

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
Connor Cook,	)	
	)	Civil Action No.:2021-CP-_____
	)	
Petitioner,	)	
	)	
v.	)	<b>NOTICE OF RULE 27 PETITION</b>
	)	<b>AND RULE 27 PETITION FOR</b>
	)	<b>RELIEF</b>
South Carolina Department of Natural	)	
Resources, Beaufort County Sheriff's	)	
Department, and Unknown Others,	)	
	)	
_____	)	
Defendants.	)	

Pursuant to Rules 27 and 34(c) of the South Carolina Rules of Civil Procedure and pertinent case law, including but not limited to Wofford v. Ethyl Corp., 316 S.C. 75, 77, 447 S.E.2d 187, 189 (1994)(stating “the plain language of Rule 34(c) recognizes that an independent discovery action may be maintained against a non-party”), Petitioner Connor Cook (hereinafter, “Plaintiff”) will move before the presiding and/or Chief Administrative Judge for Richland County Court of Common Pleas, on the 20<sup>th</sup> day of service hereof, or as soon after as possible, for an Order allowing Petitioner Connor Cook to depose the named individuals as employees or former employees of the named Defendants and to obtain by subpoena *duces tecum* their personal and law enforcement cell phone records. In support of the petition, the Petitioner asserts the following to the Court:

1. The Petitioner expects to be a party to an action cognizable in a court of the State but is presently unable to bring it or cause it to be brought without deposing key witnesses and reviewing cell phone records as set forth below.
2. The Petitioner believes the depositions and phone records are necessary to confirm or refute evidence of a civil conspiracy arising from testimony contained in the

depositions of law enforcement officers Keener, Brock, Pritcher, Camlin and Krapf taken in an associated civil case (*Estate of Mallory Beach v. Parker, Inc., et al.*, Civil Action No.: 2019-CP-25-00111) involving a fatal boat accident which took place on or about February 23, 2019 on Archers Creek near Parris Island, South Carolina. The boat accident took the life of Mallory Beach and injured four (4) other passengers to include Petitioner. Petitioner is informed and believes these potential deponents may have information regarding a conspiracy to misdirect the criminal investigation away from now deceased, Paul Murdaugh, and to wrongfully shift the focus to Petitioner. The depositions in the 2019 civil matter were taken by counsel for the Estate of Mallory Beach in the furtherance of the captioned personal injury action. As such, the deposition questions were not focused on the existence and conduct of the civil conspiracy believed to have been conducted, which would be the subject of a civil lawsuit for civil conspiracy and other torts to be filed.

3. Petitioner believes the information is necessary and appropriate to confirm and clarify facts prior to the filing of a suit for civil conspiracy or other actions against the responsible parties which may include law enforcement agencies, deponents, and/or currently unnamed others.
4. The name, address, and identity of the persons expected to be adverse parties and/or to be deposed in this action are:
  - a. South Carolina Department of Natural Resources under *respondeat superior* theory, 1000 Assembly Street, Columbia, SC 29201;
  - b. Beaufort County Sheriff's Department under *respondeat superior* theory, 2001 Duke Street, Beaufort, SC 29902;

- c. Michael Brock, c/o SLED Headquarters, 4400 Broad River Road, Columbia, SC 29210;
  - d. Austin Pritcher, c/o SCDNR, 1000 Assembly Street, Columbia, SC 29201;
  - e. John Leroy Keener, III, c/o Beaufort County Sheriff's Office, 2001 Duke Street, Beaufort, SC 29902;
  - f. Robin Camlin, 386 Spivey Avenue, Murrells Inlet, SC 29576 (formerly with SCDNR);
  - g. Troy Andrew Krapf, c/o Beaufort County Sheriff's Department, 2001 Duke Street, Beaufort, SC 29902.
5. The persons to be deposed and named above will be examined as to (a) the investigation conducted at the scene of the boat accident on or about February 23, 2019 and thereafter; (b) the collection of statements taken from boat passengers including but not limited to Paul Murdaugh on body cam and other video/audio footage; (c) the collection of physical evidence; (d) the collection of DNA and other biological evidence; (e) telephone, verbal, and other communications throughout the initial investigative twenty-four (24) hour period and thereafter; (f) certain investigative failures and deficiencies; and (g) the deponent's relationship to the various persons involved in the investigation. Petitioner is informed and believes that certain evidence gathered at the scene and thereafter is now unable to be accounted for by law enforcement authorities and the deponents will be questioned about the failure to conduct an appropriate investigation, including the failure to administer field exercises to Paul Murdaugh, as well as other investigative irregularities of which Petitioner is informed and believes occurred which coincidentally resulted in the loss

of evidence potentially exculpating Petitioner Cook and potentially inculpatory as to Paul Murdaugh.

6. Petitioner further believes that these deponents through their official positions with their respective law enforcement agencies, in concert with others unnamed, may have information of collusion and/or a civil conspiracy to shift the blame for the boat accident away from Paul Murdaugh by wrongfully shifting the focus to Petitioner. The deponents may have information as to a “campaign” to cloud the investigatory issues and disseminate false information in the community with the intention of misleading law enforcement and prosecution charging parties, and the public, into wrongly and falsely believing Connor Cook should be arrested and charged as the boat operator with multiple counts of Felony Boating Under the Influence. Paul Murdaugh ultimately was so charged.
7. Petitioner further believes such depositions and subpoenas *duces tecum* will prevent a failure or delay of justice given the statute of limitations and the nature of the potential claims.

In support of the need for the grant of pre-suit depositions, Petitioner attaches Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 4 and Exhibit 5 (Depositions of John Leroy Keener, III, Michael Brock, Austin Pritcher, Robin Camlin, and Troy Andrew Krapf; highlighting by undersigned counsel).

WHEREFORE, Petitioner respectfully requests the Court enter an Order authorizing Petitioner to take the pre-suit depositions of the named deponents and an Order permitting Petitioner to obtain the deponents’ personal and law enforcement issued cell phone

information by subpoena *duces tecum*, and for such other and further relief in favor of the Petitioner as the Court deems just and appropriate.

Respectfully submitted,

By: /s/ Joseph M. McCulloch (SC Bar #3760)  
/s/ Kathy R. Schillaci (SC Bar #17248)  
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ATTORNEYS FOR THE PETITIONER

Columbia, South Carolina  
this 6<sup>th</sup> day of July, 2021.

STATE OF SOUTH CAROLINA            )  
  )  
COUNTY OF RICHLAND                )       **VERIFICATION/CERTIFICATION**

Pursuant to Rule 27, South Carolina Rules of Civil Procedure, the below certification is provided in lieu of affidavit.

I, the undersigned Connor Cook, have read the foregoing Petition for Deposition/Subpoena *Duces Tecum* and I certify that the foregoing statements are true and correct to the best of my information, knowledge, and belief. I understand that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt.

Connor Cook  
Connor Cook

This 7<sup>th</sup> day of July, 2021.