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Jul 13 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

The Honorable R. Keith Kelly
Circuit Court Judge

Case No. 2017-CP-11-00735
Appellate Case No. 2022-001582

Sharon Brown,

Appellant,

v.

Cherokee County School District,

Respondent.

**RESPONDENT’S RETURN TO APPELLANT’S MOTION FOR A 60-DAY EXTENSION
OF TIME TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 240(e), SCACR, Respondent, Cherokee County School District, submits this Return to *pro se* Appellant Sharon Brown’s (“Appellant”) Motion for a 60-day Extension of Time to File Initial Brief and Designation of Matter to be Included in the Record on Appeal. The District respectfully requests the Court deny Appellant’s motion for a third request for an extension of time to file her Initial Brief and designation on appeal and enforce the Court’s previously granted extension to July 21, 2023.

RELEVANT PROCEDURAL AND FACTUAL BACKGROUND

In the underlying lower court action, Appellant retained representation of two attorneys, Mr. Fletcher N. Smith, Esq. and Ms. J. Patricia Anderson, Esq. Currently, Appellant proceeds in

the above-captioned appeal *pro se*. While most of Appellant’s claims were fully litigated on the merits under Rule 56, SCRCP, and jury trial completely in favor of Respondent, one cause of action under the S.C. Whistleblower Protection Act (“SCWPA”) remains to be tried due to the statutory requirement that it be tried non-jury. *Sharon Brown v. Cherokee Co. School District*, C/A No. 2017CP1100735, (Cir. Ct. Sept. 19, 2022). (**Exhibit A**-Order Bifurcating Appellant’s SCWPA claim). Although Appellant’s SCWPA claim was brought under the same caption as Appellant’s other causes of action, on January 27, 2023, the Honorable Keith R. Kelly, stayed the remaining bench trial for the SCWPA cause of action due to lack of jurisdiction of the lower court. *Sharon Brown v. Cherokee Co. School District*, C/A No. 2017CP1100735, (Cir. Ct. Jan. 27, 2023). (**Exhibit B**-Filing acknowledging Court’s Emailed Order staying Appellant’s nonjury trial of the SCWPA claim due to lack of circuit court jurisdiction).

This appeal stems from the lower Court’s partial grant of summary judgment and jury verdict in favor of Respondent. (See **Exhibit C**—Appellant’s November 8, 2022 Notice of Appeal and accompanying circuit Court orders and verdict form). Appellant has yet to file her Initial Brief or Designation of Matters on Appeal. In her filing received by the Court on May 22, 2023.

Appellant admits that she received a copy of the transcript from the Court reporter on April 22, 2023. (**Exhibit D**—Appellant’s First Motion for a 30-day Extension of Time). On May 18, 2023, the Appellant filed, and the Court granted, Appellant’s Motion For A 30-Day Extension of

¹ Under the SCWPA,

“(A) If an employee is dismissed, suspended from employment, demoted, or receives a decrease in compensation, within one year after having timely reported an alleged wrongdoing under this chapter, the employee may institute a nonjury civil action against the employing public body. . . .”

Time To File Initial Brief and Designation of Matter To Be Included In The Record On Appeal, extending the deadline to June 21, 2023.

On June 12, 2023, Appellant filed a *second* motion requesting an additional 30-day extension of the deadline for filing her initial brief, to which the Court granted and extended the deadline for the filing of Appellant's initial brief and designation of matters on appeal until July 21, 2023. On July 5, 2023, Appellant filed a motion seeking an additional sixty (60) additional days to file her Initial Brief and Designation on appeal.

Respondent respectfully requests the Court deny Appellant's July 5, 2023, motion and enforce its Order designating the current deadline of July 21, 2023, for Appellant to file her initial brief and designation on appeal.

ARGUMENT

Rule 208(a), SCACR, sets the time for serving and filing initial briefs. Pursuant to Rule 208(a)(1), SCACR, "within thirty (30) days after receiving the transcript...appellant shall serve one copy of his brief on all parties to the appeal, and file with the clerk of the appellate court one copy of the brief with proof of service." Rule 208 also sets the penalties in the event that either an Appellant or Respondent fails to file an initial brief.

Here, Appellant admits in a previous filing that she received a copy of the transcript from Court reporter Michael Watkins on April 22, 2023. (*See Exhibit D*). To date, Appellant has failed to file her Initial Brief and Designation of Matter on Appeal despite having a copy of the transcript for eighty-two (82) days. Furthermore, following Appellant's *second* motion for an extension of time, this Court stated in its order, "No further extensions will be granted absent extraordinary circumstances."

In her *third* motion for an extension of time, Appellant cites the health status of her mother as the reason she needs the additional sixty (60) days to file her initial brief and designation. While the undersigned sympathizes with Appellant, the health status of a family member does not excuse Appellant from pursuing her own appeal; especially where Appellant was capable of filing her initial brief and designation within thirty days of receiving the transcript on April 22, 2023, as required under Rule 208(a)(1), SCACR.

Appellant has demonstrated her ability to retain counsel in the lower court action, and while the health status of her mother is concerning, the undue delay Appellant brings in filing her initial brief and designation should not burden Respondent's ability to proceed under the above-referenced appeal and remaining non-jury trial in the lower court action.

Furthermore, Respondent may be prejudiced for the additional delay required if the Court grants Appellant's motion due to the remaining bench trial to hear Appellant's claim under the SCWPA. As Appellant continues to delay these proceedings in the above-referenced Appeal, Respondent is unable to proceed with its defense of Appellant's claim brought under the SCWPA, which must be heard in a non-jury forum. Respondent risks losing the availability of material witnesses for the remaining bench trial because the underlying action is stayed until this Court disposes of this appeal.

CONCLUSION

It is the Respondent's position that the Appellant's motion for a *third* time extension be denied by this Court in accordance with Rule 208(a), SCACR, and at minimum the Court enforce its deadline for Appellant to file her initial brief and designation by the previously ordered date of July 22, 2023.

[Signature Block on Following Page]

Respectfully submitted,



Andrea E. White (SC Bar ID #11891)
J. Alexander Sherard (SC Bar ID #103276)
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*Attorneys for Respondent Cherokee County
School District One*

July 13, 2023
Columbia, South Carolina

Exhibit A

STATE OF SOUTH CAROLINA

COUNTY OF CHEROKEE

Sharon Brown,

Plaintiff,

v.

Cherokee County School District,

Defendant.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

C/A No.: 2017-CP-11-00735

PROPOSED ORDER

INTRODUCTION

On October 4, 2017, Plaintiff Sharon Brown (“Plaintiff”) Plaintiff filed her initial Summons and Complaint in this Court against Defendant Cherokee County School District (“Defendant” or “the District”) following her dismissal from employment by the District’s Board of Trustees on October 7, 2015. In her Second Amended Complaint, Plaintiff alleged nine (9) causes of action against Defendant. On March 29, 2021, this Court partially granted the Defendant’s Motion for Summary Judgment, leaving four causes of action subject to this litigation as alleged in Plaintiff’s Second Amended Complaint: (1) Violation of the S.C. Whistleblower Protection Act, (2) Breach of Contract, (3) Breach of Contract with Fraudulent Intent, and (4) Gross Negligence.

On August 27, 2021, Defendant filed a Motion for Bifurcation and Transfer to the Nonjury Docket and an accompanying Memorandum of Law in Support. Defendant’s Motion seeks to bifurcate and transfer to the nonjury docket, Plaintiff’s cause of action alleging Defendant’s violation under the S.C. Whistleblower Protection Act (“WPA”). Furthermore, Defendant requests an order from this Court for the trial of Plaintiff’s nonjury WPA claim to take place after the jury

trial of Plaintiff's causes of action at law. This case is subject to trial during this court's October 24, 2022 jury trial term of court.

BACKGROUND

On September 19, 2022, this court heard Defendant's Motion for Bifurcation and Transfer of Nonjury Claim to the Nonjury Roster. Present at the hearing were J. Alexander Sherard, attorney for Defendant, and Fletcher N. Smith, attorney for Plaintiff. During the hearing, Plaintiff's counsel fully consented to Defendant's August 27, 2021 motion. Based on Defendant's written Motion, memorandum of law in support, Plaintiff's consent, and the below analysis, Defendant's Motion for Bifurcation and Transfer of Nonjury Claim to the Nonjury Roster is **GRANTED**. Furthermore, Plaintiff's WPA claim, as alleged in her Second Amended Complaint, shall be subject to trial on this court's nonjury trial docket after Plaintiff's causes of action at law are tried by a jury.

ORDER

Pursuant to Rule 42(b), "[a] trial court may order a separate trial . . . *of any separate issue* (emphasis added). Defendant's Motion for Bifurcation is based on the statutory language of the WPA requiring a "nonjury civil action" as the appropriate remedy by a public employee against a public employer alleged to be in violation of the WPA. *See* S.C. Code Ann. § 8-27-30(A). Here, Plaintiff does not have right to trial by jury because the statutory remedy expressly states that a "nonjury civil action" method of adjudication. Therefore, Plaintiff's WPA claim should be separated from Plaintiff's other causes of action alleged in her Second Amended Complaint.

Pursuant to Rule 39(a), SCRPC, "[t]he trial of all issues so demanded shall be by jury, unless (1) the parties or their attorneys of record . . . by an oral stipulation made in open court and entered in the record, consent to trial by the court sitting without a jury or (2) the court upon motion

or its own initiative finds that a right of trial by jury of some or all of those issues does not exist.” Here, during oral arguments on September 19, 2022, Plaintiff’s counsel consented to Defendant’s Motion for Bifurcation and Transfer of Plaintiff’s WPA claim to the Nonjury Docket and for the nonjury trial of the WPA claim to be conducted after the trial of Plaintiff’s legal claims at law for Breach of Contract, Breach of Contract with Fraudulent Intent, and Gross Negligence. Therefore, by consent of Plaintiff’s counsel in open court on September 19, 2022, Plaintiff’s WPA claim shall be tried separately before the court and not before a jury.

If separate trials are ordered, the judge must determine which issues are to be tried first. If factual issues are common to both claims, absent the “most imperative circumstances,” the “at law” claim must be tried first. *Beacon Theatres, Inc. v. Westover*, 359 U.S. 500, 79 S. Ct. 948, 3 L. Ed. (2d) 988 (1959).

Here, Defendant’s Motion and Memorandum of Law in Support of its Motion requests that Plaintiff’s nonjury WPA claim be tried after Plaintiff’s jury trial for the causes of action “ at law” for Breach of Contract, Breach of Contract with Fraudulent Intent, and Gross Negligence. Notwithstanding Plaintiff’s consent to try the nonjury WPA after the jury trial, it is undisputed that Plaintiff’s causes of action for Breach of Contract, Breach of Contract with Fraudulent Intent, and Gross Negligence are claims “at law.” Further, the commonality of the factual issues between the WPA claim and the three other causes of action warrant that the claims at law should be tried before the nonjury WPA claim. Therefore, Plaintiff’s WPA claim shall be subject to a nonjury trial after Plaintiff’s causes of at law for Breach of Contract, Breach of Contract with Fraudulent Intent, and Gross Negligence are tried by a jury.

CONCLUSION

Based on the foregoing and by consent of Plaintiff's counsel during the September 19, 2022 hearing, under Rules 42 and 39, SCRCP, respectively, Plaintiff's WPA claim is separated and transferred to this Court's Nonjury Trial Docket. In furtherance of the separation and transfer, Plaintiff's WPA claim shall be tried after the trial or resolution of Plaintiff's claims at law.

IT IS THEREFORE ORDERED

The Honorable Judge R. Keith Kelly
Chief Administrative Judge, 7th Circuit



Cherokee Common Pleas

Case Caption: Sharon Brown VS Cherokee County School District One ,
defendant, et al
Case Number: 2017CP1100735
Type: Order/Bifurcate

It is so Ordered.

s/ R. Keith Kelly - 2165

Exhibit B

Heather Yonkoske

1 day case

From: Brandy McBee
Sent: Friday, January 27, 2023 2:51 PM
To: Heather Yonkoske
Subject: FW: Sharon Brown v. Cherokee County School District

From: Alex Sherard <asherard@sodacitylaw.com>
Sent: Friday, January 27, 2023 2:33 PM
To: Brandy McBee <Brandy.McBee@cherokeecountysc.com>; Kelly, R. Keith Law Clerk (Madalyn Dalton) <kkellylc@sccourts.org>; Fletcher N. Smith <fsmith@piedmontlegal.com>
Cc: Loretta Maddox <loretta@piedmontlegal.com>
Subject: RE: Sharon Brown v. Cherokee County School District

****THIS IS AN EXTERNAL EMAIL** Use caution and proper judgement when opening attachments, clicking links, or responding to this email.**

On behalf of the Defendant Cherokee Co. School District, I acknowledge receipt that Judge Kelly will stay this matter pending the pro se appeal.

Best,
Alex Sherard



Alex Sherard
Senior Associate Attorney
White & Story LLC
3614 Landmark Drive, Suite EF
P.O. Box 7036 (29202)
Columbia SC, 29204
O: 803-814-0993 | T: 803-626-1779
F: 803-814-1183
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www.sodacitylaw.com

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From: Brandy McBee <Brandy.McBee@cherokeecountysc.com>
Sent: Friday, January 27, 2023 1:00 PM
To: Kelly, R. Keith Law Clerk (Madalyn Dalton) <kkellylc@sccourts.org>; Fletcher N. Smith <fsmith@piedmontlegal.com>; Alex Sherard <asherard@sodacitylaw.com>
Cc: Loretta Maddox <loretta@piedmontlegal.com>
Subject: RE: Sharon Brown v. Cherokee County School District

Yes ma'am. I will be glad too. Thanks!
Have a nice weekend everyone!

Brandy

From: Kelly, R. Keith Law Clerk (Madalyn Dalton) <kkellylc@sccourts.org>
Sent: Friday, January 27, 2023 12:20 PM
To: Fletcher N. Smith <fsmith@piedmontlegal.com>; Alex Sherard <asherard@sodacitylaw.com>; Brandy McBee <Brandy.McBee@cherokeecountysc.com>
Cc: Loretta Maddox <loretta@piedmontlegal.com>
Subject: RE: Sharon Brown v. Cherokee County School District

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Judge Kelly will stay this case pending the pro se appeal. Brandy – could your office call Mr. Smith & let him know?

Thanks,
Mattie

From: Fletcher N. Smith <fsmith@piedmontlegal.com>
Sent: Friday, January 27, 2023 11:39 AM
To: Alex Sherard <asherard@sodacitylaw.com>; Kelly, R. Keith Law Clerk (Madalyn Dalton) <kkellylc@sccourts.org>; McBee, Brandy <brandy.mcbee@cherokeecountysc.com>
Cc: Loretta Maddox <loretta@piedmontlegal.com>
Subject: RE: Sharon Brown v. Cherokee County School District

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All,
My cell is 864-735-3306. I will be out of the office at 12:00 noon.
Thanks
Fletcher

From: Alex Sherard <asherard@sodacitylaw.com>

Sent: Friday, January 27, 2023 11:34 AM

To: Fletcher N. Smith <fsmith@piedmontlegal.com>; Kelly, R. Keith Law Clerk (Madalyn Dalton) <kkellylc@sccourts.org>; McBee, Brandy <brandy.mcbee@cherokeecountysc.com>

Cc: Loretta Maddox <loretta@piedmontlegal.com>

Subject: RE: Sharon Brown v. Cherokee County School District

All:

Thank you for looking into this matter. Just for clarification, the Defendant Cherokee County School District takes no issue with moving forward with this part (non-jury portion) of the case. However, we understand that if there are jurisdictional issues due to Ms. Brown's pending pro se appeal, then consenting to move forward may not be an option.

Also, I would like to specify that Plaintiff's Counsel, Mr. Smith, was unaware of the pending appeal due to Plaintiff's pro se Notice of Appeal.

If we need to conduct a telephonic conference to discuss these matters, we will make ourselves available on behalf of the Defendant.

Best,
Alex Sherard
Counsel for Defendant Cherokee County School District



Alex Sherard
Senior Associate Attorney
White & Story LLC
3614 Landmark Drive, Suite EF
P.O. Box 7036 (29202)
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transaction or matter addressed in this communication.

From: Fletcher N. Smith <fsmith@piedmontlegal.com>
Sent: Friday, January 27, 2023 11:28 AM
To: Kelly, R. Keith Law Clerk (Madalyn Dalton) <kkellylc@sccourts.org>; McBee, Brandy <brandy.mcbee@cherokeecountysc.com>
Cc: Alex Sherard <asherard@sodacitylaw.com>; Loretta Maddox <loretta@piedmontlegal.com>
Subject: RE: Sharon Brown v. Cherokee County School District

Madame Clerk,
Here is a case I located in my research just now. It may have some bearing on the issue when you speak to the Judge.
Thanks.
Fletcher

From: Kelly, R. Keith Law Clerk (Madalyn Dalton) <kkellylc@sccourts.org>
Sent: Friday, January 27, 2023 11:26 AM
To: McBee, Brandy <brandy.mcbee@cherokeecountysc.com>; Fletcher N. Smith <fsmith@piedmontlegal.com>
Cc: Alex Sherard <asherard@sodacitylaw.com>; Loretta Maddox <loretta@piedmontlegal.com>
Subject: RE: Sharon Brown v. Cherokee County School District

I'll discuss with Judge Kelly and let you know.

Thank you,
Mattie

From: McBee, Brandy <brandy.mcbee@cherokeecountysc.com>
Sent: Friday, January 27, 2023 11:25 AM
To: Fletcher N. Smith <fsmith@piedmontlegal.com>
Cc: Alex Sherard <asherard@sodacitylaw.com>; Loretta Maddox <loretta@piedmontlegal.com>; Kelly, R. Keith Law Clerk (Madalyn Dalton) <kkellylc@sccourts.org>
Subject: RE: Sharon Brown v. Cherokee County School District

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Mattie,

This case is scheduled Thursday at 9:00 AM on Judge Kelly's CPNJ docket. It is scheduled for all day and is the last cause of action in this case before Ms. Brown appealed. Please let me know how Judge Kelly wishes to proceed.

Thanks,
Brandy

Attorney Bar Number	Case #	Filed From	
#	Case / Case Caption	Plaintiff Attor	
1	2017CP1100735 Sharon Brown VS Cherokee County School District One , defendant, et al	J. Patricia Anders Fletcher N. Smith (864) 232-654	

From: Fletcher N. Smith <fsmith@piedmontlegal.com>

Sent: Friday, January 27, 2023 11:16 AM

To: Brandy McBee <Brandy.McBee@cherokeecountysc.com>

Cc: Alex Sherard <asherard@sodacitylaw.com>; Loretta Maddox <loretta@piedmontlegal.com>; Kelly, R. Keith Law Clerk (Madalyn Dalton) <kkellylc@sccourts.org>

Subject: Sharon Brown v. Cherokee County School District

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Madame Clerk,

I has come to my attention on January 26, 2023 that Ms. Brown filed a Notice of Intent to Appeal from all previous orders issued in this case. She apparently filed her appeal pro se on November 2022. I do not believe that the Court has jurisdiction at this point even though a part of the case is Non-Jury. She did not give me notice until yesterday and provided me with an email of her documentation to the appeals court. Everything still is part of the nucleus of factual allegations set forth in her complaint. I note that I will not be assisting Ms. Brown in this appeal because I believe it to be interlocutory but the Court of Appeals will need to decide that issue. I have never had this come up before. I am forwarding what she emailed to me last night.

Please advise the Judge so that we may have a determination on this issue. If I need to do a continuance, please advise.

I am deeply sorry for I was going to work on this case this weekend to prepare for trial.

Thanks to everyone and your kind patience.

Fletcher Smith

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# Exhibit C

97517

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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NOV 08 2022

**SC Court of Appeals**

Appeal From Cherokee County

Court of Common Pleas

R. Keith Kelly, Circuit Court Judge  
Perry H. Gravely, Circuit Court Judge

Docket No.: 2017-CP-11-00735

Sharon Brown, . . . . . Appellant,

vs.

Cherokee County  
School District One, . . . . . Respondent.

**NOTICE OF APPEAL**

Sharon Brown appeals the orders of the Honorable R. Keith Kelly dated September 10, 2021 and October 7, 2022. Additionally, the Appellant appeals the trial (gross negligence, breach of contract, and fraud) that was held before Judge Perry H. Gravely on October 24, 2022; October 25, 2022; and October 26, 2022.

November 4, 2022



SHARON BROWN  
216 Ardmore Road  
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(864)253-9975  
sharon.brown21@yahoo.com  
**APPELLANT**

**OTHER COUNSEL OF RECORD**  
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J. Alexander Sherard  
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Columbia, S.C. 29202  
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(803)814-1183  
awhite@sodacitylaw.com  
asherard@sodacitylaw.com  
**ATTORNEYS FOR RESPONDENT**

**RECEIVED**

NOV 08 2022

CERTIFICATE OF SERVICE

**SC Court of Appeals**

I, Sharon Brown, hereby certify that I have this 4<sup>th</sup> day of November 2022, served a copy of the herein below listed document to the addresses listed below by depositing a copy of same in the United States Postal System postage prepaid, and mailing same to:

PLEADING(S): NOTICE OF APPEAL AND CERTIFICATE OF SERVICE

PARTY SERVED:

The Cherokee County Clerk of Court  
P.O. Box 2289  
Gaffney, S.C. 29342

Ms. Andrea E. White, Esq.  
Mr. J. Alexander Sherard  
P.O. Box 7036  
Columbia, S.C. 29202

  
SHARON BROWN  
Appellant

November 4, 2022

South Carolina Court of Appeals  
ATTN: Jenny Abbott Kitchings, Clerk of Court  
P.O. Box 11629  
Columbia, S.C. 29211

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NOV 08 2022  
**SC Court of Appeals**

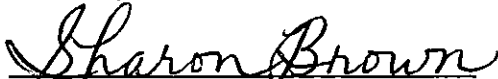
Re: Sharon A. Brown, Appellant vs. Cherokee County School District, Respondent.  
Docket No. 2017-CP-11-00735

Dear Clerk of Court,

Enclosed you will find one (1) original and three (3) copies of a NOTICE OF APPEAL/CERTIFICATE OF SERVICE to be executed with your court. Also, enclosed you will find my check in the amount of \$250.00 for filing fees.

If you have any questions, please feel free to contact me.

Sincerely,

  
Sharon Brown

Enclosure(s)

Cc: The Cherokee County Clerk of Court

Ms. Andrea E. White, Esquire  
Mr. J. Alexander Sherard, Esquire

Sharon Brown  
216 Ardmore Rd.  
Spartanburg, S.C. 29306



1000



29211

U.S. POSTAGE PAID  
FCM LG ENV  
SPARTANBURG, SC  
29308  
NOV 04, 22  
AMOUNT

**\$2.40**  
R2305M147295-01

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SC Court of Appeals

S.C. Court of Appeals  
Attention: Jenny Abbott Kitchings, Clerk of Ct  
P.O. Box 11629  
Columbia, S.C. 29211

STATE OF SOUTH CAROLINA

COUNTY OF CHEROKEE

Sharon Brown,

Plaintiff,

v.

Cherokee County School District,

Defendant.

IN THE COURT OF COMMON PLEAS  
SEVENTH JUDICIAL CIRCUIT

C.A. No.: 2017-CP-11-00735

**ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

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NOV 08 2022

**INTRODUCTION SC Court of Appeals**

This case arises from the Cherokee County School District's termination of a continuing contract teacher, Sharon Brown, in October 2015. On March 29, 2021, the Court heard the Motion for Summary Judgment filed by Defendant Cherokee County School District ("the District").

In her Second Amended Complaint, Brown states nine causes of action: (1) Violation of the S.C. Whistleblower Act; (2) Breach of Contract; (3) Breach of Contract Accompanied by a Fraudulent Act; (4) Defamation; (5) Intentional Infliction of Emotional Distress; (6) Gross Negligence; (7) Invasion of Privacy; (8) Interference with Contract; and (9) Violation of the South Carolina Payment of Wages Act.

By separate action brought in 2015 under the South Carolina Teacher Employment and Dismissal Act ("TEDA") S.C. Code Ann. § 59-25-410 *et seq.*, Brown requested and was granted an evidentiary hearing before the District's Board of Trustees regarding then-Superintendent Dr. Quincie Moore's recommendation that Brown be terminated. The Board upheld Moore's recommendation, and the Circuit Court and the Court of Appeals affirmed the Board's decision. Plaintiff's Petition for Writ of Certiorari is pending in the South Carolina Supreme Court.

## FACTUAL BACKGROUND

The following facts are not in dispute. In the 2014-15 school year, Brown was a continuing contract<sup>1</sup> second-grade teacher at Luther Vaughn Elementary School (“LVES”); her supervisor was Principal Nanette Ruppe (“Ruppe”). Brown first began working for the District in 1999. She was terminated in 2007, filed suit; and was reinstated in the District in the 2011-12 school year as part of a settlement.

On March 4, 2013, Brown submitted a complaint to the District’s Deputy Superintendent of Human Resources, Dr. Carl Carpenter (“Carpenter”), alleging Ruppe, who is white, discriminated against Brown based on race. Carpenter, who is African-American, investigated Brown’s allegations and concluded Brown had not been subjected to discrimination.

On March 10, 2014, Brown filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) alleging the District discriminated against her based on race. The EEOC found insufficient evidence to support Brown’s allegations. Thereafter, Plaintiff’s charge was dismissed, and she was provided with her “Right to Sue” notice on July 23, 2015. Brown did not file suit against the District for race discrimination.

Brown asserts she filed subsequent charges of discrimination against the District on August 5, 2015, and October 9, 2015, with the EEOC. The District has received no notice from the EEOC regarding these alleged charges.

On June 1, 2015, Ruppe asked Carpenter to investigate an incident on May 28, 2015, in which Brown reportedly made inappropriate physical contact with a student. During his investigation, Carpenter determined that two LVES teachers, Justin Kelly (“Kelly”) and Beth

---

<sup>1</sup> Continuing contract teachers may only be terminated in accordance with the provisions of TEDA.

Owens (“Owens”), had observed Brown place her hands on Student J<sup>2</sup> while in the hallway outside the art room. Carpenter met with Brown to discuss the allegations regarding Student J; during this meeting, he placed Brown on administrative leave with pay until the investigation was completed. During their meeting, Carpenter also instructed Brown orally and in writing that she was not to speak with other District employees about the investigation while she was on administrative leave. Ruppe confirmed during Brown’s dismissal hearing that she heard Carpenter inform Brown of the terms of her administrative leave. After their meeting, Brown informed Carpenter that Owens and Tracie Wilson (“Wilson”), LVES teacher, could serve as witnesses for her and asked Carpenter to speak with them.

On June 5, 2015, while still on administrative leave, Brown talked with Wilson at a local department store. As of that date, Carpenter had not contacted Wilson and Wilson was unaware Plaintiff had provided her name as a witness. Wilson testified during Plaintiff’s dismissal hearing, that Brown told her “Dr. Carpenter is supposed to call you” and Wilson was “supposed to talk about what happened with the student.” Brown admitted to Wilson “you know, I’m not supposed to be discussing it,” to which Wilson replied, “well, don’t discuss it because I don’t know what happened . . . .” Brown then attempted to tell Wilson what she believed had happened with Student J. Wilson testified during Brown’s dismissal hearing that Brown “kept on talking and saying stuff about telling me what I’m supposed to say, what happened, well, what she felt like happened was she felt like I may have saw her [sic], and I was like no, I didn’t see any of that, I don’t know what you’re talking about.”

On July 31, 2015, Superintendent Moore met with Brown to discuss the investigation. Brown requested that her attorney and her mother, Shirley Mills, be allowed in the meeting and

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<sup>2</sup> The student in question is referred to as “Student J” to protect his confidentiality.

Moore granted that request. When Moore questioned Brown about Carpenter's directive that Brown should not speak with other employees during the investigation's pendency, Brown stated she "did not remember" Carpenter's directive. Brown acknowledged speaking with Wilson for three to five minutes and asking her if Carpenter had contacted her.

On August 11, 2015, Moore informed Brown she was recommending Brown's dismissal. As the basis for her recommendation, Moore cited to Brown's conduct with Student J and Brown's insubordination in failing to follow Carpenter's directive by talking to Wilson. Moore also cited to Brown's dishonesty in responding to questions about the events of June 5 and May 28.

Brown requested a hearing before the Board in accordance with TEDA and on October 7, 2015, the Board held that hearing. The Board voted to uphold Moore's recommendation of dismissal, concluding there were good and sufficient reasons for terminating Brown. The Board issued a formal Order on October 15, 2015.

Since Brown's termination, the District has not received any request for a copy of her personnel records. Only three school districts have contacted Carpenter for a reference on Brown. In 2017, Greenville County School District contacted Carpenter requesting a reference for Brown. In his deposition testimony, Carpenter stated, "I gave her employment dates of when she started when she ended, and that the board upheld a recommendation from the superintendent her termination, and that was it, nothing further." Since Carpenter's deposition, Spartanburg School District Two requested Carpenter call him about Brown's application for employment. Carpenter provided the same information he provided the Greenville School District. Finally, in 2020, Richland School District One requested a reference for Brown; in response, Carpenter provided the same information given the other districts.

### **STANDARD OF REVIEW**

“Summary judgment is appropriate when it is clear there is no genuine issue of material fact and the conclusions and inferences to be drawn from the facts are undisputed.” *McClanahan v. Richland County Council*, 350 S.C. 433, 437, 567 S.E.2d 240, 242 (2002). “In determining whether any triable issues of fact exist, the court must view the evidence and all reasonable inferences that may be drawn from the evidence in the light most favorable to the nonmoving party.” *David v. McLeod Reg'l Med. Ctr.*, 367 S.C. 242, 247, 626 S.E.2d 1, 3 (2006).

### **ORDER**

#### **WHISTLEBLOWER CLAIM**

The South Carolina Whistleblower Protection Act (“WPA”) states “[n]o public body may dismiss, suspend from employment, demote, or decrease the compensation of an employee of a public body because the employee files a report with an appropriate authority of wrongdoing.” S.C. Code § 8-27-20(A). The WPA continues to state the adverse employment action must occur within one year after the filing of a report to be considered retaliatory. S.C. Code Ann. § 8-27-30(A).

The Court has reviewed the facts on the record and, considering those facts in the light most favorable to Brown, the Court finds there is a genuine issue of material fact as to Brown’s claim under the WPA. In *Hyde v. South Carolina Dep’t. of Mental Health*, 314 S.C. 207, 442 S.E.2d 582 (1994), the Court found that an employee must exhaust administrative remedies available through a state statute before filing a WPA claim. The “[g]eneral rule is that administrative remedies must be exhausted absent circumstances supporting an exception to application of the general rule.” See *id.* (citing *Andrews Bearing Corp. v. Brady*, 261 S.C. 533, 201 S.E.2d 241 (1973); see also *Meredith v. Elliott*, 247 S.C. 335, 147 S.E.2d 244 (1966) (where

an adequate administrative remedy is available to determine a question of fact, one must pursue the administrative remedy or be precluded from seeking relief in the courts).

Here, the Court finds Brown exhausted her administrative remedies under TEDA when her appeal was dismissed by Judge Hayes on June 15, 2017. Brown filed her WPA claim on October 4, 2017, which was roughly four months after her administrative remedies were exhausted and well within the proscribed statute of limitation of one year See S.C. Code Ann. § 8-27-30(A).

### **CONTRACT CLAIMS**

Following the Board's decision, Brown filed an appeal to Circuit Court in accordance with the provisions set forth in S. C. Code § 59-25-470. The Circuit Court upheld the Board's decision and Brown appealed to the S.C. Court of Appeals. The Court of Appeals upheld the Circuit Court and Brown thereafter filed a Petition for Writ of Certiorari, which is currently pending in the S.C. Supreme Court.

South Carolina Appellate Rule 241 directly addresses the stay that occurs when a case is on appeal. See S.C.A.R. 241. Furthermore, Rule 205 of the South Carolina Appellate Rules divests the lower court or administrative tribunal over "*matters affected by the appeal.*" See *Stokes-Craven Holding Corp. v. Robinson*, 416 S.C. 517, 534, 787 S.E.2d 485, 494 (2016)(citing *Tillman v. Oakes*, 398 S.C. 245, 255, 728 S.E.2d 45, 51 (Ct. App. 2012)). Here, Brown's counsel stated to the Court at the hearing, "the contract is pending before the South Carolina Supreme Court." Therefore, the Court finds that the contract issues present here are directly related to an underlying appeal pending before the S. C. Supreme Court. The Court further finds that its jurisdiction has been divested because this is a matter that "would be affected by appeal." Therefore, the Court stays Brown's two contractual claims pending conclusion of the Supreme Court appeal.

### **INTERFERENCE WITH CONTRACT**

During the hearing, counsel for Brown agreed that her claim for third party interference with a contract should be dismissed and so the Court dismisses that claim.

### **INVASION OF PRIVACY CLAIM**

During the hearing in this matter, counsel for Brown agreed her claim for Invasion of Privacy should be dismissed and so the Court dismisses that claim.

### **DEFAMATION CLAIM**

The tort of defamation allows a plaintiff to recover for injury to her reputation as the result of a defendant's false communications about the plaintiff to a third party. *McBride v. School Dist. of Greenville Cty.*, 389 S.C. 546, 559, 698 S.E.2d 845, 852 (S.C. App. 2010). To state a case for defamation, the plaintiff must show "(1) a false and defamatory statement was made; (2) the unprivileged publication was made to a third party; (3) the publisher was at fault; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication." *Id.* at 559-60, 698 S.E.2d at 852 (quoting *Fleming v. Rose*, 350 S.C. 488, 494, 567 S.E.2d 857, 860 (2002)). A claim for defamation must be filed within two years of the alleged defamatory publication. S.C. Code Ann. § 15-3-550 (2005). The limitations period begins when the alleged defamatory statement is made, not when the plaintiff learns of the statement. *See Jones v. City of Folly Beach*, 326 S.C. 360, 369, 483 S.E.2d 770, 775 (Ct. App. 1997) (affirming the trial court's grant of summary judgment as to the plaintiff's defamation claim because South Carolina has not adopted the discovery rule in libel or slander cases); *Harris v. Tietex Int'l Ltd.*, 417 S.C. 533, 542, 790 S.E.2d 411, 416 (Ct. App. 2016).

Brown alleges that during a meeting on July 31, 2015, Moore and Carpenter defamed Brown in the presence of her mother. However, Brown did not file her defamation complaint until

October 4, 2017, more than two years after the alleged defamation occurred. Other than her mother, Plaintiff does not identify any third parties to whom the District published defamatory statements. Based on Brown's failure to file her defamation claim with the requisite statute of limitations, Brown's defamation claim should be dismissed as a matter of law.

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (OUTRAGE)**

During the hearing, counsel for Brown stated he was dismissing Brown's outrage claim and so the Court dismisses that claim.

**GROSS NEGLIGENCE CLAIM**

In her Second Amended Complaint, Brown alleges the District was grossly negligent in supervising District Superintendent Dr. Quincie Moore, leading to Brown's termination. The SCTCA governs all tort claims against governmental entities and is the exclusive remedy for any tort committed by a governmental entity or its employees or agents. *Flateau v. Harrelson*, 355 S.C. 197, 203, 584 S.E.2d 413, 416 (Ct.App.2003); S.C. Code Ann. § 15-78-70(b). The SCTCA provides that the State, its agencies, political subdivisions, and other governmental entities are "liable for their torts in the same manner and to the same extent as a private individual under like circumstances," subject to certain limitations and exemptions provided in the SCTCA. S.C. Code Ann. § 15-78-40.

The District argues in support of summary judgment that Brown's claim is barred by the exclusivity provisions of the Workers' Compensation Act, S.C. Code Ann. § 15-78-60(14). This Court disagrees. The South Carolina Worker's Compensation Act defines what may or may not be compensable under the Act. It further defines injury and personal injury at S.C. Code Ann §42-1-160. At § 42-1-160(C) the Act states, "Stress, mental injuries, heart attacks, strokes, embolisms, or aneurisms arising out of and in the course of employment unaccompanied by physical injury

are not considered compensable if they result from any event or series of events which are incidental to normal employer/employee relations including, but not limited to, personnel actions by the employer such as disciplinary actions, work evaluations, transfers, promotions, demotions, salary reviews, or terminations, except when these actions are taken in an extraordinary and unusual manner.” S.C. Code Ann. §42-1-160(C)(emphasis added).

In *Sabb v. South Carolina State University*, 350 S.C. 416, 426, 567 S.E.2d 231, 236 (2002), the Court specifically found that certain claims are outside the exclusivity of the Worker’s Compensation Act and would not divest the Court of subject matter jurisdiction. Here, the Court determines the injuries Brown alleges are of such nature that they relate to subset (C) and therefore, the injuries are such as to be expressly not included as compensable under the Act unless such termination was undertaken in an extraordinary or unusual manner. The Court does not see any fact that make this case extraordinary or unusual.

Further, as to the argument posed by the District regarding whether Brown can file suit for gross negligence as an employee of the District, the Court disagrees with the District’s argument. The Court finds that S.C. Code Ann. § 15-78-60(25) does not directly address the issue presented in this case. ‘Statutes, as a whole, must receive practical, reasonable, and fair interpretation, consonant with the purpose, design, and policy lawmakers.’ “*Peake v. S.C. Dep’t of Motor Vehicles*, 375 S.C. 589, 599, 654, S.E.2d 284, 289 (Ct. App. 2007)(quoting *Collins Music Co., Inc. v. IGT*, 365 S.C. 544, 550, 619 S.E.2d 1, 3(Ct. App. 2005)). The Court finds that section applies to wards of the State and the actions that could be brought by such people who find themselves wards of the State. Here, Brown is not a ward of the State. Therefore, the Court denies the District’s Motion for Summary Judgment as to the Claim that the SCTCA does not apply.

### PAYMENT OF WAGES CLAIM

The South Carolina Payment of Wages Act (“SCPWA”) provides that when an employer discharges an employee, the employer must timely pay the employee “all wages due.” S.C. Code Ann. §§ 41–10–40, 50. The SCPWA defines wages as all amounts at which labor rendered is recompensed, whether the amount is fixed or ascertained on a time, task, piece, or commission basis, or other method of calculating the amount and includes vacation, holiday, and sick leave payments which are due to an employee under any employer policy or employment contract. (emphasis added).” S.C. Code Ann. § 41-10-10.

Here, Brown claims she accrued sick leave days during her employment with the District and was not paid for those days following her termination. Because District Board Policy GCC—*Staff Leave and Absences* specifically states the District does not reimburse employees for unused sick leave and because Brown’s teaching contract does not provide for the payment of sick leave upon separation from employment, the District is entitled to summary judgment on Brown’s SCWPA claim.

### CONCLUSION

Based on the above, the District is entitled to judgment as a matter of law on Brown’s claims for Defamation and Violation of the Whistle Blower Protection Act. This Court also dismisses Brown’s claims for Invasion of Privacy, Outrage and Third-Party Interference with Contract based on counsel for Brown’s statements to the Court regarding those claims. The Court denies the District’s Motion for Summary Judgment as to Brown’s claims for Gross Negligence and Violation of the Whistleblower Protection Act.

**AND IT IS SO ORDERED**

The Honorable Judge R. Keith Kelly



Cherokee Common Pleas

**Case Caption:** Sharon Brown VS Cherokee County School District One ,  
defendant, et al  
**Case Number:** 2017CP1100735  
**Type:** Order/Summary Judgment

It is so Ordered.

s/ R. Keith Kelly - 2165

Electronically signed on 2021-09-10 11:08:12 page 11 of 11



This judgment was entered on 10/07/2022 , and a copy mailed first class or placed in the appropriate attorney's box on 10/07/2022 , to attorneys of record or to parties (when appearing pro se) as follows:

Fletcher N. Smith Jr. 112 Wakefield Street Greenville, SC 29601

Andrea Eaton White PO Box 7036 Columbia, SC 29202  
Joseph Alexander Sherard PO Box 7036 Columbia, SC 29202

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ATTORNEY(S) FOR THE PLAINTIFF(S)

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ATTORNEY(S) FOR THE DEFENDANT(S)

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Court Reporter

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Brandy W. McBee - 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-Filers or who are appearing pro se. See Rule 77(d), SCRPC.**

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**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.

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ELECTRONICALLY FILED - 2022 Oct 10 1:35 PM - CHEROKEE - COMMON PLEAS - CASE#2017CP1100735



Cherokee Common Pleas

**Case Caption:** Sharon Brown VS Cherokee County School District One ,  
defendant, et al  
**Case Number:** 2017CP1100735  
**Type:** Order/Form 4

It is so Ordered.

s/ R. Keith Kelly - 2165

Electronically signed on 2022-10-10 12:42:18 page 3 of 3

ELECTRONICALLY FILED - 2022 Oct 10 1:35 PM - CHEROKEE - COMMON PLEAS - CASE#2017CP1100735

STATE OF SOUTH CAROLINA

COUNTY OF CHEROKEE

SHARON BROWN,

Plaintiff,

v.

CHEROKEE COUNTY SCHOOL  
DISTRICT ONE, et al.

Defendant.

IN THE COURT OF COMMON PLEAS

Civil Action No. 2017CP1100735

VERDICT FORM

BRANDY W. MCBEE

2022 OCT 26 PM 4:19

FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, S.C.

RECEIVED

NOV 08 2022

SC Court of Appeals

Please Answer the following questions:

1. On the cause of action for **Breach of Contract**, we, the jury, unanimously find: (Check the appropriate blank):

a. \_\_\_\_\_ For the Plaintiff and actual damages of: \$ \_\_\_\_\_

Or

b.  For the Defendant.

2. On the cause of action for **Breach of Contract Accompanied By A Fraudulent Act**, we, the jury, unanimously find: (Check the appropriate blank):

c. \_\_\_\_\_ For the Plaintiff and actual damages of: \$ \_\_\_\_\_

Or

d.  For the Defendant.

*Robert Edmonds* Foreman

Robert Edmonds, Foreman

10/26/22

October \_\_, 2022  
Cherokee County, South Carolina

Sworn 10/24/22  
2:10

10/24/2022  
Date Trial Began Date Trial Ended

Sharon Brown  
Plaintiff

Against

Cherokee County School District  
Defendant

Fletcher Smith  
Plaintiff's Attorney

Common Pleas Court  
Alex Sherrod  
Andria White  
Defendant's Attorney

|    |     |                       |
|----|-----|-----------------------|
| 1  | ( ) | PLAINTIFF'S WITNESSES |
| 2  | ( ) | Sharon Brown          |
| 3  | ( ) | Carl Carpenter        |
| 4  | ( ) | <del>Kelly</del>      |
| 5  | ( ) |                       |
| 6  | ( ) | TI REST               |
| 7  | ( ) |                       |
| 8  | ( ) |                       |
| 9  | ( ) |                       |
| 10 | ( ) |                       |
| 11 | ( ) | DEFENDANT'S WITNESSES |
| 12 | ( ) | Justin Kelly          |
| 13 | ( ) | Ruby Byars            |
| 14 | ( ) | Tracey Wilson         |
| 15 | ( ) | Beth Owens            |
| 16 | ( ) | Nan Ruppe Allen       |
| 17 | ( ) | Quincee Moore         |
| 18 | ( ) |                       |
| 19 | ( ) |                       |

\* see juror  
strike sheet

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CLERK OF COURT  
CHEROKEE COUNTY, S.C.  
2022 OCT 26 PM 4:19  
BRANDY W. MCBEE

# Exhibit D

98916

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MAY 22 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

Appeal From Cherokee County  
Court of Common Pleas

Perry Gravely, Circuit Court Judge  
R. Keith Kelly, Circuit Court Judge

Docket No.: 2017-CP-11-00735

Appellate Case No. 2022-001582

Sharon Brown,

Appellant,

vs.

Cherokee County  
School District One,

Respondent.

**APPELLANT'S MOTION FOR A 30-DAY EXTENSION OF TIME TO FILE INITIAL BRIEF AND  
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

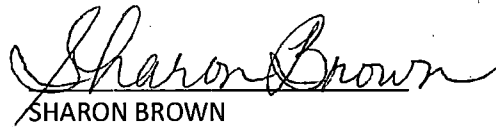
Appellant, Sharon Brown, hereby moves the Court for a 30-day extension of time to file Appellant's Initial Brief and Designation of Matter to Be Included In the Record on Appeal.

Appellant received an e-mail copy of the last transcript that was ordered pertaining to this appeal on April 22, 2023 from Court Reporter Michael Watkins (Mr. Watkins).

Mr. Watkins agreed to mail appellant a paper copy of the transcript that he e-mailed to her on April 22, 2023. Appellant recently notified Mr. Watkins of the fact that she still has not received the transcript by mail.

This motion is made in good faith. Wherefore, Appellant moves the Court for an order granting her an extension of time which to serve her Initial Brief and Designation of Matter to be Included In the Record on Appeal.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Sharon Brown". The signature is written in black ink and is positioned above the printed name.

SHARON BROWN  
216 Ardmore Road  
Spartanburg, S.C. 29306  
(864)-253-9975  
sharon.brown21@yahoo.com

**APPELLANT**

May 18, 2023

---

CERTIFICATE OF SERVICE

---

RECEIVED  
MAY 22 2023  
SC Court of Appeals

I, Sharon Brown, hereby certify that I have this 18th day of May 2023 served a copy of the herein below listed document to the address listed below by depositing a copy of same in the United States Postal System, postage prepaid, and mailing same to:

PLEADING(S): Appellant's Motion for a 30-Day Extension of Time to file Appellant's Initial Brief and Designation of Matter to Included In the Record On Appeal

PARTY SERVED:

Ms. Andrea E. White, Esq.  
Mr. J. Alexander Sherard, Esq.  
P.O. Box 7036  
Columbia, S.C. 29202



SHARON BROWN  
216 Ardmore Road  
Spartanburg, S.C. 29306  
sharon.brown21@yahoo.com  
(864)253-9975  
Appellant

May 18, 2023

South Carolina Court of Appeals  
ATTN: Jenny Abbott Kitchings, Clerk of Court  
P.O. Box 11629  
Columbia, S.C. 29211

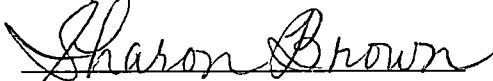
RECEIVED  
MAY 22 2023  
SC Court of Appeals

Re: Sharon A. Brown, Appellant vs. Cherokee County School District One, Respondent.  
Docket No. 2017- CP-11-00735  
Appellate Case No: 2022-001582

Dear Clerk of Court,

Enclosed you will find 1 (one) original and 6 (six) copies of Appellant's Motion for a 30-Day Extension of Time to file Appellant's Initial Brief and Designation of Matter to Be Included in the Record on Appeal. Additionally, you will find a check in the amount of \$50 and a Certificate of Service.

Sincerely,



Sharon Brown  
**Appellant**

Enclosure(s)

Cc:

Ms. Andrea E. White/Mr. J. Alexander Sherard, Esquire

Charon Brown  
16 Ardmore Rd.  
Spartanburg, S.C. 29306

  U.S. POSTAGE PAID  
FOR US EASY  
SPARTANBURG, SC  
PERMIT  
MAY 18, 23  
AMOUNT  
**\$2.22**  
R2305M147295-01

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MAY 22 2023  
SC Court of Appeals

S.C. Court of Appeals  
ATTN: Jenny Abbott Kitchings, Clerk of Court  
P.O. Box 11629  
Columbia, S.C. 29211



THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

**Jul 13 2023**

**SC Court of Appeals**

APPEAL FROM CHEROKEE COUNTY  
Court of Common Pleas

The Honorable R. Keith Kelly  
Circuit Court Judge

Docket No. 2017-CP-11-00735  
Appellate Case No. 2022-001582

Sharon Brown,

Appellant,

v.

Cherokee County School District One,

Respondent.

**CERTIFICATE OF COUNSEL**

This is to certify that Respondent Cherokee County School District One's Return to Appellant's Motion complies with Rule 240(c), SCACR.



Andrea E. White (SC Bar ID #11891)  
J. Alexander Sherard (SC Bar ID #103276)  
WHITE & STORY, LLC  
P. O. Box 7036 (29202)  
3614 Landmark Drive, Suite EF  
Columbia, South Carolina 29204  
T: (803) 814-0993  
F: (803) 814-1183  
[awhite@sodacitylaw.com](mailto:awhite@sodacitylaw.com)  
[asherard@sodacitylaw.com](mailto:asherard@sodacitylaw.com)  
*Attorneys for Respondent Cherokee County  
School District One*

July 13, 2023  
Columbia, South Carolina

RECEIVED

Jul 13 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY  
Court of Common Pleas

The Honorable R. Keith Kelly  
Circuit Court Judge

Docket No. 2017-CP-11-00735  
Appellate Case No. 2022-001582

Sharon Brown,

Appellant,

v.

Cherokee County School District One,

Respondent.

**PROOF OF SERVICE**

I certify that I have served Respondent Cherokee County School District One's *Respondent's Return to Appellant's Motion for 60-day Extension to file Initial Brief and Designation of Matter and Exhibits A through D*, by depositing a copy in the United States Mail, postage prepaid, on July 13, 2023, addressed to Appellant, Sharon Brown, 216 Ardmore Road, Spartanburg, SC 29306.



Andrea E. White (SC Bar ID #11891)  
J. Alexander Sherard (SC Bar ID #103276)  
WHITE & STORY, LLC  
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[awhite@sodacitylaw.com](mailto:awhite@sodacitylaw.com)  
[asherard@sodacitylaw.com](mailto:asherard@sodacitylaw.com)  
*Attorneys for Respondent Cherokee County  
School District One*

July 13, 2023  
Columbia, South Carolina

Andrea E. White  
Ashley C. Story  
J. Alexander Sherard  
Michael D. Davidson  
Dylan A. Crossland  
Sara P. Morris



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Fax: 803.814.1183  
[www.sodacitylaw.com](http://www.sodacitylaw.com)

Mendy M. Young  
Direct Dial: 803.626.1782  
[myoung@sodacitylaw.com](mailto:myoung@sodacitylaw.com)

July 13, 2023

**VIA EMAIL FOR FILING**

The Honorable Jenny Abbotts Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

**RECEIVED**  
**Jul 13 2023**  
**SC Court of Appeals**

**Re: Sharon Brown v. Cherokee County School District  
C/A No. 2017-CP-11-00735 / Appellate Case No. 2022-001582**

Dear Ms. Kitchings:

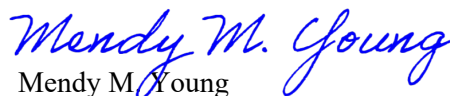
In response to the Appellant's Motion for a 60-day Extension of Time to file Initial Brief and Designation of Matter dated July 3, 2023, regarding the above-referenced matter, please find the following documents for filing:

- 1) Respondent's Return to Appellant's Motion for a 60-day Extension of Time to file Initial Brief and Designation of Matter to be included in the record on appeal;
- 2) Respondent's Supporting Exhibits A through D;
- 2) Respondent's Proof of Service; and
- 3) Respondent's Certificate of Counsel.

If we need to submit an original copy to the Court or if there are any issues with the filing, please let me know and I will take care of it before the close of business today.

Thank you for your assistance in this matter.

Sincere regards,

  
Mendy M. Young  
Litigation Paralegal

/mmy  
Enclosures

c: J. Alexander Sherard, Esq. (w/o enclosures)  
Andrea E. White, Esq. (w/o enclosures)  
Sharon Brown, Appellant (w/enclosures)