

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF HORRY ) FOR THE FIFTEENTH JUDICIAL CIRCUIT  
CASE NO.: 2019-CP-26-05648

Harold "HG" Gene Worley, Jr., )  
)  
Plaintiff, )  
)  
vs. )  
)  
Meredith Carter Bauer, )  
)  
Defendant. )  
\_\_\_\_\_ )

**ANSWER**

**TO: THOMAS C. BRITTAIN, ESQUIRE, ATTORNEY FOR PLAINTIFF**

The Defendant, Meredith Carter Bauer, answers the Complaint and makes her Counterclaim as follows:

**FOR A FIRST DEFENSE**

1. Each and every allegation not hereinafter specifically admitted, modified, or explained is hereby denied.
2. Defendant admits the allegations in Paragraph 1 of the Complaint.
3. In answering Paragraph 2 of the Complaint, Defendant admits that in 2016 she was a resident Horry County, but would clarify that she is and has been a citizen and resident of Charleston County, South Carolina, for a period in excess of a year.
4. In answering Paragraph 3 of the Complaint, the Defendant admits and denies the allegations. Some of the relevant actions of the Plaintiff, including his defamation, occurred in multiple counties via social media publication.
5. The allegations in Paragraph 4 of the Complaint call for a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant denies that venue is proper and appropriate in the Horry County Court of Common Pleas.

6. Defendant admits the allegation in Paragraph 5 of the Complaint.

7. Defendant denies the allegations in Paragraphs 6 and 7 of the Complaint. The marriage deteriorated due to the Plaintiff's adultery, his narcissistic personality disorder, his fits of rage, his abuse of and inappropriate conduct related to the children, his disparagement of the Defendant, and "bizarre and disturbing conduct of the Plaintiff Father." Please refer to the attached Order of the Family Court which is attached hereto as Exhibit 1 and incorporated herein.

8. Defendant admits the allegation in Paragraph 8 of the Complaint. She did so for the safety of the children.

9. Upon information and belief, Defendant admits the allegations in Paragraph 9 of the Complaint.

10. Defendant adamantly denies the allegations in Paragraph 10 of the Complaint, which are a complete fabrication by the Plaintiff. The Plaintiff was confronted by the Defendant on the date of August 12, 2016, about his inserting and/or causing to insert play dough into their six year old son's anus. The Defendant even recorded subsequent conversations with the Plaintiff prior to his arrest about the abuse of the children to which he laughed and/or admitted to making the son lick a door. Please refer to the Order of the Family Court for further proof of these facts.

11. Defendant does not have sufficient information to admit or deny the allegations in Paragraph 11 of the Complaint and, therefore, denies the same and demands strict proof thereof. Defendant specifically denies that she made any false accusations and she would point out that the parties' children have consistently stated to multiple therapists, forensic interviewers, and at

trial, that their Father abused them. Please refer to the Order of the Family Court for further proof of these facts.

12. Defendant denies the allegations in Paragraphs 12 of the Complaint. The Defendant is informed that her phone was forensically examined by the Attorney General's office and/or the Plaintiff's own forensic examiners who did not find that it had been fabricated or doctored in any way.

13. Defendant denies the allegations in Paragraphs 13 of the Complaint. The Defendant would note that Plaintiff has always acknowledged that she was the primary parent of the parties' three children and was always going to get custody of the minor children in the Family Court. Despite having had multiple opportunities to go into counseling with the minor children to repair his relationship with them, the Plaintiff has decided on his own accord to have nothing to do with his children and to not pursue a therapeutic relationship.

14. Defendant denies the allegations in Paragraphs 14 of the Complaint, which are baseless and have no merit. She would point out that she did not cause any criminal charges to be filed against the Plaintiff. The Plaintiff's bad conduct was reported by the children's counselor to SCDS due to mandatory reporting requirements. The Defendant gave a statement as to what the children had told her and as to her actions upon finding out about the abuse committed by the Plaintiff. The children were forensically examined and gave statements related to the abuse of the Plaintiff Father, and they further reported the abusive conduct of the Father to their counselor; the psychologist hired by the Plaintiff Father; and the MUSC Clinical Instructor who has seen the children. The children's claims were determined by the Attorney's General Office to be credible so as to pursue the criminal charges against the Plaintiff. The Defendant had no control over the decisions made by the Attorney's General's office.

15. In answering Paragraph 15 of the Complaint, Defendant admits having made a statement to the North Myrtle Beach Police, reporting what she recalled from the August 12, 2016, incident and what the boys had told her. The Defendant denies the remaining allegations of Paragraph 15. The Defendant would refer the Plaintiff to the complete statement, which is incorrectly cited by Plaintiff.

16. Defendant denies the allegations in Paragraphs 16, 17, and 18 of the Complaint. The Defendant would note that the criminal court ruling is irrelevant in that it does not prove that the conduct did not occur. Moreover, the Family Court Order creates res judicata and issue preclusion in this matter as to the Plaintiff's abuse of his children.

17. In answering Paragraph 19 of the Complaint, Defendant admits that Plaintiff was found not guilty. Such a verdict does not mean that he did not commit the acts complained of by the parties' children. It only means that he was not criminally convicted. Plaintiff is barred from bringing this action due to res judicata and/or issue preclusion based upon the findings of fact set forth in the Family Court Order attached hereto. In that Order, the Court specifically found that the "[Plaintiff] then proceeded to hold the [son] down on the bed while both the [Plaintiff] and [other son] either intended to or did insert play-dough into [the son's] anus."

18. Defendant denies the allegations in Paragraph 20 of the Complaint. She was going to get primary custody of the children regardless of the children's complaints of the Father's abuse simply due to the history of the marriage and the fact that it was uncontradicted that she had always been the primary parent of the minor children. She has always been a fit and proper parent.

**AS TO PLAINTIFF'S FIRST CAUSE OF ACTION**

(Abuse of Process)

19. In answering Paragraph 21 of the Complaint, Defendant incorporates each and every response set forth above as though the same were repeated herein.

20. Defendant denies the allegations in Paragraphs 22, 23, 24, 25, and 26 of the Complaint. Plaintiff's allegations of parental alienation caused by the Defendant are particularly baseless and frivolous. Prior to the filing of this action, the Plaintiff was aware that his own expert from the criminal trial, Dr. Henderson, had been deposed and had given opinions that: (a) based upon the psychological profile of the Plaintiff, it was most likely that the Plaintiff had committed the acts of abuse complained of by the children; and (b) that the Defendant did not cause the alienation of the children.

**AS TO PLAINTIFF'S SECOND CAUSE OF ACTION**

(Malicious Persecution)

21. In answering Paragraph 27 of the Complaint, Defendant incorporates each and every response set forth above as though the same were repeated herein.

22. Defendant denies the allegations in Paragraphs 28, 29, and 30 of the Complaint.

**AS TO PLAINTIFF'S THIRD CAUSE OF ACTION**

(Defamation/Libel Per Se)

23. In answering Paragraph 31 of the Complaint, Defendant incorporates each and every response set forth above as though the same were repeated herein.

24. Defendant denies the allegations in Paragraphs 32, 33, 34, 35, 36, 37, and 38 of the Complaint.

**AS TO PLAINTIFF'S FOURTH CAUSE OF ACTION**

(Intentional Infliction of Mental/Emotional Distress)

25. Answering Paragraph 39 of the Complaint, Defendant incorporates each and every response set forth above as though the same were repeated herein.

26. Defendant denies the allegations in Paragraphs 40, 41, 42, 43, 44, 45, 46, and 47 of the Complaint.

**FOR A SECOND DEFENSE**  
**(Failure to State a Claim)**

27. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

28. Pursuant to Rule 12(b)(6), SCRCP, Plaintiff's Complaint fails to state a claim upon which relief can be granted. The Complaint fails to: identify any specific allegation made by the Defendant that is tortious or false; any specifics as to how she had the ability to cause the Attorney General to proceed with a criminal case against the Plaintiff; or how she abused legal process in any specific manner.

**FOR A THIRD DEFENSE**  
**(Statute of Limitations)**

29. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

30. Some or all of Plaintiff's claims are barred by the applicable statute of limitations.

**FOR A FOURTH DEFENSE**  
**(Res Judicata/Issue Preclusion/Claim Preclusion)**

31. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

32. Plaintiff's claims are barred by the legal doctrines of res judicata, claim preclusion, and issue preclusion.

**FOR A FIFTH DEFENSE**  
**(Collateral Estoppel)**

33. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

34. Plaintiff's claims are barred in whole or in part by the doctrine of collateral estoppel.

**FOR A SIXTH DEFENSE**  
**(Immunity)**

35. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

36. At all times referenced in the Complaint, the Defendant was acting with legal justification under S.C. Code § 63-7-10 *et seq.* and, therefore, Plaintiff's claims are barred.

**FOR A SEVENTH DEFENSE**  
**(Immunity)**

37. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

38. At all times Defendant's actions were objectively reasonable under the existing law and, therefore, the Defendant is entitled to immunity under S.C. Code § 63-7-390.

**FOR AN EIGHTH DEFENSE**  
**(Malicious Prosecution-Lack of Probable Cause)**

39. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

40. Plaintiff has failed to show a lack of lack of probable cause in his prosecution, which is required to prove a cause of action for malicious prosecution.

**FOR A NINTH DEFENSE**  
**(Malicious Prosecution-Presence of Probable Cause)**

41. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

42. Plaintiff was indicted by a grand jury for the criminal charges against him, which is prima facie evidence of probable cause in an action for malicious prosecution.

**FOR A TENTH DEFENSE**  
**(Malicious Prosecution-Good Faith/Lack of Malice)**

43. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

44. The Defendant at all times acted in good faith, on reasonable grounds, and without malice. Plaintiff has failed to show the element of actual malice on the part of the Defendant, which is required to prove a cause of action for malicious prosecution.

**FOR AN ELEVENTH DEFENSE**  
**(Failure to Mitigate)**



45. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

46. Plaintiff has a duty to make reasonable efforts to mitigate any alleged damages or otherwise protect himself from injury. On information and belief, Plaintiff has failed to perform these duties and is, therefore, precluded from any recovery against the Defendant.

**FOR A TWELFTH DEFENSE**  
**(Laches)**

47. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

48. Plaintiff's claims are barred by the equitable doctrine of laches.

**FOR A THIRTEENTH DEFENSE**  
**(Unclean Hands)**

49. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

50. Plaintiff's claims are barred by the equitable doctrine of unclean hands.

**FOR A FOURTEENTH DEFENSE**  
**(Superseding/Intervening Act)**

51. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

52. Plaintiff's damages, if any, were caused by the negligence and recklessness of other parties or persons which were the sole and proximate cause of any damages sustained by the Plaintiff.

**FOR A FIFTEENTH DEFENSE**  
**(Truth)**

53. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

54. The communications that are the subject of the Complaint were not false and, therefore, Plaintiff is barred from recovery.

**FOR A SIXTEENTH DEFENSE**  
**(Privilege)**

55. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

56. Any remarks made by the Defendant concerning Plaintiff, even if defamatory, were made without malice and were made under circumstances in which they were conditionally and/or absolutely privileged.

**FOR A SEVENTEENTH DEFENSE**  
**(Justification)**

57. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

58. Any remarks made by the Defendant concerning Plaintiff, even if defamatory, were made without malice and were made under circumstances in which they were justified.

**FOR AN EIGHTEENTH DEFENSE**  
**(Good Faith)**

59. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

60. Any remarks made by the Defendant concerning Plaintiff were made in good faith.

**FOR A NINETEENTH DEFENSE**  
**(Public Interest Doctrine)**

61. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

62. The comments made that are the subject of Plaintiff's Complaint were privileged under the public interest doctrine as bearing on a matter of public importance and cannot, therefore, form the basis of a defamation claim.

**FOR A TWENTIETH DEFENSE**  
**(Lack of Malice)**

63. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

64. Any statements made by the Defendant concerning Plaintiff were made without actual malice.

**FOR A TWENTY-FIRST DEFENSE**  
**(Fair Comment)**

65. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

66. Plaintiff's claim for defamation is barred in whole or part by the doctrine of fair comment.

**FOR A TWENTY-SECOND DEFENSE**  
**(Absence of Damages)**

67. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

68. Plaintiff's claims are barred in whole or in part because he can demonstrate no damages or loss proximately caused by the Defendant's alleged misconduct, which is denied.

**FOR A TWENTY-THIRD DEFENSE**  
**(Absence of Special Damages)**

69. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

70. Plaintiff has not suffered any special damages. No actions or inactions of the Defendant have caused Plaintiff any special damages.

**FOR A TWENTY-FOURTH DEFENSE**  
**(Frivolous Proceedings)**

71. The Defendant incorporates each and every response set forth above as though the same were repeated herein, and further incorporates the findings of the Family Court Order attached hereto.

72. Plaintiff's claims are frivolous and subject to S.C. Code § 15-36-10 *et seq.*

73. The Plaintiff is hereby put on notice that at the conclusion of this case, the Defendant shall file a motion under the Frivolous Proceedings Act to seek a full recovery of all her attorney's fees, expert fees, and costs in this matter.

**FOR A TWENTY-FIFTH DEFENSE**  
**(Punitive Damages Unconstitutional)**

74. The imposition of punitive damages on the basis of the acts or omissions of the Defendant, which are denied, would represent deprivation of liberty and property without due process of law, would result in the imposition of cruel and unusual punishment and excessive fines against the Defendant, and deny the Defendant the equal protection of the laws, all in violation of the Fifth, Sixth, Eighth, and Fourteenth Amendments to the Constitution of the United States and the related provisions of the South Carolina Constitution. Plaintiff's claims for punitive damages also violate the federal doctrine of separation of powers and the South Carolina Constitution because punitive damages are a creation of the judicial branch of government which invades the province of the legislative branch of government.

**FOR A TWENTY-SIXTH DEFENSE**  
**(Transfer of Venue)**

75. The Defendant cannot receive a fair and impartial trial in Horry County and, therefore, is entitled to a transfer of venue pursuant to S.C. Code § 15-7-100.

**FOR A TWENTY-SEVENTH DEFENSE**  
**(Reservation and Non-Waiver)**

76. The Defendant reserves any additional and further defenses as may be revealed by additional information through the course of discovery and investigation in a manner that is consistent with the South Carolina Rules of Civil Procedure.

**AS AND FOR A COUNTERCLAIM**

Having answered Plaintiff's Complaint and having set forth its Affirmative Defenses, the Defendant files and asserts the following counterclaims against Plaintiff and alleges the following:

77. The Plaintiff is a citizen and resident of Horry County, South Carolina.

78. The Defendant is a citizen and resident of Charleston County, South Carolina.

79. The Defendant hereby incorporates all of the findings of fact and conclusions set forth in the attached Final Order of the Family Court for the Fifteenth Circuit, Case #2016-DR-26-2814.

80. The Defendant would further note that prior to the Family Court Final Order being issued, the Family Court had issued a Temporary Order which restrained the parties, including the Plaintiff, as follows: "Neither party shall contact or harass the other and there shall be no reference to the case or criminal proceeding to the public, including but not limited to, the press or social media such as Facebook, Instagram, Twitter, or Snapchat."

81. Despite the restraining order of the Family Court, the Plaintiff went on to social media during the pendency of the Family Court case and defamed the Defendant by claiming that she had "falsely accused [Plaintiff] of a heinous child sex crime on my own son."

82. The Plaintiff's rant on social media against the Defendant had a defamatory meaning; was made with actual or implied malice; was false; was published by the Plaintiff on social media; the comments concerned the Mother of his children (i.e.-the Defendant); was

intended to injure the Defendant's reputation; and has caused and resulted in legally presumed damages or in special damages to the Defendant.

83. Upon information and belief, as a direct and proximate cause of the Plaintiff's defamation of the Defendant, her reputation has been injured and damaged and she is entitled to actual, special, and punitive damages from the Plaintiff.

**WHEREFORE**, the Defendant prays that the Complaint be dismissed with prejudice; that she be granted damages as set forth in the counterclaim; that pursuant to the motion she intends to file at the conclusion of this case the Plaintiff be awarded reasonable attorneys' fees and all other suit costs; and that the Plaintiff be granted such other and further relief as the Court deems appropriate.

ROSEN HAGOOD, LLC

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