

MPA Litigation Q&A

What lawsuits are the Town currently involved in against MPA?

MPA Strategies, LLC (“MPA”) filed a lawsuit against the Town in 2021, and the Town brought counterclaims against MPA, its owner Ashley Hunter, and her related entity, State and Frink Foundation (the “First Lawsuit”). MPA and Ashley Hunter filed a second lawsuit against the Town and others in 2023 (the “Second Lawsuit”) (together, the “MPA Lawsuits”). Both lawsuits are ongoing.

What are the MPA Lawsuits about?

MPA entered into a contract with the Town in April 2021 to provide marketing and grant writing services. The Town alleges MPA was improperly assisted by a certain Town councilmember in obtaining the contract in exchange for assistance with future campaign services. The Town also alleges that, in obtaining the contract, Ms. Hunter misrepresented her company’s non-profit status and eligibility to receive the type of funds utilized to pay the contract. Additionally, the Town alleges that when it began to raise concerns during contract negotiations, Ms. Hunter served a Freedom of Information Act (“FOIA”) request on the Town and threatened to sue the Town if it did not agree to her desired terms. But-for these actions and misrepresentations, the Town would not have entered into a contract with Ms. Hunter or her entities.

MPA filed the First Lawsuit in June 2021, alleging the Town failed to timely comply with its FOIA request. At that time, the Town’s legal counsel had informed MPA that it was working to gather data responsive to several overlapping FOIA requests and that all data needed to be pulled off of electronic devices at the same time, but that certain Town councilmembers had yet to turn over their devices. MPA then proceeded to file the First Lawsuit, despite assurances from MPA’s attorney that it would talk to the Town before doing so. In response, and in addition to defending the lawsuit brought against it by MPA, the Town filed counterclaims related to the contract improperly obtained by Ms. Hunter and/or her entities, which was the subject of the FOIA at issue.

In January 2023, while the First Lawsuit is ongoing, Ms. Hunter and MPA filed the Second Lawsuit against the Town and three other defendants, including Mayor Franklin, Tonya Page (former editor and general manager of the Blythewood Country Chronicle), and Camden Media Company, LLC (the company which published the Blythewood Country Chronicle). In that lawsuit, Ms. Hunter alleges that she was defamed by suggestions that she obtained the contract with the Town “not based on merit, but instead based on romantic involvement” with Councilmember Donald Brock.

What is the status of the MPA Lawsuits?

The First Lawsuit is ongoing and is in the discovery stage of the litigation. The Second Lawsuit is ongoing and is in the preliminary, pleading stage of the litigation.

Has the Court issued any key rulings in the MPA Lawsuits?

The Court issued several important rulings in the First Lawsuit at a hearing on August 9, 2023. Among them, Judge Clifton Newman held “that [MPA] has violated the discovery rules” and “has violated the rules prohibiting spoliation of evidence,” and that, as a result, the Town is entitled to sanctions awards against MPA. Additionally, Judge Newman denied MPA, Ms. Hunter, and State and Frink Foundation’s Motion to Strike the Town’s counterclaims against them and Motion for Summary Judgment.

The Court’s rulings permit the Town’s counterclaims to proceed against MPA, Ms. Hunter, and State and Frink Foundation, and recognize the prejudice to the Town as a result of MPA and Ms. Hunter’s discovery violations and destruction of evidence. The amount and form of the sanctions awards will be determined by the Court at a later date. As part of, and in addition to, the sanctions awards, the Town intends to seek reimbursement of its attorneys’ fees and costs incurred in the MPA lawsuits from MPA, Ms. Hunter, and State and Frink Foundation.

A copy of the transcript from the August 9, 2023 hearing is provided on the Legal Resources page on the Town’s website (link provided below).

Additionally, on October 18, 2023, Judge Cothran issued an informal ruling dismissing Tonya Page from the Second Lawsuit. The ruling will be formalized in a forthcoming written order.

Has the Town tried to settle the MPA Lawsuits?

The Town participated in mediation of the First Lawsuit in April 2022, in which the parties attempted to negotiate a settlement. Unfortunately, the mediation was unsuccessful and a settlement was not reached. The Town has always been and remains open to attempting to resolve the lawsuit. The mediation occurred prior to MPA and Ms. Hunter filing the Second Lawsuit and, at this time, mediation has not occurred in that lawsuit.

Who is the Town’s Outside Legal Counsel in the MPA Lawsuits?

Maynard Nexsen, PC (formerly Nexsen Pruet, LLC) was engaged to represent the Town in the MPA Lawsuits. Maynard Nexsen represents the interests of the Town, and does not represent the Mayor or any individual Town councilmember.

Where can the public find filings related to the MPA Lawsuits?

All court filings in the MPA Lawsuits are public records and can be found by accessing the Richland County Public Index. The case number for the First Lawsuit is 2021CP4003205 and the case number for the Second Lawsuit is 2023CP4000492. The public is encouraged to utilize this docket to obtain accurate information pertaining to the MPA Lawsuits.

Additionally, key filings in the MPA Lawsuits are available on the Town website on the Legal Resources page. Documents will be added to this page as the lawsuits progress.