THE STATE OF SOUTH CAROLINA In The Supreme Court



SEP 2 6 2012

IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

T. Travis Medlock, an interested individual,	Petitioner/ Plaintiff,
v.	
LegalZoom.com, Inc.,	* Respondent/
Appellate Case No. 2012-208067 Honorable Clifton B. Newman, Special Refere	Deffedant e
SCHEDULING ORDER	

On May 25, 2012, the South Carolina Supreme Court appointed the undersigned as a special referee in this matter to take evidence and issue a report containing proposed findings of fact and recommendations to the Supreme Court pursuant to S.C. Code Ann. § 14-3-340. The South Carolina Supreme Court also authorized the undersigned to set a schedule for discovery and the time and place for hearings.

Consistent with the Supreme Court's Order, the undersigned Special Referee establishes the following schedule and procedures for discovery, hearings, and related matters:

1. <u>Procedures</u>. Counsel will file status reports, stipulations, discovery motions or other motions related to proceedings before the Special Referee in the Supreme Court. In addition, with assistance from counsel, the Special Referee will arrange with the Richland County Clerk of Court, to accept the filing of status reports, stipulations, discovery motions or other motions related to proceedings before the Special

Referee, and other matters of record in proceedings before the Special Referee. The parties are hereby directed to file all such papers with the Richland County Clerk of Court in accordance with such instructions as may be hereafter provided. The purpose of this provision is to ensure that a proper record of all proceedings before the undersigned, including the transcript of the hearing, is created and maintained, so that this record may be made a part of an Appendix as governed by Rule 212(c) of the South Carolina Appellate Court Rules.

Discovery, motions, and proceedings before the Special Referee shall be conducted in accordance with the South Carolina Rules of Civil Procedure and Rules of Evidence, and the parties shall file and/or serve discovery, motions, and other matters of record accordingly. In addition, the parties are directed to provide courtesy copies of all papers filed with the Richland County Court of Common Pleas or the South Carolina Supreme Court to the Special Referee via email at cnewmanlc@sccourts.org.

2. <u>Discovery</u>. The parties must complete discovery on or before **December** 10, 2012. This discovery period includes any expert witness discovery, related expert disclosures, and/or depositions of any identified experts and other witnesses expected to testify at the hearing before the Special Referee.

The parties must serve any interrogatories, requests for production, and/or requests to admit in sufficient time to allow the responding party to serve its responses before the conclusion of the discovery period. In the event it becomes necessary or the parties desire to grant extensions of time to respond or reschedule a deposition outside the time allowed for discovery, they may do so by mutual agreement in writing, provided that

the time frames set forth in paragraphs 3 through 6 below are not affected; otherwise, this Order may be amended only by order of the Special Referee.

In the event that any dispute as to timing or scope of discovery arises, the parties are directed to confer and attempt to resolve the dispute. If the parties are unable to resolve the dispute, the parties are directed to contact the Special Referee to schedule a hearing to address any unresolved issues. Such hearings may be conducted in person or by telephone, as appropriate.

- witnesses. The parties must meet and confer on or before January 11, 2013, for the purpose of marking and exchanging exhibits the parties intend to introduce at the evidentiary hearing, together with a witness list of those persons each party intends to call to testify at the evidentiary hearing. The parties are invited to narrow the issues to be heard and included in the Special Referee's report and recommendation to the South Carolina Supreme Court. The parties should submit a joint exhibit list and witness list to the Special Referee within three (3) days of their conference on these issues. The parties should note any disagreements as to the admissibility of evidence so that such issues may be resolved prior to the evidentiary hearing.
- 4. <u>Motions in limine</u>. The parties shall file any motions in limine with the Special Referee on or before **January 18, 2013**.
- 5. <u>Pre-hearing briefs</u>. The parties shall file pre-hearing briefs with the Special Referee on or before **January 21, 2013**. The pre-hearing briefs shall be limited to thirty-five (35) pages.

- 6. <u>Pre-hearing conference</u>. The Special Referee will hold a pre-hearing conference on or about **January 28, 2013**, to consider any issues the parties were unable to resolve by agreement at their prior meeting and conference and to resolve any other outstanding pre-hearing matters.
- 7. Evidentiary hearing. The Special Referee will undertake the necessary evidentiary hearing(s) in this matter at a time and place to be determined. After the hearing, and after the time necessary for deliberation and consideration of the evidence and issues, the Special Referee will issue a report containing proposed findings of fact and recommendations to the Supreme Court. The parties will have ten (10) days after receipt of the report to file exceptions with the South Carolina Supreme Court as provided by the Supreme Court's May 25, 2012, Order. At the same time the parties file any exceptions to the report, the parties should file the Joint Appendix with the Supreme Court, consistent with Rule 212 of the South Carolina Appellate Court Rules, containing the record before this Court. The Joint Appendix should be compiled in a manner as outlined by Rule 210 of the South Carolina Appellate Court Rules. The Respondent/Defendant is responsible for the compilation of the Joint Appendix and the Respondent/Defendant must work with Petitioner/Plaintiff in preparing the Joint Appendix as envisioned by the Appellate Court Rules.
- 8. <u>Miscellaneous</u>. (a) Nothing herein is intended or should be construed as preventing either party from filing such motion(s) as it deems appropriate, in the appropriate court, and requesting a hearing on such motion(s). Nor is anything herein intended to prevent the Special Referee from discharging the duties conferred by the Supreme Court's Order of May 25, 2012, in such manner as the Special Referee deems

fit, including but not limited to the scheduling of hearings on motions and other matters within the scope of that Order. Finally, neither party is waiving any rights, objections, or exceptions it may choose to assert against the other, including but not limited to the right to object to the propriety of any motions or hearing requests the other may make.

(b) Nothing in this Order is to be construed as a limitation on a party's ability to file dispositive motions. A party is allowed to file a dispositive motion at any time, consistent with the applicable rules. A hearing on such motion(s) can take place if and when the appropriate court deems appropriate and, if the court determines it has all of the information it needs, the court may rule on such motion(s) at any time. The reservation of rights, objections, and exceptions stated in the preceding paragraph applies to such motions, proceedings, and hearings, and the party opposing the motion maintains the right to object to motions, proceedings, and hearings in accordance with applicable laws, rules, and orders.

IT IS SO ORDERED.

Clifton B. Newman

Circuit Court Judge, Special Referee

This 24 day of September, 2012.

John 5:2, South Carolina



THE STATE OF SOUTH CAROLINA In The Supreme Court

SEP 2 6 2012

S.C. Supreme Court

IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

T. Travis Medlock, an interested individual, Petitioner/Plaintiff,

v.

LegalZoom.com, Inc., Respondent/Defendant.

PROOF/CERTIFICATE OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for LegalZoom.com, Inc., do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Scheduling Order

Counsel Served:

T. Travis Medlock John G. Felder, Jr. McGowan Hood and Felder LLC 1517 Hampton Street Columbia, SC 29201

Chad McGowan
Jordan Calloway
McGowan Hood and Felder LLC
1539 Health Care Drive
Rock Hill, SC 29732

Cezar E. McKnight Law Office of Cezar E. McKnight, LLC Post Office Box 688 Lake City, SC 29560

Jessica Trautman

Administrative Assistant

Sept. 26 , 2012

Nelson Mullins

SEP 2 6 2012

B. RuS Can Supreme Court

Tel: 803.255.9492 Fax: 803.255.9026

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Nelson Mullins Riley & Scarborough LLP

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September 26, 2012

Via: Hand Delivery

The Honorable Daniel E. Shearouse Clerk of Court South Carolina Supreme Court Post Office Box 11330 Columbia, SC 29211

RE: T. Travis Medlock, an interested individual v. LegalZoom.com, Inc.

Our File No. 39375/01500

Dear Mr. Shearouse:

Enclosed please find the original and seven copies of the Scheduling Order signed by Judge Newman in the above-referenced matter. We would ask that you file the original and return the clocked-in copies to us via our courier. Pursuant to instructions from Judge Clifton B. Newman, we will submit a filed copy to him and to the Richland County Clerk of Court.

B. Rush Smith III

Very truly yours.

Enclosures

cc: The Honorable Clifton B. Newman

Jeanette W. McBride, Richland County Clerk of Court

T. Travis Medlock, Esquire John Felder, Jr., Esquire Chad McGowan, Esquire Jordan Calloway, Esquire Cezar E. McKnight, Esquire Ronnie A. Sabb, Esquire

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law 1320 Main Street / 17th Floor / Columbia, SC 29201 Tel: 803.799.2000 Fax: 803.255.9026 www.nelsonmullins.com B. Rush Smith III Tel: 803.255.9492 Fax: 803.255.9026

rush.smith@nelsonmullins.com

November 6, 2012

RECEIVED

Via: Hand Delivery

The Honorable Daniel E. Shearouse Clerk of Court South Carolina Supreme Court Post Office Box 11330 Columbia, SC 29211 NOV Con-

S.C. Supreme Court

RE:

T. Travis Medlock, an interested individual v. LegalZoom.com, Inc.

Our File No. 39375/01500

Dear Mr. Shearouse:

Enclosed please find the original and seven copies of the Consent Confidentiality Order signed by Judge Newman in the above-referenced matter. We would ask that you file the original and return the clocked-in copies to us via our courier. Pursuant to instructions from Judge Clifton B. Newman, we will submit a filed copy to him and to the Richland County Clerk of Court.

Very truly yours,

B. Rush Smith III

Enclosures

cc: The Honorable Clifton B. Newman

Jeanette W. McBride, Richland County Clerk of Court

T. Travis Medlock, Esquire John Felder, Jr., Esquire Chad McGowan, Esquire Jordan Calloway, Esquire Cezar E. McKnight, Esquire Ronnie A. Sabb, Esquire