

FORM 4

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

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2022CP1800442

Benjamin Heyward		Department of Corrections South Carolina	
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> 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 the case.~~ 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.

Maite' Murphy
 Circuit Court Judge

2166
 Judge Code

5/11/2023
 Date

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JUN 08 2023

SC Court of Appeals

ELECTRONICALLY FILED - 2023 MAY 11 10:31 AM - DORCHESTER - COMMON PLEAS - CASE#2022CP1800442

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STATE OF SOUTH CAROLINA JUN 08 2023 IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER SC Court of Appeals

Benjamin Heyward,

Plaintiff,

Versus

South Carolina Department of Corrections,

Defendant.

C/A No. 2022-CP-18-00442

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS**

This matter is before the Court on the Defendant South Carolina Department of Corrections' (hereinafter "Defendant") Motion to Dismiss. The Defendant brought its motion on the grounds Plaintiff's Amended Complaint fails to state a claim for which relief may be granted against the Defendant. ~~Based on the record and the material facts as shown by the Defendant, the Court finds that the Defendant is immune from liability pursuant to the South Carolina Tort Claims Act and that the Plaintiff's action is governed by the South Carolina Worker's Compensation Act. Accordingly, the Court grants Defendant's Motion to Dismiss.~~

APPLICABLE LAW

Pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, a motion to dismiss must be granted when the pleadings fail to state facts sufficient to constitute a cause of action as a matter of law. *Bergstrom v. Palmetto Health Alliance*, 596 S.E.2d 42, 45 (S.C. 2004). Furthermore, a court must grant a Rule 12(b)(6) motion to dismiss if the facts alleged and the inferences reasonably deducible from the pleadings would not entitle a plaintiff to relief under any theory of the case. *Brown v. Leverette*, 353 S.E.2d 697, 698 (S.C. 1987); *McCormick v. England*, 494 S.E.2d 431, 433 (S.C. Ct. App. 1997). Thus, the question to be considered is whether the pleadings articulate any valid claim for relief. *Toussaint v. Ham*, 357 S.E.2d 8, 9 (S.C. 1987); *Cowart v. Poore*, 523 S.E.2d 182, 184-85 (S.C. Ct. App. 1999).

DISCUSSION

The Defendant South Carolina Department of Corrections is afforded the protections of the South Carolina Tort Claims act as an agency of the State of South Carolina. S.C. Code Ann. §15-78-30(a), (c), (d), and (h) (1986) (defining “agency,” “employee,” “governmental entity,” and “political subdivision” for purposes of the South Carolina Tort Claims Act) are applicable for any state law claims which may be contained in Plaintiff’s Complaint.

“The remedy provided by [the South Carolina Tort Claims Act] is the exclusive civil remedy available for any tort committed by a governmental entity, its employees, or its agents except as provided in §15-78-70(b).” S.C. Code Ann. §15-78-20(b) (1986).

Further, the South Carolina Tort Claims Act expressly states there is no liability for claims that are governed by the South Carolina Worker’s Compensation Act. S.C. Code §15-78-60 (14).

The Plaintiff’s Complaint seeks recovery for injuries he allegedly sustained while working in the cafeteria at McDougall Correctional Institution. As such, ~~the Court finds that pursuant to S.C. Code §15-78-60 (14) the Defendant is immune from liability, and pursuant to S.C. Code § 41-1-480, the Plaintiff’s sole remedy is governed by the South Carolina Worker’s Compensation Act.~~

Based on the foregoing, the Defendants’ Motion to Dismiss is hereby GRANTED.

IT IS SO ORDERED.

_____, 2023
St George, South Carolina

The Honorable Maite Murphy



Dorchester Common Pleas

Case Caption: Benjamin Heyward VS Department of Corrections South Carolina ,
defendant, et al
Case Number: 2022CP1800442
Type: Order/Dismissal

So Ordered

s/ Maite Murphy 2166