

**STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON**

ASSIGNMENT DESK WORKS,
Plaintiff,

vs.
ALEXIS BERG,
Defendant.

**IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT**

CASE NO. 2025-CP-10-2671

**DEFENDANT'S MOTION FOR
CONTEMPT AGAINST ATTORNEY
RENE DUKES FOR VIOLATION OF
CONFIDENTIALITY ORDER**

Defendant Alexis Berg ("Defendant" or "Ms. Berg"), by and through undersigned counsel, hereby moves this Court for an Order finding Plaintiff's counsel, Attorney Rene Dukes, in contempt of court and imposing sanctions for her willful violation of the Confidentiality Order entered in this matter on November 24, 2025 ("Confidentiality Order"). In support thereof, Defendant states as follows:

I. STATEMENT OF FACTS

1. On November 24, 2025, this Court entered a Consent Confidentiality Order, which was signed by Attorney Rene Dukes on behalf of Plaintiff Assignment Desk Works. A true and correct copy of the signed Confidentiality Order is attached hereto as **Exhibit A**.

2. The Confidentiality Order expressly provides at Paragraph 5.a. (General Protections) that: "Documents designated CONFIDENTIAL under this Order shall not be used or disclosed by the parties or counsel for the parties or any other persons identified below (¶ 5.b.) for any purposes whatsoever other than preparing for and conducting the litigation in which the documents were disclosed (including any appeal of that litigation). *The parties shall not disclose*

documents designated as CONFIDENTIAL to third parties, media outlets or post documents on social media." (Emphasis added).

3. Pursuant to this Court's prior discovery order, Defendant served discovery production upon Plaintiff's counsel, including a recording that was properly designated and marked as "CONFIDENTIAL" pursuant to the terms of the Confidentiality Order.

4. Attorney Rene Dukes represents Plaintiff Assignment Desk Works in this action (*Assignment Desk Works v. Berg*, Case No. 2025-CP-10-2671). Defendant Alexis Berg is also the plaintiff in a separate, related matter, *Berg v. Bryant*, in which she is represented by undersigned counsel.

5. Upon receiving Defendant's confidential discovery production in *this* action, Attorney Dukes forwarded Defendant's CONFIDENTIAL discovery materials to counsel of record in *Berg v. Bryant*, individuals who are not parties to *this* action. Moreover, there is only a temporary gag Order in that case and upon the expiration of that Order there is nothing in place to prevent the attorneys in *Berg v. Bryant*, from providing the confidential documents to third parties or to the public.

6. Remarkably, in the very same email in which Attorney Dukes committed this violation of the Confidentiality Order, she simultaneously accused Defendant of "withholding discovery" accusations that were demonstrably false given Defendant's full compliance with this Court's prior discovery order. A true and correct copy of the email chain documenting this violation is attached hereto as **Exhibit B**.

7. Upon learning of this improper disclosure, undersigned counsel promptly notified the recipients including Attorney Matthew Gallo, counsel for Patrick Bryant in *Berg v. Bryant*

requesting that the materials they received were designated CONFIDENTIAL under this Court's Order, and instructed them to delete the recording and any copies thereof.

8. Attorney Gallo responded by explicitly refusing to comply. His email stated: "Thanks for finally responding to an email. Glad you are paying attention. My office will not be deleting the recording. There is nothing confidential about it and I'm entitled to it as counsel for Patrick Bryant in related cases. Finally, how is that amended complaint coming along?" A true and correct copy of Attorney Gallo's email is attached hereto as **Exhibit C**.

9. Attorney Gallo's response establishes that the unauthorized disclosure has caused concrete and continuing harm. Critically, no permanent Confidentiality Order exists in *Berg v. Bryant*. Attorney Gallo's email expressly states that he will not consent to confidential designation of the documents. Consequently, once the temporary Order in that case expires, the discovery materials wrongfully disclosed by Attorney Dukes will be subject to disclosure to third parties, the public, and the media without any protective restrictions.

10. Attorney Dukes did not seek court approval before disclosing confidential discovery materials to non-party counsel.

11. Attorney Dukes did not seek court approval before disclosing confidential discovery materials to non-party counsel.

12. Attorney Dukes did not seek Defendant's consent before disclosing confidential discovery materials to non-party counsel.

13. Attorney Dukes did not challenge Defendant's confidential designations before disclosing confidential discovery materials to non-party counsel, as required by Paragraph 8 of the Confidentiality Order.

14. The recipients of this improper disclosure were not among the categories of persons authorized to receive confidential documents under Paragraph 5.b. of the Confidentiality Order.

II. ATTORNEY DUKES' PERSONAL OPINION THAT THE MATERIALS ARE "NOT CONFIDENTIAL" IS LEGALLY IRRELEVANT

11. Attorney Dukes has repeatedly asserted in correspondence that, in her view, the materials Defendant designated as CONFIDENTIAL are "not confidential." This assertion reflects a fundamental misunderstanding or willful disregard of how confidentiality designations operate under this Court's Order.

12. The Confidentiality Order establishes a clear framework: The *designating party* determines what materials warrant confidential treatment. Paragraph 3 provides that "[a]ny party may designate documents as confidential" after review by an attorney who has determined, in good faith, that the documents contain protected information. The designating party's determination controls unless and until it is properly challenged.

13. The Confidentiality Order does *not* permit the *receiving party* to unilaterally override a confidentiality designation based on its own assessment. Attorney Dukes' personal opinion that the materials are "not confidential" is legally meaningless. She is not the designating party, and her view does not alter the obligations imposed by this Court's Order.

14. If Attorney Dukes believed Defendant's confidential designations were improper, the Confidentiality Order provides a specific procedure for challenging them. Paragraph 8 ("Challenges to Designation as Confidential") requires:

- a. The challenging party must "give written notice to the party who affixed the designation of the specific basis for the challenge" (Paragraph 8.b.);

- b. The designating party then has fifteen (15) days to attempt to resolve the dispute (Paragraph 8.b.); and
- c. If unresolved, the challenging party may "move for an Order confirming the Confidential designation" (Paragraph 8.b.).

15. Critically, Paragraph 8.c. provides that "notwithstanding any challenge to the designation of documents as confidential, all material previously designated CONFIDENTIAL *shall continue to be treated as subject to the full protections of this Order*" until the challenge is resolved through one of the specified mechanisms. (Emphasis added).

16. Attorney Dukes followed *none* of these procedures. She did not provide written notice of a challenge. She did not wait fifteen days. She did not move this Court for relief. Instead, she simply declared the materials "not confidential" and disclosed them to non-parties in direct violation of the Order she signed.

III. ATTORNEY DUKES' CONDUCT CONSTITUTES WILLFUL CONTEMPT

18. A party may be held in civil contempt for violating a court order. "Civil contempt is appropriate when a party violates a court order and the violation can be remedied." *Curlee v. Howle*, 277 S.C. 377, 287 S.E.2d 915 (1982).

19. Attorney Dukes' violation of the Confidentiality Order was clear and unambiguous:
- a. The Confidentiality Order was validly entered and is in full force and effect;
 - b. Attorney Dukes signed the Confidentiality Order and is personally bound by its terms;
 - c. The discovery materials at issue were properly designated as CONFIDENTIAL by the designating party;

- d. Attorney Dukes disclosed those CONFIDENTIAL materials to counsel in a separate matter who are not parties to this litigation and who have not executed the required acknowledgment form;
- e. Attorney Dukes made no attempt to challenge the confidential designations through the procedures established in Paragraph 8, seek court approval, or obtain Defendant's consent before making this disclosure; and
- f. The email chain constitutes a self-documenting record of the violation.

20. Attorney Dukes had lawful alternatives available to her. She could have: (a) challenged Defendant's confidential designations pursuant to Paragraph 8 of the Confidentiality Order; (b) sought court permission to share discovery across related cases; or (c) requested Defendant's agreement to share the materials. She chose none of these options. Instead, she substituted her own judgment for the procedures established by this Court's Order, willfully disregarding both the Order and Ms. Berg's privacy interests.

IV. PLAINTIFF'S COUNSEL HAS DEMONSTRATED COMPLETE DISREGARD FOR DEFENDANT'S PRIVACY AND THIS COURT'S ORDER

21. The irony is stark: while accusing Defendant of "withholding" discovery, Attorney Dukes herself was violating this Court's order governing discovery confidentiality.

22. This violation occurred despite Defendant's full compliance with this Court's previous discovery order, exposing Plaintiff's counsel's accusations as baseless.

23. Attorney Dukes' conduct demonstrates a troubling pattern: she and her co-counsel have chosen to share Defendant's confidential information based solely on their own judgment, without regard for Ms. Berg's privacy interests or the protections afforded by this Court's Order.

They have effectively appointed themselves as arbiters of what deserves confidential treatment—a role this Court's Order does not grant them.

21. If attorneys can simply ignore confidentiality designations whenever they personally believe the materials are "not confidential," the protections afforded by such orders become illusory. Parties will be unable to rely on confidentiality orders to protect sensitive information during discovery. This Court's authority to enforce its own orders is directly at issue.

22. It is Defendant's position that this lawsuit was improperly filed and exists only for the purpose of gaining a prejudicial advantage in the discovery process of civil and criminal claims brought against Patrick Bryant. The improper disclosure at issue here, forwarding Defendant's confidential discovery materials directly to Mr. Bryant's counsel, is consistent with this purpose. Rather than pursuing legitimate claims on behalf of Assignment Desk Works, Plaintiff's counsel has used this action as a vehicle to circumvent normal discovery procedures and funnel information to Mr. Bryant's defense team in related proceedings. This violation of the Confidentiality Order is not an isolated mistake; it is a manifestation of the improper purpose underlying this litigation.

V. RELIEF REQUESTED

WHEREFORE, Defendant respectfully requests that this Court enter an Order:

23. Finding Attorney Rene Dukes in civil contempt of court for her willful violation of this Court's Confidentiality Order;

24. Imposing monetary sanctions against Attorney Dukes in an amount to be determined by the Court;

25. Awarding Defendant all attorney's fees and costs incurred in bringing this motion and addressing this violation;

26. Directing all counsel in *Berg v. Bryant* who received the improperly disclosed materials to immediately certify in writing that they have destroyed all copies of Defendant's CONFIDENTIAL discovery materials and any notes or work product derived therefrom until the entry of Confidentiality Order in *Berg v. Bryant* protecting the documents for disclosure to third parties and the public.

27. Requiring Attorney Dukes to submit an affidavit detailing exactly what confidential materials were shared, when, and with whom;

28. Entering any such further and additional adverse inferences or evidentiary sanctions as the Court deems appropriate to remediate the harm caused by this violation; and

29. Granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

s/Marybeth Mullaney
Marybeth Mullaney (S.C. Bar #6685)
MULLANEY LAW
4900 O'Hear Ave Suite 100 & 200
North Charleston, South Carolina 29405
(843) 588-5587 Phone
marybeth@mullaneylaw.net

ATTORNEY FOR DEFENDANT

December 18, 2025
North Charleston, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

ASSIGNMENT DESK WORKS,
Plaintiff,

CASE NO. 2025-CP-10-2671

CONFIDENTIALITY ORDER

vs.

ALEXIS BERG,
Defendant.

Whereas, the parties to this Consent Confidentiality Order (“parties”), have stipulated that certain discovery material is and should be treated as confidential, and have agreed to the terms of this order; accordingly, it is this 24 day of November 2025, ORDERED:

1. **Scope.** All documents produced in the course of discovery, all responses to discovery requests and all deposition testimony and deposition exhibits and any other materials which may be subject to discovery which are determined to be CONFIDENTIAL (hereinafter collectively “documents”) shall be subject to this Order concerning confidential information as set forth below.

2. **Form and Timing of Designation.** Confidential documents shall be so designated by placing or affixing the word “CONFIDENTIAL” on the document in a manner which will not interfere with the legibility of the document and which will permit complete removal of the Confidential designation. Documents shall be designated CONFIDENTIAL prior to, or contemporaneously with, the production or disclosure of the documents. Inadvertent or unintentional production of documents without prior designation as confidential shall not be deemed a waiver, in whole or in part, of the right to designate documents as confidential as otherwise allowed by this Order.

3. **Documents Which May be Designated Confidential.** Any party may designate documents as confidential but only after review of the documents by an attorney who has, in good faith, determined that the documents contain information protected from disclosure by statute, sensitive personal information, trade secrets, or confidential research, development, or commercial information. Information or documents which are available in the public sector may not be designated as confidential.

4. **Depositions.** Portions of depositions shall be deemed confidential only if designated as such when the deposition is taken or within seven business days after receipt of the transcript. Such designation shall be specific as to the portions to be protected.

5. **Protection of Confidential Material.**

a. **General Protections.** Documents designated CONFIDENTIAL under this Order shall not be used or disclosed by the parties or counsel for the parties or any other persons identified below (¶ 5.b.) for any purposes whatsoever other than preparing for and conducting the litigation in which the documents were disclosed (including any appeal of that litigation). The parties shall not disclose documents designated as CONFIDENTIAL to third parties, media outlets or post documents on social media. The attorney who reviews the documents and certifies them to be CONFIDENTIAL must be admitted to practice in South Carolina.

b. **Limited Third Party Disclosures.** The parties and counsel for the parties shall not disclose or permit the disclosure of any documents designated CONFIDENTIAL under the terms of this Order to any other person or entity except as set forth in subparagraphs (1)-(5) below, and then only after the person to whom disclosure is to be made has executed an acknowledgment (in the form set forth at Attachment A hereto), that he or she has read and understands the terms of this Order and is bound by it. Subject to these requirements, the following categories of persons



may be allowed to review documents which have been designated CONFIDENTIAL pursuant to this Order:

- i. counsel and employees of counsel for the parties who have responsibility for the preparation and trial of the lawsuit;
- ii. parties and employees of a party to this Order but only to the extent counsel shall certify that the specifically named individual party or employee's assistance is necessary to the conduct of the litigation in which the information is disclosed, counsel shall complete a certification in the form shown at Attachment B hereto.
- iii. court reporters engaged for depositions and those persons, if any, specifically engaged for the limited purpose of making photocopies of documents;
- iv. consultants, investigators, or experts (hereinafter referred to collectively as "experts") employed by the parties or counsel for the parties to assist in the preparation and trial of the lawsuit; and
- v. other persons only upon consent of the producing party or upon order of the court and on such conditions as are agreed to or ordered.

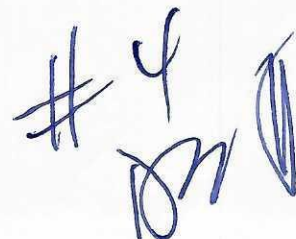
At or prior to the time such party must complete his or her acknowledgment of review of this Order and agreement to be bound by it (Attachment A hereto). Counsel shall retain the certification together with the form signed by the party.

c. **Control of Documents.** Counsel for the parties shall take reasonable efforts to prevent unauthorized disclosure of documents designated as Confidential pursuant to the terms of this order. Counsel shall maintain a record of those persons, including employees of counsel, who have reviewed or been given access to the documents along with the originals of the forms signed by those persons acknowledging their obligations under this Order.



d. **Copies.** All copies, duplicates, extracts, summaries or descriptions (hereinafter referred to collectively as “copies”), of documents designated as Confidential under this Order or any portion of such a document, shall be immediately affixed with the designation “CONFIDENTIAL” if the word does not already appear on the copy. All such copies shall be afforded the full protection of this Order.

6. **Filing of Confidential Materials.** In the event a party seeks to file any material that is subject to protection under this Order with the court, that party shall take appropriate action to ensure that the documents receive proper protection from public disclosure including: (1) filing a redacted document with the consent of the party who designated the document as confidential; (2) where appropriate (e.g. in relation to discovery and evidentiary motions), submitting the documents solely for in camera review; or (3) where the preceding measures are not adequate, seeking permission to file the document under seal pursuant to the procedural steps set forth in Rule 41.1 of the South Carolina Rules of Civil Procedure, or such other rule or procedure as may apply in the relevant jurisdiction. Absent extraordinary circumstances making prior consultation impractical or inappropriate, the party seeking to submit the document to the court shall first consult with counsel for the party who designated the document as confidential to determine if some measure less restrictive than filing the document under seal may serve to provide adequate protection. This duty exists irrespective of the duty to consult on the underlying motion. Nothing in this Order shall be construed as a prior directive to the Clerk of Court to allow any document to be filed under seal. The parties understand that documents may be filed under seal only with the permission of the court after proper motion pursuant to Rule 41.1 of the South Carolina Rules of Civil Procedure.



7. **Greater Protection of Specific Documents.** No party may withhold information from discovery on the ground that it requires protection greater than that afforded by this Order unless the party moves for an Order providing such special protection.

8. **Challenges to Designation as Confidential.** Any CONFIDENTIAL designation is subject to challenge. The following procedures shall apply to any such challenge.

a. The burden of proving the necessity of a Confidential designation remains with the party asserting confidentiality.

b. A party who contends that documents designated CONFIDENTIAL is not entitled to confidential treatment shall give written notice to the party who affixed the designation of the specific basis for the challenge. The party who so designated the documents shall have fifteen (15) days from service of the written notice to determine if the dispute can be resolved without judicial intervention and, if not, to move for an Order confirming the Confidential designation.

c. Notwithstanding any challenge to the designation of documents as confidential, all material previously designated CONFIDENTIAL shall continue to be treated as subject to the full protections of this Order until one of the following occurs:

- i. the party who claims that the documents are confidential withdraws such designation in writing;
 - ii. the party who claims that the documents are confidential fails to move timely for an Order designating the documents as confidential as set forth in paragraph 10.b. above; or
 - iii. the court rules that the documents should no longer be designated as confidential information.
- d. Challenges to the confidentiality of



documents may be made at any time and are not waived by the failure to raise the challenge at the time of initial disclosure or designation.

9. **Treatment on Conclusion of Litigation.**

a. **Order Remains in Effect.** All provisions of this Order restricting the use of documents designated CONFIDENTIAL shall continue to be binding after the conclusion of the litigation unless otherwise agreed or ordered.

b. **Return of CONFIDENTIAL Documents.** Within thirty (30) days after the conclusion of the litigation, including conclusion of any appeal, all documents treated as confidential under this Order, including copies as defined above (§5.d.) shall be returned to the producing party unless: (1) the document has been entered as evidence or filed (unless introduced or filed under seal); (2) the parties stipulate to destruction in lieu of return; or (3) as to documents containing the notations, summations, or other mental impressions of the receiving party, that party elects destruction. Notwithstanding the above requirements to return or destroy documents, counsel may retain attorney work product including an index which refers or relates to information designated CONFIDENTIAL so long as that work product does not duplicate verbatim substantial portions of the text of confidential documents. This work product continues to be Confidential under the terms of this Order. An attorney may use his or her work product in a subsequent litigation provided that its use does not disclose the confidential documents.

10. **Order Subject to Modification.** This Order shall be subject to modification on motion of any party or any other person who may show an adequate interest in the matter to intervene for purposes of addressing the scope and terms of this Order. The Order shall not,



however, be modified until the parties shall have been given notice and an opportunity to be heard on the proposed modification.

11. **No Judicial Determination.** This Order is entered based on the representations and agreements of the parties and for the purpose of facilitating discovery. Nothing herein shall be construed or presented as a judicial determination that any specific document or item of information designated as CONFIDENTIAL by counsel is subject to protection under Rule 26 and/or Rule 41.1 of the South Carolina Rules of Civil Procedure or otherwise until such time as a document-specific ruling shall have been made.


12. **Persons Bound.** This Order shall take effect when entered and shall be binding upon: (1) counsel who signed below and their respective law firms; and (2) their respective clients.

IT IS SO ORDERED. 11-24, 2025


The Honorable Donald Hocker

Date: 11-24-25

Rene Dukes
Attorney for Assignment Desk


Marybeth Mullaney
Attorney for Alexis Berg

#7

ATTACHMENT A

**ACKNOWLEDGMENT OF UNDERSTANDING AND
AGREEMENT TO BE BOUND**

**STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON**

**IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT**

ASSIGNMENT DESK WORKS,
Plaintiff,

CASE NO. 2025-CP-10-2671

CONFIDENTIALITY ORDER

vs.

ALEXIS BERG,
Defendant.

The undersigned hereby acknowledges that he or she has read the Confidentiality Order, in the above captioned action, understands the terms thereof, and agrees to be bound by such terms. The undersigned submits to the jurisdiction of this Court in matters relating to the Confidentiality Order and understands that the terms of said Order obligate him/her to use discovery materials designated CONFIDENTIAL solely for the purposes of the above-captioned action, and not to disclose any such confidential information to any other person or media outlet, nor post any confidential information on social media.

The undersigned acknowledges that violation of the Stipulated Confidentiality Order may result in penalties for contempt of court.

Print Name

Signature

ATTACHMENT B

**CERTIFICATION OF COUNSEL OF NEED
FOR ASSISTANCE OF PARTY/EMPLOYEE**

**STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON**

**IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT**

ASSIGNMENT DESK WORKS,
Plaintiff,

CASE NO. 2025-CP-10-2671

CONFIDENTIALITY ORDER

vs.

ALEXIS BERG,
Defendant.

Pursuant to the Confidentiality Order entered in this action, most particularly the provisions of Paragraph 6.b.2., I certify that the assistance of _____ is reasonably necessary to the conduct of this litigation and that this assistance requires the disclosure to this individuals of information which has been designated as CONFIDENTIAL.

I have explained the terms of the Confidentiality Order to the individuals named above and will obtain their signature on an "Acknowledgment of Understanding and Agreement to be Bound" prior to releasing any confidential documents to these individuals and I will release only such confidential documents as are reasonably necessary to the conduct of the litigation. The individual named above is:

Signature

Date:



Bennett Kesler <bennett@mullaneylaw.net>

FW: Recording of Mace's first phone with Ali

2 messages

Rene Dukes <rdukes@saxtonstump.com>

Wed, Dec 17, 2025 at 8:11 AM

To: Marybeth Mullaney <marybeth@mullaneylaw.net>

Cc: Will Blount <wblount@grsm.com>, Nosizi Ralephata <nralephata@grsm.com>, Elizabeth Morrison <elizabeth@whelanmellen.com>, Jay Jones <jjones@gwblawfirm.com>, Robert Merting <robert@kimandlahey.com>, Emma Baguer <ebaguer@saxtonstump.com>, Bennett Kesler <bennett@mullaneylaw.net>, Michael Close <michael@mullaneylaw.net>

Marybeth,

I am very troubled by your intentionally withholding this recordings. You still have not produced the SLED recording which I know you have. It also came to my attention that there are gaps in the bates numbering of the documents you did produce. You need to produce **every single thing** that your client provided you. TODAY.

Rene Stuhr Dukes | Shareholder151 Meeting Street, Suite 400
Charleston, SC 29401

Phone: 843.386.4885 | Internal: 1325

Fax: 843.580.8303

rdukes@saxtonstump.comwww.saxtonstump.com**From:** Marybeth Mullaney <marybeth@mullaneylaw.net>**Sent:** Tuesday, December 16, 2025 6:31 PM**To:** Rene Dukes <rdukes@saxtonstump.com>**Subject:** Recording of Mace's first phone with Ali

Rene,

Attached please find a recording of Ms. Mace's first conversation with Ali, which Ms. Mace recently provided to me. I am designating this as confidential. I will supplement my responses to your Request to Produce to reflect the production of this recording when I have an opportunity to do so.

Kind Regards,

Marybeth


MARYBETH MULLANEY

ATTORNEY AT LAW

4900 O'Hear Ave. Ste 100 & 200 North Charleston, SC 29405

P: 843-588-5587 / F: (843) 459-8554

marybeth@mullaneylaw.net
 **First Call Alexis Berg.mp3**
23403K

Matthew Gallo <mgallo@grsm.com>

Wed, Dec 17, 2025 at 5:18 PM

To: Marybeth Mullaney <marybeth@mullaneylaw.net>

Cc: Rene Dukes <rdukes@saxtonstump.com>, Michael Close <michael@mullaneylaw.net>, Bennett Kesler <bennett@mullaneylaw.net>, Nosizi Ralephata <nralephata@grsm.com>, Will Blount <wblount@grsm.com>, Emma Baguer <ebaguer@saxtonstump.com>, "William L. Duda" <bill.duda@ogletree.com>, Robert Merting <robert@kimandlahey.com>, Jay Jones <jjones@gwblawfirm.com>, Elizabeth Morrison <elizabeth@whelanmellen.com>, "D. Craig Brown" <craigbrown@craigbrownlawfirm.com>, Mary Grace Maybank <marygrace@wyndhamlaw.com>

Thanks for finally responding to an email. Glad you are paying attention. My office will not be deleting the recording. There is nothing confidential about it and I'm entitled to it as counsel for Patrick Bryant in related cases.

Finally, how is that amended complaint coming along?

From: Marybeth Mullaney <marybeth@mullaneylaw.net>

Sent: Wednesday, December 17, 2025 4:51:31 PM

To: Matthew Gallo <mgallo@grsm.com>

Cc: Rene Dukes <rdukes@saxtonstump.com>; Michael Close <michael@mullaneylaw.net>; Bennett Kesler <bennett@mullaneylaw.net>; Nosizi Ralephata <nralephata@grsm.com>; Will Blount <wblount@grsm.com>; Emma Baguer <ebaguer@saxtonstump.com>; William L. Duda <bill.duda@ogletree.com>; Robert Merting <robert@kimandlahey.com>; Jay Jones <jjones@gwblawfirm.com>; Elizabeth Morrison <elizabeth@whelanmellen.com>; D. Craig Brown <craigbrown@craigbrownlawfirm.com>; Mary Grace Maybank <marygrace@wyndhamlaw.com>

Subject: Re: Recording of Mace's first phone with Ali

Dear All,

Please delete the recording Ms. Dukes shared with you, as it violates the attached confidentiality order signed by Judge Hocker. I will be filing a motion in the ADW v. Berg case regarding her violation of the order. Section 5.a. explicitly states that confidential documents “*shall not be disclosed by the parties or counsel for*

the parties.” Moreover, Section 5.b. provides a closed list of people who may review confidential documents, and "lawyers in another case" are not included unless they are: Co-counsel specifically working on THIS case, or have written consent, or are authorized by court order.

None of you are co-counsel in the ADW case, nor have I provided written consent authorizing Ms. Dukes to provide it to any of you. Lastly, there is no confidentiality order in the Berg v. Bryant 2025-CP-10-02671 (“Berg v. Bryant”) case. If any of you release, share, or utilize this recording in the Berg v. Bryant matter at this time, I will seek the appropriate relief for my client, as this discovery is ill-gotten.

Additionally, I am going to attempt to address the numerous issues that have been raised by various counsel in this matter.

Regarding the allegations that I am withholding discovery, that is demonstrably false. I have met my obligations under the Rules of Civil Procedure for supplementing documents. I timely provided the recording, and I believe the other documents that were not produced were only done so in error, and I will supplement accordingly. I identified these documents in my interrogatories, so it should have been apparent that they were not produced prior to my client’s testimony. In Rene’s rush to depose my client, she failed to address any alleged deficiencies in our discovery responses other than her objection to the documents being designated as confidential.

With respect to the claim that I violated the rules of civil procedure by not emailing Ms. Berg’s responses to Mr. Bryant’s discovery requests to all counsel of record, this was done inadvertently. I will email the responses to all counsel of record as required under the Rules of Civil Procedure. While Rule 5 dictates that all pleadings and discovery documents be circulated to all counsel of record, there is no rule that requires me to copy all counsel of record on all communications in this matter. I would also note that several defense counsels in this case have sent emails directly to me without copying all other defense counsel. I have followed this same standard practice.

As far as Nosi’s claim that I did not provide notice of Mr. Ham’s subpoena, she is mistaken. I emailed a copy of his subpoena on November 12, 2025. Additionally, I am not sure why he signed the attestation, but Mr. Ham did not provide me with any responsive documents as he stated in his email. Rene should also be able to confirm as much.

With respect to the confidentiality order, I have provided Matthew and Nosi with a draft of the same proposed order that Rene consented to in ADW v Berg, which I have attached here. Instead of making proposed edits or offering their own proposed confidentiality order, Matthew and Nosi asked what documents I planned to mark as confidential. Asking me to provide an itemized list of each document I intend to designate as confidential before production is simply impractical and unreasonable. We're dealing with extensive pages of discovery, and the entire purpose of a confidentiality order is to establish the procedure and standards for making those designations during the production process, not to require advance cataloging of every document. Further, I should not be required to produce sensitive documents without a confidentiality order in place. I will be arguing both of these points in my opposition to the Motion to Compel.

Regarding your position that discovery should be limited to not include Mr. Bryant’s sex life, I will address those in my memo in opposition to your pending motion. To the extent you wish to resolve this issue, I am happy to review any proposed confidentiality agreements provided to me by the parties.

I need to address Nosi’s accusation that I acted improperly by communicating with SLED. This is without merit. I am not violating any rules of discovery by communicating with SLED. My client is a victim of a crime and SLED is conducting an ongoing investigation. My client is cooperating with SLED. As counsel for a crime victim, I have every right to facilitate my client's cooperation with law enforcement's ongoing criminal investigation. South Carolina's Crime Victims' Bill of Rights, S.C. Code Ann. § 16-3-1505,

expressly provides victims with the right to confer with the prosecution. There is no discovery rule or ethical rule that prohibits an attorney from communicating with law enforcement on behalf of a client who is the victim of alleged crimes under investigation. If you believe there is some rule or authority that prohibits me from communicating with law enforcement about an ongoing criminal investigation involving crimes allegedly committed against my client, please cite it.

Further, SLED is the subject of the subpoena, so they would have received a copy of the subpoena at some point in the near future. Advising them of the subpoena was only in the interest of moving the case along. Certainly, if you believe that your subpoena will withstand a motion to quash, this should not be an issue. To be clear, I believe the documents in SLED's possession will support the allegations in my complaint and my defense in both the Ali Berg v. Bryant and ADW v. Berg matters.

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Marybeth

Kind Regards,
Marybeth



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Sent: Wednesday, December 17, 2025 11:22 AM

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Cc: Michael Close <michael@mullaneylaw.net>; Bennett Kesler <bennett@mullaneylaw.net>; Nosizi Ralephata <nralephata@grsm.com>; Will Blount <wblount@grsm.com>; Matthew Gallo <mgallo@grsm.com>; Emma Baguer <ebaguer@saxtonstump.com>; William L. Duda <bill.duda@ogletree.com>; Robert Merting <robert@kimandlahey.com>

Subject: RE: Recording of Mace's first phone with Ali

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Rene Stuhr Dukes | Shareholder

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Fax: 843.580.8303

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From: Marybeth Mullaney <marybeth@mullaneylaw.net>
Sent: Wednesday, December 17, 2025 11:07 AM
To: Rene Dukes <rdukes@saxtonstump.com>
Cc: Michael Close <michael@mullaneylaw.net>; Bennett Kesler <bennett@mullaneylaw.net>
Subject: Re: Recording of Mace's first phone with Ali

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From: Marybeth Mullaney <marybeth@mullaneylaw.net>

Sent: Tuesday, December 16, 2025 6:31 PM

To: Rene Dukes <rdukes@saxtonstump.com>

Subject: Recording of Mace's first phone with Ali

Rene,

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Marybeth

The logo consists of the lowercase letters 'mm' in a bold, serif font.

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Bennett Kesler <bennett@mullaneylaw.net>

ELECTRONICALLY FILED - 2025 Dec 18 4:15 PM - CHARLESTON - COMMON PLEAS - CASE#2025CP1002671

FW: Recording of Mace's first phone with Ali

Matthew Gallo <mgallo@grsm.com>

Wed, Dec 17, 2025 at 5:18 PM

To: Marybeth Mullaney <marybeth@mullaneylaw.net>

Cc: Rene Dukes <rdukes@saxtonstump.com>, Michael Close <michael@mullaneylaw.net>, Bennett Kesler <bennett@mullaneylaw.net>, Nosizi Ralephata <nralephata@grsm.com>, Will Blount <wblount@grsm.com>, Emma Bager <ebager@saxtonstump.com>, "William L. Duda" <bill.duda@ogletree.com>, Robert Merting <robert@kimandlahey.com>, Jay Jones <jjones@gwblawfirm.com>, Elizabeth Morrison <elizabeth@whelanmellen.com>, "D. Craig Brown" <craigbrown@craigbrownlawfirm.com>, Mary Grace Maybank <marygrace@wyndhamlaw.com>

Thanks for finally responding to an email. Glad you are paying attention. My office will not be deleting the recording. There is nothing confidential about it and I'm entitled to it as counsel for Patrick Bryant in related cases.

Finally, how is that amended complaint coming along?

From: Marybeth Mullaney <marybeth@mullaneylaw.net>

Sent: Wednesday, December 17, 2025 4:51:31 PM

To: Matthew Gallo <mgallo@grsm.com>

Cc: Rene Dukes <rdukes@saxtonstump.com>; Michael Close <michael@mullaneylaw.net>; Bennett Kesler <bennett@mullaneylaw.net>; Nosizi Ralephata <nralephata@grsm.com>; Will Blount <wblount@grsm.com>; Emma Bager <ebager@saxtonstump.com>; William L. Duda <bill.duda@ogletree.com>; Robert Merting <robert@kimandlahey.com>; Jay Jones <jjones@gwblawfirm.com>; Elizabeth Morrison <elizabeth@whelanmellen.com>; D. Craig Brown <craigbrown@craigbrownlawfirm.com>; Mary Grace Maybank <marygrace@wyndhamlaw.com>

Subject: Re: Recording of Mace's first phone with Ali

Dear All,

Please delete the recording Ms. Dukes shared with you, as it violates the attached confidentiality order signed by Judge Hocker. I will be filing a motion in the ADW v. Berg case regarding her violation of the order.

Section 5.a. explicitly states that confidential documents “*shall not be disclosed by the parties or counsel for the parties.*” Moreover, Section 5.b. provides a closed list of people who may review confidential documents, and “lawyers in another case” are not included unless they are: Co-counsel specifically working on THIS case, or have written consent, or are authorized by court order.

None of you are co-counsel in the ADW case, nor have I provided written consent authorizing Ms. Dukes to provide it to any of you. Lastly, there is no confidentiality order in the Berg v. Bryant 2025-CP-10-02671 (“Berg v. Bryant”) case. If any of you release, share, or utilize this recording in the Berg v. Bryant matter at this time, I will seek the appropriate relief for my client, as this discovery is ill-gotten.

Additionally, I am going to attempt to address the numerous issues that have been raised by various counsel in this matter.

Regarding the allegations that I am withholding discovery, that is demonstrably false. I have met my obligations under the Rules of Civil Procedure for supplementing documents. I timely provided the recording, and I believe the other documents that were not produced were only done so in error, and I will supplement accordingly. I identified these documents in my interrogatories, so it should have been apparent that they were not produced prior to my client’s testimony. In Rene’s rush to depose my client, she failed to

address any alleged deficiencies in our discovery responses other than her objection to the documents being designated as confidential.

With respect to the claim that I violated the rules of civil procedure by not emailing Ms. Berg's responses to Mr. Bryant's discovery requests to all counsel of record, this was done inadvertently. I will email the responses to all counsel of record as required under the Rules of Civil Procedure. While Rule 5 dictates that all pleadings and discovery documents be circulated to all counsel of record, there is no rule that requires me to copy all counsel of record on all communications in this matter. I would also note that several defense counsels in this case have sent emails directly to me without copying all other defense counsel. I have followed this same standard practice.

As far as Nosi's claim that I did not provide notice of Mr. Ham's subpoena, she is mistaken. I emailed a copy of his subpoena on November 12, 2025. Additionally, I am not sure why he signed the attestation, but Mr. Ham did not provide me with any responsive documents as he stated in his email. Rene should also be able to confirm as much.

With respect to the confidentiality order, I have provided Matthew and Nosi with a draft of the same proposed order that Rene consented to in ADW v Berg, which I have attached here. Instead of making proposed edits or offering their own proposed confidentiality order, Matthew and Nosi asked what documents I planned to mark as confidential. Asking me to provide an itemized list of each document I intend to designate as confidential before production is simply impractical and unreasonable. We're dealing with extensive pages of discovery, and the entire purpose of a confidentiality order is to establish the procedure and standards for making those designations during the production process, not to require advance cataloging of every document. Further, I should not be required to produce sensitive documents without a confidentiality order in place. I will be arguing both of these points in my opposition to the Motion to Compel.

Regarding your position that discovery should be limited to not include Mr. Bryant's sex life, I will address those in my memo in opposition to your pending motion. To the extent you wish to resolve this issue, I am happy to review any proposed confidentiality agreements provided to me by the parties.

I need to address Nosi's accusation that I acted improperly by communicating with SLED. This is without merit. I am not violating any rules of discovery by communicating with SLED. My client is a victim of a crime and SLED is conducting an ongoing investigation. My client is cooperating with SLED. As counsel for a crime victim, I have every right to facilitate my client's cooperation with law enforcement's ongoing criminal investigation. South Carolina's Crime Victims' Bill of Rights, S.C. Code Ann. § 16-3-1505, expressly provides victims with the right to confer with the prosecution. There is no discovery rule or ethical rule that prohibits an attorney from communicating with law enforcement on behalf of a client who is the victim of alleged crimes under investigation. If you believe there is some rule or authority that prohibits me from communicating with law enforcement about an ongoing criminal investigation involving crimes allegedly committed against my client, please cite it.

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