

Stephanie P. McDonald

Candidate for Supreme Court, Seat 4

AMENDMENT TO Personal Data Questionnaire

Originally submitted July 23, 2022



Question 47:

47. Have you ever been sued by a client? Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions.

This amendment supplements the prior answer; the new information is highlighted.

I have never been sued by a client. A pro se plaintiff attempted to sue me in 1996, after I successfully defended his case against the Charleston County Sheriff and various other governmental defendants. The Honorable Robert S. Carr, United States Magistrate Judge, dismissed the case as frivolous on pre-screening and did not authorize service of process.

- (a) I am a plaintiff, through my homeowners' association, in the construction defect litigation, Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc., and Kathy Milner, Individually and on behalf of all others similarly situated, vs. Island Pointe, LLC, et al, Civil Action No. 2015-CP-10-995. A number of the defendants and subcontractors settled prior to trial. At least two insurance companies moved to intervene; Judge Jennifer McCoy denied these motions. Her orders were appealed, but the Supreme Court remitted one of the insurer's appeals after the company moved to withdraw it. Judge McCoy presided over the jury trial of the remaining construction defect claims in May 2019. The Charleston County jury returned a substantial verdict for the plaintiffs. Most of the case has now been resolved through settlement, however, a party's appeal regarding the amount of the setoff to which it is entitled remains pending at the Court of Appeals. I am, obviously, disqualified from participating in this matter; I have also recused myself from hearing matters involving the two law firms representing our homeowners' association while the case is pending.

I have been named as a defendant in my capacity as a Judge of the Court of Appeals. I am aware of two such cases, both of which have been dismissed:

- (b) 6:18-cv-01576-HMH:

Lakessiah Henderson v. Darnell Fisher (West Greenville Summary Court Judge), Judge Stilwell (Court of Common Pleas Judge), Paul Allen, Claire Allen (Deputy Clerk), Court of Appeals, Paul White (Clerk, West Greenville Summary Court), James E. Lockemy, Thomas E. Huff, Paul Short, Jr., H. Bruce Williams, Paula H. Thomas, Aphrodite K. Konduros, John D. Geathers, **Stephanie P. McDonald**, and D. Garrison Hill

Filed: 6/8/2018

Dismissed: 8/13/2018

The Honorable Henry M. Herlong, Jr., dismissed this case without prejudice and without issuance and service of process.

(c) 3:15-cv-04870-MBS:

Glenda R. Couram v. South Carolina Department of Motor Vehicles, Shirley Rivers (in her official and individual capacity), Lula N. Davis (in her official and individual capacity), Constance "Connie" Rhett (in her official and individual capacity), Marcia Adams (in her official and individual capacity), Dorothy Blankenship (in her official and individual capacity), Tosha Autry (in their official and individual capacities), Richardson Plowden Attorneys at Law, Eugene H. Matthews, Esq. (in his individual and official capacity), SC Office of Disciplinary Counsel, Lesley M. Coggiola (in their individual and official capacity), John Doe (in their individual and official capacity), Steven W. Lake (in his official and individual capacity), Judge James R. Barber, III (Court of Common Pleas, Richland County Circuit Court - District 5, in his individual and official capacity), Judge Casey L. Manning, (Court of Common Pleas, Richland County Circuit Court - District 5, in his individual and official capacity), Judge H. Bruce Williams (SC Court of Appeals, in his individual and official capacity), Judge John D. Gathers [sic] (SC Court of Appeals, in his individual and official capacity), and **Judge Stephanie P. McDonald** (SC Court of Appeals, in her individual and official capacity)

Filed (removed): 12/9/2015

(Removed from the Court of Common Pleas to United States District Court)

Dismissed: 8/10/2016 (by the United States District Court)

1/5/2018 (mandate and dismissal of USCA – 4th Circuit)

The Honorable Margaret B. Seymour dismissed all defendants, other than the SCDMV defendants, and remanded the remaining portions of the action to state court on 8/9/16. Judgment was entered in favor of Richardson Plowden Attorneys at Law, Eugene H. Matthews, Esq., H. Bruce Williams, James R. Barber, III, John D. Gathers (Geathers), L. Casey Manning, Lesley M. Coggiola, and Stephanie P. McDonald on 8/10/2016.

The Fourth Circuit found no reversible error as to any of the timely appealed claims; on 12/14/2017, it affirmed in part, and dismissed in part, as to Judge Seymour's 2016 decision. The Fourth Circuit's mandate and judgment issued on 1/5/2018.

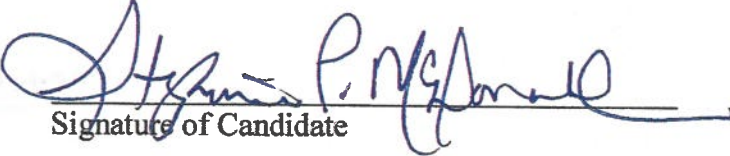
(d) I was recently made aware of an “Emergency” Petition for Writ of Mandamus and/or in the Alternative for Writ of Certiorari” filed in Supreme Court Appellate Case Nos. 2021-001402 and 2021-001282. The petitions are captioned as:

M. Eugene Gibbs, Esq., and Barbara A. Gibbs v. James E. Lockemy, in their [sic] official capacity as Chief Judge of the Court of Appeals and Judge Thomas E. Huff, Judge H. Bruce Williams, Judge Paula H. Thomas, Judge Aphrodite K. Konduros, Judge John D. Geathers, **Judge Stephanie P. McDonald**, Judge D, Garrison Hill, Judge Blake A. Hewitt.

Both petitions appear to be related to a foreclosure and judicial sale matter pending in the Court of Appeals, Nationwide Mortgage, LLC, v. Barbara A. Gibbs and Melvin E. Gibbs, Appellate Case No. 2019-000486, which was held in abeyance pending the Supreme Court’s consideration of the petitions. The appeal arose from a judgment of foreclosure and judicial sale in Florence County. Mr. and Mrs. Gibbs’s Court of Appeals filings on various issues related to Nationstar’s foreclosure action date back to 2014.

On August 11, 2022, the South Carolina Supreme Court dismissed this petition; I have attached the court’s *Key v. Currie* dismissal order.

On September 21, 2022, we affirmed the circuit court’s grant of summary judgment to Nationstar.


Signature of Candidate

November 9, 2022
Date