

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
) )  
SC SAFE ELECTIONS and )  
MICHAEL FUNDERBURK )  
) )  
Plaintiff, )  
) )  
vs. )  
) )  
THE BOARDS OF ELECTIONS FOR )  
AIKEN COUNTY, BEAUFORT COUNTY, )  
CHARLESTON COUNTY, DORCHESTER )  
COUNTY, GREENVILLE COUNTY, )  
LEXINGTON COUNTY, SPARTANBURG )  
COUNTY, YORK COUNTY, and THE )  
SOUTH CAROLINA STATE ELECTION )  
COMMISSION, HOWARD KNAPP IN )  
HIS OFFICIAL CAPACITY )  
) )  
Defendant, )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS

C.A. NO. 2022-CP- 4004438

**MOTION TO COMPEL DEFENDANTS TO ANSWER DISCOVERY AND TO INSPECT PREMISES AND RECORDS**

**YOU WILL PLEASE TAKE NOTICE** that the Plaintiff will appear before the Presiding Judge, of the Richland, Fifteenth Judicial Circuit, Richland County Courthouse and to allocate fees and costs. You are hereby notified to be present at the date and time aforesaid or a default judgment may be entered against you. Pursuant to Rule 11, consider this our consultation and request for updated responses to these discovery requests.

1. Discovery was mailed on October 25, 2022 to the Defendant Aiken County Board of Elections and to date has been unanswered or the Defendants have refused to answer or have sought to be protected from answering our Discovery
2. Defendant SEC did file responses however, the responses were not fully adequate nor provided all the information we requested.
3. Defendant Aiken filed a motion to dismiss and protection from discovery.
4. Defendant Charleston did not answer.
5. Defendant Lexington did file responses however, the responses were not fully adequate nor provided all the information we requested.
6. Defendant Spartanburg did file responses however, the responses were not fully adequate nor provided all the information we requested.
7. Defendant York did file responses however, the responses were not fully adequate nor provided all the information we requested.
8. Defendant Greenville has asked to be protected until after this Motion to Dismiss is heard, which has inhibited the discovery process and will prejudice the Plaintiffs.

9. The Plaintiffs will be severely prejudiced if not granted their right to engage in some Discovery in this matter, particularly where the Defendants already have engaged in the Discovery process. The Defendants have served Discovery on the Plaintiff as well and demanded answers be more specific and definite;
10. Also, they have failed to cooperate with basic FOIA requests that initiated the Complaint in this matter. The Plaintiffs have asked for the voted ballots, the scanned images of voted ballots and the vote cast records to be turned over under the FOIA law in South Carolina.
11. Plaintiffs are requesting the ability to inspect samples of the CVR, voted ballots and scanned images of voted ballots, in each of the counties to see how they are stored and what, if any, alleged information is contained on these documents. They would like a date and time and location certain to inspect.
12. That the Plaintiffs are informed and believe that there exist outstanding issues of fact and that the case is not ready to decide until the Defendants cooperate with Discovery requests and allow a right to inspect the Documents set forth in the Stipulation of the parties, including voted ballots, scanned images of voted ballots and cast vote records.
13. Plaintiffs have in good faith participated in the process. On the other hand, the Defendants have individually and corporately have not cooperated in sending adequate responses in many responses they simply objected,
14. For such other and further relief as may be just and proper.

WHEREFORE, Plaintiffs requests the following relief:

1. An order compelling answers to Discovery mailed on October 25, 2022 for each Defendant.
2. An Order compelling the right to inspect the locations and documents referred to in the parties Stipulation for a TRO.
3. Attorney fees and costs for requiring Plaintiffs to file this motion;
4. Leave to Amend Complaint and add parties and further causes of action, if appropriate;
3. For such other relief as may be just and proper

RULE 11 Verification: I state that a movant made a "good faith" effort to resolve any dispute before filing this motion and to so certify that the consultation would serve no useful purpose or could not be timely held.

Respectfully Submitted:

**Lauren Martel, Attorney at Law**

s/ Lauren Martel

Lauren Martel, Esquire

Post Office Box 1286

Bluffton, South Carolina 29910

Phone 843-298-3831

[martellawsc@gmail.com](mailto:martellawsc@gmail.com)

SC Bar # 65125

COUNSEL FOR THE PLAINTIFFS

January 17, 2023

Bluffton, South Carolina