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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Jennifer B. McCoy and R. Ferrell Cothran, Jr., Circuit Court Judges

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Appeal No. 2020-001095

Joseph Abruzzo,..... Respondent,

v.

Bravo Media Productions LLC; Haymaker Media, Inc.; NBCUniversal Media, LLC; Comcast Corporation; Craig Conover; Chelsea Meissner; and Madison LeCroy,..... Appellants/Petitioners.

PETITION FOR WRIT OF SUPERSEDEAS

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Appellants/Petitioners Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner, and Madison LeCroy, Defendants below (jointly "Defendants")[1] hereby Petition this Court for a Writ of Supersedeas staying all further proceedings before the circuit court, including all discovery and third-party subpoenas served by Respondent Joseph Abruzzo, Plaintiff below ("Abruzzo" or "Plaintiff"), pending final resolution of this appeal. In this appeal, Defendants seek review of the circuit court's July 6, 2020 and July 22, 2020 Form 4 Orders, (R. pp. 1-6; Exhs. A & B),[2] denying their Motion to Dismiss Plaintiff's Amended Complaint and for Order Compelling Arbitration. (R. pp. 144-250). Pursuant to Rules 205 and 241, SCACR, as well as 9 U.S.C. §§ 3 & 16(a)(1)(A), all discovery in the circuit court should be stayed pending resolution of Defendants' appeal of the circuit court's Form 4 order denying their motion to compel arbitration. Allowing Plaintiff to proceed through full discovery, including third-party discovery, while this appeal is pending severely prejudices Defendants' ability to effectively vindicate and benefit from their rights to an arbitral forum and/or a New York forum, creates the risk of inconsistent decisions, and risks needlessly wasting the circuit court's time and resources in deciding and issuing decisions that would not be binding if Defendants prevail on their appeal. Rules 205 and 241 of the SCACR were promulgated to prevent precisely that result.

RELEVANT FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff Abruzzo is a well-educated, sophisticated, and self-proclaimed successful Florida

[1] Where necessary for clarification, Appellants/Petitioners Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, and Comcast Corporation are referenced herein as the "Corporate Defendants," and Appellants/Petitioners Craig Conover, Chelsea Meissner, and Madison LeCroy are referenced herein as the "Individual Defendants."

[2] As the Record on Appeal has been filed with this Court, references are made herein to that Record where appropriate. Pleadings and documents not included in the Record on Appeal that are necessary for a resolution of this Petition are attached hereto as exhibits.

politician and consultant, who resides in Florida and, at all times relevant to this dispute, was a director for public relations for a major Florida law firm. (R. pp. 96-100).[3] In the fall of 2018, Abruzzo pursued a romantic relationship with Kathryn Dennis ("Dennis"), one of the main cast members on the long-running hit reality television show, *Southern Charm* ("the Program" or "*Southern Charm*")[4], with full knowledge that Season Six of the Program was being filmed at the time. According to Plaintiff, Dennis persuaded him to appear on the Program. (R. p. 104). Prior to being filmed for the Program, Abruzzo voluntarily signed a three-page Appearance Release, Voluntary Participation, and Arbitration Agreement. ("Release and Arbitration Agreement") (R pp. 153-156, 159). Paragraph 19 of the Release and Arbitration Agreement contains a prominently displayed agreement to mediate and, if necessary, arbitrate any disputes arising out of the Release and Arbitration Agreement ("Arbitration Agreement"), while Paragraph 20 contains a choice of law and forum selection clause, choosing both New York law and venue. (R pp. 155, 159).

Plaintiff filed a Complaint and Summons on January 28, 2020 ("Complaint") in the Charleston County Court of Common Pleas, alleging ten causes of action against Defendants arising out of his appearance on *Southern Charm*, including: Outrage/Intentional Infliction of Emotional Distress; Fraud; Constructive Fraud; Negligent Misrepresentation; Fraudulent Inducement; Civil Conspiracy; Defamation; Violation of the South Carolina Unfair Trade Practices Act; Negligence; and, Unjust Enrichment. Plaintiff sought damages in excess of $10,000,000, treble damages and costs and fees. (R. pp. 7-37).

[3] Plaintiff has since been elected to serve as Clerk of Court and Comptroller for Palm Beach County, Florida. *See* https://www.mypalmbeachclerk.com/about-us/meet-joseph-abruzzo.

[4] *Southern Charm* is a reality show that "reveals a world of exclusivity, money and scandal dating back through generations of families in Charleston, S.C." (R. p. 102).

Defendants filed a Motion to Dismiss Plaintiff's Complaint and for Order Compelling Arbitration on May 12, 2020, (R. pp. 38-51), and, on June 19, 2020, a corresponding Memorandum in Support of their Motion to Compel Arbitration. (R. pp. 52-92). On June 19, 2020, Plaintiff filed a 50-page Amended Complaint, which re-alleged his earlier causes of action and added seven additional, and often duplicative, purported causes of action entitled: Wrongful Appropriation of Personality/Infringement on the Right of Publicity; Wrongful Publicizing of Private Affairs; Public Nuisance; Private Nuisance; Fraudulent Inducement of Arbitration Agreement/Unconscionability of Arbitration Agreement; and, Fraudulent Inducement of Release/Unconscionability of Release; and Rescission of "Release and Arbitration Agreement," again seeking damages in excess of $10,000,000, treble damages and costs and fees, (R. pp. 94-143), along with a one-paragraph response to Defendants' Motion to Dismiss, arguing that that Motion was moot in light of his Amended Complaint. (R. p. 93).

Defendants filed a Motion to Dismiss Plaintiff's Amended Complaint and for Order Compelling Arbitration on June 22, 2020, and a Memorandum in Support of their Motion on June 29, 2020 ("Motion to Compel Arbitration") (R pp. 144-250). Defendants argued that the prominent and unambiguous Arbitration Agreement, (R pp. 155, 159), requires Plaintiff to resolve any dispute arising out of the Release and Arbitration Agreement before an arbitrator, and not in circuit court. Defendants also argued that the New York forum selection clause also required dismissal of Plaintiff's claims in South Carolina state court.

The parties were heard by the Honorable Bentley Price on June 30, 2020. (R. pp. 312-331). Judge Price issued a Form 4 Order on July 6, 2020, (R. pp. 4-6; Exh. A), denying Defendants' Motion to Compel Arbitration. Defendants moved the Court for Reconsideration pursuant to Rule

59(e), SCRCP on July 16, 2020, (R. pp. 286-311), asking the circuit court to provide its reasoning, which the circuit court denied, in a Form 4 Order on July 22, 2020. (R. pp. 1-3; Exh. B).

Defendants timely appealed both Orders to this Court. (Exh. C). Final Briefs and the Record on Appeal have been filed and, on October 22, 2021, this Court requested additional bound copies of Briefs and the Record. Defendants argue on appeal that the circuit court erred in denying their Motion to Compel arbitration and, alternatively, in failing to enforce the New York forum selection clause. Thus, the issue on appeal is whether, in light of the Arbitration Agreement signed by Plaintiff choosing a arbitral forum to resolve all disputes arising out of his voluntary participation on *Southern Charm*, the circuit court lacks the authority to hear any part of this case, including but not limited to discovery. The same question is currently on appeal by virtue of Defendants' forum selection argument. In short, whether the circuit court can move forward with any aspect of this case is the main issue pending on appeal before this Court.

Nonetheless, after Defendants filed and served their Notice of Appeal, Plaintiff served an initial round of discovery on Defendants. (Exh. D). Because the circuit court's authority and/or jurisdiction to try and decide the merits of this dispute is clearly a matter affected by Defendants' pending appeal of their motion to compel arbitration, Defendants' objected to Plaintiff's initial round of discovery. Plaintiff filed a Motion to Compel on September 16, 2020, (Exh. F), and a Memorandum in Support of that Motion on December 8, 2020, repeatedly asserting that he was seeking only limited discovery that would otherwise be available to him under the JAMS Arbitration Rules. (Exh. G). Defendants filed an Opposition on December 8, 2020, arguing that, given that the central issues on appeal involve whether this dispute should be resolved by an arbitrator and not a civil court, or alternatively in a New York forum, discovery was automatically stayed by Rules 205 and 241, SCACR. Footnote 2 of Defendants' Opposition stated that, "In

federal cases involving the FAA [Federal Arbitration Act, 9 U.S.C. §§ 1-16 ("FAA")], a party can move to stay any further proceedings during an appeal, including discovery, pursuant to section 3 of the FAA. In South Carolina, such a motion to stay is unnecessary in light of the automatic stay provided in Rules 205 and 241, SCACR. However, to the extent this Court determines that Defendants need to move affirmatively to stay discovery, Defendants request that this Court treat this Memorandum in Opposition as, alternatively, a Motion For a Stay of Discovery pursuant to 9 U.S.C. § 3 pending the outcome of their appeal to the South Carolina Court of Appeals." (Exh. H).

The parties were heard by Judge Jennifer McCoy on that same date. On February 11, 2021, Judge McCoy issued a Form 4 Order granting Plaintiff's Motion to Compel. In that Order, Judge McCoy stated that, "To the extent Defendants' response can be construed as a Motion for Stay, such motion is denied." (Exh. I).

Defendants moved for reconsideration of the February 11, 2021 Order, seeking an extension of time in which to respond to discovery because Plaintiff's counsel refused to communicate with Defendants regarding any extension. (Exh. J). Defendants began providing responses to Plaintiff's initial discovery requests and, since Plaintiff's discovery requests sought commercially sensitive information and Plaintiff's counsel refused to engage in a constructive dialogue about a negotiated confidentiality agreement, on March 19, 2021 moved for a Protective Order asking the Court to enter a confidentiality order to protect commercially sensitive material. (Exh. K (exhibits not included)) .

Subsequently, and despite Plaintiff's repeated claim to Judge McCoy that he was seeking only limited discovery that would otherwise be available to him under the JAMS Arbitration Rules, Plaintiff has continued to serve multiple rounds of discovery requests on Defendants, as well as

subpoenas on eleven uninvolved third parties.[5] These include:

- Plaintiff's Requests for Admission to the Individual Defendants, served on April 23, 2021, (Exh. L);
- Plaintiff's Second Request for Production to the Corporate Defendants, served on April 23, 2021, (Exh. M);
- Plaintiff's subpoenas to eleven third-party media companies served on April 26, 2021, (Exh. N);
- Plaintiff's First Set of Interrogatories and Second Request for Production to the Individual Defendants, served on April 27, 2021, (Exh. O);
- Plaintiff's Third Request for Production on the Corporate Defendants, served on April 28, 2021, (Exh. P);
- Plaintiff's Third Request for Production on the Individual Defendants, served on April 30, 2021, (Exh. Q);
- Plaintiff's Fourth Request for Production to the Corporate Defendants, served on April 30, 2021, (Exh. R);
- Plaintiff's First Request for Admission to the Corporate Defendants, served on May 4, 2021, (Exh. S);
- Plaintiff's Second Request for Admission to the Individual Defendants, served on May 4, 2021, (Exh. T);
- Plaintiff's First Set of Interrogatories to the Corporate Defendants, served on May 5, 2021, (Exh. U);
- Plaintiff's Third Request for Admission to the Individual Defendants, served on May 7, 2021, (Exh. V);
- Plaintiff's Second Request for Admission to Corporate Defendants, served on May 7, 2021, (Exh. W);
- Plaintiff's Second Set of Interrogatories to the Individual Defendants, served on May 11, 2021, (Exh. X);

[5] While Plaintiff served separate full sets of discovery on each of the seven Defendants, Petitioners are attaching only one set of each round of discovery, as well as only one set of the nonparty subpoenas, as exhibits hereto, as each of the sets is identical in substance.

- Plaintiff's Second Set of Interrogatories to the Corporate Defendants, served on May 12, 2021, (Exh. Y);
- Plaintiff's Third Set of Interrogatories to the Individual Defendants, served on May 12, 2021, (Exh. Z);
- Plaintiff's Third Request for Admission to the Corporate Defendants, served on May 14, 2021, Exh. AA);
- Plaintiff's Third Set of Interrogatories to the Corporate Defendants, served on May 14, 2021, (Exh. BB);
- Plaintiff's Fourth Request for Admission to the Corporate Defendants, served on May 20, 2021, (Exh. CC);
- Plaintiff's Fourth Set of Interrogatories to the Corporate Defendants, served on May 20, 2021, (Exh. DD);
- Plaintiff's Fourth Request for Production to the Individual Defendants, served on May 20, 2021, (Exh. EE);
- Plaintiff's Fourth Request for Admission (to Defendant Craig Conover only) served on May 25, 2021 (Exh. FF);
- Plaintiff's Fifth Set of Interrogatories to the Corporate Defendants, served on May 25, 2021 (Exh. GG); and,
- Plaintiff's Fourth Set of Interrogatories and Fifth Request for Production to the Individual Defendants, served on May 25, 2021, (Exh. HH).

Many of these additional requests seek information and documents that are redundant, unduly burdensome, and/or plainly irrelevant to the claims and defenses in this lawsuit. Plaintiff has made it abundantly clear that he intends to conduct a full-scale fishing expedition from Defendants and uninvolved nonparties before the circuit court, far exceeding the "limited" discovery he claimed he is permitted under JAMS arbitration rules. Consequently and in light of Plaintiff's continued attempts to obtain full-blown discovery in this case while the appeal is pending, on April 28, 2021, Defendants filed a Motion for Stay with the circuit court. (Exh. II). On May 27, 2021, Defendants filed a Memorandum in Support of their Motion for Stay. (Exh. JJ).

Defendants' Motion for a Protective Order was heard by The Honorable Robert M. Young, Sr. on May 26, 2021. At that hearing, the issue of whether Judge McCoy's February 11, 2021 Form 4 Order was limited to the initial round of discovery (which Plaintiff had repeatedly characterized as limited and what he would be entitled to under the JAMS arbitration rules) or whether it extended to all discovery. Judge Young indicated he would consult with Judge McCoy and advise the parties. Judge Young agreed a confidentiality order was necessary and admonished Plaintiff's counsel for continuing to serve multiple rounds of piece-meal discovery.

Nonetheless, Plaintiff continued to serve discovery on Defendants, including:

- Plaintiff's Fourth Request for Admission and Fifth Set of Interrogatories (to Defendants Chelsea Meissner & Madison LeCroy only) served on May 28, 2021 (Exh. KK);
- Plaintiff's Fifth Request for Admission and Fifth Set of Interrogatories (to Defendant Craig Conover only) served on May 28, 2021 (Exh. LL);
- Plaintiff's Sixth Set of Interrogatories and Fifth Request for Production to the Corporate Defendants, served on June 24, 2021 (Exh. MM); and,
- Plaintiff's Sixth Request for Production to the Individual Defendants, served on June 24, 2021 (Exh. NN).

Following the May 26, 2021 hearing, the parties agreed to a Confidentiality Order, which was entered by the circuit court on June 21, 2021. Defendants have substantially completed their responses to Plaintiff's initial discovery requests.

Previously, on April 29, 2021, Defendants had filed a Motion for Protective Order and to Quash the Third-Party Subpoenas that Plaintiff had served on eleven uninvolved non-parties to this dispute. (Exh. OO).[6] That Motion was heard by Judge Cothran on December 15, 2021. At that

[6] Defendants filed their Memorandum in Support of Motion for Protective Order and to Quash Third-Party Subpoenas on December 8, 2021, arguing again that all discovery should be stayed pending the outcome of this appeal. (Exh. PP). Plaintiff filed his Opposition the day before the hearing. (Exh. QQ).

hearing, the central issue became whether Judge McCoy's February 11, 2021 Form 4 Order was limited to Plaintiff's initial round of discovery, or whether it extended to all discovery. As Judge McCoy was present at the courthouse on other matters, Judge Cothran consulted with her while she was on a short break and advised the parties that Judge McCoy had intended her order permit "full discovery" in the circuit court in this matter notwithstanding Defendants' pending appeal. As a result, Judge Cothran denied Defendants' motion as moot. (Exh. QQ-2, pp. 8-9) (Exh. QQ-3).

Plaintiff continues to pursue voluminous party and third-party discovery at the circuit court while Defendants' appeal is pending. On December 17, 2021, Plaintiff filed a Motion to Compel, (Exh. RR), and a Motion to Deem Admitted Plaintiff's Requests to Admit. (Exh. SS).

ARGUMENT

I. RULES 205 & 241, SCACR

Upon service of a notice of appeal, the appellate court has exclusive jurisdiction over the appeal. The South Carolina Appellate Court Rules permit the lower court to proceed only "with matters not affected by the appeal." Rule 205, SCACR. Correspondingly, under Rule 241, SCACR, "As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision." A lower court only "retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal." Rule 241(a), SCACR.

"Under Rule 205 and the last sentence of" what is now Rule 241, "the lower court may not act or issue orders that affect an issue on appeal," but can "act only to enforce matters not stayed by the appeal." *Arnal v. Fraser*, 371 S.C. 512, 519, 641 S.E.2d 419, 422 (2007). A matter or issue should be stayed where it "depend[s] upon the success of the [party's] appeal of the trial court's order …" *Wayne Smith Constr. Co. v. Wolman, Duberstein, & Thompson*, 294 S.C. 140, 149, 363

S.E.2d 115, 120 (Ct. App. 1987). To determine whether a matter is "affected" by an appeal, a court must closely examine the issues on appeal, asking whether there is any "action the appellate courts could take resolving th[e] appeal that would affect the" proceedings initiated by a party during a pending appeal. *Tillman v. Oakes*, 398 S.C. 245, 256, 728 S.E.2d 45, 51 (Ct. App. 2012).

Rule 241(c)(1) provides, in pertinent part, that, "In a case subject to an exception, any party may move for an order imposing a supersedeas of matters decided in the order, judgment, decree or decision on appeal after service of the notice of appeal." Rule 241(b) lists "some, but not all, of the exceptions to the general rule." While Defendants believe discovery before the circuit court is and should have been stayed automatically by operation of Rules 205 and 241(a), the circuit court apparently believes this case is subject to an exception to the automatic stay provisions, as it has denied Defendants' requests for a stay of Plaintiff's on-going repetitive and burdensome discovery requests.

Rule 241(d)(1) requires a party seeking a writ of supersedeas to first apply to the lower court for relief, which Defendants have done. (Exhs. H, II, JJ). "After the lower court … has ruled, any party may petition the appellate court where the appeal is pending … for review of this order." Rule 241(d)(2), SCACR. "Any party aggrieved by the decision of the lower court … may petition under this Rule for a review of that decision." Rule 241(d)(7), SCACR. Where a party's request for a stay of proceedings during an appeal is denied by the circuit court, it may petition this Court for a writ of supersedeas. *State v. Smith (In re Decker)*, 322 S.C. 212, 213, 471 S.E.2d 459, 460-461 (1995).

Defendants applied to the circuit court for a stay of proceedings, including discovery, (Exh. H), but that relief has been unjustifiably denied. Until December 15, 2021, it was unclear whether the circuit court was compelling only limited discovery, which, as noted above, Plaintiff asserted

he would have been entitled to under the JAMS rules[7] and to which Defendants have substantially responded, or whether the circuit court intended for full-blown discovery to proceed during the pendency of this appeal. It is now clear that, by allowing Plaintiff to proceed with his ongoing, repetitive and burdensome discovery, the circuit court intends to allow this matter to be litigated at the trial level while the question of whether this dispute must be mediated and, if necessary arbitrated, is pending before this Court.

In deciding whether to impose a supersedeas of further proceedings in the forum below, "the appellate court should consider whether such an order is necessary to preserve jurisdiction of the appeal or to preserve a contested issue from becoming moot." Rule 241(c)(2), SCACR. In addition, where "the issuance of a writ of supersedeas is insufficient to afford complete relief, the … appellate court may order other affirmative relief upon such terms as are deemed appropriate." Rule 241(c)(3), SCACR.

Here, continued litigation of this case before the circuit court, when that tribunal's very authority to hear and resolve the dispute between the parties is the entire question on appeal to this Court, will largely defeat Defendants' rights to an arbitral forum, effectively mooting their pending appeal, runs directly counter to the very purpose of an appeal of a denial to compel arbitration, and subjects the parties to the "worst possible outcome," *Bradford-Scott Data Corp. v. Physician Computer Network*, 128 F.3d 504, 506 (7th Cir. 1997), *i.e.*, going through the time and expense of broad discovery before a civil court, only to have an appellate court order that the dispute must be arbitrated.

[7] While Defendants dispute Plaintiff's assertion that the JAMS Rules would have allowed all of the extensive discovery he sought in his initial standard discovery requests, Defendants acknowledge that the JAMS Rules do provide for some discovery and, as a result, have been providing responses to that initial set of discovery requests.

II. THIS COURT SHOULD ISSUE A WRIT OF SUPERSEDEAS STAYING ALL PENDING AND FURTHER DISCOVERY IN THIS CASE UNTIL FINAL RESOLUTION OF DEFENDANTS' APPEAL OF THE DENIAL OF THEIR MOTION TO COMPEL ARBITRATION.

While Defendants believe all further proceedings before the circuit court, including discovery, are automatically stayed by their appeal pursuant to Rules 205 and 241 of the SCACR, the circuit court recently confirmed that it disagrees (albeit without providing any substantive reasoning whatsoever). In light of the circuit court's recent clarification that it is denying any stay of the proceedings, thereby allowing Plaintiff to pursue overly broad, burdensome, and plainly irrelevant party and third-party discovery while Defendants' appeal is pending before this Court, Defendants seek a writ of supersedeas staying all further discovery and proceedings before the trial court.

The result reached by the circuit court is inconsistent with numerous federal court decisions, which routinely hold that discovery should be stayed while a denial of a motion to arbitrate is being heard on appeal. The test in federal court for whether an appeal divests a lower court of authority to proceed is similar to that applied under Rules 205 and 241, SCACR: "As a general rule, the filing of an appeal 'confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case *involved in the appeal*.'" *Levin v. Alms & Assocs.*, 634 F.3d 260, 263 (4th Cir. 2011) (emphasis added), *quoting Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982), and 9 U.S.C. § 16(a)(1)(A). By way of example, in *Bradford-Scott*, the Seventh Circuit explained that "The qualification 'involved in the appeal' is essential—it is why the district court may award costs and attorneys' fees after the losing side has filed an appeal on the merits." 128 F.3d at 505; *cf. Jackson v. Speed*, 326 S.C. 289, 311, 486 S.E.2d 750, 761 (1997) (finding award of attorney's fees not affected by pending appeal); *Carolina Bus.*

Brokers v. Strickland, 301 S.C. 434, 439, 392 S.E.2d 469, 472 (Ct. App. 1990) (same). The terms "involved in" and "affected by" are substantively similar and, to the extent there is any substantive difference, "affected by" (the language of Rules 205 and 241 of the SCACR) arguably has a broader scope than does "involved in."

Clearly, the permissible scope and timing of discovery, among other discovery-related issues, are "affected by" Defendants' pending appeal. Indeed, in *Lummus Co. v. Commonwealth Oil Refining Co.*, the First Circuit instructed that "a court order of discovery would be affirmatively inimical to appellee's obligation to arbitrate, if this court determines it to have such obligation. It seems clear that if arbitration is to be had of the entire dispute, appellee's right to discovery must be far more restricted than if the case remains in a federal court for plenary trial …" 273 F.2d 613 (1st Cir. 1959).

For similar reasons, the Fourth Circuit holds that "an appeal on the issue of arbitrability automatically divests the district court of jurisdiction over the underlying claims and requires a stay of the action, unless the district court certifies the appeal as frivolous or forfeited." *Levin*, 634 F.3d at 26.[8] While "*Levin* does not elaborate on the meaning of 'frivolous'" in this context, "the 'common application' of frivolity in the context of appeal is when '[none] of the legal points [are] arguable on their merits.'" That is a high bar and, therefore, courts in the Fourth Circuit regularly stay discovery while a motion to compel arbitration is pending. *See, e.g.*, *Berkeley County Sch. Dist. v. Hub Int'l Ltd.*, No. 2:18-cv-00151-DCN, 2019 U.S. Dist. LEXIS 86712 *3-4, 2019 WL 2233145 (D. S.C. May 23, 2019) (applying the rule adopted in *Levin* and staying underlying case where the issue on appeal was whether the parties formed an agreement to arbitrate); *see also*

[8] Plaintiff has not filed any motion to dismiss the pending appeal on the basis of frivolity. In addition, this Court has ordered the parties to submit additional bound copies of their Briefs and the Record, indicating the Court believes the appeal warrants serious consideration.

Lummus, 273 F.2d at 613 (staying discovery while denial of defendant's motion to compel arbitration was on appeal, noting that the plaintiff's "right to discovery must be far more restricted" in an arbitral forum than it would be in federal district court); *Combined Energies v. CCI, Inc.*, 495 F. Supp. 2d 142, 143 (D. Me. 2007) (granting the defendant's motion to stay discovery while the denial of its motion to compel arbitration was pending on appeal because an appeal, in either federal or state court, "is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal").

"To assume ongoing jurisdiction over discovery," while an appeal of a denial of a motion to compel arbitration was pending, "would be inconsistent with the bedrock principle that once a case is appealed, jurisdiction rests with the court of appeals, not in both the court of appeals and the district court." *Combined Energies*, 495 F. Supp. 2d at 143-144. "Congress acknowledged that one of the principal benefits of arbitration, avoiding the high costs and time involved in judicial dispute resolution, is lost if the case proceeds in both judicial and arbitral forum. If the court of appeals reverses and orders the dispute arbitrated, then the costs of the litigation in the district court incurred during appellate review have been wasted and the parties must begin again in arbitration." *Blinco v. Green Tree Serv., LLC*, 366 F.3d 1249, 1251 (11th Cir. 2004).

"Whether the case should be litigated in the [lower] court is not an issue collateral to the question presented by an appeal under § 16(a)(1)(A)," which is the appeal provision of the FAA; instead, "it is the mirror image of the question presented on appeal. Continuation of the proceedings in the district court largely defeats the point of the appeal and creates a risk of inconsistent handling of the case by two tribunals." *Bradford-Scott*, 128 F.3d at 505; *see also Levin*, 634 F.3d at 264 ("Discovery is a vital part of the litigation process and permitting discovery

constitutes permitting the continuation of the litigation over which the district court lacks jurisdiction. [citation and quote omitted] Furthermore, allowing discovery to proceed would cut against the efficiency and cost-saving purposes of arbitration"). Specifically, "discovery on the subject matter of a dispute to be arbitrated should be denied in the absence of extraordinary circumstances." *McIntire v. China MediaExpress Holdings, Inc.*, 252 F. Supp. 3d 328, 330 (S.D. N.Y. 2017), *citing Hughes, Hooker & Co. v. American Steamship Owners Mut. Prot. & Indem. Ass'n, Inc.*, No. 04 Civ. 1859 (SHS), 2005 U.S. Dist. LEXIS 11381 *21 (S.D. N.Y. June 5, 2005). The term "extraordinary circumstances" "addresses situations where a party's ability to properly present its case to the arbitrator will be irreparably harmed absent court ordered discovery." *McIntire*, 252 F. Supp. 3d at 331. Plaintiff has not and cannot meet such a standard. He has not, for example, argued let alone made any showing that the discovery he seeks now would be unavailable if later permitted in the proper forum. Indeed, he argues, erroneously, that he would be entitled to have his repetitive, intrusive and unduly burdensome discovery requests enforced regardless of the forum in which this dispute ultimately is resolved.

In addition, this case is subject to the provisions of the FAA, the applicability of which Plaintiff has conceded. (R. pp. 102, 276-279 (asserting *Southern Charm* is broadcast nationally and internationally, and arguing he is entitled to a jury trial under the FAA)). Sections 3 and 16 of the FAA provide additional authority that all further proceedings before the circuit court, including all pending discovery, should be stayed pending the outcome of Defendants' appeal to this Court.

In the circuit court, Plaintiff argued, without any authority, that Defendants' appeal affects only the "mode and manner of the trial of this case." It is frankly unclear what Plaintiff's argument even means. As explained in detail in many of the cases cited above and below, the mode and manner of trying a case in court versus in an arbitral forum can be significantly different with the

resulting effect that forcing a party to litigate an arbitrable dispute deprives that party of the principal benefits of arbitration while also wasting party and judicial resources. To the extent Plaintiff is suggesting, without any support, that proceeding through plenary discovery in court is not an issue that is "affected by" Defendants' pending appeal, that argument is clearly foreclosed by well-established precedent, only some of which is cited above and below.

Defendants' primary argument below was that Plaintiff's Amended Complaint should be dismissed in its entirety and his claims resolved through mediation and, if that failed, through binding arbitration administered by JAMS in accordance with the terms of the Arbitration Agreement Plaintiff freely and voluntarily signed. (R. pp. 179-196, 287-303). Defendants also argued that the Amended Complaint should be dismissed pursuant to the separate valid and enforceable forum selection clause that selects New York state or federal court. (R. pp. 196-202, 303-305). These are the same issues Defendants have raised to this Court. *See* Brief of Appellants; Reply Brief of Appellants. Thus, the ultimate issues raised by Defendants on appeal directly concern the circuit court's jurisdiction to proceed with any aspect of the litigation of Plaintiff's claims with no exception or carve out for conducting discovery. It is not disputed (nor could it be) that if this Court reverses the circuit court and orders the parties to mediation, and if necessary, arbitration or litigation in New York, the circuit court would have no jurisdiction to issue any rulings on the scope of discovery, including third-party subpoenas, in this action. Undeniably, the forum in which the merits of this action is tried is the forum that has jurisdiction to define the scope and timing of any discovery. *E.g., Lummus*, 273 F.2d at 613 (observing that the plaintiff's "right to discovery must be far more restricted" in an arbitral forum than it would be in federal district court).

As the Seventh Circuit succinctly explained in *Bradford-Scott*, "Arbitration clauses reflect

the parties' preference for non-judicial dispute resolution, which may be faster and cheaper. These benefits are eroded, and may be lost or even turned into net losses, if it is necessary to proceed in both judicial and arbitral forums, or to do this sequentially. The worst possible outcome would be to litigate the dispute, to have the court of appeals reverse and order the dispute arbitrated, to arbitrate the dispute, and finally to return to court to have the award enforced …. Combining the costs of litigation and arbitration is what lies in store if a district court continues with the case while an appeal under § 16(a) is pending. Cases of this kind are therefore poor candidates for exceptions to the principle that a notice of appeal divests the district court of power to proceed with the aspects of the case that have been transferred to the court of appeals." 128 F.3d at 506; *see also Hardin v. First Cash Fin. Servs.*, 465 F.3d 470, 474 n.2 (10th Cir. 2006) (upholding stay of all proceedings before lower court while denial of a motion to compel arbitration was on appeal because "allowing a district court to retain jurisdiction of such matters would disrupt the very purpose of an arbitration appeal: 'Arbitration clauses reflect the parties' preference for *non-judicial* dispute resolution'"); *Falcone Bros. P'ship v. Bear Stearns & Co.*, 699 F. Supp. 32, 35 (S.D. N.Y. 1988) ("The law in this circuit … is that discovery on the subject matter of a dispute to be arbitrated should be denied in the absence of extraordinary circumstances"); *Gingras v. Rosette*, No. 5:15-cv-101, 2016 U.S. Dist. LEXIS 113187 *20-22 (D. Vt. 2016) (finding the balance of hardships supported granting a stay of discovery while defendants' appeal of a denial of a motion to compel arbitration was pending, as the plaintiffs would suffer no harm as a result of any delay). Here, as was the case in *Lummus*, "Until it is determined whether this action has been properly brought, appellee should not receive any unnecessary fruits thereof." 273 F.2d at 614.

CONCLUSION

For all of the reasons set forth above, Defendants respectfully request that this Court issue a writ of supersedeas staying all further proceedings before the circuit court, including discovery, particularly in light of the wide-ranging and unduly burdensome fishing expedition to which Defendants, as well as uninvolved nonparties, have been subjected in contravention of South Carolina appellate rules and the well-reasoned public policy reasons supporting those rules. In addition, Defendants request that this Court award other appropriate relief, such as attorneys' fees and costs related to filing of this Petition, that this Court deems appropriate.

January 14, 2022

MCANGUS GOUDELOCK & COURIE, LLC

By: _____

Helen F. Hiser, S.C. Bar No.: 76124
James D. Smith, Jr., S.C. Bar No. 16179
Danielle F. Payne, S.C. Bar No. 73142
P.O. Box 650007
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jsmith@mgclaw.com
(843) 576-2900

Attorneys for Appellants/Petitioners

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Jan 14 2022
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable, Circuit Court Judge

Appeal No. 2020-001095

Joseph Abruzzo,..... Respondent,

v.

Bravo Media Productions LLC; Haymaker Media, Inc.; NBCUniversal Media, LLC; Comcast Corporation; Craig Conover; Chelsea Meissner; and Madison LeCroy,..... Appellants/Petitioners.

VERIFICATION FOR
PETITION FOR WRIT OF SUPERSEDEAS

I, Samantha Davenport, in my capacity as SVP, Legal Affairs, Entertainment Networks, on behalf of Bravo Media Productions, LLC, say that I have read the Petition for Writ of Supersedeas, and verify that the facts as stated therein are accurate to the best of my knowledge.

s/ Samantha Davenport
Samantha Davenport

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable, Circuit Court Judge

Appeal No. 2020-001095

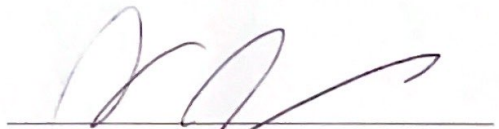
Joseph Abruzzo,..... Respondent,

v.

Bravo Media Productions LLC; Haymaker Media, Inc.; NBCUniversal Media, LLC; Comcast Corporation; Craig Conover; Chelsea Meissner; and Madison LeCroy,..... Appellants/Petitioners.

VERIFICATION FOR
PETITION FOR WRIT OF SUPERSEDEAS

I, Aaron Rothman, in my capacity as co-owner, on behalf of Haymaker Media, Inc., say that I have read the Petition for Writ of Supersedeas, and verify that the facts as stated therein are accurate to the best of my knowledge.



Aaron Rothman

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Court of Common Pleas

The Honorable, Circuit Court Judge

Appeal No. 2020-001095

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Bravo Media Productions LLC; Haymaker Media, Inc.; NBCUniversal Media, LLC; Comcast Corporation; Craig Conover; Chelsea Meissner; and Madison LeCroy,..... Appellants/Petitioners.

VERIFICATION FOR
PETITION FOR WRIT OF SUPERSEDEAS

I, Samantha Davenport, in my capacity as SVP, Legal Affairs, Entertainment Networks, on behalf of NBCUniversal Media, LLC, say that I have read the Petition for Writ of Supersedeas, and verify that the facts as stated therein are accurate to the best of my knowledge.

s/ Samantha Davenport
Samantha Davenport

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THE STATE OF SOUTH CAROLINA
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Court of Common Pleas

The Honorable, Circuit Court Judge

Appeal No. 2020-001095

Joseph Abruzzo,..... Respondent,

v.

Bravo Media Productions LLC; Haymaker Media, Inc.; NBCUniversal Media, LLC; Comcast Corporation; Craig Conover; Chelsea Meissner; and Madison LeCroy,..... Appellants/Petitioners.

VERIFICATION FOR
PETITION FOR WRIT OF SUPERSEDEAS

I, David L. Marcus, in my capacity as SVP, Senior Deputy General Counsel, Chief Litigation Counsel, on behalf of Comcast Corporation as its attorney, say that I have read the Petition for Writ of Supersedeas, and verify that the facts as stated therein are accurate to the best of my knowledge.

s/David L. Marcus
David L. Marcus

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Jan 14 2022
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable, Circuit Court Judge

Appeal No. 2020-001095

Joseph Abruzzo,..... Respondent,

v.

Bravo Media Productions LLC; Haymaker Media, Inc.; NBCUniversal Media, LLC; Comcast Corporation; Craig Conover; Chelsea Meissner; and Madison LeCroy,..... Appellants/Petitioners.

VERIFICATION FOR
PETITION FOR WRIT OF SUPERSEDEAS

I, Craig Conover, say that I have read the Petition for Writ of Supersedeas, and verify that the facts as stated therein are accurate to the best of my knowledge.

s/ Craig Conover
Craig Conover

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
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Court of Common Pleas

The Honorable, Circuit Court Judge

Appeal No. 2020-001095

Joseph Abruzzo,..... Respondent,

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VERIFICATION FOR
PETITION FOR WRIT OF SUPERSEDEAS

I, Chelsea Meissner, say that I have read the Petition for Writ of Supersedeas, and verify that the facts as stated therein are accurate to the best of my knowledge.

s/ Chelsea Meissner
Chelsea Meissner

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Jan 14 2022
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable, Circuit Court Judge

Appeal No. 2020-001095

Joseph Abruzzo,..... Respondent,

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Bravo Media Productions LLC; Haymaker Media, Inc.; NBCUniversal Media, LLC; Comcast Corporation; Craig Conover; Chelsea Meissner; and Madison LeCroy,..... Appellants/Petitioners.

VERIFICATION FOR
PETITION FOR WRIT OF SUPERSEDEAS

I, Madison LeCroy, say that I have read the Petition for Writ of Supersedeas, and verify that the facts as stated therein are accurate to the best of my knowledge.

s/Madison LeCroy
Madison LeCroy

EXHIBIT A

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP1000472

Joseph Abruzzo
PLAINTIFF(S)

Bravo Media Productions Llc et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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

☑ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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

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

☐ **STAYED DUE TO BANKRUPTCY**

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

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

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

Defendant Bravo Media Productions LLC.'s Motion to Dismiss and Motion for order compelling arbitration are denied.

ORDER INFORMATION

This order ☐ ends ☑ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/30/2020 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2020 Jul 06 9:05 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

Court Reporter:

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

ELECTRONICALLY FILED - 2020 Jul 06 9:05 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

ELECTRONICALLY FILED - 2020 Jul 06 9:05 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

Charleston Common Pleas

Case Caption: Joseph Abruzzo VS Bravo Media Productions Llc , defendant, et al

Case Number: 2020CP1000472

Type: Order/Electronic Form 4

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By Dana Pope
DEPUTY CLERK

EXHIBIT
B

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP1000472

Joseph Abruzzo
PLAINTIFF(S)

Bravo Media Productions Llc et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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

☑ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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

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

☐ **STAYED DUE TO BANKRUPTCY**

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

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

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

The Defendant's Motion for Reconsideration is DENIED. A hearing is not necessary.

ORDER INFORMATION

This order ☐ ends ☑ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 07/20/2020 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2020 Jul 22 10:13 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

Court Reporter:

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

ELECTRONICALLY FILED - 2020 Jul 22 10:13 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

ELECTRONICALLY FILED - 2020 Jul 22 10:13 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

Charleston Common Pleas

Case Caption: Joseph Abruzzo VS Bravo Media Productions Llc , defendant, et al

Case Number: 2020CP1000472

Type: Order/Electronic Form 4

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By Dana Rae
DEPUTY CLERK

EXHIBIT C

RECEIVED
Aug 10 2020
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable, Circuit Court Judge

Case No. 2020-CP-10-472

Joseph Abruzzo, Plaintiff ..... Respondent,

v.

Bravo Media Productions LLC; Haymaker Media, Inc.; NBCUniversal Media, LLC; Comcast Corporation; Craig Conover; Chelsea Meissner; and Madison LeCroy, Defendants..... Appellants.

NOTICE OF APPEAL

Appellants Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner and Madison LeCroy hereby appeal the Form 4 Orders of the Honorable Bentley D. Price, filed July 6, 2020 and July 22, 2020 denying Appellants' motion to compel arbitration and Appellants' motion for reconsideration. Appellants received written notice of entry of these Orders on July 6, 2020 and July 22, 2020 respectively.

August 10, 2020

McAngus Goudelock & Courie, LLC

By: _____

Helen F. Hiser, S.C. Bar No.: 76124
helen.hiser@mgclaw.com
James D. Smith, Jr., S.C. Bar No. 16179
jsmith@mgclaw.com
Danielle F. Payne, S.C. Bar No. 73142
danielle.payne@mgclaw.com
735 Johnnie Dodds Blvd., Suite 200
P.O. Box 650007

Mount Pleasant, South Carolina 29465
(843) 576-2900

Attorneys for Appellants

Other Counsel of Record:

Aaron E. Edwards, Esq.
Edwards Law Firm
755 Johnnie Dodds Blvd., Suite 100
Mount Pleasant, South Carolina 20464
(843) 375-2008
aaron@edwardsfirmllc.com

Jared Namm, Esq.
The Berman Law Group
Post Office Box 272789
Boca Raton, Florida 33427
(561) 826-5200

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable, Circuit Court Judge

Case No. 2020-CP-10-472

Joseph Abruzzo, Plaintiff..... Respondent,

v.

Bravo Media Productions LLC; Haymaker Media, Inc.; NBCUniversal Media, LLC; Comcast Corporation; Craig Conover; Chelsea Meissner; and Madison LeCroy, Defendants ..... Appellants.

PROOF OF SERVICE

I certify that I have served the **Notice of Appeal** on Joseph Abruzzo, by depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorney of record, as follows:

Aaron E. Edwards, Esq.
Edwards Law Firm
755 Johnnie Dodds Blvd., Suite 100
Mount Pleasant, South Carolina 20464
(843) 375-2008
aaron@edwardsfirmllc.com

Jared Namm, Esq.
The Berman Law Group
Post Office Box 272789
Boca Raton, Florida 33427
(561) 826-5200

August 10, 2020

Mackenzie Broughton
Legal Assistant to Helen F. Hiser
McANGUS GOUDELOCK & COURIE LLC
735 Johnnie Dodds Blvd., Suite 200
PO Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

Attorneys for Appellants

mgc

Reply To
HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

RECEIVED
Aug 10 2020
SC Court of Appeals

August 10, 2020

VIA FACSIMILE & U.S. MAIL
The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, South Carolina 29401-2258

RE: Joseph Abruzzo v. Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner, and Madison LeCroy
Civil Action No.: 2020CP1000472 (Charleston)
Carrier Claim No.: 170003678
MGC File No.: 21162.20001
Appeal No.: 2020-

Dear Ms. Armstrong:

Please find enclosed for filing the original and one (1) copy of the Notice of Appeal in the above-captioned case. I would appreciate your returning a clocked-in copy of the same to me in the enclosed self-addressed, stamped envelope.

By copy of this letter, I am serving counsel of record with the above-referenced Notice of Appeal.

Thanking you in advance for your assistance, I am

Very truly yours,

Helen F. Hiser

Enclosures
cc: The Honorable Jenny Abbott Kitchings, S.C. Court of Appeals
Aaron E. Edwards, Esq.
Jared Namm, Esq.

mgc

Reply To
HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

RECEIVED
Aug 10 2020
SC Court of Appeals

August 10, 2020

Via Facsimile & U.S. Mail
The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

RE: Joseph Abruzzo v. Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner, and Madison LeCroy
Civil Action No.: 2020CP1000472 (Charleston)
Carrier Claim No.: 170003678
MGC File No.: 21162.20001
Appeal No.: 2020-

Dear Ms. Kitchings:

Enclosed for filing are the original and one copy of the Notice of Appeal in the above-referenced matter. Also, enclosed are the following:

1. an original and one copy of Proof of Service of the Notice of Appeal on Respondent;
2. one copy of the Orders being appealed;
3. two copies of our correspondence to the Charleston County Clerk of Court notifying of the appeal; and
4. a Check in the amount of $250.00.

Please file the original documents and return the clocked-in copies in the enclosed, self-addressed stamped envelope. Thanking you in advance for your assistance, I am

Yours truly,

Helen F. Hiser

cc: Julie J. Armstrong, Charleston County Clerk of Court
Aaron E. Edwards, Esq.
Jared Namm, Esq.

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

EXHIBIT

D

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

September 3, 2020

Via US Mail
MCANGUS GOUDELOCK & COURIE, L.L.C.
James D. Smith, Jr.
Danielle F. Payne
Helen F. Hiser
Post Office Box 650007
735 Johnnie Dodds Blvd., Suite 200 (29464)
Mt. Pleasant, South Carolina 29465

In Re: Abruzzo vs. Bravo Media Productions LLC, et al.
Case No: 2020-CP-10-472

Counsel:

Enclosed for service you will find Plaintiff's Standard Interrogatories and First Request for Production to the Defendants.

Sincerely,

Aaron E. Edwards

AEE/

TELEPHONE (843) 375-2008 FACSIMILE (843) 881-5899
www.edwardsfirmllc.com

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S STANDARD INTERROGATORIES**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	
	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 33 of the South Carolina Rules of Civil Procedure that you serve upon said counsel within thirty (30) days, **verified** answers to the following Interrogatories, which shall be deemed continuing in nature from the time of service until the time of the trial of this matter, so that information sought which may come to the knowledge of said party or his/her representative or attorney after the answers to these Interrogatories have been submitted shall be transmitted to the undersigned.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Answer Under Oath:** Plaintiff has a duty to answer each interrogatory separately and fully, in writing, and under oath, unless it is objected to, in which event the reasons for objections shall be stated in lieu of an answer. The answers are to be signed by the party making them, and the objections signed by the attorney making them. Rule33(a) SCRCP.

2. **Objections**: Any objection made to an interrogatory below must be specific and supported by a detailed explanation as to why the interrogatory is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that an interrogatory is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by an answer is inadequate, preserves nothing, and leaves uncertainty as to whether the question has been actually and fully answered. The objection must show specifically how, despite the broad and liberal construction afforded the discovery rules, the interrogatory being objected to is not relevant or is overly broad, unduly burdensome, or oppressive, by submitting affidavits or offering evidence revealing the nature of the burden. It is not proper to object merely because answering interrogatories may require expending considerable time, effort or expense.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the information, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. An answer stating that all discoverable information has been produced is insufficient. An answer that fails to mention that information has been withheld or fails to describe the nature of the information that has been withheld is insufficient. Failure to list this information on a privilege log results in waiver of privilege. Rule 26(b)(5) SCRCP.

4. **Facts not specifically known**: 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.

5. **Facts upon information and belief**: 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 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.

6. **Form of Answer:**

a. Each interrogatory shall be construed independently and not be referenced to any other interrogatory herein for purposes of limitation.

b. Treat each number and lettered item in each interrogatory as a separate interrogatory requiring a separate response. If you object to or are unable to answer one time, please so state and respond to all other items.

c. Whenever a full and complete answer to any interrogatory or subpart is contained in a document identified as answering a specific numbered interrogatory or subpart, the document or copy thereof may be supplied in lieu of a written answer.

7. **Failure to Answer:** An evasive or incomplete answer is treated as a failure to answer. The failure of a party to answer an interrogatory is not excused on the ground that the interrogatory is objectionable unless the party failing or refusing to answer has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c) SCRCP.

INTERROGATORIES

(1) Give the names and addresses of persons 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.

(2) Set forth a list of photographs, plats, sketches, statement, or other prepared documents in possession of the party that relate to the claim or defense in the case.

(3) Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claim 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 the party proposes to use as a witness at the trial of the case.

(5) For each person known to the parties or counsel 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) If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct information.

Respectfully submitted,

s/ Aaron E. Edwards
Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)

Jared Namm, Esq.
The Berman Law Group, P.A.
P.O. Box 272789
Boca Raton, FL 33427
Office: (561) 826-5200 ext. 257
Fax: (561) 826-5201

ATTORNEYS FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: September 3, 2020

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S FIRST REQUEST**
	)	**FOR PRODUCTION**
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rules 26 and 34 of the South Carolina Rules of Civil Procedure, that the above named Defendant produce the documents identified below within thirty (30) days at the office of Edwards Firm, LLC, or at such other time and place as shall be mutually agreed upon by the parties.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the requests for production herein. By responding to these requests, the responding party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Respond:** Defendant has an affirmative duty to respond to requests for production that are relevant to the subject matter (i.e. the claims and/or defenses of the parties involved) in this pending action. This duty to respond extends to any and all requested materials, not privileged, that are within the possession, custody, or control of the party upon whom the request is served. Rule 26(b) and Rule 34, SCRCP.

2. **Objections**:

a. Form: Objection to a request to produce must be specific and supported by a detailed explanation as to why the request is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that a request to produce is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by a response is inadequate, preserves nothing, and leaves uncertainty as to whether the request has been actually and fully responded to. Each objection made must show specifically how, despite the broad and liberal construction afforded the discovery rules, the request being objected to is not relevant or is overly broad, unduly burdensome, oppressive, or otherwise improper, by submitting affidavits or offering evidence revealing the nature of the burden.

b. Possession, Custody, or Control: An objection may not be made on grounds that the responding party is not in physical custody or actual possession of the requested material. The responding party has an affirmative duty to produce material if the responding party has control of the material. In this context, "control" means the legal right to obtain the material even if it is in another's possession.

c. Burden and Expense: It is not proper to object merely because responding to a request may require expending considerable time, effort or expense. A showing that discovery may cause some inconvenience and expense does not establish good cause for refusal to comply with a discovery request unless such production would cause "significant harm" or "very serious injury." Harm or injury does not include any prejudice to a party's case that results from the production of relevant discovery.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. A response stating that all discoverable materials have been produced is insufficient. A response that fails to mention that materials have been withheld or which materials have been withheld is insufficient. Failure to list documents on a privilege log results in waiver of privilege. Rule 26(b)(5) of the SCRCP.

4. **Form of Production**: The documents produced shall be produced as they are kept in the usual court of business or shall be organized and labeled to correspond with the categories in this request. If a request does not specify the form or forms for producing electronically stored information, the information shall be produced in the form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable. Rule 34 (b) SCRCP.

5. **Information Deleted or Discarded**: If any information requested below has been destroyed or discarded, you are requested to identify the information destroyed or discarded in the same manner of identification as requested for material you claim is not discoverable and to explain when, how, and why the information ceased to exist.

6. **Failure to Respond**: An evasive or incomplete response is treated as a failure to respond. The failure of a party to respond to a request to produce is not excused on the ground that the request is objectionable unless the party failing or refusing to respond has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c), SCRCP

DEFINITIONS

1. As used in this Request for Production and the Instructions herein, the word "you" shall be deemed to mean the Defendant and all corporations, partnerships, sole proprietorships, professional associations, limited partnerships or joint ventures owned or affiliated, in whole or in part, by the Defendant.

2. As used in this Request for Production and Instructions herein, "document(s)" and/or "material(s)" shall include, but is not limited to: all writings, correspondence, reports, computer data, memoranda, notes, diaries, calendars, applications, statistics, letters, telegrams, minutes, contracts, agreements, reports, studies, computations, checks, statements, receipts, returns, summaries, pamphlets, books, resumes, notations of any sort of conversations, bulletins, calendars (whether written or electronically recorded), printed, typed or handwritten matter, e-mails, text messages or other electronic communications, invoices, worksheets, photographs, videotape, CDs, charts, graphs, microfiche, microfilm, recorded messages on tape/digital devices and/or other recordings, and/or any other physical thing or electronically recorded information of any kind whatsoever, within the knowledge, possession, custody, control or subject to the control of, or accessible to Defendant or her attorneys.

REQUESTS FOR PRODUCTION

1. All documents and other demonstrative evidence that relate to the claims and/or defenses in this case as set forth in any Motion, Pleading, or Amendments thereto.

2. Any and all tangible evidence or documents you intend to introduce at the trial of this case for any reason.

3. All documents identified, referred to, or used in providing answers to or otherwise forming the basis of an answer to any Interrogatories served upon Defendant.

4. All documents reflecting written communications, statements, emails, text messages, or other electronic communications, affidavits, (complete, incomplete, sworn or unsworn), and other communications made by witnesses, including the parties to this action, that pertain to the claims and/or defenses in this litigation.

5. All photographic, video, and audio documents concerning the Plaintiff.

6. All advertisements, commercials, or other similar promotional materials concerning Exhibits A, B, and C to the Plaintiff's Amended Complaint.

7. All documents reflecting the ratings, downloads, streams, purchases, or otherwise identifying the number of times Exhibits A, B, and C to the Plaintiff's Amended Complaint has been published by the Defendant.

8. All documents reflecting the ratings, downloads, streams, purchases, or otherwise identifying the number of persons who viewed Exhibits A, B, and C to the Plaintiff's Amended Complaint.

9. The CV or resume and any and all expert reports and/or opinions prepared by any expert witness the Plaintiff has hired for this case and intends to use as a witness at trial.

10. All documents received in response to a request, authorization, and/or subpoena issued by you in relation to this litigation.

Respectfully submitted,

s/ Aaron E. Edwards
Aaron E. Edwards
Edwards Firm, LLC

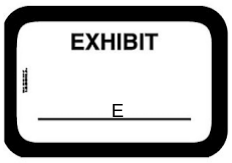
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Jared Namm, Esq.
The Berman Law Group, P.A.
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Boca Raton, FL 33427
Office: (561) 826-5200 ext. 257
Fax: (561) 826-5201

ATTORNEYS FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: September 3, 2020

SCANNED



Reply To
HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

September 10, 2020

Aaron E. Edwards, Esq.
755 Johnnie Dodds Blvd, Suite 100
Mount Pleasant, South Carolina 29464

RE: Joseph Abruzzo v. Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner, and Madison LeCroy
Civil Action No.: 2020CP1000472 (Charleston)
Carrier Claim No.: 170003678
MGC File No.: 21162.20001
Appeal No.: 2020-00095

Dear Mr. Edwards:

We are in receipt of your Plaintiff's Standard Interrogatories and First Request for Production to the Defendants, dated September 3, 2020. However, as you know, this matter currently is on appeal to the South Carolina Court of Appeals. In addition, as I am sure you are aware, an appeal effectively stays further action before the circuit court. *See*, *e.g.*, Rule 241(a), SCACR ("the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order … on appeal and to automatically stay the relief ordered in the appealed order" for the duration of the appeal); *see also* Rule 205, SCACR ("Upon service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal … Nothing in these Rules shall prohibit the lower court … from proceeding with matters not affected by the appeal"). Any obligation to respond to Plaintiff's discovery requests, which seek information and documents related to the "facts of this case" and "to the claims and/or defenses in this case" clearly are matters "affected by the appeal" and, therefore, is stayed. As a result, Defendants will not be responding to your discovery requests at this time.

Very truly yours,

Helen F. Hiser

EXHIBIT
F

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STATE OF SOUTH CAROLINA	**COURT OF COMMON PLEAS**
	NINTH JUDICIALCIRCUIT
CHARLESTON COUNTY	**CASE NO. 2020-CP-10-00472**
JOSEPH ABRUZZO,	
Plaintiff,	
Vs.	
BRAVO MEDIA PRODUCTIONS, LLC, HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	
Defendants	

PLAINTIFF'S NOTICE OF MOTION AND MOTION TO COMPEL

Please take notice that the Plaintiff herein will move before the presiding judge of the Charleston County Court of Common Pleas, ten days after the date of this motion or at such other time as the Court may establish, for an Order pursuant to SCRCP Rules 33, 34, 37, and SCACR Rules 205 and 241, compelling the Defendants to respond to Plaintiff's Standard Interrogatories and First Request for Production. (attached hereto as Exhibit A). [1]

Plaintiff served Standard Interrogatories and First Request for Production to the Defendants on September 3, 2020. By letter dated September 10, 2020, Defendants refused to respond to Plaintiff's discovery requests in their entirety. (Exhibit B). The stated grounds are SCACR Rules 205 and 241. According to the Defendants, because they are appealing this court's denial of their motion to dismiss and/or compel arbitration, "[a]ny obligation to respond

[1] The standard interrogatories and request for production are the same for all Defendants. For brevity purposes, only one set is attached as Exhibit A.

ELECTRONICALLY FILED - 2020 Sep 16 3:33 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

to Plaintiff's discovery requests, which seek information and documents related to the 'facts of the case' and 'the claims and/or defenses in this this case' clearly are matters 'affected by the appeal' and, therefore, is stayed." *Id*.

The Defendants' unjustified refusal to engage in discovery cannot be condoned and must be rejected by the Court. SCACR Rules 205 and 241 operate only to stay matters *affected by the appeal*. See Rule 205, SCACR ("Nothing in these Rules shall prohibit the lower court, commission or tribunal from proceeding with matters not affected by the appeal"); Rule 241(a), SCACR ("The lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal").

Here, the sole matter affected by the Defendants' appeal of the denial of their motion to dismiss and/or compel arbitration is the mode and manner of the trial of this case. That issue, however, is irrelevant and wholly inapplicable to the parties' discovery rights. The information and documentation sought by Plaintiff in his discovery requests are explicitly authorized *in all cases* [2] including under the JAMS rules of arbitration.[3] Plaintiff is and would be entitled to discovery of the information and documentation requested in his standard interrogatories and request for production regardless of the appellate court's decision on the issue of the mode and manner of trial.

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[2] *See* SCRCP Rule 33(b) ("*In all cases* the following standard interrogatories may be served by one party upon another….") (emphasis added).

[3] Even the JAMS arbitration rules - to the extent they are applicable at all, which Plaintiff denies - explicitly authorize and entitle Plaintiff to the information and documentation requested. *See* Rule 13 of the JAMS Streamlined Arbitration Rules (attached hereto as Exhibit C) which directs the Parties to cooperate in good faith in the voluntary exchange of "all non-privileged documents and information (including electronically stored information ('ESI')) relevant to the dispute or claim, including copies of all documents in their possession or control on which they rely in support of their positions or that they intend to introduce as exhibits…."

ELECTRONICALLY FILED - 2020 Sep 16 3:33 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

The information and documents requested are directly relevant to the Plaintiff's claims and/or the Defendants' defenses and limited in scope. Absolutely nothing in the appellate court rules or the rules of civil procedure enables the Defendants to simply refuse to respond to basic requests for information or produce documents relevant to the claims and defenses in the case. Accordingly, Plaintiff seeks an order compelling the Defendants to fully respond to Plaintiff's discovery and reprimanding the Defendants for their baseless and unilateral refusal to do so.

CONCLUSION

For the reasons set forth herein, the Plaintiff's motion must be granted with an award of attorney's fees, costs, and/or sanctions as the Court deems appropriate pursuant to the rules of civil procedure including SCRCP Rule 37(a)(4).[4]

Respectfully submitted,

*s/ Aaron E. Edwards*_____

Aaron E. Edwards
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aaron@edwardsfirmllc.com

Jared Namm, Esq.
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Office: (561) 826-5200 ext. 257
Fax: (561) 826-5201
Pro Hac Vice application pending

ATTORNEYS FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: September 16, 2020

[4] *See also* Rule 24 of the JAMS Rules (authorizing an arbitrator to "order sanctions for failure of a Party to comply with its obligations under any of these Rules….").

EXHIBIT A

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S STANDARD INTERROGATORIES**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	
	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 33 of the South Carolina Rules of Civil Procedure that you serve upon said counsel within thirty (30) days, **verified** answers to the following Interrogatories, which shall be deemed continuing in nature from the time of service until the time of the trial of this matter, so that information sought which may come to the knowledge of said party or his/her representative or attorney after the answers to these Interrogatories have been submitted shall be transmitted to the undersigned.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

EXHIBIT A

1. **Duty to Answer Under Oath:** Plaintiff has a duty to answer each interrogatory separately and fully, in writing, and under oath, unless it is objected to, in which event the reasons for objections shall be stated in lieu of an answer. The answers are to be signed by the party making them, and the objections signed by the attorney making them. Rule33(a) SCRCP.

2. **Objections**: Any objection made to an interrogatory below must be specific and supported by a detailed explanation as to why the interrogatory is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that an interrogatory is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by an answer is inadequate, preserves nothing, and leaves uncertainty as to whether the question has been actually and fully answered. The objection must show specifically how, despite the broad and liberal construction afforded the discovery rules, the interrogatory being objected to is not relevant or is overly broad, unduly burdensome, or oppressive, by submitting affidavits or offering evidence revealing the nature of the burden. It is not proper to object merely because answering interrogatories may require expending considerable time, effort or expense.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the information, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. An answer stating that all discoverable information has been produced is insufficient. An answer that fails to mention that information has been withheld or fails to describe the nature of the information that has been withheld is insufficient. Failure to list this information on a privilege log results in waiver of privilege. Rule 26(b)(5) SCRCP.

4. **Facts not specifically known**: 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.

EXHIBIT A

5. **Facts upon information and belief**: 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 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.

6. **Form of Answer**:

a. Each interrogatory shall be construed independently and not be referenced to any other interrogatory herein for purposes of limitation.

b. Treat each number and lettered item in each interrogatory as a separate interrogatory requiring a separate response. If you object to or are unable to answer one time, please so state and respond to all other items.

c. Whenever a full and complete answer to any interrogatory or subpart is contained in a document identified as answering a specific numbered interrogatory or subpart, the document or copy thereof may be supplied in lieu of a written answer.

7. **Failure to Answer**: An evasive or incomplete answer is treated as a failure to answer. The failure of a party to answer an interrogatory is not excused on the ground that the interrogatory is objectionable unless the party failing or refusing to answer has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c) SCRCP.

INTERROGATORIES

(1) Give the names and addresses of persons 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.

(2) Set forth a list of photographs, plats, sketches, statement, or other prepared documents in possession of the party that relate to the claim or defense in the case.

(3) Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claim 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 the party proposes to use as a witness at the trial of the case.

EXHIBIT A

(5) For each person known to the parties or counsel 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) If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct information.

Respectfully submitted,

*s/ Aaron E. Edwards*_____
Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)

Jared Namm, Esq.
The Berman Law Group, P.A.
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Boca Raton, FL 33427
Office: (561) 826-5200 ext. 257
Fax: (561) 826-5201

ATTORNEYS FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: September 16, 2020

EXHIBIT A

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	
	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rules 26 and 34 of the South Carolina Rules of Civil Procedure, that the above named Defendant produce the documents identified below within thirty (30) days at the office of Edwards Firm, LLC, or at such other time and place as shall be mutually agreed upon by the parties.

INSTRUCTIONS

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NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

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2. **Objections**:

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a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. A response stating that all discoverable materials have been produced is insufficient. A response that fails to mention that materials have been withheld or which materials have been withheld is insufficient. Failure to list documents on a privilege log results in waiver of privilege. Rule 26(b)(5) of the SCRCP.

EXHIBIT A

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5. **Information Deleted or Discarded**: If any information requested below has been destroyed or discarded, you are requested to identify the information destroyed or discarded in the same manner of identification as requested for material you claim is not discoverable and to explain when, how, and why the information ceased to exist.

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DEFINITIONS

1. As used in this Request for Production and the Instructions herein, the word "you" shall be deemed to mean the Defendant and all corporations, partnerships, sole proprietorships, professional associations, limited partnerships or joint ventures owned or affiliated, in whole or in part, by the Defendant.

2. As used in this Request for Production and Instructions herein, "document(s)" and/or “material(s)” shall include, but is not limited to: all writings, correspondence, reports, computer data, memoranda, notes, diaries, calendars, applications, statistics, letters, telegrams, minutes, contracts, agreements, reports, studies, computations, checks, statements, receipts, returns, summaries, pamphlets, books, resumes, notations of any sort of conversations, bulletins, calendars (whether written or electronically recorded), printed, typed or handwritten matter, e-mails, text messages or other electronic communications, invoices, worksheets, photographs, videotape, CDs, charts, graphs, microfiche, microfilm, recorded messages on tape/digital devices and/or other recordings, and/or any other physical thing or electronically recorded information of any kind whatsoever, within the knowledge, possession, custody, control or subject to the control of, or accessible to Defendant or her attorneys.

EXHIBIT A

REQUESTS FOR PRODUCTION

1. All documents and other demonstrative evidence that relate to the claims and/or defenses in this case as set forth in any Motion, Pleading, or Amendments thereto.

2. Any and all tangible evidence or documents you intend to introduce at the trial of this case for any reason.

3. All documents identified, referred to, or used in providing answers to or otherwise forming the basis of an answer to any Interrogatories served upon Defendant.

4. All documents reflecting written communications, statements, emails, text messages, or other electronic communications, affidavits, (complete, incomplete, sworn or unsworn), and other communications made by witnesses, including the parties to this action, that pertain to the claims and/or defenses in this litigation.

5. All photographic, video, and audio documents concerning the Plaintiff.

6. All advertisements, commercials, or other similar promotional materials concerning Exhibits A, B, and C to the Plaintiff's Amended Complaint.

7. All documents reflecting the ratings, downloads, streams, purchases, or otherwise identifying the number of times Exhibits A, B, and C to the Plaintiff's Amended Complaint has been published by the Defendant.

8. All documents reflecting the ratings, downloads, streams, purchases, or otherwise identifying the number of persons who viewed Exhibits A, B, and C to the Plaintiff's Amended Complaint.

9. The CV or resume and any and all expert reports and/or opinions prepared by any expert witness the Plaintiff has hired for this case and intends to use as a witness at trial.

10. All documents received in response to a request, authorization, and/or subpoena issued by you in relation to this litigation.

Respectfully submitted,

*s/ Aaron E. Edwards*_____

EXHIBIT A

Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
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Jared Namm, Esq.
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Fax: (561) 826-5201

ATTORNEYS FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: September 16, 2020

EXHIBIT B

Reply To
HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

September 10, 2020

Aaron E. Edwards, Esq.
755 Johnnie Dodds Blvd, Suite 100
Mount Pleasant, South Carolina 29464

RE: Joseph Abruzzo v. Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner, and Madison LeCroy
Civil Action No.: 2020CP1000472 (Charleston)
Carrier Claim No.: 170003678
MGC File No.: 21162.20001
Appeal No.: 2020-00095

Dear Mr. Edwards:

We are in receipt of your Plaintiff's Standard Interrogatories and First Request for Production to the Defendants, dated September 3, 2020. However, as you know, this matter currently is on appeal to the South Carolina Court of Appeals. In addition, as I am sure you are aware, an appeal effectively stays further action before the circuit court. *See*, *e.g.*, Rule 241(a), SCACR ("the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order … on appeal and to automatically stay the relief ordered in the appealed order" for the duration of the appeal); *see also* Rule 205, SCACR ("Upon service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal … Nothing in these Rules shall prohibit the lower court … from proceeding with matters not affected by the appeal"). Any obligation to respond to Plaintiff's discovery requests, which seek information and documents related to the "facts of this case" and "to the claims and/or defenses in this case" clearly are matters "affected by the appeal" and, therefore, is stayed. As a result, Defendants will not be responding to your discovery requests at this time.

Very truly yours,

Helen F. Hiser

EXHIBIT C

JAMS Streamlined Arbitration Rules & Procedures

Effective July 1, 2014

We understand that there is a lot on the line in arbitration. We know attorneys count on JAMS to provide highly skilled arbitrators who use JAMS Managed Arbitration Process to save time and money. JAMS offers efficiency, speed, and results.

If another arbitration provider was written into your contract, **call an experienced JAMS Case Manager** to discuss having your case administered by JAMS.

NOTICE: *These Rules are the copyrighted property of JAMS. They cannot be copied, reprinted or used in any way without permission of JAMS, unless they are being used by the parties to an arbitration as the rules for that arbitration. If they are being used as the rules for an arbitration, proper attribution must be given to JAMS. If you wish to obtain permission to use our copyrighted materials, please contact JAMS at 949-224-1810.*

A spanish version may be downloaded **here**. A summary of the July 1, 2014 revisions may be found **here**.

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EXHIBIT C

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Rule 1. Scope of Rules

(a) The JAMS Streamlined Arbitration Rules and Procedures ("Rules") govern binding Arbitrations of disputes or claims that are administered by JAMS and in which the Parties agree to use these Rules or, in the absence of such agreement, no disputed claim or counterclaim exceeds $250,000, not including interest or attorneys' fees, unless other Rules are prescribed.

(b) The Parties shall be deemed to have made these Rules a part of their Arbitration agreement ("Agreement") whenever they have provided for Arbitration by JAMS under its Streamlined Rules or for Arbitration by JAMS without specifying any particular JAMS Rules and the disputes or claims meet the criteria of the first paragraph of this Rule.

(c) The authority and duties of JAMS as prescribed in the Agreement of the Parties and in these Rules shall be carried out by the JAMS National Arbitration Committee ("NAC") or the office of the General Counsel or their designees.

(d) JAMS may, in its discretion, assign the administration of an Arbitration to any of its Resolution Centers.

(e) The term "Party" as used in these Rules includes Parties to the Arbitration and their counsel or representatives.

(f) "Electronic filing" (e-file) means the electronic transmission of documents to and from JAMS and other Parties for the purpose of filing via the Internet. "Electronic service" (e-service) means the electronic transmission of documents via JAMS Electronic Filing System to a Party, attorney or representative under these Rules.

Rule 2. Party Self Determination

(a) The Parties may agree on any procedures not specified herein or in lieu of these Rules that are consistent with the applicable law and JAMS policies (including, without limitation, Rules 12(j), 25 and 26). The Parties shall promptly notify JAMS of any such Party-agreed procedures and shall confirm such procedures in writing. The Party-agreed procedures shall be enforceable as if contained in these Rules.

(b) When an Arbitration Agreement provides that the arbitration will be non-administered or administered by an entity other than JAMS and/or conducted in accordance with rules other than JAMS rules, the Parties may subsequently agree to modify that agreement to provide that the arbitration will be administered by JAMS and/or conducted in accordance with JAMS rules.

Rule 3. Amendment of Rules

JAMS may amend these Rules without notice. The Rules in effect on the date of the commencement of an Arbitration (as defined in Rule 5) shall apply to that Arbitration, unless the Parties have agreed upon another version of the Rules.

Rule 4. Conflict with Law

If any of these Rules, or modification of these Rules agreed to by the Parties, is determined to be in conflict with a provision of applicable law, the provision of law will govern over the Rule in conflict, and no other Rule will be affected.

Rule 5. Commencing an Arbitration and Service

(a) The Arbitration is deemed commenced when JAMS issues a Commencement Letter based upon the existence of one of the following:

(i) A post-dispute Arbitration Agreement fully executed by all Parties specifying JAMS administration or use of any JAMS Rules; or

(ii) A pre-dispute written contractual provision requiring the Parties to arbitrate the dispute or claim specifying JAMS administration or use of any JAMS Rules or that the Parties agree shall be administered by JAMS; or

(iii) A written confirmation of an oral agreement of all Parties to participate in an Arbitration administered by JAMS or conducted pursuant to any JAMS Rules, confirmed in writing by the Parties; or

(iv) The Respondent's failure to timely object to JAMS administration; or

(v) A copy of a court order compelling Arbitration at JAMS.

(b) The issuance of the Commencement Letter confirms that the requirements for commencement have been met, that JAMS has received all payments required under the applicable fee schedule and that the Claimant has provided JAMS with contact information for all Parties along with evidence that the Demand for Arbitration has been served on all Parties.

(c) If a Party that is obligated to arbitrate in accordance with subparagraph (a) of this Rule fails to agree to participate in the Arbitration process, JAMS shall confirm in writing that Party's failure to respond or participate, and, pursuant to Rule 14, the Arbitrator shall schedule, and provide appropriate notice of, a Hearing or other opportunity for the Party demanding the Arbitration to demonstrate its entitlement to relief.

(d) The date of commencement of the Arbitration is the date of the Commencement Letter but is not intended to be applicable to any legal requirements such as the statute of limitations any contractual limitations period or claims notice requirements. The term "commencement," as used in this Rule, is intended only to pertain to the operation of this and other Rules (such as Rule 3, 10(a) and 26(a)).

(e) Service by a Party under these Rules is effected by providing one signed copy of the document to each Party and two copies to JAMS. Service may be made by hand-delivery, overnight delivery service or U.S. mail. Service by any of these means is considered effective upon the date of deposit of the document. In computing any period of time prescribed or allowed by these Rules for a Party to do some act within a prescribed period after the service of a notice or other paper on the Party and the notice or paper is served on the Party only by U.S. mail, three (3) calendar days shall be added to the prescribed period.

(f) Electronic Filing. The Arbitrator may at any time require electronic filing and service of documents in an Arbitration. If an Arbitrator requires electronic filing, the Parties shall maintain and regularly monitor a valid, usable and live email address for the receipt of all documents filed through JAMS Electronic Filing System. Any document filed electronically shall be considered as filed with JAMS when the transmission to JAMS Electronic Filing System is complete. Any document e-filed by 11:59 p.m. (of the sender's time zone) shall be deemed filed on that date. Upon completion of filing, JAMS Electronic Filing System shall issue a confirmation receipt that includes the date and time of receipt. The confirmation receipt shall serve as proof of filing.

Every document electronically filed or served shall be deemed to have been signed by the Arbitrator, Case Manager, attorney or declarant who submits the document to JAMS Electronic Filing System, and shall bear the typed name, address and telephone number of a signing attorney. Typographical signatures shall be treated as personal signatures for all purposes under these Rules. Documents containing signatures of third parties (i.e., unopposed motions, affidavits, stipulations, etc.) may also be filed electronically by indicating that the original signatures are maintained by the filing Party in paper format.

Delivery of e-service documents through JAMS Electronic Filing System to other registered users shall be considered as valid and effective service and shall have the same legal effect as an original paper document. Recipients of e-service documents shall access their documents through JAMS Electronic Filing System. E-service shall be deemed complete when the Party initiating e-service completes the transmission of the electronic document(s) to JAMS Electronic Filing System for e-filing and/or e-service. Upon actual or constructive receipt of the electronic document(s) by the Party to be served, a Certificate of Electronic Service shall be issued by JAMS

Electronic Filing System to the Party initiating e-service, and that Certificate shall serve as proof of service. Any Party who ignores or attempts to refuse e-service shall be deemed to have received the electronic document(s) 72 hours following the transmission of the electronic document(s) to JAMS Electronic Filing System.

If an electronic filing or service does not occur because of (1) an error in the transmission of the document to JAMS Electronic Filing System or served Party that was unknown to the sending Party; (2) a failure to process the electronic document when received by JAMS Electronic Filing System; (3) the Party was erroneously excluded from the service list; or (4) other technical problems experienced by the filer, the Arbitrator or JAMS may, for good cause shown, permit the document to be filed *nunc pro tunc* to the date it was first attempted to be sent electronically. Or, in the case of service, the Party shall, absent extraordinary circumstances, be entitled to an order extending the date for any response or the period within which any right, duty or other act must be performed.

Rule 6. Preliminary and Administrative Matters

(a) JAMS may convene, or the Parties may request, administrative conferences to discuss any procedural matter relating to the administration of the Arbitration.

(b) If no Arbitrator has yet been appointed, at the request of a Party and in the absence of Party agreement, JAMS may determine the location of the Hearing, subject to Arbitrator review. In determining the location of the Hearing, such factors as the subject matter of the dispute, the convenience of the Parties and witnesses, and the relative resources of the Parties shall be considered.

(c) If, at any time, any Party has failed to pay fees or expenses in full, JAMS may order the suspension or termination of the proceedings. JAMS may so inform the Parties in order that one of them may advance the required payment. If one Party advances the payment owed by a non-paying Party, the Arbitration shall proceed, and the Arbitrator may allocate the non-paying Party's share of such costs, in accordance with Rules 19(e) and 26(c). An administrative suspension shall toll any other time limits contained in these Rules or the Parties' Agreement.

(d) JAMS does not maintain an official record of documents filed in the Arbitration. If the Parties wish to have any documents returned to them, they must advise JAMS in writing within thirty (30) calendar days of the conclusion of the Arbitration. If special arrangements are required regarding file maintenance or document retention, they must be agreed to in writing, and JAMS reserves the right to impose an additional fee for such special arrangements. Documents that are submitted for e-filing are retained for thirty (30) calendar days following the conclusion of the Arbitration.

(e) Unless the Parties' Agreement or applicable law provides otherwise, JAMS may consolidate Arbitrations in the following instances:

(i) If a Party files more than one Arbitration with JAMS, JAMS may consolidate the Arbitrations into a single Arbitration.

(ii) Where a Demand or Demands for Arbitration is or are submitted naming Parties already involved in another Arbitration or Arbitrations pending under these Rules, JAMS may decide that the new case or cases shall be consolidated into one or more of the pending proceedings and referred to one of the Arbitrators already appointed.

(iii) Where a Demand or Demands for Arbitration is or are submitted naming parties that are not identical to the Parties in the existing Arbitration or Arbitrations, JAMS may decide that the new case or cases shall be consolidated into one or more of the pending proceedings and referred to one of the Arbitrators already appointed.

When rendering its decision, JAMS will take into account all circumstances, including the links between the cases and the progress already made in the existing Arbitrations.

Unless applicable law provides otherwise, where JAMS decides to consolidate a proceeding into a pending Arbitration, the Parties to the consolidated case or cases will be deemed to have waived their right to designate an Arbitrator as well as any contractual provision with respect to the site of the Arbitration.

(f) Where a third party seeks to participate in an Arbitration already pending under these Rules or where a Party to an Arbitration under these Rules seeks to compel a third party to participate in a pending Arbitration, the Arbitrator shall determine such request, taking into account all circumstances he or she deems relevant and applicable.

Rule 7. Notice of Claims

(a) Each Party shall afford all other Parties reasonable and timely notice of its claims, affirmative defenses or counterclaims. Any such notice shall include a short statement of its factual basis. No claim, remedy, counterclaim, or affirmative defense will be considered by the Arbitrator in the absence of such prior notice to the other Parties, unless the Arbitrator determines that no Party has been unfairly prejudiced by such lack of formal notice or all Parties agree that such consideration is appropriate notwithstanding the lack of prior notice.

(b) Claimant's notice of claims is the Demand for Arbitration referenced in Rule 5. It shall include a statement of the remedies sought. The Demand for Arbitration may attach and incorporate a copy of a Complaint previously filed with a court. In the latter case, Claimant may accompany the Complaint with a copy of any Answer to that Complaint filed by any Respondent.

(c) Within seven (7) calendar days of service of the notice of claim, a Respondent may submit to JAMS and serve on other Parties a response and a statement of any affirmative defenses, including jurisdictional challenges, or counterclaims it may have.

(d) Within seven (7) calendar days of service of a counterclaim, a Claimant may submit to JAMS and serve on other Parties a response to such counterclaim and any affirmative defenses, including jurisdictional challenges, it may have.

(e) Any claim or counterclaim to which no response has been served will be deemed denied.

(f) Jurisdictional challenges under Rule 8 shall be deemed waived, unless asserted in a response to a Demand or counterclaim or promptly thereafter, when circumstances first suggest an issue of arbitrability.

Rule 8. Interpretation of Rules and Jurisdiction Challenges

(a) Once appointed, the Arbitrator shall resolve disputes about the interpretation and applicability of these Rules and conduct of the Arbitration Hearing. The resolution of the issue by the Arbitrator shall be final.

(b) Jurisdictional and arbitrability disputes, including disputes over the formation, existence, validity, interpretation or scope of the agreement under which Arbitration is sought, and who are proper Parties to the Arbitration, shall be submitted to and ruled on by the Arbitrator. The Arbitrator has the authority to determine jurisdiction and arbitrability issues as a preliminary matter.

(c) Disputes concerning the appointment of the Arbitrator shall be resolved by JAMS.

(d) The Arbitrator may, upon a showing of good cause or *sua sponte*, when necessary to facilitate the Arbitration, extend any deadlines established in these Rules, provided that the time for rendering the Award may only be altered in accordance with Rule 19.

Rule 9. Representation

(a) The Parties, whether natural persons or legal entities such as corporations, LLCs or partnerships, may be represented by counsel or any other person of the Party's choice. Each Party shall give prompt written notice to JAMS and the other Parties of the name, address, telephone and fax numbers and email address of its representative. The representative of a Party may act on the Party's behalf in complying with these Rules.

(b) Changes in Representation. A Party shall give prompt written notice to the Case Manager and the other Parties of any change in its representation, including the name, address, telephone and fax numbers and email address of the new representative. Such notice shall state that the written consent of the former representative, if any, and of the new representative, has been obtained and shall state the effective date of the new representation.

Rule 10. Withdrawal from Arbitration

(a) No Party may terminate or withdraw from an Arbitration after the issuance of the Commencement Letter (see Rule 5), except by written agreement of all Parties to the Arbitration.

(b) A Party that asserts a claim or counterclaim may unilaterally withdraw that claim or counterclaim without prejudice by serving written notice on the other Parties and the Arbitrator. However, the opposing Parties may, within seven (7) calendar days of service of such notice, request that the Arbitrator condition the withdrawal upon such terms as he or she may direct.

Rule 11. *Ex Parte* Communications

No Party will have any *ex parte* communication with the Arbitrator regarding any issue related to the Arbitration. The Arbitrator may authorize any Party to communicate directly with the Arbitrator by email or other written means as long as copies are simultaneously forwarded to the JAMS Case Manager and the other Parties.

Rule 12. Arbitrator Selection, Disclosures and Replacement

(a) JAMS Streamlined Arbitrations will be conducted by one neutral Arbitrator.

(b) Unless the Arbitrator has been previously selected by agreement of the Parties, the Case Manager may attempt to facilitate agreement among the Parties regarding selection of the Arbitrator.

(c) If the Parties do not agree on an Arbitrator, JAMS shall send the Parties a list of at least three (3) Arbitrator candidates. JAMS shall also provide each Party with a brief description of the background and experience of each Arbitrator candidate. JAMS may replace any or all names on the list of Arbitrator candidates for reasonable cause at any time before the Parties have submitted their choice pursuant to subparagraph (d) below.

(d) Within seven (7) calendar days of service by the Parties of the list of names, each Party may strike one (1) name and shall rank the remaining Arbitrator candidates in order of preference. The remaining Arbitrator candidate with the highest composite ranking shall be appointed the Arbitrator. JAMS may grant a reasonable extension of the time to strike and rank the Arbitrator candidates to any Party without the consent of the other Parties.

(e) If this process does not yield an Arbitrator, JAMS shall designate the Arbitrator.

(f) If a Party fails to respond to a list of Arbitrator candidates within seven (7) calendar days after its service, or fails to respond according to the instructions provided by JAMS, JAMS shall deem that Party to have accepted all of the Arbitrator candidates.

(g) Entities whose interests are not adverse with respect to the issues in dispute shall be treated as a single Party for purposes of the Arbitrator selection process. JAMS shall determine whether the interests between entities are adverse for purposes of Arbitrator selection, considering such factors as whether the entities are represented by the same attorney and whether the entities are presenting joint or separate positions at the Arbitration.

(h) If, for any reason, the Arbitrator who is selected is unable to fulfill the Arbitrator's duties, a successor Arbitrator shall be chosen in accordance with this Rule. JAMS will make the final determination as to whether an Arbitrator is unable to fulfill his or her duties, and that decision shall be final.

(i) Any disclosures regarding the selected Arbitrator shall be made as required by law or within ten (10) calendar days from the date of appointment. Such disclosures may be provided in electronic format, provided that JAMS will produce a hard copy to any Party that requests it. The Parties and their representatives shall disclose to JAMS any circumstances likely to give rise to justifiable doubt as to the Arbitrator's impartiality or independence, including any bias or any financial or personal interest in the result of the Arbitration or any past or present relationship with the Parties or their representatives. The obligation of the Arbitrator, the Parties and their representatives to make all required disclosures continues throughout the Arbitration process.

(j) At any time during the Arbitration process, a Party may challenge the continued service of an Arbitrator for cause. The challenge must be based upon information that was not available to the Parties at the time the Arbitrator was selected. A challenge for cause must be in writing and exchanged with opposing Parties, who may respond within seven (7) days of service of the challenge. JAMS shall make the final determination as to such challenge. Such determination shall take into account the materiality of the facts and any prejudice to the Parties. That decision will be final.

Rule 13. Exchange of Information

(a) The Parties shall cooperate in good faith in the voluntary and informal exchange of all non-privileged documents and information (including electronically stored information ("ESI")) relevant to the dispute or claim, including copies of all documents in their possession or control on which they rely in support of their positions or that they intend to introduce as exhibits at the Arbitration Hearing, the names of all individuals with knowledge about the dispute or claim and the names of all experts who may be called upon to testify or whose reports may be introduced at the Arbitration Hearing. The Parties and the Arbitrator will make every effort to conclude the document and information exchange process within fourteen (14) calendar days after all pleadings or notices of claims have been received. The necessity of additional information exchange shall be determined by the Arbitrator based upon the reasonable need for the requested information, the availability of other discovery options and the burdensomeness of the request on the opposing Parties and the witness.

(b) As they become aware of new documents or information, including experts who may be called upon to testify, all Parties continue to be obligated to provide relevant, non-privileged documents, to supplement their identification of witnesses and experts and to honor any informal agreements or understandings between the Parties regarding documents or information to be exchanged. Documents that were not previously exchanged, or witnesses and experts that were not previously identified, may not be considered by the Arbitrator at the Hearing, unless agreed by the Parties or upon a showing of good cause.

(c) The Parties shall promptly notify JAMS when a dispute exists regarding discovery issues. A conference shall be arranged with the Arbitrator, either by telephone or in person, and the Arbitrator shall decide the dispute.

Rule 14. Scheduling and Location of Hearing

(a) The Arbitrator, after consulting with the Parties that have appeared, shall determine the date, time and location of the Hearing. The Arbitrator and the Parties shall attempt to schedule consecutive Hearing days if more than one day is necessary.

(b) If a Party has failed to participate in the Arbitration process, the Arbitrator may set the Hearing without consulting with that Party. The non-participating Party shall be served with a Notice of Hearing at least thirty (30) calendar days prior to the scheduled date, unless the law of the relevant jurisdiction allows for, or the Parties have agreed to, shorter notice.

(c) The Arbitrator, in order to hear a third-party witness, or for the convenience of the Parties or the witnesses, may conduct the Hearing at any location. Any JAMS Resolution Center may be designated a Hearing location for purposes of the issuance of a subpoena or subpoena *duces tecum* to a third-party witness.

Rule 15. Pre-Hearing Submissions

(a) Except as set forth in any scheduling order that may be adopted, at least seven (7) calendar days before the Arbitration Hearing, the Parties shall file with JAMS and serve and exchange (1) a list of the witnesses they intend to call, including any experts; (2) a short description of the anticipated testimony of each such witness and an estimate of the length of the witness' direct testimony; and (3) a list of all exhibits intended to be used at the Hearing. The Parties should exchange with each other copies of any such exhibits to the extent that they have not been previously exchanged. The Parties should pre-mark exhibits and shall attempt to resolve any disputes regarding the admissibility of exhibits prior to the Hearing.

(b) The Arbitrator may require that each Party submit a concise written statement of position, including summaries of the facts and evidence a Party intends to present, discussion of the applicable law and the basis for the requested Award or denial of relief sought. The statements, which may be in the form of a letter, shall be filed with JAMS and served upon the other Parties at least seven (7) calendar days before the Hearing date. Rebuttal statements or other pre-Hearing written submissions may be permitted or required at the discretion of the Arbitrator.

Rule 16. Securing Witnesses and Documents for the Arbitration Hearing

At the written request of a Party, all other Parties shall produce for the Arbitration Hearing all specified witnesses in their employ or under their control without need of subpoena. The Arbitrator may issue subpoenas for the attendance of witnesses or the production of documents either prior to or at the Hearing pursuant to this Rule or Rule 14(c). The subpoena or subpoena *duces tecum* shall be issued in accordance with the applicable law. Pre-issued subpoenas may be used in jurisdictions that permit them. In the event a Party or a subpoenaed person

objects to the production of a witness or other evidence, the Party or subpoenaed person may file an objection with the Arbitrator, who shall promptly rule on the objection, weighing both the burden on the producing Party and witness and the need of the proponent for the witness or other evidence.

Rule 17. The Arbitration Hearing

(a) The Arbitrator will ordinarily conduct the Arbitration Hearing in the manner set forth in these Rules. The Arbitrator may vary these procedures if it is determined to be reasonable and appropriate to do so.

(b) The Arbitrator shall determine the order of proof, which will generally be similar to that of a court trial.

(c) The Arbitrator shall require witnesses to testify under oath if requested by any Party, or otherwise at the discretion of the Arbitrator.

(d) Strict conformity to the rules of evidence is not required, except that the Arbitrator shall apply applicable law relating to privileges and work product. The Arbitrator shall consider evidence that he or she finds relevant and material to the dispute, giving the evidence such weight as is appropriate. The Arbitrator may be guided in that determination by principles contained in the Federal Rules of Evidence or any other applicable rules of evidence. The Arbitrator may limit testimony to exclude evidence that would be immaterial or unduly repetitive, provided that all Parties are afforded the opportunity to present material and relevant evidence.

(e) The Arbitrator shall receive and consider relevant deposition testimony recorded by transcript or videotape, provided that the other Parties have had the opportunity to attend and cross-examine. The Arbitrator may in his or her discretion consider witness affidavits or other recorded testimony even if the other Parties have not had the opportunity to cross-examine, but will give that evidence only such weight as he or she deems appropriate.

(f) The Parties will not offer as evidence, and the Arbitrator shall neither admit into the record nor consider, prior settlement offers by the Parties or statements or recommendations made by a mediator or other person in connection with efforts to resolve the dispute being arbitrated, except to the extent that applicable law permits the admission of such evidence.

(g) The Hearing, or any portion thereof, may be conducted telephonically or videographically with the agreement of the Parties or at the discretion of the Arbitrator.

(h) When the Arbitrator determines that all relevant and material evidence and arguments have been presented, and any interim or partial Awards have been issued, the Arbitrator shall declare the Hearing closed. The Arbitrator may defer the closing of the Hearing until a date determined by the Arbitrator, to permit the Parties to submit post-Hearing briefs, which may be in the form of a letter. If post-Hearing briefs are to be submitted, the Hearing shall be deemed closed upon receipt by the Arbitrator of such briefs.

(i) At any time before the Award is rendered, the Arbitrator may, *sua sponte* or upon the application of a Party for good cause shown, reopen the Hearing. If the Hearing is reopened, the time to render the Award shall be calculated from the date the reopened Hearing is declared closed by the Arbitrator.

(j) The Arbitrator may proceed with the Hearing in the absence of a Party that, after receiving notice of the Hearing pursuant to Rule 14, fails to attend. The Arbitrator may not render an Award solely on the basis of the default or absence of the Party, but shall require any Party seeking relief to submit such evidence as the Arbitrator may require for the rendering of an Award. If the Arbitrator reasonably believes that a Party will not attend the Hearing, the Arbitrator may schedule the Hearing as a telephonic Hearing and may receive the evidence necessary to render an Award by affidavit. The notice of Hearing shall specify if it will be in person or telephonic.

(k) Any Party may arrange for a stenographic or other record to be made of the Hearing and shall inform the other Parties in advance of the Hearing.

(i) The requesting Party shall bear the cost of such stenographic record. If all other Parties agree to share the cost of the stenographic record, it shall be made available to the Arbitrator and may be used in the proceeding.

(ii) If there is no agreement to share the cost of the stenographic record, it may not be provided to the Arbitrator and may not be used in the proceeding, unless the Party arranging for the stenographic record agrees to provide access to the stenographic record either at no charge or on terms that are acceptable to the Parties and the reporting service.

(iii) The Parties may agree that the cost of the stenographic record shall or shall not be allocated by the Arbitrator in the Award.

Rule 18. Waiver of Hearing

The Parties may agree to waive oral Hearing and submit the dispute to the Arbitrator for an Award based on written submissions and other evidence as the Parties may agree.

Rule 19. Awards

(a) The Arbitrator shall render a Final Award or Partial Final Award within thirty (30) calendar days after the date of the close of the Hearing as defined in Rule 17(h) or (i), or, if a Hearing has been waived, within thirty (30) calendar days after the receipt by the Arbitrator of all materials specified by the Parties, except (1) by the agreement of the Parties; (2) upon good cause for an extension of time to render the Award; or (3) as provided in Rule 17(i). The Arbitrator shall provide the Final Award or Partial Final Award to JAMS for issuance in accordance with this Rule.

(b) In determining the merits of the dispute, the Arbitrator shall be guided by the rules of law agreed upon by the Parties. In the absence of such agreement, the Arbitrator will be guided by the law or the rules of law that he or she deems to be most appropriate. The Arbitrator may grant any remedy or relief that is just and equitable and within the scope of the Parties' agreement, including, but not limited to, specific performance of a contract or any other equitable or legal remedy.

(c) In addition to a Final Award or Partial Final Award, the Arbitrator may make other decisions, including interim or partial rulings, orders and Awards.

(d) Interim Measures. The Arbitrator may grant whatever interim measures are deemed necessary, including injunctive relief and measures for the protection or conservation of property and disposition of disposable goods. Such interim measures may take the form of an interim or Partial Final Award, and the Arbitrator may require security for the costs of such measures. Any recourse by a Party to a court for interim or provisional relief shall not be deemed incompatible with the agreement to arbitrate or a waiver of the right to arbitrate.

(e) The Award of the Arbitrator may allocate Arbitration fees and Arbitrator compensation and expenses, unless such an allocation is expressly prohibited by the Parties' Agreement. (Such a prohibition may not limit the power of the Arbitrator to allocate Arbitration fees and Arbitrator compensation and expenses pursuant to Rule 26(c).)

(f) The Award of the Arbitrator may allocate attorneys' fees and expenses and interest (at such rate and from such date as the Arbitrator may deem appropriate) if provided by the Parties' Agreement or allowed by applicable law. When the Arbitrator is authorized to award attorneys' fees and must determine the reasonable amount of such fees, he or she may consider whether the failure of a Party to cooperate reasonably in the discovery process and/or comply with the Arbitrator's discovery orders caused delay to the proceeding or additional costs to the other Parties.

(g) The Award shall consist of a written statement signed by the Arbitrator regarding the disposition of each claim and the relief, if any, as to each claim. Unless all Parties agree otherwise, the Award shall also contain a concise written statement of the reasons for the Award.

(h) After the Award has been rendered, and provided the Parties have complied with Rule 26, the Award shall be issued by serving copies on the Parties. Service may be made by U.S. mail. It need not be sent certified or registered.

(i) Within seven (7) calendar days after service of a Partial Final Award or Final Award by JAMS, any Party may

serve upon the other Parties and on JAMS a request that the Arbitrator correct any computational, typographical or other similar error in an Award (including the reallocation of fees pursuant to Rule 26(c) or on account of the effect of an offer to allow judgment), or the Arbitrator may *sua sponte* propose to correct such errors in an Award. A Party opposing such correction shall have seven (7) calendar days thereafter in which to file any objection. The Arbitrator may make any necessary and appropriate corrections to the Award within fourteen (14) calendar days of receiving a request or seven (7) calendar days after his or her proposal to do so. The Arbitrator may extend the time within which to make corrections upon good cause. The corrected Award shall be served upon the Parties in the same manner as the Award.

(j) The Award is considered final, for purposes of judicial proceeding to enforce, modify or vacate the Award pursuant to Rule 20, fourteen (14) calendar days after service is deemed effective if no request for a correction is made, or as of the effective date of service of a corrected Award.

Rule 20. Enforcement of the Award

Proceedings to enforce, confirm, modify or vacate an Award will be controlled by and conducted in conformity with the Federal Arbitration Act, 9 U.S.C. Sec 1, *et. seq.,* or applicable state law. The Parties to an Arbitration under these Rules shall be deemed to have consented that judgment upon the Award may be entered in any court having jurisdiction thereof.

Rule 21. Confidentiality and Privacy

(a) JAMS and the Arbitrator shall maintain the confidential nature of the Arbitration proceeding and the Award, including the Hearing, except as necessary in connection with a judicial challenge to or enforcement of an Award, or unless otherwise required by law or judicial decision.

(b) The Arbitrator may issue orders to protect the confidentiality of proprietary information, trade secrets or other sensitive information.

(c) Subject to the discretion of the Arbitrator or agreement of the Parties, any person having a direct interest in the Arbitration may attend the Arbitration Hearing. The Arbitrator may exclude any non-Party from any part of a Hearing.

Rule 22. Waiver

(a) If a Party becomes aware of a violation of or failure to comply with these Rules and fails promptly to object in writing, the objection will be deemed waived, unless the Arbitrator determines that waiver will cause substantial injustice or hardship.

(b) If any Party becomes aware of information that could be the basis of a challenge for cause to the continued service of the Arbitrator, such challenge must be made promptly, in writing, to the Arbitrator or JAMS. Failure to do so shall constitute a waiver of any objection to continued service by the Arbitrator.

Rule 23. Settlement and Consent Award

(a) The Parties may agree, at any stage of the Arbitration process, to submit the case to JAMS for mediation. The JAMS mediator assigned to the case may not be the Arbitrator, unless the Parties so agree, pursuant to Rule 23(b).

(b) The Parties may agree to seek the assistance of the Arbitrator in reaching settlement. By their written agreement to submit the matter to the Arbitrator for settlement assistance, the Parties will be deemed to have agreed that the assistance of the Arbitrator in such settlement efforts will not disqualify the Arbitrator from continuing to serve as Arbitrator if settlement is not reached; nor shall such assistance be argued to a reviewing court as the basis for vacating or modifying an Award.

(c) If, at any stage of the Arbitration process, all Parties agree upon a settlement of the issues in dispute and request the Arbitrator to embody the agreement in a Consent Award, the Arbitrator shall comply with such request, unless the Arbitrator believes the terms of the agreement are illegal or undermine the integrity of the Arbitration process. If the Arbitrator is concerned about the possible consequences of the proposed Consent Award, he or she

shall inform the Parties of that concern and may request additional specific information from the Parties regarding the proposed Consent Award. The Arbitrator may refuse to enter the proposed Consent Award and may withdraw from the case.

Rule 24. Sanctions

The Arbitrator may order appropriate sanctions for failure of a Party to comply with its obligations under any of these Rules or with an order of the Arbitrator. These sanctions may include, but are not limited to, assessment of Arbitration fees and Arbitrator compensation and expenses; any other costs occasioned by the actionable conduct, including reasonable attorneys' fees; exclusion of certain evidence; drawing adverse inferences; or, in extreme cases, determining an issue or issues submitted to Arbitration adversely to the Party that has failed to comply.

Rule 25. Disqualification of the Arbitrator as a Witness or Party and Exclusion of Liability

(a) The Parties may not call the Arbitrator, the Case Manager or any other JAMS employee or agent as a witness or as an expert in any pending or subsequent litigation or other proceeding involving the Parties and relating to the dispute that is the subject of the Arbitration. The Arbitrator, Case Manager and other JAMS employees and agents are also incompetent to testify as witnesses or experts in any such proceeding.

(b) The Parties shall defend and/or pay the cost (including any attorneys' fees) of defending the Arbitrator, Case Manager and/or JAMS from any subpoenas from outside parties arising from the Arbitration.

(c) The Parties agree that neither the Arbitrator, nor the Case Manager, nor JAMS is a necessary Party in any litigation or other proceeding relating to the Arbitration or the subject matter of the Arbitration, and neither the Arbitrator, nor the Case Manager, nor JAMS, including its employees or agents, shall be liable to any Party for any act or omission in connection with any Arbitration conducted under these Rules, including, but not limited to, any disqualification of or recusal by the Arbitrator.

Rule 26. Fees

(a) Each Party shall pay its *pro rata* share of JAMS fees and expenses as set forth in the JAMS fee schedule in effect at the time of the commencement of the Arbitration, unless the Parties agree on a different allocation of fees and expenses. JAMS' agreement to render services is jointly with the Party and the attorney or other representative of the Party in the Arbitration. The non-payment of fees may result in an administrative suspension of the case in accordance with Rule 6(c).

(b) JAMS requires that the Parties deposit the fees and expenses for the Arbitration from time to time during the course of the proceedings and prior to the Hearing. The Arbitrator may preclude a Party that has failed to deposit its *pro rata* or agreed-upon share of the fees and expenses from offering evidence of any affirmative claim at the Hearing.

(c) The Parties are jointly and severally liable for the payment of JAMS Arbitration fees and Arbitrator compensation and expenses. In the event that one Party has paid more than its share of such fees, compensation and expenses, the Arbitrator may Award against any Party any such fees, compensation and expenses that such Party owes with respect to the Arbitration.

(d) Entities whose interests are not adverse with respect to the issues in dispute shall be treated as a single Party for purposes of JAMS' assessment of fees. JAMS shall determine whether the interests between entities are adverse for purpose of fees, considering such factors as whether the entities are represented by the same attorney and whether the entities are presenting joint or separate positions at the Arbitration.

Rule 27. Bracketed (or High-Low) Arbitration Option

(a) At any time before the issuance of the Arbitration Award, the Parties may agree, in writing, on minimum and maximum amounts of damages that may be awarded on each claim or on all claims in the aggregate. The Parties shall promptly notify JAMS and provide to JAMS a copy of their written agreement setting forth the agreed-upon minimum and maximum amounts.

(b) JAMS shall not inform the Arbitrator of the agreement to proceed with this option or of the agreed-upon minimum

and maximum levels without the consent of the Parties.

(c) The Arbitrator shall render the Award in accordance with Rule 19.

(d) In the event that the Award of the Arbitrator is between the agreed-upon minimum and maximum amounts, the Award shall become final as is. In the event that the Award is below the agreed-upon minimum amount, the final Award issued shall be corrected to reflect the agreed-upon minimum amount. In the event that the Award is above the agreed-upon maximum amount, the final Award issued shall be corrected to reflect the agreed-upon maximum amount.

Rule 28. Final Offer (or Baseball) Arbitration Option

(a) Upon agreement of the Parties to use the option set forth in this Rule, at least seven (7) calendar days before the Arbitration Hearing, the Parties shall exchange and provide to JAMS written proposals for the amount of money damages they would offer or demand, as applicable, and that they believe to be appropriate based on the standard set forth in Rule 19(b). JAMS shall promptly provide copies of the Parties' proposals to the Arbitrator, unless the Parties agree that they should not be provided to the Arbitrator. At any time prior to the close of the Arbitration Hearing, the Parties may exchange revised written proposals or demands, which shall supersede all prior proposals. The revised written proposals shall be provided to JAMS, which shall promptly provide them to the Arbitrator, unless the Parties agree otherwise.

(b) If the Arbitrator has been informed of the written proposals, in rendering the Award, the Arbitrator shall choose between the Parties' last proposals, selecting the proposal that the Arbitrator finds most reasonable and appropriate in light of the standard set forth in Rule 19(b). This provision modifies Rule 19(g) in that no written statement of reasons shall accompany the Award.

(c) If the Arbitrator has not been informed of the written proposals, the Arbitrator shall render the Award as if pursuant to Rule 19, except that the Award shall thereafter be corrected to conform to the closest of the last proposals and the closest of the last proposals will become the Award.

(d) Other than as provided herein, the provisions of Rule 19 shall be applicable.

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Summary of July 1, 2014 Revisions to JAMS Streamlined Arbitration Rules & Procedures ›

EXHIBIT

G

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	
	)	
BRAVO MEDIA PRODUCTIONS, LLC, HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	
	)	

PLAINTIFF'S MEMORANDUM IN SUPPORT OF MOTION TO COMPEL

BACKGROUND

Plaintiff served Standard Interrogatories and First Request for Production to the Defendants on September 3, 2020. By letter dated September 10, 2020, Defendants refused to respond to Plaintiff's discovery requests in their entirety. The stated grounds are SCACR Rules 205 and 241. According to the Defendants, because they are appealing this court's denial of their motion to dismiss and/or compel arbitration, "[a]ny obligation to respond to Plaintiff's discovery requests, which seek information and documents related to the 'facts of the case' and 'the claims and/or defenses in this this case' clearly are matters 'affected by the appeal' and, therefore, is stayed." Accordingly, Plaintiff filed a motion to compel on September 16, 2020. Plaintiff incorporates his motion to compel and exhibits thereto fully herein.

After scheduling a hearing on Plaintiff's motion to compel at 11:30 am on December 8, 2020, the Court informed the parties that memoranda were not necessary. Nevertheless,

approximately an hour before the hearing of this matter, the Defendants submitted a memorandum of law in opposition to Plaintiff's motion to compel, further arguing this court lacks jurisdiction to compel discovery and orally arguing that that the issues on appeal from the order denying their Rule 12 motion to dismiss necessarily encompasses all discovery matters. At the hearing, the Court granted Plaintiff leave to submit this memorandum in response.

ARGUMENT

The order Defendants' have appealed resulted from the denial of their motion pursuant to Rule 12(b)(3), SCRCP. The Defendants' motion sought to dismiss this action, arguing it was allegedly brought in an improper venue and/or to compel arbitration pursuant to a "Release and Arbitration Agreement" that Plaintiff has specifically alleged was fraudulently procured and/or misrepresented. As set forth in Plaintiff's motion to compel and herein, the only issue actually on appeal is the issue of arbitration.

First, South Carolina appellate courts do not allow immediate appellate review of the *denial* of any Rule 12(b), SCRCP motion. *Breland v. Love Chevrolet Olds, Inc*., 339 S.C. 89, 529 S.E.2d 11 (2011)(holding the denial of Rule 12(b)(3) motion to change venue is not immediately appealable)(*citing Woodard v. Westvaco Corp.,* 319 S.C. 240, 460 S.E.2d 392 (1995) (ruling the denial of a Rule 12(b)(1), SCRCP motion was not immediately appealable); *Mid–State Distribs., Inc. v. Century Importers, Inc.,* 310 S.C. 330, 426 S.E.2d 777 (1993) (ruling the denial of a Rule 12(b)(2), SCRCP motion was not immediately appealable); *Moyd v. Johnson,* 289 S.C. 482, 347 S.E.2d 97 (1986) (ruling the denial of a Rule 12(b)(6), SCRCP motion was not immediately appealable). Also, the denial of a Rule 12(c) motion is not immediately appealable. *Rose v. Thrash,* 291 S.C. 459, 354 S.E.2d 378 (1987). Accordingly,

the Defendants' contention that the denial of their motion to dismiss based upon an alleged improper venue is at issue on appeal is incorrect.

Second, regardless of the fact that the denial of a Rule 12(b)(3) motion to dismiss based upon improper venue is not immediately appealable, matters of discovery were not at issue nor ruled upon when the Defendants' requested relief in their motion to dismiss was denied. SCACR Rules 205 and 241 are clear that they operate only to stay matters *affected by the appeal*. See Rule 205, SCACR ("Nothing in these Rules shall prohibit the lower court, commission or tribunal from proceeding with matters not affected by the appeal"); Rule 241(a), SCACR ("The lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal").

Here, the sole matter affected by the Defendants' appeal of the denial of their motion to dismiss and/or compel arbitration is the mode and manner of the trial of this case. That issue, however, is irrelevant and wholly inapplicable to the parties' discovery rights. The information and documentation sought by Plaintiff in his discovery requests are explicitly authorized *in all cases* [1] including under the JAMS rules of arbitration.[2] Plaintiff is and would be entitled to discovery of the information and documentation requested in his standard interrogatories and

[1] *See* SCRCP Rule 33(b) ("*In all cases* the following standard interrogatories may be served by one party upon another….") (emphasis added).

[2] Even the JAMS arbitration rules - to the extent they are applicable at all, which Plaintiff denies - explicitly authorize and entitle Plaintiff to the information and documentation requested. *See* Rule 13 of the JAMS Streamlined Arbitration Rules (attached to Plaintiff's motion to compel as Exhibit C) which directs the Parties to cooperate in good faith in the voluntary exchange of "all non-privileged documents and information (including electronically stored information ('ESI')) relevant to the dispute or claim, including copies of all documents in their possession or control on which they rely in support of their positions or that they intend to introduce as exhibits…."

request for production regardless of the venue, forum, or the appellate court's decision on the issue of the mode and manner of trial.

Moreover, no stay of proceedings has been ordered - nor are there grounds for such a stay - as Court of Appeals has recently addressed, and rejected, the Defendants' argument that this court lacks jurisdiction to hear and compel discovery when an order denying arbitration is on appeal. *Sanders v. Savannah Highway Automotive Company*, 2020 WL 6154305 (Ct. App. October 21, 2020 (holding trial court had jurisdiction to enter order compelling discovery after Defendants filed notice of appeal of order denying arbitration and further finding discovery orders are interlocutory and not immediately appealable). As a result, the Defendants have put forth no legal basis whatsoever for their refusal to respond to the Plaintiff's discovery requests.

The information and documents requested are directly relevant to the Plaintiff's claims and/or the Defendants' defenses and limited in scope. Absolutely nothing in the appellate court rules or the rules of civil procedure enables the Defendants to simply refuse to respond to basic requests for information or produce documents relevant to the claims and defenses in the case. The only purpose served by the Defendants' collective refusal to comply are delay and obfuscation, something this Court cannot condone and must reject with appropriate sanctions levied against the Defendants to deter similar conduct in the future.

CONCLUSION

For the reasons set forth herein, the Plaintiff's motion must be granted with an award of attorney's fees, costs, and/or sanctions as the Court deems appropriate pursuant to the rules of civil procedure including SCRCP Rule 37(a)(4).

Respectfully submitted,

s/ Aaron E. Edwards
Aaron E. Edwards

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ATTORNEYS FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: December 8, 2020

EXHIBIT
H

ELECTRONICALLY FILED - 2020 Dec 08 10:28 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON JOSEPH ABRUZZO, Plaintiff, vs. BRAVO MEDIA PRODUCTIONS LLC; HAYMAKER MEDIA, INC.; NBCUNIVERSAL MEDIA, LLC; COMCAST CORPORATION; CRAIG CONOVER; CHELSEA MEISSNER; AND MADISON LECROY, Defendants.	IN THE COURT OF COMMON PLEAS Civil Action No. 2020-CP-10-472 **DEFENDANTS' MEMORANDUM IN OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL**

Defendants Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner, and Madison LeCroy, (jointly "Defendants") by and through their undersigned attorneys submit this Memorandum in Opposition to Plaintiff's Motion to Compel. Pursuant to Rule 205 and 241, SCACR, Defendants' appeal in this matter stays all further action in this Court except for matters not affected by the appeal. Given the issues raised to this Court in Defendants' Motion to Dismiss Plaintiff's Amended Complaint and for Order Compelling Arbitration, filed June 22, 2020 ("Motion to Dismiss"), their Memorandum in Support of Motion to Dismiss Plaintiff's Amended Complaint and for Order Compelling Arbitration, filed with this Court on June 29, 2020 ("Memo in Support"), and their Motion for Reconsideration Pursuant to Rule 29(e), SCRCP, and Memorandum in Support, filed July 16, 2020 ("Motion for Reconsideration"), the denial of which Defendants have appealed, this Court lacks jurisdiction to compel any response to Plaintiff's discovery requests.

This Court denied Defendants' Motion to Dismiss on July 6, 2020, and denied their Motion for Reconsideration on July 22, 2020. Defendants filed a timely Notice of Appeal on August 10,

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2020, appealing both Form 4 Orders. (Exh. A). Nonetheless, Plaintiff served his discovery requests on Defendants on September 3, 2020, while this matter is pending before the Court of Appeals in Appeal No. 2020-001095. (Exh. B). After Defendants advised Plaintiff on September 10, 2020 that, pursuant to Rules 205 and 241(a), SCACR, the discovery he is seeking to initiate is "affected by the appeal" and, therefore, stayed pending the outcome of the appeal, Plaintiff filed his Motion to Compel.

Plaintiff's argument appears to be that, regardless of the outcome of the pending appeal, he would be entitled to discovery in some forum, either in this Court or in an arbitral forum or, presumably, even in a New York state or federal court and, therefore, this Court retains jurisdiction to enter an order compelling discovery. He is incorrect and his Motion should be denied. "Pursuant to Rule 205, SCACR, upon the service of a notice of appeal the appellate Court has exclusive jurisdiction over the appeal, with the exception of matters not affected by the appeal." *Lancaster v. Georgia-Pacific Corp.*, 403 S.C. 136, 137, 742 S.E.2d 867, 868 (2013) (noting that settlement agreements cannot be acted on by a lower court while an appeal is pending); *see also Morris v. Morris*, 295 S.C. 37, 40, 367 S.E.2d 24, 26 (1988) (where alimony was contested in a pending appeal, the lower court "lacked jurisdiction to terminate alimony" because it "was clearly a 'matter affected by the appeal'").

Rule 205 provides, in relevant part, that, "[u]pon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal … Nothing in these Rules shall prohibit the lower court … from proceeding with matters not affected by the appeal." Rule 205, SCACR. Correspondingly, Rule 241(a) provides, in pertinent part, that, "[a]s a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, or decree or decision on appeal and to automatically stay the relief ordered in the

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appealed order, judgment, or decree or decision. This automatic stay continues in effect for the duration of the appeal … The lower court … retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal." Rule 241(a), SCACR. To be more precise, Rule 241 determines "whether the appealed *order* may be carried out or enforced" during the pendency of an appeal, whereas Rule 205 determines "whether the lower court may proceed with the action during the pendency of the appeal." *Tillman v. Oakes*, 398 S.C. 245, 255, 728 S.E.2d 45, 50-51 (Ct. App. 2012).

"Under Rule 205 and the last sentence of" what is now Rule 241, "the lower court may not act or issue orders that affect an issue on appeal." Rather, "the lower court may act only to enforce matters not stayed by the appeal." *Arnal v. Fraser*, 371 S.C. 512, 519, 641 S.E.2d 419, 422 (2007). In *Arnal*, the Supreme Court analyzed each issue in light of the lower court's order in order to determine whether it was "affected by the appeal," concluding that orders issued by the lower court involving issues on appeal were "void for lack of jurisdiction." 371 S.C. at 521-522, 641 S.E.2d at 423-424.

Here, Defendants argued in their Memorandum in Support that this Court lacked in personam jurisdiction over the parties, given the arbitration agreement and the forum selection provision in the Appearance Release, Voluntary Participation, and Arbitration Agreement. ("Release and Arbitration Agreement"). Specifically, Defendants argued that Plaintiff's Amended Complaint should be dismissed in its entirety and his claims resolved through mediation and, if that failed, through binding arbitration administered by JAMS and in accordance with the terms of the arbitration agreement Plaintiff signed. (Memo in Support pp. 20-21, 23-46) (Motion for Reconsideration pp. 1-18). Defendants argued in the alternative that, "[b]ecause Plaintiff agreed to *exclusive* jurisdiction of all court proceedings in the appropriate state and federal courts in New

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York, this Court lacks in personam jurisdiction over his claims." (Memo in Support pp. 46-51) (Motion for Reconsideration pp. 18-20). In addition, Defendants argued that New York law, not South Carolina law, governed all claims or issues relating to the Release and Arbitration Agreement. (Memo in Support pp. 21-23) (Motion for Reconsideration p. 7). And, given that this Court issued only Form 4 Orders denying both Defendants' Motion to Dismiss and their later Motion for Reconsideration, it must be assumed that both Motions were denied in their entirety (albeit for unstated reasons). Thus, the issues raised by Defendants on appeal go far beyond simply the "mode and manner of the trial of this case," as Plaintiff suggests, and center on this Court's authority to proceed with any aspect of the litigation of Plaintiff's claims.

"Rule 205 divests the lower court … of jurisdiction over '*matters affected by the appeal*.'" *Stoke-Craven Holding Corp. v. McKenzie*, 416 S.C. 517, 534, 787 S.E.2d 485, 494 (2016), *citing Black's Law Dictionary* 68 (10th ed. 2014) (defining the term "affect" as "to produce an effect on; to influence in some way"). In other words, a matter or issue is stayed where it "depend[s] upon the success of the [party's] appeal of the trial court's order …" *Wayne Smith Constr. Co. v. Wolman, Duberstein, & Thompson*, 294 S.C. 140, 149, 363 S.E.2d 115, 120 (Ct. App. 1987). To determine whether a matter is "affected" by an appeal, a court must closely examine the issues on appeal, asking whether there is any "action the appellate courts could take resolving th[e] appeal that would affect the" proceedings initiated by a party during a pending appeal. *Tillman*, 398 S.C. at 256, 728 S.E.2d at 51.

Here, the answer plainly is yes. Defendants' Motion to Dismiss challenged this Court's authority to hear or adjudicate any part of the dispute between them and Plaintiff—with no exception or "carve out" for conducting discovery. Instead, Defendants' position from the beginning has been that Plaintiff's Amended Complaint must be dismissed by this Court, which

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should order the parties either to mediate, and if necessary, arbitrate their dispute pursuant to their arbitration agreement or, in the alternative, to litigate their dispute in New York state or federal court pursuant to the forum selection clause. Clearly, if the Court of Appeals reverses this Court and orders the parties either to mediation, and if necessary, arbitration or to litigation in New York, this Court would have no jurisdiction to issue any rulings on the scope of or schedule for discovery in this action.[1] Of course, that makes logical sense since the forum in which the merits of this action is tried is the one that has jurisdiction to define the scope and timing of discovery, if any.

In addition to being unenforceable, any prior inconsistent discovery rulings by this Court would waste the Court's and the parties' resources. Even if the Court of Appeals ultimately denies Defendants' appeal, pursuant to Rule 205 and 241, SCACR, this Court currently lacks jurisdiction to proceed with discovery or any other preliminary matter prior to a decision on Defendants' appeal, which unmistakably raises the issue of this Court's ability to resolve this dispute. Therefore, Plaintiff's Motion to Compel must be denied since it is "affected by the appeal."

Notably, this is precisely why courts routinely stay proceedings in cases involving the Federal Arbitration Act, 9 U.S.C. §§ 1-16 ("FAA"), the applicability of which here Plaintiff has not disputed and, in fact, appears to concede. (*See* Plaintiff's Memorandum in Opposition to Defendants' Motion to Dismiss Amended Complaint, filed June 29, 2020, pp. 24-26). For example, in *Combined Energies v. CCI, Inc.*, 495 F. Supp. 2d 142 (D. Me. 2007), the lower court granted the defendant's motion to stay discovery[2] while the denial of its motion to compel

[1] Plaintiff also erroneously states that he would be entitled to responses to his discovery requests even if Defendants prevail on appeal and that the scope of discovery would be identical whether this case is litigated in court or resolved via mediation or arbitration. Neither assertion is correct.

[2] In federal cases involving the FAA, a party can move to stay any further proceedings during an appeal, including discovery, pursuant to section 3 of the FAA. In South Carolina, such a motion to stay is unnecessary in light of the automatic stay provided in Rules 205 and 241, SCACR. However, to the extent this Court determines that Defendants need to move affirmatively to stay

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arbitration was pending on appeal. Relying on an Eleventh Circuit case, *Lummus Co. v. Commonwealth Oil Refining Co.*, 273 F.2d 613 (1st Cir. 1959), the district court concluded that "a party should not be allowed to proceed with discovery when the other party has appealed an order denying arbitration." This is because an appeal, in either federal or state court, "is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Combined Energies*, 495 F. Supp. 2d at 143. "To assume ongoing jurisdiction over discovery would be inconsistent with the bedrock principle that once a case is appealed, jurisdiction rests with the court of appeals, not in both the court of appeals and the district court." *Id.* at 143-144. *Lummus* could not have stated it more clearly: "a court order of discovery would be affirmatively inimical to appellee's obligation to arbitrate, if this court determines it to have such obligation. It seems clear that if arbitration is to be had of the entire dispute, appellee's right to discovery must be far more restricted than if the case remains in a federal court for plenary trial …" 273 F.2d at 613.

Patently, "[w]hether the case should be litigated in the district court is not an issue collateral to the question presented by an appeal under 16 § (a)(1)(A) [the appeal provision of the FAA], however; it is the mirror image of the question presented on appeal. Continuation of the proceedings in the district court largely defeats the point of the appeal and creates a risk of inconsistent handling of the case by two tribunals." *Bradford-Scott Data Corp. v. Physician Computer Network*, 128 F.3d 504, 505 (7th Cir. 1997). Specifically, "discovery on the subject matter of a dispute to be arbitrated should be denied in the absence of extraordinary circumstances." *McIntire v. China MediaExpress Holdings, Inc.*, 252 F. Supp. 3d 328, 330 (S.D.

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discovery, Defendants request that this Court treat this Memorandum in Opposition as, alternatively, a Motion For a Stay of Discovery pursuant to 9 U.S.C. § 3 pending the outcome of their appeal to the South Carolina Court of Appeals.

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N.Y. 2017), *citing Hughes, Hooker & Co. v. American Steamship Owners Mut. Prot. & Indem. Ass'n, Inc.*, No. 04 Civ. 1859 (SHS), 2005 U.S. Dist. LEXIS 11381 *21 (S.D. N.Y. June 5, 2005); *see also Hardin v. First Cash Fin. Servs.*, 465 F.3d 470, 474 n.2 (10th Cir. 2006) (rejecting argument that matters such as discovery "are 'matters not involved in [the] appeal'" explaining that "allowing a district court to retain jurisdiction of such matters would disrupt the very purpose of an arbitration appeal: 'Arbitration clauses reflect the parties' preference for *non-judicial* dispute resolution'"); *Gingras v. Rosette*, No. 5:15-cv-101, 2016 U.S. Dist. LEXIS 113187 *27 (D. Vt. Aug. 22, 2016 (same, and noting that "given the breadth of the arbitration clause (assuming they apply), discovery would be intertwined with the subject matter of the dispute(s) to be arbitrated"). The term "exceptional" or "extraordinary" circumstances "addresses situations where a party's ability to properly present its case to the arbitrator will be irreparably harmed absent court ordered discovery." *McIntire*, 252 F. Supp. 3d at 331. Plaintiff has not and cannot meet such a standard. In fact, he argues, erroneously, that he would be entitled to have his discovery requests enforced regardless of the forum in which this dispute ultimately is resolved.

CONCLUSION

For all of the reasons stated herein, this Court should deny Plaintiff's Motion to Compel for lack of jurisdiction while this Court's Orders are on appeal.

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December 8, 2020

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable, Circuit Court Judge

Case No. 2020-CP-10-472

Joseph Abruzzo, Plaintiff..... Respondent,

v.

Bravo Media Productions LLC; Haymaker Media, Inc.; NBCUniversal Media, LLC; Comcast Corporation; Craig Conover; Chelsea Meissner; and Madison LeCroy, Defendants..... Appellants.

NOTICE OF APPEAL

Appellants Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner and Madison LeCroy hereby appeal the Form 4 Orders of the Honorable Bentley D. Price, filed July 6, 2020 and July 22, 2020 denying Appellants' motion to compel arbitration and Appellants' motion for reconsideration. Appellants received written notice of entry of these Orders on July 6, 2020 and July 22, 2020 respectively.

August 10, 2020

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Exhibit A

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(561) 826-5200

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP1000472

Joseph Abruzzo
PLAINTIFF(S)

Bravo Media Productions Llc et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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

☑ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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

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

☐ **STAYED DUE TO BANKRUPTCY**

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

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

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

Defendant Bravo Media Productions LLC.'s Motion to Dismiss and Motion for order compelling arbitration are denied.

ORDER INFORMATION

This order ☐ ends ☑ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/30/2020 .

RECEIVED
AUG 12 2020
SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2020 Jul 06 9:05 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

Court Reporter:

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ELECTRONICALLY FILED - 2020 Jul 06 9:05 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

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Charleston Common Pleas

Case Caption: Joseph Abruzzo VS Bravo Media Productions Llc , defendant, et al

Case Number: 2020CP1000472

Type: Order/Electronic Form 4

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP1000472

Joseph Abruzzo
PLAINTIFF(S)

Bravo Media Productions Llc et al
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NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

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

The Defendant's Motion for Reconsideration is DENIED. A hearing is not necessary.

ORDER INFORMATION

This order ☐ ends ☑ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 07/20/2020 .

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NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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Court Reporter:

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ELECTRONICALLY FILED - 2020 Jul 22 10:13 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

ELECTRONICALLY FILED - 2020 Jul 22 10:13 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

Charleston Common Pleas

Case Caption: Joseph Abruzzo VS Bravo Media Productions Llc , defendant, et al

Case Number: 2020CP1000472

Type: Order/Electronic Form 4

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

RECEIVED
AUG 12 2020
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable, Circuit Court Judge

Case No. 2020-CP-10-472

Joseph Abruzzo, Plaintiff..... Respondent,

v.

Bravo Media Productions LLC; Haymaker Media, Inc.; NBCUniversal Media, LLC; Comcast Corporation; Craig Conover; Chelsea Meissner; and Madison LeCroy, Defendants ..... Appellants.

PROOF OF SERVICE

I certify that I have served the **Notice of Appeal** on Joseph Abruzzo, by depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorney of record, as follows:

Aaron E. Edwards, Esq.
Edwards Law Firm
755 Johnnie Dodds Blvd., Suite 100
Mount Pleasant, South Carolina 20464
(843) 375-2008
aaron@edwardsfirmllc.com

Jared Namm, Esq.
The Berman Law Group
Post Office Box 272789
Boca Raton, Florida 33427
(561) 826-5200

August 10, 2020

Mackenzie Broughton
Legal Assistant to Helen F. Hiser
McANGUS GOUDELOCK & COURIE LLC
735 Johnnie Dodds Blvd., Suite 200
PO Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

Attorneys for Appellants

mgc

Reply To
HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

August 10, 2020

RECEIVED
AUG 12 2020
SC Court of Appeals

VIA FACSIMILE & U.S. MAIL
The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, South Carolina 29401-2258

RE: Joseph Abruzzo v. Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner, and Madison LeCroy
Civil Action No.: 2020CP1000472 (Charleston)
Carrier Claim No.: 170003678
MGC File No.: 21162.20001
Appeal No.: 2020-

Dear Ms. Armstrong:

Please find enclosed for filing the original and one (1) copy of the Notice of Appeal in the above-captioned case. I would appreciate your returning a clocked-in copy of the same to me in the enclosed self-addressed, stamped envelope.

By copy of this letter, I am serving counsel of record with the above-referenced Notice of Appeal.

Thanking you in advance for your assistance, I am

Very truly yours,

Helen F. Hiser

Enclosures
cc: The Honorable Jenny Abbott Kitchings, S.C. Court of Appeals
Aaron E. Edwards, Esq.
Jared Namm, Esq.

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

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August 13, 2020

Ms. Helen F Hiser, Esquire
PO Box 650007
Mount Pleasant SC 29465

Mr. James David Smith, Jr., Esquire
PO Box 650007
Mt. Pleasant SC 29465

Mrs. Danielle F. Payne, Esquire
735 Johnnie Dodds Blvd
Suite 200
Mt. Pleasant SC 29464

Re: Joseph Abruzzo v. Bravo Media Productions, LLC, et al.
Appellate Case No. 2020-001095

Dear Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter has been changed to read as follows:

Joseph Abruzzo, Respondent,

v.

Bravo Media Production LLC, Haymaker Media, Inc., NBC Universal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner, and Madison LeCroy, Appellants.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

V Claire Allen

CLERK

cc: Aaron Eric Edwards, Esquire

EXHIBIT
I

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP1000472

Joseph Abruzzo
PLAINTIFF(S)

Bravo Media Productions Llc et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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

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

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

☐ **STAYED DUE TO BANKRUPTCY**

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

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

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

Plaintiff filed a Motion to Compel on September 16, 2020 which was heard by this court on December 8, 2020. Upon careful review of the submissions, this court GRANTS Plaintiff's Motion to Compel. Defendant has 30 days from the date of this order to submit discovery responses. To the extent Defendant's response may be construed as a Motion to Stay, that Motion is denied.

ORDER INFORMATION

This order ☐ ends ☑ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 02/11/2021 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2021 Feb 11 2:02 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

Court Reporter:

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

ELECTRONICALLY FILED - 2021 Feb 11 2:02 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

ELECTRONICALLY FILED - 2021 Feb 11 2:02 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

Charleston Common Pleas

Case Caption: Joseph Abruzzo VS Bravo Media Productions Llc , defendant, et al

Case Number: 2020CP1000472

Type: Order/Electronic Form 4

So Ordered

s/Jennifer B. McCoy #2764

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By Dana Pope
DEPUTY CLERK

EXHIBIT

J

ELECTRONICALLY FILED - 2021 Feb 22 3:08 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON JOSEPH ABRUZZO, Plaintiff, vs. BRAVO MEDIA PRODUCTIONS LLC; HAYMAKER MEDIA, INC.; NBCUNIVERSAL MEDIA, LLC; COMCAST CORPORATION; CRAIG CONOVER; CHELSEA MEISSNER; AND MADISON LECROY, Defendants.	IN THE COURT OF COMMON PLEAS Civil Action No. 2020-CP-10-472 **DEFENDANTS' MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO RULE 59(e), SCRCP**

Pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure, Defendants Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner, and Madison LeCroy, (jointly "Defendants") by and through their undersigned attorneys hereby move before The Honorable Jennifer B. McCoy for an Order altering or amending the Form 4 Order of Judgment entered in this case on February 11, 2021.

On December 8, 2020, the Court held a hearing on Plaintiffs' Motion to Compel Defendants to respond to Plaintiff's Standard Interrogatories and First Request for Production. On February 11, 2021, the Court granted Plaintiffs' Motion to Compel and denied Defendants' motion for a stay of proceedings while the Court of Appeals hears the appeal of the denial of their motion to compel arbitration. In the Form 4 Order, the Court stated that Defendants have "30 days from the date of this order to submit discovery responses." That due date would have been March 15, 2021.

ELECTRONICALLY FILED - 2021 Feb 22 3:08 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

Given the breadth of Plaintiff's Interrogatories and First Request for Production, it will take Defendants more than 30 days from the date of the Order to respond to his discovery requests. This is particularly true given the difficulty of preparing these responses due to Covid-19 and the fact that many employees, including IT employees, are working remotely. Although counsel for Defendants has contacted Plaintiff's counsel twice in writing seeking his agreement to an extension, Plaintiff's counsel has not responded to those written requests. Consequently, Defendants seek to have this Court alter or amend its Form 4 Order to allow an additional 45 days, or until April 30, 2021, for Defendants to comply with the Form 4 Order.

.

MCANGUS GOUDELOCK & COURIE, L.L.C.

s/James D. Smith, Jr.
JAMES D. SMITH, JR. (SC Bar No. 16179)
jsmith@mgclaw.com
DANIELLE F. PAYNE (SC Bar No. 73142)
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HELEN F. HISER (SC Bar No. 76124)
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Mt. Pleasant, South Carolina 29465
Telephone: (843) 576-2900
Facsimile: (843) 534-0605

ATTORNEYS FOR DEFENDANTS

February 22, 2021

EXHIBIT
K

ELECTRONICALLY FILED - 2021 Mar 19 4:56 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON JOSEPH ABRUZZO, Plaintiff, vs. BRAVO MEDIA PRODUCTIONS LLC; HAYMAKER MEDIA, INC.; NBCUNIVERSAL MEDIA, LLC; COMCAST CORPORATION; CRAIG CONOVER; CHELSEA MEISSNER; AND MADISON LECROY, Defendants.	IN THE COURT OF COMMON PLEAS Civil Action No. 2020-CP-10-472 **DEFENDANTS' NOTICE OF MOTION AND MOTION FOR A PROTECTIVE ORDER**

TO: AARON E. EDWARDS, ESQ., COUNSEL FOR PLAINTIFF JOSEPH ABRUZZO:

YOU WILL PLEASE TAKE NOTICE that ten (10) days after service hereof, or as soon thereafter as counsel may be heard, Defendants Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner, and Madison LeCroy (jointly "Defendants"), by and through their undersigned attorneys, will move for an order of protection pursuant to Rule 26(c) of the *South Carolina Rules of Civil Procedure*. This Motion is necessitated by Plaintiff's counsel's refusal to agree to enter into a customary consent confidentiality order that would allow both parties to designate commercially sensitive and other proprietary documents and information as confidential prior to production and, of course, would provide a mechanism for the non-designating party to challenge any such designation. This Motion is made without waiver of Defendants' right to demand arbitration.

BACKGROUND FACTS

Plaintiff filed a Complaint and then an Amended Complaint in Charleston County Court

ELECTRONICALLY FILED - 2021 Mar 19 4:56 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

of Common Pleas alleging various injuries arising out of his appearance on the reality television show *Southern Charm*. Based on an Arbitration Agreement contained in a Release, Appearance and Arbitration Agreement signed by Plaintiff, Defendants moved to compel arbitration, which motion was denied in a July 6, 2020 Form 4 Order. Defendants moved for reconsideration, which also was denied in a July 22, 2020 Form 4 Order. On August 10, 2020, Defendants appealed both Orders to the South Carolina Court of Appeals, where the appeal currently is pending.

On September 3, 2020, Plaintiff served Defendants with his Standard Interrogatories and his First Request for Production. Several of Plaintiff's requests for production are overly broad, unduly burdensome, not proportional, not limited in terms of time or scope, and seek materials that are not relevant, and/or seek documents and information that contain confidential, proprietary and/or trade secret information belonging to Defendants and/or third parties.

Plaintiff filed a motion to Compel Discovery Responses on September 16, 2020, which Defendants opposed based on the pending appeal and their consistent demand for arbitration. On February 11, 2021, the Court granted Plaintiff's Motion to Compel, setting March 15, 2021 as the due date for Defendants to respond.[1] Counsel for Defendants reached out to Plaintiff's counsel on February 17, 20201 and again on February 22, 2021 inquiring whether he would agree to a customary 30-day extension of time for Defendants to respond in light of the breadth and nature of his discovery requests and the global COVID-19 pandemic, which has resulted in business disruptions and a largely remote workforce. (Exh. A).

As just one example, Plaintiff seeks, inter alia, all video concerning the Plaintiff. That includes all footage—both aired and unaired—featuring or referencing Plaintiff. As is typical for

[1] Plaintiff's Motion to Compel and the Court's February 11 Order addressed whether discovery is premature given Defendants' pending appeal; neither addressed specific discovery requests.

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any reality television show, over a thousand hours of footage is filmed for a particular season of the show, much of which does not ultimately air in the final episodes. Defendants must now collect and review all of that footage to identify any unaired footage responsive to Plaintiff's request, if any exists. That process is underway, but responding to this request alone, is enormously time-consuming. In addition, Defendants are also reviewing thousands of pages of documents for responsiveness, privilege, attorney-work product and confidentiality. Some documents also contain information that qualifies as trade secrets under the South Carolina Trade Secrets Act ("SCTSA").

Defendants received absolutely no response from Plaintiff's counsel to their request for a short extension of time to respond his discovery requests until March 19, when, as discussed below, Plaintiff's counsel made a belated and conditional offer to partially extend the deadline to April 15. As a result, Defendants were forced to move for reconsideration of the February 11, 2021 Order, solely for the purpose of seeking additional time to respond. As no ruling on that motion was received by March 15, 2021 and discussions about a consent confidentiality order were ongoing, Defendants made a good-faith effort to respond as fully as they were able on that date with a representation that they would continue to produce documents and information as soon as reasonably feasible and upon the execution of a confidentiality order or entry of a protective order. Defendants also confirmed that they would produce a privilege log upon the completion of their document review and production.

In the meantime, because Plaintiff's document requests seek production of confidential, proprietary and/or trade secret information belonging to Defendants and third parties, Defendants reached out to Plaintiff's counsel via email on four separate occasions (twice on March 10, 2021, and once each on March 15, 2021 and March 16, 2021) and once via voicemail (on March 16,

ELECTRONICALLY FILED - 2021 Mar 19 4:56 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

2021) to ascertain whether he would be willing to enter into a customary confidentiality order modeled off of a standard-form confidentiality order routinely used in South Carolina courts. Plaintiff's counsel would not respond with a simple "yes" or "no" answer but, instead, demanded to know "which responses can be provided without any problem and which you contend call for materials that contain commercially sensitive or otherwise protected material," before he would respond. (Exh. B). Of course, Plaintiff's counsel's demand is inconsistent with typical practice, in which litigants routinely agree to consent confidentiality orders well before document review and production is complete once it is clear that any confidential documents or information are implicated by pending discovery requests. That result is not surprising since consenting to a confidentiality order is not a concession that any particular documents or information are in fact entitled to confidential treatment. In any event, Defendants explained to Plaintiff the categories of commercially sensitive and proprietary information that Defendants intend to produce include Defendants' creative notes about the content of potential episodes of the show. Those notes include, among other commercially sensitive information, comments and critiques about cast members and other individuals, which, if made public, could disrupt Defendants' current and future business relations as well as reveal confidential and proprietary editorial decisions and methods. Defendants also intend to produce, to the extent any is responsive to Plaintiff's discovery requests, responsive unaired footage. In addition to potentially implicating third-party privacy rights, unaired footage in the "docufollow" context is a classic example of materials entitled to confidentiality protection; and indeed, in many jurisdictions is protected by state shield laws.

Notwithstanding Defendants' explanation, Plaintiff's counsel refused to agree to a consent confidentiality order. Instead, on March 19th, in response to Defendants' notification that they intended to file this Motion, Plaintiff agreed to a partial extension of Defendants' deadline to

ELECTRONICALLY FILED - 2021 Mar 19 4:56 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

respond to his discovery requests while proposing that the confidentiality raised by Defendants issues be tabled. For the reasons briefly described above—including the breadth and nature of Plaintiff's discovery requests and the disruptions caused by the COVID-19 pandemic, which means that many of Defendants' employees, including IT employees are working remotely—Defendants' document review and production is ongoing. However, it is clear at this stage that Plaintiff's discovery requests implicate several categories of documents and other materials that are entitled to confidential treatment, and there is no basis or reason to "table" the entry of a Protective Order governing the process for seeking and challenging such designations Defendants are ready and willing to produce those materials, on a rolling basis as review proceeds expeditiously, upon entry of this Protective Order.

LEGAL STANDARD

Rule 26(c) provides, in pertinent part, that "Upon motion by a party … and for good cause shown, the court in which the action is pending … may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden by expense, including one or more of the following: (7) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way ..." Rule 26(c), SCRCP.

The SCTSA, S.C. Code Ann. § 39-8-10 *et seq*., is also applicable here. Section 39-8-60 provides that "a court shall preserve the secrecy of an alleged trade secret by reasonable means, which may include granting protective orders in connection with discovery proceedings, holding hearings in-camera, sealing the records of the action, and ordering any person involved in the litigation not to disclose an alleged trade secret without prior court approval." S.C. Code Ann. § 39-8-60(A).

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ARGUMENTS

Plaintiff's Requests for Production seek confidential and/or highly confidential documents that contain information protected from disclosure by statute, sensitive personal information, trade secrets or other proprietary information, or confidential business, financial, or commercial information. As a result, Defendants respectfully request that the Court enter a Protective Order in the form of the attached Confidentiality Order, (Exh. C), which is a slightly modified version of the confidentiality order routinely used and accepted in South Carolina federal district court, before producing any confidential material to Plaintiff.

For example, Plaintiff's overly broad discovery requests seek, among other things, highly sensitive and proprietary creative notes, unaired footage, and documents and information regarding Defendants' viewership and ratings. Disclosure of this information outside of this litigation would place Defendants at a competitive disadvantage and may implicate third-party privacy concerns. For example, Plaintiff seeks—and Defendants have agreed to produce—internal creative notes about possible content for episodes of *Southern Charm* as well as unaired footage of the show to the extent they reflect or concern Plaintiff. To provide background, as is typical when producing a reality television show, Haymaker films over a thousand hours of footage for each season of the show, of which just over 10 hours actually airs publicly. The process involves selecting and arranging certain footage from the hours of raw footage that was filmed and turning it into coherent narratives following the lives of the show's cast members to be broadcast in hour-long episodes. To create each episode, Haymaker sends Bravo a "rough cut" of each proposed episode. Haymaker and Bravo then exchange notes on those rough cuts and each subsequent cut of the episode until an episode is "locked" or final. Those notes may implicate any amount of sensitive, confidential, and proprietary information. For example, Defendants' production and creative employees may

ELECTRONICALLY FILED - 2021 Mar 19 4:56 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

comment on a cast member's wardrobe or other individual's wardrobe or whether a particular individual is coming off as unlikeable. Those notes will also reveal Defendants' editorial decisions as well as proprietary methods for creating and producing the program. They may also discuss private information about the lives of cast members and/or third parties that is not intended for public disclosure.

Unaired footage implicates similar concerns. That footage may feature and/or concern private information about individuals that was never intended to be disclosed publicly. For example, unaired footage often captures private conversations between and among producers, camera operators, and other employees about sensitive and unrelated private matters while shots are being set up and/or concluding. It could also capture footage of friends and family members of show participants with the expectation and understanding that those individuals would not be featured in the final content of the show. And, like proprietary creative notes, the decisions about what content to include as part of the Show reveals Defendants' confidential and proprietary editorial decisions and methods. Indeed, many states have enacted shield laws designed not to simply afford these types of materials confidential treatment, but to actually protect them from discovery in light of the important public policy interests implicated when litigants attempt to obtain materials of this nature.

Plainly, disclosure of information and materials like these could place Defendants at a competitive disadvantage and disrupt their current and future business relationships.[2] For that

[2] It is also worth noting that a confidentiality order works two ways. In this action, Plaintiff claims that Defendants defamed him by briefly referencing his ex-wife's allegations of domestic abuse by him, as well as by depicting a nude photograph of him that was widely publicly available prior to his appearance on *Southern Charm*. Any discovery in this case would thus concern both of those subject matters, and Defendants would assume that Plaintiff would seek to afford any documents or testimony concerning those matters to be afforded confidential treatment.

ELECTRONICALLY FILED - 2021 Mar 19 4:56 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

reason alone, it is subject to confidential treatment under Rule 26(c)(7), SCRCP, which applies to "confidential research, development, or commercial information" as well as to trade secrets. *See* Rule 26(c)(7); *see also David Arabov & Sons United States, Inc. v. Kfir*, No. PJM 05-1771, 2006 U.S. Dist. LEXIS 105122 *3, 2006 WL 8457027 (D. Md. Aug. 18, 2006) ("Competitive disadvantage occasioned by the disclosure of confidential commercial information is a cognizable harm under Rule 26(c)(7)").[3] This information and materials also falls within the definition of "trade secret" under the SCTSA, which includes, "information including, but not limited to, a … compilation, program … method, technique, product … [or] procedure …" that "derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public." S.C. Code Ann. § 39-8-20(5). Clearly, internal creative notes, unaired proprietary footage of and concerning *Southern Charm*, and Defendants' methodology for quantifying and tracking viewership and ratings which: 1) Defendants consistently and strenuously safeguard and maintain as confidential, 2) shows the creative process and editorial decision-making behind the filming, development and production of *Southern Charm*, and, 3) if released to the public or to any entity outside of this litigation/dispute process could cause significant financial and relationship harm to Defendants, qualifies as a trade secret under the SCTSA.

As the South Carolina Supreme Court has noted, "the importance of 'trade secret protection to a healthy economy has been widely accepted for some time.'" *Hartsock v. Goodyear Dunlop Tires N. Am. Ltd.*, 422 S.C. 643, 650, 813 S.E.2d 696, 700 (2018), *citing Laffitte*, 381 S.C. at 472, 674 S.E.2d at 161. Inarguably, "the value of a trade secret hinges on its secrecy … For this reason,

[3] "The language of Rule 26(c), SCRCP, mirrors that of federal Rule 26(c). Because there is no South Carolina precedent construing this rule, federal interpretation of Rule 26(c) is persuasive authority." *Laffitte v. Bridgestone Corp.*, 381 S.C. 460, 475 n.10, 674 S.E.2d 154, 162 n.10 (2009).

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owners or inventors go to great lengths to protect their trade secrets from dissemination." *Laffitte*, 381 S.C. at 472, 674 S.E.2d at 161. Consequently, the SCTSA "is designed to protect trade secrets before, during, and after litigation." *Hartsock*, 422 S.C. at 650, 813 S.E.2d at 700.

Unlike other states, South Carolina protects trade secrets "in any action—not just misappropriation." And the burden on a party seeking a trade secret in discovery is high.[4] "[T]he information must be relevant not only to the general subject matter of the litigation, but also relevant specifically to the issues involved in the litigation." *Laffitte*, 381 S.C. at 475, 674 S.E.2d at 163. In fact, "the party seeking the information 'cannot merely assert unfairness but must demonstrate with specificity exactly how the lack of the information will impair the presentation of the case on the merits to the point that an unjust result is a real, rather than a merely possible, threat.'" *Id.* at 476, 674 S.E.2d at 163. This standard is higher "than the generally prevailing 'relevant and necessary' inquiry." *Hartsock*, 422 S.C. at 652, 813 S.E.2d at 701. It is far from certain that Plaintiff can meet this heightened test for substantial need with respect to much of the highly confidential material he seeks.

Even if he could, which is doubtful, any production of information and other materials protected containing trade secrets should only be pursuant to and subject to a Confidentiality Order, such as the one attached hereto. (Exh. C). Section 39-8-60(B) provides, in pertinent part, that "a court shall preserve the secrecy of an alleged trade secret by reasonable means, which may

[4] A party may not be compelled to produce a trade secret in discovery unless the moving party demonstrates a "substantial need." Id. at 650-651 & n.3, 813 S.E.2d at 700-701 & n.3. Under the SCTSA, a substantial need is demonstrated by meeting each of four criteria: (1) the allegations in the initial pleading setting forth the factual predicate for or against liability have **been plead with particularity**; (2) the information sought is **directly relevant** to the allegations plead with particularity in the initial pleading; (3) the information is such that the proponent of the discovery will be **substantially prejudiced** if not permitted access to the information; and (4) a good faith basis exists for the belief that testimony based on or evidence deriving from the trade secret information will be admissible at trial. S.C. Code Ann. § 39-8-60(B) (emphasis added).

include granting protective orders in connection with discovery proceedings," sealing records, "and ordering any person involved in the litigation not to disclose an alleged trade secret without prior court approval." S.C. Code Ann. § 39-8-60(A).[5]

If Plaintiff disagrees that any particular document or other information is entitled to confidential treatment, a confidentiality order provides a process for him to challenge any such designation, preferably without requiring judicial intervention. That is the proper method to pursue such disputes, rather than refusing wholesale to agree to a process by which both sides can seek confidential treatment for documents and information that are clearly entitled to that protection.[6]

Defendants have been forced to file this Motion with the Court as a direct result of Plaintiff's failure to respond and/or to agree to enter into a routine consent Confidentiality Order. This Motion is based on Rule 26 of the *South Carolina Rules of Civil Procedure*, the South Carolina Trade Secrets Act, case law and the attached Exhibits, and may be supplemented by memoranda and/or affidavits in support that may be served on counsel for Plaintiff Abruzzo prior to the date of the hearing on this motion. By filing this Motion, Defendants do not waive but, instead, expressly maintain their position that this Court lacks jurisdiction over the dispute and that the dispute must be decided by an arbitrator.

[signature block appears on following page]

[5] S.C. Code Ann. § 39-8-60(D) also permits a Court to condition the production of trade secrets on the posting of an appropriate bond.

[6] Plaintiff appears to confuse privilege and confidentiality. Non-privileged confidential documents would not be withheld, but rather produced to Plaintiff with a confidential or highly confidential designation. Thus, they would not be included on a privilege log, and there is no reason why Plaintiff could not consent to a confidentiality order without Defendants' privilege log.

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MCANGUS GOUDELOCK & COURIE, L.L.C.

s/James D. Smith, Jr.
JAMES D. SMITH, JR. (SC Bar No. 16179)
jsmith@mgclaw.com
DANIELLE F. PAYNE (SC Bar No. 73142)
danielle.payne@mgclaw.com
HELEN F. HISER (SC Bar No. 76124)
helen.hiser@mgclaw.com
Post Office Box 650007
735 Johnnie Dodds Blvd., Suite 200 (29464)
Mt. Pleasant, South Carolina 29465
Telephone: (843) 576-2900
Facsimile: (843) 534-0605

ATTORNEYS FOR DEFENDANTS

March 19, 2021

EXHIBIT

L

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

April 23, 2021

Via email helen.hiser@mgclaw.com
Helen Hiser, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Dear Helen:

Enclosed for service you will find Plaintiff's First Request for Admission to Defendants Conover, Meissner, and LeCroy.

Sincerely,

Aaron E. Edwards

cc: counsel of record (via email)

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 1ST REQUEST FOR ADMISSION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	
	)	

TO: DEFENDANT CRAIG CONOVER

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, that you serve upon said counsel within thirty (30) days, written answers to the following Requests for Admission.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. Requests for admission are admitted unless, within 30 days after service of the request, you serve upon the Plaintiff's counsel a written answer or objection addressed to the matter, signed by you or your attorney.

2. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why you cannot truthfully admit or deny the matter.

A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify his answer or deny only a part of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder.

3. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny.

4. Requests for admission which present a genuine issue for trial are not, on that ground alone, objectionable.

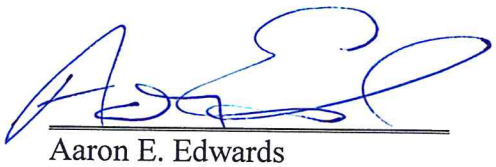
5. Plaintiff reserves the right to move to determine the sufficiency of your answers or objections. Unless the court determines that an objection is justified, it will order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.

6. Any matter admitted is conclusively established unless the court on motion permits withdrawal or amendment of the admission.

7. If you fail to admit the genuineness of any document or the truth of any matter as requested herein, and the Plaintiff thereafter proves the genuineness of the document or the truth of the matter, Plaintiff will apply to the court for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees.

REQUESTS FOR ADMISSION

(1) Admit you were not, during the filming of Southern Charm season 6, an employee of Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, or Comcast Corporation.



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: April 23, 2021

EXHIBIT

M

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

April 23, 2021

Via US mail
Helen Hiser, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Dear Helen:

Enclosed for service you will find Plaintiff's Second Request for Production to Defendants Bravo, Haymaker, Comcast, and NBC.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 2ND REQUEST FOR PRODUCTION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rules 26 and 34 of the South Carolina Rules of Civil Procedure, that the above named Defendant produce the documents identified below within thirty (30) days at the office of Edwards Firm, LLC, or at such other time and place as shall be mutually agreed upon by the parties.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the requests for production herein. By responding to these requests, the responding party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Respond:** Defendant has an affirmative duty to respond to requests for production that are relevant to the subject matter (i.e. the claims and/or defenses of the parties involved) in this pending action. This duty to respond extends to any and all requested materials, not privileged, that are within the possession, custody, or control of the party upon whom the request is served. Rule 26(b) and Rule 34, SCRCP.

2. **Objections**:

a. Form: Objection to a request to produce must be specific and supported by a detailed explanation as to why the request is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that a request to produce is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by a response is inadequate, preserves nothing, and leaves uncertainty as to whether the request has been actually and fully responded to. Each objection made must show specifically how, despite the broad and liberal construction afforded the discovery rules, the request being objected to is not relevant or is overly broad, unduly burdensome, oppressive, or otherwise improper, by submitting affidavits or offering evidence revealing the nature of the burden.

b. Possession, Custody, or Control: An objection may not be made on grounds that the responding party is not in physical custody or actual possession of the requested material. The responding party has an affirmative duty to produce material if the responding party has control of the material. In this context, "control" means the legal right to obtain the material even if it is in another's possession.

c. Burden and Expense: It is not proper to object merely because responding to a request may require expending considerable time, effort or expense. A showing that discovery may cause some inconvenience and expense does not establish good cause for refusal to comply with a discovery request unless such production would cause "significant harm" or "very serious injury." Harm or injury does not include any prejudice to a party's case that results from the production of relevant discovery.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. A response stating that all discoverable materials have been produced is insufficient. A response that fails to mention that materials have been withheld or which materials have been withheld is insufficient. Failure to list documents on a privilege log results in waiver of privilege. Rule 26(b)(5) of the SCRCP.

4. **Form of Production**: The documents produced shall be produced as they are kept in the usual court of business or shall be organized and labeled to correspond with the categories in this request. If a request does not specify the form or forms for producing electronically stored information, the information shall be produced in the form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable. Rule 34 (b) SCRCP.

5. **Information Deleted or Discarded**: If any information requested below has been destroyed or discarded, you are requested to identify the information destroyed or discarded in the same manner of identification as requested for material you claim is not discoverable and to explain when, how, and why the information ceased to exist.

6. **Failure to Respond**: An evasive or incomplete response is treated as a failure to respond. The failure of a party to respond to a request to produce is not excused on the ground that the request is objectionable unless the party failing or refusing to respond has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c), SCRCP

DEFINITIONS

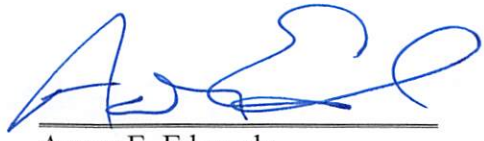
1. As used in this Request for Production and the Instructions herein, the word "you" shall be deemed to mean the Defendant and all corporations, partnerships, sole proprietorships, professional associations, limited partnerships or joint ventures owned or affiliated, in whole or in part, by the Defendant.

2. As used in this Request for Production and Instructions herein, "document(s)" and/or "material(s)" shall include, but is not limited to: all writings, correspondence, reports, computer data, memoranda, notes, diaries, calendars, applications, statistics, letters, telegrams, minutes, contracts, agreements, reports, studies, computations, checks, statements, receipts, returns, summaries, pamphlets, books, resumes, notations of any sort of conversations, bulletins, calendars (whether written or electronically recorded), printed, typed or handwritten matter, e-mails, text messages or other electronic communications, invoices, worksheets, photographs, videotape, CDs, charts, graphs, microfiche, microfilm, recorded messages on tape/digital devices and/or other recordings, and/or any other physical thing or electronically recorded information of any kind whatsoever, within the knowledge, possession, custody, control or subject to the control of, or accessible to Defendant or her attorneys.

REQUESTS FOR PRODUCTION

1. All photographs of Plaintiff Abruzzo.

Respectfully submitted,



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)

ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: April 23, 2021

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

EXHIBIT

N

April 26, 2021

Via email helen.hiser@mgclaw.com
Helen Hiser, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Dear Helen:

Enclosed for service by email only you will find subpoenas served on the following companies:

- Disney World Wide Services, Inc.;
- Microsoft Corporation;
- Google LLC;
- Amazon.com Services LLC;
- AT&T Corp.;
- Netflix, Inc.;
- Apple Inc.;
- Dish Network LLC;
- Roku, Inc.;
- Directv, LLC;
- The Nielsen Company, LLC

Sincerely,



Aaron E. Edwards

cc: counsel of record (via email)

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF CHARLESTON

JOSEPH ABRUZZO,
Plaintiff

v.

SUBPOENA IN A CIVIL CASE

BRAVO MEDIA PRODUCTIONS, LLC, HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,
Defendants

Case Number: 2020-CP-10-00472

Pending in CHARLESTON County

TO: CORPORATION SERVICE COMPANY
REGISTERED AGENT FOR AMAZON.COM SERVICES LLC
508 MEETING STREET
WEST COLUMBIA, SC 29169

☐ YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

☐ 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	DATE AND TIME , AM

☒ **YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents of objects:**

All documents reflecting the downloads, streams, purchases, or otherwise identifying the number of persons who viewed episodes three (3), six (6), and seven (7) of season six (6) of the television show "Southern Charm" through any streaming service owned, operated, or otherwise within your control.

PLACE:	DATE AND TIME **MAY 7, 2021, 10 AM**
EDWARDS FIRM, LLC **C/O AARON E. EDWARDS** **755 JOHNNIE DODDS BLVD, STE 100** **MOUNT PLEASANT, SC 29464** **PHONE: (843) 375-2008** **FAX: (843) 881-5899** **AARON@EDWARDSFIRMLLC.COM**	

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

PREMISES	DATE AND TIME , AM

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on pages 2 and 3)

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

Attorney/Issuing Officer's Signature	Date	Print Name
	APRIL 26, 2021	AARON E. EDWARDS

Indicate if Attorney for Plaintiff or Defendant

Attorney's Address and Telephone Number :

755 JOHNNIE DODDS BLVD, STE 100
MOUNT PLEASANT, SC 29464
PHONE: (843) 375-2008
FAX: (843) 881-5899
AARON@EDWARDSFIRMLLC.COM

Clerk of Court/Issuing Officer's Signature	Date	Print Name

Pro Se Litigant's Name, Address and Telephone Number :

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on pages 2 and 3)

PROOF OF SERVICE

SERVED	DATE APRIL 26, 2021 PLACE MOUNT PLEASANT, SC 29464	FEES AND MILEAGE TO BE TENDERED TO WITNESS UPON DAILY ARRIVAL ☐YES ☐NO AMOUNT $

SERVED ON	MANNER OF SERVICE
CORPORATION SERVICE COMPANY REGISTERED AGENT FOR AMAZON.COM SERVICES LLC 508 MEETING STREET WEST COLUMBIA, SC 29169	US MAIL: CORPORATION SERVICE COMPANY REGISTERED AGENT FOR AMAZON.COM SERVICES LLC 508 MEETING STREET WEST COLUMBIA, SC 29169 EMAIL: Attorneys for Defendants helen.hiser@mgclaw.com Jsmith@mgclaw.com danielle.payne@mgclaw.com
SERVED BY AARON E. EDWARDS	TITLE ATTORNEY FOR PLAINTIFF

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on APRIL 26, 2021

SIGNATURE OF SERVER

755 JOHNNIE DODDS BLVD, STE 100
MOUNT PLEASANT, SC 29464

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (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 electronically stored information, 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. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(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—or to producing electronically stored information in the form or forms requested. 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 in the court that issued the subpoena 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, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on pages 2 and 3)

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 otherwise 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 nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, 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)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.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(6)(B). The court may specify conditions for the discovery.

(2)(A) 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.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on pages 2 and 3)

EXHIBIT

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EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ.

aaron@edwardsfirmllc.com

April 27, 2021

Via email helen.hiser@mgclaw.com
Helen Hiser, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Dear Helen:

Enclosed for service by email only you will find Plaintiff's 1st Set of Interrogatories and 2nd Request for Production to Defendants Craig Conover, Chelsea Meissner, and Madison LeCroy.

Sincerely,

Aaron E. Edwards

cc: counsel of record (via email)

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 1ST SET OF INTERROGATORIES**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	
	)	

TO: DEFENDANT CRAIG CONOVER

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 33 of the South Carolina Rules of Civil Procedure that you serve upon said counsel within thirty (30) days, **verified** answers to the following Interrogatories, which shall be deemed continuing in nature from the time of service until the time of the trial of this matter, so that information sought which may come to the knowledge of said party or his/her representative or attorney after the answers to these Interrogatories have been submitted shall be transmitted to the undersigned.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Answer Under Oath:** Defendant has a duty to answer each interrogatory separately and fully, in writing, and under oath, unless it is objected to, in which event the reasons for objections shall be stated in lieu of an answer. The answers are to be signed by the party making them, and the objections signed by the attorney making them. Rule33(a) SCRCP.

2. **Objections**: Any objection made to an interrogatory below must be specific and supported by a detailed explanation as to why the interrogatory is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that an interrogatory is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by an answer is inadequate, preserves nothing, and leaves uncertainty as to whether the question has been actually and fully answered. The objection must show specifically how, despite the broad and liberal construction afforded the discovery rules, the interrogatory being objected to is not relevant or is overly broad, unduly burdensome, or oppressive, by submitting affidavits or offering evidence revealing the nature of the burden. It is not proper to object merely because answering interrogatories may require expending considerable time, effort or expense.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the information, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. An answer stating that all discoverable information has been produced is insufficient. An answer that fails to mention that information has been withheld or fails to describe the nature of the information that has been withheld is insufficient. Failure to list this information on a privilege log results in waiver of privilege. Rule 26(b)(5) SCRCP.

4. **Facts not specifically known**: 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.

5. **Facts upon information and belief**: 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 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.

6. **Form of Answer**:

a. Each interrogatory shall be construed independently and not be referenced to any other interrogatory herein for purposes of limitation.

b. Treat each number and lettered item in each interrogatory as a separate interrogatory requiring a separate response. If you object to or are unable to answer one time, please so state and respond to all other items.

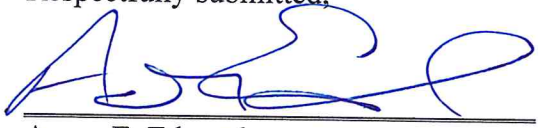
c. Whenever a full and complete answer to any interrogatory or subpart is contained in a document identified as answering a specific numbered interrogatory or subpart, the document or copy thereof may be supplied in lieu of a written answer.

7. **Failure to Answer**: An evasive or incomplete answer is treated as a failure to answer. The failure of a party to answer an interrogatory is not excused on the ground that the interrogatory is objectionable unless the party failing or refusing to answer has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c) SCRCP.

INTERROGATORIES

1. Identify the amount of money received from Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, and/or Comcast Corporation for your appearance on Southern Charm season six, specifically including episodes 3, 6, and/or 7.

Respectfully submitted,



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: April 27, 2021

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 2ND REQUEST FOR PRODUCTION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	
	)	

TO: DEFENDANT CRAIG CONOVER

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rules 26 and 34 of the South Carolina Rules of Civil Procedure, that the above named Defendant produce the documents identified below within thirty (30) days at the office of Edwards Firm, LLC, or at such other time and place as shall be mutually agreed upon by the parties.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the requests for production herein. By responding to these requests, the responding party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Respond:** Defendant has an affirmative duty to respond to requests for production that are relevant to the subject matter (i.e. the claims and/or defenses of the parties involved) in this pending action. This duty to respond extends to any and all requested materials, not privileged, that are within the possession, custody, or control of the party upon whom the request is served. Rule 26(b) and Rule 34, SCRCP.

2. **Objections**:

a. Form: Objection to a request to produce must be specific and supported by a detailed explanation as to why the request is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that a request to produce is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by a response is inadequate, preserves nothing, and leaves uncertainty as to whether the request has been actually and fully responded to. Each objection made must show specifically how, despite the broad and liberal construction afforded the discovery rules, the request being objected to is not relevant or is overly broad, unduly burdensome, oppressive, or otherwise improper, by submitting affidavits or offering evidence revealing the nature of the burden.

b. Possession, Custody, or Control: An objection may not be made on grounds that the responding party is not in physical custody or actual possession of the requested material. The responding party has an affirmative duty to produce material if the responding party has control of the material. In this context, "control" means the legal right to obtain the material even if it is in another's possession.

c. Burden and Expense: It is not proper to object merely because responding to a request may require expending considerable time, effort or expense. A showing that discovery may cause some inconvenience and expense does not establish good cause for refusal to comply with a discovery request unless such production would cause "significant harm" or "very serious injury." Harm or injury does not include any prejudice to a party's case that results from the production of relevant discovery.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. A response stating that all discoverable materials have been produced is insufficient. A response that fails to mention that materials have been withheld or which materials have been withheld is insufficient. Failure to list documents on a privilege log results in waiver of privilege. Rule 26(b)(5) of the SCRCP.

4. **Form of Production**: The documents produced shall be produced as they are kept in the usual court of business or shall be organized and labeled to correspond with the categories in this request. If a request does not specify the form or forms for producing electronically stored information, the information shall be produced in the form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable. Rule 34 (b) SCRCP.

5. **Information Deleted or Discarded**: If any information requested below has been destroyed or discarded, you are requested to identify the information destroyed or discarded in the same manner of identification as requested for material you claim is not discoverable and to explain when, how, and why the information ceased to exist.

6. **Failure to Respond**: An evasive or incomplete response is treated as a failure to respond. The failure of a party to respond to a request to produce is not excused on the ground that the request is objectionable unless the party failing or refusing to respond has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c), SCRCP

DEFINITIONS

1. As used in this Request for Production and the Instructions herein, the word "you" shall be deemed to mean the Defendant and all corporations, partnerships, sole proprietorships, professional associations, limited partnerships or joint ventures owned or affiliated, in whole or in part, by the Defendant, and any employees, agents, or representatives thereof.

2. As used in this Request for Production and Instructions herein, "document(s)" and/or "material(s)" shall include, but is not limited to: all writings, correspondence, reports, computer data, memoranda, notes, diaries, calendars, applications, statistics, letters, telegrams, minutes, contracts, agreements, reports, studies, computations, checks, statements, receipts, returns, summaries, pamphlets, books, resumes, notations of any sort of conversations, bulletins, calendars (whether written or electronically recorded), printed, typed or handwritten matter, e-mails, text messages or other electronic communications, invoices, worksheets, photographs, videotape, CDs, charts, graphs, microfiche, microfilm, recorded messages on tape/digital devices and/or other recordings, and/or any other physical thing or electronically recorded information of any kind whatsoever, within the knowledge, possession, custody, control or subject to the control of, or accessible to Defendant or her attorneys.

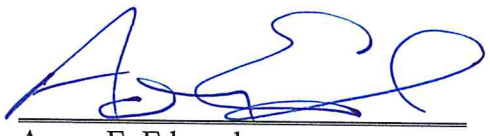
REQUESTS FOR PRODUCTION

1. All W-2's issued to you by, or otherwise received from, Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, and/or Comcast Corporation from January 1, 2018 through the present.

2. All 1099's issued to you by, or otherwise received from, Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, and/or Comcast Corporation from January 1, 2018 through the present.

3. All paystubs issued to you by, or otherwise received from, Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, and/or Comcast Corporation from January 1, 2018 through the present.

Respectfully submitted,



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)

ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: April 27, 2021

EDWARDS FIRM, LLC
755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

EXHIBIT
P

April 28, 2021

Via US Mail
Helen Hiser, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Dear Helen:

Enclosed for service you will find Plaintiff's 3rd Request for Production to Defendants Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, and Comcast Corporation.

Sincerely,

Aaron E. Edwards

cc: counsel of record (via email)

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 3rd REQUEST FOR PRODUCTION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rules 26 and 34 of the South Carolina Rules of Civil Procedure, that the above named Defendant produce the documents identified below within thirty (30) days at the office of Edwards Firm, LLC, or at such other time and place as shall be mutually agreed upon by the parties.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the requests for production herein. By responding to these requests, the responding party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Respond:** Defendant has an affirmative duty to respond to requests for production that are relevant to the subject matter (i.e. the claims and/or defenses of the parties involved) in this pending action. This duty to respond extends to any and all requested materials, not privileged, that are within the possession, custody, or control of the party upon whom the request is served. Rule 26(b) and Rule 34, SCRCP.

2. **Objections**:

a. Form: Objection to a request to produce must be specific and supported by a detailed explanation as to why the request is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that a request to produce is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by a response is inadequate, preserves nothing, and leaves uncertainty as to whether the request has been actually and fully responded to. Each objection made must show specifically how, despite the broad and liberal construction afforded the discovery rules, the request being objected to is not relevant or is overly broad, unduly burdensome, oppressive, or otherwise improper, by submitting affidavits or offering evidence revealing the nature of the burden.

b. Possession, Custody, or Control: An objection may not be made on grounds that the responding party is not in physical custody or actual possession of the requested material. The responding party has an affirmative duty to produce material if the responding party has control of the material. In this context, "control" means the legal right to obtain the material even if it is in another's possession.

c. Burden and Expense: It is not proper to object merely because responding to a request may require expending considerable time, effort or expense. A showing that discovery may cause some inconvenience and expense does not establish good cause for refusal to comply with a discovery request unless such production would cause "significant harm" or "very serious injury." Harm or injury does not include any prejudice to a party's case that results from the production of relevant discovery.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. A response stating that all discoverable materials have been produced is insufficient. A response that fails to mention that materials have been withheld or which materials have been withheld is insufficient. Failure to list documents on a privilege log results in waiver of privilege. Rule 26(b)(5) of the SCRCP.

4. **Form of Production**: The documents produced shall be produced as they are kept in the usual court of business or shall be organized and labeled to correspond with the categories in this request. If a request does not specify the form or forms for producing electronically stored information, the information shall be produced in the form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable. Rule 34 (b) SCRCP.

5. **Information Deleted or Discarded**: If any information requested below has been destroyed or discarded, you are requested to identify the information destroyed or discarded in the same manner of identification as requested for material you claim is not discoverable and to explain when, how, and why the information ceased to exist.

6. **Failure to Respond**: An evasive or incomplete response is treated as a failure to respond. The failure of a party to respond to a request to produce is not excused on the ground that the request is objectionable unless the party failing or refusing to respond has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c), SCRCP

DEFINITIONS

1. As used in this Request for Production and the Instructions herein, the word "you" shall be deemed to mean the Defendant and all corporations, partnerships, sole proprietorships, professional associations, limited partnerships or joint ventures owned or affiliated, in whole or in part, by the Defendant.

2. As used in this Request for Production and Instructions herein, "document(s)" and/or "material(s)" shall include, but is not limited to: all writings, correspondence, reports, computer data, memoranda, notes, diaries, calendars, applications, statistics, letters, telegrams, minutes, contracts, agreements, reports, studies, computations, checks, statements, receipts, returns, summaries, pamphlets, books, resumes, notations of any sort of conversations, bulletins, calendars (whether written or electronically recorded), printed, typed or handwritten matter, e-mails, text messages or other electronic communications, invoices, worksheets, photographs, videotape, CDs, charts, graphs, microfiche, microfilm, recorded messages on tape/digital devices and/or other recordings, and/or any other physical thing or electronically recorded information of any kind whatsoever, within the knowledge, possession, custody, control or subject to the control of, or accessible to Defendant or her attorneys.

REQUESTS FOR PRODUCTION

1. All photographs of Southern Charm participants holding an appearance agreement.

Respectfully submitted,



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)

ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: April 28, 2021

EDWARDS FIRM, LLC
755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

EXHIBIT
Q

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

April 30, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 3rd Request for Production to Defendants Craig Conover, Chelsea Meissner, and Madison LeCroy.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 3RD REQUEST FOR PRODUCTION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT CRAIG CONOVER

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rules 26 and 34 of the South Carolina Rules of Civil Procedure, that the above named Defendant produce the documents identified below within thirty (30) days at the office of Edwards Firm, LLC, or at such other time and place as shall be mutually agreed upon by the parties.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the requests for production herein. By responding to these requests, the responding party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Respond:** Defendant has an affirmative duty to respond to requests for production that are relevant to the subject matter (i.e. the claims and/or defenses of the parties involved) in this pending action. This duty to respond extends to any and all requested materials, not privileged, that are within the possession, custody, or control of the party upon whom the request is served. Rule 26(b) and Rule 34, SCRCP.

2. **Objections**:

a. Form: Objection to a request to produce must be specific and supported by a detailed explanation as to why the request is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that a request to produce is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by a response is inadequate, preserves nothing, and leaves uncertainty as to whether the request has been actually and fully responded to. Each objection made must show specifically how, despite the broad and liberal construction afforded the discovery rules, the request being objected to is not relevant or is overly broad, unduly burdensome, oppressive, or otherwise improper, by submitting affidavits or offering evidence revealing the nature of the burden.

b. Possession, Custody, or Control: An objection may not be made on grounds that the responding party is not in physical custody or actual possession of the requested material. The responding party has an affirmative duty to produce material if the responding party has control of the material. In this context, "control" means the legal right to obtain the material even if it is in another's possession.

c. Burden and Expense: It is not proper to object merely because responding to a request may require expending considerable time, effort or expense. A showing that discovery may cause some inconvenience and expense does not establish good cause for refusal to comply with a discovery request unless such production would cause "significant harm" or "very serious injury." Harm or injury does not include any prejudice to a party's case that results from the production of relevant discovery.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. A response stating that all discoverable materials have been produced is insufficient. A response that fails to mention that materials have been withheld or which materials have been withheld is insufficient. Failure to list documents on a privilege log results in waiver of privilege. Rule 26(b)(5) of the SCRCP.

4. **Form of Production**: The documents produced shall be produced as they are kept in the usual court of business or shall be organized and labeled to correspond with the categories in this request. If a request does not specify the form or forms for producing electronically stored information, the information shall be produced in the form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable. Rule 34 (b) SCRCP.

5. **Information Deleted or Discarded**: If any information requested below has been destroyed or discarded, you are requested to identify the information destroyed or discarded in the same manner of identification as requested for material you claim is not discoverable and to explain when, how, and why the information ceased to exist.

6. **Failure to Respond**: An evasive or incomplete response is treated as a failure to respond. The failure of a party to respond to a request to produce is not excused on the ground that the request is objectionable unless the party failing or refusing to respond has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c), SCRCP

DEFINITIONS

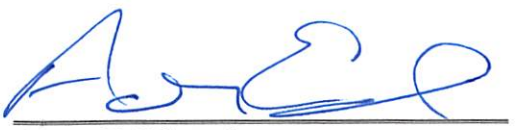
1. As used in this Request for Production and the Instructions herein, the word "you" shall be deemed to mean the Defendant and all corporations, partnerships, sole proprietorships, professional associations, limited partnerships or joint ventures owned or affiliated, in whole or in part, by the Defendant.

2. As used in this Request for Production and Instructions herein, "document(s)" and/or "material(s)" shall include, but is not limited to: all writings, correspondence, reports, computer data, memoranda, notes, diaries, calendars, applications, statistics, letters, telegrams, minutes, contracts, agreements, reports, studies, computations, checks, statements, receipts, returns, summaries, pamphlets, books, resumes, notations of any sort of conversations, bulletins, calendars (whether written or electronically recorded), printed, typed or handwritten matter, e-mails, text messages or other electronic communications, invoices, worksheets, photographs, videotape, CDs, charts, graphs, microfiche, microfilm, recorded messages on tape/digital devices and/or other recordings, and/or any other physical thing or electronically recorded information of any kind whatsoever, within the knowledge, possession, custody, control or subject to the control of, or accessible to Defendant or her attorneys.

REQUESTS FOR PRODUCTION

1. A complete copy of all homeowners insurance policies, including the declarations page(s), which has or may have liability insurance coverage for the Defendant and/or relating to the Plaintiff's claims.

Respectfully submitted,



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)

ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: April 30, 2021

EXHIBIT

R

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

April 30, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 4th Request for Production to Defendants Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, and Comcast Corporation.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 4th REQUEST FOR PRODUCTION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rules 26 and 34 of the South Carolina Rules of Civil Procedure, that the above named Defendant produce the documents identified below within thirty (30) days at the office of Edwards Firm, LLC, or at such other time and place as shall be mutually agreed upon by the parties.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the requests for production herein. By responding to these requests, the responding party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Respond:** Defendant has an affirmative duty to respond to requests for production that are relevant to the subject matter (i.e. the claims and/or defenses of the parties involved) in this pending action. This duty to respond extends to any and all requested materials, not privileged, that are within the possession, custody, or control of the party upon whom the request is served. Rule 26(b) and Rule 34, SCRCP.

2. **Objections**:

a. Form: Objection to a request to produce must be specific and supported by a detailed explanation as to why the request is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that a request to produce is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by a response is inadequate, preserves nothing, and leaves uncertainty as to whether the request has been actually and fully responded to. Each objection made must show specifically how, despite the broad and liberal construction afforded the discovery rules, the request being objected to is not relevant or is overly broad, unduly burdensome, oppressive, or otherwise improper, by submitting affidavits or offering evidence revealing the nature of the burden.

b. Possession, Custody, or Control: An objection may not be made on grounds that the responding party is not in physical custody or actual possession of the requested material. The responding party has an affirmative duty to produce material if the responding party has control of the material. In this context, "control" means the legal right to obtain the material even if it is in another's possession.

c. Burden and Expense: It is not proper to object merely because responding to a request may require expending considerable time, effort or expense. A showing that discovery may cause some inconvenience and expense does not establish good cause for refusal to comply with a discovery request unless such production would cause "significant harm" or "very serious injury." Harm or injury does not include any prejudice to a party's case that results from the production of relevant discovery.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. A response stating that all discoverable materials have been produced is insufficient. A response that fails to mention that materials have been withheld or which materials have been withheld is insufficient. Failure to list documents on a privilege log results in waiver of privilege. Rule 26(b)(5) of the SCRCP.

4. **Form of Production**: The documents produced shall be produced as they are kept in the usual court of business or shall be organized and labeled to correspond with the categories in this request. If a request does not specify the form or forms for producing electronically stored information, the information shall be produced in the form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable. Rule 34 (b) SCRCP.

5. **Information Deleted or Discarded**: If any information requested below has been destroyed or discarded, you are requested to identify the information destroyed or discarded in the same manner of identification as requested for material you claim is not discoverable and to explain when, how, and why the information ceased to exist.

6. **Failure to Respond**: An evasive or incomplete response is treated as a failure to respond. The failure of a party to respond to a request to produce is not excused on the ground that the request is objectionable unless the party failing or refusing to respond has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c), SCRCP

DEFINITIONS

1. As used in this Request for Production and the Instructions herein, the word "you" shall be deemed to mean the Defendant and all corporations, partnerships, sole proprietorships, professional associations, limited partnerships or joint ventures owned or affiliated, in whole or in part, by the Defendant.

2. As used in this Request for Production and Instructions herein, "document(s)" and/or "material(s)" shall include, but is not limited to: all writings, correspondence, reports, computer data, memoranda, notes, diaries, calendars, applications, statistics, letters, telegrams, minutes, contracts, agreements, reports, studies, computations, checks, statements, receipts, returns, summaries, pamphlets, books, resumes, notations of any sort of conversations, bulletins, calendars (whether written or electronically recorded), printed, typed or handwritten matter, e-mails, text messages or other electronic communications, invoices, worksheets, photographs, videotape, CDs, charts, graphs, microfiche, microfilm, recorded messages on tape/digital devices and/or other recordings, and/or any other physical thing or electronically recorded information of any kind whatsoever, within the knowledge, possession, custody, control or subject to the control of, or accessible to Defendant or her attorneys.

REQUESTS FOR PRODUCTION

1. A complete copy of any insurance policy, including the declarations page(s), which has or may have liability insurance coverage relating to the Plaintiff's claims, including the following policy:

   Hiscox Insurance Company, Inc.
   101 California Street, Suite 1950
   San Francisco, CA 94111
   Policy Number: US UUA 2674704.18
   Policy Limits: $5,000,000
   Policy Period: August 20, 2018 to August 20, 2021

Respectfully submitted,



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)

ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: April 30, 2021

EXHIBIT

S

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ.

aaron@edwardsfirmllc.com

May 4, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 1st Request for Admission to Defendants Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, and Comcast Corporation.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 1ST REQUEST FOR ADMISSION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, that you serve upon said counsel within thirty (30) days, written answers to the following Requests for Admission.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. Requests for admission are admitted unless, within 30 days after service of the request, you serve upon the Plaintiff's counsel a written answer or objection addressed to the matter, signed by you or your attorney.

2. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why you cannot truthfully admit or deny the matter.

A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify his answer or deny only a part of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder.

3. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny.

4. Requests for admission which present a genuine issue for trial are not, on that ground alone, objectionable.

5. Plaintiff reserves the right to move to determine the sufficiency of your answers or objections. Unless the court determines that an objection is justified, it will order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.

6. Any matter admitted is conclusively established unless the court on motion permits withdrawal or amendment of the admission.

7. If you fail to admit the genuineness of any document or the truth of any matter as requested herein, and the Plaintiff thereafter proves the genuineness of the document or the truth of the matter, Plaintiff will apply to the court for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees.

REQUESTS FOR ADMISSION

(1) Admit you cannot see Plaintiff's penis in the unblurred version of the photograph of Plaintiff depicted in Southern Charm, season 6, episode 7.

Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 4, 2021

EXHIBIT

T

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ.

aaron@edwardsfirmllc.com

May 4, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 2nd Request for Admission to Defendants Craig Conover, Chelsea Meissner, and Madison LeCroy.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 2ND REQUEST FOR ADMISSION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT CRAIG CONOVER

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, that you serve upon said counsel within thirty (30) days, written answers to the following Requests for Admission.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. Requests for admission are admitted unless, within 30 days after service of the request, you serve upon the Plaintiff's counsel a written answer or objection addressed to the matter, signed by you or your attorney.

2. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why you cannot truthfully admit or deny the matter.

A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify his answer or deny only a part of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder.

3. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny.

4. Requests for admission which present a genuine issue for trial are not, on that ground alone, objectionable.

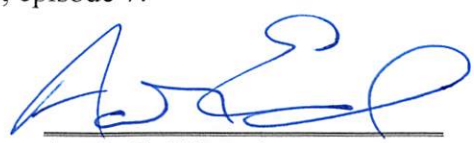
5. Plaintiff reserves the right to move to determine the sufficiency of your answers or objections. Unless the court determines that an objection is justified, it will order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.

6. Any matter admitted is conclusively established unless the court on motion permits withdrawal or amendment of the admission.

7. If you fail to admit the genuineness of any document or the truth of any matter as requested herein, and the Plaintiff thereafter proves the genuineness of the document or the truth of the matter, Plaintiff will apply to the court for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees.

REQUESTS FOR ADMISSION

(1) Admit you cannot see Plaintiff's penis in the unblurred version of the photograph of Plaintiff depicted in Southern Charm, season 6, episode 7.



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 4, 2021

EXHIBIT

U

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

May 5, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 1st Set of Interrogatories to Defendants Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, and Comcast Corporation.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 1st SET OF INTERROGATORIES**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 33 of the South Carolina Rules of Civil Procedure that you serve upon said counsel within thirty (30) days, **verified** answers to the following Interrogatories, which shall be deemed continuing in nature from the time of service until the time of the trial of this matter, so that information sought which may come to the knowledge of said party or his/her representative or attorney after the answers to these Interrogatories have been submitted shall be transmitted to the undersigned.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Answer Under Oath:** Defendant has a duty to answer each interrogatory separately and fully, in writing, and under oath, unless it is objected to, in which event the reasons for objections shall be stated in lieu of an answer. The answers are to be signed by the party making them, and the objections signed by the attorney making them. Rule33(a) SCRCP.

2. **Objections**: Any objection made to an interrogatory below must be specific and supported by a detailed explanation as to why the interrogatory is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that an interrogatory is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by an answer is inadequate, preserves nothing, and leaves uncertainty as to whether the question has been actually and fully answered. The objection must show specifically how, despite the broad and liberal construction afforded the discovery rules, the interrogatory being objected to is not relevant or is overly broad, unduly burdensome, or oppressive, by submitting affidavits or offering evidence revealing the nature of the burden. It is not proper to object merely because answering interrogatories may require expending considerable time, effort or expense.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the information, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. An answer stating that all discoverable information has been produced is insufficient. An answer that fails to mention that information has been withheld or fails to describe the nature of the information that has been withheld is insufficient. Failure to list this information on a privilege log results in waiver of privilege. Rule 26(b)(5) SCRCP.

4. **Facts not specifically known**: 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.

5. **Facts upon information and belief**: 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 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.

6. **Form of Answer**:

a. Each interrogatory shall be construed independently and not be referenced to any other interrogatory herein for purposes of limitation.

b. Treat each number and lettered item in each interrogatory as a separate interrogatory requiring a separate response. If you object to or are unable to answer one time, please so state and respond to all other items.

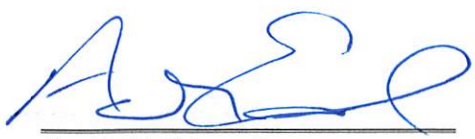
c. Whenever a full and complete answer to any interrogatory or subpart is contained in a document identified as answering a specific numbered interrogatory or subpart, the document or copy thereof may be supplied in lieu of a written answer.

7. **Failure to Answer**: An evasive or incomplete answer is treated as a failure to answer. The failure of a party to answer an interrogatory is not excused on the ground that the interrogatory is objectionable unless the party failing or refusing to answer has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c) SCRCP.

INTERROGATORIES

(1) Identify the person(s) responsible for the title "Dick Moves and Dick Pics" for Southern Charm season six, episode seven.

(2) Describe how the title "Dick Moves and Dick Pics" for Southern Charm season six, episode seven, relates to the content of the episode.



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 5, 2021

EXHIBIT

V

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

May 7, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 3rd Request for Admission to Defendants Craig Conover, Chelsea Meissner, and Madison LeCroy.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 3rd REQUEST FOR ADMISSION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT CRAIG CONOVER

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, that you serve upon said counsel within thirty (30) days, written answers to the following Requests for Admission.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. Requests for admission are admitted unless, within 30 days after service of the request, you serve upon the Plaintiff's counsel a written answer or objection addressed to the matter, signed by you or your attorney.

2. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why you cannot truthfully admit or deny the matter.

A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify his answer or deny only a part of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder.

3. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny.

4. Requests for admission which present a genuine issue for trial are not, on that ground alone, objectionable.

5. Plaintiff reserves the right to move to determine the sufficiency of your answers or objections. Unless the court determines that an objection is justified, it will order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.

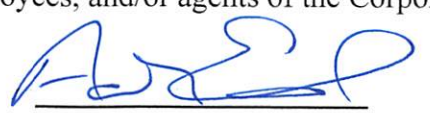
6. Any matter admitted is conclusively established unless the court on motion permits withdrawal or amendment of the admission.

7. If you fail to admit the genuineness of any document or the truth of any matter as requested herein, and the Plaintiff thereafter proves the genuineness of the document or the truth of the matter, Plaintiff will apply to the court for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees.

REQUESTS FOR ADMISSION

(1) Admit it was suggested or you were prompted and/or encouraged by producers, employees, and/or agents of the Corporate Defendants to discuss Plaintiff Abruzzo with Defendant Meissner as depicted in Southern Charm, season 6, episode 3.

(2) Admit the topics of discussion regarding Plaintiff Abruzzo with Defendant Meissner as depicted in Southern Charm, season 6, episode 3, were suggested to you or were prompted and/or encouraged by producers, employees, and/or agents of the Corporate Defendants.



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 7, 2021

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 3rd REQUEST FOR ADMISSION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT CHELSEA MEISSNER

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, that you serve upon said counsel within thirty (30) days, written answers to the following Requests for Admission.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. Requests for admission are admitted unless, within 30 days after service of the request, you serve upon the Plaintiff's counsel a written answer or objection addressed to the matter, signed by you or your attorney.

2. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why you cannot truthfully admit or deny the matter.

A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify his answer or deny only a part of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder.

3. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny.

4. Requests for admission which present a genuine issue for trial are not, on that ground alone, objectionable.

5. Plaintiff reserves the right to move to determine the sufficiency of your answers or objections. Unless the court determines that an objection is justified, it will order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.

6. Any matter admitted is conclusively established unless the court on motion permits withdrawal or amendment of the admission.

7. If you fail to admit the genuineness of any document or the truth of any matter as requested herein, and the Plaintiff thereafter proves the genuineness of the document or the truth of the matter, Plaintiff will apply to the court for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees.

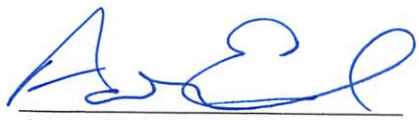
REQUESTS FOR ADMISSION

(1) Admit it was suggested or you were prompted and/or encouraged by producers, employees, and/or agents of the Corporate Defendants to discuss Plaintiff Abruzzo with Defendant Conover as depicted in Southern Charm, season 6, episode 3.

(2) Admit the topics of discussion regarding Plaintiff Abruzzo with Defendant Conover as depicted in Southern Charm, season 6, episode 3, were suggested to you or were prompted and/or encouraged by producers, employees, and/or agents of the Corporate Defendants.

(3) Admit it was suggested or you were prompted and/or encouraged by producers, employees, and/or agents of the Corporate Defendants to discuss Plaintiff Abruzzo as depicted in Southern Charm, season 6, episode 7.

(4) Admit the topics of discussion regarding Plaintiff Abruzzo as depicted in Southern Charm, season 6, episode 7, were suggested to you or were prompted and/or encouraged by producers, employees, and/or agents of the Corporate Defendants.



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 7, 2021

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 3rd REQUEST FOR ADMISSION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT MADISON LECROY

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, that you serve upon said counsel within thirty (30) days, written answers to the following Requests for Admission.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. Requests for admission are admitted unless, within 30 days after service of the request, you serve upon the Plaintiff's counsel a written answer or objection addressed to the matter, signed by you or your attorney.

2. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why you cannot truthfully admit or deny the matter.

A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify his answer or deny only a part of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder.

3. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny.

4. Requests for admission which present a genuine issue for trial are not, on that ground alone, objectionable.

5. Plaintiff reserves the right to move to determine the sufficiency of your answers or objections. Unless the court determines that an objection is justified, it will order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.

6. Any matter admitted is conclusively established unless the court on motion permits withdrawal or amendment of the admission.

7. If you fail to admit the genuineness of any document or the truth of any matter as requested herein, and the Plaintiff thereafter proves the genuineness of the document or the truth of the matter, Plaintiff will apply to the court for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees.

REQUESTS FOR ADMISSION

(1) Admit it was suggested or you were prompted and/or encouraged by producers, employees, and/or agents of the Corporate Defendants to discuss Plaintiff Abruzzo as depicted in Southern Charm, season 6, episode 7.

(2) Admit the topics of discussion regarding Plaintiff Abruzzo as depicted in Southern Charm, season 6, episode 7, were suggested to you or were prompted and/or encouraged by producers, employees, and/or agents of the Corporate Defendants.



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 7, 2021

EXHIBIT

W

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

May 7, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 2nd Request for Admission to Defendants Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, and Comcast Corporation.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 2ND REQUEST FOR ADMISSION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	
	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, that you serve upon said counsel within thirty (30) days, written answers to the following Requests for Admission.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

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1. Requests for admission are admitted unless, within 30 days after service of the request, you serve upon the Plaintiff's counsel a written answer or objection addressed to the matter, signed by you or your attorney.

2. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why you cannot truthfully admit or deny the matter.

A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify his answer or deny only a part of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder.

3. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny.

4. Requests for admission which present a genuine issue for trial are not, on that ground alone, objectionable.

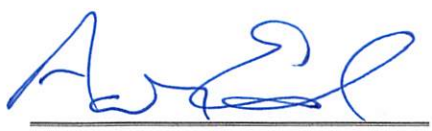
5. Plaintiff reserves the right to move to determine the sufficiency of your answers or objections. Unless the court determines that an objection is justified, it will order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.

6. Any matter admitted is conclusively established unless the court on motion permits withdrawal or amendment of the admission.

7. If you fail to admit the genuineness of any document or the truth of any matter as requested herein, and the Plaintiff thereafter proves the genuineness of the document or the truth of the matter, Plaintiff will apply to the court for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees.

REQUESTS FOR ADMISSION

(1) Admit the title of episode 7, season 6, of Southern Charm "Dick Moves and Dick Pics" references the blurred photograph of Plaintiff Abruzzo depicted in that episode.



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 7, 2021

EXHIBIT

X

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

May 11, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 2nd Set of Interrogatories to Defendants Craig Conover, Chelsea Meissner, and Madison LeCroy.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 2nd SET OF INTERROGATORIES**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT CRAIG CONOVER

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 33 of the South Carolina Rules of Civil Procedure that you serve upon said counsel within thirty (30) days, **verified** answers to the following Interrogatories, which shall be deemed continuing in nature from the time of service until the time of the trial of this matter, so that information sought which may come to the knowledge of said party or his/her representative or attorney after the answers to these Interrogatories have been submitted shall be transmitted to the undersigned.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Answer Under Oath:** Defendant has a duty to answer each interrogatory separately and fully, in writing, and under oath, unless it is objected to, in which event the reasons for objections shall be stated in lieu of an answer. The answers are to be signed by the party making them, and the objections signed by the attorney making them. Rule33(a) SCRCP.

2. **Objections**: Any objection made to an interrogatory below must be specific and supported by a detailed explanation as to why the interrogatory is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that an interrogatory is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by an answer is inadequate, preserves nothing, and leaves uncertainty as to whether the question has been actually and fully answered. The objection must show specifically how, despite the broad and liberal construction afforded the discovery rules, the interrogatory being objected to is not relevant or is overly broad, unduly burdensome, or oppressive, by submitting affidavits or offering evidence revealing the nature of the burden. It is not proper to object merely because answering interrogatories may require expending considerable time, effort or expense.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the information, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. An answer stating that all discoverable information has been produced is insufficient. An answer that fails to mention that information has been withheld or fails to describe the nature of the information that has been withheld is insufficient. Failure to list this information on a privilege log results in waiver of privilege. Rule 26(b)(5) SCRCP.

4. **Facts not specifically known**: 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.

5. **Facts upon information and belief**: 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 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.

6. **Form of Answer**:

a. Each interrogatory shall be construed independently and not be referenced to any other interrogatory herein for purposes of limitation.

b. Treat each number and lettered item in each interrogatory as a separate interrogatory requiring a separate response. If you object to or are unable to answer one time, please so state and respond to all other items.

c. Whenever a full and complete answer to any interrogatory or subpart is contained in a document identified as answering a specific numbered interrogatory or subpart, the document or copy thereof may be supplied in lieu of a written answer.

7. **Failure to Answer**: An evasive or incomplete answer is treated as a failure to answer. The failure of a party to answer an interrogatory is not excused on the ground that the interrogatory is objectionable unless the party failing or refusing to answer has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c) SCRCP.

INTERROGATORIES

1. Identify all producers, writers, directors, editors, production managers, camera operators, script writers, and/or other employees and/or agents of the corporate Defendants involved with your participation in Southern Charm, season 6.

2. Of those identified in response to Interrogatory 1 above, identify the person or persons involved with your discussions regarding Plaintiff Abruzzo as depicted in Southern Charm, season 6, episode 3.

Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 11, 2021

EXHIBIT

Y

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

May 12, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 2nd Set of Interrogatories to Defendants Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, and Comcast Corporation.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 2nd SET OF**
	)	**INTERROGATORIES**
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 33 of the South Carolina Rules of Civil Procedure that you serve upon said counsel within thirty (30) days, **verified** answers to the following Interrogatories, which shall be deemed continuing in nature from the time of service until the time of the trial of this matter, so that information sought which may come to the knowledge of said party or his/her representative or attorney after the answers to these Interrogatories have been submitted shall be transmitted to the undersigned.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Answer Under Oath:** Defendant has a duty to answer each interrogatory separately and fully, in writing, and under oath, unless it is objected to, in which event the reasons for objections shall be stated in lieu of an answer. The answers are to be signed by the party making them, and the objections signed by the attorney making them. Rule33(a) SCRCP.

2. **Objections**: Any objection made to an interrogatory below must be specific and supported by a detailed explanation as to why the interrogatory is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that an interrogatory is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by an answer is inadequate, preserves nothing, and leaves uncertainty as to whether the question has been actually and fully answered. The objection must show specifically how, despite the broad and liberal construction afforded the discovery rules, the interrogatory being objected to is not relevant or is overly broad, unduly burdensome, or oppressive, by submitting affidavits or offering evidence revealing the nature of the burden. It is not proper to object merely because answering interrogatories may require expending considerable time, effort or expense.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the information, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. An answer stating that all discoverable information has been produced is insufficient. An answer that fails to mention that information has been withheld or fails to describe the nature of the information that has been withheld is insufficient. Failure to list this information on a privilege log results in waiver of privilege. Rule 26(b)(5) SCRCP.

4. **Facts not specifically known**: 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.

5. **Facts upon information and belief**: 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 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.

6. **Form of Answer**:

a. Each interrogatory shall be construed independently and not be referenced to any other interrogatory herein for purposes of limitation.

b. Treat each number and lettered item in each interrogatory as a separate interrogatory requiring a separate response. If you object to or are unable to answer one time, please so state and respond to all other items.

c. Whenever a full and complete answer to any interrogatory or subpart is contained in a document identified as answering a specific numbered interrogatory or subpart, the document or copy thereof may be supplied in lieu of a written answer.

7. **Failure to Answer**: An evasive or incomplete answer is treated as a failure to answer. The failure of a party to answer an interrogatory is not excused on the ground that the interrogatory is objectionable unless the party failing or refusing to answer has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c) SCRCP.

INTERROGATORIES

(1) Give every reason why you believe any of the matters set forth in Plaintiff's Requests for Admission are not true.



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)

ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 12, 2021

EXHIBIT

Z

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

May 12, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 3rd Set of Interrogatories to Defendants Craig Conover, Chelsea Meissner, and Madison LeCroy.

Sincerely,

Aaron E. Edwards

TELEPHONE (843) 375-2008 FACSIMILE (843) 881-5899

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 3RD SET OF INTERROGATORIES**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT CRAIG CONOVER

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 33 of the South Carolina Rules of Civil Procedure that you serve upon said counsel within thirty (30) days, **verified** answers to the following Interrogatories, which shall be deemed continuing in nature from the time of service until the time of the trial of this matter, so that information sought which may come to the knowledge of said party or his/her representative or attorney after the answers to these Interrogatories have been submitted shall be transmitted to the undersigned.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Answer Under Oath:** Defendant has a duty to answer each interrogatory separately and fully, in writing, and under oath, unless it is objected to, in which event the reasons for objections shall be stated in lieu of an answer. The answers are to be signed by the party making them, and the objections signed by the attorney making them. Rule33(a) SCRCP.

2. **Objections**: Any objection made to an interrogatory below must be specific and supported by a detailed explanation as to why the interrogatory is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that an interrogatory is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by an answer is inadequate, preserves nothing, and leaves uncertainty as to whether the question has been actually and fully answered. The objection must show specifically how, despite the broad and liberal construction afforded the discovery rules, the interrogatory being objected to is not relevant or is overly broad, unduly burdensome, or oppressive, by submitting affidavits or offering evidence revealing the nature of the burden. It is not proper to object merely because answering interrogatories may require expending considerable time, effort or expense.

3. **Claims of Privilege:**

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the information, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. An answer stating that all discoverable information has been produced is insufficient. An answer that fails to mention that information has been withheld or fails to describe the nature of the information that has been withheld is insufficient. Failure to list this information on a privilege log results in waiver of privilege. Rule 26(b)(5) SCRCP.

4. **Facts not specifically known**: 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.

5. **Facts upon information and belief**: 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 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.

6. **Form of Answer**:

a. Each interrogatory shall be construed independently and not be referenced to any other interrogatory herein for purposes of limitation.

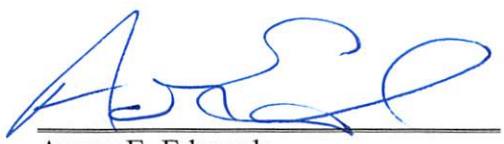
b. Treat each number and lettered item in each interrogatory as a separate interrogatory requiring a separate response. If you object to or are unable to answer one time, please so state and respond to all other items.

c. Whenever a full and complete answer to any interrogatory or subpart is contained in a document identified as answering a specific numbered interrogatory or subpart, the document or copy thereof may be supplied in lieu of a written answer.

7. **Failure to Answer**: An evasive or incomplete answer is treated as a failure to answer. The failure of a party to answer an interrogatory is not excused on the ground that the interrogatory is objectionable unless the party failing or refusing to answer has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c) SCRCP.

INTERROGATORIES

(1) Give every reason why you believe any of the matters set forth in Plaintiff's Requests for Admission are not true.



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)

ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 12, 2021

EXHIBIT

AA

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

May 14, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 3rd Request for Admission to Defendants Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, and Comcast Corporation.

Sincerely,



Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 3rd REQUEST FOR ADMISSION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, that you serve upon said counsel within thirty (30) days, written answers to the following Requests for Admission.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. Requests for admission are admitted unless, within 30 days after service of the request, you serve upon the Plaintiff's counsel a written answer or objection addressed to the matter, signed by you or your attorney.

2. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why you cannot truthfully admit or deny the matter.

A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify his answer or deny only a part of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder.

3. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny.

4. Requests for admission which present a genuine issue for trial are not, on that ground alone, objectionable.

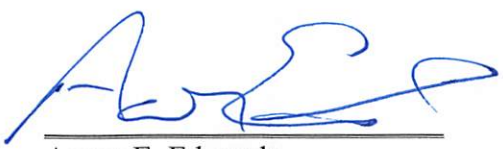
5. Plaintiff reserves the right to move to determine the sufficiency of your answers or objections. Unless the court determines that an objection is justified, it will order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.

6. Any matter admitted is conclusively established unless the court on motion permits withdrawal or amendment of the admission.

7. If you fail to admit the genuineness of any document or the truth of any matter as requested herein, and the Plaintiff thereafter proves the genuineness of the document or the truth of the matter, Plaintiff will apply to the court for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees.

REQUESTS FOR ADMISSION

(1) Admit the "Appearance Release, Voluntary Participation, and Arbitration Agreement" provided to Plaintiff Abruzzo at Kathryn Dennis's home could have been given to him prior to the start of production and filming of the dinner between Plaintiff Abruzzo and Kathryn Dennis as depicted in season six, episode six, of Southern Charm (Exhibit B to Plaintiff's Amended Complaint).



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 14, 2021

EXHIBIT

BB

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

May 14, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 3rd Set of Interrogatories to Defendants Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, and Comcast Corporation.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 3rd SET OF INTERROGATORIES**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 33 of the South Carolina Rules of Civil Procedure that you serve upon said counsel within thirty (30) days, **verified** answers to the following Interrogatories, which shall be deemed continuing in nature from the time of service until the time of the trial of this matter, so that information sought which may come to the knowledge of said party or his/her representative or attorney after the answers to these Interrogatories have been submitted shall be transmitted to the undersigned.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Answer Under Oath:** Defendant has a duty to answer each interrogatory separately and fully, in writing, and under oath, unless it is objected to, in which event the reasons for objections shall be stated in lieu of an answer. The answers are to be signed by the party making them, and the objections signed by the attorney making them. Rule33(a) SCRCP.

2. **Objections**: Any objection made to an interrogatory below must be specific and supported by a detailed explanation as to why the interrogatory is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that an interrogatory is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by an answer is inadequate, preserves nothing, and leaves uncertainty as to whether the question has been actually and fully answered. The objection must show specifically how, despite the broad and liberal construction afforded the discovery rules, the interrogatory being objected to is not relevant or is overly broad, unduly burdensome, or oppressive, by submitting affidavits or offering evidence revealing the nature of the burden. It is not proper to object merely because answering interrogatories may require expending considerable time, effort or expense.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the information, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. An answer stating that all discoverable information has been produced is insufficient. An answer that fails to mention that information has been withheld or fails to describe the nature of the information that has been withheld is insufficient. Failure to list this information on a privilege log results in waiver of privilege. Rule 26(b)(5) SCRCP.

4. **Facts not specifically known**: 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.

5. **Facts upon information and belief**: 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 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.

6. **Form of Answer**:

a. Each interrogatory shall be construed independently and not be referenced to any other interrogatory herein for purposes of limitation.

b. Treat each number and lettered item in each interrogatory as a separate interrogatory requiring a separate response. If you object to or are unable to answer one time, please so state and respond to all other items.

c. Whenever a full and complete answer to any interrogatory or subpart is contained in a document identified as answering a specific numbered interrogatory or subpart, the document or copy thereof may be supplied in lieu of a written answer.

7. **Failure to Answer**: An evasive or incomplete answer is treated as a failure to answer. The failure of a party to answer an interrogatory is not excused on the ground that the interrogatory is objectionable unless the party failing or refusing to answer has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c) SCRCP.

INTERROGATORIES

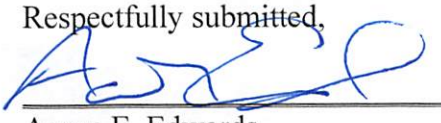
(1) Identify the person who physically handed Plaintiff Abruzzo the "Appearance Release, Voluntary Participation, and Arbitration Agreement" at Kathryn Dennis's home during the production and filming of the dinner between Plaintiff Abruzzo and Kathryn Dennis as depicted in season six, episode six, of Southern Charm (Exhibit B to Plaintiff's Amended Complaint) and describe the substance of the communications with Plaintiff Abruzzo when it was physically handed to him.

(2) Identify specifically when and where in Kathryn Dennis's home Plaintiff Abruzzo was handed the "Appearance Release, Voluntary Participation, and Arbitration Agreement" during the production and filming of the dinner between Plaintiff Abruzzo and Kathryn Dennis as depicted in season six, episode six, of Southern Charm (Exhibit B to Plaintiff's Amended Complaint).

(3) Identify the person who took the photograph of Plaintiff Abruzzo with the "Appearance Release, Voluntary Participation, and Arbitration Agreement" during the production and filming of the dinner between Plaintiff Abruzzo and Kathryn Dennis.

(4) Identify how much time Plaintiff Abruzzo had to review the "Appearance Release, Voluntary Participation, and Arbitration Agreement" after it was provided to him during the production and filming of the dinner between Plaintiff Abruzzo and Kathryn Dennis as depicted in season six, episode six, of Southern Charm (Exhibit B to Plaintiff's Amended Complaint).

Respectfully submitted,



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)

ATTORNEYS FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 14, 2021

EXHIBIT

CC

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

May 20, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 4th Request for Admission to Defendants Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, and Comcast Corporation.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 4th REQUEST FOR ADMISSION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, that you serve upon said counsel within thirty (30) days, written answers to the following Requests for Admission.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. Requests for admission are admitted unless, within 30 days after service of the request, you serve upon the Plaintiff's counsel a written answer or objection addressed to the matter, signed by you or your attorney.

2. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why you cannot truthfully admit or deny the matter.

A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify his answer or deny only a part of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder.

3. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny.

4. Requests for admission which present a genuine issue for trial are not, on that ground alone, objectionable.

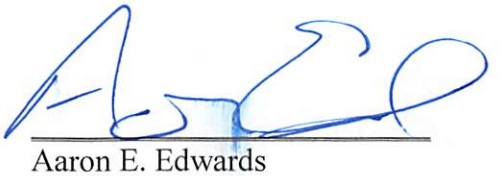
5. Plaintiff reserves the right to move to determine the sufficiency of your answers or objections. Unless the court determines that an objection is justified, it will order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.

6. Any matter admitted is conclusively established unless the court on motion permits withdrawal or amendment of the admission.

7. If you fail to admit the genuineness of any document or the truth of any matter as requested herein, and the Plaintiff thereafter proves the genuineness of the document or the truth of the matter, Plaintiff will apply to the court for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees.

REQUESTS FOR ADMISSION

(1) Admit the title of episode 6, season 6, of Southern Charm "A Salt and Battery" references the Plaintiff's dinner date with Dennis and/or former cast member Thomas Ravenel's criminal assault charges.



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 20, 2021

EXHIBIT

DD

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

May 20, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 4th Set of Interrogatories to Defendants Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, and Comcast Corporation.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 4th SET OF INTERROGATORIES**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 33 of the South Carolina Rules of Civil Procedure that you serve upon said counsel within thirty (30) days, **verified** answers to the following Interrogatories, which shall be deemed continuing in nature from the time of service until the time of the trial of this matter, so that information sought which may come to the knowledge of said party or his/her representative or attorney after the answers to these Interrogatories have been submitted shall be transmitted to the undersigned.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Answer Under Oath:** Defendant has a duty to answer each interrogatory separately and fully, in writing, and under oath, unless it is objected to, in which event the reasons for objections shall be stated in lieu of an answer. The answers are to be signed by the party making them, and the objections signed by the attorney making them. Rule33(a) SCRCP.

2. **Objections**: Any objection made to an interrogatory below must be specific and supported by a detailed explanation as to why the interrogatory is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that an interrogatory is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by an answer is inadequate, preserves nothing, and leaves uncertainty as to whether the question has been actually and fully answered. The objection must show specifically how, despite the broad and liberal construction afforded the discovery rules, the interrogatory being objected to is not relevant or is overly broad, unduly burdensome, or oppressive, by submitting affidavits or offering evidence revealing the nature of the burden. It is not proper to object merely because answering interrogatories may require expending considerable time, effort or expense.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the information, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. An answer stating that all discoverable information has been produced is insufficient. An answer that fails to mention that information has been withheld or fails to describe the nature of the information that has been withheld is insufficient. Failure to list this information on a privilege log results in waiver of privilege. Rule 26(b)(5) SCRCP.

4. **Facts not specifically known**: 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.

5. **Facts upon information and belief**: 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 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.

6. **Form of Answer**:

a. Each interrogatory shall be construed independently and not be referenced to any other interrogatory herein for purposes of limitation.

b. Treat each number and lettered item in each interrogatory as a separate interrogatory requiring a separate response. If you object to or are unable to answer one time, please so state and respond to all other items.

c. Whenever a full and complete answer to any interrogatory or subpart is contained in a document identified as answering a specific numbered interrogatory or subpart, the document or copy thereof may be supplied in lieu of a written answer.

7. **Failure to Answer**: An evasive or incomplete answer is treated as a failure to answer. The failure of a party to answer an interrogatory is not excused on the ground that the interrogatory is objectionable unless the party failing or refusing to answer has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c) SCRCP.

INTERROGATORIES

(1) Identify the person(s) responsible for the title "A Salt and Battery" for Southern Charm season six, episode six.

(2) Describe how the title "A Salt and Battery" for Southern Charm season six, episode six, relates to the content of the episode.



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 20, 2021

EXHIBIT

EE

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

May 20, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 4th Request for Production to Defendants Craig Conover, Chelsea Meissner, and Madison LeCroy.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 4th REQUEST FOR PRODUCTION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	
	)	

TO: DEFENDANT CRAIG CONOVER

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rules 26 and 34 of the South Carolina Rules of Civil Procedure, that the above named Defendant produce the documents identified below within thirty (30) days at the office of Edwards Firm, LLC, or at such other time and place as shall be mutually agreed upon by the parties.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the requests for production herein. By responding to these requests, the responding party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Respond:** Defendant has an affirmative duty to respond to requests for production that are relevant to the subject matter (i.e. the claims and/or defenses of the parties involved) in this pending action. This duty to respond extends to any and all requested materials, not privileged, that are within the possession, custody, or control of the party upon whom the request is served. Rule 26(b) and Rule 34, SCRCP.

2. **Objections**:

a. Form: Objection to a request to produce must be specific and supported by a detailed explanation as to why the request is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that a request to produce is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by a response is inadequate, preserves nothing, and leaves uncertainty as to whether the request has been actually and fully responded to. Each objection made must show specifically how, despite the broad and liberal construction afforded the discovery rules, the request being objected to is not relevant or is overly broad, unduly burdensome, oppressive, or otherwise improper, by submitting affidavits or offering evidence revealing the nature of the burden.

b. Possession, Custody, or Control: An objection may not be made on grounds that the responding party is not in physical custody or actual possession of the requested material. The responding party has an affirmative duty to produce material if the responding party has control of the material. In this context, "control" means the legal right to obtain the material even if it is in another's possession.

c. Burden and Expense: It is not proper to object merely because responding to a request may require expending considerable time, effort or expense. A showing that discovery may cause some inconvenience and expense does not establish good cause for refusal to comply with a discovery request unless such production would cause "significant harm" or "very serious injury." Harm or injury does not include any prejudice to a party's case that results from the production of relevant discovery.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. A response stating that all discoverable materials have been produced is insufficient. A response that fails to mention that materials have been withheld or which materials have been withheld is insufficient. Failure to list documents on a privilege log results in waiver of privilege. Rule 26(b)(5) of the SCRCP.

4. **Form of Production**: The documents produced shall be produced as they are kept in the usual court of business or shall be organized and labeled to correspond with the categories in this request. If a request does not specify the form or forms for producing electronically stored information, the information shall be produced in the form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable. Rule 34 (b) SCRCP.

5. **Information Deleted or Discarded**: If any information requested below has been destroyed or discarded, you are requested to identify the information destroyed or discarded in the same manner of identification as requested for material you claim is not discoverable and to explain when, how, and why the information ceased to exist.

6. **Failure to Respond**: An evasive or incomplete response is treated as a failure to respond. The failure of a party to respond to a request to produce is not excused on the ground that the request is objectionable unless the party failing or refusing to respond has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c), SCRCP

DEFINITIONS

1. As used in this Request for Production and the Instructions herein, the word "you" shall be deemed to mean the Defendant and all corporations, partnerships, sole proprietorships, professional associations, limited partnerships or joint ventures owned or affiliated, in whole or in part, by the Defendant.

2. As used in this Request for Production and Instructions herein, "document(s)" and/or "material(s)" shall include, but is not limited to: all writings, correspondence, reports, computer data, memoranda, notes, diaries, calendars, applications, statistics, letters, telegrams, minutes, contracts, agreements, reports, studies, computations, checks, statements, receipts, returns, summaries, pamphlets, books, resumes, notations of any sort of conversations, bulletins, calendars (whether written or electronically recorded), printed, typed or handwritten matter, e-mails, text messages or other electronic communications, invoices, worksheets, photographs, videotape, CDs, charts, graphs, microfiche, microfilm, recorded messages on tape/digital devices and/or other recordings, and/or any other physical thing or electronically recorded information of any kind whatsoever, within the knowledge, possession, custody, control or subject to the control of, or accessible to Defendant or her attorneys.

REQUESTS FOR PRODUCTION

1. All documents, specifically including emails, voicemails, text messages and social media messages, created, delivered, exchanged, or otherwise sent by or between yourself and any other named Defendant (including any employee, agent, or other representative of the Defendant) from July 25, 2018 through August 27, 2019.



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)

ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 20, 2021

EXHIBIT

FF

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

May 25, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 4th Request for Admission to Defendant Craig Conover.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 4th REQUEST FOR ADMISSION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT CRAIG CONOVER

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, that you serve upon said counsel within thirty (30) days, written answers to the following Requests for Admission.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. Requests for admission are admitted unless, within 30 days after service of the request, you serve upon the Plaintiff's counsel a written answer or objection addressed to the matter, signed by you or your attorney.

2. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why you cannot truthfully admit or deny the matter.

A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify his answer or deny only a part of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder.

3. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny.

4. Requests for admission which present a genuine issue for trial are not, on that ground alone, objectionable.

5. Plaintiff reserves the right to move to determine the sufficiency of your answers or objections. Unless the court determines that an objection is justified, it will order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.

6. Any matter admitted is conclusively established unless the court on motion permits withdrawal or amendment of the admission.

7. If you fail to admit the genuineness of any document or the truth of any matter as requested herein, and the Plaintiff thereafter proves the genuineness of the document or the truth of the matter, Plaintiff will apply to the court for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees.

REQUESTS FOR ADMISSION

(1) Admit your statements about Plaintiff Abruzzo in Southern Charm, season six, episode three (Exhibit A to Plaintiff's Amended Complaint) are not true.

Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 25, 2021

EXHIBIT

GG

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

May 25, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 5th Set of Interrogatories to Defendants Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, and Comcast Corporation.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 5th SET OF**
	)	**INTERROGATORIES**
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	
	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 33 of the South Carolina Rules of Civil Procedure that you serve upon said counsel within thirty (30) days, **verified** answers to the following Interrogatories, which shall be deemed continuing in nature from the time of service until the time of the trial of this matter, so that information sought which may come to the knowledge of said party or his/her representative or attorney after the answers to these Interrogatories have been submitted shall be transmitted to the undersigned.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Answer Under Oath:** Defendant has a duty to answer each interrogatory separately and fully, in writing, and under oath, unless it is objected to, in which event the reasons for objections shall be stated in lieu of an answer. The answers are to be signed by the party making them, and the objections signed by the attorney making them. Rule33(a) SCRCP.

2. **Objections**: Any objection made to an interrogatory below must be specific and supported by a detailed explanation as to why the interrogatory is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that an interrogatory is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by an answer is inadequate, preserves nothing, and leaves uncertainty as to whether the question has been actually and fully answered. The objection must show specifically how, despite the broad and liberal construction afforded the discovery rules, the interrogatory being objected to is not relevant or is overly broad, unduly burdensome, or oppressive, by submitting affidavits or offering evidence revealing the nature of the burden. It is not proper to object merely because answering interrogatories may require expending considerable time, effort or expense.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the information, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. An answer stating that all discoverable information has been produced is insufficient. An answer that fails to mention that information has been withheld or fails to describe the nature of the information that has been withheld is insufficient. Failure to list this information on a privilege log results in waiver of privilege. Rule 26(b)(5) SCRCP.

4. **Facts not specifically known**: 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.

5. **Facts upon information and belief**: 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 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.

6. **Form of Answer**:

a. Each interrogatory shall be construed independently and not be referenced to any other interrogatory herein for purposes of limitation.

b. Treat each number and lettered item in each interrogatory as a separate interrogatory requiring a separate response. If you object to or are unable to answer one time, please so state and respond to all other items.

c. Whenever a full and complete answer to any interrogatory or subpart is contained in a document identified as answering a specific numbered interrogatory or subpart, the document or copy thereof may be supplied in lieu of a written answer.

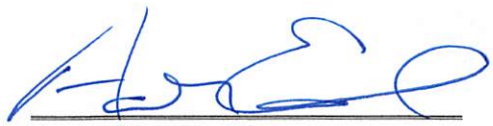
7. **Failure to Answer**: An evasive or incomplete answer is treated as a failure to answer. The failure of a party to answer an interrogatory is not excused on the ground that the interrogatory is objectionable unless the party failing or refusing to answer has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c) SCRCP.

INTERROGATORIES

(1) Describe in detail the sequence and timeline of events from start to finish of the production and filming of the dinner between Plaintiff Abruzzo and Kathryn Dennis as depicted in season six, episode six, of Southern Charm (Exhibit B to Plaintiff's Amended Complaint).

(2) Identify everyone present and describe the duties and responsibilities for everyone present at Kathryn Dennis's home for the production and filming of the dinner between Plaintiff Abruzzo and Kathryn Dennis as depicted in season six, episode six, of Southern Charm (Exhibit B to Plaintiff's Amended Complaint).

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Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 25, 2021

EDWARDS FIRM, LLC
755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ.

aaron@edwardsfirmllc.com

EXHIBIT
HH

May 25, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 4th Set of Interrogatories and 5th Request for Production to Defendants Craig Conover, Chelsea Meissner, and Madison LeCroy.

Sincerely,

Aaron E. Edwards

TELEPHONE (843) 375-2008 FACSIMILE (843) 881-5899

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 4th SET OF**
	)	**INTERROGATORIES**
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT CRAIG CONOVER

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 33 of the South Carolina Rules of Civil Procedure that you serve upon said counsel within thirty (30) days, **verified** answers to the following Interrogatories, which shall be deemed continuing in nature from the time of service until the time of the trial of this matter, so that information sought which may come to the knowledge of said party or his/her representative or attorney after the answers to these Interrogatories have been submitted shall be transmitted to the undersigned.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Answer Under Oath:** Defendant has a duty to answer each interrogatory separately and fully, in writing, and under oath, unless it is objected to, in which event the reasons for objections shall be stated in lieu of an answer. The answers are to be signed by the party making them, and the objections signed by the attorney making them. Rule33(a) SCRCP.

2. **Objections**: Any objection made to an interrogatory below must be specific and supported by a detailed explanation as to why the interrogatory is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that an interrogatory is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by an answer is inadequate, preserves nothing, and leaves uncertainty as to whether the question has been actually and fully answered. The objection must show specifically how, despite the broad and liberal construction afforded the discovery rules, the interrogatory being objected to is not relevant or is overly broad, unduly burdensome, or oppressive, by submitting affidavits or offering evidence revealing the nature of the burden. It is not proper to object merely because answering interrogatories may require expending considerable time, effort or expense.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the information, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. An answer stating that all discoverable information has been produced is insufficient. An answer that fails to mention that information has been withheld or fails to describe the nature of the information that has been withheld is insufficient. Failure to list this information on a privilege log results in waiver of privilege. Rule 26(b)(5) SCRCP.

4. **Facts not specifically known**: 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.

5. **Facts upon information and belief**: 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 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.

6. **Form of Answer**:

a. Each interrogatory shall be construed independently and not be referenced to any other interrogatory herein for purposes of limitation.

b. Treat each number and lettered item in each interrogatory as a separate interrogatory requiring a separate response. If you object to or are unable to answer one time, please so state and respond to all other items.

c. Whenever a full and complete answer to any interrogatory or subpart is contained in a document identified as answering a specific numbered interrogatory or subpart, the document or copy thereof may be supplied in lieu of a written answer.

7. **Failure to Answer**: An evasive or incomplete answer is treated as a failure to answer. The failure of a party to answer an interrogatory is not excused on the ground that the interrogatory is objectionable unless the party failing or refusing to answer has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c) SCRCP.

INTERROGATORIES

(1) Identify the source of information relied upon for your statements about Plaintiff Abruzzo in Southern Charm, season six, episode three (Exhibit A to Plaintiff's Amended Complaint).

Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)

ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 25, 2021

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 5th REQUEST FOR PRODUCTION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	
	)	

TO: DEFENDANT CRAIG CONOVER

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rules 26 and 34 of the South Carolina Rules of Civil Procedure, that the above named Defendant produce the documents identified below within thirty (30) days at the office of Edwards Firm, LLC, or at such other time and place as shall be mutually agreed upon by the parties.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the requests for production herein. By responding to these requests, the responding party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Respond:** Defendant has an affirmative duty to respond to requests for production that are relevant to the subject matter (i.e. the claims and/or defenses of the parties involved) in this pending action. This duty to respond extends to any and all requested materials, not privileged, that are within the possession, custody, or control of the party upon whom the request is served. Rule 26(b) and Rule 34, SCRCP.

2. **Objections**:

a. Form: Objection to a request to produce must be specific and supported by a detailed explanation as to why the request is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that a request to produce is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by a response is inadequate, preserves nothing, and leaves uncertainty as to whether the request has been actually and fully responded to. Each objection made must show specifically how, despite the broad and liberal construction afforded the discovery rules, the request being objected to is not relevant or is overly broad, unduly burdensome, oppressive, or otherwise improper, by submitting affidavits or offering evidence revealing the nature of the burden.

b. Possession, Custody, or Control: An objection may not be made on grounds that the responding party is not in physical custody or actual possession of the requested material. The responding party has an affirmative duty to produce material if the responding party has control of the material. In this context, "control" means the legal right to obtain the material even if it is in another's possession.

c. Burden and Expense: It is not proper to object merely because responding to a request may require expending considerable time, effort or expense. A showing that discovery may cause some inconvenience and expense does not establish good cause for refusal to comply with a discovery request unless such production would cause "significant harm" or "very serious injury." Harm or injury does not include any prejudice to a party's case that results from the production of relevant discovery.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. A response stating that all discoverable materials have been produced is insufficient. A response that fails to mention that materials have been withheld or which materials have been withheld is insufficient. Failure to list documents on a privilege log results in waiver of privilege. Rule 26(b)(5) of the SCRCP.

4. **Form of Production**: The documents produced shall be produced as they are kept in the usual court of business or shall be organized and labeled to correspond with the categories in this request. If a request does not specify the form or forms for producing electronically stored information, the information shall be produced in the form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable. Rule 34 (b) SCRCP.

5. **Information Deleted or Discarded**: If any information requested below has been destroyed or discarded, you are requested to identify the information destroyed or discarded in the same manner of identification as requested for material you claim is not discoverable and to explain when, how, and why the information ceased to exist.

6. **Failure to Respond**: An evasive or incomplete response is treated as a failure to respond. The failure of a party to respond to a request to produce is not excused on the ground that the request is objectionable unless the party failing or refusing to respond has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c), SCRCP

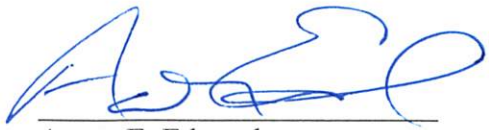
DEFINITIONS

1. As used in this Request for Production and the Instructions herein, the word "you" shall be deemed to mean the Defendant and all corporations, partnerships, sole proprietorships, professional associations, limited partnerships or joint ventures owned or affiliated, in whole or in part, by the Defendant.

2. As used in this Request for Production and Instructions herein, "document(s)" and/or "material(s)" shall include, but is not limited to: all writings, correspondence, reports, computer data, memoranda, notes, diaries, calendars, applications, statistics, letters, telegrams, minutes, contracts, agreements, reports, studies, computations, checks, statements, receipts, returns, summaries, pamphlets, books, resumes, notations of any sort of conversations, bulletins, calendars (whether written or electronically recorded), printed, typed or handwritten matter, e-mails, text messages or other electronic communications, invoices, worksheets, photographs, videotape, CDs, charts, graphs, microfiche, microfilm, recorded messages on tape/digital devices and/or other recordings, and/or any other physical thing or electronically recorded information of any kind whatsoever, within the knowledge, possession, custody, control or subject to the control of, or accessible to Defendant or her attorneys.

REQUESTS FOR PRODUCTION

1. All documents which support your statements about Plaintiff Abruzzo in Southern Charm, season six, episode three (Exhibit A to Plaintiff's Amended Complaint).



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)

ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 25, 2021

EXHIBIT

II

ELECTRONICALLY FILED - 2021 Apr 28 12:18 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON JOSEPH ABRUZZO, Plaintiff, vs. BRAVO MEDIA PRODUCTIONS LLC; HAYMAKER MEDIA, INC.; NBCUNIVERSAL MEDIA, LLC; COMCAST CORPORATION; CRAIG CONOVER; CHELSEA MEISSNER; AND MADISON LECROY, Defendants.	IN THE COURT OF COMMON PLEAS Civil Action No. 2020-CP-10-472 **NOTICE OF MOTION AND MOTION FOR STAY**

TO: THE HONORABLE ROBERT M. YOUNG, SR., PRESIDING JUDGE; AARON E. EDWARDS, ESQ., ATTORNEYS FOR PLAINTIFF JOSEPH ABRUZZO:

COME NOW Defendants Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner, and Madison LeCroy, (jointly "Defendants") who by and through their undersigned counsel, move to stay all proceedings before this Court, including all discovery and third-party subpoenas, pending final resolution of Defendants' appeal of this Court's July 6, 2020 and July 22, 2020 Orders. Pursuant to Rule 205 and 241, SCACR, as well as 9 U.S.C. §§ 3 & 16(a)(1)(A), all discovery in this Court should be stayed pending resolution of Defendants' appeal.

Because Defendants' appeal—in which Defendants present arguments made to this Court that it lacks authority/and or jurisdiction to decide the merits of this dispute in light of the valid and enforceable arbitration agreement and forum selection clause that Plaintiff signed—is pending, Defendants respectfully submit that the Court should stay any and all further proceedings, including all pending party and third-party discovery, until Defendants' appeal is finally decided.

ELECTRONICALLY FILED - 2021 Apr 28 12:18 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

(*See* Defendants' Motion to Dismiss Plaintiff's Amended Complaint and for Order Compelling Arbitration, filed June 22, 2020 ("Motion to Dismiss"), Defendants' Memorandum in Support of Motion to Dismiss Plaintiff's Amended Complaint and for Order Compelling Arbitration, filed with this Court on June 29, 2020 ("Memo in Support"), and Defendants' Motion for Reconsideration Pursuant to Rule 29(e), SCRCP, and Memorandum in Support, filed July 16, 2020 ("Motion for Reconsideration")). Proceeding through discovery, including third-party discovery, while Defendants' appeal is pending severely prejudices Defendants' rights to effectively vindicate and benefit from their rights to an arbitral forum and/or a New York forum, creates the risk of inconsistent decisions, and risks needlessly wasting the Court's time and resources in deciding and issuing decisions that would not be binding if Defendants prevail on their appeal.

BACKGROUND FACTS

Plaintiff filed a Complaint and an Amended Complaint alleging various causes of action arising out of his voluntary appearance on Season Six of the popular reality television show, *Southern Charm*. Defendants filed a Motion to Dismiss and a Memorandum in Support on June 29, 2020, seeking, among other things, dismissal of the Amended Complaint and for an order compelling arbitration pursuant to Paragraph 19 of the Appearance Release, Voluntary Participation, and Arbitration Agreement, ("Release and Arbitration Agreement"), signed by Plaintiff. Defendants also argued that dismissal was required pursuant to the Release and Arbitration Agreement's valid and enforceable forum selection clause. On July 6, 2020, this Court denied Defendants' Motion to Dismiss via a Form 4 Order.

Defendants filed a timely Motion for Reconsideration, asking the Court to detail its findings and conclusions of law and asking this Court to reconsider its denial of the Motion to Dismiss. This Court denied the Motion for Reconsideration in a Form 4 Order filed July 22, 2020.

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On August 10, 2020, Defendants filed a timely Notice of Appeal, appealing both Form 4 Orders denying their motion to arbitrate. That appeal has been assigned Appeal No. 2020-001095, (Exh. A), and was fully briefed as of March 1, 2020.[1]

Nonetheless, on September 3, 2020, Plaintiff served his First Request for Production and Plaintiffs' Standard Interrogatories on Defendants. When Defendants took the position that discovery was stayed by operation of Rules 205 and 241 of the South Carolina Appellate Court Rules, Plaintiff filed a Motion to Compel on September 16, 2020, arguing (incorrectly) that he was entitled to the "limited" discovery he sought, because his standard interrogatories were "explicitly authorized in all cases including under the JAMS rules of arbitration." (Plaintiff's Notice of Motion and Motion to Compel, filed September 16, 2020 p. 2) (Plaintiff's Memorandum in Support of Motion to Compel, filed December 8, 2020, p. 3).

This Court granted Plaintiff's Motion to Compel in a Form 4 Order, dated February 11, 2021.

Defendants have provided partial responses to Plaintiff's initial discovery requests and, requested an extension of time to complete production in light of the overly broad nature of Plaintiff's discovery requests, the various impacts of the global COVID-19 pandemic—including the fact that many of Defendants' employees, including IT employees, are working remotely due to the pandemic—and to allow the parties to confer and agree on a protective order since Plaintiff's discovery requests seek commercially sensitive information. As described in detail in Defendants' Motion for Protective Order, Plaintiff's counsel either ignored the requests, refusing to even respond, or demanded a detailed catalogue of all of the commercially sensitive documents and

[1] Defendants have moved the Court of Appeals to order Plaintiff to correct his final Brief to conform to Rule 211, SCACR, but anticipate that that issue will be resolved summarily.

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information implicated by his discovery requests. Consequently, Defendants moved for a Protective Order on March 19, 2021. That Motion has been scheduled before The Honorable Robert M. Young, Sr. for the week of May 24, 2021.

On April 23, 2021, Plaintiff served Requests for Admission on the Individual Defendants via email, (Exh. B), and Plaintiff's Second Request for Production on the Corporate Defendants, served via U.S. Mail, (Exh. C). On April 26, 2021, Plaintiff served subpoenas on 11 media companies that he claims stream and/or broadcast the Corporate Defendants' shows. (Exh. D). On April 27, 2021, Plaintiff served Interrogatories and a Second Request for Production on the Individual Defendants via email. (Exh. E). Plaintiff clearly far exceeded the "limited" discovery he claims is permitted under JAMS arbitration rules, instead, pursuing irrelevant and expansive discovery from Defendants and nonparties. For the reasons set forth below, Defendants respectfully submit that all discovery should be stayed pending a final decision on Defendants' appeal.

ARGUMENT

"As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal," and the lower court only may proceed with "matters not affected by the appeal." Rules 241 and 205, SCACR. In other words, under Rule 205 and the last sentence of" what is now Rule 241, "the lower court may not act or issue orders that affect an issue on appeal," but can "act only to enforce matters not stayed by the appeal." *Arnal v. Fraser*, 371 S.C. 512, 519, 641 S.E.2d 419, 422 (2007).

"Rule 205 divests the lower court … of jurisdiction over '*matters affected by the appeal*.'" *Stoke-Craven Holding Corp. v. McKenzie*, 416 S.C. 517, 534, 787 S.E.2d 485, 494 (2016), *citing Black's Law Dictionary* 68 (10th ed. 2014) (defining the term "affect" as "to produce an effect on;

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to influence in some way"). In other words, a matter or issue is stayed where it "depend[s] upon the success of the [party's] appeal of the trial court's order …" *Wayne Smith Constr. Co. v. Wolman, Duberstein, & Thompson*, 294 S.C. 140, 149, 363 S.E.2d 115, 120 (Ct. App. 1987). To determine whether a matter is "affected" by an appeal, a court must closely examine the issues on appeal, asking whether there is any "action the appellate courts could take resolving th[e] appeal that would affect the" proceedings initiated by a party during a pending appeal. *Tillman v. Oakes*, 398 S.C. 245, 256, 728 S.E.2d 45, 51 (Ct. App. 2012).

In addition, this case is subject to the provisions of the Federal Arbitration Act, 9 U.S.C. §§ 1-16 ("FAA"), the applicability of which Plaintiff cannot reasonably dispute and, in fact, appears to concede. (*See* Plaintiff's Memorandum in Opposition to Defendants' Motion to Dismiss Amended Complaint, filed June 29, 2020, pp. 24-26 (discussing and relying on the FAA)). Sections 3 and 16 of the FAA provide additional authority that all further proceedings before this Court, including all pending discovery, should be stayed pending the outcome of Defendants' appeal to the South Carolina Court of Appeals.

The Fourth Circuit holds that "an appeal on the issue of arbitrability automatically divests the district court of jurisdiction over the underlying claims and requires a stay of the action, unless the district court certifies the appeal as frivolous or forfeited." *Levin v. Alms & Assocs.*, 634 F.3d 260, 266 (4th Cir. 2011). While "*Levin* does not elaborate on the meaning of 'frivolous'" in this context, "the 'common application' of frivolity in the context of appeal is when '[none] of the legal points [are] arguable on their merits.'" *Berkeley County Sch. Dist. v. Hub Int'l Ltd.*, No. 2:18-cv-00151-DCN, 2019 U.S. Dist. LEXIS 86712 *3-4, 2019 WL 2233145 (D. S.C. May 23, 2019) (applying the rule adopted in *Levin* and staying underlying case where the issue on appeal was whether the parties even formed an agreement to arbitrate); *see also Lummus Co. v.*

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Commonwealth Oil Refining Co., 273 F.2d 613 (1st Cir. 1959) (staying discovery while denial of defendant's motion to compel arbitration was on appeal, noting that the plaintiff's "right to discovery must be far more restricted" in an arbitral forum than it would be in federal district court); *Combined Energies v. CCI, Inc.*, 495 F. Supp. 2d 142, 143 (D. Me. 2007) (granting the defendant's motion to stay discovery while the denial of its motion to compel arbitration was pending on appeal because an appeal, in either federal or state court, "is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal"). "To assume ongoing jurisdiction over discovery," while an appeal of a denial of a motion to compel arbitration was pending, "would be inconsistent with the bedrock principle that once a case is appealed, jurisdiction rests with the court of appeals, not in both the court of appeals and the district court." *Combined Energies*, 495 F. Supp. 2d at 143-144.

The test in federal court for whether an appeal divests a lower court of authority to proceed is similar to that applied under Rules 205 and 241, SCACR: "As a general rule, the filing of an appeal 'confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case *involved in the appeal*.'" *Levin*, 634 F.3d at 263, *quoting Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 45, 48 (1982) (emphasis added). By way of example, in *Bradford-Scott Data Corp. v. Physician Computer Network*, the Seventh Circuit explained that "[t]he qualification 'involved in the appeal' is essential—it is why the district court may award costs and attorneys' fees after the losing side has filed an appeal on the merits." 128 F.3d 504, 505 (7th Cir. 1997); *cf. Jackson v. Speed*, 326 S.C. 289, 311, 486 S.E.2d 750, 761 (1997) (finding award of attorney's fees not affected by pending appeal); *Carolina Bus. Brokers v. Strickland*, 301 S.C. 434, 439, 392 S.E.2d 469, 472 (Ct. App. 1990) (same). The terms "involved in" and "affected

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by" are substantively similar and, to the extent there is any substantive difference, "affected by" arguably has a broader scope than does "involved in." Clearly, the permissible scope and timing of discovery, among other discovery-related issues, are "affected by" Defendants' pending appeal. Indeed, *Lummus* could not have stated it more clearly: "a court order of discovery would be affirmatively inimical to appellee's obligation to arbitrate, if this court determines it to have such obligation. It seems clear that if arbitration is to be had of the entire dispute, appellee's right to discovery must be far more restricted than if the case remains in a federal court for plenary trial …" 273 F.2d at 613.

"Whether the case should be litigated in the [lower] court is not an issue collateral to the question presented by an appeal under 16 § (a)(1)(A)," the appeal provision of the FAA; instead, "it is the mirror image of the question presented on appeal. Continuation of the proceedings in the district court largely defeats the point of the appeal and creates a risk of inconsistent handling of the case by two tribunals." *Bradford-Scott*, 128 F.3d at 505. Specifically, "discovery on the subject matter of a dispute to be arbitrated should be denied in the absence of extraordinary circumstances." *McIntire v. China MediaExpress Holdings, Inc.*, 252 F. Supp. 3d 328, 330 (S.D. N.Y. 2017), *citing Hughes, Hooker & Co. v. American Steamship Owners Mut. Prot. & Indem. Ass'n, Inc.*, No. 04 Civ. 1859 (SHS), 2005 U.S. Dist. LEXIS 11381 *21 (S.D. N.Y. June 5, 2005). The term "extraordinary circumstances" "addresses situations where a party's ability to properly present its case to the arbitrator will be irreparably harmed absent court ordered discovery." *McIntire*, 252 F. Supp. 3d at 331. Plaintiff has not and cannot meet such a standard. He has not, for example, made any showing that the discovery he seeks now would be unavailable if later permitted in the proper forum. Indeed, he argues, erroneously, that he would be entitled to have his initial discovery requests enforced regardless of the forum in which this dispute ultimately is

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resolved.

Plaintiff's suggestion that Defendants' appeal affects only the "mode and manner of the trial of this case" is unavailing. Defendants' primary argument below was that Plaintiff's Amended Complaint should be dismissed in its entirety and his claims resolved through mediation and, if that failed, through binding arbitration administered by JAMS in accordance with the terms of the arbitration agreement Plaintiff signed. (Memo in Support, pp. 46-51) (Motion for Reconsideration, pp. 1-18). Defendants' alternative argument was that the Amended Complaint should be dismissed pursuant to the separate valid and enforceable forum selection clause that selects New York state or federal court. (Memo in Support, pp. 46-51) (Motion for Reconsideration, pp. 18-20). Thus, the ultimate issues raised by Defendants on appeal directly concern this Court's jurisdiction to proceed with any aspect of the litigation of Plaintiff's claims with no exception or carve out for conducting discovery. It is not disputed (nor could it be) that if the Court of Appeals reverses this Court and orders the parties to mediation, and if necessary, arbitration or litigation in New York, this Court would have no jurisdiction to issue any rulings on the scope of discovery, including third-party subpoenas, in this action. Undeniably, the forum in which the merits of this action is tried is the forum that has jurisdiction to define the scope and timing of any discovery.

As the Seventh Circuit observed in *Bradford-Scott*, "[t]he worst possible outcome would be to litigate the dispute, to have the court of appeals reverse and order the dispute arbitrated, to arbitrate the dispute, and finally to return to court to have the award enforced …. Combining the costs of litigation and arbitration is what lies in store if a district court continues with the case while an appeal under § 16(a) is pending. Cases of this kind are therefore poor candidates for exceptions to the principle that a notice of appeal divests the district court of power to proceed

with the aspects of the case that have been transferred to the court of appeals." 128 F.3d at 506. Defendants respectfully submit that the Court should decline Plaintiff's invitation to proceed to the worst possible outcome forewarned by the *Bradford-Scott* court. Indeed, "[u]ntil it is determined whether this action has been properly brought, appellee should not receive any unnecessary fruits thereof." *Lummus*, 273 F.2d at 614.

This Motion may be supplemented by affidavits and/or legal memorandum at a later date.

CONCLUSION

For the above-stated reasons, this Court should stay all further proceedings, including all pending discovery requests and the issuance of third-party subpoenas, before this Court pending the final resolution of Defendants' appeal in Appeal No. 2020-001095.

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ATTORNEYS FOR DEFENDANTS

April 28, 2021

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EXHIBIT

JJ

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON JOSEPH ABRUZZO, Plaintiff, vs. BRAVO MEDIA PRODUCTIONS LLC; HAYMAKER MEDIA, INC.; NBCUNIVERSAL MEDIA, LLC; COMCAST CORPORATION; CRAIG CONOVER; CHELSEA MEISSNER; AND MADISON LECROY, Defendants.	IN THE COURT OF COMMON PLEAS Civil Action No. 2020-CP-10-472 **MEMORANDUM IN SUPPORT OF MOTION FOR STAY**

TO: THE HONORABLE ROBERT M. YOUNG, SR., PRESIDING JUDGE; AARON E. EDWARDS, ESQ., ATTORNEYS FOR PLAINTIFF JOSEPH ABRUZZO:

Defendants Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner, and Madison LeCroy, (jointly "Defendants") by and through their undersigned attorneys submit this Memorandum in Support of their Motion for Stay of all proceedings before this Court, including all discovery and third-party subpoenas, pending final resolution of Defendants' appeal of this Court's July 6, 2020 and July 22, 2020 Orders. Pursuant to Rule 205 and 241, SCACR, as well as 9 U.S.C. §§ 3 & 16(a)(1)(A), all discovery in this Court should be stayed pending resolution of Defendants' appeal.

Because Defendants' appeal—in which Defendants present arguments made to this Court that it lacks authority/and or jurisdiction to decide the merits of this dispute in light of the valid and enforceable arbitration agreement and forum selection clause that Plaintiff signed—is pending, Defendants respectfully submit that the Court should stay any and all further proceedings,

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including all pending party and third-party discovery,[1] until Defendants' appeal is finally decided. (*See* Defendants' Motion to Dismiss Plaintiff's Amended Complaint and for Order Compelling Arbitration, filed June 22, 2020 ("Motion to Dismiss"), Defendants' Memorandum in Support of Motion to Dismiss Plaintiff's Amended Complaint and for Order Compelling Arbitration, filed with this Court on June 29, 2020 ("Memo in Support"), and Defendants' Motion for Reconsideration Pursuant to Rule 29(e), SCRCP, and Memorandum in Support, filed July 16, 2020 ("Motion for Reconsideration")). Proceeding through discovery, including third-party discovery, while Defendants' appeal is pending severely prejudices Defendants' rights to effectively vindicate and benefit from their rights to an arbitral forum and/or a New York forum, creates the risk of inconsistent decisions, and risks needlessly wasting the Court's time and resources in deciding and issuing decisions that would not be binding if Defendants prevail on their appeal.

BACKGROUND FACTS

Plaintiff filed a Complaint and an Amended Complaint alleging various causes of action arising out of his voluntary appearance on Season Six of the popular reality television show, *Southern Charm*. Defendants filed a Motion to Dismiss and a Memorandum in Support on June 29, 2020, seeking, among other things, dismissal of the Amended Complaint and for an order compelling arbitration pursuant to Paragraph 19 of the Appearance Release, Voluntary

[1] This Memorandum and Defendants' Motion for Stay addresses the 20 additional rounds of discovery Plaintiff has served on Defendants and third parties since the Circuit Court granted Plaintiff's Motion to Compel based on his representation that his first requests were limited to what he otherwise would be entitled to obtain under the JAMS rules. In light of Judge McCoy's February 11, 2021 Order, Defendants have partially responded to that discovery and will complete their responses to Plaintiff's first discovery requests after a Confidentiality Order is entered, as ordered by Judge Young on May 26 (a process that Plaintiff delayed by opposing Defendants' request for a stipulated Confidentiality Order), This Motion for Stay does not affect that discovery and instead, addresses Plaintiff's new voluminous, irrelevant and harassing discovery requests, served while the denial of Defendants' motion to compel arbitration is being reviewed by the Court of Appeals.

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Participation, and Arbitration Agreement, ("Release and Arbitration Agreement"), signed by Plaintiff. Defendants also argued that dismissal was required pursuant to the Release and Arbitration Agreement's valid and enforceable forum selection clause. On July 6, 2020, this Court denied Defendants' Motion to Dismiss via a Form 4 Order.

Defendants filed a timely Motion for Reconsideration, asking the Court to detail its findings and conclusions of law and asking this Court to reconsider its denial of the Motion to Dismiss. This Court denied the Motion for Reconsideration in a Form 4 Order filed July 22, 2020.

On August 10, 2020, Defendants filed a timely Notice of Appeal, appealing both Form 4 Orders denying their motion to arbitrate. That appeal has been assigned Appeal No. 2020-001095, (Exh. A), and was fully briefed as of March 1, 2020.[2]

Nonetheless, on September 3, 2020, Plaintiff served his First Request for Production and Plaintiffs' Standard Interrogatories on Defendants. When Defendants took the position that discovery was stayed by operation of Rules 205 and 241 of the South Carolina Appellate Court Rules, Plaintiff filed a Motion to Compel on September 16, 2020, arguing (incorrectly) that he was entitled to the "limited" discovery he sought, because his standard interrogatories were "explicitly authorized in all cases including under the JAMS rules of arbitration." (Plaintiff's Notice of Motion and Motion to Compel, filed September 16, 2020 p. 2) (Plaintiff's Memorandum in Support of Motion to Compel, filed December 8, 2020, p. 3). Defendants opposed Plaintiff's Motion to Compel and requested in a footnote that if the Court determines that Defendants were required to move affirmatively to stay discovery, that the Court treat its Opposition, alternatively, as a motion for a stay of Plaintiff's requested "limited" discovery. Plaintiff's Motion to Compel

[2] Plaintiff was ordered to resubmit his final Brief by May 20, 2021 with corrections required in order to comply with the South Carolina Appellate Court Rules. (Exh. A-1).

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was granted in a Form 4 Order, dated February 11, 2021, which also stated that "[t]o the extent Defendant's response may be construed as a Motion to Stay, that Motion is denied."

Defendants have provided partial responses to Plaintiff's initial discovery requests and, requested an extension of time to complete production in light of the overly broad nature of Plaintiff's discovery requests, the various impacts of the global COVID-19 pandemic—including the fact that many of Defendants' employees, including IT employees, are working remotely due to the pandemic—and to allow the parties to confer and agree on a protective order since Plaintiff's discovery requests seek commercially sensitive information. As described in detail in Defendants' Motion for Protective Order, Plaintiff's counsel either ignored the requests,[3] refusing to even respond, or demanded a detailed catalogue of all of the commercially sensitive documents and information implicated by his discovery requests. Consequently, Defendants moved for a Protective Order on March 19, 2021. That Motion was heard by The Honorable Robert M. Young, Sr. on May 26, 2021. Judge Young ordered the parties to confer and attempt to agree on the wording of a Confidentiality Order.

Subsequently, and despite Plaintiff's repeated claim to Judge McCoy that he was seeking only limited discovery that would otherwise be available to him under the JAMS Arbitration Rules, Plaintiff has continued to serve multiple rounds of discovery requests on Defendants, as well as subpoenas on third parties. These include:

- Plaintiff's Requests for Admission on the Individual Defendants, served on April 23, 2021, (Exh. B);
- Plaintiff's Second Request for Production on the Corporate Defendants, served on April

[3] Because Plaintiff would not respond to Defendants requests for an extension of time to respond, Defendants filed a Motion for Reconsideration of Judge McCoy's February 11, 2021 Order, seeking to expand the time in which Defendants were ordered to respond to Plaintiff's extensive discovery requests. (Motion to Alter or Amend, filed February 22, 2021). That Motion has yet to be ruled on.

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23, 2021, (Exh. C);

- Plaintiff's subpoenas served on April 26, 2021 on eleven media companies that he appears to believe, incorrectly and without any foundation, all exhibit and/or license Season 6 of *Southern Charm*, (Exh. D);
- Plaintiff's Interrogatories and Second Request for Production on the Individual Defendants via email, served on April 27, 2021, (Exh. E);
- Plaintiff's Third Request for Production on the Corporate Defendants, served on April 28, 2021, (Exh. F);
- Plaintiff's Third Request for Production on the Individual Defendants, served on April 30, 2021, (Exh. G);
- Plaintiff's Fourth Request for Production on the Corporate Defendants, served on April 30, 2021, (Exh. H);
- Plaintiff's First Request for Admission on the Corporate Defendants, served on May 4, 2021, (Exh. I);
- Plaintiff's Second Request for Admission on the Individual Defendants, served on May 4, 2021, (Exh. J);
- Plaintiff's First Set of Interrogatories on the Corporate Defendants, served on May 5, 2021, (Exh. K);
- Plaintiff's Second Request for Admission on Corporate Defendants, served on May 5, 2021, (Exh. L);
- Plaintiff's Third Request for Admission on the Individual Defendants, served on May 5, 2021, (Exh. M);
- Plaintiff's Second Set of Interrogatories on the Individual Defendants, served on May 11, 2021, (Exh. N);
- Plaintiff's Second Set of Interrogatories to the Corporate Defendants, served on May 12, 2021, (Exh. O);
- Plaintiff's Third Set of Interrogatories to the Individual Defendants, served on May 12, 2021, (Exh. P);
- Plaintiff's Third Request for Admission to the Corporate Defendants, served on May 14, 2021, Exh. Q);
- Plaintiff's Third Set of Interrogatories to the Corporate Defendants, served on May 14, 2021, (Exh.

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R);

- Plaintiff's Fourth Request for Admission to the Corporate Defendants, served on May 20, 2021, (Exh. S);
- Plaintiff's Fourth Set of Interrogatories to the Corporate Defendants, served on May 20, 2021, (Exh. T); and
- Plaintiff's Fourth Request for Production to the Individual Defendants, served on May 20, 2021, (Exh. U).

Many of these additional requests seek information and documents that are redundant, harassing, and/or plainly irrelevant to the claims and defenses in this lawsuit. Plaintiff has made it abundantly clear that he intends to conduct a full-scale fishing expedition from Defendants and uninvolved nonparties before this Court, far exceeding the "limited" discovery he claims is permitted under JAMS arbitration rules. For the reasons set forth below and in their Motion, Defendants respectfully submit that all discovery should be stayed pending a final decision on Defendants' appeal.

ARGUMENT

1. This Court has authority to rule on Defendants' Motion for Stay.

This Court has authority to rule on the pending Motion for Stay because Judge McCoy's February 11, 2021 Order was based on Plaintiff's repeated representation that he was only seeking "limited" discovery from Defendants and that he would be entitled to the same discovery in either circuit court or an arbitral forum. Plaintiff's current discovery requests far exceed the "limited discovery" that was the subject of Judge McCoy's Form 4 Order.

The fact that Judge McCoy granted Plaintiff's Motion to Compel responses to his first set of discovery requests on Defendants does not mean that this Court lacks authority to rule on this Motion. In his prior Motion to Compel and at oral argument, Plaintiff stressed the "limited" nature of his requests, arguing repeatedly (albeit incorrectly) that he would be entitled to responses to his

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requests under the JAMS rules for arbitration, and thus, there is no risk of prejudice to Defendants or inconsistent rulings. Defendants' opposition contained one sentence in one footnote requesting that, if the Court deemed a motion for a stay necessary, that it treat the opposition as such, which was denied in a Form 4 Order. Defendants have provided partial responses to Plaintiff's first set of discovery, which was the subject of Judge McCoy's Order. Defendants would have produced additional documents and information in response to Plaintiff's first set of discovery had Plaintiff agreed to enter into a customary Confidentiality Order, as was requested by Defendants since Plaintiffs' discovery requests seek commercially sensitive and proprietary information.

Since Judge McCoy's Order, Plaintiff has served multiple sets of interrogatories, document requests, requests for admission on Defendants, and subpoenas on eleven uninvolved nonparties, (Exh. B (Plaintiff's Requests for Admission on the Individual Defendants); Exh. C (Plaintiff's Second Request for Production on the Corporate Defendants); Exh. D (Plaintiff's subpoenas on eleven media companies); Exh. E (Plaintiff's Interrogatories and a Second Request for Production on the Individual Defendants); Exh. F (Plaintiff's Third Request for Production on the Corporate Defendants); Exh. G (Plaintiff's Third Request for Production on the Individual Defendants); Exh. H (Plaintiff's Fourth Request for Production on the Corporate Defendants)); Exh. I (Plaintiff's First Request for Admission on the Corporate Defendants); Exh. J (Plaintiff's Second Request for Admission on the Individual Defendants); Exh. K (Plaintiff's First Set of Interrogatories on the Corporate Defendants), Exh. L (Plaintiff's Second Request for Admission on Corporate Defendants); Exh. M (Plaintiff's Third Request for Admission on the Individual Defendants); Exh. N (Plaintiff's Second Set of Interrogatories on the Individual Defendants); Exh. O (Plaintiff's Second Set of Interrogatories to the Corporate Defendants); Exh. P (Plaintiff's Third Set of Interrogatories to the Individual Defendants); Exh. Q (Plaintiff's Third Request for Admission to the Corporate Defendants); Exh. R (Plaintiff's Third Set of Interrogatories to the Corporate Defendants); Exh. S (Plaintiff's Fourth Request for Admission to the

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Corporate Defendants); Exh. T (Plaintiff's Fourth Set of Interrogatories to the Corporate Defendants); and Exh. U (Plaintiff's Fourth Request for Production to the Individual Defendants).

As discussed in Defendants' Motion to Quash and for Protective Order, Plaintiff's subpoenas on eleven of Defendants' nonparty business partners appear to be motivated by an intent to harass rather than a legitimate attempt to obtain relevant discovery. Similarly, his additional rounds of party discovery seek documents and information that are personally and competitively sensitive, many of which are not relevant to the claims and defenses in this lawsuit. For example, Plaintiff's First Set of Interrogatories to the Individual Defendants seek disclosure of "the amount of money received" from the Corporate Defendants "for your appearance on Southern Charm season six, specifically including episodes 3, 6, and/or 7." Plaintiff's Second Request for Production to the Individual Defendants seeks all W-2's, all 1099's and all paystubs issued to the Individual Defendants by the Corporate Defendants from January 1, 2018 to the present. (Exh. E). Plaintiff's Third Request for Production to the Individual Defendants seeks "[a] complete copy of all homeowner's insurance policies, including the declarations page(s), which has or may have liability insurance coverage for the Defendant and/or relating to the Plaintiff's claims." (Exh. G). The Individual Defendants' homeowner's policies are particularly irrelevant as none of the filming or alleged actions took place in any of their homes. Discovery of this nature is unwarranted in this forum, let alone under JAMS arbitration rules.

Thus, Defendants' Motion for Stay is based on a materially different set of facts than those on which Judge McCoy's prior Form 4 Order was based. As a result, Defendants are not precluded from moving and this Court is not barred from granting a Motion for Stay of all pending discovery beyond that previously ordered to be produced by Judge McCoy. *See Smith v. Breedlove*, 377 S.C. 415, 421, 661 S.E.2d 67, 70 (2008) (a second motion based on new evidence or facts is not precluded by a ruling in the same court on a prior motion); *State ex rel. Medlock v. Nest Egg Soc.*

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Today, Inc., 90 S.C. 124, 130, 348 S.E.2d 381, 385 (Ct. App. 1986) (ruling on "an issue not previously decided by another judge is not a violation of [former] Rule 60"), *citing Andrick Dev. Corp. v. Maccaro*, 280 S.C. 103, 106, 311 S.E.2d 95, 97 (Ct. App. 1984) (same).

2. All pending and further discovery in this case should be stayed until final resolution of Defendants' appeal of the denial of their motion to compel arbitration.[4]

"As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal," and the lower court only may proceed with "matters not affected by the appeal." Rules 241 and 205, SCACR. In other words, under Rule 205 and the last sentence of" what is now Rule 241, "the lower court may not act or issue orders that affect an issue on appeal," but can "act only to enforce matters not stayed by the appeal." *Arnal v. Fraser*, 371 S.C. 512, 519, 641 S.E.2d 419, 422 (2007).

"Rule 205 divests the lower court … of jurisdiction over '*matters affected by the appeal*.'" *Stoke-Craven Holding Corp. v. McKenzie*, 416 S.C. 517, 534, 787 S.E.2d 485, 494 (2016), *citing Black's Law Dictionary* 68 (10th ed. 2014) (defining the term "affect" as "to produce an effect on; to influence in some way"). In other words, a matter or issue is stayed where it "depend[s] upon the success of the [party's] appeal of the trial court's order …" *Wayne Smith Constr. Co. v. Wolman, Duberstein, & Thompson*, 294 S.C. 140, 149, 363 S.E.2d 115, 120 (Ct. App. 1987). To determine whether a matter is "affected" by an appeal, a court must closely examine the issues on appeal, asking whether there is any "action the appellate courts could take resolving th[e] appeal that would affect the" proceedings initiated by a party during a pending appeal. *Tillman v. Oakes*, 398 S.C. 245, 256, 728 S.E.2d 45, 51 (Ct. App. 2012).

In addition, this case is subject to the provisions of the Federal Arbitration Act, 9 U.S.C.

[4] As noted in footnote 1, *supra*, this Motion for Stay does not affect Plaintiff's first set of discovery, to which Judge McCoy ordered the Defendants to respond.

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§§ 1-16 ("FAA"), the applicability of which Plaintiff cannot reasonably dispute and, in fact, appears to concede. (*See* Plaintiff's Memorandum in Opposition to Defendants' Motion to Dismiss Amended Complaint, filed June 29, 2020, pp. 24-26 (discussing and relying on the FAA)). Sections 3 and 16 of the FAA provide additional authority that all further proceedings before this Court, including all pending discovery, should be stayed pending the outcome of Defendants' appeal to the South Carolina Court of Appeals.[5]

The Fourth Circuit holds that "an appeal on the issue of arbitrability automatically divests the district court of jurisdiction over the underlying claims and requires a stay of the action, unless the district court certifies the appeal as frivolous or forfeited." *Levin v. Alms & Assocs.*, 634 F.3d 260, 266 (4th Cir. 2011). While "*Levin* does not elaborate on the meaning of 'frivolous'" in this context, "the 'common application' of frivolity in the context of appeal is when '[none] of the legal points [are] arguable on their merits.'" *Berkeley County Sch. Dist. v. Hub Int'l Ltd.*, No. 2:18-cv-00151-DCN, 2019 U.S. Dist. LEXIS 86712 *3-4, 2019 WL 2233145 (D. S.C. May 23, 2019) (applying the rule adopted in *Levin* and staying underlying case where the issue on appeal was whether the parties formed an agreement to arbitrate); *see also Lummus Co. v. Commonwealth Oil Refining Co.*, 273 F.2d 613 (1st Cir. 1959) (staying discovery while denial of defendant's motion to compel arbitration was on appeal, noting that the plaintiff's "right to discovery must be far more restricted" in an arbitral forum than it would be in federal district court); *Combined Energies v. CCI, Inc.*, 495 F. Supp. 2d 142, 143 (D. Me. 2007) (granting the defendant's motion to stay discovery while the denial of its motion to compel arbitration was pending on appeal because an appeal, in either federal or state court, "is an event of jurisdictional significance—it confers

[5] Section 3 of the FAA provides for a stay of litigation in the lower court where an arbitration agreement is enforced. Section 16 of the FAA provides for immediate appeal of an order denying a stay pursuant to Section 3, or denying a petition to order arbitration to proceed under Section 4.

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jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal"). "To assume ongoing jurisdiction over discovery," while an appeal of a denial of a motion to compel arbitration was pending, "would be inconsistent with the bedrock principle that once a case is appealed, jurisdiction rests with the court of appeals, not in both the court of appeals and the district court." *Combined Energies*, 495 F. Supp. 2d at 143-144.

The test in federal court for whether an appeal divests a lower court of authority to proceed is similar to that applied under Rules 205 and 241, SCACR: "As a general rule, the filing of an appeal 'confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case *involved in the appeal*.'" *Levin*, 634 F.3d at 263, *quoting Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 45, 48 (1982) (emphasis added). By way of example, in *Bradford-Scott Data Corp. v. Physician Computer Network*, the Seventh Circuit explained that "[t]he qualification 'involved in the appeal' is essential—it is why the district court may award costs and attorneys' fees after the losing side has filed an appeal on the merits." 128 F.3d 504, 505 (7th Cir. 1997); *cf. Jackson v. Speed*, 326 S.C. 289, 311, 486 S.E.2d 750, 761 (1997) (finding award of attorney's fees not affected by pending appeal); *Carolina Bus. Brokers v. Strickland*, 301 S.C. 434, 439, 392 S.E.2d 469, 472 (Ct. App. 1990) (same). The terms "involved in" and "affected by" are substantively similar and, to the extent there is any substantive difference, "affected by" arguably has a broader scope than does "involved in." Clearly, the permissible scope and timing of discovery, among other discovery-related issues, are "affected by" Defendants' pending appeal. Indeed, *Lummus* could not have stated it more clearly: "a court order of discovery would be affirmatively inimical to appellee's obligation to arbitrate, if this court determines it to have such obligation. It seems clear that if arbitration is to be had of the entire dispute, appellee's right to discovery must be far more restricted than if the case remains in a federal court for plenary trial

…" 273 F.2d at 613.

"Whether the case should be litigated in the [lower] court is not an issue collateral to the question presented by an appeal under 16 § (a)(1)(A)," which is the appeal provision of the FAA; instead, "it is the mirror image of the question presented on appeal. Continuation of the proceedings in the district court largely defeats the point of the appeal and creates a risk of inconsistent handling of the case by two tribunals." *Bradford-Scott*, 128 F.3d at 505. Specifically, "discovery on the subject matter of a dispute to be arbitrated should be denied in the absence of extraordinary circumstances." *McIntire v. China MediaExpress Holdings, Inc.*, 252 F. Supp. 3d 328, 330 (S.D. N.Y. 2017), *citing Hughes, Hooker & Co. v. American Steamship Owners Mut. Prot. & Indem. Ass'n, Inc.*, No. 04 Civ. 1859 (SHS), 2005 U.S. Dist. LEXIS 11381 *21 (S.D. N.Y. June 5, 2005). The term "extraordinary circumstances" "addresses situations where a party's ability to properly present its case to the arbitrator will be irreparably harmed absent court ordered discovery." *McIntire*, 252 F. Supp. 3d at 331. Plaintiff has not and cannot meet such a standard. He has not, for example, made any showing that the discovery he seeks now would be unavailable if later permitted in the proper forum. Indeed, he argues, erroneously, that he would be entitled to have his initial discovery requests enforced regardless of the forum in which this dispute ultimately is resolved.

Plaintiff's suggestion that Defendants' appeal affects only the "mode and manner of the trial of this case" is unavailing. Defendants' primary argument below was that Plaintiff's Amended Complaint should be dismissed in its entirety and his claims resolved through mediation and, if that failed, through binding arbitration administered by JAMS in accordance with the terms of the arbitration agreement Plaintiff signed. (Memo in Support, pp. 46-51) (Motion for Reconsideration, pp. 1-18). Defendants' alternative argument was that the Amended Complaint

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should be dismissed pursuant to the separate valid and enforceable forum selection clause that selects New York state or federal court. (Memo in Support, pp. 46-51) (Motion for Reconsideration, pp. 18-20). Thus, the ultimate issues raised by Defendants on appeal directly concern this Court's jurisdiction to proceed with any aspect of the litigation of Plaintiff's claims with no exception or carve out for conducting discovery. It is not disputed (nor could it be) that if the Court of Appeals reverses this Court and orders the parties to mediation, and if necessary, arbitration or litigation in New York, this Court would have no jurisdiction to issue any rulings on the scope of discovery, including third-party subpoenas, in this action. Undeniably, the forum in which the merits of this action is tried is the forum that has jurisdiction to define the scope and timing of any discovery.

As the Seventh Circuit observed in *Bradford-Scott*, "[t]he worst possible outcome would be to litigate the dispute, to have the court of appeals reverse and order the dispute arbitrated, to arbitrate the dispute, and finally to return to court to have the award enforced …. Combining the costs of litigation and arbitration is what lies in store if a district court continues with the case while an appeal under § 16(a) is pending. Cases of this kind are therefore poor candidates for exceptions to the principle that a notice of appeal divests the district court of power to proceed with the aspects of the case that have been transferred to the court of appeals." 128 F.3d at 506. Defendants respectfully submit that the Court should decline Plaintiff's invitation to proceed to the worst possible outcome forewarned by the *Bradford-Scott* court, particularly in light of Plaintiff's wide-ranging fishing expedition on Defendants and uninvolved nonparties. Indeed, "[u]ntil it is determined whether this action has been properly brought, appellee should not receive any unnecessary fruits thereof." *Lummus*, 273 F.2d at 614.

Judge McCoy's prior Form 4 Order was based on Plaintiff's initial set of discovery and his

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repeated representations that his requested discovery was limited in scope and would have been available under both Circuit Court and JAMS arbitration rules. Plaintiff's current wide-ranging fishing expedition on Defendants and uninvolved nonparties far exceeds the scope of Judge McCoy's Order and the representations it was based on. Thus, for the reasons set forth above, this Court has the authority to grant Defendants' Motion. Defendants' respectfully request that the Court do so in light of the severe prejudice to Defendants and waste of judicial resources described in *Bradford-Scott* and the South Carolina state court decisions cited herein.

CONCLUSION

For the above-stated reasons, this Court should stay all further proceedings, including all pending discovery requests and the issuance of third-party subpoenas, before this Court pending the final resolution of Defendants' appeal in Appeal No. 2020-001095.

MCANGUS GOUDELOCK & COURIE, L.L.C.

s/James D. Smith, Jr.

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Mt. Pleasant, South Carolina 29465
Telephone: (843) 576-2900
Facsimile: (843) 534-0605

ATTORNEYS FOR DEFENDANTS

May 27, 2021

EXHIBIT

KK

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

May 28, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 4th Request for Admission and 5th Set of Interrogatories to Defendants Chelsea Meissner and Madison LeCroy.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 4th REQUEST FOR ADMISSION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	
	)	

TO: DEFENDANT MADISON LECROY

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, that you serve upon said counsel within thirty (30) days, written answers to the following Requests for Admission.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. Requests for admission are admitted unless, within 30 days after service of the request, you serve upon the Plaintiff's counsel a written answer or objection addressed to the matter, signed by you or your attorney.

2. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why you cannot truthfully admit or deny the matter.

A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify his answer or deny only a part of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder.

3. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny.

4. Requests for admission which present a genuine issue for trial are not, on that ground alone, objectionable.

5. Plaintiff reserves the right to move to determine the sufficiency of your answers or objections. Unless the court determines that an objection is justified, it will order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.

6. Any matter admitted is conclusively established unless the court on motion permits withdrawal or amendment of the admission.

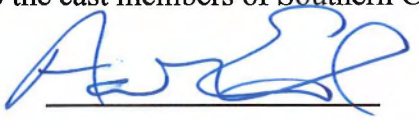
7. If you fail to admit the genuineness of any document or the truth of any matter as requested herein, and the Plaintiff thereafter proves the genuineness of the document or the truth of the matter, Plaintiff will apply to the court for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees.

REQUESTS FOR ADMISSION

(1) Admit alcohol and/or drugs are regularly consumed by the cast members of Southern Charm before and/or during filming.

(2) Admit alcohol and/or drug consumption by the cast members of Southern Charm is suggested, encouraged, tolerated, and/or condoned by the corporate Defendants.

(3) Admit producers, employees, agents, or others working on behalf of the corporate Defendants have provided alcohol and/or drugs to the cast members of Southern Charm.



Aaron E. Edwards
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(843) 375-2008 (phone)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 28, 2021

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 5th SET OF**
	)	**INTERROGATORIES**
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT MADISON LECROY

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 33 of the South Carolina Rules of Civil Procedure that you serve upon said counsel within thirty (30) days, **verified** answers to the following Interrogatories, which shall be deemed continuing in nature from the time of service until the time of the trial of this matter, so that information sought which may come to the knowledge of said party or his/her representative or attorney after the answers to these Interrogatories have been submitted shall be transmitted to the undersigned.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Answer Under Oath:** Defendant has a duty to answer each interrogatory separately and fully, in writing, and under oath, unless it is objected to, in which event the reasons for objections shall be stated in lieu of an answer. The answers are to be signed by the party making them, and the objections signed by the attorney making them. Rule33(a) SCRCP.

2. **Objections**: Any objection made to an interrogatory below must be specific and supported by a detailed explanation as to why the interrogatory is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that an interrogatory is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by an answer is inadequate, preserves nothing, and leaves uncertainty as to whether the question has been actually and fully answered. The objection must show specifically how, despite the broad and liberal construction afforded the discovery rules, the interrogatory being objected to is not relevant or is overly broad, unduly burdensome, or oppressive, by submitting affidavits or offering evidence revealing the nature of the burden. It is not proper to object merely because answering interrogatories may require expending considerable time, effort or expense.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the information, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. An answer stating that all discoverable information has been produced is insufficient. An answer that fails to mention that information has been withheld or fails to describe the nature of the information that has been withheld is insufficient. Failure to list this information on a privilege log results in waiver of privilege. Rule 26(b)(5) SCRCP.

4. **Facts not specifically known**: 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.

5. **Facts upon information and belief**: 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 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.

6. **Form of Answer**:

a. Each interrogatory shall be construed independently and not be referenced to any other interrogatory herein for purposes of limitation.

b. Treat each number and lettered item in each interrogatory as a separate interrogatory requiring a separate response. If you object to or are unable to answer one time, please so state and respond to all other items.

c. Whenever a full and complete answer to any interrogatory or subpart is contained in a document identified as answering a specific numbered interrogatory or subpart, the document or copy thereof may be supplied in lieu of a written answer.

7. **Failure to Answer**: An evasive or incomplete answer is treated as a failure to answer. The failure of a party to answer an interrogatory is not excused on the ground that the interrogatory is objectionable unless the party failing or refusing to answer has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c) SCRCP.

INTERROGATORIES

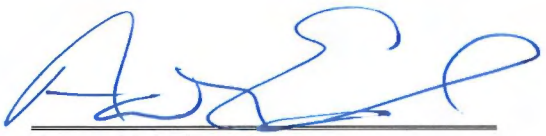
(1) Do any of the corporate defendants presently have, or had in the past, the authority to control or direct you in the performance of your role and/or appearance on Southern Charm? In your response, identify and describe the following:

a. How any corporate defendant can exercise or have exercised control over your performance and/or appearance on Southern Charm;

b. What, if any, equipment, materials, benefits, perks, or other things of value any of the corporate defendants furnished to you in relation to your performance and/or appearance on Southern Charm;

c. Your method of payment from each of the corporate defendants;

d. Whether any of the corporate defendants have the ability to terminate you from performing and/or appearing on Southern Charm and the grounds, if any, which would give cause for termination.



Aaron E. Edwards
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755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)

ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 28, 2021

EXHIBIT

LL

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

May 28, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 5th Set of Interrogatories and Request for Admission to Defendant Craig Conover.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 5th REQUEST FOR ADMISSION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	
	)	

TO: DEFENDANT CRAIG CONOVER

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, that you serve upon said counsel within thirty (30) days, written answers to the following Requests for Admission.

INSTRUCTIONS

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4. Requests for admission which present a genuine issue for trial are not, on that ground alone, objectionable.

5. Plaintiff reserves the right to move to determine the sufficiency of your answers or objections. Unless the court determines that an objection is justified, it will order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.

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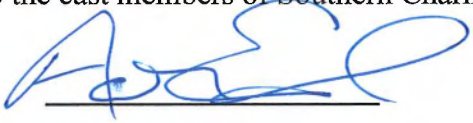
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(843) 375-2008 (phone)
ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 28, 2021

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 5th SET OF INTERROGATORIES**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	
	)	

TO: DEFENDANT CRAIG CONOVER

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INTERROGATORIES

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b. What, if any, equipment, materials, benefits, perks, or other things of value any of the corporate defendants furnished to you in relation to your performance and/or appearance on Southern Charm;

c. Your method of payment from each of the corporate defendants;

d. Whether any of the corporate defendants have the ability to terminate you from performing and/or appearing on Southern Charm and the grounds, if any, which would give cause for termination.



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(843) 375-2008 (phone)

ATTORNEY FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: May 28, 2021

EXHIBIT

MM

EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

June 24, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 6th Set of Interrogatories and 5th Request for Production to Defendants Bravo Media Productions, LLC, Haymaker Media, Inc., NBC Universal Media, LLC, and Comcast Corporation.

Sincerely,



Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 6th SET OF**
	)	**INTERROGATORIES**
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rule 33 of the South Carolina Rules of Civil Procedure that you serve upon said counsel within thirty (30) days, **verified** answers to the following Interrogatories, which shall be deemed continuing in nature from the time of service until the time of the trial of this matter, so that information sought which may come to the knowledge of said party or his/her representative or attorney after the answers to these Interrogatories have been submitted shall be transmitted to the undersigned.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the interrogatories herein. By answering these interrogatories, the answering party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Answer Under Oath:** Defendant has a duty to answer each interrogatory separately and fully, in writing, and under oath, unless it is objected to, in which event the reasons

for objections shall be stated in lieu of an answer. The answers are to be signed by the party making them, and the objections signed by the attorney making them. Rule33(a) SCRCP.

2. **Objections**: Any objection made to an interrogatory below must be specific and supported by a detailed explanation as to why the interrogatory is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that an interrogatory is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by an answer is inadequate, preserves nothing, and leaves uncertainty as to whether the question has been actually and fully answered. The objection must show specifically how, despite the broad and liberal construction afforded the discovery rules, the interrogatory being objected to is not relevant or is overly broad, unduly burdensome, or oppressive, by submitting affidavits or offering evidence revealing the nature of the burden. It is not proper to object merely because answering interrogatories may require expending considerable time, effort or expense.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the information, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. An answer stating that all discoverable information has been produced is insufficient. An answer that fails to mention that information has been withheld or fails to describe the nature of the information that has been withheld is insufficient. Failure to list this information on a privilege log results in waiver of privilege. Rule 26(b)(5) SCRCP.

4. **Facts not specifically known**: 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.

5. **Facts upon information and belief**: 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 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.

6. **Form of Answer**:

a. Each interrogatory shall be construed independently and not be referenced to any other interrogatory herein for purposes of limitation.

b. Treat each number and lettered item in each interrogatory as a separate interrogatory requiring a separate response. If you object to or are unable to answer one time, please so state and respond to all other items.

c. Whenever a full and complete answer to any interrogatory or subpart is contained in a document identified as answering a specific numbered interrogatory or subpart, the document or copy thereof may be supplied in lieu of a written answer.

7. **Failure to Answer**: An evasive or incomplete answer is treated as a failure to answer. The failure of a party to answer an interrogatory is not excused on the ground that the interrogatory is objectionable unless the party failing or refusing to answer has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c) SCRCP.

INTERROGATORIES

(1) Identify the amount and source of all revenue received from filming, producing, broadcasting, and/or distribution of Southern Charm season six, specifically to include episodes 3,6, and/or 7.

(2) Identify the amount and source of all revenue received from digital streams, purchases, or other views, of Southern Charm season six, specifically to include episodes 3,6, and/or 7.

(3) Identify the amount and source of all revenue received from advertisements and/or product placements for episodes and/or clips of episodes 3, 6, and/or 7 of Southern Charm season six.

(4) Identify the amount and source of all revenue received from any other source in relation to Southern Charm season six, specifically to include episodes 3,6, and/or 7.

Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
ATTORNEYS FOR PLAINTIFF

Dated: June 24, 2021

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 5th REQUEST FOR PRODUCTION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	

TO: DEFENDANT BRAVO MEDIA PRODUCTIONS, LLC

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rules 26 and 34 of the South Carolina Rules of Civil Procedure, that the above named Defendant produce the documents identified below within thirty (30) days at the office of Edwards Firm, LLC, or at such other time and place as shall be mutually agreed upon by the parties.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the requests for production herein. By responding to these requests, the responding party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Respond:** Defendant has an affirmative duty to respond to requests for production that are relevant to the subject matter (i.e. the claims and/or defenses of the parties involved) in this pending action. This duty to respond extends to any and all requested materials, not privileged, that are within the possession, custody, or control of the party upon whom the request is served. Rule 26(b) and Rule 34, SCRCP.

2. **Objections**:

a. Form: Objection to a request to produce must be specific and supported by a detailed explanation as to why the request is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that a request to produce is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by a response is inadequate, preserves nothing, and leaves uncertainty as to whether the request has been actually and fully responded to. Each objection made must show specifically how, despite the broad and liberal construction afforded the discovery rules, the request being objected to is not relevant or is overly broad, unduly burdensome, oppressive, or otherwise improper, by submitting affidavits or offering evidence revealing the nature of the burden.

b. Possession, Custody, or Control: An objection may not be made on grounds that the responding party is not in physical custody or actual possession of the requested material. The responding party has an affirmative duty to produce material if the responding party has control of the material. In this context, "control" means the legal right to obtain the material even if it is in another's possession.

c. Burden and Expense: It is not proper to object merely because responding to a request may require expending considerable time, effort or expense. A showing that discovery may cause some inconvenience and expense does not establish good cause for refusal to comply with a discovery request unless such production would cause "significant harm" or "very serious injury." Harm or injury does not include any prejudice to a party's case that results from the production of relevant discovery.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. A response stating that all discoverable materials have been produced is insufficient. A response that fails to mention that materials have been withheld or which materials have been withheld is insufficient. Failure to list documents on a privilege log results in waiver of privilege. Rule 26(b)(5) of the SCRCP.

4. **Form of Production**: The documents produced shall be produced as they are kept in the usual court of business or shall be organized and labeled to correspond with the categories in this request. If a request does not specify the form or forms for producing electronically stored information, the information shall be produced in the form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable. Rule 34 (b) SCRCP.

5. **Information Deleted or Discarded**: If any information requested below has been destroyed or discarded, you are requested to identify the information destroyed or discarded in the same manner of identification as requested for material you claim is not discoverable and to explain when, how, and why the information ceased to exist.

6. **Failure to Respond**: An evasive or incomplete response is treated as a failure to respond. The failure of a party to respond to a request to produce is not excused on the ground that the request is objectionable unless the party failing or refusing to respond has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c), SCRCP

DEFINITIONS

1. As used in this Request for Production and the Instructions herein, the word "you" shall be deemed to mean the Defendant and all corporations, partnerships, sole proprietorships, professional associations, limited partnerships or joint ventures owned or affiliated, in whole or in part, by the Defendant.

2. As used in this Request for Production and Instructions herein, "document(s)" and/or "material(s)" shall include, but is not limited to: all writings, correspondence, reports, computer data, memoranda, notes, diaries, calendars, applications, statistics, letters, telegrams, minutes, contracts, agreements, reports, studies, computations, checks, statements, receipts, returns, summaries, pamphlets, books, resumes, notations of any sort of conversations, bulletins, calendars (whether written or electronically recorded), printed, typed or handwritten matter, e-mails, text messages or other electronic communications, invoices, worksheets, photographs, videotape, CDs, charts, graphs, microfiche, microfilm, recorded messages on tape/digital devices and/or other recordings, and/or any other physical thing or electronically recorded information of any kind whatsoever, within the knowledge, possession, custody, control or subject to the control of, or accessible to Defendant or her attorneys.

REQUESTS FOR PRODUCTION

1. All documents supporting your responses to Plaintiff's 6th Set of Interrogatories.

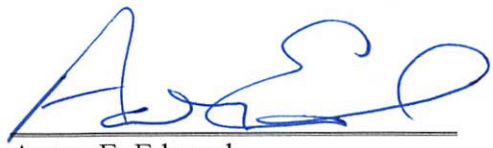
2. The production services agreement, including any amendments, revisions, addendums, novations, or other modifications thereto, with Haymaker Media, Inc. dated March 12, 2013 relating to the production of Southern Charm.

3. All other contracts or agreements with Haymaker Media, Inc. relating to Southern Charm.

4. All contracts or agreements, including any amendments, revisions, addendums, novations, or other modifications thereto, with Bravo Media LLC relating to Southern Charm.

5. All contracts or agreements, including any amendments, revisions, addendums, novations, or other modifications thereto, with any other Defendant relating to Southern Charm.

6. All contracts or agreements, including any amendments, revisions, addendums, novations, or other modifications thereto, with any other person or entity relating to Southern Charm season 6.



Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
ATTORNEY FOR PLAINTIFF

Dated: June 24, 2021

EXHIBIT

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EDWARDS FIRM, LLC

755 JOHNNIE DODDS BLVD, SUITE #100
MOUNT PLEASANT, SOUTH CAROLINA 29464

AARON E. EDWARDS, ESQ. aaron@edwardsfirmllc.com

June 24, 2021

Via US Mail
Helen Hiser, Esq.
J.D. Smith, Jr., Esq.
Danielle Payne, Esq.
735 Johnnie Dodds Blvd., STE 200
Mt. Pleasant, SC 29464

In re: Abruzzo v. Bravo Media Productions, LLC, et al.
Case No: 2020-CP-10-00472

Counsel:

Enclosed for service you will find Plaintiff's 6th Request for Production to Defendants Craig Conover, Chelsea Meissner, and Madison LeCroy.

Sincerely,

Aaron E. Edwards

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	**PLAINTIFF'S 6th REQUEST FOR PRODUCTION**
	)	
BRAVO MEDIA PRODUCTIONS, LLC HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	
	)	

TO: DEFENDANT CRAIG CONOVER

PLEASE TAKE NOTICE that the Plaintiff, by and through his undersigned attorney, hereby requests, pursuant to Rules 26 and 34 of the South Carolina Rules of Civil Procedure, that the above named Defendant produce the documents identified below within thirty (30) days at the office of Edwards Firm, LLC, or at such other time and place as shall be mutually agreed upon by the parties.

INSTRUCTIONS

NOTE: The following instructions are considered part and parcel to the requests for production herein. By responding to these requests, the responding party affirms that they have read and complied with these instructions in good faith and to the best of their ability.

NOTE: The instructions as stated herein are supported by South Carolina statutory and common law, the South Carolina Rules of Civil Procedure, and learned treatises relied upon by the South Carolina courts as persuasive and instructive authority.

1. **Duty to Respond:** Defendant has an affirmative duty to respond to requests for production that are relevant to the subject matter (i.e. the claims and/or defenses of the parties involved) in this pending action. This duty to respond extends to any and all requested materials, not privileged, that are within the possession, custody, or control of the party upon whom the request is served. Rule 26(b) and Rule 34, SCRCP.

2. **Objections**:

a. Form: Objection to a request to produce must be specific and supported by a detailed explanation as to why the request is improper. Nonspecific, boilerplate objections are insufficient. The mere statement that a request to produce is "vague," "overly broad," "unduly burdensome," "oppressive," "harassing" and/or "irrelevant," is standing alone meaningless and meritless. An objection followed by "notwithstanding the above" followed by a response is inadequate, preserves nothing, and leaves uncertainty as to whether the request has been actually and fully responded to. Each objection made must show specifically how, despite the broad and liberal construction afforded the discovery rules, the request being objected to is not relevant or is overly broad, unduly burdensome, oppressive, or otherwise improper, by submitting affidavits or offering evidence revealing the nature of the burden.

b. Possession, Custody, or Control: An objection may not be made on grounds that the responding party is not in physical custody or actual possession of the requested material. The responding party has an affirmative duty to produce material if the responding party has control of the material. In this context, "control" means the legal right to obtain the material even if it is in another's possession.

c. Burden and Expense: It is not proper to object merely because responding to a request may require expending considerable time, effort or expense. A showing that discovery may cause some inconvenience and expense does not establish good cause for refusal to comply with a discovery request unless such production would cause "significant harm" or "very serious injury." Harm or injury does not include any prejudice to a party's case that results from the production of relevant discovery.

3. **Claims of Privilege**:

a. **Privilege Log**: If you withhold information otherwise discoverable on grounds that the information is privileged or subject to protection as trial preparation material, you shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that will enable the requesting party to assess the applicability of the privilege or protection. A response stating that all discoverable materials have been produced is insufficient. A response that fails to mention that materials have been withheld or which materials have been withheld is insufficient. Failure to list documents on a privilege log results in waiver of privilege. Rule 26(b)(5) of the SCRCP.

4. **Form of Production**: The documents produced shall be produced as they are kept in the usual court of business or shall be organized and labeled to correspond with the categories in this request. If a request does not specify the form or forms for producing electronically stored information, the information shall be produced in the form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable. Rule 34 (b) SCRCP.

5. **Information Deleted or Discarded**: If any information requested below has been destroyed or discarded, you are requested to identify the information destroyed or discarded in the same manner of identification as requested for material you claim is not discoverable and to explain when, how, and why the information ceased to exist.

6. **Failure to Respond**: An evasive or incomplete response is treated as a failure to respond. The failure of a party to respond to a request to produce is not excused on the ground that the request is objectionable unless the party failing or refusing to respond has applied for a protective order. Rule 37(a), Rule 37(d) and Rule 26(c), SCRCP

DEFINITIONS

1. As used in this Request for Production and the Instructions herein, the word "you" shall be deemed to mean the Defendant and all corporations, partnerships, sole proprietorships, professional associations, limited partnerships or joint ventures owned or affiliated, in whole or in part, by the Defendant.

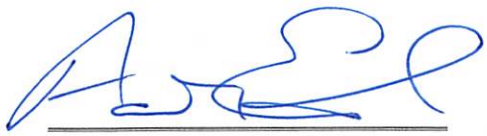
2. As used in this Request for Production and Instructions herein, "document(s)" and/or "material(s)" shall include, but is not limited to: all writings, correspondence, reports, computer data, memoranda, notes, diaries, calendars, applications, statistics, letters, telegrams, minutes, contracts, agreements, reports, studies, computations, checks, statements, receipts, returns, summaries, pamphlets, books, resumes, notations of any sort of conversations, bulletins, calendars (whether written or electronically recorded), printed, typed or handwritten matter, e-mails, text messages or other electronic communications, invoices, worksheets, photographs, videotape, CDs, charts, graphs, microfiche, microfilm, recorded messages on tape/digital devices and/or other recordings, and/or any other physical thing or electronically recorded information of any kind whatsoever, within the knowledge, possession, custody, control or subject to the control of, or accessible to Defendant or her attorneys.

REQUESTS FOR PRODUCTION

1. All contracts or agreements, including any amendments, revisions, addendums, novations, or other modifications thereto, with Bravo Media LLC relating to Southern Charm.

2. All contracts or agreements, including any amendments, revisions, addendums, novations, or other modifications thereto, with any other Defendant relating to Southern Charm.

3. All contracts or agreements, including any amendments, revisions, addendums, novations, or other modifications thereto, with any other person or entity relating to Southern Charm.



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755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
(843) 881-5899 (fax)

ATTORNEY FOR PLAINTIFF

Dated: June 24, 2021

EXHIBIT
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ELECTRONICALLY FILED - 2021 Apr 29 3:04 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON JOSEPH ABRUZZO, Plaintiff, vs. BRAVO MEDIA PRODUCTIONS LLC; HAYMAKER MEDIA, INC.; NBCUNIVERSAL MEDIA, LLC; COMCAST CORPORATION; CRAIG CONOVER; CHELSEA MEISSNER; AND MADISON LECROY, Defendants.	IN THE COURT OF COMMON PLEAS Civil Action No. 2020-CP-10-472 **NOTICE OF MOTION AND MOTION FOR PROTECTIVE ORDER AND TO QUASH THIRD-PARTY SUBPOENAS**

TO: THE HONORABLE ROBERT M. YOUNG, SR., PRESIDING JUDGE; AARON E. EDWARDS, ESQ., ATTORNEYS FOR PLAINTIFF JOSEPH ABRUZZO:

COME NOW Defendants Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner, and Madison LeCroy, (jointly "Defendants"), who by and through their undersigned counsel, move for a Protective Order and to quash subpoenas Plaintiff has served in this case on eleven nonparties. Plaintiff has served subpoenas on: 1) Disney World Wide Services, Inc.; 2) Microsoft Corporation; 3) Google LLC; 4) Amazon.com Services LLC; 5) AT&T Corp.; 6) Netflix, Inc.; 7) Apple Inc.; 8) Dish Network LLC; 9) Roku, Inc.; 10) Directv. LLC; and 11) The Nielsen Company, LLC, that he appears to believe, without any foundation, stream and/or broadcast the Corporate Defendants' shows or, with respect to Nielsen, otherwise has information relating to the episodes at issue in this lawsuit. In the third-party subpoenas, Plaintiff seeks "All documents reflecting the downloads, streams, purchases, or otherwise identifying the number of persons who viewed episodes three (3), six (6), and seven (7) of season six (6) of the television show 'Southern Charm'

through any streaming service owned, operated, or otherwise within your control." These subpoenas are overbroad, unduly burdensome, vague, not properly limited in time and scope, not proportional, and seek documents and materials that are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, these subpoenas appear to be nothing more than a campaign to harass and attempt to damage Defendants' relationships with their business partners (customers, licensees, and vendor) rather than a legitimate effort to obtain information relevant to the claims and defenses at issue in this lawsuit. Defendants' Motion is based upon the pleadings as well as the applicable common law and statutory law, and may be supplemented by affidavits and/or legal memorandum at a later date.

Pursuant to Rule 11, SCRCP, the undersigned has communicated with Plaintiff's counsel in a good faith effort to resolve this matter prior to filing this Motion. However, Plaintiff's counsel has refused to withdraw the subpoenas)

MCANGUS GOUDELOCK & COURIE, L.L.C.

s/James D. Smith, Jr.

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ATTORNEYS FOR DEFENDANTS

April 29, 2021

ELECTRONICALLY FILED - 2021 Apr 29 3:04 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

EXHIBIT

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ELECTRONICALLY FILED - 2021 May 27 3:36 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON JOSEPH ABRUZZO, Plaintiff, vs. BRAVO MEDIA PRODUCTIONS LLC; HAYMAKER MEDIA, INC.; NBCUNIVERSAL MEDIA, LLC; COMCAST CORPORATION; CRAIG CONOVER; CHELSEA MEISSNER; AND MADISON LECROY, Defendants.	IN THE COURT OF COMMON PLEAS Civil Action No. 2020-CP-10-472 **MEMORANDUM IN SUPPORT OF MOTION FOR STAY**

TO: THE HONORABLE ROBERT M. YOUNG, SR., PRESIDING JUDGE; AARON E. EDWARDS, ESQ., ATTORNEYS FOR PLAINTIFF JOSEPH ABRUZZO:

Defendants Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner, and Madison LeCroy, (jointly "Defendants") by and through their undersigned attorneys submit this Memorandum in Support of their Motion for Stay of all proceedings before this Court, including all discovery and third-party subpoenas, pending final resolution of Defendants' appeal of this Court's July 6, 2020 and July 22, 2020 Orders. Pursuant to Rule 205 and 241, SCACR, as well as 9 U.S.C. §§ 3 & 16(a)(1)(A), all discovery in this Court should be stayed pending resolution of Defendants' appeal.

Because Defendants' appeal—in which Defendants present arguments made to this Court that it lacks authority/and or jurisdiction to decide the merits of this dispute in light of the valid and enforceable arbitration agreement and forum selection clause that Plaintiff signed—is pending, Defendants respectfully submit that the Court should stay any and all further proceedings,

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including all pending party and third-party discovery,[1] until Defendants' appeal is finally decided. (*See* Defendants' Motion to Dismiss Plaintiff's Amended Complaint and for Order Compelling Arbitration, filed June 22, 2020 ("Motion to Dismiss"), Defendants' Memorandum in Support of Motion to Dismiss Plaintiff's Amended Complaint and for Order Compelling Arbitration, filed with this Court on June 29, 2020 ("Memo in Support"), and Defendants' Motion for Reconsideration Pursuant to Rule 29(e), SCRCP, and Memorandum in Support, filed July 16, 2020 ("Motion for Reconsideration")). Proceeding through discovery, including third-party discovery, while Defendants' appeal is pending severely prejudices Defendants' rights to effectively vindicate and benefit from their rights to an arbitral forum and/or a New York forum, creates the risk of inconsistent decisions, and risks needlessly wasting the Court's time and resources in deciding and issuing decisions that would not be binding if Defendants prevail on their appeal.

BACKGROUND FACTS

Plaintiff filed a Complaint and an Amended Complaint alleging various causes of action arising out of his voluntary appearance on Season Six of the popular reality television show, *Southern Charm*. Defendants filed a Motion to Dismiss and a Memorandum in Support on June 29, 2020, seeking, among other things, dismissal of the Amended Complaint and for an order compelling arbitration pursuant to Paragraph 19 of the Appearance Release, Voluntary

[1] This Memorandum and Defendants' Motion for Stay addresses the 20 additional rounds of discovery Plaintiff has served on Defendants and third parties since the Circuit Court granted Plaintiff's Motion to Compel based on his representation that his first requests were limited to what he otherwise would be entitled to obtain under the JAMS rules. In light of Judge McCoy's February 11, 2021 Order, Defendants have partially responded to that discovery and will complete their responses to Plaintiff's first discovery requests after a Confidentiality Order is entered, as ordered by Judge Young on May 26 (a process that Plaintiff delayed by opposing Defendants' request for a stipulated Confidentiality Order), This Motion for Stay does not affect that discovery and instead, addresses Plaintiff's new voluminous, irrelevant and harassing discovery requests, served while the denial of Defendants' motion to compel arbitration is being reviewed by the Court of Appeals.

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Participation, and Arbitration Agreement, ("Release and Arbitration Agreement"), signed by Plaintiff. Defendants also argued that dismissal was required pursuant to the Release and Arbitration Agreement's valid and enforceable forum selection clause. On July 6, 2020, this Court denied Defendants' Motion to Dismiss via a Form 4 Order.

Defendants filed a timely Motion for Reconsideration, asking the Court to detail its findings and conclusions of law and asking this Court to reconsider its denial of the Motion to Dismiss. This Court denied the Motion for Reconsideration in a Form 4 Order filed July 22, 2020.

On August 10, 2020, Defendants filed a timely Notice of Appeal, appealing both Form 4 Orders denying their motion to arbitrate. That appeal has been assigned Appeal No. 2020-001095, (Exh. A), and was fully briefed as of March 1, 2020.[2]

Nonetheless, on September 3, 2020, Plaintiff served his First Request for Production and Plaintiffs' Standard Interrogatories on Defendants. When Defendants took the position that discovery was stayed by operation of Rules 205 and 241 of the South Carolina Appellate Court Rules, Plaintiff filed a Motion to Compel on September 16, 2020, arguing (incorrectly) that he was entitled to the "limited" discovery he sought, because his standard interrogatories were "explicitly authorized in all cases including under the JAMS rules of arbitration." (Plaintiff's Notice of Motion and Motion to Compel, filed September 16, 2020 p. 2) (Plaintiff's Memorandum in Support of Motion to Compel, filed December 8, 2020, p. 3). Defendants opposed Plaintiff's Motion to Compel and requested in a footnote that if the Court determines that Defendants were required to move affirmatively to stay discovery, that the Court treat its Opposition, alternatively, as a motion for a stay of Plaintiff's requested "limited" discovery. Plaintiff's Motion to Compel

[2] Plaintiff was ordered to resubmit his final Brief by May 20, 2021 with corrections required in order to comply with the South Carolina Appellate Court Rules. (Exh. A-1).

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was granted in a Form 4 Order, dated February 11, 2021, which also stated that "[t]o the extent Defendant's response may be construed as a Motion to Stay, that Motion is denied."

Defendants have provided partial responses to Plaintiff's initial discovery requests and, requested an extension of time to complete production in light of the overly broad nature of Plaintiff's discovery requests, the various impacts of the global COVID-19 pandemic—including the fact that many of Defendants' employees, including IT employees, are working remotely due to the pandemic—and to allow the parties to confer and agree on a protective order since Plaintiff's discovery requests seek commercially sensitive information. As described in detail in Defendants' Motion for Protective Order, Plaintiff's counsel either ignored the requests,[3] refusing to even respond, or demanded a detailed catalogue of all of the commercially sensitive documents and information implicated by his discovery requests. Consequently, Defendants moved for a Protective Order on March 19, 2021. That Motion was heard by The Honorable Robert M. Young, Sr. on May 26, 2021. Judge Young ordered the parties to confer and attempt to agree on the wording of a Confidentiality Order.

Subsequently, and despite Plaintiff's repeated claim to Judge McCoy that he was seeking only limited discovery that would otherwise be available to him under the JAMS Arbitration Rules, Plaintiff has continued to serve multiple rounds of discovery requests on Defendants, as well as subpoenas on third parties. These include:

- Plaintiff's Requests for Admission on the Individual Defendants, served on April 23, 2021, (Exh. B);
- Plaintiff's Second Request for Production on the Corporate Defendants, served on April

[3] Because Plaintiff would not respond to Defendants requests for an extension of time to respond, Defendants filed a Motion for Reconsideration of Judge McCoy's February 11, 2021 Order, seeking to expand the time in which Defendants were ordered to respond to Plaintiff's extensive discovery requests. (Motion to Alter or Amend, filed February 22, 2021). That Motion has yet to be ruled on.

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23, 2021, (Exh. C);

- Plaintiff's subpoenas served on April 26, 2021 on eleven media companies that he appears to believe, incorrectly and without any foundation, all exhibit and/or license Season 6 of *Southern Charm*, (Exh. D);
- Plaintiff's Interrogatories and Second Request for Production on the Individual Defendants via email, served on April 27, 2021, (Exh. E);
- Plaintiff's Third Request for Production on the Corporate Defendants, served on April 28, 2021, (Exh. F);
- Plaintiff's Third Request for Production on the Individual Defendants, served on April 30, 2021, (Exh. G);
- Plaintiff's Fourth Request for Production on the Corporate Defendants, served on April 30, 2021, (Exh. H);
- Plaintiff's First Request for Admission on the Corporate Defendants, served on May 4, 2021, (Exh. I);
- Plaintiff's Second Request for Admission on the Individual Defendants, served on May 4, 2021, (Exh. J);
- Plaintiff's First Set of Interrogatories on the Corporate Defendants, served on May 5, 2021, (Exh. K);
- Plaintiff's Second Request for Admission on Corporate Defendants, served on May 5, 2021, (Exh. L);
- Plaintiff's Third Request for Admission on the Individual Defendants, served on May 5, 2021, (Exh. M);
- Plaintiff's Second Set of Interrogatories on the Individual Defendants, served on May 11, 2021, (Exh. N);
- Plaintiff's Second Set of Interrogatories to the Corporate Defendants, served on May 12, 2021, (Exh. O);
- Plaintiff's Third Set of Interrogatories to the Individual Defendants, served on May 12, 2021, (Exh. P);
- Plaintiff's Third Request for Admission to the Corporate Defendants, served on May 14, 2021, Exh. Q);
- Plaintiff's Third Set of Interrogatories to the Corporate Defendants, served on May 14, 2021, (Exh.

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R);

- Plaintiff's Fourth Request for Admission to the Corporate Defendants, served on May 20, 2021, (Exh. S);
- Plaintiff's Fourth Set of Interrogatories to the Corporate Defendants, served on May 20, 2021, (Exh. T); and
- Plaintiff's Fourth Request for Production to the Individual Defendants, served on May 20, 2021, (Exh. U).

Many of these additional requests seek information and documents that are redundant, harassing, and/or plainly irrelevant to the claims and defenses in this lawsuit. Plaintiff has made it abundantly clear that he intends to conduct a full-scale fishing expedition from Defendants and uninvolved nonparties before this Court, far exceeding the "limited" discovery he claims is permitted under JAMS arbitration rules. For the reasons set forth below and in their Motion, Defendants respectfully submit that all discovery should be stayed pending a final decision on Defendants' appeal.

ARGUMENT

1. This Court has authority to rule on Defendants' Motion for Stay.

This Court has authority to rule on the pending Motion for Stay because Judge McCoy's February 11, 2021 Order was based on Plaintiff's repeated representation that he was only seeking "limited" discovery from Defendants and that he would be entitled to the same discovery in either circuit court or an arbitral forum. Plaintiff's current discovery requests far exceed the "limited discovery" that was the subject of Judge McCoy's Form 4 Order.

The fact that Judge McCoy granted Plaintiff's Motion to Compel responses to his first set of discovery requests on Defendants does not mean that this Court lacks authority to rule on this Motion. In his prior Motion to Compel and at oral argument, Plaintiff stressed the "limited" nature of his requests, arguing repeatedly (albeit incorrectly) that he would be entitled to responses to his

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requests under the JAMS rules for arbitration, and thus, there is no risk of prejudice to Defendants or inconsistent rulings. Defendants' opposition contained one sentence in one footnote requesting that, if the Court deemed a motion for a stay necessary, that it treat the opposition as such, which was denied in a Form 4 Order. Defendants have provided partial responses to Plaintiff's first set of discovery, which was the subject of Judge McCoy's Order. Defendants would have produced additional documents and information in response to Plaintiff's first set of discovery had Plaintiff agreed to enter into a customary Confidentiality Order, as was requested by Defendants since Plaintiffs' discovery requests seek commercially sensitive and proprietary information.

Since Judge McCoy's Order, Plaintiff has served multiple sets of interrogatories, document requests, requests for admission on Defendants, and subpoenas on eleven uninvolved nonparties, (Exh. B (Plaintiff's Requests for Admission on the Individual Defendants); Exh. C (Plaintiff's Second Request for Production on the Corporate Defendants); Exh. D (Plaintiff's subpoenas on eleven media companies); Exh. E (Plaintiff's Interrogatories and a Second Request for Production on the Individual Defendants); Exh. F (Plaintiff's Third Request for Production on the Corporate Defendants); Exh. G (Plaintiff's Third Request for Production on the Individual Defendants); Exh. H (Plaintiff's Fourth Request for Production on the Corporate Defendants)); Exh. I (Plaintiff's First Request for Admission on the Corporate Defendants); Exh. J (Plaintiff's Second Request for Admission on the Individual Defendants); Exh. K (Plaintiff's First Set of Interrogatories on the Corporate Defendants), Exh. L (Plaintiff's Second Request for Admission on Corporate Defendants); Exh. M (Plaintiff's Third Request for Admission on the Individual Defendants); Exh. N (Plaintiff's Second Set of Interrogatories on the Individual Defendants); Exh. O (Plaintiff's Second Set of Interrogatories to the Corporate Defendants); Exh. P (Plaintiff's Third Set of Interrogatories to the Individual Defendants); Exh. Q (Plaintiff's Third Request for Admission to the Corporate Defendants); Exh. R (Plaintiff's Third Set of Interrogatories to the Corporate Defendants); Exh. S (Plaintiff's Fourth Request for Admission to the

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Corporate Defendants); Exh. T (Plaintiff's Fourth Set of Interrogatories to the Corporate Defendants); and Exh. U (Plaintiff's Fourth Request for Production to the Individual Defendants).

As discussed in Defendants' Motion to Quash and for Protective Order, Plaintiff's subpoenas on eleven of Defendants' nonparty business partners appear to be motivated by an intent to harass rather than a legitimate attempt to obtain relevant discovery. Similarly, his additional rounds of party discovery seek documents and information that are personally and competitively sensitive, many of which are not relevant to the claims and defenses in this lawsuit. For example, Plaintiff's First Set of Interrogatories to the Individual Defendants seek disclosure of "the amount of money received" from the Corporate Defendants "for your appearance on Southern Charm season six, specifically including episodes 3, 6, and/or 7." Plaintiff's Second Request for Production to the Individual Defendants seeks all W-2's, all 1099's and all paystubs issued to the Individual Defendants by the Corporate Defendants from January 1, 2018 to the present. (Exh. E). Plaintiff's Third Request for Production to the Individual Defendants seeks "[a] complete copy of all homeowner's insurance policies, including the declarations page(s), which has or may have liability insurance coverage for the Defendant and/or relating to the Plaintiff's claims." (Exh. G). The Individual Defendants' homeowner's policies are particularly irrelevant as none of the filming or alleged actions took place in any of their homes. Discovery of this nature is unwarranted in this forum, let alone under JAMS arbitration rules.

Thus, Defendants' Motion for Stay is based on a materially different set of facts than those on which Judge McCoy's prior Form 4 Order was based. As a result, Defendants are not precluded from moving and this Court is not barred from granting a Motion for Stay of all pending discovery beyond that previously ordered to be produced by Judge McCoy. *See Smith v. Breedlove*, 377 S.C. 415, 421, 661 S.E.2d 67, 70 (2008) (a second motion based on new evidence or facts is not precluded by a ruling in the same court on a prior motion); *State ex rel. Medlock v. Nest Egg Soc.*

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Today, Inc., 90 S.C. 124, 130, 348 S.E.2d 381, 385 (Ct. App. 1986) (ruling on "an issue not previously decided by another judge is not a violation of [former] Rule 60"), *citing Andrick Dev. Corp. v. Maccaro*, 280 S.C. 103, 106, 311 S.E.2d 95, 97 (Ct. App. 1984) (same).

2. All pending and further discovery in this case should be stayed until final resolution of Defendants' appeal of the denial of their motion to compel arbitration.[4]

"As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal," and the lower court only may proceed with "matters not affected by the appeal." Rules 241 and 205, SCACR. In other words, under Rule 205 and the last sentence of" what is now Rule 241, "the lower court may not act or issue orders that affect an issue on appeal," but can "act only to enforce matters not stayed by the appeal." *Arnal v. Fraser*, 371 S.C. 512, 519, 641 S.E.2d 419, 422 (2007).

"Rule 205 divests the lower court … of jurisdiction over '*matters affected by the appeal*.'" *Stoke-Craven Holding Corp. v. McKenzie*, 416 S.C. 517, 534, 787 S.E.2d 485, 494 (2016), *citing Black's Law Dictionary* 68 (10th ed. 2014) (defining the term "affect" as "to produce an effect on; to influence in some way"). In other words, a matter or issue is stayed where it "depend[s] upon the success of the [party's] appeal of the trial court's order …" *Wayne Smith Constr. Co. v. Wolman, Duberstein, & Thompson*, 294 S.C. 140, 149, 363 S.E.2d 115, 120 (Ct. App. 1987). To determine whether a matter is "affected" by an appeal, a court must closely examine the issues on appeal, asking whether there is any "action the appellate courts could take resolving th[e] appeal that would affect the" proceedings initiated by a party during a pending appeal. *Tillman v. Oakes*, 398 S.C. 245, 256, 728 S.E.2d 45, 51 (Ct. App. 2012).

In addition, this case is subject to the provisions of the Federal Arbitration Act, 9 U.S.C.

[4] As noted in footnote 1, *supra*, this Motion for Stay does not affect Plaintiff's first set of discovery, to which Judge McCoy ordered the Defendants to respond.

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§§ 1-16 ("FAA"), the applicability of which Plaintiff cannot reasonably dispute and, in fact, appears to concede. (*See* Plaintiff's Memorandum in Opposition to Defendants' Motion to Dismiss Amended Complaint, filed June 29, 2020, pp. 24-26 (discussing and relying on the FAA)). Sections 3 and 16 of the FAA provide additional authority that all further proceedings before this Court, including all pending discovery, should be stayed pending the outcome of Defendants' appeal to the South Carolina Court of Appeals.[5]

The Fourth Circuit holds that "an appeal on the issue of arbitrability automatically divests the district court of jurisdiction over the underlying claims and requires a stay of the action, unless the district court certifies the appeal as frivolous or forfeited." *Levin v. Alms & Assocs.*, 634 F.3d 260, 266 (4th Cir. 2011). While "*Levin* does not elaborate on the meaning of 'frivolous'" in this context, "the 'common application' of frivolity in the context of appeal is when '[none] of the legal points [are] arguable on their merits.'" *Berkeley County Sch. Dist. v. Hub Int'l Ltd.*, No. 2:18-cv-00151-DCN, 2019 U.S. Dist. LEXIS 86712 *3-4, 2019 WL 2233145 (D. S.C. May 23, 2019) (applying the rule adopted in *Levin* and staying underlying case where the issue on appeal was whether the parties formed an agreement to arbitrate); *see also Lummus Co. v. Commonwealth Oil Refining Co.*, 273 F.2d 613 (1st Cir. 1959) (staying discovery while denial of defendant's motion to compel arbitration was on appeal, noting that the plaintiff's "right to discovery must be far more restricted" in an arbitral forum than it would be in federal district court); *Combined Energies v. CCI, Inc.*, 495 F. Supp. 2d 142, 143 (D. Me. 2007) (granting the defendant's motion to stay discovery while the denial of its motion to compel arbitration was pending on appeal because an appeal, in either federal or state court, "is an event of jurisdictional significance—it confers

[5] Section 3 of the FAA provides for a stay of litigation in the lower court where an arbitration agreement is enforced. Section 16 of the FAA provides for immediate appeal of an order denying a stay pursuant to Section 3, or denying a petition to order arbitration to proceed under Section 4.

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jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal"). "To assume ongoing jurisdiction over discovery," while an appeal of a denial of a motion to compel arbitration was pending, "would be inconsistent with the bedrock principle that once a case is appealed, jurisdiction rests with the court of appeals, not in both the court of appeals and the district court." *Combined Energies*, 495 F. Supp. 2d at 143-144.

The test in federal court for whether an appeal divests a lower court of authority to proceed is similar to that applied under Rules 205 and 241, SCACR: "As a general rule, the filing of an appeal 'confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case *involved in the appeal*.'" *Levin*, 634 F.3d at 263, *quoting Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 45, 48 (1982) (emphasis added). By way of example, in *Bradford-Scott Data Corp. v. Physician Computer Network*, the Seventh Circuit explained that "[t]he qualification 'involved in the appeal' is essential—it is why the district court may award costs and attorneys' fees after the losing side has filed an appeal on the merits." 128 F.3d 504, 505 (7th Cir. 1997); *cf. Jackson v. Speed*, 326 S.C. 289, 311, 486 S.E.2d 750, 761 (1997) (finding award of attorney's fees not affected by pending appeal); *Carolina Bus. Brokers v. Strickland*, 301 S.C. 434, 439, 392 S.E.2d 469, 472 (Ct. App. 1990) (same). The terms "involved in" and "affected by" are substantively similar and, to the extent there is any substantive difference, "affected by" arguably has a broader scope than does "involved in." Clearly, the permissible scope and timing of discovery, among other discovery-related issues, are "affected by" Defendants' pending appeal. Indeed, *Lummus* could not have stated it more clearly: "a court order of discovery would be affirmatively inimical to appellee's obligation to arbitrate, if this court determines it to have such obligation. It seems clear that if arbitration is to be had of the entire dispute, appellee's right to discovery must be far more restricted than if the case remains in a federal court for plenary trial

…" 273 F.2d at 613.

"Whether the case should be litigated in the [lower] court is not an issue collateral to the question presented by an appeal under 16 § (a)(1)(A)," which is the appeal provision of the FAA; instead, "it is the mirror image of the question presented on appeal. Continuation of the proceedings in the district court largely defeats the point of the appeal and creates a risk of inconsistent handling of the case by two tribunals." *Bradford-Scott*, 128 F.3d at 505. Specifically, "discovery on the subject matter of a dispute to be arbitrated should be denied in the absence of extraordinary circumstances." *McIntire v. China MediaExpress Holdings, Inc.*, 252 F. Supp. 3d 328, 330 (S.D. N.Y. 2017), *citing Hughes, Hooker & Co. v. American Steamship Owners Mut. Prot. & Indem. Ass'n, Inc.*, No. 04 Civ. 1859 (SHS), 2005 U.S. Dist. LEXIS 11381 *21 (S.D. N.Y. June 5, 2005). The term "extraordinary circumstances" "addresses situations where a party's ability to properly present its case to the arbitrator will be irreparably harmed absent court ordered discovery." *McIntire*, 252 F. Supp. 3d at 331. Plaintiff has not and cannot meet such a standard. He has not, for example, made any showing that the discovery he seeks now would be unavailable if later permitted in the proper forum. Indeed, he argues, erroneously, that he would be entitled to have his initial discovery requests enforced regardless of the forum in which this dispute ultimately is resolved.

Plaintiff's suggestion that Defendants' appeal affects only the "mode and manner of the trial of this case" is unavailing. Defendants' primary argument below was that Plaintiff's Amended Complaint should be dismissed in its entirety and his claims resolved through mediation and, if that failed, through binding arbitration administered by JAMS in accordance with the terms of the arbitration agreement Plaintiff signed. (Memo in Support, pp. 46-51) (Motion for Reconsideration, pp. 1-18). Defendants' alternative argument was that the Amended Complaint

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should be dismissed pursuant to the separate valid and enforceable forum selection clause that selects New York state or federal court. (Memo in Support, pp. 46-51) (Motion for Reconsideration, pp. 18-20). Thus, the ultimate issues raised by Defendants on appeal directly concern this Court's jurisdiction to proceed with any aspect of the litigation of Plaintiff's claims with no exception or carve out for conducting discovery. It is not disputed (nor could it be) that if the Court of Appeals reverses this Court and orders the parties to mediation, and if necessary, arbitration or litigation in New York, this Court would have no jurisdiction to issue any rulings on the scope of discovery, including third-party subpoenas, in this action. Undeniably, the forum in which the merits of this action is tried is the forum that has jurisdiction to define the scope and timing of any discovery.

As the Seventh Circuit observed in *Bradford-Scott*, "[t]he worst possible outcome would be to litigate the dispute, to have the court of appeals reverse and order the dispute arbitrated, to arbitrate the dispute, and finally to return to court to have the award enforced …. Combining the costs of litigation and arbitration is what lies in store if a district court continues with the case while an appeal under § 16(a) is pending. Cases of this kind are therefore poor candidates for exceptions to the principle that a notice of appeal divests the district court of power to proceed with the aspects of the case that have been transferred to the court of appeals." 128 F.3d at 506. Defendants respectfully submit that the Court should decline Plaintiff's invitation to proceed to the worst possible outcome forewarned by the *Bradford-Scott* court, particularly in light of Plaintiff's wide-ranging fishing expedition on Defendants and uninvolved nonparties. Indeed, "[u]ntil it is determined whether this action has been properly brought, appellee should not receive any unnecessary fruits thereof." *Lummus*, 273 F.2d at 614.

Judge McCoy's prior Form 4 Order was based on Plaintiff's initial set of discovery and his

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repeated representations that his requested discovery was limited in scope and would have been available under both Circuit Court and JAMS arbitration rules. Plaintiff's current wide-ranging fishing expedition on Defendants and uninvolved nonparties far exceeds the scope of Judge McCoy's Order and the representations it was based on. Thus, for the reasons set forth above, this Court has the authority to grant Defendants' Motion. Defendants' respectfully request that the Court do so in light of the severe prejudice to Defendants and waste of judicial resources described in *Bradford-Scott* and the South Carolina state court decisions cited herein.

CONCLUSION

For the above-stated reasons, this Court should stay all further proceedings, including all pending discovery requests and the issuance of third-party subpoenas, before this Court pending the final resolution of Defendants' appeal in Appeal No. 2020-001095.

MCANGUS GOUDELOCK & COURIE, L.L.C.

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ATTORNEYS FOR DEFENDANTS

May 27, 2021

EXHIBIT
QQ

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STATE OF SOUTH CAROLINA	**COURT OF COMMON PLEAS**
CHARLESTON COUNTY	**NINTH JUDICIALCIRCUIT**
JOSEPH ABRUZZO,	**CASE NO. 2020-CP-10-00472**
Plaintiff,	
Vs.	
BRAVO MEDIA PRODUCTIONS, LLC, HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	
Defendants	

PLAINTIFF'S MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION FOR A PROTECTIVE ORDER AND TO QUASH THIRD-PARTY SUBPOENAS

BACKGROUND

Southern Charm is a television show based in Charleston, South Carolina and has been airing on national and international television, as well as streaming online, since 2014. While Southern Charm is promoted as a "reality" show, Plaintiff alleges it in fact consists of false conflict and scenarios that are fabricated and/or contrived by the corporate Defendants for the express purpose of creating dramatic and licentious material for television. The corporate Defendants direct, film, air, and/or otherwise produce the television show "Southern Charm." The individual Defendants Conover, Meissner, and LeCroy appeared regularly on Southern Charm but are not employees, agents, or representatives of the corporate Defendants.

Plaintiff alleges the dialogue between cast members of Southern Charm is not scripted, but events, interactions between cast members, topics of discussion, confrontations, and activities

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undertaken by the cast members, including those referenced in Plaintiff's Amended Complaint, are directly provoked, encouraged, instigated, and/or orchestrated by the corporate Defendants with the individual cast members knowledge and cooperation to elicit drama and conflict. Alcohol and/or drugs are regularly consumed by the cast members to heighten the likelihood of drama and conflict with the encouragement, toleration, dispensing, and/or condonation of the corporate Defendants.

The Amended Complaint asserts the corporate Defendants perpetrated a fraud upon the Plaintiff to have him appear on the television show "Southern Charm" by materially misrepresenting to Plaintiff the nature of the show, his portrayal thereon, the substance of a document presented to him with only the signature portion revealed and the remainder of the document concealed from view, the purpose for which the document needed to be signed, and the effect signing the document was intended to produce.

The Amended Complaint further alleges the corporate Defendants conspired with the Individual Defendants to publish manipulated and edited photos of Plaintiff as well as defamatory and outlandish statements about the Plaintiff personally, his reputation, and his career to millions of people for the sole purpose of injuring the Plaintiff. [1]

Plaintiff served Standard Interrogatories and First Request for Production to the Defendants on September 3, 2020. Defendants refused to respond to Plaintiff's discovery requests in their entirety. Plaintiff filed a motion to compel on September 16, 2020. A hearing on Plaintiff's motion to compel was heard by Judge Jennifer B. McCoy on December 8, 2020. The Defendants opposed

[1] Detailed factual allegations are set forth in Plaintiff's Amended Complaint. Plaintiff alleges seventeen (17) causes of action against the Defendants including defamation, fraud, civil conspiracy, and other intentional acts. Out of the seventeen (17) causes of action, fifteen (15) allege some form of intentional, willful and/or reckless conduct or some form of misrepresentation.

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Plaintiff's motion to compel by making the same arguments presented here and further moving for a stay of discovery.[2] On February 11, 2021, the court issued its order granting Plaintiff's motion to compel and denying the Defendants motion to stay of discovery.[3] That order is not on appeal and is the law of the case.

Plaintiff thereafter served subpoenas on various third parties seeking information and documents narrowly tailored to the number of people who viewed or downloaded three episodes of Southern Charm season 6 through various online streaming services. The Defendants filed this motion to quash prior to compliance by the third parties.

STANDARD OF REVIEW

A ruling on a motion to quash a subpoena is a procedural ruling, which is reviewed under the abuse of discretion standard. *Taylor v. Taylor*, 434 S.C. 307, 863 S.E.2d 335 (Ct. App. 2021)(citing *Stoney v. Stoney*, 422 S.C. at 594 n.2, 813 S.E.2d at 486 n.2 (providing the standard of review for procedural matters is abuse of discretion). "An abuse of discretion occurs when the ruling is controlled by an error of law, or when based on factual conclusions, is without evidentiary support." *Landry v. Landry*, 430 S.C. 153, 160, 843 S.E.2d 491, 494 (2020).

ARGUMENT

Defendants argue the subpoenas should be quashed for two reasons. First, they somehow impose an undue burden on the Defendants. Second, they want discovery stayed. One of the

[2] Exhibit 2 (Defendants' Memo in Opposition to Plaintiff's Motion to Compel filed December 8, 2020. On page 6, footnote 2 says "Defendants request that this Court treat this Memorandum in Opposition as, alternatively, a Motion for a Stay of Discovery pursuant to 9 U.S.C. § 3 pending the outcome of their appeal to the South Carolina Court of Appeals."

[3] Exhibit 3 (Judge McCoy's order filed February 11, 2021, which says "to the extent Defendant's response may be construed as a Motion to Stay, that Motion is denied."). The Defendants' motion to alter or amend that order was likewise denied. See Exhibit 4.

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arguments has already been heard and rejected. Both arguments are disingenuous and fail to warrant the relief requested.

First, the Defendants do not have grounds to object to the Plaintiff's subpoenas based on an alleged undue burden. The subpoenas were issued to third parties. The Defendants are required to do nothing. There is no burden whatsoever imposed upon the Defendant, much less any undue burden.

Moreover, there is no undue burden imposed upon the third parties who have been subpoenaed. The information and documentation requested is easy to retrieve and the third parties are willing and able to produce the requested documents. For example, Google quickly accepted Plaintiff's subpoena, and the only thing it needed to retrieve and produce the requested information was links to YouTube (owned by Google) for the episodes identified in the subpoenas. See Exhibit 1 (email thread with Google). Even if there was some amount of burden imposed on the third parties, it is far from undue. The information is relevant and discoverable to the Plaintiff's claims for damages and only the third parties who have been subpoenaed can make an undue burden claim to this court. They have not.

Second, the Defendants have already moved for a stay of discovery. That motion was denied. They regurgitate the exact same facts and arguments in a second motion to stay as well as before this court on its motion to quash.[4] The rules of civil procedure do not permit the Defendants to simply file motion after motion seeking the same relief that has already been denied, and the

[4] The Court of Appeals has recently addressed, and rejected, the Defendants' reiterated argument regarding the court's jurisdiction to hear and compel discovery when an order denying arbitration is on appeal. *Sanders v. Savannah Highway Automotive Company*, 432 S.C. 328, 852 S.E.2d 744 (Ct. App. 2020)(holding trial court had jurisdiction to enter order compelling discovery after Defendants filed notice of appeal of order denying arbitration and further finding discovery orders are interlocutory and not immediately appealable).

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law in South Carolina is clear this court cannot overrule an order of another circuit court judge. Accordingly, the Defendants motion must be denied.

I. THE SUBPOENAS ARE PROPER

The Defendants represent to this court that they have produced this information to the Plaintiff in their discovery responses. See Def. Memo, p. 7. They have not. Any statement otherwise is simply untrue. Not a single page was produced by the Defendants, confidential or otherwise, until October 6, 2021.[5] None of the documents produced by the Defendants contained any information relating to viewership, downloads, or ratings. Even if they had, the subpoenas seek documents and information relating to downloads and streams of the relevant episodes from third parties. Such information is solely in the possession of these third parties and is directly tied to the extent of publication of the defamatory falsehoods and the extent of harm caused to the Plaintiff as a result.

a. The Defendants lack standing

Rule 45, SCRCP governs subpoenas. The Defendants do not ask the court to quash the subpoenas under Rule 45, however. Instead, they argue they should be quashed under rule 26, SCRCP. Under Rule 26, parties may obtain discovery regarding any non-privileged matter which is relevant to the claims, defenses, or subject matter involved in the pending action. Rule 26(b), SCRCP. A party does not have standing to challenge a subpoena issued to a nonparty unless the party claims some personal right or privilege in the information sought by the subpoena. *United States v. Idema,* 118 Fed.Appx. 740, 744 (4th Cir.2005); 9A CHARLES ALAN WRIGHT &

[5] Even if there was some confidential information responsive to the subpoenas, which there is not, a Confidentiality Order governing discovery in this case was filed on June 21, 2021.

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ARTHUR R. MILLER, FEDERAL PRACTICE AND PROCEDURE § 2459 (1995). Because the Defendants have given this court no basis to quash the subpoenas, their motion must be denied.

Here, the Defendants submit no affidavits, documents, or other proof to substantiate their claim that the subpoenas seek some information personal, confidential, or privileged to them. The Defendants further submit no evidence or proof that compliance by the third parties will somehow harm the Defendants business relationships. This is, of course, because viewership and rating information is not confidential, nor would it cause any harm to their business relationships. The information requested in the subpoenas is a collection of data commonly compiled and collected by many throughout the television industry and utilized for promotional materials and advertisement pricing among other things. [6]

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[6] See, e.g.:
https://www.forbes.com/sites/seamuskirst/2015/12/18/what-are-nielsen-ratings-and-how-are-they-calculated/?sh=4841bef256e0
https://www.nielsen.com/us/en/solutions/measurement/television/
https://smallbusiness.chron.com/much-television-advertising-really-cost-58718.html
https://fitsmallbusiness.com/tv-advertising/#:~:text=For
https://tv.parrotanalytics.com/US/southern-charm-bravo
https://www.effectv.com/content/bravo
https://ctv.kwayisi.org/networks/bravo/
http://www.showbuzzdaily.com/articles/showbuzzdailys-top-150-thursday-cable-originals-network-finals-1-14-2021.html
http://www.thefutoncritic.com/ratings/2014/04/22/bravo-medias-southern-charm-earns-highest-rated-episode-of-the-series-with-12-million-total-viewers-550111/20140422%E2%80%A6
https://tvdeets.com/ratings/thursday-october-29-2020/
https://www.cheatsheet.com/entertainment/southern-charm-ratings-have-consistently-improved-but-are-they-high-enough-for-another-season.html/
http://www.showbuzzdaily.com/articles/showbuzzdailys-top-150-wednesday-cable-originals-network-finals-6-26-2019.html
http://www.showbuzzdaily.com/articles/showbuzzdailys-top-150-wednesday-cable-originals-network-finals-6-19-2019.html
http://www.showbuzzdaily.com/articles/showbuzzdailys-top-150-wednesday-cable-originals-network-finals-5-29-2019.html
http://www.thefutoncritic.com/ratings/2018/12/20/bravo-to-finish-2018-as-the-number-1-cable-network-among-female-viewers-for-the-second-consecutive-year-437112/20181220bravo01/

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The subpoenas seek information and documents that the Defendants do not own, have no control over, and have no proprietary interest in. Even if there was some burden imposed on the third parties, it is far from undue, the information is relevant and discoverable to the Plaintiff's claims for damages, and only the third parties who have been subpoenaed can make that claim to this court. They have not. Accordingly, the Defendants lack standing to contest the subpoenas and their motion must be denied.

b. There is no undue burden

This court would err if it ruled the subpoenas imposed an undue burden and expense on the Defendants or the third parties. *See Ex Parte Smith*, 407 S.C. at 422–23, 756 S.E.2d at 386 (stating a subpoena imposes an undue burden when it requests information irrelevant to the proceedings). When viewed in the context of the issues in this case, the information requested by Plaintiff is relevant. Plaintiff seeks, among other things, damages arising out of defamatory statements made by the Defendants. The extent of publication of those falsehoods, by the Defendants as well as third parties, is directly relevant to that issue.

Moreover, a finding of undue burden is not supported by the record. Again, the Defendants submit no affidavits, documents, or other proof to substantiate their claim that the subpoenas impose any burden at all. To quash the subpoenas based solely on the unsupported assertions and arguments of Defendants' counsel would be improper. *See Ex parte Morris*, 367 S.C. 56, 64, 624 S.E.2d 649, 653 (2006) (the court "may not base necessary findings of fact ... solely on counsel's statements of fact or arguments."). As a matter of law, this court cannot find the subpoenas impose an undue burden or and expense on the third parties or the Defendants, and the motion must be denied.

II. THERE IS NO STAY OF DISCOVERY

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As previously mentioned, the Defendants moved for a stay more than a year ago. Their motion was denied. That interlocutory order is not appealable, has not been appealed, and is the law of the case. *State v. Rearick*, 417 S.C. 391, 790 S.E.2d 192 (2016)(unappealed order is law of the case); *Grosshuesch v. Cramer*, 377 S.C. 12, 659 S.E.2d 112 (2008)(discovery orders are interlocutory and not immediately appealable because they do not involve the merits of the action); *Edwards v. Suncom*, 369 S.C. 91, 631 S.E.2d 529 (2006) (ruling on motion to stay is interlocutory); *Carolina Water Service, Inc. v. Lexington County Joint Mun. Water and Sewer Com'n*, 373 S.C. 96, 644 S.E.2d 681 (2007)(order lifting stay not immediately appealable); *Williamsburg Rural Water and Sewer Co., Inc. v. Williamsburg County Water and Sewer Authority*, 2007 WL 8434643 (2007)(order denying motion to stay is interlocutory).

Put simply, the issue of a stay of discovery in this case has already been decided. There is no stay. The rules of civil procedure do not permit the Defendants to file subsequent motions seeking the same relief that has already been denied. Rule 43, SCRCP reads as follows:

> (l) Subsequent Applications for Order After Refusal. If any motion be made to any judge and be denied, in whole or in part, or be granted conditionally, no subsequent motion upon the same state of facts shall be made to any other judge in that action.

The Defendants present no new evidence, facts, or arguments that have not already been presented to, and denied by, Judge McCoy.

Moreover, this court is without authority to question, modify, or overrule Judge McCoy's ruling. *Charleston County Dep't of Soc. Servs. v. Father, Stepmother, and Mother*, 317 S.C. 283, 288, 454 S.E.2d 307, 310(1995) ("There is a long-standing rule in this State that one judge of the same court cannot overrule another.") (*citing Tisdale v. Am. Life Ins. Co.*, 216 S.C. 10, 56 S.E.2d 580 (1950)); *See also Salmonsen v. CGD, Inc.*, 377 S.C. 442, 454, 661 S.E.2d 81, 88 (2008) (acknowledging the rule that one circuit judge may not overrule a prior decision or set aside

the order of another circuit judge); *See also Enoree Baptist Church v. Fletcher,* 287 S.C. 602, 604, 340 S.E.2d 546, 547 (1986) ("One Circuit Court Judge does not have the authority to set aside the order of another."); *Belton v. State*, 313 S.C. 549, 554, 443 S.E.2d 554, 557 (1994) (holding one judge did not have authority to overrule another judge's order regarding jurisdiction as the question of jurisdiction in the case was "purely a legal one"). The law is clear that this court cannot quash the subpoenas based on the Defendants' improper, second, motion to stay. Accordingly, the Defendants' motion must be denied.

CONCLUSION

For the reasons set forth herein, the Defendants' motion should be denied with an award to the Plaintiff of attorney's fees, costs, and/or sanctions as the Court deems appropriate pursuant to the rules of civil procedure including SCRCP Rule 37(a)(4).

s/ Aaron E. Edwards
Aaron E. Edwards
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755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
aaron@edwardsfirmllc.com
ATTORNEYS FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: December 14, 2021

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EXHIBIT
QQ-2

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS

COUNTY OF CHARLESTON 2020-CP-10-00472

Joseph Abruzzo)

) TRANSCRIPT OF RECORD

-vs-)

) December 15, 2021

Bravo Media Productions)

) Charleston, South Carolina

B E F O R E:

The Honorable R. Ferrell Cothran, Jr., Judge

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

Aaron Eric Edwards, Esquire
Attorney for the Plaintiff

James David Smith, Esquire
Attorney for the Defendant

Reported By:

Yvestre Torres, OCR
Circuit Court Reporter for the
First Judicial Circuit

THE COURT: Thank you. You can be seated. Okay. Number 30, which is Abruzzo vs. Bravo Media. Somebody out here on that?

MR. SMITH: Yes, Your Honor.

THE COURT: Okay. Is it Defendant's motion?

MR. SMITH: Yes, Your Honor, it is.

THE COURT: Okay.

MR. SMITH: Ready, Your Honor?

THE COURT: Yes.

MR. SMITH: May it please the Court, Your Honor. My name is James Smith, and I represent all of the Defendants in the matter before you this morning. It's just a preliminary matter. This is a motion to -- a motion for protective order and to quash 11 subpoenas that have been sent to third parties in this lawsuit.

As a preliminary matter, just to give you an idea of the procedural history so far with this case, I forwarded you yesterday, late in the afternoon, a fairly lengthy letter. I don't know if you've even had a chance to review that letter yet, concerning the procedural background of this case.

THE COURT: I've read the pleadings, and one of the issues that I've seen, based on the filing is this case is under appeal?

MR. SMITH: Yes, Your Honor, that's one

issue. The case is under appeal. We moved to dismiss the lawsuit and to compel binding arbitration. Judge Price heard that motion, denied the motion, denied our motion for reconsideration, and a timely appeal is -- it is actually pending now with the Court of Appeals, and it looks as if they just requested additional bound copies of the final briefs. So, it seems to indicate that the Court of Appeals will probably hear this, we hope the first quarter of 2022. So the case is presently under appeal.

One of the issues that arose is that after we filed for notice of appeal and appealed the denial, Plaintiff's counsel served some discovery requests on us, of which we objected to, responding to -- arguing that it was now up on appeal with the Court of Appeals. He filed a motion to compel, Plaintiff's counsel did, asking to compel our responses.

Judge McCoy heard that motion back in, I believe, it was December of 2020. She took it under advisement. Roughly two months later -- one month later, early February, she issued a Form 4 order, finding that the discovery request that he submitted were proper given the circumstances and compelled our answering of the discovery request. And I can go into more detail on that.

The motion to compel was very limited. Plaintiff's attorney during -- both in his motion in memorandum in support, as well as the argument at the hearing, argued that these were simply standard requests, that they were not anything more than what even an arbitration panel would allow for. And so he took the position, because they were standard discovery requests, that he should be entitled to that information.

Judge McCoy agreed under a Form 4 order and granted this motion. In the Form 4 order, and I can quote it for you so bear with me a second. Judge McCoy in that Form 4 order also said, "To the extent the Defendant's response may be construed as a motion to stay, that motion is denied."

We understood from that Form 4 order that what she meant was that any stay we were requesting that concerned those standard discovery requests would be denied. After that motion was heard, Plaintiff's counsel began sending supplemental discovery requests to us. He sent, I believe, we are now on the 6th set of interrogatories, the 5th set of requests to produce. It's not been sent to one Defendant; it's been sent to all of my clients, every single Defendant.

He sent two to three different sets

of requests to admit to us. We've objected to answer request to admit; we have not answered any of the supplemental interrogatory request to produce. We take the position that the hearing on that motion to compel was allowing him to serve just standard requests and not continue to, basically, carpet-bomb us with a bunch of discovery while this case is on appeal.

Shortly after all these discovery requests were coming in, he then sent these 11 subpoenas out to these 11 non-parties, of which we filed this motion we're here before Your Honor today. That motion -- those subpoenas were sent on April the 26th.

On April the 28th, Your Honor, we actually filed a motion to stay all discovery in this case moving forward, pending the outcome of the appeal. That motion was filed on April the 28th. Then on April 29th, we filed a motion that we're here for today.

In my letter that I sent to you yesterday, I actually requested this motion just be continued over given this procedural posture. One issue that is still before this Court that has not been decided, and it's our position, and there was -- after our motion to stay was filed on April the 28th, we had a status conference with Judge Young, as the administrative judge, on May the 26th, so right at a month after filing our motion

to stay.

During that status conference, it was discussed at length with Judge Young that we had a motion to stay outstanding. It was discussed that Judge McCoy had issued that Form 4 order that we believe dealt solely with standard discovery, not with a stay on the entire -- not with the denial of the stay on the entire case. And we mentioned to Judge Young that that motion that we filed was outstanding, the motion to stay.

Judge Young at the status conference indicated to us that he would get with Judge McCoy and determine what Judge McCoy's intent was on that Form 4 order. We haven't heard back from Judge Young yet. That was on May the 26th that we had the status conference.

On May the 27th, my law partner who attended the status conference, Danielle Payne, followed up with Judge Young, with a letter confirming what Judge Young's intent was, was to follow up with Judge McCoy, and determine the breath of the denial to stay and get back with us. We also forwarded our memorandum in support of the stay that day with the letter, copied Plaintiff's counsel on the letter. There have been no objections from Plaintiff's counsel, no responses back from

Plaintiff's counsel that he disagreed that that was Judge Young's intent.

And so basically, Your Honor, we're waiting to hear back from Judge Young, in conjunction with Judge McCoy, to determine whether the denial of the stay in the February Form 4 order denied a stay as to all of the discovery, or denied a stay just to the standard discovery, because it's not clear in her order.

The reason we asked for a continuance yesterday, and the reason that we don't believe that this motion for a protective order is even right for the Court yet is because depending on what Judge Young and Judge McCoy come back with as to what the intent of her order was, it resolves this motion, we believe. Because either if Judge McCoy comes back and says that her Form 4 order denied a stay as to all discovery, then the subpoenas are proper, and the third parties would have to comply with the subpoenas that we're here for today, or either object to them themselves.

However, if the reverse happens and Judge McCoy, along with Judge Young, confirm that the Form 4 order only stay -- only denied the stay as to those standard requests, not as far as discovery moving forward, then the subpoenas that are outstanding would be improper until the Court hears the motion to stay

that's pending.

I think it's important to note, number one, that Judge Young took it upon himself to say at the status conference he's going to get with Judge McCoy about the intent. I think it's important to also note that our motion to stay is still pending, under advisement with Judge Young, in conjunction with Judge McCoy. So really this motion that we're here for today to ---

THE COURT: Okay. I'll go talk to Judge McCoy right now.

MR. SMITH: Okay.

THE COURT: Real quick, I'm going to ask her about what you said, and I'll go back on the record. I'll be right back.

(Off the record.)

(Back on the record.)

THE COURT: Thank you. You can be seated. I'm sorry it took so long. She was in the middle of a plea or something, so I had to wait until she finished so I could get to her. She says that she meant that no discovery was stayed, that everything was wide open. She didn't want them to get tied up, so she -- her position was that she declined the stay in discovery, and it was wide open, okay?

MR. SMITH: Your Honor, I think that makes the hearing today, quite frankly, moot. If that's her ruling, and that's her order, then I think the -- obviously, I think the subpoenas are -- you know, have been served on the third parties. If the third parties have any objections to the subpoenas, then they will file their own objections. But, otherwise, I believe the hearing today is moot at this point.

THE COURT: Okay. All right. Thank you, y'all. She said Judge Young and I got to talk about it, so it's a good thing we resolved that, okay? I'm sorry about the wait.

MR. SMITH: I appreciate you doing that, Your Honor, so we can clear that up.

MR. EDWARDS: Judge, would you like an order?

THE COURT: Whatever you need to do to get this motion off the clerk's docket so it won't be for the next judge. So, I don't know how y'all want to do that, or how she wants to do that. I don't care either way since we resolved it. I just don't want the next time of having this motion back on the docket, so somehow we've go to do something to get it off this docket.

MR. SMITH: Your Honor, I'm fine with just

a Form 4 saying to the extent that given Judge McCoy's clarification, that this motion is moot and ---

THE COURT: Okay. Okay.

MR. EDWARDS: Thank you, Judge.

THE COURT: Thank you.

MR. SMITH: Thank you, Judge.

(End of Transcript of Record)

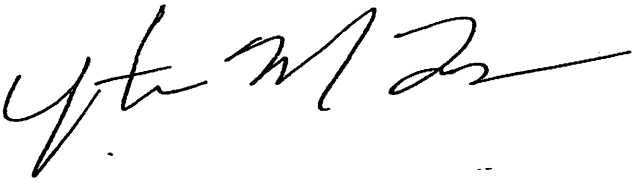
CERTIFICATE OF REPORTER

State of South Carolina)
County of Charleston)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the First Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in the Circuit Court for Charleston County, South Carolina, on the 15th of December, 2021.

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

December 29, 2021



Yvestre Torres
Circuit Court Reporter

EXHIBIT
QQ-3

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP1000472

Joseph Abruzzo
PLAINTIFF(S)

Bravo Media Productions Llc et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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

☑ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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

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

☐ **STAYED DUE TO BANKRUPTCY**

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

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

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

Defendant's motion is DENIED per Judge McCoy's previous Discovery Order.

ORDER INFORMATION

This order ☐ ends ☑ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/10/2022 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2022 Jan 10 9:43 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

Court Reporter:

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

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Charleston Common Pleas

Case Caption: Joseph Abruzzo VS Bravo Media Productions Llc , defendant, et al

Case Number: 2020CP1000472

Type: Order/Electronic Form 4

So Ordered

s/ R. Ferrell Cothran, Jr., 2144

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By Dana Rope
DEPUTY CLERK

EXHIBIT

RR

ELECTRONICALLY FILED - 2021 Dec 17 12:52 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

STATE OF SOUTH CAROLINA	)	**COURT OF COMMON PLEAS**
	)	**NINTH JUDICIALCIRCUIT**
CHARLESTON COUNTY	)	**CASE NO. 2020-CP-10-00472**
	)	
JOSEPH ABRUZZO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	
	)	
BRAVO MEDIA PRODUCTIONS, LLC, HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	)	
	)	
Defendants	)	
	)	

PLAINTIFF'S NOTICE OF MOTION AND MOTION TO COMPEL

Please take notice that the Plaintiff herein will move before the presiding judge of the Charleston County Court of Common Pleas, ten days after the date of this motion or at such other time as the Court may establish, for an Order pursuant to SCRCP Rules 33, 34, and 37 compelling the Defendants to respond to Plaintiff's First, Second, Third, Fourth, Fifth, and Sixth Interrogatories and Plaintiff's First, Second, Third, Fourth, Fifth, and Sixth Request for Production.[1]

Plaintiff served the aforementioned discovery more than 6 months ago. Defendants have refused to respond in their entirety. The undersigned certifies, pursuant to Rule 11, SCRCP, that he has communicated in writing with opposing counsel and has attempted in good faith to resolve the matter contained in the motion. See Exhibit A.

[1] Plaintiff's discovery requests will be provided prior to a hearing on this matter.

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The information and documents requested are directly relevant to the Plaintiff's claims and/or the Defendants' defenses. Accordingly, Plaintiff seeks an order compelling the Defendants to fully respond to Plaintiff's discovery and reprimanding the Defendants for their baseless and unilateral refusal to do so.

CONCLUSION

For the reasons set forth herein, the Plaintiff's motion must be granted with an award of attorney's fees, costs, and/or sanctions as the Court deems appropriate pursuant to the rules of civil procedure including SCRCP Rule 37(a)(4).

Respectfully submitted,

s/ Aaron E. Edwards
Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
aaron@edwardsfirmllc.com

ATTORNEYS FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: December 17, 2021

EXHIBIT
SS

ELECTRONICALLY FILED - 2021 Dec 17 1:06 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

STATE OF SOUTH CAROLINA	**COURT OF COMMON PLEAS**
	NINTH JUDICIALCIRCUIT
CHARLESTON COUNTY	**CASE NO. 2020-CP-10-00472**
JOSEPH ABRUZZO,	
Plaintiff,	
Vs.	
BRAVO MEDIA PRODUCTIONS, LLC, HAYMAKER MEDIA, INC., NBC UNIVERSAL MEDIA, LLC, COMCAST CORPORATION, CRAIG CONOVER, CHELSEA MEISSNER, AND MADISON LECROY,	
Defendants	

PLAINTIFF'S NOTICE OF MOTION AND MOTION TO DEEM ADMITTED PLAINTIFF'S REQUESTS FOR ADMISSION

Please take notice that the Plaintiff herein will move before the presiding judge of the Charleston County Court of Common Pleas, ten days after the date of this motion or at such other time as the Court may establish, for an Order pursuant to SCRCP Rule 36 determining the Defendants' responses to Plaintiff's requests for admission do not comply with the requirements of Rule 36, SCRCP and are therefore admitted.[1]

CONCLUSION

For the reasons set forth herein, the Plaintiff's motion must be granted with an award of attorney's fees, costs, and/or sanctions as the Court deems appropriate pursuant to the rules of civil procedure including SCRCP Rule 37(a)(4). The undersigned certifies consultation would serve no useful purpose.

[1] Defendants' responses are attached hereto.

Respectfully submitted,

*s/ Aaron E. Edwards*_____

Aaron E. Edwards
Edwards Firm, LLC
755 Johnnie Dodds Boulevard, Ste. #100
Mt. Pleasant, South Carolina 29464
(843) 375-2008 (phone)
aaron@edwardsfirmllc.com

ATTORNEYS FOR PLAINTIFF

Mt. Pleasant, South Carolina
Dated: December 17, 2021

ELECTRONICALLY FILED - 2021 Dec 17 1:06 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

RECEIVED
Jan 14 2022
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Jennifer B. McCoy and R. Ferrell Cothran, Jr., Circuit Court Judges

---

Appeal No. 2020-001095

Joseph Abruzzo,..... Respondent,

v.

Bravo Media Productions LLC; Haymaker Media, Inc.; NBCUniversal Media, LLC; Comcast Corporation; Craig Conover; Chelsea Meissner; and Madison LeCroy,..... Appellants.

PROOF OF SERVICE

I certify that I have served Appellants/Petitioners' **Petition for Writ of Supersedeas** on Joseph Abruzzo, by emailing it and placing a copy of it in the U.S. Mail to his attorney of record, as follows:

Aaron E. Edwards, Esq.
Edwards Law Firm
755 Johnnie Dodds Blvd., Suite 100
Mount Pleasant, South Carolina 20464
(843) 375-2008
aaron@edwardsfirmllc.com

January 14, 2022

/s/Helen F. Hiser
Helen F. Hiser
McANGUS GOUDELOCK & COURIE LLC
735 Johnnie Dodds Blvd., Suite 200
PO Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

Attorneys for Appellants/Petitioners

Reply To
HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

RECEIVED
Jan 14 2022
SC Court of Appeals

January 14, 2022

Via S.C. Courts E-Filing & U.S. Mail
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Joseph Abruzzo v. Bravo Media Productions LLC, Haymaker Media, Inc., NBCUniversal Media, LLC, Comcast Corporation, Craig Conover, Chelsea Meissner, and Madison LeCroy
Civil Action No.: 2020CP1000472 (Charleston)
Carrier Claim No.: 170003678
MGC File No.: 21162.20001
Appeal No.: 2020-001095

Dear Ms. Kitchings:

Enclosed please find Appellants' Petition for Writ of Supersedeas, and the Proof of Service in the above-referenced matter. We are serving counsel of record via email and U.S. Mail.

Pursuant to the Supreme Court's August 25, 2021 Order No. 2021-08-25-03 regarding Reduced Number of Copies Required in Appellate Matters, we are sending an unbound copy of the original of the Petition, along with our firm's check in the amount of $50 for the filing fee, via U.S. Mail. If the Court needs additional copies, please let us know.

If you have any questions, please do not hesitate to contact me.

Sincerely,
McAngus Goudelock & Courie, LLC

Helen F. Hiser

Enclosures

cc: Aaron E. Edwards, Esq. (via Email & U.S. Mail)