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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Hon. Alex Kinlaw, Jr., Circuit Court Judge

C.A. No.: 2019-CP-23-06576
Appellate Case No. 2020-001075

Jefferson Davis, Jr. Appellant,

v.

Nate Leupp, Facebook, Inc., & John Doe(s) 1–40, ...Respondent.

RECORD ON APPEAL

Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, SC 29615
843-901-8036 (cell)
jeff@apogeetax.com
Appellant

Geoffrey Kelly Chambers, Esq.
411 Walnut Street No. 10646
Green Cove Springs, FL 32043-3443
864-508-0899 (cell)
geoffrey@cperlgroup.com
g.k.chambers@gmail.com
Attorney for Respondent

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FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP2306576

Jefferson Davis, Jr
PLAINTIFF(S)

Nate Leupp et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

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

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

The Court grants Defendant's Motion to Dismiss. Court finds action is duplicative of action filed in Richland County. Court asserts authority under Rule 12(b)(8). Formal Order to follow from Attorneys Geoffrey Chambers and Roberts Childs III.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/16/2020 .

John Does 1 Thru 40
Facebook Inc
Jefferson Davis, Jr for Jefferson Davis, Jr
Jefferson Davis, Jr for Jefferson Davis, Jr

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

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



Greenville Common Pleas

Case Caption: Jefferson Davis Jr vs. Nate Leupp , defendant, et al

Case Number: 2019CP2306576

Type: Order/Electronic Form 4

So Ordered

s/Alex Kinlaw, Jr., #2763

Electronically signed on 2020-06-16 22:28:38 page 3 of 3

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	Case No.: 2019-cp-23-06576
Jefferson Davis, Jr.,	)	
	)	ORDER OF DISMISSAL
Plaintiff,	)	
	)	
vs.	)	
	)	
Nate Leupp, Automatic, Inc., Facebook,	)	
Inc., John Does 1-40	)	
	)	
Defendants.	)	
	)	

This matter came before the Court on a Motion to Dismiss and Motion for Protection from Discovery filed by Defendant Nate Leupp. Also before the Court are Motions to Quash filed by a John Doe and a second Motion to Quash filed by an Anonymous Party. A hearing on these motions was held on June 16, 2020 before the Honorable Alex Kinlaw, Jr. Plaintiff Jefferson Davis appeared *pro se*. Nate Leupp was represented by Attorney Geoffrey Chambers. The John Doe party and Anonymous party were represented by attorney Robert Childs, III and attorney Mills Ariail, Jr. respectively.

Background:

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

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

The Richland County Civil Action allegations included defaming Plaintiff by stating he lost his law license and in other ways, creating a defamatory website and actively participating in furthering a large scale civil conspiracy against Plaintiff stemming from Plaintiff's involvement with school choice and a scholarship program.

Defendant Leupp and numerous other defendants were dismissed from the Richland County Civil Action by Order of Judge Doyet Early on February 19, 2019. The dismissal in Judge Early's Order was granted for failure to serve defendants within 15 days of Judge Benjamin's October 30, 2019 Order. Plaintiff contends that the Order did not require service within 15 days and has kept the Richland County action against Defendant Leupp ongoing through appeal.

The present action was filed in Greenville County on November 12, 2019 naming Nate Leupp, Automatic, Inc. Facebook, Inc. and 40 John Does as defendants. This action plows the same ground of alleging a large conspiracy against the Plaintiff related to his actions and beliefs in school choice and special needs scholarships. It also alleges Defendant Leupp created the defamatory website and charges Defendants with falsely stating that Plaintiff has lost his license to practice law. The causes of action in this case are identical to the nine causes of action in Richland County Case number 2018-cp-40-2425.

Rule 12(b)8 SCRC:

Avoidance of "duplicative litigation" as the underlying principle of Rule 12(b)(8) *State ex rel. Wilson v. Condon*, 410 S.C. 331, 333, 764 S.E.2d 247, 248 (2014) "In South Carolina, dismissal under Rule 12(b)(8) may be proper when there is (1) another action pending, (2) between the same parties, (3) for the same claim." *Capital City Ins. Co. v. BP Staff, Inc.*, 382 S.C. 92, 105, 674 S.E.2d 524, 531.

Mr. Davis has already named Defendant Leupp in a Richland County Lawsuit that plows the same ground. In Richland County Civil Action Number 2018-CP-40-02425 and in the present civil action pending in Greenville County, Plaintiff Davis alleges Mr. Leupp created a website to defame him, alleges defendant Leupp has created similar defamatory websites, alleges defendants defamed him by stating he lost his law license and in other ways, alleges Plaintiff was

defamed by innuendo, alleges invasion of privacy, alleges negligence in not checking truthfulness of statements, alleges infliction of emotional distress, alleges tortious interference with contractual relations, alleges unfair trade practices, veil piercing and alleges Defendant Leupp was a part of a larger statewide conspiracy against Plaintiff Davis related to Plaintiff Davis' school choice political positions.

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

Richland County Civil Action 2018-cp-2425 and Greenville County Civil Action 2019-cp-23-6576 stem from the same set of facts and circumstances and involve the same claims against Defendant Leupp.

It Is Therefore Ordered:

This Court finds the Richland County Civil Action and this present Civil Action to be duplicative litigation of the same dispute. Dismissal with prejudice pursuant to Rule 12(b)(8) SCRPC is proper. This dismissal with prejudice does not prevent Plaintiff Davis from pursuing his claims in Richland County Case number 2018-cp-40-2425 should Plaintiff prevail in his Appeal of dismissal in the Richland County case. There are Motions pending before this Court to quash or protect from Plaintiff Davis' discovery requests. The underlying discovery requests are no longer viable and discovery related Motions are rendered moot by the dismissal of this Civil Action.

IT IS SO ORDERED

Alex Kinlaw, Jr.
Circuit Court Judge

This ____ day of June 2020.

Greenville, South Carolina,



Greenville Common Pleas

Case Caption: Jefferson Davis Jr vs. Nate Leupp , defendant, et al

Case Number: 2019CP2306576

Type: Order/Dismissal

So Ordered

s/Alex Kinlaw, Jr., #2763

Electronically signed on 2020-06-29 13:08:48 page 4 of 4

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	Case No.: 2019-cp-23-06576
Jefferson Davis, Jr.,	)	
	)	ORDER OF DISMISSAL
Plaintiff,	)	
	)	
vs.	)	
	)	
Nate Leupp, Automatic, Inc., Facebook,	)	
Inc., John Does 1-40	)	
	)	
Defendants.	)	
	)	

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

Background:

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

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

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

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

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

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

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

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

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

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

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

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

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

It Is Therefore Ordered:

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

IT IS SO ORDERED

Alex Kinlaw, Jr.
Circuit Court Judge

This ____ day of July 2020.

Greenville, South Carolina,



Greenville Common Pleas

Case Caption: Jefferson Davis Jr vs. Nate Leupp , defendant, et al

Case Number: 2019CP2306576

Type: Order/Other

So Ordered

s/Alex Kinlaw, Jr., #2763

Electronically signed on 2020-07-27 14:03:46 page 4 of 4

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Jefferson Davis, Jr.,

Plaintiff,

vs.

Nate Leupp, Automattic, Inc., Facebook, Inc., &
John Doe(s) 1-40,

Defendants.

) IN THE COURT OF COMMON PLEAS
) THIRTEENTH JUDICIAL CIRCUIT
)

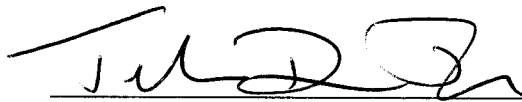
) C.A. NO. 2019-CP-23-06576
)

) **SUMMONS**
) **(Jury Trial Demanded)**
)

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this Complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

Respectfully submitted,



Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, SC 29615
843-901-8036 (cell)
jeff@apogeetax.com

PLAINTIFF

November 12, 2019
Greenville, South Carolina

19 NOV 12 PM 4:23
Paul Wickens - 800 601 50

) IN THE COURT OF COMMON PLEAS
) C.A. NO. 2019-CP-23- 06576

))))))))))

COMPLAINT
(Jury Trial Demanded)

VS.

Defendants.

1. Plaintiff **Jefferson Davis, Jr.** is a citizen, resident, taxpayer, and registered elector of Greenville County, South Carolina. Plaintiff was born in Charleston, SC, attended K-12 in South Carolina, is a graduate of The Citadel in Charleston, SC, and received a law degree and Masters of Business Administration from the University of South Carolina. Plaintiff is a tax attorney (not a litigator), a member of the Georgia Bar and a licensed CPA in Georgia. Plaintiff has been an active member of the Greenville County Republican Party for the past three years and is currently a member of the South Carolina Republican Party Chairman's Circle.
2. Defendant **Nate Leupp** ("Leupp") is a resident of Greenville County and a citizen of the State of South Carolina residing at 114 Oak Drive, Greer, South Carolina 29650. Defendant Leupp is also the Chairman of the **Greenville County Republican Party** and is currently employed at Majesty Music with an address of 733 Wade Hampton Blvd, Greenville, SC 29609.

Verified

[illegible]

Internet Companies

3. Defendant **Automattic, Inc.** (aka Wordpress.com) is a foreign Delaware corporation that has thousands of South Carolina subscribers, and it has sufficient contacts with the State to create personal jurisdiction over the Defendant.
4. Defendant **Facebook, Inc.** is a foreign Delaware corporation that has millions of South Carolina subscribers, and it has sufficient contacts with the State to create personal jurisdiction over the Defendant.

John Doe(s)

5. The true identities of the **John Doe(s) 1 through 40**, be them individuals and / or entities, ("John Doe(s)"), are unknown and / or unconfirmed to Plaintiff at this time. Therefore, Plaintiff sues the John Doe(s) by fictitious name.
6. All Defendants herein are sued jointly and severally.

JURISDICTION AND VENUE

7. This court has jurisdiction of the subject matter of this complaint and of the parties. Venue is proper.

FACTUAL ALLEGATIONS

8. Plaintiff Davis is a private citizen and volunteer grassroots advocate for independent school choice for South Carolina's K-12 children with special needs, children in a low-income situation, homeschooled children, and ultimately all children in SC. Plaintiff specifically advocates for private / free-market K-12 school choice solutions.
9. Defendant Leupp is associated with certain political parties that advocate for K-12 school choice solutions in SC as well, however these political parties while claiming to advocate for private / free-market K-12 school choice solutions, in fact specifically advocate for government run K-12 school choice solutions.
10. There is a distinct policy and practical difference between K-12 school choice solutions that are #1 private / free-market solutions vs. #2 government run solutions.
11. Currently, and since 2013, the State of South Carolina has had what is the most popular of all independent school choice programs – a **K-12 tax credit scholarship program**.
12. Currently, K-12 tax credit scholarship programs exist in 18 states, with a total of 23 different programs, serving and estimated 293,312 students. (Per EdChoice.com as of 11/05/2019.)
13. South Carolina however is the only state in the nation with a **government run** K-12 tax credit scholarship program – our SC program being administered by the South

Carolina Department of Revenue and a five person legislatively appointed board. All 22 similar programs in other states are administered by independent 501(c)(3) non-profits.

14. The South Carolina program was originally administered like all other programs in the nation by independent 501(c)(3) non-profits, but as of July 1, 2016 the administration of the program was legislatively changed to a government run program unlike any other in the United States.
15. Since the government takeover as of July 1, 2016, the administration of the South Carolina program has been a complete failure.
16. Plaintiff Davis is a leading grassroots advocate behind reversing this legislative takeover and returning administration of the program back to independent 501(c)(3) non-profits like all other K-12 tax credit scholarship programs in the United States.
17. The political parties that Defendant Leupp is associated with aggressively oppose the grassroots advocacy of Plaintiff Davis. Upon information and belief, this opposition is due to these political parties' desire to completely control and financially benefit by controlling private school choice in South Carolina.
18. For better or worse, substantial political discussion among political party activists is carried out on social media, including but not limited to various pages and groups on Facebook.com. This is particularly true in Greenville, South Carolina, Republican party politics.

19. Plaintiff Davis utilizes these online political discussions as an opportunity spread his advocacy for independent school choice and build his business and philanthropic reputation.
20. A person's online public reputation is extremely impactful to their political advocacy as well as their business and philanthropic reputation.
21. Plaintiff Davis has been particularly aware of this fact and exercised extreme care to ensure he interacts with others online in an honest, professional and thoughtful manner. **This practice has been particularly important given other false light and defamatory statements (*some subject to other ongoing litigation*) about Plaintiff by political parties associated with Defendant Leupp, including but not limited to false claims that Plaintiff has been disbarred from the practice of law, is not from South Carolina and that he bankrupted the Georgia school choice program before fleeing to South Carolina to destroy the SC program.**
22. Although Plaintiff is acquainted with Defendant Leupp, he has had limited interaction with him beyond what was necessary related to Plaintiff's involvement with the Greenville and South Carolina Republican Party. It was clear to Plaintiff that Defendant Leupp was associated with political parties opposed to Plaintiff related to his school choice advocacy.
23. Defendant Leupp is the current Chairman of the Greenville County Republican Party. He has been Chairman of the county party since being first elected in April 2017, and prior to that he was the First Vice Chairman for four years.

24. The Greenville County Republican Party is the largest of all 46 county parties in the State of South Carolina and as such has a large impact on political advocacy for school choice.
25. In the spring of 2019, there was a race for Chairman of the Greenville County Republican Party which consisted of two candidates, Defendant Leupp as the incumbent Chairman and one challenger.
26. The results of the race for Chairman of the Greenville County Republican Party would have a substantial impact on the school choice debate in South Carolina.
27. Of the two candidates for Chairman of the Greenville County Republican Party, the challenger supported a private / free-market K-12 school choice solution while Defendant Leupp actively supported a government run K-12 school choice solution.
28. Plaintiff Davis actively backed the challenger candidate supporting a private / free-market K-12 school choice solution.

Leupp – Previous Online Practices

29. Defendant Leupp has a history of anonymous and deceptive online practices and tactics intended to achieve his political and financial objectives.
30. Defendant Leupp's practices and tactics are well known in the community, including to his employer.

31. As an example, and upon information and believe, Defendant Leupp's actions were the subject of prior litigation in a case entitled Aguila vs. Twitter and Craisglist (2013-CP-23-05895, filed November 1, 2013).
32. In the above referenced matter, Defendant Leupp created a fake twitter account as well as a fake craigslist listing in order to harass the politically involved plaintiff, Magda Aguila.
33. Although this incident occurred prior to Plaintiff Davis moving home to Greenville, SC in 2016, the incident is well known within the political community
34. Defendant Leupp's current employer, which was also his employer at the time, is aware of this matter and Defendant Leupp's participation.
35. Plaintiff Davis was informed about this matter and Defendnat Leupp's involvement directly from plaintiff Magda Aguila.
36. Defendant Leupp appeared in the Aguila vs. Twitter and Craisglist case as a John Doe / Annonymous.
37. The Aguila vs. Twitter and Craisglist case was later settled out of court involving a non-disclosure agreement.

[CONTINUED ON NEXT PAGE]

Defamatory Wordpress.com Website

38. On or about November, 2017, Defendant Leupp personally created, or caused to be created, the website www.therealjeffdavis.wordpress.com.
39. The name of the website was “Crooked Jeff”.
40. The website featured a picture of Plaintiff Davis, appearing to be a mugshot and behind bars with the writing “Crooked Jeff” across Plaintiff Davis’s face.
41. Defendant Leupp published on this website false and defamatory information about Plaintiff Davis, including but not limited to false claims that Plaintiff had forged bank documents, that he was a liar, a bully, crooked, and that Plaintiff Davis’ “only concern is lining his own pockets with other people’s money.”
42. Defendant Leupp published on this website false and defamatory information about Plaintiff Davis, including but not limited to false claims that “Crooked Jeff Flunks Department of Revenue Audit” and “A scathing audit from the SC Department of Revenue outlines CROOKED JEFF’S continued scams.”
43. Defendant Leupp published on this website false and defamatory information about Plaintiff Davis, including but not limited to false claims intended to harm Plaintiff Davis’ future interests both politically and professionally, including a post entitled “What’s Crooked Jeff’s Current Con? CROOKED JEFF has ruined enough lives through his selfish schemes. Share the truth and help us stop his insanity...before he creates more victims.”

44. Defendant Leupp encouraged others to spread false and defamatory statements throughout the community on this website and via direct personal communications and on his personal Facebook.com page.
45. Defendant Leupp caused others to post links to the false and defamatory website so that the greater community could discuss and further publish the website globally.
46. Defendant Leupp also published on this website private information intended to harm Plaintiff Davis.

February 4, 2019 Campaign Speech

47. On the evening of Monday, February 4th, 2019, the Greenville County Republican Party had its bi-monthly Executive Committee meeting at the Hilton Greenville located at 45 West Orchard Park Drive, Greenville, South Carolina 29615. Approximately 250 people were in attendance.
48. The special guest speaker for the February 4th, 2019 meeting was Dr. Oran Smith from Palmetto Promise Institute, one of the primary political non-profit advocacy groups behind the push for **government run K-12 school choice solutions** in South Carolina.
49. It should be noted that the special guest speaker for the April 1st, 2019 meeting was former U.S. Senator Jim DeMint. DeMint is the founding chairman of Palmetto

Promise Institute, one of the primary political non-profit advocacy groups behind the push for government run K-12 school choice solutions in South Carolina.

50. Defendant Leupp, as Chairman of the Greenville County Republican Party was responsible for arranging both of the Palmetto Promise Institute speakers in order to push their advocacy for push for government run K-12 school choice solutions in South Carolina – specifically because Plaintiff Davis was a member of the Greenville Party and attends these events.
51. Also in attendance were invited guests including numerous elected legislators having influence over the school choice debate, including the extremely influential Speaker of the SC House of Representatives, the Honorable Jay Lucas.
52. Defendant Leupp, with malice of forethought, prepared his speech beforehand in order to publicly embarrass and humiliate Plaintiff Davis.
53. Defendant Leupp, called special attention to the fact that he was going to “read” his speech that evening, presumably so he would not make any mistakes in embarrassing Plaintiff Davis, as well as his challenger in the Chairman’s race.
54. Defendant Leupp, in touting his accomplishments, stated that **“I’m very proud that every single ‘R’ on the ballot during his Chairmanship has won”**. This statement was not true given two Republican candidates in the November 2017 Greenville County Council race lost. This is indicative of Defendant Leupp’s propensity to ignore facts.
55. Defendant Leupp, during his speech, called on the party to give him one more term.

56. Defendant Leupp, during his Campaign Speech, proceeded to attack his challenger for approximately 3 minutes.
57. It was well known in the community that Plaintiff Davis actively supported Defendant Leupp's challenger.
58. Defendant Leupp, during his attack, falsely claimed that Defendant Leupp's challenger (and as such Plaintiff Davis) had a plan to **"bring out new people and remove you guys from your precinct positions"**.
59. Defendant Leupp then falsely stated that **"something that makes me a little upset, they are even currently working to remove Linda Gardner from her Executive Committee position."**
60. This statement by Defendant Leupp elicited audible gasps of disgust from the crowd and across the entire room.
61. Ms. Linda Gardner is First Vice Chairman of the Greenville County Republican Party and is the Executive Committeewoman for the Timberlake Precinct where Plaintiff Davis lives.
62. Ms. Linda Gardner, a neighbor of Plaintiff Davis, is a long term and respected "matriarch" of the Greenville County Republican Party and Defendant Leupp's false and defamatory statement was made with malice with an intent to harm Plaintiff Davis.

63. When Plaintiff Davis asked Ms. Gardner about the statement following the meeting, Ms. Gardner stated that **“this was the first I have heard of such”** an accusation.
64. Ms. Gardner denied know of the allegation by Defendant Leupp that **“they were even working to remove Linda Gardner”**.
65. Ms. Gardner knew Defendant Leupp’s statement that **“they were even working to remove Linda Gardner”** was untrue.
66. Defendant Leupp continued with malice to spread this and other false, defamatory and inflammatory statements directly referencing or inferring to Plaintiff Davis in his ongoing effort to harm Plaintiff Davis.
67. As one longstanding political member of the community and neighbor of Plaintiff Davis (which he did not know prior) said when calling Plaintiff Davis, **“you don’t have enough time in your day for me to tell you all the nasty things they said about you.”** That same individual then proceeded to ask me **“why were you disbarred” from the practice of law?** (See other defamatory statements below.)
68. Defendant Leupp then continued his Campaign Speech making such statements and references to not letting “anyone from the outside” come in and take over the party, or that the party should not be involved in such things – obviously referring to the likes of his challenger and Plaintiff Davis.
69. Ironically, Defendant Leupp was describing his own actions from the past in trying to “stack” certain Republican Precincts with people so as to remove his political opponents.

70. Plaintiff Davis was not trying to take over the Greenville County Republican Party.
71. Plaintiff Davis was not an “outside” having grown up and attended high school in Greenville as a youth. (See referenced to not being from Georgia below.)
72. After the above and attaching his challenger and Plaintiff Davis, Defendant Leupp changed gears and announced he was **“going on to a more serious matter and I’m going to go ahead and read this straight forward”**.
73. At this point Defendant Leupp proceeded to attack Plaintiff Davis directly for approximately 3 minutes.
74. Defendant Leupp then went on to describe a lawsuit by Plaintiff Davis which he was named as a John Doe defendant. Again, as with the Ms. Linda Gardner statement, this statement elicited audible gasps from the crowd and across the entire room.
75. Defendant Leupp then proceeded to name his fellow co-defendant in that lawsuit.
76. Defendant Leupp then specifically singled out Plaintiff Davis as the individual who had filed said lawsuit.
77. Defendant Leupp stated **“the plaintiff is here with us tonight, for those of you who do not know him”**.
78. Plaintiff Davis was at the time sitting in the second or third row at the meeting, almost directly in front of Defendant Leupp.
79. Defendant Leupp with malice, proceeded to identify Plaintiff Davis by stating “he is the Vice Chairman of the Tea Party”.

80. Defendant Leupp, with malice, proceeded to state “he is a business associate of Pressley Stutts”. Mr. Stutts was Defendant Leupp’s challenger in the chairman’s race.
81. Defendant Leupp, with malice, further and falsely stated Plaintiff Davis was “now the campaign manager for Pressley Stutts in his race for chairman”.
82. Defendant Leupp then proceeded to detail the lawsuit by stating **“the lawsuit is primarily against our friend Ellen Weaver, long time staff member of Senator Jim DeMint, and now the President of Senator Jim DeMint’s Palmetto Promise Institute.”**
83. Defendant Leupp then proceeded to state that **“I’ll tell you this, lawsuits, threats of lawsuits, attacks on me, it’s not going to stop making me work hard on behalf of the Greenville County Republican Party ... and I’m going to ask you for two more years to continue to grow our party.”**
84. Defendant Leupp as a graduate of Bob Jones University and leader in the local BJU community, with malice and intent to harm Plaintiff Davis, through his Campaign Speech attempting to disenfranchise Plaintiff Davis from his neighbors, friends, and fellow members of the political and business community.
85. Defendant Leupp had also invited at least one member of the press, preparing the reporter as to what his Campaign Speech would entail in order to have the matter published in the local newspaper.

86. Immediately following Defendant Leupp's Campaign Speech, Plaintiff Davis as well as Leupp's challenger were approached (separately) by the reporter for comment.
87. Plaintiff Davis as well as Defendant Leupp's challenger were interviewed by the report and a newspaper article published about the incident.
88. Defendant Leupp made these statements in an effort to distance political activists and legislators from Plaintiff Davis and his school choice advocacy, which he accomplished.
89. Defendant Leupp made such statements in an effort to distance the community from doing business with Plaintiff Davis, which he accomplished.
90. Defendant Leupp made such statements in an effort to estrange business partners from Plaintiff Davis, which he accomplished.

Other Bad Acts by Leupp

91. Defendant Leupp has had spread extensive misinformation, outright false, defamatory and inflammatory claims about Plaintiff Davis.
92. These actions by Defendant Leupp include, but are not limited to, statements that Plaintiff Davis has been disbarred from the practice of law, that he is not "from South Carolina", and that Plaintiff Davis was "from Georgia" after fleeing from that state once he had destroyed school choice there.

93. Defendant Leupp has also spread knowingly false information about Plaintiff Davis as well as his wife, including but not limited to know false statements such as to the amount of money Plaintiff Davis and / or his wife may have made while operating within the SC school choice program.
94. Defendant Leupp also directed certain parties to improperly kick Plaintiff Davis' wife out of a Greenville County Young Republicans meeting. Defendant Leupp was lurking outside the meeting directing leadership in what to do and how to exclude her from the organization. Such acts not only damaged Plaintiff Davis' wife, but also Plaintiff Davis.
95. Defendant Leupp has spread false and defamatory statements about Plaintiff Davis as well as others aligned to him in order to alienate such persons and entities from Plaintiff Davis and others both politically and professionally. This includes but not limited to falsely defaming Plaintiff Davis and others as homophobic and racist. Nothing could be further from the truth, but when the Chairman of the Greenville County Republican Party uses his position and tells the community that, they believe him.
96. Defendant Leupp has used his political position, connections and friends in the gay community to target Plaintiff Davis and others aligned to him with false and defamatory claims of being homophobic. When a Republican party official tells others in gay and LGBTQ community that a person is homophobic, they believe him.
97. On the opposite extreme, Defendant Leupp has published to the protestant Christian, and in particular the Bob Jones University community, that Plaintiff Davis is not

Christian enough and not “one of us”. Plaintiff Davis’ wife is of the Catholic faith, they both attend Catholic Church together, and Defendant Leupp has selectively targeted to publish this private and confidential information to those within the protestant and Bob Jones University community that have distain for Catholics. This is an invasion of Plaintiff Davis and his family’s privacy designed and implemented with malice of forethought to harm Plaintiff Davis, his family, as well as their political and professional status.

98. Defendant Leupp also improperly and upon information and belief, illegally, accessed (or claimed to access) certain police records on Plaintiff Davis’ preferred candidate for chairman. Defendant Leupp then published and spread defamatory and false statements that Plaintiff Davis’ preferred candidate for chairman had police called to his home multiple (8 in total) times for domestic abuse – i.e., beating his wife. The individual’s wife suffers from Parkinson’s disease and such private and confidential information had to be released in defense of Defendant Leupp’s false claims. These acts, although damaging to the direct individuals involved, also damaged Plaintiff Davis and his families political and business relationships.

99. Defendant Leupp has directed others, including elected politicians and other businesses to have nothing to do with Plaintiff Davis and his related parties, specifically and not limited to prohibiting said parties from attending or participating in Greenville Tea Party functions under threat of having Defendant Leupp’s and the Greenville County Republican Parties support withheld.

100. Defendant Leupp directed government employees to ignore Plaintiff Davis' requests. Specifically, but not limited to, inquiries to the Greenville County Election Commission related to Ms. Marsha Christian. Defendant Leupp inferred or stated directly that Plaintiff Davis is essentially a "political terrorist" and should simply be ignored.
101. Defendant Leupp, has a history of violent actions, including but not limited to "slashing tires." Upon information and belief, Defendant Leupp personally or directed other parties to "slash" the tires of Plaintiff Davis preferred candidate for chairman. Three tires on the challenger candidate's automobile were slashed while he was attending an event (SC State Senate special election debate) and his car was parked on the campus of Bob Jones University.
102. Defendant Leupp had professional "background checks" run on Plaintiff Davis and his wife by the Greenville County Republican Party. Such background checks were an invasion of privacy.
103. Upon information and belief, Defendant Leupp has extensive "files" on Plaintiff Davis, his wife, and others so that he can use said information against them. This is an invasion of privacy.
104. Defendant Leupp, has lead defamed Plaintiff Davis by "blocking" and banning him from Defendant Leupp's personal Facebook.com page as well as the Greenville County Republican Party Facebook.com page. This was done as message to the political and business community that Plaintiff Davis was what is commonly referred to as a **"political terrorist"** and should be shunned.

105. Given Plaintiff Davis' professional status as an attorney and a CPA, Plaintiff Davis has always conducted himself online in a courteous and professional manner, never conducting himself in a manner that would cause himself to be blocked or banned on Facebook.com.
106. Defendant Leupp has proceeded to "make up" stories to justify his banning / blocking of Plaintiff Davis.
107. Defendant Leupp has communicated to other individuals in the community that Plaintiff Davis is was attempting to have Ms. Marsha Christian fired from her job and that Plaintiff Davis was going to sue Ms. Christian.
108. Defendant Leupp had others further publish these false claims that Davis was *#1 trying to have Ms. Christian fired* and he was also *#2 threatening to sue Ms. Christian* to the broader community with malice in order to alienate Plaintiff Davis from others politically and professionally.
109. Defendant Leupp has also published to others that Plaintiff Davis' wife has been involved in unethical, un-businesslike, illegal and/or criminal acts causing her, and by extension Plaintiff Davis, substantial harm.
110. Defendant Leupp knew such statements and stories were false when he made them, and he made such statements with malice in order to malign the reputation of Plaintiff Davis in order to further his agenda.

111. Defendant Leupp made such statements knowing of other false rumors and defamatory statements circulating within the community, knowing such would make his false statements easy to believe. This is commonly called “piling on”.
112. Defendant Leupp made such statements in an effort to distance political activists and legislators from Plaintiff Davis and his school choice advocacy, which he accomplished.
113. Defendant Leupp made such statements in an effort to distance the community from doing business with Plaintiff Davis, which he accomplished.
114. Defendant Leupp made such statements knowing Plaintiff Davis would be forced to defend himself and thus deflect and distract Davis’ efforts away from his school choice advocacy, business endeavors and other priorities.
115. Even when faced with the facts, Defendant Leupp in a defiant and malicious effort to further malign Plaintiff Davis, continues to spread false and defamatory statements about Plaintiff Davis.
116. Defendant Leupp made or encourages others to make defamatory statements with malice online, especially his personal Facebook.com page, while knowing that a large number of members of the community would read or hear about the exchanges.
117. Defendant Leupp’s post and comments, given his position as Chairman of the Greenville County Republican Party, are extremely popular and seen by hundreds if not thousands of individuals in the community.

118. Defendant Leupp has received “payment” for his actions to malign Plaintiff Davis, including but not limited to a lobbyist / special interest group paid trip to Washington D.C. from political strategy organization actively opposing (for money) Plaintiff Davis’ school choice advocacy.

119. Defendant Leupp has been promised future political “favors” for his actions to malign Plaintiff Davis, particularly related to Plaintiff Davis’ school choice advocacy.

“John Doe” Defendants

120. Upon information and belief, Defendant Leupp’s actions are influenced and directed by potential John Doe Defendants.

121. Identification of the potential John Doe Defendants is expected during the discovery phase of this litigation.

122. It is unknown to Plaintiff Davis at this time if the John Doe Defendants are individuals, entities, members of or leadership in the Greenville County or South Carolina Republican Party, government agencies or taxpayer supported organizations, political advocacy non-profits, public relations firms, lobbyists or even elected politicians or candidates for office.

A FIRST CAUSE OF ACTION
(DEFAMATION PER SE & PER QUOD)

123. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.
124. Defendant Leupp, along with the John Doe Defendants, individually and collectively, made false and defamatory statements about Plaintiff Davis.
125. Defendant Leupp, along with the John Doe Defendants, individually and collectively, published both verbally and in writing to third parties false and defamatory statements about Plaintiff Davis.
126. These statements were false and Defendant Leupp along with the John Doe Defendants, individually and collectively, knew or should have known that the statements were false.
127. Even after Defendant Leupp was informed on numerous occasions by Plaintiff Davis that his statements were false, Defendant Leupp continued to make his false and defamatory claims.
128. The statements were false and Plaintiff Davis' political and professional reputation has been slandered.
129. The defamatory statements made by Defendant Leupp along with the John Doe Defendants, individually and collectively, have caused the Plaintiff to suffer general damages, as well as special damages including lost job opportunities, lost back and future wages / income, lost benefits, damages for emotional stress, anxiety,

inconveniences, mental anguish, loss of enjoyment of life, loss of consortium, embarrassment, humiliation, damage to his professional reputation, and loss of possible job positions.

130. As the direct and proximate result of the Defendant Leupp and the John Doe Defendants' defamatory statements, individually and collectively, which were made with malice and with the specific intent to harm Plaintiff Davis and others, Plaintiff Davis is entitled to special damages, actual damages, incidental damages, and punitive damages, all in an amount to be determined by a jury.

A SECOND CAUSE OF ACTION
(DEFAMATION BY INNUENDO)

131. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

132. Defendant Leupp along with the John Doe Defendants, individually and collectively, made misleading innuendo and statements about Plaintiff Davis which placed him in a false light within the community.

133. As the direct and proximate result of Defendant Leupp and the John Doe Defendants' statements, individually and collectively, which were made with malice and with the specific intent to harm Plaintiff Davis and others, Plaintiff Davis is entitled to special damages, actual damages, incidental damages, and punitive damages, all in an amount to be determined by a jury.

A THIRD CAUSE OF ACTION
(INVASION OF PRIVACY)

134. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.
135. Defendant Leupp along with the John Doe Defendants, individually and collectively, engaged in wrongful acts that constitute an unwarranted invasion and trespass upon Plaintiff Davis' privacy.
136. Defendant Leupp along with the John Doe Defendants, individually and collectively, armed with the personal knowledge gained from unwarranted invasion and trespass upon Plaintiff Davis' privacy, used and published such knowledge improperly and sought additional private knowledge (irrelevant to the matters at hand) to improperly use against Plaintiff Davis in furtherance of Defendant Leupp and the John Doe Defendants' financial and political interests.
137. Defendant Leupp along with the John Doe Defendants, individually and collectively, publicized to the community and general public private information about Plaintiff Davis, without any waiver or privilege, such private matters in which the public has no legitimate concern, and did so as to bring shame and humiliation to persons of ordinary sensibilities.
138. Such wrongful acts perpetrated by Defendant Leupp and the John Doe Defendants, individually and collectively, have inflicted great and irreparable harm upon Plaintiff Davis.

139. Certain Defendants acquiesced to the improper actions of their agents and other Defendants in furtherance of their scheme.

A FORTH CAUSE OF ACTION
(NEGLIGENCE)

140. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

141. Defendant Leupp along with the John Doe Defendants, individually and collectively, were negligent, careless, reckless and willfully acted with actual malice in that they had a duty to ensure the truthfulness of their statements but they knew their statements were false and nevertheless acted with reckless disregard for the truth by publishing their statements to third parties.

A FIFTH CAUSE OF ACTION
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

142. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

143. The conduct of Defendant Leupp along with the John Doe Defendants, individually and collectively, was intended to inflict emotional distress on Plaintiff Davis and was outrageous beyond the bounds of conduct expected by members of

society; the outrageous conduct caused Plaintiff Davis to suffer severe emotional distress, resulting in Plaintiff Davis incurring expense for medical treatment.

A SIXTH CAUSE OF ACTION
(TORTIOUS INTERFERENCE WITH
PROSPECTIVE CONTRACTUAL RELATIONS)

144. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

145. Defendant Leupp along with the John Doe Defendants, individually and collectively, directed others (including other John Doe Defendants) directly and indirectly to refrain from doing political and professional business with Plaintiff Davis and associated individuals and entities by making false and defamatory statements and innuendo.

146. The actions of Defendant Leupp along with the John Doe Defendants, individually and collectively, have caused certain individuals and businesses to fail to engage in contractual business with Plaintiff Davis and related entities as well as the failure to engage in political commitments to support Plaintiff Davis' school choice advocacy efforts. Such interference with Plaintiff Davis' prospective business and political contractual relations continues as of the filing of this Complaint given the false statements by the Defendants are still published online today (only within the past month made "private") and have not been corrected or removed.

147. As a direct and proximate result of the actions of Defendant Leupp along with the John Doe Defendants, individually and collectively, Plaintiff Davis was damaged.

A SEVENTH CAUSE OF ACTION
(UNFAIR TRADE PRACTICES)

148. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

149. This cause of action is brought pursuant to "South Carolina Unfair Trade Practices Act.", S.C. Code Ann 39-5-10 *et seq.* ("SCUTPA")

150. The public has an interest in ensuring that non-profit organizations operating in South Carolina, as well as their volunteers (which Plaintiff Davis is one) and beneficiaries, are not hindered in their charitable mission.

151. Defendant Leupp along with the John Doe Defendants, individually and collectively, violated the SCUTPA through their actions herein discussed.

152. Plaintiff Davis, as a professional, is engaged in the trade of providing professional services to individuals and entities.

153. The actions of Defendant Leupp along with the John Doe Defendants, individually and collectively, were intended and did in fact harm Plaintiff Davis and his political, business and philanthropic endeavors thus benefiting with an unfair advantage themselves and others engaged in the same political, business and philanthropic endeavors as Plaintiff Davis.

154. Plaintiff is entitled to injunctive relief, treble damages, and attorney's fees and costs as allowed by statute.

AN EIGHTH CAUSE OF ACTION
(PIERCE THE CORPORATE VEIL)

155. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

156. Upon information and belief, certain John Doe Defendants are corporate entities.

157. The John Doe Corporate Defendants were operated as the alter-ego or instrumentality of one of more of the individual John Doe Defendants and/or Defendant Leupp for their own personal benefit and financial gain and as such perpetuated the complained actions on Plaintiff Davis.

158. Upon information and belief, one or more of the John Doe Defendants and/or Defendant Leupp exercised dominion and control over the John Doe Corporate Defendants' finances and operations, and used such for their own personal benefit.

159. Upon information and belief, the John Doe Corporate Defendants disregarded basic corporate formalities. This disregard includes, but is not limited to, operating the John Doe Corporate Defendants in such a way that the same no longer has a corporate personality that is separate and distinct from one or more of the individual John Doe Defendants and/or Defendant Leupp.

A NINTH CAUSE OF ACTION
(CONSPIRACY)

160. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.
161. Defendant Leupp along with the John Doe Defendants, individually and collectively, conspired and colluded together and amongst themselves and/or third parties, for the purpose of injuring Plaintiff Davis.
162. Plaintiff Davis was damaged as a direct and proximate result of this conspiracy and collusion by Defendant Leupp along with the John Doe Defendants, individually and collectively.
163. Defendant Leupp is a longstanding and involved member of the Greenville County Republican Party. Defendant Leupp is the current Chairman of the Greenville County Republican Party. The John Doe Defendants are believed to be senior political and community figures. Given the stature and position of Defendant Leupp and the John Doe Defendants, individually and collectively, both locally and nationally, Plaintiff sustained substantial embarrassment and pain & suffering as a result of this conspiracy and collusion.
164. Plaintiff Davis and his wife were dealing with some major medical issues and substantial expenses due to the additional stress incurred because of Defendant Leupp and the John Doe Defendants civil conspiracy. But for their civil conspiracy, Plaintiff and his wife would not have had this additional stress and pain & suffering or additional medical expenses.

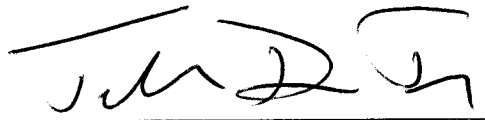
165. Plaintiff also had to incur substantial additional out of pocket expenses and personal time to combat Defendant Leupp and the John Doe Defendants' false statements and their civil conspiracy and as such was not able to focus on his political and professional endeavors, thus suffering substantial damages.
166. Plaintiff Davis has been harmed both politically and professionally due to Defendant Leupp and the John Doe Defendants civil conspiracy and the constant requirement to stay 110% attentive to any efforts to further tarnish the image and reputation of Plaintiff Davis, his wife and others aligned to his school choice advocacy.
167. Plaintiff Davis has had at least \$50,000 - \$100,000 plus in out of pocket special damages directly related to Defendant Leupp and the John Doe Defendants' civil conspiracy, plus any additional compensation for pain & suffering and lost income and wages to be calculated.
168. Plaintiff Davis requests judgment on this cause of action for actual damages, punitive damages and costs.

[CONTINUED ON NEXT PAGE]

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court inquire into the matters alleged and render a judgment against Defendants for actual and punitive damages in an amount to be determined by a jury. Plaintiff further prays for costs, pre- and post-judgement interest where allowed by law and attorney's fees against the Defendants and any such other and further relief as the Court may deem just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeff Davis', written over a horizontal line.

Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, SC 29615
843-901-8036 (cell)
jeff@apogeetax.com

PLAINTIFF

November 12, 2019
Greenville, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

JEFFERSON DAVIS, JR.

Plaintiff(s)

vs.

NATE LEUPP, AUTOMATTIC, INC.,
FACEBOOK, INC. & JOHN DOES 1-40

Defendant(s)

Submitted By: Jefferson Davis, Jr., Pro Se

Address: 403 McCarter Avenue
Greenville, SC 29615

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2019 -CP - 23 - 06576

SC Bar #: N/A = Pro Se

Telephone #: 843-901-8036 (cell)

Fax #:

Other:

E-mail: jeff@apogeetax.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 cases that are NOT E-Filed. 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. This form is NOT required to be filed in E-Filed Cases.

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)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/
Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 -NI-
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☒ Slander/Libel (380)
☐ 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)
☐ Incapacitated Adult
Settlement (790)
☐ 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)
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680)
☐ Interpleader (690) | | | | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an
Out-of-County Action (660)
☐ Pre-Suit Discovery (670) |

Submitting Party Signature:

Date: November 12, 2019

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

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

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

Pursuant to the ADR Rules, 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.
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
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	Case No.: 2019-cp-23-06576
Jefferson Davis, Jr.,	)	
	)	
Plaintiff,	)	Motion to Dismiss and Motion for
	)	Sanctions, Injunctive Relief, Costs and
vs.	)	Attorney's Fees Pursuant to Res Judicata,
	)	SCRCP Rules 8, 11, 12 and South Carolina
Nate Leupp, Automatic, Inc., Facebook,	)	Code §15-36-10
Inc., John Does 1-40	)	
	)	
Defendants.	)	
	)	

To Plaintiff Jefferson Davis:

Please take notice that Defendant Nate Leupp, by and through his undersigned counsel, hereby respectfully moves this Honorable Court as soon as practicable to dismiss this action pursuant to the doctrine of Res Judicata, South Carolina Rules of Civil Procedure (hereinafter "SCRCP") 12(b)1, 8(a), 12(b)(6) and 12(b)(8). Defendant's action is barred by February 13, 2019 Order of Judge Early in Case Number 2018-cp-40-02425 granting dismissal with prejudice of Defendant Leupp from Plaintiff's litigation stemming from the exact same school choice related facts and circumstances and pleading word for word identical causes of action.

Defendant further moves for sanctions, a directive, injunctive relief, reasonable attorney's fees and costs pursuant to SCRCP Rule 11 and the South Carolina Frivolous Civil Proceedings Act, South Carolina Code 1976 Annotated §15-36-10.

Defendant Leupp reserves the right to support this motion by separate and subsequently filed memorandums and exhibits.

Signature on Next Page

Respectfully Submitted:

s/Geoffrey K. Chambers

Geoffrey K. Chambers
411 Walnut Street
Number 10646
Green Cove Springs, FL 32043
Phone: 864-508-0899
Email: Geoffrey@CPerlgroup.com

This 20th day of December, 2019.
Green Cove Springs, Florida

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	Case No.: 2019-cp-23-06576
Jefferson Davis, Jr.,	)	
	)	Memorandum in Support of Defendant
Plaintiff,	)	Leupp's Motion to Dismiss and Motion for
	)	Sanctions, Injunctive Relief, Costs and
vs.	)	Attorney's Fees Pursuant to Res Judicata,
	)	SCRCP Rules 8, 11, 12 and South Carolina
Nate Leupp, Automatic, Inc., Facebook,	)	Code §15-36-10
Inc., John Does 1-40	)	
	)	
Defendants.	)	
	)	

Background:

Plaintiff Jefferson Davis is a Greenville County resident. He is a public figure who ran for and was elected vice chair the Greenville Tea Party. Mr. Davis ran and was elected to the statewide Republican Liberty Caucus. He currently serves as the treasurer of the Republican Liberty Caucus. Mr. Davis sends weekly emails to thousands of recipients statewide regarding school choice and has been the subject of and interviewed for numerous newspaper articles on the subject.

Plaintiff Davis graduated from the University of South Carolina School of Law and became licensed in Georgia 27 years ago. He remains licensed there as a practicing attorney.

Plaintiff Davis moved to South Carolina from Georgia. In Georgia, Mr. Davis ran a scholarship fundraising organization. Plaintiff Davis is a tax attorney CPA and was formerly a Certified Financial Planner until a dispute arose concerning his interactions with clients. (See Exhibit A) Mr. Davis shut down his business in Georgia and moved to South Carolina. Once in South Carolina, Mr. Davis filed for bankruptcy protection and attempted to stay legal proceedings by his former clients with that bankruptcy. An order resulted in which a Federal Bankruptcy Judge denied bankruptcy protection for Mr. Davis against the lawsuit from the former clients.

Mr. Davis' wife set up a scholarship fundraising organization called Palmetto Kids First, Inc. The South Carolina Department of Revenue audited Palmetto Kids First, Inc. and found

numerous violations. (see Exhibit B) Due in part to abuses reported by DOR, the Legislature revamped the law of scholarship funding organizations in South Carolina, effectively cutting out Palmetto Kids First, Inc. Mr. Davis has waged a four year weekly email smear campaign and litigation campaign against DOR, the auditor hired by DOR, the new scholarship organization created by the legislature in South Carolina Code Section 12-6-3790, and any person he believes might be involved or an impediment to his lobbying and political maneuvering to change South Carolina law back to a statute that allows his participation. This campaign is carried out in weekly email blasts and various lawsuits in Lexington, Richland, Newberry and now Greenville County.

Plaintiff Davis' axe to grind with Defendant Leupp started when he asked to volunteer for a leadership position on the candidate selection committee in the Greenville Republican Party. In retrospect was suspected Plaintiff Davis intended to select candidates who would be sympathetic to his position of returning scholarship funding law to a pre-audit environment that would allow his wife's organization to participate. At the time, Mr. Davis' mismatch of personality and a limited knowledge of his past precluded the Greenville Republican Party from entertaining Mr. Davis' request for leadership. Mr. Davis was unsuccessful in convincing the Greenville Republican Party to allow him to volunteer for leadership positions. Mr. Davis then ran for the committee position held by Linda Gardner unsuccessfully. Afterwards, Mr. Davis went to the Greenville Tea Party where he obtained a leadership role as vice chair of that organization. He helped run a candidate, Pressley Stutts, against Defendant Leupp for chairman of the Greenville Republican Party. Mr. Stutts was unsuccessful in his campaign.

In the immediate action, Mr. Davis links his failed attempts to take a leadership position in the Greenville Republican Party to an even larger conspiracy involving the events with the scholarship funding organization in which he was a volunteer. Mr. Leupp was already named in a Richland County civil action arising from the same set of facts and circumstances.

Res Judicata and Rule 12(b)8 SCRCP:

Avoidance of "duplicative litigation" as the underlying principle of Rule 12(b)(8) *State ex rel. Wilson v. Condon*, 410 S.C. 331, 333, 764 S.E.2d 247, 248 (2014) "In South Carolina, dismissal

under Rule 12(b)(8) may be proper when there is (1) another action pending, (2) between the same parties, (3) for the same claim." *Capital City Ins. Co. v. BP Staff, Inc.*, 382 S.C. 92, 105, 674 S.E.2d 524, 531.

Mr. Davis has already named Defendant Leupp in a Richland County Lawsuit that plows the same ground. In Richland County Civil Action Number 2018-CP-40-02425 Plaintiff Davis alleges Mr. Leupp created a website to defame him (paragraph 160), alleges defendant Leupp has created similar defamatory websites (paragraph 161), alleges Defendant Leupp is a pawn of Ellen Weaver and Jim Demint (paragraph 162), alleges defendants defamed him by stating he lost his law license and in other ways (paragraphs 221 and 222), alleges he was defamed by innuendo (paragraphs 226 and 227), alleges defendant Leupp invaded his privacy through obtaining his background (paragraph 230), alleges negligence in not checking truthfulness of statements (paragraph 234), alleges infliction of emotional distress (paragraph 236), alleges Defendant Leupp instructed others not to do business with Plaintiff (paragraph 238), alleges unfair trade practices (paragraphs 241 to 244), alleges veil piercing (paragraph 246) and alleges Defendant Leupp was a part of a larger statewide conspiracy against Plaintiff Davis related to Plaintiff Davis' school choice political positions (paragraph 250 to 256).

In the present civil action Plaintiff Davis alleges Defendant Leupp created a defamatory website (paragraphs 38 through 46). Plaintiff Davis alleges Defendant Leupp created other defamatory websites. (paragraphs 29 through 37)

Plaintiff Davis realleges the seemingly meaningless detail that there is some significant relationship regarding Defendant Leupp and Richland County co-defendant Jim Demint. (Paragraph 49) Plaintiff Davis also ties in other Richland County Civil Action co-defendants of Defendant Leupp in paragraph 48.

In paragraph 21 of our complaint, Plaintiff Davis admits that he pled identical Richland and Greenville County civil action defamation claims regarding not being from South Carolina, losing his law license, Plaintiffs issues with the Georgia special needs scholarship program and Plaintiffs issues with the South Carolina special needs scholarship program.

In paragraphs 124 and 125 Plaintiff Davis claims the defendants defamed him just as he did in Richland County in paragraphs 221 and 222.

In paragraph 132 the present complaint goes into the same claim of defamation by innuendo or false light as pled in Richland County.

In Paragraph 135 Plaintiff Davis launches into the invasion of privacy claim just as he did in Richland County action.

In paragraph 141 there is an identical negligence claim to the one filed in Richland County.¹

Paragraph 143 is the beginning of an Intentional Infliction of Emotional Distress claim just like paragraph 236 of the Richland County complaint.

Paragraph 145 is a tortious interference with contractual relations claim like the one pled in Richland County.²

In paragraph 149 the plaintiff re-pleads his unfair trade practices act from the Richland County case against Defendant Leupp.³

The veil piercing is plead in both paragraph 156 of this complaint and paragraph 246 of the Richland County complaint.⁴

The conspiracy is plead in the same way in both complaints. It is located at paragraph 161 of this complaint.

¹ Plaintiff fails to show any duty owed to him to investigate the truth of an allegation under South Carolina Law. The existence of a duty to investigate does not appear to be established. *Metts v. Mims*, 370 S.C. 529, 635 S.E.2d 640 (S.C. App. 2006) (Failure to investigate in and of itself is insufficient to establish that a defendant recklessly disregarded the falsity of a published article.)

² This cause of action was dismissed in Richland County because there is no existing contractual relationship. No existing contractual relationship is alleged in this complaint either. Any future contract that doesn't exist today is speculative and not actionable in South Carolina.

³ This cause of action has been dismissed in Richland County because the nature of the allegations are not ones that would fall under trade practices as defined in the Unfair Trade Practices Act. Furthermore the Plaintiff fails to plead and show that the Attorney General was presented with the exact specifics of this complaint and declined to bring an action.

⁴ Defendant Leupp is an individual and veil piercing is not applicable.

Like the Richland County case, Plaintiff alleges a wide-ranging political conspiracy to harm the Plaintiff because of Plaintiffs actions and positions regarding special needs scholarships for children. It involves the same set of facts, Defendant Leupp is a defendant in both actions and the complaint mentions Oran Smith, Palmetto Promise Institute and Jim Demint who are parties to the Richland County action. South Carolina is a small and closely linked state. There is not room for multiple statewide conspiracies over the same motivation, set of facts and circumstances. Our Courts have always held that a person cannot bring simultaneous actions for the same set of facts and circumstances in multiple counties against the same Defendant. This matter should be dismissed pursuant to Rule 12(b)8 SCRPC. Plaintiff chose to sue Defendant Leupp in Richland County first and this matter should remain there. The fact that Defendant Leupp was dismissed with prejudice and Plaintiff has continued the action against Defendant Leupp by appeal shows Res Judicata and 12(b)8 apply.

Rule 12(b)6 SCRPC Defamation Per Se

Much of this complaint alleges Defamation per se due to slander. South Carolina only recognizes Slander per se in limited circumstances. “Slander is actionable per se when the defendant's alleged defamatory statements charge the plaintiff with one of five types of acts or characteristics: (1) commission of a crime of moral turpitude; (2) contraction of a loathsome disease; (3) adultery; (4) unchastity; or (5) unfitness in one's business or profession.” Goodwin v. Kennedy, 347 S.C. 30, 36, 552 S.E.2d 319, 322-23 (Ct.App.2001). McBride v. Sch. Dist. of Greenville Cnty., 389 S.C. 546, 698 S.E.2d 845, 259 Ed. Law Rep. 918 (S.C. App. 2010)

Plaintiff fails to plead that Defendant Leupp stated he committed a crime, has a disease, cheated on his wife, is a sexually promiscuous man. Defendant Leupp is alleged to have said Plaintiff lost his law license, but this is clearly alleged in the Richland County action and should be dismissed under 12(b)8.

Rule 12(b)6 Defamation Per Quod

To prove defamation, the plaintiff must show (1) a false and defamatory statement was made; (2) the unprivileged publication was made to a third party; (3) the publisher was at fault; and (4) either actionability of the statement irrespective of special harm or the existence of special harm

caused by the publication. *Fleming v. Rose*, 350 S.C. 488, 494, 567 S.E.2d 857, 860 (2002). When the statement is defamatory per quod, “the plaintiff must introduce extrinsic facts to prove the defamatory meaning.” *Erickson*, 368 S.C. at 465, 629 S.E.2d at 664. Special damages must be shown when a plaintiff alleges defamation per quod. *McBride v. Sch. Dist. of Greenville Cnty.*, *supra*, 389 S.C. 546, 698 S.E.2d 845, (S.C. App. 2010). Special damages are tangible losses or injuries to the plaintiff's property, business, occupation, or profession in which it is possible to identify a specific amount of money as damages. *Erickson*, 368 S.C. at 465, 629 S.E.2d at 664.

Plaintiff alleges numerous acts by Defendant Leupp listed below:

1. Alleges Defendant Leupp created a defamatory website called “Crooked Jeff” (Res Judicata)
2. Alleges Defendant Leupp said the Tea Party was trying to remove delegates (Plaintiff fails to plead a specific economic harm from this statement and the Tea Party is not a Plaintiff)
3. Alleges Defendant Leupp said the Tea Party would try to remove Linda Gardner, Mr. Davis’ neighbor, as an executive committee member and then pled that Linda Gardner did not believe the statement. (Plaintiff fails to plead a specific economic harm from this statement and the Tea Party is not a Plaintiff. Furthermore, public record will show Plaintiff ran for the executive committee seat held by Linda Gardner.)
4. Alleges Defendant Leupp called attention to Jefferson Davis for filing a lawsuit in Richland County (This is true and there is no allegation of specific economic harm)
5. Alleges Defendant Leupp said Plaintiff is disbarred from practice of law (Res Judicata and 12(b)8 apply from the Richland County Case. There is also no pleading of specific economic harm linkable to this statement.)
6. Alleges Defendant Leupp said Plaintiff is not from South Carolina (Res Judicata and 12(b)8 apply from the Richland County Case. There is also no pleading of specific economic harm linkable to this statement.)
7. Alleges Defendant Leupp said Plaintiff wrecked the Georgia special needs scholarship program (Res Judicata and 12(b)8 apply from the Richland County Case. There is also no pleading of specific economic harm linkable to this statement.)

8. Alleges Defendant Leupp falsely reported the amount of money Plaintiff made being a “volunteer”. (Plaintiff fails to plead a specific economic harm from this statement.
9. Alleges Defendant Leupp kicked Plaintiff’s wife out of a meeting (Plaintiff’s wife not a plaintiff)
10. Alleges Defendant Leupp stated Plaintiff Davis is homophobic or racist (Plaintiff fails to plead what was said, who was the audience or any specific link to economic harm to the Plaintiff.)
11. Alleges Defendant Leupp said that Plaintiff is Catholic. (Plaintiff pleads that this is true.)
12. Alleges Defendant Leupp accessed police records for Pressley Stutts (Pressly Stutts is not a Plaintiff)
13. Alleges Defendant Leupp asked candidates in his own party to not attend political functions of a different political party. (Not actionable and the Tea Party is not a plaintiff.)
14. Slashed Pressley Stutts’ tires (Pressley Stutts is not a plaintiff.)
15. Told a government official Plaintiff Davis was a political terrorist and should be ignored. (Failure to plead this is untrue and failure to plead any specific economic harm directly linked to this statement.)
16. Alleges Defendant Leupp invaded Plaintiff’s privacy by having a professional background check performed. (Res Judicata and Rule 12(b)8 apply because this was pled in Richland County. Mr. Davis is public figure and a background check is a compilation of public information. Mr. Davis’ court records are not private.)
17. Blocked Plaintiff from Facebook pages controlled by Defendant Leupp (This is not actionable and Defendant Leupp did not say or write anything as required by the elements of defamation. Plaintiff failed to plead any specific link to economic harm).
18. Alleges Defendant Leupp said that Plaintiff intended to sue the Greenville Election Commission and have an employee removed from her job (Plaintiff failed to plead any specific link to economic harm caused by this statement. In addition this is truth and the employee was forced to retire due to Plaintiff’s threatening emails to the election commission.)

Plaintiff pleads in paragraph 129 that he has had lost job opportunities, lost wages, lost benefits, emotional stress, anxiety, inconveniences, mental anguish, loss of enjoyment of life, loss of

consortium, embarrassment, humiliation, damage to professional reputation, and loss of possible job positions. This is insufficient because there is no specific economic loss pled. There is no specificity to this pleading. The plaintiff just generally lists a definition of general and specific damages. Plaintiff fails to plead any specific job that was lost and how it was directly linked to any defamatory statement or writing of Defendant Leupp. Plaintiff has failed to plead the link necessary to economic harm or identify any specific economic harm linked to any particular allegation of defamation *per quod*. The claims of special damages are speculative and non-specific at best. Defendant's causes of action should be dismissed pursuant to Rule 12(b)6.

Conclusion:

Plaintiff filed an action against Defendant Leupp for this exact set of facts and circumstances and the identical causes of action in Richland County. The tangible allegations and exact causes of action were pled in the Richland County action. Plaintiff continues to maintain that action against Defendant Leupp through an appeal. Should Plaintiff seek to include any further specifics regarding Mr. Leupp's involvement in these facts and circumstances, he should do so in the venue chosen first. Mr. Leupp should not have to defend two actions for the same set of facts and circumstances and our Court system should not be so burdened. In addition, Plaintiff Davis is unable to and has not pled any specific economic harm linked to the defamation allegations or pled an actionable defamation *per se* that was not specifically brought in the Richland County civil action against Defendant Leupp. For the above stated reasons, this action should be dismissed pursuant to SCRCR Rules 12(b)6 and 12(b)8.

Furthermore Plaintiff is a seasoned attorney of 27 years licensure. As such he is charged with knowing he cannot bring a frivolous action in two venues for the same set of facts and circumstances. Defendant Leupp requests the Court order the costs incurred in defending this action.

Respectfully Submitted:

s/Geoffrey K. Chambers

Geoffrey K. Chambers
411 Walnut Street
Number 10646
Green Cove Springs, FL 32043

Phone: 864-508-0899

Email: Geoffrey@CPerlgroup.com

This 20th day of December, 2019.
Green Cove Springs, Florida

Exhibit A: CFP License Report for Ronald Jefferson Davis

The screenshot shows a web browser window with the address bar displaying "prnewswire.com/news-releases/cfp-board-censures-improper-cfp-professional-conduct-212864158.html". The browser's address bar also shows "eFlex" and "CFP Board Censures Improper C...". The page content includes a cookie notice at the top, followed by the section "SOUTH CAROLINA". The main text describes the CFP Board's action against Ronald Jefferson Davis (Mt. Pleasant) in August 2014, detailing his misconduct and the resulting revocation of his CFP® certification. Below this, there is a section titled "ABOUT CFP BOARD" with a mission statement. The Windows taskbar at the bottom shows the date as 6/16/2020 and the time as 12:07 AM.

We use cookies to personalize content and ads, to provide social media features and to analyse our traffic. We also share information about your use of our site with our social media, advertising and analytics partners. [Cookie Policy](#) [Cookie Settings](#) [Accept Cookies](#)

SOUTH CAROLINA

Ronald Jefferson Davis (Mt. Pleasant): In August 2014, CFP Board issued an order permanently revoking Mr. Davis' right to use the CFP® certification marks. This discipline followed Mr. Davis' entry into a settlement agreement with CFP Board in which he consented to CFP Board's findings that he told clients that they were purchasing a stock while failing to tell them about a \$5 million dollar liability, told clients that their \$950,000 was being used to purchase a stock when he was really using it to pay interest on the loan as well as business and personal expenses, told clients that he was indicating to the bank to change the guarantors of the loan when he did not, informed the clients that the loan was current when it was not and filed bankruptcy after promising to have the clients released as guarantors on the \$5 million dollar loan. The Commission found that Mr. Davis' conduct violated Rules 102, 103(d), 202, 401(a), 501, 606(b) and 607 of CFP Board's Code of Ethics and Rules 1.4 and 6.5 of CFP Board's *Rules of Conduct as well as Practice Standards 400-3 and 500-2*, providing grounds for discipline under Articles 3(a) and 3(b) of CFP Board's *Disciplinary Rules and Procedures*. In accordance with Article 4.4 of the *Disciplinary Rules*, CFP Board issued a Revocation of Mr. Davis' CFP® certification. Mr. Davis' revocation is effective as of August 14, 2014.

ABOUT CFP BOARD

The mission of Certified Financial Planner Board of Standards, Inc. is to benefit the public by granting the CFP®

Exhibit B: Audit of Palmetto Kids First

This report is subject to disclosure under the South Carolina Freedom of Information Act, Chapter 4, Title 30 of the South Carolina Code of Laws. If a copy of the report is requested pursuant to the Freedom of Information Act, any information contained in the report that would be subject to Section 12-54-240 of the Code will be redacted prior to releasing the report.

Audit of Palmetto Kids First Scholarship Program, Inc.**I. INTRODUCTION**

The South Carolina General Assembly passed Proviso 1.85 within H. 3710 for fiscal year 2013-2014 and Proviso 1.80 within H. 4701 for fiscal year 2014-2015, establishing Educational Tax Credits for Exceptional Needs Children and providing for tax-exempt charitable entities known as Scholarship Funding Organizations (“SFOs”) to raise money and distribute scholarships to children with “exceptional needs.” The South Carolina General Assembly has continued the Educational Credits for Exceptional Needs Children program for fiscal year 2015-2016, by enacting “within H. 4230 (R.130) of the state budget a provision that further refines the Educational Credit for Exceptional Needs Children (ECENC).”¹

The South Carolina Department of Revenue (the “Department”) initiated a review of one SFO, Palmetto Kids First Scholarship Program, Inc. (“PKF”), on October 8, 2014 due to reported improprieties in PKF’s operations, as well as issues involving Jeff Davis, who filed for bankruptcy in 2011, and who is closely associated with PKF.

A public records search into Mr. Davis revealed multiple concerns including bankruptcy, interim suspension and eventual revocation of a professional designation, litigation involving embezzlement, use of client funds for personal and business expenses, forgery, as well as pleading the 5th Amendment against self-incrimination during deposition testimony in a lawsuit. See Exhibits (G), (H), and (J).² Given that PKF solicits charitable donations from the public and operates a charitable organization exempt from federal and state taxation under the tax laws, the Department initiated a review of the SFO to ensure the integrity and viability of the Educational Credits for Exceptional Needs Children program, and to protect the taxpayer and the public from possible impermissible actions by PKF.

PKF incorporated under the South Carolina Nonprofit Corporation Act on June 20, 2013. The Internal Revenue Service (“IRS”) granted PKF nonprofit status on November 20, 2013, making PKF a 501(c) (3) organization (the IRS retroactively granted PKF 501(c)(3) status since June 20, 2013). The South Carolina Secretary of State Office recognized PKF as a charity under the South Carolina Solicitation of Charitable Funds Act on January 10, 2014.

¹<http://www.eoc.sc.gov/educredit4exceptionalneeds/Pages/default.aspx>

²Exhibit (J) is an order issued in an adversary proceeding by the United States Bankruptcy Court for the District of South Carolina. *Taylor v. Davis*, 494 B.R. 842 (2013). The Fourth Circuit subsequently affirmed in a unanimous opinion. *Taylor v. Davis*, 607 Fed. Appx. 298 (2015).

Olga Lisinska is the Registered Agent and Director of Operations for PKF.³ She is the wife of Mr. Davis, who also organized a similar nonprofit in Atlanta, Georgia and is actively involved in PKF's affairs.

PKF lists Jaroslaw Jasinski as its President on the entity's 2013 federal 990 tax return for nonprofit organizations (Exhibit Q). IRS Form 990s are publically available. David Owens is the Vice President, and Shawn Lifrage is the Secretary and Treasurer. These same individuals comprise the Governing Board of Directors for PKF.

Shawn Lifrage resides in Florida. David Owens currently lives in France. Jaroslaw Jasinski resides in Poland. The Director of Operations, Mrs. Lisinska, the Director of Operations, currently resides in South Carolina.

All known documents show that PKF specifies its office as 1985 Riviera Dr. 103 – 126, Mount Pleasant, South Carolina 29464. The address houses a PostNet franchise, a "neighborhood business center that offers business services,"⁴ including secure mailbox and shipping services. PKF has no known established physical office.

Mrs. Lisinska is also the Registered Agent and sole Manager of Scholarship Services, LLC. Scholarship Services, LLC is a domestic South Carolina limited liability company registered with the South Carolina Secretary of State effective January 31, 2014. The company's office address is listed as: 1985 Riviera Dr. 103 – 126, Mount Pleasant, South Carolina 29464, the same address as listed for PKF. PKF contracted with Scholarship Services, LLC, and Mrs. Lisinska to manage its operations, effective as of February 1, 2014.

Pursuant to Section 9 of H. 4230, PKF applied to the Department for certification as an eligible organization for the 2015-2016 fiscal year.⁵ The Department approved PKF on July 1, 2015.⁶

The Department examined PKF's practices from January 1, 2014 through December 31, 2014 (Audit Period), under applicable South Carolina and federal law, including but not limited to, Provisos 1.85 of H. 3710 and 1.80 of H. 4701, H. 4230, IRC 501(c)(3), the South Carolina Nonprofit Corporation Act, the South Carolina Solicitation of Charitable Funds Act, and the South Carolina Forgery, Larceny, Embezzlement, False Pretenses, and Cheats Act.

The structure of the report follows:

- Department's Duty and Authority Under Section 9 of H.4230 (Section II)
- Summary of the Department's Findings (Section III)

³<https://palmettokidsfirst.org/about-us/board-staff/> (accessed 5/29/15).

⁴<https://postnetfranchise.com/research-postnet/what-is-postnet/>

⁵Section 9 of H.4230(H)(1). Previous Provisos did not require this administrative step.

⁶However, "[b]y receiving the application materials and approving the organization as an eligible organization pursuant to item [H](1), the Department is not determining that the organization meets all of the requirements of a qualified nonprofit scholarship funding organization, and the organization remains subject to examination as provided for pursuant to subsection (I)." §9 H. 4230(H)(2).

- Detailed Findings (Section IV)
- Department's Conclusion (Section V)
- Table of Contents for Exhibits A-R (p.16)

II. DEPARTMENT'S DUTY AND AUTHORITY UNDER H. 4230

Section 9 of H. 4230 (Exhibit P) provides that the Department has the authority to oversee, audit and examine the nonprofit scholarship funding organizations, including determining whether the nonprofit scholarship funding organization operates consistent with requirements for a tax-exempt organization.⁷ Section 9 of H. 4230 further provides that:

“if at any time during the year, the Department has evidence, through audit or otherwise, that a nonprofit scholarship funding organization is not being operated in a manner consistent with the requirements for operating an IRC 501(c)(3) organization or is not in compliance with any other provision of this proviso, the Department immediately may revoke the organization's participation in the program.”

H. 4230 §9(I)(2)(a).

III. SUMMARY OF FINDINGS

Based on its review during the Audit Period, the Department has identified twenty (20) findings as violations or potential violations of Provisos 1.85 and 1.80, or the laws governing tax-exempt charitable organizations. Some of the violations occur under multiple bodies of law, which the summary below reflects. The twenty (20) findings are grouped into eight (8) broad categories as outlined below. Details of each violation are provided in Section IV.

- A) PKF engages in quid pro quo arrangements with donors in violation of the Provisos. A number of PKF's donors have children who receive scholarships.
 - 1 Violation, Section IV, pages 4-6
- B) PKF fails to provide appropriate contemporaneous substantiation (as required by federal tax law) to donors whose children receive scholarships.
 - 1 Violation, Section IV, page 6-7
- C) Mr. Davis' involvement with PKF violated the express prohibition of Proviso 1.80, which bars the participation of anyone who filed for bankruptcy within the past seven (7) years.
 - 1 Violation, Section IV, pages 7-8

⁷*H. 4230 §9(I)(1).*

D) PKF's contractual relationship with Scholarship Services, LLC violates tax-exempt laws.

- 1 Violation, Section IV, pages 8-10

E) PKF's Board of Directors and officers failed to follow state laws governing its oversight and approval of PKF's actions and activities.

- 4 Violations, Section IV, page 10-11

F) PKF inaccurately completed IRS Form 990.

- 7 Violations, Section IV, pages 11-13

G) PKF and Scholarship Services, LLC, the entity purportedly soliciting donations from the public, failed to comply with the South Carolina Solicitation of Charitable Funds Act by not disclosing the relationship between the two organizations, as well as other information, to the South Carolina Secretary of State.

- 4 Violations, Section IV, pages 13-14

H) Despite specific instructions from the Department to cease the activity, PKF altered the Department's Form TC-57A and its instructions by superimposing its logo onto the form to give the appearance that the form was specific to PKF.

- 1 Violation, Section IV, page 14-15

IV. DETAILS OF FINDINGS

A. *Quid Pro Quo Violations*

1. Subsection B of the Provisos states that a person may receive a tax credit against income taxes for a contribution to a nonprofit scholarship funding organization, as long as the person does not designate a specific child or school as the beneficiary of the contribution. *Proviso 1.80(B)(1)-(2)*; and *Proviso 1.85(B)(1)-(2)*.⁸

The Department determined that PKF marketed the Educational Credits for Exceptional Needs Children program to tax professionals, as well as parents at certain private schools during an interview with Mrs. Lisinska on October 23, 2014. Additionally, in an interview with The State newspaper, Mr. Davis actually admitted that there is some connection between "donations and who gets scholarships...out of fairness to the schools [that generate the most parent participation in the program for PKF]" (Exhibit B).

An e-mail excerpt from a partnering school further confirmed the interaction between school officials and PKF. PKF asked schools to share mailing lists that included "Parent List, Alumni

⁸H.4701, Part 1B, §1, 1.80 and H.3710, Part 1B, §1, 1.85.

List, Board List, School Donor List, etc.” It further states that, “We are building our own lists from parent applicants and the ‘manual’ route, but your help would greatly speed the process especially in light of the ‘competition.’”⁹

The Department did not interview any of the parents who attended the above meetings held by PKF. However, an article in The State newspaper, published May 10, 2014 (Exhibit B), quoted a leader of one of the private schools who believed PKF insinuated quid pro quo arrangements to entice parents to donate.

Regarding parental donations, PKF is the only SFO that did not agree to sign the Access Opportunity of South Carolina Best Practices Pledge (Exhibit D). While there were several versions within the last two years, the most current Pledge has the following language:

NO PARENTAL DONATIONS

The SFO pledges to neither accept donations from the parents or guardians of applicant or awardee students, nor award grants to the children or dependents of donors, within the same financial, academic and/or tax year.

The Department learned that other SFOs refund all donations received from parents of scholarship recipients. Additionally, if another SFO received an application from a parent who also donated, that SFO would then forward that application to another SFO per an agreement. Consequently, the Department understands that the other SFOs would not have any quid pro quo arrangement among donors because of operational procedures and the best practices pledge.

The other SFOs have clear and distinct separation of duties. Each of the other SFOs has a committee that strictly solicits donations, and a separate scholarship committee to award the scholarships. Separate duties for members of separate committees clear those members of any conflict of interest in the scholarship process - and coordination between committees prevents unintended quid pro quo arrangements.

PKF fails to follow such procedures. Mrs. Lisinska receives the donations to PKF as Manager of Scholarship Services, LLC (Exhibit K). Mrs. Lisinska also asks PKF’s Board to approve all of the scholarships in her capacity as the Director of Operations for PKF.

The Department ultimately determined that 100% of the children whose parents donated to PKF received scholarships, whereas the Department has some evidence that children with parents who did not donate to PKF did not receive scholarships. The child or children of 8.2% of PKF’s total number of donors for part of fiscal year 2013-2014 received a grant valued at either \$10,000, or the total cost of tuition (which includes tuition, transportation, or textbook expenses). *Proviso* 1.85(7)(b) and (C); *see also Proviso* 1.80(7)(b) and (C). The same is true of 14.41% of PKF’s total number of donors for part of fiscal year 2014-2015. *Id.* The date range of January to June 2014 does not encompass the entire fiscal year of 2013-2014, nor does the date range of July to December 2014 encompass the entire fiscal year of 2014-2015. It is likely the Department would find more quid pro quo arrangements out of the total number of donors if the audit period encompassed the entirety of those fiscal years.

⁹E-mail between PKF and Einstein Academy dated February 28, 2014, provided by Einstein Academy (Exhibit R).

PKF's marketing strategy targets parents of private school students and knowingly accepts donations from parents of scholarship applicants. The marketing strategy, coupled with the grant of scholarships to the children of parents who donated to PKF, is evidence of quid pro quo arrangements. Quid pro quo arrangements violate the express prohibition of the Provisos by designating the donor's child and that child's school as the beneficiary of the contribution. Each designation violates the Provisos and bars a person or persons from claiming a tax credit based on their donations. *Proviso 1.80(B)(1)-(2)*; and *Proviso 1.85(B)(1)-(2)*. The same prohibitions continue under Section 9 of H.4230.¹⁰

Finally, the ECENC is subject to a cap on the amount of funds available for the tax credit. If individuals claim tax credits that they are not entitled to receive, the action potentially causes an eligible and qualified taxpayer to lose the tax benefit intended by the General Assembly.

Quid pro quo arrangements implicate PKF's status as an SFO.

B. Substantiation of Donations

As discussed in subsection A above, PKF engaged in quid pro quo arrangements in violation of the Provisos. One hundred percent (100%) of the qualifying children whose parents donated to PKF received scholarships. The child or children of 8.2% of PKF's total number of donors for part of fiscal year 2013-2014 received a grant valued at either \$10,000, or the total cost of tuition (which includes tuition, transportation, or textbook expenses). *Proviso 1.85(7)(b) and (C)*; see also *Proviso 1.80(7)(b) and (C)*. The same is true of 14.41% of PKF's total number of donors for part of fiscal year 2014-2015. *Section 9 of H. 4230(B)(2) and (C)*.

Federal law imposes disclosure requirement on charitable organizations that receive quid pro quo contributions in excess of seventy-five dollars. The organization must provide a written statement that: 1) informs the donor that the amount of the contribution for federal income tax purposes is reduced by the amount of goods or services given by the organization, and 2) provides the donor with a good faith estimate of the value of such goods or services.¹¹ A quid pro quo contribution "means a payment made partly as a contribution and partly in consideration for goods or services provided to the payor by the done organization."¹²

The Department received no evidence that PKF provided a disclosure document to the donors whose children received scholarships.

"If an organization fails to meet the disclosure requirements of section 6115 with respect to quid pro quo contributions, such organization shall pay a penalty of \$10 for each contribution in respect of which the organization fails to make the required disclosure, except that that total penalty imposed...with respect to

¹⁰H.4230§9(B)(1)(b).

¹¹26 U.S.C. §6115(a)(1)-(2).

¹²26 U.S.C. §6115(b).

a particular fundraising event or mailing shall not exceed \$5,000.00.”¹³

Operating a scholarship funding organization in a manner consistent with the operating requirements of an IRC Section 501(C)(3) organization is a requirement of Section 9 of H.4230, the ECENC for the 2015-2016 fiscal year.

Failing to comply with the substantiation requirements, as outlined herein, violates an operating requirement for a 501(C)(3) organization, and consequently implicates PKF’s status under Section 9 of H.4230.

C. *Actions by Prohibited Persons*

1. For fiscal year 2013-2014, a “Nonprofit Scholarship funding organization” means a charitable organization that does not have as a member of its governing board a person who declared bankruptcy in the past seven years. *Proviso 1.85(7)(f)*.

For fiscal year 2014-2015, a “Nonprofit Scholarship Funding Organization” means a charitable organization that does not have a member of its governing board or an employee, volunteer, contractor, consultant, or fundraiser who declared bankruptcy within the last seven years. *Proviso 1.80(7)(f)*.¹⁴

Mr. Davis declared bankruptcy on December 5, 2011 (Exhibit J, p. 2). A review of e-mails and newspaper articles indicates that, notwithstanding his bankruptcy, Mr. Davis occupied many of the prohibited roles with PKF.

While Mr. Davis did not serve on PKF’s Board of Directors, he did maintain an active role with PKF as both a “volunteer” and an “advisory board member” (Exhibit C). He also maintained a role in reaching out to parents and schools to solicit donations (Exhibit B). Evidence suggests Mr. Davis continued to occupy these positions into fiscal year 2014-2015.

During meetings between PKF and the Department in Columbia, Mr. Davis answered the majority of the questions regarding the organization, despite the presence of the Director of Operations, Mrs. Lisinska. Mr. Davis answered the majority of the questions about PKF and its practices, also in the presence of the organization’s legal counsel, attorneys from the McNair Law Firm. These attorneys did not seek to clarify that Mr. Davis was unaffiliated with PKF.

Additionally, the Department discovered a photo of Mr. Davis and Mrs. Lisinska jointly presenting a check from PKF’s board to the Einstein Academy on March 13, 2015 (Exhibit F). PKF’s Facebook page also listed that event date as March 13, 2015.

¹³ 26 U.S.C. §6714(a).

¹⁴ The prohibition regarding bankruptcy was removed in the 2015-2016 Proviso so that this discussion only pertains to PKF operations during the audit year, January 1, 2014 through December 31, 2014.

Mr. Davis invited an employee of the Department, via e-mail, to a PKF event after meeting with members of the Department about the audit of the SFO (Exhibit O). The event took place on March 21, 2015 in Ridgeway, SC (Exhibit O).

At that event in Ridgeway, Mr. Davis again participated with Mrs. Lisinska by jointly presenting a check on behalf of PKF's board to school officials (Exhibit I). Mr. Davis' response to questions, engagement in advocacy and participation in events on behalf of PKF provide clear evidence of his active involvement in PKF operations in violation of the Provisos.

D. Contractual Relationship Violating Tax-Exempt Laws

1. PKF engaged in an "excess benefit transaction" in violation of federal tax-exempt law when it contracted with Mrs. Lisinska at Scholarship Services, LLC.

PKF is not a private foundation,¹⁵ government entity, or foreign organization that receives most of its support from outside the United States - so the prohibition against excess benefit transactions applies.¹⁶

An "excess benefit transaction" occurs when an applicable tax-exempt organization directly or indirectly provides an economic benefit to a disqualified person and that benefit exceeds the value of the consideration (including the performance of services) received for providing such a benefit.¹⁷

Scholarship Services, LLC is an "intermediary" for purposes of the "excess benefit transaction."¹⁸ An "intermediary" is "any person (including an individual or a taxable or tax-exempt entity) who participates in a transaction with one or more disqualified persons of an applicable tax-exempt organization."¹⁹ Scholarship Services, LLC is a limited liability company. Mrs. Lisinska is its sole Manager. The contract between Scholarship Services, LLC and PKF would necessarily provide economic benefit to Mrs. Lisinska,²⁰ and that fact could not fail to be understood before the parties signed the contract.²¹

¹⁵PKF is not a private foundation under 26 U.S.C. §509(a)(1) and 26 U.S.C. §170(b)(1)(A)(vi).

¹⁶ 26 C.F.R. §53.4958-2(a)(1)-(2); See also http://www.irs.gov/irm/part7/irm_07-027-030.html (Section 7.27.30.2).

¹⁷26 C.F.R. §53.4958-4(a)(1).

¹⁸26 C.F.R. §53.4958-4(a)(2)(iii).

¹⁹*Id.*

²⁰26 C.F.R. §53.4958-4(a)(2)(iii)(A).

²¹26 C.F.R. §53.4958-4(a)(2)(iii)(B)(1).

A “disqualified person” includes any person in a position to exercise substantial influence over the affairs of the organization.²² The definition also includes a “family member” of a person in a position to exercise substantial influence over the affairs of the organization.²³ “Persons having substantial influence” include Presidents, Chief Executives, or Chief Operating Officers.²⁴ “Family members” of a disqualified person include “spouses of brothers or sisters (whether by whole or half-blood).”²⁵

Mrs. Lisinska is the sister-in-law of Jarsolaw Jasinski, the President of PKF. Her familial relationship to someone who exercises “substantial influence” over the organization renders Mrs. Lisinska a “disqualified person.”

Moreover, as PKF’s Director of Operations, Mrs. Lisinska “manages a discrete segment or activity of the organization that represents a substantial portion of the activities, assets, income, or expenses of the organization, as compared to the organization as a whole.”²⁶ The importance of Mrs. Lisinska’s managerial activities likely renders her a “disqualified person” under the “facts and circumstances” test for such an individual.²⁷ Finally, Mrs. Lisinska’s position as the Director of Operations for PKF may be equivalent to what would normally be thought of as a Chief Operating Officer because her duties involve the management of the organization’s entire set of operations.²⁸ “The category of persons having substantial influence includes any person who, regardless of title, has ultimate responsibility for implementing the decisions of the governing body or for supervising the management, administration, or operation of the organization.”²⁹ There is no other individual responsible for PKF’s operations besides Mrs. Lisinska.

The value of the contract satisfies the second part of the excess benefit test.³⁰ The Department believes the contract Mrs. Lisinska obtained far exceeded the economic value of her services. The contract she obtained for management services garnered her over \$132,000 in the four months between the signing of the contract (February 1, 2014) and the deadline of the 990 tax form (May 31, 2014). To facilitate comparison, the figure is almost \$27,000 more than the

²²26 C.F.R. §53.4958-3(a)(1).

²³*Id.*

²⁴26 C.F.R. §53.4958-3(c)(2).

²⁵26 C.F.R. §53.4958-3(b)(1)(iii).

²⁶26 C.F.R. §53.4958-3(e)(2)(v).

²⁷*Id.*

²⁸26 C.F.R. §53.4958-3(c)(2).

²⁹*Id.*

³⁰*See* n. 17.

national average for a non-profit Chief Operating Officer's *annual* salary.³¹ She continued to bill for contract services, and received an additional \$50,000 by the end of the 2014 calendar year. Scholarship Services, LLC and Mrs. Lisinska received more than \$182,000 in just 10 months. Scholarship Services, LLC may have billed PKF since the end of the audit period.

Compensation is not excessive when it is reasonable. Reasonable compensation is the value of services ordinarily paid for like services by like enterprises under like circumstances.³² The standards for deducting business expenses (Section 162) apply in determining the reasonableness of compensation.³³

While the fact that a compensation arrangement is subject to a cap, is a relevant factor in determining the reasonableness of compensation, the fact that a state or local legislative or agency body or court authorized or approved a particular compensation package is not determinative of the reasonableness of compensation for purposes of Section 4958.³⁴

Therefore, the fact that the South Carolina General Assembly allows SFOs administrative expenses to equal 5% of contributions and revenue for a particular year,³⁵ does not determine whether the amount paid to a disqualified person is reasonable or excessive under federal law. Furthermore, the fact that the General Assembly seemingly gave no cap on the amount of administrative expenses during the SFOs first year of operation, is also indeterminate under federal law.³⁶

The information the Department possesses regarding the value of the services provided by Mrs. Lisinska and Scholarship Services, LLC leads to the conclusion that she received an excessive benefit when compared to compensation received by like enterprises giving like services under like circumstances.

Given all of the above, PKF engaged in an "excess benefit transaction" when it contracted with Mrs. Lisinska at Scholarship Services, LLC. An "excessive benefit transaction" violates an operating requirement of a 501(c)(3) organization, and implicates the SFO status of PKF.

E. Failure of Board of Directors and Officers

1. A corporation shall keep as permanent records minutes of all meetings of its board of directors, and a record of all actions taken by its board of directors without a meeting. *S.C. Code Ann.* §33-31-1601(a). "A corporation shall maintain its records in written form or in another

³¹The NonProfit Times, *NonProfit Organizations Salary and Benefit Report—Executive Summary*, p. 3 (2014) (Exhibit N).

³²26 C.F.R. 53.4958-4(b)(1)(ii)(A)

³³*Id.*

³⁴*Id.*

³⁵*Id.*; See also Proviso 1.85(7)(b); and Proviso 1.80(7)(b).

³⁶*Id.*; See Proviso 1.85(7)(b); and Proviso 1.80(7)(b).

form capable of conversion into written form within a reasonable time.” *S.C. Code Ann.* §33-31-1601(d). The Department found no evidence that PKF possess minutes of meetings or records of actions taken without a meeting, which violates Section 33-31-1601. *S.C. Code Ann.* §33-31-1601(a).

2. The direct responsibility for keeping minutes and authenticating records belongs to the Secretary of the corporation, *S.C. Code Ann.* §33-31-140(33), one of the required nonprofit corporate officers. *S.C. Code Ann.* §33-31-840(a). PKF’s bylaws state, “The Secretary shall keep or cause to be kept the minutes of all meetings and actions of the Board of Directors” (Exhibit E). The inclusion of this language gives rise to a legal duty, *S.C. Code Ann.* §33-31-841, a duty that PKF’s Secretary failed to perform.

3. The Secretary’s failure to perform his legal duty violates Section 33-31-842, the legal standard of conduct for officers. *S.C. Code Ann.* 33-31-842. Specifically, the Secretary failed “to discharge his duties with the care an ordinarily prudent person in a like position would exercise under similar circumstances...and in a manner the officer reasonably believes to be in the best interests of the corporation, and its members.” *S.C. Code Ann.* §33-31-842(a)(2) and (3).

4. As seen above and throughout this audit, PKF’s Board of Directors repeatedly failed to oversee the activities and decisions of both its officers and the corporation, generally. These issues include, but are not limited to, failures to maintain adequate corporate records, to avoid “excess benefits transactions,” to adequately monitor PKF’s operations so as to prevent Mr. Davis’ prohibited involvement, and as will be discussed below, to ensure that the federal tax form 990 was completed accurately. “A director shall discharge his duties as a director in good faith, with the care an ordinarily prudent person in a like situation would exercise such duties under similar circumstances, and in a manner the director reasonably believes to be in the best interest of the corporation.” *S.C. Code Ann.* §33-31-830(a)(1)-(3). Moreover, PKF’s directors did not discharge their duties with the care that ordinarily prudent persons in similar positions would exercise under like circumstances. *S.C. Code Ann.* §33-31-830(a)(2).

F. Inaccurate Federal Tax Filings

1. PKF inaccurately stated on its Form 990 that it did not engage in any excess benefit transaction with a disqualified person during the year. (IRS Form 990, Part IV, Question 25(a)).

2. PKF failed to list Mrs. Lisinska as its Director of Operations on its IRS Form 990 (IRS Form 990, Part VII, Section A).

3. PKF inaccurately stated on its Form 990 that it contemporaneously documented meetings (IRS Form 990, Part VI, Section A., question 8).

4. PKF inaccurately stated on its Form 990 that the organization regularly and consistently monitored and enforced compliance with the conflict of interest policy (IRS Form 990, Part VI, Section B., question 12(c)). The Department found no evidence to substantiate that PKF monitored or enforced compliance with its conflict of interest policy.

5. PKF inaccurately stated on its Form 990 that the organization was not a party to a business transaction with a current or former officer, director, trustee, or key employee. Mrs. Lisinska is the Director of Operations for PFK; she is also the sole Manager of Scholarship Services, LLC, which PKF contracts with to obtain various services (IRS Form 990, Part IV, Question 28(a)).

6. PKF inaccurately stated on its Form 990 that the organization was not a party to a business transaction with a family member of a current or former officer, director, trustee, or key employee. Mrs. Lisinska, the Manager of Scholarship Services, LLC, is the sister-in law of Jarsolaw Jasinski, PFK's President (IRS Form 990, Part IV, Question 28(b)).

7. PKF inaccurately stated on its Form 990 that the organization was not a party to a business transaction with an entity of which a current or former officer, director, trustee, or key employee was an officer, director, trustee, or direct or indirect owner (IRS Form 990, Part IV, Question 28(c)).³⁷

A 501(c)(3) organization has annual reporting requirements.³⁸ The failure to include or to list accurately all of the above information within annual return results in a fine of \$100 for each day an organization with gross receipts in excess of one million dollars fails to complete its return with the required information. The maximum penalty is \$50,000.00.³⁹ A willful submission of a return that the corporation knows to be fraudulent or false in any material matter results in a maximum fine of \$50,000.00.⁴⁰

Operating a scholarship funding organization in a manner consistent with the operating requirements of an IRC Section 501(C)(3) organization is a requirement of Section 9 of H.4230, the ECENC for the 2015-2016 fiscal year.

³⁷An interested person is a family member of an officer or director. *Instructions for Schedule L (Form 990 or 990-EZ)*, Part IV, Business Transactions Involving Interested Persons, p. 1. Jarsilaw Jasinski is the brother-in-law of Olga Lisinska. Jarsilaw Jasinski is an officer and member of the board of directors. Olga Lisinska is the Director of Operations for PKF, as well as the Manager of Scholarship Services, LLC. PKF paid Olga Lisinska more than \$10,000 via its contract with Scholarship Services, LLC. The instructions for Schedule L of Form 990 direct PKF to report this business transaction. *Instructions for Schedule L (Form 990 or 990-EZ)*, Part IV, Business Transactions Involving Interested Persons, p. 3-4. In addition, all payments during the tax year between the organization and Olga Lisinska exceeded \$100,000. *Instructions for Schedule L (Form 990 or 990-EZ)*, Part IV, Business Transactions Involving Interested Persons, p. 3-4.

³⁸26 C.F.R. §1.6033—2(a).

³⁹http://www.irs.gov/irm/part21/irm_21-007-007r-cont03.html (27.7.7.4.23.1) (Daily Delinquency Penalty); and <http://www.irs.gov/Charities-&-Non-Profits/Exempt-Organizations-Annual-Reporting-Requirements-Filing-Procedures-Incomplete>Returns>; and 26 U.S.C. §6652(C)(1)(A)(i)-(ii).

⁴⁰26 U.S.C. §7207.

Failure to comply with reporting requirements, as outlined herein, violates an operating requirement for a 501(C)(3) organization, and consequently implicates PKF's status under Section 9 of H.4230.

G. Violations of the South Carolina Solicitation of Charitable Funds Act

1. PKF is a South Carolina nonprofit corporation and qualified under federal §501(c)(3); PKF has also registered as a South Carolina charity.

Charities under the South Carolina Solicitation of Charitable Funds Act solicit donations either through their own personnel or through third parties. Some of these third parties are "professional solicitors" and "professional fundraising counsels." The law requires a charity to file a registration statement with the South Carolina Secretary of State Office that includes whether the charity intends to use a "professional solicitor," along with the name and contact information. *S.C. Code Ann. §33-56-30(B)(7)*.

A "professional solicitor" includes someone who, "for monetary or other consideration, solicits contributions for or on behalf of a charitable organization." *S.C. Code Ann. §33-56-20(9)*.

While the Scholarship Services, LLC contract with PKF (Exhibit K) stipulates that Scholarship Services, LLC "will specifically not provide...donor solicitation services to Palmetto Kids FIRST,"⁴¹ that is precisely what the Scholarship Service, LLC managed website and Facebook page ask a visitor to do: "PLEASE DONATE TODAY!!!"⁴² For purposes of the Solicitation of Charitable Funds Act, "solicitation" includes the request for "money, credit, property, financial assistance, or other thing of value, or a portion of it, to be used for a charitable purpose or to benefit a charitable organization" and a solicitation has taken place "whether or not the person making the request receives a contribution." *S.C. Code Ann. §33-56-20(20)*.

Per the contract (Exhibit K), PKF gave full management and, thereby, control of the website and other electronic mediums to Scholarship Services, LLC, which means that electronic solicitations occur via Mrs. Lisinska in her capacity as sole Manager of Scholarship Services, LLC. PKF utilizes the solicited funds, so Scholarship Services, LLC is soliciting for PKF.

Regarding PKF's intent to use a "professional solicitor," the following timeline is informative:

- January 10, 2014 - South Carolina Secretary of State Office recognizes PKF as a charity
- January 31, 2014 - South Carolina Secretary of State recognizes Scholarship Services, LLC as a "for profit" corporation
- February 1, 2014 - Contract between PKF and Scholarship Services, LLC

⁴¹(Exhibit K).

⁴²<https://palmettokidsfirst.org/> (accessed on 07/20/2015); and see Palmetto Kids First Facebook post (July 11 at 4:41 am), "WE NEED DONORS!!!" <https://www.facebook.com/palmettokidsFIRST> (accessed on 07/20/2015); and see Palmetto Kids First Facebook post (July 6 at 4:19am), "PLEASE DONATE TODAY...and REFER A FRIEND!!!" <https://www.facebook.com/palmettokidsFIRST> (accessed on 07/21/2015).

The brief timeline between the designation as a charity, the incorporation of Scholarship Services, LLC and the effective date of the contract one day later, indicates that PKF intended to hire Scholarship Services, LLC as its "professional solicitor" prior to the filing of its registration statement with the South Carolina Secretary of State Office.

Scholarship Services, LLC qualifies as a "professional solicitor," and the South Carolina Solicitation of Charitable Funds Act requires PKF to include its intent to use a "professional solicitor" along with their names and contact information within its registration statement. The failure to do so violates Section 33-56-30. *S.C. Code Ann.* §33-56-30(B)(7).

2. A charity must file a contract between it and a "professional solicitor" with the Secretary of State "at least ten days before the...professional solicitor...begins any solicitation activity or any other activity contemplated by the contract or agreement in this State." *S.C. Code Ann.* §33-56-70(A).

PKF did not file a contract within the prescribed deadline, nor did it file one afterward. PKF's failure to file violates Section 33-56-70(A). *S.C. Code Ann.* §33-56-70(A).

3. PKF should have included within its registration form any relationship between its officers, directors, or board members (by blood, marriage, or adoption) to each other. *S.C. Code Ann.* §33-56-30(B)(16)(b).

Mrs. Lisinska is the Director of Operations for PKF, and Jaroslaw Jasinski is Mrs. Lisinska's brother-in-law. Jaroslaw Jasinski is the President, a member of the Board of Directors, and the Chief Executive for PKF. PKF did not disclose or update its registration to reflect their relationship, which violates Section 33-56-30. *S.C. Code Ann.* §33-56-30(B)(16)(a).

4. In addition to disclosing any familial relationship between its officer, directors, or board members, a filing charity must disclose any familial relationship between its officers, directors, or board members, and a director or an officer of a professional solicitor under contract with the charitable organization.

Mrs. Lisinska is the sole Manager of Scholarship Services, LLC, the organization acting in the capacity of a professional solicitor for PKF. PKF did not disclose or update its registration to reflect the relationship between Jaroslaw Jasinski and Mrs. Lisinska, which violates Section 33-56-30. *S.C. Code Ann.* §33-56-30(B)(16)(b).

H. Alteration of Department of Revenue Form

1. The Department received and reviewed applications for the tax credit from donors of PKF. The donors submit their application for the tax credit, via the Department's TC-57A form. The Department discovered that PKF had altered the Department's form and instructions (Exhibit L). Bob Thomas of the Department instructed PKF in a string of e-mails to cease providing donors with forms that the Department did not design or approve (Exhibit M).

As Mr. Thomas wrote in the September 26, 2014 and October 17, 2014 e-mails, "We insist that you not provide a download or other version of TC-57A, but rather that you link directly to the TC-57A application on our (the Department's) website."

As of June 2015, the altered form was on PKF's website. PKF had inserted its logo on the top of each page of that form. In addition, PKF had inserted promotional information on the last page of the Department's instructions. PKF finally corrected the violation in July of 2015; the correction occurred nearly ten months after the initial request to cease altering the Department's form.

Sections 16-13-10(A)(1) and (3) define "forgery" in the following ways:

(1) "falsely make, forge, or counterfeit; cause or procure to be falsely made, forged, or counterfeited; or willfully act or assist in the false making, forging, or counterfeiting of any writing or instrument of writing;

(3) "falsely make, forge, counterfeit, alter, change, deface, or erase; or cause or procure to be falsely made, forged, counterfeited, altered, changed, defaced, or erased any record."

S.C. Code Ann. §16-13-10(A)(1),(3).

PKF altered the Department's TC-57A form and instructions. PKF supplied a variation of this form to its donors on its website, a form that the Department did not design or approve. PKF ignored the Department's commands to cease publishing and providing the altered form.

PKF violated Section 16-13-10(A)(1) and (3) of the Forgery, Larceny, Embezzlement, False Pretenses and Cheats Act. *S.C. Code Ann.* §16-13-10(A)(1) and (3).

The Department only offers this alteration as an example of PKF's business operations and practices.

V. CONCLUSION

The current Proviso, H. 4230, gives the Department the authority to immediately revoke an SFO's participation in the ECENC program if there is evidence that the SFO "is not being operated in a manner consistent with the requirements for operating an IRC 501(c)(3) organization or is not in compliance with any other provision of this proviso." The Department believes that the multiple violations or potential violations demonstrated within this review are sufficient to immediately revoke PKF's participation in the program. Nevertheless, the Department's overriding concern is to achieve participants' compliance with the requirements of the ECENC program, to ensure its integrity for the South Carolina citizens the program was designed to benefit and to protect South Carolina taxpayers. Accordingly, PKF will be given a period of thirty (30) days from the date of issuance of this report to provide the Department with evidence that it has corrected the noted deficiencies and violations.

The Department invites PKF to work to bring its practices and procedures into compliance with federal and state law. However, in the event PKF does not demonstrate to the Department within the designated time frame (30 days) that it has taken corrective action, the Department will revoke PKF's participation in the ECENC program in accord with the procedures outlined in H.4230 (I)(2)(a)-(d).

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Jefferson Davis, Jr.,

Plaintiff,

vs.

Nate Leupp, Automattic, Inc., Facebook, Inc., &
John Doe(s) 1-40,

Defendants.

) IN THE COURT OF COMMON PLEAS
) THIRTEENTH JUDICIAL CIRCUIT

) C.A. NO. 2019-CP-23-06576

) **PLAINTIFF'S NOTICE AND**
) **MOTION FOR**
) **RECONSIDERATION OF ORDER**
) **&**
) **MOTION TO AMEND COMPLAINT**

TO: DEFENDANT NATE LEUPP, FACEBOOK, INC. & JOHN DOE(S) 1-40

PLEASE TAKE NOTICE, pursuant to Rule 59(e), SCRPC, Plaintiff Jefferson Davis, Jr. hereby submits this motion for reconsideration of the Court's Order entered on **June 29th, 2020** (the "Order")¹. The Order was served on the Plaintiff by mail from Greenville County Clerk of Court and received on **July 2nd, 2020**. Plaintiff raises the following exceptions to statements, findings, and conclusions in the Order and Plaintiff respectfully requests that the Court reconsiders the same.

South Carolina Rules of Civil Procedure "contemplate two basic situations in which a party should consider filing a Rule 59(e) motion. A party may wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it. A party must file such a motion when an issue or argument has been raised, but not ruled on, in order to preserve it

¹ The Order was "Electronically signed on 2020-06-29 13:08:48" and filed "NEF(06-29-2020 04:01:11 PM) Order/Dismissal". Plaintiff, as a *Pro Se* party, is prohibited (for unknown reasons) from receiving electronic notification from the court (which is something we are all trying to raise awareness of to have corrected if appropriate).

for appellate review.” *Elam v. South Carolina Department of Transportation*, 602 SE 2d 772 (S. C. 2004).

PROCEDURAL BACKGROUND & ARGUMENTS

The Complaint in this matter was originally filed on November 12, 2019. Defendant Nate Leupp (hereinafter “Defendant Leupp”) filed a Motion to Dismiss on December 20th, 2019. Due to COVID-19 delays, a hearing was first held on June 16th, 2020.

Pursuant to the June 29, 2020 Order, the Honorable Judge Alex Kinlaw, Jr. dismissed the case pursuant to Rule 12(b)(8) of the SCRPC, stating “Mr. Davis has already named Defendant Leupp in a Richland County Lawsuit that plows the same ground.”²

RULE 12(b)(8) SCRPC:

Plaintiff Davis completely agrees as the order stated: Avoidance of “duplicative litigation” as the underlying principle of Rule 12(b)(8) *State ex rel. Wilson v. Condon*, 410 S.C. 331, 333, 764 S.E.2d 247, 248 (2014) “In South Carolina, dismissal under Rule 12(b)(8) may be proper when there is (1) another action pending, (2) between the same parties, (3) for the same claim.” *Capital City Ins. Co. v. BP Staff, Inc.*, 382 S.C. 92, 105, 674 S.E.2d 524, 531 (S.C. App. 2009).

² The Order was completely drafted by Defendant Leupp’s Defense Counsel. Although Judge Kinlaw ordered from the bench that Defendant Leupp’s Defense Counsel was to confer with Plaintiff Davis on the language, no discussions were had. After multiple requests for a proposed order which was due within 10 days of the June 16th hearing went unanswered, a PDF and thus uneditable proposed order was finally received on Friday June 26th, 2020 at 1:37PM and filed later that evening. Plaintiff Davis had no opportunity to review or comment on the proposed order as instructed by Judge Kinlaw.

However, that is not where the analysis ends, and 12(b)(8) is rarely if ever held up on appeal to dismiss an action. The case at hand in no way qualifies for what the SC Court of Appeals has noted on multiple occasions and our SC Supreme Court has cited as the “**drastic remedy of dismissal ... under Rule 12(b)(8)**”. *Cricket Cove Ventures, LLC v. Gilland*, 390 S.C. 312, 701 S.E.2d 39 (S.C. App. 2010)

#1 “ANOTHER ACTION PENDING” UNDER 12(b)(8): There is in fact no other action pending against Defendant Leupp as he has never been a party, nor appeared, in the Richland County Lawsuit.³ Neither has Defendant Leupp been a party or appeared in the ongoing interlocutory appeal.⁴ Defendant Leupp was “named” in the Richland as a potential John Doe, in an abundance of caution, as ordered by the Court, but he is not a party to that case. Having not been served or appeared, and simply being named in the title of a case is not sufficient ... alone ... for Rule 12(b)(8).

#2 “SAME PARTIES” UNDER 12(b)(8): The parties in the two cases do include both Plaintiff Davis and Defendant Leupp, but that is where the identity of “same parties” ends. In the current Greenville case, the named Defendants Facebook, Inc. and Automatic, Inc. are not in the Richland case. The “John Doe(s)” in the Greenville case are believed to be substantially different than the parties in the Richland case. The Richland case has over 30 named defendants that are not named parties in the Greenville case. The necessary “same parties” is non-existent.

#3 “SAME CLAIM” UNDER 12(b)(8): And here is where it really gets good. Defendant Leupp is named in the Richland case **First Amended Complaint three (3) times**. Defendant

³ *Davis v. Ellen Weaver, Palmetto Promise Institute, et al.* 2018-CP-40-02425.

⁴ *Davis, Appellant v. Ellen Weaver, Palmetto Promise Institute, et al., Respondents.* Appellate Case No.: 2019-000648.

Leupp is specifically named in the **Greenville original Complaint a grand total of 136 times**. The First Amended Complaint in the Richland case was filed on November 19th, 2018. The bulk of the actions complained about in the Greenville case occurred in February, March & April of 2019 and involves matters and accusations completely unrelated and nonexistent in the First Amended Complaint in the Richland case.⁵ Defense Counsel want to make it appear the two cases are the same, but they are not by any means duplicative.

NARROWLY INTERPRETED REQUIREMENT:

Defense Counsel cites as support for dismissal under Rule 12(b)(8) the three (3) part test of the *Capital City Ins. Co. v. BP Staff, Inc* case as initially noted above. Interestingly enough, *Capital City* (S.C. App. 2009) REVERSED AND REMANDED a trial court's 12(b)(8) dismissal. Defense Counsel failed to disclose to this Court the analysis in *Capital City* as discussed further by the S.C. Court of Appeals the following year in *Cricket Cove Ventures, LLC v. Gilland*, 390 S.C. 312, 701 S.E.2d 39 (S.C. App. 2010) as follows:

"This Court revisited the "same claim" component of Rule 12(b)(8) in *Capital City*, and interpreted the rule narrowly:

The rule has historic ties to a former statute providing a defendant a similar opportunity to demur; our supreme court traditionally interpreted that statute narrowly, stating that it only applied when there was identity of parties, causes of action and relief. We find this approach consistent with modern day practice under rules similar to our Rule 12(b)(8). Accordingly, we interpret the rule narrowly such that ***the claim must be precisely or substantially the same in both proceedings*** in order for the drastic remedy of dismissal to be appropriate under Rule 12(b)(8).

382 S.C. at 105-06, 674 S.E.2d at 531-32 (citations omitted) (emphasis added)."

⁵ These post November 11, 2018 matters include but are not limited to false and defamatory statements in a February 4th, 2019 public speech by Defendant Leupp, as well as events surrounding defamatory statements by Defendant Leupp involving a Greenville County Voter Registration and Elections Office employee that occurred on and around March & April 2019.

Our appellate courts have made it clear that Rule 12(b)(8) should only be used, if ever, in the narrowest and most limited of circumstances. Such unique circumstances do not exist in the case at hand.

MOTION TO AMEND COMPLAINT

Plaintiff Davis would further ask the Court for leave to Amend his Original Complaint so that he may, consistent with this Court's June 29th, 2020 Order the Davis v. Wagner case (2019-CP-23-06460) delete his 6th (Tortious Interference with Prospective Contractual Relations) 7th (Unfair Trade Practices) and 8th (Piercing the Corporate Veil) causes of action against.

Rule 15 (a) of the SCRPC, states that "a party may amend his pleading...by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires and does not prejudice any other party." Our Courts have interpreted this rule liberally. "Leave to amend pleadings pursuant to Rule 15 SCRPC, shall be liberally and freely given when justice so requires and does not prejudice any other party." *Crestwood Golf Club, Inc. v. Potter*, 328 S.C. 201, 493 S.E.2d 826 (1997); *Pruitt v. Bowers*, 330 S.C. 483, 499 S.E.2d 250 (S.C. App. 1998). "This rule strongly favors amendments and the Court is encouraged to freely grant leave to amend." *Jarrell v. Seaboard Sys. R.R.*, 294 S.C. 183, 363 S.E.2d 398 (S.C. App. 1987). Rule 15 SCRPC, which governs the amendment of pleadings, strongly favors amendments and the court is encouraged to freely grant leave to amend. *Parker v. Spartanburg Sanitary Sewer Dist.*, 362 S.C. 276, 607 S.E.2d 711 (Ct. App. 2005). It is well established that a motion to amend a pleading is addressed to the sound discretion of the trial judge. *Duncan v. CRS Sirrine Eng'rs*, 337 S.C. 537, 524 S.E.2d 115 (C. App. 199); see *Berry v. McLeod*, 328 S.C. 435, 492 S.E.2d 794 (Ct. App. 1997) (Courts have wide latitude in amending pleadings).

CONCLUSION

THEREFORE, as set forth herein, Plaintiff respectfully submits that the Court reconsiders its Order dismissing this case under Rule 12(b)(8) SCRCP and grant Plaintiff Davis leave to Amend his Complaint deleting the 6th, 7th and 8th causes of action against Defendant Leupp.

Plaintiff reserves the right to support this Motion with a Memorandum of Law, Affidavits, and any other relevant information which may be submitted at a later date.

Respectfully submitted this 10th day of July, 2020.

A handwritten signature in black ink, appearing to read 'JDJ', is written over a horizontal line.

Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, SC 29615
843-901-8036 (cell)
jeff@apogeetax.com
PLAINTIFF, *PRO SE*

STATE OF SOUTH CAROLINA)
COUNTY OF **GREENVILLE**)

JEFFERSON DAVIS, JR.)

Plaintiff,)

vs.)

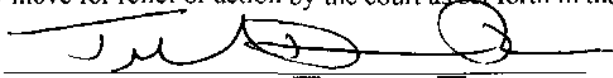
NATE LEUPP, ET AL.)

Defendant.)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.: **2019** -CP- **23** - **06576**

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney: Jeff Davis, Pro Se , Bar No. N/A		Defendant's Attorney: Geoffrey Chambers , Bar No. _____	
Address: 403 McCarter Avenue, Greenville, SC 29615		Address: 411 Walnut St, #10646, Green Cove Springs, FL 32043	
Phone: 843-901-8036 Fax _____		Phone: 864-508-0899 Fax _____	
E-mail: jeff@apogeetax.com Other: _____		E-mail: geoffrey@cperlgroup.com Other: _____	
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: Motion to Reconsider & Amend Complaint			
Estimated Time Needed: 30 Minutes		Court Reporter Needed: ☒ YES / ☐ NO	
SECTION II: Motion/Order Type			
☒ Written motion attached ☐ Form Motion/Order			
I hereby move for relief or action by the court as set forth in the attached proposed order.			
		July 10th, 20 20	
Signature of Attorney for ☒ Plaintiff / ☐ Defendant		Date submitted	
SECTION III: Motion Fee			
☒ PAID - AMOUNT: \$ 25.00			
☐ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____			
JUDGE'S SECTION			
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____		JUDGE CODE _____ Date: _____, 20 ____	
CLERK'S VERIFICATION			
Collected by: 		Date Filed: _____, 20 ____	
☒ MOTION FEE COLLECTED: \$ 25.00 ☐ CONTESTED - AMOUNT DUE: \$ _____			

) IN THE COURT OF COMMON PLEAS
) THIRTEENTH JUDICIAL CIRCUIT

) C.A. NO. 2019-CP-23-06576

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[illegible]

PLEADINGS:

**PLAINTIFF'S NOTICE AND MOTION FOR
RECONSIDERATION OF ORDER &
ALTERNATIVE MOTION TO CONSOLIDATE**

Geoffrey K. Chambers, Esq.
CPR Law Group, LLC
411 Walnut Street #10646
Green Cove Springs, FL 32043
(Attorney for Defendant Leupp)

The Honorable Alex Kinlaw, Jr.
305 E. North Street
Greenville, SC 29601
FAX: (864) 467-8035

THOD

Jefferson Davis, Jr.
PLAINTIFF, *PRO SE*

ENTERED COMPUTER

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

JEFFERSON DAVIS, JR.,
PLAINTIFF,

vs.

NATE LEUPP, ET AL.,
DEFENDANTS.

COURT OF COMMON PLEAS
2019-CP-23-06576

TRANSCRIPT OF RECORD

ORIGINAL

June 16, 2020
Greenville, South Carolina

B E F O R E:

THE HONORABLE ALEX KINLAW, JR., JUDGE.

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

JEFFERSON DAVIS, JR.
Pro Se

ROBERT C. CHILDS, III, ESQ.
Attorney for Defendant Anonymous

GEOFFREY K. CHAMBERS, ESQ.
Attorney for Defendant Nate Leupp

ROBERT MILLS ARIAIL, JR., ESQ.
Attorney for Defendant John Doe

HOLLIE M. JENKINS
Circuit Court Reporter

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits introduced.)

P R O C E E D I N G S

THE COURT: This first case -- as a matter of fact, the first four motions before the Court is in one case. Let's see. 2019-CP-23-6576, Jefferson Davis, Jr. vs. Nate --

Is that Leupp?

UNIDENTIFIED FEMALE: Leupp.

THE COURT: Leupp -- okay -- Defendant.

And I've got four matters -- five matters before the Court. I've got Mr. --

The Plaintiff's attorney is Mr. Davis; correct?

MR. DAVIS: Yes, sir. And I'm -- I'm pro se.

THE COURT: And I've got a number of Defense Counsel. I see Mr. Childs.

Mr. Childs, you're the only lawyer on the other side?

MR. CHILDS: No, sir. Your Honor, we've got --

THE COURT: I see Mr. Ariail. I think that's him.

MR. CHILDS: Mr. Ariail and Mr. Chambers. And we've got a combination of all -- all of these cases.

THE COURT: Okay.

MR. CHILDS: So I can kind of explain a little bit to start with.

THE COURT: Okay.

MR. CHILDS: And my first motion is a motion to quash a subpoena that Mr. Davis has sent to a lady named Magda Aguila, who filed a lawsuit in 2014 versus Twitter and

1 Craigslist. And she was represented by Edwin Turnage back
2 then. And she sought information on a Twitter account
3 called Probably Magda and, also, a Craigslist account that
4 purportedly put her van up for sale.

5 Ms. Aguila was a -- a part of the Republican Party
6 here in Greenville and active in Republican politics. And
7 she filed the action to obtain disclosure of the
8 subscriber information of Anonymous. That was my client.

9 My client was notified that she sought the
10 information. We filed a motion for a -- an objection to
11 Anonymous' speech disclosure in that action. And we,
12 eventually, reached an agreement with Ms. Aguila and a
13 settlement with her on a confidential basis and on a
14 condition that she not disclose anything regarding the
15 compromised settlement or the identity of John Doe or
16 Anonymous. Mr. Ariail represented John Doe in that
17 action.

18 So that's the kind of trigger of where I am here is
19 my first thing is to quash that subpoena to Magda Aguila
20 on behalf of Anonymous. And that dovetails into
21 Mr. Chambers case, which is Mr. Davis vs. Nathan Leupp,
22 who has a number of motions here. Mr. Ariail, also, has a
23 motion to quash the subpoena of Ms. -- Ms. Aguila on the
24 basis of John Doe, who was the alleged Craigslist poster.

25 And so that action was brought against Mr. Leupp by

1 Mr. Davis. And he subpoenaed those records from
2 Ms. Aguila.

3 And then Mr. Davis, also, sued in another action my
4 client, Esther Wagner, and John Doe's one through 40. And
5 we'll talk more about that later. But that's why I'm here
6 to begin with. I'm involved in a subsequent lawsuit that
7 Mr. Davis filed against my client, Ms. Wagner, where I
8 have a motion to dismiss, where I have a motion to quash a
9 subpoena to her employer. We can talk more about that
10 later.

11 I think a lot of the protective motions here turn on
12 the question of whether his lawsuit Mr. -- against
13 Mr. Leupp can continue. If it can't continue, then it's
14 a -- an academic question about whether or not the
15 subpoena can go forward. Because if it can't, the lawsuit
16 will be dismissed. Mr. Chambers will address that.

17 But on behalf of Anonymous, we object to the
18 subpoena, based upon the fact that this information is
19 confidential, that the objections that Anonymous raised in
20 June of 2014 -- January of 2014 are still the objections
21 that Anonymous has, which are the right to privacy under
22 the Fourth Amendment, Constitutional protection under the
23 South Carolina Constitution for the right of privacy, the
24 right of Anonymous' free speech on public forums and with
25 public officials, the exercise of free speech in a place

1 open to the public. That Anonymous can participate in the
2 form of mask speech anonymously and has the highest degree
3 of protection from government intrusion, and the general
4 overall principle of protecting Anonymous' political
5 speech.

6 So we would object to the subpoena he's issued.
7 Ms. Aguila is still represented by Edwin Turnage, who
8 is -- he notified us that he got the subpoena. And then
9 we as attorneys, Mr. Ariail for John Doe and myself for
10 Anonymous, came forward to move to quash that subpoena.
11 So that's the first motion on your docket.

12 THE COURT: Okay.

13 MR. DAVIS: Yes, Your Honor. First, let me preface
14 it, we're not talking free speech here. We're talking
15 defamatory speech. I'm not a politician. I'm not a
16 public figure. I'm just an individual.

17 Ms. Aguila back in -- I believe it was 2012, or
18 whatnot, had defamatory and harassing things posted on
19 Craigslist and -- and other places. And that's why she
20 filed her lawsuit against, at that time, a John Doe.

21 She -- going through the evidential -- or going
22 through the process of seeking discovery, she, apparently,
23 found evidence that directed to who was producing or
24 putting that information out there and -- and
25 defamatory [sic] and harassing her. That led to,

1 obviously, a settlement with Anonymous and John Doe.

2 So there is evidence that's out there. We'll have to
3 find it. If we have to, that will lead to whoever the
4 identity of this John Doe and Anonymous are that
5 Ms. Aguila was searching for. So that's out there.
6 That's what brought these individuals to the table.

7 Now, what has subsequently happened in the years --
8 they -- they, obviously, came to a settlement. But what
9 has subsequently happened and what happened to me was an
10 individual put out a work press website with defamatory
11 information about me.

12 Now, interestingly enough, the same person that is
13 opposed to Ms. Aguila back in 2012 is a person that is
14 opposed to some of the advocacy stuff that I do for
15 special needs children that have scholarships, autistic
16 kids, and such.

17 So I, actually, was contacted by Ms. Aguila when the
18 attacks and defamatory website came out about myself. And
19 she told me personally -- me and another witness over
20 breakfast at Tommy's Ham House that Defendant Nate Leupp
21 was the John Doe that she sued.

22 So she has already disclosed. Now, whether she
23 violated this confidentiality agreement, that's, you know,
24 not -- not for me. But she has told me and other
25 witnesses that she -- that Nate Leupp, the Defendant in

1 this case, is the John Doe from her case that she had
2 settled with. She's, also, told other individuals.

3 So it is, actually, common knowledge that Nate Leupp
4 is the John Doe. That's what is commonly talked about out
5 there. Nate Leupp's employer has even conceded that Nate
6 Leupp -- Nate Leupp is the John Doe that put out the
7 Craigslist. He's seems -- Mr. Leupp seems to wear it as a
8 badge of honor that he did that and either got away with
9 it with either some settlement with Ms. -- Ms. Aguila, or
10 whatnot.

11 All I'm asking for is to find out who and -- be able
12 to identify from an evidential perspective to the Court
13 who that is from that document. If I'm incorrect and it
14 is not Nate Leupp or a potential John Doe in this matter
15 that's related to me, what I would suggest and it would
16 make it a lot easier for everyone, we could just do a -- a
17 protective order that I can see who -- see that -- that
18 agreement. And if it's not the parties, then we move
19 forward, you know.

20 And I -- you know, but it's all -- it's still
21 confidential and it'd still be subject to a protective
22 order. I am a pro se party in this matter, but I --

23 THE COURT: What -- what do you do for a living?

24 MR. DAVIS: I am an attorney and a CPA. I'm from
25 South Carolina, but I am licensed in the State of Georgia.

1 So I practiced in Atlanta.

2 So I've been back in South Carolina since 2011. I'm
3 somewhat semi-retired, if you will. And I do some
4 advocacy work for -- with different non-profits and
5 charitable efforts.

6 THE COURT: Okay.

7 MR. DAVIS: So that -- this is, actually, helping to
8 further a particular issue. These individuals are opposed
9 to what we're doing in our advocacy work for these special
10 needs children. There's -- it's a longer story.

11 And Mr. Chambers is going to try to drag in a case
12 that I -- a much larger case that I have down in Richland
13 County. And it's totally -- and I'll just preface it with
14 it's totally unrelated to -- other than just background,
15 it's totally unrelated to the events in this case.
16 Neither of these two Defendants in these two different
17 cases are defendants in -- in the Richland County case.

18 The matters in the -- the -- that I'm talking about
19 in the complaint in the Neupp [phonetic] -- in the Nate
20 Leupp case -- in the next case which was coming up is
21 Esther Wagner, all occurred after the filing of that
22 lawsuit in Richland County. It does have to do with our
23 advocacy for these children with special needs in a
24 certain way, but that's only for background.

25 But the -- the issues and the defamatory things that

1 were done are after the Richland County case, so.

2 THE COURT: All right. So I've got -- I've got,
3 Mr. Childs, your motion to quash.

4 Then I've got your motion to quash.

5 MR. CHILDS: Right.

6 THE COURT: And then I've got -- who else? Those
7 two?

8 MR. ARIAIL: A motion to dismiss.

9 THE COURT: A motion to dismiss, which I'll get to.

10 MR. CHILDS: And then I have a motion to dismiss,
11 also, and a motion to quash, which is a subpoena he issued
12 to my client's employer.

13 MR. DAVIS: And that's in the Wagner case. That's
14 the second case.

15 THE COURT: All right.

16 MR. CHILDS: So let me say in response to that real
17 quick --

18 THE COURT: Yeah.

19 MR. CHILDS: And I know this -- it's convoluted. And
20 we didn't try to make it that way, but it is. Ms. Aguila
21 did not sue a John Doe or Anonymous. Ms. Aguila sued
22 Twitter and then previously sued Craigslist as part of
23 that same litigation. So she was trying to get subscriber
24 information from Craigslist and from Twitter, which
25 triggered the objection to the disclosure that I filed on

1 behalf of Anonymous.

2 Anonymous is -- my client is not Nate Leupp. My
3 client is Anonymous. My client invokes his rights to
4 remain anonymous. He's -- Mr. Davis has not alleged a
5 shred of relevant information that he seeks by this
6 subpoena. He is just out fishing around the community
7 trying to get trash on people.

8 The agreement is confidential that was entered into.
9 We would need Ms. Aguila's permission, also, to do
10 anything with that agreement. And she's fulfilled her
11 responsibility by notifying us that she had received the
12 subpoena. And we filed a motion to object.

13 But I think even better is if you find that
14 Mr. Davis' lawsuit against Mr. Leupp is not sustainable
15 and should be dismissed in accordance with Mr. Chambers
16 motion, then we don't even have to reach that issue here.
17 But that's just the way they came on the docket.

18 THE COURT: Let me hear it all.

19 MR. ARIAIL: Your Honor, I can just start in. I
20 mean, I'm -- I'm in a similar position as Anonymous. I
21 have John Doe. And we have a lot of the issues in regards
22 to what Mr. Childs raised.

23 Mine is it's a confidential document. John Doe was
24 involved in that situation. I think -- understanding -- I
25 think we -- we need to, also, hear about this Columbia

1 action, which is going on in Richland County.

2 There was a case that involved the same similar
3 factual scenario as we're dealing with here. And I -- and
4 I can present you some orders that were in that case.
5 There was an order that was there that he was required to
6 name -- that he name John Does one through 40, which he
7 has done in this case, I think, the same thing.

8 In that case, I think it was either -- Judge Benjamin
9 maybe told him to name, specifically, the John Does. He
10 didn't do it within the timeframe that was required. When
11 he did it, he named numerous individuals, including
12 Mr. Leupp in that case. Judge Early dismissed it with
13 prejudice in that case and ended it going forward.

14 Our argument, not only in addition to what Mr. Childs
15 has said, is he's precluded from -- the way I see it,
16 under res judicata and other things from bringing it up in
17 this case. Because you can't have two simultaneous cases
18 going on with the same or similar circumstances.

19 In addition, the Richland County case is currently
20 stayed because it's under appeal. What he's attempting to
21 do is to be able to get -- have discovery in this case
22 while that case is pending down there. And I just don't
23 see how you can do that. I mean, I -- I haven't -- I
24 haven't done that in my legal career to start another
25 action and try to get discovery through it while you have

1 a pending action in another county. That, to me, creates
2 a lot of potential liability issues, I think, for doing
3 what he's trying to do. And --

4 THE COURT: When -- when was that Richland County
5 case appealed? When was that?

6 MR. ARIAIL: That was appealed, Your Honor -- I've
7 got the date --

8 MR. DAVIS: Your Honor, I think it was in 2019.
9 But -- but all -- like I said earlier, all of these facts
10 are after that case was filed. These are all new issues.
11 There's some background about why -- what we do for
12 advocacy --

13 THE COURT: So there's nothing -- there's no
14 similarity in the Richland County case and the Greenville
15 case is what you're telling me?

16 MR. DAVIS: The actual facts and the defamatory --
17 no, not at all. No, sir.

18 MR. CHILDS: The causes of action are identical.

19 MR. ARIAIL: Exactly identical. He's added little
20 different tidbits into this case that don't exist down
21 there. The key is, Your Honor, it's been dismissed with
22 prejudice. I have the order. I have the amended order.
23 I have the order staying all discovery until the appeal is
24 resolved, especially in regards to the John Does and
25 others that are involved.

1 I don't see how you get around that. Mr. Chambers
2 can probably give you more information since he's involved
3 in that case, Your Honor --

4 MR. DAVIS: We can run down that rabbit hole all day,
5 Your Honor. But let me just clarify, you know. Other
6 than the fact that it's all issued after that lawsuit was
7 filed -- Mr. Leupp is not a party to that case. Mr. Leupp
8 was named in that case as one of the John Does. But
9 Mr. Leupp was never a party. He never was served. He
10 never accepted service. He has not been dismissed from
11 this case.

12 It is -- it is 101 law that if you've not been a
13 party to that case --

14 THE COURT: Well, let --

15 MR. DAVIS: -- you can't be -- res judicata --

16 THE COURT: Let me ask you this, Judge Benjamin --
17 you had -- you have John Doe one through 40. I think it
18 was Judge Benjamin --

19 MR. DAVIS: Yes, sir.

20 THE COURT: -- that instructed that you name all the
21 John Does.

22 MR. DAVIS: Yes, sir.

23 THE COURT: And I think the only person that was
24 named was Mr. Leupp; is that right?

25 MR. DAVIS: No. There were -- there was -- there was

1 about 30 people I named in that as -- as additional. What
2 Judge Benjamin asked me to do, or instructed me to do,
3 ordered me to do was to name the John Does. And gave --
4 and she gave me 15 days to file an amended complaint
5 naming the John Does.

6 The next sentence in that order in the conclusion of
7 that order was I had to serve all of the -- all of the
8 parties, which you would have to do with any amended
9 complaint. 15 days to amend. The second sentence is to
10 serve. That's what the issue is about that's on appeal.

11 Judge Early, a week or so before he retired -- there
12 was me and 30 some odd attorneys --

13 THE COURT: How did the matter get back before Judge
14 Early? How --

15 MR. DAVIS: This -- I named all the John Does.

16 THE COURT: Okay.

17 MR. DAVIS: And then they all -- all those John Does
18 filed 12(b)(6) motions --

19 THE COURT: I got you.

20 MR. DAVIS: -- to dismiss.

21 So we get in front of Judge Early several months
22 later. Judge Early, a week or two before retirement --
23 there's me versus 30-something attorneys with about 16
24 different motions to dismiss. One of the attorneys
25 brought up in -- in court that I didn't -- that Judge

1 Benjamin may have ordered that I not only amend and name
2 the complaint -- name the John Does in 15 days, but, also,
3 serve them all. They were two different sentences. Name
4 them and file an amended complaint in 15 days, and then go
5 serve everybody.

6 There was nothing in the record -- that's -- that's
7 what's on appeal right now, whether -- and Judge Early
8 ended up ruling that he could not overrule Judge Benjamin.
9 And that he thought Judge Benjamin -- Judge Benjamin
10 thought -- was ordering me to not only to amend a large
11 complaint, name all these additional defendants, but serve
12 them all within 15 days.

13 I am not aware of anything -- and it would have been
14 physically impossible had I had the -- the amended
15 complaint filed the day of to sit there and track down
16 these people. Some of these people I haven't been able to
17 find or serve in -- in months. And it would be impossible
18 to do it in 15 -- so Judge Benjamin did not intend for me
19 to have to serve. She was reminding me as a -- as a pro
20 se party and reminding me as an individual who -- even
21 though I do have a law degree and I'm a member of the
22 Georgia bar, I don't practice litigation. I'm a tax guy.

23 So I've -- I've been in court, outside of anything
24 that I'm involved in here, once in my life.

25 THE COURT: All right.

1 MR. ARIAIL: Your Honor, in regards to that response
2 right here, I mean, as part of this order -- and I'll
3 submit it to you -- he didn't make any motion to alter or
4 amend the 15-day service requirement. So, therefore, he's
5 barred from being able to do that. He didn't do that.

6 As a result, the order from Judge Early considered
7 all that and says, Because the amended complaint was not
8 timely served in compliance with Judge Benjamin's amended
9 order, this Court strikes the amended complaint and
10 dismisses this suit with prejudice as to all the
11 Defendants who were first named in the amended complaint.
12 I've got the amended complaint --

13 MR. DAVIS: That's what Judge Early said --

14 MR. ARIAIL: -- he's got them all in there. Leupp is
15 in there. All the John Does that he alleged, therefore,
16 with prejudice. I don't know how he gets back from that
17 or starts a subsequent action like he's doing now to try
18 to circumvent what has already --

19 THE COURT: And that's what's on appeal?

20 MR. ARIAIL: Correct.

21 MR. DAVIS: Just that one piece, whether I was
22 supposed to serve them within the 15 days.

23 THE COURT: But Leupp is a part of that; right?

24 MR. ARIAIL: Correct.

25 MR. DAVIS: Leupp was never -- was never served and

1 never appeared in that case. Leupp is not a party to that
2 case. Leupp is not subject to res judicata in that case.

3 MR. ARIAIL: Your Honor --

4 MR. DAVIS: The named John Does, the John Does that
5 were served, and the John Does that appeared in that case
6 are subject --

7 THE COURT: What's -- what's the --

8 MR. ARIAIL: Nate Leupp was named. And he's named in
9 John Doe one through 40 in the amended summons, amended
10 complaint, which Judge Early says is dismissed with
11 prejudice.

12 THE COURT: Is his -- is Leupp's name in that
13 caption?

14 MR. DAVIS: His name is there. He was never served.
15 If you're not served -- and this --

16 THE COURT: If you're not served, you're not a
17 party --

18 MR. DAVIS: He was never served and never accepted
19 service. And he never appeared in the case. [Inaudible]
20 is not attached. Jeopardy [phonetic] does not attach. He
21 has not been served.

22 THE COURT: So he's not a part of the case -- if he's
23 named as a party defendant and he's never been served,
24 that automatically excludes him from being a part of the
25 case?

1 MR. DAVIS: Yes, sir.

2 THE COURT: What -- that's Georgia law? What --

3 MR. DAVIS: No. That's South Carolina. There's
4 South Carolina case law that says if a party has not been
5 served, then they're -- then you can't dismiss it on res
6 judicata.

7 That's why I -- I'm just sitting waiting for
8 Mr. Chambers to come up and argue his motion -- 12(b)
9 motion to dismiss on -- he doesn't even realize his client
10 never accepted service --

11 THE COURT: No. We're -- we're going to get to that.
12 We're going to get to that in a minute. I'm just -- let
13 me hear from Mr. Chambers. He's been --

14 What you got?

15 MR. CHAMBERS: Your Honor, let's take a step back.
16 This appeal which Mr. Davis is certain he's going to win
17 is an appeal stating that I have more than 15 days to
18 serve. And from the way that he describes it, it -- it
19 would appear that he would win that and that we would all
20 be there in Richland County.

21 The -- he filed that action first. And because he
22 filed that action first, we're not talking about res
23 judicata here. We're talking about 12(b) -- I'm talking
24 about 12(b)(8). And 12(b)(8) is unique because it gives
25 him special privileges. And those special privileges are

1 he can amend once I file a motion for a 12(b)(8). But
2 once I just started speaking 45 seconds ago, it cuts that
3 off.

4 And so here he -- here we are with this complaint.
5 And we look at this complaint and we say, what are the
6 similarities to the ground that he has already plowed in
7 the previously filed complaint over the same facts and
8 circumstances? And so I'm going to go through that.

9 First, we would dismiss --

10 MR. DAVIS: Your Honor, I would -- can I ask one --
11 is anything in my complaint against Nate Leupp? Did any
12 of those actions I'm complaining about happen prior to --
13 to the case --

14 MR. CHAMBERS: Absolutely. You gave a date of 2017.

15 MR. DAVIS: Okay. There's a date. Nate Leupp stood
16 up there in 2019. This case was filed in 2018.

17 MR. CHAMBERS: And none of that's actionable --

18 MR. DAVIS: I'm sorry.

19 MR. CHAMBERS: None of that's actionable.

20 I'll get to that, Your Honor.

21 MR. DAVIS: But the things that I'm talking about
22 are --

23 THE COURT: Hold on. Let him finish. Let him
24 finish.

25 MR. DAVIS: Okay.

1 MR. CHAMBERS: So, first of all, 12(b)(8) is about
2 avoidance of duplicative litigation. In South Carolina,
3 dismissal under Rule 12(b)(8) is proper when you're
4 dealing with another action pending between the same
5 parties for the same claim.

6 The crux of the case in Richland County was that all
7 these people didn't like his position on School Choice and
8 the things that he was trying to do politically with
9 School Choice. They conspired together to harm him. And
10 they did things like create this website named in that --
11 and if we look at paragraphs 161 and 162, it talks all --
12 and -- and in 159 even, it talks all about this website.

13 And it's the exact same website we're talking about
14 here, the same one that is not related to this case and
15 didn't happen before this, but he -- he talks about it
16 there. And -- and he's filed these same discovery motions
17 about this website in the present case that he mentions in
18 that case and is a cause of action in that case against my
19 client, Nate Leupp.

20 So he alleges that Nate Leupp created this website
21 there in that. And he alleges that Nate Leupp created the
22 website here in this case. And he talks at length about
23 the exact same website in this case, which he alleges was
24 created in 2017 when he introduces it long before the case
25 in Richland County was filed.

1 Next, the Defendants defamed him by stating he lost
2 his law license, and in other ways. That's paragraph 221
3 and 222. If we go to the present action and we look at
4 paragraphs 124 and 125, Plaintiff claims that he -- that
5 they defamed him. If we go to paragraph 21 of our
6 complaint, Plaintiff Davis admits that he pled identical
7 Richland and Greenville County civil action defamation
8 claims regarding being from South Carolina and not
9 Georgia.

10 Another thing that's big with him is he doesn't like
11 to be called a Georgia boy. He absolutely detests it. He
12 practices law in Georgia -- or he practiced law in
13 Georgia. He lived in Georgia for 20-something years. But
14 he absolutely feels that they have defamed him by saying
15 that he is from Georgia and that he didn't grow up in
16 South Carolina.

17 So he claims that there. He claims that here. He
18 talks about it in paragraph 21, admits to filing it in
19 both counties. He admits to filing stuff about losing his
20 law license in both counties and admits to the fact that
21 the Plaintiffs issues with the Georgia specialty
22 scholarship program and the issues with the South Carolina
23 special needs program were in both cases.

24 So we get to this case. And he's, basically, saying
25 yeah, I'm bringing these again. And it's all part of this

1 grand conspiracy over this scholarship program that I have
2 positions that they politically don't like. And all of
3 these people from Jim DeMint to these different political
4 consulting firms around Columbia to the Greenville
5 Republican Party to all of these people, the -- Bob Jones
6 University, they're all conspiring to harm him in these
7 various ways based on those.

8 The same exact causes of action are brought in this
9 case as if they were copied from that. And so we get to
10 paragraph 132 of the present complaint. And it goes into
11 the same claims of defamation by innuendo and -- and
12 false-like publicity, as he calls it, which, by the way,
13 isn't recognized in South Carolina. But, guess what, it's
14 in both complaints. If we look at -- if we look at
15 paragraphs 226 and 227 of the Richland County complaint,
16 it's there.

17 Now, we go to 135 of our complaint, the very next one
18 in our complaint is an invasion of privacy because,
19 basically, they ran a background check on him. If we look
20 at paragraphs 226 and 227 -- I'm sorry. 2 -- I'm sorry.
21 230 alleged -- alleges Defendant Leupp invaded his privacy
22 by obtaining his background.

23 If we look at 141, there's a negligence claim, which
24 I have a footnote here. If we look at Mims vs. -- Metts
25 v. Mims, it, basically, says, Failure to investigate in --

1 in and of itself is insufficient to establish that the
2 Defendant recklessly disregarded his regard to the falsity
3 of published article. I -- indicating that there probably
4 isn't a duty of care owed. But that's an aside.

5 There's an identical negligence claim word for word
6 in both cases. Paragraph 143 of our compliant and
7 paragraph 236, the very next claim is intentional
8 infliction of emotional distress. Paragraph 145 of this
9 complaint is tortious interference with contractual
10 relations. Interestingly enough, there's no contract in
11 this case. That was an issue brought up in Judge
12 Benjamin's order. But, you know, he pleads it anyway.

13 And we look at the original complaint. And we get
14 paragraph 238 where he's alleging there, also, that
15 Defendant Leupp and others -- other Defendants asked
16 people not to do business with him. The same exact cause
17 of action in both complaints.

18 Next -- next one, in both complaints, unfair trade
19 practices. Well, there's nothing in either complaint that
20 constitutes unfair trade practices. Judge Benjamin
21 addressed that in her order. But he pleads it in both
22 cases again in his amended complaint and in here, you
23 know, pretty much word for word.

24 And the last -- next is piercing the corporate veil.
25 It's, again, in both. And the very next one is this

1 conspiracy between all of them to harm him, which is
2 outlined in both complaints. And it's all based upon his
3 position on School Choice and his work in School Choice in
4 South Carolina. All these people disagree with him. And
5 so, therefore, they're all working together to harm him.
6 It's the exact same thing, exact same case, exact same
7 facts and circumstances, both counties. It just really
8 needs to go.

9 He dug this hole in Richland County. He needs to put
10 these things into this hole. I've handled that type of
11 case before where things are ongoing. And so, in other
12 words, somebody's still harming the -- the -- your client
13 even -- even after the case begins. You simply say -- you
14 simply file it all up. And you put that block of evidence
15 in. You get it in before the jury and you litigate it.

16 So I don't see why we're here. I don't see why my
17 client, Nate Leupp, is having to deal with -- he's going
18 to have to defend that and he's going to have to defend
19 this.

20 Next, we get into what he has alleged that he's
21 claiming he did some new stuff. And let's talk about it.
22 First, he alleges that Defendant Leupp created a
23 defamatory website called Crooked Jeff. That's the same
24 defamatory website in both case.

25 THE COURT: Crooked Jeff?

1 MR. CHAMBERS: Crooked Jeff. And he gives a website
2 for it, I think, somewhere.

3 Don't you give a web address?

4 MR. DAVIS: It -- it's in there.

5 MR. CHAMBERS: You can look it up. What it is is
6 it's a --

7 MR. DAVIS: Your Honor, the website's no longer
8 there. It's been taken down. As soon as I filed this
9 lawsuit against Mr. Leupp, it -- it disappeared.

10 MR. CHAMBERS: Okay. I'm sorry. I wasn't aware of
11 that. I can tell you what it was. It was a -- it was a
12 website that gave a federal court -- bankruptcy court's --
13 or judge's order allowing a case to go forward against
14 him. And kind of a summary of that is --

15 MR. DAVIS: Your Honor, I'm not objecting or
16 complaining about truth that was on that website. I'm
17 objecting and complaining about defamatory information
18 that was on -- on the website.

19 THE COURT: Well, you know, you -- you're a lawyer.
20 And, you know, they do the same thing in Georgia they do
21 over here. Allow him to finish his argument. And I'm
22 going to let you come back. Give him that courtesy.

23 MR. DAVIS: I -- I've -- I've heard this. It -- it
24 can go on for hours --

25 THE COURT: I know --

1 MR. DAVIS: I'm just trying to save the Court a
2 little time.

3 THE COURT: Well, I've got plenty of time. I've got
4 until all next week, and weeks after that. I don't
5 have -- I'm not going anywhere. So let -- let him finish.
6 And then I'm going to -- I'll let you -- I'll let you
7 talk. I'm going to give you your time.

8 Go ahead.

9 MR. CHAMBERS: So that's kind of a summary of it.
10 The allegations made against him by the judge in that --
11 in that order are -- are almost identical to what led --
12 led to his losing -- losing his CFA license.

13 And here's a set of facts and circumstances, in
14 August 2014, the CFB board issued an order permanently
15 revoking Mr. Davis' right to use the CFP certification
16 marks. The discipline followed Mr. Davis' entry into a
17 settlement agreement with the CFP board in which he
18 consented to the CFP board's findings that he held
19 clients -- that he told clients that they were purchasing
20 a stock while failing to tell them about a \$5 million
21 liability.

22 He told the clients that their 950,000 was being used
23 to purchase the stock when, in fact, he was really using
24 it to pay interest on a loan, as well as business and
25 personal expenses. He told the client that he was

1 indicating to the bank to change the guarantors of the
2 loan when he did not inform the clients that the loan was
3 current when it was not, and filed bankruptcy after
4 promising to have the clients released as guarantors on
5 the \$5 million loan. The commission found that Mr. Davis'
6 conduct violated the following rules.

7 It's the same set of facts and circumstances there.
8 Basically, that website took that judge's order and --
9 and -- and put it up. The -- you know, he's filing suit
10 about it. He's trying to figure out who did it.

11 It wasn't my client. But my client's getting sued
12 for it. We have to accept that as fact. The fact is that
13 he's filed that in another case. We shouldn't have to
14 deal with it here. He dug that hole in Richland County.

15 So back to these other new things that he's alleged.
16 Defendant Leupp -- he alleges that Defendant Leupp said
17 the tea party was trying to remove delegates. Okay.
18 Well, I didn't see the tea party in the caption. I don't
19 see how economic harm is coming to him over the tea party
20 trying to remove delegates.

21 He alleges Defendant Leupp and the tea party were
22 trying to remove Linda Garner. And he further explains --
23 and I guess this gets into a pro quad situation. That
24 Linda Garner is a matriarch of the Republican Party in
25 Greenville and is a neighbor of his. And that she's an

1 executive committee member in the Republican Party. He
2 says that he did not try to remove her, even though he ran
3 for the position that she held. But he was not trying to
4 remove her. And, again, the tea party is not a party to
5 this case.

6 So I don't see how that's actionable. And I don't
7 see any explanation of any special damages, as required,
8 and economic harm to him. He's required to plead that. I
9 don't see it.

10 He alleges that Defendant Leupp called attention to
11 Jefferson Davis for filing a lawsuit -- oh, and, by the
12 way, on the last one, he even says that he talked to her.
13 And she said, Oh, I know that's not true. So, again, I
14 fail to see the damages.

15 I work on boards -- I -- I work for boards, I should
16 say. If I misrepresent something to one of my boards and
17 one of my board members knows that I misrepresented that,
18 it's not going against the person that I misrepresent
19 about. I'm the one that bears the brunt of that. I don't
20 see how it harms him. He fails to explain any type of
21 special damages or how he had an economic harm.

22 Again, Defendant Leupp called attention to Jefferson
23 Davis for filing a lawsuit in Richland County. Well, he
24 did. And he did name Defendant Leupp in it. And that's
25 the one we've been talking about. So I don't see how

1 that's actionable under defamation. It's true.

2 He alleges that Defendant Leupp and Plaintiff -- said
3 that Plaintiff was disbarred from the practice of law.
4 He's dug that hole in Richland County. He's digging it
5 here. He alleges that Defendant Leupp said Plaintiff
6 is -- or I'm sorry, alleges that Defendant Leupp said
7 Plaintiff is not from South Carolina. He dug a hole in
8 Richland County. He's digging it here.

9 He alleges that Defendant Leupp said Plaintiff
10 wrecked the Georgia special needs program. He dug it in
11 Richland County. He dug it here. And then, again,
12 there's, also, no specific economic harm pled for that.
13 He said he was a volunteer for his program here, not that
14 he was being paid for it.

15 He alleges Defendant Leupp falsely reported the
16 amount of money Plaintiff made being a volunteer -- or
17 being a -- working for that program. He alleges he was a
18 volunteer. I just fail to see how there's any specific
19 economic harm. I don't know -- he never says when
20 Defendant Leupp said this, whether it was before or after.
21 He can claim it was after. And that's fine. He fails to
22 present any economic harm or special damages.

23 He alleges Defendant Leupp stated Plaintiff Davis is
24 homophobic and racist. He doesn't say who he said it to.
25 He doesn't say when he said it. He doesn't plead any

1 specifics on it again, you know. You -- you have to know
2 those facts in order to defend something. He fails to
3 plead it. And then he fails to plead how he has any
4 economic harm from that.

5 Ironically, he does say that he was hounded by an
6 LBGT [sic] group here in Greenville. But he's the vice
7 chair of the tea party. And they organized a push here
8 against the story hour at the library where that group was
9 going to go in and -- and -- and, basically, read stories
10 to kids.

11 And being the vice chair of the organization that led
12 the -- led the fight against that, I just don't see how he
13 claims he's not a public figure. That puts him as a
14 public figure. And, you know, I don't think that -- you
15 know, when I look at the likelihood of where that's going
16 in this case, I doubt that it's coming back. But, again,
17 he never says who, what, when. He never gives any of
18 that. He fails to really plead it out or how it damaged
19 him economically.

20 He alleges that access police records for Pressley
21 Stutts. Pressley Stutts isn't on this complaint as a
22 plaintiff.

23 He alleges right after the -- the -- the homophobic
24 thing, he alleges that Defendant Leupp said to the Bob
25 Jones people that he was Catholic. In the very next

1 sentence, he alleges I am Catholic. Truth. Where's the
2 defamation?

3 He alleges Defendant Leupp asked candidates in his
4 own party not to attend political functions of a different
5 political party, the tea party. The tea party is not a --
6 not a party.

7 That Defendant Leupp slashed Pressley Stutts tires.
8 So do you get where these new allegations are going? Is
9 Pressley Stutts a Plaintiff in this case? I fail to see
10 his name anywhere in the caption of this case or any
11 description of plaintiffs. But over and over and over
12 again, these are the new allegations to bring this grand
13 conspiracy against him from Columbia to Greenville and,
14 basically, to dig two holes in which he can play in.

15 I hope that the Court's had enough of it. I hope the
16 Court has heard enough. I can go on. All of this is like
17 this. Again, it is the same exact set of facts and
18 circumstances with some window dressing on it. And it's
19 the same exact mess that we've been dealing with in my
20 home county for a long time.

21 Thank you.

22 MR. DAVIS: I don't know where to start. I mean,
23 it's a diatribe of information that is just false. I
24 don't -- I'm not Catholic. My wife 's Catholic. I'm,
25 like, you know, I -- I don't even know where to start with

1 those diatribes. But -- but we -- I don't even think we
2 need to go there.

3 THE COURT: You know, what -- and I -- what I'm
4 interested in is, you know, I -- I -- I only know about
5 the Richland County case based on what these lawyers have
6 told me. I've not read or seen anything.

7 What I'm -- what I want to ask you is, tell me,
8 specifically, how this case that you filed is
9 diametrically different than the case that's pending on
10 appeal in Richland County.

11 MR. DAVIS: Different parties. Mr. Leupp is not a
12 party in any --

13 THE COURT: He -- he was named as a party in the
14 Richland County case.

15 MR. DAVIS: Never served. You can name someone and
16 dismiss them without prejudice and then sue them
17 somewhere -- you know, there is no res judicata. Mr. --
18 Mr. Chambers here, he's talking about it like we're
19 attacking his client in Richland County --

20 THE COURT: Let me ask you a question, if you had
21 served Leupp in the -- in the Richland County case, would
22 you be in here today?

23 MR. DAVIS: If he had been served?

24 THE COURT: If he had been served in the Richland
25 County case, would you have been in here -- would you be

1 in here today?

2 MR. DAVIS: I would not be here today. I would not
3 be here today. He would be -- well, I'm sorry. Let me --

4 THE COURT: Wait a minute now. I --

5 MR. DAVIS: -- I would not be --

6 THE COURT: -- think you just -- my question is --

7 MR. DAVIS: All right --

8 THE COURT: -- if you had served Leupp in the
9 Richland County case, you would not have filed a single
10 thing in Greenville? That's a "yes" or "no" answer.

11 MR. DAVIS: Mr. Leupp is telling people that I'm
12 disbarred --

13 THE COURT: I'm not asking you that --

14 MR. DAVIS: I mean, does that mean all the --

15 THE COURT: Mr. Davis --

16 MR. DAVIS: -- John --

17 THE COURT: -- Mr. Davis --

18 MR. DAVIS: -- Does --

19 THE COURT: Mr. Davis, don't -- don't dance around my
20 question. My question is this, if you were able to serve
21 Leupp in the Richland County case, would you have filed a
22 case in Greenville at all? That's a "yes" or "no" answer.

23 MR. DAVIS: If we were litigating down there --

24 THE COURT: I said --

25 MR. DAVIS: -- and I could add in those things --

1 THE COURT: I said, if you had served Mr. Leupp in
2 the Richland County case with the 168 allegations that I
3 read -- I'm assuming it's the same amount of allegations
4 in the Richland complaint, you would not have filed an
5 action in Greenville County.

6 MR. DAVIS: I misspoke. Yes, I would. If I had a
7 car accident in Richland County and then I got hit by the
8 same person in a car accident here in Greenville, I would
9 have filed separate lawsuits, unless I could add that to
10 that first lawsuit. But I guess I can't.

11 Mr. Leupp has continued to do things after the fact
12 of that initial case. Mr. Leupp was not a party to that
13 case --

14 THE COURT: To the Richland case?

15 MR. DAVIS: To the Richland case.

16 THE COURT: Even though he's named in the caption?

17 MR. DAVIS: He's named and never served. If he's
18 never served, res judicata does not -- not attach.

19 Mr. Chambers has filed a very simple motion to
20 dismiss 12(b)(6), 12 -- whatever, 12(b)(6) mainly on res
21 judicata. I came here ready to argue --

22 THE COURT: 12(b)(8) --

23 MR. DAVIS: -- res judicata --

24 THE COURT: -- 12(b)(8) --

25 MR. DAVIS: I'm sorry.

1 THE COURT: 12(b)(8).

2 MR. DAVIS: He added that.

3 THE COURT: Well, I understand --

4 MR. DAVIS: It's in there. But in the original
5 motion, it's -- it's 12(b)(6), res judicata. And then
6 last night at about midnight, he filed some motion adding
7 in all this discussion of 12(b)(8), and all these other
8 types of --

9 THE COURT: Yeah. But 12(b)(8) talks about the scope
10 of duplicate litigation. You've got -- you've got an --
11 you've got litigation going on in Richland and you've got
12 it going on up here. That's what 12(b)(8) talks about.

13 So address that, 12(b)(8).

14 MR. DAVIS: There are two different -- there are
15 different parties --

16 THE COURT: How do you -- how do you fall out of that
17 scope of 12(b)(8)?

18 MR. DAVIS: There's different issues, different
19 mat -- different causes, different issues of -- or -- or
20 facts --

21 THE COURT: Same causes of action.

22 MR. DAVIS: A lot of them are the same. A lot of
23 them can be the same. If I have a defamation, I can't --
24 if I have one defamation lawsuit in -- in Richland, I
25 can't file -- everybody else in the world can evade me and

1 I can't file another defamation case?

2 THE COURT: No.

3 MR. DAVIS: I have a defamation case. That -- that
4 was the primary thing. There's some other things involved
5 in it.

6 THE COURT: Why did you pick Greenville to file this
7 case?

8 MR. DAVIS: I live here. Mr. Leupp lives here.
9 Mr. Chambers, he talks about his home county. He lives
10 in -- in North Carolina. I'm not sure. He has an
11 address -- you can look on his filing. He has an address
12 in Florida.

13 THE COURT: Why didn't you originally file the case
14 here in Greenville, instead of Richland?

15 MR. DAVIS: This case?

16 THE COURT: Yeah, yeah.

17 MR. DAVIS: I did --

18 THE COURT: I'm saying --

19 MR. DAVIS: -- this --

20 THE COURT: -- why did you file the case in Richland?
21 What was the connection?

22 MR. DAVIS: The Richland case was originally filed
23 against two defendants and John Does. The original two
24 defendants live in Richland County. It was an entity
25 and -- and an individual. That individual was going

1 around telling people that I'd been disbarred, which is
2 defamation per se.

3 One of the -- you know, so I've got witnesses and
4 people -- that -- that case is continuing against that
5 individual and that organization that made those comments.
6 The John Does have been dismissed, I think, temporarily.
7 That single issue is on appeal.

8 So that's why that case is being stayed right now is
9 that we don't know if it's just going to be two defendants
10 or if it's going to be 35 defendants.

11 THE COURT: Let me go back. Judge Early's order in
12 terms of dismissing the case, what -- what, specifically,
13 did his order say?

14 I think, Mills, you were referencing Judge Early's
15 order.

16 MR. ARIAIL: Yes. I've got it, Your Honor.

17 THE COURT: What -- what did it, specifically, say?

18 MR. ARIAIL: Say that again, Your Honor.

19 THE COURT: Yeah.

20 MR. ARIAIL: The order?

21 THE COURT: Uh-huh.

22 MR. CHILDS: What does the order say?

23 THE COURT: What does the order specifically --

24 MR. DAVIS: It dismisses the John Does --

25 MR. ARIAIL: No, no, no. It -- it addresses --

1 dismisses the suit with prejudice as to all defendants who
2 were first named in the amended complaint. So what he's
3 done, he's got all these that are first named in here, I
4 guess the John Does he's added in. But then he puts in
5 the bottom, John Doe one through 40 again. And he names
6 Mr. Leupp in this --

7 THE COURT: In the amended complaint -- Mr. Leupp is
8 named in that -- in the amended complaint?

9 MR. ARIAIL: Right. The amended complaint, the one
10 that he dismissed is the one that says he's dismissing
11 with prejudice. And he says, This Court strikes the
12 amended complaint and dismisses this suit with prejudice
13 as to all defendants who were first named in the amended
14 complaint. This is the amended complaint, from my
15 understanding, where he first named him -- Mr. Leupp is
16 first named in there.

17 MR. DAVIS: On the face, that's -- I hear -- I see
18 what you're -- you're -- how you're reacting. The Court
19 does not have jurisdiction to dismiss Mr. Leupp with
20 prejudice because Mr. Leupp was never served in the case.
21 It's -- it's -- it's -- it's standard law. You cannot --
22 the Court had no jurisdiction to dismiss them.

23 If -- if Judge Early had written, oh, dismiss
24 everybody on the planet, you can't dismiss everybody on
25 the planet because there is no jurisdiction. That person

1 has not appeared or has not been served in that case.
2 That's why this is so simple. If you, actually, look at
3 that simple -- that Mr. Leupp was not on there -- was not
4 a party to that case.

5 THE COURT: Yes, sir.

6 MR. CHAMBERS: The issue with that is that Judge
7 Benjamin's order of October 29th, It is, therefore,
8 ordered each John Doe referenced in the complaint shall
9 be, specifically, named and served. This Court allows
10 Plaintiff 15 days to appropriately amend the file --
11 filings.

12 So either Judge Early dismissed it because he
13 disobeyed the earlier order --

14 THE COURT: Which -- amend and serve?

15 MR. CHAMBERS: Yeah. And so what that means is bring
16 them all in here, which means that the judge is ordering
17 that they be put in this pot. Judge Benjamin ordered that
18 they were put in that pot in Richland County to cook.

19 And he failed to do it -- or he failed to get them
20 served. And so that's why Judge Early later looked back
21 at that order and said, no, I'm dismissing it.

22 Now, he's -- I'm sure he will tell you he's certain
23 he's going to win that appeal. And he might. But one way
24 or the other, if he does, my client's ordered to be there.
25 And so he's ordered to serve him.

1 THE COURT: Well -- and I guess my question to you,
2 Mr. Davis, is this -- and I'm just -- it's as simplistic
3 as I -- as I can ask it. If that's what Judge Benjamin's
4 order said, amend and serve, and you -- and Mr. Leupp --
5 you didn't know where he was. Am I right?

6 MR. DAVIS: I knew where Mr. Leupp was. I -- I did
7 not -- or was not --

8 THE COURT: But you didn't serve him.

9 MR. DAVIS: I didn't get anybody served in 15 days.
10 It was impossible. I didn't file the motion to -- to
11 expand that time period because that's not what the order
12 said. If you read the order, it says --

13 THE COURT: Well, listen, if -- if Counsel is reading
14 the order to me correctly and the Judge says you've got 15
15 days to amend and serve --

16 MR. DAVIS: But I did this with Judge Early. So let
17 us get the actual order so you can see it. Judge Early
18 didn't have the order in front of him. And he just -- he
19 ruled a particular way thinking --

20 THE COURT: Now, let me tell you --

21 MR. DAVIS: -- I'm supposed to --

22 THE COURT: Now, let me tell you, I spell my name
23 K-I-N-L-A-W. I don't -- I'm not E-A-R-L-Y. I don't care
24 what Judge Early -- I'm just saying --

25 MR. DAVIS: That's why I want us to read the order --

1 THE COURT: I'm just saying if that order from Judge
2 Benjamin said 15 days to amend and serve --

3 MR. DAVIS: It said 15 days to amend. It said -- and
4 if you've got the order, we'll read them the last -- I'll
5 read you, specifically, what Judge Benjamin says.

6 MR. ARIAIL: Judge Early's is that --

7 MR. DAVIS: No. This is from Judge Benjamin.

8 MR. ARIAIL: That's the one I've got. I mean, I --

9 MR. DAVIS: You've got the order from Judge Benjamin?

10 MR. ARIAIL: Right here. I'll -- I'll read it --

11 MR. DAVIS: Let -- let me --

12 MR. ARIAIL: -- word for word --

13 MR. DAVIS: -- read it to the Judge --

14 MR. CHAMBERS: Your Honor, I don't want to have any
15 cross contamination, but I'll read it word for word. Each
16 John Doe referenced in the complaint shall be
17 specifically --

18 MR. DAVIS: You're not reading the whole order. Can
19 we please --

20 MR. CHAMBERS: Here, take another -- yeah. Take that
21 copy. That's fine. Keep it.

22 MR. DAVIS: Here's the conclusion in Judge Benjamin's
23 order -- and I've got the transcripts from Judge Benjamin.
24 Never was there any discussion of 15 days --

25 THE COURT: Read the order. Read the order.

1 MR. DAVIS: It is, therefore, ordered each John Doe
2 referenced in the complaint shall be, specifically, named
3 and served --

4 THE COURT: Yeah.

5 MR. DAVIS: -- period. There's no date, no time
6 limit. All right. So what's the standard of serving --
7 when you amend and serve, it -- it goes back to the -- the
8 general rule, you've got six months, or nine months, or
9 whatever it is. But the --

10 THE COURT: You have six or nine months to serve?

11 MR. DAVIS: Well, an original complaint. An original
12 complaint; is that not correct?

13 THE COURT: What about an amended complaint? Do you
14 say you've got six or nine months to do that?

15 MR. DAVIS: It -- you would go back to the -- the --
16 the standard rules, which would be six months, or so. I'm
17 not sure of the exact length here in South Carolina. But
18 it's -- it's six or nine.

19 But what Judge Benjamin added after that sentence
20 was, the Court allows the -- allows the Plaintiff 15 days
21 to appropriately amend the pleading. That's it. It
22 doesn't say 15 -- allows me 15 days to serve them. The
23 service process was the standard process for service. I
24 amend the complaint. I have 15 days to amend the
25 complaint.

1 This is why Judge Early, unfortunately, I think, got
2 confused because he didn't have a copy of the order. But
3 I -- you know, I -- she tells me to, specifically, name
4 and serve them, the John Does. And then the next
5 sentence, This Court allows the Plaintiff 15 days to
6 appropriately amend the pleadings. That's it.

7 So I amended the pleadings in 15 days. I complied
8 with Judge Benjamin. And then -- and I, actually, amended
9 it on the 15th day. I turned it in timely on the 15th
10 day. From that -- then I started the process of service.

11 And then several months later when the 12(b)(6)
12 motions came up to dismiss, it was, oh, my -- on, no, he
13 was supposed to not only amend it in 15 days, he was
14 supposed to serve all these people in 15 days. That's why
15 Mr. Chambers is desperate to get this dismissed here.
16 Because he does know this -- this is going to be
17 overturned in the Court of Appeals, which is where we are
18 with just those newly named defendants.

19 MR. CHILDS: So --

20 MR. DAVIS: But Mr. Chambers -- Mr. Leupp has not
21 even appeared in the Court of Appeals case because he's
22 not a party to the underlying case. All of the other
23 named John Does have -- or appeared and are participating
24 in that -- in that appeal. Mr. Leupp is not. Mr. Leupp
25 is not a -- you know, entered into the underlying Richland

1 County case or the appeal.

2 THE COURT: Okay. Tell me, what argument do we have
3 in the -- the Wagner case. Any -- any --

4 MR. CHILDS: Yes, sir, Your Honor. My -- my client
5 is Esther Wagner, who's a lady that works for Palmetto
6 Pride. And she happened to encounter Mr. Davis, I guess,
7 during a difficult period for him. And she got into a
8 dispute with him about two -- three things ostensibly.

9 One was Mr. Davis says that she falsely accused him
10 of cussing State Representative Gary Smith, or vice versa.
11 It doesn't really matter.

12 Two, they got in a Facebook conversation where they
13 talked about -- Mr. Stutts posted on her Facebook and --
14 so some Facebook back and forth.

15 And number three was the issue of Mike Pence's visit
16 to Greenville. And we are a little bit different than the
17 other Defendants. We have an affidavit we submitted to
18 the Court. Ms. Wagner -- Mr. Davis' complaint against
19 Ms. Wagner has the same exact causes of action against her
20 as he's brought against everybody within the state
21 government of South Carolina.

22 I mean, the thing in Richland County was amazing to
23 see him naming Jim DeMint and -- and even, I think, named
24 Rick -- Rick Quinn and people that -- in Columbia. So
25 we've got --

1 MR. DAVIS: Mr. -- Mr. Quinn was indicted and found
2 guilty --

3 MR. CHILDS: Right.

4 MR. DAVIS: -- just so you know. So, I mean, just
5 because Mr. Quinn --

6 MR. CHILDS: I don't know if you have served him or
7 not. I don't know.

8 But -- so he sued Ms. Wagner ostensibly adding some
9 new facts, which is what I discuss and describe, and she
10 describes in her affidavit. And she met him at an event a
11 year or so ago where representative -- where he made a
12 comment about State Representative Gary Smith cussing him
13 out. Mr. Davis says exactly the opposite. And I'm just
14 saying here's evidence for you and here's her affidavit.

15 And then they had a go back and forth on Facebook
16 about his business partner, Pressley Stutts, a candidate
17 for the Republican chairmanship. And at sometime, she
18 reminded Mr. Davis again of the comment with Gary Smith.

19 And then there was an incident, also, where there was
20 a discussion about a lady that worked in the Greenville
21 County Election Commission Office. And some people had
22 some online discussions about whether or not he was trying
23 to get her fired. So from those things that are only
24 special to Ms. Wagner that are set forth in this
25 complaint.

1 Mr. Davis, again, alleges that Ms. Wagner published
2 verbally and inviting a third person that he had accused a
3 distinguished member of the South Carolina House of
4 Representatives of cussing him out. Well, that's not
5 slander per se, I don't think. But that's what he says in
6 his complaint.

7 And then he says on -- he goes on, on numerous
8 occasions that Ms. Wagner continued to make false and
9 defamatory claims against him. And then he says that
10 Ms. Davis -- Ms. Wagner and the, I guess, John Does one
11 through 30 collectively caused him special damages by
12 losing job opportunities, back and future pay income, loss
13 of consortium, embarrassment, a number of other issues.

14 So we think, as a matter of law, the first cause of
15 action fails because it does not name any per se
16 defamation that my client stated. There is no allegations
17 in that that ties her into any slander per se -- or per
18 quad, as he states.

19 And then he's got a second cause of action for
20 defamation by innuendo. If you look at the Richland
21 County case, the Judge already ruled in that case that
22 that's not a recognized cause of action in South Carolina.
23 And I think that's still the case in Ms. Wagner's case.

24 Number -- third cause of action, invasion of privacy.
25 Again, it's the boilerplate somebody made some unwarranted

1 intrusion or trespass into his private life. And that
2 somehow -- the only allegations, again, are that she
3 talked about -- she talked on Facebook with him. They had
4 a discussion there. They had a -- a discussion at the
5 Mike Pence meeting in Greenville. And that she had a
6 verbal discussion with him about the issue with senator --
7 or Representative Gary Smith.

8 What this case all boils down to is that, at some
9 point, these two began talking to each other. And I think
10 it's in his complaint. She, basically, said to him in an
11 e-mail, Well, just bring it on. And he was complaining
12 and talking about how he's suing.

13 He, actually, said he sued Nate Leupp. Nate Leupp
14 was one of the John Does in the Richland County case. And
15 she, basically, dared him to sue her, and he did. She's
16 not part of some global conspiracy. She's a nice young
17 lady that works at Palmetto Pride. I think you're aware
18 of that organization. It does a lot of good -- of public
19 good.

20 He raises a cause of action for negligence against
21 her. There's no evidence of any duty she owed to him that
22 was breached.

23 There's an intentional infliction of emotional
24 distress cause of action. I think it fails as a matter of
25 law. Because, obviously, I don't think he was subjected

1 to -- let me put it this way, as much talking goes on on
2 Facebook, I think half the population would suffer from
3 some kind of severe emotional distress if that was
4 actionable. And so it's not. He hasn't alleged it in
5 such a way that he has suffered any kind of severe
6 emotional distress.

7 And based on his allegations, specifically, against
8 Ms. Wagner, none of those things could have done that, you
9 know. He's not the one they say and accuse -- he doesn't
10 accuse Ms. Wagner of saying he's disbarred or of saying
11 that he had a -- a, you know, a bad -- a financial
12 planning company in Georgia. None of that.

13 He's alleging those three -- or four incidents where
14 they, unfortunately, interacted in a not so polite manner.
15 And then he alleges tortious interference with respective
16 contractual relations. There's no evidence in the
17 complaint. There's no evidence from Ms. Wagner's
18 affidavit submitted to this Court of any type of
19 interference with any type of contractual relations.

20 And then the epitome is the seventh cause of action,
21 which he brought against everybody, Mr. Leupp, Ms. Weaver
22 in Columbia, Chad Connelly, Jim DeMint, Rick Quinn, unfair
23 trade practices. And so I think that's an easy one to say
24 that's not a cause of action against her.

25 Pierce the corporate veil. I don't know what he's

1 piercing. He's -- Ms. Wagner is an individual Defendant
2 in this case. And so I think he says -- he's trying to
3 say that all these John Does out here that he's made the
4 same allegations against in Richland County, which he was
5 then required to name in Richland County that he failed to
6 name them, in the Judge's opinion, in a timely fashion,
7 that he's trying to pierce their veil up here.

8 I think that argument goes back to Mr. Chambers'
9 argument about Richland County is the hole that he dug.
10 That's where that goes. Ms. Wagner has nothing to do with
11 that conspiracy.

12 He says that given the stature and position of
13 Ms. Wagner and the John Doe Defendants individually and
14 collectively both locally and nationally, the Plaintiff
15 sustained substantial embarrassment and pain and suffering
16 as a result of this conspiracy and collusion. I don't
17 know what he's saying Ms. Wagner conspired about. It's
18 not clear in the complaint. I don't think he's alleged
19 special damages in his complaint appropriately. And I
20 don't think that he can bring a cause of action for almost
21 all this stuff that's politically motivated, or political
22 discussions, or First Amendment related.

23 And so in addition to Ms. Wagner, we've, also, got a
24 motion to quash in Ms. Wagner's case. Mr. Davis, to add a
25 little bit of extra to it, decides to subpoena her

1 employer and wants to know -- have her entire personnel
2 file, any promises or benefits for hiring her, all
3 communications referenced in Ms. Wagner's hiring, job
4 performance, Palmetto Pride leases, investment advisory
5 agreements or brokerage statements, lobbying contracts and
6 invoices, Palmetto Pride employee manual, Wagner outside
7 political or other employment. And that's just not
8 relevant to any of these causes of action that he's
9 brought against Ms. Wagner, and is really just because she
10 told him to bring it on, and he did. He brought it on.
11 And now, he's trying to jeopardize her job by subpoenaing
12 irrelevant information from her employer.

13 I think, Your Honor, based upon all the facts and
14 circumstances, and particularly in respect to Ms. Wagner
15 who's not a political figure, who's not a representative
16 of some sort, who's not used to this kind of, I guess,
17 overly aggressive political activity that his causes of
18 action against her fail. And she should be dismissed and
19 alternatively that the subpoena for employment records
20 should be dismissed.

21 We can move on to summary judgment, if you think
22 that's appropriate. But I think that a lawsuit like this,
23 the Court needs to act quickly and not reward mischievous
24 conduct. And you can just look at all these complaints
25 and how they all say the same cause of action and just

1 change a little bit of the perfunctory allegations. And
2 he's just suing everybody for anything he can think of.
3 And we would ask that you dismiss Ms. Wagner's complaint.

4 THE COURT: Yes, sir.

5 MR. DAVIS: Your Honor, there's a lot of -- in suing
6 John Does, I don't know what may come up. And if I don't
7 list that stuff in these complaints, I may lose the
8 opportunity in the future. That -- that's why a lot of
9 that information is there.

10 Ms. Wagner is not an innocent party. Ms. Wagner is
11 what you would in political parlance's of a bulldog. She
12 comes in and attacks people. She works for -- yes, and
13 I'm -- I'm glad Mr. Childs brought up the Quinns. Because
14 that's -- went through that a lot and that's where
15 multiple, you know, legislators have been indicted and
16 lost their positions, and people, you know, should have
17 been [inaudible] jail. But, you know, there's some issues
18 there. But there's a lot going on that was uncovered in
19 following money.

20 I am a financial person. I can follow the money
21 trail. Ms. Wagner works for Palmetto Pride. I'm a
22 supporter of Palmetto Pride. I love -- I've been picking
23 up litter myself for ages. But she -- that's how she
24 got -- how did she get that job with Palmetto Pride? She
25 got that job because she works with Representative Gary

1 Smith. And I believe Gary Smith and/or someone else got
2 her that job at Palmetto Pride as a way to compensate her
3 for what she does on a -- on the political stage of
4 bulldogging the opponent.

5 Now, that is a broad claim. But I will tell you
6 in -- in the Richland case, there was another individual
7 by the name of Neal Melon [phonetic], who, interestingly
8 enough, once his political consulting job ran -- ran out,
9 he got a job with the Children's Trust. I filed to get a
10 copy of his employment records there. The same people who
11 are Defendants got him that job at Children's Trust.

12 That is the in and out and the political payback and
13 favors that people do in government. That is -- you know,
14 we all know that goes on. I'm just trying to get that
15 information and track it back down to exactly -- linking
16 back to Ms. Wagner so we have the evidence when we get to
17 a jury trial, or whatnot, to be able to show and piece all
18 of these -- these issues of why she, actually, attacked
19 me.

20 Why did she attack me? Well, all the sudden, it was
21 an associate or friend of mine, Pressley Stutts, was
22 running against the current incumbent for the Greenville
23 GOP chairmanship, a guy by the name of Nate Leupp. And
24 guess who Ms. Esther Wagner is friends with? Nate Leupp.

25 So she starts attacking like a bulldog. She -- you

1 don't even see her on Facebook until there's an election
2 going on. And interestingly enough, you know, she starts
3 bringing these statements. And she makes a comment on
4 Facebook where there's a large group of people reading,
5 and monitoring, and following this -- this particular --
6 you know, I guess it's not a political party, so it's not
7 a political race. But it's with the -- you know, the
8 Greenville chairmanship is not a politician. They don't
9 file all the -- all the requisite disclosures that a
10 politician would file. So they're not in that sense.

11 But Ms. Wagner pops up. And she starts accusing me,
12 who I'm an attorney. I'm -- I'm -- I am a reasonable
13 person. I don't pit bulldog people. You can look at any
14 Facebook post, or any comment, or anything I've ever done.
15 I try to follow the upmost professionalism. That, as a
16 member of the bar, is something we should do.

17 We just had a guy suspended because he made a -- a
18 nasty comment. Bar members are held to a higher standard.
19 I know that. So I am particularly emphasizing that I
20 don't sit there and participate in the type of bulldog
21 stuff Ms. Wagner does.

22 Ms. Wagner accused me of cussing out Gary Smith,
23 Representative Gary Smith. He's a senior member of the
24 House Ways and Means Committee. Gary Smith -- I -- I'm
25 friendly with Gary. We have some political differences on

1 a couple issues. Gary Smith was the -- was the lead
2 legislator that made the particular School Choice program
3 run by a government-appointed entity. Again, more of
4 government entities to run while he's a free market
5 conservative. He files the School Choice bill to make
6 it --

7 THE COURT: I don't want to try the case today. I'm
8 just here to --

9 MR. DAVIS: I understand. But they -- that's why I
10 tried to slow you down --

11 THE COURT: Well, I just -- well, I -- I know what
12 you're trying to do.

13 MR. DAVIS: I'm giving you the background --

14 THE COURT: I just need to hear -- I don't need all
15 that. I -- I can read your complaint. I just need to
16 hear your response on the motion.

17 MR. DAVIS: Okay. Well, the response is Ms. --
18 Ms. Wagner accused me of cussing out Gary Smith at an
19 event for -- for the Piedmont Women's Center. I have
20 never been to this event.

21 So I kindly told her, I have not been to this event.
22 She doubles down, tells me, Oh, yeah, I was there. I was
23 sitting there. I was with Gary Smith. I saw you cuss him
24 out.

25 How is that going to make a lawyer look, or a CPA

1 look, or a professional look, or an advocate for children
2 with special needs look if their -- what -- what you would
3 call in the political world a political terrorist, that
4 they go out and throw bombs at everything, throw bombs up.
5 Oh, I went -- I go out and cuss people out because I'm not
6 getting what I -- my way. I brought some -- some lawsuits
7 because I want the Courts to determine these things. I
8 don't go out and throw bombs and accuse people of things
9 that are not true.

10 I told Ms. Wagner I had not been to that event. I
11 told Ms. Wagner I've never cussed out a legislator, or
12 anybody. And based on who Gary Smith is -- and -- and
13 maybe -- let me correct that. I think her comment -- and
14 I'm getting confused because Mr. Childs keeps flipping it
15 back and forth. I think her comment was that Gary
16 Smith -- that I told people Gary Smith had cussed me out.

17 Gary Smith is a religious man. And I can't imagine
18 Gary Smith cussing anybody out. So that's what -- that
19 was my other point. I've never been to this event. And I
20 can't even imagine Gary Smith cussing anybody out. But
21 she doubled down on it and said, You -- you did. I -- I
22 saw you say all these types of things. And, you know, go
23 ahead and sue me. And I was like, Okay. And then it
24 just -- I'm like if you want me to sue you, I'll sue you.
25 So that's why we're here today.

1 Ms. Wagner wasn't even listed -- had anything to do
2 with this Richland case. I don't know who else might come
3 out in these John Does. I've listed John Does as people
4 to protect the interest of where this lawsuit may -- may
5 lead. It may lead that she's been working for Gary Smith.
6 Gary Smith's been giving her kickbacks. And Gary Smith is
7 not listed in that -- in that Richland case.

8 It may be just like the Quinns. Gary Smith may have
9 gotten her that job at Palmetto Pride. Gary Smith maybe
10 instead of paying her out of his own campaign funds, he
11 may be paying Esther Wagner back with -- with a -- a
12 political favor and a job.

13 THE COURT: I don't need to hear all that. Tell me
14 about -- tell me about the motion.

15 MR. DAVIS: Well, the motion is -- is -- essentially,
16 it's a -- you know, it's a 12(b)(6). And they're asking
17 to dismiss some of these things. I don't know where it'll
18 lead. It -- it -- I would offer the opportunity to, you
19 know -- or ask for the opportunity to amend the pleadings.
20 If there's any particular causes of action that are not
21 appropriate, allow me the opportunity to amend it.

22 But, I mean, it's a long complaint already. I think
23 there's enough involved in this issue. Ms. Wagner is out
24 there doing these types of -- she, literally, approached
25 me. I was at an event standing over in a corner. She

1 beelined it to me to yell and scream at me. What are you
2 supposed to do when people are doing this? I'm a
3 professional. And I've got people -- someone walking up
4 to me yelling and screaming at me saying -- saying these
5 type of defamatory --

6 THE COURT: All right. Anything -- anything else?
7 Are you finished?

8 (WHEREUPON, there was no response.)

9 THE COURT: Anything else?

10 MR. DAVIS: That's it. No, sir.

11 THE COURT: Anything else from either side?

12 MR. CHILDS: Your Honor, Ms. Wagner's worked for
13 Palmetto Pride since November of 2011. All those things
14 that he's asking for and theories that he has are totally
15 not relevant to his causes of action he alleges against
16 Ms. Wagner.

17 He doesn't allege any causes of action against
18 Ms. Wagner. He just repeats what he sued other people
19 for. And, unfortunately, she did have an encounter with
20 him. And, unfortunately, he sued her because of that
21 encounter.

22 But none of those encounters, none of them rise to
23 the level of slander, defamation, conspiracy, unfair trade
24 practices, intentional infliction of emotional distress,
25 or slander by innuendo. None of those causes of action

1 are -- are properly set forth in this complaint.

2 And it should be dismissed. If not, you should grant
3 our motion for protective order so he can't harass her by
4 subpoenaing her employment records looking for some idea
5 that Representative Smith did something to help her get a
6 job. And how that might be some kickback, I don't know.

7 But, apparently, everybody that has an encounter with
8 him -- as Ms. Weaver, who is the original defendant in
9 Richland County, can point out, he sued her for having an
10 encounter with him at a convention and, also, because she
11 thought that he had been disbarred from the practice of
12 law. And -- and he sued her because she threatened to
13 call the police on him. And so he's -- he's just got a
14 number of complaints against a number of individuals
15 throughout the State.

16 Ms. Wagner is not one of those individuals. He's,
17 basically, admitted that. And he, basically, admitted to
18 Your Honor that the only reason he sued her was because
19 she asked for it.

20 THE COURT: All right. I think I've heard enough
21 to -- let me tell you what I'm going to do. On the -- on
22 the case of Jefferson Davis, Jr. vs. Nate Leupp,
23 Defendant, et all, 2019-CP-23-06576, I'm going to move
24 directly to Defendant's motion to dismiss. I'm going to
25 grant Defendant's motion to dismiss.

1 The rationale that I'm going to assert in that -- in
2 that order is I think this is duplicative litigation. I
3 think 12(b)(8) speaks to that. I will ask Counsel to
4 prepare an order.

5 I think all the motions to quash are now moot on --
6 at least, on that case. I don't need to address them.
7 But you can make reference in the order that those motions
8 to quash in that case are now moot.

9 As it relates to the case involving Esther Wagner, I
10 am going to -- of course, Counsel's very aware of the
11 standard the Court must apply on a 12(b)(6) motion to
12 dismiss. I'm going to allow Mr. Davis to amend his
13 complaint. I'm going to allow him 10 days to do so.

14 I'm going to strike cause of action number six, the
15 sixth cause of action. I'm going to strike the unfair
16 trade practices cause of action. And I am going to strike
17 the cause of action piercing the corporate veil. I don't
18 think that that's appropriate. And I am going to deny
19 Plaintiff's motion to seek employment records.

20 MR. CHILDS: The subpoena?

21 THE COURT: Subpoena, yeah.

22 MR. CHILDS: Thank you.

23 THE COURT: And you've got 10 days to appeal -- to
24 amend the complaint, Mr. Davis.

25 Mr. Childs, I'm going to let you prepare an order, a

1 proposed order in that case. Send a copy to Mr. Davis
2 before you send it to me.

3 MR. CHILDS: Yes, sir.

4 THE COURT: And, Mr. Chambers, I'm going to let you
5 prepare -- well, who wants to prepare the order? I guess
6 you and Mr. Childs can get together. How do you want to
7 do it?

8 MR. CHILDS: I'll be glad to get with Mr. Chambers
9 and we can get it together.

10 THE COURT: Just get it together. Like I said, all
11 the motions to quash on those cases will become moot based
12 on the Court's ruling on the motion to dismiss.

13 MR. CHILDS: Thank you, Your Honor.

14 MR. DAVIS: Your Honor, could you ask Mr. Chambers
15 and Mr. Childs to, also, share with me their order in --

16 THE COURT: And, also, share -- share that with
17 Mr. Ariail as well.

18 MR. ARIAIL: Thank you.

19 THE COURT: What -- what'd you say, Mr. Davis? I
20 didn't hear the last part.

21 MR. DAVIS: Oh, just -- just to share that -- that
22 order before they send it to the Court.

23 MR. CHILDS: Yes.

24 THE COURT: Yes.

25 MR. DAVIS: I just wanted to make sure --

1 MR. CHILDS: We have to do that.

2 THE COURT: And since you're pro se, don't --

3 MR. DAVIS: I've had lawyers not do it, so.

4 THE COURT: Don't -- don't do this, if there's a
5 dispute about what's -- the content of the proposed order,
6 don't send me any e-mails back and forth arguing between
7 each other about what language I should -- don't do that.
8 I don't operate that way, maybe another Judge does.

9 The way I like to do it, if there's a dispute about
10 the language, call my administrative assistant or my law
11 clerk and arrange a conference call. That's the best way
12 for me to do it, as opposed to going back and forth in
13 e-mails. I don't like doing it that way.

14 MR. CHILDS: Thank you, Your Honor.

15 THE COURT: All right. Thank y'all.

16 *****END OF TRANSCRIPT OF RECORD*****
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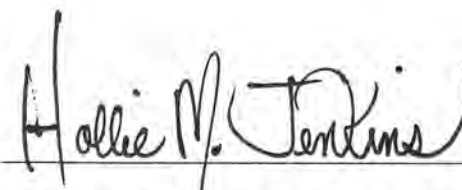
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the captioned case, relative to appeal, in the Court of Common Pleas for Greenville County, South Carolina, on the 16th day of June, 2020.

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

October 18, 2020

A handwritten signature in cursive script, reading "Hollie M. Jenkins", written over a horizontal line.

Hollie M. Jenkins, Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

JEFFERSON DAVIS, JR.

Plaintiff(s)

vs.

ELLEN WEAVER, individually, PALMETTO PROMISE
INSTITUTE & JOHN DOE(S) 1-20

Defendant(s)

Submitted By: Jefferson Davis, Jr., Pro Se

Address: 403 McCarter Avenue
Greenville, SC 29615

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2018CP4002425

SC Bar #: N/A - Pro Se

Telephone #: 843-901-8036 (cell)

Fax #:

Other:

E-mail: jdavis@apogeetax.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 cases that are NOT E-Filed. 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. This form is NOT required to be filed in E-Filed Cases.

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)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/
Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 ____ -NI- ____ -
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☒ Slander/Libel (380)
☐ 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)
☐ Incapacitated Adult
Settlement (790)
☐ 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)
☐ Pre-Suit Discovery (670) | | |
- Submitting Party Signature: J. Davis Date: 5-3-2018

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

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

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

Pursuant to the ADR Rules, 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.
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
COUNTY OF RICHLAND

) IN THE COURT OF COMMON PLEAS
) C.A. NO. 2018-CP- 40-02425

Jefferson Davis, Jr.,

Plaintiff,

vs.

Ellen Weaver, individually, Palmetto Promise
Institute & John Doe 1-20,

Defendants.

SUMMONS
(Jury Trial Demanded)

2018 MAY -3 PM 1:51
JEFFERSON DAVIS, JR.
C.A. NO. 2018-CP-40-02425

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

Respectfully submitted,



Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, SC 29615
843-901-8036 (cell)
jdavis@apogeetax.com

PLAINTIFF

May 3, 2018
Greenville, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) IN THE COURT OF COMMON PLEAS
) C.A. NO. 2018-CP- 40-02425

Jefferson Davis, Jr.,

Plaintiff,

vs.

Ellen Weaver, individually, Palmetto Promise
Institute & John Doe(s) 1-20,

Defendants.

COMPLAINT
(Jury Trial Demanded)

2018 MAY -3 PM 1:51
JEANETTE W. MCBRIDE
C.C.P. & G.S.

Jefferson Davis, Jr. (herein "Plaintiff") states his complaint as follows:

1. Plaintiff Jefferson Davis, Jr. is a citizen, resident, taxpayer, and registered elector of Greenville County, South Carolina.
2. Defendant Ellen Weaver ("Weaver") is President, CEO and a Board Member of defendant Palmetto Promise Institute, a resident of Richland County and a citizen of the State of South Carolina.
3. Defendant Palmetto Promise Institute ("PPI") is a South Carolina non-profit, and Internal Revenue Service approved 501(c)(3) charity, and have an office in Richland County. Weaver is the registered agent of PPI with an address of 1612 Marion Street, Suite 312, Columbia, SC 29201.
4. At this time, the true identities of the John Doe(s) 1 through 20, be them individuals and / or entities, ("John Doe(s)"), are unknown and / or unconfirmed to Plaintiff at this time. Therefore, Plaintiff sues the John Doe(s) by fictitious name. Upon

information and belief, the John Doe(s) fund and direct the operations and activities of Weaver, PPI and others.

5. All Defendants herein are sued jointly and severally.

JURISDICTION AND VENUE

6. This court has jurisdiction of the subject matter of this complaint and of the parties. Venue is proper.

FACTUAL ALLEGATIONS *(Specific Documented Event & Follow-up)*

7. On Saturday February 25, 2017, Weaver, in her official capacity representing PPI, spoke on the topic of school choice at the annual Palmetto Panel Conference in Clemson, SC.
8. Plaintiff Davis attended the February 25, 2017 Palmetto Panel Conference in Clemson, SC, and heard Weaver's presentation.
9. After Weaver's presentation, she was approached by a political grassroots advocate to further discuss her topic of school choice.
10. During the above conversation, Weaver made specific reference to Plaintiff Davis in the audience, knowing Davis has a different opinion on school choice advocacy.

11. Weaver made several disparaging, false light and defamatory comments about Plaintiff Davis and his advocacy work to said political grassroots advocate.
12. Weaver proceeded to make disparaging, false light and defamatory remarks about Davis, his wife, and the 501(c)(3) nonprofit organization she runs and that Davis volunteers with as an Advisory Board Member.
13. In addition to the above, Weaver proceeded to state that Davis had lost his license to practice law – said statement is not true.
14. Plaintiff Davis is an Active Member in Good Standing of the State Bar of Georgia with no disciplinary action since first admitted to the practice of law in 1994.
15. Upon information and belief, this was not the first time Weaver / PPI (and the John Doe(s)) had made defamatory and false light statements such as the above regarding Plaintiff Davis.
16. On March 24, 2017, Plaintiff Davis sent a letter to an individual board member of PPI detailing the above defamatory statements. Davis did not receive a reply, and the defamatory and false light statements did not stop.
17. On May 13, 2017, Plaintiff Davis approach Weaver at her “booth” at the SC Republican Party State Convention in Columbia, SC, to clear up any misunderstanding. Weaver refused to talk to Davis, proceeded to tell him he was the most destructive factor to school choice in South Carolina, and that he should move

out of the state. Weaver then proceeded to threaten to call the police if Davis did not leave her “booth”.

18. On December 4th, 2017, Plaintiff Davis approached the above referenced PPI board member and a “Senior Fellow” with PPI. After introducing himself, both individuals turned around refusing to speak to Davis and the “Senior Fellow” yelled at Davis saying he was the source of “corruption” in the SC school choice tax credit program. The entire interaction lasted less than 30 seconds.
19. After the December 4th, 2017 interaction above, Defendant told others that Davis had accosted the PPI board member.
20. On multiple occasions, before and after the above incidents, Plaintiff Davis and others supporting his advocacy efforts, including parents of children with “special needs” benefiting from South Carolina’s K-12 school choice tax credit program have requested a public or private meeting with Defendants to clear up any misunderstandings. Defendants have refused any meeting, obviously wanting to continue to perpetrate their plan.

FACTUAL ALLEGATIONS
(Additional Background)

21. Plaintiff Davis is a volunteer grassroots advocate for private school choice for South Carolina’s K-12 children with special needs, children in a low-income situation, homeschooled children, and ultimately all children in SC. Plaintiff specifically advocates for private / free-market K-12 school choice solutions.

22. Defendants Weaver & PPI advocate for K-12 school choice solutions in SC as well. However, Weaver & PPI specifically advocate for government run K-12 school choice solutions.
23. There is a distinct policy and practical difference between K-12 school choice solutions that are #1 government run solutions vs. #2 private / free-market solutions.
24. Weaver & PPI politically oppose the grassroots advocacy of Plaintiff Davis. Upon information and belief, this opposition is due to Weaver & PPI's political and financial interest as well as the political and financial interest of certain John Doe(s).
25. PPI received tax deductible contributions totaling **\$551,443** in 2016, **\$490,420** in 2015, **\$356,105** in 2014 & **\$514,847** in 2013 under Weaver and certain other individuals newly involved in the nonprofit organization and PPI's 2013 "relaunch".
26. PPI (under a former name) received tax deductible contributions of **\$62,800** in 2012, the first part year Weaver and certain other individuals became involved in the nonprofit organization.
27. PPI (under a former name) only received tax deductible contributions of **\$7,500** in 2011, **\$13,000** in 2010 & **\$30,000** in 2009 prior to Weaver and certain other individuals became involved in the nonprofit organization.

28. PPI's website (as of 5/3/2018) states:

“Palmetto Promise Institute (PPI) is an independent, nonpartisan, nonprofit, 501(c)(3) educational organization. PPI conducts public policy research dedicated to creating a free and flourishing South Carolina, where every individual has the opportunity to reach their full potential. PPI does not perform contract research and does not accept government grants. Permission to reprint material on this site is granted provided that PPI is properly cited. Nothing written here is to be considered an attempt to aid or hinder the passage of any specific legislation.”

29. Upon information and belief, PPI is a nonprofit “front organization” for certain John

Doe(s) with financial interest in government run K-12 school choice solutions

(including charter schools) which Weaver & PPI claim to be advocating for as an independent, nonpartisan, nonprofit, 501(c)(3) educational organization.

30. Upon information and belief, Weaver and PPI advocate for government run K-12

school choice solutions (including charter schools) as a paid contract research and advocacy group benefiting certain John Doe(s) with financial interest in the success and expansion of government run K-12 school choice solutions.

31. Weaver, PPI and the John Doe(s) have produced false and misleading reports(s) and

other defamatory and false light information about the activities of Davis and his work with organizations he has volunteered for to further their own financial interest and the financial interest of their benefactors.

32. Upon information and belief, Defendants Weaver, PPI and John Doe(s) worked

together and conspired to further their mutual interests and disguise their activities.

A FIRST CAUSE OF ACTION
(DEFAMATION Per Se & Per Quod)

33. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.
34. The Defendants, individually and collectively, made false and defamatory statements about Defendant.
35. The Defendants, individually and collectively, stated both verbally and (upon information and belief) in writing to third parties that Plaintiff had been disbarred from the practice of law.
36. These statements were false and the Defendants knew or should have known that the statements were false.
37. As the direct and proximate result of the Defendants' defamatory statements which were made with malice and with the specific intent to harm Defendant and others, Defendant is entitled to special damages, actual damages, incidental damages, and punitive damages, all in an amount to be determined by the trier of fact resulted.

A SECOND CAUSE OF ACTION
(FALSE LIGHT PUBLICITY)

38. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.
39. The Defendants, individually and collectively, made misleading innuendo and statements about Defendant which placed him in a false light.
40. As the direct and proximate result of the Defendants' false light statements which were made with malice and with the specific intent to harm Defendant and others,

Defendant is entitled to special damages, actual damages, incidental damages, and punitive damages, all in an amount to be determined by the trier of fact.

A THIRD CAUSE OF ACTION
(INVASION OF PRIVACY)

41. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.
42. The Defendant's individually and in concert with each other engaged in wrongful acts that constitute an unwarranted invasion and trespass upon Plaintiffs privacy.
43. Defendant's, armed with the personal knowledge gained from unwarranted invasion and trespass upon Plaintiffs privacy, used such knowledge improperly and sought additional private knowledge (irrelevant to the matters at hand) to improperly use against Plaintiff in furtherance of Defendant's financial and political interest.
44. Such wrongful acts perpetrated by the Defendants have inflicted great and irreparable harm upon Plaintiff.
45. Certain John Doe Defendants acquiesced to the improper actions of their agents, Defendant's Weaver, PPI and other John Doe(s) in furtherance of their scheme.

A FORTH CAUSE OF ACTION
(NEGLIGENCE)

46. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.
47. Defendants were negligent, careless, reckless and willfully acted with actual malice in that they had a duty to ensure the truthfulness of their statements but they knew their

statements were false and nevertheless acted with reckless disregard for the truth by publishing their statements to third parties.

A FIFTH CAUSE OF ACTION
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

48. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

49. Defendants conduct was intended to inflict emotional distress on the Plaintiff and was outrageous beyond the bounds of conduct expected by members of society; the outrageous conduct caused Plaintiffs to suffer severe emotional distress, which resulted in Plaintiffs incurring expense for medical treatment.

A SIXTH CAUSE OF ACTION
(TORTIOUS INTERFERENCE WITH PROSPECTIVE CONTRACTUAL RELATIONS)

50. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

51. Defendants directed others to not do business with Plaintiff and associated entities by making false and defamatory statements and innuendo.

52. As a direct and proximate result of the Defendant's actions, Plaintiff was damaged.

A SEVENTH CAUSE OF ACTION
(UNFAIR TRADE PRACTICES)

53. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

54. This cause of action is brought pursuant to "South Carolina Unfair Trade Practices Act.", S.C. Code Ann 39-5-10 *et seq.* ("SCUTPA")

55. The public has an interest in ensuring that non-profit organizations operating in South Carolina, as well as their volunteers and beneficiaries, are not hindered in their charitable mission.
56. Defendants violated the SCUTPA through their actions herein discussed.
57. Plaintiff is entitled to injunctive relief, treble damages, and attorneys' fees as allowed by statute.

A EIGHTH CAUSE OF ACTION
(PIERCE THE CORPORATE VEIL)

58. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.
59. Upon information and belief, the Corporate Defendants were operated as the alter-ego or instrumentality of Defendant Weaver and/or one or more of the individual Defendants / John Doe(s) for their own personal benefit and financial gain and as such perpetuated the complained actions on Plaintiff.
60. Upon information and belief, Defendant Weaver and/or one of more of the individual Defendants / John Doe(s) exercised dominion and control over the Corporate Defendants' finances and operations, and used such for their own personal benefit.
61. Upon information and belief, the Corporate Defendants disregarded basic corporate and non-profit formalities. This disregard includes, but is not limited to, operating the Corporate Defendants in such a way that the same no longer has a corporate personality that is separate and distinct from Defendant Weaver and/or one or more of the individual Defendants / John Doe(s).

A NINETH CAUSE OF ACTION
(CONSPIRACY)

62. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

63. Defendants conspired and colluded together and amongst themselves to execute the above stated Cause of Actions.

64. Defendant was damaged as a direct and proximate result of this conspiracy and collusion.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court inquire into the matters alleged and render a judgment for actual and punitive damages in an amount to be determined by a jury. Plaintiff further prays for costs and attorney's fees against the Defendants and any such other and further relief as the Court may deem just and proper.

Respectfully submitted,



Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, SC 29615
843-901-8036 (cell)
jdavis@apogeetax.com

PLAINTIFF

May 3, 2018
Greenville, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON
	)	PLEAS OF THE FIFTH JUDICIAL
COUNTY OF RICHLAND	)	CIRCUIT
	)	
Jefferson Davis Jr.,	)	Civil Action No. 2018-CP-40-02425
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	ORDER
Ellen Weaver, individually, Palmetto Institute	)	
& John Does 1-20,	)	
	)	
Defendants.	)	
_____	)	

THIS MATTER came before this Court on October 1, 2018 pursuant to Defendant's 12(b)(6) Motion to Dismiss. After hearing the arguments of the parties, this Court finds the allegations in the plaintiff's complaint were sufficient for purposes of Rule 12(b)(6), SCRCF. Several motions to dismiss were before the court. The court addressed each claim separately.

BRIEF PROCEDURAL HISTORY

In February of 2017, Plaintiff saw Defendant Weaver give a presentation at a school choice conference. After the event, Plaintiff alleges Defendant Weaver made disparaging remarks about him to another individual. Specifically, Plaintiff alleges Weaver stated Plaintiff lost his license to practice law. Later, Plaintiff confronted Defendant Weaver at her presentation booth at another convention. There, Weaver is alleged to have threatened to call the police. Separately, Plaintiff claims to have approached two individuals affiliated with Defendant Palmetto Promise Institute, a non-profit to which Defendant Weaver serves as President and CEO, who turned away and refused to speak to him. More broadly, Plaintiff alleges Defendants maintains a politically motivated scheme to undermine his "brand" of school choice advocacy.

Additionally, Plaintiff alleges Defendants' actions demonstrate an elaborate civil conspiracy against him.

DISCUSSION

In the instant case, Plaintiff has nine causes of action, including: (1) defamation, (2) false light publicity, (3) invasion of privacy through publicity, (4) negligence, (5) intentional infliction of emotional distress, (6) tortious interference with prospective contractual relations, (7) unfair trade practices, (8) piercing the corporate veil, and (9) civil conspiracy.

The first claim is defamation, this claim was sufficiently stated and therefore the court denies the Motion to dismiss pertaining to defamation. The second claim is false light publicity, it is not recognized in the state of South Carolina thus the court grants this motion to dismiss. The third claim is invasion of privacy through publicity. Plaintiff has not pled facts sufficient to constitute any cause of action for invasion of privacy because Plaintiff failed to allege that the information was publicized in any way. The court will allow Plaintiff the opportunity to amend the complaint to detail the element of publicity, if plaintiff is unable to do so, this motion to dismiss will be granted. The fourth claim is negligence, Plaintiff's allegations are sufficient and therefore Plaintiff's Motion to Dismiss as to this claim is denied. The fifth claim is intentional infliction of emotional distress, Plaintiff's allegations are sufficient and therefore Plaintiff's Motion to Dismiss as to this claim is denied. The sixth claim is tortious interference with contractual relations, based on the arguments of counsel this matter does not involve any contracts, therefore this motion to dismiss is granted. The seventh claim is unfair trade practice, based on the allegations and arguments of counsel this matter does not involve trade or commerce under the South Carolina Unfair Trade Practice Act, therefore this motion to

dismiss is granted. The eighth claim is piercing the corporate veil, this motion to dismiss is denied to preserve the argument for a later time. The final claim is civil conspiracy. Plaintiff has not pled facts sufficient to constitute a cause of action of civil conspiracy. Plaintiff is allowed to amend the complaint to detail special damages, if none exist, this motion to dismiss will be granted.

CONCLUSION

For the foregoing reasons, Defendants' Motion to Dismiss is granted in part and denied in part.

IT IS THEREFORE ORDERED each John Doe referenced in the complaint shall be specifically named and served. This court allows the plaintiff 15 days to appropriately amend the pleadings.

AND IT IS SO ORDERED.

s/ The Honorable DeAndrea Gist Benjamin
Presiding Judge

October 18, 2018
Columbia, South Carolina

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2018CP4002425

Jefferson Davis Jr.

Ellen Weaver, individually, Palmetto
Institute & John Does 1-20

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Judge DeAndrea G. Benjamin

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), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other

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

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**

☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

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

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

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk :

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

Judge Code

10/18/2018

Date



Richland Common Pleas

Case Caption: Jefferson Davis Jr vs Ellen Weaver , defendant, et al

Case Number: 2018CP4002425

Type: Order/Form 4

So Ordered

s/DeAndrea Gist Benjamin, #2161

Electronically signed on 2018-10-29 11:14:41 page 5 of 5

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON
	)	PLEAS OF THE FIFTH JUDICIAL
COUNTY OF RICHLAND	)	CIRCUIT
	)	
Jefferson Davis Jr.,	)	Civil Action No. 2018-CP-40-02425
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	AMENDED ORDER
Ellen Weaver, individually, Palmetto Institute	)	
& John Does 1-20,	)	
	)	
Defendants.	)	
_____	)	

THIS MATTER came before this Court on October 1, 2018 pursuant to Defendant's 12(b)(6) Motion to Dismiss. After hearing the arguments of the parties, this Court finds the allegations in the plaintiff's complaint were sufficient for purposes of Rule 12(b)(6), SCRCF. Several motions to dismiss were before the court. The court addressed each claim separately.

BRIEF PROCEDURAL HISTORY

In February of 2017, Plaintiff saw Defendant Weaver give a presentation at a school choice conference. After the event, Plaintiff alleges Defendant Weaver made disparaging remarks about him to another individual. Specifically, Plaintiff alleges Weaver stated Plaintiff lost his license to practice law. Later, Plaintiff confronted Defendant Weaver at her presentation booth at another convention. There, Weaver is alleged to have threatened to call the police. Separately, Plaintiff claims to have approached two individuals affiliated with Defendant Palmetto Promise Institute, a non-profit to which Defendant Weaver serves as President and CEO, who turned away and refused to speak to him. More broadly, Plaintiff alleges Defendants maintains a politically motivated scheme to undermine his "brand" of school choice advocacy.

Additionally, Plaintiff alleges Defendants' actions demonstrate an elaborate civil conspiracy against him.

DISCUSSION

In the instant case, Plaintiff has nine causes of action, including: (1) defamation, (2) false light publicity, (3) invasion of privacy through publicity, (4) negligence, (5) intentional infliction of emotional distress, (6) tortious interference with prospective contractual relations, (7) unfair trade practices, (8) piercing the corporate veil, and (9) civil conspiracy.

The first claim is defamation, this claim was sufficiently stated and therefore the court denies the Motion to dismiss pertaining to defamation. The second claim is false light publicity, it is not recognized in the state of South Carolina thus the court grants this motion to dismiss. The third claim is invasion of privacy through publicity. Plaintiff has not pled facts sufficient to constitute any cause of action for invasion of privacy because Plaintiff failed to allege that the information was publicized in any way. The court will allow Plaintiff the opportunity to amend the complaint to detail the element of publicity, if plaintiff is unable to do so, this motion to dismiss will be granted. The fourth claim is negligence, Plaintiff's allegations are sufficient and therefore Plaintiff's Motion to Dismiss as to this claim is denied. The fifth claim is intentional infliction of emotional distress, Plaintiff's allegations are sufficient and therefore Plaintiff's Motion to Dismiss as to this claim is denied. The sixth claim is tortious interference with contractual relations, based on the arguments of counsel this matter does not involve any contracts, therefore this motion to dismiss is granted. The seventh claim is unfair trade practice, based on the allegations and arguments of counsel this matter does not involve trade or commerce under the South Carolina Unfair Trade Practice Act, therefore this motion to

dismiss is granted. The eighth claim is piercing the corporate veil, this motion to dismiss is denied to preserve the argument for a later time. The final claim is civil conspiracy. Plaintiff has not pled facts sufficient to constitute a cause of action of civil conspiracy. Plaintiff is allowed to amend the complaint to detail special damages, if none exist, this motion to dismiss will be granted.

CONCLUSION

For the foregoing reasons, Defendants' Motion to Dismiss is granted in part and denied in part.

IT IS THEREFORE ORDERED each John Doe referenced in the complaint shall be specifically named and served. This court allows the plaintiff 15 days to appropriately amend the pleadings.

AND IT IS SO ORDERED.

s/ The Honorable DeAndrea Gist Benjamin
Presiding Judge

October 29, 2018
Columbia, South Carolina



Richland Common Pleas

Case Caption: Jefferson Davis Jr vs Ellen Weaver , defendant, et al

Case Number: 2018CP4002425

Type: Order/Amend

So Ordered

s/DeAndrea Gist Benjamin, #2161

Electronically signed on 2018-10-30 11:48:26 page 4 of 4

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Jefferson Davis, Jr.,

Plaintiff,

vs.

Ellen Weaver, Chad Connelly, Oran P. Smith,
Neil J. Mellen, Howard S. Rich, Rick Reames,
Stephen D. Kirkland, Palmetto Promise
Institute, Palmetto Family Council, Palmetto
Family Action, South Carolinians for
Responsible Government, SCRG Foundation,
Access Opportunity South Carolina, Friedman
Foundation for Educational Choice, Inc., Cato
Institute, South Carolina Educational Credit for
Exceptional Needs Children Fund, South
Carolina Education Oversight Committee, South
Carolina Department of Revenue, South
Carolina Department of Labor, Licensing and
Regulation, First Impressions, Inc. d/b/a/
Richard Quinn & Associates, First Tuesday
Strategies, LLC, Bill Wilson, Jason Bedrick,
Jim DeMint, Randy Page, Tony Denny, Phillip
Cease, Melanie Barton, Doris Cubitt, Susan
Thomas, John McCormick, Nate Leupp,
Institute of Management Consultants USA &
John Doe(s) 1-40,

Defendants.

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT
C.A. NO. 2018-CP-40-02425

AMENDED SUMMONS
(Jury Trial Demanded)

RICHLAND COUNTY
FILED
2018 NOV 19 PM 4:07
JEANETTE W. MCBRIDE
C.C.P. & G.S.

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this Complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive

of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

Respectfully submitted,



Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, SC 29615
843-901-8036 (cell)
jdavis@apogeetax.com

PLAINTIFF

November 19, 2018
Greenville, South Carolina

) IN THE COURT OF COMMON PLEAS
) OF THE FIFTH JUDICIAL CIRCUIT
) C.A. NO. 2018-CP-40-02425

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RICHLAND COUNTY
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JEANETTE W. MCPHERSON
Clerk B.S.

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DEFENDANTS

2. Defendant **Ellen Weaver** (“Weaver”) is President, CEO and a Board Member of defendant Palmetto Promise Institute, a resident of Richland County and a citizen of the State of South Carolina residing at 4207 Devereaux Road, Columbia, South Carolina 29205.
3. Defendant **Chad Connelly** (“Connelly”) is a Board Member of Defendant Palmetto Family Council and Defendant Palmetto Family Alliance, a former Board Member of Defendant South Carolinians for Responsible Government and Defendant SCRG Foundation. Defendant Connelly is the current Executive Director of Defendant South Carolina Educational Credit for Exceptional Needs Children Fund, a resident of Newberry County and a citizen of the State of South Carolina residing at 107 Connelly Drive, Prosperity, South Carolina 29217.
4. Defendant **Oran P. Smith** (“Smith”) is a current / former board member and Executive Director of Defendant Palmetto Promise Institute, Defendant Palmetto Family Council and Defendant Palmetto Family Alliance. Defendant Smith is currently listed as a “Senior Fellow” at both Defendant Palmetto Promise Institute and Defendant Palmetto Family Council. Defendant Smith is a resident of Lexington County and a citizen of the State of South Carolina residing at 466 E Columbia Avenue, Leesville, South Carolina 29070.
5. Defendant **Neil J. Mellen** (“Mellen”) is President, CEO and a Board Member of Defendant Access Opportunity South Carolina, the former President of Defendant South Carolinians for Responsible Government, a resident of Richland County and a

citizen of the State of South Carolina residing at 3416 Devereaux Road, Columbia, South Carolina 29205.

Source of Funding

6. Defendant **Howard S. Rich** (“Rich”) is a citizen of Pennsylvania, a Board Member of Defendant Cato Institute and a former Board Member of Defendant Friedman Foundation for Educational Choice. Upon information and belief Defendant Rich funds and directs the operations and activities of Defendants AOSC, SCRG, SCRG Foundation, PPI, PFC, PFA, Weaver, Connelly, Smith, Mellen and others.

Political Targeting & Professional Ethic Violations

7. Defendant **Rick Reames, Esq.** (“Reames”) is the former Director of Defendant South Carolina Department of Revenue and a current partner at the law firm Nexsen Pruet. Defendant Reames is a resident of Kershaw County, a citizen of the State of South Carolina residing at 411 Pine Street, Camden, South Carolina 29020.
8. Defendant **Stephen D. Kirkland, CPA, CMC** is the Board Chairman of Defendant Palmetto Family Council and a Board Member of Palmetto Family Alliance. Defendant Kirkland is a resident of Richland County, a citizen of the State of South Carolina residing at 2724 Canterbury Road, Columbia South Carolina 29204.

Non-Profit Entities (Shell / “Front” Entities)

9. Defendant **Palmetto Promise Institute** (“PPI”) is a South Carolina non-profit, an Internal Revenue Service approved 501(c)(3) charity, and has an office in Richland County.
10. Defendant **Palmetto Family Council** (“PFC”) is a South Carolina non-profit, an Internal Revenue Service approved 501(c)(3), and has an office in Richland County.
11. Defendant **Palmetto Family Action** (“PFA”) is a South Carolina non-profit, an Internal Revenue Service approved 501(c)(4), and has an office in Richland County.
12. Defendant **South Carolinians for Responsible Government** (“SCRG”) is a South Carolina non-profit, an Internal Revenue Service approved 501(c)(4), and has an office in Richland County.
13. Defendant **SCRG Foundation** (“SCRG Foundation”) is a South Carolina non-profit, an Internal Revenue Service approved 501(c)(3), and has an office in Richland County. The name of SCRG Foundation has been changed legally to Donors Enriching Students Knowledge (“DESK”).
14. Defendant **Access Opportunity South Carolina** (“AOSC”) is a South Carolina non-profit, an Internal Revenue Service approved 501(c)(3), and has an office in Richland County.
15. Defendant **Friedman Foundation for Educational Choice, Inc.** (“Friedman Foundation”) is an Indiana non-profit, and an Internal Revenue Service approved

501(c)(3). Upon information and belief Defendant Friedman Foundation funds and directs the operations and activities of the SC Defendants and/or John Doe(s). The name of Friedman Foundation has been changed to EdChoice (“EdChoice”).

16. Defendant **Cato Institute** (“Cato”) is a non-profit organization headquartered in Washington D.C., and an Internal Revenue Service approved 501(c)(3). Upon information and belief Defendant Cato funds and directs the operations and activities of the SC Defendants and/or John Does.

Governmental Entities

17. Defendant **South Carolina Educational Credit for Exceptional Needs Children Fund** (“ECENC Fund”) is a South Carolina legislatively created non-profit organization formed by the State of South Carolina having its operations administered by Defendant South Carolina Department of Revenue. The ECENC Fund does conduct operations and activities throughout the State of South Carolina, including maintaining offices and headquarters in Richland County. Defendant Rick Reames is the registered agent of Defendant ECENC Fund with an address of 1201 Main St., Suite 985, Columbia, South Carolina 29201.
18. Defendant **South Carolina Education Oversight Committee** (“EOC”) is a duly authorized and created agency of the State of South Carolina and does conduct operations and activities throughout the State of South Carolina, including maintaining offices and headquarters in Richland County.

19. Defendant **South Carolina Department of Revenue** (“DOR”) is a duly authorized and created agency of the State of South Carolina and does conduct operations and activities throughout the State of South Carolina, including maintaining offices and headquarters in Richland County.
20. Defendant **South Carolina Department of Labor, Licensing and Regulation** (“LLR”) is a duly authorized and created agency of the State of South Carolina and does conduct operations and activities throughout the State of South Carolina, including maintaining offices and headquarters in Richland County.

Political “Consulting” Firms

21. Defendant First Impressions, Inc. d/b/a **Richard Quinn & Associates** (“RQA”) is a South Carolina corporation and has an office in Richland County. Richard Quinn is the registered agent of RQA with an address of 1620 Gervais Street, Columbia, SC 29201.
22. Defendant **First Tuesday Strategies, LLC** (“First Tuesday”) is a South Carolina limited liability company with an office in Richland County. J. Warren Tompkins is the registered agent of First Tuesday with an address of 807 Gervais Street, Suite 202, Columbia, South Carolina 29201.

Individual & Other Participants

23. Defendant **Bill Wilson** (“Wilson”) is the “handler” for Defendant Rich’s affairs in South Carolina. Defendant Wilson is upon information and belief a resident and citizen of the State of Virginia.
24. Defendant **Jason Bedrick** (“Bedrick”) was a school choice policy analyst for Defendant Cato and is currently the Director of Policy at Defendant Friedman Foundation.
25. Defendant **Jim DeMint** (“DeMint”) is the Founding Chairman of Defendant PPI and a citizen of the State of South Carolina.
26. Defendant **Randy Page** (“Page”) is a Board Member of Defendant PFC and Defendant PFA. Defendant Page is a former Board Member of Defendant SCRG and Defendant SCRG Foundation. Defendant Page is a resident of Greenville County and a citizen of the State of South Carolina.
27. Defendant **Tony Denny** (“Denny”) is a Board Member of Defendant AOSC, a registered lobbyist for Defendant SCRG, a resident of Richland County and citizen of the State of South Carolina residing at 3328 Devereaux Road, Columbia, South Carolina 29205.
28. Defendant **Phillip Cease** (“Cease”) is President and Board Member of Defendant SCRG, a former Board Member of Defendant SCRG Foundation and Defendant AOSC and a citizen of the State of South Carolina.
29. Defendant **Melanie Barton** (“Barton”) is the Executive Director of Defendant EOC and a citizen of the State of South Carolina.

30. Defendant **Doris Cubitt, CPA** (“Cubitt”) is the former head Administrator for the South Carolina Board of Accountancy at Defendant LLR and a citizen of South Carolina.
31. Defendant PPI produced a “Legislative Analysis” about the switch in the program the was incorrect and caused damage to Plaintiff Davis and his group.
32. Defendant **Dr. Susan Thomas** (“Thomas”) is the former Head of School of Glenforest School and a citizen of the State of South Carolina.
33. Defendant **John McCormick** (“McCormick”) is the former Head of School of Hidden Treasure Christian School and a citizen of the State of South Carolina.
34. Defendant **Nate Leupp** (“Leupp”) is a resident of Greenville County and a citizen of the State of South Carolina.
35. Defendant **Institute of Management Consultants USA** (“IMCUSA”) is a New York non-profit with offices in the State of Florida.

John Doe(s)

36. At this time, the true identities of the John Doe(s) 1 through 40, be them individuals and / or entities, (“John Doe(s)”), are unknown and / or unconfirmed to Plaintiff. Therefore, Plaintiff sues the John Doe(s) by fictitious name. Upon information and belief, the John Doe(s) fund, direct and/or participate in the operations and activities

of Defendants and/or have participated in other matters which are the subject of this Complaint.

Joint & Several

37. All Defendants herein are sued jointly and severally.

JURISDICTION AND VENUE

38. This court has jurisdiction of the subject matter of this complaint and of the parties. Venue is proper.

FACTUAL ALLEGATIONS
(Specific Documented Event & Follow-up)

39. In June 2013, the South Carolina Legislature passed the original budget proviso entitled the Educational Credit for Exceptional Needs Children providing for a small \$8 million K-12 school choice tax credit program for children with “special needs”. The budget proviso was to be effective July 1, 2013, followed by a scheduled time period for preparation, and finally starting on January 1, 2014 with authorized SFOs starting to accept donations and issuing scholarship grants.

40. Although Plaintiff Davis did monitor the subject legislation, he was not involved in passage of the original budget proviso.

41. Upon passage of the subject legislation, Plaintiff Davis contacted Defendants Mellen and SCRG to inquire if there was an implementation plan for the legislation that Defendants had been lobbying for since approximately 2004. No such plan existed and Defendants had no idea what to do next, indicating they have no plan to actually succeed.
42. Plaintiff Davis is a tax attorney and CPA, active and licensed in the State of Georgia. Plaintiff had returned to his home state of South Carolina in 2011. In 2008 Plaintiff Davis was the founding trustee of an independent 501(c)(3) non-profit under the newly introduced \$50 million program in the State of Georgia. As such Plaintiff had the knowledge and experience to help with the implementation of the program in South Carolina and offered his assistance for which Defendants Mellen and SCRG were grateful.
43. Plaintiff Davis is a native of South Carolina, graduated from The Citadel as a member of the Class of 1989, and later graduated with a law degree and MBA from the University of South Carolina in December 1993.
44. Plaintiff Davis, along with his wife **Olga Lisinska** and several associates including two fellow classmates from The Citadel, founded **Palmetto Kids FIRST Scholarship Program, Inc.** ("Palmetto Kids FIRST"). Plaintiff Davis' wife Olga Lisinska was the Director of Operations managing the day-to-day operations. No one else in the State of South Carolina had any plan or implementation experience with these type of K-12 education tax credit programs.

45. Over the ensuing few months, Plaintiff Davis, as the contact person representing his group, conversed in detail with Defendants Mellen, SCRG and Cease. Over those few months Plaintiff was told about numerous troubling and potentially unethical and illegal actions involved in the political process here in South Carolina, and specifically actions by Defendants Mellen, SCRG, Cease, Rich, and others. Plaintiff Davis was very troubled by this realization that he may have gotten himself and his group with a set of bad people. We may have agreed on policies as it relates to school choice at that time, but Plaintiff Davis and his group certainly did not agree with Defendants unethical and likely illegal tactics.
46. As a political novice and not wanting to be involved with “bad actors”, Plaintiff Davis informed Mellen and SCRG that he and his group would operate separately and did not want to participate in the political “games” of Defendants. Plaintiff Davis thought that would be the end of the quasi “working partnership” and each group would do their own thing advocating for the program’s success separately.
47. During that time period Palmetto Kids FIRST had been approved by Defendant Barton and Defendant EOC as an authorized entity to operate under the program starting January 1, 2014 – otherwise called an authorized Scholarship Funding Organization (“SFO”). Palmetto Kids FIRST was listed on the EOC website and Palmetto Kids FIRST was lining up donor pledges (standard operating procedure for these programs) to begin on January 1, 2014.
48. It was also during this time that Plaintiff Davis informed Mellen and SCRG that Palmetto Kids FIRST had already lined up approximately \$2 million in donor pledges

for January 1, 2014 and that he hoped to have \$6 million or perhaps the full \$8 million of pledged donors by the January 1, 2014 fundraising start. Plaintiff naively though self-professed program supporters like Defendants would be pleased since said news would only mean children in need would get help as fast as possible and supporters would be demonstrating to legislators that the program worked so that they would potentially expand the funding during the Jan – June 2014 legislative session.

49. Unfortunately, Plaintiff did not understand at the time that Defendants, particularly Mellen, did not want Palmetto Kids FIRST to raise the money quickly. Defendant Mellen self-interestedly stated he wanted it to take three (3) years for the SFOs to reach the \$8 million legislative cap, thus allowing him to keep his job and \$100,000 +/- paycheck for an extended period. Apparently if Palmetto Kids FIRST raised the funding too quickly that would prove Mellen was not needed and his out of state funding (from individuals like Defendant Rich) would dry up. This confirmed Plaintiff's initial suspicions that our group did not want to work with Defendants Mellen, SCRG and Cease.

50. At that time, which was approximately Thanksgiving 2013, Plaintiff Davis informed Defendant Mellen that Palmetto Kids FIRST would NOT slow down the collection of fundraising pledges and speedy 2014 scholarship distribution plans. Children and schools were in need and Palmetto Kids FIRST again did not want to participate in Defendants self-interested games at the expense of children.

51. It was at that point the personal attacks began.

52. In early December 2013 Mellen met with Defendant Barton at EOC. That afternoon the previously approved SFO list on the EOC website was removed – as such Palmetto Kids FIRST was no longer listed as an approved SFO. If Plaintiff and Palmetto Kids FIRST would not voluntarily do what Mellen and his group wanted, they would apparently use the government Defendants to force compliance.
53. The program budget proviso (i.e., the law) required Defendant EOC to post the list of approved SFOs in August 2013 and Palmetto Kids FIRST had complied with every requirement to be listed as an approved entity / SFO.
54. Plaintiff Davis and his wife Olga Lisinska both informed EOC and Defendant Barton that if the approved list was not re-posted as soon as possible, and in any case before the January 1st, 2014 start date as required by law, Palmetto Kids FIRST would lose all of the pledged donors to other South Carolina tax credit programs and it would be a devastating blow to the program and the children / schools hoping for scholarship funding as soon as possible. This was of course the intent of the program supposedly – to fund the children.
55. Furthermore, the program budget proviso (i.e., the law) required Defendant EOC to start the acceptance of donations and distribution of scholarships on January 1st, 2014. Defendant Barton departed for her New Year's holiday without fulfilling this responsibility as she obviously had not intent to do so at the direction of Defendant Mellen and others.

56. Defendant Barton and Defendant EOC only posted the approved SFO list again (including Palmetto Kids FIRST) after pressure from reporter Jamie Self and The State Newspaper.
57. Defendant Barton, in a January 7, 2014 email, informed Defendant / DOR Director Reames' former (and future) law partner, with cc to Defendant Mellen, that "Jamie Self from *The State* will have an article running in the paper tomorrow about how the EOC is dragging its feet on this."
58. Defendant Barton, in that same January 7, 2014 email continued to say "I'm not worried about being accountable and neither are the key legislators with whom I have talked."
59. The "fix was in" and Defendant Mellen was orchestrating the entire matter and directing the actions of Defendant Barton, EOC, and the John Doe legislators and others to slow the program at any cost.
60. We / Palmetto Kids FIRST lost all \$2 million in January 1, 2014 pledged donations (except for approximately \$70,000) to other SC tax credit programs. Palmetto Kids FIRST was not able to secure any additional fundraising pledges after EOC removed the approved names – thus losing the reasonably expected additional \$4 - \$6 million in additional expected pledged donations for January 1, 2014.
61. Worse, the K-12 children with "special needs", their parents / families, and the independent schools that serve these children lost millions.

62. Palmetto Kids FIRST was not able to recover fundraising until May 2014. It required an extreme amount of additional work, effort, stress and other pain & suffering to recover from this blow from Defendants but we did it for the kids.
63. One of the numerous unethical and potentially illegal activities Defendants Mellen, SCRG and Cease detailed to Plaintiff Davis in 2013 was the “smear campaigns” they and other related parties ran against politicians. Although Plaintiff Davis and everyone associated in our group were not politicians in any way, and had no desire to be, Defendants then proceeded to run a political “spear campaign” against Plaintiff Davis, his wife Olga Lisinska, and Palmetto Kids FIRST.
64. Defendants, including Mellen & AOSC, sent mailers to school officials suggesting false issues about Davis / Palmetto Kids FIRST.
65. Embarrassing information was “fed” to press outlets about a business related bankruptcy Plaintiff Davis had filed following the 2008 financial crisis. The bankruptcy related solely to a \$5 million investment loan Davis had personally guaranteed, the proceeds of which were invested in a closely held private bank. The bank eventually failed during the global financial crisis and the investment was worthless, thus precipitating a nasty legal battle between Davis and his business partners (a married couple who was also a close family friend / client of Davis). This matter was totally unrelated to “school choice”, the SC tax credit program, or the tax credit program and non-profit Davis successfully founded in Georgia and was the 2nd largest in Georgia at the time.

66. Defendant Mellen and Defendant AOSC also ran a misleading “ad” in the South Carolina Association of CPAs (“SCACPA”) magazine making it appear Palmetto Kids FIRST was not an approved SFO. The SCACPS’s apologized for letting the misleading ad slip through and refused to run the add in the future.
67. Defendant’s had misleading information on their various websites which were available globally and cast dispersions on Plaintiff Davis and his group.
68. Defendant Mellen also sought out individuals in Georgia to tarnish Davis’ reputation.
69. Defendant Mellen somehow arranged for an individual from the Catholic Diocese SFO in Georgia to visit the Charleston Catholic Diocese leadership to trash Davis. Plaintiff Davis had never had any interaction with this individual or group other than to help (at their request) and actually transfer donated funds (without retaining any fees) that we received and the donor that wanted the funds to go to a specific Catholic school.
70. Plaintiff Davis’ wife is a Catholic from Poland. As such she has a strong affinity for her Catholic Church here in South Carolina. Since no-one at the Charleston Diocese had any actual experience with these K-12 tax credit scholarship programs, we offered to assist our local Charleston neighbor in any way with their SC Catholic school SFO.
71. Defendant Barton & EOC, under pressure from The State Newspaper article finally started the program late and all EOC required was a Certificate of Existence from the SC Secretary of State’s Office for the SFOs to put them on the EOC website.

72. Millions in pledge donations were lost due to the only additional requirement EOC “made up” at the last minute being to provide a \$10 Certificate of Existence from the South Carolina Secretary of State – next door to the EOC offices.
73. Plaintiff Davis, always offering to help and work cooperatively with other SFOs, volunteered to drive from Charleston to Columbia and, in fact did, and purchased the Certificate for both Palmetto Kids FIRST and the Catholic Diocese and hand deliver them next door to the EOC office so each organization could start fundraising as soon as possible for the children.
74. Plaintiff Davis made this same offer to do this for all the SFO candidates. Only the Catholic Diocese took Davis up on his offer making it obvious and clear that the others did not trust Plaintiff because of false and defamatory stories Mellen had told them. Another blow to Plaintiff due to Defendant’s bad actions.
75. Aside from driving to Columbia to purchase the Certificate of Existence for the Catholic Diocese SFO (without asking or receiving any compensation or refund of the \$10 out of pocket cost of the Diocese’s Certificate), other offers to help the Catholic Diocese SFO were met with a “get lost” letter received in the mail from the Vicar from the Charleston Diocese. Further fallout due to Defendant Mellen’s efforts to tarnish our names. This was a terrible personal blow to Plaintiff’s wife as a Catholic and Plaintiff Davis since all we were doing was offering help. It created great confusing and questioning as to “why”?

76. In the years to come Plaintiff was told by an official of the Charleston Diocese that they completely supported our positions, but could not say so publicly because they “did not want Mellen doing to us what he has done to you guys.”
77. Everyone knew what Defendants, particularly Mellen, were doing, but people were afraid to stand up for fear of retribution.
78. After the first article broadcasting Davis’ bankruptcy filing to the entire state (it ran in multiple papers all across South Carolina as well as online), a second article was “placed” by Defendants claiming Plaintiff Davis was “pressuring” parents to donate. Nothing could be further from the truth, but the truth does not matter to Defendants. This was a humiliating article that took substantial “damage control” to overcome. The article of course had to repeat the bankruptcy disclosure as well in case someone might have missed the initial disclosure to the world.
79. The claims of “pressuring” parents were falsely made by Defendant Thomas.
80. Defendant Thomas was a vocal opponent to the ECENC program before it even started. Thomas tried to rally other school leaders to march against the program at the SC State House. That effort flopped so she tried other methods.
81. Defendant Mellen worked very closely with Defendant Thomas in an effort to attack Plaintiff Davis and his group. Why an espoused supporter of the program would be working with an opponent of the program was confusing.
82. Eventually, when no resolution could be found, Plaintiff Davis, Palmetto Kids FIRST, and their group refused to work with Defendant Thomas’ Glenforest School.

83. After a complaint was filed with Defendant EOC and Defendant Barton alleging falsification of scholarship amounts by Glenforest School, Defendant Thomas was appointed to the program's advisory board. EOC and Barton rewarded parties averse to Davis and the program.
84. However the CFO of Glenforest School quietly "disappeared" and refused future calls / contact. No refund of the fraudulent scholarship amounts was ever received by Palmetto Kids FIRST from Glenforest School and no feedback was ever received from EOC or Barton as they "swept" the matter under the rug.
85. After another complaint about a parent who had obviously falsified a medical eligibility form was submitted to EOC and Barton, that parent was appointed to the same advisory board. Again EOC and Barton rewarded parties averse to Davis and the program.
86. Plaintiff Davis and his group continued to work triple hard to overcome Defendants dirty tricks. Plaintiff Davis had to forgo a planned extended trip to Europe so that he could "remain behind" while his wife Olga went to Poland for a month. We could both not go out of town and leave the children hanging. This was difficult personally since Plaintiff and his wife had never been separated for an extended period previously. This sacrifice would not have been needed but for the actions of Defendants.
87. Since the newspaper articles and avers efforts by Defendant EOC and Barton were not as effective as Defendants expected given Plaintiff and his group worked extra hard (at substantial out of pocket cost as well), Defendants had legislatively "added"

to the renewal program proviso in June 2014 a prohibition against a “bankruptcy filer” from participating in or even volunteering for an SFO. This provision was specifically targeted at Plaintiff Davis to exclude him from the program and exclude him from working for any SFO on any basis. This substantially interfered with Plaintiff Davis’ ability to contract / work and earn any income for the provision of services.

88. This “bankruptcy exclusion” was unconstitutional as it violates the 14th Amendment of the US Constitution. It also violated the specific terms of Bankruptcy Code Section 525 which prohibits discrimination against bankruptcy filers.

89. The bankruptcy exclusion provision was submitted overnight during the State House Budget Conference Committee at the very end of the legislative session. There was no opportunity for public discussion to have it removed as the session was over.

90. It should be noted that former Rep. Jim Harrison, and then current Code Commissioner (and thus responsible for this type of activity “not” happening) was recently criminally convicted for doing the bidding of RQA and upon information and belief this simple wording change was slipped into the legislation by Defendants and/or John Doe(s).

91. Plaintiff Davis and his wife learned about this illegal change when reviewing the final language of the Conference Committee Report while at the Mayo Clinic in Jacksonville Florida. Such added additional stress and pain & suffering while Plaintiff and his wife were dealing with Lisinska’s serious medical condition which eventually required major surgery.

92. Plaintiff Davis' wife had multiple medical incidents over the length of the time period caused by Defendants and John Doe(s) which also added additional financial expense and pain & suffering for Plaintiff Davis.
93. Plaintiff's wife, Olga Lisinska, eventually had to have her entire colon removed at the Mayo Clinic in Jacksonville directly related to the stress caused by this matter.
94. Since Plaintiff Davis was unable to work in the program, additional stress and responsibility was added to his wife Olga Lisinska. Such was not good for her medical condition and as such cause additional stress and pain & suffering for Plaintiff Davis as well since he could not help out over the fear Palmetto Kids FIRST would be shut down which was the Defendant's apparent goal.
95. Plaintiff's wife was able to maintain (at great additional effort and financial cost – causing stress for Plaintiff financially and emotionally) the stellar fundraising momentum started prior to the “bankruptcy exclusion” of Plaintiff Davis.
96. Since Defendants could still not halt the fundraising efforts and success of Plaintiff's group, in October 2014 Plaintiff Davis, his wife and Palmetto Kids FIRST were “politically targeted” by Defendant DOR for a tax audit.
97. Plaintiff Davis opened his mailbox one October 2014 day to discover three audit notices – one for Palmetto Kids FIRST, one for his wife Olga Lisinska, and one for himself personally. (Davis and his wife filed their taxes separately.)
98. Defendant Reames was at the time the Director of Defendant DOR.

99. Defendant Reames personally ordered and directed the tax audits of Plaintiff Davis, his wife Olga Lisinska, and non-profit Palmetto Kids FIRST Scholarship Program, Inc.
100. Senior DOR officials, at the direction of Defendant Reames, refused to close Davis' or Lisinska's individual audits when requested after just a few weeks by the DOR audit manager.
101. Defendant's wanted to hold the "audits" open as long as possible to further tarnish the image and reputation of Plaintiff Davis and his group. Defendants kept the audits open an additional year.
102. After an extended audit period, said tax audits resulted in "no change" letters for both Plaintiff Davis and his wife Olga Lisinska. A result that was known a year earlier but Defendants would not tell Plaintiff.
103. After an extended audit period, said tax audit of Palmetto Kids FIRST Scholarship Program, Inc. resulted in zero changes to any numbers. No money was unaccounted for and DOR refused to do any enforcement actions against Palmetto Kids FIRST.
104. DOR had complete authority to shut down Palmetto Kids FIRST, but they refused to do so since that would mean going to court and it being revealed their audit was fraudulent as Plaintiff Davis and many others claimed.
105. After the "bankruptcy exclusion" of Davis failed to slow fundraising, Defendants – including Defendant DOR – added an exclusion to prevent the spouse of a

bankruptcy filer from working or even volunteering for an SFO. This provision was specially targeted at Plaintiff Davis' wife Olga Lisinska.

106. That "spouse of a bankruptcy filer exclusion" make the newspapers, again, and was removed from the proposals (as was the unconstitutional and illegal bankruptcy exclusion targeting Plaintiff Davis).

107. The political targeting was clear.

108. In fact the Palmetto Kids FIRST tax partner at the McNair Law Firm also agreed that we were being politically targeted but he was too scared to do anything.

109. A Freedom of Information Act ("FOIA") requested by Plaintiff Davis reveled senior DOR officials making sexual statements about Plaintiff Davis' wife in emails. This was devastating to read about ones spouse and further devastating to Plaintiff's wife.

110. Plaintiff, nor Plaintiff's wife have ever received an apology from Defendant DOR or Reames.

111. This incident of misconduct by these senior DOR officials was reported on the FRONT PAGE of The State Newspaper, above the fold.

112. This new statewide and global (via the internet) article brought a new round of embarrassment for Plaintiff and his wife (causing more pain and suffering for Plaintiff Davis).

113. Defendant Reames, prior to joining the DOR, was a tax partner at Nexsen Pruet.

114. Defendant Mellen's wife was a tax associate at Nexsen Pruet and worked with Defendant Reames.
115. Defendant Reames former (and now current) law partner was at the time representing Defendant EOC, Barton and other Defendants / John Does with conflicted interest with this program.
116. Defendant Reames is the currently the subject of a professional ethics investigation by the SC Supreme Court's Office of Disciplinary Council (ODC) involving his actions surrounding this Complaint.
117. Plaintiff Davis filed said professional ethics complaint against Defendant Reames at the direction of the South Carolina State Bar Association. In fact the SC Bar stated that Plaintiff Davis may very well have a proactive ethical duty to file his complaint.
118. Both the ODC and the South Carolina State Bar have recommended and/or suggested the actions of Defendant Reames should be referred to applicable law enforcement agency for criminal investigation.
119. Such criminal discussions with law enforcement are moving forward at this time.
120. Following the FOIA discovery of sexual comments by senior DOR officials about Plaintiff Davis' wife (and front page news article), Defendant Reames promise Plaintiff and the press that an 3rd party professional review of the audit would be conducted to make sure Plaintiff and his group was not politically targeted and were treated fairly by DOR.

121. Defendant Reames personally hired for some unknown at the time reason the CPA for the third party professional review.
122. It was unusual for the Director of DOR to handle such a matter personally.
123. The third party that Defendant Reames hired was none other than Defendant Stephen Kirkland, CPA, CMA.
124. Defendant Kirkland was not only conflicted; he was likely the most conflicted professional in South Carolina. Kirkland's PFC and PFA was advocating at the time for a different version of school choice and actively opposed the efforts of Plaintiff Davis, Palmetto Kids FIRST and his group.
125. Said opposition by Defendants PFC and PFA were known to both Kirkland and Reames.
126. Reames personally handled the matter so that he could ensure the result by picking a third party adverse (and professional conflicted) to get his desired result – complete agreement with the DOR's wrongdoing and fraudulent audit report.
127. Defendant Kirkland is currently under investigation by the South Carolina State Board of Accountancy ("Board of Accountancy"), under LLR, for this professional conflict.
128. Defendant Kirkland is currently under investigation by the Institute of Management Consultants USA ("IMCUSA") for his professional conflict as well.

129. Plaintiff expects that Defendant Kirkland will lose both his CPA and CMC licenses over this matter when the investigation is completed.
130. Defendant DOR, under the new leadership of Director Hartley Powell, has continued to refuse to provide the promised third party review of their “fraudulent” audit report on Palmetto Kids FIRST in an effort to continue to cast dispersions on Plaintiff Davis and his group.
131. Defendant DOR refuses to provide the promised third party review of their “fraudulent” audit report as part of a cover-up of their bad deeds.
132. Defendant DOR illegally made the “fraudulent” audit report on Palmetto Kids FIRST subject to the SC Freedom of Information Act (“FOIA”).
133. Defendant DOR has refused to provide any legal basis for making any taxpayers audit report subject to public disclosure via FOIA.
134. Defendant Cease printed the DOR “fraudulent” audit report on heavy bond paper and hand delivered it to legislators’ offices at the SC State House to tarnish the reputation of Plaintiff Davis, Palmetto Kids FIRST and his group.
135. Defendant DOR made the “fraudulent” audit report subject to FOIA so that Defendant Cease and/or others could distribute it as part of their civil conspiracy and in furtherance of their objectives.

136. In fact Defendant PPI posted the “fraudulent” audit report on their website and widely distribute it knowing that it is “fraudulent” and completely disputed by Plaintiff, Palmetto Kids FIRST and legal and tax professionals.
137. The DOR “fraudulent” audit report has blatantly false and misleading information and conclusions specifically designed to cast Plaintiff Davis and his group in a negative light.
138. The conclusions in the Defendant DORs “fraudulent” audit report are most importantly legally incorrect.
139. Again, like the prior year, without public discussion, the SC State Legislature in the last 43 minutes of the 2016 legislative session “gave” the entire program to the SC Department of Revenue to administer in conjunction with a five (5) person legislatively appointed board.
140. South Carolina is the nation’s only state in the nation with a government administered K-12 tax credit program.
141. Government administration of a K-12 tax credit scholarship program such as we have in South Carolina defeats the entire purpose of the program and makes the program technically unconstitutional.
142. LLR is a Defendant as well in this matter because the now former head administrator of the Board of Accountancy, Defendant Cubitt illegally interfered with the investigation of Kirkland and personally threatened Plaintiff with a Cease and Desist Order.

143. Upon investigation, information and belief, it appears Defendant Cubitt has personal relationships with other Defendants and potential John Does.
144. Defendant Cubitt was a long term head Administrator of the Board of Accountancy – at least 20 years in the position.
145. Within a very short time of Plaintiff Davis raising the issue and complaining about Defendant Cubitt stalling the investigation and making personal threats toward Plaintiff, Defendant Cubitt was “gone” from LLR and the Board of Accountancy.
146. Defendant LLR has refused any comment after multiple requests for information related to the sudden departure of Defendant Cubitt from the Board of Accountancy and LLR.
147. Defendant IMCUSA has unusually been slow in the investigation of Defendant Kirkland’s ethic complaint as well.
148. Defendant IMCUSA is under pressure from what is obviously very powerful and influential Defendant’s and John Doe(s).
149. Upon information and belief IMCUSA has become complicit in the civil conspiracy given the above referenced pressure from other Defendant’s and John Doe(s).
150. It has been widely rumored and reported by Defendants and/or John Doe(s) that Plaintiff Davis is “not from around here” when in fact his family lineage has been exclusive South Carolina natives since the 1600’s.

151. It has been widely rumored and reported by Defendants and/or John Doe(s) that Plaintiff Davis and his wife “bankrupted” the \$100 million K-12 tax credit scholarship program in Georgia and only moved to South Carolina to do the same thing to our program. This is not true.
152. Plaintiff Davis’ wife has been widely rumored and reported to be a member of the “Russian Mob” which is not true.
153. Plaintiff Davis has been widely rumored and reported to be sending tax credit donations raised out of the country to places such as the Cayman Islands.
154. It has been widely rumored and reported that Plaintiff Davis and his wife were only doing this to “get rich” which is not true. We do it for the children and someone has to stand up to Defendants and John Doe(s) corruption.
155. Defendant DOR, as confirmed by Defendant Kirkland, in its report showed falsely that 100% of revenue was attributed to personal income. This highly false conclusion was deliberate so that other Defendants and/or John Doe(s) could use that statement to defame and injure Plaintiff and his group.
156. Defendants and / or John Doe(s) have mailed anonymous letters to Plaintiff Davis’ neighbors with private, embarrassing and misleading / false information about Plaintiff Davis causing substantial emotional distress and pain & suffering.
157. Defendants and / or John Doe(s) have mailed anonymous letters to parents and school officials all across South Carolina (and beyond) with private, embarrassing

and misleading / false information about Plaintiff Davis causing substantial emotional distress and pain & suffering.

158. Defendants and / or John Doe(s) have created a public and globally available website with private, embarrassing and misleading / false information about Plaintiff Davis causing substantial emotional distress and pain & suffering.

159. Upon information and belief, Defendant Leupp and other John Doe(s) are responsible for the public website about Plaintiff Davis

160. Defendant Leupp has upon information and belief done similar things to other parties in the past.

161. Defendant Leupp is a pawn of Defendant Weaver and Defendant DeMint.

162. Defendant Bedrick has at Cato and Freidman Foundation made false and defamatory statements about Plaintiff Davis and his group.

Campaign Money Laundering

163. In 2015 the State of California's Fair Political Practices Commission ("FPPC") found Defendant Rich guilty of Campaign Money Laundering.

164. The mission of the State of California's FPPC is to increase transparency of top contributors and combat so-called "Dark Money".

165. Defendant Rich has contributed tens of millions to a “web” of South Carolina non-profits, South Carolina politicians and other South Carolina entities / business, including several Defendants and other John Doe(s).
166. As a CPA, Plaintiff Davis is able to track Defendant Rich’s web of “Dark Money” here in South Carolina.
167. Defendant Rich upon information and belief directly and/or indirectly is a client of and substantially funds work done by the South Carolina based law firm Nexsen Pruet, specifically attorney and Defendant Rick Reames and others.
168. Defendant Rich has directly or indirectly contributed to schools hostile to the program and Plaintiff Davis and his group at the direction of Mellen in order to curry favor and support – specifically Glenforest School, Trident Academy and Hidden Treasure Christian School.
169. The namesake of Defendant Friedman Foundation is the late Dr. Milton Friedman.
170. Dr. Milton Friedman was an advocate for free markets and in particular private school choice with limited government intervention.
171. Defendant Friedman Foundation now primarily advocates for private school choice **administered by government entities**. This is the **opposite** of what Dr. Friedman would have wanted or espoused.

172. Upon information and belief, Defendant Friedman Foundation receives substantial annual funding from special interest groups who will financially benefit from government run private school choice – specifically new and experimental Education Savings Accounts (“ESAs”).
173. Defendant Friedman Foundation’s existence is dependent on annual fundraising from special interest groups.
174. Defendant Friedman Foundation no longer follows its original mission of free market and limited government and instead is pushing the agenda of special interest.
175. Defendant RQA has entered a criminal corporate plea for engaging in illegal lobbying from 2008 through 2016. Upon information and belief said activities involve other Defendants herein.
176. Defendant RQA unlawfully sold political influence and access according to the South Carolina State Grand Jury Report issued on or about October 9, 2018.
177. Upon information and belief, Defendant RQA received compensation from Defendants and John Doe(s).
178. Upon information and belief, Defendant RQA also illegally used / sold political influence and access to Defendants and John Doe(s).
179. Upon information and belief, Defendant First Tuesday has picked up where RQA left off with respect to Defendants and John Doe(s).

180. Defendant First Tuesday provides services to Defendant ECENC Fund and Defendant DOR.
181. Defendant First Tuesday provides services to charter school groups.
182. Although charter schools are a form of school choice, they are one of the primary opponents to private school choice such as this K-12 tax credit scholarship program which is the subject of this Complaint.
183. It is a common perception among grassroots and experts that charter schools, who once fought for “school choice”, now do not want competition from private independent schools such as the ones that benefit from K-12 tax credit scholarship programs. This is the reasoning for their opposition.
184. Defendant First Tuesday has a natural conflict representing both charter schools and the ECENC program – plus the obvious issues of political access and influence that comes with their representation of legislators and campaign consulting business.
185. Upon information and belief, First Tuesday assisted Defendant ECENC Fund with fundraising.
186. Defendant First Tuesday had an employee on their website who was also working on the ECENC Fund program. When exposed by Plaintiff Davis, that individual was removed from the First Tuesday website and has now been listed officially as the “Administrator” at Defendant ECENC Fund.

187. Defendant Weaver is a legislatively appointed member of Defendant South Carolina Education Oversight Committee (“EOC”).
188. Defendant Weaver was appointed as a member of Defendant EOC by then South Carolina State Senator John E. Courson of Richland County.
189. Former Senator Courson has never supported the ECENC program.
190. On June 4, 2018, Senator John E. Courson resigned from office, pled guilty to one count of willful misconduct in office and agreed to cooperate with an ongoing investigation into public corruption at the South Carolina State House.
191. Former Senator John E. Courson’s above referenced guilty plea centered around his relationship with Defendant Richard Quinn & Associates.
192. Defendant Richard Quinn & Associates has also entered into a criminal corporate plea involving public corruption at the South Carolina State House.

Defamation – Weaver & PPI

193. On Saturday February 25, 2017, Weaver, in her official capacity representing PPI, spoke on the topic of school choice at the annual Palmetto Panel Conference in Clemson, SC.
194. Plaintiff Davis attended the February 25, 2017 Palmetto Panel Conference in Clemson, SC, and heard Weaver’s presentation.
195. After Weaver’s presentation, she was approached by a political grassroots advocate to further discuss her topic of school choice.

196. During the above conversation, Weaver made specific reference to Plaintiff Davis in the audience, knowing Davis has a different opinion on school choice advocacy.
197. Weaver made several disparaging, false light and defamatory comments about Plaintiff Davis and his advocacy work to said political grassroots advocate.
198. Weaver proceeded to make disparaging, false light and defamatory remarks about Davis, his wife, and the 501(c)(3) nonprofit organization she runs and that Davis volunteers with as an Advisory Board Member.
199. **In addition to the above, Weaver proceeded to state that Davis had lost his license to practice law – said statement is not true.**
200. **Plaintiff Davis is an Active Member in Good Standing of the State Bar of Georgia with no disciplinary action since first admitted to the practice of law in 1994.**
201. Upon information and belief, this was not the first time Weaver / PPI (and the John Doe(s)) had made defamatory and false light statements such as the above regarding Plaintiff Davis.
202. On March 24, 2017, Plaintiff Davis sent a letter to an individual board member of PPI detailing the above defamatory statements. Davis did not receive a reply, and the defamatory and false light statements did not stop.
203. On May 13, 2017, Plaintiff Davis approach Weaver at her “booth” at the SC Republican Party State Convention in Columbia, SC, to clear up any

misunderstanding. Weaver refused to talk to Davis, proceeded to tell him he was the most destructive factor to school choice in South Carolina, and that he should move out of the state. Weaver then proceeded to threaten to call the police if Davis did not leave her “booth”.

204. On December 4th, 2017, Plaintiff Davis approached the above Defendant DeMint and Defendant Smith with PPI. After introducing himself, both individuals turned around refusing to speak to Davis and Defendant Smith yelled at Davis saying he was the source of “corruption” in the SC school choice tax credit program. The entire interaction lasted less than 30 seconds.

205. After the December 4th, 2017 interaction above, Defendant DeMint and Smith told others that Davis had accosted the PPI board member.

206. On multiple occasions, before and after the above incidents, Plaintiff Davis and others supporting his advocacy efforts, including parents of children with “special needs” benefiting from South Carolina’s K-12 school choice tax credit program have requested a public or private meeting with Defendants to clear up any misunderstandings. Defendants have refused any meeting, obviously wanting to continue to perpetrate their plan.

FACTUAL ALLEGATIONS
(Additional Background)

207. Plaintiff Davis is a volunteer grassroots advocate for private school choice for South Carolina’s K-12 children with special needs, children in a low-income

situation, homeschooled children, and ultimately all children in SC. Plaintiff specifically advocates for private / free-market K-12 school choice solutions.

208. Defendants Weaver & PPI advocate for K-12 school choice solutions in SC as well. However, Weaver & PPI specifically advocate for government run K-12 school choice solutions.

209. There is a distinct policy and practical difference between K-12 school choice solutions that are #1 government run solutions vs. #2 private / free-market solutions.

210. Weaver & PPI politically oppose the grassroots advocacy of Plaintiff Davis. Upon information and belief, this opposition is due to Weaver & PPI's political and financial interest as well as the political and financial interest of certain John Doe(s).

211. PPI received tax deductible contributions totaling **\$551,443** in 2016, **\$490,420** in 2015, **\$356,105** in 2014 & **\$514,847** in 2013 under Weaver and certain other individuals newly involved in the nonprofit organization and PPI's 2013 "relaunch".

212. PPI (under a former name) received tax deductible contributions of **\$62,800** in 2012, the first part year Weaver and certain other individuals became involved in the nonprofit organization.

213. PPI (under a former name) only received tax deductible contributions of **\$7,500** in 2011, **\$13,000** in 2010 & **\$30,000** in 2009 prior to Weaver and certain other individuals became involved in the nonprofit organization.

214. PPI's website (as of 5/3/2018) states:

“Palmetto Promise Institute (PPI) is an independent, nonpartisan, nonprofit, 501(c)(3) educational organization. PPI conducts public policy research dedicated to creating a free and flourishing South Carolina, where every individual has the opportunity to reach their full potential. PPI does not perform contract research and does not accept government grants. Permission to reprint material on this site is granted provided that PPI is properly cited. Nothing written here is to be considered an attempt to aid or hinder the passage of any specific legislation.”

215. Upon information and belief, PPI is a nonprofit “front organization” for certain John Doe(s) with financial interest in government run K-12 school choice solutions (including charter schools) which Weaver & PPI claim to be advocating for as an independent, nonpartisan, nonprofit, 501(c)(3) educational organization.

216. Upon information and belief, Weaver and PPI advocate for government run K-12 school choice solutions (including charter schools) as a paid contract research and advocacy group benefiting certain John Doe(s) with financial interest in the success and expansion of government run K-12 school choice solutions.

217. Weaver, PPI and the John Doe(s) have produced false and misleading reports(s) and other defamatory and false light information about the activities of Davis and his work with organizations he has volunteered for to further their own financial interest and the financial interest of their benefactors.

218. Upon information and belief, Defendants Weaver, PPI and John Doe(s) worked together and conspired to further their mutual interests and disguise their activities.

A FIRST CAUSE OF ACTION
(DEFAMATION Per Se & Per Quod)

220. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.
221. The Defendants, individually and collectively, made false and defamatory statements about Defendant.
222. The Defendants, individually and collectively, stated both verbally and (upon information and belief) in writing to third parties that Plaintiff had been disbarred from the practice of law.
223. These statements were false and the Defendants knew or should have known that the statements were false.
224. As the direct and proximate result of the Defendants' defamatory statements which were made with malice and with the specific intent to harm Defendant and others, Defendant is entitled to special damages, actual damages, incidental damages, and punitive damages, all in an amount to be determined by the trier of fact resulted.

A SECOND CAUSE OF ACTION
(Defamation by innuendo)

225. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.
226. The Defendants, individually and collectively, made misleading innuendo and statements about Defendant which placed him in a false light.

227. As the direct and proximate result of the Defendants' statements which were made with malice and with the specific intent to harm Defendant and others, Defendant is entitled to special damages, actual damages, incidental damages, and punitive damages, all in an amount to be determined by the trier of fact.

A THIRD CAUSE OF ACTION
(INVASION OF PRIVACY)

228. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

229. The Defendants individually and in concert with each other engaged in wrongful acts that constitute an unwarranted invasion and trespass upon Plaintiff's privacy.

230. Defendants, armed with the personal knowledge gained from unwarranted invasion and trespass upon Plaintiff's privacy, used such knowledge improperly and sought additional private knowledge (irrelevant to the matters at hand) to improperly use against Plaintiff in furtherance of Defendants' financial and political interest.

231. Such wrongful acts perpetrated by the Defendants have inflicted great and irreparable harm upon Plaintiff.

232. Certain Defendants acquiesced to the improper actions of their agents and other Defendants in furtherance of their scheme.

A FORTH CAUSE OF ACTION
(NEGLIGENCE)

233. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

234. Defendants were negligent, careless, reckless and willfully acted with actual malice in that they had a duty to ensure the truthfulness of their statements but they knew their statements were false and nevertheless acted with reckless disregard for the truth by publishing their statements to third parties.

A FIFTH CAUSE OF ACTION
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

235. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

236. Defendants conduct was intended to inflict emotional distress on the Plaintiff and was outrageous beyond the bounds of conduct expected by members of society; the outrageous conduct caused Plaintiff to suffer severe emotional distress, which resulted in Plaintiff incurring expense for medical treatment.

A SIXTH CAUSE OF ACTION
(TORTIOUS INTERFERENCE WITH PROSPECTIVE CONTRACTUAL RELATIONS)

237. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

238. Defendants directed others (including other Defendants) to not do business with Plaintiff and associated entities by making false and defamatory statements and innuendo.

239. As a direct and proximate result of the Defendant's actions, Plaintiff was damaged.

A SEVENTH CAUSE OF ACTION
(UNFAIR TRADE PRACTICES)

240. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

241. This cause of action is brought pursuant to "South Carolina Unfair Trade Practices Act.", S.C. Code Ann 39-5-10 *et seq.* ("SCUTPA")

242. The public has an interest in ensuring that non-profit organizations operating in South Carolina, as well as their volunteers and beneficiaries, are not hindered in their charitable mission.

243. Defendants violated the SCUTPA through their actions herein discussed.

244. Plaintiff is entitled to injunctive relief, treble damages, and attorneys' fees as allowed by statute.

A EIGHTH CAUSE OF ACTION
(PIERCE THE CORPORATE VEIL)

245. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

246. Upon information and belief, the Corporate Defendants were operated as the alter-ego or instrumentality of one of more of the individual Defendants / John Doe(s) for their own personal benefit and financial gain and as such perpetuated the complained actions on Plaintiff.

247. Upon information and belief, the one or more of the individual Defendants / John Doe(s) exercised dominion and control over the Corporate Defendants' finances and operations, and used such for their own personal benefit.

248. Upon information and belief, the Corporate Defendants disregarded basic corporate and non-profit formalities. This disregard includes, but is not limited to, operating the Corporate Defendants in such a way that the same no longer has a corporate personality that is separate and distinct from one or more of the individual Defendants / John Doe(s).

A NINTH CAUSE OF ACTION
(CONSPIRACY)

249. Plaintiff repeats and re-alleges each allegation and paragraph already stated above.

250. Defendants conspired and colluded together and amongst themselves to execute the above stated Cause of Action.
251. Plaintiff was damaged as a direct and proximate result of this conspiracy and collusion.
252. Defendants are senior political figures. Given the stature and position of Defendants in the community both locally and nationally, Plaintiff sustained substantial embarrassment and pain & suffering over this matter.
253. Plaintiff Davis and his wife were dealing with some major medical issues and substantial expenses due to the additional stress incurred because of Defendants civil conspiracy. But for their civil conspiracy Plaintiff would not have had this additional stress and pain & suffering or additional medical expenses.
254. Plaintiff also had to incur additional out of pocket expenses and personal time to more closely follow the legislative process in Columbia to try to combat Defendants' civil conspiracy.
255. Plaintiff Davis was and remains unable to seek outside employment and business opportunities due to the constant requirement to stay 110% attentive to any efforts to further tarnish the image and reputation of Plaintiff and any members of his group.
256. Plaintiff Davis has had at least \$50,000 - \$100,000 plus in out of pocket special damages directly related to Defendants' civil conspiracy, plus and additional compensation for pain & suffering and lost income and wages to be calculated.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court inquire into the matters alleged and render a judgment for actual and punitive damages in an amount to be determined by a jury. Plaintiff further prays for costs and attorney's fees against the Defendants and any such other and further relief as the Court may deem just and proper.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'JD', is written over a horizontal line.

Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, SC 29615
843-901-8036 (cell)
jdavis@apogeetax.com

PLAINTIFF

November 19, 2018
Greenville, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	FIFTH JUDICIAL CIRCUIT

Jefferson Davis, Jr.,	)	C.A. No.: 2018-CP-40-02425
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	)	
Plaintiff,	)	

vs.	)	
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Ellen Weaver, Chad Connelly, Oran P.	)	
Smith, Neil J. Mellen, Howard S. Rich, Rick	)	
Reames, Stephen D. Kirkland, Palmetto	)	
Promise Institute, Palmetto Family Council,	)	
Palmetto Family Action, South Carolinians	)	
for Responsible Government, SCRG	)	
Foundation, Access Opportunity South	)	
Carolina, Friedman Foundation for	)	
Educational Choice, Inc., Cato Institute,	)	
South Carolina Educational Credit for	)	
Exceptional Needs Children Fund, South	)	
Carolina Education Oversight Committee,	)	
South Carolina Department of Revenue,	)	
South Carolina Department of Labor,	)	
Licensing and Regulation, First Impressions,	)	
Inc. d/b/a/ Richard Quinn & Associates, First	)	
Tuesday Strategies, LLC, Bill Wilson, Jason	)	
Bedrick, Jim DeMint, Randy Page, Tony	)	
Denny, Phillip Cease, Melanie Barton, Doris	)	
Cubitt, Susan Thomas, John McCormick,	)	
Nate Leupp, Institute of Management	)	
Consultants USA, and John Doe(s) 1–40,	)	

Defendants.	)	
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ORDER

This matter comes before the Court on multiple defendants' Motions to Dismiss. The Complaint was originally filed on May 3, 2018, and asserted nine causes of action against an individual defendant (Ellen Weaver), a corporate defendant (Palmetto Promise Institute or "PPI") and 20 pseudonymous defendants (Does 1–20). On June 7, 2018, counsel for Weaver and PPI filed a Motion to Dismiss pursuant to Rule 12(b)(6), SCRCP.

Judge DeAndrea Benjamin heard arguments on the motion on October 1, 2018. On October 29, 2018, Judge Benjamin filed an Order granting in part the Motion to Dismiss. The following day Judge Benjamin filed an Amended Order that, among other things, ordered plaintiff to amend his Complaint to name and serve each of the pseudonymous “John Doe” defendants, and gave him 15 days to do so. Plaintiff did not move to alter or amend that ruling, nor did he request any extension of the time period ordered by Judge Benjamin.

On November 19, 2018, plaintiff filed an Amended Complaint naming 31 new defendants in addition to Weaver and PPI. He did not, however, serve the new defendants within the time period established by Judge Benjamin’s Amended Order. The newly-named defendants filed Motions to Dismiss raising numerous bases for dismissal. The Court heard arguments on the motions on February 12, 2019.¹ At the hearing, the Court noted the requirement in Judge Benjamin’s Amended Order that plaintiff serve the newly-added defendants within 15 days of the Amended Order, and inquired whether plaintiff had done so. Plaintiff acknowledged none of the new defendants had been served within the time period set by Judge Benjamin’s Amended Order.²

The timely service of a Summons and Complaint is a prerequisite to the commencement of a civil action. *See generally* Rule 3, SCRCP. In the absence of service within the time period ordered by Judge Benjamin, no civil action was commenced against the new defendants. *See Doe v. City of Duncan*, 417 S.C. 277, 286, 789 S.E.2d 602, 606 (Ct. App. 2016) (noting that where

¹ Thirteen motions were scheduled to be argued at this hearing. Many other of the new defendants’ Motions to Dismiss had not yet been set for argument. As explained more fully above, however, the basis upon which this Court is ruling applies to all the newly-added defendants, including those whose motions had not yet been scheduled for hearing, and renders the remaining Motions to Dismiss moot.

² Even allowing for an additional five days provided by Rule 6(e), SCRCP when an Order is served by mail, none of the new defendants were served within 20 days after the date of Judge Benjamin’s Amended Order.

the plaintiff had failed timely to serve the summons and complaint, “Doe failed to commence a civil action and dismissal was warranted”); *see also Sealy v. Dodge*, 289 S.C. 543, 544, 347 S.E.2d 504, 505 (1986) (noting that in a prior proceeding, “Appellants failed to timely amend their complaints and the actions were dismissed”).

At the hearing on the instant motions, plaintiff acknowledged he had not complied with Judge Benjamin’s Amended Order, but he argued the time limits imposed by that order were insufficient for the task at hand. His argument that more time was needed, however, falls short. Plaintiff did not seek to alter or amend Judge Benjamin’s Amended Order, nor did he move for an extension of time to comply with it. Accordingly, the time limit imposed by the Amended Order is the law of the case, and it is well established that a judge of this Court cannot reverse or overrule a prior order of another judge of this Court. *See Charleston Cnty. Dep’t of Soc. Servs. v. Father, Stepmother, & Mother*, 317 S.C. 283, 288, 454 S.E.2d 307, 310 (1995) (“There is a long-standing rule in this State that one judge of the same court cannot overrule another.”).

CONCLUSION

Because the Amended Complaint was not timely served in compliance with Judge Benjamin’s Amended Order, this Court strikes the Amended Complaint and dismisses this suit with prejudice as to all the defendants who were first named in the Amended Complaint. Because dismissal is warranted for the foregoing reason, the Court does not address the other arguments for dismissal made by the moving defendants, and any pending motions they have filed are now moot.

AND IT IS SO ORDERED.

The Honorable Doyet A. Early

February 13, 2019
Columbia, South Carolina



Richland Common Pleas

Case Caption: Jefferson Davis Jr vs Ellen Weaver , defendant, et al

Case Number: 2018CP4002425

Type: Order/Dismissal

So Ordered

s/D.A. Early III 2136

Electronically signed on 2019-02-19 12:28:30 page 4 of 4



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Jefferson Davis Jr vs Ellen Weaver , defendant, et al

Case Number:	2018CP4002425	Court Agency:	Richland County Common Pleas	Filed Date:	05/03/2018
Case Type:	Common Pleas	Case Sub Type:	Slander/Libel 380	File Type:	Jury
Status:	Appeal	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:		Disposition Date:		Disposition Judge:	
Original Source Doc:		Original Case #:		Restore Reason:	Reopened Case
Judgment Number:		Court Roster:			

Case Parties

Click the  icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
☒ Access Opportunity South Carolina(Inactive)					Defendant		04/09/2019
☒ Adams, Ryan Timothy	172 Meeting Street Charleston SC 29401				Other Attorney		05/15/2019
☒ Barrow, Mark Steven(Inactive)	PO Box 12129 1515 Lady Street Columbia SC 29211				Defendant Attorney		04/09/2019
☒ Barrow, Mark Steven(Inactive)	PO Box 12129 1515 Lady Street Columbia SC 29211				Defendant Attorney		04/09/2019
☒ Barton, Melanie(Inactive)					Defendant		04/09/2019
☒ Bedrick, Jason(Inactive)					Defendant		04/09/2019
☒ Bryan, John Douglas	PO Box 1111 Walterboro SC 29488				Other Attorney		10/23/2019
☒ Cannon, Kelley S. (Inactive)	PO Box 12009 Columbia SC 29211				Defendant Attorney		04/09/2019
☒ Carter, Joseph Kenneth Jr.	PO Box 1473 Columbia SC 29202				Defendant Attorney		04/09/2019
☒ Cato Institute(Inactive)					Defendant		04/09/2019
☒ Cease, Phillip(Inactive)					Defendant		04/09/2019
☒ Chambers, Geoffrey Kelly	411 Walnut Street No. 10646 Green Cove Springs FL 320433443				Defendant Attorney		06/25/2020
☒ Cockrell, Melvin Wayne III(Inactive)	Barrister Bldg. Olde Towne Ctr 159 Main Street Chesterfield SC 29709				Mediator		04/09/2019
☒ Coleman, Miles Edward(Inactive)	104 South Main Street Suite 900 Greenville SC 29601				Defendant Attorney		04/09/2019
☒ Connelly, Chad(Inactive)					Defendant		04/09/2019
☒ Cooke, M. Dawes Jr. (Inactive)	PO Drawer H Charleston SC 294020197				Defendant Attorney		04/09/2019
☒ Coppage, Benjamin Terrell	PO Box 2473 Beaufort SC 29901				Defendant Attorney		11/13/2019
☒ Cubitt, Doris					Defendant		09/09/2019
☒ Daniels, Christopher J. (Inactive)	PO Box 11070 Columbia SC 29211				Defendant Attorney		04/09/2019
☒ Davidson, William H.	PO Box 8568 Columbia SC				Defendant		04/09/2019

II(Inactive)	292028568				Attorney		
Davis, James Miller Jr. (Inactive)	PO Box 6923 Columbia SC 29260				Alternate Mediator		04/09/2019
☒ Davis, Jefferson Jr					Plaintiff		02/14/2020
☒ Davis, Jefferson Jr	403 McCarter Avenue Greenville SC 29615				Plaintiff Pro Se		01/10/2019
☒ Demint, Jim(Inactive)					Defendant		04/09/2019
☒ Denny, Tony(Inactive)					Defendant		04/09/2019
Doe, John(Inactive)					Defendant		04/09/2019
☒ Doe 1-20, John					Defendant		11/13/2019
☒ Driggers, Martin S. Jr. (Inactive)	Pee Dee Regional Office 115 Cargill Way, Ste. B Hartsville SC 29550				Defendant Attorney		04/09/2019
☒ Driggers, Martin S. Jr. (Inactive)	Pee Dee Regional Office 115 Cargill Way, Ste. B Hartsville SC 29550				Defendant Attorney		04/09/2019
☒ DuRant, Ross Conard	1801 Glens Bay Road Surfside Beach SC 29575				Defendant Attorney		05/05/2021
☒ Elliott, Christopher S. (Inactive)	110 Centerview Drive PO Box 11329 Columbia SC 29211329				Defendant Attorney		03/06/2020
☒ Farley, William Joseph III(Inactive)	William J. Farley III 40 Calhoun Street, Suite 400 Charleston SC 294013531				Defendant Attorney		04/09/2019
☒ First Impressions Inc(Inactive)					Defendant		04/09/2019
☒ First Tuesday Strategies Llc(Inactive)					Defendant		04/09/2019
☒ Friedman Foundation For Educational Choice Inc(Inactive)					Defendant		04/09/2019
☒ Goldin, James Harold(Inactive)	PO Box 11070 Columbia SC 29211				Defendant Attorney		06/04/2019
☒ Haas, Marc					Other Party to Case		05/15/2019
☒ Haselden, Andrew Elliott	215 East Bay Street Suite 303 Charleston SC 29401				Defendant Attorney		09/09/2019
☒ Howser, R. Davis	PO Box 12009 Columbia SC 29211				Defendant Attorney		10/22/2019
☒ Institute Of Management Consultant Usa (Imc Usa)					Other Party to Case		11/01/2019
☒ Institute Of Managment Consultants Usa(Inactive)					Defendant		04/09/2019
☒ Jordan, William Hammond(Inactive)	1310 Gadsden Street Columbia SC 29201				Defendant Attorney		04/09/2019
☒ Kirkland, Stephen D(Inactive)					Defendant		04/09/2019
☒ Kirkland, Stephen D.	C/O Copeland, Stair, Kingma & Lovell,Llp 40 Calhoun Street, Suite 400 Charleston SC 29401				Other Party to Case		09/26/2019
Leupp, Nate(Inactive)					Defendant		04/09/2019
☒ Luther, Jason Phillip(Inactive)	PO Box 12265 Columbia SC 292119979				Defendant Attorney		04/09/2019
☒ MacKelcan, Douglas Walker III(Inactive)	40 Calhoun St., Ste. 400 Charleston SC 29401				Defendant Attorney		04/09/2019
☒ MacKelcan, Douglas Walker III	40 Calhoun St., Ste. 400 Charleston SC 29401				Other Attorney		09/26/2019
Mccormick, John(Inactive)					Defendant		04/09/2019
☒ McCulloch, Joseph M. Jr. (Inactive)	PO Box 11623 Columbia SC 29211				Defendant Attorney		04/09/2019
Mellen, Neil J(Inactive)					Defendant		04/09/2019
☒ Mustian, Benjamin Parker(Inactive)	141 Pelham Drive, Suite F #108 Columbia SC 29209				Defendant Attorney		08/14/2019
☒ Novak, Justin Paul(Inactive)	P.O. Drawer H Charleston SC 29402				Defendant Attorney		04/09/2019
☒ Novak, Justin Paul	P.O. Drawer H Charleston SC 29402				Defendant Attorney		01/07/2020

☒ Nutter, Jennifer Foulk	PO Box 1508 Charleston SC 294021508				Other Attorney		05/15/2019
☒ Nutter, Jennifer Foulk(Inactive)	PO Box 1508 Charleston SC 294021508				Defendant Attorney		04/09/2019
☒ Page, Randy(Inactive)					Defendant		04/09/2019
☒ Palmetto Family Action(Inactive)					Defendant		04/09/2019
☒ Palmetto Family Council(Inactive)					Defendant		04/09/2019
☒ Palmetto Promise Institute(Inactive)					Defendant		04/09/2019
☒ Palmetto Promise Institute					Defendant		02/24/2020
Rainsford, Bettis Cantelou Jr.(Inactive)	One Tenth Street Suite 700 Augusta GA 30901				Defendant Attorney		01/30/2019
☒ Reames, Rick(Inactive)					Defendant		04/09/2019
☒ Rich, Howard S(Inactive)					Defendant		04/09/2019
☒ Richard Quinn And Associates(Inactive)					Defendant		04/09/2019
☒ Sc Department Of Labor Licensing And Regulation(Inactive)					Defendant		10/25/2019
☒ Sc Education Oversight Committee(Inactive)					Defendant		04/09/2019
☒ Sc Educational Credit For Exceptional Needs Children Fund					Defendant		11/12/2020
☒ Schillaci, Kathy R.(Inactive)	PO Box 11623 Columbia SC 29211				Defendant Attorney		04/09/2019
☒ Scrg Foundation(Inactive)					Defendant		04/09/2019
☒ Smith, Oran P(Inactive)					Defendant		04/09/2019
☒ South Carolina Department Of Revenue(Inactive)					Defendant		04/09/2019
☒ South Carolinians For Responsible Government(Inactive)					Defendant		04/09/2019
Thomas, Susan(Inactive)					Defendant		04/09/2019
☒ Thorne, Landon K. III					Other Party to Case		05/15/2019
Weaver, Ellen					Defendant		06/07/2018
Wilson, Bill(Inactive)					Defendant		04/09/2019
☒ Wren, Michael Brian(Inactive)	PO Box 8568 Columbia SC 292028568				Defendant Attorney		04/09/2019

Actions

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Sc Educational Credit For Exceptional Needs Children Fund	NEF(09-15-2021 03:07:00 PM) Order/Signed Order/Protectio...	Filing		09/15/2021-16:08		
Sc Educational Credit For Exceptional Needs Children Fund	Order/Signed Order/Protection from Court Appearance	Filing		09/15/2021-15:07		
Sc Educational Credit For Exceptional Needs Children Fund	NEF(11-12-2020 02:48:23 PM) Order/Protection from Court ...	Filing		11/12/2020-14:48		
Sc Educational	Order/Protection from Court	Order		11/12/2020-		

Credit For Exceptional Needs Children Fund	Appearance			14:48		
Sc Educational Credit For Exceptional Needs Children Fund	NEF(11-11-2020 10:28:06 AM) Proposed Order/Protection fr...	Filing		11/12/2020-10:26		
Sc Educational Credit For Exceptional Needs Children Fund	Order/Order Cover Sheet \$25.00	Filing		11/11/2020-10:28		
Palmetto Promise Institute	NEF(02-24-2020 10:45:34 AM) Motion/Alter and/or Amend	Filing		02/24/2020-11:01		
Palmetto Promise Institute	Motion/Amend Answer	Motion		02/24/2020-10:45		  
Davis, Jefferson Jr	Motion/Motion Filing Fee	Filing		02/14/2020-15:05		
Chambers, Geoffrey Kelly	Motion/Quash	Motion		02/14/2020-09:23		
Weaver, Ellen	NEF(01-31-2020 04:38:30 PM) Order/Other	Filing		01/31/2020-16:38		
Weaver, Ellen	Order Staying all Discovery until Appeal is Resolved.	Order		01/31/2020-16:38		
Davis, Jefferson Jr	NEF(01-31-2020 08:56:16 AM) Order/Form 4	Filing		01/31/2020-08:56		
Davis, Jefferson Jr	Form 4 Order the motions set to be heard on 01/30/20 are her	Order		01/31/2020-08:56		
Doe 1-20, John	NEF(01-28-2020 04:13:20 PM) Affidavit/Affidavit of	Filing		01/28/2020-16:46		
Doe 1-20, John	Affidavit/Affidavit of	Filing		01/28/2020-16:13		
Doe 1-20, John	Service/Certificate Of Service	Filing		01/28/2020-16:13		
Kirkland, Stephen D.	NEF(01-23-2020 02:23:00 PM) Service/Certificate Of Servi...	Filing		01/23/2020-14:57		
Kirkland, Stephen D.	Service/Certificate Of Service	Filing		01/23/2020-14:23		
Kirkland, Stephen D.	NEF(01-22-2020 05:33:37 PM) Memo/Memo in Support	Filing		01/23/2020-08:57		
Kirkland, Stephen D.	Memo/Memo in Support Of Motion To Quash Subpoena To Stephen	Filing		01/22/2020-17:33		
DuRant, Ross Conard	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
DuRant, Ross Conard	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
DuRant, Ross Conard	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
DuRant, Ross Conard	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
DuRant, Ross Conard	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
DuRant, Ross Conard	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
DuRant, Ross Conard	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
DuRant, Ross Conard	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Novak, Justin Paul	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Novak, Justin Paul	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Novak, Justin Paul	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		

[illegible]

[illegible]

[illegible]

Chambers, Geoffrey Kelly	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Chambers, Geoffrey Kelly	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Chambers, Geoffrey Kelly	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Chambers, Geoffrey Kelly	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Chambers, Geoffrey Kelly	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Chambers, Geoffrey Kelly	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Chambers, Geoffrey Kelly	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Chambers, Geoffrey Kelly	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Davis, Jefferson Jr	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Davis, Jefferson Jr	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Davis, Jefferson Jr	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Davis, Jefferson Jr	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Davis, Jefferson Jr	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Davis, Jefferson Jr	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Davis, Jefferson Jr	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Davis, Jefferson Jr	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Davis, Jefferson Jr	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Davis, Jefferson Jr	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Davis, Jefferson Jr	1/30/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		01/10/2020-11:40		
Sc Educational Credit For Exceptional Needs Children Fund	Decline to Sign:Order/Protection from Court Appearance/This	Filing		01/10/2020-09:36		
Sc Educational Credit For Exceptional Needs Children Fund	NEF(01-09-2020 04:36:33 PM) Proposed Order/Protection fr...	Filing		01/09/2020-16:39		
Sc Educational Credit For Exceptional Needs Children Fund	Order/Order Cover Sheet \$25.00	Filing		01/09/2020-16:36		
Sc Educational Credit For Exceptional Needs Children Fund	Decline to Sign:Order/Protection from Court Appearance	Filing		01/09/2020-12:17		
Sc Educational Credit For Exceptional Needs Children Fund	NEF(01-06-2020 01:39:13 PM) Proposed Order/Protection fr...	Filing		01/07/2020-13:49		

Doe 1-20, John	NEF(01-06-2020 03:51:19 PM) Notice/Notice of Appearance	Filing		01/06/2020-15:51		
Doe 1-20, John	Notice/Notice of Appearance	Filing		01/06/2020-15:51		
Sc Educational Credit For Exceptional Needs Children Fund	Notice/Notice of Appearance	Filing		01/06/2020-13:39		
Sc Educational Credit For Exceptional Needs Children Fund	Order/Order Cover Sheet \$25.00	Filing		01/06/2020-13:39		
Sc Educational Credit For Exceptional Needs Children Fund	NEF(12-03-2019 12:52:00 PM) Motion/Quash	Filing		12/03/2019-14:04		
Sc Educational Credit For Exceptional Needs Children Fund	Motion/Quash And Motion For A Protective Order	Motion		12/03/2019-12:52		 
Doe 1-20, John	NEF(11-12-2019 05:34:07 PM) Notice/Notice of Appearance	Filing		11/13/2019-08:39		
Doe 1-20, John	Notice/Notice of Appearance	Filing		11/12/2019-17:34		
Doe 1-20, John	Motion/Quash Subpoenas And For A Protective Order And Writt	Motion		11/12/2019-17:34		  
Institute Of Management Consultant Usa (Imc Usa)	NEF(11-01-2019 03:52:05 PM) Motion/Other	Filing		11/01/2019-15:58		
Institute Of Management Consultant Usa (Imc Usa)	Motion For Protective Order Regarding Plaintiff's Subpoenas	Motion		11/01/2019-15:52		
Institute Of Management Consultant Usa (Imc Usa)	NEF(10-25-2019 04:09:11 PM) Motion/Quash	Filing		10/25/2019-16:20		
Institute Of Management Consultant Usa (Imc Usa)	Motion/Quash Subpoenas to Wayne Outlaw & Liz Minthorne	Motion		10/25/2019-16:09		  
Sc Department Of Labor Licensing And Regulation	NEF(10-25-2019 08:58:02 AM) Motion/Quash	Filing		10/25/2019-09:28		
Sc Department Of Labor Licensing And Regulation	Motion to Quash Subpoena to the SC Dept of LLR	Motion		10/25/2019-08:58		 
Sc Department Of Labor Licensing And Regulation	Service/Certificate Of Service	Filing		10/25/2019-08:58		
Doe 1-20, John	NEF(10-22-2019 09:25:44 PM) Motion/Quash	Filing		10/23/2019-08:47		
Doe 1-20, John	Notice/Notice of Appearance	Filing		10/22/2019-21:25		
Doe 1-20, John	Motion/Quash Subpoena/John Doe	Motion		10/22/2019-21:25		 
Doe 1-20, John	NEF(10-22-2019 03:20:30 PM) Notice/Notice of Appearance	Filing		10/22/2019-15:29		
Doe 1-20, John	Notice/Notice of Appearance	Filing		10/22/2019-15:20		
Doe 1-20, John	Motion/Quash Subpoena And For Protective Order/Jackie Brelan	Motion		10/22/2019-15:20		 

Doe 1-20, John	Service/Certificate Of Service	Filing		10/22/2019-15:20		
Sc Educational Credit For Exceptional Needs Children Fund	NEF(10-21-2019 12:13:51 PM) Motion/Quash	Filing		10/21/2019-12:43		
Sc Educational Credit For Exceptional Needs Children Fund	Motion/Quash Jefferson Davis' Subpoena To The Hobbs Group PA	Motion		10/21/2019-12:13		
Davis, Jefferson Jr	Service/Certificate Of Service	Filing		10/17/2019-11:09		
Davis, Jefferson Jr	Letter exhibits for motion to compel	Filing		10/17/2019-11:08		  
Davis, Jefferson Jr	Service/Certificate Of Service	Filing		10/04/2019-13:05		
Davis, Jefferson Jr	Motion to Compel Production of Documents (Hobb Group)	Motion		10/04/2019-13:04		
Kirkland, Stephen D.	NEF(09-26-2019 12:09:35 PM) Motion/Quash	Filing		09/26/2019-12:35		
Kirkland, Stephen D.	Motion/Quash Subpoena To Stephen D Kirkland	Motion		09/26/2019-12:09		 
Kirkland, Stephen D.	Add Party to Case	Filing		09/26/2019-12:09		
Institute Of Management Consultant Usa (Imc Usa)	NEF(09-13-2019 03:48:19 PM) Motion/Quash	Filing		09/13/2019-16:05		
Institute Of Management Consultant Usa (Imc Usa)	Motion/Quash Subpoena To Landon K Thorne III	Motion		09/13/2019-15:48		  
Cubitt, Doris	NEF(09-09-2019 09:42:22 AM) Notice/Notice of Appearance	Filing		09/09/2019-09:47		
Cubitt, Doris	Motion/Substitution of Counsel	Motion		09/09/2019-09:42	09/09/2019-09:42	
Cubitt, Doris	Certificate Of Service	Filing		09/09/2019-09:42		
Cubitt, Doris	Notice/Notice of Appearance	Filing		09/09/2019-09:42		
Palmetto Promise Institute	NEF(08-27-2019 12:03:36 PM) Order/Protective Order	Filing		08/27/2019-12:03		
Palmetto Promise Institute	Confidentiality and Protective Order	Order		08/27/2019-12:03		
Palmetto Promise Institute	NEF(08-26-2019 10:10:30 AM) Motion/Other	Filing		08/26/2019-11:30		
Palmetto Promise Institute	NEF(08-26-2019 10:15:14 AM) Order/Order Cover Sheet \$25....	Filing		08/26/2019-11:11		
Palmetto Promise Institute	Order/Order Cover Sheet \$25.00	Filing		08/26/2019-10:15		
Palmetto Promise Institute	Consent Motion to Entry of Confidentiality and Protective Or	Motion		08/26/2019-10:10	08/27/2019-10:10	
Davis, Jefferson Jr	Motion/Motion Filing Fee	Filing		05/22/2019-15:18		
Davis, Jefferson Jr	Motion/Motion Filing Fee	Filing		05/22/2019-14:47		
Davis, Jefferson Jr	Motion to Compel & Plaintiffs Response in Opposition to Moti	Motion		05/22/2019-14:37		
Haas, Marc	NEF(05-15-2019 03:30:17 PM) Add Party to Case	Filing		05/15/2019-15:48		
Institute Of	Motion/Quash	Motion		05/15/2019-		  

Management Consultant Usa (Imc Usa)				15:30		
Haas, Marc	Add Party to Case	Filing		05/15/2019-15:30		
Palmetto Promise Institute	NEF(05-15-2019 12:19:38 PM) Order/Stay	Filing		05/15/2019-12:19		
Palmetto Promise Institute	Consent Order Staying case pending Appeal	Order		05/15/2019-12:19		
Davis, Jefferson Jr	Certificate Of Service	Filing		05/14/2019-14:55		
Palmetto Promise Institute	NEF(05-09-2019 03:50:13 PM) Order/Order Cover Sheet \$25....	Filing		05/09/2019-16:02		
Palmetto Promise Institute	Order/Order Cover Sheet \$25.00	Filing		05/09/2019-15:50		
Palmetto Promise Institute	NEF(05-07-2019 04:07:06 PM) Order/Consent Order	Filing		05/07/2019-16:07		
Palmetto Promise Institute	Consent Order/Motion to Quash is Hereby Withdrawn	Order		05/07/2019-16:07		
Palmetto Promise Institute	NEF(05-03-2019 02:40:20 PM) Proposed Order/Consent Order	Filing		05/03/2019-16:22		
Palmetto Promise Institute	Order/Order Cover Sheet \$25.00	Filing		05/03/2019-14:40		
Davis, Jefferson Jr	ADR/Notice of ADR	Action		04/28/2019-16:10	02/19/2019-16:10	
Davis, Jefferson Jr	Appeal/Notice of Appeal No Fee	Filing		04/16/2019-09:09		
Davis, Jefferson Jr	Order to Remove from Trial Roster and Continue until Further	Order		04/15/2019-16:41		
Davis, Jefferson Jr	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Chambers, Geoffrey Kelly	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Elliott, Christopher S.	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Wren, Michael Brian	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Farley, William Joseph III	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
MacKelcan, Douglas Walker III	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Goldin, James Harold	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
DuRant, Ross Conard	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Carter, Joseph Kenneth Jr.	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Cooke, M. Dawes Jr.	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Novak, Justin Paul	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Luther, Jason Phillip	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Schillaci, Kathy R.	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Mustian, Benjamin Parker	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Davidson,	5/6/2019_J1_Roster/Notice of	Action		04/04/2019-		

William H. II	Case Roster Publication Sent			15:34		
Cannon, Kelley S.	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
McCulloch, Joseph M. Jr.	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Jordan, William Hammond	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Nutter, Jennifer Foulk	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Coleman, Miles Edward	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Barrow, Mark Steven	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Driggers, Martin S. Jr.	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Barrow, Mark Steven	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Driggers, Martin S. Jr.	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Daniels, Christopher J.	5/6/2019_J1_Roster/Notice of Case Roster Publication Sent	Action		04/04/2019-15:34		
Davis, Jefferson Jr	NEF(04-04-2019 10:26:15 AM) Letter/Letter	Filing		04/04/2019-10:27		
Davis, Jefferson Jr	Office of Bar Admissions Has Received A Verified Application	Filing		04/04/2019-10:26		
Davis, Jefferson Jr	NEF(03-27-2019 08:45:17 AM) Order/Electronic Form 4	Filing		03/27/2019-08:45		
Davis, Jefferson Jr	Electronic Form 4 Order Plaintiff's motion for reconsiderati	Order		03/27/2019-08:45		
Access Opportunity South Carolina	NEF(03-25-2019 04:25:00 PM) Notice/Notice of Appearance	Filing		03/25/2019-16:31		
Access Opportunity South Carolina	Notice/Notice of Appearance	Filing		03/25/2019-16:25		
Access Opportunity South Carolina	Answer Of Access Opportunity South Carolina	Filing		03/25/2019-16:25		
Friedman Foundation For Educational Choice Inc	NEF(03-22-2019 02:18:48 PM) Order/Pro Hac Vice	Filing		03/22/2019-14:19		
Friedman Foundation For Educational Choice Inc	Order for Admission Pro Hac Vice Joseph C. Chapelle	Order		03/22/2019-14:18		
Friedman Foundation For Educational Choice Inc	NEF(03-21-2019 01:44:25 PM) Motion/Admission Pro Hac Vic...	Filing		03/21/2019-14:57		
Friedman Foundation For Educational Choice Inc	NEF(03-21-2019 01:47:00 PM) Service/Certificate Of Servi...	Filing		03/21/2019-14:16		
Davis, Jefferson Jr	Certificate Of Service	Filing		03/21/2019-14:10		
Friedman Foundation For Educational Choice Inc	Service/Certificate Of Service	Filing		03/21/2019-13:47		
Friedman Foundation For Educational Choice Inc	Motion/Admission Pro Hac Vice	Motion		03/21/2019-13:44	03/21/2019-13:44	 
Davis, Jefferson Jr	Motion/Reconsider	Motion		03/06/2019-11:35	03/06/2019-11:35	
Davis, Jefferson Jr	Proof Of Service/Access Opportunity South Carolina	Filing		02/25/2019-15:21		
Scrg	NEF(02-19-2019 01:59:25 PM)	Filing		02/19/2019-		

Foundation	Order/Dismissal			13:59		
Scrg Foundation	Order/Dismissal this Court strikes the Amended Complaint and	Order		02/19/2019-13:59	02/19/2019-13:59	
Scrg Foundation	NEF(02-13-2019 03:02:36 PM) Order/Order Cover Sheet \$25....	Filing		02/19/2019-09:21	02/19/2019-09:21	
Denny, Tony	NEF(02-15-2019 02:34:58 PM) Notice/Notice of Appearance	Filing		02/15/2019-14:52	02/19/2019-14:52	
Denny, Tony	Motion/Dismiss	Motion		02/15/2019-14:34	02/19/2019-14:34	
Denny, Tony	Answer Of Tonny Denny	Filing		02/15/2019-14:34	02/19/2019-14:34	
Denny, Tony	Notice/Notice of Appearance	Filing		02/15/2019-14:34	02/19/2019-14:34	
Cato Institute	Order/Order Cover Sheet \$25.00	Filing		02/13/2019-15:02	02/19/2019-15:02	
Scrg Foundation	NEF(02-13-2019 12:20:49 PM) Proposed Order/Dismissal	Filing		02/13/2019-12:27	02/19/2019-12:27	
Cato Institute	Order/Order Cover Sheet \$25.00	Filing		02/13/2019-12:20	02/19/2019-12:20	
Palmetto Family Council	NEF(02-11-2019 05:19:33 PM) Memo/Memo in Support	Filing		02/12/2019-08:39	02/19/2019-08:39	
Palmetto Family Council	Memo/Memo in Support	Filing		02/11/2019-17:19	02/19/2019-17:19	
Palmetto Family Council	NEF(02-11-2019 05:18:45 PM) Notice/Notice of Appearance	Filing		02/11/2019-17:19	02/19/2019-17:19	
Palmetto Family Council	Notice/Notice of Appearance	Filing		02/11/2019-17:18	02/19/2019-17:18	
First Tuesday Strategies LLC	NEF(02-11-2019 03:45:01 PM) Notice/Notice of Appearance	Filing		02/11/2019-16:25	02/19/2019-16:25	
First Tuesday Strategies LLC	Memo/Memo in Support	Filing		02/11/2019-15:45	02/19/2019-15:45	 
First Tuesday Strategies LLC	Notice/Notice of Appearance	Filing		02/11/2019-15:45	02/19/2019-15:45	
Page, Randy	NEF(02-11-2019 12:03:06 PM) Memo/Memo in Support	Filing		02/11/2019-12:26	02/19/2019-12:26	
Page, Randy	Memo/Memo in Support	Filing		02/11/2019-12:03	02/19/2019-12:03	
Sc Educational Credit For Exceptional Needs Children Fund	NEF(02-10-2019 03:54:57 PM) Memo/Memo in Support	Filing		02/11/2019-09:14	02/19/2019-09:14	
Sc Educational Credit For Exceptional Needs Children Fund	Memo/Memo in Support	Filing		02/10/2019-15:54	02/19/2019-15:54	
Institute Of Managment Consultants Usa	NEF(02-08-2019 03:25:47 PM) Memo/Memo in Support	Filing		02/08/2019-15:57	02/19/2019-15:57	
Institute Of Managment Consultants Usa	Memo/Memo in Support	Filing		02/08/2019-15:25	02/19/2019-15:25	
Kirkland, Stephen D	NEF(02-07-2019 05:06:08 PM) Service/Certificate Of Servi...	Filing		02/08/2019-08:38	02/19/2019-08:38	
Kirkland, Stephen D	Service/Certificate Of Service	Filing		02/07/2019-17:06	02/19/2019-17:06	
Scrg Foundation	NEF(02-06-2019 05:24:46 PM) Memo/Memo in Support	Filing		02/07/2019-09:09	02/19/2019-09:09	
Kirkland, Stephen D	NEF(02-06-2019 05:07:26 PM) Memo/Memo in Support	Filing		02/07/2019-08:49	02/19/2019-08:49	
Rich, Howard S	NEF(02-06-2019 05:05:54 PM) Memo/Memo in Support	Filing		02/07/2019-08:42	02/19/2019-08:42	
Scrg Foundation	Memo/Memo in Support	Filing		02/06/2019-17:24	02/19/2019-17:24	
Kirkland,	Memo/Memo in Support	Filing		02/06/2019-	02/19/2019-	

Stephen D				17:07	17:07	
Rich, Howard S	Memo/Memo in Support	Filing		02/06/2019-17:05	02/19/2019-17:05	
Sc Education Oversight Committee	NEF(02-06-2019 03:51:21 PM) Memo/Memo in Support	Filing		02/06/2019-16:26	02/19/2019-16:26	
Sc Education Oversight Committee	Memo/Memo in Support	Filing		02/06/2019-15:51	02/19/2019-15:51	 
Sc Education Oversight Committee	Service/Certificate Of Service	Filing		02/06/2019-15:51	02/19/2019-15:51	
Reames, Rick	NEF(02-01-2019 06:50:05 PM) Motion/Protection from Disco...	Filing		02/04/2019-08:40	02/19/2019-08:40	
South Carolina Department Of Revenue	Motion/Protection from Discovery	Motion		02/01/2019-18:50	02/19/2019-18:50	
Reames, Rick	Certificate Of Service	Filing		02/01/2019-18:50	02/19/2019-18:50	
South Carolina Department Of Revenue	NEF(02-01-2019 03:30:44 PM) Notice/Notice of Appearance	Filing		02/01/2019-15:31	02/19/2019-15:31	
South Carolina Department Of Revenue	Notice/Notice of Appearance	Filing		02/01/2019-15:30	02/19/2019-15:30	
Friedman Foundation For Educational Choice Inc	NEF(01-30-2019 06:02:53 PM) Certificate/Certificate	Filing		01/31/2019-08:50	02/19/2019-08:50	
Friedman Foundation For Educational Choice Inc	Certificate/Certificate	Filing		01/30/2019-18:02	02/19/2019-18:02	
Demint, Jim	NEF(01-30-2019 03:53:01 PM) Order/Consent Order	Filing		01/30/2019-15:53	02/19/2019-15:53	
Demint, Jim	Consent Order Relieving Bettis C. Rainsford, Jr. as Counsel	Order		01/30/2019-15:53	02/19/2019-15:53	
Friedman Foundation For Educational Choice Inc	NEF(01-29-2019 02:44:00 PM) Motion/Dismiss	Filing		01/29/2019-15:15	02/19/2019-15:15	
Friedman Foundation For Educational Choice Inc	Motion/Dismiss	Motion		01/29/2019-14:44	02/19/2019-14:44	  
Richard Quinn And Associates	NEF(01-29-2019 01:08:35 PM) Answer/Answer To Amended Com...	Filing		01/29/2019-14:10	02/19/2019-14:10	
Richard Quinn And Associates	Motion/Dismiss	Motion		01/29/2019-13:08	02/19/2019-13:08	
Richard Quinn And Associates	Answer Of First Impressions, Inc d/b/a To Amended Complaint	Filing		01/29/2019-13:08	02/19/2019-13:08	
Richard Quinn And Associates	Service/Certificate Of Service	Filing		01/29/2019-13:08	02/19/2019-13:08	
Davis, Jefferson Jr	NEF(01-28-2019 04:10:02 PM) ADR/Notice of ADR	Filing		01/28/2019-16:10	02/19/2019-16:10	
Institute Of Managment Consultants Usa	NEF(01-28-2019 02:28:17 PM) Motion/Stay	Filing		01/28/2019-14:50	02/19/2019-14:50	
Institute Of Managment Consultants Usa	Motion/Stay	Motion		01/28/2019-14:28	02/19/2019-14:28	
Sc Department Of Labor Licensing And Regulation	NEF(01-28-2019 09:22:36 AM) Service/Certificate Of Servi...	Filing		01/28/2019-09:29	02/19/2019-09:29	
Cubitt, Doris	Service/Certificate Of Service	Filing		01/28/2019-09:22	02/19/2019-09:22	

Sc Department Of Labor Licensing And Regulation	Service/Certificate Of Service	Filing		01/28/2019-09:22	02/19/2019-09:22	
Sc Department Of Labor Licensing And Regulation	Service/Certificate Of Service	Filing		01/28/2019-09:22	02/19/2019-09:22	
Demint, Jim	NEF(01-25-2019 04:06:06 PM) Motion/Withdraw	Filing		01/25/2019-16:28	02/19/2019-16:28	
Demint, Jim	NEF(01-25-2019 03:57:45 PM) Motion/Alter and/or Amend	Filing		01/25/2019-16:19	02/19/2019-16:19	
Sc Department Of Labor Licensing And Regulation	NEF(01-25-2019 03:41:51 PM) Motion/Protection from Disco...	Filing		01/25/2019-16:11	02/19/2019-16:11	
Sc Department Of Labor Licensing And Regulation	NEF(01-25-2019 03:37:47 PM) Motion/Dismiss	Filing		01/25/2019-16:09	02/19/2019-16:09	
Cubitt, Doris	NEF(01-25-2019 03:35:34 PM) Motion/Dismiss	Filing		01/25/2019-16:06	02/19/2019-16:06	
Palmetto Promise Institute	Motion/Withdraw	Motion		01/25/2019-16:06	01/25/2019-16:06	
Palmetto Promise Institute	Motion/Alter and/or Amend	Motion		01/25/2019-15:57	02/19/2019-15:57	  
Sc Educational Credit For Exceptional Needs Children Fund	NEF(01-25-2019 03:49:12 PM) Notice/Notice of Appearance	Filing		01/25/2019-15:50	02/19/2019-15:50	
Sc Educational Credit For Exceptional Needs Children Fund	Notice/Notice of Appearance	Filing		01/25/2019-15:49	02/19/2019-15:49	
Sc Department Of Labor Licensing And Regulation	Motion/Protection from Discovery	Motion		01/25/2019-15:41	02/19/2019-15:41	  
Sc Department Of Labor Licensing And Regulation	Motion/Dismiss	Motion		01/25/2019-15:37	02/19/2019-15:37	
Cubitt, Doris	Motion/Dismiss	Motion		01/25/2019-15:35	02/19/2019-15:35	
Nutter, Jennifer Foulk	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
DuRant, Ross Conard	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Jordan, William Hammond	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
McCulloch, Joseph M. Jr.	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Cannon, Kelley S.	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Davidson, William H. II	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Carter, Joseph Kenneth Jr.	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Rainsford, Bettis Cantelou Jr.	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Elliott, Christopher S.	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
MacKelcan, Douglas Walker III	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	

Farley, William Joseph III	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Wren, Michael Brian	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Mustian, Benjamin Parker	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Daniels, Christopher J.	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Barrow, Mark Steven	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Driggers, Martin S. Jr.	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Driggers, Martin S. Jr.	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Barrow, Mark Steven	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Coleman, Miles Edward	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Chambers, Geoffrey Kelly	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Davis, Jefferson Jr	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/25/2019-10:56	02/19/2019-10:56	
Davis, Jefferson Jr	NEF(01-25-2019 10:50:45 AM) Order/Form 4	Filing		01/25/2019-10:51	02/19/2019-10:51	
Davis, Jefferson Jr	Form 4 Order CONTINUED	Order		01/25/2019-10:50	02/19/2019-10:50	
Demint, Jim	NEF(01-18-2019 10:48:33 AM) Order/Order Cover Sheet \$25....	Filing		01/18/2019-14:53	02/19/2019-14:53	
Palmetto Promise Institute	Order/Order Cover Sheet \$25.00	Filing		01/18/2019-10:48	02/19/2019-10:48	
Palmetto Promise Institute	NEF(01-17-2019 03:20:18 PM) Notice/Notice of Appearance	Filing		01/17/2019-15:20	02/19/2019-15:20	
Palmetto Promise Institute	Notice/Notice of Appearance	Filing		01/17/2019-15:20	02/19/2019-15:20	
Palmetto Promise Institute	NEF(01-17-2019 03:17:47 PM) Notice/Notice of Appearance	Filing		01/17/2019-15:18	02/19/2019-15:18	
Palmetto Promise Institute	Notice/Notice of Appearance	Filing		01/17/2019-15:17	02/19/2019-15:17	
South Carolinians For Responsible Government	NEF(01-17-2019 02:18:48 PM) Notice/Notice of Appearance	Filing		01/17/2019-14:44	02/19/2019-14:44	
South Carolinians For Responsible Government	Notice/Notice of Appearance	Filing		01/17/2019-14:18	02/19/2019-14:18	
South Carolinians For Responsible Government	Motion/Dismiss	Motion		01/17/2019-14:18	02/19/2019-14:18	
Cato Institute	NEF(01-15-2019 09:00:32 PM) Notice/Notice of Appearance	Filing		01/16/2019-08:58	02/19/2019-08:58	
Cato Institute	Notice/Notice of Appearance	Filing		01/15/2019-21:00	02/19/2019-21:00	
Cato Institute	Motion/Dismiss	Motion		01/15/2019-21:00	02/19/2019-21:00	
Cease, Phillip	NEF(01-15-2019 11:12:31 AM) Motion/Dismiss	Filing		01/15/2019-11:41	02/19/2019-11:41	
Cease, Phillip	Motion/Dismiss	Motion		01/15/2019-11:12	02/19/2019-11:12	
Barrow, Mark Steven	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/15/2019-10:54	02/19/2019-10:54	

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Davis, Jefferson Jr	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/15/2019-10:54	02/19/2019-10:54	
Davis, Jefferson Jr	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/15/2019-10:54	02/19/2019-10:54	
Rainsford, Bettis Cantelou Jr.	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/15/2019-10:54	02/19/2019-10:54	
Rainsford, Bettis Cantelou Jr.	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/15/2019-10:54	02/19/2019-10:54	
Rainsford, Bettis Cantelou Jr.	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/15/2019-10:54	02/19/2019-10:54	
Rainsford, Bettis Cantelou Jr.	2/12/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		01/15/2019-10:54	02/19/2019-10:54	
Institute Of Managment Consultants Usa	NEF(01-11-2019 09:03:19 AM) Answer/Answer To Amended Com...	Filing		01/11/2019-09:59	02/19/2019-09:59	
Institute Of Managment Consultants Usa	NEF(01-11-2019 09:00:44 AM) Motion/Dismiss	Filing		01/11/2019-09:45	02/19/2019-09:45	
Institute Of Managment Consultants Usa	Answer Of Insitute Of Managment Consultants USA To Amended	Filing		01/11/2019-09:03	02/19/2019-09:03	
Institute Of Managment Consultants Usa	Motion/Dismiss	Motion		01/11/2019-09:00	02/19/2019-09:00	
Institute Of Managment Consultants Usa	NEF(01-11-2019 08:58:34 AM) Notice/Notice of Appearance	Filing		01/11/2019-08:58	02/19/2019-08:58	
Institute Of Managment Consultants Usa	Notice/Notice of Appearance	Filing		01/11/2019-08:58	02/19/2019-08:58	
Cease, Phillip	NEF(01-10-2019 01:37:31 PM) Notice/Notice of Appearance	Filing		01/10/2019-13:37	02/19/2019-13:37	
Cease, Phillip	Notice/Notice of Appearance	Filing		01/10/2019-13:37	02/19/2019-13:37	
First Tuesday Strategies Llc	NEF(01-07-2019 04:30:06 PM) Answer/Answer	Filing		01/07/2019-16:53	02/19/2019-16:53	
First Tuesday Strategies Llc	NEF(01-07-2019 04:22:57 PM) Motion/Dismiss	Filing		01/07/2019-16:32	02/19/2019-16:32	
First Tuesday Strategies Llc	Answer Of First Tuesday Strategies LLC	Filing		01/07/2019-16:30	02/19/2019-16:30	
First Tuesday Strategies Llc	Motion/Dismiss	Motion		01/07/2019-16:22	02/19/2019-16:22	
First Tuesday Strategies Llc	NEF(01-07-2019 04:18:54 PM) Notice/Notice of Appearance	Filing		01/07/2019-16:19	02/19/2019-16:19	
First Tuesday Strategies Llc	Notice/Notice of Appearance	Filing		01/07/2019-16:18	02/19/2019-16:18	
Sc Department Of Labor Licensing And Regulation	NEF(01-03-2019 04:35:27 PM) Answer/Answer To Amended Com...	Filing		01/03/2019-16:55	02/19/2019-16:55	
Sc Department Of Labor Licensing And Regulation	Answer of Sc Department Of Labor Licensing And Regulation An	Filing		01/03/2019-16:35	02/19/2019-16:35	
Sc Department Of Labor Licensing And Regulation	NEF(01-03-2019 04:33:26 PM) Notice/Notice of Appearance	Filing		01/03/2019-16:33	02/19/2019-16:33	
Sc Department Of Labor	Notice/Notice of Appearance	Filing		01/03/2019-16:33	02/19/2019-16:33	

Licensing And Regulation						
Reames, Rick	NEF(01-03-2019 01:40:09 PM) Notice/Notice of Appearance	Filing		01/03/2019-13:40	02/19/2019-13:40	
Reames, Rick	Notice/Notice of Appearance	Filing		01/03/2019-13:40	02/19/2019-13:40	
Davis, Jefferson Jr	Affidavit Of Service/Attorney General	Filing		01/03/2019-09:40	02/19/2019-09:40	
First Impressions Inc	NEF(01-02-2019 03:44:16 PM) Notice/Notice of Appearance	Filing		01/02/2019-15:44	02/19/2019-15:44	
First Impressions Inc	Notice/Notice of Appearance	Filing		01/02/2019-15:44	02/19/2019-15:44	
Kirkland, Stephen D	NEF(12-31-2018 12:56:37 PM) Certificate/Certificate	Filing		12/31/2018-13:01	02/19/2019-13:01	
Kirkland, Stephen D	Certificate/Certificate	Filing		12/31/2018-12:56	02/19/2019-12:56	
Sc Education Oversight Committee	NEF(12-28-2018 11:13:17 AM) Motion/Dismiss	Filing		12/28/2018-15:27	02/19/2019-15:27	
Sc Education Oversight Committee	Certificate of Service	Filing		12/28/2018-11:13	02/19/2019-11:13	
Sc Education Oversight Committee	Motion to Dismiss	Motion		12/28/2018-11:13	02/19/2019-11:13	
Davis, Jefferson Jr	Proof Of Servicr/Phillip Cease	Filing		12/28/2018-08:40	02/19/2019-08:40	
Scrg Foundation	NEF(12-26-2018 04:08:00 PM) Motion/Other	Filing		12/27/2018-11:32	02/19/2019-11:32	
Friedman Foundation For Educational Choice Inc	NEF(12-27-2018 11:31:20 AM) Notice/Notice of Appearance	Filing		12/27/2018-11:31	02/19/2019-11:31	
Friedman Foundation For Educational Choice Inc	Notice/Notice of Appearance	Filing		12/27/2018-11:31	02/19/2019-11:31	
Scrg Foundation	NEF(12-26-2018 03:59:49 PM) Motion/Dismiss	Filing		12/27/2018-11:29	02/19/2019-11:29	
Palmetto Family Council	NEF(12-26-2018 03:10:08 PM) Notice/Notice of Appearance	Filing		12/27/2018-11:09	02/19/2019-11:09	
Page, Randy	NEF(12-21-2018 10:28:33 PM) Motion/Dismiss	Filing		12/27/2018-10:12	02/19/2019-10:12	
Palmetto Family Council	NEF(12-21-2018 05:18:44 PM) Notice/Notice of Appearance	Filing		12/27/2018-10:02	02/19/2019-10:02	
Kirkland, Stephen D	NEF(12-21-2018 03:59:41 PM) Motion/Dismiss	Filing		12/27/2018-09:52	02/19/2019-09:52	
Scrg Foundation	Motion to Forego Serving Pleadings on Numeroud Codefendants	Motion		12/26/2018-16:08	02/19/2019-16:08	
Scrg Foundation	Motion/Dismiss	Motion		12/26/2018-15:59	02/19/2019-15:59	
Scrg Foundation	NEF(12-26-2018 03:49:51 PM) Notice/Notice of Appearance	Filing		12/26/2018-15:50	02/19/2019-15:50	
Scrg Foundation	Notice/Notice of Appearance	Filing		12/26/2018-15:49	02/19/2019-15:49	
Palmetto Family Council	Notice/Notice of Appearance	Filing		12/26/2018-15:10	02/19/2019-15:10	
Palmetto Family Council	Motion/Dismiss	Motion		12/26/2018-15:10	02/19/2019-15:10	
Page, Randy	Motion to Dismiss	Motion		12/21/2018-22:28	02/19/2019-22:28	
Page, Randy	NEF(12-21-2018 10:05:28 PM) Notice/Notice of Appearance	Filing		12/21/2018-22:05	02/19/2019-22:05	
Page, Randy	Notice/Notice of Appearance	Filing		12/21/2018-22:05	02/19/2019-22:05	
Palmetto	Notice/Notice of Appearance	Filing		12/21/2018-	02/19/2019-	

Family Council				17:18	17:18	
Palmetto Family Council	Answer To Amended Complaint	Filing		12/21/2018-17:18	02/19/2019-17:18	
Kirkland, Stephen D	Affidavit of Stephen D Kirkland	Filing		12/21/2018-15:59	02/19/2019-15:59	
Kirkland, Stephen D	Motion to Dismiss	Motion		12/21/2018-15:59	02/19/2019-15:59	
Kirkland, Stephen D	NEF(12-21-2018 03:54:42 PM) Notice/Notice of Appearance	Filing		12/21/2018-15:55	02/19/2019-15:55	
Kirkland, Stephen D	Notice/Notice of Appearance	Filing		12/21/2018-15:54	02/19/2019-15:54	
Kirkland, Stephen D	NEF(12-21-2018 03:52:56 PM) Notice/Notice of Appearance	Filing		12/21/2018-15:53	02/19/2019-15:53	
Kirkland, Stephen D	Notice/Notice of Appearance	Filing		12/21/2018-15:52	02/19/2019-15:52	
Reames, Rick	NEF(12-21-2018 11:47:28 AM) Motion/Dismiss	Filing		12/21/2018-13:11	02/19/2019-13:11	
Reames, Rick	NEF(12-21-2018 12:48:50 PM) Service/Certificate Of Servi...	Filing		12/21/2018-12:59	02/19/2019-12:59	
Reames, Rick	Service/Certificate Of Service	Filing		12/21/2018-12:48	02/19/2019-12:48	
South Carolina Department Of Revenue	Motion/Dismiss	Motion		12/21/2018-11:47	02/19/2019-11:47	
Reames, Rick	NEF(12-21-2018 11:43:58 AM) Notice/Notice of Appearance	Filing		12/21/2018-11:44	02/19/2019-11:44	
Reames, Rick	Notice/Notice of Appearance	Filing		12/21/2018-11:43	02/19/2019-11:43	
Davis, Jefferson Jr	Affidavit Of Service/Doris ECubitt	Filing		12/20/2018-10:15	02/19/2019-10:15	
Weaver, Ellen	NEF(12-19-2018 12:53:37 PM) Answer/Answer To Amended Com...	Filing		12/19/2018-14:06	02/19/2019-14:06	
Weaver, Ellen	Answer To Amended Complaint	Filing		12/19/2018-12:53	02/19/2019-12:53	
Barton, Melanie	NEF(12-18-2018 11:04:50 AM) Notice/Notice of Appearance	Filing		12/18/2018-12:06	02/19/2019-12:06	
Barton, Melanie	Notice/Notice of Appearance	Filing		12/18/2018-11:04	02/19/2019-11:04	
Barton, Melanie	Service/Acceptance on Education Oversight Comm & M Barton	Filing		12/18/2018-11:04	02/19/2019-11:04	
Sc Educational Credit For Exceptional Needs Children Fund	NEF(12-14-2018 02:22:43 AM) Motion/Protection from Disco...	Filing		12/14/2018-09:41	02/19/2019-09:41	
Sc Educational Credit For Exceptional Needs Children Fund	NEF(12-14-2018 02:18:14 AM) Motion/Dismiss	Filing		12/14/2018-09:41	02/19/2019-09:41	
Sc Educational Credit For Exceptional Needs Children Fund	Motion/Protection from Discovery	Motion		12/14/2018-02:22	02/19/2019-02:22	
Sc Educational Credit For Exceptional Needs Children Fund	Motion to Dismiss	Motion		12/14/2018-02:18	02/19/2019-02:18	
Sc Educational Credit For Exceptional Needs Children Fund	NEF(12-14-2018 12:49:18 AM) Notice/Notice of Appearance	Filing		12/14/2018-00:49	02/19/2019-00:49	
Sc Educational Credit For Exceptional	Notice/Notice of Appearance	Filing		12/14/2018-00:49	02/19/2019-00:49	

Needs Children Fund						
Davis, Jefferson Jr	Proof Of Service/Rick Reames	Filing		12/10/2018-14:05	02/19/2019-14:05	
Davis, Jefferson Jr	Proof Of Service/SC Educational Credit for Exceptional Needs	Filing		12/10/2018-14:03	02/19/2019-14:03	
Davis, Jefferson Jr	Proof Of Service/SC Education Oversight Committee	Filing		12/10/2018-14:02	02/19/2019-14:02	
Rainsford, Bettis Cantelou Jr.	1/10/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		12/07/2018-14:36	02/19/2019-14:36	
Davis, Jefferson Jr	1/10/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		12/07/2018-14:36	02/19/2019-14:36	
Davis, Jefferson Jr	Proof Of Service/EdChoice Inc dba Friedman Foundation for Ed	Filing		12/06/2018-09:58	02/19/2019-09:58	
Davis, Jefferson Jr	Proof Of Service/SC Dept of Revenue	Filing		12/06/2018-09:57	02/19/2019-09:57	
Davis, Jefferson Jr	Proof Of Service/First Impressions dba Richard Quinn	Filing		12/06/2018-09:57	02/19/2019-09:57	
Davis, Jefferson Jr	Acceptance Of Service	Filing		12/06/2018-09:55	02/19/2019-09:55	
Davis, Jefferson Jr	Proof Of Service/Stephen D Kirkland	Filing		12/03/2018-16:44	02/19/2019-16:44	
Davis, Jefferson Jr	Proof Of Service/SCRG Foundation	Filing		12/03/2018-13:50	02/19/2019-13:50	
Davis, Jefferson Jr	ADR/Alternative Dispute Resolution (Workflow)	Action		11/29/2018-13:52	04/28/2019-13:52	
Davis, Jefferson Jr	Amended Summons And Complaint	Filing		11/19/2018-15:16	02/19/2019-15:16	
Davis, Jefferson Jr	NEF(10-30-2018 02:01:49 PM) Order/Amend	Filing		10/30/2018-14:02	02/19/2019-14:02	
Davis, Jefferson Jr	Amended Order	Order		10/30/2018-14:01	02/19/2019-14:01	
Davis, Jefferson Jr	NEF(10-29-2018 11:38:32 AM) Order/Form 4	Filing		10/29/2018-11:38	02/19/2019-11:38	
Davis, Jefferson Jr	Order Defendants' Motion to Dismiss Granted in part and Deni	Order		10/29/2018-11:38	02/19/2019-11:38	
Weaver, Ellen	NEF(10-23-2018 03:35:54 PM) Motion/Protection from Disco...	Filing		10/23/2018-15:58	02/19/2019-15:58	
Weaver, Ellen	NEF(10-23-2018 03:16:38 PM) Motion/Quash	Filing		10/23/2018-15:54	02/19/2019-15:54	
Palmetto Promise Institute	Motion/Protection from Discovery	Motion		10/23/2018-15:35	02/19/2019-15:35	   
Palmetto Promise Institute	Motion/Quash	Motion		10/23/2018-15:16	05/07/2019-15:16	   
Davis, Jefferson Jr	Declaration of Jefferson Davis Jr	Filing		09/27/2018-15:31	02/19/2019-15:31	
Davis, Jefferson Jr	Response in Opposition to Motion to Dismiss	Filing		09/27/2018-15:30	02/19/2019-15:30	
Weaver, Ellen	NEF(09-26-2018 02:32:53 PM) Memo/Memo in Support	Filing		09/26/2018-14:45	02/19/2019-14:45	
Weaver, Ellen	Memo in Support of Defendants Motion to Dismiss	Filing		09/26/2018-14:32	02/19/2019-14:32	
Davis, Jefferson Jr	10/1/2018_MOTION_Roster/Notice of Motions Roster Publication	Action		09/11/2018-08:30	02/19/2019-08:30	
Rainsford, Bettis Cantelou Jr.	10/1/2018_MOTION_Roster/Notice of Motions Roster Publication	Action		09/11/2018-08:30	02/19/2019-08:30	
Davis, Jefferson Jr	Plaintiffs Notice of Related Matters	Filing		08/31/2018-14:56	02/19/2019-14:56	
Davis, Jefferson Jr	10/1/2018_MOTION_Roster/Notice of Motions Roster Publication	Action		08/30/2018-15:03	02/19/2019-15:03	
Rainsford, Bettis Cantelou Jr.	10/1/2018_MOTION_Roster/Notice of Motions Roster Publication	Action		08/30/2018-15:03	02/19/2019-15:03	
Davis,	Notice of Unavailability	Filing		08/27/2018-	02/19/2019-	

\$25				
Motion/Order Filing Fee \$25	MOTION	\$25.00		\$25.00
Motion/Order Filing Fee \$25	MOTION	\$25.00		\$25.00

Payments				
Payment Date	Receipt Number	Entered By	Transaction Type Code	Payment Amount
11/12/2020	282647	C40PGUNTER	WV	\$25.00
02/24/2020	272389	C40RMOORMA	PY	\$25.00
02/14/2020	271994	c40rmoorma	PY	\$25.00
01/09/2020	269953	C40PGUNTER	WV	\$25.00
01/07/2020	269737	C40ABORER	WV	\$25.00
12/03/2019	268187	C40RMOORMA	PY	\$25.00
11/13/2019	267185	C40RMOORMA	PY	\$25.00
11/01/2019	266595	C40RMOORMA	PY	\$25.00
10/25/2019	266168	C40RMOORMA	PY	\$25.00
10/25/2019	266220	C40BMETTS	PY	\$25.00
10/23/2019	266035	C40RMOORMA	PY	\$25.00
10/22/2019	266013	C40RMOORMA	PY	\$25.00
10/21/2019	265922	C40RMOORMA	PY	\$25.00
10/04/2019	265109	c40bmetts	PY	\$25.00
09/26/2019	264661	C40RMOORMA	PY	\$25.00
09/13/2019	264015	C40RMOORMA	PY	\$25.00
09/09/2019	263641	C40RMOORMA	PY	\$25.00
08/26/2019	262946	C40PGUNTER	PY	\$25.00
08/26/2019	262952	C40PGUNTER	PY	\$25.00
05/22/2019	257910	c40bmetts	PY	\$25.00
05/15/2019	257580	C40RMOORMA	PY	\$25.00
05/09/2019	257275	C40PGUNTER	PY	\$25.00
05/03/2019	256982	C40MSPIRES	PY	\$25.00
03/21/2019	254592	C40RMOORMA	PY	\$25.00
03/06/2019	253631	c40bmetts	PY	\$25.00
02/19/2019	252444	C40AHENLEY	WV	\$25.00
02/15/2019	252417	C40RMOORMA	PY	\$25.00
02/13/2019	252244	C40PGUNTER	PY	\$25.00
02/04/2019	251590	C40ABORER	PY	\$25.00
01/29/2019	251303	C40RMOORMA	PY	\$25.00
01/29/2019	251321	C40RMOORMA	PY	\$25.00
01/28/2019	251197	C40RMOORMA	PY	\$25.00
01/25/2019	251140	C40RMOORMA	PY	\$25.00
01/25/2019	251141	C40RMOORMA	PY	\$25.00
01/25/2019	251142	C40RMOORMA	PY	\$25.00
01/25/2019	251145	C40RMOORMA	PY	\$25.00
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01/18/2019	250637	C40AHENLEY	PY	\$25.00
01/17/2019	250567	C40RMOORMA	PY	\$25.00
01/16/2019	250448	C40RMOORMA	PY	\$25.00
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01/07/2019	249876	C40RMOORMA	PY	\$25.00
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12/27/2018	249407	C40ABORER	PY	\$25.00
12/27/2018	249422	C40ABORER	PY	\$25.00
12/27/2018	249425	C40ABORER	PY	\$25.00
12/27/2018	249426	C40ABORER	PY	\$25.00
12/21/2018	249347	C40ABORER	PY	\$25.00
12/14/2018	248965	C40ABORER	PY	\$25.00
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10/23/2018	246292	C40BMETTS	PY	\$25.00

10/23/2018	246294	C40BMETTS	PY	\$25.00
06/07/2018	239174	C40RMOORMA	PY	\$25.00
05/03/2018	237416	C40JMCMILL	PY	\$150.00

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Nov 02 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Hon. Alex Kinlaw, Jr., Circuit Court Judge

C.A. No.: 2019-CP-23-06576
Appellate Case No. 2020-001075

Jefferson Davis, Jr. Appellant,

v.

Nate Leupp, Facebook, Inc., & John Doe(s) 1-40, ...Respondent.

CERTIFICATE OF COUNSEL / APPELLANT

As required by Rule 210(g), SCACR, the undersigned certifies that the Record on Appeal contains all materials proposed to be included by any of the parties and not any other material.



Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, SC 29615
843-901-8036 (cell)
jeff@apogeetax.com

Appellant

November 1, 2021