THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Hon. Donald B. Hocker, Circuit Court Judge

C.A. No.: 2020-CP-36-00384

Jefferson Davis, Jr. .....Appellant,

v.

Chad Connelly, Tom Persons, Geoffery Chambers, Esq. & South Carolina Educational Credit for Exceptional Needs Children Fund ..... Respondents.

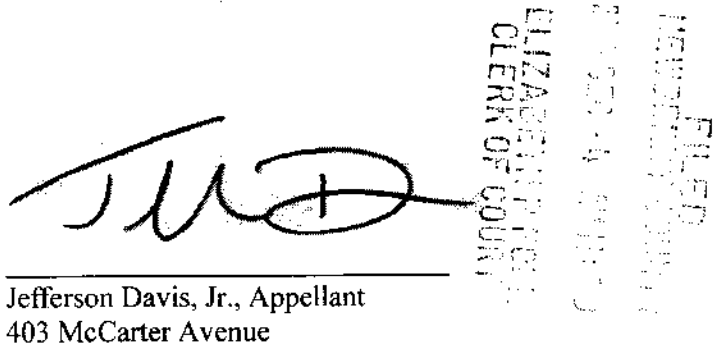
NOTICE OF APPEAL

Jefferson Davis, Jr. ("Davis") appeals the Orders of the Honorable Donald B. Hocker as listed below:

- **ORDER 01: 11/25/2024** – ORDER OF CIVIL CONTEMPT

Attached is a copy of said Order.

Davis received a service copy of the order in the above referenced case on Wednesday, November 27th, 2024.



Date: December 2, 2024

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PROOF OF SERVICE

I certify that I have served the **Notice of Appeal** on the below named parties via First Class Mail on **December 2nd, 2024.**

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APPELLANT

STATE OF SOUTH CAROLINA COUNTY OF NEWBERRY Jefferson Davis, Jr., Plaintiff, v. Chad Connelly, Dave Wilson, Steven Kirkland, Tom Persons, Neil Mellen, E3 Software, LLC, Endurance International Group Holdings, Inc., John Doe #1, John Doe #2, & John Does 3-40, Defendants.	IN THE COURT OF COMMON PLEAS CIVIL ACTION NO.: 2020-CP-36-00382 **ORDER OF CIVIL CONTEMPT**

STATE OF SOUTH CAROLINA COUNTY OF NEWBERRY Jefferson Davis, Jr., Plaintiff, v. Chad Connelly, Tom Persons, Geoffrey Chambers, Esq. & South Carolina Educational Credit for Exceptional Needs Children Fund, Defendants.	IN THE COURT OF COMMON PLEAS CIVIL ACTION NO.: 2020-CP-36-00384 **ORDER OF CIVIL CONTEMPT**

This matter came before the Court for a hearing on October 11, 2024, upon the separate Orders and Rules to Show Cause filed in each of the above-captioned matters on August 13, 2024 ("Second Orders and Rules to Show Cause"), both pursuant to Defendants Chad Connelly, Dave Wilson, Tom Persons, and Neil Mellen's Additional Rules to Show Cause and Motions for An Order of Contempt and Additional Sanctions filed on July 16, 2024 ("Second Motions for Contempt"), and the South Carolina Educational Credit for Exceptional Needs Children Fund's

Rule to Show Cause and Motion for An Order of Contempt and Additional Sanctions also filed on July 16, 2024 ("Exceptional SC Motion for Contempt"), and the prior Orders and Rules to Show Cause filed in each of the above-captioned matters on October 24, 2023 ("First Orders and Rules to Show Cause"), both pursuant to Defendants Chad Connelly, Dave Wilson, Tom Persons, and Neil Mellen's Rule to Show Cause and Motion for An Order of Contempt and Additional Sanctions filed in each action on May 17, 2023 ("First Motions for Contempt"). Present at the hearing were Justin P. Novak, Esquire, as counsel for Defendants Chad Connelly, Tom Persons, Dave Wilson, Neil Mellen, and the South Carolina Educational Credit for Exceptional Needs Children Fund, Geoffrey K. Chambers, Esquire, as counsel for Defendants Chad Connelly, Tom Persons, Dave Wilson, and the South Carolina Educational Credit for Exceptional Needs Children Fund, and Plaintiff Jefferson Davis, Jr., appearing as a *pro se* litigant ("Plaintiff"). Plaintiff was properly served with the above-referenced Rules to Show Cause and motions in each action as evidenced by the separate Affidavits of Service filed on August 23, 2024.

SUMMARY

The Orders and Rules to Show Cause before the Court arise from Plaintiff's failure to comply with various orders of the Circuit Court and of the South Carolina Court of Appeals. These include (1) this Court's Orders Granting Defendants' Motions for Sanctions Against Plaintiff filed in each of the above-captioned matters on January 3, 2023, (2) this Court's Orders Granting Defendants' Motions for Sanctions Against Plaintiff filed in each of the above-captioned matters on September 19, 2022, (3) this Court's Orders Compelling Discovery filed in each of the above-captioned matters on October 15, 2021, (4) the South Carolina Court of Appeals' Order granting attorney's fees and costs against Plaintiff filed on June 10, 2024, in Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00382, and (5) the South Carolina Court of Appeals'

Order granting attorney's fees and costs against Plaintiff filed on February 28, 2024, in the related matter of Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00093.

This Court has jurisdiction over each of these matters pursuant to its prior exercise of jurisdiction in Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00093, Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00382, and Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00384, as well as the South Carolina Court of Appeals' Orders that the attorney's fees and costs awarded against Plaintiff in Appellate Case No. 2020-001384 be added to the judgment in Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00093, and that the attorney's fees and costs awarded against Plaintiff in Appellate Case No. 2023-001623 be added to the judgment in Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00382.

After careful review and consideration of the parties' pleadings, motions, briefs, memoranda, and other submissions, as well as the prior orders, evidence presented, and applicable law, this Court hereby **GRANTS** the First Motions for Contempt, Second Motions for Contempt, and Exceptional SC Motion for Contempt and holds Plaintiff Jefferson Davis, Jr., in civil contempt of court for wilfully violating these Orders of the Circuit Court and of the South Carolina Court of Appeals. In order to compel Plaintiff to comply with these Orders, this Court orders that Plaintiff shall serve ninety (90) days incarcerated at the Newberry County Detention Center—a term that shall be suspended in the event that Plaintiff makes full payment to Defendants through their respective attorneys within ten (10) days of the date of this Order of both: (1) the **$19,970.36** in outstanding attorneys' fees and costs and applicable statutory interest[1] owed to the various Defendants pursuant

[1] "A money decree or judgment of a court enrolled or entered must draw interest according to law." S.C. Code § 34-31-20(b). "[F]or the period January 15, 2024, through January 14, 2025, the legal rate of interest for money decrees and judgments is 12.50% compounded annually." Supreme Court Order No. 2024-01-04-01 (Re: Interest Rate on Money Decrees and Judgments). "[F]or the period January 15, 2023, through January 14, 2024, the legal rate of interest

to the above-referenced Orders of this Court and the South Carolina Court of Appeals, and (2) the **$19,473.25** in attorney's fees and costs incurred by Defendants in obtaining Plaintiff's compliance with the prior Orders. These amounts total **$39,443.61**.

LEGAL STANDARD

"The power to punish for contempt is inherent in all courts." Curlee v. Howle, 277 S.C. 377, 382, 287 S.E.2d 915, 917 (1982). "Its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders and writs of the courts, and consequently to the due administration of justice." Id. In fact, "[c]ourts have no more important function to perform in the administration of justice than to ensure their orders are obeyed." State v. Bevilacqua, 316 S.C. 122, 128, 447 S.E.2d 213, 216 (Ct. App. 1994). Accordingly, "[i]t is within the trial court's discretion to punish by fine or imprisonment all contempts of authority before the court." Brandt v. Gooding, 368 S.C. 618, 628, 630 S.E.2d 259, 264 (2006) (citing S.C. Code Ann. § 14-5-320 (1976)). "In addition, courts have the inherent power to punish for offenses that are calculated to obstruct, degrade, and undermine the administration of justice." Id. (citing State ex rel. McLeod v. Hite, 272 S.C. 303, 305, 251 S.E.2d 746, 747 (1979)).

"Contempt results from the willful disobedience of an order of the court." Bigham v. Bigham, 264 S.C. 101, 104, 212 S.E.2d 594, 596 (1975); Smith v. Smith, 359 S.C. 393, 396, 597 S.E.2d 188, 189 (Ct. App. 2004). "A willful act is one which is 'done voluntarily and intentionally with the specific intent to do something the law forbids, or with the specific intent to fail to do something the law requires to be done; that is to say, with bad purpose either to disobey or disregard

for money decrees and judgments is 11.50% compounded annually." Supreme Court Order No. 2023-01-04-01 (Re: Interest Rate on Money Decrees and Judgments). "[F]or the period January 15, 2022, through January 14, 2023, the legal rate of interest for money decrees and judgments is 7.25% compounded annually." Supreme Court Order No. 2022-01-06-01 (Re: Interest Rate on Money Decrees and Judgments).

the law.'" Widman v. Widman, 348 S.C. 97, 119, 557 S.E.2d 693, 705 (Ct. App. 2001) (quoting Spartanburg County Dep't of Soc. Servs. v. Padgett, 296 S.C. 79, 82-83, 370 S.E.2d 872, 874 (1988)).

"The purpose of civil contempt is to 'coerce the defendant to do the thing required by the order for the benefit of the complainant.'" Poston v. Poston, 331 S.C. 106, 111, 502 S.E.2d 86, 88 (1998) (quoting Gompers v. Bucks Stove & Range Co., 221 U.S. 418, 441, (1911)). "'If the relief provided is a sentence of imprisonment, it is remedial if the defendant stands committed unless and until he performs the affirmative act required by the court's order[.]'" Id. at 112, 502 S.E.2d at 89 (quoting Hicks v. Feiock, 485 U.S. 624, 632 (1988)). "'Those who are imprisoned until they obey the order, "carry the keys of their prison in their own pockets."'" Id. (quoting Hicks, 485 U.S. at 633). "If the sanction is a fine, it is remedial and civil if paid to the complainant even though the contemnor has no opportunity to purge himself of the fine or if the contemnor can avoid the fine by complying with the court's order." Id. "In a civil contempt proceeding, a contemnor may be required to reimburse a complainant for the costs he incurred in enforcing the court's prior order, including reasonable attorney's fees." Id. at 114, 502 S.E.2d at 90. "The award of attorney's fees is not a punishment but an indemnification to the party who instituted the contempt proceeding." Id. "Thus, the court is not required to provide the contemnor with an opportunity to purge himself of these attorney's fees in order to hold him in civil contempt." Id.

"'In a proceeding for contempt for violation of a court order, the moving party must show the existence of a court order and the facts establishing the respondent's noncompliance with the order.'" Miller v. Miller, 375 S.C. 443, 454, 652 S.E.2d 754, 761 (Ct. App. 2007) (quoting Hawkins v. Mullins, 359 S.C. 497, 501, 597 S.E.2d 897, 899 (Ct. App. 2004); Eaddy v. Oliver, 345 S.C. 39, 42, 545 S.E.2d 830, 832 (Ct. App. 2001)). "'[B]efore a court may find a person in contempt, the record must clearly and specifically reflect the contemptuous conduct.'" Id. (quoting Widman, 348 S.C. at

119, 557 S.E.2d at 705). "Once the moving party has made out a prima facie case, the burden then shifts to the respondent to establish his or her defense and inability to comply with the order." Id. (quoting Widman, 348 S.C. at 120, 557 S.E.2d at 705).

FINDINGS OF FACT

Plaintiff, who, though an attorney licensed to practice law in the State of Georgia, prosecutes the above-captioned actions as a *pro se* litigant. The Court notes that in commencing the above-referenced actions Plaintiff assumed full responsibility for complying with the substantive and procedural requirements of the South Carolina Rules of Civil Procedure. State v. Burton, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003). Nevertheless, Plaintiff has repeatedly and wilfully disobeyed the substantive and procedural requirements of the South Carolina Rules of Civil Procedure and Orders of this Court and of the South Carolina Court of Appeals.

A. Civil Action No. 2020-CP-36-00382

On July 27, 2021, Defendants Chad Connelly, Dave Wilson, Tom Persons, and Neil Mellen served Plaintiff with interrogatories, requests for production, and requests for admission in this matter. After Plaintiff failed to provide any response to any of the written discovery requests, these Defendants filed a motion to compel responses from Plaintiff on September 27, 2021. This Court filed an Order Compelling Discovery commanding Plaintiff to respond to the interrogatories and requests for production by 5:00 pm on October 15, 2021. Plaintiff, however, failed to provide any response to Defendants' discovery requests in accordance with the Order Compelling Discovery.

On December 17, 2021, these Defendants filed a Motion for Sanctions pursuant to Rules 11 and 37(b)(2), SCRCP, seeking sanctions, *inter alia*, for Plaintiff's failure to comply with the Order Compelling Discovery. After this Court granted summary judgment in favor of these Defendants as

to all claims asserted by Plaintiff,[2] on September 19, 2022, this Court filed an Order granting these Defendants' Motion for Sanctions against Plaintiff, *inter alia*, for refusing to comply with this Court's Order Compelling Discovery and ordering Plaintiff to pay these Defendants' reasonable expenses, including attorneys' fees, incurred as a result of the failure to comply with the Order Compelling Discovery and the South Carolina Rules of Civil Procedure.[3]

After the submission of various affidavits of attorneys' fees, on December 28, 2022, this Court executed and sent to the parties by email an Order Granting Defendants' Motion for Sanctions Against Plaintiff that commanded Plaintiff to pay $7,126.00 in fees and costs incurred by Defendants within 90 days of the date of the order. This Court filed the order on January 3, 2023, and mailed a copy to Plaintiff.[4] These Defendants also served a copy of the order upon Plaintiff by U.S. Mail and email on January 5, 2023.

Plaintiff offered no opposition to the submission of the fee affidavits. On January 18, 2023, however, Plaintiff filed an untimely Plaintiffs Notice and Motion for Reconsideration of Order (01/03/2023) ("Motion for Reconsideration") pursuant to Rule 59(e), SCRCP, in which Plaintiff sought reconsideration of the Order based on matters wholly outside the scope of the Order Granting Defendants' Motion for Sanctions Against Plaintiff filed on January 3, 2023. In the Motion for Reconsideration, Plaintiff admitted that "[t]he Order was served on the Plaintiff by mail from Newberry County Clerk of Court." (Mot. Reconsideration p. 1.) Accordingly, this Court denied the Motion for Reconsideration in an Order Denying Plaintiff's Motion for Reconsideration of Order (01/03/2023) filed on August 24, 2023, in which this Court determined that Plaintiff failed to timely file the Motion for Reconsideration, failed to provide a copy of the motion to the Court within the

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2 Plaintiff did not file a motion to alter or amend the Order Granting Summary Judgment in Favor of Defendants Chad Connelly, Dave Wilson, Tom Persons, and Neil Mellen filed on August 1, 2022.

3 Plaintiff did not file a motion to alter or amend the Order Granting Defendants Chad Connelly, Dave Wilson, Tom Persons, and Neil Mellen's Motion for Sanctions against Plaintiff filed on September 19, 2022.

4 Ninety days from the date of the execution and first written notice of the order was March 28, 2023.

appropriate time period, and that the motion addressed only matters wholly outside the scope of the Order Granting Defendants' Motion for Sanctions Against Plaintiff.

After attempting to coordinate a mutually convenient time for a hearing, on October 24, 2023, the Court filed an Order and Rule to Show Cause requiring Plaintiff to appear before the Court on December 5, 2023, to show cause why Plaintiff should not be held in contempt for failing to comply with the Order Granting Defendants' Motion for Sanctions Against Plaintiff. The hearing, however, was delayed after Plaintiff filed and served an untimely notice of appeal of various orders in the action on October 13, 2023. The Court of Appeals promptly dismissed the appeal on March 6, 2024, remitted jurisdiction to the Circuit Court on March 22, 2024, and added an award of $1,500.00 in attorney's fees to the remittitur on June 7, 2024. The Court of Appeals ordered that the attorney's fees and costs awarded against Plaintiff in Appellate Case No. 2023-001623 be added to the judgment in Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00382.

After remittitur, Plaintiff continued to disobey and disregard this Court's Order Granting Defendants' Motion for Sanctions Against Plaintiff that commanded Plaintiff to pay $7,126.00 in fees and costs incurred by Defendants within 90 days of the date of the Order. Plaintiff also disobeyed and disregarded the Court of Appeals award of $1,500.00 in attorney's fees and costs added to the remittitur on June 7, 2024. As a result, these Defendants filed an Additional Rule to Show Cause and Motion for An Order of Contempt and Additional Sanctions on July 16, 2024, supported by affidavits filed on May 17, 2023, and July 16, 2024.

B. Civil Action No. 2020-CP-36-00384

On July 27, 2021, Defendants Chad Connelly and Tom Persons served Plaintiff with interrogatories, requests for production, and requests for admission in this matter. After Plaintiff failed to provide any response to any of the written discovery requests, these Defendants filed a

motion to compel responses from Plaintiff on September 27, 2021. This Court filed an Order Compelling Discovery commanding Plaintiff to respond to the interrogatories and requests for production by 5:00 pm on October 15, 2021. Plaintiff, however, failed to provide responses to these Defendants' discovery requests in accordance with the Order Compelling Discovery.

On December 17, 2021, these Defendants filed a Motion for Sanctions pursuant to Rules 11 and 37(b)(2), SCRCP, seeking sanctions, *inter alia*, for Plaintiff's failure to comply with the Order Compelling Discovery. After this Court granted summary judgment in favor of the Defendants as to all claims asserted by Plaintiff,[5] on September 19, 2022, this Court filed an Order granting the Defendants' Motion for Sanctions against Plaintiff, *inter alia*, for refusing to comply with this Court's Order Compelling Discovery and ordering Plaintiff to pay Defendants' reasonable expenses, including attorneys' fees, incurred as a result of the failure to comply with the Order Compelling Discovery and the South Carolina Rules of Civil Procedure.[6]

After the submission of various affidavits of attorneys' fees, on December 28, 2022, this Court executed and sent to the parties by email an Order Granting Defendants' Motion for Sanctions Against Plaintiff that commanded Plaintiff to pay $2,961.00 in fees and costs incurred by the Defendants within 90 days of the date of the order. This Court filed the order on January 3, 2023, and mailed a copy to Plaintiff.[7] Defendants also served a copy of the order upon Plaintiff by U.S. Mail and email on January 5, 2023.

Plaintiff offered no opposition to the submission of the fee affidavits. On January 18, 2023, however, Plaintiff filed Plaintiff's Notice and Motion for Reconsideration of Order (01/03/2023) ("Motion for Reconsideration") pursuant to Rule 59(e), SCRCP, in which Plaintiff sought

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5 Plaintiff did not file a motion to alter or amend the Order Granting Summary Judgment in Favor of Defendants Chad Connelly and Tom Persons filed on September 19, 2022.

6 Plaintiff did not file a motion to alter or amend the Order Granting Defendants' Motion for Sanctions against Plaintiff filed on September 19, 2022.

7 Ninety days from the date of the execution and first written notice of the order was March 28, 2023.

reconsideration of the Order based on matters wholly outside the scope of the Order Granting Defendants' Motion for Sanctions Against Plaintiff filed on January 3, 2023. In the Motion for Reconsideration, Plaintiff admitted that "[t]he Order was served on the Plaintiff by mail from Newberry County Clerk of Court." (Mot. Reconsideration p. 1.) Accordingly, this Court denied the Motion for Reconsideration in an Order Denying Plaintiff's Motion for Reconsideration of Order (01/03/2023) filed on August 24, 2023, in which this Court determined that Plaintiff failed to timely file the Motion for Reconsideration, failed to provide a copy of the motion to the Court within the appropriate time period, and that the motion addressed only matters wholly outside the scope of the Order Granting Defendants' Motion for Sanctions Against Plaintiff.

After attempting to coordinate a mutually convenient time for a hearing, on October 24, 2023, the Court filed an Order and Rule to Show Cause requiring Plaintiff to appear before the Court on December 5, 2023, to show cause why Plaintiff should not be held in contempt for failing to comply with the Order Granting Defendants' Motion for Sanctions Against Plaintiff. The hearing, however, was delayed after Plaintiff filed and served an untimely notice of appeal of various orders in the action on October 13, 2023. The Court of Appeals promptly dismissed the appeal on March 28, 2024, and remitted jurisdiction to the Circuit Court on April 15, 2024.

After remittitur, Plaintiff continued to disobey and disregard this Court's Order Granting Defendants' Motion for Sanctions Against Plaintiff that commanded Plaintiff to pay $2,961.00 in fees and costs incurred by Defendants within 90 days of the date of the order. As a result, Defendants Chad Connelly and Tom Persons filed an Additional Rule to Show Cause and Motion for An Order of Contempt and Additional Sanctions on July 16, 2024, and Defendant South Carolina Educational Credit for Exceptional Needs Children Fund filed a Rule to Show Cause and

Motion for An Order of Contempt and Additional Sanctions on July 16, 2024, both supported by affidavits filed on May 17, 2023, and July 16, 2024.

C. Civil Action No. 2020-CP-36-00093

On February 12, 2020, Plaintiff filed a Summons and Complaint challenging certain conduct of Defendant South Carolina Educational Credit for Exceptional Needs Children Fund, a public charity, Defendant Chad Connelly, its executive director, and Defendant Tom Persons, one of its directors. Plaintiff also filed a Motion for Immediate Temporary Restraining Order and Notice of Motion and Motion for Temporary Injunction. After denial of the motion for a temporary restraining order, on June 30, 2020, this Court filed an Order Denying Plaintiff's Motion for Preliminary Injunction and Dismissing Plaintiff's Summons and Complaint with Prejudice after determining that Plaintiff did not have standing to assert the claims.

On October 7, 2020, Plaintiff filed a Notice of Appeal of this Order with the South Carolina Court of Appeals. The Court of Appeals dismissed the appeal on January 3, 2024, remitted jurisdiction to the Circuit Court on January 19, 2024, and added an award of $2,734.00 in attorney's fees to the remittitur on February 26, 2024. The Court of Appeals ordered that the attorney's fees and costs awarded against Plaintiff in Appellate Case No. 2020-001384 be added to the judgment in Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00093.

After remittitur, Plaintiff has disobeyed and disregarded the Court of Appeals' Order awarding to the Defendants $2,734.00 in attorney's fees and costs incurred in the appeal for over 7 months. As a result, these Defendants included this amount and the applicable statutory interest in the Additional Rules to Show Cause and Motions for An Order of Contempt and Additional Sanctions filed in the above-captioned matters on July 16, 2024, supported by affidavits filed on May 17, 2023, and July 16, 2024.

D. Hearing on October 11, 2024

At the hearing of the various above-referenced Orders and Rules to Show Cause and related motions, Defendants showed with clear and convincing evidence that Plaintiff willfully disobeyed and disregarded at least six Orders of this Court and over two Orders of the South Carolina Court of Appeals. These include (1) the two Orders Compelling Discovery commanding Plaintiff to respond discovery filed in the above-captioned actions on October 15, 2021, (2) the two Orders Granting Defendants' Motion for Sanctions filed in the above-captioned actions on September 19, 2022, (3) the two Orders Granting Defendants' Motions for Sanctions Against Plaintiff filed in each of the above-captioned actions on January 3, 2023, (4) the South Carolina Court of Appeals' Order granting attorney's fees and costs against Plaintiff filed on June 10, 2024, in Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00382, and (5) the South Carolina Court of Appeals' Order granting attorney's fees and costs against Plaintiff filed on February 28, 2024, in the related matter of Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00093. Although Defendants also showed that Plaintiff has willfully disobeyed and disregarded an Order of the South Carolina Court of Appeals awarding $2,539 in attorney's fees and costs to Defendant South Carolina Educational Credit for Exceptional Needs Children Fund in Jefferson Davis, Jr. v. Ellen Weaver, Appellate Case No. 2019-000648; Civil Action No. 2018-CP-40-02425, this Court demurs in addressing Plaintiff's conduct pursuant to that Order because it was entered in the South Carolina Court of Common Pleas for Richland County.

In response, Plaintiff admitted his failure to comply with these Orders and provided sworn testimony that he misunderstood the effect of the various Orders and that health issues related to a cancer diagnosis and general financial hardship has prevented him from complying with the Orders. Plaintiff did not provide any evidence to substantiate his claims other than his testimony at the

hearing. After the hearing, however, Plaintiff *sua sponte* submitted *ex parte* certain medical records for the Court's *in camera* review in support of his claim suffering health issues. As a threshold matter, these medical records have not been authenticated and were not properly submitted as evidence for consideration by the Court pursuant to the Orders and Rules to Show Cause filed in each of the above-captioned matters on August 13, 2024, and served upon Plaintiff on August 17, 2024—55 days prior to the properly noticed hearing. Nevertheless, the Court finds the content of the records insufficient to excuse Plaintiff's repeated, willful disobedience of and disregard for Orders of this Court and the Court of Appeals over the past 3 years. Plaintiff has failed to establish any cognizable defense to or convincing evidence in support of his claims of inability to comply with these Orders. Instead, the record before the Court is replete with evidence of Plaintiff's willful disobedience of and disregard for the South Carolina Rules of Civil Procedure and Orders of this Court and the South Carolina Court of Appeals. As a result, this Court has the obligation to use its inherent powers of civil contempt to coerce Plaintiff into compliance with the above-referenced Orders in the interests of the administration of justice and for the benefit of Defendants.

ORDER

This Court finds by clear and convincing evidence that Plaintiff has willfully disobeyed and disregarded the following Orders:

(1) Order Compelling Discovery filed on October 15, 2021, in Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00382;

(2) Order Compelling Discovery filed on October 15, 2021, in Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00384;

(3) Order Granting Defendants' Motion for Sanctions filed on September 19, 2022, in Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00382;

(4) Order Granting Defendants' Motion for Sanctions filed on September 19, 2022, in Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00384;

(5) Order Granting Defendants' Motions for Sanctions Against Plaintiff filed on January 3, 2023, in Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00382;

(6) Order Granting Defendants' Motions for Sanctions Against Plaintiff filed on January 3, 2023, in Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00384;

(7) South Carolina Court of Appeals' Order granting attorney's fees and costs against Plaintiff filed on June 10, 2024, in Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00382;

(8) South Carolina Court of Appeals' Order granting attorney's fees and costs against Plaintiff filed on February 28, 2024, in Jefferson Davis, Jr. v. Chad Connelly et al., Civil Action No. 2020-CP-36-00093.

As Plaintiff has shown a gross indifference to Defendants' rights, the South Carolina Rules of Civil Procedure, and the Orders of this Court and the South Carolina Court of Appeals during the entire pendency of these actions, this Court holds Plaintiff in civil contempt to coerce his compliance with the Orders Granting Defendants' Motion for Sanctions filed on September 19, 2022, the Orders Granting Defendants' Motions for Sanctions Against Plaintiff filed on January 3, 2023, the South Carolina Court of Appeals' Order granting attorney's fees and costs against Plaintiff filed on June 10, 2024, and South Carolina Court of Appeals' Order granting attorney's fees and costs against Plaintiff filed on February 28, 2024, in the interests of the administration of justice and for the benefit of Defendants. As a result, this Court orders that Plaintiff shall serve ninety (90) days incarcerated at the Newberry County Detention Center—a term that shall be suspended in the event that Plaintiff makes full payment to Defendants through their respective attorneys within ten (10) days of the date of this Order of both: (1) the **$19,970.36** in outstanding attorneys' fees and costs and applicable statutory interest owed to the various Defendants pursuant to the above-referenced Orders of this Court and the South Carolina Court of Appeals, and (2) the **$19,473.25** in attorney's fees and costs incurred by Defendants in obtaining Plaintiff's compliance with the prior Orders.

These amounts total **$39,443.61**. In the event that Plaintiff continues to fail to comply with these Orders by making these payments, this Court reserves the right to take further action to coerce Plaintiff's compliance and/or hold Plaintiff in further civil or criminal contempt.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants Chad Connelly, Dave Wilson, Tom Persons, and Neil Mellen's Additional Rules to Show Cause and Motions for An Order of Contempt and Additional Sanctions filed on July 16, 2024, South Carolina Educational Credit for Exceptional Needs Children Fund's Rule to Show Cause and Motion for An Order of Contempt and Additional Sanctions also filed on July 16, 2024, and Defendants Chad Connelly, Dave Wilson, Tom Persons, and Neil Mellen's Rule to Show Cause and Motion for An Order of Contempt and Additional Sanctions filed in each action on May 17, 2023, are hereby **GRANTED** and that Plaintiff is held in civil contempt of court and shall serve ninety (90) days incarcerated at the Newberry County Detention Center—a term that shall be suspended in the event that Plaintiff makes full payment to Defendants through their respective attorneys within ten (10) days of the date of this Order of both: (1) the **$19,970.36** in outstanding attorneys' fees and costs and applicable statutory interest owed to the various Defendants pursuant to the above-referenced Orders of this Court and the South Carolina Court of Appeals, and (2) the **$19,473.25** in attorney's fees and costs incurred by Defendants in obtaining Plaintiff's compliance with the prior Orders. These amounts total **$39,443.61**.

AND IT IS SO ORDERED.

_____

The Honorable Donald B. Hocker

November ____, 2024

Newberry Common Pleas

Case Caption: Jefferson Davis Jr VS Chad Connelly , defendant, et al

Case Number: 2020CP3600382

Type: Order/Other

Circuit Court Judge

s/Donald B. Hocker, Judge Code 2167

December 2nd, 2024

VIA UPS Overnight & EMAIL (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

COPY

RE: ***Jefferson Davis Jr. Appellant vs. Chad Connelly, Tom Persons, Geoffrey Chambers, Esq. & South Carolina Educational Credit for Exceptional Needs Children Fund, Respondents***
C.A. NO. 2020-CP-36-00384 (filed 9/11/2020)

Dear Ms. Kitchings:

Please find enclosed the following for the above referenced matter. Only one copy is enclosed (*or in this case attached*) pursuant to directions from the Court.

1. **Notice of Appeal**
2. **Proof of Service**
3. **A copy of the following: ORDER #01:** ORDER OF CIVIL CONTEMPT
4. **A filing fee of $250.00 (*Being overnighted to Court of Appeals Separately*)**

Thank you for your assistance. If you have any questions, please feel free to email me at *jeff@apogeetax.com* or give me a call at 843-901-8036 (cell).

Sincerely,

COPY

Jeff Davis, *JD, MBA, CPA(GA)*
Plaintiff / Appellant
403 McCarter Avenue, Greenville, SC 29615
843-901-8036 (cell) | *jeff@apogeetax.com*

FILED
ELIZABETH B. WRIGHT
CLERK OF COURT

cc: Judge Donald Hocker
Newberry County Clerk of Court
Dawes Cooke, Jr., Esq., Justin P. Novak, Esq., (Connelly, Persons & ECENC)
Geoffrey K. Chambers, Esq. (Self)
Attorneys for Defendants at the trial court level in the Court of Common Pleas.