

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE 9TH JUDICIAL CIRCUIT

CASE NO. 2025-CP-10-2671

ASSIGNMENT DESK WORKS LLC,

Plaintiff,

v.

ALEXIS BERG

Defendant

**DEFENDANT'S EMERGENCY MOTION
FOR JUDICIAL DETERMINATION
REGARDING USE OF EVIDENCE**

Defendant Alexis Berg ("Ms. Berg"), by and through undersigned counsel, respectfully moves this Court for a judicial determination regarding Congresswoman Nancy Mace's ("Mace") objections to Ms. Berg's use of evidence that Mace voluntarily provided to Ms. Berg and her counsel for use in this litigation.

For the reasons set forth below, Ms. Berg respectfully requests that this Court: (1) schedule an expedited hearing to address Mace's objections to Ms. Berg's use of the materials; (2) review the exhibits in camera and, if the Court deems necessary, review the evidence at issue and make a determination of whether Ms. Berg may use these materials in her defense; subject to any ruling the Court may later make regarding their admissibility at trial.

BACKGROUND

This case involves Plaintiff Assignment Desk Works, LLC's claims against Ms. Berg for disparagement. The alleged disparagement is that Ms. Berg told a former co-worker that she was a cooperating witness in a pending SLED investigation regarding Patrick Bryant (owner of

Assignment Desk Works) recording women without their knowledge or consent.¹ Following the filing of this disparagement action, Ms. Berg initiated a separate lawsuit against Mr. Bryant and others alleging they sexually assaulted her on October 25-26, 2018 and recorded it (*Berg v. Bryant*, Case No. 2025-CP-10-03124). Mr. Bryant responded by countersuing his alleged victim, Ms. Berg, and Congresswoman Mace for defamation. Congresswoman Mace has sought removal of that case to federal court.

Truth is an absolute defense to disparagement. Evidence that Mr. Bryant recorded women without their knowledge is therefore essential to Ms. Berg's defense. In emails on June 6, 2025, and June 15, 2025, Congresswoman Nancy Mace voluntarily provided her Google Drive to Ms. Berg's counsel and to Ms. Berg stating she believed it contained evidence that would be "helpful" to Ms. Berg in this litigation. Congresswoman Mace placed no restrictions on use of the materials, did not assert any privilege, and did not limit the scope of materials that could be accessed when sharing the folder.

Undersigned counsel has ethical obligations under the Rules of Professional Conduct to zealously represent Ms. Berg and to use all relevant evidence in her defense. Counsel produced materials from the folder in response to discovery requests under a court-ordered Confidentiality Order. Mace has demanded in a series of threatening emails and letters that Ms. Berg's Counsel: (a) cease using evidence for Ms. Berg's defense; (b) return or destroy evidence relevant to Ms. Berg's claims and defenses; and (c) "claw back" evidence already produced in discovery. (Exhibits will be provide to the Court for in camera review) Mace asserts that the materials she voluntarily

¹ Ms. Berg contends her speech was protected by the First Amendment and that Mr. Bryant used his company to file a retaliatory lawsuit designed to silence and intimidate her by burdening her with the cost of legal defense a tactic commonly known as a SLAPP suit ("strategic lawsuit against public participation).

shared should not be used in this litigation, claiming various privileges over materials she shared without restriction or privilege designation. Mace's demands directly conflict with counsel's duties to Ms. Berg and would impair her ability to defend herself against the disparagement claims. The materials Mace provided are essential to Ms. Berg's truth defense. This Court has authority to determine whether materials voluntarily provided by a third party may be used by a party in litigation.

WHEREFORE Ms. Berg respectfully requests that this Court review the exhibits in camera and if the Court deems necessary review the evidence at issue and make a determination about whether Ms. Berg may use these materials in her defense subject to any ruling the Court may later make regarding their admissibility at trial. Defendant respectfully requests that this Court schedule an expedited hearing to address Mace's objections to Ms. Berg's use of the materials and grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

s/Marybeth Mullaney
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Charleston, South Carolina