

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2024-CP-26-03798

JENNIFER SPIVEY FOLEY, as Personal)
Representative of the Estate of SCOTT)
RYAN SPIVEY,)
)
Plaintiff,)

**DEFENDANT BOYD'S MOTION
SEEKING TO ALTER OR AMEND
ORDER ENTERED
DECEMBER 03, 2025**

vs.)

CHARLES WELDON BOYD and)
KENNETH WILLIAMS,)
)
Defendants.)

To The Honorable Eugene C. Griffith, Jr.;

TAKE NOTICE that pursuant to Rules 59 & 60, South Carolina Rules of Civil Procedure (SCRCP), Defendant Boyd, by and through his undersigned attorneys, moves that the Court reconsider its Order dated and filed December 03, 2025. A copy of the said Order is attached hereto as Exhibit A. In support of the within motion, the undersigned would show unto the Court as follows:

The Order, styled as a consent order, was submitted after a hearing before the Court in which the undersigned expressly withdrew a pending motion seeking to quash subpoenas of medical providers including counselors. The undersigned expressly represented to the Court that the provider intended to object to production of records in response to a subpoena based upon professional obligations and state law. SC Code §44-22-90 confirms that communications between Defendant Boyd and his provider are privileged communications and disclosure is prohibited except under narrow circumstances that are not present in this case. The Court's previous order, styled as a consent order, has been asserted as a basis to usurp the providers' ability to express objection to production of documents.

Defendant Boyd contends that his providers should be granted meaningful opportunity to levy objection to production of certain records based upon statutory and professional obligations of the providers. In withdrawing his motion seeking to quash subpoena Defendant Boyd and his attorneys anticipated that Boyd's providers would have such meaningful opportunity to levy objection. Never has Defendant Boyd waived any right to confidentiality of his medical records.

For the foregoing reasons, Defendant Boyd respectfully requests that this Court issue it Order or Orders modifying its previous and attached Order to confirm that Defendant Boyd's providers will have a meaningful opportunity to levy objections to the production of certain and protected records.

Defendant Boyd so moves.

January 21, 2026
North Myrtle Beach, SC

Respectfully submitted,

**WRIGHT, WORLEY, POPE,
EKSTER & MOSS, PLLC**
Attorneys for the Defendant Boyd

/s Kenneth R. Moss

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