

STATE OF SOUTH CAROLINA  
COUNTY OF HAMPTON

IN THE COURT OF COMMON PLEAS  
FOURTEENTH JUDICIAL CIRCUIT  
2019-CP-25-00111

RENEE S. BEACH, as Personal  
Representative of the Estate of MALLORY  
BEACH,

Plaintiff,

v.

GREGORY M. PARKER, INC. d/b/a  
PARKER'S CORPORATION, RICHARD  
ALEXANDER MURDAUGH, RICHARD  
ALEXANDER MURDAUGH, JR., JOHN  
MARVIN MURDAUGH, as P.R. of the Estate  
of MARGARET KENNEDY  
BRANSTETTER MURDAUGH, and  
RANDOLPH MURDAUGH, IV, as P.R. of the  
Estate of PAUL TERRY MURDAUGH,

Defendants.

**MEMORANDUM OF LAW  
OF  
DEFENDANT  
GREGORY M. PARKER, INC.  
IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT**

This matter comes before the Court pursuant to the Motion for Summary Judgment of Defendant Gregory M. Parker, Inc. d/b/a Parker's Corporation ("Parker's").

Parker's respectfully requests an Order granting summary judgment in its favor on all of Plaintiff's claims against Parker's and dismissing Plaintiff's Third Amended Complaint against Parker's with prejudice on the grounds that there is no genuine issue of material fact such that Parker's must prevail as a matter of law.

**INTRODUCTION**

Tragic events occur, and they are most unfortunate. But we must never turn away from the truth. The truth is that Parker's was not negligent because there is no evidence to support the position that Parker's knowingly sold alcohol to a minor, as the sale at issue was a legal sale as determined by the South Carolina Law Enforcement Division ("SLED"), and because Mallory Beach assumed the dangerous risks of continuing to get on a boat with a known and obvious drunk operator, who

ultimately caused the accident and her tragic death. A tragedy occurred here, but Tajeeha Cohen and Parker's did not cause it.

This Memorandum discusses the the evidence supporting Parker's Motion for Summary Judgment. First, it is important to understand the factual background of this case, including the current parties, the former parties, the chronology of events, the history of the allegations, and the pleadings comprising this litigation. Thereafter, this Memorandum discusses the applicable law and the facts supporting the elements of the law, evidencing why Parker's should not be liable in this case and that summary judgment should be granted.

### **FACTUAL BACKGROUND**

This case arises out of a boating accident in Beaufort County on February 24, 2019 which resulted in the tragic death of Mallory Beach. On February 23, 2019, adults Paul Murdaugh, Miley Altman, Morgan Doughty, Mallory Beach, Connor Cook, and Anthony Cook (collectively, "the Boaters") crafted a premeditated plan for a night of illegal, underage drinking and boating. The plan completely disregarded the Boaters' own safety and the safety of others. The Boaters, including Ms. Beach, created this plan purposely and intentionally earlier in the day before consuming any alcohol whatsoever, and they executed this plan with tragic results.

#### **A. Parties in the Litigation**

Since the filing of the first Summons and Complaint in this County on March 29, 2019, multiple individuals and entities have been and/or currently are parties to this litigation.

##### ***1. Present Parties in the Litigation***

The current parties to the litigation include Plaintiff Renee S. Beach, as Personal Representative of the Estate of Mallory Beach ("Beach"). Defendants currently include Gregory M. Parker, Inc. d/b/a Parker's Corporation ("Parker's"), Richard Alexander Murdaugh ("Alex Murdaugh" or "Alex"), and Randolph Murdaugh, IV, as P.R. of the Estate of Paul Terry Murdaugh

(“Paul Murdaugh” or “Paul”). The boat (“Murdaugh boat”) that crashed on February 24, 2019 causing Mallory Beach’s death was allegedly operated by Paul Murdaugh and owned by Alex Murdaugh. Mallory Beach is deceased, Paul Murdaugh is deceased, and Alex Murdaugh is incarcerated for life.<sup>1</sup>

## ***2. Former Parties in the Litigation***

When the Summons and Complaint were first filed in Hampton County, SC on March 29, 2019, the defendants included Parker’s, Luther’s Rare and Well Done, LLC (“Luther’s”), Kristy C. Wood (“Kristy Wood”), James M. Wood (“James Wood”), Alex Murdaugh, Richard Alexander Murdaugh, Jr. (“Buster Murdaugh” or “Buster”), Randolph Murdaugh, III, Individually and as Trustee of the Murdaugh Residence Trust 2 (“Randolph Murdaugh”), and the Murdaugh Residence Trust 2 (“Murdaugh Trust”).

After an Amended Complaint and a Second Amended Complaint were subsequently filed by Beach, a Third Amended Complaint was filed on February 23, 2022 and included two additional parties: John Marvin Murdaugh, as P.R. of the Estate of Margaret Kennedy Branstetter Murdaugh (“Maggie Murdaugh” or “Maggie”) and Randolph Murdaugh, IV, as P.R. of the Estate of Paul Terry Murdaugh, the latter of which remains a current defendant.<sup>2</sup>

Luther’s is a South Carolina business with its principal place of business at 910 Bay Street in Beaufort, South Carolina. It is “a for-profit corporate entity and derives substantial revenues and profits from the sale of alcohol.”<sup>3</sup> Luther’s is the bar where Paul Murdaugh and Connor Cook took multiple shots of hard liquor before boarding the Murdaugh boat just prior to Mallory’s death.<sup>4</sup>

---

<sup>1</sup> Alex Murdaugh was found guilty on March 2, 2023 by a Colleton County, South Carolina jury for the murders of his wife, Maggie Murdaugh and his son, Paul Murdaugh.

<sup>2</sup> Third Amended Complaint (attached hereto as Exhibit “A”).

<sup>3</sup> Complaint ¶ 8.

<sup>4</sup> [Video: Paul Murdaugh & Connor Cook getting hard liquor shots at Luther's \(01:55:20-02:09:12\)](#)

Kristy Wood and James Wood are citizens and residents of South Carolina who hosted, at their river house, a party hereinafter called the “Oyster Roast” on the evening of February 23, 2019 with many people invited and in attendance. Mallory Beach, Morgan Doughty, Miley Altman, Paul Murdaugh, Connor Cook, and Anthony Cook together attended the Oyster Roast.

Buster Murdaugh is the son of Alex and Maggie Murdaugh and the older brother of Paul Murdaugh. It was Buster’s valid South Carolina ID that Paul used to purchase alcohol on February 23, 2019. Buster “knowingly and willfully allowed his younger brother, who is under the age of twenty-one (21), to use his driver’s license to purchase and consume alcohol illegally.”<sup>5</sup> Beach stated in her Complaint that “it was foreseeable that his minor brother would use the license to purchase alcohol for consumption by other minors and [Buster] had actual knowledge that the license was so used.”<sup>6</sup>

The Murdaugh Trust “is a South Carolina trust that owns two properties (hereinafter collectively referred to as “The Island”) in Beaufort County, South Carolina.”<sup>7</sup>

Randolph Murdaugh was the former Solicitor of the 14<sup>th</sup> Judicial Circuit in South Carolina, comprising Hampton, Colleton, Allendale, Jasper, and Beaufort Counties. He was the father of Alex Murdaugh and the Grandfather of Buster Murdaugh and Paul Murdaugh. Randolph Murdaugh is now deceased, but he was living on February 24, 2019 when the Murdaugh boat crashed. Randolph Murdaugh, as trustee of the Murdaugh Trust, had the duty and obligation to exercise control of and allow access to The Island and who knew or should have known that The Island was being used by minors as a place to illegally consume alcohol.<sup>8</sup>

Maggie Murdaugh was the wife of Alex Murdaugh and the mother of Buster and Paul. Maggie and Alex, according to Beach’s Third Amended Complaint, “had knowledge or should have

---

<sup>5</sup> Complaint ¶ 15.

<sup>6</sup> *Id.*

<sup>7</sup> Complaint ¶ 13.

<sup>8</sup> Complaint ¶ 14.

known that their minor son Paul Murdaugh was illegally purchasing and consuming alcohol on a regular basis by using or displaying the driver's license of their adult son [Buster]...and...also had actual and constructive knowledge that Paul Murdaugh would consume alcohol and operate vehicles provided to Paul Murdaugh for his use and for the convenience of [Alex] and [Maggie] Murdaugh.”<sup>9</sup>

## **B. Chronology of Events / Boat Crash**

This case arises out of events and choices that began on February 23, 2019 when Paul Murdaugh, Miley Altman, Morgan Doughty, Mallory Beach, Connor Cook, and Anthony Cook planned for a night of illegal underage drinking, partying, and boating. The plan was hatched prior to the consumption of any alcohol, and it completely and continually disregarded the Boaters' own safety and the safety of others, which ended with fatal results.

### ***1. Paul Murdaugh's History of Drunkenness and Related Behavior***

Paul Murdaugh, the driver of the Murdaugh boat on February 24, 2019 when it crashed and caused Mallory Beach's death, habitually drank and abused alcohol as a minor under the age of twenty-one (21), and his parents Alex and Maggie knew it and condoned it.<sup>10</sup> His brother, Buster, even allowed Paul to use his valid driver's license to illegally purchase alcohol while underage.<sup>11</sup> In fact, Paul regularly used Buster's driver's license to purchase alcohol even with the knowledge, consent and approval of Alex, Maggie, and Buster.<sup>12</sup> Plaintiff's Third Amended Complaint itself states that “Paul Murdaugh was illegally purchasing and consuming alcohol on a regular basis by using or displaying the driver's license of...[Buster]...and would drink to excess and drive vehicles, including...boats.”<sup>13</sup> Those who knew him, including Mallory Beach, “knew or should have known

---

<sup>9</sup> Third Amended Complaint ¶ 12.

<sup>10</sup> Third Amended Complaint ¶ 11-14.

<sup>11</sup> *Id.*

<sup>12</sup> Affidavit of Morgan Doughty filed on May 4, 2022 (attached hereto as Exhibit “B”).

<sup>13</sup> *Id.*

of Paul Murdaugh's condition and proclivities including that Paul Murdaugh was incompetent, unfit, and/or reckless based on his almost constant consumption of alcohol."<sup>14</sup>

Morgan Doughty, Paul Murdaugh's "long time girlfriend," testified that she "spent countless hours with [Paul] and his family, including his brother Richard Alexander Murdaugh, Jr., a/k/a 'Buster' and his parents, Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh," and had "first-hand knowledge of Paul's consumption of alcohol to excess on many occasions prior to the boat crash, as well as his brother's and his parents' knowledge and facilitation of Paul's frequent consumption of alcohol to excess prior to the boat crash."<sup>15</sup>

Prior to the boat crash causing Mallory Beach's death, Paul consumed alcohol on an almost daily basis and regularly drank to the point of becoming grossly intoxicated, which fact was known and observed by Alex, Maggie, and Buster, who were frequently present when Paul drank alcohol to excess or saw him after he was intoxicated and even grossly intoxicated.<sup>16</sup> Alex, Maggie, and Buster were aware of Paul's abuse of alcohol, his violation of the law, and the fact that Paul would drink and operate vehicles, including the Murdaugh boat involved in the crash that killed Mallory Beach, as well as other boats.<sup>17</sup> Alex and Maggie would allow Paul to operate their own vehicles while he was intoxicated or when they knew or should have known Paul frequently abused alcohol.<sup>18</sup> Paul regularly bought alcohol using his parent's credit card with his parents' knowledge and consent. They would also provide Paul with alcohol for his friends and him to consume.<sup>19</sup>

Paul Murdaugh was recorded on video by Morgan Doughty on numerous occasions when he drank to excess with the knowledge and consent of his parents and brother.<sup>20</sup> The following videos "fairly and accurately depict Paul intoxicated or consuming alcohol to excess all either in the presence

---

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

of his brother, mother or father or in situations where his brother, mother or father learned of the illegal behavior.”<sup>21</sup> They are:

- Video # EX1: a video taken by Morgan Doughty on July 4, 2018, while she was a minor, in which she is giving Alex Murdaugh a shot of alcohol by a syringe while on a boat. All minors, including Paul, were provided the alcohol by Alex and Maggie, both of whom were present and saw Paul consuming alcohol to the point of being grossly intoxicated.<sup>22</sup>
- Video # EX2: a video taken by Morgan of Paul shot-gunning a beer at the Beaufort Water Festival where Alex, Maggie, and Buster were present and depicted in the video and who were all aware Paul was drinking to the point of being grossly intoxicated.<sup>23</sup>
- Video # EX3: a video taken by Morgan with Alex on a family trip to Guatemala in 2018 where Alex and Maggie bought alcohol for Paul and Morgan. Paul got grossly intoxicated during the trip with his parents present.<sup>24</sup>
- Video # EX4: a video taken by Morgan in 2018 of underage drinkers boarding the Murdaugh boat – the same boat that crashed on February 24, 2019 killing Mallory Beach. In this video, Paul bought the alcohol shown in the video and which was consumed with his parents present, who also helped load the alcohol into the boat.<sup>25</sup>
- Video # EX5: a video taken by Morgan on New Year’s Eve in 2018, a couple of months before the boat crash that killed Mallory Beach. The video shows that

---

<sup>21</sup> *Id.*

<sup>22</sup> Affidavit of Morgan Doughty filed on May 4, 2022; See Video # EX1 here: [Doughty Video # EX1](#)

<sup>23</sup> *Id.*; See Video # EX2 here: [Doughty Video # EX2](#)

<sup>24</sup> *Id.*; See Video # EX3 here: [Doughty Video # EX3](#)

<sup>25</sup> *Id.*; See Video # EX4 here: [Doughty Video # EX4](#)

Paul was grossly intoxicated from alcohol provided by Alex. Shortly after the video was taken, Paul drove Alex's truck, with Alex's knowledge, and wrecked into a BMW of one of Paul's friends.<sup>26</sup>

- Video # EX6: a video taken by Morgan in 2017 when Paul was extremely intoxicated from alcohol provided by Alex. Maggie and Buster were also present and witnessed Paul's consumption of alcohol and ultimate state of intoxication.<sup>27</sup>
- Video # EX7: a video taken by Morgan at the Murdaugh's Moselle estate in December of 2017 when Paul was extremely intoxicated from alcohol he bought with Buster's ID and with his parents' knowledge. Maggie picked them up that night because Paul was so drunk and acting crazy.<sup>28</sup>
- Video # EX8: a video taken by Morgan at Moselle in December of 2017 that shows Paul was grossly intoxicated, whose parents provided the alcohol, were present at the party, and observed Paul's consumption of alcohol and condition afterwards.<sup>29</sup>
- Video # EX9: a video taken by Morgan in Pineland, SC that shows Paul grossly intoxicated from alcohol using his brother's ID.<sup>30</sup>
- Video # EX 10: a video taken by Morgan in Arizona in 2017 showing Buster and Cory Fleming arm wrestling when Paul became extremely intoxicated by alcohol provided by his parents and Cory Fleming.<sup>31</sup>

---

<sup>26</sup> *Id.*; See Video # EX5 here: [Doughty Video # EX5](#)

<sup>27</sup> *Id.*; See Video # EX6 here: [Doughty Video # EX6](#)

<sup>28</sup> *Id.*; See Video # EX7 here: [Doughty Video # EX7](#)

<sup>29</sup> *Id.*; See Video # EX8 here: [Doughty Video # EX8](#)

<sup>30</sup> *Id.*; See Video # EX9 here: [Doughty Video # EX9](#)

<sup>31</sup> *Id.*; See Video # EX10 here: [Doughty Video # EX10](#)



- Video # EX11: a video taken by Morgan in August of 2018 when Paul was on the front of a boat in a drunken argument while trying to fight someone. He was grossly intoxicated from alcohol he purchased with his mother's knowledge.<sup>32</sup>
- Video # EX 12: a video taken by Morgan of Paul during their senior trip to the Bahamas where Paul purchased alcohol and became grossly intoxicated to the point he vomited in a gift shop, which became known by Alex and Maggie.<sup>33</sup>
- Video # EX13: a video taken by Morgan playing beer pong at a graduation party in 2017 when Paul got intoxicated from alcohol provided by Alex and Maggie, who were present during his intoxication.<sup>34</sup>
- Video # EX14: a video taken by Morgan in July of 2017 when Paul became grossly intoxicated on his parents' boat. When they returned, Alex and Maggie were at the Murdaugh river house and were well aware of his drunken condition.<sup>35</sup>
- Video # EX15: a video taken by Morgan showing Paul taking a shot of alcohol in July of 2018 at Lester's where he used Buster's ID to buy the alcohol and became intoxicated.<sup>36</sup>
- Video # EX16: a video taken by Morgan of a party at Moselle where Alex provided a keg of beer for numerous minors. Paul drank alcohol to the point of becoming grossly intoxicated with his parents' and Buster's knowledge.<sup>37</sup>
- Video # EX17: a video taken by Morgan at Moselle that depicts Paul intoxicated from alcohol provided by his parents who were present and saw Paul drunk.<sup>38</sup>

---

<sup>32</sup> *Id.*; See Video # EX11 here: [Doughty Video # EX11](#)

<sup>33</sup> *Id.*; See Video # EX12 here: [Doughty Video # EX12](#)

<sup>34</sup> *Id.*; See Video # EX13 here: [Doughty Video # EX13](#)

<sup>35</sup> *Id.*; See Video # EX14 here: [Doughty Video # EX14](#)

<sup>36</sup> *Id.*; See Video # EX15 here: [Doughty Video # EX15](#)

<sup>37</sup> *Id.*; See Video # EX16 here: [Doughty Video # EX16](#)

<sup>38</sup> *Id.*; See Video # EX17 here: [Doughty Video # EX17](#)

- Video # EX18: a video taken by Morgan of Paul grossly intoxicated after fishing with his uncle John Marvin Murdaugh and with his parents' knowledge.<sup>39</sup>
- Video # EX19: a video taken by Morgan at the Boathouse on Hilton Head Island where Paul used Buster's license to confirm his age. Paul's parents were present and knew about and paid for the alcohol.<sup>40</sup>
- Video # EX20: a video taken by Morgan at a Christmas party in 2018 when Paul was intoxicated and where his parents were present and aware of his consumption of alcohol and his intoxicated condition.<sup>41</sup>
- Video # EX21: a video taken by Morgan at a wedding in 2018 where cans of alcohol are visible on the ground and when Paul got intoxicated that night with his parents' presence and knowledge of his consumption and drunken condition.<sup>42</sup>

While Morgan Doughty recorded many videos of Paul's underage intoxication habits, Mallory Beach also was aware of Paul's proclivity of getting grossly intoxicated, getting into vehicular accidents, and causing damage. In fact, Mallory not only was aware of Paul's proclivity for drinking and operating vehicles, she witnessed it before the boat accident. Morgan testified that she was involved in two drunk driving accidents caused by Paul before the boat crash, and Mallory saw one happen. Morgan testified as follows:

Q: Did Mallory know about the incident involving Paul, you, and the truck?  
 A: Yes, ma'am.  
 Q: How did she know about that?  
 A: Because we were friends, and so I pretty much told her about it.  
 Q: What was her reaction to that?  
 A: She was like, "Why are you still with him?"  
 Q: Did Mallory know about the New Year's Eve incident?  
 A: She was there.  
 Q: Did she see it happen?

<sup>39</sup> *Id.*; See Video # EX18 here: [Doughty Video # EX18](#)

<sup>40</sup> *Id.*; See Video # EX19 here: [Doughty Video # EX19](#)

<sup>41</sup> *Id.*; See Video # EX20 here: [Doughty Video # EX20](#)

<sup>42</sup> *Id.*; See Video # EX21 here: [Doughty Video # EX21](#)

A: Yes, ma'am.<sup>43</sup>

As the evidence demonstrates, Mallory Beach knew that Paul Murdaugh habitually got drunk. Moreover, as discussed below, she knew Paul was actually drunk the evening and early morning hours of February 23-24, 2019, and she continued to get in the Murdaugh boat anyway.

## **2. Murdaugh River House, Oyster Roast, Luther's, & Boat Crash – February 23-24, 2019**

On February 23, 2019, Mallory Beach and the other Boaters, most of whom had known prior alcohol-related charges,<sup>44</sup> intentionally chose to travel by boat – to attend an Oyster Roast party at the river home of Kristy and James Wood, to consume alcohol and, later, to consume shots at a bar for some – on a dark, foggy, misty, cold, February night to avoid known DUI checkpoints.<sup>45</sup> They designed this plan so they could get intoxicated and avoid getting caught by law enforcement. To start the evening, Paul Murdaugh and Miley Altman separately and intentionally deceived Tajeeha Cohen, the Customer Service Representative on duty at Parker's, in order to purchase alcohol.<sup>46</sup> The Boaters then met at the Murdaugh River House where they began drinking alcohol, most of which was not purchased at Parker's.<sup>47</sup> The Murdaugh River House was provided to them as a place to stay, and none of their parents required a parent to chaperone the sleepover party that evening. The Boaters then purposely and intentionally took the boat to the Oyster Roast at the home of Kristy and James Wood for an evening of eating, partying, and drinking alcohol, even though the Boaters were all under the age of twenty-one.<sup>48</sup> The Boaters began drinking alcohol before they arrived at the Oyster Roast. For example, Anthony Cook testified as follows:

Q: Who was driving on the way over to Paukie?

A: Paul.

Q: Did he drive the whole way?

<sup>43</sup> Deposition of Morgan Doughty, p. 142:8-21 (attached hereto as Exhibit "C").

<sup>44</sup> Deposition of Renee Beach, page 52:8-22 (attached hereto as Exhibit "D"); Deposition of Miley Altman, page 23:3-24 (attached hereto as Exhibit "E"); Deposition of Connor Cook, pages 27:17-28:25 (attached hereto as Exhibit "F"); Deposition of Morgan Doughty, pages 74:25-75:17; 148:22-149:6.

<sup>45</sup> Deposition of Miley Altman, pages 26:19-27:12; 37:18-22.

<sup>46</sup> *Id.*, pages 31:9-33:1; 34:6-35:17; Deposition of Connor Cook, pages 44:2-49:12.

<sup>47</sup> Deposition of Anthony Cook, pages 42:5-48:19; 57:20-63:9 (attached hereto as Exhibit "G").

<sup>48</sup> *Id.*

A: I think so.  
 Q: Was anybody having anything to drink as you-all were in the boat?  
 A: On the way?  
 Q: Yes, sir.  
 A: Yes, sir.  
 Q: Who?  
 A: Everybody.<sup>49</sup>

Once they arrived at the Oyster Roast, they continued drinking alcohol, even in the presence of older adults. The oyster roast attendees included relatives – even parents – of the Boaters and other adults who knew the Boaters well. For the next several hours and in the presence of these attendees, the Boaters continued to drink alcohol.<sup>50</sup>

After drinking for several hours, the Boaters, including Mallory Beach, left the Oyster Roast by boat even though it was dark, foggy, misty, and cold, with only a handheld flashlight to guide them because the boat did not have lights.<sup>51</sup> Nobody at the party stopped them, though some suggested they take an Uber or spend the night there. Connor Cook testified as follows:

Q: Did anybody ever suggest that you-all take an Uber or taxi?  
 A: Yes, sir.  
 Q: Who made that suggestion?  
 A: I don't remember who that was. I just remember it – somebody saying that they would get us an Uber.  
 Q: All right. And was that because you-all were intoxicated?  
 A: I don't know – I mean, I think it was just it's not really safe being in the boat in the dark anyway.  
 Q: And you knew that, didn't you?  
 A: Yes, sir.  
 Q: And you've been in a boat enough to know –  
 A: Yes, sir.  
 Q: – you have to be alert in a boat at night –  
 A: Right.  
 Q: – right?  
 A: Yes, sir.  
 Q: And you don't remember who suggested the Uber?  
 A: No, sir.  
 Q: Was it somebody in your party or was it somebody at the Wood's?  
 A: I don't remember.

<sup>49</sup> *Id.*, pages 57:15-58:1.

<sup>50</sup> Deposition of Connor Cook, page 68:19-25; Deposition of Anthony Cook, pages 57:20-63:9; Deposition of Morgan Doughty, pages 85:13-87:21; Deposition of Miley Altman, page 41:3-13.

<sup>51</sup> Deposition of Connor Cook, pages 62:17-64:24; 69:10-70:22; Deposition of Miley Altman, page 61:5-17.

Q: Were you intoxicated when you-all left Paukie Island?  
 A: I would say so. Yes, sir.  
 Q: And so you knew that it was unsafe to be in a boat at that time; is that correct?  
 A: Yes, sir.  
 Q: Under those conditions?  
 A: It isn't not safe. It is just – it be better to get an Uber. Yes, sir.  
 Q: Well, is it safe to be driving a boat while you're intoxicated?  
 A: No, sir.  
 Q: And that's in broad daylight?  
 A: Right.  
 Q: And it's not safe at night?  
 A: Right.  
 Q: Was the weather a factor also?  
 A: It was foggy, yes, sir.  
 Q: So was that another reason not to be in the boat; is that right?  
 A: Yes, sir.  
 Q: And you were well aware of that when you got in the boat?  
 A: Yes, sir. But not when I got in it.  
 Q: Paukie?  
 A: But we left Paukie, yes, sir, it was foggy.  
 Q: So you were aware that it was not a safe situation to be riding in a boat?  
 A: Yes, sir.<sup>52</sup>

The danger was so obvious that a parent of another young adult attending the Oyster Roast told her son “not to get on the boat,” and he listened.<sup>53</sup>

The Boaters knew that Paul Murdaugh, who was operating the boat when leaving the Oyster Roast, was intoxicated.<sup>54</sup> Morgan testified as follows:

Q: Did anyone appear intoxicated when you left the oyster roast?  
 A: Yes. Paul was really drunk and Miley was kind of drunk, too.<sup>55</sup>

Knowing they had consumed alcohol for many hours, Mallory Beach and the Boaters, with the knowledge of the parents, relatives, and other adult attendees, purposely chose to travel by boat again to avoid DUI checkpoints, even though safer options and alternatives were available including Uber and/or staying at the Wood's house.<sup>56</sup> Anthony Cook testified:

<sup>52</sup> Deposition of Connor Cook, pages 62:17-64:24.

<sup>53</sup> Deposition of Andrew Purdy, pages 24:16-25:1.

<sup>54</sup> Deposition of Morgan Doughty, page 92:2-13; Deposition of Connor Cook, page 63:20-64:24.

<sup>55</sup> Deposition of Morgan Doughty, page 92:2-5.

<sup>56</sup> *Id.*

- Q: When did you see that Paul was visibly intoxicated?
- A: From the time – I mean, I knew before we ever left the oyster roast because I – I actually offered to get an Uber from there back to the island so we didn't have to go back in the boat, and everybody else wanted to take the boat back.
- Q: Did you call an Uber?
- A: No, sir, because I wasn't going to let them ride on the boat – I don't know. I just – I knew they were stubborn enough they were going to ride on that boat no matter what and I felt like I needed to be there.
- Q: Did you tell anyone at the oyster roast that they shouldn't be driving a boat, maybe they should get –
- A: Everybody was talking about that.
- Q: And who is everybody?
- A: I mean, I don't know who all was there. I know there was a bunch of people that tried to get us not to take the boat back.<sup>57</sup>

After leaving the Wood house, the Boaters traveled to Beaufort Day Dock.<sup>58</sup> The Boaters continued to drink alcohol en route between the Oyster Roast and the Beaufort Day Dock. Connor Cook testified:

- Q: Did anybody drink anything between Paukie and going downtown?
- A: Yes, sir.
- Q: Who?
- A: Everybody.
- Q: Everybody continued to drink?
- A: Yes, sir.<sup>59</sup>

Once they arrived at the Beaufort Day Dock, two of the Boaters, Paul Murdaugh and Connor Cook, then went to Luther's Rare and Well Done Bar ("Luther's") specifically to drink hard liquor.<sup>60</sup> The remaining Boaters, including Mallory Beach, were upset at Paul and Connor wanting more alcohol. Morgan Doughty testified:

- Q: Was there any argument about Paul and Connor going into Luther's?
- A: Yeah. We were mad. Because they were already so drunk because it wasn't going to help any situation, and me and Mallory were just mad and didn't want to deal with it or wait.<sup>61</sup>

<sup>57</sup> Deposition of Anthony Cook, page 73:2-23.

<sup>58</sup> *Id.*, pages 66:1-67:23.

<sup>59</sup> Deposition of Connor Cook, page 68:19-25.

<sup>60</sup> *Id.*, page 67:6-21.

<sup>61</sup> Deposition of Morgan Doughty, page 100:12-17.

Nonetheless, the Boaters waited for Paul Murdaugh and Connor Cook to consume hard liquor and return to the boat to travel back to the Murdaugh River House instead of taking an additional opportunity to get an Uber and to avoid the obvious danger of getting back on the boat.<sup>62</sup> Paul Murdaugh, again using Buster Murdaugh's valid South Carolina license, and Connor Cook, also using a fake ID, intentionally and illegally deceived the Luther's Bar bouncer using their IDs and entered the bar to drink liquor.<sup>63</sup>

At Luther's, Paul Murdaugh and Connor Cook each chugged one large glass of "Jager Bomb" (Jägermeister and Red Bull), followed by another glass of "Lemon Drop" (Vodka, Triple Sec, Lemon, and Simple Syrup).<sup>64</sup> Paul Murdaugh and Connor Cook returned to the other Boaters, all of whom knew Paul was visibly stumbling drunk.<sup>65</sup> Morgan, Miley, and Anthony all testified accordingly. Morgan testified as follows:

Q: When Paul and Connor returned to the waterfront, were they intoxicated at that time?  
 A: Came back to the boat?  
 Q: Yeah.  
 A: Yes, ma'am.  
 Q: Could you visibly tell that with Paul?  
 A: Yes, ma'am.  
 Q: How could you tell?  
 A: His hands and the way he was speaking, and he was really angry because apparently he got into a fight with someone at the bar and just kept talking about he wanted to go back and beat him up, but we got him on the boat.<sup>66</sup>

Miley testified:

Q: Now, at that point [after leaving Luther's] did you know that Paul was intoxicated?  
 A: Yes.<sup>67</sup>

Anthony testified accordingly as well:

---

<sup>62</sup> Deposition of Anthony Cook, pages 66:1-69:10; Deposition of Connor Cook, page 67:6-21.

<sup>63</sup> Deposition of Morgan Doughty, pages 97:23-99:17; Deposition of Connor Cook, pages 73:13-74:3.

<sup>64</sup> Deposition of Anthony Cook, page 66:9-17; Deposition of Connor Cook, pages 75:5-77:9.

<sup>65</sup> Deposition of Morgan Doughty, pages 103:2-104:5; Deposition of Miley Altman, pages 52:21-54:14; Deposition of Anthony Cook, pages 72:21-73:23.

<sup>66</sup> Deposition of Morgan Doughty, page 103:2-14.

<sup>67</sup> Deposition of Miley Altman, page 53:18-20.

- Q: When Paul and Connor returned [from getting shots at Luther's], were they drunk or intoxicated?
- A: Yes, sir.
- Q: Could you visibly tell that with Paul?
- A: Yes, sir, but you could visibly tell that before we got there, too.
- Q: When did you see that Paul was visibly intoxicated?
- A: From the time – I mean, I knew before we ever left the oyster roast because I – I actually offered to get an Uber from there back to the island so we didn't have to go back in the boat, and everybody else wanted to take the boat back.<sup>68</sup>

All of the Boaters then again voluntarily chose to get back on the boat with Paul Murdaugh driving.<sup>69</sup> Prior to this date, the Boaters, including Mallory, all knew of Paul Murdaugh's dangerous history of drinking and operating vehicles, yet all still intentionally and purposely made a conscious decision to get back in the boat that night.<sup>70</sup> Each Boater knew or should have known of the dangers associated with traveling in a boat under those circumstances that early morning, without a light at night and in the dense fog, especially after consuming alcohol.<sup>71</sup> Each Boater, including Mallory, yet again rejected safer alternatives, including rideshare options, and made the decision to get on the boat with a driver who was known to be intoxicated and dangerous.<sup>72</sup> Morgan testified:

- Q: Did you have any concerns about getting back on the boat at that time?
- A: Oh, yeah. Like, I just wanted to get an Uber home and I remember we were all fighting about it.<sup>73</sup>
- Q: Did anyone – and I'm talking about Miley, Mallory, Anthony, or yourself voice any concerns about getting back on that boat?
- A: Yeah. We were all pretty upset because we just – I've been on that boat plenty of times. Because no one thinks anything like this is going to happen, but we were already sketched out by it. But we trusted it, but didn't want to.<sup>74</sup>

Each Boater, including Mallory, purposely, intentionally and without regard for their own

---

<sup>68</sup> Deposition of Anthony Cook, pages 72:21-73:9.

<sup>69</sup> *Id.*, pages 72:21-73:23; Deposition of Morgan Doughty, pages 103:2-104:5; Deposition of Miley Altman, pages 52:21-53:20.

<sup>70</sup> Deposition of Morgan Doughty, pages 142:8-21; 148:22-149:6.

<sup>71</sup> *Id.*, pages 103:2-104:23; Deposition of Miley Altman, pages 107:20-109:23; Deposition of Connor Cook, pages 62:13-64:24; Deposition of Anthony Cook, pages 71:2-73:23; 95:24-96:23.

<sup>72</sup> *Id.*

<sup>73</sup> Deposition of Morgan Doughty, page 103:21-25.

<sup>74</sup> *Id.*, page 104:15-23.



safety or the safety of others assumed the risk of injury and/or death by getting in the boat repeatedly throughout the evening despite clear and actual knowledge that Paul Murdaugh was drunk and impaired.<sup>75</sup> As a result of the Boaters' own decisions and actions, they assumed the risk of riding in a boat operated by a drunk Paul Murdaugh that ultimately crashed in Archer's Creek, resulting in the death of Mallory Beach.<sup>76</sup>

### **3. *The Transaction at Parker's***

On February 23, 2019 as noted above, the Boaters crafted a premeditated plan for a night of illegal, underage drinking and boating. Paul Murdaugh began executing this plan by intentionally deceiving Tajeeha Cohen by illegally and fraudulently using his brother's (Buster's) valid South Carolina driver's license to purchase alcohol. Buster Murdaugh, Alex Murdaugh, Maggie Murdaugh, and the Boaters all knew Paul Murdaugh had previously illegally purchased and consumed alcohol on a regular basis at numerous establishments by using Buster's valid identification as his own.<sup>77</sup> Likewise, Miley Altman intentionally deceived Tajeeha Cohen by using fraudulent and illegal identification. The ID Altman used was designed to circumvent all technological safeguards in place to spot fake IDs, including scanners at Point of Sale terminals.

More specifically, Paul Murdaugh, an adult, illegally purchased alcohol from Parker's by presenting Tajeeha Cohen with false identification – the valid driver's license of his adult brother, Buster.<sup>78</sup> Tajeeha Cohen, however, “did her due diligence” by first examining and subsequently scanning the identification.<sup>79</sup> The valid horizontal South Carolina driver's license reflected Buster Murdaugh's birthday, April 11, 1996. When scanned, the ID defeated the technological safeguard utilized to indicate that an ID was a valid ID and that the purchaser was at least 21 years of age. In

---

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*; Deposition of Anthony Cook, page 126:12-25; Netflix Compilation Video: [Netflix Compilation Video](#)

<sup>77</sup> Deposition of Morgan Doughty, pages 28:16-32:20; 38:1-48:3.

<sup>78</sup> Third Amended Complaint, ¶ 15; ¶ 19, filed on February 23, 2022.

<sup>79</sup> Deposition of SLED Agent Chandler Horney, pages 43:21-44:9 (attached hereto as Exhibit “H”).

addition, Tajeeha Cohen compared the photo on the license to the person standing in front of her, Paul Murdaugh, and reasonably believed that Paul Murdaugh was the individual in the photo. Tajeeha Cohen then proceeded with the sale with no knowledge that she was being deceived by Paul Murdaugh.<sup>80</sup> Tajeeha Cohen did not know Paul Murdaugh or Buster Murdaugh. She could only compare the customer in front of her to the picture on the ID, which was a match, so she reasonably believed the ID belonged to the person presenting the ID to her.

Tajeeha Cohen testified that every Parker's employee is trained on the sale of alcohol and checking IDs.<sup>81</sup> Specifically, she testified that "We talked about the sale of alcohol and checking IDs, the date, making sure we get facial recognition of the person on the ID. And going over the age limit, anybody under the age of 40 you must ID before selling alcohol."<sup>82</sup> She further testified that the employees ran every identification card under a scanner that checked whether the ID was still valid and whether the person on the ID was of age to purchase alcohol or tobacco products.<sup>83</sup> She testified that the register machine, after an alcohol or tobacco product was scanned, locked up and would not allow her to complete the purchase until she scanned a valid ID that stated the purchaser is of age, or she manually entered an age into the machine.<sup>84</sup> When asked if she scanned the ID that Paul Murdaugh presented to her on the date in question, Tajeeha Cohen testified "I know I scanned it."<sup>85</sup> Tajeeha Cohen testified that she asked for Paul Murdaugh's ID and scanned it, and that he acted confidently and did not give her the feeling that he was trying to hide anything from her.<sup>86</sup>

The surveillance video from the sale corroborates Tajeeha Cohen's testimony and demonstrates that she took the ID from Paul Murdaugh, looked at it, did her facial recognition, and

---

<sup>80</sup> Deposition of SLED Agent Lt. David Leslie, page 75:1-13 (attached hereto as Exhibit "I").

<sup>81</sup> Deposition of Tajeeha Cohen, page 20:2 (attached hereto as Exhibit "J").

<sup>82</sup> *Id.*, page 20:2-5.

<sup>83</sup> *Id.*, page 23:14-15.

<sup>84</sup> *Id.*, page 24:1-7.

<sup>85</sup> *Id.*, page 61:12-13.

<sup>86</sup> *Id.*, page 96:2-4.

then scanned it, at which point the machine allowed her to complete the transaction.<sup>87</sup>

#### 4. SLED Investigation

Following the tragic boat accident, South Carolina Department of Natural Resources (“SCDNR”) requested South Carolina Law Enforcement Division (“SLED”) to conduct an investigation through its alcohol enforcement division concerning the boat accident in which alcohol was considered to be a contributing factor. The investigation was assigned to SLED Special Agent Chandler Horney, whose investigation included a formal review of the alcohol sale at Parker’s to determine whether a violation occurred. SLED found that no violation occurred and did not issue a citation for Tajeeha Cohen’s sale of alcohol on February 23, 2019.<sup>88</sup> Furthermore, SLED concluded that Tajeeha Cohen “did her due diligence”<sup>89</sup> and did not violate any South Carolina statute.

More specifically, Agent Horney, whose job it was to “make sure places aren’t selling to underage negligently” investigated whether Tajeeha Cohen and Parker’s complied with the law in terms of the sale of alcohol to Paul Murdaugh on February 23, 2019. She found Tajeeha Cohen “did her due diligence.” She testified as follows:

- Q: And alcohol enforcement, *what do you do on your day-to-day activities?*  
 A: *I’m responsible for three counties. I have Beaufort, Jasper, and Hampton County. And I’m responsible for all of the licensed locations in those areas.* The areas that are licensed by the Department of Revenue. *I make sure they are complying with the alcohol laws.* I make sure that places that don’t have licenses aren’t illegally selling. *I make sure places aren’t selling to underage negligently. Yep.*<sup>90</sup>
- Q: *And what about Parker’s? Did you issue a citation for Parker’s 55 for what you observed on the video?*  
 A: *No.*  
 Q: *All right. And what about the cashier or the customer service representative? Was she issued – the Parker’s CSR issued a citation?*  
 A: *No.*  
 Q: *Why not?*  
 A: *Similar to the situation at Luther’s. She – he asked for the ID. He*

<sup>87</sup> [Video of Tajeeha Cohen's Sale to Paul Murdaugh on 02.23.2019](#)

<sup>88</sup> Deposition of SLED Agent Chandler Horney, pages 43:21-44:9.

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*, page 11:10-20. (Emphasis added).

**scanned it. It returned as a valid, over the age of 21 identification. Again she did her due diligence.**<sup>91</sup>

Furthermore, Agent Horney's supervisor, Lieutenant David E. Leslie, was deposed on August 24, 2022 and explained how thorough SLED's investigation was in terms of its determination at multiple levels that Tajeeha Cohen and Parker's did not violate the law. Lt. Leslie testified as follows:

Q: Okay. ***So based on what you've reviewed in this case and the evidence that was available to you, is there any doubt that a violation of the Alcohol Sales Statute in South Carolina did, in fact, occur when Paul Murdaugh was allowed to buy alcohol at Parker's in February of 2019 when he was only the age of 19?***

A: Well, you know looking at the totality of the circumstances, not having the ID. And when you mentioned the height and weight discrepancy, when you apply for your license, to my recollection, I told them how tall I was, how much I weighed, you know. And then looking at IDs, if I look at mine right now, I might not look as – you know as much – because you change over time, lose weight/gain weight. Of course, my hair is turning gray. ***So you know we made the determination not to charge based on the totality of the circumstances, that ID was checked and that, you know, verified the date of birth.***

Q: Who made that determination?

A: ***After speaking with Special Agent Horney and Captain Sonnefeld, we decided not to make that charge.***<sup>92</sup>

Q: ***Is the investigation ongoing in that regard?***

A: ***I don't believe so.***

Q: ***Why not?***

A: ***We made a determination to close it and it's been closed by our Agency.***

Q: Do you know when the determination was made to close it and who made that determination?

A: I don't recall the actual date. After speaking with the captain and the agent, I know that – I believe that ***Agent Horney met with the prosecutor, I don't know which one, and presented the evidence and there was a decline to prosecute.*** I don't remember which prosecutor it was.<sup>93</sup>

Q: I think you mentioned to me earlier that when agent Horney completed her investigation, or gathered all of the evidence that she was gathering, she met with a prosecutor?

A: Correct.

Q: Who was the prosecutor and when did that meeting occur?

<sup>91</sup> *Id.*, pages 43:21-44:9. (Emphasis added).

<sup>92</sup> Deposition of SLED Agent Lt. David Leslie, pages 111:2-112:1. (Emphasis added).

<sup>93</sup> *Id.*, pages 120:15-121:2. (Emphasis added).

- A: I don't recall which prosecutor it was or the date.
- Q: Do you know if it was somebody in the 14<sup>th</sup> Circuit Solicitor's Office, or whether it was somebody with the Attorney General's Office, or was it with another agency?
- A: I honestly don't recall who the prosecutor was. I believe it was somebody at the Attorney General's Office, but I don't – it wasn't – it wouldn't have been – I don't think it was the 14<sup>th</sup> Circuit, no.
- Q: Were you present?
- A: I was not present.
- Q: Was anybody other than Special Agent Horney present?
- A: I think Special Agent Mathew Walker was there, as well.
- Q: ***So two SLED agents were there meeting with a prosecutor with the Attorney General's Office?***
- A: ***Yes.***
- Q: Do you know when and where that occurred?
- A: I don't know that.
- Q: What was the purpose of the meeting?
- A: I think it was about potential charges for the seller of alcohol.
- Q: ***And did Special Agent Horney report back to you of the outcome of that meeting?***
- A: ***She did.***
- Q: ***And what did she tell you?***
- A: ***That it was declined to prosecute.***<sup>94</sup>

Lt. Leslie's testimony shows that not only did SLED decline to cite Tajeeha Cohen or Parker's with a violation, the Attorney General's office declined to prosecute as well.

Even before SLED concluded its thorough investigation, Plaintiff sought counsel and filed suit less than a month after the boat accident occurred.

### **PLEADINGS HISTORY**

On March 20, 2019, Plaintiff initially filed suit in Beaufort County, South Carolina against multiple defendants, including Luther's, Parker's, Kristy Wood, and James Wood.<sup>99</sup> Plaintiff alleged that "on or about the 23<sup>rd</sup> of February 2019 the Woods hosted a party at their home located in Beaufort County, South Carolina, at which the same minors under the age of twenty-one (21) were knowingly and intentionally served or caused to be served alcoholic beverages. Further, the Woods knew or should reasonably have known these people were between the ages of eighteen (18) and twenty (20).

<sup>94</sup> *Id.*, pages 133:15-134:25. (Emphasis added).

<sup>99</sup> Case # 2019-CP-07-00638.

Additionally, the Woods undertook a duty not to provide a safe haven for the minors to illegally consume alcohol, undertook a duty not to allow the minors to leave their home in an intoxicated state, and undertook a duty to supervise the minors' consumption of alcohol so as not to allow them to unnecessarily endanger themselves or others, including Mallory Beach. That while at the Woods home, the Woods provided and/or allowed the minors to consume alcohol, despite their increasing intoxication, and despite the knowledge that upon leaving their home, the minors would operate a boat with their faculties and judgment grossly and dangerously impaired."<sup>100</sup> Plaintiff alleged that Parker's negligently sold alcohol to a minor, and that Luther's negligently sold alcoholic beverages to visibly intoxicated minors.<sup>101</sup>

On March 29, 2019, Plaintiff's counsel filed a Stipulation of Dismissal in Beaufort County and, that same day, filed a Complaint in Hampton County, South Carolina. This time, the defendants included the following: Luther's, Parker's, Kristy Wood, James Wood, Alex Murdaugh, Buster Murdaugh, Randolph Murdaugh, and the Murdaugh Trust.<sup>102</sup> Due in part to the fact that Randolph Murdaugh and the Murdaugh Trust paid policy limits to settle the case with the Plaintiff, and also due in part to the fact that Luther's, Kristy Wood, and James Wood agreed to settle, Plaintiff filed an Amended Complaint on May 24, 2019, naming Parker's, Alex Murdaugh, and Buster Murdaugh as defendants. After Maggie Murdaugh and Paul Murdaugh were murdered in June of 2021, Plaintiff filed a Second Amended Complaint on November 15, 2021 with substantially the same allegations as the Amended Complaint.

On February 23, 2022, Plaintiff filed her Third Amended Complaint. This time, Plaintiff added as defendants the Estate of Maggie Murdaugh and the Estate of Paul Murdaugh, along with

---

<sup>100</sup> Complaint, Case # 2019-CP-07-00638 at ¶ 14-15.

<sup>101</sup> *Id.* at ¶ 18.

<sup>102</sup> Complaint.

previous defendants Alex Murdaugh, Buster Murdaugh, and Parker's. Each defendant timely filed Answers denying liability with Parker's asserting various affirmative defenses.

Plaintiff, in her Third Amended Complaint, asserts that "Parker's knowingly and willfully sold alcoholic beverages to Paul Murdaugh who was under the age of twenty-one (21)."<sup>103</sup> Plaintiff claims that the "employee of Parker's who made the sale knew or should have known that the license used by [Paul Murdaugh] to make the purchase was not his."<sup>104</sup> Parker's timely filed its Answer, denied and continues to deny the allegations of negligence and, more specifically, denies that its employee, Tajeeha Cohen, knowingly or willfully sold alcoholic beverages to an underage Paul Murdaugh, and denies that Tajeeha Cohen should have known he used his brother's valid driver's license to misrepresent his age and fraudulently purchase alcohol from her.

## **ARGUMENT**

### **I. Summary Judgment**

Summary judgment is appropriate if the pleadings and other supporting documents "show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Rule 56(c), SCRCp. In determining whether to grant summary judgment, a court must view the evidence and its reasonable inferences in the light most favorable to the nonmoving party. *Dawkins v. Fields*, 354 S.C. 58, 69, 580 S.E.2d 433, 439 (2003) (citing *Baughman v. Am. Tel. & Tel. Co.*, 306 S.C. 101, 410 S.E. 2d 537 (1991)). When plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted. *Ellis v. Davidson*, 358 S.C. 509, 518, 595 S.E.2d 817, 822 (Ct. App. 2004).

---

<sup>103</sup> Third Amended Complaint, ¶ 15.

<sup>104</sup> *Id.*

Because there are no genuine issues of material fact in this case, Parker's Motion for Summary Judgment should be granted.

More specifically, Parker's is entitled to summary judgment because, as expressed herein below, (1) there is no scintilla of evidence supporting Plaintiff's claims that Tajeeha Cohen and Parker's knowingly sold alcohol to an underaged Paul Murdaugh under South Carolina law with respect to "dram shop" liability and (2) Mallory Beach assumed the risks of injury or death when she continued to get on the Murdaugh boat driven by an obviously drunk Paul Murdaugh multiple times during the day, evening, night, and early morning hours of February 23-24, 2019.

## **II. No Scintilla Exists Showing Parker's was Negligent for Dram Shop Liability**

This Court should grant Parker's Motion for Summary Judgment because there is not even a scintilla of evidence supporting the claim that Parker's was negligent in selling alcohol to Paul Murdaugh on February 23, 2019.

The South Carolina Legislature has not enacted a Dram Shop Act; however, the Supreme Court of South Carolina has determined that South Carolina's alcohol control statutes<sup>106</sup> create a third-party cause of action. *Tobias v. Sports Club, Inc.*, 332 S.C. 90, 93, 504 S.E.2d 318, 320 (1998). Such an action is one for negligence *per se* based upon a violation of statute(s) under Title 61, imposing a

---

<sup>106</sup> Statutes that generally prohibit the transfer of alcoholic beverages to persons under the age of 21 but go on to provide a number of exceptions to the general rule, protect only the person under 21 who consumes the alcohol, not the general public, and thus, the statutes do not create a civil cause of action in favor of the general public. *See Marcum v. Bowden*, 372 S.C. 452, 460, 643 S.E.2d 85, 89 (2007).



duty on a defendant. *Hartfield v. Getaway Lounge & Grill, Inc.*, 388 S.C. 407, 417, 697 S.E.2d 558, 563 (2010); *Tobias* at 91–92, 504 S.E.2d 318, 319 (1998).

Under a theory of negligence *per se*, a plaintiff must make a showing that the defendant violated the statute to prove that the defendant, by act or omission, failed to exercise due care. *Rayfield v. S.C. Dep't of Corr.*, 297 S.C. 95, 104, 374 S.E.2d 910, 925 (Ct. App. 1988). The applicable statute for the present case is S.C. Code Ann. § 61-4-580, which in pertinent part states,

*No holder of a permit authorizing the sale of beer or wine or a servant, agent, or employee of the permittee may **knowingly** commit any of the following acts upon the licensed premises covered by the holder's permit: (1) sell beer or wine to a person under twenty-one years of age.*

S.C. Code Ann. § 61-4-580 (emphasis added). The Supreme Court of South Carolina has determined that a commercial vendor who *knowingly* sells alcohol to a person under age 21 may be liable to the unlawful purchaser, and to third parties harmed by the purchaser's consumption of the alcohol. *Marcum v. Bowden*, 372 S.C. 452, 643 S.E.2d 85 (2007).

While the definition of “knowingly,” as written into S.C. Code Ann. § 61-4-580, has not been decided by the Supreme Court in South Carolina or the Court of Appeals, the State's Administrative Law Courts, as well as several other states with similar statutes, have addressed this issue.

In *LKW Ventures, LLC d/b/a/ Breaker's Bar and Grill v. S.C. D.O.R.*, the South Carolina Administrative Law Court was tasked with deciding whether to revoke a liquor license for a bar where there had been several instances of minors using fake or fraudulent identification cards to purchase alcohol. *LKW Ventures v. S.C.D.O.R.*, 21-ALJ-17-0087-CC. In its decision, the Court stated:

*The Court joins the Department's concern with the frequency of underage alcohol consumption in Five Points generally and at Breaker's*

*particularly. However, the arrest or ticketing of a ‘minor in possession’ is not communicated to the business at which the behavior occurs. Moreover, the behavior is often facilitated by bogus identification that is difficult for the business or even law enforcement to detect. Breakers has agreed to and is committed to using ‘forensic’ scanners, suggested by SLED, to enhance its ability to reduce underage consumption.*

*Id.* at 9. Relying on this discussion, the Court decided not to revoke the bar’s liquor license, stating that instances of minors purchasing alcohol at the bar were not a result of the bar *knowingly* violating the state’s liquor laws, but rather a symptom of the minors’ usage of fraudulent identification cards. *Id.* at 10. Thus, there is no strict liability in South Carolina.

Several other jurisdictions have similar statutory schemes and supportive case law regarding the sale of alcohol to minors, illustrating how their courts have decided issues similar to the ones faced by this Court.

Ohio, for example, creates dram shop liability for any retailer where “the permit holder or an employee of the permit holder *knowingly* sold an intoxicating beverage” to an underage person. *OH ST § 4399.18 (emphasis added)* and *OH ST § 4301.99*. In *Lesnau v. Andate Enterprises, Inc.*, the Supreme Court of Ohio stated that the word “knowingly,” as applied in litigation arising out of the sale of alcohol to a minor, encompasses the standard “*know or have reason to know*” and thus does not require *actual knowledge* of a buyer’s underage status. *Lesnau v. Andate Enterprises, Inc.*, 93 Ohio St.3d 467, 745 N.E.2d 97 (S.C. OH, 2001) (*emphasis added*).

In *State v. Chizmadia*, the Ohio Court of Appeals created a defense of “good faith acceptance of false identification” in which a retailer may avoid dram shop liability if it could present evidence that: (1) the purchaser of alcohol exhibited to defendant a driver’s license or proper form of identification; (2) it “made a bona fide effort to ascertain the true age of the [purchaser] by checking the identification presented, at the time of the purchase”; and (3) the defendant “had reason to believe that the [purchaser] was of legal age.” *State v. Chizmadia*, 2005 WL 17866 (OH Ct. App. 2005), at 1.

Similarly, California law provides a statutory defense for retailers regarding the sale of alcohol to minors if there is *bona fide* evidence that the purchaser is of age to purchase alcohol.

*CA BUS & PROF* § 25660. This statute states:

*(a) Bona fide evidence of majority and identity of the person is any of the following:*

*(1) A document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a valid motor vehicle operator's license, that contains the name, date of birth, description, and picture of the person; (2) A valid passport issued by the United States or by a foreign government; (3) A valid identification card issued to a member of the Armed Forces that includes a date of birth and a picture of the person.*

*(b) Proof that the defendant-licensee, or his or her employee or agent, demanded, was shown, and acted in reliance upon bona fide evidence in any transaction, employment, use, or permission forbidden by Section 25658, 25663, or 25665 shall be a defense to any criminal prosecution therefore or to any proceedings for the suspension or revocation of any license based thereon.*

*Id.* In applying this statute, the California Court of Appeals reasoned that this statutory defense to selling alcoholic beverages to a minor is not limited to ID's actually issued by the government but may include documents which purport to be issued by the government *but are fake, albeit credible forgeries*. *Dept. of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Bd.*, 118 Cal.App.4<sup>th</sup> 1429 (CA Ct. App. 2004) (*emphasis added*). The Court thereby extended the statutory defense from merely the usage of another person's valid identification card to the use of a fake ID.

The State of Mississippi has also determined that the use of a fraudulent identification card by a minor absolves a retailer of liability when that retailer *unknowingly* sells alcohol to a minor. In 2003, the Mississippi Court of Appeals stated that a defense of sale to a minor is "available when the seller is presented with an apparently valid identification document applied to a sale of alcohol to that minor." *Moore v. K&J Enterprises*, 856 So.2d 621 (MS Ct. App. 2003). The Court went further by stating that a negligence *per se* claim creating strict civil liability did not exist for an alcohol retailer's sale of intoxicants to a minor where that minor presented plausible identification that showed the minor as someone over the age of 21. *Id.* at 625.

The Supreme Court of South Carolina has addressed the issue of what “knowingly” generally means in the context of these criminal statutes. In *State v. Sterling*, the Supreme Court separated the definition of “knowingly” from the lower standards of negligence and recklessness, stating that a charge of “knowingly”:

*Permits a conviction not upon an accidental creation of an unknown risk, but only upon intentional acts that the defendant knew or must have known would cause harm. That standard most closely resembles our definition of knowingly: ‘One who shuts his eyes to avoid knowing what would otherwise be obvious’ is said to act knowingly, not recklessly.*

*State v. Sterling*, 396 S.C. 599, 723 S.E.2d 176 (2012), at n. 10 (*emphasis added*), quoting *State v. Thompkins*, 263 S.C. 472, 211 S.E.2d 549 (1975).

Therefore, to maintain a third-party cause of action against Parker’s for selling alcohol to a minor, Plaintiff must show that Parker’s, through Tajeeha Cohen, acted “knowingly.” The evidence demonstrates that there is no scintilla of evidence supporting Plaintiff’s claims that Tajeeha Cohen knowingly sold alcohol to an underage Paul Murdaugh.

***A. Parker’s was not negligent – the sale to Paul Murdaugh was a valid sale***

This Court should grant Parker’s Motion for Summary Judgment. There is no evidence supporting the claim that Parker’s was negligent in selling alcohol to Paul Murdaugh on February 23, 2019. Under *Marcum* and pursuant to the applicable statute under which Plaintiff’s “dram shop” theory of liability rests, there is no evidence supporting the claim that Tajeeha Cohen and Parker’s knowingly sold alcohol to an underage Paul Murdaugh. In fact, the evidence, as supported by SLED, is to the contrary – that Taheeja Cohen performed her “due diligence” in the sale, which was a valid, legal sale.

***1. Plaintiff has no evidence to show that Parker’s knowingly sold alcohol to an underage Paul Murdaugh***

After years of litigation, the record remains devoid of any evidence supporting Plaintiff’s claims that Tajeeha Cohen knew she was selling alcohol to an underage Paul Murdaugh on February

23, 2019. The record also establishes that Tajeeha Cohen acted with due diligence and had no knowledge or reason to believe that Paul Murdaugh was under 21 years of age.

Tajeeha Cohen made an appropriate, reasonable inquiry when Paul Murdaugh presented a valid ID to purchase beer: she requested identification, examined the identification, and forensically scanned the identification to check its validity during this transaction. Specifically, Tajeeha Cohen testified under oath as follows:

- Q: Was it your understanding that selling [alcohol] to someone under 21 would be grounds for termination?
- A: Yes, sir.
- Q: And you, as an employee, could be subject to, as we talked about, a serious civil or criminal penalty; is that correct?
- A: Yes, sir.
- Q: Did you ever -- to the best of your ability, did you ever sell to someone who was under 21 and know that they were under 21?
- A: No, sir, not as I know of.
- Q: Did you try and check the IDs at all times?
- A: Yes, sir.
- Q: And did you do the -- I believe you called it a facial recognition or a facial --
- A: Yes, sir.
- Q: -- check, is that what you tried to do?
- A: Yes, sir.
- Q: All right, you saw the video, I believe; is that correct?
- A: Yes, sir.
- Q: And in that video you check the ID; is that correct?
- A: Yes, sir.
- Q: And did you look to see if the ID and the person handing you the ID looked the same?
- A: Yes, sir.
- Q: Okay. I'm going to show you one of the paragraphs that was also taken from the video that night, does that show you looking at the ID?
- A: Yes, sir.
- Q: Okay. And when you made that sale did you believe that that gentleman that you sold to was 21 years of age?
- A: Yes, sir.<sup>107</sup>
- Q: Then he handed you the ID; is that correct?
- A: When I asked for it, yes sir.
- Q: To the best of your knowledge, did he appear to be the person that was on the ID?
- A: Yes, sir.

<sup>107</sup> Deposition of Tajeeha Cohen, pages 92:7-93:16.

- Q: If you'd had any reason to believe that that was not a valid ID would you have sold him the beer?
- A: No, sir.
- Q: So, as I understand it, you looked at the ID?
- A: Yes.
- Q: You looked at the person?
- A: Yes, sir.
- Q: Scanned the ID?
- A: Yes, sir.
- Q: And the ID came back as being a good ID?
- A: Yes, sir.<sup>108</sup>

Furthermore, Tajeeha Cohen testified under oath that she did not knowingly sell alcohol to an underage Paul Murdaugh:

- Q: Right. ***Did you knowingly sell alcohol to a young man, Paul Murdaugh, who was under the age of 21 on February 23<sup>rd</sup>, 2019?***
- A: ***No, sir.***<sup>109</sup>

The above testimony is clear, unambiguous, and uncontroverted. Plaintiff has no evidence to the contrary despite years of litigation and discovery. There is not even a scintilla of evidence that suggests otherwise.

Because South Carolina law requires Plaintiff to prove that Tajeeha Cohen knowingly sold alcohol to an underage Paul Murdaugh to sustain Plaintiff's action against Parker's, and because there is no evidence to contradict Tajeeha Cohen's uncontroverted testimony, Plaintiff's claims against Parker's fail as a matter of law.

## ***2. SLED determined that Tajeeha Cohen did her due diligence in the sale of alcohol to Paul Murdaugh***

SLED investigated Tajeeha Cohen's sale to Paul Murdaugh and did not issue Parker's a citation because there was no violation of the law. In fact, SLED reviewed the sale at three (3) different levels within their department and found Tajeeha Cohen acted with due diligence. First, SLED Special Agent Chandler Horney, whose job it was to "make sure places aren't selling to

<sup>108</sup> *Id.*, page 96:5-20.

<sup>109</sup> *Id.*, page 119:15-19. (Emphasis added).

underage negligently,” investigated whether Tajeeha Cohen complied with the law in the sale of alcohol to Paul Murdaugh on February 23, 2019. Agent Horney did not issue a citation and also determined that Tajeeha Cohen “did her due diligence.”<sup>110</sup>

Furthermore, Agent Horney’s supervisor, Lieutenant David E. Leslie, testified about how thorough SLED’s investigation was in terms of its determination at multiple levels that Tajeeha Cohen and Parker’s did not violate the law. Lt. Leslie testified that SLED decided not to charge Tajeeha Cohen and Parker’s based on the totality of the circumstances, that the ID presented by Paul Murdaugh was checked and that it was verified.<sup>111</sup> Lt. Leslie testified that “Agent Horney met with the prosecutor...and presented the evidence and there was a decline to prosecute.”<sup>112</sup> Because there was no evidence that Parker’s was negligent and did not violate the law, SLED closed their investigation in this matter.<sup>113</sup>

Lt. Leslie’s testimony shows that not only did SLED decline to cite Tajeeha Cohen or Parker’s with a violation, the Attorney General’s office declined to prosecute as well.

The evidence is clear that Tajeeha Cohen and Parker’s did not violate or fall below the requirements of the law. Moreover, they did their due diligence and followed what the law requires.

### ***3. Plaintiff has failed to present any evidence sufficient to support her claims against Parker’s***

Having established that Tajeeha Cohen unequivocally testified that she did not knowingly sell alcohol to an underage Paul Murdaugh, and having established that three (3) SLED agency levels – plus the Attorney General’s office – agreed Tajeeha Cohen and Parker’s did not violate any alcohol sales laws, Plaintiff has not met her burden to sustain her causes of action against Parkers after years of discovery. Make no mistake: Plaintiff has no evidence to show that Tajeeha Cohen knowingly

---

<sup>110</sup> Deposition of SLED Agent Chandler Horney, page 11:10-20; *Id.* at pages 43:21-44:9.

<sup>111</sup> Deposition of SLED Agent Lt. David Leslie, pages 111:2-112:1.

<sup>112</sup> *Id.*, pages 120:15-121:2.

<sup>113</sup> *Id.*

sold alcohol to Paul Murdaugh; the evidence is quite the opposite. South Carolina law requires this element to be proven, and Plaintiff has not and cannot prove it. Therefore, this Motion for Summary Judgment should be granted as a matter of law, and judgment for Parker's should be entered, accordingly.

### **III. Mallory Beach Assumed the Risks that Tragically Caused her Death**

This Court should also grant Parker's Motion for Summary Judgment because by riding in a boat driven by a known, visible drunk Paul Murdaugh on a very foggy and dark night, Mallory Beach assumed the risks of injury or death.

Since South Carolina moved to a modified comparative negligence state in 1988, our Courts have upheld two distinct variations of the "assumption of the risk" defense: express assumption of the risk and implied assumption of the risk. *Davenport v. Cotton Hope Plantation Horizontal Prop. Regime*, 333 S.C. 71, 80–81, 508 S.E.2d 565, 570 (1998). Currently in South Carolina, there are four requirements that must be met to establish the defense of implied assumption of risk: (1) the plaintiff must have knowledge of the facts constituting a dangerous condition; (2) the plaintiff must know the condition is dangerous; (3) the plaintiff must appreciate the nature and extent of the danger; and (4) the plaintiff must voluntarily expose h[er]self to the danger. *Senn v. Sun Printing Co.*, 295 S.C. 169, 367 S.E.2d 456 (Ct. App. 1988). "The doctrine is predicated on the factual situation of a defendant's acts alone creating the danger and causing the accident<sup>114</sup> with the plaintiff's act being that of voluntarily exposing himself to such an obvious danger with appreciation thereof which resulted in the injury." *Id.* at 173, 367 S.E.2d at 458. Assumption of the risk may be implied from the plaintiff's conduct. *Hoeffner v. The Citadel*, 311 S.C. 361, 429 S.E.2d 190 (1993).

---

<sup>114</sup> Defendant Parker's vehemently denies it created a danger and caused an accident here.



The doctrine of assumption of risk embodies the principle that one should not be permitted knowingly and voluntarily to incur an obvious risk of harm, when he or she has the ability to avoid doing so, and then hold another person responsible for his or her injury. *Griffin v. Griffin*, 282 S.C. 288, 318 S.E.2d 24 (Ct. App. 1984). The court may declare that the plaintiff assumed the risk as a matter of law only if the sole reasonable inference to be drawn from the evidence is that the plaintiff freely and voluntarily exposed himself or herself to a known danger which he or she understood and appreciated. *Id. at 158*.

Implied assumption of the risk applies where the plaintiff voluntarily encounters a risk, understands and appreciates the nature and extent of a known danger, indicates a willingness to accept it, and freely and willingly exposes himself or herself to it. *Hoeffner v. The Citadel*, 311 S.C. 361, 429 S.E.2d 190 (1993). *See also Allison v. Charter Rivers Hospital*, 334 S.C. 611, 514 S.E.2d 601 (Ct. App. 1999); *Steinke v. South Carolina Dept. of Labor, Licensing, and Regulation*, 336 S.C. 373, 520 S.E.2d 142, 156 (1999); *Spahn v. Town of Port Royal*, 326 S.C. 632, 486 S.E.2d 507, 509, n. 2 (Ct. App. 1997), *aff'd*, 330 S.C. 168, 499 S.E.2d 205 (1997).

Because she chose to ride in a boat driven by a known, visible drunk Paul Murdaugh on a very foggy night, Mallory Beach assumed the risks of injury or death when she voluntarily encountered the risk, understood and appreciated the nature and extent of its known danger, indicated a willingness to accept it, and freely and willingly exposed herself to it. Therefore, this Court should find that these elements are met due to the overwhelming testimonial and visual evidence in this case.

***A. Mallory Beach voluntarily encountered the risks of riding in a boat driven by a drunk Paul Murdaugh***

Mallory Beach, along with the other Boaters, decided to ride in a boat operated by a drunk Paul Murdaugh during the afternoon, evening, night, and early morning hours of February 23-24, 2019 when she had multiple opportunities to avoid it. When she chose to ride in the Murdaugh boat

from the Murdaugh River House, when she chose to ride in the boat from the Oyster Roast to the Beaufort Day Dock to stop at Luther's, and when she chose to ride in the boat from the Beaufort Day Dock to the Murdaugh River House, Mallory Beach encountered, each step of the way, a driver in Paul Murdaugh who continually drank alcohol and became increasingly drunk throughout the evening. It is undisputed that Paul Murdaugh was highly intoxicated and stumbling drunk when Mallory Beach and the other Boaters decided to leave the Beaufort Day Dock on the boat operated by Paul. Video evidence shows this, and each of the Boaters who were deposed corroborated it. When Morgan testified that Mallory and she were mad at Paul and Connor for stopping at Luther's to ingest even more alcohol after already being drunk, Mallory and the other Boaters clearly encountered these grave risks of getting back in that boat. But they did anyway.

***B. Mallory Beach understood and appreciated the danger of riding in a boat operated by a drunk Paul Murdaugh***

The evidence shows that Mallory Beach understood and appreciated the risks and dangers of riding in a boat driven by a drunk Paul Murdaugh. Not only was Mallory aware of Paul's proclivity for and history of drinking and driving, she witnessed it before the boat accident. Morgan testified that she was involved in two drunk driving accidents caused by Paul before the boat crash, and Mallory saw this happen. Morgan testified:

- Q: Did Mallory know about the incident involving Paul, you, and the truck?  
 A: Yes, ma'am.  
 Q: How did she know about that?  
 A: Because we were friends, and so I pretty much told her about it.  
 Q: What was her reaction to that?  
 A: She was like, "Why are you still with him?"  
 Q: Did Mallory know about the New Year's Eve incident?  
 A: She was there.  
 Q: Did she see it happen?  
 A: Yes, ma'am.<sup>115</sup>

---

<sup>115</sup> Deposition of Morgan Doughty, page 142:8-21.

On February 23-24, 2019, Mallory knew that Paul Murdaugh was drinking alcohol all evening, became very drunk (a.k.a. “Timmy”), kept drinking, bought and consumed shots of hard alcohol later in the evening before the boat crash, and was visibly drunk. This was known by Mallory and the other Boaters while walking on the dock in Beaufort near Luther’s at a time when Mallory voluntarily got back on the boat – operated by Paul – and was not forced or pressured to do so.<sup>116</sup> In fact, during the beginning of the night, knowing it would be a night of drinking and partying with Paul Murdaugh, Mallory is the one who, voluntarily, wanted to party and insisted that her boyfriend Anthony join along, too. Anthony stated on camera as follows: “Mallory wanted to go bad...you know, she um, give a little puppy dog face you know, and asked again, and I finally...gave in.”<sup>117</sup>

In terms of testimonial evidence, the various Boaters testified that Paul was drunk during at least two points in time when Mallory voluntarily decided to get on the boat. She was even “mad” because Paul was already drunk and wanted more alcohol, all of which shows Mallory’s understanding of the situation. Morgan testified as follows:

- Q: Did anyone appear intoxicated when you left the oyster roast?  
 A: Yes. Paul was really drunk and Miley was kind of drunk, too.<sup>118</sup>
- Q: Was there any argument about Paul and Connor going into Luther’s?  
 A: Yeah. We were mad. Because they were already so drunk because it wasn’t going to help any situation, and me and Mallory were just mad and didn’t want to deal with it or wait.<sup>119</sup>
- Q: When Paul and Connor returned to the waterfront, were they intoxicated at that time?  
 A: Came back to the boat?  
 Q: Yeah.  
 A: Yes, ma’am.  
 Q: Could you visibly tell that with Paul?  
 A: Yes, ma’am.  
 Q: How could you tell?

<sup>116</sup> Netflix Compilation Video: [Netflix Compilation Video](#)

<sup>117</sup> *Id.*

<sup>118</sup> Deposition of Morgan Doughty, page 92:2-5.

<sup>119</sup> *Id.*, page 100:12-17.

A: His hands and the way he was speaking, and he was really angry because apparently he got into a fight with someone at the bar and just kept talking about he wanted to go back and beat him up, but we got him on the boat.<sup>120</sup>

Anthony Cook testified as follows:

Q: When Paul and Connor returned [from getting shots at Luther's], were they drunk or intoxicated?

A: Yes, sir.

Q: Could you visibly tell that with Paul?

A: Yes, sir, but you could visibly tell that before we got there, too.

Q: When did you see that Paul was visibly intoxicated?

A: From the time – I mean, I knew before we ever left the oyster roast because I – I actually offered to get an Uber from there back to the island so we didn't have to go back in the boat, and everybody else wanted to take the boat back.<sup>121</sup>

As the evidence demonstrates, it is obvious and undeniable that Mallory Beach understood and appreciated the risks of riding in a boat operated by a drunk Paul Murdaugh.

***C. Mallory Beach indicated her willingness to accept the risk – at least two (2) times – of riding in a boat operated by a drunk Paul Murdaugh***

As shown and noted numerous times in this Memorandum of Law, the videos and testimony showing that Mallory Beach was willing to accept the risks of riding in a boat on a dark, foggy night operated by a drunk Paul Murdaugh is obvious. As Morgan and Anthony stated, Mallory and the other Boaters (other than Paul) were drinking but competent enough to understand that riding in a boat with Paul was risky, so much so that they considered obtaining an Uber or other rideshare service.<sup>122</sup> However, they were also stubborn, as Anthony testified, and they were going to get back on that boat – knowing Paul's very drunk alter-ego "Timmy" revealed himself at least by the time when all of the Boaters were walking on the dock just after Paul and Connor ingested hard liquor at Luther's.<sup>123</sup> Again, Anthony – Mallory's boyfriend – described it best in terms of their willingness to accept these risks:

<sup>120</sup> *Id.*, page 103:2-14.

<sup>121</sup> Deposition of Anthony Cook, pages 72:21-73:9.

<sup>122</sup> Deposition of Morgan Doughty, page 101:4-12.

<sup>123</sup> Netflix Compilation Video: [Netflix Compilation Video](#)

- Q: When Paul and Connor returned [from getting shots at Luther's], were they drunk or intoxicated?
- A: Yes, sir.
- Q: Could you visibly tell that with Paul?
- A: Yes, sir, but you could visibly tell that before we got there, too.
- Q: When did you see that Paul was visibly intoxicated?
- A: From the time – I mean, I knew before we ever left the oyster roast because I – I actually offered to get an Uber from there back to the island so we didn't have to go back in the boat, and everybody else wanted to take the boat back.
- Q: Did you call an Uber?
- A: No, sir, because I wasn't going to let them ride on the boat – I don't know. I just – I knew they were stubborn enough they were going to ride on that boat no matter what and I felt like I needed to be there.
- Q: Did you tell anyone at the oyster roast that they shouldn't be driving a boat, maybe they should get –
- A: Everybody was talking about that.
- Q: And who is everybody?
- A: I mean, I don't know who all was there. I know there was a bunch of people that tried to get us not to take the boat back.<sup>124</sup>

Mallory and the other Boaters were warned about traveling in the boat from the Oyster Roast on Paukie and from the dock in Beaufort. They easily and visibly determined that Paul was drunk, but they were stubborn. The Boaters, including Mallory, accepted the risks of injury or death under these facts and circumstances. How do we know? Because Mallory was warned, she was drinking but competent, and she was mad at Paul for wanting to drink more hard alcohol before operating the boat again. These choices – as evidenced directly from the testimony of her friends and the video footage taken – sadly led to her death.

***D. Mallory Beach freely, willingly, and voluntarily exposed herself to the risks of injury or death by riding in a boat driven by a drunk Paul Murdaugh***

As delineated above, Mallory freely and willingly exposed herself to the risks of injury or death when she decided on multiple occasions to ride in the boat while Paul Murdaugh drove it, drunk as he was. She was not under any compulsion to get back in the boat when leaving the Oyster Roast or leaving the dock near Luther's in downtown Beaufort. There is no evidence whatsoever showing

---

<sup>124</sup> Deposition of Anthony Cook, pages 72:21-73:23.

she was pressured or forced to get in the boat. She shunned opportunities to obtain an Uber after multiple people suggested that she, and the other Boaters, should. Mallory, on multiple occasions, knew about and even witnessed Paul's vehicular accident(s) while driving drunk. She knew Paul was operating the boat on February 23, 2019 and February 24, 2019, and she knew he was "Timmy" drunk. Yet she chose to continue riding in the boat when she knew it was dark, when she knew it was foggy, and when she knew a very drunk Paul Murdaugh was at the helm. These are the facts. This is the evidence. It is clear. This is the truth. She exposed herself to these risks, as tragic as it was.

### **CONCLUSION**

If there was ever a case with evidence supporting summary judgment with respect to the allegations of alcohol liability, this is it. There is no scintilla of evidence whatsoever showing that Tajeeha Cohen sold alcohol to Paul Murdaugh *knowing* he was a minor under the age of twenty-one. The facts show otherwise. SLED, the very agency charged with applying the law as it concerns underage alcohol sales, definitively determined – at three (3) levels and even after consulting with a State Solicitor – that Tajeeha Cohen and Parker's did not violate the law.

Likewise, if there was ever a case with evidence supporting the doctrine and legal defense of assumption of the risk as expressed by South Carolina law, this is it. The evidence is overwhelming. Any reasonable person and judge of the facts must know – by reading, seeing and hearing the abundance of evidence – that Mallory Beach and the other Boaters took dangerous and grave risks by embarking on a night of drinking, partying, and boating. The videos and testimony are uncontroverted. They are facts. It is clear to the reasonable person who is asked to judge these facts that Mallory Beach assumed these risks time and time again that fateful evening. It is tragic. But it is the truth. Parker's, therefore, respectfully requests this Honorable Court to determine that Mallory Beach assumed the risks of injury or death as the evidence unequivocally shows, and grant summary judgment to Parker's.

Because Ms. Cohen and Parker's did their due diligence, because there is no evidence in this case to support Plaintiff's claim that Ms. Cohen or Parker's sold alcohol to Paul Murdaugh knowing he was under the age of 21, and because Mallory Beach and the other Boaters knowingly assumed the risk of injury or death by repeatedly using poor judgment to continue getting back on the boat driven by an obviously intoxicated and heavily drunken driver, summary judgment is ripe, appropriate as a matter of law, and should be granted. Therefore, Parker's respectfully requests this Honorable Court to dismiss Plaintiff's Third Amended Complaint and previous complaints and causes of action asserted against it and enter judgment in favor of Parker's because there is no genuine issue of material fact, and Parker's must prevail as a matter of law.

Respectfully submitted,

s/David L. Williford

David L. Williford, Esq. (S.C. Bar # 73129)  
 Mitchell D. Appleby, Esq. (S.C. Bar # 103600)  
 Huff, Powell & Bailey, LLC  
 15 South Main Street, Suite 602  
 Greenville, SC 29601  
 (864) 400-5949  
[dwilliford@huffpowellbailey.com](mailto:dwilliford@huffpowellbailey.com)  
[mappleby@huffpowellbailey.com](mailto:mappleby@huffpowellbailey.com)

*and*

Pankaj "PK" Shere, Esq. (*Pro Hac Vice*)  
 Huff, Powell & Bailey, LLC  
 3737 Glenwood Drive, Suite 370  
 Raleigh, NC 27612  
 (984) 238-2380  
[pkshere@huffpowellbailey.com](mailto:pkshere@huffpowellbailey.com)

*and*

Sharonda B. Barnes, Esq. (*Pro Hac Vice*)  
 Huff, Powell & Bailey, LLC  
 999 Peachtree Street, Suite 950  
 Atlanta, GA 30309  
 (404) 892-4022  
[sbarnes@huffpowellbailey.com](mailto:sbarnes@huffpowellbailey.com)

*and*

G. Murrell Smith, Jr., Esq.  
Smith | Robinson  
P.O. Box 580  
Sumter, SC 29151-0580  
(803) 778-2471  
[murrell@smithrobinsonlaw.com](mailto:murrell@smithrobinsonlaw.com)

*Attorneys for Gregory M. Parker, Inc. d/b/a  
Parker's Corporation*

May 1, 2023  
Greenville, South Carolina



# Exhibit “A”

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF HAMPTON	)	CASE NO.: 2019-CP-25-00111
RENEE S. BEACH, as Personal	)	
Representative of the Estate of	)	
MALLORY BEACH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
GREGORY M. PARKER, INC. d/b/a	)	
PARKER'S CORPORATION,	)	
RICHARD ALEXANDER MURDAUGH,	)	
RICHARD ALEXANDER MURDAUGH,	)	
JR., JOHN MARVIN MURDAUGH, AS	)	
P.R. OF THE ESTATE OF MARGARET	)	
KENNEDY BRANSTETTER	)	
MURDAUGH, AND RANDOLPH	)	
MURDAUGH, IV, AS P.R. OF THE	)	
ESTATE OF PAUL TERRY	)	
MURDAUGH,	)	
	)	
Defendants.	)	

**THIRD  
AMENDED SUMMONS  
Wrongful Death  
*(Jury Trial Demanded)***

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint upon the subscriber at his office at 265 Barnwell Highway, Allendale, South Carolina, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, Plaintiffs will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you for the relief demanded in the Complaint.

GOODING AND GOODING, P.A.

By: s/Mark B. Tinsley

Mark B. Tinsley – S.C. Bar # 15597

P.O. Box 1000

Allendale, SC 29810

803-584-7676

Attorneys for Plaintiff

mark@goodingandgooding.com

February 22, 2022

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF HAMPTON	)	CASE NO.: 2019-CP-25-00111
RENEE S. BEACH, as Personal	)	
Representative of the Estate of	)	
MALLORY BEACH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>THIRD</b>
	)	<b>AMENDED COMPLAINT</b>
	)	<b>Wrongful Death</b>
GREGORY M. PARKER, INC. d/b/a	)	
PARKER'S CORPORATION,	)	
RICHARD ALEXANDER MURDAUGH,	)	
RICHARD ALEXANDER MURDAUGH,	)	
JR., JOHN MARVIN MURDAUGH, AS	)	
P.R. OF THE ESTATE OF MARGARET	)	
KENNEDY BRANSTETTER	)	
MURDAUGH, AND RANDOLPH	)	
MURDAUGH, IV, AS P.R. OF THE	)	
ESTATE OF PAUL TERRY	)	
MURDAUGH,	)	
	)	
	)	
Defendants.	)	

The Plaintiff alleges:

1. That she is the duly appointed Personal Representative of the Estate of Mallory Beach and that she is a beneficiary of the Estate.
2. That she and decedent were at all times relevant herein residents of the State of South Carolina.
3. Upon information and belief, Defendant Gregory M. Parker, Inc. d/b/a Parker's Corporation (hereinafter "Parker's") is a foreign corporate entity which maintains agents and employees, transacts business, owns and/or manages real estate, and otherwise is connected by

ownership and operation to a gas station and convenience stores located South Carolina and for whose benefit a beer and wine sales permits were issued for their business.

4. Upon information and belief, Parker's has undertaken and is charged with duties of care at law by reason of their ownership, operation, marketing, management, maintenance, alcohol sales and other exercises of control over the subject Parker's gas stations and convenience stores, including the one located at 7021 Okatie Highway, Ridgeland, South Carolina.

5. That Parker's is a for-profit corporate entity and derives substantial revenues and profits from the sale of alcohol and, as such, is responsible for training and supervising its employees so as to not allow the illegal purchase of alcohol by minors or by people using the identification of others.

6. That, at all pertinent times herein, Defendant Richard Alexander Murdaugh was a citizen and resident of Hampton County, South Carolina.

7. That, at all pertinent times herein, Defendant Richard Alexander Murdaugh, Jr. was a citizen and resident of the Hampton County, South Carolina

8. That, at all pertinent times herein, Defendant John Marvin Murdaugh, as Personal Representative of the Estate of Margaret Kenney Brandstetter Murdaugh, was a citizen and resident of South Carolina, and the Decedent was a citizen and resident of Hampton County, South Carolina.

9. That, at all pertinent times herein, Defendant Randolph Murdaugh, IV, as Personal Representative of the Estate of Paul Terry Murdaugh, was a citizen and resident of Hampton County, South Carolina, and the Decedent was a citizen and resident of Hampton County, South Carolina.

10. That this Court has jurisdiction over the parties hereto and in the subject matter hereof.

11. That at all pertinent times herein, Defendant Richard Alexander Murdaugh, Jr. was over twenty-one (21) years of age and knowingly, willfully, and illegally allowed his younger brother Paul Murdaugh, who was under the age of twenty-one (21) at the time, to use his driver's license in order to illegally purchase and consume alcohol. Further, it was foreseeable that his minor brother would use the license to purchase alcohol for consumption by other minors and this defendant had constructive and actual knowledge that the license was so used.

12. That, at all pertinent times herein, Defendant Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh had knowledge or should have known that their minor son Paul Murdaugh was illegally purchasing and consuming alcohol on a regular basis by using or displaying the driver's license of their adult son, Defendant Richard Alexander Murdaugh, Jr. Defendant Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh also had actual and constructive knowledge that Paul Murdaugh would consume alcohol and operate vehicles provided to Paul Murdaugh for his use for the convenience of Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh. Further, Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh knew Paul Murdaugh would drink to excess and drive vehicles, including Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh's boats, all of which are dangerous instrumentalities, and therefore knew or should have known of Paul Murdaugh's condition and proclivities including that Paul Murdaugh was incompetent, unfit, and/or reckless based on his almost constant consumption of alcohol. Many times prior to February 23, 2019, Margaret Kennedy Branstetter Murdaugh had actual knowledge that Paul Murdaugh was consuming alcohol while operating the family vehicles and otherwise as

evidenced by the fact she “liked” social media posts depicting Paul Murdaugh consuming alcohol as a minor. Paul Murdaugh’s consumption of alcohol was condoned, encouraged and facilitated by Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh. Further, Paul Murdaugh was provided with and used his mother’s credit card to purchase alcohol, including the alcohol he purchased from Parker’s on February 23, 2019.

13. By condoning and facilitating Paul Murdaugh’s alcohol purchases and consumption, while entrusting the boat to Paul Murdaugh when they knew or reasonably should have known Paul Murdaugh would be consuming alcohol and operating the boat, Defendants Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh created an appreciable risk of harm to others including Mallory Beach and owed a duty of care to Mallory Beach and others endangered by their entrustment of the boat and facilitation of Paul Murdaugh’s purchase of alcohol.

14. That, at all pertinent times herein, Defendants Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh knowingly and willfully allowed their minor son to illegally purchase and consume alcohol, including but not limited to allowing Paul Murdaugh to use Defendant Richard Alexander Murdaugh, Jr.’s driver license to purchase and consume alcohol. Defendants Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh provided Paul Murdaugh with a family credit card in his mother’s name, Margaret Kennedy Branstetter Murdaugh, in order to facilitate Paul Murdaugh’s purchases of alcohol and allowed Paul Murdaugh to use their vehicles while operating them under the influence of alcohol. It also was known to them Paul Murdaugh in fact was purchasing or was foreseeable that Paul Murdaugh would purchase alcohol for consumption and drive their boat while under the influence. Further, in the early morning of February 24, 2019, prior to the boat crash, Margaret Kennedy Branstetter

Murdaugh actually spoke to an intoxicated Paul Murdaugh by telephone. However, she failed to stop Paul despite knowing he was intoxicated after having paid for the alcohol he consumed earlier.

15. That on or about the 23<sup>rd</sup> day of February 2019, Parker's knowingly and willfully sold alcoholic beverages to Paul Murdaugh who was under the age of twenty-one (21), while using a means of identification that was obviously not his own but instead belonged to his adult brother, Defendant Richard Alexander Murdaugh, Jr. Paul Murdaugh then consumed the beverages purchased from Parker's and became grossly intoxicated. The agent, servant or employee of Parker's who made the sale knew or should have known that the license used by the minor to make the purchase was not his, or in the exercise of any care, could have looked at the license and ascertained it did not belong to the boy making the purchase. Further, prior to the sale, Parker's knew or should have known that its training program of its employees regarding the identification of restricted alcohol sales was deficient and that the actual cashier who made the sale had not been properly trained.

16. That it was foreseeable to Parker's that a minor who illegally purchased alcohol would become intoxicated and operate a vehicle, including a boat.

17. That Paul Murdaugh consumed the alcohol obtained from Parker's throughout the evening of February 23, 2019, becoming grossly intoxicated, and was operating Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh's boat with several passengers in Archer's Creek when the boat collided with a bridge, thereby ejecting Mallory Beach from the boat and causing catastrophic injuries to her person, which ultimately led to her death.

18. That at the time of the collision, Paul Murdaugh, who was operating the boat, was intoxicated from alcohol that was illegally sold by Parker's.

19. That Defendants were negligent, negligent per se, careless, reckless, grossly



negligent, willful and wanton and acted intentionally at the times and places above mentioned in the following particulars:

**As to Defendant Parker's**

- a. In making an illegal sale of alcohol to Paul Murdaugh;
- b. In selling alcoholic beverages to a patron they knew or should have known was under the age of twenty-one (21);
- c. In failing to recognize other persons on the premises with Paul Murdaugh;
- d. In failing to consider the volume of alcohol purchased by Paul Murdaugh in deciding to make the sale to him;
- e. In failing to verify that the identification used by Paul Murdaugh matched the name on the credit card he used to pay for the alcohol;
- f. In failing to verify the composition of the license used by Paul Murdaugh matched him;
- g. In failing to adequately train, supervise or monitor their employees;
- h. In hiring employees who were insufficiently trained or qualified for the responsibilities of their employment;
- i. In failing to implement policies and standards regarding the responsible sale and service of alcoholic beverages or, if so implemented, in failing to insure that those policies and standards were followed by their employees;
- j. In failing to follow generally accepted standards of care applicable to the sale and service of alcoholic beverages to members of the public;
- k. In training its employees that they could merely rely on the POS scanner;
- l. In failing to even look at the identification presented by the patron to verify that it belonged to the person making the purchase;
- m. In failing to look at the height and weight on the license;
- n. In failing to question Paul Murdaugh about the identification being presented given the tremendous disparity in height and weight between the person making the purchase and the information on the license;

- o. In failing to update either the training program or the training of individual employees after Parker's knew or should have known they were inefficient and not working;
- p. In failing to use the degree of care and caution that a reasonable and prudent person would have exercised under the same or similar circumstances; and
- q. In such other and further particulars as the evidence in trial may show;

**As to Defendant Richard Alexander Murdaugh**

- r. In knowingly and willfully allowing his minor son, under the age of twenty-one (21), to use Richard Alexander Murdaugh, Jr.'s driver's license to purchase and consume alcohol;
- s. In failing to supervise his son when he knew or should have known that Paul Murdaugh was using another's license to purchase and consume alcohol;
- t. In providing a credit card to Paul Murdaugh for him to illegally purchase alcohol;
- u. In entrusting a vehicle, a dangerous instrumentality, including the boat used in the crash, for Paul Murdaugh to use and operate when he knew or should have known that Paul Murdaugh was drinking and driving and drinking to excess and that Paul Murdaugh was incompetent, unfit, inexperienced, or reckless, thereby creating an appreciable risk of harm to others, including Mallory Beach and;
- v. In such other and further particulars as the evidence in trial may show;

**As to Defendant Richard Alexander Murdaugh, Jr.**

- w. In knowingly and willfully providing his minor brother, who was under the age of twenty-one (21), with his driver's license for the purpose of purchasing and consuming alcohol;
- x. In obtaining a duplicate identification to allow his underage brother to purchase and consume alcohol;
- y. In misrepresenting facts to the Department of Motor Vehicles in order to obtain a duplicate identification to allow Paul Murdaugh to purchase and consume alcohol;
- z. In failing to return his old license to the Department of Motor Vehicles after finding it if the license was ever actually lost;
- aa. In such other and further particulars as the evidence in trial may show;

**As to Defendant John Marvin Murdaugh as P.R. of the  
Estate of Margaret Kennedy Branstetter Murdaugh**

- bb. In knowingly and willfully allowing her minor son, under the age of twenty-one (21), to use Richard Alexander Murdaugh, Jr.'s driver's license to purchase and consume alcohol;
- cc. In failing to supervise her son when she knew or should have known that Paul Murdaugh was using another's license to purchase and consume alcohol;
- dd. In providing a credit card to Paul Murdaugh for him to illegally purchase alcohol;
- ee. In entrusting the use of the boat to Paul Murdaugh when she new or should have known his consumption of alcohol posed a significant and unreasonable risk of harm;
- ff. In failing to take action to stop Paul Murdaugh from operating the boat after she learned that Paul Murdaugh was intoxicated during their telephone conversation some two (2) hours prior to the crash;
- gg. In such other and further particulars as the evidence in trial may show;

**As to Defendant Randolph Murdaugh, IV as P.R. of the  
Estate of Paul Terry Murdaugh**

- hh. In failing to maintain a proper lookout;
- ii. In failing to maintain proper control of the boat;
- jj. In failing to take evasive action to avoid the collision;
- kk. In traveling too fast for the conditions then and there existing;
- ll. In operating a boat while under the influence of alcohol or other intoxicating substances;
- mm. In operating a boat in utter disregard for the safety of others;
- nn. In operating a boat in a reckless and unsafe manner;
- oo. In refusing to stop the boat at the passengers' request so they could safely get off the boat;
- pp. In failing to exercise the degree of care and caution that a reasonable person would have exercised under the same or similar circumstances; and

qq. In such other and further particulars as the evidence in trial may show;  
all of which combined and concurred as a direct and proximate cause of the injuries and damages suffered by Plaintiff herein, said acts being in violation of the statute and common laws of the State of South Carolina.

20. That the Defendants owed Mallory Beach and the public at large common law and/or statutory duties of care or undertook these duties of care.

21. That the Defendants breached their duties as stated above.

22. That as a result of her death the beneficiaries of Ms. Beach have endured grief, sorrow, shock, wounded feelings, mental anguish, the loss of support, love and companionship, along with other damages as allowed by law.

23. That as a direct and proximate result of the acts and/or omissions of the Defendants, Mallory Beach met an untimely death and her beneficiaries have endured grief, sorrow, shock, wounded feelings, mental and emotional anguish and anxiety, and loss of the decedent's support, love, companionship and consortium.

WHEREFORE, Plaintiff prays for a joint and several award against the Defendants for actual and punitive damages, costs and attorneys' fees.

GOODING AND GOODING, P.A.

By: s/Mark B. Tinsley  
Mark B. Tinsley – S.C. Bar #15597  
P.O. Box 1000  
Allendale, SC 29810  
803-584-7676  
Attorneys for Plaintiff  
mark@goodingandgooding.com

February 22, 2022

# Exhibit “B”

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF HAMPTON	)	CASE NO.: 2019-CP-25-00111
RENEE S. BEACH, as Personal	)	
Representative of the Estate of	)	
MALLORY BEACH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>AFFIDAVIT OF MORGAN DOUGHTY</b>
	)	
GREGORY M. PARKER, INC. d/b/a	)	
PARKER'S CORPORATION and	)	
PARKERS 55, RICHARD ALEXANDER	)	
MURDAUGH, RICHARD ALEXANDER	)	
MURDAUGH, JR., JOHN MARVIN	)	
MURDAUGH, AS P.R. OF THE ESTATE	)	
OF MARGARET KENNEDY	)	
BRANSTETTER MURDAUGH, AND	)	
RANDOLPH MURDAUGH, IV, AS P.R.	)	
OF THE ESTATE OF PAUL TERRY	)	
MURDAUGH,	)	
	)	
Defendants.	)	

PERSONALLY APPEARED BEFORE ME, Morgan Doughty, who being duly deposed and sworn, says:

1. I give this affidavit based on my own personal knowledge, I am over the age of eighteen (18) years, and I am competent to make this affidavit.
2. I was the long time girlfriend of Paul Murdaugh and spent countless hours with him and his family, to include his brother Richard Alexander Murdaugh, Jr., a/k/a "Buster" and his parents, Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh.
3. As described generally in my sworn testimony on January 6, 2020, given in this matter, I have first-hand knowledge of Paul's consumption of alcohol to excess on many occasions prior to the boat crash, as well as his brother's and his parents' knowledge and facilitation of Paul's

frequent consumption of alcohol to excess prior to the boat crash.

4. Paul was under the age of twenty-one at all times relevant within this affidavit.

5. Paul consumed alcohol on an almost daily basis and regularly drank to the point of becoming grossly intoxicated. This fact was known to and observed by Paul's brother, mother and father.

6. Paul's brother or his parents were frequently present when Paul would drink alcohol to excess or see him after he was intoxicated.

7. Paul's brother or his parents were often present when Paul would drink to the point of becoming grossly intoxicated.

8. Paul's brother and parents were aware of Paul's abuse of alcohol, his violation of the law, the fact that Paul would drink and operate vehicles, including the boat involved in the crash, as well as other boats, and nevertheless provided Paul with the means to purchase and consume more alcohol. Additionally, his parents allowed Paul to operate their vehicles while he was intoxicated or when they knew or should have known Paul frequently abused alcohol.

9. Paul regularly bought alcohol using his parent's credit card with his parents' knowledge and consent. Alternatively, his parents would provide Paul with alcohol for him and his friends to consume.

10. Paul regularly used his brother Buster's drivers license to purchase alcohol with his brother's and parents' knowledge, consent and approval.

11. Paul's parents regularly provided him and other minors with alcohol.

12. There are a number of videos in my possession that show Paul drinking to excess with the knowledge and consent of his parents. These include, but may not be limited to the



following, which fairly and accurately depict Paul intoxicated or consuming alcohol to excess all either in the presence of his brother, mother or father or in situations where his brother, mother or father learned of the illegal behavior, and which are incorporated by reference into this affidavit:

EX1 is a video taken by me on July 4, 2018, while I was a minor, in which I am giving Alex Murdaugh and shot of alcohol while on a boat. All minors, including Paul, were provided the alcohol by Paul's parents. Further, Paul's parents were present and saw Paul consuming alcohol to the point of being grossly intoxicated.

EX2 is a video taken by me of Paul shot-gunning a beer at the Beaufort Water Festival. Both of Paul's brother and parents are present and depicted in the video and were aware Paul was drinking to the point of being grossly intoxicated.

EX3 is a video I took of Alex and myself on a family trip in Guatemala in 2018. Paul's parents bought alcohol for Paul and me. Paul got grossly intoxicated during the trip with his parents present.

EX4 is video I took of a number of underaged drinkers boarding the same boat that Paul was driving and crashed on February 23, 2019, in 2018. Paul bought the alcohol shown in the video that he and I consumed from Parker's using his brother's identification. Both of his parents were present when the video was taken and actually helped us load alcohol and other items into the boat.

EX5 is a video I took on New Year's Eve 2018, a few months prior to the boat crash. The video shows Paul was grossly intoxicated from alcohol provided by Alex for Paul's consumption. Shortly after video taken, Paul drove Alex's truck, with Alex's knowledge, and wrecked into one of his Paul's friends' BMW's. Alex paid cash to fix the car after the collision.

EX6 is a video I took at a in 2017. Paul was extremely intoxicated from alcohol provided by his father. Both Paul's brother and his parents were present and witnessed Paul's consumption of alcohol and ultimate state of intoxication. Paul's parents actually provided me with a sleeve of Fireball mini bottles that night and his father drove us home after the wedding.

EX7 is a video I took at Moselle in December 2017. Paul is extremely intoxicated from alcohol he bought using his brother's identification and with his parents' knowledge. Paul's mother picked us up that night because Paul was so drunk and acting crazy. Afterward, his father was made aware of what happened as it was discussed with him.

EX8a and EX8b are also videos I took at Moselle in December 2017 which show Paul was grossly intoxicated. His parents provided the alcohol, were present at the party and saw Paul's consumption of alcohol and condition afterwards.



EX9 is a video I took in Pineland, SC, which shows Paul grossly intoxicated from alcohol he bought using his brother's identification.

EX10 is a video I took in Arizona in 2017 in which Buster and Cory Fleming are arm wrestling. That night, Paul became extremely intoxicated. Paul was provided alcohol by his parents and Cory Fleming

EX11 is a video I took in August 2018, which shows Paul on the front of a boat in a drunken argument and trying to fight someone. He was grossly intoxicated from alcohol he purchased from Parker's with his mother's knowledge.

EX12a, EX12b, and EX12c are videos I took on our senior trip in the Bahamas. Paul was able legally to purchase alcohol in the Bahamas but became grossly intoxicated to the point that he vomited in a gift shop. Later, we discussed that Paul got drunk and vomited in the gift shop in front of and with Paul's parents.

EX13 is a video I took of Paul playing beer pong at a graduation party in 2017. Paul got intoxicated from alcohol provide by his parents at the party. Paul's parents were present and witnessed this.

EX14 is a video I took from July 2017 in which Paul was grossly intoxicated on his parents' boat we were using. His parents were at the river house when we returned and were well aware of his condition.

EX15 is a video I took of Paul taking a shot in July 2018 at Lester's. He used his brother's identification to buy the alcohol and became intoxicated.

EX16 is a video I took of a party at Moselle for Buster. Alex provided a keg of beer for a number of minors and Paul drank to the point of being grossly intoxicated with his parents' knowledge. Buster saw Paul drunk.

EX17 is a video I took at Moselle that depict Paul intoxicated from alcohol provided by his parents. Paul's parents were present and saw Paul.

EX18 is a video I took of Paul grossly intoxicated after fishing with his uncle John Marvin with his parents' knowledge. I drove Paul that night because he could not and remember having to call his parents to let them know he got back safe because they were worried due to Paul being so drunk.

EX19 is a video I took at the Boathouse on Hilton Head Island where Paul used Buster's license to confirm his age and Buster used his passport to buy alcohol. Paul's parents were present and knew and paid the bill for the alcohol.

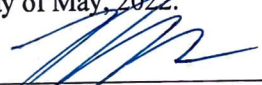
EX20 is a video I took at a Christmas party in 2018 where Paul was intoxicated, and his parents were present and aware of his consumption of alcohol and condition.

EX21a and EX21b are videos I took at a wedding in 2018 which you can see cans of alcohol on the ground. Paul got intoxicated that night. His parents were there and knew of his consumption and resulting condition. Alex and Maggie argued on the way home that night because Alex also took a pain killer and became aggressive. We dropped Alex off at his parents' house on the way home because of his aggressive behavior.

I reserve the right to supplement or modify this Affidavit.

  
Morgan Doughty

Sworn to before me this 4TH  
day of May, 2022.

  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires:

# Exhibit “C”

Morgan Doughty  
Deposition Transcript  
Excerpts

1                   IN THE COURT OF COMMON PLEAS  
2                   STATE OF SOUTH CAROLINA  
3                   COUNTY OF HAMPTON

4  
5       RENEE S. BEACH, as Personal Representative of  
6       the Estate of Mallory Beach,

7               Plaintiff,

8  
9  
10       vs.

CIVIL ACTION NUMBER  
2019-CP-25-00111

11  
12  
13       GREGORY M. PARKER, INC., a/k/a PARKER'S  
14       CORPORATION d/b/a PARKER'S 55, RICHARD  
15       ALEXANDER MURDAUGH, and RICHARD ALEXANDER  
16       MURDAUGH, JR.,

17               Defendants.  
18       -----/

19               The deposition of MORGAN L. DOUGHTY, a  
20       witness in the above-entitled cause, taken  
21       pursuant to Notice and agreement, before Amanda  
22       Bowen, Stenographic Reporter and Notary Public,  
23       at The Law Offices of Gooding and Gooding, PA,  
24       265 Barnwell Highway, Allendale, South Carolina,  
25       on the 6th day of January 2020, commencing at or  
      about the hour of 9:58 a.m.



1     **APPEARANCES of COUNSEL:**

2     **FOR THE PLAINTIFF AND ALSO FOR MORGAN L.**  
3     **DOUGHTY:**

4             **MARK B. TINSLEY, ESQUIRE**  
5             **Gooding and Gooding, P.A.**  
6             **265 Barnwell Highway**  
7             **Post Office Box 1000**  
8             **Allendale, South Carolina 29810**  
9             **803.584.7676**  
10            **mark@goodingandgooding.com**

11                             **AND**  
12                             **VIA TELEPHONE**

13             **ROBERTS "TABOR" VAUX, JR., ESQUIRE**  
14             **Vaux Marscher Berglind, P.A.**  
15             **1251 May River Road**  
16             **Post Office Box 769**  
17             **Bluffton, South Carolina 29910**  
18             **843.757.2888**  
19             **tabor.vaux@vmblawfirm.com**

20     **FOR THE DEFENDANTS - GREGORY M. PARKER, INC.,**  
21     **d/b/a PARKER'S CORPORATION d/b/a PARKER'S 55:**

22             **KELLY D. DEAN, ESQUIRE**  
23             **Griffith, Freeman & Liipfert, L.L.C.**  
24             **600 Monson Street**  
25             **Post Office Drawer 570**  
26             **Beaufort, South Carolina 29902**  
27             **843.521.4242**  
28             **kdean@griffithfreeman.com**

29     **FOR THE DEFENDANTS - RICHARD ALEXANDER**  
30     **MURDAUGH AND RICHARD ALEXANDER MURDAUGH, JR.:**

31             **AMY F. BOWER, ESQUIRE**  
32             **Haynsworth, Sinkler & Boyd, P.A.**  
33             **134 Meeting Street**  
34             **Third Floor**  
35             **Post Office Box 340**  
36             **Charleston, South Carolina 29401**  
37             **843.720.4475**  
38             **abower@hsblawfirm.com**



1     **APPEARANCES of COUNSEL:**

2             **PERSONAL ATTORNEY FOR RICHARD ALEXANDER**  
3             **MURDAUGH and RICHARD ALEXANDER MURDAUGH, JR.:**

4                     **DANIEL E. HENDERSON, ESQUIRE**  
5                     **Peters, Murdaugh, Parker, Eltzroth &**  
6                     **Detrick, P.A.**  
7                     **690 North Green Street**  
8                     **Ridgeland, South Carolina 29936**  
9                     **843.726.6131**  
10                    **dhenderson@pmped.com**

11            **FOR PAUL MURDAUGH:**

12                    **JAMES M. GRIFFIN, ESQUIRE**  
13                    **Griffin & Davis, L.L.C.**  
14                    **4408 Forest Drive**  
15                    **Suite 300**  
16                    **Columbia, South Carolina 29206**  
17                    **803.744.0800**  
18                    **jgriffin@griffindavislaw.com**

19            **FOR THE DEFENDANTS - PARKER'S - EXCESS**  
20            **INSURANCE:**

21                    **CHRISTIAN STEGMAIER, ESQUIRE**  
22                    **Collins & Lacy, P.C.**  
23                    **1330 Lady Street**  
24                    **Sixth Floor**  
25                    **Columbia, South Carolina 29201**  
                      **803.256.2660**  
                      **cstegmaier@collinsandlacy.com**

**ALSO PRESENT:**

**Blake L. Greco, Esquire (General Counsel**  
                  **for Parker's)**

- - -



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**I N D E X**

**PAGE**

**OPENING REMARKS AND STIPULATIONS ----- 5**

**DIRECT EXAMINATION:**  
    **By Ms. Dean ----- 5**  
**CROSS-EXAMINATION:**  
    **By Ms. Bower ----- 150**

**CERTIFICATE ----- 154**  
**ERRATA SHEETS ----- 155-157**  
**NO EXHIBITS**





1       fraudulent ID at a Parker's store before?

2           A       No, ma'am.

3           Q       Have you ever bought alcohol at  
4       Parker's?

5           A       No, ma'am.

6           Q       And the ID for Morgan Lauren Paris,  
7       that is the only fake ID you've ever had?

8           A       Yes, ma'am.

9           Q       Did you ever get caught with it?

10          A       No, ma'am.

11          Q       How often do you drink alcohol?

12          A       Like every other weekend, maybe.

13          Q       Has that changed since the boating  
14       accident?

15          A       Yes, ma'am.

16          Q       How much did you drink before the  
17       boating accident or how often would you drink?

18          A       Probably every weekend.

19          Q       Would you drink during the week?

20          A       No, ma'am.

21          Q       Why wouldn't you drink during the week?

22          A       Because I was at my house and my family  
23       doesn't drink and so when I was with Paul.

24          Q       Would you see Paul every weekend?

25          A       Yes, ma'am.



1 Q Was he in school at the time?  
2 A Of the boating accident?  
3 Q Yes.  
4 A Yes, ma'am. He went to USC.  
5 Q Would he come back every weekend?  
6 A For, like, the first couple weeks, yes,  
7 ma'am, then --  
8 Q When did he start USC?  
9 A I think that -- so, like, he just  
10 started. I think he went in January, maybe. He  
11 had just started at USC in January.  
12 Q January of 2019?  
13 A Yes, ma'am.  
14 Q Did he attend school in the fall of  
15 2018?  
16 A He went to Salk, I think.  
17 Q Would you drink every time you were  
18 with Paul?  
19 A It depended on the night, but yes,  
20 ma'am.  
21 Q Would Paul drink during those periods  
22 of time also?  
23 A Yes, ma'am.  
24 Q Where would you drink alcohol when you  
25 were with Paul?



1           A       They have a plantation, farm called  
2       "Moselle."

3           Q       Who is they?

4           A       Maggie and Alex Murdaugh.

5           Q       How many times have you been to  
6       Moselle?

7           A       A lot. I can't point down, but I've  
8       been there a lot.

9           Q       And you would drink alcohol at Moselle?

10          A       Yes, ma'am.

11          Q       And Paul would drink alcohol at  
12       Moselle?

13          A       Yes, ma'am.

14          Q       Would you drink to the point of  
15       intoxication at Moselle?

16          A       Yes, ma'am.

17          Q       How often would you do that?

18          A       Quite a few times.

19          Q       Can you tell me how many?

20          A       No, ma'am.

21          Q       More than you can count?

22          A       Yes, ma'am.

23          Q       What about Paul? Did he drink until  
24       the point of intoxication at Moselle?

25          A       Yes, ma'am.



1 Q How many times?

2 A Countless. A lot -- it happened a lot.

3 Q Were Alex and Maggie Murdaugh with you  
4 on those occasions?

5 A Yes, ma'am.

6 Q How many times?

7 MS. BOWER: Object to the form.

8 THE WITNESS: Am I allowed to  
9 answer? I don't know what that means?

10 MS. DEAN: She's objecting to the  
11 form of my question. You can still  
12 answer.

13 THE WITNESS: What was the  
14 question again? I'm sorry.

15 BY MS. DEAN:

16 Q Were Alex and Maggie Murdaugh with  
17 you --

18 A Yes, ma'am.

19 Q -- on those occasions that you drink to  
20 the point of intoxication at Moselle?

21 MS. BOWER: Same objection.

22 THE WITNESS: They were there or  
23 well-aware because we had to get  
24 permission to have people over there.

25 BY MS. DEAN:



1           Q       How many times were they there when you  
2       and Paul would drink to the point of  
3       intoxication at Moselle?

4                   MS. BOWER: Object to the form.

5                   THE WITNESS: Quite a few times.

6       Probably every holiday. Like, just  
7       dove shoots, quail hunt. I mean,  
8       anything like that.

9       BY MS. DEAN:

10          Q       And the times that they were not  
11       physically there, were they well-aware --

12          A       Well-aware.

13                   MS. BOWER: Object to the form.

14       BY MS. DEAN:

15          Q       -- that you were drinking to the point  
16       of intoxication?

17          A       Yes, ma'am.

18          Q       That you and Paul were drinking to the  
19       point of intoxication?

20          A       Yes, ma'am.

21          Q       Were any of your friends with you at  
22       Moselle during those periods of time?

23          A       Yes, ma'am.

24          Q       Who was with you?

25          A       It really just depended on the night.



1 Q Did Paul have a fake ID?  
2 A Yes, ma'am.  
3 Q How long did he have that ID?  
4 A He had one made for him in high school  
5 and he got it taken at the bowling alley and  
6 then Buster would give him his ID to use.  
7 Q Do you know who made the ID for Paul in  
8 high school?  
9 A No, ma'am.  
10 Q Do you know when that ID was made?  
11 A I think our senior year.  
12 Q Do you know who made it?  
13 A I know who got it for him.  
14 Q Who was that?  
15 A Nate Doremus.  
16 Q Did Paul have to pay for it?  
17 A Yes, ma'am.  
18 Q Do you know how much he paid for it?  
19 A 250.  
20 Q \$250?  
21 A Yes, ma'am.  
22 Q And you said he got that taken away at  
23 the bowling alley?  
24 A Yes, ma'am.  
25 Q Did you ever see that ID?



1           A       Yes, ma'am.

2           Q       What did it look like?

3           A       It was pretty -- it was a South

4       Carolina ID, had Paul's face on it, had all his

5       right information, just the only thing different

6       was the year he was born.

7           Q       It was actually a picture of Paul?

8           A       Yes, ma'am.

9           Q       And it had all the correct information?

10          A       (Nods head.)

11          Q       What was the correct info?

12          A       His Hampton address, 15 Holly -- I'm

13       not sure of the information.

14          Q       It had his height and weight?

15          A       Yes, ma'am.

16          Q       What was his height and weight?

17          A       Probably like 150. I think he was

18       5'7", 5'8". I don't know.

19          Q       Do you know how many times he used it

20       before it was taken at the bowling alley?

21          A       Quite a lot.

22          Q       What do you mean by "quite a lot"?

23          A       When we would go on family trips with

24       his family, he used them at the bars or he just

25       used it -- I don't think he used it in Hampton

1 because every body knows his age and his family.

2 Q What kind of family trips would he go  
3 on that he used it?

4 A We went to Kentucky one time and he  
5 used it at the bar there.

6 Q Were you with him?

7 A Yes, ma'am.

8 Q Was Alex Murdaugh or Maggie Murdaugh  
9 there?

10 A Yes, ma'am.

11 Q Did they see him use the ID at the bar  
12 in Kentucky?

13 A Yes, ma'am.

14 Q Did they say anything?

15 A He almost got kicked out because the  
16 bouncer thought he was young and looked at his  
17 ID, and they were talking about how proud they  
18 were, so they were well-aware.

19 Q Who was proud?

20 A Maggie and Alex.

21 Q Were there any other times that you saw  
22 Paul use a fake or fraudulent ID in front of  
23 Alex and Maggie Murdaugh?

24 A Mm-hmm.

25 Q Is that yes?





1           A       Yes. I'm sorry.

2           Q       Tell me about those.

3           A       After he got it taken at the bowling  
4 alley, he would use Buster's ID. Buster had to  
5 use his passport, and I remember we went to one  
6 time this restaurant called "Cowboy's" in Hilton  
7 Head and they were well-aware of him using his  
8 ID and Buster using his passport.

9           Q       How do you know they were well-aware?

10          A       Because they would fuss at Paul about  
11 it. He needed to give it back to Buster because  
12 Buster was complaining.

13          Q       Cowboy's in Hilton Head, is that a  
14 restaurant?

15          A       Is that -- yes, ma'am. It is, like,  
16 Cowboy's Steakhouse.

17          Q       Did you-all sit down to eat?

18          A       Yes, ma'am.

19          Q       With Maggie and Alex Murdaugh?

20          A       Yes, ma'am.

21          Q       Were alcoholic beverages ordered at the  
22 table?

23          A       Yes.

24          Q       Did they fuss at him at the restaurant?

25          A       No, ma'am.



1           Q     Did Paul drink to the point of  
2     intoxication at Cowboy's?

3           A     Not to the point of intoxication.  No,  
4     ma'am.

5           Q     What about the bar in Kentucky, did he  
6     drink to the point of intoxication at the bar of  
7     Kentucky?

8           A     Yes, ma'am.

9           Q     Tell me about that.

10          A     It's called the Omni and there was,  
11     like, this bowling alley there too, and yes,  
12     ma'am.  He was very drunk.

13          Q     Did anything happen?

14          A     Nothing happened.

15          Q     What was the bowling alley that took  
16     his ID?

17          A     Station 300 in Bluffton.  It's across  
18     from -- kind of next to the Publix.

19          Q     Had he ever used it at Station 300  
20     before it got taken?

21          A     I'm not sure.

22          Q     Was that a bouncer or a bartender that  
23     took it from him?

24          A     It was a bartender.

25          Q     What happened after it got taken?



1           A       He went outside and called his dad and  
2 then we ended up just leaving.

3           Q       Did you overhear that conversation?

4           A       No, ma'am.

5           Q       Do you know why he called his dad?

6           A       To try to get it back.

7           Q       Did he get it back?

8           A       No, ma'am.

9           Q       You said that Buster would give Paul  
10 his ID to use?

11          A       Yes, ma'am.

12          Q       Would he let him borrow it for a period  
13 of time?

14          A       Yes, ma'am.

15          Q       How long would he let him borrow it?

16          A       I couldn't -- I don't know. Until the  
17 point Buster got annoyed from using his passport  
18 and called. Paul mainly had it.

19          Q       Did Paul give Buster his ID back?

20          A       Sometimes, yes, ma'am. I'm not sure  
21 when.

22          Q       Was there ever a point in time Paul  
23 took Buster's ID without him knowing it?

24          A       No, ma'am.

25          Q       Did you ever see Buster ID?



1           A       Yes, ma'am.

2           Q       And ID, we're talking about driver's  
3 license?

4           A       Yes, ma'am.

5           Q       Is that a South Carolina driver's  
6 license?

7           A       Yes, ma'am.

8           Q       Did you look at it closely enough to  
9 see the picture on it?

10          A       Yes, ma'am.

11          Q       Is that Buster?

12          A       Yes, ma'am.

13          Q       Did it look like Paul?

14          A       No, ma'am. Buster has a fatter face.

15          Q       What about the height and weight? What  
16 is the height and weight on Buster's ID?

17          A       Buster, he was chunky, so the weight  
18 was just completely off. I think it was  
19 two-something. Obviously, Paul is tiny and I  
20 think Buster is maybe 6', 6'1", so it's a big  
21 difference from Paul that's 5'7".

22          Q       Do you think they look alike?

23          A       No, ma'am.

24          Q       Had you ever been to a bar or  
25 restaurant where Paul used Buster's ID?



1           A       Yes, ma'am.

2           Q       How many times?

3           A       Quite a few times. Countless times.

4           Q       Had it ever been rejected before?

5           A       There's a bar in Edisto called Dock

6       Side and Paul -- or Buster went in first and had

7       someone bring the ID back out to Paul so Paul

8       could go in with Buster's ID and then the

9       bouncer realized and he kicked them both out.

10          Q       Did the ID get taken?

11          A       No, ma'am.

12          Q       Is that the only time you've ever seen

13       Buster's ID get rejected when Paul tried to use

14       it?

15          A       Yes, ma'am. There was a time in

16       Columbia. I think it was at a place called

17       "Jake's," and they said no too.

18          Q       Was Buster with Paul at that time?

19          A       No, ma'am.

20          Q       Did they take the ID?

21          A       No, ma'am.

22          Q       Was that a bouncer?

23          A       Yes, ma'am.

24          Q       Did you and Paul ever have any

25       discussion about Buster letting him use Buster's



1 ID?

2 A Yes, ma'am.

3 Q What kind of discussion did you have?

4 A I told him that he looked stupid for  
5 trying to use it because it didn't really look  
6 like him.

7 Q What did he say?

8 A He just kind of laughed it off and said  
9 it works.

10 Q Were there times that you know of that  
11 Paul used Buster's ID and you weren't around?

12 A Yes, ma'am.

13 Q How often did that happen?

14 A Quite a lot. I wasn't really around  
15 Paul during the week and whenever he would go by  
16 beer from somewhere, I wasn't really with him.

17 Q Do you know when Paul started using  
18 Buster's ID?

19 A I think it was over the summer of '18.

20 Q And you're only aware of two times that  
21 he got caught with it?

22 A Yes, ma'am. There's probably more  
23 times that I don't know of, but I'm not sure.

24 Q Why do you say there's probably more?

25 A Because it's impossible. It doesn't



1 look like him.

2 Q Did he ever mention any other times to  
3 you?

4 A Not that I recall. No, ma'am.

5 Q Did anyone mention any other times that  
6 he had gotten caught with it?

7 A No, ma'am.

8 Q Do you know if Alex Murdaugh knew that  
9 Paul was using Buster's ID?

10 A Yes, ma'am.

11 Q How do you know that?

12 A I know for a fact they would talk about  
13 it in front of me. He would see Paul hand it to  
14 the waitress or a bartender.

15 Q And would Alex do anything to stop it?

16 A No, ma'am.

17 Q When Paul would come down on the  
18 weekends in January of 2019, where would you-all  
19 drink then?

20 A Moselle.

21 Q Did you go out to any bars, clubs, or  
22 restaurants during that period of time?

23 A Not to drink. No, ma'am.

24 Q Prior to the night of the boat  
25 accident, had you ever seen Paul drunk?



1           A       Yes, ma'am.

2           Q       How many times?

3           A       Many, many times.

4           Q       How could you tell that he was drunk?

5           A       He would just -- this sounds really

6 weird. He do this thing with his hands. He

7 just sprawled his fingers out and, like, doing

8 erratic movements with his arms and just,

9 like -- he was an angry drunk too, so you could

10 always tell.

11          Q       Were there any mannerisms other than

12 the hands he would do when he got drunk?

13          A       He thought he was like seven feet tall

14 and, like, invincible, but just his actions.

15          Q       And you said he was an angry drunk?

16          A       Yes, ma'am.

17          Q       Is that a yes?

18          A       Yes, ma'am.

19          Q       What do you mean by "he was an angry

20 drunk"?

21          A       He would always want to fight when he

22 was drunk.

23          Q       Who would he want to fight?

24          A       Anyone that just -- it could be a

25 random boy walking down the street. He just





1           A       So it's, like, look at that and I click  
2       it and tells me what time we did that or took  
3       that or what time we were on the boat and, like,  
4       what -- just basically times.

5           Q       Are these pictures that you took?

6           A       Yes, ma'am.

7           Q       When did you take these pictures?

8           A       Throughout the night.

9           Q       Did you take any pictures at the river  
10       house?

11          A       Yes, ma'am.

12          Q       What did you take pictures of?

13          A       I took a picture of Miley and a White  
14       Claw. Would you like me to show you?

15          Q       Did you take any pictures of Paul at  
16       the river house?

17          A       I think that is his hand right there,  
18       but I'm not sure.

19          Q       Do you have any pictures of the  
20       funneling?

21          A       No, ma'am.

22          Q       Whose funnel was it?

23          A       I'm not sure. It came out of the  
24       kitchen pantry.

25          Q       Has Alex Murdaugh ever represented you?



1           A       In like court?

2           Q       In anything.

3           A       I know he's taken care of a couple of  
4 speeding tickets for me and I got an MIP one  
5 summer and I think he handled that for me.

6           Q       What did that involve?

7           A       Alcohol. And I had to do -- I had to  
8 pay a fine and I had to take a class online.

9           Q       And that's a minor in possession?

10          A       Yes, ma'am.

11          Q       When was that?

12          A       Maybe 2018.

13          Q       Alex Murdaugh took care of that for  
14 you?

15          A       Yes, ma'am, to my knowledge. It might  
16 have been Cory Fleming. I just know it was  
17 handled.

18          Q       Has Alex Murdaugh represented you for  
19 anything involving this boat accident?

20          A       No, ma'am.

21          Q       You mentioned a discussion that you had  
22 with Paul about the purchase of alcohol that  
23 evening. Was that a phone call?

24          A       I think it was a phone call, but it led  
25 to a text. I think he was just telling me



1 Q Were those 20 people adults?

2 A The majority of them were adults. Yes,  
3 ma'am.

4 Q And how many -- I don't want to call  
5 you guys kids, but people under the age of 21  
6 there?

7 A I think it was the group from the boat,  
8 Madison, Andrew, Morgan and Chase. I can't  
9 recall who else was there that was under 21.

10 Q Did you-all -- I assume you got off the  
11 boat?

12 A Yes, ma'am.

13 Q And you went into the oyster roast?

14 A Mm-hmm.

15 Q Did you take any alcohol with you?

16 A We kept going back and forth to the  
17 boat to get alcohol, so I went up to the oyster  
18 roast with alcohol.

19 Q When you would bring your alcohol back,  
20 would you put it in a cup or out of the can?

21 A The can.

22 Q Did you see anyone from your group  
23 putting alcohol in cups?

24 A I think Anthony.

25 Q Was he the only one?



1           A       Yes, ma'am.

2           Q       Did you see Paul drink alcohol at the  
3 oyster roast?

4           A       Yes, ma'am.

5           Q       What did he drink at the oyster roast?

6           A       I'm not sure. At the oyster roast, it  
7 was -- I would see the boys, but it was mainly  
8 just the girls together.

9           Q       Was Mallory drinking at the oyster  
10 roast?

11          A       Yes, ma'am.

12          Q       What did she have at the oyster roast?

13          A       Her Corona Premiums.

14          Q       What about Miley, was she drinking at  
15 the oyster roast?

16          A       Yes, ma'am.

17          Q       What was she drinking?

18          A       White Claws.

19          Q       The mangos?

20          A       Yes, ma'am.

21          Q       Was there alcohol offered by the Woods?

22          A       No, ma'am.

23          Q       Was there alcohol offered by any other  
24 adult at that party?

25          A       No, ma'am.



1 Q Were the adults aware that you-all were  
2 drinking alcohol?

3 A Yes, ma'am.

4 Q At the party?

5 A Yes, ma'am.

6 Q Which adults knew you were drinking at  
7 the party?

8 A Pretty much all of them.

9 Q Did any of the adults say anything to  
10 you?

11 A I'm pretty sure Madison's mom told her  
12 to us to stay because Madison was trying to get  
13 us to sleep over, but other than that, no,  
14 ma'am.

15 Q Did any adult try to stop you-all from  
16 leaving?

17 A No, ma'am.

18 Q How long were you at the oyster roast?

19 A I think we probably got there around  
20 8-something and then we probably left around  
21 12:00, 12:30.

22 Q Was there food provided at the oyster  
23 roast?

24 A Yes, ma'am.

25 Q Oysters I would suspect?



1           A       Yes, ma'am.

2           Q       Did anyone appear intoxicated when you  
3 left the oyster roast?

4           A       Yes. Paul was really drunk and Miley  
5 was kind of drunk too.

6           Q       What made you think Paul was really  
7 drunk at that time?

8           A       His hands. When he say bye to people,  
9 it's just very weird.

10          Q       Was he angry at that time?

11          A       No. He just -- he was really riled up.  
12 He wanted to still party and we were all pretty  
13 much just done.

14          Q       Was the party shutting down at that  
15 point?

16          A       Pretty much. Yes, ma'am.

17          Q       Did you have any concerns about getting  
18 back on the boat with Paul at hat time?

19                 MR. TINSLEY: Object to the form.

20                 THE WITNESS: Not really, but not  
21 until we really got to the dock at  
22 Luther's, but yeah, after that.

23 BY MS. DEAN:

24          Q       Do you remember talking to anyone at  
25 the oyster roast as you were leaving?



1 him and Connor went to the bar and we sat on the  
2 swings.

3 Q Did anyone drink any alcohol on the way  
4 from the oyster roast to downtown?

5 A I'm not sure. But I didn't.

6 Q Did Paul?

7 A Yes, ma'am.

8 Q What did Paul have?

9 A I think more beer.

10 Q Do you know what kind of beer?

11 A No, ma'am.

12 Q Do you know how many?

13 A No, ma'am.

14 Q What about Connor?

15 A I honestly don't know about Connor.

16 Q Was he drinking beer --

17 A Yes, ma'am.

18 Q -- on the way from the oyster roast to  
19 downtown?

20 A Yes, ma'am.

21 Q Do you know what kind of beer?

22 A Probably his Budweiser.

23 Q Did you get out of the boat in  
24 downtown?

25 A Yes, ma'am.



1 Q Where did you go?

2 A Walked down the ramp and we sat, like,  
3 we stood in front of the swings like discussing  
4 it, trying to get Paul not to go and he was just  
5 drunk and he kept doing his drunk hands or  
6 whatever, and him and Connor ended up walking to  
7 Luther's, and we sat on the swings and we were  
8 just so over waiting, and Miley and I went to go  
9 see what they were doing and Paul and Connor  
10 were walking out of Luther's, but apparently he  
11 got into a fight with someone on his way out and  
12 you can just tell he was just really drunk.

13 Q Did you go into Luther's at any point?

14 A No, ma'am.

15 Q Did you try to get into Luther's?

16 A No, ma'am.

17 Q Did anybody try to get into Luther's  
18 other than Connor and Paul?

19 A No, ma'am.

20 Q Do you know why they chose Luther's?

21 A Because they drank there before.

22 Q They, being Connor and Paul?

23 A I'm not sure about Connor, but I know  
24 Paul has definitely been there before.

25 Q Had you had alcohol at Luther's before?





1           A       No, ma'am. I've been there while he's  
2       drank alcohol there.

3           Q       Did he use an ID to get that alcohol?

4           A       Yes, ma'am.

5           Q       Which ID did he use?

6           A       I think Buster's that night, so  
7       probably Buster's.

8           Q       The night you were with him?

9           A       Oh, I thought you were talking about  
10      the boat accident. I'm not sure what ID he  
11      used, but he did use one.

12          Q       How many times had you been to Luther's  
13      before with Paul?

14          A       Probably like three or four times.

15          Q       And had he consumed alcohol on those  
16      three to four times?

17          A       Yes, ma'am.

18          Q       And during those three to four times,  
19      which ID did he use?

20          A       I'm not sure.

21          Q       Did you see the ID?

22          A       I don't think so.

23          Q       Was he asked to show ID those three to  
24      four times?

25          A       I'm not even sure about that.



1 Q Did Paul know any of the bartenders at  
2 Luther's?

3 A He knew -- she wasn't a bartender. She  
4 was a waitress. Her name is Taylor. I don't  
5 know her last name.

6 Q How did he know Taylor?

7 A From Thomas Heyward.

8 Q Was Taylor working that night?

9 A I'm also not sure about that.

10 Q Did anybody go to Plums that night?

11 A No, ma'am.

12 Q Was there any argument about Paul and  
13 Connor going into Luther's?

14 A Yeah. We were mad. Because they were  
15 already so drunk because it wasn't going to help  
16 any situation, and me and Mallory were just mad  
17 and didn't want to deal with it or wait.

18 Q How long were they in Luther's?

19 A Probably like 30 minutes, 30 -- yeah,  
20 probably 30.

21 Q What did you do during that time  
22 period?

23 A We sat on the swings outside with Miley  
24 and Mallory and Anthony.

25 Q Did any of you-all have anything to



1 drink while you were sitting by the swings or on  
2 the swings?

3 A I don't think so.

4 Q When you were at the waterfront, were  
5 you intoxicated?

6 A I was a little drunk, yes, ma'am.

7 Q Was anybody else intoxicated?

8 A Miley and Mallory. I think we all  
9 were.

10 Q What about Anthony?

11 A We weren't intoxicated to the point we  
12 didn't know what we were doing. You can tell a  
13 difference from right now and when I have a  
14 drink or two in me.

15 Q Would it have been safe for you to  
16 drive a car?

17 A I probably wouldn't drive a car just --  
18 I did think I would have been okay to drive, but  
19 I definitely wouldn't recommend it.

20 Q Do you know what Paul and Connor had to  
21 drink at the bar?

22 A Yeah. Actually, I just know of the  
23 Jager shot or cup. He posted a Snapchat story  
24 of him because it was a cup. That is not a  
25 shot. It was just Jager.



1 home.

2 Q When Paul and Connor returned to the  
3 waterfront, were they intoxicated at that time?

4 A Came back to the boat?

5 Q Yeah.

6 A Yes, ma'am.

7 Q Could you visibly tell that with Paul?

8 A Yes, ma'am.

9 Q How could you tell?

10 A His hands and the way he was speaking,  
11 and he was really angry because apparently he  
12 got into a fight with someone at the bar and  
13 just kept talking about he wanted to go back and  
14 beat him up, but we got him on the boat.

15 Q Do you know who he got in the fight  
16 with?

17 A No, ma'am.

18 Q How could you tell that Connor was  
19 intoxicated?

20 A I think he was just really giggly.

21 Q Did you have any concerns about getting  
22 back on the boat at that time?

23 A Oh, yeah. Like, I just wanted to get  
24 an Uber home and I remember we were all fighting  
25 about it. And Paul just let off the dock and we



1 kept going and, like, the motions of the boat  
2 were strange. It was really slow or it stopped  
3 or just rocked and we all -- even Anthony was  
4 arguing with Paul saying we just wanted to dock  
5 somewhere and get an Uber.

6 Q When you were at the waterfront before  
7 you got back on the boat, did you make any phone  
8 calls or send any text messages to anybody?

9 A Not that I recall. I don't know. I'm  
10 not sure.

11 Q Did Anthony, Mallory, or Miley make any  
12 phone calls or send any text messages at the  
13 waterfront?

14 A I'm not sure.

15 Q Did anyone -- and I'm talking about  
16 Miley, Mallory, Anthony, or yourself voice any  
17 concerns about getting back on that boat?

18 A Yeah. We were all pretty upset because  
19 we just -- I've been on the boat plenty of  
20 times. Because no one thinks anything like this  
21 is going to happen, but we were already sketched  
22 out by it. But we trusted it, but didn't want  
23 to.

24 Q Did anyone try to call an Uber at any  
25 point?



1 Anthony about how the accident happened?

2 A No, ma'am.

3 Q Did you read Anthony's deposition  
4 transcript?

5 A No, ma'am.

6 Q Have you ever been arrested?

7 A No, ma'am.

8 Q Did Mallory know about the incident  
9 involving Paul, you, and the truck?

10 A Yes, ma'am.

11 Q How did she know about that?

12 A Because we were friends, and so I  
13 pretty much told her about it.

14 Q What was her reaction to that?

15 A She was like, "Why are you still with  
16 him?"

17 Q Did Mallory know about the New Year's  
18 Eve incident?

19 A She was there.

20 Q Did she see it happen?

21 A Yes, ma'am.

22 Q Was Mallory involved in the incident  
23 you were telling me about with Anthony and the  
24 Bluffton girls?

25 A No, ma'am.



1           A       Just being driven normally.

2           Q       Did -- was Paul driving at that point?

3           A       Yes, ma'am. But he was also not

4       intoxicated at that time.

5           Q       Did he slow up or speed up going

6       through the bridge at that time?

7           A       So we were going pretty slow through

8       Archer's Creek.

9           Q       Do you know how fast you were going?

10          A       I couldn't tell you that.

11          Q       Did Paul maintain a constant speed when

12       he approached the bridge the first time?

13          A       Pretty much. Yes, ma'am.

14          Q       Were there any instances prior to the

15       night of this instance -- were there any

16       instances that you were scared of Paul driving

17       the boat or any boat?

18          A       Like, at night after he's been

19       drinking?

20          Q       At any point in time?

21          A       Not really.

22          Q       Do you know of any other instances

23       involving alcohol where Paul got in a crash

24       while operating or being on a boat?

25          A       I know he's gotten in trouble -- almost



1 in trouble before with alcohol on a boat.

2 Q When was that?

3 A Once at Paukie sand bar he got in  
4 trouble for littering and I don't know what  
5 else. And then he got MIP on a boat in Little  
6 Chechessee. That was the second time I know of.

7 Q Do you know what happened to those  
8 charges?

9 A Probably just dropped. I don't know.

10 Q Do you know of any other instances  
11 involving alcohol where Paul almost got into a  
12 crash on a boat?

13 A Not that I know of.

14 Q We talked about the trip to Kentucky.

15 A Yes, ma'am.

16 Q And you mentioned that Paul's parents  
17 said they were proud of him.

18 A For like cheating the system, yeah.

19 Q Cheating what system?

20 A Like the bouncer and just being able to  
21 drink with his fake ID.

22 Q That's all the questions I've got.

23 Thank you.

24 CROSS-EXAMINATION

25 BY MS. BOWER:





## C E R T I F I C A T E

STATE OF SOUTH CAROLINA:

BEAUFORT COUNTY:

I, Amanda Bowen, Court Reporter and Notary Public in and for the above county and state, do hereby certify that the foregoing testimony was taken before me at the time and place herein-before set forth; that the witness was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth, that thereupon the foregoing testimony was later reduced by computer transcription; and I certify that this is a true and correct transcript of my stenographic notes so taken.

I further certify that I am not of counsel to either party, nor interested in the event of this cause.

*Amanda Bowen*

Amanda Bowen

Court Reporter

Notary Public

Beaufort, South Carolina



# Exhibit “D”

# Renee Beach Deposition Transcript Excerpts

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE COURT OF COMMON PLEAS  
STATE OF SOUTH CAROLINA  
COUNTY OF HAMPTON

RENEE S. BEACH, AS PERSONAL REPRESENTATIVE OF  
The Estate of MALLORY BEACH,  
Plaintiff,

vs. CIVIL ACTION NUMBER  
2019-CP-25-00111

GREGORY M. PARKER, INC., a/k/a PARKER'S  
CORPORATION d/b/a PARKER'S 55, RICHARD  
ALEXANDER MURDAUGH, and RICHARD ALEXANDER  
MURDAUGH, JR.,  
Defendants.

-----/

The videotaped deposition of RENEE  
BEACH, a witness in the above-entitled cause,  
taken pursuant to Notice and agreement, before  
Amanda Bowen, Stenographic Reporter and Notary  
Public and David Delaney, Video-Technician at  
The Law Offices of Gooding & Gooding, 265  
Barnwell Highway, Allendale, South Carolina, on  
the 19th day of November 2020, commencing at or  
about the hour of 12:21 p.m.



1     **APPEARANCES of COUNSEL:**

2             **FOR THE PLAINTIFF:**

3                     **MARK B. TINSLEY, ESQUIRE**  
4                     **Gooding and Gooding, P.A.**  
5                     **265 Barnwell Highway**  
6                     **Post Office Box 1000**  
7                     **Allendale, South Carolina 29810**  
8                     **803.584.7676**  
9                     **mark@goodingandgooding.com**

10                    **AND**  
11                    **ROBERTS "TABOR" VAUX, JR., ESQUIRE**  
12                    **Vaux Marscher Berglind, P.A.**  
13                    **1251 May River Road**  
14                    **PO Box 769**  
15                    **Bluffton, South Carolina 29910**  
16                    **843.757.2888**  
17                    **tabor.vaux@vmblawfirm.com**

18             **FOR THE DEFENDANTS - GREGORY M. PARKER, INC.,**  
19             **d/b/a PARKER'S CORPORATION d/b/a PARKER'S 55:**

20                    **E. MITCHELL GRIFFITH, ESQUIRE**  
21                    **KELLY D. DEAN, ESQUIRE**  
22                    **Griffith, Freeman & Liipfert, L.L.C.**  
23                    **600 Monson Street**  
24                    **Post Office Drawer 570**  
25                    **Beaufort, South Carolina 29902**  
26                    **843.521.4242**  
27                    **mgriffith@griffithfreeman.com**  
28                    **kdean@griffithfreeman.com**

29             **FOR THE DEFENDANTS - RICHARD ALEXANDER**  
30             **MURDAUGH and RICHARD ALEXANDER MURDAUGH, JR.:**

31                    **VIA VIDEOCONFERENCE**

32                    **AMY F. BOWER, ESQUIRE**  
33                    **JOHN H. TILLER, ESQUIRE**  
34                    **Haynsworth, Sinkler & Boyd, P.A.**  
35                    **134 Meeting Street, Third Floor**  
36                    **Post Office Box 340**  
37                    **Charleston, South Carolina 29401**  
38                    **843.720.4475**  
39                    **abower@hsblawfirm.com**  
40                    **jtiller@hsblawfirm.com**



1     **APPEARANCES OF COUNSEL (continued):**

2             **FOR THE DEFENDANTS - PARKER'S - EXCESS**  
3             **INSURANCE:**

4                     **VIA VIDEOCONFERENCE**

5                     **KELSEY JAN BRUDVIG, ESQUIRE**  
6                     **Collins & Lacy, P.C.**  
7                     **1330 Lady Street**  
8                     **Sixth Floor**  
9                     **Columbia, South Carolina 29201**  
10                    **803.256.2660**  
11                    **cstegmaier@collinsandlacy.com**

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

- - -



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**I N D E X**

**PAGE**

<b>OPENING REMARKS AND STIPULATIONS -----</b>	<b>5</b>
<b>DIRECT EXAMINATION:</b>	
By Mr. Griffith -----	5
<b>CROSS-EXAMINATION:</b>	
By Ms. Bower -----	107
<b>REDIRECT EXAMINATION:</b>	
By Mr. Griffith -----	112
<b>CROSS-EXAMINATION:</b>	
By Mr. Tinsley-----	114
<b>CERTIFICATE -----</b>	<b>115</b>
<b>(NO EXHIBITS)</b>	



1           A       No, sir.

2           Q       Have they ever invited you to their  
3 house or you ever invite them to yours?

4           A       No, sir.

5           Q       All right. Were you aware of Mallory  
6 drinking? Did you know that she drank?

7           A       I never seen her drink.

8           Q       Did she ever discuss with you that the  
9 fact that she might have had a minor in  
10 possession in Beaufort before?

11          A       She did tell me about that.

12          Q       When it happened?

13          A       She was at the sand bar. It was during  
14 the summer holiday. They were in the sand bar.  
15 The people they were riding with weren't ready  
16 to leave yet and there were another friend of  
17 theirs leaving and they asked him to let them  
18 ride back with him to the dock and when they got  
19 almost to the dock, I think they were stopped by  
20 DNR for a check and her friend had empty beer  
21 cans in the floor of his boat, so they were all  
22 given minor in possession tickets.

23          Q       Okay. And do you know when that took  
24 place?

25          A       I don't remember.





## C E R T I F I C A T E

STATE OF SOUTH CAROLINA:

BEAUFORT COUNTY:

I, Amanda Bowen, Court Reporter and Notary Public in and for the above county and state, do hereby certify that the foregoing testimony was taken before me at the time and place herein-before set forth; that the witness was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth, that thereupon the foregoing testimony was later reduced by computer transcription; and I certify that this is a true and correct transcript of my stenographic notes so taken.

I further certify that I am not of counsel to either party, nor interested in the event of this cause.

*Amanda Bowen*

Amanda Bowen

Court Reporter

Notary Public

Beaufort, South Carolina



# Exhibit “E”

Miley Altman  
Deposition Transcript  
Excerpts

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE COURT OF COMMON PLEAS  
STATE OF SOUTH CAROLINA  
COUNTY OF HAMPTON

RENEE S. BEACH, as Personal Representative of  
the Estate of Mallory Beach,  
Plaintiff,

vs. CIVIL ACTION NUMBER  
2019-CP-25-00111

GREGORY M. PARKER, INC., a/k/a PARKER'S  
CORPORATION d/b/a PARKER'S 55, RICHARD  
ALEXANDER MURDAUGH, and RICHARD ALEXANDER  
MURDAUGH, JR.,  
Defendants.

-----/

The deposition of MILEY ALTMAN, a  
witness in the above-entitled cause, taken  
pursuant to Notice and agreement, before Amanda  
Bowen, Stenographic Reporter and Notary Public,  
at The Law Offices of Gooding and Gooding, PA,  
265 Barnwell Highway, Allendale, South Carolina,  
on the 13th day of January 2020, commencing at  
or about the hour of 11:55 a.m.



1     **APPEARANCES of COUNSEL:**

2

3             **FOR THE PLAINTIFF AND FOR MILEY ALTMAN:**

4

5             **MARK B. TINSLEY, ESQUIRE**  
6             **Gooding & Gooding, P.A.**  
7             **PO Box 1000**  
8             **265 Barnwell Highway**  
9             **Allendale, South Carolina 29810**  
10            **803.584.7676**  
11            **mark@goodingandgooding.com**

12

13                     **AND**

14

15            **ROBERTS "TABOR" VAUX, JR., ESQUIRE**  
16            **Vaux, Marscher & Berglind, P.A.**  
17            **1251 May River Road**  
18            **PO Box 769**  
19            **Bluffton, South Carolina 29910**  
20            **843.757.2888**  
21            **tabor.vaux@vmblawfirm.com**

22

23            **FOR THE DEFENDANTS - GREGORY M. PARKER, INC.,**  
24            **d/b/a PARKER'S CORPORATION d/b/a PARKER'S 55:**

25

26            **E. MITCHELL GRIFFITH, ESQUIRE**  
27            **Griffith, Freeman & Liipfert, L.L.C.**  
28            **Post Office Drawer 570**  
29            **600 Monson Street**  
30            **Beaufort, South Carolina 29902**  
31            **843.521.4242**  
32            **mgriffith@griffithfreeman.com**

33

34            **FOR THE DEFENDANTS - RICHARD ALEXANDER**  
35            **MURDAUGH and RICHARD ALEXANDER MURDAUGH, JR.:**

36

37            **AMY F. BOWER, ESQUIRE**  
38            **Haynsworth, Sinkler & Boyd, P.A.**  
39            **134 Meeting Street**  
40            **Third Floor**  
41            **Post Office Box 340**  
42            **Charleston, South Carolina 29401**  
43            **843.720.4475**  
44            **abower@hsblawfirm.com**

45

46



1 APPEARANCES of COUNSEL:

2 PERSONAL ATTORNEY FOR RICHARD ALEXANDER  
3 MURDAUGH and RICHARD ALEXANDER MURDAUGH, JR.:

4 DANIEL E. HENDERSON, ESQUIRE  
5 Peters, Murdaugh, Parker, Eltzroth &  
6 Detrick, P.A.  
7 690 North Green Street  
8 Ridgeland, South Carolina 29936  
9 843.726.6131  
10 dhenderson@pmped.com

11 FOR PAUL MURDAUGH:

12 JAMES M. GRIFFIN, ESQUIRE  
13 Griffin & Davis, L.L.C.  
14 4408 Forest Drive  
15 Suite 300  
16 Columbia, South Carolina 29206  
17 803.744.0800  
18 jgriffin@griffindavislaw.com

19 FOR ANTHONY COOK:

20 PATRICK W. CARR, ESQUIRE  
21 Berry & Carr, P.C.  
22 1 Corpus Christi Place  
23 Suite 113  
24 Hilton Head, South Carolina 29928

25 ALSO PRESENT:

Blake L. Greco, Esquire  
(General Counsel for Parker's)

- - -



1	<b>I N D E X</b>	
2		<b>PAGE</b>
3		
4	<b>EXHIBIT INDEX -----</b>	<b>5</b>
5		
6	<b>OPENING REMARKS AND STIPULATIONS -----</b>	<b>6</b>
7		
8		
9		
10		
11		
12		
13	<b>DIRECT EXAMINATION:</b>	
14	<b>By Mr. Griffith -----</b>	<b>6</b>
15	<b>CROSS-EXAMINATION:</b>	
16	<b>By Ms. Bower -----</b>	<b>128</b>
17	<b>CROSS-EXAMINATION:</b>	
18	<b>By Mr. Tinsley -----</b>	<b>134</b>
19		
20		
21		
22		
23		
24	<b>CERTIFICATE -----</b>	<b>136</b>
25	<b>ERRATA SHEETS -----</b>	<b>137-139</b>



1 it many times, but other than that, me being  
2 turned down.

3 Q Have you ever had an alcohol charge  
4 before?

5 A Yes, sir.

6 Q What was that?

7 A It was an MIP.

8 Q When did that happen?

9 A Two summers ago, I would say.

10 Q And who was with you at the time?

11 A I think it was me and one of my  
12 friends, Sydni Crews, and her boyfriend, Dalton,  
13 and Connor was with me and then another guy  
14 named Chris DeLoach.

15 Q What's Dalton's last name?

16 A Hadwin.

17 Q Did all of you get minor in possession?

18 A No. Chris was actually 26 at the time,  
19 so he got distributing to minors, I think.

20 Q All right. And what became of that  
21 incident, that charge?

22 A We had to do community service.

23 Q And where did you do that?

24 A In Beaufort.

25 Q Do you remember what organization you





1           A       I think it was maybe like Michelle  
2 Purdy or something like that.

3           Q       And when you say BI-LO, you're talking  
4 about the BI-LO in Hampton?

5           A       In Hampton, yes, sir.

6           Q       So sort of to summarize, Paul was  
7 trying to buy beer, didn't have an ID, and his  
8 mother vouched for him?

9           A       Yes.

10          Q       And they still wouldn't sell it to him?

11          A       No, sir.

12          Q       Okay. Heard any other stories like  
13 that?

14          A       No, sir.

15          Q       And other than that story, did you ever  
16 hear any follow up that his parents were  
17 stopping him from using Buster's ID?

18          A       No, sir.

19          Q       The night of this accident, you were  
20 going to go to Chechessee or the Murdaugh island  
21 in Chechessee; is that right?

22          A       Yes, sir.

23          Q       Tell me about how that sort of came to  
24 be.

25          A       Like, how we planned to go there?



1 Q Yeah.

2 A We just kind of talked about -- well, I  
3 think the oyster roast was that we planned to go  
4 to the oyster roast first and then I think Paul  
5 just brought up we could stay at the river  
6 house, at Chechessee, and we can all ride  
7 together there and go that way, and then I think  
8 he brought up just taking the boat that night  
9 instead of driving because they said there was  
10 like a task force out that night, like, on the  
11 roads that would be checking people and stuff,  
12 so he would rather take the boat than drive.

13 Q Okay. Do you know if he had to get  
14 permission from his father to use the river  
15 house?

16 A I never heard anything about it. But I  
17 stayed out there before, so I know it was a  
18 thing, like, you had to ask if anybody else  
19 would be staying there or not before you stayed  
20 there without permission.

21 Q Okay. And I was going to ask you about  
22 that, but since you had been there before.

23 A Yes, sir. But now with Paul's family  
24 -- because my mom and Christy Murdaugh are first  
25 cousins, so we would hang out with them, like,



1     that day?

2           A     I picked him up from his house.

3           Q     Did anybody else ride with you?

4           A     No, sir.

5           Q     Do you know what time you picked him

6     up?

7           A     I would say about 4:45-ish, around that

8     time.

9           Q     And then when you picked him up where

10    did you go?

11          A     To Parker's.

12          Q     Parker's in Callawassie?

13          A     Yes.

14          Q     All right. What time did you go to

15    Parker's?

16          A     5:15, 5:30-ish.

17          Q     All right. What did you do?

18          A     I went into Parker's and got alcohol

19    and then came back.

20          Q     All right. What did you buy?

21          A     I bought a 6-pack of mango White Claws

22    and a 12-pack of Budweiser.

23          Q     And who paid for it?

24          A     I used Connor's card.

25          Q     So he -- it was on -- both purchases



1 were on his card?

2 A It was altogether with one purchase,  
3 but it was on his card.

4 Q Do you remember what the cashier looked  
5 like that you purchased it from?

6 A Not that I can remember.

7 Q Did he check your ID?

8 A Yes, sir.

9 Q Was the ID that you gave her, did it  
10 have your picture on it?

11 A Yes, sir.

12 Q Did it have your age on it?

13 A Like, a fake age?

14 Q A fake age.

15 A Yes, sir.

16 Q That was a bad question. Let's make  
17 sure we're clear.

18 Did it have your correct age on it?

19 A No, sir.

20 Q It showed you as being 21?

21 A It showed me as being 24.

22 Q And have you had that card scanned  
23 before?

24 A Yes.

25 Q And it cleared whenever you scanned it?



1           A       Yes, sir.

2           Q       So you don't recall whether it was  
3 scanned or not; is that correct?

4           A       No, sir.

5           Q       How long were you in the store?

6           A       No longer than five minutes.

7           Q       And then after that, did you purchase  
8 anything else besides the 12-pack and 6-pack?

9           A       No, sir.

10          Q       Where did you go after that?

11          A       We went to the river house next.

12          Q       All right. Was anybody there at the  
13 river house?

14          A       No, sir.

15          Q       And did you ever leave the river house?

16          A       Yes.

17          Q       What did you do?

18          A       We went back to meet at Parker's when  
19 he got there.

20          Q       All right. And how did you know to go  
21 back to Parker's with Paul?

22          A       We thought he was already at the river  
23 house and when we got there, no one was there  
24 and, I believe, Connor called him and he said  
25 that he was running behind and just to meet him



1 at Parker's so that Connor could drive the truck  
2 back to the house while Paul drove the boat  
3 after they put it into the house, so  
4 essentially, I dropped him off to take the boat  
5 to the landing.

6 Q Okay. So you went back to Parker's?

7 A Yes.

8 Q And do you recall where you parked?

9 A It was on the end pump beside Paul's  
10 truck.

11 Q Okay.

12 A So if you're facing, like, looking at  
13 the store, the pump towards this side, towards  
14 the right.

15 Q Okay. I was going to say. You're  
16 pointing to the right, correct?

17 A Yes, sir.

18 Q Where did you park the first time you  
19 went in?

20 A I parked to the left and the front  
21 parking spots near the store.

22 Q Were you at the Parker's when Paul came  
23 out?

24 A Yes.

25 Q And did you get out of your car while



1 Paul was there?

2 A No, sir.

3 Q Connor got out?

4 A Yes, sir.

5 Q Did you overhear any conversation?

6 A Not that I can remember. No, sir.

7 Q Paul do anything when he came out of

8 the store?

9 A Yeah. He held the beer up and then

10 packed the coolers.

11 Q Packed the coolers there at the store?

12 A Yes, sir.

13 Q All right. And what did you understand

14 to mean when Paul held the beer up?

15 A I don't know -- I guess, that he was

16 planning on getting drunk or something because

17 he got what he wanted to get.

18 Q All right. And did you-all -- where

19 did you go after that?

20 A I went back to the river house and

21 waited for them to get back.

22 Q How long did it take them to get back?

23 A No more than 10 minutes, I would say.

24 Q About what time would this have been?

25 A Around 6:00, I would say.



1           A       Yes, sir.

2           Q       Did you know what time they showed up?

3           A       Almost around 7:00. I would say 6:45.

4           Q       And let me stop here. Is that sunlight

5   blinding you?

6           A       Just a little bit.

7           Q       Now, when Anthony and Mallory showed

8   up, did they bring their own alcohol?

9           A       Yes, sir.

10          Q       Was this known that it was going to be

11   "bring your own"?

12          A       Yes, sir.

13          Q       And how was it known?

14          A       I mean, we didn't -- nobody really

15   asked anybody else to get anything else, so we

16   all kind of assumed that everybody would have

17   their own thing.

18          Q       All right. And so as I understand it,

19   the plan was to take the boat because the task

20   force was checking ID and -- and checking for

21   DUIs, correct?

22          A       Yes, sir.

23          Q       So do you know what time you would have

24   left? You said 7:00?

25          A       Around 7:00.





1 Q Larry Goodings?

2 A Yes.

3 Q Now, when you-all were there, did you  
4 -- you know, left the boat, I take it, to go to  
5 the oyster roast?

6 A Yes.

7 Q Was the boat ever alone?

8 A Yes.

9 Q All right. And did you-all go back and  
10 forth over the evening?

11 A Yes.

12 Q And was that to get alcohol?

13 A Yes, sir.

14 Q All right. And do you know about how  
15 many you would have had while you were there?

16 A Probably only drank, like, two because  
17 I know I had one that I put down and I took a  
18 picture with somebody and then I couldn't find  
19 it after that.

20 Q So you had two while you were there --  
21 or one and half?

22 A Yes, sir.

23 Q Okay. And that was over the course of  
24 the whole evening?

25 A Yes, sir.



1 I couldn't stop him, so that he couldn't at that  
2 point, so...

3 Q Did Paul and Morgan have any argument  
4 once you got to the dock?

5 A Yes, sir.

6 Q Did you overhear that?

7 A Not really because I was talking to  
8 Connor at that point, but I know it was pretty  
9 much about the same thing.

10 Q They went anyway, I take it?

11 A Yes.

12 Q And how long were they gone?

13 A I would say 15, 20 minutes.

14 Q Now, where did you go?

15 A I went to the swings.

16 Q And who else went to the swings with  
17 you?

18 A Mallory, Anthony, and Morgan.

19 Q Where did Anthony go?

20 A He was at the swings with us.

21 Q Did you ever go over towards Luther's?

22 A Yes.

23 Q Tell me about that.

24 A Me and Morgan, after we had been  
25 sitting there for a while and we were, like,



1 they were taking forever, and we decided to walk  
2 over there. And as we were walking, they were  
3 coming out and that's when Paul, like, threw a  
4 chair over -- there were plastic chairs that was  
5 sitting outside of Luther's and there were some  
6 random people outside, and one of the guys was  
7 like, what did that chair ever do to you?

8 And Paul, like, came -- because Connor  
9 was talking to me, like, he came up to me at  
10 that point, and Paul was still back there where  
11 he, like, hit over the chair and Connor -- Paul  
12 came up to Connor and was like, what did that  
13 guy just say to me? And then Paul, like, tried  
14 to get up in his face and stuff, and Connor had  
15 to go and pull him back away from the guy and  
16 then we left and we got Paul away from the  
17 situation and then we went back to the boat.

18 Q Now, at that point did you know that  
19 Paul was intoxicated?

20 A Yes.

21 Q I've heard that Paul has certain  
22 mannerisms when he becomes intoxicated. Are you  
23 familiar with those?

24 A Yes, sir.

25 Q Tell me about those.



1           A       His hands are spread open. It is  
2       obvious that he's intoxicated because I've seen  
3       it before when he was really drunk. It always  
4       happens. He'll, like, talk with his hands and  
5       they will be wide open.

6           Q       Like, I've seen --

7           A       I actually have a picture of it.

8           Q       Really?

9           A       Mm-hmm. It's like a video from New  
10       Year's when he was really drunk, and I got it on  
11       video because we used to -- not make fun of him  
12       -- because we had jokes of it that's when we  
13       knew, like, he was really drunk when he did  
14       that.

15          Q       Is that when he got the nickname Timmy?

16          A       I never knew about the nickname Timmy,  
17       but I'm assuming that is where it came from.

18          Q       You never heard of the nickname before?

19          A       No, sir.

20          Q       You don't know where it came from?

21          A       No, sir.

22          Q       But you got a video of him doing his  
23       hands like this?

24          A       Yes, sir.

25          Q       And that -- I'm assuming that was some



1 high, I would say.

2 Q And let's -- the weather -- I talked  
3 about the weather with a lot of people. I don't  
4 know if I mentioned it to you.

5 What was the weather like that night?

6 A It was pretty foggy.

7 Q We did talk about it earlier?

8 A Yes, sir.

9 Q Still foggy at that time?

10 A Yes, sir.

11 Q Did you have trouble seeing -- getting  
12 through the river?

13 A Somewhat. Some places where more foggy  
14 than others, but, I mean, the light -- if we  
15 didn't have a light, it would have been really  
16 hard, but I think it helped a little bit with  
17 the little flashlight that we had.

18 Q When you got on the boat at that point  
19 in time, did you ever consider not getting on  
20 the boat?

21 A Not at the time, no, sir.

22 Q Once you got into the water and we  
23 talked about the sandbar, I'm going to call it  
24 "the new bridge." Do you know where I'm talking  
25 about, the big bridge?



1 after because she already went home, but she  
2 didn't know that they were trying to blame  
3 Connor for driving the boat. She thought it was  
4 just Paul that was being put as the driver and  
5 not Connor, so she was shocked whenever I told  
6 her that.

7 Q And so when was this that you told her  
8 that they were trying -- or Connor was being  
9 blamed for it?

10 A I think it was, like, the second day we  
11 were out at the bridge and then I think she had  
12 heard, like, people were asking her, DNR agents  
13 and stuff, I don't know if she gave her  
14 statement at that point or not, but I think the  
15 DNR agent asked her and he might have come up to  
16 me and said something about it. But I really  
17 don't exactly remember. But I remember us  
18 talking about it and how she didn't know that it  
19 was a thing that he was being blamed for.

20 Q And you said that you-all talked about  
21 regrets. What regrets?

22 A Yeah. Just, you know, we wished we  
23 didn't go out at all or just we would have done  
24 some things different, like, the typical things  
25 you think about when something like this



1 happens.

2 Q Run through -- what do you think you  
3 could have done differently?

4 MR. TINSLEY: Object to the form.

5 THE WITNESS: Just, like, not have  
6 gone at all or stopped Paul and Connor  
7 from going downtown or gotten somebody  
8 else to drive, things like that.

9 BY MR. GRIFFITH:

10 Q Somebody mentioned an Uber at the Wood  
11 party?

12 A Yeah.

13 Q Maybe taken an Uber?

14 A Taken an Uber or something like that.

15 Q Have you ever had any conversations  
16 with Anthony about what happened that night?

17 A No, not really. I don't see him that  
18 much.

19 Q Since you qualified with the "not  
20 really," I got to see. What little things have  
21 you had a conversation about?

22 A We talked about Mallory some. But not  
23 the whole situation.

24 Q Did you ever talk about what happened  
25 that night?



1           A       No, sir.

2           Q       Did you ever talk about who was driving  
3 the boat that night?

4           A       No, sir.

5           Q       Did Anthony ever make a comment to you  
6 that the wreck was trying to be pinned on  
7 Connor?

8           A       Not that I remember.

9           Q       Okay. Have you ever had any  
10 conversations with Paul since the accident?

11          A       No.

12          Q       No conversations at all?

13          A       No.

14          Q       You've cut communication with him?

15          A       Yes.

16          Q       Do you blame Paul for this accident?

17          A       Yes.

18          Q       Why?

19          A       Because of his actions that could have  
20 been avoided if he didn't act the way he acted.  
21 I mean, don't get me wrong, we all could have  
22 done stuff differently, but the majority of what  
23 happened, I do blame on him.

24          Q       Connor ever made a comment to you that  
25 the Murdaughs were "trying to pin this on him"?





C E R T I F I C A T E

STATE OF SOUTH CAROLINA:

BEAUFORT COUNTY:

I, Amanda Bowen, Court Reporter and Notary Public in and for the above county and state, do hereby certify that the foregoing testimony was taken before me at the time and place herein-before set forth; that the witness was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth, that thereupon the foregoing testimony was later reduced by computer transcription; and I certify that this is a true and correct transcript of my stenographic notes so taken.

I further certify that I am not of counsel to either party, nor interested in the event of this cause.

*Amanda Bowen*

Amanda Bowen

Court Reporter

Notary Public

Beaufort, South Carolina



# Exhibit “F”

Connor Cook  
Deposition Transcript  
Excerpts

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE COURT OF COMMON PLEAS  
STATE OF SOUTH CAROLINA  
COUNTY OF HAMPTON

RENEE S. BEACH, as PERSONAL REPRESENTATIVE OF  
THE ESTATE OF MALLORY BEACH,  
Plaintiff,

vs. CIVIL ACTION NUMBER  
2019-CP-25-00111

GREGORY M. PARKER, INC., a/k/a PARKER'S  
CORPORATION d/b/a PARKER'S 55, RICHARD ALEXANDER  
MURDAUGH, and RICHARD ALEXANDER MURDAUGH, JR.,  
Defendants.

-----/

The deposition of CONNOR M. COOK, a  
witness in the above-entitled cause, taken  
pursuant to Notice and agreement, before Amanda  
Bowen, Stenographic Reporter and Notary Public,  
at Gooding and Gooding, PA, 265 Barnwell  
Highway, Allendale, South Carolina, on the 13th  
day of January 2020, commencing at or about the  
hour of 11:55 a.m.



1     **APPEARANCES of COUNSEL:**

2             **FOR THE PLAINTIFF:**

3                     **MARK B. TINSLEY, ESQUIRE**  
4                     Gooding and Gooding, PA  
5                     Post Office Box 1000  
6                     265 Barnwell Highway  
7                     Allendale, South Carolina 29810  
8                     803.584.7676  
9                     mark@goodingandgooding.com

10                    **AND**

11                    **ROBERTS "TABOR" VAUX, JR., ESQUIRE**  
12                    Vaux Marscher Berglind, PA  
13                    1251 May River Road  
14                    PO Box 769  
15                    Bluffton, South Carolina 29910  
16                    843.757.2888  
17                    tabor.vaux@vmblawfirm.com

18             **FOR THE DEFENDANTS - GREGORY M. PARKER, INC.,**  
19             **d/b/a PARKER'S CORPORATION d/b/a PARKER'S 55:**

20                    **E. MITCHELL GRIFFITH, ESQUIRE**  
21                    Griffith, Freeman & Liipfert, LLC  
22                    Post Office Drawer 570  
23                    600 Monson Street  
24                    Beaufort, South Carolina 29902  
25                    843.521.4242  
                    mgriffith@griffithfreeman.com

**FOR THE DEFENDANTS - RICHARD ALEXANDER**  
                    **MURDAUGH AND RICHARD ALEXANDER**  
                    **MURDAUGH, JR.:**

**AMY F. BOWER, ESQUIRE**  
                    Haynsworth, Sinkler & Boyd, PA  
                    134 Meeting Street  
                    Floor 3 (29401)  
                    Post Office Box 340  
                    Charleston, South Carolina 29402  
                    843.720.4475  
                    abower@hsblawfirm.com



1 APPEARANCES OF COUNSEL (continued):

2

3 PERSONAL ATTORNEY FOR RICHARD ALEXANDER  
4 MURDAUGH and RICHARD ALEXANDER MURDAUGH, JR.:

5 DANIEL E. HENDERSON, ESQUIRE  
6 Peters, Murdaugh, Parker, Eltzroth &  
7 Detrick, PA  
8 690 North Green Street  
9 Ridgeland, South Carolina 29936  
10 843.726.6131  
11 dhenderson@pmped.com

12

13 FOR PAUL MURDAUGH (in criminal case):

14 JAMES M. GRIFFIN, ESQUIRE  
15 Griffin & Davis, LLC  
16 4408 Forest Drive  
17 Suite 300  
18 Columbia, South Carolina 29206  
19 803.744.0800  
20 jgriffin@griffindavislaw.com

21

22 FOR ANTHONY K. COOK (witness):

23 PATRICK W. CARR, ESQUIRE  
24 Berry & Carr, PC  
25 1 Corpus Christi Place  
Suite 113  
Hilton Head Island, South Carolina 29928  
843.686.5432  
patrick@hiltonheadlawyers.com

26 FOR CONNOR M. COOK:

27 JOSEPH M. McCULLOCH, JR., ESQUIRE  
28 McCulloch & Schillaci  
29 1116 Blanding Street  
30 Post Box 11623 (29211)  
31 Columbia, South Carolina 29201  
32 803.779.0005  
33 joe@mccullochlaw.com

34

- - -

35

COASTAL COURT REPORTING VIDEO SERVICES  
POST OFFICE BOX 7349 HILTON HEAD, SOUTH CAROLINA 29938  
HILTON HEAD - BEAUFORT - SAVANNAH  
843-785-7739 - FAX 843-785-5837



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**ALSO PRESENT:**  
  
Blake L. Greco, Esquire (General counsel  
for Parker's)  
  
Patrick W. Carr (Counsel for Anthony  
K. Cook)  
  
Beverly Cook (Mother of witness)

**I N D E X**

	<b>PAGE</b>
<b>OPENING REMARKS AND STIPULATIONS -----</b>	<b>5</b>
<b>DIRECT EXAMINATION:</b>	
<b>By Mr. Griffith -----</b>	<b>5</b>
<b>CERTIFICATE -----</b>	<b>139</b>
<b>ERRATA -----</b>	<b>140-142</b>
<b>(NO EXHIBITS)</b>	



1           A       Yes, sir.

2           Q       And how long have you and Miley been  
3       dating?

4           A       We first started messing around in  
5       seventh grade and we been on and off since, so I  
6       think we've been serious steady for two, three  
7       years now, but we've been on and off for a long  
8       time.

9           Q       Okay.

10          A       Seven years.

11          Q       Mr. Cook, have you ever been arrested?

12          A       No, sir.

13          Q       Have you ever been ticketed before?

14          A       Like traffic tickets?

15          Q       Yes, sir.

16          A       Yes, sir.

17          Q       Have you ever received a ticket for an  
18       alcohol violation before this night?

19          A       Yes, sir.

20          Q       How many times?

21          A       I believe once.

22          Q       Tell me the circumstances regarding  
23       that alcohol violation?

24          A       Like, where I was and what we were  
25       doing?





1 Q Where you were.

2 A We were at Miley's river house. We  
3 left her river house, which is on Boyd's Creek  
4 and we were going to Cotton Island. A bunch of  
5 us; me, her brother, his girlfriend, her cousin.  
6 It was a whole bunch of us, and we were headed  
7 over to Cotton Island because the game warden  
8 stopped us because Miley had her feet hanging  
9 over the bow of the boat looking for jelly balls  
10 and wrote us all MIPs.

11 Q Minor in possession?

12 A Minor in possession of alcohol.

13 Q You said you were there? Miley was  
14 there.

15 A Mallory was there.

16 Q I'm sorry. Who was there?

17 A Mallory.

18 Q Mallory?

19 A Her cousin Marissa. I want to say her  
20 brother. It was a whole bunch of us.

21 Q Was Paul there?

22 A No, sir. It was all her family.

23 Q Do you know if Paul ever received a  
24 minor in possession charge?

25 A Yes, sir.



1           A       Yes, sir.

2           Q       What was the purpose of you meeting  
3 Paul there?

4           A       Just the door was unlock -- the door it  
5 was locked at the river house, so there was no  
6 reason for me and Miley to go there, and when we  
7 left the gas station we went and put the boat  
8 in, so we were meeting up at the gas station to  
9 put the boat in.

10          Q       Did Paul buy any gas that night?

11          A       I'm not positive. He may have.

12          Q       Did Paul tell you that he needed to  
13 stop at Parker's to get anything else?

14          A       Other than gas?

15          Q       Yes, sir.

16          A       Yes, sir. Said he was going to get  
17 some beer from Parker's.

18          Q       Had he indicated he bought beer before  
19 from Parker's?

20          A       He never indicated that, but I'm sure  
21 he has because the river house is right across  
22 the road.

23          Q       Did he ever tell you he bought beer at  
24 the Parker's before?

25          A       No, sir.



1 Q You're just guessing that he might have  
2 bought some there?

3 A Yes, sir.

4 Q All right. Did he tell you what he was  
5 going to get?

6 A No, sir.

7 Q Do you know what he got?

8 A Yes, sir.

9 Q What did he buy?

10 A The Natural Light and the Michelob  
11 Limes.

12 Q Anything else?

13 A No, sir -- well, yes, he did. He got  
14 the White Claws for Morgan.

15 Q Was all this for Paul's consumption?

16 A Paul and Morgan. The White Claws were  
17 for Morgan and the rest for Paul.

18 Q And you would, as you said, it was  
19 bring your own?

20 A Yes, sir.

21 Q And where did you buy your beer?

22 A My girlfriend actually bought mine from  
23 the same Parker's.

24 Q From the same Parker's?

25 A Yes, sir.



1 Q When?  
2 A That same time.  
3 Q That night?  
4 A Yes, sir.  
5 Q So you-all went to Parker's and met  
6 Paul?  
7 A Yes, sir.  
8 Q Did she get out of her car?  
9 A Yes, sir.  
10 Q And walked into the store?  
11 A Yes, sir.  
12 Q And bought beer at Parker's?  
13 A Yes.  
14 Q Did she drive off and come back or was  
15 it at the same stop where you-all met Paul?  
16 A Same stop.  
17 Q And you're sure of that?  
18 A Pretty positive.  
19 Q Okay. And how old was Miley at the  
20 time?  
21 A Twenty.  
22 Q And so she got your beer from Parker's?  
23 A Yes, sir.  
24 Q And what were you drinking?  
25 A Budweiser.



1 Q Now, I want to be very clear, you-all  
2 planned to meet at Parker's that night for Paul  
3 to pick up beer?

4 A No, sir. He called on the way and said  
5 he was going to stop at Parker's to grab some  
6 beer, so we stopped at the same place.

7 Q So that was not a planned stop?

8 A No, sir.

9 Q And then while you were there, Miley  
10 decided she was going to go in and buy some  
11 beer?

12 A Yes, sir.

13 Q And what did she buy?

14 A She got the Budweiser and I think she  
15 got her some White Claws too.

16 Q All right. And you're pretty sure that  
17 when you made that stop she went in and you-all  
18 did not drive off and come back?

19 A Right.

20 Q All right. How much Budweiser did she  
21 buy for you?

22 A Twelve pack. I'm pretty sure.

23 Q And how much White Claw did she buy?

24 A I think it was also a 12.

25 Q What kind of White Claw did she get?



1           A       I believe it was the variety pack.

2           Q       All right. And Anthony was also --  
3 Anthony was also there that night; is that  
4 correct?

5           A       Yes, sir.

6           Q       All right. And what did -- did Anthony  
7 get his alcohol at Parker's?

8           A       No, sir.

9           Q       Where did he get his?

10          A       I believe he brought his from his  
11 house.

12          Q       All right. And what about Mallory?  
13 Did she bring her own?

14          A       Yes, sir.

15          Q       What did she bring?

16          A       I believe she had Corona Premiers.

17          Q       Do you know where they came from?

18          A       I believe her house.

19          Q       And how much did she bring?

20          A       I don't remember.

21          Q       Six pack, twelve pack?

22          A       I don't remember.

23          Q       What about Anthony, how much did he  
24 bring?

25          A       I think it was a piece of a 12 pack.



1 Q Did he also bring any other alcohol?  
2 A Not to my knowledge.  
3 Q When Miley bought her alcohol at  
4 Parker's, what did she use to pay with it?  
5 A My debit card.  
6 Q Your debit card?  
7 A Yes, sir.  
8 Q She didn't use any ID of her own?  
9 A The fake ID, that's what you're asking?  
10 Q Yes, sir.  
11 A She used her fake ID with my debit  
12 card.  
13 Q How much did it cost?  
14 A I don't remember that.  
15 Q Did you ever go into the store that  
16 night?  
17 A No, sir. Not that I remember.  
18 Q Have you ever been in that Parker's  
19 before?  
20 A No, sir.  
21 Q What kind of car were you-all in that  
22 night?  
23 A A black Jeep.  
24 Q Who owns that black Jeep?  
25 A Miley -- it's Miley. I reckon you say



1 with him?

2 A No, sir.

3 Q Have you ever been with him when he  
4 bought beer at the convenience store?

5 A No, sir.

6 Q Do you recall Paul loading the beer  
7 while he was at Parker's or did he wait until --

8 A He loaded it at Parker's.

9 Q With ice in the cooler?

10 A Yes, sir. I don't remember if he got  
11 ice from the Parker's or what, but I remember  
12 him putting the beer in the boat at Parker's.

13 Q Mr. Cook, while you-all were at the  
14 Wood's, did anybody ever suggest that you-all  
15 spend the night at the Wood's?

16 A No, sir.

17 Q Did anybody ever suggest that you-all  
18 take an Uber or taxi?

19 A Yes, sir.

20 Q Who made that suggestion?

21 A I don't remember who that was. I just  
22 remember it -- somebody saying that they would  
23 get us an Uber.

24 Q All right. And was that because  
25 you-all were intoxicated?





1           A       I don't know -- I mean, I think it was  
2       just it's not really safe being in the boat in  
3       the dark anyway.

4           Q       And you knew that, didn't you?

5           A       Yes, sir.

6           Q       And you've been in a boat enough to  
7       know --

8           A       Yes, sir.

9           Q       -- you have to be alert in a boat at  
10      night --

11          A       Right.

12          Q       -- right?

13          A       Yes, sir.

14          Q       And you don't remember who suggested  
15      the Uber?

16          A       No, sir.

17          Q       Was it somebody in your party or was it  
18      somebody at the Wood's?

19          A       I don't remember.

20          Q       Were you intoxicated when you-all left  
21      Paukie Island?

22          A       I would say so. Yes, sir.

23          Q       And so you knew that it was unsafe to  
24      be in a boat at that time; is that correct?

25          A       Yes, sir.



1 Q Under those conditions?

2 A It isn't not safe. It is just -- it be  
3 better to get an Uber. Yes, sir.

4 Q Well, is it safe to be driving a boat  
5 while you're intoxicated?

6 A No, sir.

7 Q And that's in broad daylight?

8 A Right.

9 Q And it's not safe at night?

10 A Right.

11 Q Was the weather a factor also?

12 A It was foggy, yes, sir.

13 Q So that was another reason not to be in  
14 the boat; is that right?

15 A Yes, sir.

16 Q And you were well aware of that when  
17 you got in the boat?

18 A Yes, sir. But not when I got in it.

19 Q Paukie?

20 A But we left Paukie, yes, sir, it was  
21 foggy.

22 Q So you were aware that it was not a  
23 safe situation to be riding in a boat?

24 A Yes, sir.

25 MS. BOWER: Mitch, are we at a



1     you-all take an Uber or not drive the boat; is  
2     that correct?

3           A     It was offered, yes, sir.

4           Q     Do you remember who offered it?

5           A     No, sir.

6           Q     All right. And -- and not to re-plow  
7     ground, but what time did you-all leave Paukie?

8           A     I believe it was 12:00.

9           Q     When you-all left Paukie Island, what  
10    was the plan?

11          A     To stop by downtown Beaufort and get a  
12    shot and then go on to the river house.

13          Q     Whose idea was that?

14          A     Paul's.

15          Q     Did you go along with it?

16          A     Yes, sir.

17          Q     Did everybody else want to go?

18          A     No, sir.

19          Q     Were you and Paul the only two that  
20    wanted to go?

21          A     Yes, sir.

22          Q     How long did it take for you to get  
23    downtown from Paukie?

24          A     I'd say 45 minutes to an hour, so it  
25    would have been like 1:00.



1           Q     Was there any problems getting  
2     downtown?

3           A     No, sir.

4           Q     Who drove?

5           A     Paul did.

6           Q     And I don't know if it is the door or  
7     we both getting tired. Your voice is sort of  
8     trailing off.

9           A     Yes, sir.

10          Q     Just keep it up a little bit.

11          A     Yes, sir.

12               MR. TINSLEY: I'll just cut the  
13     air off. How about that?

14               MR. GRIFFITH: It doesn't matter  
15     to me. I think you were getting soft  
16     spoken no matter what.

17               THE WITNESS: Yes, sir.

18     BY MR. GRIFFITH:

19          Q     Did anybody drink anything between  
20     Paukie and going downtown?

21          A     Yes, sir.

22          Q     Who?

23          A     Everybody.

24          Q     Everyone continued to drink?

25          A     Yes, sir.



1           Q     All right. But you wanted to go  
2     downtown with Paul?

3           A     Yes, sir.

4           Q     And you and Paul were planning on  
5     stopping. Did anything happen on the way down,  
6     anything that concerned you?

7           A     No, sir. I mean, everybody was kind of  
8     -- they didn't want to stop, but it wasn't  
9     anything major.

10          Q     And Paul drove all the way?

11          A     Yes, sir.

12          Q     Was there any problem with his driving  
13     on the way from Paukie to downtown?

14          A     Yes, sir.

15          Q     Did he almost hit the swing bridge  
16     coming through?

17          A     I don't recall that.

18          Q     What type of lighting was there on the  
19     boat?

20          A     Just a little handheld flashlight.

21          Q     When you say handheld, describe that to  
22     me. Some got a little powerful beam on it.

23          A     It was a good beam on it, but it was  
24     just a little handheld.

25          Q     Okay. And was there a red/green light



1 on it?

2 A It had it, but it did not work. None  
3 of the navigation lights worked.

4 Q Who was holding the handheld?

5 A Me.

6 Q Did you do that the whole night?

7 A Yes, sir.

8 Q And when you say -- so the light on the  
9 pole didn't work?

10 A No, sir.

11 Q I guess, that is the running light?  
12 I'm not sure what the technical term is.

13 A Yes, sir.

14 Q Okay. And did the handheld work the  
15 whole time?

16 A Yes, sir.

17 Q It was necessary for you-all to see?

18 A What do you mean?

19 Q Did that help you at all to see?

20 A The light didn't really help, no, sir.  
21 That water is so big. You can't hardly see from  
22 the bank anyway.

23 Q Did Paul have his GPS on?

24 A Yes, sir.

25 Q Were you-all following the popcorn



1           A       I believe so, yes, sir.

2           Q       You and Paul were going to go down to  
3   Luther's?

4           A       Yes, sir.

5           Q       Did you go to anywhere else other than  
6   Luther's?

7           A       No, sir, not that I can remember.

8           Q       And not to be flippant, but the fact  
9   that you said not that I can remember, did you  
10   lose any memory from the alcohol or anything  
11   that night?

12          A       No, sir.

13          Q       Is Luther's the only place that you  
14   went then?

15          A       Yes, sir.

16          Q       And you and Paul were the only two that  
17   went in there; is that correct?

18          A       Yes, sir.

19          Q       Did the other individuals have IDs with  
20   them to go if they wanted to?

21          A       Yes, sir.

22          Q       But you and Paul were the only two that  
23   chose to go in?

24          A       Yes, sir.

25          Q       They check your ID when you went in?



## C E R T I F I C A T E

STATE OF SOUTH CAROLINA:

BEAUFORT COUNTY:

I, Amanda Bowen, Court Reporter and Notary Public in and for the above county and state, do hereby certify that the foregoing testimony was taken before me at the time and place herein-before set forth; that the witness was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth, that thereupon the foregoing testimony was later reduced by computer transcription; and I certify that this is a true and correct transcript of my stenographic notes so taken.

I further certify that I am not of counsel to either party, nor interested in the event of this cause.

*Amanda Bowen*

Amanda Bowen

Court Reporter

Notary Public

Beaufort, South Carolina





# Exhibit “G”

Anthony Cook  
Deposition Transcript  
Excerpts

1                   IN THE COURT OF COMMON PLEAS  
2                   STATE OF SOUTH CAROLINA  
3                   COUNTY OF HAMPTON

4   RENEE S. BEACH, as Personal Representative of  
5   the Estate of Mallory Beach,

6           Plaintiff,

7  
8  
9   vs.

CIVIL ACTION NUMBER  
2019-CP-25-00111

10  
11  
12  
13  
14   GREGORY M. PARKER, INC., a/k/a PARKER'S  
15   CORPORATION d/b/a PARKERS 55, RICHARD ALEXANDER  
16   MURDAUGH, and RICHARD ALEXANDER MURDAUGH, JR.,

17           Defendants.

18   -----/

19           The deposition of ANTHONY K. COOK, a  
20   witness in the above-entitled cause, taken  
21   pursuant to Notice and agreement, before Amanda  
22   Bowen, Stenographic Reporter and Notary Public,  
23   at Gooding and Gooding, PA, 265 Barnwell  
24   Highway, Allendale, South Carolina, on the 20th  
25   day of December 2019, commencing at or about the  
hour of 12:11 p.m.



## 1 APPEARANCES OF COUNSEL:

## 2 FOR THE PLAINTIFF:

3 MARK B. TINSLEY, ESQUIRE

4 Gooding and Gooding, PA

5 Post Office Box 1000

6 265 Barnwell Highway

7 Allendale, South Carolina 29810

8 803.584.7676

9 mark@goodingandgooding.com

10 AND

11 ROBERTS "TABOR" VAUX, JR., ESQUIRE

12 Vaux Marscher Berglind, PA

13 1251 May River Road

14 PO Box 769

15 Bluffton, South Carolina 29910

16 843.757.2888

17 tabor.vaux@vmblawfirm.com

18 FOR THE DEFENDANTS - GREGORY M. PARKER, INC.,  
19 d/b/a PARKER'S CORPORATION d/b/a PARKER'S 55:

20 E. MITCHELL GRIFFITH, ESQUIRE

21 Griffith, Freeman &amp; Liipfert, LLC

22 Post Office Drawer 570

23 600 Monson Street

24 Beaufort, South Carolina 29902

25 843.521.4242

mgriffith@griffithfreeman.com

AND

KELLY D. DEAN, ESQUIRE

Griffith, Freeman &amp; Liipfert, LLC

Post Office Drawer 570

600 Monson Street

Beaufort, South Carolina 29902

843.521.4242

kdean@griffithfreeman.com

## I N D E X

## PAGE

EXHIBIT INDEX ----- 5

OPENING REMARKS AND STIPULATIONS ----- 6

## DIRECT EXAMINATION:

By Mr. Griffith ----- 6

## CROSS-EXAMINATION:

By Ms. Bower ----- 135

## CROSS-EXAMINATION:

By Mr. Tinsley ----- 138

## REDIRECT-EXAMINATION:

By Mr. Griffith ----- 140

CERTIFICATE ----- 143

ERRATA ----- 144-146

## 1 APPEARANCES OF COUNSEL (continued):

2 FOR THE DEFENDANTS - RICHARD ALEXANDER

3 MURDAUGH AND RICHARD ALEXANDER

4 MURDAUGH, JR.:

AMY F. BOWER, ESQUIRE

Haynsworth, Sinkler &amp; Boyd, PA

134 Meeting Street

Floor 3 (29401)

Post Office Box 340

Charleston, South Carolina 29402

843.720.4475

abower@hsblawfirm.com

FOR PAUL MURDAUGH (in criminal case):

JAMES M. GRIFFIN, ESQUIRE

Griffin &amp; Davis, LLC

4408 Forest Drive

Suite 300

Columbia, South Carolina 29206

803.744.0800

jgriffin@griffindavislaw.com

FOR ANTHONY K. COOK (witness):

PATRICK W. CARR, ESQUIRE

Berry &amp; Carr, PC

1 Corpus Christi Place

Suite 113

Hilton Head Island, South Carolina 29928

843.686.5432

patrick@hiltonheadlawyers.com

ALSO PRESENT:

Blake L. Greco, Esq. (General counsel

for Parker's)

Beverly Cook (mother of witness)

- - -

## D O C U M E N T A R Y E V I D E N C E

NUMBER	DESCRIPTION	PAGE
DX-1	Photograph still from Parker's	51

Page 54

1 **Q Wasn't one of those online ones,**  
2 **correct?**  
3 A No, sir.  
4 **Q It was somebody else's that had given**  
5 **her one?**  
6 A Yes.  
7 **Q Do you know who gave her the ID?**  
8 A I don't know who it was. I never seen  
9 her before.  
10 **Q Do you know if Morgan had a fake ID?**  
11 A I don't know.  
12 **Q And Connor had a fake ID?**  
13 A I believe so.  
14 **Q Do you know who gave him his?**  
15 A I think his was online, but I don't  
16 know that for a fact either.  
17 **Q And did Miley have a fake ID?**  
18 A I have no idea.  
19 MR. TINSLEY: Want anything to  
20 drink?  
21 THE WITNESS: I'm fine. Thank  
22 you.  
23 MR. GRIFFITH: You sure?  
24 THE WITNESS: I'm fine.  
25 MR. GRIFFITH: When it gets warm,

Page 56

1 **light or dark outside? And when I say "island,"**  
2 **the Murdaugh's Island?**  
3 A It was still a little daylight, I  
4 believe.  
5 **Q And tell me -- you looked at the map.**  
6 **What direction did you-all go to get to the**  
7 **oyster roast?**  
8 A Through Archer's Creek.  
9 **Q So you went through Archer's Creek by**  
10 **Beaufort up by the air station and around?**  
11 A I guess. I'm not real familiar.  
12 **Q With the waterways?**  
13 A Not those. Not on that side, no, sir.  
14 **Q Okay. Do you know what island the**  
15 **oyster roast was on?**  
16 A Paukie.  
17 **Q And do you know people that live on**  
18 **Paukie?**  
19 A Connor's family own a house right  
20 there.  
21 **Q Were you-all docked a boat, was that**  
22 **Connor's family's house?**  
23 A No. It was at the Woods.  
24 **Q Was it at the Woods' house or the house**  
25 **adjoining?**

Page 55

1 you get thirsty.  
2 THE WITNESS: No, sir. Thank you.  
3 BY MR. GRIFFITH:  
4 **Q You know about what time you got to the**  
5 **river house, you and --**  
6 A In between 6:45 and 7:00.  
7 **Q And so then about that time, you-all**  
8 **got on the boat and left shortly after that?**  
9 A Yes.  
10 **Q Did you ever talk to Paul about where**  
11 **he got his beer from or alcohol?**  
12 A No, sir.  
13 **Q Did he ever mention to you about**  
14 **anything about Parker's that night?**  
15 A No, sir.  
16 **Q Has he ever mentioned anything to you**  
17 **about Parker's since then?**  
18 A No, sir.  
19 **Q What about Connor, do you know has he**  
20 **ever mentioned anything to you about that night,**  
21 **the night of the incident since then?**  
22 A We talked about it. I mean, the day  
23 they found Mallory, I went and talked to him for  
24 a little while, but that was it.  
25 **Q Okay. When you left the island, was it**

Page 57

1 A I guess it could have been either one,  
2 but I think it was the Woods' dock.  
3 **Q Did anybody else come by boat that**  
4 **night?**  
5 A I don't think so.  
6 **Q Do you know what time you-all got there**  
7 **to Paukie?**  
8 A No, sir, I don't remember.  
9 **Q But you're familiar enough you went**  
10 **through Archer's Creek and went downtown**  
11 **Beaufort going to Paukie?**  
12 A Yes, sir, we have to.  
13 **Q That's what I thought.**  
14 A Yes, sir.  
15 **Q Who was driving on the way over to**  
16 **Paukie?**  
17 A Paul.  
18 **Q Did he drive the whole way?**  
19 A I think so.  
20 **Q Was anybody having anything to drink as**  
21 **you-all were in the boat?**  
22 A On the way?  
23 **Q Yes, sir.**  
24 A Yes, sir.  
25 **Q Who?**

Page 58

1 A Everybody.  
 2 **Q You had something to drink?**  
 3 A Yes, sir.  
 4 **Q How many did you have on the way over**  
 5 **there?**  
 6 A One probably.  
 7 **Q And did Mallory have anything on the**  
 8 **way over there?**  
 9 A Yes, sir.  
 10 **Q Did she drink the Corona?**  
 11 A The Corona Premiums, yes.  
 12 **Q Didn't drink anything else, correct?**  
 13 A No, sir.  
 14 **Q And I want to know, did Connor have**  
 15 **anything going over there?**  
 16 A Budweiser.  
 17 **Q Did he shoot any?**  
 18 A No, sir.  
 19 **Q Was Paul the only one that shot beers?**  
 20 MR. TINSLEY: Shotgun, Mitch.  
 21 MR. GRIFFITH: I'll get there.  
 22 THE WITNESS: No, sir.  
 23 BY MR. GRIFFITH:  
 24 **Q Shotgun a beer?**  
 25 A I shotgun one with him.

Page 60

1 **bottles.**  
 2 A It's like skinnier and taller, but I  
 3 ain't positive of that.  
 4 **Q Do you know if any of those were on the**  
 5 **boat that night?**  
 6 A I might would have shotgun one of his  
 7 Natural Lights.  
 8 **Q You remember shotgunning one beer?**  
 9 A One beer and that was it.  
 10 **Q It was a can and not an aluminum**  
 11 **bottle?**  
 12 A Yes, sir.  
 13 **Q And do you remember -- we talked about**  
 14 **the time. Was it dark at the time you-all**  
 15 **arrived at the Woods' --**  
 16 A I think so.  
 17 **Q -- house? Okay.**  
 18 **When you arrived at the Woods and I**  
 19 **understand this is -- her name is Kristy and his**  
 20 **name --**  
 21 A Michael.  
 22 **Q -- Michael. When you-all arrived at**  
 23 **their house on Paukie, was there any alcohol**  
 24 **there provided?**  
 25 A No, sir.

Page 59

1 **Q Okay. Is that harder to do with a Mich**  
 2 **Light?**  
 3 A No, I shot one of his Natural Lights.  
 4 **Q Okay.**  
 5 A Yes.  
 6 **Q Do you know about what time you got to**  
 7 **Paukie?**  
 8 A No, sir, I don't remember.  
 9 **Q Do you know approximately how long it**  
 10 **took to get there?**  
 11 A No, sir, I don't remember.  
 12 **Q And was it solid dark by the time you**  
 13 **got there?**  
 14 A I believe so. Now that I think about  
 15 it, I might have shotgun one of those Michelob  
 16 Ultra. If I had a can, I would have done that.  
 17 I had aluminum bottles.  
 18 **Q Right.**  
 19 A So -- but if I had a can of Michelob  
 20 Ultra, I might have would have shotgun one of  
 21 those.  
 22 **Q Michelob Ultra comes in a can as well**  
 23 **as the aluminum bottles?**  
 24 A Yes, sir.  
 25 **Q I thought it only came in the aluminum**

Page 61

1 **Q Did you take your cans with you?**  
 2 A No, sir, I did not. I took a cup and I  
 3 drank -- I go to the boat either drink one and  
 4 walk back up there or pour it in a cup and walk  
 5 back up there.  
 6 **Q Was that true of Connor also?**  
 7 A Yes, sir.  
 8 **Q And was that also true of Paul?**  
 9 A I'd imagine.  
 10 **Q Was that true of Miley, she would put**  
 11 **hers in a cup?**  
 12 A I don't know.  
 13 **Q And that White Claw was in the white**  
 14 **can; is that correct?**  
 15 A Yes.  
 16 **Q Sort of the skinny can?**  
 17 A Yes.  
 18 **Q Was that true about Morgan, her White**  
 19 **Claw in a can?**  
 20 A I don't remember. Me and Connor were  
 21 always told to pour it in a cup.  
 22 **Q What about -- Mallory actually had a**  
 23 **bottle, didn't she?**  
 24 A I do remember seeing her -- pictures of  
 25 her. She had one in her hand.

Page 62

1 **Q A bottle?**  
 2 A Yes, sir.  
 3 **Q Where did you see a picture of her?**  
 4 A Somebody posted it. I don't know.  
 5 Somebody posted it on Snapchat, a picture of her  
 6 holding a bottle.  
 7 **Q And --**  
 8 A That's what it was. It was one of  
 9 those Corona Premiums.  
 10 **Q And Snapchat, that's the thing that**  
 11 **only lasts a few seconds and goes away?**  
 12 A Yes, sir.  
 13 **Q But you remember seeing one of those?**  
 14 A Somebody story. That will stay there  
 15 for 24 hours.  
 16 **Q Their what?**  
 17 A A story on Snapchat.  
 18 MR. TINSLEY: Too damn old, Mitch.  
 19 MR. GRIFFITH: Shotguns and  
 20 Snapchat. I'm learning. Hell, I got  
 21 kids. I should probably know this,  
 22 you-all.  
 23 BY MR. GRIFFITH:  
 24 **Q All right. So going back, Mallory, you**  
 25 **know had her bottle at least at some point on**

Page 64

1 **plastic bottle?**  
 2 A It was a 24-ounce bottle, I'm pretty  
 3 sure.  
 4 **Q And so you would mix that in a cup?**  
 5 A Yes, sir.  
 6 **Q And we talking about this size?**  
 7 A Like a Yeti cup.  
 8 **Q Okay.**  
 9 A Yes, sir.  
 10 **Q You remember how long you-all were at**  
 11 **Paukie?**  
 12 A No, sir.  
 13 **Q You remember what time you-all would**  
 14 **have left?**  
 15 A I don't -- I never looked at my time or  
 16 anything, but what I saw on the GPS, I know what  
 17 time it was now, you know, but I didn't.  
 18 **Q Okay. When you talk about the GPS, the**  
 19 **one you looked at today?**  
 20 A Yesterday.  
 21 **Q Yesterday?**  
 22 A Yes, sir.  
 23 **Q What time was it?**  
 24 A I don't remember exactly. Maybe a  
 25 little after 12:00 or something like that.

Page 63

1 **Paukie?**  
 2 A Yes, sir.  
 3 **Q And do you know how many Mallory would**  
 4 **have drank that night?**  
 5 A There ain't no telling.  
 6 **Q And I'm talking throughout the course**  
 7 **of the night.**  
 8 A Yeah. She was liable to drink all 12  
 9 of them, knowing her.  
 10 **Q All right. Did you drink all of your**  
 11 **beer?**  
 12 A No, sir.  
 13 **Q Okay. Did you have anything other than**  
 14 **beer?**  
 15 A Not that I can remember.  
 16 **Q Okay.**  
 17 A I had Sprite.  
 18 **Q Did you mix anything with it?**  
 19 A It's possible.  
 20 **Q It's possible you had some alcohol with**  
 21 **your Sprite?**  
 22 A Yes, sir.  
 23 **Q What would you put in Sprite?**  
 24 A Anything.  
 25 **Q And was the Sprite in a plastic can,**

Page 65

1 **Q All right. And when you-all left, who**  
 2 **was driving the boat?**  
 3 A Paul.  
 4 **Q And did anybody else drive?**  
 5 A Throughout the time, yes, sir.  
 6 **Q All right.**  
 7 A Not necessarily drive, hold the wheel  
 8 for a minute.  
 9 **Q Let's go back for a minute. You went**  
 10 **downtown after leaving Paukie; is that correct?**  
 11 A Yes, sir.  
 12 **Q Between Paukie and downtown, did**  
 13 **anybody else drive other than Paul?**  
 14 A That, I don't remember.  
 15 **Q Where were you on the boat from Paukie**  
 16 **to downtown?**  
 17 A The back.  
 18 **Q Who was back there with you, if anyone?**  
 19 A Mallory.  
 20 **Q Where were the other girls on the boat?**  
 21 A In the front.  
 22 **Q And where were Paul and Connor?**  
 23 A Behind the center console.  
 24 **Q You-all went downtown?**  
 25 A Yes, sir.

Page 66

1 **Q Was there any incident getting**  
2 **downtown, any problems?**  
3 A I mean, arguing the whole time about  
4 going because didn't nobody else wanted to go  
5 but Paul and Connor.  
6 **Q Okay. And why did they want to go**  
7 **downtown?**  
8 A I have no idea.  
9 **Q They just said we're going downtown?**  
10 A Paul said he wanted to do a lemon drop  
11 shot and Connor said he would drink one with  
12 him. That's all I know. It didn't make no  
13 sense to me.  
14 **Q All right. And what's in a lemon drop**  
15 **shot?**  
16 A All I know it's got vodka, lemon juice,  
17 and sugar.  
18 MS. BOWER: Can we take a break at  
19 a good stopping point?  
20 MR. GRIFFITH: Good point now.  
21 (Whereupon, a break was taken at  
22 1:20 p.m.)  
23 (Back on the record at 1:31 p.m.)  
24 BY MR. GRIFFITH:  
25 **Q We were talking about going down to**

Page 68

1 **Q Did they know anybody at Luther's?**  
2 A I don't know. Not that I know of.  
3 **Q Have you ever seen the video of**  
4 **Luther's?**  
5 A No, sir.  
6 **Q Do you know who the bartender is at**  
7 **Luther's?**  
8 A No, sir.  
9 **Q Do you know who the person at the door**  
10 **that checks IDs is?**  
11 A No, sir.  
12 **Q And you've not seen the videos, right?**  
13 A I don't think so.  
14 **Q Okay. Do you know if they went**  
15 **anywhere other than Luther's?**  
16 A No, sir, I don't know.  
17 **Q How do you know if they went to**  
18 **Luther's if you stopped at the swing?**  
19 A Because it has been talked about and  
20 that's where they said they were going.  
21 **Q So Paul and Connor said they were going**  
22 **there?**  
23 A Yes.  
24 **Q Did they say they've ever been there**  
25 **before?**

Page 67

1 **downtown. You went to Paukie to downtown**  
2 **Beaufort; is that right?**  
3 A Yes, sir.  
4 **Q All right. And where did you-all stop**  
5 **in Beaufort?**  
6 A At one of the docks.  
7 **Q All right. Was there other boats**  
8 **there, do you remember?**  
9 A No, sir, I don't remember.  
10 **Q If I said the day dock versus the**  
11 **marina, would you know the difference?**  
12 A No, sir.  
13 **Q And you-all got out and you-all walked**  
14 **down to --**  
15 A I walked to the swing. That's all I  
16 remember.  
17 **Q And did you stop at the swing?**  
18 A Yes, sir.  
19 **Q And who else stopped at the swing?**  
20 A Me, Mallory, and Morgan and Miley.  
21 **Q Paul and Connor left and they went --**  
22 **do you know where they went?**  
23 A Luther's.  
24 **Q Do you know why they chose Luther's?**  
25 A I have no idea.

Page 69

1 A I know Paul has been before, but I  
2 don't know about Connor.  
3 **Q And you said on the way there, you-all**  
4 **were arguing about it. Was there any argument**  
5 **once you got to the dock at the waterfront park,**  
6 **was there an argument with Paul?**  
7 A Everybody was just telling him how  
8 stupid he was being for wanting to go.  
9 **Q At the downtown?**  
10 A Yes, sir.  
11 **Q Okay. And I guess everybody other than**  
12 **Connor thought that, right?**  
13 A Yes, sir, because Connor acted like he  
14 wanted to go, then whenever Miley started to get  
15 on him about it saying that it was stupid, then  
16 he kind of changed his mind, but then since Paul  
17 was going anyway, he said he would go with him.  
18 I don't really remember though.  
19 **Q Do you know how long you were downtown?**  
20 A I don't have a clue.  
21 **Q Going back, between Paukie and**  
22 **downtown, did Paul drink any beer?**  
23 A I don't remember.  
24 **Q What about Connor?**  
25 A I don't remember.





Page 70

1 **Q What about Miley?**  
 2 A I'm sure. I'm sure we were all still  
 3 drinking beer.  
 4 **Q Still drinking?**  
 5 A I know I was drinking a beer on the  
 6 waterfront.  
 7 **Q Oh, really?**  
 8 A Yes, sir.  
 9 **Q So you had a beer at the dock and went**  
 10 **to the waterfront, sat in the swing and drank**  
 11 **one?**  
 12 A Yes.  
 13 **Q Did any of the other ladies have one?**  
 14 A I don't think so.  
 15 **Q Now, you were -- I want to call it**  
 16 **shoot -- shotgunning beer. Did anybody shotgun**  
 17 **other than Paul and you?**  
 18 A No, sir.  
 19 **Q Did Connor do one?**  
 20 A No, sir.  
 21 **Q Did Miley?**  
 22 A No, sir.  
 23 **Q Morgan?**  
 24 A Not that I saw.  
 25 **Q Mallory?**

Page 72

1 **Q You. Miley?**  
 2 A No, sir.  
 3 **Q Morgan?**  
 4 A I didn't.  
 5 **Q Miley -- Morgan or Mallory?**  
 6 A I don't think so. I'm pretty sure we  
 7 all stayed right there.  
 8 **Q Do you know --**  
 9 A But --  
 10 **Q -- why Paul, if he did, ask if you-all**  
 11 **could come inside?**  
 12 A Sir?  
 13 **Q I understand Paul asked if you-all**  
 14 **could come inside Luther's. Do you remember**  
 15 **were you ever here so the bartender or the ID**  
 16 **checker could see you?**  
 17 A No, sir.  
 18 **Q Okay. And did he ever -- Paul ever**  
 19 **tell you he was going to try to get you in?**  
 20 A No, sir, because I didn't want to go.  
 21 **Q When Paul and Connor returned, were**  
 22 **they drunk or intoxicated?**  
 23 A Yes, sir.  
 24 **Q Could you visibly tell that with Paul?**  
 25 A Yes, sir, but you could visibly tell

Page 71

1 A Not that I saw.  
 2 **Q When you got to the waterfront, were**  
 3 **you intoxicated?**  
 4 A I'd say so, yes, sir.  
 5 **Q Was anybody else intoxicated?**  
 6 A I'm sure everybody was. I mean,  
 7 depends how bad you talking. I was intoxicated.  
 8 I wasn't sober, but I wasn't blistered.  
 9 **Q Okay. And, of course, I don't know**  
 10 **what that means.**  
 11 A That's what I'm saying. I was very  
 12 functionable [sic].  
 13 **Q Did you feel confident you could drive**  
 14 **a boat?**  
 15 A Yes, sir, but legally, no, sir.  
 16 **Q Same thing with a car; you would not**  
 17 **have driven a car that night?**  
 18 A No, sir.  
 19 **Q Paul and Connor were gone. They came**  
 20 **back. Did they come back to the swing where**  
 21 **you-all were?**  
 22 A I don't remember.  
 23 **Q Did you-all ever go to the bar and**  
 24 **stand outside the bar?**  
 25 A Who?

Page 73

1 that before we got there too.  
 2 **Q When did you see that Paul was visibly**  
 3 **intoxicated?**  
 4 A From the time -- I mean, I knew before  
 5 we ever left the oyster roast because I -- I  
 6 actually offered to get an Uber from there back  
 7 to the island so we didn't have to go back in  
 8 the boat, and everybody else wanted to take the  
 9 boat back.  
 10 **Q Did you call an Uber?**  
 11 A No, sir, because I wasn't going to let  
 12 them ride on the boat -- I don't know. I  
 13 just -- I knew they were stubborn enough they  
 14 were going to ride on that boat no matter what  
 15 and I felt like I needed to be there.  
 16 **Q Did you tell anyone at the oyster roast**  
 17 **that they shouldn't be driving a boat, maybe**  
 18 **they should get --**  
 19 A Everybody was talking about that.  
 20 **Q And who is everybody?**  
 21 A I mean, I don't know who all was there.  
 22 I know there was a bunch of people that tried to  
 23 get us not to take the boat back.  
 24 **Q Help me out. Who was there that you**  
 25 **remember talking to?**

Page 94

1 panic attack and I walked up to the top of the  
 2 bridge, and when I got to the top of the bridge,  
 3 I saw blue lights coming and then everything  
 4 kind of went into a blur. I think I went into a  
 5 panic attack or something.  
 6 **Q All right. So as I understand it, when**  
 7 **you came to, you were in the water?**  
 8 A Mm-hmm.  
 9 **Q Yes?**  
 10 A Yes, sir.  
 11 **Q All right. And you so I'm clear which**  
 12 **side of the bridge you were on, were you on the**  
 13 **Murdaugh Island side of the bridge or the**  
 14 **Beaufort town side of the bridge?**  
 15 A You mean Parris Island?  
 16 **Q Well, the bridge goes from Port Royal**  
 17 **to Parris Island, right?**  
 18 A Yes, sir. When I swam to the first  
 19 side, I came up on the Parris Island side.  
 20 **Q Okay. That's what I wanted to make**  
 21 **sure of.**  
 22 A Yes, sir.  
 23 **Q So then you came back to the Port Royal**  
 24 **side?**  
 25 A Yes, sir.

Page 96

1 A Yes, sir.  
 2 **Q And did you do that repeatedly?**  
 3 A No, sir, one time I said -- I said --  
 4 something you can just take me to the dock over  
 5 there and drop me and Mallory over there. I  
 6 don't care. And then the argument just kept  
 7 going. I mean...  
 8 **Q What were the weather conditions -- I**  
 9 **know you said it was 40 degrees.**  
 10 A It was really foggy.  
 11 **Q Very foggy that night?**  
 12 A Yes, sir.  
 13 **Q Was it foggy from the time you-all**  
 14 **started to the time of the accident, the whole**  
 15 **night or did the fog roll in late?**  
 16 A No, sir. It was foggy from the time we  
 17 left that oyster roast. It was foggy.  
 18 **Q So from the Murdaugh Island and Paukie**  
 19 **Island, it wasn't foggy?**  
 20 A Yes, sir. It was starting to get foggy  
 21 right at dark. It was starting to get foggy  
 22 because it felt like mist. I had on a rain  
 23 jacket.  
 24 **Q And I was going to ask because I saw**  
 25 **windshield wipers in one of the videos. Was it**

Page 95

1 **Q And you said that took 15 to 20**  
 2 **minutes?**  
 3 A At least.  
 4 **Q Did you have a phone with you?**  
 5 A Yes, sir.  
 6 **Q And was the phone working after this**  
 7 **accident?**  
 8 A I had it in a life proof case and I  
 9 never thought to look at my phone until I  
 10 already talked to a couple cops about the  
 11 situation, and I pulled my phone out and I saw  
 12 that I had a missed call from my granddaddy, and  
 13 I saw that my phone was working but I couldn't  
 14 get the screen to work for some reason. I mean,  
 15 it just wouldn't work and I don't think I ever  
 16 figured out -- I think it took me another 30, 45  
 17 minutes to take the case off and got it to work,  
 18 so I called my mom or my dad, one or the other.  
 19 **Q All right. Had you made any other**  
 20 **calls before the accident?**  
 21 A Before?  
 22 **Q Yes, sir.**  
 23 A I don't think so.  
 24 **Q All right. Did you ever tell Paul to**  
 25 **pull the boat over to the dock and stop?**

Page 97

1 **raining?**  
 2 A It wasn't raining. It was just that  
 3 heavy of a fog, I guess. It was like a mist.  
 4 **Q After the impact after you get to the**  
 5 **shore and asked about Mallory, you said you saw**  
 6 **the blue lights?**  
 7 A No, sir. I saw -- I saw the lights on  
 8 the -- both sides of the bridge, so that's when  
 9 I -- like yard lights and street lights or  
 10 whatever.  
 11 **Q Right.**  
 12 A So I ran up to the top of the bridge.  
 13 **Q Right.**  
 14 A And was standing on the bridge when I  
 15 saw blue lights coming and I'm pretty sure I saw  
 16 blue lights coming from Parris Island and the  
 17 other way.  
 18 **Q Okay. Did you give any statements that**  
 19 **night to any of the officers?**  
 20 A I don't remember.  
 21 **Q Did you see Paul that night after the**  
 22 **accident while you were with one of the**  
 23 **officers?**  
 24 A I didn't -- from that time to the next  
 25 day was pretty much a blur to me, but I saw the

Page 126

1 A Phillip Beach.  
 2 **Q Do you know how much Mallory made at**  
 3 **Retail Therapy?**  
 4 A No, sir.  
 5 **Q Did she ever talk to you about what her**  
 6 **plan for the future was?**  
 7 A She didn't. She really didn't care.  
 8 She just -- she always said that she was going  
 9 to get her -- what you call it -- real estate  
 10 license and try -- and she said she wanted to  
 11 buy houses and flip them and resell them.  
 12 **Q Let me go back a little bit now. Have**  
 13 **you ever boated in the Archer's Creek before?**  
 14 A No, sir.  
 15 **Q So that's the first time there?**  
 16 A Yes, sir.  
 17 **Q And it was sort of dark when you went**  
 18 **through and very dark when you came back?**  
 19 A Yes, sir.  
 20 **Q You said there were lights on the**  
 21 **bridge, but it was foggy. Did you -- you said**  
 22 **you were looking forward at one point in time,**  
 23 **but you were down so you never saw the bridge**  
 24 **before the impact; is that correct?**  
 25 A No, sir.

Page 128

1 an accident where he was driving and you thought  
 2 intoxicated. Do you know if he was ever in an  
 3 accident where Morgan was with him?  
 4 MS. BOWER: Object to the form.  
 5 THE WITNESS: That's what I heard,  
 6 but I'm not sure.  
 7 BY MR. GRIFFITH:  
 8 **Q Was that the same accident or a**  
 9 **different accident?**  
 10 A Same.  
 11 MR. GRIFFITH: Amy, you have any  
 12 questions?  
 13 MS. BOWER: I might have a few.  
 14 MR. TINSLEY: Let's take two  
 15 minutes because I'm about to bust.  
 16 (Whereupon, a break was taken at  
 17 2:47 p.m.)  
 18 (Back on the record at 2:58 p.m.)  
 19 BY MR. GRIFFITH:  
 20 **Q Mr. Cook, I have one or two more**  
 21 **questions I want to follow up on. Okay?**  
 22 **You told me about the incident driving**  
 23 **a truck and Morgan -- I think it was Morgan was**  
 24 **with him, correct?**  
 25 A That's -- you asked me if that's what

Page 127

1 **Q You could not see any lights were on or**  
 2 **what you could see from the bridge?**  
 3 A I mean, it was a good two minutes from  
 4 the time I went to the bottom up before we hit  
 5 the bridge, so no, sir, I wouldn't be able to  
 6 see the bridge.  
 7 **Q Do you remember what lights were on the**  
 8 **boat? Was there a spot light on the boat?**  
 9 A No, sir. We had a little hand light.  
 10 **Q Did the front have a running light on**  
 11 **it, a red/green light to your knowledge?**  
 12 A It's supposed to, but I don't remember  
 13 if it did or not.  
 14 **Q What about the back, did it have one?**  
 15 A I don't think so.  
 16 **Q So all you had was a flashlight?**  
 17 A Yes, sir.  
 18 **Q And you say flashlight, any -- big size**  
 19 **flashlight, any size flashlight?**  
 20 A No, sir. It was a little flashlight.  
 21 Flashlight won't do you no good in that fog  
 22 though.  
 23 **Q You-all knew that when you left Paukie?**  
 24 A Yes, sir.  
 25 **Q You mentioned earlier that Paul was in**

Page 129

1 happened and I said from what I understand, yes,  
 2 sir.  
 3 **Q And what do you mean from what you**  
 4 **understand? Was anybody else with him?**  
 5 A Not that I know of or heard of.  
 6 **Q Okay. You mentioned when you were over**  
 7 **at Paukie Island that some of the kids came to**  
 8 **your boat. Maybe dropped a Bud Light can in**  
 9 **there; is that right?**  
 10 A Yes.  
 11 **Q All right. Did any of those kids take**  
 12 **a beer from you or anybody else on the boat?**  
 13 A No, sir.  
 14 **Q They ever asked for one?**  
 15 A No, sir.  
 16 **Q Who were they?**  
 17 A Morgan Woods, Chase Peeples are the two  
 18 that I remember for sure and a boy that I went  
 19 to high school with when -- I went to middle  
 20 school and he ended up leaving, I don't know  
 21 where he went to high school, but his name is  
 22 Brennen Zeigler.  
 23 **Q Okay.**  
 24 A And him and some other boys that, I  
 25 guess, some of his friends that were there with

1 approximately 3:11 p.m.)  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

## C E R T I F I C A T E

1  
 2  
 3 STATE OF SOUTH CAROLINA:  
 4 BEAUFORT COUNTY:  
 5

6 I, Amanda Bowen, Court Reporter and Notary  
 7 Public in and for the above county and state, do  
 8 hereby certify that the foregoing testimony was  
 9 taken before me at the time and place  
 10 herein-before set forth; that the witness was by  
 11 me first duly sworn to testify to the truth, the  
 12 whole truth, and nothing but the truth, that  
 13 thereupon the foregoing testimony was later  
 14 reduced by computer transcription; and I certify  
 15 that this is a true and correct transcript of my  
 16 stenographic notes so taken.

17 I further certify that I am not of counsel to  
 18 either party, nor interested in the event of  
 19 this cause.  
 20

*Amanda Bowen*

Amanda Bowen

Court Reporter

Notary Public

Beaufort, South Carolina  
 25

## ERRATA SHEET

1  
 2  
 3 CAPTION: RENEE S. BEACH, ET AL. -vs- GREGORY  
 4 M. PARKER, ET AL.  
 5

## DECLARATION UNDER PENALTY OF PERJURY

6 I declare under penalty of perjury  
 7 that I have read the entire transcript  
 8 of my Deposition taken in the  
 9 above-captioned matter or the same  
 10 has been read to me and the same is  
 11 true and accurate, save and except for  
 12 changes and/or corrections, if any, as  
 13 indicated by me on the COASTAL COURT  
 14 REPORTING DEPOSITION ERRATA SHEET  
 15 hereof, with the understanding that I  
 16 offer these changes as if still under  
 17 oath. Signed on the \_\_\_\_\_ day of  
 18 \_\_\_\_\_, 2019.  
 19  
 20  
 21

22 \_\_\_\_\_  
 23 ANTHONY K. COOK (Deponent)  
 24  
 25

SWORN TO and subscribed before me  
 THIS \_\_\_\_\_ day of \_\_\_\_\_, 2019

NOTARY PUBLIC: \_\_\_\_\_

My commission Expires: \_\_\_\_\_  
 24  
 25

## DEPOSITION ERRATA SHEET

1 Reason for  
 2 change: \_\_\_\_\_  
 3 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

4 Reason for  
 5 change: \_\_\_\_\_  
 6 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

7 Reason for  
 8 change: \_\_\_\_\_  
 9 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

10 Reason for  
 11 change: \_\_\_\_\_  
 12 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

13 Reason for  
 14 change: \_\_\_\_\_  
 15 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

16 Reason for  
 17 change: \_\_\_\_\_  
 18 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

19 Reason for  
 20 change: \_\_\_\_\_  
 21 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

22 Reason for  
 23 change: \_\_\_\_\_  
 24 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

25 Reason for  
 change: \_\_\_\_\_  
 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for  
 change: \_\_\_\_\_  
 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for  
 change: \_\_\_\_\_  
 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 ANTHONY K. COOK

# Exhibit “H”

# Chandler Horney Deposition Transcript Excerpts

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE COURT OF COMMON PLEAS  
STATE OF SOUTH CAROLINA  
COUNTY OF HAMPTON

RENEE S. BEACH, AS PERSONAL REPRESENTATIVE OF  
The Estate of MALLORY BEACH,  
Plaintiff,

vs. CIVIL ACTION NUMBER  
2019-CP-25-00111

GREGORY M. PARKER, INC., a/k/a PARKER'S  
CORPORATION d/b/a PARKER'S 55, RICHARD  
ALEXANDER MURDAUGH, and RICHARD ALEXANDER  
MURDAUGH, JR.,  
Defendants.

-----/

The deposition of CHANDLER HORNEY, a  
witness in the above-entitled cause, taken  
pursuant to Notice and agreement, before Amanda  
Bowen, Stenographic Reporter and Notary Public,  
at The Law Offices of Griffith, Freeman &  
Liipfert, LLC, 600 Monson Street, Beaufort,  
South Carolina, on the 20th day of October 2020,  
commencing at or about the hour of 10:23 a.m.



1       **APPEARANCES of COUNSEL:**

2               **FOR THE PLAINTIFF:**

3               **MARK B. TINSLEY, ESQUIRE**  
4               **Gooding and Gooding, P.A.**  
5               **265 Barnwell Highway**  
6               **Post Office Box 1000**  
7               **Allendale, South Carolina 29810**  
8               **803.584.7676**  
9               **mark@goodingandgooding.com**

10                       **AND**

11               **ROBERTS "TABOR" VAUX, JR., ESQUIRE**  
12               **Vaux Marscher Berglind, P.A.**  
13               **1251 May River Road**  
14               **PO Box 769**  
15               **Bluffton, South Carolina 29910**  
16               **843.757.2888**  
17               **tabor.vaux@vmblawfirm.com**

18  
19               **FOR THE DEFENDANTS - GREGORY M. PARKER, INC.,**  
20               **d/b/a PARKER'S CORPORATION d/b/a PARKER'S 55:**

21               **E. MITCHELL GRIFFITH, ESQUIRE**  
22               **KELLY D. DEAN, ESQUIRE**  
23               **Griffith, Freeman & Liipfert, L.L.C.**  
24               **600 Monson Street**  
25               **Post Office Drawer 570**  
26               **Beaufort, South Carolina 29902**  
27               **843.521.4242**  
28               **mgriffith@griffithfreeman.com**

29                       **AND**

30               **KELLY D. DEAN, ESQUIRE**  
31               **Griffith, Freeman & Liipfert, L.L.C.**  
32               **600 Monson Street**  
33               **Post Office Drawer 570**  
34               **Beaufort, South Carolina 29902**  
35               **843.521.4242**  
36               **kdean@griffithfreeman.com**





**APPEARANCES OF COUNSEL (continued):**

**FOR THE DEFENDANTS - RICHARD ALEXANDER  
MURDAUGH and RICHARD ALEXANDER MURDAUGH, JR.:**

**AMY F. BOWER, ESQUIRE  
Haynsworth, Sinkler & Boyd, P.A.  
134 Meeting Street  
Third Floor  
Post Office Box 340  
Charleston, South Carolina 29401  
843.720.4475  
abower@hsblawfirm.com**

**FOR THE DEFENDANTS - PARKER'S - EXCESS  
INSURANCE:**

**KELSEY JAN BRUDVIG, ESQUIRE  
Collins & Lacy, P.C.  
1330 Lady Street  
Sixth Floor  
Columbia, South Carolina 29201  
803.256.2660  
cstegmaier@collinsandlacy.com**

**ALSO PRESENT: BLAKE GRECO (inhouse counsel  
for Parker's) and ADAM WHITSETT (general  
counsel for SLED)**

- - -



1	<b>I N D E X</b>	
2		
3		
4		
5		<b>PAGE</b>
6		
7		
8	<b>EXHIBIT INDEX -----</b>	<b>5</b>
9	<b>OPENING REMARKS AND STIPULATIONS -----</b>	<b>6</b>
10		
11		
12		
13		
14	<b>DIRECT EXAMINATION:</b>	
15	By Mr. Griffith -----	<b>6</b>
16	<b>CROSS-EXAMINATION:</b>	
17	By Mr. Tinsley -----	<b>125</b>
18	<b>REDIRECT EXAMINATION:</b>	
19	By Mr. Griffith -----	<b>135</b>
20	<b>RECROSS-EXAMINATION:</b>	
21	By Mr. Tinsley -----	<b>136</b>
22	<b>REDIRECT EXAMINATION:</b>	
23	By Mr. Griffith -----	<b>142</b>
24	<b>CERTIFICATE -----</b>	<b>144</b>
25	<b>ERRATA -----</b>	<b>145-147</b>



1           A       Yes, sir.

2           Q       And does the alcohol enforcement, is  
3       that also lottery issues?

4           A       No.

5           Q       I think you need to update your  
6       website.

7           A       It's under vice services, but it's not  
8       alcohol enforcement.

9           Q       And my mistake. Good website.  
10                   And alcohol enforcement, what do you do  
11       on your day-to-day activities?

12          A       I'm responsible for three counties. I  
13       have Beaufort, Jasper, and Hampton County. And  
14       I'm responsible for all of the licensed  
15       locations in those areas. The areas that are  
16       licensed by the Department of Revenue. I make  
17       sure they are complying with the alcohol laws.  
18       I make sure that places that don't have licenses  
19       aren't illegally selling. I make sure places  
20       aren't selling to underage negligently. Yep.

21          Q       All right. How do you go about  
22       checking for, let's say, underaged sales?

23          A       We have a process where we hire  
24       underage individuals from the ages of 16 to 19.  
25       We can not use them from the day they turn 20.



1 to the bartender?

2 A No.

3 Q Why not?

4 A In situations where they are handed  
5 valid licenses, we do not generally cite the  
6 individuals because it was a valid license. He  
7 checked -- he did his due diligence as far as we  
8 are concerned. He verified that they were over  
9 the age of 21. It's not his fault that they  
10 were using either someone else's identification  
11 or a fake identification.

12 Q Okay. And is that the answer for the  
13 store itself or the license holder, you didn't  
14 issue them a citation that day either?

15 A Correct.

16 Q And why not to them?

17 A To Parker's or to --

18 Q Luther's?

19 A -- Luther's. Yes. The same -- the  
20 same situation.

21 Q And what about Parker's? Did you issue  
22 a citation for Parker's 55 for what you observed  
23 on the video?

24 A No.

25 Q All right. And what about the cashier



1 or the customer service representative? Was she  
2 issued -- the Parker's CSR issued a citation?

3 A No.

4 Q Why not?

5 A Similar to the situation at Luther's,  
6 she -- he asked for the ID. He scanned it. It  
7 returned as a valid, over the age of 21  
8 identification. Again she did her due  
9 diligence.

10 Q All right. Well, not in this  
11 particular case, but in other cases when you  
12 have -- you have like your confidential  
13 informant situation where they go in and give  
14 someone an ID or sold without an ID being  
15 checked, you issue a citation to the individual  
16 and to the store or the license holder, correct?

17 A Yes, sir.

18 Q And in situations it's not a  
19 confidential informant, it's a minor that goes  
20 in and makes a purchase and they are under the  
21 age of 21, are they issued any type of citation  
22 if they are caught?

23 A The youth?

24 Q Yes, ma'am.

25 A Can you repeat the scenario, please.



C E R T I F I C A T E

STATE OF SOUTH CAROLINA:

BEAUFORT COUNTY:

I, Amanda Bowen, Court Reporter and Notary Public in and for the above county and state, do hereby certify that the foregoing testimony was taken before me at the time and place herein-before set forth; that the witness was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth, that thereupon the foregoing testimony was later reduced by computer transcription; and I certify that this is a true and correct transcript of my stenographic notes so taken.

I further certify that I am not of counsel to either party, nor interested in the event of this cause.

*Amanda Bowen*

Amanda Bowen

Court Reporter

Notary Public

Beaufort, South Carolina



# Exhibit “I”

David Leslie  
Deposition Transcript  
Excerpts



STATE OF SOUTH CAROLINA                    )  
  )  
  )  
  )  
COUNTY OF HAMPTON                         )     C/A NO.: 21-CP-25-00303

VIDEO  
DEPOSITION OF

Connor Cook,

Plaintiff,

**DAVID E. LESLIE**

vs.

August 24, 2022

Gregor M. Parker, Inc., a/k/a Parker's Corporation d/b/a Parkers 55, Tajeeha Cohen, Richard Alexander Murdaugh and Richard Alexander Murdaugh, Jr.,

Defendants.

**COPY**

Deposition on oral examination of **DAVID E. LESLIE**,  
reported by Diane Grubowski, Court Reporter and Notary Public  
in and for the State of South Carolina; Said deposition taken  
pursuant to Notice and in accordance with the South Carolina  
Rules of Civil Procedure, at the Law Offices of Collins and  
Lacy, on Wednesday, the 24th day of August 2022, scheduled  
for 10:00 a.m. and commencing at the hour of 10:15 a.m.

**PALMETTO REPORTING**  
**(803) 463-3526**

APPEARANCES:

Representing  
Connor Cook:

-- via Zoom JOSEPH MCCULLOCH, ESQUIRE  
KATHY SCHILLACI, ESQUIRE  
McCulloch and Schillaci  
1116 Blanding Street  
Columbia, South Carolina  
29201

-- and --

-- via Zoom PATRICK MCLAUGHLIN, ESQ.  
Wukela Law Office  
P.O. Box 13057  
Florence, South Carolina  
29504

Representing  
Parker/Cohen:

DAVID LEE WILLIFORD, ESQ.  
Huff Powell and Bailey  
15 S. Main Street  
Suite 602  
Greenville, South Carolina  
29601

Representing  
R. Alex Murdaugh:

-- via Zoom DAWES COOKE, ESQUIRE  
-- via Zoom ALEXA MORRIS, ESQUIRE  
Barnwell Whaley Patterson  
211 King Street, Suite 300  
Charleston, South Carolina  
29401

Representing  
R. Alex Murdaugh, Jr.:

E. ELLIOTT CONDON, ESQUIRE  
Haynsworth Sinkler Boyd  
134 Meeting Street  
Charleston, South Carolina  
29401

APPEARANCES:

Representing  
Anthony Cook:

-- via Zoom PATRICK CARR, ESQUIRE  
BRIAN KIEL, ESQUIRE  
Carr Legal Group  
1917 Lovejoy Street  
Beaufort, South Carolina  
29902

Representing  
Estate of M. Beach:

MARK B. TINSLEY, ESQUIRE  
STEPHANIE TINSLEY, ESQUIRE  
Gooding and Gooding  
P.O. Box 1000  
Allendale, South Carolina  
29810

-- and --

ROBERTS VAUX, JR., ESQUIRE  
Vaux Marscher Berglind  
P.O. Box 769  
Bluffton, South Carolina  
29910

In Attendance:

ANDREW T. SMITH, ESQUIRE  
Collins and Lacy  
1330 Lady Street, 6th Fl.  
Columbia, South Carolina  
29201

Also Present:

Adam Whitsett, Esquire - SLED  
Blake Greco - Parker's Corporation

CONTENTS

(Deposition of **DAVID E. LESLIE**)

	<u>PAGE</u>
Exhibit Index	5
Stipulations	6
Examination by Mr. McCulloch	6
Examination by Mr. Carr	105
Certificate of Reporter	136

Court Reporter's note:

-- indicates interruption; incomplete phrases; trailing off;  
unfinished sentences

1 Q And SLED did not, to your knowledge, recommend that  
2 some other agency or any other agency make a charge  
3 against Buster, Jr.?

4 A Correct.

5 Q But you would agree that there's certainly, given  
6 your investigation, probable cause to make such a  
7 charge?

8 MS. CONDON: Object to the form.

9 A Well, when we make -- when we conducted the  
10 investigation we knew that there was an ID  
11 presented, a horizontal ID. We knew that the date  
12 of birth was 4/11/96, I believe. Which is Alex  
13 Buster Murdaugh, Jr's date of birth. And we got  
14 the statement from Morgan saying that she was  
15 present when an ID -- she says, his valid ID, but  
16 we didn't have the ID in our possession, so we  
17 didn't make the charge.

18 In other words, we were mainly looking at the  
19 source of the alcohol as far as Parker's or  
20 Luther's were concerned.

21 Q Did you make efforts to locate the ID, the driver's  
22 license, of Buster Murdaugh, Jr., used by Paul  
23 Murdaugh? Or the ID used?

24 A I don't recall what -- off the top of my head, what  
25 was done by Special Agent Horney.

1 A Correct.

2 Q Okay. So based on what you've reviewed in this  
3 case and the evidence that was available to you, is  
4 there any doubt that a violation of the Alcohol  
5 Sales Statute in South Carolina did, in fact, occur  
6 when Paul Murdaugh was allowed to buy alcohol at  
7 Parker's in February of 2019 when he was only the  
8 age of 19?

9 **MR. WILLIFORD:** Object to the form.

10 A Well, you know looking at the totality of the  
11 circumstances, not having the ID. And when you  
12 mentioned the height and weight discrepancy, when  
13 you apply for your license, to my recollection, I  
14 told them how tall I was, how much I weighed, you  
15 know. And then looking at IDs, if I look at mine  
16 right now, I might not look as -- you know as much  
17 -- because you change over time, lose weight/gain  
18 weight. Of course, my hair is turning gray.

19 So you know we made the determination not to  
20 charge based on the totality of the circumstances,  
21 that ID was checked and that, you know, verified  
22 the date of birth.

23 Q Who made that determination?

24 A After speaking with Special Agent Horney and  
25 Captain Sonnefeld, we decided not to make that

1 charge.

2 Q Do you agree with me that a reasonably prudent  
3 retailer of alcohol should make use of all  
4 information that is readily available to them at  
5 the point of sale?

6 **MR. WILLIFORD:** Object to the form.

7 A Yes, I do.

8 Q And that would include all -- I mean it's only a 2  
9 inch by 3 inch card, right?

10 A Yes.

11 Q Okay. It's got name, it's got address, it's got  
12 height, it's got weight, it's got date of birth,  
13 right?

14 A Yes.

15 Q It only takes a few seconds to verify or observe  
16 all of that information and make sure it matches  
17 the person who is standing right there in front of  
18 you, correct?

19 A Correct.

20 Q And there would be some obvious ones, right, like  
21 if an African-American is there and they're showing  
22 you a Caucasian's ID, that's an obvious one, right?

23 A Yes, sir.

24 Q But a smart under-aged purchaser of alcohol is not  
25 going to do something so stupid, right?

1 Q In the investigation that followed this particular  
2 incident or this particular series of events, was  
3 the absence of or inability to locate the ID card  
4 used by Paul Murdaugh, was that material, in your  
5 view?

6 A It was part of it, yes.

7 Q I mean do you think the circumstances would be  
8 different if you had located that ID?

9 A It could have been. Depending on the ID and if we  
10 had knowledge of definitively this is the one that  
11 was used, it could have been.

12 Q Do you know if anybody was questioned about that,  
13 about where the ID was or what happened to it?

14 A I don't recall that.

15 Q Is the investigation ongoing in that regard?

16 A I don't believe so.

17 Q Why not?

18 A We made a determination to close it and it's been  
19 closed by our Agency.

20 Q Do you know when the determination was made to  
21 close it and who made that determination?

22 A I don't recall the actual date. After speaking  
23 with the captain and the agent, I know that -- I  
24 believe that Agent Horney met with the prosecutor,  
25 I don't know which one, and presented the evidence



1 and there was a decline to prosecute. I don't  
2 remember which prosecutor it was.

3 Q Do you think that perhaps because of the public  
4 outcry or high profile nature of this case, and the  
5 fact that there was a 19-year-old girl missing and  
6 ultimately found dead, that the focus of law  
7 enforcement efforts was more on locating Mallory  
8 Beach, figuring out who was driving the boat, and  
9 prosecuting any crimes relating to that, as opposed  
10 to issuing any citations for the illegal sale of  
11 alcohol?

12 **MR. WILLIFORD:** Object to the form.

13 A I mean that wasn't our focus. We were focused on  
14 the alcohol side.

15 Q You were?

16 A Yes, sir.

17 Q All right. Same question with regard to teaching a  
18 class of your colleagues and law enforcement  
19 groups, some new folks who are trying to learn the  
20 ways of the world in law enforcement and alcohol  
21 sale violations. Would you hold up the activities  
22 that were conducted in this, in this regard, as an  
23 example of the right way to do it?

24 **MR. WILLIFORD:** Object to the form.

25 Q Or do you think maybe things could have been done a

1 Q Okay. But to the extent that they are in your  
2 report and file, those are the items that you still  
3 have?

4 A Correct.

5 Q The clerk or the bartender or cashier that made the  
6 sale at Luther's that same morning, February 24,  
7 that person was interviewed, correct?

8 A Correct.

9 Q But Ms. Cohen, who sold a few hours before to Paul,  
10 she was not interviewed?

11 A Correct.

12 Q Can you explain that to me?

13 A I can't. I don't recall the discussions leading up  
14 to that.

15 Q I think you mentioned to me earlier that when Agent  
16 Horney completed her investigation, or gathered all  
17 of the evidence that she was gathering, she met  
18 with a prosecutor?

19 A Correct.

20 Q Who was that prosecutor and when did that meeting  
21 occur?

22 A I don't recall which prosecutor it was or the date.

23 Q Do you know if it was somebody in the 14th Circuit  
24 Solicitor's Office, or whether it was somebody with  
25 the Attorney General's Office, or was it with

DAVID E. LESLIE

EXAM/CARR

134

1 another agency?

2 A I honestly don't recall who the prosecutor was. I  
3 believe it was somebody at the Attorney General's  
4 Office, but I don't -- it wasn't -- it wouldn't  
5 have been -- I don't think it was the 14th Circuit,  
6 no.

7 Q Were you present?

8 A I was not present.

9 Q Was anybody other than Special Agent Horney  
10 present?

11 A I think Special Agent Matthew Walker was there, as  
12 well.

13 Q So two SLED agents were there meeting with a  
14 prosecutor with the Attorney General's Office?

15 A Yes.

16 Q Do you know when and where that occurred?

17 A I don't know that.

18 Q What was the purpose of the meeting?

19 A I think it was about potential charges for the  
20 seller of the alcohol.

21 Q And did Special Agent Horney report back to you of  
22 the outcome of that meeting?

23 A She did.

24 Q And what did she tell you?

25 A That it was declined to prosecute.

# Exhibit “J”

Tajeeha Cohen  
Deposition Transcript  
Excerpts

01 STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS

02 )

03 COUNTY OF HAMPTON ) CASE NO. 2019-CP-23-00111

04 RENEE S. BEACH, as Personal )

05 Representative of the Estate )

06 of MALLORY BEACH )

07 )

08 Plaintiff, )

09 )

10 vs. )

11 )

12 GREGORY M. PARKER, INC. a/k/a )

13 PARKER'S CORPORATION d/b/a )

14 PARKER'S 55, RICHARD ALEXANDER )

15 MURDAUGH and RICHARD ALEXANDER )

16 MURDAUGH, JR. )

17 )

18 Defendants. )

19 - - - - -

20 VIDEO DEPOSITION OF TAJEEHA COHEN

21 taken by Counsel for the Plaintiff

22 before Lisa M. Adams, Certified Court Reporter

23 at the offices of Griffith, Freeman & Liipfert

24 600 Monson Street, Beaufort, South Carolina

25 on Wednesday, the 30th day of October 2019

26 commencing at 9:46 a.m.

27 - - - - -

## 01 APPEARANCES OF COUNSEL

02 FOR THE PLAINTIFF: MARK B. TINSLEY, ESQ.

03 Gooding &amp; Gooding

04 265 Barnwell Highway

05 Allendale, South Carolina 29810

06 TABOR VAUX, ESQ.

07 Vaux Marscher Berglind, P.A.

08 1251 May River Road

09 Bluffton, South Carolina 29910

10 FOR G. PARKER, INC.: E. MITCHELL GRIFFITH, ESQ.

11 KELLY DENNIS DEAN, ESQ.

12 Griffith, Freeman &amp; Liipfert

13 600 Monson Street

14 Beaufort, South Carolina 29902

15 CHRISTIAN STEGMAIER, ESQ.

16 Collins &amp; Lacy

17 1330 Lady Street, Sixth Floor

18 Columbia, South Carolina 29201

19 BLAKE GRECO, ESQ.

20 In House Counsel for Parkers, Inc.

21 17 W. McDonough Street

22 Savannah, Georgia 31401

23 FOR R. MURDAUGH &amp;

24 R. MURDAUGH, JR.: AMY FOSTER BOWER, ESQ.

25 Haynsworth, Sinkler &amp; Boyd

26 134 Meeting Street, Third Floor

27 Charleston, South Carolina 29401

28 ALSO PRESENT: DOUG WHITE, VIDEOGRAPHER

29 Clearview Legal

30 - - - - -

01	INDEX TO EXAMINATIONS	
02	Page	
03	EXAMINATION BY MR. TINSLEY	4
04	EXAMINATION BY MR. GRIFFITH	78
05	REEXAMINATION BY MR. TINSLEY	102
06	REEXAMINATION BY MR. GRIFFITH	118
07	FURTHER EXAMINATION BY MR. TINSLEY	119
08	CERTIFICATE OF REPORTER	121
09	- - - - -	
10	EXHIBITS	
11	PLAINTIFF'S	
12	1 PICTURE, TIME STAMP 5:32:14	4
13	2 PICTURE OF P. MURDAUGH AT REGISTER	4
14	3 PICTURE OF P. MURDAUGH LEAVING REGISTER	60
15	4 PICTURE OF P. MURDAUGH AT REGISTER	60
16	5 COHEN'S RECEIPT OF HANDBOOK	104
17		
18	DEFENDANTS'	
19	1 PICTURE OF P. MURDAUGH AT REGISTER	120
20	- - - - -	



01 A.I remember in orientation we talked about it.  
02 We talked about the sale of alcohol and checking IDs,  
03 the date, making sure we get facial recognition of the  
04 person on the ID. And going over the age limit, anybody  
05 under the age of 40 you must ID before selling alcohol.

06 Q.All right, so tell me -- tell me what you  
07 recall, again, about what they told you in terms of your  
08 training. Now, let me interrupt you before you do that.  
09 Is this different from what Shaquanna told you, or is  
10 this the same thing that you were saying --

11 A.That's the same thing Shaquanna told me as  
12 well.

13 Q.Okay, so when she tells you this, does she  
14 give you a video or written materials or she just  
15 explained it to you?

16 A.She explained it to me.

17 Q.Okay. So, is it fair then to say that you  
18 didn't have any written materials or videos that you had  
19 to watch to get this information, she just told you how  
20 it works?

21 MR. GRIFFITH: Object to the form.

22 A.I don't remember no video, but I know we had  
23 talked about it and it's -- it was in the handbook as  
24 well.

25 Q.[Mr. Tinsley] Okay.

01 ID that's handed to you on?

02 A.What is the thing that we use to scan it?

03 Q.Yes, ma'am.

04 A.I don't know what they call -- I guess a  
05 scanner.

06 Q.Have you ever heard something like a point-of-  
07 sale system or ever heard something called like that?

08 A.Yes, sir.

09 Q.Is that what that is?

10 A.Yes, sir.

11 Q.Okay. And it's you understanding that the  
12 scanner scans to verify whether the person's old enough  
13 or the ID's good? Tell me again what you just said.

14 A.They'll verify whether the ID is not expired  
15 and whether if they old enough to purchase it.

16 Q.Okay. When -- if I step up to the counter at  
17 5:32 and 25 seconds on October the 23rd, 2019, and I  
18 hand you an alcohol product, you have to scan that or  
19 put in some code into the cash register; correct?

20 A.We have to scan the alcohol, first, and then  
21 it'll -- something will pop up and a little statement we  
22 have to check for the age, whether if they're old  
23 enough.

24 Q.Okay. Does the cash register sort of lock up  
25 or stop until you do --

01 A.It'll stop you before you can go on with the  
02 transaction.

03 Q.Is there any way to override that?

04 A.Unless you put in a age that doesn't match  
05 what's on the ID --

06 Q.Tell me what --

07 A.-- an age that's older.

08 Q.So, like, somebody really old-looking, like  
09 Mr. Griffith, comes up to buy the alcohol, and you say,  
10 "Well, he's clearly over 40;" okay?

11 A.Yes, sir.

12 Q.I was told yesterday I look 60, so. But what  
13 would you key in to then unlock the cash register?

14 A.Well, if someone's looking his age, I'll just  
15 ask them they birthday.

16 Q.Okay. And then you would just key his  
17 birthday in?

18 A.Yes, sir.

19 Q.Do you key it in to the cash register?

20 A.Yes, sir.

21 Q.So, the ID card scanner, all it does is scan  
22 --

23 A.It'll scan it and take their, like -- if it  
24 don't go through, it won't take the thing off the  
25 screen, showing what you got to put -- where they

01 Q.All right, is that the scanner that you also  
02 used to scan the items of sale?

03 A.Yes, sir.

04 Q.So that scanner, you scanned both with?

05 A.Yes, sir.

06 Q.Okay. There's not a -- just a separate  
07 scanner for scanning the ID?

08 A.No, sir.

09 Q.And do you know if you scanned the ID that was  
10 presented to you when Paul Murdaugh bought this alcohol  
11 or whether you keyed in the birthday?

12 A.To the best of my knowledge, I know -- I  
13 scanned it.

14 Q.Okay. And when you scan it, how do you do  
15 that? Do you -- I mean, do you -- is it as quick as  
16 like when they go to Walmart and you scan it or do you  
17 have to hold the ID over it?

18 A.You have to hold the ID to it.

19 Q.Any period of time?

20 A.Sir?

21 Q.I mean how long.

22 A.It don't have a time how long we have to hold  
23 it there.

24 Q.Okay, but like if you just -- I'm sure you did  
25 this a bunch of times; right?

01 anyone under -- any person less than 21 years of age?

02 A.Yes, sir.

03 Q.And the sale of alcohol must always conform to  
04 the restrictions in effect at the particular time with  
05 regards to the State?

06 A.Yes, sir.

07 Q.Was it your understanding that selling to  
08 someone under 21 would be grounds for termination?

09 A.Yes, sir.

10 Q.And you, as an employee, could be subject to,  
11 as we talked about, a serious civil or criminal penalty;  
12 is that correct?

13 A.Yes, sir.

14 Q.Did you ever -- to the best of your ability,  
15 did you ever sell to someone who was under 21 and know  
16 that they were under 21?

17 A.No, sir, not as I know of.

18 Q.Did you try and check the IDs at all times?

19 A.Yes, sir.

20 Q.And did you do the -- I believe you called it  
21 a facial recognition or a facial --

22 A.Yes, sir.

23 Q.-- check, is that what you tried to do?

24 A.Yes, sir.

25 Q.All right, you saw the video, I believe; is

01 that correct?

02 A.Yes, sir.

03 Q.And in that video you check the ID; is that  
04 correct?

05 A.Yes, sir.

06 Q.And did you do a look to see if the ID and the  
07 person handing you the ID looked the same?

08 A.Yes, sir.

09 Q.Okay. I'm going to show you one of the  
10 paragraphs that was also taken from the video that  
11 night, does that show you looking at the ID?

12 A.Yes, sir.

13 Q.Okay. And when you made that sale did you  
14 believe that that gentleman that you sold to was 21  
15 years of age?

16 A.Yes, sir.

17 Q.You were asked a lot about the transaction, do  
18 you remember the transaction other than maybe going back  
19 and looking at the video?

20 A.That was the only way I really remember it.

21 Q.All right, and that's the only reason it was  
22 brought to your attention?

23 A.Yes, sir.

24 Q.All right. This redheaded man approached you,  
25 and from looking at the video there was a sale prior to

01 MR. TINSLEY: Object to the form.

02 A.To the best of my knowledge, he came up  
03 confident. He spoke to me and everything like he was --  
04 like he was doing the right thing.

05 Q.[Mr. Griffith] Okay. And then he handed you  
06 the ID; is that correct?

07 A.When I asked for it, yes, sir.

08 Q.To the best of your knowledge, did he appear  
09 to be the person that was on the ID?

10 A.Yes, sir.

11 Q.If you'd had any reason to believe that that  
12 was not a valid ID would you have sold him the beer?

13 A.No, sir.

14 Q.So, as I understand it, you looked at the ID?

15 A.Yes.

16 Q.You looked at the person?

17 A.Yes, sir.

18 Q.Scanned the ID?

19 A.Yes, sir.

20 Q.And the ID came back as being a good ID?

21 A.Yes, sir.

22 Q.At that point, was it permissible for you to  
23 make the sale?

24 A.Yes, sir.

25 Q.You were asked about certain training. The

01 Q.So, you were doing what you believed to be  
02 correct; correct? Is that true?

03 A.Yes, sir.

04 Q.All right, and then there was a question about  
05 credit card purchases. Do you know if the credit card  
06 purchases, was that so that the sale doesn't go back  
07 versus whether it's an age-related issue?

08 A.I didn't know.

09 Q.Okay. So, if that had nothing to do with  
10 somebody came in with -- and bought \$50 worth of Coca-  
11 Cola, would that made a difference?

12 MR. TINSLEY: Object to the form.

13 A.No, sir. To ask for an ID with a credit card?  
14 No, sir.

15 Q.[Mr. Griffith] Right. Did you knowingly sell  
16 alcohol to a young man, Paul Murdaugh, who was under the  
17 age of 21 on February 23rd, 2019?

18 MR. TINSLEY: Object to the form.

19 A.No, sir.

20 Q.[Mr. Griffith] That's all the questions I  
21 have.

22 - - - - -

23 FURTHER EXAMINATION

24 BY MR. TINSLEY:

25 Q.Back to the training materials, you don't know



01 C-E-R-T-I-F-I-C-A-T-E

02 S O U T H C A R O L I N A

03 BEAUFORT COUNTY

04  
05 I hereby certify that the foregoing deposition  
06 was reported, as stated in the caption, by means of  
07 Stenomask and speech recognition, with backup, and the  
08 questions and answers thereto were reduced to written  
09 form by me or under my direction; that the foregoing  
10 pages 1 through 120 represent a true, correct, and  
11 complete transcript of the evidence given on Wednesday,  
12 the 30th day of October 2019, by the witness, TAJEEHA  
13 COHEN, who was first duly sworn by me; that I am not a  
14 relative, employee, attorney, or counsel of any of the  
15 parties, nor am I financially interested in the action.

16 This, the 21st day of November 2019.

17 *Lisa M. Adams*

18 LISA M. ADAMS, CVR-M

19 CERTIFIED COURT REPORTER

20 NVRA CERTIFIED

21