

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE )  
 )  
 Bonnie Brae Homeowners' Association, )  
 Inc., )  
 )  
 Plaintiff, )  
 v. )  
 )  
 HOA Community Management, LLC, )  
 Charlene Rice, Tim Roach, Tim Roach, )  
 Janine Wyman, Julie Hrobsky, Jason )  
 Resotka, and Donald Peake, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )  
 (20863.3)

IN THE COURT OF COMMON PLEAS  
 THIRTEENTH JUDICIAL CIRCUIT  
 CIVIL ACTION NO. 2016-CP-23-06406  
**MOTION TO QUASH SUBPOENAS  
 AND MOTION TO STAY  
 DISCOVERY PENDING ORDER OF  
 THE COURT**

YOU WILL PLEASE TAKE NOTICE that the Defendants, by their undersigned attorney, will move before the Court for an Order quashing the subpoenas Plaintiff served on South State Bank, Wells Fargo Bank, and SunTrust Bank for the production of bank account records for accounts belonging to HOA Community Management, LLC, Charlene Rice, Tim Roach, and Jeff Dumpert. Defendants make this motion pursuant to SCRPC Rule 45(c)(3)(A)(iii) and/or Rule 45(c)(3)(B)(i), as the subpoena seeks records and documentation of Defendants' personal banking accounts.

With these subpoenas, Plaintiff seeks information that is not germane to the present action. Defendants object to Plaintiff's attempt to obtain confidential and protected material by issuing the subpoenas. These subpoenas attempt to set in motion a fishing expedition to seek information and material outside the scope of discovery, and these subpoenas are intended to harass and burden Defendants. Furthermore, the proper time to request such documents and records is the discovery phase of litigation. Plaintiff seeks to circumvent the discovery process, while Defendants' Motion to Dismiss is pending before the Court and under advisement by the

Honorable J. Cordell, Jr. Defendants further move the Court for an Order staying the discovery phase of this litigation pending Judge Maddox's Order. Therefore, Defendants ask this Court to quash the subpoenas and issue a stay of discovery pending Judge Maddox's Order.

Defendants reserve the right to supplement this Motion with any supporting memoranda as necessary and appropriate. Defendants ask this Court to award Defendants attorney's fees, costs of this Motion and such further relief as this Court deems proper.

Respectfully Submitted,

MCCABE, TROTTER & BEVERLY, P.C.

/s/ J. Ryan Oates

J. Ryan Oates  
McCabe, Trotter & Beverly, PC  
140 Stoneridge Drive, Suite 650  
P.O. Box 212069  
Columbia, SC 29221  
Phone: 803-724-5000  
Fax: 803-724-5001  
Email: [ryan.oates@mccabetrotter.com](mailto:ryan.oates@mccabetrotter.com)  
*Attorneys for Defendants*

Columbia, South Carolina

June 1, 2017.