

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

GLT2, LLC,

CASE NO.: 2025-CP-10-00981

Petitioner,

vs.

FINAL SANCTIONS ORDER

JANE DOE AND JOHN DOE

Respondents,

INTRODUCTION & PROCEDURAL HISTORY

This matter was initially before the Court on two motions to intervene and for sanctions. The first filed by U.S. Representative Nancy Mace on June 12, 2025, and the second by Jane Doe on June 26, 2025. (Collectively Mace and Doe are “Intervenors”). These two motions were heard by the Court on July 14, 2025. After the hearing the Court requested additional briefing from Intervenors which was filed by Doe on July 29, 2025, and by Rep. Mace on July 30. Upon consideration of these supplemental briefs, the Court also requested various additional information from the parties—and specifically as it relates to this Order—the Court requested that Intervenors submit affidavits in support of their claims for attorney fees no later than August 26, 2025. In response, attorneys Robert Wyndam and Mary Grace Wyndam (counsel for Rep. Mace) filed affidavits and an invoice in support of \$33,456.74 in claimed attorney fees incurred at \$350.00 per hour, and attorney Mary Beth Mullaney (counsel for Doe) submitted an affidavit and invoice in support of \$34,181.74 in claimed attorney fees incurred at \$350.00 per hour.

On August 25, the Court was forwarded (via email) an invoice dated July 31, 2025, for \$35,968.50 from a Washington D.C. law firm for a matter entitled “Campaign Counsel” and addressed to Rep. Mace. This invoice covered a period from March 2025 through June 30, 2025, but many of the entries were clearly unrelated to and/or pre-dated the matter before the Court. No affidavit was provided in support of this invoice. Much later, on October 23, 2025, as the Court was finalizing this Order, it received (via email) a declaration of attorney fees from a Washington D.C. attorney together with a new invoice also for Campaign Counsel. This invoice, dated August 15, 2025, is for \$33,926.50 and contains partially redacted entries between May 21, 2025, and August 15, 2025. Although no rates are shown, the total bill suggests an effective hourly rate of \$1,080.00 per hour. This August 15 invoice reflects nine (9) new and additional time entries between May 22, 2025, and June 10, 2025, that were not reflected during the same time period reported on the July 31 invoice.¹ The accompanying declaration does not explain why these new time entries were added, or why the invoice and declaration were not provided by the August 26th deadline. To date, this invoice and declaration have not been filed with the Clerk.

On September 29, 2025, this Court issued an Interim Order finding that sanctions were warranted and set a hearing for the parties to be heard on the amount of Intervenor’s request for attorney fees/sanctions. That hearing was held on October 10, 2025. Present at the hearing were Rep. Mace and her counsel Robert Wyndam and Mary Grace Wyndam (both of the Wyndam Law Firm); Mary Beth Mullaney (of the Mullaney Law Firm) as counsel for Doe; and Barrett Brewer (of the Brewer Law Firm) as counsel for Petitioner.

This Final Sanctions Order supersedes and replaces the Court’s Interim Order.

¹ These entries totaled 15.5 hours, which at the effective rate is presumed to be roughly \$17,000.00.

FACTUAL BACKGROUND

On February 10, 2025, Rep. Mace delivered a speech from the floor of the United States House of Representatives in which she accused several men—including her former fiancé Patrick Bryant—of committing potentially criminal acts against several un-named women.

On February 20, 2025, GLT2, LLC, was incorporated as a South Carolina entity, and according to Bryant’s affidavit, it was created “to explore potential claims against myself [(Bryant)] and my various companies and business interests, and to secure witness testimony and statements concerning the potential claimants and/or credibility of those claims.” *See* (Bryant Affdvt.).

The next day, February 21, 2025, GLT2, LLC (herein “Petitioner”) filed a petition under Rule 27, SCRCP, with the Charleston County Court of Common Pleas seeking pre-suit depositions. The Petition was filed by the Brewer Law Firm, and captioned GLT2, LLC v. Jane Doe and John Doe.

Because Rule 27(a)(3), SCRCP, requires a court order approving the requested deposition(s), the clerk’s office scheduled the Petition for a hearing on April 3, 2025. However, on April 1, 2025, an Order of Continuance was issued because “[Petitioner] requested a continuance to attempt to resolve the petition.” The hearing was rescheduled for June 4, 2025, but again continued at Petitioner’s request.

On April 28, 2025, Petitioner took the deposition of Wesley Donehue pursuant to a subpoena and notice of deposition issued by the Brewer Law Firm in this Rule 27 action. There is no dispute that there was no court order authorizing this deposition as required by Rule 27. The substance of that deposition concerned Mr. Donehue’s interactions with Rep. Mace. A copy of the transcript of this deposition was subsequently obtained by, and reported on, by the media.

On June 12, 2025, after learning the deposition occurred, counsel for Rep. Mace entered an appearance in this matter and simultaneously filed the instant motion to intervene and for sanctions. Similarly, on June 26, 2025, counsel for “Jane Doe”² entered an appearance and moved for the same.

On July 14, 2025, Petitioner filed a memorandum and affidavit of Mr. Brewer, Petitioner’s counsel, in opposition to the Intervenors’ motions. Petitioner simultaneously sought to unilaterally dismiss the Petition by filing a “Notice of Withdrawal of SCRPC Rule 27 Petition” which stated in relevant part: “Pursuing this petition is no longer relevant, as the conditions that existed at the time Petitioner submitted the Petition no longer exist. Therefore, Petitioner respectfully requests a full dismissal of this matter.”

REVIEW OF *IN CAMERA* MATERIAL

This matter came before the Court on the Intervenors’ motions on July 14, 2025. After hearing arguments, the Court requested additional information from Petitioner, including all subpoenas and other discovery requests that were issued in this case, together with the relevant responses. All of this was submitted for *in camera* review, and labeled as Exhibit A through Exhibit M.

An *in camera* review demonstrated that subpoenas *duces tecum* and/or subpoenas for depositions and notices of depositions were issued to three witnesses: (1) “Witness 1,” (2) Wesley Donehue, and (3) “Witness 3.” A summary of this, and the information returned is below:

² According to Petitioner the intervenor “Jane Doe” is not the same person as the Defendant Jane Doe named in the caption of the Petition.

1. Discovery Related to Witness 1

Prior to filing the Petition, Witness 1 provided information to Bryant regarding meeting(s) and conversations this witness had with Rep. Mace. Among the information obtained from Witness 1, was an affidavit executed on October 16, 2024, and notarized by Jessica Brewer.

On February 24, 2025, (3 days after the Petition was filed) Petitioner issued a subpoena *duce tecum* to Witness 1 which commanded an appearance at a deposition on March 7, 2025, and to produce the following documents:

1. Any and all notes regarding communications, calls, voicemails, emails, text messages, audio recordings, audio texts, memos, letters, reports, and any and all documents you have in your possession to/from/or in regards to any and all of your communications with Nancy Mace or any person or entity representing Mace's interests, and or concerning any communications you have had with any other person or entity concerning allegations and claims made by Nancy Mace to you.
2. Be prepared to discuss any and all communications, calls/voicemails, emails, text messages, direct messaging, social media posts, audio recordings, audio texts, memos, letters, reports, and any and all documents you have in your possession to/ from/ or in regards to Patrick Bryant and Nancy Mace.
3. Be prepared to discuss any known witnesses or whom Nancy Mace mentioned to you in your meetings indoor conversations.

This subpoena to Witness 1 was captioned as GLT1, LLC v. Jane Doe and John Doe, and presented case No. 2025-CP-10-00961, rather than the caption and case number shown on the filed Petition—*i.e.*, GLT2, LLC v. Jane Doe and John Doe, Case No. 2025-CP-10-00981. (Bold and underline added for distinction).³ Petitioner informs the Court the deposition of Witness 1 did not

³ GLT1, LLC is an entity organized with the South Carolina Secretary of State on February 19, 2025—the day before GLT2, LLC, was organized—and it shares the same registered agent. The public index for Charleston County does not reflect GLT1, LLC as being a party to any action that has been filed.

occur and instead Witness 1 provided Petitioner with supplemental affidavits on March 5, 2025, and June 30, 2025, on largely the same topic as the October 2024 affidavit.

2. Discovery Related to Mr. Donehue

On March 21, 2025, Petitioner issued a subpoena *duces tecum* to Mr. Donehue⁴ for a deposition and production of the following documents:

1. Any and all notes regarding communications, calls/voicemails, emails, text messages, audio recordings, audio text, memos, letters, reports, and any and all documents you have in your possession to/from/or in regards to any and all of your communications with Nancy Mace or any person or entity representing Mace's interest, and internal communications regarding PR campaigns or social media strategy; and or concerning any communications you have had with any other person or entity concerning allegations and claims made by Nancy Mace to you.
2. Be prepared to discuss any and all communications, calls /voicemails, emails, text messages, direct messaging, social media posts, audio recordings, audio text, memos, letters, reports, and any and all documents you have in your possession to/from/or in regard to Patrick Bryant and Nancy Mace.
3. Be prepared to discuss any known witnesses or whom Nancy Mace mentioned to you in your meetings and or conversations.

On April 1, 2025, Petitioner issued an amended subpoena for a deposition and served a corresponding Notice of Deposition, which commanded that "pursuant to Rule 30 of the South Carolina Rules of Civil Procedure" the deposition of Mr. Donehue would take place on April 14, 2025. However, this deposition did not occur.

On April 15, 2025, Petitioner issued a third subpoena for a deposition and a corresponding Second Amended Notice of Deposition to Mr. Donehue which similarly commanded that

⁴ Like the subpoena to Witness 1, this subpoena was captioned as GLT₁, LLC v. Jane Doe and John Doe, and presented case No. 2025-CP-10-00961, rather than the caption and case number shown on the filed Petition—*i.e.*, GLT₂, LLC v. Jane Doe and John Doe, Case No. 2025-CP-10-00981.

“pursuant to Rule 30 of the South Carolina Rules of Civil Procedure” the deposition of Mr. Donehue would take place on April 28, 2025.⁵ This deposition occurred as noticed, at which Mr. Donehue was represented by counsel. The transcript and accompanying exhibits have been filed in the public index as part of the record in this matter.

3. Discovery Related to Witness 3

On June 2, 2025, Petitioner issued a subpoena for a deposition and accompanying “Notice of Deposition to [Witness 3]” which commanded that that “pursuant to Rule 30 of the South Carolina Rules of Civil Procedure” a deposition would be held on Friday, June 13, 2025.⁶ Petitioner informs the Court that the deposition of Witness 3 did not occur. Instead, Witness 3 provided a written statement which was signed (but not notarized) on July 11, 2025. The substance of this statement concerned conversation(s) that Witness 3 had with Rep. Mace, as well as conversations Witness 3 overheard Rep. Mace having with others.

In summary, Petitioner issued a total of five (5) subpoenas in this matter: (1) a subpoena *duces tecum* and for deposition to Witness 1; (2) a subpoena *duces tecum* and for deposition to Mr. Donehue; (3) an amended subpoena for deposition to Mr. Donehue; (4) a second amended subpoena for deposition to Mr. Donehue; and (5) a subpoena for deposition to Witness 3.

⁵ The Court notes that like the subpoena issued to Witness 1, all of the subpoenas issued to Mr. Donehue were captioned as GLT1, LLC v. Jane Doe and John Doe, with Case No. 2025-CP-10-00961, rather than the caption and case number shown on the filed Petition—*i.e.*, GLT2, LLC v. Jane Doe and John Doe, Case No. 2025-CP-10-00981. However, the corresponding Notice of Deposition and Second Amended Notice of Deposition each reflected the correct caption and case number.

⁶ The Notice of Deposition to Witness 3 inadvertently identifies the deponent as Wesley Donehue rather than Witness 3. Also, the subpoena issued to Witness 3 is the only subpoena issued in this matter that correctly reflects the plaintiff as GLT2, LLC rather than GLT1, LLC. However, this subpoena also presents the incorrect case number of 2025-CP-10-00961.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter poses three questions: (I) Can the Intervenors intervene in this Rule 27 action even though Petitioner unilaterally dismissed the action after the Intervenors filed their motions? (II) Did Petitioner's counsel violate the requirements of Rule 27, and/or otherwise pursue unauthorized discovery to such a degree that sanctions are warranted under Rule 11, SCRPC? And (III) If warranted, what is the proper sanction?

The Court finds that the answer to the first question is inconsequential; the answer to the second question is yes; and the answer to the third question is that sanctions should include producing all *in camera* material, payment of Rep. Mace's attorney fees of \$33,456.74, and payment of a fine to Doe in the amount of \$15,000.00.

I. Intervention.

Pursuant to Rule 24, SCRPC, Intervenors seek intervention both as a matter of right, and permissive intervention. Petitioners oppose intervention.

In this case, the issue of intervention is difficult, if not impossible, to evaluate based on the face of the Rule 27 Petition because Petitioner failed to clearly allege the nature of the claim(s) as required by Rule 27, SCRPC. (*See infra*). As a threshold matter, Petitioner should not be permitted to use its own failure to comply with Rule 27 as a basis to avoid intervention.

Nonetheless, while the allegations of the Petition are unclear, the evidence confirms that the major focus of Bryant's efforts, both before and after filing the Petition, was to investigate and pursue possible claims against Rep. Mace. For example, on October 17, 2024, well before the Petition was filed, Mr. Brewer sent a letter on behalf of Bryant to Rep. Mace's then lawyer, indicating that Bryant was actively investigating claims against Rep. Mace, and collecting witness statements. (Ex. 4 to Doe Memo). This letter indicated that Bryant had already received sworn

statements (presumably the affidavit of “Witness 1”) but also expected litigation would result in the subpoena and depositions of several witnesses including Mr. Donehue. (Ex. 4 to Doe Memo).

Contrary to Petitioner’s claim that the goal of the Petition was only to identify the alleged unidentified victims who may have claims, Petitioner’s post-Petition activities indicate the goal of the Petition was in furtherance of investigating claims against Rep. Mace. For example, the *duces tecum* subpoenas that were issued to Witness 1 and Donehue focus on Rep. Mace. Similarly, the opening line of the deposition of Mr. Donehue is: “[T]hank you for being here with us today. My name is Barrett Brewer, and I am here on behalf of GLT, LLC [sic], to take a deposition regarding information you might have in terms of your relationship, communications, and conversations with Nancy Mace.” (Depo. Tran. p.4, ln.7-10). There is little effort made through these discovery vehicles to identify potential victims/claimants.

Therefore, although the allegations of the Petition are unclear, the totality of the circumstances would suggest that it is likely proper to allow Rep. Mace, and perhaps Doe, to intervene. However, because the Court can consider sanctions under Rule 11 “on its own initiative” the Court finds that it does not need to decide this issue because intervention is not a prerequisite to the Court’s consideration of sanctions. *See* Rule 11(a), SCRCP (providing the Court may consider sanctions under this rule “on its own initiative”).

Further, the Court rejects Petitioner’s assertion that its unilateral dismissal of the action renders intervention or consideration of sanctions moot. Dismissal does not foreclose the Court’s authority to consider sanctions. *See Rickerson v. Karl*, 412 S.C. 215, 770 S.E.2d 767 (S.C. App. 2015) (indicating sanctions may be imposed for “bad faith, willful disobedience, or abusive conduct,” even after dismissal); *and Rutland v. Holler*, 371 S.C. 91, 637 S.E.2d 316 (Ct. App. 2006) (citing *Ex parte Beard*, 359 S.C. 351 , 358, 597 S.E.2d 835 , 838 (Ct.App.2004) for the

proposition that a pending sanctions motion survives the dismissal of the case.); *see also Pee Dee Health Care, P.A. v. Estate of Thompson*, 424 S.C. 286, 818 S.E.2d 31 (2018) (confirming that that Rule 11 sanctions may be awarded after dismissal so long as the motion is filed within a reasonable time and relates to conduct that occurred during the action).

Therefore, regardless of whether intervention is proper, the Court finds it can, and should, consider the issue of sanctions under Rule 11.

II. Sanctions are Warranted.

Rule 11(a), SCRCP, provides that an attorney's signature on a pleading, motion, or paper "constitutes a certificate by him that he has read the pleading, motion or other paper; that to the best of his knowledge, information and belief there is good ground to support it; and that it is not interposed for delay." And, "If a pleading, motion, or other paper is signed in violation of this Rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion or other paper, including a reasonable attorney's fee."

With Rule 11 in mind, the Court turns to Rule 27, SCRCP, which is entitled "DEPOSITIONS BEFORE ACTION OR PENDING APPEAL." Rule 27(a)(1), sets forth a procedure through which a party may petition the Court for an order permitting depositions prior to the commencement of an action, and provides:

A person who desires to perpetuate his own testimony or that of another person regarding any matter that may be cognizable in any court of the State may file a verified petition in the court in the Circuit of the residence of any expected adverse party. The petition shall be entitled in the name of the petitioner and shall show: 1. that the petitioner expects to be a party to an action cognizable in a court of the State but is presently unable to bring it or cause it to be brought; 2. the subject matter of the expected action and his interest therein; 3. the facts which he desires to establish by the proposed testimony and his reasons for desiring to perpetuate it;

4. the names or a description of the persons he expects will be adverse parties and their addresses so far as known; and 5. the names or a description of the persons to be examined and the substance of the testimony which he expects to elicit from each, and shall ask for an order authorizing the petitioner to take the depositions of the persons to be examined named in the petition, for the purpose of perpetuating their testimony.

Rule 27(a)(1), SCRPC.

The Notes to Rule 27 make clear that upon adoption of the South Carolina Rules of Civil Procedure, this rule served to replace several sections of the former South Carolina Code (*i.e.*, Sec. 19-17-40 et. seq.) which concerned depositions *de bene esse*. In explaining that South Carolina's Rule 27 was modeled from the corresponding Federal Rule, the Notes also explain "It has been consistently held that it is not a method of discovery before suit is brought." *See* Note to Rule 27, SCRPC.

The Petition at issue here fails to meet the plain requirements of Rule 27 in several respects. First, the Petition was not verified. Second, the Petition was filed in the name of GLT2, LLC, rather than Bryant, and there is no reasonable basis to support that in the few hours between the entity's creation and the filing of the Petition, that GLT2 had acquired a claim or expected to be a party to litigation. Third, the Petition failed to identify Rep. Mace as a potentially adverse party. Fourth, the Petition failed to identify any of the witnesses Petitioner proposed to depose, despite the evidence indicating that (at the least) Petitioner knew of Witness 1 before filing the Petition.

Ultimately, based on the affidavit of Petitioner's counsel, the Court finds that counsel knew or should have known its Petition was insufficient but proceeded regardless. At Paragraph 11, counsel's affidavit acknowledges that Petitioner did not have the knowledge necessary to identify the adverse party/parties or specify the facts that related to the potential claim. However, Rule 27 requires this information for a Petition to be filed. Moreover, at Paragraph 13, counsel's affidavit acknowledges that counsel proceeded with filing an otherwise deficient Petition because he was

“was hopeful that witness interviews might produce sufficient information with which to amend the pleadings prior to a potential hearing, in order to bring the Petition into full compliance with SCRCP Rule 27[.]”

If additional witness statements were necessary before it was possible to file a Petition that complied with Rule 27, then it follows that Rule 11 dictates the Petition should not have been filed. *See* Rule 11(a), SCRCP (providing an attorney warrants “that to the best of his knowledge, information and belief there is good ground to support [the filing]”). Furthermore, the facts do not support the assertion that there was a genuine desire to amend the Petition to bring it into compliance. For example, Petitioner issued subpoenas for documents and depositions to Witness 1 on February 24, 2025, and to Donehue on March 23, 2025. This was only a matter of days after filing the Petition on February 20, 2025, and well before the first scheduled hearing on April 3, 2025. Not only does the issuance of these subpoenas demonstrate that Petitioner had identified these potential witnesses, the substance of these subpoenas also makes clear that Petitioner believed Rep. Mace to be a potentially adverse party. Yet at no time did Petitioner supplement or amend the Petition in an effort to bring it into full compliance with Rule 27.

Similarly, at paragraph 16, counsel’s affidavit indicates that prior to Mr. Donehue’s deposition on April 28, 2025, Petitioner had “learned the names of several persons who could be potential Doe claimants.” These potential claimants would be potential adverse parties as contemplated by Rule 27. However, the Petition was never amended to identify and/or serve these potential adverse parties. Due to the absence of the hearing required by Rule 27, the Court was never informed of these potential adverse parties or given the opportunity to appoint these parties counsel for Mr. Donehue’s deposition as contemplated by the Rule.

If pre-suit depositions are desired under Rule 27, the rule plainly commands petitioner “**shall ask for an order** authorizing the petitioner to take the depositions.” Rule 27(a), SCRCPP (emphasis added). Here, the fact that Petitioner issued subpoenas for depositions before even attempting to secure an order permitting the depositions demonstrates that the purported desire to “bring the Petition into full compliance with [the rule]” was not genuine.

Petitioner contends the issuance of subpoenas in this case was not inconsistent with Rule 27, because according to Petitioner, Rule 27 does not discuss subpoenas (or reference Rule 45). In defending this assertion, it is claimed that “Petitioner had a good faith belief that full compliance with SCRCPP, Rule 27, *i.e.*, obtaining the deposition after hearing by the Court on the Petition, would simply go to whether the deposition could be used under SCRCPP 32(a)[.]” *See* (Pet. Memo in Opp. p. 25).

The Court rejects this reasoning because accepting it would nullify the rule. The fact that Rule 27 requires a court order to conduct depositions necessarily excludes Petitioner’s interpretation that Rule 27 also permits a party to circumvent this court order requirement by simply issuing subpoenas to compel the desired deposition(s). Similarly, the Court rejects Petitioner’s notion that the need for a petition to comply with Rule 27 is only necessary if a petitioner wants to obtain a deposition that can be used pursuant to Rule 32(a). To accept this would effectively sanction any party who is willing to accept a deposition that cannot be used under Rule 32 to willfully and intentionally violate the requirements of Rule 27. This result likewise cannot stand.

Here, Petitioner reiterates the fact that Mr. Donehue was represented by counsel during the deposition and emphasizes the assertion that nothing in Rule 27 prohibits counsel for a petitioner and counsel for a deponent from “reaching an agreement for the witness to give sworn testimony

without a Court order.” That is incorrect. The requirements of Rule 27 to give notice to all interested parties and obtain a court order prevents exactly that. While there are likely scenarios—outside the context of a Rule 27 petition—where these two parties could agree to a pre-suit deposition or a recorded statement, that is not what happened here. Despite attempts to characterize it otherwise, Mr. Donehue’s deposition was not taken pursuant to an agreement. It was taken pursuant to a subpoena and notice of deposition issued in a purported Rule 27 action. *See* (Depo. Tran. p. 6-7) (Mr. Brewer showing Donehue a copy of the subpoena and asking: “Can you confirm this is the subpoena that you received that led to your deposition here today?” Answer: “Yes, sir.”). The fact that Mr. Donehue (whether by choice or oversight) did not oppose the subpoena is immaterial.

Petitioner’s suggestion that any violation of the applicable rules is excused because Donehue and/or his attorney should have known there was no order issued under Rule 27 authorizing the deposition misses the mark. The problem before the Court does not lie in Mr. Donehue’s action (or inaction) in response to the subpoena for the simple reason that Rule 11 does not apply to Mr. Donehue in this case. Rule 11 does not obligate a deponent or his attorney to verify or guarantee the validity a subpoena served on him. Instead, Rule 11 places the onus on the lawyer issuing the legal documents—here the filings related to the Petition and the various subpoenas and notices of deposition issued by Mr. Brewer’s firm on behalf of Bryant. In this case it could be true, as Petitioner suggests, that Mr. Donehue simply wanted to give his testimony and did not care whether the subpoena was enforceable or not. However, that was his prerogative. By issuing the subject legal documents, it is Petitioner’s counsel to whom the obligations of Rules 11 and 27 apply.

Here counsel for Petitioner appears to have knowingly filed a deficient Petition as well as issued various subpoenas for depositions which had not been sanctioned or ordered by the Court as required by Rule 27. By signing and issuing these documents Petitioner's counsel triggered the requirements of Rule 11. *See generally, Matter of Fabri*, 418 S.C. 384, 391, 793 S.E.2d 306, 310 (2016) (finding that by signing a subpoena an attorney warranted compliance with the applicable rule and triggered the corresponding ethical obligations). What Mr. Donehue did (or did not do) in response to these subpoenas makes no difference to the issue currently before the Court because Mr. Donehue's conduct does not absolve Petitioner and his counsel of the obligations under Rule 11.

At bottom, the Notes to Rule 27 make it plain that "it is not a method of discovery before suit is brought." Yet that is precisely how Petitioner sought to use it, and in a manner that left its discovery efforts undetectable, even to someone who may have been looking. Such action was without regard for the requirements of Rule 27, and by extension, Rule 11.⁷ Petitioner could have sought the discovery he desired either by filing a proper petition under Rule 27; or by commencing a lawsuit and pursuing discovery and depositions in the ordinary ways under Rules 26, 30, and/or 45; or even by seeking an order approving an independent action for document discovery against a non-party pursuant to Rule 34(c), SCRCF (stating "this rule does not preclude an independent action against a person not a party for production of documents") *see e.g., Wofford v. Ethyl Corp.*, 316 S.C. 75, 77, 447 S.E.2d 187, 189 (1994) (recognizing that under some circumstances such an action may be permitted). However, in this case Petitioner did none of those. Instead, it proceeded

⁷ The Court additionally notes that counsel for Petitioner also issued several Notices of Depositions, each stating the deposition(s) would be pursuant to Rule 30, SCRCF. However, in this action pending under Rule 27, that was not the case.

under a plainly deficient Rule 27 petition and issued subpoenas in a manner wholly inconsistent with that Rule.

In sum, the Court finds that Petitioner's counsel violated Rule 11 because there is no reasonable or good faith basis to believe that there were good grounds to support the conduct or course of action employed here. *See* Rule 11, SCRPC (through his signature on legal papers a lawyer warrants "there is good ground to support it."). The Court notes that Petitioner claims it was simply seeking ways to combat what it alleges to be Rep. Mace's unfair and improper exploiting of the power of her bully pulpit. However, even if that were true, it would not justify the disregard of the Rules of Court. Thus, the only remaining issue for this Court to consider is the appropriate scope and amount of sanctions that should be ordered.

III. The Appropriate Scope & Amount of Sanctions

In this case, Intervenors request both non-monetary and monetary sanctions. As a non-monetary sanction, Intervenors seek to have Petitioner turn over all discovery obtained in violation of Rule 27. As monetary sanctions, they seek their attorney fees and costs—Rep. Mace seeking \$33,456.74 in fees and costs incurred to the Wyndam Law Firm, and Doe seeking \$34,181.74 in fees and costs incurred to the Mullaney Law Firm.⁸

⁸ In her initial brief Rep. Mace requested unspecified sanctions under Rule 11, and in her supplemental brief clarified her request to be for attorney fees and to have the Court order that all unauthorized discovery obtained by GLT2 be turned over. Neither of these briefs make a clear request to recover attorney fees for out of state campaign counsel. To the extent such a request is made it is addressed below. As for Doe, her initial brief requested four items of sanctions: (1) Dismissal of the Rule 27 Petition; (2) Attorney Fees; (3) to exclude Donehue as a witness in an unrelated lawsuit between GLT2 and Doe; and (4) to turn over all unauthorized discovery obtained by GLT2. However, in her supplemental brief Doe limits her requested sanctions to attorney fees and release of the unauthorized discovery. To the extent Doe maintains her request for dismissal of the petitioner, that has already occurred. Further as set forth below the Court declines to exclude Donehue as a witness or otherwise interfere with any separate pending litigation.

As a threshold matter, the parties did not cite, and the Court is not aware of, any controlling South Carolina authority specifically addressing violations of Rule 27, SCRCP. However, as it concerns Rule 11, “a party and/or the party's attorney may be sanctioned for filing a frivolous pleading, motion, or other paper, or for making frivolous arguments.” *Runyon v. Wright*, 322 S.C. 15, 19, 471 S.E.2d 160, 162 (1996). Our Supreme Court has explained that “[t]he sanction may include an order to pay the reasonable costs and attorney's fees incurred by the party or parties defending against the frivolous action or action brought in bad faith, a reasonable fine to be paid to the court, or a directive of a nonmonetary nature designed to deter the party or the party's attorney from bringing any future frivolous action or action in bad faith.” *Id.* It is also clear that “if appropriate under the facts of the case, the court may order a party and/or the party's attorney to pay a reasonable monetary penalty to the party or parties defending against the frivolous action or action brought in bad faith.” *Id.*⁹

Although Petitioner's conduct violates Rule 11, because it stems from improper subpoenas and depositions, it is also similar to a discovery abuse. In that context the Court of Appeals has explained “[j]udges must use their authority to make sure that abusive deposition tactics and other forms of discovery abuse do not succeed in their ultimate goal: achieving success through abuse of the discovery rules rather than by the rule of law.” *Jamison v. Ford Motor Co.*, 373 S.C. 248, 270, 644 S.E.2d 755, 766 (Ct. App. 2007) citing *In re Anonymous Member of the S.C. Bar*, 346 S.C. 177, 194, 552 S.E.2d 10, 18 (2001) and *Griffin Grading & Clearing, Inc. v. Tire Serv. Equip.*

⁹ “The standard for sanctions under Rule 11 is essentially the same as that of the FCPSA [i.e., the Frivolous Civil Proceedings Sanctions Act].” *Father v. S.C. Dep't of Soc. Servs.*, 353 S.C. 254, 262, 578 S.E.2d 11, 15 (2003) comparing *Runyon v. Wright*, 322 S.C. 15, 471 S.E.2d 160 (1996) (concerning Rule 11 sanctions) with *Pool v. Pool*, 321 S.C. 84, 467 S.E.2d 753 (Ct.App.1996), *aff'd as modified*, 329 S.C. 324, 494 S.E.2d 820 (1998) (explaining the standard for FCPSA sanctions).

Mfg. Co., Inc., 334 S.C. 193, 198, 511 S.E.2d 716, 719 (Ct.App.1999)). Similarly, our Supreme Court has recently instructed that “[a]ny sanction imposed [for discovery abuse] must be sufficient to vindicate the important rights the discovery rules guarantee and the essential tools they provide to allow lawyers to prepare their clients’ cases for trial.” *Welch v. Advance Auto Parts, Inc.*, 445 S.C. 640, 655–56, 916 S.E.2d 320, 328 (2025).

In finding that Rule 11 sanctions are appropriate here, the Court wants to be clear that this Order should not be interpreted to expand the scope of Rule 11 by suggesting a non-party may intervene solely for the purpose of seeking sanctions. The ability to pursue sanctions under Rule 11 is typically triggered when a litigant is forced to defend against a frivolous or improper proceeding. *See e.g. Runyon*, 322 S.C. at 19, 471 S.E.2d at 162 (explaining sanctions may be awarded to “the party or parties *defending* against the frivolous action.”) (emphasis added). In that situation our Supreme Court has recognized that the sanctions permitted under Rule 11 properly include *both* the attorney fees and costs incurred in defending against the improper proceeding and those incurred in pursuing the sanctions. *See Ex parte Gregory*, 378 S.C. 430, 440, 663 S.E.2d 46, 52 (2008) (in an appeal from an award of sanctions under Rule 11, the Supreme Court rejected the argument that the “portion of the award” for the attorney fees and costs incurred in pursuing sanctions was not permissible). However, no appellate court has recognized the right to pursue or collect Rule 11 sanctions in the absence of having also incurred attorney fees and costs in defending against the underlying improper proceeding. Thus, when considering the novel facts of this case—*i.e.*, that Petitioner’s misconduct deprived Intervenors of the right to defend the improper Rule 27 Petition—the Court is wary that a cunning litigator may incorrectly point to this Order as having done just that. But it does not.

It is true that the typical situation regarding Rule 11 sanctions involves a party that was forced to *defend* against an improper proceeding. *See e.g. Runyon (supra)*. It could be said that because Intervenors were not made parties to the improper Rule 27 Petition, they were not technically forced to *defend* against it. However, it was precisely Petitioner's failure to include Intervenors in the Rule 27 action that (among other things) constitutes the violation of Rule 11. As potential targets of the Rule 27 action, once they learned of the action, they had no way to know what, if any, additional discovery may have been planned. As a result, to avoid losing the protections of Rule 27, Intervenors were left with no practical choice but to seek to intervene. While Intervenors may not have been forced to "defend" the Rule 27 Petition in the technical sense that is only because Petitioner denied them the opportunity. Therefore, because Petitioner's improper conduct effectively forced Intervenors to respond by seeking intervention, the Court is satisfied that Intervenors' request for sanctions falls within the ambit of those contemplated by Rule 11 and does not expand the application of this Rule beyond that which our courts have already recognized.¹⁰

A. *Nonmonetary Sanctions under Rule 11.*

First, as to nonmonetary sanctions, the Court finds Intervenors' request that Petitioner turn over all ill-gotten discovery to be reasonable. Therefore, to the extent not done so already, electronic copies of all statements, affidavits, transcripts, or other materials obtained from Witness

¹⁰ This point was not raised by the parties. Rather, the Court raises this point only to ensure that this Order is not interpreted to recognize or adopt any right, claim, or cause of action by which a party who is neither related to, nor involved with a lawsuit could nonetheless intervene solely for the purpose of seeking sanctions. Rule 11 contemplates sanctions in favor of those toward whom the offensive conduct is directed. It does not contemplate allowing strangers or non-litigants to seek sanctions as a way of policing lawyer or litigant conduct they find offensive that is not otherwise directed at them. But this is not that case.

1, Witness 3, and Mr. Donehue and which were provided to the Court *in camera* and labeled as Exhibits “A” through “M” should be provided to Intervenors.

B. Monetary Sanctions/Attorney Fees Under Rule 11.

As it concerns an award of attorney fees as a sanction under Rule 11, our Supreme Court has instructed that such an award is within the Court’s discretion provided it is reasonable based on consideration of the six *Glasscock* factors. See *Bauknight as Tr. of James Brown 2000 Irrevocable Tr. v. Pope*, 445 S.C. 408, 419, 914 S.E.2d 848, 854 (2025). Those six factors are: “(1) the nature, extent, and difficulty of the case; (2) the time necessarily devoted to the case; (3) professional standing of counsel; (4) contingency of compensation; (5) beneficial results obtained; (6) customary legal fees for similar services” *Id. citing Glasscock v. Glasscock*, 304 S.C. 158, 403 S.E.2d 313 (1991).

(i) Attorney Fees for Rep. Mace

The Wyndam Law Firm, as Counsel for Rep. Mace submitted an invoice reflecting 95.5 hours of work at a rate of \$350.00 per hour (with an additional 7.7 hours not billed) plus \$31.74 in costs. Of the total hours billed, 80.1 hours were incurred prior to the initial hearing on July 14, 2025, and 15.5 hours were incurred after that hearing in response to the Court’s request(s) for additional information. In consideration of the *Glasscock* factors the Court finds: First, this matter is admittedly novel, and there is little authority guiding the issues of intervention or violations of Rule 27. However, at least as far as it is concerned the violations of Rule 27, although novel, the matter is not particularly complicated. Instead, the Rule 27 deficiencies complained of by Intervenors in this case are, for the most part, plainly apparent from the face of the Petition itself. Similarly, the evidence including the various subpoenas, statements, and deposition testimony of Donehue, all plainly confirms that Rep. Mace was an intended subject and potential adverse party

of the Rule 27 petition. With this in mind, and in consideration of the second *Glasscock* factor, the Court finds that time spent was reasonable and necessarily incurred.

Next, the Court finds that the professional standing of Rep. Mace's counsel at the Wyndam Law Firm is high. Both Mr. and Ms. Wyndam have the requisite experience to handle this matter, and both are well regarded among the local bar. The fourth factor concerning contingency of compensation is relevant to the extent that the Court recognizes that but for Rep. Mace's efforts to pursue intervention the underlying conduct may not have been brought the Court's attention. On the fifth factor, counsel for Rep. Mace was successful in obtaining a favorable and beneficial result by clearly establishing Rep. Mace as a target of the improper Rule 27 action and related discovery efforts. Finally, on the sixth factor, the Court finds that the hourly rate of Rep. Mace's counsel of \$350.00 per hour is well within that which is normal and customary in the area for counsel of comparable standing and experience.

Therefore, the Court finds that Rep. Mace's request for attorney fees and costs incurred to the Wyndam Law Firm are reasonable and that sanctions are properly ordered in the amount of \$33,456.74.

The Court is uncertain whether Rep. Mace is also seeking to recover attorney fees incurred to the out-of-state lawyers who provided campaign counsel. After inquiring of this at the hearing, the Court was left with the impression that if those fees were sought, an affidavit in support would have been timely filed. But it was not. Similarly, although these out-of-state lawyers were briefly alluded to in the affidavits of Mr. and Ms. Wyndam submitted in support of their own fees, a request for these fees was not specifically referenced in Rep. Mace's brief on this issue

Although not filed, the August 15, 2025, invoice and declaration in support of Campaign Counsel fees were emailed on October 23, 2025. However, this was well after the Court's August

26, 2025, deadline as well as the October 10, 2025, hearing that was held to address the propriety of any claimed attorney fees. As a result, Petitioner has been denied the ability to respond. Accordingly, equity and fairness dictate that to the extent a request is being made for the fees incurred for Campaign Counsel, that request is untimely.

Moreover, even if such a request were properly before the Court, the *Glasscock* factors would likely not support awarding these fees. First there is no explanation of why so much time which should have appeared on the July invoice was added to the later supplied August invoice. This creates doubt as to the second *Glasscock* factor. Also, no hourly rate is provided for the various entries, thus the sixth *Glasscock* factor cannot fairly be evaluated. Moreover, of the 31.4 hours included on the Campaign Counsel invoice, roughly 12 hours are for editing the documents and memoranda prepared by both Rep. Mace and Doe's South Carolina attorneys, and roughly 13 hours were spent for multiple different lawyers to review and analyze Donehue's deposition transcript. Such duplication of the work already done by Rep. Mace's South Carolina lawyers was not reasonably necessary when considering the first and second *Glasscock* factors. Therefore, even if there had been a timely request for Campaign Counsel fees, the *Glasscock* factors would not warrant awarding those fees.

(ii) Attorney Fees for Doe.

Counsel for Doe submitted an invoice reflecting 98 hours of work devoted to this matter at \$350.00 per hour plus \$31.74 in costs. Of the total of hours billed, 66.4 hours were incurred prior to the Court's initial hearing on July 24, 2025, and 31.6 hours were incurred after, in response to the Court's request(s) for additional information. On review of the *Glasscock* factors, the Court finds that Doe's counsel holds equally high esteem among her peers in the bar and that her hourly rate of \$350.00 is also well within that which is customary and reasonable for the area.

Accordingly, the Court finds that *Glasscock* factors (1), (3), and (6) apply and should be weighed the same for Doe as they did for Rep. Mace. However, the Court finds factors (2), (4), and (5) weigh differently as to Doe than to Rep. Mace.

On the second *Glasscock* factor the Court finds that there was duplication of efforts that were largely already done by counsel for Rep. Mace who filed their motion to intervene and for sanctions two weeks prior to Doe. Considering that the majority of the defects in the Rule 27 Petition were clear from the face of the petition itself, this duplication of effort was not reasonably necessary. Likewise, roughly a third (1/3) of the time incurred by Doe (more than 31 hours) came after the initial hearing on July 24, 2025, in responding to the Court's request for supplementation. By contrast Rep. Mace incurred only 15 hours for this—less than half of Doe's—and the arguments offered were largely the same. Similarly, upon review of the time incurred prior to the hearing the Court finds that a substantial number of entries are devoted to strategizing not only with Rep. Mace's South Carolina counsel, but also with Rep. Mace's campaign counsel. Extensive joint strategy of this type was not reasonably necessary when considering the nature of Doe's request to intervene and for sanctions.

In addition, unlike Rep. Mace, Doe's connection to of the Rule 27 Petitioner and the improper discovery is more attenuated and speculative. Even if Petitioner complied with the requirements of Rule 27 it is unclear whether Doe—who is anonymous—could have been provided notice or been given the opportunity to fully participate in the underlying Rule 27 petition.¹¹ Thus,

¹¹ Further, and even if Petitioner were charged with knowing the identity of Doe much of the harm she claims from the unauthorized deposition and discovery is prejudice in the unrelated lawsuit between her and Bryant and GLT2 (*i.e.*, Case No. 2025-CP-10-03124). To the extent Doe has been prejudiced in that other lawsuit, Doe can seek redress in the context of that action. This action is not the forum best suited to address those assertions. Further, nothing in this Order should be interpreted as prejudicing Doe's ability to seek non-monetary sanctions in that, or any other matter pending between her, Braynt and/or GLT2.

when considering the fifth *Glasscock* factor (*i.e.*, beneficial results obtained) the Court finds this factor weighs differently for Doe than Rep. Mace. Where the facts clearly established that Rep. Mace was the target of the Rule 27 Petition and the improper discovery tactics, Doe was not able to establish this to the same degree. Also, although Doe was successful in bringing Petitioner's conduct to the attention of the Court, this was likewise accomplished by Rep. Mace's motion which was filed two weeks prior. Thus, the fourth *Glasscock* factor would likewise weigh differently for Doe.

This Court's finding on these factors is not intended to diminish the severity of Petitioner's conduct or the quality of Does efforts in reply. Thus, while application of the *Glasscock* factors in the *typical* way may not support awarding the full amount of Doe's attorney fees, this case is not *typical*, and attorney fees are not the only monetary sanction the Court can consider. Our Supreme Court has also made it plain that a trial court has the authority and discretion to assess a fine or penalty. *See Runyon*, 322 S.C. at 19, 471 S.E.2d at 162 (stating that "if appropriate under the facts of the case, the court may order a party and/or the party's attorney to pay a reasonable monetary penalty to the party or parties defending against the frivolous action").

Therefore, rather than attempting to engage in the exercise of editing Doe's attorney bills line by line, the Court finds that consideration of a monetary penalty is a more efficient and appropriate means of evaluating the proper sanction under the unique circumstances of this case, particularly since a request to consider sanctions is equitable in nature. *See e.g., Se. Site Prep, LLC v. Atl. Coast Builders & Contractors, LLC*, 394 S.C. 97, 104, 713 S.E.2d 650, 653 (Ct. App. 2011) (recognizing a claim concerning the imposition of sanctions under Rule 11 is treated as one in equity).

On this point, of the many peculiarities presented in this case, the Court is specifically mindful of the fact that Doe's inability to establish that she was an intended target or adverse party in this Rule 27 petition was, at least in part, the result of Petitioner's failure to comply with the requirements of Rule 27 and his conducting of secret discovery. While the facts ultimately did not bear out that Doe was the true target of Petitioner's actions she could not have known this without seeking to intervene. Moreover, it cannot be ignored that the pretextual basis alleged by Petitioner for the Rule 27 Petition was to identify potential claimants, of which Doe claims to be. Thus, it would not be unreasonable for Doe to believe she could be a target of Petitioner's conduct even if that ultimately proved not to be the case. Thus, to put it simply, many of Doe's shortcomings on the *Glasscock* factors were Petitioner's fault, not hers.

Ultimately, when all the relevant facts are weighed against Petitioner's improper conduct the Court finds the equities weight in Doe's favor. Therefore, and upon the totality of the circumstances the Court finds that a monetary penalty of \$15,000.00 against Petitioner's counsel and payable to Doe, is just and equitable. The Court finds this amount serves to recognize Doe's efforts as well as to deter Petitioner's counsel from this conduct in the future. *See Pee Dee Health Care, P.A.*, 424 S.C. at 533, 818 S.E.2d at 765 (recognizing that among other things, "the primary ... purpose of Rule 11 is to deter future litigation abuse" as well as "compensating the victims of the Rule 11 violation, ... [and] punishing present litigation abuse") (internal citations omitted).

Therefore, it is hereby ordered that Mr. Brewer¹² and/or the Brewer Law Firm, as counsel for Petitioner, pay sanctions as set forth herein.

¹² While Mr. Brewer did not sign all the offensive documents at issue in this case, pursuant to Rule 5.1 of the South Carolina Rules of Professional Responsibility, a supervising attorney and/or partner in a private firm is, (among other things) responsible for the actions of another lawyer in

CONCLUSION

IT IS ORDERED that within 30 days, unless such other time is agreed to by the parties (which should not be unreasonably refused), Barrett Brewer and/or Brewer Law Firm, shall make payment of sanctions as follows: \$33,456.74 shall be paid to the Wyndam Law Firm as counsel for Rep. Mace; and \$15,00.00 shall be paid to the Mullaney Law Firm as counsel for Doe.

FURTHER, unless it is inconsistent with their retainer agreement(s), the Wyndam Law Firm and the Mullaney Law Firm are authorized to apply the sanction payments received first toward unpaid attorney fees and costs (if any) and thereafter remit the balance (if any) to the appropriate party or parties.

IT IS ALSO ORDERED that within 15 days, counsel for Petitioner shall deliver to counsel for both Rep. Mace and Doe, electronic copies of all affidavits, and witness statements and exhibits that were delivered to the Court for *in camera* review and identified *in camera* as Exhibit A through Exhibit M.

END OF ORDER.

the firm to the extent the partner ordered the action, knew of the action, ratified the action, or knew of the action in time for the consequences to be avoided but failed to do so. *See e.g.*, Rule 407, SCACR, Rule 5.1(c). Based on the affidavit of Mr. Brewer and the arguments presented in this matter, the Court finds that Mr. Brewer was fully involved and aware of the actions at issue here and is therefore responsible for the sanctions ordered herein. To his credit, Mr. Brewer has made no argument or suggestion he is not the responsible attorney.



Charleston Common Pleas

Case Caption: Glt2 Llc VS Jane Doe , defendant, et al

Case Number: 2025CP1000981

Type: Order/Other

So Ordered

s/ T.J. Rode (#2792)

Electronically signed on 2025-10-30 11:16:50 page 27 of 27