

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
Florence Division

**FILED**

SEP 7 2004

LARRY W. PROPER, CLERK  
FLORENCE, SC

**ENTERED**  
9-8-04

SOUTHERN HOLDINGS, INC.;  
JAMES SPENCER; RODNEY KEITH  
LAIL; IRENE SANTACROCE; RICKY  
STEPHENS; MARGUERITE  
STEPHENS; DORIS HOLT; and  
NICHOLAS C. WILLIAMSON,

Plaintiffs,

vs.

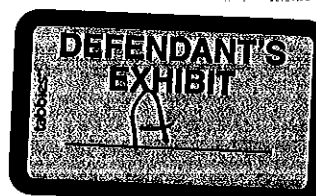
CIVIL ACTION NO. 402185912

HORRY COUNTY, SOUTH  
CAROLINA; HORRY COUNTY  
SHERIFF'S DEPARTMENT; HORRY  
COUNTY POLICE DEPARTMENT;  
JAMES ALBERT ALLEN, Jr.,  
Individually and in his official capacity  
as an officer with the Horry County  
Sheriff's Department; SIDNEY RICK  
THOMPSON, Individually and in his  
official capacity as an officer with the  
Horry County Sheriff's Department;  
JEFFREY S. CALDWELL, Individually  
and in his official capacity as an officer  
with the Horry County Sheriff's  
Department; CHARLES McCLENDON,  
Individually and in his official capacity  
as an officer with the Horry County  
Police Department; JAY BRANTLEY,  
Individually and in his official capacity  
as an officer with the Horry County  
Police Department; ANDY  
CHRISTENSEN, Individually and in his  
official capacity as an officer with the  
Horry County Police Department;  
MICHAEL STEVEN HARTNESS;  
HAROLD STEVEN HARTNESS;  
ANCIL B. GARVIN, III; DAVID  
SMITH; and JOHN DOES,

Defendants.

FILE NO. 20126  
ROBERT E. LEE, ESG.  
RECEIVED

ATTORNEY-CLIENT  
COMMUNICATION  
PRIVILEGED & CONFIDENTIAL



109

CONSENT ORDER

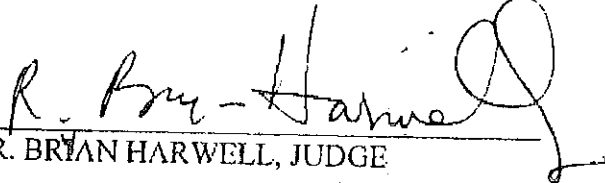
WHEREAS, on August 18, 2004, the Court conducted a hearing on plaintiffs' motion to compel production of original videotapes and entered an Order granting plaintiffs' motion with certain guidelines necessary to protect the rights of defendants; and

WHEREAS, counsel for plaintiffs and defendants stated that they would prepare an Order outlining the production of the videotapes;

It is hereby Ordered and Adjudged that the original videotapes from Officer Brantley and Officer McClendon's vehicles and the video equipment used to record the videotapes from the officers vehicles will be produced to plaintiffs' expert Steve Cain at 638 W. Main Street, Lake Geneva, Wisconsin 53147, within the next thirty (30) days under the following circumstances:

1. Plaintiffs will pay for the airfare of a representative of defendant Horry County to attend the testing of the videotapes and equipment at a prearranged date within the next thirty (30) days;
2. Plaintiffs will pay for any costs associated with the shipment of the videotapes and equipment to defendant's facility;
3. If a representative of defendant Horry County is to attend the testing, the representative will bring with him the original videotapes and recording equipment, and will bring the same back to defendant's facility after the testing is completed;
4. Otherwise, defendant Horry County is required to ship the original videotapes and equipment to plaintiffs' expert's facility under the packaging conditions provided by the plaintiffs. The plaintiffs shall be responsible for the cost of the shipping;

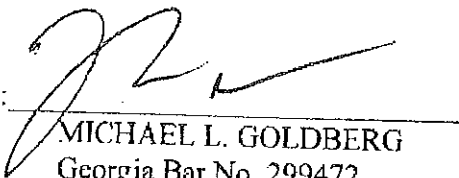
5. Plaintiffs agree to be responsible for the safe keeping of the original videotapes and equipment until they are returned to defendant's facility;
6. The production and inspection of the videotapes shall be completed within thirty (30) days from the date of this Order;
7. Defendants shall have the opportunity to depose plaintiffs' expert within thirty (30) days of completion of the inspection;
8. Plaintiffs' expert must provide a report to defendants prior to the taking of his deposition.

  
R. BRIAN HARWELL, JUDGE

Consented to:

STRAWINSKI & GOLDBERG

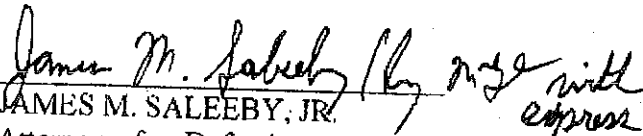
By:

  
MICHAEL L. GOLDBERG  
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AIKEN, BRIDGES, NUNN, ELLIOTT & TYLER, P.A.

By:

  
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Attorneys for Defendants Horry County, Horry County Sheriff's Department, Horry County Police Department, James Albert Allen, Jr., Sidney Rick Thompson, Jeffrey S. Caldwell, Charles McClendon, Jay Brantley, and Andy Christensen

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David N. Smith, Pro Se

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Greensboro, North Carolina 27410

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the foregoing CONSENT ORDER, by depositing same in the United States Mail in a properly-addressed envelope with adequate postage thereon to:

James M. Saleeby, Jr., Esq.  
Robert E. Lee, Esq.  
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Counsel for Defendants Horry County, Horry County Sheriff's Department, Horry County Police Department, James Albert Allen, Jr., Sidney Rick Thompson, Jeffrey S. Caldwell, Charles McClendon, Jay Brantley, and Andy Christensen

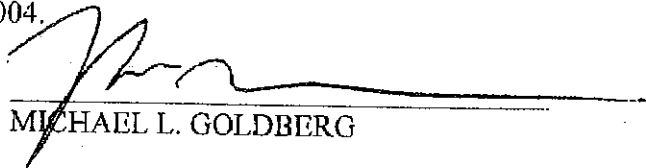
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Surfside, South Carolina 29575

This 3<sup>rd</sup> day of September, 2004.

  
MICHAEL L. GOLDBERG