

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP0900171

Shaneeka Stroman  
PLAINTIFF(S)

Carol B Fischer et al  
DEFENDANT(S)

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.
- 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:

This matter is before the Court on Defendants Town of St. Matthews, Helen Carson-Peterson, St. Matthews Police Department and Michael Smalls' Motion to Dismiss. In considering a motion to dismiss a complaint based on a failure to state facts sufficient to constitute a cause of action, the trial court must base its ruling solely on allegations set forth in the complaint. If the facts alleged and inferences reasonably deducible therefrom, viewed in the light most favorable to the plaintiff, would entitle the plaintiff to relief on any theory, then dismissal under Rule 12(b)(6), SCRPC, is improper. Doe v. Marion, 373 S.C. 390, 395, 645 S.E.2d 245, 247 (2007). The question to be considered is whether, when viewed in the light most favorable to the plaintiff, the complaint states any valid claim for relief. Carolina Care Plan, Inc. v. United HealthCare Services, Inc., 361 S.C. 544, 606 S.E.2d 752 (Ct. App. 2004).

ORDER INFORMATION

This order  ends  does not end the case.  See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/29/2024 .

Emily Fischer-Bunker  
Michael Smalls  
Shaneeka Stroman for Shaneeka Stroman  
Helen Carson  
Carol B Fischer  
Shaneeka Stroman for Shaneeka Stroman

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SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** 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 judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

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After reviewing the Plaintiff's Amended Complaint, the Plaintiff fails to set forth sufficient facts to constitute a cause of action against Defendants Town of St. Matthews, Helen Carson-Peterson, St. Matthews Police Department and Michael Smalls. Further, while leave to amend should be freely granted, an amendment may be denied where any proposed amendment would be futile. *Skydive Myrtle Beach, Inc. v. Horry County*, 426 S.C. 175, 183, 826 S.E.2d 585, 589 (2019). The Court finds and concludes that permitting the Plaintiff to further amend her complaint would be futile. Accordingly, the Plaintiff's claims against Defendants Town of St. Matthews, Helen Carson-Peterson, St. Matthews Police Department and Michael Smalls are hereby dismissed with prejudice.



Calhoun Common Pleas

**Case Caption:** Shaneeka Stroman VS Carol B Fischer , defendant, et al  
**Case Number:** 2023CP0900171  
**Type:** Order/Electronic Form 4

IT IS SO ORDERED.

Heath P. Taylor

Electronically signed on 2024-01-29 15:54:53 page 3 of 3