

**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

**DECLARATION OF COUNSEL IN  
SUPPORT OF MOTION FOR  
CONTEMPT**

I, Marybeth Mullaney, in accordance with the requirements of 28 U.S.C. 1746, hereby declare:

1. I am a duly licensed attorney in the State of South Carolina, Bar No. 66585, and am counsel of record for Defendant Alexis Berg in the above-captioned matter.
2. I make this Affidavit based upon my personal knowledge and upon review of the documents and records in this case.
3. On November 24, 2025, this Court entered a Consent Confidentiality Order governing the handling of certain sensitive materials produced in discovery in this matter. Attorney Rene Dukes signed the Confidentiality Order on behalf of Plaintiff Assignment Desk Works.
4. Paragraph 5.a. of the Confidentiality Order expressly provides that documents designated CONFIDENTIAL “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.” The Order further provides that “[t]he parties shall not disclose documents designated as CONFIDENTIAL to third parties, media outlets or post documents on social media.”

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.

1. 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*, including William Blount, Nosizi Ralephata, Elizabeth Morrison, Jay Jones, and Robert Merting. These individuals are not parties to this action and have not executed the required acknowledgment form under the Confidentiality Order.
2. Upon learning of this improper disclosure, I promptly notified all counsel of record, including Attorney Matthew Gallo, counsel for Patrick Bryant in *Berg v. Bryant*, that the materials they received were designated CONFIDENTIAL under this Court's Order and instructed them to delete the recording and any copies thereof.
3. 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?"
4. Attorney Dukes did not seek court approval before disclosing confidential discovery materials to non-party counsel. Attorney Dukes did not seek Defendant's consent before disclosing confidential discovery materials to non-party counsel. 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.
5. Upon information and belief, Ms. Dukes has shared other confidential materials subject to the Protective Order with parties and counsel in *Berg v. Bryant*. This violation is especially egregious given the nature of this litigation. Ms. Berg has alleged that she was sexually assaulted by Patrick Bryant the owner of Assignment Desk Works LLC ("ADW") and that Patrick Bryant is using ADW to prosecute the instant matter as an abuse of process, a

strategic and retaliatory tactic designed to gain collateral advantage in any criminal or civil matter Ms. Berg may pursue arising from the sexual assault.

6. Attached hereto as Exhibit A is a true and correct copy of the Confidentiality Order entered on November 24, 2025.
7. Attached hereto as Exhibit D is a true and correct copy of the email chain documenting Attorney Dukes' violation of the Confidentiality Order.
8. Attached hereto as Exhibit E is a true and correct copy of Attorney Gallo's email refusing to delete the confidential materials.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

**s/Marybeth Mullaney**

Marybeth Mullaney (S.C. Bar #66585)  
4900 O'Hear Ave Ste 100 & 200  
North Charleston, South Carolina 29405  
(843) 588-5587 Phone  
marybeth@mullaneylaw.net

*Attorney for Defendant Alexis Berg*



Marybeth Mullaney &lt;marybeth@mullaneylaw.net&gt;

ELECTRONICALLY FILED - 2026 Feb 05 12:10 PM - CHARLESTON - COMMON PLEAS - CASE#2025CP1002671

**FW: Recording of Mace's first phone with Ali**

1 message

**Rene Dukes** <rdukes@saxtonstump.com>

Wed, Dec 17, 2025 at 8:11 AM

To: Marybeth Mullaney &lt;marybeth@mullaneylaw.net&gt;

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

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.com](mailto:rdukes@saxtonstump.com)[www.saxtonstump.com](http://www.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](mailto:marybeth@mullaneylaw.net)



**First Call Alexis Berg.mp3**

23403K



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

1 message

**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.

Regarding the allegations that I am working with Nancy Mace "behind the scenes" this is baseless and unprofessional. I represent Ali Berg in this matter. Any suggestion of improper conduct or coordination with Congresswoman Mace Rule 407(9) of the South Carolina Rules of Professional Conduct requires lawyers to maintain "a professional, courteous and civil attitude toward all persons involved in the legal system." The threatening and accusatory tone of numerous emails in this case is inconsistent with these professional

obligations. Please ensure that all future communications are professional and focused on the substantive legal issues in these [cases.is](#) unfounded. I have met my obligations under the Rules of Civil Procedure and welcome any motion that states otherwise. At this point, I view these accusations as idle threats to deter my client from pursuing this matter and will address them when, and if, you file a motion.

Regarding your threat of ODC complaint, I have no concerns about being able to justify my actions in this case. I have made a good-faith effort to comply with the Rules of Civil Procedure and my professional and ethical responsibilities.

Additionally, it was improper for Nosi to read notes on my laptop and eavesdrop on my conversations with my staff during my client's deposition. It is concerning to me that Nosi, Matthew and Rene repeatedly objected to me taking my laptop with me when I left the room to consult with my client on exhibits that were not timely produced before her deposition. Nosi has admitted that she was viewing my computer screen closely and listening in on a conversation with my paralegal. It was her duty to inform me that she was privy to privileged information pursuant to the rules of professional responsibility, not utilize it to make accusations on the record against me and my client.

Finally, regarding the notice of deposition of Ms. Berg scheduled for the week of January 20th in this matter. I have provided my client's availability and advised you that she was not available that week. I have suggested January 26, February 9, or February 23, which you all rejected without offering an agreeable alternative. I am not required to disclose the details of my or my client's scheduling conflicts with the deposition. In addition to this, I recently learned that you did not consult with Mace's or Britton's counsel regarding their availability for the date the deposition was noticed. They should have been consulted on the deposition as they are now parties to this matter. Additionally, I have attempted to come to an agreement on the amount of time you are permitted to depose my client. Four days is unreasonable. If you have another proposal, please let me know. If you are unwilling to work with me to resolve this issue, I will file a motion for a protective order.

I have complied with all discovery obligations and applicable rules. To the extent that any counsel believes otherwise, the appropriate remedy is to raise those issues with the Court through proper motions, not through emails containing personal attacks and unfounded accusations of ethical misconduct. Rule 407(9) of the South Carolina Rules of Professional Conduct requires lawyers to maintain "a professional, courteous and civil attitude toward all persons involved in the legal system." The threatening and accusatory tone of numerous emails in this case is inconsistent with these professional obligations. Please ensure that all future communications are professional and focused on the substantive legal issues in these cases.

Marybeth

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](mailto:marybeth@mullaneylaw.net)

On Wed, Dec 17, 2025 at 11:33AM Matthew Gallo <[mgallo@grsm.com](mailto:mgallo@grsm.com)> wrote:

To add, there are at least two people in Mace's car when she called Ali Berg. If this was such a confidential conversation, she would have done it in privacy, behind closed doors. Also, Mace doesn't name any of the 10,000 victims, or 2-3 "Jane Does" that were going to file suit. No one is identified by name. There is also no personal identifiable information. There is nothing. Period.

Also, we will be amending our TP complaint based on this new evidence of the recording. We will send a copy in the next day or two (unless we get busy).

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**From:** Rene Dukes <[rdukes@saxtonstump.com](mailto:rdukes@saxtonstump.com)>  
**Sent:** Wednesday, December 17, 2025 11:22 AM  
**To:** Marybeth Mullaney <[marybeth@mullaneylaw.net](mailto:marybeth@mullaneylaw.net)>  
**Cc:** Michael Close <[michael@mullaneylaw.net](mailto:michael@mullaneylaw.net)>; Bennett Kesler <[bennett@mullaneylaw.net](mailto:bennett@mullaneylaw.net)>; Nosizi Ralephata <[nralephata@grsm.com](mailto:nralephata@grsm.com)>; Will Blount <[wblount@grsm.com](mailto:wblount@grsm.com)>; Matthew Gallo <[mgallo@grsm.com](mailto:mgallo@grsm.com)>; Emma Bager <[ebager@saxtonstump.com](mailto:ebager@saxtonstump.com)>; William L. Duda <[bill.duda@ogletree.com](mailto:bill.duda@ogletree.com)>; Robert Merting <[robert@kimandlahey.com](mailto:robert@kimandlahey.com)>  
**Subject:** RE: Recording of Mace's first phone with Ali

Yes, I am. But you might as well wait until you provide all the documents you were ordered to provide. I really don't understand why you think you can randomly withhold discovery. It's a huge problem..

**Rene Stuhr Dukes** | Shareholder

**SAXTON & STUMP**  
LAWYERS AND CONSULTANTS

151 Meeting Street, Suite 400

Charleston, SC 29401

Phone: 843.386.4885 | Internal: 1325

Fax: 843.580.8303

[rdukes@saxtonstump.com](mailto:rdukes@saxtonstump.com)

[www.saxtonstump.com](http://www.saxtonstump.com)



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

This is confidential for obvious reasons. It contains a conversation about a woman learning that she was sexually assaulted. Are you challenging the designation? If so I will file a motion. Please advise.

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](mailto:marybeth@mullaneylaw.net)

On Wed, Dec 17, 2025 at 9:00 AM Rene Dukes <[rdukes@saxtonstump.com](mailto:rdukes@saxtonstump.com)> wrote:

Why is this confidential?

**Rene Stuhr Dukes** | Shareholder



151 Meeting Street, Suite 400

Charleston, SC 29401

Phone: 843.386.4885 | Internal: 1325

Fax: 843.580.8303

[rdukes@saxtonstump.com](mailto:rdukes@saxtonstump.com)

[www.saxtonstump.com](http://www.saxtonstump.com)



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**From:** Marybeth Mullaney <[marybeth@mullaneylaw.net](mailto:marybeth@mullaneylaw.net)>

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

**To:** Rene Dukes <[rdukes@saxtonstump.com](mailto: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](mailto:marybeth@mullaneylaw.net)

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