

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY)	C/A NO.: 2024-CP-26-03798
)	
Jennifer Spivey Foley, as Personal)	
Representative of the Estate of Scott)	
Ryan Spivey,)	
)	
Plaintiff,)	
)	
v.)	
)	
Charles Weldon Boyd and Kenneth)	
Williams,)	
)	
Defendants.)	

MOTION TO STAY PROCEEDINGS

TO: THE PLAINTIFF, JENNIFER SPIVEY FOLEY, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SCOTT RYAN SPIVEY, AND HER ATTORNEYS, MARK TINSLEY, ESQ. AND NATASHA HANNA, ESQ:

You will take notice that the Defendant, Kenneth Williams, through his attorney, Robert E. Lee, Esq. hereby requests this Court issue a stay of this matter pending the investigation begun by the South Carolina Law Enforcement Division (“SLED”) regarding actions of this Defendant which are the subject of this action. The Circuit Court has discretion whether to grant a stay of a matter pending before the Court. See: *Talley v. John-Manville Sales Corp.*, 285 S.C. 117, 119, 328 S.E.2d 621, 623 (1985).

This matter has been pending before the Court since June 03, 2024, but this Defendant alleges this Motion is timely because of SLED’s investigation into the actions which have given rise to the civil claims asserted against this Defendant on behalf of the Estate of Scott Ryan Spivey. Mr. Spivey, after firing his weapon at the Defendants, was killed in an exchange of gunfire in the late afternoon of September 9, 2023. The events that preceded the exchange of gunfire and Mr. Spivey’s death were investigated over a period of months by both the Horry County Police Department (“HCPD”) and the South Carolina Law Enforcement Division (“SLED”). At the conclusion of their investigation

the South Carolina Attorney General's Office, to which this office had been referred to for prosecution, determined this Defendant would not be subjected to any criminal charges. Despite this decision by the South Carolina Attorney General, the Plaintiff filed this action. This Defendant has asserted that he is immune from this civil action under the provisions of S.C. Code § 16-11-450(A) (Law. Co-op., 1976).

This Defendant, and his Co-Defendant's deposition were taken and videotaped on February 10, 2025, by the attorneys for the Plaintiff in this matter. Within days of the deposition, before the attorney for this Defendant received a copy of the transcript of the Defendant's deposition, videotaped excerpts of this Defendant's and his Co-Defendant's depositions began appearing on social media. On or about March 25, 2025, the SLED, at the insistence of members of the City and County Councils and Legislators. At the insistence of the Plaintiff, or her attorneys together with the politicians, they enlisted convinced to opened investigations into the actions of one or more officers of the HCPD. While it has been alleged the investigation involves the way the shooting death of Mr. Spivey was investigated, SLED will not confirm or deny officially this Defendant is not a subject or target of the investigation.

There is no indication from SLED when their investigation will be concluded, and the possibility of prosecution removed from this Defendant. A long delay spent waiting for resolution of a related case is "*not sufficient reason for refusing to grant a stay*". *Talley v. John-Manville Sales Corp.*, 285 S.C. 117, 118-119 n.2, 328 S.E.2d 621, 622-623 n.2 (1985). Nevertheless, the Defendant is informed and believes the Plaintiff will not suffer any under burden from the imposition of a stay. Plaintiff has just completed the exchange of initial written discovery with the Defendants and has taken the depositions of both Defendants.

(Signatures on the Following Page)

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May 12, 2025
Marion, South Carolina