there  
13 during that timeframe, and even after, that are  
14 being recorded, without their knowledge.

15 Q. Are you saying the dancers  
16 didn't know?

17 A. I never heard a dancer say that they  
18 knew, and if they did, they didn't speak of it.

19 Q. So if dancers signed forms allowing  
20 the club to videotape them, and signed forms to be  
21 paid extra by the webcam on TV, you didn't know  
22 about that?

23 A. I did not. However, I was not a  
24 dancer. If they did that, then that is between  
25 them, and they are -- they are aware of it, they're

1 STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS  
2 COUNTY OF HORRY  
3 JANE DOE,  
4 Plaintiff,  
5 vs. CASE NO. 2017-CP-26-08184  
6 CRAZY HORSE SALOON and RESTAURANT, INC., d/b/a  
7 THEE NEW DOLLHOUSE and DOG LEG RIGHT, LLC,  
8 Defendants.

9 DEPOSITION OF: MARTIN JAMES McNAMEE  
10 DATE: Wednesday, October 10, 2018  
11 TIME: 1:55 p.m.  
12 LOCATION: The Law Offices of William J. Luse  
13 917 Broadway Street  
Myrtle Beach, SC 29577  
14 TAKEN BY: Counsel for the Plaintiff  
15 REPORTED BY: Tia Shean, Court Reporter  
16

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1 -- probably about 2003.

2 Q. Okay. Was that part of the divorce?

3 A. Yes.

4 Q. Okay. Was that the only time?

5 A. Yes.

6 Q. Okay. That was in Ohio?

7 A. That was.

8 Q. Okay. And I always ask this question

9 -- I'm not going to involve your family members. I  
10 just want to know, in case they are called for  
11 a jury.

12 A. Mmm-hmm.

13 Q. Do you have any family members or  
14 relatives that are over the age of 18 that live in  
15 Horry County, South Carolina?

16 A. I do not.

17 Q. Okay. I assume, at some point, you  
18 did work for either Thee Dollhouse or Crazy Horse  
19 or both?

20 A. When you say: Did work for...

21 Q. Well, I mean, did you install webcams  
22 or do anything as MTM Digital Media or  
23 M3 JP Venture, LLC?

24 A. Yes, I did.

25 Q. Okay. Did you do that for both of

1 those entities?

2 A. Well, the cameras were already there  
3 when MTM took over but, yes.

4 Q. Okay. When did you install -- I just  
5 want to make sure we're clear, because I know that  
6 Thee Dollhouse used to be at a different location,  
7 so I'm referring to the current location of  
8 Thee Dollhouse, which also used to be the  
9 Crazy Horse, which is in Atlantic Beach and/or  
10 Myrtle Beach. Are you familiar with where I'm  
11 talking about?

12 A. Yes, I am.

13 Q. Okay. When did you first install  
14 some type of digital equipment, in that building?

15 A. Well, that was in 2013. I helped the  
16 guys with -- from ClubCam Systems. They -- they  
17 came up from Tampa and installed them, and I came  
18 up with them, and helped them.

19 Q. Okay. Is -- what -- were they  
20 cameras? What -- what was installed?

21 A. Well, cameras were installed. The  
22 -- all the related components that go with it.

23 Q. Okay. Is there a recording device  
24 for those cameras?

25 A. No. I mean there was -- there was

1 -- they're IP cameras, and the audio jacks, and  
2 that kind of stuff that go with it.

3 Q. Okay. Let me just make sure I'm  
4 clear -- were there separate cameras for security  
5 purposes, which go to a feed that would be in an  
6 office somewhere, that they could view and/or  
7 record, and yours was a separate system or did you  
8 also do that system?

9 A. No. I had nothing to do with the  
10 security cameras.

11 Q. Okay. So would it be fair to say  
12 that they were separate and distinct systems? One  
13 would be security. Yours is for some  
14 other purpose.

15 A. Absolutely. That's fair to say.

16 Q. Okay. And those were installed  
17 in 2013?

18 A. The cameras from the -- the webcams  
19 were -- two webcams were installed in 2013.

20 Q. Okay. Do do you recall,  
21 specifically, where they were installed?

22 A. Yes, I do.

23 Q. Okay. Tell me about that.

24 A. Above the stage, in front of the  
25 stage, pointing down towards the stage. And the

1 other one was in the -- in the dressing room, like,  
2 for the dancers.

3 Q. Okay. Do you know how many dressing  
4 rooms there are in the club?

5 A. We -- I don't really -- I don't know  
6 that I understand the question, completely.  
7 There's -- let -- there's a dressing room  
8 -- there's -- the dressing room for the dancers  
9 comprises of -- like, there's four or five  
10 different aisles. There's different -- like, you  
11 call each one in a separate room, and then there's  
12 a separate dressing area -- dressing room, for the  
13 -- you know the waitresses, the shot girls, and  
14 that kind of thing.

15 Q. All right. Is this in 2013, you're  
16 referring to?

17 A. From 2013 all the way through today.

18 Q. As far as you know, that never  
19 changed?

20 A. Correct.

21 Q. Can you draw just the layout of the  
22 dressing room?

23 A. Whoo.

24 Q. I mean, is it rectangle? Is it  
25 -- just do your best. You said there was some

1 A. That would be fair to say.

2 Q. Okay. The only thing you would have  
3 any record of would be just a document, concerning  
4 these webcams, nothing else.

5 A. Correct.

6 Q. Okay. To your knowledge, were any  
7 recording devices or live feeds ever installed in  
8 the -- what I'm going to call this cocktail  
9 waitress dressing room?

10 A. No. There was never -- to my  
11 knowledge, there was never any cameras or recording  
12 devices in -- in that area.

13 Q. Okay. Anything in this  
14 -- (indicating) -- hallway or whatever that is  
15 between the two?

16 A. No. Never in that hallway.

17 Q. Okay. Are you aware of any cocktail  
18 waitresses that received a royalty or a commission  
19 for being on the video? Did that ever happen?

20 A. Not that I'm aware of, no.

21 Q. Okay. So I -- you've, kind of,  
22 explained how they earned money. How would they  
23 be paid?

24 A. Let -- let me go back to expand on  
25 that answer. A lot of times a cocktail waitress

1           A.       I don't know -- I get all -- you  
2 know, I get these things forwarded to me. I  
3 forward them along, just like -- you know, a lot  
4 -- a lot of people --

5           Q.       Okay.

6           A.       The -- the funny -- you know, the  
7 funny things people forward to each other.

8           MR. LUSE: There is the exhibit. No  
9 more questions.

10 BY MR. MONCKTON:

11           Q.       I just have a couple questions.  
12 Mr. McNamee, when you described the two cameras  
13 that were in the upstairs dressing room, I believe  
14 you said there was another camera that was directed  
15 at the main stage; is that correct?

16           A.       That's correct.

17           Q.       And that camera on the main stage,  
18 would there be any way a cocktail waitress could  
19 appear on that camera, walking around, serving  
20 drinks?

21           A.       She could not.

22           Q.       Can you explain, why not?

23           A.       Because we've only got the stage  
24 area. Anything else was -- had a digital, like,  
25 mask, covering it.

1 Q. So -- so if I'm sitting at the stage,  
2 watching a dancer, would the digital camera be able  
3 to pick me up?

4 A. It would not.

5 Q. All right. And in order to be on the  
6 stage -- in order to be on that camera, you would  
7 have to be on that stage; is that correct?

8 A. On the stage or leaning over -- you  
9 know, past -- you know -- leaning over, extending  
10 yourself onto the stage. You know -- you know,  
11 you're standing to the side, but if you extend  
12 yourself over -- (demonstrating) --

13 Q. But that would be the only way you  
14 could see me?

15 A. Correct.

16 Q. Okay. Now, in the dressing room  
17 -- and let's go to the cocktail waitress dressing  
18 room. The small dressing room off to the left,  
19 once you go up the stairs, was there any camera  
20 ever positioned in that dressing room?

21 A. There was not.

22 Q. Did that dressing room have mirrors  
23 where a girl could put on her makeup, and get  
24 dressed?

25 A. It did.

1 Q. Now, was there ever a camera directed  
2 at that door, from the outside, from the hallways?

3 A. No, there was not.

4 Q. The two cameras you described for  
5 Mr. Luse, if those cameras were rotated at a  
6 360 degree angle, could they have, in any way,  
7 picked up the doorway to the cocktail waitress  
8 dressing room?

9 A. It could not.

10 Q. Is there any way any of those cameras  
11 could've seen into the cocktail waitress  
12 dressing room?

13 A. They could not.

14 Q. Is that -- how -- can you explain why  
15 they couldn't have done that?

16 A. Because there's -- you'd have to turn  
17 two hallways -- two or three hallways to  
18 -- depending on which camera you're talking about  
19 -- you know, there was -- we had a couple of  
20 90 degree turns, in the hallways.

21 Q. Okay. Do you know the name of this  
22 cocktail waitress that is: Jane Doe, that's the  
23 subject of this lawsuit?

24 A. I do not.

25 Q. Okay. Do you know whether or not she

STATE OF SOUTH CAROLINA

COUNTY OF HORRY,

Jane Doe,

Plaintiff,

vs.

Crazy Horse Saloon and Restaurant, Inc.  
d/b/a Thee New Dollhouse and Dog Leg  
Right, LLC

Defendants.

IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT  
CASE NO: 2017-CP-26-08184

DEFENDANT CRAZY HORSE SALOON  
& RESTAURANT d/b/a THEE NEW  
DOLL HOUSE RESPONSES TO  
SUPPLEMENTAL REQUESTS FOR  
PRODUCTION

**The Defendant, Crazy Horse Saloon & Restaurant d/b/a Thee New Doll House responding to the Supplemental Requests for Production from the Plaintiff through her Attorney, William J. Luse, Esquire.**

41 Please provide a customer list of MTM Digital Media f/k/a M3 JP Ventures and ClubCam Systems clients who purchased a monthly membership or paid a monthly fee to view the Crazy Horse Saloon and Restaurant d/b/a Thee New Dollhouse live feed cameras.

**RESPONSE:**

**MTM had not started yet. M3JP was the operating company but those records are not obtainable since the servers were held by a third-party that is no longer in business. Furthermore, the servers were leased, therefore wiped, and this all took place prior to the commencement of the above-captioned action.**

**MONCKTON HEMBREE &  
HUMPHRIES, P.A.**



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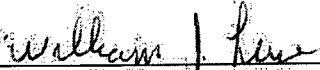
March 13, 2019

Myrtle Beach, South Carolina

**CERTIFICATE OF COUNSEL**

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Myrtle Beach, South Carolina  
March 20, 2019

  
\_\_\_\_\_  
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**RECEIVED**

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