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Feb 28 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT COURT
CASE #:2021-CP-10-2682

**RETURN TO DEFENDANT'S MOTION TO AMEND
ANSWER PERSUANT TO SCRPC RULE 15(B) AND
COUNTERCLAIM FOR MALICIOUS PROSECUTION**

Pet Helpers, Inc., Plaintiff
Vs.
Janet L. Frisco, Defendant

FILED
2022 FEB 28 AM 8:46
JULIE J. ARMSTRONG
CLERK OF COURT
DGR

To: THE ABOVE-NAMED PLAINTIFF, PET HELPERS, INC.:

YOU WILL PLEASE TAKE NOTICE that the undersigned will move before the presiding judge, Court of Common Pleas for Charleston County, within ten (10) days or as soon thereafter as Pro Se may be heard, to amend original answer to the Plaintiff's complaint and to counterclaim for malicious use of process in the wrongful initiation of a civil proceeding in order to seek relief of all sanctions, partial summary or default judgements and compensation for legal costs, sanction paid to the plaintiff's attorney, return of my dog Toby that they obtained under false pretenses and who was allowed to suffer separation from me contrary to their claims they try to keep pets and owners together or place them in good homes stated on their website and a settlement paid by Pet Helpers for the immense pain and duress inflicted on me by their lawsuit which included incarceration, intimidation, threats, multiple hearings, written and verbal false accusations, calumny, oppressive discovery requests, unjust restraining orders, calling police on me without reason and other abuse that I am still being subjected to through their malicious and fraudulent lawsuit.

"Pursuant to SCRPC Rule 15(B) AMENDMENTS TO CONFORM TO THE EVIDENCE when issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgement, but failure so to amend does not affect the result of the trial on these issues."

BACKGROUND

At the time I answered the plaintiff's complaint I was not aware of information that is critical to any final decisions by the court. Since my original Answer to the Complaint, there is evidence that the adoption of my dog, Toby, a.k.a. Slim Jim, was staged by Melissa Susko and her employee, John Blaine on May 8, 2021. **(EXHIBIT A)**. The fake adoption was then advertised on their website in order to fraudulently solicit donations based on finding him a new home. **(EXHIBIT B)**. Katherine Leasure, in the Intake Department, and Ms. Susko lied about the date of the so-called adoption in order to prevent me from adopting my dog back after I submitted an online adoption application on the evening of May 7th 2021 **(EXHIBIT C)** that Ms. Leisure sent me after I called and emailed her on several occasions about reclaiming my dog days after his surrender. **(EXHIBIT D)**. Ms. Susko, Ms. Leasure, and Mr. Blaine are all complicit in the aforementioned behavior intended to defraud their donors by faking Toby's adoption in order to solicit donations from their donors and collect subsidies from the Bissell Pet Foundation.

CONCLUSION

Pet Helpers' legal counsel, Stephan V. Futeral, is guilty of attempting to conceal his client's fraudulent behavior through the lawsuit and its' actions and fraud upon the court for concealing evidence and making false statements on filed documents and in court hearings in order to cover up criminal fraud by Pet Helpers, Inc. He lied that I threatened employees, trespassed on the Pet Helper's property and committed defamation in order to obtain the restraining orders and file the complaint against me. The lawsuit filed by the plaintiff's constitutes malicious prosecution because there was no defamation against the plaintiff involved. The complaint against me is a ploy to conceal the plaintiff's criminal fraudulent actions. Everything I said was true except they hadn't killed my dog yet because I brought too much attention to their sinister actions through my public protests. I believed they had euthanized Toby shortly after the fake adoption because a former employee approached me as I was protesting in front of Pet Helpers and told me the executive manager, Melissa Susko, told her she was certified to euthanize and the former employee also said that Ms. Susko had been involved in the euthanasia of two dogs, Cody and Dixie who were not medically untreatable or aggressive when the employee worked at Pet Helpers. I truly believe they planned to kill him because I saw how they let him suffer for weeks after I left him there waiting for me to return when they knew I would come back for him and

then later denied in their Admits that dogs feel depression when abandoned. Plaintiffs have maliciously, with the assistance of their legal counsel, attempted to conceal a crime through the restraining orders and sanctions contained in the lawsuit when I reacted to their deception after unsuspectingly surrendering my dog Toby to them on April 13, 2021. They mislead me to believe that they would find him a good home and instead they faked his adoption and probably planned to kill him after they collected donations and subsidies. The ultimate goal of the lawsuit is to cover-up their crime of fraud by suppressing the truth about the fake adoption and to destroy me in the process if necessary. Pet Helpers has caused great injury to me by subjecting me to threats, intimidation, illegitimate restraining orders, calling the police for no reason, violation of my constitutional right to free speech, traumatizing me by incarceration, and causing me financial hardship through sanctions and currently a motion for a partial summary judgement when I have not committed libel or slander against them, but instead exposed the truth about what they did to my rescued hunting dog and to me with complete disregard for our suffering. Every time I looked at his pictures on their website, my heart broke because I could see, and so could they, how sad he was although they denied it when I called and emailed repeatedly after the surrender.

Their lawsuit has affected my health and overall well-being that may be a permanent condition when I was doing very well even starting my own landscaping business before I fell into Pet Helpers' trap that they set for the public and unwarily surrendered my dog to them. I have had to undergo almost a year of pain and suffering because they were only concerned with exploiting Toby in order to make money allowing him to suffer separation and then prosecuting me for exposing the fake adoption and disposal of dogs. They deliberately and maliciously tried to harm me financially through the lawsuit and possible physical harm through the incarceration in order to cover up their criminal actions.

Accordingly, the Defendant respectfully requests the following of this court:

1. Pet Helpers' illegitimate complaint Case # 2021-CP-10-2682 be dismissed and all associated restraining orders and sanctions rendered against me be immediately revoked and/or refunded.
2. I be reimbursed for all costs, pertaining to this case and my own complaint Case #2021-CP-10-2848 that was consolidated January 6, 2022 as well as the sanction of \$5432.34 I was forced to pay to be released from jail of November 9, 2021, a form of theft and extortion by the Plaintiff's attorney.

3. My dog Toby, who was not legitimately adopted, be returned to me as he should have been when I requested that Pet Helpers return him a week after the surrender.

4. Mr. Stephan Futeral, the Plaintiff's attorney, be reprimanded by the court and referred to the South Carolina Bar for his deceptive actions constituting fraud upon the court in this lawsuit.

5. I be compensated \$50,000 for my pain and suffering inflicted by the Plaintiff during the course of this malicious prosecution.

Janet L. Frisco

Janet L. Frisco, Pro Se

Dated: 2/28/22

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CERTIFICATE OF SERVICE

The foregoing document ***RETURN TO DEFENDANT'S MOTION TO AMEND ANSWER AND COUNTERCLAIM FOR MALICIOUS PROSECUTION*** was served on the following by email and U.S. Mail with sufficient postage affixed, this 28th day of February 2022:

Stephan V. Futeral
1004 Anna Knapp Blvd. Suite 3
Mt. Pleasant, South Carolina 29464
sfuteral@charlestonlaw.net

Janet L. Frisco
Janet L. Frisco, Pro Se



BLAINE JOHN

Animal Care Technician



EXHIBIT A

g. Adopter agrees that if any behavioral issues arise after adoption, the adopter will enlist help from the Pet Helpers staff by contacting our shelter immediately. Adopter also agrees to work with our shelter trainer who can assist in overcoming any issues that may arise.

3. Prior Animal Care Charges or Convictions: [REDACTED] Adopter Initials

a. Adopter represents that he/she has never been subject to legal action for cruelty to or neglect of animals. Adopter further represents that he/she has never owned an animal that has been confiscated by any animal control or humane organization for violations of state or local animal control regulations or animal adoption agreements.

4. Full Household Consent: [REDACTED] Adopter Initials

a. Adopter represents that all household members have agreed to the adoption of the animal and will abide by the terms of this agreement.

5. Tenant and zoning: [REDACTED] Adopter Initials

a. If the Adopter is a tenant, then Adopter agrees that he/she has permission from his/her landlord to own and possess this animal at his/her residence.
b. It is the responsibility of adopters to check local zoning and housing communities to ensure animal/breed is acceptable to live in such community.

6. No Guarantee Given Regarding Breed, Health or Temperament: [REDACTED] Adopter Initials

a. Adopter acknowledges and understands that Pet Helpers makes no claims as to the temperament, health, disposition, or general condition of this animal. Pet Helpers has provided the adopter, to the fullest extent possible, information about the health, history and background of the animal. The Adopter understands that animals at Pet Helpers come from a rescue environment in which little may be known about the animal's past. Hence, Pet Helpers cannot guarantee that this animal is free from all illness despite the organization's best efforts and due diligence to minimize and prevent disease transmission. The adopter accepts responsibility for the animal based on the information available and provided at the time of this agreement.

b. Pet Helpers does not perform DNA testing to determine the breed of our animals. All breeds are 'best guessed' and opinion may vary.

7. Release of Liability: [REDACTED] Adopter Initials

a. Adopter accepts possession of (subject to the conditions of the adoption contract), and responsibility for the animal adopted and agrees to release and discharge Pet Helpers, its agents, officers and directors, heirs or assignees forever from liability for any injury or damages to any person or property caused by the adopted animal, and from any causes of action, claims, suits, or demands whatsoever that may arise as a result of such injury or damages.

8. Transfer of Ownership: [REDACTED] Adopter Initials

a. The Adopter agrees not to sell, trade, loan, or give away the animal without the prior written consent of Pet Helpers. This adoption agreement is non-transferable.
b. Adopter agrees to notify Pet Helpers via email of any address or phone number changes so that we can keep our records current in case your pet gets lost and we are notified.

9. Return of Animal to Pet Helpers: [REDACTED] Adopter Initials

a. We at Pet Helpers seek forever homes for the animals that come through our shelter and encourage adopters to adopt our philosophy. Adopter can transfer the adopted animal into another home only after notifying Pet Helpers, giving us the first option of return and providing Pet Helpers with new adopters' information. Adopter will not be eligible for any refund of adoption donation fees or expenses.

However, if Pet Helpers can accept animal back into our shelter, all intakes are scheduled through our intake coordinator by appointment only.

10. Reservation of Rights: [Redacted] Adopter Initials

a. Pet Helpers reserves the right to an ongoing review of this adoption at random, to follow up on any complaints or reports to protect the welfare of this animal. If the Adopter does not satisfactorily uphold any of the terms of this Agreement and/or if any misrepresentations have been made to Pet Helpers in order to obtain the animal, Pet Helpers reserves the right to void this Agreement and take immediate possession of the animal, wherever it is located. At such time the adopter's rights shall be terminated and adopter agrees that he/she shall have no direct cause of action or claim against Pet Helpers, its officers, directors, staff, or volunteers regarding such removal and termination of rights. In the event the Adopter fails or refuses to return such animal upon demand, he/she hereby agrees to pay Pet Helpers reasonable attorneys' fees in the event an attorney is consulted or if suit is brought for the return of the animal.

11. Copy of Contract: [Redacted] Adopter Initials

a. Adopter acknowledges that he/she has received a copy of this Animal Adoption Contract signed by both parties.

I certify that I am over the age of 18 and lawfully competent to enter into this contract. I agree that all information provided in the Adoption Application and Adoption Contract is truthful to the best of my knowledge and belief. If it is found that any statements I have made on the Adoption Application and Contract are not true, the adopted animal can be confiscated.

[Redacted Signature] _____ Date 05/08/21

[Redacted Signature] _____ Date 5/8/21
Signature _____
Agent, Pet Helpers Adoption Center



Pet Helpers

Thank you for choosing to adopt! Please complete this questionnaire to help guide our conversation today.

Date: 5/1/21 Animal's Name: ~~Slim Jim~~
Buster Animal ID #: 47529858

Adopter Name: _____

Address: _____ City/State/ZIP: _____

Email: _____

Cell phone: _____ Home phone: _____ Work phone: _____

Microchip Emergency Contact *Must be someone other than yourself*

Name: _____ Phone: _____

Best way you can be reached by phone? _____
Best time of day you can be reached? _____

We welcome adopters who rent or live in an apartment or condo. We want to alert you that some landlords and management companies have size and breed restrictions, limits on number of pets, and/or require pet deposits or additional fees.

Tell us about members of the new pet's household (e.g., # of adults/seniors/young children):

Tell us about pets at home (check all that apply):

- We have one or more dog(s)
- We have one or more cat(s)
- We have one or more small animal(s)
- I'd like help with introducing a new pet

Form continued on other side →



Pet Helpers

Other Info you want to share?

We'll explain this new pet's medical history and behavioral history. Check any additional topics you'd like to discuss:

- Feeding this pet
- House-training/litter box training
- Grooming/nail trimming
- Exercise, toys and fun activities
- Puppy/kitten-proofing your home
- Finding a trainer
- Introducing this pet to other pets
- Microchips and other ID options
- Finding a veterinarian
- Declawing
- Crate-training
- Moving with pets
- Pulling on-leash
- Flea/tick prevention
- Heartworm prevention

Other questions:

Extra services and opportunities we offer; check any you are interested in:


- Buying a crate with this adoption
- Information on our low-cost vaccination clinic for any current pets
- Information on our next low-cost microchip implantation day for any current pets
- Information about our training classes
- Information about low-cost spay and neuter services
- Information about volunteering or fostering with us
- Information about supporting us with financial or in-kind donation

Signature _____ Date 5/1/21

Approved by _____ Date 5/8/21

Notes: Extensively counselled!

EXHIBIT B

 Pet Helpers Adoption Shelter and Spay/Neuter Clinic
May 19 at 4:21 PM

Here's the Happy Ending Update you've all been waiting for on recently-adopted staff favorite, Slim Jim! We are thrilled to share that Slim Jim found the loving and attentive home he deserves. His new owner works from home, so Dad is always there to make sure Slim is getting all the care he needs. As an only dog, Slim Jim is the star of the show. Each day, they go on a long walk, so Slim can follow scents and explore his new neighborhood.

His adopter just can't get over how "majestic" Slim looks when the sunlight hits his shimmering coat. When these two best friends aren't working or going on mini-adventures, they like to cuddle up on the couch to watch all their favorite TV shows. Congratulations to Slim Jim and his new Dad! We know you two are going to have the best life together.

Share your Happy Ending Updates pictures and stories with us in our DM's! Happy endings at Pet Helpers are just new beginnings for pets and their owners.

Make the next happy ending at pethelpers.org today.





EXHIBIT C

Re: Application for adoption

From: Janet Frisco (janetfrisco@yahoo.com)

To: office@pethelpers.org

Date: Friday, May 7, 2021, 05:14 PM EDT

Thank you for sending the application. I would have sent it yesterday but I couldn't edit it on my phone and had to use my P.C. I am hoping I can get an appointment for adoption tomorrow or early next week. I miss him so much.

Janet Frisco

On Thursday, May 6, 2021, 04:33:36 PM EDT, Front Desk <office@pethelpers.org> wrote:



1447 Folly Rd Charleston, SC29412
 t: 843-795-1110 | m: 843-795-1110
 e: office@pethelpers.org



<http://www.pethelpers.org/>



Let your Child Learn the Magic of Animal Rescue this August at Pet Helpers!

Register Here: <https://pethelpers.org/hairy-pawtter/>

The information contained in this email, and any attachments hereto, is from Pet Helpers, Inc. and is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution, copying or use of the contents of this email, and any attachments hereto, is strictly prohibited. If you have received this email in error, please immediately notify me by reply email and permanently delete the original and any copy of this e-mail and any printout thereof.



Curbside adoption questionnaire.docx
53.9kB

Front Desk Add keywords

Compose

- Inbox 399+
- Unread
- Starred
- Drafts 4
- Sent
- Archive
- Spam
- Trash
- ^ Less
- Views Hide
- Photos
- Documents
- Subscriptions
- Deals
- Groceries
- Receipts
- Travel
- Folders Hide
- + New Folder
- 2019 tax docu...
- Accident
- Andrea
- Animal Advocacy 3
- Appeal
- AT & T 3
- carriage horses 1
- Computer Upd...
- Important
- Meadowbrook
- MILDRED BLACK
- Next hearing
- Outbox
- Toby
- trident Security 4

Back



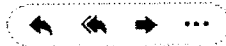
Let your Child Learn the Magic of Animal Rescue this August at Pet Helpers!

Register Here: <https://pethelpers.org/hairy-pawtter/>

The information contained in this email, and any attachments hereto, is from Pet Helpers, Inc. and is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution, copying or use of the contents of this email, and any attachments hereto, is strictly prohibited. If you have received this email in error, please immediately notify me by reply email and permanently delete the original and any copy of this e-mail and any printout thereof.



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Front Desk <office@pethelpers.org>
To: Janet Frisco

Sat, May 8, 2021 at 9:47 AM

Hello
This is Katie. Have you received my emails concerning Slim Jim?

Thank You
Katie



1447 Folly Rd Charleston, SC29412
t: 843-795-1110 | m: 843-795-1110
e: office@pethelpers.org



<http://www.pethelpers.org/>

Show original message



Let your Child Learn the Magic of Animal Rescue this August at Pet Helpers!

Curbside adoption... Page 1 of 3



Thank you for choosing to adopt! Please complete this questionnaire to help guide our

Date: 5/7/21 Animal's Name: SUM RM Animal ID #:

Adopter Name: JANET FRISCO

Address: 303 CARDINAL DRIVE SUMMERVILLE SC 29485

Email: janetfrisco@yahoo.com

Cell phone: 843-804-0875 Home phone: n/a Work phone: 843-285

Microchip Emergency Contact *Must be someone other than yourself*

Name: ELIZABETH DOTSON Phone: 843-826-4374

Best way you can be reached by phone? Cell Home
Best time of day you can be reached? Morning Afternoon

We welcome adopters who rent or live in an apartment or condo. We want to alert you that all management companies have size and breed restrictions, limits on number of pets, and/or fee additional fees.

Tell us about members of the new pet's household (e.g., # of adults/seniors/young children): I am in my own two story house with a large back yard with a privacy fence. I have other dogs of which cat that lives outside in front yard.

Tell us about pets at home (check all that apply):
 We have one or more dogs!



Pet Helpers

Thank you for choosing to adopt! Please complete this questionnaire to help guide our conversation today.

Date: 5/7/21 Animal's Name: SLIM JIM Animal ID #: not sure

Adopter Name: JANET FRISCO

Address: 203 CARDINAL DRIVE SUMMERVILLE SC 29485 City/State/ZIP:

Email: janetfrisco@yahoo.com

Cell phone: 843-804-0875 Home phone: n/a Work phone: 843-767-3855

Microchip Emergency Contact ***Must be someone other than yourself***

Name: ELIZABETH DOTSON Phone: 843-826-4274

Best way you can be reached by phone?	<input checked="" type="checkbox"/> Cell	<input type="checkbox"/> Home	<input type="checkbox"/> Work
Best time of day you can be reached?	<input checked="" type="checkbox"/> Morning	<input type="checkbox"/> Afternoon	<input checked="" type="checkbox"/> Evening

We welcome adopters who rent or live in an apartment or condo. We want to alert you that some landlords and management companies have size and breed restrictions, limits on number of pets, and/or require pet deposits or additional fees.

Tell us about members of the new pet's household (e.g., # of adults/seniors/young children): I am a single woman living in my own two story house with a large back yard with a privacy fence. I have other dogs of which two are elderly and a cat that lives outside in front yard.

Tell us about pets at home (check all that apply):

- We have one or more dog(s)
- We have one or more cat(s)
- We have one or more small animal(s)
- I'd like help with introducing a new pet

Form continued on other side →



Pet Helpers

Other info you want to share?

I surrendered Toby (Slim Jim) but I regret it because I was really attached to him after rescuing him from starvation and impoundment and keeping him for eight months. I neutered, wormed and vaccinated him and he was thriving. I know he is attached to me too and he looks really sad in his adoption pictures. I don't think he realized I wasn't coming back for him. I can take care of him and give him a good home like I do for all my other dogs that I've rescued. My whole life is dogs and going to church. They all sleep in the beds, eat well, heart worm prevention and are cared for better than some humans. They get to go on outings and walks and see vet regularly.

We'll explain this new pet's medical history and behavioral history. Check any additional topics you'd like to discuss:

- Feeding this pet
- House-training/litter box training
- Grooming/nail trimming
- Exercise, toys and fun activities
- Puppy/kitten-proofing your home
- Finding a trainer
- Introducing this pet to other pets
- Microchips and other ID options
- Finding a veterinarian
- Declawing
- Crate-training
- Moving with pets
- Pulling on-leash
- Flea/tick prevention
- Heartworm prevention

Other questions:

Extra services and opportunities we offer; check any you are interested in:

- Buying a crate with this adoption
- Information on our low-cost vaccination clinic for any current pets
- Information on our next low-cost microchip implantation day for any current pets
- Information about our training classes
- Information about low-cost spay and neuter services
- Information about volunteering or fostering with us
- Information about supporting us with financial or in-kind donation

Signature Janet L. Frisco Date 5/7/20

Approved by _____ Date _____

Notes:

EXHIBIT D

Re: Received Email Re: Toby

From: Janet Frisco (janetfrisco@yahoo.com)

To: intake@pethelpers.org

Date: Friday, April 23, 2021, 02:06 PM EDT

Katie, Could I please come there and get Toby back tomorrow. I thought I was doing the right thing for him, but he doesn't look happy at all in the pictures. He's had a rough life and I can't let him down like the hunter who previously owned him.

Janet Frisco

Sent from Yahoo Mail on Android

On Fri, Apr 23, 2021 at 2:06 AM, intake pethelpers <intake@pethelpers.org> wrote:

Thank you for contacting the Intake Department at Pet Helpers. We have received your email and are working very hard finding animals homes and will get back to you with in 24 to 48 hours. If this is an emergency, please call the shelter directly 843-795-1110.

****Note in our "peak seasons" it may take us longer to respond.****



Intake Department
 1447 Folly Rd Charleston, SC29412
 t: 843-795-1110 | p: 843-531-6160



<http://www.pethelpers.org/>



Get Trey Taylor Tickets at: