

FORM 4

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

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2017CP3900709

ELECTRONICALLY FILED - 2017 Oct 25 9:30 AM - PICKENS - COMMON PLEAS - CASE#2017CP3900709

John Doe

Jane Doe, Charles Doe, and  
 Richard Doe

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for:  Plaintiff  Defendant  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit)  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order; (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

**E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.**

Circuit Court Judge Perry Gravely

Judge Code 2755

10/25/2017

Date

For Clerk of Court Office Use Only

**RECEIVED**

SEP 26 2022

SC Court of Appeals

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on], to attorneys of record or to parties (when appearing pro se) as follows:

David F. Aylor 24 Broad Street, Charleston, SC 29401  
Joseph S. Schmutz 24 Broad Street, Charleston, SC 29401

William A. Coates P.O. Box 10529, Greenville, SC 29603  
Jeffrey C. Kull P.O. Box 6648, Columbia, SC 29260

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter Deborah Garrison

Harold P Welborn, Jr. - Clerk of Court

**Court Reporter:**

**E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRCF.**

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

This matter came before the Court on 2 separate Motions to Dismiss filed by Defendants Jane Doe and Richard Doe and Defendant Charles Doe. After careful review, the Court finds that Plaintiff John Doe has stated causes of action for Defamation, Intentional Infliction of Emotional Distress, and Civil Conspiracy against all Defendants. In deciding a motion to dismiss, the Court must view the allegations in the complaint in the light most favorable to the plaintiff, "with every doubt resolved in his behalf." *Gentry v. Yonce*, 337 S.C. 1, 5, 552 S.E.2d 137, 139 (1999). Accordingly, the trial court should deny a 12(b)(6) motion if the "facts alleged and inferences reasonably deducible therefrom would entitle plaintiff to any relief on any theory of the case." *Id.* (quoting *Stiles v. Onorato*, 318 S.C. 297, 300, 457 S.E.2d 601 (1995)). The Court finds that the Complaint has met this burden and the Motion to Dismiss as to these specific causes of action should be denied.

However, with regard to Plaintiff's Abuse of Process Claim against Jane and Charles Doe, the Plaintiff has failed to sufficiently plead a cause of action. At the hearing, the Plaintiff argued that Clemson University's Title IX proceedings according to rules promulgated by the University constituted "process" attendant to litigation. Under South Carolina law, "process" has been interpreted broadly to include the entire range of procedures incident to the litigation process. *Pallares v. Seinar*, 407 S.C. 359, 756 S.E.2d 128, 133 (2014); *see also Food Lion Inc. v. United Food & Commercial Workers Int's Union*, 351 S.C. 65, 567 S.E.2d 253 (Ct. App. 2002) ("In our view, 'process,' as it pertains to the abuse of process tort, embraces the full range of activities and procedures attendant to litigation."). Here, in contrast, Clemson's Title IX process does not embrace procedures attendant to litigation. The decision by Clemson University's Title IX Administrative Hearing Board is not appealable to an Administrative Law Court, and preclusive doctrines like collateral estoppel would not apply to findings made in proceedings before Clemson's Administrative Hearing Board. *See Young v. CareAlliance Health Services*, 2014 WL 4955225 at \*18 (D.S.C. 2014) (finding an improper complaint to the Board of Nursing was an abuse of process because it could lead to formal charges by the Board, the administrative tribunal's decision is appealable to the Administrative Law Court, and preclusive doctrines apply to findings made in such proceedings.)

Therefore, the Court denies the Defendants' Motions with regard to the causes of action for Defamation, Intentional Infliction of Emotional Distress, and Civil Conspiracy claims, and grants Defendant Jane and Charles Doe's Motion to Dismiss with regard to the Abuse of Process Claim.



Pickens Common Pleas

**Case Caption:** John Doe VS Jane Doe , defendant, et al

**Case Number:** 2017CP3900709

**Type:** Order/Form 4

So Ordered

s/ Honorable Perry H. Gravely, #2755