

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

Paula Rose,)
)
Plaintiff,)
)
vs.)
)
Charles Homer Rose, III,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS

RECEIVED
Aug 10 2020
SC Court of Appeals

ORDER

CA No.: 2014-CP-42-03846

This matter came before the Court on July 15, 2020 pursuant to a Rule to Show Cause and Order issued on June 2, 2020. Mr. Rose appeared before the Court by telephone on June 2, 2020 and both he and his legal counsel agreed to participate in a hearing by Webex on July 15, 2020. Mr. Rose was personally served with notice of the hearing on June 12, 2020. There was no objection filed to the Rule to Show Cause Order.

On the day of the July 15th hearing Mr. Rose did not participate in a trial run of Webex conducted by the Court and counsel two hours prior to the hearing. Mr. Rose also did not attend the Webex hearing at 2:30 despite explicitly representing to the Court he would do so six weeks prior on June 2, 2020. Mr. Rose filed no objection and offered no direct reason for his refusal to participate in the Webex hearing. Mr. Rose’s counsel stated that Mr. Rose was unable to log in to WebEx due to technical difficulties.

Counsel for Plaintiff moved that Defendant Rose be held in contempt for choosing not to attend the hearing and for not producing the documents required by the Rule to Show Cause Order.

The Court holds that Plaintiff’s Motion for Contempt shall be held in abeyance subject to Mr. Rose obligations as outlined herein. More specifically, Mr. Rose shall produce on or before August 12, 2020 the following documents to counsel for Plaintiff:

all current bankbooks, checkbooks, savings account books, life insurance policies, tax returns for the preceding three years from the United States and the State of South Carolina; record of any annuities or promissory notes owned by Charles Homer Rose, and any and all other current records pertaining to the financial status of Charles Homer Rose, including: current leases, stock subscription agreements, receipts, contracts of sale, and accounts receivable; AND a list of all real and personal assets of the Defendant with book value.

Mr. Rose shall not change, alter, destroy, or deface any of the said instruments and not to make any transfer or other disposition of his assets not exempt by law from execution.

Mr. Rose shall produce the foregoing or will be held in contempt for failure to appear and/or concealing himself. The Court shall reserve its right to implement any of its contempt powers including, but not limited to: assessing Mr. Rose to pay for the attorney fees, costs, and expenses of counsel for Plaintiff; issuing an arrest warrant for Mr. Rose; or any other relief the Court deems within its authority pursuant to Title 15 Chapter 39 Article 3, Title 14 Chapter 11 Article 1 or any other applicable provisions of the South Carolina Code of Laws.

Dated: _____, 2020

Presiding Judge for the Seventh Circuit



Spartanburg Common Pleas

Case Caption: Paula Rose VS Charles Homer Rose II

Case Number: 2014CP4203846

Type: Master/Order/Other

It is So Ordered

s/Judge Gordon G Cooper-3065