STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT
GLT2, LLC, Petitioner, vs. JANE DOE and JOHN DOE, Respondents,	CASE NO.: 2025-CP-10-00981 **GLT2, LLC'S MEMORANDUM IN OPPOSITION TO PROPOSED INTERVENOR NANCY R. MACE'S AND JANE DOE'S MOTION TO INTERVENE**

To: Robert J. Wyndham, Esq., attorney for Nancy R. Mace, and Marybeth Mullaney, Esq., attorney for Jane Doe.

NOW COMES Petitioner GLT2, LLC, and submit this Memorandum in Opposition to Intervenor Nancy R. Mace's and Jane Doe's Motion to Intervene.

INTRODUCTION & SUMMARY OF FACTS

Plaintiff Opposes the Proposed Intervenors' Mace and Doe's Motions to Intervene and any requests for Sanctions, but has independently elected to dismiss the pre-trial discovery Petition. Petitioner has filed a Notice of Withdrawal of Petition, in accordance herewith, which is the primary relief requested, and which renders moot arguments by proposed Intervenors. In addition to intervention and sanctions being procedurally improper, Mace and Doe come to the Court with unclean hands.

- Mace is attempting to use her alleged Congressional Immunity as both a sword and a shield. She publicizes that she is the key witness to have seen information that damns Bryant, but has not provided the information she claims to have seen. Mace is attacking and trying Bryant in the media and in the court of public opinion, accusing Bryant of alleged rape, sexual abuse, and/or the alleged recording of rape and sexual abuse, without providing sufficient information about the identities of the alleged Doe claimants or the details of each such alleged act. Mace is using her bully pulpit to leverage

South Carolina public officials into arresting Bryant, and attempting to delegitimize public officials and institutions, by threatening to sue the public officials and have the Federal government, "take over" the State of South Carolina, for not taking criminal action against Bryant, which upon information and belief would benefit the Defendant civil cases.

- Jane Doe Intervenor, on the other hand, is publicly filing claims that rely on the media bias Mace is creating in her favor, is filing Court documents that proffer Mace's credibility and motives as a core part of Doe's claim, all the while admitting to third-parties that Doe called her lawyers, before the filing of the Doe Complaint, and told them Doe believed, "Nancy's making all this up", "This is literally a lie", that Doe doesn't trust Mace, and that Mace is using Doe for political gain. Then Doe's lawyers file a Complaint against Bryant, relying on Mace as a core/key witness.

Neither proposed intervenors Mace, nor Jane Doe, are proper intervenors in this matter. SCRCP Rule 24 only anticipates allowing an intervenor in a matter where the "disposition of an action", would impair an interest of the proposed intervenor. Since there is no dispositive finding of fact or legal issue to be decided in the Petition, which is now being dismissed, the motion to intervene under SCRCP Rule 24 is now "moot." Moreover, Mace is clearly not a potential Doe claimant and cannot articulate any genuine interest to support intervention. For her part, Jane Doe has now filed her own lawsuit pending (filed May 29, 2025), and has that action within which she might address her alleged concerns. In this new Doe suit, Doe names the Plaintiff Petitioner, GLT2, LLC. GLT2, LLC, has filed an answer through separate counsel, and has acknowledged that GLT2, LLC, is single member LLC owned by Bryant.

Petitioner's legitimate intent in filing the Petition was to gather facts under oath and to document sworn testimony of a potential witness Wesley Donehue, regarding the credibility of Mace's very public claims that she is the key witness[1] in a number of

[1] Mace has made multiple declarations publicly that she is the "Key Witness" in multiple Jane Doe sexual assault cases, including in her floor speech, See Ex. A; Nancy Mace Floor Speech, and see also Ex. B , NY Post, *Rep. Nancy Mace accuses 'depraved' ex fiancé, biz partners of sexual abuse against herself, a*

forthcoming Doe lawsuits. Mace has unilaterally and publicly raised her own credibility as a key issue in these forthcoming suits, since Mace claims to have viewed certain evidentiary videos and, without offering any evidence but her own representations, characterizing the videos as showing Bryant and other men engaging in rape, sexual assault, and/or the filming of rape and sexual assault of the alleged Jane Doe witnesses. Mace has likewise admitted to being the source of, if not the sole source, of information that these putative Doe claimants are relying upon in their pending civil actions. Donehue provided testimony, under oath, as set forth in the transcript, that calls into question Mace's reliability as the sole witness to characterize and describe the content of the alleged videos.

The problem facing Petitioner at the commencement of the instant matter was one deliberately created by Mace herself. Mace publicly claimed at great length that there were "dozens" of Doe claimants coming forward, but did not identify them, and did not set forth specific facts in each instance. At the time of the filing of the Petition, the names of specific Doe claimants who would come forward and file what specific claim, or upon what specific set of facts or actual evidence (apart from Mace's narratives) the alleged Doe claimants would rely to file a claim was simply unknown. All that was known for certain was that Mace was publicly alleging in the media that Mace had informed potential Doe claimants about the alleged videos, and that the Doe claimants would be coming forward against Bryant. IN so doing, Mace publicly placed her own credibility as the relator of the contents of the alleged videos at the center of the potential Doe witnesses' claims.

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dozen women, in explosive speech, Feb. 10, 2025, which Mace re-posted on multiple of her social media platforms.

Prior to the Donehue deposition occurring on April 28, 2025, counsel for Plaintiff conferred with counsel for Donehue, and both believed in good faith that a resolution had been reached regarding the need for the Petition hearing to go forward, and for an Order to be rendered. Plaintiff's agreement with Donehue's counsel was that upon the receipt of a subpoena, Donehue would comply and appear for the deposition without the necessity of a Petition hearing and Court Order compelling Donehue to attend. Petitioner's good faith belief and understanding was that the lack of a Court Order meant that the Donehue deposition could move forward, but was tantamount to a fact-finding affidavit under oath, i.e. a sworn statement under oath, not subjected to cross-examination. The basis of the undersigned's good faith belief is contained in SCRCP 27 (a) (4), which specifies that taking a deposition in compliance with Rule 27 is relevant to the evidentiary issue of whether the Court will allow the deposition to be used in accordance with SCRCP 32.

On or about May 29, 2025, a Jane Doe Defendant filed suit against Plaintiff. Now that this newly identified Jane Doe has filed suit against Plaintiff in a separate action, it is highly likely that Donehue's deposition will likely be noticed in that action, Donahue will be cross-examined, and any remaining concerns of the proposed intervenors will be moot and resolved. For these reasons, the Plaintiff respectfully requests the Court to deny Proposed Intervenors' Motions to Intervene and Request Sanctions and to Dismiss the Current Action with Prejudice.

ARGUMENT

I. PROPOSED INTERVENORS MACE AND DOE'S MOTIONS TO INTERVENE SHOULD BE DENIED, BOTH AS OF RIGHT AND PERMISSIVELY.

Pursuant to SCRCP 24, a proposed intervenor may be allowed to intervene, either as a matter of right, or permissively. There are apparently no South Carolina cases on point concerning the attempt to intervene into a Petition for Pre-trial Discovery.

A. <u>Neither Mace Nor the New Jane Doe Is Entitled to Intervention As a Matter of Right Since There Is No Disposition of a Pre-Suit Discovery Petition That Will Impair or Impede Proposed Intervenors Rights Under SCRCP 24 a (2).</u>

Neither Mace nor Doe have standing to intervene under SCRCP 24 a (2), since there is no disposition of their rights or interests related to property or a transaction, which is the subject of the action. South Carolina Rule of Civil Procedure 24 provides for an Intervention of Right where,"[u]pon timely application, anyone shall be permitted to intervene in an action. . .when the applicant claims an interest relating to property or transaction which is the subject of the action and is situated that **the disposition of the action made as a practical matter impair or impede his ability to protect that interest, unless the applicants interest is adequately represented by existing parties**." S.C. R. Civ. P. 24(a). Additionally, South Carolina Rule of Civil Procedure 24 provides for Permissive Intervention "[u]pon timely application, anyone shall be permitted to intervene in an action . . . when an applicant's claim or defense in the main action have a question of law or fact in common." S.C. R. Civ. P. 24(b).

Plaintiff has agreed to withdraw the Petition, and will file the appropriate Notice of Withdrawal of Petition simultaneously herewith. As such, Plaintiff's intent will be in line with the proposed intervenor's request to dismiss the action, and the Court should dismiss the action and deny intervenor's motions as the most judicially efficient resolution.

SCRCP 24 is meant to promote **judicial economy**. See *Berkeley Electric*, 302 S.C. at 189, 394 S.E.2d at 714.

B. Neither Mace Nor Jane Doe Have Standing to Permissively Intervene, Since Neither Can Establish a Question of Law or Fact That Affects Them That Will Be Decided In the Pre-Trial Discovery Action.

If a party is not permitted to intervene as a right, an intervention may be permitted when the applicant's claim or defense and the main action have a question of law or fact in common. See *Kiawah Resort Associates, L.P.* 421 S.C. 538 at 552 (quoting S.C. R. Civ. P. 24(b)). **The burden is on the party seeking to intervene to establish that the claim and the main actions have a question of law and fact in common with the underlying action**. See *Ex parte Builders Mutual Insurance Company,* 431 S.C. at 101. They must also provide proof that their intervention will not "unduly" delay or prejudice the adjudication of the rights of the existing parties. *Id.* (holding that finding a permissive right of intervention would unnecessarily complicate the action by altering the burden of proof and possibly delaying the trial). In the case at bar, allowing an intervention would actually delay this Petition, since the most immediate and effective course of disposition is Petitioner's Notice of Withdrawal.

There are no questions of fact or law to be decided in a pre-trial discovery petition, such that either Mace or Doe can meet the burden of establishing that they have an interest in a question of law or fact, in common with the underlying Petition action, which will never have a final determination under these facts.

GLT2's Notice of Withdrawal of the Petition aligns with the intervenors' request for dismissal, rendering their motions to intervene moot and promoting judicial economy. See Kiawah Resort Associates, L.P., 421 S.C. 538, 552, 808 S.E.2d 525, 532 (2017) (Rule 24

intervention should avoid unnecessary complications). Jane Doe's pending lawsuit (Doe v. Bryant, 2025-CP-10-03124) provides a forum for her to address her interests, and Mace's claimed interest as a witness is adequately protected therein, eliminating the need for intervention in this proceeding.

C. Responses Specific to Mace's Motion and Arguments.

1. Mace Is Not A Real Party In Interest Concerning the Petition, Since Mace Has Identified Herself as a Key Witness.

Mace has made multiple references and allusions to the fact that she is a witness. See, Ex. A, Floor Speech. Because of the statements made by Mace, Petitioner reasonably assumed that Mace would be a witness in any criminal or civil case arising out of the accusations and treated her as such when filing the Petition. See, Ex. A, Floor Speech: "This is what I found, **this is what I saw**, and this is what I accidentally uncovered. As you should know by now, I carry receipts. I documented some of what I uncovered, to include metadata. I found some of the victims. I found some of the witnesses. I found more than enough probable cause and then some." ." (Id.)(emphasis added.)

Mace has also indicated that she will be a key witness in the lawsuits filed by the many alleged 'victims' she has spoken with outside of the floor speech. See, Ex. C; Posts on X Referencing Being a Witness, & Ex. D; Motion to Intervene Press Release on Mace's Website. In a press release on her own website, Mace refers to herself in this very Motion as a "key witness" . See, Ex. D; Motion to Intervene Press Release on Mace's Website. Additionally, Mace has posted multiple times on her social media accounts that she is a

"key witness." See, Ex. C; Posts on X. See also Ex. E[2]; PDB Podcast, June 19, 2025, at 1:17:51, "I'm the key witness because I found all of this stuff" in addition to Mace further threatening to sue Scarlett Wilson, as a key witness, in connection to this investigation into Bryant".

2. The Suits and Claims that Bryant Sought to Defend Against, Were Those Potential Claims Brought By Then Unknown Doe Claimants, Not Mace.

On February 11, 2025, the day following her speech, Mace published the following to her X account:

- "Since my speech last night, so many calls and texts from women in our district, and men and women who may have information." See, Ex. F; Nancy Mace's Posts on X About Unknown Claimants.
- "When I say this is just the "tip of the iceberg" this might be an understatement. The calls and texts coming in are offering valuable information and helping to identify more possible victims- it is overwhelming." See, Ex. F.
- "Phones have been ringing off the hook all day and night and right now as I type this. People are stepping out of the shadows to share information and help victims. More potential victims are coming forward also." See, Ex. F.

The above posts on X are just an example of the numerous public statements made by Mace leading up to and after GLT2, LLC (hereinafter "GLT2") filed a Petition to Authorize Depositions and Discovery Before Action (hereinafter the "Petition"). The representations made by Mace sent a clear message: multiple potential Doe claimants were about to come forward with allegations against Petitioner. But without additional information, Petitioner was unaware of how to identify or locate these potential claimants, or what facts to specify their claims would be about.

[2] Petitioner has filed the unofficial transcript of the podcast in lieu of the recording as Exhibit E until the Court can advise the Petitioner how to file or submit the audio recording with the Court.

3. Mace Believes She Has Immunity Under Speech and Debate Clause and the Westfall Act, and, Thus, Believes She Cannot Be A Defendant, and, Thus, Believes She Cannot Be a Real Party In Interest.

Mace implausibly suggests in her Motion that she should be allowed to intervene since she claims to be the Jane Doe in this Petition. These claims are implausible since Mace also publicly claims that all of the false publications she has made against Bryant and the other men (i.e. that the men are rapists, sexual abusers, video record rape and sexual abuse) are all claims protected by the Speech and Debate Clause and the Westfall Act, and, according to Mace, she is immune from the same. Mace can't have it both ways. In order to successfully argue that she is the Jane Doe in this Petition, she must concede that she is, either not protected by the Constitution's Speech and Debate Clause, and the Westfall Act, for each and every one of her false publications alleging that Bryant raped, sexually abused, and/or illicitly video-taped sexual abuse, such that she is not immune for each of those publications. If Mace claims immunity for her allegations, then she must also be estopped from claiming she has standing to intervene as Jane Doe as a real party in interest and potential defendant.

4. Mace's Concerns About Her Reputation From Media Publicity Are Disingenuous, As She Has Voluntarily Placed Her Credibility and Motives At The Center of Public Debate.

Mace's concerns about reputational harm from the Donehue deposition are overstated, due to her public statements have already placed the core issue of her credibility and motives as a key witness in the public domain. For example, Mace's February 10, 2025, House floor speech (Ex. A), X posts (Ex. C), and press release (Ex. D) identify her as a "key witness" in potential Doe lawsuits, inviting public scrutiny of her communications. These statements necessitated GLT2's Rule 27 petition to investigate potential claimants, as Mace's allegations about "dozens" of women (Ex. F) provided no

specific identities or claims. As a public official, Mace has a reduced expectation of privacy regarding her public actions, particularly when using her congressional platform to discuss these matters. See Hutchinson v. Proxmire, 443 U.S. 111, 134-35 (1979).

If Mace, a public official, were truly concerned with her reputation, Mace would not have so publicly placed herself and her congressional office in the middle of the investigation of Bryant and/or into the alleged claims of the dozens of putative Doe claimants. Mace has attempted to try the Plaintiff, on behalf of the potential Doe claimants, and in the court of public opinion, and she is using her position as a public official to crack down on view points, opinions, and witnesses, whose views do not align with her own, or with the representations she so publicly makes.

Mace's media theatrics cast further doubt on her credibility, in that it appears she is attacking other public officials to further her own future election goals, and to leverage elected officials into punishing her perceived enemies, like Bryant. Mace has publicly accused the Attorney General Alan Wilson and the Solicitor Scarlett Wilson of corruption in connection with the investigation into Bryant and the other men, and has asked the United States Federal Government to "take over" the State of South Carolina in order to apparently use her Congressional position to force South Carolina elected leadership to charge Mr. Bryant with a crime. See also Ex. E; PDB Podcast, June 19, 2025, where Mace publicly threatens Solicitor Wilson in relation to this very matter with Bryant:

> I just want you to do your job, follow the law, and put people in jail who've broken it. And you just can't. She doesn't want to prosecute rape cases. And there's a history of that in her office. She doesn't believe the witnesses. And she's got a political bias against me. Unfortunately, I'm the key witness in all this stuff. But she's got a political bias against me. And Scarlett Wilson, I hope you're listening, I believe you can be sued. I don't believe you can be protected by qualified immunity because of the way you have inserted yourself into this investigation and have obstructed the investigation", Ex. E at 1:17:36 - 1:18:01.

Later in the same podcast, Mace claims she has taken formal action to ask the Federal Government to "take over" the State of South Carolina's sovereignty, presumably by military force, insinuating that she, as an elected federal official, can compel the prosecution of Bryant, in this same matter that she is also the "key witness" in.

> I need the feds to come in and take over our state. (1:08:49) Because what happens is, you know, we have a legislature filled of lawyers. (1:08:53) They elect the judges. (1:08:54) And then the lawyer legislators and other lawyers, they fund the campaigns for the Attorney General. (1:09:00) They fund the campaigns for the solicitors. (1:09:02) In fact, the solicitor working on a case that I am a key witness in right now, her last big fundraiser was headlined by the attorney for two predators who are being investigated by law enforcement. (1:09:12) Evidence has been leaked to these guys, you know, and so the system is just so corrupt. (1:09:17) There's I don't think anything going. (1:09:18) You can't go back. (1:09:19). I need the feds to come in and take over the state. (1:09:22) That's what needs to happen.
>
> I'm going to be begging the feds. (1:20:51) I'm working on it. (1:20:52) It's a really long letter. (1:20:53) It's taken a while. (1:20:54) But somebody's got to take over the state and make right what's been so wrong in South Carolina. See Ex. E.

In addition to Mace repeatedly making outlandish media claims designed to unduly pressure elected officials, these allegations are a blatant violation of both South Carolina's state sovereignty rights and the principles of federalism, both of which are long-held traditions in an independent South Carolina. See Ex. E; PDB Podcast.

D. Specific Responses to Jane Doe Arguments.

1. Doe's Intervention Precluded by Prior Action Pending.

Jane Doe's Motion to Intervene is barred by the prior action pending doctrine under SCRCP Rule 12(b)(8), as her lawsuit filed on May 29, 2025 (Doe v. Bryant, GLT2, LLC, et al., 2025-CP-10-03124), names GLT2 and addresses substantially similar claims to those raised in her Motion to Intervene (Ex. H). South Carolina courts dismiss actions when another case involves the same parties and claims. See Capital City Ins. Co. v. BP Staff, Inc., 382 S.C. 92, 105, 674 S.E.2d 524, 531 (Ct. App. 2009). In South Carolina,

dismissal under Rule 12(b)(8) may be proper when there is (1) another action pending, (2) between the same parties, (3) for the same claim." *Capital City Ins, Co. v. BP Staff, Inc.*, 382 S.C. 92, 105, 674 S.E.2d 524, 531 (Ct. App. 2009). This rule is interpreted "narrowly such that the claim must be precisely or substantially the same in both proceedings in order for the drastic remedy of dismissal to be appropriate under Rule 12(b)(8)." *Id.*

Doe's complaint filed in May 2025 confirms Petitioner's prior assumption that Mace is the primary relator to any alleged Doe of any allegations of rape, sexual assault, or recording of rape or sexual assault (Ex. H, para. 92-96). This disclosure in the Doe Complaint came months after GLT2 filed the petition on February 10, 2025, supporting GLT2's lack of knowledge about her identity at the time. Doe's pending lawsuit provides a forum to address her interests, rendering intervention redundant and contrary to judicial economy. See Kiawah Resort Associates, L.P., 421 S.C. 538, 552, 808 S.E.2d 525, 532 (2017).

Jane Doe filed an Amended Complaint on June 10, 2025, naming Petitioner and alleging substantially the same claims that are contained in this instant Motion. See Ex. H; Amended Complaint of Jane Doe vs. Bryant, GLT2, LLC, et al. 2025-CP-10-03124. The original Jane Doe complaint was filed on May 29, 2025. Upon information and belief, the same Jane Doe filed the current Motion to Intervene after the above Complaints, on June 26, 2025. Thus, Jane Doe's Motion to Intervene should be barred under the doctrine of Prior Action Pending.

2. Jane Doe Intervenor Admits That Mace's Credibility Is a Core Issue In the Case that Prior Pending Action that Doe Has Filed.

Upon information and belief, Jane Doe Intervenor is the same Jane Doe in Jane Doe vs. Bryant, GLT2, LLC, et al. 2025-CP-10-03124. After Donehue gave his deposition in this matter involving John Doe and Jane Doe, which occurred on April 28, 2025, the first Doe claimant publicly filed suit against Mr. Bryant on May 29, 2025, identifying herself as one of the dozens of Doe claimants Mace had been contacting and publicly identifying, without naming them. The May 29, 2025, Doe Complaint sets forth that Mace was a key witness in her case. See Ex. H; Doe v. Bryant, et. al., 2025CP1003124, para 10, citing Mace's House Floor Speech "*Last year, I had to tell a woman she'd been raped – she had no idea because she was incapacitated when it happened. I knew because I accidentally found photos and video of her assault*". The Doe Complaint is full of allegations and assertions taken from the first-person, subjective perspective of Mace, thus, making it clear that Doe is working closely with Mace, and, thus, Doe is in position to adequately represent and protect the interests of Mace. SCRCP allows the Court to deny a motion for interventions when, "the applicants interest is adequately represented by existing parties." S.C. R. Civ. P. 24(a)

Additionally, in Jane Doe's complaint, Mace is the sole person acknowledged as the source of the allegations found within the complaint. See Ex. H; Doe v. Bryant, et. al., 2025-CP-10-03124, para 92- 96, "*Mace told her [Jane Doe] that she [Mace] had found a video on Bryant's phone of her being sexually assaulted…She [Jane Doe] had no prior knowledge of the assault or that such a video existed…. Plaintiff did not know or have reason to know that she had the legal claims outlined in this complaint until April 6 [date Jane Doe was contacted by Mace]…".*

However, an affidavit ADW gathered from Erin Gunther in a related case illustrates broader issues with Doe's reliance on Mace. Assignment Desk Works brought a complaint for breach of contract, violation of a non-disparagement provision against a former ADW employee/defendant. See Complaint in ADW v. Doe[3] 2025-CP-10-02671. In a Motion to Dismiss filed by the former ADW employee/defendant, the ADW employee/defendant acknowledged having claims against Bryant that appear to align with those claims brought in Doe v. Bryant, et. al., 2025-CP-10-03124. While Petitioner cannot confirm that former ADW employee/defendant in 2025-CP-10-02671 is the same person as the Plaintiff Doe in 2025-CP-10-03124., and as the Doe Intervenor in this case, Petitioner will treat them as the same person for the purpose of this brief, due in large part to what appears to be the same counsel making appearances for Doe and former ADW employee.

The Gunther affidavit, states that a former ADW employee, who may or may not be Jane Doe, expressed doubts to her lawyer about Mace's credibility, alleging that Mace was "making this all up" for political gain (Ex. N, Gunther Affidavit). The Gunther affidavit underscores the necessity of the Donehue deposition to investigate Mace's credibility as a key witness, supporting GLT2's good faith effort to prepare for potential claims. This inconsistency undermines Doe's equitable claim to intervene or seek sanctions, as Doe's reliance on Mace appears conflicted.

Fact-finding and documenting witnesses under oath is key to Parties being able to perform reasonable fact-finding research to determine the credibility of key witnesses. Eric Bowman, a business associate of Bryant's, and a one-time friend of Mace's produced

[3] Doe is named in this Complaint but out of respect, Petitioner will refer to her as Jane Doe.

an affidavit, in connection with Mace's pending suit against him. See Ex. I; Bowman Affidavit, May 28, 2025. The Bowman affidavit states that, on or about November 24, 2023, Mace was begging Bowman for incriminating data or evidence against Bryant, saying, "She begged me to provide such data and said she was building a case against him to ruin him [Bryant]". Obtaining the Donehue sworn testimony allowed other witnesses to compare reliable information and truthfully attest to further information, in order to prepare for the current pending actions. Thus, neither Mace nor Doe are prejudiced, since the credibility of Mace as a key witness will clearly be a central evidentiary matter in any current or future Doe suit filed.

3. Jane Doe Intervenor Substantiates That Plaintiff Did Not Know the Identity of the Potential Jane Doe Claimants When the Petition Was Filed.

At the time GLT2, LLC filed the Petition to Authorize Depositions and Discovery Before Action on February 10, 2025, it had no knowledge of the specific identities of potential claimants, including the former ADW employee/defendant/Doe in the lawsuit filed on May 29, 2025 (Jane Doe v. Bryant, GLT2, LLC, et al., 2025-CP-10-03124). Proposed Intervenor Nancy Mace's public statements, including her February 10, 2025, House floor speech (Ex. A) and X posts on February 11, 2025 (Ex. F), alleged that "dozens" of women were preparing to file lawsuits against Petitioner's sole member, Patrick Bryant, without providing names, specific allegations, or factual details. For example, Mace stated, "Phones have been ringing off the hook… People are stepping out of the shadows to share information and help victims" (Ex. F). Faced with this uncertainty, GLT2 used "Jane Doe" and "John Doe" placeholders in the petition, as permitted under SCRCP Rule 27(a)(1) when adverse parties' identities are unknown. The filing of Jane Doe's lawsuit, over three months after the Petition, confirms that GLT2 could

not have known Doe's identity or specific claims at the time of filing, as the specifics of Doe's identities and the specifics of the particulars of her legal action against Bryant were unknown and the details unanticipated.

Jane Doe further solidifies that Petitioner did not know who the parties were at the time the Petition was filed in her motion to intervene. In this motion, Jane Doe's counsel states the following: "Ms. Doe and Mace could be the expected defendants; however, according to the Petition, the expected defendants are residents of Charleston County, and neither Ms. Doe nor Mace is a resident of Charleston County." See, Ex. J; Proposed Intervenor Jane Doe's Proposed Intervenor's Motion to Expedite Hearing on Her Motion to Intervene, Motion to Dismiss, and Request for Sanctions. Given that Jane Doe later filed suit against the Petitioner, it is clear that the Petitioner was unaware of exactly who the potential Doe claimants would be.

Mace's concerns about reputational harm from the Donehue deposition are overstated, as her public statements have already placed her credibility as a key witness in the public domain. For example, Mace's February 10, 2025, House floor speech (Ex. A), X posts (Ex. C), and press release (Ex. D) identify her as a "key witness" in potential Doe lawsuits, inviting public scrutiny of her communications. These statements necessitated GLT2's Rule 27 petition to investigate potential claimants, as Mace's allegations about "dozens" of women (Ex. F) provided no specific identities or claims. As a public official, Mace has a reduced expectation of privacy regarding her public actions, particularly when using her congressional platform to discuss these matters. See Hutchinson v. Proxmire, 443 U.S. 111, 134-35 (1979).

II. MOTION TO IMPOSE SANCTIONS SHOULD BE DENIED.

A. Sanctions Are Moot As the Petition Is Withdrawn, and the Proposed Intervenors Are Not Prejudiced, Since a Deposition of Donehue Under Cross-Examination May Be Taken In The Prior Action Pending Lawsuits Filed by Mace and Doe.

Now that Jane Doe has identified herself as a claimant, Petitioner is willing to dismiss the current petition for discovery. The purpose of this petition was to preserve evidence and attempt to identify potential adverse parties. See, Ex. K; GLT2, LLC, Petition to Authorize Depositions and Discovery Before Action. This is no longer necessary now that Jane Doe has identified herself by serving the Petitioner with a complaint, and the Petitioner can obtain discovery through the discovery process in that suit.

GLT2's counsel did not disseminate the uncertified Donehue deposition transcript to the media, and the intervenors provide no evidence linking GLT2 to the leak. The claimed reputational harm is speculative, and Mace's own public statements, including her X posts (Ex. C) and press release (Ex. D), already placed her credibility and communications in the public domain, reducing her expectation of privacy. Any harm from the leak aligns with Mace's self-initiated media exposure, not GLT2's actions.

To the extent that Doe relies so heavily on Mace as her key witness in the Complaint filed against Bryant, the fact that Doe Intervenor has published to third-parties and her own counsel that, "Nancy is making all this up". Clearly, Doe anticipates that Mace will be deposed as a "key witness" in any one of these Prior Pending matters, and then, certainly, any identified witnesses concerning Mace's credibility and motives, like Donehue, will be deposed in those cases as well.

B. There Is No Prejudice, and Proposed Intervenors Come to the Court With Unclean Hands.

The determination of whether attorney's fees should be awarded under Rule 11 or under the Act is treated as one in equity. *In re Beard*, 359 S.C. 351, 357, 597 S.E.2d 835, 838 (Ct. App. 2004), cited by *Southeastern Site Prep, LLC v. Atl. Coast Builders & Contrs., LLC,* 394 S.C. 97, 104. Any party, or potential party, will be able to take the deposition of Donehue, under cross-examination, and the trial court in those cases will be able to decide to what extent any prior sworn testimony or statements of Donehue may be used, therefore, there is no prejudice to either party Further, it would be inequitable to award any attorneys fees or sanctions to either proposed intervenor, since the Parties requesting them have acted inequitably and have created the very situation of which they complain.

1. *It Would Be Inequitable to Reward Mace For Using Her Congressional Position As Both a Sword and a Shield Against Bryant*.

First, Mace is using her Congressional position as both a sword and a shield against Petitioner. Mace has very publicly used her position in Congress to garner media attention, appointing herself as the key witness in the allegations against Bryant and his business partners. For months, Mace has been using her public office to try a case against Bryant and his business partners in the media, and in the court of public opinion, yet has done so simply alluding to dozens of unidentified alleged victims, vaguely referencing unspecified crimes that are being investigated by SLED, publicly leveraging her political clout to attempt to manipulate state officials to take action against Bryant, and/or to set the public officials up to delegitimize them in the media, if they disagree.

As a result of Mace's public statements, SLED has inserted into the public that Bryant is under investigation by SLED, a fact that SLED only admitted when confronted by the Media after Mace's House Floor Speech. Mace has been utilizing her bully pulpit

to publicly pressure SLED, Attorney General Alan Wilson, and Charleston County Solicitor of the Ninth Circuit Scarlett Wilson, into arresting Patrick Bryant. The undersigned has personally heard interviews and statements by Mace:

- Calling Alan Wilson and Scarlett Wilson corrupt in regards to the investigation of Bryant;
- Threatening to sue Scarlett Wilson in connection with the investigation into Bryant; and
- Threatening to cause the Federal Government to "take over" the State of South Carolina, in the context of the investigation into Bryant.

See Ex. E; PDB Podcast, June 19, 2025. Mace trying Mr. Bryant in the media, and in the court of public opinion, attempting to leverage public officials to do Mace's bidding, and alternatively attempting to delegitimize South Carolina's government institutions and elected officials if they failed to take the various actions against that Makes demands is an inequitable abuse of her office and power.

In using her position as a sword, Mace has intentionally and publicly made her own credibility and motives, as the key witness, a core issue of any case brought forward by a Doe claimant. This also means that Mace has made her role in prosecuting the case to the media, via her congressional seat, an equally relevant and public issue, such that she has no real expectation of privacy. As an elected public official, Mace has almost no expectation of privacy regarding the details of her interactions with congressional staff (Donehue). However, when Mace intentionally uses her congressional office to prosecute Petitioner in the media as a predator, she lost any remote expectation of privacy as to her interactions and communications with congressional staff, who are paid for with tax-payer dollars and/or with political donations, particularly when Mace and Donehue have been

public battling each other in social media for months. See Doe Motion to Intervene, ppg. 8-9, Twitter posts between Donehue and Mace.

However, after using her congressional position as a sword, Mace then immediately uses that same congressional position as a shield, claiming she is immune from any civil recourse by the Speech and Debate Clause of the Constitution and the Westfall Act. See Ex. M, July 11, 2025, Post and Courier, *Can US Rep Nancy Mace be shielded from a defamation suit? A judge will have to decide*, quoting government court filings on behalf of Mace as saying, "Even if the Congresswoman and Doe Defendants had an additional motive in delivering the speech, releasing the speech to the press, hanging the poster near her Congressional office, giving a media interview, or posting on social media about the speech, that does not take the alleged conduct outside the scope of their employment under South Carolina law", the filing states.

Mace will not admit on the record in this proceeding that her communications and interactions with Donehue about Bryant and the alleged recordings she discovered were so "personal, that they were not part of the course and scope her role with Congress, since doing so would be an admission that she does not have civil immunity. "Finally, "[w]here the conduct of the servant is unprovoked, highly unusual, and quite outrageous," courts tend to hold "that this in itself is sufficient to indicate that the motive was a purely personal one" and the conduct outside the scope of employment." See *Sawyer v. Humphries*, 322 Md. 247, 257, 587 A.2d 467, 471 (1991).

Simply put, Mace cannot, in equity have it both ways. Mace's claims that she was a potential Doe defendant in the Petition is dubious and disingenuous, running counter to her public positions. It is inequitable for Mace to claim that she is the envisioned Doe

Defendant and, thus, she should be collaterally estopped from claiming the same in this Motion to Intervene. The allegations, statements or admissions contained in a pleading are conclusive as against the pleader and a party cannot subsequently take a position contradictory of, or inconsistent with, his pleadings and the facts which are admitted by the pleadings are taken as true against the pleader for the purpose of the action." Postal v. Mann, 308 S.C. 385, 387 (Ct. App. 1992). "Parties are judicially bound by their pleadings unless withdrawn, altered, or stricken by amendment or otherwise". Id.

2. *It Is Inequitable To Reward Jane Doe For Filing Motions That Feign Outrage At Donehue Testimony Regarding Mace Credibility, When Doe Admitted Mace Is a Liar, And Admitted That Doe Told Her Lawyers, Mace is "Making This All Up".*

Second, Jane Doe Intervenor is inequitably using Mace's credibility and congressional office as a sword and a shield. It is unclear if Jane Doe Intervenor, Jane Doe Claimant, and the ADW former employee who disparaged Bryant and ADW are the same person, but if she is the same person, then she is inequitably riding the coat tails of Mace's prosecution of Bryant in the media and inequitably proffering Mace's credibility as a crucial part of Doe's case. Simultaneously, and disingenuously, Doe is telling third-parties and her own lawyers that Doe thinks Mace is a liar and that, "Nancy's Making This All Up". Yet, despite this knowledge of Doe's belief about Mace's credibility, Doe's lawyers filed suit against Bryant, ADW, and GLT2, LLC, and filed this Motion, proffering Mace's credibility and attacking Petitioners for documenting witness testimony that conflicts with Doe's own true admitted beliefs.

GLT2, LLC and ADW have overlapping counsel in Saxton & Stump, in cases 2025-CP-10-02671 and 2025-CP-10-03124. Fact-finding in the ADW case that Saxton & Stump has filed against the former ADW employee/defendant (2025-CP-10-02671) has resulted

in an affidavit, signed on May 9, 2025, by ADW employee Erin Gunther, who had a conversation with the former ADW employee/defendant in the ADW case. See Ex. N, Affidavit of Erin Gunther from ADW case.[4] According to Gunther's affidavit, The former ADW employee/defendant, who may be this Jane Doe, makes allegations against Bryant in her Motion to Dismiss in 2025-CP-10-02671 that are substantially similar to those in the *Doe v. Bryant, ADW, GLT2, LLC* case 2025-CP-10-03124, concerning alleged video evidence of an alleged sexual assault against Doe, that Mace told Doe about. Therefore, while Petitioner does not know if Doe and former ADW employee/defendant are the same, Petitioner will, for purposes of this Memo, assume they are the same person.

Specifically, in the Gunther Affidavit, See Ex. N, Doe/former ADW employee/defendant admits she has never seen the alleged video, stating, "I haven't seen the video" and "Nancy doesn't have it, she [Mace] just told me what she saw." This places Mace's credibility about the contents and context of the alleged video into direct issue. Doe then told Gunther, "I don't know what to believe or who to trust . . . I called my lawyer last week and told them, 'Nancy's making all this up. This is literally a lie so she can get in some political position'". See Ex. N, Affidavit of Erin Gunther from ADW case.

Assuming the former ADW employee/defendant is the same person as Doe Intervenor, which is still unknown by the undersigned, this underscores the difficulty of how Mace and Doe's own unclean hands hamper Mr. Bryant's defense and the job of his counsel. Specifically, Jane Doe has filed a suit which clearly makes Nancy Mace the central key witness in the case. The Doe Complaint contains so many subjective

[4] To the extent that Jane Doe Intervenor has not confirmed that she is the same person as the former ADW employee in the ADW suit, the Gunther Affidavit gathered in the ADW suit, and which will likely be exchanged in discovery in that suit, and referenced as Ex. N to this Memorandum, has been redacted heavily for filing herewith.

allegations by Mace, that it appears Mace cowrote the Complaint with Doe. Yet, if the affidavit of Gunther is to be believed, and if the former ADW employee/defendant is the same person as Jane Doe Intervenor, then Doe, herself, has expressed to her own lawyer that Mace, a key witness, is "making all this up" and that "This is literally a lie so she [Mace] can get in some political position". See Ex. N, Gunther Affidavit. Yet, despite knowing this, Doe is working with Mace to attack Bryant publicly in the media, all the while leveraging Mace's credibility in Doe's own Court filings.

More importantly, the Court addresses the issue of sanctions and attorneys fees in equity. If Gunther is to be believed, and if the former ADW employee/defendant is the same person as Jane Doe, and if that lawyer is the same lawyer representing Doe Intervenor in this action and in the Jane Doe civil suit, then Jane Doe and her lawyer's outrage in their pleadings and motions is feigned and dubious and would clearly place both Mace and Doe in an inequitable position to attempt to intervene into this Petition and to seek sanctions, hereunder.

C. <u>Conferring With Counsel, Under Rule 11 Would Have Been Futile, Since Mace Could Not Be Jane Doe, And Since the Identity and The Specific Allegations of Jane Doe Defendants, Had Not Been Disclosed, Making It Impossible to Plead Specific Enough Facts to Even Appoint Counsel for Doe</u>.

The Court does not abuse its discretion to refuse sanctions for failure to consult with counsel, if the attempt at consultation would be futile. Rule 11 requires "all motions filed shall contain an affirmation that the movant's counsel prior to filing the motion has communicated, orally or in writing, with opposing counsel and has attempted in good faith to resolve the matter . . . unless the movant's counsel certifies that consultation would serve no useful purpose, or could not be timely held." The penalty for noncompliance is

to strike the motion unless the attorney promptly amends the document to comply with the rule. *Jackson v. Speed*, 326 S.C. 289, 310.

In Mace's Motion to Intervene, opposing counsel seems to have taken the position that the filing of the Petition was merely a pretext to elicit deposition testimony without this Court's approval and that "Petitioner was fully aware of the individuals and subject matter he intended to probe." See, Ex. L; Mace's Motion to Intervene. Opposing Counsel also alleges that: "[r]ather than identifying her [Mace] or any other interested individuals as parties to the proceeding, however, GLT2 concealed the true nature of the dispute by naming only "John Doe" and "Jane Doe" as putative defendants." See, Ex. L; Mace's Motion to Intervene.

As set forth in detail above, Mace does not actually believe that she can be a putative Defendant, since she claims immunity under the Speech and Debate Clause of the Constitution and the Westfall Act, and therefore, must be collaterally estopped from claiming otherwise. Moreover, at the time of the filing of the Petition, Doe claimant's counsel was relying on Mace to prosecute Bryant in the media and the court of public opinion, without having to disclose her identity and/or any specific facts about her claim, all the while doubting Mace's own credibility to her lawyers – lawyers who then later file pleadings with the Court proffering Mace's credibility, despite actual knowledge from their client otherwise.

Thus conferring with counsel under Rule 11, even Court-appointed counsel, would have been futile, since so little was known at the time of filing the Petition, about the identity of which Doe was a claimant, or about the substance of those claims. Petitioner, did however, confer with Donehue's counsel, and attempted to gather facts which could

have been used to amend the Petition, had Jane Doe complainant not filed suit, rending the Petition moot.

D. Petitioner Used the Best of Knowledge and Belief That There Is Good Ground To Support The Petition, At The Time It Was Filed, And That Imperfections In the Petition Could Be Cured by an Amended Petition, Prior to a Rule 27 Hearing, In Order For Depositions to Later Satisfy Rule 32.

"The signature of an attorney . . . constitutes a certificate by him that he has read the pleading, motion or other paper; that *to the best of his knowledge, information and belief there is good ground to support it;* and that it is not interposed for delay." (emphasis added). *Kilcawley v. Kilcawley*, 312 S.C. 425, 427. Counsel for Petitioner has submitted an affidavit submitting that Petitioner had good grounds for believing that Mace's self-publicized role as a key witness in unidentified Doe cases, based upon non-specific allegations of rape, sexual abuse, and filming of rape and sexual abuse, and how the lack of specific information available about the identity of potential Doe claimants, and/or the specifics of those claims, placed Petitioner in an impossible position, where counsel made the best use of the rules that were available. See Affidavit of Brewer.

Petitioner had a good faith belief that full compliance with SCRCP Rule 27[5], i.e. obtaining the deposition after hearing by the Court on the Petition, would simply go to whether the deposition could be used under SCRCP 32 (a), as per the plain language of SCRCP Rule 27 (4). Nothing SCRCP 27 prohibits counsel for Petitioner and counsel for deponent to reach an agreement for the witness to give sworn testimony without Court Order. While there are no current cases on point addressing this issue, the State of Texas does have a somewhat similar rule for pre-suit depositions, called Rule 202 depositions.

[5] In fact, had Donehue originally consented to sit for a deposition, Plaintiff could have obtained his sworn testimony without filing of a Petition.

See 47 Tex. Prac. Discovery Practice Sec. 16:7 states that trial courts may restrict the use of 202 depositions in subsequent actions to protect a person not served with notice of a deposition from a claim of unfair prejudice, which is consistent with Petitioner's interpretation of SCRCP 27.

Mr. Donehue was represented by counsel. Mr. Donehue's counsel clearly understood that a hearing and a Court Order had not been obtained, and yet Mr. Donehue showed up to give his testimony regardless. The testimony given under oath by Mr. Donehue is no different than an affidavit given under penalty of perjury. The defects in the deposition testimony claimed by the proposed intervenors goes to the admissibility of the Donehue deposition in any subsequent action, not to the ability of Donehue to give a sworn statement under oath.

Given the lack of information known to Petitioner at the time of filing, Petitioner's counsel knew, to the best of his knowledge, that there were good grounds for filing the Petition, and attempting to gather enough information to potentially amend the pleading. Counsel for Donehue believed that Rule 27 did not prohibit the issuance of a subpoena, and that, if counsel for Donehue was willing to agree to accept and comply with an issued subpoena, was willing to have his testimony preserved in the form of a deposition, without the need for a Notice of Deposition perfected by a Court Order, which in the undersigned counsel's good faith belief, rendered the deposition equivalent to an affidavit, and subject to being challenged for use in any future proceeding under SCRCP 32. See Affidavit of Brewer.

Subsequent to the filing of the Petition, the other civil litigation that was filed over an approximately one month period, around May, 2025, which in and/or itself informed

Petitioner about known information and changed the landscape of the need to amend the Petition at all, due to other vehicles for discovery. In connection to litigation with Nancy Mace, Bowman produced an affidavit that questioned Mace's credibility and motives. See Ex. I, Bowman Affidavit. The ADW suit versus former ADW employee/defendant Doe, produced another affidavit establishing that Doe herself does not believe Mace and that Doe personally believes, "Nancy's Making all this up". See Ex. N Gunther Affidavit. And Doe filed a separate civil action against Bryant and others confirming that Doe is relying on Mace for the content of any alleged recordings taken by Bryant.

E. Filing of the Petition Has Caused No Delay, and, Thus, No Prejudice to the Court or to Any Proposed Intervenor.

A trial court may impose sanctions on a party, a party's attorney, or both for filing a pleading, motion, or other paper to cause delay or when no good grounds exist to support the filing. *See Runyon*, 322 S.C. at 19, 471 S.E.2d at 162, Ex parte Bon Secours St. Francis Xavier Hosp. Inc., 393 S.C. 590, 597-598. In the cited case, sanctions were awarded when the disputed action cost the Court, Parties, and Attorneys actual out of pocket expenses, in a case where opposing counsel represented parties actually in the case, in a case actually set for trial. Here, there are no such concerns. None of the proposed intervenors are in this case, the current date for the hearing on this matter was the date of Petition hearing, and Petitioner is filing a Notice of Withdrawal of the Petition, which is the relief sought. Withdrawal of the Petition is actually the most efficient resolution and the proposed intervention, actually seeks to delay the disposition of the Petition.

CONCLUSION

For the reasons set forth in this brief and in oral argument, the Plaintiff requests this Court grant its Notice of Withdrawal of the Petition and Deny the Motions for Intervention and Sanctions.

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