

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 Carol B. Fischer and Emily Fischer Bunker's 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

RECEIVED

MAR 18 2024

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

SC Court of Appeals

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), SCRCF.

After reviewing the Plaintiff's Amended Complaint, the Plaintiff fails to set forth sufficient facts to constitute a cause of action against Defendants Fischer and Bunker. 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 Fischer and Bunker 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 15:54:57 page 3 of 3