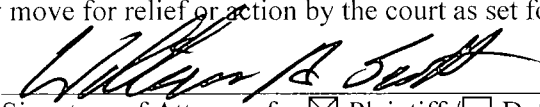


STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 K-Con, Inc.,)
 _____)
 Plaintiff,)
 vs.)
)
 King Street Enterprises, LLC and Ohio)
 Imaging Associates, Inc.,)
 _____)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CASE NO.: 2018-CP-10-3825

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: William A. Scott, Bar No. 15148 Address: Pedersen & Scott, P.C., 775 St. Andrews Blvd., Charleston, SC 29407 Phone: 843-556-5656 Fax 843-556-5635 E-mail: bscott@pslawpc.com Other: _____	Defendant's Attorney: Brent S. Halversen, Bar No. _____ Address: Brent Souther Halversen, LLC, 751 Johnnie Dodds Blvd., Suite 200, Mt. Pleasant, SC 29464 Phone: 843-284-5790 Fax: 864-326-4844 E-mail: brent@halversenlaw.com Other: _____								
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)									
SECTION I: Hearing Information Nature of Motion: Plaintiff's Motion to Compel and for Sanctions Estimated Time Needed: 30 mins Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO									
SECTION II: Motion/Order Type <input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 20px;"> <div style="text-align: center;">  Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant </div> <div style="text-align: right;"> October 9, 2019 Date submitted </div> </div>									
SECTION III: Motion Fee <input checked="" type="checkbox"/> PAID – AMOUNT: \$ _____ <input type="checkbox"/> EXEMPT: (check reason) <table style="width:100%; margin-left: 20px;"> <tr> <td><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support</td> </tr> <tr> <td><input type="checkbox"/> Domestic Abuse or Abuse and Neglect</td> </tr> <tr> <td><input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party</td> </tr> <tr> <td><input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief</td> </tr> <tr> <td><input type="checkbox"/> Motion for Stay in Bankruptcy</td> </tr> <tr> <td><input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)</td> </tr> <tr> <td><input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> </tr> </table>		<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support	<input type="checkbox"/> Domestic Abuse or Abuse and Neglect	<input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party	<input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief	<input type="checkbox"/> Motion for Stay in Bankruptcy	<input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)	<input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____	<input type="checkbox"/> Other: _____
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<input type="checkbox"/> Other: _____									
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____								
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED – AMOUNT DUE: \$ _____									

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO. 18-CP-10-3825

FILED
2019 OCT 11 PM 1:33
CLERK OF COURT

K-CON, INC.,

Plaintiff,

v.

KING STREET ENTERPRISES, LLC, and
OHIO IMAGING ASSOCIATES, INC.,

Defendants.

**NOTICE OF MOTION AND MOTION
TO COMPEL AND FOR SANCTIONS
FOR IMPROPERLY TERMINATING
DEPOSITON AND MAKING
IMPROPER OBJECTIONS**

YOU WILL PLEASE TAKE NOTICE that pursuant to Rules 26, 30(j) and 37 of the South Carolina Rules of Civil Procedure, the undersigned will, ten (10) days or as soon thereafter as counsel may be heard, move before this Court for an order compelling Mary Ann Kanters (a/k/a Mary Ann Kanters Cook) to appear for the continuation of her deposition, for sanctions against Brent Halversen, Esq. for improperly terminating the deposition of Ms. Kanters and making improper objections during the deposition, for all attorneys' fees and costs associated with this motion, and for other relief as this Court may deem appropriate based on the facts and circumstances of Ms. Kanters' and Mr. Halversen's actions. This motion is based on the following:

- Ms. Kanters was designated as the only fact witness for the Defendants, Ohio Imaging Associates, Inc. ("Ohio Imaging") and King Street Enterprises, LLC ("King Street"). Ms. Kanters was the owner's representative for Ohio Imaging in a contract for an up-fit at 484 King Street, Suite 205, performed by the Plaintiff, K-Con, Inc. ("K-Con"). She is also the manager for the Defendant, King Street, the owner of the property.
- Ms. Kanters' deposition was properly noticed for September 24 and 25, 2019.

- During the deposition, Ms. Kanters was evasive, deceptive, non-responsive, and unbelievable, if not outright untruthful.
- During the deposition, Mr. Halversen made improper objections to at least sixteen (16) questions.
- During the deposition, Ms. Kanters refused to respond to a question posed by Plaintiff's counsel. Mr. Halversen did not object to the question. Ms. Kanters was asked the same or similar questions several additional times in an effort to get a straight answer; however, she refused to answer any of the questions. Mr. Halversen did not object to any of the questions.
- When Plaintiff's counsel advised Ms. Kanters that she had to respond to the question unless directed not to answer the question by her attorney, Mr. Halversen directed Ms. Kanters not to answer the question and abruptly terminated the deposition. (Id. at 167:8-17).
- Mr. Halversen did not file a motion for a protective order relating to the specific questions posed to Ms. Kanters within five (5) business days as required by Rule 30(j)(3), SCRC.P.

This motion is supported by the deposition transcript of Ms. Kanters, the applicable law, affidavits, memorandums and arguments of counsel as may be appropriate.

[SIGNATURE ON NEXT PAGE]

Respectfully submitted,

PEDERSEN & SCOTT, P.C.

A handwritten signature in black ink, appearing to read "William A. Scott", is written over a horizontal line.

William A. Scott
775 St. Andrews Boulevard
Charleston, SC 29407
Tel. 843-556-5656
Fax. 843-556-5635
Email: bscott@pslawpc.com

ATTORNEY FOR PLAINTIFF

Dated this 9th day of October, 2019

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO. 18-CP-10-3825

K-CON, INC.,

Plaintiff,

v.


KING STREET ENTERPRISES, LLC, and
OHIO IMAGING ASSOCIATES, INC.,

Defendants.

CERTIFICATE OF SERVICE

The undersigned paralegal at Pedersen & Scott, P.C., hereby certifies that a copy of the **NOTICE OF MOTION AND MOTION TO COMPEL AND FOR SANCTIONS FOR IMPROPERLY TERMINATING DEPOSITON AND MAKING IMPROPER OBJECTIONS** in the above-captioned matter has been placed in an envelope, and addressed and mailed via U.S. Mail to:

Brent Halversen, Esq.
Brent Souther Halversen, LLC
751 Johnnie Dodds Blvd., Suite 200
Mount Pleasant, SC 29464


Tracy E. Bracefand
Paralegal

Dated: October 9, 2019
Charleston, SC

2019 OCT 11 PM 1:34
OFFICE OF THE CLERK OF COURT
NINTH JUDICIAL CIRCUIT

PEDERSEN & SCOTT, P.C.
ATTORNEYS AT LAW

P 843-556-5656
F 843-556-5635
bscott@pslawpc.com

October 9, 2019

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401

RE: K-Con, Inc. v. King Street Enterprises, LLC and Ohio Imaging Associates, Inc.
C.A. No. 2018-CP-10-3825

Dear Ms. Armstrong:

Enclosed for filing in the above-referenced matter, please find an original and one copy of the Motion Slip and Notice of Motion and Motion to Compel and for Sanctions for Improperly Terminating Deposition and Making Improper Objections, together with a check in the amount of \$25.00. Please file the original and return a stamped-in copy in the enclosed return addressed stamped envelope.

Your assistance in this matter is greatly appreciated. Please call me if you have any questions.

With regards,



William A. Scott

WAS/teb

Enclosures

cc: K-Con, Inc. (w/enc.)
Brent S. Halversen, Esq. (w/enc.)