

COME NOW Plaintiffs Big House Cemetery Committee, Shanoma Watson, Julia B. Scott, Jimmy Pope, Tamika Middleton, Sheila Middleton, Mary Mack, Leroy Haynes, Sherika Chisolm, Sherike Bennett, and Arlene Covington (“Plaintiffs”), by and through undersigned counsel, and file this Supplement to their Motion for Temporary Restraining Order and Memorandum of Law in Support, filed against Defendants Theresa Aigner, Robert Cody Harper, and Walter Robert

Harper, Jr. (“Defendants”), pursuant to Rule 65(b) of South Carolina Rules of Civil Procedure, on July 9, 2025. Plaintiffs file this supplement to their Motion for Temporary Restraining Order (“Motion”)—which to date is unopposed by Defendants¹—to apprise the Court of the irreparable harm Plaintiffs are suffering on a continued, daily basis due to Defendants’ actions at issue in this case—namely, their unlawful obstructions on Everest Lane and Road (“Everest”). In light of these compounding harms, Defendants’ ongoing violations, and the pending status of Plaintiffs’ Motion, Plaintiffs re-urge their request for this Court to promptly grant injunctive relief, schedule a hearing on the temporary injunction, and, following the hearing, convert any issued temporary restraining order into a temporary injunction pending a trial on the merits.²

A. Plaintiffs suffer irreparable harm each day they are unable to access the Big House Cemetery via Everest.

As their uncontested Motion shows, Plaintiffs remain unable to access the Big House Cemetery (“Cemetery”) to visit and care for their loved ones who are buried there and to maintain the Cemetery, including holding a clean-up day, due to Defendants’ erection and maintenance of obstructive gates along a well-known and -established road to access the Cemetery via Everest, in violation of Plaintiffs’ rights under South Carolina law. Verified Am. Compl. ¶¶ 1, 10-11, 213-28. On the same day that Plaintiffs filed their Motion, Plaintiffs requested that Defendants agree to open the gates for some period of the day on July 12, 2025, so that Plaintiffs and additional members of the local community could hold their planned clean-up day in the Cemetery. Defendants denied this request.

¹ While Defendants have not filed any opposition to Plaintiffs’ Motion for Temporary Restraining Order, they have moved to dismiss for failure to state a claim and for failure to add an indispensable party. Plaintiffs are prepared to respond to that motion at a hearing before this Court or, upon this Court’s request, in a written response to Defendants’ motion.

² Plaintiffs contacted the Court on two occasions via email on July 10, 2025, to apprise the Court of the Motion, and to request a hearing, but have not received a response.

While Plaintiffs' intended clean-up day has now passed, the need to maintain the Cemetery in hospitable conditions continues—worsening daily—as Plaintiffs remain unable to exercise their right to maintain the Cemetery, as well as other rights related to honoring their ancestors in the Cemetery, due to Defendants' obstructions. Indeed, Plaintiffs' pending Motion explains that this harm would continue to occur beyond July 12, and requested relief to extend beyond their July 12 clean-up date. *See* Mot. for TRO & Memorandum of Law in Support.³

To illustrate, Plaintiffs' rights under South Carolina law are continually violated; Plaintiffs are injured daily by Defendants' obstructions; and Plaintiffs continue to need court intervention to redress these legal violations and to repair this irreparable harm. As argued in their Motion and attested to in their Verified Amended Complaint, Plaintiffs continue to suffer from the accumulating harms of multiple missed birthdays, anniversaries, days of familial significance, and days of national significance without being able to visit their loved ones in the Cemetery. Memorandum of Law in Support of Mot. for TRO at 6-8 (citing Verified Am. Compl. ¶¶ 121, 129, 141, 149, 155, 167, 177, 183, 196, 202-07).

Moreover, in their Motion for TRO, Plaintiffs requested that, if the Motion was granted, the Court hold a hearing on a temporary injunction and convert the Temporary Restraining Order into a Temporary Injunction Order. Mot. for TRO at 9-10 (“Plaintiffs respectfully request that the Court . . . convert the Temporary Restraining Order into an Order for Temporary Injunction, enjoining Defendants from blocking access to the Big House Cemetery during the pendency of this litigation.”); Memorandum of Law in Support of Mot. for TRO (same). With the Court’s

³ For example, Plaintiffs explained that irreparable harm “occurs each day they are unable to access the Cemetery via Everest to visit and care for the Cemetery where their deceased loved ones are buried....” Mot. for TRO ¶19; *see also* Memorandum of Law in Support of Mot. for TRO at 3, 8-10 (discussing the same as it relates to the sacred burial grounds of their ancestors that have been used by their families for generations); Memorandum of Law in Support of Mot. for TRO at 16 (“Plaintiffs have no adequate remedy to redress the harm arising from their inability to access the Cemetery via Everest, including for their planned clean-up day on July 12, 2025, and beyond.”).

permission, Plaintiffs now request that the Court schedule a hearing on preliminary injunctive relief. Such intervention by this Court is necessary to address the daily irreparable harm experienced by Plaintiffs of denied access to visit and care for the burial sites of their loved ones at the Cemetery.

B. Plaintiffs seek to return to the status quo, pending this litigation, that existed for years before Defendants obstructed access to the Big House Cemetery via Everest.

If granted, Plaintiffs request for preliminary injunctive relief would return Plaintiffs and Defendants to the status quo that existed before Defendants' obstructions. Plaintiffs seek nothing more than this return to the status quo by way of access to the Cemetery via Everest, access to which even Defendant Aigner has recognized Plaintiffs' have a right. Memorandum of Law in Support of Mot. for TRO at 1-3, 6-7; *see also* Verified Am. Compl. ¶¶ 90-91.

CONCLUSION

Plaintiffs submit this Supplement to update the Court as to their ongoing need for injunctive relief, including for a temporary injunction, as originally requested in their Motion for a Temporary Restraining Order—and request a hearing on the matter, at the Court's earliest convenience.

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Respectfully submitted,

s/ Tyler D. Bailey

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Certificate of Electronic Notification

Recipients

Gregory Alford - Notification transmitted on 09-19-2025 05:10:16 PM.

Tyler Bailey - Notification transmitted on 09-19-2025 05:10:16 PM.

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Court: CIRCUIT COURT

Common Pleas

Beaufort

Case Caption: Big House Cemetery Committee , plaintiff, et al
VS Theresa Aigner , defendant, et al

Document(s) Submitted: Filing/Other

Filed by or on behalf of: Tyler Desmond Bailey

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The following people were served electronically:

Gregory Milam Alford for Theresa Aigner et al

Tyler Desmond Bailey for Big House Cemetery
Committee et al

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Emily Early

Jessica Vosburgh

Kayla Vinson

D. Korbin Felder