

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Saria Walker,

Plaintiff,

Vs

St. Francis Downtown a/k/a Bon Secours Health System a/k/a Bon Secours St. Francis Health System,

Defendants.

IN THE COURT OF COMMON PLEAS

C.A. NO.: 2023-CP-23-04980

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

RECEIVED

MAY 06 2024

SC Court of Appeals

This motion for Summary Judgment filed by the Defendant came before the court on December 19, 2023. The Plaintiff appeared *pro se*, while the Defendant was represented by counsel of record.

FACTS

The Plaintiff, Saria Walker, initiated this lawsuit on September 27, 2023 by filing a *pro se* Complaint against the Defendant. The Complaint contained several references to events which were unrelated to the incident pursuant to which the Plaintiff initiated this suit. This lawsuit stemmed from an incident at St. Francis Eastside hospital on September 24, 2023 which resulted in the Plaintiff's being removed from the premises by police and placed on trespass notice. The Plaintiff claimed that employees at St. Francis Eastside Hospital discriminated against her based on her race, and intentionally inflicted emotional distress upon her by refusing to accommodate her demands regarding her mother's medical treatment and calling the police to remove her from the property.

FINDINGS

A motion to dismiss is generally held to a strict standard in South Carolina. Nonetheless, a

motion to dismiss may be granted by the circuit court when a defendant demonstrates that the plaintiff has failed to state facts sufficient to constitute a cause of action in the pleadings filed with the court. *See Sloan Const. Co. v. Southco Grassing, Inc.*, 368 S.C. 523, 525, 629 S.E.2d 372, 373 (Ct.App. 2006). In considering a motion to dismiss, the court may take judicial notice of well-known facts and principles of law, and in “[v]iewing the evidence in favor of the plaintiff, the motion must be granted if facts alleged in the complaint and inferences reasonably deducible therefrom do not entitle the plaintiff to relief on any theory of the case.” *Chewning v. Ford Motor Co.*, 346 S.C. 28, 32-33, 550 S.E. 2d 584, 586 (Ct.App. 2001).

Here, the Plaintiff has failed to state facts sufficient to constitute any cause of action which may be interpreted by review of the Complaint. In its memorandum in support of the motion to dismiss, the Defendant identified two possible causes of action in the Complaint: Intentional Infliction of Emotional Distress and Intentional Discrimination pursuant to the Civil Rights Act of 1964. The Court agrees that the Plaintiff failed to state facts sufficient to constitute these causes of action, nor can the facts as pled be interpreted as establishing the necessary elements to constitute a cause of action for either claim.

Accordingly, the Defendant’s Motion to Dismiss is hereby granted.

IT IS SO ORDERED.

Judge’s signature on following page.



Greenville Common Pleas

Case Caption: Saria Walker vs. St Francis Downtown
Case Number: 2023CP2304980
Type: Order/Other

So Ordered

s/ J. Cordell Maddox Jr.

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