

RE: Jefferson Davis Jr vs. Nate Leupp, et al.
C.A. NO. 2019-CP-23-06579
Notice of Appeal Exhibits

EXHIBIT B

Denial of Motion to Reconsider
(Filed July 27, 2020)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 Jefferson Davis, Jr.,)
)
 Plaintiff,)
)
 vs.)
)
 Nate Leupp, Automatic, Inc., Facebook,)
 Inc., John Does 1-40)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 THIRTEENTH JUDICIAL CIRCUIT
 Case No.: 2019-cp-23-06576

ORDER OF DISMISSAL

RECEIVED

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SC Court of Appeals

This matter came before the Court on a Motion filed by the Plaintiff on July 10, 2020. Plaintiff's Motion requests this Court reconsider the dismissal of this action and provide Plaintiff leave to amend the Complaint. The Court dismissed this action by Order dated June 29, 2020 based on Rule 12(b)8. The Honorable Alex Kinlaw, Jr. presided over the Order of Dismissal following a hearing and Plaintiff's Motion to Reconsider without hearing.

Background:

Plaintiff Jefferson Davis brought a nearly identical action in Richland County under case number 2018-cp-40-2425. In the Richland County action Plaintiff filed suit against Ellen Weaver and 40 John Does for defamation, defamation by innuendo, invasion of privacy, negligence, intentional infliction of emotional distress, tortious interference with contractual relations, unfair trade practices, piercing the corporate veil and civil conspiracy.

On October 30, 2018 Judge DeAndrea Benjamin ordered Plaintiff to amend his Richland County Complaint to include the identity of John Doe Defendants and to serve those defendants. Plaintiff identified Nate Leupp and approximately 32 others as additional defendants.

Richland County Civil Action 2018-cp-2425 and Greenville County Civil Action 2019-cp-23-6576 stem from the same set of facts and circumstances and contain the same causes of action. Both Civil Actions stem from allegations of defaming Plaintiff by stating he lost his law

license and in other ways, creating a defamatory website and actively participating in furthering a large scale civil conspiracy against Plaintiff stemming from Plaintiff's involvement with school choice and a scholarship program.

Richland County Civil Action 2018-cp-2425 is ongoing through Plaintiff's appeal of a February 19, 2019 Order of Judge Doyet Early dismissing the action against Defendant Leupp and others with prejudice

Motion to Reconsider Dismissal Pursuant to Rule 12(b)8 SCRPC and Motion to Amend:

Plaintiff filed the present "Motion to Reconsider and Motion for Leave to Amend the Complaint" on July 10, 2020. In his Rule 59(e) Motion, Plaintiff rehashes arguments presented to this Court in hearing of Defendant Leupp's 12(b)8 Motion. Plaintiff asserts that his Greenville Civil Action Complaint is more detailed in regard to Defendant Leupp than the one he filed in Richland County. Plaintiff asserts that some of the facts pled in his Greenville County Complaint occurred after his amendment of the Richland County Complaint to include Defendant Leupp. Plaintiff alleges that the identity of John Does in the Greenville County Complaint could be different from those identified in the Richland County Complaint. Plaintiff also re-asserts that he never served Defendant Leupp in the Richland County Civil action and is free to file a substantially identical Civil Action against Defendant Leupp in a different jurisdiction.

Plaintiff further offers to amend the Complaint in the present case to delete causes of action for Tortious Interference with Prospective Contractual Relations, Unfair Trade Practices and Piercing the Corporate Veil.

In Richland County Civil Action Number 2018-CP-40-02425 and in the present civil action pending in Greenville County, Plaintiff Davis alleges Mr. Leupp created a website to defame him, alleges defendant Leupp has created similar defamatory websites, alleges defendants defamed him by stating he lost his law license and in other ways, alleges Plaintiff was defamed by innuendo, alleges invasion of privacy, alleges negligence in not checking truthfulness of statements, alleges infliction of emotional distress, alleges tortious interference with contractual relations, alleges unfair trade practices, veil piercing and alleges Defendant

Leupp was a part of a larger statewide conspiracy against Plaintiff Davis related to Plaintiff Davis' school choice political positions.

In this Greenville County civil action Plaintiff adds additional details and allegations specific to Mr. Leupp that fall under the same facts, circumstances, causes of action and continuance of the civil conspiracy already alleged in the Richland County Civil Action.

This Court held in an Order dated June 29, 2020 that Richland County Civil Action 2018-cp-2425 and Greenville County Civil Action 2019-cp-23-6576 stem from the same set of facts and circumstances and involve the same claims against Defendant Leupp. It was also noted that Judge Deandrea Benjamin Ordered Plaintiff to name and serve the Defendants in the substantially identical Richland County Civil Action. Plaintiff named Defendant Leupp as a Defendant in that Richland County Civil Action.

Plaintiffs proposed amendment of deleting three of the nine causes of action that are identical or substantially identical in both Richland County and Greenville County Civil Actions does not remedy issues related to dismissal pursuant to Rule 12(b)(8) SCRPC.

It Is Therefore Ordered:

After careful consideration this Court finds Plaintiffs assertions in his Rule 59(e) 'Motion to Reconsider' and Plaintiffs proposed amendments to his Complaint do not impact the prior rationale of this Court in dismissing the present action pursuant to Rule 12(b)8 SCRPC. Plaintiff's Motion for Reconsideration and Motion for Leave to Amend the Complaint are denied.

IT IS SO ORDERED

Alex Kinlaw, Jr.
Circuit Court Judge

This ____ day of July 2020.

Greenville, South Carolina,



Greenville Common Pleas

Case Caption: Jefferson Davis Jr vs. Nate Leupp , defendant, et al
Case Number: 2019CP2306576
Type: Order/Other

So Ordered

s/Alex Kinlaw, Jr., #2763