

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF YORK)	SIXTEENTH JUDICIAL CIRCUIT
)	
John Doe #4, individually, and now over)	Civil Action No.: 2025-CP-46-00493
the age of eighteen (18) and Jane Roe #4,)	
individually, and as the parent and natural)	
guardian of John Doe #4 while he was)	ANSWER OF DEFENDANT CHASE
under the age of eighteen (18),)	PORTELLO
)	
Plaintiff,)	(Jury Trial Demanded)
)	
v.)	
)	
Morningstar Fellowship Church, Richard)	
Joyner, David Yarnes, Douglas Lee,)	
Erickson Lee, and Chase Portello,)	
)	
Defendants.)	

**TO: S. RANDALL HOOD, ESQUIRE, AND CHAD A. MCGOWAN, ESQUIRE,
COUNSEL FOR PLAINTIFF:**

Defendant Chase Portello (hereinafter “Defendant” or “this Defendant”), by and through his undersigned counsel, and expressly reserving the right to file a motion under Rule 12 of the South Carolina Rules of Civil Procedure, or any other dispositive motion, hereby answers the Plaintiff’s Complaint as follows:

FOR A FIRST DEFENSE BY WAY OF ANSWER

1. Any allegation contained or implied in the Plaintiff’s Complaint not hereinafter admitted, denied, or otherwise explained is denied and Defendant demands strict proof thereof.
2. Responding to the allegations contained within Paragraphs 1 through 14 of the Plaintiff’s Complaint, this Defendant asserts that these paragraphs contain narrative allegations that are at best tangentially related to this action, in violation of the pleading requirements set forth in Rule 8(a), SCRCF, and relate to parties other than this Defendant and, as a result, should not require a response. To the extent a response is required, this Defendant lacks

knowledge or information sufficient to fully form a belief as to the truth or falsity of the allegations, and therefore denies the same and demands strict proof thereof.

3. Responding to the allegations contained in Paragraph 15 of the Plaintiff's Complaint, this Defendant admits only that Morningstar Fellowship Church created a youth program that at times involved overnight events. All other allegations contained or implied in Paragraph 15 of the Plaintiff's Complaint are denied and therefore, Defendant demands strict proof thereof.
4. This Defendant admits the allegations contained in Paragraph 16 of the Plaintiff's Complaint.
5. This Defendant admits the allegations contained in Paragraph 17 of the Plaintiff's Complaint, upon information and belief.
6. Responding to the allegations contained in Paragraph 18 of the Plaintiff's Complaint, this Defendant craves reference to the criminal record, proceedings, indictments, and plea colloquy of Erikson Lee for an accounting of Mr. Lee's actions. This Defendant lacks knowledge or information sufficient to fully form a belief as to the truth or falsity of any allegations outside of those documents referenced and therefore denies the same and demands strict proof thereof.
7. This Defendant denies the allegations contained in Paragraph 19 of the Plaintiff's Complaint and therefore, demands strict proof thereof.
8. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 20 and 21 of the Plaintiff's Complaint, and therefore denies the same and demands strict proof thereof.

9. This Defendant denies the allegations contained in Paragraph 22 of the Plaintiff's Complaint and therefore, demands strict proof thereof.
10. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 23 through 25 of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
11. Responding to the allegations contained in Paragraphs 26 through 33 of the Plaintiff's Complaint, this Defendant admits only that Plaintiff filed this action anonymously under the pseudonym John Doe # 4. This Defendant lacks sufficient knowledge or information to respond to the remaining allegations and therefore denies the same and demands strict proof thereof.
12. This Defendant admits the allegations contained in Paragraph 34 of the Plaintiff's Complaint, upon information and belief.
13. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 35 through 37 of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
14. Responding to the allegations contained in Paragraph 38 of the Plaintiff's Complaint, this Defendant admits only that Erickson Lee was the former leader of a youth program at Morningstar. This Defendant further craves reference to the criminal record, proceedings, indictments, and plea colloquy of Erickson Lee for an accounting of Mr. Lee's actions. This Defendant lacks knowledge or information sufficient to fully form a belief as to the truth or falsity of any allegations outside of those documents referenced and therefore denies the same and demands strict proof thereof.

15. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 39 of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
16. Responding to the allegations contained in Paragraph 40 of the Plaintiff's Complaint, this Defendant admits only that he is a citizen and resident of the United States. All other allegations contained or implied in Paragraph 40 of the Plaintiff's Complaint are denied and strict proof thereof is demanded.
17. Responding to the allegations contained in Paragraphs 41 through 43 of the Plaintiff's Complaint, this Defendant craves reference to the laws and established jurisprudence of the State of South Carolina for an accurate recitation of duties owed in this case and denies any inconsistent allegation contained or implied in Paragraphs 41 through 43 of the Plaintiff's Complaint and demands strict proof thereof.
18. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 44 through 51 of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
19. Responding to the allegations contained in Paragraph 52 of the Plaintiff's Complaint, this Defendant craves reference to the laws and established jurisprudence of the State of South Carolina for an accurate recitation of scope of employment and/or agency in this case and denies any inconsistent allegation contained or implied in Paragraph 52 of the Plaintiff's Complaint and demands strict proof thereof.
20. This Defendant denies the allegations contained in Paragraphs 53 and 54 of the Plaintiff's Complaint and demands strict proof thereof.

21. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 55 through 57 of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
22. Responding to the allegations contained in Paragraphs 58 and 59 of the Plaintiff's Complaint, this Defendant craves reference to the laws and established jurisprudence of the State of South Carolina for an accurate recitation of jurisdiction in this case and denies any inconsistent allegation contained or implied in Paragraphs 58 and 59 of the Plaintiff's Complaint and demands strict proof thereof.
23. This Defendant denies the allegations contained in Paragraph 60 of the Plaintiff's Complaint and demands strict proof thereof.
24. Responding to Paragraph 61 of Plaintiff's Complaint, this Defendant lacks sufficient knowledge or information to form a belief as what Morningstar may or may not claim and, as a result, denies the same and demands strict proof thereof.
25. Responding to the allegations contained in Paragraphs 62 through 64 of the Plaintiff's Complaint, to include any and all subparts, this Defendant craves reference to the laws and established jurisprudence of the State of South Carolina for an accurate recitation of the Charitable Immunities Act and the Tort Claims Act and denies any inconsistent allegation contained or implied in Paragraphs 61 through 64 of the Plaintiff's Complaint and demands strict proof thereof.
26. The allegations contained within Paragraph 65 through 70 of the Plaintiff's Complaint are denied and strict proof thereof is demanded.
27. Responding to the allegations contained within Paragraphs 71 through 84 of the Plaintiff's Complaint, this Defendant asserts that these paragraphs contain narrative allegations that

are at best tangentially related to this action, in violation of the pleading requirements set forth in Rule 8(a), SCRCP, and relate to parties other than this Defendant and, as a result, should not require a response. To the extent a response is required, this Defendant lacks knowledge or information sufficient to fully form a belief as to the truth or falsity of the allegations, and therefore denies the same and demands strict proof thereof.

28. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 85 through 102 of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
29. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 103 through 107 of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
30. This Defendant denies the allegations contained in Paragraph 108 of the Plaintiff's Complaint and therefore, demands strict proof thereof.
31. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 109 through 118 of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
32. Responding to the allegations contained within Paragraph 119 of Plaintiff's Complaint, this Defendant admits that it is never permissible or acceptable for anyone to exploit or abuse a minor child.
33. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 120 through 124 of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.

34. Responding to the allegations contained within Paragraphs 125 through 137 of the Plaintiff's Complaint, this Defendant asserts that these paragraphs contain narrative allegations that are at best tangentially related to this action, in violation of the pleading requirements set forth in Rule 8(a), SCRCP, and relate to parties other than this Defendant and, as a result, should not require a response. To the extent a response is required, this Defendant lacks knowledge or information sufficient to fully form a belief as to the truth or falsity of the allegations, and therefore denies the same and demands strict proof thereof.
35. Responding to the allegations contained in Paragraph 138 of the Plaintiff's Complaint, this Defendant denies any knowledge or notice of the conduct alleged and demands strict proof thereof. As to the remaining allegations, this Defendant lacks knowledge or information sufficient to fully form a belief as to the truth or falsity of the allegations, and therefore denies the same and demands strict proof thereof.
36. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 139 through 141 of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
37. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 142 through 212 of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
38. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 213 through 214 of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
39. This Defendant denies the allegations contained in Paragraph 215 of the Plaintiff's Complaint insofar as they are directed at him and therefore, demands strict proof thereof.

40. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 216 through 264 of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
41. This Defendant denies the allegations contained in Paragraphs 265 through 269 of the Plaintiff's Complaint and therefore, demands strict proof thereof.
42. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 270 through 276 of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
43. Responding to the allegations contained in Paragraph 277 of the Plaintiff's Complaint, this Defendant denies sending the text message.
44. This Defendant denies the allegations contained in Paragraph 278 of the Plaintiff's Complaint and therefore, demands strict proof thereof.
45. This Defendant admits the allegations contained in Paragraph 279 of the Plaintiff's Complaint.
46. Responding to the allegations contained in Paragraph 280 of the Plaintiff's Complaint, this Defendant admits only, upon information and belief, that Mr. Lee entered an Alford plea and was convicted to nine years imprisonment.
47. Paragraph 281 of the Plaintiff's Complaint does not appear to call for a response from this Defendant.
48. This Defendant denies the allegations contained in Paragraph 282 of the Plaintiff's Complaint and therefore, demands strict proof thereof.

49. Responding to Paragraph 283 of the Plaintiff's Complaint, this Defendant realleges and reincorporates herein each and every response contained above as though set forth herein verbatim.
50. The allegations contain in Paragraphs 284 through 301 of the Plaintiff's Complaint, to include any and all subparts, are denied and strict proof thereof is demanded.
51. Responding to Paragraph 302 of the Plaintiff's Complaint, this Defendant realleges and reincorporates herein each and every response contained above as though set forth herein verbatim.
52. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 303 through 306 of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
53. This Defendant denies the allegations contained in Paragraph 307 through 313 of the Plaintiff's Complaint and demands strict proof thereof.
54. Responding to Paragraph 314 of the Plaintiff's Complaint, this Defendant realleges and reincorporates herein each and every response contained above as though set forth herein verbatim.
55. This Defendant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraphs 315 through 319 of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
56. Responding to Paragraph 320 of the Plaintiff's Complaint, this Defendant realleges and reincorporates herein each and every response contained above as though set forth herein verbatim.

57. This Defendant denies the allegations contained in Paragraphs 321 through 330 of the Plaintiff's Complaint and therefore, demands strict proof thereof.
58. Responding to Paragraph 331 of the Plaintiff's Complaint, this Defendant realleges and reincorporates herein each and every response contained above as though set forth herein verbatim.
59. This Defendant denies the allegations contained in Paragraphs 332 through 336 of the Plaintiff's Complaint, to include any and all subparts, and demands strict proof thereof.
60. This Defendant denies that Plaintiff is entitled to any relief from this Defendant. This Defendant expressly denies that Plaintiff is entitled to the relief requested in the "WHEREFORE" clause. This Defendant further denies any negligence, gross negligence, recklessness, civil conspiracy, intentional infliction of emotional distress, other wrongful actions, and/or liability to Plaintiff. Any additional or remaining allegations of Complaint are denied.

FOR A SECOND DEFENSE
(Failure to State a Claim)

61. This Defendant would further show, upon information and belief, that with regard to some or all of the causes of action appearing in the Complaint, the Plaintiff fails to state a claim upon which relief can be granted. The Complaint should, therefore, be dismissed in whole or in part pursuant to Rule 12(b)(6), SCRCP.

FOR A THIRD DEFENSE
(Failure to Join a Party)

62. This Defendant would further show, upon information and belief, that Plaintiff has failed to join one or more parties under Rule 19, SCRCP, and should therefore be dismissed.

FOR A FOURTH DEFENSE
(Pleading Failure)

63. This Defendant would further show, upon information and belief, that with regard to some or all of the causes of action appearing in the Complaint, the Plaintiff's claims are barred, in whole or in part, because of the failure to plead them with sufficient particularity and/or specificity as required under Rule 9, SCRCP, and the statutes applicable to the causes of action.

FOR A FIFTH DEFENSE
(Improper Venue)

64. This Defendant would further show, upon information and belief, that venue may be improper and, as a result, this action may be subject to dismissal pursuant to Rule 12(b)(3), SCRCP.

FOR A SIXTH DEFENSE
(Proximate Cause)

65. This Defendant would further show, upon information and belief, that no acts or omissions on the part of this Defendant were the proximate cause or cause in fact of some or all damages allegedly suffered by the Plaintiff (the existence of such damages being denied). Therefore, the Plaintiff's action is barred in part or in whole.

FOR A SEVENTH DEFENSE
(Intervening Causes)

66. This Defendant would further show, upon information and belief, that some or all damages allegedly sustained by the Plaintiff, the existence of which are denied, were a proximate result of one or more independent, efficient, intervening causes which this Defendant pleads as a bar to this action.

FOR AN EIGHTH DEFENSE
(Alleged Damages Caused by a Third-Party)

67. This Defendant would further show, upon information and belief, that some or all damages allegedly suffered by the Plaintiff (the existence of such damages being denied) were a direct or proximate result of the acts or omissions of another party or parties over whom this Defendant had no control or duty to control. This Defendant therefore pleads the acts of another party or parties as a complete defense to all claims.

FOR A NINETH DEFENSE
(Comparative Negligence)

68. To the extent the discovery conducted in this litigation demonstrates the same, even if this Defendant were negligent in any respect, which is expressly denied, and such conduct operated as a proximate cause of Plaintiff's injuries, if any, which is also expressly denied, this Defendant pleads the defense of Comparative Negligence.

FOR A TENTH DEFENSE
(Compliance with Standard of Care)

69. This Defendant would further show, upon information and belief, that at all times relevant to the allegations of the Complaint, the conduct of this Defendant was in full compliance with, the standard of care expected of similar individuals and institutions in South Carolina. All of the conduct of this Defendant was within the acceptable standards and methods and at no time did this Defendant or its agents and employees deviate from the standard of care with respect to the Plaintiff. Thus, the Plaintiff's claims are barred.

FOR AN ELEVENTH DEFENSE
(Good Faith)

70. This Defendant would further show, upon information and belief, that at all times relevant to the allegations of the Complaint, this Defendant acted in good faith and in a reasonable

manner.

FOR A TWELFTH DEFENSE
(Estoppel)

71. This Defendant would further show, upon information and belief, that with regard to some or all causes of action appearing in the Complaint, the Plaintiff's claims are barred by the doctrine of estoppel.

FOR A THIRTEENTH DEFENSE
(Unclean Hands)

72. This Defendant would further show, upon information and belief, that the Plaintiff, by his or his privies' representations, actions, and/or inactions are precluded from any recovery under the equitable doctrine of unclean hands.

FOR A FOURTEENTH DEFENSE
(Laches)

73. This Defendant would further show, upon information and belief, that with regard to some or all causes of action appearing in the Complaint, the Plaintiff's claims are barred by the doctrine of laches.

FOR A FIFTEENTH DEFENSE
(Statute of Limitations)

74. To the extent the discovery conducted in this litigation demonstrates the same, some or all of the Plaintiff's claims are barred by the applicable statutes of limitations.

FOR A SIXTEENTH DEFENSE
(Criminal Conduct)

75. This Defendant would further show, upon information and belief, that to the extent it is alleged that the Plaintiff's injuries or damages (which are specifically denied) resulted from any alleged willful, malicious, or criminal conduct, such conduct was beyond the control of this Defendant, was not intended by this Defendant, could not reasonably have been

foreseen by this Defendant, and was not authorized or ratified by this Defendant. Any causal connection between any alleged negligence of this Defendant and any injuries or damages to the Plaintiff is, therefore, broken to the extent that such injuries or damages (which are denied) resulted from willful, malicious, or criminal conduct.

FOR A SEVENTEENTH DEFENSE
(Failure of Conspiracy Claim)

76. This Defendant would further show, upon information and belief, that the Complaint fails to plead additional acts in furtherance of the alleged conspiracy but, instead, merely restates the allegations of its other causes of action and characterizes them as a conspiracy.

FOR AN EIGHTEENTH DEFENSE
(Intracorporate Conspiracy Doctrine)

77. Plaintiff's cause of action for Civil Conspiracy is barred by the Intracorporate Conspiracy Doctrine.

FOR A NINETEENTH DEFENSE
(Punitive Damages – Cooper v. Leatherman)

78. This Defendant would further show, upon information and belief, that pursuant to Cooper Industries, Inc. v. Leatherman Tool Group, Inc., 532 U.S. 424 (2001), if punitive damages are recoverable, which is denied, the amount of punitive damages “is not really a fact tried by the jury.” Id. at 437 (citation and quotation marks omitted). Therefore, the Plaintiff's request for punitive damages to be determined by the jury violates the United States Constitution.

FOR A TWENTIETH DEFENSE
(Punitive Damages – Exxon Shipping Co. v. Baker)

79. This Defendant would further show, upon information and belief, that pursuant to Exxon Shipping Co. v. Baker, 554 U.S. 471 (2008), if punitive damages are recoverable, which is

denied, the amount of punitive damages must be limited to an amount no greater than the award of actual damages.

FOR A TWENTY-FIRST DEFENSE
(Punitive Damages)

80. This Defendant would further show, upon information and belief, that the Plaintiff's claims for punitive damages are barred because punitive damages are a form of punishment and any such award under the laws of the State of South Carolina would violate this Defendant's procedural and substantive Due Process rights, and Equal Protection rights, guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and by Article I, Section 3, of the Constitution of the State of South Carolina, in that:

- (a) The judiciary will be allowed to consider evidence of this Defendant's wealth in assessing punitive damages;
- (b) There are no standards of sufficient clarity, objectivity, and uniformity whereby the judiciary may determine the propriety of punitive damages or the amount of any such award;
- (c) The guidelines, standards procedures, and instructions for the imposition of punitive damages are ambiguous, indefinite, unreasonable, vague, uncertain, conflicting, purely subjective, and fundamentally unfair;
- (d) The vague and inconsistent legal standards for the imposition of punitive damages deprives this Defendant of sufficient notice of the type of conduct and mental state upon which an award of punitive damages could be based; and
- (e) No objective limitations or standards have been established.

FOR A TWENTY-SECOND DEFENSE
(Punitive Damages)

81. This Defendant would further show, upon information and belief, that the Plaintiff's claims for punitive damages are barred because punitive damages are a form of punishment and any such award under the laws of the State of South Carolina would violate this Defendant's procedural and substantive Due Process rights, and Equal Protection rights,

guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and by Article I, Section 3, of the Constitution of the State of South Carolina in that:

- (a) A jury is not provided with standards of sufficient clarity, objectivity, and uniformity for determining the appropriateness of awarding, or the appropriate size of any punitive damages;
- (b) A jury is not instructed on the limits of punitive damages awards imposed by the applicable principles of punishment and deterrence;
- (c) A jury is not expressly prohibited from awarding punitive damages, or determining the amount of an award of punitive damages, in whole or in part, on the basis of invidiously discriminatory characteristics;
- (d) A jury is permitted to award punitive damages under standards for determining liability for, and amount of, punitive damages that are vague and arbitrary and do not define with sufficient clarity the culpable conduct or mental state that makes an award of punitive damages permissible;
- (e) A jury is allowed to consider evidence of this Defendant's wealth in assessing punitive damages; and
- (f) A jury is not subject to judicial review on the basis of objective and uniform standards.

FOR A TWENTY-THIRD DEFENSE
(Punitive Damages)

82. This Defendant would further show, upon information and belief, that the Plaintiff's claims for punitive damages are barred because they are essentially criminal in nature and a form of punishment, and they seek to deny this Defendant rights guaranteed to defendants in criminal proceedings under the Fourth, Fifth, Sixth, and Fourteenth Amendments of the United States Constitution:

- (a) A requirement that the basis for the imposition of punitive damages be proven beyond a reasonable doubt by plaintiff;
- (b) The right to separate trials for compensatory and punitive damages; and
- (c) The right to a separate hearing for the determination of the amount of punitive damages under applicable provisions of state law.

FOR A TWENTY-FOURTH DEFENSE
(Punitive Damages)

83. This Defendant would further show, upon information and belief, that the Plaintiff's claims for punitive damages are barred because they seek to impose punishment that is excessive and grossly disproportionate to the misconduct alleged, in violation of Section 15, Article I of the Constitution of the State of South Carolina, which prohibits excessive fines and cruel and unusual punishment.

FOR A TWENTY-FIFTH DEFENSE
(Limitation on Punitive Damages)

84. This Defendant would further show, upon information and belief, that any award of punitive damages is subject to the limitations set forth in S.C. Code Ann. § 15-32-530.

FOR A TWENTY-SIXTH DEFENSE
(Bifurcation/Clear and Convincing Evidence)

85. This Defendant would further show, upon information and belief, that the Plaintiff's request for punitive damages is subject to the provisions of S.C. Code Ann. § 15-32-520, including but not limited to the requirement for a bifurcated trial and the clear and convincing evidence standard of proof.

FOR A TWENTY-SEVENTH DEFENSE
(No Double Recovery)

86. This Defendant would further show, upon information and belief, that to the extent the Plaintiff seeks both punitive damages and treble damages, such claims are barred as they would amount to an impermissible double recovery.

FOR A TWENTY-EIGHTH DEFENSE
(Attorneys' Fees Not Recoverable)

87. This Defendant would further show, upon information and belief, that some or all of the causes of action in the Complaint fail to state a claim against this Defendant upon which

the Plaintiff can recover attorneys' fees.

FOR A TWENTY-NINTH DEFENSE
(Apportionment)

88. This Defendant reserves and asserts all rights under S.C. Code Ann. § 15-38-15 to the extent it bars, limits, or apportions any fault or recovery herein.

FOR A THIRTIETH DEFENSE
(Contribution and Indemnity)

89. This Defendant would further show, upon information and belief, that if it is liable to the Plaintiff (which is specifically denied), then other potentially responsible parties would be liable to it in contribution or indemnity. This Defendant pleads the doctrines of contribution and indemnity as a defense in this action.

FOR A THIRTY-FIRST DEFENSE
(Setoff/Recoupment)

90. This Defendant would further show, upon information and belief, that if it is liable to the Plaintiff (which is specifically denied), then it is entitled to a setoff or recoupment for all sums of money recovered from any other potentially liable party or monies obtained from any other collateral source obtained by or on behalf of the Plaintiff by way of any settlement, judgment, or otherwise which the Plaintiff has entered or recovered from any other potentially responsible party.

FOR A THIRTY-SECOND DEFENSE
(Election of Remedies)

91. This Defendant would further show, upon information and belief, that the Plaintiff will be subject to an election of remedies should he prevail on more than one of his causes of action.

FOR A THIRTY-THIRD DEFENSE
(Failure to Mitigate)

92. Plaintiff's claims may be barred or otherwise reduced due to his failure to mitigate damages as required by law.

FOR A THIRTY-FOURTH DEFENSE
(Charitable Funds Act)

93. Plaintiff's claims are barred, in whole or in part, or are otherwise limited by the provisions of the South Carolina Solicitation of Charitable Funds Act. See S.C. Code Ann. § 33-56-10, et seq.

FOR A THIRTY-FIFTH DEFENSE
(Charitable Funds Act – Punitive Damages)

94. Plaintiff is barred from recovery of punitive damages against Defendant or recovery of actual damages beyond the amount specified in said statutes by virtue of the Defendant being a "charitable organization," as defined in S.C. Code Ann. §§ 33-56-170 and -180. See also S.C. Code Ann. § 15-78-120(a)(1) and (b).

FOR A THIRTY-SIXTH DEFENSE
(Rule 10(a), SCRCPP)

95. This Defendant would further show, upon information and belief, that the Complaint does not comply with Rule 10(a), SCRCPP, and thus the court lacks jurisdiction over the Plaintiff.

FOR A THIRTY-SEVENTH DEFENSE
(Rule 8(c), SCRCPP)

96. To the extent applicable and not already asserted hereinabove, this Defendant pleads all affirmative defenses listed in Rule 8(c), SCRCPP.

FOR A THIRTY-EIGHTH DEFENSE
(Incorporation of Defenses)

97. This Defendant incorporates by reference any and all additional relevant and/or applicable defenses asserted in any Answers to the Complaint which have been filed or may be filed

by other Defendants.

AS TO FURTHER DEFENSES AND CLAIMS

98. This Defendant places the Plaintiff on notice that it will subsequently move to amend this Answer should it appear through discovery or continued fact investigation that additional defenses and/or claims are available.

WHEREFORE, having fully answered the Complaint, Defendant Chase Portello prays that the Court inquire into the matters addressed herein and issue its Order dismissing the Complaint with prejudice, or granting this Defendant judgement against the Plaintiff on the Complaint and awards, to the extent available under the law, costs, attorneys' fees, and expenses in this matter, and for such other and further relief as the Court may deem just, equitable, and proper.

Respectfully submitted,
COLLINS & LACY, P.C.

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ATTORNEYS FOR CHASE PORTELLO

April 22, 2025
Columbia, South Carolina