

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Pet Helpers, Inc.,

Plaintiff,

vs.

Janet Frisco,

Defendant,

vs.

Melissa Susko,

Third-Party Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 21-CP-10-02682

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SC Court of Appeals

**ORDER ON MOTIONS HEARING
HELD ON APRIL 22, 2022**

This matter came before the court on April 22, 2022, for: (1) a Motion for Partial Summary Judgment on behalf of Plaintiff and Third-Party Party Defendant Melissa Susko [hereinafter Susko], (2) a Motion for Sanctions against Defendant Frisco for failure to comply with an order compelling discovery, (3) Defendant Frisco's Second Motion to Amend, and (4) Defendant Frisco's Third Motion to Amend. Plaintiff's counsel, Susko, and Janet Friso, *pro se*, attended the hearing. After reviewing the record in this case, the pleadings, affidavits, and memorandums filed by the parties, and hearing the arguments of Plaintiff's counsel and of Defendant Frisco, this court makes the following findings of fact and conclusions of law.

BACKGROUND

Plaintiff is a non-profit "no-kill" pet adoption center and spay/neuter clinic. On April 13, 2021, Defendant relinquished ownership of a dog to Plaintiff. On May 8, 2021, the canine was adopted by a third party. After relinquishing ownership of the dog to Plaintiff, Defendant demanded the dog's return. When Plaintiff declined to return the dog to Defendant, Defendant

threatened to bring “God’s Army” to Plaintiff’s business location. Defendant also threatened that she would “light up the internet” regarding Defendant’s grievances. Thereafter, Defendant engaged extensive campaign of publishing numerous social media posts and videos, protesting in front of Plaintiff’s business, and claiming that, as a matter of fact:

- a) Plaintiff killed the dog;
- b) Plaintiff cruelly euthanize other animals in its shelter;
- c) Plaintiff was cruel to the dog;
- d) Plaintiff is cruel to other animals in its shelter; and
- e) Plaintiff “staged” the dog’s adoption.

Additionally, after the dog’s adoption and during a portion of this litigation, Defendant sent numerous emails to third parties, including the Post & Courier, making the same factual allegations regarding Plaintiff and Susko. This action followed.

PROCEDURAL HISTORY

1. Plaintiff’s Complaint and First Injunction

On June 9, 2021, Plaintiff initiated this action by filing a Summons, Complaint and Motion for Emergency *Ex Parte* Restraining Order. In its Complaint, Plaintiff asserted causes of action for slander, libel, and a permanent and temporary injunction against Defendant.

On June 11, 2021, this court issued an *Ex Parte* Restraining Order and Injunction against Defendant enjoining her from making the statements set forth above. Thereafter, on June 17, 2021, the court issued and filed a Temporary Restraining Order and Injunction after a hearing regarding the *Ex Parte* Restraining Order and Injunction was held the same day.

2. Defendant's Complaint and Consolidation

On June 17, 2021, Defendant filed a Summons and Complaint, Janet Frisco v. Pet Helpers, Inc., Case Number 2021-CP-10-2848, against Plaintiff and Susko. The gravamen of Defendant's claims can be summed up by the following allegation - "I suffered severe depression and grief and am still suffering due to the separation [Plaintiff and Susko] needlessly created by not returning the dog to me." Plaintiff and Susko answered and counterclaimed for malicious prosecution. Upon motion by Plaintiff, Frisco v. Pet Helpers, Inc. was consolidated with this action by order of this court filed on January 6, 2022.

3. Second Restraining Order Against Defendant

On October 12, 2021, this court issued a second Order for Injunction and Temporary Restraining Order expanding the prohibitions listed in the first Order for Injunction and Temporary Restraining Order. Additionally, this court sanctioned Defendant for \$5,434.34 for violating the first Order for Injunction and Temporary Restraining Order. However, Defendant failed to comply with the first and second Orders for Injunction and Temporary Restraining Order and to pay the sanction.

4. Defendant's Contempt of Court

On November 5, 2021, this court held Defendant in contempt for violating the Injunction and Restraining Orders more than eighty (80) times and sentenced Defendant to thirty (30) days in jail purgeable upon payment of \$5,434.32 to Plaintiff's counsel. Defendant spent approximately four days in jail before paying the sanction.

5. Defendant's First Motion to Amend

On October 19, 2021, Defendant filed her first motion to amend. On January 11, 2022, the court issued an order denying Defendant's motion because Defendant failed to submit a proposed

amended pleading for the court's review and because Defendant sought inappropriate relief such as the dismissal of Plaintiff's lawsuit. Additionally, the court ordered Defendant to pay \$560 in sanctions to Plaintiff for filing a meritless motion. As of April 22, 2022, Defendant has failed to pay the sanctions to Plaintiff.

6. Defendant's Failure to Comply with Order of Discovery

Defendant refused to answer Plaintiff's Interrogatories and Requests for Production that were due on or before July 23, 2021. On December 17, 2021, this court ordered Defendant to respond to Plaintiff's discovery by January 17, 2022, and financially sanctioned Defendant for \$1,214.24 for her refusal to respond to Plaintiff's discovery.

On January 21, 2022, Plaintiff filed a Motion for Sanctions for Defendant's Failure to Comply with the Order Compelling Discovery. As April 22, 2022, Defendant still refuses to comply with the order compelling discovery or to pay the financial sanctions to Plaintiff.

7. Defendant's Second Motion to Amend

On February 28, 2022, Defendant filed a "Return to Defendant's Motion to Amend Answer Pursuant [sic] to SCRPC 15(b) and Counterclaim for Malicious Prosecution." This motion is, in essence, Defendant's second Motion to Amend. Like Defendant's first Motion to Amend, Defendant failed to submit to this court a proposed amendment for this court's review. Moreover, Defendant sought additional relief, including:

- 1) Reimbursement of the sanctions placed on Defendant resulting from the court's finding of contempt of court;
- 2) Return of the dog that Defendant admits she legally transferred ownership to Plaintiff and was adopted by a third party nearly a year ago; and
- 3) Payment of \$50,000.00.

Lastly, as noted herein, as of April 22, 2022, Defendant had not complied with the court's order regarding Defendant's first Motion to Amend to pay \$560 in sanctions to Plaintiff.

8. Defendant's Third Motion to Amend

On March 24, 2022, Defendant filed a "Motion for Leave to Supplement Answer to Plaintiff's Complaint Pursuant [sic] to SCRPC Rule 15(d) and Amended Counterclaim for Malicious Prosecution." This motion is, in essence, Defendant's third Motion to Amend. Like Defendant's first and second Motions to Amend, Defendant failed to submit to this court a proposed amendment for this court's review. Again, Defendant sought relief such as the return of the dog and an award of \$50,000.

9. Motion for Partial Summary Judgment

On June 16, 2021, Plaintiff filed its Motion for Partial Summary Judgment that was initially scheduled to be heard by the court on December 17, 2021. In her return to Plaintiff's Motion for Summary Judgment, Defendant claimed to need additional time to complete discovery. However, Defendant had not submitted interrogatories or requests for production since the initiation of this lawsuit. Nevertheless, to afford Defendant extra time to engage in discovery, Plaintiff voluntarily moved to continue the summary judgment motion. Defendant opposed Plaintiff's motion to continue the summary judgment hearing, but the court granted Plaintiff's continuance request. Since the hearing date of December 17, 2021, Defendant has not engaged in discovery.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Defendant's Second and Third Motions to Amend

It is well established that a motion to amend is addressed to the circuit court's sound discretion, and the party opposing the motion has the burden of establishing prejudice. Foggie v. CSX Transp., Inc., 313 S.C 98, 431 S.E.2d 587 (1993). Here, Defendant's 2nd Motion is based on

Rule 15(b), SCRCP that provides “[w]hen 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.” (emphasis added). Since there has been no trial in this case, Defendant’s second Motion to Amend is without merit.

Additionally, Defendant failed in both her second and third Motions to Amend to submit a proposed amendment to the court or to Plaintiff’s counsel. Without a proposed amended pleading, this court cannot determine the merits of Defendant’s motion, and Plaintiff and Susko are prejudiced in their ability to respond meaningfully to Defendant’s motions. Additionally, in her motions, Defendant seeks frivolous relief such as the dog’s return and \$50,000 in damages. Lastly, this court holds that because Defendant has failed to pay \$560 in sanctions arising from her 1st Motion to Amend, the interests of justice would not be served by allowing Defendant to avoid the court-ordered sanctions while allowing Defendant to amend her pleadings. Accordingly, this court denies Defendant’s second and third Motions to Amend.

2. Plaintiff’s Motion for Partial Summary Judgment

Summary judgment is appropriate “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” Rule 56(c), SCRCP. “[T]he evidence and all reasonable inferences therefrom must be viewed in the light most favorable to the non-moving party.” Osborne v. Adams, 346 S.C. 4, 7, 550 S.E.2d 319, 321 (2001).

To oppose a motion for summary judgment, “the nonmoving party must demonstrate the likelihood that further discovery will uncover additional relevant evidence and that the party is ‘not merely engaged in a fishing expedition.’” Dawkins v. Fields, 354 S.C. 58, 69, 580 S.E.2d 433,

439 (2003) (quoting Baughman v. American Tel. and Tel. Co., 306 S.C. 101, 112, 410 S.E.2d 537, 544 (1991)). Moreover, “it is not sufficient for a party to create an inference that is not reasonable or an issue of fact that is not genuine.” Town of Hollywood v. Floyd, 403 S.C. 466, 477, 744 S.E.2d 161, 166 (2013).

Here, Defendant did not submit anything to the court, such as the affidavit of a witness, to create a genuine issue of material fact to substantiate any of Defendant’s claims or defenses. Instead, on April 21, 2022, Defendant filed a Memorandum in Opposition to Plaintiff’s Motion for Partial Summary Judgment and filed an Affidavit by Defendant. In her Affidavit, Defendant claims:

I, Janet Frisco, pursuant to SCRCF Rule 56(f) request additional time to submit discovery requests to Plaintiff which is essential to justify my opposition to their Motion for Partial Summary Judgment. I cannot present by affidavit facts concerning the staged adoption of my dog Toby and Pet Helper’s fraud soliciting donations and subsidies without their discovery disclosures.

Rule 56(f), SCRCF provides:

Should it appear from the affidavits of a party opposing the motion that he cannot for reasons stated present by affidavit facts essential to justify his opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such order as is just.

Regarding Defendant’s affidavit, Rule 56(g), SCRCF provides:

Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused him to incur, including reasonable attorney’s fees, and any offending party or attorney may be adjudged guilty of contempt.

Here, Defendant claims in her Memorandum opposing summary judgment that “I never claimed on any filed document I needed more time for discovery.” However, Defendant twice

claimed she needed more time for discovery. On December 8, 2021, Defendant filed two memoranda in opposition to Plaintiff's motion for partial summary judgment. In her memoranda, Defendant claimed, "I have not . . . had the opportunity to pose interrogatories to the Plaintiff," and "I have not been able . . . to request interrogatories or production from the Plaintiff. . . ." As previously stated, the court continued Plaintiff's summary judgment motion from December 17, 2021 until the date of this hearing to give Defendant additional time to initiate and complete discovery. Accordingly, Defendant's argument that she "never claimed on any filed document" for more time to conduct her discovery is meritless.

Additionally, under Rule 56(g), this court holds that Defendant filed her affidavit on April 21, 2022, in bad faith and solely for delay. Instead of engaging in discovery since December 17, 2021, Defendant sent numerous pejorative and disparaging emails to Plaintiff's counsel and his staff, such as:

- 1) I realize that your wife wouldn't hang around with an old fart that wasn't loaded so you have to bleed people who earn their money honestly. As for [the paralegal of Plaintiff's counsel] maybe she and your wife and can start a bordello. It's a lot more honest than what they're doing now for money.
- 2) [Y]ou [the paralegal of Plaintiff's counsel] are guilty of trying to cover up Pet Helpers fraud. The longer you perpetuate the lie and the malicious prosecution, the greater the repercussions will be when the truth comes out. As I said previously, you're going to need to get an honest job once Mr. Futeral loses his license to practice law.

Accordingly, this court denied Defendant's request to continue the summary judgment hearing.

"The publication of a statement is defamatory if it tends to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him." Fleming v. Rose, 350 S.C. 488, 494, 567 S.E.2d 857, 860 (2002). "The tort of defamation allows a plaintiff to recover for injury to her reputation as the result of the defendant's

communication to others of a false message about the plaintiff. Slander is a spoken defamation while libel is a written defamation or one accomplished by actions or conduct.” Holtzscheiter v. Thomson Newspapers, Inc., 332 S.C. 502, 508, 506 S.E.2d 497, ___ (S.C. 1998). “If a defamation is actionable *per se*, then under common law principles the law presumes the defendant acted with common law malice and that the plaintiff suffered general damages.” Id. at 510, 506 S.E.2d at ___.

Libel is actionable *per se* if it involves

written or printed words which tend to degrade a person, that is, to reduce his character or reputation in the estimation of his friends or acquaintances, or the public, or to disgrace him, or to render him odious, contemptible, or ridiculous’ In other words, if the trial judge can legally presume, because of the nature of the statement, that the plaintiff’s reputation was hurt as a consequence of its publication, then the libel is actionable *per se*. Essentially, all libel is actionable *per se*.

Id. at 510-11, 506 S.E.2d at ___ (quoting Lesesne v. Willingham, 83 F. Supp. 918, 921 (E.D.S.C. 1949)) (citation omitted).

Slander is actionable *per se* if the defendant “charges the plaintiff with one of five types of acts or characteristics: (1) commission of a crime of moral turpitude; (2) contraction of a loathsome disease; (3) adultery; (4) unchastity; or (5) unfitness in one’s business or profession.” Holtzscheiter, 332 S.C. 502, 511, 506 S.E.2d at ___.

Here, the record shows that Defendant made numerous defamatory statements on social media via text and video, during Defendant’s in-person protests regarding Plaintiff and Susko, and emails to third persons and organizations such as the Post & Courier. Defendant’s statements include:

- a) “[T] hey’re, they’re just cruel. And they’re dishonest, and they’re deceptive.”

- b) “[Pet Helpers are] despicable, just horrible, horrible human beings... . They didn’t help Toby. They hurt Toby. They made him suffer. And I’m sure he’s not the only one.”
- c) “Melissa [Susko], she has licensed euthanize and she has euthanized other dogs are ordered that they be euthanized even though they were not sick, or aggressive. But she’s all about corporate greed.”
- d) “I think they’re killing other dogs, because I’ve heard people who are former employees here, and they told me that they, they’re killing dogs.”
- e) “I think they had, you know, a plan for him a death plan for him the whole time... I’m talking about Melissa [the Executive Director of Pet Helpers] because she’s she’s got a certification to kill dogs. And she’s done it herself. And she’s ordered dogs killed too ... I’m sure that’s just the tip of the iceberg here.”
- f) “[My] sign says, corporate greed kills my dog, Toby. Corporate greed. And the other side says Pet Helpers killed Slim Jim May 11th ... And I’m not going to stop until first of all these people, a bunch of people here, Melissa, Katie, and intake, and anybody else that knew and the guy that killed him, anybody else, they’ll all be fired. If this company cares, this place will be shut down and reopened by somebody who really cares about animals. . . . But it’s really a kill shelter.”
- g) “And most of these dogs will not make it out of here alive. They really won’t. Toby did not make it out of this place alive... And then they killed him. They killed Toby. They killed my dog.”

- h) "I'm here to tell you it's not so quick giving them money. Don't give them any more money. You don't ever surrender a dog to any shelter. And if they claim to be no kill, don't believe them."
- i) "But my sign, I'm protesting Janet Frisco is protesting Pet Helpers in their cruelty to my dog and probably too many other dogs. But my sign says Pet Helpers killed Slim Jim May 11th."
- j) "[Pet Helpers] killed him because they didn't adopt him to anyone. They killed him. And I know they did."
- k) "[Pet Helpers] just let him suffer and then they, you know, we're taking a lot of pictures of him and you know, and they just let him suffer here for a whole month."
- l) "[Plaintiff] used [Toby] as a marketing tool to solicit donations and then euthanized him after they staged an adoption the weekend of May 7-11, 2021."

Defendant's statements include allegations that Plaintiff is engaged in the criminal offense of animal cruelty and that Plaintiff and Susko are unfit for their profession. This court holds that these and other written and spoken statements by Defendant are actionable *per se*. Accordingly, the law presumes Defendant acted with common law malice and that Plaintiff suffered general damages.

Plaintiff submitted affidavits and exhibits to the court to show that Defendant's claims that Plaintiff killed the dog were false. Moreover, in Defendant's answers to requests for admission, the only discovery request Defendant responded to, Defendant conceded that her claims that Plaintiff and Susko killed the dog are untrue.

Defendant's counterclaims against Plaintiff and Susko can be summed up by the following allegation: "I suffered severe depression and grief and am still suffering due to the separation [Plaintiff and Susko] needlessly created by not returning the dog to me." Additionally, after

learning the dog was still alive, Defendant pivoted her case to claim that Plaintiff had “staged” the dog’s adoption by allowing one of Plaintiff’s staff, Blaine John, to adopt the dog to prevent Defendant from reclaiming the dog.

Assuming, *arguendo*, that Defendant has asserted a viable cause of action regarding a “staged” adoption. Defendant has not produced even a scintilla of evidence to substantiate her allegations. As is well-settled under South Carolina law, our courts do not allow cases to proceed to trial based on “speculation and conjecture” McKnight v. S.C. Dept. of Corrections, 684 S.E.2d 566, ___ 385 S.C. 380, 389 (S.C. Ct. App. 2009). Moreover, Plaintiff submitted affidavits, including the affidavit of Blaine John, refuting Defendant’s accusation.

Before the hearing, Defendant emailed the court, “Why doesn’t [the court] ask to see the unredacted adoption application of May 8, 2021 and see if John Blaine’s name is on it as the adopter? That would determine whether Pet Helpers staged the adoption of [the dog].” During the hearing, Defendant repeated her request that the court conduct an *in-camera* review of the adoption paperwork. Plaintiff voluntarily provided the dog’s adoption contract for the court’s *in camera* review, and the contract confirmed that the adopter was not Plaintiff’s employee Blaine John. This court then asked Defendant why her claims should proceed to trial. Defendant responded that she sought damages for emotional harm because, in essence, Plaintiff did not capitulate to Defendant’s demands to reclaim ownership of the dog from the adopter and transfer ownership back to Defendant. However remorseful Defendant may feel for transferring ownership of the dog to Plaintiff, Defendant has asserted no legal or equitable claim that would be actionable under South Carolina law against Plaintiff or Susko for such regret.

Defendant also claims that Plaintiff should be liable to Defendant because she was unaware that the dog would be featured during a “low cost” adoption event. As the dog’s owner, Plaintiff

could exercise its own discretion regarding potential adopters for the dog. Defendant has neither the standing to complain about how Plaintiff selects a potential adopter nor does she assert a recognizable claim under South Carolina law.

Accordingly, this court grants summary judgment to Plaintiff on its causes of action for libel and slander. Also, this court holds that Plaintiff's claims for libel and slander are *per se* actionable and that Defendant is liable to Plaintiff for damages in an amount to be determined by a jury. Additionally, after reviewing Defendant's counterclaims against Plaintiff and Susko, this court holds that Defendant has not stated any viable causes of action. Moreover, as set forth herein, this court strikes all claims and defenses asserted by Defendant for her willful failure to comply with court-ordered discovery and grants a default judgment against Defendant for Plaintiff's and Susko's claims for malicious prosecution.

3. **Plaintiff's Motion for Sanctions for Defendant's Failure to Comply with Court-Ordered Discovery**

Plaintiff properly served interrogatories and requests for production, and Defendant's responses were due by July 23, 2021. Defendant requested an extension of time to answer to discovery, and Plaintiff extended the deadline until July 30, 2021. However, on July 26, 2021, Defendant corresponded with Plaintiff's counsel regarding her discovery responses and wrote to Plaintiff's counsel that he should seek mental health treatment and "Don't hold your breath for the discoveries."

On January 11, 2022, this court issued an Order Compelling Discovery. Specifically, the court ordered Defendant to answer Plaintiff's Interrogatories and Requests for Production and pay to Plaintiff's counsel sanctions of \$1,214.24 within thirty (30) days of the hearing date on December 17, 2021.

On January 18, 2022, Plaintiff's counsel wrote to Defendant and inquired about the overdue discovery responses and payment of sanctions. Defendant responded by writing "I'm willing to lose everything I own to expose the evil of corporations like Pet Helpers, lawyers, law enforcement and the courts if need be." To date, Defendant has neither answered Plaintiff's outstanding discovery nor paid sanctions to Plaintiff.

Rule 37(b)(2), SCRPC provides, in part:

If a party . . . party fails to obey an order to provide or permit discovery . . . the court in which the action is pending may make such orders in regard to the failure as are just, and among others the following:

(A) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(B) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(C) An order . . . or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party;

* * *

In lieu of any of the foregoing orders or in addition thereto, the court shall require the party failing to obey the order or the attorney advising him or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

In Davis v. Parkview Apartments, our Supreme Court affirmed the trial court's issuance of a dismissal order as a sanction. 409 S.C. 266, 283, 762 S.E.2d 535, 544 (2014). The court held that the sanctions imposed were not unduly harsh considering the appellant's

willful and repeated failure to comply with various orders of the trial court, which resulted in unnecessary delay and prejudice to the respondents. Id.

Here, Defendant provided no justification or other circumstance regarding Defendant's failure to comply with court-ordered discovery. It is clear to this court that Defendant is willfully disobeyed the court, is purposefully delaying this case, and is seeking to prejudice Plaintiff's right to have its claims and defenses heard.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

- 1) This court grants summary judgment to Plaintiff on its causes of action for libel and slander. Also, this court holds that Plaintiff's claims for libel and slander are actionable *per se* and that Defendant is liable to Plaintiff for damages in an amount to be determined by a jury. Lastly, this court grants Plaintiff and Third-Party Defendant Susko summary judgment regarding Defendant's counterclaims.
- 2) As an additional basis for this court's ruling, under Rule 37(b)(2)(C), this court grants judgment by default against Defendant for Plaintiff's claims for libel and slander *per se*, and Defendant's claims against Plaintiff and Susko are hereby dismissed with prejudice.
- 3) Under Rule 37(b)(2)(C), this court grants judgment by default against Defendant for Plaintiff's malicious prosecution claim, and Defendant is liable to Plaintiff for damages regarding the malicious prosecution claim to be determined by a jury.
- 4) Under Rule 37(b)(2)(C), this court grants judgment by default against Defendant for Plaintiff's claim for a permanent injunction. Defendant is permanently enjoined from:

- a. Communicating to third parties outside of the judicial process, whether orally or in writing, about this action and the matter of Janet Frisco vs. Pet Helpers, Inc. et. al. 2021-CP-10-2848 except for allowing Defendant to speak to: (1) her attorney should she hire one; (2) her priests or rabbis, and (3) Defendant's physicians or mental health care professionals;
- b. Communicating to third parties outside of the judicial process, whether orally or in writing, about Pet Helpers, Inc., Melissa Susko, Executive Director for Pet Helpers, Inc., its staff or its legal representatives except for allowing Defendant to speak to: (1) her attorney should she hire one; (2) her priests or rabbis, and (3) Defendant's physicians or mental health care professionals;
- c. Making any statements, written or verbal, regarding this lawsuit, the parties involved, or their legal counsel, stating or implying that (1) Plaintiff or its staff euthanized the dog, (2) that Plaintiff or its staff mistreated the dog in any way, (3) that Plaintiff or its staff euthanizes other animals, (4) that Plaintiff or its staff mistreats the animals in their care in any way, or (5) that Plaintiff or its staff stage fake adoptions;
- d. Communicating to third parties, whether orally or in writing, that Defendant is the owner of the canine known as Toby/Slim Jim;
- e. Posing as the current owner of the canine known as Toby/Slim Jim;
- f. Attempting to register the canine through any tracking services, such as Pet Link or 24 Pet Watch;

- g. Attempting to track, follow, identify, or contact the current owner of the canine;
 - h. Disparaging Plaintiff, its staff, or its legal counsel;
 - i. Contacting Plaintiff and its staff;
 - j. Coming onto Plaintiff's property; and
 - k. Communicating with Plaintiff's counsel or his staff in a derogatory or disrespectful manner.
- 5) Under Rules 37(b)(2)(C) and 56(g), in addition to the sanctions previously ordered by the court in the amount of \$1,774.24, this court orders Defendant to directly to Plaintiff's counsel additional sanctions in the amount of \$9,638.48 within thirty (30) days of the date of this order.

The Honorable Bentley D. Price
Presiding Judge, 9th Judicial Circuit
Charleston County Court of Common Pleas

Dated: _____
Charleston, South Carolina



Charleston Common Pleas

Case Caption: Pet Helpers Inc VS Janet Frisco

Case Number: 2021CP1002682

Type: Order/Summary Judgment

IT IS SO ORDERED!

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

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