

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

RENEE S. BEACH, PHILLIP BEACH,
ROBIN BEACH, SAVANNAH TUTEN,
AND SETH TUTEN,

Plaintiffs,

v.

GREGORY M. PARKER, GREGORY
M. PARKER, INC. d/b/a PARKER'S
CORPORATION, BLAKE GRECO,
JASON D'CRUZ, MAX FRATODDI,
HENRY ROSADO, AND PRIVATE
INVESTIGATION SERVICES GROUP,
LLC,

Defendants.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

C/A No. 2021-CP-25-00392

**ORDER GRANTING DEFENDANTS'
MOTION TO CHANGE VENUE**

This matter comes before the Court on the Motion to Change Venue ("the Instant Motion") filed on April 7, 2026, by the Parker's Defendants (Gregory M. Parker, Gregory M. Parker, Inc. d/b/a Parker's Corporation, Blake Greco, and Jason D'Cruz), joined by Defendants Max Fratoddi, Henry Rosado, and Private Investigation Services Group, LLC (collectively, "Defendants"), pursuant to S.C. Code Ann. § 15-7-100(A)(2) in the above-captioned matter ("the Instant Case"). The Parker's Defendants filed their supporting memorandum in the Instant Case on June 5, 2026, a supplemental memorandum on June 29, 2026, regarding a "Crowd the Courthouse" campaign by Mandy Matney and associates, and a second supplemental memorandum on July 9, 2026. Defendants Fratoddi, Rosado, and Private Investigation Services Group, LLC filed their own supplemental memorandum on July 14, 2026, and an amended supplemental memorandum on July 22, 2026.

Plaintiffs filed a memorandum in opposition to the motion. This Court conducted an evidentiary hearing on July 6–7, 2026, at which the Court heard testimony from defense witness Rob Waizenhofer, received documentary evidence, and heard oral argument from all parties. The Court has also received and reviewed supplemental arguments from the Plaintiffs submitted by email following the above-referenced hearing. Having carefully considered the motion, the memoranda, the evidence presented at the hearing, the arguments of counsel and the full record before it, the Court now grants the Parker’s Defendants’ Motion to Change Venue.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The United States and South Carolina’s Constitution and statutes establish the right to seek a change of venue in civil cases when a fair and impartial trial cannot be had in the county where the action was commenced. A fair trial in a fair tribunal is a basic requirement of due process. *Irvin v. Dowd*, 366 U.S. 717, 722 (1961). “The theory of our [trial] system is that the conclusions to be reached in a case will be induced only by evidence and argument in open court, and not by any outside influence, whether of private talk or public print.” *Patterson v. Colorado ex rel. Attorney General of Colo.*, 205 U.S. 454, 462 (1907) (opinion for the Court by Holmes, J.). The Constitution requires transfer “if extraordinary local prejudice will prevent a fair trial.” *Skilling v. United States*, 561 U.S. 358, 378 & n.11 (2010); S.C. Const. Art. I, § 14 (“The right of trial by jury shall be preserved inviolate.”).

South Carolina’s Constitution mandates that the General Assembly pass laws for the change of venue in all cases, civil and criminal, upon proper showing, supported by affidavit, that a fair and impartial trial cannot be had in the county where such action or prosecution was commenced. S.C. Const. Art. V, § 23. In response, the General Assembly enacted S.C. Code Ann. § 15-7-110, which provides that when the ground for a change of place of trial is that a fair and

impartial trial cannot be had in the county in which the action was commenced, the application for removal must be made by some party interested to the judge sitting in regular term, supported by an affidavit that a fair and impartial trial cannot be had in such county, with four days' notice given to the adverse party. S.C. Code Ann. § 15-7-110. This statute sets forth the procedure for changing the place of trial when a fair and impartial trial cannot be held in the county in which the action was commenced: "If a change is ordered it shall be to a county in the same judicial circuit, and the judge shall order the record to be removed to such county." Notwithstanding this language, the Supreme Court of South Carolina has recognized that, in appropriate circumstances, transfer to an out-of-circuit venue may be necessary to secure a fair trial. *See Lancaster v. Fielder*, 305 S.C at 423, 409 S.E.2d at 378 (1991) (finding no abuse of discretion where venue was transferred from Union County (16th Judicial Circuit) to Laurens County (8th Judicial Circuit) "in order to obtain an impartial jury"). As detailed herein, the Court finds that compelling evidence establishes that this is such a case.

Of course, the moving party has the burden of establishing its entitlement to a change of venue. When a party moves for change of venue based on unfair publicity or substantial influence of an opponent which would deprive it of a fair trial, the burden is formidable. *Stevens v. Sun News*, 267 S.C. 63, 68–69, 226 S.E.2d 236, 239 (1976). South Carolina courts have identified several factors to be considered when considering a motion to change of venue based on fairness and impartiality grounds. First, the moving party must demonstrate through affidavit that a fair and impartial trial cannot be had in the county where the action was commenced. S.C. Code Ann. § 15-7-110. In *Johnston v. Belk-McKnight Co. of Newberry, S.C., Inc.*, 194 S.C. 490, 10 S.E.2d 1, 2 (1940), the South Carolina Supreme Court affirmed that the framers of the State Constitution recognized that occasions would arise when some litigant could not obtain a fair and impartial trial

in the county where such case was pending. Second, the impact of television and newspaper coverage generating pretrial publicity has been recognized as a basis for finding that a defendant cannot obtain a fair trial within the circuit. *See State v. Law*, 265 S.C. 111, 217 S.E.2d 22 (1975) (the South Carolina Supreme Court holding that the power to order a change of venue to accomplish a fair and impartial trial is a common law power of the court, and that a statutory provision limiting changes to the same circuit was intended primarily to preserve and guarantee the common law right to a change of venue rather than to limit it); *accord Estes v. State of Tex.*, 381 U.S. 532 (1965) (The media's overzealous reporting efforts, we observed, "led to considerable disruption" and denied the "judicial serenity and calm to which [the defendant] was entitled.>"). Third, the status or prominence of a party within the county has been found sufficient to support the finding that a fair and impartial trial cannot be had there. *See McCown v. Northeastern R. Co.*, 55 S.C. 384, 33 S.E. 506 (1899). Fourth, an affirmative showing by a party that a fair and impartial trial could not be had in the county, when not traversed by the opposing party, weighs heavily in favor of granting the motion. *See Patterson v. Charleston & W. C. Ry. Co.*, 190 S.C. 66, 1 S.E.2d 920 (1939).

Other factors the trial court may consider include: (1) the inflammatory or noninflammatory nature of publicity; (2) the degree to which publicity was circulated throughout the community; (3) the length of time elapsed from dissemination of publicity to date of trial; (4) the care exercised and difficulty encountered in selection of jury; (5) the familiarity of prospective or trial jurors with publicity and resultant effect upon them; (6) the challenges exercised by the defendant in selecting the jury, both peremptory and for cause; (7) the connection of government officials with release of publicity; (8) the severity of the charge; and (9) the size of area from which the venire is drawn. *Unger v. Cauchon*, 118 Wash. App. 165, 170–71, 73 P.3d 1005, 1007–08

(2003). The issue for the trial court is not whether the potential jurors have learned information about the case outside the courtroom, as an ignorant jury is neither the hallmark nor the *sine qua non* of a constitutionally qualified jury; rather, the question is whether there is a reason to believe that the community in which the case has been brought will not yield a jury qualified to deliberate impartially and upon competent trial evidence. *Sicor, Inc. v. Hutchison*, 127 Nev. 904, 266 P.3d 608 (2011).

When pretrial publicity is at issue, “primary reliance on the judgment of the trial court makes [especially] good sense” because the judge may base the evaluation on the Court’s “own perception of the depth and extent of news stories that might influence a juror.” *Skilling v. United States*, 561 U.S. at 386, 130 S. Ct. at 2918 (2010).

THE EVIDENCE AND ARGUMENTS OF COUNSEL

In support of their motion, the Parker’s Defendants submitted to the Court: (1) the affidavit of Mr. Rhett Ricard; (2) the affidavit and research survey of Rex L. Repass; (3) the testimony under oath of Mr. Waizenhofer with exhibits documenting the continuous negative press coverage of the case by bloggers/podcasters Mandy Matney, Liz Farrell and the Hilton Head-based company with which they are affiliated, True Sunlight Media; and (4) excerpts of testimony along with geolocation data establishing that contrary to the allegations in the complaint, none of the Plaintiffs resided in Hampton County on the date the Complaint was filed. Counsel for all defendants have presented compelling oral arguments in support of their positions outlined herein.

Rex L. Repass holds a Master of Science in Communications from the University of Tennessee, Knoxville, and is the owner of ULTAVU Consulting, LLC. According to his affidavit, Mr. Repass has been qualified as an expert on numerous occasions and has spent 40 years working as a survey research professional and consultant in the fields of public opinion research, survey

methodology, communication research, market research, litigation-related research, and statistical interpretation of survey data.

Mr. Repass and Research America, Inc. conducted a survey evaluating the extent of preexisting prejudice among the jury pools in Hampton and Allendale counties. The survey and affidavit of Mr. Repass were filed by the Parker's Defendants and copies were provided to the Court at the July 6, 2026 hearing. To further assess bias in the current trial venue, Mr. Repass included Spartanburg County as a "control" venue in his survey. He found that Hampton/Allendale County residents show heavy awareness of the instant case—eighty percent had heard "a great deal" or "a lot" about the Beach wrongful death lawsuit, seventy-four percent believed most people locally had already formed opinions about the instant case, and sixty-four percent thought local news coverage would influence how jurors decide. By contrast, in the control venue of Spartanburg County, fifty-seven percent had no recollection of the wrongful death lawsuit and ninety-four percent had heard little or nothing about the instant case. Based on this gap, Repass concluded that pretrial publicity has created "spillover" prejudice specific to Hampton/Allendale that is not present in Spartanburg, that this bias is measurable and entrenched rather than speculative, and that jurors' own assurances of impartiality are unreliable given the "third-person effect." Mr. Repass opined that a fair and impartial jury is improbable in Hampton County and neighboring media-market venues within the Fourteenth Judicial Circuit.

In opposition to Defendants' motion, Plaintiffs argue the Parker Defendants' motion is deficient on multiple grounds. First, Plaintiffs contend the Parker Defendants have failed to satisfy the "formidable" burden required under S.C. Code Ann. § 15-7-100(A)(2) and § 15-7-110, as interpreted in *Stevens v. Sun News* and *Davenport v. Summer*, arguing that counsel Rhett Ricard's initial affidavit was based on hearsay rather than personal knowledge and thus lacked the requisite

evidentiary weight. Second, Plaintiffs challenge the reliability of Mr. Repass's survey and subsequently-filed affidavit, asserting that his methodology, sampling, and confidence intervals were never disclosed for testing, that his conclusions improperly usurp the Court's role under *Dawkins v. Fields*, and that his selection of Spartanburg County as a "control" venue while omitting Colleton, Jasper, and Beaufort Counties undermines the survey's validity. Third, Plaintiffs argue that mere pretrial publicity does not disqualify prospective jurors under *State v. Manning* and *Irvin v. Dowd*, and that established South Carolina procedure, per *Stevens v. Sun News*, requires the Court to first attempt to seat an impartial jury through voir dire before entertaining a change of venue. Plaintiffs further assert that even were a transfer warranted, *Lancaster v. Fielder* mandates that any such transfer remain within the Fourteenth Judicial Circuit, and that the Parker Defendants' reliance on out-of-jurisdiction federal and foreign-state authority is unpersuasive and procedurally inapposite. Finally, Plaintiffs argue that these same Defendants made a venue transfer motion in the underlying Boat Crash Case, that was previously denied by Judge Hall.

Plaintiffs, however, failed to offer any evidence to rebut the survey conducted by Mr. Repass and failed to persuasively challenge the testimony of Mr. Waizenhofer and the exhibits offered through this testimony that establish the existence of continuous, pervasive negative publicity targeted at the Parker's Defendants and their counsel. And while Plaintiffs' counsel argued that the Plaintiffs lived in Hampton County at the time of the filing of Complaint and during the alleged commission of the torts given rise to the Complaint, Plaintiffs' counsel has failed to persuasively explain, address, or challenge the sworn deposition testimony of each of the Plaintiffs which established that *none* of the Plaintiffs lived in Hampton County when the Complaint was filed.

THE COURT'S FINDINGS

This Court finds that the initial affidavit of Mr. Ricard, the survey conducted by Mr. Repass and Mr. Repass' supplemental affidavit (all filed before the July hearing and prior to any brief in opposition submitted by Plaintiffs) are more than sufficient to meet the affidavit requirement of S.C. Code Ann. § 15-7-110. Supplemented by the testimony provided by Mr. Waizenhofer, exhibits introduced at the hearing and the arguments and pleadings of counsel for all defendants, this constitutes a substantial affirmative showing by Defendants that a fair and impartial trial cannot be had in Hampton County.

Addressing the second and third factors this Court must consider, it is recognized that this case arises against the backdrop of two highly publicized and emotionally fraught matters previously litigated within the 14th Judicial Circuit: (1) the civil action arising from the boating accident that resulted in the death of nineteen-year-old Mallory Beach (the "Boat Crash Case"); and (2) the criminal prosecution of Alex Murdaugh, a then-prominent member of the local bar, for the murders of his wife, Maggie Murdaugh, and their twenty-two-year-old son, Paul Murdaugh, who at the time of his death stood indicted for operating the vessel involved in the accident that claimed Mallory Beach's life (the "Murder Case"). The Boat Crash Case, the Murder Case, and the instant litigation have each been the subject of extensive media coverage and sustained public discourse, drawing substantial attention at the local, national, and international levels.

As previously stated, Plaintiffs argue that in the underlying Boat Crash Case, Judge Hall denied the Defendants' motion to change venue. However, the instant case is distinguishable because, in that case, the Defendants moved to change venue on other grounds, i.e., convenience of witnesses and promoting the ends of justice pursuant to S.C. Code Ann. § 15-7-100(A)(3). *See* Gregory M. Parker, Inc.'s Memorandum in Support of Motion to Transfer Venue at pg. 4, *Beach*

v. Gregory M. Parker, Inc., No. 2019-CP-25-00111 (S.C. Ct. Com. Pl. filed Mar. 9, 2020) (“Boat Crash Case”). Additionally, the extensive pretrial publicity arising from the: (1) settlement of the Boat Crash Case; (2) the subsequent Murder Case and the May, 2026 reversal of Mr. Murdaugh’s conviction; and (3) the onslaught of negative publicity focused specifically on the Parker’s Defendants by Ms. Matney, Ms. Farrell, and LunaShark in the past ten months relevant to the Instant Case had not yet occurred when Judge Hall issued his Form 4 order denying the Defendants’ motion. Here, the Defendants move to change venue pursuant to S.C. Code Ann. § 15-7-100(A)(2) based on the inability to receive a fair and impartial trial. Furthermore, the Instant Case lies in the wake of the two highly publicized underlying matters and has itself received extensive and intensive pretrial media attention and commentary.

Therefore, based on the foregoing:

IT APPEARING that the Boat Crash Case, the Murder Case and the Instant Case have left an enduring impression upon the public consciousness, particularly within the jury pools of the Fourteenth Judicial Circuit, and this impression cannot readily be set aside. A significant number of residents within these communities maintain direct or indirect connections to individuals involved in those matters, and a great many more hold firmly established, emotionally charged views concerning those individuals and the underlying events. Such preconceptions and emotional convictions have a substantial likelihood of materially impairing prospective jurors’ capacity to adjudicate the present action fairly and solely upon the evidence adduced at trial. Accordingly, in light of the distinctly local impact of the Boat Crash Case, the Murder Case, and the Instant Case, and the degree of prejudicial publicity attendant thereto, this Court finds that a fair and impartial trial of the present action cannot be obtained in Hampton County nor the Fourteenth Judicial Circuit.

AND IT FURTHER APPEARING that given the uniquely local impact of the Boat Crash Case, the Murder Case and the Instant Case and the extent of prejudicial publicity regarding the same, a fair and impartial trial of the present action cannot be had in the Fourteenth Judicial Circuit. The interest of justice would be served by moving venue to Spartanburg County to obtain a jury that would be free from outside relationships or pervasive knowledge about the subject matter of this case and to permit the parties to conduct a fair and impartial trial on the merits. Transferring venue to Spartanburg County is appropriate due to the high probability of conducting a fair and impartial trial because venue would be removed from the Fourteenth Judicial Circuit where pervasive extensive media coverage has saturated its less populated counties from which the jury pool would be drawn. Furthermore, the Spartanburg County courthouse offers enhanced facilities, security, parking, and other accommodations better tailored to the needs of the instant case due to its high-profile status.

Therefore, it is hereby:

1. **ORDERED** that Defendants' Motion to Change Venue is **GRANTED**; and
2. **FURTHER ORDERED** that venue be transferred to Spartanburg County.

IT IS SO ORDERED!

The Honorable R. Keith Kelly
Circuit Court Judge, Court of Common Pleas
Fourteenth Judicial Circuit

Date: _____
Spartanburg, South Carolina



Hampton Common Pleas

Case Caption: Renee S. Beach , plaintiff, et al VS Gregory M. Parker , defendant, et al
Case Number: 2021CP2500392
Type: Order/Change of Venue

It is so Ordered.

s/ R. Keith Kelly - 2165
