

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

Case No. 2023-CP-23-03268

Bruce Wilson,

Plaintiff,

v.

Megan Riegel, In her Capacity as the CEO and  
President of the Peace Center for the Performing  
Arts; and Rueban Hays, In his Capacity as the  
Executive Director and Founder of the Juneteenth  
GVL Inc.,

Defendant(s),

ORDER

This matter came before me on November 1, 2023 to hear Defendant Rueben Hays (“Hays”) motion to dismiss the Plaintiff’s complaint against him pursuant to Rule 12(b)(6), SCRPC. Defendant was represented by Ralph Gleaton of the Gleaton Law Firm, PC and Plaintiff represented himself pro se. The court agrees with Hays’

Standard of Review

A Complaint may be dismissed for failure to state facts sufficient to constitute a cause of action. Rule 12(b)(6) SCRPC. A Complaint must be dismissed if it does not “contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 554, 570 (2007)). A complaint is only plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 129 S. Ct. at 1949 (citing *Bell Atlantic*, 550 U.S. at 556).

### Findings of Fact

Plaintiff brought this case, alleging causes of action for defamation and civil conspiracy. The only allegations in the Complaint that refer to Hays or Juneteenth GVL, Inc. are that “the Peace Center and Juneteenth GVL, Inc. agreed to jointly host the upcoming 2023 Juneteenth celebration” (Complaint ¶ 7), that Mr. Hays approved marketing banners depicting white Americans, the work Juneteenth and the Juneteenth flag to be placed in downtown Greenville to promote the Juneteenth event (Complaint ¶ 9), and that Hays “sent a text message to Derrick Quarles, one of the original sponsor/hosts of the Greenville downtown Juneteenth events, using derogatory and threatening language toward Mr. Quarles and the Plaintiff; to include saying Plaintiff was a “Hoe Ass Niggas” (Complaint ¶ 15).

At the hearing the Plaintiff told this court that the Defendant only sent that message via the text stated in the Complaint, that the text message was directed at both Mr. Quarles and the Plaintiff and that subsequently Mr. Quarles posted the content of the text on social media. The Court accepts these statements as true.

The Complaint also alleges that “[w]hen Plaintiff learned of the agreement between the Peace Center and the Juneteenth GVL, Inc. notified Defendant Megan that the agreement would breach the verbal agreement that the Plaintiff had made with the Peace Center . . .” (Complaint ¶ 8). That Plaintiff brought litigation against the Peace Center for breach of contract. (Complaint ¶ 11). Finally that “ . . . Megan released a statement to the media on behalf of the Peace Center regarding Plaintiff’s suit. In the release to the media, Megan mad derogatory statements regardint the Plaintiff, and such statements were published by WYFF News Ch 4, calling the Plaintiff a “media seeker” and a litigious individual;” and that the Peace Center subsequently released a second statement removing the derogatory statements. (Complaint ¶ 13 and 14).

## Conclusions of Law

### Defamation

To prove 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. *Fleming v. Rose*, 350 S.C. 488, 494, 567 S.E.2d 857, 860 (2002). "The publication of a statement is defamatory if it tends to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him." *Id.* There is no allegation that Hays and/or Juneteenth GVL made any publication of its alleged derogatory language. The allegation is that the alleged derogatory language sent via text to, and was about, Mr. Quarles, the who was a "sponsor/host" with the Plaintiff in this matter. "It is well settled that parties are judicially bound by their pleadings . . ." *Postal v. Mann*, 308 S.C. 385, 387, 418 S.E.2d 322, 323 (Ct.App.1992). I therefore find that the Plaintiff failed to allege that Hays published the alleged defamatory comment. I note that if a publication of the alleged defamatory comment was made it was made by Mr. Quarles when he posted it to social media.

Further, though this Court does not condone Hays' choice of words and agrees that they were vulgar. However, in the context presented in the Complaint and as stated by the Plaintiff at the hearing, the phrase used by the Defendant were epithets or words of abuse and scurrility because they were made to the Plaintiff through Mr. Quarles, an original host of Plaintiff' event and therefore not defamatory. See. *Smith v. Phoenix Furniture Co.*, 339 F.Supp. 969 (1972); See also, *Capps v. Watts*, 271 S.C. 276, 246 S.E.2d 606 (1978) ("[t]he words 'paranoid sonofabitch'

are words of abuse and scurrility and that such words, on their face, are not, as a general rule, considered defamatory."]

### Civil Conspiracy

In South Carolina, [a] civil conspiracy exists when there is (1) a combination of two or more persons, (2) for the purpose of injuring the plaintiff, (3) which causes the plaintiff special damage. *Robertson v. First Union Nat. Bank*, 350 S.C. 339, 348, 565 S.E.2d 309, 314 (Ct.App.2002). "A claim for civil conspiracy must allege additional acts in furtherance of a conspiracy rather than reallege other claims within the complaint. Moreover, because the quiddity of a civil conspiracy claim is the special damage resulting to the plaintiff, the damages alleged must go beyond the damages alleged in other causes of action." *Hackworth v. Greywood at Hammett, LLC*, 385 S.C. 110, 682 S.E.2d 871 (Ct. App. 2009) (internal citations omitted). In his Complaint, Plaintiff describes actions of two separated defendants. Both actions are alleged to be defamatory. However, the Plaintiff failed to state any facts that would support the claim that the defendants combined to harm the plaintiff and the Complaint therefore fails the first element of proof for civil conspiracy. Plaintiff also failed to state any new allegations stating the same facts as used in the prior Causes of Action. Special damages are those elements of damages that are the natural, but not the necessary or usual, consequence of the defendant's conduct. *Loeb v. Mann*, 39 S.C. 465, 469, 18 S.E. 1, 2 (1893). Further "[g]eneral damages are inferred by the law itself, as they are the immediate, direct, and proximate result of the act complained of. Special damages, on the other hand, are not implied at law because they do not necessarily result from the wrong. Special damages must, therefore, be specifically alleged in the complaint to avoid surprise to the other party." *Id.* (internal citations omitted). Plaintiff's claim for damages merely repeats the

damages claims for the other cause of action with a mere recital of “special damages that likely resulted.

Conclusion

I therefore find that the Plaintiff has failed to state facts sufficient to constitute a cause of action against Hays for either defamation or civil conspiracy.

Defendant Rueben Hay’s motion to dismiss the Complaint against him for failure to state a claim is Granted.

This order is to Defendant Rueben Hays only.

IT IS SO ORDERED!



Greenville Common Pleas

**Case Caption:** Bruce Wilson vs. Megan Riegel , defendant, et al

**Case Number:** 2023CP2303268

**Type:** Order/Other

So Ordered

s/Alex Kinlaw, Jr., #2763

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