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STATE OF SOUTH CAROLINA COUNTY OF HAMPTON RENEE S. BEACH, PHILLIP BEACH, ROBIN BEACH, SAVANNAH TUTEN, AND SETH TUTEN, Plaintiffs, vs. GREGORY M. PARKER, GREGORY M. PARKER, INC. d/b/a PARKER'S CORPORATION, BLAKE GRECO, JASON D'CRUZ, VICKY WARD, MAX FRATODDI, HENRY ROSADO, AND PRIVATE INVESTIGATION SERVICES GROUP, LLC, Defendants.	IN THE COURT OF COMMON PLEAS THE FOURTEENTH JUDICIAL CIRCUIT CASE NO.: 2021-CP-25-00392 **PLAINTIFFS' MOTION TO RECONSIDER AND TO ALTER OR AMEND PART OF THE COURT'S ORDER OF MAY 24, 2023, AND MEMORANDUM IN OPPOSITION OF DEFENDANTS' MOTION TO ALTER OR AMEND THE SAME ORDER**

COURTESY OF LUNA SHARK MEDIA

YOU WILL PLEASE TAKE NOTICE that Plaintiffs, by and through their undersigned counsel, hereby move the Court pursuant to Rule 59(e), SCRCP, to reconsider and alter or amend that part of its Order of May 24, 2023, in which the Court ruled certain documents are protected by the attorney-client privilege or work product doctrine. Plaintiffs incorporate herein their Memorandum in Support and respond to the Defendants' motion.

BACKGROUND

A media campaign is not a litigation strategy. These cloak and dagger attacks from the weaponization of our legal system find no authority in the Rules of Civil Procedure, even when they are designed for some honest purpose. It is clear under the law that even a legitimate media campaign is not a valid litigation strategy worthy of being, or remaining, privileged. It is equally clear, even in those instances where there is some actual disclosure of information to a public relations firm, the disclosure waives any privilege that could attach to the information. Disclosures

to public relations firms and social media "knifefighters" are not deemed, and in fact are not being made, for the purpose of obtaining legal advice from a lawyer. Moreover, any such disclosure is not being made for the purpose of assisting with interpretation and analysis of facts by the lawyer in order to provide legal advice.

In fact, one lawyer Defendant in this case, Jason D'Cruz, is not even an attorney of record in the Boat Crash cases and has not appeared in those matters. Instead, he is a part of a surreptitious plan to launch a smear campaign through media and social media attacks that are hoped to affect public sentiment about the Murdaughs and influence the Boat Crash cases. The documents at issue show that Greg Parker, himself, was actually coordinating and intimately involved in the Defendants' plans to wage their behind the scenes faceless and nameless attacks in order to gain some public relations advantage. This is apparent from the documents at issue here, and the fact that Greg Parker's name was only removed and replaced by D'Cruz's name or his firm to intentionally create a fiction of some attorney/client privileged or work product. This was done to hide what they were really doing or planning, should their despicable conduct be discovered – a discovery that was made prior to any subpoenas issued in this matter by the Plaintiffs.

After suit was filed in this matter, Plaintiffs' counsel served valid subpoenas for the production of documents possessed by two different third parties: (1) the Laurens Group/Push Digital, LLC/Wesley Donehue, and (2) Inquiry Agency, LLC/ Sara Capelli. This Court ordered that all the documents from both third parties be produced to Plaintiffs' counsel. In response to that order only the documents from the Laurens Group/Push Digital/Donehue were so produced. To date, no documents from Inquiry Agency/Capelli have ever been produced to Plaintiffs' counsel, from either the third party (Inquiry Agency/Capelli) or its counsel. This is not to say that some of the Inquiry Agency/Capelli documents are not included in the documents that were sent

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to the Plaintiffs, they could have been. However, since the Plaintiffs have not received a production of documents from Inquiry Agency/Capelli, they do not know what is in those documents. The only documents received pursuant to the valid subpoenas were produced by Wesley Donehue after he received direction from his counsel that the Court had ruled the documents should be produced in 15 days.

Previously, Plaintiffs objected to the *ex parte* communications and the *ex parte* hearing related to the matters at issue in this motion, but remained hopeful the obligations of candor to this Court would keep the Defendants honest in terms of what the documents are and who prepared them, as well as, for the reason they were prepared. Obviously, that hope was in vain. The vociferous objections and complaints by the Defendants are nothing more than a charade. They are designed to construct yet another false narrative of what is actually going on in hopes of making an argument to have Plaintiffs' counsel removed from this case in order try to hide what the Defendants did. Their current motion to Reconsider specifically admits this. It states in the opening paragraph, in pertinent part: "[I]f the Court grants the Parker's Defendants pending motion to Disqualify Plaintiffs' counsel, the need to rule on all of the documents contained within the Parker's Defendants privilege log is obviated." In other words, if the Court removes Plaintiffs' counsel from the case, then the existence of any privileged documents in the Plaintiffs' possession no longer matters to them.

Any suggestion by Defendants' counsel that there is something nefarious about what documents Plaintiffs' counsel received is a false construct of their own making. It is not Plaintiffs' fault that Defendants' counsel created its own set of documents, over Plaintiffs' objection, from which it chose to secretly work, rather than requesting a copy of what was produced by Donehue to the plaintiffs. Nor is it Plaintiffs' fault that the defendants cannot manage to keep track of what

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documents they have or that exist. Further, despite Defendants' claims, it is disingenuous to suggest that there could be some issue of waiver if the documents produced to the Plaintiffs are actually identified or discussed with the Court and Plaintiffs' counsel for purposes of examining the documents and determining whether they are protected by some privilege.

The mere fact that there are discussions and arguments occurring between the parties in the context of this motion would not constitute a waiver; especially considering Plaintiffs' repeated statements that no such argument of waiver would be made and no such position would be taken. There cannot be a waiver without a voluntary intent to do so, and an open and honest discussion about the specific documents, and the Defendants' assertions of different privileges to those documents, would not constitute a voluntary waiver. Discussions and arguments about the documents with Plaintiffs and the Court would, however, keep the Defendants honest and prevent them from hiding the truth about the documents from the Court.

For example, the Court's Order indicates the Murdaugh Report was prepared by Sara Capelli and that it contains D'Cruz's impressions or comments. None of that is true. The Murdaugh Report is an undated, unauthored document that was prepared by a public relations firm in Washington, D.C. The Murdaugh Report was intended to be used and released to investigative journalists, media and other online presences to create a click-bait campaign about the Murdaughs.

As previously argued to this Court by Plaintiffs, it is clear the Murdaugh Report was given to others, including Gregg Roman who used it and published the contents of the report online on July 27, 2021, in the **Death and Justice: Murdaugh Family Murders**. Also, as previously argued to this Court, in the summer of 2022, Greg Parker and his lawyers in this case admitted to the Wall Street Journal that "[a] spokeswoman for Mr. Parker said an investigative firm digging into the Murdaughs on Mr. Parker's behalf hired journalist Gregg Roman and two private investigators,

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Max Fratoddi and Henry Rosado." Wall Street Journal, **A Convenience-Store Magnate, Teen Drinking and a Fatal Boat Crash: The Legal Case Shaking South Carolina**, August 13, 2022. The article went on to quote Greg Parker, himself, saying:

> Mr. Parker said he hired people he described as investigative journalists because he was shocked at the incestuousness of the South Carolina legal system, including the scope of the Murdaugh family's influence.
>
> "When I look back on this [investigation], do I think 'Oh, gosh, I wish I hadn't have done that?'" Mr. Parker said. "Absolutely not. I'm proud of the work we did."
>
> When asked whether he conducted a stealth investigation and what specifically it entailed, Mr. Parker paused. "Here's a better question," he said. "So what? Of course I did. Anybody in my situation would have done exactly the same thing."

Id., attached hereto and incorporated by reference as Exhibit 1.

Further, to the extent Defendants contend the documents provided by the plaintiffs to the Court to aid in its ruling include "just the documents the Plaintiffs wanted to use," that is false. The group of documents presented to the Court by Plaintiffs' counsel includes all documents that reference the Defendants in any way and includes any reference to any work being, or to be, performed by the Laurens Group/Push Digital/Donehue, on behalf of Parker. The grouping provided by the plaintiffs simply attempted to aid in judicial economy and sought to exclude the multiple iterations of the same documents over and over. It is Plaintiffs' belief that the group of documents it presented to the Court did not include "just the documents the Plaintiffs wanted to use," but instead, were grouped in a way that was intended to weed out some of the multiple copies of chain emails, which were addressed to multiple recipients and containing the same content/documents in multiple places. The intent was not to exclude any documents but rather, to make the examination more manageable. For example, when one employee of Laurens Group/Push Digital would print his emails, it would print in such a way that each email he received

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would turn into many pages more than it was originally, in part due to the fact that towards the end of the email chain only one word would be printed per line instead of how it was actually written. Clearly, a finding of privilege as applied to the content related to any iteration of a document would apply to all versions of the document. Plaintiffs have never taken the ridiculous position, advanced by the Defendants, that some loophole could be created by the failure of the court to address every single copy of the same document over and over. Any suggestion that the Court has not reviewed and considered all the content is ridiculous.

STANDARD OF REVIEW

Generally, "there are three grounds for amending an earlier judgment: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." *Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co.,* 148 F.3d 396, 403 (4th Cir. 1998); *see also Tetrev v. Pride Int'l, Inc.,* 243 F.R.D. 246, 248 (D.S.C. 2007). The Court's Order that finds any privilege exists, is based on a misunderstanding or misrepresentation of the facts, which amounts to a clear error of law, and therefore, reconsideration is necessary to prevent manifest injustice.

ARGUMENT

The Court's Order is based on a clear error of law and reconsideration is necessary to prevent manifest injustice. In its Order, the Court sets forth the legal standard that applies to the two grounds upon which Defendants' claim privilege: (1) the attorney-client privilege; and (2) the work product doctrine. As set forth below, due in part to Defendants' representations to the Court, its Order contains errors of law in its formulation of the law surrounding the attorney-client privilege; as such, the Court's application of an incorrect legal standard to the specific documents at issue resulted in errors of law. Further, as described above, the Court has a fundamental

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misunderstanding of the nature of the documents at issue, either because of a misunderstanding or misrepresentation by the Defendants or their counsel about these documents, which resulted in errors of law in the Court's application of the work product doctrine.

I. The Court erred in its formulation of the applicable legal standard to support a finding of attorney-client privilege.

As the Court correctly sets forth in its Order, the attorney-client privilege can be summarized as follows: (1) Where legal advice of any kind is sought (2) from a professional legal adviser in his capacity as such, (3) the communications relating to that purpose (4) made in confidence (5) by the client, (6) are at his instance permanently protected (7) from disclosure by himself or by the legal adviser, (8) except when the protection be waived. *State v. Doster*, 276 S.C. 647, 651, 284 S.E.2d 218 (1981). Here, the Court's blanket reliance on *United States v. Schwimmer*, 892 F.2d 237 (2d Cir. 1989), *cert. denied*, 502 U.S. 810 (1991), and *State v. Kovel*, 296 F.2d 918 (2d Cir. 1961), to support a finding that any of the documents in question here are protected by the attorney-client privilege is in error. While it is true that "[t]he privilege also is held to cover communications made to **certain** agents of an attorney . . . hired to assist in the rendition of legal advice services," this extension of the privilege is a narrow one and does not apply generally to all agents hired or consulted by a client or even by the attorney. The key factor that the Court's Order ignores is that both *Schwimmer* and *Kovel* involved criminal prosecutions in which a defense attorney hired an accountant to evaluate the strength of the criminal charges against the respective defendants. A closer look at each of these cases is necessary.

In the case of *State v. Kovel*, Kovel was a former IRS accountant who was employed by a law firm that specialized in tax law. A client of the law firm was under investigation for income tax violations, and Kovel was subpoenaed to testify against the client in front of the grand jury as part of the criminal investigation. Kovel refused to answer questions invoking the attorney-client

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privilege arguing that, as an employee of the defense lawyer, the client confided information in him for the purpose of obtaining legal advice from the attorney. In recognizing a limited exception to the rule that communications shared with a third party are not protected by the attorney-client privilege, the Court explained:

> By the same token, if the lawyer has directed the client, either in the specific case or generally, to tell his story in the first instance to an accountant engaged by the lawyer, who is then to interpret it so that the lawyer may better give legal advice, communications by the client reasonably related to that purpose ought fall within the privilege; there can be no more virtue in requiring the lawyer to sit by while the client pursues these possibly tedious preliminary conversations with the accountant than in insisting on the lawyer's physical presence while the client dictates a statement to the lawyer's secretary or in interviewed by a clerk not yet admitted to practice. What is vital to the privilege is that the communication be made in confidence **for the purpose of obtaining legal advice from the lawyer.** If what is sought is not legal advice but only accounting service, as in Olender v. United States, 210 F.2d 795, 805-806 (9 Cir. 1954), see Reisman v. Caplin, 61-2 U.S.T.C. P9673 (1961), or if the advice sought is the accountant's rather than the lawyer's, no privilege exists.

United States v. Kovel, 296 F.2d 918, 922 (2d Cir. 1961). Further, "[n]othing in the policy of the privilege suggests that attorneys, simply by placing accountants, scientists or investigators on their payrolls and maintaining them in their offices, should be able to invest all communications by clients to such persons with a privilege the law has not seen fit to extend when the latter are operating under their own steam." *Id.* At 921.

Likewise, *Schwimmer* involved a criminal prosecution of a defendant who was convicted of multiple financial crimes. On appeal, the Court held that information provided to an accountant hired by a co-defendant's attorney for the purpose of obtaining legal advice from the lawyer was, in fact, protected by the attorney-client privilege. Relying on *Kovel*, the Court explained:

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> The attorney-client privilege generally forbids an attorney from disclosing confidential communications that pass in the course of professional employment from client to lawyer. *See generally* 81 Am.Jur. 2d *Witnesses* § 172 (1976). The relationship of attorney and client, a communication by the client relating to the subject matter upon which professional advice is sought, and the confidentiality of the expression for which the protection is claimed, all must be established in order for the privilege to attach. *Re Grand Jury Subpoena Duces Tecum,* 731 F.2d 1032 (2d Cir.1984). The privilege also is held to cover communications made to **certain** agents of an attorney, including accountants hired to assist in the rendition of legal services. *United States v. Kovel,* 296 F.2d 918 (2d Cir.1961). **As to such agents, "[w]hat is vital to the privilege is that the communication be made *in confidence* for the purpose of obtaining *legal* advice *from the lawyer.*"** *Id.* at 922 (emphasis in original). **Information provided to an accountant by a client at the behest of his attorney for the purposes of interpretation and analysis** is privileged to the extent that it is imparted in connection with the legal representation. *Id. See generally* Annotation, *Applicability of Attorney-Client Privilege to Communications Made in Presence of or Solely to or by Third Person,* 14 A.L.R.4th 594, 635(1982).

United States v. Schwimmer, 892 F.2d 237, 243 (2d Cir. 1989)(emphasis added).

It is undisputed that "the extension of the privilege to non-lawyer's communication is to be narrowly construed." *NXIVM Corp. v. O'Hara*, 241 F.R.D. 109 (S.D.N.Y.2007). The only time this protection may arguably be extended to non-lawyers under what is called the "*Kovel* doctrine," is in the "**narrow circumstances in which the non-lawyer's services are absolutely necessary to effectuate the lawyer's legal services**."[1] *In re New York Renu*, 2008 WL 2338552 (D.S.C. May 8, 2008) (emphasis added). Contrary to the Defendants' arguments and the Court's Order, communications shared with third party, non-lawyer **public relations professionals** are not protected by the attorney-client privilege or work product doctrine. Especially, in the context presented here where any expression or statement was not for any legal advice, but rather in an

[1] For example, the attorney-client privilege extends to a lawyer's office personnel, such as paralegals and law clerks.

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effort to wage a covert media/social media campaign to spread false or confidential information to sway public sentiment. More importantly, by choosing to include their public relations firm on the communications at issue, Defendants waived any claims of privilege or protection. *Calvin Klein Trademark Trust v. Wachner*, 198 F.R.D. 53, 54–55 (S.D.N.Y. 2000); *In re New York Renu with Moistureloc Prod. Liab. Litig.*, No. CA 2:06-MN-77777-DCN, 2008 WL 2338552 (D.S.C. May 8, 2008); *Alabama Aircraft Indus., Inc. v. Boeing Co.*, No. 2:11-CV-03577-RDP, 2016 WL 9781826, at *5 (N.D. Ala. Mar. 24, 2016); *N.Y. Times Co. v. U.S. Dep't of Defense*, 499 F.Supp.2d 501, 517 (S.D.N.Y.2007); *LifeVantage Corp. v. Domingo*, No. 2:13-CV-01037-DB-PMW, 2015 WL 5714426, at *2–3 (D. Utah Sept. 29, 2015); *Haugh v. Schroder Inv. Mgmt. North Am. Inc.*, 2003 WL 21998674, at *8 (S.D.N.Y.2003). The case of *In re New York Renu,* involving communications with a public relations firm concerning a proposed public statement, is instructive here. The Court explained:

> Communications to non-lawyers can be brought within the privilege under the *Kovel* doctrine—the court in *United States v. Kovel,* 296 F.2d 918, 921 (2d Cir.1961) held that confidential communications to non-lawyers could be protected by the privilege if the non-lawyer's services are necessary to the legal representation.[2] But the *Kovel* protection is applicable only if the services performed by the non-lawyer are necessary to promote the lawyer's effectiveness; it is not enough that the services are beneficial to the client in some way unrelated to the legal services of the lawyer. Id at 922 (the "communication must be made in confidence for the purpose of obtaining legal advice from the lawyer.... If what is sought is not legal advice but only accounting services ... or if the advice sought is the accountant's rather than the lawyer's, no privilege exists."). *See generally NXIVM Corp. v. O'Hara,* 241 F.R.D. 109 (S.D.N.Y.2007) ("the extension of the privilege to non-lawyer's communication is to be narrowly construed. If the purpose of the third party's participation is to improve the comprehension of the communication between attorney and client, then the privilege will

[2] It is worth noting again that D'Cruz has never made any appearance in the Boat Crash Case, nor is he counsel of record in that matter. Further, he has not been admitted to practice law in this state, nor in this case or in the Boat Crash Case.

prevail.”). *See also United States v. Ackert,* 169 F.3d 136, 139 (2d Cir.1999) (ruling that the communication “between an attorney and a third party does not become shielded by the attorney-client privilege solely because the communication proves important to the attorney's ability to represent the client”).

Courts are in some dispute on whether public relations firms are “necessary to the representation” so as to fall within the *Kovel* protection. Most courts agree, however, that basic public relations advice, from a consultant hired by the corporate client, is **not** within the privilege. The court in *NXIVM, supra* at 141, surveys this basic case law:

> This legal notion that even a public relations firm must serve as some sort of “translator,” much like the accountant in *Kovel,* was visited in *Calvin Klein Trademark Trust v. Wachner,* 198 F.R.D. 53 (S.D.N.Y.2000). Much like the services being rendered here, the public relations firm in *Calvin Klein* was found to have simply provided ordinary public relations advice and assisted counsel in “assessing the probable public reaction to various strategic alternatives, as opposed to enabling counsel to understand aspects of the client's own communications that could otherwise be appreciated in the rendering of legal advice.” 198 F.R.D. at 54–55 (citing *United States v. Ackert,* 169 F.3d at 139). Thus, no attorney client privilege was extended to its communications with either the client or the firm. Id. at 53–55. A similar result occurred in *Haugh v. Schroder Inv. Mgmt. North Am. Inc.,* 2003 U.S. Dist. LEXIS 14586, 2003 WL 21998674 (S.D.N.Y. Aug. 25, 2003), wherein the court found that the record did not show the public relations specialist performed anything other than standard public relations services for the plaintiff, and noting that a media campaign is not a legal strategy. See also *De Beers LV Trademark Ltd. v. De Beers Diamond Syndicate Inc.,* 2006 U.S. Dist. LEXIS 6091, 2006 WL 357825 (S.D.N.Y. Feb.15, 2006).

Judge Cote in *Haugh v. Schroder Inv. Mgmt. North Am. Inc.,* 2003 U.S. Dist. LEXIS 14586, 2003 WL 21998674, at *8 (S.D.N.Y.2003) summed up the basic law, and held that disclosure to a public relations firm lost the privilege, in the following passage:

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> **Plaintiff has not shown that Murray [the p.r. consultant] performed anything other than standard public relations services for Haugh, and more importantly, she has not shown that her communications with Murray or Murray's with Arkin [the lawyer] were necessary so that Arkin could provide Haugh with legal advice**. The conclusory descriptions of Murray's role supplied by plaintiff fail to bring the sixteen documents within the ambit of the attorney-client privilege. The documents transmitted from plaintiff to Murray and the one document from Murray to Arkin are consistent with the design of a public relations campaign. Plaintiff has not shown that Murray was "performing functions materially different from those that any ordinary public relations" advisor would perform. *Calvin Klein Trademark Trust v. Wachner et al.,* 198 F.R.D. 53, 55 (S.D.N.Y.2000). As such, Haugh's transmission of documents to Murray, even simultaneously with disclosure to former counsel, and Murray's transmission of a meeting agenda to Arkin, vitiates the application of the attorney-client privilege to these documents.

> Judge Cote relied on the compelling point that "[a] media campaign is not a litigation strategy. Some attorneys may feel it is desirable at times to conduct a media campaign, but that decision does not transform their coordination of a campaign into legal advice."

In re New York Renu with Moistureloc Prod. Liab. Litig., No. CA 2:06-MN-77777-DCN, 2008 WL 2338552, at *7–8 (D.S.C. May 8, 2008) (emphasis added)

In a case cited favorably by many federal judges, *Calvin Klein Trademark Trust v. Wachner*, the court explained why public relations communications like those at issue here are not protected:

> **[The] disclosure to [public relations firm] waives the privilege, since . . . [the public relations firm], far from serving the kind of "translator" function served by the accountant in [*Kovel*], is, at most, simply providing ordinary public relations advice so far as the documents here in question are concerned.** The possibility that such activity may also have been helpful to [law firm] in

> formulating legal strategy is neither here nor there if [public relations firm]'s work and advice simply serves to assist counsel in assessing the probable public reaction to various strategic alternatives, as opposed to enabling counsel to understand aspects of the client's own communications that could not otherwise be appreciated in the rendering of legal advice.
>
> [I]t must not be forgotten that the attorney-client privilege, like all evidentiary privileges, stands in derogation of the search for truth so essential to the effective operation of any system of justice: therefore, the privilege must be narrowly construed. Yet plaintiffs' approach would, instead, broaden the privilege well beyond prevailing parameters. . . . Nothing in the policy of the privilege suggests that attorneys, simply by placing accountants, scientists, or investigators [or, here, a public relations firm] on their payrolls . . . should be able to invest all communications by clients to such persons with a privilege the law has not seen fit to extend when the latter are operating under their own steam. **It may be that the modern client comes to court as prepared to massage the media as to persuade the judge; but nothing in the client's communications for the former purpose constitutes the obtaining of legal advice or justifies a privileged status.**

198 F.R.D. 53, 54–55 (S.D.N.Y. 2000) (emphasis added).

In short, the Court's summary description of the standard that applies to a finding of protection from production under the attorney-client privilege ignores that the extension of the privilege to communications with third-party agents is a narrow extension that simply does not apply to public relations professionals hired either by the client or the client's attorney to provide basic public relations advice. As such, each of the Court's findings of attorney-client privilege is in error as demonstrated below.

II. The Court erred in finding that either the attorney-client privilege or work product doctrine protects the following documents from production.

As previously argued to the Court, Plaintiffs are unable to discern all the documents addressed in the Court's Order due to the *ex parte* nature of the argument made by Defendants and the Order. However, Plaintiffs believe they can identify some of the documents cited in

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the Order. As such, the Plaintiffs will address specifically the documents they can identify, but reserve the right to make additional arguments if, and when, they are provided with the bates numbers for the documents.

A. Master Service Agreement with Statement of Work (SOW paragraph on 004433)

The Scope of Work, and the specific paragraph found to be privileged in the Order, is based on misrepresentations to the Court. The Court's finding that the specific paragraph contains D'Cruz's instructions about fruitful areas of investigation is false. D'Cruz was only included to hide what Greg Parker was doing, as he conceded to the Wall Street Journal. Further, and more importantly, the SOW is a proposal by the Laurens Group/Push Digital of what it would do for Greg Parker and ultimately, a part of the contract to do that work. The same language is outlined in its pitch to land the contract for the work from Parker. Specifically, memos in bates labeled documents 841 and 842 demonstrate that the SOW is what Laurens Group was pitching and had nothing to do with any instruction from D'Cruz. The SOW is not made for legal advice, is not actually generated by D'Cruz, and is not privileged.

B. Ms. Purves Text Messages (LAURENSGROUP_002583-002585 And LAURENSGROUP_002586-002588)

The Court's Order says these texts messages include texts between D'Cruz and Parker, but the messages include others (Donehue and/or Purves), such that there is no privilege as outlined above.

C. Page 10 of the Court's Order addressing Assorted E-mails, Memoranda, and Investigatory Reports (LAURENSGROUP_002490, 2586-2588)

On Page 10 of the Order, the Court finds that messages in this exchange are privileged as they reveal mental impressions and strategy concerning the litigation in the Boat Crash case.

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Purves saying she looked at the Murdaugh Report and that they need to start pitching is not litigation strategy nor is it protected for the reasons stated above. Further, D'Cruz telling the Laurens Group not to give "backstory" information to FitsNews is, likewise, not privileged for the reasons outlined above.

CONCLUSION

The attorney-client privilege "stands in derogation of the search for truth" and must be narrowly construed. This is especially true here, when one party is seeking to extend the privilege beyond its bounds to non-lawyers in an attempt, not only to conceal relevant information, but to conceal the Defendants' real intentions: to create a smear campaign of the Murdaugh defendants in the related Boat Crash litigation and the concerted plan to leak that information to the media to negatively affect the case and the Beach family. The Laurens Group/Push Digital/Donehue public relations professionals, if they should be called that, were not serving in a "translator" role as envisioned by the *Kovel* exception, which applies in very narrow situations. *See In re New York Renu,* 2008 WL 2338552 (noting that to fall within the privilege, the "public relations firm must serve as some sort of 'translator,' much like the accountant in *Kovel*"); *see also N.Y. Times Co. v. U.S. Dep't of Defense*, 499 F.Supp.2d 501, 517 (S.D.N.Y.2007) (public relations "talking points" document was not protected because it was "drafted for public relations purposes"). To allow this type of surreptitious, behind-the-scenes attack on litigants and secret attacks through application of the attorney-client privilege and work product doctrine is to allow the weaponization of the legal system in a way not recognized by the Rules or fundamental fairness. For the foregoing reasons, Plaintiffs respectfully request that the Court grant their Rule 59(e) Motion to Reconsider and deny Parkers' Defendants' Motion to Reconsider.

Respectfully submitted,

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A Convenience-Store Magnate, Teen Drinking and a Fatal Boat Crash: The Legal Case Shaking South Carolina

The sensational killing of two members of the Murdaugh family has become intertwined with a lawsuit aimed at the state's liability laws

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By Valerie Bauerlein Follow
Aug. 13, 2022 12:00 am ET

HAMPTON, S.C.—The saga of disgraced South Carolina lawyer Alex Murdaugh includes five deaths, millions of dollars allegedly absconded from clients and, in July, indictments accusing him of murdering his wife and son, to which he pleaded not guilty.

It also spawned a pair of explosive and potentially groundbreaking lawsuits, with one tentatively set to go to trial this fall.

On one side sits the family of Mallory Beach, a 19-year-old killed in 2019 when a boat driven by Mr. Murdaugh's late son, Paul, crashed into a bridge to Parris Island. On the other sits

Greg Parker, a wealthy convenience store magnate whose company Ms. Beach's family sued for selling alcohol to an underage Paul before the boat crash.

Mr. Parker denies his company's culpability in the boat crash, saying the store clerk who sold the alcohol did nothing wrong because Paul Murdaugh presented a valid ID belonging to his older brother.

Mr. Parker, whose Savannah-based Parker's Kitchen chain has 71 stores in Georgia and South Carolina, is effectively the last defendant standing as others have settled and the Murdaugh family's assets are frozen. Under an unusual feature of South Carolina law, that means he could be held 100% financially responsible for the girl's death, with damages potentially running to tens of millions of dollars.

"I've spent 47 years trying to create a company that I'm really, really proud of," Mr. Parker said. He has declared repeatedly that he won't settle the case, because to settle would be "to have Parker's name besmirched."

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"That's what's wrong with America now," he said. "People should stand up for what's right. And I'm standing up for the truth."

The wrongful-death suit led to a second lawsuit against Mr. Parker personally, accusing him of inflicting intentional emotional distress on the Beach family, which Mr. Parker denies, with an aggressive defense, including a covert investigation into the boat passengers.

The litigation so far hasn't featured in the lurid headlines associated with the deaths of Maggie and Paul Murdaugh, which took place at the family's hunting estate near Hampton, S.C., in June 2021. But it has become the poster child for tort reform in a lobbying campaign underwritten by Mr. Parker, who has staked much of his reputation and personal fortune on the case. His goal is to change the way financial damages in certain lawsuits in South Carolina are awarded.

The Beach litigation has also had its fantastical twists, with accusations that Mr. Parker's team improperly plied a boat passenger's underage friend with alcohol for information, an effort to have Beach family lawyer Mark Tinsley removed from both cases and an appeal to the state supreme court to claw back from Mr. Tinsley 5,600 pages of formerly private correspondence between Mr. Parker's team and a crisis communications firm.

Mr. Tinsley, a personal-injury lawyer in Allendale, S.C., said he wants to take Mr. Parker "for everything he's got" because the case has become personal. Mr. Tinsley said he is offended by the lengths to which Mr. Parker's team has gone in the continuing investigation, which has made an excruciating situation for the Beaches even worse.

"I can prove everything he did and I'm going to, and he's going to write me a big check," Mr. Tinsley said.

Power in county

The boat crash in many ways began the unraveling of the Murdaugh empire. The wrongful-death suit began bringing out financial information that spiraled into an inquiry into Alex Murdaugh's alleged financial wrongdoing.

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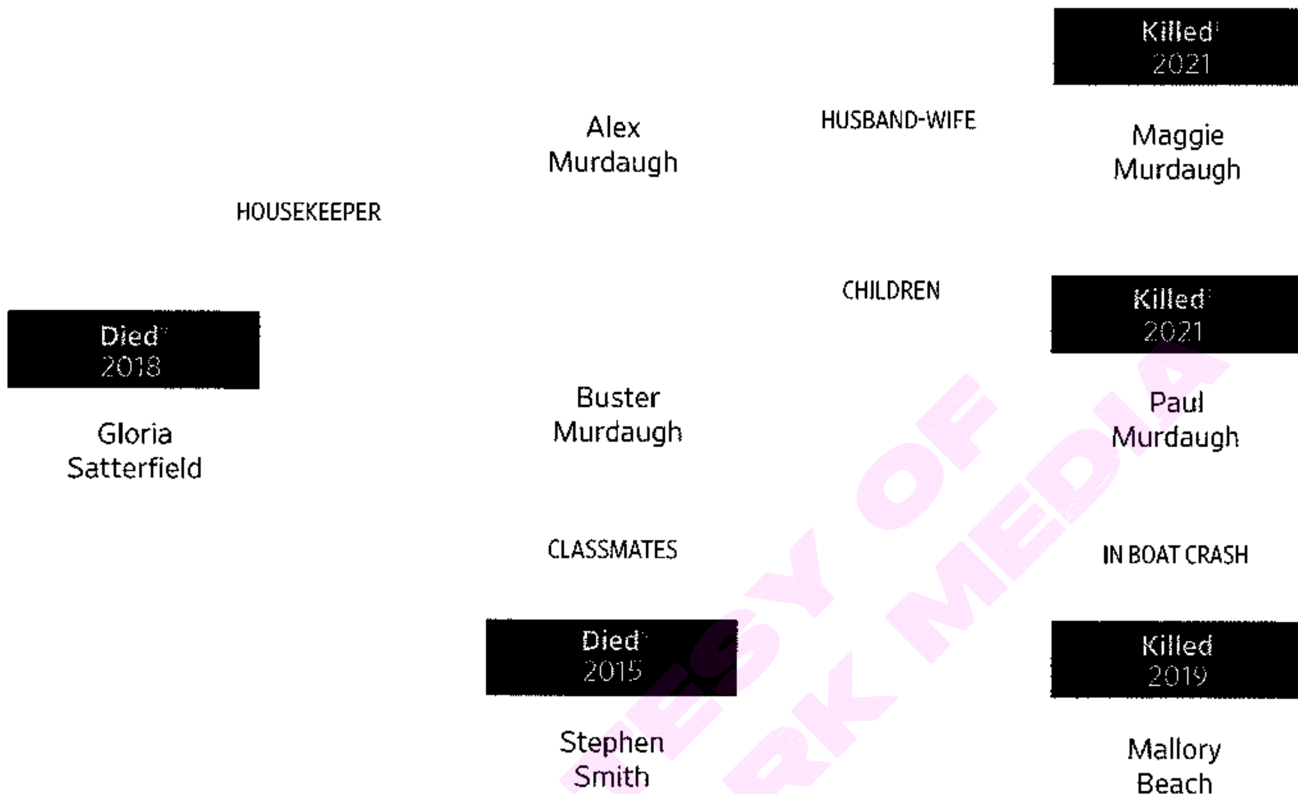

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Mr. Murdaugh was the fourth-generation scion of a family that ran the solicitor's, or district attorney's, office for the five-county 14th Judicial Circuit in southeastern South Carolina for nearly a century, while also running a dominant personal-injury firm.

The South Carolina Law Enforcement Division, known as SLED, has taken over Murdaugh-related investigations, given the family's close working relationship with local law enforcement.

Before he was accused in the double homicide of his wife and son last month, Mr. Murdaugh faced more than 80 felony counts in what prosecutors said was a decadelong scheme to defraud his personal-injury clients of $8.5 million. He has been jailed since October, weeks after he was charged with insurance fraud in a failed assisted-suicide attempt in a roadside shooting last Labor Day weekend. He has pleaded not guilty to most of the fraud and other counts against him, in addition to the murder charges.

Based on information uncovered in the double-homicide investigation, SLED is looking into two other suspicious deaths: that of Stephen Smith, a 19-year-old classmate of Mr. Murdaugh's older son whose body was found on a country road in 2015; and Gloria Satterfield, the 57-year-old family housekeeper who died after falling down the front steps at the Murdaugh home in 2018.

In the days before the killing of his wife and son on June 7, 2021, Mr. Murdaugh was under immense pressure in the boat-crash wrongful-death case. A judge had scheduled a hearing for June 10 to consider a motion by Mr. Tinsley to compel Mr. Murdaugh to turn over his financial information, which had been requested eight months earlier and was part of the wrangling over Mr. Murdaugh's insurance coverage and ability to pay potential damages.

The state's chief prosecutor last month said the evidence collected while investigating the alleged financial crimes provides "the background and the motive" for the double homicide.

Mr. Parker said it is surreal to be wrapped up in the Murdaugh morass and offensive to be accused in the death of Mallory Beach. "It's an incredible tragedy," he said. "But we're not responsible."

Mr. Tinsley said in court filings that Mr. Parker's company shares responsibility for the crash because the clerk made an obvious mistake when checking the ID Paul Murdaugh handed her when buying the alcohol. The clerk should have noticed that Paul's slight build didn't match up with the height and weight listed on his big brother's ID, said Mr. Tinsley.

"When you stress the speed of the transaction such that the people don't even read the information on the ID, it's apparent what's going to happen," Mr. Tinsley said. He said Mr.

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Parker knows that state law and store policy on alcohol sales aren't rigorously followed at Parker's Kitchen stores, a claim Mr. Parker denies.

Night of drinking

The fatal boat crash happened in the foggy, early morning hours of Feb. 24, 2019.

Paul Murdaugh started the prior evening by buying alcohol at a Parker's Kitchen in Ridgeland, S.C., according to files released by state investigators. The store is a few miles from his grandfather Randolph Murdaugh III's fishing cabin, where Paul, his then-girlfriend Morgan Doughty and two other couples planned to spend the night, according to the files.

Video footage shows Paul circling the interior of the store, selecting his purchases and approaching the checkout counter. He was 19 at the time, but he hands clerk Tajeeha Cohen a driver's license belonging to his brother, Richard Alexander "Buster" Murdaugh Jr., who was then 22. Ms. Cohen appears to look at the license and at Paul and uses a scanner to verify the validity of the license before ringing up the sale of beer, hard seltzer, gum and cigarettes for $49 on his mother's credit card.

After Paul walks out of the store, he hoists his purchases over his head in a gesture to friends by his truck, according to the footage.

The six young people met at Paul's grandfather's Chechessee River house around 6:30 p.m., according to court documents. They took the boat to an oyster roast—a tradition in the South Carolina lowcountry—at another home on the water. They stayed at the party about four hours, and all were drinking while underage, according to depositions and investigative records.

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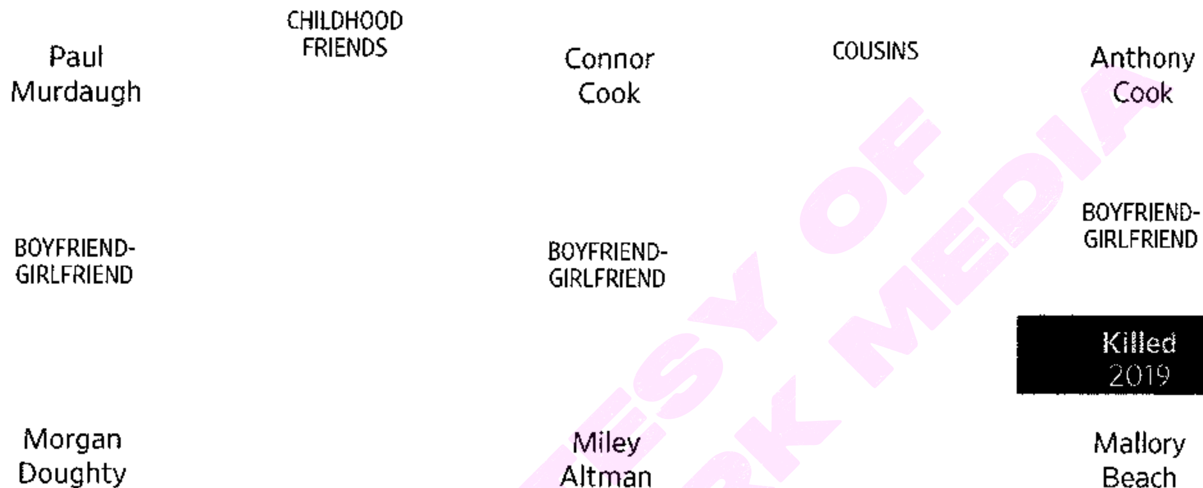
On the ride home, passengers took turns holding a flashlight to maneuver the waterways because the boat didn't have running lights. Just before 1 a.m., Paul docked the boat in downtown Beaufort, where he and fellow boat passenger Connor Cook had two rounds of liquor shots.

Crash on a Dark River

The young people spent the evening drinking including at a party and a bar along the water. GPS data show the boat accelerated rapidly and slammed into the pilings of a bridge at 2:20 a.m. Ms. Beach was thrown overboard; her body was recovered a week later.



Sources: police and court records, lawyers representing the passengers

Several passengers later testified that Paul drove the boat except for when Mr. Cook took the wheel while Paul went to the bow to confront Ms. Doughty. She told police he spit on her and slapped her, "screaming, cussing and saying horrible things," according to court documents.

At 2:20 a.m., GPS data show the boat accelerated rapidly and slammed into the pilings by the bridge to Parris Island, which was on the route back to the Murdaugh cabin, investigative reports said. Three of the passengers were thrown into the water, including Ms. Beach, who couldn't be found. Paul, Ms. Doughty and Mr. Cook were taken by ambulances to the hospital.

It took a week to find Ms. Beach's body, which was facedown in the marsh 5 miles north of the bridge.

Paul's blood drawn as part of his care at the hospital showed that his blood-alcohol level was .286, according to hospital records, three times the legal limit in South Carolina. Paul was criminally charged in April 2019, including boating under the influence causing death, but

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the charges were dropped after his death last June, leaving the wrongful-death suit the key legal proceeding.

Mr. Tinsley filed suit on behalf of Mallory's mother, Renee Beach, on March 29, 2019. The defendants included Alex Murdaugh, who owned the boat; Buster Murdaugh; Randolph Murdaugh III; an elementary school assistant principal and her husband who hosted the oyster roast; the owner of the bar where Paul took shots; and Gregory M. Parker Inc., Mr. Parker's company.

The hosts of the oyster roast, the bar owner and Randolph Murdaugh III, who died of cancer in 2021, and their insurers settled with Ms. Beach within weeks of the suit being filed. Those settlements totaled $1.7 million, according to court filings.

Alex and Buster Murdaugh remain defendants. They have both denied responsibility in Ms. Beach's death, and have argued their assets are inadequate to pay any potential damages.

That left the Parker company, as the defendant with assets, as the focus of the lawsuit.

The wrongful-death trial could start as soon as November in the Hampton County Courthouse, where Alex Murdaugh was long a regular presence and where the walls are lined with portraits of his father, grandfather and great-grandfather.

Quirk in liability law

Mr. Parker, 68, built his company from one gas station in rural Georgia in 1976 to a popular chain that prides itself on hand-breaded chicken fingers, clean restrooms and "Chewy Ice," which Mr. Parker says is his own invention, born of a love of soft and crunchy ice pellets.

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As Mr. Parker talked about Paul Murdaugh's transaction, he pulled a worn printout from a stack of papers. It was an image of Alex, Maggie, Buster and Paul Murdaugh courtside at a University of South Carolina basketball game, posted on Maggie Murdaugh's Facebook two weeks before the crash. Both brothers have red hair and fair skin.

Ms. Cohen "takes the driver's license," Mr. Parker said. "She looks at it. Well, guess what? They look alike." Passengers on the boat testified in depositions that Paul frequently used his brother's ID, including the night of the crash at the bar in Beaufort.

In court filings, Mr. Tinsley said Mr. Parker's company shares responsibility for Ms. Beach's death because of a companywide focus on the speed of transactions, which creates room for error in alcohol sales. Mr. Tinsley also said Ms. Cohen lacked training, failed to notice the differences in height and weight between Paul Murdaugh and the ID he used and didn't follow other company policies.

"They've got great written policies," Mr. Tinsley said. "If they did what they said they were going to do, I don't think this happens."

Mr. Parker said he has never reprimanded anyone over the speed they handle transactions and that Ms. Cohen was properly trained.

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Ms. Cohen isn't named as a defendant in the Beach wrongful-death suit, though she is named as a defendant in two personal-injury suits brought by other passengers. Her lawyer declined a request for an interview on her behalf.

Alcohol-enforcement authorities haven't cited Ms. Cohen or the company in the sale, Mr. Parker said. An agent with SLED testified that she reviewed the video footage and found that Ms. Cohen "did her due diligence," by asking for the ID and scanning it to verify its validity, according to court records. State law doesn't require checking the height and weight on an ID in alcohol sales.

South Carolina law allows a plaintiff in an alcohol-related case to choose to collect 100% of the damages from a bar, store owner or host if a jury finds that entity the slightest amount at fault. The law, known as a joint-and-several liability law, differs from that in most other states, including Georgia, where a defendant pays a share of damages based on a percentage of fault assigned by a jury.

"You say 'Well, wait a minute. If I'm one-millionth of 1% responsible, I can be held 100% liable?' " said Mr. Parker, in a recent interview. "How does that work? That's not fair." He is lobbying the state legislature to change the law.

The law was designed to make sure a plaintiff could collect the full amount awarded by a jury, Mr. Tinsley said, adding it originated when bars commonly operated without liquor liability insurance.

In December 2021, Mr. Tinsley filed the second suit on behalf of the Beach family against Mr. Parker personally and some of the lawyers and investigators working on his defense team, alleging civil conspiracy and outrage, or the intentional infliction of emotional distress.

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Mr. Tinsley alleges in the lawsuit Mr. Parker's team planted negative information online about Ms. Beach, which Mr. Parker denies.

Mr. Tinsley said in a March court hearing that Mr. Parker's team also hired private investigator Sara Capelli to follow Paul in the months before his death. He said at the hearing Ms. Capelli bought alcohol for a friend of one of the boat passengers when she was underage in an attempt to get information about Paul. Mr. Tinsley showed the judge a copy of a February photo taken of the young woman and Ms. Capelli at a Super Bowl party in a Columbia, S.C., bar.

Super Bowl party

Rhett Klok, Ms. Capelli's lawyer, said Ms. Capelli had a contract to follow Paul in early 2021 with a law firm representing Mr. Parker. Mr. Klok said as part of her work, Ms. Capelli went to the private Super Bowl party, which was sponsored by Kappa Alpha Order, the college fraternity that has counted several Murdaughs as members, including Alex and Buster.

When asked whether Ms. Capelli bought alcohol for anyone underage, Mr. Klok said, "Not that she knows of." He added, "They had electronic carding at the door. She assumed everyone was an adult."

Mr. Parker said he can't comment on specific allegations because he is a defendant in the case. But he said "we sure as heck wouldn't have directed anybody to break the law," including by buying alcohol for someone underage.

Mr. Tinsley said many of the materials sought in Mr. Parker's investigation wouldn't be admissible in court because footage or photos of Paul drinking excessively or underage in other settings wasn't the cause of the boat crash. "There's only one conclusion," he said in an interview. Mr. Parker's side was "collecting it to make [others] look bad in the public arena."

A lawyer for Mr. Parker in the wrongful-death case said he expects the material to be admissible because it establishes a propensity for excessive drinking.

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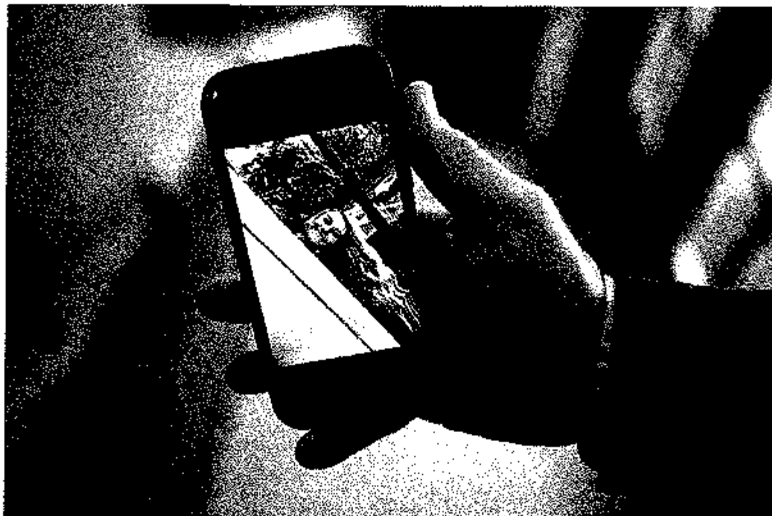

The suit also alleges that Mr. Parker's team leaked law-enforcement photos of Ms. Beach's dead body and a confidential video that was part of shared materials in the lawsuit, meant to be used only in the court proceedings, to a documentary filmmaker.

Mr. Tinsley said he created the video and shared it with Mr. Parker's lawyers to demonstrate how he might humanize Ms. Beach to a jury. It included home movies, still photographs and interviews with family members.

The suit alleges that six snippets from the confidential video appeared last November in an online trailer for "Murdaugh Murders: Deadly Dynasty," a documentary by Vicky Ward, who is also named as a defendant in the outrage suit.

Ms. Ward said in court filings that she came into possession of the video before contacting Mr. Tinsley to request an interview with the Beach family last September. She said in a court filing that Mr. Tinsley told her that "whoever provided the video to her violated the mediation rules" and that Mr. Tinsley gave her permission to use the video.

Mr. Tinsley denies that, and said Ms. Ward didn't seek the family's written approval to use their material, which he said was standard practice in documentary production.

In December, she said in a written statement to FITSNews.com, an online outlet covering the Murdaugh saga, that the trailer was for internal use at her production company and was posted in error.

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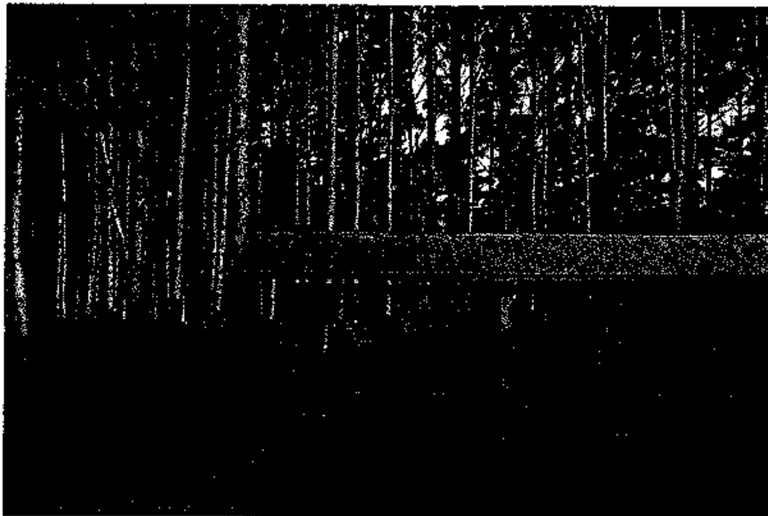

Edward Fenno, Ms. Ward's media lawyer, declined a request to interview Ms. Ward. In May, a judge denied Ms. Ward's motion to be dismissed from the case. Mr. Fenno said she looks forward to asserting her journalistic rights to receive and publish information in further filings or at trial.

The completed "Murdaugh Murders" documentary began streaming in June on the Investigation Discovery network, a unit of Warner Bros. Discovery. The documentary didn't include the snippets from the confidential mediation video; it did include a blurred image of Ms. Beach's dead body and several Snapchat videos taken by the passengers on the boat that Mr. Tinsley said law enforcement provided to him and to the Parker's legal team but haven't made public.

Mr. Parker said a large team has been employed on his behalf by his lawyers. The team has included private investigators, investigative journalists, social-media strategists, opposition researchers and crisis managers. At least 18 lawyers have been listed in court filings as representing Mr. Parker or his company.

"We were trying to find out who and what we were up against," Mr. Parker said.

Mr. Parker said he didn't personally know or direct the actions of each person working on his behalf, but he didn't authorize anyone to leak photos of Ms. Beach's body or cause distress to the Beaches. He alleged Mr. Tinsley leaked the mediation video, which Mr. Tinsley denies.

A spokeswoman for Mr. Parker said an investigative firm digging into the Murdaughs on Mr. Parker's behalf hired investigative journalist Gregg Roman and two private investigators, Max Fratoddi and Henry Rosado.

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Mr. Roman published a 7,000-word investigation on the Murdaughs on his blog last summer; he also appeared in and co-produced Ms. Ward's documentary. Mr. Parker's spokeswoman said Mr. Roman's contract ended well before the double homicide and no one affiliated with the Parker's team authorized his blog post or participation in the documentary. Mr. Roman said his written and documentary work were independent of the research he was paid to conduct.

Mr. Fratoddi and Mr. Rosado, who are defendants in the outrage case, said in court filings that they were "engaged to gather information for news purposes" and not part of a conspiracy.

Mr. Parker said his team pieced together details about Alex Murdaugh's family financial holdings, including allegations of questionable property exchanges and suspicions related to the deaths of Mr. Smith, the classmate of Buster Murdaugh, and Ms. Satterfield, the housekeeper, before last summer's double homicide.

Mr. Parker said he hired people he described as investigative journalists because he was shocked at the incestuousness of the South Carolina legal system, including the scope of the Murdaugh family's influence.

"When I look back on this [investigation], do I think 'Oh, gosh, I wish I hadn't have done that?' " Mr. Parker said. "Absolutely not. I'm proud of the work we did."

When asked whether he conducted a stealth investigation and what specifically it entailed, Mr. Parker paused. "Here's a better question," he said. " 'So what?' Of course I did. Anybody in my situation would have done exactly the same thing."

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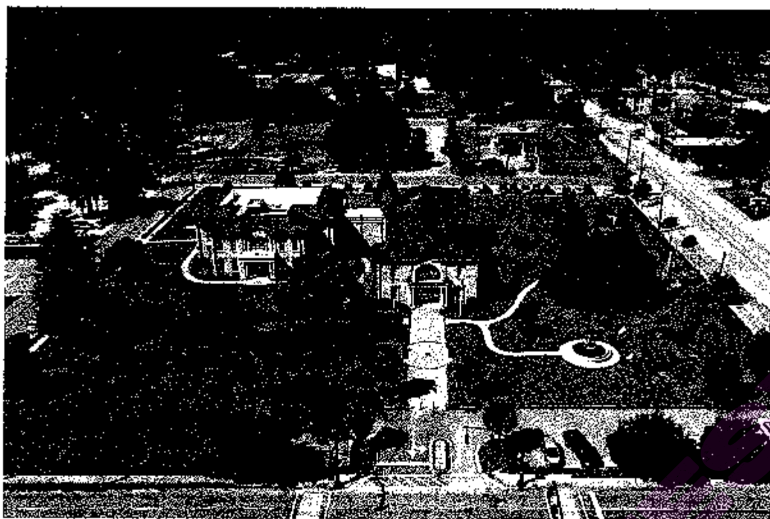
As to whether it was appropriate to surveil Paul Murdaugh, the son of a co-defendant in the wrongful-death case, Mr. Parker said he wanted to get pictures of Paul drinking, "which was pretty easy to do." He added: "This life of privilege is part of what should be examined here."

Mr. Parker said the outrage suit is a tactic to pressure him to settle. He recently rejected an offer to settle the wrongful-death case for $25 million, according to a person familiar with the settlement talks.



The outrage suit is in limbo temporarily as the state supreme court considers a request by Mr. Parker's team to force Mr. Tinsley to return documents the team says are covered by attorney-client privilege. Mr. Parker's lawyers say some 5,600 documents were provided to Mr. Tinsley prematurely by Wesley Donehue, who runs the Push Digital strategy group, and the Laurens Group, a crisis-communications firm.

Mr. Donehue's lawyer, Sandy Senn, who is also a state senator, declined an interview request on behalf of her client, who stopped working with Parker's team in the spring of 2021. "Mr. Parker's lawyers are aggressive, threatening and litigious," Ms. Senn said in an email. "I hope you understand that what is best for my client is to stay away from this...case."

Mr. Parker's lawyers also filed a motion to force Mr. Tinsley to turn over any emails and texts exchanged with Ms. Capelli, the private investigator working for Mr. Parker. The lawyers submitted as evidence 145 text messages between Mr. Tinsley and Ms. Capelli, arguing that Mr. Tinsley violated the rules of professional conduct by engaging with Ms. Capelli.

Mr. Tinsley said he acted appropriately in his communications with members of Mr. Parker's team, including Ms. Capelli, who he said initiated contact by sending him a Facebook friend

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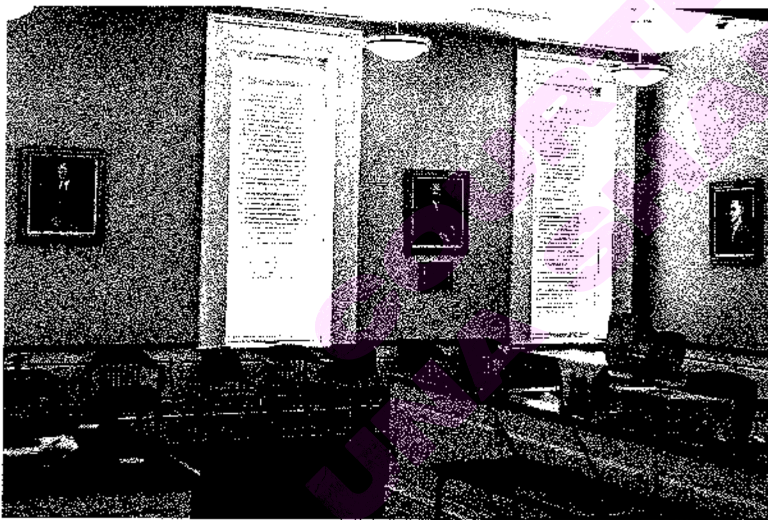
request earlier this year. Mr. Klok, Ms. Capelli's lawyer, said Mr. Tinsley was wrong to engage with Ms. Capelli when he knew she was represented by counsel.

Layers of connections

Some of the players in the Murdaugh morass have intertwined relationships in South Carolina's close-knit legal community.

Mr. Tinsley, 51, is a partner at Gooding & Gooding, a three-lawyer practice in Allendale County, S.C., which is adjacent to Hampton County. He was co-counsel in a 2018 case that netted a $10.5 million settlement against a methadone clinic, where the lead counsel was Dick Harpootlian, a state senator who is now Alex Murdaugh's lead criminal defense lawyer. Mr. Harpootlian is also a Democratic power broker; his wife, Jamie, is President Biden's ambassador to Slovenia.

Mr. Tinsley has frequently worked alongside the Murdaugh family firm, which changed its name last January to the Parker Law Group—unrelated to Mr. Parker—including with a lawyer from the firm in a record-setting $30 million jury award against Ford Motor Co.



Mr. Parker's team includes some of the state's best-known lawyers, including Murrell Smith, the speaker of the state House of Representatives, and Deborah Barbier, a former federal prosecutor who briefly co-led former President Donald Trump's defense team on his second impeachment. She was also a sorority sister of Maggie Murdaugh at the University of South Carolina and classmate of Alex Murdaugh at the University of South Carolina School of Law.

Mr. Parker's company is also separately being sued by the surviving boat passengers: Ms. Doughty, whose hand was injured; Mr. Cook, whose jaw was broken; Miley Altman, Mr.

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Cook's girlfriend; and Anthony Cook, Ms. Beach's boyfriend and Mr. Cook's cousin. Each said they suffered physical and emotional harm as a result of the crash and the death of Ms. Beach.

In a preview of Mr. Parker's defense in the wrongful-death suit, his lead trial lawyer, Pankaj "P.K." Shere of Raleigh, N.C., said he anticipates asking jurors to apply common sense and consider whether a two-minute transaction at Parker's nine hours before the crash was the fundamental reason for Ms. Beach's death. He will also ask them to consider whether the six-pack of Michelob Ultra Lime light beer, 15-pack of Natural Light beer and 12-pack of White Claw hard seltzer Paul Murdaugh purchased was sufficient to make him so grossly intoxicated, even if he drank it all himself, which he didn't, according to depositions.

Mr. Parker said his defense will also assert that the young people on the boat could have done more than he or his employees to prevent the crash, including physically blocking Paul Murdaugh from driving.

Mr. Parker said he is particularly galled by Connor Cook's lawsuit. "He said I'm responsible for the accident? He was buying him glass-fulls of Jägermeister [at the bar] before the incident, and I'm responsible?"

Joe McCulloch, Mr. Cook's lawyer, said Mr. Cook and the other passengers said in witness statements and depositions that they tried to persuade Paul not to drive. But he said it is unrealistic to say Mr. Cook or any of the passengers should have wrestled the wheel from an erratic Paul Murdaugh, who had stripped down to his boxers and was gesticulating wildly, according to depositions. "Mutiny on the Bounty wouldn't have ended well for anybody," Mr. McCulloch said.

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South Carolina law has strict liability for the sale of alcohol to someone underage, meaning a person is responsible even if they didn't know what they did was wrong, Mr. McCulloch said. "Very few defendants in tragedies of this type are willing to accept responsibility," Mr. McCulloch said. "His willingness to point the finger isn't surprising."

Mr. Parker said he has aggressive growth plans to double the number of Parker's Kitchen stores over the next four years, with much of that growth in South Carolina, which is part of the reason he is lobbying legislators to change the joint-and-several liability law in alcohol-related cases.

He said he was dropped by his longtime insurer after the boat crash and went 10 months without insurance before finding a carrier, which offered him less coverage and charged a higher price.

Tom Mullikin, a lawyer who is leading Mr. Parker's South Carolina Coalition for Lawsuit Reform, said he knows he faces an uphill climb. He said the South Carolina trade associations for restaurants and convenience stores have expressed support but not yet joined the effort to change the law.

The president of the South Carolina Restaurant and Lodging Association said in an email the association generally supported changes to tort law and was "looking into how the association would fit in" with the coalition's work. The South Carolina Convenience and Petroleum Marketers Association didn't respond to requests for comment.

A bill Mr. Parker backed in the legislative session that ended in June didn't get a hearing at the judiciary subcommittee level. In the legislature, 54 of 170 members are lawyers, and a disproportionate number are trial lawyers who oppose changing the law, according to Mr. Mullikin.

State Sen. Luke Rankin, the chair of the judiciary committee and a personal-injury lawyer, said he doesn't anticipate significant movement on the bill, saying it doesn't benefit the public.

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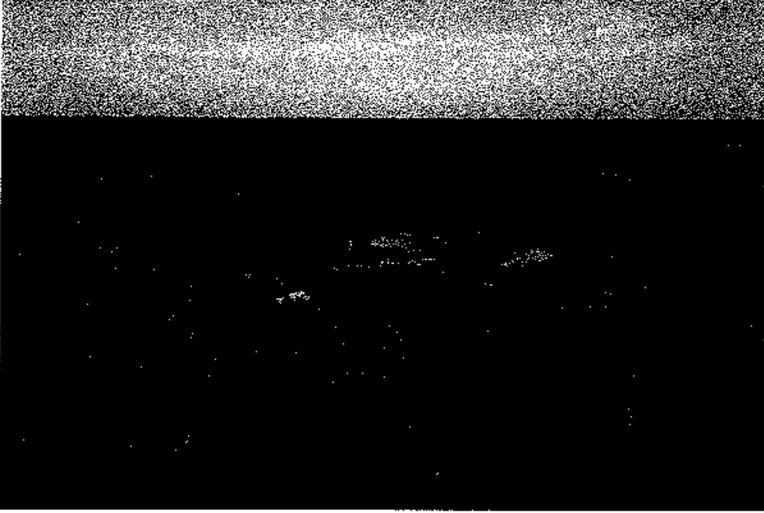

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