

STATE OF SOUTH CAROLINA)	IN THE FAMILY COURT
COUNTY OF PICKENS)	THIRTEENTH JUDICIAL CIRCUIT
Justin Pelfrey,)	
)	Case No.: 2022-DR-39-0015
Plaintiff,)	
vs.)	CONSENT PROTECTIVE ORDER
Katherine Pelfrey,)	
Defendant.)	

This matter is before Court upon a Motion to Compel Production or Inspection of Documents Pursuant to Subpoena Duces Tecum, which was filed by Plaintiff on July 15, 2022, seeking that the Court compel Officer Daniel Cochran and the Pickens County Sheriff's Office to immediately comply with the Subpoena Duces Tecum dated May 27, 2022, by producing or making available for inspection certain documents or objects incident to a criminal investigation by the Pickens County Sheriff's Office which resulted in criminal charges pending against the above-named Defendant, Katherine Pelfrey, in *State of South Carolina vs. Katherine Folger Pelfrey*, Warrant Nos. 2022A3910100002 and 2022A3910100003, and for related relief; and

It has been asserted by Officer Cochran of the Pickens County Sheriff's Office that the Subpoenaed documents and objects contain sensitive and confidential information, as well as identifying information surrounding at least one minor child victim, and may also contain information that is protected by the Health Portability and Accountability Act of 1996 ("HIPAA") and/or other privacy laws. Due to the sensitive nature of this evidence, the parties and the Sheriff's office requests that adequate safeguards be put in place to protect against any unauthorized access or reproduction of this evidence, as well as to protect of a personal, sensitive, nature, and to protect the identity and any identifying information concerning any minor child/children victim(s).

All parties agree that a protective order is necessary to ensure that any evidence produced by the Pickens County Sheriff's Office in response to the above referenced Subpoena remains confidential. The parties agree that the following terms shall govern the possession and distribution of any evidence obtained in this case protected by federal or state privacy laws:



1. The purpose of this Protective Order shall be to protect the evidence from unauthorized access or reproduction, and to maintain the confidentiality of any minor child(ren) victim(s).
2. Counsel for the parties (including appellate counsel as applicable) shall be allowed to make copies of such evidence for trial preparation purposes only; however, the release of the evidence must be in compliance with paragraph seven (7), below. No additional copies of evidence shall be made by any person, including, but not limited to, investigators and experts.
3. The evidence shall not be used for any purpose other than to prepare for the resolution of the above-captioned Family Court action.
4. The evidence shall NOT be publicly exhibited, shown, displayed, used for educational research, demonstrative purposes, or used in any fashion except in judicial proceedings in the case.
5. The evidence may be viewed only by the parties, their counsel (including appellate counsel as applicable) and their counsel's employees, investigators, experts, the Guardian *ad Litem* and those persons determined by counsel to be necessary to the preparation of the case. No evidence shall be divulged or viewed by any other person(s) not authorized to view said evidence pursuant to this Order.
6. Counsel shall not allow any portion of the evidence to be in the custody of the parties or any other person. A party to this action may be shown and allowed to read or view any evidence while in the presence of his/her/their attorney, but the attorney must retrieve such evidence prior to the end of the meeting with that party.
7. No person shall be granted custody of the evidence pursuant to paragraph four (4) unless that person has first signed an agreement acknowledging, in writing, that he or she has received a copy of the Order, and that he or she submits to the Court's jurisdiction with respect to this Order, and that he or she will be subject to the Court's contempt powers for any violation of this Order.
8. Upon final resolution of the case through a merit hearing and appeal (if applicable), any and all evidence shall be collected and maintained by the parties' attorneys in a manner protecting the confidentiality of any minor child(ren) victim(s) at issue in the case or in the evidence. Likewise, any recipient of evidence shall surrender

evidence to the attorney who provided it so that it may be maintained in accordance with this Order.


9. The evidence to be covered herein includes, but is not limited to, any and all evidence provided by the Pickens County Sheriff's Office in response to the Subpoena Duces Tecum dated May 27, 2022, including but not limited to incident reports, police statements, reports, notes, call logs, photographs, body-cam/dashcam video footage, witness statements (written/recorded/transcribed), victim statements (written/recorded/transcribed), NCIC reports, any and all other investigative reports, written/recorded/videotaped/transcriptions of statements made by Katherine Pelfrey.
10. The documents produced hereunder (including DVDs, CDs, etc.) shall be used only for this case, with only counsel and their staff, the Guardian *ad Litem*, and the documents are to be destroyed within sixty (60) days of completion of the case. If any party uses these documents in the trial of this case, the documents shall be submitted to the Court under seal; and

WHEREAS by agreement of Officer Daniel Cochran and the Pickens County Sheriff's Office to comply with the Subpoena Duces Tecum issued by Plaintiff's counsel on May 27, 2022, and with the consent of Plaintiff's counsel Daniel Evans, Defendant's Counsel R. Scott Dover and the Guardian *ad Litem* Megan Burke, it is agreed that this Protective Order shall protect against any unauthorized access or reproduction of any evidence produced by Officer Daniel Cochran and/or the Pickens County Sheriff's Office, it shall maintain the confidentiality of any minor child(ren) or minor victim(s), and the above specified terms shall govern the possession and distribution of any such evidence; and it is, therefore, **ORDERED, ADJUDGED AND DECREED THAT:**

- A. Officer Daniel Cochran and the Pickens County Sheriff's Office shall comply with the aforementioned Subpoena by providing the documents or objects commanded therein by no later than thirty (30) days following the filing of this Order with the Clerk of the Pickens County Family Court.
- B. All documents and/or objects provided by Officer Daniel Cochran and the Pickens County Sheriff's Office shall be governed by the terms of this Order.

- C. Counsel for the parties (including appellate counsel as applicable) shall be allowed to make copies of the records for trial preparation purposes only.
- D. Counsel shall not allow evidence to be in the parties' or any other layperson's custody. A party may be shown and allowed to read or view any evidence while in the presence of his/her attorney, but the attorney must retrieve such evidence prior to the end of their visit with the party.
- E. The documents produced hereunder (including DVDs, CDs, etc.) shall be used only for this case, with only counsel and their staff, parties and the Guardian *ad Litem* or review by counsel and/or expert witnesses permitted to view the documents, and information obtained through these documents may not be disclosed to any other individual.
- F. If the documents are used at the trial of this case, they shall be submitted to the Court under seal.
- G. Absent of an appeal of the Final Order and/or motion for reconsideration, the documents produced pursuant to this Order are to be destroyed within 60 days of completion of the case.


AND IT IS SO ORDERED!




Presiding Judge, Family Court
Thirteenth Judicial Circuit

Date: 9/8/22
Pickens, South Carolina


WE CONSENT:



Daniel S. Evans
Attorney for Plaintiff



R. Scott Dover
Attorney for Defendant



Megan Goodwin Burke
Attorney Guardian *ad Litem*

STATE OF SOUTH CAROLINA

COUNTY OF PICKENS

Justin Pelfrey

Plaintiff

vs.

Katherine Pelfrey

Defendant.

IN THE FAMILY COURT
THIRTEENTH JUDICIAL CIRCUIT

JUDGMENT IN A

FAMILY COURT CASE

Docket No. 2022-DR-39-0015

Submitted by:

Daniel S. Evans, 1613 E. North St., Suite 102, Greenville, SC 29607

Attorney for ☒ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant ☐ GAL

DECISION BY COURT (check all that apply)

- ☒ This action came to trial, hearing or was resolved by consent and an order was rendered.
☐ This action has been dismissed pursuant to ☐ Rule 12(b), SCRPC ☐ Rule 41(a), SCRPC
☐ Rule 43(k), SCRPC ☐ Family Court Benchmark
☐ Other: _____

IT IS ORDERED AND ADJUDGED: ☒ See attached order; ☐ Statement of Judgment by the Court:

☐ Additional information for Clerk: _____

ORDER INFORMATION

This is a ☒ Temporary ☐ Final order. If Final, does this order end the case? ☐ Yes ☒ No
Support ☐ is not ordered ☐ is ordered, and it is to be paid ☐ through the court. ☐ directly to the CP.
Case number under which support is paid if different from this one: _____
This order involves the immediate ☐ issuance ☐ dismissal of a bench warrant, or ☒ does not apply.
☒ The following motions are ended by this order (include motion filing date): Motion to Compel 7/15/22
☐ This order adds or dismisses the following parties to this case:
☐ dismiss ☐ add: _____ ☐ dismiss ☐ add: _____

INFORMATION FOR THE PUBLIC INDEX/TRANSCRIPT OF JUDGMENT (§ 20-3-670(B)(1))

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information to enroll, indicate "N/A" in one of the boxes below.

Judgment In Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount to be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the South Carolina Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: title abstractors and researchers should refer to the official court order for judgment details.**

s/ Karen Roper
Family Court Judge

4182
Judge Code

9/8/22
Date

FOR CLERK OF COURT OFFICE USE ONLY

This judgment was entered on the 9/15/22 and a copy mailed first class or placed in the appropriate attorney's box on 9/15/22 to attorneys of record or to parties (when appearing pro se) as follows:

Daniel S. Evans
1613 E. North St., Suite 102
Greenville, SC 29607
ATTORNEY(S) FOR THE PLAINTIFF(S)

R. Scott Dover
PO Box 462
Pickens, SC 29671
ATTORNEYS FOR THE DEFENDANT(S)

S/ Harold Pat Wilborn Jr.
CLERK OF COURT

Court Reporter: _____

Custodial Parent (if applicable): Plaintiff

STATE OF SOUTH CAROLINA

COUNTY OF PICKENS

Justin Pelfrey,

Plaintiff,

and

Katherine Pelfrey,

Defendant.

) IN THE FAMILY COURT

) 13TH JUDICIAL CIRCUIT

2022 SEP 15 PM 4:13

PICKENS COUNTY
SOUTH CAROLINA

) MOTION AND ORDER INFORMATION
) FORM AND COVERSHEET

) Docket No. 2022-DR-39-0015

Plaintiff's Attorney: Daniel S. Evans, Bar No.: Address: 1613 E. North St., Ste 102, Greenville, SC 29607 Phone: 864-535-5216 Fax: 803-701-9044 Email: daniel@davidwmartinlaw.com	Defendant's Attorney: R. Scott Dover Address: PO Box 46 Pickens, SC 29671 Phone: 864-878-0662 Fax: Email: sdover@scottdover.com	Guardian ad Litem: Megan Goodwin Burke Address: 217 E. Park Ave., Greenville, SC 29601 Phone: 864-236-5439 Fax: Email: Meg@UpstateGAL.com
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)		
SECTION I: Hearing Information		
Nature of Motion: Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES/ <input type="checkbox"/> NO		
SECTION II: Motion/Order Type		
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for the relief or action by the Court as set forth in the attached proposed order.		
Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff/ <input type="checkbox"/> Defendant		08/29/2022 Date Submitted
SECTION III: Motion Fee		
<input type="checkbox"/> Paid – Amount: \$ _____ <input checked="" type="checkbox"/> Exempt: <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support {check reason} <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 36, SCRCF) <input type="checkbox"/> Proposed Order submitted at request of the court; or Reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input checked="" type="checkbox"/> Other: Consent Protective Order		
JUDGE'S SECTION		
<input type="checkbox"/> Motion Fee to be paid upon filing the attached order. <input type="checkbox"/> Other: _____		JUDGE CODE: _____ Date: _____ <i>s/ Karen Roper</i>
CLERK'S VERIFICATION		
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: _____		