

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	BEFORE THE MASTER-IN-EQUITY
	)	
	)	CASE NO.: 2022-CP-10-05305
Tess Singleton and Benquetta White,	)	
	)	
Plaintiffs,	)	
	)	ORDER ON PLAINTIFFS'
vs.	)	RULE TO SHOW CAUSE FOR
	)	CONTEMPT (AS TO DEFENDANT
The Blue Note Bistro, LLC; Henry D.	)	MICHAEL A. BROWN, SR.)
Smalls; and Michael A. Brown, Sr.,	)	
	)	
Defendants.	)	

This matter came before the Court on June 5, 2026, upon Plaintiffs' Rule to Show Cause for Contempt against Defendant Michael A. Brown, Sr. ("Brown"). Plaintiffs appeared through their counsel, Jesse Sanchez, Esquire. Defendant Brown appeared through his counsel, David B. Marvel, Esquire, who was present in person, but Defendant Brown did not appear personally. Defendant Brown was not excused from appearing, but the Court and Plaintiffs' counsel were notified that he was serving as the Music Minister for a funeral at Royal Missionary Baptist Church in North Charleston, South Carolina. Defendant Henry D. Smalls having filed a petition under Chapter 13 of the United States Bankruptcy Code, any applicable stay under 11 U.S.C. § 362 applies to Mr. Smalls alone and does not extend to Defendant Brown, who has not sought bankruptcy protection; this proceeding therefore goes forward as to Defendant Brown. Having reviewed the pleadings, the prior Orders of this Court, the Affidavit of Plaintiffs' counsel, and the record, and having heard argument of counsel, the Court FINDS as follows:

FINDINGS

1. On October 25, 2023, this Court entered judgment in favor of Plaintiffs and against the Defendants, jointly and severally, in the combined amount of \$965,077.65.

2. On July 10, 2025, this Court issued a Rule to Show Cause ordering each Defendant to produce specified financial documents, including five (5) years of bank account and investment account statements, federal and state tax returns, deeds, mortgage documents, vehicle titles, loan documents, registration cards, and documents for any and all other businesses owned by the Defendants.
3. The parties twice consented to continue the matter and extend the production deadlines. In the Consent Order entered October 20, 2025, the Defendants expressly agreed that failure to comply as ordered “shall result in finding all Defendants in contempt of court,” and the Defendants waived personal service of future Rules to Show Cause and consented to service through counsel.
4. On February 6, 2026, this Court found Defendant Brown in contempt for not disclosing all business entities and other documents as ordered in a timely manner, assessed a fine of \$1,000.00 payable to the Charleston County Master in Equity and due March 9, 2026, and permitted Brown to purge his contempt by producing the ordered documents to Plaintiffs by that same date.
5. The March 9, 2026 purge deadline passed without compliance.
6. In the entire course of this matter, Defendant Brown has produced a single, in-progress draft of his 2024 federal tax return, transmitted on the eve of the February 6, 2026 hearing. He has produced nothing since the contempt finding, and the \$1,000.00 fine remains unpaid.
7. Defendant Brown received this Court’s orders, understood his obligation to produce the ordered documents, and has the ability to comply. His continued failure to produce and his failure to purge his prior contempt are willful.

IT IS THEREFORE ORDERED

1. Defendant Michael A. Brown, Sr. is hereby found and held in continued, willful civil contempt of this Court’s orders, including the contempt Order entered February 6, 2026, which he has failed to purge.
2. The \$1,000.00 fine previously assessed against Defendant Brown on February 6, 2026 is NOT increased. That fine, imposed for the burden placed upon this Court, remains due and owing and shall be paid to the Charleston County Master in Equity on or before June 19, 2026.
3. Based upon the Affidavit of Plaintiffs’ counsel submitted herewith, the Court FINDS that counsel’s customary hourly rate of \$400.00 is reasonable; that counsel reasonably and necessarily expended a minimum of eighteen (18) hours enforcing this Court’s orders and prosecuting the contempt of Defendant Brown; and that \$7,200.00 is a reasonable

attorneys' fee. As a compensatory sanction for the time and expense occasioned by his non-compliance, Defendant Brown shall pay (or enter into a negotiated agreement to pay) Plaintiffs' attorneys' fees in the amount of \$7,200.00, on or before July 20, 2026, and a judgment in that amount shall be entered against Defendant Brown only. The purging of Defendant Brown's current contempt is not contingent upon payment of this fee award; however, should Defendant Brown have the ability to pay and willfully fail to do so by the date set above, he may be subject to further proceedings, including a finding of contempt.

4. On or before June 19, 2026, Defendant Brown shall produce to Plaintiffs' counsel all responsive documents within his possession, custody, or control, as required by this Court's July 10, 2025 Rule to Show Cause, including without limitation:
 - (a) Statements for all bank, credit union, and deposit accounts for the full five-year period ordered;
 - (b) Statements for all investment and retirement accounts for the full five-year period ordered;
 - (c) Federal and state income tax returns for the past five years;
 - (d) Deeds to any and all real property;
 - (e) Mortgage documents for any and all real property;
 - (f) Titles to all personal property, including all vehicles;
 - (g) Loan documents for all real and personal property;
 - (h) Motor vehicle registration cards;
 - (i) Wildlife registration cards for all registered boats;
 - (j) Transfer, purchase, and sales documents for all real and personal property for the past five years;
 - (k) Secretary of State and UCC filing documents for any and all business entities; and
 - (l) All documents for any and all other businesses or entities Defendant Brown owns, controls, or manages, or of which he is a member or in which he holds any interest.
5. Defendant Brown's production shall be accompanied by his affidavit, sworn under oath, attesting that the documents produced constitute all responsive documents within his possession, custody, or control.
6. On or before June 26, 2026, Defendant Brown shall appear and submit to examination by deposition in these supplemental proceedings, at a date, time, and place noticed by Plaintiffs' counsel. Prior to issuing such notice, Plaintiffs' counsel shall confer with Defendant Brown's counsel to confirm any available date.

7. This Order affords Defendant Brown a final opportunity to comply. Should Defendant Brown fail to produce the documents together with the sworn affidavit required above on or before June 19, 2026, or fail to appear for his deposition on or before June 26, 2026, then upon Plaintiffs' filing of an affidavit of non-compliance, a bench warrant shall issue for the arrest of Defendant Brown without further hearing, and Defendant Brown shall be taken into custody and held until he purges his contempt by complying with this Order.
8. This Order is entered solely against judgment debtor Michael A. Brown, Sr. Nothing herein shall apply to, or be enforced against, Defendant Henry D. Smalls or any property of his bankruptcy estate during the pendency of the automatic stay. Plaintiffs reserve all rights.

AND IT IS SO ORDERED.

The Honorable Mikell R. Scarborough
Master in Equity for Charleston County

Charleston, South Carolina

[Electronic Signature on following page]



Charleston Common Pleas

Case Caption: Tess Singleton , plaintiff, et al VS Blue Note Bistro Llc The ,
defendant, et al

Case Number: 2022CP1005305

Type: Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

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