

JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Circuit Court
(Incumbent)

Full Name: Edward Walter "Ned" Miller
Business Address: 305 East North Street, Suite 219
Greenville, S.C. 29601
Business Telephone: (864) 467-8559

1. Why do you want to serve another term as a Circuit Court Judge?

I have been honored to serve the citizens of South Carolina as a Circuit Judge since 2002. I believe I have matured into this position and have become comfortable with the challenges of the job that arise on a regular basis. I still have much to learn and room to grow and I look forward to improving my skills and abilities to become a better Judge. I am honored to have been appointed by the South Carolina Supreme Court to serve as one of three Business Court Judges and to serve as Committee Chairman on the Commission on Judicial Conduct. This job has been the best job of my legal career.

2. Do you plan to serve your full term if re-elected?

Yes

3. Do you have any plans to return to private practice one day?

No

4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?

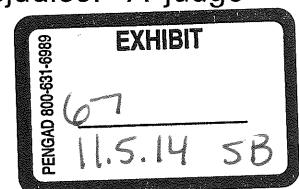
Yes

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

To protect the impartiality of the Court and fairness to participants before the Court, *ex parte* communications are avoided. In limited circumstances, including scheduling, administrative matters and emergencies, *ex parte* communications are acceptable provided that they do not prejudice a participant, and the communication is promptly reported to all other participants. Additionally, the law permits *ex parte* communications in limited circumstances including temporary restraining orders, payment of fees and expenses in capital cases, and writs of supersedeas in cases where irreparable harm might otherwise result.

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

A judge is charged with the duty of diligently handling those matters assigned to the judge, fairly and without bias or prejudice. A judge



may be disqualified from service in a matter in which his impartiality may be questioned and should recuse himself where there is actual partiality of more than a *de minimis* nature. If a reasonable question concerning a judge's impartiality is raised, the judge may continue in the matter if, after disclosure on the record of the circumstances which raise the question, all parties agree to allow the judge to proceed. The rule of necessity requires a judge to proceed in certain instances even though a reasonable question of impartiality may be raised. Such instances would include the appearance of lawyer-legislators before a judge, as all judges suffer the same question of impartiality with respect to lawyer-legislators.

7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

After full disclosure of something that might give the appearance of bias, and the reasons that it would not actually prejudice the judge's impartiality, the complaining party should be given a full opportunity to express their concerns with respect to a motion for recusal. The judge must then weigh the reasonableness of the complaining parties' concerns against the judge's duty of diligent and efficient handling of judicial matters. The decision to grant or deny the motion for recusal should be based on a balancing of those factors.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

The degree of involvement of the spouse or relative in the entity or matter under scrutiny is a controlling factor in making the decision of disqualification. If the spouse or relative has more than a *de minimis* interest in the entity or matter, then recusal is appropriate. Additionally, if the spouse or relative is a lawyer or witness, or is an officer, director or trustee of an appearing entity, recusal is appropriate.

9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?

It is appropriate for a judge to receive ordinary social hospitality and gifts for special occasions, such as birthdays or Christmas. However, a judge must always avoid the appearance of impropriety, or conduct that might tend to bring a judge's impartiality into question. Gifts of an excessive nature from persons not related to the judge should not be accepted.

10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

A judge who becomes aware of actual, substantial misconduct on the part of a lawyer or fellow judge is required to report the misconduct to the appropriate authority.

11. Are you affiliated with any political parties, boards or commissions that, if you were re-elected, would need to be re-evaluated?

No

12. Do you have any business activities that you would envision remaining involved with if reelected to the bench?

No

13. How do you handle the drafting of orders?

I prefer drafting orders myself, however, the volume of work makes that impractical. I generally assign the drafting of orders to the prevailing party by providing instructions to the drafter. I require the drafter to share the proposed order with opposing counsel and allow objections to be interposed; I resolve any remaining conflicts prior to finalizing the order.

14. What methods do you use to ensure that you and your staff meet deadlines?

I employ a multiple calendar system in my office.

15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

The legislature is the appropriate body to make laws which affect the citizenry. Judges should concern themselves with maintaining an independent and honorable judiciary, to ensure high standards of conduct and to protect the integrity of the Court system.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?

I have participated with moot court competitions, local teen alcohol symposiums, and law student internships. I will continue to participate in activities that promote the judicial system and the administration of justice.

17. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

I am fortunate to have very strong relationships with my family and my friends. I have not found the pressure of serving as a judge to have interfered with these relationships.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

a. Repeat offenders:

The penal code, in many instances, addresses this issue through statutory enhancement for repeat offenders. Cases which are not specifically addressed by the code require an examination of the offenders on a case by case basis. The nature of the prior offenses, the length of time between convictions, the type of offense charged and the personal

characteristics of the offender must all be considered in fashioning an appropriate sentence.

b. Juveniles (that have been waived to the circuit court):

The fact that a juvenile has been waived to the Circuit Court indicates that the nature of the offense must be serious. Each case must be examined on its' merits, taking into consideration the personal characteristics of the offender, the nature of the crime, the impact on the victims, and the likelihood of rehabilitation for the juvenile.

c. White collar criminals:

White collar crime has a serious impact on the victims, and the offender must be punished according to the level of the offense. Making victims whole through restitution is desirable. Each offender's background, culpability, remorse, and acceptance of responsibility are factors to consider in sentencing.

d. Defendants with a socially and/or economically disadvantaged background:

Regardless of the nature or level of an offense, an offender's background should receive serious attention in sentencing. A person's ability to appreciate the significance of their criminal behavior and their capacity to conform their conduct to acceptable standards are factors to be considered in sentencing.

e. Elderly defendants or those with some infirmity:

Defendants with significant infirmities and elderly persons present challenges to the sentencing judge. A sentence must be appropriate to the illegal conduct but also be sensitive to the physical impact on the offender and the ability of the criminal justice system to handle these unusual cases.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No

20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

After full disclosure of a financial interest to the parties and a determination that the interest is in fact *de minimis*, and would not affect impartiality, it is appropriate to proceed.

21. Do you belong to any organizations that discriminate based on race, religion, or gender?

No

22. Have you met the mandatory minimum hours requirement for continuing legal education courses?

Yes

23. What do you feel is the appropriate demeanor for a judge?

A judge should be patient, courteous and respectful to everyone who appears before him. He should be efficient and diligent in disposing of

matters before him. He should require Court to be handled with dignity and integrity and to be firm in requiring appropriate conduct from all participants in the Court. He should maintain professional competence in his legal abilities and avoid the appearance of prejudice in all matters.

24. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?

At all times.

25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

Anger is not an appropriate emotion in the courtroom. A judge must maintain control of proceedings before him which may require him to be stern and demanding. Anger represents a loss of control and could lead to a perception of prejudice and partiality.

26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?

None

27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?

No

28. Have you sought or received the pledge of any legislator prior to this date?

No

29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening?

No

30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?

No

31. Have you contacted any members of the Judicial Merit Selection Commission?

No

32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?

Yes

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

s/ Edward W. Miller

Sworn to before me this 16 day of July, 2014.

Courtney Swan

(Print Name)

Notary Public for South Carolina

My commission expires: January 22, 2018



State of South Carolina
The Circuit Court of the Thirteenth Judicial Circuit

EDWARD W. MILLER
JUDGE

GREENVILLE COUNTY COURTHOUSE, SUITE 219
305 EAST NORTH STREET
GREENVILLE, SOUTH CAROLINA 29601-2100
TELEPHONE: (864) 467-8560
FAX: (864) 233-4173
E-MAIL: emillerj@scjd.state.sc.us

October 30, 2014

Ms. Jane Schuler, Esq.
P.O. Box 142
Columbia, SC 29202

Dear Ms. Schuler:

Please allow this letter to serve as my response to the complaints filed by Brenda Bryant and Rickey Bryant, against me, with the Judicial Merit Selection Commission.

I have reviewed Ricky Bryant's complaint and would respond that, to my knowledge, I have never spoken with him, had a court hearing with him, or ever been in his presence. I believe his complaint is a replication of his wife's complaint and has no independent basis apart from Brenda Bryant's complaint and the ancillary effects of my dealings with her.

I have had significant dealings with Brenda Bryant in court. She has a long history with the court system, which long predates my contact with her. Numerous other Circuit Judges have had dealings with her, as well as the Probate Court and the Court of Appeals. The common issue underlying this lengthy, multi-faceted litigation is the care and treatment of her incapacitated, adult daughter. The Probate Court litigation concerned who should be responsible for the care of the daughter, including handling a significant fund belonging to the daughter (the fund was derived from settlement proceeds arising out of a tort action). In September, 2009, the Probate Court issued a "Final Order" which memorialized an agreement reached between the concerned parties in that action. The settlement included all related parties releasing all claims against each arising from the subject of the Probate action.

On September 15, 2010 Brenda Bryant filed a complaint in the Circuit Court raising claims against parties in the Probate action which had been released and memorialized in the September 14, 2009 Probate Order. Ms. Bryant filed the complaint and, having previously alerted the news media, she met the media on the courthouse grounds and conducted an interview concerning the lawsuit, which remained on the local television station's website for a period of time. A named party in the new complaint saw the news report and her attorney picked

up the complaint and filed a Motion to Dismiss. On November 1, 2010, I heard and granted the Motion to Dismiss and awarded attorney fees to the prevailing party. Ms. Bryant refused to comply with the Court Order which necessitated multiple court hearings and protracted litigation. It is worthy of note that Ms. Bryant repeatedly requested or caused hearings to be rescheduled for nebulous reasons, not only with me but with other Circuit Judges as well. The result of Ms. Bryant's refusal to obey the Order resulted in her being held in Contempt of Court and a bench warrant being issued for her arrest.

Ms. Bryant exhibited a similar course of conduct in simultaneous proceedings in Probate Court. An excellent recitation of her recalcitrant conduct in Probate Court proceedings is found in the October 5, 2011 Supplemental Order for Contempt issued by Probate Judge Edward M. Sauvain. Judge Sauvain recited that her conduct was one of the "most egregious" cases of contempt that he had ever seen. I was unaware of the ongoing problems with Ms. Bryant's contumacious actions in Probate Court at that time. My finding of contempt was based solely on her willful disobedience in Circuit Court. A transcript of the June 10, 2011 hearing, at which I held Ms. Bryant in contempt, is contained in the Greenville County Clerk's file for case number 2010-CP-23-7631. I believe that transcript demonstrates that I was patient, dignified and courteous to Ms. Bryant and that I gave her every opportunity to avoid a finding of contempt. The opposing party, at that hearing, complained that I and other Judges had "bent over backwards repeatedly time and time and time again for this lady and there is no legal basis whatsoever."

Ms. Bryant continually filed motions out of time to delay imposition of Court Orders. She filed late Appeals from Probate Court to Circuit Court, and from Circuit Court to the Court of Appeals, all of which were out of time and never perfected by Ms. Bryant. All of the Orders which Ms. Bryant contested through Reconsideration or Appeal were ultimately upheld.

Ms. Bryant's assertion that I issued a bench warrant without jurisdiction is without merit. I believe the record reflects that I had jurisdiction to take actions which I did. Her claim that jurisdiction did not exist because her lawsuit was not served has no merit. Civil administrative judges across our state spend much time and effort signing Form 4 Orders dismissing cases for lack of service or prosecution on a regular basis. The Judicial Merit Selection Commission recognizes a filed, yet unserved, action as a lawsuit as evidenced by question number 34 of the PDQ.

Ms. Bryant's assertion that I found her in "criminal contempt" is made up out of whole cloth. I asked her in court if she refused to acknowledge that she owed anything as a result of my Order and she responded affirmatively. My response was "Ma'am, I'm going to hold you in contempt of court for that acknowledgement and for your failure to abide by the Order of the Court." I gave her 30 more days to comply and make arrangements with opposing counsel to satisfy the Order; she did not, and a bench warrant was issued.

I have attached a document entitled Chronology. I derived this document from the Clerk's files and a reading of the Orders. It is not complete, and it is cryptic, for that I apologize, but I hope it gives a sense of the sequence of events in this matter.

Thank you for allowing this response, and I remain

Yours very truly,

Edward W. Miller

CHRONOLOGY

<u>Date</u>	<u>Subject</u>	<u>Judge</u>
9/16/08	Probate Order Replacing Guardian which removed Bryant as Guardian because of concerns over handling of funds	Sauvain
9/14/09	Probate Ct. "Final Order" with settlement & release Bryant reinstated as Guardian	Sauvain
1/25/10	Probate Order – Bryant to pay Guardian fees	Sauvain
3/1/10	Richland Co. Order (97-CP-40-3082) removing Bryant as GAL, Court finds Bryant misused and misappropriated assets of the child for her personal use and without mandated Court approval.	Barber
3/24/10	Bryant Motion to Alter or Amend Probate Order of 1/25/10 filed 48 hours late.	
8/10/10	Probate Order awarding fees to Parsons from Bryant	Sauvain
8/26/10	Bryant appeals 8/10/10 Probate Order to Circuit Court	
9/15/10	Bryant Complaint filed	
9/17/10	Parson's Motion to Dismiss filed	
11/1/10	Motion to Dismiss heard, Bryant and Perkins present	
11/16/10	Order dismissing complaint and granting sanctions No Appeal or Motion to Reconsider filed	Miller
2/7/11	Parsons files Rule to Show Cause (RSC)	
3/2/11	Hearing on Parsons RSC cont'd, Bryant not personally served	
4/5/11	Circuit Court affirms Probate Court	Welmaker
4/21/11	Bryant Petitions for rehearing of Circuit Ct 4/5/11 affirmation	
5/26/11	Order denying Bryant's Petition for Rehearing	Welmaker
6/10/11	2 nd RSC hearing, Bryant pro se (transcript available)	

6/24/11	Order holding Bryant in contempt	Miller
7/7/11	Bryant files pro se Motion to Reconsider	
8/18/11	Order denying Motion to Reconsider, never appealed	Miller
9/22/11	Probate Order holding Bryant in Contempt	Sauvain
10/5/11	Probate Supplemental Order for Contempt, Bryant gets 6 month sentence.	Sauvain
11/8/11	Parsons files 2 nd RSC, hearing set for 1/5/12	
1/4/12	Bryant's Atty Perkins sends email claiming no notice of hearing Bryant claims to have filed Notice of Appeal of 6/24/11 Order	
1/5/12	Hearing reset for 3/14/12	
3/14/12	Rule to Show Cause hearing, E.W. Miller calls Ct App who relates that no Appeal filed; Hearing held, Bryant is a no show; proper notice given. Ct App calls after hearing, Notice App is filed dated 1/4/12 but received by Ct App on 3/14/12 via UPS.	
5/22/12	Ct App Order dismissing Bryant's appeal (App case # 209448) failure to perfect appeal.	
11/5/12	Appeal dismissed for failure to perfect appeal (App case # 2012-212215)	
10/2/13	Bryant files Motion to Vacate Bench Warrant and other Orders	
10/9/13	Order denying Motion to Vacate	Miller
11/14/13	Bryant Notice of Appeal from 10/9/13 Order (App case# 2013-002516)	
2/25/14	Appeal dismissed for failure to perfect appeal (App case# 2013-002516)	

1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF GREENVILLE) COURT OF COMMON PLEAS
 3) 2010-CP-23-7631
 4)
 5 Brenda Bryant) TRANSCRIPT OF RECORD
 6)
 7 -vs-)
 8 D&SNB)
 9)

June 10, 2011
 Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD MILLER, Judge.

A P P E A R A N C E S:

Brenda Bryant, Pro Se
 Pro Se Plaintiff

Rodney Pillsbury, Esquire
 Russell Harter, Esquire
 Attorney for Defendants

CAROLINE HISKELL
 Circuit Court Reporter

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I N D E X

(There were witnesses or exhibits.)

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Bryant versus D&SNB

P R O C E E D I N G S

1
2 THE BAILIFF: All rise, court is now in
3 session, the Honorable Edward Miller presiding.

4 THE COURT: Thank you. Please be seated.
5 This is Brenda Bryant versus GSN. Mr. Pillsbury.

6 MR. PILLSBURY: If it pleases the Court, Your
7 Honor, Rodney Pillsbury on behalf of Ms. Parsons in this
8 matter. This is a Rule to Show Cause and why Ms. Bryant
9 should not be held in contempt of court for failing to pay
10 a Court-Ordered sanction.

11 Very brief background as it pertains to this
12 matter; there was a suit filed in September of 2010. The
13 next day I filed a Motion to Dismiss, a Motion for
14 Sanctions which Your Honor actually heard, obviously, in
15 November. Your Honor issued an Order on November -- it
16 was entered on the 16th. I think Your Honor signed it on
17 the 10th of November which we've attached to the Rule to
18 Show Cause ordering the plaintiff to pay the sum of
19 \$5,062.50.

20 There was no appeal of that Order. There was
21 no Motion to Reconsider that has ever been filed with this
22 Court and in January of this year, I wrote -- I think
23 there was a question that arose on an appeal. I'm
24 involved in a couple of different matters with Ms. Bryant
25 with respect to Ms. Parsons.

Bryant versus D&SNB

1 There's a separate file where they have
2 appealed Judge Savine's underlying Order to pay regarding
3 the fees, which is how I originally got involved in this
4 case. I think in November was the first appeal or there
5 was a Motion to Dismiss that appeal. There was an issue
6 about whether or not Ms. Perkins represented Ms. Bryant in
7 this matter, so in January of this year I sent a letter
8 both to Ms. Perkins and to Ms. Bryant saying that Your
9 Honor's Order is now final and I need payment. I gave
10 them a week to pay. I received no response.

11 The original petition was filed February 7th
12 of 2011 and, again, because it wasn't clear whether
13 Ms. Bryant was represented by Ms. Perkins, I just served
14 the motion on Ms. Perkins.

15 There was a hearing held by Judge Hill -- I'm
16 trying to remember the date of that hearing -- hold on.

17 THE COURT: Judge Hill.

18 MR. PILLSBURY: Judge Hill had a hearing on
19 March 25th at which time he informed Ms. Perkins that she
20 was still Counsel of Record. I didn't hear from
21 Ms. Bryant but ultimately he ordered that she needed to be
22 served personally with the Rule to Show Cause. So I
23 served her personally with the Rule to Show Cause on April
24 12, 2011 which was actually when she was attending another
25 hearing in this case. That hearing was originally

Bryant versus D&SNB

1 scheduled for May 19th, I believe, but Judge Hill ran over
2 and it's been rescheduled for this time.

3 So we've done a Rule to Show Cause once
4 before. We went through the entire argument and basically
5 said she needs to be served personally. We've done that
6 and here we are.

7 Basically, it's a final Order of the Court.
8 It's never been appealed and it's judgment day.

9 THE COURT: Ms. Bryant, what do you want to
10 tell me.

11 MS. BRYANT: Well, first of all, I'd like to
12 state that Mr. Pillsbury is incorrect on several issues.
13 Ms. Perkins, with this Court, has ordered on several
14 occasions to continue to represent me, but what I would
15 like to state on the record is it has been prejudicial to
16 me. The fact is Ms. Perkins does not want to continue to
17 represent me, therefore she has not filed, as in today,
18 she didn't file a response to this hearing today.

19 I have not been served, personally served, a
20 notice for this hearing today. I was served for a hearing
21 two weeks ago. I would like to ask the Court since this
22 is a civil contempt to appoint me -- I would like to have
23 a jury trial. I believe the South Carolina Rules state
24 that in all civil matters, I have a right to a jury trial,
25 so I'm going to ask for that right up front that I would

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1 like a jury trial on this issue.

2 Second, Your Honor did order Mr. Pillsbury
3 fees to be paid. Ms. Parsons, I'm going re-argue, that
4 Ms. Parsons was not served the lawsuit. According to the
5 South Carolina Rules of Civil Procedure, a commencement of
6 an action does not begin until a party has been served.
7 Merely coming to the courthouse and picking up a copy of a
8 lawsuit does not commence the action. Anybody can come up
9 and pick a copy of a lawsuit up. Your Honor could have
10 picked one up, that doesn't commence the action.

11 So, then we'll go into the fact that -- first
12 of all, the lawsuit should never have been dismissed
13 because it was never commenced but, secondly, it certainly
14 shouldn't have been dismissed because there were grounds
15 to sue Ms. Parsons. This is not a frivolous lawsuit.

16 I would like to -- in fact, Ms. Parsons
17 should be in jail. The Attorney General issued an Opinion
18 per the request of Senator Martin that I would like to
19 introduce that talks about the duty of the guardian to
20 report not only -- I'd like to present a copy of this to
21 Your Honor and I'm going to present a copy of this to
22 Mr. Pillsbury. I apologize I don't have a full copy for
23 Mr. Pillsbury.

24 MR. PILLSBURY: Your Honor, I believe this is
25 the same letter she introduced before Judge Welmaker when

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1 he threw out her appeal. So whatever weight the Court
2 wants to give it, it's fine. The fact I don't have a
3 complete copy, I'm okay.

4 THE COURT: Okay.

5 MS. BRYANT: Well, the fact is that I'm
6 re-arguing that this lawsuit should never have been
7 dismissed; that only did Greenville County endanger
8 Stephanie, Ms. Parsons who had a duty to ensure her safety
9 endangered her, and so did Judge Savino.

10 According to the Opinion of the Attorney
11 General, a judge is also responsible for safety and
12 welfare. If the judge knowingly knows that a person is
13 being abused, beaten, neglected, a judge also has a duty
14 to report and to protect that person in which nobody
15 reported it other than myself. Ms. Parsons failed to do
16 so; Greenville County continued to let Stephanie be beaten
17 so, therefore, the real victim in this matter has been
18 Stephanie and I have been the only person up here trying
19 to defend her and protect her.

20 I re-argue I should never have been ordered
21 to pay Mr. Pillsbury's fees and also Ms. Perkins filed a
22 Motion for Reconsideration. She showed proof to Judge
23 Hill that it was mailed on the 10th day and the Court has
24 ignored that. So there has been a Motion for
25 Reconsideration that was filed. She showed proof of that.

Bryant versus D&SNB

1 When we had the original hearing on this
2 matter, I had a witness up, and this hearing was before
3 you, Judge Miller, and I was not even afforded the
4 opportunity to put any evidence into the record as to why
5 this sanctioning in this case should not go forward.

6 I consider this a very serious matter. I
7 consider what's been done to me, driving me up here all
8 these times. ~~And~~ And I'll tell you something else, my husband
9 has had a second massive heart attack. He is very ill and
10 he has been put through an enormous amount of stress
11 worrying about whether I'm going to jail or not. I can
12 assure you of one thing, that if something happens to my
13 husband through this matter, I can assure you there'll be
14 another lawsuit filed and it will be file properly.

15 It will be filed for intentional injury to
16 him for what has been done, because no man that is as ill
17 as he is should have to sit back and worry about whether
18 his wife is going to jail. And my special needs daughter
19 is sitting there worrying about whether her mother is
20 going to jail is absolutely absurd. So that's the
21 argument I got.

22 First I ask you for a jury trial if you're
23 going to proceed with this; secondly, I ask that you
24 consider that Ms. Parsons was never served this lawsuit.
25 Second, reconsider that even though we are not in a

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1 reconsideration hearing, but I am raising those arguments.
2 I am raising everything today on the record. The
3 reconsideration was filed by Ms. Perkins and she presented
4 the evidence.

5 I believe that's the conclusion of my
6 argument.

7 MR. PILLSBURY: I have never been served with
8 a Motion to Reconsider and I think if we need to put
9 Mr. Lopez on the stand, he can attest that no motion has
10 ever been received or filed with the court. So that's
11 just a dead issue.

12 The issue about whether Ms. Parsons was
13 served and commenced ^{part of} the litigation, Your Honor resolved
14 that at the original hearing that we waive any defect of
15 service so that we could get the matter heard
16 expeditiously, which again, I think goes to the lack of
17 merit in the underlying case. But, essentially, this
18 Court and every court that I've been associated with in
19 the two years I've been trying to collect a simple bill
20 for my client, has bent over backwards repeatedly time and
21 time and time again for this lady and there is no legal
22 basis whatsoever.

23 Her argument on the commencement of the
24 lawsuit is dead; that was done. If she had a complaint
25 about that, a motion should have been filed. She makes a

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1 representation to the Court that such a motion was filed.
2 That is absolutely false. About the consequences of her
3 action, the old saying you make your bed it's time for you
4 to lie in it, and this Court and other courts have been
5 dancing and dancing and dancing around with this lady and
6 I don't think she understands the gravity of the
7 situation.

8 It could not have been any clearer when Your
9 Honor ordered and award^{ed} the sanctions and why those
10 sanctions were being awarded. It's as if none of that
11 matters and I just think it's time that something is done
12 so that we get some of these things put to rest.

13 Thank you.

14 THE COURT: Mr. Harter, anything you want to
15 say?

16 MR. HARTER: I have nothing.

17 THE COURT: Ms. Bryant, your argument with
18 respect to the service of the lawsuit is improper. That
19 issue has been ruled on, it is the law of the case. No
20 appeal was taken from my Order requiring you to pay
21 attorneys fees. Do you want to explain to me why you have
22 not complied with that, please?

23 MS. BRYANT: I explained that. Ms. Perkins
24 came in and presented a receipt and explained to the Court
25 that that Motion for Reconsideration had been lost in the

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1 mail. She showed proof of it. She has the Motion for
2 Reconsideration. Evidently it was lost in the mail and
3 she has the postal proof. She brought that up and
4 presented that in a hearing before Judge Hill recently.

5 And pertaining to ---

6 THE COURT: Where is Ms. Perkins?

7 MS. BRYANT: She's not here today. She
8 doesn't represent me, as she stated, in this matter. She
9 was not retained to represent me in the Rule to Show
10 Cause. She only represented me in the lawsuit. The Rule
11 to Show Cause is a separate action and that's what was
12 stated to me.

13 THE COURT: Well, she received an Order from
14 Judge Hill informing her that she was still Attorney of
15 Record in this case and she remains there until she is
16 relieved by Order of the Court but that's a separate
17 issue. I want to know why you've done nothing to comply
18 with my prior Order.

19 MS. BRYANT: Because I do not owe
20 Mr. Pillsbury \$6,000. I do not owe it. I understand
21 Mr. Pillsbury has said I dance around all the judges up
22 here and that's what he's basically said. You know, I
23 think I have presented some very logical proof and
24 evidence of my daughter's abuse, her beatings, her being
25 slapped. I don't think it's dancing around the judges.

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1 I'm going to tell you right now what I think.
2 The first hearing that we had Mr. Pillsbury was
3 continuously granted everything he wanted and he was given
4 the opportunity and afforded to be called on the record as
5 Rodney -- referred to as Rodney several times.

6 First of all, I'm an outsider, I'm a
7 nonlawyer, but I can assure you of one thing and that is I
8 know what the law states. I read the law. I'm not an
9 attorney but I know what the law says and I know that this
10 action was not commenced properly. I know it should not
11 have been dismissed due to the fact that Ms. Parsons
12 endangered my daughter. I know for certain if I'm put in
13 jail, there's going to be a lot more repercussions as far
14 as damages. I do know that. I'm sorry to tell you that,
15 but this case should never have come as far as it has.

16 THE COURT: You're right about that.

17 MS. BRYANT: I been here ---

18 THE COURT: Ma'am, you received my Order
19 dated November 10th of 2010; is that right?

20 MS. BRYANT: I did and my attorney appealed
21 it.

22 THE COURT: No, she did not.

23 Steve, do you have anything in the record
24 about a Motion for Reconsideration or anything with
25 respect to the November 10, 2010 Order?

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1 MR. LOPEZ: To the best of my knowledge,
2 there is nothing in the record that relates to a Motion to
3 Reconsider that has been received by the Clerk of Court.

4 THE COURT: Ma'am, you know nobody wants to
5 put you in jail. I don't want to put you in jail but you
6 are defying openly an Order of this Court. You're making
7 misrepresentations on the record to me about what's been
8 done procedurally.

9 Now, whether you agree with the decision or
10 not, the November 2010 order that I issued, whether you
11 like it or not doesn't have anything to do with this.
12 You've been ordered to pay. You initiated what has been
13 determined to be a frivolous lawsuit against Ms. Parsons.
14 You pursued it. To this day you don't acknowledge or
15 accept any responsibility for that.

16 Now, am I correct that you don't acknowledge
17 that you don't owe anything as a result of my ruling; is
18 that right?

19 MS. BRYANT: That's right.

20 THE COURT: Ma'am, I'm going to hold you in
21 contempt of court for that acknowledgment and for your
22 failure to abide by the Order of the Court. I am going to
23 give you 30 days to comply with the Order of the Court.
24 Do you understand that? You have 30 days to comply with
25 the November 10, 2010 Order of the Court. If you don't,

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1 then you will be brought back to court and you will face
2 contempt. Do you understand that?

3 MS. BRYANT: (Nodding).

4 THE COURT: Let the record reflect that she
5 is nodding an affirmative acknowledgement to what I have
6 just said. You make the decision, ma'am. It's up to you
7 what happens to you. And I'll tell you this, you contact
8 Mr. Pillsbury and you arrange to have the provisions with
9 respect to the payment ordered by you made within that
10 time. You have it organized and you bring proof. Do you
11 understand that?

12 MS. BRYANT: (No response).

13 THE COURT: Do you understand that?

14 MS. BRYANT: Yes, I understand what you're
15 saying.

16 THE COURT: Is there anything else?

17 MR. PILLSBURY: The only small request that I
18 have, Your Honor, is the original amount was for \$5062.50
19 and I had asked for some fees associated now with this
20 second hearing. I have spent an enormous amount of time
21 running this dog down and I think in my petition I had
22 just a request for \$800 for fees. I could go through the
23 history but --

24 THE COURT: No. I'm going to give her this
25 30-day opportunity to arrange and make the payments, get

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1 some kind of payment schedule with you. If she doesn't do
2 that, then you can raise this issue again.

3 MR. PILLSBURY: Thank you.

4 THE COURT: I'm going to ask you to draft an
5 Order outlining what I've said today.

6 Do you have anything else to say, ma'am?

7 MS. BRYANT: I want to say that I just object
8 and I requested a jury trial. I want a jury trial.

9 THE COURT: You can object but if you don't
10 comply with the Order, then we'll deal with that when the
11 time comes. I suggest that you comply with the Order.

12 MS. BRYANT: I would like to have a jury
13 trial.

14 THE COURT: I suggest that you comply with
15 the Order of the Court and I suggest that you talk to your
16 attorney. Her failure to come to court is a matter of
17 concern as well.

18 MR. PILLSBURY: One last thing, the address
19 -- I will send a copy to Ms. Perkins and to Ms. Bryant.
20 The address I have for Ms. Bryant where we sent notice of
21 this hearing is 264 Ashton Circle, Lexington, South
22 Carolina 29073, and I just need to make sure that this is
23 the correct address when I submit the proposed Order.

24 THE COURT: Is that your correct address,
25 ma'am?

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1 MS. BRYANT: 264 Ashton.

2 MR. PILLSBURY: Ashton Circle, Lexington,
3 South Carolina 29073.

4 MS. BRYANT: That's correct.

5 Now I will have an opportunity to appeal this
6 decision?

7 THE COURT: Ma'am, you can consult an
8 attorney. I don't give advice.

9 MS. BRYANT: I will be appealing.

10 THE COURT: Thank you very much.

11 MR. PILLSBURY: Thank you, Your Honor.

12 ---END OF TRANSCRIPT RECORD---

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