

STATE OF SOUTH CAROLINA
IN THE
COURT OF APPEALS

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SC Court of Appeals

Appeal from the Court of Common Pleas
For Beaufort County
Honorable Carmen T. Mullen, Circuit Judge
Civil Action No.: 2007-CP-07-0995

L. Paul Trask, Jr., Individually, as a Citizen, Resident,
Taxpayer and Registered Elector of the State of South
Carolina; and on behalf of others similarly situated,

Appellant,

v.

South Carolina Department of Public Safety; Beaufort
County; Beaufort County Management Information
Systems; Beaufort County Coroner Curtis Copeland in
His Official Capacity; Beaufort County Sheriff P.J. Tanner
In His Official Capacity,

Respondents.

**RECORD ON APPEAL
VOLUME I**

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NPCHAR1:627885.1-APL-(SPG) 038981-00002

The South Carolina Court of Appeals

L. Paul Trask, Jr. Individually, as a
Citizen, Resident, Taxpayer and
Registered Elector of the State of South
Carolina, and on behalf of others
similarly situated,

Appellant,

v.

South Carolina Department of Public
Safety; Beaufort County; Beaufort
County management Information
Systems; Beaufort County Coroner
Curtis Copeland in his official capacity;
Beaufort County Sheriff P.J. Tanner in
his official capacity,

Respondents.

The Honorable Carmen Mullen
Beaufort County
Trial Court Case No. 2007-CP-07-00095

ORDER

Respondent South Carolina Department of Public Safety filed a motion to dismiss Appellant's appeal, arguing it was not served with the Notice of Appeal. Between the final hearing in this matter and the filing of the order, William Davidson, II, was substituted as counsel for the Department. Appellant argues he did not receive notice of the change in counsel.

After careful consideration, at this time we deny the motion. The Department shall raise this issue in its initial Respondent's brief and Appellant may reply in his reply brief.

AND IT IS SO ORDERED.

Jasper M. Carleton A.S.

Columbia, South Carolina

6/8/2010

cc: Stephen Peterson Groves, Sr, Esquire
Jason Franklin Ward, Esquire
William Davidson, II, Esquire

FILED
6/9/10 *YMA*

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
)
) CIVIL ACTION NO: 07-CP-07-995

L. PAUL TRASK, JR. Individually, as a
Citizen, Resident, Taxpayer and
Registered Elector of the State of
South Carolina, and on behalf of
others similarly situated,

Plaintiff,

vs.

SOUTH CAROLINA DEPARTMENT
OF PUBLIC SAFETY; BEAUFORT
COUNTY; BEAUFORT COUNTY
MANAGEMENT INFORMATION
SYSTEMS; BEAUFORT COUNTY
CORONER CURTIS COPELAND in
his official capacity; BEAUFORT
COUNTY SHERIFF P.J. TANNER in
his official capacity,

Defendants.

ORDER

BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

2009 OCT 13 PM 4: 26

This matter comes before me upon Plaintiff's Motion for Reconsideration to Amend Court's findings and to Alter or Amend the Court's Judgment. I respectfully decline to amend or alter this Court's grant of Summary Judgment for the Defendants for all of the reasons stated in this Court's prior Order.

THEREFORE,

Plaintiff's Motion seeking reconsideration of my Order, dated March 18, 2009, granting summary judgment for the defendants is respectfully denied.

Additionally, Plaintiff's Petition for a Rule to Show Cause, filed on December 17, 2008, is hereby denied *as it was inadvertently not ruled upon after a hearing.*

IT IS SO ORDERED.



Carmen T. Mullen
Judge, Fourteenth Circuit Court

Beaufort, South Carolina

October 13, 2009.

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
COUNTY OF BEAUFORT) CIVIL ACTION NO: 07-CP-07-995

L. PAUL TRASK, JR. Individually, as a)
Citizen, Resident, Taxpayer and)
Registered Elector of the State of)
South Carolina, and on behalf of)
others similarly situated,)

Plaintiff,)

vs.)

SOUTH CAROLINA DEPARTMENT)
OF PUBLIC SAFETY; BEAUFORT)
COUNTY; BEAUFORT COUNTY)
MANAGEMENT INFORMATION)
SYSTEMS; BEAUFORT COUNTY)
CORONER CURTIS COPELAND in)
his official capacity; BEAUFORT)
COUNTY SHERIFF P.J. TANNER in)
his official capacity,)

Defendants.)

ORDER GRANTING
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

This matter came before me on December 19, 2008 on motion by the Defendants for Summary Judgment. Present at the hearing for the Plaintiff was Thomas S. Tisdale, Jr. of Nexsen Pruet, and for the Defendants Robert W. Achurch, III and Jason F. Ward, of Howell, Gibson and Hughes, P.A. Having fully considered the arguments of counsel, and having reviewed the parties' respective memoranda of law and supplements thereto, I hereby GRANT Defendants' Motion for Summary Judgment.

The Plaintiff filed his Complaint in the Court of Common Pleas on April 17, 2007, alleging that the various Defendants, at various times, violated S.C. Code

Ann. §30-4-10, also known as the "Freedom of Information Act" (hereinafter referred to as "FOIA"). The following are the dates and content of the requests as alleged in the Complaint:

SC Dept of Public Safety	2/23/06	Plaintiff requested a copy of all records related to the accident and the subsequent investigation. COMPLAINT P. 15
SC Dept of Public Safety	2/27/06	Plaintiff requested all records, excluding photographs pertaining to the accident. COMPLAINT P. 16
SC Dept of Public Safety	5/18/06	Plaintiff requested copies of field notes and the Coroner's toxicology report related to the accident. COMPLAINT P. 18
SC Dept of Public Safety	12/12/06	Plaintiff requested copies of email communications between several of the investigating SCHP troopers, BCSO Captain Robert Bromage and Coroner Copeland. COMPLAINT P.19
Beaufort County Coroner Curt Copeland	12/15/05	Plaintiff requested an inquest into the death of Plaintiff's son. Plaintiff also requested the SCHP Multidisciplinary Accident Investigation Team (MAIT) to conduct official investigation into the facts and circumstances of the accident. COMPLAINT P.27
Beaufort County Coroner Curt Copeland	2/21/06	Plaintiff requested that the Coroner's office preserve all records, including audio recordings and email correspondence related to the accident. COMPLAINT P.28
Beaufort County Coroner Curt Copeland	3/20/06	Plaintiff requested copies of the Coroner's report, Bromage's inquest investigation field notes and reports as well as reports from MAIT investigation. COMPLAINT P.29
Beaufort County Coroner Curt Copeland	4/14/06	Plaintiff requested Copeland's handwritten notes taken at the scene of the accident and his interview report with Fripp Island Security Guard, James Irby. COMPLAINT P.31
Beaufort County Coroner Curt Copeland	6/22/06	Plaintiff requested cell phone records for 11/05 through 5/06 and email communications from 11/22/05 through 6/22/06. COMPLAINT P.33
Beaufort County Coroner Curt Copeland	7/20/06	Plaintiff requested a list of all Deputy Coroners. COMPLAINT P.34
Beaufort County Coroner Curt Copeland	12/11/06	Plaintiff requested email correspondence on BCC hard drives pertaining to the accident. COMPLAINT P.35

Beaufort County Coroner Curt Copeland	2/25/07	Plaintiff requested copies of reports of all toxicology examinations taken by the Coroner's office from 6/1/05 through 12/31/06. COMPLAINT P.36
Beaufort County Coroner Curt Copeland	2/25/07	Plaintiff requested radio call log from the night of the accident. COMPLAINT P.37
Beaufort County Management Information Systems	12/12/06	Plaintiff requested a copy of the Beaufort County records retention schedule for all email correspondence. COMPLAINT P.42
Beaufort County Sheriff P.J. Tanner	12/13/06	Plaintiff requested email records of Bromage pertaining to the investigation of the accident. COMPLAINT P.49
Beaufort County Sheriff P.J. Tanner	1/11/07	Requested a response in writing which records could not be produced. COMPLAINT P.51
Beaufort County Sheriff P.J. Tanner	2/3/07	Plaintiff requested copy of Sheriff's authorization which allowed Capt. Bromage to use his personal email account for the conduct of official county business. COMPLAINT P.52
Beaufort County	12/14/05	Plaintiff requested information related to Beaufort County E911 audio and computer records, reports, photos and investigation records pertaining to the accident. Plaintiff also requested the records for all personnel who responded to the Sheriff's Office, EMS, Fire Department, Coroner's Office and Highway Patrol. COMPLAINT P.59
Beaufort County	1/23/06	Plaintiff requested the computer voice stamp be added to the Sheriff's Office and EMS discs. COMPLAINT P.62
Beaufort County	2/2/07	Plaintiff requested copies of the written operational procedures for Beaufort County 911 system, the records inventory forms and all other documents used to prepare records retention schedules for every type of public record created by the operation and use of the Beaufort County 911 system. COMPLAINT P.64

I. ALLEGED FOIA VIOLATIONS THAT ARE TIME BARRED BY STATUTE OF LIMITATIONS OF S.C. CODE ANN. §30-4-100

The Plaintiff has alleged numerous allegations relating to FOIA requests to these Defendants ranging in time from December 2005 to February 2007. S.C.

Code Ann. § 30-4-100 S.C. Code Ann. §30-4-100, entitled "Injunctive relief; costs and attorney's fees", provides the following:

(a) Any citizen of the State may apply to the circuit court for either or both a declaratory judgment and injunctive relief to enforce the provisions of this chapter in appropriate cases **as long as such application is made no later than one year following the date on which the alleged violation occurs** or one year after a public vote in public session, whichever comes later. The court may order equitable relief as it considers appropriate, and **a violation of this chapter must be considered to be an irreparable injury for which no adequate remedy at law exists.**

(b) If a person or entity seeking such relief prevails, he or it may be awarded reasonable attorney fees and other costs of litigation. If such person or entity prevails in part, the court may in its discretion award him or it reasonable attorney fees or an appropriate portion thereof.

The Plaintiff's Complaint in this matter was filed on or about April 17, 2007. The alleged FOIA violations contained in paragraphs 15, 16, 17, 27, 28, 29, 59, and 62 of the Plaintiff's Complaint all predate the Complaint by more than one year. Thus, I find that the alleged FOIA violations contained in the above mentioned are time barred by the provisions of S.C.Code Ann. §30-4-100 and are hereby dismissed with prejudice.

II. ALLEGED FOIA VIOLATIONS THAT ARE MOOT PER SLOAN.

The Plaintiff has asserted violations of the FOIA relating to the production of documents contained at Paragraphs 18, 19, 31, 32, 33, 35, 36, 37, 42, 49, 52, 59, and 64 of the Complaint. Based on my review of the Defendants' memorandum and supplement to their memorandum of law along with representations made by counsel, I find that the Defendants have produced the subject documents requested in the above paragraphs to the extent they are in

the Defendant's possession. In addition, I also find that while some of the FOIA requests were time barred, the Defendants nevertheless produced the documents. Our Supreme Court held in *Sloan v. Friends of Hunley, Inc.*, 369 S.C. 20, 630 S.E.2d 474 (2006) that [w]here the public records that were requested have been produced [to the requesting party], any claims for alleged prior violations under the FOIA are considered to be moot." Therefore, because I find that the documents requested in paragraphs, 18, 19, 31, 32, 33, 35, 36, 37, 42, 49, 52, 59, and 64 have been produced to the extent they are in the Defendant's possession, I find that the allegations contained in the above referenced Paragraphs are moot.

To the extent the Plaintiff has raised the issue, I find that the Defendants properly redacted public records in accordance with the applicable exemptions in the FOIA statute as well as other statutory exemptions. Some requested records (such as, but not limited to, the 911 CAD printouts and records of paragraph 59) are not considered public information under the Freedom of Information Act (See, e.g. S.C. Code Ann. §23-47-10 et seq), and are thus not subject to disclosure. In addition, many of these requested documents fall under the clear exemptions contained in the FOIA. Nevertheless, the Defendants redacted sensitive information and have produced such documents. Consequently, I find the Defendants have complied with the FOIA.

III. ALLEGED FOIA VIOLATIONS THAT ARE NOT REQUESTS FOR "PUBLIC RECORDS" AS DEFINED BY THE ACT.

With reference to the allegations contained at Paragraphs 34, 51, and 62 of the Complaint, the Defendants' maintain that production of these items are not

required under the FOIA as these are not requests for "public records" as defined by the FOIA. S.C.Code Ann. §30-4-20(c) requires a public body to produce to an FOIA requester a "public record" that is "prepared, owned, used, in the possession of, or retained" by that particular public body. The Plaintiff requested that the Defendants generate a list of deputy coroners (paragraph 34), requested for specification of public records which cannot be produced (paragraph 51), and requested the addition of computer voice time stamp be added to an audio recording which had previously been provided to the Plaintiffs (paragraph 62). I find that these requests are not "public records" in accordance with the FOIA. Consequently, no liability for these requests can arise, and these allegations are dismissed with prejudice.

IV. Implied Violations and Duties under the FOIA Asserted by the Plaintiff

The Plaintiff argues that in addition to the causes of action specifically set forth under the FOIA, there are other violations of the FOIA implied within the act. First, the Plaintiff has asserted there is a duty to restore or recover public records, including emails which have been "double deleted." Contrary to the Plaintiff's allegations, I find that there is no duty to "restore" public records as defined by the plain language of the FOIA. The plaintiff failed to point to any applicable case law or statute providing for such a duty under the FOIA, and the plain language of the FOIA statute does not mention a duty to restore public records. The Freedom of Information Act expressly sets forth what constitutes a

violation of the Act, and this court will not expand upon those specific mandates as drafted by the Legislature.

Similarly, the Plaintiff also argues that the Defendants are liable for the failure to produce public records over which the Defendants no longer exercise control or custody or possess. Again, the Plaintiff has provided and this Court can find no authority to support this proposition. Moreover, in *Kissinger v. Reporters Committee for the Freedom of The Press*, 445 U.S. 136, 100 S.Ct. 960, (1980) the United States Supreme Court found no violation of the FOIA where an agency that had been requested to produce the Nixon tapes did not produce them because it no longer exercised custody or possession of these tapes (as they had been transferred to the Department of Archives). I find that the Defendants in this case do not have a duty to produce those records which they no longer possess or exercise control or custody over.

The Plaintiff also argues that the Defendants owe a duty under the FOIA to "establish and develop standards, procedures, techniques and schedules designed to protect and preserve the public records." [See, e.g., Complaint P. 65]. While public policy would support this contention, the plain language of the FOIA does not require it as such. Again, this court will not read into the FOIA violations not specifically set forth therein. Consequently, I find that any alleged "violations" of the FOIA arising out of these alleged failures by the Defendants in the Complaint are hereby dismissed with prejudice.

V. Reasonableness of Beaufort County Sheriff's Office Fees for Copying

The Plaintiff has asserted that the Beaufort County Sheriff's office charged the Plaintiff an amount for copies in excess of that amount provided pursuant to the FOIA." [Complaint, P. 53] S.C.Code Ann. §30-4-30 provides in relevant part that a public body,

"may establish and collect fees not to exceed the actual cost of searching for or making copies of records. Fees charged by a public body must be uniform for copies of the same record or document.... The records must be furnished at the lowest possible cost to the person requesting the records.... Nothing in this chapter prevents the custodian of the public records from charging a reasonable hourly rate for making records available to the public nor requiring a reasonable deposit of these costs before searching for or making copies of the records.

The Sheriff's office utilized the Beaufort County Code of Ordinances, Section 2-435 (Code 1982) to determine what fees to charge the Plaintiff. This Ordinance provided for uniform service charges for supplying copies of official records requested by individual citizens. Because the charges for fees by the Sheriff's office were made in accordance with a Beaufort county ordinance, I find they are reasonable and thus proper under the FOIA.


VI. Alleged FOIA violations argued by the Plaintiff but not raised in the Complaint.

Lastly, to the extent that the Plaintiff asserted (through affidavit, argument of counsel, or otherwise) additional violations of the FOIA which have not been specifically pled or alleged in his Complaint, I find that these issues are not properly before the Court. Consequently, this Court refuses to address those issues as the Plaintiff has not properly pled them nor sought amendment to his complaint.

CONCLUSION

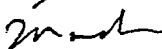
For all of the foregoing reasons, I hereby GRANT Defendants Motion for Summary Judgment, and dismiss this case with prejudice.

IT IS SO ORDERED.

By: 
Carmen Tevis Mullen
Judge, Fourteenth

Beaufort, South Carolina.

February 13, 2009.



STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE CIRCUIT COURT

2008 MAY 20 AM 10:03

BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina,

Case No. 2007-CP-07-995

Plaintiff,

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

L. PAUL TRASK, JR., personally, and as next
of kin and as the duly appointed personal
representative of the ESTATE OF L. PAUL
TRASK, III, deceased, and MEREDITH C.
TRASK,

Case No. 2007-CP-07-993

Plaintiffs,

vs.

BEAUFORT COUNTY; CURTIS
COPELAND, in his official capacity as
Coroner of Beaufort County and
INDIVIDUALLY; AND COPELAND
COMPANY OF BEAUFORT, LLC;

Defendants.

ORDER

14

THIS MATTER COMING ON TO BE HEARD and being heard on the 22nd day of April, 2008 before ~~the Honorable Judge Presiding~~ ^{me in the} Beaufort County Court of Common Pleas, Beaufort County, South Carolina, upon the Plaintiffs' Motion to Compel, and it appearing to the Court and the Court finding that the Motions should be granted in the manner set forth below,

NOW THEREFORE, IT IS HEREBY ORDERED, as follows:

Case No. 993:

1. Defendants shall supplement and provide a full and complete response to Interrogatory Number 2 (photographs, plats, sketches and prepared documents). Counsel for the government Defendants will confer with the government Defendants to confirm no additional documents have been located for production to opposing counsel. Any and all documents withheld due to attorney client privilege or attorney work product shall be described with reasonable particularity in a privilege log served with the supplemental response. Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.
2. Defendants shall provide a full and complete response to Interrogatory Number 5. (lawsuits to which Coroner Copeland has been a party) Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.
3. Defendants shall provide a full and complete response to Interrogatory Number 10. (all MVA incidents where Coroner Copeland failed to conduct a toxicology examination) Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

4. Defendants shall provide a full and complete response to Interrogatory Number 11 & 12. Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

5. Defendants shall supplement their response to Interrogatory Number 14. (Copeland employment history) and provide employment history for Curtis Copeland. Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

6. Defendants shall provide a full and complete response to Interrogatory Number 19 (All applicable Autopsy Performance Standards, and/or Standard Identification Procedures). Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

7. Defendants shall provide a full and complete response to Interrogatory Number 23 (all communications with Jack Geron, Dennis March, Bruce Kline, Rick Ramsey, Tommy Collins, Martin Sauls, and any Fripp Island employee). Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

8. In response to Request for Production Number 15 (computer(s) hard drive used by Connie Herman), Defendants will select a computer technician to attempt to recover responsive files and/or documents that may be contained in CCB computers used by Connie Herman. Defendants will provide to the Plaintiffs the name and address of the person selected to analyze all computers used by Connie Herman prior to the inspection date. Defendants shall have 10 days from the date of this Order or 10 days from the date new counsel for CCB and Curtis Copeland personally enters an appearance, whichever is the later date, to serve such full and complete responses upon counsel for Plaintiffs.

Case No. 995:

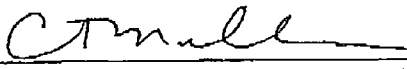
1. Defendants shall supplement and provide a full and complete response to Interrogatory Number 2 (photographs, plats, sketches and prepared documents). Counsel for the government Defendants will confer with the government Defendants to confirm no additional documents have been located for production to opposing counsel. Any and all documents withheld due to attorney client privilege or attorney work product shall be described with reasonable particularity in a privilege log, served with the supplemental response. Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

2. Defendants shall provide a full and complete response to Request for Production Number 3. (all correspondence and e-mails between or among defendants and witnesses) Defendants' counsel will make an inquiry with all government Defendants to locate responsive documents. Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

3. Defendants shall produce all documents relating to such full and complete responses as requested in Request for Production Number 10. (all documents relating to written policies or procedures of all Defendants from 2005 to present regarding FOIA requests) Plaintiff shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

IT IS SO ORDERED.

Beaufort, South Carolina
 May 8, 2008


 Chief Administrative Judge, Fourteenth Judicial Circuit
 C.T. Mullen

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

JUDGMENT IN A CIVIL CASE
CASE NO: 2007CP0700995

SEP 18 PM 2:07
BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

L Paul Trask Jr vs. Department Of Public Safety South Carolina et al

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), SCRCPP; Rule 41(a), SCRCPP (Vol. Nonsuit); Rule 43(k), SCRCPP (Settled); Other:
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRCPP; Bankruptcy:
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other: _____

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

Defendants' Motion to Dismiss pursuant to SCRCPP 12(b)(6) is denied. Once evidence is developed, this will be more appropriate to be heard at the Summary Judgment stage.

Dated at Beaufort, South Carolina, this September 12, 2007.

Court Reporter:



PRESIDING JUDGE - Carmen Mullen

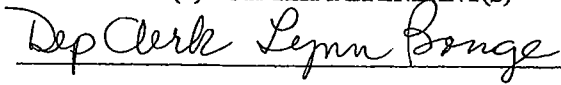
This judgment was entered on the 9-18-07, and a copy mailed first class this 9-20-07, to attorneys of record or to parties (when appearing pro se) as follows:

Thomas S. Tisdale Jr. Nexsen Pruet, LLC P.O.
Box 486 Charleston, SC 29402

Marshall H. Waldron Jr. Carolina Litigation
Associates P.O. Box 1880 Bluffton, SC 29910

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



Elizabeth M. Smith - Clerk of Court

SCRCPP APP-24/FORM 4

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

L. Paul Trask, Jr., individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina, and on behalf of others
similarly situated,

Plaintiff,

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P.J. Tanner
in his official capacity,

Defendants.

IN THE CIRCUIT COURT

Case No.

**COMPLAINT
(VIOLATION OF SOUTH CAROLINA
FREEDOM OF INFORMATION ACT)**

2007 APR 17 PM 12:41
BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

Plaintiff, complaining of the Defendants, would show unto the Court:

PARTIES AND JURISDICTION

1. Plaintiff is a citizen, resident, taxpayer, and registered elector of the State of South Carolina, and brings this action individually and on behalf of all others similarly situated.
2. Defendant South Carolina Department of Public Safety (hereinafter referred to as "SCDPS") is a Department of State Government as defined in S.C. Stat. Ann. § 1-30-10 and as such, is a "public body" pursuant to FOIA.
3. Defendant Beaufort County is a political subdivision of the State of South Carolina and as such is a "public body" pursuant to FOIA.
4. Curtis L. Copeland is the elected Coroner of Beaufort County. The Beaufort County Coroner's Office (hereinafter referred to as the "Coroner office"), is an office created by

the Constitution of the State of South Carolina and is a public body. The Coroner's office is under the direct authority of the Beaufort County Coroner, Curtis Copeland.

5. P.J. Tanner is the elected Sheriff of Beaufort County, an office created by the Constitution of the State of South Carolina located in Beaufort County, and is a public body.

6. Defendant Beaufort County Management Information Systems (hereinafter referred to as "BCMIS") is a "public body" organized pursuant to the authority of Beaufort County with its principal office located in Beaufort County.

7. Beaufort County Emergency Management Department (hereinafter referred to as "BCEMD") is an office organized pursuant to the authority of Beaufort County with its principal office located in Beaufort.

8. This Court has jurisdiction under the South Carolina Freedom of Information Act, S. C. Code Ann. § 30-4-10 *et seq.* (hereinafter referred to as "FOIA").

9. Venue is proper in Beaufort County.

FACTUAL BACKGROUND

10. On November 21, 2005, Plaintiff's son, L. Paul Trask, III, then twenty years old, was visiting the home of his parents in Beaufort, South Carolina, while on Thanksgiving holiday from the Citadel, where he attended college as a second year cadet. Plaintiff's son left his parents' home around 11:20 pm on that night and drove out to Fripp Island, stopping on the way at a Hess convenience store operated by a company called Xpress Lane, Inc.

11. At some time after midnight on the morning of November 22, 2005, after leaving the Hess convenience station, L. Paul Trask, III drove to the Fripp Island Security gate and, upon being denied an access pass onto the island, returned to Sea Island Parkway, Hunting Island, South Carolina and was involved in a fatal automobile accident (hereinafter referred to as "the accident") in which he ran off the left side of the highway and collided with several large trees.

Upon impact or soon thereafter, the automobile ignited and burst into flames and L. Paul Trask, III died from the injuries he sustained.

12. The various named Defendants to this action were in some manner involved in the investigation of that fatal accident or, at a minimum, possess critical information regarding the facts of that investigation and/or relevant policies and procedures that relate to that investigation.

FOR A FIRST CAUSE OF ACTION

(Violation of Freedom of Information Act as to Defendant S.C. Dept of Public Safety)

13. Plaintiff incorporates by reference all of the foregoing paragraphs as if repeated herein verbatim.

14. Defendant South Carolina Department of Public Safety (hereinafter referred to as "SCDPS") is a Department of State Government as defined in S.C. Stat. Ann. § 1-30-10 and as such is a "public body" pursuant to FOIA.

15. On February 23, 2006, Plaintiff wrote to Corporal Paul J. Brouthers of the South Carolina Highway Patrol ("SCHP") requesting that SCDPS preserve all records related to the accident and the subsequent investigation. (A copy of the February 23rd letter is attached hereto as **Exhibit A**).

16. On February 27, 2006, Plaintiff made a written request for information to the SCHP Lt. Ted. M. Strickland in which he requested all records, excluding photos, pertaining to the accident. (See FOIA request no. 0602107 attached hereto as **Exhibit B**).

17. On March 8, 2006, Defendant provided a partial response which failed to include any handwritten notes from the investigating officers and failed to include any Compact Disc recordings of radio transmissions that Plaintiff had requested. Moreover, many of the documents which were provided were illegible and of poor quality and impossible to read, despite the

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investigation being a recent investigation. Sometime thereafter, Plaintiff received another copy of the documents, however, the quality was still poor and many were still illegible.

18. On May 18, 2006, Plaintiff requested from Ms. Leigh Watkins at SCDPS, copies of field notes and the Coroner's toxicology report related to the accident. Defendant SCDPS did not provide the requested field notes until June 20, 2006, but those field notes were completely illegible. Plaintiff wrote to Ms. Leigh Watkins again and requested to view the original documents as he was unable to determine whether the file produced was a complete copy of the file. Plaintiff continued to write to Leigh Watkins but it was not until July 10, 2006 that Plaintiff was finally able to view the file.

19. On December 12, 2006, Plaintiff made a written request, FOIA request no. 0612024 to SCDPS, directed to Ms. Watkins, requesting email communications between several of the investigating SChP troopers, BCSO Captain Robert Bromage and Coroner Copeland. (A copy of the December 12, 2006 letter is attached hereto as Exhibit C).

20. Notwithstanding statutory requirements and despite the fact that Defendant SCDPS was on notice to preserve all of the public records pertaining to the accident, Ms. Watkins informed Plaintiff on December 15, 2006 that SCDPS could not supply the requested records because the SChP Troopers had "double deleted" the records from their e-mail accounts.

21. Plaintiff continued to make requests for the restoration of the deleted e-mail records and for a copy of the written policy governing the use of the SCDPS e-mail system. On behalf of the SCDPS, Ms. Watkins never provided the e-mails or the department's e-mail policy and wrote to Plaintiff that he had been provided all records to which he was entitled and that SCDPS considered its response to be "complete and closed."

22. Pursuant to South Carolina statutory authority, SCDPS is charged with the legal duty and obligation to preserve, protect and restore when damaged, all public records including those public records created by or transmitted through the SCDPS e-mail communication system.

23. SCDPS has made no effort whatsoever to restore the deleted e-mail records and has never provided an explanation to Plaintiff as to why no measures were taken to restore or recover the information.

24. SCDPS, while having partially complied with Plaintiff's requests, has never fully complied and as such has violated FOIA.

FOR A SECOND CAUSE OF ACTION

(Violation of FOIA as to Defendant Beaufort County Coroner Curtis Copeland)

25. Plaintiff incorporates by reference all of the foregoing paragraphs as if repeated herein verbatim.

26. Coroner, Curtis Copeland, supervises, the Beaufort County Coroner's Office (hereinafter referred to as "the Coroner's office") which is a governmental body organized pursuant to the authority of the state of South Carolina and as such is a "public body" as defined by FOIA.

27. On December 15, 2005, Plaintiff hand delivered a written request to Copeland requesting an inquest into the death of his son. Defendant Copeland agreed to conduct the inquest and Captain Robert Bromage¹ ("Bromage") from Defendant Beaufort County Sheriff's Office ("BCSO") was directed to begin the preliminary inquest investigation. (Hereinafter referred to as the "inquest investigation"). In the same December 15, 2005 letter, Plaintiff asked Coroner Copeland to request the SCHP Multidisciplinary Accident Investigation Team

¹ Mr. Bromage, at all times relevant to this action was a Lieutenant and was subsequently promoted to Captain.

(hereinafter referred to as "MAIT") to conduct an official investigation into the facts and circumstances of the accident.

28. On February 21, 2006, Plaintiff wrote to Copeland requesting that the Coroner's office preserve all records, including audio recordings and e-mail correspondence related to the accident. (A copy of the February 21st letter is attached hereto as **Exhibit D**).

29. On March 20, 2006, Plaintiff made a written request for information to the Coroner's office in which he requested a copy of the Coroner's report and also Bromage's inquest investigation field notes and reports, as well as the reports from the MAIT investigation.

30. On April 7, 2006, Copeland provided a partial response to the March 20, 2006 document requests but did not provide a copy of Bromage's handwritten field notes or any reports pertaining to the MAIT investigation, or any of the field notes and reports completed by BCSO Sgt. Jeff Purdy, who Bromage had assigned to take part in the inquest investigation.

31. On April 14, 2006, Plaintiff made a written request to the Coroner's office, through Copeland, seeking confirmation that all of Bromage's and Sgt. Purdy's reports and notes pertaining to the inquest investigation had been delivered to Plaintiff. Plaintiff also made a request for Copeland's handwritten notes taken at the scene of the accident and his interview report with Fripp Island security guard, James Irby.

32. Defendant Copeland responded on April 19, 2006 that all of the handwritten notes and reports from the interviews by Bromage, Purdy and Copeland had been "destroyed."

33. On June 22, 2006, Plaintiff made a written FOIA request to the Coroner's office for all cell phone records for November 2005 through May 2006 and e-mail communications from November 22, 2005 through June 22, 2006. On July 13, 2006, the Coroner's office responded and refused to supply the requested cell phone records, stating the cell phone records

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were not subject to FOIA. The Coroner's office also refused to produce the e-mail records. Plaintiff never received any documents pursuant to this request.

34. On July 20, 2006, Plaintiff made a written FOIA request to the Coroner's office, seeking a list of all Deputy Coroners, certificates of appointment for same and the names of the individual who administered the oath to those appointed deputies. Plaintiff never received a response to this written FOIA request.

35. On December 11, 2006, Plaintiff made two additional FOIA requests to the Coroner's office, to both Copeland and Deputy Coroner Herman, requesting e-mail correspondence on BCC hard drives pertaining to the accident. The Coroner's office never responded to this request, despite repeated subsequent requests for the same information by Plaintiff to Copeland, Deputy Coroner Herman, and Beaufort County attorney, Ms. Kelly Golden.

36. On February 25, 2007, Plaintiff sent a FOIA request to Copeland and Deputy Coroner Herman requesting the reports of all toxicology examinations taken by the Coroner's office from June 1, 2005 to December 31, 2006. Plaintiff never received a response to this written FOIA request.

37. On February 25, 2007, Plaintiff sent an FOIA request to Copeland requesting his radio call log from the night of the accident. Plaintiff has never received a response to this request.

38. Defendant is charged with the duty to preserve, protect and restore when damaged, all public records, including the public records created or transmitted through the use of Copeland's personal cell phone and e-mail accounts. The Coroner has made no effort whatsoever to restore the deleted e-mail correspondence.

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39. By failing to provide any response to the Plaintiff, and by failing to establish and develop standards, procedures, techniques and schedules designed to protect and preserve the public records, Defendant has violated FOIA.

FOR A THIRD CAUSE OF ACTION

(Violation of FOIA as to Defendant Beaufort County Management Information Systems)

40. Plaintiff incorporates by reference all of the foregoing paragraphs as if repeated herein verbatim.

41. Defendant BCMIS is responsible for comprehensive data management and support and service to other county departments for records management.

42. Plaintiff made a written request for information to the Defendant on December 12, 2006, requesting *inter alia*, a copy of the Beaufort County records retention schedule for all e-mail correspondence.

43. On January 11, 2007, in its written response to Plaintiff's request, Defendant provided records responsive to the request, but failed to provide the e-mail correspondence retention schedule. Plaintiff has never received a response to this request.

44. Defendant BCMIS is required by law to restore damaged or destroyed public records. This requirement extends to the public records that were created or transmitted through the Beaufort County e-mail and through the authorized or unauthorized use of private e-mail accounts by Beaufort County employees.

45. Defendant BCMIS has made no effort whatsoever to restore the deleted e-mail records and in fact, BCMIS has produced none of the requested records.

46. By failing to produce the requested documents and by failing to establish and develop standards, procedures, techniques and schedules designed to protect and preserve the public records, Defendant has violated FOIA.

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FOR A FOURTH CAUSE OF ACTION

(Violation of the FOIA as to Defendant, Beaufort County Sheriff P. J. Tanner)

47. Plaintiff incorporates by reference all of the foregoing paragraphs as if repeated herein verbatim.

48. Sheriff, P.J. Tanner supervises the Beaufort County Sheriff's Office (hereinafter referred to as "the Sheriff's office") which is a governmental body created pursuant to the Constitution of the State of South Carolina as such is a "public body" for purposes of FOIA. The Sheriff's office is operated under the direct supervision and sole authority of the Sheriff, Mr. P.J. Tanner ("Sheriff Tanner").

49. On December 13, 2006, Plaintiff made a written request for information to the Sheriff's office, to Chief Michael Hatfield requesting e-mail records of Bromage pertaining to the investigation of the accident. Plaintiff made a follow-up request on January 7, 2007 and was informed by Chief Hatfield that the matter had been turned over to Ms. Kelly Golden, counsel for Beaufort County.

50. On January 10, 2007, Plaintiff received a letter via e-mail from Ms. Kelly Golden, Beaufort County attorney, that some of the requested information did not exist in written form and could not be provided.

51. On January 11, 2007, Plaintiff made a written request to Ms. Golden that she specify in writing which records could not be produced. Plaintiff has never received a response from Beaufort County regarding which records could not be produced.

52. On February 3, 2007, Plaintiff made a written request to the Sheriff's office, requesting a copy of the Sheriff's authorization which allowed Capt. Bromage to use his personal e-mail account for the conduct of official county business. The Sheriff's office has never responded to this request.

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53. On February 13, 2007, in response to a FOIA request by the plaintiff for the Sheriff's office operating manual, the Sheriff's office charged the plaintiff an amount for copies in excess of that amount provided pursuant to FOIA, which requires that documents be provided at the "lowest possible cost."

54. The Sheriff's office failed to secure and protect numerous public records pertaining to the accident, including e-mail records, 911 audio tapes and filed notes and reports from the inquest investigation.

55. The Sheriff's office, through Sheriff Tanner, is under a legal duty to restore damaged or destroyed ("deleted") public records that are created or transmitted through the Beaufort County e-mail system, as well as those records which were created through the unauthorized use of private e-mail accounts by Beaufort county employees who were using those accounts to conduct county business.

56. By failing to produce the requested documents, by failing to establish and develop standards, procedures, techniques and schedules designed to protect and preserve the public records, and by charging plaintiff in excess for the documents that were in fact produced, Defendant has violated FOIA.

FOR A FIFTH CAUSE OF ACTION

(Violation of FOIA as to Defendant Beaufort County)

57. Plaintiff incorporates by reference all of the foregoing paragraphs as if repeated herein verbatim.

58. Defendant Beaufort County is a governmental body and as such is a "public body" for purposes of FOIA. The Beaufort County Emergency Management Department is an office of Beaufort County that *inter alia*, maintains files and documentation regarding accidents which occur within the County.

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59. Plaintiff made a written request for information to the Defendant on December 14, 2005, directed to Communications Supervisor, Ms. Gwen Duhon seeking copies of all of the Beaufort County E911 audio and computer records, reports, photos and investigation records pertaining to his son's accident. Plaintiff requested the records for all personnel who responded from the Sheriff's Office, EMS, Fire Department, Coroner's Office and Highway Patrol.

60. On December 15, 2005, Ms. Duhon responded to Plaintiff that she would need permission from each agency in possession of the records to release that information. Once Ms. Duhon secured permission from the Sheriff's office, EMS and Lady's Island St. Helena Fire Department, she produced on behalf of Defendant Beaufort County, through its Emergency Management Department, three individual compact disk.

61. Lady's Island St. Helena's Fire Chief, Bruce A. Kline instructed Ms. Duhon to add a computer voice time stamp to each individual call, as otherwise, there would be no method for determining the time and order of each call.

62. On January 23, 2006, Plaintiff made a request to Beaufort County requesting that the computer voice time stamp be added to the Sheriff's office and EMS discs. On January 27, 2006, Ms. Duhon, on behalf of Beaufort County, responded that she could not supply the audio records due to the amount of time that had elapsed, as the disc had been "recycled." Plaintiff was instead provided a computer print out of the times but even with the written record, Plaintiff had no means to be certain of the time or order of the audio calls on the discs.

63. In his review of the discs, Plaintiff discovered that there was an absence of radio and telephone transmissions to and from Coroner Copeland during the time of the accident investigation. Plaintiff made another request to Ms. Duhon at Beaufort County and she informed him that she no longer had any of the voice records from the night of the accident because the

master tape was "recycled" after 60 days and the original records had all been destroyed, and there was no back up of the recordings. She also told Plaintiff that she no longer had a copy of the discs she had prepared for Plaintiff.

64. On February 2, 2007, Plaintiff made a written request to Beaufort County for copies of the written operational procedures for the Beaufort County 911 system, the records inventory forms and all other documents used to prepare records retention schedules for every type of public record created by the operation and use of the Beaufort County 911 system. Plaintiff never received a response to this request.

65. By failing to produce the requested documents and by failing to establish and develop standards, procedures, techniques and schedules designed to protect and preserve the public records, Defendant has violated the FOIA.

WHEREFORE, Plaintiff prays that this Court :

- a) issue an Order requiring that the Defendants produce the requested documents in their entirety, and find that the Defendants have acted arbitrarily or capriciously in withholding the requested information;
- b) assess against the Defendants reasonable attorneys' fees and costs incurred in preparing, filing, and pursuing this action in accordance with S.C. Code Ann. § 30-4-100(b) and other precedent.
- c) re-calculation and reimbursement for any and all overcharges for copies of documents which have been produced.
- d) grant such other and further relief as the court deems just and proper.

Thomas S. Tisdale

Thomas S. Tisdale
Susan Rawls Edwards
NEXSEN PRUET, LLC
1441 Main Street, Suite 1500 (29201)
Post Office Drawer 2426
Columbia, SC 29202
(803) 771-8900

Attorneys for Plaintiff

April 13, 2007

Columbia, South Carolina

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EXHIBIT A

L. Paul Trask, Jr.

Beaufort, SC 29902

843-

Via Certified Mail – Return Receipt Requested

Thursday, February 23, 2006

Cpl. Paul J. Brouthers
S.C. Highway Patrol Troop 6
8740 N. Park Boulevard
North Charleston, SC 29418

RE: Estate of Leith Paul Trask, III
C/A # 2006-ES-07-00056

Dear Cpl Brouthers:

Please be advised that I have been appointed as Special Administrator of the above-referenced Estate. A copy of my Certificate of Appointment is enclosed herewith. It is my understanding that your office is responsible for holding and maintaining records for the S.C. Highway Patrol for the Troop 6 area which includes Beaufort County. The purpose of this letter is to place you on notice of the need to preserve the records of your department.

Leith Paul Trask, III was killed in a motor vehicle accident on November 22, 2005. Your office maintains records for the SC Highway Patrol Troopers who responded to the accident in question. Accordingly, you are requested to preserve all such records, including, but not limited to, recordings of audio transmissions, e-mail and any other written or electronically generated documentation relating to all persons who responded to this accident.

If you have any questions regarding this matter, please contact me at the number listed above. Thank you for your assistance regarding this matter.

Sincerely,

L. Paul Trask, Jr.

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EXHIBIT B

p trask

From: p trask ([REDACTED])
Sent: Monday, February 27, 2006 11:22 AM
To: tmstrickland@schp.org
Cc: pjbrouthers@schp.org; Tisdale, Thomas S. [TTisdale@nexsenpruet.com];
Subject: Notice To Lt. Strickland, SCHP Preserve Records L. Paul Trask, III Fatal Automobile Accident 11/22/05, US21 Hunting Island, SC



SCHPnotice.doc

Lt. Strickland,

My name is L. Paul Trask, Jr and I am the father of Paul Trask, III who died in a traffic accident on Hunting Island on November 22, 2005. I faxed and mailed the attached letter on 02/23/06 to your Troop 6 office and Cpl. Paul Brouthers called me to discuss last Friday.

I would like to request a copy of all of the records in your possession related to my son's accident including all reports, drawings and any evidence that was collected by the investigating troopers at the scene. I would ask you to please keep all photographs of the accident in your file and NOT to send them to me unless I request them in the future.

It is my understanding that recordings of the radio transmissions received or made by the troopers is maintained in Columbia. Would you please contact the appropriate SCHP office and forward a copy of my letter requesting that they preserve the recordings relating to my son's accident along with any other pertinent records.

I would like to get a CD copy of the radio transmissions as soon as possible. Would you please advise me how to secure that data.

Thank you very much for your assistance. If you have any questions, I can be reached at 843-525-0578 (O) or 524-2916 (H).

My mailing address is: L. Paul Trask, Jr.
[REDACTED]
[REDACTED]

Sincerely,

Paul Trask, Jr.

EXHIBIT C

L. Paul Trask, Jr.

December 12, 2006

VIA FACSIMILE: 803-896-7967

Ms. Leigh Watkins, FOI Coordinator
Office of General Counsel
SC Department of Public Safety
P.O. Box 1993
Blythewood, SC 29016

Re: Freedom of Information Act ("FOIA") request regarding evidence of all email communications pertaining to the 11/22/2005 fatal MVA involving Leith Paul Trask, III.

SCHP Lt. Ted Strickland
SCHP Lt. Tommy Collins
SCHP Sgt. Robert Priester
SCHP Cpl. Paul Brouthers
SCHP LCpl Jamie Perry
SCHP Trooper Clarence Harrison
Ms. Leigh Watkins, SCDPS

Dear Ms. Watkins,

With respect to the fatal accident involving Leith Paul Trask, III which occurred on 11/22/05, please allow this letter to serve as my official request pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. 30-4-10. et seq. (Supp. 2001), to inspect and copy the following materials:

1. A copy of every email communication sent or received between any of the above noted officers.
2. A copy of every email communication sent or received between any of the above noted officers and the following individuals:

Beaufort County Coroner Curt Copeland – Copeland@islc.net
Beaufort County Investigator Robert Bromage – bbromage@hargray.com
Please note that Capt. Bromage may have also used robertb@bcgov.net or bobb@bcgov.net to communicate with Lt. Collins or others noted above.

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Ms. Leigh Watkins, FOI Coordinator
December 12, 2006
Page (2)

Thank you for your assistance and cooperation, and please do not hesitate to contact me directly at 843-525-██████ or 843-524-██████ if you have any questions or need additional information.

Sincerely,

L. Paul Trask, Jr.

EXHIBIT D

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L. Paul Trask, Jr.

Beaufort, SC 29902

843-████████

Via Certified Mail – Return Receipt Requested

Tuesday, February 21, 2006

Curt Copeland, Coroner
Beaufort County Coroner's Office
P.O. Box 1228
Beaufort, SC 29901

RE: Estate of Leith Paul Trask, III
C/A # 2006-ES-07-00056

Dear Curt:

Please be advised that I have been appointed as Special Administrator of the above-referenced Estate. A copy of my Certificate of Appointment is enclosed herewith. It is my understanding that your office is responsible for holding and maintaining records for the Beaufort County Coroner's office. The purpose of this letter is to place you on notice of the need to preserve the records of your department.

Leith Paul Trask, III was killed in a motor vehicle accident on November 22, 2005. Your office maintains records for the Coroner's office which responded to the accident in question. Accordingly, you are requested to preserve all such records, including, but not limited to, recordings of audio transmissions, e-mail and any other written or electronically generated documentation relating to all persons who responded to this accident.

If you have any questions regarding this matter, please contact me at the number listed above. Thank you for your assistance regarding this matter.

Sincerely,

L. Paul Trask, Jr.

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STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT
)
COUNTY OF BEAUFORT) CASE NO.: 07-CP-07-995

L. Paul Trask, Jr., individually, as a CITIZEN)
RESIDENT, TAXPAYER AND)
REGISTERED ELECTOR OF THE State of)
South Carolina, and on behalf of others)
similarly situated,)

Plaintiff,)

vs.)

MOTION TO DISMISS
THE COMPLAINT

South Carolina Department of Public Safety;)
Beaufort County; Beaufort County)
Management Information Systems; Beaufort)
County Coroner Curtis Copeland in his official)
capacity; Beaufort County Sheriff P.J. Tanner)
in his official capacity,)

Defendants.)

TO: THOMAS S. TISDALE, ESQUIRE and SUSAN R. EDWARDS, ESQUIRE,
ATTORNEYS FOR THE PLAINTIFFS:

YOU WILL PLEASE TAKE NOTICE that the Defendants will move before the presiding Judge of the Court of Common Pleas for the Fourteenth Judicial Circuit at the Beaufort County Courthouse, 100 Ribaut Road, Beaufort, South Carolina on the 10th day of service hereof or soon thereafter as counsel may be heard, for an Order dismissing the Complaint as to all the Defendants above named. The Defendants base their Motion on Rule 12(b)(6), SCRCF, the provisions of the South Carolina Freedom of Information Act, §30-4-10, et seq., S.C. Code, and the statutes and common law of South Carolina. The Defendants will show that the Plaintiffs failed to state the elements of their causes of action and that the claims are moot.

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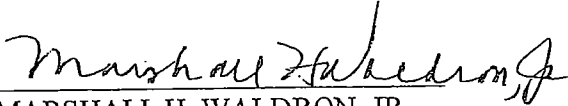
The Defendants seek an Order dismissing the Complaint, for their costs, attorney fees and such other and further relief as the Court deems appropriate. In addition, the Defendants seek an Order pursuant to Rule 4.2. of the Rules of Professional Conduct, Communication with a Person Represented by Counsel.

The Defendants did not consult with the Plaintiff prior to filing this Motion because it is a Motion to Dismiss and because consultation would serve no useful purpose.

DATED this 1st day of June 2007 at Bluffton, South Carolina.

Respectfully submitted,

CAROLINA LITIGATION ASSOCIATES, LLC

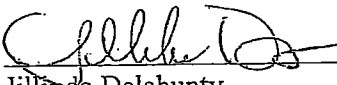

MARSHALL H. WALDRON, JR.

Post Office Box 1880
Bluffton, South Carolina 29910
843-815-7800
843-815-7801 (Facsimile)
Attorneys for the Defendants

CERTIFICATE OF SERVICE

I, Jillinda Delahunty, paralegal to Carolina Litigation Associates, LLC, hereby certify that on this 1st day of June 2007, I served the Defendants' Motion to Dismiss and Rule 11 Affirmation upon counsel for Plaintiffs, by depositing same in the United States mail, postage prepaid to:

Thomas S. Tisdale, Esquire
Susan R. Edwards, Esquire
Post Office Box 486
Charleston, South Carolina 29401


Jillinda Delahunty

Bluffton, South Carolina

STATE OF SOUTH CAROLINA)	IN THE CIRCUIT COURT
COUNTY OF BEAUFORT)	CASE NO.: 07-CP-07-995
L. Paul Trask, Jr., individually, as a CITIZEN)	
RESIDENT, TAXPAYER AND)	
REGISTERED ELECTOR OF THE State of)	
South Carolina, and on behalf of others)	
similarly situated,)	
)	
Plaintiff,)	
)	
vs.)	ANSWER
)	
South Carolina Department of Public Safety;)	
Beaufort County; Beaufort County)	
Management Information Systems; Beaufort)	
County Coroner Curtis Copeland in his official)	
capacity; Beaufort County Sheriff P.J. Tanner)	
in his official capacity,)	
)	
Defendants.)	

NOW COME the Defendants, who deny each and every allegation in the Complaint not specifically admitted, and in answer to the Complaint state as follows:

1. As to Paragraph No. 1 of the Complaint, the Defendants admit that the Plaintiff is a citizen, resident and taxpayer; the Defendants are without knowledge or information sufficient to provide an answer to the remaining allegations of Paragraph No. 1, and therefore, the Defendants deny each and every allegation remaining in Paragraph No. 1 and demand strict proof thereof.
2. As to Paragraph No. 2 of the Complaint, the Defendants admit the allegations contained therein.
3. As to Paragraph No. 3 of the Complaint, the Defendants admit the allegations contained therein.

4. As to Paragraph No. 4 of the Complaint, the Defendants admit the allegations contained therein.
5. As to Paragraph No. 5 of the Complaint, the Defendants admit the allegations contained therein.
6. As to Paragraph No. 6 of the Complaint, the Defendants deny each and every allegation contained therein and demand strict proof thereof.
7. As to Paragraph No. 7 of the Complaint, the Defendants admit the allegations contained therein.
8. As to Paragraph No. 8 of the Complaint, the Defendants admit the allegations contained therein.
9. As to Paragraph No. 9 of the Complaint, the Defendants admit the allegations contained therein.

FACTUAL BACKGROUND

10. Paragraph No. 10 of the Complaint makes no allegation against the Defendants, and therefore, no answer is required; to the extent that an answer is required, the Defendants deny each and every allegation contained therein and demands strict proof thereof.
11. Paragraph No. 11 of the Complaint makes no allegation against the Defendants, and therefore, no answer is required; to the extent that an answer is required, the Defendants deny each and every allegation contained therein and demands strict proof thereof.
12. As to Paragraph No. 12 of the Complaint, Defendants South Carolina Department of Public Safety, Beaufort County Coroner Curtis Copeland and Beaufort County

Sheriff P.J. Tanner admit that they were in some manner involved in the investigation of the fatal accident; the Defendants deny each and every allegation remaining in Paragraph No. 12 and demand strict proof thereof.

FOR A FIRST CAUSE OF ACTION

(Violation of Freedom of Information Act as to Defendant S.C. Dept of Public Safety)

13. The Defendants incorporate by reference all of the foregoing paragraphs as if set forth herein verbatim.
14. As to Paragraph No. 14 of the Complaint, the Defendants admit the allegations contained therein.
15. As to Paragraph No. 15 of the Complaint, the Defendants admit the allegations contained therein.
16. As to Paragraph No. 16 of the Complaint, to the extent that an e-mail is considered a written request, the Defendants admit the allegations contained therein.
17. As to Paragraph No. 17 of the Complaint, the Defendants deny each and every allegation contained therein and demand strict proof thereof.
18. As to Paragraph No. 18 of the Complaint, the Defendants admit the allegations contained therein.
19. As to Paragraph No. 19 of the Complaint, the Defendants admit the allegations contained therein.
20. As to Paragraph No. 20 of the Complaint, the Defendants are without knowledge or information sufficient to provide an answer to the allegations therein, and therefore, the Defendants deny each and every allegation therein and demand strict proof thereof.

21. As to Paragraph No. 21 of the Complaint, the Defendants are without knowledge or information sufficient to provide an answer to the allegations therein, and therefore, the Defendants deny each and every allegation therein and demand strict proof thereof.
22. As to Paragraph No. 22 of the Complaint, the Defendants deny each and every allegation contained therein and demand strict proof thereof.
23. As to Paragraph No. 23 of the Complaint, the Defendants deny each and every allegation contained therein and demand strict proof thereof.
24. As to Paragraph No. 24 of the Complaint, the Defendants deny each and every allegation contained therein and demand strict proof thereof.

FOR A SECOND CAUSE OF ACTION

(Violation of FOIA as to Defendant Beaufort County Coroner Curtis Copeland)

25. The Defendants incorporate by reference all of the foregoing paragraphs as if set forth herein verbatim.
26. As to Paragraph No. 26 of the Complaint, the Defendants admit the allegations contained therein.
27. As to Paragraph No. 27 of the Complaint, the Defendants admit that the Plaintiff requested that Coroner Copeland conduct an inquest into the death of his son; the Defendants deny each and every allegation remaining in Paragraph No. 27 and demand strict proof thereof.
28. As to Paragraph No. 28 of the Complaint, the Defendants admit the allegations contained therein.
29. As to Paragraph No. 29 of the Complaint, the Defendants admit the allegations

contained therein.

30. As to Paragraph No. 30 of the Complaint, the Defendants admit that Coroner Copeland responded to the Plaintiff's requests; the Defendants deny each and every allegation remaining in Paragraph No. 30 and demand strict proof thereof.
31. As to Paragraph No. 31 of the Complaint, the Defendants admit that the Plaintiff submitted written requests to the Coroner's office seeking reports and notes.
32. As to Paragraph No. 32 of the Complaint, the Defendants admit that Coroner Copeland responded to the Plaintiff's request for information; the Defendants deny each and every allegation remaining in Paragraph No. 32 and demand strict proof thereof.
33. As to Paragraph No. 33 of the Complaint, the Defendants admit that the Plaintiff submitted requests for cell phone records and e-mail communications; the Defendants deny each and every allegation remaining in Paragraph No. 33 and demand strict proof thereof.
34. As to Paragraph No. 34 of the Complaint, the Defendants are without knowledge or information sufficient to provide an answer to the allegations therein, and therefore, the Defendants deny each and every allegation therein and demand strict proof thereof.
35. As to Paragraph No. 35 of the Complaint, the Defendants admit that the Plaintiff made additional requests to the Coroner's office seeking e-mail correspondence; the Defendants deny each and every allegation remaining in Paragraph No. 35 and demand strict proof thereof.
36. As to Paragraph No. 36 of the Complaint, the Defendants admit that the Plaintiff

requested reports of all toxicology examinations taken by the Coroner's office ; the Defendants deny each and every allegation remaining in Paragraph No. 35 and demand strict proof thereof.

37. As to Paragraph No. 37 of the Complaint, the Defendants admit that the Plaintiff requested the Coroner's radio call log from the night of the accident; the Defendants deny each and every allegation remaining in Paragraph No. 37 and demand strict proof thereof.

38. As to Paragraph No. 38 of the Complaint, the Defendants deny each and every allegation contained therein and demand strict proof thereof.

39. As to Paragraph No. 39 of the Complaint, the Defendants deny each and every allegation contained therein and demand strict proof thereof.

FOR A THIRD CAUSE OF ACTION

(Violation of FOIA as to Defendant Beaufort County management Information Systems)

40. The Defendants incorporate by reference all of the foregoing paragraphs as if set forth herein verbatim.

41. As to Paragraph No. 41 of the Complaint, the Defendants admit the allegations contained therein.

42. As to Paragraph No. 42 of the Complaint, the Defendants admit that the Plaintiff requested information from the Defendant; the Defendants deny each and every allegation remaining in Paragraph No. 42 and demand strict proof thereof.

43. As to Paragraph No. 43 of the Complaint, the Defendants deny each and every allegation contained therein and demand strict proof thereof.

44. As to Paragraph No. 44 of the Complaint, the Defendants deny each and every

allegation contained therein and demand strict proof thereof.

45. As to Paragraph No. 45 of the Complaint, the Defendants deny each and every allegation contained therein and demand strict proof thereof.

46. As to Paragraph No. 46 of the Complaint, the Defendants deny each and every allegation contained therein and demand strict proof thereof.

FOR A FOURTH CAUSE OF ACTION

(Violation of FOIA as to Defendant, Beaufort County Sheriff P.J. Tanner)

47. The Defendants incorporate by reference all of the foregoing paragraphs as if set forth herein verbatim.

48. As to Paragraph No. 48 of the Complaint, the Defendants admit the allegations contained therein.

49. As to Paragraph No. 49 of the Complaint, the Defendants admit the allegations contained therein.

50. As to Paragraph No. 50 of the Complaint, the Defendants are without knowledge or information sufficient to provide an answer to the allegations therein, and therefore, the Defendants deny each and every allegation therein and demand strict proof thereof.

51. As to Paragraph No. 51 of the Complaint, the Defendants admit that the Plaintiff requested information from Ms. Golden; the Defendants deny each and every allegation remaining in Paragraph No. 51 and demand strict proof thereof.

52. As to Paragraph No. 52 of the Complaint, the Defendants deny each and every allegation contained therein and demand strict proof thereof.

53. As to Paragraph No. 53 of the Complaint, the Defendants deny each and every

allegation contained therein and demand strict proof thereof.

54. As to Paragraph No. 54 of the Complaint, the Defendants deny each and every allegation contained therein and demand strict proof thereof.

55. As to Paragraph No. 55 of the Complaint, the Defendants deny each and every allegation contained therein and demand strict proof thereof.

56. As to Paragraph No. 55 of the Complaint, the Defendants deny each and every allegation contained therein and demand strict proof thereof.

FOR A FIFTH CAUSE OF ACTION

(Violation of FOIA as to Defendant Beaufort County)

57. The Defendants incorporate by reference all of the foregoing paragraphs as if set forth herein verbatim.

58. As to Paragraph No. 58 of the Complaint, the Defendants admit the allegations contained therein.

59. As to Paragraph No. 59 of the Complaint, the Defendants admit that the Plaintiff requested information from the Defendant.

60. As to Paragraph No. 60 of the Complaint, the Defendant Beaufort County admits that the Plaintiff received information pursuant to his request of the Defendant.

61. As to Paragraph No. 61 of the Complaint, the Defendants are without knowledge or information sufficient to provide an answer to the allegations therein, and therefore, the Defendants deny each and every allegation therein and demand strict proof thereof.

62. As to Paragraph No. 62 of the Complaint, the Defendants are without knowledge or information sufficient to provide an answer to the allegations therein, and

therefore, the Defendants deny each and every allegation therein and demand strict proof thereof.

63. As to Paragraph No. 63 of the Complaint, the Defendants are without knowledge or information sufficient to provide an answer to the allegations therein, and therefore, the Defendants deny each and every allegation therein and demand strict proof thereof.

64. As to Paragraph No. 64 of the Complaint, the Defendants are without knowledge or information sufficient to provide an answer to the allegations therein, and therefore, the Defendants deny each and every allegation therein and demand strict proof thereof.

65. As to Paragraph No. 65 of the Complaint, the Defendants deny each and every allegation contained therein and demand strict proof thereof.

66. The Defendants deny that the Plaintiff is entitled to the relief sought.

WHEREFORE, having answered the Complaint, the Defendants pray that the Complaint will be dismissed, for costs, and for such other and further relief as the court may deem just and proper.

AFFIRMATIVE DEFENSES

As to each affirmative defense set forth below, the Defendants repeat and reallege all preceding paragraphs as fully and effectively as if set forth herein verbatim.

- A. The Defendants plead the provisions of the South Carolina Freedom of Information Act, South Carolina Code Section 30-4-10, *et seq.*, including all of the limitations and defenses granted or preserved by the Act.
- B. The Defendants would show that the Plaintiff has failed to state a claim upon

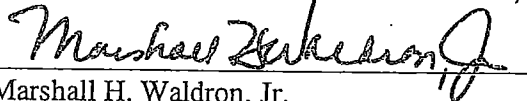
which relief may be granted, and the Complaint should therefore be dismissed pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

- C. The Defendants would respectfully show that the Plaintiff's claims are barred by the doctrine of laches.
- D. The Defendants would respectfully show that they have immunity from and against the within action by reason of the public duty rule.
- E. The Defendants would show that the Plaintiff's claims barred by the applicable statute of limitations.
- F. The Defendants would show that the Plaintiff's claims are moot.
- G. Under the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 *et seq.*, the Defendants are entitled to recover their attorneys' fees and court costs incurred in litigating this matter.
- H. The Defendants reserve the right to timely assert any affirmative defense not currently known to the Defendant.

WHEREFORE, having fully answered the Plaintiff's Complaint, Defendants pray that the Complaint will be dismissed for costs, and for such other and further relief as the court may deem just and proper.

Respectfully Submitted,

CAROLINA LITIGATION ASSOCIATES, LLC



Marshall H. Waldron, Jr.

Post Office Box 1880

Bluffton, South Carolina 29910

Telephone: 843-815-7800

Facsimile: 843-815-7801

ATTORNEY FOR THE DEFENDANTS

October 10, 2007
Bluffton, South Carolina

52

STATE OF SOUTH CAROLINA)	IN THE CIRCUIT COURT
)	
COUNTY OF BEAUFORT)	CASE NO.: 07-CP-07-995
)	
L. Paul Trask, Jr., individually as A CITIZEN)	
RESIDENT, TAXPAYER AND)	
REGISTRERED ELECTOR OF THE State of)	
South Carolina, and on behalf of others)	
similarly situated,)	
)	
Plaintiff,)	
)	
vs.)	DEFENDANTS' MOTION FOR
)	SUMMARY JUDGMENT
South Carolina Department of Public Safety;)	
Beaufort County; Beaufort County)	
Management Information Systems; Beaufort)	
County Coroner Curtis Copeland in his official)	
Capacity; Beaufort County Sheriff P. J. Tanner)	
In his official capacity,)	
)	
Defendants.)	
)	

TO: THOMAS S. TISDALE, JR., ESQUIRE and JEFFREY S. TIBBALS, ESQUIRE
ATTORNEYS FOR THE PLAINTIFF:

NOW COME the Defendants and move the Court for an Order granting summary judgment, pursuant to Rules 12(b)(6) and 56, SCRPC, the South Carolina Tort Claims Act, §15-78-10, S.C. Code, et seq., the public duty rule, the South Carolina Constitution and the statutes and common law of South Carolina.

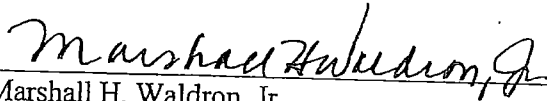
The Defendants did not consult with the Plaintiff prior to filing this Motion because consultation would serve no useful purpose and because it is a Motion for Summary Judgment excluded by Rule 11, SCRPC. Defendants' counsel certifies that there are good legal grounds for this Motion and that it is not interposed for delay.

[Signatures on the following page.]

DATED this 10th day of April 2008 at Bluffton, South Carolina.

Respectfully submitted,

CAROLINA LITIGATION ASSOCIATES, LLC



Marshall H. Waldron, Jr.

Post Office Box 155

Bluffton, SC 29910

Telephone: 843-815-7800

Facsimile: 843-815-7801

ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

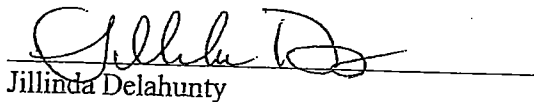
I, Jillinda Delahunty, paralegal to Carolina Litigation Associates, LLC, hereby certify that on this 10th day of April 2008, I served the Defendants' Motion for Summary Judgment upon counsel for Plaintiffs, by depositing same in the United States mail, postage prepaid to:

Thomas S. Tisdale, Esquire

Jeffrey S. Tibbals, Esquire

Post Office Box 486

Charleston, South Carolina 29401



Jillinda Delahunty

Bluffton, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE CIRCUIT COURT

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina,

Case No. 2007-CP-07-995

Plaintiff,

**MOTION TO COMPEL DISCOVERY
RESPONSES**

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

2008 APR 17 PM 2:29
BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

TO; DEFENDANTS BEAUFORT COUNTY; CURTIS COPELAND, in his official capacity as Coroner of Beaufort County and INDIVIDUALLY; AND COPELAND COMPANY OF BEAUFORT, LLC and THEIR COUNSEL, MARSHALL H. WALDRON, JR.

YOU WILL PLEASE TAKE NOTICE THAT L. Paul Trask, Jr, individually, as A CITIZEN, RESIDENT, TAXPAYER AND REGISTERED ELECTOR OF THE State of South Carolina ("Plaintiff"), by and through his undersigned counsel, will move pursuant to Rule 37 of the South Carolina Rules of Civil Procedure before the presiding judge in the Fourteenth Circuit, for an Order compelling Defendants to answer and respond fully to the Plaintiff's Interrogatories and Request for Production. The grounds for this Motion are as follows:

1. Plaintiff served his Interrogatories and Request for Production on the Defendants on November 16, 2007 (copy attached hereto as Exhibit "A").

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2. Defendants answered Plaintiff's Interrogatories and Request for Production to on February 21, 2008 and February 28, 2008 (copy attached hereto as Exhibit "B").

3. Defendants have not provided adequate responses to Plaintiff's First Set of Interrogatories. Specifically, Defendants have provided incomplete responses and asserted insupportable objections, and have failed to tender any documents responsive to Plaintiff's Request for Production.

4. In addition, Defendants have objected to and moved to quash the subpoena of witness Kelly Golden. The Amended Notice of Taking Deposition and Subpoena request information that is relevant in this case and reasonably calculated to lead to the discovery of admissible evidence (copy attached hereto as Exhibit "C").

5. Specifically, Plaintiff has noticed the deposition of Kelly Golden in order to obtain information relevant to this case.

The Plaintiff requests that this Court issue its order requiring the Defendants to fully and completely answer said discovery in a timely fashion, and order the Defendants to pay for, at a minimum, the costs of these proceedings.

This Motion is supported by the pleadings in this case, the discovery served in the case, the original and the amended notice of deposition and subpoena of Kelly Golden, and such other matters as the Court deems appropriate. Counsel for the Plaintiff certifies pursuant to Rule 11 of the South Carolina Rules of Civil Procedure that they have attempted to resolve this matter with counsel for Defendants and such attempts have not produced adequate responses to the outstanding discovery as required by the Rules.

Jeffrey S. Tibbals

Jeffrey S. Tibbals
Thomas S. Tisdale, Jr.
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

Attorney for Plaintiff L. Paul Trask, Jr,
individually, as A CITIZEN, RESIDENT,
TAXPAYER AND REGISTERED ELECTOR OF
THE State of South Carolina

April 16, 2008
Charleston, South Carolina

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STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina, and on behalf of others
similarly situated,

Plaintiff,

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

IN THE CIRCUIT COURT

Case No. 2007-CP-07-995

**PLAINTIFF L. PAUL TRASK, JR.'S
FIRST SET OF INTERROGATORIES
TO DEFENDANTS**

TO: DEFENDANTS AND MARSHALL H. WALDRON, JR., ESQUIRE, THEIR
ATTORNEY:

Plaintiff L. Paul Trask, Jr, individually, as a citizen, resident, taxpayer and registered elector of the State of South Carolina ("Plaintiff"), pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, hereby propounds and serves the following written interrogatories upon Defendant South Carolina Department of Public Safety, Beaufort County; Beaufort County Management Information Systems; Beaufort County Coroner Curtis Copeland in his official capacity and Beaufort County Sheriff P. J. Tanner in his official capacity (collectively, the "Defendants"), to be answered separately, in writing and under oath, within thirty (30) days from the date of service hereof:

DEFINITIONS AND INSTRUCTIONS

1. The term "Accident" is defined as the motor vehicle accident which occurred on



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or about November 22, 2005, on Sea Island Parkway, Hunting Island, South Carolina, in which Paul Trask III was killed, as described in the Complaint in this matter.

2. "SCDPS" shall mean the Defendant in this action, Defendant South Carolina Department of Public Safety, and anyone acting for it or on its behalf, including counsel.

3. "Beaufort County" shall mean the Defendant Beaufort County, and all other persons acting on its behalf, including counsel.

4. "BCMIS" shall mean the Defendant in this action, Beaufort County Management Information Systems, and all other persons acting on its behalf, including counsel.

5. "Copeland" shall mean the Defendant Beaufort County Coroner Curtis Copeland in his official capacity, and all persons acting on his behalf, including counsel.

6. "Tanner" shall mean the Defendant Beaufort County sheriff P. J. Tanner in his official capacity, and all persons acting on his behalf, including counsel.

7. When the identification of a person is requested:

(a) If the person is an individual, please state the person's full name; the name of the person's employer or business affiliation, the person's job title, the person's business address and business telephone number, any business relationship between you and the person, and the dates, if any, of any commencement and/or termination of the person's employment or other association with you; and

(b) If the person is not an individual, please state the entity's full name, its current address; a description of the entity, whether a corporation, general partnership, limited partnership or some other form; the identity of the individual who has the highest title or position of authority within the entity; and any past or present business relationships between you and the entity.

8. "Document" or "documents" shall mean and include, without limitation, the original, drafts, revisions and non-duplicative copies of any writings, drawings, graphs, charts, electronic data (including without limitation those inscribed by mechanical, facsimile, electronic, magnetic, digital or other means, computer programs, programming notes or instructions, activity listings of electronic mail receipts and/or transmittals, output resulting from the use of any software program, word processing documents, spreadsheets, database files, charts, graphs and outlines, electronic mail, operating systems, source code, peripheral drivers, PIF file, batch files, ASCII files, and any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether the data consists in an active file, deleted file or file fragment), photographs, phono-records, and other data compilations from which information can be obtained, translated, if necessary, by the requesting party through detection devices into reasonably usable form, memoranda, e-mails, data files and fragments, notes, scraps of paper, diaries, calendars, reports, vouchers, invoices, journals, bills, orders, time slips or records, receipts, summaries, pamphlets, books, contracts, statistics, letters, telegrams, minutes, studies, returns, computations, logs, financial records or statements, checks, bank statements, medical records, X-rays, laboratory reports and/or orders, otherwise memorialized or

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communicated matter, whether typed, printed, photo-copied, filmed, micro-filmed, or recorded in any manner.

9. When the identification of a document is requested, please identify the document by type or title and by Bates or other number, if any, its subject matter and content in summary form, its date; the person or persons from whom it originated, the person or persons to whom it was directed, and the person or persons having custody, possession or control over the document.

10. "All facts" or "any facts" means each and every act, omission, incident, event, condition, or circumstance pertinent to the matter requested, including dates, the identification of persons who witnessed the act, omission, incident, event, condition or circumstance and the identification of persons with knowledge of the facts.

11. "Relating to" means supporting, connected with, regarding, discussing, concerning, referring to, evidencing, or in any way pertaining to.

12. Where appropriate, the use of singular includes plural and vice versa; and the use of masculine includes the feminine and vice versa.

13. Where appropriate, the connector "and" shall be deemed to include "or" and vice versa.

14. If you claim that any information or document requested by these interrogatories is privileged or otherwise excludable from discovery, describe the information or document, identify each and every person who has, or may have, past or present possession of the document, or who has, or may have, knowledge or information relating to the information or document, and specify the basis for the claim of privilege or other grounds of exclusion.

15. These interrogatories are continuing in nature so that you must file supplemental answers if you obtain additional or different information at any time before trial.

INTERROGATORIES

1. Give the names and addresses of persons known to you to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

2. Set forth a list of photographs, plats, sketches or other prepared documents in your possession that relate to claims and your defenses in the case.

3. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claims in this action and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

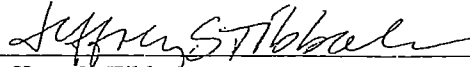
4. List the names and addresses of any expert witnesses whom you propose to use as a witness at the trial of the case, and include a summary of every opinion of the expert witness regarding this case, the basis of each opinion, the theory upon which each opinion is based, and set forth a summary of the anticipated testimony of the expert witness sufficient to identify the evidence, information, and documents utilized by the expert in arriving at the opinion.

5. For each person known to you to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

6. Identify the employee or agent of SCDPS responsible for handling requests pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA").

The Interrogatories above set forth shall continue from the time of service until the time of trial of the case, and any information requested herein which shall come to your knowledge or the knowledge of the parties, after answers have been submitted, shall be promptly submitted to the undersigned.

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Jeffrey S. Tibbals
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

Attorney for Plaintiff L. Paul Trask, Jr,
individually, as A CITIZEN, RESIDENT,
TAXPAYER AND REGISTERED ELECTOR OF
THE State of South Carolina, and on behalf of
others similarly situated

November 16, 2007
Charleston, South Carolina

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CERTIFICATE OF SERVICE

This is to certify that a copy of the PLAINTIFF L. PAUL TRASK, JR'S FIRST SET OF INTERROGATORIES TO DEFENDANTS has been served upon the following counsel of record by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 11/14 day of November, 2007.

Marshall H. Waldron, Jr., Esquire
CAROLINA LITIGATION
ASSOCIATES, LLC
P.O. Box 1880
Bluffton, SC 29910

Attorneys for Defendants



NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
Telephone: 843.577.9440

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE CIRCUIT COURT

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina, and on behalf of others
similarly situated,

Case No. 2007-CP-07-995

Plaintiff,

**PLAINTIFF L. PAUL TRASK, JR.'S
REQUEST FOR PRODUCTION
TO DEFENDANTS**

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

TO: DEFENDANTS AND MARSHALL H. WALDRON, JR., ESQUIRE, THEIR
ATTORNEY:

Plaintiff L. Paul Trask, Jr, individually, as a citizen, resident, taxpayer and registered elector of the State of South Carolina ("Plaintiff"), pursuant to Rule 34 of the South Carolina Rules of Civil Procedure, that Defendants South Carolina Department of Public Safety; Beaufort County; Beaufort County Management Information Systems; Beaufort County Coroner Curtis Copeland in his official capacity; Beaufort County Sheriff P. J. Tanner in his official capacity respond within thirty (30) days to the following requests to produce and permit Plaintiff to inspect, copy or photograph each of the following documents or things, which may be in the possession, custody or control of Defendants or their attorney, and which may constitute or contain evidence relating to the claims or defenses in this action.

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Further, pursuant to South Carolina Rule of Civil Procedure Rule 26(e), these Requests shall be deemed to continue from the time of service until the time of trial of this action so that documents and things sought, which come into the possession, custody or control of the Defendants, or their representative or attorney, after original responses have been submitted, shall be promptly transmitted to Plaintiff.

DEFINITIONS AND INSTRUCTIONS

1. The term "Accident" is defined as the motor vehicle accident which occurred on or about November 22, 2005, on Sea Island Parkway, Hunting Island, South Carolina, in which Paul Trask III was killed, as described in the Complaint in this matter.
2. "SCDPS" shall mean the Defendant in this action, Defendant South Carolina Department of Public Safety, and anyone acting for it or on its behalf, including counsel.
3. "Beaufort County" shall mean the Defendant Beaufort County, and all other persons acting on its behalf, including counsel.
4. "BCMIS" shall mean the Defendant in this action, Beaufort County Management Information Systems, and all other persons acting on its behalf, including counsel.
5. "Copeland" shall mean the Defendant Beaufort County Coroner Curtis Copeland in his official capacity, and all persons acting on his behalf, including counsel.
6. "Tanner" shall mean the Defendant Beaufort County sheriff P. J. Tanner in his official capacity, and all persons acting on his behalf, including counsel.
7. "Document" or "documents" shall have the same meaning as in Rule 34 of the South Carolina Rules of Civil Procedure and shall mean and include, without limitation, the original, drafts, revisions and non-duplicative copies of any writings, drawings, graphs, charts, electronic data (including without limitation those inscribed by mechanical, facsimile, electronic, magnetic, digital or other means, computer programs, programming notes or instructions, activity listings of electronic mail receipts and/or transmittals, output resulting from the use of any software program, word processing documents, spreadsheets, database files, charts, graphs and outlines, electronic mail, operating systems, source code, peripheral drivers, PIF file, batch files, ASCII files, and any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether the data consists in an active file, deleted file or file fragment), photographs, phono-records, and other data compilations from which information can be obtained, translated, if necessary, by the requesting party through detection devices into reasonably usable form, memoranda, e-mails, data files and fragments, notes, scraps of paper, diaries, calendars, reports, vouchers, invoices, journals, bills, orders, time slips or records, receipts, summaries, pamphlets, books, contracts, statistics, letters, telegrams, minutes, studies, returns, computations, logs, financial records or statements, checks, bank statements,

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medical records, X-rays, laboratory reports and/or orders, otherwise memorialized or communicated matter, whether typed, printed, photo-copied, filmed, micro-filmed, or recorded in any manner.

8. "All facts" or "any facts" means each and every act, omission, incident, event, condition, or circumstance related to the requested document, including dates of the act, omission, incident, event, condition, or circumstance matter related to the requested document, the identification of persons who witnessed the act, omission, incident, event, condition or circumstance related to the requested document, and the identification of persons with knowledge of all facts or any acts related to the requested document.

9. "Related to," "relating to," or "relates to" means supporting, connected with, regarding, discussing, concerning, referring to, evidencing, or in any way pertaining to.

10. If the identification of a document is requested, please identify its title, and/or name, and/or number, if any; its subject matter and content in summary form, its date; the person or persons from whom it originated, the person or persons to whom it was directed, and the person or persons having custody, possession or control over it.

11. Where appropriate, the use of the singular includes the plural and vice versa; and the use of masculine includes the feminine and vice versa.

12. Where appropriate, the connector "and" shall be deemed to include "or" and vice versa.

13. If you claim that any document or thing requested is privileged or otherwise excludable from discovery, describe the document or thing, identify each and every person who has, or may have, past or present possession of the document or thing, or who has, or may have, knowledge or information relating to the document or thing, and state the basis for the claim of privilege or other grounds of exclusion.

14. If you claim that any of the following requests for production are beyond the scope of permissible discovery, then state all facts relating to the bases upon which the claim rests.

15. If the responsive document is no longer in existence, cannot be located, or is not in your possession, custody or control, identify it, describe its subject matter and describe its disposition, including without limitation identifying the person having knowledge of the disposition.

REQUESTS FOR PRODUCTION

1. Any and all statements of persons known to you or your counsel to be witnesses concerning the facts of this case, whether written, recorded or otherwise.

2. Any and all photographs, plats, sketches or other prepared documents that relate to the claims or defenses in this case and which you intend to introduce at the trial of this matter.

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3. Any and all correspondence, including but not limited to, e-mail communications between you and any witness or party to this action relating to the facts alleged in the pleadings.

4. For each expert witness you propose to use as a witness at the trial of this case, please produce the following documents:

- (a) a copy of the expert's up-to-date resume or curriculum vitae;
- (b) a copy of all documents relied upon by the expert;
- (c) a copy of all documents that refer to, relate to or evidence any evaluation, analyses, studies, or reports made by, tests performed by, or conclusions reached by the expert; and
- (d) a complete copy of the expert's file for this matter; including, but not limited to, copies of the expert's correspondence, reports, notes, drafts, diaries, photographs, sketches, and all other documents in the possession, custody or control of the expert that relate in any way to any aspect of this case.

5. All documents that in any way relate to, directly or indirectly, any claim, defense, or issue in this lawsuit.

6. All documents which you, by or through your attorneys, intend to introduce at the trial of this action, whether for purposes of evidence or impeachment.

7. Any and all reports prepared by any witnesses concerning this litigation and specifically any expert witnesses' reports.

8. Any and all documents listed or referenced in your Answers to Interrogatories.

9. All documents comprising the following:

a) Response of Lt. Ted M. Strickland of the S.C. Highway Patrol of Public Safety pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated February 27, 2006 from Plaintiff.

b) Response of Ms. Leigh Watkins at the S.C. Department of Public Safety pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated May 18, 2006 from Plaintiff.

c) Response of Ms. Leigh Watkins at the S.C. Department of Public Safety pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated December 12, 2006 from Plaintiff.

d) Response of Curtis Copeland at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated December 15, 2005 from Plaintiff.

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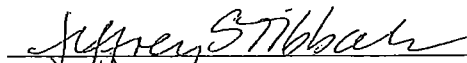
- e) Response of the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated March 20, 2006 from Plaintiff.
- f) Response of Curtis Copeland at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated April 14, 2006 2005 from Plaintiff.
- g) Response of Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated June 22, 2006, 2005 from Plaintiff.
- h) Response of Curtis Copeland at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated July 20, 2006 from Plaintiff.
- i) Response of Curtis Copeland and Deputy Coroner Connie Herman at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated December 11, 2006 from Plaintiff.
- j) Response of Curtis Copeland and Deputy Coroner Connie Herman at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated February 25, 2007 from Plaintiff.
- j) Response of Beaufort County Management Information Systems pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated December 12, 2006 from Plaintiff.
- k) Response of Chief Michael Hatfield of Beaufort County Sheriff's Office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated December 13, 2006 from Plaintiff.
- l) Response of Ms. Kelly Golden of Beaufort County Sheriff's Office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated January 11, 2007 from Plaintiff.
- m) Response of Beaufort County Sheriff's Office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated February 3, 2007 from Plaintiff.
- n) Response of Ms. Gwen Duhon at the Beaufort County Emergency Management Department pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated December 14, 2005 from Plaintiff.

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o) Response of Beaufort County Emergency Management Department pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated January 23, 2006 from Plaintiff.

p) Response of Beaufort County Emergency Management Department pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated February 2, 2007 from Plaintiff.

10. All documents constituting or relating to written policies or procedures of all Defendants in place from 2005 to the present relating to responses to FOIA requests.



Jeffrey S. Tibbals
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

Attorney for Plaintiff L. Paul Trask, Jr,
individually, as A CITIZEN, RESIDENT,
TAXPAYER AND REGISTERED ELECTOR OF
THE State of South Carolina, and on behalf of
others similarly situated

November 16, 2007
Charleston, South Carolina

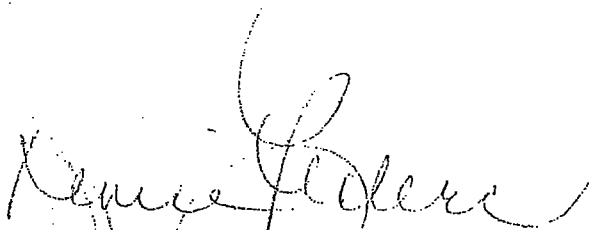
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CERTIFICATE OF SERVICE

This is to certify that a copy of the PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO DEFENDANTS has been served upon the following counsel of record by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 11th day of November, 2007.

Marshall H. Waldron, Jr., Esquire
CAROLINA LITIGATION
ASSOCIATES, LLC
P.O. Box 1880
Bluffton, SC 29910

Attorneys for Defendants



NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
Telephone: 843.577.9440

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STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT
)
COUNTY OF BEAUFORT) CASE NO.: 07-CP-07-995

L. Paul Trask, Jr., individually as A CITIZEN)
RESIDENT, TAXPAYER AND)
REGISTRERED ELECTOR OF THE State of)
South Carolina, and on behalf of others)
similarly situated,)

Plaintiff,)

vs.)

South Carolina Department of Public Safety;)
Beaufort County; Beaufort County)
Management Information Systems; Beaufort)
County Coroner Curtis Copeland in his official)
Capacity; Beaufort County Sheriff P. J. Tanner)
In his official capacity,)

Defendants.)

DEFENDANTS' ANSWERS
TO PLAINTIFF'S
INTERROGATORIES

TO: THOMAS S. TISDALE, JR., ESQUIRE and JEFFREY S. TIBBALS, ESQUIRE,
ATTORNEYS FOR THE PLAINTIFFS:

NOW COME the Defendants, in accordance with Rules 26 and 33, SCRCF, and in
response to the Plaintiffs' Interrogatories state as follows:

OBJECTIONS

The Defendants reserve the right to supplement these Interrogatories up to and
including the time of trial.

The Defendants state the following general objections to the Plaintiff's Interrogatories
which are incorporated in and made a part of the responses set forth below:

A. The Defendants object to the information sought by the Plaintiff's
Interrogatories to the extent that they request documents and/or information which were
prepared in anticipation of litigation or for trial by the Defendants or its representatives

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concerning anticipated litigation, so that any such documents are privileged as work product or attorney/client privilege, thereby protected from disclosure under the provision of Rule 26(b)(3) of the South Carolina Rules of Civil Procedure.

B. The Defendants object to the information sought by the Plaintiff's Interrogatories to the extent that the Plaintiff's Interrogatories are inconsistent with or enlarge upon the South Carolina Rules of Civil Procedure.

C. The Defendants object to the information sought by the Plaintiff's Interrogatories to the extent that it requests information in the possession of persons or entities not under the control of the Defendants.

Without waiving said objections, the Defendants respond as follows:

INTERROGATORIES:

1. Give the names and addresses of person known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

RESPONSE:

- a) **L. Paul Trask, Jr.**
[REDACTED]
Beaufort, South Carolina 29902

No written or recorded statements.
- b) **Meredith C. Trask**
[REDACTED]
Beaufort, South Carolina 29902

No written or recorded statements.
- c) **Curtis Copeland**
Beaufort County Coroner

Post Office Box 1880
Beaufort, South Carolina 29901

Deposition transcript taken 9/26/2006
(Trask v. Hess Civil Action No.: 06-CP-07-1276)

- d) Leigh Watkins
Department of Public Safety
Office of General Counsel
Post Office Box 1993
Blythewood, South Carolina 29016

No written or recorded statements.

- e) Captain Robert Bromage
Beaufort County Sheriff's Office
Post Office Box 1758
Beaufort, South Carolina 29901

Deposition transcript 10/24/2006
(Trask v. Hess Civil Action No.: 06-CP-07-127)

- f) Connie Herman
Deputy Beaufort County Coroner
Post Office Box 1880
Beaufort, South Carolina 29901

Deposition transcript 1/17/2007
(Trask v. Hess Civil Action No.: 06-CP-07-1276)

- g) Gwen Duhon
Beaufort County Emergency Management Department
Post Office Box 1228
Beaufort, South Carolina 29901

No written or recorded statements.

- h) Defendants reserve the right to supplement this response up to and including time of trial.

- i) Defendants reserve the right to call any witnesses listed by any party to this lawsuit.

2. Set forth a list of photographs, plats, sketches, and all prepared documents in possession of the party that relate to the claims or defenses in this case.

RESPONSE:

Objection. This Request calls for the disclosures of attorney work product and legal conclusions. Notwithstanding said objection, these Defendants are neither aware of nor in possession of any documents that support the allegations of the Complaint.

3. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claims in this action and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

RESPONSE:

None.

4. List the names and addresses of any expert witnesses whom you propose to use as a witness at the trial of the case, and include a summary of every opinion of the expert witness regarding this case, the basis of each opinion, the theory upon which each opinion is based, and set forth a summary of the anticipated testimony of the expert witness sufficient to identify the evidence, information and documents utilized by the expert in arriving at the opinion.

RESPONSE:

Defendants have not retained an expert at this time but reserve the right to supplement this response up to and including time of trial.

5. For each person known to you to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or

observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

RESPONSE:

Upon information and belief each witness is expected to testify that he/she responded completely to all requests for information.

6. Identify the employee or agent of SCDPS responsible for handling requests pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 et seq. (hereinafter "FOIA").

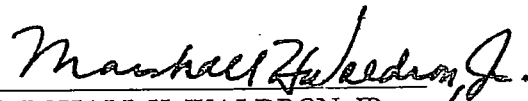
RESPONSE:

**Leigh Watkins
Department of Public Safety
Office of General Counsel
Post Office Box 1993
Blythewood, South Carolina 29016**

DATED this 21st day of February 2008 at Bluffton, South Carolina.

Respectfully submitted,

CAROLINA LITIGATION ASSOCIATES, LLC

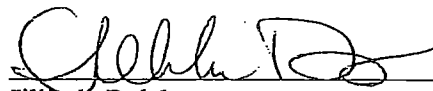


MARSHALL H. WALDRON, JR.
Post Office Box 1880
Bluffton, South Carolina 29910
843-815-7800
843-815-7801 (Facsimile)
Attorneys for the Defendants

CERTIFICATE OF SERVICE

I, Jillinda Delahunty, paralegal to Carolina Litigation Associates, LLC, hereby certify that on this 21st day of February 2008, I served the Defendants' Responses to Plaintiff's Interrogatories upon counsel for Plaintiffs, by depositing same in the United States mail, postage prepaid to:

Thomas S. Tisdale, Esquire
Jeffrey S. Tibbals, Esquire
Post Office Box 486
Charleston, South Carolina 29401



Jillinda Delahunty

Bluffton, South Carolina

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STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

IN THE CIRCUIT COURT
CASE NO.: 07-CP-07-995

L. Paul Trask, Jr., individually as A CITIZEN)
RESIDENT, TAXPAYER AND)
REGISTRERED ELECTOR OF THE State of)
South Carolina, and on behalf of others)
similarly situated,)

Plaintiff,)

vs.)

DEFENDANTS' RESPONSES
TO PLAINTIFF'S REQUESTS
FOR PRODUCTION

South Carolina Department of Public Safety;)
Beaufort County; Beaufort County)
Management Information Systems; Beaufort)
County Coroner Curtis Copeland in his official)
Capacity; Beaufort County Sheriff P. J. Tanner)
In his official capacity,)

Defendants:)

TO: THOMAS S. TISDALE, JR., ESQUIRE and JEFFREY S. TIBBALS, ESQUIRE,
ATTORNEYS FOR THE PLAINTIFFS:

NOW COME the Defendants and in response to Plaintiffs' Requests to Produce states as follows:

OBJECTIONS

- A. The Defendants object to these Requests for Production to the extent that they call for information and documents that are protected from disclosure by the attorney-client privilege, the work product rule, or any other applicable privilege, law or rule.
- B. The Defendants' Reponses to this Request for Production are not admissions and/or any acknowledgements that any such document is relevant to any issue in litigation between the parties.

B. It is possible that the Defendants will inadvertently produce a document that is otherwise privileged. Such inadvertent production is not intended to waive, alter or otherwise impact this Defendants' privilege with respect to the particular document and to the subject matter(s) reflected in the document, and/or otherwise.

C. The Defendants object to the Request for Production to the extent that the requested information is beyond the scope of Rule 26, South Carolina Rules of Civil Procedure, in that it is unreasonably burdensome.

D. The Defendants will not produce documents already in the possession of the Plaintiff.

REQUESTS TO PRODUCE

1. Any and all statements of person known to you or your counsel to be witnesses concerning the facts of this case, whether written, recorded or otherwise.

RESPONSE:

Deposition transcripts of:

**Curtis Copeland taken 9/26/2006
Trask v. Hess Civil Action No.: 06-CP-07-1276;**

**Stuart Trask taken 10/31/2006
Trask v. Hess Civil Action No.: 06-CP-07-1276;**

**Connie Herman taken 1/17/2007
Trask v. Hess Civil Action No.: 06-CP-07-1276;**

**Paul Watts taken 1/17/2007
Trask v. Hess Civil Action No.: 06-CP-07-1276;**

**Denise Watts taken 1/17/2007
Trask v. Hess Civil Action No.: 06-CP-07-1276;**

**Captain Bob Bromage taken 10/24/2006
Trask v. Hess Civil Action No.: 06-CP-07-1276; and**

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Paul Watts taken 1/17/2007

Trask v. Hess Civil Action No.: 06-CP-07-1276

2. Any and all photographs, plats, sketches or other prepared documents that relate to the claims or defenses in this case and which you intend to introduce at the trial of this matter.

RESPONSE:

The Defendants have not determined which documents will be presented at the time of trial but reserve the right to supplement this response up to and including time of trial.

3. Any and all correspondence, including but not limited to, e-mail communications between you and any witness or party to this action relating to the facts alleged in the pleadings.

RESPONSE:

The Plaintiff is already in possession of all such documents. The Defendants are not aware of any additional documents responsive to this Request.

4. For each expert witness you propose to use as a witness at the trial of this case, please produce the following documents:

- (a) a copy of the expert's up-to-date resume or curriculum vitae;
- (b) a copy of all documents relied upon by the expert;
- (c) a copy of all documents that refer to, relate to or evidence any evaluation analyses, studies, or reports made by, tests performed by, or conclusions reached by the expert; and
- (d) a complete copy of the expert's file for this matter; including, but not limited to, copies of the expert's correspondence, reports, notes, drafts, diaries, photographs, sketches, and all other documents in the possession, custody or control of the expert that relate in any way to any aspect of this case.

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RESPONSE:

The Defendants have not retained an expert at this time, but reserve the right to supplement this response up to and include time of trial.

5. All documents that in any way relate to, directly or indirectly, any claim, defense, or issue in this lawsuit.

RESPONSE:

Objection. This Request calls for the disclosures of attorney work product and legal conclusions. Notwithstanding said objection, the Defendants are not aware of and do not possess any documents that support the allegations of the Complaint.

6. All documents which you, by or through your attorneys, intend to introduce at the trial of this action, whether for purposes of evidence or impeachment.

RESPONSE:

The Defendants have not determined which documents will be presented at the time of trial but reserve the right to supplement this response up to and including time of trial.

7. Any and all reports prepared by any witnesses concerning this litigation and specifically any expert witnesses' reports.

RESPONSE:

The Plaintiff is already in possession of all such documents. The Defendants have not retained an expert at this time, but reserve the right to supplement this response up to and included time of trial.

8. All documents comprising the following:
- a) Response of Lt. Ted M. Strickland of the S.C. Highway Patrol of Public Safety pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 et seq. (hereinafter "FOIA") dated May 18, 2006 from Plaintiff.
 - b) Response of Ms. Leigh Watkins at the S.C. Department of Public Safety pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 et seq. (hereinafter "FOIA") dated May 18, 2006 from Plaintiff.

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- c) Response of Ms. Leigh Watkins at the S.C. Department of Public Safety pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 et seq. (hereinafter "FOIA") dated December 12, 2006 from Plaintiff.
- d) Response of Curtis Copeland at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated December 15, 2006 from Plaintiff.
- e) Response of the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated March 20, 2006 from Plaintiff.
- f) Response of Curtis Copeland at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated April 14, 2006 2005 from Plaintiff.
- g) Response of the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated June 22, 2206, 2005 from Plaintiff.
- h) Response of Curtis Copeland at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated July 20, 2006 from Plaintiff.
- i) Response of Curtis Copeland and Deputy Coroner Connie Herman at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated December 11, 2006 from Plaintiff.
- j) Response of Curtis Copeland and Deputy Coroner Connie Herman at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated February 25, 2007 from Plaintiff.
- k) Response of Chief Michael Hatfield of the Beaufort County Sheriff's Office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated December 13, 2006 from Plaintiff.
- l) Response of Chief Michael Hatfield of the Beaufort County Sheriff's Office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated January 11, 2007 from Plaintiff.
- m) Response of Beaufort County Sheriff's Office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated February 3, 2007 from Plaintiff.

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- n) Response of Ms. Gwen Duhon at the Beaufort County Emergency Management Department pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated December 14, 2005 from Plaintiff.
- o) Response of the Beaufort County Emergency Management Department pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated January 23, 2006 from Plaintiff.
- p) Response of the Beaufort County Emergency Management Department pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated February 2, 2007 from Plaintiff.

RESPONSE:

The Plaintiff is already in possession of the requested materials.

- 10. All documents constituting or relating to written policies or procedures of all Defendants in place from 2005 to the present relating to responses to FOIA requests.


RESPONSE:

South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10

DATED this 27th day of February 2008 at Bluffton, South Carolina.

Respectfully submitted,

CAROLINA LITIGATION ASSOCIATES, LLC

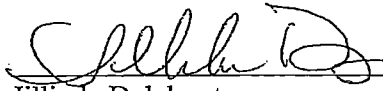

MARSHALL H. WALDRON, JR.
Post Office Box 1880
Bluffton, South Carolina 29910
843-815-7800
843-815-7801 (Facsimile)
Attorneys for the Defendants

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CERTIFICATE OF SERVICE

I, Jillinda Delahunty, paralegal to Carolina Litigation Associates, LLC, hereby certify that on this 28th day of February 2008, I served the Defendants' Responses to Plaintiff's Interrogatories upon counsel for Plaintiffs, by depositing same in the United States mail, postage prepaid to:

Thomas S. Tisdale, Esquire
Jeffrey S. Tibbals, Esquire
Post Office Box 486
Charleston, South Carolina 29401



Jillinda Delahunty

Bluffton, South Carolina

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

L. Paul Trašk, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina,

Plaintiff,

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

IN THE CIRCUIT COURT

Case No. 2007-CP-07-995

AMENDED NOTICE OF
TAKING DEPOSITIONS

YOU WILL PLEASE TAKE NOTICE that pursuant to the provisions of Rule 30,
South Carolina Rules of Civil Procedure, the Plaintiffs through their attorneys, will take
the depositions of the following individuals at the date and times listed:

Deponent

Gwen Duhon

Kelly Golden

William Winn

Frank Guth

Date and Time

April 23, 2008 @ 9:00 a.m.

April 23, 2008 @ 11:00 a.m.

April 23, 2008 @ 2:00 p.m.

April 23, 2008 @ 4:00 p.m.

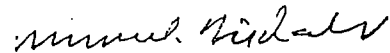
84



The depositions shall be taken before an officer authorized by law to administer oaths at Beaufort County Legal Office, (address to be later announced), Beaufort, South Carolina.

Said depositions shall continue from time to time until completed, including any adjournments thereof. The depositions are being taken for pre-trial discovery, for use at trial, and for all other purposes as may be permitted by law.

You are invited to appear and to participate, as you deem proper.



Jeffrey S. Tibbals
Thomas S. Tisdale, Jr.
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

Attorney for Plaintiff L. Paul Trask, Jr,
individually, as A CITIZEN, RESIDENT,
TAXPAYER AND REGISTERED ELECTOR OF
THE State of South Carolina

April 7, 2008
Charleston, South Carolina

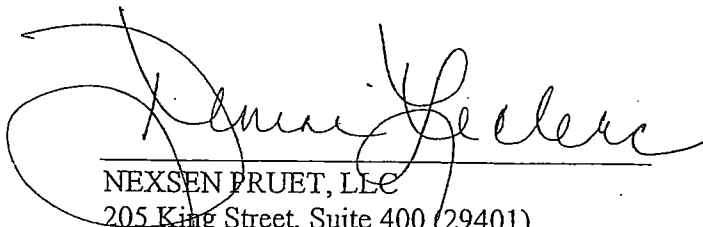
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CERTIFICATE OF SERVICE

This is to certify that a copy of the AMENDED NOTICE OF TAKING DEPOSITIONS has been served upon the following counsel of record by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 7th day of April, 2008.

Marshall H. Waldron, Jr., Esquire
CAROLINA LITIGATION
ASSOCIATES, LLC
P.O. Box 1880
Bluffton, SC 29910

Attorneys for Defendants



NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
Telephone: 843.577.9440

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

L. Paul Trask, Jr. individually, as A CITIZEN, RESIDENT, TAXPAYER AND REGISTERED ELECTOR OF THE State of South Carolina, <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> South Carolina Department of Public Safety; Beaufort County; Beaufort County Management Information Systems; Beaufort County Coroner Curtis Copeland in his official capacity; Beaufort County Sheriff P. J. Tanner in his official capacity, <p style="text-align: right;">Defendants.</p>	Case No. 2007-CP-07-995 <p style="text-align: center;">SUBPOENA DUCES TECUM Pending in <u>Beaufort County, SC</u></p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------

TO: Kelly Golden
 C/O Marshall Waldron, Esquire
 P. O. Box 1880
 Bluffton, SC 29910

YOU ARE COMMANDED to appear in Civil Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION Beaufort County Legal Office (address to be later announced) Beaufort, SC	DATE AND TIME Wednesday April 23, 2008 at 11:00 a.m.
--------------------------------------------------------------------------------------------------------	------------------------------------------------------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **SEE EXHIBIT "A" ATTACHED**

PLACE Beaufort County Legal Office (address to be later announced) Beaufort, SC	DATE AND TIME Wednesday April 23, 2008 at 11:00 a.m.
------------------------------------------------------------------------------------------	------------------------------------------------------------

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. South Carolina Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) <i>Thomas S. Tisdale, Jr.</i> Thomas S. Tisdale, Jr., attorney for the Plaintiff	DATE April 7, 2008
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Thomas S. Tisdale, Jr., Nexsen Pruet, LLC, 205 King Street, Suite 400, Charleston, SC 29401 (843) 577-9440	

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SCCA/254 (7/93)

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLED

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim

Exhibit A
DOCUMENTS TO BE PRODUCED

The term "documents," either singular or plural, shall mean documents and other tangible things as defined in the broadest sense permitted by the South Carolina Rules of Civil Procedure and shall include, without limitation, originals, or if not available, true copies of all e-mails, memoranda, reports, evaluations, correspondence, interoffice communications or memoranda, agreements, contracts, invoices, checks, journals, ledgers, telegrams, telexes, hand written notes, periodicals, pamphlets, reports, computer or business machine printouts, accountants' work papers, accountants' statements and writings, notations or records of meetings, papers, diaries, promissory notes, evidences of indebtedness, security agreements, financing statements, deposit statements, advertising, office manuals, employee manuals, company rules and regulations, reports of experts, statements, studies, computations, relations, charts, minutes, calendars, promotion materials, financial books, photographs, CD's, slides, films, drafts and copies of any of the foregoing where such document is not an identical copy of any original where such copy contains any commentary or notation whatsoever that does not appear on the original, tape recording or other sound or visual production materials, and any other written matter, tangible or physical objects, however produced or reproduced, upon which words or phrases are affixed or from which by appropriate transcription such written matter or tangible thing may be reproduced, in the possession, custody or control of you or your agents, attorneys, employees, officers, directors and shareholders.

The term "Accident" is the motor vehicle accident which occurred on or about November 22, 2005, on Sea Island Parkway, Hunting Island, South Carolina, in which Paul Trask III was killed.

1. Any and all documents pertaining to this lawsuit and/or concerning the accident or investigation into the death of L. Paul Trask, III.

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina,

Plaintiff,

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

IN THE CIRCUIT COURT

Case No. 2007-CP-07-995

PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT

2008 OCT 24 PM 3:42
ELLEN BETH M. SMITH
CLERK OF COURT
BEAUFORT COUNTY, S.C.

TO; TO DEFENDANTS and THEIR COUNSEL:

YOU WILL PLEASE TAKE NOTICE THAT L. Paul Trask, Jr, individually, as A
CITIZEN, RESIDENT, TAXPAYER AND REGISTERED ELECTOR OF THE State of
South Carolina ("Plaintiff"), by and through his undersigned counsel, will move pursuant
to Rule 37 of the South Carolina Rules of Civil Procedure before the presiding judge in
the Fourteenth Circuit, for an Order

Plaintiffs' herein move for partial summary judgment in this action on the grounds
that there are no issues of material fact and that Plaintiff is entitled to judgment as a matter
of law.

This motion will be supported by the deposition testimony taken heretofore in this matter, an on all other matters of record therein as set forth in a memorandum of law to be filed prior to the hearing of this motion.

This motion will be heard no sooner than then (10) days from the date thereof.

Respectfully submitted,



Thomas S. Tisdale, Jr.
Jeffrey S. Tibbals
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

Attorney for Plaintiff L. Paul Trask, Jr,
individually, as A CITIZEN, RESIDENT,
TAXPAYER AND REGISTERED ELECTOR OF
THE State of South Carolina

October 23, 2008
Charleston, South Carolina

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11-5-08

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina, and on behalf of others
similarly situated,

Case No. 2007-CP-07-995

Plaintiff,

**PLAINTIFF'S MEMORANDUM IN
OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT AND IN SUPPORT OF
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County Emergency
Management Department; Beaufort County
Coroner's Office; Beaufort County
Information Systems; Beaufort County
Sheriff's Office,

Defendants.

Plaintiff L. Paul Trask, Jr, individually, as a citizen, resident, taxpayer and registered elector of the state of South Carolina ("Plaintiff") submits this memorandum in opposition to Defendants South Carolina Department of Public Safety; Beaufort County; Beaufort County Management Information Systems; Beaufort County Coroner Curtis Copeland in his official capacity; Beaufort County Sheriff P. J. Tanner in his official capacity (the "Defendants") Motion for Summary Judgment (the "Motion"). This Court should deny the Defendants' Motion because triable issues of material fact exist which must be submitted to a jury for determination. As the following demonstrates and as more fully explained in the Affidavit of L. Paul Trask, Jr., attached hereto as Exhibit A, there are numerous issues which require further inquiry into the facts of the case to clarify the application of applicable law, thus, making summary judgment improper.

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INTRODUCTION

On November 21, 2005, Plaintiff's son, L. Paul Trask, III, then twenty years old, was visiting the home of his parents in Beaufort, South Carolina, while on Thanksgiving holiday from the Citadel, where he attended college as a second year cadet. Plaintiff's son left his parents' home around 11:20 pm on that night and drove out to Fripp Island, stopping on the way at a Hess convenience store operated by a company called Xpress Lane, Inc. Complaint at ¶ 10.

At some time after midnight on the morning of November 22, 2005, after leaving the Hess convenience station, L. Paul Trask, III drove to the Fripp Island Security gate and, upon being denied an access pass onto the island, returned to Sea Island Parkway, Hunting Island, South Carolina and was involved in a fatal automobile accident (hereinafter referred to as "the Accident") in which he ran off the left side of the highway and collided with several large trees. Upon impact or soon thereafter, the automobile ignited and burst into flames and L. Paul Trask, III died from the injuries he sustained. Complaint at ¶ 11. The various named Defendants to this action were in some manner involved in the investigation of that fatal accident or, at a minimum, possess critical information regarding the facts of that investigation and/or relevant policies and procedures that relate to that investigation. Complaint at ¶ 12.

Subsequent to the accident and investigation, Plaintiff issued several notices to Defendants demanding that they preserve certain information and documents relating to the Accident. Specifically, Plaintiff requested that the SCDPS preserve the records relating to the Accident by letter dated February 23, 2006. *See* Complaint at ¶ 15 and Exhibit A to the Complaint. Plaintiff also requested that the Beaufort County Coroner (the

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“Coroner”) preserve all records relating to the Accident by letter dated February 21, 2006. See Complaint at ¶ 28 and Exhibit D to the Complaint.

Plaintiff also made a number of requests to the named Defendants pursuant to the South Carolina Freedom of Information Act, S.C. Code § 30-4-10, *et seq.* (“FOIA”), including to those that had been requested to preserve records. The specific FOIA requests at issue in this litigation are set forth in Plaintiff’s Complaint which was filed with the Court on April 17, 2007, and are described in detail in the Affidavit of L. Paul Trask, Jr., which is being filed herewith as Exhibit A. Through this litigation, Plaintiff seeks full responses to his requests pursuant to FOIA.

On or about April 2008, the Defendants’ filed a Motion for Summary Judgment as to all claims asserted by Plaintiff. For the reasons set forth herein and in the attached Affidavit of L. Paul Trask, Jr., Defendants Motion must be denied.

STANDARD OF REVIEW

Under Rule 56(c) of the South Carolina Rules of Civil Procedure, summary judgment should only be granted if “there is no genuine issue of material fact and... the moving party is entitled to judgment as a matter of law.” S.C. R. Civ. P. 56(c). In determining whether any triable issue of fact exists, as will preclude summary judgment, the evidence and all inferences which can be reasonably drawn therefrom must be viewed in the light most favorable to the nonmoving party. Quality Towing, Inc. v. City of Myrtle Beach, 340 S.C. 29, 530 S.E.2d 369 (2000). If any triable issues of fact exist, those issues must be submitted to the jury for determination. Young v. South Carolina Dep’t of Corrections, 333 S.C. 714, 511 S.E.2d 413 (Ct. App. 1999).

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All ambiguities, conclusions, and inferences arising from the evidence must be construed most strongly against the moving party, and where further inquiry into the facts of the case is desirable to clarify the application of the law, summary judgment is improper. Stewart v. State Farm Mutual Automobile Insurance Company, 341 S.C. 143, 149, 533 S.E.2d 597, 600 (Ct. App. 2000) (citing Carolina Alliance for Fair Employment v. South Carolina Dep't of Labor, Licensing and Regulation, 337 S.C. 476, 523 S.E.2d 795 (Ct. App. 1999); Vermeer Carolina's, Inc. v. Wood/Chuck Chipper Corp., 336 S.C. 53, 518 S.E.2d 301 (Ct. App. 1999)). "Even when there is no dispute as to evidentiary facts, but only as to the conclusions or inferences to be drawn from them, summary judgment should be denied." Id. (citing Fleming v. Rose, 338 S.C. 524, 526 S.E.2d 732 (Ct. App. 2000)). Summary Judgment is a drastic remedy which should be cautiously invoked so no person is improperly deprived of a trial of the disputed factual issues. Id.

Material issues of fact clearly exist regarding the violations of the South Carolina Freedom of Information Act carried out by the Defendants, through a multitude of incomplete responses or complete failures to respond to Plaintiff's requests for public records. As such, summary judgment for the Defendants is not appropriate in this case.

ARGUMENT AND LEGAL AUTHORITY

The South Carolina Freedom of Information Act ("FOIA"), § 30-4-10, *et seq.*, of the South Carolina Code of Laws, 1976, as amended, provides any person with the right to inspect or copy any record of a public body, unless the record fits within one of the narrowly construed statutory exemptions set forth in the Act. See, S.C. Code Ann. § 30-4-30. South Carolina Code § 30-4-15 explains the legislative purpose behind FOIA:

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The General Assembly finds that it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy. Toward this end, provisions of this chapter must be construed so as to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials at a minimum cost or delay to the persons seeking access to public documents or meetings.

S.C. Code Ann. § 30-4-15.

Under § 30-4-20(a), S.C. Code Ann., FOIA applies to any “public body” which is statutorily defined to include any governmental body or political subdivision of the state including counties, municipalities, townships, or “any organization, corporation or agency supported in whole or in part by public funds or expending public funds... .” For example, a sheriff’s department constitutes a “public body” as defined by the statute and, thus, the department is subject to FOIA disclosure requirements. See, *Burton v. York County Sheriff’s Dept.*, 358 S.C. 339, 594 S.E.2d 888 (Ct. App. 2004).

FOIA defines a “public record” subject to disclosure in South Carolina to include “all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body.” S.C. Code Ann. § 30-4-20(c). FOIA clearly specifies that its application is not limited to paper documents and includes emails, computer discs, audio tapes, videotapes and information stored on any form of electronic or other media. Furthermore, the Act explicitly states that the definition of “public record” encompasses emails that are stored or retrievable from a hard drive or back-up disk or tape. As such, emails and other materials that have been deleted or emptied from a computer which are still recoverable may be subject to disclosure under a FOIA request.

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South Carolina courts interpret FOIA as being broadly pro-disclosure and any exemptions are narrowly construed. The courts have interpreted the scope of FOIA exceptions in the light of the purpose of the FOIA: "to protect the public from secret government activity," South Carolina Tax Com'n v. Gaston Copper Recycling Corp., 316 S.C. 163, 447 S.E.2d 843 (1994), and "to guarantee the public reasonable access to certain activities of the government." Campbell v. Marion County Hosp. Dist., 354 S.C. 274, 580 S.E.2d 163 (Ct. App. 2003). This means that the government has the burden of demonstrating that the FOIA exception applies. Post Pub. Co. v. City of North Charleston, 363 S.C. 452, 611 S.E.2d 496 (2005). Moreover, when documents or other records that contain information which is "public" while at the same time contain information that is exempt under one of the FOIA exceptions, the Act requires that the exempt portions be redacted or edited and that the non-exempt portions be made available. See, S.C. Code Ann. § 30-4-40(b).

FOIA requires each public body receiving a written request for records to respond and notify to the person making such request of the public body's determination and reasons therefore within fifteen (15) days after its receipt. S.C. Code Ann. § 30-4-30(c). The Act further provides that "if the request is granted, the record must be furnished or made available for inspection or copying." Id. Should the public body fail to mail or personally provide the requesting party written notification of the determination as to the public availability of the record within fifteen (15) days, FOIA requires that the request must be considered approved.

FOIA provides a private right of action to enforce the provisions of the Act:

Any citizen of the State may apply to the circuit court for either or both a declaratory judgment and injunctive relief to enforce the

provisions of this chapter in appropriate cases.... The court may order equitable relief as it considers appropriate, and a violation of this chapter must be considered to be an irreparable injury for which no adequate remedy at law exists.

S.C. Code Ann. § 30-4-100(a). Moreover, in addition to declaratory or injunctive relief, if a person seeking relief prevails, he may be awarded his costs and attorney's fees along with other equitable relief as the court deems appropriate. S.C. Code Ann. § 30-4-100. In addition, Section 30-4-110 of the Act provides criminal penalties for a willful violation of FOIA.

The duty of a public body to retain and preserve public records is mandated by the South Carolina Public Records Act, set forth at S.C. Code Ann. § 30-1-10, *et seq.* The Public Records Act creates comprehensive records management programs and imposes criminal liability on persons who unlawfully remove, delete, deface, alter, mutilate, or otherwise destroy public records, unless the destruction or deletion is done pursuant to an approved records schedule. *Id.* South Carolina Code § 30-1-70 states in relevant part,

The legal custodian of public records shall protect them against deterioration, mutilation, theft, loss, or destruction... Records must be maintained, copied, or repaired, renovated, rebound, or restored in accordance with standards required by regulation and approved by the department if they are worn, mutilated, damaged, difficult to read, or in danger of loss at the expense of the public body having custody or responsibility if these records are of long term or archival value as determined under the provisions of this chapter.

Therefore, in accordance with statutory law, records must be "repaired" or "restored" if they are "damaged," at the expense of the public body having custody or responsibility.

Moreover, South Carolina Code § 30-1-90 provides:

No records of long term or enduring value created, including those filed, kept, or stored electronically, or those records converted from paper to magnetic, optical, film or other media in the transaction of public business may be disposed of, destroyed, or erased without an approved records

schedule. All records disposals that are carried out in accordance with duly approved records schedules must be documented and reported in accordance with procedures developed by the Archives.

S.C. Code Ann. § 30-1-90(D). The Public Relations Act imposes liability on the custodian of records when any public records have been unlawfully destroyed or otherwise disposed of. See, e.g., S.C. Code Ann. § 30-1-140.

As the South Carolina Supreme Court reaffirmed in a very recent opinion, "FOIA is remedial in nature and should be liberally construed to carry out the purpose mandated by the legislature. FOIA must be construed so as to make it possible for citizens to learn and report fully the activities of public officials." *New York Times Co. v. Spartanburg County School Dist. No. 7*, --- S.E.2d ---, 2007 WL 2034821 at (S.C. July 16, 2007) (citing *Quality Towing, Inc. v. City of Myrtle Beach*, 345 S.C. 156, 161, 547 S.E.2d 862, 864-865 (2001); and S.C. Code Ann. § 30-4-15 (Supp.2007)). This underlying purpose of FOIA requires public records subject to request to be preserved and maintained by the public body in possession of such records. Without an implied duty under FOIA to preserve and maintain public records subject to disclosure under the Act, the legislative purpose behind FOIA is practically eviscerated.

While the South Carolina courts have not expressly stated that FOIA contains an implied duty to preserve and maintain public records, at least one other court has reached this conclusion based on a similar freedom of information statute. The Michigan Supreme Court held in Walloon Lake Water Sys, Inc. v. Melrose Twp, 163 Mich. App. 726, 415 N.W.2d 292 (1987), that the Michigan FOIA implies a duty to "preserve and maintain [records requested through the act] until access has been provided or a court executes an order finding the record to be exempt from disclosure." This ruling imposes a duty under

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that state's FOIA to preserve and not to destroy records once a FOIA request has been made. Id. Likewise, the same implied duty should be imposed under South Carolina's FOIA to ensure that of the underlying legislative purposes of the Act are carried out.

In the present case, Plaintiff asserts numerous claims against the various Defendants for their actions in violation of FOIA. As outlined below and explained in detail in the Affidavit of L. Paul Trask, Jr. (attached hereto as Exhibit A), further inquiry into the material facts of this case and inferences to be drawn therefrom is required to clarify the application of the law. As such, summary judgment is inappropriate, and Defendants' Motion must be denied.

As previously mentioned, the various named Defendants to this action were in some manner involved in the investigation of the fatal accident that took the life of Plaintiff's son on November 22, 2005, or, at a minimum, possess critical information regarding the facts of the investigation and/or policies and procedures that relate to that investigation. Following the conclusion of said investigation, Plaintiff made numerous requests for records and information from the various Defendants pursuant to FOIA. Plaintiff received very limited information in response to his FOIA requests, and for the vast majority of the FOIA requests Plaintiff received either no response or a deficient and incomplete response.

FOIA Requests for Which No Response Was Provided

The following list includes FOIA requests submitted by Plaintiff to the various Defendants for which no response was ever provided:

- December 11, 2006 FOIA request to the Beaufort County Coroner's office for all official records, including e-mail records and the hard drive from Deputy Coroner Connie Herman's personal and business computer(s) along with backup file(s);
- December 13, 2006 and January 10, 2007 FOIA requests to the Beaufort County Sheriff's office for Captain Bromage's e-mail records generated during the course of Captain Bromage's investigation on behalf of the Coroner's office;

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- January 23, 2006 FOIA request to the Beaufort County Coroner's office requesting a statement of Coroner Copeland's conversation with Mr. Irby;
- February 2, 2007 FOIA request to Beaufort County Emergency Management Department for a copy of the intergovernmental agreements required under SC 23-47-20(A) pertaining to the use of the Beaufort County 911 system;
- February 2nd and 25th, 2007 FOIA requests to Beaufort County Emergency Management Department for the written operational procedures for the Beaufort County 911 system required under SC 23-47-20(C)(9) and copies of all intergovernmental agreements pertaining to the use of the Beaufort County 911 system;
- February 3, 2007 FOIA request to the Beaufort County Sheriff's Office for a copy of written e-mail policy for Beaufort County Sheriff's office;
- February 5, 2007 and February 25, 2007 FOIA requests to the Beaufort County Emergency Management Division and to the Beaufort County Coroner's office, respectively, for the complete radio log for Coroner Copeland (call sign 601) for November 22, 2005;
- February 5, 2007 FOIA request to Coroner Curtis Copeland and Connie Herman for toxicology reports and related documentation of Beaufort County Coroner's office from 6/1/05 – 12/31/06;
- February 27, 2006 FOIA request to the SC Department of Public Safety for audio recordings of Trooper Perry & Harrison's radio transmissions;
- May 16, 2007 FOIA request to Kelly Golden for a copy of the handbook entitled "Freedom of Information Act Handbook for County Government" authored by Kelly Golden in 1999 while she was a registered lobbyist for the S.C. Association of Counties.

Moreover, Plaintiff made another FOIA request on July 20, 2006 to the Beaufort County Coroner's office for a list of all Beaufort County Deputy Coroners serving from the year 2000 forward, including certificate of appointments and the names of individuals who administered oaths of office. No response to this request was provided by the Coroner's office, and Plaintiff just recently received a copy of these requested records from Defendants' counsel during discovery in this lawsuit. Clearly, the failure of the Defendant to provide the requested records prior to Plaintiff's institution of litigation is a direct violation of FOIA and precludes summary judgment.

Indisputably, South Carolina Code § 30-4-30 requires the Defendants to respond to Plaintiff's FOIA requests and to provide the requested information or notify Plaintiff.

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within fifteen days of the reasons for the determination not to disclose the requested information. S.C. Code Ann. § 30-4-30(b). Under § 30-4-30(c), a failure to respond to a FOIA request within fifteen (15) days means that the disclosure of non-exempt materials at the time and place of access which the party requested is deemed approved. Litchfield Plantation Co., Inc. v. Georgetown County Water and Sewer Dist., 314 S.C. 30, 443 S.E.2d 574 (1994). Because the various Defendants failed to uphold their statutorily mandated duty to produce the requested public documents upon request by Plaintiff, summary judgment is not appropriate in this case, and the Defendants' Motion must be dismissed.

Public Records Improperly Destroyed or Wrongfully Withheld As Exempt

In addition to the numerous instances where the Defendants blatantly violated FOIA by providing no response whatsoever to Plaintiff's requests, there are countless other instances where the Defendants violated FOIA by wrongfully claiming records were exempt from disclosure and/or violated FOIA by destroying public records and failing to preserve records subject to public disclosure under the Act.

For example, in February 2007, Plaintiff submitted FOIA requests to Beaufort County Emergency Management for copies of the 911 computer printout of telephone and cell phone numbers that called the Beaufort County dispatch system from 12:00 am to 6:00 am on November 22, 2005 and the complete print-out report of all Beaufort County computer aided dispatch (CAD) entries made during that same period of time. Kelly Golden, County Council of Beaufort County, responded to Plaintiff's FOIA requests for this information by stating that the requested records could not be provided due to privacy concerns, and copies of these records were never produced. See, (Kelly Golden deposition, Exhibit #33, page 91).

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Then on May 20, 2007, Plaintiff made FOIA requests to Beaufort County Emergency Management for a copy of records including the operation manual and written operating procedures pertaining to the Beaufort County 800mhz radio system and the ComLog digital recording device in service at the Beaufort County 911 center. In response to these requests, Plaintiff was simply informed that the requested records are exempt from inspection and copying pursuant to state and federal law. See, (Kelly Golden deposition, Exhibit #33, pages 101-103). No other information was provided.

As the South Carolina courts have made clear, FOIA is interpreted as being broadly pro-disclosure and any exemptions are narrowly construed. See, South Carolina Tax Com'n v. Gaston Copper Recycling Corp., 316 S.C. 163, 447 S.E.2d 843 (1994). This means that the government has the burden of demonstrating that the FOIA exception applies. Post Pub. Co. v. City of North Charleston, 363 S.C. 452, 611 S.E.2d 496 (2005). Here, the Defendants have not provided any evidence concerning the exemptions allegedly applicable to Plaintiff's FOIA requests and, therefore, a question of fact exists as to whether the Defendants can meet the heavy burden of demonstrating that any of the statutory exemptions apply.

In response to Plaintiff's copious FOIA requests for copies of records such as handwritten investigative notes and reports, field notes taken at the accident scene, e-mails, computer data and backup files, hard drives containing records, video recordings and other forms of electronic media, the various Defendants informed Plaintiff that such records could not be produced because they were deleted or otherwise destroyed beyond restoration. (See, Affidavit of L. Paul Trask, Jr., attached hereto as Exhibit A). For example, on March 24th, April 6th, and April 16th, 2007, Plaintiff made FOIA requests to

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Chief Hatfield at the Beaufort County Sheriff's Office for a copy of audio and video recordings generated by Deputies Eckard, Garst or Arbello's equipment from the accident scene on November 22, 2005 and policies concerning the retention and management of this equipment. No video recordings were ever produced to Plaintiff, and Chief Hatfield testified in his deposition that no policy was in place for preservation of video recordings at the time of Plaintiff's son's accident. (Hatfield deposition, Exhibit 24, pages 62-69).

Moreover, Plaintiff was informed by the Beaufort County Sheriff's office, Kelly Golden from Beaufort County Council, and Beaufort County's computer expert, Frank Guth, that e-mails and other forms of electronic media pertaining to this matter had been deleted and that deleted e-mail records could not be restored. (See, Affidavit of L. Paul Trask, Jr., attached hereto as Exhibit A).

Under South Carolina law, including FOIA and the Public Records Act, the legal custodian of public records for every public body is held responsible for protecting and restoring records against loss, destruction, deletion, etc. See, e.g., S.C. Code Ann. § 30-1-70. Clearly, the public body responsible for maintaining public records should be held accountable for the destruction of records, such as e-mails and other forms of electronic media, which are expressly covered by FOIA. The practice of allowing public records to be deleted at the end of some arbitrary set period of time or the failure to adopt record retention schedules for such records deprives the public of significant access to information about the activities of public officials, in direct violation of FOIA.

Where, as in the present case, e-mails and other forms of public records which are subject to disclosure have been destroyed beyond restoration, the requestor is entitled to compensation pursuant to the provisions of FOIA and in light of the public body's failure

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to abide by the law and applicable administrative regulations. Here, Plaintiff requested that each public body restore electronic records that had been lost or unlawfully deleted. The e-mail data should still exist on computer drives and the various Defendants, by law, should have taken steps to have the drives examined and the records repaired in accordance with the statute. There can be no dispute that issues of material fact exist as to whether the Defendants complied with the statutory requirements to protect, maintain, restore, and/or produce such information upon request by Plaintiff.

FOIA allows the circuit court to grant both injunctive relief and a declaratory judgment to enforce the statutory provisions of the Act. S.C. Code Ann. § 30-4-100(a). Moreover, as additional relief for a violation, FOIA explicitly provides that “[t]he court may order equitable relief as it considers appropriate, and a violation of this chapter must be considered to be an irreparable injury for which no adequate remedy at law exists.” S.C. Code Ann. § 30-4-100(a).

Finally, in addition to declaratory, injunctive and equitable relief, FOIA also provides for an award of litigation costs and attorney’s fees to a person successfully seeking relief. Under § 30-4-100, the only prerequisite to an award of attorney fees and costs is that the party seeking relief must prevail, in whole or in part. Campbell v. Marion County Hosp. Dist., 354 S.C. 274, 580 S.E.2d 163 (Ct. App. 2003); Cockrell by Cockrell v. Trustees of Dist. 20 Constituent School Dist., 299 S.C. 155, 382 S.E.2d 923 (1989). Moreover, “no good faith exception exists for an award of attorney fees under FOIA.” New York Times Co. v. Spartanburg County School Dist. No. 7, 374 S.C. 307, 649 S.E.2d 28 (2007).

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CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that Defendants' Motion for Summary Judgment be denied and that Plaintiff's Motion for Summary Judgment be granted.

Respectfully submitted,



Jeffrey S. Tibbals
Thomas S. Tisdale, Jr.
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

Attorney for Plaintiffs L. PAUL TRASK, JR.,
Individually, as a Citizen Resident, Taxpayer and
Registered Elector of the State of South Carolina

November 5, 2008
Charleston, South Carolina

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE CIRCUIT COURT

L. Paul Trask, Jr., individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina,

Case No. 2007-CP-07-995

Plaintiff,

AFFIDAVIT OF L. PAUL TRASK, JR.

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

I, L. Paul Trask, Jr., who upon being duly sworn, states as follows:

1. I am over the age of 18 and competent to make this affidavit.
2. I give this affidavit based upon personal knowledge and, as necessary, a review of records as so indicated.

SC Department of Public Safety

3. On February 23, 2006, I sent a letter to Cpl. Paul J. Brouthers at the S.C. Highway Patrol Troop 6 requesting that they preserve the records of his department pertaining to my son's fatal motor vehicle accident which occurred on November 22, 2005. (Exhibit #1).

4. I made a FOIA request to Leigh Watkins at the SC Department of Public Safety for Audio Recordings of Trooper Perry & Harrison's radio transmissions on 2/27/06. (Exhibit #2) No response to this request was ever provided to me. Leigh Watkins from the Department of Public Safety stated in her deposition of 8/8/08 that she would follow up on this issue, but to date no response has been given. (Leigh Watkins deposition, attached as Exhibit #3, pages 57-62).

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Beaufort County Coroner's Office

1. I e-mailed Coroner Curtis Copeland on 1/23/06 requesting a statement of his conversation with Mr. Irby. (Exhibit # 4). I never received a response to this request.

2. On 3/20/06, I made a FOIA request to Coroner Curtis Copeland at the Beaufort County Coroner's office for a copy of every record pertaining to the inquest investigation including Bromage reports, field notes and MAIT documents. (Exhibit #5). In follow-up to my earlier request and receipt of an incomplete package of information received from the Coroner's office on 4/13/06, I prepared a letter to Coroner Copeland on 4/14/06 requesting field notes from his interview with James Irby and other notes taken at the scene of the accident. (Exhibit #6). This information was never provided to me. Curtis Copeland admitted in his deposition of 6/30/08 that he did not respond to my request. He also testified that he destroyed all his notes relating to the accident. (Curtis Copeland deposition, attached as Exhibit #7, pages 59-60, 80-81).

3. I made a request to Coroner Curtis Copeland to preserve the records of his department on 2/21/06. (Exhibit 8). I made a FOIA request on 6/22/06 to Coroner Copeland for his cellular telephone bills for the months of 11/05 through 5/06 and a copy of his e-mail communications from 11/22/05- 6/22/06. (Exhibit #9) Coroner Copeland responded to my request on 7/13/06 and stated his phone is a personal phone and not a "county" telephone and is, therefore, not covered under the FOIA, although I ultimately received a copy of cell phone records for one mobile number used by Coroner Copeland, I never received records for the number (843) 812-6330. He further stated that the same "personal exemption" applied to his e-mail and his personal computer which are not provided by Beaufort County. (Exhibit #10). However, Coroner Copeland stated that he used his personal computer for e-mail communications relating to Coroner's office business. Mr. Copeland stated in his deposition of 6/30/08 that he deleted his e-mails despite the request to preserve the records (Copeland deposition, Exhibit #7, pages 89-91).

4. On 12/11/06, I made a request pursuant to FOIA to Deputy Coroner Connie Herman at the Beaufort County Coroner's office to preserve all the official records, including e-mails records and the hard drive on her Beaufort County, personal and business computer(s) along with backup file(s). (Exhibit #11) I made a follow-up request to my inquiry on 1/7/07, since I heard nothing further to my earlier request. (Exhibit #12) No response was ever provided to me. Coroner Curtis Copeland testified in his deposition that the computer was sold to the new owner of the funeral home in early 2008, after my request to preserve the information. (Copeland deposition, Exhibit #7, page 91-92, 94).

5. I made another FOIA request on 7/20/06 to Coroner Curtis Copeland for a list of all Beaufort County Deputy Coroners serving from year 2000 forward including certificate of appointments and the names of individuals who administered oaths of office. (Exhibit #13) No response was provided to me. Coroner Copeland testified in his deposition that he didn't respond to this request. (Curtis Copeland deposition, Exhibit #7, page 93) Only recently through discovery has Defendant's counsel provided my counsel with a response to this request.

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6. On 2/5/07, I made a FOIA request to William Winn and Gwen Duhon at the Beaufort County Emergency Management Division for documents, including the complete radio log for Coroner Copeland (call sign 601) for November 22, 2005. (Exhibit #14) Kelly Golden, County Council of Beaufort County, responded to my request on behalf of William Winn on 2/23/07 and informed me that my request should be directed to the Coroner's office. (Exhibit #15) Subsequently, I made a FOIA request to Coroner Copeland on 2/25/07 for the Coroner radio log. (Exhibit #16). I have not received the radio log to date. Coroner Copeland testified in his deposition that he never responded to my request. (Curtis Copeland deposition, Exhibit #7, Page 95).

7. I made a FOIA request on 2/5/07 to Coroner Curtis Copeland and Connie Herman for toxicology reports and related documentation of Beaufort County Coroner's office from 6/1/05 – 12/31/06. (Exhibit #17) To date, I have not received this information. Curtis Copeland testified in his deposition that he did not respond to this request. (Copeland deposition, Exhibit #7, pages 97-98).

Beaufort County Sheriff's Office

1. On 3/20/06, I made a FOIA request to the Coroner Copeland's office for Captain Robert Bromage's inquest investigation field notes and handwritten reports. (Exhibit #5). Deputy Coroner Herman sent me a response to my request on 4/7/06 stating she enclosed all the information requested except the SC Highway Patrol MAIT report. (Exhibit #18) The hand-written investigative notes were not attached. On 4/14/06 I made a follow-up FOIA request to Coroner Curtis Copeland for Captain Robert Bromage and Sergeant Jeff Purdy's reports including handwritten notes pertaining to my son's accident. (Exhibit #6). I received a response on 4/19/06 to this response from Deputy Coroner Connie Herman. (Exhibit #19) Ms. Herman informed me that the typed investigative notes I requested were included in the package I received as a part of the "Trask Investigation Notes" that were submitted to the Coroner. She further stated, "Any and all handwritten notes and reports are destroyed after they are transcribed." The handwritten investigative notes should have been produced, but were never produced to me. Captain Bromage testified in his deposition on 6/30/08 that he shredded the documents. (Robert Bromage deposition, Exhibit #20, pages 54-55).

2. I made a follow-up FOIA request on 4/14/06 to Coroner Curtis Copeland for Sergeant Jeff Purdy's inquest investigation field notes and handwritten reports. (Exhibit #6). I received a response on 4/19/06 to this response from Deputy Coroner Connie Herman. (Exhibit 19) Ms. Herman informed me that the typed investigative notes I requested were included in the package I received as a part of the "Trask Investigation Notes" that were submitted to the Coroner, She further stated, "Any and all handwritten notes and reports are destroyed after they are transcribed." The handwritten investigative notes should have been produced, but were never produced to me.

3. On 12/13/06, I made a FOIA request to Chief Michael Hatfield at the Beaufort County Sheriff's office for Captain Bromage's e-mail records generated during the course of Captain Bromage's investigation on behalf of the Coroner's office. I also placed Chief Hatfield on notice to preserve Captain Bromage's hard drive on his computer

along with the e-mail data file and any backup file(s). (Exhibit #21) Captain Bromage testified in his deposition on 6/30/08 that he deleted all e-mails pertaining to this matter and that his hard drive "fried" and he made no backup and a new drive was installed in his computer. (Robert Bromage deposition, Exhibit #20, deposition pages 26-33) No e-mails or the "fried" drive have been produced to me. A subsequent request to Chief Hatfield following up on my request of 12/13/06 was made on 1/7/07 (Exhibit #22). Chief Hatfield advised me that Kelly Golden would send me a reply ASAP. (Exhibit #22). Kelly Golden responded to my request on 1/10/07 and advised me that she was conferring with the Beaufort County's computer expert, Frank Guth, to determine if the deleted e-mail could be provided. (Exhibit #23) Additionally, Ms. Golden advised me on 1/11/07 that Mr. Frank Guth was going to advise her on the issue. (Exhibit #24). Mr. Guth testified in his deposition of 7/31/08 that that his response was intended to mean that deleted e-mail records could not be restored and that he wasn't aware that Captain Bromage's hard drive was "fried". (Frank Guth deposition dated 7/31/08, Exhibit #25, pages 39-43 and page 54).

4. I made a FOIA request on 2/3/07 to Chief Mike Hatfield of the Beaufort County Sheriff's Office for a copy of written e-mail policy for Beaufort County Sheriff's office. (Exhibit #26). The response provided to me was deficient as it did not address the e-mail policy. (Exhibit #27) Additionally, Michael Hatfield testified in his deposition of 6/27/08 that he "double deletes" his e-mails after taking care of what has to be taken care of. (Michael Hatfield deposition, Exhibit #28, attached as pages 34-35).

5. On 3/24/07, I made a FOIA request to Chief Hatfield for a copy of Deputies Eckard, Garst or Arbello's audio and video recordings generated by the equipment from the accident scene on November 22, 2005 and policies concerning the retention and management of this equipment. (Exhibit #29) I followed up on this requested information by e-mail to Michael Hatfield on April 6, 2007, April 16, 2007 and May 5, 2007. (Exhibit #29) No video recordings were ever produced to me. Chief Hatfield testified in his deposition that no policy was in place for preservation of video recordings at the time of my son's accident. (Hatfield deposition, Exhibit 24, pages 62-69).

Beaufort County Emergency Management Department & Beaufort County Legal
Department

1. I made a FOIA request on 2/2/07 to William Winn of Beaufort County Emergency Management Department for the written operational procedures for the Beaufort County 911 system required under SC 23-47-20(C)(9) and copies of all intergovernmental agreements pertaining to the use of the Beaufort County 911 system. (Exhibit #30) Ms. Kelly Golden, County Council of Beaufort County, responded to my request on 2/23/07 and did not include the written operational procedures requested. (Exhibit #15). I e-mailed Ms. Golden and Mr. Winn on February 25, 2007 following up to my earlier request. (Exhibit #31). I have received no response to my 2/25/07 request to date. Mr. Winn testified in his deposition of 6/27/08 that the operational procedures were not produced to me. He also testified that that Mr. Gary Kubic, the Beaufort County

Administrator, instructed him not to respond to my FOIA request. (William Winn deposition, Exhibit #32, pages 82-84, 125-127).

2. On 2/2/07, I made a FOIA request to William Winn at Beaufort County Emergency Management Department for a copy of the intergovernmental agreements required under SC 23-47-20(A) pertaining to the use of the Beaufort County 911 system. (Exhibit #30) I e-mailed Ms. Golden and Mr. Winn on February 25, 2007 following up to my earlier request. (Exhibit #31). I never received a response to my request. William Winn testified in his deposition that the Beaufort County 911 plan that was provided to me by Kelly Golden and the signed 911 plan constitute the intergovernmental agreement. (William Winn deposition, Exhibit #32, pages 79-80).

3. I made a FOIA request to William Winn and Gwen Duhon of Beaufort County Emergency Management on 2/5/07 for the radio log of Coroner Copeland (call sign 601) for November 22, 2005. (Exhibit #14) Kelly Golden, County Council of Beaufort County, responded to my request on behalf of William Winn on 2/23/07 and informed me that my request should be directed to the Coroner's office. (Exhibit #15) Subsequently, I made a FOIA request to Coroner Copeland on 2/25/07 for the Coroner radio log. (Exhibit #16). I have not received the radio log to date. Coroner Copeland testified in his deposition that he never responded to my request. (Curtis Copeland deposition, Exhibit #7, Page 95).

4. On 2/5/07, I made a FOIA request to William Winn and Gwen Duhon at Beaufort County Emergency Management for the 911 computer printout of telephone and cell phone numbers that called the Beaufort County dispatch system from 12:00 am to 6:00 am on November 22, 2005 (Exhibit #14). Kelly Golden responded to my request on 2/23/07 stating these records could not be provided, citing privacy concerns. (Exhibit #15) These records were never produced to me. (Kelly Golden deposition of 6/4/08, Exhibit #33, pages 88-90).

5. I made a FOIA request on 2/5/07 to William Winn and Gwen Duhon of Beaufort County Emergency Management for the complete print-out report of all Beaufort County computer aided dispatch (CAD) entries made from 12:00 am to 6:00 am on November 22, 2005. (Exhibit #14). Kelly Golden responded to my request on 2/23/07 stating these records could not be provided, citing privacy concerns (Exhibit #15). These records were never produced. (Kelly Golden deposition, Exhibit #33, page 91).

6. On 5/20/07, I made a FOIA request to William Winn at Beaufort County Emergency Management for a copy of records including the operation manual and written operating procedures pertaining to the ComLog digital recording device in service at the Beaufort County 911 center. (Exhibit #34). On June 14, 2007 I sent a follow-up e-mail to William Winn regarding my previous request of 5/20/07. (Exhibit #35). Kelly Golden responded to this request on 5/31/07 stating the requested records are exempt from inspection and copying pursuant to state and federal law. (Exhibit #36). Kelly Golden testified in her deposition, that these records were exempt because of critical infrastructure relating to emergency services. Golden further testified that such information must be guarded from dissemination to the public and once it is released, you cannot control the

further distribution which is a concern by Homeland Security. (Kelly Golden deposition, Exhibit #33, pages 101-103).

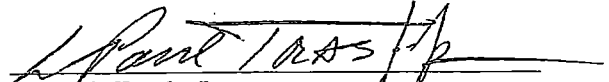
9. On 5/20/07, I requested from William Winn at Beaufort County Emergency Management, pursuant to FOIA, a copy of records including the operation manual and written operating procedures pertaining to the Beaufort County 800mhz radio system. (Exhibit #34). Kelly Golden responded to this request on 5/31/07 stating the records are exempt from inspection and copying pursuant to state and federal law. (Exhibit #36). Kelly Golden responded to this request on 5/31/07 stating the requested records are exempt from inspection and copying pursuant to state and federal law. (Exhibit #36). Kelly Golden testified in her deposition, that these records were exempt because of critical infrastructure relating to emergency services. Golden further testified that such information must be guarded from dissemination to the public and once it is released, you cannot control the further distribution which is a concern by Homeland Security. (Kelly Golden deposition, Exhibit #33, pages 101-103).

10. On 5/16/07, I made a FOIA request to Kelly Golden for a copy of the handbook entitled "Freedom of Information Act Handbook for County Government" authored by Kelly Golden in 1999 while she was a registered lobbyist for the S.C. Association of Counties. (Exhibit #37) I only obtained a copy of this handbook after the filing of this lawsuit from another source.

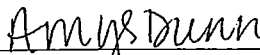
Beaufort County Management Information Systems

1. On 12/13/06, I made a FOIA request to Chief Michael Hatfield at the Beaufort County Sheriff's office for Captain Bromage's e-mail records generated during the course of Captain Bromage's investigation on behalf of the Coroner's office. I also placed Chief Hatfield on notice to preserve Captain Bromage's hard drive on his computer along with the e-mail data file and any backup file(s). (Exhibit #21). I made a subsequent request on 1/7/07 to Chief Hatfield following up on my request of 12/13/06 and Chief Hatfield advised me that Kelly Golden would send me a reply ASAP. (Exhibit #22). Kelly Golden responded to my request on 1/10/07 and advised me that she was conferring with the Beaufort County's computer expert, Frank Guth, to determine if the deleted e-mail could be provided. (Exhibit #23) Additionally, Ms. Golden advised me on 1/11/07 that Mr. Frank Guth was going to advise her on the issue. (Exhibit #24). Although Mr. Guth advised me on 2/4/07 that that he did not have any knowledge of any "informal" programs or local policies for retention of e-mail, he did not address my request for retrieving Captian Bromage's deleted e-mails: (Exhibit #38). Mr. Guth testified in his deposition of 7/31/08 that that his response was intended to mean that deleted e-mail records could not be restored and that he wasn't aware that Captain Bromage's hard drive was "fried". (Frank Guth deposition dated 7/31/08, Exhibit #25, pages 39-43 and page 54).

FURTHER AFFIANT SAITH NOT.


L. Paul. Trask, Jr.

SWORN and subscribed to before me
this 4th day of NOVEMBER, 2008.


Notary Public for South Carolina
My Commission Expires: 1/28/14

L. Paul Trask, Jr.

[REDACTED]
Beaufort, SC 29902

843-[REDACTED]

Via Certified Mail – Return Receipt Requested

Thursday, February 23, 2006

Cpl. Paul J. Brouthers
S.C. Highway Patrol Troop 6
8740 N. Park Boulevard
North Charleston, SC 29418

RE: Estate of Leith Paul Trask, III
C/A # 2006-ES-07-00056

Dear Cpl Brouthers:

Please be advised that I have been appointed as Special Administrator of the above-referenced Estate. A copy of my Certificate of Appointment is enclosed herewith. It is my understanding that your office is responsible for holding and maintaining records for the S.C. Highway Patrol for the Troop 6 area which includes Beaufort County. The purpose of this letter is to place you on notice of the need to preserve the records of your department.

Leith Paul Trask, III was killed in a motor vehicle accident on November 22, 2005. Your office maintains records for the SC Highway Patrol Troopers who responded to the accident in question. Accordingly, you are requested to preserve all such records, including, but not limited to, recordings of audio transmissions, e-mail and any other written or electronically generated documentation relating to all persons who responded to this accident.

If you have any questions regarding this matter, please contact me at the number listed above. Thank you for your assistance regarding this matter.

Sincerely,

L. Paul Trask, Jr.

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PLTF 0299

SENDER COMPLETE THIS SECTION	THIS SECTION FOR DELIVER
<p><input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</p> <p><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature: <u>Xmela morri</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p><u>Cpt Paul J Broutin</u> <u>S.C. Highway Patrol Troop</u> <u>8740 N. PARK Boulevard</u> <u>N. Charlotte, S.C.</u> <u>29418</u></p>	<p>B. Received by (Printed Name) <u>Mela morri</u> C. Date of Delivery <u>2/10</u></p>
<p>2. Article Number (Transfer from service label)</p>	<p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>PS Form 3811, February 2004</p>	<p>3. Service Type: <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7005 0390 0005 6848 0744</p>	
<p>Domestic Return Receipt 102595-02-M-1540</p>	

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Label/Receipt Number: 7005 0390 0005 6848 0744
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Your item was delivered at 12:27 pm on February 27, 2006 in CHARLESTON, SC 29406. A proof of delivery record may be available through your local Post Office for a fee.

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p trask

From: p trask [REDACTED]
Sent: Monday, February 27, 2006 11:22 AM
To: tmstrickland@schp.org
Cc: pjbrouthers@schp.org; Tisdale, Thomas S. [TTisdale@nexsenpruet.com]; [REDACTED]
Subject: Notice To Lt. Strickland, SCHP Preserve Records L. Paul Trask, III Fatal Automobile Accident 11/22/05, US21 Hunting Island, SC



SCHPnotice.doc

Lt. Strickland,

My name is L. Paul Trask, Jr and I am the father of Paul Trask, III who died in a traffic accident on Hunting Island on November 22, 2005. I faxed and mailed the attached letter on 02/23/06 to your Troop 6 office and Cpl. Paul Brouthers called me to discuss last Friday.

I would like to request a copy of all of the records in your possession related to my son's accident including all reports, drawings and any evidence that was collected by the investigating troopers at the scene. I would ask you to please keep all photographs of the accident in your file and NOT to send them to me unless I request them in the future.

It is my understanding that recordings of the radio transmissions received or made by the troopers is maintained in Columbia. Would you please contact the appropriate SCHP office and forward a copy of my letter requesting that they preserve the recordings relating to my son's accident along with any other pertinent records.

I would like to get a CD copy of the radio transmissions as soon as possible. Would you please advise me how to secure that data.

Thank you very much for your assistance. If you have any questions, I can be reached at 843-[REDACTED] (O) or [REDACTED] (H).

My mailing address is: L. Paul Trask, Jr.
P.O. Box [REDACTED]
[REDACTED]

Sincerely,

Paul Trask, Jr.

EXHIBIT

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PLTF 0302

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STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF BEAUFORT

L. PAUL TRASK, JR., INDIVIDUALLY,
AS A CITIZEN, RESIDENT, TAXPAYER
AND REGISTERED ELECTOR OF THE
STATE OF SOUTH CAROLINA,

Plaintiff,

vs.

CASE NO. 2007-CP-07-995

SOUTH CAROLINA DEPARTMENT OF PUBLIC
SAFETY; BEAUFORT COUNTY; BEAUFORT
COUNTY MANAGEMENT INFORMATION SYSTEMS;
BEAUFORT COUNTY CORONER CURTIS
COPELAND IN HIS OFFICIAL CAPACITY;
BEAUFORT COUNTY SHERIFF P. J. TANNER
IN HIS OFFICIAL CAPACITY,

Defendants.

DEPOSITION OF: LEIGH WATKINS

DATE: August 8, 2008

TIME: 10:02 A.M.

LOCATION: Offices of South Carolina
Department of Public Safety
10311 Wilson Boulevard
Columbia, SC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: WANDA K. CECIL
Certified Court Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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1 Q. Right.

2 A. So I in turn forwarded those questions
3 to -- I sent them to the troopers and asked them
4 would they mind responding to me.

5 Q. All right. Now, did you get a response?

6 A. Yes, sir, I did.

7 Q. And what did you do with what they told
8 you?

9 A. I forwarded it on to Mr. Trask.

10 Q. All right. Now, Ms. Watkins, go back
11 one step to the e-mail that you said Lieutenant
12 Strickland sent to you, dated February 27th, the
13 e-mail from Paul Trask to Lieutenant Strickland.

14 A. February 27th?

15 Q. Yes.

16 A. Yes, sir.

17 Q. Which you said you got; right?

18 A. Yes, sir.

19 Q. Now, in this particular e-mail, next to
20 the last paragraph, Mr. Trask said, I would like to
21 get a CD copy of the radio transmissions as soon as
22 possible. Would you please advise me how to secure
23 that data?

24 And then the one before that, the
25 paragraph before that says: It is my understanding

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1 that recordings of the radio transmissions received
2 or made by the troopers is maintain in Columbia.
3 Would you please contact the appropriate office,
4 highway patrol office and forward a copy of my
5 letter requesting that they preserve the recordings
6 relating to my son's accident, along with any other
7 pertinent records.

8 A. Yes, sir.

9 Q. And Lieutenant Strickland sent this to
10 you; right?

11 A. Yes, sir.

12 Q. What if anything did you do to secure
13 copies of the radio transmissions?

14 A. I would have sent it down to the
15 dispatch room.

16 Q. And were you able to get those
17 transmissions, CDs?

18 A. At this time, I do not know.

19 Q. All right. Would those transmissions
20 have been available on February 27, '06?

21 A. 180 days. So, yes, sir, they should
22 have been.

23 Q. And would you have anything in your
24 records to indicate what the response was to you to
25 your request for those transmissions?

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1 A. It should have been in my e-mails. Yes,
2 sir.

3 Q. Do you want to check it? Look and see
4 if you see it.

5 A. I was reading through these last night.
6 I don't recall seeing anything about the logs -- the
7 radio transmission.

8 Do you have something on that?

9 MR. WALDRON: Huh?

10 THE WITNESS: I don't recall reading on
11 it in the e-mails that I had supplied to Mr. Trask.

12 BY MR. TISDALE:

13 Q. Well, Mr. Trask did not receive any
14 copies of transmissions --

15 A. Okay.

16 Q. -- at any time. And so just what I'm
17 trying to find out is why didn't he?

18 A. Okay. I mean, I could have been told
19 they could not be found. I don't know. I don't
20 recall what I was told at this point.

21 Q. Would you have any records of that
22 anywhere?

23 A. It should be in these e-mails, but I do
24 not recall, as in I read them last night, reading
25 anything about why I would not have received the

1 information.

2 Q. Okay. Well Ms. Watkins, I understood
3 you to say just now that a radio transmission is
4 maintained for 180 days?

5 A. That is what I've been told. Yes, sir.

6 Q. Who would tell you that?

7 A. Ronnie Horton.

8 Q. H-o-r-t-o-n?

9 A. H-o-r-t-o-n. Yes, sir. He is in the
10 communications room downstairs.

11 Q. Okay. Is that who you would have asked
12 for a copy of the transmissions?

13 A. Yes, sir.

14 Q. Well, just so I'll understand it, are
15 all radio transmissions of the department anywhere
16 in the State maintained on this system for 180 days?

17 A. I do not know that, but you can actually
18 speak with Captain Oliver, who is over all of the
19 communications in the State for dispatchers.

20 Q. What's the Captain's first name?

21 A. I'm not positive.

22 Q. That's all right. We can find that.

23 A. I think it's Mike.

24 Q. You think it might be Mike?

25 A. I think it might be Mike Oliver; but

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1 it's Oliver, Captain Oliver.

2 Q. All right. So is it your testimony that
3 you requested Mr. Horton to send the radio
4 transmissions?

5 A. To the best of my knowledge, yes, I
6 would have done that.

7 Q. And do you have any record of anything
8 that happened after that?

9 A. No, sir.

10 Q. All right. Those records now would not
11 be existent, would they, unless he happened to pull
12 them out and has them sitting in a file down there
13 somewhere?

14 A. They physically -- they could be. I
15 have had it go back this late before due to the fact
16 that the boxes weren't sent to the destruction site
17 on time, so. . .

18 Q. May I ask you, with your lawyer's
19 permission, to follow up on that right away?

20 A. Yes, sir. I will send an e-mail as soon
21 as I leave here.

22 (This page contains information to be
23 supplied by counsel and/or the deponent.)

24 BY MR. TISDALE:

25 Q. Because Mr. Trask has not ever received

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1 any of those.

2 A. Okay.

3 Q. And we would very much appreciate your
4 follow up on that point. The accident, just for
5 your information, was in the early morning hours of
6 November 22, 2005. Okay?

7 A. Yes, sir.

8 Q. At the end of 180 days on these audio
9 transmissions --

10 A. Yes, sir.

11 Q. -- are those transmissions destroyed?

12 A. I'm not -- I do not know that.

13 Q. Do you know kind of how they are
14 maintained by Mr. Horton?

15 A. No, sir.

16 Q. Okay. And you don't know how they are
17 destroyed or --

18 A. No, sir.

19 Q. -- anything about them --

20 A. No, sir.

21 Q. -- or what the schedule is?

22 A. No, sir.

23 Q. All right. Mr. Horton's office is in
24 this building?

25 A. Yes, sir.

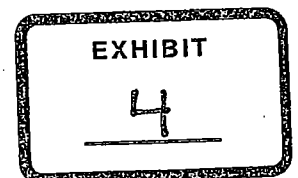
Paul Trask

From: p trask [REDACTED]
Sent: Monday, January 23, 2006 9:42 AM
To: copeland@islc.net
Cc: [REDACTED]; baileylawfirm@charter.net
Subject: LPT To Copeland Request Curt Copeland's conversation with James Irby on the night of Paul Trask III's accident at the Fripp Island Gatehouse

Good Morning Curt,

Would you please give me a statement of your conversation with Mr. Irby when you went to see him at the Fripp Island Gate. Thank you. Paul

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PLTF 0685

L. Paul Trask, Jr.

Beaufort, SC 29902

843-

Via Certified Mail – Return Receipt Requested

Monday, March 20, 2006

Curt Copeland, Coroner
Beaufort County Coroner's Office
P.O. Box 1228
Beaufort, SC 29901

RE: Estate of Leith Paul Trask, III
C/A # 2006-ES-07-00056

Dear Curt:

Please send me a copy of the Coroner's Report pertaining to Paul III's accident. Please send me a copy of every record pertaining to the inquest investigation, including a copy of Bob Bromage's reports and field notes. Also, please provide me with a copy of the SC Highway Patrol MAIT report that we requested that you have performed. In addition, please respond to the following questions:

Who removed Paul III's body from the vehicle?

Where was Paul's body taken after it was removed from the vehicle at the accident scene?

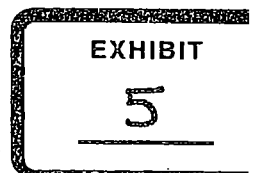
Who transported Paul's body?

If you have any questions regarding this matter, please contact me at the number listed above. Thank you for your assistance regarding this matter.

Sincerely,

L. Paul Trask, Jr.

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PLTF 0181

L. Paul Trask, Jr.

Beaufort, SC 29902

843- [REDACTED]

Via Certified Mail – Return Receipt Requested

Friday, April 14, 2006

Curt Copeland, Coroner
Beaufort County Coroner's Office
P.O. Box 1228
Beaufort, SC 29901

RE: Estate of Leith Paul Trask, III
C/A # 2006-ES-07-00056

Dear Curt:

I am in receipt of a package of information which was hand-delivered to my office yesterday afternoon on April 13, 2006. The package of information contained the following documents:

1. Cover letter dated April 7, 2006 signed by Deputy Coroner Connie Herman.
2. Single page Beaufort County Coroner's Report signed by Deputy Coroner Connie Herman.
3. 2-page stapled S.C. Highway Patrol report TR-310.
4. 3-page stapled LISH Fire Dept. report.
5. 3-page stapled "Trask Investigation Notes Submitted by Captain Bob Bromage" including questions and answers 1-9 on the last page.
6. Single page Beaufort County Cremation Permit Request and Coroner's Permit to Cremate dated 11/22/05 and signed by Funeral Director Curt Copeland and Deputy Coroner Herman
7. Single page DHEC Burial Permit and Death Notification No. 385317 signed by Deputy Coroner Connie Herman.
8. Single page Copeland Funeral Home "Natural Death Report and Request for Burial-Removal-Transit Permit" dated 11/22/05 and signature stamped by Curt Copeland.
9. 3-page stapled Copeland Funeral Home "Authorization For Cremation, Processing, And Disposition Of The Remains Of:" Leith Paul Trask, III signed by Curt Copeland and Meredith C. Trask and L. Paul Trask, Jr.
10. Certificate of Cremation (Tag No. 895-05) dated 11/23/05 and signed by Connie Herman.
11. Undated and unsigned Coastal Cremation Services "Receipt of Cremated Remains" of Leith Paul Trask, III (Tag 895-05).
12. Photocopy of timeclock report for L. Paul Trask signed by Curt Copeland.

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EXHIBIT

6

PLTF 0182

Friday, April 14, 2006
Curt Copeland, Coroner
Page (2)

I have a number of questions pertaining to the package of information:

1. Deputy Coroner Connie Herman informs me that I will have to obtain the MAIT report directly from the S.C. Highway Patrol. Please confirm that you requested that the SC Highway Patrol perform a MAIT investigation into the circumstances of Paul III's fatal automobile accident.
2. With respect to the inquest investigation, the package did not include a copy of the handwritten notes of Capt. Bromage or SSgt. Purdy pertaining to their interviews. Please confirm that you have delivered to me a copy of all records including the notes taken during the interviews by Capt. Bromage and SSgt. Purdy.
3. With respect to the inquest investigation, the package did not include a copy of any report submitted by Capt. Bromage or SSgt. Purdy to you, the Coroner. Please confirm that no such reports exist.
4. Please provide me with a copy of the report of your interview of James Irby at the Fripp Island gate house on the morning of the accident including a copy of your handwritten notes.
5. Please provide me with a copy of the reports of your interviews with any other persons including handwritten notes pertaining to Paul III's accident.
6. Please identify the person(s) who drove the Coroner's van from the accident scene to the morgue.
7. Please identify the LIFD personnel who removed Paul's body from the car

If you have any questions, please contact me at the number listed above. Thank you for your assistance regarding this matter.

Sincerely,

L. Paul Trask, Jr.

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STATE OF SOUTH CAROLINA IN THE CIRCUIT COURT
COUNTY OF BEAUFORT CASE NO. 2007-CP-07-995

L. PAUL TRASK, JR, INDIVIDUALLY,
AS A CITIZEN, RESIDENT, TAXPAYER
AND REGISTERED ELECTOR OF THE STATE
OF SOUTH CAROLINA, AND ON BEHALF OF
OTHERS SIMILARLY SITUATED,

Plaintiff,

vs.

SOUTH CAROLINA DEPARTMENT OF PUBLIC
SAFETY; BEAUFORT COUNTY; BEAUFORT
COUNTY MANAGEMENT INFORMATION SYSTEMS;
BEAUFORT COUNTY CORONER CURTIS COPELAND
IN HIS OFFICIAL CAPACITY; BEAUFORT
COUNTY SHERIFF P.J. TANNER IN HIS
OFFICIAL CAPACITY,

Defendants.

STATE OF SOUTH CAROLINA IN THE CIRCUIT COURT
COUNTY OF BEAUFORT CASE NO. 07-CP-07-993

L. PAUL TRASK, JR., PERSONALLY,
AND AS NEXT OF KIN AND AS DULY
APPOINTED PERSONAL REPRESENTATIVE
OF THE ESTATE OF L. PAUL TRASK, III,
DECEASED, AND MEREDITH C. TRASK,

Plaintiff,

vs.

BEAUFORT COUNTY; CURTIS COPELAND,
IN HIS OFFICIAL CAPACITY AS CORONER
OF BEAUFORT COUNTY AND INDIVIDUALLY;
AND COPELAND COMPANY OF BEAUFORT, LLC,

Defendants.

DEPOSITION OF: CURTIS COPELAND

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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1 Q Who prepared this coroner's report?

2 A She did based on notes that I had given
3 her.

4 Q Where are those notes?

5 A Probably destroyed.

6 Q Your investigative notes are destroyed?

7 A I don't think I still have them. If you
8 saw my notes and if would could read my writing, you
9 would see why they were destroyed.

10 Q Just let me ask you directly,
11 Mr. Copeland.

12 A Wait a minute.

13 Q Excuse me.

14 A They may still be in here. I don't know.
15 I don't have them, sir.

16 Q Did you destroy your investigative notes
17 in this case?

18 A Did I destroy them?

19 Q Yes, sir.

20 A I have no idea whether I did it, she did
21 it. It's just not customary to keep the notes.
22 They could possibly have been in a notebook that had
23 since been -- I say destroyed, but I have no idea.

24 Q Did you destroy the notes or did Connie
25 Herman destroy the notes?

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1 A I have no idea.

2 Q The investigative notes?

3 A Probably me.

4 Q As a general practice in the operation of
5 your duties as coroner, do you destroy investigative
6 notes?

7 A Yes. Yes, sir.

8 Q You do?

9 A Yes, sir.

10 Q If you don't, Connie Herman did?

11 A I don't know that she ever did. When I
12 say destroy, they probably are somewhere. Now, I
13 don't destroy a whole lot. But where they are would
14 be -- I mean, I could look through my notebooks and
15 possibly find them, possibly not.

16 Q Do you routinely destroy your
17 investigative notes at the end of each case?

18 A I typically -- not at the end of each
19 case, but when a little notebook is filled up. I
20 have not intentionally destroyed anything pertaining
21 to this case, and I can promise you that.

22 Q How about Investigator Bromage's notes,
23 have they been destroyed as well?

24 A I have no idea. Those are his, not mine.

25 Q He doesn't turn them in to you?

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1 Q You were wrong?

2 A I was wrong.

3 Q Now, did the solicitor ever meet with the
4 Trasks, to your knowledge?

5 A I'm unaware.

6 Q Now, a while ago we went over the request
7 in some detail that Ms. Herman provided in response
8 to Mr. Trask's letter of March 20, 2006.

9 Did you receive a letter of April 14,
10 2006? And I have a copy here. There's a response
11 dated April 19?

12 MR. TISDALE: Exhibit 7.

13 (PLF. EXH. # 7, 4/14/06 letter
14 from Mr. Trask to Mr. Copeland, marked for
15 identification.)

16 BY MR. TISDALE:

17 Q Mr. Copeland, Exhibit 7 is a letter from
18 Paul Trask to you dated April 14, 2006 --

19 A Yes, sir.

20 Q -- asking for certain information. Do you
21 see that?

22 A Yes, sir.

23 Q Did your office respond to that request?

24 A I think that we responded, should have.

25 Q Would you mind giving us a copy of that

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1 response?

2 A I don't seem to have one. There might not
3 have been a response. It might have been something
4 that she took out orally. I don't know. I don't
5 seem to have a response to that.

6 Q This was a request for documents. It
7 could have been responded to orally unless --

8 A Yes, sir, you're exactly right.

9 Q Do you have any response to that request?

10 A No, sir.

11 Q You do not?

12 A No, sir.

13 Q Did you or someone in your coroner's
14 office inform Mr. Trask that the documents he was
15 seeking had been destroyed?

16 A I don't -- I'm sorry, what was destroyed
17 that he has asked for that I have control over?

18 Q I'm looking for a writing that says that.
19 I just can't put my hand on it right now. Might be
20 simpler to come back to it.

21 A Let's assume that you have it. Tell me
22 what you're talking about.

23 Q I have a note that on April 19 Mr. Trask
24 was informed that the documents were destroyed and
25 this request of April 14, 2006 couldn't be responded

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1 Q How often do you delete coroner's e-mails?

2 A I don't specifically delete coroner,
3 personal, whatever. I delete by date everything.

4 Q How often do you delete the, quote, date,
5 end quote?

6 A Depends on how many I get. When it gets
7 to be several, 15 or 20, I delete them.

8 Q Do you still have that same computer and
9 e-mail address?

10 A I still have that same e-mail address.

11 Q How about computer?

12 A I don't think I still have that same
13 computer.

14 Q Now, some people who have testified in
15 this case I am told have said or will say that they
16 double delete e-mails. Do you ever do that?

17 A Sure.

18 Q Why do you double delete them?

19 A They go into a deleted file, and then you
20 delete that deleted file. I guess they go into that
21 deleted file so in case you realize you have deleted
22 something -- are you familiar with computers?

23 Q I'm not supposed to answer questions in
24 this deposition. But I can move around on one
25 pretty well.

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1 A Well, you delete them the first time and
2 they go into a deleted file.

3 Q That's why I'm asking you.

4 A You delete out of that deleted file just
5 to clear it up.

6 Q Clear it up?

7 A Yes.

8 Q Is it your position that e-mail
9 correspondence is not covered under Section
10 12-518-3, case files that we talked about in Exhibit
11 2?

12 A It probably was. And you know, I probably
13 should not have, but I did -- I didn't -- I mean, if
14 I did it, I did it. In honesty, it was not
15 intentionally or with some kind of ulterior motive
16 in mind.

17 Q It's hard to delete something
18 unintentionally, isn't it?

19 MR. WALDRON: Object to the form of the
20 question.

21 THE WITNESS: I'm sorry?

22 BY MR. TISDALE:

23 Q Why do you delete this coroner's office
24 correspondence?

25 A Because it becomes cumbersome. It was not

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1 deleted because of who it was or what it was or
2 anything else. It was deleted with everything else.

3 Q You just delete it as a practice of the
4 operation of your office?

5 A Absolutely. I wish I hadn't.

6 Q Right. We wish you hadn't, too. Are the
7 harddrives of those computers still available, the
8 ones you used in 2005?

9 A I don't know. I mean, I've sold the
10 funeral home. I would have to really think through
11 and track down whether those are still available or
12 not.

13 Q Does the present operation of the funeral
14 home have anything to do with the coroner's office?

15 A No, sir.

16 Q Are you saying that whatever coroner's
17 records there were on your computer you left with
18 the funeral home?

19 A No, sir. I'm not -- not coroner records,
20 but anything pertaining to e-mail. I mean, the
21 e-mail, I cleaned it up. I erased it. Whether it's
22 cleared off the harddrive or not, I don't know.

23 Q Where is the harddrive?

24 A The harddrive is on the computer that
25 was -- the computer was sold to the new owner of the

1 funeral home.

2 Q Now, with regard to Exhibit 9, your letter
3 to Mr. Trask saying that you refuse to produce cell
4 phone records and concerning the completion of your
5 e-mails, did you seek advice from anyone before
6 refusing to make those productions?

7 A No, sir. I don't think so. I mean, you
8 know, I thought telling the truth was kind of okay.

9 Q You use -- I mean, with the South Carolina
10 Coroners' Association you list your personal e-mail
11 address as your official coroner's e-mail address?

12 A That's the only one I got. I think I have
13 one through the county, but I don't use it.

14 Q But my question was: You do use your
15 personal e-mail address for official business, don't
16 you?

17 A Yes, sir.

18 Q Now, just real briefly, coming back to the
19 training issue, the coroners' training issue for
20 coroner and deputy coroners.

21 Would you dispute it if I told you that
22 neither the Criminal Justice Academy or the South
23 Carolina Coroners' Association have any record of
24 you attending any training session?

25 A I would not dispute it for the Criminal

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1 Justice Academy. Now, the Coroners' Association, I
2 have been to training.

3 Q They should have records reflecting that,
4 shouldn't they?

5 A Yes, sir.

6 Q They should?

7 A Should.

8 MR. TISDALE: Mark this, please. This is
9 a letter dated July 20, 2006.

10 (PLF. EXH. # 10, 7/20/06 letter
11 from Mr. Trask to Mr. Copeland, marked for
12 identification.)

13 BY MR. TISDALE:

14 Q Do you remember receiving this letter?

15 A Yes, sir.

16 Q Why didn't you respond to it?

17 A Why didn't I respond to it?

18 Q Yes, sir.

19 A I didn't realize I didn't respond to it,
20 sir.

21 Q Do you have any recollection of --

22 A No, sir, I don't have anything that shows
23 that I did.

24 MR. TISDALE: A letter dated December 11,
25 2006, Exhibit 11.

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1 (PLF. EXH. # 11, 12/11/06 letter
2 from Mr. Trask to Mr. Copeland, marked for
3 identification.)

4 BY MR. TISDALE:

5 Q Did you respond to this letter?

6 A I don't recall having responded, sir.

7 Q I'll take that as a no.

8 A Yes, sir.

9 Q You certainly did not honor the request
10 that -- to preserve the harddrive on your personal
11 and business computer along with your backup
12 computers, did you? Didn't you testify you sold the
13 computer?

14 A Yes, sir.

15 Q Can you give any reason why you didn't
16 respond? Is there an explanation why you didn't
17 respond?

18 A No, sir, I can't. I don't know whether I
19 gave that to the attorney. I cannot answer that.

20 Q If you gave it to an attorney, would you
21 have any idea which attorney you gave it to?

22 A No, sir, I wouldn't. I do not have a
23 plausible answer to your question.

24 Q Can you explain why you didn't?

25 A No, sir.

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1 Q Did you seek advice from anyone that you
2 recall before deciding not to respond?

3 A I don't recall having done so, no, sir.

4 MR. TISDALE: This is an e-mail dated
5 February 25, 2007 from Paul Trask to Mr. Copeland,
6 Exhibit 12.

7 (PLF. EXH. # 12, 2/25/07 e-mail
8 from Mr. Trask to Mr. Copeland, marked for
9 identification.)

10 BY MR. TISDALE:

11 Q This asks for, Mr. Copeland: One,
12 complete radio log for Coroner Copeland, call sign
13 601, for November 22, 2005.

14 Do you have any recorded evidence that you
15 responded to this request?

16 A No, sir.

17 Q Why didn't you respond to it?

18 A I don't know. I don't know. I don't keep
19 those records. As I've said before, the county has
20 those. I'm certainly not trying to hide anything.

21 Q Well, explain to me a little bit about the
22 radio log. You don't have a radio log?

23 A No, sir.

24 Q Is your call sign 601?

25 A Yes, sir.

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1 Q He never asked you to authorize it?

2 A Not that I -- I mean, no. I never recall
3 him asking me.

4 Q That's all I want to know. You never
5 responded to Mr. Trask to his request for the radio
6 logs?

7 A No. I'll be happy for him to release
8 those records.

9 (PLF. EXH. # 13, 2/5/07 e-mail
10 from Mr. Trask to Mr. Copeland and Ms.
11 Herman, marked for identification.)

12 BY MR. TISDALE:

13 Q Now look at Exhibit 13 that I just put
14 out. It's an e-mail dated February 5, 2007 to you
15 and Ms. Herman. You can see there in paragraph
16 numeral 1 what Mr. Trask asks for?

17 A Yes, sir.

18 Q Did you respond to this request for
19 information under FOIA?

20 A I don't have any copy of response. I
21 thought Ms. Herman did. Obviously, apparently, she
22 did not.

23 Q I represent to you I -- that Mr. Trask did
24 not receive a response. Do you have any evidence
25 contrary to that?

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1 A No, sir.

2 Q Can you give an explanation of why?

3 A No, sir.

4 Q No reason?

5 A No, sir. I guess I'm a pretty lousy
6 operator, huh?

7 Q That would be up to the judge to make that
8 decision when we try this case, Mr. Copeland.

9 A Okay.

10 Q You have answered this already. Who did
11 you say could tell us where Connie Herman was? Is
12 it the woman at the funeral home, at the coroner's
13 office? What's her name, Joyce?

14 A Janet Horton. She's sitting right there.

15 MR. LINDEMANN: I have agreed that I will
16 check with Ms. Horton and provide you whatever it is
17 that we have.

18 BY MR. TISDALE:

19 Q Mr. Copeland, I didn't realize until a
20 little while ago that this is Ms. Horton sitting in
21 the room with us. I'm not objecting to it. I was
22 just thinking, if there's anything she knows, you
23 might want to confer with her, might save us some
24 time. I'm not asking you to.

25 MR. LINDEMANN: We're not going to do it

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L. Paul Trask, Jr.

Beaufort, SC 29902

843-

Via Certified Mail – Return Receipt Requested

Tuesday, February 21, 2006

Curt Copeland, Coroner
Beaufort County Coroner's Office
P.O. Box 1228
Beaufort, SC 29901

RE: Estate of Leith Paul Trask, III
C/A # 2006-ES-07-00056

Dear Curt:

Please be advised that I have been appointed as Special Administrator of the above-referenced Estate. A copy of my Certificate of Appointment is enclosed herewith. It is my understanding that your office is responsible for holding and maintaining records for the Beaufort County Coroner's office. The purpose of this letter is to place you on notice of the need to preserve the records of your department.

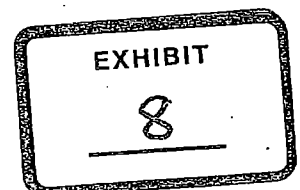
Leith Paul Trask, III was killed in a motor vehicle accident on November 22, 2005. Your office maintains records for the Coroner's office which responded to the accident in question. Accordingly, you are requested to preserve all such records, including, but not limited to, recordings of audio transmissions, e-mail and any other written or electronically generated documentation relating to all persons who responded to this accident.

If you have any questions regarding this matter, please contact me at the number listed above. Thank you for your assistance regarding this matter.

Sincerely,

L. Paul Trask, Jr.

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L. Paul Trask, Jr.

P.O. [REDACTED]
Burton, SC 29903
[REDACTED]

June 22, 2006

Certified Mail Return Receipt Requested

Curt Copeland, Coroner
Beaufort County Coroner's Office
P.O. Box 1228
Beaufort, SC 29901

Re: Freedom of Information Act ("FOIA") request regarding evidence of the communications of Curt Copeland pertaining to the 11/22/05 fatal MVA involving Leith Paul Trask, III.

Dear Curt:

Please allow this letter to serve as my official request pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. 30-4-10. et seq. (Supp. 2001), to inspect and copy the following materials:

1. Complete copy of your cellular telephone bill(s) for the months of November, 2005 through May, 2006.
2. Complete copy of your email communications from of November 22, 2005 through June 22, 2006.

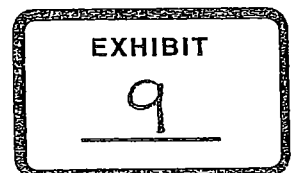
Please deliver the requested documents to my address at P.O. Box [REDACTED] SC 29903.

Thank you for your assistance and cooperation, and please do not hesitate to contact me directly at [REDACTED] or [REDACTED] if you have any questions or need additional information.

Sincerely,

L. Paul Trask, Jr.

144



PLTF 0184



CURT COPELAND
Coroner

OFFICE OF THE CORONER

POST OFFICE BOX 8080
BEAUFORT, SOUTH CAROLINA 29903
TELEPHONE (843) 525-7656
FAX (843) 525-7675

July 13, 2006

Mr. L. Paul Trask, Jr.
Post Office [REDACTED]
[REDACTED] South Carolina 29903

Dear Mr. Trask:

I am in receipt of your certified letter of June 22, 2006, whereby you have requested 1.) my "cellular telephone bill(s) for the months of November 2005, through May, 2006; and, 2.) a complete copy of your e-mail communications from of (sic) November 22, 2005, through June 22, 2006."

Please be advised that my cellular telephone is a personal phone and is not a "county" (government) telephone and is, therefore, not covered under the Freedom of Information Act. I do not have a county cellular telephone.

The same applies to e-mail in that it I use my personal e-mail address and my personal computer for neither is provided by Beaufort County. I do not have a county e-mail address. Further, I attempt to clear my e-mail periodically (every month or two) and such was the case when it was recently cleared.

If there are any questions or if there is any way that I can be of service, please do not hesitate to contact me.

Sincerely,

Curt Copeland

145

EXHIBIT

10

L. Paul Trask, Jr.
P.O. [REDACTED]
Burton, SC 29903
843-[REDACTED]

Monday, December 11, 2006

Certified Mail Return Receipt Requested

VIA FACSIMILE: 843-525-7675

Connie Herman, Deputy Coroner
Beaufort County Coroner's Office
P.O. Box 1228
Beaufort, SC 29901

Re: Freedom of Information Act ("FOIA") request regarding evidence of the communications of Deputy Coroner Connie Herman pertaining to the 11/22/05 fatal MVA involving Leith Paul Trask, III.

Dear Deputy Herman:

Your e-mail records generated during the course of your duties as Deputy Coroner are "public records" as defined under the S.C. Freedom of Information Act, S.C. Code Ann. 30-4-10. et seq. (Supp. 2001). You are required by law to protect and preserve all of your official records, including your e-mail records. This is to notify you of the need to preserve the hard drive(s) on your Beaufort County, personal and business computer(s) along with your backup file(s).

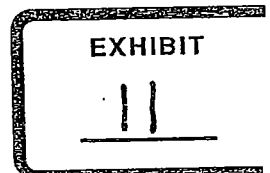
Further, as provided in the Freedom of Information Act, this is to serve as my official request to inspect and copy all e-mail communications maintained in your computer(s) or with your service provider(s) that pertain to Paul III's accident. Please contact me as soon as possible so that I can make an appointment to review and copy your e-mail communications with Coroner Copeland, Capt. Bob Bromage, and any other individual with whom you have had communications pertaining to Paul III's accident.

Thank you for your assistance and cooperation, and please do not hesitate to contact me directly at 843-[REDACTED] or 843-[REDACTED] if you have any questions or need additional information.

Sincerely,

L. Paul Trask, Jr.

146



PLTF 0188

L. Paul Trask, Jr.
P.O. [REDACTED]
Burton, SC 29903
843 [REDACTED]

Sunday, January 07, 2007

Certified Mail Return Receipt Requested

VIA FACSIMILE: 843-525-7675

Connie Herman, Deputy Coroner
Beaufort County Coroner's Office
P.O. Box 1228
Beaufort, SC 29901

Re: Freedom of Information Act ("FOIA") request regarding evidence of the communications of Deputy Coroner Connie Herman pertaining to the 11/22/05 fatal MVA involving Leith Paul Trask, III.

Dear Deputy Coroner Herman:

I sent you a FOIA request letter dated December 11, 2006 via fax and certified mail. The FOIA letter was my official request to inspect and copy your e-mail communications with Coroner Copeland, Capt. Bob Bromage and anyone else connected to Paul III's accident and the subsequent investigation.

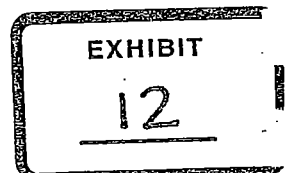
I asked you to contact me so I could make an appointment to review and copy the records, but I have not had a response from you. Please advise me when I will be able to copy and inspect the requested records.

Thank you for your assistance and cooperation, and please do not hesitate to call me at [REDACTED] if you have any questions or need additional information.

Sincerely,

L. Paul Trask, Jr.

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PLTF 0190

L. Paul Trask, Jr.
P.O. [REDACTED]
Burton, SC 29903
843-[REDACTED]

July 20, 2006

Certified Mail Return Receipt Requested

Curt Copeland, Coroner
Beaufort County Coroner's Office
P.O. Box 1228
Beaufort, SC 29901

Re: Freedom of Information Act ("FOIA") request regarding all Beaufort
County Deputy Coroners

Dear Curt:

Please allow this letter to serve as my official request pursuant to the South
Carolina Freedom of Information Act, S.C. Code Ann. 30-4-10. et seq. (Supp.
2001), to inspect and copy the following materials:

1. Complete list of every Deputy Coroner serving Beaufort County from year
2000 to present.
2. Copy of Certificate evidencing the appointment for the above Deputy
Coroner(s).
3. The name of the individual who administered the oath of office for the above
Deputy Coroner(s).

Please deliver the requested documents to my address at P.O. Box 4160, Burton
SC 29903.

Thank you for your assistance and cooperation, and please do not hesitate to
contact me directly at 843-[REDACTED] or 843-[REDACTED] if you have any questions
or need additional information.

Sincerely,

L. Paul Trask, Jr.

148



PLTF 0186

Paul Trask

From: Paul Trask [redacted]
Sent: Monday, February 05, 2007 3:54 PM
To: 'William Winn'; 'gwend@bcgov.net'
Subject: FW: To WILLIAM WINN Request for records of Coroner Copeland cell phone calls

Dear Mr. Winn,

I am re-sending my earlier FOIA request to you because I need to inspect additional documents in the custody of your department. Please allow this e-mail to serve as my official request, pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10, et seq. (Supp. 2001), to inspect and copy the following public records:

1. The audio record of the 2:21am cell phone call made by Mr. Copeland.
2. The audio record of the 4:11am cell phone call made by Mr. Copeland.
3. Complete radio log for Coroner Copeland (call sign 601) for November 22, 2005.
4. Complete list of telephone and cell phone numbers that called the Beaufort County dispatch system from 12:00 am to 06:00 am on November 22, 2005.
5. Complete print-out report of all Beaufort County CAD entries made from 12:00 am to 06:00 am on November 22, 2005.
6. Please identify the telephone number or cell phone number that Mr. Copeland used to call Beaufort County dispatch at 02:43:25 on November 22, 2005. For your convenience, the audio record of that particular call is the 12th entry on the Playlist C:\Documents and Settings\gwend\Desktop\Trask file EMS.cpf.

Thank you again for your cooperation and assistance.

Please advise me when you will make these records available to me.

Sincerely,

Paul Trask, Jr.

From: Paul Trask [mailto:[redacted]]
Sent: Monday, February 05, 2007 12:38 PM
To: 'William Winn'; 'gwend@bcgov.net'
Subject: To WILLIAM WINN Request for records of Coroner Copeland cell phone calls

Dear Mr. Winn,

On November 22, 2005, Coroner Copeland called Beaufort County dispatch at 2:21am and spoke for 8 minutes. Coroner Copeland called dispatch again at 4:11am and spoke for 1 minute. Please explain why the recordings of Coroner Copeland's communications were omitted from the official CD's that were prepared by your office and delivered to us.

Please allow this e-mail to serve as my official request, pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10, et seq. (Supp. 2001), to inspect and copy the audio record of the above noted calls. Please advise me when you will make these records available to me.

Thank you very much for your cooperation and assistance.

Paul Trask, Jr.

EXHIBIT

14

PLTF 0151

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CITY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
100 RIBAUT ROAD
SUITE 270
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 470-5380 FAX: (843) 470-5383
kgolden@bcgov.net

WILLIAM WESTON J. NEWTON
CHAIRMAN

W. X. "SKEET" VON HARTEN
VICE CHAIRMAN

COUNCIL MEMBERS

STEVEN M. BAER
RICK CAPORALE
GERALD DAWSON
HERBERT N. GLAZE
WILLIAM L. McBRIDE
STEWART H. RODMAN
D. PAUL SOMMERVILLE
GERALD W. STEWART
LAURA VON HARTEN

GARY T. KIBIC
COUNTY ADMINISTRATOR

KELLY J. GOLDEN
STAFF ATTORNEY

SUZANNE M. RAINY
CLERK TO COUNCIL

February 23, 2007

Mr. L. Paul Trask, Jr.

Beaufort, South Carolina 29902

Re: Requests made under the S.C. Freedom of Information Act (FOIA)

Dear Mr. Trask:

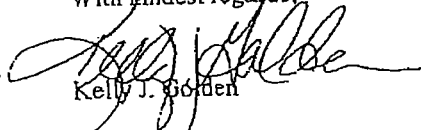
In response to your FOIA request of February 5, 2007, I am providing the following information:

1. The audio recordings of November 22, 2005 have been destroyed.
2. Same as above.
3. The radio log for Coroner Copeland is under the authority of the Coroner's office and a FOIA will have to be filed with the Coroner.
4. A complete list is not maintained. All lines are recorded and those recordings have been destroyed. A paper copy of 911 calls are made for backup. These calls cannot be provided as we cannot attach those calls to the incident. Nor can we identify those calls by type (Fire, EMS or law enforcement). Therefore, we do have a method to protect their personal information as it may be regarded to HIPPA or those that are law enforcement sensitive (information containing other criminal cases). If you can provide numbers from which calls were made to 911 we can attempt to provide the times they were made.
5. We cannot provide you a copy of all CAD entries that are not related to the incident. To do so would b in violation of HIPPA rules and potential Law Enforcement sensitive information. You have already been provided with the CAD printout in regard to your son's accident.
6. We have no method to identify the telephone number or cell phone number that Mr. Copeland used to call dispatch. Reference answer number one.

Attached is a copy of the Beaufort County Emergency Management Division's 911 plan. The total charge for copying the 911 plan is \$34.40.

Should you have any questions or comments please do not hesitate to contact me.

With kindest regards,


Kelly J. Golden

enc.: as stated

cc: William, Winn, Jr., Director, Beaufort County Emergency Management Division, w/o enc.

EXHIBIT

15

Paul Trask

From: Paul Trask [REDACTED]
Sent: Sunday, February 25, 2007 12:37 PM
To: 'copeland@islc.net'
Subject: FOIA request for Coroner radio log 11/22/2005
Attachments: 02-23-07 K. Golden Response to W. Winn Request 001.tif

Dear Curt,

Please note the attached letter where Ms. Golden informs me that my FOIA request is to be directed to your office. Please allow this e-mail to serve as my official request, pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10, et seq. (Supp. 2001), to inspect and copy the following public records:

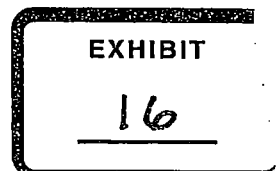
1. Complete radio log for Coroner Copeland (call sign 601) for November 22, 2005.

Please notify me when the requested records will be made available to me.

Sincerely,

Paul Trask, Jr.

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2/5/2007

PLTF 0194

Paul Trask

From: Paul Trask [REDACTED]
Sent: Monday, February 05, 2007 4:18 PM
To: 'copeland@islc.net'; 'connieherman@islc.net'
Subject: To COPELAND & HERMAN Records of Toxicology Reports

Dear Curt & Ms. Herman,

Please allow this e-mail to serve as my official request, pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10, et seq. (Supp. 2001), to inspect and copy the following public records:

1. Copy of all toxicology reports and related documentation in possession or control of the Beaufort County Coroner's Office from June 1, 2005 through December 31, 2006. Please call me at 525-0578 and let me know if the cost of assembling and copying these public records will exceed of \$50.00.

Thank you for your assistance and cooperation.

Sincerely,

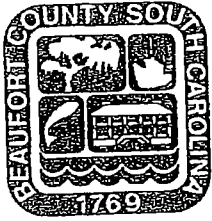
Paul Trask, Jr.

Also, this is to notify you that I have not received a response to my request to each of you to inspect your e-mail records. The S.C. public records act provides for a 15 business day response to a citizen's request for access to public records. I made my requests to you on December 11, 2006. I sent a follow-up request notice to you both on January 7, 2007. It is now February 5, 2007. Please contact me and let me know when I will be able to inspect and copy the requested records.

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PLTF 0192



CURT COPELAND
Coroner

OFFICE OF THE CORONER

POST OFFICE BOX 8080
BEAUFORT, SOUTH CAROLINA 29903
TELEPHONE (843) 525-7656
FAX (843) 525-7675

Friday, April 7, 2006

L. Paul Trask, Jr.
[REDACTED]

Beaufort, SC 29902

RE: Estate of Leith Paul Trask, III C/A # 2006-ES-07-00056

Dear Mr. Trask:

On several occasions you have sent the Coroner's Office certified letters requesting information regarding L. Paul Trask, III. Enclosed, please find all the information you have requested, except the SC Highway Patrol MAIT report. That particular report you will have to obtain from the South Carolina Highway Patrol.

If there is anything else that the Coroner's Office can do for you and your family regarding this manner, please feel free to contact me on this manner.

Sincerely,

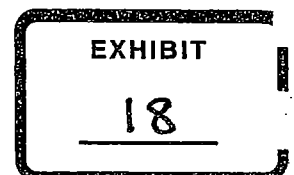
Connie Herman

Connie Herman
Deputy Coroner
Beaufort County Coroner's Office

Enclosures (11)

Cjh

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PLTF 0688

Beaufort County Coroner's Office Coroner's Report

Beaufort County Coroner's Office, P.O. Box 8080, Beaufort, SC, 29903

DECEDENT INFO				CALL INFORMATION					
Name of Deceased (First, middle, Last) Leith Paul Trask iii			Sex Male	Age 20	Date 11/22/2005	Day Tue	Month 11	Notified by SOUTH	CASE NUMBER 05-669c
Address [REDACTED]					Time Notified 0123	Time on Scene 0134			
County Residence Beaufort	DOB 08/11/1985	City/Town/Village Residence Beaufort			Manner of Death <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Undetermined				
Occupation student			Marital Status Never Married		Are There Photos for Case No				

NEXT OF KIN				
Next of Kin Mary Trask	Address [REDACTED]		Relationship to Deceased Mother	Telephone

DEATH INFORMATION						
County Death Beaufort	County Onset Beaufort	Place Death HWY 21		City/Town/Village Death St. Helena	City/Town/Village Onset St. Helena Island	<input type="checkbox"/> At Work
Type Death MVC	Pronounced by Curt Copeland CORONER		Time 0110	Identified by SCHP	Date Death 11/22/2005	Date Body Found 11/22/2005
Date Death Record signed 11/23/2005	Medical Certifier Curt Copeland			Cause of Death Multiple Injuries Extreme		

FUNERAL HOME INFORMATION				
Funeral Home Copeland Funeral Home	Address PO Box 8080 Beaufort, South Carolina 29903		Phone 843-525-1111	Requested by
Secondary Funeral Home	Address		Phone	Requested by

INVESTIGATING AGENCY/LAW ENFORCEMENT				
Agency South Carolina Highway Patrol	Notified 0147	Investigating Officer L/Cpl Brouters	Assisting Officer	Agency Number 524-0163

EMS/FIRE AGENCIES		
EMS Services Lady's Island Fire	Notified 0123	Fire Department Lady's Island-St. Helena Fire District 525-7692

AUTOPSY INFORMATION					
<input type="checkbox"/> Autopsy Performed	Autopsy Requested n/a	Place Autopsy n/a	Date Autopsy n/a	Autopsy Number n/a	Pathologist n/a

TOXICOLOGY				
<input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs	Sample Type n/a	Date Obtained n/a	Time Obtained n/a	Obtained By n/a

INJURY INFORMATION					
Date 11/22	Time 0110	County Injury Beaufort	City/Town/Village Injury St. Helena	Place of Injury Hwy 21	Location of Injury Hwy 21 14.9 miles S of Beaufort
How Injury Occurred Decedent ran off road and struck tree.					

Coroner Signature *Cornie Herman* Deputy Coroner

PLTF 0689

154

CERTIFIED TO BE A TRUE COPY
CURT COPELAND, CORONER

069c

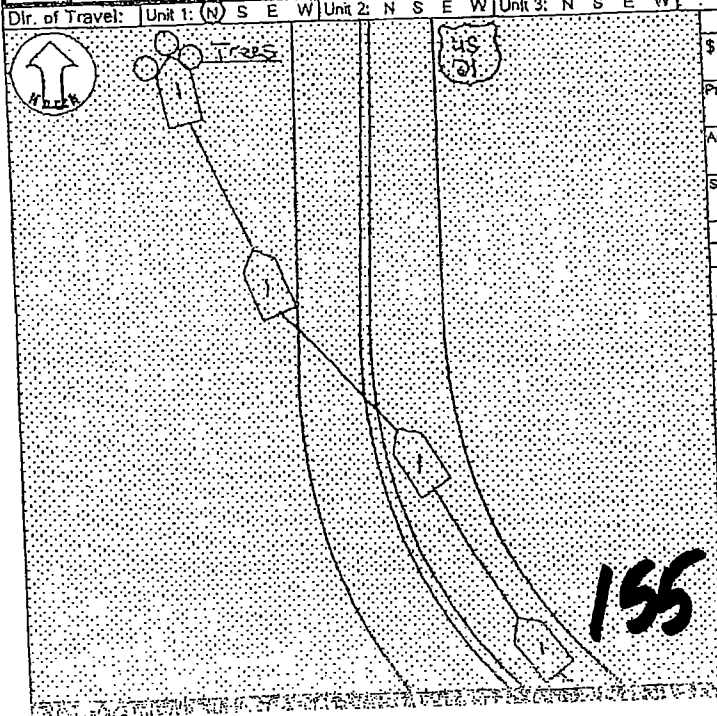
D.P.S. USE ONLY		Page #	SOUTH CAROLINA TRAFFIC COLLISION REPORT FORM		# Of Units	Amended - Attach Copy of Original Report	Notified	Arrived
		1	TR-310 (Rev. 03/2001)		1	Coveraged	0147	0239
Date	Time	County	Collision Location (Rt. # / Name)		Miles	Dir.	Near City or Town of	
11/22/2005	0140	7	21		14.9	W	BEAUFORT	
Lane # / Dir.	Distance Offset	Direction	Base Intersection (Rt. # / Name)		ASRU code		MP/Grd.	
N/A	.10	W	348				Latitude: 32° 23' 1300"	
R.R. Id.	From	Ramp Only	To	Second Intersection (Rt. # / Name)	ASRU code		Longitude: 80° 26' 2030"	
N/A	N E	1 - Entrance	N E	406				

Unit #	Sex	Race	Street/R.F.D.	Unit #	Sex	Race	Street/R.F.D.
R-744109	M	W	[REDACTED]	R-744110	N/A		[REDACTED]
Birth Date	City, State, & Zip		State	Birth Date	City, State, & Zip		State
08/11/1985	Beaufort, SC 29902		SC	N/A	Beaufort, SC 29902		SC
Drivers License #	Insurance Company		Year	Body	Vehicle Make	VIN #	Year
[REDACTED]	[REDACTED]		1999	45	ISUZU	[REDACTED]	1999
Year	Body	Vehicle Make	VIN #	Year	Body	Vehicle Make	VIN #
SC	2005	206 HLA	N/A	SC	2005	206 HLA	N/A
Home Telephone	Owner's Full Name		Home Telephone	Owner's Full Name			
(843) [REDACTED]	TRASK, L Paul JR		() [REDACTED]	TRASK, L Paul JR			
Bus. Telephone	Street/R.F.D.		Bus. Telephone	Street/R.F.D.			
() N/A	P.O. [REDACTED]		() [REDACTED]	P.O. [REDACTED]			
Contributed To Collision	City, State, & Zip		Contributed To Collision	City, State, & Zip			
(Yes) [REDACTED]	Beaufort SC 29901		(Yes) [REDACTED]	Beaufort SC 29901			

Estimated Speed	Speed Limit	C.D.L. Req. Yes/No	T/B S Req. Yes/No	Alt/Drg info (see back) Yes/No
60	45	N/A	N/A	Huber bubble
Code	Summons #	Code	Summons #	Code
N/A	N/A	N/A	N/A	N/A
State	Year	License Plate #	Owner's D.L. #	
SC				

Unit #	Sex	Race	Street/R.F.D.	Home Telephone	Owner's Full Name
R-744111	N/A		[REDACTED]	() [REDACTED]	[REDACTED]
Birth Date	City, State, & Zip		Bus. Telephone	Street/R.F.D.	
[REDACTED]	[REDACTED]		() [REDACTED]	[REDACTED]	
State	Driver's License #	Insurance Company	Contributed To Collision	City, State, & Zip	
SC	[REDACTED]	[REDACTED]	(Yes) [REDACTED]	[REDACTED]	
Year	Body	Vehicle Make	VIN #	Estimated Speed	Speed Limit
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Estimated Speed	Speed Limit	C.D.L. Req. Yes/No	T/B S Req. Yes/No	Alt/Drg info (see back) Yes/No
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Code	Summons #	Code	Summons #	Code
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
State	Year	License Plate #	Owner's D.L. #	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	



Unit 1 Dam.	Unit 2 Dam.	Unit 3 Dam.	Prop. Dam. 1	Prop. Dam. 2
\$ 5500.00	\$	\$	\$	\$
Property Owner/Witness			Property Owner/Witness	
Address			Address	
State	Zip	Phone	State	Zip

Photo: Describe What Happened (Refer to Units by Number)
 N. Unit #1 was traveling north on US 21. Unit #1 ran off the left side of the road and struck a tree.

Unit	Date of Birth	Sex	Race	HW	Seat	R/SD	A&D	Eject	LAI	Tran	Name	Street Address	Zip Code
1	05/11/1985	M	W	4	01	13	9	1	9	2	TRASK-LEITH P III	[REDACTED]	29902

COPY

Race: A - Asian/Pacific Islander B - African American C - Hispanic D - Alaskan Native or American Indian	W - Caucasian O - Other U - Unk.	Injury Status 0 - Not Injured 1 - Possible 2 - Non-Incapacitating 3 - Incapacitating 4 - Fatal	Seating Loc. 01 02 03 04 05 06 07 08 09	20 - Pedestrian 30 - Trailing Unit 40 - Bus or Van (4th row or Higher) 50 - Other Enclosed Area (nontrailing) 60 - Sleeper or Cab 70 - Riding on Unit Exterior 80 - Lap 99 - Unk./NA	Restraint/Safety Device 00 - None Used 11 - Shoulder Belt Only 12 - Lap Belt Only 13 - Shoulder & Lap Belt 21 - Child Safety Seat 88 - Other 99 - Unk.
Air Bag Deployment / Switch 1 - Deployed Front 2 - Deployed Side 3 - Deployed Both 4 - Not Deployed 7 - Not Applicable 8 - Deployment Unk. 9 - Switch in On Position 10 - Switch in Off Position	Ejection 1 - Not Ejected 2 - Part Ejected 3 - Tot. Ejected 7 - Not App.	Head Injury 1 - Yes 2 - No	Location After Impact 1 - Freed (non-mech.) 2 - Estricated (Mechanical Means) 3 - Not Trapped 4 - Not Applicable 9 - Unknown	Transported to Medical Facility 1 - Yes 2 - No 3 - Unknown	Other 1 - EMS 2 - Police 3 - Other 8 - Other 9 - Unk.

Non-Collision 01 - Cargo/Equip Loss of Shell 02 - Cross Median/Coaster Line 03 - Downhill Runaway 04 - Equipment Failure 05 - Fire/Explosion 06 - Overturn/Rollover 07 - Jackknife 08 - Overturn/Rollover 09 - Rain off Road Left 10 - Rain off Road Right	Collision: Not Fixed 20 - Animal (Deer Only) 21 - Animal (All Other) 22 - Motor Veh. (In-Transport) 23 - Motor Veh. (Dropped) 24 - Motor Veh. (Other Roadway) 25 - Motor Veh. (Park/Stopped) 26 - Pedalcycle	Collision: Fixed Object 27 - Pedestrian 28 - Railway Veh. 29 - Work Zone 30 - Mail Equip. 31 - Bridge/Pier or Abutment 32 - Bridge/Rail 33 - Culvert 34 - Ditch 35 - Embankment 36 - Equipment 37 - Fence 38 - Guardrail End 39 - Guardrail Face 40 - Highway Traffic Sign/Post 41 - Impact Attenuator/Crash Cushion 42 - Light/Luminaire Support 43 - Max Box 44 - Median Barrier 45 - Overhead Sign Support 46 - Other (Post, Pole, Support, Etc.) 47 - Other (Wall, Building, Tunnel, Etc.) 48 - Tree 49 - Utility Pole 50 - Work Zone Maint. Equipment
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Manner of Collision (Struck Veh.) 00 - Not Coll. w/ Motor Veh. 01 - Rear 02 - Rear End 03 - Head On 04 - Rear-45-Rear 05 - Angle (A) (A) 06 - Side/Swipe Opposite Dir 07 - Angle (A) (A) 08 - Backed into 09 - Unknown	1 - Most Deformed 2 - Deformed Area 3 - Most Deformed
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------

Vehicle Type 01 - Automobile 02 - Pickup Truck 03 - Truck Tractor 04 - Other Truck 05 - Full Size Van 06 - Mini Van 07 - Sport Utility 08 - Motorcycle 09 - Other Motorcycle 10 - Pedalcycle 11 - School Bus 12 - Animal Drawn Veh 13 - Passenger Bus 14 - Other 15 - Pedestrian 16 - Unk. (Hit and Run Only)	Vehicle Use Code 01 - Personal 02 - Driver Training 03 - Construction/Maint. 04 - Ambulance 05 - Military 06 - Transport Passengers 07 - Transport Property 08 - Farm Use 09 - Wrecker or Tow 10 - Police 11 - Government 12 - Fire Fighting 13 - Logging 14 - Other 15 - Pedestrian	Vehicle Attachment 1 - None 2 - Mobile Home 3 - Semi-Trailer 4 - Utility Trailer 5 - Farm Trailer 6 - Trailer w/Boat 7 - Camper Trailer 8 - Towed Motor Vehicle 9 - Petroleum Tanker A - Lowboy Trailer B - Autocamper Trailer C - Other Tanker D - Flat Bed E - Twin Trailers F - Other
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Action Prior to Impact (Vehicle) 01 - Backing 02 - Changing Lanes 03 - Entering Traffic Lane 04 - Leaving Traffic Lane 05 - Making U-turn 06 - Movements Essentially Straight Ahead 07 - Overtaking/Passing 08 - Parked 09 - Slowing or Stopped in Traffic 10 - Turning Left 11 - Turning Right 12 - Turning Ahead 13 - Other 14 - Approaching/Leaving Vehicle 15 - Entering/Crossing Location 16 - Playing/Working on Vehicle 17 - Pushing Vehicle 18 - Standing 19 - Walking, Playing, Cycling 20 - Working	Alc Test Results A1 - Two-way, Not Divided A2 - Two-way, Divided, Unprotected Median A3 - One-Way A4 - One-Way, Divided, Banned A5 - Trafficway
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------

Weather Condition 1 - Clear (no adverse conditions) 2 - Rain 3 - Cloudy 4 - Sleet, Hail 5 - Snow 6 - Fog, Smog, Smoke 7 - Blowing Sand, Oil, Dirt or Snow 8 - Severe Crosswinds 9 - Unk.	Light Condition 1 - Daylight 2 - Dawn 3 - Dusk 4 - Dark (Lighting Unspecified) 5 - Dark (Street Lamp Lit) 6 - Dark (Street Lamp Not Lit) 7 - Dark (No Lights)
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Junction Type 01 - Crossover 02 - Driveway 03 - Five/More Points 04 - Four-way Intersection 05 - Railway Grade Crossing 06 - Made an Improper Turn 07 - Shared Use Paths or Trail 08 - T-Intersection 09 - Traffic Circle 10 - Medical Related 11 - Aggressive Operation of Vehicle 12 - Over-correcting/Over-steering 13 - Swerving to Avoiding Object 14 - Wrong Side or Wrong Way 15 - Under the Influence	Contributing Factors 01 - Disregarded Signs, Signals, Etc. 02 - Distracted/Inattention 03 - Driving Too Fast for Conditions 04 - Exceeded Authorized Speed Limit 05 - Failed to Yield Right of Way 06 - Debris 07 - Non-highway Work 08 - Obstruction on Roadway 09 - Road Side Condition (i.e., Wet) 10 - Run. Red 11 - Unauthorized (i.e., Tow, 2nd, Hold)	Roadway 1 - Lane Shift/Crossover 2 - Shoulder/Median Work 3 - Intermittent/Moving Work 4 - Lane Closure 5 - Other 6 - Other 7 - Unk.	Non-Motorist 1 - Inattentive 2 - Under the Infl. 3 - Lying &/or Illegally in Roadway 4 - Failure to Yield R. of W. 5 - Not Visible (Dark Clothing) 6 - Disregard Signs, Signals, Etc. 7 - Inappropriate Caution	Environmental 1 - Animal in Road 2 - Glare 3 - Other 4 - Other 5 - Unk.	Vehicle Defect 1 - Brakes 2 - Steering 3 - Windshield 4 - Restraint System 5 - Other 6 - Other 7 - Unk.
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FDID: 07306 State: SC Incident Date: 11/22/2005 Station: 22 Incident Number: 05-0001835 Exposure: 000

Delete
 Change
 No Activity
 NFIRS -1 Basic

B Location*

Check this box to indicate that the address for this incident is provided on the Wildland File Module in Section 3 "Alternative Location Specification". Use only for Wildland fires.

Street address: 2005 Sea Island, St. Helena, SC 29920
 Intersection: _____
 In front of: _____
 Rear of: _____
 Adjacent to: _____
 Directions: _____

C Incident Type *

131 Passenger vehicle fire

E1 Date & Times Midnight is 0000

Alarm * 11/22/2005 01:23:44
 Arrival * 11/22/2005 01:34:02
 Cleared 11/22/2005 04:52:00

E2 Shift & Alarms

Shift of: 01 SH

D Aid Given or Received*

Mutual aid received
 Automatic aid recvd.
 Mutual aid given
 Automatic aid given
 Other aid given
 None

E3 Special Studies

Special Study ID#: _____ Special Study Value: _____

F Actions Taken *

11 Extinguishment by fire

G1 Resources *

Check this box and skip this section if an Apparatus or Personnel form is used.
 Apparatus: 0004 Personnel: 0009
 EMS: _____ Other: _____

G2 Estimated Dollar Losses & Values

Property \$: _____, 007, 000
 Contents \$: _____, 000, 000
 Property \$: _____, 007, 000
 Contents \$: _____, 000, 000

Completed Modules

Fire-2
 Structure-3
 Civil Fire Cas.-4
 Fire Serv. Cas.-5
 EMS-6
 HazMat-7
 Wildland Fire-8
 Apparatus-9
 Personnel-10
 Arson-11

H1 Casualties

Deaths: _____ Injuries: _____

H2 Detector

Detector alerted occupants
 Detector did not alert them
 Unknown

H3 Hazardous Materials Release

None
 Natural Gas
 Propane gas
 Gasoline
 Kerosene
 Diesel fuel/fuel oil
 Household solvents
 Motor oil
 Paint
 Other

I Mixed Use Property

Not Mixed
 Assembly use
 Education use
 Medical use
 Residential use
 Row of stores
 Enclosed mall
 Bus. & Residential
 Office use
 Industrial use
 Military use
 Farm use
 Other mixed use

J Property Use* Structures

131 Church, place of worship
 161 Restaurant or cafeteria
 162 Bar/Tavern or nightclub
 213 Elementary school or kindergarten
 215 High school or junior high
 241 College, adult education
 311 Care facility for the aged
 331 Hospital

341 Clinic, clinic type infirmary
 342 Doctor/dentist office
 361 Prison or jail, not juvenile
 419 1-or 2-family dwelling
 429 Multi-family dwelling
 439 Rooming/boarding house
 449 Commercial hotel or motel
 459 Residential, board and care
 464 Dormitory/barracks
 519 Food and beverage sales

539 Household goods, sales, repairs
 579 Motor vehicle/boat sales/repair
 571 Gas or service station
 599 Business office
 615 Electric generating plant
 629 Laboratory/science lab
 700 Manufacturing plant
 819 Livestock/poultry storage (barn)
 882 Non-residential parking garage
 891 Warehouse

Outside
 124 Playground or park
 655 Crops or orchard
 669 Forest (timberland)
 807 Outdoor storage area
 919 Dump or sanitary landfill
 931 Open land or field

936 Vacant lot
 938 Graded/care for plot of land
 946 Lake, river, stream
 951 Railroad right of way
 960 Other street
 961 Highway/divided highway
 962 Residential street/driveway

981 Construction site
 984 Industrial plant yard

Property Use: 961
 Highway or divided highway
 NFIRS-1 Revision 09/11/99

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K1 Person/Entity Involved

Local Option Business name (if applicable) _____ Area Code _____ Phone Number _____

Check this box if same address as incident location. Then skip the three duplicate address lines.

Mr., Ms., Mrs. First Name _____ MI _____ Last Name _____ Suffix _____

Number _____ Prefix _____ Street or Highway _____ Street Type _____ Suffix _____

Post Office Box _____ Apt./Suite/Room _____ City _____

State _____ Zip Code _____

Were people involved? Check this box and attach Supplemental Forms (NFIRB-18) as necessary

K2 Owner Same as person involved? Then check this box and skip the rest of this section.

Local Option Business name (if applicable) _____ Area Code _____ Phone Number _____

Check this box if same address as incident location. Then skip the three duplicate address lines.

Mr., Ms., Mrs. First Name **Paul** MI **I** Last Name **Trask** Suffix **III**

Number _____ Prefix **Spanish** Street or Highway _____ Street Type **PT** Suffix _____

Post Office Box _____ Apt./Suite/Room _____ City **Beaufort**

State **SC** Zip Code **29907**

I. Remarks

Local Option

At the above stated times the Lady's Island -St. Helena Fire District responded to a passenger vehicle fire at 2005 Sea Island Pkwy, Hunting Island, SC 29920. Upon the arrival of engine 222 they found a single vehicle accident. The vehicle was fully involved in fire. As the fire was being attacked/extinguished fire personnel were conducting a visual search of the area in and around the vehicle for driver and any potential passengers. Once the fire was knocked down personnel operating the hose line determined in fact there was at least one occupant. Fire was extinguished and Firefighters were directed by Chief Kline to conduct a detailed search of the area for any additional vehicle occupants. The Thermal Imaging Camera and hand lights were used by two Firefighters to search the surrounding area. Chief Kline conducted a secondary search of the vehicle. The Deputy on scene worked with Chief Kline to determine the license plate number, the deputy called this information into dispatch and identified the owner. The Coroner was notified and he responded to the scene. After the investigation of the scene was completed we were able to remove the deceased from the vehicle. The wrecker service removed the vehicle from the scene and we searched for hot spots. The scene was secured and all units returned to their station.

L Authorization

Officer in charge ID **KLIN01** Signature **Kline, Bruce** Position or rank **FC** Assignment _____ Month **11** Day **22** Year **2005**

Check Box if same as Officer making report ID in charge. **WILL01** Signature **Williams, Danny G** Position or rank **CP** Assignment _____ Month **11** Day **22** Year **2005**

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A	07306 FDID *	SC State *	11 22 Incident Date *	2005 YYYY	22 Station	05-0001835 Incident Number *	000 Exposure *	<input type="checkbox"/> Delete <input checked="" type="checkbox"/> Change <input type="checkbox"/> No Activity	NFIRS - 2 Fire
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B Property Details

B1 Not Residential
Estimated Number of residential living units in building of origin whether or not all units became involved

B2 Buildings not involved
Number of buildings involved

B3 None
Acres burned (outside fires) Less than one acre

C On-Site Materials or Products None
Complete if there were any significant amounts of commercial, industrial, energy or agricultural products or materials on the property, whether or not they became involved

Enter up to three codes. Check one or more boxes for each code entered.

On-site material (1) None

On-site material (2) _____

On-site material (3) _____

1 Bulk storage or warehousing
2 Processing or manufacturing
3 Packaged goods for sale
4 Repair or service

1 Bulk storage or warehousing
2 Processing or manufacturing
3 Packaged goods for sale
4 Repair or service

1 Bulk storage or warehousing
2 Processing or manufacturing
3 Packaged goods for sale
4 Repair or service

D Ignition

D1 B1 Operator/passenger area
Area of fire origin *

D2 UU Undetermined
Real source *

D3 UU Undetermined
Item first ignited * 1 Check box if fire spread was confined to object of origin

D4 _____
Type of material first ignited Required only if item first ignited code is 00 or 010

E1 Cause of Ignition

Check box if this is an exposure report. Skip to section 2.

1 Intentional
2 Unintentional
3 Failure of equipment or heat source
4 Act of nature
5 Cause under investigation
U Cause undetermined after investigation

E2 Factors Contributing To Ignition None

NN None
Factor Contributing To Ignition (1)

Factor Contributing To Ignition (2) _____

E3 Human Factors Contributing To Ignition

Check all applicable boxes

1 Asleep None
2 Possibly impaired by alcohol or drugs
3 Unattended person
4 Possibly mental disabled
5 Physically disabled
6 Multiple persons involved

7 Age was a factor
Estimated age of person involved _____

1 Male 2 Female

E1 Equipment Involved In Ignition

None If equipment was not involved, skip to Section G

NNN None
Equipment involved

Brand _____
Model _____
Serial # _____
Year _____

E2 Equipment Power

Equipment Power Source _____

E3 Equipment Portability

1 Portable
2 Stationary

Portable equipment normally can be moved by one person, is designed to be used in multiple locations, and requires no tools to install.

G Fire Suppression Factors

Enter up to three codes. None

NNN None
Fire suppression factor (1)

Fire suppression factor (2) _____

Fire suppression factor (3) _____

H1 Mobile Property Involved

None

1 Not involved in ignition, but burned
2 Involved in ignition, but did not burn
3 Involved in ignition and burned

Trooper
Mobile property model

1999
Year

SC
State

JACDJ58X80X792841
VIN Number

License Plate Number

H2 Mobile Property Type & Make

10 Passenger road vehicle,
Mobile property type

IS Isuzu
Mobile property make

Local Use

Pre-Fire Plan Available
Scope of the information presented in this report may be based upon reports from other Agencies

Arson report attached
 Police report attached
 Coroner report attached
 Other reports attached

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Trask Investigation Notes
Submitted by Captain Bob Bromage

The following notes were in response to the Trask Family's request for a Coroner's Inquest regarding the death of L. Paul Trask III on 11-22-2005:

12-19-2005 – Met with George/Paul/Merry Trask at [REDACTED] in Beaufort. Obtained copy of their timeline and concerns regarding Fripp Island Security.

12-20-2005 – Met with Collins SCHP and requested photographs of the accident scene/photos were received by e-mail and were of poor quality, weather would appear to be contributory.

12-20-2005 – Met with Binkowski/Fripp Island – Obtained copies of passes for past few months in the name of Trask: 11-09-05, last one before incident – Obtained gate and incident log for 11-21-05 and 11-22-05.

12-21-2005 – Obtained pass information for Haley Davis who was visiting Patek at 506 Tarpon Blvd on 11-21-05 at 1936-overnight pass-speculation that Trask may have been attempting to go to Patek's residence, as parties have been reported there in the past.

12-28-2005 – 1430 – Met with Fripp Island Security Officer James Irby at Second Goodwill Baptist Church, 220 Morris Street in Beaufort, where he is Pastor. Irby states that Trask appeared at the Fripp Island Gate, at which time he was watching The Weather Channel. Irby states that Trask asked if there was a pass for "Trask" and Irby states that he checked. Irby states that he was on the curb several feet away from Trask and further advised that he did not smell alcohol or observe any signs that Trask was intoxicated. Irby states that he asked Trask if he could make a call for him and Trask advised that he would make the call. Irby states that Trask did not identify the source that would have called him in a pass at the gate. Irby states that Trask drove around the gate to turn around and saw him slowly drive off with the dome light on. Irby states that he turned down the television, as he anticipated that he would be getting a phone call from a residence to issue Trask a pass. He advised that he never received a call and Trask did not return. Irby states that he cannot be certain of the time of the contact and advised that some time later, a fire was reported to him at the gate and called emergency dispatch services. He recalled that he made a second call to emergency dispatch, as well. Irby was cooperative during the interview.

12-29-2005 – Met with Paul and Merry Trask at the Beaufort County Law Enforcement Center, where they were advised of the records from Fripp Island and the interview with Irby.

12-29-2005 – Spoke with Sandy Lee and Shirley Jones regarding conversation reported to Paul Trask that occurred at the Sand Dollar Tavern. Both deny any specific conversation about Fripp Island Security turning Trask away because of his intoxication and stated there was only speculation on their part about the accident.

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12-29-2005 – Advised Paul Trask about the conversation and he advised that no further interviews would be necessary, as Haley Davis and Lindsey Jones were apparently deceptive about other events that occurred on the night.

01-06-2006 – Met with George Trask at Beaufort County Law Enforcement Center, where he was provided with EMS dispatch information and Polaroid photos taken by Arbello on the night of the incident. Demanded and was refused copies of Fripp Island paperwork.

*Met with George and Paul Trask two more times in order for their review of the Fripp Island records. Additional request by Paul Trask to interview Haley Davis and Lindsey Jones.

01-31-2006 – SSgt. Purdy interviewed Haley Davis at 1145 and Lindsey Jones at 1240. Haley and Lindsey both indicated that it was approximately 0110 when they left Fripp Island on 11-22-2005. Haley advised that she did not see Paul Trask at the gate or any vehicle to the best of her recollection. Lindsey advised that she did see a vehicle at the gate when she was leaving (driving), but was not sure if it was Paul Trask's vehicle or not. She did state that she knows what his vehicle looks like, but apparently did not get a good look at the one at the gate when they were driving through. Neither have any idea why Paul Trask was at Fripp Island that night.

02-17-2006 – Within the past two months, numerous requests for information were received from George and Paul Trask, specifically regarding Fripp Island Security's Gate Logs. Copies of handwritten and computerized logs were received from Fripp Island Security and were reviewed by George and Paul Trask in the presence of this Officer at the Beaufort County Law Enforcement Center and Beaufort Cinema, where Paul Trask is owner. Questions by the Trasks challenging the validity of the records arose and were addressed by this Officer with Fripp Island. There appears to be nothing to substantiate suspicions that the records had been altered or changed. It was disclosed by Fripp Island that the computerized records could not be altered or changed once an entry into the system is made. There was a request by Fripp Island that the records received by this Officer not be copied or provided to any third parties and the Trasks were advised of this. They were in receipt of a letter from Fripp Island welcoming them to make an appointment to view the records first hand. This Officer encouraged Paul Trask to meet with Fripp Island and review the records, as their explanation of record keeping would be much more informative than this Officer's. Paul Trask advised that he would pursue the meeting if he had further questions about the Visitor's Log. Paul Trask was advised of the interviews with Davis and Jones. The biggest unanswered question was what was L. Paul Trask III doing out at Fripp Island on 11-22-2005, as no persons have come forward indicating that he was going to see them and no pass was called in for Trask to gain access to Fripp Island. In a meeting with George and Paul Trask, proximate cause of death was suggested by George as a reason for an inquest. Based on the information gathered, it would appear that proximate cause started at the Trask residence, where according to his brother Stuart, L. Paul Trask III consumed anywhere from 6 to 12 beers, prior to leaving the residence on 11-21-2005 and continued when he purchased beer at a convenience store (underage), near midnight. This Officer has received no information to

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confirm that L. Paul Trask III entered Fripp Island other than to turn around when he was advised no pass in his name had been called in. It should be noted that this Officer did suggest to George Trask that he turn in the videotape from the convenience store if charges were to be pursued, but he has yet to do so. It would appear that the actual cause of death of L. Paul Trask III is massive trauma due to motor vehicle accident and alcohol is believed to be contributory, as documented by testimonial and alleged videotape evidence that he was drinking beer prior to the accident. This Officer has not heard from George or Paul Trask in a few weeks and no additional requests have been received regarding this investigation.

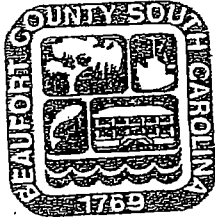
Answers to Questions Addressed in Certified Letters

1. Coroner's Report – Enclosed
2. Copy of every record pertaining to the inquest investigation, including a copy of Captain Bob Bromage's reports and field notes. – Captain Bromage's notes are above.
3. Copy of the SC Highway Patrol MAIT report – Must be obtained from the SC Highway Patrol
4. Who removed Paul III's body from the vehicle? – Lady's Island Fire Department
5. Where was Paul's body taken after it was removed from the vehicle at the accident scene? – Coroner's Morgue
6. Who transported Paul's body? – Coroner Van
7. Copy of every report pertaining to Paul III's cremation. – Enclosed
8. Names of all persons who attended to Paul's body. – Curt Copeland
9. Who performed the cremation? – Curt Copeland

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CURT COPELAND
Coroner

OFFICE OF THE CORONER

POST OFFICE BOX 8080
BEAUFORT, SOUTH CAROLINA 29903
TELEPHONE (843) 525-7656
FAX (843) 525-7675

COPY

To: Curt Copeland, Coroner From: Copeland Funeral Home
Post Office Box 8080
Beaufort, South Carolina 29903
Phone: 843-525-1111 Fax: 843-525-1011

Cremation Permit Request

Pursuant to the provisions of South Carolina Statutes, Chapter 17-5-310, the above named funeral home requests authorization from the Beaufort County Coroner to cremate the remains of the following decedent:

Name: Leith Paul Trask, III

Date of Death: November 22, 2005

Social Security No: [REDACTED]

Certifying Physician or Coroner: Curt Copeland, Coroner

The information contained on the attached death certificate is believed to be true and correct by the undersigned licensed funeral director representing the above named funeral home or crematory.

Date: 11-22-05 [Signature] 1191
Funeral Director Signature & License Number

Coroner's Permit to Cremate

Based on the affidavit of the above named funeral director and a copy of the death certificate attached hereto, permission is herewith granted to the above named funeral home to cause to have the decedent named herein cremated notwithstanding any other provisions of South Carolina law.

Date: 11-22-05 [Signature]
Coroner or Deputy Coroner

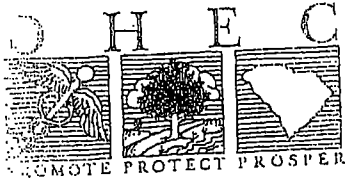
FAILED
Date: _____
Time: _____
Mailed: _____

PURSUANT TO RECEIPT OF THE COMPLETED DEATH CERTIFICATE PRIOR TO FILING

DEATH CERTIFICATE HAS BEEN RECEIVED

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PLTF 0698



South Carolina Department of Health and Environmental Control
BURIAL - REMOVAL - TRANSIT PERMIT
 and
DEATH NOTIFICATION

385317
 PERMIT NUMBER
Blawie
 COUNTY

DIVISION OF VITAL RECORDS

Death Certificate Attached Yes No

Name of Deceased <u>Keith Paul Trask III</u>		Date of Death <u>11-22-05</u>	Hour of Death <u>0110</u>	Fetal Death <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Place of Death (Hospital or Street & Number) <u>Hwy 21</u>		City or Town <u>Hunting Island</u>	If Hospital Death <input type="checkbox"/> D.O.A. <input type="checkbox"/> In-Patient <input type="checkbox"/> Emer. Rm. <input type="checkbox"/> Out-Patient	
CERTIFIER (Physician, Medical Examiner or Coroner who is to provide cause of death and certify death certificate.) <u>Curt Copeland</u>		Address <u>PO Box 8080 Blawie</u>		Autopsy <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Funeral Home First Assuming Custody of Body Name <u>Copeland</u>		Address <u>P.O. Box 8080 Blawie</u>		Phone <u>843 525 1111</u>

Name and Address of Funeral Home Handling Final Disposition if other than Funeral Home Named Above **167**

Permission is hereby granted to remove this body and upon compliance with the requirements of the laws of this state to dispose of the remains. If disposal is by cremation or burial at sea, a certified copy of the death certificate and, when required by law, an authorization by the medical examiner must be attached to this permit prior to disposition.

Connie Herman
 Signature of Registrar or other authorized issuing officer
11/22/05
 Date Issued

For Use Only By Coroner Issuing Permit
 Was (or will) death (be) actively investigated? Yes No

I hereby certify that I have received the remains of the above individual and will comply with the laws of the State governing disposition and the filing of the death certificate.

**CERTIFIED TO BE A TRUE COPY
 CURT COPELAND, CORONER**

Curt Copeland Coroner Post Office Box 8080 Beaufort, South Carolina 29903 843 525 7656 / Fax 843 525 7675	Natural Death Report and request for Burial-Removal-Transit Permit as requested by Copeland Funeral Home 843-525-1111 / Fax 843-525-1011
------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------

The death occurred at the time and place listed below. It is understood by the funeral director that this is a natural death and that the decedent had been under the care of a physician. It is further understood by the funeral director that any indication other than a natural death will be reported to the coroner's office immediately.

The completed death certificate must accompany this request. Or the funeral director agrees to fax or deliver a copy of the death certificate as soon as it is complete.

1	Today's Date: 11-22-2005	Date of Death: 11-22-2005	Time of Death: 0110	AM PM
---	-----------------------------	------------------------------	------------------------	----------

2	Name	Leith Paul Trask, III
	Address	[REDACTED]
	City, State, Zip	Beaufort, South Carolina 29902

3	Date of Birth	Age	Race	Male <input checked="" type="checkbox"/>	SSN
	08-11-1985	20	White	Female <input type="checkbox"/>	[REDACTED]

4	PLACE OF DEATH	
	Address	Hwy 21 Hunting Island
	City, State, Zip	Hunting Island South Carolina

5	DEATH CERTIFICATE INFORMATION AND RESPONSIBILITY	
	Attending Physician	Coroner Curt Copeland
	Address	Post Office Box 8080 Beaufort 29903

CONTACT INFORMATION	
Last Seen Alive by	
Relationship	
Address	
Phone	
Next of Kin	
Address	
Phone	

ALL OF THE INFORMATION IN SECTIONS 1 - 5 MUST BE COMPLETED IN ORDER TO OBTAIN A BRT.

Curt Copeland

Funeral Director Signature & License Number 1191 Date 11-22-05

Funeral Home Address: 165 Post Office Box 8080, Beaufort, South Carolina 29903

Copeland Funeral Home

Post Office Box 8080, Beaufort, South Carolina 29903
Phone: 843-525-1111 Fax: 843-525-1011

AUTHORIZATION FOR CREMATION, PROCESSING,
AND DISPOSITION OF THE REMAINS OF:

LEITH PAUL TRASHITT

Full Name (hereinafter "Deceased")

Social Security Number: _____

Date of Death: Nov 22 2005

Time of Death: 11⁰⁰ AM

AM
PM

The Deceased date and time of death is as indicated on the attached physician's, medical examiner's, or coroner's certificate of death.

The undersigned agent of the Deceased certifies that said agent has the full legal authority and right to authorize the cremation, processing and disposition of the Deceased's remains, and further, said agent certifies that, to the agent's knowledge, there exists no person who possesses a superior priority right and no person of equal priority who disagrees with this authorization.

Exercising the authority aforesaid, I, the undersigned, hereby authorize

Copeland Funeral Home

of Beaufort, South Carolina to take possession of, and make arrangements for, the cremation of the remains of the Deceased at

Coastal Cremation Services

of Beaufort, South Carolina, being specifically authorized to carry out the process of cremation of the Deceased's remains, in accordance with the provisions of Chapter 8 of Title 32, 1976 S.C. Code, as amended, upon receipt of the Deceased's remains.

I, as agent of the Deceased, hereby declare that, to the best of my knowledge (Check one):

- The Deceased's remains DO NOT contain a pacemaker, or other material or implant that may be hazardous, or cause damage to, the cremation chamber or the person performing the cremation.
- The Deceased's remains DO contain a pacemaker, or other material or implant that may be hazardous, or cause damage to, the cremation chamber or the person performing the cremation.

** Please list all materials and/or implants here:

I, as agent of the Deceased, hereby declare that, to the best of my knowledge:

- The Deceased DID NOT have an infectious, contagious, or communicable disease or a disease declared by the Department of Health and Environmental Control to be dangerous to the public health.
- The Deceased DID have an infectious, contagious, or communicable disease or a disease declared by the Department of Health and Environmental Control to be dangerous to the public health.

**Please list all diseases here:

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The agent of the Deceased further authorizes and instructs Coastal Cremation Services to properly dispose of any items, other than the remains of the Deceased, including but not limited to, body prostheses, dentures, dental bridgework and dental fillings that are recovered from the cremation chamber.

Jewelry and other personal articles that are recovered from the cremation chamber are to be disposed of as follows:

None

THE CREMATION, PROCESSING, AND DISPOSITION OF THE REMAINS OF THE DECEASED, AS AUTHORIZED ABOVE, SHALL BE PERFORMED IN ACCORDANCE WITH ALL GOVERNING LAWS, AS WELL AS THE RULES, REGULATIONS, AND POLICIES OF COPELAND FUNERAL HOME AND/OR COASTAL CREMATION SERVICES, SUCH AUTHORIZATION BEING SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. The remains of the Deceased will not be accepted by Coastal Cremation Services unless the Deceased is in a casket, cremation casket, or an approved alternative container.
2. Coastal Cremation Services shall separate and remove from the cremation chamber all noncombustible materials, including but not limited to, hinges, latches, nails, jewelry, and precious metal, and Coastal Cremation Services shall dispose of such materials as provided by law and/or as instructed herein.
3. Unless specifically authorized by the Deceased's agent, Coastal Cremation Services shall not simultaneously cremate the remains of more than one person in the same cremation chamber.
4. The services of Coastal Cremation Services are deemed to be fulfilled when the cremated remains of the Deceased are returned to the custody of Copeland Funeral Home.
5. Copeland Funeral Home is hereby authorized to dispose of the Deceased's cremated remains as follows:

Interment @ Evergreen

6. If no method of disposition is specified in No. 5 above, the cremated remains of the Deceased are to be held by Coastal Cremation Services for a period of 30 days, unless said remains are picked up by or shipped to the agent or Copeland Funeral Home before that time. At the end of 30 days, if final disposition arrangements have not been made, Coastal Cremation Services may return the cremated remains to the agent of the Deceased or Copeland Funeral Home.
7. If, at the end of 60 days, no final disposition arrangements have been made, Coastal Cremation Services or Copeland Funeral Home, may dispose of the cremated remains in a manner provided by law, and in accordance with Chapter 8 of Title 32, 1976 S.C. Code, as amended.
8. The Deceased's agent may revoke this authorization within 12 hours of its execution by providing written notice to Copeland Funeral Home and Coastal Cremation Services.

By signing this Cremation Authorization form, I, as agent for the Deceased, agree that Copeland Funeral Home and Coastal Cremation Services and their respective agents, employees, and assigns shall be held harmless in regard to any and all loss, damage, liability, or causes of action in connection with the cremation, processing, and disposition of the Deceased's remains. However, Copeland Funeral Home and Coastal Cremation Services and their respective agents, employees, and assigns shall be held harmless in regard to any and all loss, damage, liability, or causes of action in connection with the cremation, processing, and disposition of the Deceased's remains. However, Copeland Funeral Home and Coastal Cremation Services and their respective agents, employees, and assigns shall not be held harmless for any acts in regard to the cremation, processing, and disposition of the Deceased's remains if said acts are performed in a grossly negligent manner.

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Page 2 of 3

PLTF 0702

FURTHER, I HEREBY STATE THAT ALL REPRESENTATIONS AND STATEMENTS MADE BY ME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND FURTHER, THAT I HAVE READ AND UNDERSTAND THE PROVISIONS CONTAINED IN THIS DOCUMENT AND THE ATTACHED EXPLANATORY INFORMATION IN REGARD TO THE CREMATION PROCESS.

AGENT SIGNATURE: Maudie Chase

DATE: 11-27-05

Relationship to Deceased: MOTHER

Address of Agent: _____

Agent Telephone Number: _____

WITNESS: C. D. Copell

DATE: November 27, 2005 TIME: 9:15 AM AM/PM

AGENT SIGNATURE: J. Paul Trask, Jr.

DATE: 11/22/05

Relationship to Deceased: FATHER

Address of Agent: _____

Agent Telephone Number: _____

WITNESS: C. D. Copell

DATE: 11/22/05 TIME: 9:15 AM AM/PM

AGENT SIGNATURE: _____

DATE: _____

Relationship to Deceased: _____

Address of Agent: _____

Agent Telephone Number: _____

WITNESS: _____

DATE: _____ TIME: _____ AM/PM

COPY

168

Certificate of Cremation

This is to certify that the body of

Leith Paul Trask, III

Has been cremated by Coastal Cremation Services
in a caring and professional manner
in Accordance with the rules, regulations and
legal requirements of the State of South Carolina.
Copies of the Authorization for Cremation are on file with
Copeland Funeral Home, Beaufort, South Carolina
and Coastal Cremation Services, Beaufort, South Carolina

Date of Death: November 22, 2005

Date of Cremation: November 23, 2005

Connie Herman

Signature

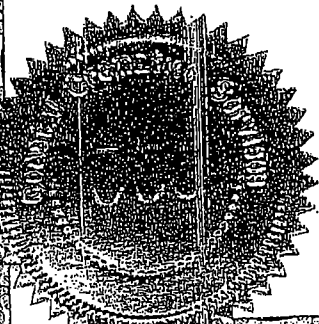
11-23-05

Date

Cremation Tag Number: 895-05

COPI

691



Coastal Cremation Services

Receipt of Cremated Remains

COPY

Received From Coastal Cremation Services, the cremated remains of:

Leith Paul Trask, III

TAG / CREMATION NO. 895-05

I am duly authorized to receive and receipt for these cremated remains.

OR

I hereby authorize you to deliver or ship the cremated remains as instructed below.

I assume all liability for any damages that may arise from any cause growing out of said delivery or shipment thereof; and release Coastal Cremation Services from all liability that may attach thereto by reason of said delivery or shipment.

FOR REMOVAL TO:

Copeland Funeral Home

VIA: Registered Return Receipt Mail to:

DATE: _____

FUNERAL HOME:

Copeland Funeral Home

FAMILY, FUNERAL HOME, ETC.

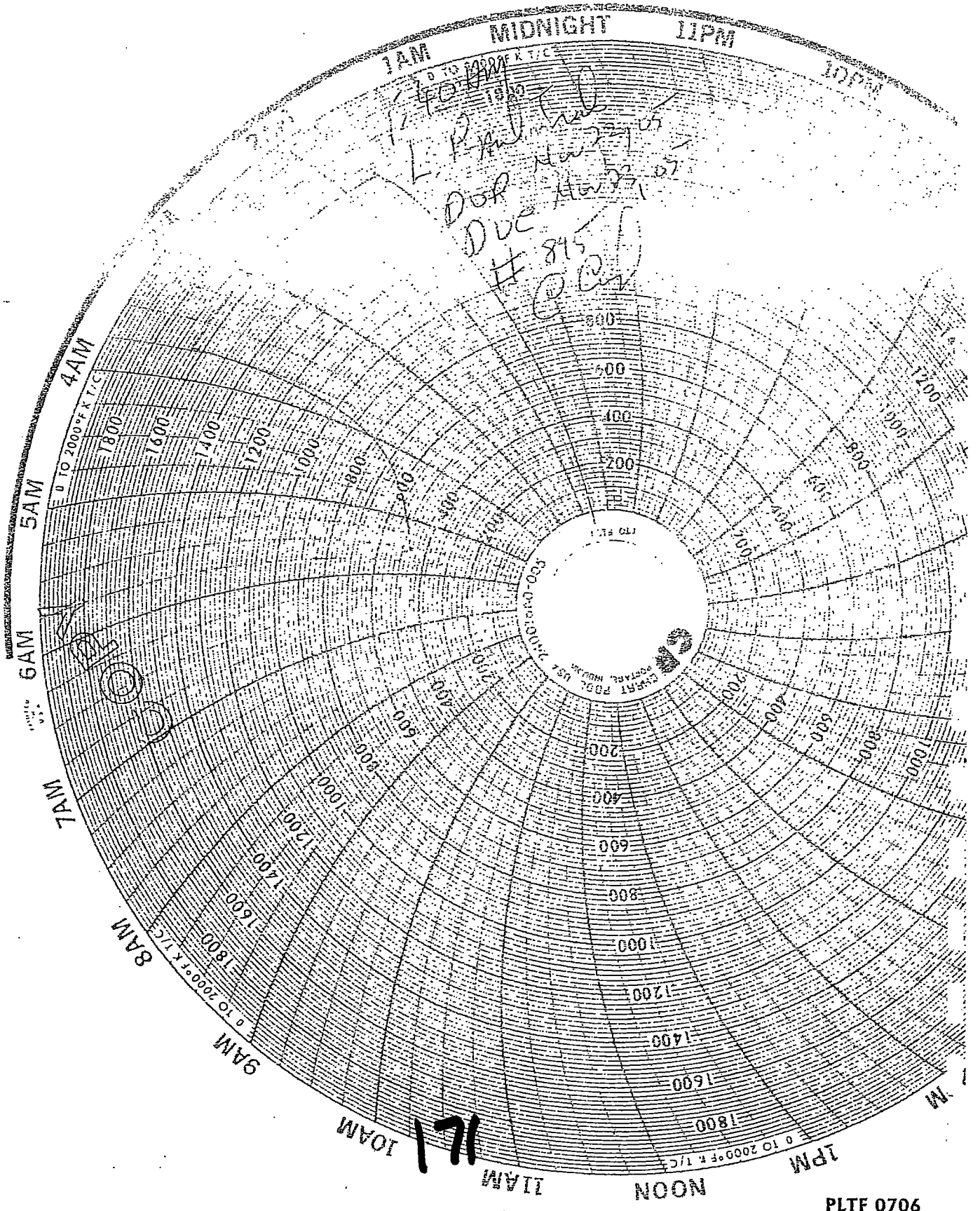
RECEIVED BY:
(SIGNATURE:)

Delwood B. Smith

WITNESS: _____

170

PLTF 0705



L. Paul
 DOR
 DUE # 815
 @ C



CURT COPELAND
Coroner

OFFICE OF THE CORONER

POST OFFICE BOX 8080
BEAUFORT, SOUTH CAROLINA 29903
TELEPHONE (843) 525-7656
FAX (843) 525-7675

Wednesday, April 19, 2006

L. Paul Trask, Jr.

[REDACTED]
Beaufort, SC 29902

RE: Estate of Leith Paul Trask, III C/A # 2006-ES-07-00056

Dear Mr. Trask:

In response to the certified letter received on April 18, 2006, requesting additional information regarding the death of L. Paul Trask, III; enclosed, please find the information you have requested.

If there is anything else that the Coroner's Office can do for you and your family regarding this matter, please feel free to contact me.

Sincerely,

Connie Herman

Connie Herman
Deputy Coroner
Beaufort County Coroner's Office

Enclosures (1)
Cjh

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EXHIBIT

19



CURT COPELAND
Coroner

OFFICE OF THE CORONER

POST OFFICE BOX 8080
BEAUFORT, SOUTH CAROLINA 29903
TELEPHONE (843) 525-7656
FAX (843) 525-7675

Answers to Questions Addressed in Certified Letter

1. Any reports or investigations required of the South Carolina Highway Patrol must be obtained and requested through the South Carolina Highway Patrol.
2. Any and all handwritten notes and reports are destroyed after they are transcribed. These notes and reports are transcribed exactly as written, leaving nothing left out pertaining to the case at hand. They are destroyed and not distributed because they may contain notes on other cases that are unrelated to one another. This ensures that all information remains case sensitive.
3. All investigative notes and reports were included in the previous package sent to you on April 13, 2006. Capt. Bromage's and SSgt. Purdy's report to the Coroner was included as part of the "Trask Investigation Notes". These notes were first submitted to the Coroner.
4. As mentioned above (#2), any and all handwritten notes and reports are destroyed after they are transcribed.
5. All copies of reports were enclosed in the previous package. As mentioned above (#2), any and all handwritten notes and reports are destroyed after they are transcribed.
6. Person who drove Coroner's van from accident scene to morgue: Rick Ramsey-Beaufort County EMS.
7. Lady's Island Fire Department Personnel who removed Paul's body from the car: Rick Ramsey-Beaufort County EMS & Ryan Camp-Beaufort County EMS. Assisting: Lane Jackson-LIFD & Danny McAlhaney-LIFD. Other firefighters on the scene: Sanford Pickelsimer-LIFD & Robbie Posten-LIFD.

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STATE OF SOUTH CAROLINA IN THE CIRCUIT COURT
COUNTY OF BEAUFORT CASE NO. 2007-CP-07-995

L. PAUL TRASK, JR, INDIVIDUALLY,
AS A CITIZEN, RESIDENT, TAXPAYER
AND REGISTERED ELECTOR OF THE STATE
OF SOUTH CAROLINA, AND ON BEHALF OF
OTHERS SIMILARLY SITUATED,

Plaintiff,

vs.

SOUTH CAROLINA DEPARTMENT OF PUBLIC
SAFETY; BEAUFORT COUNTY; BEAUFORT
COUNTY MANAGEMENT INFORMATION SYSTEMS;
BEAUFORT COUNTY CORONER CURTIS COPELAND
IN HIS OFFICIAL CAPACITY; BEAUFORT
COUNTY SHERIFF P.J. TANNER IN HIS
OFFICIAL CAPACITY,
Defendants.

STATE OF SOUTH CAROLINA IN THE CIRCUIT COURT
COUNTY OF BEAUFORT CASE NO. 07-CP-07-993

L. PAUL TRASK, JR., PERSONALLY,
AND AS NEXT OF KIN AND AS DULY
APPOINTED PERSONAL REPRESENTATIVE
OF THE ESTATE OF L. PAUL TRASK, III,
DECEASED, AND MEREDITH C. TRASK,
Plaintiff,

vs.

BEAUFORT COUNTY; CURTIS COPELAND,
IN HIS OFFICIAL CAPACITY AS CORONER
OF BEAUFORT COUNTY AND INDIVIDUALLY;
AND COPELAND COMPANY OF BEAUFORT, LLC,
Defendants.

DEPOSITION OF: CAPTAIN ROBERT BROMAGE

A. WILLIAM ROBERTS, JR., & ASSOCIATES

Fast, Accurate & Friendly

Charleston, SC	Hilton Head, SC	Myrtle Beach, SC
(843) 722-8414	(843) 785-3263	(843) 839-3376
Columbia, SC	Greenville, SC	Charlotte, NC
(803) 731-5224	(864) 773-7230	(704) 537-3919

EXHIBIT
20

Captain Robert Bromage - June 30, 2008

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1 photographs and also inquiring about the gate logs,
2 handwritten gate logs.

3 Q What was your response?

4 A I don't know.

5 MR. TISDALE: Friday, September 1, 2006.

6 Mark that as Exhibit 7.

7 (PLF. EXH. # 7, 8/1/06 e-mail.

8 from Captain Bromage to Mr. Trask, marked
9 for identification.)

10 BY MR. TISDALE:

11 Q It's an e-mail from you to Paul Trask?

12 A Right.

13 Q What is the exhibit number there?

14 A Exhibit 7.

15 Q What did you inform Mr. Trask?

16 A I informed him that the logs were
17 collected and kept as part of the file provided them
18 with the understanding they would be reviewed and
19 not disseminated. That's to protect the privacy of
20 the residents, I guess.

21 As far as the photos go, the only photos
22 at the sheriff's office level we turned over to
23 George at the law enforcement center.

24 Q George Trask?

25 A Yes. A couple of **175** Polaroids, as I

1 recollect, two or three maybe.

2 Q Now, did you have e-mail correspondence in
3 connection with your investigation of this case?

4 A With Paul and I think with George as well.

5 Q Anybody else?

6 A No, I don't think so.

7 Q Did you keep your e-mail?

8 A No.

9 Q Why?

10 A I delete my e-mails routinely. That's my
11 personal e-mails. I do use them for business. I
12 use them for personal stuff. Deleting it is a
13 normal part of once a week maybe I'll delete the
14 e-mails. It gets to be a volume issue.

15 Q Well, was the computer that you used for
16 e-mail a county computer or personal computer?

17 A It was a county computer that was assigned
18 to me.

19 Q The e-mail address was -- is a county
20 e-mail or personal?

21 A Private e-mail.

22 Q You used your personal e-mail account on
23 the county computer?

24 A Do it all the time. Still do it.

25 Q I'm not suggesting any impropriety. Just

Captain Robert Bromage - June 30, 2008

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1 trying to find out what you did.

2 A Yes. I have been using that forever.
3 It's more efficient than the county e-mail. The
4 county e-mail is harder for me to navigate.

5 Q Do I understand that you used the county
6 computer, personal e-mail account, and in your
7 personal e-mail account you have county business and
8 personal business?

9 A That's correct.

10 Q You delete your e-mails routinely, how
11 often?

12 A Once a week, once a month. Whenever I see
13 fit at the time.

14 Q Would it be fair to say that you deleted
15 routinely as a normal practice e-mails between you,
16 George Trask, and Paul Trask and anybody else
17 concerning this investigation on a weekly basis as
18 it progressed?

19 A Weekly, monthly, yes.

20 Q Do you print out the e-mails?

21 A If I need the information, I do.

22 Q Do you have any?

23 A No.

24 Q Do you double delete them?

25 A You delete them from the in box, and then

1 you go to the deleted items and delete them from
2 there. Yes, I do.

3 Q You do that routinely, too?

4 A Routinely.

5 Q Mr. Vinkowski testified that he had e-mail
6 correspondence with you in connection with this
7 matter.

8 A Could very well be.

9 Q Are you saying that you would have deleted
10 those without copying them?

11 A I'm sure I did, actually, yeah.

12 Q Who, if anyone, in Beaufort County
13 management sets the policy for e-mail retention?

14 A I'll be honest with you, Mr. Tisdale, I
15 have no idea. I have no idea of a policy of how
16 long I have to retain an e-mail. I really don't
17 know if there is a policy.

18 Q As a police officer, would it be your view
19 that the retention of investigative notes,
20 materials, letters and writings is important?

21 A Yeah, I would agree that it's important,
22 especially if we're going ahead in a criminal
23 prosecution or something. Sure, very.

24 Q Now, Mr. Bromage, nobody in the Beaufort
25 county governmental management has suggested to you

Captain Robert Bromage - June 30, 2008

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1 that you retain e-mail correspondence?

2 A No, it hasn't been suggested that I retain
3 e-mails. If I think it's going to be important down
4 the road I will retain it. I'll copy it or print it
5 out, whichever the case may be, which I've done from
6 time to time.

7 If I corresponded with Vinkowski about
8 this, it was probably a quick thing and didn't
9 matter.

10 Q Mr. Vinkowski said in his deposition that
11 you told him that the -- in an e-mail, that the
12 record -- that the names on the gate log that Amy
13 Trask had called in were missing.

14 Don't you think that would be an important
15 part of an investigation to have that information?

16 A Again, you're telling me what Vinkowski
17 said. I don't remember that correspondence at all.

18 Q You would have it available had it not
19 been deleted, wouldn't you?

20 A I guess I would if that would be the case,
21 sure.

22 Q So what did Vinkowski tell you about the
23 records and the gate logs and the destruction of the
24 gate logs by Fripp Island?

25 A Mr. Tisdale, I told you, I really don't

1 know. I don't remember what he told me. We're
2 going back a couple years. It's a detail of the
3 case.

4 Q It's a what?

5 A I don't know. It's something in a case
6 that I don't remember. It's not standing out as
7 something.

8 Q There's nothing in writing that would tell
9 us that?

10 A Not from my end, no, sir.

11 Q Is there any way -- is it the same
12 computer then that you have now?

13 A My harddrive fried sometime late last
14 summer, fried. I brought it to MIS. They couldn't
15 get it to work again. They replaced the harddrive
16 in the laptop that I used to use.

17 Q Did you back up any of the stuff anywhere?

18 A I wish I had.

19 Q You didn't?

20 A No.

21 Q Any correspondence you had with
22 Mr. Vinkowski or anybody else concerning the issue
23 of the gate logs is no longer in existence?

24 A Long gone.

25 Q Long gone?

Captain Robert Bromage - June 30, 2008

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1 A Uh-huh.

2 Q Were you ever made aware of a letter
3 written by Paul Trask to chief deputy Hatfield
4 specifically requesting that all e-mail
5 correspondence concerning the Trask investigation be
6 preserved?

7 A I have heard that in conversation.

8 Q Did Mr. Chief Deputy Hatfield instruct you
9 to follow that?

10 A I don't believe he did. I think at that
11 point they were already gone.

12 Q Deleted but not fried?

13 A No. The harddrive is fried. The
14 harddrive was making a clicking noise. Believe me,
15 there's a lot of information on other cases on that
16 harddrive as well that I wish I had backed up, to be
17 quite frank with you, but that happens.

18 Q My only question now is: Did the Chief
19 Deputy Hatfield advise you to be certain to preserve
20 everything after the letter of Mr. Paul Trask
21 concerning that?

22 A I'm sure he did at that point.

23 Q He did?

24 A Mr. Tisdale, I don't remember. I remember
25 him talking about the e-mails that Trask wanted in

1 my computer and so on and so forth. As far as
2 preserving things, I was not directly instructed to
3 preserve this.

4 Q Do the contents of your correspondence
5 with Fripp Island, Paul and George Trask, e-mail
6 correspondence exist anywhere now?

7 A Not from my end. If Vinkowski has
8 e-mails, they will be there. If Mr. Trask has some
9 e-mails, they'll be there. As far as my e-mail,
10 it's gone, and it's been gone.

11 Q Did you ever have any correspondence or
12 communication, conversation with Mr. Vinkowski to
13 the effect that Fripp Island had destroyed the
14 records they had in connection with the time period
15 of November 21st, 22nd, 2005?

16 A You asked me if -- repeat the question, if
17 I had a conversation with Vinkowski about them
18 destroying the records?

19 Q Yes, sir.

20 A Not to my knowledge.

21 Q Now, we have established earlier that you
22 were not present on the scene of the accident?

23 A Right.

24 Q Early morning hours of November 22. You
25 became involved probably a couple weeks later?

Captain Robert Bromage - June 30, 2008

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1 Q I don't know whether you testified to this
2 or somebody, but somebody testified that as to those
3 notes, just your handwritten notes from your
4 interview with Vinkowski, that they had been
5 shredded?

6 A Yeah. If I interviewed Vinkowski,
7 those -- what I do is reduce my notes to something
8 like this or sheriff's incident report and destroy
9 them.

10 Q Is that a routine practice?

11 A That is a routine practice.

12 Q To the extent you took handwritten notes
13 in your interview with Vinkowski, those handwritten
14 notes no longer exist because you destroyed them?

15 A Right.

16 Q And you destroy them by way of a shredder?

17 A Yes, usually, or rip them into tiny pieces
18 and throw them in the trash.

19 Q How often do you do that?

20 A Depends on the case. Once I reduce it to
21 this, it's a lot more organized than my scribble and
22 notes. If I get interrupted in thoughts with my
23 notes, I could have something totally unrelated on
24 the same piece of paper. So, routinely.

25 Q Would it be fair to say, Mr. Bromage, that

1 any handwritten notes you had in connection with
2 this information have now been shredded?

3 A Right. Exactly. Yes, sir.

4 MR. TISDALE: Can you give us a couple
5 minutes?

6 MR. WALDRON: Sure.

7 (A recess transpired.)

8 MR. TISDALE: Back on the record.

9 BY MR. TISDALE:

10 Q A few more things, Mr. Bromage. I
11 appreciate your patience here today. One thing that
12 concerns, as you gather from the questioning in this
13 case, that concerns us is the preservation of
14 records by Beaufort County and Fripp Island and so
15 forth.

16 This is a letter that I want to show you
17 that I'll mark Exhibit 8. It's dated December 13, I
18 think, 2006 from Paul Trask to Captain Hatfield,
19 Chief Hatfield with a copy shown to you concerning
20 the preservation of your computer records.

21 A I recall this now, I do.

22 (PLF. EXH. # 8, 12/13/06 letter
23 from Mr. Trask to Chief Hatfield, marked
24 for identification.)

25 BY MR. TISDALE:

L. Paul Trask, Jr.

P.O. [REDACTED]
Burton, SC 29903
843-[REDACTED]

Tuesday, December 13, 2006

Certified Mail Return Receipt Requested

Chief Michael M. Hatfield
Beaufort County Sheriff's Office
2001 Duke Street
Beaufort, SC 29902

Re: Freedom of Information Act ("FOIA") request regarding evidence of the communications of Capt. Bromage pertaining to the 11/22/05 fatal MVA involving Leith Paul Trask, III and notice to preserve.

Dear Chief Hatfield:

This is a request under the S.C. Freedom of Information Act. E-mail records generated during the course of Capt. Bromage's investigation on behalf of the coroner's office are "public records" as defined under the S.C. Freedom of Information Act, S.C. Code Ann. 30-4-10. et seq. (Supp. 2001). Capt. Bromage and the Sheriff's office are required by law to protect and preserve official records, including e-mail correspondence. On October 24, 2006, Capt. Bromage testified that he had deleted official e-mail records. A copy of Capt. Bromage's deposition is enclosed. This is to notify you of the need to preserve the hard drive(s) on Capt. Bromage's computer(s) along with the e-mail data file(s) and any backup file(s).

As provided for in the Freedom of Information Act, this is to serve as my official request to inspect and copy Captain Bromage's e-mail communications that pertain to Paul III's accident; specifically those to or from but not limited to the following individuals:

1. SCHP Lt. Tommy Collins
2. Coroner Copeland
3. Deputy Coroner Herman
4. Michael Binkowski - Fripp Island POA
5. Kate Hines - Fripp Island POA

Capt. Bromage testified that he deleted e-mail generated in the course of his investigation from his personal account bbromage@hargray.com. Therefore, it is necessary for your office to secure and supply the records transmitted through Hargray along with those transmitted through robertb@bcgov.net

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EXHIBIT

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PLTF 0978

Chief Michael M. Hatfield
December 13, 2006
Page 2.

Thank you for your assistance and cooperation, and please do not hesitate to contact me directly at 843-██████████ or 843-██████████ if you have any questions or need additional information.

Sincerely,

L. Paul Trask, Jr.

Copy to Capt. Bromage

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PLTF 0979

Paul Trask

From: mikeh@bcgov.net
Sent: Sunday, January 07, 2007 12:13 PM
To: Paul Trask
Cc: kgolden@bcgov.net
Subject: Re: Follow up: Paul Trask FOIA letter to Chief Hatfield dated December 13, 2006

Mr. Trask:

Upon receipt of your request I met with Kelly Golden, Staff Attorney for Beaufort County. Ms. Golden advised me that she would send you a reply ASAP. I am forwarding your email to Ms. Golden with a request that she contact you as soon as possible.

Please note that the Sheriff's Office intends to supply you with all documentation that statute provides for. If I may be of any further assistance, please feel free to contact me at anytime.

Chief Hatfield

— Original Message —

From: Paul Trask
To: mikeh@bcgov.net
Cc: bbromage@hargray.com
Sent: Sunday, January 07, 2007 11:58 AM
Subject: Follow up: Paul Trask FOIA letter to Chief Hatfield dated December 13, 2006

Dear Chief Hatfield,

Please advise me when I will be able to inspect and copy the e-mail records that I requested pursuant to the attached FOIA letter dated December 13, 2006.

Thank you very much for your assistance and cooperation. Please call me at [REDACTED] if you have any questions.

Sincerely,

L. Paul Trask, Jr.

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EXHIBI.
22

Paul Trask

From: Kelly Golden [kjgolden@bcgov.net]
Sent: Wednesday, January 10, 2007 6:17 PM
To: [REDACTED]
Cc: Stacy Bradshaw
Subject: Re: Requests made under the S.C. Freedom of Information Act

January 10, 2007

Mr. L. Paul Trask, Jr.
[REDACTED]
Beaufort, South Carolina 29902
VIA email: [REDACTED]
and U.S. Mail

Re: Requests made under the S.C. Freedom of Information Act

Dear Mr. Trask:

This is in reference to several Freedom of Information Act (FOIA) requests you have sent to various divisions and departments of the County of Beaufort including the Beaufort County Sheriff's Office.

You have the right to inspect or copy any public record of the County except as otherwise provided by S.C. Code § 30-4-40 in accordance with reasonable rules concerning time and place of access.

In accordance with S.C. Code §30-4-30, please accept this response to the outstanding FOIA requests in my receipt and which I specify below. This letter constitutes a determination about your request for production under FOIA with exceptions noted below. Your request for records is voluminous requiring sufficient time to compile and provide them to you. Therefore, please call my office to arrange a date and time to receive the records from my office. In the alternative, you may inspect the records and select the records you care to have copied. Due to the nature of your request, the records will be provided to you for inspection at no charge and copies will be provided at a nominal charge, if any.

In my view, it is important to include in this writing the fact that your FOIA requests relate to the cause of action filed by you in the action *L. Paul Trask, Jr. as next of kin and as the duly appointed representative of the estate of L. Paul Trask, III, deceased vs. Hess Corporation; Xpress Lane, Incorporated, d/b/a Xpress Lane Incorporated #3; and Xpress Lane Incorporated*, Civil Action Number 06-CP-07-1276. The professional conduct rules for attorneys in South Carolina restrict me from communicating with a person who is represented by counsel. SCACR Rule 407 at Rule 4.2.

This is to acknowledge that I have advised your attorney of your FOIA requests and by copy of this response I am providing counsel of record with the County's reply.

Please note that some of the records you have requested are included in the production order dated January 5, 2007, wherein a consent order was entered on behalf of the Beaufort County Coroner and your attorney calling for the production of documents specified in that order. To the extent that your

3/15/2007

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EXHIBIT
23

PLTF 0043

outstanding FOIA requests include the documents subject to that Order, the County considers that it has fully complied with FOIA vis-à-vis that order.

I am in the process of assimilating the public documents responsive to your FOIA requests made to Chief Deputy Michael H. Hatfield of the Beaufort County Sheriff's Office and Mr. Frank Guth with the Beaufort County Management Information Systems Department. You are in receipt of a response to your FOIA request made to Mr. William Winn with the Beaufort County Emergency Management Division.

Please be aware that some of the information you have requested does not exist in written form. To this extent, I cannot provide a public record where none exists.

As to this records you have requested, this is to advise that you will receive an inventory of records requested and provided under separate cover. Of the many records requested, very few are exempt from production under FOIA. Nonetheless, I am obligated to assert the privileges accorded under FOIA to provide only non-exempt records. As to certain records you have requested, those which include the following matters will be handled as explained below.

Any record requested which includes the production of information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy; records of law enforcement and public safety agencies not otherwise available by state and federal law that were compiled in the process of detecting and investigating crime if the disclosure of the information would harm the agency; disclosure of any contents of intercepted wire, oral, or electronic communications not otherwise disclosed during a trial; matters specifically exempted from disclosure by statute or law; documents of and documents incidental to proposed contractual arrangements and documents of and documents incidental to proposed sales or purchases of property; production of the salary information outside the scope of FOIA; correspondence or work products of legal counsel for the County and the Sheriff's Office and any other material that would violate attorney-client relationships; all materials, regardless of form, gathered by the County during a search to fill an employment position except the records required to be disclosed by FOIA; and information made exempt from production pursuant to S.C.Code § 30-4-45 will not be made available for inspection or copying.

If any public record contains material which is not exempt under FOIA as provided above, the County will separate the exempt and nonexempt material and make the nonexempt material available to you.

A inventory of records responsive to your request will be provided under separate cover. Upon receipt of same, if you have any questions about the production responses made, please have your attorney call me.

Sincerely,

S/ Kelly J. Golden

Beaufort County Staff Attorney

CC: Counsel of Record

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3/15/2007

PLTF 004

Message

Paul Trask

From: Kelly Golden [kjgolden@bcgov.net]
Sent: Thursday, January 11, 2007 11:47 AM
To: Paul Trask
Subject: RE: FOIA requests

Thank you for your reply. Mr. Guth had not advised me of his work to collate a response as mentioned below. However, Mr. Guth and I are meeting today after lunch to discuss the assimilation of responsive records. I will discuss the nature of his email to you when I speak with him.

I am aware of your requests to the Sheriff's office and the Coroner's office about computer records. I have no written request for records directed to Ms. Herman. However, your attorney has subpoenaed Ms. Herman for deposition which seems to me to obviate the need for a FOIA request if one has not been sent to her before.

As to the County's ability to affirmatively respond to your request for deleted computer files, Mr. Guth is the County's Department Director with the required knowledge and expertise to advise us on this issue. He and I are discussing the technology aspects of your requests this afternoon as well.

I trust you agree to my proposal to prepare and provide you an inventory of the records requested with responses noted: I prefer using an inventory method because it memorializes the request and response.

I asked you attorney to request you to make any further communications to my client (the County) directly to me. With your counsel's consent, I will be glad to assist you.

Thank you in advance.

Kelly J. Golden, Esquire
Beaufort County Staff Attorney
Post Office Box 1228
Beaufort, South Carolina 29901-1228
Tel: 843-470-5380
Fax: 843- 470-5383

-----Original Message-----

From: Paul Trask [mailto:]
Sent: Thursday, January 11, 2007 10:34 AM
To: Kelly Golden
Cc: Tisdale, Thomas S.
Subject: FOIA requests

Dear Ms. Golden:

Thank you for your January 10 letter written in response to my FOIA requests. I discussed the attorney conduct rule with Tom Tisdale and he asked me to tell you that he authorizes you to communicate directly with me on the FOIA issues.

I received an e-mail yesterday from Mr. Frank Guth telling me that the records I requested from his department will be ready for me to pick up after lunch today. Mr. Guth advised me that the fee to organize and copy those documents is \$171.27. As you noted in your letter, I am in receipt of a response from Mr. William Winn's



12/5/2007

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PLTF 0199

STATE OF SOUTH CAROLINA
IN THE CIRCUIT COURT
COUNTY OF BEAUFORT

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina,

Plaintiff,

vs.

Case No. 2007-CP-07-995

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P.J. Tanner
in his official capacity,

Defendants.

TELEPHONIC DEPOSITION OF

WITNESS: FRANK GUTH

LOCATION: Patricia A. Murray and Associates, Inc.
10524 Grand River, Suite 101
Brighton, Michigan

DATE: Thursday, July 31, 2008
9:30 a.m.

APPEARANCES:

FOR THE PLAINTIFF: NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, SC 29402
BY: MR. THOMAS S. TISDALE, JR.
(Via Telephone)

FOR THE DEFENDANT: CAROLINA LITIGATION ASSOCIATES, LLC
P.O. Box 1880
Bluffton, SC 29910
BY: MR. MARSHALL H. WALDRON, JR.
(Via Telephone)

EXHIBIT

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- 1 A When I was there the answer is no. I mean the
2 technology may have evolved since I've been there.
3 I've been gone since September of last year.
- 4 Q Well, I understand, but we're talking about a period
5 of time when you were there --
- 6 A The answer is no.
- 7 Q -- in late -- you were there in late 2005/2006, were
8 you not?
- 9 A I was there through September of 2007.
- 10 Q All right. And you were there September of 2007?
- 11 A Absolutely.
- 12 Q So, Mr. Guth, would it be correct that if an e-mail
13 was double deleted in Beaufort County in 2005 and 6
14 and if -- after the 30-day backup period, would it be
15 true that that document was beyond retrievable?
- 16 A Yes.
- 17 Q Could not be recovered?
- 18 A That's correct.
- 19 Q Effectively destroyed?
- 20 A I would say that's true. Without some, you know,
21 super stuff, but, you know, you're not going to get
22 that. So the answer is it's gone.
- 23 Q It's gone for all practical purposes?
- 24 A Yep.
- 25 Q All right. Now, did Mr. Trask ask you in his letter

1 that we've marked as an exhibit about the issue of
2 restoring deleted e-mails?

3 A I don't know that he asked it that way. He asked for
4 a retention schedule for e-mail, voice mail,
5 telephone, cell phone records, specific records
6 retention schedule and policies. Specific policy.
7 Okay? So that was all in the big books that I gave
8 him.

9 Q Okay.

10 A There may be some -- if he did ask me, point out the
11 letter that it's in. I don't recollect it exactly
12 that it was addressed directly to me.

13 Q All right. So you do not recall him asking you about
14 the restoration of deleted e-mails?

15 A I do not recall it. Correct.

16 Q All right. Now, did -- did somebody want to say
17 something?

18 MR. TRASK: I've got a point. This is
19 Paul. I've got a point.

20 MR. TISDALE: Yes? Well, you want to
21 hold it for later or do you want me to call you now?

22 MR. TRASK: I will hold it for later.

23 MR. TISDALE: Just make a note of it.

24 BY MR. TISDALE:

25 Q Were you instructed by Ms. Golden or anyone else not

1 to respond to questions from Paul Trask?

2 MR. WALDRON: Object to the form of the
3 question and, Mr. Guth, please do not answer with
4 regard to any communication you may have had with
5 Kelly Golden.

6 BY MR. TISDALE:

7 Q Mr. Guth, were you represented by Kelly Golden?

8 A Certainly.

9 Q Were you instructed by anyone other than Kelly Golden
10 who was not representing you -- anyone who was not
11 representing you not to instruct -- not to answer
12 questions posed by Paul Trask?

13 A No.

14 Q Mr. Guth, I'm looking at an e-mail of January 30,
15 2007 -- January 26, 2007 from Paul Trask to you. It's
16 dated at the bottom Bates Number Plaintiff's 0206.

17 MR. TISDALE: Carol, do you see that
18 document there?

19 THE WITNESS: I see it.

20 MR. TISDALE: Go ahead and mark that
21 Exhibit 5, please.

22 (Deposition Exhibit No. 5 marked for
23 identification)

24 THE WITNESS: Yeah. I see there is a
25 note on there at the bottom asking me am I able to

1 restore deleted e-mail records. The answer to that is
2 I thought I already answered that in the response that
3 I gave to Mr. Trask on January 11. So I didn't feel
4 the need to answer it again.

5 BY MR. TISDALE:

6 Q And would that be in your answer to question two in
7 your January 11 letter?

8 A Yes.

9 Q But this p.s. at the bottom of the e-mail the court
10 reporter just marked says, "Ms. Kelly Golden informed
11 me last week that you were checking to determine how
12 to retrieve deleted e-mail transmissions that I had
13 requested from other departments per FOIA. Are you
14 able to restore the deleted e-mail records?" Did you
15 respond directly to that question?

16 A As I said, I did not respond to that because I thought
17 I had already responded to it in the January 11
18 letter.

19 Q And am I right or wrong then, without going through
20 the whole thing again, that your response would be
21 intended to -- was intended to be that they could not
22 be restored?

23 A That's correct.

24 Q Okay.

25 A I believe you're talking about -- we're in January of

1 '07? We're looking at something that's over a year
2 old. So there's nothing around anyway.

3 Q All right. Now, I don't want to beat a dead horse
4 here, but just to be certain I understand, did
5 Beaufort County have any policy or procedure or
6 standard concerning the retention of e-mail
7 correspondence?

8 A No.

9 Q One of the people involved in the investigation of
10 this matter, being the death of Paul Trask, III, is a
11 captain with the Sheriff's Department that's assigned
12 to the Coroner's Department named -- Coroner's Office
13 named Robert Bromage, B-r-o-m-a-g-e. Do you
14 recall -- did you know Mr. Bromage in any way?

15 A You ask me do I know Mr. Bromage?

16 Q Yeah.

17 A Yes, I do.

18 Q All right. Now, he has testified that he used his
19 personal e-mail account -- personal e-mail account
20 with whatever service he had for official business.
21 Did any -- was there any Beaufort County -- any
22 management policy in place concerning using personal
23 computers for official business? Personal e-mail
24 accounts for official business?

25 A I don't believe there was a policy on that. Obviously

1 Q Have you ever known of an occasion that law
2 enforcement officials in Beaufort County ever used
3 that so-called super software FBI type --

4 A I'm not aware.

5 Q -- type of software to retrieve e-mails?

6 A I'm not aware.

7 Q Do you recall that Mr. Bromage's hard drive, as he
8 described, fried at one point and had to be changed
9 out?

10 A I don't know where that's coming from. I don't
11 remember seeing that anyplace.

12 Q All right. Well, he testified that his hard drive
13 collapsed, or whatever they do, and that it had to be
14 changed out by your department. You don't have any
15 personal recollection of that?

16 A I do not. It would have just been a -- it would have
17 been an ordinary service call that came into the help
18 desk and was dispatched to one of the technicians to
19 handle it.

20 Q All right. Now, finally -- perhaps finally -- you
21 said that there was a lot of knowledge in Beaufort
22 County generally about the Trask incident concerning
23 the death of Paul Trask, III, on November 21/22, '05?
24 Do you recall saying something like that?

25 A Certainly.

L. Paul Trask, Jr.

P.O. [REDACTED]
Burton, SC 29903
[REDACTED]

Hand Delivered

Saturday, February 03, 2007

Chief Michael M. Hatfield
Beaufort County Sheriff's Office
2001 Duke Street
Beaufort, SC 29902

Dear Chief Hatfield:

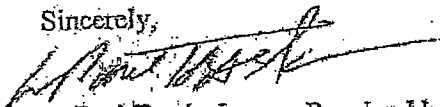
This is a request under the S.C. Freedom of Information Act. This is to serve as my official request to inspect and copy the following documents:

1. Officer Daily Report for deputies Garst (A64), Eckard (A30) & Arbello (A12) for the shift(s) covering November 22, 2005.
2. Sheriff's Office Monthly Report for November and December 2005.
3. Sheriff Daily Report for November 22, 2005 through November 30, 2005.
4. Radio Log for the above noted deputies for the shift(s) covering November 22, 2005.
5. Records of all cell phone calls made or received by the above noted deputies during the shift(s) covering November 22, 2005.
6. Copy of the Sheriff's Office written employee policy pertaining to communications and public records transmitted by e-mail.
7. Copy of Sheriff Office directive or authorization to permit Robert Bromage to use his personal e-mail account for the purposes of conducting official county business.
8. Copy of Sheriff Office directive or notice to Robert Bromage to discontinue the use of his personal e-mail account for the purposes of conducting official county business.
9. Copy of letter from Sheriff Lanner to Paul Trask, Jr.

On January 7, 2007 and again on February 2, 2007 you informed me that the Sheriff's Office intends to comply with all statutory provisions of the S.C. Freedom of Information Act. To the extent that the Sheriff's Office believes any part of my FOIA requests is exempt from disclosure, please specify the issue and set forth the basis for the claim of exemption.

Thank you very much for your assistance and cooperation.

Sincerely,


L. Paul Trask, Jr.

Received by: 

2-5-07
@ 8:10 AM

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EXHIBIT
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PLTF 0965

BEAUFORT COUNTY SHERIFF'S OFFICE

STANDARD OPERATING PROCEDURE #214

Subject: Computer Usage
Effective Date: March 19, 2002
Special Instructions: Rescinds All Previous Policies
Distribution: All Personnel

I Purpose

To establish guidelines for the appropriate use of computer resources and information systems owned or operated by the Sheriff's Office and to define the standards of conduct for Sheriff's Office personnel.

II Policy

The Beaufort County Sheriff's Office (Sheriff's Office) unique status as a law enforcement agency requires that the Sheriff's Office establish clear and explicit standards on appropriate and acceptable uses of its computer resources and information systems that may not be required at civilian or educational facilities.

III Authorized Uses

- A. All purposes related to the administration of departmental business and the enhancement of public safety.
- B. Utilization of computing resources and information systems for expanding or advancing an employee's professional knowledge, and skills.
- C. Incidental personal uses of the Internet and email if it does not conflict with other provisions of this policy.

IV. Prohibited Uses

- A. Storing files or using the computer resources and information systems for illegal, fraudulent, pornographic, or malicious activities, or to support or assist such purposes.
- B. Engaging in partisan political activity.
- C. Engaging in political or religious lobbying.
- D. Engaging in activities on behalf of organizations having no affiliation with the Sheriff's Office.
- E. Engaging in activities for personal or commercial financial gain, which may include, but is not limited to sending chain letters, solicitation of business or services, sales of personal property.
- F. Storing or processing sensitive information on any system not explicitly approved for sensitive / confidential processing.
- G. Accessing another employee's account without permission to forge email, to view, delete or damage files.
- H. Attempting to circumvent or defeat security or auditing systems except as part of an authorized system test or security research.

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- I. Engaging in "piracy" by obtaining, installing, storing, or using software obtained in violation of the appropriate vendor's licensing agreement.
- J. Permitting any unauthorized individual to access the Sheriff's Office system.
- K. Modifying or altering the operating system or system configuration of any Sheriff's Office computer, or installing any type of software on a Sheriff's Office computer without first obtaining permission from the Sheriff or his designee.
- L. Downloading games or programs from the Internet without express consent from the Sheriff or his designee.
- M. Using the email to harass, intimidate or otherwise annoy another person.
- N. Monopolizing systems, overloading networks with excessive data or wasting computer time, connect time, disk space, printer paper, manuals or other resources. This includes accessing Internet sites that provide continuous data streams such as the "Internet radio" sites and the "web shots" screen saver sites.
- O. Accessing files and data that are not publicly available, or to which access is unauthorized.
- P. Deactivating virus-scanning software.
- Q. Sending agency-wide email covering matters that are not of agency-wide importance.
- R. Releasing information without proper authorization.
- S. Intercepting network traffic for any purpose unless engaged in authorized network administration or monitoring.

V. Limitations / Restrictions

- A. Employees will not engage in computer usage that would affect or interfere with the normal operations of the Sheriff's Office computer system.
- B. Employees will not engage in computer usage that would affect or interfere with an employee's job performance.
- C. Employees will not exceed the email storage capacity limit by accumulating excessive personal email.
- D. Employees will assume responsibility for any charges associated with billable services unless appropriate authorization has been obtained in advance.
- E. In any instances involving a question as to whether a specific action or conduct is appropriate, it will be the employee's responsibility to request interpretation from his / her immediate supervisor.

VI. General Provisions

- A. The Sheriff or his designees will ensure that this policy is addressed in relevant user manuals, documents and publications and in training given to new computer users.
- B. The Sheriff or his designee will ensure that this policy is disseminated during the orientation of all new employees.

VII. Disciplinary Action

Employees who violate the provisions of this policy may be subject to disciplinary action, up to and including termination.

STATE OF SOUTH CAROLINA
IN THE CIRCUIT COURT
COUNTY OF BEAUFORT

L. PAUL TRASK, JR., INDIVIDUALLY, AS A CITIZEN,
RESIDENT, TAXPAYER AND REGISTERED ELECTOR OF THE
STATE OF SOUTH CAROLINA, AND ON BEHALF OF OTHERS
SIMILARLY SITUATED,

Plaintiff,

vs. CASE NO. 2007-CP-07-995

SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY;
BEAUFORT COUNTY; BEAUFORT COUNTY MANAGEMENT
INFORMATION SYSTEMS; BEAUFORT COUNTY CORONER CURTIS
COPELAND IN HIS OFFICIAL CAPACITY; BEAUFORT COUNTY
SHERIFF P. J. TANNER IN HIS OFFICIAL CAPACITY,

Defendants.

L. PAUL TRASK, JR., PERSONALLY, AND AS NEXT OF KIN
AND AS THE DULY APPOINTED PERSONAL REPRESENTATIVE
OF THE ESTATE OF L. PAUL TRASK, III, DECEASED, AND
MEREDITH C. TRASK,

Plaintiff,

vs. CASE NO. 2007-CP-07-993

BEAUFORT COUNTY; CURTIS COPELAND, IN HIS
OFFICIAL CAPACITY AS CORONER OF BEAUFORT COUNTY
AND INDIVIDUALLY; AND COPELAND COMPANY OF
BEAUFORT, LLC,

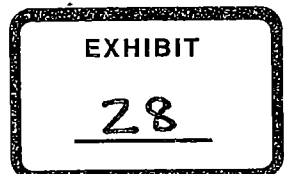
Defendants.

DEPOSITION OF: MICHAEL M. HATFIELD
DATE: June 27, 2008
TIME: 9:40 AM

A. WILLIAM ROBERTS, JR., & ASSOCIATES
Fast, Accurate & Friendly

Charleston, SC Hilton Head, SC Myrtle Beach, SC
(843) 722-8414 (843) 785-3263 (843) 839-3376

Columbia, SC Greenville, SC Charlotte, NC
(803) 731-5224 (864) 234-7030 (704) 573-3919



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1 or 14th and 15th, 2006, is that right?

2 A. Yes. December 14th.

3 Q. December 14th, 2005, excuse me. Does
4 that refresh your recollection as to the request
5 that Mr. Trask made to which Mr. Winn refers in his
6 letter which is Exhibit 4?

7 A. Not knowing where this came from, I
8 would say, you know, could be anything. I mean,
9 it's an e-mail obviously. I don't have my records
10 to go back and say this is exactly what I said
11 but...

12 Q. Well, please take a look at it and tell
13 me if you think that there's anything that's
14 incorrect in that e-mail.

15 A. Appears to be.

16 Q. You said that you don't have your
17 records. Do you mean you don't have them here with
18 you?

19 A. I don't keep e-mails once I take care
20 of what has to be taken care of. I don't save --
21 there's no reason for me to save. I get hundreds
22 of them.

23 Q. So you make a practice of deleting your
24 e-mails after you take care of whatever issue --

25 A. Yes, I do.

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1 Q. So you would not have an e-mail that we
2 would be able to check to verify the accuracy of
3 that document?

4 A. That's correct.

5 Q. Once you -- once you delete a document,
6 you understand that it goes into a deleted item --
7 once you delete an e-mail communication, you
8 understand that it goes into a deleted items folder
9 on your computer?

10 A. It may very well be.

11 Q. Do you --

12 A. I delete everything -- I go in and
13 delete items everywhere. When I'm done, I'm done.

14 Q. So you double delete it, in other
15 words, you delete it and then you delete it from
16 your deleted items?

17 A. That's correct.

18 Q. So am I correct in understanding that
19 you referred Mr. Trask's request to Mr. Winn for
20 follow-up?

21 A. As it relates to these documents I have
22 in front of me, I think it's very clear to see
23 that, yes, I did.

24 Q. And at that point in time, Mr. Winn
25 took over responsibility for responding to those

1 Q. I've handed you what's been marked as
2 Exhibit 11 and this is a series of e-mails between
3 you and Mr. Trask. The first e-mail is found on
4 the document Bates labeled PLTF 0913 and it's an
5 e-mail from Mr. Trask to you dated March 24th, 2007
6 at 9:13 AM. Do you see that? Excuse me.

7 A. Are we backwards or something?

8 Q. Yeah.

9 A. Where is it at, are you talking about
10 the last document?

11 Q. The way the e-mail chain works is the
12 first one is on Plaintiff 0913, okay?

13 A. All right.

14 Q. And actually, the date of it is March
15 23rd, 2007 at 9:10. It's the very bottom of the
16 page. You see where it says original message
17 there?

18 A. Um-hum. Yes, I do.

19 Q. Okay. And actually, if you look on the
20 following page, 914, you'll see that it was
21 Mr. Trask sending you a message and an article and
22 his message is there under comments from Paul
23 Trask. You see that after the first dotted line?

24 A. Yes.

25 Q. He says: Chief Hatfield, were Deputies

1 Garst, Eckard or Arbello equipped with any of the
2 technology set forth in this morning's Packet
3 article when they were at the scene of Paul, III's
4 accident on November 22nd, 2005?

5 And then you responded, this is on 913,
6 said, Mr. Trask, we did not have digital technology
7 at that time, is that right?

8 A. That's correct.

9 Q. And then the following e-mail is March
10 24, 2007 and Mr. Trask asks you when the digital
11 equipment was first put into service by Beaufort
12 County Sheriff's Department, right?

13 A. That's correct.

14 Q. And he wanted to know whether Deputies
15 Garst, Eckard or Arbello were equipped with any
16 other nondigital video or audio recording
17 equipment, right?

18 A. Correct.

19 Q. And then you responded and -- oh, he
20 also wanted to know about the standard operating
21 procedure for recordings, right?

22 A. Correct.

23 Q. And you responded and you said that the
24 retention policies are covered in Standard
25 Operating Procedure 129, right?

1 A. Correct.

2 Q. And that Lieutenant Bukoffsky has
3 spoken with the officers and each has advised him
4 that they don't have any recording, VHS or digital,
5 of the accident scene, right?

6 A. That's what I was told, right.

7 Q. And who is Lieutenant Bukoffsky?

8 A. He's the assistant division commander
9 for patrol on the northern division, which is the
10 Beaufort side of the river.

11 Q. And you had provided Mr. Trask with a
12 copy of the Standard Operating Procedure Number 129
13 previously?

14 A. Correct.

15 Q. Then Mr. Trask replies to your e-mail.
16 He replies in an e-mail dated April 6, which is on
17 Plaintiff 0912, and he asks you first when the
18 digital recording equipment was first put into
19 service by the sheriff's department, second,
20 whether Deputies Garst, Eckard or Arbello were
21 equipped with any type of audio or video and third,
22 he asked you whether there was any policy that
23 preceded the current policy, Number 129, right?

24 A. That's correct.

25 Q. And you responded and you said first of

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1 all, the digital equipment was purchased in
2 approximately June 30, 2005 with installation
3 occurring for the next 90 days, right?

4 A. Correct.

5 Q. And then you said that Garst had VHS,
6 Arbello had none and Eckard had digital at the
7 time, right?

8 A. Correct.

9 Q. And then you said, we did not work the
10 accident. What did you mean when you said we did
11 not work the accident?

12 A. We were -- we were not the
13 investigating agency.

14 Q. Okay. How does that work, who -- how
15 is it -- the determination made as to who's the
16 investigating agency?

17 A. I don't know if there's a written
18 policy if that's what you're going to get second to
19 that as follow-up to who works what accident.
20 Usually it's jurisdictional in which law
21 enforcement agency that has jurisdiction responds
22 first.

23 Q. Okay.

24 A. But that's not always the case.

25 Q. In this particular accident, it was not

1 under sheriff's department jurisdiction?

2 A. It was in the jurisdiction of Beaufort
3 County, however, because there was a death in it,
4 we referred it to the Highway Patrol. We do not
5 work fatal accidents.

6 Q. I think we saw earlier that the three
7 deputies were there for various lengths of time,
8 you know, anywhere from, I think, a half hour to
9 three hours or so. Why were they there for so long
10 if they were not so-called working the accident?

11 A. I was not on scene, I couldn't answer
12 that question.

13 Q. Is that typical that they would be
14 there that long when it was not under their
15 jurisdiction?

16 A. I don't think anything's typical in law
17 enforcement.

18 Q. Were they authorized to be there that
19 long?

20 A. I wouldn't use the word authorized for
21 a law enforcement officer being on the scene of an
22 investigation. The answer to your question is if I
23 had to assume and I hate to do that under a
24 deposition here, but they were probably assisting
25 the highway patrolman and fire department and

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1 whoever else responded.

2 Q. But the assistance that they were
3 giving and the time that they spent there, that
4 didn't mean that it was your investigation, right?

5 A. It was not our investigation.

6 Q. Do you have any idea why there were
7 three separate officers at the scene?

8 A. No, I do not.

9 Q. Is that unusual or normal?

10 A. It's not unusual. It varies.

11 Q. And then third, you said there was no
12 policy prior to the current policy, right?

13 A. Correct.

14 Q. Okay. And then Mr. Trask responds and
15 wants to confirm that there was no policy regarding
16 recording equipment prior to 1/29?

17 A. Correct.

18 Q. And then on April 16 you confirm that
19 and then on April 16, Mr. Trask, he said that there
20 was -- there was VHS technology prior to the
21 digital, right?

22 A. Correct, in the e-mail.

23 Q. Yeah. And that's true, right?

24 A. There was some VHS technology.

25 Q. And he again asked for a policy or

1 procedure that wasn't in effect that would govern
2 the VHS recordings, right?

3 A. In his e-mail, yes.

4 Q. Yeah. And also, you know, at that
5 point in time I guess he had -- you had responded
6 with the information that Deputy Eckard had digital
7 in his automobile, but he wanted to confirm that
8 there was no policy in place regarding what would
9 be done to preserve that recording at that time?

10 A. I don't know what he was referring to.
11 I know he asked about it and I answered the
12 question.

13 Q. Okay. But my point is today here,
14 there wasn't any policy relating to the
15 preservation of the digital or VHS recording at the
16 time of the accident, right?

17 A. Correct.

18 Q. Okay. Did you find out whether or not
19 any recordings were made during the investigation
20 by your officers at the scene of the accident?

21 A. As far as I know there were none.

22 Q. Did you ask anybody whether or not they
23 had made recordings?

24 A. I asked Lieutenant Bukoffsky.

25 Q. And Lieutenant Bukoffsky talked with

1 Deputies Garst and Arbello and Eckard, right?

2 A. Then again I'd have to assume he did, I
3 wasn't present.

4 Q. Is it correct that the digital
5 recording starts once the blue lights are turned
6 on?

7 A. That's correct, in most cars they're
8 wired that way.

9 Q. And I think you may have answered this
10 already, but other than talking with Lieutenant
11 Bukoffsky about it, about whether or not these
12 recordings existed, did you do anything else to
13 find out whether or not recordings were made --

14 A. No.

15 Q. -- and/or preserved?

16 A. No.

17 (PLF. EXH. 12, Letter dated 2/14/07 to
18 Chief Michael M. Hatfield from L. Paul Trask, Jr.,
19 with attachments, was marked for identification.)

20 BY MR. TIBBALS:

21 Q. Number 12 is a letter from Mr. Trask to
22 you dated Monday, February 14, 2007 and then what
23 follows is a copy of the Standard Operating
24 Procedure Number 129 that we've discussed, is that
25 right?

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From: Michael Hatfield [mikeh@bcgov.net]
Sent: Sunday, May 06, 2007 10:39 AM
To: Paul Trask
Cc: Marshall Waldron; Kelly Golden
Subject: 05-06-07 Hatfield Says He Will Not Further; Refers The Matter To Kelly Golden & Marshall Waldron

Mr. Trask:

I have already answered your questions in one form or another on more than one occasion. I do not intent to continue this dialog as you presently have this Office under litigation. From this point forward, please have your attorney refer any questions associated with the pending litigation to our assigned attorney, Mr. Marshall Waldron of Carolina Litigation Associates and/or Ms. Kelly Golden, Staff Attorney for Beaufort County.
Chief Hatfield

From: Paul Trask [mailto:████████████████████@████████████████████.com]
Sent: Saturday, May 05, 2007 2:58 PM
To: Michael Hatfield
Subject: Follow up on missing records from Sheriff Office Audio/Video recording equipment

Chief Hatfield,

Why will your office not produce a copy of the video and audio recordings taken at the scene of Paul Trask III's fatal auto accident on November 22, 2005?

Were these extremely important public records destroyed because your office had no policy in place to manage and preserve them? If these public records were destroyed, what was the date and method of destruction?

Were Deputies Garst and Eckard free to preserve or erase the public records created through the operation of their respective audio/video systems in their individual discretion and in absence of any operation policy?

Has the Beaufort County Sheriff's Office instructed the Emergency Management Office (or any other public body) not to record radio traffic for the "shift" channel(s)?

With respect to "Release of Video Images" in BCSO operating policy #129:

Why does policy #129 say that the video images captured on BCSO equipment are the "sole property of the Beaufort County Sheriff's Office"?

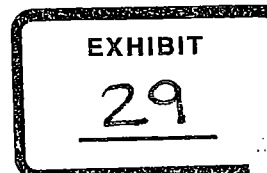
What is the BCSO definition of "legitimate media outlets" as set forth in policy #129?

What is the BCSO "policy" used in conjunction with the law when responding to FOIA requests?

Thank you.

Paul Trask

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PLTF 0910

From: Michael Hatfield [mailto:mikeh@bcgov.net]
Sent: Monday, April 16, 2007 3:08 PM
To: Paul Trask
Cc: Kelly Golden; mw@carolinalitigation.com
Subject: RE: From The Island Packet Online: The new eyes and ears of the law

Mr. Trask:

Please do not continue to micro analyze my answers to your questions. We do not have any recordings of the accident scene. Therefore, there is no "public record" created by a "retained" digital/VHS video recording. Again, please remember, we were not the investigating agency.

Chief Hatfield

From: Paul Trask [mailto:████████████████████]
Sent: Monday, April 16, 2007 2:22 PM
To: Michael Hatfield
Subject: RE: From The Island Packet Online: The new eyes and ears of the law

Chief Hatfield,

You have informed me that the Digital equipment was purchased approximately June 30, 2005 and installation took place for 90 days...until September 30, 2005. Prior to the installation of the Digital equipment, it is my understanding that the Sheriff's Dept. was using VHS technology recording devices. You informed me that Deputy Garst was equipped with a VHS system and Deputy Eckard with a Digital video recorder on November 22, 2005. Since the copy of procedure #129 that was delivered to me notes an effective date of October 12, 2006, my request is for a copy of the procedure and policy was in effect prior to the current procedure #129. In response to my request, you inform me again that there was no policy prior to the current policy and so my question below stands:

Are you telling me that there was no Sheriff Office policy at all pertaining to the operation of the digital/VHS video equipment and audio recording equipment prior to procedure #129 dated 10/12/06; or for the management and disposition of the public records created by the use of this equipment?

Thank you,

Paul Trask, Jr.

From: Michael Hatfield [mailto:mikeh@bcgov.net]
Sent: Monday, April 16, 2007 1:56 PM
To: Paul Trask
Cc: Kelly Golden; mw@carolinalitigation.com
Subject: RE: From The Island Packet Online: The new eyes and ears of the law

Mr. Trask:

3 below answers your question. We did not have a policy for equipment that we did not have.

Chief Hatfield

From: Paul Trask [mailto:████████████████████]
Sent: Monday, April 16, 2007 9:49 AM

2/4

PLTF 0911

To: Michael Hatfield

Subject: RE: From The Island Packet Online: The new eyes and ears of the law

Chief Hatfield,

Are you saying that there was no Sheriff Office policy at all pertaining to the operation of the digital /VHS video equipment and audio recording equipment prior to procedure #129 dated 10/12/06; or for the management and disposition of the public records created by the use of this equipment?

Thank you

Paul Trask, Jr.

From: Michael Hatfield [mailto:mikeh@bcgov.net]

Sent: Wednesday, April 11, 2007 12:10 PM

To: Paul Trask

Cc: Jim Bukoffski

Subject: RE: From The Island Packet Online: The new eyes and ears of the law

Mr. Trask:

Lt. Bukoffsky researched your questions and the answers are as follows:

1. Digital equipment was purchased approximately 06/30/05 with installation occurring for the next 90 days.
2. Deputy Garst had VHS, Deputy Arbelo had none and Deputy Eckard had digital. We did not work the accident and as I stated earlier, there was no recording from any of the cameras.
3. There was no policy prior to the current policy.

Chief Hatfield

From: Paul Trask [mailto: [REDACTED]]

Sent: Friday, April 06, 2007 2:47 PM

To: Michael Hatfield

Subject: RE: From The Island Packet Online: The new eyes and ears of the law

Chief Hatfield,

1. Would you please tell me when the digital recording equipment was first put into service by the Beaufort County Sheriff's Dept.
2. Would you please tell me if deputies Garst, Eckard or Arbelo equipped with any type of audio or video recording equipment on November 22, 2005.
3. Would you please send me a copy of the standard operating procedure for audio and video recording that preceded the current policy #129 which has an effective date 10/12/06.

Thank you

Paul Trask, Jr.

From: Michael Hatfield [mailto:mikeh@bcgov.net]

Sent: Monday, March 26, 2007 3:46 PM

To: Paul Trask

Cc: Kelly Golden; Marshall Waldron

Subject: RE: From The Island Packet Online: The new eyes and ears of the law

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PLTF 0912

Mr. Trask:

The VHS Video Tape Retention and Digital Video File retention is covered in Standard Operating Procedure # 129 of our Policy and Procedure Manual, which you already have a copy of. Lt. Bukoffsky has spoken with the officers indicated below and each has advised him that they have no recording either VHS or Digital of your son's accident scene.

Chief Hatfield

Addendum: Mr. Trask, please forward a certified check or money order for your last two FOIA requests. The total amount is \$95.00 or \$3.00 for your February 6, 2007 FOIA returned request and \$92.00 for your February 15, 2007 FOIA returned request.

Thank You.

From: Paul Trask [mailto: [REDACTED]]
Sent: Saturday, March 24, 2007 9:13 AM
To: Michael Hatfield
Subject: RE: From The Island Packet Online: The new eyes and ears of the law

Chief Hatfield,

Please tell me when the digital equipment was first put into service by the Beaufort County Sheriff's Dept. Please provide me with a copy of the Sheriff Office policy for the retention and management of the audio and video records generated by the equipment. Please tell me if deputies Garst, Eckard or Arbello were equipped with any other non-digital video or audio recording equipment on November 22, 2005, including the VHS systems that Sheriff Tanner referred to. Also, please provide me with a copy of the Sheriff Office policy for the retention and management of the non-digital audio and video records.

Thank you very much.

Paul Trask, Jr.

From: Michael Hatfield [mailto:mikeh@bcgov.net]
Sent: Friday, March 23, 2007 4:01 PM
To: Paul Trask
Cc: Kelly Golden; Marshall Waldron
Subject: RE: From The Island Packet Online: The new eyes and ears of the law

Mr. Trask:

We did not have digital technology at that time.

Chief Hatfield

-----Original Message-----

From: Paul Trask [mailto: [REDACTED]]
Sent: Friday, March 23, 2007 9:10 AM
To: Michael Hatfield; [REDACTED]
Subject: From The Island Packet Online: The new eyes and ears of the law

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PLTF 0913

Paul Trask sent you the following article
from The Island Packet Online (<http://www.islandpacket.com>)

You may read this article in its entirety at
<http://www.islandpacket.com/news/local/story/6429010p-5729603c.html>.

This article is protected by copyright and may
not be printed or distributed for anything except
personal use.

Comments from Paul Trask:

Chief Hatfield,

Were deputies Garst, Eckard or Arbello equipped with any of the technology set
forth in this morning's Packet article when they were at the scene of Paul III's
accident on November 22, 2005?

Thank you.

Paul Trask, Jr

The new eyes and ears of the law

Published: Friday, March 23rd, 2007

By BEN CRITES
bcrites@islandpacket.com
843-706-8138

A lot can change between the day a crime is committed and the day the suspect
appears in court.

What a victim says to police officers when they respond to a domestic violence
call, for example, often changes when the suspect sometimes tries to make amends
before the case goes to trial.

But local law enforcement officials say prosecutions of such crimes have become
more efficient because officers are recording their conversations with victims and
suspects on audio and

video.

Now, the Bluffton Police Department and Beaufort County Sheriff's Office want
to equip

more officers and deputies

with digital technology they say is capturing hard-to-dispute evidence.

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PLTF 0914

Officers and deputies are using transmitters on their belts and, in some cases, microphones on their shirt lapels, to record conversations with crime suspects, victims and traffic offenders.

They're also using video cameras mounted in cruisers to capture offenses on the road, and interactions with traffic offenders and prisoners during

transport.

And they're doing it as often as they can.

Police aren't required to tell anyone they're being recorded, said Mark Plowden, spokesman for South Carolina

Attorney General Henry

McMaster.

'It's completely legal,' he said.

John King, president of the Beaufort County chapter of the American Civil Liberties Union, thinks the technology will compel more citizens to exercise their right to remain

silent.

'I don't like the idea of not telling people that they are being recorded,' he said. 'That's certainly an

invasion of their privacy.'

NEW CRIME FIGHTING TOOLS

Mobile Vision is an automated system that hooks up video and audio technology to one database which officers and deputies can access through laptop computers in their cruisers. The equipment costs about \$5,000 per cruiser.

Law enforcement can record for many hours and store the information on a hard drive. When it's time to go to court, they transfer the audio onto a CD that prosecutors play in the courtroom.

The system also allows officers

or deputies to listen in or watch

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PLTF 0915

footage from their departments' headquarters as it's being recorded. This means
--- higher ranking officials can monitor action on the road as well as the performance
of staff.

Deputies only need to press a button on the transmitter attached to their belts
to begin the audio recording, Lt. Jim Bukoffsky said.

The Sheriff's Office has been using the technology for about two-and-a-half
years, Bukoffsky said. About 67 deputies have the equipment now. The Sheriff's
Office has budgeted to equip roughly 22 more this

year.

About 15 Bluffton Police Department cruisers are equipped with the technology,
Chief David McAllister said. The department has been using the equipment for about

a year.

Bluffton police plan to purchase a server on which to catalogue the recordings
at a cost of about \$18,000, he said.

The digital recording system is replacing old VHS recording systems, which
weren't as effective and often shut down in high heat, Sheriff P.J. Tanner said.

McAllister said policing will continue to evolve as technology does.

'Back in the old days, all you needed was a badge and a gun,' the chief said.
'Now it's laptops, cameras, audio ... it's technology.'

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anything except
personal use.

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PLTF 0916

Paul Trask

From: Paul Trask [redacted]
Sent: Friday, February 02, 2007 3:41 PM
To: 'William Winn'
Subject: To WILLIAM WINN Request for 911 System Plan, Operational Procedures & Intergovernmental Operating Agreements

Dear Mr. Winn,

I am going to have a good number of questions for you and your department and I need to ask you for some background information first. Did Beaufort County develop a system plan as set forth in Section 23-47-30? If so, please supply me with a copy of the system plan. Is the Beaufort County system a Basic 911 system or an Enhanced 911 System? Please explain how incoming telephone & cell phone numbers are recorded by the Beaufort County 911 system. Please supply me with a copy of the written operational procedures for the Beaufort County 911 system. Please provide me with a copy of all intergovernmental agreements pertaining to the use of the Beaufort County 911 system.

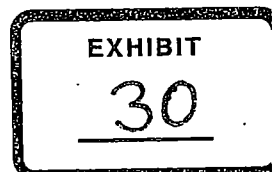
Please provide me with a copy of the records inventory forms and all other documents used by your department to prepare the records retention schedules for every type of public record created by the operation and use of the Beaufort County 911 system. Specifically, please provide me with all documentation pertaining to the development of the retention schedule(s) for the 911 audio records.

Thank you very much for your assistance.

Sincerely,

Paul Trask, Jr

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PLTF 0149

12/4/2007

Paul Trask

From: Paul Trask [redacted]
Sent: Sunday, February 25, 2007 12:13 PM
To: 'William Winn'; 'Kelly Golden'
Subject: Partial Receipt in response to Paul Trask, Jr. request for documents dated 02/02/2007
Attachments: 02-23-07 K. Golden Response to W. Winn Request 001.tif, Enhanced 911 System Plan table of contents 001.tif

Dear Mr. Winn,

Please see the attachments above. This is to acknowledge receipt of the following documents:

1. Letter dated February 23, 2007 from Ms. Kelly Golden addressed to L. Paul Trask, Jr.
2. Table of contents noted above with sections A through P attached.

In her February 23, 2007 letter, Ms. Golden wrote that she was responding to the FOIA request I directed to your office dated February 5, 2007. In fact, there were no documents responsive to my February 5 request included under her February 23, 2007 letter. The documents delivered appear to be the system plan for the Beaufort County 911 system that I requested from you on February 2, 2007. Please confirm that this is correct.

In addition, my request to you of February 2, 2007 stated: "Please provide me with a copy of the records inventory forms and all other documents used by your department to prepare the records retention schedules for every type of public record created by the operation and use of the Beaufort County 911 system. Specifically, please provide me with all documentation pertaining to the development of the retention schedule(s) for the 911 audio records". There has been no response from your office to my request for the documents used in the preparation of the Beaufort County records retention schedules pertaining to the protection and management of the Beaufort County 911 records. This is to serve as my 2nd official FOIA request to inspect and copy those documents. Please advise me when you will make the documents available.

In addition, my request to you of February 2, 2007 stated: "Please supply me with a copy of the written operational procedures for the Beaufort County 911 system". There has been no response from your office to my request for the written operational procedures. The table of contents shown above notes "Section P Dispatch Operational Procedures". Please be advised that the referenced individual procedures were not included in the documents I received under Ms. Golden's cover letter dated February 23, 2007. This is to serve as my 2nd official FOIA request to inspect and copy those documents. Please advise me when you will make the documents available.

In addition, my request to you of February 2, 2007 stated: "Please provide me with a copy of all intergovernmental agreements pertaining to the use of the Beaufort County 911 system". There has been no response from your office to my request for the intergovernmental agreements. The table of contents shown above notes "Section O Letters of Participation". These letters are not the intergovernmental agreements. This is to serve as my 2nd official FOIA request to inspect and copy those documents. Please advise me when you will make the documents available.

Mr. Winn, the following is a repeat of my February 5, 2007 FOIA request to your office.

"Dear Mr. Winn,

I am re-sending my earlier FOIA request to you because I need to inspect additional documents in the custody of your department. Please allow this e-mail to serve as my official request, pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10, et seq. (Supp. 2001), to inspect and copy the following public records:

1. The audio record of the 2:21am cell phone call made by Mr. Copeland.
2. The audio record of the 4:11am cell phone call made by Mr. Copeland.
3. Complete radio log for Coroner Copeland (call sign 601) for November 22, 2005.

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EXHIBIT

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PLTF 0155

4. Complete list of telephone and cell phone numbers that called the Beaufort County dispatch system from 12:00 am to 06:00 am on November 22, 2005.
5. Complete print-out report of all Beaufort County CAD entries made from 12:00 am to 06:00 am on November 22, 2005.
6. Please identify the telephone number or cell phone number that Mr. Copeland used to call Beaufort County dispatch at 02:43:25 on November 22, 2005. For your convenience, the audio record of that particular call is the 12th entry on the Playlist C:\Documents and Settings\gwend\Desktop\Trask file EMS.cpf.

Thank you again for your cooperation and assistance.

Please advise me when you will make these records available to me.

Sincerely,

Paul Trask, Jr.

From: Paul Trask [mailto:████████████████████]]
Sent: Monday, February 05, 2007 12:38 PM
To: 'William Winn'; 'gwend@bcgov.net'
Subject: To WILLIAM WINN Request for records of Coroner Copeland cell phone calls

Dear Mr. Winn,

On November 22, 2005, Coroner Copeland called Beaufort County dispatch at 2:21am and spoke for 8 minutes. Coroner Copeland called dispatch again at 4:11am and spoke for 1 minute. Please explain why the recordings of Coroner Copeland's communications were omitted from the official CD's that were prepared by your office and delivered to us.

Please allow this e-mail to serve as my official request, pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10, et seq. (Supp. 2001), to inspect and copy the audio record of the above noted calls. Please advise me when you will make these records available to me.

Thank you very much for your cooperation and assistance.

Paul Trask, Jr."

With respect to 1 and 2 above, I am informed by Ms. Golden that the requested audio records have been "destroyed" You previously informed me that the 911 master disk had been overwritten and the records were destroyed. This is to serve as my official request for you to produce these records from your department's back-up files. Please advise me when your office will make these records available to me.

With respect to 3 above, I have prepared a FOIA request to the coroner's office which I will copy to your office. This is to serve as notice to your office of the need to preserve and protect the coroner's radio log for November 22, 2005.

With respect to 4 above, I am again informed by Ms. Golden that the recordings have been "destroyed", but that your office is in possession of a "paper copy" of the 911 calls for November 22, 2005. It is immaterial whether or not you can "attach those calls to the incident" My FOIA request is for a list of the public records containing all telephone and cell phone numbers that called the Beaufort County dispatch system from 12:00 am to 06:00 am on November 22, 2005. The provisions of S.C. Title 30 are construed to permit a citizen access to public records. The provisions of SC 30-4-40 must not be interpreted to restrict access by the public and press to information contained in public records. This is to serve as notice to your office of the need to preserve and protect the records containing the requested telephone and cell phone numbers. This is to serve as my 2nd FOIA request for access to these documents. Please advise me when your office will make these documents available to me.

With respect to 5 above, Ms. Golden informs me that your office is denying my access to these public records. The provisions of S.C. Title 30 are construed to permit a citizen access to public records. The provisions of SC

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30-4-40 must not be interpreted to restrict access by the public and press to information contained in public records. This is to serve as notice to your office of the need to preserve and protect the records containing the requested telephone and cell phone numbers. This is to serve as my 2nd FOIA request for access to these documents. Please advise me when your office will make these documents available to me.

With respect to 6 above, I have given you the precise time that Mr. Copeland called Beaufort County dispatch according to the file that you prepared and delivered to me. This is to serve as my 2nd FOIA request for access to the document(s) that will indicate the telephone or cell phone number that Mr. Copeland used to make this particular call. Please advise me when your office will make these documents available to me.

Thank you for your assistance and cooperation.

Sincerely,

L. Paul Trask, Jr.

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STATE OF SOUTH CAROLINA
IN THE CIRCUIT COURT
COUNTY OF BEAUFORT

L. PAUL TRASK, JR., INDIVIDUALLY, AS A CITIZEN,
RESIDENT, TAXPAYER AND REGISTERED ELECTOR OF THE
STATE OF SOUTH CAROLINA, AND ON BEHALF OF OTHERS
SIMILARLY SITUATED,

Plaintiff,

vs. CASE NO. 2007-CP-07-995

SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY;
BEAUFORT COUNTY; BEAUFORT COUNTY MANAGEMENT
INFORMATION SYSTEMS; BEAUFORT COUNTY CORONER CURTIS
COPELAND IN HIS OFFICIAL CAPACITY; BEAUFORT COUNTY
SHERIFF P. J. TANNER IN HIS OFFICIAL CAPACITY,

Defendants.

L. PAUL TRASK, JR., PERSONALLY, AND AS NEXT OF KIN
AND AS THE DULY APPOINTED PERSONAL REPRESENTATIVE
OF THE ESTATE OF L. PAUL TRASK, III, DECEASED, AND
MEREDITH C. TRASK,

Plaintiff,

vs. CASE NO. 2007-CP-07-993

BEAUFORT COUNTY; CURTIS COPELAND, IN HIS
OFFICIAL CAPACITY AS CORONER OF BEAUFORT COUNTY
AND INDIVIDUALLY; AND COPELAND COMPANY OF
BEAUFORT, LLC,

Defendants.

DEPOSITION OF: WILLIAM WINN, JR.
DATE: June 27, 2008
TIME: 2:06 PM

A. WILLIAM ROBERTS, JR., & ASSOCIATES
Fast, Accurate & Friendly

Charleston, SC Hilton Head, SC Myrtle Beach, SC
(843) 722-8414 (843) 785-3263 (843) 839-3376

Columbia, SC Greenville, SC Charlotte, NC
(803) 731-5224 (864) 234-7030 (704) 573-3919

EXHIBIT
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1 A. Okay.

2 Q. And what about documents used by your
3 department to prepare the records retention
4 schedules, do you have those in your department?

5 A. These are the same that is issued to
6 all county departments for retention of records
7 going to records management.

8 Q. Your department didn't create any
9 schedules specific to its own records?

10 A. We follow the guidelines set by the
11 county in retention of county records or in the
12 event that it's a federally-controlled system or
13 state-controlled system, we follow the guidelines
14 given to us by them.

15 Q. Your department did not do any -- do
16 any work independently to prepare retention
17 schedules?

18 A. No, sir, we follow the guidelines.

19 Q. Now, let's go ahead and move on to the
20 next one here. I think it's Number 6.

21 A. Yes, sir.

22 Q. Number 6 contains two e-mails dated
23 February 5th from Mr. Trask to you. The first
24 requests a recording where Coroner Copeland called
25 Beaufort County at 2:21 AM on November 22, 2005 and

1 decision, I would gather, as to what went in.

2 Q. Number 6: Please identify the
3 telephone number or cell phone number that
4 Mr. Copeland used to call Beaufort County dispatch
5 at 2:43:25 on November 22, 2005. And then there's
6 an audio record provided or reference to the record
7 provided. And the response is: We have no method
8 to identify the telephone number or cell phone
9 number that Mr. Copeland used to call dispatch.

10 Was it not possible for your department
11 to look at the record and determine what number was
12 used to call at that particular time?

13 A. No, sir, we have a variety of different
14 phone lines within the dispatch center. Some are
15 911, some are emergency, some are nonemergency,
16 some are just standard business lines and
17 there's -- it's no telling which phone number he
18 could have called in on. Some do not maintain the
19 phone records, some do not. Plus, without knowing
20 a number, we have no way to go back in and say this
21 number called.

22 Q. So it doesn't -- your system doesn't
23 automatically log that information, the number
24 that --

25 A. No, sir.

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1 Q. Almost seems like just a simple caller
2 ID system would have even that information,
3 wouldn't it? I mean, wouldn't it have the number
4 of the person --

5 A. Not on our business lines or our
6 internal county phone lines wouldn't necessarily
7 have it. On our emergency lines we do, but those
8 lines are not entered into the CAD, they're
9 audiotaped.

10 Q. I see. So this was not an emergency
11 line that Copeland called and therefore that was --

12 A. I don't know whether it was or not.
13 I'm just saying there's a variety of different
14 lines he could have called on. We have no way to
15 track or to do anything.

16 Q. No way to track the number that
17 somebody was calling from?

18 A. Well, you have to be clearer. You have
19 to be more specific on that. If you call right
20 this minute, yes, sir, depending on which line you
21 call on. 60 days from now, no, sir, I can't tell
22 you how that happened.

23 Q. I see. Because those records can be
24 disposed of after 60 days?

25 A. That's correct. But the audio records

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1 are disposed of after 60 days. The CAD records are
2 maintained forever or until we change out the
3 system.

4 Q. We talked a little bit earlier about
5 how you don't have any independent authority to
6 diverge from the normal procedures without the
7 agency who owns the recordings directing you to do
8 something different, right?

9 A. Depending on what you mean by diverging
10 from normal procedures, no, I cannot release a tape
11 without their consent.

12 Q. Well, what about preserving? In other
13 words, if there is a -- and I think we -- we
14 probably addressed this earlier, but if there was a
15 recording and a citizen sent in a request to you to
16 preserve it and for whatever reason the 60-day
17 period elapsed prior to you being able to get in
18 touch with the agency or prior to the agency
19 getting back to you in terms of whether or not it
20 would, you know, want you to preserve those
21 records, would it go ahead -- would you go ahead
22 and destroy them or would you be able to put a hold
23 on those pending the agency response?

24 A. We notify the agency when we get the
25 request so that issue does not come up.

1 audio records. He says that there was no response.

2 And do you know whether or not the
3 documents -- any documents used by your department
4 to prepare those records were provided to
5 Mr. Trask?

6 A. The final letter to Mr. Trask went by
7 Miss Golden and she's the one that prepared the
8 final letter to him.

9 Q. So whatever Miss Golden produced is
10 what was produced in response to that request and
11 you didn't produce anything independently of that,
12 did you?

13 A. I produced whatever the request was and
14 I sent the information to Miss Golden for her
15 review or process or whatever she does with it.

16 Q. So you would not have produced anything
17 independently from Miss Golden to Mr. Trask?

18 A. Once we receive the instructions --

19 Q. I understand.

20 A. -- from the county administrator --

21 Q. In February of 2007?

22 A. -- we send everything to him -- to her.

23 Q. Let's look at the next paragraph.

24 Mr. Trask requested a copy of written operational
25 procedures for the Beaufort County 911 system,

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1 right?

2 A. Yes.

3 Q. Do you know whether or not those
4 written operational procedures were ever provided?

5 A. You would have to define for me what
6 you call operational procedures for Beaufort County
7 911 system.

8 Q. Look back at Exhibit 8 and the table of
9 contents that's attached. Tell me when you're
10 there.

11 A. I'm here.

12 Q. And you see that there's a Section P?

13 A. Yes, sir.

14 Q. It says: Dispatch operational
15 procedures?

16 A. Yes, sir.

17 Q. If those had not been provided by
18 Miss Golden along with that February 23rd, 2007
19 response, then Mr. Trask's FOIA request was not
20 complied with, right?

21 MR. WALDRON: Object to the form of the
22 question. You can answer.

23 THE WITNESS: I don't understand your
24 question.

25 BY MR. TIBBALS:

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1 Q. Which would have included those
2 contracts?

3 A. Which includes everything. That
4 included all the companies that we had at the time
5 of that agreement.

6 Q. Now we're back to 13. Fourth paragraph
7 here --

8 A. Which one?

9 Q. 13.

10 A. Okay.

11 Q. Actually, it's the fifth paragraph
12 beginning: In addition, my request to you of
13 February 2, 2007 stated please provide me with a
14 copy of all intergovernmental agreements pertaining
15 to the use of the Beaufort County 911 system.

16 Do you see that?

17 A. Yes, sir.

18 Q. Do you have any knowledge as to whether
19 or not any intergovernmental agreements were
20 provided to Mr. Trask?

21 A. The copy of the Beaufort County 911
22 plan was provided, which is the document of
23 approval for 911 as submitted to the state.

24 Q. And you understand that
25 intergovernmental agreements are required for your

231

1 911 plan?

2 A. We're requiring that they have to sign
3 the 911 plan, yes, sir, which they did.

4 Q. And so that's -- that constitutes the
5 intergovernmental agreement that's required?

6 A. That constitutes the intergovernmental
7 agreement to the best of my knowledge.

8 Q. And then let's go to the next page of
9 13 here.

10 A. Okay.

11 Q. There are copies of e-mails sent by
12 Paul Trask and then there's some commentary. The
13 copies -- cut-and-paste copies are in bold, but
14 then when it starts back in regular text there near
15 the middle of the page, do you see the sentence
16 beginning with respect to 1 and 2 above?

17 A. Yes, sir.

18 Q. Okay. Those are the audio records and
19 we've discussed those and why they were destroyed,
20 right, because they were after the 60-day period
21 and you had not received a notice to preserve,
22 right?

23 A. That's correct. That's correct.

24 Q. And with Number -- on Number 4, the
25 paragraph beginning with respect to 4 above, do you

232

1 different.

2 Q. Even though the county may not have 911
3 operational procedures, it does have dispatch
4 operational procedures, right?

5 A. That's correct.

6 Q. Okay. And what -- generally tell me
7 what those dispatch operational procedures entail.

8 A. How you dispatch a call when it comes
9 into the dispatch center.

10 Q. So it's actually what the operator does
11 when a call comes in?

12 A. It pertains to anything in the
13 operation of a dispatch center.

14 Q. How thick is that document?

15 A. Last time I saw it it was probably -- I
16 don't remember. Tremendous amount.

17 Q. So it's a lot of material?

18 A. It's a lot of material.

19 Q. Like talking phone book size maybe?

20 A. I'm talking two or three of them.

21 Q. Okay. And is it your understanding
22 that that was requested by Mr. Trask at any time?

23 A. Mr. Trask requested a copy of our
24 dispatch operation procedures.

25 Q. And do you know whether or not those

233

1 were provided to him?

2 A. That's a question you have to ask the
3 county attorney because she was responding to those
4 requests.

5 Q. Did you provide those dispatch
6 operational procedures to the county attorney?

7 A. I don't remember what was -- what went
8 on about those procedures. I remember a discussion
9 about them. To my knowledge, I -- I don't know
10 what the final outcome was.

11 Q. You don't have a specific recollection
12 of providing a copy to the county attorney?

13 A. The only thing I remember about them is
14 I had a concern about it that I expressed to the
15 county attorney.

16 Q. What was your concern?

17 MR. WALDRON: Objection, calls for
18 attorney/client privilege.

19 MR. TIBBALS: I guess you're
20 instructing him not to answer?

21 MR. WALDRON: Yes, I am.

22 MR. TIBBALS: Even though I'm not
23 asking him what he -- what he told her, I'm just
24 asking --

25 MR. WALDRON: You're asking for the

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1 substance of the communication.

2 MR. TIBBALS: Well, no, I want to know
3 what his concern was. I don't care what he
4 communicated to her. I want to know what the
5 concern was. The concern existed prior to the
6 communication.

7 MR. WALDRON: You can ask him that. He
8 can answer that limited aspect of it, sure.

9 BY MR. TIBBALS:

10 Q. And what was your concern? Don't tell
11 me what you told the attorney, just tell me what
12 your concern was.

13 A. What was the legality in that request.

14 Q. Okay. Are there operational procedures
15 pertaining to the ComLog device?

16 A. I believe those are within the dispatch
17 operation procedures.

18 Q. Would you have preferred not to provide
19 Mr. Trask with a copy of those dispatch operating
20 procedures if you could help it?

21 A. I'd have -- I would have followed the
22 guidelines given me by the county attorney or the
23 county administrator.

24 (PLF. EXH. 14, E-mail dated 6/5/07, was
25 marked for identification.)

1 by Beaufort County to try to ensure that recordings
2 were not rendered incomplete by some malfunction?

3 A. The tape was turned over to the fire
4 district when they requested it. I remember
5 Mr. Gay requested a copy of the tape and it was
6 provided to him.

7 Q. But was there anything done by the
8 county to try to ensure that there weren't those
9 gaps in future tapes?

10 A. I can't say that that gap was my tape.

11 Q. Okay. Were you ever questioned by
12 county council relating to that incident?

13 A. I could -- I don't remember.

14 Q. After you received the directive from
15 the county administrator, Mr. Kubic, it's true that
16 your department did not provide any documents in
17 response to Mr. Trask's FOIA requests directly to
18 Mr. Trask, right?

19 A. To the best of my memory, no, but that
20 doesn't say that I could have received a request
21 from Miss Golden -- Kelly to have done that. I
22 don't remember any.

23 Q. But you don't recall here sitting today
24 that your department directly provided documents to
25 Mr. Trask after the instruction from the county

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1 administrator?

2 A. Best of my knowledge and ability, we
3 did not.

4 Q. And we haven't seen any documents today
5 that indicate that your department did that,
6 correct?

7 A. I have seen none.

8 Q. Okay. Now, if the county administrator
9 had not issued that directive to you and your
10 department, would you have responded to Mr. Trask
11 with responses or documents pursuant to his FOIA
12 request?

13 A. That would have been based upon the
14 recommendation I received from the county attorney.

15 Q. Is it correct then that every FOIA
16 request that you receive is forwarded to the county
17 attorney?

18 A. No, sir.

19 Q. So without that directive being in
20 place, why would you have sought advice from the
21 county attorney?

22 A. If Mr. Trask was saying that I was not
23 providing information, then I may have thought --
24 and I thought I had, then I would have sent that to
25 her and said, I don't understand why he's asking

1 for this, please tell me am I correct or am I not
2 correct. If there is a legal question about any
3 request we get and I have a concern or I don't
4 understand it or there's a question of the legality
5 of whether we can provide it, then I take that to
6 the county attorney and follow their guidance.

7 Q. How often do you present FOIA request
8 issues to the county attorney?

9 A. I know we receive a tremendous number
10 of requests. I can't tell you what the number
11 would be. Most of them are pretty standard.

12 Q. Did you believe that you had complied
13 with all of Mr. Trask's FOIA requests?

14 A. I believe that I have complied with
15 everything that Mr. Trask has asked for that I can
16 legally provide him and that I have given him all
17 the specific information from that incident I have
18 given him.

19 Q. And that would be up to the point in
20 time of the county administrator's directive?

21 A. That's correct. And including that
22 directive. To my knowledge, I provided everything
23 I know of.

24 Q. Well, you believe that Miss Golden has
25 complied subsequent to the directive, right?

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE CIRCUIT COURT
CASE NO. 2007-CP-07-995

L. PAUL TRASK, JR, INDIVIDUALLY,
AS A CITIZEN, RESIDENT, TAXPAYER
AND REGISTERED ELECTOR OF THE STATE
OF SOUTH CAROLINA, AND ON BEHALF OF
OTHERS SIMILARLY SITUATED,

Plaintiff,

vs.

SOUTH CAROLINA DEPARTMENT OF PUBLIC
SAFETY; BEAUFORT COUNTY; BEAUFORT
COUNTY MANAGEMENT INFORMATION SYSTEMS;
BEAUFORT COUNTY CORONER CURTIS COPELAND
IN HIS OFFICIAL CAPACITY; BEAUFORT
COUNTY SHERIFF P.J. TANNER IN HIS
OFFICIAL CAPACITY,

Defendants.

DEPOSITION OF: KELLY GOLDEN
DATE: June 4, 2008
TIME: 1:00 p.m.
LOCATION: Nexsen Pruet
205 King Street, Suite 400
Charleston, SC 29401
(843) 720-1760
TAKEN BY: Counsel for the Plaintiff
REPORTED BY: Roxanne M. Easterwood, RPR

A. WILLIAM ROBERTS, JR., & ASSOCIATES

Fast, Accurate & Friendly

Charleston, SC (843) 722-8414	Hilton Head, SC (843) 785-3263	Myrtle Beach, SC (843) 839-3376
Columbia, SC (803) 731-5224	Greenville, SC (864) 234-7030	Charlotte, NC (704) 537-3919

EXHIBIT

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1 BY MR. TIBBALS:

2 Q Do you know whether or not those 911
3 records still exist?

4 A At the time of this writing I believed a
5 paper copy of 911 calls were made for backup.

6 Q Do you know if they still exist today?

7 A I can make an inquiry.

8 MR. WALDRON: That's not the question.

9 THE WITNESS: I don't know.

10 BY MR. TIBBALS:

11 Q What personal information may have been
12 revealed through the response to number 4?

13 A The question was what personal information
14 can't be provided under number 4 which requested a
15 complete list of telephone and cell phone numbers
16 that called the Beaufort County dispatch system from
17 12:00 a.m. to 6:00 a.m. on November 22, 2005?

18 Q Right.

19 MR. WALDRON: I object to the form of that
20 question.

21 BY MR. TIBBALS:

22 Q Let me ask you this: You said we do not
23 have a method to protect their personal information
24 as it may be regarded to HIPAA, right?

25 A Yes, sir.

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1 Q What personal information were you
2 referring to there?

3 MR. WALDRON: Object to the extent you're
4 calling for speculation.

5 If I can just illustrate, if somebody
6 calls in with regard to an ongoing crime and gives
7 his name, address, date of birth, whatever, that's
8 clearly got to be protected.

9 There's also information about an ongoing
10 criminal investigation. We can't reveal that.

11 There's all kind of information that it's
12 possible we can't reveal. You're asking her for an
13 endless list of information that might be protected.

14 BY MR. TIBBALS:

15 Q Ms. Golden, the request itself was for a
16 list of telephone numbers, right?

17 MR. WALDRON: I thought your question had
18 to do with what information may have been revealed
19 that would be protected under HIPAA.

20 MR. TIBBALS: Pursuant to that request.

21 BY MR. TIBBALS:

22 Q The request was for a list of telephone
23 and cell phone numbers, right?

24 A And it would have included personal
25 identifying information about individuals who called

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1 fire, EMS, or law enforcement during the period in
2 question relating to healthcare matters.

3 Q But the personal information would have
4 been limited to the phone numbers themselves, right?

5 A Well, if you have one, you have the other.

6 Q Is that correct? The only personal
7 information that could have been revealed pursuant
8 to that request would have been the phone numbers,
9 right?

10 A No. It would have revealed the identities
11 of the persons who called.

12 Q Because of the way that that record is
13 produced?

14 A Or any information you could have derived
15 from that.

16 Q Did you review this paper copy of the 911
17 calls on that day?

18 A I think Mr. Trask had a copy of the
19 printout before this letter was drafted for the time
20 in question specifically related to the accident
21 involving his son.

22 Q But Mr. Trask was requesting the full
23 list, right?

24 A That was the distinction as I understood
25 it then.

1 Q Number 5, he's requesting complete
2 printout of all Beaufort County CAD entries made
3 from 12:00 a.m. to 6:00 a.m. on November 22, 2005.
4 What are CAD entries?

5 A I don't remember what CAD stands for. I
6 just can't remember what CAD stands for now. It's
7 an abbreviation.

8 Q Again, we have the same issue here. You
9 say that: A copy -- providing a copy of all CAD
10 entries would violate HIPAA rules and potential law
11 enforcement sensitive information, right?

12 A Yes, sir.

13 Q In other words, you're saying that certain
14 responsive records would be exempt from this FOIA
15 request, right?

16 A What I was trying to say was that we
17 couldn't give you a list of all the CAD entries for
18 this entire period of time because they included
19 identifying information of other people other than
20 young Paul Trask or Paul Trask, III I believe.

21 That would not be appropriate under FOIA,
22 so the information was provided to Mr. Trask by
23 calling out the CAD printout with regard to Paul
24 Trask, III's accident and provided to his family.

25 Q Number 6 requests identification of a

1 and system type, right?

2 A Yes, sir.

3 Q And a copy of the system plan for the
4 Beaufort County radio system, right?

5 A Yes, sir.

6 Q Documentation regarding the original
7 programming of the system, right?

8 A Yes, sir.

9 Q Written correspondence, contracts, plans,
10 bulletins, notices, and memorandum between the radio
11 system vendor and your department, which would be
12 Mr. Winn's department, right?

13 A Uh-huh.

14 Q Was that a yes?

15 A Yes, sir.

16 Q And a copy of all maintenance and service
17 records for the radio system, right?

18 A Yes, sir.

19 Q A copy of the radio system operating
20 manual, right?

21 A Yes, sir.

22 Q And a complete copy of the department's
23 written procedures pertaining to the operation of
24 the Beaufort County radio system, right?

25 A Correct.

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1 Q And then you stated that: These records
2 were all exempt from inspection and copying pursuant
3 to a variety of state and federal laws.

4 What did the United States Department of
5 Homeland Security have to do with any of these
6 issues?

7 MR. WALDRON: I think she can answer.

8 THE WITNESS: Critical infrastructure
9 relating to emergency services such as this request
10 are to be guarded from dissemination to the public,
11 and once they're released you cannot control the
12 further distribution. That is a concern by Homeland
13 Security.

14 MR. WALDRON: I think the Patriot Act
15 comes into play.

16 BY MR. TIBBALS:

17 Q Were you concerned that Mr. Trask would
18 disseminate or release this information?

19 A That's not --

20 MR. WALDRON: Object.

21 Don't answer.

22 BY MR. TIBBALS:

23 Q Were you concerned that Mr. Trask would
24 use this information to harm the radio dispatch
25 system?

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1 MR. WALDRON: Object.

2 Don't answer.

3 BY MR. TIBBALS:

4 Q To whom did you provide a copy of this
5 letter at the Department of Homeland Security?

6 A I'm sure I used the address specified on
7 their website.

8 Q Do you have a copy of the address where
9 you sent this letter to the United States Department
10 of Homeland Security?

11 A I don't know. This was at the time that I
12 was experiencing staffing issues in my office. And
13 as you can tell, I prepared this letter myself.

14 Q Who is S.D.B.?

15 A That is my former assistant's signature.
16 I must have used like a letter template that she
17 used because -- to the best of my knowledge and
18 belief, I must have typed this because it doesn't
19 look like a normal letter that we would have sent
20 out. It looks a little sloppy to me, to be honest
21 with you. I may have done it myself. Actually,
22 that's exactly what it is because it was sent via
23 e-mail. It was prepared on a template.

24 MR. TIBBALS: I'll mark Exhibit 17.

25 (WNS. EXH. # 17, 6/5/07 e-mail

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Paul Trask

From: Paul Trask [REDACTED]
Sent: Sunday, May 20, 2007 7:58 AM
To: 'William Winn'
Cc: 'Kelly Golden'
Subject: FOIA Request For County 800MHz Radio System

Dear Mr. Winn,

Please allow this e-mail to serve as my official request, pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10, et seq. (Supp. 2001), to inspect and copy the following public records:

1. Identification of the Beaufort County radio/dispatch system by brand and system type.
2. Copy of the system plan for the Beaufort County radio system. Please include all documents and diagrams related to the architecture of the system including physical tower and/or repeater locations and also fleet and/or talk group divisions.
3. Please provide all documentation regarding the original programming of the system and also regarding any subsequent programming or re-programming of the radio system since installation.
4. Copy of all written correspondence, contracts, plans, bulletins, notices, and memoranda (including e-mail) between the radio system vendor and your department (and any Beaufort County employee or official) pertaining to the installation and operation of the radio system including all upgrades made since the time of original installation.
5. Copy of all maintenance and service records for the radio system.
6. Copy of radio system operating manual(s).
7. Complete copy of your department's written procedures pertaining to the operation of the Beaufort County radio system.

Thank you for your assistance and cooperation with my request. Please let me know if you have any questions.

Sincerely,

L. Paul Trask, Jr.
P.O. [REDACTED]
Burton, SC 29903
843-[REDACTED]

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PLTF 0162

Paul Trask

From: William Winn [wwinn@bcgov.net]
Sent: Thursday, June 14, 2007 2:47 PM
To: Paul Trask
Cc: Kelly Golden
Subject: RE: May 10, 2007 William Winn Freedom of Information Request
Importance: High

Mr.. Trask,

I sent you an email on June 4, 2007 advising you that it was necessary for you to contact Ms. Kelly Golden, Beaufort County attorney for any response to your FYI request. Please contact her in regards to your concerns. Thank you.

From: Paul Trask [mailto:██████████]
Sent: Thursday, June 14, 2007 2:08 PM
To: William Winn
Cc: Kelly Golden
Subject: FW: May 10, 2007 William Winn Freedom of Information Request

Dear Mr. Winn,

You have refused to respond to this Freedom of Information request. A response was due from you no later than June 1, 2007. As set forth by statute, my request below is deemed approved. Please call me at 525-0578 and tell me when and where I can come to pick up a copy of the public records.

Sincerely,

L. Paul Trask, Jr.

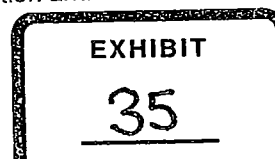
From: Paul Trask [mailto:██████████]
Sent: Thursday, May 10, 2007 10:04 AM
To: 'William Winn'
Cc: 'Kelly Golden'
Subject: May 10, 2007 William Winn Freedom of Information Request

Dear Mr. Winn:

Please consider this my official Freedom of Information Request under S.C. Code 30-4-10, et seq. (Supp. 2001), to inspect and copy the following public records:

1. Complete copy of your file pertaining to the acquisition, installation and programming of the Beaufort County CVDS ComLog recorder that was being operated by your department on November 22, 2005. Please include a copy of every document relating to the specifications and capabilities of the ComLog recorder.
2. Copy of all written correspondence, contracts, plans, bulletins, notices, and memoranda (including e-mail) between CVDS, Inc and your department (and any Beaufort County employee or official) pertaining to the on-going operation of the ComLog recorder including all upgrades made since the time of original installation.
3. Copy of all maintenance and service records pertaining to the operation and use of the ComLog recorder.

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PLTF 0177

12/4/2007

4. Copy of ComLog recorder operating manual.

5. Complete copy of your department's written procedures pertaining to the operation of the ComLog recorder including access control, password protection and user audit trails.

Thank you for your assistance and cooperation with my request. Please let me know if you have any questions.

Sincerely,

L. Paul Trask, Jr.
P.O. [REDACTED]
Burton, SC 29903
[REDACTED]

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COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING

100 RIBAUT ROAD
SUITE 270

POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 470-5380 FAX: (843) 470-5383
kgolden@bcgov.net

WILLIAM WESTON J. NEWTON
CHAIRMAN

W. R. "SKEET" VON HARTEN
VICE CHAIRMAN

COUNCIL MEMBERS

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COUNTY ADMINISTRATOR

KELLY J. GOLDEN
STAFF ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

May 31, 2007

Mr. L. Paul Trask, Jr.
[REDACTED]

Beaufort, South Carolina 29902

VIA E-Mail: [REDACTED]

RE: FOIA Request dated May 21, 2007

Dear Mr. Trask:

This is in response to the above dated FOIA request communicated directly by you to my client, Mr. William Winn.

Pursuant to S.C. Code §30-4-30 (1976, as amended), please be advised that the records requested are not subject to inspection or copying under state and federal laws, rules and regulations.

The requested records are exempt from inspection and copying pursuant to state and federal law including, but not limited to, S.C. Code §30-4-20; S.C. Code §§30-4-30(1); (3);(4) and (14); Title 47 of Chapter 23 of the S.C. Code; the South Carolina Homeland Security Act, Presidential Decision Directive 63; the National Infrastructure Protection Plan; and the provisions applicable to protecting critical infrastructure and key resources of Beaufort County as set forth by the United States Department of Homeland Security.

To document your records request, I restate verbatim the email transmission sent by you directly to my client.

Email:

From: Paul Trask [mailto:[REDACTED]]
Sent: Sunday, May 20, 2007 7:58 AM
To: William Winn
Cc: Kelly Golden
Subject: FOIA Request For County 800MHz Radio System

Dear Mr. Winn,

Please allow this e-mail to serve as my official request, pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10, et seq. (Supp. 2001), to inspect and copy the following public records:

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EXHIBIT

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PLTF 0770

1. Identification of the Beaufort County radio/dispatch system by brand and system type.
2. Copy of the system plan for the Beaufort County radio system. Please include all documents and diagrams related to the architecture of the system including physical tower and/or repeater locations and also fleet and/or talk group divisions.
3. Please provide all documentation regarding the original programming of the system and also regarding any subsequent programming or re-programming of the radio system since installation.
4. Copy of all written correspondence, contracts, plans, bulletins, notices, and memoranda (including e-mail) between the radio system vendor and your department (and any Beaufort County employee or official) pertaining to the installation and operation of the radio system including all upgrades made since the time of original installation.
5. Copy of all maintenance and service records for the radio system.
6. Copy of radio system operating manual(s).
7. Complete copy of your department's written procedures pertaining to the operation of the Beaufort County radio system.

Thank you for your assistance and cooperation with my request. Please let me know if you have any questions.

Sincerely,

L. Paul Trask, Jr.

P.O. [REDACTED]

Burton, SC 29903

843-[REDACTED]

Sincerely,

S/ Kelly J. Golden

KJG/sdb

cc: Gary Kubic, Beaufort County Administrator
United States Department of Homeland Security

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Paul Trask

From: Paul Trask [p[REDACTED]]
Sent: Wednesday, May 16, 2007 4:16 PM
To: 'Kelly Golden'
Cc: 'gkubic@bcgov.net'
Subject: Freedom of Information Request for "Freedom of Information Act Handbook for County Government"

Dear Ms. Golden,

Please allow this e-mail to serve as my official request, pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10, et seq. (Supp. 2001), to inspect and copy the following public records:

1. Copy of the handbook entitled "Freedom of Information Act Handbook for County Government" which you authored in 1999 while you were a registered lobbyist for the S.C. Association of Counties.

Ms. Golden, will you please confirm that the file "memo congrats on FOIA Response (2)" is the very memo to which Mr. Kubic referred at the Beaufort County Council meeting on March 12, 2007?

Thank you very much for your assistance. Please let me know if you have any questions.

Sincerely,

L. Paul Trask, Jr.

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PLTF 0108

Paul Trask

From: Paul Trask ([REDACTED])
Sent: Sunday, February 04, 2007 7:44 AM
To: 'Frank Guth'
Subject: RE: REPEAT REQUEST to Frank Guth pertaining to county e-mail policy

Mr. Guth,

With respect to the county policy for retention of e-mail, is there any policy in use by any department other than the policy that you set forth in #2 of the cover letter?

Thank you very much for your assistance.

Sincerely,

Paul Trask

From: Frank Guth [mailto:fguth@bcgov.net]
Sent: Thursday, February 01, 2007 9:23 AM
To: Paul Trask
Subject: RE: Beaufort County e-mail policy

No, to your question about anyone instructing me to not provide you information or assistance.

I would not have any knowledge of any "informal" programs of local policies.

Thank you very much.

Frank Guth
CIO
Beaufort County Council
Beaufort, SC 29903
843-470-3677 (P)
843-470-3576(F)
843-812-6604(C)

From: Paul Trask [mailto:[REDACTED]]
Sent: Wednesday, January 31, 2007 11:38 AM
To: Frank Guth
Subject: FW: Beaufort County e-mail policy

Mr. Guth,

Has county attorney Ms. Kelly Golden or any other county official instructed you not to respond to my requests for assistance and information?

Thank you.

Paul Trask

From: Paul Trask [mailto:[REDACTED]]
Sent: Tuesday, January 30, 2007 5:49 AM
To: 'Frank Guth'

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Subject: FW: Beaufort County e-mail policy

Mr. Guth?

Thank you.

Paul Trask

From: Paul Trask [mailto:████████████████████]
Sent: Friday, January 26, 2007 3:00 PM
To: 'Frank Guth'
Subject: Beaufort County e-mail policy

Dear Mr. Guth,

I would like to thank you for the manner in which you prepared your department's response. The notebooks are very well organized.

A couple of questions please.

The (2) large notebooks contain the retention schedules and documentation for the county departments that have a "formal program" as set forth in #2 of your cover letter dated 01/11/2007. Is that correct? Are there informal programs for record retention too?

With respect to the county policy for retention of e-mail, is there any policy in use by any department other than the policy that you set forth in #2 of the cover letter?

I appreciate your assistance very much.

L. Paul Trask, Jr.

p.s. Ms Kelly Golden informed me last week that you were checking to determine how to retrieve deleted e-mail transmissions that I had requested from other departments per FOIA. Are you able to restore the deleted e-mail records?

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PLTF 0214

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
COUNTY OF BEAUFORT) CIVIL ACTION NO: 07-CP-07-995

L. PAUL TRASK, JR. Individually, as a)
Citizen, Resident, Taxpayer and)
Registered Elector of the State of)
South Carolina, and on behalf of)
others similarly situated,)
)
Plaintiff,)

vs.)

SOUTH CAROLINA DEPARTMENT)
OF PUBLIC SAFETY; BEAUFORT)
COUNTY; BEAUFORT COUNTY)
MANAGEMENT INFORMATION)
SYSTEMS; BEAUFORT COUNTY)
CORONER CURTIS COPELAND in)
his official capacity; BEAUFORT)
COUNTY SHERIFF P.J. TANNER in)
his official capacity,)
)
Defendants.)

DEFENDANTS SUPPLEMENTAL
RESPONSES TO PLAINTIFFS
REQUESTS FOR PRODUCTION;
ORDER DATED MAY 8, 2008

TO: TOM TISDALE, ESQUIRE, ATTORNEY FOR THE PLAINTIFF:

The Defendants, Beaufort County, P.J. Tanner, Curt M. Copeland and Beaufort County Management Information Systems, above named, supplementing previous responses to the Request for Production propounded by parties hereto and responding to Plaintiffs proposed Notice of Motion and Motion for Order for Rule to Show Cause, would show the following:

Defendants reserve and reiterate all prior objections and claims of privilege and incorporate them herein by reference. Without waiving any

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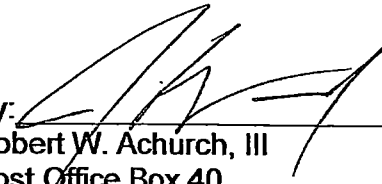
objections, Defendants would respond fully to the Court's Order dated May 8, 2008 :

Case 995:

- 1) Defendant's counsel has confirmed that there are no additional documents located that are responsive to Response to Interrogatory Number 2 in accordance with the Court's Order. No documents were withheld pursuant to attorney client privilege; no privilege log was submitted because one was not necessary. In addition, please see the attached affidavit of Marshall Waldron.
- 2) Defendant's counsel has confirmed that there are no additional documents located that are responsive to Request for Production Number 3 in accordance with the Court's Order. No documents were withheld pursuant to attorney client privilege; no privilege log was submitted because one was not necessary. In addition, please see the attached affidavit of Marshall Waldron.
- 3) Defendant's counsel has confirmed that there are no additional documents located that are responsive to Request for Production Number 10 in accordance with the Court's Order. No documents were withheld pursuant to attorney client privilege; no privilege log was submitted because one was not necessary. In addition, please see the attached affidavit of Marshall Waldron.

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HOWELL, GIBSON & HUGHES, P.A.


By: 
For Robert W. Achurch, III
Post Office Box 40
Beaufort, SC 29901
(843) 522-2400
Attorney for Defendants

Beaufort, South Carolina

October 27, 2008

CERTIFICATE OF SERVICE

I certify that I served the foregoing Defendants Supplemental Answers to Plaintiffs Interrogatories Supplemental Reply to Request for Production upon all counsel of record by affixing same with proper postage placing same with the United States Postal Service addressed to counsels' last known address on ~~27~~ day of October, 2008.

By: 
Robert W. Achurch, III
LW
November

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
COUNTY OF BEAUFORT) CIVIL ACTION NO: 07-CP-07-995

L. PAUL TRASK, JR. Individually, as a)
Citizen, Resident, Taxpayer and)
Registered Elector of the State of)
South Carolina, and on behalf of)
others similarly situated,)

Plaintiff,)

vs.)

AFFIDAVIT OF MARSHALL
WALDRON

SOUTH CAROLINA DEPARTMENT)
OF PUBLIC SAFETY; BEAUFORT)
COUNTY; BEAUFORT COUNTY)
MANAGEMENT INFORMATION)
SYSTEMS; BEAUFORT COUNTY)
CORONER CURTIS COPELAND in)
his official capacity; BEAUFORT)
COUNTY SHERIFF P.J. TANNER in)
his official capacity,)

Defendants.)

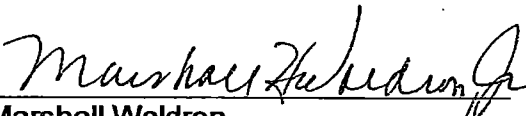
PERSONALLY APPEARED BEFORE ME, Marshall Waldron, who, being
first duly sworn, deposes and says as follows:

1. That my name is Marshall Waldron and I am over the age of eighteen (18) years.
2. I am a resident of Beaufort County, South Carolina.
3. That I was previously counsel for the Defendants in this case.
4. There were no privileged documents withheld or claimed to be subject to the attorney-client privilege such that would necessitate a privilege log being generated.

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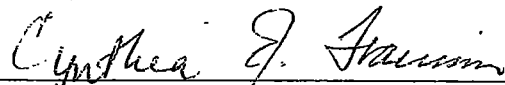
5. That I contacted Tom Tisdale's office in a timely fashion and in accordance with Judge Mullen's Order in order to confirm conferences had taken place and that no additional documents have been located for production to opposing counsel.
6. I have reviewed the attached supplemental responses to requests for production (attached hereto) as referenced in Case No. 995, P. 1-3 of Judge Mullen's Order of May 8, 2008 and confirm that they are correct.
7. That I am of sound mind and competent to testify to the matters set out hereinabove.

FURTHER AFFIANT SAYETH NAUGHT.



Marshall Waldron

SWORN TO BEFORE
me this 30 day of October, 2008.



NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: May 21, 2017

12-8-08

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT) CIVIL ACTION NO: 07-CP-07-995

L. PAUL TRASK, JR. Individually, as a)
Citizen, Resident, Taxpayer and)
Registered Elector of the State of)
South Carolina, and on behalf of)
others similarly situated,)
Plaintiff,)

vs.)

SOUTH CAROLINA DEPARTMENT)
OF PUBLIC SAFETY; BEAUFORT)
COUNTY; BEAUFORT COUNTY)
MANAGEMENT INFORMATION)
SYSTEMS; BEAUFORT COUNTY)
CORONER CURTIS COPELAND in)
his official capacity; BEAUFORT)
COUNTY SHERIFF P.J. TANNER in)
his official capacity,)
Defendants.)

DEFENDANTS'
SUPPLEMENTAL RETURN TO
PLAINTIFF'S REQUESTS FOR
PRODUCTION

TO: THOMAS S. TISDALE, JR., ESQUIRE, ATTORNEY FOR THE PLAINTIFF:

The Defendants, Beaufort County, P.J. Tanner, Coroner Curt M. Copeland, and Beaufort County Management Information Systems, above named, supplementing their responses to the Requests for Production propounded by the Plaintiff.

9. All documents that in any way relate to, directly or indirectly, any claim, defense or issue in this lawsuit.

RESPONSE: In response to prior FOIA request, the County produces the following public records which may be responsive. Any redacted information is subject to either exemptions and/or privileges as provided by applicable law.

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- 1) Redacted copy of Unit History (Radio Log) for Coroner Copeland.
- 2) Complete Printout report of all Beaufort County CAD entries made from 12:00 am to 06:00 am on November 22, 2005.
- 3) Redacted copy of E-911 printouts from 12:00 am to 0:600 am on November 22, 2005.
 - a. All cellphone information redacted;
 - b. All names and addresses redacted; and
 - c. Phone numbers for EMS calls redacted
- 4) Copy of Beaufort County Emergency Management Records Retention Schedule pertaining to E-911 Printouts.
- 5) Copy of Record Retention Transmittal and Receipt Form for the E911 Printouts on November 22, 2005.

HOWELL, GIBSON & HUGHES, P.A.

By: 

Robert W. Achurch, III
Post Office Box 40
Beaufort, SC 29901
(843) 522-2400
Attorney for Defendants

Beaufort, South Carolina

December 8, 2008

CERTIFICATE OF SERVICE

I certify that I served the foregoing Supplemental Responses to Request for Production upon all counsel of record by affixing same with proper postage placing same with the United States Postal Service addressed to counsels' last known address on the 8th day of December, 2008.

By: 

Robert W. Achurch

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.D06 - Run By: SMITH, MELANIE S

C A D

Unit History for Dispatcher ID: 03 Unit: 601

Event Number	Call Type	Location/Information	Received	Dspatchd	Rspoded	Arrived	Cleared	Date	Mileage
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/25/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/25/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/21/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/21/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/21/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/21/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/18/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/18/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/18/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/17/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/17/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/13/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/13/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/13/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/12/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/12/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/12/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/12/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/12/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/10/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/10/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/10/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/07/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/05/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/05/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/05/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/04/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/04/2005	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	11/04/2005	

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APPROVAL OF RECORDS RETENTION SCHEDULE

In accordance with provisions of Title 30, *Code of Laws of South Carolina, 1976*, Sections 30-1-10 through 30-1-140, as amended, the attached Records Retention Schedule is submitted for approval. This schedule supersedes any previously approved schedule for these same records series.

PART I—Office or Department

BEAUFORT COUNTY

Local Government Subdivision
ALL DEPARTMENTS

Office or Department

7

Record Group Number

I certify that I am authorized to act for this office or department in the disposition of its public records and hereby approve the attached Records Retention Schedule. The schedule meets all legal and audit requirements and the records have no further administrative, fiscal, or legal value to this office or department after the expiration of the prescribed retention periods.

Records series included in this approval are numbered: 13394 - 13395

5/22/02
Date

Bobbie Fraher
Signature of Approving Authority
Bobbie Fraher

Risk Manager
Title

PART II—Governing Body

I am authorized to act for the governing body of this local government subdivision and certify that the governing body has approved the Records Retention Schedule as described in Part I, above.

12-16-02
Date

Thomas C. Taylor
Signature of Approving Authority
Thomas C. Taylor

Chairman Beaufort
County Council
Title

PART III—Department of Archives and History

The records listed in the attached Records Retention Schedule have been evaluated by this department for their management, research, and permanent value and are approved for retention or disposal as described in the schedule.

Date

Loy A. Fugate 263
Director, Department of Archives and History
STATE ARCHIVIST AND
RECORDS ADMINISTRATOR



BEAUFORT COUNTY

RECORD GROUP NUMBER: 7

EMERGENCY MANAGEMENT

11561 ACCIDENT REVIEW BOARD RECORDS

Description:

Records documenting accidents that occur in the county and the actions or findings of the Accident Review Board. Information may include request for information form, notification of hearing letters and an accident report sheet.

Retention:

PERMANENT. Microfilm optional.

11562 E-911 PRINTOUTS

Description:

Computer printout of the telephone numbers that contact 911. Information includes name, address, phone number, time and date of call.

Retention:

3 years, then destroy.

11563 ADDRESSING CHANGES/REQUEST

Description:

Records documenting the request for address change or creation of address. Information includes date, time, property location information, contact information and new address verification by office personnel.

Retention:

Until no longer needed for administrative purposes, then destroy.

264

1 Schedule Approved

7-25-00



11564

GENERAL CORRESPONDENCE AND SUBJECT FILE

Description:

Copies of incoming and outgoing correspondence to and from the office with businesses and other government offices and citizens, reports, technical papers, studies, reference materials copies of ordinances, resolutions and other records created or received in the general administration of a program or in the management of the office. For the purposes of retention scheduling, the files are broken down as follows:

a. Policy and Program Records: These records document the formulation and adoption of policies and procedures and the implementation or management of the programs or functions of the office or department. Included are such records as (1) correspondence with citizens and government officials regarding policy or procedures development or program administration; (2) annual or ad hoc narrative or statistical reports on program activities, achievements or plans; (3) organizational charts and mission statements; (4) studies regarding department or office operations; (5) circular letters, directives or similar papers addressed to subordinate units or staff concerning policies, procedures or programs; and (6) records related to significant events in which the department or office participated. Records may include photographs, published material, audio tapes, or other record forms.

Retention:

PERMANENT. Microfilm optional.

b. General Administrative Records: These records are of a general facilitative nature created or received in the course of administering programs. Included are such records as (1) correspondence of a routine or repetitive type, such as requests for information; (2) reference materials, sometimes of a technical nature, used, but not created by, the office; (3) daily, weekly or monthly office activity reports which are summarized in annual reports or which relate to routine activities; (4) personnel data on office staff which are duplicated in Personnel Office files; (5) purchase orders, travel expense statements or similar financial papers which are duplicated in fiscal office files;

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Schedule Approved

7-25-00



(6) daily or weekly work assignments for office staff; (7) suspense or follow-up files which duplicate copies of papers filed elsewhere; (8) circular letter, directives or similar papers received from other offices; and (9) rough drafts or notes created in compiling reports or studies.

Retention:

5 years, then destroy.

c. General Housekeeping Files. These records are of a general housekeeping nature created or maintained by an office which do not relate directly to the primary program responsibility of the office. Included are such records as (1) charitable fund raising drive materials; (2) custodial services requests; (3) emergency evacuation procedures; (4) notices of holidays; (5) parking space assignment lists; (6) telephone installation requests; and (7) lists showing the distribution of keys.

Retention:

Until no longer needed for reference, then destroy.

266
3

Schedule Approved

7-25-00



BEAUFORT COUNTY

RECORD GROUP NUMBER: 7

EMERGENCY MANAGEMENT

08141 CALL LOG

409:

EMERGENCY

Description

Defunct record series (1991) containing a printout of incoming calls. Records are filed chronologically by year of issue and sequential number. Information includes name, date, times, locations, and, comments of units and complainants.

Retention

Destroy

08142 RADIO LOG

Description

Record of radio transmissions from various units. Records are filed chronologically by year of issue and sequential number. Information includes date, times, and remarks to the dispatcher.

Retention

10 years, then destroy

4090

267

1 Schedule Approved

JAN 06 1995



BEAUFORT COUNTY COUNCIL

RECORD GROUP NUMBER: 7

ALL DEPARTMENTS

13394 WORKMEN'S COMPENSATION FILES

Description:

Consists of case files containing records and reports generated as the result of employment-related accidents involving county employees. Each department head will submit Workmen's Compensation documents to the County Risk Manager, who maintains the complete file for each incident. Information includes correspondence, notices, doctor's bills and reports, Industrial Commission forms and other related forms.

Retention:

Office: 2 years

Beaufort County Records Center: 1 year, then destroy.

13395 TIME SHEETS/TIME CARDS (EMPLOYEE'S)

Description:

Documents hours worked by County employee for each department. Information includes employee name and number, department name and number, pay period ending, daily hours for regular, PLD, holiday, disability/SCA, TOWP, and comp time; signature of employee and supervisor, daily entry of compensation time accumulated, department head signature and date.

Retention:

Office: 2 years

Beaufort County Records Center: 1 year, then destroy.

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01/21/03

BEAUFORT COUNTY RECORDS CENTER
 2727 DEPOT ROAD - P.O. DRAWER 1228
 BEAUFORT, SOUTH CAROLINA 29901

TRANSMITTAL AND RECEIPT

Page _____ of _____

DEPARTMENT	ADDRESS	
PHONE	RECORDS APPROVED FOR MICROFILMING	DATE FILMED

FOR REFERENCE TO THESE RECORDS, GIVE RECORD CENTER THIS NUMBER

BOX NO.	RECORDS TITLE DESCRIPTION OF RECORDS WITH INCLUSIVE DATES	SCHEDULE NUMBER	DESTRUCT DATE	DATE DESTROYED	BIN NUMBER
37	Old Plats (Sun City)	11563	2008		
39	911 Printouts 10/1/05 - 11/30/05	11562	2011		
40	Old Addressing Stuff 11-04-7-05	11963	2007		
38	911 - Printouts Aug and Dec.	11562	2011		

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DEPT. SIGNATURE: _____ TITLE: _____ DATE: _____

RECORDS RECEIVED BY: _____ DATE: _____

Transmittal and Receipt return to Dept. by: _____ DATE: _____

2005/11/21

200 NO ALI AVAILABLE

PRI-VATE MI014 23:50:39 | RI 23:50:45 | C0007 23:50:47 | DI007 23:54:35
| RLS 23:54:36 | DUR 00:03:57

2005/11/21

200 NO ALI AVAILABLE

(800) 553-9895 MI015 23:54:12 | RI 23:54:18 | C0005 23:54:23 | DI005 23:54:49
| RLS 23:54:50 | DUR 00:00:30

2005/11/21

200 (800) 553-9895 ALI NOT ALLOWED NOT PROVIDED

(336) 800-1097 MI014 23:56:29 | RI 23:56:35 | C0010 23:56:39 | DI010 23:57:56
| RLS 23:57:56 | DUR 00:01:27

2005/11/21

200 (336) 800-1097 ALI NOT ALLOWED [REDACTED]

System message: APU # 007 LF#5740 2005/11/21 23:59:10

270

(843) 377-0750 MI014 00:01:51 | RI 00:02:03 | C0006 00:02:07 | DI006 00:02:04
 | RLS 00:02:09 | DUR 00:00:11
 2005/11/22
 200 (843) 377-0750 ALI NOT ALLOWED [REDACTED]
 () NO - CID MI001 00:01:17 | RI 00:01:17 | C0005 00:01:21 | DI005 00:02:23
 | RLS 00:02:23 | DUR 00:01:06
 2005/11/22
 200 NO ALI AVAILABLE
 (843) 747-0904 MI014 00:02:36 | RI 00:02:41 | C0006 00:02:46 | DI006 00:03:32
 | RLS 00:03:33 | DUR 00:00:57
 2005/11/22
 200 (843) 747-0904 ALI NOT ALLOWED [REDACTED]
 (800) 554-1104 MI014 00:05:37 | RI 00:05:43 | C0005 00:05:48 | DI005 00:06:41
 | RLS 00:06:42 | DUR 00:01:05
 2005/11/22
 200 (800) 554-1104 ALI NOT ALLOWED NOT PROVIDED
 (800) 428-7124 MI014 00:10:45 | RI 00:10:51 | C0005 00:10:55 | DI005 00:12:20
 | RLS 00:12:29 | DUR 00:01:44
 2005/11/22
 200 (800) 428-7124 ALI NOT ALLOWED NOT PROVIDED
 [REDACTED] TK008 00:13:32 | RI 00:13:36 | C0006 00:13:37 | DI006 00:14:06
 [REDACTED] CELL | RLS 00:14:10 | DUR 00:00:38
 2005/11/22 CELLULAR CALL
 200 [REDACTED] CLASS:WRLS TYPE:[REDACTED]
 [REDACTED] Main:[REDACTED] PSAP=BFT ALI=BFT [REDACTED]
 [REDACTED] GRID=
 [REDACTED] MI014 00:13:53 | RI 00:13:59 | C0005 00:14:03 | C0010 00:14:04
 | DI005 00:14:06 | DI010 00:14:12 | RLS 00:14:13
 | DUR 00:00:20
 2005/11/22
 200 [REDACTED] ALI NOT ALLOWED [REDACTED]
 (864) 226-8515 MI014 00:15:39 | RI 00:15:44 | C0006 00:15:49 | DI006 00:16:25
 | C0006 00:16:45 | DI006 00:16:59 | RLS 00:17:00
 | DUR 00:01:21
 2005/11/22
 200 (864) 226-8515 ALI NOT ALLOWED [REDACTED]
 [REDACTED] TK001 00:19:48 | RI 00:19:51 | C0005 00:19:55 | DI005 00:20:38
 | RLS 00:20:40 | DUR 00:00:52
 2005/11/22
 201 [REDACTED] CLASS:WRLS TYPE:[REDACTED]
 [REDACTED] Main:[REDACTED] PSAP=BFT ALI=BFT [REDACTED]
 [REDACTED] GRID=
 (800) 932-3822 MI015 00:23:04 | RI 00:23:10 | C0005 00:23:13 | DI005 00:24:14
 | RLS 00:24:15 | DUR 00:01:11
 2005/11/22
 200 (800) 932-3822 ALI NOT ALLOWED NOT PROVIDED
 (843) 706-4550 MI014 00:22:44 | RI 00:22:50 | C0010 00:22:53 | DI010 00:25:10
 | RLS 00:25:10 | DUR 00:02:26
 2005/11/22
 200 (843) 706-4550 ALI NOT ALLOWED
 (000) 000-0000 MI002 00:26:23 | RI 00:26:31 | TO 00:26:31 | RLS 00:26:31
 | DUR 00:00:00
 2005/11/22 HIT CALL
 200 NO ALI AVAILABLE
 [REDACTED] MI015 00:26:23 | RI 00:26:30 | C0006 00:26:32 | DI006 00:27:51
 | RLS 00:27:52 | DUR 00:01:29
 2005/11/22
 200 [REDACTED] ALI NOT ALLOWED [REDACTED]

211

(864) 226-8515 MI014 00:26:09 | RI 00:26:15 | C0010 00:26:18 | DI010 00:27:56
 | RLS 00:27:56 | DUR 00:01:47
 2005/11/22
 200 (864) 226-8515 ALI NOT ALLOWED ██████████
 (843) 706-3669 TK002 00:29:15 | RI 00:29:17 | C0006 00:29:21 | DI006 00:29:52
 | RLS 00:29:52 | DUR 00:00:37
 2005/11/22
 202 (843) 706-3669 CLASS:RES TYPE:NORM ██████████ ██████████
 ██████████ PSAP=BFT ALI=BFT X: Y: UNC: S GRID=
 (800) 554-1104 MI014 00:29:58 | RI 00:30:03 | C0010 00:30:06 | DI010 00:30:37
 | C0010 00:30:54 | DI010 00:31:03 | RLS 00:31:04
 | DUR 00:01:06
 2005/11/22
 200 (800) 554-1104 ALI NOT ALLOWED NOT PROVIDED
 (843) 757-4927 MI016 00:30:50 | RI 00:30:56 | C0006 00:30:59 | DI006 00:32:29
 | RLS 00:32:30 | DUR 00:01:40
 2005/11/22
 200 (843) 757-4927 ALI NOT ALLOWED ██████████
 (000) 000-0000 MI002 00:32:23 | RI 00:32:30 | TO 00:32:30 | RLS 00:32:30
 | DUR 00:00:07
 2005/11/22 HIT CALL
 200 NO ALI AVAILABLE
 (843) 470-9915 TK003 00:31:32 | RI 00:31:35 | C0005 00:31:38 | DI005 00:32:40
 | RLS 00:32:42 | DUR 00:01:10
 2005/11/22
 203 (843) 470-9915 CLASS:RES TYPE:NORM ██████████ ██████████
 ██████████ Main:(843) 470-9915 PSAP=BFT ALI=BFT X: Y: UNC: GRID=
 ██████████ MI015 00:32:20 | RI 00:32:26 | C0004 00:32:29 | DI006 00:32:33
 | RLS 00:33:31 | DUR 00:01:11
 2005/11/22
 200 ██████████ ALI NOT ALLOWED ██████████
 (800) 554-1104 MI014 00:32:06 | RI 00:32:11 | C0010 00:32:16 | DI010 00:34:15
 | RLS 00:34:16 | DUR 00:02:10
 2005/11/22
 200 (800) 554-1104 ALI NOT ALLOWED NOT PROVIDED
 () OUT-CALL MI012 00:37:42 | RLS 00:37:47 | DUR 00:00:05
 2005/11/22
 986
 () OUT-CALL MI011 00:37:48 | RLS 00:38:48 | DUR 00:00:52
 2005/11/22
 96898281
 (800) 318-9486 MI014 00:37:04 | RI 00:37:09 | C0006 00:37:15 | DI006 00:38:46
 | RLS 00:38:47 | DUR 00:01:43
 2005/11/22
 200 (800) 318-9486 ALI NOT ALLOWED NOT PROVIDED
 (843) 757-4927 MI016 00:40:23 | RI 00:40:29 | C0010 00:40:32 | DI010 00:41:45
 | RLS 00:41:46 | DUR 00:01:23
 2005/11/22
 200 (843) 757-4927 ALI NOT ALLOWED ██████████
 () OUT-CALL MI012 00:41:10 | RLS 00:42:05 | DUR 00:00:55
 2005/11/22
 1379251792250
 (000) 000-0000 MI002 00:42:53 | RI 00:43:00 | TO 00:43:00 | RLS 00:43:00
 | DUR 00:00:07
 2005/11/22 HIT CALL
 200 NO ALI AVAILABLE

272

(843) 757-4041 MI015 00:42:49 | RI 00:42:55 | C0006 00:43:00 | C0005 00:43:06
| DI006 00:43:06 | DI005 00:43:32 | RLS 00:43:33
| DUR 00:00:44

2005/11/22

200 (843) 757-4041 ALI NOT ALLOWED
(843) 342-2064 TK004 00:44:27 | RI 00:44:30 | C0005 00:44:35 | DI005 00:45:05
| RLS 00:45:55 | DUR 00:01:20

2005/11/22

204 (843) 342-2064 CLASS:RES TYPE:NORM
Main:(843) 342-2064 PSAP=BFT ALI=BFT X: Y: UNC: GRID=
(000) 000-0000 MI002 00:47:36 | RI 00:47:43 | TO 00:47:43 | RLS 00:47:44
| DUR 00:00:07

2005/11/22 HIT CALL

200 NO ALI AVAILABLE
(843) 322-3245 TK005 00:45:48 | RI 00:45:50 | C0006 00:45:53 | DI006 00:49:06
| RLS 00:49:08 | DUR 00:03:20

2005/11/22

205 (843) 322-3245 CLASS:RES TYPE:NONP
Main:(843) 322-3245 PSAP=BFT ALI=BFT X: Y: UNC: GRID=
(914) 509-5736 MI015 00:47:32 | RI 00:47:38 | C0004 00:47:42 | DI004 00:49:11
| RLS 00:49:12 | DUR 00:01:40

2005/11/22

200 (914) 509-5736 ALI NOT ALLOWED
MI014 00:44:46 | RI 00:44:52 | C0010 00:44:55 | DI010 00:47:00
| C0010 00:49:17 | DI010 00:49:19 | RLS 00:49:20
| DUR 00:04:34

2005/11/22

200 ALI NOT ALLOWED
() NO - CID MI001 00:52:14 | RI 00:52:14 | C0009 00:52:17 | DI009 00:53:51
| RLS 00:53:52 | DUR 00:01:38

2005/11/22

200 NO ALI AVAILABLE
() OUT-CALL MI012 00:49:21 | RLS 00:54:19 | DUR 00:04:58

2005/11/22

924726410
() NO - CID MI001 00:56:43 | RI 00:56:43 | C0010 00:56:48 | DI010 00:57:01
| C0010 00:57:16 | DI010 00:58:46 | RLS 00:58:46
| DUR 00:02:03

2005/11/22

200 NO ALI AVAILABLE
() OUT-CALL MI016 00:58:49 | RLS 00:59:02 | DUR 00:00:13

2005/11/22

2472641
TK007 00:57:34 | RI 00:57:37 | C0005 00:57:40 | DI005 00:59:40
| RLS 00:59:45 | DUR 00:02:11

2005/11/22

207 CLASS:BUS TYPE:
PSAP=BFT ALI= GRID=
() OUT-CALL MI015 00:58:44 | RLS 01:00:25 | DUR 00:01:41

2005/11/22

2472641
() OUT-CALL MI015 01:05:19 | RLS 01:06:24 | DUR 00:01:05

2005/11/22

2271377
TK006 01:05:03 | RI 01:05:05 | C0005 01:05:09 | DI005 01:06:57
| RLS 01:06:59 | DUR 00:01:56

2005/11/22

208 CLASS:BUS TYPE:
PSAP=BFT ALI= GRID=

273

TK002 01:13:53 | RI 01:13:57 | C0005 01:14:01 | DI005 01:14:31
CELL | RLS 01:14:34 | DUR 00:00:41

2005/11/22 CELLULAR CALL

202 CLASS:WPH2 TYPE:

PSAP=BFT ALI=

GRID=

(843) 837-4463 TK001 01:13:13 | RI 01:13:16 | C0001 01:13:21 | DI001 01:14:34
| RLS 01:14:35 | DUR 00:01:22

2005/11/22

201 (843) 837-4463 CLASS:RES TYPE:NORM

(843) 837-4463 PSAP=BFT ALI=BFT X: Y: UNC: GRID=

(843) 322-3245 TK003 01:16:51 | RI 01:16:54 | C0001 01:16:58 | DI001 01:17:48
| RLS 01:17:50 | DUR 00:00:59

2005/11/22

203 (843) 322-3245 CLASS:RES TYPE:NOHP

Main:(843) 322-3245 PSAP=BFT ALI=BFT X: Y: UNC: GRID=

TK004 01:20:03 | RI 01:20:07 | C0005 01:20:12 | C0010 01:20:14
CELL | DI010 01:20:20 | C0010 01:20:24 | DI005 01:20:25
| DI010 01:20:27 | RLS 01:20:28 | DUR 00:00:25

2005/11/22 CELLULAR CALL

204 CLASS:WRLS TYPE:

PSAP=BFT ALI=

GRID=

(800) 554-1104 MI015 01:21:42 | RI 01:21:48 | C0003 01:21:52 | DI003 01:22:38
| RLS 01:22:38 | DUR 00:00:56

2005/11/22

200 (800) 554-1104 ALI NOT ALLOWED NOT PROVIDED

(843) 838-2334 MI014 01:21:39 | RI 01:21:45 | C0001 01:21:49 | DI001 01:22:41
| RLS 01:22:42 | DUR 00:01:03

2005/11/22

200 (843) 838-2334 ALI NOT ALLOWED

TK005 01:20:27 | RI 01:20:29 | C0005 01:20:34 | C0010 01:20:37
| DI005 01:23:29 | DI010 01:23:30 | RLS 01:23:31
| DUR 00:03:04

2005/11/22

205 CLASS:WRLS TYPE:

PSAP=BFT ALI=

GRID=

~~(864) 226-8515 MI014 01:27:37 | RI 01:27:43 | C0006 01:27:48 | DI006 01:28:34
| RLS 01:28:35 | DUR 00:00:58~~

2005/11/22

200 (864) 226-8515 ALI NOT ALLOWED

(888) 238-2727 MI014 01:30:18 | RI 01:30:24 | C0010 01:30:27 | DI010 01:31:48
| RLS 01:31:48 | DUR 00:01:30

2005/11/22

200 (888) 238-2727 ALI NOT ALLOWED NOT PROVIDED

() OUT-CALL MI012 01:31:58 | RLS 01:31:55 | DUR 00:00:05

2005/11/22

9877

() OUT-CALL MI012 01:31:57 | RLS 01:33:02 | DUR 00:01:05

2005/11/22

910772857397

() NO - CID MI011 01:39:18 | RI 01:39:18 | C0010 01:39:20 | DI010 01:39:34
| RLS 01:39:34 | DUR 00:00:16

2005/11/22

200 NO ALI AVAILABLE

274

[REDACTED] MI014 01:39:47 | RI 01:39:47 | CO010 :39:50 | DI010 01:39:50
| CO004 01:40:03 | DI004 01:40:12 | RLS 01:40:12
| DUR 00:00:32

2005/11/22

200 [REDACTED] ALI NOT ALLOWED [REDACTED]
() OUT-CALL MI015 01:40:24 | RLS 01:41:13 | DUR 00:00:49

2005/11/22

8388306
(843) 747-0904 MI015 01:41:27 | RI 01:41:32 | CO005 01:41:36 | DI005 01:43:24
| RLS 01:43:24 | DUR 00:01:57

2005/11/22

200 (843) 747-0904 ALI NOT ALLOWED [REDACTED]
() OUT-CALL MI016 01:44:51 | RLS 01:44:55 | DUR 00:00:04

2005/11/22

52449#
(843) 838-2334 MI015 01:43:45 | RI 01:43:51 | CO005 01:43:55 | DI005 01:44:57
| RLS 01:44:58 | DUR 00:01:13

2005/11/22

200 (843) 838-2334 ALI NOT ALLOWED [REDACTED]
() OUT-CALL MI016 01:44:56 | RLS 01:44:59 | DUR 00:00:03

2005/11/22

524496
() OUT-CALL MI015 01:44:59 | RLS 01:45:12 | DUR 00:00:13

2005/11/22

5244696
() OUT-CALL MI016 01:45:19 | RLS 01:45:23 | DUR 00:00:04

2005/11/22

525
[REDACTED] MI014 01:40:59 | RI 01:41:05 | CO006 01:41:08 | DI006 01:41:12
| CO006 01:41:55 | DI006 01:45:55 | RLS 01:45:56
| DUR 00:04:57

2005/11/22

200 [REDACTED] ALI NOT ALLOWED [REDACTED]
[REDACTED] TK008 01:46:13 | RI 01:46:17 | CO003 01:46:23 | DI003 01:46:42
[REDACTED] CELL | RLS 01:46:42 | DUR 00:00:29

2005/11/22 CELLULAR CALL

200 [REDACTED] CLASS:WRLS TYPE:[REDACTED]
[REDACTED] PSAP=BFT ALI=[REDACTED]
[REDACTED] GRID=[REDACTED]

(843) 838-1265 TK007 01:45:51 | RI 01:45:53 | CO005 01:45:57 | DI005 01:46:42
| RLS 01:46:44 | DUR 00:00:53

2005/11/22

207 (843) 838-1265 CLASS:RES TYPE:NONP [REDACTED]
Main:(843) 838-1265 PSAP=BFT ALI=BFT X: Y: UNC: GRID=[REDACTED]
[REDACTED] TK002 01:46:35 | TO 01:46:38 | RI 01:46:38 | CO004 01:46:46
| CO010 01:46:43 | DI010 01:46:45 | DI004 01:46:45
| RLS 01:46:46 | DUR 00:00:11

2005/11/22 ABANDONED CALL

202 [REDACTED] CLASS:WRLS TYPE:[REDACTED]
[REDACTED] PSAP=BFT ALI=[REDACTED]
GRID=[REDACTED]

(000) 000-0000 MI014 01:46:02 | RI 01:46:09 | CO004 01:46:11 | DI004 01:46:41
| CO004 01:46:46 | DI004 01:47:06 | RLS 01:47:07
| DUR 00:01:05

2005/11/22

200 NO ALI AVAILABLE

275

██████████ TK004 01:47:03 | RI 01:47:05 | C0004 01:47:12 | DI004 01:47:53
| RLS 01:47:53 | DUR 00:00:50

2005/11/22

204 ██████████ CLASS:BUS TYPE:██████████
██████████ PSAP=BFT ALI=██████████ GRID=

██████████ TK005 01:47:24 | RI 01:47:28 | C0006 01:47:32 | DI006 01:47:52
██████████ CELL | RLS 01:47:54 | DUR 00:00:30

2005/11/22 CELLULAR CALL

205 ██████████ CLASS:WRLS TYPE:██████████
██████████ PSAP=BFT ALI=██████████
██████████ GRID=

██████████ TK003 01:46:50 | RI 01:46:52 | C0005 01:46:55 | DI005 01:47:52
| RLS 01:47:54 | DUR 00:01:04

2005/11/22

203 ██████████ CLASS:WRLS TYPE:██████████
██████████ PSAP=BFT ALI=██████████
GRID=

██████████ TK001 01:46:32 | RI 01:46:35 | C0001 01:46:40 | C0010 01:46:45
| DI001 01:48:02 | DI010 01:48:03 | RLS 01:48:05
| DUR 00:01:33

2005/11/22

201 ██████████ CLASS:BUS TYPE:██████████
██████████ PSAP=BFT ALI=██████████ GRID=

██████████ MI016 01:46:50 | RI 01:46:55 | C0002 01:47:00 | DI002 01:48:11
| RLS 01:48:12 | DUR 00:01:22

2005/11/22

200 ██████████ ALI NOT ALLOWED ██████████
(843) 379-3599 TK008 01:48:30 | RI 01:48:33 | C0005 01:48:35 | DI005 01:49:11
| RLS 01:49:13 | DUR 00:00:43

2005/11/22

208 (843) 379-3599 CLASS:RES TYPE:NONP ██████████
Main:(843) 379-3599 PSAP=BFT ALI=BFT X: Y: UNC: GRID=

██████████ MI014 01:48:54 | RI 01:49:00 | C0004 01:49:04 | DI004 01:49:18
| RLS 01:49:19 | DUR 00:00:25

2005/11/22

200 ██████████ ALI NOT ALLOWED ██████████
() OUT-CALL MI016 01:49:07 | RLS 01:49:32 | DUR 00:00:25

2005/11/22

0302111

(504) 908-6920 TK007 01:47:57 | RI 01:48:01 | C0001 01:48:02 | C0010 01:48:04
██████████ CELL | DI010 01:49:40 | DI001 01:49:40 | RLS 01:49:42
| DUR 00:01:45

2005/11/22 CELLULAR CALL

207 ██████████ CLASS:WRLS TYPE:██████████
██████████ PSAP=BFT ALI=██████████

01709 GRID=

() OUT-CALL MI015 01:45:33 | C0003 01:49:58 | RLS 01:50:00 | DUR 00:04:27

2005/11/22

3244696

() OUT-CALL MI011 01:49:19 | RLS 01:50:01 | DUR 00:00:42

2005/11/22

05257666

() OUT-CALL MI014 01:50:01 | RLS 01:50:49 | DUR 00:00:48

2005/11/22

1382334

() OUT-CALL MI012 01:49:11 | RLS 01:51:00 | DUR 00:01:49

2005/11/22

05257700112

276

() OUT-CALL MI016 01:50:00 | RLS 01:51:10 | DUR 00:01:10
2005/11/22
5240163

() OUT-CALL MI011 01:50:59 | RLS 01:51:45 | DUR 00:00:46
2005/11/22
95759110

[REDACTED] MI014 01:51:02 | RI 01:51:08 | C0004 01:51:10 | DI004 01:51:4
| RLS 01:51:50 | DUR 00:00:48
2005/11/22

200 [REDACTED] ALI NOT ALLOWED [REDACTED]
[REDACTED] TK001 01:51:51 | RI 01:51:53 | C0005 01:51:56 | DI005 01:52:3
| RLS 01:52:34 | DUR 00:00:43
2005/11/22

201 [REDACTED] CLASS:BUS TYPE: [REDACTED]
[REDACTED] PSAP=BFT ALI=[REDACTED] GRID=
(864) 226-8515 MI015 01:51:22 | RI 01:51:28 | C0010 01:51:31 | DI010 01:52:41
| RLS 01:52:41 | DUR 00:01:19
2005/11/22

200 (864) 226-8515 ALI NOT ALLOWED [REDACTED]
System message: APU # 006 LF#9934 2005/11/22 01:55:27
System message: APU # 006 LN#2384 2005/11/22 01:55:48
(843) 953-6042 MI014 01:55:34 | RI 01:55:40 | C0010 01:55:43 | DI010 01:56:06
| RLS 01:56:07 | DUR 00:00:33
2005/11/22

200 (843) 953-6042 ALI NOT ALLOWED [REDACTED]
() NO - CID MI011 01:55:07 | RI 01:55:08 | C0010 01:55:10 | DI010 01:55:26
| C0004 01:55:40 | DI004 01:56:30 | RLS 01:56:37
| DUR 00:01:24
2005/11/22

200 NO ALI AVAILABLE
System message: APU # 003 LF#2384 2005/11/22 01:56:44
System message: APU # 002 LF#8107 2005/11/22 01:56:50
System message: APU # 003 LN#9934 2005/11/22 01:56:58
System message: APU # 002 LN#6945 2005/11/22 01:57:05
(843) 747-0904 MI015 01:55:38 | RI 01:55:44 | C0001 01:55:48 | DI001 01:57:07
| RLS 01:57:07 | DUR 00:01:29
2005/11/22

200 (843) 747-0904 ALI NOT ALLOWED [REDACTED]
[REDACTED] MI014 01:58:11 | RI 01:58:17 | C0010 01:58:20 | DI010 01:58:36
| RLS 01:58:36 | DUR 00:00:25
2005/11/22

200 [REDACTED] ALI NOT ALLOWED [REDACTED]
() OUT-CALL MI012 01:58:12 | RLS 01:59:12 | DUR 00:01:00
2005/11/22
9838571892250
System message: APU # 005 LF#6945 2005/11/22 01:59:20
System message: APU # 005 LN#2923 2005/11/22 01:59:37
[REDACTED] MI014 01:59:12 | RI 01:59:18 | C0010 01:59:22 | DI010 01:59:26
| C0005 01:59:46 | DI005 02:01:52 | RLS 02:01:53
| DUR 00:02:41
2005/11/22

200 [REDACTED] ALI NOT ALLOWED [REDACTED]
() NO - CID MI011 02:01:00 | RI 02:01:00 | C0010 02:01:03 | DI010 02:01:31
| C0003 02:02:00 | DI003 02:02:39 | RLS 02:02:40
| DUR 00:01:40
2005/11/22

200 NO ALI AVAILABLE
() OUT-CALL MI015 02:02:57 | RLS 02:03:15 | DUR 00:00:18
2005/11/22
47073605242777

271

[REDACTED] MI014 02:03:59 | RI 02:03:55 | C0005 02:03:58 | DI005 02:04:1
 | RLS 02:04:13 | DUR 00:00:24
 2005/11/22
 200 [REDACTED] ALI NOT ALLOWED [REDACTED]
 (843) 522-0721 MI014 02:04:34 | RI 02:04:40 | C0005 02:04:42 | DI005 02:05:0
 | RLS 02:05:06 | DUR 00:00:32
 2005/11/22
 200 (843) 522-0721 ALI NOT ALLOWED [REDACTED]
 () OUT-CALL MI015 02:04:23 | RLS 02:05:19 | DUR 00:00:56
 2005/11/22
 52576925257692
 () NO - CID MI011 02:05:06 | RI 02:05:06 | C0005 02:05:07 | DI005 02:05:2
 | RLS 02:05:25 | DUR 00:00:19
 2005/11/22
 200 NO ALI AVAILABLE
 () OUT-CALL MI012 02:05:26 | RLS 02:05:52 | DUR 00:00:26
 2005/11/22
 9525769292250
 (843) 524-5645 TK002 02:02:33 | RI 02:02:35 | C0001 02:02:40 | C0010 02:02:41
 | DI010 02:05:58 | DI001 02:05:58 | RLS 02:06:06
 | DUR 00:03:27
 2005/11/22
 202 (843) 524-5645 CLASS:RES TYPE:NORM [REDACTED]
 Main:(843) 524-5645 PSAP=BFT ALI=BFT X: Y: UNC: GRID=
 () NO - CID MI012 02:07:48 | RI 02:07:48 | C0004 02:07:53 | DI004 02:08:06
 | RLS 02:08:09 | DUR 00:00:21
 2005/11/22
 200 NO ALI AVAILABLE
 () NO - CID MI011 02:05:53 | RI 02:05:53 | C0005 02:05:55 | DI005 02:08:23
 | RLS 02:08:24 | DUR 00:02:31
 2005/11/22
 200 NO ALI AVAILABLE
 (864) 226-8515 MI015 02:07:43 | RI 02:07:49 | C0006 02:07:52 | DI006 02:08:36
 | RLS 02:08:30 | DUR 00:00:47
 2005/11/22
 200 (864) 226-8515 ALI NOT ALLOWED [REDACTED]
 OUT-OF-AREA MI014 02:06:30 | RI 02:06:36 | C0010 02:06:40 | DI010 02:09:00
 | RLS 02:09:00 | DUR 00:02:30
 2005/11/22
 200 NO ALI AVAILABLE
 (843) 953-6042 MI016 02:08:27 | RI 02:08:33 | C0005 02:08:34 | DI005 02:09:24
 | RLS 02:09:25 | DUR 00:00:58
 2005/11/22
 200 (843) 953-6042 ALI NOT ALLOWED [REDACTED]
 () NO - CID MI012 02:09:31 | RI 02:09:31 | C0005 02:09:33 | C0010 02:09:34
 | DI005 02:09:36 | DI010 02:10:32 | RLS 02:10:32
 | DUR 00:01:01
 2005/11/22
 200 NO ALI AVAILABLE
 [REDACTED] MI014 02:10:37 | RI 02:10:43 | C0005 02:10:45 | C0010 02:10:45
 | DI005 02:10:52 | DI010 02:11:10 | C0010 02:11:15
 | DI010 02:11:45 | C0010 02:12:02 | DI010 02:12:38
 | RLS 02:12:39 | DUR 00:02:02
 2005/11/22
 200 [REDACTED] ALI NOT ALLOWED [REDACTED]
 () OUT-CALL MI015 02:14:14 | RLS 02:14:34 | DUR 00:00:20
 2005/11/22
 5759110

278

(864) 226-8515 MI014 02:13:13 | RI 02:13:24 | CO010 02:13:26 | DI010 02:14:4
 | RLS 02:14:47 | DUR 00:01:29
 2005/11/22
 200 (864) 226-8515 ALI NOT ALLOWED [REDACTED]
 (843) 525-9825 TK003 02:11:50 | RI 02:11:52 | CO005 02:11:54 | DI005 02:15:4
 | RLS 02:15:42 | DUR 00:03:52
 2005/11/22
 203 (843) 525-9825 CLASS:BUS TYPE:NONP [REDACTED]
 ain:(843) 525-9825 PSAP=BFT ALI=BFT X: Y: UNC: COIN GRID=
 (843) 597-2286 MI014 02:16:04 | RI 02:16:10 | CO010 02:16:13 | DI010 02:16:2
 | RLS 02:16:27 | DUR 00:00:23
 2005/11/22
 200 (843) 597-2286 ALI NOT ALLOWED [REDACTED]
 () OUT-CALL MI015 02:16:49 | RLS 02:17:28 | DUR 00:00:39
 2005/11/22
 1800999671099699195242777#
 [REDACTED] TK004 02:17:06 | RI 02:17:09 | CO005 02:17:12 | TT001 02:18:1
 | DI005 02:18:30 | RLS 02:18:32 | DUR 00:01:2
 2005/11/22
 204 [REDACTED] CLASS:WRLS TYPE: [REDACTED]
 [REDACTED] PSAP=BFT ALI=F [REDACTED]
 [REDACTED] GRID=
 () OUT-CALL MI015 02:17:49 | RLS 02:18:38 | DUR 00:00:49
 2005/11/22
 9820341
 () OUT-CALL MI012 02:18:03 | RLS 02:18:56 | DUR 00:00:53
 2005/11/22
 918778982000
 (803) 737-8500 MI015 02:18:56 | RI 02:19:02 | CO006 02:19:04 | DI006 02:20:06
 | RLS 02:20:07 | DUR 00:01:11
 2005/11/22
 200 (803) 737-8500 ALI NOT ALLOWED [REDACTED]
 [REDACTED] MI014 02:18:49 | RI 02:18:55 | CO010 02:18:58 | DI010 02:19:04
 | CO006 02:22:37 | DI006 02:23:33 | RLS 02:23:3
 | DUR 00:04:44
 2005/11/22
 200 [REDACTED] ALI NOT ALLOWED [REDACTED]
 (864) 226-8515 MI014 02:24:56 | RI 02:25:00 | CO010 02:25:03 | DI010 02:25:2
 | RLS 02:25:23 | DUR 00:00:27
 2005/11/22
 200 (864) 226-8515 ALI NOT ALLOWED [REDACTED]
 () OUT-CALL MI016 02:25:29 | RLS 02:26:22 | DUR 00:00:53
 2005/11/22
 5920597
 PRI-VATE MI015 02:21:20 | RI 02:21:26 | CO010 02:21:29 | DI010 02:21:41
 | CO005 02:22:03 | DI005 02:22:45 | CO005 02:24:57
 | DI005 02:26:24 | CO005 02:27:49 | DI005 02:28:22
 | RLS 02:28:23 | DUR 00:07:03
 2005/11/22
 200 NO ALI AVAILABLE ..
 () OUT-CALL MI015 02:28:41 | RLS 02:30:38 | DUR 00:01:57
 2005/11/22
 18775350563
 [REDACTED] MI014 02:31:29 | RI 02:31:35 | CO005 02:31:38 | DI005 02:34:05
 | RLS 02:34:06 | DUR 00:02:37
 2005/11/22
 200 [REDACTED] ALI NOT ALLOWED [REDACTED]

279

(864) 226-8515 MI014 02:36:08 | RI 02:36:14 | C0005 02:36:16 | C0010 02:36:17
 | DI005 02:36:20 | DI010 02:36:27 | C0010 02:37:06
 | DI010 02:38:46 | RLS 02:38:46 | DUR 00:02:36

2005/11/22
 200 (864) 226-8515 ALI NOT ALLOWED [REDACTED]
 () OUT-CALL MI014 02:39:35 | RLS 02:40:06 | DUR 00:00:31

2005/11/22
 7574242
 (864) 226-8515 MI015 02:43:57 | RI 02:44:03 | C0010 02:44:06 | DI010 02:45:06
 | RLS 02:45:09 | DUR 00:01:12

2005/11/22
 200 (864) 226-8515 ALI NOT ALLOWED [REDACTED]
 (843) 838-2334 MI014 02:43:17 | RI 02:43:23 | C0010 02:43:26 | DI010 02:43:39
 | C0005 02:43:51 | DI005 02:45:30 | RLS 02:45:30
 | DUR 00:02:21

2005/11/22
 200 (843) 838-2334 ALI NOT ALLOWED [REDACTED]
 (843) 747-0904 MI014 02:47:41 | RI 02:47:47 | C0005 02:47:55 | DI005 02:48:36
 | RLS 02:48:36 | DUR 00:00:55

2005/11/22
 200 (843) 747-0904 ALI NOT ALLOWED [REDACTED]
 (843) 524-5638 TK005 03:00:07 | RI 03:00:09 | C0005 03:00:12 | DI005 03:00:34
 | RLS 03:00:36 | DUR 00:00:29

2005/11/22
 205 (843) 524-5638 CLASS:RES TYPE:NORM [REDACTED]
 Main:(843) 524-5638 PSAP=BFT ALI=BFT X: Y: UNC: GRID=
 (843) 747-0904 MI014 03:03:02 | RI 03:03:08 | C0001 03:03:14 | DI001 03:03:30
 | RLS 03:03:38 | DUR 00:00:36

2005/11/22
 200 (843) 747-0904 ALI NOT ALLOWED [REDACTED]
 [REDACTED] MI004 03:05:25 | RI 03:05:31 | C0001 03:05:35 | DI001 03:06:19
 | RLS 03:06:20 | DUR 00:00:55

2005/11/22
 200 [REDACTED] ALI NOT ALLOWED [REDACTED]
 (956) 213-1104 MI014 03:04:56 | RI 03:05:02 | C0003 03:05:08 | DI003 03:06:30
 | RLS 03:06:39 | DUR 00:01:43

2005/11/22
 200 (956) 213-1104 ALI NOT ALLOWED
 (843) 522-6870 MI015 03:11:03 | RI 03:11:09 | C0003 03:11:11 | DI003 03:11:17
 | RLS 03:11:17 | DUR 00:00:14

2005/11/22
 200 (843) 522-6870 ALI NOT ALLOWED [REDACTED]
 [REDACTED] MI014 03:10:57 | RI 03:11:03 | C0004 03:11:08 | DI004 03:11:23
 | RLS 03:11:23 | DUR 00:00:26

2005/11/22
 200 [REDACTED] ALI NOT ALLOWED [REDACTED]
 (843) 982-0341 MI014 03:12:33 | RI 03:12:39 | C0006 03:12:43 | DI006 03:13:10
 | C0002 03:13:24 | DI002 03:14:46 | RLS 03:14:47
 | DUR 00:02:14

2005/11/22
 200 (843) 982-0341 ALI NOT ALLOWED [REDACTED]
 () OUT-CALL MI012 03:15:09 | RLS 03:17:09 | DUR 00:02:00

2005/11/22
 95257700112
 (843) 522-6870 MI014 03:18:17 | RI 03:18:23 | C0005 03:18:26 | DI005 03:18:32
 | RLS 03:18:33 | DUR 00:00:16

2005/11/22
 200 (843) 522-6870 ALI NOT ALLOWED [REDACTED]

280

[REDACTED] TK007 03:21:27 | RI 03:21:29 | C0005 03:21:33 | DI005 03:22:1
 | RLS 03:22:19 | DUR 00:00:52
 2005/11/22
 207 [REDACTED] CLASS:WRLS TYPE:[REDACTED]
 [REDACTED] PSAP=BFT ALI=[REDACTED]
 GRID=
 (864) 226-8515 MI014 03:23:22 | RI 03:23:28 | C0005 03:23:30 | DI005 03:24:0
 | RLS 03:24:09 | DUR 00:00:47
 2005/11/22
 200 (864) 226-8515 ALI NOT ALLOWED [REDACTED]
 (843) 377-0750 MI015 03:27:32 | RI 03:27:38 | C0004 03:27:41 | DI004 03:27:5
 | RLS 03:27:52 | DUR 00:00:20
 2005/11/22
 200 (843) 377-0750 ALI NOT ALLOWED [REDACTED]
 (864) 226-8515 MI016 03:27:36 | RI 03:27:41 | C0003 03:27:44 | DI003 03:27:5
 | RLS 03:27:56 | DUR 00:00:20
 2005/11/22
 200 (864) 226-8515 ALI NOT ALLOWED [REDACTED]
 [REDACTED] MI014 03:27:27 | RI 03:27:32 | C0005 03:27:35 | DI005 03:28:1
 | RLS 03:28:16 | DUR 00:00:49
 2005/11/22
 200 [REDACTED] ALI NOT ALLOWED [REDACTED]
 () OUT-CALL MI015 03:29:00 | RLS 03:29:17 | DUR 00:00:17
 2005/11/22
 5257700
 [REDACTED] TK008 03:30:05 | RI 03:30:09 | C0005 03:30:12 | DI005 03:31:0
 [REDACTED] CELL | RLS 03:31:08 | DUR 00:01:03
 2005/11/22 CELLULAR CALL
 208 [REDACTED] CLASS:MOBL TYPE:[REDACTED]
 [REDACTED] PSAP=BFT ALI=[REDACTED]
 GRID=
 [REDACTED] MI014 03:35:36 | RI 03:35:42 | C0006 03:35:45 | DI006 03:36:3
 | RLS 03:36:35 | DUR 00:00:59
 2005/11/22
 200 [REDACTED] ALI NOT ALLOWED [REDACTED]
 [REDACTED] TK002 03:35:57 | RI 03:36:00 | C0002 03:36:03 | DI002 03:37:2
 | RLS 03:37:20 | DUR 00:01:23
 2005/11/22
 202 [REDACTED] CLASS:RES TYPE:NORM [REDACTED]
 Main: [REDACTED] PSAP=BFT ALI=BFT X: Y: UNC: GRID=
 [REDACTED] TK001 03:31:20 | RI 03:31:23 | C0004 03:31:27 | DI004 03:39:0
 | RLS 03:39:09 | DUR 00:07:49
 2005/11/22
 201 [REDACTED] CLASS:RES TYPE:NORM [REDACTED]
 Main: [REDACTED] PSAP=BFT ALI=BFT X: Y: UNC: GRID=
 () OUT-CALL MI015 03:37:20 | RLS 03:40:21 | DUR 00:03:01
 2005/11/22
 8468523
 (956) 213-1107 MI015 03:42:57 | RI 03:43:03 | C0002 03:43:09 | DI002 03:43:29
 | RLS 03:43:30 | DUR 00:00:33
 2005/11/22
 200 (956) 213-1107 ALI NOT ALLOWED
 () OUT-CALL MI016 03:41:55 | RLS 03:43:57 | DUR 00:02:02
 2005/11/22
 5257700112
 (843) 525-6121 MI014 03:39:41 | RI 03:39:47 | C0005 03:39:50 | DI005 03:40:0
 | C0005 03:40:57 | DI005 03:44:13 | RLS 03:44:14
 | DUR 00:04:33
 2005/11/22
 200 (843) 525-6121 ALI NOT ALLOWED [REDACTED]

(888) 238-2727 MI014 03:47: . I RI 03:47:47 I C0006 3:47:50 I DI006 03:48:45
I RLS 03:48:45 I DUR 00:01:04

2005/11/22

200 (888) 238-2727 ALI NOT ALLOWED NOT PROVIDED

TK003 03:50:38 I RI 03:50:42 I C0006 03:50:46 I DI006 03:51:35
CELL I RLS 03:51:36 I DUR 00:00:58

2005/11/22 CELLULAR CALL

203 CLASS:WRLS TYPE: PSAP=BFT ALI= GRID=

(864) 226-8515 MI014 03:56:44 I RI 03:56:50 I C0006 03:56:53 I DI006 03:57:39
I RLS 03:57:40 I DUR 00:00:56

2005/11/22

200 (864) 226-8515 ALI NOT ALLOWED

() NO - CID MI012 04:00:29 I RI 04:00:29 I C0001 04:00:35 I DI001 04:00:55
I RLS 04:00:55 I DUR 00:00:26

2005/11/22

200 NO ALI AVAILABLE

() OUT-CALL MI016 04:03:31 I RLS 04:03:38 I DUR 00:00:07

2005/11/22

682

() OUT-CALL MI014 04:03:42 I RLS 04:03:46 I DUR 00:00:04

2005/11/22

6825125

TK004 04:00:34 I RI 04:00:36 I C0004 04:00:39 I TT00p 04:00:54
I DI004 04:05:33 I RLS 04:05:35 I DUR 00:05:01

2005/11/22

204 CLASS:BUS TYPE: PSAP=BFT ALI= GRID=
PRI-VATE MI015 04:12:01 I RI 04:12:07 I C0005 04:12:13 I DI005 04:12:26
I RLS 04:12:26 I DUR 00:00:25

2005/11/22

200 NO ALI AVAILABLE

TK005 04:12:24 I RI 04:12:28 I C0005 04:12:32 I DI005 04:12:41
CELL I RLS 04:12:41 I DUR 00:00:17

2005/11/22 CELLULAR CALL

205 CLASS:WPH2 TYPE: PSAP=BFT ALI= GRID=

() OUT-CALL MI016 04:12:41 I RLS 04:12:47 I DUR 00:00:06

2005/11/22

29001

MI014 04:10:41 I RI 04:10:47 I C0010 04:10:51 I DI010 04:12:03
I C0010 04:12:35 I DI010 04:13:06 I RLS 04:13:07
I DUR 00:02:26

2005/11/22

200 ALI NOT ALLOWED

() OUT-CALL MI015 04:12:46 I RLS 04:13:22 I DUR 00:00:36

2005/11/22

2900166

() OUT-CALL MI012 04:13:33 I RLS 04:14:19 I DUR 00:00:46

2005/11/22

918002457347

() OUT-CALL MI016 04:13:15 I RLS 04:18:01 I DUR 00:04:46

2005/11/22

18038967111

() OUT-CALL MI012 04:18:17 I RLS 04:21:02 I DUR 00:02:45

2005/11/22

9812122492250

282

() NO - CID MI011 04:20:12 | RI 04:20:20 | CO010 04:20:23 | DI010 04:21:11
 | RLS 04:21:14 | DUR 00:00:54
 2005/11/22
 200 NO ALI AVAILABLE
 () OUT-CALL MI016 04:21:24 | RLS 04:21:29 | DUR 00:00:05
 2005/11/22
 1803896
 () OUT-CALL MI014 04:21:30 | RLS 04:22:09 | DUR 00:00:39
 2005/11/22
 7267519
 () OUT-CALL MI016 04:22:10 | RLS 04:24:09 | DUR 00:01:59
 2005/11/22
 18038967111
 () NO - CID MI011 04:23:28 | RI 04:23:28 | CO010 04:23:31 | DI010 04:23:31
 | CO001 04:24:10 | DI001 04:24:59 | RLS 04:24:59
 | DUR 00:01:31
 2005/11/22
 200 NO ALI AVAILABLE
 () OUT-CALL MI012 04:25:58 | RLS 04:26:01 | DUR 00:00:03
 2005/11/22
 [REDACTED] MI014 04:25:35 | RI 04:25:41 | CO005 04:25:43 | DI005 04:26:02
 | RLS 04:26:22 | DUR 00:00:47
 2005/11/22
 200 [REDACTED] ALI NOT ALLOWED [REDACTED]
 [REDACTED] MI015 04:25:36 | RI 04:25:42 | CO001 04:25:47 | DI001 04:26:04
 | RLS 04:26:43 | DUR 00:01:07
 2005/11/22
 200 [REDACTED] ALI NOT ALLOWED [REDACTED]
 () NO - CID MI011 04:25:41 | RI 04:25:41 | CO010 04:25:44 | DI010 04:25:50
 | CO001 04:26:44 | DI001 04:27:45 | RLS 04:27:45
 | DUR 00:02:04
 2005/11/22
 200 NO ALI AVAILABLE
 [REDACTED] MI014 04:29:06 | RI 04:29:12 | CO005 04:29:15 | DI005 04:30:00
 | RLS 04:30:01 | DUR 00:00:55
 2005/11/22
 200 [REDACTED] ALI NOT ALLOWED [REDACTED]
 [REDACTED] MI014 04:31:29 | RI 04:31:35 | CO005 04:31:38 | DI005 04:32:00
 | RLS 04:32:06 | DUR 00:00:37
 2005/11/22
 200 [REDACTED] ALI NOT ALLOWED [REDACTED]
 () OUT-CALL MI016 04:32:30 | RLS 04:33:14 | DUR 00:00:44
 2005/11/22
 5922442
 [REDACTED] TK007 04:34:53 | RI 04:34:55 | CO005 04:34:58 | CO010 04:34:58
 | DI005 04:35:25 | DI010 04:35:28 | RLS 04:35:29
 | DUR 00:00:36
 2005/11/22
 207 [REDACTED] CLASS:BUS TYPE:[REDACTED]
 [REDACTED] PSAP=BFT ALI=[REDACTED] GRID=
 (773) 725-0222 MI014 04:35:36 | RI 04:35:42 | CO001 04:35:44 | DI001 04:36:36
 | RLS 04:36:36 | DUR 00:01:00
 2005/11/22
 200 (773) 725-0222 ALI NOT ALLOWED [REDACTED]
 (843) 846-3987 MI015 04:36:18 | RI 04:36:24 | CO005 04:36:27 | DI005 04:36:47
 | RLS 04:36:47 | DUR 00:00:29
 2005/11/22
 200 (843) 846-3987 ALI NOT ALLOWED

283

TK003 05:03:00 | RI 05:03:52 | CO004 05:03:59 | DI004 05:05:00
| RLS 05:05:20 | DUR 00:01:30

2005/11/22

203 CLASS:WPH2 TYPE: PSAP=BFT ALI=

GRID= () OUT-CALL MI014 05:05:20 | CO010 05:05:41 | RLS 05:05:48 | DUR 00:00:20

2005/11/22

4659229 () OUT-CALL MI015 05:05:15 | CO010 05:05:40 | RLS 05:06:38 | DUR 00:01:20

2005/11/22

2522078 () OUT-CALL MI011 05:05:43 | CO010 05:06:02 | RLS 05:07:11 | DUR 00:01:28

2005/11/22

93384211 () OUT-CALL MI016 05:03:50 | CO010 05:05:48 | RLS 05:07:15 | DUR 00:03:25

2005/11/22

5257700112 () OUT-CALL MI012 05:07:21 | RLS 05:07:53 | DUR 00:00:32

2005/11/22

9846922192250 () OUT-CALL MI014 05:07:17 | RLS 05:08:07 | DUR 00:00:50

2005/11/22

3384211 TK004 05:07:51 | RI 05:07:55 | CO005 05:07:57 | DI005 05:08:21
CELL | RLS 05:08:22 | DUR 00:00:31

2005/11/22

CELLULAR CALL
204 CLASS:WRLS TYPE:NONP PSAP=BFT ALI=

GRID= () NO - CID MI011 05:07:21 | RI 05:07:21 | CO010 05:07:24 | DI010 05:07:47
| CO010 05:08:00 | DI010 05:08:07 | CO005 05:08:22
| DI005 05:11:02 | RLS 05:11:02 | DUR 00:03:41

2005/11/22

200 NO ALI AVAILABLE
() OUT-CALL MI016 05:10:14 | RLS 05:11:03 | DUR 00:00:49

2005/11/22

MI015 05:10:20 | RI 05:10:26 | CO002 05:10:31 | DI002 05:11:26
| RLS 05:11:26 | DUR 00:01:06

2005/11/22

200 ALI NOT ALLOWED
() NO - CID MI011 05:11:16 | RI 05:11:16 | CO005 05:11:18 | DI005 05:11:35
| RLS 05:11:35 | DUR 00:00:19

2005/11/22

200 NO ALI AVAILABLE
(843) 953-6042 MI014 05:09:28 | RI 05:09:33 | CO010 05:09:36 | DI010 05:10:25
| CO010 05:11:36 | DI010 05:11:46 | RLS 05:11:47
| DUR 00:02:19

2005/11/22

200 (843) 953-6042 ALI NOT ALLOWED
() OUT-CALL MI016 05:11:44 | RLS 05:12:20 | DUR 00:00:36

2005/11/22

*673384211 () OUT-CALL MI014 05:12:19 | RLS 05:13:13 | DUR 00:00:54

2005/11/22

18883334465122 () OUT-CALL MI016 05:13:14 | RLS 05:13:16 | DUR 00:00:02

2005/11/22

285

TK005 05:12: [REDACTED] I RI 05:13:02 I C0006 05:13:04 I C0010 05:13:05
CELL I DI006 05:13:32 I DI010 05:13:33 I RLS 05:13:35
I DUR 00:00:37

2005/11/22 CELLULAR CALL

205 [REDACTED] CLASS:MOBL TYPE: [REDACTED]

GRID=

() OUT-CALL MI012 05:16:19 I RLS 05:16:24 I DUR 00:00:05

2005/11/22

9611

() OUT-CALL MI016 05:16:24 I RLS 05:16:52 I DUR 00:00:28

2005/11/22

611

() OUT-CALL MI016 05:16:53 I RLS 05:16:57 I DUR 00:00:04

2005/11/22

611

() OUT-CALL MI016 05:16:59 I RLS 05:17:01 I DUR 00:00:02

2005/11/22

() OUT-CALL MI015 05:15:15 I RLS 05:17:32 I DUR 00:02:17

2005/11/22

8469221

() OUT-CALL MI014 05:13:16 I RLS 05:18:32 I DUR 00:05:16

2005/11/22

188833344651262112222222222220#

() OUT-CALL MI002 05:17:01 I RLS 05:19:22 I DUR 00:02:21

2005/11/22

6113

() OUT-CALL MI016 05:18:33 I RLS 05:20:06 I DUR 00:01:33

2005/11/22

18883334465

() OUT-CALL MI014 05:20:05 I RLS 05:20:08 I DUR 00:00:03

2005/11/22

6111

() OUT-CALL MI016 05:20:10 I RLS 05:20:46 I DUR 00:00:36

2005/11/22

611

() OUT-CALL MI004 05:21:20 I RLS 05:21:41 I DUR 00:00:21

2005/11/22

611

~~[REDACTED] MI015 05:17:35 I RI 05:17:41 I C0010 05:17:45 I DI010 05:22:03~~

~~I RLS 05:22:03 I DUR 00:04:28~~

2005/11/22

200 [REDACTED] ALI NOT ALLOWED [REDACTED]

[REDACTED] MI014 05:22:29 I RI 05:22:35 I C0010 05:22:38 I DI010 05:22:53

I RLS 05:22:54 I DUR 00:00:25

2005/11/22

200 [REDACTED] ALI NOT ALLOWED [REDACTED]

() OUT-CALL MI014 05:23:12 I RLS 05:24:01 I DUR 00:00:49

2005/11/22

3384211

() OUT-CALL MI016 05:24:05 I RLS 05:24:54 I DUR 00:00:49

2005/11/22

3384211

() OUT-CALL MI003 05:20:47 I C0002 05:21:05 I RLS 05:25:07 I DUR 00:04:20

2005/11/22

6110

() OUT-CALL MI015 05:25:13 I RLS 05:25:17 I DUR 00:00:04

2005/11/22

33

286

(843) 379-9442 TK001 05:43:12 | RI 05:43:12 | C0005 05:43:15 | C0010 05:43:20
| DI005 05:43:34 | DI010 05:43:35 | RLS 05:43:30
| DUR 00:00:27

2005/11/22

201 (843) 379-9442 CLASS:RES TYPE:NORM
Main: (843) 379-9442 PSAP=BFT ALI=BFT X: Y: UNC: GRID=
(000) 000-0000 MI002 05:43:58 | RI 05:44:05 | TO 05:44:05 | RLS 05:44:05
| DUR 00:00:07

2005/11/22 HIT CALL
200 NO ALI AVAILABLE

TK003 05:48:07 | RI 05:48:11 | C0006 05:48:12 | DI006 05:48:20
CELL | RLS 05:48:20 | DUR 00:00:21

2005/11/22 CELLULAR CALL

203 CLASS:WRLS TYPE:
PSAP=BFT ALI=
GRID=
(843) 470-2899 TK002 05:48:04 | RI 05:48:06 | C0005 05:48:09 | DI005 05:48:32
| RLS 05:48:32 | DUR 00:00:28

2005/11/22

202 (843) 470-2899 CLASS:BUS TYPE:NONP
Main: (843) 470-2899 PSAP=BFT ALI=BFT X: Y: UNC: GRID=
MI015 05:48:58 | RI 05:44:04 | C0010 05:44:08 | DI010 05:48:50
| RLS 05:48:51 | DUR 00:04:53

2005/11/22

200 ALI NOT ALLOWED
TK004 05:49:22 | RI 05:49:24 | C0005 05:49:26 | DI005 05:49:50
| RLS 05:49:51 | DUR 00:00:29

2005/11/22

204 CLASS:BUS TYPE:
PSAP=BFT ALI=
GRID=
() OUT-CALL MI016 05:47:59 | RLS 05:50:14 | DUR 00:02:15

2005/11/22

9820341
() OUT-CALL MI014 05:49:56 | RLS 05:51:02 | DUR 00:01:06

2005/11/22

9862231
OUT OF-AREA MI014 05:51:24 | RI 05:51:30 | C0010 05:51:34 | DI010 05:52:08
| C0010 05:52:21 | DI010 05:52:36 | RLS 05:52:37
| DUR 00:01:13

2005/11/22

200 NO ALI AVAILABLE
() OUT-CALL MI015 05:50:00 | RLS 05:54:35 | DUR 00:04:35

2005/11/22

18772387739
() OUT-CALL MI016 05:56:38 | RLS 05:57:07 | DUR 00:00:29

2005/11/22

2522078
() OUT-CALL MI014 05:57:07 | RLS 05:57:44 | DUR 00:00:37

2005/11/22

2522078
MI014 05:59:34 | RI 05:59:40 | C0010 05:59:42 | DI010 05:59:50
| C0002 05:59:54 | DI002 06:00:30 | RLS 06:00:30
| DUR 00:00:56

2005/11/22

200 ALI NOT ALLOWED
(843) 524-3258 TK005 05:59:34 | RI 05:59:37 | C0006 05:59:43 | DI006 06:02:49
| RLS 06:02:51 | DUR 00:03:17

2005/11/22

205 (843) 524-3258 CLASS:RES TYPE:NORM
Main: (843) 524-3258 PSAP=BFT ALI=BFT X: Y: UNC: GRID=

288

() NO - CID MI001 06:06:19 | RI 06:06:19 | C0005 06:06:25 | DI005 06:06:47
| RLS 06:06:48 | DUR 00:00:29

2005/11/22

200 NO ALI AVAILABLE

TK001 06:06:44 | RI 06:06:46 | C0005 06:06:48 | DI005 06:07:06
| RLS 06:07:08 | DUR 00:00:24

2005/11/22

201 CLASS:WRLS TYPE: PSAP=BFT ALI=

GRID=

TK008 06:06:39 | RI 06:06:43 | C0002 06:06:46 | DI002 06:07:23
CELL | RLS 06:07:24 | DUR 00:00:45

2005/11/22 CELLULAR CALL

208 CLASS:MOBL TYPE: PSAP=BFT ALI=

GRID=

TK002 06:07:31 | RI 06:07:33 | C0005 06:07:35 | DI005 06:08:56
| RLS 06:08:52 | DUR 00:01:21

2005/11/22

202 CLASS:BUS TYPE: PSAP=BFT ALI= GRID=

MI014 06:02:54 | RI 06:03:00 | C0010 06:03:03 | DI010 06:09:58
| RLS 06:09:58 | DUR 00:07:04

2005/11/22

200 ALI NOT ALLOWED

MI014 06:10:19 | RI 06:10:25 | C0005 06:10:28 | DI005 06:10:48
| RLS 06:10:48 | DUR 00:00:29

2005/11/22

200 ALI NOT ALLOWED

() OUT-CALL MI012 06:10:25 | RLS 06:11:25 | DUR 00:01:00

2005/11/22

12523817

843) 986-2230 MI015 06:10:31 | RI 06:10:37 | C0002 06:10:41 | DI002 06:10:49
| C0005 06:11:07 | DI005 06:11:51 | RLS 06:11:51
| DUR 00:01:20

2005/11/22

200 (843) 986-2230 ALI NOT ALLOWED

843) 524-3258 TK007 06:03:44 | RI 06:03:47 | C0006 06:03:51 | DI006 06:19:25
| RLS 06:19:27 | DUR 00:15:43

289

FSVWA2

Agency: **

11/22/2005 thru 11/22/2005

Search Criteria used:

Agency	Incident	Date	Time	House No	DIR	Street	Apt No	Activity
01	200500031124	11/22/2005	0559			BFT PLAZA		EXTRA PATROL BUSINESS
03	200400009303	11/22/2005	0558		17A	HAROLDS COUNTRY CLUB		VEHICLE STOP
00	200511220129	11/22/2005	0550		5	GUM TREE ROAD	M19	CRIMINAL CASE
00	200511220128	11/22/2005	0544		10	OTTER CREEK DR		BURGLARY / BREAKING & ENTERING
0C	200500014734	11/22/2005	0543		19	LAUREL ST W		STRUCTURE FIRE
07	200500014734	11/22/2005	0543		19	LAUREL ST W		STRUCTURE FIRE
00	200511220127	11/22/2005	0543		19	LAUREL ST W		FIRE
00	200511220126	11/22/2005	0540			SHEIN LOOP		VEHICLE STOP
00	200511220125	11/22/2005	0536		1172	FORDING ISLAND RD		ACTIVATED ALARM
01	200500031123	11/22/2005	0535			KMART		VEHICLE STOP
04	200511220008	11/22/2005	0534			NICKLEPUMPERS		ESCORT
00	200511220124	11/22/2005	0533		278	HH PLAN		VEHICLE STOP
0C	██████████	11/22/2005	0533			██████████		HEMORRHAGE
0B	██████████	11/22/2005	0533			██████████		HEMORRHAGE
00	200511220123	11/22/2005	0529		5	SASSAFRAS ST		CIVIL PROCESS
00	200511220122	11/22/2005	0518		114	SEA ISLAND PKY		DISTURBANCE
00	200511220121	11/22/2005	0510			CAPEHART CIR		PROACTIVE RESIDENCE
00	200511220120	11/22/2005	0504			LANDS END RD		TRAFFIC / ROAD HAZARD
00	200511220119	11/22/2005	0500			SAMS POINT OLD BEN		VEHICLE STOP
00	200511220117	11/22/2005	0459			CASTLE ROCK VWF		VEHICLE STOP
00	200511220116	11/22/2005	0458			BRICKYARD POINT RD /WALLI		TRAFFIC / ROAD HAZARD
01	200500031122	11/22/2005	0457			JEAN RIBAUT		EXTRA PATROL BUSINESS
00	200511220118	11/22/2005	0456		1000	ROBERT SMALLS PKY		TRAFFIC / ROAD HAZARD
01	200500031121	11/22/2005	0453		1601	BOUNDARY ST		B&E BUSINESS
04	200511220007	11/22/2005	0450		13	TWIN OAKS RD		DOMESTIC
00	200511220114	11/22/2005	0450		13	TWIN OAKS RD		DOMESTIC
01	200500031120	11/22/2005	0449		290	ROBERT SMALLS PKY		COMMUNITY CONTACT
01	200500031119	11/22/2005	0449		2204	PIGEON PT. RD (CAMALOT APT)		STOLEN PROPERTY
00	200511220115	11/22/2005	0448		14	SHELTER COVE LANE		ESCORT
00	200511220113	11/22/2005	0445		12	COUNTY SHED RD	13	HEALTH & WELFARE CHECK
00	200511220112	11/22/2005	0439			BIGESTATES		PROACTIVE RESIDENCE
00	200511220111	11/22/2005	0438			FORDING ISLAND RD/SIMMONS		SUSPICIOUS PERSON
00	200511220110	11/22/2005	0436			USC		PROACTIVE RESIDENCE
00	200511220109	11/22/2005	0436			BUCKINGHAM PL		PROACTIVE BUSINESS
00	200511220108	11/22/2005	0435		1	FAIRFIELD RD		ACTIVATED ALARM
01	200500031118	11/22/2005	0431		1501	BOUNDARY ST		EXTRA PATROL RESIDENCE
01	200500031117	11/22/2005	0430			CROSS CRK		EXTRA PATROL BUSINESS
00	200511220107	11/22/2005	0425			GRAYCO		PROACTIVE BUSINESS
00	200511220106	11/22/2005	0423			KITTY CROSSING		PROACTIVE BUSINESS
01	200500031116	11/22/2005	0421			ENMARK		EXTRA PATROL BUSINESS
01	200500031115	11/22/2005	0421			BAY STREET		EXTRA PATROL BUSINESS
00	200511220105	11/22/2005	0420			BAYWOOD DR		PROACTIVE RESIDENCE
00	200511220104	11/22/2005	0416		23	TOWNE DR		PROACTIVE BUSINESS
01	200500031114	11/22/2005	0407			STONE MARTEN DR		EXTRA PATROL RESIDENCE
01	200500031113	11/22/2005	0406		1900	BOUNDARY ST		EXTRA PATROL BUSINESS
00	200511220103	11/22/2005	0401		12	COUNTY SHED RD	53	DISTURBANCE
00	200511220102	11/22/2005	0400			PRERIMTOR WALK		PROACTIVE BUSINESS
03	200400009302	11/22/2005	0358			MM S 36 95		VEHICLE STOP
00	200511220101	11/22/2005	0357			BLF COMMONS/BELFAIR		PROACTIVE BUSINESS
00	200511220100	11/22/2005	0357		17	PENN CENTER RD		ACTIVATED ALARM
00	200511220099	11/22/2005	0350		12	COUNTY SHED RD		DISTURBANCE
00	200511220098	11/22/2005	0349			TELFAIR		PROACTIVE RESIDENCE
00	200511220097	11/22/2005	0348			BFT GLASS		PROACTIVE BUSINESS
00	200511220096	11/22/2005	0348		109	JOSEPHINE DR		ACTIVATED ALARM
00	200511220095	11/22/2005	0343			TIRE KINGDOM		PROACTIVE BUSINESS
00	200511220094	11/22/2005	0342		263	SHANKLIN RD		EXTRA PATROL RESIDENCE
0C	██████████	11/22/2005	0336			██████████		CHEST PAIN
08	██████████	11/22/2005	0336			██████████		CHEST PAIN
00	200511220093	11/22/2005	0335			AJUGA DR		PROACTIVE RESIDENCE
01	200500031111	11/22/2005	0333			SMOKERS EXPRESS		EXTRA PATROL BUSINESS
00	200511220092	11/22/2005	0333			FOOD LION HWY 116		PROACTIVE BUSINESS
01	200500031112	11/22/2005	0333		114	FORT LYTTLETON RD		GAS DRIVE OFF
05	200500014730	11/22/2005	0332		2608	RODGERS DR		WIRES DOWN
01	200500031110	11/22/2005	0332		2608	RODGERS DR		WIRES DOWN
0C	██████████	11/22/2005	0331			██████████		RESPIRATORY DISTRESS
07	██████████	11/22/2005	0331			██████████		RESPIRATORY DISTRESS
03	200400009301	11/22/2005	0331		95 S	MM37		VEHICLE STOP
01	200500031109	11/22/2005	0330		2608	RODGERS DR		WIRES DOWN
00	200511220091	11/22/2005	0327			PROFESSIONAL VILLAGE		PROACTIVE RESIDENCE
01	200500031108	11/22/2005	0324		1210	RIBAUT RD		EXTRA PATROL BUSINESS
00	200511220090	11/22/2005	0324			MERIDIAN RD		PROACTIVE RESIDENCE
04	200511220006	11/22/2005	0323		1231	MAY RIVER RD		ACTIVATED ALARM
01	200500031107	11/22/2005	0321		1200	RIBAUT RD		EXTRA PATROL BUSINESS
00	200511220089	11/22/2005	0321			VFW		PROACTIVE BUSINESS
01	200500031106	11/22/2005	0320		1301	RIBAUT RD		GAS DRIVE OFF
01	200500031105	11/22/2005	0318			BFT PLAZA		EXTRA PATROL BUSINESS
00	200511220088	11/22/2005	0312			ST JOHNS CHURCH		PROACTIVE BUSINESS
01	200500031104	11/22/2005	0310			BEST WESTERN		EXTRA PATROL BUSINESS
00	200511220087	11/22/2005	0305		12	WICKECLIFF PL		ACTIVATED ALARM
01	200500031103	11/22/2005	0303			CROSS CREEK		EXTRA PATROL BUSINESS
03	200400009300	11/22/2005	0303		95 S	MM 37		VEHICLE STOP
00	200511220086	11/22/2005	0301		170	WALMART		VEHICLE STOP
00	200511220085	11/22/2005	0259		125	TOWNE DR		PROACTIVE BUSINESS
00	200511220084	11/22/2005	0256		925	FORDING ISLAND RD		PROACTIVE BUSINESS
00	200511220083	11/22/2005	0254			FOREST FIELDS		PROACTIVE BUSINESS
00	200511220082	11/22/2005	0252			CITGO		PROACTIVE BUSINESS
00	200511220081	11/22/2005	0252			CITGO		PROACTIVE BUSINESS
00	200511220080	11/22/2005	0249			BLUFF FARMS		PROACTIVE RESIDENCE
00	200511220079	11/22/2005	0247			BONAIR SUBDIVISION		PROACTIVE RESIDENCE
00	200511220078	11/22/2005	0247		95	MATHEWS DRIVE		PROACTIVE BUSINESS
00	200511220076	11/22/2005	0244		1050	FORDING ISLAND RD		SUSPICIOUS PERSON

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Agency	Incident	Date	Time	House No	DIR	Street	Apt No	Activity
00	200511220075	11/22/2005	0244	430		WILLIAM HILTON PARKWAY		PROACTIVE BUSINESS
00	200511220077	11/22/2005	0244	2		MALLETT WAY		ACTIVATED ALARM
00	200511220074	11/22/2005	0242			KITTY CROSSING		PROACTIVE BUSINESS
00	200511220073	11/22/2005	0240	435		WILLIAM HILTON PARKWAY		PROACTIVE BUSINESS
04	200511220005	11/22/2005	0237	1231		MAY RIVER RD		ACTIVATED ALARM
03	200400009299	11/22/2005	0237	95	S	MM 37		VEHICLE STOP
00	200511220072	11/22/2005	0235			SHELL POINT SUBDIVISION		PROACTIVE BUSINESS
01	200500031102	11/22/2005	0231	2826		WEST ROYAL OAKS DR		SUSPICIOUS ACTIVITY
00	200511220071	11/22/2005	0231			SHELL POINT PLAZA		PROACTIVE BUSINESS
00	200511220070	11/22/2005	0230	1414		FORDING ISLAND RD		PROACTIVE BUSINESS
00	200511220069	11/22/2005	0228			YAMAHA		PROACTIVE BUSINESS
00	200511220068	11/22/2005	0227			HILANDA		PROACTIVE RESIDENCE
00	200511220067	11/22/2005	0224	802		170		DISABLED VEHICLE
00	200511220066	11/22/2005	0223			LOW COUNTRY MHP		PROACTIVE RESIDENCE
00	200511220065	11/22/2005	0223			MALPHRUS RD		PROACTIVE BUSINESS
00	200511220064	11/22/2005	0221			ISLAND TANK		PROACTIVE RESIDENCE
00	200511220063	11/22/2005	0220			BROAD RIVER BL		PROACTIVE BUSINESS
00	200511220062	11/22/2005	0217	1270		FORDING ISLAND RD		PROACTIVE BUSINESS
00	200511220061	11/22/2005	0215	1230		FORDING ISLAND RD		PROACTIVE BUSINESS
00	200511220060	11/22/2005	0213	24		SHELTER COVE LANE		ACTIVATED ALARM
00	200511220058	11/22/2005	0212			PATTERSON CONST		PROACTIVE BUSINESS
00	200511220059	11/22/2005	0212	1196		FORDING ISLAND RD		PROACTIVE BUSINESS
00	200500031101	11/22/2005	0212	706		BAY ST		DISTURBANCE
00	200511220057	11/22/2005	0210			BURTON WELLS		PROACTIVE BUSINESS
01	200500031100	11/22/2005	0206	921		BAY ST		ALARM BUSINESS
06	200500014729	11/22/2005	0204			BALLPARK RD		MISC FIRE
00	200511220056	11/22/2005	0204			BALLPARK RD		MISC CALL
00	200511220055	11/22/2005	0202			CHEROKEE FARMS RD		PROACTIVE RESIDENCE
02	200500008839	11/22/2005	0156	300		MIDTOWN DR		ACTIVATED ALARM
00	200511220054	11/22/2005	0155			BEACHWOOD		PROACTIVE RESIDENCE
00	200511220053	11/22/2005	0154			LONDON LN		PROACTIVE RESIDENCE
00	200511220052	11/22/2005	0152			TAYLORWAREHOUSES.		PROACTIVE BUSINESS
04	200511220004	11/22/2005	0151	1231		MAY RIVER RD		ACTIVATED ALARM
05	200500014728	11/22/2005	0151	2103		WILSON DR		MISC FIRE
01	200500031099	11/22/2005	0151	2103		WILSON DR		GAS DRIVE OFF
05	200500014727	11/22/2005	0150	1904		ROPER ST		MISC FIRE
01	200500031098	11/22/2005	0150	1904		ROPER ST		GAS DRIVE OFF
01	200500031097	11/22/2005	0148	2103		WILSON DR		GAS DRIVE OFF
05	200500014726	11/22/2005	0147	1107		WOODWARD AVE		MISC FIRE
01	200500031096	11/22/2005	0147	1107		WOODWARD AVE		MISC CALL
05	200500014725	11/22/2005	0147			LAFAYETTE ST/ROPER ST		MISC FIRE
01	200500031094	11/22/2005	0147			LAFAYETTE ST/ROPER ST		MISC CALL
01	200500031095	11/22/2005	0146	1904		ROPER ST		GAS DRIVE OFF
00	200511220050	11/22/2005	0146			LITTLE CRICKET		PROACTIVE BUSINESS
01	200500031093	11/22/2005	0146	1107		LAFAYETTE ST		DISTURBANCE
00	200511220051	11/22/2005	0146			BALLPARK RD		TRAFFIC / ROAD HAZARD
00	200511220049	11/22/2005	0145			SHADY GLEN		PROACTIVE RESIDENCE
03	200400009298	11/22/2005	0143	95	S	MM 36		VEHICLE STOP
01	200500031092	11/22/2005	0141	1000		HAMAR ST		ALARM BUSINESS
00	200511220048	11/22/2005	0141	327		SHANKLIN RD		PROACTIVE RESIDENCE
00	200511220047	11/22/2005	0139			TIGER EXPRESS		PROACTIVE BUSINESS
00	200511220046	11/22/2005	0137	2005		SEA ISLAND PKY		VEHICLE FIRE
00	200511220045	11/22/2005	0136	314		LAUREL BAY RD		PROACTIVE BUSINESS
0C	200500014724	11/22/2005	0136	2005		SEA ISLAND PKY		STRUCTURE FIRE
06	200500014724	11/22/2005	0136	2005		SEA ISLAND PKY		VEHICLE FIRE
00	200511220044	11/22/2005	0136	2005		SEA ISLAND PKY		VEHICLE FIRE
00	200511220043	11/22/2005	0130	29		KITTIES LANDING RD		ACTIVATED ALARM
0B	[REDACTED]	11/22/2005	0129			[REDACTED]		MISC FIRE
00	[REDACTED]	11/22/2005	0129			[REDACTED]		MISC CALL
0C	[REDACTED]	11/22/2005	0128			[REDACTED]		G.U. PROBLEM
00	200511220041	11/22/2005	0127	2		MALLETT WAY		ACTIVATED ALARM
00	200511220040	11/22/2005	0126			BLUFFTON HOUSE		SUSPICIOUS ACTIVITY
00	200511220039	11/22/2005	0124			BET BRIDGE S 323SZV LANDI		SUSPICIOUS ACTIVITY
06	200500014720	11/22/2005	0122	2005		SEA ISLAND PKY		VEHICLE FIRE
00	200511220037	11/22/2005	0122	2555		SEA ISLAND PKY		VEHICLE FIRE
00	200511220036	11/22/2005	0121	2506		BOUNDARY ST		ACTIVATED ALARM
06	200500014721	11/22/2005	0121	2005		SEA ISLAND PKY		BRUSH FIRE
00	200511220038	11/22/2005	0121	2005		SEA ISLAND PKY		BRUSH FIRE
03	200400009297	11/22/2005	0121	95		SMM 36		VEHICLE STOP
00	200511220035	11/22/2005	0118			RED PIANO		PROACTIVE BUSINESS
00	200511220034	11/22/2005	0113	1540		FORDING ISLAND RD		TRAFFIC / ROAD HAZARD
00	200511220032	11/22/2005	0106	1009		SAMS POINT RD		PROACTIVE BUSINESS
00	200511220033	11/22/2005	0105	2260		BOUNDARY ST		DOMESTIC
01	200500031091	11/22/2005	0104			SI PKWY WHITE HALL		VEHICLE STOP
04	200511220003	11/22/2005	0103			MCRACKEN CIR		VEHICLE STOP
00	200511220031	11/22/2005	0058	20		SIMMONSVILLE RD	313	SUSPICIOUS PERSON
01	200500031090	11/22/2005	0055	350		ROBERT SMALLS PKY		COMMUNITY CONTACT
00	200511220030	11/22/2005	0054			KITTIES CROSSING		PROACTIVE BUSINESS
00	200511220028	11/22/2005	0051			SAND PT		PROACTIVE BUSINESS
00	200511220027	11/22/2005	0050			PT COMFORT		PROACTIVE BUSINESS
00	200511220029	11/22/2005	0049	6		BOW CIRCLE		ALCOHOL VIOLATION
04	200511220002	11/22/2005	0047			BUCKWALTER PLKWY		SUSPICIOUS ACTIVITY
00	200511220024	11/22/2005	0046			PKING LOT PALM BAY RD		VEHICLE STOP
00	200511220026	11/22/2005	0046	2		BIG ASH LN	A	BURGLARY / BREAKING & ENTERING
00	200511220025	11/22/2005	0044	8		SOUTHWOOD PARK DRIVE	116	DOMESTIC
01	200500031089	11/22/2005	0044			BATTERY SHORES		EXTRA PATROL RESIDENCE
01	200500031088	11/22/2005	0043			SI PKWY DWN FROM MERIDIAN		VEHICLE STOP
01	200500031087	11/22/2005	0042			SI PKWY MERIDIAN		VEHICLE STOP
00	200511220023	11/22/2005	0042			BLOCKBUSTER		SUSPICIOUS ACTIVITY
00	200511220022	11/22/2005	0037	188		OLDFIELD WAY		ACTIVATED ALARM
00	200511220021	11/22/2005	0036			LIL CRICKET		PROACTIVE BUSINESS

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FSVWA2

Agency: **

11/22/2005 thru 11/22/2005

Search Criteria used:

Agency	Incident	Date	Time	House No	DIR	Street	Apt No	Activity
00	200511220020	11/22/2005	0032			BETHEA DRIVE		ACTIVATED ALARM
00	200511220019	11/22/2005	0031	40		PINE VIEW DR		SUSPICIOUS ACTIVITY
02	200500008838	11/22/2005	0031	401		BATTERY LN		DOMESTIC
00	200511220018	11/22/2005	0030			OAKS SHOPPING PLAZA		PROACTIVE BUSINESS
00	200511220017	11/22/2005	0026	190		PEMBROKE DRIVE		ACTIVATED ALARM
00	200511220016	11/22/2005	0026			PORT ROYAL PLAZA		PROACTIVE BUSINESS
01	200500031086	11/22/2005	0024			SI PKWY FILLIN STA		VEHICLE STOP
00	200511220015	11/22/2005	0024			CIRCLE CENTER		PROACTIVE BUSINESS
00	200511220014	11/22/2005	0023	1270		FORDING ISLAND RD		ACTIVATED ALARM
00	200511220013	11/22/2005	0021			HERITAGE PLAZA		PROACTIVE BUSINESS
08	200500014719	11/22/2005	0020	11		PINE ISLAND RD		MISC FIRE
00	200511220012	11/22/2005	0020	11		PINE ISLAND RD		MISC CALL
00	200511220011	11/22/2005	0018			EDGEFIELD		PROACTIVE RESIDENCE
00	200511220010	11/22/2005	0017	1		DAIRY FARM RD		PROACTIVE BUSINESS
03	200400009296	11/22/2005	0013	95		SMM 35		VEHICLE STOP
00	200511220008	11/22/2005	0013	1172		FORDING ISLAND RD		ACTIVATED ALARM
00	200511220007	11/22/2005	0012			ST GREGORY THE GREAT		PROACTIVE BUSINESS
04	200511220001	11/22/2005	0012			BROAD RIVER BR		DISABLED VEHICLE
00	200511220009	11/22/2005	0012			BROAD RIVER BR		DISABLED VEHICLE
00	200511220006	11/22/2005	0009			ALLJOY		PROACTIVE RESIDENCE
00	200511220005	11/22/2005	0006			WILLOWS		PROACTIVE RESIDENCE
00	200511220004	11/22/2005	0005			BETHEA DR		ACTIVATED ALARM
01	200500031085	11/22/2005	0005	350		ROBERT SMALLS PKY		EXTRA PATROL BUSINESS
00	200511220003	11/22/2005	0005			ARBORWOOD		PROACTIVE RESIDENCE
00	200511220002	11/22/2005	0003			OKATIE CENTER		PROACTIVE BUSINESS
00	200511220001	11/22/2005	0002	474		BROAD RIVER BLVD		ACTIVATED ALARM
Total Number of Matches:			208					

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina,

Case No. 2007-CP-07-995

Plaintiff,

**AFFIDAVIT OF
JAY BENDER**

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

2008 DEC 18 PM 12:42
BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

I, Jay Bender, being duly sworn, state:

1. The matters stated by me herein are known by me to be true of my own personal knowledge or as a consequence of my review of the documents referenced herein relating to the within-captioned action.
2. I am a member of the faculty of the University of South Carolina with a joint appointment in the School of Journalism and Mass Communications and the Law School.
3. I am the initial holder of the Reid H. Montgomery Freedom of Information Chair at the University.
4. At the undergraduate level I teach an upper division course entitled "Law and Ethics of Mass

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Communications.”

5. My law school courses include a course entitled “Media Law.”

6. Both my undergraduate course and my law school media law course include segments devoted to the South Carolina Freedom of Information Act (FOIA).

7. Prior to becoming a full-time member of the faculty I practiced law following my admission to the South Carolina Bar in 1975.

8. From the beginning of my practice and continuing to the present I have been involved in matters relating to the FOIA, having participated as associate counsel in one of the earliest FOIA cases to have been decided by the South Carolina Supreme Court, Cooper v. Bales, 268 S.C. 270, 233 S.E.2d 306 (1975), and lead counsel in one of the most recently decided cases, Seago v. Horry County, 378 S.C. 414, 663 S.E.2d 38(2008).

9. From 1980 through the 2006 legislative session I was a lobbyist for the South Carolina Press Association and was an active participant in the debates on amendments to the FOIA during that time.

10. I have conducted training seminars for journalists, attorneys and public officials on compliance with the FOIA, including serving on the faculty for professional education programs for the South Carolina Bar, the South Carolina Association of Counties, the Municipal Association of South Carolina, the South Carolina School Boards Association, the South Carolina Sheriff's Association, the Association of County Attorneys, the South Carolina Attorney General, and the South Carolina Association of Summary Court Judges.

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11. I have consulted with public officials, including law enforcement officials, throughout the state on compliance with the FOIA.

12. I have previously been qualified as an expert witness in FOIA litigation on behalf of Greenville County which was a defendant in an action challenging its compliance with the FOIA.

13. In preparation for providing the opinions set forth in this affidavit I have reviewed the following material in the within-captioned action:

- a. Complaint
- b. Answer
- c. Plaintiff's Affidavit with exhibits 1-38
- d. Plaintiff's Memorandum
- e. Deposition of Robert Bro mage
- f. Deposition of Michael Hatfield
- g. Deposition of Connie Herman

14. I have also examined two cases relevant to expert testimony by attorneys, Vortex Sports & Entertainment, Inc. V. Ware, 378 S.C. 197, 662 S.E.2d 444 (2008) and Dawkins v. Fields, 354 S.C. 58, 580 S.E.2d 433 (2003).

15. I have reviewed the South Carolina public records retention provision of the South Carolina Code, sections 30-1-10 through 30-1-180, and the FOIA, sections 30-4-10 through 30-4-165 of the South Carolina Code.

16. If the court were to determine that defendants come within the definition of public bodies for

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the purposes of the preservation and retention of public records, and that as public bodies defendants were barred from disposing of or destroying public records except in accordance with an approved records schedule, defendants have failed to comply with the law in that public records have been destroyed notwithstanding the lack of approved records schedules or in a time inconsistent with those schedules.

17. If the court were to find as a matter of law that public records for purposes of both the FOIA and the records retention statute included recordings, papers, photographs and other documentary materials "regardless of physical form or characteristics" which were "prepared, owned, used" or "in the possession of or retained by a public body" then recordings of radio transmissions, hand-written notes, log books, telephone call lists and e-mails would meet this definition so as to be subject to both the preservation requirements of the retention law and the public access requirements of the FOIA regardless of the source of such records, e.g., home computer being used for official e-mails and privately owned cell phone being used for official calls. If the court were to find as a matter of law that e-mails sent by officials, regardless of the ownership of the computer being used, were public records the "double-deletion" of those e-mails would constitute an illegal destruction of public records.

18. If the court finds as a matter of law that the FOIA imposes a duty on a public body to respond in writing to a written request to inspect or copy public records within 15 days, exclusive of Saturdays, Sundays and public holidays, and that the failure by the public body to respond within that time causes the request to be "considered approved," then plaintiff's requests for e-mail records, intergovernmental agreements pertaining to the operation of the Beaufort County 911 system, operational procedures for the Beaufort County 911 system, the e-mail policy of the Beaufort County

Sheriff's Office, the Coroner's radio log for November 22, 2005, Coroner's Office toxicology reports and related documentation, audio recordings of radio transmissions by Troopers Perry and Harrison and the "Freedom of Information Act Handbook for County Government" must be considered approved as no timely written response was given with respect to plaintiff's written requests for these records.

19. If the court finds as a matter of law that a public body must segregate portions of public records exempt from disclosure from those portions of the public record that must be disclosed and make the latter available for public inspection and copying, defendants will have failed to fulfill this duty by claiming blanket exemptions for records without regard to whether portions of the records must be disclosed.

20. An example of defendants' failure to segregate and disclose those portions of public records which are not exempt from public disclosure is found in the former county attorney's claim that a list of telephone numbers for calls inbound to the Beaufort County dispatch system on a specific night would have revealed "healthcare matters" thereby making the entire list exempt from disclosure notwithstanding that the dispatch system is not a health care provider subject to any restriction regarding disclosure and any health care information could have been redacted prior to disclosure of the list of telephone numbers.

21. Based on my review of the material described above, it is my opinion that defendants have failed to preserve public records, have failed to respond appropriately to written requests for access to public records and have failed to provide an opportunity for inspection and copying of public records, all in violation of the duties imposed by South Carolina law.

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SWORN to before me this 15th day
of December, 2008

A handwritten signature in cursive, appearing to be 'PB', written over a horizontal line.

Patricia Jackson
NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires: My commission Expires January 8, 2011

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE CIRCUIT COURT

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina,

Case No. 2007-CP-07-995

Plaintiff,

**MOTION TO COMPEL DISCOVERY
RESPONSES**

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

2008 DEC 15 PM 4:33
ELIZABETH M. SMITH
BEAUFORT COUNTY S.C.
CLERK OF COURT

TO: TO DEFENDANTS and THEIR COUNSEL:

YOU WILL PLEASE TAKE NOTICE THAT L. Paul Trask, Jr, individually, as A
CITIZEN, RESIDENT, TAXPAYER AND REGISTERED ELECTOR OF THE State of
South Carolina ("Plaintiff"), by and through his undersigned counsel, will move pursuant
to Rule 37 of the South Carolina Rules of Civil Procedure before the presiding judge in
the Fourteenth Circuit, for an Order compelling Defendants to answer and respond fully to
the Plaintiff's Interrogatories and Request for Production. The grounds for this Motion
are as follows:

1. Plaintiff served his Supplemental Interrogatories and Request for
Production on the Defendants on August 20, 2008 (copy attached hereto as Exhibit "A").

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2. Additionally, Defendants' counsel agreed to produce the file of Gwen Duhon and all documents referred to by Gwen Duhon as testified in her deposition on 8/6/08. (copy attached hereto as Exhibit "B").

3. Defendants have failed to respond to the discovery requests in any way.

The Plaintiff requests that this Court issue its order requiring the Defendants to fully and completely answer said discovery in a timely fashion, and order the Defendants to pay for, at a minimum, the costs of these proceedings.

This Motion is supported by the pleadings in this case, the discovery served in the case, and such other matters as the Court deems appropriate. Counsel for the Plaintiff certifies pursuant to Rule 11 of the South Carolina Rules of Civil Procedure that they have attempted to resolve this matter with counsel for Defendants and such attempts have not produced adequate responses to the outstanding discovery as required by the Rules.



Thomas S. Tisdale, Jr.
Jeffrey S. Tibbals
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

Attorney for Plaintiff L. Paul Trask, Jr,
individually, as A CITIZEN, RESIDENT,
TAXPAYER AND REGISTERED ELECTOR OF
THE State of South Carolina

December 9, 2008
Charleston, South Carolina

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STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina, and on behalf of others
similarly situated,

Plaintiff,

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

IN THE CIRCUIT COURT

Case No. 2007-CP-07-995

PLAINTIFF L. PAUL TRASK, JR.'S
SUPPLEMENTAL
INTERROGATORIES TO
DEFENDANTS

TO: DEFENDANTS AND MARSHALL H. WALDRON, JR., ESQUIRE, THEIR
ATTORNEY:

Plaintiff L. Paul Trask, Jr, individually, as a citizen, resident, taxpayer and registered
elector of the State of South Carolina ("Plaintiff"), pursuant to Rule 33 of the South Carolina
Rules of Civil Procedure, hereby propounds and serves the following written interrogatories
upon Defendant South Carolina Department of Public Safety, Beaufort County; Beaufort County
Management Information Systems; Beaufort County Coroner Curtis Copeland in his official
capacity and Beaufort County Sheriff P. J. Tanner in his official capacity (collectively, the
"Defendants"), to be answered separately, in writing and under oath, within thirty (30) days
from the date of service hereof:

DEFINITIONS AND INSTRUCTIONS

1. The term "Accident" is defined as the motor vehicle accident which occurred on

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or about November 22, 2005, on Sea Island Parkway, Hunting Island, South Carolina, in which Paul Trask III was killed, as described in the Complaint in this matter.

2. "SCDPS" shall mean the Defendant in this action, Defendant South Carolina Department of Public Safety, and anyone acting for it or on its behalf, including counsel.

3. "Beaufort County" shall mean the Defendant Beaufort County, and all other persons acting on its behalf, including counsel.

4. "BCMIS" shall mean the Defendant in this action, Beaufort County Management Information Systems, and all other persons acting on its behalf, including counsel.

5. "Copeland" shall mean the Defendant Beaufort County Coroner Curtis Copeland in his official capacity, and all persons acting on his behalf, including counsel.

6. "Tanner" shall mean the Defendant Beaufort County sheriff P. J. Tanner in his official capacity, and all persons acting on his behalf, including counsel.

7. When the identification of a person is requested:

(a) If the person is an individual, please state the person's full name; the name of the person's employer or business affiliation, the person's job title, the person's business address and business telephone number, any business relationship between you and the person, and the dates, if any, of any commencement and/or termination of the person's employment or other association with you; and

(b) If the person is not an individual, please state the entity's full name, its current address; a description of the entity, whether a corporation, general partnership, limited partnership or some other form; the identity of the individual who has the highest title or position of authority within the entity; and any past or present business relationships between you and the entity.

8. "Document" or "documents" shall mean and include, without limitation, the original, drafts, revisions and non-duplicative copies of any writings; drawings, graphs, charts, electronic data (including without limitation those inscribed by mechanical, facsimile, electronic, magnetic, digital or other means, computer programs, programming notes or instructions, activity listings of electronic mail receipts and/or transmittals, output resulting from the use of any software program, word processing documents, spreadsheets, database files, charts, graphs and outlines, electronic mail, operating systems, source code, peripheral drivers, PIF file, batch files, ASCII files, and any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether the data consists in an active file, deleted file or file fragment), photographs, phono-records, and other data compilations from which information can be obtained, translated, if necessary, by the requesting party through detection devices into reasonably usable form, memoranda, e-mails, data files and fragments, notes, scraps of paper, diaries, calendars, reports, vouchers, invoices, journals, bills, orders, time slips or records, receipts, summaries, pamphlets, books, contracts, statistics, letters, telegrams, minutes, studies, returns, computations, logs, financial records or statements, checks, bank statements, medical records, X-rays, laboratory reports and/or orders, otherwise memorialized or

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2

communicated matter, whether typed, printed, photo-copied, filmed, micro-filmed, or recorded in any manner.

9. When the identification of a document is requested, please identify the document by type or title and by Bates or other number, if any, its subject matter and content in summary form, its date; the person or persons from whom it originated, the person or persons to whom it was directed, and the person or persons having custody, possession or control over the document.

10. "All facts" or "any facts" means each and every act, omission, incident, event, condition, or circumstance pertinent to the matter requested, including dates, the identification of persons who witnessed the act, omission, incident, event, condition or circumstance and the identification of persons with knowledge of the facts.

11. "Relating to" means supporting, connected with, regarding, discussing, concerning, referring to, evidencing, or in any way pertaining to.

12. Where appropriate, the use of singular includes plural and vice versa; and the use of masculine includes the feminine and vice versa.

13. Where appropriate, the connector "and" shall be deemed to include "or" and vice versa.

14. If you claim that any information or document requested by these interrogatories is privileged or otherwise excludable from discovery, describe the information or document, identify each and every person who has, or may have, past or present possession of the document, or who has, or may have, knowledge or information relating to the information or document, and specify the basis for the claim of privilege or other grounds of exclusion.

15. These interrogatories are continuing in nature so that you must file supplemental answers if you obtain additional or different information at any time before trial.

SUPPLEMENTAL INTERROGATORIES

1. Identify the individuals who have filled Emergency Management Department positions from 11/22/05 to the present including replacements for the following positions:

- a) Deputy Director of Emergency Management;
- b) Assistant to Emergency Management Director;
- c) Administrative Technician II;
- d) Emergency Management Operations Officer;
- e) Emergency Services Administrator;
- f) 911 System Administrator;
- g) Data Manager, 911; and
- h) Emergency Communications Coordinator;

2. Identify the person most knowledgeable about the following:

- a) Daily operations of the Beaufort County 911 Center;

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- b) Implementation of records management and retention practices for Beaufort County Emergency Management Department and Beaufort County 911 Center;
- c) E911 system and written operational procedures;
- d) ComLog system operations, acquisition, specifications and operating procedures;
- e) 911 system statutory requirements set forth in 23-47-20; and
- f) Commsys, Inc. upgrade to provide cell phone data to Beaufort County 911 system.

Thomas S. Tisdale, Jr.

Thomas S. Tisdale, Jr.
Jeffrey S. Tibbals
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

ATTORNEYS FOR PLAINTIFF L. PAUL
TRASK, JR., AS PERSONAL
REPRESENTATIVE FOR ESTATE OF L. PAUL
TRASK, III

Charleston, South Carolina
August 28, 2008

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CERTIFICATE OF SERVICE

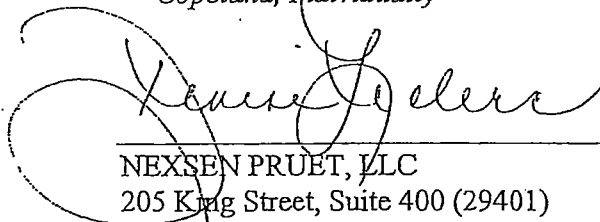
This is to certify that a copy of PLAINTIFF L. PAUL TRASK, JR'S SUPPLEMENTAL INTERROGATORIES TO DEFENDANTS, LLC has been served upon the following counsel of record by mailing a copy of the same in the United States mail, first class postage prepaid, addressed as shown below this 27th day of August, 2008

Marshall H. Waldron, Jr., Esquire
CAROLINA LITIGATION
ASSOCIATES, LLC
P.O. Box 1880
Bluffton, SC 29910

Andrew F. Lindemann, Esquire
Davidson Morrison & Lindemann,
PA
P. O. Box 8568
Columbia, SC 29202-8568

Attorneys for Defendants

*Attorney for Defendant Curtis
Copeland, Individually*



NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
Telephone: 843.577.9440

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STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE CIRCUIT COURT

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina, and on behalf of others
similarly situated,

Plaintiff,

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

Case No. 2007-CP-07-995

**PLAINTIFF L. PAUL TRASK, JR.'S
SUPPLEMENTAL REQUEST FOR
PRODUCTION TO DEFENDANTS**

TO: DEFENDANTS AND MARSHALL H. WALDRON, JR., ESQUIRE, THEIR
ATTORNEY:

Plaintiff L. Paul Trask, Jr, individually, as a citizen, resident, taxpayer and registered elector of the State of South Carolina ("Plaintiff"), pursuant to Rule 34 of the South Carolina Rules of Civil Procedure, that Defendants South Carolina Department of Public Safety; Beaufort County; Beaufort County Management Information Systems; Beaufort County Coroner Curtis Copeland in his official capacity; Beaufort County Sheriff P. J. Tanner in his official capacity respond within thirty (30) days to the following requests to produce and permit Plaintiff to inspect, copy or photograph each of the following documents or things, which may be in the possession, custody or control of Defendants or their attorney, and which may constitute or contain evidence relating to the claims or defenses in this action.

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Further, pursuant to South Carolina Rule of Civil Procedure Rule 26(e), these Requests shall be deemed to continue from the time of service until the time of trial of this action so that documents and things sought, which come into the possession, custody or control of the Defendants, or their representative or attorney, after original responses have been submitted, shall be promptly transmitted to Plaintiff.

DEFINITIONS AND INSTRUCTIONS

1. The term "Accident" is defined as the motor vehicle accident which occurred on or about November 22, 2005, on Sea Island Parkway, Hunting Island, South Carolina, in which Paul Trask III was killed, as described in the Complaint in this matter.
2. "SCDPS" shall mean the Defendant in this action, Defendant South Carolina Department of Public Safety, and anyone acting for it or on its behalf, including counsel.
3. "Beaufort County" shall mean the Defendant Beaufort County, and all other persons acting on its behalf, including counsel.
4. "BCMIS" shall mean the Defendant in this action, Beaufort County Management Information Systems, and all other persons acting on its behalf, including counsel.
5. "Copeland" shall mean the Defendant Beaufort County Coroner Curtis Copeland in his official capacity, and all persons acting on his behalf, including counsel.
6. "Tanner" shall mean the Defendant Beaufort County sheriff P. J. Tanner in his official capacity, and all persons acting on his behalf, including counsel.
7. "Document" or "documents" shall have the same meaning as in Rule 34 of the South Carolina Rules of Civil Procedure and shall mean and include, without limitation, the original, drafts, revisions and non-duplicative copies of any writings, drawings, graphs, charts, electronic data (including without limitation those inscribed by mechanical, facsimile, electronic, magnetic, digital or other means, computer programs, programming notes or instructions, activity listings of electronic mail receipts and/or transmittals, output resulting from the use of any software program, word processing documents, spreadsheets, database files, charts, graphs and outlines, electronic mail, operating systems, source code, peripheral drivers, PIF file, batch files, ASCII files, and any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether the data consists in an active file, deleted file or file fragment), photographs, phono-records, and other data compilations from which information can be obtained, translated, if necessary, by the requesting party through detection devices into reasonably usable form, memoranda, e-mails, data files and fragments, notes, scraps of paper, diaries, calendars, reports, vouchers, invoices, journals, bills, orders, time slips or records, receipts, summaries, pamphlets, books, contracts, statistics, letters, telegrams, minutes, studies, returns, computations, logs, financial records or statements, checks, bank statements,

medical records, X-rays, laboratory reports and/or orders, otherwise memorialized or communicated matter, whether typed, printed, photo-copied, filmed, micro-filmed, or recorded in any manner.

8. "All facts" or "any facts" means each and every act, omission, incident, event, condition, or circumstance related to the requested document, including dates of the act, omission, incident, event, condition, or circumstance matter related to the requested document, the identification of persons who witnessed the act, omission, incident, event, condition or circumstance related to the requested document, and the identification of persons with knowledge of all facts or any acts related to the requested document.

9. "Related to," "relating to," or "relates to" means supporting, connected with, regarding, discussing, concerning, referring to, evidencing, or in any way pertaining to.

10. If the identification of a document is requested, please identify its title, and/or name, and/or number, if any; its subject matter and content in summary form, its date; the person or persons from whom it originated, the person or persons to whom it was directed, and the person or persons having custody, possession or control over it.

11. Where appropriate, the use of the singular includes the plural and vice versa; and the use of masculine includes the feminine and vice versa.

12. Where appropriate, the connector "and" shall be deemed to include "or" and vice versa.

13. If you claim that any document or thing requested is privileged or otherwise excludable from discovery, describe the document or thing, identify each and every person who has, or may have, past or present possession of the document or thing, or who has, or may have, knowledge or information relating to the document or thing, and state the basis for the claim of privilege or other grounds of exclusion.

14. If you claim that any of the following requests for production are beyond the scope of permissible discovery, then state all facts relating to the bases upon which the claim rests.

15. If the responsive document is no longer in existence, cannot be located, or is not in your possession, custody or control, identify it, describe its subject matter and describe its disposition, including without limitation identifying the person having knowledge of the disposition.

SUPPLEMENTAL REQUESTS FOR PRODUCTION

1. Toxicology exam history which was agreed to be produced at Curtis Copeland's deposition taken on 6/30/08.

2. Gwen Duhon's file including any and all written materials pertaining to Paul Trask documents referred to by Gwen Duhon as testified in her deposition on 8/6/08.

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3. Copies of all written 911 operational procedures required under 23-47-20(C)(9).
4. Any and all documents pertaining to ComLog including operating procedures, capabilities, programming and other related information.
5. The Beaufort County Emergency Management 911 printout for 11/21/05-11/22/05.
6. Names of person(s) who called Beaufort County 911 to report a fire on 11/22/05-11/22/05 on Sea Island Parkway, Hunting Island, South Carolina.

Thomas S. Tisdale, Jr.

Thomas S. Tisdale, Jr., Esquire
Jeffrey S. Tibbals, Esquire
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

Attorney for Plaintiff L. Paul Trask, Jr,
individually, as A CITIZEN, RESIDENT,
TAXPAYER AND REGISTERED ELECTOR OF
THE State of South Carolina, and on behalf of
others similarly situated

August 20, 2008
Charleston, South Carolina

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CERTIFICATE OF SERVICE

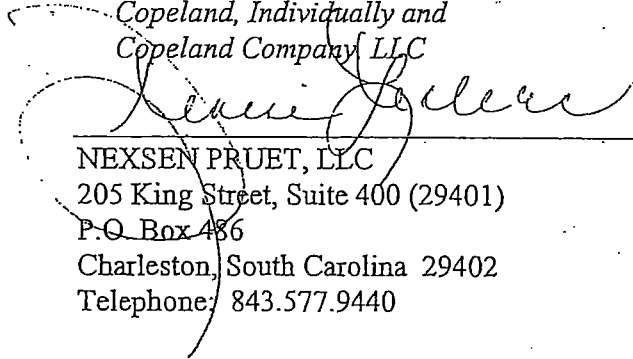
This is to certify that a copy of the PLAINTIFF'S SUPPLEMENTAL REQUEST FOR PRODUCTION TO DEFENDANTS has been served upon the following counsel of record by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 20th day of August, 2008.

Marshall H. Waldron, Jr., Esquire
CAROLINA LITIGATION
ASSOCIATES, LLC
P.O. Box 1880
Bluffton, SC 29910

Andrew F. Lindemann, Esquire
Davidson Morrison & Lindemann,
PA
P. O. Box 8568
Columbia, SC 29202-8568

Attorneys for Defendants

*Attorney for Defendant Curtis
Copeland, Individually and
Copeland Company LLC*



NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
Telephone: 843.577.9440

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

L. PAUL TRASK, JR., Individually, as a CITIZEN,
RESIDENT, TAXPAYER AND REGISTERED ELECTOR OF THE
STATE OF SOUTH CAROLINA,

Plaintiffs,

vs.

CIVIL ACTION NUMBER
2007-CP-07-995

SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY;
BEAUFORT COUNTY; BEAUFORT COUNTY MANAGEMENT
INFORMATION SYSTEMS, BEAUFORT COUNTY CORONER
CURTIS COPELAND, in his official capacity;
BEAUFORT COUNTY SHERIFF P.J. TANNER, in his
official capacity,

Defendants.

-----/
L. PAUL TRASK, JR., personally, and as next of
Kin, and as the duly appointed personal
representative of the ESTATE OF L. PAUL TRASK,
iII, deceased, and MEREDITH C. TRASK,

Plaintiffs,

vs.

CIVIL ACTION NUMBER
2007-CP-07-993

BEAUFORT COUNTY; CURTIS COPELAND, in his
official capacity as Coroner of Beaufort
County and Individually; and COPELAND COMPANY
OF BEAUFORT, LLC.,

Defendants.

DEPOSITION OF GWEN DUHON

AUGUST 6, 2008

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1 TIBBALS - DUHON (DIRECT EXAMINATION)

2 on the com-log. So we will send out a
3 Notice of Deposition, but I would like
4 to go ahead and let you know that we
5 want to do that.

6 MR. WALDRON: (Nods).

7 MR. TIBBALS: Then also we would
8 request a copy of the file that you
9 left with --

10 THE WITNESS: I don't have that.

11 BY MR. TIBBALS:

12 Q No, I know you don't.

13 MR. TIBBALS: But from Mr.
14 Waldron, the copy of the file that she
15 left with Melanie Smith.

16 THE WITNESS: Yes.

17 MR. WALDRON: Why don't you send
18 me a request of what you want, and I
19 will get it from them.

20 MR. TIBBALS: Okay.

21 That is all the questions I have.

22 MR. WALDRON: I have none.

23 MR. LINDEMANN: I have no
24 questions.

25 (Whereupon, the deposition of

12-9-8

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT) CIVIL ACTION NO: 07-CP-07-995

L. PAUL TRASK, JR. Individually, as a)
Citizen, Resident, Taxpayer and)
Registered Elector of the State of)
South Carolina, and on behalf of)
others similarly situated,)

Plaintiff,)

vs.)

SOUTH CAROLINA DEPARTMENT)
OF PUBLIC SAFETY; BEAUFORT)
COUNTY; BEAUFORT COUNTY)
MANAGEMENT INFORMATION)
SYSTEMS; BEAUFORT COUNTY)
CORONER CURTIS COPELAND in)
his official capacity; BEAUFORT)
COUNTY SHERIFF P.J. TANNER in)
his official capacity,)

Defendants.)

DEFENDANTS' AMENDED
MOTION FOR SUMMARY
JUDGMENT

TO: THOMAS TISDALE, ATTORNEY FOR THE PLAINTIFF:

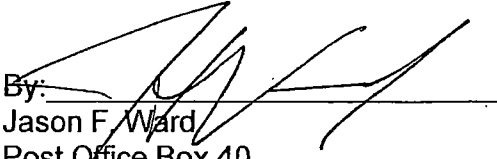
YOU WILL PLEASE TAKE NOTICE THAT the Defendants will move on the tenth day after service hereof, or as soon thereafter as counsel may be heard, for an Order of this Court granting Summary Judgment as to all claims contained in the Complaint raised by the Plaintiffs:

This motion is made pursuant to Rule 56 of the South Carolina Rules of Civil Procedure. Attached hereto in support of the Motion are Affidavits of Leigh Watkins and William Winn, Jr.

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This motion shall be based upon the statutory and common laws of the State of South Carolina, the South Carolina Rules of Civil Procedure, and any supporting Memoranda to be provided at or prior to the hearing of this matter.

HOWELL, GIBSON & HUGHES, P.A.

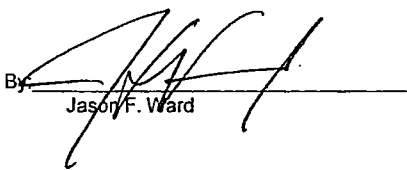
By: 
Jason F. Ward
Post Office Box 40
Beaufort, SC 29901
(843) 522-2400
Attorney for Defendants

Beaufort, South Carolina

December 9, 2008

CERTIFICATE OF SERVICE

I certify that I served the foregoing Motion for Summary Judgment upon all counsel of record by affixing same with proper postage placing same with the United States Postal Service addressed to counsels' last known address on 9 day of December, 2008.

By: 
Jason F. Ward

RULE 11 CERTIFICATION

I certify pursuant to Rule 11 of the South Carolina Rules of Civil Procedure that

- I have consulted with opposing counsel and have been unable to resolve the matter.
- Consultation with opposing counsel would serve no useful purpose, or is not required.
- Consultation with opposing counsel could not be timely held
- I certify that there is no duty of consultation for the attached motion (to dismiss, for summary judgment, for new trial, for judgment NOV, in real estate foreclosures, or with pro se litigants.)

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT) CIVIL ACTION NO: 07-CP-07-995

L. PAUL TRASK, JR. Individually, as a)
Citizen, Resident, Taxpayer and)
Registered Elector of the State of)
South Carolina, and on behalf of)
others similarly situated,)

Plaintiff,)

vs.)

SOUTH CAROLINA DEPARTMENT)
OF PUBLIC SAFETY; BEAUFORT)
COUNTY; BEAUFORT COUNTY)
MANAGEMENT INFORMATION)
SYSTEMS; BEAUFORT COUNTY)
CORONER CURTIS COPELAND in)
his official capacity; BEAUFORT)
COUNTY SHERIFF P.J. TANNER in)
his official capacity,)

Defendants.)

AFFIDAVIT OF LEIGH WATKINS


PERSONALLY APPEARED BEFORE ME, Leigh Watkins, who, being first
duly sworn, deposes and says as follows:

1. That my name is Leigh Watkins and I am over the age of eighteen (18) years.
2. I am a resident of Columbia, South Carolina.
3. That I am the Information Officer for the South Carolina Department of Public Safety, Office of General Counsel.
4. I received all of Mr. Trask's FOIA requests; after receiving them, I performed a due diligence search for responsive public records.

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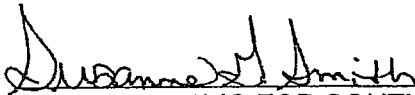
5. I have responded fully to all of Mr. Trask's FOIA requests. There are no CD/tape recordings of radio transmissions responsive to his prior FOIA requests as these tapes are ordinarily kept for 180 days; consequently the Department of Public Safety no longer has these recordings of radio transmissions.
6. All documents responsive to Mr. Trask's FOIA requests have been provided in accordance with South Carolina Code §30-4-10, et seq.
7. That I am of sound mind and competent to testify to the matters set out hereinabove.

FURTHER AFFIANT SAYETH NAUGHT.



Leigh Watkins

SWORN TO BEFORE ~~me~~ ^{December}
me this 4th day of ~~November~~, 2008.



NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 3/17/2014

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
COUNTY OF BEAUFORT) CIVIL ACTION NO: 07-CP-07-995

L. PAUL TRASK, JR. Individually, as a)
Citizen, Resident, Taxpayer and)
Registered Elector of the State of)
South Carolina, and on behalf of)
others similarly situated,)

Plaintiff,)

vs.)

SOUTH CAROLINA DEPARTMENT)
OF PUBLIC SAFETY; BEAUFORT)
COUNTY; BEAUFORT COUNTY)
MANAGEMENT INFORMATION)
SYSTEMS; BEAUFORT COUNTY)
CORONER CURTIS COPELAND in)
his official capacity; BEAUFORT)
COUNTY SHERIFF P.J. TANNER in)
his official capacity,)

Defendants.)

AFFIDAVIT OF WILLIAM WINN, JR.

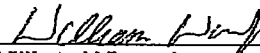
PERSONALLY APPEARED BEFORE ME, William Winn, Jr., who, being
first duly sworn, deposes and says as follows:

1. That my name is William Winn, Jr. and I am over the age of eighteen (18) years.
2. I am a resident of Beaufort, South Carolina.
3. That I am the Director of the Beaufort County Emergency Management Department.
4. At various times, my office received FOIA requests from Mr. Trask, requesting various public records.

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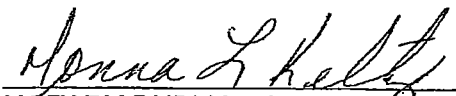
5. My staff and I performed the appropriate research in order to find and produce for inspection and copying any and all responsive documents to those requests that our office received.
6. To the best of my knowledge, all responsive public records were or have now been produced for inspection and copying in accordance with South Carolina Code §30-4-10 et. seq.
7. That all radio call logs as referenced in the February 25, 2007 FOIA have been produced to Mr. Trask. (These call logs are also called CAD, Computer Dispatched Logs).
8. I also received Mr. Trask's February 2, 2007 FOIA request regarding the operational procedures for the 911 system and I affirm that there are none to give him because there is no consolidated or written procedure for 911 because the 911 system is owned by a multitude of companies.
9. That I am of sound mind and competent to testify to the matters set out hereinabove.

FURTHER AFFIANT SAYETH NAUGHT.



William Winn, Jr.

SWORN TO BEFORE
me this 9th day of December, 2008.



NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: ~~August 11, 2011~~

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina,

Plaintiff,

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

IN THE COURT OF COMMON PLEAS

Case No. 2007-CP-07-995

PETITION FOR RULE
TO SHOW CAUSE

2007 JAN -22 PM 1:37
9
BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

L. PAUL TRASK, JR., personally, and as next
of kin and as the duly appointed personal
representative of the ESTATE OF L. PAUL
TRASK, III, deceased, and MEREDITH C.
TRASK,

Plaintiffs,

vs.

BEAUFORT COUNTY; CURTIS
COPELAND, in his official capacity as
Coroner of Beaufort County and
INDIVIDUALLY; AND COPELAND
COMPANY OF BEAUFORT, LLC;

Defendants.

IN THE COURT OF COMMON PLEAS

Case No. 2007-CP-07-993

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Plaintiff, L. Paul Trask, Jr., petitions the Court for the issuance of a Rule requiring Defendants and their counsel to Show Cause why they should not be held in contempt of this Court for violating the Order of this Court of May 8, 2008 in these following matters.

BACKGROUND

1. On April 17, 2008, Plaintiff filed motions to compel responses to outstanding discovery requests that had not been responded to or to which the responses were inadequate or incomplete (the Motions to Compel are attached hereto as Exhibit "A").

2. Plaintiffs' Motions to Compel were heard by this Court on April 22, 2008, and this Court issued its order granting the Motions to Compel discovery responses as set forth in said Order of May 8, 2008 (a copy of the Order is attached hereto as Exhibit "B").

3. Despite numerous requests to Defendants to attempt to effect voluntary compliance with this Court's Order of May 8, 2008, and despite many attempts to obtain compliance with this Court's Order, Defendants have failed and refused to comply with the Order in the following material aspects (correspondence concerning failure of compliance with the Order attached hereto as Exhibit "C"):

I. With respect to Case No. 2007-CP-993, Defendants have violated the Court's order of May 8, 2008 in the following particulars:

GENERAL DOCUMENTS.

(a) This Court's Order of May 8, 2008, which is attached hereto as Exhibit "B," required Defendants to confirm, within 10 days, that no additional documents were located that should be produced in response to Plaintiff's Interrogatory No. 2 dated November 19, 2007.

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(b) During the deposition of Gwen Duhon, counsel for Defendants agreed to produce the documents about which the witness testified (a copy of p. 112 of the deposition of Gwen Duhon is attached hereto as Exhibit "E").

(c) Despite subsequent requests for the Duhon file, both formally and informally, and in continuous violation of the Court Order of May 8, 2008, such documents have not been produced.

(d) The failure to produce the file of Gwen Duhon is a violation of the Court Order of May 8, 2008.

II.

CORONER'S RECORDS

(a) Plaintiff's Interrogatory No. 10 dated November 19, 2007, (attached hereto as Exhibit "A"), requested an identification of all prior incidents involving fatal motor vehicle accidents where the Coroner failed or declined to conduct a toxicology examination as required by state law.

(b) Defendants did not respond to Interrogatory No. 10, and this Court accordingly ordered a response within 10 days of its May 8, 2008 Order, Court Order (paragraph 3, attached hereto as Exhibit "B").

(c) There has been no compliance with this Court's Order because Defendants have not yet responded to Interrogatory No. 10.

(d) Despite complete non-compliance with this Court's Order with respect to Interrogatory No. 10 (Court Order, paragraph 3, attached as Exhibit "B"), the Coroner admitted, under oath, in his deposition on June 30, 2008, pp 97-98, (Copeland deposition attached as Exhibit "F") that he had not responded to this request whereupon counsel for Copeland said such information would be provided. No such information has yet been provided

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even though another formal request for it was made on August 20, 2008 in a Supplemental Request to Produce (attached as Exhibit "G").

(e) Plaintiff's Interrogatory No. 19 dated November 19, 2007 asked for an identification of all statutory procedures, autopsy performance standards, and/or standard identification procedures that applied to the investigation of the death of L. Paul Trask, III.

(f) There has been no response to Interrogatory No. 19, and Motions to Compel a response were filed on April 17, 2008 (attached as Exhibit "A").

(g) This Court, in its May 8, 2008 Order, required that a full and complete response to Interrogatory No. 19 be provided Plaintiff within 10 days of the date of the Order.

(h) There has been no compliance with Paragraph 6 of this Court's Order because no response has been received, and counsel has offered no explanation for its failure to comply with the provision of the Order.

(i) In a Request to Produce dated November 19, 2007, Plaintiff requested the right to inspect any computer used by Deputy Coroner Connie Herman during her employment with any Defendant (Request No. 15, attached as Exhibit "A").

(j) Defendant's counsel provided an insufficient response to Request No. 15; and this Court, after a Motion to Compel ordered in its May 8, 2008 Order (Paragraph 8) that such computer(s) be analyzed and that a full and complete response be made no later than 10 days after new counsel for the coroner was retained, a date that expired several months ago.

(k) There has been no compliance with Paragraph 8 of the Court Order except a statement that a computer in question was sold by the Coroner, despite notice, in writing, to the Coroner on December 11, and February 21, 2006 (both letters are attached hereto

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as Exhibit "H") that all such evidence, including, specifically, Ms. Herman's computer should be preserved.

III. With respect to Case No. 2007-07-995, Defendants have violated this Court's order of May 8, 2008 in the following particulars:

(a) This Court's Order of May 8, 2008 required Defendants to confirm, within 10 days, that no additional documents were located that should be produced in response to Plaintiff's Interrogatory No. 2 dated November 19, 2007 (attached hereto as Exhibit "A").

(b) Plaintiff made a Request to Produce (Request No. 9(n), dated November 19, 2007 asking for documents that included another request for the Gwen Duhon documents, as well as for all other unknown correspondence and other documents exchanged between the parties (attached hereto as Exhibit "A").

(c) After a Motion to Compel hereinbefore described, this Court in its May 8, 2008 Order, Paragraph 2, Page 4, ordered that a full and complete response be provided to this request.

(d) During the deposition of Gwen Duhon, counsel for Defendants agreed to produce the documents about which the witness testified (a copy of p. 112 of the deposition of Gwen Duhon is attached hereto as Exhibit "E").

(e) An Affidavit (attached hereto as Exhibit "D") dated October 30, 2008 filed by Defendants approximately five and one half months after the time mandated by the Court Order for responding, stated in substance that after conferring with all government Defendants that no further documents existed that should be produced in response to Interrogatory No. 2. Furthermore, Defendants also supplemented their response to Plaintiff's

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Requests for Production on November 27, 2008, confirming that no additional documents had been located responsive to Case 995.

(f) Contrary to the representations in the October 30, 2008 Affidavit of Compliance, a witness for Beaufort County Emergency Management Services, Gwen Duhon testified under oath on August 8, 2008, that she kept a file in her office regarding the "Trask matter," and that such file was left in the possession of her successor, Melanie Smith of Beaufort County Emergency Management Services, when she retired from her position (attached hereto is a copy of p. 61 of Ms. Duhon's deposition as Exhibit "E").

(g) Despite subsequent requests for the Duhon file, both formally and informally, and in continuous violation of the Court Order of May 8, 2008, such documents have not been produced.

(h) There has been no full and complete response to such requirement of the Court order; and the Duhon file or other response has not been provided.

IV. Because of the violation of the Court Order described above, Plaintiff is entitled to:

- (a) the issuance of a Rule to Show Cause requiring Defendants and their counsel to Show Cause why they should not be held in contempt of this Court for their failure to comply with the Order of this Court of May 8, 2008 for the reasons set forth herein;
- (b) costs;
- (c) attorneys' fees; and
- (d) appropriate sanctions for violations of this Court's Order as set forth herein.

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6

Thomas S. Tisdale, Jr.

Thomas S. Tisdale, Jr.
Jeffrey S. Tibbals
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

Attorneys for Plaintiffs

December 15, 2008
Charleston, South Carolina

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CERTIFICATE OF SERVICE

This is to certify that a copy of the PETITION FOR RULE TO SHOW CAUSE has been served upon the following counsel of record by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 15th day of December, 2008.

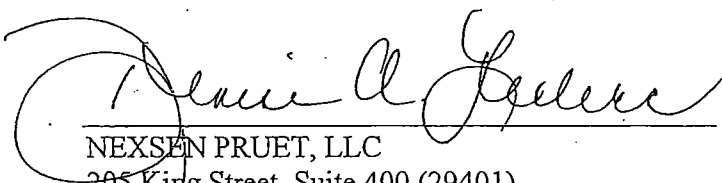
Marshall H. Waldron, Jr., Esquire
P.O. Box 1674
Beaufort, SC 29901

Robert W. Achurch, III, Esquire
Howell, Gibson & Hughes, PA
P.O. Box 40
Beaufort, SC 29901-0040

Attorneys for Defendants

Andrew F. Lindemann, Esquire
Davidson Morrison & Lindemann,
PA
P. O. Box 8568
Columbia, SC 29202-8568

*Attorney for Defendant Curtis
Copeland, Individually*



NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
Telephone: 843.577.9440

2009 JAN -2 PM 1:37
BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

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8

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

L. Paul Trask, Jr., et al.,
 Plaintiff

2009 APR 17 PM 2: 28

BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.)

IN THE COURT OF COMMON PLEAS

CASE NO.
07-CP-07-993

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

Beaufort County, et al.
 Defendant.

Plaintiff's Attorney: Thomas S. Tisdale, Jr., Bar No. 5584 Address: PO Box 486, Charleston, SC 29402 phone: 843-577-9440 fax: 843-720-1777 e-mail: ttisdale@nexsenpruet.com other:	Defendant's Attorney: Marshall H. Waldron, Jr. Bar No. Address: P. O. Box 1880, Bluffton, SC 29910 Phone (843) 815-7800 fax: (843) 815-7801 e-mail: mw@carolinaitigation.com other:
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information Nature of Motion: Motion to Compel Discovery Responses Estimated Time Needed: 30 Min. Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type <input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
_____ Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant	
_____ Date submitted	
SECTION III: Motion Fee <input checked="" type="checkbox"/> PAID - AMOUNT: \$25.00 <input type="checkbox"/> EXEMPT: <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support (check reason) <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> 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: <input type="checkbox"/> Other:	
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other:	_____ JUDGE CODE: _____ Date: _____
CLERK'S VERIFICATION Date Filed: _____ Collected by: _____ <input type="checkbox"/> MOTION FEE COLLECTED: _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: _____	

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EXHIBIT
"A"

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina,

Plaintiff,

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

IN THE CIRCUIT COURT

Case No. 2007-CP-07-995

MOTION TO COMPEL DISCOVERY
RESPONSES

2008 APR 17 PM 2:29
BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

TO; DEFENDANTS BEAUFORT COUNTY; CURTIS COPELAND, in his official
capacity as Coroner of Beaufort County and INDIVIDUALLY; AND
COPELAND COMPANY OF BEAUFORT, LLC and THEIR COUNSEL,
MARSHALL H. WALDRON, JR.

YOU WILL PLEASE TAKE NOTICE THAT L. Paul Trask, Jr, individually, as A
CITIZEN, RESIDENT, TAXPAYER AND REGISTERED ELECTOR OF THE State of
South Carolina ("Plaintiff"), by and through his undersigned counsel, will move pursuant
to Rule 37 of the South Carolina Rules of Civil Procedure before the presiding judge in
the Fourteenth Circuit, for an Order compelling Defendants to answer and respond fully to
the Plaintiff's Interrogatories and Request for Production. The grounds for this Motion
are as follows:

1. Plaintiff served his Interrogatories and Request for Production on the
Defendants on November 16, 2007 (copy attached hereto as Exhibit "A").

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2. Defendants answered Plaintiff's Interrogatories and Request for Production to on February 21, 2008 and February 28, 2008 (copy attached hereto as Exhibit "B").

3. Defendants have not provided adequate responses to Plaintiff's First Set of Interrogatories. Specifically, Defendants have provided incomplete responses and asserted insupportable objections, and have failed to tender any documents responsive to Plaintiff's Request for Production.

4. In addition, Defendants have objected to and moved to quash the subpoena of witness Kelly Golden. The Amended Notice of Taking Deposition and Subpoena request information that is relevant in this case and reasonably calculated to lead to the discovery of admissible evidence (copy attached hereto as Exhibit "C").

5. Specifically, Plaintiff has noticed the deposition of Kelly Golden in order to obtain information relevant to this case.

The Plaintiff requests that this Court issue its order requiring the Defendants to fully and completely answer said discovery in a timely fashion, and order the Defendants to pay for, at a minimum, the costs of these proceedings.

This Motion is supported by the pleadings in this case, the discovery served in the case, the original and the amended notice of deposition and subpoena of Kelly Golden, and such other matters as the Court deems appropriate. Counsel for the Plaintiff certifies pursuant to Rule 11 of the South Carolina Rules of Civil Procedure that they have attempted to resolve this matter with counsel for Defendants and such attempts have not produced adequate responses to the outstanding discovery as required by the Rules.

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Jeffrey S. Tibbals

Jeffrey S. Tibbals
Thomas S. Tisdale, Jr.
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

Attorney for Plaintiff L. Paul Trask, Jr.,
individually, as A CITIZEN, RESIDENT,
TAXPAYER AND REGISTERED ELECTOR OF
THE State of South Carolina

April 16, 2008
Charleston, South Carolina

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CERTIFICATE OF SERVICE

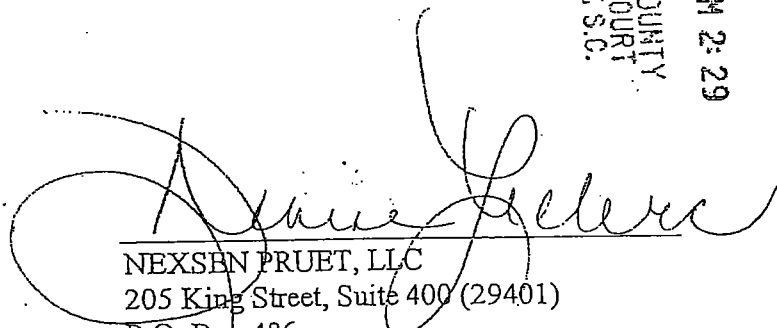
This is to certify that a copy of the MOTION TO COMPEL DISCOVERY RESPONSES has been served upon the following counsel of record by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 16th day of April, 2008.

Marshall H. Waldron, Jr., Esquire
CAROLINA LITIGATION
ASSOCIATES, LLC
P.O. Box 1880
Bluffton, SC 29910

Attorneys for Defendants

BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

2008 APR 17 PM 2:29



NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
Telephone: 843.577.9440

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE CIRCUIT COURT

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina, and on behalf of others
similarly situated,

Case No. 2007-CP-07-995

Plaintiff,

PLAINTIFF L. PAUL TRASK, JR.'S
FIRST SET OF INTERROGATORIES
TO DEFENDANTS

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

TO: DEFENDANTS AND MARSHALL H. WALDRON, JR., ESQUIRE, THEIR
ATTORNEY:

Plaintiff L. Paul Trask, Jr, individually, as a citizen, resident, taxpayer and registered elector of the State of South Carolina ("Plaintiff"), pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, hereby propounds and serves the following written interrogatories upon Defendant South Carolina Department of Public Safety, Beaufort County; Beaufort County Management Information Systems; Beaufort County Coroner Curtis Copeland in his official capacity and Beaufort County Sheriff P. J. Tanner in his official capacity (collectively, the "Defendants"), to be answered separately, in writing and under oath, within thirty (30) days from the date of service hereof:

DEFINITIONS AND INSTRUCTIONS

1. The term "Accident" is defined as the motor vehicle accident which occurred on

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or about November 22, 2005, on Sea Island Parkway, Hunting Island, South Carolina, in which Paul Trask III was killed, as described in the Complaint in this matter.

2. "SCDPS" shall mean the Defendant in this action, Defendant South Carolina Department of Public Safety, and anyone acting for it or on its behalf, including counsel.

3. "Beaufort County" shall mean the Defendant Beaufort County, and all other persons acting on its behalf, including counsel.

4. "BCMIS" shall mean the Defendant in this action, Beaufort County Management Information Systems, and all other persons acting on its behalf, including counsel.

5. "Copeland" shall mean the Defendant Beaufort County Coroner Curtis Copeland in his official capacity, and all persons acting on his behalf, including counsel.

6. "Tanner" shall mean the Defendant Beaufort County sheriff P. J. Tanner in his official capacity, and all persons acting on his behalf, including counsel.

7. When the identification of a person is requested:

(a) If the person is an individual, please state the person's full name; the name of the person's employer or business affiliation, the person's job title, the person's business address and business telephone number, any business relationship between you and the person, and the dates, if any, of any commencement and/or termination of the person's employment or other association with you; and

(b) If the person is not an individual, please state the entity's full name; its current address; a description of the entity, whether a corporation, general partnership, limited partnership or some other form; the identity of the individual who has the highest title or position of authority within the entity; and any past or present business relationships between you and the entity.

8. "Document" or "documents" shall mean and include, without limitation, the original, drafts, revisions and non-duplicative copies of any writings, drawings, graphs, charts, electronic data (including without limitation those inscribed by mechanical, facsimile, electronic, magnetic, digital or other means, computer programs, programming notes or instructions, activity listings of electronic mail receipts and/or transmittals, output resulting from the use of any software program, word processing documents, spreadsheets, database files, charts, graphs and outlines, electronic mail, operating systems, source code, peripheral drivers, PIF file, batch files, ASCII files, and any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether the data consists in an active file, deleted file or file fragment), photographs, phono-records, and other data compilations from which information can be obtained, translated, if necessary, by the requesting party through detection devices into reasonably usable form, memoranda, e-mails, date files and fragments, notes, scraps of paper, diaries, calendars, reports, vouchers, invoices, journals, bills, orders, time slips or records, receipts, summaries, pamphlets, books, contracts, statistics, letters, telegrams, minutes, studies, returns, computations, logs, financial records or statements, checks, bank statements, medical records, X-rays, laboratory reports and/or orders, otherwise memorialized or

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communicated matter, whether typed, printed, photo-copied, filmed, micro-filmed, or recorded in any manner.

9. When the identification of a document is requested, please identify the document by type or title and by Bates or other number, if any; its subject matter and content in summary form, its date; the person or persons from whom it originated, the person or persons to whom it was directed, and the person or persons having custody, possession or control over the document.

10. "All facts" or "any facts" means each and every act, omission, incident, event, condition, or circumstance pertinent to the matter requested, including dates, the identification of persons who witnessed the act, omission, incident, event, condition or circumstance and the identification of persons with knowledge of the facts.

11. "Relating to" means supporting, connected with, regarding, discussing, concerning, referring to, evidencing, or in any way pertaining to.

12. Where appropriate, the use of singular includes plural and vice versa; and the use of masculine includes the feminine and vice versa.

13. Where appropriate, the connector "and" shall be deemed to include "or" and vice versa.

14. If you claim that any information or document requested by these interrogatories is privileged or otherwise excludable from discovery, describe the information or document, identify each and every person who has, or may have, past or present possession of the document, or who has, or may have, knowledge or information relating to the information or document, and specify the basis for the claim of privilege or other grounds of exclusion.

15. These interrogatories are continuing in nature so that you must file supplemental answers if you obtain additional or different information at any time before trial.

INTERROGATORIES

1. Give the names and addresses of persons known to you to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

2. Set forth a list of photographs, plats, sketches or other prepared documents in your possession that relate to claims and your defenses in the case.

3. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claims in this action and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

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4. List the names and addresses of any expert witnesses whom you propose to use as a witness at the trial of the case, and include a summary of every opinion of the expert witness regarding this case, the basis of each opinion, the theory upon which each opinion is based, and set forth a summary of the anticipated testimony of the expert witness sufficient to identify the evidence, information, and documents utilized by the expert in arriving at the opinion.

5. For each person known to you to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

6. Identify the employee or agent of SCDPS responsible for handling requests pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA").

The Interrogatories above set forth shall continue from the time of service until the time of trial of the case, and any information requested herein which shall come to your knowledge or the knowledge of the parties, after answers have been submitted, shall be promptly submitted to the undersigned.

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Jeffrey S. Tibbals
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

Attorney for Plaintiff L. Paul Trask, Jr,
individually, as A CITIZEN, RESIDENT,
TAXPAYER AND REGISTERED ELECTOR OF
THE State of South Carolina, and on behalf of
others similarly situated

November 16, 2007
Charleston, South Carolina

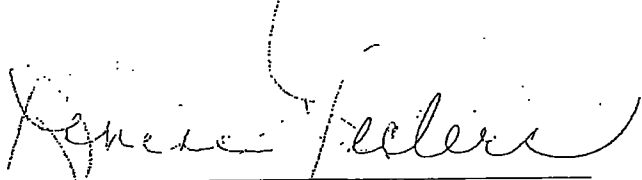
337

CERTIFICATE OF SERVICE

This is to certify that a copy of the PLAINTIFF L. PAUL TRASK, JR'S FIRST SET OF INTERROGATORIES TO DEFENDANTS has been served upon the following counsel of record by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 11/11 day of November, 2007.

Marshall H. Waldron, Jr., Esquire
CAROLINA LITIGATION
ASSOCIATES, LLC
P.O. Box 1880
Bluffton, SC 29910

Attorneys for Defendants



NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
Telephone: 843.577.9440

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE CIRCUIT COURT

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina, and on behalf of others
similarly situated,

Case No. 2007-CP-07-995

Plaintiff,

PLAINTIFF L. PAUL TRASK, JR.'S
REQUEST FOR PRODUCTION
TO DEFENDANTS

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

TO: DEFENDANTS AND MARSHALL H. WALDRON, JR., ESQUIRE, THEIR
ATTORNEY:

Plaintiff L. Paul Trask, Jr, individually, as a citizen, resident, taxpayer and registered elector of the State of South Carolina ("Plaintiff"), pursuant to Rule 34 of the South Carolina Rules of Civil Procedure, that Defendants South Carolina Department of Public Safety; Beaufort County; Beaufort County Management Information Systems; Beaufort County Coroner Curtis Copeland in his official capacity; Beaufort County Sheriff P. J. Tanner in his official capacity respond within thirty (30) days to the following requests to produce and permit Plaintiff to inspect, copy or photograph each of the following documents or things, which may be in the possession, custody or control of Defendants or their attorney, and which may constitute or contain evidence relating to the claims or defenses in this action.

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Further, pursuant to South Carolina Rule of Civil Procedure Rule 26(e), these Requests shall be deemed to continue from the time of service until the time of trial of this action so that documents and things sought, which come into the possession, custody or control of the Defendants, or their representative or attorney, after original responses have been submitted, shall be promptly transmitted to Plaintiff.

DEFINITIONS AND INSTRUCTIONS

1. The term "Accident" is defined as the motor vehicle accident which occurred on or about November 22, 2005, on Sea Island Parkway, Hunting Island, South Carolina, in which Paul Trask III was killed, as described in the Complaint in this matter.
2. "SCDPS" shall mean the Defendant in this action, Defendant South Carolina Department of Public Safety, and anyone acting for it or on its behalf, including counsel.
3. "Beaufort County" shall mean the Defendant Beaufort County, and all other persons acting on its behalf, including counsel.
4. "BCMIS" shall mean the Defendant in this action, Beaufort County Management Information Systems, and all other persons acting on its behalf, including counsel.
5. "Copeland" shall mean the Defendant Beaufort County Coroner Curtis Copeland in his official capacity, and all persons acting on his behalf, including counsel.
6. "Tanner" shall mean the Defendant Beaufort County sheriff P. J. Tanner in his official capacity, and all persons acting on his behalf, including counsel.
7. "Document" or "documents" shall have the same meaning as in Rule 34 of the South Carolina Rules of Civil Procedure and shall mean and include, without limitation, the original, drafts, revisions and non-duplicative copies of any writings, drawings, graphs, charts, electronic data (including without limitation those inscribed by mechanical, facsimile, electronic, magnetic, digital or other means, computer programs, programming notes or instructions, activity listings of electronic mail receipts and/or transmittals, output resulting from the use of any software program, word processing documents, spreadsheets, database files, charts, graphs and outlines, electronic mail, operating systems, source code, peripheral drivers, PIF file, batch files, ASCII files, and any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether the data consists in an active file, deleted file or file fragment), photographs, phono-records, and other data compilations from which information can be obtained, translated, if necessary, by the requesting party through detection devices into reasonably usable form, memoranda, e-mails, data files and fragments, notes, scraps of paper, diaries, calendars, reports, vouchers, invoices, journals, bills, orders, time slips or records, receipts, summaries, pamphlets, books, contracts, statistics, letters, telegrams, minutes, studies, returns, computations, logs, financial records or statements, checks, bank statements,

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medical records, X-rays, laboratory reports and/or orders, otherwise memorialized or communicated matter, whether typed, printed, photo-copied, filmed, micro-filmed, or recorded in any manner.

8. "All facts" or "any facts" means each and every act, omission, incident, event, condition, or circumstance related to the requested document, including dates of the act, omission, incident, event, condition, or circumstance matter related to the requested document, the identification of persons who witnessed the act, omission, incident, event, condition or circumstance related to the requested document, and the identification of persons with knowledge of all facts or any acts related to the requested document.

9. "Related to," "relating to," or "relates to" means supporting, connected with, regarding, discussing, concerning, referring to, evidencing, or in any way pertaining to.

10. If the identification of a document is requested, please identify its title, and/or name, and/or number, if any; its subject matter and content in summary form, its date; the person or persons from whom it originated, the person or persons to whom it was directed, and the person or persons having custody, possession or control over it.

11. Where appropriate, the use of the singular includes the plural and vice versa; and the use of masculine includes the feminine and vice versa.

12. Where appropriate, the connector "and" shall be deemed to include "or" and vice versa.

13. If you claim that any document or thing requested is privileged or otherwise excludable from discovery, describe the document or thing, identify each and every person who has, or may have, past or present possession of the document or thing, or who has, or may have, knowledge or information relating to the document or thing, and state the basis for the claim of privilege or other grounds of exclusion.

14. If you claim that any of the following requests for production are beyond the scope of permissible discovery, then state all facts relating to the bases upon which the claim rests.

15. If the responsive document is no longer in existence, cannot be located, or is not in your possession, custody or control, identify it, describe its subject matter and describe its disposition, including without limitation identifying the person having knowledge of the disposition.

REQUESTS FOR PRODUCTION

1. Any and all statements of persons known to you or your counsel to be witnesses concerning the facts of this case, whether written, recorded or otherwise.

2. Any and all photographs, plats, sketches or other prepared documents that relate to the claims or defenses in this case and which you intend to introduce at the trial of this matter.

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3. Any and all correspondence, including but not limited to, e-mail communications between you and any witness or party to this action relating to the facts alleged in the pleadings.

4. For each expert witness you propose to use as a witness at the trial of this case, please produce the following documents:

(a) a copy of the expert's up-to-date resume or curriculum vitae;

(b) a copy of all documents relied upon by the expert;

(c) a copy of all documents that refer to, relate to or evidence any evaluation, analyses, studies, or reports made by, tests performed by, or conclusions reached by the expert; and

(d) a complete copy of the expert's file for this matter; including, but not limited to, copies of the expert's correspondence, reports, notes, drafts, diaries, photographs, sketches, and all other documents in the possession, custody or control of the expert that relate in any way to any aspect of this case.

5. All documents that in any way relate to, directly or indirectly, any claim, defense, or issue in this lawsuit.

6. All documents which you, by or through your attorneys, intend to introduce at the trial of this action, whether for purposes of evidence or impeachment.

7. Any and all reports prepared by any witnesses concerning this litigation and specifically any expert witnesses' reports.

8. Any and all documents listed or referenced in your Answers to Interrogatories.

9. All documents comprising the following:

a) Response of Lt. Ted M. Strickland of the S.C. Highway Patrol of Public Safety pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated February 27, 2006 from Plaintiff.

b) Response of Ms. Leigh Watkins at the S.C. Department of Public Safety pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated May 18, 2006 from Plaintiff.

c) Response of Ms. Leigh Watkins at the S.C. Department of Public Safety pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated December 12, 2006 from Plaintiff.

d) Response of Curtis Copeland at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated December 15, 2005 from Plaintiff.

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- e) Response of the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated March 20, 2006 from Plaintiff.
- f) Response of Curtis Copeland at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated April 14, 2006 2005 from Plaintiff.
- g) Response of Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated June 22, 2006, 2005 from Plaintiff.
- h) Response of Curtis Copeland at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated July 20, 2006 from Plaintiff.
- i) Response of Curtis Copeland and Deputy Coroner Connie Herman at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated December 11, 2006 from Plaintiff.
- j) Response of Curtis Copeland and Deputy Coroner Connie Herman at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated February 25, 2007 from Plaintiff.
- j) Response of Beaufort County Management Information Systems pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated December 12, 2006 from Plaintiff.
- k) Response of Chief Michael Hatfield of Beaufort County Sheriff's Office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated December 13, 2006 from Plaintiff.
- l) Response of Ms. Kelly Golden of Beaufort County Sheriff's Office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated January 11, 2007 from Plaintiff.
- m) Response of Beaufort County Sheriff's Office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated February 3, 2007 from Plaintiff.
- n) Response of Ms. Gwen Duhon at the Beaufort County Emergency Management Department pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated December 14, 2005 from Plaintiff.

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o) Response of Beaufort County Emergency Management Department pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated January 23, 2006 from Plaintiff.

p) Response of Beaufort County Emergency Management Department pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq. (hereinafter "FOIA") dated February 2, 2007 from Plaintiff.

10. All documents constituting or relating to written policies or procedures of all Defendants in place from 2005 to the present relating to responses to FOIA requests.



Jeffrey S. Tibbals
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

Attorney for Plaintiff L. Paul Trask, Jr,
individually, as A CITIZEN, RESIDENT,
TAXPAYER AND REGISTERED ELECTOR OF
THE State of South Carolina, and on behalf of
others similarly situated

November 16, 2007
Charleston, South Carolina

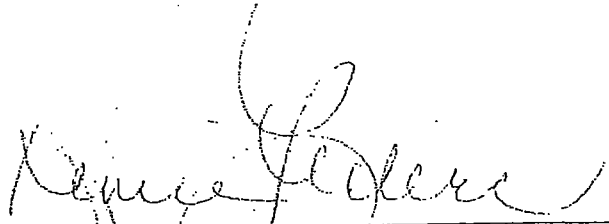
344

CERTIFICATE OF SERVICE

This is to certify that a copy of the PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO DEFENDANTS has been served upon the following counsel of record by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 11/17 day of November, 2007.

Marshall H. Waldron, Jr., Esquire
CAROLINA LITIGATION
ASSOCIATES, LLC
P.O. Box 1880
Bluffton, SC 29910

Attorneys for Defendants



NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
Telephone: 843.577.9440

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STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
 L. Paul Trask, Jr., individually as A CITIZEN)
 RESIDENT, TAXPAYER AND)
 REGISTRERED ELECTOR OF THE State of)
 South Carolina, and on behalf of others)
 similarly situated,)
)
 Plaintiff,)
)
 vs.)
)
 South Carolina Department of Public Safety;)
 Beaufort County; Beaufort County)
 Management Information Systems; Beaufort)
 County Coroner Curtis Copeland in his official)
 Capacity; Beaufort County Sheriff P. J. Tanner)
 In his official capacity,)
)
 Defendants.)

IN THE CIRCUIT COURT
 CASE NO.: 07-CP-07-995

DEFENDANTS' ANSWERS
 TO PLAINTIFF'S
 INTERROGATORIES

TO: THOMAS S. TISDALE, JR., ESQUIRE and JEFFREY S. TIBBALS, ESQUIRE,
 ATTORNEYS FOR THE PLAINTIFFS:

NOW COME the Defendants, in accordance with Rules 26 and 33, SCRPC, and in
 response to the Plaintiffs' Interrogatories state as follows:

OBJECTIONS

The Defendants reserve the right to supplement these Interrogatories up to and
 including the time of trial.

The Defendants state the following general objections to the Plaintiff's Interrogatories
 which are incorporated in and made a part of the responses set forth below:

A. The Defendants object to the information sought by the Plaintiff's
 Interrogatories to the extent that they request documents and/or information which were
 prepared in anticipation of litigation or for trial by the Defendants or its representatives

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concerning anticipated litigation, so that any such documents are privileged as work product or attorney/client privilege, thereby protected from disclosure under the provision of Rule 26(b)(3) of the South Carolina Rules of Civil Procedure.

B. The Defendants object to the information sought by the Plaintiff's Interrogatories to the extent that the Plaintiff's Interrogatories are inconsistent with or enlarge upon the South Carolina Rules of Civil Procedure.

C. The Defendants object to the information sought by the Plaintiff's Interrogatories to the extent that it requests information in the possession of persons or entities not under the control of the Defendants.

Without waiving said objections, the Defendants respond as follows:

INTEROGATORIES:

1. Give the names and addresses of person known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

RESPONSE:

- a) L. Paul Trask, Jr.
[REDACTED]
Beaufort, South Carolina 29902

No written or recorded statements.
- b) Meredith C. Trask
[REDACTED]
Beaufort, South Carolina 29902

No written or recorded statements.
- c) Curtis Copeland
Beaufort County Coroner

Post Office Box 1880
Beaufort, South Carolina 29901

Deposition transcript taken 9/26/2006
(Trask v. Hess Civil Action No.: 06-CP-07-1276)

- d) Leigh Watkins
Department of Public Safety
Office of General Counsel
Post Office Box 1993
Blythewood, South Carolina 29016

No written or recorded statements.

- e) Captain Robert Bromage
Beaufort County Sheriff's Office
Post Office Box 1758
Beaufort, South Carolina 29901

Deposition transcript 10/24/2006
(Trask v. Hess Civil Action No.: 06-CP-07-127)

- f) Connie Herman
Deputy Beaufort County Coroner
Post Office Box 1880
Beaufort, South Carolina 29901

Deposition transcript 1/17/2007
(Trask v. Hess Civil Action No.: 06-CP-07-1276)

- g) Gwen Duhon
Beaufort County Emergency Management Department
Post Office Box 1228
Beaufort, South Carolina 29901

No written or recorded statements.

- h) Defendants reserve the right to supplement this response up to and including time of trial.
- i) Defendants reserve the right to call any witnesses listed by any party to this lawsuit.

2. Set forth a list of photographs, plats, sketches, and all prepared documents in possession of the party that relate to the claims or defenses in this case.

RESPONSE:

Objection. This Request calls for the disclosures of attorney work product and legal conclusions. Notwithstanding said objection, these Defendants are neither aware of nor in possession of any documents that support the allegations of the Complaint.

3. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claims in this action and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

RESPONSE:

None.

4. List the names and addresses of any expert witnesses whom you propose to use as a witness at the trial of the case, and include a summary of every opinion of the expert witness regarding this case, the basis of each opinion, the theory upon which each opinion is based, and set forth a summary of the anticipated testimony of the expert witness sufficient to identify the evidence, information and documents utilized by the expert in arriving at the opinion.

RESPONSE:

Defendants have not retained an expert at this time but reserve the right to supplement this response up to and including time of trial.

5. For each person known to you to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or

observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

RESPONSE:

Upon information and belief each witness is expected to testify that he/she responded completely to all requests for information.

6. Identify the employee or agent of SCDPS responsible for handling requests pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 et seq. (hereinafter "FOIA").

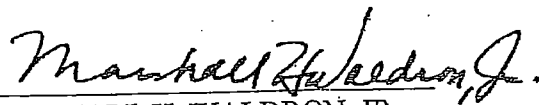
RESPONSE:

Leigh Watkins
Department of Public Safety
Office of General Counsel
Post Office Box 1993
Blythewood, South Carolina 29016

DATED this 21st day of February 2008 at Bluffton, South Carolina.

Respectfully submitted,

CAROLINA LITIGATION ASSOCIATES, LLC




MARSHALL H. WALDRON, JR.
Post Office Box 1880
Bluffton, South Carolina 29910
843-815-7800
843-815-7801 (Facsimile)
Attorneys for the Defendants

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CERTIFICATE OF SERVICE

I, Jillinda Delahunty, paralegal to Carolina Litigation Associates, LLC, hereby certify that on this 21st day of February 2008, I served the Defendants' Responses to Plaintiff's Interrogatories upon counsel for Plaintiffs, by depositing same in the United States mail, postage prepaid to:

Thomas S. Tisdale, Esquire
Jeffrey S. Tibbals, Esquire
Post Office Box 486
Charleston, South Carolina 29401


Jillinda Delahunty

Bluffton, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

IN THE CIRCUIT COURT
CASE NO.: 07-CP-07-995

L. Paul Trask, Jr., individually as A CITIZEN)
RESIDENT, TAXPAYER AND)
REGISTRERED ELECTOR OF THE State of)
South Carolina, and on behalf of others)
similarly situated,)

Plaintiff,)

vs.)

DEFENDANTS' RESPONSES
TO PLAINTIFF'S REQUESTS
FOR PRODUCTION

South Carolina Department of Public Safety;)
Beaufort County; Beaufort County)
Management Information Systems; Beaufort)
County Coroner Curtis Copeland in his official)
Capacity; Beaufort County Sheriff P. J. Tanner)
In his official capacity,)

Defendants.)

TO: THOMAS S. TISDALE, JR., ESQUIRE and JEFFREY S. TIBBALS, ESQUIRE,
ATTORNEYS FOR THE PLAINTIFFS:

NOW COME the Defendants and in response to Plaintiffs' Requests to Produce states as follows:

OBJECTIONS

- A. The Defendants object to these Requests for Production to the extent that they call for information and documents that are protected from disclosure by the attorney-client privilege, the work product rule, or any other applicable privilege, law or rule.
- B. The Defendants' Reponses to this Request for Production are not admissions and/or any acknowledgements that any such document is relevant to any issue in litigation between the parties.

B. It is possible that the Defendants will inadvertently produce a document that is otherwise privileged. Such inadvertent production is not intended to waive, alter or otherwise impact this Defendants' privilege with respect to the particular document and to the subject matter(s) reflected in the document, and/or otherwise.

C. The Defendants object to the Request for Production to the extent that the requested information is beyond the scope of Rule 26, South Carolina Rules of Civil Procedure, in that it is unreasonably burdensome.

D. The Defendants will not produce documents already in the possession of the Plaintiff.

REQUESTS TO PRODUCE

1. Any and all statements of person known to you or your counsel to be witnesses concerning the facts of this case, whether written, recorded or otherwise.

RESPONSE:

Deposition transcripts of:

Curtis Copeland taken 9/26/2006
Trask v. Hess Civil Action No.: 06-CP-07-1276;

Stuart Trask taken 10/31/2006
Trask v. Hess Civil Action No.: 06-CP-07-1276;

Connie Herman taken 1/17/2007
Trask v. Hess Civil Action No.: 06-CP-07-1276;

Paul Watts taken 1/17/2007
Trask v. Hess Civil Action No.: 06-CP-07-1276;

Denise Watts taken 1/17/2007
Trask v. Hess Civil Action No.: 06-CP-07-1276;

Captain Bob Bromage taken 10/24/2006
Trask v. Hess Civil Action No.: 06-CP-07-1276; and

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Paul Watts taken 1/17/2007

Trask v. Hess Civil Action No.: 06-CP-07-1276

2. Any and all photographs, plats, sketches or other prepared documents that relate to the claims or defenses in this case and which you intend to introduce at the trial of this matter.

RESPONSE:

The Defendants have not determined which documents will be presented at the time of trial but reserve the right to supplement this response up to and including time of trial.

3. Any and all correspondence, including but not limited to, e-mail communications between you and any witness or party to this action relating to the facts alleged in the pleadings.

RESPONSE:

The Plaintiff is already in possession of all such documents. The Defendants are not aware of any additional documents responsive to this Request.

4. For each expert witness you propose to use as a witness at the trial of this case, please produce the following documents:

- (a) a copy of the expert's up-to-date resume or curriculum vitae;
- (b) a copy of all documents relied upon by the expert;
- (c) a copy of all documents that refer to, relate to or evidence any evaluation analyses, studies, or reports made by, tests performed by, or conclusions reached by the expert; and
- (d) a complete copy of the expert's file for this matter; including, but not limited to, copies of the expert's correspondence, reports, notes, drafts, diaries, photographs, sketches, and all other documents in the possession, custody or control of the expert that relate in any way to any aspect of this case.

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RESPONSE:

The Defendants have not retained an expert at this time, but reserve the right to supplement this response up to and include time of trial.

5. All documents that in any way relate to, directly or indirectly, any claim, defense, or issue in this lawsuit.

RESPONSE:

Objection. This Request calls for the disclosures of attorney work product and legal conclusions. Notwithstanding said objection, the Defendants are not aware of and do not possess any documents that support the allegations of the Complaint.

6. All documents which you, by or through your attorneys, intend to introduce at the trial of this action, whether for purposes of evidence or impeachment.

RESPONSE:

The Defendants have not determined which documents will be presented at the time of trial but reserve the right to supplement this response up to and including time of trial.

7. Any and all reports prepared by any witnesses concerning this litigation and specifically any expert witnesses' reports.

RESPONSE:

The Plaintiff is already in possession of all such documents. The Defendants have not retained an expert at this time, but reserve the right to supplement this response up to and included time of trial.

8. All documents comprising the following:
- a) Response of Lt. Ted M. Strickland of the S.C. Highway Patrol of Public Safety pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 et seq. (hereinafter "FOIA") dated May 18, 2006 from Plaintiff.
 - b) Response of Ms. Leigh Watkins at the S.C. Department of Public Safety pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 et seq. (hereinafter "FOIA") dated May 18, 2006 from Plaintiff.

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- c) Response of Ms. Leigh Watkins at the S.C. Department of Public Safety pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 et seq. (hereinafter "FOIA") dated December 12, 2006 from Plaintiff.
- d) Response of Curtis Copeland at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated December 15, 2006 from Plaintiff.
- e) Response of the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated March 20, 2006 from Plaintiff.
- f) Response of Curtis Copeland at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated April 14, 2006 2005 from Plaintiff.
- g) Response of the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated June 22, 2206, 2005 from Plaintiff.
- h) Response of Curtis Copeland at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated July 20, 2006 from Plaintiff.
- i) Response of Curtis Copeland and Deputy Coroner Connie Herman at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated December 11, 2006 from Plaintiff.
- j) Response of Curtis Copeland and Deputy Coroner Connie Herman at the Beaufort County Coroner's office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated February 25, 2007 from Plaintiff.
- k) Response of Chief Michael Hatfield of the Beaufort County Sheriff's Office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated December 13, 2006 from Plaintiff.
- l) Response of Chief Michael Hatfield of the Beaufort County Sheriff's Office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated January 11, 2007 from Plaintiff.
- m) Response of Beaufort County Sheriff's Office pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated February 3, 2007 from Plaintiff.

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- n) Response of Ms. Gwen Duhon at the Beaufort County Emergency Management Department pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated December 14, 2005 from Plaintiff.
- o) Response of the Beaufort County Emergency Management Department pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated January 23, 2006 from Plaintiff.
- p) Response of the Beaufort County Emergency Management Department pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10 (hereinafter "FOIA") dated February 2, 2007 from Plaintiff.

RESPONSE:

The Plaintiff is already in possession of the requested materials.

- 10. All documents constituting or relating to written polices or procedures of all Defendants in place from 2005 to the present relating to responses to FOIA requests.


RESPONSE:

South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10

DATED this 27th day of February 2008 at Bluffton, South Carolina.

Respectfully submitted,

CAROLINA LITIGATION ASSOCIATES, LLC



MARSHALL H. WALDRON, JR.

Post Office Box 1880

Bluffton, South Carolina 29910

843-815-7800

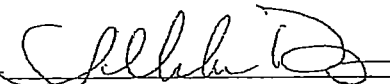
843-815-7801 (Facsimile)

Attorneys for the Defendants

CERTIFICATE OF SERVICE

I, Jillinda Delahunty, paralegal to Carolina Litigation Associates, LLC, hereby certify that on this 28th day of February 2008, I served the Defendants' Responses to Plaintiff's Interrogatories upon counsel for Plaintiffs, by depositing same in the United States mail, postage prepaid to:

Thomas S. Tisdale, Esquire
Jeffrey S. Tibbals, Esquire
Post Office Box 486
Charleston, South Carolina 29401



Jillinda Delahunty

Bluffton, South Carolina

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

L. Paul Trašk, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina,

Plaintiff,

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

IN THE CIRCUIT COURT

Case No. 2007-CP-07-995

AMENDED NOTICE OF
TAKING DEPOSITIONS

YOU WILL PLEASE TAKE NOTICE that pursuant to the provisions of Rule 30,
South Carolina Rules of Civil Procedure, the Plaintiffs through their attorneys, will take
the depositions of the following individuals at the date and times listed:

Deponent

Gwen Duhon

Kelly Golden

William Winn

Frank Guth

Date and Time

April 23, 2008 @ 9:00 a.m.

April 23, 2008 @ 11:00 a.m.

April 23, 2008 @ 2:00 p.m.

April 23, 2008 @ 4:00 p.m.

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The depositions shall be taken before an officer authorized by law to administer oaths at Beaufort County Legal Office, (address to be later announced), Beaufort, South Carolina.

Said depositions shall continue from time to time until completed, including any adjournments thereof. The depositions are being taken for pre-trial discovery, for use at trial, and for all other purposes as may be permitted by law.

You are invited to appear and to participate, as you deem proper.

Thomas S. Tisdale, Jr.

Jeffrey S. Tibbals
Thomas S. Tisdale, Jr.
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

Attorney for Plaintiff L. Paul Trask, Jr,
individually, as A CITIZEN, RESIDENT,
TAXPAYER AND REGISTERED ELECTOR OF
THE State of South Carolina

April 7, 2008
Charleston, South Carolina

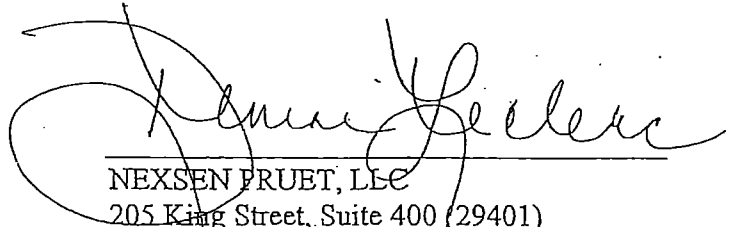
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CERTIFICATE OF SERVICE

This is to certify that a copy of the AMENDED NOTICE OF TAKING DEPOSITIONS has been served upon the following counsel of record by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 7th day of April, 2008.

Marshall H. Waldron, Jr., Esquire
CAROLINA LITIGATION
ASSOCIATES, LLC
P.O. Box 1880
Bluffton, SC 29910

Attorneys for Defendants



NEXSEN FRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
Telephone: 843.577.9440

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

L. Paul Trask, Jr. individually, as A CITIZEN, RESIDENT, TAXPAYER AND REGISTERED ELECTOR OF THE State of South Carolina, Plaintiff, vs. South Carolina Department of Public Safety; Beaufort County; Beaufort County Management Information Systems; Beaufort County Coroner Curtis Copeland in his official capacity; Beaufort County Sheriff P. J. Tanner in his official capacity, Defendants.	Case No. 2007-CP-07-995 SUBPOENA DUCES TECUM Pending in <u>Beaufort County, SC</u>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------

TO: Kelly Golden
C/O Marshall Waldron, Esquire
P. O. Box 1880
Bluffton, SC 29910

YOU ARE COMMANDED to appear in Civil Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION Beaufort County Legal Office (address to be later announced) Beaufort, SC	DATE AND TIME Wednesday April 23, 2008 at 11:00 a.m.
--------------------------------------------------------------------------------------------------------	------------------------------------------------------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): SEE EXHIBIT "A" ATTACHED

PLACE Beaufort County Legal Office (address to be later announced) Beaufort, SC	DATE AND TIME Wednesday April 23, 2008 at 11:00 a.m.
------------------------------------------------------------------------------------------	------------------------------------------------------------

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. South Carolina Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) <i>Thomas S. Tisdale, Jr.</i> Thomas S. Tisdale, Jr., attorney for the Plaintiff	DATE April 7, 2008
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Thomas S. Tisdale, Jr., Nexsen Pruet, LLC, 205 King Street, Suite 400, Charleston, SC 29401 (843) 577-9440

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PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLED

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim

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Exhibit A
DOCUMENTS TO BE PRODUCED

The term "documents," either singular or plural, shall mean documents and other tangible things as defined in the broadest sense permitted by the South Carolina Rules of Civil Procedure and shall include, without limitation, originals, or if not available, true copies of all e-mails, memoranda, reports, evaluations, correspondence, interoffice communications or memoranda, agreements, contracts, invoices, checks, journals, ledgers, telegrams, telexes, hand written notes, periodicals, pamphlets, reports, computer or business machine printouts, accountants' work papers, accountants' statements and writings, notations or records of meetings, papers, diaries, promissory notes, evidences of indebtedness, security agreements, financing statements, deposit statements, advertising, office manuals, employee manuals, company rules and regulations, reports of experts, statements, studies, computations, relations, charts, minutes, calendars, promotion materials, financial books, photographs, CD's, slides, films, drafts and copies of any of the foregoing where such document is not an identical copy of any original where such copy contains any commentary or notation whatsoever that does not appear on the original, tape recording or other sound or visual production materials, and any other written matter, tangible or physical objects, however produced or reproduced, upon which words or phrases are affixed or from which by appropriate transcription such written matter or tangible thing may be reproduced, in the possession, custody or control of you or your agents, attorneys, employees, officers, directors and shareholders.

The term "Accident" is the motor vehicle accident which occurred on or about November 22, 2005, on Sea Island Parkway, Hunting Island, South Carolina, in which Paul Trask III was killed.

1. Any and all documents pertaining to this lawsuit and/or concerning the accident or investigation into the death of L. Paul Trask, III.

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE CIRCUIT COURT

2008 MAY 20 AM 10:03

BEAUFORT COUNTY
CLERK OF COURT
BEAUFORT, S.C.

Case No. 2007-CP-07-995

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina,

Plaintiff,

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

L. PAUL TRASK, JR., personally, and as next
of kin and as the duly appointed personal
representative of the ESTATE OF L. PAUL
TRASK, III, deceased, and MEREDITH C.
TRASK,

Case No. 2007-CP-07-993

Plaintiffs,

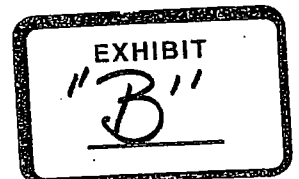
vs.

BEAUFORT COUNTY; CURTIS
COPELAND, in his official capacity as
Coroner of Beaufort County and
INDIVIDUALLY; AND COPELAND
COMPANY OF BEAUFORT, LLC;

Defendants.

ORDER

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THIS MATTER COMING ON TO BE HEARD and being heard on the 22nd day of April, 2008 before the ~~Honorable Judge Presiding~~ ^{me in the} Beaufort County Court of Common Pleas, Beaufort County, South Carolina, upon the Plaintiffs' Motion to Compel, and it appearing to the Court and the Court finding that the Motions should be granted in the manner set forth below,

NOW THEREFORE, IT IS HEREBY ORDERED, as follows:

Case No. 993:

1. Defendants shall supplement and provide a full and complete response to Interrogatory Number 2 (photographs, plats, sketches and prepared documents). Counsel for the government Defendants will confer with the government Defendants to confirm no additional documents have been located for production to opposing counsel. Any and all documents withheld due to attorney client privilege or attorney work product shall be described with reasonable particularity in a privilege log served with the supplemental response. Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

2. Defendants shall provide a full and complete response to Interrogatory Number 5. (lawsuits to which Coroner Copeland has been a party) Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

3. Defendants shall provide a full and complete response to Interrogatory Number 10. (all MVA incidents where Coroner Copeland failed to conduct a toxicology examination) Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

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4. Defendants shall provide a full and complete response to Interrogatory Number 11 & 12. Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

5. Defendants shall supplement their response to Interrogatory Number 14. (Copeland employment history) and provide employment history for Curtis Copeland. Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

6. Defendants shall provide a full and complete response to Interrogatory Number 19 (All applicable Autopsy Performance Standards, and/or Standard Identification Procedures). Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

7. Defendants shall provide a full and complete response to Interrogatory Number 23 (all communications with Jack Geren, Dennis March, Bruce Kline, Rick Ramsey, Tommy Collins, Martin Sauls, and any Fripp Island employee). Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

8. In response to Request for Production Number 15 (computer(s) hard drive used by Connie Herman), Defendants will select a computer technician to attempt to recover responsive files and/or documents that may be contained in CCB computers used by Connie Herman. Defendants will provide to the Plaintiffs the name and address of the person selected to analyze all computers used by Connie Herman prior to the inspection date. Defendants shall have 10 days from the date of this Order or 10 days from the date new counsel for CCB and Curtis Copeland personally enters an appearance, whichever is the later date, to serve such full and complete responses upon counsel for Plaintiffs.

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Case No. 995:


1. Defendants shall supplement and provide a full and complete response to Interrogatory Number 2 (photographs, plats, sketches and prepared documents). Counsel for the government Defendants will confer with the government Defendants to confirm no additional documents have been located for production to opposing counsel. Any and all documents withheld due to attorney client privilege or attorney work product shall be described with reasonable particularity in a privilege log, served with the supplemental response. Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

2. Defendants shall provide a full and complete response to Request for Production Number 3. (all correspondence and e-mails between or among defendants and witnesses) Defendants' counsel will make an inquiry with all government Defendants to locate responsive documents. Defendants shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

3. Defendants shall produce all documents relating to such full and complete responses as requested in Request for Production Number 10. (all documents relating to written policies or procedures of all Defendants from 2005 to present regarding FOIA requests) Plaintiff shall have 10 days from the date of this Order to serve such full and complete response upon counsel for Plaintiffs.

IT IS SO ORDERED.

Beaufort, South Carolina
 May 8, 2008


 Chief Administrative Judge, Fourteenth Judicial Circuit
 C. T. Mullen

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Leclerc, Denise A.

From: Tibbals, Jeffrey S.
Sent: Monday, April 21, 2008 9:46 AM
To: 'Marshall H. Waldron Jr. Esquire (mw@carolinalitigation.com)'
Cc: Tisdale, Thomas S.
Subject: Trask-Beaufort County Discovery Issues

Marshall, as we discussed on Friday, here is the list of discovery issues with respect to your responses in the two Paul Trask cases. If you can accommodate us on any or all of the following, we could save some time tomorrow.

Case No. 2007-CP-07-993

Interrogatory Answers

2 - You have objected on the basis of "attorney work product and legal conclusions." Please identify all documents that relate to the claims or defenses in the case and provide a privilege log for responsive documents withheld. You further responded that Defendants are not aware of or in possession of documents that support the allegations of the Complaint, but the question is not whether they support Plaintiff's allegations but rather whether they relate to claims and defenses in the case.

4 - This is not a sufficiently detailed response. Please set forth a description of the expected testimony from each disclosed witness.

5 - You have objected on the basis that "this information is equally available to all parties from more convenient sources." We disagree with this premise and believe this is an improper objection. Please provide the requested information.

10 - You have asserted an objection that "this information is not readily available." This is not a proper objection. Please provide a substantive response.

#11 & #12--Please provide contact information for these individuals as requested in the Instructions.

14 - Please provide the dates of employment and salary for the positions held.

19 - You have objected on the basis that "this information is equally available to all parties from more convenient sources." We disagree with this premise and believe this is an improper objection. Please provide the requested information.

21 - You have objected on the basis that the question is unclear. This interrogatory requests that Defendants set forth the standard used by Mr. Copeland to determine whether to request the assistance of SLED. Please provide your response.

23 - Although your answer to interrogatory number 17 indicates that Mr. Copeland had a phone conversation with Martin Sauls, that conversation is not disclosed. Please provide responses for each of the listed individuals.

Responses to Requests for Production

15 - Please provide us with the hard drive, a copy of the hard drive, and/or a time for Plaintiffs to inspect the computer.

16 - The requested documents are relevant to, among other issues, the appropriate measure of punitive damages. Please produce the responsive documents.

17 - Plaintiffs are not in possession of responsive documents; please produce them.

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12/9/2008

Case No. 2007-CP-07-995:

Interrogatory Answers

2 - You have objected on the basis of "attorney work product and legal conclusions." Please identify all documents that relate to the claims or defenses in the case and provide a privilege log for responsive documents withheld. You further responded that Defendants are not aware of or in possession of documents that support the allegations of the Complaint, but the question is not whether they support Plaintiff's allegations but rather whether they relate to claims and defenses in the case.

#3--Because you have disclosed insurance policies in the 993 case, we assume that your answer of "none" in the 993 case means that there would be no coverage for the claims at issue in the 995 case. Please confirm.

#5 - This is not a sufficiently detailed response. Please set forth a description of the expected testimony from each disclosed witness.

Responses to Requests for Production

#5--Please identify all documents that relate to the claims or defenses in the case and provide a privilege log for responsive documents withheld.

#3 - It seems very unlikely that all correspondence has been previously produced. I am certain there were written communications internally relating to Mr. Trask's FOIA requests that were not provided with the responses to Mr. Trask. Such documents must be produced. Please describe in detail the process that you followed to ensure that none of the defendants has, or had, any written communications that were not provided as part of the responses to Mr. Trask's FOIA requests.

#10-- Please amend your answer as we know that certain of the defendants have written policies and procedures relating to responses to FOIA requests. Please identify and produce each such written policy and procedure.

Thanks for your consideration in this matter. It would be great to resolve as many of these issues as possible prior to tomorrow's hearing.

Jeff

Jeffrey S. Tibbals
Nexsen Pruet, LLC
205 King Street, Suite 400
Charleston, SC 29401
Direct Dial: 843.720.1772
T: 843.577.9440, F: 843.414.8219
jtibbals@nexsenpruet.com
www.nexsenpruet.com

NEXSEN PRUET

CONFIDENTIAL COMMUNICATION: The information contained in this message may contain legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or duplication of this transmission is strictly prohibited. If you have received this communication in error, please notify us by telephone or email immediately and return the original message to us or destroy all printed and electronic copies. Nothing in this transmission is intended to be an electronic signature nor to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

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12/9/2008

IRS CIRCULAR 230 NOTICE: Any federal tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending any transaction or matter addressed in this communication.

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Leclerc, Denise A.

-----Original Message-----

From: mw@carolinalitigation.com [mailto:mw@carolinalitigation.com]
Sent: Monday, April 21, 2008 4:28 PM
To: Tibbals, Jeffrey S.
Subject:

Jeff,

Thanks for the e-mail detailing your problems with my responses. Let me address each one:

CASE NO. 07-CP-07-993

#2 - It has always been my position that you have everything we have. I have not withheld any documents. So, I should have objected to turning over my work product. The second sentence should read, Notwithstanding said objection, Defendants respond that they are not aware of and are not in possession of any documents in addition to those already in the Plaintiff's possession that support the allegations of the Complaint.

#4 - The Defendants do not know the substance of testimony from L. Paul Trask, Jr. or Meredith C. Trask, but expect them to testify consistently with their deposition testimony given in the earlier case, Trask v. Hess, et al. Curtis Copeland, Captain Robert Bromage and Connie Herman will testify consistently with their earlier deposition testimony. Leigh Watkins and Gwen Duhon may authenticate documents.

#5 - I do not believe Copeland has ever been sued, but you can check the Beaufort County indices as easily as I can.

#10 - You can rely on his testimony from the earlier deposition. Copeland keeps records of those fatalities in which he requests toxicology analysis but does not keep records of tests not done. There are no records that correspond exactly with your request.

#11 and 12 - Curtis Copeland, Janet Horton, Ed Allen and Johnny Politzer are my clients and can be reached through my office. Connie Hermon left our employ and I have no contact information for her.

#14 - Copeland detailed all of that in his earlier deposition.

#19 - You can identify the statutes that apply to coroners as well as the Autopsy Performance Standards, and/or Standard Identification Procedures you believe are applicable in this situation. Mr. Copeland testified as to what he did and why in his deposition.

#21 - Your question asked for the appropriate standard for calling in SLED. I don't know that there is a standard for a report to SLED, but I will ask my client and supplement, if necessary. It seems to me that SLED makes the determination whether to investigate.

#23 - I will ask the Coroner and supplement.

RTP

#15 - My answer has to stand on this one. If Connie used her own computer for some purposes, it is gone. In response to an earlier conversation you and I had, I asked Connie to go through her office computer and print out everything she had. I turned over everything; there is nothing more. I do not agree to give you access to the computer or the hard drive, for obvious confidentiality reasons.

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#16 - You can't get punitive damages from a State defendant. To the extent that your suit against Copeland in his personal capacity has merit, I will talk to Curt and may have to supplement.

#17 - I don't have them, either, but I will get them for you and supplement.

CASE NO. 07-CP-07-995

#2 - The same as above. It has always been my position that you have everything we have. I have not withheld any documents. So, I should have objected to turning over my work product. The second sentence should read, Notwithstanding said objection, Defendants respond that they are not aware of and are not in possession of any documents in addition to those already in the Plaintiff's possession that support the allegations of the Complaint.

#3 - You are correct. There is no insurance coverage for these claims.

#5 - I disagree. Each witness will testify that he/she turned over everything requested. No exceptions.

RTP

#3 - I turned over everything. This is a small business, not a large law firm where there is a paper trail of everything. If Mr. Copeland got a FOIA request and handed it to Connie for production, that's probably the extent of it. I will ask and supplement if necessary. Parenthetically, just because one thinks there must be something there doesn't make it so.

#5 - Same response as No. 2:

#10 - I agree the response as sent is a bit flippant. I will inquire and supplement if any of the agencies or entities has a FOIA response policy.

Jeff - I will be at my home office. 843-368-3589 if you want me this afternoon or tomorrow morning.

Marshall

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Tisdale, Thomas S.

From: Andrew Lindemann [alindemann@DML-LAW.com]
Sent: Sunday, June 29, 2008 4:01 PM
To: Tibbals, Jeffrey S.; Tisdale, Thomas S.
Cc: Marshall Waldron
Subject: Curt Copeland Deposition

Tom and Jeff:

In response to your subpoena duces tecum, there are no additional documents from the Copeland Company to what you already have, with the exception of documents from the sale of the Copeland Company. I will be willing to produce those records on the condition that a confidentiality order is agreed to. I assume that is no problem. Otherwise, I will file the appropriate objection to the subpoena. I also have the cellphone records that were requested but I am told that those same records were previously produced in the Hess case.

I will see you in the morning. If you need to contact me in the interim, my cellphone number is 803-261-2221.

Andrew

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Leclerc, Denise A.

From: Tisdale, Thomas S.
Sent: Thursday, July 17, 2008 1:19 PM
To: Leclerc, Denise A.
Cc: Tibbals, Jeffrey S.; Paul Trask
Subject: FW: Supplemental Responses
Attachments: Supp Resp to P RTP.doc; Supp Resp to P INT.doc

From: Marshall Waldron [mailto:waldron.marshall@gmail.com]
Sent: Thursday, July 17, 2008 12:26 PM
To: Tisdale, Thomas S.
Subject: Supplemental Responses

Tom,

The attachments will go in the mail this afternoon. If you need me to supplement anything in more detail, please let me know. I will contact Janet Horton and get what you need, if it exists.

Marshall

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10/13/2008

Leclerc, Denise A.

From: Tisdale, Thomas S.
Sent: Tuesday, August 05, 2008 1:47 PM
To: Marshall Waldron
Cc: Paul Trask; Tibbals, Jeffrey S.; Leclerc, Denise A.
Subject: RE: Trask FOIA

Marshall,

I appreciate your desire to save expenses; but we are unwilling to postpone depositions that we have had to fight hard with many delays to get scheduled at considerable expense. In addition, after the conclusion of the depositions we will know more about what we need to do to reach a resolution. We are just not agreeable to going back to square one on the deposition schedule. I don't think we are being unreasonable and I hope you don't.

If you wish to attend depositions by phone to save your time, that is entirely agreeable to us.

Tom

From: Marshall Waldron [mailto:waldron.marshall@gmail.com]
Sent: Tuesday, August 05, 2008 1:40 PM
To: Tisdale, Thomas S.
Subject: Re: Trask FOIA

Tom,

I agree that we could not possibly reach agreement this afternoon and I do not suggest we try. I would like to save us all some time and expense, however. It seems to me that DPS sent Mr. Trask their documents at least three times and ultimately opened their files so he could obtain legible copies of everything he wanted. I do not want to drive to Columbia to rehash that issue if we have it resolved.

I don't know what "outstanding FOIA requests" remain to be satisfied. If you or Mr. Trask will identify what you think we have that has not been provided, I will make every effort to locate the item and turn it over. I am interested in the idea of a consent order, and of course, we're willing to sit down and discuss that. As far as the attorney fees go, that is in the County's court. Robert and I are willing to sit down with you and Jeff and Mr. Trask at any time to discuss the issues.

My suggestion is to try and work out a solution before we take any more time with depositions. Can we agree to put the discovery on hold until we make a good faith effort to bring this case to a conclusion. If you wish, I will talk with Judge Mullen about extending the scheduling order to allow us more time. She has always said that she would work with us and I believe she will give us more time as long as we are making a good faith effort to get the case closed.

I plan to go ahead with tomorrow's depositions since they are in the negligence case, but I would like to avoid Friday, if we can.

Marshall

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12/9/2008

On Tue, Aug 5, 2008 at 12:22 PM, Tisdale, Thomas S. <TTisdale@nexsenpruet.com> wrote:
Marshall,

I had a conversation with Robert who called me about the matter.

First, it is unrealistic to think that we could resolve anything before the depositions that are now scheduled.

Second, Robert asked me what our client wanted to dispose of the FOIA case. I told him that our client would consider dismissing the case if: (1) all outstanding FOIA requests were satisfied; (2) that the county entered into a consent order agreeing to specific future conduct with respect to the handling of FOIA requests in accordance with the law; (3) our client's attorneys fees be paid.

Third, I suggested to Robert that we have a meeting of all interested parties, including the relevant government officials, to see if we could forge an agreement. He said he would organize such a meeting. I have heard nothing further from him.

Tom

From: Marshall Waldron [mailto:waldron.marshall@gmail.com]

Sent: Tuesday, August 05, 2008 12:54 PM

To: Tisdale, Thomas S.; Tibbals, Jeffrey S.

Subject: Trask FOIA

Tom and Jeff,

I write to follow up on a conversation that I believe one or both of you had with Robert Achurch about the status of this case. Robert reported to me that you have some interest in resolving the FOIA issues. I would love to avoid the drive to Columbia for another deposition on Friday and to save the County the time and money for the depositions set this week in Beaufort. Will you please let me know whether there is any room for discussion.

Marshall

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
)
) CIVIL ACTION NO: 07-CP-07-995

L. PAUL TRASK, JR. Individually, as a)
Citizen, Resident, Taxpayer and)
Registered Elector of the State of)
South Carolina, and on behalf of)
others similarly situated,)

Plaintiff,)

vs.)

SOUTH CAROLINA DEPARTMENT)
OF PUBLIC SAFETY; BEAUFORT)
COUNTY; BEAUFORT COUNTY)
MANAGEMENT INFORMATION)
SYSTEMS; BEAUFORT COUNTY)
CORONER CURTIS COPELAND in)
his official capacity; BEAUFORT)
COUNTY SHERIFF P.J. TANNER in)
his official capacity,)

Defendants.)

AFFIDAVIT OF MARSHALL
WALDRON

PERSONALLY APPEARED BEFORE ME, Marshall Waldron, who, being
first duly sworn, deposes and says as follows:

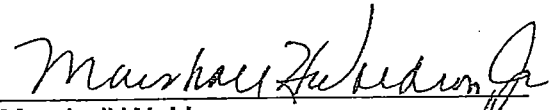
1. That my name is Marshall Waldron and I am over the age of eighteen (18) years.
2. I am a resident of Beaufort County, South Carolina.
3. That I was previously counsel for the Defendants in this case.
4. There were no privileged documents withheld or claimed to be subject to the attorney-client privilege such that would necessitate a privilege log being generated.

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5. That I contacted Tom Tisdale's office in a timely fashion and in accordance with Judge Mullen's Order in order to confirm conferences had taken place and that no additional documents have been located for production to opposing counsel.
6. I have reviewed the attached supplemental responses to requests for production (attached hereto) as referenced in Case No. 995, P. 1-3 of Judge Mullen's Order of May 8, 2008 and confirm that they are correct.
7. That I am of sound mind and competent to testify to the matters set out hereinabove.

FURTHER AFFIANT SAYETH NAUGHT.



Marshall Waldron

SWORN TO BEFORE
me this 30 day of October, 2008.



NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: May 21, 2017

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
COUNTY OF BEAUFORT) CIVIL ACTION NO: 07-CP-07-995

L. PAUL TRASK, JR. Individually, as a)
Citizen, Resident, Taxpayer and)
Registered Elector of the State of)
South Carolina, and on behalf of)
others similarly situated,)
)
Plaintiff,)

vs.)

SOUTH CAROLINA DEPARTMENT)
OF PUBLIC SAFETY; BEAUFORT)
COUNTY; BEAUFORT COUNTY)
MANAGEMENT INFORMATION)
SYSTEMS; BEAUFORT COUNTY)
CORONER CURTIS COPELAND in)
his official capacity; BEAUFORT)
COUNTY SHERIFF P.J. TANNER in)
his official capacity,)
)
Defendants.)

DEFENDANTS SUPPLEMENTAL
RESPONSES TO PLAINTIFFS
REQUESTS FOR PRODUCTION;
ORDER DATED MAY 8, 2008

TO: TOM TISDALE, ESQUIRE, ATTORNEY FOR THE PLAINTIFF:

The Defendants, Beaufort County, P.J. Tanner, Curt M. Copeland and Beaufort County Management Information Systems, above named, supplementing previous responses to the Request for Production propounded by parties hereto and responding to Plaintiffs proposed Notice of Motion and Motion for Order for Rule to Show Cause, would show the following:

Defendants reserve and reiterate all prior objections and claims of privilege and incorporate them herein by reference. Without waiving any

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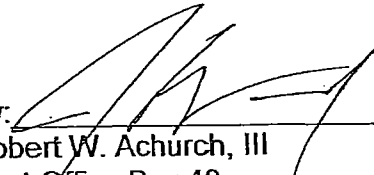
objections, Defendants would respond fully to the Court's Order dated May 8, 2008 :

Case 995:

- 1) Defendant's counsel has confirmed that there are no additional documents located that are responsive to Response to Interrogatory Number 2 in accordance with the Court's Order. No documents were withheld pursuant to attorney client privilege; no privilege log was submitted because one was not necessary. In addition, please see the attached affidavit of Marshall Waldron.
- 2) Defendant's counsel has confirmed that there are no additional documents located that are responsive to Request for Production Number 3 in accordance with the Court's Order. No documents were withheld pursuant to attorney client privilege; no privilege log was submitted because one was not necessary. In addition, please see the attached affidavit of Marshall Waldron.
- 3) Defendant's counsel has confirmed that there are no additional documents located that are responsive to Request for Production Number 10 in accordance with the Court's Order. No documents were withheld pursuant to attorney client privilege; no privilege log was submitted because one was not necessary. In addition, please see the attached affidavit of Marshall Waldron.

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HOWELL, GIBSON & HUGHES, P.A.

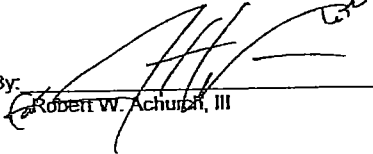
By: 
Fed Robert W. Achurch, III
Post Office Box 40
Beaufort, SC 29901
(843) 522-2400
Attorney for Defendants

Beaufort, South Carolina

October 27, 2008

CERTIFICATE OF SERVICE

I certify that I served the foregoing Defendants Supplemental Answers to Plaintiffs Interrogatories Supplemental Reply to Request for Production upon all counsel of record by affixing same with proper postage placing same with the United States Postal Service addressed to counsels' last known address on 27 day of October, 2008.

By: 
Robert W. Achurch, III

NOVEMBER

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

L. PAUL TRASK, JR., Individually, as a CITIZEN,
RESIDENT, TAXPAYER AND REGISTERED ELECTOR OF THE
STATE OF SOUTH CAROLINA,

Plaintiffs,

vs.

CIVIL ACTION NUMBER
2007-CP-07-995

SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY;
BEAUFORT COUNTY; BEAUFORT COUNTY MANAGEMENT
INFORMATION SYSTEMS, BEAUFORT COUNTY CORONER
CURTIS COPELAND, in his official capacity;
BEAUFORT COUNTY SHERIFF P.J. TANNER, in his
official capacity,

Defendants.

-----/
L. PAUL TRASK, JR., personally, and as next of
Kin, and as the duly appointed personal
representative of the ESTATE OF L. PAUL TRASK,
III, deceased, and MEREDITH C. TRASK,

Plaintiffs,

vs.

CIVIL ACTION NUMBER
2007-CP-07-993

BEAUFORT COUNTY; CURTIS COPELAND, in his
official capacity as Coroner of Beaufort
County and Individually; and COPELAND COMPANY
OF BEAUFORT, LLC.,

Defendants.

DEPOSITION OF GWEN DUHON

AUGUST 6, 2008

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1 TIBBALS - DUHON (DIRECT EXAMINATION)

2 A Yes.

3 Q Did you retain those documents?

4 A Yes.

5 Q And where would they be found today?

6 A I had left them a year ago in what was
7 my office at that time. They were turned over
8 to Melanie Smith.

9 Q Did you have correspondence with others
10 within the emergency management department
11 regarding Mr. Trask's requests?

12 A Yes.

13 Q Did you retain those items or
14 correspondence?

15 A Yes.

16 Q And what about other agencies, did you
17 have correspondence with other agencies related
18 within Beaufort County relating to Mr. Trask's
19 requests?

20 A Yes.

21 Q And did you retain those pieces of
22 correspondence?

23 A If it was written, yes.

24 Q When you say written, are you making a
25 distinction between an E-mail and an actual

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1 TIBBALS - DUHON (DIRECT EXAMINATION)

2 on the com-log. So we will send out a
3 Notice of Deposition, but I would like
4 to go ahead and let you know that we
5 want to do that.

6 MR. WALDRON: (Nods).

7 MR. TIBBALS: Then also we would
8 request a copy of the file that you
9 left with --

10 THE WITNESS: I don't have that.

11 BY MR. TIBBALS:

12 Q No, I know you don't.

13 MR. TIBBALS: But from Mr.
14 Waldron, the copy of the file that she
15 left with Melanie Smith.

16 THE WITNESS: Yes.

17 MR. WALDRON: Why don't you send
18 me a request of what you want, and I
19 will get it from them.

20 MR. TIBBALS: Okay.

21 That is all the questions I have.

22 MR. WALDRON: I have none.

23 MR. LINDEMANN: I have no
24 questions.

25 (Whereupon, the deposition of

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STATE OF SOUTH CAROLINA IN THE CIRCUIT COURT
COUNTY OF BEAUFORT CASE NO. 2007-CP-07-995

L. PAUL TRASK, JR, INDIVIDUALLY,
AS A CITIZEN, RESIDENT, TAXPAYER
AND REGISTERED ELECTOR OF THE STATE
OF SOUTH CAROLINA, AND ON BEHALF OF
OTHERS SIMILARLY SITUATED,

Plaintiff,

vs.

SOUTH CAROLINA DEPARTMENT OF PUBLIC
SAFETY; BEAUFORT COUNTY; BEAUFORT
COUNTY MANAGEMENT INFORMATION SYSTEMS;
BEAUFORT COUNTY CORONER CURTIS COPELAND
IN HIS OFFICIAL CAPACITY; BEAUFORT
COUNTY SHERIFF P.J. TANNER IN HIS
OFFICIAL CAPACITY,

Defendants.

STATE OF SOUTH CAROLINA IN THE CIRCUIT COURT
COUNTY OF BEAUFORT CASE NO. 07-CP-07-993

L. PAUL TRASK, JR., PERSONALLY,
AND AS NEXT OF KIN AND AS DULY
APPOINTED PERSONAL REPRESENTATIVE
OF THE ESTATE OF L. PAUL TRASK, III,
DECEASED, AND MEREDITH C. TRASK,

Plaintiff,

vs.

BEAUFORT COUNTY; CURTIS COPELAND,
IN HIS OFFICIAL CAPACITY AS CORONER
OF BEAUFORT COUNTY AND INDIVIDUALLY;
AND COPELAND COMPANY OF BEAUFORT, LLC,

Defendants.

DEPOSITION OF: CURTIS COPELAND

A. WILLIAM ROBERTS, JR., & ASSOCIATES

Fast, Accurate & Friendly

Charleston, SC (843) 722-8414	Hilton Head, SC (843) 785-3263	Myrtle Beach, SC (843) 839-3376
Columbia, SC (803) 731-5224	Greenville, SC (864) 234-7030	Charlotte, NC (704) 537-3919

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A. William Roberts, Jr. & Associates (800) 743-DEPO

EXHIBIT
"F"

1 Q He never asked you to authorize it?

2 A Not that I -- I mean, no. I never recall
3 him asking me.

4 Q That's all I want to know. You never
5 responded to Mr. Trask to his request for the radio
6 logs?

7 A No. I'll be happy for him to release
8 those records.

9 (PLF. EXH. # 13, 2/5/07 e-mail
10 from Mr. Trask to Mr. Copeland and Ms.
11 Herman, marked for identification.)

12 BY MR. TISDALE:

13 Q Now look at Exhibit 13 that I just put
14 out. It's an e-mail dated February 5, 2007 to you
15 and Ms. Herman. You can see there in paragraph
16 numeral 1 what Mr. Trask asks for?

17 A Yes, sir.

18 Q Did you respond to this request for
19 information under FOIA?

20 A I don't have any copy of response. I
21 thought Ms. Herman did. Obviously, apparently, she
22 did not.

23 Q I represent to you I -- that Mr. Trask did
24 not receive a response. Do you have any evidence
25 contrary to that?

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1 A No, sir.

2 Q Can you give an explanation of why?

3 A No, sir.

4 Q No reason?

5 A No, sir. I guess I'm a pretty lousy
6 operator, huh?

7 Q That would be up to the judge to make that
8 decision when we try this case, Mr. Copeland.

9 A Okay.

10 Q You have answered this already. Who did
11 you say could tell us where Connie Herman was? Is
12 it the woman at the funeral home, at the coroner's
13 office? What's her name, Joyce?

14 A Janet Horton. She's sitting right there.

15 MR. LINDEMANN: I have agreed that I will
16 check with Ms. Horton and provide you whatever it is
17 that we have.

18 BY MR. TISDALE:

19 Q Mr. Copeland, I didn't realize until a
20 little while ago that this is Ms. Horton sitting in
21 the room with us. I'm not objecting to it. I was
22 just thinking, if there's anything she knows, you
23 might want to confer with her, might save us some
24 time. I'm not asking you to.

25 MR. LINDEMANN: We're not going to do it

NEXSEN|PRUET

Thomas S. Tisdale, Jr.
Member
Admitted in SC

August 20, 2008

Andrew F. Lindemann, Esquire
Davidson Morrison & Lindemann, PA
P. O. Box 8568
Columbia, SC 29202-8568

Re: L. Paul Trask, Jr., personally and as next of kin and as the duly appointed personal representative of the ESTATE OF L. PAUL TRASK, III, deceased, and MEREDITH C. TRASK v. Beaufort County, et al; Case No. 2007-CP-07-993

Dear Andrew:

Enclosed for service upon you is Plaintiff L. Paul Trask, Jr.'s Supplemental Interrogatories and Request for Production to Defendant Curtis Copeland, Individually, and Copeland Company, LLC in connection with the above-referenced matter.

By copy of this letter and the attached documents, I am serving all counsel of record with a copy of the same.

With kind regards, I am

Very truly yours,



Thomas S. Tisdale, Jr.

JST/dal

Enclosures

cc: Marshall H. Waldron, Jr., Esquire
Jeffrey S. Tibbals, Esquire

205 King Street
Suite 400 (29401)
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Nexsen Pruet, LLC
Attorneys and Counselors at Law

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STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

L. PAUL TRASK, JR., as next of kin and as the duly appointed representative of the Estate of L. Paul Trask, III, deceased, and Meredith C. Trask

Plaintiff,

vs.

Beaufort County, Curtis Copeland, in his official capacity as Coroner of Beaufort County and Individually, and Copeland Company of Beaufort, LLC,

Defendants.

Case No. 2007-CP-07-993

**PLAINTIFF L. PAUL TRASK, JR,'S
SUPPLEMENTAL INTERROGATORIES
TO DEFENDANT CURTIS COPELAND,
INDIVIDUALLY AND COPELAND
COMPANY, LLC.**

TO: ANDREW LINDEMANN, ESQUIRE, ATTORNEY FOR DEFENDANT CURTIS COPELAND, INDIVIDUALLY, AND COPELAND COMPANY OF BEAUFORT, LLC:

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, Plaintiff L. Paul Trask, Jr., as next of kin and as the duly appointed representatives of the Estate of L. Paul Trask, III, deceased; requests that you answer the following interrogatories. These interrogatories shall be deemed continuing, and you are requested to supplement your answers promptly if you obtain relevant information in addition to, or in any way inconsistent with, your initial answer to any such interrogatory. The following definitions and instructions are applicable to each interrogatory unless negated by the context.

DEFINITIONS

Unless otherwise stated, the terms set forth below are defined as follows:

1. The term "Accident" is defined as the motor vehicle accident which occurred on or about November 22, 2005, on Sea Island Parkway, Hunting Island, South Carolina, in which Paul Trask III was killed, as described in the Complaint in this matter.

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2. "Beaufort County" shall mean the Defendant Beaufort County, and all other persons acting on its behalf, including counsel.

3. "Copeland" shall mean Defendant Curtis Copeland, in his official capacity as Coroner of Beaufort County and individually, and all other persons acting on his behalf, including counsel.

4. "CCB" shall mean the Defendant Copeland Company of Beaufort, LLC, and all other persons acting on its behalf, including counsel.

5. "Defendants" shall mean the Defendants Beaufort County, Curtis Copeland, in his official capacity as Coroner of Beaufort County and Individually, and Copeland Company of Beaufort, LLC, and all other persons acting on their behalf, including counsel.

6. "Document" or "documents" shall mean all written or printed matter of any kind including the originals and all non-identical copies thereof, whether different from the originals by reason of any notation made on such copies or otherwise, including without limitation: minutes, agendas, bills, contracts, leases, assignments, agreements, reports, summaries, inner-office and inter-office communications, offers, notations of any sort of any sort of conversation, diaries, appointments books or calendars, teletype, telefax, thermofax, confirmations, computer data (including E-Mail and all other information or programs stored in the computer whether or not ever printed or displayed), statistics, graphs, minutes, lists, appraisals, brochures, pamphlets, advertising or promotional materials; all drafts, alterations, modifications, changes and amendments of any of the foregoing; all graphics or manual records or representations of any kind, including, without limitation, photographs, microfilm, videotape records, motion pictures and electronic, mechanical or electric records or representations of any kind including, without limitation, tapes, cassettes, discs, magnetic cards and recordings.

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7. "Identify" or "identity", when used in reference to an individual person, shall mean to state his or her full name, present or last known business address, telephone number and the name of such person's present or last known employer, place of employment and position, and place of employment and position during the time period of any event addressed by the interrogatory in question.

8. "Identify" or "identity" when used in reference to an entity shall mean to state its full and complete name and the present and last known address and telephone number of its headquarters or principal place of business.

9. "Identify" or "identity" when used in reference to a document shall mean to state the nature of the document (e.g., letter, memorandum, etc.); the date, if any, appearing on the document; the identity of the persons who wrote, signed, dictated, or otherwise participated in the preparation of the document; the identity of all persons to whom the document was addressed or who received copies of the document; and the present location and custodian of the document.

INSTRUCTIONS

1. If you claim any form of privilege, whether based on statute or otherwise, as a ground for not answering an interrogatory or any part of an interrogatory, set forth all facts from which the claim of privilege is based.

2. If you claim any form of privilege, whether based on statute or otherwise, as a ground for not identifying requested oral communications or documents, set forth all facts upon which the claim of privilege is based, and for each document as to which you claim any form of privilege, identify the date, subject matter, location, author or authors, and recipient/recipients of the document, including all persons to whom the document has been provided or who have it in their possession.

3. Whenever a date, amount, or other computation or figure is requested, the exact date, amount or other computation or figure is to be given unless it is not known; and in that case, the approximate date, amount, or other computation or figure should be given or the best estimate thereof, and the answer should state that the date, amount, or other computation provided is an estimate or approximation.

4. Where facts are set forth in the answers or portions thereof and are supplied upon information and belief rather than your direct personal knowledge, you should so state and

specifically identify each source of information and belief. Should you be unable to answer any interrogatory or portion thereof by either actual knowledge or upon information and belief, you should so state.

5. Whenever a full and complete answer to any interrogatory or subpart is contained in the document identified as answering a specific numbered interrogatory or subpart, the document or a copy may be supplied in lieu of a written answer.

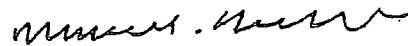
6. Whenever an interrogatory calls for information which is not available to you in the form requested but is available in another form or can be obtained at least in part from other sources in your possession, so state and either supply the information requested in the form in which it is available or supply the sources from which the information can be obtained.

7. Each interrogatory shall be construed independently and not by reference to any other interrogatory herein for purposes of limitation.

SUPPLEMENTAL INTERROGATORIES

1. Describe your relationship with Jennifer Sirmans and provide her current address and phone number.

2. What was the purpose of your cell phone call to Jennifer Sirmans on the morning of November 22, 2005.



Thomas S. Tisdale, Jr.
Jeffrey S. Tibbals
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

ATTORNEYS FOR PLAINTIFF L. PAUL
TRASK, JR., AS PERSONAL
REPRESENTATIVE FOR ESTATE OF L. PAUL
TRASK, III

Charleston, South Carolina.
August 14, 2008

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CERTIFICATE OF SERVICE

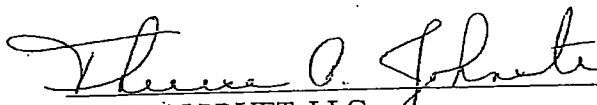
This is to certify that a copy of PLAINTIFF L. PAUL TRASK, JR'S SUPPLEMENTAL INTERROGATORIES TO CURTIS COPELAND, INDIVIDUALLY AND COPELAND COMPANY OF BEAUFORT, LLC has been served upon the following counsel of record by mailing a copy of the same in the United States mail, first class postage prepaid, addressed as shown below this 20th day of August, 2008

Marshall H. Waldron, Jr., Esquire
CAROLINA LITIGATION
ASSOCIATES, LLC
P.O. Box 1880
Bluffton, SC 29910

Attorneys for Defendants

Andrew F. Lindemann, Esquire
Davidson Morrison & Lindemann,
PA
P. O. Box 8568
Columbia, SC 29202-8568

*Attorney for Defendant Curtis
Copeland, Individually*



NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
Telephone: 843.577.9440

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

L. PAUL TRASK, JR., as next of kin and as the duly appointed representative of the Estate of L. Paul Trask, III, deceased, and Meredith C. Trask

Case No. 2007-CP-07-993

Plaintiff,

**PLAINTIFF L. PAUL TRASK, JR.'S
SUPPLEMENTAL REQUEST FOR
PRODUCTION TO DEFENDANT
CURTIS COPELAND, INDIVIDUALLY,
AND COPELAND COMPANY OF
BEAUFORT, LLC**

vs.

Beaufort County, Curtis Copeland, in his official capacity as Coroner of Beaufort County and Individually, and Copeland Company of Beaufort, LLC,

Defendants.

TO: ANDREW LINDEMANN, ESQUIRE, ATTORNEY FOR DEFENDANT CURTIS COPELAND, INDIVIDUALLY, AND COPELAND COMPANY OF BEAUFORT, LLC:

PLEASE TAKE NOTICE: the Plaintiff requires, pursuant to Rule 34 SCRCP that you respond within thirty (30) days to the following requests to produce and permit the inspection, copying, and photographing of the following requested items which may be in the possession, custody or control of Defendants or their attorney, and which may constitute or contain evidence relating to the claims or defenses in this action.

Further, pursuant to South Carolina Rule of Civil Procedure Rule 26(e), these Requests shall be deemed to continue from the time of service until the time of trial of this action so that documents and things sought, which come into the possession, custody or control of the Defendants, or their representative or attorney, after original responses have been submitted, shall be promptly transmitted to Plaintiff.

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INSTRUCTIONS

1. Every Request shall be deemed a continuing Request, and you are to supplement your production promptly, when you obtain relevant documents in addition to or in any way inconsistent or incongruent with your initial production of any such Request, in accordance with Rule 34 SCRCP.

2. Should privilege be claimed as to any information requested below, the answer must, in each instance, state specifically the information sought, the privilege claimed, and the ground on which the claim or privilege is based. Should you be unable, for reasons other than privilege, to provide the item requested, the answer must, in each instance, indicate specifically the information sought, the reason such information is presently unavailable, and an estimate of the time within which the production will be presented to the undersigned.

3. If you object to or otherwise decline to produce any portion of a Request on the ground that it seeks privileged information, identify all persons to whom such item has been disclosed, the nature of the privilege asserted, and the dates of any communication of the information for which the privilege is asserted.

4. If you object to a Request on the ground that it is too broad, provide such production which is concededly relevant.

5. If you object to a Request on the ground that to provide the item(s) would constitute an undue burden, provide such requested items as can be supplied without undertaking any undue burden.

6. For those portions of any Request to which you object or otherwise decline to produce, state the reasons for such objection, declination, or burden.

DEFINITIONS

1. The term "Accident" is defined as the motor vehicle accident which occurred on or about November 22, 2005, on Sea Island Parkway, Hunting Island, South Carolina, in which Paul Trask III was killed, as described in the Complaint in this matter.

2. "Beaufort County" shall mean the Defendant Beaufort County, and all other persons acting on its behalf, including counsel.

3. "Copeland" shall mean Defendant Curtis Copeland, in his official capacity as Coroner of Beaufort County and individually, and all other persons acting on his behalf, including counsel.

4. "CCB" shall mean the Defendant Copeland Company of Beaufort, LLC, and all other persons acting on its behalf, including counsel.

5. "Defendants" shall mean the Defendants Beaufort County, Curtis Copeland, in his official capacity as Coroner of Beaufort County and Individually, and Copeland Company of Beaufort, LLC, and all other persons acting on their behalf, including counsel.

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6. As used in the Requests, the term "document" or "documentation" means any handwritten, typewritten, printed, recorded, or graphic matter, including all copies of the above however produced or reproduced to include non-identical copies thereof, in the possession, custody, or control of your counsel, as well as other documents of which you or your counsel have knowledge, and whether or not claimed to be privileged, including, but not limited to: bills, computer or data processing storage media, correspondence, reports, meeting minutes, memoranda, notes, schedules, photographs, ledgers, requisitions, journals, invoices; books of account, contracts, agreements, drawings, diagrams, blueprints, checks, and diaries.

7. "Identify" or "identify", when used in reference to a person, means: state his/her full name, his/her present or last known address, telephone number, and his/her present or last known position, title, and business affiliation.

8. "Describe" or "description", in reference to a document means: to state the following as to each document:

- (a) Nature and contents.
- (b) Date.
- (c) Name, present address, and position of the author and signor.
- (d) The name, address, and position of the addressee, if any.
- (e) The present location, name, and present address and position of person or persons having custody.

9. Pursuant to Rule 26(b)(5) SCRPC, in the event that you assert the attorney-client privilege, the work product doctrine, or any other claim of privilege with respect to any requested document, then as to each such document to which you are claiming privilege, please identify such document in writing with sufficient specificity to permit the Court to reach a determination, in the event of a Motion to Compel, as to the applicability of the asserted privilege, along with the specific bases for the assertion of the privilege.

SUPPLEMENTAL PRODUCTION REQUESTS

1. Any and all copies of checkbook register(s) for Copeland Company, LLC.
2. The most recent audit of the of cemetery.
3. Copies of all financial statements relating to Copeland Company, LLC for the last four (4) years.
4. All Federal and State tax returns for the last four (4) years of Copeland Company, LLC.

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5. A copy of the check that Janet Horton testified about in her deposition on August 12, 2008 from J. Edward Gamble, III to Curtis Copeland and/or Copeland Company, LLC.
6. Beaufort Memorial Gardens' cemetery map.
7. A copy of Copeland Company, LLC's sales contract of Beaufort Memorial Gardens to J. Edward Gamble, III.

Thomas S. Tisdale, Jr.

Thomas S. Tisdale, Jr.
Jeffrey S. Tibbals
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

ATTORNEYS FOR PLAINTIFF L. PAUL
TRASK, JR., AS PERSONAL
REPRESENTATIVE FOR ESTATE OF L. PAUL
TRASK, III

Charleston, South Carolina
August 21 2008

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CERTIFICATE OF SERVICE

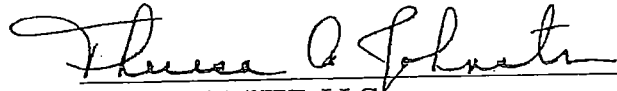
This is to certify that a copy of PLAINTIFF L. PAUL TRASK, JR'S SUPPLEMENTAL REQUEST FOR PRODUCTION TO DEFENDANT CURTIS COPELAND, INDIVIDUALLY, AND COPELAND COMPANY OF BEAUFORT, LLC has been served upon the following counsel of record by mailing a copy of the same in the United States mail, first class postage prepaid, addressed as shown below this 2^o day of August, 2008

Marshall H. Waldron, Jr., Esquire
CAROLINA LITIGATION
ASSOCIATES, LLC
P.O. Box 1880
Bluffton, SC 29910

Attorneys for Defendants

Andrew F. Lindemann, Esquire
Davidson Morrison & Lindemann,
PA
P. O. Box 8568
Columbia, SC 29202-8568

*Attorney for Defendant Curtis
Copeland, Individually and
Copeland Company, LLC*



NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
Telephone: 843.577.9440

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NEXSEN|PRUET

Thomas S. Tisdale, Jr.
Member
Admitted in SC

August 20, 2008

Marshall H. Waldron, Jr., Esquire
Carolina Litigation Associates, LLC
P. O. Box 1880
Bluffton, SC 29910

*Re: L. Paul Trask, Jr., individually, as A CITIZEN RESIDENT,
TAXPAYER AND REGISTERED ELECTOR OF THE State of South
Carolina, and on behalf of others similarly situation, v. South
Carolina Department of Public Safety, et al.
Case No. 2007-CP-07-995*

Dear Marshall:

Charleston

Charlotte

Columbia

Greensboro

Greenville

Hilton Head

Myrtle Beach

Raleigh

Enclosed for service upon you is Plaintiff L. Paul Trask, Jr.'s Supplemental Interrogatories and Request for Production to Defendants in connection with the above-referenced matter.

By copy of this letter and the attached documents, I am serving all counsel of record with a copy of the same.

With kind regards, I am

Very truly yours,



Thomas S. Tisdale, Jr.

JST/dal

Enclosures

cc: Andrew F. Lindemann, Esquire
Jeffrey S. Tibbals, Esquire

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Nexsen Pruet, LLC
Attorneys and Counselors at Law

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE CIRCUIT COURT

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina, and on behalf of others
similarly situated,

Case No. 2007-CP-07-995

Plaintiff,

**PLAINTIFF L. PAUL TRASK, JR.'S
SUPPLEMENTAL
INTERROGATORIES TO
DEFENDANTS**

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

TO: DEFENDANTS AND MARSHALL H. WALDRON, JR., ESQUIRE, THEIR
ATTORNEY:

Plaintiff L. Paul Trask, Jr, individually, as a citizen, resident, taxpayer and registered
elector of the State of South Carolina ("Plaintiff"), pursuant to Rule 33 of the South Carolina
Rules of Civil Procedure, hereby propounds and serves the following written interrogatories
upon Defendant South Carolina Department of Public Safety, Beaufort County; Beaufort County
Management Information Systems; Beaufort County Coroner Curtis Copeland in his official
capacity and Beaufort County Sheriff P. J. Tanner in his official capacity (collectively, the
"Defendants"), to be answered separately, in writing and under oath, within thirty (30) days
from the date of service hereof:

DEFINITIONS AND INSTRUCTIONS

1. The term "Accident" is defined as the motor vehicle accident which occurred on

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or about November 22, 2005, on Sea Island Parkway, Hunting Island, South Carolina, in which Paul Trask III was killed, as described in the Complaint in this matter.

2. "SCDPS" shall mean the Defendant in this action, Defendant South Carolina Department of Public Safety, and anyone acting for it or on its behalf, including counsel.

3. "Beaufort County" shall mean the Defendant Beaufort County, and all other persons acting on its behalf, including counsel.

4. "BCMIS" shall mean the Defendant in this action, Beaufort County Management Information Systems, and all other persons acting on its behalf, including counsel.

5. "Copeland" shall mean the Defendant Beaufort County Coroner Curtis Copeland in his official capacity, and all persons acting on his behalf, including counsel.

6. "Tanner" shall mean the Defendant Beaufort County sheriff P. J. Tanner in his official capacity, and all persons acting on his behalf, including counsel.

7. When the identification of a person is requested:

(a) If the person is an individual, please state the person's full name; the name of the person's employer or business affiliation, the person's job title, the person's business address and business telephone number, any business relationship between you and the person, and the dates, if any, of any commencement and/or termination of the person's employment or other association with you; and

(b) If the person is not an individual, please state the entity's full name, its current address; a description of the entity, whether a corporation, general partnership, limited partnership or some other form; the identity of the individual who has the highest title or position of authority within the entity; and any past or present business relationships between you and the entity.

8. "Document" or "documents" shall mean and include, without limitation, the original, drafts, revisions and non-duplicative copies of any writings, drawings, graphs, charts, electronic data (including without limitation those inscribed by mechanical, facsimile, electronic, magnetic, digital or other means, computer programs, programming notes or instructions, activity listings of electronic mail receipts and/or transmittals, output resulting from the use of any software program, word processing documents, spreadsheets, database files, charts, graphs and outlines, electronic mail, operating systems, source code, peripheral drivers, PIF file, batch files, ASCII files, and any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether the data consists in an active file, deleted file or file fragment), photographs, phono-records, and other data compilations from which information can be obtained, translated, if necessary, by the requesting party through detection devices into reasonably usable form, memoranda, e-mails, data files and fragments, notes, scraps of paper, diaries, calendars, reports, vouchers, invoices, journals, bills, orders, time slips or records, receipts, summaries, pamphlets, books, contracts, statistics, letters, telegrams, minutes, studies, returns, computations, logs, financial records or statements, checks, bank statements, medical records, X-rays, laboratory reports and/or orders, otherwise memorialized or

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communicated matter, whether typed, printed, photo-copied, filmed, micro-filmed, or recorded in any manner.

9. When the identification of a document is requested, please identify the document by type or title and by Bates or other number, if any, its subject matter and content in summary form, its date; the person or persons from whom it originated, the person or persons to whom it was directed, and the person or persons having custody, possession or control over the document.

10. "All facts" or "any facts" means each and every act, omission, incident, event, condition, or circumstance pertinent to the matter requested, including dates, the identification of persons who witnessed the act, omission, incident, event, condition or circumstance and the identification of persons with knowledge of the facts.

11. "Relating to" means supporting, connected with, regarding, discussing, concerning, referring to, evidencing, or in any way pertaining to.

12. Where appropriate, the use of singular includes plural and vice versa; and the use of masculine includes the feminine and vice versa.

13. Where appropriate, the connector "and" shall be deemed to include "or" and vice versa.

14. If you claim that any information or document requested by these interrogatories is privileged or otherwise excludable from discovery, describe the information or document, identify each and every person who has, or may have, past or present possession of the document, or who has, or may have, knowledge or information relating to the information or document, and specify the basis for the claim of privilege or other grounds of exclusion.

15. These interrogatories are continuing in nature so that you must file supplemental answers if you obtain additional or different information at any time before trial.

SUPPLEMENTAL INTERROGATORIES

1. Identify the individuals who have filled Emergency Management Department positions from 11/22/05 to the present including replacements for the following positions:

- a) Deputy Director of Emergency Management;
- b) Assistant to Emergency Management Director;
- c) Administrative Technician II;
- d) Emergency Management Operations Officer;
- e) Emergency Services Administrator;
- f) 911 System Administrator;
- g) Data Manager, 911; and
- h) Emergency Communications Coordinator;

2. Identify the person most knowledgeable about the following:

- a) Daily operations of the Beaufort County 911 Center;

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- b) Implementation of records management and retention practices for Beaufort County Emergency Management Department and Beaufort County 911 Center;
- c) E911 system and written operational procedures;
- d) ComLog system operations, acquisition, specifications and operating procedures;
- e) 911 system statutory requirements set forth in 23-47-20; and
- f) Commsys, Inc. upgrade to provide cell phone data to Beaufort County 911 system.

Thomas S. Tisdale, Jr.

Thomas S. Tisdale, Jr.
Jeffrey S. Tibbals
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
843.577.9440

ATTORNEYS FOR PLAINTIFF L. PAUL
TRASK, JR., AS PERSONAL
REPRESENTATIVE FOR ESTATE OF L. PAUL
TRASK, III

Charleston, South Carolina
August 27, 2008

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CERTIFICATE OF SERVICE

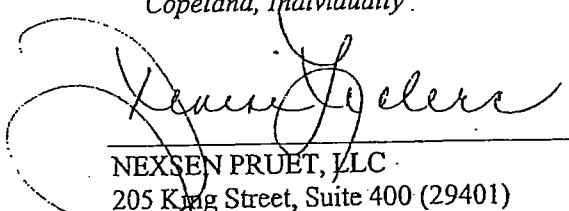
This is to certify that a copy of PLAINTIFF L. PAUL TRASK, JR'S SUPPLEMENTAL INTERROGATORIES TO DEFENDANTS, LLC has been served upon the following counsel of record by mailing a copy of the same in the United States mail, first class postage prepaid, addressed as shown below this 27th day of August, 2008

Marshall H. Waldron, Jr., Esquire
CAROLINA LITIGATION
ASSOCIATES, LLC
P.O. Box 1880
Bluffton, SC 29910

Attorneys for Defendants

Andrew F. Lindemann, Esquire
Davidson Morrison & Lindemann,
PA
P. O. Box 8568
Columbia, SC 29202-8568

*Attorney for Defendant Curtis
Copeland, Individually.*



NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
Telephone: 843.577.9440

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STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

L. Paul Trask, Jr, individually, as A CITIZEN,
RESIDENT, TAXPAYER AND
REGISTERED ELECTOR OF THE State of
South Carolina, and on behalf of others
similarly situated,

Plaintiff,

vs.

South Carolina Department of Public Safety;
Beaufort County; Beaufort County
Management Information Systems; Beaufort
County Coroner Curtis Copeland in his official
capacity; Beaufort County Sheriff P. J. Tanner
in his official capacity,

Defendants.

IN THE CIRCUIT COURT

Case No. 2007-CP-07-995

**PLAINTIFF L. PAUL TRASK, JR.'S
SUPPLEMENTAL REQUEST FOR
PRODUCTION TO DEFENDANTS**

TO: DEFENDANTS AND MARSHALL H. WALDRON, JR., ESQUIRE, THEIR
ATTORNEY:

Plaintiff L. Paul Trask, Jr, individually, as a citizen, resident, taxpayer and registered elector of the State of South Carolina ("Plaintiff"), pursuant to Rule 34 of the South Carolina Rules of Civil Procedure, that Defendants South Carolina Department of Public Safety; Beaufort County; Beaufort County Management Information Systems; Beaufort County Coroner Curtis Copeland in his official capacity; Beaufort County Sheriff P. J. Tanner in his official capacity respond within thirty (30) days to the following requests to produce and permit Plaintiff to inspect, copy or photograph each of the following documents or things, which may be in the possession, custody or control of Defendants or their attorney, and which may constitute or contain evidence relating to the claims or defenses in this action.

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Further, pursuant to South Carolina Rule of Civil Procedure Rule 26(e), these Requests shall be deemed to continue from the time of service until the time of trial of this action so that documents and things sought, which come into the possession, custody or control of the Defendants, or their representative or attorney, after original responses have been submitted, shall be promptly transmitted to Plaintiff.

DEFINITIONS AND INSTRUCTIONS

1. The term "Accident" is defined as the motor vehicle accident which occurred on or about November 22, 2005, on Sea Island Parkway, Hunting Island, South Carolina, in which Paul Trask III was killed, as described in the Complaint in this matter.
2. "SCDPS" shall mean the Defendant in this action, Defendant South Carolina Department of Public Safety, and anyone acting for it or on its behalf, including counsel.
3. "Beaufort County" shall mean the Defendant Beaufort County, and all other persons acting on its behalf, including counsel.
4. "BCMIS" shall mean the Defendant in this action, Beaufort County Management Information Systems, and all other persons acting on its behalf, including counsel.
5. "Copeland" shall mean the Defendant Beaufort County Coroner Curtis Copeland in his official capacity, and all persons acting on his behalf, including counsel.
6. "Tanner" shall mean the Defendant Beaufort County sheriff P. J. Tanner in his official capacity, and all persons acting on his behalf, including counsel.
7. "Document" or "documents" shall have the same meaning as in Rule 34 of the South Carolina Rules of Civil Procedure and shall mean and include, without limitation, the original, drafts, revisions and non-duplicative copies of any writings, drawings, graphs, charts, electronic data (including without limitation those inscribed by mechanical, facsimile, electronic, magnetic, digital or other means, computer programs, programming notes or instructions, activity listings of electronic mail receipts and/or transmittals, output resulting from the use of any software program, word processing documents, spreadsheets, database files, charts, graphs and outlines, electronic mail, operating systems, source code, peripheral drivers, PIF file, batch files, ASCII files, and any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether the data consists in an active file, deleted file or file fragment), photographs, phono-records, and other data compilations from which information can be obtained, translated, if necessary, by the requesting party through detection devices into reasonably usable form, memoranda, e-mails, data files and fragments, notes, scraps of paper, diaries, calendars, reports, vouchers, invoices, journals, bills, orders, time slips or records, receipts, summaries, pamphlets, books, contracts, statistics, letters, telegrams, minutes, studies, returns, computations, logs, financial records or statements, checks, bank statements,

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medical records, X-rays, laboratory reports and/or orders, otherwise memorialized or communicated matter, whether typed, printed, photo-copied, filmed, micro-filmed, or recorded in any manner.

8. "All facts" or "any facts" means each and every act, omission, incident, event, condition, or circumstance related to the requested document, including dates of the act, omission, incident, event, condition, or circumstance matter related to the requested document, the identification of persons who witnessed the act, omission, incident, event, condition or circumstance related to the requested document, and the identification of persons with knowledge of all facts or any acts related to the requested document.

9. "Related to," "relating to," or "relates to." means supporting, connected with, regarding, discussing, concerning, referring to, evidencing, or in any way pertaining to.

10. If the identification of a document is requested, please identify its title, and/or name, and/or number, if any; its subject matter and content in summary form, its date; the person or persons from whom it originated, the person or persons to whom it was directed, and the person or persons having custody, possession or control over it.

11. Where appropriate, the use of the singular includes the plural and vice versa; and the use of masculine includes the feminine and vice versa.

12. Where appropriate, the connector "and" shall be deemed to include "or" and vice versa.

13. If you claim that any document or thing requested is privileged or otherwise excludable from discovery, describe the document or thing, identify each and every person who has, or may have, past or present possession of the document or thing, or who has, or may have, knowledge or information relating to the document or thing, and state the basis for the claim of privilege or other grounds of exclusion.

14. If you claim that any of the following requests for production are beyond the scope of permissible discovery, then state all facts relating to the bases upon which the claim rests.

15. If the responsive document is no longer in existence, cannot be located, or is not in your possession, custody or control, identify it, describe its subject matter and describe its disposition, including without limitation identifying the person having knowledge of the disposition.

SUPPLEMENTAL REQUESTS FOR PRODUCTION

1. Toxicology exam history which was agreed to be produced at Curtis Copeland's deposition taken on 6/30/08.

2. Gwen Duhon's file including any and all written materials pertaining to Paul Trask documents referred to by Gwen Duhon as testified in her deposition on 8/6/08.

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3. Copies of all written 911 operational procedures required under 23-47-20(C)(9).
4. Any and all documents pertaining to ComLog including operating procedures, capabilities, programming and other related information.
5. The Beaufort County Emergency Management 911 printout for 11/21/05-11/22/05.
6. Names of person(s) who called Beaufort County 911 to report a fire on 11/22/05-11/22/05 on Sea Island Parkway, Hunting Island, South Carolina.

Thomas S. Tisdale, Jr.

Thomas S. Tisdale, Jr., Esquire
Jeffrey S. Tibbals, Esquire
NEXSEN PRUET, LLC
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Charleston, South Carolina 29402
843.577.9440

Attorney for Plaintiff L. Paul Trask, Jr,
individually, as A CITIZEN, RESIDENT,
TAXPAYER AND REGISTERED ELECTOR OF
THE State of South Carolina, and on behalf of
others similarly situated

August 20, 2008
Charleston, South Carolina

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CERTIFICATE OF SERVICE

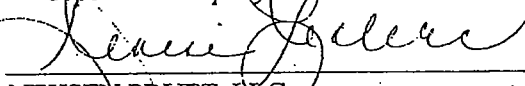
This is to certify that a copy of the PLAINTIFF'S SUPPLEMENTAL REQUEST FOR PRODUCTION TO DEFENDANTS has been served upon the following counsel of record by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 20th day of August, 2008.

Marshall H. Waldron, Jr., Esquire
CAROLINA LITIGATION
ASSOCIATES, LLC
P.O. Box 1880
Bluffton, SC 29910

Attorneys for Defendants

Andrew F. Lindemann, Esquire
Davidson Morrison & Lindemann,
PA
P. O. Box 8568
Columbia, SC 29202-8568

*Attorney for Defendant Curtis
Copeland, Individually and
Copeland Company, LLC*



NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, South Carolina 29402
Telephone: 843.577.9440

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L. Paul Trask, Jr.

Beaufort, SC 29902

843-

Via Certified Mail – Return Receipt Requested

Tuesday, February 21, 2006

Curt Copeland, Coroner
Beaufort County Coroner's Office
P.O. Box 1228
Beaufort, SC 29901

RE: Estate of Leith Paul Trask, III
C/A # 2006-ES-07-00056

Dear Curt:

Please be advised that I have been appointed as Special Administrator of the above-referenced Estate. A copy of my Certificate of Appointment is enclosed herewith. It is my understanding that your office is responsible for holding and maintaining records for the Beaufort County Coroner's office. The purpose of this letter is to place you on notice of the need to preserve the records of your department.

Leith Paul Trask, III was killed in a motor vehicle accident on November 22, 2005. Your office maintains records for the Coroner's office which responded to the accident in question. Accordingly, you are requested to preserve all such records, including, but not limited to, recordings of audio transmissions, e-mail and any other written or electronically generated documentation relating to all persons who responded to this accident.

If you have any questions regarding this matter, please contact me at the number listed above. Thank you for your assistance regarding this matter.

Sincerely,

L. Paul Trask, Jr.

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L. Paul Trask, Jr.

P.O. [REDACTED]
Burton, SC 29903
843-[REDACTED]

Monday, December 11, 2006

Certified Mail Return Receipt Requested

VIA FACSIMILE: 843-525-7675

Connie Herman, Deputy Coroner
Beaufort County Coroner's Office
P.O. Box 1228
Beaufort, SC 29901

Re: Freedom of Information Act ("FOIA") request regarding evidence of the communications of Deputy Coroner Connie Herman pertaining to the 11/22/05 fatal MVA involving Leith Paul Trask, III.

Dear Deputy Herman:

Your e-mail records generated during the course of your duties as Deputy Coroner are "public records" as defined under the S.C. Freedom of Information Act, S.C. Code Ann. 30-4-10. et seq. (Supp. 2001). You are required by law to protect and preserve all of your official records, including your e-mail records. This is to notify you of the need to preserve the hard drive(s) on your Beaufort County, personal and business computer(s) along with your backup file(s).

Further, as provided in the Freedom of Information Act, this is to serve as my official request to inspect and copy all e-mail communications maintained in your computer(s) or with your service provider(s) that pertain to Paul III's accident. Please contact me as soon as possible so that I can make an appointment to review and copy your e-mail communications with Coroner Copeland, Capt. Bob Bromage, and any other individual with whom you have had communications pertaining to Paul III's accident.

Thank you for your assistance and cooperation, and please do not hesitate to contact me directly at 843-[REDACTED] or 843-[REDACTED] if you have any questions or need additional information.

Sincerely,

L. Paul Trask, Jr.

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PLTF 0188

STATE OF SOUTH CAROLINA
IN THE
COURT OF APPEALS

Appeal from the Court of Common Pleas
For Beaufort County
Honorable Carmen T. Mullen, Circuit Judge
Civil Action No.: 2007-CP-07-0995

L. Paul Trask, Jr., Individually, as a Citizen, Resident,
Taxpayer and Registered Elector of the State of South
Carolina, and on behalf of others similarly situated,

Appellant,

v.

South Carolina Department of Public Safety; Beaufort
County; Beaufort County Management Information
Systems; Beaufort County Coroner Curtis Copeland in
His Official Capacity; Beaufort County Sheriff P.J. Tanner
In His Official Capacity,

Respondents.

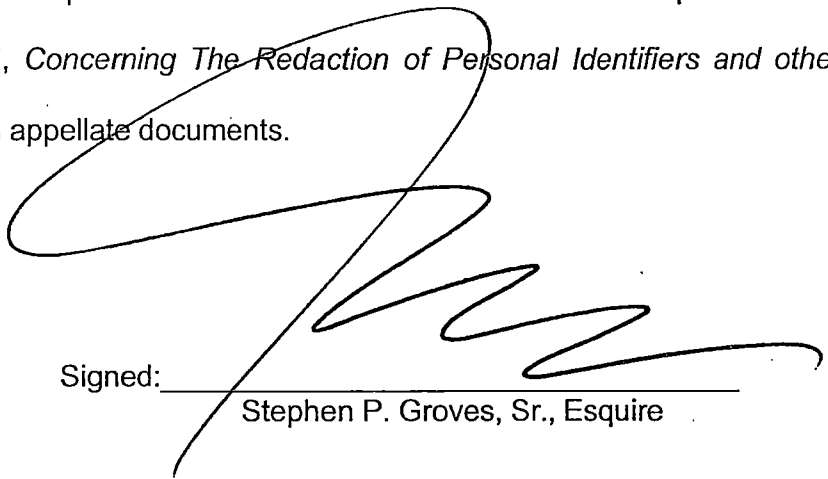
**RULE 210(g), SCACR,
CERTIFICATE OF COUNSEL
and
CERTIFICATE OF COUNSEL
Certifying
Compliance With 13 August 2007
Supreme Court Order**

VOLUME I

412A

I, Stephen P. Groves, Sr., Esquire, hereby certify, pursuant to Rule 210(g), SCACR, that this **Record on Appeal (Volume I)** contains all of the material and documentation proposed to be included by any of the parties and not any other material.

In addition, I, Stephen P. Groves, Sr., Esquire, hereby further certify this **Record on Appeal (Volume I)** complies with the Order of the South Carolina Supreme Court dated 13 August 2007, *Concerning The Redaction of Personal Identifiers and other Sensitive Information* in appellate documents.



Signed: _____
Stephen P. Groves, Sr., Esquire

Charleston, South Carolina

21 January 2011

412B