

# EXHIBIT 2

FITSNELMS

Frank George Rogers et al  
PLAINTIFF(S)

Joshua Brett Kimbrell et al  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

On April 23, 2026, the court heard Plaintiffs' Motion to Compel Discovery filed against Defendants Joshua Brett Kimbrell and Liliya Shcherba Robertson Kimbrell (Defendants). William Walter Wilkins, III appeared for Plaintiff; N. Douglas Brannon appeared for Defendants. After careful consideration of the pleadings, motion, materials submitted, arguments of counsel, and the applicable law, the court GRANTS Plaintiffs' Motion to Compel as detailed on the following page.

"These rules govern the procedure in all South Carolina courts in all suits of a civil nature whether cognizable as cases at law or in equity.... They shall be construed to secure the just, speedy, and inexpensive determination of every action." Rule 1, SCRPC.

**ORDER INFORMATION**

This order  ends  does not end the case.  See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/05/2026 .

Case Party Info Protected

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

## Court Reporter:

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRCP.

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The scope of discovery is generally broad so long as the requests are reasonable. *Oncology & Hematology Assocs. of S.C., LLC v. S.C. Dep't of Health & Env't Control*, 387 S.C. 380, 387, 692 S.E.2d 920, 924 (2010). "Yet, there are limits..." and discovery requests which are "not remotely relevant to resolution of the issue before the [court]" are not appropriate. *Id.* "An affirmative duty does exist to answer interrogatories and respond to requests to produce." *CFRE, LLC v. Greenville Cnty. Assessor*, 395 S.C. 67, 83, 716 S.E.2d 877, 885 (2011).

In the present matter, the court finds the discovery requests are reasonable and relevant. The court finds the Defendants have provided answers to the Interrogatories (though Plaintiffs may dispute the sufficiency of the answers) and some documents in response to the Requests for Production. However, they have not properly and completely responded to the discovery requests, and instead have engaged in efforts to obfuscate and delay the judicial process by failing to comply with the court rules.

Defendants shall provide any documents requested "which are in the possession, custody or control of the party upon whom the request is served." Rule 34(a), SCRCP. If, for example, Defendants have relevant documents, but they are not in Defendants' physical control, the documents still must be produced, and Defendants shall inquire of the entity storing the documents to obtain and provide such documents. *Innovative Waste Mgmt., Inc. v. Crest Energy Partners GP, LLC*, 445 S.C. 19, 29, 911 S.E.2d 406, 411 (2025) ("[A]lthough the banking and accounting documents were in the custody of the bank and accountant, they were Appellants' documents, and, therefore, within the legal control of Appellants.") "[R]equests for signing and executing written releases or authorizations may be properly made under Rule 34(a) ... and then, if necessary, compelled under Rule 37 ... insofar as they require a responding party to permit the requesting party or its representative to inspect or copy designated documents or electronically stored information in the responding party's control .... Reading Rule 34(a) to permissibly require parties to sign and execute written releases and authorization forms, so understood, does not amount to impermissibly requiring a responding party to create a new or non-existent document." *Id.* (quoting *Mir v. L-3 Commc'ns Integrated Sys., L.P.*, 319 F.R.D. 220, 229–30 (N.D. Tex. 2016)).

The Motion to Compel is GRANTED and the court orders the following:

1. Defendants may not object to any discovery requests as their right to do so is WAIVED because of the hinderance the discovery process.
2. The Defendants shall properly, fully, and completely respond to the Plaintiffs' Requests for Production (RFP) ON OR BEFORE 12:00 P.M. MAY 18, 2026. Defendants have an affirmative obligation to search their own records, and shall obtain and provide such documents even if they are in the physical control of another entity. If no such documents are in the possession, custody, or control of Defendants (including other entities), Defendants shall so state as to each inquiry for which this applies AND shall sign an affidavit that they have conducted a diligent search and reasonable inquiry into the matter and that no responsive documents are in their possession, custody, or control, including their own records which may be held by another entity.
3. If the Defendants fail to timely comply with the court's order in paragraphs 1 and 2, the Defendants' answers, defenses, and counterclaims are struck.
4. If the Defendants fail to timely comply with the court's order in paragraphs 1 and 2, or if Plaintiffs have concerns the responses are insufficient, the Plaintiffs may obtain the requested discovery through alternative means allowed by court rules. For example, Plaintiffs may issue subpoenas pursuant to Rule 45. If this step is necessary, Defendants shall pay the costs and fees associated therewith. Plaintiffs shall keep detailed records of the costs, time, and fees associated with the pursuit. Thereafter, Plaintiffs shall file to request a hearing (and include that filing fee as a cost to Defendants), for any judge to conduct a hearing to review the records and award reasonable costs and fees.
5. The Plaintiffs requested attorney fees and costs but did not provide an affidavit of the same, and so the court is unable to further consider this request.
6. Any other specific relief requested by Plaintiff not addressed herein is denied.



Greenville Common Pleas

**Case Caption:** Frank George Rogers , plaintiff, et al vs. Joshua Brett Kimbrell ,  
defendant, et al  
**Case Number:** 2025CP2304210  
**Type:** Order/Electronic Form 4

It is so ordered.

s/ Jane H. Merrill

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