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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Court of Commons Pleas

Alex Kinlaw Circuit Court Judge  
Civil Case No: 2023-CP-23-03268

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Appellate Case No: 2023-001985

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Bruce Wilson,....., Appellant,

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., Defendants,

Of Whom Rueban Hays, In his Capacity as the Executive Director and Founder of the Juneteenth GVL Inc.,....., Respondent.

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RECORD ON APPEAL

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**APPELLANT**

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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, thought 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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STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

Bruce Wilson,  
Plaintiff

VS.

Megan Riegel, et al  
Defendants

IN THE COURT OF COMMON PLEAS

2023 – CP– 23–03268

ORDER DENYING  
PLAINTIFF’S MOTION TO  
RECONSIDER

This matter is before the Court pursuant to the Plaintiff’s Motion to Reconsider, SCRCP Rule 59 (e). Upon examination of the record as well as memorandum submitted, The Court would respectfully deny Plaintiff’s Motion.

Greenville, South Carolina  
December 15, 2023

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Alex Kinlaw, Jr.  
Circuit Court Judge



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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I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits submitted.)

P R O C E E D I N G S

1  
2 THE COURT: The next case is in the interest of Bruce  
3 Wilson vs. Megan Riegel. This is case number  
4 2023-CP-23-03268.

5 Mr. Wilson, are you pro se, which means you're  
6 representing yourself?

7 MR. WILSON: Yes, sir.

8 THE COURT: I have Mr. Wilson here in a pro se  
9 capacity. Then I have --

10 Is this Mr. Gleaton?

11 MR. GLEATON: Yes, Your Honor.

12 THE COURT: I have Mr. Ralph Gleaton representing the  
13 Defendant. Mr. Wilson is pro se.

14 This is Defendant Hays motion to dismiss; is that  
15 correct, Mr. Gleaton?

16 MR. GLEATON: Yes, Your Honor.

17 THE COURT: All right. Give me a little background and  
18 then I'll hear from you on the motion.

19 MR. GLEATON: Thank you, Your Honor.

20 [Indiscernible] --

21 THE COURT: Hold on a second. It looks like we've got  
22 two named Defendants, Megan Riegel, president of the Peace  
23 Center, and then Rueban Hays, who is the executive director  
24 and founder of Juneteenth -- when was that founded? When  
25 was that?

1 MR. GLEATON: [Indiscernible]. I might be wrong.

2 THE COURT: All right. Mr. Wilson, I'm reading your  
3 Complaint, you drafted this Complaint yourself?

4 MR. WILSON: Yes, Your Honor.

5 THE COURT: All right. Let me hear from you.

6 MR. WILSON: I'm not sure [indiscernible] Mr. Quarles  
7 is not listed [indiscernible].

8 THE COURT: Well, Mr. Quarles is not subject of  
9 anything that was filed, so I need you to stay focused on  
10 Defendant's motion to dismiss as it relates to Mr. Rueban  
11 Hays.

12 MR. WILSON: Yes, sir. I was getting to the text  
13 message that went to Mr. Quarles. I was not part of that  
14 text message --

15 THE COURT: What text message?

16 MR. WILSON: The allegations that I'm claiming that Mr.  
17 - well, it's not an allegation, he actually sent a text  
18 message regarding me. So that's --

19 THE COURT: How is Mr. Hays involved in that?

20 MR. WILSON: He's one of the Defendants.

21 THE COURT: I know that. I can see that, but I'm just  
22 saying counsel's motion is to dismiss Mr. Hays as a party,  
23 so that's what I need you to address.

24 MR. WILSON: Mr. Hays, he's the one that saw the text  
25 message, the individual that got it. This is not -- I think

1 -- he's kind of conflated the situation [indiscernible].  
2 This has nothing to do with the lawsuit that was involved  
3 with the Peace Center and the contract.

4 THE COURT: Is that another lawsuit?

5 MR. WILSON: Yes.

6 THE COURT: That you filed?

7 MR. WILSON: Yes.

8 THE COURT: That's pending?

9 MR. WILSON: Well, it's over now.

10 THE COURT: Were you involved in that case?

11 MR. GLEATON: No, Your Honor.

12 THE COURT: And some of the same allegations in that  
13 case are contained in this case?

14 MR. WILSON: No, Your Honor.

15 THE COURT: That was a breach of contract case and this  
16 is slander?

17 MR. WILSON: Yes, Your Honor.

18 THE COURT: You filed both of them?

19 MR. WILSON: Yes, Your Honor.

20 THE COURT: Go ahead, let me listen to you as it  
21 relates to Mr. Hays.

22 MR. WILSON: So the information -- so Mr. Hays sent a  
23 text message regarding myself. I was not part of the  
24 conversation. I didn't even know him --

25 THE COURT: Okay. What was the nature of the text

1 message? What did it say?

2 MR. WILSON: Informed Mr. Quarles that you and Bruce  
3 Wilson are hoe ass niggas.

4 THE COURT: Let me ask you this, how is Mr. Quarles  
5 involved in this whole scenario?

6 MR. WILSON: That statement was to him.

7 THE COURT: Okay, but Mr. Hays sent Mr. Quarles a text  
8 message?

9 MR. WILSON: So evidently, they saw one another  
10 somewhere. I wasn't there. I wasn't around. I don't know  
11 if it was a club or what, some type of event.

12 THE COURT: Does the text message exist?

13 MR. WILSON: It does exist, yes.

14 THE COURT: You got it?

15 MR. WILSON: Oh, yes.

16 THE COURT: Go ahead, let me hear the rest of it.

17 MR. WILSON: The text message went out.

18 THE COURT: To?

19 MR. WILSON: To Mr. Quarles.

20 THE COURT: Okay.

21 MR. WILSON: Mr. Hays --

22 THE COURT: How do you know Mr. Quarles?

23 MR. WILSON: [Indiscernible].

24 THE COURT: So Mr. Hays sent a text message to you as  
25 well as Mr. Quarles?

1 MR. WILSON: It never came to me, that's --

2 THE COURT: Sent to Mr. Quarles, but you found out  
3 about it?

4 MR. WILSON: Yes, sir. So that's what the issue is. I  
5 was not part of the conversation. That's how he become the  
6 third party. It was a text message, that's how  
7 [indiscernible]. And he didn't send him that text message  
8 calling me a hoe ass nigga because he wanted to send me a  
9 Christmas present.

10 THE COURT: How does it get to slander? Because that's  
11 what the allegation is.

12 MR. WILSON: Well --

13 THE COURT: How do you get there?

14 MR. WILSON: So I think it's defamation --

15 THE COURT: Defamation what?

16 MR. WILSON: [Indiscernible].

17 THE COURT: Okay.

18 MR. WILSON: And some of the messaging or statements in  
19 the Complaint speaks of defamation pro se. There was a  
20 hearing regarding the same issue in front of Judge Morgan.

21 THE COURT: Judge who?

22 MR. WILSON: Yes.

23 THE COURT: Judge who? You said in front of Judge who?

24 MR. WILSON: Morgan.

25 THE COURT: Morgan. When was that hearing?

1 MR. WILSON: Yeah, that was on the -- well, I got the  
2 order back on the 27th. That order --

3 THE COURT: What was the nature of that hearing?

4 MR. WILSON: It was the same as this, motion to  
5 dismiss.

6 THE COURT: As it relates to who?

7 MR. WILSON: Riegel.

8 THE COURT: Okay. You got a copy of Judge Morgan's  
9 order?

10 MR. GLEATON: I don't have it with me today, but I have  
11 it. [Indiscernible].

12 MR. WILSON: That would be the defamation and  
13 conspiracy. [Indiscernible]. But as to the defamatory  
14 statement [indiscernible] I wasn't part of the text message.  
15 It wasn't to me. It was to a third individual. I think  
16 that is -- that meets all the elements.

17 THE COURT: This same -- this exact motion was argued  
18 before Judge Morgan, the only thing, it related to another  
19 party, is that what I'm hearing?

20 MR. GLEATON: [Indiscernible].

21 THE COURT: And the text only went to Mr. Quarles?

22 MR. GLEATON: [Indiscernible].

23 THE COURT: Paragraph 15 of his Complaint? Let me get  
24 to it. I'm reading.

25 MR. GLEATON: [Indiscernible].

1           THE COURT: That's not your guy, but the other --  
2 Riegel, Riegel did that. The only thing that connects this  
3 guy is this text message, that's the only thing that's out  
4 there.

5           MR. GLEATON: [Indiscernible].

6           MR. WILSON: [Indiscernible]. The statement that was  
7 made was outside of our presence. I wasn't around in the  
8 text message, so Mr. Hays has done the exact same thing as  
9 --

10          THE COURT: Tell me how you get to the defamation, Mr.  
11 Wilson.

12          MR. WILSON: Well, that comment, the same comment that  
13 was made --

14          THE COURT: Well, you know, there's a difference  
15 between an insult and --

16          MR. WILSON: Your Honor, that same type of language has  
17 been brought up --

18          THE COURT: I understand that, but since you're  
19 representing yourself, I'm trying to get you to give me some  
20 legal analysis -- hold on a second -- give me some legal  
21 analysis as to why this gets to the level of defamation as  
22 opposed to just being an insult.

23          MR. WILSON: Exactly, Your Honor. And our appellate  
24 court --

25          THE COURT: What case, what case has the appellate

1 court ruled on?

2 MR. WILSON: [Indiscernible] exact same thing, Your  
3 Honor, exact same thing --

4 THE COURT: Yeah, my problem, Mr. Wilson, is I can't  
5 get to -- you know, if you look at the -- of course, you're  
6 representing yourself, but I'm just trying to hear some  
7 argument from you to take me from this being an insult to --

8 MR. WILSON: [Indiscernible].

9 THE COURT: It pertains just to you, it's defamation?

10 MR. WILSON: It didn't come directly to me.

11 THE COURT: I understand that, but, you know, there's a  
12 significant difference, like, in the previous case, it was  
13 sent to the media, that's different. This is a text message  
14 that was sent to Mr. Quarles.

15 MR. WILSON: Right. And if I was part of that text  
16 message, we wouldn't be here --

17 THE COURT: But that doesn't necessarily make it  
18 defamation, Mr. Wilson.

19 MR. WILSON: So the way I'm looking at this, Your Honor  
20 --

21 THE COURT: I know the way you looking at it, but I've  
22 got to look at it the way the law says. You know, I  
23 understand what you saying, but what does the law -- I  
24 operate not what you think and how you feel, I'm just trying  
25 to get -- see if you can take me to anything connected with

1 any case or anything as it relates to the law on defamation  
2 that would get me from this being just an insult. Because  
3 I'm really -- you know, I hate that this was said, but -- if  
4 this was said to me, if I got that, whether I got it through  
5 a third party or you got it through a third party, I  
6 wouldn't think it was defaming me. I think it was just an  
7 insult.

8 MR. WILSON: Well, Your Honor --

9 THE COURT: It's a bad insult, but it's an insult, you  
10 know.

11 MR. WILSON: [Indiscernible], Your Honor, it wasn't  
12 explained.

13 THE COURT: And I think you should be upset about what  
14 was said, but I don't think -- you know, from a legal  
15 standpoint, I can't get past this just being an insult.

16 MR. WILSON: What happened [indiscernible], on the  
17 Juneteenth event, when Mr. Hays took over the event, put up  
18 some [indiscernible] about Greenville sponsoring the  
19 Juneteenth event using white Americans backdrop for the  
20 Juneteenth event. I was contacted by several media outlets  
21 who were familiar with the fact that I had started the first  
22 Juneteenth here in Greenville. I was outspoken about the  
23 fact that I was disappointed that Mr. Hays would take that  
24 opportunity of marketing to white Americans [indiscernible]  
25 ethnic group (\*\*\*) . He took exception to that and was angry

1 and upset during this whole time. I hadn't spoke to him.  
2 So what Mr. Hays done was (\*\*\*) --

3 THE COURT: Quarles, yes, sir.

4 MR. WILSON: Mr. Quarles, the way I'm looking at it,  
5 would be the third party. The statement wasn't said because  
6 he was trying to praise me.

7 THE COURT: Where did the statement go beyond Mr.  
8 Quarles? Let me ask you this, where does the statement go  
9 beyond Mr. Quarles?

10 MR. WILSON: Well, the statement was posted on Facebook  
11 when Mr. Quarles was -- Mr. Quarles --

12 THE COURT: This statement was posted on Facebook?

13 MR. WILSON: Because he was upset about the comments  
14 that Mr. Hays had made because Mr. Hays had talked about  
15 [indiscernible] in it.

16 THE COURT: Who posted it on Facebook, Mr. Quarles did?

17 MR. WILSON: Yes.

18 THEH COURT: Mr. Quarles posted it, Mr. Hays did not?

19 MR. WILSON: Well, Mr. Hays sent it to Mr. Quarles.

20 THE COURT: I understand that, but Mr. Hays didn't put  
21 it on Facebook, Mr. Quarles did.

22 MR. WILSON: Not that I --

23 THE COURT: Well, you don't know who put it on  
24 Facebook. You said somebody put it on Faebook.

25 MR. WILSON: Mr. Quarles --

1 THE COURT: I understand, but my question is simple, do  
2 you have any proof that Mr. Hays or Mr. Quarles put this on  
3 Facebook, yes or no?

4 MR. WILSON: No, sir.

5 THE COURT: Okay. So you can't make that allegation.

6 MR. WILSON: No. No.

7 THE COURT: Okay. Mr. Wilson --

8 You got any other argument?

9 MR. GLEATON: No, Your Honor.

10 THE COURT: All right. Mr. Wilson, I've listened to  
11 you and I think it's very unfortunate, matter of fact, I  
12 think it's an ugly statement. You know, it's an ugly  
13 statement. If somebody said that -- made a statement like  
14 that and it was directed at me, I'd be upset just like you  
15 are, I'd be upset, but my reaction to it probably would be  
16 as -- maybe would be different than yours.

17 See, at the end of the day, I look just like you and  
18 you look just like me, so, sure, I'm going to be upset about  
19 that, but I'm going to view it one of two ways. Even as I  
20 sit up here with this black robe on, I've been called that  
21 before if the truth were known. I consider it just an  
22 insult and I just move on.

23 I'm not going to-- I don't think it falls in the  
24 category of defamation. You know, I think it's an insult.  
25 Sometimes people get those things confused and it's okay to

1 get it confused. I understand you're upset. But that's why  
2 I was trying to see if you could take me to where the law  
3 says --

4 You know, one thing I've got to do is I can't make  
5 decisions based on whether something upsets me or not. You  
6 know, I've got to make decisions based on what the law says.  
7 You know, I can't -- and that's just the way it is and you  
8 haven't taken me there for me to feel comfortable in  
9 allowing the matter to go forward. I think counsel's  
10 argument is a valid one. I think it's unfortunate that this  
11 statement was made, but I don't think it takes me there.  
12 Unfortunately, it doesn't take me there.

13 MR. WILSON: [Indiscernible].

14 THE COURT: That motion is not before me. The only  
15 motion before me is the one he filed and I'm inclined to  
16 grant the motion.

17 I need you to do a formal order. I think Judge Morgan  
18 probable had everybody to do a formal order last time. I  
19 don't know if he did like Form Four --

20 MR. GLEATON: [Indiscernible].

21 THE COURT: I'm going to put you to work, though.

22 MR. GLEATON: [Indiscernible].

23 THE COURT: Form four?

24 MR. GLEATON: [Indiscernible] conspiracy because --

25 THE COURT: Yeah, that order, I don't have anything to

1 do with that order, but this order, it will say that the  
2 motion to dismiss as it relates to Mr. Hays.

3 MR. WILSON: What I'm asking [indiscernible].

4 THE COURT: His motion was just to dismiss Mr. Hays,  
5 right?

6 MR. GLEATON: [Indiscernible].

7 THE COURT: Which one did you ask for?

8 MR. GLEATON: [Indiscernible].

9 THE COURT: Well, that's what I'm giving you.

10 MR. GLEATON: [Indiscernible].

11 MR. WILSON: [Indiscernible].

12 THE COURT: As it relates to Mr. Hays because Mr. Hays  
13 is his client.

14 MR. WILSON: Right, but I guess what I'm asking the  
15 Court [indiscernible] there's got to be [indiscernible],  
16 right?

17 THE COURT: I can't do anything about Judge Morgan's  
18 order. Only thing before me is the motion he filed. I  
19 can't change anything about --

20 MR. WILSON: [Indiscernible].

21 THE COURT: Well, here again, I can't do anything about  
22 Judge Morgan's order. The only thing before me today is the  
23 motion to dismiss as to Mr. Hays that he filed, that's the  
24 only thing I'm dealing with.

25 I need you to send me an order within -- can you get

1 that within 20 days?

2 MR. GLEATON: Yes, sir.

3 THE COURT: Send a copy to Mr. Wilson before you send  
4 it to me. E-file if you can.

5 MR. WILSON: [Indiscernible].

6 THE COURT: Only for your review, not for me to change  
7 it, Mr. Wilson, just for your review.

8 MR. WILSON: Thank you.

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CERTIFICATE OF TRANSCRIBER

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I, PENNY M. JOHNSON, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

February 24, 2024

Penny M. Johnson  
Penny M. Johnson  
Transcriber

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

Bruce Wilson, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Megan Riegel, In her Capacity as the CEO )  
 and President of the Peace Center for the )  
 Performing Arts; And )  
 Rueben Hays, In his Capacity as the )  
 Executive Director and Founder of the )  
 Juneteenth GVL Inc., )  
 )  
 Defendants, )

C.A. No: 2023-CP-23-03268

**MOTION TO RECONSIDER ORDER  
DISMISSING PLAINTIFF’S CASE  
AGAINST DEFENDANT RUEBEN HAYS**

23 NOV 3 AM 11:31  
Shree Garrett, CLC GVL SC

Plaintiff respectfully submits this Motion for Reconsideration to the Honorable Judge Alex Kinlaw Jr, pursuant to Rule 59(e), SCRPC. In support of this Memorandum, Plaintiff shows the Court as follows:

**LAW**

“A motion under Rule 59(e) long has been viewed as ‘motion for reconsideration’ despite the absence of those words from the rule.” Elam v. S.C. Dep’t of Transp., 361 S.C. 9, 21, 602 S.E.2d 772, 778 (2004). “The purpose of Rule 59(e), SCRPC, to alter or amend the judgment is to request the trial judge to ‘reconsider matters properly encompassed in a decision on the merits.’” Arnold v. State, 309 S.C. 157, 172–73, 420 S.E.2d 834, 842 (1992) (quoting Budinich v. Becton Dickinson and Co., 486 U.S. 196, 200, 108 S.Ct. 1717, 1720, 100 L.Ed.2d 178, 184 (1988)). As a result, “a party is usually allowed to ask the court to reconsider its decision even if it means rehashing all or part of an argument previously presented.” Elam, 362 S.C. at 21, 602 S.E.2d at 778-9. Thus, a motion for reconsideration is “one final chance not only to call the court’s attention

to a possible misapprehension of an earlier argument, but also to revisit a previously raised argument.” Id. (emphasis added).

### ARGUMENT

Plaintiff respectfully requests that this Court Modify or Amend its order dismissing Plaintiff’s case against Defendant Rueben Hays, by granting Defendant’s motion to dismiss from the bench on November 1, 2023, because Plaintiff failed to plead sufficient facts or claims, regarding Defamation and Civil Conspiracy. The Court ruled from the bench that Plaintiff’s Defamation claim did not meet the Elements for Defamation because the alleged Defamatory statement was nothing more than an Insult; the Court made no findings on the Civil Conspiracy claim but nevertheless dismissed the claim. The following facts are undisputed:

Plaintiff filed this case on June 27, 2023, alleging Defamation and Civil Conspiracy against Defendants Megan Riegel and Rueben Hays.

Defendant Hays, through counsel, filed a motion to dismiss Plaintiff’s complaint, as provided by Rule 12(b)(6) SCRCF on October 13, 2023. Defendant’s motion listed several purported deficiencies with Plaintiff’s complaint and alleged causes of actions.

The Honorable Judge Alex Kinlaw Jr held a hearing on Defendant’s motion to dismiss on November 1, 2023. The court received testimony and arguments from Defendant’s counsel Mr. Gleaton and from Pro Se Plaintiff Bruce Wilson.

#### DEFAMATION:

The court made repeated inquiries to the Plaintiff regarding his claim of defamation related to statements texted by Defendant Hays to a Mr. Quarles in which Hays called the Plaintiff a “Hoe

Ass Nigga”. The Court did not believe such comments were defamatory and attributed the comments to simple “Insults” conferring that insults cannot be defamatory. The Court noted that he had been called similar names and that he viewed the language as a harsh Insult. The view by the Court is at odds with the South Carolina Court of Appeals, who has addressed **insults** as related to Defamation. Goodwin v. Kennedy, 347 S.C. 30, 552 S.E.2d 319 (Ct. App. 2001)

In Goodwin v. Kennedy, Mr. Goodwin argued that his comments of calling an Assistant Principal a “**House Nigga**” was nothing more than an **insult**, or abusive language; However, the Court disagreed “Kennedy requested the jury be charged the following: “Name calling, insults and profanity, absent the showing of special damages is not slander.” The trial judge seemed troubled by the broad statement of law offered by defense counsel. The judge did not believe he could give the charge as proposed without some quote or further explanation. The judge was correct, and it would have been an incorrect statement of the law to have charged the jury that insults or profanity cannot be defamatory, as extrinsic facts may be proven to show the defamatory nature of the remarks. We find the charge as a whole was proper, and note that the judge did not preclude the defense from arguing that the alleged defamatory statements were mere insults or name-calling. Keaton v. Greenville Hosp. Sys., 334 S.C. 488, 514 S.E.2d 570 (1999) (holding a jury charge which is substantially correct and covers the law does not require reversal). Accordingly, we find no error in the trial judge's refusal to charge in this instance.” Goodwin v. Kennedy, 347 S.C. 30, 42, 552 S.E.2d 319, 326 (Ct. App. 2001).

Defendant admitted that he sent the text calling the Plaintiff a “ **Hoe Ass Nigga**” and such message was sent to a Third-Party, thereby the publishing of a Defamatory statement regarding the Plaintiff would satisfy the first two element of Defamation and any question as to whether the statement was defamatory would be a question for a jury “Likewise, the question of whether the

statements were actionable per se or not actionable per se was a matter for the jury to determine as the finders of fact; Goodwin v. Kennedy, 347 S.C. 30, 38 552 S.E.2d 319 (Ct. App. 2001).”

Even if the comment “Hoe Ass Nigga” was viewed as an epithet it would be in odds with *Id.* Goodwin: “Kennedy argued he was entitled to a directed verdict because there was no evidence the comments were anything other than epithets. The trial judge denied the motion for a directed verdict, stating “all of the words have to be considered in the context with which they are used.” The court stated whether the words were defamatory or not presented “factual questions” for the jury. We agree with the trial judge that, viewing all the evidence in the light most favorable to Goodwin, as we are required to do, whether the comments were defamatory presented a question of fact for the jury to determine. Thus, we find no error in the denial of a directed verdict on this basis. Goodwin v. Kennedy, 347 S.C. 30, 41, 552 S.E.2d 319, 325 (Ct. App. 2001).”

Notwithstanding, a text message is no different than an email. “Issue of whether an email, stating that a school district security guard was not to be trusted with keys, was false and defamatory, as required to establish claim for defamation, presented a question for the jury; evidence indicated that head of security and assistant manager of security for the district published an email to third parties potentially insinuating that the guard was a thief, that the guard had previously had a reputation for reliability, and that the guard's role as a mentor in his church significantly decreased following the publication of the email. Kennedy v. Richland Cnty. Sch. Dist. Two, 428 S.C. 98, 833 S.E.2d 414 (Ct. App. 2019)”

Finally lets look at the Elements of Defamation in its entirety; however, the Court did not distinguish any deficiencies in Plaintiff's complaint related to the elements of defamation but relied more on the language used in the text that the Defendant admitted to sending. The elements of

defamation include: (1) a false and defamatory statement concerning another; (2) an unprivileged publication to a third party; (3) fault on the part of the publisher; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication. Holtzscheiter v. Thomson Newspapers, Inc., 332 S.C. 502, 506 S.E.2d 497 (1998) (Toal, J., concurring in result in separate opinion); Fleming, supra. A communication 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. *Fleming, supra*.

Murray v. Holnam, Inc., 344 S.C. 129, 139, 542 S.E.2d 743, 748 (Ct. App. 2001).

Plaintiff's complaint outlined each element of defamation. 1. A false and defamatory statement was made concerning the Plaintiff (Hoe Ass Nigga= false and or defamatory statement); 2. The statement was unprivileged and publication to a third party (text message=Publication), to (Derrick Quarles=Third Pary); 3.(There was no privilege to send the text message naming the Plaintiff= fault on behalf of Defendant); 4. The statement is actionable=( libel.) The tort of defamation allows a plaintiff to recover for injury to his or her reputation as the result of the defendant's communications to others of a false message about the plaintiff. Swinton Creek Nursery v. Edisto Farm Credit, 334 S.C. 469, 514 S.E.2d 126 (1999). The focus of defamation is not on the hurt to the defamed party's feelings, but on the injury to his reputation. *See Wardlaw v. Peck*, 282 S.C. 199, 318 S.E.2d 270 (Ct.App.1984). Defamatory communications take two forms: libel and slander. Swinton Creek Nursery, supra. Slander is a spoken defamation, while libel is a written defamation or one accomplished by actions or conduct. *Id.* Murray v. Holnam, Inc., 344 S.C. 129, 138, 542 S.E.2d 743, 748 (Ct. App. 2001).

Nerveless, the Court did not note elements but the Words and ruled that such Words are Insults and not Defamation, such ruling should yield to "Goodwin v. Kennedy, 347 S.C. 30, 552

S.E.2d 319 (Ct. App. 2001)”as Plaintiff did include such opinion with is Motion in Opposition to Defendant’s motion to dismiss.

**CIVIL CONSPIRACY:**

Plaintiff will cite no case law, but instead will rely solely on Stare Decisis:

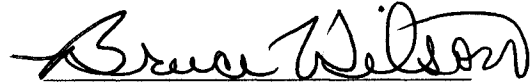
Plaintiff’s complaint outlines two Co-Defendants with a claim of Civil Conspiracy between Defendant Magen Reigel and Defendant Rueben Hays.

Defendant Riegel filed a motion to dismiss pursuant to Rule 12(b)(6) and on October 27, 2023, The Honorable Judge G.D. Morgan, ruled among other things that Plaintiff’s complaint for Civil Conspiracy was sufficient and he denied Defendant Riegel’s motion to dismiss. This ruling would indicate precedence over the claim of civil conspiracy related to Plaintiff’s complaint and would signify that Riegel and Hays are attached by legal standard on Plaintiff’s claim of Civil Conspiracy and to have a separate order denying such attachment would be a blatant disregard of common standard(s). Separate rulings on the same claim, in the same case, with the same Defendants and Plaintiff.

**WHEREFORE,** Plaintiff prey this Honorable Court Amend or Alter its ruling and reinstate this case as to Defendant Hays as to all claims. In the alternative Plaintiff would request that this Honorable Court Amend or Alter its ruling by reinstating the Claim of Conspiracy or allowing the Plaintiff to amend the complaint or dismissing the complaint without prejudice.

Respectfully submitted,

[Signature next page]



Bruce Wilson  
14 Freestone St  
Greenville, SC 29605  
(864) 907-7080

November 3, 2023  
Greenville County South Carolina

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

23 NOV 9 AM 11:31  
Bruce Garrett COC GVL SC

Bruce Wilson, )  
)  
Plaintiff, )  
)  
vs. )  
)  
Megan Riegel, In her Capacity as the CEO )  
and President of the Peace Center for the )  
Performing Arts; And )  
Rueben Hays, In his Capacity as the )  
Executive Director and Founder of the )  
Juneteenth GVL Inc., )  
)  
Defendants, )

C.A. No: 2023-CP-23-03268

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing **Plaintiff's Motion for Reconsideration** was served this 3<sup>rd</sup> day of November 2023 on Defendant Rueben Hays via United States Mail, postage prepaid and addressed to:

Cory B. Patterson  
Nelson Mullins Riley & Scarborough  
One Wells Fargo Center  
301 S. College Street, 23<sup>rd</sup> Floor  
Charlotte, North Carolina 29202  
**Attorney for Defendant Megan Riegel**

Ralph Gleaton  
Gleaton Law Firm, PC  
PO Box 5739  
Greenville, SC 29606  
**Attorney for Defendant Rueben Hays**

/s/ Bruce Wilson  
Bruce Wilson  
14 Freestone St  
Greenville, SC 29605  
(864) 907-7080  
brucewilson23@gmail.com



Bruce Wilson  
PLAINTIFF(S)

Megan Riegel 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:

At the call of the case, the Plaintiff Bruce Wilson was present in a pro se capacity. Attorney Ralph Gleaton was present on behalf of Defendant Rueban Hays. After hearing the arguments of both sides, the Court is inclined to grant Defendant Counsel's Motion to Dismiss Mr. Hays as a party defendant. A formal order from Mr. Gleaton is to follow within 20 days.

**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 11/01/2023 .

Bruce Wilson for Bruce Wilson  
Bruce Wilson for Bruce Wilson

**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), SCRCP.

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Greenville Common Pleas

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

**Case Number:** 2023CP2303268

**Type:** Order/Electronic Form 4

So Ordered

s/Alex Kinlaw, Jr., #2763

Electronically signed on 2023-11-01 21:27:41 page 3 of 3

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

23 OCT 31 AM 9:43  
Bruce Garrett CCC SCL SC

Bruce Wilson, )  
)  
Plaintiff, )  
)  
vs. )  
)  
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 )  
Juneteenth GVL Inc., )  
)  
Defendants, )

C.A. No: 2023-CP-23-03268

**MEMORANDUM IN OPPOSITION  
TO DEFENDANT RUEBAN HAYS  
MOTION TO DISSMISS**

Plaintiff in response to Defendant Rueban Hays’ (“Hays”), in his capacity as the Founder and Director of the Juneteenth GVL Inc, Motion to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, files this Memorandum in Opposition to Defendant’s Motion.

**FACTS OF THE CASE**

The Peace Center under Defendant Riegel and Juneteenth GVL Inc. under Defendant Hays, agreed to jointly host the upcoming 2023 Juneteenth celebration in downtown Greenville crafted as Juneteenth Maga Fest. Complaint ¶ 7.

When Plaintiff learned of the agreement between the Peace Center and the Juneteenth GVL Inc., he notified Defendant Megan that the agreement would breach the verbal agreement that the Plaintiff had with the Peace Center related to hosting/sponsoring the 2023 Juneteenth event and that litigation was a strong possibility. Plaintiff gave Defendant Megan Riegel a notice to comply with their agreement by May 31, 2023, to avoid legal action. Complaint ¶ 8.

At the end of May 2023, Defendant Rueban Hays approved several marketing banners with images to be placed throughout downtown Greenville to promote the upcoming Juneteenth event hosted at the Peace Center. The banners were approved by Defendant Hays, depicted White Americans with the words Juneteenth under the Juneteenth flag. Complaint ¶ 9.

The banners created a huge backlash on social media, and the Plaintiff who had hosted the first and two (2) subsequent Juneteenth events in downtown Greenville was ask about the imagery on the banners by Fox Carolina news and on May 24, 2023, Plaintiff was interviewed by the news outlet. Complaint ¶ 10.

On June 6, 2023, Rueban, sent a test message to Derrick Quarles, on 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 the Plaintiff was a “Hoe Ass Niggas”. Complaint ¶ 15.

On June 7, 2023, Plaintiff sent Rueban a Cease-and-Desist notice, and Rueban immediately texted the Plaintiff stating, “I said with I had to say” Complaint ¶ 16.

### **STANDARD OF REVIEW**

Defendant Hays has filed a Motion to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure. “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. Doe v. Marion, 373 S.C. 390, 395, 645 S.E2d 245, 247 (2007). “If the facts alleged and inferences reasonable 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) is improper.” *Id.* “the question is whether, in the light most favorable to the plaintiff, and with every doubt resolved in his behalf, the complaint states any valid claim for

relief.” Gentry v. Yonce, 337 S.C. 1, 5, 522 S.E.2d 137, 139, (1999). A complaint should not be dismissed even if the court doubts the plaintiff will ultimately prevail. Toussaint v. Ham, 292 S.C. 415, 357, S.E.2d 8 (1987). And, “[t]he motion [to dismiss] cannot be sustained if facts alleged in the complaint and inferences reasonable deducible therefrom would entitle plaintiff to any relief on any theory of the case” FOC Lawshe ltd. P’ship v. Int’l Paper Co., 352 S.C. 408, 413, 574 S.E.2d 228, 230 (Ct. App. 2002).

When considering a motion to dismiss, “[a]ll properly pleaded factual allegations are deemed admitted for the purposes of considering a motion for judgement on the pleadings.” Russell v. Columbia, 305 S.C. 89, 406 S.E.2d 338, 339 (1991). “A ruling on motion to dismiss pursuant to Rule 12(b)(6) must be based solely on the factual allegations set forth in the complaint, and the court must consider all well-pled allegations as true.” Fabian v. Lindsay, 410 S.C. 475, 765 S.E.2d 123, 136 (2014). Ultimately, the question before this court is whether the facts alleged “and the inferences reasonable deducible from the pleadings would entitle the plaintiff to relief on any theory of the case.” Williams v. Condon, 347 S.C. 227, 233, 553 S.E.2d 496, 499 (Ct. App. 2001). So, if the facts and the inferences drawn from the facts alleged in the complaint, viewed in the light most favorable to the plaintiff, would entitle the plaintiff to relief on any theory, then the grant of a motion to dismiss for failure to state a claim is improper. Hotel & Motel holdings, LLC v. BJC Enterprises, LLC, 414 S.C. 635, 650, 780 S.E.2d 263, 271 (Ct. App. 2015).

Furthermore, “important questions of novel impression should not be decided on a motion to dismiss.” Unisys Corp. v. S.C. Budget & Control Bd. Div. of Gen. Servs. Info. Tech. Mgmt. Office, 346 S.C. 158, 165, 551, S.E.2d 263, 267 (2001) (See also Chestnut v. AVX Corp., 413 S.C. 224, 227, 776 S.E.2d 82, 84 (2015); “[N]ovel questions of law should not ordinarily be

resolved on a Rule 12(b)(6) motion”). “Instead, a novel issue is best decided in light of the testimony to be adduced at trial.” Evans v. State, 344 S.C. 60, 68, 543 S.E.2d 547, 551 (2001).

### ARGUMENT

In her Memorandum, Hays acknowledged that central to this suit is the allegation that Hays falsely characterized Plaintiff as a “Hoe Ass Nigga”. Hays, argue that such false and defamatory statements or privileged in some way not codified by law. Hays published a defamatory statement in writing to a third party for the purpose of demeaning the character, reputation and as to lower the standing of the Plaintiff in the community, in an effort to punish the Plaintiff for his stanch disagreement to Defendant’s marketing scheme related to the 2023 Juneteenth celebration.

Plaintiff, in his Complaint, makes plain an unambiguous that the allegations central to the case is that the Defendants engaged in a conspiracy scheme to minimize and harm the reputation of the Plaintiff by defamatory methods, and such was published to a third parties.

#### **I. Plaintiff’s Pleading Is Proper for A Defamation Claim.**

Hays attempts to argue that Plaintiff failed to properly plead defamation; however, Hays’ argument is flawed and wanton. A close review of Plaintiff’s complaint will devour Hays’ whole argument, see Complaint. ¶ 18. “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, Fleming v. Rose, 350 S.C. 488, 494, 567 S.E.2d 857, 860 (2002).” Hays’ statement to a third-party regarding Plaintiff, was a wholly attempt to lower **Plaintiff’s reputation** in the community. The statement “Hoe Ass Nigga” is not ambiguous and comparts to a clear interpretation, and the meaning is clear on its face.

Hays’ illusionary attempt to question the actionability of Plaintiff’s defamatory claim is not a question for Hays to answer but for a Jury; “Likewise, the question of whether the statements

were actionable per se or not actionable per se was a matter for the jury to determine as the finders of fact; Goodwin v. Kennedy, 347 S.C. 30, 38, 552 S.E.2d 319, 323 (Ct. App. 2001).”

. Furthermore, any claim of a Privilege defense would be a question for a jury.

Finally, Plaintiff has alleged that the defamatory statements were “made for the purpose and with the intent of damaging the reputation of the Plaintiff.” Therefore, Plaintiff has pled sufficient facts to establish a claim of defamation. The defamatory statement was made outside the presence of the Plaintiff, in a conversation that the Plaintiff was not privy to, a party of, nor included on and such statement was published to a third party in the absence of the Plaintiff for the purpose of harm, demeaning and lower the reputation of the Plaintiff by written communication in the form of a text message.

## **II. Plaintiff’s Pleading Is Proper for A Civil Conspiracy Claim.**

Plaintiff’s pleading is sufficient under the breath of Civil Conspiracy by the defendants in this matter. There is no doubt that “Conspiracy” is cloaked in secrecy and such secrecy cannot be tumbled without full discovery. However, even with such limitations Plaintiff has illuminated a collective plan by the defendants to erode Plaintiff’s standing in the community and such plan was not by accident or incident. A simple inference would detail the collaborative efforts of the defendants as outlined in the complaint. “[A] complaint is sufficient if it states any cause of action or it appears that the plaintiff is entitled to any relief whatsoever. Baldwin v. Sanders, 266 S.C. 394, 223 S.E.2d 602 (1976). Our courts have held that pleadings in a case should be construed liberally so that substantial justice is done between the parties. Manning v. Dial, 271 S.C. 79, 245 S.E.2d 120 (1978). Further, a judgment on the pleadings is considered to be a drastic procedure by our courts. U.S. Casualty Company v. Hiers, 233 S.C. 333, 104 S.E.2d 561 (1958).” Russell v. City of Columbia, 305 S.C. 86, 89, 406 S.E.2d 338, 339 (1991).

A meeting of the minds need not induce a meeting of the bodies. The Defendants, under a common scheme and purpose, was attempting to regain the public's respect and admiration as related to the 2023 Juneteenth event after staunch public criticism and this is where the defamatory scheme was hatched. Complaint ¶ 25.

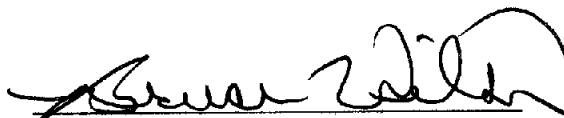
### III. Previous Court Ruling.

Defendant Hays' co-defendant Riegel, filed a motion to dismiss on all claims, in this cause on August 18, 2023, and on October 27, 2023, the Honorable Judge G.D. Morgan Jr, ruled that the complaint was sufficient for the claims of Conspiracy and Defamation.

### CONCLUSION

Because Hays has moved to dismiss Plaintiff's action pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, Plaintiff's pleadings should be interpreted as statements of fact. If each of Plaintiff's allegations is deemed to be true, then Plaintiff has sufficiently pled factual allegations satisfying the elements of each cause of action included in Plaintiff's Complaint. Furthermore, as the issues present in this case are novel in our State, this Court should refrain from resolving this case on Defendant's Motion to Dismiss.

Respectfully submitted,



Bruce Wilson  
14 Freestone St  
Greenville, SC 29605  
(864) 907-7080  
Brucewilson23@gmail.com

October 27, 2023  
Greenville County, South Carolina

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

23 OCT 31 AM 9:48  
Bruce Garrett CDC GVL SC

Bruce Wilson, )  
)  
Plaintiff, )  
)  
vs. )  
)  
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 )  
Juneteenth GVL Inc., )  
)  
Defendants, )  
)  
\_\_\_\_\_ )

C.A. No: 2023-CP-23-03268

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing **Plaintiff's Memorandum in Opposition to Defendant Reuben Hays' Motion to Dismiss** was served this 30st day of October 2023 on Defendant Hays via United States Mail, postage prepaid and addressed to:

Cory B. Patterson  
Nelson Mullins Riley & Scarborough  
One Wells Fargo Center  
301 S. College Street, 23<sup>rd</sup> Floor  
Charlotte, North Carolina 29202  
**Attorney for Defendant Megan Riegel**

Ralph Gleaton  
Gleaton Law Firm, PC  
PO. Box 5739  
Greenville, SC 29607  
Attorney for Defendant Rueben Hays  
**Attorney for Defendant**

/s/ Bruce Wilson \_\_\_\_\_  
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brucewilson23@gmail.com

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),

Motion to Dismiss Rueben Hays and  
Juneteenth GVL, Inc.  
Pursuant to Rules 12(b)(6), SCRPC

Defendants Rueben Hays (“Hays”) (Mr. Hays is incorrectly identified as “Rueban” in the caption of the Complaint) and, to the extent that it may also be a defendant, Juneteenth GVL, Inc. (“Juneteenth GVL”) move to dismiss the Plaintiff’s complaint pursuant to Rule 12(b)(6), SCRPC. The bases for this motion is that Plaintiff has failed to state facts sufficient to constitute causes of action for defamation or civil conspiracy.

Statement of the Case and Facts

Plaintiff brought this case, alleging causes of action for defamation and civil conspiracy. The only allegations<sup>1</sup> in the Complaint that refer to Hays or Juneteenth GVL 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

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<sup>1</sup> Hays and Juneteenth GVL deny many of the allegations of the Complaint but present them in the motion as alleged in the Complaint because the court is required to rely on the facts as stated in the Complaint for purposes of a 12(b)(6) motion.

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” (Complaint ¶ 15).

#### 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).

#### Argument

##### Defamation

No cause of action for defamation has been made regarding Hays and/or Juneteenth GVL because there is no allegation that either published any statements to a third party. 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.* Again, 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 partnering with the Plaintiff in this matter.

### Civil Conspiracy

Plaintiff fails to state any facts upon which relief for Conspiracy may be granted. “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). Plaintiff fails 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

“[W]here the claims in a complaint are insufficiently supported by factual allegations, these claims may properly be disposed of by summary dismissal.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 554 (2007) (as a matter of basic pleading, a plaintiff must provide defendants with “fair notice of what the . . . claim is and the grounds upon which it rests.” (quoting *Conley v. Gibson*, 355 U.S.

41, 47 (1957)). For the reasons stated above, Plaintiff's Complaint against Hays or Juneteenth GVL should be dismissed.

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Attorneys for Defendants

Rueben Hays and Juneteenth GVL, Inc.

October 13, 2023  
Greenville, SC

Bruce Wilson  
PLAINTIFF(S)

Megan Riegel 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:

Please see page two below.

**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 10/27/2023 .

Bruce Wilson for Bruce Wilson  
Bruce Wilson for Bruce Wilson

**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), SCRCP.

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This matter is before the Court on Defendant Megan Riegel's Motion To Dismiss Plaintiff's Complaint And To Stay Discovery. This matter is also before the Court on Plaintiff's Motion To Compel Discovery To Defendant Megan Riegel. Based on a review of the file, submissions of the parties, and oral arguments, the Defendant's motion is GRANTED in part and DENIED in part. It is GRANTED as to defamation per se, as there are no allegations in the complaint of defamation per se. The motion is DENIED, at this time, under Rule 12(b)(6) as to civil conspiracy and defamation.

The Plaintiff's motion is hereby GRANTED.

It is so ordered.



Greenville Common Pleas

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

**Case Number:** 2023CP2303268

**Type:** Order/Electronic Form 4

So Ordered

G.D. Morgan Jr.

Electronically signed on 2023-10-27 14:00:49 page 3 of 3

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

23 SEP 29 PM 12:19  
Bruce Garrett CDC GVL SC

Bruce Wilson, )  
)  
Plaintiff, )  
)  
vs. )  
)  
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 )  
Juneteenth GVL Inc., )  
)  
Defendants, )

C.A. No: 2023-CP-23-03268

**MEMORANDUM IN OPPOSITION  
TO DEFENDANT MEGAN RIEGEL'S  
MOTION TO DISMISS**

Plaintiff in response to Defendant Megan Riegel's ("Riegel"), in her capacity as the CEO of the Peace Center Motion to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, files this Memorandum in Opposition to Defendant's Motion.

**FACTS OF THE CASE**

The Peace Center under Defendant Riegel and Juneteenth GVL Inc. under Defendant Hays, agreed to jointly host the upcoming 2023 Juneteenth celebration in downtown Greenville crafted as Juneteenth Maga Fest. Complaint ¶ 1.

When Plaintiff learned of the agreement between the Peace Center and the Juneteenth GVL Inc., he notified Defendant Megan that the agreement would breach the verbal agreement that the Plaintiff had with the Peace Center related to hosting/sponsoring the 2023 Juneteenth event and that litigation was a strong possibility. Plaintiff gave Defendant Megan Riegel a notice to comply with their agreement by May 31, 2023, to avoid legal action. Complaint ¶ 2.

At the end of May 2023, Defendant Rueban Hays approved several marketing banners with images to be placed throughout downtown Greenville to promote the upcoming Juneteenth event hosted at the Peace Center. The banners were approved by Defendant Hays, depicted White Americans with the words Juneteenth under the Juneteenth flag. The banners created a huge backlash on social media, and the Plaintiff who had hosted the first and two (2) subsequent Juneteenth events in downtown Greenville was ask about the imagery on the banners by Fox Carolina news and on May 24, 2023, Plaintiff was interviewed by the news outlet. Complaint ¶ 3 and 4.

With in hours after the Plaintiff had filed suit against the Peace Center, the State Newspaper published an article the same day the suit was filed and used the information within the suit for the article with no statement from the Plaintiff regarding the suit. Complaint ¶ 6.

On June 2, 2023, Megan released a statement to the media on behalf of the Peace Center, regarding Plaintiff's suit. In the release to the media, Defendant Riegel made derogatory statements regarding the Plaintiff, and such statements were published by WYFF News Ch 4, calling the Plaintiff a "media seeker" and a litigious individual. Within hours the Peace Center released a second statement/press release to the media, removing the derogatory statement/comments. Complaint ¶ 7 and 8.

The Defendants entered into an agreement or understanding, explicitly or implicitly, for the purpose of injuring the Plaintiff. Complaint ¶ 25.

### **STANDARD OF REVIEW**

Defendant Riegel has filed a Motion to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure. "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. Doe v. Marion, 373 S.C. 390, 395, 645 S.E.2d 245, 247 (2007). “If the facts alleged and inferences reasonable 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) is improper.” *Id.* “the question is whether, in the light most favorable to the plaintiff, and with every doubt resolved in his behalf, the complaint states any valid claim for relief.” Gentry v. Yonce, 337 S.C. 1, 5, 522 S.E.2d 137, 139, (1999). A complaint should not be dismissed even if the court doubts the plaintiff will ultimately prevail. Toussaint v. Ham, 292 S.C. 415, 357, S.E.2d 8 (1987). And, “[t]he motion [to dismiss] cannot be sustained if facts alleged in the complaint and inferences reasonable deducible therefrom would entitle plaintiff to any relief on any theory of the case” FOC Lawshe Ltd. P’ship v. Int’l Paper Co., 352 S.C. 408, 413, 574 S.E.2d 228, 230 (Ct. App. 2002).

When considering a motion to dismiss, “[a]ll properly pleaded factual allegations are deemed admitted for the purposes of considering a motion for judgement on the pleadings.” Russell v. Columbia, 305 S.C. 89, 406 S.E.2d 338, 339 (1991). “A ruling on motion to dismiss pursuant to Rule 12(b)(6) must be based solely on the factual allegations set forth in the complaint, and the court must consider all well-pled allegations as true.” Fabian v. Lindsay, 410 S.C. 475, 765 S.E.2d 123, 136 (2014). Ultimately, the question before this court is whether the facts alleged “and the inferences reasonable deducible from the pleadings would entitle the plaintiff to relief on any theory of the case.” Williams v. Condon, 347 S.C. 227, 233, 553 S.E.2d 496, 499 (Ct. App. 2001). So, if the facts and the inferences drawn from the facts alleged in the complaint, viewed in the light most favorable to the plaintiff, would entitle the plaintiff to relief on any theory, then the grant of a motion to dismiss for failure to state a claim is improper. Hotel

& Motel holdings, LLC v. BJC Enterprises, LLC, 414 S.C. 635, 650, 780 S.E.2d 263, 271 (Ct. App. 2015).

Furthermore, “important questions of novel impression should not be decided on a motion to dismiss.” Unisys Corp. v. S.C. Budget & Control Bd. Div. of Gen. Servs. Info. Tech. Mgmt. Office, 346 S.C. 158, 165, 551, S.E.2d 263, 267 (2001) (See also Chestnut v. AVX Corp., 413 S.C. 224, 227, 776 S.E.2d 82, 84 (2015); “[N]ovel questions of law should not ordinarily be resolved on a Rule 12(b)(6) motion”). “Instead, a novel issue is best decided in light of the testimony to be adduced at trial.” Evans v. State, 344 S.C. 60, 68, 543 S.E.2d 547, 551 (2001).

### ARGUMENT

In her Memorandum, Riegel acknowledged that central to this suit is the allegation that Riegel falsely characterized Plaintiff as a “media seeker and litigious person”. Riegel, argue that such false and defamatory statements or privileged or at best not Defamatory. Riegel would have this Honorable Court believe that Defendant’s comments are protected under the assumption that the comments were made under the umbrella of a legal proceeding, even though the comments were made directly to a media outlet for publication outside the four corners of any judicial quorum. Riegel would also assert by her Motion to Dismiss, that her comments are not defamatory if though she is the factor finder. Lastly, Riegel asserts that Plaintiff’s complaint and claims or deficient. However, such assertion is blinded by Plaintiff’s complete rendition of the events surrounding the claims in Plaintiff’s complaint.

Plaintiff, in his Complaint, makes plain an unambiguous that the allegations central to the case is that the Defendants engaged in a conspiracy scheme to minimize and harm the reputation of the Plaintiff by defamatory methods, and such was published to third parties.

#### **I. Plaintiff’s Pleading Is Proper for A Defamation Claim.**

Riegel attempts to argue that Plaintiff failed to properly plead defamation; however, Riegel's argument is flawed and wanton. A close review of Plaintiff's complaint will devour Riegel's argument, see Complaint. ¶ 18. "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, Fleming v. Rose, 350 S.C. 488, 494, 567 S.E.2d 857, 860 (2002)." Riegel's statement to the media regarding Plaintiff, was a wholly attempt to lower **Plaintiff's reputation** in the community. The statement "media seeker" is not ambiguous and comparts to a clear interpretation, and the meaning is clear on its face.

Riegel's illusionary attempt to question the actionability of Plaintiff's defamatory claim is not a question for Riegel to answer but for a Jury; "Likewise, the question of whether the statements were actionable per se or not actionable per se was a matter for the jury to determine as the finders of fact; Goodwin v. Kennedy, 347 S.C. 30, 38, 552 S.E.2d 319, 323 (Ct. App. 2001)."

Defendant's misguided views on absolute privilege regarding Judicial comments and or statements made in a Judicial Proceeding, is nothing more than creative writing, and this Plaintiff must chill such baseless assertion, made by Riegel in her frugal motion to dismiss.

Riegel's statement to the media regarding a pending legal action cannot attach absolute privilege when such comments were made outside the four corners of a legal proceeding; this is especially true when the Summons and Complaint from said pending litigation had not been served upon the Defendant, as claimed by Riegel and, when such "defamatory comments were made to news media "WYFF new Ch 4" for publication, by Riegel, and such statements were published, which is properly detailed in Plaintiff's complaint. Media outlets, and news sources are not under the umbrella of a legal proceeding nor is such privilege afford to someone who

using the media to debate a legal action; “City manager was not entitled to absolute privilege to make alleged defamatory statements in press releases about director of city building department and city electrical and plumbing inspectors during course of investigations of department. Eubanks v. Smith, 292 S.C. 57, 354 S.E.2d 898 (1987).” The Peace Center, in an effort to minimize Riegel’s defamatory statement regarding the Plaintiff, immediately released a secondary statement on behalf of Riegel, which was devoid of the original defamatory statement made by Riegel. Furthermore, an Absolute Privilege defense would be a question for a jury.

Finally, Plaintiff has alleged that the defamatory statements were “made for the purpose and with the intent of damaging the reputation of the Plaintiff.” Therefore, Plaintiff has pled sufficient facts to establish a claim of defamation.

## **II. Plaintiff’s Pleading Is Proper for A Civil Conspiracy Claim.**

Plaintiff’s pleading is sufficient under the breath of Civil Conspiracy by the defendants in this matter. There is no doubt that “Conspiracy” is cloaked in secrecy and such secrecy cannot be tumbled without full discovery. However, even with such limitations Plaintiff has illuminated a collective plan by the defendants to erode Plaintiff’s standing in the community and such plan was not by accident or incident. A simple inference would detail the collaborative efforts of the defendants as outlined in the complaint. “[A] complaint is sufficient if it states any cause of action or it appears that the plaintiff is entitled to any relief whatsoever. Baldwin v. Sanders, 266 S.C. 394, 223 S.E.2d 602 (1976). Our courts have held that pleadings in a case should be construed liberally so that substantial justice is done between the parties. Manning v. Dial, 271 S.C. 79, 245 S.E.2d 120 (1978). Further, a judgment on the pleadings is considered to be a drastic procedure by our courts. U.S. Casualty Company v. Hiers, 233 S.C. 333, 104 S.E.2d 561 (1958).” Russell v. City of Columbia, 305 S.C. 86, 89, 406 S.E.2d 338, 339 (1991).

Defendant Riegel argues that that the Defendants have not had conclusive meeting and therefore, has not had the opportunity to conspire. A meeting of the minds need not induce a meeting of the bodies. The Defendants, under a common scheme and purpose, was attempting to regain the public's respect and admiration as related to the 2023 Juneteenth event after staunch public criticism and this is where the defamatory scheme was hatched. Plaintiff has received numerous emails from the City of Greenville which show continued communication between Riegel and Hays.

### CONCLUSION

Because Riegel has moved to dismiss Plaintiff's action pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, Plaintiff's pleadings should be interpreted as statements of fact. If each of Plaintiff's allegations is deemed to be true, then Plaintiff has sufficiently pled factual allegations satisfying the elements of each cause of action included in Plaintiff's Complaint. Furthermore, as the issues present in this case are novel in our State, this Court should refrain from resolving this case on Defendant's Motion to Dismiss.

Respectfully submitted,



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September 26, 2023  
Greenville County, South Carolina

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

23 SEP 29 PM 12:19  
Brice Garrett COC GVL SC

Bruce Wilson, )  
)  
Plaintiff, )  
)  
vs. )  
)  
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 )  
Juneteenth GVL Inc., )  
)  
Defendants, )  
)  
\_\_\_\_\_ )

C.A. No: 2023-CP-23-03268

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing **Plaintiff's Memorandum in Opposition to Defendant Megan Riegel's Motion To Dismiss** was served this 29<sup>th</sup> day of September 2023 on Defendant Riegel via United States Mail, postage prepaid and addressed to:

Cory B. Patterson  
Nelson Mullins Riley & Scarborough  
One Wells Fargo Center  
301 S. College Street, 23<sup>rd</sup> Floor  
Charlotte, North Carolina 29202  
**Attorney for Defendant Megan Riegel**

/s/ Bruce Wilson  
Bruce Wilson  
14 Freestone St  
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a nonprofit organization in Greenville, South Carolina. Compl. ¶ 3. Plaintiff allegedly entered into an oral agreement with the Peace Center to host a 2023 Juneteenth celebration. Compl. ¶ 8. In 2023, the Peace Center and Juneteenth GVL Inc. agreed to jointly host the upcoming 2023 Juneteenth celebration in downtown Greenville. Compl. ¶ 7. When Plaintiff learned about this, he told Riegel that the Peace Center and Juneteenth GVL Inc.’s agreement would breach the purported agreement that Plaintiff had with the Peace Center. Compl. ¶ 8. Plaintiff also told Riegel that litigation was a strong possibility and he intended to start legal action. Compl. ¶ 8.

On June 1, 2023, Plaintiff sued the Peace Center. Compl. ¶ 11. Plaintiff claimed that he and the Peace Center orally agreed that the Peace Center would work collaboratively and exclusively with Plaintiff on future Juneteenth events in downtown Greenville, beginning with the 2022 Juneteenth event.<sup>2</sup> The Peace Center supposedly breached this contract by permitting Juneteenth GVL Inc. to collaborate with the Peace Center on the 2023 Juneteenth event. *See Bruce Wilson v. The Peace Center Found.*, Court of Common Pleas for Greenville County, Civil Action No. 2023-CP-23-02759. On July 3, 2023, the Peace Center moved to dismiss Plaintiff’s Complaint, arguing Plaintiff’s breach of contract and promissory estoppel claims were factually and legally deficient. Plaintiff alleges that Riegel’s statement was “defamatory per se” and “slanderous.” Compl. ¶ 18. On June 27, 2023, Plaintiff filed the instant defamation and civil conspiracy action. Plaintiff served Riegel with interrogatories and document requests (“Discovery Requests”) at the same time he served the Complaint.

### **STANDARD OF REVIEW**

A Rule 12(b)(6) motion to dismiss should be granted when the pleadings, construed in the light most favorable to the non-moving party, fail to allege enough facts to state a cause of action.

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<sup>2</sup> The Court may consider documents that are integral to or incorporated by reference in the complaint. *See Brazell v. Windsor*, 384 S.C. 512, 516, 682 S.E.2d 824, 826 (2009).

Rule 12(b)(6), SCRCPP; *Haskell Co. v. Morgan*, 274 S.C. 261, 262 S.E.2d 737 (1980). As the Supreme Court of South Carolina stated in *DeBerry v. McCain*, 275 S.C. 569, 274 S.E.2d 293 (1981):

A [motion to dismiss] admits the facts well-pleaded in the complaint but does not admit the inferences drawn by the plaintiff from such facts. In short, a [motion to dismiss] a complaint does not admit conclusions of law pleaded therein.

*Id.* at 575, 274 S.E.2d at 296; *see also Carolina Winds Owners' Ass'n v. Joe Harden Builder, Inc.*, 297 S.C. 74, 76, 374 S.E.2d 897, 900 (Ct. App. 1988) (“A motion under Rule 12(b)(6)... admits the well pleaded facts in the complaint, but it does not admit the inferences drawn by the plaintiff from such facts, nor does it admit conclusions of law.”). Allegations that are merely legal conclusions are not enough to state a cause of action. *Jones v. Gilstrap*, 288 S.C. 525, 343 S.E.2d 646 (1986).

## ARGUMENT

### **I. Plaintiff’s Complaint Fails to Adequately Plead Defamation.**

To recover for defamation, the plaintiff must prove that there was: (1) a false and defamatory statement 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.” *Erickson v. Jones St. Publishers, L.L.C.*, 368 S.C. 444, 464, 629 S.E.2d 653, 664 (2006). The allegations in Plaintiff’s Complaint fail to plausibly plead the elements of defamation.

*A. Riegel’s statement is not defamatory per se.*

Riegel’s statement that Plaintiff is “media seeking” and litigious is not defamatory nor is it defamatory per se and Plaintiff has not plausibly plead otherwise. A statement is classified as defamatory per se when the meaning or message is obvious. If the defamatory meaning is unclear

unless the hearer knows facts or circumstances not contained in the statement itself, then the statement is defamatory *per quod*. See *Anderson v. The Augusta Chron.*, 355 S.C. 461, 476, 585 S.E.2d 506, 514 (Ct. App. 2003), *aff'd*, 365 S.C. 589, 619 S.E.2d 428 (2005). Here, being called “media seeking” and litigious is, by itself, insufficient to impeach Plaintiff’s reputation. In cases involving defamation *per quod*, the plaintiff must introduce facts extrinsic to the statement itself to prove a defamatory meaning, which Plaintiff has failed to do. *Holtzscheiter v. Thomson Newspapers, Inc.*, 332 S.C. 502, 508-509, 506 S.E.2d 497, 501 (1998).

Plaintiff alleges that the statements made by Riegel were slanderous. See Compl. ¶ 18. “Slander is actionable *per se* only if it charges the plaintiff with one of five types of acts or characteristics: (1) commission of a crime of moral turpitude; (2) contraction of a loathsome disease; (3) adultery; (4) unchastity; or (5) unfitness in one’s business or profession.” *Holtzscheiter*, at 511, 506 S.E.2d at 502. “In all other cases-namely, when slander does not fall into the above-named categories-special damages must be established.” *Id.* at 526, 506 S.E.2d at 510 (Toal, J., concurring); *Parrish v. Allison*, 376 S.C. 308, 322, 656 S.E.2d 382, 389 (Ct. App. 2007). The statements alleged in Plaintiff’s Complaint concern none of the above, and as such cannot be slander *per se*.

If the defamation is not actionable *per se*, then the plaintiff must plead and prove common law actual malice, that is “the defendant was activated by ill will in what he did, with the design to causelessly and wantonly injure the plaintiff; or that the statements were published with such recklessness as to show a conscious indifference toward plaintiff’s reports.” *Holtzscheiter*, at 510, 506 S.E.2d at 502. Again, Plaintiff has provided no facts or allegations to support that Riegel acted with common law malice. Plaintiff has also pleaded no special damages. Thus, Plaintiff fails to plead a cognizable defamation claim.

*B. Plaintiff's vague pleading of the allegedly defamatory statement destroys his claim.*

Under South Carolina law, a complaint that does not state with specificity the time, place, medium, and listener of the alleged defamatory statements fails to state a claim for defamation. *See McNeil v. S.C. Dep't of Corr.*, 404 S.C. 186, 195, 743 S.E.2d 843, 848 (Ct. App. 2013) (dismissing defamation claim where plaintiff alleged none of the statements were unprivileged, alleged none of the statements were published to a third party, and did not assert to whom the alleged statements were made); *In re Jasper Pellets, LLC.*, 652 B.R. 262 (collecting cases) (dismissing defamation claim with prejudice where the plaintiff did not specify whether the allegedly defamatory statements were spoken or in writing). Like *McNeil* and *In re Jasper*, Plaintiff's Complaint fails to specify whether Riegel's statements were verbal or written; the time, place, or medium Riegel used to make the allegedly defamatory statement; or the individual(s) who received the statement. Plaintiff's overbroad allegations doom his defamation claim.

*C. Riegel's statement is privileged.*<sup>3</sup>

While each of the proceeding reasons are enough by themselves to require dismissal, Plaintiff has also failed to plead that the allegedly defamatory statement was unprivileged. Under South Carolina law, an absolute privilege exists as to any utterance arising out of the judicial

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<sup>3</sup> Riegel would also be able to raise an affirmative defense of qualified privilege. South Carolina recognizes the doctrine of qualified privilege that protects from actions for defamation:

A communication made in good faith on any subject matter in which the person communicating has an interest, or in reference to which he has a duty, is privileged if made to a person having a corresponding interest or duty, even though it contains matter which, without his privilege, would be actionable, and although the duty is not a legal one, but only a moral or social duty of imperfect obligation .... The privilege arises from the necessity of full and unrestricted communication concerning a matter in which the parties have an interest or duty and is not restricted within any narrow limits.

*Conwell v. Spur Oil Co. of Western South Carolina*, 240 S.C. 170, 125 S.E. 2d 270, 274-275 (1962). Riegel's alleged statement was made in her capacity as CEO of the Peace Center regarding active litigation brought by Plaintiff.

proceeding and having any reasonable relation to it, including preliminary steps leading to judicial action of any official nature provided those steps bear reasonable relationship to it. See *Crowell v. Herring*, 301 S.C. 424 (Ct. App. 1990). The allegedly defamatory statement was directly related to Plaintiff's breach of contract lawsuit against the Peace Center. The Complaint acknowledges that Riegel issued her statement in response to the lawsuit that Plaintiff brought against the Peace Center, which is in active litigation. The statement arose out of, and had a reasonable relation, to a judicial proceeding, entitling Riegel to prevail on this motion to dismiss. Plaintiff did not and cannot plausibly plead that the allegedly defamatory statement is unprivileged.

## **II. Plaintiff's Complaint Fails to Adequately Plead Civil Conspiracy.**

Plaintiff's pleading deficiencies extend to his civil conspiracy allegation. A plaintiff asserting a civil conspiracy claim must establish (1) the combination or agreement of two or more people, (2) to commit an unlawful act or a lawful act by unlawful means, (3) with the commission of an overt act to further the agreement, and (4) damages proximately resulting to the plaintiff. *Paradis v. Charleston Cnty. Sch. Dist.*, 433 S.C. 562, 574, 861 S.E.2d 774, 780 (2021), *reh'g denied* (Aug. 18, 2021). Plaintiff alleged no facts that show that Riegel and Hays formed an agreement to commit an unlawful act or a lawful act by unlawful means. The Complaint lacks any facts that allege Riegel ever interacted with Rueben Hays. The closest allegation is that at "some point in January of 2023, the Peace Center and Juneteenth GVL. Inc.[] agreed to jointly host the upcoming 2023 Juneteenth celebration," but this statement establishes no communications between Riegel and Hays. Compl. ¶ 1. Plaintiff pleaded no facts that allege Riegel committed any overt act to further an unspecified phantom agreement to commit an unlawful act.

Plaintiff's Complaint has sweeping legal assertions such as "[t]he Defendants entered into an agreement or understanding, explicitly or implicitly, for the purpose of injuring the Plaintiff by

[a]ssembling and coordinating,” but Plaintiff provides no details or any facts to support this conclusion. “[A]llegations which are conclusory rather than factual should be disregarded.” *Russell v. City of Columbia*, 301 S.C. 117, 119, 390 S.E.2d 463, 464 (Ct. App. 1989), rev'd on other grounds, 305 S.C. 86, 406 S.E.2d 338 (1991). No facts allege a civil conspiracy claim in Plaintiff's Complaint and as such it should be dismissed.

**III. Discovery should be stayed to promote efficiency and prevent Plaintiff from annoying and harassing Riegel**

Riegel has good cause to stay discovery while her Motion to Dismiss pends. Staying discovery will conserve the time and resources of the parties and the Court. *See* Rule 1, SCRCPP (stating Rule 26, SCRCPP “shall be construed to secure the just, speedy, and inexpensive determination of every action”). If Riegel's Motion to Dismiss is granted, discovery would be unnecessary. Since the only discovery so far has been Plaintiff serving his discovery requests, this motion is timely. Discovery has barely begun, so there is no risk of unfair prejudice to Plaintiff to stay discovery. Plaintiff's claims are baseless and discovery should be stayed until Defendant's motion to dismiss is heard.

**CONCLUSION**

Defendants Riegel ask the Court to grant her Motion to Dismiss and stay discovery.

Respectfully submitted this 18th day of August, 2023.

*[signature to follow]*

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: */s/Cory B. Patterson*

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*Attorneys for Defendant Megan Riegel*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing was served this 18<sup>th</sup> day of August 2023 to the below recipient via e-mail and first-class mail:

*Pro Se Plaintiff*

Bruce Wilson

14 Freestone St

Greenville, SC 29605

(864) 907-7080

[Brucewilson23@gmail.com](mailto:Brucewilson23@gmail.com)

/s/ Cory B. Patterson

Cory B. Patterson



STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

2023 JUN 27 AM 11:18  
CLERK OF COURT  
COURT HOUSE  
COLUMBIA, SC

Bruce Wilson, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 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 )  
 Juneteenth GVL Inc., )  
 )  
 Defendants, )

C.A. No: 2023-CP-23- 03268

**COMPLAINT**  
(Jury Trial Demanded)

This case is in which Defendants 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., have caused tremendous emotional harm to the Plaintiff, by publishing to third parties, derogatory and or threaten messages and comments about the Plaintiff, with reckless disregard of the harmful nature of such slanderous words, acts or comments regarding Plaintiff's opposition to an upcoming **Juneteenth Event**, which had been whitewashed by Defendants and incurred public backlash. Plaintiff, further, complaining of the Defendants would respectfully show, unto the Court as follows:

**The Parties**

1. Plaintiff is a citizen and resident of Greenville County, South Carolina.
2. Megan Riegel (hereinafter "Megan") upon information and belief is a citizen and resident of Greenville County, South Carolina, and belief is a registered agent and President of the

Peace Center, a nonprofit organization that is incorporated in South Carolina with its main operation of business in Greenville County, South Carolina.

3. Rueban Hays (hereinafter “Rueban” upon information and belief is a citizen of Greenville County, South Carolina, and belief is a registered agent and Executive Director and Founder of the Juneteenth GVL Inc., a nonprofit organization that is incorporated in South Carolina with its main operation of business in Greenville County, South Carolina.

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over the subject matter of this action pursuant to Article V, § 11 of the South Carolina Constitution.

5. This Court has jurisdiction over all parties as the parties are residents of Greenville County, South Carolina.

6. Venue is proper in this court insofar as Greenville County is where the causes of action arose and the Peace Center and Juneteenth GVL Inc., are incorporated in Greenville County, South Carolina.

### **FACTS OF THE CASE**

7. At some point in January of 2023, the Peace Center and Juneteenth GVL Inc., agreed to jointly host the upcoming 2023 Juneteenth celebration in downtown Greenville crafted as Juneteenth Maga Fest.

8. When Plaintiff learned of the agreement between the Peace Center and the Juneteenth GVL Inc., he notified Defendant Megan that the agreement would breach the verbal agreement that the Plaintiff had with the Peace Center related to hosting/sponsoring the 2023 Juneteenth event and that litigation was a strong possibility. Plaintiff gave Megan a notice to comply with their agreement by May 31, 2023, to avoid legal action.

9. At the end of May 2023, Rueban approved several marketing banners with images to be placed throughout downtown Greenville to promote the upcoming Juneteenth event hosted at the Peace Center. The banners were approved by Rueban, depicted White Americans with the words JUNETEENTH under the Juneteenth flag.

10. The banners created a huge backlash on social media, and the Plaintiff who had hosted the first and two (2) subsequent Juneteenth events in downtown Greenville was ask about the imagery on the banners by Fox Carolina news and on May 24, 2023, Plaintiff was interviewed by the news outlet.

11. On June 1, 2023, Plaintiff was forced to file a lawsuit against the Peace Center, for breach of contract related to the venue and usage of the Peace Center stage.

12. With in hours after the Plaintiff had filed suit against the Peace Center, the State Newspaper published an article the same day the suit was filed and used the information within the suit for the article with no statement from the Plaintiff regarding the suit.

13. On June 2, 2023, Megan released a statement to the media on behalf of the Peace Center, regarding Plaintiff's suit. In the release to the media, Megan made derogatory statements regarding the Plaintiff, and such statements were published by WYFF News Ch 4, calling the Plaintiff a "media seeker" and a litigious individual.

14. Within hours the Peace Center released a second statement/press release to the media, removing the derogatory statement/comments.

15. On June 6, 2023, Rueban, 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 the Plaintiff was a "Hoe Ass Niggas".

16. On June 7, 2023, Plaintiff sent Rueban a Cease-and Desist notice, and Rueban immediately texted the Plaintiff stating, "I said with I had to say" See Exhibit C

**FOR A FIRST CAUSE OF ACTION**  
**(Defamation by Plaintiff as to All Defendants)**

17. The Plaintiff incorporates the forgoing paragraphs 1-16 as if repeated here, verbatim.

18. The statements and actions made by Defendants, during the initial disclosure of a of a public statement to media, and messaging to third parties regarding the Plaintiff on June 2, 2023, June 6, 2023, and June 7, 2023, with publication(s) wrongly painting the Plaintiff in derogatory terms as a "Hoe Nigga" and as "A media attention seeker". These statements were defamatory per se. Defendants' statements, actions, threats and bullying subject Plaintiff to ridicule, contempt, disgrace, suffering, anguish, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame. The defamatory and slanderous statements were false when made, were made without regard to their truth and falsity, were made without justification, and were made for the purpose and with the intent of damaging the reputation of the Plaintiff with reckless disregard of their effect on the reputation of the Plaintiff and with malice intent.

19. Those statements have impeached, injured, and damaged the Plaintiff.

20. As an actual and proximate cause of Defendants' conduct in making such false and outrageous statements, Plaintiff has sustained harm, including general and special damages in an amount to be determined at trial.

21. Defendants made the statements and took actions described above with malice or reckless disregard of their falsity in order to harm Plaintiff.

22. Defendants acted willfully and/or wantonly in making the statements described above.

23. Plaintiff is entitled to actual and punitive damages for Defendants' conduct, and actual damages.

**FOR A SECOND CAUSE OF ACTION**  
**(Civil Conspiracy by Plaintiff as to ALL Defendants)**

24. The relevant and consistent allegations contained in the above paragraphs 1-23 are incorporated by reference as if stated verbatim herein.

25. The Defendants entered into an agreement or understanding, explicitly or implicitly, for the purpose of injuring the Plaintiff by:

- a. Assembling and coordinating for the purpose of denigrating and tarnish the reputation of Plaintiff for the purpose of generating interest in the community for the Defendants' personal and business motives;
- b. Making negative comments and or threat regarding Plaintiff to create a harmful climate surrounding the Plaintiff;
- c. Attempting to demean the Plaintiff in the Public's Eye, to quell concerns from the Public regarding a Juneteenth Event;
- d. Willfully and/or wantonly, and collectively assaulted the Plaintiff's reputation, to include intimidation tactics in an effort to diminish the backlash from the whitewashing of a Juneteenth Event in downtown Greenville;
- e. Sending public derogatory message(s) to public entities, media, and third parties about regarding the Plaintiff and
- f. Such other particulars as the evidence may show.

26. The Defendants directly and proximately caused injury to the Plaintiff by the acts committed herein in furtherance of the conspiracy.

27. As a direct and proximate result of these Defendants' conduct, Plaintiff is entitled to all general and special damages that likely resulted from the Defendants' acts or omissions committed in furtherance of the conspiracy.

## DAMAGES

28. As a proximate result of Defendants' wrongful, tortious, and outrageous conduct described above, the Plaintiff has suffered some or all of the following injuries and damages:

- a. Emotional distress;
- b. Shame, embarrassment, and humiliation;
- c. Damages to reputation;
- d. Legal fees and expenses;
- e. Other general and special damages;
- f. Emotional pain and suffering;
- g. Statutory damages;
- h. All other available past and future economic and noneconomic damages, and
- i. Other damages as will be shown through discovery and at trial.

29. The Plaintiff is therefore informed and believes that he is entitled to judgment against the Defendants for actual and punitive damages, in an amount to exceed **\$250,000.00**.

**WHEREFORE**, having fully set forth the grounds in his Complaint, Plaintiff asks the Court to award the following:

1. All damages referenced above;
2. All available general and special damages;
3. Compensatory in an appropriate amount against the Defendants, jointly and severally, and punitive damages against the Defendants against whom punitive damages are available;
4. Statutory damages;
5. Attorney's fees and costs;

6. Such other and further relief as allowed by law or that the Court may otherwise deem just and proper.

Respectfully submitted,

A handwritten signature in black ink that reads "Bruce Wilson". The signature is written in a cursive style with a large, looping initial "B".

Bruce Wilson  
14 Freestone St  
Greenville, SC 29605  
(864) 907-7080  
Brucewilson23@gmail.com

June 27, 2023  
Greenville County, South Carolina



Interpleader (690)

Submitting Party Signature:



Date: June 27, 2023

**Note:** Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

**Effective January 1, 2016,** Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

**Pursuant to the ADR Rules, you are required to take the following action(s):**

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210<sup>th</sup> day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR under ADR Rule 3(b) upon the following grounds:
  - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
  - b. Requests for temporary relief;
  - c. Appeals;
  - d. Post Conviction relief matters;
  - e. Contempt of Court proceedings;
  - f. Forfeiture proceedings brought by governmental entities;
  - g. Mortgage foreclosures; and
  - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. Cases may also be exempt from ADR under ADR Rule 3(c) upon motion to and approval by the court.
6. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
7. Application of a party to be exempt from payment of neutral fees due to indigency should be filed with the Clerk of Court prior to the scheduling of the ADR conference.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.  
Failure to do so may affect your case or may result in sanctions.**

**RECEIVED**

**Jul 01 2024**

**SC Court of Appeals**

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**Certificate of Pro Se Appellant**

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The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other materials

July 1, 2024

By: /s/ Bruce Wilson  
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**APPELLANT**