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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 Bentley D. Price, Circuit Court Judge

Appeal No. 2020-001095

Joseph Abruzzo, Respondent,

v.

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

**RESPONDENT'S RETURN IN OPPOSITION
TO APPELLANTS' PETITION FOR WRIT OF SUPERSEDEAS**

Edwards Firm, LLC
Aaron E. Edwards
755 Johnnie Dodds Blvd
Mt. Pleasant, South Carolina 29464
Phone: (843) 375-2008

ATTORNEY FOR RESPONDENT

The trial court's denial of Defendants'¹ motion for a stay of discovery is interlocutory and not immediately appealable. Their arguments that discovery should be stayed have been heard and rejected by the trial court. Defendants petition for a writ of supersedeas should also be rejected.

Defendants offer no compelling reasons or exceptional circumstances for this Court to exercise its discretion to grant such relief. Unwilling to abide by the trial court's ruling, Defendants are attempting to circumvent their inability to appeal with this petition for a writ of supersedeas. Their attempt to do so should be swiftly denied.

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 ² 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 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

¹ Appellants/Petitioners are referred to herein as "Defendants."

² Respondent is referred to herein as "Plaintiff."

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.³

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

³ 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.

Plaintiff's motion to compel by making the same arguments presented here and further moving for a stay of discovery.⁴

On February 11, 2021, Judge McCoy issued her order granting Plaintiff's motion to compel and denying the Defendants' motion to stay of discovery.⁵ Plaintiff thereafter served additional discovery requests on Defendants. Defendants refused to substantively respond to the discovery requests or provide the documents and information requested. Defendants moved to alter or amend Judge McCoy's order seeking only an extension of time to comply. They did not challenge the propriety of the order itself or the denial of their motion to stay. Judge McCoy denied the Appellants motion to alter or amend by order filed July 23, 2021.⁶ Neither order has been appealed.

Defendants refused to substantively respond to the Plaintiff's additional discovery requests, instead filing a second motion to stay discovery. The undersigned unsuccessfully communicated with Defendants' counsel in an attempt to resolve the issue without court intervention.⁷ Plaintiff also served subpoenas on third party television and/or digital streaming services seeking information and documents narrowly tailored to the number of people who viewed or downloaded three episodes of Southern Charm season 6 through their various platforms. Defendants filed a motion to quash prior to compliance by the third parties.

⁴ See Defendants petition, p.10 (exh. H) (Defendants' Memo in Opposition to Plaintiff's Motion to Compel). 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."

⁵ See Exhibit 1 (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.

⁶ See Exhibit 2 (Judge McCoy's order denying Defendants' motion to alter or amend).

⁷ Exhibit 3 (letter to Defendants' counsel).

Defendants argued the subpoenas should be quashed for two reasons. First, they somehow imposed an undue burden on the *Defendants*. Of course, the subpoenas, issued to third parties, required Defendants to do nothing. The information and documentation requested was also easy to retrieve and the third parties were willing and able to produce the requested documents. For example, Google quickly accepted Respondent's subpoena. They only requested identification of links to YouTube (owned by Google) for the episodes referenced in the subpoenas.⁸ Even if there was some amount of burden imposed on the third parties, it was far from undue.⁹

Appellants second, and primary, argument for quashing the subpoenas arose from their disagreement with Judge McCoy's un-appealed order denying their motion to stay discovery. Defendants allege they believed Judge McCoy's earlier denial of their motion for a stay of all discovery was somehow limited in scope to standard interrogatories and the Respondent's first request for production. At the hearing on Appellants' motion to quash the subpoenas, Judge Cothran, having read the parties submissions and hearing Appellants' oral argument, paused the hearing to consult with Judge McCoy who was in chambers at the time. When Judge Cothran returned, he made clear that Judge McCoy's denial of Appellants' motion for a stay applied to all discovery, including the third-party subpoenas. The stay requested by Defendants from Judge McCoy, and resulting denial, was not limited in scope to standard interrogatories and the first

⁸ See Exhibit 4.

⁹ There was no burden whatsoever imposed upon them or the third parties, much less any undue burden. The subpoenas sought information and documents that the Defendants do not own, have no control over, and have no proprietary interest in. Plaintiff alleges, 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. The information sought was relevant and discoverable to the Plaintiff's claims for damages and only the third parties who were subpoenaed had standing to make an undue burden claim to the trial court. They did not.

request for production. Once the matter of a stay was explicitly resolved in open court, Defendants made no further argument supporting the notion the subpoenas should be quashed. Judge Cothran thus denied their motion “per Judge McCoy’s previous Discovery Order” by order filed January 10, 2022.¹⁰ That order, like Judge McCoy’s, is interlocutory and has not been appealed. Appellants filed this petition for a writ of certiorari on January 14, 2022.¹¹

STANDARD OF REVIEW

“A trial judge's rulings on discovery matters will not be disturbed by an appellate court absent a clear abuse of discretion.” *Hollman v. Woolfson*, 384 S.C. 571, 577, 683 S.E.2d 495, 498 (2009). “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

The Defendants’ argument that they should be permitted to avoid discovery has been heard and rejected by the trial court. Judge McCoy’s order is interlocutory and not immediately appealable. The Defendants have not appealed the order, and this Court has repeatedly rejected the Defendants’ argument regarding the court’s jurisdiction to hear and compel discovery when an order denying arbitration is on appeal. Defendants articulate no exceptional circumstances

¹⁰ Exhibit 5 (Judge Cothran’s order filed January 10, 2022).

¹¹ The Defendants convoluted timeline of events contains information irrelevant to the facts needed to understand the situation. This petition appears to be a last-ditch effort to avoid discovery by trying to muddy the waters. Nothing more. The Defendants’ gratuitous statements that “Plaintiff’s counsel refused to communicate” and “refused to engage in a constructive dialogue about a confidentiality order” are disingenuous and misleading at best. The undersigned in fact offered an extension of time for Defendants to comply with Judge McCoy’s order and the parties exchanged at least 6 redlined versions of a confidentiality order before submitting it, jointly, to the court and filed June 21, 2021. Nevertheless, Plaintiff still awaits production of the vast majority of requested information.

warranting the extraordinary relief sought and cite no authority from South Carolina appellate courts demonstrating Judge McCoy's order was an abuse of her discretion. Binding South Carolina authority makes clear the Defendants' petition must be denied.

I. THE DENIAL OF APPELLANTS' MOTION TO STAY DISCOVERY IS NOT IMMEDIATELY APPEALABLE.

"By its nature, the question of whether an order is immediately appealable is determined on a case-by-case basis." *Morrow v. Fundamental Long-Term Care Holdings, LLC*, 412 S.C. 534, 538, 773 S.E.2d 144, 146 (2015). "An appeal ordinarily may be pursued only after a party has obtained a final judgment." *Hagood v. Sommerville*, 362 S.C. 191, 194, 607 S.E.2d 707, 708 (2005). "A final judgment is one that ends the action and leaves the court with nothing to do but enforce the judgment by execution." *Tillman v. Tillman*, 420 S.C. 246, 249, 801 S.E.2d 757, 759 (Ct. App. 2017). "An order reserving an issue, or leaving open the possibility of further action by the trial court before the rights of the parties are resolved, is interlocutory." *Id.*

"The determination of whether a trial court's order is immediately appealable is governed by statute." *Morrow*, 412 S.C. at 537, 773 S.E.2d at 145. "An interlocutory order not governed by a specialized appealability statute is not immediately appealable unless it fits into one of the categories listed in section 14-3-330. . . ." *Thornton v. S. C. Elec. & Gas Corp.*, 391 S.C. 297, 300, 705 S.E.2d 475, 477 (Ct. App. 2011).

Orders involving the merits may be immediately appealed pursuant to subsection 14-3-330(1). An order involving the merits is one that "must finally determine some substantial matter forming the whole or a part of some cause of action or defense." *Mid-State Distributions, Inc. v. Century Imps., Inc.*, 310 S.C. 330, 334, 426 S.E.2d 777, 780 (1993) (quoting *Knowles v. Standard Sav. & Loan Ass'n*, 274 S.C. 58, 59, 261 S.E.2d 49, 49 (1979)). Interlocutory orders affecting a substantial right may be immediately appealed pursuant to subsection 14-3-330(2). Orders affecting

a substantial right "discontinue an action, prevent an appeal, grant or refuse a new trial, or strike out an action or defense." *MidState Distribs., Inc.*, 310 S.C. at 334 n.4, 426 S.E.2d at 780 n.4.

Here, Judge McCoy's denial of their motion to stay discovery 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).

Further, the order is interlocutory. It has not determined a substantial matter forming the whole or a part of some cause of action or defense, and it has not discontinued an action, prevented an appeal, granted or refused a new trial, or struck out an action or defense as contemplated by section 14-3-330. Accordingly, it is not immediately appealable. *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); *Oncology and Hematology Associates of S.C., LLC v. South Carolina Dept. of Health and Environmental Control*, 387 S.C. 380, 692 S.E.2d 920 (2010)(discovery orders are interlocutory and not immediately appealable).

Moreover, this Court has repeatedly rejected Defendants' argument regarding the trial court's jurisdiction under these circumstances. *See, e.g. 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). The relief requested by the Defendants simply isn't available, and the attempted end-run around

the inability to seek appellate review by way of this petition is improper and should be swiftly denied.

II. THE DISCOVERY IS PROPER

The resolution of the Defendants' petition requires no further analysis. In an abundance of caution, however, Plaintiff will address the propriety of the discovery served. While there have been multiple rounds served on the Defendants, the requested information and documents in their totality are well within the bounds of discovery in both amount and substance.

In total, the corporate Defendants have been served four (4) requests for admission, fifteen (15) interrogatories, and twenty-one (21) requests for production. The individual Defendants have been served eight (8) requests for admission, eleven (11) interrogatories - including subparts, and twenty-one (21) requests for production.¹²

Put simply, nothing warrants the relief requested by the Defendants' petition. The case of *Oncology and Hematology Associates of S.C., LLC*, 387 S.C. 380, 692 S.E.2d 920 (2010) is instructive. After dismissing the notice of appeal arising from the administrative law court's discovery orders as interlocutory and not immediately appealable, the Supreme Court determined exceptional circumstances existed, warranting the grant of a writ of certiorari,¹³ because the discovery requests at issue were not remotely relevant to the central issue of the case and "were abusive and beyond the pale." 387 S.C. at 387.

The exceptional circumstances identified in *Oncology and Hematology Associates of S.C., LLC*, do not exist here. The information and documents requested are relevant to Plaintiff's causes

¹² Attached hereto are the discovery requests in their entirety, condensed into one document. Exhibit 6. They are far from oppressive.

¹³ Appellants have not sought a writ of certiorari.

of action and damages. Plaintiff alleges, 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, can be found in ratings, downloads, and information revealing the number of people who viewed the episodes in question. This information is directly relevant to the publication issue as well as damages. The requests seek identification of witnesses involved in production and filming of the episodes; specific information relating to the nature of the Defendants' relationships to one another; communications among the Defendants during specified periods of time; admission of facts directly tied to the Plaintiff's allegations and claims. Moreover, the discovery is generally tailored to the specific season, filming timeframe, and/or episodes at issue.

Defendants acknowledge that discovery is proper regardless of the forum.¹⁴ Their real complaint is they believe arbitration would enable them to eliminate or substantially impair the truth-seeking function of discovery by avoiding their obligation to provide almost any substantive information and documentation requested by Plaintiff. Responding to discovery will happen regardless by the Defendants own admission. Doing so now harms nobody, particularly with the confidentiality order filed in the case. Instead, it enables the parties to identify witnesses, information, and documents which will reveal whether the claims or defenses have merit and narrow the issues to be tried. Regardless of the forum for adjudication, that is the purpose of discovery and, more importantly, the legal system itself.

¹⁴ See Defendants' petition p. 11, fn 7. While Defendants acknowledge discovery would be permitted even in arbitration, they simultaneously assert Plaintiff would be unable to receive full discovery on even the *standard discovery requests* (i.e. identification of witnesses, expert witnesses, insurance policies, documents to be utilized at trial, etc.) that resulted in Judge McCoy's order in the first place. *Id.*

Notwithstanding the Defendants' protestations and refusals to comply, the fact Judge McCoy and/or Judge Cothran rejected the Defendants request for a stay is not evidence they were wrong or abused their discretion. To the contrary, the Defendants' petition reveals they simply seek to avoid discovery altogether, regardless of the forum. Their unwillingness to comply with the trial court's order should not be rewarded and their petition should be denied.

CONCLUSION

For the reasons set forth herein, the Defendants' petition should be denied with an award to the Plaintiff of attorney's fees, costs, and/or sanctions as the Court deems appropriate.

s/ Aaron E. Edwards

Aaron E. Edwards
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(843) 375-2008 (phone)
aaron@edwardsfirmllc.com
ATTORNEY FOR RESPONDENT ABRUZZO

Mt. Pleasant, South Carolina
Dated: January 24, 2022

EXHIBIT 1

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), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (*CHECK REASON*):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (*CHECK APPLICABLE BOX*):**
 Affirmed; Reversed; Remanded;
 Other

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

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

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

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EXHIBIT 1

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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EXHIBIT 1



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

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EXHIBIT 2

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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 Affirmed; Reversed; Remanded; Other

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

Defendants' filed a Motion to Reconsider with this Court on February 22, 2021. "The purpose of Rule 59(e), SCRCP, to alter or amend the judgment is to request the trial judge to reconsider matters properly encompassed in a decision on the merits." Arnold v. State, 309 S.C. 157, 172, 420 S.E.2d 834, 842 (1992). "A party may wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it." Elam v. South Carolina Dept. of Transp., 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004). This Court Denies Defendants' Motion to Reconsider without the necessity of a hearing and decided on the record and briefs. Rule 59(f), SCRCP; Pollard v. City of Florence, 314 S.C. 397, 401-402, 444 S.E.2d 534, 536 (Ct. App. 1994).

ORDER INFORMATION

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

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EXHIBIT 2

Court Reporter:

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EXHIBIT 2



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

Electronically signed on 2021-08-23 14:30:13 page 3 of 3

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EXHIBIT 3

EDWARDS FIRM, LLC

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

AARON E. EDWARDS, ESQ.

aaron@edwardsfirmllc.com

August 27, 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

All:

As you know, the Defendants are court ordered to respond to Plaintiff's discovery requests pursuant to Judge McCoy's order filed February 11, 2021, a copy of which is attached. The Defendants' motion to alter or amend that order did not seek any relief other than an extension of time until April 30, 2021 to comply with the order. That motion to alter or deny has been denied. A copy of that order is also attached.

As you also know, the Defendants' then filed a motion for protection seeking a confidentiality order purportedly to enable them to comply with Judge McCoy's order. A confidentiality order was filed June 21, 2021. A copy of the confidentiality order is attached.

Nevertheless, not a single document has been produced in response to any of the Plaintiff's requests for production, the first of which was served nearly a year ago. Similarly, there has been no response to any of Plaintiff's Interrogatories except for the standard interrogatories, all of which are long overdue.

With regard to your second motion to stay, further attention is drawn to SCRPC Rule 43(I), which reads as follows:

(I) 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.

Accordingly, I again urge you to withdraw the Defendants' second Motion to Stay, which is not supported in any way by fact or law, as I previously requested in my letter dated April 29, 2021, a copy of which is also attached hereto. If full responses and production to Plaintiff's discovery requests is not made by 9 am, September 3, 2021,

EXHIBIT 3

August 27, 2021
Page 2 of 2

Plaintiff will seek affirmative relief, including sanctions against the Defendants, from the court.

Sincerely,

A handwritten signature in black ink, appearing to be 'A. Edwards', with a stylized flourish extending to the right.

Aaron E. Edwards

EXHIBIT 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)

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- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*):
 Affirmed; Reversed; Remanded;
 Other

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

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NAMES OF TRADITIONAL FILERS SERVED BY MAIL

EXHIBIT 3

Court Reporter:

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EXHIBIT 3



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

EXHIBIT 3

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP1000472

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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:

Defendants' filed a Motion to Reconsider with this Court on February 22, 2021. "The purpose of Rule 59(e), SCRPC, to alter or amend the judgment is to request the trial judge to reconsider matters properly encompassed in a decision on the merits." Arnold v. State, 309 S.C. 157, 172, 420 S.E.2d 834, 842 (1992). "A party may wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it." Elam v. South Carolina Dept. of Transp., 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004). This Court Denies Defendants' Motion to Reconsider without the necessity of a hearing and decided on the record and briefs. Rule 59(f), SCRPC; Pollard v. City of Florence, 314 S.C. 397, 401-402, 444 S.E.2d 534, 536 (Ct. App. 1994).

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 08/23/2021 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

EXHIBIT 3

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), SCRPC.

ELECTRONICALLY FILED - 2021 Aug 23 4:18 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

EXHIBIT 3



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

Electronically signed on 2021-08-23 14:30:13 page 3 of 3

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EXHIBIT 3

ELECTRONICALLY FILED - 2021 Jun 21 3:07 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

STATE OF SOUTH CAROLINA)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON)	
)	
JOSEPH ABRUZZO,)	
	)	Civil Action No. 2020-CP-10-00472
Plaintiff,)	
)	
vs.	)	CONFIDENTIALITY ORDER
)	
BRAVO MEDIA PRODUCTIONS LLC;)	
HAYMAKER MEDIA, INC.;)	
NBCUNIVERSAL MEDIA, LLC;)	
COMCAST CORPORATION; CRAIG)	
CONOVER; CHELSEA MEISSNER;)	
AND MADISON LECROY,)	
)	
Defendants.)	

Whereas, the parties in this action have stipulated that certain discovery material is and should be treated as confidential; accordingly, and, without deeming any party to have waived the right to demand or compel arbitration of the underlying dispute, this Court orders as follows:

1. Scope. All documents produced by any party in the course of discovery, all responses to discovery requests and all deposition testimony and deposition exhibits of the parties (hereinafter collectively “documents”) shall be subject to this Order concerning confidential information as set forth below.

2. Form and Timing of Designation. Confidential documents shall be so designated by placing or affixing the word “CONFIDENTIAL” on the document in a manner which will not interfere with the legibility of the document and which will permit complete removal of the Confidential designation. Documents shall be designated CONFIDENTIAL prior to, or contemporaneously with, the production or disclosure of the documents. Inadvertent or unintentional production of documents without prior designation as confidential shall not be

EXHIBIT 3

deemed a waiver, in whole or in part, of the right to designate documents as confidential as otherwise allowed by this Order.

3. Documents Which May be Designated Confidential. Any party may designate documents as confidential but only after review of the documents by an attorney who has, in good faith, determined that the documents contain information protected from disclosure by statute, sensitive personal information, trade secrets, or other proprietary information, or confidential research, development, financial, employment records, or commercial information. The certification shall be made concurrently with the disclosure of the documents, using the form attached hereto at Attachment A which shall be executed subject to the standards of Rule 11 of the South Carolina Rules of Civil Procedure. Information or documents which are available in the public sector may not be designated as confidential.

4. Depositions. Defendants maintain that depositions should not be conducted in this forum until the South Carolina Court of Appeals has resolved Defendants' pending appeal and only in the event it affirms the Circuit Court. Nonetheless, to the extent depositions are ordered portions of depositions shall be deemed confidential only if designated as such when the deposition is taken or within seven business days after receipt of the transcript. Such designation shall be specific as to the portions to be protected.

5. Protection of Confidential Material.

a. General Protections. Documents designated CONFIDENTIAL under this Order shall not be used or disclosed by the parties or counsel for the parties or any other persons identified below (¶ 5.b.) for any purposes whatsoever other than preparing for and conducting the litigation in which the documents were disclosed (including any appeal of that litigation). The parties shall not disclose documents designated as confidential to putative class members not

EXHIBIT 3

ELECTRONICALLY FILED - 2021 Jun 21 3:07 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

named as plaintiffs in putative class litigation unless and until one or more classes have been certified.

b. Limited Third Party Disclosures. The parties and counsel for the parties shall not disclose or permit the disclosure of any documents designated CONFIDENTIAL under the terms of this Order to any other person or entity except as set forth in subparagraphs (1)-(5) below, and then only after the person to whom disclosure is to be made has executed an acknowledgment (in the form set forth at Attachment B hereto), that he or she has read and understands the terms of this Order and is bound by it. Subject to these requirements, the following categories of persons may be allowed to review documents which have been designated CONFIDENTIAL pursuant to this Order:

(1) counsel and employees of counsel for the parties who have responsibility for the preparation and trial or other resolution of the lawsuit;

(2) parties and employees of a party to this Order but only to the extent counsel shall certify that the specifically named individual party or employee's assistance is necessary to the conduct of the litigation in which the information is disclosed;²

(3) court reporters engaged for depositions and those persons, if any, specifically engaged for the limited purpose of making photocopies of documents;

(4) consultants, investigators, or experts (hereinafter referred to collectively as "experts") employed by the parties or counsel for the parties to assist in the preparation and trial of the lawsuit; and

² At or prior to the time such party or employee completes his or her acknowledgment of review of this Order and agreement to be bound by it (Attachment B hereto), counsel shall complete a certification in the form shown at Attachment C hereto. Counsel shall retain the certification together with the form signed by the party or employee.

EXHIBIT 3

ELECTRONICALLY FILED - 2021 Jun 21 3:07 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

(5) other persons only upon consent of the producing party or upon order of the court and on such conditions as are agreed to or ordered.

c. Control of Documents. Counsel for the parties shall take reasonable efforts to prevent unauthorized disclosure of documents designated as Confidential pursuant to the terms of this order. Counsel shall maintain a record of those persons, including employees of counsel, who have reviewed or been given access to the documents along with the originals of the forms signed by those persons acknowledging their obligations under this Order.

d. Copies. All copies, duplicates, extracts, summaries or descriptions (hereinafter referred to collectively as “copies”), of documents designated as Confidential under this Order or any portion of such a document, shall be immediately affixed with the designation “CONFIDENTIAL” if the word does not already appear on the copy. All such copies shall be afforded the full protection of this Order.

6. Filing of Confidential Materials. In the event a party seeks to file any material that is subject to protection under this Order with the court, that party shall take appropriate action to insure that the documents receive proper protection from public disclosure including:

(1) filing a redacted document with the consent of the party who designated the document as confidential; (2) where appropriate (e.g. in relation to discovery and evidentiary motions), submitting the documents solely for in camera review; or (3) where the preceding measures are not adequate, seeking permission to file the document under seal pursuant to the procedural steps set forth in Rule 41.1 of the South Carolina Rules of Civil Procedure, or such other rule or procedure as may apply in the relevant jurisdiction. Absent extraordinary circumstances making prior consultation impractical or inappropriate, the party seeking to submit the document to the court shall first consult with counsel for the party who designated the

EXHIBIT 3

ELECTRONICALLY FILED - 2021 Jun 21 3:07 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

document as confidential to determine if some measure less restrictive than filing the document under seal may serve to provide adequate protection. This duty exists irrespective of the duty to consult on the underlying motion. Nothing in this Order shall be construed as a prior directive to the Clerk of Court to allow any document be filed under seal. The parties understand that documents may be filed under seal only with the permission of the court after proper motion pursuant to Rule 41.1 of the South Carolina Rules of Civil Procedure.

7. Greater Protection of Specific Documents. No party may withhold information from discovery on the ground that it requires protection greater than that afforded by this Order unless the party moves for an Order providing such special protection.

8. Challenges to Designation as Confidential. Any CONFIDENTIAL designation is subject to challenge. The following procedures shall apply to any such challenge.

a. The burden of proving the necessity of a Confidential designation remains with the party asserting confidentiality.

A party who contends that documents designated CONFIDENTIAL are not entitled to confidential treatment shall give written notice to the party who affixed the designation of the specific basis for the challenge. The party who so designated the documents shall have fifteen (15) days from service of the written notice to determine if the dispute can be resolved without judicial intervention and, if not, to move for an Order confirming the Confidential designation.

b. Notwithstanding any challenge to the designation of documents as confidential, all material previously designated CONFIDENTIAL shall continue to be treated as subject to the full protections of this Order until one of the following occurs:

(1) the party who claims that the documents are confidential withdraws such designation in writing;

EXHIBIT 3

(2) the party who claims that the documents are confidential fails to move timely for an Order designating the documents as confidential as set forth in paragraph 8.b. above; or

(3) the court rules that the documents should no longer be designated as confidential information.

c. Challenges to the confidentiality of documents may be made at any time and are not waived by the failure to raise the challenge at the time of initial disclosure or designation.

9. Treatment on Conclusion of Litigation.

a. Order Remains in Effect. All provisions of this Order restricting the use of documents designated CONFIDENTIAL shall continue to be binding after the conclusion of the litigation unless otherwise agreed or ordered.

b. Return of CONFIDENTIAL Documents. Within thirty (30) days after the conclusion of the litigation, including conclusion of any appeal, all documents treated as confidential under this Order, including copies as defined above (¶5.d.) shall be returned to the producing party unless:

(1) the document has been entered as evidence or filed (unless introduced or filed under seal); (2) the parties stipulate to destruction in lieu of return; or (3) as to documents containing the notations, summations, or other mental impressions of the receiving party, that party elects destruction. Notwithstanding the above requirements to return or destroy documents, counsel may retain attorney work product including an index which refers or relates to information designated CONFIDENTIAL so long as that work product does not duplicate verbatim substantial portions of the text of confidential documents. This work product continues to be Confidential under the terms of this Order. An attorney may use his or her work product in a subsequent litigation provided that its use does not disclose the confidential

EXHIBIT 3

documents.

10. Order Subject to Modification. This Order shall be subject to modification on motion of any party or any other person who may show an adequate interest in the matter to intervene for purposes of addressing the scope and terms of this Order. The Order shall not, however, be modified until the parties shall have been given notice and an opportunity to be heard on the proposed modification.

11. No Waiver. Seeking, entering into, agreeing to, and/or complying with the terms of this Confidentiality Order shall not operate as a waiver of any party's right to demand or compel arbitration.

12. No Judicial Determination. This Order is entered based on the representations and agreements of the parties and for the purpose of facilitating discovery. Nothing herein shall be construed or presented as a judicial determination that any specific document or item of information designated as CONFIDENTIAL by counsel is subject to protection under Rules 26 and/or Rule 41.1 of the South Carolina Rules of Civil Procedure or otherwise until such time as a document-specific ruling shall have been made.

13. Persons Bound. This Order shall take effect when entered and shall be binding upon: (1) counsel who signed below and their respective law firms; and (2) their respective clients.

IT IS SO ORDERED.

ELECTRONIC SIGNATURE PAGE TO FOLLOW

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EXHIBIT 3

ELECTRONICALLY FILED - 2021 Jun 21 3:07 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

ATTACHMENT A

STATE OF SOUTH CAROLINA)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON)	
)	
JOSEPH ABRUZZO,)	
	)	Civil Action No. 2020-CP-10-00472
Plaintiff,)	
)	
vs.)	
)	
BRAVO MEDIA PRODUCTIONS LLC;)	
HAYMAKER MEDIA, INC.;)	
NBCUNIVERSAL MEDIA, LLC;)	
COMCAST CORPORATION; CRAIG)	
CONOVER; CHELSEA MEISSNER;)	
AND MADISON LECROY,)	
)	
Defendants.)	

CERTIFICATION BY COUNSEL OF DESIGNATION OF INFORMATION AS CONFIDENTIAL

Documents produced herewith [whose bates numbers are listed below (or) which are listed on the attached index] have been marked as CONFIDENTIAL subject to the Confidentiality Order entered in this action which Order is dated [confidentiality order date].

By signing below, I am certifying that I have personally reviewed the marked documents and believe, based on that review, that they are properly subject to protection under the terms of Paragraph 3 of the Confidentiality Order.

Date: [date attachment A signed]

[Signature of Counsel [s/name]]

Signature of Counsel

[Printed Name of Counsel [A]]

Printed Name of Counsel

EXHIBIT 3

ELECTRONICALLY FILED - 2021 Jun 21 3:07 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

ATTACHMENT B

STATE OF SOUTH CAROLINA)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON)	
)	
JOSEPH ABRUZZO,)	
	)	Civil Action No. 2020-CP-10-00472
Plaintiff,)	
)	
vs.)	
)	
BRAVO MEDIA PRODUCTIONS LLC;)	
HAYMAKER MEDIA, INC.;)	
NBCUNIVERSAL MEDIA, LLC;)	
COMCAST CORPORATION; CRAIG)	
CONOVER; CHELSEA MEISSNER;)	
AND MADISON LECROY,)	
)	
Defendants.)	

ACKNOWLEDGMENT OF UNDERSTANDING AND AGREEMENT TO BE BOUND

The undersigned hereby acknowledges that he or she has read the Confidentiality Order dated [confidentiality order date], in the above captioned action, understands the terms thereof, and agrees to be bound by such terms. The undersigned submits to the jurisdiction of the Court of Common Pleas, Charleston County, South Carolina in matters relating to the Confidentiality Order and understands that the terms of said Order obligate him/her to use discovery materials designated CONFIDENTIAL solely for the purposes of the above-captioned action, and not to disclose any such confidential information to any other person, firm or concern.

The undersigned acknowledges that violation of the Stipulated Confidentiality Order may result in penalties for contempt of court.

Name: [undersigned name [att B]]
 Job Title: [Job Title [att B]]
 Employer: [Employer [att B]]
 Business Address: [Business Address [att B]]

Date: [date attachment B signed]

[Signature [attachment B]]
Signature

EXHIBIT 3

ELECTRONICALLY FILED - 2021 Jun 21 3:07 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

ATTACHMENT C

STATE OF SOUTH CAROLINA)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON)	
)	
JOSEPH ABRUZZO,)	
	)	Civil Action No. 2020-CP-10-00472
Plaintiff,)	
)	
vs.	)	CERTIFICATION OF COUNSEL
	)	OF NEED FOR ASSISTANCE OF
	)	PARTY/EMPLOYEE
BRAVO MEDIA PRODUCTIONS)	
LLC; HAYMAKER MEDIA, INC.;)	
NBCUNIVERSAL MEDIA, LLC;)	
COMCAST CORPORATION; CRAIG)	
CONOVER; CHELSEA MEISSNER;)	
AND MADISON LECROY,)	
)	
Defendants.)	

Pursuant to the Confidentiality Order entered in this action, most particularly the provisions of Paragraph 5.b.2., I certify that the assistance of _____ [*name of individual named party or employee of named party in the above captioned suit*] is reasonably necessary to the conduct of this litigation and that this assistance requires the disclosure to this individual of information which has been designated CONFIDENTIAL by an opposing party.

I have explained the terms of the Confidentiality Order to the individual named above and will obtain his or her signature on an "Acknowledgment of Understanding and Agreement to be Bound" prior to releasing any CONFIDENTIAL documents to the named individual and I will release only such CONFIDENTIAL documents as are reasonably necessary to the conduct of the litigation.

The individual named above is:

- A named party;
- An employee of named party _____. This employee's job title is _____ and work address is _____.

Date: _____

Signature

EXHIBIT 3



Charleston Common Pleas

Case Caption: Joseph Abruzzo VS Bravo Media Productions Llc , defendant, et al
Case Number: 2020CP1000472
Type: Order/Other

It is so ordered.

/s Roger M. Young, Sr. S.C. Circuit Judge 2134

EXHIBIT 3

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

AARON E. EDWARDS, ESQ.

aaron@edwardsfirmllc.com

April 29, 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:

This letter is in response to the Defendants' Motion to Stay filed yesterday as well as your email this morning requesting consent to a stay of all discovery. I must admit your email requesting agreement to stay discovery, much like the Defendants' Motion to Stay, came as a surprise.

The surprising part is that the issue of a stay of discovery was decided by Judge McCoy in her order filed February 11, 2021, which denied the Defendants' request for a stay of discovery in this case.

Perhaps Judge McCoy's order was overlooked, or forgotten, when the Motion to Stay was filed. It's my hope that is the case. If so, a copy of her order is attached to this letter for your ease of reference. If you look at page 1, under the box checked "Statement of Judgment by the Court" it reads as follows:

"To the extent Defendant's response may be construed as a Motion to Stay, that Motion is denied."

Put simply, the issue of whether there is a stay of discovery in this case has been decided. There is not.

Your clients had two choices. They could either comply with Judge McCoy's order or refuse to comply with the order and be held in contempt. The responses provided by the Defendants to Plaintiff's Standard Interrogatories and 1st Request for Production, along with the request for a confidentiality order governing discovery, the motion for a protective order, and the multiple representations that responsive documents will be produced make clear the Defendants chose the former option and knew there was no stay of discovery.

To be candid, more concerning than the second attempt to obtain a stay of discovery after Judge McCoy denied that request is that the Motion to Stay completely

TELEPHONE (843) 375-2008 FACSIMILE (843) 881-5899

EXHIBIT 3

April 29, 2021
Page 2 of 2

failed to disclose to the court the contents of Judge McCoy's prior order. Accordingly, I agree the Defendants' Motion to Stay should be withdrawn, with full disclosure of the contents of Judge McCoy's order denying the Defendants' request for a stay made to the court, and with the Defendants' sincerest apologies for filing a motion with such a material omission. This disclosure would probably be better coming from the Defendants than from me.

Seeing as you set a deadline for me to respond to your email for today at 2 pm, I assume you are capable of withdrawing the Motion to Stay by that time. However, I'm happy to allow until 5 pm tomorrow if you need additional time. If the Motion to Stay is not withdrawn, you will leave me no choice but to seek appropriate relief.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Edwards', with a stylized flourish at the end.

Aaron E. Edwards

cc: counsel of record (via email)

EXHIBIT 4



Aaron Edwards <aaron@edwardsfirmllc.com>

Re: Joseph Abruzzo v. Bravo Media Productions, LLC, Haymaker Media, Inc. et al. (Internal Ref. No. 5815852)

1 message

Aaron Edwards <aaron@edwardsfirmllc.com>
To: google-legal-support@google.com

Mon, May 10, 2021 at 9:41 AM

ok

Aaron E. Edwards, Esq.
Edwards Firm, LLC
755 Johnnie Dodds Blvd., Ste 100
Mount Pleasant, SC 29464
phone: (843) 375-2008
fax: (843) 881-5899
www.edwardsfirmllc.com

On Sat, May 8, 2021 at 4:06 PM <google-legal-support@google.com> wrote:

Thanks, Aaron. One last question for you (for now)--can we limit the scope of the request to download, stream, purchase, and/or view counts *in the United States*?

On Fri, May 07, 2021 at 23:43 UTC "Aaron Edwards" <aaron@edwardsfirmllc.com> wrote:

Ok. Thank you

On Fri, May 7, 2021 at 7:11 PM <google-legal-support@google.com> wrote:

I don't think 2 weeks will be possible for the Play data. I'm willing to shorten our 21-day user notice period to 14 days, but it will likely be at least a week until our engineers are able to provide me with the appropriate email address to notify. I can likely get you the YouTube data by May 24, but I think the Play data will likely be closer to May 28.

I will, of course, keep you updated as I get a clearer idea on timing from the engineers who have to pull the data but for now, can we plan on May 24 for YouTube data and May 28 for Play data?

On Fri, May 07, 2021 at 23:02 UTC "Aaron Edwards" <aaron@edwardsfirmllc.com> wrote:

If those URLs are the ones I sent you earlier today, then that sounds good. Do you think you can get the information in 2 weeks (May 21)?

On Fri, May 7, 2021 at 6:49 PM <google-legal-support@google.com> wrote:

Thanks, Aaron. I've discussed this internally, and we're willing to accept your South Carolina subpoena as a one-time courtesy here to avoid unnecessary litigation. All future subpoenas to Google will have to be domesticated in California.

It is our understanding that you are narrowing the scope of the subpoena to the download, stream, purchase, and/or view counts associated with the below URLs. Please confirm.

- <https://www.youtube.com/watch?v=OotpRygCc7k&list=ELnSdQmpODGmJyvOZnjtfJFA&index=3>
- <https://www.youtube.com/watch?v=LpYZmujquW4&list=ELnSdQmpODGmJyvOZnjtfJFA&index=6>
- <https://www.youtube.com/watch?v=fqtOoUz16iY&list=ELnSdQmpODGmJyvOZnjtfJFA&index=7>
- https://play.google.com/store/tv/show?id=AQg7yNS79xw&cdid=tvseason-nSdQmpODGmJyvOZnjtfJFA&gdid=tvepisode-OotpRygCc7k&hl=en_US&gl=US
- https://play.google.com/store/tv/show?id=AQg7yNS79xw&cdid=tvseason-nSdQmpODGmJyvOZnjtfJFA&gdid=tvepisode-LpYZmujquW4&hl=en_US&gl=US
- https://play.google.com/store/tv/show?id=AQg7yNS79xw&cdid=tvseason-nSdQmpODGmJyvOZnjtfJFA&gdid=tvepisode-fqtOoUz16iY&hl=en_US&gl=US

It may take me a few weeks to collect responsive documents--particularly for Google Play--as the data you are seeking is not part of legal tooling and, therefore, requires collaboration with engineering teams. Do you have any upcoming deadlines I need to be aware of?

ELECTRONICALLY FILED - 2021 Dec 14 11:26 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

EXHIBIT 4

ELECTRONICALLY FILED - 2021 Dec 14 11:26 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

Thanks,
Molly

On Fri, May 07, 2021 at 17:47 UTC "Aaron Edwards" <aaron@edwardsfirmllc.com> wrote:
<https://www.youtube.com/watch?v=OOtpRygCc7k&list=ELnSdQmpODGmJyvOZnjtfJFA&index=3>

<https://www.youtube.com/watch?v=LpYZmujquW4&list=ELnSdQmpODGmJyvOZnjtfJFA&index=6>

<https://www.youtube.com/watch?v=fqtOoUz16iY&list=ELnSdQmpODGmJyvOZnjtfJFA&index=7>

Aaron E. Edwards, Esq.
Edwards Firm, LLC
755 Johnnie Dodds Blvd., Ste 100
Mount Pleasant, SC 29464
phone: (843) 375-2008
fax: (843) 881-5899
www.edwardsfirmllc.com

On Fri, May 7, 2021 at 1:40 PM Aaron Edwards <aaron@edwardsfirmllc.com> wrote:

https://play.google.com/store/tv/show?id=AQg7yNS79xw&cdid=tvseason-nSdQmpODGmJyvOZnjtfJFA&gdid=tvepisode-OOtpRygCc7k&hl=en_US&gl=US

https://play.google.com/store/tv/show?id=AQg7yNS79xw&cdid=tvseason-nSdQmpODGmJyvOZnjtfJFA&gdid=tvepisode-LpYZmujquW4&hl=en_US&gl=US

https://play.google.com/store/tv/show?id=AQg7yNS79xw&cdid=tvseason-nSdQmpODGmJyvOZnjtfJFA&gdid=tvepisode-fqtOoUz16iY&hl=en_US&gl=US

Aaron E. Edwards, Esq.
Edwards Firm, LLC
755 Johnnie Dodds Blvd., Ste 100
Mount Pleasant, SC 29464
phone: (843) 375-2008
fax: (843) 881-5899
www.edwardsfirmllc.com

On Wed, May 5, 2021 at 1:42 PM Aaron Edwards <aaron@edwardsfirmllc.com> wrote:
Yes, I will be available at that time. (843) 513-7038. What number will you be calling from?

Aaron E. Edwards, Esq.
Edwards Firm, LLC
755 Johnnie Dodds Blvd., Ste 100
Mount Pleasant, SC 29464
phone: (843) 375-2008
fax: (843) 881-5899
www.edwardsfirmllc.com

On Wed, May 5, 2021 at 1:41 PM <google-legal-support@google.com> wrote:
Mr. Edwards,

Thank you for your email. Are you available for a call on Friday, May 7 at 10:30 a.m. PT/1:30 p.m. ET? If so, please provide the best number at which to reach you then.

Best,
Molly

On Wed, May 05, 2021 at 13:46 UTC "Aaron Edwards" <aaron@edwardsfirmllc.com> wrote:
Ms. O'Neill:

EXHIBIT 4

ELECTRONICALLY FILED - 2021 Dec 14 11:26 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

I've received your letter filled with boilerplate objections. Please contact me to discuss further to avoid the necessity of seeking an order holding Google in contempt for failure to comply with a properly served subpoena.

Aaron E. Edwards, Esq.
Edwards Firm, LLC
755 Johnnie Dodds Blvd., Ste 100
Mount Pleasant, SC 29464
phone: (843) 375-2008
fax: (843) 881-5899
www.edwardsfirmllc.com

On Tue, May 4, 2021 at 10:09 PM <google-legal-support@google.com> wrote:

Mr. Edwards,

Please see the attached letter regarding the above-captioned matter.

Regards,
Molly O'Neil
Google Legal Investigations Support

--

Aaron E. Edwards, Esq.
Edwards Firm, LLC
755 Johnnie Dodds Blvd., STE 100
Mount Pleasant, SC 29464
phone: (843) 375-2008
fax: (843) 881-5899
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--

Aaron E. Edwards, Esq.
Edwards Firm, LLC
755 Johnnie Dodds Blvd., STE 100
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phone: (843) 375-2008
fax: (843) 881-5899
www.edwardsfirmllc.com

EXHIBIT 5

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), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
STAYED DUE TO BANKRUPTCY
DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX): Affirmed; Reversed; Remanded; Other

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

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

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

EXHIBIT 5

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), SCRCF.

ELECTRONICALLY FILED - 2022 Jan 10 9:43 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

EXHIBIT 5



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

Electronically signed on 2022-01-10 09:32:27 page 3 of 3

ELECTRONICALLY FILED - 2022 Jan 10 9:43 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1000472

EXHIBIT 6

The following discovery requests have been served on the Defendants:¹

CORPORATE 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.
2. 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.
3. 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).
4. 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.

INDIVIDUAL 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.
2. Admit you cannot see Plaintiff's penis in the unblurred version of the photograph of Plaintiff depicted in Southern Charm, season 6, episode 7.
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 with Defendant Meissner as depicted in Southern Charm, season 6, episode 3.
4. 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.
5. Admit your statements about Plaintiff Abruzzo in Southern Charm, season six, episode three (Exhibit A to Plaintiff's Amended Complaint) are not true.
6. Admit alcohol and/or drugs are regularly consumed by the cast members of Southern Charm before and/or during filming.

¹ Standard Interrogatories authorized in all cases by Rule 33, SCRPC, have not been included.

EXHIBIT 6

7. Admit alcohol and/or drug consumption by the cast members of Southern Charm is suggested, encouraged, tolerated, and/or condoned by the corporate Defendants.

8. 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.

CORPORATE 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.

3. Give every reason why you believe any of the matters set forth in Plaintiff’s Requests for Admission are not true.

4. 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.

5. 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).

6. 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.

7. 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).

8. Identify the person(s) responsible for the title “A Salt and Battery” for Southern Charm season six, episode six.

9. Describe how the title “A Salt and Battery” for Southern Charm season six, episode six, relates to the content of the episode.

EXHIBIT 6

10. 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).

11. 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).

12. 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.

13. 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.

14. 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.

15. 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.

INDIVIDUAL 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.

2. 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.

3. Of those identified in response to [the foregoing interrogatory], identify the person or persons involved with your discussions regarding Plaintiff Abruzzo as depicted in Southern Charm, season 6, episode 3.

4. Give every reason why you believe any of the matters set forth in Plaintiff's Requests for Admission are not true.

5. 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).

EXHIBIT 6

6. Identify the source of information relied upon for your statements about Plaintiff Abruzzo in Southern Charm, season six, episode seven (Exhibit C to Plaintiff's Amended Complaint).

7. 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:

- How any corporate defendant can exercise or have exercised control over your performance and/or appearance on Southern Charm;
- 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;
- Your method of payment from each of the corporate defendants;
- 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.

CORPORATE 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.

EXHIBIT 6

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.

11. All photographs of Plaintiff Abruzzo.

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

13. 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

14. All documents supporting your responses to Plaintiff's 6th Set of Interrogatories.

15. 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.

16. All other contracts or agreements with Haymaker Media, Inc. relating to Southern Charm.

17. All contracts or agreements, including any amendments, revisions, addendums, novations, or other modifications thereto, with Bravo Media LLC relating to Southern Charm.

EXHIBIT 6

18. All contracts or agreements, including any amendments, revisions, addendums, novations, or other modifications thereto, with any other Defendant relating to Southern Charm.

19. 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.

20. All documents, specifically including text messages and social media messages, created, delivered, exchanged, or otherwise sent by or between Morgan Miller and Kathryn Dennis from July 1, 2018 through September 1, 2020.

21. All documents, specifically including text messages and social media messages, created, delivered, exchanged, or otherwise sent by or between the Defendant (including any employee, agent, or other representative of the Defendant) and Kathryn Dennis from July 1, 2018 through September 1, 2020.

INDIVIDUAL REQUESTS FOR PRODUCTION

1. SAME FIRST 10 REQUESTS AS CORPORATE PARTIES

2. 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.

3. 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.

4. 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.

5. 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.

6. All documents, specifically including emails, voicemails, text messages and social media messages, created, delivered, exchanged, or otherwise sent by or between yourself and any

EXHIBIT 6

other named Defendant (including any employee, agent, or other representative of the Defendant) from July 25, 2018 through August 27, 2019.

7. All documents which support your statements about Plaintiff Abruzzo in Southern Charm, season six, episode three (Exhibit A to Plaintiff's Amended Complaint).

8. All documents which support your statements about Plaintiff Abruzzo in Southern Charm, season six, episode three (Exhibit A to Plaintiff's Amended Complaint).

9. All documents which support your statements about Plaintiff Abruzzo in Southern Charm, season six, episode seven (Exhibit A to Plaintiff's Amended Complaint).

10. All contracts or agreements, including any amendments, revisions, addendums, novations, or other modifications thereto, with Bravo Media LLC relating to Southern Charm.

11. All contracts or agreements, including any amendments, revisions, addendums, novations, or other modifications thereto, with any other Defendant relating to Southern Charm.

12. All contracts or agreements, including any amendments, revisions, addendums, novations, or other modifications thereto, with any other person or entity relating to Southern Charm.

RECEIVED

Jan 24 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 Bentley D. Price, Circuit Court Judge

Appeal No. 2020-001095

Joseph Abruzzo, Respondent,

v.

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

PROOF OF SERVICE

I certify that I have served **Respondent's Return in Opposition to Appellants' Petition for Writ of Supersedeas** on Appellants by emailing and mailing it to their attorneys of record as follows:

Helen F. Hiser
James D. Smith
Danielle F. Payne
McANGUS GOUDELOCK & COURIE LLC
735 Johnnie Dodds Blvd., Suite 200
PO Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900
helen.hiser@mgclaw.com
jsmith@mgclaw.com
danielle.payne@mgclaw.com

s/ Aaron E. Edwards
Edwards Firm, LLC
Aaron E. Edwards
755 Johnnie Dodds Blvd
Mt. Pleasant, South Carolina 29464
Phone: (843) 375-2008

ATTORNEY FOR RESPONDENT

January 24, 2022

RECEIVED

Jan 24 2022

SC Court of Appeals

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

AARON E. EDWARDS, ESQ.

aaron@edwardsfirmllc.com

January 24, 2022

Via S.C. Court E-filing and U.S. Mail
The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

In Re: Abruzzo vs. Bravo Media Productions LLC, et al.
Case No: 2020-CP-10-472 (Charleston)
Appeal No.: 2020-001095

Ms. Kitchings:

Enclosed please find Respondent's Return to Appellants' Petition for Writ of Supersedeas in the above-referenced matter. If you have any questions, please contact me.

Sincerely,



s/ Aaron E. Edwards

Enclosures

CC: counsel of record for Appellants