THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price

Appellate Case No. 2020-000936

Skip Hoagland, ... Appellant,

v.

John Tecklenburg, in his official capacity, the City of Charleston, and the City of Charleston Police Department, ... Respondents.

RECORD ON APPEAL

VOLUME 1

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FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2015 CP-07-02937

KIM LIKINS
PLAINTIFF(S)

C.C. SKIP HOAGLAND
DEFENDANT(S)

Submitted by:	**Attorney for :** ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ 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

PLAINTIFF'S MOTION TO RECONSIDER, ALTER OR AMEND ORDER DENYING PERMANENT INJUNCTION DATED AUGUST 4, 2020 IS DENIED WITHOUT THE NEED OF A FORMAL HEARING. NO FORMAL ORDER REQUESTED UNLESS REQUESTED BY COUNSEL.

This order ☐ ends ☒ does not end the case.

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)
		$
		$
		$

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	2155 **Judge Code**	**Date**

ELECTRONICALLY FILED - 2020 Aug 24 12:17 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

ELECTRONICALLY FILED - 2020 Aug 24 12:17 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

For Clerk of Court Office Use Only

This judgment was entered on the day of , 20 and a copy mailed first class or placed in the appropriate attorney's box on this day of , 20 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

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.

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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Beaufort Common Pleas

Case Caption: Kim Likins VS C C Skip Hoagland , defendant, et al

Case Number: 2015CP0702937

Type: Order/Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2015 CP-07-02937

KIM LIKINS
PLAINTIFF(S)

C.C. SKIP HOAGLAND
DEFENDANT(S)

Submitted by:	**Attorney for :** ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

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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 TO RECONSIDER IS DENIED WITHOUT THE NECESSITY OF A FORMAL HEARING. NO FORMAL ORDER WILL BE REQUESTED UNLESS REQUESTED BY COUNSEL.

This order ☐ ends ☒ does not end the case.

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)
		$
		$
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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.**
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	2155	
Circuit Court Judge	**Judge Code**	**Date**

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ELECTRONICALLY FILED - 2020 Aug 12 3:32 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

For Clerk of Court Office Use Only

This judgment was entered on the day of , 20 and a copy mailed first class or placed in the appropriate attorney's box on this day of , 20 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

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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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Beaufort Common Pleas

Case Caption: Kim Likins VS C C Skip Hoagland , defendant, et al

Case Number: 2015CP0702937

Type: Order/Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CASE NUMBER: 2015-CP-07-2937
	)	
KIM LIKINS	)	
	)	**ORDER DENYING PERMANENT**
Plaintiff,	)	**INJUNCTION AND SENTENCING C.C.**
	)	**"SKIP" HOAGLAND FOR CONTEMPT.**
v.	)	
	)	
C. C. "SKIP" HOAGLAND	)	
	)	
Defendant.	)	
	)	

This matter came before the Court for trial and final disposition on March 9, 2020. Also, before the Court for final ruling was whether Defendant C.C. "Skip" Hoagland ("Defendant" or "Hoagland"), whom the Court held in contempt in the Court's Order filed February 17, 2018, is in civil contempt, criminal contempt, or both, as well as the appropriate punishment for said contempt. Present on behalf of the Plaintiff Kim Likins ("Plaintiff" or "Likins") were Trenholm Walker, Esq., John Linton, Esq., and Gregory M. Alford, Esq. Plaintiff was also present. Present on behalf of Defendant was Barrett Brewer, Esq. Defendant did not to attend the trial on March 9, 2020.

Plaintiff initiated this action against Hoagland on December 10, 2015. In the Complaint Likins sought a permanent injunction and asserted causes of action for defamation, libel, intentional infliction of emotional distress, and invasion of privacy. Plaintiff, through counsel, informed the Court that she was voluntarily dismissing the causes of action for defamation, libel, intentional infliction of emotional distress, and invasion of privacy and was solely pursuing permanent injunctive reliefas the only cause of action for trial.. The injunction Plaintiff seeks would preclude Hoagland from harassing Plaintiff by contacting her or contacting her employer,

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her employer's board of directors, and its leadership, and seeking to have employment terminated. The Court proceeded with a bench trial on Plaintiff's request for permanent injunction. At the conclusion of the evidence, the Court addressed the appropriate sanction for Hoagland's contempt.

FINDINGS OF FACT

The Court finds the following facts were established by clear and convincing evidence.

1. In 2010, the Plaintiff was elected to the position of a Town Council Member for the Town Council for the Town of Hilton Head Island (the "Town"). The Parties stipulated for the purposes of this action, that Plaintiff Likins was a public official as contemplated by New York Times v. Sullivan, 376 U.S. 254, 84 S. Ct. 710 (1964);.
2. Hilton Head is a resort community. The Town collects and distributes Accommodations Tax (ATAX) pursuant to state and local law. Each year the Town Council must approve of the distribution of the ATAX funds including the thirty percent (30%) mandated to be distributed to the Designated Marketing Organization ("DMO") for the participating jurisdiction. See S.C. Code § 6-4-10. The Hilton Head Island-Bluffton Chamber of Commerce ("Chamber") has received funds as the Town's DMO for many years.
3. In 2015, the Town and the Chamber began to negotiate a contract to further define their relationship that included metric-based performance standards, auditing requirements, and increase the oversight of the DMO's performance.
4. Hoagland asserted, among other things, that the contract between the Town and the Chamber needed to include a requirement for a forensic audit. Hoagland has appeared, and continues to appear, at council meetings, asserting his positions during the public comment portion of the meetings. He also regularly sends extensive e-mails accusing the Chamber, the Town, and the officials of both as being corrupt and guilty of assorted misconduct.

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5. In July of 2015, Hoagland e-mailed Likins requesting to meet with her regarding the proposed contract between the Town and the Chamber. In the same e-mail he asked "[a]lso what can I do to help the boys and girls club." Likins replied and explained that she was not meeting privately with any individual concerning the proposed Chamber contract, but requested he submit in writing any information he wanted to the full Town Council to consider.

6. Hoagland in an e-mail from Hoagland to Likins and a third person on October 28, 2015, Hoagland stated: ". . . if Kim Likins votes against the forensic audit of Bill miles and this Hhi chamber I will ask that she be booted off town council ***and removed from the Boys and Girls club*** *for violating the public trust.*"

7. After her vote on November 17, 2015, Likins testified, the attacks from Hoagland became more focused on her role at the Boy & Girls Club. For example, on November 23, 2015, after midnight, Hoagland sent an e-mail to Likins and others that stated, in part: "Kim you are not fit to serve boys and girls a well. You fully know what you did !!!"

8. Additionally, Hoagland contacted several members of the Board of Directors of the Boys and Girls Club and demanded that she be fired.

9. Plaintiff filed this action and a Motion for Temporary Injunction on December 10, 2015, approximately one week after Hoagland began contacting board members of the Boys & Girls Club and demanding that Likins be fired. Hoagland consented to a Temporary Injunction, which restrained and enjoined him as follows:

> 1. Defendant will not publish any statement to any third party about Plaintiff's employment at the Boys and Girls Club.
>
> 2. Defendant will make no statement to any third party referring to Plaintiff's fitness for her job or her fitness to be around children.

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3. Defendant will not refer to Plaintiff's employment with the Boys and Girls Club in any statements made to a third party.

10. Hoagland violated that order. After Hoagland violated that order, the parties entered into a Consent Order on September 8, 2016 wherein Hoagland acknowledged the violation and agreed to comply with it in the going forward. At the same time Hoagland signed a Settlement Agreement agreeing to pay the costs and attorneys' fees associated with the September 8, 2016 Consent Order.

11. Following court required mediation of the case, Plaintiff filed a Motion for Sanctions because Hoagland published Plaintiff's settlement demand, which was made only in the confines of a mediation, to numerous third-parties via e-mail. The undersigned denied the Motion for Sanctions, but entered an Order Prohibiting Pretrial Communications and Publicity. That Order provided as follows:

> 1. The parties, their attorneys and staff, consulted or retained experts as well as any other servants, agent and/or employees of the above are prohibited from making ANY extra-judicial comments about this case to the media and any third parties about any aspect of this action until a jury verdict has been returned.
>
> 2. Nothing contained in this Order is intended to be nor shall be construed as a prior restraint on the media's ability to report on this case.
>
> 3. Any and all communications between counsel[1] of record shall be conducted solely by the attorneys and/or their staff. The parties are expressly prohibited from communicating directly or indirectly with or to opposing counsel. Nothing contained in this Order prohibits the parties from responding to opposing counsel's questions posed in deposition(s), answering discovery requests under the guidance of their counsel or participating in any subsequent hearing or trial.

[1] Reportedly, the Defendant has engaged in a pattern of communicating directly with Plaintiffs counsel by E-mail and/or otherwise.

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4. This Order is not intended to prohibit legitimate, good faith communications with
third parties (excluding the media) in the preparation of this case.

5. Nothing contained in this Order is intended to nor shall abridge any persons affected by this Order ability to exercise their First Amendment rights as long as by doing so they do not contravene the prohibitions contained herein.

12. After Hoagland repeatedly violated the Order Prohibiting Pretrial Communications and Publicity, Plaintiff filed a Motion for a Rule to Show Cause on January 4, 2018.

13. A Rule to Show Cause was issued January 24, 2018 and a hearing was held on January 30, 2018. Hoagland appeared on January 30, 2018 and elected not to testify.

14. On February 7, 2018, the Court entered an Order Finding Defendant In Contempt of Court, finding by clear and convincing evidence that the e-mails sent by Hoagland that were submitted in support of the contempt violated the order and the violations were willful. The undersigned also found Hoagland failed to present any evidence establishing a defense or inability to comply with the order. The order explained that among the e-mails were examples of communications by Hoagland to numerous third parties about the subject matter of this case; communications by Hoagland directly to counsel for the Plaintiff; and an admission by the Hoagland that he contacted a witness following her deposition in this case to discuss the questions posed to her at the deposition. The order also stated in a footnote that included in the e-mails submitted to the court were multiple examples of Hoagland directly e-mailing the Court about this case.

15. While finding Hoagland in contempt, the Court held in abeyance, until the end of the case, the decision of whether to find him in civil contempt, criminal contempt, or both, as well as the appropriate punishment. The Court also noted that

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"Defendant's actions from now until the end of the case may inform the Court's ultimate decision."

CONCLUSIONS OF LAW

An injunction "is a prohibitive writ that forbids a party from taking some action" 12 S.C. Jur. Equity § 19 (citing Black's Law Dictionary (5th ed.) p 705-06). The issuance of an injunction, which rests within the sound discretion of a trial court, depends upon the equities between the parties, and if a great injury would be done to the defendant with little benefit to the plaintiff, the trial court should refuse equitable relief. See Gibbs v. Kimbrell, 311 S.C. 261, 428 S.E.2d 725 (Ct. App. 1993); Shaw v. Coleman, 645 S.E.2d 252, 260, 373 S.C. 485, 500 (Ct. App. 2007) ("Balancing the benefits of an injunction to the Shaws and the Snowdens against the inconvenience and damage to Coleman, we hold the trial court correctly granted the injunction."). "The function of an injunction is not to afford a remedy for what is past, but to prevent future mischief." Augusta Power Co. v. Savannah River Electric Co., 163 S.E. 822, 825 (1930) (citing 32 Corpus Juris, 45); see also, Shaw, at 260, 254, 373 S.C. at 500; 42 Am. Jur. 2d Injunctions § 2 ("Whether interlocutory or final, injunctive relief is ordinarily preventive or protective in character and restrains actions that have not yet been taken.").

The power of the court to grant an injunction is in equity. Strategic Resources Co. v. BCS Life Ins. Co., 627 S.E.2d 687, 689, 367 S.C. 540, 544 (2006) (citing Doe v. South Carolina Med. Malpractice Liability Joint Underwriting Ass'n, 347 S.C. 642, 557 S.E.2d 670 (2001). "The court will reserve its equitable powers for situations when there is no adequate remedy at law." Id. (citing Santee Cooper Resort, Inc. v. South Carolina Pub. Serv. Comm'n, 298 S.C. 179, 379 S.E.2d 119 (1989)).

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When a court sits in equity an "adequate remedy at law" is "one which is as certain, practical, complete, and efficient to attain the ends of justice and its administration as the remedy in equity." ZAN, LLC v. Ripley Cove, LLC, 406 S.C. 404, 751 S.E.2d 664 (Ct. App. 2013) (citations omitted). In "deciding whether to grant an injunction, the court must balance the benefit of an injunction to the plaintiff against the inconvenience and damage to the defendant, and grant an injunction which seems most consistent with justice and equity under the circumstances of the case." Strategic Resources, at 689, 367 S.C. at 544 (citing omitted).

The standard of law for a Permanent Injunction in this case is governed by the New York Times v. Sullivan standard as stipulated to by the parties, pursuant to that Stipulation Resolving Defendant's Motion for Partial Summary Judgment Filed October 30, 2017. Pursuant to stipulated items 1) and 3), all causes of action alleged by the Plaintiff are subject to this heightened standard, which requires Plaintiff to prove by clear and convincing evidence that the Defendant acted with Actual Constitutional Malice as a prerequisite to any finding in favor of Permanent Injunctive Relief. See Ex. A, Stipulation Resolving Defendant's Motion for Partial Summary Judgment Filed October 30, 2017.

Jurisprudence from around the country, on the Constitutional issue of permanent injunctions, further supports what the parties have stipulated to, that the Court must find that the Plaintiff met her burden by clear and convincing evidence, that Hoagland acted with actual constitutional malice. It is a rule of general application in the United States that equity will not enjoin the publication of defamatory matter in the absence of a contractual or trust relation. An early case announcing that principle is Brandreth v. Lance, 8 Paige, N.Y., 24, decided in 1839. Headnotes of that case are as follows: "The court of chancery has not jurisdiction to restrain the publication of a libel, by injunction, upon a bill filed by the party whose character or business will

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be injured by the publication. An injunction to restrain a publication can only be granted in cases where the publication will interfere with the complainant's right either of literary or other property in the subject matter of the publication." See also Menard v. Houle, 298 Mass. 546, 11 N.E.2d 436, 437 ("[E]quity will take jurisdiction where there is a continuing course of unjustifed and wrongful attack upon the plaintiff motivated by actual malice, and causing damage to property rights as distinguished from 'injury to the personality affecting feelings, sensibility and honor . . . .'"); See also Auburn Police Union v. Carpenter, 8 F.3d 886, 903 (1st Cir. 1993) (stressing that an injunction of charitable solicitation was permitted only "after a final adjudication on the merits that the speech is unprotected"); Paradise Hills Assocs. v. Procel, 1 Cal. Rptr. 2d 514, 519 (Ct. App. 1991) ("A preliminary injunction is a prior restraint."); Cohen v. Advanced Med. Grp. of Ga., Inc., 496 S.E.2d 710, 711 (Ga. 1998) (overturning a preliminary injunction against libel on the grounds that the injunction was not "entered subsequent to a verdict in which a jury found that statements made by [defendant] were false and defamatory" (quoting High Country Fashions, Inc. v. Marlenna Fashions, Inc., 357 S.E.2d 576, 577 (Ga. 1987))); Hartman v. PIP-Grp., LLC, 825 S.E.2d 601, 606 (Ga. Ct. App. 2019) ("We have found no Georgia case upholding an interlocutory injunction prohibiting speech . . . . *[A]n injunction [against publication] has been upheld only when it 'was entered subsequent to a verdict in which a jury found that statements made by [the defendant] were false and defamatory.*'" (emphasis added) (internal citation omitted)); Mishler v. MAC Sys., Inc., 771 N.E.2d 92, 98-99 (Ind. Ct. App. 2002) (condemning a preliminary injunction issued "after only the most preliminary of determinations by the trial court"); St. Margaret Mercy Healthcare Cent., Inc. v. Ho, 663 N.E.2d 1220, 1223-24 (Ind. Ct. App. 1996) (dissolving a preliminary injunction on First Amendment grounds, because speech cannot be restricted "before an adequate determination that it is unprotected by the First Amendment"); Anagnost v. Mortg.

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Specialists, Inc., No. 216-2016-CV277, 2016 WL 10920366, at *3 (N.H. Super. Ct. Aug. 4, 2016) ("[B]y asking for a preliminary injunction, the plaintifs seek to enjoin Gill from making statements that have not yet been found to be unprotected.") (emphasis omitted).

Under the First Amendment prior restraint is highly disfavored, and the party seeking such restraint bears a heavy burden of showing a justification for such restraint. New York Times Co. v. United States, 403 U.S. 713, 714 (1971). A prior restraint is a "judicial order forbidding certain communications...issued in advance of the time that such communications are to occur." Alexander v. United States, 509 U.S. 544, 550. "So drastic a remedial device may only be imposed when it furthers 'the essential needs of the public order.'" Sindi v. El-Moslimany, 896 F.3d 1, 32 (2018) (quoting Carrol v. President & Comm 'rs of Princess Anne, 393 U.S. 175, 183 (1968)). "A prior restraint on speech must survive the most exacting scrutiny demanded by our First Amendment jurisprudence." Sindi, 896 F.3d at 32. The Court finds the Sindi case instructive as there the United States Court of Appeals for the First Circuit found that an injunction against defamatory speech was clearly a prior restraint and failed to meet the level of scrutiny so demanded.

In determining whether a defamation plaintiff is a limited-purpose public figure, the Court must examine: first, whether there was a particular "public controversy" that gave rise to the alleged defamation; and second, whether the nature and extent of Plaintiffs participation in that particular controversy was sufficient to justify "public figure" status in relation to the controversy. Fitzgerald v. Penthouse Int'l, Ltd., 691 F.2d 666, 668 (4th Cir. 1982). Moreover, the Fourth Circuit Court of Appeals has established five factors to be considered in determining whether a person is a limited-purpose public-figure: (1) whether the plaintiff had access to channels of effective communication; (2) whether the plaintiff voluntarily assumed a role of special prominence in a public controversy; (3) whether the plaintiff sought to influence the resolution or

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outcome of the controversy; (4) whether the controversy existed prior to the publication of the statement; and (5) whether the plaintiff retained public figure status at the time of the alleged defamation. *Id.*

In making a determination as whether Hoagland acted with Actual Constitutional Malice, the Court must decide whether sufficient evidence was presented to determine Hoagland's subjective state of mind. "Initially we note the 'the actual malice standard is not satisfied merely through a showing of ill will or 'malice' in the ordinary sense of the term. "Ill will toward the plaintiff, or bad motives, are not elements of the *New York Times* standard." See *Old DominionBranch No. 496 v. Austin, 418 U.S. 264, 281, 94 S.Ct. 2770, 2780, 41 L.Ed.2d 745, 760 (1974).* Nor can the fact that the defendant published the defamatory material in order to increase profits suffice to prove actual malice. The allegedly defamatory statements an issue in the New York Times case were themselves published as part of a paid advertisement. 376 U.S. at 376 U. S. 265-266. If a profit motive could somehow strip communications of the otherwise available constitutional protection, our cases from New York Times to Hustler Magazine would be little more than empty vessels.

Actual malice, instead, requires at a minimum that the statements were made with a reckless disregard for the truth. See Harte-Hanks Communications v. Connaughton, 491 U.S. 657,667, 109 S. Ct. 2678, 2686, 105 L. Ed. 2d 562 (1989) Although the concept of "reckless disregard" "cannot be fully encompassed in one infallible definition," St. Amant v. Thompson, 390 U.S. 727, 390 U.S. 730(1968), we have made clear that the defendant must have made the false publication with a "high degree of awareness of ... probable falsity," Garrison v. Louisiana. 379 U. S. 64, 379 U. S. 74 (1964), or must have "entertained serious doubts as to the truth of his publication," St. Amant. supra, at 390 U.S. 731. "Actual malice is a subjective standard testing

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publisher's good faith belief in truth of his or her statements". Peeler v. Spartan Radiocasting. Inc., 324 S.C. 261. 478 S.E.2d 282 (1996) (emphasis added). Any direct or indirect evidence relevant to defendant's state of mind is admissible to prove actual malice. Anderson v. Augusta Chronicle, 365 S.C. 589,619 S.E.2d 428 (2005) (emphasis added).

After careful consideration, the Court finds that the injunction should not issue for two reasons: (1) Plaintiff has an adequate remedy at law and (2) that an injunction may violate Hoagland's First Amendment right to free speech.

After careful consideration, the Court declines to issue an injunction because the Court finds that Plaintiff has an adequate remedy at law in the form of a civil suit for damages if Hoagland continues to harassment and the requested injunction may violate Hoagland's constitutional right to freedom of speech.

CONTEMPT

As stated above, on February 7, 2018, the Court entered an Order Finding Defendant Hoagland In Contempt of Court, but held in abeyance until the end of the case the decision of whether to find Hoagland in civil contempt, criminal contempt, or both, as well as the appropriate punishment. The Order also stated that "Defendant's actions from now until the end of the case may inform the Court's ultimate decision."

The Court hereby finds that Hoagland's contempt is both civil contempt and criminal contempt. The violations of this Court's Order are numerous and flagrant, as shown by the attachments to the Affidavits of Gregory Alford filed January 16, 2018; January 29, 2018; and March 9, 2020; and the Court's own review of the Island Packet newspaper the morning the trial began, which reflected Hoagland was discussing the case with the media in violation of the order.

With regard to the criminal contempt, the Court hereby sentences Hoagland to 30 days of incarceration and a $2,500 fine. This sentence is suspended to 100 hours community service and

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$1000 fine, provided Hoagland pays the $1000 fine and begins community service with 30 days of the filing of this order. For every 1.667 hours (or 1 hour and 40 minutes) of service that Hoagland completes, there will be a one-day reduction of the 30-day sentence, should he fail to complete the full 100 hours within six months of the date of this order.

With regard to the civil contempt, Hoagland is hereby sentenced (consecutively to his criminal contempt) to Thirty (30) days suspended on payment of Plaintiff's reasonable attorney's fees with respect to the contempt proceedings. At the Court's direction, Gregory Alford, Esq. and John P. Linton Esq. filed affidavits of fees date March 17 and 19, 2020. Mr. Alford's affidavit stated based upon the time involved in the contempt proceedings, his firm was entitled to an award of $2,788.50 in fees. Mr. Linton's affidavit stated based upon the time involved in the contempt proceedings, his firm was entitled to an award of $3,315.00 in fees. Hoagland, through counsel, has informed the Court that while Hoagland objects to any fees being awarded, there is no objection concerning the amounts sought by the two law firms representing Plaintiff. After careful consideration, the Court Orders Hoagland to pay Walker Gressette Freeman & Linton, LLC $3,315.00 in attorneys' fees and the Alford Law Firm, LLC $2,788.50 in attorneys' fees. Hoagland has thirty (30) days to pay all attorney's fees ordered.

IT IS, THEREFORE, ORDERED that judgment be entered for the Defendant on Plaintiff's cause of action for permanent injunction.

IT IS FURTHER ORDERED that Defendant C.C. Hoagland is guilty of civil and criminal contempt.

IT IS FURTHER ORDERED that Defendant C.C. Hoagland through his attorney shall pay legal fees of $2,788.50 to Gregory Alford and $3,315.00 of legal fees to Walker Gressette

Freeman & Linton, LLC within thirty (30) days of this Order or Hoagland shall serve thirty (30) days consecutive to his sentence for criminal contempt.

THIS COURT HEREBY SENTENCES Defendant C.C. Hoagland to 30 days of incarceration and a $2,500 fine. This sentence is suspended upon 100 hours community service and payment of a $1000 fine, but only if Hoagland pays the $1000 fine and begins community service with 30 days of the filing of this order. For every 1.667 hours (or 1 hour and 40 minutes) of service that Hoagland completes, there will be a one-day reduction of the 30-day sentence, should he fail to complete the full 100 hours within six months of the date of this order.

AND IT IS SO ORDERED.

R. Lawton McIntosh
Circuit Judge

Anderson, South Carolina
July ____, 2020

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Beaufort Common Pleas

Case Caption: Kim Likins VS C C Skip Hoagland , defendant, et al

Case Number: 2015CP0702937

Type: Order/Other

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

ELECTRONICALLY FILED - 2018 Feb 07 10:21 AM - BEAUFORT - COMMON PLEAS - CASE#2015CP070293

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CASE NUMBER: 2015-CP-07-2937
	)	
KIM LIKINS,	)	
	)	**ORDER FINDING DEFENDANT HOAGLAND IN CONTEMPT OF COURT**
Plaintiff,	)	
v.	)	
	)	
C. C. "SKIP" HOAGLAND,	)	
	)	
Defendant.	)	
	)	

This matter came before the Court on January 30, 2018 on Plaintiff's Motion for Order and/or Rule Show Cause, Memorandum of Law in Support of Motion for Contempt/Rule to Show Cause and Supplement to Motion, the affidavits of Gregory M. Alford authenticating certain e-mails, and supplemental exhibits all of which are filed as of record with this Court (collectively, "the filings"). Barrett Brewer, Esq. appeared on behalf of Defendant and John P. Linton, Jr., Esq. and Gregory Alford, Esq. appeared on behalf of Plaintiff.

Prior to the hearing, on January 24, 2018, this Court issued a Rule to Show Cause directing Defendant C.C. "Skip" Hoagland ("Defendant" or " Defendant Hoagland") to appear before this Court and show cause as to why he should not be held in contempt of this Court's Order issued on November 8, 2017 ("the Order"). That Order precludes the parties--and others--from making any extra-judicial comments about this case to the media and any third parties about any aspect of this action until a jury verdict has been returned. Additionally, the Order provides that all communications between counsel of record shall be conducted solely by the attorneys and their staff and expressly prohibits the parties from communicating directly or indirectly with or to opposing counsel.

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Defendant appeared on January 30, 2018 and elected not to testify. The Court finds by clear and convincing evidence that the e-mails sent by Defendant, which are attached to the filings, violate the Order and that Defendant's violations of the Order were willful. The Court also finds that Defendant failed to present any evidence establishing a defense or inability to comply with the Order. Included among the e-mails are examples of communications by Defendant to numerous third parties about the subject matter of this case; communications by Defendant directly to counsel for the Plaintiff; and an admission by the Defendant that he contacted a witness following her deposition in this case to discuss the questions posed to her at the deposition, all in clear willful violation of the Court's Order.[1]

Based upon the forgoing, the Court **HEREBY FINDS** Defendant Hoagland in **CONTEMPT OF COURT**. The Court takes under advisement and holds in abeyance the decision of whether Defendant Hoagland's contempt is civil contempt or criminal contempt. The Court also takes under advisement and holds in abeyance the decision of what sanction or punishment is appropriate. The Court will make those determinations at the end of this case. Defendant's actions from now until the end of the case may inform the Court's ultimate decision.

AND IT IS SO ORDERED!

_____
The Honorable Lawton McIntosh
South Carolina Circuit Court Judge

Anderson, South Carolina
February ___, 2018

[1] Also included in the e-mails are multiple examples of Defendant directly e-mailing the Court about this case. To the extent the Order did not specifically state that Defendant is prohibited from directly contacting the Court, the Order was verbally amended in Court on January 30, 2018 to prohibit any such direct communication by a party to the Court. That amendment is further memorialized and adopted by this order.

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Beaufort Common Pleas

Case Caption: Kim Likins VS C C Skip Hoagland , defendant, et al

Case Number: 2015CP0702937

Type: Order/Other

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

ELECTRONICALLY FILED - 2018 Jan 24 9:45 AM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CASE NUMBER: 2015-CP-07-2937
	)	
KIM LIKINS,	)	**RULE TO SHOW CAUSE**
	)	
Plaintiff,	)	
v.	)	
	)	
C. C. "SKIP" HOAGLAND,	)	
	)	
Defendant.	)	
	)	

BASED UPON Plaintiff's Motion for Order and/or Rule Show Cause, Memorandum of Law in Support of Motion for Contempt/Rule to Show Cause and Supplement to Motion, affidavit of Gregory M. Alford authenticating certain e-mails, and supplemental exhibits, all of which more fully explain the alleged violations of the Order issued by this Court on November 8, 2017, as well as after having had a telephone conference with counsel of record, it appears that Plaintiff is entitled to have this Court issue its Rule to Show Cause directed to Defendant.

NOW, THEREFORE, IT IS ORDERED that you, Defendant C.C. "Skip" Hoagland, shall appear before the Court of Common Pleas for Beaufort County, 102 Ribaut Road, Beaufort, South Carolina 29902, on January 30, 2018 at 2:00 p.m., at which time you should be prepared to show cause, if any you can, as to why you should not be held in civil contempt as alleged by Plaintiff's Motion.

AND IT IS SO ORDERED!

The Honorable Lawton McIntosh
South Carolina Circuit Court Judge

Anderson, South Carolina
January ___, 2018

ELECTRONICALLY FILED - 2018 Jan 24 9:45 AM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937



Beaufort Common Pleas

Case Caption: Kim Likins VS C C Skip Hoagland , defendant, et al

Case Number: 2015CP0702937

Type: Order/Rule To Show Cause

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

Electronically signed on 2018-01-24 09:26:55 page 2 of 2

ELECTRONICALLY FILED - 2017 Nov 08 11:54 AM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT Kim Likins, Plaintiff, vs. C. C. Hoagland, Defendant.	IN THE COURT OF COMMON PLEAS FOR THE FOURTEENTH JUDICIAL CIRCUIT CASE NO.: 2015-CP-07-2937 **ORDER PROHIBITNG PRETRIAL COMMUNICATIONS AND PUBLICITY**

This is a defamation case commenced by Plaintiff in her individual capacity against Defendant. Plaintiff is a city council person with the Town of Hilton Head. Nothing contained in this Order shall be construed as a determination of whether Plaintiff will be considered a public official or private individual in this lawsuit.

Because of the posture and history of this case when it was assigned to the undersigned, and based upon the inherent authority of this Court to maintain and preserve the decorum and integrity of Court proceedings and the sanctity of judicial proceedings, the Court finds that it is appropriate and necessary to issue an Order prohibiting the parties, their servants, agents, employees and all others acting at their behest from making, issuing or causing to be uttered any extra-judicial statements or comments about this lawsuit in any form or fashion during the pendency of this case.

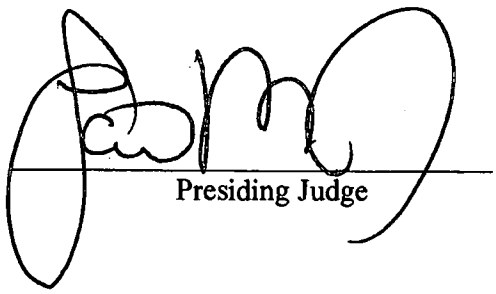
Accordingly it is ordered, adjudged and decreed that:

1. The parties, their attorneys and staff, consulted or retained experts as well as any other servants, agent and/or employees of the above are prohibited from making ANY extra-judicial comments about this case to the media and any third parties about any aspect of this action until a jury verdict has been returned.
2. Nothing contained in this Order is intended to be nor shall be construed as a prior restraint on the media's ability to report on this case.
3. Any and all communications between counsel of record shall be conducted solely by the attorneys and/or their staff. The parties are expressly prohibited from communicating directly or indirectly with or to opposing counsel.[1] Nothing contained in this Order prohibits the parties from responding to opposing counsel's questions posed in deposition(s), answering discovery requests under the guidance of their counsel or participating in any subsequent hearing or trial.

[1] Reportedly, the Defendant has engaged in a pattern of communicating directly with Plaintiff's counsel by E-mail and/or otherwise.

4. This Order is not intended to prohibit legitimate, good faith communications with third parties (excluding the media) in the preparation of this case.
5. Nothing contained in this Order is intended to nor shall abridge any persons affected by this Order ability to exercise their First Amendment rights as long as by doing so they do not contravene the prohibitions contained herein.

It is so ORDERED.



Presiding Judge

November 8, 2017
Anderson, SC

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ELECTRONICALLY FILED - 2017 Jul 13 12:50 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP070293

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT)	CASE NUMBER: 2015-CP-07-2937
)	
KIM LIKINS,)	
)	**ORDER**
Plaintiff,)	
v.)	
)	
C. C. "SKIP" HOAGLAND,)	
)	
Defendant.)	
)	

The matter came before the Court on June 1, 2017 on Defendant's Motion to Amend Answer to add Counterclaims, Affirmative Defenses and Third-Party Defendants ("Motion") and Defendant's oral renewal of the Motion. C. Russell Keep, III and Barrett Brewer appeared on behalf of Defendant and John P. Linton, Jr. and Gregg Alford appeared on behalf of Plaintiff. For the reasons explained herein the Court DENIES the Motion and renewed Motion.

BACKGROUND

Plaintiff Kim Likins ("Plaintiff") filed this action via Verified Complaint ("Complaint") on December 10, 2015. As alleged in the Complaint, Plaintiff is employed as the executive director of the Boys & Girls Club of Hilton Head Island. Compl. ¶3. Plaintiff also serves as a member of Town Council of Hilton Head Island. Compl. ¶4. Plaintiff's Complaint asserts causes of action against Defendant Skip Hoagland ("Hoagland" or Defendant") for intentional infliction of emotional distress/outrage, libel and slander, invasion of privacy, intentional interference with a contract, and seeks injunctive relief.

On February 7, 2016—before Defendant filed his Answer dated March 3, 2016—Defendant published a newspaper advertisement title "Skip Hoagland Speaks Up!," which included the following statement "Now a ridiculous defamatory lawsuit filed by Kim Likins, but

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paid for by the Town of Hilton Head, against me in a ruthless attempt to silence me and to personally profit her and the town lawyer. This lawsuit is outrageous and will be defended and defeated to stop this or similar strong-arm tactics from being used to silence or threaten public participation in its government."[1]

Defendant now seeks to amend his answer and add counterclaims and third-party claims as follows "1. civil conspiracy, 2. barratry, 3. malicious prosecution, 4. denying First Amendment liberties under color of state authority 1983 action, 5. abuse of process, 6. champerty, 7. civil conspiracy, 8. S.C. Frivolous Tort Claims Act." Defendant also seeks to add multiple new parties, including the Town of Hilton Head Island, the Town of Hilton Head attorney Brian Hulbert, Mayor of the Town of Hilton Head David Bennett, all of the members of Town Council of the Town of Hilton Head, and the Town of Hilton Head Town Manager Steve Riley. The Motion states that "[t]he grounds are that the Plaintiff's attorney fees in frivolously suing the Defendant for defamation are being paid by the Town of Hilton Head Island, South Carolina using tax payer money to deny the Defendant his First Amendment right to free speech against Hilton Head Island elected officials."

After filing the instant Motion on March 13, 2017, Hoagland filed a direct action against all the parties (including Likins) against whom he seeks to bring counterclaims and third-party claims. Hoagland's Summons and Complaint was filed in Beaufort County on April 6, 2017 and assigned case number 2017-CP-07-00673. The defendants in that case removed the action to federal court and it was assigned case number 9:17-cv-01374-RMG (the "federal case"). A review

[1]On December 15, 2015, the Town of Hilton Head passed a resolution authorizing the retention and payment for personal counsel to protect council members through appropriate legal process from improper and/or unlawful harassment by third parties. Plaintiff recused herself from the vote on the resolution. The resolution passed 6-0.

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of the federal court docket[2] indicates that the defendants in that case have filed an Answer, both parties have filed responses to local rule interrogatories, Hoagland has filed a Reply to the Answer, and the Court has issued a Conference and Scheduling Order for administration of the case. The allegations in the complaint in the federal action are substantially the same allegations Hoagland seeks to assert into this case. All the causes of action named in the Motion are included within the federal case. According to the complaint in the federal case, Hoagland seeks "$10 million in damages and . . . such other and further relief including injunctive relief as th[e] court sees fit to award him."

For the reasons explained herein, Defendant's Motion and renewed Motion are DENIED.

DISCUSSION

1. Rule 15(a)(2)

Rule 15(a)(2) provides that a party may amend its pleading only with the opposing party's written consent or the court's leave, which should freely give leave when justice so requires. S.C.R. Civ. P. 15(a)(2). In determining whether to allow an amended pleading under Rule 15(a)(2), the trial judge's findings are entitled to substantial deference. *Berry v. McLeod*, 328 S.C. 435, 450, 492 S.E.2d 794, 802 (Ct. App. 1997) ("the trial judge's finding will not be overturned without an abuse of discretion or unless manifest injustice has occurred") (citing *Anders v. Nash*, 256 S.C. 102, 180 S.E.2d 878 (1971); and *Mylin v. Allen–White Pontiac, Inc.*, 281 S.C. 174, 314 S.E.2d 354 (Ct.App.1984)); *see also, Foggie v. CSX Transp., Inc.*, 315 S.C. 17, 431 S.E.2d 587 (1993) ("A motion to amend is within the sound discretion of the trial judge and the opposing party has the burden of establishing prejudice.").

[2] The Court takes judicial notice of the filings in the federal case to date.

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Our courts have recognized that a motion to amend a pleading is properly denied in appropriate circumstances, such as inexcusable delay from the time the party learned of facts allegedly supporting the amendment or the taking of the adverse party by surprise. *See e.g., Braudie v. Richland County*, 217 S.C. 57, 59-60, 59 S.E.2d 548, 549 (1950); *see also Crowley v. Spivey*, 285 S.C. 397, 414, 329 S.E.2d 774, 784 (Ct. App. 1985) (stating the decision to amend the pleadings is within the trial court's discretion, and circumstances such as inexcusable delay and surprise to the adverse party justify a refusal to amend). For example, in *Dunbar v. Carlson*, 341 S.C. 261, 270, 533 S.E.2d 913, 918 (Ct. App. 2000), the Court of Appeals affirmed the trial judge's decision denying a defendant's motion to amend his answer at trial to assert an additional defense of statute of repose because the proposed defense was based upon deposition testimony from earlier in the case and "the defense was well aware of this potential ground prior to trial." *Id; see also, Health Promotion Specialists, LLC v. S.C. Bd. of Dentistry*, 403 S.C. 623, 632–33, 743 S.E.2d 808, 813 (2013). Here, more than a year before seeking to file an amended answer, Hoagland was personally aware of all the alleged facts supporting the claims he seeks to add to this case. In fact, he published a newspaper advertisement making the same allegations he seeks to interject into this case in before he filed his original Answer.

Furthermore, Plaintiff has demonstrated her case would be prejudiced by the proposed amendment. Plaintiff has conducted discovery over the 18 months the case has been pending. That discovery has included written discovery, third-party subpoenas, and depositions (including the deposition of the Defendant and the deposition of Defendant's one-time consultant, John Buchanan)[3]. This discovery was conducted by Plaintiff without notice of the causes of action

[3] Counsel for both parties travelled to Fort Myers, Florida for John Buchanan's deposition.

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Defendant seeks to bring as counterclaims and third-party complaints. Allowing the proposed amended pleading at this stage of the case, after Plaintiff has completed the discovery described above, would prejudice Plaintiff's right to notice and an opportunity to defend the counterclaims. In fact, the most recent scheduling order provides that no party shall serve any additional written discovery (Interiorities, Requests for Production, or Requests for Admission) without first receiving leave of the Court for good cause shown; requires the parties to exchange trial witness lists by August 15, 2017; requires that all depositions be conducted by October 1, 2017; and sets the case for date certain trial on December 4, 2017.

Further, allowing the proposed amendment would unfairly prejudice Plaintiff in that it could confuse the jury. *See e.g., Black v. Premier Co.*, CIV.A. 01-4317, 2002 WL 31045854, at *4 (E.D. Pa. Sept. 12, 2002) (denying a motion to amend a complaint in part because "[t]he inclusion of [the additional] claim in this case could confuse the jury . . . "). The additional proposed causes of action are extensive and unrelated to the allegations in this case. Allowing the amendment would have the effect of greatly expanding the subject matter and legal issues in the case and would be likely to confuse the jury.

It is also worth noting that Defendant will suffer no prejudice by the Motion being denied. As discussed below, the proposed counterclaims and third-party claims are currently pending as a separate case. The allegations are not dependent upon the outcome of this case and will be more efficiently handled as a separate case. *See* S.C.R. Civ. P. 1.

Therefore, the Motion is denied, because the proposed amendment would result in unfair prejudice to Plaintiff, confuse the jury, and unfairly allow Defendant to add claims more than a year after he first began publicly discussing the alleged facts giving rise to the claims, and be judicially inefficient

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2. Rule 12(b)(8)[4]

As explained above, the federal case currently pending against all the parties Defendant seeks to join in this case involved the same alleged facts and asserts the same causes of action as those stated in the Motion. In South Carolina, dismissal under Rule 12(b)(8) is proper when there is (1) another action pending, (2) between the same parties, (3) for the same claim. *See* S.C.R. Civ. P. 12(b)(8). For example, in *Corbett v. City of Myrtle Beach,* the Court of Appeals found a trial court properly dismissed the complaint pursuant to Rule 12(b)(8) when a plaintiff's claim for negligent infliction of emotional distress involved the same parties and was "based upon the same facts and circumstances" as the plaintiff's other pending actions against the same parties. 336 S.C. 601, 610, 521 S.E.2d 276, 281 (Ct. App. 1999); *see also State ex rel. Wilson v. Condon,* 410 S.C. 331, 333, 764 S.E.2d 247, 248 (2014) ("Further, although the parties in this matter and the federal case are not identical, the principle underlying Rule 12(b)(8) of the South Carolina Rules of Civil Procedure that duplicative litigation should be avoided applies to this case."); *Cricket Cove Ventures, LLC v. Gilland,* 390 S.C. 312, 323, 701 S.E.2d 39, 45 (Ct. App. 2010) (rejecting dismissal when the claims in a second case were not "substantially the same" nor "precisely the same" as in the first case and the relief requested in the second case was different from the relief sought in the causes of action in the first case).

[4] A motion to amend is properly denied if the proposed amendment would be futile. *See e.g., Health Promotion Specialists, L.L.C. v. S.C. Bd. of Dentistry*, 403 S.C. 623, 632, 743 S.E.2d 808, 812–13 (2013) (affirming the circuit court's denial of a party's motion to amend its complaint when the amendment would be futile); *Jennings v. Jennings*, 389 S.C. 190, 209, 697 S.E.2d 671, 681 (Ct. App. 2010) *rev'd on other grounds*, 401 S.C. 1, 736 S.E.2d 242 (2012) ("Although leave to amend should generally be 'freely given,' this court has held that it may be denied where the proposed amendment would be futile.").

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Therefore, because the proposed amendment would result in another action pending against the same parties for the same claims, the motion to amend is denied.

3. **Rule 14(a)**

The proposed third-party complaint against the Town of Hilton Head Island, the Town of Hilton Head attorney Brian Hulbert, Mayor of the Town of Hilton Head David Bennett, all of the members of Town Council of the Town of Hilton Head, and the Town of Hilton Head Town Manager Steve Riley is an improper third-party complaint because the causes of action are not dependent upon the result of the present lawsuit. Rule 14(a) governing third-party practice provides:

> **(a) When Defendant May Bring in Third Party.** At any time after commencement of the action a defending party, as a third-party plaintiff, may cause a summons and complaint to be served upon a person not a party to the action ***who is or may be liable to him for all or part of the plaintiff's claim against him.*** . . .

S.C.R. Civ. P. 14 (a) (double emphasis added). "Under Rule 14, the third-party plaintiff must have a substantive claim against the third-party defendant founded upon derivative liability. The outcome of the principal claim must impact the third-party defendant's liability; however, no right exists to implead a third-party defendant who is directly liable to the plaintiff." *First Gen. Services of Charleston, Inc. v. Miller*, 314 S.C. 439, 442, 445 S.E.2d 446, 447 (1994) (citing Wright, Miller & Kane, Federal Practice and Procedure: Civil 2d § 1446).

Additionally, even if Defendants proposed claims against the third-parties were dependent upon the outcome of this lawsuit, the Court would still deny the Motion because adding the additional parties and additional claims would substantially negatively affect the adjudication of the main action, because such joinder would serve to complicate the litigation and would unfairly prejudice the Plaintiff and confuse the jury. *See Beach v. Hudson*, 298 S.C. 424, 426, 380 S.E.2d 869, 871 (Ct. App. 1989) (quoting 6 C. WRIGHT AND A. MILLER, supra § 1460 at 319). Similar

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to Defendant's motion in this case, the *Beach* case involved the joining of numerous parties as third-party defendants and the assertion of numerous causes of action against them. The South Carolina Court of Appeals affirmed the circuit court's decision striking the third-party complaint:

> In our view, the assertion against four additional parties of seven additional causes of action in the third-party complaint, involving as those causes of action do allegations, among other things, of fraud, negligence, recklessness, outrage, and unfair trade practices, treble damages, and repeated demands for punitive damages, ***will unduly complicate the adjudication of the relatively simple contract action brought by the plaintiffs. Indeed, the causes of action asserted by Hudson, if tried alongside the plaintiffs' claim, would all but submerge the plaintiffs' claim.***
>
> We therefore find no abuse of discretion by the trial court in granting the motion by the third-party defendants to strike the third-party complaint, ***even were we to conclude that each of the causes of action asserted therein under Rule 14(a) is, as Hudson argues, dependent on the outcome of the plaintiffs' claim.*** See 6 C. WRIGHT AND A. MILLER, supra § 1446 at 246 ("A third-party claim may be asserted under Rule 14(a) only when the third party's liability is in some way dependent on the outcome of the main claim or when the third party is secondarily liable to defendant.").

Id. at 426–27, 380 S.E.2d at 871 (double emphasis added). Here, as explained above, allowing the proposed amended pleading would unduly complicate the adjudication of the relatively simple action brought by Plaintiff.

Therefore, because Hoagland does not have a substantive claim against the third-party defendants founded upon derivative liability, the Motion is denied. Additionally, the Motion is further denied because allowing the proposed amended pleading would unduly complicate the adjudication of the case, could confuse the jury, and unfairly prejudice Plaintiff.

4. <u>Renewed Motion to Amend:</u>

At the hearing on June 2, 2017, following its decision on the Motion, the Court held a status conference. Plaintiff indicated that the current scheduling order provided for trial not before June

ELECTRONICALLY FILED - 2017 Jul 13 12:50 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP070293

30, 2017 and that Plaintiff desired to move the case toward trial as quickly as possible. Defendant indicated that more discovery was necessary for Defendant to be ready for trial. The attorneys then conferred with respect to scheduling. After a brief recess, the attorneys indicated consent to trial on December 4, 2017.

After Plaintiff consented to a revised scheduling order, Counsel for Defendant orally renewed the Motion, arguing that the additional time would eliminate any prejudice. While the new schedule may possibly reduce some of the prejudice, it will not reduce many aspects of the prejudice. For example, the discovery has been conducted—including Defendant and Defendant's one-time consultant's depositions—have been conducted by Plaintiff without any notice of the proposed claims. Additionally, the revised schedule does not change the fact that the proposed additional claims would likely confuse the jury. Furthermore, the revised schedule does nothing to change the fact that Hoagland waited over a year from the time he published an advertisement discussing the alleged facts that serve as the basis for his proposed claims to seek to assert them in this case. Therefore, the renewed oral motion is denied for the reasons stated above in section discussing Rule 15(a)(2).

As part of the renewed Motion, Counsel for Defendant also indicated that Hoagland would dismiss/remand the federal court action against Likins and would only seek to add counterclaims in this case. However, the federal case is still pending and under the applicable federal rule, Hoagland cannot unilaterally dismiss the federal case. *See* Fed. R. Civ. P. 41 (A)-(B). Therefore, all the reasons discussed above in the section discussing Rule 12(b)(8) continue to apply with equal force to the renewed Motion.

For these reasons, the renewed Motion is denied.

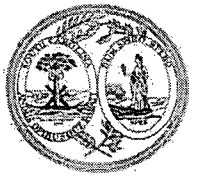
AND IT IS SO ORDERED!

The Honorable
South Carolina Circuit Court Judge

Beaufort, South Carolina
June ___, 2017

ELECTRONICALLY FILED - 2017 Jul 13 12:50 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

ELECTRONICALLY FILED - 2017 Jul 13 12:50 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937



Beaufort Common Pleas

Case Caption: Kim Likins VS C C Skip Hoagland , defendant, et al

Case Number: 2015CP0702937

Type: Order/Amend

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2015-CP-07-02937

Kim Likins	C C Skip Hoagland et al
PLAINTIFF(S)	DEFENDANT(S)

Submitted by:	Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

ORDER INFORMATION

SEE PAGE 2 BELOW.

This order ☐ ends ☒ does not end the case.

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)
		$
		$
		$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge **Judge Code** **Date**

For Clerk of Court Office Use Only

ELECTRONICALLY FILED - 2017 Jun 02 12:08 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

This judgment was entered on the day of , 20 and a copy mailed first class or placed in the appropriate attorney's box on this day of , 20 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

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.

The following motions were heard on June 1, 2017 in Beaufort County. The Court now issues the respective rulings on each.

Plaintiff's Motion to Enforce Settlement is resolved per attorneys.

Plaintiff's Motion for Sanctions is denied. Defendant attorney Barrett Brewer to prepare formal order and to include a gag order.

Defendant's Motion for a Status Conference is granted and held on June 1, 2017. This matter shall be set for a date certain on December 4, 2017 in Beaufort County. Plaintiff attorney John Linton to draft Proposed Scheduling Order.

Defendant's Motion to Amend Answer to Add Counterclaims is denied. Plaintiff attorney John Linton to prepare formal order. Defendant renewed his motion later in the hearing on new grounds and that is also denied.

Defendant's Motion to Quash Subpoena as to Regions Bank is granted. Defendant attorney Barrett Brewer to draft formal order.

Defendant's Motion to Quash Subpoena as to Barrett Brewer is granted. Defendant attorney Barrett Brewer to draft formal order.

Plaintiff's Motion to Quash Subpoena as to Hilton Head Island-Bluffton Chamber of Commerce is resolved per attorneys.

Defendant's Motion to Compel: Plaintiff attorney Gregory Alford to draft formal order granting Defendant's Motion to Compel but limiting in scope and addressing privilege log and privileged documents to be provided to the Court.

ELECTRONICALLY FILED - 2017 Jun 02 12:08 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

ELECTRONICALLY FILED - 2017 Jun 02 12:08 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

ELECTRONICALLY FILED - 2017 Jun 02 12:08 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

Beaufort Common Pleas

Case Caption: Kim Likins VS C C Skip Hoagland , defendant, et al

Case Number: 2015CP0702937

Type: Order/Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

STATE OF SOUTH CAROLINA **COUNTY OF BEAUFORT**	)	**IN THE COURT OF COMMON PLEAS** **CASE NO:** 2015-CP-07-2937
Kim Likins, **Plaintiff(s),** vs. C. C. "Skip" Hoagland, **Defendant(s).**	)	**CONSENT ORDER**

2016 SEP -8 AM 11:35
BEAUFORT COUNTY, S.C.
CLERK OF COURT

This came before me on Plaintiff's Motion for Contempt, filed June 29, 2016. While at the hearing parties were able to resolve the issue and agree to the following:

1. The Court entered a Consent Temporary Restraining Order on December 21, 2015.
2. Defendant's advertisement of June 26, 2016 violated the Order of December 21, 2015.
3. After the filing of the Motion for Contempt on June 29, 2016, the Defendant has read and understands the Order of December 21, 2015.
4. Defendant agrees that he will abide by the order of December 21, 2015.

IT IS SO ORDERED:

Honorable Marvin H. Dukes, III
Master in Equity and Special Circuit Court
Judge for Beaufort County

September 8, 2016
Beaufort, South Carolina

WE CONSENT:

G. Trenholm Walker (S.C. Bar #5777)
PRATT-THOMAS WALKER, P.A.
Post Office Drawer 22247
Charleston, SC 29413-2247
843-727-2200
Email: gtw@p-tw.com
ATTORNEY FOR THE PLAINTIFF

Gregory M. Alford, Esq.
ALFORD & THORESON, LLC
P.O. Drawer 8008
Hilton Head Island, SC 29938
843-842-5500
Email: Gregg@alfordlawsc.com
ATTORNEY FOR THE PLAINTIFF

WE CONSENT:

Jim Brown, Esquire
LAW OFFICES OF JIM BROWN, P.A.
1600 Burnside Street, Suite 100
Beaufort, SC 29901
(843) 470-0003
Email: jimbrownlaw@hargray.com
ATTORNEY FOR DEFENDANT

Barrett Ray Brewer
CLAWSON & STAUBES, LLC
126 Seven Farms Dr.., Ste 200
Charleston, SC 29492
(843) 577-2026
bbrewer@clawsonandstaubes.com
ATTORNEY FOR DEFENDANT

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CASE NUMBER: 2015-CP-07-2937
	)	
KIM LIKINS,	)	
	)	**RULE TO SHOW CAUSE**
Plaintiff,	)	
v.	)	
	)	
C. C. "SKIP" HOAGLAND,	)	
	)	
Defendant.	)	
	)	

2016 SEP -1 PM 4:15
BEAUFORT COUNTY, SC
CLERK OF COURT

BASED UPON the attached Plaintiff's Motion for Rule Show Cause and to Hold Defendant in Contempt of Court and accompanying affidavits of Michael Briggs and Plaintiff Kim Likins, which more fully explain the alleged violations of the Consent Order entered by this Court on Plaintiff's Motion for Temporary Injunction filed December 21, 2015, it appears that Plaintiff is entitled to have this Court issue its Rule to Show Cause directed to Defendant.

NOW, THEREFORE, IT IS ORDERED that you, Defendant C.C. "Skip" Hoagland, shall appear before the Court of Common Pleas for Beaufort County, 102 Ribaut Road, Beaufort, South Carolina 29902, on September 8, 2016 at 9:30 a.m., at which time you should be prepared to show cause, if any you can, as to why you should not be held in civil contempt[1] as alleged by Plaintiff's Motion.

AND IT IS SO ORDERED!

The Honorable Marvin H. Dukes, III
Master-In-Equity

Beaufort, South Carolina
~~August~~ 9/1, 2016

[1] Plaintiff's Motion seeks a contempt order requiring Hoagland to comply with the December 21, 2015 Order; awarding pay Plaintiff's attorneys' fees and costs for having to enforce that Order; and for any further relief the Court deems appropriate and necessary to ensure future compliance. Therefore, Plaintiff is seeking civil contempt. *See e.g., Poston v. Poston*, 331 S.C. 106, 114, 502 S.E.2d 86, 90 (1998).

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CASE NUMBER: 2015-CP-07-2937
	)	
KIM LIKINS,	)	
	)	
Plaintiff,	)	
v.	)	**CONSENT ORDER ON PLAINTIFF'S MOTION FOR TEMPORARY INJUNCTION**
	)	
C. C. "SKIP" HOAGLAND,	)	
	)	
Defendant.	)	

2015 DEC 21 PM 3:06

This matter came before the Court on December 11, 2015 on Plaintiff's Motion for Temporary Injunction and to Shorten Time Period. Gregory M. Alford and John P. Linton, Jr. appeared on behalf of the Plaintiff Kim Likins. Taylor M. Smith, IV appeared on behalf of Defendant C.C. "Skip" Hoagland for the limited purpose of representing the Defendant at the December 11, 2015 hearing. The Defendant has not been served with the Summons and Complaint. At the hearing, counsel conferred about the motion and reached the following agreement, which was put on the record in open court and is now memorialized in this Consent Order:

1. Defendant will not publish any statement to any third party about Plaintiff's employment at the Boys and Girls Club.

2. Defendant will make no statement to any third party referring to Plaintiff's fitness for her job or her fitness to be around children.

3. Defendant will not refer to Plaintiff's employment with the Boys and Girls Club in any statements made to a third party.

The parties have agreed and the Court hereby **ORDERS** that the Defendant is **RESTRAINED** and **ENJOINED** as set forth above. Furthermore, as agreed by the

1 12/21/15 2:58pm

parties, the Court **ORDERS** that this injunction will remain in effect for the pendency of this action or until further order of the Court. Finally, the parties have also agreed this agreement and consent order shall not be admissible at the trial in this matter to prove liability for or the invalidity of the Plaintiff's claim or amount.

AND IT IS SO ORDERED.

The Honorable Marvin H. Dukes, III
Master-In-Equity

Beaufort, South Carolina
December 21, 2015 2:08 pm

WE CONSENT:

G. Trenholm Walker (S.C. Bar #5777)
John P. Linton (S.C. Bar # 79130)
PRATT-THOMAS WALKER, P.A.
Post Office Drawer 22247
Charleston, SC 29413-2247
843.727.2200
Email: gtw@p-tw.com
Email: jpl@p-tw.com

Gregory M. Alford, Esq.
ALFORD & THORESON, LLC
P. O. Drawer 8008
Hilton Head Island, SC 29938
Email: gregg@alfordlawsc.com
ATTORNEYS FOR THE PLAINTIFF

WE CONSENT:

Taylor M. Smith, IV
Andrew S. Radeker
HARRISON & RADEKER, P.A.
PO Box 50143
Columbia, SC
(803) 779-2211
(803) 779-6700 (facsimile)
taylor@harrisonfirm.com
drew@harrisonfirm.com
ATTORNEYS FOR DEFENDANT

2 pg 2 m

STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT KIM LIKINS Plaintiff, vs. C. C. "SKIP" HOAGLAND Defendant.	))))))))))	IN THE COURT OF COMMON PLEAS FOURTEENTH JUDICIAL CIRCUIT CASE NO.: 2015-CP-07-2937 **MOTION AND ORDER INFORMATION FORM AND COVERSHEET**

JEAN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT
2015 DEC 21 PM 3:06

Plaintiff's Attorney:	Defendant's Attorney:
John P. Linton, Bar No. 79130 Address: 16 Charlotte Street Charleston, SC 29403 Phone: 843-727-2200Fax 843-727-2239 E-mail: jpl@p-tw.comOther: ____	TAYLOR M. SMITH, IV, Bar No. ____ Address: PO BOX 50143 COLUMBIA, SC Phone: 803-779-2211 Fax803-779-6700 E-mail: taylor@harrisonfirm.comOther: ____

☐ **MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)**
☐ **FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)**
☒ **PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)**

SECTION I: Hearing Information

Nature of Motion: ____
Estimated Time Needed: ____ Court Reporter Needed: ☐ YES/☐ NO

SECTION II: Motion/Order Type

☐ Written motion attached
☒ Form Motion/Order
I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☒ Plaintiff /☐ Defendant — 12/18/2015 Date submitted

SECTION III: Motion Fee

☐ PAID – AMOUNT: $____
☐ EXEMPT: (check reason)
☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
☒ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: ____
☐ Other: ____

JUDGE'S SECTION	
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: ____	JUDGE CODE ____ Date: ____

CLERK'S VERIFICATION

Collected by:____ Date Filed: ____
☐ MOTION FEE COLLECTED: $____
☐ CONTESTED – AMOUNT DUE: $____

SCCA 233 (11/2003)

PRATT-THOMAS | WALKER
ATTORNEYS AT LAW
PROFESSIONAL ASSOCIATION

16 CHARLOTTE STREET
CHARLESTON, SC 29403

PO DRAWER 22247
CHARLESTON, SC 29413-2247

PHONE: 843.727.2200
FAX: 843.727.2238

WWW.P-TW.COM

JOHN P. LINTON, JR.
Email: jpl@p-tw.com
Direct: (843) 727-2252

2015 DEC 21 PM 3:06

December 18, 2015

The Honorable Marvin H. Dukes, III
Master-in-Equity
Beaufort County Courthouse
P.O. Box 1228
Beaufort, SC 29901-1228

Re: Kim Likins v. C. C. "Skip" Hoagland
Case No.: 2015-CP-07-2937

Dear Judge Dukes:

Enclosed please find the proposed Consent Order on Plaintiff's Motion for Temporary Injunction in the above referenced matter. If it meets with your approval, please sign the Order and forward it to the Clerk of Court. Also enclosed is a cover slip.

Thank you for your consideration. Please contact me if you have any questions.

Sincerely,
PRATT-THOMAS WALKER, P.A.

John P. Linton, Jr.

JPL/cam
Enclosures
c: Taylor M. Smith, IV (w/encl.)
Andrew S. Radeker, Esq. (w/encl.)
Gregory M. Alford, Esq. (w/encl.)

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CASE NUMBER: 2015-CP-07 2937
	)	
KIM LYKINS	)	
	)	
Plaintiff,	)	
v.	)	**SUMMONS**
	)	
C. C. HOAGLAND	)	
	)	
Defendant.	)	
	)	

2015 DEC 10 PM 4:24
JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your pleading to said Complaint upon the subscribers at their offices at 16 Charlotte Street, P.O. Drawer 22247, Charleston, South Carolina, 29413-2247, within 30 days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiffs will apply to the Court for judgment by default for the relief demanded in the Complaint

BY: _____

Gregory M. Alford, Esq.
ALFORD & THORESON, LLC
P. O. Drawer 8008
Hilton Head Island, SC 29938
Email: gregg@alfordlawsc.com

G. Trenholm Walker (S.C. Bar #5777)
John P. Linton (S.C. Bar # 79130)
PRATT-THOMAS WALKER, P.A.
Post Office Drawer 22247
Charleston, SC 29413-2247
843.727.2200
Email: gtw@p-tw.com
Email: jpl@p-tw.com

ATTORNEYS FOR PLAINTIFF

Charleston, South Carolina
December 10, 2015

STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT KIM LIKINS Plaintiff, v. C. C. "SKIP" HOAGLAND Defendant.	IN THE COURT OF COMMON PLEAS FOURTEENTH JUDICIAL CIRCUIT CASE NUMBER: 2015-CP-07-2937

VERIFIED COMPLAINT

JERRI ANN ROSEN-DAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT
2015 DEC 10 PM 4 24

The Plaintiff, Kim Likins, complaining of the Defendant, C. C. Hoagland, alleges and states as follows:

1. Plaintiff is a citizen and resident of the Town of Hilton Head Island.
2. Defendant, C. C. "Skip" Hoagland is, upon information and belief, a citizen and resident of Beaufort County, South Carolina.
3. Plaintiff is currently the executive director of the Boys & Girls Club of Hilton Head Island, a non-profit entity that helps advance and improve the lives of challenged and under-privileged adolescents. Plaintiff is dedicated to her job. In that capacity she not only oversees the operation of the Hilton Head Boys & Girls Club, but also seeks charitable donations to fund its good work since it receives no local governmental subsidies.
4. As part of her commitment to public service, Plaintiff serves as a member of the Town Council of Hilton Head Island.
5. Defendant has engaged in an extended course of attacking and maligning Town Council and, in particular Plaintiff, in public comments, emails, and publications, as well as through other actions.

6. Defendant has been waging, and continues to wage, a persistent campaign of verbally abusing, defaming, and threatening Plaintiff and taking other action to harm Plaintiff. Among other things Defendant has publically stated and published to third parties that Plaintiff has conflicts of interests on Town Council and in her employment with the Boys & Girls Club, that she is a liar, that she is corrupt, that she violated the public's trust and that she is not fit for her job or position on Town Council. A copy of some of the emails attacking Plaintiff personally and professionally are attached hereto as Exhibit "A" and incorporated herein by reference. As shown by the e-mails, these defamatory statements were communicated to numerous third parties included as recipients of the e-mails.

7. Defendant has communicated his intent to secure a full page ad in the local newspaper in an effort to "publically disgrace" and harm Plaintiff. See emails attached as Exhibit "A".

8. Upon information and belief, within the last two weeks, Defendant has directly contacted the Chairman of the Board of the Boys & Girls Club of the Lowcountry, and the Chairman of the Board of the Boys & Girls Club of Hilton Head Island, and the Executive Director of the Boys & Girls Club of the Lowcountry (Plaintiff's direct supervisor) making false, defamatory, and outrageous remarks about Plaintiff and demanding that they take action to terminate Plaintiff from her desired profession and primary gainful employment.

9. As a result of Defendant's campaign of intimidation, defamation, bullying, and other misconduct, Plaintiff has suffered mental and emotional

distress, damage to her reputation, and other special and consequential damages.

FOR A FIRST CAUSE OF ACTION

10. Plaintiff realleges her previous allegations as if fully set forth herein.

11. Defendant has intentionally and recklessly inflicted severe emotional distress on Plaintiff while being certain or substantially certain that such distress would result from his conduct; Defendant's conduct has been and continues to be so extreme and outrageous as to exceed all possible bounds of decency and should be regarded as atrocious and utterly intolerable. Defendants' relentless attacks on Plaintiff action has caused and continues to cause Plaintiff mental and emotional distress that is so severe no reasonable person could be expected to endure it.

12. As a result of Defendant's outrageous conduct, Plaintiff is entitled to judgment against Defendant for an appropriate amount of actual and punitive damages, as well as an award of the injunctive relief described below.

FOR A SECOND CAUSE OF ACTION

13. Plaintiff realleges her previous allegations as if fully realleged herein.

14. Defendant has libeled and slandered Plaintiff numerous times including, but not limited to, his statements in the emails attached hereto as Exhibit "A." The statements regarding Plaintiff in the e-mails attached to Exhibit "A" are all completely false.

15. Defendant made statements defaming Plaintiff similar to those in the attached emails in the open session of the meeting of the Council of the

Town of Hilton Head Island on December 2, 2015. Defendant's defamatory remarks accuse Plaintiff of committing a crime, being unfit for her employment, and are intended to degrade her with her employer, her friends, and the public. These statements are all completely false.

16. Defendant's defamation is slanderous per se and per quod and libelous per se and per quod.

17. Defendant's defamation has caused Plaintiff mental and emotional distress and injured her reputation.

18. Defendant has stated his intent to continue his defamatory assault on Plaintiff through, among other things, badgering her and her employer and publishing an ad in the newspaper or other media libeling and threatening her. Defendant has acted with actual malice; Defendant has acted with knowledge that the above mentioned defamatory statements concerning Plaintiff were false or has published the above mentioned defamatory statements with reckless disregard of whether they was false or not.

19. As a result of Defendant's multiple defamations of Plaintiff, Plaintiff is entitled to judgment against Defendant for an appropriate amount of actual and punitive damages, as well as an award of the injunctive relief described below. Injunctive relief is appropriate because Defendant's actions are part of a continuing course of conduct and are apparently intended, among other things, to interfere with Plaintiff's job.

FOR A THIRD CAUSE OF ACTION

20. Plaintiff realleges her previous allegations as if fully set forth herein.

21. Defendant has intentionally intruded into the private affairs of Plaintiff including her relationship with her employer.

22. Defendant's communications and false disclosures to the Boys & Girls Club's leadership and others involved with Plaintiff's employment are highly offensive and likely to cause serious mental injury to a person of ordinary sensibilities.

23. Defendant has acted with malice.

24. Defendant has wrongfully and intentionally intruded into the private business affairs of Plaintiff in a substantial and unreasonable manner that is of a nature that would cause mental injury to a person of ordinary sensibilities.

25. As a result of Defendant's invasion of Plaintiff's privacy, Plaintiff has suffered emotional distress, mental upset, and other damages.

26. Defendant has asserted his intention to continue this intentional invasion of privacy with Plaintiff's employer as described above.

27. As a result of Defendant's invasion of her privacy, Plaintiff is entitled to judgment against Defendant for an appropriate amount of actual and punitive damages, as well as an award of the injunctive relief described below

FOR A FOURTH CAUSE OF ACTION

28. Plaintiff realleges her previous allegations as if fully set forth herein.

29. Without justification, Defendant has intentionally interfered with Plaintiff's contract of employment in an effort to have her fired for no just cause.

30. Defendant has asserted his intention to continue to interfere with Plaintiff's employment.

31. As a result of Defendant's tortious interference with her employment, Plaintiff is entitled to judgment against Defendant for an appropriate amount of actual and punitive damages, as well as an award of the injunctive relief described below.

FOR A FIFTH CAUSE OF ACTION

32. Plaintiff realleges her previous allegations as if fully set forth herein.

33. Defendant's conduct has caused, continues to cause, and will continue to cause irreparable harm.

34. Defendant has declared his intent to continue his relentless onslaught against Plaintiff by continuing to harass her and continuing the tortious and wrongful conduct described above, including taking out an ad in the local newspaper making false and libelous statements about Plaintiff, all for the purpose of causing her harm emotional, mental, financial, and other harm to Plaintiff.

35. Plaintiff is entitled to temporary and permanent injunctive relief enjoining Defendant from, among other things, harassing Plaintiff, defaming Plaintiff, threatening Plaintiff, interfering with Plaintiff's employment, publishing untrue and malicious statements about Plaintiff, and otherwise inflicting emotional distress on Plaintiff through his outrageous conduct.

WHEREFORE, Plaintiff prays for judgment against Defendant in an appropriate amount of actual and punitive damages, for temporary and permanent injunctive relief,

for the recovery of her costs, and for such further and other relief as the Court deems just and proper.

BY: _____

Gregory M. Alford, Esq.
ALFORD & THORESON, LLC
P. O. Drawer 8008
Hilton Head Island, SC 29938
Email: gregg@alfordlawsc.com

G. Trenholm Walker (S.C. Bar #5777)
John P. Linton (S.C. Bar # 79130)
PRATT-THOMAS WALKER, P.A.
Post Office Drawer 22247
Charleston, SC 29413-2247
843.727.2200
Email: gtw@p-tw.com
Email: jpl@p-tw.com

ATTORNEYS FOR PLAINTIFF

JEGGLA ANN BOCHENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT
2015 DEC 10 PM 4:24

Charleston, South Carolina
December 10, 2015

VERIFICATION

Kim Likins, first being duly sworn, deposes and says that she has read the foregoing Complaint and that the same is true to her own knowledge, except as to those matters alleged therein upon information and belief, and so to those matters, she believes them to be true.

Kim Likins

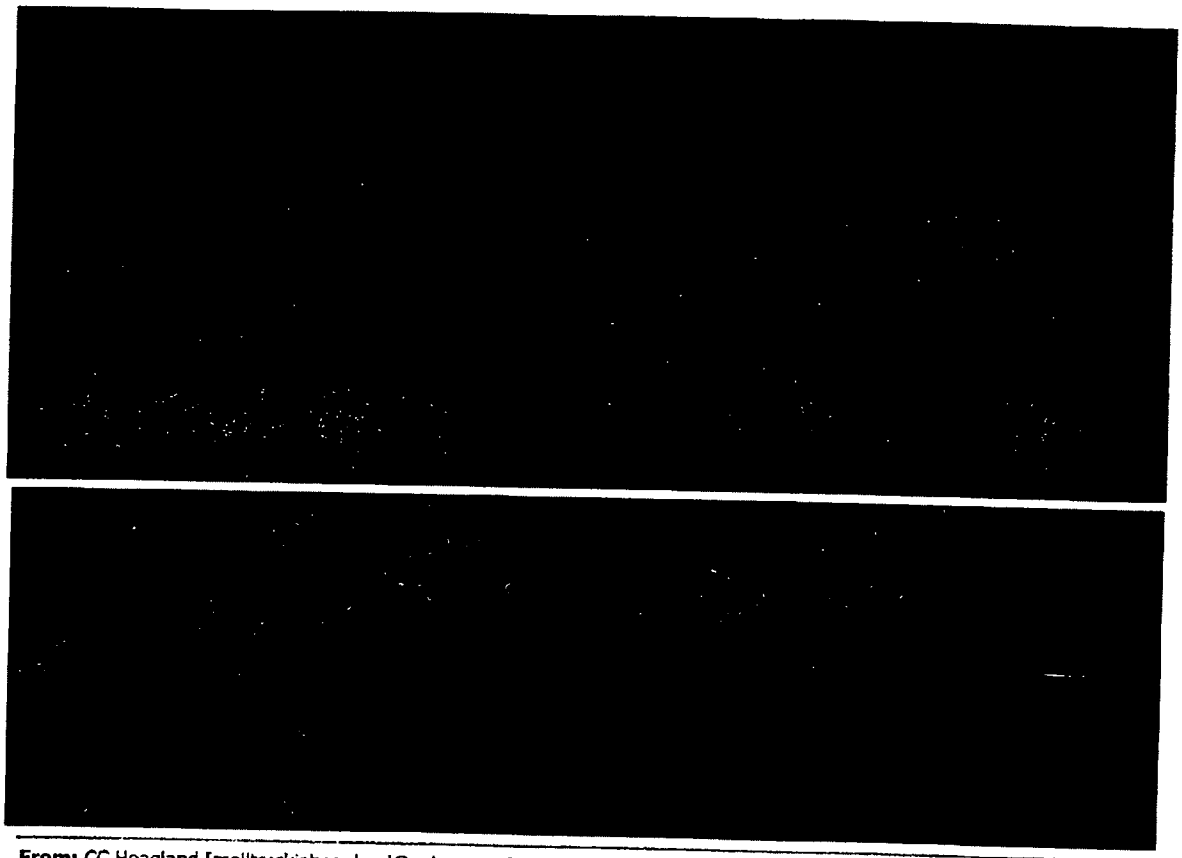
Kim Likins

SWORN to before me this 10th day of December, 2015.

_____(SEAL)
Notary Public for South Carolina

My Commission Expires: My Commission Expires May 1, 2016

EXHIBIT "A"



From: CC Hoagland [mailto:skiphoagland@yahoo.com]
Sent: Monday, November 23, 2015 1:06 PM
To: stever@hiltonheadislandsc.gov; david tigges; Gregg Alford; Hulbert Brian; susan@surfcityusa.com; Taylor Smith; Bill Miles; Ray Deal; Jay Wiendl
Cc: davidb@hiltonheadislandsc.gov; zmurdock@islandpacket.com; Tom Lennox; JohnM@hiltonheadislandsc.gov; Lee Edwards; Likins Kim; WilliamH@hiltonheadislandsc.gov; jeffbradley@schouse.gov; Weston Newton; BillHerbkersman@schouse.gov; tdavis@harveyandbattey.com
Subject: Sc foia

Steve to begin Brian Hulbert your lawyer claims you know nothing about the 4 m proposed welcome center on town property and now know nothing about secret meetings with Susan Thomas and Bill miles discussing signs on town property and the 340k app attempt , cost of signs etc . How could Susan thomas Cced on this email propose this without talking to you ? For me you are not telling the truth and will do anything to escape and avoid answering directly . Susan who did you talk to ? Susan moving to California does not mean you can't be brought back to SC or answer questions . As this moves forward David tigges can only do so much to protect and keep others silent . Steve same for you , the lawyers can only help you so much . God only knows what else you have done over the last 20yrs we don't know about . When you and others realized I was going to attack on these two issues everything stopped and disappeared interesting ????? No records no emails !

Steve, my foia info received was incomplete , where is the supreme court case saying chambers or Dmos or chamber/ DMO comingled hybrid can receive tax monies but not comply with SC foia laws that David Tigges

quoted? Was this a lie or is it true? To add !
Did Jay Weindl lie about 1600 members? I say yes or he was deceived by Bill miles we need proof of this !
Did Kim Likins lie when she said took notes and listened to everyone then proceeded to read a speech that could have been written by her good friend Charlie Clark chamber spokesperson? I say yes! Is she fit to run and girls and boys club ?
Did John McCann when he said he made up his mind last night and 3 other council members as well , did not respect the public hearing and draft contract process? I say yes !
Who drafted this contract the chamber / council or Steve Riley we now know from a whistle blower and Carolyn Vanagel confirmed statement , quote the Chamber worked hard to draft this contract and we now know it was David tigges in control ! Steve Riley do you wish to deny this ?
We have also been told all board members were instructed by David Tigges / Bill Miles to remain silent to press or anyone else and to not talk about contract or my fight and only state how good the chamber is and nothing else. Do you wish to deny this ?
Jay Weindl, new "appointed"chairman, not duly elected lied when he said 1600 members all have rights and can run for elections and make change with 10% of membership ,10% of what real number? We have proof chamber membership numbers have been falsified ? Do you wish to deny this or want to challenge this ?
Seems all members have rights to the database list of all members and contacts ? Jay will you send that list and contact for each member phone numbers including to a chamber member ? Jay will you force Bill miles as his new boss to open the books to all members ? Jay what rights do members have ? Jay did you know bylaws were changed from original form when members had rights ? Jay will you tell Bill they must be changed back to allow members rights ? Jay where were annual meetings held last 5 yrs ? Do you have all
Minutes for this . I assume in any lawsuit by a member or members all this will be made available in discovery ? You and
David Tigges both said there was annual meetings for members to speak ? Again Where are these meetings held, minutes Etc ?????

The entire board I am sure are good people, bottom line they have all been deceived and used / abused including you Jay , by the 3 people who totally control this chamber David Tigges, Bill Miles and Ray Deal. Jay as chairman and Bill miles employees let's be honest who is in charge you , Bill or David tigges ?

Jay you seem to be a nice guy and have nothing against you . The only actions I don't like from you is kicking out people from your hotel that run a local media company I started many years ago . He did nothing to you . This has also happen by several hotels who told me when I called don't ever call this hotel again . These attacks have no reason or basis . We have been told, by ex chamber whistle blower that you and other board member are silenced by giving help and business over others in their industry. They receive no access to inner circle no access to all accounting, all appointed strategically to surround Bill Miles to make it all look legitimate to allow its abuse, corruption and violations undetected by anyone including board members that just assume all is ok. All local media leaders have been eliminated from appointed board by Bill miles to prevent any challenge to his unfair competitive practices and growing local media empire with 1.7 million and growing ad sales revenue . We now know anyone can buy ads not just chamber members like a for profit media . We were told any board members that question the dictatorship are silenced or removed. There are no real term limits or rotation of power on board to allow all members to run for fair elections. The real power has remained in control for over 20 yrs . Paul Bethea , David tigges McNair and past old Bethea law firm.

You have a power structure out of control, including letting the employees run all not the members / stake holders who are in essence the owners, not Bill Miles. The old Bethea law firm now McNair law firm have been running this chamber for years and always someone on board from this firm . Insurance, banking, lawyers,hotels etc. etc. all get favoritism over others and we now have proof from whistle blowers who have stepped forward. We now have big insurance companies say they dropped membership as it was a waste of time trying to bid against John vann your past buddy board member with BB&T insurance .

They said just look at the chamber website and app to see who gets promoted over others . Those who pay the most get front seat . Jay this is not the way or purpose of a properly run chamber and DMO operating as a non profit and using tax monies . What do you not understand about this ? How long do you think this board and you can keep defending this ?

We lost a small battle to corruption but the war to clean up this chamber abuse will be won soon ,as we have all we need to prove our case and will turn over all to press , law enforcement , mayor and others next week.

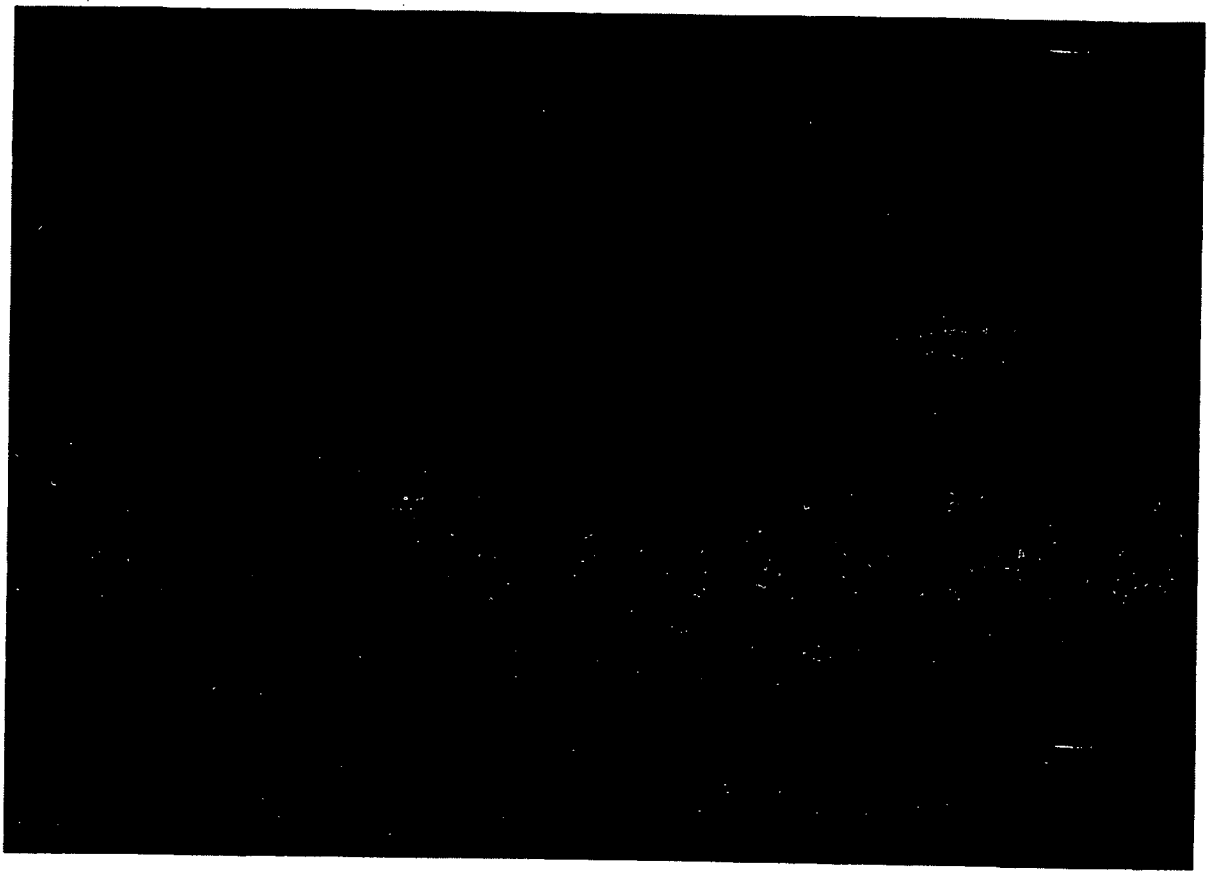
Happy Thanksgiving to everyone. Be assured as we give thanks for all our bounty, this Chamber will go back to being a simple chamber under US Chamber and ACCE national associations guidelines and our DMO will operate under DMAI national association guidelines and accounting protocol soon. All the waste, abuse, corruption, deception, tax violations, foia non compliance, dictatorship and harm to tax payers, board members and members will end. I will be thanked for all this, and not painted as the enemy to this chamber board representing facts and truth. This chamber board is run by good people and leaders on the island, but many others leaders in good standing for 40 yrs do not like where we are. You heard many speak up at our corrupted contract public opinion meeting . Current board members need to pay attention and accept the facts and speak up to clean it up and join those who are and will. This current Chamber structure will never survive what's coming and the good people of this board need to act soon as to not be humiliated for being deceived, tricked and fooled.

We have much more on Bill miles to deal with like 4 million past welcome center , local app with Steve riley , trips to China with his family also turned over my whistle blower who said he robbed us , trips to England , monies to Canada , comingled bank accounts , travel / hotels /meals etc , free golf memberships , corporate entrainment on and off golf course , bills sons golf whistleblower claims is part of corporate entertainment and much more .

Oh and Steve riley one last thing all town codes , RFPs , fair bidding and who added the Hilton head chamber to down code to eliminate fair bids and competition . Lee Edwards remember you once were for this ? Lee if chamber was in landscape business selling plants and you were a member what would you do ? Accept it and say nothing ??????? Thx

Sent from my iPhone excuse all typos and misspellings

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[redacted]

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Subject: Violated public trust , due process and lied !

You both lied and are not fit to serve . I will look forward to speaking directly to both of you soon at public comment . Also you will be in my full page ads to publicly disgrace you both to this island . Kim you are not fit to serve boys and girls a well . You fully know what you did !!!

1

Do not dare say I am disrespectful when I speak the truth at town council . The truth is not disrespectful . What's disrespectful is what you both did . Prepare to be exposed and treated like you treated others .

Tom I feel you also deceived me and had your mind made up also . I have you on record saying you worked hard on the clause to inspect books and had me in mind . I hope so and remains to be seen if you are going to be my new hero and outsmarted David tigges or forced me to keep spending thousands to fight fir sc foia laws for all of us .

Bill Harkins for me not worth even discussing . If he plans on running for reelection as well as others I can promise you that you will be booted and featured in full page ads and fully explained why . There simply is no place for dishonest and deceiving people who wish to serve our community .

David , Lee , Marc each at least showed respect and listened to some very smart people who had great ideas and respected them and their time coming . John Mcann to say reason he decided to award the contact to the chamber was because of all the good people on the board . This had nothing to do with it as the board has be tricked and deceived also and has no power . John knock knock anyone home , you have been told this chamber is run by a dictator crook . The board members are good people just have no power or clue what's going on . They all were appointed , used and abused and shown favoritism to remain silent . They were all instructed to say how great the chamber was and not discuss the contract . We were not there for that we were there to discuss a good contract for the community not just the chamber . We also learned much more from the whistle blower and that is David tigges drafted the contract . You all should be a shamed of what you did . I really thought you old guys like me would have acted differently . I guess that saying is correct "no fool like an old fool ".

You all did not show true guts to fight for an audit when you new damn well we needed to do this and were provided all info why . You all allowed escape but just temporarily . We lost this one battle but not the war to come . When you see what's coming you will perhaps then realize you should have followed the great Ronald Reagan "trust must be verified" and i am afraid will be humiliated and publicly disgraced to this entire community . For the life of me I just don't understand why you would not force an audit , sc foia laws, DMAI accounting and 1 yrs not 5 yrs. The big concern I have for all of you is you have trusted Steve riley , Gregg Alford and brian Hulbert all buddies of Bill miles and david tigges . You all have deceived here as well . The sad thing is you all are part time as is mayor bennett and the town employees run the show and you all are powerless and just do as you are told and instructed by them .

I also think you all will be held liable when this all ends up in the courts and the audit is forced .

We now have a x board chamber member who has turned whistle blower . You will all be shocked what's going to happen next . Kim send this to your friend Charlie Clark spokesperson at chamber . Did she write your prepared speech for you ? John so you came to your brilliant decision night before ? Why do you think so many people came to speak ? Do you feel you dishonored all of us and made a fool of of yourself ? Do you and Kim likins feel you are fit to keep serving ? What made you think all is ok and controlled by the board ?

Happy thanksgiving and perhaps you all will reflect on all this as you spend time with your families and think what kind of world you wish for them , and did you act in good faith in a way you and your family would be proud of .You each have to look in mirror and live with yourselves not me . Thx

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
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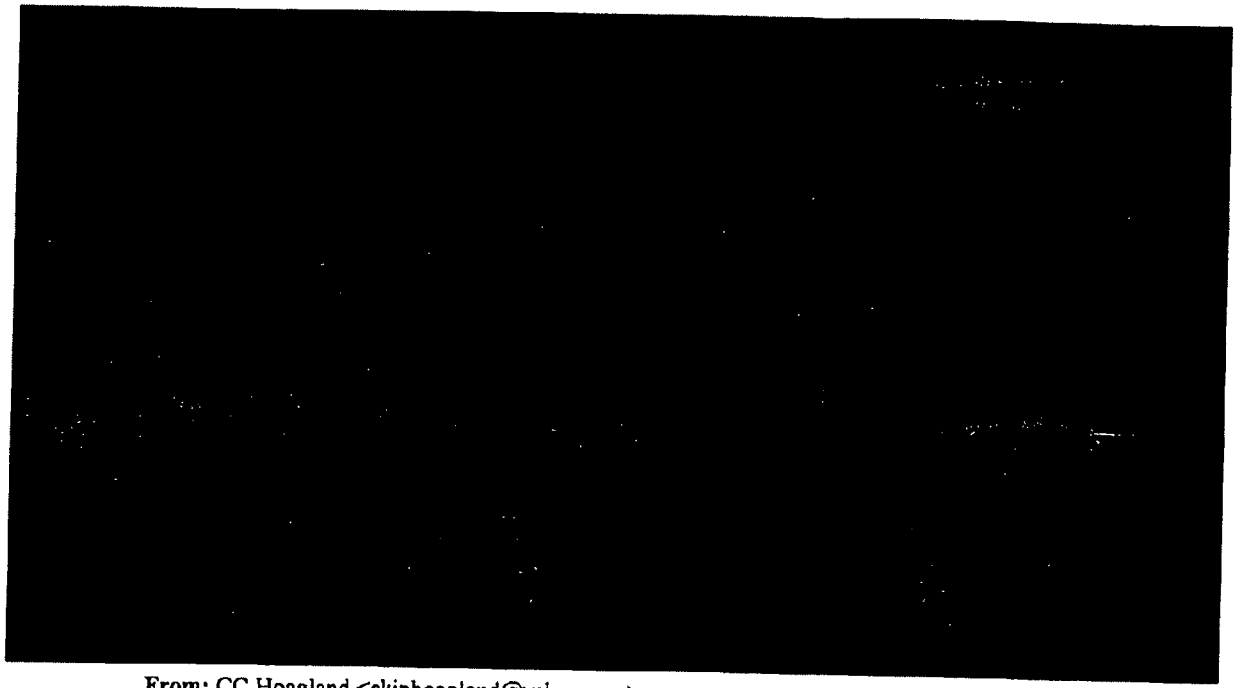
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From: CC Hoagland <skiphoagland@yahoo.com>
Date: November 29, 2015 at 2:42:47 PM EST
To: david tigges <dtigges@mcnair.net>, bill miles <bmiles@hiltonheadisland.org>, rdeal@hiltonheadisland.org
Cc: davidb@hiltonheadislandsc.gov, LeeE@hiltonheadislandsc.gov, JohnM@hiltonheadislandsc.gov, MarcG@hiltonheadislandsc.gov, Likins Kim <KimL@hiltonheadislandsc.gov>, Tom Lennox <toml@hiltonheadislandsc.gov>, Taylor Smith <Taylor@harrisonfirm.com>, Rick Caporale <rpc1@hargray.com>, sturodman@aol.com, Jerry Stewart <jstewart@bcgov.net>, psommerville@bcgov.net, tvaux@bcgov.net, jeffbradley@schouse.gov, tdavis@harveyandbattey.com, BillHerbkersman@schouse.gov, WestonNewton@schouse.gov, Cynthia Bensch <cbensch@bcgov.net>, zmurdock@islandpacket.com, AHolland@wsav.com, eal@scpolicycouncil.org
Subject: David tigges ???

Explain the praise David Tigges got for doing all Chamber of Commerce work pro bono. I guess that's supposed to make up for the $45K contract his firm got when he sat on the board of the now-defunct Lowcountry Economic Alliance.

Much more to learn about lawyer Bobby Stepp hired by David tigges to pretend he is not behind all this ????and who is paying this lawyer Stepp?? , who hired him ???? and how much is Stepp charging to defend the Hhi chamber foia lawsuit against me I have to pay out of my pocket ? And where does this money come from Tax payers , members ? Profits from advertising sales ? How about an investigation of David tigges and all fees he received going back 10 yrs on all boards he sits on in sc now or sat on in the past ? Are we to assume all is good here without proof ! David tigges was past chamber board member and needs to be questioned in that capacity , not as a lawyer but leader of the Hhi chamber ,supposed to manage Bill miles , and held

accountable when this all is finally seen and understood if wrong doing and abuse is discovered .

Again not one chamber speech at the public hearing was about audit or foia last night , all about how great the chamber is . Xchamber whistle blower has come forward to tell all . David tigges is in for a huge awakening soon , in fact he is a liar

My inside whistle blower source tells me David tigges instructed everyone on the board to say how great the chamber is not talk about the contract and to not talk to anyone outside this board . How great the chamber is was not the purpose last night, it was about proper terms for a contract .. I am sure all chamber board members are good people and I do agree we need a great local chamber and a DMO , but both need to be run properly . With the corrupted approval of this contract what we now end up with just means more corruption ahead if not stopped . The abuse and violations approved by 4 incompetent or corrupted town council members that did not hear a word Mayor bennett said or other experts was pitiful . In fact Kim likins lied and John Mcaan as well when he said he had already made up his mind up last night totally abusing and disrespecting public opinions . They are not fit for public office . Older gentlemen who spoke was correct when he said Bill Harkin's and Steve Riley don't know enough about marketing nor the lawyers to even draft this Agreement, which we all know now was drafted by the chamber . One of the board members slipped and said the chamber board worked hard drafting the agreement . So we now know who was lying ?

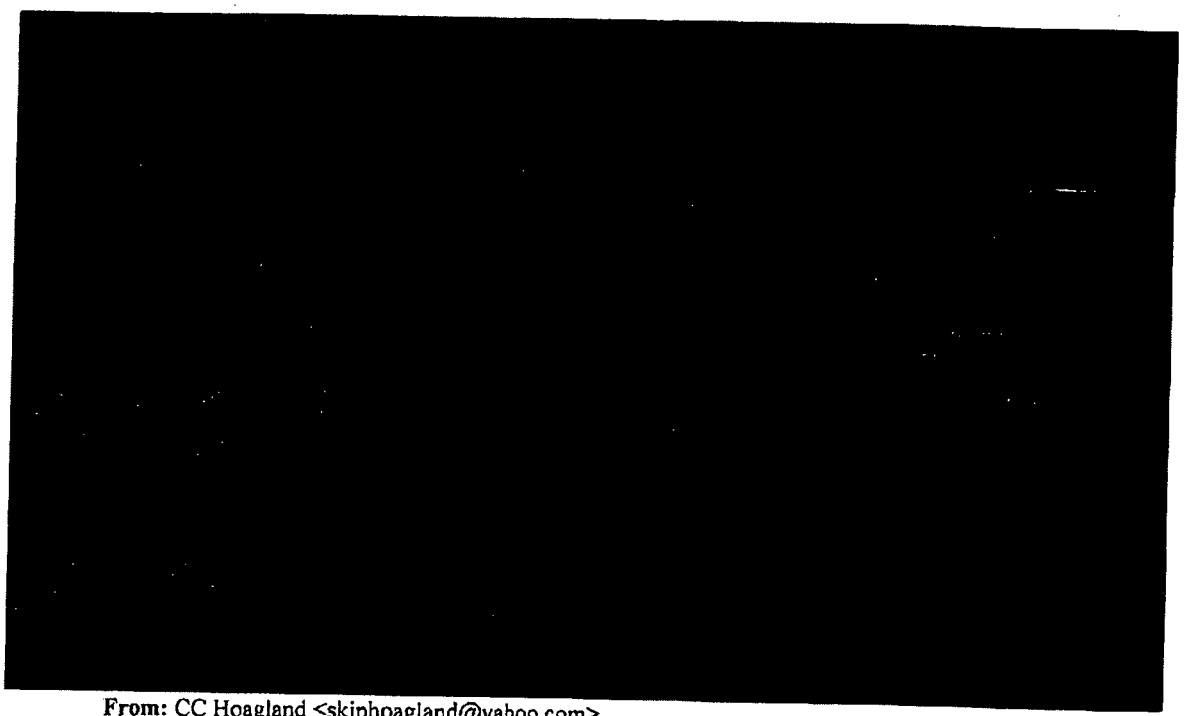
I submitted a lawyer and CPA opinion and it was again ignored by the 4 incompetent / corrupted lying town council members who are not fit to serve office nor fit for a low level job in my company . Both opinions attached !

Where's this money and all past lawyers payments to David tigges and others going back 15 yrs with this chamber . No audit just means more escape .

What I wish is David tigges would file a lawsuit against me so we can start depositions and discovery tomorrow ! One way or the other my foia lawsuit or law enforcement we will one day get these records and I am 100% convinced a Palm beach type result will happen . Thx

Sent from my iPhone excuse all typos and misspellings

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Cc: "Huffman, Ted" <thuffman@townofbluffton.com>, "Sulka, Lisa" <lsulka@townofbluffton.com>, "Orlando, Marc" <morlando@townofbluffton.com>, jeffbradley@schouse.gov, BillHerbkersman@schouse.gov, WestonNewton@schouse.gov, Scott Thompson <scott.thompson@blufftontoday.com>, zmurdock@islandpacket.com, AHolland@wsav.com, Don Brashears <Tmbdab@aol.com>, Bluffton Chamber Swh <shellie@blufftonchamberofcommerce.org>, Cynthia Bensch <cbensch@bcgov.net>, sturodman@aol.com, Jerry Stewart <jstewart@bcgov.net>, tvaux@bcgov.net, JohnM@hiltonheadislandsc.gov, WilliamH@hiltonheadislandsc.gov, MarcG@hiltonheadislandsc.gov, LeeE@hiltonheadislandsc.gov, Marc Frey <mfrey@freymedia.com>, tom gardo <tomgardo@yahoo.com>, Peter Buonaiuto <peter@hiltonheadvcb.com>, Mare Baracco Deckard <maremailmmm@yahoo.com>, Kevin Meany <kmeany@bfgcom.com>, scott brandon <sbrandon@brandonadvertising.com>, Scott Big Scott Richardson Big Scott <senatorshr@yahoo.com>, jim bradshaw <bradhhi@aol.com>, Jim Richardson <jr@richardsongrp.com>, sarah borton <sborton@islandpacket.com>, David Lauderdale <letters@islandpacket.com>, Brian Tolley <btolley@islandpacket.com>, meyerstcamrealty@gmail.com, Brad Marra <bmarra@palmettodunes.com>, Mike Alsko <mike.alsko@htc.hargray.com>, chip@limehouseprop.com
Subject: Re: Moving forward with funding and 3 local chambers

Rick, I wanted you and everyone to see what I thought was a shocking response from a past elected official. Delete this, sorry I even sent it, not worth our time. We will have much more important issues moving forward. Trust me it will be right up your alley!

Now moving forward with our concerns on both Bluffton and Beaufort, who also hand the Hilton head Bluffton chamber money. I look forward to what will be required and happen in both these cities now. As you know, myself and other experts can help guide this. HHI chamber and corruption won last night , but much more on this later to expose all. We don't mind losing a battle as long as we win the war on what's right .

We will move forward educating on all the abuse and violations we suffer in Beaufort county and waste to our taxpayer's money, which like you is my focus as well. My personal focus is chambers and Dmos ,and get all this cleaned up so others in our state and country ,can use the result of our local laboratory test.

Beaufortwatchdog.org and the Boot Club non-partisan organization will deal with all the rest like Jeff Moss etc. Many others involved in this grass roots non-partisan movement that was created and funded to put the power back into the citizens hands, who have felt powerless to fight corruption like we witnessed last night. David Bennet himself perhaps had a religious experience on what he has been dealing with and the disrespect he was shown after a very moving and heartfelt speech. I have respect for him in some ways but not all. Our difference is I am not trying ,nor want to be nice to people who are abusing and hurting others, and want to expose them much more sternly and harshly than Mayor bennett is willing to do . Mayor bennett failed

all of us , Patrick henry Ronald Reagan who said trust must be verified !

Fact is simple, every chamber or DMO in Beaufort county must submit to a foia and when asked to submit to an audit do so. Also follow strict accounting procedures, as you know. Our community's did not get this the other night from elected officials who were either corrupted, never read a thing the experts sent them or just plan incompetent, one of the 3 or all 3.

Fact is these 4 council members, violated the public trust and fiduciary responsibility to us all last night, must be voted out of office and replaced with good people like you , willing to stand up to what's right . Several town council members even lied to us. They must get the boot - they are Kim likins, Bill Harkins, Tom Lennox and John Mcann. David Bennet, Marc Grant and Lee Edwards respected the process and taxpayers with an open mind , however failed us with contract provisions , audit and have allowed the town manager and lawyers to control them like puppets . This truth hurts I am sure ! Our system of local government with no power for a mayor or council all controlled by town employees that can't even be fired is not working well !

This fight will continue to clean up the HHI Bluffton chamber on many fronts. My lawsuit to force SC foia compliance by all chambers in SC, win IRS violations tax case against this chamber, stop unfair competitive practices and damages to local media, stop its dictorial practices and control by one dictator ,and few cronies robbing us all ,and allowing no rights for members to speak up, nor run for elections to serve on chamber board, no annual meetings.

We have educated everyone on how a chamber should be run ,and that perfect example is the Greater Bluffton chamber ,operated as a business-to-business member organization. Also how a DMO should be run separately which we have furnished by experts not Steve Riley or Gary kubic and clueless lawyers .Certainly Bluffton and Beaufort will not sign a 5-year deal with HHI Chamber trying to eliminate any competitive bids from the Greater Bluffton chamber or others to become a separate DMO ? Certainly we will not allow town managers snd lawyers in these cities take us down the same corrupted road ?

What we witnessed the other night with the approval of the Hhi contract will be challenged and was nothing less than massive corruption , a sham with lies, deceit and disrespect to many. If Beaufort and Bluffton lawyers was sitting on sidelines to follow Hhi my suggestion is don't do it ?

What we need is 3 totally separate chambers and not an abusive commingled HHI Bluffton chamber hybrid ,that is plan and simply robbing us all . It's using , abusing , deceiving many respected business leaders and part time board members as puppets that simply don't understand how they are being manipulated by Bill miles and david tigges . This is not an easy thing to understand for many and has taken me 30 yrs to grasp all of this .

This chamber is getting money from many sources with no audit or accountability to anyone . "Trust must be verified " Ronald Reagan was no fool !

What we need are 3 official chambers each respecting each other's territory. All run like Greater Bluffton chamber. Their is never two main chambers in a city only one . Black or Latino chamber different . Lisa sulka has to make a decision soon and herself has been either deceived and tricked , just incompetent or corrupted . She must stop her false happy rhetoric that 2 chambers are ok and can coexist !

1 Greater Bluffton chamber

2 Hilton Head Island chamber

3 Beaufort chamber

4 hardeville chamber

5 Ridgeland chamber

Bill Miles and his dictator run chamber must be contained and booted from Bluffton . Once he is, this will end part of the abuse with lots more to do. I have asked to have a lunch meeting with local politicians to fully educate on where we are to get change.

We need separate Dmos for each city open to bids and even run as a city division like 20% in the country operate would be best. HHI

Town council failed us all the other night. Bluffton and Beaufort can fix it.

Here is the real crazy fact, if we had no HHI chamber / DMO ,we would still get 2.0 to 2.5 m tourism, as their overhead and waste with 25 employees 400k salaries in the millions leaves little to promote or move the needle. The fact is residents, their guest / families, repeat visitors, word of mouth, marketing efforts of hotels, resorts and rental companies, our beaches and amenities generate the 2 m tourist year after year not this chamber or DMO ?

In fact, the way it should be done is have a totally separate DMO division of the town run by 2-3 marketing experts , marketing HHI , and with internet and technology, has become much easier. We could also bid out the DMO function like of state agency SCPRT did ,with their 57 m state tax funds to market SC ,to the local ad agency BFG ad agency owned by my neighbor in Windmil Harbour on Hilton head .

The Hilton Head Bluffton Chamber must become just the Hilton Head Island chamber operated like the Greater Bluffton chamber. When this happens Bill Miles' 400k salary and Millions in overhead with 25 employees will end. There is nothing complicated about operating properly and under national chamber and DMO standards. HHI Bluffton chamber plain and simple is not doing this and it is extreme abuse, massive deception and operating like a for profit media not a true chamber like Greater Bluffton Chamber. Ask anyone who runs a chamber and a separate DMO / cvb function Shellie Hodges who runs Bluffton chamber , Palm Beach cvb, Palm Beach chamber, Charleston

chamber, Stillwater Oklahoma cvb, Charleston cvb. Ask any expert if you elect to not believe me.

Hilton Head chamber should have 5 -7 employees max ex dir. salaried at 75 to 100 k max. Our entire SC hospitality association is run with 5 employees !

DMO /cvb separate like Charleston, 5 employees and Ex dir salaried at 75 to 100k Max. or run by the city with 3 employees .

Again, the great options are city function to control all costs, bid out to local ad agencies, like our state did, or set up a separate local cvb / DMO with separate board governance. You must all understand a chamber is purely local, nothing to do with promoting the destination. Chamber should not be in any business whatsoever nor should a DMO with tax monies.

Chamber mission, purpose, charter and intent under proper bylaws is to be purely a local business league owned and operated by its members ,to help its members prosper in the community - that's it ,no advertising sales, no favoring some business over others, board elected from membership with term limits, annual meetings. Chamber can operate business after hours, work shops, business expo, etc.

Tax codes state chambers should not be in any business whatsoever normally carried on by for profit companies and certainly should not compete with members they allowed to join and took their 400 membership dues . Again

A 501-c6 IRS non-profit should not be in any business whatsoever that is normally carried on by for-profits or members. A DMO has one function and one function only to take local tax monies and promote the destination wisely and responsibly under a proper overhead so maximum amount of money goes for the purpose intended to promote the destination. Chamber monies and DMO monies are not intended to be used to launch local apps, websites and other types of for-profit media products to fund 400 k salaries and 25 employees !

Furthermore, all local products and services needed like printing etc. by a chamber and DMO should be bid out or minimum use local companies not take our money to Canada and worse refuse SC foia laws to tax payers, Island Packet and our Mayors. Voluntarily submit to an audit to confirm to city councils and tax payers all is good, transparent and not all done in secrecy with abuse, violations and corruption.

Bill Miles and the HHI chamber are abusing us plain and simple. All we heard the other night from chamber supporters is how good they are and how bad we need them. Not saying these are not all good people and we do need a chamber and DMO ,but we just need it run correctly. Most board member are great people they are just not paying attention, busy with their families and their own business and have just assumed Bill Miles is doing it all right ,and how could it not be, being our local chamber. They all have been tricked , deceived and fooled according to an X chamber board member whistle blower . Chambers have become so ingrained into a community ,people just assume all is ok and serve on the board as a community service. Fact is, more and more people like myself are questioning all this and like Palm Beach resulted in a prison sentence for embezzlement. Highly educated

professionals spoke the other night and gave solid reasons, as I did, on why the contract was flawed and at minimum sign a 1 yr. contract and add proper provisions and were beaten by corruption, incompetence and other great smart people who have simply been misguided and lied to on what's going on. Again, all the part time chamber board and town council just are not willing to be educated or accept the reality on how a chamber and DMO functions. They all just kept saying let's end this go forward with status quo. No one wants to deal with corruption nor do a real audit and discover we have a possible Palm Beach on our hands. If fact we have on record someone who I don't want to expose who said when asked why don't we audit , answer was scared of what we might find !

The only way we will ever fully prove all is with the following two attachments from a lawyer and a CPA I hired to help us. Read attachments that our 4 incompetent town council members ignored.

What we have and got voted on to allow for next 5-10 yrs. was massive insanity, corruption, incompetence and abuse to our HHI community. We all now must step back and look at this deeply and not make the same mistake in Bluffton and Beaufort. Good news is we have experts to help guide us all moving forward. If everyone wants to look the other way and let Bill Miles and others like this lead them down a path of abuse and waste, so be it and it just cause more problems .

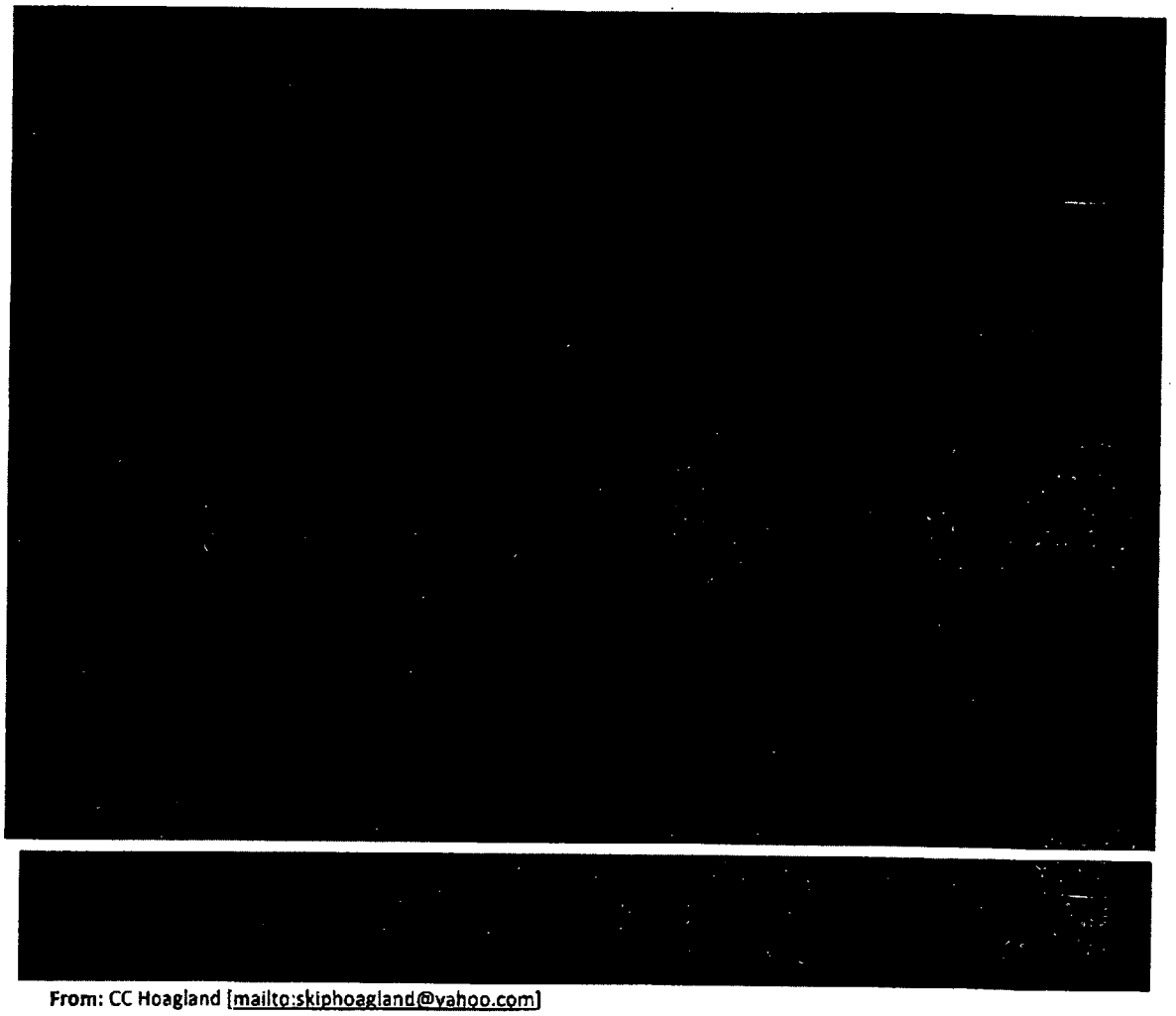
Please be assured we have many more questions and answers needed from Bill Miles, Steve Riley town manager and town

lawyers Brian Hulbert and Gregg Alford that are not being answered under SC foia. We saw a town council member John McCann say he made his mind up last night in total disregard and respect to public opinion and we saw Kim Likins who runs the local Boys and Girls club lie when she spoke and said I have been listening to all and taking notes and then reads her drafted prepared speech from days or weeks before, that could have been drafted by the chamber for all we know for her to read. Whistleblower says she is best friends with Charlie Clark spokesperson at Hhi chamber .

I am trying to think of words for for many that Mayor Bennett will not think disrespectful for my speeches and equals the disrespect and abuse they showed many good people. What I will say is they should be and will be publicly disgraced by my next public speech. I will do all I can to make sure they are booted from office for what they did. I hope where they work and employed are not run by people like me. If they are and worked at my company they would be fired plain and simple. I will show them no mercy for their actions. When you abuse and disrespect others, you deserve the same back. The good news is they all have to look in the mirror and try and pretend they are proud of themselves and live with themselves.

When you leave this earth you only leave with the good and righteous you left behind. If everyone wants facts and truth, I have offered that and offered to even hire the experts to provide this. If you want happy horse manure like we witnessed the other night, status quo, happy deception, back slapping and stabbing , and rather be part of the local incestuous good ole boy club, be popular with everyone, sit on the fence, just gain your own personal interest with self serving ,self dealing actions ,or just want to get re-elected ,I am not perhaps your favorite person to talk to.

Thanks



From: CC Hoagland [mailto:skiphoagland@yahoo.com]
Sent: Thursday, December 3, 2015 11:44 AM
To: Likins Kim <KimL@hiltonheadislandsc.gov>
Cc: cclark@hiltonheadisland.org
Subject: Kim likins employment

We do not need a anyone who lies and has conflict leading our boys and girls club or serving on town council . Kim I expect two things you either resign or are terminated . I can assure you one of the two will happen . Thx

Further do not even think about running for reelection on town council , this will not be allowed as well . Your friend Charlie Clark in Cced .

Note Charlie Clark lied we have proof , as well as used as a puppet of david tigges and bill Miles . We have this info and more from inside whistle blower and will become part of our lawsuit and depositions . You both will be deposed .

1

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5942-3202

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Download for offline Sunday, November 29, 2015

My long war with the Hilton Head Island-Bluffton Chamber and Hilton Head Island Town Council is not over.

It's just beginning.

On November 17, the Hilton Head Island Town Council voted -- after hearing from an unprecedented turnout of thoughtful and well-informed protesters -- to approve a five-year contract with the Hilton Head Island-Bluffton Chamber of Commerce to serve as the Town's designated marketing organization (DMO) and promote local tourism.

The flawed, weak contract -- which clearly favors the interests of the Chamber over the public interests of transparency and accountability -- is an insult to anyone who even remotely understands the issues involved.

The four Town Council members who voted for the contract -- Bill Harkins, John McCann, Tom Lennox and Kim Likins -- in my opinion betray all the many outspoken opponents of the contract.

They also demonstrated quite clearly to me that they are beholden to Bill Miles and other Chamber power brokers who controlled the secret contract negotiation process and drafted a document that favors the Chamber in virtually every respect.

For example, the new contract does not require the Chamber to comply with the South Carolina Freedom of Information Act (FOIA). It does not require a forensic audit to determine that every penny of the $1.8 million in public funding given to the Chamber this year has been spent efficiently and within the law. And it contains a vague and complex cancellation clause that makes it almost impossible to terminate without years of legal wrangling.

Before the vote, Councilmen Lennox, Harkins and McCann -- the three members of the Town Council's Finance & Administrative Committee that I believed conspired with Bill Miles and others to abandon the public interest and let the Chamber off the hook -- assured me personally they would listen with open minds to the public objections at the November 17 meeting and act accordingly.

Those assurances to me turned out to be lies.

Despite the many criticisms of the contract from respected members of the business community and general public, they turned a deaf ear to the public and voted for the contract.

Kim Likins, *known by me to be a close friend of the Chamber public relations manager* lied when she said she had listened to all the comments. Not one Board member supported a FOIA compliance provision in the contract or an audit as two important ways to build public trust. Instead, like mindless robots they granted Bill Miles and the Chamber.

Three members of the Town Council -- Mayor David Bennett, Lee Edwards and Marc Grant -- had the courage and good sense to vote against the contract. But even they failed to demand that the Chamber comply with FOIA or submit to an audit.

Such gross failures and dereliction of duty -- *by the entire Town Council, including Mayor Bennett* -- are an insult to my intelligence and the integrity of anyone who cares about this issue.

So now it's time to fight on -- and elevate the canvas to a new level.

I am calling on Chamber members and local businesses who do care about this issue to *rise up in revolt* and make their voices heard.

After all, why would Chamber members continue to support an *organization* that changed its bylaws to strip them of their rights and the ability to vote for a real and responsible Board, as opposed to the hand-selected "buddy board" Bill Miles and others have installed?

And why would local businesses continue to support an organization that competes directly with them every day by selling advertising that depletes local media budgets while the Chamber is being rewarded with tax-free accommodations taxes? Mayor Bennett has claimed to me he cares about the interests of local media companies that are finding it increasingly hard to survive the unfair competition. But during the meeting, he never said a word about those concerns. In short, the Town Council sold out to the Chamber. Period.

And they must -- and will -- be held accountable.

The Chamber must be confronted and reformed. Now.

At the same time, there must be significant change at the Chamber.

Its basic structure must be addressed in a way that transforms it into a truly democratic and fully transparent organization that shows genuine respect for the law, the public interest, local businesses and taxpayers.

Winning that battle is now the focus of my efforts.

When that day finally comes, we the people -- and all Chamber members and local businesses -- will have won a major victory.

And I will not relent until that day comes.

I hope you will join me.

Please call me at (843) 384-7160 or e-mail me at skiphoagland@yahoo.com so we can join forces in this important battle.

Together, we can win. And we will win.

Beaufortwatchdog.org and the "Boot Club"
Help us fight corruption in Beaufort County with this non partisan organization.

Send donations to
P.O. Box 21787, Hilton Head, SC 29925 or e-mail
contactus@beaufortwatchdog.org
Your donations help pay our Executive Director and full page ads. Our most important ads will be election time on who voters should "Boot" from office. We do not support anyone. "Boot Club" hats and t-shirts available for donors over $300. Membership is free! Donations start as little as $1.00 and up
Beaufortwatchdog.org - By the People, for the People

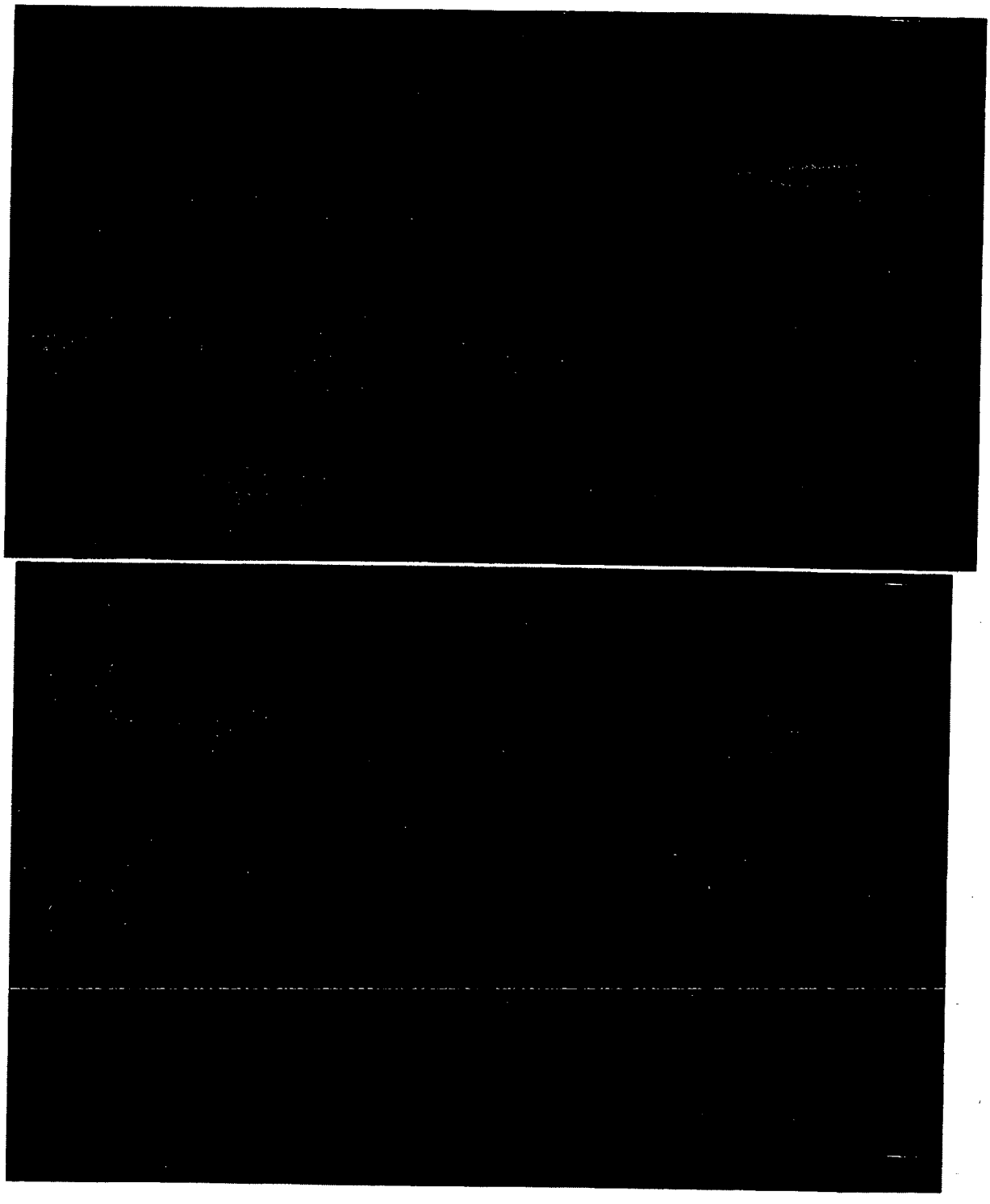
$10,000 rewards for whistle blower information paid for by Beaufortwatchdog.org leading to the arrest, conviction and imprisonment of any public official or government employee or non-profits like Chambers who use our public monies.

WORLD

GLOBAL CLIMATE CI

Leaders, activists gea





From: Skip Hoagland <skiphoagland@yahoo.com>
Date: August 26, 2015 at 12:20:46 PM EDT
To: John Buchanan <jtwg50@yahoo.com>, Lee Edwards <leeedwards@thegreenerylnc.com>, Tom Lennox <toml@hiltonheadislandsc.gov>, Grant Marc <MarcG@hiltonheadislandsc.gov>, McCann John <JohnM@hiltonheadislandsc.gov>, Likins Kim <KimL@hiltonheadislandsc.gov>, David Bennett <davidb@hiltonheadislandsc.gov>, Harkins Bill <WilliamH@hiltonheadislandsc.gov>
Cc: "<dan@media360.com>" <dan@media360.com>, tony santagati <tiffany@sandspublishingcompany.com>, "<mud@atasteofhiltonhead.com>" <mud@atasteofhiltonhead.com>, Marc Frey <mfrey@freymedia.com>, Gerard Mahieu <gerardmahieu@aol.com>, Eric Esquivel <eric@laislamagazine.com>, tom gardo <tomgardo@yahoo.com>, Brian Tolley <btolley@islandpacket.com>, sarah borton <sborton@islandpacket.com>, nancy watt <wtghhi@aol.com>, mike mcdonnell <mike@geoplatforms.com>, stan smith <stansmith6@compuserve.com>
Subject: Re: Appearance by Citizens at Town Council Meetings

I will speak at all meetings listed below !!! I will direct my speeches to mainly Kim likins of the Boys and girls club and Bill Harkins who refuse to accept facts our chamber must be audited . They refuse to talk or take calls on this and openly support the crook Bill miles who has abused this island long enough . I realize I am the only one who is not scared to speak up on facts and happy that am am able to do so in behave of what's right and our entire community . To date not one person has been able to debate me on facts . Kim likins should be ashamed of herself as should others that refuse to do a Palm beach style audit on this chamber to see once and for all if the audit will have same result as Palm beach where the Bill miles and Susan thomas type went to prison for 15 yrs for embezzlement ! Who is right and who do you trust more Bill miles or Skip Hoagland ? An independent forensic audit will prove all . Those who do not support an audit going back to prove violations ,are as guilty as those who have committed any crimes by trying to allow and endorse escape from justice . Thx

Local app 340k attempted robbery town gives 100k this is and was a misappropriation and misuse of funds that also hurts local media and has nothing to do with a Cvb /dmo function . Just the tip of the iceberg on abuse , crimes , violations , unfair competition to local tax paying companies , and abuse to local tax payers and chamber members !

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5942-3202

On Aug 26, 2015, at 11:30 AM, Buchman Lynn <lynnb@hiltonheadislandsc.gov> wrote:

Mr. Hoagland, this is to confirm that you have requested to speak before Town Council under the agenda item "Appearance by Citizens" on the following dates:

Tuesday, September 15, 2015
Tuesday, October 6, 2015
Tuesday, October 20, 2015
Tuesday, November 3, 2015
Tuesday, November 17, 2015
Tuesday, December 1, 2015
Tuesday, December 15, 2015

All of the above meetings are scheduled at 4:00 PM. You have provided me with a contact number of 843-384-7260, and you have indicated you have multiple topics to be addressed. If you are unable to attend one of the above meetings, please let us know by 12:00 Noon on the date of the meeting.

Please keep in mind that in accordance with Town Code your remarks are limited to three (3) minutes, and limited to topics not on the agenda for that meeting. Of course, you will be allowed to speak during the public comments for any topic which appears as an agenda item.

Thank you!

Lynn W. Buchman
Sr. Administrative Assistant - Executive Department
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
Phone 843-341-4700 Fax 843-842-7728
E-Mail: lynnb@hiltonheadislandsc.gov
www.hiltonheadislandsc.gov

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STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS

Kim Likins)
Plaintiff(s))

CIVIL ACTION COVERSHEET

vs.

2015-CP - 07- 2937

C.C. "Skip" Hoagland)
Defendant(s))

Submitted By: Gregory M. Alford, Esq. SC Bar #: 6932
Address: P.O. Box 8008 Telephone #: (843) 842-5500
Hilton Head Island, SC 29938 Fax #: (843) 842-8400
Other:
E-mail: gregg@alfordlawsc.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

JERRI ANN ROSENEAU
BEAUFORT COUNTY
CLERK OF COURT
2015 DEC 10 PM 4:24

DOCKETING INFORMATION (*Check all that apply*)

**If Action is Judgment/Settlement do not complete*

☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (*Check One Box Below*)

Contracts
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Other (199)

Torts - Professional Malpractice
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)

Previous Notice of Intent Case # 20____-CP-____-_____
- ☐ Notice/ File Med Mal (230)
- ☐ Other (299)

Torts – Personal Injury
- ☒ Assault/Slander/Libel (300)
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Other (399)

Real Property
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

Inmate Petitions
- ☐ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

Administrative Law/Relief
- ☐ Reinstate Drv. License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture-Petition (840)
- ☐ Forfeiture—Consent Order (850)
- ☐ Other (899)

Judgments/Settlements
- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Payment Rights Application (760)
- ☐ Confession of Judgment (770)
- ☐ Petition for Workers Compensation Settlement Approval (780)
- ☐ Other (799)

Appeals
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Comm. (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999)

Special/Complex /Other
- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out-of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
- ☐ Sexual Predator (510)

Submitting Party Signature: _____ **Date: December 10, 2015**

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Clarendon, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lee, Lexington, Pickens (Family Court Only), Richland, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.

2. The initial ADR conference must be held within 300 days after the filing of the action.

3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)

4. Cases are exempt from ADR only upon the following grounds:

    a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;

    b. Requests for temporary relief;

    c. Appeals

    d. Post Conviction relief matters;

    e. Contempt of Court proceedings;

    f. Forfeiture proceedings brought by governmental entities;

    g. Mortgage foreclosures; and

    h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.

5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.

6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: **You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CASE NUMBER: 2015-CP-07-02937
	)	
KIM LIKINS	)	
	)	
v. Plaintiff,	)	**ANSWER**
	)	**(Jury Trial Demanded)**
	)	
C.C. "SKIP" HOAGLAND	)	
	)	
Defendant.	)	
	)	

THE DEFENDANT, C.C."Skip" Hoagland, by and through his undersigned attorney, expressly reserving his respective rights to be heard on timely Motions, to be filed under either Rules 12 or 56 of the South Carolina Rules of Civil Procedure, answers the Complaint in this action as follows:

1. In response to paragraph 1 of the Complaint, the Defendant admits the Plaintiff is a citizen and resident of the Town of Hilton Head Island.

2. In response to paragraph 2 of the Complaint, upon information and belief, the Defendant resides part time on Hilton Head Island, but is a citizen of the sovereign State of Florida.

3. In response to paragraph 3 of the Complaint, the Defendant admits that the Plaintiff is the executive director of the Boys and Girls Club of Hilton Head Island, and that it is a non-profit organization. All remaining allegations of paragraph 3 are denied.

4. In response to paragraph 4 of the Complaint, the Defendant admits that the Plaintiff does serve as a member of the Town Council of Hilton Head Island. All remaining allegations of paragraph 4 are denied.

5. In response to paragraph 5 of the Complaint, the Defendant denies the allegations and demands strict proof thereof.

6. In response to paragraph 6 of the Complaint, the Defendant denies the allegations as written.

7. In response to paragraph 7 of the Complaint, the Defendant admits that he did publish a full page ad in the newspaper regarding the Plaintiff. All remaining allegations of paragraph 7 are denied.

8. In response to paragraph 8 of the Complaint, the Defendant admits to contacting the Chairman of the Board of the Boys and Girls Club of the Lowcountry, Chairman of the

Board of the Boys and Girls Club of Hilton Head Island, and the Executive Director of the Boys and Girls Club of the Lowcountry. All remaining allegations of paragraph 8 are denied.

9. In response to paragraph 9 of the Complaint, the Defendant denies the allegations contained therein and demands strict proof thereof.

10. In response to paragraph 10 of the Complaint, the Defendant would reiterate and re-allege each and every paragraph and affirmative defenses as if set forth herein verbatim.

11. In response to paragraph 11 of the Complaint, the Defendant denies the allegations contained therein and demands strict proof thereof.

12. In response to paragraph 12 of the Complaint, the Defendant denies the allegations contained therein and demands strict proof thereof.

13. In response to paragraph 13 of the Complaint, the Defendant would reiterate and re-allege each and every paragraph and affirmative defenses as if set forth herein verbatim.

14. In response to paragraph 14 of the Complaint, the Defendant admits to sending emails. All remaining allegations in paragraph 14 are denied.

15. In response to paragraph 15 of the Complaint, the Defendant admits speaking at the Council meeting on December 2, 2015. All remaining allegations in paragraph 15 are denied.

16. In response to paragraph 16 of the Complaint, the Defendant denies the allegations contained and demands strict proof thereof.

17. In response to paragraph 17 of the Complaint, the Defendant denies the allegations contained therein and demands strict proof thereof.

18. In response to paragraph 18 of the Complaint, the Defendant denies the allegations as written.

19. In response to paragraph 19 of the Complaint, the Defendant denies the allegations contained therein and demands strict proof thereof.

20. In response to paragraph 20 of the Complaint, the Defendant would reiterate and re-allege each and every paragraph and affirmative defenses as if set forth herein verbatim.

21. In response to paragraph 21 of the Complaint, the Defendant denies the allegations as written.

22. In response to paragraph 22 of the Complaint, the Defendant denies the allegations contained therein and demands strict proof thereof.

23. In response to paragraph 23 of the Complaint, the Defendant denies the allegations contained therein and demands strict proof thereof.

24. In response to paragraph 24 of the Complaint, the Defendant denies the allegations contained and demands strict proof thereof.

25. In response to paragraph 25 of the Complaint, the Defendant denies the allegations contained therein and demands strict proof thereof.

26. In response to paragraph 26 of the Complaint, the Defendant denies the allegations as written.

27. In response to paragraph 27 of the Complaint, the Defendant denies the allegations and demands strict proof thereof.

28. In response to paragraph 28 of the Complaint, the Defendant would reiterate and re-allege each and every paragraph and affirmative defenses as if set forth herein verbatim.

29. In response to paragraph 29 of the Complaint, the Defendant denies the allegations contained therein and demands strict proof thereof.

30. In response to paragraph 30 of the Complaint, the Defendant denies the allegations contained therein and demands strict proof thereof.

31. In response to paragraph 31 of the Complaint, the Defendant denies the allegations contained therein and demands strict proof thereof.

32. In response to paragraph 32 of the Complaint, the Defendant would reiterate and re-allege each and every paragraph and affirmative defenses as if set forth herein verbatim.

33. In response to paragraph 33 of the Complaint, the Defendant denies the allegations contained and demands strict proof thereof.

34. In response to paragraph 34 of the Complaint, the Defendant admits that he did publish a full page ad in the newspaper regarding the Plaintiff. All remaining allegations of paragraph 34 are denied.

35. In response to paragraph 35 of the Complaint, the Defendant denies the allegations contained therein and demands strict proof thereof.

FOR A FIRST DEFENSE
(GENERAL DENIAL)

36. The Defendant denies each and every allegation of the Plaintiff's Complaint not specifically admitted, qualified or explained elsewhere in this Answer.

FOR A SECOND DEFENSE
(FAILURE TO STATE A CLAIM)

37. The Plaintiff's Complaint fails to state facts sufficient to constitute a cause of action.

FOR A THIRD DEFENSE
(SUBSTANTIAL TRUTH)

38. The statements made by the Defendant of which the Plaintiff complains either contained the truth or were substantially true.

FOR A FOURTH DEFENSE
(OPINION)

39. To the extent that statements made by the Defendant of which the Plaintiff complains were statements of opinion, these statements are not actionable as no opinion can be false.

FOR A FIFTH DEFENSE
(FAIR COMMENT)

40. The statements made by the Defendant of which the Plaintiff complains constitute fair comment upon a matter of public importance and the Defendant is entitled to common law privilege and immunity.

FOR A SIXTH DEFENSE
(FAILURE OF CLAIM TO AVER STATEMENT
WHICH CAN BE PROVEN FALSE)

41. The statements made by the Defendant of which the Plaintiff complains can not be proven false.

FOR A SEVENTH DEFENSE
(FREE SPEECH UNDER THE US AND SC CONSTITUTIONS)

42. To the extent the Plaintiff complains of statements made by the Defendant, these statements are entitled to constitutional protection.

43. The Plaintiff is an elected public official employed by the Town of Hilton Head.

44. The Plaintiff is also a public figure by virtue of her involvement in civic activities as averred in her Complaint.

45. The statements made by the Defendant of which the Plaintiff complains concerned matters of public concern.

FOR AN EIGHTH DEFENSE
(RIGHT TO PETITION FOR REDRESS OF GRIEVANCES
UNDER THE US AND SC CONSTITUTIONS)

46. To the extent the Plaintiff complains of the Defendant's efforts to criticize the official statements and actions of the Plaintiff, these actions of the Defendant are entitled to constitutional protection and immunity from suit.

FOR A NINTH DEFENSE
(GOOD FAITH)

47. The actions of the Defendant of which the Plaintiff complains were done in a good faith effort to improve the provision of services by the Town of Hilton Head and related entities and agencies.

FOR AN TENTH DEFENSE
(CONTRIBUTORY NEGLIGENCE)

48. To the extent the Plaintiff suffered injury, she contributed to her own injury such that the Defendant is not subject to liability.

PRAYER FOR RELIEF

WHEREFORE, having fully answered the Complaint of the Plaintiff, the Defendant prays that the requested injunctive relief be denied, the Complaint be dismissed with prejudice, for the costs of this action including reasonable attorney fees, and for such other and further relief as this Court deems proper.

Respectfully submitted by,

March 3, 2016
Beaufort, SC

James A. Brown, Jr.
Attorney for the Defendant
SC Bar # 12213
SC District Court # 7646

Law Offices of Jim Brown, PA
1600 Burnside Street, Suite 100
PO Box 592
Beaufort, SC 29901
(843) 470-0003

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon all counsel of record in this proceeding this 3rd day of March, 2016.

Law Offices of Jim Brown, P.A.

1600 Burnside St., Suite 100 • P.O. Box 592
Beaufort, SC 29901-0592
Phone: (843) 470-0003 Fax: (843) 470-0004
jimbrownlaw@hargray.com
www.attorneyjimbrown.com

March 3, 2016

VIA HAND DELIVERY
Clerk
Beaufort County Clerk of Court
PO Box 1128
Beaufort, SC 29901

Re: Kim Likins v. C.C. "Skip" Hoagland; 2015-CP-07-02937

Clerk:

Under cover of this letter please find enclosed a Motion Cover Sheet, and Defendant's Answers to Verified Complaint for filing in your office. Thank you for your attention to this matter. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Jessica Roper

Jessica Roper
Paralegal to Jim Brown

cc: Gregory M. Alford, Esquire, w/ enclosures
G. Trenholm Walker, Esquire, w/ enclosures
John P. Linton, Esquire, w/ enclosures

ELECTRONICALLY FILED - 2020 Aug 13 12:01 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CASE NUMBER: 2015-CP-07-2937
	)	
KIM LIKINS,	)	
	)	**MOTION TO RECONSIDER, ALTER, OR AMEND ORDER DENYING PERMANENT INJUNCTION DATED AUGUST 4, 2020, AND ALTERNATIVELY, MOTION FOR RELIEF FROM STIPULATION**
Plaintiff,	)	
v.	)	
	)	
C. C. "SKIP" HOAGLAND,	)	
	)	
Defendant.	)	
	)	**(HEARING REQUESTED)**

Now Comes Plaintiff Kim Likins ("Plaintiff" or "Likins") pursuant to Rules 52, 59, and 60 for an order amending the Order dated August 4, 2020, denying Plaintiff's claim for a permanent injunction.[1]

Plaintiff initiated this action against Hoagland on December 10, 2015. In the Complaint Likins sought among other things, a permanent injunction. The injunction Plaintiff seeks would preclude Hoagland from harassing Plaintiff by contacting her or contacting her employer, her employer's board of directors, and its leadership, and seeking to have her employment terminated. The Court proceeded with a bench trial on Plaintiff's request for permanent injunction. On August 4, 2020, the Court issued an Order denying the request for a permanent injunction. For the reasons explained below, the Court should grant this Motion and issue an amended order issuing a permanent injunction protecting Likins from Hoagland's harassing conduct.[2]

[1] As explained below, to the extent the Court decided to deny the Motion to Reconsider, Likins also moves for an order relieving her of the Stipulation that was never intended by either party to be interpreted (or even argued by either party) to apply to future conduct of Hoagland when Likins is not a Public Official.

[2] This Motion does not seek reconsideration of the portion of the Order concerning Hoagland's contempt of this Court's prior order.

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I. The Court failed to make any finding as to numerous important facts, all of which were proved by clear and convincing evidence and many of which were completely uncontested at trial.

The following facts were proved by clear and convincing evidence at trial, many were uncontested by Defendant. The following facts are important and prove Likins should have been issued an injunction to protect her from Hoagland's harassment. The Court should reconsider its Order and adopt the following facts pursuant to Rule 52, SCRCP:

1. Kim Likins was hired in 2008 by the Boys and Girls Club of Hilton Head as its Executive Director. Her duties include managing the on-site operations which includes significant interaction with children. The testimony of the witnesses was uncontroverted as to her qualifications and her long record of excellent performance. Testimony also showed that the Plaintiff is unequivocally fit and safe to be around children and is caring, nurturing, and dedicated to the wellbeing of the children of the Boys and Girls Club.
2. Plaintiff served on Town Council for the Town of Hilton Head ("Town") until the end of her term in 2018, but no longer holds any elected office.
3. Hoagland is a resident of Naples, Florida. He does not live in the Town.
4. In 2015, after Likins declined to meet with Hoagland in person but requested he submit any information on the Chamber of Commerce ("Chamber") contract in writing, Hoagland began threating Plaintiff to try to coerce her to vote the way he wanted and reject the proposed contract between the Town and the Chamber. These threats included a threat that he would have her fired from her position at the Boys & Girls Club.
5. At the November 17, 2015 Town Council meeting, Likins voted in favor of the proposed contract between the Town and the Chamber. Hoagland then ran ads in the local newspaper, the Island Packet, stating that she is not fit to be around children, sent e-mails,

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many of which were admitted into evidence as exhibits, claiming that Likins was a liar and not fit for her job because her job responsibilities included being around children.

6. Hoagland admitted that he does not know Likins' job responsibilities at the Boys & Girls Club, that he has no idea of her abilities to carry out her responsibilities as an employee. Hoagland testified via his deposition that was admitted into evidence that he assumes she does a good job and was a good employee.

7. Mike Briggs, the President of the Board of the Boys & Girls Club of Hilton Head at the time Hoagland made the threats and statements, received a telephone call on December 2, 2015, from an individual who identified himself as "Skip Hoagland". Mr. Hoagland indicated that he was calling Briggs to demand that Likins be fired from her position because she was a liar and was unfit to be around children.

8. Marv Lich, the then President of the Board of the Boys & Girls Club of the Low Country, also received a call from Mr. Hoagland. Hoagland said to Lich that "she [Likins] is very, very dangerous" and "[y]ou guys need to fire her right now." Hoagland "had a very strong tone about him. He wanted her fired because he was talking about how much of a liar she was and how unfit and how dangerous it was for our kids."

9. Because the allegations by Hoagland to these Board members were so serious, the Boys & Girls Club shifted to crisis communication mode and sought advice from the national legal counsel for the Boy & Girls Club. The Club investigated the allegations he made and determined them to not be credible.

10. As Plaintiff testified, Hoagland was relentless in his efforts to have her terminated as an employee of the Boy & Girls Club. Hoagland testified via his deposition that he went after Likins so intensely, precisely because she had a job from which he could get her terminated.

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11. Plaintiff testified to Hoagland's numerous and sometimes disruptive appearances at Town Council meetings. Hoagland was so unruly, that Town Council voted on whether Hoagland should be allowed to speak, since he was neither a resident nor a citizen of the Town. Plaintiff, and a majority of the Town Council members, voted in favor of continuing to allow Hoagland to speak even though he was disruptive.

12. Throughout her testimony, Plaintiff made it clear that she was not asking this Court to restrain Hoagland's right to free speech. She testified that in filing the lawsuit she is seeking a Court order to require Hoagland to stop harassing her at work. She further testified that she is not trying to stop him from sending e-mails but simply trying to prevent him from harassing her at her job.

13. Likins also testified that Hoagland would not stop his harassment of her simply because Hoagland's efforts to get her fired had been unsuccessful thus far:

> I knew that just because they were going to reject his request to fire me that that was not going to stop Mr. Hoagland. I mean, nothing had stopped Mr. Hoagland at this point. He doesn't really take no for an answer from anyone.
>
> * * *
>
> I knew that Mr. Hoagland wasn't going to stop, every day was just a day of just constantly being anxious and on edge of what he was going to do next. I mean, I guess panic stricken is probably the best way that I could describe it.

Tr. 69:11-15; 21-25.

14. Plaintiff testified about her passion for her work at the Boys & Girls Club, her family's need for the income generated by her work at the Boys & Girls Club, and her fear that the Defendant would not stop harassing and intimidating her by contacting her superiors and asserting she was unfit to be around children and should be terminated.

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15. Hoagland is retired from a successful career in internet domain names. His wife and sister are now the owners of the domain names Hoagland had accumulated during his career.

16. Hoagland testified that he conveyed all of his business interests to his wife and sister and that he has no income. When he needs money, his wife takes care of it for him. Hoagland does not file any tax returns. He does not own any assets.

17. Hoagland, by his own testimony, is a relentless proponent of his positions regarding the Chamber and the Town. Hoagland claims he will continue his efforts, even after the lawsuit has concluded.

II. The Court misinterpreted the Stipulation, which specified the statements governed by the stipulation.

In addition to failing to find Likins is no longer a member of Town Council, which was wholly uncontested at trial, the Court erroneously found Likins stipulated that *future conduct* by Hoagland towards her would be governed by the standard in New York Times v. Sullivan for public officials. The Stipulation must be interpreted as a whole. A 97-page exhibit was included as part of the Stipulation to ensure there was no dispute as to the scope of the stipulation. **At trial there was no dispute that the Stipulation did not cover future conduct by Hoagland.** Defendant did not argue that the Stipulation governed the future conduct by Hoagland that is the subject of the request for injunction. In fact, counsel for Defendant *conceded* at trial that Likins was no longer a public official, instead he argued that she is a limited public figure because she is the executive director of the Boy & Girls Club:

> THE COURT: What is your position with regard to whether or not she's a public official or officer or person now so to speak as opposed to being a private individual for those standards that you've just referred to?
>
> ***MR. BREWER: She's no longer a public official,*** Your Honor, and I do think the Court -- I think what the Court was suggesting is that previously because she was a public official, the umbrella of the First Amendment covers there includes her

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> job. I think on the record we would simply say that she is -- the testimony will show from the witnesses I think that will be brought up today, she's still a public figure on behalf of the Boys and Girls Club.

15:22-16:5 (double emphasis added).[3] Additionally, Hoagland himself repeatedly refers to Likins as a private individual and claims she is not fit for her private sector job.

The Stipulation on its face does not cover the future conduct at issue. Defendant did not argue the Stipulation applied to future conduct. Neither party even mentioned the stipulation at trial and no party sought to enter it into evidence. In spite of the fact that all parties agreed the Stipulation did not cover the future conduct at issue and no party argued the Stipulation, which was a stipulation resolving the motion for summary judgement, and not a trial or evidentiary stipulation, was relevant to future conduct, the Court *sua sponte* found it applied. Therefore, to the extent the Court decides not to grant her Motion to Reconsider, Alter, or Amend, Likins hereby moves for an order reliving her from the Stipulation as it has been interpreted to apply to future conduct by Hoagland. She is no longer a member of Town Council; the parties *agree* she is not a public figure. Therefore, Likins should be relieved form the Stipulation because the agreed upon facts are contrary to the Court's interpretation of the Stipulation, and the parties never intended it to be interpreted in a way inconsistent with the undisputed facts.

Therefore, for all these reasons the Court should grant Likins' motion(s) and enter an amended order finding she is not a public official.

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[3] The Court also stated during its ruling that Likins is not a public figure:

> But clearly now, this lady although she may be the figure head of the Boys and Girls Club, I don't think she -- she's certainly not a public figure. She may be potentially a public official. I think she would be more of a limited public official if she casts herself into an argument involving the Boys and Girls Club that is a public import, et cetera, et cetera.

215:12-18

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III. The Court failed to rule on the issue of whether Hoagland's harassment of Likins would constitute actual malice.

As explained above, the Court erroneously ruled that the New York Times v. Sullivan standard governs all of Hoagland's future conduct towards Likins. For numerus reasons explained herein, that standard does not apply. However, if it did apply, the Court's Order improperly denied the request for an injunction without making a finding as to whether Hoagland's conduct harassing Likins by trying to get her fired by erroneously claiming she is a danger to be around children and unfit to be around children when he has specifically testified he believes her to be a good person would constitute actual malice.

Proof that statements were published with a reckless disregard for the truth is sufficient to prove actual malice. See e.g., Hustler Magazine, Inc. v. Falwell, 485 U.S. 46, 56, 108 S.Ct. 876, 882 (1988). "Actual malice is a subjective standard testing publisher's good faith belief in truth of his or her statements". Peeler v. Spartan Radiocasting, Inc., 324 S.C. 261, 478 S.E.2d 282 (1996) (emphasis added). Actual malice, and whether Hoagland has a good faith basis to assert Likins should be fired, is a factual issue the Court must determine and rule upon:

> The defendant in a defamation action brought by a public official cannot, however, automatically insure a favorable verdict by testifying that he published with a belief that the statements were true. ***The finder of fact must determine whether the publication was indeed made in good faith.*** Professions of good faith will be unlikely to prove persuasive, for example, where a story is fabricated by the defendant, is the ***product of his imagination***, or is ***based wholly on an unverified anonymous telephone call. Nor will they be likely to prevail when the publisher's allegations are so inherently improbable that only a reckless man would have put them in circulation.*** Likewise, recklessness may be found where ***there are obvious reasons to doubt the veracity of the informant or the accuracy of his reports***.

St. Amant v. Thompson, 390 U.S. 727, 732, 88 S. Ct. 1323, 1326 (1968) (double emphasis added). Here, although the Court ruled that the actual malice standard governed, the Court failed to make any ruling as to whether the standard had been met by the evidence presented at trial. As discussed

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above, the Court also failed to include in its order numerous facts that were uncontested and proved by clear and convincing evidence that the standard was satisfied.

The proof offered at trial was that the sought to be enjoined conduct by Hoagland meets the actual malice standard. Any claim Likins is unfit for her job or unfit/dangerous to be around children could not be made with good faith. Hoagland's own deposition testimony, admitted at trial, shows he has no good faith belief of those statements. Hoagland specifically admitted that he did not know Likins' job responsibilities and that he believed her to be a good person and a good employee at the Boys & Girls Club. There was absolutely no evidence at trial offered to prove that she is anything other than an exemplary employee who is completely fit to be around children. Additionally, Mike Briggs and Likins both testified as to her work at the Boys & Girls Club. There was simply no evidence suggesting she was unfit to be around children or that such a statement by Hoagland would have any good faith basis. Therefore, any statement by Hoagland that Likins should be fired, contrary to what he knows to be the truth, would constitute actual malice and the proof at trial on this point was undisputed.

IV. Likins is not a public figure unless she interjects herself into a public controversy.

As explained above, there is no basis to find Likins is a public official when both sides agree she is not. Defendant argued at trial that she was a limited public figure. The Court cited caselaw in its Order concerning the standard for a limited public figure, but makes no ruling as to whether Likins is a limited public figure or not. As stated by the Court in its Order, the Fourth Circuit Court of Appeals has established five factors to be considered in determining whether a person is a limited-purpose public-figure: (1) whether the plaintiff had access to channels of effective communication; (2) whether the plaintiff voluntarily assumed a role of special prominence in a public controversy; (3) whether the plaintiff sought to influence the resolution or

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outcome of the controversy; (4) whether the controversy existed prior to the publication of the statement; and (5) whether the plaintiff retained public figure status at the time of the alleged defamation. Fitzgerald v. Penthouse Int'l, Ltd., 691 F.2d 666, 668 (4th Cir. 1982).[4]

There was no evidence at trial of elements 2-4. In fact, the Court specifically noted Likins could only be considered a limited public figure if she later had injected herself into any public controversy:

> I think she would be more of a limited public official ***if she casts herself into an argument*** involving the Boys and Girls Club that is a public import, et cetera, et cetera. So my point being is that I think that I'm going to grant the permanent restraining order.

Tr. 215:15-20 (double emphasis added). Additionally, it is worth noting that the fifth element specifically contemplates the plaintiff's status at the time of the statement is significant and dispositive. There is no evidence at trial Plaintiff is a limited public official or limited public figure. Therefore, Plaintiff asks the Court to amend its order and find Likins is not a limited public figure/official because there was no evidence at trial proving such status based on the test above.

V. The first amendment does not preclude an injunction preventing repeated harassment and interference with Likins' private job.

The Court cited several out-of-state cases where courts found that injunctions precluding speech should be denied on first amendment grounds. These cases are distinguishable from the circumstances here because Likins is seeking an injunction to preclude harassment and interference with her job. Likins has not sought an order curtailing Hoagland's right to free speech. In fact, as noted above, while on Town Council she voted in favor of his right to speak at council meeting, despite his disruptive actions and knowingly false claims. Instead she seeks an order

[4] It is worth noting that even if Likins were to cast herself into the forefront of a public issue so as to become a limited public figure, that status would apply only to the specific issue. **Id.**

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precluding his continued harassment and efforts to get her fired. **The right of free speech does not confer on Hoagland the right to maliciously and relentlessly harass her.** The Court's Order, as entered, purports to confer upon Hoagland the right to continue to harass her and seek to get her fired. There is ample case law supporting an injunction precluding the type of harassment at issue here. See generally, Thorne v. Bailey, 846 F.2d 241, 243 (4th Cir. 1988) ("[P]rohibiting harassment is not prohibiting speech, because harassment is not a protected speech. Harassment is not communication, although it may take the form of speech.") (citation omitted)); Davidson v. Seneca Crossing Section II Homeowner's Ass'n, Inc., 979 A.2d 260, 282, 187 Md. App. 601, 638 (Md. App. 2009) (affirming an injunction precluding, among other things, continued harassment, finding that an injunction precluding harassment does not implicate first amendment concerns); Whitaker v. Warden, 2017 WL 2547241, at *2 (Ariz.App. Div. 2, 2017) ("Although an injunction against harassment can impermissibly infringe on a defendant's free speech rights, the protection of citizens from harassment is a legitimate and laudable goal that is not incompatible with the protection and exercise of free speech." (internal quotation, alterations and citation omitted); Cantwell v. State of Connecticut, 60 S.Ct. 900, 906, 310 U.S. 296, 309–10 (1940) ("Resort to epithets or personal abuse is not in any proper sense communication of information or opinion safeguarded by the Constitution, and its punishment as a criminal act would raise no question under that instrument."); Metro Enterprises, Inc. v. United Farm Workers Union, AFL-CIO, 324 N.E.2d 805, 808, 41 Ohio Misc. 171, 174 (Ohio Com.Pl. 1974) (holding that boycotting and picketing of store not involved in labor dispute conducted in such a way as to harass, intimidate, coerce and embarrass customers and employees of such business, and diminish its general business may be enjoined and that order enjoining such illegal act does not impair constitutional right of free speech.). Likins' right to be free from harassment should not be disregarded and Hoagland cannot

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use the first Amendment as a weapon to interfere with her right to be free of harassment. See generally, New York State Nat'l Org. for Women v. Terry, 886 F.2d 1339, 1343 (2d Cir. 1989) ("There is no constitutional privilege to . . . harass an individual . . ."); Welsh v. Johnson, 508 N.W.2d 212, 215 (Minn. App. 1993). Additionally, it is worth noting that to the extent there is any speech at issue, it is not core political speech—it is efforts by Hoagland to get Likins fired by knowing, falsely claiming she is unfit or dangerous to be around children.

Furthermore, Likins is entitled to protection from unjustified interference with her job. Courts have found injunctive relief appropriate in these circumstances. See generally, American Malting Co. v. Keitel, 209 F. 351, 361 (2d Cir. 1913) (affirming the district court's grant of injunctive relief to plaintiff malt company and against defendant individual because an equitable remedy was appropriate to prevent defendant's malicious interference with plaintiff's contracts and defendant was not harmed by the injunction. The court modified the injunction so that the injunction only restrained defendant from referring to plaintiff in the circulars it published.); Trojan Elec. & Mach. Co. v Heusinger, 162 A.D.2d 859, 860, 557 N.Y.S.2d 756, (N.Y.A.D. 3 Dept., June 21, 1990); May Furnace Co. v. Conaway, 352 S.W.2d 40 (Mo. App. 1961) (affirming injunction precluding discharged employee's contacts with the customers of the employer in order to tell them that his former employer had done the work improperly and had overcharged them); Carter v. Knapp Motor Co., 11 So.2d 383, 385, 243 Ala. 600, 604 (Ala. 1943) (concluding that there is an exception to the rule against injunction of speech where the party was engaged in wrongful conduct, irreparably harmful to complainant's business).

Here, the requested injunction is very narrowly tailored, seeking only to preclude Hoagland's harassment of Likins and efforts to get her fired, and Hoagland's free speech rights would not be implicated or curtailed *at all*. As explained below, the requested injunction also

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meets the standard for an injunction. Therefore, the Court should enter an amended order finding that the requested injunction precluding harassment and baseless attempts to get Likins fired does not violate the First Amendment right to freedom of speech.

VI. The proof at trial showed Likins is entitled to an injunction protecting her from Hoagland harassing and trying to get her fired from the Boys & Girls Club.

An injunction "is a prohibitive writ that forbids a party from taking some action." 12 S.C. Jur. Equity § 19 (citing Black's Law Dictionary (5th ed.) p 705-06). The issuance of an injunction, which rests within the sound discretion of a trial court, depends upon the equities between the parties, and if a great injury would be done to the defendant with little benefit to the plaintiff, the trial court should refuse equitable relief. See Gibbs v. Kimbrell, 311 S.C. 261, 428 S.E.2d 725 (Ct. App. 1993); Shaw v. Coleman, 645 S.E.2d 252, 260, 373 S.C. 485, 500 (Ct. App. 2007) ("Balancing the benefits of an injunction to the Shaws and the Snowdens against the inconvenience and damage to Coleman, we hold the trial court correctly granted the injunction."). "The function of an injunction is not to afford a remedy for what is past, but to prevent future mischief." Augusta Power Co. v. Savannah River Electric Co., 163 S.E. 822, 825 (1930) (citing 32 Corpus Juris, 45); see also, Shaw, at 260, 254, 373 S.C. at 500; 42 Am. Jur. 2d Injunctions §2 ("Whether interlocutory or final, injunctive relief is ordinarily preventive or protective in character and restrains actions that have not yet been taken.").

The power of the court to grant an injunction is in equity. Strategic Resources Co. v. BCS Life Ins. Co., 627 S.E.2d 687, 689, 367 S.C. 540, 544 (2006) (citing Doe v. South Carolina Med. Malpractice Liability Joint Underwriting Ass'n, 347 S.C. 642, 557 S.E.2d 670 (2001). "The court will reserve its equitable powers for situations when there is no adequate remedy at law." Id. (citing Santee Cooper Resort, Inc. v. South Carolina Pub. Serv. Comm'n, 298 S.C. 179, 379 S.E.2d 119 (1989)).

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When a court sits in equity an "adequate remedy at law" is "***one which is as certain, practical, complete, and efficient to attain the ends of justice and its administration as the remedy in equity***." ZAN, LLC v. Ripley Cove, LLC, 406 S.C. 404, 751 S.E.2d 664 (Ct. App. 2013) (citations omitted) (double emphasis added). In "deciding whether to grant an injunction, the court must balance the benefit of an injunction to the plaintiff against the inconvenience and damage to the defendant, and grant an injunction which seems most consistent with justice and equity under the circumstances of the case." Strategic Resources, at 689, 367 S.C. at 544 (citation omitted).

Likins seeks to enjoin Hoagland's harassing behavior, which cannot be accomplished by an award of damages because she seeks to have this Court preclude Hoagland from harassing her and contacting her employer seeking to have her fired for no legitimate reason. See generally, Shaw v. Coleman, 373 S.C. 485, 499, 645 S.E.2d 252, 259, (Ct.App.,2007) ("The Shaws and the Snowdens, however, are seeking an injunction to prevent Coleman's dangerous behavior, which cannot be adequately accomplished by an award of damages."); Id., at 500, 645 S.E.2d, 260 (affirming the trial court's decision to grant a permanent injunction preventing the defendant from discharging firearms on his property or immediate surroundings, firing air rifles or pellet guns toward the plaintiffs' property or person, and *screaming obscenities or otherwise provoking the* plaintiffs). An equitable remedy is necessary to prevent Hoagland's harassment and malicious interference with Likins' employment. Hoagland would not be harmed by the requested injunction, because the injunction requested would not impair his right to free speech—he could speak in any public forum, continue to e-mail large groups of people with his thoughts, criticism, and allegations, or continue to purchase newspaper ads. The requested injunction would only preclude Hoagland's harassing her and preclude his peppering her employer with demands that

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she be fired when he has stated he basis for his claims as to her fitness to be around children or for her job.

The evidence at trial showed Hoagland's harassment has been substantial and relentless and that he intends to continue such conduct once the lawsuit is over and the temporary injunction precluding such harassment that has been in place is lifted. As stated above, an adequate remedy at law must be certain, practical, complete, and efficient to attain the ends of justice. Here, the ability to file a lawsuit each time harassment occurs is not an adequate remedy at law. The Court, after noting that a lawsuit for damages can be an adequate remedy at law, noted this during the trial that if the harassment was continuous that successive lawsuits would not be an adequate remedy at law. See Tr. 205:5-12 ("But at the same time, it kind of falls along the lines of nuisance cases when it keeps happening, happening, and happening, and happening. There is no adequate remedy of law because of the excessiveness and the vexatiousness of the conduct in that you're being required to bring a slander defamation invasion of privacy type suit just after some point just doesn't work."). Therefore, because there is a history of a continuing course of unjustified and wrongful attacks which is expected (and threatened) to continue, Likins will suffer irreparable harm if Hoagland is not enjoined. Furthermore, the evidence at trial was undisputed that Hoagland has divested himself of all assets and rendered himself judgment proof, which is an additional basis upon which to find there is no adequate remedy at law against him and the Court should enter an amended order as described above enjoining Defendant from harassing Plaintiff, attempting to get her fired for no justifiable reason, or contacting her employer and its board in an effort to interfere with her employment with no justifiable basis.

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CONCLUSION

For all the reasons discussed above, the Court should GRANT this Motion and enter the following relief:

1. Enter an amended order that includes the findings of fact above that were proved by clear and convincing evidence and/or undisputed at trial.
2. Enter an amended order finding that Plaintiff is not a public official because the parties agreed at trial she was not a public official, or alternatively, grant the motion to be relieved from the Stipulation as interpreted *sua sponte* by the Court to apply to future conduct.
3. Alternately, enter an amended order finding the actual malice standard was satisfied by the clear and convincing evidence presented at trial.
4. Enter an amended order finding Plaintiff is not a limited public official/figure because there was no evidence at trial she has cast herself into a public controversy.
5. Enter an amended order enjoining Defendant, as described above, from harassing Plaintiff, attempting to get her fired for no justifiable reason, or contacting her employer and its board in an effort to interfere with her employment with no justifiable basis.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF

August 13, 2020

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STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT Kim Likins, Plaintiffs, vs. C.C. "Skip" Hoagland, Defendant.	IN THE COURT OF COMMON PLEAS FOURTEENTH JUDICIAL CIRCUIT CASE NO.: 2015-CP-07-02937 **DEFENDANT HOAGLAND'S MOTION TO RECONSIDER COURT'S ORDER OF AUGUST 4, 2020, SENTINCING HOAGLAND FOR CONTEMPT, PURSUANT TO SCRCP 59(e)**

TO: JOHN LINTON, ESQ., TRENHOLM WALKER, ESQ. AND GREG ALFORD, ESQ., ATTORNEYS FOR THE PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that the Defendant C.C. "Skip" Hoagland, by and through his undersigned counsel, move This Honorable Court to Reconsider Its August 4, 2020 Order Sentencing C.C. "Skip" Hoagland for Contempt, pursuant to SCRCP 59(e). By way of clarity, Defendant Hoagland is not moving the court to reconsider that portion of its Aug. 4, 2020, Order Denying Permanent Injunction.

PROCEDURAL POSTURE AND FACTS

The portion of the Court's August 4, 2020 Order Sentencing Hoagland for Contempt, stems from a February 7, 2018 Order, Finding Hoagland in Contempt, but holding that order in abeyance until the end of the trial of this matter. As the order was not finalized and no sanctions had been levied against Defendant until August 4, 2020, there was no procedural basis to move the Court to Reconsider that ruling until August 4, 2020.

At all relevant times, Hoagland has exercised his First Amendment rights about the substance of government accountability, abuse of Accommodations Tax Dollars, and very specifically, Hoagland publicly criticized the abuse of taxpayer dollars by Plaintiff

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Likins, and those associated with her when almost $200,000 of taxpayer monies were used to fund this Likins v. Hoagland litigation, or private lawsuit. In fact, Hoagland has filed suit over this very issue in the Federal Court case is Hoagland v. Bennett, et. al., United States District Court, District of South Carolina, Beaufort division C/A No.: 9:17-CV-1374-RMG, which is now currently on appeal to the Fourth Circuit. While the two cases are different, the substance of those cases rest on the same overlapping facts.

The Hoagland emails supplied to the Court by opposing counsel all discuss the same criticisms and opinions Hoagland has made the central focus of the Hoagland v. Bennett suit. The Court had the opportunity to consolidate Hoagland's claims in Hoagland v. Bennett into this Likins v. Hoagland case, when Mr. Hoagland moved to amend his answer to bring those same counterclaims in this case. At the June 1, 2017, Hearing in this matter, the Court denied Mr. Hoagland's Motion to Amend to add a counter-claim to concurrently resolve the tangentially related issue of the Plaintiff's use of tax-payer dollars to pay her attorney's fees. See Ex. A, relevant portion of June 1, 2017, Hearing on Motion to Amend with Judge McIntosh. Instead, Mr. Hoagland filed a separate action in the United Stated District Court for the District of South Carolina, C/A No. 9:17-cv-1374-RMG, See Ex. B, Hoagland v. Bennett, et. al. Complaint. This Federal lawsuit bought by Mr. Hoagland against Hilton Head Island town leadership alleges various claims of abuse as it relates to Mrs. Likins and Town Councilmembers being complicit with Mrs. Likins hiring attorneys with taxpayer money to sue a private citizen in an attempt to silence a vocal critic. In declining to allow Hoagland to bring his counterclaim in this action, The Court has declined to exercise jurisdiction over Hoagland's comments as they relate to the issue regarding abuse of taxpayer dollars to fund Plaintiff's prosecution in this case, since

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Hoagland has a First Amendment right to raise those issues as regards his other Federal suit.

I. DEFENDANT'S STATEMENTS DO NOT VIOLATE THE ORDER BECAUSE, IN PART, THEY RELATE TO A DIFFERENT LAWSUIT.

Mr. Hoagland's continued discourse does not fall within the Court's Order Prohibiting Pre-Trial Communication because the subject matter of Mr. Hoagland's statements relate to a separate lawsuit. The Supreme Court of the United States has established that "a short-lived "gag" order in a case of widespread concern to the community constitutes a substantial prior restraint and causes irreparable injury to First Amendment interests as long as it remains in effect." Capital Cities Media, Inc. v. Toole, 463 U.S. 1303, 1304, 103 S. Ct. 3524 (1983). Accordingly, given the need to protect one's First Amendment right of Free Speech, the scope of the gag order must be narrowly tailored, both in scope and duration. State Record Co. v. State, 332 S.C. 346, 354, 504 S.E.2d 592 (1998). Therefore, in accordance with these principles, the language in the governing order may only restrict statements relating to those issues which will be ultimately determined by the jury and/or finder of fact. As such, Mr. Hoagland did not violate the gag order.

In the present case, the ultimate issues regarded the granting of a permanent injunction. Plaintiff dismissed any causes of action for defamation, outrage, intentional infliction of emotional distress, and tortious interference with business relations. While there has been pervasive discourse regarding matters pertaining to corruption within Town Council, the Chamber of Commerce Members, and allegations of improper payment of attorneys fees, and improper use of ATAX funds, these topics are not the ultimate issues to be considered by a jury. Moreover, Hoagland's commentary on attending the trial of this matter cannot be reasonably covered by the Court's Gag Order

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as those comments have no bearing on the ultimate issue to be determined by the trier of fact. As such, Mr. Hoagland's commentary on these tangential issues does not fall within the parameters of the prohibited speech by Order of this Court. The content of the alleged non-compliant emails relates to a separate lawsuit brought by Mr. Hoagland against the Town of Hilton Head and individual members of Council which was removed to Federal Court on May 25, 2017, and/or do not relate to ultimate issues to be determined by the trier of fact.

In fact, this Court determined the issues aforesaid were sufficiently distinct from those matters at issue in the present lawsuit such that a separate lawsuit was appropriate and warranted. Accordingly, Defendant's Motion to Amend the pleadings to assert a counterclaim in the present suit was denied by this Court. Therefore, these issues, which are tangentially related to the present lawsuit, yet material to the Defendant's Federal lawsuit, fall under the purview and jurisdiction of the United States District Court for the District of South Carolina, and are not within this Court's jurisdictional reach.

Finally, the content of the alleged non-conforming emails include critical statements by Mr. Hoagland regarding the Town of Hilton Head and the Chamber of Commerce, neither of which are a party to the present suit. As such, the alleged non-compliant emails do not violate the gag order dated November 6, 2017 for the foregoing reasons, and thus, Mr. Hoagland should not be penalized for continuing his advocacy work on all matters which are only superficially related to the allegations contained in the case herein. The fact that any parties or attorneys were copied on these communications in this case, should not be considered by the Court since Plaintiff Likins and her attorney

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Alford, who submitted the March 9, 2020 affidavit in this case, were both involved in Hoagland's Federal Court matter.

II. THE ORDER PROHIBITS ANY AND ALL STATEMENTS REGARDING TANGENTIAL MATTERS, AND VIOLATES THE DEFENDANT'S FIRST AMENDMENT RIGHT OF FREEDOM OF SPEECH.

The Court's gag order, restricted Mr. Hoagland from engaging in all discourse on any issues that overlapped with the Federal Court case and violated his First Amendment right of Free Speech. There is a strong presumption against prior restraints when considering whether such a restriction of speech is necessary. New York Times Co. v. United States, 403 U.S. 713, 714 (1971). While guarantees of freedom of expression are not absolute, the barrier to securing prior restraint is high, and there is a presumption against allowing such restraint. Nebraska Press Association v. Stuart, 427 U.S. 539, 49 L. Ed. 2d 683, 96 S. Ct. 2791 (1976). Under the First Amendment, content- based restrictions on speech are permissible only when they are no greater than necessary to protect an accused's right to a fair trial or an impartial jury. Procunier v. Martinez, 416 U.S. 396, 413, 40 L. Ed. 2d 224, 94 S. Ct. 1800 (1974).

A gag order should avoid violating the individual's First Amendment rights at all costs. The Court's gag order prevented Mr. Hoagland from making any statements, which relate to matters that are only tangentially involved in the present suit, he would effectively be forced to discontinue all of his advocacy work in the local community. In the present case, the Court's Order Sentencing Hoagland for Contempt has failed to take into consideration the overwhelming burden that the initial gag order placed on Hoagland, amounting to a prior restraint on the Defendant's Freedom of Speech. Pursuant to the Order Prohibiting Pretrial Communications and Publicity, electronically filed November 8,

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2017, Mr. Hoagland was ordered not to discuss "any aspect of this action until a jury verdict has been returned." This prohibition was interpreted by the Court as preventing him from discussing any issue that has been superficially discussed over the course of this lengthy litigation process, even those issues upon which the jury or fact-finder would not and did not ultimately decide, then the prior restraint is an unconstitutional effort to silence him. Mr. Hoagland has dedicated his retirement to becoming a political activist who is committed to bringing to light instances of political corruption in the community.

III. THE GAG ORDER LIMITED HOAGLAND'S COMMENTS UNTIL A JURY VERDICT WAS RETURNED, WHICH WAS A DEFECT IN THE ORDER SINCE NO JURY TRIAL OCCURRED.

The Court's Gag Order of November 8, 2017 was intended to prohibit Defendant from making any comments which would influence a potential jury pool. Plaintiff voluntarily dismissed all of her jury trial claims prior to the beginning of trial. The trial went forward only as a bench trial on the issue of Permanent Injunction. In fact, that November 8, 2017 gag order specifically prohibits the parties from making, "any extrajudicial comments about This Case to the media and/or any third parties about any aspect of this action until a jury verdict has been returned." See Order Prohibiting Pretrial Communications and Publicity, Nov. 8, 2017.

Said language specifically underscores that the purpose of the Order was to prevent any party from unduly influencing the jury pool. Therefore, since there was no jury pool to influence, the purpose of the Gag Order was no longer germane as of the time this Aug. 4, 2020, Order was issued, it would be a proper to hold Hoagland in contempt and to sentence him for exercising what would otherwise be his First Amendment rights.

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Moreover, The Court referenced in its Order Sentencing Hoagland for Contempt, of August 4, 2020, that Hoagland specifically made comments to the Island Packet in advance of trial, citing a March 9, 2020 article, attached hereto as Exhibit C. The only publication that the article cited to Hoagland was that Hoagland will not be attending the trial. This was not in violation of the gag order since it did not discuss any aspect of the trial as set forth in the court order, and combined with the nature of the comment and the fact that there was no jury pool the effect of the comment was de minimis and therefore should not of been relied upon by The Court, in sentencing Hoagland and/or determining that he was in violation of the Gag order.

CONCLUSION

For the reasons stated in this brief, and at trial, the Defendant respectfully requests this Court to grant Defendant's Motion for to Reconsider and to Reverse The Court's Order Sentencing Hoagland for Contempt, and declining to Sentence Hoagland for any civil and/or criminal contempt violations.

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Attorney for the Defendant

August 10, 2020

Charleston, South Carolina

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STATE OF SOUTH CAROLINA
FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF COMMON PLEAS
CASE NUMBER 2015-CP-07-02937

KIM LIKINS — PLAINTIFF

VERSUS

C.C. HOAGLAND — DEFENDANT

JUNE 1, 2017

TRANSCRIPT OF HEARING

BEAUFORT, SOUTH CAROLINA

BEFORE

HON. R. LAWTON MCINTOSH, JUDGE

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

Exhibit A

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THE COURT: How about stop for a second, okay, sir?

MR. BREWER: Oh, I apologize. Yes, sir.

THE COURT: Let's go to defendant's motion to amend the answer.

MR. BREWER: Yes, sir.

MR. KEEP: Yes, sir. I am new to the case. I represent Skip Hoagland. I believe I was retained in March. My client, quite frankly, believed that the compensation contract for his attorney, or his law firm, did not allow or would not pay for counterclaims. And I was retained to investigate the case, and to see if they were counterclaims.

My investigation revealed, or I have soon learned, that the plaintiff, Councilwoman, Town Councilwoman Likins' attorney fees, she was -- were paid for, or the Town lent her the money to sue my client.

Now, Judge, this is against the *South Carolina Constitution*. A government may not lend a private individual money for any purpose. That's unconstitutional. Number 2, Judge, giving a person money to sue another person, and in this case, it's extremely egregious because it's taxpayer money, and it's a lot of money. It may be as high as 175,000.

It's certainly 139,000. I know it, because it was in the paper, of taxpayer money. This consists of the crime of barratry. Your Honor, barratry is the crime of paying other people's legal fees to sue people. I only know this because I've worked with the Attorney General's Office, and I'm fairly aware of --

THE COURT: Does that provide a private cause of action?

MR. KEEP: It's violation of a statute, your Honor.

THE COURT: Does it provide a private cause of action or -- you said it's a crime of barratry. So does it have a private civil cause of action?

MR. KEEP: It would, sir, because it's negligence, per se, violation of a statute.

THE COURT: When did you first find out of the payment of the attorneys' fees?

MR. KEEP: When I was -- when I was hired in March, and I filed this motion, your Honor.

THE COURT: March?

MR. KEEP: Yes, sir.

THE COURT: Okay, sir.

MR. KEEP: I mean, I may have -- in all candor, it was in the paper. And it's possible that I knew of beforehand, but I was not hired. But it took me --

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THE COURT: Let me ask it another way. When did the issue of the payment of attorneys' fees become public, so that everybody knew it? Was that something published in the paper?

MR. KEEP: I believe it has been in the paper, your Honor, yes, sir.

THE COURT: When?

MR. KEEP: I don't know, Judge.

THE COURT: Okay.

MR. LINTON: Your Honor, I have a printout of a paid advertisement that the defendant took out February 7th of 2016, three months after we filed our case. It says:

Now a ridiculous defamatory lawsuit filed by Kim Likins, but paid for by the Town of Hilton Head.

THE COURT: That is who?

MR. LINTON: That is the defendant paid for the advertisement in the newspaper.

THE COURT: Okay.

MR. LINTON: It's from his production.

THE COURT: All right, sir. Thank you.

MR. ALFORD: Your Honor, if I may. Greg Alford.

THE COURT: No, sir. Have a seat.

MR. ALFORD: Yes, sir.

THE COURT: Go ahead.

MR. KEEP: All right, sir. My client runs a watchdog organization that tries to ferret out, and has successfully won a lawsuit forcing the Chamber of Commerce, which accepts taxpayers' money, to obey the FOIA laws. They would not release any basic information about anything. And of course, the Court ruled that when you take money from taxpayers, you become subject to the FOIA laws. So he has a successful political watchdog. It's -- well, he's involved -- he watches local government.

He offered a rather fabulous set of rewards -- I think it was 35,000, but I'll stand corrected -- for any information leading to the conviction of any public official for corruption. It is his belief, and I must say, many people in Beaufort County, that there is a lot of things going on.

THE COURT: Let me stop you.

MR. KEEP: Yes, sir.

THE COURT: I'm going to ask you to go to the matters involved in the motion to amend. I understand this background, but I'm wanting to hear specifically why, at this late juncture in this case, that it would be necessary, and particularly with regard to the number of different causes of action and that you're

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seeking and other parties that you're trying to bring in at this juncture, why would that be necessary?

MR. KEEP: Well, sir, I believe it would be, actually, a great judicial economy to allow an amendment at this point. First, Judge, it has taken at least three months, because all of the attorneys have trials and things like that, to even get to be here in front of your Honor today. Quite frankly, I do not think this case is going to be tried, even if it's fast-tracked or whatever, any time particularly soon.

The plaintiffs -- the plaintiff in this case and the potential third-party defendants have been on notice of this now for three months, and they could've consented, and they'd have had three months to prepare. It's not particularly complicated counterclaim. It's really very simple, because it's actually not really a very complicated case. I think it's been made complicated, but I do not think it is complicated.

Number 2, there is another case that I filed, which is similar to this, but whereas my client is the plaintiff, and I intended to file immediately a motion to merge or join these two cases. However, that case was removed to federal court based on my client's

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diversity, the plaintiff's diversity, which is very unusual. The removal jurisdiction is based upon the fear that a defendant would be home-cooked in an out of state. These town council people are afraid they're going to get home-cooked in their own state, or in their own state court jurisdiction. I'm getting that case remanded, not for the reason I've just stated, but I'm getting it remanded by limiting my prayer to less than 75,000. So that case is going to be back in the system here. And it would seem just to me, your Honor, that if we join -- if I was allowed to amend this case, and I can see it's a little late in the day, but the matters are very simple, and if I'm allowed to amend, I will dismiss the other case, and we'll just proceed with this entire matter, or perhaps by your Honor. Thank you, sir.

THE COURT: Thank you.

MR. LINTON: Your Honor, we oppose the motion to amend on basically three bases. One is exactly what your Honor mentioned. We filed this case in December of 2015 as an injunction and defamation case. In February of the next year, a few months later, the defendant is already talking about the issues he seeks to join in this case now. We have been doing everything we can to get this case ready for trial.

Exhibit A

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We are on the verge of being ready and are really wanting to move this case along, and it'll be extremely prejudicial to add a -- it's really a different case. It involves allegations about the payment of fees and about constitutional issues that are not at all issues currently in the case. So number 1 would be under Rule 15, the amendment is inappropriate. Number 2 is, the proposed amendment for counterclaims and a third-party complaint, and Rule 14(a), which governs third-party practice, says that you can bring a third-party complaint when the claim is based on or derivative of the liability in the plaintiff. So the rule actually says you can bring the action against someone who is or may be liable to him for all or part of the plaintiff's claim against him. Here, the third-party complaint against all of the members of town council, the town manager, perhaps others, is not at all derivative or dependent on the resolution of the issues in this case. And so, it's an inappropriate third-party complaint under that rule.

The third and final basis for which we oppose the motion is under Rule 12(b)(8). As Mr. Keep mentioned, he has filed the same case as a plaintiff against all of the proposed defendants, including Ms. Likins,

alleging the same facts, alleging the same claims, against the same people, in the same capacities. That case is pending. It's been removed to District Court on the basis of -- one bases is the fact that there are constitutional claims under 1983 allege, that so there's federal question jurisdiction.

There's also the diversity jurisdiction mentioned in the notice of removal. So whether that case remains in federal court or comes back to Beaufort County, it is pending, and it is a case, and it's been filed, and it is the same claims that he proposes to add in this case. And so, if it were allowed to be amended, we'd immediately move to strike it under 12(b)(8). And so, for those reasons we'd ask that the motion to amend be denied, and this case move forward.

THE COURT: All right. Anything further? Yes, sir.

MR. BREWER: May I respond?

THE COURT: Absolutely.

MR. BREWER: Thank you, your Honor. The first thing we'd say tell you is, in the submissions we gave your Honor yesterday, what's included under Exhibit M, is an affidavit of John --

THE COURT: Is that in the book up here?

MR. BREWER: It is, your Honor.

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THE COURT: Under M?

MR. BREWER: Under M.

THE COURT: Okay. Just one second. Under M, I have nothing in here.

MR. BREWER: Well, if my staff did a bad job putting it together, I'll hand you mine.

THE COURT: Okay. It may be under another tab.

MR. BREWER: It may be, but if your Honor approves, I can just hand it to you.

THE COURT: Sure. Sure, sure, sure.

MR. BREWER: It's easy enough. I know what it says. That's an affidavit of an ethics expert, who is an attorney, who verifies that the use of town payer funds or taxpayer funds to fund this lawsuit is, in fact, unconstitutional use of money. And here's the real issue with this, your Honor. It's already a part of this case. You see, what Ms. Likins has alleged in her complaint is that Skip Hoagland has accused her publicly of corruption. Okay? The very fact that the Town -- and this is, as your Honor knows, involves basically Ms. Likins' involvement on both the town council, her position in the Boys and Girls Club, and all those entities, relationship with the Chamber of Commerce, and the buddy-buddy corruption that comes from that. That this town's use of taxpayer dollars

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to effectively file a slap lawsuit, a strategic lawsuit against public participation, against my client so he will no longer speak about these ongoing abuses and misuses of taxpayer dollars, is, in fact, part of our defense.

And in fact, part of what some of these motion to compels your Honor is going to hear about, is the big issue with these subpoenas to the law firms, and the motion to compel issues, comes right back to this issue about the use of taxpayer dollars to fund this lawsuit by the Town of Hilton Head. And what you'll later hear the plaintiff say is this kind of waffling position where they go, well, your Honor, even though Mr. Brewer is asking for any of our communications with the Town of Hilton Head, they're really basically a pseudo party to this lawsuit because they, the Town of Hilton Head, has hired Mr. Linton, and has hired Mr. Alford, to be Ms. Likins' attorney, even though they have no basis to do that.

And because they've done that, your Honor, this is what they're going to say to you, they are effectively a client in this case, they're a party to this case; and so, you can't have that information. And your Honor, all this kind of rolls back to the same tangled Christmas lights, if you will, which is

Exhibit A

that this issue is part and parcel an issue with the corruption that's the underlying allegation in the case. And the proof of it is, in fact, part of our defense that, in fact, that this corruption does exist.

So, even if the Court declined to amend and add Mr. Keep's -- or excuse me -- my client's amended counterclaim, this issue's still going to pop up. It's something we've been discussing in the last two or three hearings. So, to that extent, it is something we're going to deal with.

And on the timing issue, your Honor, while we are agreeable to getting this matter moving forward as expeditiously as possible, and I certainly don't -- it is no one's fault that here we are sitting here with this time lag. But the reality is that we've not taken the plaintiff's deposition because part of these issues have to do with the production of documents from the plaintiff and the Town of Hilton Head, which, again, they're ostensively going to say is a behind-the-scenes, pseudo client, and that's why they won't give me the materials they're [sic] looking for. So we've not even yet taken the plaintiff's deposition, so there is plenty of time and opportunity to conduct the necessary discovery, if we do it expeditiously,

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your Honor.

Mr. Keep has given the Court his word, and we can do it however you want, that if we try it this way, he will dismiss the other claim, and that we can move forward with all this wrapped into the same claim.

And as far as the third parties are concerned, your Honor, it goes back to the same issue. We're not really bringing in third parties in a derivative claim if Mr. Linton and Mr. Alford are going to argue, as I believe they will later, that the Town of Hilton Head shouldn't have to hand over the documents I want because they are, in fact, effectively, the plaintiffs, and effectively the clients of these two attorneys, and that's why I shouldn't have to give them the records. It's a circular and total illogical argument, your Honor. That's the push-and-pull that we have here today, and that's why the amendment should be allowed.

THE COURT: Thank you, sir. All right. Any additional argument?

MR. LINTON: Your Honor, all of those issues I think I will address when we talk about the motions to compel. They really don't relate at all to the motion to amend, and I don't want to spend the Court's time discussing them twice.

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THE COURT: I am denying the motion, for the simple reason, (1) there's a separate suit alleging the same causes of action. To the extent there has been discovery, that will necessitate having to going back and redo discovery. They've known about this since February of last year, so there was a delay in doing that, and the cost to this case will be probably extreme to go back and review that, and add these people to -- these other issues and parties to the case. And to me, it appears like it would confuse the jury as to what the issues are, so I'm denying that motion. And would you prepare me a proper order before and after?

MR. LINTON: Yes, your Honor.

THE COURT: Okay. Now, let me go get one that seems to be fairly straightforward, motion to enforce settlement of $4,100.00. Is there a reason why your client hadn't paid that?

MR. ALFORD: I'm sorry, your Honor, that -- I apologize. That has been -- he's paid.

THE COURT: That's been --

MR. ALFORD: Yes, sir. I'm sorry. I apologize.

THE COURT: -- resolved. That's okay.

MR. ALFORD: Yes, sir.

THE COURT: All right. Motion for sanctions for

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Calvin "Skip" Hoagland, Plaintiff, Versus David Bennett, Bill Harkins, Kim Likins, Lee Edwards, John McCann, Tom Lennox, and Marc Grant Defendants.	C/A No.: 9:17-CV-1374-RMG **SECOND AMENDED COMPLAINT**[1] (Jury Trial Demanded)

The Plaintiff, Calvin "Skip" Hoagland, complaining of the above-named Defendants, respectfully alleges the followings:

PARTIES AND JURISDICTION

1. The Plaintiff is a resident and citizen of Florida and is a part-time resident of the Town of Hilton Head Island, Beaufort County, South Carolina. The Plaintiff is a founder of Beaufortwatchdog.org, a non-partisan organization dedicated to transparent and honest government. Beaufortwatchdog.org offers "$50,000 rewards to anyone who comes forward with information that leads to the arrest, conviction and imprisonment of a corrupt public official or a private sector executive of any organization that does business with any government entity."

2. The Defendants are agents, servants, or employees of the Town of Hilton Head Island ("Town"), and, upon information and belief, they reside in Beaufort County, South Carolina.

3. Defendant David Bennett is the Mayor of the Town of Hilton Head Island and, as such, serves as a member of its Town Council.

[1] This amended complaint is filed, absent a motion, upon receipt of the written consent of the Defendants pursuant to Rule Fed. R. Civ. P 15(a)(2).

Exhibit B

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4. Defendant Bill Harkins was at all times relevant the Mayor Pro Tempore of the Town of Hilton Head Island and, as such, served as a member of its Town Council.

5. Defendants Kim Likins, Lee Edwards, John McCann, Tom Lennox, and Marc Grant are or were at all times relevant members of the Town of Hilton Head's Town Council.

6. This lawsuit alleges claims of abuse of process, malicious prosecution, civil conspiracy, and violation of 42 U.S.C. § 1983. This lawsuit additionally seeks injunctive and declaratory relief.

7. The below claims are pled in the alternative where necessary.

8. This Court has jurisdiction over these claims and venue is proper.

FACTS

9. Defendant Likins engaged two law firms to file a personal lawsuit against the Plaintiff on December 3, 2015. That lawsuit was filed on December 10, 2015. *Likins v. Hoagland* (2015-CP-07-2937).

10. Defendant Likins sought and seeks personal money damages in that lawsuit.

11. Defendant Bennett informed Plaintiff at a Town Council Meeting on December 15, 2015, that he would not be permitted to speak before Council on the basis that he was not a citizen of the Town of Hilton Head.

12. Defendants Bennett, Harkins, Edwards, McCann, Lennox, and Grant, along with Town Attorney Brian Hulbert and Town Manager Steve Riley, entered into executive session during that same meeting for the stated purpose of receiving "legal advice related to pending, threatened, or [sic] potential claim and to consider authorizing the indemnity of council members who are required to have personal counsel defend a claim or to prevent or stop improper harassment by third parties."

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13. Minutes indicate that Defendant Likins recused herself from a vote in regard to the matter discussed in Executive Session; however, upon information and belief, Likins or her attorneys participated in that Executive Session directly or indirectly and the executive session directly concerned Likins previously filed lawsuit against Plaintiff referenced above.

14. Defendant Likins, upon information and belief, was aware of the subject matter of the Executive Session, its outcome was pre-ordained, and her recusal was a mere formality.

15. Following Executive Session, Defendants Bennett, Harkins, Edwards, McCann, Lennox, and Grant voted unanimously to pay Defendant Likin's attorney's fees and costs in that matter with public funds.

16. The vote read that those Defendants voted to pay for the "personal counsel to protect members through legal proceedings from improper and/or unlawful harassment by third parties."

17. The Defendants did not publically advise the Town on the record or otherwise that the funding authorized related to Defendant Likins previously filed lawsuit against Plaintiff.

18. The Defendants attempted to again prevent Plaintiff from speaking at its January 19, 2016 Town Council Meeting.

19. During that meeting, the Defendants adjourned the meeting privately in a hallway to discuss allowing Plaintiff to speak at the meeting. That discussion was not a properly held executive session and the lack of minutes from that discussion violated state law and Town Ordinance.

20. The Defendants then returned, and a motion was made to allow Plaintiff to speak only within certain parameters including a time limit.

21. At the time this lawsuit was originally filed, $139,724.00 had been spent by the Town on Defendant Likins lawsuit.

Exhibit B

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FOR A FIRST CAUSE OF ACTION
(Abuse of Process)

22. Plaintiff realleges the foregoing where consistent.

23. Defendant Likins filed a private legal action against Plaintiff on December 10, 2015 for the purposes of collecting a money judgment of chilling Plaintiff's free speech.

24. Defendants Bennett, Harkins, Edwards, McCann, Lennox, and Grant voted unanimously for the Town to pay the attorney's fees and costs for that action on December 15, 2015.

25. The above actions were taken by the Defendants for the ulterior purpose of chilling, preventing, and punishing Plaintiff's Free Speech.

26. The above actions were also taken by the Defendants for the ulterior purpose of chilling and preventing the free speech of other dissenters in the community.

27. That above actions were willful, and the Defendants pre-ordained agreement to fund a private lawsuit against a citizen was not proper in the conduct of Town Governance.

28. The above actions have caused Plaintiff economic, emotional, and other harms including attorney fees and costs.

29. Plaintiff seeks punitive damages for the intentional conduct described above by the Defendants in their individual capacities.

FOR A SECOND CAUSE OF ACTION
(Malicious Prosecution)

30. Plaintiff realleges the foregoing where consistent.

31. The Defendants, with malicious intent, agreed to fund civil proceedings against the Plaintiff under the guise of a private lawsuit by Defendant Likens against Plaintiff.

32. The Defendants did not have probable cause to publically fund those proceedings as those proceedings are for a private not public purpose.

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33. The Defendants agreement to fund those proceedings constitutes malicious prosecution which has caused Plaintiff economic, emotional, and other harms including attorney fees and costs.

34. Plaintiff seeks punitive damages for the intentional conduct described above by the Defendants in their individual capacities.

35. This claim for malicious prosecution does not concern the *Likins* lawsuit itself, but rather its funding. A claim for malicious prosecution regarding the *Likins* lawsuit itself would not be ripe until its conclusion.

FOR A THIRD CAUSE OF ACTION
(Civil Conspiracy)

36. Plaintiff realleges the above where consistent.

37. The Defendants conspired, outside of the course and scope of their service to the town, to harm Plaintiff by initiating and funding a private lawsuit against Plaintiff.

38. Defendants did so, motivated by personal interest, to silence Plaintiff's public dissent and free speech which at times questioned their behavior and qualifications to serve as elected officials.

39. Defendants did so also to harm Plaintiff and punish him for his prior speech.

40. Plaintiff has incurred special damages because of the above including that he can no longer be insured at a reasonable rate, has incurred the costs and fees of prosecuting this action, has been publically blacklisted from engaging in local political discourse, and he has suffered other emotional and economic damages because of the above.

41. Plaintiff seeks punitive damages for the intentional conduct described above by the Defendants in their individual capacities.

FOR A FOURTH CAUSE OF ACTION
(Violation of 42 U.S.C. § 1983 - Speech)

42. Plaintiff realleges the following where consistent.

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43. Defendants prohibited Plaintiff's speech at a Town Meeting on December 15, 2015, unreasonably restrained Plaintiff's speech at a Town Meeting on January 19, 2016, have otherwise interfered with Plaintiff's speech by interrupting him during public comment, and funded and initiated a private lawsuit against Plaintiff for the purpose of chilling and punishing Plaintiff's speech.

44. Defendants did so, acting under color of law, and their conduct was unlawfully sanctioned by official action of the Town of Hilton Head.

45. The same constitutes a violation of Plaintiff's First Amendment rights actionable under 42 U.S.C. § 1983 for which the Defendants are liable.

46. Plaintiff has suffered economic, emotional, and other damages as a result of the above and is entitled to punitive damages where applicable and the attorney fees and costs of this action.

FOR A FIFTH CAUSE OF ACTION
Declaratory Judgement

47. Plaintiff realleges the foregoing where consistent.

48. An actionable and ripe controversy exists between Plaintiff and Defendants as to whether their action to fund the *Likins* lawsuit described herein with public monies violated the following state laws.

49. Plaintiff seeks a declaration from the Court that:

a. The Defendants violated S.C. Code Ann. § 16-17-10 when they willfully solicited a private legal action to be initiated against Plaintiff, funded counsel for that lawsuit by way of Town monies, absent a substantial interest in the relief (aside from Defendant Likins who seeks personal damages) with the intent of harassing Plaintiff;

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b. That Defendants violated the common law doctrines of champerty and maintenance in funding and initiating a private legal action against Plaintiff;

c. That Defendants committed public misconduct in violation of S.C. Code Ann. § 8-1-80 when they initiated and funded with Town monies an oppressive private lawsuit against Plaintiff;

d. That Defendants violated federal and state tax laws in failing to treat its funding of the *Likins* lawsuit as income to Likins.

e. That Defendants violated Town Procurement Ordinances and the South Carolina Procurement Code in failing to properly bid its funding of the *Likins* lawsuit;

f. That Defendants violated Town Ordinance and related state law when they met outside of their January meeting, with a quorum and absent minutes, to discuss whether Plaintiff could speak at that meeting.

g. Defendant Likins violated campaign practice law in failing to properly report the monies paid by the Defendant Town to fund her lawsuit; and

h. That the Defendants violated the South Carolina Constitution in pledging public monies for a private individual purpose and in approving a bill of attainder.

50. Plaintiff seeks a declaration of this Court regarding the above and the costs and fees of this action in accord with the state and/or federal declaratory judgment laws.

FOR A SIXTH CAUSE OF ACITON
(Injunctive Relief)

51. Plaintiff realleges the foregoing where consistent.

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52. Plaintiff requests that the Court permanently enjoin the Defendants from unlawfully funding the *Likins* lawsuit.

53. Plaintiff requests that the Court order the Defendants to make specific performance in restoring to the Town Treasury, jointly and severally, all monies paid from the Town Treasury to fund the *Likins* lawsuit.

PRAYER FOR RELEIF

54. Plaintiff requests a jury trial where applicable to the claims alleged herein.

55. Plaintiff requests a jury award of all damages sought herein and above in the amount of $10,000,000.00.

56. Plaintiff requests prejudgment interest on all claims.

57. Plaintiff requests such equitable and injunctive relief the Court deems just and proper.

58. Plaintiff requests his damages be recovered jointly and severally from the Defendants.

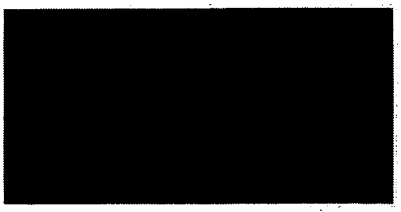
59. Plaintiff requests the costs and attorney fees of this action.

CROMER BABB PORTER & HICKS, LLC

BY: s/J. Paul Porter

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Elizabeth M. Bowen (#12705)
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Attorneys for Plaintiff



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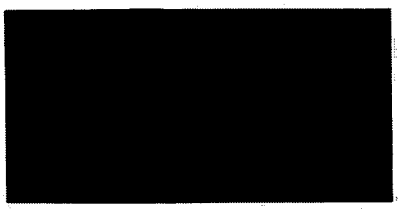
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The case of a former Hilton Head Island town council member who sued a critic in 2015 for harming her reputation goes to court today. A jury hearing the defamation trial in Beaufort County Court of Common Pleas will determine whether the elected official deserves damages or whether the critic simply exercised his right to free speech.

The verdict also determines whether taxpayers will recoup five years worth of legal bills paid on the council member's behalf.

The former council member, Kim Likins, is seeking damages from Skip Hoagland, a longtime vocal critic who turned his ire on Likins after she supported the Hilton Head Island-Bluffton Chamber of Commerce's lucrative contract with the town.

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How did Tropical Storm Isaias affect Beaufort County? Here's a look as the storm passes

In a series of 2015 phone calls and emails to Likins' bosses — board members of the Boys & Girls Club of Hilton Head Island — Hoagland, a retired Beaufort County businessman known for his fiery public criticism of local officials, proclaimed Likins unfit to serve as the club's director.

Already, the town has spent nearly $194,500 on behalf of Likins who, until 2018, was mayor pro tem. The suit was bankrolled by the Town of Hilton Head because town officials said Likins endured attacks solely because of her duties as a public official. Payments for legal counsel for Likins, who ran unsuccessfully for mayor in 2018, were unanimously approved by her fellow council members in 2015.

But the use of public money for a lawsuit against a private citizen raises questions about whether the town should use its financial resources to chill criticism, and whether Hoagland's public lambasting of Likins actually harmed her.

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Hilton Head Island mayoral candidate Kim Likins waits for results in Tuesday's runoff for mayor while reading an email to her supporters at Santa Fe Cafe. Drew Martin *DMARTIN@ISLANDPACKET.COM*

The town's own council members as well as government watchdogs have criticized the council for extraordinarily high spending on outside legal counsel. In 2017, The Island Packet and Beaufort Gazette newspapers found that Hilton Head outspent the City of Charleston, the largest city in the state. Hilton Head's outside legal costs amounted to nearly $2.4 million over five years.

Since the defamation suit's original filing, both Likins and Hoagland have filed related suits, and the town has paid five separate law firms for work on the suits, which span five years.

Likins will be represented by Alford & Thoreson Law Firm of Hilton Head, a firm contracted by the town, and Walker, Gressette, Freeman & Linton, LLC of Charleston. Hoagland told The Island Packet on Thursday that he did not plan to attend the trial.

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Likins' lawsuit, filed against Hoagland in December 2015, contends that Hoagland told her bosses that she was unfit to be director of the Boys & Girls Club of Hilton Head Island.

"In the course of the phone call, (Hoagland) demanded the club fire Ms. Likins because 'she had lied to the public,' and 'she shouldn't be around children,'" Michael Briggs, board chairman of the Boys and Girls Club of Hilton Head, told The Island Packet in 2015.



Kim Likins, the director of the Boys & Girls Club of Hilton Head Island, accepts the Organization of the Year award on Feb. 1, 2020 at the Hilton Head Island - Bluffton Chamber of Commerce Ball. Katherine Kokal *THE ISLAND PACKET*

"I said I'd look into the matter and get back to him. I met with people here at the club, and we're obviously not going to fire Kim Likins," he told the newspaper.

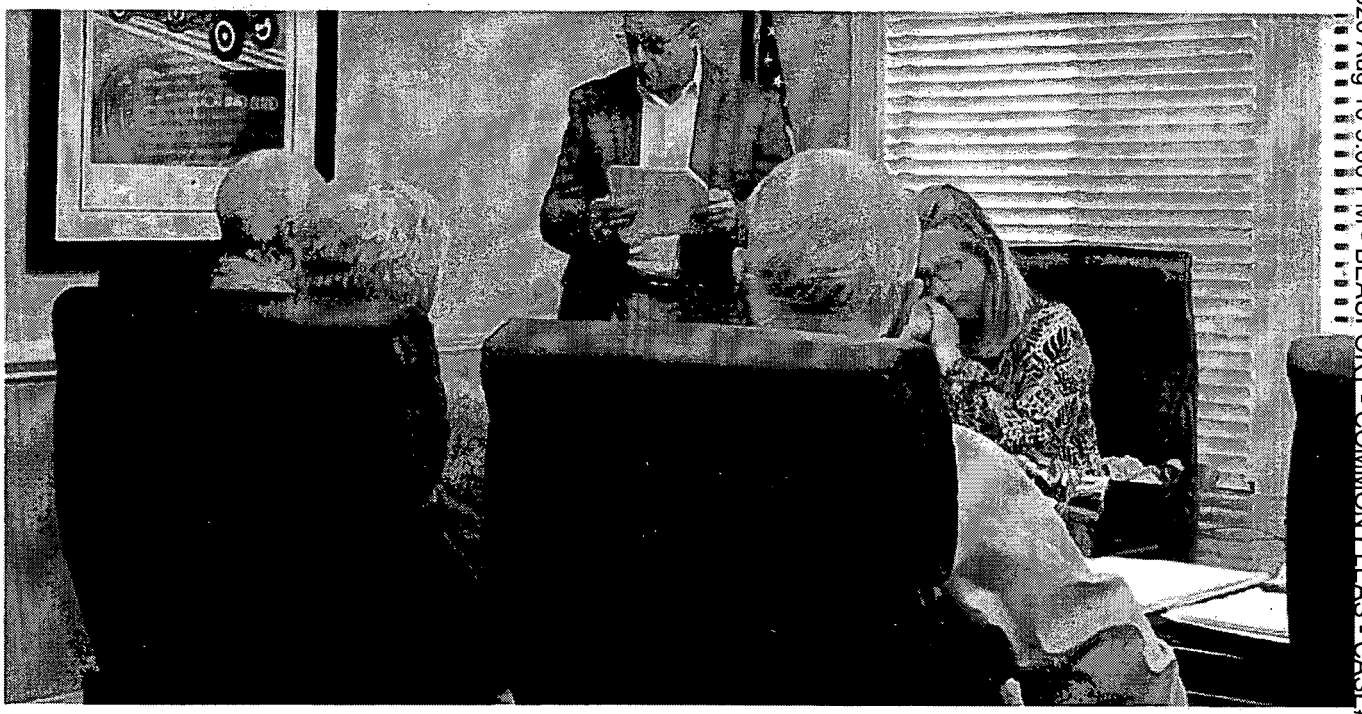
Exhibit C

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Skip Hoagland speaks to Tom Lennox at the Jan. 7 finance committee meeting on Hilton Head Island. After the meeting adjourned, Lennox handed Hoagland record from his 2011 arrest. Katherine Kokal *THE ISLAND PACKET*

By June 2017, the town had spent nearly $185,000 for Likins' litigation. In August 2017, the council changed the way it paid legal counsel, from an hourly rate to a contingency fee agreement.

Under the contingency agreement, if Likins won the case, 30% of any award would be paid first to the law firms that represented her: Alford & Thoreson Law Firm of Hilton Head and Pratt-Thomas Walker of Charleston.

After the law firms were paid, the agreement said the town would be reimbursed for its cost. Any leftover balance would be awarded to Likins.

If Likins doesn't win the case, she owes no money for legal services, and the town will take the loss.

Town Manager Steve Riley said in February the town is "completely out" of Likins' suit, and the council would need to vote publicly to spend any more money on the case.

If a council member is involved in a town-related lawsuit in the future, Riley said the council would have to approve a similar resolution to pay for legal counsel.

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AUGUST 02, 2017 6:05 PM JULY 26, 2016 6:01 PM



Pictured are Kim Likins, left, and Skip Hoagland.



KATHERINE KOKAL 843-706-8123

Katherine Kokal graduated from the University of Missouri School of Journalism and swiftly joined The Island Packet newsroom in 2018. Before moving to the Lowcountry, she worked as an interviewer and translator at a nonprofit in Barcelona and at NPR member stations WUWM in Wisconsin and KBIA in Missouri. At The Island Packet, Katherine covers Hilton Head Island's environment, social issues, beaches, development, government and the all-important Loggerhead Sea Turtle. She has earned South Carolina Press Association Awards for in-depth reporting, government beat reporting, growth and development reporting and food writing.

COMMENTS

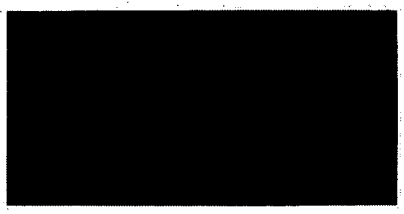
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HEALTH CARE

Judge sentences ex-MSU coach to jail in Nassar-related case

BY ANNA LIZ NICHOLS *ASSOCIATED PRESS/REPORT FOR AMERICA*
AUGUST 04, 2020 11:51 AM

A former Michigan State University head gymnastics coach has been sentenced to 90 days in jail for lying to police during an investigation into ex-Olympic and university sports doctor Larry Nassar.

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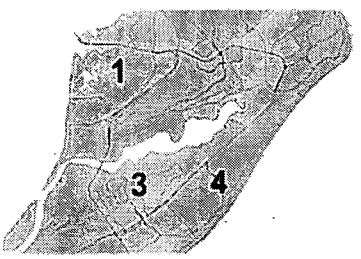
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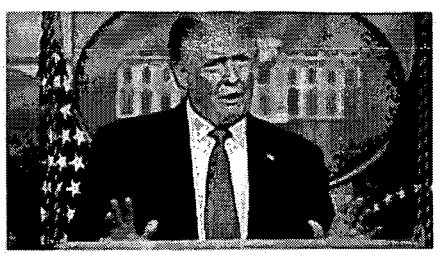
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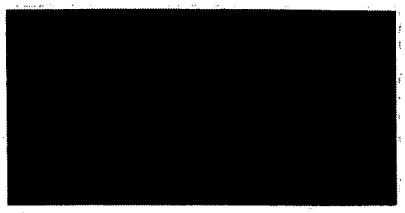


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Postal Service pushes back after Trump says it can't handle mail-in voting in November

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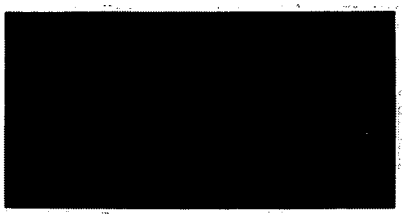
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Hoagland had repeatedly criticized.

Shortly after filing her defamation suit, Likins obtained a restraining order against Hoagland that barred him from contacting members of the club's board of directors, publishing defamatory statements or harassing Likins about her job.

The restraining order, however, did not restrict Hoagland from criticizing Likins' decisions and work on the town council, and he continued to do so until she left office in December 2018.

Following Likins' suit, Hilton Head resident and businessman Peter Buonaiuto countersued the town for $10 million, claiming the town was illegally paying for Likins' suit.

The suit said Hoagland's critiques of Likins were protected under the First Amendment and that she was using "the Town's unlimited taxpayer funded resources to sue a private citizen and bankrupt him with attorney fees."

TOWN'S INVOLVEMENT

Regardless of how residents feel about the defamation suit, several have questioned why the town was financially involved.

Shortly after Likins' suit was filed, the town council unanimously approved a resolution allowing it to retain counsel "to protect council members through appropriate legal process from improper and/or unlawful harassment by third parties."

The resolution does not specifically mention defamation and does not define "improper harassment."

Exhibit C

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STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT Kim Likins, Plaintiffs, vs. C.C. "Skip" Hoagland, Defendant.	IN THE COURT OF COMMON PLEAS FOURTEENTH JUDICIAL CIRCUIT CASE NO.: 2015-CP-07-02937 **DEFENDANT'S MEMORANDUM IN OPPOSITIION TO ORDER OF CRIMINAL AND CIVIL CONTEMPT, AND AWARD OF ATTORNEYS FEES.**

TO: JOHN LINTON, ESQ., TRENHOLM WALKER, ESQ. AND GREG ALFORD, ESQ., ATTORNEYS FOR THE PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that the Court of Common Pleas, by and through the Hon. R. Lawton McIntosh, heard Plaintiff's claim for Permanent Injunctive Relief, on or about March 9, 2020, at the Beaufort County Courthouse. At the conclusion of the trial, the Court requested Defendant respond within ten (10) days to Plaintiff's affidavits in support of her Motion for Rule to Show Cause. On or about March 19, 2020, the Plaintiff submitted her last Affidavit(s) in Support of Contempt. The Court asked Defendant to submit his Memorandum in reply within ten (10) days. In accordance therewith, Defendant Hoagland submits his counter Memorandum in Opposition.

I. Defendant Objects to the Award of Attorneys' Fees.

While Defendant does not specifically object to the billing entries submitted by attorneys Linton and Alford (in terms of whether the time spent reviewing emails, preparing motions and memoranda, and attending hearings), Defendant does object to the Courts award of attorney's fees generally and specifically objects to any Order from the Court awarding either criminal and/or civil contempt against Defendant.

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II. Continued Objection to Due Process and Award of Contempt.

Defendant Hoagland makes a continued objection to any civil or criminal contempt order from the Court. The subject communications concerning this pending civil and criminal Contempt Ruling involve Hoagland's exercise of his First Amendment rights to speak freely regarding what This Court has explicitly recognized as improper and possibly unconstitutional use of tax-payer dollars to fund the first $187,000 of Plaintiffs underlying litigation in this case. Not only have Plaintiffs stipulated this case and all of its causes of action are subject to First Amendment analysis, under New York Times v. Sullivan, but the Court's own dicta in this case from the bench indicates that this issue is clearly a matter of public concern, and such an Order of the Court must be rendered giving the appropriate weight to Defendants First Amendment rights.

A. Defendant Must Not Be Held in Contempt, as the underlying Order from the Court Did Not Accurately Weigh Plaintiff's First Amendment Rights and/or The Prior Restraint Thereof.

The contempt arises from Plaintiff's January 4, 2018, Motion for Rule to Show Cause, regarding plaintiff's alleged of the Court's Order Prohibiting Pretrial Communications and Publicity, dated November 8, 2017. Initially, this motion was heard by the Court on or about January 30, 2018. At that hearing, the court ruled from the bench that its Order was not final and was to be held in abeyance until the end of the case when the court would finalize the same. See Ex. A, Transcript of Jan. 30, 2018. At that hearing, Defendant raised the issue that the gag order was a prior restraint on Hoagland's First Amendment rights, particularly in regard to the fact that he had other pending lawsuits which had overlapping factual subject matter, which were not under This Court's

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jurisdiction and, therefore, would not be proper properly subject to a gag order from This Court.

Specifically, Defendant would draw the Court's attention to the hearing of June 1, 2017, or in Hoagland filed a Motion to Amend the pleadings in order to Allow a counterclaim against the plaintiff and third-party complaint against the Town of Hilton Head Island, and its constituent councilmembers regarding the unconstitutional expenditure of taxpayer dollars to pay for the Plaintiff Likins' attorneys fees for the underlying action. See Ex B, Transcript of June 1, 2017. The Court had the ability to keep Hoagland's counterclaim under Its jurisdiction by granting Defendants Motion to Amend, but the Court voluntarily elected not to do so thus leaving Hoagland's First Amendment case regarding the unlawful use of taxpayer dollars in a separate Federal Court case and, thus outside This Court's jurisdiction.

To the extent that the Contempt Order requires the exercise of a First Amendment analysis, the Supreme Court of South Carolina in State Record Co. v. State, 332 S.C. 346 (S.C. 1998), specifically recognized the United States Supreme Court opinion in Nebraska Press Ass'n v. Stuart, 423 U.S. 1319 (1975). Nebraska Press established a three-prong balancing test to determine whether a prior restraint is justified:

1. The nature and extent of pretrial publicity;
2. Whether other measures would be likely to mitigate the effects of unrestrained pretrial publicity; and
3. How effectively a restraining order would operate to prevent the threatened danger.

See Id. 427 U.S. at 562-68, 96 S. Ct. at 2804-07, 49 L. Ed. 2d at 699-703. Nebraska Press specifically noted that "the precise terms of the restraining order are also important." Id. at 562, 96 S. Ct. at 2804, 49 L. Ed. 2d at 699. See State Record Co. v.

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State, 332 S.C. 346, 353, 504 S.E.2d 592, 595-596, 1998 S.C. LEXIS 122, *11, 27 Media L. Rep. 1193.

In the case at bar, such analysis was never reached in either the initial "gag" Order of Nov. 8, 2017, or the Order Finding Contempt of February 7, 2018. See Ex. C, Order Prohibiting PreTrial Communications and Publicity, Nov. 8, 2017 (also Ex. A to plaintiff's motion for Order and or Rule to Show Cause, January 4, 2018) and Ex. D, Order Finding Defendant Hoagland In Contempt Of Court, February 7, 2018 (This Order was not Final, as it was specifically held in abeyance through the end of the case, as per the Order in The Court's ruling from the bench). Thus, in reaching The Court's Finding on Plaintiff being in Contempt, The Court failed to weigh Hoagland's First Amendment rights under the appropriate standard and, thus, failed to properly weigh the Order of Contempt.

B. Contempt Order For Sanctions Violates Hoagland's Due Process Rights.

As the Court noted on March 9, 2020, Defendant objected to a Hearing for Contempt moving forward is the same would violate Hoagland's Due Process rights.

CONCLUSION

Hoagland is entitled to a dismissal of the current Order for Sanctions, and respectfully request the court decline to render an Order for either Civil or Criminal Content Sanctions due to the failure to properly weigh Hoagland's First Amendment rights and/or do to the violation of Hoagland's Due Process Rights.

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BREWER LAW FIRM, LLC

/s/ Barrett R. Brewer

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f: (843) 779-7456
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Attorney for the Defendant

March 30, 2020

Charleston, South Carolina

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STATE OF SOUTH CAROLINA
FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF COMMON PLEAS
CASE NUMBER 2015-CP-07-02937

KIM LIKINS — PLAINTIFF

VERSUS

C.C. HOAGLAND — DEFENDANT

JANUARY 30, 2018

TRANSCRIPT OF HEARING

BEAUFORT, BEAUFORT COUNTY, SOUTH CAROLINA

BEFORE

HON. R. LAWTON MCINTOSH, JUDGE

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

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843-842-5500

and

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Linton@WGFLLAW.com

Plaintiff Kim Likins was present.

ON BEHALF OF DEFENDANT
C.C. HOAGLAND:

HON. BARRETT BREWER
CLAWSON & STAUBES, LLC
126 SEVEN FARMS DRIVE
SUITE 200
CHARLESTON, SOUTH CAROLINA 29492
843-557-2026
bbrewer@clawsonandstaubes.com

Defendant C.C. Hoagland was present.

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EXHIBITS

No exhibits were admitted.

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BEGINNING 2:05 P.M.

BY THE COURT:

THE COURT: All right. We're here in Likins versus Hoagland. First matter we're going to take up today is the rule to show cause as to Mr. Hoagland's conduct in violating a gag order issued by me. Plaintiff's motion. Be glad to hear from them.

MR. LINTON: Yes, your Honor. John Linton on behalf of the plaintiff. I've got a notebook of all the filings related to this motion, if your Honor would like it to --

THE COURT: Filings? If they're filed, that doesn't violate the order. I don't care if it's filed. What do you mean by *filed*?

MR. LINTON: Things that the parties have filed with respect to this motion. If they're on the computer -- organized with tabs, so we went through -- your Honor, we're here for a contempt motion on your honor's order related to communications to third parties.

THE COURT: And let me stop you there. I apologize to you. We had a phone conference last week between the parties. After the discussion, I felt like I didn't need to issue a rule to show cause. However, after discussion and phone conversation, I did, out of an abundance of caution, to make sure that the relief

that's been requested would be available. Go ahead.

MR. LINTON: Thank you, your Honor. And the order that we're here about today is the order that your Honor entered after the plaintiff filed a motion related to the conduct after mediation in this case, where the settlement demand made by the plaintiff was disclosed to the media and others over email by Mr. Hoagland. By that time, your Honor decided that that was not a violation of the ADR rules, but given the history and what has gone on in this case, decided to enter an order to protect the court's process and to make sure that this case proceeded to trial without distraction. And as your Honor is well aware, that order precluded anybody involved in the case, whether it be the parties or the lawyers, from any extra judicial comments to third parties, members of the media, or in this case, witnesses as well.

And we're here today because the plaintiff was basically, in our eyes, forced into a situation where we had no other choice but to come to this court and say we need help. This order has been violated, and a lot has gone on. And there in that notebook are the original motion for rule to show cause, with exhibits; supplementary motion and memo that lays out the law applicable to a civil contempt motion, which requires

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the moving party to show by affidavit or verified petition that the order has been violated.

THE COURT: Well, let me tell you this. I reserve the right to treat it either civil or criminal. So go ahead.

MR. LINTON: Yes, your Honor. And what I think will be the easiest thing to do is, rather than try to read through these emails or recite the history, is just to point the Court to the two filings that the plaintiff feels are most significant, and that's the affidavit that was filed with the supplementary motion, and then a supplementary affidavit that was filed last night. And these are two affidavits from Mr. Alford, and all they say is these are authentic copies of the emails received, and they're all emails that were sent by Mr. Hoagland. In that notebook, we tabbed emails 1 through 5 with respect to the first affidavit, and then kept that numbering system, 6 through 12, with the second. And I know that the Court has had an opportunity to review all of these, so like I said, --

THE COURT: No, I haven't. I mean, the email to me last night, I haven't seen; I haven't heard of; so I have not read it.

MR. LINTON: Okay. Then I will go through these. And I want to point out the several portions of them

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that violate the order.

THE COURT: Sure.

MR. LINTON: So the first -- Email 1 -- and much of this is quoted and recited in the memo that was filed a few weeks ago.

THE COURT: Tell me where I am. Am I looking at Exhibit B --

MR. LINTON: Yes, sir.

THE COURT: -- through --

MR. LINTON: Exhibit B. I know there's a tab that says Email Number 1.

THE COURT: Okay. I'm -- oh, okay. Okay.

MR. LINTON: And this is an email that Mr. Hoagland sent to the lawyers involved and copied the Attorney General and SLED agents and others. And what I want to point out about this email are these are items that are directly related to this case that he's discussing; and these are two third parties; and that they are direct communications to the other lawyers in this case. And the order that your Honor filed expressly prohibited the parties from contacting lawyers directly.

He addresses myself and my partner, Trenholm Walker, several times. And says things like: Mr. Linton/Walker, you're in bad company and receiving bad advice from crook lawyer Alford and being used by the

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crooks of Hilton Head as their puppet lawyers free works. I can assure you the stolen 200,000 tax money you were paid with knowing this was stolen must be paid back to taxpayers.

And like I said, I'm not going to read all of these, but that right there is our first exhibit; first email; it is directly to the lawyers; it's also to third parties; it's discussing the case.

And down towards the end you'll see the last -- third-to-last paragraph that starts *Mr. Linton*, and you will see where Mr. Hoagland, addressing me directly, says that I'm a dirty lawyer; I've learned dirty tricks at a young age; I'm not -- and it moves on to a sort of closed threat that I'm not prepared to deal with someone like him.

And then, the paragraph following that starts lying Linton. He says: *I called Trish Heichel yesterday.* And the reason that's important is, this email is sent the day after Mr. Hoagland's attorney took Trish Heichele's deposition in this case. So what we have here is an email from Mr. Hoagland, which, in itself, violates the order. And then he says, hey, by the way, I called the witness from the deposition yesterday directly, and I told her what a liar you are and how you made up all this stuff.

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And the reason I bring that up, your Honor, is I expect from the reply they've filed that Mr. Hoagland's response to our motion is going to be that most of these comments were about other case. And this is one that is particularly specific to this case, because it involves calling a witness right after their deposition in this case.

So moving on through the emails, the tab Email 2, if we turn to the fourth page down at the very bottom, there's just two lines left. Says:

Not only is the town lawyer, Greg Alford --

THE COURT: Hang on. Where is this, now? This is the fourth page in?

MR. LINTON: This is the -- the fourth page in, your Honor, yes.

THE COURT: Starts with *not only*?

MR. LINTON: Yes, your Honor. At the very, very bottom of the page, the last two lines.

THE COURT: Mine stops at *nonprofit corporation at laws*, and then it's cut off. Is it E.L.1?

MR. LINTON: E.L.2. Well, I guess if you -- I was counting the cover page of Email 2.

THE COURT: Oh, oh.

MR. LINTON: So it'd be the other page of the

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email.

THE COURT: I'm sorry. Okay. Okay.

MR. LINTON: Okay?

THE COURT: Okay.

MR. LINTON: The paragraph starting:

Not only is town lawyer, Greg Alford, part of 200k theft, he is also in violation of his town lawyer contract profiting his stolen 200k and tax monies.

And then it goes on, and at the top of the next page, the following paragraph, which starts *further*, he starts discussing an order that was issued in this case earlier in the case by Judge Dukes that was a consent order the last time we were here on a contempt motion. And it was for violating an order that precluded a publication in the paper referring to Ms. Likins' fitness to be around children, after the case had already started. And there was a consent order entered as part of that, that Judge Dukes signed. And here, he starts to attack Judge Dukes and the fine that was agreed upon as part of that order. And that's, again, directly related to this case.

THE COURT: Let me stop you. You know, to the extent you previously sent these emails to me and copied opposing counsel, I have read those. I'm familiar with

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all these. I will point out that not only has Mr. Hoagland written to opposing counsel about this case, he's decided to engage in the course of writing the Court about this case. In fact, I have two emails my law -- my assistant just sent me that apparently came in this weekend. One dated January 27, 2018 from Mr. Hoagland at 6:24 p.m. And then there was another January 26, 2018 at 5:36 p.m. from Mr. Hoagland.

We don't need to go through all the emails. I'll point out, though, some of the emails that were incorporated in your submissions to me would not violate the order, because they're just general discussions. It may not be a good idea to send opposing counsel general correspondence, but it would not be in violation of the prohibition against discussions about this case. Okay? But.

Mr. Brewer.

MR. BREWER: Thank you, your Honor. Your Honor, we addressed this issue with your Honor June the 1st, is when we had this hearing. And at that time, when the Court brought up the issue of a gag order, I think that the first argument I had -- and we just got a copy of that transcript today. Did you get a copy? I just got a copy today.

MR. LINTON: I looked at one.

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MR. BREWER: I haven't even had a chance to find where we talked about yet, because it's 136 pages. But the bottom line, that we discussed that my client is a political activist. He does have many lawsuits going. And the argument I raised to the Court at the time was that --

THE COURT: Well, now -- now -- hey, listen, I don't want to hear about your argument about these issues. A gag order's been issued. I want to know what he has to show cause -- what he has to say to show cause why I shouldn't hold him in contempt.

MR. BREWER: Well, exactly what Mr. Linton brought up and we published in our motion, that he got six different -- or responsive pleading. I'm sorry.

THE COURT: I am over one. I am over one case that Mr. Hoagland's on.

MR. BREWER: Yes, sir.

THE COURT: He's sending me emails.

MR. BREWER: Understood, your Honor.

THE COURT: Can you tell me how he can explain that away.

MR. BREWER: Well, first off, your Honor, I think Mr. Hoagland simply -- he obviously -- I will tell you, between the Court and myself, I clearly did not authorize Mr. Hoagland to make those comments.

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THE COURT: That remains to be seen, Mr. Brewer. To be quite frank with you, I've never seen lack of control of a client as bad as this case, quite frankly.

MR. BREWER: Your Honor, I appreciate the perception of that. I can tell you --

THE COURT: Well, that is my perception. I'll be candid with you.

MR. BREWER: I understand. I'd be happy. Actually, I would probably like the Court to ask opposing counsel about my efforts to do otherwise, if I could.

THE COURT: Well, and I'm not indicting you. But I'm just telling you.

MR. BREWER: I understand, your Honor. I mean, if this is about me today, I'll be happy to tell you. I can tell you I've done whatever I can, and my file's well documented in that context.

Mr. Hoagland is his own beast. Okay. He wants to be heard.

THE COURT: Sure.

MR. BREWER: He wants to speak directly to the Court.

THE COURT: Well, he already has. He's been emailing me.

MR. BREWER: I understand. And quite frankly, I

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mean, he's given me three copies of speeches that he'd like to tell you about today. And he wants to talk about it, and I'm inclined to let him do it. Here --

THE COURT: Let me tell you something. You're not running this courtroom today. I am. Okay? So whether you're inclined or not is not an issue.

MR. BREWER: No, no. No. I understand, your Honor. What I mean by that is, against my better judgment, if the Court would like to hear from him, --

THE COURT: Okay.

MR. BREWER: -- I'm inclined to allow him to do what he wants.

THE COURT: Well, let me ask you this. And I know --

MR. BREWER: I apologize.

THE COURT: I apologize to you. Let me say this.

MR. BREWER: Yes, sir.

THE COURT: I'm not going to let him stand up and make this courtroom one of his screaming pulpits. Okay?

MR. BREWER: I understand.

THE COURT: On the other hand, I'll be glad to hear from your client with regard to any rationale or explanation he may have as to why he has obviously, obviously violated this Court's gag order.

MR. BREWER: The way I -- the only way I know to

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phrase it to you, your Honor, is this, is he has *First Amendment* rights that involve other matters that he has to speak about. He has other cases that are going on that are tangential and involve the same facts, the same actors. In fact, one of the federal court cases he has going on right now is the one that your Honor declined to retain jurisdiction over. And if you'll recall, back on June 1st, Russ Keep was here as a co-counsel of mine for Mr. Hoagland. And he was making a motion to amend to add counterclaims back in this case against the Town, its attorneys, regarding this misuse of $200,000.00. And if you'll recall, the Court's ruling was, well, I'm going to decline to do that because you've got another suit pending in federal court right now.

THE COURT: Mr. Brewer, your argument is your client didn't know? Is that really what you're argument's going to be today?

MR. BREWER: Your Honor, my argument is that he is not --

THE COURT: Yes or no?

MR. BREWER: Yes, your Honor, my argument is that he is allowed to speak about other cases he has, and that he has not discussed --

THE COURT: He's allowed to copy me on them? Are you serious about that?

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MR. BREWER: Your Honor, I'm not saying -- he is not discussing -- the only thing he's doing with the Court -- I mean, I've never had a client that's emailed a Judge.

THE COURT: Mr. Brewer, I can read as well as most people. Some may argue that point. But I feel like I can. I don't need you to tell me what he's telling me, because I read them. Okay?

MR. BREWER: Sir -- your Honor --

THE COURT: And they are violating the gag order without question, clearly, convincingly.

MR. BREWER: Understood, your Honor.

THE COURT: The question is, does your client -- you might want to talk to him. Does he really want to speak today? I'll be glad to put him under oath and let him speak. He's not going to get up and make a speech. He can explain his actions, and I'll be glad to listen, because he's subject to going to jail today.

MR. BREWER: I'm happy to talk to him for a second, your Honor.

THE COURT: Talk to him for me and make sure that's what he wants to do, okay?

MR. BREWER: Okay.

MR. BREWER SPEAKING WITH CLIENT.

MR. BREWER: Thank you, Judge.

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THE COURT: Okay, sir. I'm going to take your Honor up on it.

THE COURT: Well, I'm going to step out. And would you send word back, please, Mr. Brewer.

MR. BREWER: We'll take five minutes.

THE COURT: Thank you, sir.

OFF THE RECORD 2:21 P.M.

BACK ON THE RECORD 2:31 P.M.

BAILIFF: All rise. This court is now in session.

THE COURT: Please be seated. All right, Mr. Brewer, have you had a chance to discuss with Mr. Hoagland whether or not he wishes to testify?

MR. BREWER: I have spoken to Mr. Hoagland, your Honor. Well, let me ask this. The way you had brought it up, he is -- I had mentioned last week that the process of this is -- I haven't gotten this far yet. If Mr. Hoagland even wanted to speak, I mean, he'd go on the stand and be sworn under oath, and I would examine him as a --

THE COURT: And he'll be subject to cross-examination.

MR. BREWER: Sure. I mean.

THE COURT: But, and make sure, Mr. Brewer, you understand the purpose of this testimony is not to make a political speech; it's to address the rule to show

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cause and complaint. Okay?

MR. BREWER: I do understand that, your Honor. I truly do.

THE COURT: Okay. Thank you.

MR. BREWER: All right, Judge, I talked to Mr. Hoagland in back. He wanted me to express to the Court, (1) that he was sorry, but because of his -- he wants to apologize to the Court. The only way he understands this is, he tried to do the best he can to comply with the gag order. And given his other six lawsuits, he feels he has the *First Amendment* right to talk about those, and doesn't know how to separate those lawsuits and what he believes he's allowed to do in those lawsuits versus what the Court's order was in this case. And that is the simplest way I can explain it.

THE COURT: Okay. So he does not wish to take the stand?

MR. BREWER: He has asked me to make the statement for him, unless, for some reason, the Court would like to hear from him.

THE COURT: No. I'm ready to rule.

MR. BREWER: All right. Thank you, your Honor.

THE COURT: All right. Mr. Hoagland, I don't buy that for one second. You're intelligent and articulate. I've read your emails. You know how to address the

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issue. You are in contempt of this court. I am going to decide whether or not it'll be criminal contempt, which means you'll go to jail; or civil contempt, which means you're given the keys to the jail. I am also reserving the right to levy financial fines or sanctions, and that's going to be done as soon as this case is over with. Okay, sir?

What I want to do is keep something over your head, quite frankly, Mr. Hoagland, to make sure that you act the way you're supposed to, according to the order. You may disagree with it. I understand. I have people disagree with me every day, but you have to comply. All right, sir? And this idea that you think -- you don't know you're violating an order when you email me is beyond imagine. Okay? I've, quite frankly, practiced law for over twenty years. I've been a judge for about ten years. I've never seen a conduct -- a participant in a lawsuit conduct themselves as you have in disregard to orders, blatant disregard. Even criminal suspects in murder cases conduct themselves on a more behaved basis than you have.

And so, I am to determine what sanctions you get at the end of this case. I will tell you, quite frankly, Mr. Hoagland, that if you will conduct yourself as you're supposed to in this case, it will ameliorate a

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lot of the stain right now. I can't, you know, put a gag on you as far as physically or tie you down, but you may be your worst enemy or you may be your best friend at the end of this case, because the less conduct that we have in violation of this order in this case, the better it's going to be. Do you understand? Mr. Brewer explained to you.

I'm fussing at Mr. Brewer, because lawyers have obligation to try to control their clients. Quite frankly, I gave him a hard time. I know that he's been trying to control your conduct, and you just won't do it. And it's just not satisfactory.

So, at the end of the case, if you have conducted yourself like you're supposed to, there probably won't be much damage done. On the other hand, if you don't, I don't mind, and I can tell you, I can put you in jail and put you in jail for a good period of time. If I feel strong enough about it, we'll convene a jury, because that means I can put you in jail more than six months. And you don't want to do that. I'm just telling you, you don't want to do that.

That being said, some of his emails, even the ones to me, don't violate any rules. He says, I'm a citizen. He's a citizen. He has a right to say what he wants to say in that regard. If it pertains to this case is

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where the violation comes. Okay? You understand that? Smarter move, but -- hold on. It doesn't violate the gag order, except for the prohibition that you cannot contact attorneys directly. I think I put that in the order; did I not?

MR. LINTON: Yes, your Honor.

THE COURT: Okay. You are not to contact lawyers. Do I need, Mr. Brewer, to amend my order, because it's effectively, I mean, now that he's not to contact the court or my staff. Do you understand that, Mr. Brewer?

MR. BREWER: Yes, sir. Yes, your Honor, I do.

THE COURT: Okay. So --

MR. ALFORD: Your Honor, if I may?

THE COURT: No, sir, not yet.

MR. ALFORD: Yes, sir.

THE COURT: Mr. Hoagland, do you understand?

MR. HOAGLAND: Yeah.

THE COURT: Let me make sure you do. I know you feel like people are beating up on you. Quite frankly, some of the issues you raise I think are pretty legitimate issues. Okay?

MR. HOAGLAND: Thank you, your Honor.

THE COURT: I'm not asking you to thank me. I'm just telling you, though, the process we're following is going to be followed the way I asked you to, because

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that's my job is to control this courtroom. Okay? So do not email opposing counsel. You definitely don't email Ms. Likins. Don't email my staff or me. Okay, sir? You know, what you do in those other cases, that's up to those lawyers and those judges. All right? But in this case, do not do it again, all right?

MR. HOAGLAND: Okay.

THE COURT: All right. Now, go ahead.

MR. ALFORD: Remind me.

THE COURT: I'm sorry. I mean, I just wanted to get that out of the way. I'm amending it to include me. I just never -- never thought I'd have to do that, but guess what?

MR. BREWER: It's understood, Judge.

THE COURT: Every day's another day.

Now, to the merits. Now, there was a motion to quash additional depositions, or have they been taken? I know the summary judgment motions continued at your request, right?

MR. BREWER: Yeah, and Mr. Linton and I requested just so we could handle this and take care of all this, your Honor. And we can, at the conclusion of this, can talk to the Court about when would be the Court's pleasure to schedule it.

THE COURT: Do the summary judgment. Would you

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prepare me an order finding him in contempt.

MR. LINTON: Yes, your Honor.

THE COURT: And holding in abeyance whether it will be treated as criminal contempt or civil contempt; and to be -- to reconvene that issue at the end of the case, whether by settlement or jury verdict; and that action from now until that time will weigh heavily towards what sanctions the Court will issue in the case?

MR. LINTON: Yes, your Honor.

THE COURT: All right. Thank you. So what do I have now? I thought I had -- I had a list.

MR. BREWER: Well, your Honor mentioned -- I think the rest of these can be relatively quick, your Honor, to be frank with you. I think the rest of the motions can go relatively quickly.

THE COURT: Okay.

MR. BREWER: You mentioned the motion for protective order, which I filed. And it just had to do with some depositions. And I understand, by the way, no matter how the Court ruled, we'll address the -- when the depositions can be taken, but the hard deadline was January 31st, which is tomorrow, day after.

THE COURT: Let me tell you this -- or ask you this. Have you guys spoken to each other about going forward or not? I mean, normally, that's what I'd want

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you to do. These are scheduling orders, so they're not inviolate. And if you all can agree, I certainly don't care.

MR. BREWER: Sure. Well, we have really finished, you know, with the Court. When we last spoke to the Court, we had depositions, we worked really hard this month, and we got, really, all of them done.

THE COURT: Great.

MR. BREWER: With the exception of these two, and these are two that Mr. Linton proposed to us.

THE COURT: And you feel like they're harassing and it won't lead to discovery.

MR. BREWER: Well, and they're also in violation of the discovery order to the extent that these witnesses weren't named. Mr. Linton approached me in December wanting to take the deposition of a lady named Linda Rew.

THE COURT: Linda Rew?

MR. BREWER: R/e/w. And Katina Beasley.

THE COURT: Okay.

MR. BREWER: And I'll be very frank, your Honor, the Katina Beasley one is really what drives the protective order. Both of them, we believe, are in violation of the scheduling order. Although, in fairness to my co-counsel, because they've been fair to

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us, we've been relative good about working with each other on discovery issues.

THE COURT: Who is Ms. Beasley and where does she work?

MR. BREWER: The allegation was and that -- that Mr. -- and I hate to quote an off-the-record conversation, but this is the way it came up. Mr. Linton called me and just basically said I want to take the deposition of Ms. Beasley. I asked him what the purpose of that was. And very succinctly, he told me that there had been some rumors floating around that this was a mistress of Mr. Hoagland's.

THE COURT: Oh. Well, no, we're not going there. That has no relevance to this case. That's just not --

MR. BREWER: And that's why we filed a motion for a protective order.

THE COURT: Absolutely granted.

MR. BREWER: And they may have different grounds, but that's -- like I say, I hate to repeat it, but that's what I've been told.

THE COURT: If that's what they're trying to discover, that allega -- that fact, you're not going there.

MR. ALFORD: I understand, your Honor. And it's not that at all. I respect that. I understand how you

would react that way. I do. It, frankly, is more of a credibility issue, and of an issue -- one of the things that's material in this case is been malice. Right? I mean, you know, that's going to be an issue.

THE COURT: Well, yeah, she's a public figure.

MR. ALFORD: One could argue.

THE COURT: One can probably be -- rule.

MR. ALFORD: One might rule.

THE COURT: That's right.

MR. ALFORD: I understand.

THE COURT: Very good.

MR. ALFORD: So that's why -- I understand. And the conversations that one might have with their friends and with people that they are comfortable with may be more enlightening than just conversations with a person about how they felt about comments they made about --

THE COURT: Do you have any knowledge of this, or are you just going fishing?

MR. ALFORD: She has contacted other defendants -- I'm sorry -- other plaintiffs that are involved in being email bullied and keyboard bullied and accosted and yelled at and, you know, and the mayor of Bluffton has an action filed against him. We believe that that -- and she contacted counsel for -- she's actually contacted one of the witnesses in this case that Mr.

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Brewer named and deposed, and said, you know, I have things to tell you about this, if you can protect me. I don't know what that means.

She also contacted -- left a voice mail with Mr. Finger's client, Mrs. Sulka, to the same effect. And that's why. Because there may be -- and look, there's one thing taking depositions and there's kind of things -- it's a whole nother matter if the court -- you know, if it's not there, it's not there, and it's not admitted. I mean, we're not -- we're not looking to --

THE COURT: So, allegedly, this lady has information about the motives of Mr. Hoagland and making these kind of --

MR. ALFORD: Motives, thinking, yes, sir. And I mean, we didn't -- we didn't go find her. She --

THE COURT: Okay. So she wasn't reasonably available. Now, let me tell you something. To the extent that there is some rumor or innuendo that there is more than a relationship, you're not going there.

MR. ALFORD: Fine.

THE COURT: And Mr. Brewer will stop the deposition and call me, and it will be stopped and cancelled.

MR. ALFORD: I understand. All we want to know is how long have you known him.

THE COURT: Yeah.

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MR. ALFORD: How do you know him; have you talked about these issues within what he's saying. The other thing we might want to delve into would be some financial questions, because, according to Mr. Hoagland, and he takes great pride in the fact he doesn't own anything on Hilton Head; he doesn't -- he's not a resident; he's not a taxpayer; he --

THE COURT: Well, I mean, let me tell you something. I don't -- I have no problem with you taking one of these depositions late, but especially under the circumstances where she just appeared. Regardless of the personalities involved and the emotions involved, you know, going to that level of questioning and that kind of stuff, it's just not appropriate and not going to be allowed. But anything else that would be relevant to the suit, I'm not going to try to bar you from doing that.

MR. ALFORD: Yes, sir. And I will stay within those boundaries, and I'm sure Mr. Brewer will keep us there.

THE COURT: Say that again.

MR. ALFORD: We will stay within the boundaries that the Court has issued.

THE COURT: Now, who is this other person?

MR. ALFORD: And that takes us to another

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credibility issue. Ms. Rew is a business owner on Hilton Head Island, who we don't know if she is part owner, owner. She was apparently in business with Mr. Hoagland in a --

THE COURT: In business?

MR. ALFORD: Yes, sir, in a company called Island Communications.

THE COURT: Does she have an attorney?

MR. ALFORD: Yes, sir, she does, Mr. Scarminach. And we spoke with him. We sent a subpoena, and we tried to do it, and Mr. Brewer filed his motions, because there's a representation made by Mr. Hoagland about this financial situation, he doesn't have any business interest and those kind of things. And we just want to explore that. And I think that's legitimate both from a credibility perspective and just to find out what's there.

THE COURT: Mr. Brewer. Mr. Brewer.

MR. BREWER: If I can be can be heard briefly, your Honor.

THE COURT: Well, I think your client wants to talk.

MR. BREWER: Oh. Yes, sir.

MR. BREWER IN DISCUSSION WITH CLIENT.

MR. BREWER: Your Honor, with regards to Ms. Rew,

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what I understand they'd like to get out of her, she is an owner of a business that Mr. Hoagland used to own. The way I look at this, this is along the lines of a supplemental-proceeding-type question; that they're trying to track down assets, which is the type of deposition you would take after there's a judgment or after there's a verdict.

THE COURT: I don't necessarily disagree with that, but at the same time, it could lead to some other issues in this case. I don't see any harm to them, even if it is only about supplemental-type issues, so be it, so they can't use it in this trial.

MR. BREWER: Given the Court's ruling on the taking the depositions and the timing of the discovery order, the only thing we'd like to request from the Court is this. If Mr. Hoagland believes that depending on what the information is that comes from those depositions, that may make a couple of other, let's say, rebuttal witnesses or depositions irrelevant, and so, we'd just like leave to come back to court and say based on the testimony, we believe --

THE COURT: Sure. If you feel like you need more, you all discuss it first, and then contact me. We'll have a conference Call, and then we'll go forward.

Now, we don't want to go run down the sides streets

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and Miss the main point. The main point is whether or not there's defamation.

MR. BREWER: I'm with your Honor.

THE COURT: Okay. All right. So granted. Is there a time period, you know, with restrictions, is there a time period?

MR. BREWER: So it'd be my motion. My motion is what's granted in part and denied in part basically as to --

MR. ALFORD: He had a motion to quash the entire thing. So I think his motion --

THE COURT: You had a motion to compel, I saw.

MR. ALFORD: Yeah --

MR. LINTON: No.

MR. ALFORD: No, we did not, your Honor. I'm sorry.

MR. BREWER: Yeah, so I'm assuming you're going to want me to prepare an order based that says granted in part, denied in part, within these parameters, basically?

THE COURT: Right. Yes, that'd be good. Okay. I'm looking. I have rule to show cause/protective order. That's what we just done. Also to allow requests for admissions, supplemental discovery requests admitted and summary judgment is asked.

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MR. BREWER: Yeah, that's what I -- we can make that one real easy. They're all basically the same thing. Okay. If you remember back earlier, at the end of the discovery order, there was -- we were supposed to have the discovery completed, and just finish the depositions. Well, as these depositions have gone forward, we've identified most of them, public records, things that are open to the public, things that we just would like to make sure we can use later in the trial or in subsequent motions. And so, because of the way I understand Mr. Linton's reading, I was required to file a motion to allow me to supplement my discovery, right? So most of those things, I think we've worked out, except the request for admission. Is that correct?

THE COURT: Is that correct?

MR. LINTON: Yes, your Honor. Basically, obviously, we have no problem with supplementing their discovery responses.

THE COURT: Well, you have to do that under the rules anyway.

MR. LINTON: Exactly. But the order prohibited serving new discovery requests, and for their serving new requests for admission, even if it's for the authenticity of documents. It's well after the deadline and it's for -- you know, is it a couple hundred pages

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of a Facebook printout. And it says, you know, do you agree that this is authentic and admissible. And we just feel like and there's no need for that to be done. They could have done that for the last year and a half before that deadline was up. But we had a Call about that earlier, and I think Mr. Brewer raised it, and the Court said you really -- the Court required them to go to the Court and seek leave before serving them. And they just served them. And now they've moved to deem them admitted and to serve them.

MR. BREWER: Well, and to file a motion to allow them be done. Judge, all it was, was we printed off for Ms. Likins' deposition and produced to them in advance of their deposition a copy of her Facebook profile. And that prints out.

THE COURT: You know, whether she admits or denies it, you'll be able to try to get it authenticated and admitted at trial. That's not going to stop you. Let me just say -- let's go back.

MR. BREWER: So that was really the only contested issue, and then is whether she'd be required for the requests for admission to --

THE COURT: I'm not going to make her do that, okay. And it's not without prejudice -- without prejudice to you.

MR. BREWER: Sure.

THE COURT: Go any way you go through.

MR. BREWER: Understood, your Honor.

THE COURT: Quite frankly, I've always looked at somebody saying these are authentic is just saving, you know, the witness time. So it would be looked at from my perspective as not wasting time bringing people up here to authenticate something that's unnecessary.

Now, admissible? you know, that's a whole nother -- nother, you know, horse of another color.

MR. BREWER: Yeah, I don't think I asked about that in terms of admissibility, but if I did, I'd be happy to redact it to terms of authenticated, this is your Facebook page.

THE COURT: Well, that is equated with you try to get together and look at as many exhibits that you can stipulate to as being admissible as possible before trial. And then, you know, have your fights, but not have to lay your foundation for every single document, because it sure does expedite the process.

MR. LINTON: Yes, your Honor. It's certainly before trial we expect to get together with them and to have those discussions.

THE COURT: Okay. So we had a rule to show cause; we've been found in contempt. We have the protective

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order granted/denied, and that's Mr. Brewer. Mr. Alford, you doing the -- who's doing the order from the plaintiff? I'm sorry. You're doing the first one. I know. You're doing the contempt order, right?

MR. LINTON: Yes, your Honor.

THE COURT: Supplemental discovery to allow requests for admissions is denied. How about supplemental discovery? Is that all the same thing?

MR. BREWER: All that was. I think Mr. Linton conceded that we didn't need to file the motion. It was just to supplement records we'd like to use, so.

THE COURT: Okay.

MR. BREWER: So, to that extent, I would consider that resolved.

THE COURT: Okay. So the summary judgment's continued to let you brief, because you moved offices, right?

MR. BREWER: Yeah, I moved offices, and was having a hard time getting it to Mr. Linton timely enough for him to brief it as much as he wanted. He brought it up, and I thought that was a good idea that the Court allowed, and the Court agreed. And so, what we'd like to do, I guess, is get together with you and find out when will be the next best available date to argue that in front of you.

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THE COURT: I don't have my schedule with me. I don't really have a schedule down here for a while.

MR. BREWER: I don't personally mind -- they may have an objection. I don't mind going to see you somewhere. I mean, that would be okay with me.

THE COURT: Have you ever been to the upstate, buddy?

MR. BREWER: It's God's country.

MR. ALFORD: It's hard to get to.

MR. BREWER: God's country.

THE COURT: Bring your gun and your knife.

MR. BREWER: Well, and Judge, there's a real practical reason for it. You know, the main thrust of that summary judgment motion is, effectively, the public figure issue and some disagreements I anticipate we're going to have. And --

THE COURT: Right. Let me tell both -- or everybody, all three of you. It's been my thoughts all along that Ms. Likins, for purposes of this action, would be deemed a public figure. She's a city councilwoman. I think that the attorneys in here would probably be public figures. I'm just telling you, but I think that she, being an elected official, is going to be. Now, I'm going to let you argue, but I'm just giving you my thoughts ahead of time.

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MR. BREWER: And that being said, Judge, the only reason we would like that, that main issue addressed, that's the crux of it, really, is because that, I think, has a lot to do with the time we spend preparing for trial, what the results of that would be and the course is -- the course of work.

THE COURT: What else do you all need to do to get ready?

MR. BREWER: Well, once we figure it out --

THE COURT: I mean, just generally.

MR. LINTON: I think it would just be those two depositions, your Honor, which should be done in the next month.

THE COURT: Have you got to the point where you can get a general assessment of how long you think this thing's going to take?

MR. ALFORD: Well, your Honor, that's going to be a function, frankly, of the Court's exercise of discretion as to what's relevant and what's not. I would respectfully submit that I have sat through eight or nine depositions that are utterly irrelevant. In three or four of them, Ms. Likins' name wasn't even mentioned. They dealt with the Chamber of Commerce. That's all they dealt with.

I will tell you that you can expect motions

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regarding executive privilege regarding how Town Council acts and votes. And I think that's pretty clear law from the United States Supreme Court, as well as the South Carolina courts. So I think --

THE COURT: I'm not familiar with the local -- I mean, South Carolina cases on this.

MR. ALFORD: Yes. I'd by happy, and obviously, it's my duty to present those to you, and I will.

THE COURT: Please do.

MR. ALFORD: And so, I -- other than -- and I think it would be helpful at the time the Court, you know, as it relates to summary judgment or whatever motions are out there, I think it would be helpful for us to have a hearing and a status conference so that we can then maybe take on some of those issues and get some guidance from the Court, because I can't tell you how long it will take until I --

THE COURT: That's ok. And you know, what I can do, when you all -- this case needs to get moving along --

MR. ALFORD: Fast as you want to go.

THE COURT: -- for multiple reasons, but when it gets to the point -- do you disagree, Mr. Brewer, that after these last two depositions, you'll be -- and you would leave the summary judgment motion be to resolved,

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and after that, go ahead and start putting things together.

MR. BREWER: Yeah. But for the -- except for the minor exception of the request Mr. Hoagland had just to be able to re-address some additional depositions if they need to be taken. But as it stands today, I mean, we were ready to be done with discovery and all depositions as of today. So, in that context, the answer to your question is yes. We think that's right. And to answer your question, Judge, I would think this is -- I think a shorter answer to Mr. Alford's response is I think this is an over a one-week case, no doubt.

THE COURT: Is what?

MR. BREWER: I think this case will take two terms, at least. I don't know it's going to take three terms.

THE COURT: I tell you what, I'll be very surprised if it does.

MR. BREWER: If it takes -- my anticipation, your Honor, having tried one of these public figure councilman cases, that it would take into a second week.

THE COURT: I'm just repeating myself, okay?

MR. BREWER: I understand.

THE COURT: I'm going to let you try your case, but --

MR. BREWER: I understand.

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THE COURT: But I'd just be really surprised if it does. Hang on for me one second, guys.

Let me ask you this. I'm looking -- I'm not scheduled down here 'til the end of June for sure. Okay? So I'm either going to have to send me here, or I can get -- see if I can get Court Administration to give me a special week assigned down here during one of my chambers weeks, one which will be on the 30th.

MR. BREWER: The 30th of?

THE COURT: April.

MR. BREWER: Okay.

THE COURT: I see a chambers week in March as well. That may be pushing you a little bit more than you need.

MR. BREWER: I think that's right, but April 30th, I don't foresee a problem with that.

THE COURT: And you're certainly not. I mean, it's certainly not -- and then, obviously, subsequent to them agreeing with me, and the clerk down here agreeing to have a jury trial. I mean, it's more than one person that'd have to say. If we look at April 30th as a tentative time frame for trial, let's kind of gear towards that. I'll check with Ms. Roseneau. And also -- let me tell you, Mr. Brewer, Mr. Brewer, this is lawyer talk. This ain't client's talk now. Okay? When

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we're going to trial, we're going to trial.

MR. BREWER: Understand. Oh, yes, Your Honor. No, I understand. I understand.

BAILIFF: Your Honor? If I may. We've got a two-week possible trial, the stucco case.

THE COURT: On the 30th of April?

BAILIFF: Yes, sir. Well, I don't know it's the 30th, but they've cut it down to two dates, one in April and one in May.

THE COURT: Okay.

BAILIFF: So you need to keep that in mind, too. Judge Dixson's going to be --

THE COURT: Because that may very well do --

BAILIFF: Exactly. Right.

THE COURT: Okay.

MR. ALFORD: It'll settle.

THE COURT: What's that?

MR. ALFORD: I try a lot of those -- or I'm involved in a lot of those kind of cases, and 99.9 it's been settled.

THE COURT: Listen, I tell you, weren't you on the one we did the other day where we picked a jury and they settled over lunch time?

MR. ALFORD: No, sir, but they -- I mean, very rarely do they -- and when they do, though, they take

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the whole time.

THE COURT: Okay. Let's see what we're looking at. April 30th, that's chambers. If I have chambers, typically, they're all -- we're all in chambers.

BAILIFF: Well, they want two weeks, a minimum of two weeks, either on the front or --

THE COURT: I see Judge Buckner.

BAILIFF: Yes, sir. Well, it's not on the schedule yet, because they haven't picked which of the two dates. They've got all of them. They have to get together.

THE COURT: Okay. That's all I have until the end of June, okay? And the schedule ain't come out, I don't think, for July. It may have. No. That remains to be seen. I'll check and we'll be in touch with you guys.

MR. BREWER: Okay.

THE COURT: Just keep that as a loose idea, April 30th.

MR. BREWER: Yes, your Honor.

THE COURT: All right. Anything further from the plaintiffs in this matter -- plaintiff?

MR. LINTON: No, your Honor.

THE COURT: From the defense?

MR. BREWER: Nothing from the defense, your Honor. Thank you.

THE COURT: All right. Thank you, gentlemen.

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Okay. Thank you guys.

MR. LINTON: Thank you, your Honor.

END PROCEEDING 2:59 P.M.

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CERTIFICATE OF REPORTER

JANUARY 30, 2018 TRANSCRIPT OF HEARING

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

I, Wanda H. Rowe, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing January 30, 2018 Transcript of Hearing is a true and accurate record of the proceedings had on said dates, in the case of Kim Likins versus C.C. Hoagland, Beaufort County, Court of Common Pleas, Case Number 2015-CP-07-02937; that no exhibits were admitted; that I am of neither kin, counsel, nor interest to any party hereto.

This Certificate of Reporter contains my digital signature and is attached to the copy of this transcript requested by Hon. Barrett Brewer. Pursuant to SCACR 607, requests for copies of this or any transcript must be made to the court reporter. Unauthorized copying/emailing is prohibited.

Witness my signature August 7, 2018.

s/Wanda H. Rowe

Wanda H. Rowe, CVR-M
Official Court Reporter

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STATE OF SOUTH CAROLINA
FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF COMMON PLEAS
CASE NUMBER 2015-CP-07-02937

KIM LIKINS — PLAINTIFF

VERSUS

C.C. HOAGLAND — DEFENDANT

JUNE 1, 2017

TRANSCRIPT OF HEARING

BEAUFORT, SOUTH CAROLINA

BEFORE

HON. R. LAWTON MCINTOSH, JUDGE

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

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EXHIBITS

No exhibits were admitted.

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BEGINNING 9:05 A.M.

BY THE COURT:

THE COURT: All right. On the record. Let's go ahead and go over where we are. According to my notes, we have a defendant's motion to compel discovery, interrogatories. The first interrogatory is 1 through 21, and 23. The second interrogatory is 1 through 5, 7 through 9. We have defendant's motion for a status conference, plaintiff's motion for sanctions, plaintiff's motion to enforce settlement, defendant's motion to amend the answer, and then there's a motion to quash subpoenas to Hilton Head, Alford Law Firm, and Pratt Thomas Walker Law Firm. Anything else that's out there?

MR. KEEP: No, sir.

THE COURT: Let me put everybody on notice right now that we're going to move this case forward.

MR. BREWER: Yes, sir.

THE COURT: And I don't know if it's been assigned to me to handle it completely, or if it's just me for administrative purposes, but this is a 2015 case, and I intend to get it further down the road. Okay?

MR. BREWER: Yes, sir.

THE COURT: All right. I don't care -- I don't

have a preference how we're going to -- order we're going to do these in.

MR. BREWER: Yes, sir.

THE COURT: If you all have -- do you all have -- I would think that the last one would be the motion to compel. It's going to be the longest. But whatever you all want to do.

MR. BREWER: Well, one thing I've got, if you want, I've got, hopefully, this pack of things that the -- most of the motions that the judge can use, if he wants.

MR. LINTON: Sure.

MR. BREWER: Your Honor, may I approach? It should be just what we submitted yesterday, your Honor.

THE COURT: Oh.

MR. BREWER: Plus, those other motions. Your Honor, will you allow me to approach?

THE COURT: I've read all these briefs. I may or may not read those. Just bring them and hand them up at the hearing.

MR. BREWER: Judge, I think this is just a tabbed version of everything we've got. So just for the Court's convenience.

THE COURT: All right.

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MR. BREWER: Judge, I agree with you. This is Barrett Brewer for Mr. Hoagland. I filed the majority of the motions that are here, so just to help give the Court a little background instruction --

THE COURT: I've read the briefs. I'm familiar with the case somewhat.

MR. BREWER: Good.

THE COURT: So let's go forward.

MR. BREWER: Okay. And to answer the Court's order about how to handle them, I agree, I think the motion to compel is the longest.

THE COURT: Right.

MR. BREWER: But they are the oldest. They've been outstanding since October. The motion for a status conference, I think would probably be best to handle afterwards, because the purpose of that was to say, once we resolve all this, how do we make a plan to go forward and get this thing done ready.

THE COURT: I gotcha. I agree with you, too.

MR. BREWER: So I'm okay with going in that order, if you want, Judge. Just to go through, I'll tell you that this morning, there might have been some confusion as to one thing that Mr. Linton and I worked out.

THE COURT: Okay.

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MR. BREWER: He has provided me -- I'm in between secretary and staff members. And so, he had provided me some supplemental answers to interrogatories that he may have previously sent me, but they don't number them. All right? So each one he sends just says supplemental answers. So, in our system, they may not show up as additional supplementals.

THE COURT: Have you Bates numbered your document in this case? Are they very voluminous?

MR. LINTON: Your Honor, we've Bates numbered all of ours. I think the plaintiff -- or the defendant had an original production that wasn't Bates numbered, but since then both of our firms have the Bates-numbered documents.

THE COURT: That's the way to go. That way, you have -- you know what you have.

MR. BREWER: We've been attempting to do that, and then stream it. I think as your Honor probably knows, I got involved late in this case, back in the fall. And so, we've been playing a little bit of catch-up. I do think we made a lot of strides. We, quite frankly, got off track in that these motion hearings that we're here for today took us two separate days with Judge Dukes to deal with. And then, after he heard this last batch on January 25th,

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Judge Dukes then recused himself without there being an order or a decision as to anything. And then we bounced around through several judges until we landed with your Honor, so.

THE COURT: You all lost out, huh?

MR. BREWER: The case fell into a black hole for the last five months, probably four months, and these issues needed to be resolved, so.

THE COURT: All right. Let's do it this way, then. We're going to do the status conference last, motion to compel second to last.

MR. BREWER: Okay?

THE COURT: Anybody here for Hilton Head or Alford Law Firm and Pratt Thomas Walker Law Firm?

MR. ALFORD: Yes, sir.

THE COURT: Okay.

MR. ALFORD: I'm Greg Alford.

THE COURT: Those seem to be somewhat related to the motion to compel.

MR. ALFORD: Yes, sir.

THE COURT: So we'll do those together.

MR. BREWER: Yes, your Honor.

MR. ALFORD: I'm Greg Alford. I represent Ms. Likins. I'm also the town attorney for the Town of Hilton Head Island. Your Honor, I may not have heard.

There were also several subpoenas that were issued, and Mr. Brewer --

THE COURT: The subpoenas I have are to Hilton Head, Alford Law Firm, and Pratt Thomas Walker. Nobody's mentioned anything else.

MR. ALFORD: Yes, there were subpoenas sent to Mr. Brewer's office as well. And there's an objection filed. And there's also a subpoena sent to Regions Bank on -- we sent a subpoena to Regions Bank, Pratt Thomas -- and I'm sorry. Mr. Brewer objected to that subpoena as well. So there are those other two, and I'm happy to pass up those objections if you'd like, and -- well, actually, one was a motion to quash, and the other was an objection that Mr. Brewer filed in response to our subpoenas.

THE COURT: All right.

MR. ALFORD: I'm happy to pass those up, your Honor, if you'd like.

MR. BREWER: To your Honor's credit, those are all kind of inter-related, and inter-related to our motion to compel itself.

MR. ALFORD: Would you like them, your Honor?

THE COURT: Yes, sir. Please, sir. Yes, sir.

MR. BREWER: And Judge, just for a suggestion, I think that --

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THE COURT: How about stop for a second, okay, sir?

MR. BREWER: Oh, I apologize. Yes, sir.

THE COURT: Let's go to defendant's motion to amend the answer.

MR. BREWER: Yes, sir.

MR. KEEP: Yes, sir. I am new to the case. I represent Skip Hoagland. I believe I was retained in March. My client, quite frankly, believed that the compensation contract for his attorney, or his law firm, did not allow or would not pay for counterclaims. And I was retained to investigate the case, and to see if they were counterclaims.

My investigation revealed, or I have soon learned, that the plaintiff, Councilwoman, Town Councilwoman Likins' attorney fees, she was -- were paid for, or the Town lent her the money to sue my client.

Now, Judge, this is against the *South Carolina Constitution*. A government may not lend a private individual money for any purpose. That's unconstitutional. Number 2, Judge, giving a person money to sue another person, and in this case, it's extremely egregious because it's taxpayer money, and it's a lot of money. It may be as high as 175,000.

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It's certainly 139,000. I know it, because it was in the paper, of taxpayer money. This consists of the crime of barratry. Your Honor, barratry is the crime of paying other people's legal fees to sue people. I only know this because I've worked with the Attorney General's Office, and I'm fairly aware of --

THE COURT: Does that provide a private cause of action?

MR. KEEP: It's violation of a statute, your Honor.

THE COURT: Does it provide a private cause of action or -- you said it's a crime of barratry. So does it have a private civil cause of action?

MR. KEEP: It would, sir, because it's negligence, per se, violation of a statute.

THE COURT: When did you first find out of the payment of the attorneys' fees?

MR. KEEP: When I was -- when I was hired in March, and I filed this motion, your Honor.

THE COURT: March?

MR. KEEP: Yes, sir.

THE COURT: Okay, sir.

MR. KEEP: I mean, I may have -- in all candor, it was in the paper. And it's possible that I knew of beforehand, but I was not hired. But it took me --

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THE COURT: Let me ask it another way. When did the issue of the payment of attorneys' fees become public, so that everybody knew it? Was that something published in the paper?

MR. KEEP: I believe it has been in the paper, your Honor, yes, sir.

THE COURT: When?

MR. KEEP: I don't know, Judge.

THE COURT: Okay.

MR. LINTON: Your Honor, I have a printout of a paid advertisement that the defendant took out February 7th of 2016, three months after we filed our case. It says:

Now a ridiculous defamatory lawsuit filed by Kim Likins, but paid for by the Town of Hilton Head.

THE COURT: That is who?

MR. LINTON: That is the defendant paid for the advertisement in the newspaper.

THE COURT: Okay.

MR. LINTON: It's from his production.

THE COURT: All right, sir. Thank you.

MR. ALFORD: Your Honor, if I may. Greg Alford.

THE COURT: No, sir. Have a seat.

MR. ALFORD: Yes, sir.

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THE COURT: Go ahead.

MR. KEEP: All right, sir. My client runs a watchdog organization that tries to ferret out, and has successfully won a lawsuit forcing the Chamber of Commerce, which accepts taxpayers' money, to obey the FOIA laws. They would not release any basic information about anything. And of course, the Court ruled that when you take money from taxpayers, you become subject to the FOIA laws. So he has a successful political watchdog. It's -- well, he's involved -- he watches local government.

He offered a rather fabulous set of rewards -- I think it was 35,000, but I'll stand corrected -- for any information leading to the conviction of any public official for corruption. It is his belief, and I must say, many people in Beaufort County, that there is a lot of things going on.

THE COURT: Let me stop you.

MR. KEEP: Yes, sir.

THE COURT: I'm going to ask you to go to the matters involved in the motion to amend. I understand this background, but I'm wanting to hear specifically why, at this late juncture in this case, that it would be necessary, and particularly with regard to the number of different causes of action and that you're

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seeking and other parties that you're trying to bring in at this juncture, why would that be necessary?

MR. KEEP: Well, sir, I believe it would be, actually, a great judicial economy to allow an amendment at this point. First, Judge, it has taken at least three months, because all of the attorneys have trials and things like that, to even get to be here in front of your Honor today. Quite frankly, I do not think this case is going to be tried, even if it's fast-tracked or whatever, any time particularly soon.

The plaintiffs -- the plaintiff in this case and the potential third-party defendants have been on notice of this now for three months, and they could've consented, and they'd have had three months to prepare. It's not particularly complicated counterclaim. It's really very simple, because it's actually not really a very complicated case. I think it's been made complicated, but I do not think it is complicated.

Number 2, there is another case that I filed, which is similar to this, but whereas my client is the plaintiff, and I intended to file immediately a motion to merge or join these two cases. However, that case was removed to federal court based on my client's

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diversity, the plaintiff's diversity, which is very unusual. The removal jurisdiction is based upon the fear that a defendant would be home-cooked in an out of state. These town council people are afraid they're going to get home-cooked in their own state, or in their own state court jurisdiction. I'm getting that case remanded, not for the reason I've just stated, but I'm getting it remanded by limiting my prayer to less than 75,000. So that case is going to be back in the system here. And it would seem just to me, your Honor, that if we join -- if I was allowed to amend this case, and I can see it's a little late in the day, but the matters are very simple, and if I'm allowed to amend, I will dismiss the other case, and we'll just proceed with this entire matter, or perhaps by your Honor. Thank you, sir.

THE COURT: Thank you.

MR. LINTON: Your Honor, we oppose the motion to amend on basically three bases. One is exactly what your Honor mentioned. We filed this case in December of 2015 as an injunction and defamation case. In February of the next year, a few months later, the defendant is already talking about the issues he seeks to join in this case now. We have been doing everything we can to get this case ready for trial.

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We are on the verge of being ready and are really wanting to move this case along, and it'll be extremely prejudicial to add a -- it's really a different case. It involves allegations about the payment of fees and about constitutional issues that are not at all issues currently in the case. So number 1 would be under Rule 15, the amendment is inappropriate. Number 2 is, the proposed amendment for counterclaims and a third-party complaint, and Rule 14(a), which governs third-party practice, says that you can bring a third-party complaint when the claim is based on or derivative of the liability in the plaintiff. So the rule actually says you can bring the action against someone who is or may be liable to him for all or part of the plaintiff's claim against him. Here, the third-party complaint against all of the members of town council, the town manager, perhaps others, is not at all derivative or dependent on the resolution of the issues in this case. And so, it's an inappropriate third-party complaint under that rule.

The third and final basis for which we oppose the motion is under Rule 12(b)(8). As Mr. Keep mentioned, he has filed the same case as a plaintiff against all of the proposed defendants, including Ms. Likins,

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alleging the same facts, alleging the same claims, against the same people, in the same capacities. That case is pending. It's been removed to District Court on the basis of -- one bases is the fact that there are constitutional claims under 1983 allege, that so there's federal question jurisdiction.

There's also the diversity jurisdiction mentioned in the notice of removal. So whether that case remains in federal court or comes back to Beaufort County, it is pending, and it is a case, and it's been filed, and it is the same claims that he proposes to add in this case. And so, if it were allowed to be amended, we'd immediately move to strike it under 12(b)(8). And so, for those reasons we'd ask that the motion to amend be denied, and this case move forward.

THE COURT: All right. Anything further? Yes, sir.

MR. BREWER: May I respond?

THE COURT: Absolutely.

MR. BREWER: Thank you, your Honor. The first thing we'd say tell you is, in the submissions we gave your Honor yesterday, what's included under Exhibit M, is an affidavit of John --

THE COURT: Is that in the book up here?

MR. BREWER: It is, your Honor.

THE COURT: Under M?

MR. BREWER: Under M.

THE COURT: Okay. Just one second. Under M, I have nothing in here.

MR. BREWER: Well, if my staff did a bad job putting it together, I'll hand you mine.

THE COURT: Okay. It may be under another tab.

MR. BREWER: It may be, but if your Honor approves, I can just hand it to you.

THE COURT: Sure. Sure, sure, sure.

MR. BREWER: It's easy enough. I know what it says. That's an affidavit of an ethics expert, who is an attorney, who verifies that the use of town payer funds or taxpayer funds to fund this lawsuit is, in fact, unconstitutional use of money. And here's the real issue with this, your Honor. It's already a part of this case. You see, what Ms. Likins has alleged in her complaint is that Skip Hoagland has accused her publicly of corruption. Okay? The very fact that the Town -- and this is, as your Honor knows, involves basically Ms. Likins' involvement on both the town council, her position in the Boys and Girls Club, and all those entities, relationship with the Chamber of Commerce, and the buddy-buddy corruption that comes from that. That this town's use of taxpayer dollars

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to effectively file a slap lawsuit, a strategic lawsuit against public participation, against my client so he will no longer speak about these ongoing abuses and misuses of taxpayer dollars, is, in fact, part of our defense.

And in fact, part of what some of these motion to compels your Honor is going to hear about, is the big issue with these subpoenas to the law firms, and the motion to compel issues, comes right back to this issue about the use of taxpayer dollars to fund this lawsuit by the Town of Hilton Head. And what you'll later hear the plaintiff say is this kind of waffling position where they go, well, your Honor, even though Mr. Brewer is asking for any of our communications with the Town of Hilton Head, they're really basically a pseudo party to this lawsuit because they, the Town of Hilton Head, has hired Mr. Linton, and has hired Mr. Alford, to be Ms. Likins' attorney, even though they have no basis to do that.

And because they've done that, your Honor, this is what they're going to say to you, they are effectively a client in this case, they're a party to this case; and so, you can't have that information. And your Honor, all this kind of rolls back to the same tangled Christmas lights, if you will, which is

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that this issue is part and parcel an issue with the corruption that's the underlying allegation in the case. And the proof of it is, in fact, part of our defense that, in fact, that this corruption does exist.

So, even if the Court declined to amend and add Mr. Keep's -- or excuse me -- my client's amended counterclaim, this issue's still going to pop up. It's something we've been discussing in the last two or three hearings. So, to that extent, it is something we're going to deal with.

And on the timing issue, your Honor, while we are agreeable to getting this matter moving forward as expeditiously as possible, and I certainly don't -- it is no one's fault that here we are sitting here with this time lag. But the reality is that we've not taken the plaintiff's deposition because part of these issues have to do with the production of documents from the plaintiff and the Town of Hilton Head, which, again, they're ostensively going to say is a behind-the-scenes, pseudo client, and that's why they won't give me the materials they're [sic] looking for. So we've not even yet taken the plaintiff's deposition, so there is plenty of time and opportunity to conduct the necessary discovery, if we do it expeditiously,

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your Honor.

Mr. Keep has given the Court his word, and we can do it however you want, that if we try it this way, he will dismiss the other claim, and that we can move forward with all this wrapped into the same claim.

And as far as the third parties are concerned, your Honor, it goes back to the same issue. We're not really bringing in third parties in a derivative claim if Mr. Linton and Mr. Alford are going to argue, as I believe they will later, that the Town of Hilton Head shouldn't have to hand over the documents I want because they are, in fact, effectively, the plaintiffs, and effectively the clients of these two attorneys, and that's why I shouldn't have to give them the records. It's a circular and total illogical argument, your Honor. That's the push-and-pull that we have here today, and that's why the amendment should be allowed.

THE COURT: Thank you, sir. All right. Any additional argument?

MR. LINTON: Your Honor, all of those issues I think I will address when we talk about the motions to compel. They really don't relate at all to the motion to amend, and I don't want to spend the Court's time discussing them twice.

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THE COURT: I am denying the motion, for the simple reason, (1) there's a separate suit alleging the same causes of action. To the extent there has been discovery, that will necessitate having to going back and redo discovery. They've known about this since February of last year, so there was a delay in doing that, and the cost to this case will be probably extreme to go back and review that, and add these people to -- these other issues and parties to the case. And to me, it appears like it would confuse the jury as to what the issues are, so I'm denying that motion. And would you prepare me a proper order before and after?

MR. LINTON: Yes, your Honor.

THE COURT: Okay. Now, let me go get one that seems to be fairly straightforward, motion to enforce settlement of $4,100.00. Is there a reason why your client hadn't paid that?

MR. ALFORD: I'm sorry, your Honor, that -- I apologize. That has been -- he's paid.

THE COURT: That's been --

MR. ALFORD: Yes, sir. I'm sorry. I apologize.

THE COURT: -- resolved. That's okay.

MR. ALFORD: Yes, sir.

THE COURT: All right. Motion for sanctions for

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failure to participated in and discussing the mediation. I'll be glad to hear your arguments on that.

MR. LINTON: Yes, your Honor. This case was mediated in February by John Tiller. At some point after the mediation, Mr. Hoagland received a notice from the Ethics Commission of South Carolina that certain ethical complaints he had submitted against people had been dismissed. And he sent an email to the lawyers in this case, several members of the press, including members of the *Island Packet*, which has written on this case several times, discussing the ethics complaint. But in it -- and I'll hand up a copy, because I didn't want to attach it to the motion.

THE COURT: Do you all have that?

MR. BREWER: Which one are we talking -- yes. I've seen it before.

MR. LINTON: And in that email, on the second page, I believe it's highlighted, he says the Town lawyers, on top of overcharging legal fees and attempting to enrich themselves and their client, tried to settle this case in mediation for 500K. And you know, your Honor, it's a big deal to be able to go to a mediation, make concessions in your case, try to

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get it resolved, make demands, make settlement offers, with the confidence that that's going to stay within the mediation, particularly in a case that had been written about extensively in the newspaper.

Rule 8 of the ADR rule starts and says mediation will be confidential, period. It doesn't -- the defendants, in their brief they submitted last night, seemed to argue that confidential means it won't be submitted in evidence or a judicial proceeding. We feel like the rules are clear, and they've always been practiced this way, that whatever happens in the mediation is limited to that, and you cannot run to the press and say what the other side is willing to do or why they might do it.

And part of the reason for the motion, and not just sort of looking past the fact that this happened, is that this case has involved several different instances of the defendant not following our Court's rules and the orders of the Court. We had to come and get an order, eventually by consent, that he would not contact any of the witnesses personally, because he was taking emails that we produced from witnesses and sending them to them directly, saying, do you know that you're now involved in this case, and sort of interrogating them about it.

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We had to enforce an original order, which was, again, a consent order, an injunction that prohibited the defendant from stating to third parties that Ms. Likins was not fit to be around children, and he published a full-page ad in the newspaper that said she wasn't fit to be around *boys and girls*.

And so, that's sort of some of the background of why we have sought these sanctions, and we've sought your Honor to have the cost of mediation, the lawyers' fees from the mediation, and the cost of preparing the motion paid for by the defendant.

THE COURT: Well, let me ask you this. You say it's Rule 8 that says it's confidential?

MR. LINTON: Yes, your Honor. And I believe it is quoted in our brief, and it is -- the ADR rule is Rule 8. I can find a copy of it.

THE COURT: I've got it.

MR. LINTON: 8(a), your Honor, confidentiality, communications during the mediation conference. A settlement conference shall be confidential, period. Additionally -- and then it goes on.

THE COURT: Okay. Let me take a look at that right quick.

MR. LINTON: Sure.

THE COURT: Is there anything further?

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MR. LINTON: No, your Honor.

THE COURT: All right. Mr. Brewer.

MR. BREWER: Thank you, your Honor. If we attach to our reply to plaintiff's motion for sanctions, your Honor, a -- unfortunately it's an unsigned copy, but we --

THE COURT: I've got a lot of things up here, so let me just catch up with you, if I can.

MR. BREWER: That's okay. It's no worries. And I've got a copy if the Court would like to see it.

THE COURT: I don't have your memorandum.

MR. BREWER: Okay. Let me hand it up to you, your Honor.

THE COURT: Yes, sir.

MR. BREWER: Judge, if I could just show you what we've got here.

THE COURT: Sure.

MR. BREWER: It's a memorandum. I just showed it to plaintiff's counsel. And attached is a copy of the mediation agreement that was from the mediation. I told Counsel I've just noted that the mediator sent us an -- or staff send us an unsigned copy. I think John's looking for a signed copy. But for this purpose, I don't think we disagree that's what the language said.

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THE COURT: Okay.

MR. BREWER: And John will tell you if I'm wrong about that. Your Honor, our position is this. That confidentiality (1) as referred to in the ADR rules, which my client did not ever have access to, all right, is not defined. Quite frankly, as the Court knows, we enter into, often, confidentiality and non-disclosure agreements of the sort where nothing's going to be mentioned to the public at all. That language is defined very early thoroughly in an agreement that's entered into between the parties, because confidentiality can mean a number of things. And in the context of the way the ADR rules refer to it, and if the Court will look at the very last line of Rule 8(a), it says, and the way it's phrased, is that the proceedings are confidential and shall not be introduced in any later judicial proceeding, right? It's not used as a separate word where it's confidential, and then not to be introduced in a judicial proceeding is some separate rule. That is the concept of the confidentiality rule under Rule 8(a).

And if the Court looks at the mediation agreement that was presented to my client and signed by my client, that is exactly how the mediation agreement

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presents this to my client. That's what he was on notice of. Right? And it says -- it mentions nothing about disclosure of third parties uninvolved in the litigation; mentions nothing about disclosure to the press, to the public, at all. What that document says that we handed the Court that my client signed and agreed to was that anything said during that mediation shall not be used in any subsequent judicial proceeding.

So we believe (1) regarding sanctions, right, penalties, it is wholly inappropriate, given (1) the lack of case law in this issue. Neither Mr. Linton nor myself were able to find a case that addressed this issue, because it just doesn't come up. So (1) there's no precedent for awarding sanctions in this type scenario.

(2) given what my client had notice of, right, which is the mediation agreement he would've signed, because he did attend the mediation, he can't be punished for something that he followed to the letter of the agreement. And that is certainly what defines confidentiality, even under Rule 8(a), as for my client's purposes, or Ms. Likins' purposes, regarding non-attorneys.

Your Honor, regarding the payment for attorneys'

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fees and mediator fees, we had a mediation. And I guess you could define mediation as being successful two ways, right? One version of a successful mediation is it gets resolved, but that's not what the law requires. The law requires that we attend the mediation, and that we attempt in good faith to try to resolve it. And there is no argument today that we didn't attend; that we didn't have full authority. We had someone there who had authority to try to settle the case. Mr. Hoagland was there. Lord, I've, most times -- I don't even always have my clients there.

THE COURT: I got you. I'm going to deny the motion. I agree with Counsel. I think it has to do with introduction of this information to subsequent trial, and it does not involve any public -- any address to the press. However, I am going to issue a gag order from this point forward.

MR. BREWER: Yes, sir.

THE COURT: That no party, their servants, agents, or employees, will communicate with the press, will respond to any press inquiries, during the pendency of this action. After it's over with, do whatever you want to. But the problem I have, I normally don't do gag orders, but -- and in fact, I think I've never done one. The concern I have is

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that, obviously, this matter is appearing in the press over and over and over, and when you get to the point of trying to get a -- have jury selection, you have a danger of having a tainted jury pool, and I just don't want that to occur.

MR. BREWER: Can I -- just can I ask -- I'm asking some questions to find out what the scope of that order is. And to ask that question, I want to give you a little bit of background. You know, my client sees himself as somewhat of an activist.

THE COURT: I understand.

MR. BREWER: And speaks about several issues. And you know, on one end of the spectrum, he talks about things happening in Beaufort County that have nothing to do with this. Okay?

THE COURT: Sure. On a very closer spec -- much closer spectrum, he talks about things that are happening in Beaufort County that are close to this issue, but do not involve Ms. Likins. All right? And in fact, there's already a gag order that exists, saying that he can't talk about -- tell me if I get this wrong, John, about what the --

THE COURT: Well, it's a confidentiality order, you had it in there, not an injunction.

MR. BREWER: It was an injunction --

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THE COURT: Oh.

MR. BREWER: -- that kept him -- so what it is, it's not a confidentiality order. Mr. Linton referenced it. There was previously an injunction that my client agreed to that said he's no longer going to speak about Ms. Likins in public as regards to her private job. All right? So it's limited to that.

THE COURT: Well, let me clarify for you.

MR. BREWER: Yeah, thank you.

THE COURT: Number 1, certain of these statements, I certainly am not intelligent enough to make an order that would be so clear and precise that there's not going to be any gray areas.

MR. BREWER: Yes, sir.

THE COURT: So certain actions he'll take in his own peril. Okay?

MR. BREWER: Okay.

THE COURT: But with regard to the issues involved in this case, regardless of whether it's in any capacity, nobody, no party, no servant, agent, or employee for a party may communicate to the press or respond to inquiries from the press during the pendency of this action.

Now, Mr. Brewer, I do understand that your client

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has a public facade, and that some of the things that he may say may be picked up by the press. And I can't limit his *First Amendment* rights to speak. Okay? I'm not attempting to.

MR. BREWER: Yes, sir.

THE COURT: I'm attempting to control this case so that the jury is not tainted by the time we get to jury selection. Now, there's a good-faith component to that, meaning that if the other side feels that your client, or vice-versa, is intentionally manipulating the situation in order to taint the press, then we'll have a hearing on it and make a determination. That's what I'm trying to say. It's not clear line. And again, I'm not trying to prohibit him from exercising his *First Amendment* rights on this gag order in this case. All right?

MR. BREWER: Can I ask one more clarification question?

THE COURT: Yes, sir.

MR. BREWER: And your Honor, as you can imagine, I'm doing this to try to ensure that we're not here again.

THE COURT: Sure.

MR. BREWER: Or at least so I can inform my client. I think everybody can agree that one of the

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things he has a pattern of doing somewhat in terms of his speech to the public, is that he emails members of the general public. He's got a pretty extensive email list, I think. So that could include, for instance, if he copied the press, he might also include Tim Scott. Do you see what I mean? Or he might include --

THE COURT: Again, it's going to be at his peril. Okay. I mean, I understand what -- and I'm fairly familiar with this kind of activity, not this particular person.

MR. BREWER: I understand.

THE COURT: But you know, just understand, when you've got to take a hard look at it, it probably would be smart on his part, and I don't know if he will or not, and I'm certainly not ordering it --

MR. BREWER: I understand.

THE COURT: -- that he communicate with his attorneys as to whether or not a communication is advisable or not. But that's not my concern. I'm going to ask that Mr. Linton draft that order. Motions for sanctions, I'm asking you to draft, please, Mr. Brewer.

MR. BREWER: Okay. Denying that motion, correct?

THE COURT: Right. I'm asking that you deny --

well, excuse me, that doesn't make any sense. I'm being an idiot now. Draft the motion denying the motion for sanctions, the order denying the motion for sanctions. And put it, the gag order. You two get together. I believe that, regardless of what I've read so far, you can agree on at least something before it's over with, and try to work out the terms. If not, give it to me, and I'll draft it. Okay?

MR. BREWER: Thank you, your Honor.

THE COURT: All right. Thank you. All right. Now, does everybody seem to agree that these other issues are all intimately tied up together? Meaning the motion -- do you have a motion to quash the subpoena?

MR. BREWER: Yes, sir.

THE COURT: And that is as to who?

MR. BREWER: That is as to the plaintiff. Be the plaintiffs as -- actually, as I understand it, the plaintiffs asked for -- yeah, they -- is it -- they might be bank records. There is definitely one to me, personally, for communications between Mr. Hoagland and his wife, and myself, and communication --

THE COURT: Mr. Hoagland and his wife?

MR. BREWER: Hoagland and his wife, and myself, and communications between me, his carrier, who came

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to us, and myself during the pendency of the litigation.

THE COURT: Okay. Is that's your -- that's your --

MR. ALFORD: It is, your Honor. I sent out subpoenas.

THE COURT: -- possibly. Listen, I understand there's argument to be made for Ms. Likins because of the financial assistance she's received. We won't address that. What possible way could you get Mr. Brewer?

MR. ALFORD: I understand it's a huge -- a huge jump. And if I may approach and hand up to the Court?

THE COURT: Yes, sir.

MR. ALFORD: I don't think I've ever done it before, your Honor, this. And I agree, it's unusual, but we're dealing with some unusual stuff. I'll give your Honor a moment to read.

THE COURT: All right. So what am I looking at?

MR. ALFORD: Your Honor, what you're looking at are emails sent by Mr. Hoagland, who has a habit of serial emailing people. The first one on top, dated 17 February, 2017, he's writing to his attorney, Barrett Brewer; copying myself, Mr. Linton, Mr. Alford; Chris Nickels' other attorney, Trey Nicolette,

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I'm sorry, your Honor, I don't know who that is; and Ms. Beth Ann Stevenson, who was an employee of -- works with Mr. Brewer.

MR. BREWER: Trey is one of our attorneys. Trey's one of ours.

MR. ALFORD: Oh, okay. There you go.

MR. BREWER: Trey Nicolette is one of our attorneys, your Honor.

MR. ALFORD: So he's essentially writing Mr. Brewer, copying all of us, and giving him instructions on what to do in the case. So I would argue to the Court, respectfully, that that is a knowing and voluntary waiver of the attorney/client privilege.

THE COURT: As to that issue, at least?

MR. ALFORD: Yes, sir. The second email, if I may, is a bit longer. 27 October 2016, and I'm sorry not to put them in chronological order. But 27 October 2016, he write to Mayor Bennett/Barrett:

> *I want all this resolved with the FBI, Attorney General, ANYTHING, S.C. Ethics. God, I don't care. Seven days, that's it.*

And then you can read the balance. And as you can see in this email, as he often has a practice of doing, Mr. Hoagland emails the mayor; all the town council members; the FBI; Alan Wilson; someone from

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SLED; Tim Scott; and then Barrett, Jim Brown, who is no longer with us. And he goes on, and then -- and the final, second-to-last paragraph:

Greg, you, FBI, Attorney General, either end this or I will. Seven days should give you enough.

There again, I would submit that, as to the issues contained in this email, there's a voluntary -- a clear knowing and voluntary waiver of the privilege.

And then, finally, I've got an email dated 2 November of 2016, to Mr. Brewer, Mr. Nickels, Mr. Brown, and Taylor Smith, who has represented Mr. Hoagland in the very original injunction hearing in this case, which is what this case was all about, was an injunction in the beginning. And he writes and says:

I want to want to depose Greg Alford in our First Amendment procurement or non-profit lawsuit against the Chamber; Steve Riley, Brian Hulbert, Greg DeLoach, and Kim Likins' lawsuit. Faidra Smith is the person who handles all FOIAs. Please note, since I have changed the law in S.C. with my victory against Steve Riley.

And the Court can read the balance of it. And I

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would submit to your Honor that these are three of probably about ten, if I -- and I have so many that I was able to just cull these quickly -- where you've got a knowing, voluntary, and expressed written waiver of an attorney/client communication. Very unusual. Certainly a completely different analysis than, probably, the Court's going to have to exercise.

THE COURT: Well, assuming that you're correct as to the emails particular involved in any issue -- the issue raised in those emails, that doesn't give you carte blanche --

MR. ALFORD: Cart blanche.

THE COURT: -- to start rambling around for Mr. Brewer's communications with his client; nor does it give you carte blanche to give communications between the defendant and his wife.

MR. ALFORD: I agree with you.

THE COURT: Okay.

MR. ALFORD: I agree with you, your Honor.

THE COURT: So Mr. -- go ahead. I'm sorry.

MR. ALFORD: I guess I'm -- I guess my -- well, I'm sorry. Go ahead, your Honor, please.

THE COURT: I'm just trying to think out the scope of what you're asking, because, Number 1, it'll be strict, strict, strictly construed against you, if

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at all, as to what the scope of it would be; because it would hold sacrosanct the attorney/client privilege.

MR. ALFORD: I agree. Your Honor, may I have a moment to consult with my co-counsel?

THE COURT: Yes.

MR. ALFORD: Your Honor, I, too, am a strong believer in the attorney/client privilege. I really am. But this an extremely unusual circumstance. I -- a little bit of a rock and a hard place here, because I understand the stricture that the Court would require. And I think I would not -- what I don't want to have happen is the tail wag the dog in terms of what we're doing in this case. I want to get up and try a slander case quickly and efficiently.

THE COURT: Well, let me ask you this. I mean, is this a legitimate -- well, that's a bad question.

MR. BREWER: I'm not going to raise Rule 11, your Honor. How about that. Well, I know these emails look like it's --

THE COURT: Looks like there's some tit for tat going on. Okay? And I'm the third party looking in. I know nothing about these parties. I know nothing about the case except for what I've read so far. Okay? But, let me stop you right quick, if I may.

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Mr. Brewer?

MR. BREWER: Yes, your Honor?

THE COURT: First, as to the emails mass mailed by your client that references communications to you and it copies other people on it, I mean, there's certainly no privilege there.

MR. BREWER: Your Honor would like me to address these real quick?

THE COURT: I want you to answer my question.

MR. BREWER: Yes, sir.

THE COURT: And you agree with me, or do you not, that by him sending these emails that show copies to other people, and to you, that there's nothing privileged about that communication? Yes or no?

MR. BREWER: Yes, but I need to address -- there is a different answer as to each of these emails.

THE COURT: I don't think so, but tell me why.

MR. BREWER: Okay. Real quick, if you don't mind my saying.

THE COURT: I don't mind.

MR. BREWER: This one -- so this first one dated February 17, 2017, I agree as to that issue. Although, I want to be clear that we're playing fair, they have allowed us and we are asking to go in and sweep devices, to get emails, to look for ourselves

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where they've been provided to us.

THE COURT: Let's go to the point here, though.

MR. BREWER: I will. I have --

THE COURT: Now, please.

MR. BREWER: In doing that, we have picked up -- I was going to talk to Mr. Linton about it after this hearing -- we've picked up a few of their emails. Okay? I was going to be happy to return them back to them, but --

THE COURT: Well, the ethical rules require that you do.

MR. BREWER: Absolutely, your Honor. I was going to talk to them about it. But I just want to make sure we're clear that it goes tit for tat, and they have then have waived their privilege on that. But as to this issue, as long as the rule cuts both ways, I agree with that.

THE COURT: Okay.

MR. BREWER: On October 27, 2016 --

THE COURT: That's the next one?

MR. BREWER: Yes, sir.

THE COURT: Okay.

MR. BREWER: This has nothing to do with legal advice. Okay? This is a rant by Skip Hoagland, where he just generally gives an instruction to me and the

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FBI, that Greg Alford and others need to go to jail for this. I have no bearing over anything to do with Greg Alford going to jail. That's not even anything I've been hired to represent him for. This has nothing -- while the issues raised in this case are circum -- have a circumference to this case, nothing that he is saying here has anything to do with my representation of him.

THE COURT: Let me ask you this, Mr. Brewer, if you know. And certainly don't tell me the contents, but how many roughly similar emails are there out there where your client has directed you a copy and multiple other parties out there?

MR. BREWER: I couldn't even tell you. And let me tell you --

THE COURT: Are there a lot of them?

MR. BREWER: Yeah. And they have nothing to do with this case. There'll be things where he just -- he has like an email list. And he says, I can't believe the gall of the Town of Hilton Head in doing this, that, and the other, and sends an email blast on. And I'm on there. John Linton may be on there. Greg Alford may be on there. Judge, I'll be honest, you might start seeing -- getting them in your email.

THE COURT: I'll tell you what. I will not,

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either.

MR. BREWER: I understand. I'm not saying --

THE COURT: If I do, I'm going to find you.

MR. BREWER: Yes, sir.

THE COURT: You understand? I am not going to be a part of any kind of email chain. If I am, you will get a phone call from me, and you will get your checkbook out.

MR. BREWER: That was not a threat, your Honor. I'm just saying he is --

THE COURT: No, I'm just telling you.

MR. BREWER: I understand.

THE COURT: That's a promise, too.

MR. BREWER: I understand. I will speak with him. Okay? But that is my -- the problem is, is he just sends emails like that. And they're not about the liti -- they're not about my representation of him in this litigation. Does that make sense? And that was my whole point in saying that. And to me, this email's another one of these, a diatribe, right?

THE COURT: I agree with you as far as the second one goes. The first two -- that first and third one. But --

MR. ALFORD: Your Honor, could I help you? Can I maybe short circuit this a little?

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MR. BREWER: But if I could finish.

THE COURT: Yes, go ahead and finish.

MR. BREWER: The *First Amendment* lawsuit is a completely separate lawsuit that I'm not even involved in.

THE COURT: But he does reference back to the Likins lawsuit as well.

MR. BREWER: Yeah. Yeah. And to that extent, this is:

> *Steve Riley, Brian Hulbert, Greg DeLoach, and Kim Likins. Faidra Smith is the person who handles all the FOIAs. Please note, since I changed the law in South Carolina with my victory against Steve Riley, we can subpoena unlimited info from the town of Hilton Head Island for free, via FOIA.*

THE COURT: I read it.

MR. BREWER: And so, my thought, your Honor, is, if what this waives is my right to give them the FOIAs, which we already did, then I'm happy to do that.

THE COURT: Let me just cut -- go ahead.

MR. ALFORD: Well, all I was going to say is this, your Honor, for a number of reasons. One is

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just to avoid the appellate problems, frankly, to keep a clean record. If the Court would hold my motion in abeyance --

THE COURT: No, sir. We're going to get this case going before the day.

MR. ALFORD: All right. I understand. All I'm saying is, just get him to quit, and then I won't ask -- I won't dig in and --

THE COURT: I'm not going to limit this gentleman's right to express his opinion in any way he wants to. If he wants to copy you on it, you can block the emails from him. Okay?

MR. ALFORD: Yes, sir. Yes, sir.

THE COURT: Now, here's what I'm -- here's my ruling. As to the extent he has copied other parties on it, then, there's no privilege attached. And whether or not it is viable in court, as far as admissibility, who knows. To the extent that the plaintiff seeks to get into internal communications even relating to the matters that may by any window be involved in the emails, I'm denying. I am denying, also, any attempt to subpoena communication between the defendant and the spouse. I'm just not going to let you have that, either. So prepare me an order on those lines.

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MR. BREWER: Yes, your Honor. And as I understand it, it's basically emails that they've already gotten. There's nothing that I need to actively produce to them that they've not already gotten, your Honor.

THE COURT: No, sir.

MR. BREWER: Thank you.

THE COURT: All right. All right. So. Now, any other aspects of your motion to quash the subpoena of his wife's emails? What else?

MR. BREWER: As long as I'm not having to go through my file and produce things to them.

THE COURT: Any other aspects, issues, involved other than the wife and the emails to you?

MR. BREWER: Well, just the contents of my file, your Honor.

THE COURT: That's why I keep asking.

MR. BREWER: Yes, sir.

THE COURT: Okay.

MR. BREWER: Just generally the contents of my file, whether it be notes of my conversation with my client. There was issues regarding his conversations with the insurance company, who retained us.

THE COURT: Yes, that's right. I knew there was something else. Insurance communications are out,

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too.

MR. BREWER: Thank you, your Honor.

THE COURT: Okay.

MR. BREWER: And so, what I would just simply do is just say --

THE COURT: I'm going to grant the motion to quash the subpoena.

MR. BREWER: Thank you, your Honor.

THE COURT: Now, is anybody else here on a motion to quash a subpoena? I think I saw one from Hilton Head or something. I may be wrong.

MR. BREWER: I can speak to that, your Honor.

THE COURT: Okay.

MR. BREWER: That was about -- we deposed -- we set up depositions with the Chamber of Commerce for Monday.

THE COURT: For last Monday?

MR. BREWER: No, no, this coming Monday.

THE COURT: Okay.

MR. BREWER: And then, they had a problem with that date, and for some reason filed a motion to quash. And then, in the meantime, we got the scheduling worked out, and it's now on Friday. And so, I think, as I understand it, Ms. Durantz, Bess Durantz (phonetic spell), who filed it, failure to

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show is basically withdrawing that motion is my understanding of that.

MR. ALFORD: That is my understanding.

THE COURT: Okay. Well, okay. So the subpoena to Hilton Head and the motion to quash this out. Am I right?

MR. BREWER: That is my understanding. I think we've resolved it, in other words.

THE COURT: Okay. So that brings us over to the motion to compel, and those related issues, I think.

MR. ALFORD: Yes, your Honor, that's correct.

THE COURT: Hang on. Let me ask before we go there. The subpoena to Brett -- Barrett Brewer, excuse me -- that's been resolved by granting the motion to quash.

MR. BREWER: That's correct, your Honor.

THE COURT: The Regions Bank subpoena.

MR. ALFORD: Yes, your Honor. There you go. Yes, sir. Your Honor, Mr. Hoagland testified extensively in his deposition that he had no money. He didn't, you know, he had made money but given it all away to his wife and his sister and his mother; and then told us that he basically got an allowance. And we said, well, how much is it. Mr. Brewer objected. The only reason we subpoenaed Regions Bank

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is because when the sanctions were paid, the $4,100.00 sanctions that the Court inquired on earlier, it was paid on a check from Regions Bank. And we felt like it would be appropriate for us to ascertain where his money comes from, and his allowance and those things, because he claims on one hand he has no money, and on the other hand he's offering, as Mr. Keep informed the Court, generous rewards that he will pay to people if they will be whistle-blowers and those kind of things. So we're just trying to ascertain the veracity of his statements. And I do think we have a right to understand his financial picture as it relates to him claiming he has no money at all, and yet being able to offer rewards and things of that nature, and pay his sanctions out of this Regions account. And that's just simple --

THE COURT: The plaintiff in this matter is seeking punitive damages. Is that correct?

MR. ALFORD: Yes, sir. Yes, sir.

THE COURT: All right. Why would this not be relevant?

MR. BREWER: Yes, your Honor. I think, and you'll have to remind me so much, I think (1) they have requested tax information from us that we have resolved, and I've provided you something to that

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extent, right?

MR. LINTON: Yes.

MR. BREWER: So they've got sufficient information to make that showing, should a punitive damages case be made, one. Two --

THE COURT: Did he file jointly with his wife?

MR. BREWER: Yes, your Honor. I do believe that's the case. I'm going from memory now, but I think that's correct. I think we gave -- got you guys was an adulterated version of something, or is it outright tax records? It's something we agreed to, though. So we agreed to something. There was a dispute over what we would provide. We reached an arrangement or an agreement. I don't think it was a court order. We provided that. There was no problem.

As I understand it, both from Mr. Hoagland's testimony in that deposition, his wife, Ms. Hoagland, who gives him his allowance, when he had to pay that fine to them, she may be the one cutting the check. She ain't the one being sued. And --

THE COURT: It's a joint account in her name?

MR. BREWER: I don't know who the -- I believe she -- I know she is the one who writes them, because he doesn't have the access is what he testified to. But the bottom line, your Honor, is this would be more

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of an issue for supplemental proceedings, if they cannot collect on a judgment.

THE COURT: I don't think that's right, because if they're asking for punitive damages, net worth, if it goes there, would be relevant to the jury.

MR. BREWER: Sure. But they have the tax records, your Honor. And I don't think there's a dispute as to the accuracy of the tax records.

THE COURT: I don't know. I just know, you know, I'm married, have been forever. And I file joint returns, and if I look at it, I don't know whether necessarily -- my wife's a surgeon -- whether it comes from her or me, except for the front has wage part, and the other -- it's hard to tell. Okay?

MR. BREWER: I understand.

THE COURT: Here's what I'm going to do. I'm going to grant -- I'm going to enforce the subpoena for Regions Bank. It is under a confidentiality order. And it shall not be dispersed to anyone unless they acknowledge the existence of the confidentiality order, and agree to make sure it's confidential, okay. I'm including any experts.

Now, here is a concern I do have, and that is, if defendant's wife is the a joint holder of this account --

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MR. BREWER: Or maybe the sole holder. That may be the case.

THE COURT: If she's the sole holder, then you all just need to notify me, because I'm not going to make her private information -- she's not a party; she's not a defendant.

MR. BREWER: Well, can we do this, your Honor? In order to resolve this issue, can I get from Greg -- I don't know which check he's concerned about. We just need the subpoena. I don't think I have the check on it.

THE COURT: Do you have a copy of that check?

MR. ALFORD: I don't have a copy. I know -- I believe the account number is on it.

THE COURT: Yes, I think that, out of an abundance of caution. Again, Ms. Hoagland is not a party here.

MR. BREWER: Yeah, that's right.

MR. ALFORD: Your Honor, if I may, with respect to that contention. I understand that she's not a party, but it's our belief, and with somewhat his testimony with a bit of smugness was that, hey, I made myself judgment-proof; you can't touch me; I gave it all away; but yet, I have access to it whenever I want it.

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THE COURT: Well, again --

MR. ALFORD: And I feel we --

THE COURT: I'm going to order conditionally that the information be given over under a confidentiality order. If I find and it is established by Mr. Brewer that the wife is on this account or solely account owner, I reserve the right to adjust my opinion and make another ruling.

MR. ALFORD: I think she might be the sole holder of the account, your Honor. I do.

MR. BREWER: Well, what I was going to recommend to the Court is this. I can have -- I mean, I can call today, if I can get the account number we're talking about.

MR. ALFORD: Fine.

THE COURT: I'll tell you what. Let's do this.

MR. BREWER: I can have the bank send us a copy.

THE COURT: Tell you what. Let's do this. How about you make the call right now.

MR. BREWER: Yeah.

THE COURT: I need to take a five-minute break, and that way we'll find out.

MR. ALFORD: That's fine. I do believe she's the sole holder. I do.

THE COURT: You think she is?

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MR. BREWER: I'll find out, though.

THE COURT: I'm not going to let you have her account information. She's not a party, and she doesn't waive her right by paying her husband money. I just don't see that. But check that for me, sir.

MR. BREWER: I will do that. Thank you, Judge.

THE COURT: Let's take about ten minutes.

OFF THE RECORD 10:07 A.M.

BACK ON THE RECORD 10:18 A.M.

BAILIFF: All rise.

THE COURT: Please be seated. So, Mr. Brewer, is that his wife's account?

MR. BREWER: And she is solely on the account. I called both of them.

THE COURT: Okay. I'll grant the motion to quash that subpoena. So let's go back and recount right quick to make sure we're on the same page. As to the defense motion to quash subpoena, that is granted. And to the extent it asked for attorney/client communications, wife communications, communication between client, counsel, and insurance carrier, and those are the insurance carrier. And those are the only issues involved in that motion. Is that correct?

MR. BREWER: That is, as I understand it.

THE COURT: Motion to amend is denied.

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Plaintiff's motion for sanctions is denied. The subpoena to Hilton Head is believed to be resolved. The subpoena to Mr. Brewer is resolved by my order. Regions Bank, I assume that's included in the motion to quash, so that would be granted as to the bank as well.

THE COURT: Motion to enforce settlement has been resolved before we got to court today. So that leaves us a motion to compel, and then thereafter, status conference. Are we on the same page?

MR. BREWER: I think we're on the same page.

MR. LINTON: Yes, your Honor.

THE COURT: All right. Yes, sir.

MR. KEEP: Yes, sir. Your Honor has ruled on my motion. At 10:30 I have a Family Court case, but it is a settled case, but the judge has said he would like me very much to be there to assure the Court that my client is doing this voluntarily. It won't take very long.

THE COURT: Sure.

MR. KEEP: And I'll rush right back upstairs.

THE COURT: Do you have a problem with us going forward?

MR. KEEP: No. No, sir, because Barrett is handling that very well.

MR. BREWER: I would like to talk to you after this is done, so.

MR. KEEP: Oh, yeah. I'll be right back. Wouldn't Miss it for the world.

Thank you, sir.

THE COURT: Yes, sir. Thank you.

MR. KEEP LEAVES COURTROOM.

THE COURT: All right. Let me make a suggestion. Let me go over what I understand, based on what Mr. Brewer said and what I read from the plaintiffs to be the issues involved in the motion to compel is, first set of interrogatories, essentially, sounds like everyone of them, 1 through 21 and 23. The second interrogatories, Numbers 1 through 5, and 7 through 9.

MR. BREWER: Yeah. I think those -- John and I just discussed the 1 through 5 and 7 through 9.

THE COURT: That has been resolved?

MR. BREWER: I think we've resolved that portions -- as I listed it out, that portion number 2, I still think those second requests for production 1 through 21, and 23 are at issue.

THE COURT: Okay. I had written down interrogatories 1 through 21, 23, that's actually -- those are --

MR. BREWER: Those are all requests for

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production.

THE COURT: Those are?

MR. BREWER: I think those are still out there, your Honor.

THE COURT: Okay, sir. So --

MR. BREWER: And there's also a first set of supplemental interrogatories 4 and 11. 2 is resolved.

THE COURT: 4 through 11?

MR. BREWER: 4 and.

THE COURT: 4 and 11.

MR. BREWER: Yes, sir.

THE COURT: All right. Let me make a suggestion. So I'm going to mark second interrogatories 1 through 5 and 7 through 9 as being resolved. Do you agree, Mr. Linton?

MR. LINTON: Yes, your Honor.

THE COURT: Okay. It would seem to me, just the old way of doing it, hand me up the interrogatories and production requests, let me go over each one. And I hate to do that, but.

MR. BREWER: That's why it took so long last time, your Honor.

THE COURT: Okay.

MR. LINTON: I do think on the second request for production 1 through 21 and 23 is all basically one

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issue. They're repetitive in substance.

MR. BREWER: Well, that's what I was going to --

THE COURT: Is this the attorney fees -- or the attorney communications with the --

MR. BREWER: No. And if you'll give me 30 seconds, I think I'll have it organized.

THE COURT: All right. Yes, sure, if it'll help that, I'll be glad for you.

MR. BREWER: In fact, Judge, if you'll go to the notebook that I gave you, just one on the --

THE COURT: Yes.

MR. BREWER: And then go to that memo that's up front.

THE COURT: Okay.

MR. BREWER: Page 8. This has helped me structurally think about it. I'm actually going to do this with John right here, so that he can see.

THE COURT: Okay.

MR. BREWER: All right. Judge, 3, 4, and 5 are all kind of the same issue, and that is all basically about Ms. -- we're not looking to get into their file. We just want to know have you been communicating issues with the Town of Hilton Head. Right. And to the extent, Town of Hilton Head, that we're looking from record from you, we want to know anything that

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Ms. Likins or her attorneys have communicated to you about this suit. Okay?

THE COURT: Say that second part again, please.

MR. BREWER: Sure. So, again, to the extent we subpoenaed the two law firms, Mr. Linton's law firm, which is now -- it was Pratt Thomas when we sent it. He's now re-organized his law firm as Gressette, Walker --

MR. LINTON: Walker, Gressette, Freeman & Linton.

MR. BREWER: I got it wrong. Trenholm's first. There you go. So that's the new law firm. But yes, it is solely to say, to the extent that you've been communicating with the Town of Hilton Head. I have the same argument about emails Mr. Hoagland sent that cc'd Mr. Alford and Mr. Linton. Have you been communicating to Hilton Head; we want those records.

THE COURT: Well, let me stop you right there, if I may. I agree with you. If you -- you have -- she's a councilwoman, and I understand that, and she's probably figured for purposes of this suit. I would suspect her cause of action is brought as individual against this other individual. And you know, even though she is a councilperson, that doesn't tie in the Town of Hilton Head for purposes of the issues in this suit. So, if there are communications between her and

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council members regarding this suit, or you, or you concerning this suit with council people --

MR. BREWER: Or town management, your Honor, that kind of thing.

THE COURT: Okay.

MR. BREWER: Or town managers. Whatever.

THE COURT: -- it seems to me that that is not protected by attorney/client privilege. And tell me why I'm wrong.

MR. LINTON: Sure, your Honor. And it really goes down to the unique nature of this lawsuit. When this came up there was -- and I know you've read the briefs, so I won't review all the history, but there was a vote on this chamber contract coming up that Mr. Hoagland was interested in, and he contacted lots of council people.

THE COURT: Right.

MR. LINTON: He contacted Ms. Likins and sent her a email and said, I'd like to meet with you; by the way, what can I do for the Boys and Girls Club. He's trying to get in with her. And then he says -- she said, I'm not meeting with anyone about it. And he said, if you vote against -- or, if you vote in favor of the Chamber contract, I'm going to have you publically humiliated; I'm going to call for your

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firing; I'm going to get you fired from your job. He threatened her before the vote. And then, after the vote, he did exactly that, and began to contact her employer, say that she was dangerous for her to be around children and that she should be fired because she was a danger to the community. And so, the Town -- and she was not the only council member who had gotten overtures that they might be threatened. The Town hired our firm and Mr. Alford, who's the Town attorney, to bring this suit, and the Town is our client, as is she. I've got her engagement letter, which I'll pass up.

THE COURT: I don't need to see your engagement letter. I see no difference, and so far, I still don't see any difference in me paying for my daughter's attorney fees, but all I am is somebody who's paying the money; I'm not the client; my daughter's the client. Now, tell me why there's any difference, because she brought this suit. She's not defending anything at this juncture. She brought it, and she's the one that will benefit from any verdict that she may get. Doesn't go to the City -- doesn't go to the Town, rather; it goes to her.

MR. LINTON: And your Honor, and the case -- there is a verdict element of it, but the case really

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started and remains an injunction case, which is the Town's interest in this case is it has to protect the public process. The Town of Hilton Head cannot have a situation where anybody that wants something can voted on can go out and threaten individual council members.

THE COURT: And I don't disagree with you, if you brought it in terms of an injunction for her.

MR. LINTON: We did, your Honor. We did. We have a -- for her.

THE COURT: Okay.

MR. LINTON: To prevent contacting this council person's private employer to get leverage on a vote, we sought an injunction.

THE COURT: Well, to the extent it involves an injunction, then I think that that probably -- some merit to your argument. But to the extent that she alleges these private causes of action, I just am just convinced at all that he shouldn't be given -- now, first of all, explain to me why you hadn't bothered to do a privilege log. I mean, that's mandated under the rules. It's not like you have a discretion to do it or not do it. If you think the documents may -- your responses under the privilege log will disclose what the existence is -- or the communication is in the first place.

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MR. LINTON: Your Honor, we have done a privilege log and produced it for everything.

THE COURT: That's not what they say.

MR. LINTON: For everything that we've produced that is responsive to the discovery requests. These are subpoenas to the Town and to our law firms. And we're opposing the subpoena on the overall grounds of the subpoena. What they've asked for are our bills. And what I would produce is a privilege log that says Bill 1, attorney/client privilege, and we'd be in the same situation.

THE COURT: You know, the bill part aspect, I don't know that you need to get the billing.

MR. LINTON: That's all they want, I believe.

MR. BREWER: I think we've asked for everything that's communication with the Town.

THE COURT: I that that -- I understood it to be communications.

MR. BREWER: Including bills, and I think we were specific about that. The reason we mentioned bills is that's because we know about this to being with. Right? Is because the Town has been paying -- the Town has been paying Ms. Likins' bills. So Mr. Linton's firm, Mr. Alford's firm, sends invoices. The Town then, in response to a FOIA request, doesn't

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produce the bills, but produces either the either invoice or receipt or itemization, however they do it, that shows we paid blank amount to blank law firm for these dates and this amount. So that's a document I know exists. And if there's that, I believe there's other things. So, yes, we did ask for specifically that, as well as the other documents in your file that constitutes a communication not covered by privilege.

THE COURT: I'm looking at your complaint. Okay.

MR. LINTON: Yes, sir.

THE COURT: And I disagree with you. She's seeking a TRO or injunction for her own personal being, and not for the County -- and not for the Town. I fail -- you wanted to see where there's any protections here, and you've yet to convince me. I'm giving you the opportunity to, because, again, we hold those things sacrosanct, and at a minimum, I'm going to make you send it to me in camera and look at it before I let them have it. But tell me why, with these -- even though her suit stems from her activities either as the director of the Boys and Girls Club or councilperson, or what's the other group that's related to the --

MR. LINTON: That does --

THE COURT: Do what?

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MR. LINTON: Those are the only groups she's affiliated with.

MR. BREWER: Chamber of Commerce.

THE COURT: I thought she was the director of one of these golfing --

MR. LINTON: The First Tee.

THE COURT: The First Tee? She's not?

MR. LINTON: No.

THE COURT: That's not --

MR. LINTON: She's on the board.

THE COURT: Okay.

MR. ALFORD: She's on the board, your Honor.

THE COURT: Okay.

MR. ALFORD: She's on First Tee, yes.

THE COURT: Well, nothing to do directly.

MR. ALFORD: Yes.

THE COURT: Okay. Regardless, even though she's -- you know, this stems from her work in those capacities, or at least some of them, the suit is personally for her. So I have yet to see where you don't give up attorney/client privilege by making communications directly with these members of council/town managers.

MR. LINTON: Well, your Honor, it completely arises from her activities as council person, and you

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know --

THE COURT: Do you have any cases that support your contention at all in these factually similar scenarios?

MR. LINTON: Not in this factually specific scenario with a town council person, and I've looked. But I also haven't found anything that says this is not a completely appropriate relationship either.

THE COURT: Say that again.

MR. LINTON: I've also not found any cases that say there's something wrong with the relationship of the Town retaining us and Ms. Likins also retaining us.

THE COURT: I don't think that it's anything wrong with it as far as ethically inappropriate. I think that that's not the issue. The issue is do you -- like, example I gave you about me paying fees for my daughter's representation, you know. I don't have free access to her attorney, because that's her right, and not mine, even if I'm paying the bills.

MR. LINTON: Right. Well, your Honor, in that case, you are agreeing to pay the bills; you are not engaging the lawyer to represent you. We've been engaged.

THE COURT: There's a difference between them

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engaging -- and their not representing -- there's no town represented in this lawsuit whatsoever. They not represented in this case.

MR. LINTON: Well, just because they're not a party doesn't mean that they're represented.

THE COURT: I disagree.

MR. LINTON: Okay.

THE COURT: I severely disagree with you on that. I think that their -- clearly, from the lawyer's standpoint, ethical to represent them. You know, whether or not it's legal under the *Constitution*, that they having to pay these funds for her private suit is another issue. But they are not a party to this case. They can't claim -- and I agree with Mr. Brewer on one part of it, that on one hand, you say this is her individual things and they can't get to this information. Then you try to raise some kind of quasi representation part Town. And I just don't -- first of all, it's not there.

MR. LINTON: Well, your Honor, I would not categorize it as quasi. They retained us at the very beginning of the lawsuit. And I would think it's more similar to when if you're representing an LLC, you still have the privilege with the members of the LLC, even if they're not individually parties. if they've

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engaged --

THE COURT: So, if I have an member of an LLC that's in a car wreck, and the LLC says, goes to this lawyer, but the individual members bring the suit against the person who caused the wreck, do you think I represent the LLC?

MR. LINTON: Well, the car wreck seems to be unrelated in that example to the business of the LLC.

THE COURT: Well, slander's unrelated, too.

MR. LINTON: Well, it's not unrelated in the sense -- it's only a part of the case, first of all. I mean, this case, you know, to be candid with the Court, could have been over very quickly. The goal of this case was to protect the legislative process. We've been developing the slander and defamation case, because we've had so much trouble stopping that conduct. The Town has to protect this, and that's why the Town has engaged us to do it.

THE COURT: Well, and I hear you. Here's what I'm going to order. Number 1, do you content, Mr. Brewer, that you have not received a -- what's the term I'm trying to use? Also a --

MR. BREWER: Since we've sent these subpoenas, just let me say this, in case I'm mistaken about something. There was an initial round of discovery.

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Remember Mr. Brown who you signed an order releasing primarily?

THE COURT: Right.

MR. BREWER: So, again, I always apologize if I'm mistaken about something that happened before I was here.

THE COURT: Go ahead.

MR. BREWER: Oh, yeah, privilege log.

THE COURT: That's what I try --

MR. BREWER: It's okay. No, it's no worries, your Honor. There may have been one submitted before I got involved. But since I have been asked for these records, and I've asked in supplemental discovery to Ms. Likins for all of her emails regarding all these issues; I've asked in subpoenas to the law firms, just I'm covering my bases; and I've not gotten a privilege log saying here's all the communications we've had.

THE COURT: Did you create a privilege log as to these communications? I read your memoranda -- somebody's memoranda to say that we couldn't do that because by writing down generically what it is, we are exposing what the communication was.

MR. LINTON: Correct. And we haven't.

THE COURT: So the answer to my question is no.

MR. LINTON: No, not on these issues, your Honor.

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THE COURT: All right. Tell you what I'm going to do. You're going to create a privilege log in camera; you're going to give me these documents in camera. Okay? I'm going to look at them. I'm loathe to let you have them, quite frankly. But quite on the other hand, I think that you are not protected by attorney/client privilege to the extent that you have engaged in communications with council members, city -- town managers, or she has about this suit. Okay.

MR. LINTON: And your Honor, just so I understand, does that apply to the bills as well?

THE COURT: Yes.

MR. LINTON: Okay.

THE COURT: Well, if the communications are open, it's open, and so, yes, give me everything. Give me the bills.

MR. LINTON: Okay. Just to be frank with the Court, I don't think there's hardly anything other than the bills, but we'll get the Court a privilege log.

THE COURT: Okay.

MR. ALFORD: Your Honor, I'm sorry.

THE COURT: Yes, sir, go ahead, please.

MR. ALFORD: No, I was simply going to say -- and I hate to back up a little. The ruling on my motion

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to get the communications between Mr. Hoagland and Mr. Brewer, are we -- the ruling, as I understood it, was you are not going to let me get those.

THE COURT: You're not. It's a different scenario than theirs. So you're not getting it, and I'm not going back and revisiting that. You're not getting it. Okay, sir?

MR. ALFORD: Thank you, your Honor.

THE COURT: The reason it's different is, because you have a third party that is communicating with the attorneys for the plaintiff. She's communicating with these third parties about this suit, when obviously, that's not protected. I'm not saying they're absolutely going to get it; I'm just going to look at it. Because I don't think, under the scenario, that you haven't -- that you're protected by attorney/client. Okay? That's all I'm saying right now. I will look at it. It may be, even if I think it's waived, same thing in your case, I'm not going to let you have it anyway. Okay? Because we need to kind of narrow down the issues and go forward with this case.

MR. BREWER: Okay.

THE COURT: All right. Now, how much of what we were fighting over does that dispose of?

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MR. BREWER: That disposes of --

THE COURT: 3, 4, 5?

MR. BREWER: Yeah, that disposes of 3, 4, 5. And just to be clear, so I understand, your Honor, because 3, 4, 5, that's three separate things here. And Mr. Alford's serving two roles. So I just want to make sure for the record we're clear. Mr. Linton's going to give you what he has. Okay? But Mr. -- I'm sliding over. I'm trying to look over your head. Mr. Alford has his law firm, which is engaged in two separate roles here, right? It's engaged by Ms. Likins to represent her in this lawsuit. And then Mr. Alford also represents the Town as an outside attorney. So we have also sued the Town for whatever it's received. So Mr. Alford has responded to both 3 and 5.

THE COURT: Let me say this. Obviously, I'm not here on that other case. And I'm talking about communications about this lawsuit. Okay?

MR. BREWER: That's correct. No, I don't mean all matters generally, but to the extent that the Town, so I've subpoenaed the Town, that you -- my subpoena of the Town is much broader than attorney/client privilege issues. It's things related to this lawsuit; it's documents related to this

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lawsuit, which we do need to get to, because even if you resolve this issue we're talking about --

THE COURT: Right.

MR. BREWER: -- the Town -- the subpoena for the Town of Hilton Head still has another facet to that, that we need to discuss. Okay? Because it's a broader -- it's broader. So I've asked the Town, hey, send me everything you've got regarding your communications regarding the DMO contract. If you know that language, your Honor, about the ATAX issues, about Ms. Likins, about all these issues for a couple years prior to the incident.

THE COURT: Hang on for a second. We're going to get there, because I think that's a little far afield from what I'm going right now. But specifically, Mr. Linton, Mr. Alford, with regard to communications to the town council members --

MR. ALFORD: Town council and town manager.

THE COURT: -- manager, or from your client to them. That's what I'm looking for under these communication requests. Okay?

MR. ALFORD: And that would be privilege log put together, and then the documents attached to it, in camera to the Court.

THE COURT: Send it to me, and I'm going to go

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through it. And again, even if I find that there may be some technical waiver, I still may not let you have it just under a fairness doctrine, too.

MR. BREWER: Thank you, your Honor.

THE COURT: All right, now, what other aspects of your subpoena to the Town -- here's the concern I, quite frankly, have is that if what the plaintiff says is correct --

MR. BREWER: Yes, your Honor.

THE COURT: -- that your client recklessly, intentionally, or however description you want to place it, made these comments about this lady --

MR. BREWER: Yes, sir.

THE COURT: -- then, for him to go out on this fishing expedition to try and define and substantiate what in good faith basis he didn't have a right to say in the first place -- and I'm not saying that.

MR. BREWER: I understand.

THE COURT: I'm just saying that's what it appears to me that he's do trying to do, is find some crumb of truth to say, yeah, yeah, yeah, see, I was right about these allegations. That seemed -- that's after the fact to me.

MR. BREWER: Well, no, your Honor. My client, most of what he had understood leading up to, you know

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-- this all starts with this November 15 of 2014, I think. 2015. I'm sorry. That hearing. And my client had understood through verbal representations to him, either from other people in Town, people who are movers and shakers of the Town, people who ran in the same circles as Ms. Likins, the town council members, Chamber members, he had heard a lot of these things. Okay? And so, it is not trying to go on a fishing expedition to find something after the fact to substantiate it. It's trying to get the documentation that in fact confirms what he understood to be the case. And so, in a lot of cases, your Honor, we have found -- the two sets of productions we've gotten so far, we've only focused on three or four entities. So we sent, whether it be a request or discovery or subpoenas, right? We sent the document request to the plaintiff in her individual capacity. We sent document -- request production -- excuse me -- subpoenas and document production requests to the Town of Hilton Head, which we're still talking about. We sent document and subpoena requests to the Chamber of Commerce, which has been complied with. And we sent document and subpoena requests to the Boys and Girls Club.

Now, to give your Honor an example of what's

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important about this next thing we're going into -- I'm sorry --

THE COURT: I'm listening to you. Go ahead. I really do listen to you.

MR. BREWER: It's no worries. I just thought you had a thought you were going to mention.

THE COURT: I understand. I understand.

MR. BREWER: To show you what's important about that is, the Boys and Girls Club said, you know, we can't -- we don't have the manpower to produce this to you, so why don't you come on down here, and you bring your expert that you've retained, and you can take a -- I think I forget what it's called, an image of the drives or whatever, the servers; and then you can come and look through it yourself and provide what you're going to provide to Mr. Linton.

Well, what we have gotten from that review, we attached in our subsequent -- this is not all of it. These are some of the relevant documents we got in Exhibit L in the notebook you've got in front of you, which has actually opened our eyes up to a whole new level of relationship that Ms. Likins had with both the Chamber of Commerce and the Town of Hilton Head, and the ways in which there may have been monies exchanged between those entities leading up to the

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vote on this DMO contract.

For example, one of the things we were unaware of, we mentioned this First Tee issue. Well, the reason we raise this, your Honor, and the reason it's important, is we believe that Ms. Likins was compromised leading up to that vote, because of this tight little club community where you do for me, I do for you. One thing that I'm certainly going to agree with Mr. Linton on, before he says it, is, I'm not going to ever argue, nor do I think there's any evidence of a what I'll think of is like a quid pro quo of the sort where there's a cash full of money in a suitcase I'm kicking across a parking garage floor in exchange for a vote. What this is, is a different kind of corruption where -- it's cronyism, right, where everyone knows everybody; the people who are in the club are in the club; hey, you're going to give [sic] a bunch of money from me from my pet projects and my private organization; hey, and when it comes time for you to have your pet project passed through, I'm going to do what I can to get that passed through. Even if there's not an exact express contract to do so, that that type of cronyism and corruption can be clearly inferred from the series and nature of transactions leading up to this questionable vote in

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November. And we have found those.

THE COURT: Well, assuming that you're right, it seems to me, Mr. Brewer, that you need to more tailor make it your request to -- you have done a carte blanche request for all this information, and it seems to me it just needs to be more carefully defined as to what you're looking for.

MR. BREWER: Okay.

THE COURT: Now, with that being said, I want to hear from Mr. Linton about under Rule 45, whether or not your client even has a right to object to these subpoenas. I thought that the subpoenaed party had to file the motion to quash. And to the extent they seek hers, then, obviously. But to the extent they're seeking information from Hilton Head, and though she may be on county council, she doesn't have the standing to jump up and say, Hilton Head doesn't have to respond.

MR. LINTON: That's right, your Honor. And the Town has hasn't produced piles of documents in response to the subpoena.

THE COURT: Are you here as Hilton Head's attorney as well today?

MR. LINTON: We represent the Town, and Mr. Alford primarily handles those issues, but the Town --

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Ms. Likins is not objecting to the Town's subpoena.

THE COURT: So, as far as the subpoena goes, you're here on that capacities with your client. How about -- what's the other crowd? The Boys and Girls Club, you've gotten your records from them, right?

MR. BREWER: I have gotten the records from them.

THE COURT: Okay. Other than the Town of Hilton Head, what records are you seeking to get?

MR. BREWER: So it's the Town of Hilton Head and it's Ms. Likins, and Ms. Likins, the plaintiff herself, is what's left, really, your Honor. And a good example -- I think if we could just go back to the Town for a second. A good example of what we don't have that I know the Town has -- all right, I'm looking at, your Honor, and I hope it's in that copy I gave you in that memo, but this is on Page 20 of my memo. And I did a supplemental memo last night. And for some reason, the one that's in my notebook I think's the older one. So, so if your Honor doesn't --

THE COURT: Well, I can tell you, I was driving last night. I wasn't reading memorandums.

MR. BREWER: Let me just read it to you real quick. I'm going to read off what it is that we're talking about here.

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THE COURT: Okay.

MR. BREWER: That's on Page 21. I apologize. Not 20. So we brought with us a disk, if the Court wants to see if, of what the Town has produced to us pursuant to the subpoena. Okay? What's most important in this case, we're looking for things that are current, right, through today's date that are applicable. But in terms of going back before the date of the initial tort, so to speak, which I'm just loosely using as that meeting in November of 2015, I'm looking for the couple of years, at minimum, leading up to that, because that's a very important time frame. Well, Exhibit M, which we did not, because the electronic filing submit last night, but we have a copy to give to the Court today. Exhibit M, if you'd like, I can hand it up to your Honor.

MR. ALFORD: And your Honor, I guess we need a copy of it. Is that what we gave you?

MR. BREWER: Yeah.

MR. ALFORD: So that's what we gave you.

MR. BREWER: Yeah.

MR. ALFORD: I got it.

MR. BREWER: Exhibit M, there's a lot of emails in there.

THE COURT: Let me tell you, both of you all --

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all three of you -- excuse me -- I don't pretend to micro manage discovery. Lawyers are lawyers, and you're expected to do it in good faith. And I'm not going to go through document by document and say yes, no, yes, no. I have no intention of doing that.

MR. BREWER: I understand. So your Honor -- I apologize. Go ahead.

THE COURT: Go ahead.

MR. ALFORD: Respectfully, that's kind of what this has turned into, is, what does any of this -- with respect, what does any of this have to mean? He told you his client heard from somebody who heard from somebody who's a mover and shaker, who's here and there that so and so said such and such, and it's this and that.

THE COURT: That goes to the merits of the defense or claim, but, on this.

MR. ALFORD: But your Honor, the tails wagging the dog, though. It's now turned into we're out there subpoenaing every document the Boys and Girls Club has. They gave it all to him. Every document that the Town has. I'm pretty sure we gave him everything. And has he even told you, we gave him things that we probably shouldn't have, that may, you know, inadvertently --

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MR. BREWER: Not --

MR. ALFORD: -- inadvertently been a privilege issue. We're now into the nether lands of let's turn this into discovery, scorched earth discovery, because it doesn't have anything to do at all with whether or not the man said what he published in the paper about Ms. Likins being unfit to be around children.

THE COURT: Hang on.

MR. ALFORD: Unfit to be around children and dangerous around children. And so --

THE COURT: Now, as to the City -- or the Town. I keep saying city.

MR. ALFORD: That's all right. We know. It's okay.

THE COURT: Specifically, Mr. Brewer.

MR. BREWER: Yes.

THE COURT: What is it that you are seeking, specifically?

MR. BREWER: Okay. I'm going to tell you, your Honor. So, (1) I am looking for all of the discussions, the emails, and otherwise, leading up in the two years prior to this vote of November 2015.

THE COURT: All discussions between who?

MR. BREWER: Between town managers, right? Between the Town -- between town managers, between the

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town council members. And to the extent it's not a privileged conversation, to the extent it involves Town attorneys, like, I don't know, Brian Hulbert, I think often will be involved in the FOIA request, and some of his communications are, if it's not executive session type stuff. But I'm looking for all those communications regarding the ATAX committees, the approval for ATAX funds, accommodation tax funds, for the DMO contact approval, for the DMO contract negotiation. Okay? For any of the Town's communications, whether it be through town council members of Town management, back with either Ms. Likins or the Boys and Girls Club about her projects with them, which includes the First Tee. Might include the for Pedal for Kids.

THE COURT: So now, hold on. You have the Town's communication with Ms. Likins. I see you. You don't need to shake your head. I don't know you don't want -- have a seat. I'm going to give you plenty of time. I need to tell you, I'm not nearly inclined to let you have anywhere close to what you're asking for. I think that's just a fishing expedition, and I think it's unduly burdensome on everyone out there. And I don't think it's all that relevant or could lead to relevance. It's not relevant or could lead to

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relevant information in this lawsuit. However, you mentioned something, communications with plaintiff. Now, that very well may be. Okay? So, to the extent you're seeking all communications, no.

MR. BREWER: I understand.

THE COURT: ATAX, no. The DMO, no. I just don't see that that's anywhere -- it's overly burdensome, and it's not relevant or leading to relevant.

MR. BREWER: Well, to the extent that she's a part of those communications, your Honor.

THE COURT: Sir?

MR. BREWER: To the extent that she is a part of those communications, that's what we're looking for.

THE COURT: To the extent that she's a part of those communications --

MR. BREWER: Yes.

THE COURT: -- then I think -- let me stop you there. Now, Mr. Alford.

MR. ALFORD: Yes, sir.

THE COURT: I'm sorry, I keep hanging up on you over there.

MR. ALFORD: I'm big. I can take it.

THE COURT: I know you are. Tell me why her communications about this should not be part of this suit.

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MR. ALFORD: Because they have absolutely nothing to do, respectfully, with the operative set of facts, which is, the man put in the -- called her -- and there are affidavits in the file -- called the members of the board of the Boys and Girls Club, where she's the director, first trying to say I'll pay money if you'll fire here, and if you don't fire her, I'm going to make it, you know, she's unfit to be around kids and all these bad things about her. Then he puts them in the newspaper. That's the operative set of facts that --

THE COURT: All right.

MR. ALFORD: And by the way, the newspaper publication, just so I want to -- the resolution that the town council adopted to retain an outside council --

THE COURT: Right.

MR. ALFORD: -- wasn't -- it was for council members, because if you go back and look at the publication that came out the week before about -- it was about Ms. Likins; Mr. McCann, who is also a council member; and Mr. Harkins, who is also a council member. So there was this concern that because Mr. Hoagland didn't get his way on the Chamber contract, that he was going to start attacking everybody in an

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improper manner. To me -- and it's a fine line that we had to walk in the injunction hearing. He's allowed to have his *Fourth Amendment* rights. He can say she's a terrible politician; she's corrupt; he can say all bad that stuff about her. She stepped into the ring of public -- of being a public figure for that. But there's a difference then when you cross over into malicious, intentional acts, such as slandering her to the board and things like that. That's what brought about trying to go get an injunction. We didn't know if we were going to have to get an injunction just for her, or for other members of the council, which is why the Town had a legitimate interest in protecting the legislative process, either from a bribe, I'll help the Boys and Girls Club if you do something for me, or I'll do business with you, Mr. Harkins, if you, you know, if you vote the way I want you to. So we've got to protect this process from a bribe or from a threat. And that's how we entered in -- that's how we got here.

THE COURT: I understand that. And that very well may be the case. Again, my question is to you, why? In this case the communication she has and the things he's saying, it may not be germane to this

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case, but it may be germane or lead to discoverable information, and that's the standard we look at.

MR. ALFORD: Yes, sir. And I will tell you, that that disk right there, and we have produced mountains of stuff to them, mountains of it.

THE COURT: Right.

MR. ALFORD: I don't know that we have anything left. In fact, as he tells you, we probably inadvertently produced things we shouldn't have. And under the Rule, he's got to give them back to us.

MR. BREWER: I actually -- that's not --

THE COURT: No, sir, talk to me. Go ahead.

MR. BREWER: That's not true. He's mixing two things up. But what we got that I'm happy to give back has to do with the production that we went to the Boys and Girls Club and got. What's on that disk is two months of emails from 2016, and that's all it is. It is not remotely what we asked for or anywhere near. Even if it's a mountain of material, it's a mountain of material that's not even remotely related to anything we asked for, or the time frames we asked for.

MR. ALFORD: And Ms. Likins has -- we've given up a ton of her emails and her communication. We've already done that. Correct? I mean, I don't want to

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talk -- I mean, I'm sorry.

THE COURT: That's all right..

MR. ALFORD: Am I correct that we've given up numerous, numerous of Ms. Likins' emails?

MR. BREWER: There were some --

MR. ALFORD: Both from the Boys and Girls Club and from her Town server.

MR. BREWER: Well, let's make sure when we talk we. You're not the Boys and Girls Club. I had to go get things from the Boys and Girls Club, and that was misrepresented.

THE COURT: We're talking about Ms. Likins for the Town of Hilton Head.

MR. BREWER: Ms. Likins did an initial production where she cherry picked some emails that she thought sounded good.

THE COURT: All right. Let me stop you. Have you produced communications about this matter or the matters involved in this suit between Likins, is that correct?

MR. BREWER: Yes, sir.

THE COURT: -- Ms. Likins and officials with the Town of Hilton Head?

MR. ALFORD: Yes, sir, I believe Ms. Likins has. And --

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THE COURT: And has she produced communications about what's it, the DMO contract?

MR. BREWER: Yes, sir. And there's a couple -- if I can be clear --

THE COURT: Hang on. Hang on. I promise you, I'm going to let you get there.

MR. BREWER: No, it's okay.

THE COURT: We've got all day, and I'm sure you don't want it, but. Has she --

MR. ALFORD: Yes, sir, but I need to qualify that.

THE COURT: Okay.

MR. ALFORD: Yes, she has. The vast majority of it has been produced in response to FOIA requests --

THE COURT: Right.

MR. ALFORD: -- made by his client.

THE COURT: Right.

MR. ALFORD: Now, if you want us to go back and read, but he's gotten the information through FOIA requests, which we get two or three, you know, one a week at least, we get a FOIA request, which is fine. That's his right to do so. But yeah, I mean, we've produced email after email after email, draft after draft. I mean, just, when it's not privileged, you know, protected, very limited. The privilege scope in

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the FOIA is less than in kind of the attorney/client relationship. It's only executive session type stuff and attorney/client stuff. And so, we produced yards and yards of document to his client.

THE COURT: Okay.

MR. ALFORD: In FOIA.

THE COURT: So going back, do you acknowledge either receiving FOIA or through discovery of the suit, communications from Ms. Likins with Hilton Head council members?

MR. BREWER: I'm not aware that we've received any of that from FOIA, and so I got to be --

THE COURT: I'm not saying FOIA, I'm saying either the FOIA or through discovery.

MR. BREWER: Definitely not discovery. And I am not unaware [sic] if we got it through FOIA. And if the Court looks at the disk I just gave you, that is a response to the subpoena, which is what we got, is only two months of emails in 2016. And the tort allegedly occurred in 2015. And I'm looking for 2014 and 2015 on them.

MR. ALFORD: Your Honor, if I may. Maybe I can -- and I don't want to delay things, because it's been enough. I can generate for the Court -- it'll take me a little bit of time -- every FOIA request.

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THE COURT: I'm not --

MR. ALFORD: I know you don't want to, but how to I show you -- how do I prove a negative I haven't done.

THE COURT: Here's how you do it.

MR. ALFORD: Okay.

THE COURT: I believe that the time frames a year prior to the alleged slander is sufficient for you, and the communication between Ms. Likins and council members, communications as a member of the Boys Club, director of the Boys Club concerning this Tee -- Tee --

MR. ALFORD: First Tee.

THE COURT: -- First Tee and the DMO, any communications about this DMO contract up to and including the time that the defendant allegedly made these remarks about her. Okay? That's all you're looking at. Then, I'll have her sign an order that we're going to send to you where she represents and you sign as her agent.

MR. ALFORD: An affirmative.

THE COURT: You represent an affidavit subject to penalties of perjury and otherwise that we've given everything out there. Okay? I want them Bates numbered. And if they are in response to

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interrogatories, point out the interrogatory they're responsive to. Or if there's a corresponding production request or simply a production item, point out there as well, so we don't have any contention about where the discovery is.

MR. ALFORD: Yes, sir.

THE COURT: Okay?

MR. ALFORD: That's fair. And as it relates to the Boys and Girls Club, he's gotten everything from them in a separate subpoena.

THE COURT: You don't represent the Boys Club.

MR. ALFORD: No, sir, I don't.

THE COURT: She's a the board member, but she's not the entity itself, so that doesn't matter. Okay?

MR. ALFORD: Okay.

THE COURT: And I quite frankly think that if you subpoena somebody, and if they don't present themselves in the courtroom, that, you know, one party or the other doesn't have a right to stand up and object to it. The party who's being subpoenaed has to do that. But be that as it may.

MR. ALFORD: And they did.

THE COURT: Right. Okay.

MR. ALFORD: In a prior hearing before Judge Dukes.

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MR. BREWER: We resolved the Boys and Girls Club part.

THE COURT: Sir? Okay. Now, Mr. Brewer, I saw you just chomping at the bit. What is wrong with what I'm ordering her to give you all?

MR. BREWER: Oh, your Honor, just a couple things I wanted to make sure we were all clear on. One of the things that I have asked for, and I want to make sure is inclusive of that, just because of the way the Court phrased it.

THE COURT: Okay.

MR. BREWER: There's one of the core, factual stories that is behind the allegation is that Ms. Likins read from a statement that may have been prepared for her by others. Okay. She subsequently produced a -- produced a statement, although, I will say --

THE COURT: According to their brief, they've answered that.

MR. BREWER: But not the emails back -- the communications back and forth about that statement, I've never seen. So basically, they said, yeah, she had someone help her write it. Okay? They went back and did something. What I'd like to see are those emails back and forth about the document.

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THE COURT: Well, how could that possibly lead to relevant information?

MR. BREWER: Because the issue is that Ms. Likins was prepped on what to say regarding this vote, because --

THE COURT: That's the difference between any lobbyist prepping a politician about an issue. Typically, there's a lot of -- well, obviously, you give information to politicians about it, because they know more than anybody else.

MR. BREWER: Absolutely, your Honor, but that may still be -- that may still be improper contact and be improper contact. And it may be, in fact, inclusive, depending on what the subject of communications are, may, in fact, be proof in the pudding of exactly what we're talking about here.

THE COURT: Go ahead.

MR. BREWER: And I was going to say, I want to make sure -- we're have timing issue regarding the defamatory statements. I just want to talk about that.

THE COURT: Okay.

MR. LINTON: Your Honor, wait a minute. I think this is a request to her individually, so I'll address it. Your Honor, we've produced the -- we've bent over

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backwards in discovery in this case. We've produced the native format of the Word document so that he can search it and see who edited it. And there may be an email she -- we said this in our request to submit responses. She had lunch with the town manager; told him her views on it; he has his computer; he typed notes for her and sent them to her. And then, she --

THE COURT: That's what he was looking for.

MR. LINTON: And then, she crafted it into her statement. And we'll check, and if there is an email -- there's no content to the email, as I understand it. It's just, here's the attachment.

MR. BREWER: That's fine.

MR. LINTON: And if that -- if that exists, we'll send it to them for sure. I mean, there's --

THE COURT: Do that. And how about, if you would, in your affidavit, include that they've complied with that aspect of discovery. In other words, we've given everything about these emails to and from. Okay?

MR. BREWER: Okay.

THE COURT: All right, now --

MR. BREWER: And this is what you're asking me.

THE COURT: Timing, answer your question about the timing of the slander, I'm going to put, just

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because it must have been multiple statements, I'm going to have from the filing of the suit. That way, we have a concrete date from one year prior to the filing of the suit, forward to the filing of the suit. That's the time frame we're looking at. Okay, sir?

MR. BREWER: Okay. All right. And your Honor, the -- gosh.

MR. ALFORD: Your Honor, I'm sorry. Can I get clari -- one year before the filing the suit, and one year --

THE COURT: You look at summons, complaint. My law clerk told me it was dated December 10, 2015.

THE COURT: December 11. 11 December?

THE COURT: December 10, 2015. So you're to go back to December 10 of 2014, through December 10, 2015.

MR. BREWER: This is --

THE COURT: If -- now, let me ask you. I know you requested through the current, but current communications about prior alleged inappropriate conduct on the part of the plaintiff, allegedly, how would anything current after filing the suit have any bearing?

MR. BREWER: Well, it's a great question. And this will actually help us out, maybe, with the status

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conference part of it in a second. And I have not been able to verify this with Mr. Linton. He and I had a communication where he has suggested to me that this suit may be about multiple communications. Okay.

THE COURT: About what?

MR. BREWER: Multiple communications. Okay? And with all fairness, I mean, my client has sent out emails. Still does it today. I guess to answer the Court's question, because, really, I need to answer my question on it, is, I still don't have a definite list yet of which statements or how many statements, or, you know, are they suing about something, are they going to bring up something in the lawsuit that he said as recently as yesterday, one example, right? And if they did, that certainly changes the question about what's relevant if they're really stopping at statements they were made at the time they filed the lawsuit, everything between the window of blank and the date the lawsuit was filed, then, the Court's order and the way you phrased it is appropriate. I agree with it. If they, in fact, are going to say, ah, but we're actually talking about statements that were made a year into this lawsuit that we keep bringing up, then that also changes the dynamic of the lawsuit and the evidence.

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THE COURT: I agree. I agree. Do you feel at this point that you can make a statement that binds your client as to the time frame of the statements? In other words, is she going to limit herself to any alleged defamatory statements made by the defendant up to and prior to the filing of this lawsuit? Yes or no?

MR. LINTON: No.

THE COURT: Okay. Then I'm going to grant --

MR. LINTON: But wait, your Honor.

THE COURT: -- your motion to current date on the discovery issues. So you'll go a year before this suit up to June 1st of 2016.

MR. LINTON: Your Honor, we can limit it to a particular statement, but if --

THE COURT: But if you come in after the suit, I'm going to let you have everything up to the current date. That's just the way it's going to work.

MR. LINTON: But your Honor, the only --

MR. ALFORD: Your Honor, the only statement that -- the only additional statement that we wanted to include was the publication that violated the court order, the injunction, when he put it in the newspaper again. So those are two distinct statements. There was a statement that he put in that -- there were

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phone calls leading up, and then a publication in the newspaper.

THE COURT: Well, the statement he made, is that the one that has to do with the mediation?

MR. LINTON: No, your Honor.

MR. ALFORD: No, sir. No, not at all.

THE COURT: What was the statement?

MR. ALFORD: I'll tell you. I got it. I got it. Here's what happens.

THE COURT: Okay.

MR. ALFORD: He calls and contacts the board members and tells them, you know, fire her, she's not fit to be around kids and those kinds. So those statements are prior to the lawsuit.

THE COURT: Right.

MR. ALFORD: Okay.

THE COURT: Then Judge Dukes issued the TRO, right?

MR. ALFORD: Well, then -- yeah. Well, then there's the publication in the newspaper. Then there's a TRO. Then I want to say approximately six months later, he essentially re-publishes the statements that he was ordered not to publish in the newspaper. That would be the last publication, is that publication that led to the sanctions. So that

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would be, in other words, only those -- the same statements, and they were --

THE COURT: Gotcha.

MR. ALFORD: -- formatted statements. I'm not talking about anything that he might have sent an email or any of that stuff.

THE COURT: All right.

MR. ALFORD: I'm cutting off at that.

THE COURT: Do you know the date that was done?

MR. ALFORD: It was June of last year, because I was in North Carolina when it was published.

THE COURT: Well, then, it seems to me to be the appropriate to extend it from after filing of the suit, December of 2015 to June of 2016, through the publication of that statement.

MR. ALFORD: And we'll be fine with that.

THE COURT: Okay.

MR. ALFORD: Because that's where we want to stop is that --

THE COURT: I think he's clear. You're clear. And that way, we got it right.

MR. ALFORD: No other emails, nothing after. Just those formatted publications that we are concerned.

THE COURT: Okay?

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MR. BREWER: When you say *formatted publications*, do you mean the newspaper?

MR. ALFORD: I do mean the newspaper, yes. That secondary, the last one.

THE COURT: That's what I understood, so. Okay. Now, Mr. Brewer, one issue that I had exception with your client on was that he's requesting contributions to Ms. Likins, which is clearly something that's maintained in the public record.

MR. BREWER: And I think we've -- we've actually gotten that part of it.

THE COURT: You got that. Okay.

MR. BREWER: We did get that, your Honor. And they have provided that part of it. And to the extent there was a request for contributions about the First Tee, we've gotten that. So we were -- that was not the issue.

THE COURT: Okay.

MR. BREWER: And if you would like, I can help. I know the rest of it's kind of long.

THE COURT: Sure.

MR. BREWER: And I can summarize that just a little bit.

THE COURT: Absolutely.

MR. BREWER: You know, when I got involved, this

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is my difficulty. And obviously, you want to have all the information you can have before you take the plaintiff's deposition, but you don't want to have to go in there and use it solely as an exploratory measure to then find out the information you want, you're past the deposition time. So what I've understood is that -- and I do believe to be the case we have is, Ms. Likins has used several email addresses, both -- there's at least three, but I actually now I believe there are four. And John did provide me something this morning that I've not had a chance to go fully through. But she used a private email address or two. A Boys and Girls Club address and a Town address. Okay? And I believe she used those interchangeably to do business for interchangeable entities. So she may have been at the -- using the Boys and Girls Club to do some Town business, or vice versa and otherwise.

So we went to those sources, right? We not only said to the Town of Hilton Head, please give us all those emails; we sent a subpoena to the Boys and Girls Club, send us your email. And the Chamber is another entity. She's a Chamber member, but is not involved in the administration of the chamber. But we went to them, because that's part of the DMO contract, and

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said give us your emails. Okay. They've done that.

The last piece of that -- and it's always hard, because you never know exactly how it's going to work with someone's private email; do they keep it on their own CPU; are they using gmail; what do they do? So we sent this very exhaustive list that I had an expert help me craft, in the absence of not knowing anything, to say, please give us all this stuff, or, in the alternative, let us go inspect these things, right, to find out not only the information you have and you're going to get [sic], but things that you have that you may have deleted as well.

We provided them the name of an expert that we have used, and used to go inspect the Boys and Girls Club computers, which we really got that and just got through in the last week or so. And so, we were basically asking to do the same thing to Ms. Likins. You know, we talk about all the devices. I don't know. Does she do email on her iPad? Does house do email on a laptop? Does she use her, you know, a desktop computer or four of the -- or all three of the above to do that. And because I don't know that, and I don't know if she's got private email addresses that would cover these same issues, right, that's why we were asking for those documents from here.

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The vast majority of the emails, long and repetitive though they may be, are done that way on purpose, because, your Honor often knows how it is when people say, oh, they didn't ask it that specific way, so don't answer it. So we went through and asked every way we could and in a way that covered all of our bases to have them provide us what they have. We basically got objections to it. And that's kind of where we are today. I'm happy to go through them one by one. But that is the common denominator through all those requests.

THE COURT: Well, you do understand, Mr. Linton, when I say communications by your client, it would be from any source that she originated communications or communications back to her about the subject matter, right?

MR. LINTON: Absolutely, your Honor.

THE COURT: Okay.

MR. LINTON: And we produced hundreds of pages of emails from her when the original request to produce basically asking for things relevant to the case were sent to us. Since then, as Mr. Brewer said, he asked for basically what that subpoena asked for, which is every communication you've had with any of these people under the sun forever. And we have been trying

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and working hard to try to figure out a way to get something that's reasonable. We are willing to work with him on it. In fact, we had a hearing with Judge Dukes before he recused himself, and some of that discussion was about, well, we could at least identify the devices. And what he says I gave them this morning, I gave them a copy of what we served in February, this morning, of our responses identifying those devices and trying to work with him on this process.

THE COURT: Well, let me ask you this. When you respond, or when Mr. Brewer responds, are you just saying supplemental discovery? Are you identifying what this relates back to? Are they separately Bates. In other words, so everybody has a --

MR. ALFORD: Sure.

THE COURT: -- mechanism by which you can identify and control it, and see if it's responsive, instead of them going on a fishing expedition. I know I practiced law and tried cases 25 years, plus, and I would get things back from folks, and it would take me half a day to see figure out what it was responsive to.

MR. LINTON: Your Honor, these are supplemental interrogatory responses.

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THE COURT: Okay.

MR. LINTON: And we've used the same numbering that we used before. We call them Plaintiff's Supplemental Answers to Defendant's Second Interrogatories in the title.

THE COURT: Yes.

MR. LINTON: And he says we might not have put first or second. I -- I -- you know.

THE COURT: Well, I'm not concerned about the first or second, but if you identify what it's in response to, that's fine.

MR. LINTON: So we did that right after that hearing with Judge Dukes. And at that hearing, we thought we were getting close to some sort of agreement on this. And it's really quite similar to what your Honor's proposed for the Town subpoena. And we were willing and are willing to sign a similar affidavit for emails for the same time period you've identified in the same topic for her personal. And that probably will involve updating our production since we first did it, but that is certainly fine with us. We were just trying to avoid him having an expert unleashed on her iPhone to figure out what her calendar says.

THE COURT: As your client said -- I don't mean

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to interrupt you.

MR. LINTON: Sure.

THE COURT: I'm sorry, Mr. Linton. Go ahead. I apologize.

MR. LINTON: Our objections were really just trying to avoid an expert having her iPad to look through the calendar entries and all this stuff that they want to do.

THE COURT: That's not going to happen, unless you can make a showing that she's intentionally hiding or not responding or --

MR. BREWER: Sure.

THE COURT: -- or acting in bad faith.

MR. BREWER: Well, your Honor, and in the last -- I think in the last hearing we came to, you know, I think the discussion we had is that's an option, if they would like to do it that way.

THE COURT: Sure.

MR. BREWER: And John's right. We came very close to an arrangement, and then subsequently found out that we had not gotten on all fours on a few details, which then derailed that. And then, we couldn't go back to Judge Dukes, and here we are.

THE COURT: Okay. Now, have you had -- and I'm not asking you to -- well, I guess I am. Has your

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client deleted any of the communications about any of these projects?

MR. LINTON: As I understand it --

THE COURT: On any of these emails, or somebody doing on her behalf.

MR. ALFORD: I will say this, your Honor. Her? No. But the Town, I'm going to tell you, the Town has an auto archiving/purging kind of thing. I don't -- I don't pretend to know the --

THE COURT: There's not been anything but the standard protocols have been followed --

MR. ALFORD: Absolutely.

THE COURT: -- as opposed to a campaign purge or something?

MR. ALFORD: Absolutely. Correct. It's all standard protocol. There's been no specific -- and there better not be, I mean, or I'm -- I mean. No, I'm just saying, I mean.

THE COURT: Well, now, you're right.

MR. ALFORD: I mean.

THE COURT: On her affidavit --

MR. ALFORD: Certainly.

THE COURT: -- add that to it that she is not -- I mean, she's not responsible for all the folks that go into it.

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MR. ALFORD: No, not at all. And she doesn't have the ability to go into the servers of Town and things of that nature, and nor would she.

THE COURT: All right.

MR. ALFORD: I understand -- now, I kind of understand the distinction you're making. Other than standard operating procedure, the Town of Hilton Head Island to purge paper by a certain period of time. And then, I guess put it on -- I guess we don't do microfilm anymore. I think it's all up in the cloud or whatever.

THE COURT: Well, if they are, let me just tell you, if they are -- if, for some reason they can't go back to the time frames involved --

MR. ALFORD: There's no way they can't. They've got to be able to. That's too close. I mean, it's not far.

THE COURT: Well, if they can't, then I might give this expert access to it.

MR. ALFORD: And I would understand that, sir. I would understand.

THE COURT: All right. Now, any other specific documents out there that you need to get or answers to interrogatories you need to get?

MR. BREWER: If we can -- if we can have a

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similar arrangement to what we had about the Town's --

THE COURT: Well, I don't want to deal with similar arrangements. That's a little vague.

MR. BREWER: And I'm with you, all right. So what we would like is all of Ms. Likins' communications. Right. All of Ms. Likins' communications --

THE COURT: Right.

MR. BREWER: -- regarding the DMO contract with anybody that she has personally, okay? So that's the DMO contract that was in negotiations for a year or so leading up to this. And that is the factual conveyor belt along which this thing arose. Okay?

We would certainly like any emails that she may have regarding the receipt or payment of monies back and forth either way to anything that Ms. Likins or her employer have an interest in. So, to the extent that --

THE COURT: Hold on. Anything that Ms. Likins or her employer had an interest in? That is so overbroad.

MR. BREWER: I apologize. Let me be more specific. I apologize.

THE COURT: Okay.

MR. BREWER: We want to know, did she or any of

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the Boys and Girls Club or any of those entities housed under the Boys and Girls Club, like the First Tee --

THE COURT: We're not responding -- she's not responding for to these entities. She's responding for herself.

MR. BREWER: To the extent they're on her drive. Does that make sense? So remember, my position, your Honor, was, I'm not asking her to go and produce things she doesn't have control over. But my issue is, is, was she conducting business for those entities on her personal email such that they're housed on her drive. Does that make sense? But I agree, I'm not asking --

THE COURT: I understand what you're saying. I'm just thinking in --

MR. BREWER: I'm not asking her to go --

THE COURT: All right. Let me stop you right there for a second. And I thought we were getting some management of what we were doing. But you are saying that she has a duty to go search all the other entities if it's on -- anything about those entities on her computer.

MR. BREWER: On her computer is all -- all I'm asking for is her computer that she has. Because our

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position is, is, to the extent there's a quid pro quo, it came vis-a-vis her involvement with Boys and Girls Club.

THE COURT: But it had to be communications to her or payments to her. Otherwise, any other communications outside of that, I don't see how they could be relevant. Or you can go to those entities themselves.

MR. BREWER: Which we have done.

THE COURT: Okay. I'm going to limit it to her communications. Okay? Not anything about these other entities. I think it becomes unmanageable, and you have other ways to get that information by subpoena.

MR. BREWER: Okay.

THE COURT: Okay?

MR. BREWER: Okay.

THE COURT: I'm not going to limit you from being able to do that at this juncture, but.

MR. LINTON: So your Honor, would the limitation to her communications be limited by topic? Because it's a personal email. Or do we have to give them every seeing email for, I mean.

THE COURT: No.

MR. LINTON: Okay.

THE COURT: I think it has to do -- I think what

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he wants --

MR. LINTON: The DMO, the First Tee.

THE COURT: Hang on. Hang on. Hang on. I thought it had to do with the DMO contract, the Tee whatever I can't seem to get in my mind.

MR. LINTON: Yes, sir, First.

MR. BREWER: Yes, sir.

THE COURT: And what was the other topic?

MR. BREWER: The DMO, the First Tee, Chamber of Commerce. Basically, her communications back and forth to the Chamber of Commerce, because that's what the DMO contract is with the Chamber of Commerce.

MR. ALFORD: Yes, the DMO --

THE COURT: Not just a general communication with Chamber of Commerce generally. It's got to be about this issue, right?

MR. ALFORD: About the contract.

MR. BREWER: The DMO or accommodations tax issues. Because the DMO contract, just to, if we're using buzz words, is about the use of accommodation tax monies. So you could have both phraseologies in there, and it's all the same thing and all relevant to the same.

THE COURT: Well, to the extent it involves the DMO contract or the Tee time, I'll say yes, but to the

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extent it may be some general conversation about tax, no. Okay? I just can't get it -- or it can go back to the Chamber of Commerce, and try to get it from there.

MR. ALFORD: Well, your Honor, and the issue, though, the DMO and the Chamber of Commerce are one in the same.

THE COURT: They are?

MR. ALFORD: Yes, sir. Because what happens is --

THE COURT: I'm sorry. I don't understand you.

MR. ALFORD: And it's okay, because it's real simple -- well, it's not simple. The Chamber of Commerce, by requirement of state statute and by the Town code, is selected as the designated marketing organization.

THE COURT: Oh.

MR. ALFORD: For the Town of Hilton Head Island.

THE COURT: On the accommodations tax.

MR. ALFORD: Yes, sir. To receive a certain part of accommodation tax to market Hilton Head. And that's in the state code, and it was in the town code. So that structure has been in place --

THE COURT: Forever?

MR. ALFORD: -- yes, sir. I mean, before I got

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here.

THE COURT: Okay.

MR. ALFORD: And so, I guess when you say the Chamber and the DMO, they're kind of one. So are we limiting it now to this conversation about the contract? Because I think that would be appropriate.

THE COURT: The way I understood what the defendant was saying is that there are these interlocking relationships that are inappropriate and corrupt and resulting in this Tee organization being created, a million dollars being paid towards the land for a 50-year lease. There's been -- it's about the accommodation tax for the Chamber and their recommendations. And so, it'd be --

MR. ALFORD: Yes, sir.

MR. BREWER: Loosely, we're on the same page.

THE COURT: Sir?

MR. BREWER: Loosely, we're on the same page. That's generally -- I would phrase it differently, but you're hitting the right words.

MR. ALFORD: Well, those are the obligations.

THE COURT: You've been in this case longer than I have.

MR. BREWER: No, I know. I understand. I'm just trying to be sure.

THE COURT: Anyway, what I'm saying is, I think that it's not limited to just the Chamber/DMO, you know.

MR. ALFORD: You want Chamber/DMO, First Tee.

THE COURT: The Tee is a separate group, a separate LLC or non-profit, right?

MR. BREWER: At the time, just to make sure we're clear, and I'm sure Ms. Likins will tell me if I'm wrong, but leading up to this, they were forming the First Tee. And the -- Ms. --

MR. ALFORD: That's absolutely not correct, respectfully.

THE COURT: Okay.

MR. ALFORD: The First Tee was formed up and running in '14.

THE COURT: Is she a board member of the First Tee?

MR. ALFORD: Yes, sir, she was.

MR. BREWER: And it's by and through. It's kind of housed under, structurally, under the Boys and Girls Club. And you know, we got tons of newspaper articles, memos showing how the Boys and Girls Club, effectively, and Ms. Likins got it up and running. then at some point, it got its own legs, but she sits on the board.

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THE COURT: Stop for a second. It would be her communications --

MR. ALFORD: And we're still in that one --

THE COURT: -- with The Boys Club, the Tee group or the --

MR. ALFORD: DMO/Chamber.

THE COURT: -- Chamber/DMO.

MR. ALFORD: In that period of time that we've described.

THE COURT: Correct.

MR. ALFORD: Yes, sir. Thank you.

MR. BREWER: Thank you for that, your Honor.

MR. ALFORD: Thank you very much. Sorry. I realize it's --

THE COURT: Okay. So, at this juncture, are there any other aspects of your motion to compel that I need to address?

MR. BREWER: No, other than the fact I just want to clear up about the time frame. It's a year before the filing of the lawsuit until that June of --

THE COURT: June of last year with the --

MR. ALFORD: The publication.

THE COURT: -- the publication.

MR. BREWER: That June of 2015 publication, I guess it would be?

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MR. LINTON: '16.

MR. BREWER: June of '16 publication. So, yeah, it'd be like November -- no, December of 2014.

THE COURT: December 10th through --

MR. BREWER: Through June of 2016.

THE COURT: All right. That's the date that --

MR. ALFORD: December 10 through we'll say July 1.

MR. BREWER: That's fine, July 1, 2016.

THE COURT: All right.

MR. ALFORD: '16. And just as it relates to the emails about the Boys and Girls Club and things of that nature.

THE COURT: Sir?

MR. ALFORD: We're talking about the emails -- her communications regarding the Boys and Girls Club. She's the director of the Boys and Girls Club. Is there a limit to who and -- because he's gotten the information Boys and Girls Club's computers. His experts went there and mugged their computers.

MR. BREWER: Oh, my gosh. Only because they said they -- they asked us to do it.

MR. ALFORD: I'm just saying --

THE COURT: Well, if you've already gotten this information, why do you need it again?

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MR. ALFORD: Thank you.

MR. BREWER: Only to the extent, your Honor, we're looking for -- if she did it from her personal gmail account, roadrunner account, we don't have it.

THE COURT: Okay.

MR. BREWER: We only have it if it's from kimlikins@bgclowcountry.com.

THE COURT: All right.

MR. BREWER: That's the whole purpose of doing this is because she's got other emails.

THE COURT: Are you clear on it?

MR. ALFORD: I'm clear on it.

MR. LINTON: I don't think that's necessarily correct, your Honor, that they don't already have it, because their --

THE COURT: We're going to muddy the water any further. I'm going to order -- if you've already given it, you say they've already supplied it. I'm not going to go back over that again. Okay? And I'm going to ask one of you guys to draft this part of the order. Okay? So we're clear. Mr. Alford, you seem like you could have a good grasp on it, so I'm asking you to.

MR. ALFORD: Yes, sir.

THE COURT: And we are finished, am I right, Mr.

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Brewer, with the discovery motion to compel?

MR. BREWER: Hallelujah, I believe we are, your Honor. Thank you.

THE COURT: All right.

MR. ALFORD: This round.

THE COURT: Now, the next issue would be the scheduling order?

MR. BREWER: Yes, your Honor.

THE COURT: Not scheduling order, but --

MR. BREWER: I think that's accurate.

THE COURT: -- status conference.

MR. BREWER: It's a motion for status conference.

THE COURT: Now, one thing, I'm going to have both sides, and we're going ship you a proposed affidavit that your client's going to sign, and your clients are going to sign, that we, in good faith, looked at all this information and we have supplied it. We're not going to get into this roving discovery issue that we had to deal with the other day where somebody just get bits and gravels. And let's get it all done, you know. In good faith, if you say, oh, by the way, I just found this out, that's okay. We all do that. But just to play hide and seek is not what we're going to do.

MR. BREWER: I'm with you.

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THE COURT: All right. Who's depositions -- I know you need to have your deposition taken, right?

MR. BREWER: Yes.

THE COURT: Okay. Who else is going to need to be deposed?

MR. BREWER: Basically just the Town of Hilton -- those same managerial people, being the council members and the --

THE COURT: Manager?

MR. BREWER: And I don't know if it's the current manager Steve Riley, because he's not there anymore, is he?

MR. ALFORD: He is there. And your Honor, does he have to depose all council members? I mean, they have legislative immunity, as it relates to the suit.

THE COURT: Well, I mean, but you mean they have -- are you asking me? I'm just kind of in the dark about what's happening in this case. How many members on council are there?

MR. ALFORD: Seven, which would include the mayor.

THE COURT: Seven? That's not so bad.

MR. ALFORD: Seven, including the mayor. I'd be Ms. Likins --

THE COURT: Is it a mayor/council form of

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government, or what is it?

MR. ALFORD: Council/manager.

THE COURT: Council/manager.

MR. ALFORD: Yes, sir.

THE COURT: So the mayor's just more of --

MR. BREWER: He's another council member, basically.

THE COURT: Oh, he is?

MR. BREWER: He's like the speaker of the house, basically. But there's a -- but then there's a town manager.

MR. ALFORD: The town manager, no problem with him. No problem with --

THE COURT: All right.

MR. ALFORD: I just didn't want to get into redundancy.

THE COURT: Here's what I'm going to do, yes, as far as interrogatories and production, you all have been through first and second supplementals. Why should I not end that and not let there be anymore, unless and until you get approval, now, from the Court? And it may be a good reason why, but it seems like you've had -- if everybody's fully complied with it, you've got all the questions asked you need to, any reason why we can't put that prohibition out

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there?

MR. LINTON: Not from the plaintiff, your Honor.

MR. BREWER: I don't think so, your Honor. Only subject to -- you know, this is the Catch 22 we've been in. And I'm happy to generally comply with that.

THE COURT: Well, that's when you come to me and say, look, I need to get this and this is the reason why.

MR. BREWER: Yeah, we got all this stuff, and because I just got all this, I just realize X, yeah.

THE COURT: But at this joint juncture, I'm not limiting discovery as far as depositions.

MR. BREWER: Understand.

THE COURT: I'm doing it as far as interrogatories and productions or requests for production.

MR. BREWER: That would be fair at this juncture, your Honor, given our ability to come back and apply to the Court to do something different.

THE COURT: Okay. Any objection? I mean, any reason why I shouldn't do that? Okay? Now, are you able to come up with who you think you need to depose, other than the council members and the management?

MR. BREWER: I can do that very quickly, your Honor, but I would like the opportunity before I limit

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myself real briefly to be able to discuss that with Mr. Keep.

THE COURT: While you're doing that, let me check some of that. So check with him, and --

MR. BREWER: Yeah, Mr. Keep and my client, if you don't mind. Could we take a recess for a minute and do that.

THE COURT: Yes.

MR. ALFORD: Your Honor --

THE COURT: Before we do, how many depositions have you taken so far? I know you've got the defendant's.

MR. ALFORD: Three.

MR. LINTON: Three.

THE COURT: Three? How many do you anticipate needing?

MR. LINTON: I think we're done.

THE COURT: Do you?

MR. ALFORD: Potentially, one or two more, but no more than that.

THE COURT: Okay.

MR. ALFORD: I mean --

THE COURT: You all think about it. I'm not going to limit you all on that right now. I'm just trying to get it narrowed down. Have you all

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discussed coming up with dates for a scheduling order?

MR. BREWER: Well, we've not yet. You know --

MR. ALFORD: We have a scheduling order.

THE COURT: Oh, you do?

MR. ALFORD: Yes, sir.

MR. BREWER: Well, it was -- if I can, your Honor, just because we had my motion for status conference. It was trial not before June 30, which is in --

MR. ALFORD: Let's do it.

MR. BREWER: Right.

THE COURT: That's not going to happen.

MR. BREWER: That's not going to happen. And so, here we are, your Honor. And so, what I really would like to do is confer briefly with my client and Mr. Keep, make sure before I tell the Court something that I'm correct about what it is I think we need.

THE COURT: All right.

MR. BREWER: And then, I would really love, whether we can do it today or not, to actually and set up a trial not before date, just find a date certain for trial that works for everybody.

THE COURT: Well.

MR. BREWER: And that would be -- with this case, I mean, even with these witnesses we're talking about,

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there's at least a week, if not more.

THE COURT: Let me check with the clerk. Different clerks have different positions with regard to whether or not they want to do. The problem is, you know, I do think this probably needs to be designated to a day certain because of the issues involved. If you get it on the docket, and all of a sudden, it goes away, and all of the rest of your roster just falls apart because everybody's counting on that case going, so that's a problem. Let me check with her, and we'll do that. By the way, I am reserving the right to change my mind about your client's waiving of the attorney/client privilege. I think at one point that I think I saw you jumping about. Look, what's good for the goose is good for the gander. It's a little bit different scenario, but a waiver's a waiver. So let me look at it. Okay?

MR. BREWER: Yes, sir.

MR. ALFORD: Your Honor --

THE COURT: Would you just send word back to me when you all come up with some kind of half way --

MR. ALFORD: Scheduling?

THE COURT: Let me know when you're ready.

MR. ALFORD: Work a little together and try to try to get some scheduling?

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THE COURT: I think so.

MR. ALFORD: Yes, sir.

OFF THE RECORD 11:33 A.M.

BACK ON THE RECORD 12:16 P.M.

BAILIFF: All rise.

THE COURT: Please be seated. Gentlemen, I apologize. I thought I was waiting on you all, and my clerk thought she was waiting on me, so.

MR. BREWER: No worries, your Honor. It actually allowed us some time to get some things worked out.

THE COURT: All right. So, as far as trial date goes, you all want to set this, according to what my law clerk tells me, on December 4th?

MR. ALFORD: Yes, sir. And the bad news is, we think that's you.

THE COURT: Well, the bad news probably is going to be for you all and not so much for me. I'm glad to do -- I like a challenge.

MR. ALFORD: I meant for you. I meant bad for you.

THE COURT: All right. So we're going to set this for a day certain, December 4th.

MADAM CLERK: Yes, sir.

THE COURT: Okay. Do you feel like you need to have time frames coming up to that date for discovery

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experts, if there are any depos to be finished?

MR. ALFORD: I do, your Honor. I think it would be helpful for all of us to know our path, and then we can --

THE COURT: Do you feel like you all can sit down and figure that out?

MR. BREWER: I think so, your Honor.

THE COURT: You don't want me involved in that, do you?

MR. BREWER: I think we can do that.

THE COURT: Okay. If you all have a problem, call me. Do you all have my contact information?

MR. LINTON: Yes.

THE COURT: Do you have my cell phone?

MR. ALFORD: We don't.

MR. BREWER: I don't have your cell phone, but if you'd like.

THE COURT: I don't have a problem you calling me any time. It's 864-376-5899. And my clerk will give you her cell phone. She will be finishing up in June, so I'll have a new one, but she'll give you hers. Hers will be good through June.

All right. Are there any other matters out here that I need to address?

MR. KEEP: Yes, sir.

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THE COURT: Okay.

MR. KEEP: Judge, this case is now set for a day certain in six months' time. A little more than six months' time. Judge, I would, at this juncture, renew my motion, but in a different format. I would like to add my counterclaims, but I do not -- I withdraw my motion to add additional parties. So I'd like the liberty, sir, of adding these -- well, really, they're affirmative defenses/counterclaims to the answer, and with a stipulation that there be no more additional discovery. And they got six months. And they've had three months.

THE COURT: Well, let me ask you this.

MR. KEEP: Yes, sir.

THE COURT: Specifically, you're saying you want to add what affirmative defenses?

MR. KEEP: Well, sir, I want to add a few -- well, abuse of process.

THE COURT: Well, that would be a cause of action.

MR. KEEP: Yes, sir.

THE COURT: So you want a counterclaim.

MR. KEEP: Yes, sir, I'd like permission to add my counterclaims. Since it's the same parties, we're not adding any additional parties now. And they got

six months, and we have a scheduling order. I, Judge, I just think that would be in the best interest of justice.

THE COURT: Let me ask you this. Do you think it materially changes anything if I allow him to allege barratry and/or abuse of process as far as the discovery that's been conducted up to this date?

MR. LINTON: Your Honor, I --

THE COURT: Just like he was on notice of the attorneys' fees issue, you've had notice of it all along, so that's not something that either is there or it's not, right?

MR. LINTON: Well, your Honor, I think it would. We've already taken the plaintiff's deposition. We've already taken -- or the defendant's deposition. We've already taken his consultant's deposition. And your Honor, if we go back to the original ruling on the motion, one of the grounds was that it would change discovery. The other was that it would confuse the jury having these claims brought in at this late date. And also, that the same claim is pending already in another action, which is not changed at all by this, and --

THE COURT: You asserted those in another cause of -- in another suit, sir?

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MR. KEEP: I have, Judge, and I'll dismiss her from that other cause of action.

THE COURT: I'm going to stay with my ruling. I'm going to deny your motion and your re-motion on that issue, but thank you, sir.

MR. KEEP: Yes, sir.

THE COURT: Now, any other matters before we break? Are we clear? Let's go over it right quick. Make sure we've -- one final time we're clear on who's doing what.

MR. BREWER: Yeah. Oh, yeah. I was going to say, the only thing that came up while you were out is Greg brought up that -- I forget what it was. It was --

MR. ALFORD: I thought there was a subpoena against a company called Island Communications.

THE COURT: Against who?

MR. ALFORD: Island Communications, LLC.

THE COURT: Okay.

MR. ALFORD: In the deposition of his client, Mr. Hoagland testified he had no business interests, he had no monetary interest, he'd given it all away, he's got an allowance. We got word that he held an interest in Island Communications, LLC; it was being sold; and that he was going to get monetary benefit

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out of the sale. I subpoenaed them to find out what the closing would reflect in terms of benefit to Mr. Hoagland. I thought Mr. Brewer objected to the subpoena or moved to quash it.

MR. BREWER: I may have, but we can't find it.

MR. ALFORD: I've been unable to find it in the court filings.

THE COURT: Well, let me ask Mr. Brewer, do you even have -- I don't think you have standing.

MR. BREWER: Well, I think the issue was, your Honor, that (1) if it's owned -- I'm not prepared to argue it today, was what we were going to say. But the answer to your question, if it's owned by Cathy Hoagland, then I may represent her on that. You see what I'm saying? Separately.

THE COURT: Yes.

MR. BREWER: And I just don't know -- I told Greg what we'd like to do, is I told him I don't want to -- you know, I want him to argue his motion. And then, maybe what we can do is arrange a telephone hearing.

THE COURT: Well, if he hasn't filed it -- I'm unable to find his objection, now that I look in the court record.

THE COURT: I didn't have that on my docket for today, so.

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MR. ALFORD: Yeah, I couldn't find it. So, if he hadn't objected, I might tell him to answer. You better find it.

THE COURT: If you need to have that resolved --

MR. ALFORD: We'll contact you.

MR. BREWER: If you file motions, let me know, and we'll try to figure it out.

THE COURT: We're going to either schedule a phone conference or -- I mean, I'm going to be here through the end of June, and then I'm going to be back in December. I think that's when I'm in Beaufort, last of the year.

MR. BREWER: Yeah, I think it's a good idea, Judge, to go back through and what we all agreed to.

THE COURT: So, with that being said, defendants' motion to quash the subpoenas is granted as to the three, attorney/client, wife and husband communication, and communication with the carrier.

MR. BREWER: And I'm drafting that order, your Honor.

THE COURT: Yes, sir. The motion to amend the answer is denied. Mr. Linton's going to do that order. Plaintiff's motion for sanctions is denied. You're going to draft that order, Mr. Brewer?

MR. BREWER: Yes, sir.

THE COURT: Motion for status conference granted and held. Who's going to try to get together the scheduling order in the first instance and pass it around?

MR. BREWER: Well, what I would suggest is when your Honor leaves the Bench is that we can sit here and try to hammer it out real quick.

THE COURT: Sure.

MR. BREWER: And one of us will agree to have or staff help with it.

THE COURT: Okay. Mr. Linton, I'll let you go ahead and get that scheduling order drafted, if you all can agree. If you all can't agree, let me know. We'll just conference together.

MR. ALFORD: Your Honor, there was the issue of limiting depositions that we think we have maybe two more tops. And we may not even need those, but -- but --

THE COURT: Okay. Let's take that up in just one second, then.

MR. ALFORD: Yes, sir. Yes, sir.

THE COURT: Motion to compel's been issued. Mr. Alford, you're supposed to draft that, correct?

MR. ALFORD: Yes, sir. And that is the granting of his motion to compel, but limiting in scope as we

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said.

THE COURT: And add the dates into -- from the sources we went over on the record.

MR. ALFORD: Yes, sir.

THE COURT: Motion to enforce settlement is over. It's resolved. The subpoena to Regions Bank is quashed.

MR. BREWER: Do you want me to draft that, your Honor?

THE COURT: Yes, sir, let's do that. To Mr. Brewer, is presently quashed.

MR. BREWER: Yes, your Honor.

THE COURT: Okay. To Pratt Walker, Mr. Alford, I'm going to let you -- to Pratt, Thomas, Walker and the Alford firms, I'm going to ask that you draft that order about providing me privilege log and the privilege documents.

I'll tell both sides that I'm not inclined to give up attorney/client information. I just don't think that's right, but. The subpoena to Hilton Head is withdrawn. That's not even before us today, right?

MR. BREWER: The subpoena to Hilton Head we discussed. I thought. That was --

THE COURT: That's right. That's right, because you represented Hilton Head. That's right.

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MR. BREWER: Yeah, it's my understanding, when Greg handles my motion to compel regarding plaintiff, that he'll also handle that as regards Hilton Head.

THE COURT: Is that correct?

MR. ALFORD: Yes, sir.

THE COURT: That's your understanding?

MR. ALFORD: I can do that.

THE COURT: All right.

MR. ALFORD: So that order would then address the motion to compel discovery as against the plaintiff and the --

THE COURT: Yes. It seems to me, the motion to compel and the order to compel, we need to put subpoenas in, because they are the same topics, right? So, as far as the motions today, that should dispose of everything that I have on my notes here. Is that right?

MR. BREWER: I think that's correct, your Honor.

THE COURT: Okay. So the issue of limiting depositions, has anybody come to some kind of resolution to that?

MR. BREWER: What I was telling them is, I think I need about ten more depositions or so. I have to list them all out, your Honor. But that is about -- if you think about what we talked about earlier, it

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was about that many.

THE COURT: I understand, and some of these documents -- I tell you what, here's what -- if you all have a problem with it, bring it up to me. I'm not going to try to limit that now, because it's kind of artificial without knowing what's going on.

MR. BREWER: Yes, sir. That's my issue.

THE COURT: And if there's an issue that you obviously -- you all know my goal is to push this forward a little bit.

MR. BREWER: And I think --

THE COURT: You know, you all, I know you've got -- and this is mainly for you, is that you have some strong emotions going back and forth on these cases, and your client is, too. But the attorneys, there's no reason they can't be strong advocates, but still work with each other on this matter. All right.

MR. BREWER: I think this is going to give us a good start. Having the date set December is going to give us a good start, judge.

THE COURT: Okay, you guys, thank you.

MR. BREWER: Thank you.

MR. LINTON: Thank you, your Honor.

THE COURT: Do you want your notebook?

MR. BREWER: Sure. I know you don't want it, so

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I'll take it.

END PROCEEDING 12:28 P.M.

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CERTIFICATE OF REPORTER

JUNE 1, 2017 TRANSCRIPT OF HEARING

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

I, Wanda H. Rowe, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing June 1, 2017 Transcript of Hearing is a true and accurate record of the proceedings had on said date, in the case of Kim Likins versus C.C. Hoagland, Beaufort County, Court of Common Pleas, Case Number 2015-CP-07-02937; that no exhibits were admitted; that I am of neither kin, counsel, nor interest to any party hereto.

This Certificate of Reporter is attached to the original of this transcript requested by Hon. Barrett Brewer. Pursuant to SCACR 607, requests for copies of this or any transcript must be made to the court reporter. Unauthorized copying/emailing is prohibited.

Witness my signature January 30, 2018.

Wanda H. Rowe, CVR-M
Official Court Reporter

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ELECTRONICALLY FILED - 2017 Nov 08 11:54 AM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT Kim Likins, Plaintiff, vs. C. C. Hoagland, Defendant.	IN THE COURT OF COMMON PLEAS FOR THE FOURTEENTH JUDICIAL CIRCUIT CASE NO.: 2015-CP-07-2937 **ORDER PROHIBITNG PRETRIAL COMMUNICATIONS AND PUBLICITY**

This is a defamation case commenced by Plaintiff in her individual capacity against Defendant. Plaintiff is a city council person with the Town of Hilton Head. Nothing contained in this Order shall be construed as a determination of whether Plaintiff will be considered a public official or private individual in this lawsuit.

Because of the posture and history of this case when it was assigned to the undersigned, and based upon the inherent authority of this Court to maintain and preserve the decorum and integrity of Court proceedings and the sanctity of judicial proceedings, the Court finds that it is appropriate and necessary to issue an Order prohibiting the parties, their servants, agents, employees and all others acting at their behest from making, issuing or causing to be uttered any extra-judicial statements or comments about this lawsuit in any form or fashion during the pendency of this case.

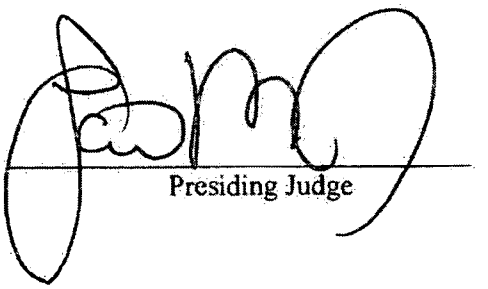
Accordingly it is ordered, adjudged and decreed that:

1. The parties, their attorneys and staff, consulted or retained experts as well as any other servants, agent and/or employees of the above are prohibited from making ANY extra-judicial comments about this case to the media and any third parties about any aspect of this action until a jury verdict has been returned.
2. Nothing contained in this Order is intended to be nor shall be construed as a prior restraint on the media's ability to report on this case.
3. Any and all communications between counsel of record shall be conducted solely by the attorneys and/or their staff. The parties are expressly prohibited from communicating directly or indirectly with or to opposing counsel.[1] Nothing contained in this Order prohibits the parties from responding to opposing counsel's questions posed in deposition(s), answering discovery requests under the guidance of their counsel or participating in any subsequent hearing or trial.

[1] Reportedly, the Defendant has engaged in a pattern of communicating directly with Plaintiff's counsel by E-mail and/or otherwise.

4. This Order is not intended to prohibit legitimate, good faith communications with third parties (excluding the media) in the preparation of this case.
5. Nothing contained in this Order is intended to nor shall abridge any persons affected by this Order ability to exercise their First Amendment rights as long as by doing so they do not contravene the prohibitions contained herein.

It is so ORDERED.



Presiding Judge

November 8, 2017
Anderson, SC

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CASE NUMBER: 2015-CP-07-2937
	)	
KIM LIKINS,	)	
	)	**ORDER FINDING DEFENDANT**
Plaintiff,	)	**HOAGLAND IN CONTEMPT OF**
v.	)	**COURT**
	)	
C. C. "SKIP" HOAGLAND,	)	
	)	
Defendant.	)	
	)	

This matter came before the Court on January 30, 2018 on Plaintiff's Motion for Order and/or Rule Show Cause, Memorandum of Law in Support of Motion for Contempt/Rule to Show Cause and Supplement to Motion, the affidavits of Gregory M. Alford authenticating certain e-mails, and supplemental exhibits all of which are filed as of record with this Court (collectively, "the filings"). Barrett Brewer, Esq. appeared on behalf of Defendant and John P. Linton, Jr., Esq. and Gregory Alford, Esq. appeared on behalf of Plaintiff.

Prior to the hearing, on January 24, 2018, this Court issued a Rule to Show Cause directing Defendant C.C. "Skip" Hoagland ("Defendant" or " Defendant Hoagland") to appear before this Court and show cause as to why he should not be held in contempt of this Court's Order issued on November 8, 2017 ("the Order"). That Order precludes the parties--and others--from making any extra-judicial comments about this case to the media and any third parties about any aspect of this action until a jury verdict has been returned. Additionally, the Order provides that all communications between counsel of record shall be conducted solely by the attorneys and their staff and expressly prohibits the parties from communicating directly or indirectly with or to opposing counsel.

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Defendant appeared on January 30, 2018 and elected not to testify. The Court finds by clear and convincing evidence that the e-mails sent by Defendant, which are attached to the filings, violate the Order and that Defendant's violations of the Order were willful. The Court also finds that Defendant failed to present any evidence establishing a defense or inability to comply with the Order. Included among the e-mails are examples of communications by Defendant to numerous third parties about the subject matter of this case; communications by Defendant directly to counsel for the Plaintiff; and an admission by the Defendant that he contacted a witness following her deposition in this case to discuss the questions posed to her at the deposition, all in clear willful violation of the Court's Order.[1]

Based upon the forgoing, the Court **HEREBY FINDS** Defendant Hoagland in **CONTEMPT OF COURT**. The Court takes under advisement and holds in abeyance the decision of whether Defendant Hoagland's contempt is civil contempt or criminal contempt. The Court also takes under advisement and holds in abeyance the decision of what sanction or punishment is appropriate. The Court will make those determinations at the end of this case. Defendant's actions from now until the end of the case may inform the Court's ultimate decision.

AND IT IS SO ORDERED!

The Honorable Lawton McIntosh
South Carolina Circuit Court Judge

Anderson, South Carolina
February ___, 2018

[1] Also included in the e-mails are multiple examples of Defendant directly e-mailing the Court about this case. To the extent the Order did not specifically state that Defendant is prohibited from directly contacting the Court, the Order was verbally amended in Court on January 30, 2018 to prohibit any such direct communication by a party to the Court. That amendment is further memorialized and adopted by this order.

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Beaufort Common Pleas

Case Caption: Kim Likins VS C C Skip Hoagland , defendant, et al

Case Number: 2015CP0702937

Type: Order/Other

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

Electronically signed on 2018-02-06 10:56:49 page 3 of 3

ELECTRONICALLY FILED - 2020 Mar 30 3:55 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT Kim Likins, Plaintiffs, vs. C.C. "Skip" Hoagland, Defendant.	IN THE COURT OF COMMON PLEAS FOURTEENTH JUDICIAL CIRCUIT CASE NO.: 2015-CP-07-02937 **DEFENDANT'S MEMORANDUM OF LAW ON THE LEGAL STANDARD FOR PERMANENT INJUNCTION IN A CASE GOVERNED BY NEW YORK TIMES V. SULLIVAN**

TO: JOHN LINTON, ESQ., TRENHOLM WALKER, ESQ. AND GREG ALFORD, ESQ., ATTORNEYS FOR THE PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that the Court of Common Pleas, by and through the Hon. R. Lawton McIntosh, heard Plaintiff's claim for Permanent Injunctive Relief, on or about March 9, 2020, at the Beaufort County Courthouse. At the conclusion of the trial, the Court requested a legal memorandum be submitted on the standard for granting a permanent injunction. On or about March 19, 2020, the Plaintiff submitted its legal Memorandum on the Standard for Permanent Injunctions. The Court asked Defendant to submit his Memorandum in reply within ten (10) days. In accordance therewith, Defendant Hoagland submits his counter Memorandum of Law.[1]

I. The Court is Required to Find Plaintiff Has Proven Defendant Acted with Actual Constitutional Malice, by Clear and Convincing Evidence.

The standard of law for a Permanent Injunction in this case is governed by the New York Times v. Sullivan standard as stipulated to by the parties, pursuant to that Stipulation Resolving Defendant's Motion for Partial Summary Judgment Filed October

[1] Defendant has not included in this memorandum any discussion of the evidence at trial and Plaintiff's entitlement to a permanent injunction. The evidence at trial did not show that Plaintiff is entitled to a permanent injunction, nor did it show that Plaintiff satisfied the New York Times standard, requiring a showing of actual constitutional malice, by clear and convincing evidence, but Defendant did not want to exceed the Court's request by including a facts or argument section in the memorandum.

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30, 2017. Pursuant to stipulated items 1) and 3), all causes of action alleged by the Plaintiff are subject to this heightened standard, which requires Plaintiff to prove by clear and convincing evidence that the Defendant acted with Actual Constitutional Malice as a prerequisite to any finding in favor of Permanent Injunctive Relief. See Ex. A, Stipulation Resolving Defendant's Motion for Partial Summary Judgment Filed October 30, 2017.

Jurisprudence from around the country, on the Constitutional issue of permanent injunctions, further supports what the parties have stipulated to, that the Court must find that the Plaintiff met her burden by clear and convincing evidence, that Hoagland acted with actual constitutional malice. It is a rule of general application in the United States that equity will not enjoin the publication of defamatory matter in the absence of a contractual or trust relation. An early case announcing that principle is Brandreth v. Lance, 8 Paige, N.Y., 24, decided in 1839. Headnotes of that case are as follows: "The court of chancery has not jurisdiction to restrain the publication of a libel, by injunction, upon a bill filed by the party whose character or business will be injured by the publication. An injunction to restrain a publication can only be granted in cases where the publication will interfere with the complainant's right either of literary or other property in the subject matter of the publication." See also Menard v. Houle, 298 Mass. 546, 11 N.E.2d 436, 437 ("[E]quity will take jurisdiction where there is a continuing course of unjustified and wrongful attack upon the plaintiff motivated by actual malice, and causing damage to property rights as distinguished from 'injury to the personality affecting feelings, sensibility and honor . . . .'"); See also Auburn Police Union v. Carpenter, 8 F.3d 886, 903 (1st Cir. 1993) (stressing that an injunction of charitable solicitation was permitted only "after a final adjudication on the merits that the speech is unprotected"); Paradise Hills Assocs. v. Procel, 1 Cal. Rptr.

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2d 514, 519 (Ct. App. 1991) ("A preliminary injunction is a prior restraint."); Cohen v. Advanced Med. Grp. of Ga., Inc., 496 S.E.2d 710, 711 (Ga. 1998) (overturning a preliminary injunction against libel on the grounds that the injunction was not "entered subsequent to a verdict in which a jury found that statements made by [defendant] were false and defamatory" (quoting High Country Fashions, Inc. v. Marlenna Fashions, Inc., 357 S.E.2d 576, 577 (Ga. 1987))); Hartman v. PIP-Grp., LLC, 825 S.E.2d 601, 606 (Ga. Ct. App. 2019) ("We have found no Georgia case upholding an interlocutory injunction prohibiting speech . . . . *[A]n injunction [against publication] has been upheld only when it 'was entered subsequent to a verdict in which a jury found that statements made by [the defendant] were false and defamatory.'*" (emphasis added) (internal citation omitted)); Mishler v. MAC Sys., Inc., 771 N.E.2d 92, 98-99 (Ind. Ct. App. 2002) (condemning a preliminary injunction issued "after only the most preliminary of determinations by the trial court"); St. Margaret Mercy Healthcare Cent., Inc. v. Ho, 663 N.E.2d 1220, 1223-24 (Ind. Ct. App. 1996) (dissolving a preliminary injunction on First Amendment grounds, because speech cannot be restricted "before an adequate determination that it is unprotected by the First Amendment"); Anagnost v. Mortg. Specialists, Inc., No. 216-2016-CV277, 2016 WL 10920366, at *3 (N.H. Super. Ct. Aug. 4, 2016) ("[B]y asking for a preliminary injunction, the plaintiffs seek to enjoin Gill from making statements that have not yet been found to be unprotected.") (emphasis omitted).

Under the First Amendment prior restraint is highly disfavored, and the party seeking such restraint bears a heavy burden of showing a justification for such restraint. New York Times Co. v. United States, 403 U.S. 713, 714 (1971). A prior restraint is a "judicial order forbidding certain communications...issued in advance of the time that such

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communications are to occur." Alexander v. United States, 509 U.S. 544, 550. "So drastic a remedial device may only be imposed when it furthers 'the essential needs of the public order.'" Sindi v. El-Moslimany, 896 F.3d 1, 32 (2018) (quoting Carrol v. President & Comm 'rs of Princess Anne, 393 U.S. 175, 183 (1968)). "A prior restraint on speech must survive the most exacting scrutiny demanded by our First Amendment jurisprudence." Sindi, 896 F.3d at 32. The Court should find the Sindi case instructive as there the United States Court of Appeals for the First Circuit found that an injunction against defamatory speech was clearly a prior restraint and failed to meet the level of scrutiny so demanded.

In determining whether a defamation plaintiff is a limited-purpose public figure, the Court must examine: first, whether there was a particular "public controversy" that gave rise to the alleged defamation; and second, whether the nature and extent of Plaintiffs participation in that particular controversy was sufficient to justify "public figure" status in relation to the controversy. See Fitzgerald v. Penthouse Int'l, Ltd., 691 F.2d 666, 668 (4th Cir. 1982). Moreover, the Fourth Circuit Court of Appeals has established five factors to be considered in determining whether a person is a limited-purpose public-figure: (1) whether the plaintiff had access to channels of effective communication; (2) whether the plaintiff voluntarily assumed a role of special prominence in a public controversy; (3) whether the plaintiff sought to influence the resolution or outcome of the controversy; (4) whether the controversy existed prior to the publication of the statement; and (5) whether the plaintiff retained public figure status at the time of the alleged defamation. *Id.*

In making a determination as whether Hoagland acted with Actual Constitutional Malice, the Court must decide whether sufficient evidence was presented to determine Hoagland's subjective state of mind. "Initially we note the 'the actual malice standard is

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not satisfied merely through a showing of ill will or 'malice' in the ordinary sense of the term. "Ill will toward the plaintiff, or bad motives, are not elements of the *New York Times* standard." See *Old DominionBranch No. 496 v. Austin, 418 U.S. 264, 281, 94 S.Ct. 2770, 2780, 41 L.Ed.2d 745, 760 (1974).* Nor can the fact that the defendant published the defamatory material in order to increase profits suffice to prove actual malice. The allegedly defamatory statements an issue in the New York Times case were themselves published as part of a paid advertisement. 376 U.S. at 376 U. S. 265-266. If a profit motive could somehow strip communications of the otherwise available constitutional protection, our cases from New York Times to Hustler Magazine would be little more than empty vessels.

Actual malice, instead, requires at a minimum that the statements were made with a reckless disregard for the truth. See Harte-Hanks Communications v. Connaughton, 491 U.S. 657,667, 109 S. Ct. 2678, 2686, 105 L. Ed. 2d 562 (1989) Although the concept of "reckless disregard" "cannot be fully encompassed in one infallible definition," St. Amant v. Thompson, 390 U.S. 727, 390 U.S. 730(1968), we have made clear that the defendant must have made the false publication with a "high degree of awareness of ... probable falsity," Garrison v. Louisiana. 379 U. S. 64, 379 U. S. 74 (1964), or must have "entertained serious doubts as to the truth of his publication," St. Amant. supra, at 390 U.S. 731. "Actual malice is a subjective standard testing publisher's good faith belief in truth of his or her statements". Peeler v. Spartan Radiocasting. Inc., 324 S.C. 261. 478 S.E.2d 282 (1996) (emphasis added). Any direct or indirect evidence relevant to defendant's state of mind is admissible to prove actual malice. Anderson v. Augusta Chronicle, 365 S.C. 589,619 S.E.2d 428 (2005) (emphasis added).

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II. The Seminal Case in South Carolina Setting the Standard for Injunctive Relief is Scratch Golf Co. v. Dunes West Residential Golf Props.

"The remedy of **injunction** is a drastic one and should be cautiously applied only when legal rights are unlawfully invaded or legal duties are willfully or wantonly neglected." Lefurgy v. Long Cove Club Owners Ass'n. 313 S.C. at 558, 443 S.E.2d at 578 (1994). For a preliminary injunction to be granted, the plaintiff must establish that: (1) it would suffer irreparable harm if the injunction is not granted; (2) it will likely succeed on the merits of the litigation; and (3) there is an inadequate remedy at law. County of Richland v. Simpkins, 348 S.C. 664, 669, 560 S.E.2d 902, 904 (Ct. App. 2002). See Scratch Golf Co. v. Dunes West Residential Golf Props., 361 S.C. 117, 121, 603 S.E.2d 905, 908, 2004 S.C. LEXIS 236, *6.

While Scratch Golf directly addresses preliminary injunctions, its application squares directly with both Plaintiff's Memorandum and the Court's requirements to make a finding on the merits of the litigation that Plaintiff proved, by clear and convincing evidence that Hoagland acted with Actual Constitutional Malice. An action for slander sounds in law and offers the plaintiff a full remedy. As the traditional equitable maxim succinctly states "Equity will not enjoin a libel." See Organovo Holdings, Inc. v. Dimitrov, 162 A.2d 102, 115-16 (Del. Ch. Ct. 2017) (Discussing the No-Injunction Rule). A permanent injunction as an equitable remedy is not appropriate where there is an otherwise adequate remedy at law. See Santee Cooper Resort, Inc. v. S.C. Pub. Serv. Comm'n, 298 S.C. 179, 185, 379 S.E.2d 119, 123 (1989) ("Equitable relief is generally available only where there is no adequate remedy at law."). Shaw v. Coleman, 373 S.C. 485, 499, 645 S.E.2d 252, 259, 2007 S.C. App. LEXIS 89, *20.

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CONCLUSION

The vague standards and guidelines of the municipal resolution were arbitrarily and discriminately enforced against the Defendant; the resolution is void as a matter of law and incapable of being a foundation for suit by Plaintiff. For the reasons stated in this brief, and at trial, the Defendant respectfully requests this Court to grant Defendant's Motion for Involuntary Non-Suit, and such other relief as is just and equitable.

BREWER LAW FIRM, LLC

/s/ Barrett R. Brewer

Barrett R. Brewer
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880 Johnnie Dodds Blvd., Ste 3 (29464)
Mount Pleasant, SC 29465-1847
o: (843) 779-7454
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Attorney for the Defendant

March 30, 2020

Charleston, South Carolina

ELECTRONICALLY FILED - 2018 Mar 30 9:35 AM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT Kim Likins, Plaintiff, vs. C. C. Hoagland, Defendant.	IN THE COURT OF COMMON PLEAS FOR THE FOURTEENTH JUDICIAL CIRCUIT CASE NO.: 2015-CP-07-2937 **STIPULATION RESOLVING DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT FILED OCTOBER 30, 2017**

The Plaintiff Kim Likins and Defendant C. C. Hoagland herby stipulate as follows:

1. Plaintiff Kim Likins has filed a Complaint alleging causes of actions for a) Outrage/Intentional Infliction of Emotional Distress; b) Defamation/Slander/Libel; c) Invasion of Privacy; d) Tortious Interference with Contractual Relations; and e) injunctive relief.

2. That, as the factual basis for Plaintiff's assertions, allegations, and causes of action in this lawsuit, Plaintiff has limited her claims to the allegedly defamatory statements of Hoagland, set forth in Plaintiff's Answers to Defendant's Interrogatories, dated September 26, 2017, attached hereto as Ex. A (along with supporting documentation).

3. That Likins is deemed a public official, without exception, and all of Mr. Hoagland's statements concerning Plaintiff, including those statements concerning Plaintiff's occupation with the Boys & Girls Club, are subject to the standard defined by New York Times Co. v. Sullivan, 376 U.S. 254 (1964) and its progeny. That this standard applies equally to all Plaintiff's causes of action set forth in the Complaint and statements of Hoagland set forth in Ex. A.

4. All other arguments in Defendant's Motion for Summary Judgment and Memorandum of Law in Support of Motion for Summary Judgement filed June 6, 2018 are hereby withdrawn without prejudice. It is stipulated that Defendant will not pursue a further motion for summary judgment, or a motion to dismiss, Plaintiff's causes of action, prior to trial. Nothing herein shall preclude Defendant from raising any of the aforementioned arguments at trial, in any directed verdict stage, or in any non-dispositive pre-trial motions or proceedings.

WE SO STIPULATE ON BEHALF OF PLAINTIFF:

s/ John P. Linton, Jr.
G. Trenholm Walker (S.C. Bar #5777)
John P. Linton, Jr. (S.C. Bar # 79130)
WALKER GRESSETTE FREEMAN & LINTON, LLC
Post Office Box 22167
Charleston, SC 29413-2216
843.727.2200
Email: walker@wgfllaw.com
Email: linton@wgfllaw.com

Gregory M. Alford (SC Bar #6932)
ALFORD & THORESON, LLC
P. O. Drawer 8008
Hilton Head Island, SC 29938
Email: gregg@alfordlawsc.com

ATTORNEYS FOR PLAINTIFF

WE SO STIPULATE ON BEHALF OF DEFENDANT:

s/ Barrett R. Brewer (with consent)
Barrett R. Brewer (SC Bar #70378)
BREWER LAW FIRM, LLC
PO Box 1847
Mount Pleasant, SC 29465-1847
Phone: (843) 779-7454
Fax: (843) 779-7456
barrett@brewerlawfirmsc.com

ATTORNEY FOR DEFENDANT

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CASE NUMBER 2015-CP-07-02937
KIM LIKINS,	)	
	)	
Plaintiff,	)	PLAINTIFF'S ANSWERS TO
v.	)	DEFENDANT'S INTERROGATORIES
	)	DATED MAY 11, 2017
C. C. "SKIP" HOAGLAND,	)	
	)	
Defendant.	)	

TO: C. RUSS KEEP, III, ESQ., JAMES A. BROWN, JR., ESQ., and CLAWSON & STAUBES, LLC, ATTORNEYS FOR DEFENDANT

The Plaintiff, Kim Likins, answers Defendant's Interrogatories dated May 11, 2017, as follows:

1. State with specificity exactly what the Defendant has said or written that the Plaintiff believes is defamatory, libelous or slanderous.

   ANSWER: **Defendant has made defamatory statements and published defamatory statements to third parties that Plaintiff has conflicts of interests on Town Council and in her employment with the Boys and Girls Club, that she is unfit to be around boys and girls, that it was dangerous for the kids of the Boys & Girls Club for Likins to be around them, that she is a liar, that she is corrupt, that she violated the public's trust, that she is not fit for her job or position on Town Council. These statements include the following specific instances:**

   a. **Telephone conversation with Mike Briggs as summarized in Brigg's affidavit dated December 9, 2015;**

   b. **Telephone conversation with Marv Lich as summarized in Lich's affidavit dated December 10, 2015 and in Lich's deposition testimony;**

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c. **E-mails from Hoagland to third-parties attached to the Verified Complaint as part of Exhibit A;**

d. **Island Packet advertisement on November 29, 2015 attached to Verified Complaint as part of Exhibit A and labeled Likins 0000125;**

e. **E-mail dated December 8, 2015 to Mike Briggs, Chris Protz, and Marv Lich, which was made Exhibit 17 to Mr. Hoagland's deposition; [*See also,* Hoagland 40]**

f. **E-mails labeled Hoagland 000001-000005, 000037-39, 000055-56, 000057, 000061, 000069-72;**

g. **Island Packet advertisement dated June 26, 2016, Likins 000325;**

h. **Emails labeled Likins 296-299, 300-301, 302-304, 305-308, 309A-310, 311-315, 316-319, and 320-323; and**

i. **E-mails labeled Likins 0000079, 0000086-87, 0000091-93, and 0000143-146.**

2. Do you concede that the Plaintiff is an elected public official?

ANSWER: **Plaintiff is an elected member of Hilton Head Island Town Council.**

By: _____

G. Trenholm Walker (S.C. Bar #5777)
John P. Linton, Jr. (S.C. Bar # 79130)
WALKER GRESSETTE FREEMAN & LINTON, LLC
Post Office Drawer 22167
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Gregory M. Alford, Esq.
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Email: gregg@alfordlawsc.com

ATTORNEYS FOR PLAINTIFF

September 26, 2017

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Charleston, South Carolina

CERTIFICATE OF SERVICE

Undersigned certifies that the pleading or paper to which this certificate is affixed was served upon the party(s) to this action by hand, or by depositing a copy of same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record for such other party(s), in a post office or official depository under the exclusive care and custody of the United States Postal Service, on this 26 day of Sept, 2017, in Charleston, South Carolina.

ELECTRONICALLY FILED - 2015 Dec 10 3:55 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

AFFIDAVIT OF MICHAEL G. BRIGGS

2015 DEC 10 PM 4:25
JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

Personally appeared before me Michael G. Briggs, who, being duly sworn, under oath and under penalty of perjury, states as follows:

1. My name is Michael G. Briggs, I am over the age of 18 and competent to make this Affidavit.

2. I am an attorney, retired from private practice. As a volunteer, I serve as the President of the Board of Directors of the Boys and Girls Club of Hilton Head Island.

3. On December 2, 2015, I received a telephone call from an individual who identified himself as "Skip Hoagland". Mr. Hoagland indicated that he was calling me to demand that Kim Likins, the Executive Director of the Hilton Head Island Girls and Boys Club, be fired from her position because she was a liar and was unfit to be around children. Mrs. Likins, in addition to being the Executive Director of the Hilton Head Island Boys and Girls Club, is also a Member of the Town Council for the Town of Hilton Head Island.

4. Mr. Hoagland was apparently upset and angry with Mrs. Likins because she, in her capacity as a Town Council Member, had voted in favor of a contract with the Hilton Head Island/Bluffton Chamber of Commerce.

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5. I am informed Mr. Hoagland that I would look into the matter and get back to him as soon as I had an opportunity to evaluate his statements.

THE AFFIANT FURTHER SAYETH NAUGHT.

MICHAEL G. BRIGGS

Sworn to and subscribed before me on
this 9 day of December, 2015.

Notary Public for South Carolina
My Commission Expires: My Commission Expires
May 1, 2016

Ex. A

ELECTRONICALLY FILED - 2015 Dec 09 9:35 AM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

AFFIDAVIT OF MARVIN LICH

Personally appeared before me Marvin Lich, who, being duly sworn, under oath and under penalty of perjury, states as follows:

1. My name is Marvin Lich, I am over the age of 18 and competent to make this Affidavit.

2. As a volunteer, I serve as on the Board of the Boys and Girls Club of Hilton Head Island, and President of the Boys and Girls Club of the Low-country.

3. On or about December 3, 2015, I received a telephone call from an individual who identified himself as "Skip Hoagland". Mr. Hoagland indicated that he was calling me to demand that Kim Likins, the Executive Director of the Hilton Head Island Girls and Boys Club, be fired from her position because she was a liar and was unfit to be around children. Mrs. Likins, in addition to being the Executive Director of the Hilton Head Island Boys and Girls Club, is also a Member of the Town Council for the Town of Hilton Head Island.

4. Mr. Hoagland was apparently upset and angry with Mrs. Likins because she, in her capacity as a Town Council Member, had voted in favor of a contract with the Hilton Head Island/Bluffton Chamber of Commerce.

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5. I informed Mr. Hoagland that I would look into the matter and get back to him as soon as I had an opportunity to evaluate his statements.

THE AFFIANT FURTHER SAYETH NAUGHT.

Marvin Lich
MARVIN LICH

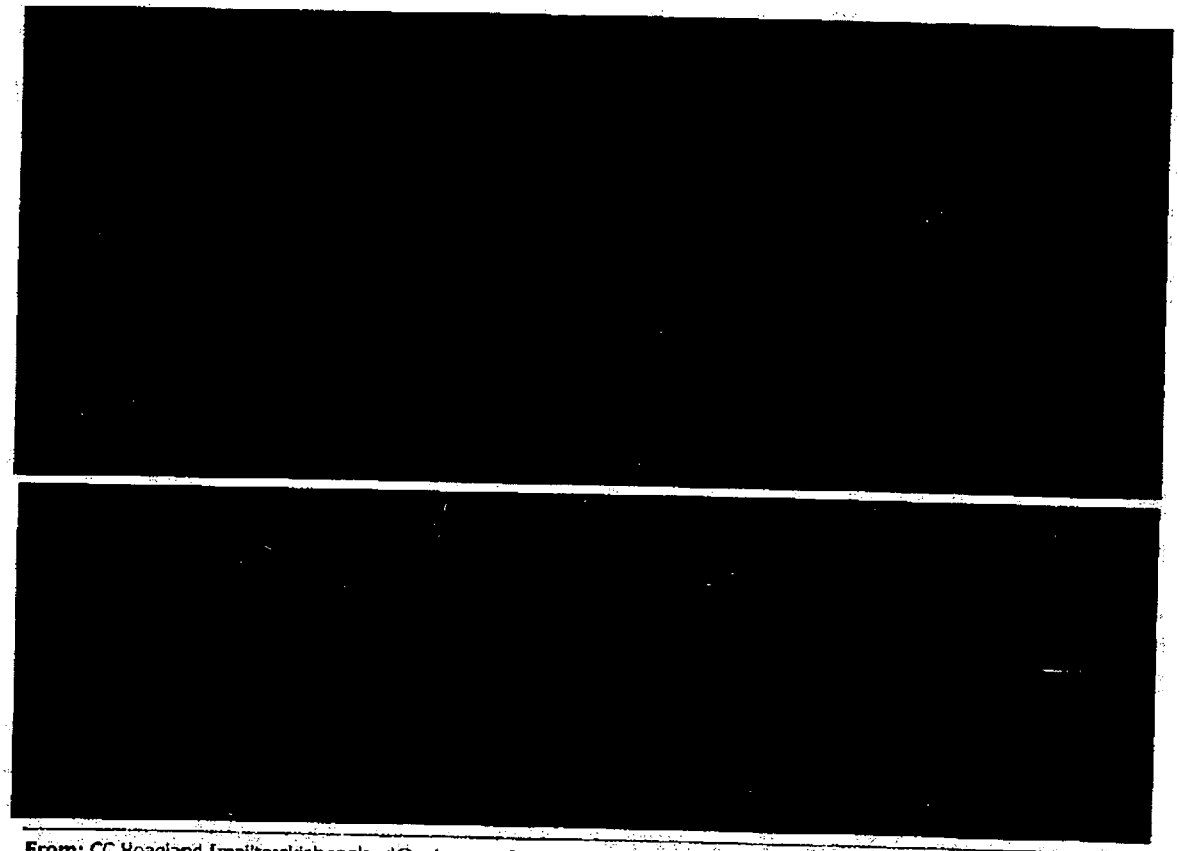
Sworn to and subscribed before me on
this 10th day of December, 2015.

Jean E. McElroy
Notary Public for South Carolina
My Commission Expires: May 12, 2018

ELECTRONICALLY FILED – 2024-08-Mar-08 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702337

EXHIBIT "A"

ELECTRONICALLY FILED – 2024-03-08 09:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937



From: CC Hoagland [mailto:skiphoagland@yahoo.com]
Sent: Monday, November 23, 2015 1:06 PM
To: stever@hiltonheadislandsc.gov; david tigges; Gregg Alford; Hulbert Brian; susan@surfcityusa.com; Taylor Smith; Bill Miles; Ray Deal; Jay Wiendl
Cc: davidb@hiltonheadislandsc.gov; zmurdock@islandpacket.com; Tom Lennox; JohnM@hiltonheadislandsc.gov; Lee Edwards; Likins Kim; WilliamH@hiltonheadislandsc.gov; jeffbradley@schouse.gov; Weston Newton; Billherbkersman@schouse.gov; tdavis@harveyandbattey.com
Subject: Sc foia

Steve to begin Brian Hulbert your lawyer claims you know nothing about the 4 m proposed welcome center on town property and now know nothing about secret meetings with Susan Thomas and Bill miles discussing signs on town property and the 340k app attempt , cost of signs etc . How could Susan thomas Cced on this email propose this without talking to you ? For me you are not telling the truth and will do anything to escape and avoid answering directly . Susan who did you talk to ? Susan moving to California does not mean you can't be brought back to SC or answer questions . As this moves forward David tigges can only do so much to protect and keep others silent . Steve same for you , the lawyers can only help you so much . God only knows what else you have done over the last 20yrs we don't know about . When you and others realized I was going to attack on these two issues everything stopped and disappeared interesting ????? No records no emails !

Steve, my foia info received was incomplete , where is the supreme court case saying chambers or Dmos or chamber/ DMO comingled hybrid can receive tax monies but not comply with SC foia laws that David Tigges

1

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quoted? Was this a lie or is it true? To add !
Did Jay Weindl lie about 1600 members? I say yes or he was deceived by Bill miles we need proof of this !
Did Kim Likins lie when she said took notes and listened to everyone then proceeded to read a speech that could have been written by her good friend Charlie Clark chamber spokesperson? I say yes! Is she fit to run and girls and boys club ?
Did John McCann when he said he made up his mind last night and 3 other council members as well , did not respect the public hearing and draft contract process? I say yes !
Who drafted this contract the chamber / council or Steve Riley we now know from a whistle blower and Carolyn Vanagel confirmed statement , quote the Chamber worked hard to draft this contract and we now know it was David tigges in control ! Steve Riley do you wish to deny this ?
We have also been told all board members were instructed by David Tigges / Bill Miles to remain silent to press or anyone else and to not talk about contract or my fight and only state how good the chamber is and nothing else. Do you wish to deny this ?
Jay Weindl, new "appointed"chairman, not duly elected lied when he said 1600 members all have rights and can run for elections and make change with 10% of membership ,10% of what real number? We have proof chamber membership numbers have been falsified ? Do you wish to deny this or want to challenge this ?
Seems all members have rights to the database list of all members and contacts ? Jay will you send that list and contact for each member phone numbers including to a chamber member ? Jay will you force Bill miles as his new boss to open the books to all members ? Jay what rights do members have ? Jay did you know bylaws were changed from original form when members had rights ? Jay will you tell Bill they must be changed back to allow members rights ? Jay where were annual meetings held last 5 yrs ? Do you have all
Minutes for this . I assume in any lawsuit by a member or members all this will be made available in discovery ? You and
David Tigges both said there was annual meetings for members to speak ? Again Where are these meetings held, minutes Etc ?????

The entire board I am sure are good people, bottom line they have all been deceived and used / abused including you Jay , by the 3 people who totally control this chamber David Tigges, Bill Miles and Ray Deal, Jay as chairman and Bill miles employees let's be honest who is in charge you , Bill or David tigges ?

Jay you seem to be a nice guy and have nothing against you . The only actions I don't like from you is kicking out people from your hotel that run a local media company I started many years ago . He did nothing to you . This has also happen by several hotels who told me when I called don't ever call this hotel again . These attacks have no reason or basis . We have been told, by ex chamber whistle blower that you and other board member are silenced by giving help and business over others in their industry. They receive no access to inner circle no access to all accounting, all appointed strategically to surround Bill Miles to make it all look legitimate to allow its abuse, corruption and violations undetected by anyone including board members that just assume all is ok. All local media leaders have been eliminated from appointed board by Bill miles to prevent any challenge to his unfair competitive practices and growing local media empire with 1.7 million and growing ad sales revenue . We now know anyone can buy ads not just chamber members like a for profit media . We were told any board members that question the dictatorship are silenced or removed. There are no real term limits or rotation of power on board to allow all members to run for fair elections. The real power has remained in control for over 20 yrs . Paul Bethea , David tigges McNair and past old Bethea law firm.

You have a power structure out of control, including letting the employees run all not the members / stake holders who are in essence the owners, not Bill Miles. The old Bethea law firm now McNair law firm have been running this chamber for years and always someone on board from this firm . Insurance, banking, lawyers,hotels etc. etc. all get favoritism over others and we now have proof from whistle blowers who have stepped forward. We now have big insurance companies say they dropped membership as it was a waste of time trying to bid against John vann your past buddy board member with BB&T insurance .

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They said just look at the chamber website and app to see who gets promoted over others . Those who pay the most get front seat . Jay this is not the way or purpose of a properly run chamber and DMO operating as a non profit and using tax monies . What do you not understand about this ? How long do you think this board and you can keep defending this ?

We lost a small battle to corruption but the war to clean up this chamber abuse will be won soon ,as we have all we need to prove our case and will turn over all to press , law enforcement , mayor and others next week.

Happy Thanksgiving to everyone. Be assured as we give thanks for all our bounty, this Chamber will go back to being a simple chamber under US Chamber and ACCE national associations guidelines and our DMO will operate under DMAI national association guidelines and accounting protocol soon. All the waste, abuse, corruption, deception, tax violations, foia non compliance, dictatorship and harm to tax payers, board members and members will end. I will be thanked for all this, and not painted as the enemy to this chamber board representing facts and truth. This chamber board is run by good people and leaders on the island, but many others leaders in good standing for 40 yrs do not like where we are. You heard many speak up at our corrupted contract public opinion meeting . Current board members need to pay attention and accept the facts and speak up to clean it up and join those who are and will. This current Chamber structure will never survive what's coming and the good people of this board need to act soon as to not be humiliated for being deceived, tricked and fooled.

We have much more on Bill miles to deal with like 4 million past welcome center , local app with Steve riley , trips to China with his family also turned over my whistle blower who said he robbed us , trips to England , monies to Canada , comingled bank accounts , travel / hotels /meals etc , free golf memberships , corporate entrainment on and off golf course , bills sons golf whistleblower claims is part of corporate entertainment and much more .

Oh and Steve riley one last thing all town codes , RFPs , fair bidding and who added the Hilton head chamber to down code to eliminate fair bids and competition . Lee Edwards remember you once were for this ? Lee if chamber was in landscape business selling plants and you were a member what would you do ? Accept it and say nothing ??????? Thx

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5942-3202

ELECTRONICALLY FILED - 2023-03-08 9:35 AM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937





From: CC Hoagland <skiphoagland@yahoo.com<mailto:skiphoagland@yahoo.com>>
Date: November 23, 2015 at 12:12:47 AM EST
To: Likins Kim <KimL@hiltonheadislandsc.gov<mailto:KimL@hiltonheadislandsc.gov>>,
<JohnM@hiltonheadislandsc.gov<mailto:JohnM@hiltonheadislandsc.gov>>
Cc: Tom Lennox <toml@hiltonheadislandsc.gov<mailto:toml@hiltonheadislandsc.gov>>,
<WilliamH@hiltonheadislandsc.gov<mailto:WilliamH@hiltonheadislandsc.gov>>, Rick Caporale
<rpc1@hargray.com<mailto:rpc1@hargray.com>>, "Cynthia Bensch"
<cbensch@bcgov.net<mailto:cbensch@bcgov.net>>
Subject: Violated public trust , due process and lied !

You both lied and are not fit to serve . I will look forward to speaking directly to both of you soon at public comment . Also you will be in my full page ads to publicly disgrace you both to this island . Kim you are not fit to serve boys and girls a well . You fully know what you did !!!

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Do not dare say I am disrespectful when I speak the truth at town council . The truth is not disrespectful . What's disrespectful is what you both did . Prepare to be exposed and treated like you treated others .

Tom I feel you also deceived me and had your mind made up also . I have you on record saying you worked hard on the clause to inspect books and had me in mind . I hope so and remains to be seen if you are going to be my new hero and outsmarted David tigges or forced me to keep spending thousands to fight flr sc foia laws for all of us .

Bill Harkins for me not worth even discussing . If he plans on running for reelection as well as others I can promise you that you will be booted and featured in full page ads and fully explained why . There simply is no place for dishonest and deceiving people who wish to serve our community .

David , Lee , Marc each at least showed respect and listened to some very smart people who had great ideas and respected them and their time coming . John Mcann to say reason he decided to award the contact to the chamber was because of all the good people on the board . This had nothing to do with it as the board has be tricked and deceived also and has no power . John knock knock anyone home , you have been told this chamber is run by a dictator crook . The board members are good people just have no power or clue what's going on . They all were appointed , used and abused and shown favoritism to remain silent . They were all instructed to say how great the chamber was and not discuss the contract . We were not there for that we were there to discuss a good contract for the community not just the chamber . We also learned much more from the whistle blower and that is David tigges drafted the contract . You all should be a shamed of what you did . I really thought you old guys like me would have acted differently . I guess that saying is correct "no fool like an old fool ".

You all did not show true guts to fight for an audit when you new damn well we needed to do this and were provided all info why . You all allowed escape but just temporarily . We lost this one battle but not the war to come . When you see what's coming you will perhaps then realize you should have followed the great Ronald Reagan "trust must be verified" and i am afraid will be humiliated and publicly disgraced to this entire community . For the life of me I just don't understand why you would not force an audit , sc foia laws, DMAI accounting and 1 yrs not 5 yrs. The big concern I have for all of you is you have trusted Steve riley , Gregg Alford and brian Hulbert all buddies of Bill miles and david tigges . You all have deceived here as well . The sad thing is you all are part time as is mayor bennett and the town employees run the show and you all are powerless and just do as you are told and instructed by them .

I also think you all will be held liable when this all ends up in the courts and the audit is forced .

We now have a x board chamber member who has turned whistle blower . You will all be shocked what's going to happen next . Kim send this to your friend Charlie Clark spokesperson at chamber . Did she write your prepared speech for you ? John so you came to your brilliant decision night before ? Why do you think so many people came to speak ? Do you feel you dishonored all of us and made a fool of of yourself ? Do you and Kim likins feel you are fit to keep serving ? What made you think all is ok and controlled by the board ?

Happy thanksgiving and perhaps you all will reflect on all this as you spend time with your families and think what kind of world you wish for them , and did you act in good faith in a way you and your family would be proud of .You each have to look in mirror and live with yourselves not me . Thx

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC

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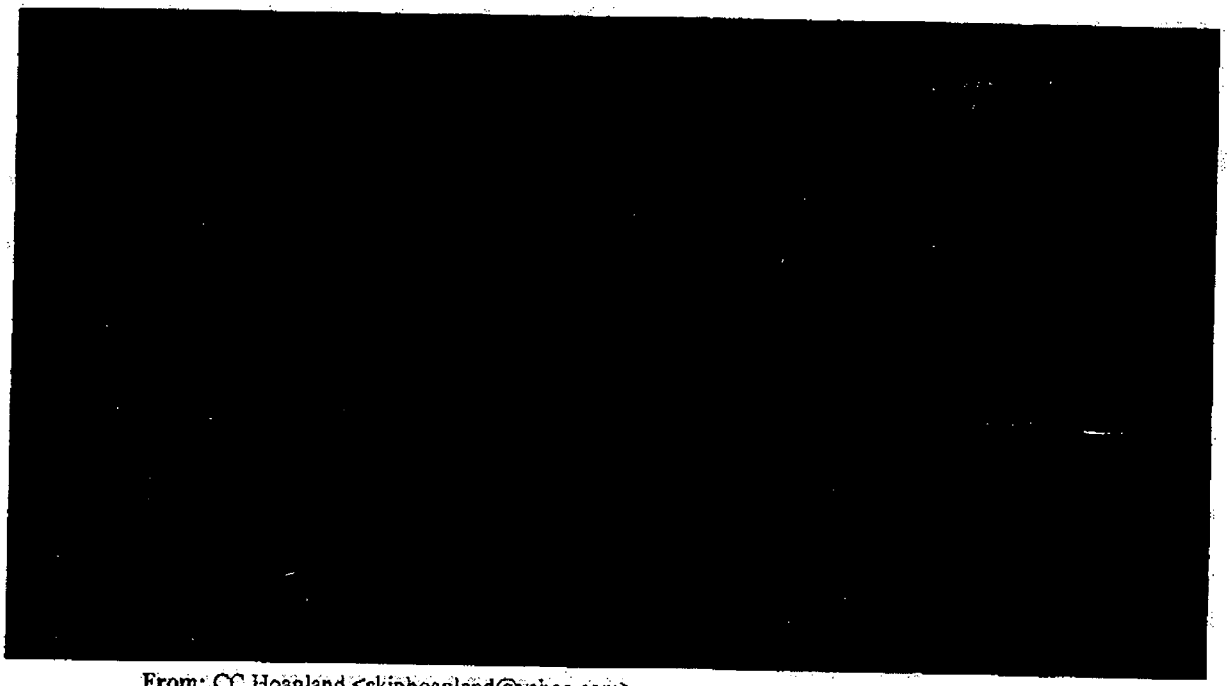
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From: CC Hoagland <skiphoagland@yahoo.com>
Date: November 29, 2015 at 2:42:47 PM EST
To: david tigges <dtigges@mcnair.net>, bill miles <bmiles@hiltonheadisland.org>, rdeal@hiltonheadisland.org
Cc: davidb@hiltonheadislandsc.gov, LeeE@hiltonheadislandsc.gov, JohnM@hiltonheadislandsc.gov, MarcG@hiltonheadislandsc.gov, Likins Kim <KimL@hiltonheadislandsc.gov>, Tom Lennox <toml@hiltonheadislandsc.gov>, Taylor Smith <Taylor@harrisonfirm.com>, Rick Caporale <rpc1@hargray.com>, sturodman@aol.com, Jerry Stewart <jstewart@bcgov.net>, psommerville@bcgov.net, tvaux@bcgov.net, jeffbradley@schouse.gov, tdavis@harveyandbatley.com, BillHerbkersman@schouse.gov, WestonNewton@schouse.gov, Cynthia Bensch <cbensch@bcgov.net>, zmurdock@islandpacket.com, AHolland@wsav.com, eal@scpolicycouncil.org
Subject: David tigges ???

Explain the praise David Tigges got for doing all Chamber of Commerce work pro bono. I guess that's supposed to make up for the $45K contract his firm got when he sat on the board of the now-defunct Lowcountry Economic Alliance.

Much more to learn about lawyer Bobby Stepp hired by David tigges to pretend he is not behind all this ????and who is paying this lawyer Stepp?? , who hired him ???? and how much is Stepp charging to defend the Hhi chamber foia lawsuit against me I have to pay out of my pocket ? And where does this money come from Tax payers , members ? Profits from advertising sales ? How about an investigation of David tigges and all fees he received going back 10 yrs on all boards he sits on in sc now or sat on in the past ? Are we to assume all is good here without proof ! David tigges was past chamber board member and needs to be questioned in that capacity , not as a lawyer but leader of the Hhi chamber ,supposed to manage Bill miles , and held

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accountable when this all is finally seen and understood if wrong doing and abuse is discovered .

Again not one chamber speech at the public hearing was about audit or foia last night , all about how great the chamber is . Xchamber whistle blower has come forward to tell all . David tigges is in for a huge awakening soon , in fact he is a liar

My inside whistle blower source tells me David tigges instructed everyone on the board to say how great the chamber is not talk about the contract and to not talk to anyone outside this board . How great the chamber is was not the purpose last night, it was about proper terms for a contract .. I am sure all chamber board members are good people and I do agree we need a great local chamber and a DMO , but both need to be run properly . With the corrupted approval of this contract what we now end up with ,just means more corruption ahead if not stopped . The abuse and violations approved by 4 incompetent or corrupted town council members that did not hear a word Mayor bennett said or other experts was pitiful . In fact Kim likins lied and John Mcaan as well when he said he had already made up his mind up last night totally abusing and disrespecting public opinions . They are not fit for public office . Older gentlemen who spoke was correct when he said Bill Harkin's and Steve Riley don't know enough about marketing nor the lawyers to even draft this Agreement, which we all know now was drafted by the chamber . One of the board members slipped and said the chamber board worked hard drafting the agreement . So we now know who was lying ?

I submitted a lawyer and CPA opinion and it was again ignored by the 4 incompetent / corrupted lying town council members who are not fit to serve office nor fit for a low level job in my company . Both opinions attached !

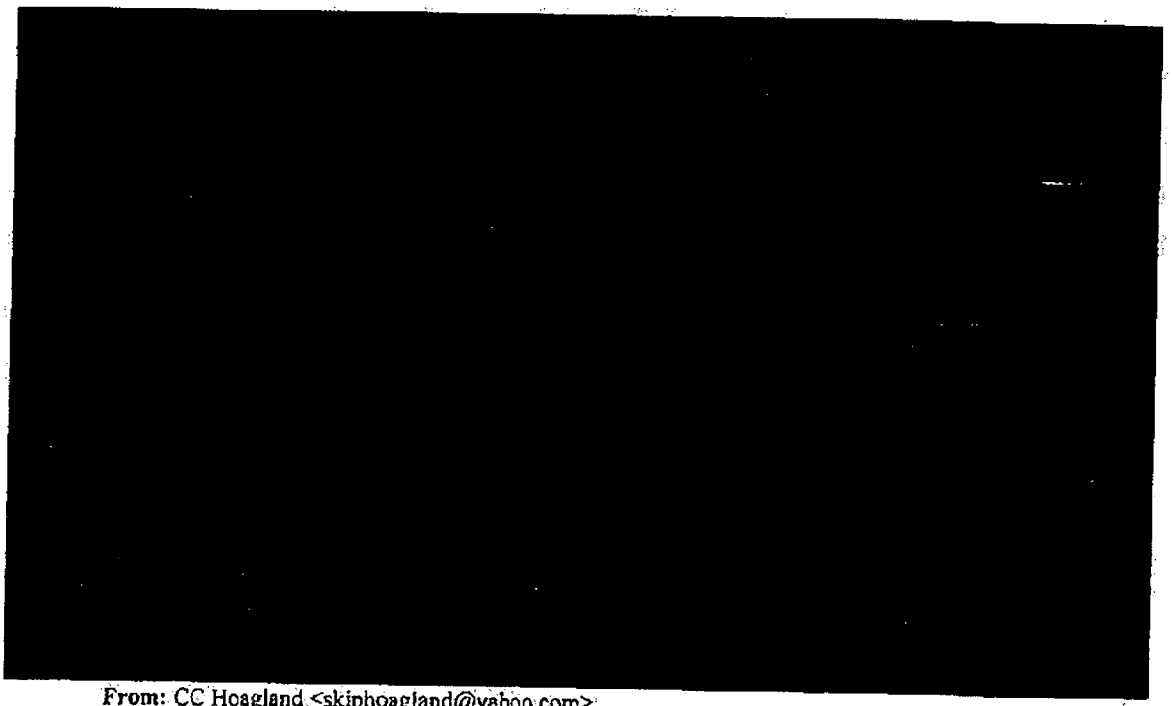
Where's this money and all past lawyers payments to David tigges and others going back 15 yrs with this chamber . No audit just means more escape .

What I wish is David tigges would file a lawsuit against me so we can start depositions and discovery tomorrow ! One way or the other my foia lawsuit or law enforcement we will one day get these records and I am 100% convinced a Palm beach type result will happen . Thx

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
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From: CC Hoagland <skiphoagland@yahoo.com>
Date: November 29, 2015 at 4:44:26 PM EST
To: Rick Caporale <rpc1@hargray.com>, bill miles <bmiles@hiltonheadisland.org>, Blakely Williams <blakelyw@beaufortsc.org>, Bluffton Chamber Swh <shellie@blufftonchamberofcommerce.org>, davidb@hiltonheadislandsc.gov, Billy Keyserling <billyk@islc.net>, Lisa Sulka <lsulka@townofbluffton.com>
Cc: "Huffman, Ted" <thuffman@townofbluffton.com>, "Sulka, Lisa" <lsulka@townofbluffton.com>, "Orlando, Marc" <morlando@townofbluffton.com>, jeffbradley@schouse.gov, BillHerbkersman@schouse.gov, WestonNewton@schouse.gov, Scott Thompson <scott.thompson@blufftontoday.com>, zmurdock@islandpacket.com, AHolland@wsav.com, Don Brashears <Tmbdab@aol.com>, Bluffton Chamber Swh <shellie@blufftonchamberofcommerce.org>, Cynthia Bensch <cbensch@bcgov.net>, slurodman@aol.com, Jerry Stewart <jstewart@bcgov.net>, tvaux@bcgov.net, JohnM@hiltonheadislandsc.gov, WilliamH@hiltonheadislandsc.gov, MarcG@hiltonheadislandsc.gov, LeeE@hiltonheadislandsc.gov, Marc Frey <mfrey@freymedia.com>, tom gardo <tomgardo@yahoo.com>, Peter Buonaiuto <peter@hiltonheadvcb.com>, Mare Baracco Deckard <maremailmmm@yahoo.com>, Kevin Meany <kmeany@bfgcom.com>, scott brandon <sbrandon@brandonadvertising.com>, Scott Big Scott Richardson Big Scott <senatorshr@yahoo.com>, jim bradshaw <bradhhi@aol.com>, Jim Richardson <jr@richardsongrp.com>, sarah borton <sborton@islandpacket.com>, David Lauderdale <letters@islandpacket.com>, Brian Tolley <btolley@islandpacket.com>, meyerstcamrealty@gmail.com, Brad Marra <bmarra@palmettodunes.com>, Mike Alsko <mike.alsko@htc.hargray.com>, chip@limehouseprop.com
Subject: Re: Moving forward with funding and 3 local chambers

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Rick, I wanted you and everyone to see what I thought was a shocking response from a past elected official. Delete this, sorry I even sent it, not worth our time. We will have much more important issues moving forward. Trust me it will be right up your alley!

Now moving forward with our concerns on both Bluffton and Beaufort, who also hand the Hilton head Bluffton chamber money. I look forward to what will be required and happen in both these cities now. As you know, myself and other experts can help guide this. HHI chamber and corruption won last night , but much more on this later to expose all. We don't mind losing a battle as long as we win the war on what's right .

We will move forward educating on all the abuse and violations we suffer in Beaufort county and waste to our taxpayer's money, which like you is my focus as well. My personal focus is chambers and Dmos ,and get all this cleaned up so others in our state and country ,can use the result of our local laboratory test.

Beaufortwatchdog.org and the Boot Club non-partisan organization will deal with all the rest like Jeff Moss etc. Many others involved in this grass roots non-partisan movement that was created and funded to put the power back into the citizens hands, who have felt powerless to fight corruption like we witnessed last night. David Bennet himself perhaps had a religious experience on what he has been dealing with and the disrespect he was shown after a very moving and heartfelt speech. I have respect for him in some ways but not all. Our difference is I am not trying ,nor want to be nice to people who are abusing and hurting others, and want to expose them much more sternly and harshly than Mayor bennett is willing to do . Mayor bennett failed

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all of us , Patrick henry Ronald Reagan who said trust must be verified !

Fact is simple, every chamber or DMO in Beaufort county must submit to a foia and when asked to submit to an audit do so. Also follow strict accounting procedures, as you know. Our community's did not get this the other night from elected officials who were either corrupted, never read a thing the experts sent them or just plan incompetent, one of the 3 or all 3.

Fact is these 4 council members, violated the public trust and fiduciary responsibility to us all last night, must be voted out of office and replaced with good people like you , willing to stand up to what's right . Several town council members even lied to us. They must get the boot - they are Kim likins, Bill Harkins, Tom Lennox and John Mcann. David Bennet, Marc Grant and Lee Edwards respected the process and taxpayers with an open mind , however failed us with contract provisions , audit and have allowed the town manager and lawyers to control them like puppets . This truth hurts I am sure ! Our system of local government with no power for a mayor or council all controlled by town employees that can't even be fired is not working well !

This fight will continue to clean up the HHI Bluffton chamber on many fronts. My lawsuit to force SC foia compliance by all chambers in SC, win IRS violations tax case against this chamber, stop unfair competitive practices and damages to local media, stop its dictorial practices and control by one dictator ,and few cronies robbing us all ,and allowing no rights for members to speak up, nor run for elections to serve on chamber board, no annual meetings.

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We have educated everyone on how a chamber should be run ,and that perfect example is the Greater Bluffton chamber ,operated as a business-to-business member organization. Also how a DMO should be run separately which we have furnished by experts not Steve Riley or Gary kubic and clueless lawyers .Certainly Bluffton and Beaufort will not sign a 5-year deal with HHI Chamber trying to eliminate any competitive bids from the Greater Bluffton chamber or others to become a separate DMO ? Certainly we will not allow town managers snd lawyers in these cities take us down the same corrupted road ?

What we witnessed the other night with the approval of the Hhi contract will be challenged and was nothing less than massive corruption , a sham with lies, deceit and disrespect to many. If Beaufort and Bluffton lawyers was sitting on sidelines to follow Hhi my suggestion is don't do it ?

What we need is 3 totally separate chambers and not an abusive commingled HHI Bluffton chamber hybrid ,that is plan and simply robbing us all . It's using , abusing , deceiving many respected business leaders and part time board members as puppets that simply don't understand how they are being manipulated by Bill miles and david tigges . This is not an easy thing to understand for many and has taken me 30 yrs to grasp all of this .

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This chamber is getting money from many sources with no audit or accountability to anyone . "Trust must be verified " Ronald Reagan was no fool !

What we need are 3 official chambers each respecting each other's territory. All run like Greater Bluffton chamber. Their is never two main chambers in a city only one . Black or Latino chamber different . Lisa sulka has to make a decision soon and herself has been either deceived and tricked , just incompetent or corrupted . She must stop her false happy rhetoric that 2 chambers are ok and can coexist !

1 Greater Bluffton chamber

2 Hilton Head Island chamber

3 Beaufort chamber

4 hardeville chamber

5 Ridgeland chamber

Bill Miles and his dictator run chamber must be contained and booted from Bluffton . Once he is, this will end part of the abuse with lots more to do. I have asked to have a lunch meeting with local politicians to fully educate on where we are to get change.

We need separate Dmos for each city open to bids and even run as a city division like 20% in the country operate would be best. HHI

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Town council failed us all the other night. Bluffton and Beaufort can fix it.

Here is the real crazy fact, if we had no HHI chamber / DMO ,we would still get 2.0 to 2.5 m tourism, as their overhead and waste with 25 employees 400k salaries in the millions leaves little to promote or move the needle. The fact is residents, their guest / families, repeat visitors, word of mouth, marketing efforts of hotels, resorts and rental companies, our beaches and amenities generate the 2 m tourist year after year not this chamber or DMO ?

In fact, the way it should be done is have a totally separate DMO division of the town run by 2-3 marketing experts , marketing HHI , and with internet and technology, has become much easier. We could also bid out the DMO function like of state agency SCPRT did ,with their 57 m state tax funds to market SC ,to the local ad agency BFG ad agency owned by my neighbor in Windmil Harbour on Hilton head .

The Hilton Head Bluffton Chamber must become just the Hilton Head Island chamber operated like the Greater Bluffton chamber. When this happens Bill Miles' 400k salary and Millions in overhead with 25 employees will end. There is nothing complicated about operating properly and under national chamber and DMO standards. HHI Bluffton chamber plain and simple is not doing this and it is extreme abuse, massive deception and operating like a for profit media not a true chamber like Greater Bluffton Chamber. Ask anyone who runs a chamber and a separate DMO / cvb function Shellie Hodges who runs Bluffton chamber , Palm Beach cvb, Palm Beach chamber, Charleston

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chamber, Stillwater Oklahoma cvb, Charleston cvb. Ask any expert if you elect to not believe me.

Hilton Head chamber should have 5 -7 employees max ex dir. salaried at 75 to 100 k max. Our entire SC hospitality association is run with 5 employees !.

DMO /cvb separate like Charleston, 5 employees and Ex dir salaried at 75 to 100k Max..or run by the city with 3 employees .

Again, the great options are city function to control all costs, bid out to local ad agencies, like our state did, or set up a separate local cvb / DMO with separate board governance. You must all understand a chamber is purely local, nothing to do with promoting the destination. Chamber should not be in any business whatsoever nor should a DMO with tax monies.

Chamber mission, purpose, charter and intent under proper bylaws is to be purely a local business league owned and operated by its members ,to help its members prosper in the community - that's it ,no advertising sales, no favoring some business over others, board elected from membership with term limits, annual meetings. Chamber can operate business after hours, work shops, business expo, etc.

Tax codes state chambers should not be in any business whatsoever normally carried on by for profit companies and certainly should not compete with members they allowed to join and took their 400 membership dues . Again

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A 501-c6 IRS non-profit should not be in any business whatsoever that is normally carried on by for-profits or members. A DMO has one function and one function only to take local tax monies and promote the destination wisely and responsibly under a proper overhead so maximum amount of money goes for the purpose intended to promote the destination. Chamber monies and DMO monies are not intended to be used to launch local apps, websites and other types of for-profit media products to fund 400 k salaries and 25 employees !

Furthermore, all local products and services needed like printing etc. by a chamber and DMO should be bid out or minimum use local companies not take our money to Canada and worse refuse SC foia laws to tax payers, Island Packet and our Mayors. Voluntarily submit to an audit to confirm to city councils and tax payers all is good, transparent and not all done in secrecy with abuse, violations and corruption.

Bill Miles and the HHI chamber are abusing us plain and simple. All we heard the other night from chamber supporters is how good they are and how bad we need them. Not saying these are not all good people and we do need a chamber and DMO ,but we just need it run correctly. Most board member are great people they are just not paying attention, busy with their families and their own business and have just assumed Bill Miles is doing it all right ,and how could it not be, being our local chamber. They all have been tricked , deceived and fooled according to an X chamber board member whistle blower . Chambers have become so ingrained into a community ,people just assume all is ok and serve on the board as a community service. Fact is, more and more people like myself are questioning all this and like Palm Beach resulted in a prison sentence for embezzlement. Highly educated

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professionals spoke the other night and gave solid reasons, as I did, on why the contract was flawed and at minimum sign a 1 yr. contract and add proper provisions and were beaten by corruption, incompetence and other great smart people who have simply been misguided and lied to on what's going on. Again, all the part time chamber board and town council just are not willing to be educated or accept the reality on how a chamber and DMO functions. They all just kept saying let's end this go forward with status quo. No one wants to deal with corruption nor do a real audit and discover we have a possible Palm Beach on our hands. If fact we have on record someone who I don't want to expose who said when asked why don't we audit , answer was scared of what we might find !

The only way we will ever fully prove all is with the following two attachments from a lawyer and a CPA I hired to help us. Read attachments that our 4 incompetent town council members ignored.

What we have and got voted on to allow for next 5-10 yrs. was massive insanity, corruption, incompetence and abuse to our HHI community. We all now must step back and look at this deeply and not make the same mistake in Bluffton and Beaufort. Good news is we have experts to help guide us all moving forward. If everyone wants to look the other way and let Bill Miles and others like this lead them down a path of abuse and waste, so be it and it just cause more problems .

Please be assured we have many more questions and answers needed from Bill Miles, Steve Riley town manager and town

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lawyers Brian Hulbert and Gregg Alford that are not being answered under SC foia. We saw a town council member John McCann say he made his mind up last night in total disregard and respect to public opinion and we saw Kim Likins who runs the local Boys and Girls club lie when she spoke and said I have been listening to all and taking notes and then reads her drafted prepared speech from days or weeks before, that could have been drafted by the chamber for all we know for her to read.. Whistleblower says she is best friends with Charlie Clark spokesperson at Hhi chamber .

I am trying to think of words for for many that Mayor Bennett will not think disrespectful for my speeches and equals the disrespect and abuse they showed many good people. What I will say is they should be and will be publicly disgraced by my next public speech. I will do all I can to make sure they are booted from office for what they did. I hope where they work and employed are not run by people like me. If they are and worked at my company they would be fired plain and simple. I will show them no mercy for their actions. When you abuse and disrespect others, you deserve the same back. The good news is they all have to look in the mirror and try and pretend they are proud of themselves and live with themselves.

When you leave this earth you only leave with the good and righteous you left behind. If everyone wants facts and truth, I have offered that and offered to even hire the experts to provide this. If you want happy horse manure like we witnessed the other night, status quo, happy deception, back slapping and stabbing , and rather be part of the local incestuous good ole boy club, be popular with everyone, sit on the fence, just gain your own personal interest with self serving ,self dealing actions ,or just want to get re-elected ,I am not perhaps your favorite person to talk to.

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Thanks

ELECTRONICALLY FILED - 2023 Mar 09 9:35 AM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

[redacted]

[redacted]

From: CC Hoagland [mailto:skiphoagland@yahoo.com]
Sent: Thursday, December 3, 2015 11:44 AM
To: Likins Kim <KimL@hiltonheadislandsc.gov>
Cc: cclark@hiltonheadisland.org
Subject: Kim likins employment

We do not need a anyone who lies and has conflict leading our boys and girls club or serving on town council . Kim I expect two things you either resign or are terminated . I can assure you one of the two will happen . Thx

Further do not even think about running for reelection on town council , this will not be allowed as well . Your friend Charlie Clark in Cced .

Note Charlie Clark lied we have proof , as well as used as a puppet of david tigges and bill Miles . We have this info and more from inside whistle blower and will become part of our lawsuit and depositions . You both will be deposed .

1

ELECTRONICALLY FILED – 2018 Mar 09 9:35 AM – HEAU FORT – COMMON PLEAS – CASE#2015CP0702937

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5942-3202

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My long war with the Hilton Head Island-Bluffton Chamber and Hilton Head Island Town Council is not over.

It's just beginning.

On November 17, the Hilton Head Island Town Council voted -- after hearing from an unprecedented turnout of thoughtful and well informed protesters -- to approve a five-year contract with the Hilton Head Island Bluffton Chamber of Commerce to serve as the Town's designated marketing organization (DMO) and promote local tourism.

The flawed, weak contract -- which clearly favors the interests of the Chamber over the public interests of transparency and accountability -- is an insult to anyone who even remotely understands the issues involved.

The four Town Council members who voted for the contract -- Bill Harkins, John McCann, Tom Lennon and Kim Likins -- in my opinion betray all the many outspoken opponents of the contract.

They also demonstrated quite clearly to me that they are beholden to Bill Miles and other Chamber power brokers who controlled the secret contract negotiation process and drafted a document that favors the Chamber in virtually every respect.

For example, the new contract does not require the Chamber to comply with the South Carolina Freedom of Information Act (FOIA). It does not require a forensic audit to determine that every penny of the $1.8 million in public funding given to the Chamber this year has been spent efficiently and within the law. And it contains a vague and complex cancellation clause that makes it almost impossible to terminate without years of legal wrangling.

Before the vote, Councilmen Lennon, Harkins and McCann -- the three members of the Town Council's Finance & Administrative Committee that I believed cooperated with Bill Miles and others to abandon the public interest and let the Chamber off the hook -- assured me personally they would listen with open minds to the public objections at the November 17 meeting and act accordingly.

Those assurances to me turned out to be lies.

Despite the many criticisms of the contract from respected members of the business community and general public, they turned a deaf ear to the public and voted for the contract.

Kim Likins, *known to me to be a close friend of the Chamber public relations manager,* lied when she said she had listened to all the comments. Not one Board member supported a FOIA compliance provision in the contract or an audit as two important ways to build public trust. Instead, like mindless robots they praised Bill Miles and the Chamber.

Three members of the Town Council -- Mayor David Bennett, Lee Edwards and Marc Grant -- had the courage and good sense to vote against the contract. But even they failed to demand that the Chamber comply with FOIA or submit to an audit.

Such gross failures and dereliction of duty -- *by the entire Town Council, including Mayor Bennett* -- are an insult to my intelligence and the integrity of anyone who cares about this issue.

So now it's time to fight on -- and elevate the cause to a new level.

I am calling on Chamber members and local businesses who do care about this issue to rise up in revolt and make their voices heard.

After all, why would Chamber members continue to support an organization that changed its bylaws to strip them of their rights and the ability to vote for a real and responsible Board, as opposed to the hand-selected "buddy board" Bill Miles and others have installed?

And why would local businesses continue to support an organization that competes directly with them every day by selling advertising that depletes local media budgets while the Chamber is being rewarded with tax-free accommodations taxes?

Mayor Bennett has claimed to me he cares about the interests of local media companies that are finding it increasingly hard to survive the unfair competition. But during the meeting, he never said a word about those concerns. In short, the Town Council sold out to the Chamber. Period.

And they must -- and will -- be held accountable.

The Chamber must be confronted and reformed. Now.

As the same time, there must be significant change at the Chamber.

Its basic structure must be addressed in a way that transforms it into a truly democratic and fully transparent organization that shows genuine respect for the law, the public interest, local businesses and taxpayers.

Winning that battle is now the focus of my efforts.

When that day finally comes, we the people -- and all Chamber members and local businesses -- will have won a major victory.

And I will not relent until that day comes.

I hope you will join me.

Please call me at (843) 384-7240 or e-mail me at kjhinson@aol.com so we can join forces in this important battle.

Together, we can win. And we will win.

BeaufortWatchdog.org and the "Boot Club"
Help us fight corruption in Beaufort County with this non-partisan organization

Send donations to:
PO Box 21747, Hilton Head, SC 29925 or e-mail
contact@beaufortwatchdog.org
Your donations help pay our Executive Director and full page ads. The most important ask will be electoral: one on who voters should "Boot" from office. We do not support anyone. "Boot Club" hats and t-shirts available for donors over $300. Membership is free! Donations start as little as $1.00 and up.
BeaufortWatchdog.org - By the People, for the People

$10,000 awards for whistle blower information paid for by BeaufortWatchdog.org leading to the arrest, conviction and imprisonment of any public official or government employee or non-profits like Chambers who use our public monies.

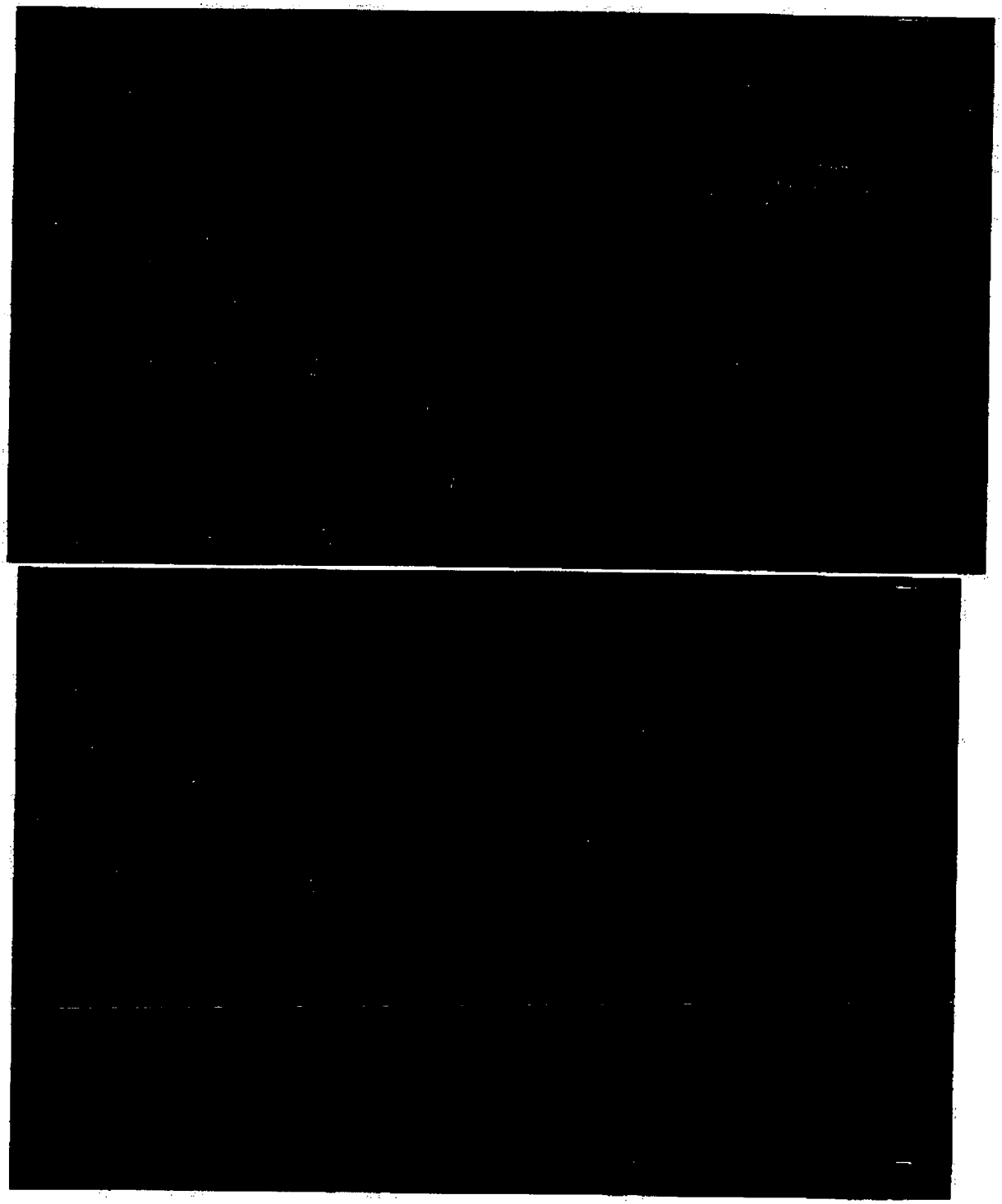
WORLD

GLOBAL CLIMATE CI

Leaders, activists gea



ELECTRONICALLY FILED – 2023 Mar 09 9:35 AM – HEARD FORT – COMMON PLEAS – CASE#2015CP07029337



FILED ELECTRONICALLY FILED - 2015Aug 26 9:35 AM - BEAUFORT - COMMON PLEAS - CASE#2015CP07022937

From: Skip Hoagland <skiphoagland@yahoo.com>
Date: August 26, 2015 at 12:20:46 PM EDT
To: John Buchanan <jtwg50@yahoo.com>, Lee Edwards <leeedwards@thegreenerylnc.com>, Tom Lennox <toml@hiltonheadislandsc.gov>, Grant Marc <MarcG@hiltonheadislandsc.gov>, McCann John <JohnM@hiltonheadislandsc.gov>, Likins Kim <KimL@hiltonheadislandsc.gov>, David Bennett <davidb@hiltonheadislandsc.gov>, Harkins Bill <WilliamH@hiltonheadislandsc.gov>
Cc: "<dan@media360.com>" <dan@media360.com>, tony santagati <tiffany@sandspublishingcompany.com>, "<mud@atasteofhiltonhead.com>" <mud@atasteofhiltonhead.com>, Marc Frey <mfrey@freymedia.com>, Gerard Mahieu <gerardmahieu@aol.com>, Eric Esquivel <eric@laislamagazine.com>, tom gardo <tomgardo@yahoo.com>, Brian Tolley <btolley@islandpacket.com>, sarah borton <sborton@islandpacket.com>, nancy watt <wtghhi@aol.com>, mike mcdonnell <mike@geoplatforms.com>, stan smith <stansmith6@compuserve.com>
Subject: Re: Appearance by Citizens at Town Council Meetings

I will speak at all meetings listed below !!! I will direct my speeches to mainly Kim likins of the Boys and girls club and Bill Harkins who refuse to accept facts our chamber must be audited . They refuse to talk or take calls on this and openly support the crook Bill miles who has abused this island long enough . I realize I am the only one who is not scared to speak up on facts and happy that am am able to do so in behave of what's right and our entire community . To date not one person has been able to debate me on facts . Kim likins should be ashamed of herself as should others that refuse to do a Palm beach style audit on this chamber to see once and for all if the audit will have same result as Palm beach where the Bill miles and Susan thomas type went to prison for 15 yrs for embezzlement ! Who is right and who do you trust more Bill miles or Skip Hoagland ? An independent forensic audit will prove all . Those who do not support an audit going back to prove violations ,are as guilty as those who have committed any crimes by trying to allow and endorse escape from justice . Thx

Local app 340k attempted robbery town gives 100k this is and was a misappropriation and misuse of funds that also hurts local media and has nothing to do with a Cvb /dmo function . Just the tip of the iceberg on abuse , crimes , violations , unfair competition to local tax paying companies , and abuse to local tax payers and chamber members !

Sent from my IPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5942-3202

On Aug 26, 2015, at 11:30 AM, Buchman Lynn <lynnb@hiltonheadislandsc.gov> wrote:

ELECTRONICALLY FILED – 2022-03-30 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

Mr. Hoagland, this is to confirm that you have requested to speak before Town Council under the agenda item "Appearance by Citizens" on the following dates:

Tuesday, September 15, 2015
Tuesday, October 6, 2015
Tuesday, October 20, 2015
Tuesday, November 3, 2015
Tuesday, November 17, 2015
Tuesday, December 1, 2015
Tuesday, December 15, 2015

All of the above meetings are scheduled at 4:00 PM. You have provided me with a contact number of 843-384-7260, and you have indicated you have multiple topics to be addressed. If you are unable to attend one of the above meetings, please let us know by 12:00 Noon on the date of the meeting.

Please keep in mind that in accordance with Town Code your remarks are limited to three (3) minutes, and limited to topics not on the agenda for that meeting. Of course, you will be allowed to speak during the public comments for any topic which appears as an agenda item.

Thank you!

Lynn W. Buchman
Sr. Administrative Assistant - Executive Department
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
Phone 843-341-4700 Fax 843-842-7728
E-Mail: lynnb@hiltonheadislandsc.gov
www.hiltonheadislandsc.gov

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For example, the new contract does not require the Chamber to comply with the South Carolina Freedom of Information Act (FOIA). It does not require a forensic audit to determine that every penny of the $1.8 million in public funding given to the Chamber this year has been spent efficiently and within the law. And it contains a vague and complex cancellation clause that makes it almost impossible to terminate without years of legal wrangling.

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And I will not relent until that day comes.

I hope you will join me.

Please call me at (843) 384-7260 or e-mail me at skiphoagland@yahoo.com so we can join forces in this important battle.

Together, we can win. And we will win.

Beaufortwatchdog.org and the "Boot Club"
Help us fight corruption in Beaufort County with this non-partisan organization.

Send donations to:
P.O. Box 21787, Hilton Head, SC 29925 or e-mail
contact@beaufortwatchdog.org
Your donations help pay our Executive Director and full page ads. Our most important ads will be election time ads on voters should "Boot" them office. We do not support anyone. "Boot Club" hats and t-shirts available for donors over $300. Membership is free! Donations start as little as $1.00 and up.
Beaufortwatchdog.org - By the People, For the People

$10,000 rewards for whistle blower information paid for by Beaufortwatchdog.org leading to the arrest, conviction and imprisonment of any public official or government employee or non-profits like Chambers who use our public monies.

WORLD

GLOBAL CLIMATE C

Leaders, activists gea

By THOMAS ADAMSON
The Associated Press

PARIS — Twice in Chamberlain treated Hitler like one with conservation groups Saturday pushing for an ambitious global deal to reduce man-made emissions blamed for global warming — with emphasis on how to help developing countries adapt to the ravages of it.

The rallies in the Place de la Nation in Paris, Berlin and Rome, drew several thousand people, and more than 100 other marches, prayers or concerts in Paris to Canada and works of high-profile folks.

Leaders and climate negotiators from 195 countries are meeting at the UN talks in Paris (French for "Peace") to try to hammer out a broad, long-lasting deal to slow or stop global warming.

Saturday was already planned to be light even before the attacks, given the timing of government leaders attending.

French Interior Minister Bernard Cazeneuve said Saturday that not under a thousand people brought to justice security risks have been banned from entering the country since unless border controls were enforced under the state of emergency declared in the wake of France's deadliest attacks in recent memory.

Later Saturday, French Foreign Minister Laurent Fabius symbolically handed over the "keys" to the climate conference to the UN climate change agency, which will oversee the two-week talks. Fabius and Hollande have traveled the world the past year and used France's diplomatic weight to try to reach a historic national regional and a legal binding deal.

"The keys to the familiar ... are now in the hands of the UN. A symbolic key of hope," Jadi remarked after handing over a giant key to

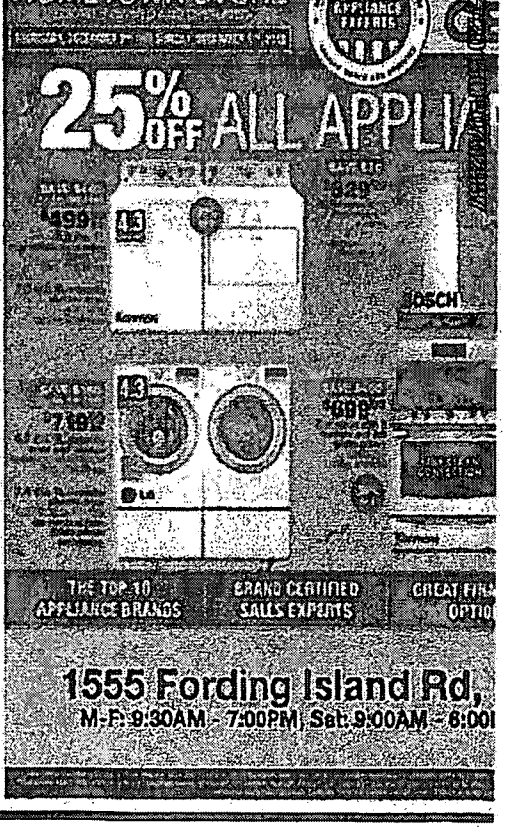
MARKET RIDES BY CONGRESS, OBAMA TRIES TO CLINCH PACT

President Barack Obama is trying to negotiate a legacy-making climate change pact this coming week in Paris with one hand tied behind his back. Congress can't even agree on other pressing issues.

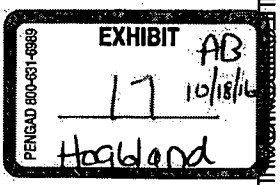
Scientists agree it's the greatest challenge facing the planet, as the soil, food supply and many other parts of global warming. Obama has spent months and days of his presidency in international conferences to make ambitious carbon-cutting pledges in the agreement, which he hopes will become the framework for countries to tackle the climate issue long beyond the end of his presidency in early 2017.

But Republicans here in the United States who have the power to scuttle any deal, whether the U.S. will make good on its promises. Senate Majority Leader Mitch McConnell, R-Ky., and other GOP lawmakers have warned other countries not to trust any deal Obama may strike. Over 100 Republicans in the House and Senate, including Speaker John Boehner, R-Ohio, have already made clear they'll be work for spending for us, according to a McConnell spokesman quoted on The Washington Post's website. He said it would be "irresponsible for an outgoing president to purport to commit American people up" to a new climate agreement.

Many Democratic states are set to join Obama for talks on Monday and Tuesday as the deadline nears. The goal is to create momentum to calls to commitments of final long-term goals to help the poorest of countries and to create an incentive for signing on to the deal.



Ex. A



ELECTRONICALLY FILED – 2016 Mar 09 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

Subject: Kim Likins-town council and Boys & Girls Club employee must be terminiated

From: cathy (hhi@hargray.com)

To: Mgbriggs2003@yahoo.com; Cprotz@bgclowcountry.org; Mlich@bgclowcountry.org;

Cc: skiphoagland@yahoo.com;

Date: Tuesday, December 8, 2015 1:17 PM

Skip Hoagland asked me to forward this to you.. he is cced on this email.

Kim Likins and her husband were scammed out of 100k, info attached. Please note her comment on what happen? Please note she refused to audit Bill Miles, she violated her duties to public comment and process, violated her fiduciary responsibility to tax payers and those who voted for her and she lied to protect Bill Miles and has now been proven she had a conflict of interest with her friend Charlie Clark, who works for the chamber. She is not fit to serve public office or our Boys and Girls. No one can deny what I say in good conscience.
Thanks

Skip Hoagland

Attachments

- Kim Likins Investment.pptx (1.35MB)

Ex. A



Would you invest $100,000 of your hard-earned money with this man?





Exhibit A
38

ELECTRONICALLY FILED – 2020 Mar 30 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

Angry investors weigh in on case

Apr 7 2007 12:01 am Mar 18 12:18 am

"Our whole family has invested with him for years. ... What could someone have done with so much money?"

— Kim Likins of Hilton Head Island.

She and her husband invested $100,000 with Parish for the first time about two months ago.

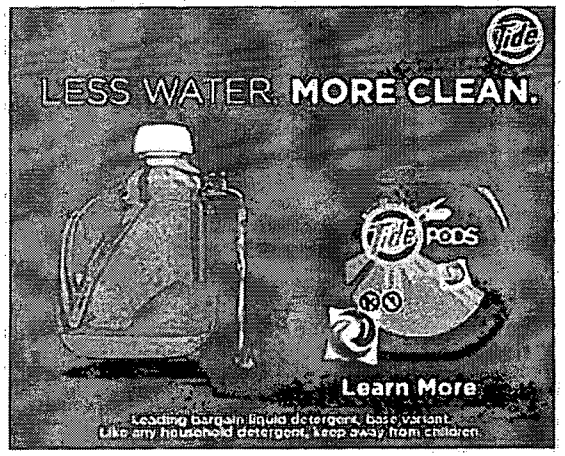
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Ex. A

'Economan' pleads guilty for investor fraud

Former economist known for superhero depiction could face up to 45 years

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Associated Press

Updated 10/5/2007 2:03:19 PM ET

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CHARLESTON, S.C. — A former economist pleaded guilty Friday for his role in swindling investors out of an estimated $90 million, which authorities said he used to purchase a half-dozen homes, swanky cars and jewel-encrusted pens.

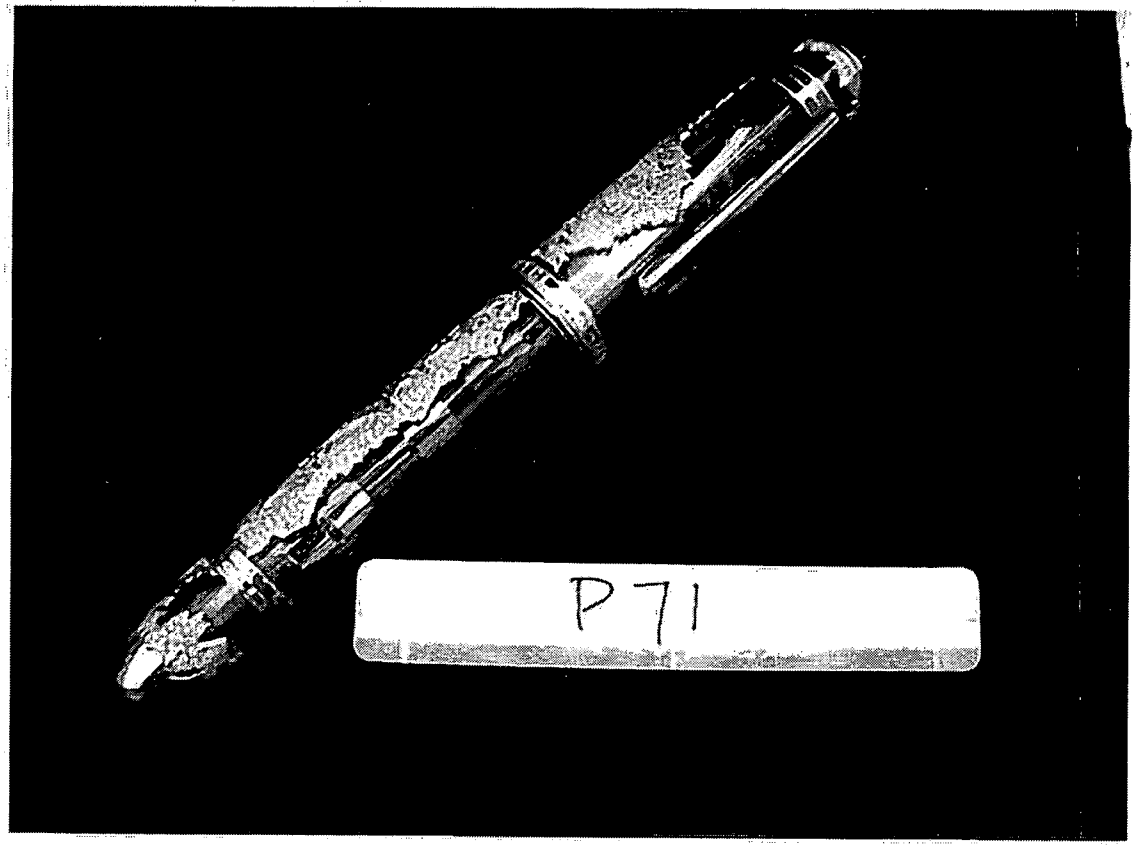
Al Parish, 50, admitted to two counts of fraud and lying to investigators. He faces up to 45 years in prison.

Parish was known for his flashy clothes and a Web site that depicted him in a superhero costume, a large "E" for "Economan" emblazoned on his chest. But prosecutors say he defrauded about 500 people, and while the exact amount of losses was still being calculated, investors reported losing a total of $90 million.



Exhibit A
386

Ex. A



A Mont Blanc pen recovered from Al Parish's $1.2 million pen collection, which he acquired for $175 000 (Photo courtesy of Gregory Hays)

Exhibit A
387

Ex. A

One needs to perform due diligence. Trust but verify.

Sure he seemed like a really nice guy. Perhaps he was a friend with her friends. Perhaps their children grew up with his children. Perhaps they have been to each other's homes. Perhaps her family knew him for years but all failed to see the signs that were right before their eyes.

His lavish lifestyle, including a $1.2 million "pen collection", multiple homes, a fleet of extravagant automobiles and "uber flamboyant" clothes. Is that the type of person you want to trust your finances to?

Exhibit A

Mr. Parish, in his Ponzi scheme, was yielding as much as a 30% return for "early-money-in" investors. But again, if it sounds too good to be true, did it ever occur to her that maybe it was not true?

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Can a person who disregards the need for due diligence, even in the face of such telling warning signs and facts of wasteful spending when investing her own money, be trusted to make sound decisions about taxpayers' money?

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From: CC Hoagland <skiphoagland@yahoo.com>
Subject: Fwd: likins video just got posted up. She lied again
Date: March 22, 2016 10:27:16 AM EDT
To: cathy hoagland <hhl@hargray.com>



Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5943-5702

Begin forwarded message:

From: CC Hoagland <skiphoagland@yahoo.com>
Date: March 2, 2016 at 5:55:06 PM EST
To: Jim Brown Jim Brown Lawyer <jimbrownlaw@hargray.com>, Marc Baracco Deckard <marcus.deckard@yahoo.com>, <peter@hilton-head.com>
Subject: Fwd: likins video just got posted up. She lied again

Look at 32 mins of below video look how Mayor bennett sets this all up for her all planned and her comments which is a lie and I stood by all I said. Look at Nov 17th video I sent. Then mayor talks about chamber hall.
Unreal sorry I could not have made that meeting and publicly spoke they planned this when they new I would not be there !

Peter can you add this to my next speech and I will again call her a serial liar based on this and Bryan Bennett knew of this? This is not supposed to happen this way publicly saying she is saying me and I lied ! This is crazy.
Video link
http://hiltonheadislandsc.gov/cou ncil/townvideoarchive.cfm

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media, LLC
US cell 843-384-7260

EXHIBIT
19 10/18/16
Hoagland AB

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Off. Buenos Aires , Argentina
011-54-9-11-5942-3202

Begin forwarded message:

From: cathy <[redacted]>
Date: March 2, 2016 at 5:15:48 PM EST
To: hoagland skip <[redacted]>, baracco mare <[redacted]>
Subject: video just got posted up.

Kim Likins' comments start at 4:53 or so

[redacted]

or
[redacted]

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From: CC Hoagland <skiphoagland@yahoo.com>
Subject: Fwd: Kim likins and David bennett video March 1 , I repeat Kim likins lied a
Date: March 22, 2016 10:13:52 AM EDT
To: cathy hoagland <hhi@hargray.com>



Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5242-3209

Begin forwarded message:

From: CC Hoagland <skiphoagland@yahoo.com>
Date: March 2, 2016 at 7:52:22 PM EST
To: Likins Kim <kim@hiltonheadislandsc.gov>, Gregg Alford <greg@alfordlawsc.com>, davidb@hiltonheadislandsc.gov
Cc: contact@stistlehlowers.org, Peter Buonaiuto <peter@hiltonheadweb.com>, Karl Engelman <karl@engelmeo.org>, Don Meloud <dmeloud@islandpacket.com>, Lucas High <lhigh@islandpacket.com>, Scott Thompson <scott.thompson@hiltonheadtoday.com>, stuvadman@aol.com, Cynthia Bensch <cbensch@bcgov.net>, Rick Caporale <rpcl@harpeny.com>, MarcC@hiltonheadislandsc.gov, Lee Edwards <leeedwards@theguestservice.com>, Tom Lennox <tom@hiltonheadislandsc.gov>, JohnM@hiltonheadislandsc.gov, Harkins Bill <WilliamH@hiltonheadislandsc.gov>, Riley Steve <stever@hiltonheadislandsc.gov>, Rick Caporale <rcaporale@bcgov.net>, tvaux@bcgov.net, Jerry Stewart <jstewart@bcgov.net>, psommerville@bcgov.net, Billy Keyserling <billyk@isle.net>, Weston Newton <wnewton@jsplaw.net>, rdavis@harveyandbatley.com, jeffbradley@schouse.gov, "William G. Bill Herbkersman" <scbs@stuvad118@aol.com>
Subject: Kim likins and David bennett video March 1 , I repeat Kim likins lied again

David and Kim that was a very good planned performance on yesterdays meeting video . Sorry I missed it and did not get a chance to rebuttal . I will next meeting . I think it was very wrong for a council member to even be allowed to do this on town time. This is private sector . Frivolous lawsuit. Its not Kim you lied in your [illegible] memo [illegible] and you had conflict with your time in Charlie Clark who is the chamber spokesperson. Perhaps you and your wrongly represented lawyer.

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to be proven need to watch your video from Nov 17th again. Kim you now lie again on video and dig the hole deeper. Again what you and David Bennet did was wrong and why did Bennett feel compelled to mention the chamber ball ? You can tell this was all pre planned by you and David bennett and assume other council members or town employees and Gregg Alford the lawyer. Certainly this would have never happen with out lawyers approval. As we all know the town employees run the show.

I repeat - you are not fit for council nor your job and you are not the only victim. I do not based on this feel Gregg Alford is fit to be a lawyer as well and have huge concerns on his 14 yrs and 3.5 to 4m in fees over 300k per year and no bidding or opportunity for other law firms. Also have concerns on how many other lawyers have been hired and paid for last 10-25 yrs since Steve Riley has been in firm control ????

Kim others were hurt from what you did. You are a victim of yourself not me ! I am just the messenger of facts . Do you actually think we are idiots and you wrote that speech while taking notes on Nov 17th. Trust me you will not win any lawsuit against me and certainly not collect 150k to go in your

"lying" pocket to profit you and your town lawyer paid by me and other tax payers. I really think this is corruption and incompetence at its highest level even to attempt this. Plus added all planned to silence and harm me and intimidate others from speaking up. This defamation lawsuit is nothing more than another form of violating my rights and others to free speech and has harmed me . Kim how were your harmed by me for simply stating what you did as a public figure ? Do you really believe we need liars on our town council ? I do not lie nor need to lie for anyone. I state facts and if I don't have facts I find them before I speak .

I look forward to our depositions and who your new lawyer will be that you need to pay for, not tax payers. In fact I might refuse to even cooperate in any form or fashion with Gregg Alford who has already received 15k of tax payers Money and in fact trying to get more by sueing and abusing me and other tax payers who say what you don't want to hear and the truth ! This is criminal perhaps Gregg Alford needs to be sued for this and his participation in the corrupted chamber contract with his buddies Bill miles and David figges ?????

I refuse to accept or recognize him as valid legal council as a Florida citizen and part time resident of SC .

I also repeat John mcaan , Bill Harkins , Tom Lennox are liars as well . Gregg why don't you file a lawsuit against me on this ???? Mayor Bennet violated the 1st amendment free speech rights and Marc and Lee let us down for not fighting harder to clean up the chamber contract and at minimum demand an independent audit for this chamber before handing it one more penny ! Even a highly repeated SC judge agrees with me . When is everyone going to accept the reality Bill miles is a crook and thief of public monies along with others ! Proven with much more with a forensic audit, not an audit hired by a crook.

Further the town did not seek local bids, allowed Steve Riley and lawyers to corrupt the town code with absurd codes to make the Hhi chamber DMO forever and then try and say only incorporated Hhi town residents can make public speeches. Now a resolution to file suit against tax payers

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funded by tax payers to fund town lawyers and everyone pocket the money except the tax payers, just another evil act to violate 1st amendment rights to free speech. It's all Massive insanity!!!

All this for what because no one is willing to step up and ask or force Bill miles to do a forensic audit and prove who is wrong or right Skip hoagland or Bill miles ? This is the entire root problem refusal of transparency and accountability ? Bill miles must be the greatest salesman in SC!

Can't wait for depositions , more discovery and demanding town attorney Alford to recuse him self or be terminated by a judge off this case and all cases sueing citizens with tax payers money. Or sued himself for attempting this. Gregg Alford needs to be fired as does Steve riley , Brian hulbert and Greg deloach. Yes and Bill miles and all lying council members.
Has this council , town employees lost its minds and rather fight for corruption and wrong doing than do what's right regardless of any laws. Doing what's right is more importance than trying to hide behind a crazy corrupted law or protecting Bill miles .
Video around 53 min mark
http://hiltonheadislandsc.gov/council/tcvideoarchive.cfm

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5942-3302

ELECTRONICALLY FILED - 2020-08-Mar 08 9:35 AM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702337

From: CC Hoagland <skiphoagland@yahoo.com>
Subject: Fwd: Kim Likins-town council and Boys & Girls Club employee must be terminiated / lawsuits on chamber and town council coming soon
Date: March 22, 2016 11:13:45 AM EDT
To: cathy hoagland <hhi@hargray.com>



Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7269
Off. Buenos Aires , Argentina
011-54-9-11-5942-3202

Begin forwarded message:

From: CC Hoagland <skiphoagland@yahoo.com>
Date: December 8, 2015 at 2:13:53 PM EST
To: [redacted]
Cc: [redacted]
Subject: Re: Kim Likins-town council and Boys & Girls Club employee must be terminiated / lawsuits on chamber and town council coming soon

I look forward to a response on what action Boys and Girls club will be take and certainly willing to meet with all of you for more info on this case and lawsuits that will be filed . Depos , discovery etc . Kim likins will be deposed and she will become part of full Page ads and I am sure covered by the press for her proven lie , deception and conflict .

I have Ceed David Bennet as he is fully aware not just Kim likins , but others lied and deceived us and lied to us in many ways all documented , along with info provided by whistle blowers we have no reason to doubt . We have several council members and town employees that need to be terminated and sure will once this litigation and info is fully revealed . Our chamber is so corrupt I stake my 40 yr career once a 5 yr forensic audit is conducted , prison for some will be the result . This chamber will be totally rebuke from ground floor up like in palm beach fl where the Cvb / chamber controller went to prison for 10yrs for embezzlement. Not one time has a true independent

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audit been done on a chamber DMO where wrongdoing was not found . Are we all to believe Bill miles is honest , basically telling our Mayor and others to go to Hell he will not agree to a audit. ???? Do we really have this much incompetence and corruption in our local government ?

Our recent contract negotiations with the chamber was hugely corrupted and should not be signed . If signed it will be proven why it must be terminated due to corruption This litigation I hope will send a loud clear message to those who we trust that violate us . I am proud and happy that I can not only afford to stand up ,but willing to stand up for a cause that's important for all of us after 40 yrs of abuse to 60 million in tax payers monies .

As I explained to all of you I have huge respect and see great needs for The Boys and Girls club and only reason I did not join or donate lately was because of Kim likins and honestly never approached in the past . She was so corrupted by others , she was the only town council member that refused to call me to discuss this chamber issue . I reached out to Stan smith to ask her to call me and she refused . As I explained to you and reason I contacted you was
I did not want the good name and importance of Boys and Girls club tainted by an employees bad actions . We have an ethics commission and state laws on code of conduct . We have many in violation of this in Beaufort county like Kim Likins , Lisa sulka and few others . Jeff moss included and to date has escaped . My case will be different with Bill
Miles and this chamber , as I just want talk and send emails , but actually file a lawsuit . This is why so many Escape justice , as others are to scared to fight, have no financial means , or not willing to take the time and spend the money . It takes money and action to fight corruption not just words, press and emails , that eventually result in slowly just going away as people wear out and give up . Thx

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5943-2902

On Dec 8, 2015, at 1:15 PM, cathy <lhl@hargray.com> wrote:

> Skip Hoagland asked me to forward this to you.. he is cced on this email.
>
> Kim Likins and her husband were scammed out of 100k, info attached. Please note her comment on what happen? Please note she refused to audit Bill Miles, she violated her duties to public comment and process, violated her fiduciary responsibility to tax payers and those who voted for her and she lied to protect Bill Miles and has now been proven she had a conflict of interest with her friend Charlie Clark, who works for the chamber. She is not fit to serve public office or our

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From: cathy <hhi@hargray.com>
Subject: (No Subject)
Date: March 22, 2016 5:07:28 PM EDT

Begin forwarded message:

From: CC Hoagland <skip.hoagland@yahoo.com>
Date: December 3, 2015 at 2:33:31 PM EST
To: davidl@hiltonheadislandsc.gov, Taylor@harrisonfirm.com, Peter Buonaiuto <peter@hiltonheadvcb.com>, tom gardo <tomgardo@yahoo.com>
Subject: Kim likins . I want contract canceled ! I am also meeting with the heads of Boys and Girls club asking for her termination . We do not need people who lie around boys and girls . Jeff moss school superintendent the same

This is just one more point on why contract was corrupted and must be canceled ,and assume added to our lawsuit . Kim likins lied and because of her connection to the chamber should have recused herself from voting This would have made a 3-3 vote. However we also have proof both Lennox and Mcann lied as well. We have lots of whistle blower info on much more on who actually developed the contract , etc etc etc

David I want this contract stopped until a meeting with all of us can be arranged ASAP ! either next 2 weeks or after Jan 5th . Thx

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260

ELECTRONICALLY FILED – 2020-03-09 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

From: CC Hoagland <skiphoagland@yahoo.com>
Subject: Fwd: Kim likins employment
Date: March 22, 2016 10:21:28 AM EDT
To: cathy hoagland <hhi@hargray.com>



Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5943-3202

Begin forwarded message:

From: CC Hoagland <skiphoagland@yahoo.com>
Date: December 3, 2015 at 11:43:35 AM EST
To: likins Kim <kpol@hiltonheadislandsc.gov>
Cc: cclark@hiltonheadisland.org
Subject: Kim likins employment

It did not take a genius who has and was a leader in our boys and girls club or serving on town council . Kim I expect two things you either resign or are terminated . I will assure you one of the two will happen . Thx

Further do not even think about running for reelection on town council . this will not be allowed as well . Your friend Charlie Clark in Ceed .

Note Charlie Clark lied we have proof , as well as used as a puppet of david tigges and bill Miles . We have this info and more from inside whistle blower and will become part of our lawsuit and depositions . You both will be deposed .

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina

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ELECTRONICALLY FILED – 2021-03-09 9:35 AM – BELL COUNTY DISTRICT CLERK – CASE #: 2015CR07029337

From: CC Hoagland <skiphoagland@yahoo.com>
Subject: Fwd: Kim Likins
Date: March 22, 2016 10:44:47 AM EDT
To: cathy hoagland <hhi@hargray.com>



Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5987-3202

Begin forwarded message:

From: CC Hoagland <skiphoagland@yahoo.com>
Date: December 10, 2015 at 4:48:30 PM EST
To: Michael Briggs <mabriggs2003@yahoo.com>
Cc: Taylor Smith <Taylor@hargrayfineart.com>
Subject: Re: Kim Likins

Thank you !! My position is I will not support any organization that supports or allows its employees to not be truthful or has conflicts . Mrs Likins might be a good employee , but her other job as town council failed me and others and feel its a reflection on her no matter where she works or serves .

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5987-3202

On Dec 10, 2015, at 2:18 PM, Michael Briggs <mabriggs2003@yahoo.com> wrote:

ELECTRONICALLY FILED – 2023 Mar 08 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

From: CC Hoagland <skiphoagland@yahoo.com>
Subject: Fwd: Kim likins / lisa sulka
Date: March 22, 2016 10:32:44 AM EDT
To: cathy hoagland <hhi@hargray.com>

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5942-3202

Begin forwarded message:

From: CC Hoagland <skiphoagland@yahoo.com>
Date: December 11, 2015 at 8:22:34 PM EST
To: [redacted], Lucas High <[redacted]>
Cc: Brian Tolley <[redacted]>
Subject: Kim likins / lisa sulka

Zack what are you or they saying was not right or correct ? My position is kim likins is using this as an attack on me to make me look bad to divert from her lie , conflicts , violating public trust , public hearing and fiduciary reponsibilities serving on town council . The contract was corrupted period . She did wrong not me . Why are we not talking about what she did versus me ? I am fighting corruption not committing corruption

Lisa sulka as well attempting to paid me as a bad guy to divert attention . Please add this to story

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Skip Hoagland / CEO
Domains New Media LLC
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Off. Buenos Aires , Argentina
011-54-9-11-5942-3202

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From: CC Hoagland <skiphoagland@yahoo.com>
Subject: Fwd: Sc foia
Date: November 26, 2015 12:53:19 PM EST
To: cathy hoagland <hhi@hargray.com>

Print out

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Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5942-3302

Begin forwarded message:

From: CC Hoagland <skiphoagland@yahoo.com>
Date: November 23, 2015 at 1:06:22 PM EST
To: steve@hiltonheadislandsc.gov, david tigges <dtigges@mcnair.net>, Gregg Alford <greg@alfordlawsc.com>, Hulbert Brian <brianh@hiltonheadislandsc.gov>, susan@surfcitysa.com, Taylor Smith <Taylor@harrisonfirm.com>, bill miles <bmiles@hiltonheadisland.org>, rdeal@hiltonheadisland.org, Jay Wiendl <jwiendl@comcast.com>
Cc: davidb@hiltonheadislandsc.gov, awurtele@islandxacker.com, Tom Lennox <tomL@hiltonheadislandsc.gov>, JohnM@hiltonheadislandsc.gov, Lee Edwards <leeedwards@thegreenerycinc.com>, Likins Kim <KimL@hiltonheadislandsc.gov>, WilliamH@hiltonheadislandsc.gov, jeffbradley@schouse.gov, Weston Newton <wnewton@splaw.net>, BillHerbkersman@schouse.gov, tdavis@harrisandbailey.com
Subject: Sc foia

Steve to begin Brian Hulbert your lawyer claims you know nothing about the 4 m proposed welcome center on town property and now know nothing about secret meetings with Susan Thomas and Bill miles discussing signs on town property and the 340k app attempt , cost of signs etc . How could Susan thomas Cced on this email propose this without talking to you ? For me you are not telling the truth and will do anything to escape and avoid answering directly . Susan who did you talk to ? Susan moving to California does not mean you can't be brought back to SC or answer questions . As this moves forward David tigges can only do so much to protect and keep others silent . Steve same for you , the lawyers can only help you so much . God only knows what else you have done over the last 20yrs we don't know about . When you and others realized I was going to attack on these two issues everything stopped and disappeared interesting ???? No records no

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emails !

Steve, my foia info received was incomplete , where is the supreme court case saying chambers or Dmos or chamber/ DMO comingled hybrid can receive tax monies but not comply with SC foia laws that David Tigges quoted? Was this a lie or is it true? To add !
Did Jay Weindl lie about 1600 members? I say yes or he was deceived by Bill miles we need proof of this !
Did Kim Likins lie when she said took notes and listened to everyone then proceeded to read a speech that could have been written by her good friend Charlie Clark chamber spokesperson? I say yes! Is she fit to run and girls and boys club ?
Did John McCann when he said he made up his mind last night and 3 other council members as well , did not respect the public hearing and draft contract process? I say yes !
Who drafted this contract the chamber / council or Steve Riley we now know from a whistle blower and Carolyn Vanagel confirmed statement , quote the Chamber worked hard to draft this contract and we now know it was David tigges in control ! Steve Riley do you wish to deny this ?
We have also been told all board members were instructed by David Tigges / Bill Miles to remain silent to press or anyone else and to not talk about contract or my fight and only state how good the chamber is and nothing else. Do you wish to deny this ?
Jay Weindl, new "appointed"chairman, not duly elected lied when he said 1600 members all have rights and can run for elections and make change with 10% of membership ,10% of what real number? We have proof chamber membership numbers have been falsified ? Do you wish to deny this or want to challenge this ?
Seems all members have rights to the database list of all members and contacts ? Jay will you send that list and contact for each member phone numbers including to a chamber member ? Jay will you force Bill miles as his new boss to open the books to all members ? Jay what rights do members have ? Jay did you know bylaws were changed from original form when members had rights ? Jay will you tell Bill they must be changed back to allow members rights ? Jay where were annual meetings held last 5 yrs ? Do you have all
Minutes for this . I assume in any lawsuit by a member or members all this will be made available in discovery ? You and
David Tigges both said there was annual meetings for members to speak ? Again Where are these meetings held, minutes Etc ????

The entire board I am sure are good people, bottom line they have all been deceived and used / abused including you Jay , by the 3 people who totally control this chamber David Tigges, Bill Miles and Ray Deal. Jay as chairman and Bill miles employees let's be honest who is in charge you , Bill or David tigges ?

Jay you seem to be a nice guy and have nothing against you . The only actions I don't like from you is kicking out people from your hotel that run a local media company I started many years ago . He did nothing to you . This has also happen by several hotels who told me when I called don't ever call this hotel again . These attacks have no reason or basis . We have been told, by ex chamber whistle blower that you and other board member are silenced by giving help and business over others in their industry. They receive no access to inner circle no access to all accounting, all appointed

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strategically to surround Bill Miles to make it all look legitimate to allow its abuse, corruption and violations undetected by anyone including board members that just assume all is ok. All local media leaders have been eliminated from appointed board by Bill miles to prevent any challenge to his unfair competitive practices and growing local media empire with 1.7 million and growing ad sales revenue . We now know anyone can buy ads not just chamber members like a for profit media . We were told any board members that question the dictatorship are silenced or removed. There are no real term limits or rotation of power on board to allow all members to run for fair elections. The real power has remained in control for over 20 yrs . Paul Bethea , David tigges McNair and past old Bethea law firm.

You have a power structure out of control, including letting the employees run all not the members / stake holders who are in essence the owners, not Bill Miles. The old Bethea law firm now McNair law firm have been running this chamber for years and always someone on board from this firm . Insurance, banking, lawyers,hotels etc. etc. all get favoritism over others and we now have proof from whistle blowers who have stepped forward. We now have big insurance companies say they dropped membership as it was a waste of time trying to bid against John vann your past buddy board member with BB&T insurance .

They said just look at the chamber website and app to see who gets promoted over others . Those who pay the most get front seat . Jay this is not the way or purpose of a properly run chamber and DMO operating as a non profit and using tax monies . What do you not understand about this ? How long do you think this board and you can keep defending this ?

We lost a small battle to corruption but the war to clean up this chamber abuse will be won soon ,as we have all we need to prove our case and will turn over all to press , law enforcement , mayor and others next week.

Happy Thanksgiving to everyone. Be assured as we give thanks for all our bounty, this Chamber will go back to being a simple chamber under US Chamber and ACCE national associations guidelines and our DMO will operate under DMAI national association guidelines and accounting protocol soon. All the waste, abuse, corruption, deception, tax violations, foia non compliance, dictatorship and harm to tax payers, board members and members will end. I will be thanked for all this, and not painted as the enemy to this chamber board representing facts and truth. This chamber board is run by good people and leaders on the island, but many others leaders in good standing for 40 yrs do not like where we are. You heard many speak up at our corrupted contract public opinion meeting . Current board members need to pay attention and accept the facts and speak up to clean it up and join those who are and will. This current Chamber structure will never survive what's coming and the good people of this board need to act soon as to not be humiliated for being deceived, tricked and fooled.

We have much more on Bill miles to deal with like 4 million past welcome center , local app with Steve riley . trips to China with his family also turned over my whistle blower who said he robbed us . trips to England , monies to Canada , comingled bank accounts , travel / hotels /meals etc . free golf memberships , corporate entrainment on and off golf course . bills sons golf whistleblower

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claims is part of corporate entertainment and much more .

Oh and Steve riley one last thing all town codes , RFPs , fair bidding and who added the Hilton head chamber to down code to eliminate fair bids and competition . Lee Edwards remember you once were for this ? Lee if chamber was in landscape business selling plants and you were a member what would you do ? Accept it and say nothing ??????? Thx

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5942-3207

LETTER FROM SKIP HOAGLAND

Ex. A

TV and Hollywood has had some bad actors.

The Hilton Head Island Town Council has four.

Council members Likins, McCann, Lennox and Harkins have betrayed the Town and taxpayers by selling out to Bill Miles and the Hilton Head Island-Bluffton Chamber.

The recent actions by four of the seven members of the Hilton Head Island Town Council in defending and protecting the Hilton Head Island-Bluffton Chamber of Commerce from proper scrutiny and accountability should be offensive to everyone in Beaufort County who supports transparency.

Over the past 18 months, Council members Kim Likins, John McCann, Tom Lennox and Bill Harkins have shown, over and over again, that they put the best interests of Bill Miles and the Hilton Head Island-Bluffton Chamber of Commerce above the best interests of the Town.

They continue to give almost $2 million per year in accommodations taxes to the Chamber to function as the Town's designated marketing organization (DMO) to promote local tourism, even though Bill Miles refuses to disclose, in detail, exactly how all that money is spent.

In short, THE FOUR that dominate our current Town Council in voting are anything but public servants who stand up for the public interest. They are cohorts of Bill Miles and the Chamber, who have repeatedly proven themselves unfit for office, in my opinion. And they must be removed from their positions come election time.

They approved a corrupted Chamber contract that is not worth the paper it is written on. In fact, it appears that the contract development process was controlled by Bill Miles and his attorney David Tigges. Town Manager Steve Riley then cooperated with the Chamber and Likins, McCann, Lennox and Harkins to get the contract approved, despite the public outcry against it last November. In fact we have a chamber board member on record and on video who said the chamber worked hard on this contract.

They misrepresented the facts when they said they inspected the Chamber's books. Three of THE FOUR said the Chamber's books had been inspected by one or more members of the council. But they have refused to reveal who inspected what records. They simply pronounced the Chamber above suspicion, without any formal justification for that finding. (See recorded video of Town meeting Nov. 17, 2015 on Town website.)

They approved the use of taxpayer money to pay lawyers to file a private lawsuit against me. After I challenged Kim Likins, whom I think is unfit to work her day job with boys and girls, on her actions and called her employer to inform them of her actions as a public official, she schemed with other council members and town lawyers to pass an outrageous resolution to file lawsuits against citizens that make public speeches they don't like. They then proceeded to file a frivolous defamation lawsuit against me in an effort to silence me. Then the Town Council voted to have taxpayers pay her legal bills. So far, the Town has paid over $40,000 in legal fees, while my defense has cost only $5,000. That shows just how incompetent and abusive Ms. Likins - and the rest of THE FOUR are. Taxpayers should be outraged by such waste, not to mention their intimidating attempt to silence citizens.

They refused to support an audit of the Chamber. In February, I won a landmark Freedom of Information Act (FOIA) lawsuit against Bill Miles and the Chamber. The judge declared them a "public body" since they are funded with public money, and said I have the right to inspect their books. But Bill Miles still refuses to allow me or anyone else to see all his books. And he does so with the full support of THE FOUR. The so-called "independent audits" the Chamber submits to the Town each year that are posted on the Chamber website are nothing more than a recapitulation of financial statements, in my opinion. They are not even remotely related to a genuine forensic audit of the type that invariably gets DMOs into trouble.

Now, the abusive incompetence of THE FOUR will force the Town to pay unnecessary legal fees to defend against my new lawsuit. In signing the first-ever contract with the Chamber to serve as its DMO and promote local tourism last November, the Town violated its procurement code by not putting the function out for competitive bid. THE FOUR, despite the commendable efforts of Mayor David Bennett to correct the mistake, stood by Bill Miles and the Chamber -- again. Now I will sue the Town. And the Town will waste even more taxpayer money fighting me, because I will win.

As a citizen and voter, you should be ashamed of THE FOUR. And you should help me hold them accountable.

If the issues involved with the Chamber were not so important, the actions – or lack of action --of Council members Likins, McCann, Lennox and Harkins would be laughable.

But there's nothing funny about giving away $3 million in public funds with no questions asked and no real oversight in place.

So THE FOUR are not a laughing matter. They are a disgrace.

AD PAID FOR BY SKIP HOAGLAND
email: contact@beaufortwatchdog.org
CALL 213 WATCHDG (928-2434)
Make checks payable to Beaufortwatchdog.org
mail to PO Box 21787, Hilton Head SC 29925
DONATE ONLINE! at
www.beaufortwatchdog.org

LIKINS_000325

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ELECTRONICALLY FILED – 2021-03-09 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

From: Fjbabel@aol.com [mailto:Fjbabel@aol.com]
Sent: Monday, June 20, 2016 9:47 PM
To: kimlikins@roadrunner.com
Subject: Fwd: Kim Likins has involved you in our lawsuit

Kim;
FYI, received this email today.
Am not responding.
Frank

From: skiphoagland@yahoo.com
To: fjbabel@aol.com
Sent: 6/19/2016 7:16:16 P.M. Eastern Daylight Time
Subj: Fwd: Kim Likins has involved you in our lawsuit

Resend typo sorry thx

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5942-3202

Begin forwarded message:

From: CC Hoagland <skiphoagland@yahoo.com>
Date: June 19, 2016 at 7:09:41 PM EDT
To: fjabel@aol.com

Ex. A

Cc: Jim Brown Jim Brown Lawyer <jimbrownlaw@hargray.com>
Subject: Kim Likins has involved you in our lawsuit

Frank are you aware all I say is true and factual and we have Kim Likins lying on video camera ?
God preaches truth not lies !

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Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5942-3202

=

From: Terence Ennis <ennistm@me.com>
Sent: Sunday, December 13, 2015 2:32 PM
To: Kim Likins
Subject: Hang in there!

Kim,

Saw the article in to[illegible]

From: Fjbabel@aol.com
Sent: Sunday, December 13, 2015 12:58 PM
To: kimlikins@roadrunner.com
Subject: Hang in there.

Kim;

You have a world of support behind you. Have faith.

This guy is toxic and creates new meaning to the word obnoxious. He lays waste to civility and while he has his rights, needs to be dealt with a firm hand, no ifs and buts.

The only good news in all this is that our community is totally rallying around you and more than ever appreciates who you are and the good work you do. The same goes to the others he is attacking.

God bless.

Frank

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Skip Hoagland / CEO
Domains New Media LLC
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011-54-9-11-5942-3202

ELECTRONICALLY FILED – 2021-03-09 9:35 AM – BELMONT – CLERK OF COURT – PLEASANT – CASE #2015CP0702937

From: sandy west [mailto:sandy@swest-lighthouse.com]
Sent: Sunday, June 19, 2016 8:34 PM
To: kimlikins@roadrunner.com
Subject: Fwd: Kim Likins lawsuit

FYI

Sent from my iPhone
Sandy West
Principal - Lighthouse Consulting
Partner - Accelerating Leaders
614.361.8449

Begin forwarded message:

> **From:** "CC Hoagland" <skiphoagland@yahoo.com>
> **To:** "pgfreedman@aol.com" <pgfreedman@aol.com>, "sandy west" <sandy@swest-lighthouse.com>
> **Cc:** "Jim Brown Jim Brown Lawyer" <jimbrownlaw@hargray.com>
> **Subject: Kim Likins lawsuit**
>
> Pam in this email you call me an idiot and not respected ? Can you explain both these and what I did wrong ? I repeat kim Likins lied I did not ? Does this mean I am an idiot and not respected to force truth and transparency ?
>
> [image1.jpeg]
>
> Sent from my iPhone excuse all typos and misspellings
>
> Skip Hoagland / CEO
> Domains New Media LLC
> US cell 843-384-7260<tel:843-384-7260>
> Off. Buenos Aires , Argentina
> 011-54-9-11-5942-3202<tel:011-54-9-11-5942-3202>

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ELECTRONICALLY FILED – 2023-08-Mar-09 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

From: CC Hoagland <skiphoagland@yahoo.com<mailto:skiphoagland@yahoo.com>>
Date: June 21, 2016 at 9:35:26 AM EDT
To: Riley Steve <stever@hiltonheadislandsc.gov<mailto:stever@hiltonheadislandsc.gov>>, Hulbert Brian <brianh@hiltonheadislandsc.gov<mailto:brianh@hiltonheadislandsc.gov>>, Gregg Alford <gregg@alfordlawsc.com<mailto:gregg@alfordlawsc.com>>, <davidb@hiltonheadislandsc.gov<mailto:davidb@hiltonheadislandsc.gov>>, David Ames <amesco@earthlink.net<mailto:amesco@earthlink.net>>, "Tom Lennox" <toml@hiltonheadislandsc.gov<mailto:toml@hiltonheadislandsc.gov>>, <JohnM@hiltonheadislandsc.gov<mailto:JohnM@hiltonheadislandsc.gov>>, "Likins Kim" <KimL@hiltonheadislandsc.gov<mailto:KimL@hiltonheadislandsc.gov>>, Harkins Bill <WilliamH@hiltonheadislandsc.gov<mailto:WilliamH@hiltonheadislandsc.gov>>, <MarcG@hiltonheadislandsc.gov<mailto:MarcG@hiltonheadislandsc.gov>>
Cc: Brian Tolley <steveaustin@islandpacket.com<mailto:steveaustin@islandpacket.com>>
Subject: Please add to record my speech today I could not make !

MAYOR BENNETT AND MEMBERS OF THE TOWN COUNCIL:

I REGRET ONCE AGAIN THAT OTHER COMMITMENTS PREVENTED ME FROM BEING AT THE MEETING TODAY.

BUT IN LIGHT OF RECENT DEVELOPMENTS, IT IS IMPORTANT THAT I GET CERTAIN FACTS ON THE RECORD.

NUMBER ONE, IT IS WELL-ESTABLISHED AT THIS POINT THAT FOUR OF YOU -- MS. LIKINS AND MR. MCCANN, HARKINS AND LENNOX -- PASSED A TOTALLY CORRUPTED CHAMBER DMO CONTRACT THAT WAS NOT EVEN DRAFTED BY THE TOWN, BUT WAS WRITTEN BY THE CHAMBER CEO AND CROOK BILL MILES. AND I AM HERE TO TELL YOU, AGAIN, THAT YOU WILL NOT GET AWAY WITH THAT.

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WHEN THE TIME COMES, I WILL SEE TO IT YOU ARE BOOTED FROM OFFICE, BECAUSE ALL FOUR OF YOU ARE LIARS AND YOU ARE UNFIT TO SERVE.

FOR EXAMPLE, YOU LIED ABOUT INSPECTING THE CHAMBER'S BOOKS. YOU DID NO SUCH THING. AND YOU SHOULD BE ASHAMED OF YOURSELVES FOR LYING TO THE PUBLIC. BUT THAT'S EXACTLY WHAT YOU DID. AND YOU WILL NOT GET AWAY WITH IT.

YOU'VE ALSO REFUSED TO DO A PROPER INDEPENDENT AUDIT OF THE CHAMBER, EVEN THOUGH BILL MILES CONTINUES TO REFUSE TO DISCLOSE HOW HE SPENDS THE ALMOST $2 MILLION A YEAR YOU GIVE HIM IN ACCOMMODATIONS TAXES.

AND I KNOW WHY YOU REFUSE TO DO THE AUDIT -- BECAUSE YOU'RE AFRAID OF WHAT YOU WILL FIND.

IF BILL MILES HAD NOTHING TO HIDE, HE WOULD OPEN HIS BOOKS. BUT HE ABSOLUTELY REFUSES TO DO THAT. AND BASED ON THAT, EVERYBODY IN THIS ROOM KNOWS HE HAS SOMETHING TO HIDE.

I AM ALSO OFFENDED BY THE FACT

YOU'VE APPROVED THE USE OF TAXPAYER

MONEY TO FILE A FRIVOLOUS LAWSUIT AGAINST ME ON BEHALF OF MS. LIKINS. AND I REPEAT, SHE IS A LIAR AND UNFIT FOR HER ROLE ON THE COUNCIL OR HER PRIVATE SECTOR JOB. AND SHE WILL NOT GET AWAY WITH HER LIES. I WILL BEAT HER IN COURT AND EXPOSE HER AS THE FRAUD SHE IS.

ALL OF THAT SAID, I AM ANNOUNCING TODAY THAT I AM PROCEEDING WITH MY PROCUREMENT CODE LAWSUIT AGAINST THE TOWN AND MY FIRST AMENDMENT LAWSUIT AGAINST YOU, MAYOR BENNETT.

YOU SHOULD BE ASHAMED OF YOURSELF, MAYOR BENNETT, FOR TRYING TO SILENCE ME, WHEN I AM THE ONE WHO HAS DISCOVERED AND MADE PUBLIC ALL OF THE IMPORTANT FACTS IN THE CHAMBER MATTER.

AND RATHER THAN ACT IN THE PUBLIC INTEREST AND SUPPORT MY EFFORTS, YOU HAVE CALLED ME A "BULLY" AND DONE EVERYTHING YOU CAN TO SILENCE ME.

BUT I CANNOT BE SILENCED.

AND I THINK IT'S UNFORTUNATE THAT YOU WILL NOW WASTE TAXPAYER MONEY DEFENDING TWO LAWSUITS THAT DID NOT HAVE TO BE BROUGHT.

ALL YOU WOULD HAVE NEEDED TODO TO PREVENT THEM IS SHOW SOME COURAGE AND CHARACTER AND FIGHT FOR WHAT'S RIGHT.

BUT THAT'S NOT WHAT YOU DID, MAYOR BENNETT.

YOU LET MS. LIKINS AND MR. MCCANN, HARKINS AND LENNOX -- PLUS THE INCOMPETENT STEVE RILEY AND BRIAN HULBERT -- PUT YOU IN THE POSITION YOU'RE IN.

AND YOU WILL ALL PAY FOR THAT.

I GUARANTEE IT.

THANK YOU.

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Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260<tel:843-384-7260>
Off. Buenos Aires , Argentina
011-54-9-11-5942-3202<tel:011-54-9-11-5942-3202>

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

If you have received this email in error please notify the originator of the message.

Any views expressed in this message are those of the individual sender.

This message has been scanned for viruses and spam by McAfee.

ELECTRONICALLY FILED – 2016 Mar 09 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

From: jmagruder@aol.com [mailto:jmagruder@aol.com]
Sent: Monday, June 20, 2016 3:11 PM
To: Kim Likins <Kim.Likins@bgclowcountry.org>
Subject: Fwd: Kim Likins has involved you in our lawsuit

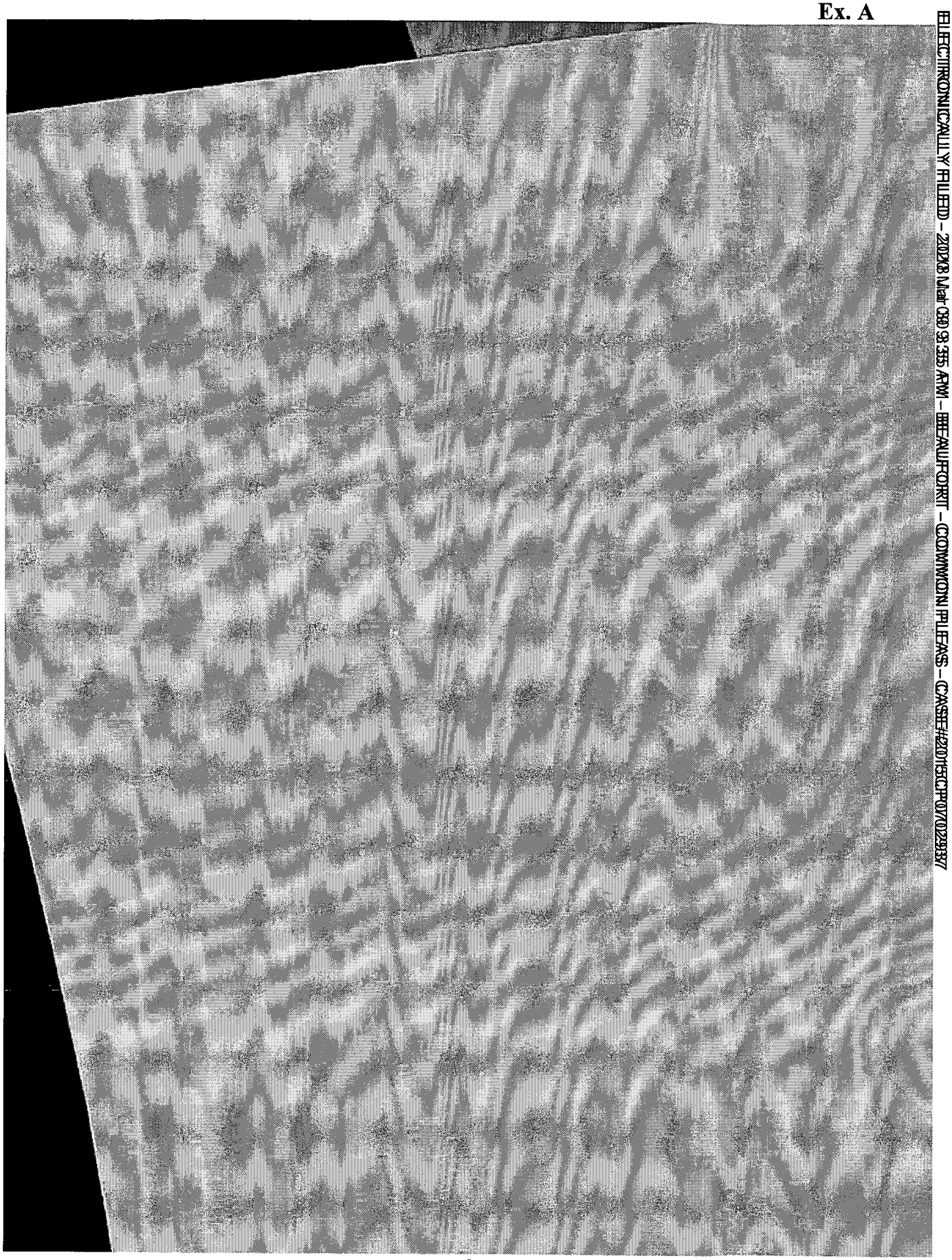
In case you want to show this to your lawyer. Jim

-----Original Message-----
From: CC Hoagland <skiphoagland@yahoo.com>
To: jmagruder <jmagruder@aol.com>
Cc: Jim Brown Jim Brown Lawyer <jimbrownlaw@hargray.com>
Sent: Sun, Jun 19, 2016 7:06 pm
Subject: Kim Likins has involved you in our lawsuit

Jim are you aware I represent facts and done nothing ? Are you aware kim Likins lied on video ?

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ELECTRONICALLY FILED – 2018 Mar 30 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937



ELECTRONICALLY FILED – 2021-03-09 3:55 AM – BELAW-FORKT – COMMON PLEAS – CASE#2015CP0702937

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ELECTRONICALLY FILED – 2018 Mar 09 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

-----Original Message-----
From: Sulka, Lisa [mailto:lsulka@townofbluffton.com]
Sent: Monday, June 20, 2016 12:14 PM
To: Kim Likins <kimlikins@roadrunner.com>
Cc: John Linton <jpl@p-tw.com>; Trenholm Walker <gtw@p-tw.com>; Mike Briggs <mgbriggs2003@yahoo.com>; Terry Finger <tfinger@fingerlaw.com>; Deloach Greg <'Deloach Greg'@townofbluffton.com>
Subject: Re: Kim Likins has now involved you in our lawsuit

While this is not me he does continue to harass and publicly accuse me. He has now started an online campaign w Bluffton today so I would keep an eye out on your case for any online messaging.
I have copied terry finger on this and feel that we would be happy to help you where needed.
Bluffton today is doing an article Wednesday on his accusations again myself and Bluffton. I will be happy to forward.
Lisa Sulka
Mayor town of Bluffton

Sent from my iPhone

> On Jun 20, 2016, at 11:20 AM, Kim Likins <kimlikins@roadrunner.com> wrote:
>
> Greg, John, Trenholm,
> Skip continues to send harassing emails to my board members and is now also including Lisa Sulka as well, who he believes is referred to in the scanned email below. The Lisa who we were discussing is an entirely different person who is also associated with our board of directors. When can we try and get this stopped. The Chairman of my Board of Directors, Mike Briggs is also receiving emails from other board members who Skip is harassing. Mike is once again having to move to Crisis Communication mode for the organization and is sending a Board email out to everyone stressing that no one engage in any email exchange with Skip and that they forward all emails from Skip to him. Mike wants to work directly with one of you on how this issues is to be handled and have all of the emails the board is receiving come to him rather than me. Please advise at your earliest convenience.
>
> Thanks,
> Kim
>
> From: sandy west [mailto:sandy@swest-lighthouse.com]
> Sent: Monday, June 20, 2016 9:22 AM
> To: Kim Likins <kimlikins@roadrunner.com>
> Subject: FW: Kim Likins has now involved you in our lawsuit
>
>
>
> Sandy West

ELECTRONICALLY FILED – 2021-03-09 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

> principal, lighthouse consulting
> www.lighthouse-consultingllc.com<http://www.lighthouse-consultingllc.c
> om>
> eight blake place
> hilton head island, sc 29928
> 614.361.8449
>
> From: CC Hoagland [mailto:skiphoagland@yahoo.com]
> Sent: Sunday, June 19, 2016 6:33 PM
> To: sandy west
> Subject: Fwd: Kim Likins has now involved you in our lawsuit
>
> FYI
>
> Sent from my iPhone excuse all typos and misspellings
>
> Skip Hoagland / CEO
> Domains New Media LLC
> US cell 843-384-7260<tel:843-384-7260> Off. Buenos Aires , Argentina
> 011-54-9-11-5942-3202<tel:011-54-9-11-5942-3202>
>
>
>
> Begin forwarded message:
> From: CC Hoagland
> <skiphoagland@yahoo.com<mailto:skiphoagland@yahoo.com>>
> Date: June 19, 2016 at 4:46:33 PM EDT
> To: sandy@sweet-lighthouse.com<mailto:sandy@sweet-lighthouse.com>,
> Lisa Sulka
> <lsulka@townofbluffton.com<mailto:lsulka@townofbluffton.com>>
> Cc: Jim Brown Jim Brown Lawyer
> <jimbrownlaw@hargray.com<mailto:jimbrownlaw@hargray.com>>
> Subject: Kim Likins has now involved you in our lawsuit Lisa are you
> sure Kim and Sandy are your Godly faithful friends ? Read Sandy's comments to Kim Likins about you ?
> Lisa I have to agree you are not that smart and you like Kim Likins who lied on video who is also not that smart, will not escape from all your abuse to others. You used town employees to sell bill miles Hhi chamber memberships that harmed the Greater Bluffton chamber and you have used your position of mayor to profit you in realestate. We have all the records of these millions in sales and listings. As you already know we have all we need to end this abuse and corruption.
>
> [cid:18D0190B-A1EE-4E5C-8467-C2845D10AAD7]
>
>
> Sent from my iPhone excuse all typos and misspellings
>
> Skip Hoagland / CEO
> Domains New Media LLC
> US cell 843-384-7260<tel:843-384-7260> Off. Buenos Aires , Argentina
> 011-54-9-11-5942-3202<tel:011-54-9-11-5942-3202>
>
>
> <IMG_3228.JPG>

ELECTRONICALLY FILED – 2018 Mar 09 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702337

From: sandy west [mailto:sandy@swest-lighthouse.com]
Sent: Sunday, June 19, 2016 6:29 PM
To: kimlikins@roadrunner.com
Subject: Fwd: Failure Notice

Wonder what this is about?

Sent from my iPhone
Sandy West
Principal - Lighthouse Consulting
Partner - Accelerating Leaders
614.361.8449

Begin forwarded message:

> **From:** CC Hoagland <skiphoagland@yahoo.com>
> **Date:** June 19, 2016 at 6:26:05 PM EDT
> **To:** sandy@swest-lighthouse.com
> **Subject: Fwd: Failure Notice**
>
> Sandy I sent all to wrong email sorry I will resend.
>
> Sent from my iPhone excuse all typos and misspellings
>
> Skip Hoagland / CEO
> Domains New Media LLC
> US cell 843-384-7260
> Off. Buenos Aires , Argentina
> 011-54-9-11-5942-3202

Begin forwarded message:

> **From:** MAILER-DAEMON@yahoo.com
> **Date:** June 19, 2016 at 4:48:53 PM EDT
> **To:** skiphoagland@yahoo.com
> **Subject: Failure Notice**

ELECTRONICALLY FILED – 2018 Mar 09 9:35 AM – BELAW – CONWAY DIV – PLEADING – CASE #2015CP07029987

Sorry, we were unable to deliver your message to the following address.

<sandy@sweet-lighthouse.com>:
No MX or A records for sweet-lighthouse.com

--- Below this line is a copy of the message.

Received: from [98.137.12.191] by nm16.bullet.mail.gq1.yahoo.com with NNFMP; 19 Jun 2016 20:48:53 -0000
Received: from [98.136.164.78] by tm12.bullet.mail.gq1.yahoo.com with NNFMP; 19 Jun 2016 20:48:53 -0000
Received: from [127.0.0.1] by smtp240.mail.gq1.yahoo.com with NNFMP; 19 Jun 2016 20:48:53 -0000
X-Yahoo-Newman-Id: 678428.54369.bm@smtp240.mail.gq1.yahoo.com
X-Yahoo-Newman-Property: ymail-3
X-YMail-OSG: 0RE3AXQVM1kjnlsGjO.5NiukhuIoXodnBw7o34Ro_xiffU9
iSVwxXEHs1BN5fpRK4t9clU6uM.uQoRPmPRMClOPTa1aPGij5kyh8QRS8n_f
krc9Ts5FkzSQahWNi4U49oKQQIujBk8mK9m4H3nY6QaF3zZSocXnI.r1P09W
qvdWN5j_Q1u1HUj7GDSlNcZApTaD7MLBfYmjg.CZCGHSDZr8P6yEyjShfZs
I
RMCgPG5npGhm_DaWbXJVm4FpBvd9g1KbZaI8Grt.2H4sxDdm3VghI27UhS
Up
zKsYZwwoxg_K388RD0xQPl35hW9EMHoEt4Be00fcRgjx8GBJwN.5JorxXFj_
hjpSVtc3oQf43XhsdIWpy3GVpHkaHeDsqEqfvo_SiS92X2IG6_Jrwm4qjQ2l
MzOpCY7sJXfvw2nm.CKxbT6yWDx2Tw44YBRkONShvepOsvdfs1RsVCmB
MdW5
ECkkGc93zYw4xqPggIgHMofqkwAhwUrQnLPUhQ2GEJPQi9bHVJqVH20gV
H9e
hBWl8Wwm0KZxIgJK8O..t9OfJefBcJODvcg_V69uNob_d.DEoY40cEpV83eU
-
X-Yahoo-SMTP: SN5CYWCswBBcSwaRmo_bwXm7W1OGCj9YYg--
Content-Type: multipart/alternative;
  boundary=Apple-Mail-25BB8762-E436-4F9E-BC5E-8CACACD643D7
Mime-Version: 1.0 (1.0)
Subject: Re: Kim Likins has now involved you in our lawsuit
From: CC Hoagland <skiphoagland@yahoo.com>
X-Mailer: iPhone Mail (13F69)
In-Reply-To: <E6B22E21-B799-49EA-92DF-09DB8C00ADE2@yahoo.com>
Date: Sun, 19 Jun 2016 16:48:51 -0400
Cc: Jim Brown Jim Brown Lawyer <jimbrownlaw@hargray.com>
Content-Transfer-Encoding: 7bit
Message-Id: <2AA6C94F-9402-46D6-89B3-D31782D8B752@yahoo.com>
References: <E6B22E21-B799-49EA-92DF-09DB8C00ADE2@yahoo.com>
To: sandy@sweet-lighthouse.com

--Apple-Mail-25BB8762-E436-4F9E-BC5E-8CACACD643D7
Content-Type: text/plain;
  charset=us-ascii
Content-Transfer-Encoding: quoted-printable

ELECTRONICALLY FILED – 2018 Mar 09 9:55 AM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

Who is andrew ? Thanks=20

Sent from my iPhone excuse all typos and misspellings=20

Skip Hoagland / CEO
Domains New Media LLC=20
US cell 843-384-7260
Off. Buenos Aires , Argentina=20
011-54-9-11-5942-3202

> On Jun 19, 2016, at 4:46 PM, CC Hoagland <skiphoagland@yahoo.com> wrote:
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>
> Lisa are you sure Kim and Sandy are your Godly faithful friends ? Read San=

dy's comments to Kim Likins about you ?

> Lisa I have to agree you are not that smart and you like Kim Likins who li=

ed on video who is also not that smart, will not escape from all your abuse t=
o others. You used town employees to sell bill miles Hhi chamber memberships=
that harmed the Greater Bluffton chamber and you have used your position of=
mayor to profit you in realestate. We have all the records of these million=
s in sales and listings. As you already know we have all we need to end this=
abuse and corruption.=20
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Content-Type: text/html;

ELECTRONICALLY FILED – 2021-03-08 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702337

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On Jun 19, 2016, at 4:46 PM, CC
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/a>> wrote:

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corruption.

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ELECTRONICALLY FILED – 2022-08-30 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

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ELECTRONICALLY FILED – 2024 Mar 08 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

From: sandy west [mailto:sandy@swest-lighthouse.com]
Sent: Sunday, June 19, 2016 8:33 PM
To: kimlikins@roadrunner.com
Subject: Fwd: Kim Likins lawsuit

FYI

Sent from my iPhone
Sandy West
Principal - Lighthouse Consulting
Partner - Accelerating Leaders
614.361.8449

Begin forwarded message:

> **From:** "CC Hoagland" <skiphoagland@yahoo.com>
> **To:** "sandy west" <sandy@swest-lighthouse.com>
> **Cc:** "Jim Brown Jim Brown Lawyer" <jimbrownlaw@hargray.com>
> **Subject: Kim Likins lawsuit**
>
> So sandy you wish death on me ! What God do you pray to ! You can't help yourself ! That's scary ! What exactly have I done to fill your heart with Dom much hatred ?

Ex. A

ELECTRONICALLY FILED – 2021-03-30 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

From: Kim Likins <Kim.Likins@bgclowcountry.org>
Sent: Saturday, January 30, 2016 5:10 PM
To: sandy west
Subject: RE: Gala invitations

We are together on Thursday at 11:30am with James Mallory, correct? Capital Campaign is not until February 15th. I hope I am correct. My schedule is crazy right now. Thank you so much for always sending appointments. That helps so much!
Kim

From: sandy west [mailto:sandy@swest-lighthouse.com]
Sent: Friday, January 29, 2016 7:14 PM
To: Kim Likins <Kim.Likins@bgclowcountry.org>
Subject: Re: Gala invitations

Thanks so much... Sorry for the mix up ☺
I hope Skip fell off the edge of the earth. Ok... Not very Christian like but...I can't help myself.
Super happy you can help celebrate the big guys birthday ... That he wants to forget
Looking forward to seeing you. I guess the next time might be the cap campaign meeting??
Have a great weekend... Hope you can relax!
Xoxo

Sent from my iPhone
Sandy West
Principal - Lighthouse Consulting
Partner - Accelerating Leaders
614.361.8449

On Jan 29, 2016, at 5:06 PM, Kim Likins <Kim.Likins@bgclowcountry.org> wrote:

> No worries. Looks like we are on for the 18th!! Also, I put March 5th on my calendar. Steve and I would not miss it. My week has been busy but good. No word from Skip at all. So very peaceful. I hope he has gone to Argentina!
> Safe travels. See you soon.
> xxoo
> Kim

Kim Likins
Director
Boys & Girls Club of Hilton Head Island
843.715.1725
Kim.likins@bgclowcountry.org

Our mission is to enable all young people, especially those who need us most, to reach their full potential as productive, caring, responsible citizens. We are proud to have served the youth of Hilton Head Island for 25 years!

ELECTRONICALLY FILED – 2020 Mar 30 9:35 AM – HEFAULFORT – COMMON PLEAS – CASE #2015CP0702937

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5942-3202

Ex. A

ELECTRONICALLY FILED - 2016 Jun 30 9:35 AM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

From: Pat Wirth [mailto:patwirth@habitathhi.org]
Sent: Sunday, June 19, 2016 5:14 PM
To: Likins Kim <KimL@hiltonheadislandsc.gov>
Subject: Fwd: Kim has involved you in her lawsuit

Hi Kim,

I just received the following email. I've never met Skip Hoagland and have never expressed support for him. I have no idea why he thinks I would. What I do know is that Madeline Albright was absolutely right when she said, "I'm sure there's a place in hell for women who don't support other women." Please know you have my support, despite what Skip Hoagland might want to think.

I'm available at the office, 681-5864 or by cell 384-0724 should you want to talk about his email.

Stay strong!

Pat

---------- Forwarded message ----------
From: "CC Hoagland" <skiphoagland@yahoo.com>
Date: Jun 19, 2016 4:56 PM
Subject: Kim has involved you in her lawsuit
To: <patwirth@habitathhi.org>
Cc: "Jim Brown Jim Brown Lawyer" <jimbrownlaw@hargray.com>

> Pat are you aware Kim lied on video and I have done nothing but tried to force what's right, transparency and accountibility. At 68 yrs old I highly suggest you guide your mighty girls to follow strong honest men and woman who fight to stop corruption. If you want a better world for your daughters I suggest you join me not deny reality. Kim Likins lawsuit is frivolous and based on nothing but trying to silence facts and truth. Facts are facts and always true. Thanks

Ex. A

ELECTRONICALLY FILED – 2021-08-09 9:35 AM – HEARD FOR RT – COMMON PLEAS – CASE#2015CP0702937

From: Pat Wirth <patwirth@habitathhi.org>
Sent: Saturday, December 12, 2015 10:10 AM
To: Kim Likins
Subject: Unacceptable

Hi Kim,

I'm away for a couple of days of R&R and logged on to read the Island Packet....and then saw the news about the lawsuit you've had to file.

Please know that I believe you were absolutely right to take such action and support you completely. Such bullying is simply not OK. To go to your Board chair absolutely crossed the line and I'm so glad you responded to stop him.

I talk to my granddaughters all the time about being Mighty Girls. I'll think about you next time the girls and I have that conversation!

Pat

ELECTRONICALLY FILED – 2018 Mar 30 9:55 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5942-3202

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

If you have received this email in error please notify the originator of the message.

Any views expressed in this message are those of the individual sender.

This message has been scanned for viruses and spam by McAfee.

ELECTRONICALLY FILED – 2020-03-03 8:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

From: CC Hoagland <skiphoagland@yahoo.com>
Sent: Wednesday, November 18, 2015 1:18 AM
To: Bennett, David; Lennox, Tom; McCann John; Grant Marc; Likins Kim; Edwards Lee; Harkins Bill
Cc: sturodman@aol.com; Jerry Stewart; psommerville@bcgov.net; Rick Caporale; Cynthia Bensch; tvaux@bcgov.net; zmurdock@islandpacket.com; David Lauderdale; Alex Barry; AHolland@wsav.com
Subject: Bill miles and his friend texted me this picture !!! Is this really who we want to run our chamber . I added 3 more pictures of interest

Lee / Marc / David thanks for at least listening . John Mcann for his comment he made up his mind last night and Kim likins for her prepared speech when she lied and said she was taking notes the entire time should both be removed from office for there total disrespect to a public hearing and draft contract . No doubt they both were corrupted or just plan incompetent ..It was also obvious Bil Harkins and Tom Lennox had there mind made up as well . It's a shame to have these type people serve our island . The brightest minds on this island told you all to all wait and fix the agreement . Not one chamber speaker said how to fix anything it was all just how great the chamber was . Not one board member has a clue or knows what's going on . They were all just asked to say how Great it all was to protect Bill miles and prevent an audit and foia ..

Bill and friend texted me this photo ! I added more of interest . The one in gold jackets is there so called annual meeting . You can't make this stuff up !
We will now start to clean up the dictatorship chamber and restore members rights , Irs Ubit , unfair competitive practices , corruption, what is a true chamber under US chamber definition and a DMO under definition by DMAI . What I don't get is no one on council seems concerned about any of these other issues ? Why

ELECTRONICALLY FILED – 2020-03-30 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

From: CC Hoagland <skiphoagland@yahoo.com>
Sent: Monday, November 23, 2015 12:13 AM
To: Likins Kim; McCann John
Cc: Lennox, Tom; Harkins Bill; Rick Caporale; Cynthia Bensch
Subject: Violated public trust , due process and lied !

You both lied and are not fit to serve . I will look forward to speaking directly to both of you soon at public comment . Also you will be in my full page ads to publicly disgrace you both to this island . Kim you are not fit to serve boys and girls a well . You fully know what you did !!!

Do not dare say I am disrespectful when I speak the truth at town council . The truth is not disrespectful . What's disrespectful is what you both did . Prepare to be exposed and treated like you treated others .

Tom I feel you also deceived me and had your mind made up also . I have you on record saying you worked hard on the clause to inspect books and had me in mind . I hope so and remains to be seen if you are going to be my new hero and outsmarted David tigges or forced me to keep spending thousands to fight fir sc foia laws for all of us .

Bill Harkins for me not worth even discussing . If he plans on running for reelection as well as others I can promise you that you will be booted and featured in full page ads and fully explained why . There simply is no place for dishonest and deceiving people who wish to serve our community .

David , Lee , Marc each at least showed respect and listened to some very smart people who had great ideas and respected them and their time coming . John Mcann to say reason he decided to award the contact to the chamber was because of all the good people on the board . This had nothing to do with it as the board has be tricked and deceived also and has no power . John knock knock anyone home , you have been told this chamber is run by a dictator crook . The board members are good people just have no power or clue what's going on . They all were appointed , used and abused and shown favoritism to remain silent . They were all instructed to say how great the chamber was and not discuss the contract . We were not there for that we were there to discuss a good contract for the community not just the chamber . We also learned much more from the whistle blower and that is David tigges drafted the contract . You all should be a shamed of what you did . I really thought you old guys like me would have acted differently . I guess that saying is correct "no fool like an old fool ".

You all did not show true guts to fight for an audit when you new damn well we needed to do this and were provided all info why . You all allowed escape but just temporarily . We lost this one battle but not the war to come . When you see what's coming you will perhaps then realize you should have followed the great Ronald Reagan "trust must be verified" and i am afraid will be humiliated and publicly disgraced to this entire community . For the life of me I just don't understand why you would not force an audit , sc foia laws, DMAI accounting and 1 yrs not 5 yrs. The big concern I have for all of you is you have trusted Steve riley , Gregg Alford and brian Hulbert all buddies of Bill miles and david tigges . You all have deceived here as well . The sad thing is you all are part time as is mayor bennett and the town employees run the show and you all are powerless and just do as you are told and instructed by them .

I also think you all will be held liable when this all ends up in the courts and the audit is forced .

We now have a x board chamber member who has turned whistle blower . You will all be shocked what's going to happen next . Kim send this to your friend Charlie Clark spokesperson at chamber . Did she write your prepared speech for you ? John so you came to your brilliant decision night before ? Why do you think so many people came to speak ? Do you feel you dishonored all of us and made a fool of of yourself ? Do you and Kim likins feel you are fit to keep serving ? What made you think all is ok and controlled by the board ?

Happy thanksgiving and perhaps you all will reflect on all this as you spend time with your families and think what kind of world you wish for them , and did you act in good faith in a way you and your family would be proud of . You each have to look in mirror and live with yourselves not me . Thx

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5942-3202

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ELECTRONICALLY FILED - 2024-03-30 9:35 AM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

From: CC Hoagland <skiphoagland@yahoo.com>
Sent: Monday, November 23, 2015 1:06 PM
To: Riley Steve; david tigges; Gregg Alford; Hulbert Brian; susan@surfcityusa.com; Taylor Smith; bill miles; rdeal@hiltonheadisland.org; Jay Wiendl
Cc: Bennett, David; zmurdock@islandpacket.com; Lennox, Tom; McCann John; Lee Edwards; Likins Kim; Harkins Bill; jeffbradley@schouse.gov; Weston Newton; BillHerbkersman@schouse.gov; tdavis@harveyandbattey.com
Subject: Sc foia

Steve to begin Brian Hulbert your lawyer claims you know nothing about the 4 m proposed welcome center on town property and now know nothing about secret meetings with Susan Thomas and Bill miles discussing signs on town property and the 340k app attempt , cost of signs etc . How could Susan thomas Cced on this email propose this without talking to you ? For me you are not telling the truth and will do anything to escape and avoid answering directly . Susan who did you talk to ? Susan moving to California does not mean you can't be brought back to SC or answer questions . As this moves forward David tigges can only do so much to protect and keep others silent . Steve same for you , the lawyers can only help you so much . God only knows what else you have done over the last 20yrs we don't know about . When you and others realized I was going to attack on these two issues everything stopped and disappeared interesting ????? No records no emails !

Steve, my foia info received was incomplete , where is the supreme court case saying chambers or Dmos or chamber/ DMO comingled hybrid can receive tax monies but not comply with SC foia laws that David Tigges quoted? Was this a lie or is it true? To add !
Did Jay Weindl lie about 1600 members? I say yes or he was deceived by Bill miles we need proof of this !
Did Kim Likins lie when she said took notes and listened to everyone then proceeded to read a speech that could have been written by her good friend Charlie Clark chamber spokesperson? I say yes! Is she fit to run and girls and boys club ?
Did John McCann when he said he made up his mind last night and 3 other council members as well , did not respect the public hearing and draft contract process? I say yes !
Who drafted this contract the chamber / council or Steve Riley we now know from a whistle blower and Carolyn Vanagel confirmed statement , quote the Chamber worked hard to draft this contract and we now know it was David tigges in control ! Steve Riley do you wish to deny this ?
We have also been told all board members were instructed by David Tigges / Bill Miles to remain silent to press or anyone else and to not talk about contract or my fight and only state how good the chamber is and nothing else. Do you wish to deny this ?
Jay Weindl, new "appointed"chairman, not duly elected lied when he said 1600 members all have rights and can run for elections and make change with 10% of membership ,10% of what real number? We have proof chamber membership numbers have been falsified ? Do you wish to deny this or want to challenge this ?
Seems all members have rights to the database list of all members and contacts ? Jay will you send that list and contact for each member phone numbers including to a chamber member ? Jay will you force Bill miles as his new boss to open the books to all members ? Jay what rights do members have ? Jay did you know bylaws were changed from original form when members had rights ? Jay will you tell Bill they must be changed back to allow members rights ? Jay where were annual meetings held last 5 yrs ? Do you have all
Minutes for this . I assume in any lawsuit by a member or members all this will be made available in discovery ? You and
David Tigges both said there was annual meetings for members to speak ? Again Where are these meetings held, minutes Etc ?????

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The entire board I am sure are good people, bottom line they have all been deceived and used / abused including you Jay , by the 3 people who totally control this chamber David Tigges, Bill Miles and Ray Deal. Jay as chairman and Bill miles employees let's be honest who is in charge you , Bill or David tigges ?

Jay you seem to be a nice guy and have nothing against you . The only actions I don't like from you is kicking out people from your hotel that run a local media company I started many years ago . He did nothing to you . This has also happen by several hotels who told me when I called don't ever call this hotel again . These attacks have no reason or basis . We have been told, by ex chamber whistle blower that you and other board member are silenced by giving help and business over others in their industry. They receive no access to inner circle no access to all accounting, all appointed strategically to surround Bill Miles to make it all look legitimate to allow its abuse, corruption and violations undetected by anyone including board members that just assume all is ok. All local media leaders have been eliminated from appointed board by Bill miles to prevent any challenge to his unfair competitive practices and growing local media empire with 1.7 million and growing ad sales revenue . We now know anyone can buy ads not just chamber members like a for profit media . We were told any board members that question the dictatorship are silenced or removed. There are no real term limits or rotation of power on board to allow all members to run for fair elections. The real power has remained in control for over 20 yrs . Paul Bethea , David tigges McNair and past old Bethea law firm.

You have a power structure out of control, including letting the employees run all not the members / stake holders who are in essence the owners, not Bill Miles. The old Bethea law firm now McNair law firm have been running this chamber for years and always someone on board from this firm . Insurance, banking, lawyers,hotels etc. etc. all get favoritism over others and we now have proof from whistle blowers who have stepped forward. We now have big insurance companies say they dropped membership as it was a waste of time trying to bid against John vann your past buddy board member with BB&T insurance .

They said just look at the chamber website and app to see who gets promoted over others . Those who pay the most get front seat . Jay this is not the way or purpose of a properly run chamber and DMO operating as a non profit and using tax monies . What do you not understand about this ? How long do you think this board and you can keep defending this ?

We lost a small battle to corruption but the war to clean up this chamber abuse will be won soon ,as we have all we need to prove our case and will turn over all to press , law enforcement , mayor and others next week.

Happy Thanksgiving to everyone. Be assured as we give thanks for all our bounty, this Chamber will go back to being a simple chamber under US Chamber and ACCE national associations guidelines and our DMO will operate under DMAI national association guidelines and accounting protocol soon. All the waste, abuse, corruption, deception, tax violations, foia non compliance, dictatorship and harm to tax payers, board members and members will end. I will be thanked for all this, and not painted as the enemy to this chamber board representing facts and truth. This chamber board is run by good people and leaders on the island, but many others leaders in good standing for 40 yrs do not like where we are. You heard many speak up at our corrupted contract public opinion meeting . Current board members need to pay attention and accept the facts and speak up to clean it up and join those who are and will. This current Chamber structure will never survive what's coming and the good people of this board need to act soon as to not be humiliated for being deceived, tricked and fooled.

We have much more on Bill miles to deal with like 4 million past welcome center , local app with Steve riley , trips to China with his family also turned over my whistle blower who said he robbed us , trips to England , monies to Canada , comingled bank accounts , travel / hotels /meals etc , free golf memberships , corporate

entrainment on and off golf course , bills sons golf whistleblower claims is part of corporate entertainment and much more .

Oh and Steve riley one last thing all town codes , RFPs , fair bidding and who added the Hilton head chamber to down code to eliminate fair bids and competition . Lee Edwards remember you once were for this ? Lee if chamber was in landscape business selling plants and you were a member what would you do ? Accept it and say nothing ??????? Thx

Sent from my iPhone excuse all typos and misspellings

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ELECTRONICALLY FILED – 2024 Mar 08 9:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

From: CC Hoagland <skiphoagland@yahoo.com>
Sent: Friday, December 11, 2015 8:15 AM
To: Bennett, David; Likins Kim
Subject: Fwd: Kim Likins

Fyi

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
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US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5942-3202

Begin forwarded message:

> **From:** CC Hoagland <skiphoagland@yahoo.com>
> **Date:** December 10, 2015 at 4:42:30 PM EST
> **To:** Michael Briggs <mgbriggs2003@yahoo.com>
> **Cc:** Taylor Smith <Taylor@harrisonfirm.com>
> **Subject: Re: Kim Likins**
>
> Thank you !! My position is i will not support any organization that supports or allows its employees to not be truthful or has conflict . Mrs likins might be a good employee , but her other job as town council failed me and others and feel its a reflection on her no matter where she works or serves .
>
> Sent from my iPhone excuse all typos and misspellings
>
> Skip Hoagland / CEO
> Domains New Media LLC
> US cell 843-384-7260
> Off. Buenos Aires , Argentina
> 011-54-9-11-5942-3202
>
> On Dec 10, 2015, at 4:18 PM, Michael Briggs <mgbriggs2003@yahoo.com> wrote:
>
> > Your demand that Kim Likins be terminated from her position at the Hilton Head Island Boys & Girls Club has been considered and is hereby rejected. Ms. Likins is an outstanding employee and has the complete support of the officers and Board of the Club.

Michael G. Briggs
Board President - HHI BGC

Ex. A

ELECTRONICALLY FILED – 2022-03-09 9:55 AM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

ELECTRONICALLY FILED – 2020-08-Mar 09:35 AM – BEAUFORT – COMMON PLEAS – CASE#2015CP0702937

From: CC Hoagland <skiphoagland@yahoo.com>
Sent: Friday, December 11, 2015 6:32 PM
To: zmurdock@islandpacket.com; Lucas High; Likins Kim; Gregg Alford; Hulbert Brian
Cc: Bennett, David; Harkins Bill; Lee Edwards; Lennox, Tom; McCann John; Grant Marc; Terry Finger; Riley Steve; Rick Caporale; Cynthia Bensch; Weston Newton; Jerry Stewart; sturodman@aol.com; tvaux@bcgov.net; psommerville@bcgov.net; sfobes@bcgov.net; brianf@bcgov.net; gdawson@bcgov.net
Subject: Re: Kim likins loses 100 k in scam to another town clown / Kim likins files defamatory lawsuit against skip hoagland

I again stand by all I say about Kim likins . Interesting her lawyer is Gregg Alford town lawyer ????? Who's paying for this ???This analogy of Kim likins and her husband scammed was compared to Bill miles . Kim got upset with her own 100k money lost , but not tax payers money . She again lied , had conflict and should never been allowed to vote on contract and should have recused herself . She violated pubic trust and fiduciary responsibility to tax payers . Like Lisa sulka , Bill miles and even Jeff moss school superintendent ,who many said he should not be in charge of our schools and is a bad example to our boys , girls ,and school system , by changing rules and nepotism . I feel
Kim and everyone else who violates us should be fully disgraced and held accountable to our entire community and all its businesses . If you lie on council you probably lie and deceive in your other life and perhaps even your own family . There is no question Kim likins was either corrupted , influenced or incompetent . The contract signed or not was corrupted in many ways ..... This has all been revealed and more after Jan 1

My claim is this recent defamatory law suit filed by Kim likins and Gregg Alford town council lawyer has no credibility , is frivolous and without merit . It was done with the intention of trying to make me look bad , harm me more , just like what Lisa sulka did with defaming me with actions and words pulling me out of a public building by police officers ,taking orders from Sulka which they have already admitted and will show in their report I am supposed to receive tomorrow . I am the good guy , exposing corruption yet the bad people versus apologizing and stopping corruption want to attack me to try and beat me down do they can keep corrupting and lying .
This ain't going to happen !!!!!! Thx

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland / CEO
Domains New Media LLC
US cell 843-384-7260
Off. Buenos Aires , Argentina
011-54-9-11-5942-3202

On Dec 11, 2015, at 4:41 PM, CC Hoagland <skiphoagland@yahoo.com> wrote:

> I stand by this analogy !
>
> Sent from my iPhone excuse all typos and misspellings
>
> Skip Hoagland / CEO
> Domains New Media LLC
> US cell 843-384-7260

Ex. A

Off. Buenos Aires, Argentina
011-54-9-11-5942-3202

Begin forwarded message:

From: CC Hoagland <skiphoagland@yahoo.com>
Date: December 8, 2015 at 2:24:02 PM EST
To: Likins Kim <KimL@hiltonheadislandsc.gov>
Subject: Fwd: Kim likins loses 100 k in scam to another town clown

> Kim look at your comments after you lost 100 k with your own money not tax payers money !This will be forwarded and used in your deposition ! You must be proud of yourself

And can tell you the ongoing approval of the economic council and now recent request for 1m based in no track record of success will be questioned soon..

<Kim Likins Investment.pdf>

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ELECTRONICALLY FILED - 2018 Jan 23 12:35 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT Kim Likins, Plaintiff, vs. C. C. Hoagland, Defendant.	IN THE COURT OF COMMON PLEAS FOR THE FOURTEENTH JUDICIAL CIRCUIT CASE NO.: 2015-CP-07-2937 **DEFENDANT'S REPLY TO PLAINTIFF'S MOTION FOR CONTEMPT AND/OR RULE TO SHOW CAUSE**

Defendant, by and through his undersigned attorney, responds to Plaintiff's Motion for Order and/or Rule to Show Cause for failure to Comply with the Court's Order of November 8, 2017 with the following:

This case has sustained substantial media coverage, and as such, The Court has issued a gag, or prior restraint, order on the parties and lawyers in the case, prohibiting them from discussing the legal action itself, or the substance of the allegations in the Pleadings, in order to preserve the parties' rights to a fair trial dated November 8, 2017. See Ex. A.

Accordingly, Mr. Hoagland has not violated this gag order as alleged by the Plaintiff. Mr. Hoagland, an outspoken political activist on matters concerning transparency in government, has been accused of speaking about the present lawsuit in violation of the above referenced gag order.

The Defendant has several matters currently being litigated as it relates to issues surrounding corruption and transparency in local government. During the course of discovery in the case at bar, it was revealed that the Plaintiff's legal fees were being paid with taxpayer monies. As such, the Defendant immediately sought to amend the pleadings to allow for a counter-claim against Mrs. Likins for the same.

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However, this Court declined to grant the Defendant leave to amend the pleadings, which would have allowed Mr. Hoagland to add a counter-claim to concurrently resolve the tangentially related issue of the Plaintiff's attorney's fees. Instead, Mr. Hoagland filed a separate action in the United Stated District Court for the District of South Carolina, C/A No. 9:17-cv-1374-RMG, See Ex. B. This Federal lawsuit bought by Mr. Hoagland against Hilton Head Island town leadership alleges various claims of abuse as it relates to Mrs. Likins and Town Councilmembers being complicit with Mrs. Likins hiring attorneys with taxpayer money to sue a private citizen in an attempt to silence a vocal critic. While the matters at issue in Mr. Hoagland's Federal lawsuit may be relevant to the present case, the jury will not ultimately return a verdict on whether there was impropriety on the part of town leadership with respect to paying Mrs. Likins' attorney's fees with taxpayer monies.

Defendant does not dispute that he has continued his political activist work to improve government transparency with respect to the Hilton Head Town Council; however, he has refrained from discussing the Boys and Girls Club as well as the specific allegations of defamation by Mrs. Likins since the issuance of the Order.

I. DEFENDANT'S STATEMENTS DO NOT VIOLATE THE ORDER BECAUSE THEY RELATE TO A DIFFERENT LAWSUIT

Mr. Hoagland's continued discourse does not fall within the Court's Order Prohibiting Pre-Trial Communication because the subject matter of Mr. Hoagland's statements relate to a separate lawsuit. The Supreme Court of the United States has established that "a short-lived "gag" order in a case of widespread concern to the community constitutes a substantial prior restraint, and causes irreparable injury to First Amendment interests as long as it remains in effect." Capital Cities Media, Inc. v. Toole, 463 U.S. 1303, 1304, 103 S. Ct. 3524 (1983). Accordingly, given the need to protect

one's First Amendment right of Free Speech, the scope of the gag order must be narrowly tailored, both in scope and duration. State Record Co. v. State, 332 S.C. 346, 354, 504 S.E.2d 592 (1998). Therefore, in accordance with these principles, the language in the governing order may only restrict statements relating to those issues which will be ultimately determined by the jury. As such, Mr. Hoagland did not violate the gag order that is currently in effect.

In the present case, the jurors will ultimately determine whether the statements made by Mr. Hoagland against the Plaintiff are in fact defamatory. While there has been pervasive discourse regarding matters pertaining to corruption within Town Council, the Chamber of Commerce Members, and allegations of improper payment of attorneys fees, and improper use of ATAX funds, these topics are not the ultimate issues to be considered by a jury. As such, Mr. Hoagland's commentary on these tangential issues does not fall within the parameters of the prohibited speech by Order of this Court. The content of the alleged non-compliant emails relates to a separate lawsuit brought by Mr. Hoagland against the Town of Hilton Head and individual members of Council which was removed to Federal Court on May 25, 2017.

In fact, this Court determined the issues aforesaid were sufficiently distinct from those matters at issue in the present lawsuit such that a separate lawsuit was appropriate and warranted. Accordingly, Defendant's Motion to Amend the pleadings to assert a counterclaim in the present suit was denied by this Court. Therefore, these issues, which are tangentially related to the present lawsuit, yet material to the Defendant's Federal lawsuit, fall under the purview and jurisdiction of the United States District Court for the District of South Carolina, and are not within this Court's jurisdictional reach.

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Finally, the content of the alleged non-conforming emails include critical statements by Mr. Hoagland regarding the Town of Hilton Head and the Chamber of Commerce, neither of which are a party to the present suit. As such, the alleged non-compliant emails do not violate the gag order dated November 6, 2017 for the foregoing reasons, and thus, Mr. Hoagland should not be penalized for continuing his advocacy work on all matters which are only superficially related to the allegations contained in the case herein.

II. IF THE ORDER PROHIBITS ANY AND ALL STATEMENTS REGARDING TANGENTIAL MATTERS, THE ORDER VIOLATES THE DEFENDANT'S FIRST AMENDMENT RIGHT OF FREEDOM OF SPEECH

The present gag order, if it restricts Mr. Hoagland from engaging in all discourse on *any* issue ever discussed over the course of the litigation, violates his First Amendment right of Free Speech. There is a strong presumption against prior restraints when considering whether such a restriction of speech is necessary. New York Times Co. v. United States, 403 U.S. 713, 714 (1971). While guarantees of freedom of expression are not absolute, the barrier to securing prior restraint is high, and there is a presumption against allowing such restraint. Nebraska Press Association v. Stuart, 427 U.S. 539, 49 L. Ed. 2d 683, 96 S. Ct. 2791 (1976). Under the First Amendment, content-based restrictions on speech are permissible only when they are no greater than necessary to protect an accused's right to a fair trial or an impartial jury. See Procunier v. Martinez, 416 U.S. 396, 413, 40 L. Ed. 2d 224, 94 S. Ct. 1800 (1974).

A gag order should avoid violating the individual's First Amendment rights at all costs. If the language in the gag order prevents Mr. Hoagland from making any statements, even those which relate to matters that are only tangentially involved in the present suit, he would effectively be forced to discontinue all of his advocacy work in the local community. In the present case, the Plaintiff has failed to overcome the

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overwhelming burden that would warrant such a broad reaching restraint on the Defendant's Freedom of Speech. Pursuant to the Order Prohibiting Pretrial Communications and Publicity, electronically filed November 8, 2017, Mr. Hoagland has been ordered not to discuss "any aspect of this action until a jury verdict has been returned." If this prohibition is interpreted as preventing him from discussing any issue that has been superficially discussed over the course of this lengthy litigation process, even those issues upon which the jury will not ultimately decide, the restraint effectively silences him. Mr. Hoagland has dedicated his retirement to becoming a political activist who is committed to bringing to light instances of political corruption in the community. The ultimate issue in the present action is whether Mr. Hoagland has defamed Mrs. Likins. This Court cannot also limit Mr. Hoagland's ability to speak on pervasive corruption in the community simply because the corruption was discussed over the course of discovery in the case at bar.

III. THE DEFENDANT DID NOT HAVE NOTICE THAT THE GAG ORDER PREVENTED THIS TYPE OF COMMUNICATION.

Even if the Court determines that the Order may restrict commentary even on tangential issues, the Defendant did not have notice of the scope of the Order as he was not provided with a copy of the final order prior to his statements. In order to be bound by an order restricting behavior, the restricted person must have actual notice of the terms of the order. See Carroll v. President & Comm'rs of Princess Anne, 393 U.S. 175, 89 S. Ct. 347 (1968) (where the Court struck down a restraining order preventing a white supremacist group from demonstrating because the terms were not effectively communicated with the group).

The Defendant did not have sufficient knowledge of the limitations placed on him as it relates to the Order dated November 8, 2017. Defense Counsel's legal assistant at

the time of the receipt of this Order did not properly save the Order to the electronic file. As such, no formal written order outlining the constraints of this prohibition on communication was conveyed to the Defendant. Defense Counsel's legal assistant at the time indicated that she was overwhelmed and turned in her notice two weeks after the receipt of this Order. As a result, Defense Counsel did not realize that the Defendant was not provided with the same. Thus, Mr. Hoagland should not be held accountable for violating an order of which he had no knowledge or understanding.

IV. HOAGLAND'S COMMENTS WERE INSTIGATED BY COUNSEL AS AN ATTEMPT TO TAUNT HIM

The comments made by the Defendant should be excused as they were intentionally elicited by Counsel for the Plaintiff in an attempt to antagonize the Defendant. Every attorney who practices in the State of South Carolina must take the Lawyer's Oath which requires that attorneys swear or affirm that he or she will maintain an oath of civility when communicating with opposing parties and their counsel. SCRCP Rule 402 (h)(3). It is alleged in Plaintiff's Motion for Order and/or Rule to Show Cause that the Defendant made abusive comments towards Counsel for the Plaintiff. However, it is the position of the Defendant that this commentary was in direct response to taunting behavior. The Defendant alleges that these comments were in response to an offensive hand gesture directed at the Defendant by Opposing Counsel. This taunting, which successfully upset the Defendant, clearly falls outside the oath of civility. As such, the Defendant's responsive comments should be excused as it was the intended purpose of Opposing Counsel to elicit a negative response.

[SIGNATURE TO FOLLOW]

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CLAWSON and STAUBES, LLC

s/Barrett R. Brewer
Barrett R. Brewer
Bar No.: 70397
126 Seven Farms Drive, Suite 200
Charleston, South Carolina 29492-8144
Phone: (843) 577-2026
Fax: (843) 722-2867
Email: bbrewer@clawsonandstaubes.com
Attorney for C. C. "Skip" Hoagland

Charleston, South Carolina

January 23, 2018

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(NOT FOR CONFIDENTIAL COMMUNICATIONS)

GREGORY M. ALFORD*
A. MICHAEL BARNES
THOMAS E. WILLIAMS†

*Also member Georgia Bar
† Of Counsel

January 19, 2018

Honorable R. Lawton McIntosh
P.O. Box 8002
Anderson, SC 29621

Re: Kim Likins vs. C.C. "Skip" Hoagland
Case No: 2015-CP-07-2937

Dear Judge McIntosh:

Attached please find additional exhibits in support of our Motion for our Rule to Show Cause that was filed with the Court on January 4, 2018.

Thank you for your attention to this matter and as always should you have any questions or concerns please let us know.

Sincerely,
ALFORD LAW FIRM, LLC

Gregory M. Alford

GMA/vka
Cc: Barrett Brewer

Gmail by Google

Gregg Alford <gregg@alfordlawsc.com>

Remove this order and give me my 4500 back

CC Hoagland <skiphoagland@yahoo.com> Thu, Jan 18, 2018 at 4:11 PM
To: mdukes@bcgov.net, Barrett Brewer <BBrewer@clawsonandstaubes.com>, gregg@alfordlawsc.com, KimL@hiltonheadislandsc.gov
Cc: Attorney General Alan Wilson Attorney General Allan Wilson <AWilson@scag.gov>, Sled Paul Grant Sled Paul Grant <mkeel@sled.sc.gov>, dpascoe@scsolicitor1.org

Marvin what would you do if someone sued you with public tax monies. So tell me how Likins and Alford get to use/,steal 200k in tax money to sue me , and I don't get to use tax money to defend myself,and had to use my own money and my insurance money that destroyed my wife and I perfect insurance record for 50 yrs, and now left uninsured? Why do you gag me, fine me 4500, versus arrest both of them and toss this case out of court. Who pays for my damages ??????

I will call you Judge when you start acting like one. Thanks

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland
US cell 843-384-7260
Buenos Aires , Argentina
011-54-9-11-5942-3202

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Gmail by Google

Gregg Alford <gregg@alfordlawsc.com>

Letter to the editor on the Crook Bill miles and Hhi chamber refusing Foia - Crook Gregg Alford Town Lawyer says I am a trouble maker—He needs to be fired and booted off this island!

CC Hoagland <skiphoagland@yahoo.com> Thu, Jan 18, 2018 at 3:18 PM
To: gregg@alfordlawsc.com, bill miles <bmiles@hiltonheadisland.org>, Barrett Brewer <BBrewer@clawsonandstaubes.com>, david tigges <dtigges@mcnair.net>, stever@hiltonheadislandsc.gov, mdukes@bcgov.net, edukes@lcre.com, jwiendl@sonesta.com, paula@phbethea.com, Linton@wgfllaw.com
Cc: davidb@hiltonheadislandsc.gov, Tom Lennox <toml@hiltonheadislandsc.gov>, JohnM@hiltonheadislandsc.gov, WilliamH@hiltonheadislandsc.gov, David Ames <amesco@earthlink.net>, KimL@hiltonheadislandsc.gov, stever@hiltonheadislandsc.gov, brianh@hiltonheadislandsc.gov

I want to be clear. I will fight any gag order that violates my federal rights or my Florida state citizen rights. I am in 7 lawsuits and will file another one against the Town of Hilton Head soon. Regardless of gag order on just one lawsuit, I have no gag order on my others. Gregg, you, crook Steve Riley and Brian Hulbert used and committed theft of Town general public tax funds to become a private corporation chamber member. Most all of this council went to the chamber ball to wine and dine on tax payers dime, correct???? Yes, David Tigges calls this the annual meeting. Mr Weindl, I don't lie..I never called you a weisel. I have never claimed anyone is a danger to anyone. I have never bribed anyone. I don't lie?
All my emails are and will be about all my lawsuits, not just one gagged lawsuit. I honestly only care about one thing and one thing only - full transparency, not he said, she said and all the sick twisted lying games. Tired of hearing about people's fear of me and guns. Mr Alford, if anyone is unstable, it's you with your delusional paranoia. This is caused by an extreme case of self guilt.
Delusional disorder is a mental illness in which the patient presents delusions, but with no accompanying prominent hallucinations, thought disorder, mood disorder, or significant flattening of affect.[1][2] Delusions are a specific symptom of psychosis. Delusions can be "bizarre" or "non-bizarre" in content; non-bizarre delusions are fixed false beliefs that involve situations that *could* potentially occur in real life, such as being followed, shot or poisoned. Apart from their delusions, people with delusional disorder may continue to socialize and function in a normal manner and their behavior does not necessarily generally seem odd. However, the preoccupation with delusional ideas can be disruptive to their overall lives "and lives of others"..

To keep trying to make or paint me as some guy people fear, is crazy and will backfire on you. Mr Alford, you are simply a lying, crooked, incompetent and corrupt lawyer to me and you don't exist. You are just an illegal lawyer and have no standing and should not be allowed to represent any council member individually and in violation of your Town lawyer contract and worse, profit your crooked pocket. You should not be allowed in our depositions, worse to try and provoke me and shot the finger bird, never imagined a lawyer existed like this. You spread rumors about canceled weapons and danger, and intentionally even made the court reporters to be scared of me intentionally to harm me. What did you tell them for them to be scared of me ????you are the danger to yourself. Get help.

Your legal services as Town lawyer for over 14 yrs and pocketing over 4 m also violates procurement, by not giving opportunity to other honest lawyers. You and Brian Hulbert should both be fire and sued for malpractice by the Town. You have done nothing but create problems for everyone with bad and incompetent legal advice. When I operated my companies, you would have never qualified to be my lawyer.

I guess unfortunately I have to be in more depos with you on my next lawsuit where I sued you this time. The tide has turned.

Can't wait to hear more about secret hiring of McNair law firm, 150 k on hurricane Irma, and who is a member of the chamber you and your cronies Riley and Hulbert using general public tax monies that were secret, not approved and was an unconstitutional misuse and theft of public funds. You seem to have a habit of hanging around public funds. I see the only way to fix this is, versus just the Town council wining and dining on tax payers dime privately, all tax payers are now members and wine and dine, and more importantly we all get access to the chamber books, right? Seems greed has caused crook Bill Miles problems, you use public funds, you open yourself up to public scrutiny. I now claim all tax payers are members and will ask a tax payer to sue for a legal ruling. The question is simple, if Town council are members all tax payers are members, how is it possible an elected public servant official can use your public tax monies for private benefit and claim he / she is a private chamber member and you the tax payer whose money council used is not? How is it Town Council is a member and claims to be for transparency and not asking Bill Miles and Ray Deal for access to the accounting under the SC non profit corporation act laws? How is it this Council will not even demand a forensic audit or defund until it does. Our councils are doing nothing but facilitating and allowing theft as accomplices and co-conspirators.

Mr Alford, don't go running to the Judge with more lies. My emails are not about a gagged lawsuit. I assume there will be 10 lawsuits before it all ends. I feel very sorry for anyone who gets associated with you. I guess the one satisfaction I get from all this is now watching you have to work for free as your punishment, with zero chance of being paid and I assume soon fired or disbarred and forced to pay back all the stolen monies you received for your illegal legal fees. You could not be trusted with a low

level job at Walmart. My final question is, how does a judge gag me dealing with you, if you are illegal, criminal and in violation of the Town lawyer contract and legal services procurement? What exactly have I violated? Have I ever lied?

Lastly Gregg, perhaps we both need to get a physical and mental evaluation to see who is more physically and mentally fit like President Trump just did? Add a lie detector test?

Polygraph results not **admissible**as evidence in criminal **courts**, per R. V. ... However, results of **polygraph** examinations are **admissible in civil** and labor **courts** at the discretion of the judge. The following are **court**citations wherein **polygraph** results were admitted as evidence.

No Thanks

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland
US cell 843-384-7260
Buenos Aires , Argentina
011-54-9-11-5942-3202

Begin forwarded message:

From: Skip Hoagland <shoagland@me.com>
Date: January 18, 2018 at 12:04:34 AM EST
To: Marilyn Bullard <bullardpiwko@aol.com>, bill miles <bmiles@hiltonheadisland.org>, stever@hiltonheadislandsc.gov, Cary Corbitt <CCorbitt@seapines.com>, jwiendl@sonesta.com, Will Folks <will.folks@gmail.com>, david@myrtlebeachsc.com, "Thenerve.org Rick" <rick.brundrett@gmail.com>, paula@phbethea.com, Weston Newton <wnewton@jsplaw.net>, psommerville@bcgov.net, mdukes@bcgov.net, Jeffrey.Moss@beaufort.k12.sc.us, lsulka@townofbluffton.com, morlando@townofbluffton.com, jgruber@bcgov.net, Blakely Williams <blakelyw@beaufortsc.org>, Billy Keyserling <billyk@islc.net>, "William G. Bill Herbkersman" <schsdistrict118@aol.com>, Kelly Meyerhofer <kmeyerhofer@islandpacket.com>, Mcdonough <jmcdonough@islandpacket.com>, Lucas High <lhigh@islandpacket.com>, edukes@lcre.com, bcreech@websterrogers.com, rwarco@websterrogers.com, Ryan McAvoy <mcavoylegend@gmail.com>, Russ Keep <hhlaw@hargray.com>, Paul Porter <Paul@cbphlaw.com>, Matt Adkins <madkins@hargray.com>, gregg@alfordlawsc.com, christina.gwozdz@beaufort.k12.sc.us, Tom Upshaw <GTomUpshaw@gmail.com>, david tigges <dtigges@mcnair.net>, marksanford99@gmail.com, jupshaw@uscb.edu, Steve Birdwell <sbirdwell@seapines.com>, DeAnn Komanecky <DeAnn.Komanecky@blufftontoday.com>, John Munro <JMunro@seapines.com>, Sled Paul Grant Sled Paul Grant <mkeel@sled.sc.gov>, Attorney General Alan Wilson Attorney General Allan Wilson <AWilson@scag.gov>, bortonb@uscb.edu, b_fleming@hargray.com, Brad Marra <bmarra@palmettodunes.com>, tvaux@bcgov.net, cclark@hiltonheadisland.org, eyelandart@yahoo.com, Duane Parrish <dparrish@scprt.com>, Tim Scott <joe_mckeown@scott.senate.gov>, jrhodes@cityofmyrtlebeach.com, tecklenburgj@charleston-sc.gov, mcovert@bcgov.net, rcaporale@bcgov.net, gringoviejotwo@yahoo.com
Cc: Steve Birdwell <sbirdwell@seapines.com>, John Munro <JMunro@seapines.com>, "b_fleming@hargray.com" <b_fleming@hargray.com>, "bortonb@uscb.edu" <bortonb@uscb.edu>, Brad Marra <bmarra@palmettodunes.com>, david tigges <dtigges@mcnair.net>, Attorney General Alan Wilson Attorney General Allan Wilson <AWilson@scag.gov>, Sled Paul Grant Sled Paul Grant <mkeel@sled.sc.gov>, "cclark@hiltonheadisland.org" <cclark@hiltonheadisland.org>, "tvaux@bcgov.net" <tvaux@bcgov.net>, "christina.gwozdz@beaufort.k12.sc.us" <christina.gwozdz@beaufort.k12.sc.us>, "gregg@alfordlawsc.com" <gregg@alfordlawsc.com>, "Komanecky, DeAnn" <DeAnn.Komanecky@blufftontoday.com>, "marksanford99@gmail.com" <marksanford99@gmail.com>, "zoomru@yahoo.com" <zoomru@yahoo.com>, Tom Upshaw <GTomUpshaw@gmail.com>, "jupshaw@uscb.edu" <jupshaw@uscb.edu>, "eriggs949@gmail.com" <eriggs949@gmail.com>, Duane Parrish <dparrish@scprt.com>, "brad.dean@visitmyrtlebeach.com" <brad.dean@visitmyrtlebeach.com>, "hhill@cacvbmail.com" <hhill@cacvbmail.com>, "djennings@rrhlawfirm.com" <djennings@rrhlawfirm.com>, "mark@marksanford.com" <mark@marksanford.com>, "mcovert@bcgov.net" <mcovert@bcgov.net>, "tecklenburgj@charleston-sc.gov" <tecklenburgj@charleston-sc.gov>, "JohnM@hiltonheadislandsc.gov" <JohnM@hiltonheadislandsc.gov>, Tom Lennox <toml@hiltonheadislandsc.gov>, "WilliamH@hiltonheadislandsc.gov" <WilliamH@hiltonheadislandsc.gov>, "john@scrla.org" <john@scrla.org>, "ted.pitts@scchamber.net" <ted.pitts@scchamber.net>, Otis Rawl Otis Rawl <otis@lexingtonsc.org>, "sunny.philips@scchamber.net" <sunny.philips@scchamber.net>, "susan@surfcityusa.com" <susan@surfcityusa.com>, "susanthomas@suncity.org" <susanthomas@suncity.org>, "brianh@hiltonheadislandsc.gov" <brianh@hiltonheadislandsc.gov>, "patricia@facesdayspa.com" <patricia@facesdayspa.com>, Carolyn Vanagel <cvanagel@hhiconcours.com>, "stewartbrown@yahoo.com" <stewartbrown@yahoo.com>, "gregd@hiltonheadislandsc.gov" <gregd@hiltonheadislandsc.gov>, "jeffbradley@schouse.gov" <jeffbradley@schouse.gov>, Sarah Borton Sarah Borton <sgillis@islandpacket.com>,

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Subject: Letter to the editor on the Crook Bill miles and Hhi chamber refusing Foia - Crook Gregg Alford Town Lawyer says I am a trouble maker—He needs to be fired and booted off this island!

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Gmail by Google

Gregg Alford <gregg@alfordlawsc.com>

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I need your help and support to fight Al Capone! I do not need your money just help! I need someone who is a chamber member or willing to join to force access to their secret financials. I will pay all cost your membership and Lawyer if they refuse

CC Hoagland <skiphoagland@yahoo.com> Thu, Jan 18, 2018 at 12:39 PM
To: gregg@alfordlawsc.com, Barrett Brewer <BBrewer@clawsonandstaubes.com>, mdukes@bcgov.net, edukes@lcre.com, Weston Newton <wnewton@jsplaw.net>, bill miles <bmiles@hiltonheadisland.org>, Blakely Williams <blakelyw@beaufortsc.org>, jwiendl@sonesta.com, Billy Keyserling <billyk@islc.net>, rdeal@hiltonheadisland.org, rwarco@websterrogers.com, bcreech@websterrogers.com, paula@phbethea.com, "William G. Bill Herbkersman" <schsdistrict118@aol.com>, david tigges <dtigges@mcnair.net>, David Ames <amesco@earthlink.net>, davidb@hiltonheadislandsc.gov, WilliamH@hiltonheadislandsc.gov, Tom Lennox <toml@hiltonheadislandsc.gov>, KimL@hiltonheadislandsc.gov, JohnM@hiltonheadislandsc.gov, MarcG@hiltonheadislandsc.gov, Cynthia Bensch <bensch@hargray.com>, psommerville@bcgov.net, Jerry Stewart <jstewart@bcgov.net>, John Dowling <dowlingjohn287@gmail.com>, jgruber@bcgov.net, stever@hiltonheadislandsc.gov
Cc: Attorney General Alan Wilson Attorney General Allan Wilson <AWilson@scag.gov>, Sled Paul Grant Sled Paul Grant <mkeel@sled.sc.gov>, Sled Paul Grant Sled Paul Grant <pgrant@sled.sc.gov>, dpascoe@scsolicitor1.org, mburchstead@ethics.sc.gov, shamm@ethics.sc.gov, John Pruett <pruett.john.s@gmail.com>, Jeremia Froyland <jeremiafroyland@gmail.com>, Art Davis <art@globallylocally.com>, josh.metnick@gmail.com

Any comments? Mr Alford you or anyone want to continue to try and paint me as a liar or a danger ? Send exactly what that is based on ? Seems I might have another lawsuit for this false rumor you have created to harm me by your own mental disorder "delusional paranoia". Please don't keep trying to tie all this in with any Unconstitutional Gag order. We have studied all this for 17yrs.....I have been furnishing numbers to authorities for over 3 yrs on all this theft and corruption.

This is not about who is a danger or to society, or a liar, it's about theft, secrecy, non transparency to our tax dollars.. I and others fully understand how you would like to shift this focus to me ,not you. I get your desperate attempt, that's all you have left..

Mr Miles, Mr Deal by now you should both know you are headed to prison. Mr Deal the only way to save yourself with a reduced sentence will be to turn yourself in to Sled / FBI / Irs and beg for mercy like they did in Berkeley. I expect the other accountants and auditors to do the same ASAP before it's to late for you. We have fully reviewed your claimed commingled accounting with no receipts, no detailed ledgers, and your zero out on tax returns. You better refresh yourselves with Berkeley sc case and Palm Beach Forensic audits. Mr Deal I once saw you break down and cry and highly suggest before you get into this situation again, you come clean. ""Numbers don't lie people do""

Mr Alford you need to seek medical help for your delusional paranoia condition and eating disorder. Read here. I do not believe you are a danger just have mental disorders https://en.m.wikipedia.org/wiki/Delusional_disorder

I also suggest this for us;
Lie detection test:
But are they actually **admissible in court**? **Courts** don't have to admit **lie detector tests**, according to a U.S.

Supreme **Court**case that specifies how **courts** deal with scientific evidence. Instead, individual judges have discretion to decide if a **polygraph** will be admitted based on certain criteria.

And suggest a meeting with a psychiatrist and Medical Dr like Trump just did, to determine which one of us is more mentally and physically fit and not a potential danger to society? We both have canceled weapons permits, however I assume you never had a mental evaluation to qualify. Correct ? I get a full physical and evaluation annually at Mayo Clinic, I am happy to provide results.

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland
US cell 843-384-7260
Buenos Aires , Argentina
011-54-9-11-5942-3202

Begin forwarded message:

From: Skip Hoagland <shoagland@me.com>
Date: January 18, 2018 at 11:34:59 AM EST
To: Marilyn Bullard <bullardpiwko@aol.com>, bill miles <bmiles@hiltonheadisland.org>, stever@hiltonheadislandsc.gov, Cary Corbitt <CCorbitt@seapines.com>, jwiendl@sonesta.com, Will Folks <will.folks@gmail.com>, david@myrtlebeachsc.com, "Thenerve.org Rick" <rick.brundrett@gmail.com>, paula@phbethea.com, Weston Newton <wnewton@jsplaw.net>, psommerville@bcgov.net, mdukes@bcgov.net, Jeffrey.Moss@beaufort.k12.sc.us, lsulka@townofbluffton.com, morlando@townofbluffton.com, jgruber@bcgov.net, Blakely Williams <blakelyw@beaufortsc.org>, Billy Keyserling <billyk@islc.net>, "William G. Bill Herbkersman" <schsdistrict118@aol.com>, Kelly Meyerhofer <kmeyerhofer@islandpacket.com>, Mcdonough <jmcdonough@islandpacket.com>, Lucas High <lhigh@islandpacket.com>, edukes@lcre.com, bcreech@websterrogers.com, rwarco@websterrogers.com, Ryan McAvoy <mcavoylegend@gmail.com>, Russ Keep <hhlaw@hargray.com>, Paul Porter <Paul@cbphlaw.com>, Matt Adkins <madkins@hargray.com>, gregg@alfordlawsc.com, christina.gwozdz@beaufort.k12.sc.us, Tom Upshaw <GTomUpshaw@gmail.com>, david tigges <dtigges@mcnair.net>, marksanford99@gmail.com, jupshaw@uscb.edu, Steve Birdwell <sbirdwell@seapines.com>, DeAnn Komanecky <DeAnn.Komanecky@blufftontoday.com>, John Munro <JMunro@seapines.com>, Sled Paul Grant Sled Paul Grant <mkeel@sled.sc.gov>, Attorney General Alan Wilson Attorney General Allan Wilson <AWilson@scag.gov>, bortonb@uscb.edu, b_fleming@hargray.com, Brad Marra <bmarra@palmettodunes.com>, tvaux@bcgov.net, cclark@hiltonheadisland.org, eyelandart@yahoo.com, Duane Parrish <dparrish@scprt.com>, Tim Scott <joe_mckeown@scott.senate.gov>, jrhodes@cityofmyrtlebeach.com, tecklenburgj@charleston-sc.gov, mcovert@bcgov.net, rcaporale@bcgov.net, gringoviejotwo@yahoo.com, jpedersen@cityofmyrtlebeach.com, John Crangle <johncrangle2@gmail.com>, John Barnwell <jbarnwell@postandcourier.com>, brad.dean@visitmyrtlebeach.com, John Pruett <pruett.john.s@gmail.com>, djennings@rrhlawfirm.com, zoomru@yahoo.com, josh.metnick@gmail.com, Jeremia Froyland <jeremiafroyland@gmail.com>, Art Davis <art@globallylocally.com>, ted.pitts@scchamber.net, Otis Rawl Otis Rawl <otis@lexingtonsc.org>, Lee Bright <Lee@brightagencyinc.com>
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Subject: I need your help and support to fight Al Capone! I do not need your money just help! I need someone who is a chamber member or willing to join to force access to their secret financials. I will pay all cost your membership and Lawyer if they refuse

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I need your help and support to fight Al Capone! I do not need your money just help! I need someone who is a chamber member or willing to join to force access to their secret financials. I will pay all cost your membership and Lawyer if they refuse

Skip Hoagland <shoagland@me.com> Thu, Jan 18, 2018 at 11:34 AM

To: Marilyn Bullard <bullardpiwko@aol.com>, bill miles <bmiles@hiltonheadisland.org>, stever@hiltonheadislandsc.gov, Cary Corbitt <CCorbitt@seapines.com>, jwiendl@sonesta.com, Will Folks <will.folks@gmail.com>, david@myrtlebeachsc.com, "Thenerve.org Rick" <rick.brundrett@gmail.com>, paula@phbethea.com, Weston Newton <wnewton@jsplaw.net>, psommerville@bcgov.net, mdukes@bcgov.net, Jeffrey.Moss@beaufort.k12.sc.us, lsulka@townofbluffton.com, morlando@townofbluffton.com, jgruber@bcgov.net, Blakely Williams <blakelyw@beaufortsc.org>, Billy Keyserling <billyk@islc.net>, "William G. Bill Herbkersman" <schsdistrict118@aol.com>, Kelly Meyerhofer <kmeyerhofer@islandpacket.com>, Mcdonough <jmcdonough@islandpacket.com>, Lucas High <lhigh@islandpacket.com>, edukes@lcre.com, bcreech@websterrogers.com, rwarco@websterrogers.com, Ryan McAvoy <mcavoylegend@gmail.com>, Russ Keep <hhlaw@hargray.com>, Paul Porter <Paul@cbphlaw.com>, Matt Adkins <madkins@hargray.com>, gregg@alfordlawsc.com, christina.gwozdz@beaufort.k12.sc.us, Tom Upshaw <GTomUpshaw@gmail.com>, david tigges <dtigges@mcnair.net>, marksanford99@gmail.com, jupshaw@uscb.edu, Steve Birdwell <sbirdwell@seapines.com>, DeAnn Komanecky <DeAnn.Komanecky@blufftontoday.com>, John Munro <JMunro@seapines.com>, Sled Paul Grant Sled Paul Grant <mkeel@sled.sc.gov>, Attorney General Alan Wilson Attorney General Allan Wilson <AWilson@scag.gov>, bortonb@uscb.edu, b_fleming@hargray.com, Brad Marra <bmarra@palmettodunes.com>, tvaux@bcgov.net, cclark@hiltonheadisland.org, eyelandart@yahoo.com, Duane Parrish <dparrish@scprt.com>, Tim Scott <joe_mckeown@scott.senate.gov>, jrhodes@cityofmyrtlebeach.com, tecklenburgj@charleston-sc.gov, mcovert@bcgov.net, rcaporale@bcgov.net, gringoviejotwo@yahoo.com, jpedersen@cityofmyrtlebeach.com, John Crangle <johncrangle2@gmail.com>, John Barnwell <jbarnwell@postandcourier.com>, brad.dean@visitmyrtlebeach.com, John Pruett <pruett.john.s@gmail.com>, djennings@rrhlawfirm.com, zoomru@yahoo.com, josh.metnick@gmail.com, Jeremia Froyland <jeremiafroyland@gmail.com>, Art Davis <art@globallylocally.com>, ted.pitts@scchamber.net, Otis Rawl Otis Rawl <otis@lexingtonsc.org>, Lee Bright <Lee@brightagencyinc.com>

Cc: Steve Birdwell <sbirdwell@seapines.com>, John Munro <JMunro@seapines.com>, "b_fleming@hargray.com" <b_fleming@hargray.com>, "bortonb@uscb.edu" <bortonb@uscb.edu>, Brad Marra <bmarra@palmettodunes.com>, david tigges <dtigges@mcnair.net>, Attorney General Alan Wilson Attorney General Allan Wilson <AWilson@scag.gov>, Sled Paul Grant Sled Paul Grant <mkeel@sled.sc.gov>, "cclark@hiltonheadisland.org" <cclark@hiltonheadisland.org>, "tvaux@bcgov.net" <tvaux@bcgov.net>, "christina.gwozdz@beaufort.k12.sc.us" <christina.gwozdz@beaufort.k12.sc.us>, "gregg@alfordlawsc.com" <gregg@alfordlawsc.com>, "Komanecky, DeAnn" <DeAnn.Komanecky@blufftontoday.com>, "marksanford99@gmail.com" <marksanford99@gmail.com>, "zoomru@yahoo.com" <zoomru@yahoo.com>, Tom Upshaw <GTomUpshaw@gmail.com>, "jupshaw@uscb.edu" <jupshaw@uscb.edu>, "eriggs949@gmail.com" <eriggs949@gmail.com>, Duane Parrish <dparrish@scprt.com>, "brad.dean@visitmyrtlebeach.com" <brad.dean@visitmyrtlebeach.com>, "hhill@cacvbmail.com" <hhill@cacvbmail.com>, "djennings@rrhlawfirm.com" <djennings@rrhlawfirm.com>, "mark@marksanford.com" <mark@marksanford.com>, "mcovert@bcgov.net" <mcovert@bcgov.net>, "tecklenburgj@charleston-sc.gov" <tecklenburgj@charleston-sc.gov>, "JohnM@hiltonheadislandsc.gov" <JohnM@hiltonheadislandsc.gov>, Tom Lennox <toml@hiltonheadislandsc.gov>, "WilliamH@hiltonheadislandsc.gov" <WilliamH@hiltonheadislandsc.gov>, "john@scrla.org" <john@scrla.org>, "ted.pitts@scchamber.net" <ted.pitts@scchamber.net>, Otis Rawl Otis Rawl <otis@lexingtonsc.org>, "sunny.philips@scchamber.net" <sunny.philips@scchamber.net>, "susan@surfcityusa.com" <susan@surfcityusa.com>, "susanthomas@suncity.org" <susanthomas@suncity.org>, "brianh@hiltonheadislandsc.gov" <brianh@hiltonheadislandsc.gov>, "patricia@facesdayspa.com" <patricia@facesdayspa.com>, Carolyn Vanagel <cvanagel@hhiconcours.com>, "stewartbrown@yahoo.com" <stewartbrown@yahoo.com>, "gregd@hiltonheadislandsc.gov" <gregd@hiltonheadislandsc.gov>, "jeffbradley@schouse.gov" <jeffbradley@schouse.gov>, Sarah Borton Sarah Borton <sgillis@islandpacket.com>, Terry Finger <tfinger@fingerlaw.com>, "rdeal@hiltonheadisland.org" <rdeal@hiltonheadisland.org>, Ryan McAvoy <mcavoylegend@gmail.com>, Brian Tolley <btolley@islandpacket.com>, "dpascoe@scsolicitor1.org" <dpascoe@scsolicitor1.org>, "shamm@ethics.sc.gov" <shamm@ethics.sc.gov>, "mburchstead@ethics.sc.gov" <mburchstead@ethics.sc.gov>, "jbagnall@ethics.sc.gov" <jbagnall@ethics.sc.gov>, "brogers@scpress.org" <brogers@scpress.org>, Jay Bender <jbender@brblegal.com>, "tdavis@harveyandbattey.com" <tdavis@harveyandbattey.com>, "KimL@hiltonheadislandsc.gov" <KimL@hiltonheadislandsc.gov>, Marc Frey <mfrey@freymedia.com>, gerard mahieu <gerardmahieu@aol.com>, Liz Farrell <efarrell@islandpacket.com>, Jim Bequette <jwbterp@aol.com>, rick caporale <rcaporale@bcgov.net>, Josephine A Orischak <Josephine.Orischak@beaufort.k12.sc.us>, Stern Allan <spiker149@hargray.com>, Don Brashears <Tmbdab@aol.com>, Auditor <auditor@bcgov.net>, "s. fobes" <sfobes@bcgov.net>, Tom Davis <tom@senatortomdavis.com>, Tonya V Crosby <tonya.crosby@beaufort.k12.sc.us>, "<info@windrunnerstables.com>" <info@windrunnerstables.com>, Wilbur M Payne <wilbur.payne@beaufort.k12.sc.us>, Tim Scott <joe_mckeown@scott.senate.gov>, Taylor Smith <taylor@harrisonfirm.com>, Giles Hall <usn1066@gmail.com>, Earl Campbell <earl.campbell@beaufort.k12.sc.us>, David R Striebinger <david.striebinger@beaufort.k12.sc.us>, David Williams <dwilliams@sled.sc.gov>, Joseph R Dunkle <joseph.dunkle@beaufort.k12.sc.us>, Lisa Gibson <lgibson@scag.gov>, Robyn L Cushingberry <Robyn.Cushingberry@beaufort.k12.sc.us>, REBECCA BASS <muttleycrew2008@gmail.com>, John Crangle <johncrangle2@gmail.com>, Staff <contact@beaufortwatchdog.org>, Joan Deery <jdpc@hargray.com>, Cynthia W Gregory <cynthia.gregory@beaufort.k12.sc.us>, "shannonerickson@schouse.org" <shannonerickson@schouse.org>, Alden Bauer

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<aldenbauer706@gmail.com>, Jiaco <jiaco@bellsouth.net>, Cnrgbr <cnrgbr@hargray.com>, Sled Paul Grant Sled Paul Grant <pgrant@sled.sc.gov>, "s. rodman" <srodman@bcgov.net>, brian flewelling <brianf@bcgov.net>, "g. dawson" <gdawson@bcgov.net>, Jennifer A Staton <jennifer.staton@beaufort.k12.sc.us>, Jerry Stewart <jstewart@bcgov.net>, "michaelrivers@schouse.gov" <michaelrivers@schouse.gov>, Richard Gregory <rgregory@sled.sc.gov>, fran bisi <eyelandart@yahoo.com>, Geraldine C Kinton <Geraldine.Kinton@beaufort.k12.sc.us>, Jerry at the Beach <gringoviejotwo@yahoo.com>, Ami Franklin <ami@ethics.sc.gov>, "Thenerve.org Rick" <rbrundrett@islandpacket.com>, Mary M Cordray <mary.cordray@beaufort.k12.sc.us>, John Dowling <dowlingjohn287@gmail.com>, "peter@mediafeedia.com" <peter@mediafeedia.com>, David Lauderdale <letters@islandpacket.com>, Alex Kinkaid <akincaid@islandpacket.com>, Jeremia Froyland <jeremiafroyland@gmail.com>, Art Davis <art@globallylocally.com>, "josh.metnick@gmail.com" <josh.metnick@gmail.com>, "davidb@hiltonheadislandsc.gov" <davidb@hiltonheadislandsc.gov>, David Ames <amesco@earthlink.net>, "pbrowning@postandcourier.com" <pbrowning@postandcourier.com>, Scott Brandon <SBrandon@thebrandonagency.com>, Beverly Shelly <bshelley@scprt.com>, John Keener <john@charlestoncrabhouse.com>, School Board <bisi@roadrunner.com>, "bhaley@hhivacations.com" <bhaley@hhivacations.com>, Lee Bright <Lee@brightagencyinc.com>, "dlauderdale@islandpacket.com" <dlauderdale@islandpacket.com>, Stephen Fastenau <sfastenau@islandpacket.com>, sarah borton <sborton@islandpacket.com>, "jrosen@rrhlawfirm.com" <jrosen@rrhlawfirm.com> "Linton@WGFLLAW.com" <Linton@wgfllaw.com>, "Walker@WGFLLAW.com" <Walker@wgfllaw.com>, "pbarnes@parkerbarneslaw.com" <pbarnes@parkerbarneslaw.com>, "jparker@pmped.com" <jparker@pmped.com>, Sarah Sanford <sarahsanford@palmettobluffonline.com>, Barrett Brewer <BBrewer@clawsonandstaubes.com>, "bstevenson@clawsonandstaubes.com" <bstevenson@clawsonandstaubes.com>, Barrett Brewer <lsmith@clawsonandstaubes.com>, Lee Edwards <leeedwards@thegreeneryinc.com>, tompeeples@aol.com, john vann <jvann@bbandt.com>, Russ Keep <hhlaw@hargray.com>, Erin Heffernan Island Packet <eheffernan@islandpacket.com>, Alex Barry <rlurye@islandpacket.com>, Brian Tolley <steveaustin@islandpacket.com>, Bryan Osburn <bosburn@islandpacket.com>, Cindi Ross Scoppe <cscoppe@thestate.com>, Don Mcloud <dmcloud@islandpacket.com>, Fitz Mcaden <fmcaden@islandpacket.com>, Gina Smith <gsmith@islandpacket.com>, Kelly Meyerhofer <kmeyerhofer@islandpacket.com>, Kimberly Abernethy <kabernethy@islandpacket.com>, Liz Farrell <lfarrell@islandpacket.com>, dale augustine <dalehhi@hotmail.com>, Dan Wood <dwood@townofbluffton.com>, Fred Hamilton <fhamilton@townofbluffton.com>, Harry Lutz <hlutz@townofbluffton.com>, Larry Toomers <ltoomer@townofbluffton.com>, Scott Marshall <smarshall@townofbluffton.com>, Shirley Freeman <sfreeman@townofbluffton.com>, Blakely Williams <blakelyw@beaufortsc.org>, Robb@beaufortsc.org, paula@phbethea.com, psommerville@bcgov.net, sturodman@aol.com, ahoward@bcgov.net, Cindy Maxey <cmaxey@bcgov.net>, Mike Gleason <mgleason@bcgov.net>, Mike Gleason <mikeg@hiltonheadislandsc.gov>, david mudwilder <mud@hiltonhead.com>, linda rew <linda@hiltonhead.com>, Jeffrey.Moss@beaufort.k12.sc.us, dan@media360.com, nancy watt <wtghhi@aol.com>, eric@laislamagazine.com, tony santagati <sandspub@aol.com>, tony santagati <tsantagati@gmail.com>

I need an existing member of a local chamber to simply request access to their financials under the SC non profit corporation act laws. Please do not include the Greater Bluffton Chamber who do everything properly.

The Town councils in all of Beaufort county are all members of the Chambers and illegally used our tax monies to Join as Town tax funded member. Insane !!!!!! Now worse these crooks will not seek info from this chamber, under the SC non profit corporation act laws Why ????????? They all claim to be transparent??????? It's fraud and a lie ??????

Tax money was used in secret to join the chambers by Steve Riley, Josh Gruber, Marc Orlando, Lisa Sulka, and many others. I am exploring another lawsuit now since general tax funds were used that all tax payers in Beaufort county are members, not just council members to attend the Chamber Ball to wine and dine on tax payers dime. I am looking for a lawyer to file this new lawsuit. First Lawyer who calls me gets this case !!!!!!!

The Island Packet is also a member and now publisher Sara Borton is gone, I am hopeful new management will force the chamber to provide all access to its financial records under the non profit corporation act laws of SC to all members. I again offer the Island Packet and any reporter who joins to force this transparency cost paid.

If our town and local newspaper preach transparency, why would they not help us all??? They could all end this by just forcing the Chamber to give them access, correct? I just don't get this much fear.

The Town councils will not even tell Bill Miles and his crook accountant Ray Deal and crook Chamber puppet Chairman Jay Weindl Sonesta Resorts Manager , if you do not allow us to do a forensic independent audit, we will stop funding you and hire another Dmo that will allow us full transparency to Atax money.

Ryan McAvoy has filed a SC non profit corporation act lawsuit against Bill Miles and the Hilton Head Chamber and his crooked lawyer David Tigges, for denying him access to the chamber as an owner to see how every penny of our chamber dues and tax monies received are being used. Imagine Bill Miles the employee, will not provide this info to the members owners. Does it get any worse or corrupt? Even worse, to remain secret Bill Miles and David Tigges are fighting Ryan McAvoy saying he can't be an individual member and has no business licence, yet they cashed his check and sent him a welcome letter and included him as a new member. Nasty and corrupt!
This chamber turned down me years ago and also recently turned down a local lawyer. They consider all of us on the same level as a strip club! This all has never happened to anyone in the history of the USA. Al Capone had more integrity than this.

I, Ryan and a great lawyer need someone, anyone who cares to join the chamber ASAP , if not already a member. If you are refused let us know, we will file another joint lawsuit for the harm done to all of us. We will pay your membership in full!!! If you are

a member already or join and
Bill Miles or Blakely Williams refuses you access under the SC non profit corporation act law as a chamber member / essence owner / stakeholder / investor, we will help you find a lawyer for free - no charge to represent you. It's an easy lawsuit just judge legal ruling, no depositions no discovery. Please we need this help and we pay for all.

We want to do this and demand this transparency on top of the Foia which is for all tax payers, not just chamber members. This gives us 2 chances to force transparency. Tax monies and members monies!

My 3rd chance, if no one will help us, is ask for meeting with my lawyers, accountants and experts in the state, with the heads of the FBI, IRS, Sled, AG and DOJ to show all the info, facts, evidence we have on why and with just cause SC and Federal agencies should launch an investigation like just happened in Berkeley County SC, with the FBI raid on the School system, and the Chamber Cvb Dmo, use of public Atax funds and general funds used by the Towns to give to these private chambers that was not for the public good, use and benefit. In other words, an unconstitutional misuse of tax funds.

I am committed to winning on behalf of all tax payers / citizens and even judges, jury's and all those suing me or even trying to harm me, who also pay taxes. In other words, I fight for all of us.

Do I regret things I have done and said, yes, and apologize for my mistakes. However, all I have done is try and force local officials and non profits to be fully transparent with our tax money. I have done the best I could do as a 70 yr old retired man who just wants to give back, and stop local corruption I have witnessed in Beaufort county and SC for 40 yrs, as a Hilton Head resident, now a part time resident of SC and Florida.

The reason I have been so vocal and a harsh critic, is I attempted a nicer softer approach and was ignored for 17 yrs. Also summed up by a friend of mine who said in my defense:
"Neither the nice-guy, politically correct method I've attempted, nor the aggressive harsh vocal methods Skip Hoagland has attempted have accomplished the noble goals of transparency we share to date. It is evident only my lawsuits, community support and getting law enforcement involved can achieve all our shared objectives of full transparency and accountability, plus add proven performance metrics.

This is not about 'he said, she said', the Chamber, Council members or Town employees saying how bad I am, or trying to discredit me and my character. I am 70 and in last years of my life after working for 50 yrs. Its not about me, it's about facts, truth, transparency and all about the Reagan Principal and 3 simple words: "Trust but Verified".
Thanks to everyone and any free help and time you can give us. I say US because it's about all of us, not me, I am just the messenger, who has tried to be honest and fought to have the message heard.
Thanks

On Jan 17, 2018, at 8:53 AM, Skip Hoagland <shoagland@me.com> wrote:

> Alert !!!! Unfortunately this article doesn't mention the fact BCSD uses the same auditor as Berkeley Schools for its cookie cutter audit, not designed to catch fraud, theft and embezzlement !!!!!!! Also note audit firm in Columbia JW hunt company Bobby Creech connected and now working for Webster Rogers accounting firm &Ray Warco on Hilton head Bill Miles chamber accountant, same firm that did Charleston Audit, ties to Berkeley Chamber, Bill Miles and Paula Bethea gave chamber citizen of the year award to Ray Warco Bill miles accomplice accountant. So much corruption it's hard to keep up with the tangled commingled web.
> http://www.islandpacket.com/news/local/education/article194991854.html
> I predict prison for both Jeff Moss and Bill Miles and accountants. Only one reason they both fight so hard and even refuse to volunteer to a forensic audit. GUILTY !!!
>
> We have massive corruption, dysfunction, incompetence and crooks running our county.
>
> Forensic audits are by design to ""keep good people good, good people from going bad and bad people to be good""
>
> Sent from my iPhone excuse all typos and misspellings
>
> Skip Hoagland
> US cell 843-384-7260
> Buenos Aires , Argentina
> 011-54-9-11-5942-3202

On Jan 17, 2018, at 7:33 AM, Skip Hoagland <shoagland@me.com> wrote:

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Houston / Hilton Head we have a problem read below. Al Capone and his gang alive and well in Beaufort county.

http://www.islandpacket.com/news/local/education/article194991854.html

Just a matter of time ! We now know no one has seen the books or a detailed audit of any institution or non profit Chamber in Beaufort county.

Not one School board member

Not one Chamber board member many lied. Steve Birdwell Sea Pines President never seen the books!

Not one Town council member Lennox , Harkins, Mccaan all lied said they went to chamber offices to see accounting. All liars!

Cary Corbit Sea Pines employee we now discover in business with Chamber Bill miles avoiding Irs Ubit with LCGOA (Low-country Golf owners association) Brad Marra Atax Committee involved and yes past publisher of Island Packet Sara Bortons husband Brett Borton and tied to Jane Upshaw past chancellor of USBC Usbc participated in tourism studies that did performance metrics for the chamber that can not be proven so the chamber could get more Atax funds. This association leaders schemed to destroy and put Marc Frey out of business. Bill Miles and David Tigges Lawyer involved. Steve Riley Town manager connected. Steve Riley secretly hired David Tigges to represent him, David Tigges controlled the Dmo chamber contract to avoid audits, Steve Riley secretly funneled 150k to Bill Mikes for hurricane Irma? Steve Riley secretly used general tax funds to join the Hilton head chamber for years paying top level member dues. All council members approved tax funds to fund chamber apps and websites to profit 400 k salaries, theft, misuse, forms of embezzlement, fraud, Irs tax code violations etc.

No one has seen the books of the
Town of Hilton Head
Town of Bluffton
Town of Beaufort
Beaufort Chamber

The Greater Bluffton Chamber is the only organization that agrees to comply to Foia, Non profit corporation act laws, audits and full disclosure, Procurement!!!!

Sent from my iPhone excuse all typos and misspellings

Skip Hoagland
US cell 843-384-7260
Buenos Aires , Argentina
011-54-9-11-5942-3202

On Jan 16, 2018, at 10:42 PM, Marilyn Bullard <bullardpiwko@aol.com> wrote:

http://www.islandpacket.com/news/local/education/article194991854.html

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CASE NUMBER: 2015-CP-07-2937
	)	
KIM LIKINS,	)	
	)	**ORDER**
Plaintiff,	)	
v.	)	
	)	
C. C. "SKIP" HOAGLAND,	)	
	)	
Defendant.	)	

2016 AUG [illegible] PM 4:08

JEANNETTE W. ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

not ending case

The matter came before the Court on August 11, 2016 on Plaintiff's Motion for Protective Order. James A. Brown, Jr. appeared on behalf of Defendant and John P. Linton, Jr. appeared on behalf of Plaintiff. For the reasons explained herein the Court GRANTS Plaintiff's Motion for Protective Order.

Pursuant to Rule 26(c) of the SCRCP; for good cause shown as demonstrated by the Motion for Protective Order, Affidavit of Kim Likins, and Affidavit of Mike Briggs; and to protect Plaintiff and third-parties from annoyance, embarrassment, and/or oppression Defendant is precluded from the following:

1) personally contacting witnesses, designated in discovery, concerning the subject matter of this litigation;
2) harassing designated witnesses;
3) using any information discovered during the discovery process for the purpose of harassing any third-parties;

Nothing in this Order shall be construed as a ruling upon Plaintiff's Motion for Rule to Show Cause and to Hold Defendant in Contempt, which has not been ruled upon and remains pending.

AND IT IS SO ORDERED:

The Honorable Marvin H. Dukes, III
Master-In-Equity for Beaufort County

Beaufort, South Carolina
August 11, 2016

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STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT)	CASE NUMBER: 2015-CP-07-2937
)	
KIM LIKINS)	
)	**MEMORANDUM OF LAW IN SUPPORT**
Plaintiff,)	**OF MOTION FOR CONTEMPT /RULE**
)	**TO SHOW CAUSE AND SUPPLEMENT**
)	**TO MOTION**
v.)	
)	
C. C. "SKIP" HOAGLAND)	
)	
Defendant.)	
)	

Plaintiff Kim Likins ("Plaintiff"), by and through her undersigned attorneys respectfully submits this Memorandum of Law in Support of her Motion and Supplement to the Motion seeking the issuance of a Rule to Show Cause and an Order holding Defendant C.C. "Skip" Hoagland ("Defendant" or "Hoagland") in contempt for violating the Court's Order Prohibiting Pretrial Communications and Pre-Trial Publicity dated November 8, 2017 (the "Order"). See Ex. A (Order). On January 4, 2018, Plaintiff file this Motion, because of Hoagland's willful and repeated disobedience of the Order.

As explained herein, Plaintiff has willfully, intentionally and repeatedly disobeyed the Order by communicating, orally and in writings (e-mails) directed to Plaintiff's counsel, his own counsel, members of the local media, a member of the judiciary, witnesses and other third-parties. The vitriolic comments and e-mails include threats of "beating your goddamn brains out" directed to the undersigned prior to the start of a deposition, statements to witnesses or statements made during depositions, calling a deponent a liar while the deponent was giving testimony, and numerous, numerous e- mails that disparage everyone and anyone, including this Court.

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I. THE ORDER AND SUMMARY OF THE VIOLATIONS

This Order dated November 8, 2017 provided in pertinent part:

> 1. The ***parties***, their attorneys and staff, consulted or retained experts as well as any other servants, agent and/or employees of the above are ***prohibited from making ANY extra-judicial comments about this case to the media and any third parties about any aspect of this action*** until a jury verdict has been returned.
>
> * * *
>
> 3. Any and all communications between counsel of record shall be conducted solely by the attorneys and their staff. ***The parties are expressly prohibited from communicating directly or indirectly with or to opposing counsel.***[1] Nothing contained in this order prohibits the parties from responding to opposing counsel's questions posed in depositions, answering discovery requests under the guidance of their counsel or participating in any subsequent hearing or trial.

(Order) (double emphasizes added).[2]

Defendant has refused to abide by the Order. At almost every deposition taken, which Defendant attends, Defendant makes comments and sometimes threatens arrests. In e-mails, defendant regularly disparages Plaintiff's counsel calling them crooks and liars. Additionally, Defendant threatened to beat the undersigned's brains out prior to the start of a deposition.

The statements made in front of witnesses and the continued barrage of e-mails with threats has reached a point where the Plaintiff and her counsel fear that it is prejudicing the administration of the case and is likely having an effect on the witnesses. For example, if Defendant does not like the testimony of a particular witness, he begins

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[1] As stated in the Order: "Reportedly, the Defendant has engaged in a pattern of communicating directly with Plaintiff's counsel by E-mail and/or otherwise."

[2] The Court narrowly tailored the Order and specifically (Order) ("Nothing contained in this Order is intended to nor shall abridge any persons affected by this Order ability to exercise their First Amendment rights as long as by doing so they do not contravene the prohibitions contained herein.")

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thrashing around in his chair and whispering (although his whispering is loud and easy to hear) that the witness is a liar, or that is not true, etc.

II. DEFENDANT'S RECENT E-MAILS VIOLATING THE ORDER

The recent barrage of e-mails is perhaps the best (and indisputable evidence) that Defendant has repeatedly violated the Court's Order. As indicated on the e-mails, they were sent by Defendant to Plaintiff's Counsel and others after the Order was in place. *See* Ex. B. Affidavit of Gregory Alford with e-mails attached. The following excerpts are examples:

1. 1/13/2018 – 1:04 AM

> My focus now is 100% law *enforcement! This illegal criminal lawsuit is not about lawyers and judges, it's about a criminal investigation and illegal crime committed. The insanity of treating this as lawsuit must end.* ***Gregg Alford and all connected to him should go to prison.*** *Not one Lawyer or even Judge friends of mine have ever heard of any of this ever happening. No one even knows how to deal with all this, including all the lawyers.*
>
> ***Mr Linton/ Walker, you are in bad company receiving bad advice, from crook Lawyer Alford, and your being used by the crooks on Hilton Head as their puppet lawyers free worse. I can assure you the stolen 200k tax money you were paid with knowing this was stolen, must be paid back to tax payers.***
>
> ***Mr Linton / My Walker perhaps reality hasn't set in yet with both of you, you will get zero money for your services from me or my insurance company****. As you know my insurance company has already filed a lawsuit against me telling me that they will not cover any damages and will only pay for my defense, so therefore you are left with collecting from me in Florida. As you know I'm retired and don't own anything and haven't for years. The other point is I don't want my insurance company robbed by this corruption to pay you as well. I want Alford or his client Kim Likins to be forced to pay this money back.*
>
> *The lawyers figure it's only insurance money who cares, this is not me. I do care as I don't want to see my insurance company again robbed by crooked lawyers, as all this does is raises all our insurance premiums.*
>
> ***This illegal criminal 200k tax funded lawsuit has damaged my wife and I severely with our insurance company not renewing and canceling our insurance policy.***

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This has caused a total destruction of my wife and I's perfect 50 yr insurance track record and now left us uninsured, as our insurance was canceled/ not renewed, and we are considered high risk and no one will insure us. This has left us with no protection from future lawsuits filed by lying thieving crooked corrupted lawyers and their lying corrupted thief clients. You have caused my insurance company to pay 200k to defend me, and this drive them to cancel our policy, and I can't blame them.

Mr.Linton / Walker since you will not get me or my insurance company to pay for your theft, all you will get is questioning by law enforcement and a bad reputation. You are judged by the company you keep, Gregg Alford was your worse possible choice . You play with fire long enough, you will eventually get burned.

Mr Linton, you have demonstrated as a young Lawyer, you will play dirty and do anything to win on behalf of the crooks. I will assure you this will not work. As a young dirty lawyer, you are getting ready to learn perhaps your first hard lesson in life from an older adversary. The lesson is a result you were not trained to deal with a person like me*, who* presents facts, has nothing to hide, nothing to lose, and is fully prepared like no one you know, or will ever meet again to fight corruption in SC as a retired man from Florida. Whats sad Is most normal people with no one to help them, could never survive this lying corrupt type attack in corrupt SC, with a legal system run by incestuos crooked politicians. I will leave it at that. I am very happy and excited that I can fight this corruption and filth to help others in the future, as well as help change state laws

Lying Linton, I called Trish Heichel yesterday and explained all to her about your fabricated lie you are desperately trying to manifest into your sick reality. You keep saying and insinuating in all depos I said that Kim Likins was a danger to children "a pedophile", as stated by you in Marv Glickmans depo at crook Gregg Alfords office.[3] No one would believe this, and no one

---

[3] Defendant continues to accuse Plaintiff's Counsel of wrongful conduct when Plaintiff's Counsel asks question regarding his alleged statement (which is the subject of this action) that Plaintiff was "dangerous" to be around children. Marv Lich, the former President of the Hilton Head Boys & Girls Club specifically testified in his deposition (in response to a non-leading question) that Defendant called him and stated that it was dangerous for the kids of the Boys & Girls for Mrs. Likins to be around them:

> Q So during the conversation did Mr. Hoagland explain to you why he was telling you that Kim Likins was a liar?
>
> MR. BREWER: Objection.

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would believe I would say this without proof. Everyone knows I say everything and anything and blast 10 emails per week min to educate and expose crimes. People also know I don't fight dirty, and don't have to. I am just a messenger on presenting facts.

Mr Linton, your mind must be equally as sick and twisted as Gregg Alfords, or you would not play this type game, to try to win money from this lawsuit, you are made for each other. You both will not get away with this.

Technology is very close, where devices will be able to detect lies from people like you and Alford, who think you are smarter than others or beyond the law. **I can assure you win, lose, or draw in court, crook Alford and Kim Likins is paying this 200k back from their pockets and all you lying crooked lawyers will get ZERO involved will get zero. You can thank Alford for getting you involved in all this, he already knows this and assume has kept this info from you.**

Crook Lawyer Alford, shooting a bird finger at me close to his chest in deposition and causing my football field reaction, I assume most real men will understand including judges who played sports. I assume no one on this email has ever heard of a lawyer ever doing this. This is just another sign on what and who we are all dealing with. Do I regret saying, I or someone should beat your brains out - yes I do. Was I mad Alford did a FU to me - yes. Do I still feel someone needs to beat the crooked lying corruption out of Alford, yes. Harm to people come in different forms, physical, mental stress, financially. My words are nothing compared to Alford/Likins 200k schemed theft of tax money.

Mr Linton/ Walker, will see how all this plays out for you. My guess is it will not end well for you, or your sick, lying, twisted thinking, corrupted, crooked, thief buddy attorney Alford, who needs to be disbarred, investigated and put in prison. It's lawyers like you who harm your profession.

THE WITNESS: I don't recall what kind of explanation he had, because he had a very strong tone about him. He wanted her fired because he was talking about how much of a liar she was and how unfit and ***how dangerous it was for our kids***, you know, based on -- so I don't remember exactly.

Q The same question, but with respect to her being dangerous to be around children.

Were there any -- ***did he tell you why it was dangerous that she be around children?***

A Not that I recall.

Ex. C (Marv Lich Depo except, 19:7-24) (double emphasis added).

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* * *

(Bold added)

2. **1/9/2018 – 2:59 PM**

* * *

Not only is the Town Lawyer Gregg Alford part of the 200K theft, he is also in violation of his Town lawyer contract profiting from this stolen 200k in tax monies.[4] He attempted to call this a Town loan to Kim Likins, no interest, no collateral and no time limit to pay it back. All a crime and illegal. FBI IRS Sled etc must get involved. This was income to Kim linkins and she did not pay income taxes on this? Imagine how criminal this is, stealing tax monies for private purposes. I did not know we had the Town bank of Hilton Head just for crooked lying Town Lawyers, Town managers and Town council to use????

Further, **crook lawyer Gregg Alford is friends with Judge Dukes and Judge Dukes approved a gag order against me, fined me $4500 to go into his pocket and Kim Likins. *This gag order is a scam /sham* and complete violation of my federal free speech rights under the First Amendment. This all could not be any more crooked and also needs to be investigated by the FBI.** Here is Weston Newton and Bill Herbkersman tied to SC prt funding and corruption with zero oversight

* * *

(emphasis and double emphasis added).

3. **1/14/2018 – 12:22 PM**

Judge Dukes, do you or your brother Ed Dukes who kicked me out of the Beaufort Chamber, or your family members lawyers Rep Weston Newton and Wes Jones, have a problem with all this below, as well as Rep Bill Herbkersman changing HB 3931 to introduce and comply with all this below????

---

[4] At this time, Plaintiff believes that Defendant intends to raise Plaintiff's legal fees as part of the trial of this case. Plaintiff believes that any evidence or testimony concerning the legal fees are inadmissible at trial, and are the subject of other actions filed by Defendant and his proxy. To the extent Defendant agrees that all of his complaints about the legal fees (and any evidence or testimony regarding any of Plaintiff's legal fees) are inadmissible in this case, Plaintiff agrees the specific references to the legal fees may not be violations of the Order. However, the e-mails still demonstrate that Defendant has attempted to directly communicate with opposing counsel and has published statements to numerous third parties about the case.

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* * *

Judge Dukes, I want my 4500 back I was forced to pay your buddy Crook thief Town Lawyer Gregg Alford, for your gag order against me to silence my fight on corruption and violated my Federal 1st Amendment Rights Under the Constitution of the United States of America. I am a retired Florida Resident and I be damned if I will become another victim and causality of SC corruption. You are not dealing with someone who you are used to just accepting this corrupt flawed legal system. Judge Dukes this is not about gagging Skip hoagland, this is about the law arresting **Lawyer Gregg Alford and others for 200k in theft of public tax payers money. Certainly you are smart enough to understand that??**

So I get back to only 3 reasons why any Judge or anyone else would allow all this theft in SC to continue, your scared, incompetent or corrupted.

(Bold added).

4. **1/11/2018 - 5:51 PM**

Crook Gregg Alford, Hilton Head Town lawyer has committed theft, deceit and fraud with our tax monies to enrich his crooked pockets. He is in violation of his Hilton Head Town lawyer contract. What he did was illegal and criminal, yet he is allowed to remain a practicing lawyer?

* * *

Crook Trenholm Walker - hired by crook Town lawyer Gregg Alford paid with stolen tax money for a private lawsuit.

Crook John Linton Jr - hired by Gregg Alford paid with stolen tax money and knows this.

* * *

Bottom line, every lawyer needs to be questioned by the FBI, IRS, Sled and DOJ that represents the crooks in the largest cities where the most money is involved and being unconstitutionally misused.

The biggest corrupted crooked lawyers on this list are Gregg Alford and David Tigges.

I have been given the approval by my supporters to offer a reward for 100k for any info provided that leads to the arrest, conviction and imprisonment

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of any local Beaufort County official, Chamber employee, School system employee or **local lawyer tied to any of this.**

Did Likins pay Irs income tax on the theft of 200k in public tax monies she and her crooked lawyer Gregg Alford schemed to steal, use illegally and criminally, to sue a citizen for Ms. Likins private lawsuit use. I might add to profit both their crooked pockets and other 3 party outside lawyers being paid by this stolen money, which they know is stolen. Further how does Gregg Alford Answer to his scheme to call this a Town loan, like a bank???? No interest rate? No federal or state laws/ licenses to allow a Town government to be a bank and compete with private banks?? Worse bank funded by tax payers unlimited tax monies? No collateral? No document on how the money will be paid back ? This is about as criminal and insane as it gets.

I am a watch dog who exposes corruption in SC, **I be damned if I will allow anyone to make me a muzzled guilty dog.** Likins is not the only case, I have more and many tied to this case, am I to believe I will accept to be gagged and muzzled in this case and all the others connected? Judge Dukes cced who was forced to get off my case, related to Ed Dukes who voted to kick me out of the Beaufort chamber. Both related to lawyers Weston Newton and Wes jones, who I have ties to the Hilton head chamber and Bill Herbkersman corrupt HB 3931. I have much more on the tentacles of sc incestuos corruption. Now Judge Dukes has been assigned A local citizen case for a lawsuit against the Town of Hilton head for the 200k theft tied to my case and federal case I filed. Gregg Alford and Dukes are friends and Judge Dukes must be recused from this case !!! Many questions? Ed Dukes kicking me out of chamber many questions?

Let's be clear it's Cathy and I who have been damaged by this criminal 200 k tax paid lawsuit not Kim Likins. Our 50 yr perfect insurance record has been destroyed and policy canceled and not renewed as of Feb 1 2018. No one will insure us and we are left uninsurable and Cathy open to be financially being destroyed by other crooked SC lawsuits. Cathy and I do not break laws and never have. I fight corruption not cause corruption.

Kim Likins defamed herself by lying, deceit, disrespect and conflicts and approving a corrupted chamber Dmo contract she knew was corrupted, 100k app she new only cost 30k and was told by her own Atax Committee and Local experts. She facilitated and allowed as a local official, who was elected to approve, spend and protect tax funds like her own, the unconstitutional misuse and theft of our tax monies to our local chamber and new it. I just exposed it all, when others for the last 50 yrs refused out of fear to speak up. Imagine now they the criminals, want to gag/muzzle me the innocent look guilty, and if they win, no other citizen will ever speak up again out of fear in being wiped out by lawsuits against them by their own government, like has been happening to Cathy and I.

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We need, and I have been saying this for a long time authorities involved, **as this has gone beyond the lawyers, judges and legal system**, as no one is trained or knows how to deal with this without law enforcement involved. If this is in fact an illegal criminal theft, then this is a law enforcement issue, not a lawyer issue.

I ask someone to file this criminal act with the state and federal authorities. I do not know what exactly what law enforcement entities would get involved. Seems we have a little of each and even Irs for tax evasion, federal for the attempt to be a bank with no right, regulations or license to do so, and the theft of 200 of tax payers funds, I caught by a Foia that the crook Town manager Steve Riley signed the checks on, and Gregg Alford Town council Lawyer and Brian Hulbert Town Lawyer was involved in scheming in behalf of the entire town council and Mayor. They have gotten away with anything they wanted to do for 50 yrs and did not expect to get caught in this tax money theft and unconstitutional misuse of public funds. They now need to face the law, not the lawyers who have no authority. **I want my 4500 back from Judge Dukes who schemed with Gregg Alford to do the first Gag order against me. I want to know what pocket that 4500 Check Cathy wrote to Gregg Alfords law firm ended up. I want it all investigated from A to Z. I repeat I don't create corruption, I fight corruption.**

* * *

(bold added).

5. **1/11/2018 –6:34 PM**

Let me be clear **I did not say Kim Likins was a danger to children and I did not say I will donate money as a rich guy if you fired Kim Likins.** I am in fact a poor retired man and never told anyone I was rich. **These are made up sick twisted and fabricated lies by Linton and Alford and their lying clients in desperate attempt to try and paint me in a bad light to the jury** to win, silence my fight to force transparency in our government in behalf of all tax payers, including the jury who will hear this case. These lies were done to try and further profit your crooked corrupted pockets using tax monies for your clients private frivolous slander case. Everything I said about Kim Likins and anyone else is true. You can not provide one email, phone recording, or a third party individual who would ever say I said this. I would take a polygraph test and ask you do the same.

The lawyers involved in all this are using tax monies to line their pockets that was and is an illegal criminal act and far worse than my speeches and harsh criticism as a concerned citizen.

I did say, I or someone should beat your brains out to Crook Gregg Alford, after he shot me a bird / Finger close to his chest when no one was looking to antagonize me. I find it outrageous a lawyer would do this in a deposition . Why else would me or anyone have this type of mad knee jerk

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> response out of the blue for no reason. No one I know would tell you I would say or do this. This was a man's football field, Hockey game or any other sport type fight response with the other team . I regret I let this corrupted crook thief Lawyer of tax payers money caused me to say this. However for his crimes and theft of 200k in tax monies and coaching others to lie for him, he should be disbarred and put in prison. Send this to the Judge and read aloud to the jury.
>
> * * *

(emphasis and double emphasis added).

There are additional e-mails, many of which are exhibits to the affidavit attached hereto as exhibit B. These e-mails along with the conduct in the depositions constitute a clear violation of the Court's order and the Court should issue a Rule to Show Cause requiring Defendant to Appear in Court on January 30, 2018.

III. CIVIL CONTEMPT

This proceeding involves allegations of civil contempt, as distinguished from criminal contempt. See e.g., Poston v. Poston, 331 S.C. 106, 114, 502 S.E.2d 86, 90 (1998). Plaintiff seeks a contempt order requiring Hoagland to comply with the Order, for an award of reasonable Plaintiffs attorneys' fees and costs for having to enforce that Order, and for all such further relief as the Court deems appropriate.

The determination of contempt ordinarily resides in the sound discretion of the trial judge. See State v. Bevilacqua, 316 S.C. 122, 129, 447 S.E.2d 213, 217 (Ct. App. 1994); Floyd v. Floyd, 365 S.C. 56, 71, 615 S.E.2d 465, 473 (Ct. App. 2005); Wilson v. Walker, 340 S.C. 531, 538, 532 S.E.2d 19, 22 (Ct. App. 2000). "In a proceeding for contempt for violation of a court order, the moving party must show the existence of a court order and the facts establishing the respondent's noncompliance with the order." Hawkins v. Mullins, 359 S.C. 497, 501, 597 S.E.2d 897, 899 (Ct. App. 2004); Eaddy v. Oliver, 345 S.C. 39, 42, 545 S.E.2d 830, 832 (Ct. App. 2001). In a civil contempt proceeding, the

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moving party need only prove the noncompliance by clear and convincing evidence. See e.g., Durlach v. Durlach, 359 S.C. 64, 71, 596 S.E.2d 908, 912 (2004).

This contempt proceeding involves Hoagland's violation of the Order outside the presence of the Court, often called constructive contempt. See e.g., Toyota of Florence v. Lunch, 314 S.C. 257, 267, 442 S.E.2d 611, 617 (1994) (citing State v. Johnson, 249 S.C. 1, 152 S.E.2d 669 (1967)). Charges of constructive contempt are brought by a rule to show cause which must be based upon an affidavit or verified petition. Id. Here, Plaintiff met its initial burden of showing the existence of the Order and Hoagland's willful noncompliance with the Order by filing a motion for a rule to show cause fully supported by affidavit authenticating Defendant's own e-mails.

The burden is on Hoagland to prove his defense. See e.g., Widman v. Widman, 557 S.E.2d 693, 705, 348 S.C. 97, 120 (Ct. App. 2001) (("Once the moving party has made out a prima facie case, the burden then shifts to the respondent to establish his or her defense and inability to comply with the order.")(citation omitted)); see also, Henderson v. Henderson, 298 S.C. 190, 197, 379 S.E.2d 125, 129 (1989).

Courts have the inherent authority to punish offenses calculated to obstruct, degrade, and undermine the administration of justice, and such power cannot be abridged. See Miller v. Miller, 652 S.E.2d 754, 759, 375 S.C. 443, 453 (Ct. App. 2007); State ex rel. McLeod v. Hite, 272 S.C. 303, 306, 251 S.E.2d 746, 748 (1979). "Contempt results from the willful disobedience of an order of the court." Bigham v. Bigham, 264 S.C. 101, 104, 212 S.E.2d 594, 596 (1975); Smith v. Smith, 359 S.C. 393, 396, 597 S.E.2d 188, 189 (Ct. App. 2004). "A willful act is one which is 'done voluntarily and intentionally with the specific intent to do something the law forbids, or with the specific intent to fail to do something the law requires to be done; that is to say, with bad purpose either to

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disobey or disregard the law.'" Widman v. Widman, 348 S.C. 97, 119, 557 S.E.2d 693, 705 (Ct. App. 2001) (quoting Spartanburg County Dep't of Soc. Servs. v. Padgett, 296 S.C. 79, 82-83, 370 S.E.2d 872, 874 (1988)).

As explained above, because Hoagland has published statements clearly prohibited by the Order, the Court Should issues and Rule to Show Cause, and Hoagland should be held in contempt for his willful violations of the Order.

I. Attorneys' fees

The South Carolina Supreme Court has made clear that attorney's fees are recoverable in a civil contempt proceeding as an indemnification to the party who was forced to bring a contempt proceeding:

> In a civil contempt proceeding, a contemnor may be required to reimburse a complainant for the costs he incurred in enforcing the court's prior order, including reasonable attorney's fees. The award of attorney's fees is not a punishment but an indemnification to the party who instituted the contempt proceeding. Thus, the court is not required to provide the contemnor with an opportunity to purge himself of these attorney's fees in order to hold him in civil contempt. See Whetstone v. Whetstone, 309 S.C. 227, 420 S.E.2d 877 (Ct. App. 1992) (court properly awarded wife attorney's fees incurred as the result of husband's contempt); 17 Am.Jur.2d Contempt § 241 (it is within the trial court's discretion to award reasonable attorney's fees to the prevailing party in a civil contempt proceeding); A.S. Klien, Annotation, Allowance of Attorney's Fees in Civil Contempt Proceedings, 43 A.L.R.3d 793 (1972); see also Curlee v. Howle, supra; Golden v. Gallardo, 295 S.C. 393, 368 S.E.2d 684 (1988) (attorney's fees are recoverable in post-divorce litigation concerning visitation and support of parties' minor children). Poston, at 114, 502 S.E.2d at 90.

Plaintiff is entitled to an order requiring Hoagland to pay the fees incurred in enforcing the Order. The fees and costs associated with the contempt proceeding will be submitted via affidavit.

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CONCLUSION

For the reasons discussed above, the Court should find Hoagland in contempt, issue an order requiring Hoagland to comply with the Order, require Hoagland to pay attorneys' fees and costs incurred with respect to this contempt proceeding, and any further relief this Court deems appropriate and necessary to ensure future compliance.

Respectfully submitted,

/s Gregory M. Alford
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ATTORNEYS FOR PLAINTIFF

Hilton Head, South Carolina
January 16, 2018

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Exhibit "A"

ELECTRONICALLY FILED - 2018 Nov 08 1:05 PM BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT Kim Likins, Plaintiff, vs. C. C. Hoagland, Defendant.	IN THE COURT OF COMMON PLEAS FOR THE FOURTEENTH JUDICIAL CIRCUIT CASE NO.: 2015-CP-07-2937 **ORDER PROHIBITNG PRETRIAL COMMUNICATIONS AND PUBLICITY**

This is a defamation case commenced by Plaintiff in her individual capacity against Defendant. Plaintiff is a city council person with the Town of Hilton Head. Nothing contained in this Order shall be construed as a determination of whether Plaintiff will be considered a public official or private individual in this lawsuit.

Because of the posture and history of this case when it was assigned to the undersigned, and based upon the inherent authority of this Court to maintain and preserve the decorum and integrity of Court proceedings and the sanctity of judicial proceedings, the Court finds that it is appropriate and necessary to issue an Order prohibiting the parties, their servants, agents, employees and all others acting at their behest from making, issuing or causing to be uttered any extra-judicial statements or comments about this lawsuit in any form or fashion during the pendency of this case.

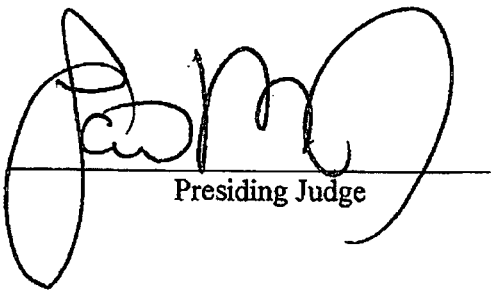
Accordingly it is ordered, adjudged and decreed that:

1. The parties, their attorneys and staff, consulted or retained experts as well as any other servants, agent and/or employees of the above are prohibited from making ANY extra-judicial comments about this case to the media and any third parties about any aspect of this action until a jury verdict has been returned.
2. Nothing contained in this Order is intended to be nor shall be construed as a prior restraint on the media's ability to report on this case.
3. Any and all communications between counsel of record shall be conducted solely by the attorneys and/or their staff. The parties are expressly prohibited from communicating directly or indirectly with or to opposing counsel.[1] Nothing contained in this Order prohibits the parties from responding to opposing counsel's questions posed in deposition(s), answering discovery requests under the guidance of their counsel or participating in any subsequent hearing or trial.

[1] Reportedly, the Defendant has engaged in a pattern of communicating directly with Plaintiff's counsel by E-mail and/or otherwise.

4. This Order is not intended to prohibit legitimate, good faith communications with third parties (excluding the media) in the preparation of this case.
5. Nothing contained in this Order is intended to nor shall abridge any persons affected by this Order ability to exercise their First Amendment rights as long as by doing so they do not contravene the prohibitions contained herein.

It is so ORDERED.



Presiding Judge

November 8, 2017
Anderson, SC

ELECTRONICALLY FILED - 2017 Nov 08 4:05 PM ANDERSON COUNTY COMMON PLEAS CASE #2015CP0702337

ELECTRONICALLY FILED - 2018 Jan 16 4:00 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

Exhibit "B"

ELECTRONICALLY FILED - 2018 Jan 16 4:00 PM - BEAUFORT - COMMON PLEAS - CASE#2015CP0702937

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT)	CASE NO.: 2015-CP-07-2937
)	
Kim Likins,)	
)	
Plaintiff,)	
)	**AFFIDAVIT OF GREGORY M. ALFORD**
v.)	
)	
C. C. "Skip" Hoagland,)	
)	
Defendant.)	
)	

Personally appeared before me Gregory M. Alford, who being duly sworn, testifies as follows:

1. I offer this Affidavit as testimony, under oath and under penalty of perjury, stating and affirming that I have personal knowledge of the facts set forth herein, that I am competent to testify to the matters set forth herein, and that all statements included herein are truthful and accurate.
2. My name is Gregg Alford. I am over the age of eighteen. I am an attorney at the Alford Law Firm, LLC.
3. Along with Trenholm Walker and John P. Linton, Jr., I represent the Plaintiff in this action, which was filed on December 10, 2015.
4. Attached hereto are true and accurate copies of e-mails I have received from the Defendant C.C. "Skip" Hoagland. The e-mails show the sender, intended recipients, and the date and time the e-mails were sent.

FURTHER AFFIANT SAYETH NOT.

Gregory M. Alford

Sworn this 16 Day
of January 2018

Notary Public for South Carolina

My Commission Expires: V. ALLISON
Notary Public, State of South Carolina
My Commission Expires 6/19/2026

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