

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE COURT OF COMMON PLEAS
FOR THE FIFTEENTH JUDICIAL CIRCUIT

Weldon Boyd,

C/A#: 2025-CP-26-08617

Plaintiff,

**DEFENDANT MARK TINSLEY'S NOTICE
OF MOTION AND MOTION TO QUASH
AND FOR PROTECTIVE ORDER**

vs.

Mark B. Tinsley,

Defendant.

PLEASE TAKE NOTICE that Defendant Mark B. Tinsley, by and through his undersigned counsel, will move before the Presiding Judge of the Fifteenth Judicial Circuit, at the Horry County Courthouse, on the tenth (10th) day after service thereof, or as soon thereafter as this matter can be heard by the Court, for an Order quashing the subpoena issued to Netflix, Inc., a copy of which is attached as **Exhibit A**, and for a Protective Order pursuant to Rules 26 and 45 of the South Carolina Rules of Civil Procedure. This motion is based on the following grounds:

1. Plaintiff Weldon Boyd filed this improper declaratory judgment action against Tinsley, astonishingly seeking an advisory declaration that Tinsley's actions related to the Scott Spivey civil litigation, in which Tinsley represents the family of the slain Decedent Scott Spivey, has resulted in his inability to receive a fair trial. See Complaint, attached hereto as **Exhibit B**.

2. In response, Tinsley filed a Motion to Dismiss, asserting numerous reasons why this action is impermissible and should be dismissed as a matter of law. See Motion to Dismiss, attached hereto as **Exhibit C**.

3. Tinsley, simultaneously with this motion, has filed a Motion to Stay and for Protective Order from discovery while the Motion to Dismiss is pending.

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4. Now, Boyd has issued a subpoena to Netflix, Inc., seeking communications and documents related to or agreements between Netflix and Tinsley regarding the death of Scott Spivey, the wrongful death litigation captioned *Jennifer Spivey Foley, as PR of the Estate of Scott Ryan Spivey v. Charles Weldon Boyd, et al*, Civil Action No. 2024-CP-26-03798, Weldon Boyd, Scott Spivey, members of the Spivey family, or the death of Scott Spivey.

5. For the reasons set forth in Tinsley's Motion to Stay and for Protective Order, this subpoena is improper. There is a valid and pending Motion to Dismiss, and judicial economy and efficiency is best served if all discovery is stayed pending the outcome of that Motion. Moreover, the Motion to Dismiss is not a cursory responsive pleading, but rather there are multiple grounds upon which this action should be dismissed.

6. Further, for the reasons set forth in the Motion to Dismiss and herein, this subpoena is wholly improper in this action, as it could have and should have been issued in the wrongful death litigation, if Boyd was genuinely concerned about his ability to obtain a fair trial.

7. Additionally, Tinsley objects to the subpoena on the grounds that it seeks irrelevant information, is unduly burdensome and intended to harass him, and is not reasonably calculated to lead to the discovery of relevant or material evidence given that the entire action is without legal or factual basis.

8. The undersigned further notes the frivolousness of this subpoena and the action as a whole, given that there is no Netflix show in existence to date, thereby wholly eviscerating Boyd's manufactured claim of an unfair trial. The subpoena begs the question of whether Boyd has brought his improper action against Tinsley, counsel of record in the wrongful death suit, as a vehicle through which he could conduct a fishing expedition to see what his future holds in the public eye.

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6. Rule 45 of the South Carolina Rules of Civil Procedure provides that a subpoena be quashed or modified when it “requires disclosure of privileged or other protected matter,” “subjects a person to an undue burden or expense,” and/or “is otherwise unreasonable or oppressive.”

7. Rule 26 of the South Carolina Rules of Civil Procedure provides that, upon motion by a party or by the person from whom discovery is sought, the Court may “make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden by expense, including . . . that the discovery not be had . . . [or] certain matters not be inquired into . . .”

This Motion is based upon any future memorandum in support of this motion and attachments thereto, Rules 26 and 45 of the South Carolina Rules of Civil Procedure, all other motions and memoranda filed by Tinsley, and upon such additional law and argument as shall be appropriate.

GALLIVAN, WHITE & BOYD, P.A.

/s/ John T. Lay, Jr.

John T. Lay, Jr. (SC Bar No. 64526)
Jessica W. Laffitte (SC Bar No. 100256)
1201 Main Street, Suite 1200
Columbia, South Carolina 29201
Tel: (803) 779-1833
jlay@gwblawfirm.com
jlaffitte@gwblawfirm.com

Attorneys for Defendant

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