

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF KERSHAW) THE FIFTH JUDICIAL CIRCUIT

Melissa Branham and Shane Newman,) Civil Action No.: 2023CP2800460
Individually and in their fiduciary)
capacities on behalf of the estate of)
C.N.,)

Plaintiff,)

v.)

Zach Cameron, Trent Mathis, Circle)
K, Inc. d/b/a Circle K Stores, Inc.)
#2723242, John Doe Entity 2, John)
Doe Entity 3, John Doe Entity 4 &)
John Doe Entity 5,)

Defendants.)

**AMENDED MOTION FOR PROTECTIVE
ORDER
REGARDING PLAINTIFF'S SECOND¹
REQUESTS FOR PRODUCTION**

**TO: JESSICA L. FICKLING, ESQUIRE, ATTORNEY FOR THE PLAINTIFF AND TO
THE PLAINTIFF ABOVE-NAMED:**

YOU WILL PLEASE TAKE NOTICE the undersigned, as attorney for Defendant Circle K Stores, Inc., will move pursuant to Rule 26(c), SCRCP, before the Presiding Judge of the Kershaw Court of Common Pleas, as soon as counsel may be heard, for an Order granting protection pertaining to certain requests contained in Plaintiff's Second Requests for Production (dated March 3, 2025, attached at Exhibit A). Rule 26(c) provides that

the court in which the action is pending...may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden by expense, including one or more of the following: (1) that the discovery not be had; (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place; ... (4) that certain matters not be inquired into or that the scope of the discovery be limited to certain matters...

¹ The requests are mislabeled "Second" as another Second Requests for Production has already been sent by Plaintiff to Circle K. The requests at issue are actually the *third* requests for production.

Defendant has participated extensively in discovery—two rounds of written discovery requests have already been responded to. Several depositions have been taken. The only “evidence” of a purchase of alcohol at a Circle K comes from the testimony of Lily Joseph and Zach Cameron. There is no proof of this purchase in Joseph/Cameron’s records or Circle K’s. Ms. Joseph indicates that she used the South Carolina drivers license of another person who looked like her to purchase the alcohol while she was underage.

But most importantly, Plaintiff has failed to prove that alcohol has anything to do with this case. The evidence shows that Trent Mathis, the operator of the boat in which Plaintiff’s decedent was a passenger, operated his vessel in violation of the law or reasonable care which resulted in the impact with Cameron’s vessel. There is no testimony concerning the impairment or intoxication of Zach Cameron—no breathalyzer, no blood draw, no sobriety test, no observation from law enforcement (as indicated in their depositions).

In light of this, the information sought by Plaintiff is grossly overbroad and irrelevant. *Even if* alcohol had a connection to this case, and *even if* Plaintiff proved that Circle K knowingly sold alcohol to a minor, the requests at issue are irrelevant and overbroad. The requests concern macro-level, regulatory compliance and have nothing to do with the who, what, when, where, or why of the *particular sale* at issue. Other requests for production concerning other age restricted sales and communication concerning the same are also irrelevant.

Defendant will supplement this motion with a memorandum of law in support thereof.

The undersigned certifies that he has communicated in advance with Plaintiff’s counsel to avoid this motion, but to no avail.

{ signature page to follow }

Respectfully submitted,

SWEENY, WINGATE & BARROW, P.A.

s/Ryan C. Holt

Ryan C. Holt, SC Bar No. 78338

Brian L. Craven, SC Bar No. 78002

Sweeny, Wingate & Barrow, P.A.

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ATTORNEYS FOR DEFENDANT CIRCLE K

Columbia, South Carolina

March 4, 2025



STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF KERSHAW) THE FIFTH JUDICIAL CIRCUIT

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#2723242, John Doe Entity 2, John)
Doe Entity 3, John Doe Entity 4 &)
John Doe Entity 5,)

MOTION FOR PROTECTIVE ORDER
REGARDING 30(b)(6) NOTICE

Defendants.)

TO: JESSICA L. FICKLING, ESQUIRE, ATTORNEY FOR THE PLAINTIFF AND TO
THE PLAINTIFF ABOVE-NAMED:

YOU WILL PLEASE TAKE NOTICE the undersigned, as attorney for Defendant
Circle K Stores, Inc., will move pursuant to Rule 26(c), SCRCP, before the Presiding Judge of
the Kershaw Court of Common Pleas, as soon as counsel may be heard, for an Order granting
protection pertaining to the draft topic list for Plaintiff's proposed Rule 30(b)(6) deposition. Rule
26(c) provides that

the court in which the action is pending...may make any order which justice requires to
protect a party or person from annoyance, embarrassment, oppression, or undue burden
by expense, including one or more of the following: (1) that the discovery not be had; (2)
that the discovery may be had only on specified terms and conditions, including a
designation of the time or place; ... (4) that certain matters not be inquired into or that the
scope of the discovery be limited to certain matters...

Plaintiff initially presented a broad Rule 30(b)(6) topic list (Exhibit 1) that resulted in a
cordial phone call between Plaintiff and Defense counsel. The phone call concluded with an

agreement that topics would be understood in a certain way and that some of the topics could be tailored. Plaintiff then sent a revised topic list (Exhibit 2). Unfortunately, the revised topics included a net increase of five and a broadening of the date scope on two of the existing topics.

Despite efforts to cordially communicate with plaintiff's counsel on this matter, the communication has unfortunately been unproductive, indeed making Defendant's situation worse. Defendant respectfully requests relief from these deposition topics.

Respectfully submitted,

SWEENY, WINGATE & BARROW, P.A.

s/Ryan C. Holt
Ryan C. Holt, SC Bar No. 78338
Brian L. Craven, SC Bar No. 78002
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ATTORNEYS FOR DEFENDANT CIRCLE K

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March 12, 2025