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 1916-2019

June 11, 2020

RECEIVED

APR 02 2025

SC Court of Appeals

Richland County
 Dept. of Social Services
 3220 Two Notch Rd.
 Columbia, SC 29204

RE: Ainsley Wallas

Gentlemen:

This law firm represents Lisa Wallas who is the custodial parent of Ainsley Wallas.

The mother of this child has had serious issues with controlling the child for some while. The child ran away from home and on May 22, 2020, the mother/custodial parent reported the child as a runaway.

Apparently, an Officer Signorino located the child on May 26, 2020. The Officer I am told refused to return the child to the custodial parent and gave the mother two choices: 1. Foster care or 2. Placement with a friend or relative.

After receiving the above two choices, the mother suggested the possibility of placing the child with the father if the Sheriff's Department would not bring the child home as provided in the court order. The officer refused to return the child home and refused to allow the mother and the father to speak. Following the conversation, the office advised she was placing the child with the father.

My client was advised she would be "investigated" for approximately two months. To date, no investigation has taken place.

My client has a full custody order. The father has only visitation rights. The child has been removed from the mother's custody without any form of court decree and without any hearing.

The statutory authority is fairly clear when a child is moved from a custodial parent by the authorities, the matter must be turned over the DSS and there must be an emergency hearing. None of the procedural safeguards required by statute appear to have been met. Thus, it appears the

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child has been removed in violation of due process. It also appears DSS was only notified when the mother notified DSS of the removal. Based upon what we have learned from the authorities at DSS, the Sheriff's Department did not notify DSS so that the procedural hearings could take place.

DSS was advised of this situation June 3, 2020 by virtue of a telephone call from the custodial parent.

In short, it appears this child has been removed from the home on nothing more than a decision by a police officer. The removal has apparently has been placed without the consent of the mother and with the mother having been giving choices which the officer did not have the authority to make. Further, we believe the officer was required to contact DSS as required by statute.

We would greatly appreciate your considering this matter as a formal claim against the Sheriff's Department and against DSS if in fact DSS was notified. We would appreciate your placing the insurance carrier for the Department and DSS on notice and we would appreciate someone contacting us.

We also demand pursuant to the South Carolina Freedom of Information Act that all documentation regarding this child or the incident in question be provided. Specifically, but without limiting the generality of the foregoing, we hereby demand a copy of all incident reports; written contracts; notifications; family plans; communications between the Sheriff's Department and DSS; notifications to DSS; photographs; written statements; and any and all documents in the possession of either DSS or Richland County Sheriff's Department which would justify the violation of the existing court order in this matter and the taking of this child in derogation of the rights of the custodial parent.

My client has custody of this child. Without any authority at all and without any form of hearing, the Sheriff's Department appears to have taken upon itself to deprive my client of custodial rights in violation of a written court order. My client considers this to be a very serious matter.

Please be advised that my client hereby further demands that the child be returned to her custody pursuant to the court order. Ms. Wallas has a good relationship with her ex-husband and does not want to be forced to bring him back into court for contempt for keeping the child in violation of a lawfully executed court order. I can assure you this situation has placed a great strain on the relationship between Lisa and her ex-husband.

I would greatly appreciate someone immediately contact me regarding this child so that we can arrange for her prompt return and so that we can discuss the issue of damages resulting from what appears to be a rather clear violation of the statutory law of South Carolina in regard to the removal of children.

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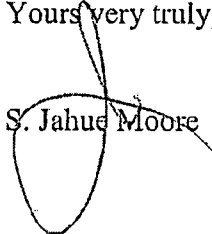
Richland County Dept. of Social Services

RE: Ainsley Wallas

Thank you for your attention to this matter.

Yours very truly,

S. Jahue Moore

A handwritten signature in black ink, consisting of a large, stylized loop that starts above the text 'S. Jahue Moore' and ends below it, crossing over itself.

SJM/arj

cc: Lisa Wallas

12/8/2021

CASE ELIZABETH SIGNORINO

<p style="text-align: right;">Page 1</p> <p>1 STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS 2 COUNTY OF RICHLAND) C/A NO.: 2021-CP-40-01484 3 Lisa Wallas,) 4 Plaintiff,) 5 v.) 6 Richland County Sheriff's) 7 Department, South Carolina) 8 Department of Social) 9 Services, Richland County) 10 Department of Social) 11 Services and Casey Elizabeth) 12 Signorino,) 13 Defendants.) 14 _____) 15 Lisa Wallas, as Natural) C/A No.: 16 Guardian of Ainsley Wallas,) 2021-CP-40-01971 17 Minor Child,) 18 Plaintiff,) 19 v.) 20 Richland County Sheriff's) 21 Department, South Carolina) 22 Department of Social) 23 Services, Richland County) 24 Department of Social) 25 Services and Casey Elizabeth) Signorino,) Defendants.)</p> <p style="text-align: center;">DEPOSITION OF CASE ELIZABETH SIGNORINO ***** Wednesday, December 8, 2021 10:15 a.m. - 11:44 a.m.</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">APPEARANCES</p> <p>1 2 3 S. Jahue Moore, Esquire MOORE TAYLOR LAW FIRM 4 1700 Sunset Boulevard West Columbia, South Carolina 29169 5 diane@mttlawfirm.com Attorney for the Plaintiff 6 7 Robert D. Garfield, Esquire CROWE LAFAVE, LLC 8 2019 Park Street Columbia, South Carolina 29201 9 Shelley@crowelafave.com Attorney for the Defendants 10 Richland County Sheriff's Department and Casey Elizabeth Signorino 11 12 Tierney F. Goodwyn, Esquire BOYKIN & DAVIS, LLC 13 220 Stoneridge Drive, Suite 100 Columbia, South Carolina 29210 14 tdukes@boykinlawsc.com Attorney for the Defendant 15 Department of Social Services 16 17 Joanna A. McDuffie, Esquire Richland County Sheriff's Department 18 5623 Two Notch Road Columbia, South Carolina 29223 19 Attorney for the Defendant Richland County Sheriff's Department 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 The deposition of CASEY ELIZABETH SIGNORINO was taken 2 before Mary H. Occhipinti, a notary public in and for the 3 State of South Carolina, commencing on Wednesday, December 4 8, 2021, at the offices of CROWE LAFAVE, LLC, 2019 Park 5 Street, Columbia, South Carolina, pursuant to Notice of 6 Deposition and/or agreement of counsel. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">INDEX</p> <p>1 2 3 Stipulations. 06 4 Examination by Mr. Moore. 06 5 Examination by Ms. Goodwyn. 72 6 Examination by Mr. Garfield 73 7 Certificate 76 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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1 EXHIBITS
 2
 3 No Exhibits were marked during this deposition.
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1 Q. A series of questions to get background
 2 information. It's obvious you don't know what
 3 a deposition is.
 4 A. Okay.
 5 Q. A deposition is an examination under oath
 6 where my job is to ask you questions I choose
 7 to ask you and your job is to simply answer
 8 the questions that I ask you.
 9 A. Okay.
 10 Q. Do you now think you understand that?
 11 A. Yes.
 12 Q. You have a right to fully explain any answer
 13 you give so long as the explanation is
 14 responsive to my question, but I ask that you
 15 obey the rules and not tell me about things I
 16 don't ask you about, okay?
 17 A. Okay.
 18 Q. If I don't ask you about it, assume I don't
 19 want to know it, okay?
 20 A. Okay.
 21 Q. I will try to ask you simple and direct
 22 questions. If I do that, can you try to give
 23 me simple and direct answers?
 24 A. Yes.
 25 Q. Now, we have been so bad to each other in

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1 STIPULATIONS
 2 It is stipulated by and between counsel
 3 for the respective parties that all objections
 4 are reserved until the time of trial, except as
 5 to the form of the questions.
 6 This deposition is being taken pursuant
 7 to the South Carolina Rules of Civil Procedure.
 8 - - - -
 9 The reading and signing of this
 10 deposition is hereby not waived.
 11 Whereupon,
 12 CASEY ELIZABETH SIGNORINO, being duly sworn and
 13 cautioned to speak the truth, the whole truth,
 14 and nothing but the truth, testified as follows:
 15 EXAMINATION
 16 BY MR. MOORE:
 17 Q. What is your name?
 18 A. Casey Signorino.
 19 Q. And Ms. Signorino, my name is Jake Moore and I
 20 am about to take your deposition. Do you know
 21 what a deposition is?
 22 A. Yes, sir.
 23 Q. What is it?
 24 A. A series of questions to get some background
 25 information on your case.

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1 depositions over the years as lawyers, the
 2 Supreme Court has said we have rules and I've
 3 got to tell you what they are. I wouldn't do
 4 this except for the fact that they tell me I
 5 have to, so here we go. If you have a
 6 question about a question, ask me and not your
 7 lawyer, do you understand?
 8 A. Yes.
 9 Q. You are under oath and this is testimony, it's
 10 not just a discussion. You are not supposed
 11 to discuss your testimony with anybody but me
 12 until the deposition is over, all right?
 13 A. All right.
 14 Q. If your lawyer makes an objection -- do you
 15 have a lawyer here today?
 16 A. Yes.
 17 Q. Who is your lawyer?
 18 MR. GARFIELD: I'm her lawyer.
 19 MR. MOORE: Please don't coach, I'm asking her.
 20 A. Robert Garfield.
 21 Q. And he is representing you, correct?
 22 A. Correct.
 23 Q. Now, if Mr. Garfield objects, ignore his
 24 objection and answer anyway unless he tells
 25 you not to answer. If he tells you not to

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1 answer, don't answer, okay?
 2 A. Okay.
 3 Q. Otherwise answer. If we take a break, and I
 4 don't anticipate this being very long, but if
 5 we take a break, don't discuss your testimony
 6 with Mr. Garfield or anyone else, okay?
 7 A. Okay.
 8 Q. Now I've done my job doing I think what the
 9 Supreme Court says I have to do. Let's talk
 10 about you. What is your educational
 11 background?
 12 A. I graduated high school early. I got an
 13 associates degree in criminology, criminal
 14 justice at Midlands Tech. I went on to get my
 15 bachelors degree in criminology and criminal
 16 justice at USC, Columbia.
 17 Q. So you have a bachelors level degree in
 18 criminology?
 19 A. In criminal justice. Yes, sir.
 20 Q. What's the difference between criminology and
 21 criminal justice?
 22 A. Criminal justice is studying the justice
 23 system and criminology is studying more of the
 24 science behind it.
 25 Q. And you are a certified law enforcement

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1 officer?
 2 A. Correct.
 3 Q. And have you been through the educational
 4 facilities at the South Carolina Criminal
 5 Justice Academy?
 6 A. Yes.
 7 Q. At the time you were involved in the situation
 8 with Ainsley Wallace, were you a certified law
 9 enforcement officer?
 10 A. Yes.
 11 Q. And you had been trained in such?
 12 A. Yes.
 13 Q. In regard to your training, have you ever been
 14 trained that you have the authority to remove
 15 children from the custody of their parents?
 16 A. Yes.
 17 Q. You do?
 18 A. In certain situations, yes.
 19 Q. Well, in what situations do you have the
 20 authority to remove a child from custody?
 21 A. EPC.
 22 Q. What is EPC?
 23 A. Emergency Protective Custody.
 24 Q. Well, when you make the decision to remove the
 25 child based upon Emergency Protective Custody,

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1 do you have the authority to place a child?
 2 A. Yes.
 3 Q. Do --
 4 A. I have the authority to place a child where I
 5 feel is best and safest for a child.
 6 Q. What do you understand gives you that
 7 authority?
 8 A. The law.
 9 Q. What law?
 10 A. Emergency Protective Custody law.
 11 Q. Ma'am, as I understand it, and correct me if
 12 I'm wrong, if you find a child in need of
 13 Emergency Protective Custody, your job is to
 14 basically contact the Department of Social
 15 Services and DSS is responsible for placing
 16 the child from that point. That's correct,
 17 isn't it?
 18 MR. GARFIELD: To the extent it's a question, I
 19 guess there was a question, object to the form
 20 of it. You can answer.
 21 A. So not entirely. It's the job of the Richland
 22 County Sheriff's Department to report to DSS.
 23 My job is a portion of the Richland County
 24 Sheriff's Department's job. My job is to
 25 investigate, determine whether or not the

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1 child is safe. If the child is not safe,
 2 remove the child and place her where I feel is
 3 best fit for her.
 4 Q. Do you -- where did you get that
 5 understanding?
 6 A. Through four-and-a-half years of law
 7 enforcement training.
 8 Q. Training by whom?
 9 A. Throughout my experience with both of my
 10 agencies I worked for. I was a state agent
 11 for three years as well.
 12 Q. So if you decide that a child is not safe, you
 13 can basically put the child wherever you want
 14 to that you think is safe?
 15 MR. GARFIELD: Object to the form.
 16 Q. Is that correct?
 17 A. Not entirely. I can place with DSS.
 18 Q. Right.
 19 A. Or I can discuss with the family any other
 20 alternatives that is in full agreement in
 21 order to avoid foster care for the night.
 22 Q. Well, wait a minute. For the night? I want
 23 to make sure I understand. You say that one
 24 of your options if you find the child in need
 25 of protective custody --

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1 A. Uh-huh.
 2 Q. -- is to place the child with the Department
 3 of Social Services, correct?
 4 A. Yes, sir. So --
 5 Q. I mean, that's one of your options?
 6 A. That's one of the options, yes.
 7 Q. All right. And the other option is to discuss
 8 with family members to place the child
 9 overnight with somebody, correct?
 10 A. Yes. So there is an Emergency Protective --
 11 there is a Probable Cause Hearing that follows
 12 up within 24 to 48 hours after I take custody
 13 of the child. So I can place that child
 14 either with DSS or in another home or with
 15 another person that is all in agreement all
 16 around to avoid the child going to foster
 17 care.
 18 Q. And you say there is supposed to be a Probable
 19 Cause Hearing within 24 hours, correct?
 20 A. Twenty-four to 48 hours.
 21 Q. And --
 22 A. I'm not a part of that, though, that's after
 23 me.
 24 Q. Well, who is a part of it?
 25 A. The Sheriff's Department follows up with that,

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1 but my job at that point is done.
 2 Q. Well, this Probable Cause Hearing within 24 to
 3 48 hours, when was it done in this case?
 4 A. I don't know.
 5 Q. What's the purpose of the Probable Cause
 6 Hearing?
 7 A. To determine whether or not I had probable
 8 cause to EPC the child.
 9 Q. And if it's determined that you don't, what
 10 happens?
 11 A. The child gets placed back with the home, with
 12 the original parent.
 13 Q. Well, ma'am, you then would have a role in the
 14 Probable Cause Hearing which is required
 15 within 24 to 48 hours, correct?
 16 A. My incident report plays a role, I do not
 17 physically play a role.
 18 Q. So you have never appeared at --
 19 A. We --
 20 Q. Have you ever appeared at such a hearing?
 21 A. No, I have not.
 22 Q. To your knowledge, was there ever such a
 23 hearing?
 24 A. In this case or ...
 25 Q. In this case?

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1 A. I don't know.
 2 Q. Who would know?
 3 A. I don't know.
 4 Q. Well, all right. Let's talk about this
 5 particular case. Before the evening in
 6 question, did you know Lisa Wallas?
 7 A. No.
 8 Q. Did you know Ainsley?
 9 A. No.
 10 Q. Did you know anything about the family
 11 background or the family history?
 12 A. No.
 13 Q. Before the evening in question, before May 22,
 14 2020, did the custodial parent call law
 15 enforcement seeking help for a runaway child?
 16 A. I'm sorry, can you repeat that?
 17 Q. Sure. Sometime on or after May 22, 2020, did
 18 the custodial --
 19 A. Can I see that?
 20 Q. -- parent --
 21 A. Is that the report? I'm sorry, I'm just
 22 trying to look at my days here. Thank you.
 23 Go on.
 24 Q. Thank you for allowing me to go on.
 25 MR. GARFIELD: That's unnecessary Jake.

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1 MR. MOORE: I do not need instructions as to
 2 how to take a deposition. The lady is not in
 3 control of the deposition, I am.
 4 MR. GARFIELD: I'm just asking you to be
 5 respectful.
 6 MR. MOORE: I am being respectful to this lady
 7 and if I'm not, she can tell me. But she
 8 needs to understand I am doing an examination
 9 and what happens during this examination is up
 10 to me. It's not up to her, it's not up to
 11 you, not up to anybody. If there's an
 12 objection, make it, and we'll move forward.
 13 MR. GARFIELD: Okay. I object to the snarky
 14 editorial. Go back and you can ask her a
 15 question, your next question.
 16 MR. MOORE: Snarky, what do you mean by that?
 17 I want to know what you're accusing me of
 18 Robby.
 19 MR. GARFIELD: You were being snarky and I just
 20 object to it.
 21 MR. MOORE: Snarky?
 22 MR. GARFIELD: Yes, sir.
 23 MR. MOORE: What does the word snarky mean?
 24 MR. GARFIELD: I don't have to answer your
 25 questions.

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1 MR. MOORE: You just accused me of something on
 2 the record and I want to know what it is.
 3 MR. GARFIELD: You're being snarky.
 4 MR. MOORE: Now, please quit interrupting me
 5 and I will conduct this deposition as best I
 6 know how.
 7 MR. GARFIELD: Okay, I'll count on that. Thank
 8 you.
 9 A. I'm sorry for interrupting you. I just needed
 10 a copy of the incident report to look at the
 11 dates.
 12 Q. I accept that and I appreciate that very much.
 13 If you need something, if you need a piece of
 14 paper, if you need a note or anything, if
 15 you'll just tell me, I will try to accommodate
 16 you getting what you need, okay?
 17 A. Okay.
 18 Q. This deposition is supposed to be an
 19 examination between you and me, all right?
 20 A. Okay.
 21 Q. And we've had problems with these over the
 22 years and I don't like them either. This man
 23 is a friend of mine, all right? We fuss at
 24 each other from time to time, but we get
 25 along. Just if you need something, just let

1 A. That's correct.
 2 Q. Do you know whether or not that is true?
 3 A. Whether or not Irmo is inside Richland County?
 4 Q. I'm sorry, that's a bad question. Do you know
 5 that in fact the child had run away?
 6 A. Yes, I do know that.
 7 Q. Do you now know it's true, before you got
 8 involved, the mother had called Irmo and
 9 reported a runaway child?
 10 A. Yes.
 11 Q. Have you ever seen the report that was made to
 12 --
 13 A. No.
 14 Q. -- the Irmo Police?
 15 A. No.
 16 Q. Did you ever do anything to investigate with
 17 the Irmo Police what they knew about the
 18 situation?
 19 A. No.
 20 Q. Now, as I understand it, you at some point in
 21 time talked to Mrs. Wallas, right?
 22 A. Correct.
 23 Q. Did she tell you that she was the custodial
 24 parent?
 25 A. I don't recall. Maybe, I don't know.

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1 me know and not him, okay?
 2 A. Okay.
 3 Q. Now, do you know that on or about May 22 ,
 4 the custodial parent called the Richland
 5 County Sheriff's Department and reported that
 6 her daughter had run away?
 7 A. I do not know that.
 8 Q. Do you know that before you got involved there
 9 had been a call from the custodial parent
 10 reporting the child had run away?
 11 A. Yes.
 12 Q. How do you know that?
 13 A. Because her mother told me.
 14 Q. Basically that would be Lisa Wallas?
 15 A. Yes.
 16 Q. Lisa told you that before you got involved she
 17 had called the Sheriff's Department reporting
 18 the child had run away, correct?
 19 A. No, not correct.
 20 Q. What did she tell you?
 21 A. She told me that she called Irmo Police
 22 Department.
 23 Q. And Irmo is a jurisdiction that has
 24 jurisdiction both in Richland County and in
 25 Lexington County, correct?

1 Q. Did you do any type of investigation to
 2 determine who had custody?
 3 A. Yes. I discussed with her where the child
 4 lived. I discussed with the child where she
 5 lived and how the custody works. I discussed
 6 with Ainsley in depth on -- I asked, I was
 7 trying to ask her what her custody
 8 arrangements were. She didn't really
 9 understand completely how it worked. So it
 10 was unclear to me what the custody
 11 arrangements were.
 12 Q. Did you understand that Mr. and Mrs. Wallas
 13 were divorced?
 14 A. Yes.
 15 Q. Did you understand that Lisa Wallas had the
 16 primary day-to-day physical possession of the
 17 child?
 18 A. No.
 19 Q. Did you -- you say you understood they were
 20 divorced. Did you make any effort to
 21 determine what the custodial orders said?
 22 A. I discussed it with Ainsley and then I
 23 discussed it between both of her parents on
 24 the phone at the same time. And at that point
 25 the custody arrangements weren't relevant to

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1 my investigation.	1 been trained and taught that the provisions of
2 Q. Well, in the discussion with Lisa, did she	2 the South Carolina Family Courts are
3 tell you that she had custody of the child?	3 irrelevant?
4 A. I don't recall. I mean, I don't know for	4 A. Correct.
5 certain. I can't tell you verbatim what she	5 Q. They have nothing to do with what you do?
6 said.	6 MR. GARFIELD: Object to the form, you can
7 Q. I didn't ask you verbatim. In the overall	7 answer it.
8 communication with Lisa, did she communicate	8 A. They have nothing to do with my decision.
9 to you that she was the custodial parent?	9 Q. Right. And it matters not what the courts
10 A. I don't know. Off the top, I don't know.	10 have said, right?
11 Q. In the discussion with the child's father, did	11 MR. GARFIELD: Same objection, you can answer.
12 the father discuss with you that Lisa was the	12 A. Correct.
13 custodial parent?	13 Q. And since it doesn't matter, you don't even
14 A. I don't remember.	14 check in to see what the courts have said
15 Q. Now, you're telling me that the divorce order	15 about it, correct?
16 would be irrelevant, correct?	16 MR. GARFIELD: Object to the form.
17 A. Correct.	17 A. Correct. I mean, if I don't have to, I don't
18 Q. So what, the order, the standing orders from	18 need to if it's not necessary in my
19 the Family Court in regard to custody, to your	19 investigation.
20 investigation were irrelevant, right?	20 Q. All right. Well, do you understand that this
21 A. Correct.	21 child ran away from home May 22, 2020?
22 Q. It didn't matter to you who the court had	22 A. Yes.
23 placed custody with?	23 Q. When is it that you first got involved?
24 A. Correct.	24 th
25 Q. Now, in your training, have they told you that	24 A. May 26 of 2020.
	25 Q. And how did you get involved?
Page 22	Page 24
1 you have the right to interfere with standing	1 A. I received a call for, a call for service.
2 custody orders?	2 Q. Who did you receive a call from?
3 A. Yes.	3 A. I believe it was Ms. -- I believe Ms. Lanier
4 Q. Who from the Richland County Sheriff's	4 called 911.
5 Department has told you that you have the	5 Q. Ms. Lanier, what is her first name?
6 right to override standing custody orders?	6 A. I don't know.
7 A. I don't know of a specific person.	7 Q. Do you know where she lives?
8 Q. But that has been part of your training from	8 A. No.
9 the Sheriff's Department?	9 Q. Who is Ms. Lanier?
10 A. That's been part of any law enforcement	10 A. She is the -- she's a parent of a cheerleader
11 officer's training from the Criminal Justice	11 on the same squad as Ainsley.
12 Academy.	12 Q. What squad is that?
13 Q. Well, would it also be training from the	13 A. Dutch Fork Varsity Cheerleading.
14 Richland County Sheriff's Department?	14 Q. And Ms. Lanier called 911 which is an
15 A. Yeah. Yes.	15 emergency number, right?
16 Q. So you learned from the Sheriff's Department	16 A. Uh-huh.
17 and the Criminal Justice Academy that the	17 Q. Is that yes?
18 family court orders regarding custody are	18 A. Yes, I'm sorry.
19 irrelevant in situations with runaways and the	19 Q. When you arrived, did you understand that
20 like?	20 Ainsley had been living in the Lanier
21 A. In situations with EPC.	21 household for approximately four days?
22 Q. EPC basically means Emergency Protective	22 A. Approximately, yes.
23 Custody, right?	23 Q. Did the mother, Lisa, know where the child
24 A. Correct.	24 was?
25 Q. So in situations dealing with EPC, you have	25 MR. GARFIELD: Object to the form. You can

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1 answer, it's just subjective.
 2 A. I don't know what the mother knew when I
 3 arrived on scene.
 4 Q. Well, you talked to the mother at some point
 5 about the matter, correct?
 6 A. Correct.
 7 Q. And did the mother say she had no idea the
 8 child had been there?
 9 A. I don't -- I don't remember if she said she
 10 knew exactly where she was, I just know that
 11 she said that she knew she was with a friend.
 12 She was at a friend's house.
 13 Q. Well, one thing that's for certain, on the
 14 nd
 15 22 , the day she ran away, she had called the
 16 police asking for help, right?
 17 MR. GARFIELD: Object to the form.
 18 A. I don't know. I wasn't called on that day.
 19 They called a different department.
 20 th
 21 Q. Right. Now, when you got there on the 26 ,
 22 was Ainsley marked in any way?
 23 A. Was she what? I'm sorry?
 24 Q. Marked. Were there bruises or where she had
 25 been battered or anything of that nature?
 A. No, not that I saw.
 Q. Did you see any visible evidence of abuse of

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1 the child?
 2 A. I didn't physically investigate her, that's
 3 DSS's job.
 4 Q. Well my question is about what you saw. Did
 5 you see the child when you went over to this
 6 lady's house where the child had apparently
 7 been staying?
 8 A. No.
 9 Q. Did you ever see the child?
 10 A. I saw the child.
 11 Q. When did you first see the child?
 12 th
 13 A. On May 26 .
 14 Q. Where did you see her?
 15 A. At Dutch Fork High School.
 16 Q. So the child was brought to Dutch Fork High
 17 School and you met the child there?
 18 A. Correct.
 19 Q. Did you then call the mom and say, hey, the
 20 child is going to be at Dutch Fork High
 21 School?
 22 A. No.
 23 Q. So you had the child brought to Dutch Fork
 24 High School without Lisa knowing the child was
 25 being brought there?
 A. Not true.

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1 Q. Did Lisa know the child was being brought
 2 there?
 3 MR. GARFIELD: Object to the form.
 4 A. No.
 5 Q. Well, why is that not true?
 6 A. I did not have the child brought to Dutch Fork
 7 High School. I was responding to a call for
 8 service to meet them there.
 9 Q. I see. So the momma said, we need a police
 10 officer to meet us at Dutch Fork?
 11 A. The mom being Ms. Wallas or being --
 12 Q. I'm sorry. The lady who had the child said
 13 meet us there?
 14 A. I'm assuming so. That was my 911 response.
 15 Q. And you drove to Dutch Fork High School and
 16 you found the child?
 17 A. Uh-huh.
 18 Q. Is that Yes?
 19 A. Yes, I'm sorry.
 20 Q. And who was the child with?
 21 A. With Ms. Gehr and Ms. Lanier.
 22 Q. And when you saw the child there, were there
 23 any visible marks on the child, bruises, cuts,
 24 abrasions, contusions, anything you saw that
 25 would be an indication of physical abuse?

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1 A. Her whole body was covered other than her face
 2 and I didn't investigate further. So no, I
 3 didn't see anything.
 4 Q. I didn't ask you what you didn't see, I asked
 5 you what you did see. Did you see anything on
 6 the portions of her body that you could see,
 7 was there any investigation or was there any
 8 indication the child had been physically
 9 harmed?
 10 MR. GARFIELD: Object to the form.
 11 A. I don't know how to answer that. She is
 12 telling me that she was abused. I did not
 13 physically examine her entire body, so. From
 14 her face, her face is all that I saw and there
 15 were no marks.
 16 Q. So from what you saw there was no evidence of
 17 physical abuse, correct?
 18 MR. GARFIELD: Same objection.
 19 A. Correct.
 20 Q. Did anybody from the Richland County Sheriff's
 21 Department do any form or cause to be
 22 performed any type of physical examination to
 23 determine if in fact the child had been harmed
 24 physically in any way?
 25 A. I don't know.

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1 Q. Did a doctor ever examine the child?
 2 A. I don't know.
 3 Q. Did a paramedic ever investigate or examine
 4 the child?
 5 A. I don't know.
 6 Q. Well, when you talked to the child, did she
 7 tell you she had been physically abused?
 8 A. Yes.
 9 Q. How?
 10 A. How was she physically abused?
 11 Q. Right.
 12 A. She gave me a rundown of her mother's anger
 13 and previous times where she's been punched in
 14 the face and times where she's been slapped
 15 around and ripped out of her friend's houses.
 16 And she had been receiving threatening text
 17 messages that made her believe that her mother
 18 was going to do it again.
 19 Q. Well, the child is a minor, correct?
 20 A. Correct.
 21 Q. And the child would certainly have been
 22 legitimately the subject of corporal
 23 punishment as long as it was within reason.
 24 There would be nothing wrong with that, right?
 25 MR. GARFIELD: Object to the form.

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1 A. I agree with that, yes.
 2 MS. GOODWYN: Object to the form.
 3 Q. Did you have any pictures, did you have
 4 anything to verify that the child had ever
 5 been a victim of unreasonable corporal
 6 punishment?
 7 A. Her statement. I had her statement and that
 8 was my evidence.
 9 Q. All right. Do you have that statement with
 10 you?
 11 A. It's on my body cam.
 12 Q. What did she say? So there is a picture of
 13 her statement, correct?
 14 A. No, no, no. Her verbal statement. I'm sorry,
 15 I should have clarified that.
 16 Q. I don't think I've ever been given a copy of
 17 that. So can you tell me please what did she
 18 say to you?
 19 A. I can't remember word for word, but in
 20 summary, after her parents divorced, she
 21 didn't understand how her custody worked. She
 22 went back and forth from mom and dad's house,
 23 I guess as she pleased. Eventually she and
 24 her mother started arguing maybe three years
 25 prior to this incident and it had been getting

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1 worse and worse. And there were times,
 2 multiple times over the past year-and-a-half,
 3 where she had been physically assaulted that
 4 she felt was farther than discipline.
 5 Q. Now the child is how old?
 6 A. At the time I thought she was 16.
 7 Q. Have you ever known a 16-year-old child to
 8 argue with her mother?
 9 A. Yeah, yes.
 10 Q. And did you ever in your entire investigation,
 11 did you ever find any form of medical
 12 examination, medical evidence, photographs,
 13 anything that would corroborate the fact that
 14 this child had been physically disciplined
 15 over what was reasonable?
 16 A. No, because these were in the past. She
 17 hadn't been physically abused in the past four
 18 days, so there wouldn't have been any marks on
 19 her because she wasn't home.
 20 Q. How long had it been before she ran away that
 21 she was physically disciplined?
 22 A. I don't recall. I know it was within the last
 23 six months but I don't recall a specific date
 24 that she told me.
 25 Q. So you talked to this lady who had had the

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1 child for four days or did you determine that
 2 the child, this lady who had had the child for
 3 four days or did you determine that the child,
 4 that this lady had had the child for four
 5 days?
 6 A. Yes, I did.
 7 Q. And what's her name again?
 8 A. Ms. Lanier.
 9 Q. Did you ever ask Ms. Lanier why it took four
 10 days to call the authorities?
 11 A. Yes.
 12 Q. What did she say?
 13 A. They were trying to figure out the best way to
 14 go about this, if they needed to discuss it
 15 parent to parent or if they needed to just
 16 bring Ainsley home. There were just many
 17 different -- there were different things that
 18 they were trying to discuss before they had to
 19 involve the law, which is why it took ...
 20 Q. So it took four days to call the police about
 21 a runaway child?
 22 A. No. They did not call -- from my
 23 nd
 24 understanding, the runaway call from May 22
 25 was an Irmo PD call.
 Q. Right.

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<p>1 A. Right. So that has nothing to do with my 2 investigation at all.</p> <p>3 Q. I understand, but the child ran away on the 4 nd th 5 22 and they called you on the 26 . You're 6 telling me it took four days for this lady to 7 determine what to do?</p> <p>8 MR. GARFIELD: Object to the form.</p> <p>9 A. I don't know. I told you that they were 10 trying to determine other ways to go about 11 this without getting the law involved.</p> <p>12 Q. Well, when you got up there that day and you 13 talked to this child, what did you do? Did 14 you call the parents?</p> <p>15 A. Yes. So I actually spent about an hour-and-a- 16 half on the call. I investigated it very 17 thoroughly. I spent more time on this call 18 than I typically would have because I knew it 19 was so sensitive and there were so many 20 different options that could go really wrong 21 or could go really right and I wanted to make 22 sure I explored all of those.</p> <p>23 Q. Did the mother come up there?</p> <p>24 A. No, she did not. That was not an option.</p> <p>25 Q. So it was not an option for the mother to come and get the child?</p>	<p>1 child had issues with exaggeration and telling 2 the truth?</p> <p>3 A. I had a full -- I had a very long conversation 4 with her to try to determine all of those, and 5 from my investigation, I did not think she was 6 exaggerating. I did not think she had a drug 7 abuse or behavioral issues.</p> <p>8 Q. Of course that wasn't my question. My 9 question was did you do anything to determine 10 whether or not the child was somebody who was 11 worthy of belief?</p> <p>12 A. Okay, yes.</p> <p>13 Q. What did you do?</p> <p>14 A. I talked to her in depth about the situation.</p> <p>15 Q. Other than talking to the child --</p> <p>16 A. Oh, I'm sorry.</p> <p>17 Q. -- did you do any investigation to determine 18 whether or not the child was subject to being 19 believed?</p> <p>20 A. I spoke with the other women on scene who said 21 that Ms. Wallas had been threatening to press 22 charges on them, I believe, for kidnapping. 23 They were under the impression that she was 24 intimidating. They knew -- Ms. Lanier, I 25 believe, told me that Ainsley had been staying</p>
<p>Page 34</p> <p>1 A. Correct.</p> <p>2 Q. Who made the decision that it was not an 3 option for the --</p> <p>4 A. I did. I'm sorry.</p> <p>5 Q. -- for the mother to come up there?</p> <p>6 A. I did.</p> <p>7 Q. Who made the decision that it was not an 8 option for the mother to get the return of the 9 child?</p> <p>10 A. I did.</p> <p>11 Q. And you made that decision squarely upon what 12 the child told you?</p> <p>13 A. Yes.</p> <p>14 Q. Did you know anything about the child?</p> <p>15 A. What do you mean?</p> <p>16 Q. Did you know that the child had emotional 17 issues?</p> <p>18 A. No. I mean ...</p> <p>19 Q. Did you investigate to see if the child had 20 behavioral issues?</p> <p>21 A. No.</p> <p>22 Q. Did you investigate to see if the child had 23 drug or alcohol issues?</p> <p>24 A. No.</p> <p>25 Q. Did you investigate to see whether or not the</p>	<p>Page 36</p> <p>1 with her at some -- or no, I'm sorry. That's 2 incorrect. Ainsley said that she was staying 3 with another friend for two months prior to 4 that, so.</p> <p>5 Q. Okay. Go ahead. Well, what gave -- according 6 to this lady who said that Ms. Wallas had been 7 threatening kidnapping charges, do you know of 8 anything that gave this woman the right to 9 keep this child over the objection of a 10 custodial parent?</p> <p>11 A. The child's safety, yes.</p> <p>12 Q. Well, the lady though is not a law enforcement 13 officer and is not DSS, she is a private 14 citizen.</p> <p>15 A. I can't answer that.</p> <p>16 Q. I want to know what you can answer. Do you 17 know of anything that would have given the 18 woman the right to hold the child for two days 19 or four days over the objection of the 20 custodial parent?</p> <p>21 A. Other than determining the best outcome for 22 her safety. No, I don't know of anything 23 else.</p> <p>24 Q. Well, it's not her job to determine the best 25 outcome for the safety of the child, that's</p>

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<p>1 what law enforcement and DSS do, correct? 2 MR. GARFIELD: Object to the form. 3 A. Correct. 4 Q. All right. Now, I understand that you made 5 the decision and you said it was not an option 6 to return the child to the mother, correct? 7 A. Yes, sir. 8 Q. Did you talk to the father? 9 A. Yes, sir. 10 Q. Was it an option to return the child to the 11 father? 12 A. Yes, sir. 13 Q. Did you return the child to the father? 14 A. Yes, sir. 15 Q. Now, did you know that returning the child to 16 the father was contrary to the court order? 17 A. Court order, you mean the custody? 18 Q. The custody order, yes. 19 MR. GARFIELD: Object to the form. 20 A. No, I did not know that. 21 Q. Did the father tell you he didn't have 22 custody? 23 A. I don't recall. 24 Q. Did the child tell you the -- did anybody tell 25 you that the child had been living with the</p>	<p>1 Q. Now, like you say, when you make that 2 decision, that's basically removing the child 3 from the parent, right? 4 A. Correct. 5 Q. And there is supposed to be a Probable Cause 6 Hearing within 48 hours of your removal, 7 correct? 8 A. Correct. 9 Q. And did you tell the mother what her options 10 were? 11 A. I did. 12 Q. And you told her one, the child could go to 13 foster care or two, you could go live with 14 some parent or relatives? 15 A. Not entirely, partially yes. 16 Q. What did you tell the mother her options were? 17 A. Her options were to go to foster care, go stay 18 with a family relative that she approves of or 19 a friend of someone that everybody is in 20 agreement. Ms. Wallas is in agreement and the 21 other parent that would be watching over her 22 is in agreement and Ainsley as well. 23 Q. So in effect you were telling mom that you 24 were removing the child? 25 A. I was.</p>
<p>1 mother? 2 A. Yes. She told me that she lived with her mom 3 and that she went and stayed with her dad 4 whenever she wanted. She was unsure on the 5 custody agreement. 6 Q. And I guess you had a phone call with Lisa on 7 th 8 the 26 , right? 9 A. Correct. 10 Q. And in that phone call, did Lisa tell you she 11 wanted her child returned? 12 A. Yes. 13 Q. And you said, of course we will, correct? 14 A. No, not her. 15 Q. You told her that wasn't an option? 16 A. Yes, sir. That's correct. 17 Q. Why wasn't it an option to give the child back 18 to the mother? 19 A. Because the mother was being accused of child 20 abuse. 21 Q. By who? 22 A. The child. 23 Q. All right. And who made the decision that to 24 return the child to the mother, where the 25 child had been living, was not an option? A. I did.</p>	<p>1 Q. When you removed the child, what did you do in 2 order to place the child? 3 A. I transported her from Dutch Fork High School 4 to Region Four Headquarters where I met her 5 dad and I released custody to the father. 6 Q. When you told Lisa that you were making a 7 decision to remove the child from her care and 8 custody and not return the runaway child, did 9 Lisa say, oh, I'm happy with that, that's 10 great? Did she consent to that? 11 A. She did consent. 12 Q. All right. But like you say, since this was 13 an emergency removal, there should have been a 14 48-hour hearing in order to determine probable 15 cause and placement, right? 16 A. Correct. 17 Q. Did you get DSS involved? 18 A. I sent my incident report to -- I submitted it 19 to the Sheriff's Department, the incident 20 report database. From that point it goes to 21 DSS, so I do not physically send it to DSS. 22 Q. Well, one thing is for certain, from that 23 point it is supposed to go to DSS, right? 24 A. Correct. 25 Q. And once it goes to DSS, who at the Sheriff's</p>
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1 Department is responsible for ensuring that
 2 report goes to the Department of Social
 3 Services?
 4 A. Elizabeth Dickman.
 5 Q. And Elizabeth Dickman, what is her title?
 6 A. Emergency Protective Custody Coordinator.
 7 Q. Did you ever discuss the case with Elizabeth
 8 Dickman?
 9 A. I did.
 10 Q. And do you know that there wasn't a 48-hour
 11 hearing?
 12 A. No, I did not know that.
 13 Q. But there should have been a 48-hour hearing?
 14 A. Typically, yes.
 15 Q. Well, that's by stature and procedure,
 16 correct?
 17 A. Uh-huh.
 18 MR. GARFIELD: Is that yes?
 19 MR. MOORE: Is that yes?
 20 A. Yes.
 21 Q. If there wasn't the 48-hour hearing, do you
 22 know why?
 23 A. No, I do not.
 24 Q. Do you have any idea how long it was before
 25 there was any type of involvement with the

1 A. I reached out to Elizabeth Dickman maybe
 2 approximately a week afterwards just to see
 3 how the hearing went because I was expecting a
 4 48-hour hearing after. And she advised me
 5 that she never got paperwork and somehow it
 6 got sent somewhere else. And from that point
 7 I don't know what happened to it and I don't
 8 know where the case went.
 9 Q. Well, why were you expecting the 48-hour
 10 hearing?
 11 A. Because that's standard for EPC.
 12 Q. It's actually required for EPC, isn't it?
 13 A. I'm sorry, wrong wording. Yes.
 14 Q. Standard and required are the same thing.
 15 You're not -- I don't want to pick words with
 16 you, you're fine. So you expected that the
 17 48-hour hearing had taken place and you wanted
 18 to know what happened?
 19 A. Exactly. Yes, sir.
 20 Q. And she said to you something about the
 21 paperwork got lost?
 22 A. No, it wasn't the paperwork. I don't know
 23 what happened. She -- I don't recall exactly
 24 what it was and I think she was unsure as
 25 well. So I don't know where the case went. I

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1 Family Court?
 2 A. I don't. I do not know.
 3 Q. Because once you do Emergency Protective
 4 Custody, it goes to DSS and at that point in
 5 time decisions are no longer yours. Those
 6 decisions are the decisions of the Family
 7 Court, correct?
 8 MR. GARFIELD: Object to the form.
 9 A. I'm unsure of the legal process. I'm unsure
 10 of whose decision it is after that.
 11 Q. It's certainly not yours, correct?
 12 A. Correct.
 13 Q. So after 48 hours, your placement should be
 14 over, correct?
 15 A. Correct. It is, yes.
 16 Q. Do you have any idea how long it took for Lisa
 17 to get the child back?
 18 A. No, I do not.
 19 Q. Did you do any further investigation after
 20 that?
 21 A. I did not.
 22 Q. Did anybody from the Richland County Sheriff's
 23 Department do any further investigation
 24 regarding this child's care or placement after
 25 the 26 day of May, 2020?

1 don't know why it didn't go to court. She
 2 didn't know why it didn't go to court and then
 3 there is nothing said to me after that.
 4 Q. Well, yes, ma'am, but one of the things that
 5 you are is a certified law enforcement
 6 officer, correct?
 7 A. Yes, sir.
 8 Q. And you were the investigating officer in the
 9 case, right?
 10 A. Yes, sir.
 11 Q. It would have been your responsibility to
 12 ensure that the case was handled properly,
 13 right?
 14 A. Not right, not correct.
 15 Q. Well, you would have had to put the paperwork
 16 into the system to ensure that there was the
 17 legally required 48-hour hearing, right?
 18 A. My paperwork, everything with my job is it's
 19 stopped when my incident report gets
 20 submitted.
 21 Q. Well, yes, ma'am. So what you basically
 22 submit is something called an incident report?
 23 A. Uh-huh.
 24 Q. Is that a yes?
 25 A. Yes, I'm sorry.

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- 1 Q. How do you submit the incident report?
 2 A. I enter it into our reporting system and
 3 submit it.
 4 Q. You enter it into a computer, is that correct?
 5 A. Correct.
 6 Q. And you hit a button that submits it to
 7 somebody who is responsible for taking it over
 8 from there, right?
 9 A. Correct.
 10 Q. Did you properly enter your incident report
 11 into the computer?
 12 A. Yes, sir. Correct.
 13 Q. And you sent it to who?
 14 A. I -- so it's not so much that you send it to
 15 someone, it's almost like a tag. I send it to
 16 I believe -- I don't recall which unit I sent
 17 it to.
 18 Q. Well, ma'am, there are certain --
 19 A. Sometimes you don't assign it to a specific
 20 unit, so you just have to upload it into the
 21 system. And then instead of sending it to
 22 someone, I just tag Elizabeth Dickman's name,
 23 that way she gets a copy of the report.
 24 Q. Ma'am, what is --
 25 A. And she handles it from there.

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- 1 Q. -- what is the protocol in regard to the steps
 2 you are supposed to go through in order to
 3 send the incident report to Elizabeth Dickman
 4 so that the 48-hour hearing takes place?
 5 A. My job is to enter the incident report in a
 6 timely manner, which I did, and submit it as -
 7 - just as it says. So I submit it sometimes
 8 to a unit. I don't remember in this case if I
 9 submitted it to a specific unit or not. And
 10 then if someone -- if there is a specific
 11 investigator that needs to be sent a copy of
 12 it directly to their email, then I tag her
 13 name in there as well. So her name gets
 14 attached to the report and then she gets a
 15 copy of it in her email.
 16 Q. Ma'am, there is a computer trail in the
 17 possession of the Sheriff's Department which
 18 will show us exactly who, if anyone, you sent
 19 the incident report to, correct?
 20 A. I believe. I'm unsure of that honestly.
 21 Q. There should be, shouldn't there?
 22 MR. GARFIELD: Object to the form.
 23 A. I'm unsure.
 24 Q. Well, how can I verify? What could I look at
 25 to make sure that you had actually did with

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- 1 your incident report what you were supposed
 2 to?
 3 A. That honestly might be a question for one of
 4 the Richland County attorneys.
 5 Q. That's fine. That's good, the answer is you
 6 don't know and that's okay. Now, her name is
 7 Elizabeth Dickman?
 8 A. Correct.
 9 Q. When you asked her, what happened at the 48-
 10 hour hearing, did she say what 48-hour hearing
 11 or was she familiar with the case and said she
 12 just didn't know?
 13 A. She was familiar with the case, and to be
 14 honest with you, I don't remember -- I don't
 15 remember what, if she didn't know about the --
 16 or, I'm sorry, I don't remember if the 48-hour
 17 hearing got cancelled or if it got somehow
 18 just not processed through the Court. I don't
 19 know. I have no idea what happened and I
 20 don't remember what she said happened. She
 21 did know about the case because I called her
 22 to follow up on it and that's typically how
 23 Dickman and I operated together.
 24 Q. Is that the last thing you did on the file was
 25 to call her and follow up on it?

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- 1 A. Yes.
 2 Q. Now, who at the Department of Social Services
 3 was alerted about the case?
 4 A. I don't know.
 5 Q. Did you, as the investigating officer, ever
 6 call anybody at the Department of Social
 7 Services and report the fact that you had done
 8 an emergency removal of this child?
 9 A. No, sir.
 10 Q. Did anybody from the Richland County Sheriff's
 11 Department, to your knowledge, ever call the
 12 Department of Social Services and report that
 13 you had effected a removal of a child from the
 14 custody of her mother?
 15 A. To my knowledge I don't know if that call was
 16 made.
 17 Q. You didn't do it though?
 18 A. Correct.
 19 Q. Who at the Department, who at the Richland
 20 County Sheriff's Department would have had the
 21 responsibility to notify DSS of a potential
 22 child abuse case?
 23 A. To my knowledge, depending on certain
 24 circumstances, is usually Elizabeth Dickman or
 25 whoever the EPC coordinator is at the time.

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<p>1 Q. And is it the responsibility of the Sheriff's 2 Department in cases of Emergency Protective 3 Custody, the Sheriff's Department is obligated 4 to make a report to DSS, correct? 5 A. I'm sorry. Our incident report gets sent to 6 DSS, so that is the -- we don't make a 7 separate report with DSS, if that's what 8 you're asking. 9 Q. Your incident report is supposed to go to the 10 Department? 11 A. Yes. 12 Q. And at that point in time, what is the 13 Department of Social Services supposed to do, 14 if you know? 15 MS. GOODWYN: Object to the form. You can 16 answer it. 17 MR. MOORE: You can answer. 18 A. Sorry, when the objections come up, I ... 19 Q. It's all right. It is an unusual process. 20 A. I know. 21 Q. But you're supposed to ignore them unless they 22 tell you not to answer, okay? 23 A. Okay. 24 Q. I tried to say that when we started and -- 25 A. I know, it's just kind of ...</p>	<p>1 Department of Social Services ever contact you 2 and say, what happened? 3 A. No, sir. 4 Q. To your knowledge, did the Department of 5 Social Services ever do anything? 6 A. I don't know. Yeah, no. To my knowledge, I 7 don't know if they did anything. 8 Q. Do you know if the Department of Social 9 Services ever assigned a case worker? 10 A. I don't know. 11 Q. Did you ever see a letter from me that was 12 sent in June of 2022 to the Richland County 13 Sheriff's Department? 14 MR. GARFIELD: Object to the form. 15 A. No, I did not see that. 16 Q. Do you know how the child ultimately got back 17 to her mother? 18 A. I do not know. 19 Q. I want to make sure that you removed the child 20 from the home after learning the child had 21 been gone from the home for four days? 22 A. I'm sorry, say that one more time. 23 Q. When you made the decision to remove the child 24 from the home, the child had been gone from 25 the house four days?</p>
<p>Page 50</p> <p>1 Q. It is hard. And you don't do this every day. 2 And you've got a big old 70-year-old man 3 basically with a big voice talking to you, it 4 can be intimidating. I'm not meaning to mess 5 with you. 6 A. I'm not being intimidated, it's okay. 7 Q. I'm trying to figure out what happened. 8 A. Yeah. 9 Q. I don't doubt that you're not -- an 10 examination is something you do it all the 11 time in your job, don't you? 12 A. Uh-huh. 13 Q. Okay. Now, we know that the Department of 14 Social Services, it's supposed to be involved 15 in abuse and neglect cases, right? 16 A. Yes, sir. 17 Q. The way this is supposed to happen is, the 18 Sheriff's Department is called. If there is a 19 finding and belief of abuse and neglect, you 20 can do an emergency removal. That's good for 21 about 48 hours and the Department is supposed 22 to turn the matter over to DSS who handles the 23 case from there, right? 24 A. Yes, sir. 25 Q. At any point in time did anybody from the</p>	<p>Page 52</p> <p>1 A. Correct. 2 Q. And you knew at that time that the mother had 3 called and reported the child as a runaway? 4 A. Yes. 5 Q. And the only person that you actually got 6 information from about any potential abuse 7 would have been the child? 8 A. Reported abuse, yes. 9 Q. Well, did either of these people you talked 10 to, this teacher or these people who had the 11 child, did they have any firsthand knowledge 12 of abuse or neglect? 13 A. No. 14 Q. Where were you raised? 15 A. Here, South Carolina. 16 Q. Do I know you before today? No? 17 A. I don't know. 18 Q. During the time that you were being raised, 19 did your mother ever threaten to kill you? 20 A. No. 21 Q. She never said, if you do that again, I'm 22 going to kill you? 23 A. No. 24 Q. Did she ever threaten to beat your butt? 25 A. No.</p>

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<p>1 Q. Did she ever threaten to strangle you?</p> <p>2 A. No.</p> <p>3 Q. You don't know of any parent in the world</p> <p>4 that's ever threatened to kill the child,</p> <p>5 right?</p> <p>6 MR. GARFIELD: Object to the form.</p> <p>7 MS. GOODWYN: Object to the form.</p> <p>8 A. No. Not in a serious manner, no.</p> <p>9 Q. I didn't ask you about that, I'm talking about</p> <p>10 words like get in here or I'm going to shoot</p> <p>11 you or get in here or I'm going to kill you.</p> <p>12 You've never heard your momma say anything</p> <p>13 like that to you?</p> <p>14 MR. GARFIELD: Object to the form.</p> <p>15 A. No. We don't -- no.</p> <p>16 Q. Where were you raised here?</p> <p>17 A. Lexington.</p> <p>18 Q. And what is your mother's name?</p> <p>19 A. Dawn.</p> <p>20 Q. Dawn?</p> <p>21 A. Signorino.</p> <p>22 Q. And she's still living?</p> <p>23 A. Uh-huh.</p> <p>24 Q. Is that yes?</p> <p>25 A. Yes, I'm sorry.</p>	<p>1 something we can get it to you --</p> <p>2 MR. MOORE: You can, no problem, or you can</p> <p>3 just talk to her mother and find the time when</p> <p>4 she can conveniently appear for a deposition</p> <p>5 and I will be happy to forego even knowing her</p> <p>6 address. If you just give me mom's address</p> <p>7 and we can arrange for her deposition so I can</p> <p>8 know.</p> <p>9 Q. Has your mother, I want to make sure I</p> <p>10 understand something --</p> <p>11 A. Yes, sir.</p> <p>12 Q. -- how old are you now?</p> <p>13 A. Twenty-seven, I'm sorry, 28.</p> <p>14 Q. When you were growing up, your mother never</p> <p>15 said anything to you like, if you don't do</p> <p>16 that, I'm going to kill you?</p> <p>17 A. Huh-uh.</p> <p>18 Q. She never said anything like that?</p> <p>19 MR. GARFIELD: Object to the form.</p> <p>20 A. No, sir. We didn't use that kind of language.</p> <p>21 It may have been, you will be grounded, or it</p> <p>22 may have been you'll lose phone privileges,</p> <p>23 but it was never to the extent of I will harm</p> <p>24 you.</p> <p>25 Q. Your mother never threatened you?</p>
<p>Page 54</p> <p>1 Q. What is her address?</p> <p>2 A. 20 --</p> <p>3 MR. GARFIELD: Hold on, hold on, hold on to</p> <p>4 that.</p> <p>5 MR. MOORE: I intend to depose her to ask her</p> <p>6 if she's ever in any form or fashion or</p> <p>7 whether or not she's ever threatened to kill</p> <p>8 her or strangle her or beat her or anything</p> <p>9 like that.</p> <p>10 MR. GARFIELD: So just for housekeeping</p> <p>11 purposes, you are asking the deponent for her</p> <p>12 mother's address, her mother who has not been</p> <p>13 identified as a witness? We don't intend to</p> <p>14 call her as a witness.</p> <p>15 MR. MOORE: I just --</p> <p>16 MR. GARFIELD: I understand that, but you want</p> <p>17 --</p> <p>18 MR. MOORE: I'm going to depose the lady in</p> <p>19 order to attest her ability of this witness,</p> <p>20 which I think will be in serious doubt when I</p> <p>21 talk to mom. I'll identify her as a potential</p> <p>22 witness right now because I just learned of</p> <p>23 her.</p> <p>24 MR. GARFIELD: My issue is providing her</p> <p>25 mother's address on the record. Is that</p>	<p>Page 56</p> <p>1 MR. GARFIELD: Object to the form, asked and</p> <p>2 answered.</p> <p>3 A. No.</p> <p>4 Q. Did your mother ever spank you?</p> <p>5 A. No.</p> <p>6 Q. Did your dad ever spank you?</p> <p>7 A. No.</p> <p>8 Q. Never?</p> <p>9 A. Should have, but no.</p> <p>10 Q. All right. Now, in my letter to the Sheriff's</p> <p>11 Department I had asked for everything having</p> <p>12 to do with this, all documents. You say</p> <p>13 there's an audiotape of the conversations?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Who has the audiotape?</p> <p>16 A. I don't know.</p> <p>17 Q. What would you have done with the audiotape?</p> <p>18 A. I left it where it was whenever I left the</p> <p>19 Sheriff's Department.</p> <p>20 Q. You're not still with the Sheriff's</p> <p>21 Department?</p> <p>22 A. No, sir.</p> <p>23 Q. Where do you work now?</p> <p>24 A. First Priority EMS.</p> <p>25 Q. Now, so when you left and went to First</p>

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1 Priority EMS, you would have actually left
2 this tape with somebody at the Sheriff's
3 Department?
4 A. I don't know who had control over the ...
5 Q. I wasn't asking who, I just want to make sure
6 you left the tape with somebody at the
7 Sheriff's Department.
8 A. I didn't leave it with somebody, it was just
9 left, I guess.
10 Q. Well, ma'am, why would you have made such a
11 tape?
12 A. It's body camera, so.
13 Q. Right. It's evidence, right?
14 A. Right.
15 Q. And you understood there was a case?
16 A. Uh-huh.
17 Q. It needed to go to court in 48 hours. That
18 camera, that tape, was made for evidence,
19 correct?
20 MR. GARFIELD: Object to the form.
21 A. Correct.
22 Q. Now, is there an evidence room at the
23 Sheriff's Department?
24 A. Yes.
25 Q. And when you have evidence in a case, what are

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1 you supposed to do with it?
2 A. Submit it to the evidence room.
3 Q. And, of course, since you followed protocol,
4 you did that. The body cam that you made as
5 evidence in this case would have been
6 submitted to the evidence room, correct?
7 A. Incorrect, no.
8 Q. Well, why not?
9 A. Because it's uploaded to like a body -- I
10 don't know, a cloud I guess.
11 Q. It's uploaded to --
12 A. It's uploaded to an online system that they
13 use to access everybody's body camera footage.
14 Q. And in that cloud it's preserved, correct?
15 A. Correct.
16 Q. So if we needed that audiotape for this case,
17 all I have to do is ask for it and they can
18 pull it out of the cloud, right?
19 A. I can't answer for them. I'm sorry.
20 Q. They should be able to, because it was
21 uploaded, right?
22 A. I don't know. I would say they should, but I
23 don't know if they can or not.
24 Q. One thing is for certain, that you didn't put
25 it in the evidence room because you did what

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1 you're supposed to which is to upload it to
2 the system for preservation?
3 A. Yes, sir.
4 Q. So it has either been preserved or it has been
5 destroyed, right?
6 A. I don't know that.
7 Q. Well, it existed, right?
8 A. It existed when I recorded it.
9 Q. And you uploaded it. If you uploaded it --
10 A. And I uploaded it. Yes, sir.
11 Q. So it's either not there or it is there,
12 right?
13 A. Yeah, I guess so.
14 Q. If it's there, it's there, and if it's not, it
15 got destroyed, right?
16 A. I don't -- I wouldn't say that. I don't know.
17 Q. Can you think of anything else that would have
18 been done with it? It's either destroyed or
19 it's not destroyed.
20 A. I mean, it's technology, so everything can go
21 wrong with technology. I -- sometimes things
22 go missing. I don't know, I wasn't there. I
23 don't have access to the footage anymore, so I
24 can't answer for where it's located at in the
25 Sheriff's Department.

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1 Q. Who at the Sheriff's Department would have
2 been able to preserve the audiotape body cam
3 that we're talking about?
4 A. I would refer to Joanna McDuffie.
5 Q. Is it an audiotape or a videotape?
6 A. It's a body camera, so it's video and audio.
7 Q. So not only could I hear what the conversation
8 was, I can see the conversation?
9 A. Yes.
10 Q. As the investigating officer, did you ever
11 find out what happened to the case?
12 A. No, sir. I never found out what happened to
13 the case.
14 Q. And I'm not trying to be condescending, did
15 you just have other things to do or forget
16 about it or think somebody else was handling
17 it or some other reason?
18 A. No, sir. I actually, like I told you before,
19 I actually took a lot of time and put a lot of
20 passion into this case. And I remember it
21 verbatim of what happened. I didn't work for
22 the Sheriff's Department and I was pregnant
23 with my child. So I didn't have any access
24 nor at that point did I have any reason to
25 check in and I don't think I would have had a

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1 place to check in if I ever tried to.
 2 Q. But you are an officer, correct?
 3 A. I'm a -- no. I'm EMS.
 4 Q. You were an officer?
 5 A. Yes. I was, yes.
 6 Q. And as an officer you are supposed to conduct
 7 yourself with detached reason, correct?
 8 MR. GARFIELD: Object to the form.
 9 A. Correct.
 10 Q. Tell me about this passion that you had for
 11 this case.
 12 A. I -- what I mean by that is I spent an
 13 abnormally longer amount of time on this call
 14 to make sure that I made the correct decision
 15 that I felt was right for the safety of the
 16 child.
 17 Q. What made you have such passion for this case?
 18 A. Because it was a very sensitive type, it was a
 19 very sensitive case.
 20 Q. Why was it sensitive?
 21 A. Because it was a 16-year-old girl that was
 22 claiming she was abused by her mother and ...
 23 Q. Well, I thought you said that there had been
 24 no abuse for awhile, but there was a claim of
 25 a threatened abuse.

1 A. About two hours, I think.
 2 Q. That's a lot of time?
 3 A. Yes, it is. Usually it's a very fast, as soon
 4 as I determine that the child doesn't need to
 5 be here, it's in Emergency Protective Custody.
 6 Q. And this passionate investigation that you
 7 did, did you spend any more than the two hours
 8 you initially spent on the first day you went
 9 out there?
 10 A. What do you mean by that?
 11 Q. Well, I mean, you told us --
 12 A. You mean --
 13 Q. -- that once you came back, you plugged it
 14 into the system and then you asked one lady
 15 and that was it. Are you telling me that two
 16 hours is all the time you spent on this
 17 passionate file?
 18 A. The two hours of my initial investigation. I
 19 followed up with Elizabeth Dickman who didn't
 20 know anything about it, she didn't know where
 21 it went. And I was told that it was just
 22 gone. I didn't know who to ask, where to go.
 23 I don't -- I didn't know where anything was.
 24 I didn't know who to contact or if it was out
 25 of my -- if I would be overstepping my duties

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1 A. There were claims of abuse in the past, and
 2 then there was a recent threat of abuse that
 3 caused her to run away and made the child not
 4 want to go back home. It was very sensitive.
 5 Q. It was pretty obvious the child didn't want to
 6 go back home, right?
 7 MR. GARFIELD: Object to the form.
 8 A. To me --
 9 Q. It was pretty obvious.
 10 A. To me it was made clear she didn't want to go
 11 back home because she had felt like she was
 12 going to be abused.
 13 Q. When did you develop this great passion for
 14 this particular case?
 15 A. I develop passion for all of my cases, but
 16 with this one specifically I learned that it
 17 was a teenage girl with divorced parents in
 18 high school. And I know that it's a lot more
 19 complicated than a typical child with a drunk
 20 parent that beats them all the time. I know
 21 there's a lot more to investigate, a lot more
 22 people to talk to and a lot more options to
 23 try to go through.
 24 Q. Well, how much time did you spend in all
 25 investigating this case?

1 as a deputy.
 2 Q. When you say you learned it was just gone,
 3 what was just gone?
 4 A. I mean out of my -- I don't know where it was,
 5 so.
 6 Q. Right. You said you learned it was just gone,
 7 how did you learn it was just gone? That's
 8 what you said.
 9 A. I guess I misspoke. I just wanted to -- I
 10 didn't know where it was and I didn't know how
 11 to find out where it was.
 12 Q. And you didn't know what happened to it?
 13 A. Correct. I didn't know what happened to it.
 14 Q. And nobody else knew what happened to it?
 15 A. I don't know that, I just didn't -- I didn't
 16 know who to talk to about it.
 17 Q. Well, you talked to Elizabeth about it?
 18 A. Uh-huh.
 19 Q. Is that yes?
 20 A. Yes, I'm sorry.
 21 Q. And she didn't know?
 22 A. Correct.
 23 Q. Who else did you talk to?
 24 A. That's all.
 25 Q. Well, why didn't you say, hey, Elizabeth, wait

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1 a minute. We've got a case that's supposed to
 2 have a 48-hour Probable Cause Hearing, did
 3 anybody give this to DSS? You didn't ask
 4 that?
 5 A. I don't remember.
 6 Q. Did you ask, hey, Elizabeth, we better find
 7 out?
 8 A. I know that when I spoke with Elizabeth it had
 9 gone above her head.
 10 Q. To who?
 11 A. I don't know.
 12 Q. When you say above her head, do you mean above
 13 her head at DSS or above her head at the
 14 Sheriff's Department?
 15 A. I don't know. I know that the case had left
 16 her. She doesn't know what happened to it, I
 17 don't know what happened to it and I have no
 18 way of getting anymore answers after that.
 19 Q. Who told you that the case had gone above
 20 Elizabeth's head?
 21 A. That's my assumption because Elizabeth didn't
 22 know where it went.
 23 Q. The only thing we know is that Elizabeth
 24 didn't know where the case was, right?
 25 A. Uh-huh.

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1 Q. Is that yes?
 2 A. Yes, I'm sorry.
 3 Q. And you were so passionate about this 16-year-
 4 old child --
 5 A. Uh-huh.
 6 Q. -- being removed from the home and threatened
 7 that when you learned that Elizabeth didn't
 8 know what in the world was going on, you
 9 decided to do absolutely nothing more?
 10 A. I decided to respect my position as a
 11 sheriff's deputy and I don't need to be
 12 overstepping outside of that role because that
 13 can get me in trouble at work.
 14 Q. Well --
 15 A. So at that point my job is to respond to calls
 16 and ...
 17 Q. Well your job --
 18 A. It would have been -- I would have been
 19 overstepping if I continued to reach out
 20 throughout the entire Department to try to
 21 find this one case.
 22 Q. Well, ma'am, your job is to enforce the law,
 23 correct?
 24 A. Yes.
 25 Q. The momma, the custodial parent, had a right

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1 to a 48-hour hearing according to the law,
 2 correct?
 3 MR. GARFIELD: Object to the form.
 4 A. Correct.
 5 Q. You learned that that hadn't happened, right?
 6 A. Correct.
 7 Q. You learned that the law hadn't been followed?
 8 MR. GARFIELD: Object to the form.
 9 A. Correct.
 10 Q. You're telling me that your job wasn't to
 11 ensure that the law got followed?
 12 MR. GARFIELD: Object to the form.
 13 A. I don't know how to answer you anymore. I'm
 14 sorry. I mean, I was told that the case was
 15 not -- it didn't go through a hearing and
 16 Elizabeth Dickman didn't know where it was,
 17 didn't know who to contact. And I wasn't in a
 18 position to step way above my chain of command
 19 to find out where that was and at that point
 20 it was out of my hands. I'm sorry I don't
 21 know how to answer you any better.
 22 Q. You're doing great. You're telling me the
 23 truth the best you know how and that's all I
 24 can ever ask of you. If I've done anything
 25 offensive or trite or you perceived it, I

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1 haven't meant to. I know that I'm 6 feet, 3
 2 inches, 230 pounds. I speak loudly and
 3 slowly, but I'm not trying to be a jerk, okay?
 4 A. Okay.
 5 Q. Have I been a jerk, sort of?
 6 A. No. I'm from Boston so nobody is a jerk to
 7 me.
 8 Q. All right. Did you ever talk to the child
 9 ever again after that one two-hour
 10 conversation at the high school?
 11 A. Honestly, I don't -- I want to say that I ran
 12 into a girl that looked like her and I cannot
 13 remember if it was her or not. If I did make
 14 contact with Ainsley again, it would have been
 15 at Region Four Headquarters and it would have
 16 been a very brief pass-by, no speaking to each
 17 other. There was a girl at Region Four
 18 Headquarters that looked like her, but I
 19 didn't know if it was her or not. So I
 20 haven't made an effort to reach out to her
 21 because that wasn't protocol and I have never
 22 heard from her since.
 23 Q. All right. This is a very legitimate question
 24 I think --
 25 A. Uh-huh.

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<p>1 Q. You did what you were supposed to do that 2 night as a street officer investigating a 3 potential abuse and neglect case, right? 4 A. Yes, sir. 5 Q. You say you didn't make an effort to reach out 6 to the child again. Who should have, if 7 anyone, reached out to the child? 8 MS. GOODWYN: Object to the form. 9 A. The investigator on the case would be the one 10 handling it from then on. 11 Q. All right. That's what I want to get to. The 12 investigator on the case, are we talking about 13 a sheriff's investigator, a DSS investigator 14 or both? 15 A. I don't know. From my understanding it would 16 have been the EPC coordinator who coordinates 17 with DSS and DSS has their open investigation. 18 That's how I have always understood it to be. 19 I don't know if something different happened 20 in this case but typically I write my report 21 and the DSS, I'm sorry, the EPC coordinator 22 gets the report, sends it to DSS, and then DSS 23 opens their full investigation which is 24 approximately 45 to 60 days and they 25 coordinate with each other.</p>	<p>1 Q. Did she ever coach your cheerleading team? 2 A. No. 3 Q. Was she ever involved with your cheerleading 4 team? 5 A. No. 6 Q. So she had been a teacher at the high school 7 where you lived? 8 A. Yes. And I don't -- I never -- she was never 9 my teacher and I don't even know if she taught 10 at the school when I was there or she was just 11 known. I know she taught, she did teach my 12 brother. 13 Q. Why was she up there? 14 A. Because she now works at Dutch Fork. 15 Q. Did she ever tell you that she'd seen marks on 16 this child? 17 A. No. 18 Q. Had she taught Ainsley? 19 A. Did she teach Ainsley? 20 Q. Yes. 21 A. She coached Ainsley. 22 Q. But she had never seen any marks on her? 23 A. No, not to my knowledge. 24 Q. And you would have asked that question because 25 you were doing the investigation?</p>
<p>Page 70</p> <p>1 Q. Elizabeth's last name is? The EPC 2 coordinator. 3 A. It was Dickman. I don't know what her new 4 name is, she's married. 5 Q. But she's still there as far as you know? 6 A. No. 7 Q. Where did she go, do you know? 8 A. Huh-uh. 9 Q. You have answered all of my questions. I 10 thank you so much for your time. I don't have 11 anymore questions. Wait a minute, I might 12 have one or two more. 13 (OFF THE RECORD BREAK) 14 Q. When you went to Dutch Fork, who was up there? 15 A. Gehr, Ainsley and Lanier. 16 Q. All right. Did you know, before that night, 17 did you know any of the people who were up 18 there? 19 A. I knew of -- I knew of Gehr. 20 Q. How did you know of Gehr? 21 A. Because she was -- she taught -- I think she's 22 a teacher at my high school, not my teacher. 23 She taught my brother, but I didn't know her. 24 Q. Did you cheer? 25 A. Yes.</p>	<p>Page 72</p> <p>1 A. Right. But these women -- these women were on 2 there for -- the purpose of them was to figure 3 out what to do with Ainsley at that moment in 4 time. So when it comes to Ainsley being 5 abused, they weren't present for the times 6 that Ainsley claimed that she was abused. Is 7 that -- 8 Q. They weren't related to Ainsley, why were they 9 having any input in what to do with Ainsley? 10 MR. GARFIELD: Object to the form. 11 A. Ainsley was with Lanier at Lanier's house. 12 Q. All right. 13 A. And Lanier contacted, well Gehr, she's the 14 varsity cheerleading coach, plus I guess they 15 decided to -- something along the lines of I 16 wanted to let her know that way the school 17 knows what's going on with the child. I'm not 18 quite sure what their communication was. 19 Q. Okay. I don't have anymore questions. Go 20 take care of your child. Thank you all very 21 much unless these people have questions. 22 EXAMINATION 23 BY MS. GOODWYN: 24 Q. When did you leave the Sheriff's Department? 25 A. October of 2020.</p>

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1 Q. And had you, you said you got a 911 call for
2 service, had you responded to calls at Dutch
3 Fork before? Any type of calls just in
4 general.

5 A. Yeah. Like if that would be the location, the
6 incident location, yes.

7 Q. That's all I have.

8 EXAMINATION

9 BY MR. GARFIELD:

10 Q. Casey, Mr. Moore had asked you during the
11 course of your investigation, were you able to
12 investigate Ainsley's potential behavioral
13 issues or emotional issues. Do you remember
14 him asking that?

15 A. Yes.

16 Q. Okay. During the course of your
17 investigation, did you have an occasion to
18 speak to or with the complainant?

19 A. Yes.

20 Q. And the complainant was Ms. Gehr, G-E-H-R?

21 A. I would consider Ms. Lanier the complainant
22 because she's the one who had been housing her
23 and she's the one who called 911. And Gehr
24 met us there because she was the affiliate
25 with the school, that way they could keep the

1 coordinator?

2 A. Yes.

3 Q. In discussing whatever you had to discuss with
4 all of these people, were you able to gain an
5 understanding to the best of your ability what
6 was going on at that time?

7 A. Yes.

8 Q. Did Ms. Wallas, Ainsley's mom, indicate to you
9 that Ainsley, from her point of view, had
10 behavioral or emotional issues from the mom's
11 point of view?

12 A. Could you rephrase that?

13 Q. Sure. Did the mom tell you her version of
14 events that the child had behavioral issues or
15 emotional issues?

16 A. Yes.

17 Q. Okay. I don't have anything else.

18 MR. MOORE: Thank you, I don't have anything
19 further.

20 (There being nothing further, the deposition concluded
21 at 11:44 a.m.)
22
23
24
25

Page 74

Page 76

1 school involved.

2 Q. So during --

3 A. That's what I think. Like instead of calling
4 the principal, they called the varsity coach.

5 Q. I understand. During the course of your
6 investigation, did you have an occasion to
7 speak with Ms. Gehr?

8 A. Yes.

9 Q. Did you have an occasion to speak with Ms.
10 Lanier?

11 A. Yes.

12 Q. Was it your understanding that Ms. Lanier was
13 the lady who Ainsley was a runaway to, ran to
14 her?

15 A. Yes.

16 Q. Did you have an occasion to speak with
17 Ainsley?

18 A. Yes.

19 Q. Did you have an occasion to speak with
20 Ainsley's mom?

21 A. Yes.

22 Q. Did you have an occasion to speak with
23 Ainsley's dad?

24 A. Yes.

25 Q. Did you have an occasion to speak with the EPC

1 CERTIFICATE

2 Be it known that I, Mary H. Occhipinti, do
3 hereby certify that CASEY ELIZABETH SIGNORINO appeared
4 before me and I took the foregoing deposition at the
5 time and place aforesaid by means of stenomask with
6 backup; that I was then and there a notary public in and
7 for the State of South Carolina and that by virtue
8 thereof, I was duly authorized to administer an oath;
9 that the witness was by me first duly sworn to testify
10 the truth, the whole truth, and nothing but the truth.

11 I further certify that the foregoing
12 transcript represents a true, accurate and complete
13 transcript of said deposition. This transcript may
14 contain quoted material; said material is transcribed as
15 read or quoted by the speaker.

16 I further certify that I am neither employed
17 by nor related to any of the parties in this matter nor
18 their counsel; nor do I have any interest, financial or
19 otherwise, in the outcome of this action.

20 Witness my hand and seal this 28th day of
21 December, 2021.
22

23 _____
24 Mary H. Occhipinti
25 Notary Public for South
Carolina
My Commission Expires:
10/8/2030

MARY H. OCCHIPINTI, COURT REPORTER

75 Rocky Cove Road, Lexington, SC 29072 / (803)730-1661 / occhipintimary@gmail.com

The South Carolina Court of Appeals

Lisa Wallas, Appellant,

v.

Richland County Sheriff's Departments and Casey
Elizabeth Signorino, Respondents,

AND

Lisa Wallas, as Natural Guardian of A.W., Minor Child,
Appellant,

v.

Richland County Sheriff's Department, South Carolina
Department of Social Services, Richland County
Department of Social Services, and Casey Elizabeth
Signorino,
Defendants,

of which Richland County Sheriff's Department and
Casey Elizabeth Signorino are the Respondents.

Appellate Case No. 2024-001940

The Honorable Diane Schafer Goodstein
Richland County
Trial Court Case No. 2021CP4001484, 2021CP4001971

ORDER

The time for serving and filing the appellant's initial brief and designation of matter is hereby extended until March 03, 2025.

FOR THE COURT
BY Catherine Annisa, deputy
CLERK

Columbia, South Carolina

cc:

Bryan Charles Letteer, Esquire
S. Jahue Moore, Esquire
Robert David Garfield, Esquire
Steven R. Spreeuwens, Esquire
Andrew F. Lindemann, Esquire

FILED
Jan 27 2025

The South Carolina Court of Appeals

Lisa Wallas, Appellant,

v.

Richland County Sheriff's Departments and Casey
Elizabeth Signorino, Respondents,

AND

Lisa Wallas, as Natural Guardian of A.W., Minor Child,
Appellant,

v.

Richland County Sheriff's Department, South Carolina
Department of Social Services, Richland County
Department of Social Services, and Casey Elizabeth
Signorino,
Defendants,

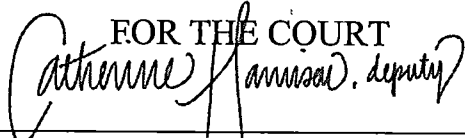
of which Richland County Sheriff's Department and
Casey Elizabeth Signorino are the Respondents.

Appellate Case No. 2024-001940

The Honorable Diane Schafer Goodstein
Richland County
Trial Court Case No. 2021CP4001484, 2021CP4001971

ORDER

The time for serving and filing the appellant's initial brief and designation of matter is hereby extended until April 02, 2025. No further extensions will be granted absent extraordinary circumstances.

BY  FOR THE COURT
CLERK

Columbia, South Carolina

cc:
Bryan Charles Letteer, Esquire
S. Jahue Moore, Esquire
Robert David Garfield, Esquire
Steven R. Spreuwewers, Esquire
Andrew F. Lindemann, Esquire

FILED
Feb 26 2025

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Jan 24 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Circuit Court for the Fifth Judicial Circuit

Diane Goodstein, Circuit Court Judge

Appellate Case No. 2024-001940

Lisa Wallas, Appellant,

vs.

Richland County Sheriff's Department and Casey Elizabeth Signorino, Respondents,

AND

Lisa Wallas, as Natural Guardian of A.W., Minor Child, Appellant,

vs.

Richland County Sheriff's Department, South Carolina Department of Social Services, Richland
County Department of Social Services and Casey Elizabeth Signorino, Defendants,
of which Richland County Sheriff's Department and Casey Elizabeth Signorino are the
Respondents.

**MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF
AND DESIGNATION OF MATTER**

Appellant, Lisa Wallas, respectfully move this Court for an extension of time to file and
serve their Initial Brief and Designation of Matter.

The Appellant's motion is based on the grounds that Counsel for Appellant requires
additional time to prepare the Initial Brief and Designation of Matter due to a very active
caseload, and would respectfully request an additional thirty (30) days to complete, file and serve

these pleadings. This is the first request for an extension for the initial brief in this matter. By our calculations, the new deadline would be March 3, 2025.

WHEREFORE, the Appellant respectfully requests that they be granted an additional thirty (30) days to file their Initial Brief and Designation of Matter.

Respectfully submitted,

MOORE BRADLEY MYERS LAW FIRM, P.A.

BY: _____

S. Jahue Moore, SC Bar #4063
1700 Sunset Boulevard (29169)
Post Office Box 5709
West Columbia, SC 29171
(803) 796-9160

ATTORNEY FOR APPELLANT

West Columbia, South Carolina
January 23, 2025

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Jan 24 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Circuit Court for the Fifth Judicial Circuit

Diane Goodstein, Circuit Court Judge

Appellate Case No. 2024-001940

Lisa Wallas, Appellant,

vs.

Richland County Sheriff's Department and Casey Elizabeth Signorino, Respondents,

AND

Lisa Wallas, as Natural Guardian of A.W., Minor Child, Appellant,

vs.

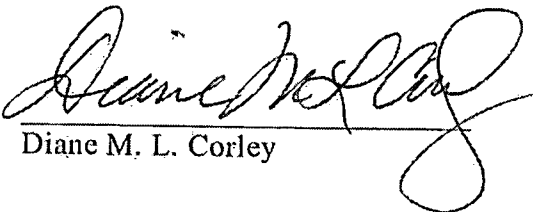
Richland County Sheriff's Department, South Carolina Department of Social Services, Richland County Department of Social Services and Casey Elizabeth Signorino, Defendants, of which Richland County Sheriff's Department and Casey Elizabeth Signorino are the Respondents.

PROOF OF SERVICE

I, Diane M. L. Corley, an employee of the Moore Bradley Myers Law Firm, P.A., certify that I have served the Appellant's Motion for Extension of Time to File Initial Brief and Designation of Matter on Respondent via e-mail and by depositing a copy of same in the United States Mail, postage prepaid on January 24, 2025, addressed to Respondent counsel as follows:

Robert D. Garfield, Esquire
Steven R. Spreeuwiers, Esquire
GARFIELD SPREEUWERS LAW GROUP, LLC
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Andrew F. Lindemann, Esquire
LINDEMANN LAW FIRM, P.A.
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Diane M. L. Corley

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Feb 25 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Circuit Court for the Fifth Judicial Circuit

Diane Goodstein, Circuit Court Judge

Appellate Case No. 2024-001940

Lisa Wallas, Appellant,

vs.

Richland County Sheriff's Department and Casey Elizabeth Signorino, Respondents,

AND

Lisa Wallas, as Natural Guardian of A.W., Minor Child, Appellant,

vs.

Richland County Sheriff's Department, South Carolina Department of Social Services, Richland
County Department of Social Services and Casey Elizabeth Signorino, Defendants,
of which Richland County Sheriff's Department and Casey Elizabeth Signorino are the
Respondents.

**MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF
AND DESIGNATION OF MATTER**

Appellant, Lisa Wallas, respectfully move this Court for an extension of time to file and
serve their Initial Brief and Designation of Matter.

The Appellant's motion is based on the grounds that Counsel for Appellant requires
additional time to prepare the Initial Brief and Designation of Matter due to a very active
caseload, and would respectfully request an additional thirty (30) days to complete, file and serve

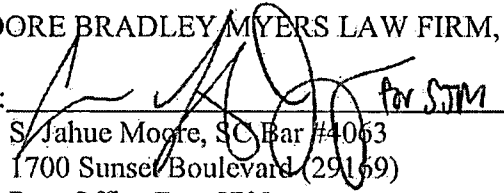
these pleadings. This is the second request for an extension for the initial brief in this matter. By our calculations, the new deadline would be April 2, 2025.

WHEREFORE, the Appellant respectfully requests that they be granted an additional thirty (30) days to file their Initial Brief and Designation of Matter.

Respectfully submitted,

MOORE BRADLEY MYERS LAW FIRM, P.A.

BY:

 for SJM
S. Jahue Moore, SC Bar #4063
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ATTORNEY FOR APPELLANT

West Columbia, South Carolina
February 24, 2025

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Feb 25 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Circuit Court for the Fifth Judicial Circuit

Diane Goodstein, Circuit Court Judge

Appellate Case No. 2024-001940

Lisa Wallas, Appellant,

vs.

Richland County Sheriff's Department and Casey Elizabeth Signorino, Respondents,

AND

Lisa Wallas, as Natural Guardian of A.W., Minor Child, Appellant,

vs.

Richland County Sheriff's Department, South Carolina Department of Social Services, Richland County Department of Social Services and Casey Elizabeth Signorino, Defendants, of which Richland County Sheriff's Department and Casey Elizabeth Signorino are the Respondents.

PROOF OF SERVICE

I, Diane M. L. Corley, an employee of the Moore Bradley Myers Law Firm, P.A., certify that I have served the Appellant's Motion for Extension of Time to File Initial Brief and Designation of Matter on Respondent via e-mail and by depositing a copy of same in the United States Mail, postage prepaid on February 25, 2025, addressed to Respondent counsel as follows:

Robert D. Garfield, Esquire
Steven R. Spreeuwiers, Esquire
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Columbia, SC 29260
E-mail: andrew@ldlawsc.com


Diane M. L. Corley

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Nov 14 2024

SC Court of Appeals

ELECTRONICALLY FILED - 2024 Nov 14 3:22 PM - RICHLAND - COMMON PLEAS - CASE#2021CP4001484

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Circuit Court for the Fifth Judicial Circuit

Diane Goodstein, Circuit Court Judge

Case Nos. 2021-CP-40-01484 and 2021-CP-40-01971

Lisa Wallas,

Appellant,

vs.

Richland County Sheriff's Department and Casey Elizabeth Signorino,

Respondents.

And

Lisa Wallas, as Natural Guardian of Ainsley Wallas, Minor Child,

Appellant,

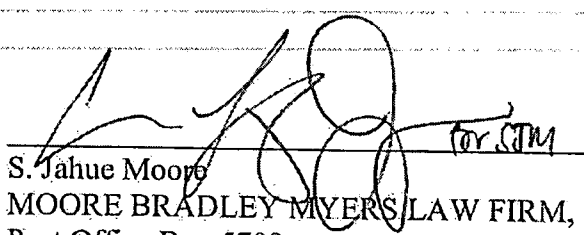
vs.

Richland County Sheriff's Department and Casey Elizabeth Signorino,

Respondents.

NOTICE OF APPEAL

Lisa Wallas and Lisa Wallas, as Natural Guardian of Ainsley Wallas, Minor Child appeal the Order of the Honorable Diane Goodstein, signed on October 21, 2024 and E-filed by the Clerk on that date. Appellants received electronic notice of entry of this Order on October 21, 2024.


S. Jahue Moore
MOORE BRADLEY MYERS LAW FIRM, P.A.
Post Office Box 5709
West Columbia, SC 29171
(803) 796-9160
ATTORNEYS FOR APPELLANTS

Other Counsel of Record:
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CROWE, LAFAVE, GARFIELD & BAGLEY
2019 Park Street
Columbia, SC 29201
(803) 999-1225
ATTORNEYS FOR THE RESPONDENTS

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Nov 14 2024

SC Court of Appeals

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STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Circuit Court for the Fifth Judicial Circuit

Diane Goodstein, Circuit Court Judge

Case Nos. 2021-CP-40-01484 and 2021-CP-40-01971

Lisa Wallas,

Appellant,

vs.

Richland County Sheriff's Department and Casey Elizabeth Signorino,

Respondents.

And

Lisa Wallas, as Natural Guardian of Ainsley Wallas, Minor Child,

Appellant,

vs.

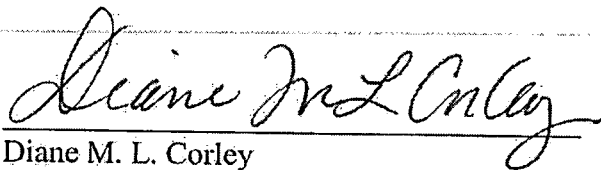
Richland County Sheriff's Department and Casey Elizabeth Signorino,

Respondents.

PROOF OF SERVICE

I, Diane M. L. Corley, an employee of Moore Bradley Myers Law Firm, PA certify that I have served the Notice of Appeal on counsel of record for Respondents in this action via e-mail and by depositing a copy of same in the US Mail, postage prepaid, on November 14, 2024 to:

Robert D. Garfield, Esquire
CROWE, LAFAVE, GARFIELD & BAGLEY
2019 Park Street
Columbia, SC 29201


Diane M. L. Corley

West Columbia, South Carolina
November 14, 2024

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Lisa Wallas,

Plaintiff,

v.

Richland County Sheriff's Department
and Casey Elizabeth Signorino,

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2021-CP-40-01484

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Nov 14 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Lisa Wallas, as Natural Guardian of Ainsley
Wallas, Minor Child,

Plaintiff,

v.

Richland County Sheriff's Department, South
Carolina Department of Social Services,
Richland County Department of Social
Services, and Casey Elizabeth Signorino,

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2021-CP-40-01971

ORDER

This matter comes before this Court by way of cross-motions for summary judgment filed in the above actions by the Plaintiff and the Defendants. A hearing on these motions was held via virtual courtroom on June 21, 2024. Appearing at the time and presenting oral arguments were S. Jahue Moore, Esq., counsel for the Plaintiff, and Robert D. Garfield, Esq., counsel for the Defendants Richland County Sheriff's Department ("RCSD")¹ and Casey Elizabeth Signorino. For

¹ This Court recognizes that the Defendant RCSD is not a legal entity of the State; that the proper entity is the Sheriff of Richland County in his official capacity; and that his office constitutes a governmental

the reasons discussed herein, this Court grants the Defendants' motions for summary judgment and denies the Plaintiff's motions for summary judgment.

DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

I. FACTUAL BACKGROUND

This case centers on the Plaintiff's minor child Ainsley, who was 15 years of age at the relevant times. Ainsley is the daughter of the Plaintiff Lisa Wallas and Terry Wallas.

Taking the facts in a light most favorable to the Plaintiff,² on Friday, May 22, 2020, the Plaintiff reported Ainsley as a runaway. On Tuesday, May 26, 2020, two reporters advised the RCSD that Ainsley had been located. These reporters were Ainsley's high school teacher and a parent of Ainsley's friend. RCSD Deputy Signorino responded to Dutch Fork High School in Richland County and made contact with Ainsley, as well as these reporters. In their interview, Ainsley told Signorino that, *inter alia*, she ran away from home on Friday (four days earlier) because she was being abused. After the interview, Signorino returned to her patrol vehicle and contacted both the Plaintiff and Terry Wallas via a three-way teleconference. Signorino advised Ainsley's parents that she was present with their daughter at the high school and that Ainsley was claiming that the Plaintiff had been abusing her. The Plaintiff and Terry Wallas stated that they were divorced and, pursuant to a court order, the Plaintiff had primary custody of Ainsley while her father, Terry Wallas, had visitation rights. With this, the Plaintiff stated that she wanted Ainsley to return home. Deputy Signorino attempted to mediate the situation by advising the parents of their two options. Either Ainsley could be placed into Emergency Protective Custody ("EPC") or otherwise placed with a friend or relative.³ Not receptive to these options, the parents agreed, albeit

entity as set forth pursuant to the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, *et seq.* and is under the jurisdiction of the Act.

² These facts are derived from both of the Plaintiff's Amended Complaints filed April 27, 2021, the Plaintiff's motions for summary judgment filed May 12, 2022, and Signorino's body worn camera video. *See e.g. Scott v. Harris*, 550 U.S. 372 (2007) (holding that in considering deputy's motion for summary judgment, courts had to view the facts in the light depicted by videotape which captured events underlying plaintiff's claim)

³ To the extent that the Plaintiff is advancing a negligent misrepresentation theory, such a claim would involve Signorino's intercession in these circumstances; her making erroneous representations as to matters of law and EPC statutes; and the Plaintiff having so relied to her detriment. This type of claim would fail. *See Carolina Chloride, Inc. v. Richland Cnty* 394 S.C. 154, 164, 714 S.E.2d 869, 87374 (2011) (holding that a member of the public has no legal right to rely solely upon the representations of county personnel and should consult the official record to determine the legal zoning classification

reluctantly, for Ainsley to temporarily stay with her father until the underlying issues had been resolved.

In this action, the Plaintiff sets forth causes of action for intentional infliction of emotional distress, abuse of process, malicious prosecution, negligence,⁴ and breach of fiduciary duty. *See generally* Am. Comps. Her theory concerns Ainsley having run away from home and ultimately taken into the possession of the RCSD. Despite being required by South Carolina statutory law, RCSD did not notify the Department of Social Services (“DSS”). Instead, Signorino took it upon herself to place the child with a non-custodial parent. The Plaintiff points to the relevant statute in which DSS is charged with investigating, prosecuting and adjudicating issues related to the safety of children or the removal from the custody of parents. Moreover, law enforcement assists DSS in this process, it is not the role of law enforcement in the placement of a minor child. The Plaintiff contends that in this instance, Ainsley was improperly placed with then non-custodial parent even without notifying DSS. Consequently, Ainsley remained housed for weeks away from the custodial parent. *Id.*, *see also*, Pl’s Motions for Summary Judgment, filed May 12, 2022.

II. LEGAL STANDARD

Summary judgment must be granted when “the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” Rule 56(c), SCRCP. In determining whether there are any genuine issues of material fact, the court must view all ambiguities and reasonable inferences from the evidence “in the light most favorable to the non-moving party.” *Osborne v. Adams*, 346 S.C. 4, 7, 550 S.E.2d 319, 321 (2001);

of property); *see also* *AMA Mgmt. Corp.*, 309 S.C. at 223, 420 S.E.2d at 874. (1992) (“The duty of care is not a duty to take every possible care, still less is it a duty to be right; it is the familiar duty to exercise that care a reasonable man would take in the circumstances.”); *see also* *Associated Receivables Funding, Inc. v. Dunlap, Inc.*, 2024 WL 3058402, at *7 (S.C. Ct. App. June 20, 2024) (“There is no liability for casual statements, representations as to matters of law, or matters which plaintiff could ascertain on his own in the exercise of due diligence.” *Id.* (quoting *AMA Mgt. Corp. v. Strasburger*, 309 S.C. 213, 223, 420 S.E.2d 868, 874 (Ct. App. 1992))).

⁴ The Plaintiff’s first cause of action is the state law tort of intentional infliction of emotional distress. S.C. Code Ann. § 15-78-30(f) provides that a “loss” recoverable under the Tort Claims Act” does not include the intentional infliction of emotional harm.” Therefore, there is no remedy for the alleged intentional infliction of emotional distress and the Defendants are entitled to summary judgment on this cause of action. *See Gore v. Dorchester Cnty. Sheriff’s Off.*, 442 S.C. 438, 900 S.E.2d 423 (2024) (holding that reckless infliction of emotional distress was not “loss” actionable under SCTCA).

see also *City of Hardeeville v. Jasper Cnty.*, No. 2022-001266, 2024 WL 3434583, at *3 (S.C. Ct. App. July 17, 2024)

III. ANALYSIS / SOVEREIGN IMMUNITY

A. Generally: South Carolina Tort Claims Act

Prior to the decision of the South Carolina Supreme Court in *McCall v. Batson*, 285 S.C. 243, 329 S.E.2d 741 (1985), governmental entities and their employees were protected by sovereign immunity. In *McCall*, the Supreme Court abolished sovereign immunity. However, in the following year, the South Carolina General Assembly enacted the South Carolina Tort Claims Act ("SCTCA") "which reinstated sovereign immunity for the State and its political subdivisions with certain exceptions." *Jinks v. Richland County*, 349 S.C. 298, 563 S.E.2d 104, 108 (2002), reversed on other grounds, 538 U.S. 456 (2003). "The Tort Claims Act provides a limited waiver of governmental immunity and delineates the conditions upon which a claimant may pursue actions against the State and its political subdivisions." *Id.* The SCTCA "removes the common law bar of sovereign immunity in certain circumstances, but only to the extent mandated by the Act." *Bayle v. S.C. Department of Transportation*, 344 S.C. 115, 542 S.E.2d 736, 739 (Ct. App. 2001).

B. Immunity under S.C. Code Ann. §15-78-60(4)

S.C. Code Ann. §15-78-60(4) provides that governmental entities are not liable for a loss resulting from the "adoption, enforcement, or compliance with any law or failure to adopt or enforce any law, whether valid or invalid, including, but not limited to, any charter, provision, ordinance, resolution, rule, regulation, or written policies."

The Plaintiff's legal position is set forth in her own motions for summary judgment:

The RCSD was only authorized to take the child to EPC and to transport the child to a location agreed upon by DSS. As DSS was never notified, there is a clear violation of S.C. Code Section 63-7-620(b)(2). In short, the RCSD violated South Carolina Law which as a matter of law is actionable and equates to gross neglect. There is simply no legitimate excuse as to why DSS was not notified and involved with the placement of this child. No 72-hour hearing was ever had because the RCSD did not report the matter to DSS. The Probable Cause Hearing required by the Code indicates that a hearing must be had within seventy-two (72) hours to establish probable cause. No such hearing ever took place. The procedure [sic] were not followed and were ignored by the Sheriff's Department. Liability should be granted as a matter of [1]law.

See Pl's Motions for Summary Judgment, filed May 12, 2022.

The Defendants raise this exception to the waiver of immunity concerning the issue as to whether the RCSD enforced or complied with any law or otherwise failed to enforce any law, including certain statutory provisions. This Court agrees that this exception applies.

The Plaintiff's negligence theory is based on the allegation that there had been a "clear violation" of statutory laws which govern EPC provisions. In her Amended Complaints, the Plaintiff alleges that "Richland County DSS was not notified by Officer Signorino or any other individual from RCSD as required per S.C. Code Section 63-7-630."⁵ See Am. Comps., ¶ 15. Specifically, that the RCSD failed to comply with, or enforce EPC statutory laws involving the notification of DSS and the institution of a probable cause hearing within 72 hours. Consequently, the Plaintiff contends that "[n]o such hearing ever took place. The [EPC statutory] procedure[s] were not followed and were ignored by the RCSD." See Pl's Motions for Summary Judgment, filed May 12, 2022. Notably, in the Plaintiff's Amended Complaints, she alleges that the Defendants engaged in a "process not proper with the regular conduct of the proceeding. [] Defendants had a legal obligation to the Plaintiff to perform a fair and just investigation and failed to conduct a proper or suitable investigation." See Am. Comps., ¶¶ 18, 19.

Since the Plaintiff's entire theory of her case involves the RCSD's failure to adopt, enforce, and/or comply with EPC statutory protocols as set forth in § 63-7-630, this exception under the SCTCA shields the Defendant RCSD, as the participating governmental entity from liability.

C. Immunity under S.C. Code Ann. §15-78-60(6)

Per S.C. Code Ann. §15-78-60(6) of the SCTCA: "[t]he governmental entity is not liable for a loss resulting from ... [] the failure to provide (or) *the method of providing police or fire protection*."⁶ S.C. Code Ann. § 15-78-60(6) (Emphasis added).

⁵ S.C. Code Ann. § 63-7-630 provides:

When an officer takes a child into emergency protective custody under this subarticle, the officer immediately shall notify the department. The department shall notify the parent, guardian, or other person exercising temporary or permanent control over the child as early as reasonably possible of the location of the child unless there are compelling reasons for believing that disclosure of this information would be contrary to the best interests of the child.

⁶ In *Wells v. City of Lynchburg*, 331 S.C. 296, 501 S.E.2d 746 (Ct. App. 1998), this Court recognized that a scrivener's error resulted in the omission of the word "or." After looking at the legislative history, this Court concluded that sovereign immunity under § 15-78-60(6) extends to "the failure to provide or the method of providing police or fire protection." *Id.*, at 750.

The Plaintiff alleges in her Amended Complaints that Signorino was negligent "in the investigation of the reported incident, in the treatment of the Plaintiff and her child, and in the removal of the child from the Plaintiff's custody." See Am. Comps., ¶ 16. Moreover, Signorino "risk[ed] the safety of the minor child and the Plaintiff by removing the child from Plaintiff's custody against the Court's order [and] without proper reason." *Id.*

The Plaintiff's Amended Complaints address the methods that Signorino, a law enforcement officer, chose to utilize in providing Ainsley with police protection. This would concern Signorino's various methods in protecting Ainsley from an allegedly abusive situation, including conducting interviews, performing a background investigation, and, according to the Plaintiff, ultimate removal of the child from (what appeared to be in) harm's way.

Thus, any actions and/or inactions on the part of Signorino or any Sheriff's employee -- whether negligent or not -- fall squarely within the purview of § 15-78-60(6), because the Plaintiff's pleading specifically alleges a loss which resulted from Signorino's methods in providing police protection.

D. Immunity under S.C. Code Ann. § 15-78-60(23)

Moreover, under the provisions of the SCTCA, the Defendant RCSD enjoys absolute immunity for malicious prosecution. One of the six elements that the Plaintiff needs to prove is "the institution or continuation of original judicial proceedings." In virtually identical language, S.C. Code Ann. § 15-78-60(23) provides absolute immunity for the "institution or prosecution of any judicial or administrative proceeding." See S.C. Code Ann. § 15-78-60(23). Therefore, because an element of a malicious prosecution cause of action falls squarely within an immunity provision, a governmental entity enjoys absolute immunity for this cause of action.

This very issue was adjudicated in the case of *McCoy v. City of Columbia*, 929 F.Supp.2d 541 (D.S.C. 2013), where District Judge Joseph F. Anderson Jr. ruled that a malicious prosecution claim against a municipality was barred by S.C. Code Ann. § 15-78-60(23). Judge Anderson held:

The City also contends that it is immune from liability for McCoy's malicious prosecution claim under the SCTCA's immunity relating to "the institution or prosecution of a judicial proceeding." S.C. Code Ann. § 15-78-60(23). The Magistrate Judge recommended that the court grant the City's motion for summary judgment on this issue because McCoy's cause of action for malicious prosecution plainly falls within this express exception. The court agrees.

929 F.Supp.2d at 567, n. 10.

The United States District Court, by and through various District Court judges, has ruled in accordance with Judge Anderson's finding and, specifically, that the governmental entity enjoys immunity for malicious prosecution under the provisions of the Act. *See Terrell v. City of Spartanburg*, No. 7:17-CV-2738-BHH, 2018 WL 4775579 (D.S.C. Oct. 3, 2018) ("The City is immune from liability for malicious prosecution under the South Carolina Tort Claims Act. S.C. Code Ann. § 15-78-60(23) ... "); *see also Thompson v. City of Columbia*, No. CV 3:05-1605-CMC, 2005 WL 8164911, at *4 (D.S.C. July 21, 2005) ("It is fairly clear from the plain language of the statute, particularly § 15-78-60(23), that the legislature intended to exclude claims for malicious prosecution from the waiver of immunity for governmental entities in the Tort Claims Act."); *see also Palmer v. Santanna*, No. 2:16-CV-3350-PMD-MGB, 2018 WL 1477600, at *5 (D.S.C. Mar. 27, 2018) ("The Town of Summerville is immune from liability on this claim (as a result of) S.C. Code Ann. § 15-78-60(23); ... While the Court recognizes that Plaintiffs experienced significant consequences as a result of Mr. Palmer's arrest and detention, the Defendants are nonetheless immune from suit ..."); *see also Brown v. Dorchester Cty. S.C.*, No. 2:16-CV-01311-MBS-MGB, 2017 WL 9673618, at *6 (D.S.C. Nov. 29, 2017) ("[T]he crux of Plaintiff's claim against Defendant is that the criminal charges against him were maintained for many months after the Solicitor's Office was made aware that probable cause was lacking. Such a claim falls squarely within § 15-78-60(1) and § 15-78-60(23).")

Because of these reasons, the Plaintiff's malicious prosecution claim is dismissed.

IV. ANALYSIS / EMPLOYEE IMMUNITY

The SCTCA "constitutes the exclusive remedy for any tort committed by an employee of a governmental entity." S.C. Code Ann. § 15-78-70(a). Further, an employee of a governmental entity is immune from liability for tortious acts committed within the scope of his official duties. Such an employee who allegedly commits a tort while acting within the scope of his official duty is not liable except for actual fraud, actual malice, intent to harm, or a crime involving moral turpitude. S.C. Code Ann §15-78-70(a) and (b).

There are no allegations that the Defendant Signorino was acting outside the scope of her official duties and none of the exceptions set forth in subsection (b) are applicable with respect to her. As a result, Defendant Signorino in her individual capacity is entitled to employee immunity under S.C. Code Ann. § 15-78-70(a) and (b) and the Plaintiff's claims against her are dismissed as a matter of law.

Moreover, South Carolina statutory law further immunizes Signorino, a police officer and mandatory reporter, as she participated in an investigation and/or judicial proceedings resulting from the reporters. *See* S.C. Code Ann. § 63-7-390. (“A person required or permitted to report pursuant to Section 63-7-310 or who participates in an investigation or judicial proceedings resulting from the report, acting in good faith, is immune from civil and criminal liability which might otherwise result by reason of these actions. In all such civil or criminal proceedings, good faith is rebuttably presumed.”) As a sustaining basis for dismissal, this Court notes that the Plaintiff has made no showing that would overcome the presumption of Signorino’s good faith in this matter.

PLAINTIFF’S MOTIONS FOR SUMMARY JUDGMENT

As this Court considers the Plaintiff’s motions for summary judgment, and in taking the evidence in the light most favorable to the Defendants, this Court finds that the above § 15-78-60 exceptions under the SCTCA shields the Defendant RCSD (a/k/a Sheriff Lott) from liability. Consequently, since the Sheriff (as the constitutional officer employing Signorino at the relevant times) is entitled to absolute sovereign immunity, then no genuine issue as to any material fact exists, and the Defendants are entitled to a judgment as a matter of law.

CONCLUSION

Based upon the foregoing reasons, **IT IS THEREFORE ORDERED** that the Defendants’ motions for summary judgment are **GRANTED** in both matters [C/A Nos. 2021-CP-40-01484 and 2021-CP-40-01971] and that the Plaintiff’s causes of action against the Defendants are hereby dismissed with prejudice. **IT IS FURTHER ORDERED** that the Plaintiff’s motions for summary judgment in both matters [C/A Nos. 2021-CP-40-01484 and 2021-CP-40-01971] are **DENIED**.

IT IS SO ORDERED.

The Honorable Diane Schafer Goodstein
Circuit Court Judge

Columbia, South Carolina

_____, 2024



Richland Common Pleas

Case Caption: Lisa Wallas vs Richland County Sheriffs Department , defendant, et al
Case Number: 2021CP4001484
Type: Order/Summary Judgment

It is so Ordered!

s/Diane S. Goodstein

Electronically signed on 2024-10-21 11:35:32 page 9 of 9

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ELECTRONICALLY FILED - 2024 Oct 21 11:50 AM - RICHLAND - COMMON PLEAS - CASE#2021CP4001484

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

Civil Action No.: 2021-CP-40-01484

Lisa Wallas,

Plaintiff,

v.

Richland County Sheriff's Department
and Casey Elizabeth Signorino,

Defendants.

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

Civil Action No.: 2021-CP-40-01971

Lisa Wallas, as Natural Guardian of Ainsley
Wallas, Minor Child,

Plaintiff,

v.

Richland County Sheriff's Department, South
Carolina Department of Social Services,
Richland County Department of Social
Services, and Casey Elizabeth Signorino,

Defendants.

ORDER

This matter comes before this Court by way of cross-motions for summary judgment filed in the above actions by the Plaintiff and the Defendants. A hearing on these motions was held via virtual courtroom on June 21, 2024. Appearing at the time and presenting oral arguments were S. Jahue Moore, Esq., counsel for the Plaintiff, and Robert D. Garfield, Esq., counsel for the Defendants Richland County Sheriff's Department ("RCSD")¹ and Casey Elizabeth Signorino. For

¹ This Court recognizes that the Defendant RCSD is not a legal entity of the State; that the proper entity is the Sheriff of Richland County in his official capacity; and that his office constitutes a governmental

the reasons discussed herein, this Court grants the Defendants' motions for summary judgment and denies the Plaintiff's motions for summary judgment.

DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

I. FACTUAL BACKGROUND

This case centers on the Plaintiff's minor child Ainsley, who was 15 years of age at the relevant times. Ainsley is the daughter of the Plaintiff Lisa Wallas and Terry Wallas.

Taking the facts in a light most favorable to the Plaintiff,² on Friday, May 22, 2020, the Plaintiff reported Ainsley as a runaway. On Tuesday, May 26, 2020, two reporters advised the RCSD that Ainsley had been located. These reporters were Ainsley's high school teacher and a parent of Ainsley's friend. RCSD Deputy Signorino responded to Dutch Fork High School in Richland County and made contact with Ainsley, as well as these reporters. In their interview, Ainsley told Signorino that, *inter alia*, she ran away from home on Friday (four days earlier) because she was being abused. After the interview, Signorino returned to her patrol vehicle and contacted both the Plaintiff and Terry Wallas via a three-way teleconference. Signorino advised Ainsley's parents that she was present with their daughter at the high school and that Ainsley was claiming that the Plaintiff had been abusing her. The Plaintiff and Terry Wallas stated that they were divorced and, pursuant to a court order, the Plaintiff had primary custody of Ainsley while her father, Terry Wallas, had visitation rights. With this, the Plaintiff stated that she wanted Ainsley to return home. Deputy Signorino attempted to mediate the situation by advising the parents of their two options. Either Ainsley could be placed into Emergency Protective Custody ("EPC") or otherwise placed with a friend or relative.³ Not receptive to these options, the parents agreed, albeit

entity as set forth pursuant to the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, *et seq.* and is under the jurisdiction of the Act.

² These facts are derived from both of the Plaintiff's Amended Complaints filed April 27, 2021, the Plaintiff's motions for summary judgment filed May 12, 2022, and Signorino's body worn camera video. *See e.g. Scott v. Harris*, 550 U.S. 372 (2007) (holding that in considering deputy's motion for summary judgment, courts had to view the facts in the light depicted by videotape which captured events underlying plaintiff's claim)

³ To the extent that the Plaintiff is advancing a negligent misrepresentation theory, such a claim would involve Signorino's intercession in these circumstances; her making erroneous representations as to matters of law and EPC statutes; and the Plaintiff having so relied to her detriment. This type of claim would fail. *See Carolina Chloride, Inc. v. Richland Cnty* 394 S.C. 154, 164, 714 S.E.2d 869, 87374 (2011) (holding that a member of the public has no legal right to rely solely upon the representations of county personnel and should consult the official record to determine the legal zoning classification

reluctantly, for Ainsley to temporarily stay with her father until the underlying issues had been resolved.

In this action. The Plaintiff sets forth causes of action for intentional infliction of emotional distress, abuse of process, malicious prosecution, negligence,⁴ and breach of fiduciary duty. *See generally* Am. Comps. Her theory concerns Ainsley having run away from home and ultimately taken into the possession of the RCSD. Despite being required by South Carolina statutory law, RCSD did not notify the Department of Social Services (“DSS”). Instead, Signorino took it upon herself to place the child with a non-custodial parent. The Plaintiff points to the relevant statute in which DSS is charged with investigating, prosecuting and adjudicating issues related to the safety of children or the removal from the custody of parents. Moreover, law enforcement assists DSS in this process, it is not the role of law enforcement in the placement of a minor child. The Plaintiff contends that in this instance, Ainsley was improperly placed with then non-custodial parent even without notifying DSS. Consequently, Ainsley remained housed for weeks away from the custodial parent. *Id.*, *see also*, Pl’s Motions for Summary Judgment, filed May 12, 2022.

II. LEGAL STANDARD

Summary judgment must be granted when “the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” Rule 56(c), SCRPC. In determining whether there are any genuine issues of material fact, the court must view all ambiguities and reasonable inferences from the evidence “in the light most favorable to the non-moving party.” *Osborne v. Adams*, 346 S.C. 4, 7, 550 S.E.2d 319, 321 (2001);

of property); *see also AMA Mgmt. Corp.*, 309 S.C. at 223, 420 S.E.2d at 874. (1992) (“The duty of care is not a duty to take every possible care, still less is it a duty to be right; it is the familiar duty to exercise that care a reasonable man would take in the circumstances.”); *see also Associated Receivables Funding, Inc. v. Dunlap, Inc.*, 2024 WL 3058402, at *7 (S.C. Ct. App. June 20, 2024) (“There is no liability for casual statements, representations as to matters of law, or matters which plaintiff could ascertain on his own in the exercise of due diligence.” *Id.* (quoting *AMA Mgt. Corp. v. Strasburger*, 309 S.C. 213, 223, 420 S.E.2d 868, 874 (Ct. App. 1992))).

⁴ The Plaintiff’s first cause of action is the state law tort of intentional infliction of emotional distress. S.C. Code Ann. § 15-78-30(f) provides that a “loss” recoverable under the Tort Claims Act” does not include the intentional infliction of emotional harm.” Therefore, there is no remedy for the alleged intentional infliction of emotional distress and the Defendants are entitled to summary judgment on this cause of action. *See Gore v. Dorchester Cnty. Sheriff’s Off.*, 442 S.C. 438, 900 S.E.2d 423 (2024) (holding that reckless infliction of emotional distress was not “loss” actionable under SCTCA).

see also City of Hardeeville v. Jasper Cnty., No. 2022-001266, 2024 WL 3434583, at *3 (S.C. Ct. App. July 17, 2024)

III. ANALYSIS / SOVEREIGN IMMUNITY

A. Generally: South Carolina Tort Claims Act

Prior to the decision of the South Carolina Supreme Court in *McCall v. Batson*, 285 S.C. 243, 329 S.E.2d 741 (1985), governmental entities and their employees were protected by sovereign immunity. In *McCall*, the Supreme Court abolished sovereign immunity. However, in the following year, the South Carolina General Assembly enacted the South Carolina Tort Claims Act (“SCTCA”) “which reinstated sovereign immunity for the State and its political subdivisions with certain exceptions.” *Jinks v. Richland County*, 349 S.C. 298, 563 S.E.2d 104, 108 (2002), reversed on other grounds, 538 U.S. 456 (2003). “The Tort Claims Act provides a limited waiver of governmental immunity and delineates the conditions upon which a claimant may pursue actions against the State and its political subdivisions.” *Id.* The SCTCA “removes the common law bar of sovereign immunity in certain circumstances, but only to the extent mandated by the Act.” *Bayle v. S.C. Department of Transportation*, 344 S.C. 115, 542 S.E.2d 736, 739 (Ct. App. 2001).

B. Immunity under S.C. Code Ann. §15-78-60(4)

S.C. Code Ann. §15-78-60(4) provides that governmental entities are not liable for a loss resulting from the “adoption, enforcement, or compliance with any law or failure to adopt or enforce any law, whether valid or invalid, including, but not limited to, any charter, provision, ordinance, resolution, rule, regulation, or written policies.”

The Plaintiff’s legal position is set forth in her own motions for summary judgment:

The RCSD was only authorized to take the child to EPC and to transport the child to a location agreed upon by DSS. As DSS was never notified, there is a clear violation of S.C. Code Section 63-7-620(b)(2). In short, the RCSD violated South Carolina Law which as a matter of law is actionable and equates to gross neglect. There is simply no legitimate excuse as to why DSS was not notified and involved with the placement of this child. No 72-hour hearing was ever had because the RCSD did not report the matter to DSS. The Probable Cause Hearing required by the Code indicates that a hearing must be had within seventy-two (72) hours to establish probable cause. No such hearing ever took place. The procedure [*sic*] were not followed and were ignored by the Sheriff’s Department. Liability should be granted as a matter of [l]aw.

See Pl’s Motions for Summary Judgment, filed May 12, 2022.

The Defendants raise this exception to the waiver of immunity concerning the issue as to whether the RCSD enforced or complied with any law or otherwise failed to enforce any law, including certain statutory provisions. This Court agrees that this exception applies.

The Plaintiff's negligence theory is based on the allegation that there had been a "clear violation" of statutory laws which govern EPC provisions. In her Amended Complaints, the Plaintiff alleges that "Richland County DSS was not notified by Officer Signorino or any other individual from RCSD as required per S.C. Code Section 63-7-630."⁵ See Am. Comps., ¶ 15. Specifically, that the RCSD failed to comply with, or enforce EPC statutory laws involving the notification of DSS and the institution of a probable cause hearing within 72 hours. Consequently, the Plaintiff contends that "[n]o such hearing ever took place. The [EPC statutory] procedure[s] were not followed and were ignored by the RCSD." See Pl's Motions for Summary Judgment, filed May 12, 2022. Notably, in the Plaintiff's Amended Complaints, she alleges that the Defendants engaged in a "process not proper with the regular conduct of the proceeding. [] Defendants had a legal obligation to the Plaintiff to perform a fair and just investigation and failed to conduct a proper or suitable investigation." See Am. Comps., ¶¶ 18, 19.

Since the Plaintiff's entire theory of her case involves the RCSD's failure to adopt, enforce, and/or comply with EPC statutory protocols as set forth in § 63-7-630, this exception under the SCTCA shields the Defendant RCSD, as the participating governmental entity from liability.

C. Immunity under S.C. Code Ann. §15-78-60(6)

Per S.C. Code Ann. §15-78-60(6) of the SCTCA: "[t]he governmental entity is not liable for a loss resulting from ... [] the failure to provide (or) *the method of providing police* or fire *protection*."⁶ S.C. Code Ann. § 15-78-60(6) (Emphasis added).

⁵ S.C. Code Ann. § 63-7-630 provides:

When an officer takes a child into emergency protective custody under this subarticle, the officer immediately shall notify the department. The department shall notify the parent, guardian, or other person exercising temporary or permanent control over the child as early as reasonably possible of the location of the child unless there are compelling reasons for believing that disclosure of this information would be contrary to the best interests of the child.

⁶ In *Wells v. City of Lynchburg*, 331 S.C. 296, 501 S.E.2d 746 (Ct. App. 1998), this Court recognized that a scrivener's error resulted in the omission of the word "or." After looking at the legislative history, this Court concluded that sovereign immunity under § 15-78-60(6) extends to "the failure to provide or the method of providing police or fire protection." *Id.*, at 750.

The Plaintiff alleges in her Amended Complaints that Signorino was negligent “in the investigation of the reported incident, in the treatment of the Plaintiff and her child, and in the removal of the child from the Plaintiff’s custody.” *See* Am. Comps., ¶ 16. Moreover, Signorino “risk[ed] the safety of the minor child and the Plaintiff by removing the child from Plaintiff’s custody against the Court’s order [and] without proper reason.” *Id.*

The Plaintiff’s Amended Complaints address the methods that Signorino, a law enforcement officer, chose to utilize in providing Ainsley with police protection. This would concern Signorino’s various methods in protecting Ainsley from an allegedly abusive situation, including conducting interviews, performing a background investigation, and, according to the Plaintiff, ultimate removal of the child from (what appeared to be in) harm’s way.

Thus, any actions and/or inactions on the part of Signorino or any Sheriff’s employee -- whether negligent or not -- fall squarely within the purview of § 15-78-60(6), because the Plaintiff’s pleading specifically alleges a loss which resulted from Signorino’s methods in providing police protection.

D. Immunity under S.C. Code Ann. § 15-78-60(23)

Moreover, under the provisions of the SCTCA, the Defendant RCSD enjoys absolute immunity for malicious prosecution. One of the six elements that the Plaintiff needs to prove is “the institution or continuation of original judicial proceedings.” In virtually identical language, S.C. Code Ann. § 15-78-60(23) provides absolute immunity for the “institution or prosecution of any judicial or administrative proceeding.” *See* S.C. Code Ann. § 15-78-60(23). Therefore, because an element of a malicious prosecution cause of action falls squarely within an immunity provision, a governmental entity enjoys absolute immunity for this cause of action.

This very issue was adjudicated in the case of *McCoy v. City of Columbia*, 929 F.Supp.2d 541 (D.S.C. 2013), where District Judge Joseph F. Anderson Jr. ruled that a malicious prosecution claim against a municipality was barred by S.C. Code Ann. § 15-78-60(23). Judge Anderson held:

The City also contends that it is immune from liability for McCoy’s malicious prosecution claim under the SCTCA’s immunity relating to “the institution or prosecution of a judicial proceeding.” S.C. Code Ann. § 15-78-60(23). The Magistrate Judge recommended that the court grant the City’s motion for summary judgment on this issue because McCoy’s cause of action for malicious prosecution plainly falls within this express exception. The court agrees.

929 F.Supp.2d at 567, n. 10.

The United States District Court, by and through various District Court judges, has ruled in accordance with Judge Anderson's finding and, specifically, that the governmental entity enjoys immunity for malicious prosecution under the provisions of the Act. *See Terrell v. City of Spartanburg*, No. 7:17-CV-2738-BHH, 2018 WL 4775579 (D.S.C. Oct. 3, 2018) ("The City is immune from liability for malicious prosecution under the South Carolina Tort Claims Act. S.C. Code Ann. § 15-78-60(23) ... "); *see also Thompson v. City of Columbia*, No. CV 3:05-1605-CMC, 2005 WL 8164911, at *4 (D.S.C. July 21, 2005) ("It is fairly clear from the plain language of the statute, particularly § 15-78-60(23), that the legislature intended to exclude claims for malicious prosecution from the waiver of immunity for governmental entities in the Tort Claims Act."); *see also Palmer v. Santanna*, No. 2:16-CV-3350-PMD-MGB, 2018 WL 1477600, at *5 (D.S.C. Mar. 27, 2018) ("The Town of Summerville is immune from liability on this claim (as a result of) S.C. Code Ann. § 15-78-60(23); ... While the Court recognizes that Plaintiffs experienced significant consequences as a result of Mr. Palmer's arrest and detention, the Defendants are nonetheless immune from suit ..."); *see also Brown v. Dorchester Cty. S.C.*, No. 2:16-CV-01311-MBS-MGB, 2017 WL 9673618, at *6 (D.S.C. Nov. 29, 2017) ("[T]he crux of Plaintiff's claim against Defendant is that the criminal charges against him were maintained for many months after the Solicitor's Office was made aware that probable cause was lacking. Such a claim falls squarely within § 15-78-60(1) and § 15-78-60(23).")

Because of these reasons, the Plaintiff's malicious prosecution claim is dismissed.

IV. ANALYSIS / EMPLOYEE IMMUNITY

The SCTCA "constitutes the exclusive remedy for any tort committed by an employee of a governmental entity." S.C. Code Ann. § 15-78-70(a). Further, an employee of a governmental entity is immune from liability for tortious acts committed within the scope of his official duties. Such an employee who allegedly commits a tort while acting within the scope of his official duty is not liable except for actual fraud, actual malice, intent to harm, or a crime involving moral turpitude. S.C. Code Ann §15-78-70(a) and (b).

There are no allegations that the Defendant Signorino was acting outside the scope of her official duties and none of the exceptions set forth in subsection (b) are applicable with respect to her. As a result, Defendant Signorino in her individual capacity is entitled to employee immunity under S.C. Code Ann. § 15-78-70(a) and (b) and the Plaintiff's claims against her are dismissed as a matter of law.

Moreover, South Carolina statutory law further immunizes Signorino, a police officer and mandatory reporter, as she participated in an investigation and/or judicial proceedings resulting from the reporters. *See* S.C. Code Ann. § 63-7-390 (“A person required or permitted to report pursuant to Section 63-7-310 or who participates in an investigation or judicial proceedings resulting from the report, acting in good faith, is immune from civil and criminal liability which might otherwise result by reason of these actions. In all such civil or criminal proceedings, good faith is rebuttably presumed.”) As a sustaining basis for dismissal, this Court notes that the Plaintiff has made no showing that would overcome the presumption of Signorino’s good faith in this matter.

PLAINTIFF’S MOTIONS FOR SUMMARY JUDGMENT

As this Court considers the Plaintiff’s motions for summary judgment, and in taking the evidence in the light most favorable to the Defendants, this Court finds that the above § 15-78-60 exceptions under the SCTCA shields the Defendant RCSD (a/k/a Sheriff Lott) from liability. Consequently, since the Sheriff (as the constitutional officer employing Signorino at the relevant times) is entitled to absolute sovereign immunity, then no genuine issue as to any material fact exists, and the Defendants are entitled to a judgment as a matter of law.

CONCLUSION

Based upon the foregoing reasons, **IT IS THEREFORE ORDERED** that the Defendants’ motions for summary judgment are **GRANTED** in both matters [C/A Nos. 2021-CP-40-01484 and 2021-CP-40-01971] and that the Plaintiff’s causes of action against the Defendants are hereby dismissed with prejudice. **IT IS FURTHER ORDERED** that the Plaintiff’s motions for summary judgment in both matters [C/A Nos. 2021-CP-40-01484 and 2021-CP-40-01971] are **DENIED**.

IT IS SO ORDERED.

The Honorable Diane Schafer Goodstein
Circuit Court Judge

Columbia, South Carolina

_____, 2024



Richland Common Pleas

Case Caption: Lisa Wallas vs Richland County Sheriffs Department , defendant, et al
Case Number: 2021CP4001484
Type: Order/Summary Judgment

It is so Ordered!

s/Diane S. Goodstein

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MBM MOORE BRADLEY MYERS

S. Jahue Moore†
James Edward Bradley†
Sheila McNair Robinson
Christian G. Spradley
William H. Edwards
S. Jahue Moore, Jr.
William B. Fortino
Ralph Nichols Riley, Jr.
John C. Bradley, Jr.
Lester McGill Bell, Jr.

Melissa K. Moore
Sierra D. Carini
Emily E. Collins
Erin R. Conroy
Catherine Liscusky Jumper

Retired
J. Mark Taylor**
C. David Sawyer, Jr.†
Billy C. Coleman (1916-2019)
Stanley L. Myers* (1976-2023)
Robert D. Hazel* (1936-2024)

July 29, 2024

VIA E-MAIL ONLY: DGoodsteinsc@sccourts.org

The Honorable Diane S. Goodstein
Circuit Court Judge for the Fifth Judicial Circuit

RE: Lisa Wallas vs. Richland County Sheriff's Department, et al.,
C.A. No.: 2021-CP-40-01484

Dear Judge Goodstein:

I previously requested an extension until the end of this month to submit the proposed order to you in the above matter. I have had a small set back in fighting another infection and have not been able to complete the proposed order. I respectfully request another extension to submit the proposed order to you by August 15th.

Thank you for your kind consideration in this matter.

Yours very truly,


S. Jahue Moore

SJM:dc

cc: Robert D. Garfield, Esquire (via e-mail robert@crowelafave.com)
Steve Spreeuwens, Esquire (via e-mail steve@crowelafave.com)

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STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
)

IN THE CIRCUIT COURT
FIFTH JUDICIAL CIRCUIT

IN RE:)
REQUEST FOR PROTECTION)
)
S. JAHUE MOORE, ESQUIRE)
)
)

ORDER OF PROTECTION

IT APPEARING that S. Jahue Moore, Esquire, an attorney licensed to practice law in this State, has requested protection from the Court for all cases scheduled during the following dates due to major surgery and recovery time:

April 29, 2024 through June 3, 2024.

IT IS HEREBY ORDERED that S. Jahue Moore, Esquire shall be and is hereby granted protection from all matters being scheduled on his cases on the above-referenced dates.

AND IT IS SO ORDERED.

The Honorable Jocelyn Newman
Chief Administrative Judge for the
Fifth Judicial Circuit

Columbia, South Carolina

_____, 2024.

RICHLAND / 5TH JUDICIAL CIRCUIT COMMON PLEAS CASES:

- Pargan Dhillon v. Dick Dyer, et al., - C/A# 2018-CP-40-00968;
- Ramona Doolittle v. Petrogas Group South Carolina – C/A# 2020-CP-40-01008;
- Bonnie Saville, et al., vs. SCDHEC, et al., - C/A# 2020-CP-40-01620;
- Pravin Patel v. John Doe – C/A# 2020-CP-40-03095; C/A# 2020-CP-40-04757;
- Leslie G. Snider v. Mamie B. Franceschini, et al., - C/A# 2021-CP-40-00845;
- Lisa Wallas v. Richland County Sheriff’s Department – C/A/# 2021-CP-40-01484;
- Lisa Wallas v. Richland County Sheriff’s Department – C/A# 2021-CP-40-01971;
- Lake Shore Vision, LLC v. Kershaw Builders, et al., - C/A# 2021-CP-40-02434;
- William Kirkland v. Wright Medical Technology, - C/A# 2021-CP-40-03075;
- Caltel Inc. v. Gladys Riddle, et al., - CP-40-05966;

Lanny R. Gunter, II v. SC Department of Revenue – C/A# 2021-CP-40-06145;
Jitendra Desai v Andy Shelton, et al., - C/A# 2021-CP-40-06265;
Love Estate, LLC v. Dorothy J. Love - C/A# 2022-CP-40-00887;
American Cheer Xtreme, Inc., et al v. Anna Kendrick - C/A# 2022-CP-40-01542;
Jane Doe v. Publix Super Markets, Inc., et al., - C/A# 2022-CP-40-01787;
Birch Home Builders v. Jitendra Desai - C/A# 2022-CP-40-02193;
Cynthia Weston, et al v. Ginger Pratt Davis - C/A# 2022-CP-40-02673;
Veronica Garnett, et al v. OYO Hotel, Inc., et al., - C/A# 2022-CP-40-02853;
Roshan Beverly v. Quenton Bracey - C/A# 2022-CP-40-03205;
Barabra Almond PR v. Almateen Williams Benton - C/A# 2022-CP-40-03876;
Lynn T. Moseley v. Shyquan L. Johnson - C/A# 2022-CP-40-05164;
Essentia Ins v. Chris Barker – C/A# 2022-CP-40-06588;
Dawne Bodenhamer, et al v. Jeanette Robinson – C/A# 2023-CP-40-00410;
Vickie Still v. Classic Ford Lincoln, et al – C/A# 2023-CP-40-03455;
Nationstar Mortgage v. Ginger Pratt Davis, et al – C/A# 2023-CP-40-03618.



Richland Common Pleas

Case Caption: Lisa Wallas vs Richland County Sheriffs Department , defendant, et al
Case Number: 2021CP4001484
Type: Order/Protection from Court Appearance

IT IS SO ORDERED.

Jocelyn Newman, Chief Judge for Administrative
Purposes, Court of Common Pleas, 5th Judicial
Circuit



Richland Common Pleas

Case Caption: Lisa Wallas vs Richland County Sheriffs Department , defendant, et al
Case Number: 2021CP4001484
Type: Order/Continuance

IT IS SO ORDERED.

Jocelyn Newman, Chief Judge for Administrative Purposes, Court of Common Pleas, 5th Judicial Circuit

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Lisa Wallas,)
)
)
Plaintiff,)
)
vs.)

C.A. No.: 2021-CP-40-01484

MOTION FOR CONTINUANCE

Richland County Sheriff's Department,)
South Carolina Department of Social)
Services, Richland County Department)
of Social Services, and)
Casey Elizabeth Signorino,)
)
)
Defendants.)
)

TO: ROBERT D. GARFIELD, ESQUIRE; STEVEN R. SPREEUWERS, ESQUIRE,
COUNSEL FOR THE DEFENDANTS, RICHLAND COUNTY SHERIFF'S
DEPARTMENT, CASEY ELIZABETH SIGNORINO:

YOU WILL PLEASE TAKE NOTICE that the undersigned, as counsel for the Plaintiff,
moves before the Court for an Order continuing the motion hearings scheduled for February 22,
2024.

The basis for this Motion is that the parties are scheduling a mediation to try and resolve
this matter. It further appears to the Court that Robert D. Garfield, counsel for the Defendants, has
consented to the continuance of this matter

MOORE BRADLEY MYERS LAW FIRM, P.A.

BY: s/ S. Jahue Moore
S. Jahue Moore, SC Bar No. 4063
1700 Sunset Boulevard
P. O. Box 5709
West Columbia, SC 29171
(803) 796-9160

ATTORNEYS FOR THE PLAINTIFF

West Columbia, South Carolina
February 19, 2024

Lisa Wallas
PLAINTIFF(S)

Richland County Sheriffs Department 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:

Case continued due to parties agreement to enter mediation prior to going forward with competing Motions for Summary Judgment.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/08/2024 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.



Richland Common Pleas

Case Caption: Lisa Wallas vs Richland County Sheriffs Department , defendant, et al
Case Number: 2021CP4001484
Type: Order/Electronic Form 4

It is so ordered

Eugene C. Griffith, Jr. 2154

Lisa Wallas
PLAINTIFF(S)

Richland County Sheriffs Department 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:

Defendant's Motion for Summary Judgment and Plaintiff's Motion for Summary Judgement, scheduled for October 23, 2023, are continued by consent of the parties.

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 10/23/2023 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.



Richland Common Pleas

Case Caption: Lisa Wallas vs Richland County Sheriffs Department , defendant, et al

Case Number: 2021CP4001484

Type: Order/Electronic Form 4

So Ordered

S/George M. McFaddin, Jr., #2759

Electronically signed on 2023-10-23 15:36:58 page 3 of 3

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Lisa Wallas,)
)
Plaintiff,)

C.A. No.: 2021-CP-40-01484

vs.)

AFFIDAVIT OF JOHN M. KNOTTS

Richland County Sheriff's Department,)
South Carolina Department of Social)
Services, Richland County Department)
of Social Services, and)
Casey Elizabeth Signorino,)
)
Defendants.)

PERSONALLY appeared before me John M. Knotts who, upon first being duly sworn,
states as follows:

1. My name is John M. "Jake" Knotts and I am a life-long legal resident of Lexington County, South Carolina.
2. I am at least 18 years of age and competent to execute an affidavit.
3. Statements made in the Affidavit are based upon my personal knowledge, training, education and experience. All opinions expressed herein are to a reasonable degree of professional certainty.
4. I began my career in law enforcement in 1968 in a position with the Columbia Police Department working as a Beat Patrolman. In 1969, I helped form the Columbia Police Department Riot Squad.
5. I became the Coordinator of Special Units for the Columbia Police Department in 1970. During this time, I was promoted to a Detective in the Narcotics, Vice and Juvenile Unit under Captain John Earl Dennis.

6. In 1974 I became a Major Crime Investigator with the Columbia Police Department Detective Unit.
7. In 1974 obtained my Associates Degree in Criminal Justice from Palmer College.
8. In 1975 I obtained my Associates Degree in Police Administration and Corrections Administration from Midlands Technical College where I received a double major.
9. In 1975 I began classes at the University of South Carolina to seek a Bachelor's Degree in Criminal Justice.
10. In March of 1975 I became the Chief Investigator for the Fifth Judicial Circuit Solicitor's Office under Solicitor James C. Anders. At this time, I also was the Special Investigator for the Fifth Judicial Circuit Solicitor's Grand Jury covering Richland County and Kershaw County.
11. In 1976 I graduated from the FBI Prosecutor Investigative School.
12. In 1976 I formed a Fugitive Squad and White Collar Crime Division of the Fifth Judicial Circuit Solicitor's Office for Richland and Kershaw Counties.
13. In 1977 I graduated from the FBI Academy Quantico, Virginia, Class 111.
14. In 1977 I received a Master's in Firearms from the FBI Academy.
15. I served as the Lexington County Deputy Coroner from 1988 to 1993 under Harry Harmon.
16. I was elected and served in the South Carolina House of Representatives from 1994 to 2000 and served on the Judiciary Committee and was appointed by Speaker Wilkens as the first Freshman non-lawyer in modern history.
17. I was co-author for the CWP along with Representative Young. We wrote the bill and it was passed into law.

18. I served on the South Carolina House of Representatives Judiciary Committee Special Laws Subcommittee in 1995 to 2000 and later became Vice Chair of the Judiciary Committee.

19. I began process serving in 1980 to present.

20. I received the South Carolina Crime Victims Award in 1995, 1996, 1997, and 2007.

21. I was named the South Carolina House of Representatives Freshman Legislator of the Year in 1996.

22. I served on the South Carolina Senate Rules Committee from 1998 to 2002.

23. I received the Lexington County Sheriff's Award in 2001.

24. I was elected to the South Carolina Senate in April 2002 where I served on the Judiciary Committee until to 2012. During this time I severed on the Judicial Merit Selection Committee. I also served on the South Carolina Senate Rules Committee as Chairman.

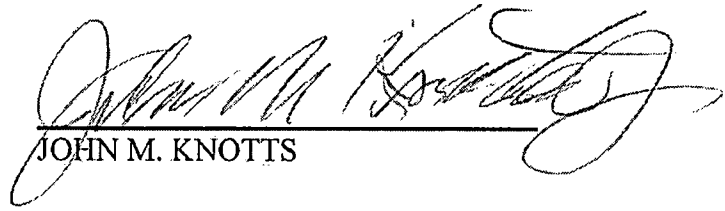
25. Through my positions, experience, and training, I am well-versed in the law enforcement procedures and protocols for dealing with juveniles and child custody cases.

26. During my time serving as a Law Enforcement Officer and on the Judiciary Committee in both the South Carolina Senate and House, I dealt with enforcing and drafting laws regarding the South Carolina Department of Social Services and protocols.

27. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt.

(Signature on the following page)

FURTHER, Affiant sayeth not.



JOHN M. KNOTTS

SWORN to before me this 27th
day of June, 2022.

Diane M. L. Corley (SBAL)

Print: Diane M. L. Corley
Notary Public for South Carolina
My Commission Expires: 3-29-28

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Lisa Wallas,)
)
 Plaintiff,)
)
 v.)
)
 Richland County Sheriff's Department, South)
 Carolina Department of Social Services,)
 Richland County Department of Social)
 Services, and Casey Elizabeth Signorino,)
)
 Defendants.)
)

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2021-CP-40-01484

NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT ON BEHALF OF DEFENDANTS RCSD AND SIGNORINO

[PRIORITY MATTER PURSUANT TO RULE 40(a)(2), SCRPC]

TO: S. JAHUE MOORE, ESQ. AND BRYAN C. LETTEER, ESQ., ATTORNEYS FOR THE PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that the undersigned attorneys for the Defendants Richland County Sheriff's Department ("RCSD") and Casey Elizabeth Signorino will move before the Presiding Judge of the Fifth Judicial Circuit at the Richland County Judicial Center, Columbia, South Carolina, at such time and place as may be set by the Court, for an order, pursuant to Rule 56, SCRPC, granting summary judgment to these Defendants and dismissing with prejudice the causes of actions set forth in the Plaintiff's Complaint. These Defendants' motion is based upon the following grounds:

1. These Defendants are entitled to absolute sovereign immunity under S.C. Code Ann. § 15-78-60(1).
2. These Defendants are entitled to absolute sovereign immunity under S.C. Code Ann. § 15-78-60(2).

3. These Defendants are entitled to absolute sovereign immunity under S.C. Code Ann. § 15-78-60(3).

4. These Defendants are entitled to absolute sovereign immunity under S.C. Code Ann. § 15-78-60(4).

5. These Defendants are entitled to absolute sovereign immunity under S.C. Code Ann. § 15-78-60(5).

6. These Defendants are entitled to absolute sovereign immunity under S.C. Code Ann. § 15-78-60(6).

7. These Defendants are entitled to absolute sovereign immunity under S.C. Code Ann. § 15-78-60(20).

8. These Defendants are entitled to absolute sovereign immunity under S.C. Code Ann. § 15-78-60(23).

9. Dismissing the first, second and fourth causes of action for negligence and/or gross negligence as the Plaintiff has failed to state a claim since South Carolina law does not recognize a cause of action for a negligent investigation or negligent seizure on the part of a law enforcement officer. Moreover, casual statements, representations as to matters of law, or matters that the Plaintiff could ascertain on her own in the exercise of due diligence are not actionable.

10. Dismissing the third cause of action for a due process violation since there is no statutory scheme in South Carolina which enables a citizen to bring a private right of action for civil damages under the state constitution.

11. Dismissing the fifth cause of action in the Plaintiff's Complaint on the basis that these Defendants do not owe a fiduciary duty to the Plaintiff and the claim of a breach of a fiduciary duty should be dismissed as a matter of law.

12 The Plaintiff's cause of actions against these Defendants are barred by application of the public duty rule.

13. There is no evidence that these Defendants breached any legal duty owed to the Plaintiff.

14. The Plaintiff has failed to state a justiciable claim against these Defendants, and therefore these Defendants must be dismissed.

15. These Defendants are entitled to immunity pursuant to S.C. Code Ann. § 63-7-400 because the Defendant Signorino acted in good faith at all relevant times.

16. The Defendant Signorino alleges that at all relevant times, she was acting within the course and scope of her official duties as a law enforcement officer, pursuant to lawful authority, and therefore is immune from suit pursuant to S.C. Code Ann. §15-78-70(c).

17. Plaintiff's claims against these Defendants are barred pursuant to S.C. Code Ann. §15-78-70(d).

18. Dismissing and/or striking from the Complaint any claims for punitive damages as such damages are not properly recoverable under the common laws of the State of South Carolina or the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-120(b) (1976) as amended.

19. The Defendant RCSD is not a legal entity and, therefore, is not amenable to suit and is not the proper party defendant in this case.

20. The Plaintiff's claims are barred by the defense of acquiescence and/or consent.

21. The Defendant RCSD is absolutely immune from the Plaintiff's tort claims pursuant to S.C. Code Ann. §§ 15-78-40 and/or 15-78-50(b) of the South Carolina Tort Claims Act.

22. The Plaintiff has failed to adduce evidence of the requisite elements of her causes of action.

23. The Plaintiff cannot bring the subject Complaint on behalf of the minor child in a representative capacity because there is an irreconcilable conflict between the Plaintiff in her individual capacity and representative capacity.

These Defendants' motion is based upon the pleadings filed in this case; the rules of court; pertinent portions of body worn camera videos dated May 26, 2020 and the deposition transcript of Casey Signorino dated December 8, 2021; and any other matters to be presented to the Court at the time of hearing.

CROWE LAFAVE GARFIELD & BAGLEY

BY: s/Robert D. Garfield
ROBERT D. GARFIELD
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STEVEN R. SPREEUWERS
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Counsel for Defendants RCSD and Signorino

Columbia, South Carolina

June 13, 2022

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

C.A. No.: 2021-CP-40-01484

Lisa Wallas,)
)
)
Plaintiff,)
)
vs.)

Richland County Sheriff's Department,)
South Carolina Department of Social)
Services, Richland County Department)
of Social Services, and)
Casey Elizabeth Signorino,)
)
)
Defendants.)
)

**NOTICE OF MOTION FOR
SUMMARY JUDGEMENT**

TO: ROBERT D. GARFIELD, ESQUIRE; STEVEN R. SPREEUWERS, ESQUIRE,
COUNSEL FOR THE DEFENDANTS, RICHLAND COUNTY SHERIFF'S
DEPARTMENT, CASEY ELIZABETH SIGNORINO:

YOU WILL PLESAE TAKE NOTICE that the undersigned as counsel for the Plaintiff
hereby moves for an Order granting Summary Judgement in favor of the Plaintiff.

The Plaintiff Lisa Wallas is the mother of a young child who is approximately 16 years of
age. Ainsley Wallas is the child of Lisa Wallas.

The child ran away from home and was ultimately taken into the possession of the
Sheriff's Department. The Sheriff's Department did not notify DSS as is required by law but
rather took it upon itself to place the child with a non-custodial parent.

Under South Carolina law, DSS is charged with investigating, prosecuting and
adjudicating issues related to the safety of children or the removal from the custody of parents.
DSS is given the assistance of law enforcement but it is not the job of law enforcement to place a
child.

In this case, the child was placed without even notifying DSS. The child remained gone

for weeks from the custodial parent.

Richland County Sheriff's Department was only authorized to take the child to emergency protective custody and to transport the child to a location agreed upon by DSS. As DSS was never notified, there is a clear violation of SC Code section 63-7-620 (b)(2).

In short, the Sheriff's Department violated South Carolina Law which as a matter of law is actionable and equates to gross neglect. There is simply no legitimate excuse as to why DSS was not notified and involved with the placement of this child.

No 72 hour hearing was ever had because the Sheriff's Department did not report the matter to DSS. The Probable Cause Hearing required by the Code indicates that a hearing must be had within seventy-two (72) hours to establish probable cause. No such hearing ever took place.

The procedure were not followed and were ignored by the Sheriff's Department. Liability should be granted as a matter of Law.

MOORE BRADLEY MYERS LAW FIRM, P.A.

BY: s/ S. Jahue Moore

S. Jahue Moore (SC Bar #4063)

Post Office Box 5709

West Columbia, South Carolina 29171

Phone: (803) 796-9160

Fax: (803) 791-8410

jake@mbmlawsc.com

Attorney for Plaintiff

May 12, 2022

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Lisa Wallas,

Plaintiff,

vs.

Richland County Sheriff's Department, South Carolina Department of Social Services, Richland County Department of Social Services, and Casey Elizabeth Signorino,

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

C.A. No. 2021-CP-40-01484

STIPULATION OF DISMISSAL

PURSUANT TO RULE 41(a)(1), S.C.R.C.P., Plaintiff Lisa Wallas and Defendants South Carolina Department of Social Services and Richland County Department of Social Services, by and through their undersigned counsel, hereby stipulate to dismiss all causes of action with prejudice against Richland County Department of Social Services and South Carolina Department of Social Services, with each party to bear its own attorney's fees, costs and expenses.

WE SO STIPULATE:

BOYKIN & DAVIS, LLC

By: s/Tierney F. Goodwyn

Charles J. Boykin (SC Bar #65149)
Kenneth A. Davis (SC Bar #66416)
Tierney F. Goodwyn (SC Bar #102035)

Post Office Box 11844
Columbia, SC 29211
(803)254-0707

cjboykin@boykinlawsc.com
kdavis@boykinlawsc.com
tgoodwyn@boykinlawsc.com

Attorneys for Defendants S.C D.S.S and Richland County D.S.S

April 4, 2022
Columbia, South Carolina

WE SO STIPULATE:

MOORE BRADLEY MYERS LAW FIRM

By: s/S. Jahue Moore

S. Jahue Moore (SC Bar #4063)
Bryan C. Letteer (SC Bar #78700)

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West Columbia, SC 29171
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jake@mbmlawsc.com
bryan@mbmlawsc.com

Attorneys for Plaintiff

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Lisa Wallas,

Plaintiff,

vs.

Richland County Sheriff's Department, South
Carolina Department of Social Services,
Richland County Department of Social
Services, and Casey Elizabeth Signorino,

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

C.A. No. 2021-CP-40-01484

**DEFENDANTS SOUTH CAROLINA
DEPARTMENT OF SOCIAL SERVICES'
AND RICHLAND COUNTY
DEPARTMENT OF SOCIAL SERVICES
MEMORANDUM IN SUPPORT OF ITS
MOTION TO DISMISS**

INTRODUCTION

Defendants, South Carolina' Department of Social Services and Richland County Department of Social Services (hereinafter collectively referred to as "DSS"), by and through their undersigned counsel, hereby submits this Memorandum of Law in Support of its Motion to Dismiss in the above-captioned action. Plaintiff has failed to state facts sufficient to constitute a cause of action for her claims of abuse of process, malicious prosecution, negligence, and breach of fiduciary duty arising from the removal of her daughter from Plaintiff's custody and investigation into allegations of abuse and neglect.

FACTUAL BACKGROUND

DSS is a State agency charged with the investigation of child abuse and/or neglect throughout the State, among other things. Richland County DSS is a local office located in Richland County, South Carolina. The dispute at issue in this case arises from DSS's investigation of suspected child abuse of a minor Plaintiff.

Plaintiff Lisa Wallas is the mother of minor child, Ainsley Wallas. (Amend. Compl., ¶¶ 8-9). According to the Complaint, Plaintiff had primary custody of Ainsley and the father, Terry Wallas, had visitation rights as set forth in a Family Court Order. (Amend. Compl., ¶ 10).

As alleged in the Complaint, on or about May 22, 2020, Plaintiff reported Ainsley as a runaway. (Amend. Compl., ¶ 11). Plaintiff contends in her Complaint, on May 26, 2020, Deputy Casey Signorino of the Richland County Sheriff's Department, refused to return Ainsley to Plaintiff and gave Plaintiff two choices: put the Plaintiff in foster care or place Ainsley with a friend or relative. (Amend. Compl., ¶ 12). Plaintiff alleges that she suggested placing Ainsley with the father as Deputy Signorino did not give her any other options. (Amend. Compl., ¶ 13). Thereafter, Ainsley was placed with the father. *Id.* Plaintiff alleges that Deputy Signorino advised Plaintiff that she would be investigated by DSS. (Amend. Compl., ¶¶ 13-14). The Complaint asserts that "on or about June 3, 2020, Plaintiff contacted Richland County DSS in regards to her child. Richland County DSS was not notified by Officer Signorino or any other individual from Richland County Sherriff's Department as required per S.C. Code Section 63-7-630." (Amend. Compl., ¶ 16).

On April 27, 2021, Plaintiff filed this Complaint against DSS, the Richland County Sheriff's Department, and Deputy Casey Signorino on April 27, 2021, asserting claims of abuse of process, malicious prosecution, negligent, and breach of fiduciary duty. In the Complaint, Plaintiff alleges that the Defendants were "grossly negligent, willful, wanton, and careless in the investigation of the reported incident, in the treatment of the Plaintiff and her child, and in the removal of the child from the Plaintiff's custody." (Amend. Compl., ¶ 16). Plaintiff filed an identical complaint on behalf of the minor child Ainsley Wallas. On May 28, 2021, DSS filed

motions to dismiss both actions and to consolidate the cases as both actions involve substantially the same subject matter, parties, issues, and defenses.

STANDARD OF REVIEW

In deciding a motion to dismiss pursuant to 12(b)(6), SCRCP, the trial court should consider only the allegations set forth on the face of the plaintiff's complaint. Plyer v. Burns, 373 S.C. 637, 644 (2007) (citing Stiles v. Onorato, 318 S.C. 297, 300 (1995)). “The motion will not be sustained if the facts alleged and the inferences reasonably 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 (2001) (citing Brown v. Leverette, 291 S.C. 364, 353 S.E.2d 697 (1987)). The question to be considered is whether, in the light most favorable to the plaintiff, the pleadings articulate any valid claim for relief. Toussaint v. Ham, 292 S.C. 415, 416 (1987)).

ARGUMENT

I. PLAINTIFF’S CLAIM FOR ABUSE OF PROCESS SHOULD BE DISMISSED AGAINST DSS AS SHE HAS FAILED TO SUFFICIENTLY PLEAD ANY FACTS THAT DSS TOOK ANY ACTION THAT WAS NOT PROPER IN THE REGULAR COURSE OF AN INVESTIGATION.

In South Carolina, to establish a claim of abuse of process, a plaintiff must prove: (1) an ulterior purpose, and (2) a willful act in the use of the process that is not proper in the regular conduct of the proceeding. Swicegood v. Lott, 379 S.C. 346 (Ct. App. 2008). An abuse of process claim concerns the employment of the legal process for some purpose other than that which it was intended by the law to affect. “The improper purpose element of an abuse of process claim usually takes the form of coercion to obtain a collateral advantage, not properly involved in the proceeding itself.” Id. “The willful act element consists of three components: (1) a willful or overt act; (2) in

the use of the process; (3) that is improper because it is either (a) unauthorized or (b) aimed at an illegitimate collateral objective." See Pallares v. Seinar, 407 S.C. 359, 371 (2014).

Here, the Complaint asserts that "Deputy Casey Signorino of the Richland County Sheriff's Department, refused to return Ainsley to Plaintiff and gave Plaintiff two choices: put the Plaintiff in foster care or place Ainsley with a friend or relative." (Amend. Compl., ¶ 12). Plaintiff has failed to plead any facts that DSS took any action to remove the minor child from Plaintiff's custody or took any action that was not proper in the regular course of DSS conducting an investigation. "A complaint which neglects to allege a perversion or misuse of the process by omitting facts necessary to show an improper willful act in the use of the process has not stated a cause of action for abuse of process and fails as a matter of law." Food Lion, Inc., v. United Food & Commer. Workers Int'l, 351 S.C. 65 (Ct. App. 2002). Accordingly, Plaintiff's abuse of process claim against DSS should be dismissed.

II. THIS COURT SHOULD DISMISS PLAINTIFF'S MALICIOUS PROSECUTION CLAIM AGAINST DSS AS SHE HAS FAILED TO SUFFICIENTLY PLEAD FACTS THAT DSS ACTED WITH MALICE IN INSTITUTING AN INVESTIGATION OR LACKED PROBABLE CAUSE TO CONDUCT AN INVESTIGATION.

To maintain an action for malicious prosecution, plaintiff must establish: (1) the institution or continuation of original judicial proceedings; (2) by or at the instance of the defendant; (3) termination of such proceedings in plaintiff's favor; (4) malice in instituting such proceedings; (5) lack of probable cause; and (6) injury to the plaintiff. Law v. S.C. Dep't of Corrections, 368 S.C. 424 (2006). Malice is the deliberate intentional doing of a wrongful act without just cause or excuse." McBride v. Sch. Dist. of Greenville Cnty., 389 S.C. 546 (Ct. App. 2010). Malice may be inferred from the lack of probable cause to institute the prosecution. See Law, 368 at 437.

As stated above, Plaintiff has failed to plead any facts that DSS took any action to remove the minor Plaintiff from Plaintiff's custody. In fact, the Plaintiff asserts that when she contacted DSS, DSS had not been notified of the issue. (See Amend. Compl., ¶ 16). Further, Plaintiff fails to allege any facts against DSS that it acted with malice in conducting its investigation or lacked probable cause to conduct an investigation. As such, Plaintiff's claim for malicious prosecution against DSS should be dismissed.

III. EVEN CONSIDERING THE FACTS PLEAD IN THIS CASE AS TRUE, PLAINTIFF CANNOT ESTABLISH THAT DSS OWES HER A LEGAL DUTY TO SUPPORT HER CLAIM FOR GROSS NEGLIGENCE OR BREACH OF FIDUCIARY DUTY.

A. To maintain a claim for negligence duty against DSS, Plaintiff must establish that DSS owes her a special duty.

Because Plaintiff has not and cannot plead any legal duty owed to her by DSS, Plaintiff's gross negligence claim against DSS fails as a matter of law.

In order to support her gross negligence claim, Plaintiff is required to show that: (1) DSS owed her a duty; (2) DSS breached this duty in failing to exercise a slight degree of care; (3) Plaintiff was injured, and (4) DSS's breach of duty proximately caused this injury. Rice v. Sch. Dist., 317 S.C. 87, 93, 452 S.E.2d 352, 355 (Ct. App. 1994).

"An essential element in a cause of action based upon negligence is the existence of a legal duty of care owed by the defendant to the plaintiff. Without a duty, there is no actionable negligence. The existence of a duty owed is a question of law for the courts." Doe v. Greenville County Sch. Dist., 375 SC 63, 72, 651 S.E.2d 305, 309 (2007).

Generally, there is no affirmative duty to act; however, a duty to act may be established by statute, contract, status, property interest, or some other special circumstance. Vaughan v. Town of Lyman, 370 S.C. 436, 635 S.E.2d 631 (2006). "[G]enerally statutes which create or define the

duties of a public office create no duty of care towards individual members of the public.” Arthurs v. Aiken County, 346 S.C. 97, 106, 551 S.E.2d 579, 582 (2001). Accordingly, officials performing acts pursuant to their statutory duties are immune from a private cause of action under the “public duty rule.” Jensen v. Anderson County Dep’t of Social Services, 304 S.C. 195, 199, 403 S.E.2d 615, 617 (1991). An exception to the general rule exists when the statutory duty is owed to individuals rather than the public at large. Id. However, courts in this State are reluctant to find that statutes involving official actions create a special duty. Arthurs 346 S.C. at 106, 551 S.E.2d at 127.

In this case, Plaintiff alleges that DSS was grossly negligent in conducting its investigation and in the removal of the minor Plaintiff from Plaintiff’s custody. (Amend. Compl. ¶ 16). To succeed on Plaintiff’s individual claim of negligence, Plaintiff must prove the existence of a special duty owed to her by DSS.

In adjudicating whether the statutes which govern DSS’s investigation into reports of abuse and neglect created a special duty, the South Carolina Supreme Court found “a special duty on the local child protection agency and its social workers to investigate and intervene in cases where child abuse has been reported,” that is owed to the children who are the subject of reports of abuse. Jensen, 304 S.C. at 203, 403 S.E.2d at 619. However, no appellate court has extended this special duty arising in abuse and neglect cases to individuals other than the minor children. Furthermore, the analysis of the legal test for establishing special duty demonstrates that no special duty exists as to a parent of a minor child, such as Plaintiff.

A plaintiff seeking to establish that she is owed a special duty by virtue of a statute must show: (1) an essential purpose of the statute is to protect against a particular type of harm; (2) the statute, either directly or indirectly, imposes on a specific public officer a duty to guard against or

not cause that harm; (3) the class of persons the statute intends to protect is identifiable before the fact; (4) the plaintiff is a person within the protected class; (5) the public officer knows or has reason to know of the likelihood of harm to members of the class if he or she fails to do his or her duty; and (6) the officer is given sufficient authority to act in the circumstances or he undertakes to act in the exercise of his or her office. Jensen, 304 S.C. at 200, 403 S.E.2d at 617.

In deciding Jensen, the Supreme Court determined that “[t]he essential purpose of [the statutes governing DSS’s investigations of reports of abuse or neglect] is to protect abused children when their cases have been reported to DSS officials.” Jensen, 304 S.C. at 200, 403 S.E.2d at 618. Thus, the “class of persons the statute intends to protect” consists of the children who are the subject of reports of abuse and neglect. Jensen, 304 S.C. at 200, 403 S.E.2d at 617.

In applying the above-referenced special duty test to Plaintiff’s individual claim, it is clear that the abuse and neglect statutes do not create a special duty between DSS and Plaintiff in her individual capacity as a parent. Specifically, Plaintiff cannot establish that she is “a person within the protected class” the statute intends to protect as she is not a minor about whom a report of abuse or neglect has been made.

Because Plaintiff is not a member of the class of persons the statute intends to protect, she cannot establish that the child protection statutes which govern DSS investigations create a special duty to her individually. As Plaintiff cannot establish a legal duty owed to her by DSS, her claim for gross negligence must fail.

IV. PLAINTIFF’S CLAIM FOR BREACH OF FIDUCIARY DUTY AGAINST DSS SHOULD BE DISMISSED BECAUSE DSS DOES NOT OWE A FIDUCIARY DUTY TO PLAINTIFF.

To establish a claim for breach of fiduciary duty plaintiff must show (1) the existence of a fiduciary relationship, (2) breach of the duty, and (3) harm. Whether a fiduciary relationship exists

is a question for the court. Hendrick v. Clemson Univ., 353 S.C. 449, 459 (2003). “The Court has historically reserved imposition of fiduciary duties to legal or business settings.” Id. (declining to recognize relationship between an advisor or student as a fiduciary one).

Plaintiff asserts in her Complaint that “Defendants had a fiduciary duty to the Plaintiff to properly investigate the matter between the Plaintiff and [the minor child] due to their government obligations. (Amend. Compl., ¶ 31). Plaintiff asserts that Defendants breached this duty by “removing the minor child from Plaintiff’s care without following proper codes and procedures.” (Amend. Compl., ¶ 32). As stated above, the child protection statutes do not impose a legal duty by DSS to persons outside of the protected class of persons (i.e., children the subject of report of abuse and/or neglect). Further, there was no action taken by DSS regarding removal or placement of the minor child. Rather, Deputy Signorino, Plaintiff, and Mr. Wallas agreed to the minor child’s placement pending investigation.

As such Plaintiff’s claim for breach of fiduciary duty against DSS should be dismissed.

V. PLAINTIFF’S CLAIMS FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS SHALL BE DISMISSED BECAUSE PLAINTIFF FAILED TO PLEAD FACTS SHOWING DSS TOOK ANY ACTION IN THIS CASE AND BECAUSE DSS IS IMMUNE FROM LIABILITY PURSUANT TO THE SOUTH CAROLINA TORT CLAIMS ACT FOR ALLEGED INTENTIONAL ACTS.

Plaintiff has failed to plead any facts alleging that DSS took any action in this case. Accordingly, Plaintiff’s claim for intentional infliction of emotional distress should be dismissed.

Further, even if facts were alleged that DSS took some action in this case, S.C. Code Ann. § 15-78-30(f) defines a “loss” for which a suit may be based against a State agency as follows:

bodily injury, disease, death, or damage to tangible property, including lost wages and economic loss to the person who suffered the injury, disease, or death, pain and suffering, mental anguish, and any other element of actual damages recoverable in actions for negligence, but does not include the intentional infliction of emotional harm. (Emphasis added).

See also Trask v. Beaufort County, 392 S.C. 560 (2011). Accordingly, by statute, the intentional infliction of emotional distress claim can never be alleged against DSS and thus the claim in this case should be dismissed.

CONCLUSION

For the reasons stated above, Defendants respectfully request that this Court dismiss with prejudice Plaintiff's Amended Complaint entirely, or such claims individually as it sees fit in accordance with Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

Respectfully submitted,

BOYKIN & DAVIS, LLC

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Attorneys for Defendants

January 20, 2022
Columbia, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

Lisa Wallas,)
)
)
Plaintiff,)
)
vs.)
)
Richland County Sheriff's Department,)
South Carolina Department of Social)
Services, Richland County Department)
of Social Services, and)
Casey Elizabeth Signorino,)
)
)
Defendants.)
_____)

IN THE COURT OF COMMON PLEAS
C.A. No.: 2021-CP-40-01484

**NOTICE OF MOTION TO COMPEL
PRODUCTION**

TO: ROBERT D. GARFIELD, ESQUIRE; STEVEN R. SPREEUWERS, ESQUIRE;
TIERNEY F. DUKES, ESQUIRE; CHARLES J. BOYKIN, ESQUIRE;
COUNSEL FOR THE DEFENDANTS:

YOU WILL PLESAE TAKE NOTICE that the undersigned hereby moves before the court for the production of the body camera and/or body recording material which was in the possession and operating with the officer at the time the child was taken into protective custody.

The undersigned also moves for an Order of the court striking the Defendants Answer if in fact the evidence has been destroyed.

If the evidence has been destroyed, the undersigned moves before the court for an Order requiring the Defendants to provide an explanation for the destruction and as to the name or names of the individual or individuals responsible for the destruction of such critical evidence.

The undersigned further shall move before the court for an Order requiring the production of the entire DSS file on the matter. Any matters privileged according to law certainly may be redacted but the Plaintiff should be entitled to all information related to the file.

(Signature block on following page)

MOORE BRADLEY MYERS LAW FIRM, P.A.

BY: s/ S. Jahue Moore

S. Jahue Moore (SC Bar #4063)

Post Office Box 5709

West Columbia, South Carolina 29171

Phone: (803) 796-9160

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jake@mbmlawsc.com

Attorney for Plaintiff

December 13, 2021

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS)

COUNTY OF RICHLAND)

Civil Action No.: 2021-CP-40-01484)

Lisa Wallas,)

Plaintiff,)

**SECOND AMENDED ANSWER
TO AMENDED COMPLAINT ON
BEHALF OF DEFENDANTS RCSD
AND SIGNORINO**

v.)

(Jury Trial Demanded)

Richland County Sheriff's Department, South)
Carolina Department of Social Services,)
Richland County Department of Social)
Services, and Casey Elizabeth Signorino,)

Defendants.)

The Defendants Richland County Sheriff's Department ("RCSD") and Casey Elizabeth Signorino hereby answer the Amended Complaint of the Plaintiff as follows:

FOR A FIRST DEFENSE

1. The Amended Complaint fails to state facts sufficient to constitute a cause of action. These Defendants reserve its right to file a motion pursuant to Rule 12(b)(6), SCRPC, and/or Rule 12(c), SCRPC.

FOR A SECOND DEFENSE

2. These Defendants are immune from suit pursuant to pertinent portions of the South Carolina Tort Claims Act, South Carolina Code Ann. § 15-78-10, *et seq.*, and specifically, § 15-78-60 (1), (2), (3), (4), (5), (6), (20), and (23).

FOR A THIRD DEFENSE

3. These Defendants deny each and every allegation of the Amended Complaint not hereinafter specifically admitted, qualified, or explained.

4. That as to Paragraph One (1), these Defendants lack sufficient information upon which to form a belief as to the truth and veracity of same, and therefore, deny same and demand strict proof thereof.

5. That as to Paragraph Two (2), these Defendants deny that the RCSD is a legal entity of the State, but assert that the proper entity is the Sheriff of Richland County in his official capacity and that his office constitutes a governmental entity as set forth pursuant to the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, *et seq.* and is under the jurisdiction of said Act. Except as stated herein, these Defendants deny same and demand strict proof thereof.

6. Paragraphs Three (3) and Four (4) contain allegations against other Defendants, and therefore, requires no response by these Defendants. To the extent that these paragraphs contain factual allegations against these Defendants, these Defendants deny same and demand strict proof thereof.

7. That as to Paragraph Five (5), these Defendants admit that at all times herein, the Defendant Signorino was acting within the scope of her official duties as a police officer and employee with the RCSD.

8. Paragraph Six (6) is jurisdictional in nature upon information and belief and require no response by these Defendants. Further answering, these Defendants crave reference to S.C. Code Ann. § 15-78-100(b), *et seq.* as it pertains to the appropriate jurisdiction and/or venue.

9. That as to Paragraph Seven (7), while these Defendants acknowledge that they are being sued pursuant to the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, *et seq.*, these Defendants expressly deny that any of the Plaintiff's claims against them are meritorious.

10. That as to Paragraph Eight (8), these Defendants only admit upon information and belief that the child in this case, Ainsley Wallas has not yet reached the age of majority.

11. That as to Paragraphs Nine (9), Ten (10), and Eleven (11), these Defendants lack sufficient information upon which to form a belief as to the truth and veracity of same, and therefore, deny same and demands strict proof thereof. Further answering, these Defendants crave reference to any and all Family Court orders for the most accurate information of what is contained therein.

12. That as to Paragraphs Twelve (12), Thirteen (13), Fourteen (14), and Fifteen (15), these Defendants deny same as stated and demand strict proof thereof.

13. That as to Paragraphs Seventeen (17), Twenty-one (21), Twenty-six (26), and Thirty (30), these Defendants reassert and reallege all previous allegations and defenses.

14. That as to Paragraphs Sixteen (16), Eighteen (18), Nineteen (19), Twenty (20), Twenty-two (22), Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), Thirty-one (31), Thirty-two (32), and Thirty-three (33), these Defendants deny same in its entirety and demand strict proof thereof.

15. Any and all allegations inconsistent with the foregoing are denied. Further, these Defendants assert that the Plaintiff is not entitled to the relief requested in the Amended Complaint, or any other relief against the Defendant.

FOR A FOURTH DEFENSE

16. The Defendant Richland County Sheriff's Department (RCSD) is not a legal entity and, therefore, is not amenable to suit and is not the proper party defendant in this case.

FOR A FIFTH DEFENSE

17. The Defendant Signorino alleges that at all relevant times, she was acting within the course and scope of her official duties as a law enforcement officer, pursuant to

lawful authority, and therefore is immune from suit pursuant to the South Carolina Tort Claims Act, South Carolina Code Ann. §15-78-70(c).

FOR A SIXTH DEFENSE

18. These Defendants allege that they are immune from suit and liability under the doctrine of sovereign immunity.

FOR A SEVENTH DEFENSE

19. These Defendants are entitled to immunity under *Long v. Seabrook* and its progeny.

FOR AN EIGHTH DEFENSE

20. These Defendants allege that at all times herein RCSD employees were acting within the course and scope of their employment in a discretionary manner, in good faith, without bad faith or malicious motives in the performance of their official duties, and therefore, these Defendants are immune from suit.

FOR A NINTH DEFENSE

21. These Defendants, upon information and belief, allege that any injuries or damages allegedly suffered by the Plaintiff, without admitting same to be true, were due to and caused entirely by the negligence of the Plaintiff, which is more than these Defendants' negligence, and that such is a complete bar to the Plaintiff's recovery herein. Further, these Defendants, upon information and belief, allege that if the Plaintiff's negligence was less than these Defendants' negligence, that such negligence should be compared to that negligence of these Defendants, so as to apportion the relative fault as to each party.

FOR A TENTH DEFENSE

22. These Defendants allege, upon information and belief, that any injury or damages alleged in the Plaintiff's Amended Complaint were due to, occasioned by, or caused by intervening acts of omission or commission on the part of someone other than these

Defendants, without which acts and/or omissions the Plaintiff would not have sustained any injuries or damages as are set forth in the Plaintiff's Amended Complaint, all of which these Defendants plead as a bar to this action.

FOR AN ELEVENTH DEFENSE

23. These Defendants assert the Public Duty Rule as a bar to the Plaintiff's allegations, in whole or in part.

FOR A TWELFTH DEFENSE

24. The Plaintiff's claims against these Defendants are not ripe for adjudication.

FOR A THIRTEENTH DEFENSE

25. The Plaintiff has failed to mitigate her damages, thereby barring her recovery in whole or in part.

FOR A FOURTEENTH DEFENSE

26. The Plaintiff is barred from asserting any legal claims because she has failed to fully exhaust any and all existing and available administrative remedies.

FOR A FIFTEENTH DEFENSE

27. The Plaintiff's claims are barred by the doctrines of estoppel, unclean hands, laches, and waiver.

FOR A SIXTEENTH DEFENSE

28. The Plaintiff has failed to state a justiciable claim against these Defendants, and therefore these Defendants must be dismissed.

FOR A SEVENTEENTH DEFENSE

29. The Plaintiff's claim is barred and/or mitigated by the defense of acquiescence and/or consent.

FOR AN EIGHTEENTH DEFENSE

30. These Defendants assert the defense of sovereign immunity, pursuant to the terms of the South Carolina Tort Claims Act, including but not limited to the definition of "loss" as set forth in S.C. Code Ann. § 15-78-30(f), the damages caps set forth in S.C. Code Ann. § 15-78-120, and the bar on the recovery of punitive damages, pre-judgment interest, and attorney's fees.

FOR A NINETEENTH DEFENSE

31. The Defendant RCSD is absolutely immune from the Plaintiff's tort claims pursuant to S.C. Code Ann. §§ 15-78-40 and/or 15-78-50(b) of the South Carolina Tort Claims Act.

FOR A TWENTIETH DEFENSE

32. These Defendants assert that damages for emotional or mental distress cannot be recovered for the actions as alleged in the Amended Complaint.

FOR A TWENTY-FIRST DEFENSE

33. These Defendants would also assert that the Plaintiff's claims and the damages sought in the Amended Complaint are all barred by the public policy of the State of South Carolina.

FOR A TWENTY-SECOND DEFENSE

34. These Defendants allege that they are entitled to sovereign immunity for all claims for punitive damages. Punitive damages are not recoverable under 42 U.S.C. § 1983 against the Sheriff of Richland County, as an entity, pursuant to *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 101 S.Ct. 2748 (1981).

FOR A TWENTY-THIRD DEFENSE

35. These Defendants allege that any damages alleged to have been caused by any tortfeasors, which are specifically denied, must be apportioned between these

Defendants and all other tortfeasors, pursuant to S.C. Code Ann. § 15-78-100(c) and/or S.C. Code Ann. § 15-38-10.

FOR A TWENTY-FOURTH DEFENSE

36. Some of the Plaintiff's claims are brought pursuant to state statutes that do not create a private right of action.

FOR A TWENTY-FIFTH DEFENSE

37. Casual statements, representations as to matters of law, or matters that the Plaintiff could ascertain on her own in the exercise of due diligence are not actionable.

FOR A TWENTY-SIXTH DEFENSE

38. These Defendants are entitled to immunity pursuant to S.C. Code Ann. § 63-7-390 because the Defendant Signorino acted in good faith at all relevant times.

WHEREFORE, having fully answered the Amended Complaint of the Plaintiff, the Defendants Richland County Sheriff's Department ("RCSD") and Casey Elizabeth Signorino pray that the Amended Complaint be dismissed with prejudice, for the costs of this action, and for such other and further relief as the Court deems just and proper.

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Counsel for Defendants RCSD and Signorino

Columbia, South Carolina
July 27, 2021

5. That as to Paragraph Two (2), these Defendants deny that the RCSD is a legal entity of the State, but assert that the proper entity is the Sheriff of Richland County in his official capacity and that his office constitutes a governmental entity as set forth pursuant to the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, *et seq.* and is under the jurisdiction of said Act. Except as stated herein, these Defendants deny same and demand strict proof thereof.

6. Paragraphs Three (3) and Four (4) contain allegations against other Defendants, and therefore, requires no response by these Defendants. To the extent that these paragraphs contain factual allegations against these Defendants, these Defendants deny same and demand strict proof thereof.

7. That as to Paragraph Five (5), these Defendants admit that at all times herein, the Defendant Signorino was acting within the scope of her official duties as a police officer and employee with the RCSD.

8. Paragraph Six (6) is jurisdictional in nature upon information and belief and require no response by these Defendants. Further answering, these Defendants crave reference to S.C. Code Ann. § 15-78-100(b), *et seq.* as it pertains to the appropriate jurisdiction and/or venue.

9. That as to Paragraph Seven (7), while these Defendants acknowledge that they are being sued pursuant to the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, *et seq.*, these Defendants expressly deny that any of the Plaintiff's claims against them are meritorious.

10. That as to Paragraph Eight (8), these Defendants only admit upon information and belief that the child in this case, Ainsley Wallas has not yet reached the age of majority.

11. That as to Paragraphs Nine (9), Ten (10), and Eleven (11), these Defendants lack sufficient information upon which to form a belief as to the truth and veracity of same,

and therefore, deny same and demands strict proof thereof. Further answering, these Defendants crave reference to any and all Family Court orders for the most accurate information of what is contained therein.

12. That as to Paragraphs Twelve (12), Thirteen (13), Fourteen (14), and Fifteen (15), these Defendants deny same as stated and demand strict proof thereof.

13. That as to Paragraphs Seventeen (17), Twenty-one (21), Twenty-six (26), and Thirty (30), these Defendants reassert and reallege all previous allegations and defenses.

14. That as to Paragraphs Sixteen (16), Eighteen (18), Nineteen (19), Twenty (20), Twenty-two (22), Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), Thirty-one (31), Thirty-two (32), and Thirty-three (33), these Defendants deny same in its entirety and demand strict proof thereof.

15. Any and all allegations inconsistent with the foregoing are denied. Further, these Defendants assert that the Plaintiff is not entitled to the relief requested in the Amended Complaint, or any other relief against the Defendant.

FOR A FOURTH DEFENSE

16. The Defendant Richland County Sheriff's Department (RCSD) is not a legal entity and, therefore, is not amenable to suit and is not the proper party defendant in this case.

FOR A FIFTH DEFENSE

17. The Defendant Signorino alleges that at all relevant times, she was acting within the course and scope of her official duties as a law enforcement officer, pursuant to lawful authority, and therefore is immune from suit pursuant to the South Carolina Tort Claims Act, South Carolina Code Ann. §15-78-70(c).

FOR A SIXTH DEFENSE

18. These Defendants allege that they are immune from suit and liability under the doctrine of sovereign immunity.

FOR A SEVENTH DEFENSE

19. These Defendants are entitled to immunity under *Long v. Seabrook* and its progeny.

FOR AN EIGHTH DEFENSE

20. These Defendants allege that at all times herein RCSD employees were acting within the course and scope of their employment in a discretionary manner, in good faith, without bad faith or malicious motives in the performance of their official duties, and therefore, these Defendants are immune from suit.

FOR A NINTH DEFENSE

21. These Defendants, upon information and belief, allege that any injuries or damages allegedly suffered by the Plaintiff, without admitting same to be true, were due to and caused entirely by the negligence of the Plaintiff, which is more than these Defendants' negligence, and that such is a complete bar to the Plaintiff's recovery herein. Further, these Defendants, upon information and belief, allege that if the Plaintiff's negligence was less than these Defendants' negligence, that such negligence should be compared to that negligence of these Defendants, so as to apportion the relative fault as to each party.

FOR A TENTH DEFENSE

22. These Defendants allege, upon information and belief, that any injury or damages alleged in the Plaintiff's Amended Complaint were due to, occasioned by, or caused by intervening acts of omission or commission on the part of someone other than these Defendants, without which acts and/or omissions the Plaintiff would not have sustained any injuries or damages as are set forth in the Plaintiff's Amended Complaint, all of which these

Defendants plead as a bar to this action.

FOR AN ELEVENTH DEFENSE

23. These Defendants assert the Public Duty Rule as a bar to the Plaintiff's allegations, in whole or in part.

FOR A TWELFTH DEFENSE

24. The Plaintiff's claims are, in whole or in part, barred by the Plaintiff's failure to exhaust her state law and/or administrative remedies.

FOR A THIRTEENTH DEFENSE

25. The Plaintiff's claims are, in whole or in part, barred based upon the defense of waiver.

FOR A FOURTEENTH DEFENSE

26. The Plaintiff's claims are, in whole or in part, barred based upon the defense of estoppel.

FOR A FIFTEENTH DEFENSE

27. The Plaintiff's claims against these Defendants are not ripe for adjudication.

FOR A SIXTEENTH DEFENSE

28. The Plaintiff has failed to mitigate his damages, thereby barring his recovery in whole or in part.

FOR A SEVENTEENTH DEFENSE

29. The Plaintiff is barred from asserting any legal claims because she has failed to fully exhaust any and all existing and available administrative remedies.

FOR AN EIGHTEENTH DEFENSE

30. The claims asserted by the Plaintiff against these Defendants are not ripe for adjudication.

FOR A NINETEENTH DEFENSE

31. The Plaintiff has failed to state a justiciable claim against these Defendants, and therefore these Defendants must be dismissed.

FOR A TWENTIETH DEFENSE

32. The Plaintiff's claim is barred and/or mitigated by the defense of consent.

FOR A TWENTY-FIRST DEFENSE

33. These Defendants assert the defense of sovereign immunity, pursuant to the terms of the South Carolina Tort Claims Act, including but not limited to the definition of "loss" as set forth in S.C. Code Ann. § 15-78-30(f), the damages caps set forth in S.C. Code Ann. § 15-78-120, and the bar on the recovery of punitive damages, pre-judgment interest, and attorney's fees.

FOR A TWENTY-SECOND DEFENSE

34. The Defendant RCSD is absolutely immune from the Plaintiff's tort claims pursuant to S.C. Code Ann. §§ 15-78-40 and/or 15-78-50(b) of the South Carolina Tort Claims Act.

FOR A TWENTY-THIRD DEFENSE

35. These Defendants assert that damages for emotional or mental distress cannot be recovered for the actions as alleged in the Amended Complaint.

FOR A TWENTY-FOURTH DEFENSE

36. These Defendants allege that they are entitled to sovereign immunity for all claims for punitive damages. Punitive damages are not recoverable under 42 U.S.C. § 1983 against the Sheriff of Richland County, as an entity, pursuant to *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 101 S.Ct. 2748 (1981).

FOR A TWENTY-FIFTH DEFENSE

37. These Defendants allege that any damages alleged to have been caused by any tortfeasors, which are specifically denied, must be apportioned between these Defendants and all other tortfeasors, pursuant to S.C. Code Ann. § 15-78-100(c) and/or S.C. Code Ann. § 15-38-10.

FOR A TWENTY-SIXTH DEFENSE

38. Some of the Plaintiff's claims are brought pursuant to state statutes that do not create a private right of action.

WHEREFORE, having fully answered the Amended Complaint of the Plaintiff, the Defendants Richland County Sheriff's Department ("RCSD") and Casey Elizabeth Signorino pray that the Amended Complaint be dismissed with prejudice, for the costs of this action, and for such other and further relief as the Court deems just and proper.

CROWE LAFAVE, LLC

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Counsel for Defendants RCSD and Signorino

Columbia, South Carolina

July 27, 2021

5. That as to Paragraph Two (2), these Defendants deny that the RCSD is a legal entity of the State, but assert that the proper entity is the Sheriff of Richland County in his official capacity and that his office constitutes a governmental entity as set forth pursuant to the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, *et seq.* and is under the jurisdiction of said Act. Except as stated herein, these Defendants deny same and demand strict proof thereof.

6. Paragraphs Three (3) and Four (4) contain allegations against other Defendants, and therefore, requires no response by these Defendants. To the extent that these paragraphs contain factual allegations against these Defendants, these Defendants deny same and demand strict proof thereof.

7. That as to Paragraph Five (5), these Defendants generally admit same.

8. Paragraph Six (6) is jurisdictional in nature upon information and belief and require no response by these Defendants. Further answering, these Defendants crave reference to S.C. Code Ann. § 15-78-100(b), *et seq.* as it pertains to the appropriate jurisdiction and/or venue.

9. That as to Paragraph Seven (7), while these Defendants acknowledge that they are being sued pursuant to the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, *et seq.*, these Defendants expressly deny that any of Plaintiff's claims against them are meritorious.

10. That as to Paragraph Eight (8), these Defendants only admit upon information and belief that the child in this case, Ainsley Wallas has not yet reached the age of majority.

11. That as to Paragraphs Nine (9), Ten (10), and Eleven (11), these Defendants lack sufficient information upon which to form a belief as to the truth and veracity of same, and therefore, deny same and demands strict proof thereof.

12. That as to Paragraphs Twelve (12), Thirteen (13), Fourteen (14), and Fifteen (15), these Defendants deny same as stated and demand strict proof thereof.

13. That as to Paragraphs Seventeen (17), Twenty-one (21), Twenty-six (26), and Thirty (30), these Defendants reassert and reallege all previous allegations and defenses.

14. That as to Paragraphs Sixteen (16), Eighteen (18), Nineteen (19), Twenty (20), Twenty-two (22), Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), Thirty-one (31), Thirty-two (32), and Thirty-three (33), these Defendants deny same in its entirety and demand strict proof thereof.

15. Any and all allegations inconsistent with the foregoing are denied. Further, these Defendants assert that the Plaintiff is not entitled to the relief requested in the Amended Complaint, or any other relief against the Defendant.

FOR A FOURTH DEFENSE

16. The Defendant Richland County Sheriff's Department (RCSD) is not a legal entity and, therefore, is not amenable to suit and is not the proper party defendant in this case. Furthermore, these Defendants assert that the proper entity is the Sheriff of Richland County in his official capacity and that his office constitutes a governmental entity as set forth pursuant to the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, *et seq.* and is under the jurisdiction of said Act.

FOR A FIFTH DEFENSE

17. The Defendant Signorino alleges that at all relevant times, she was acting within the course and scope of her official duties as a law enforcement officer, pursuant to lawful authority, and therefore is immune from suit pursuant to the South Carolina Tort Claims Act, South Carolina Code Ann. §15-78-70(c).

FOR A SIXTH DEFENSE

18. These Defendants allege that they are immune from suit and liability under the doctrine of sovereign immunity.

FOR A SEVENTH DEFENSE

19. These Defendants are entitled to immunity under *Long v. Seabrook* and its progeny.

FOR AN EIGHTH DEFENSE

20. These Defendants allege upon information and belief that at all times herein that RCSD employees were acting within the course and scope of their employment in a discretionary manner, in good faith, without bad faith or malicious motives in the performance of their official duties, and therefore, these Defendants are immune from suit.

FOR A NINTH DEFENSE

21. These Defendants, upon information and belief, allege that any injuries or damages allegedly suffered by the Plaintiff, without admitting same to be true, were due to and caused entirely by the negligence of the Plaintiff, which is more than these Defendants' negligence, and that such is a complete bar to the Plaintiff's recovery herein. Further, these Defendants, upon information and belief, allege that if the Plaintiff's negligence was less than these Defendants' negligence, that such negligence should be compared to that negligence of these Defendants, so as to apportion the relative fault as to each party.

FOR A TENTH DEFENSE

22. These Defendants allege, upon information and belief, that any injury or damages alleged in the Plaintiff's Amended Complaint were due to, occasioned by, or caused by intervening acts of omission or commission on the part of someone other than these Defendants, without which acts and/or omissions the Plaintiff would not have sustained any injuries or damages as are set forth in the Plaintiff's Amended Complaint, all of which these

Defendants plead as a bar to this action.

FOR AN ELEVENTH DEFENSE

23. These Defendants assert the Public Duty Rule as a bar to the Plaintiff's allegations, in whole or in part.

FOR A TWELFTH DEFENSE

24. The Plaintiff's claims are, in whole or in part, barred by the Plaintiff's failure to exhaust her state law and/or administrative remedies.

FOR A THIRTEENTH DEFENSE

25. The Plaintiff's claims are, in whole or in part, barred based upon the defense of waiver.

FOR A FOURTEENTH DEFENSE

26. The Plaintiff's claims are, in whole or in part, barred based upon the defense of estoppel.

FOR A FIFTEENTH DEFENSE

27. The Plaintiff's claims against these Defendants are not ripe for adjudication.

FOR A SIXTEENTH DEFENSE

28. These Defendants assert the defense of sovereign immunity, pursuant to the terms of the South Carolina Tort Claims Act, including but not limited to the definition of "loss" as set forth in S.C. Code Ann. § 15-78-30(f), the damages caps set forth in S.C. Code Ann. § 15-78-120, and the bar on the recovery of punitive damages, pre-judgment interest, and attorney's fees.

FOR A SEVENTEENTH DEFENSE

29. These Defendants allege that they are entitled to sovereign immunity for all claims for punitive damages. Punitive damages are not recoverable under 42 U.S.C. § 1983

against the Sheriff of Richland County, as an entity, pursuant to *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 101 S.Ct. 2748 (1981).

FOR AN EIGHTEENTH DEFENSE

30. These Defendants allege, upon information and belief, that any damages alleged to have been caused by these Defendants, which are specifically denied, must be apportioned between these Defendants and other tortfeasors pursuant to § 15-78-100(c) of S.C. Code of Laws as amended.

WHEREFORE, having fully answered the Amended Complaint of the Plaintiff, the Defendants Richland County Sheriff's Department ("RCSD") and Casey Elizabeth Signorino pray that the Amended Complaint be dismissed with prejudice, for the costs of this action, and for such other and further relief as the Court deems just and proper.

CROWE LAFAVE, LLC

BY: s/Robert D. Garfield
ROBERT D. GARFIELD
S.C. Bar No. 6557
Post Office Box 1149
Columbia, South Carolina 29202
T: (803) 999-1225
F: (803) 848-8157
robert@crowelafave.com

Counsel for Defendants RCSD and Signorino

Columbia, South Carolina

June 28, 2021

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
 COUNTY OF RICHLAND)
) C/A No.: 2021-CP-40-01484
 Lisa Wallas,)
)
 Plaintiff,)
)
 vs.)
)
 Richland County Sheriff's Department,) **AFFIDAVIT OF DEFAULT**
 South Carolina Department of Social)
 Services, Richland County Department)
 of Social Services, and Casey)
 Signorino,)
)
 Defendants.)

TO: CASEY SIGNORINO, DEFENDANT ABOVE NAMED:

YOU WILL PLEASE TAKE NOTICE that the undersigned as counsel for the Plaintiff hereby moves for judgment against Casey Signorino by default.

This Motion shall be based upon the fact that you were properly served with pleadings in this case and to date, no responsive pleadings has been received. Plaintiff hereby attaches a filed copy of the Affidavit of Service which proves service upon Defendant.

MOORE TAYLOR LAW FIRM, P.A.

BY: s/ S. Jahue Moore

 S. Jahue Moore (SC Bar #4063)
 Bryan C. Letteer (SC Bar# 78700)
 Post Office Box 5709
 West Columbia, South Carolina 29171
 Phone: (803) 796-9160
 Fax: (803) 791-8410
 jake@mttlaw.com
Attorney for Plaintiff
June 8, 2021

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Lisa Wallas

PLAINTIFF,

vs.

Richland County Sheriff's Office, et al.

DEFENDANT(S).

IN THE COURT OF COMMON PLEAS

C/A NO: 2021-CP-40-01484

AFFIDAVIT OF SERVICE

Service of Process on: Casey Signorino

The undersigned, being first duly sworn, on oath deposes and states: That s(he) is now and at all times herein mentioned a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named above, and is competent to be a witness therein.

Documents Served:

- Summons (Jury Trial Demanded)
- Complaint (Jury Trial Demanded)

This affiant served the above-described documents at 634 Brooks Ave., W. Columbia SC 29169 on the 28th day of April, 2021 at 11:20 AM by delivering 1 copies of same to: Casey Signorino

INDIVIDUAL SERVICE: MET DEFENDANT AT

SUBSTITUTE SERVICE by leaving a copy of the above-described documents at his/her usual place of abode with (relationship/paralegal): a person residing therein of suitable age and discretion who confirmed the Defendant resides at the above address and informed that person of the contents thereof.

CORPORATE OR GOVERNMENT SERVICE by leaving a copy of this process with (Title) , a person authorized to accept service and informed that the person of the contents thereof.

THE DESCRIPTION OF THE PERSON WITH WHOM THE COPY OF THIS PROCESS WAS LEFT IS AS FOLLOWS:
Age 30's Gender Female Race White Height 5.3' Weight 165 Hair Black Glasses Pregnant

Signature of Process Server: The undersigned declares, under penalty of perjury, that the foregoing is true and correct and that he/she is over the age of 18 and is not interested party in this action.

NAME: C. Shawn Muller C Shawn Muller 4/28/2021
Print Signature Date

Notary Public: Subscribed and sworn before me on this 28th day of April in the year of 2021

Personally known to me or identified by the following document:

Notary Public for SOUTH CAROLINA
Commission Expiration: 9/8/2027

Type: _____

Denise M. Muller
Notary Public (Legal Signature)

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Lisa Wallas,

PLAINTIFF,

vs.

Richland County Sheriff's Office; et al.

DEFENDANT(S).

IN THE COURT OF COMMON PLEAS

C/A NO: 2021-CP-40-01484

AFFIDAVIT OF SERVICE

Service of Process Richland County Sherri's Office

The undersigned, being first duly sworn, on oath deposes and states: That s(he) is now and at all times herein mentioned a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action; has the authority to serve pleadings in the State named above, and is competent to be a witness therein.

Documents Served:

- Summons (Jury Trial Demanded)
- Complaint (Jury Trial Demanded)

This affiant served the above-described documents at 1535 Confederate Ave., Columbia SC 29201 on the 28th day of April, 2021 at 9:10 AM by delivering 1 copies of same to: Mary Cowsert

INDIVIDUAL SERVICE: **MET DEFENDANT AT**

SUBSTITUTE SERVICE by leaving a copy of the above-described documents at his/her usual place of abode with (relationship/paralegal): _____ a person residing therein of suitable age and discretion who confirmed the Defendant resides at the above address and informed that person of the contents thereof.

CORPORATE OR GOVERNMENT SERVICE by leaving a copy of this process with Mary Cowsert (Title) Office of General Council and AOS , a person authorized to accept service and informed that the person of the contents thereof.

THE DESCRIPTION OF THE PERSON WITH WHOM THE COPY OF THIS PROCESS WAS LEFT IS AS FOLLOWS:
Age 40's Gender Female Race White Height 5' Weight 140 Hair Black Glasses _____

Signature of Process Server: The undersigned declares, under penalty of perjury, that the foregoing is true and correct and that he/she is over the age of 18 and is not interested party in this action.

NAME: C. Shawn Muller C. SHAWN MULLER 5/19/2021
Print Signature Date

Notary Public: Subscribed and sworn before me on this 19th day of May in the year of 2021
Personally known to me or identified by the following document:

Notary Public for SOUTH CAROLINA
Commission Expiration: 9/8/2027

Type: _____

Denise M. Muller
Notary Public (Legal Signature)

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Lisa Wallas,

Plaintiff,

vs.

Richland County Sheriff's Department, South
Carolina Department of Social Services,
Richland County Department of Social
Services, and Casey Elizabeth Signorion,

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

C.A. No. 2021-CP-40-01484

**DEFENDANT' SOUTH CAROLINA
DEPARTMENT OF SOCIAL SERVICES'
NOTICE OF MOTION AND MOTION
TO DISMISS**

**TO: S. JAHUE MOORE, ESQ. AND BRYAN C. LETTEER, ESQ., ATTORNEYS FOR
THE PLAINTIFF:**

YOU WILL PLEASE TAKE NOTICE that, pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, Defendants South Carolina Department of Social Services and Richland County Department of Social Services (hereinafter "Defendants" or "DSS"), by and through their undersigned counsel, hereby move the Court to dismiss with prejudice Plaintiff's Amended Complaint against Defendants on the following grounds:

1. Plaintiff fails to state sufficient facts to constitute a cause of action for abuse of process under Rule 12(b)(6), SCRCP;
2. Plaintiff fails to state sufficient facts to constitute a cause of action for malicious prosecution under Rule 12(b)(6), SCRCP;
3. Plaintiff fails to state sufficient facts to constitute a cause of action for breach of fiduciary duty under Rule 12(b)(6), SCRCP;
4. Plaintiff fails to state sufficient facts to constitute a cause of action for negligence under Rule 12(b)(6), SCRCP;
5. Plaintiff's claim for gross negligence fails to allege a duty that was breached by the Defendants.

6. Plaintiff's claims fail as a matter of law as Defendants are immune from liability for conducting an investigation of allegations of child abuse and neglect pursuant to S.C. Code Ann. § 63-7-400.

Thus, as set forth in the supporting Memorandum of Law, to be filed at a later date and incorporated herein, Defendants moves the Court for an Order dismissing the case. This motion is based upon the pleadings in this action together with all applicable statutory and case law.

Respectfully submitted,

BOYKIN & DAVIS, LLC

By: s/Tierney F. Dukes

Charles J. Boykin (SC Bar #65149)

Tierney F. Dukes (SC Bar #102035)

P.O. Box 11844

Columbia SC 29211

Telephone: 803-254-0707

Facsimile: 803-254-5609

cjboykin@boykinlawsc.com

tdukes@boykinlawsc.com

Attorneys for Defendants South Carolina
Department of Social Services and Richland County
Department of Social Services

May 28, 2021

Columbia, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Lisa Wallas

PLAINTIFF,

vs.

Richland County Sheriff's Office; et al.

DEFENDANT(S).

IN THE COURT OF COMMON PLEAS

C/A NO: 2021-CP-40-01484

AFFIDAVIT OF SERVICE

Service of Process on: Casey Signorino

The undersigned, being first duly sworn, on oath deposes and states: That s(he) is now and at all times herein mentioned a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named above, and is competent to be a witness therein.

Documents Served:

- Summons (Jury Trial Demanded)
- Complaint (Jury Trial Demanded)

This affiant served the above-described documents at 634 Brooks Ave., W. Columbia SC 29169 on the 28th day of April, 2021 at 11:20 AM by delivering 1 copies of same to: Casey Signorino

INDIVIDUAL SERVICE: MET DEFENDANT AT

SUBSTITUTE SERVICE by leaving a copy of the above-described documents at his/her usual place of abode with (relationship/paralegal): a person residing therein of suitable age and discretion who confirmed the Defendant resides at the above address and informed that person of the contents thereof.

CORPORATE OR GOVERNMENT SERVICE by leaving a copy of this process with (Title) , a person authorized to accept service and informed that the person of the contents thereof.

THE DESCRIPTION OF THE PERSON WITH WHOM THE COPY OF THIS PROCESS WAS LEFT IS AS FOLLOWS:
Age 30's Gender Female Race White Height 5.3' Weight 165 Hair Black Glasses Pregnant

Signature of Process Server: The undersigned declares, under penalty of perjury, that the foregoing is true and correct and that he/she is over the age of 18 and is not interested party in this action.

NAME: C. Shawn Muller C Shawn Muller 4/28/2021
Print Signature Date

Notary Public: Subscribed and sworn before me on this 28th day of April in the year of 2021

Personally known to me or identified by the following document:

Notary Public for SOUTH CAROLINA
Commission Expiration: 9/8/2027

Type: _____

Denise M. Muller
Notary Public (Legal Signature)

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Lisa Wallas,

PLAINTIFF,

vs.

Richland County Sheriff's Office; et al.

DEFENDANT(S).

IN THE COURT OF COMMON PLEAS

C/A NO: 2021-CP-40-01484

AFFIDAVIT OF SERVICE

Service of Process on: Richland County Department of Social Services

The undersigned, being first duly sworn, on oath deposes and states: That s(he) is now and at all times herein mentioned a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named above, and is competent to be a witness therein.

Documents Served:

- Summons (Jury Trial Demanded)
- Complaint (Jury Trial Demanded)

This affiant served the above-described documents at 1535 Confederate Ave., Columbia SC 29201 on the 28th day of April, 2021 at 9:10 AM by delivering 1 copies of same to: Mary Cowsert.

INDIVIDUAL SERVICE: MET DEFENDANT AT

SUBSTITUTE SERVICE by leaving a copy of the above-described documents at his/her usual place of abode with (relationship/paralegal): a person residing therein of suitable age and discretion who confirmed the Defendant resides at the above address and informed that person of the contents thereof.

CORPORATE OR GOVERNMENT SERVICE by leaving a copy of this process with Mary Cowsert (Title) Office of General Council and AOS, a person authorized to accept service and informed that the person of the contents thereof.

THE DESCRIPTION OF THE PERSON WITH WHOM THE COPY OF THIS PROCESS WAS LEFT IS AS FOLLOWS:

Age 40's Gender Female Race White Height 5' Weight 140 Hair Black Glasses

Signature of Process Server: The undersigned declares, under penalty of perjury, that the foregoing is true and correct and that he/she is over the age of 18 and is not interested party in this action.

NAME: C. Shawn Muller C. Shawn Muller 4/28/2021
Print Signature Date

Notary Public: Subscribed and sworn before me on this 28th day of April in the year of 2021

Personally known to me or identified by the following document:

Notary Public for SOUTH CAROLINA

Commission Expiration: 9/8/2027

Denise M. Muller

Notary Public (Legal Signature)

Type: _____

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Lisa Wallas,

PLAINTIFF,

vs.

Richland County Sheriff's Office; et al.

DEFENDANT(S).

IN THE COURT OF COMMON PLEAS

C/A NO: 2021-CP-40-01484

AFFIDAVIT OF SERVICE

Service of Process Richland County Sherri's Office

The undersigned, being first duly sworn, on oath deposes and states: That s(he) is now and at all times herein mentioned a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named above, and is competent to be a witness therein.

Documents Served:

- Summons (Jury Trial Demanded)
- Complaint (Jury Trial Demanded)

This affiant served the above-described documents at 1535 Confederate Ave., Columbia SC 29201 on the 28th day of April, 2021 at 9:10 AM by delivering 1 copies of same to: Mary Cowser

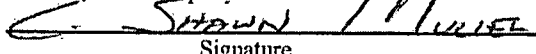
INDIVIDUAL SERVICE: MET DEFENDANT AT

SUBSTITUTE SERVICE by leaving a copy of the above-described documents at his/her usual place of abode with (relationship/paralegal): a person residing therein of suitable age and discretion who confirmed the Defendant resides at the above address and informed that person of the contents thereof.

CORPORATE OR GOVERNMENT SERVICE by leaving a copy of this process with Mary Cowser (Title) Office of General Council and AOS, a person authorized to accept service and informed that the person of the contents thereof.

THE DESCRIPTION OF THE PERSON WITH WHOM THE COPY OF THIS PROCESS WAS LEFT IS AS FOLLOWS:
Age 40's Gender Female Race White Height 5' Weight 140 Hair Black Glasses

Signature of Process Server: The undersigned declares, under penalty of perjury, that the foregoing is true and correct and that he/she is over the age of 18 and is not interested party in this action.

NAME: C. Shawn Muller  5/19/2021
Print Signature Date

Notary Public: Subscribed and sworn before me on this 19th day of May in the year of 2021
Personally known to me or identified by the following document:

Notary Public for SOUTH CAROLINA
Commission Expiration: 9/8/2027

Type: _____


Notary Public (Legal Signature)

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Lisa Wallas,

PLAINTIFF,

vs.

Richland County Sheriff's Office; et al.

DEFENDANT(S).

IN THE COURT OF COMMON PLEAS

C/A NO: 2021-CP-40-01484

AFFIDAVIT OF SERVICE

Service of Process on: South Carolina Department of Social Services

The undersigned, being first duly sworn, on oath deposes and states: That s(he) is now and at all times herein mentioned a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named above, and is competent to be a witness therein.

Documents Served:

- Summons (Jury Trial Demanded)
- Complaint (Jury Trial Demanded)

This affiant served the above-described documents at 1535 Confederate Ave., Columbia SC 29201 on the 28th day of April, 2021 at 9:10 AM by delivering 1 copies of same to: Mary Cowsert

INDIVIDUAL SERVICE: **MET DEFENDANT AT**

SUBSTITUTE SERVICE by leaving a copy of the above-described documents at his/her usual place of abode with (relationship/paralegal): _____ a person residing therein of suitable age and discretion who confirmed the Defendant resides at the above address and informed that person of the contents thereof.

CORPORATE OR GOVERNMENT SERVICE by leaving a copy of this process with Mary Cowsert (Title) Office of General Council and AOS , a person authorized to accept service and informed that the person of the contents thereof.

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Age 40's Gender Female Race White Height 5' Weight 140 Hair Black Glasses _____

Signature of Process Server: The undersigned declares, under penalty of perjury, that the foregoing is true and correct and that he/she is over the age of 18 and is not interested party in this action.

NAME: C. Shawn Muller C Shawn Muller 4/28/2021
Print Signature Date

Notary Public: Subscribed and sworn before me on this 28th day of April in the year of 2021

Personally known to me or identified by the following document: _____

Notary Public for SOUTH CAROLINA

Commission Expiration: 9/8/2027

Type: _____

Denise M. Muller

Notary Public (Legal Signature)

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

Civil Action No: 2021-CP-40-_____

Lisa Wallas

Plaintiff,

**AMENDED SUMMONS
(JURY TRIAL DEMANDED)**

vs.

Richland County Sheriff's Department,
South Carolina Department of Social
Services and Richland County
Department of Social Services, and Casey
Elizabeth Signorino.

Defendants.

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your ANSWER to the Complaint upon the undersigned to his office, 1700 Sunset Boulevard, P.O. Box 5709, West Columbia, South Carolina, 29171, within THIRTY (30) days after service, exclusive of the day of such service; and if you fail to answer the Complaint within the thirty days, judgment by default will be rendered against you for the relief demanded in the Complaint.

MOORE TAYLOR LAW FIRM, P.A.

By: s/ S. Jahue Moore
S. Jahue Moore SC Bar No. 4063
Bryan C. Letteer SC Bar No. 78700
P.O. Box 5709
West Columbia, SC 29171
(803) 796-9160
Attorneys for Plaintiff

February 1, 2021

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Case No.: 2021-CP-40-

Lisa Wallas

Plaintiff,

vs.

Richland County Sheriff's Department,
South Carolina Department of Social
Services and Richland County
Department of Social Services, and Casey
Elizabeth Signorino.

Defendants.

**AMENDED COMPLAINT
(JURY TRIAL DEMANDED)**

Plaintiff, above named, complaining of the Defendants herein alleges that:

FOR A FIRST CAUSE OF ACTION

1. Plaintiff is a resident and citizen of Richland County, South Carolina.
2. The Defendant, Richland County Sheriff's Department, is a governmental agency of the State of South Carolina.
3. The Defendant, South Carolina Department of Social Services, is a governmental agency of the State of South Carolina.
4. The Defendant, Richland County Department of Social Services is a subdivision of the South Carolina Department of Social Services.
5. Upon information and belief, the Defendant, Casey Elizabeth Signorino (hereinafter "Officer Signorino") is an employee of Richland County Sheriff's Department and at all times relevant to this action was employed as an officer with Richland County Sheriff's

Department and was so acting under the color of the law of South Carolina at all times complained of herein.

6. The Court has subject matter jurisdiction of this action and personal jurisdiction over the parties. Venue is proper in Richland County.

7. This action is brought pursuant to the South Carolina Tort Claims Act.

8. The child in this case, Ainsley Wallas, is a minor of tender years.

9. Ainsley Wallas was born on May 29, 2004 between Lisa Wallas and Terry Wallas.

10. Plaintiff has primary custody of the minor child set forth by a full court order. Father has visitation rights.

11. On or about May 22, 2020, the Plaintiff reported the child as a runaway.

12. On or about May 26, 2020, Officer Signorino located the child. Officer Signorino refused to return the child to the Plaintiff who is the primary custodial parent. Officer Signorino gave the Plaintiff two choices: put the child in foster care or place the child with a friend or relative.

13. After receiving the above two choices, Plaintiff suggested placing the minor child with the father only because Officer Signorino would not give her any other viable options. Officer Signorino did not allow the Plaintiff and the child's father to communicate to decide this decision. The child was then placed with the father.

14. Officer Signorino advised the Plaintiff that she would be investigated for two months by the Department of Social Services.

15. On or about June 3, 2020, Plaintiff contacted Richland County DSS in regards to her child. Richland County DSS was not notified by Officer Signorino or any other individual from Richland County Sherriff's Department as required per S.C. Code Section 63-7-630.

16. As a direct and proximate result of the aforementioned attack, the Plaintiff suffered great and serious emotional distress. The Defendants were grossly negligent, willful, wanton, and careless in the investigation of the reported incident, in the treatment of the Plaintiff and her child, and in the removal of the child from the Plaintiff's custody as alleged above. The Defendants recklessly and intentionally inflicted mental and emotional distress on the Plaintiff by risking the safety of the minor child and the Plaintiff by removing the child from Plaintiff's custody against the Court's order. The Defendants recklessly and intentionally inflicted mental and emotional distress on the Plaintiff by removing her minor child from her care without proper reason.

FOR A SECOND CAUSE OF ACTION
(Abuse of Process)

17. Plaintiff hereby reasserts and realleges each and every allegation set forth above as fully as if set forth verbatim.

18. The Defendants were willful in their act in the use of the process not proper with the regular conduct of the proceeding.

19. The Defendants had a legal obligation to the Plaintiff to perform a fair and just investigation and failed to conduct a proper or suitable investigation and the limited investigation it did conduct was performed in a grossly negligent, willful, wanton, and careless manner.

20. As a direct and proximate result of the negligence and recklessness on the part of the Defendants, the Plaintiff has sustained the damages set forth.

FOR A THIRD CAUSE OF ACTION
(Malicious Prosecution)

21. Plaintiff hereby reasserts and realleges each and every allegation set forth above as fully as if set forth verbatim.

22. The Defendants lacked probable cause to remove the minor child from the Plaintiff's care. The Defendants removed the minor child without due process and without the proper authority to do so.

23. The Defendant, Officer Signorino, failed to file any charges against the Plaintiff because she made decisions without proper authority.

24. The Plaintiff's child was returned to her as a direct result of the Defendant, Officer Signorino's misconduct and lack of probable cause to remove the child from her care in the first place.

25. As a direct and proximate result of the malicious prosecution by the Defendant, the Plaintiff has sustained damages set forth.

FOR A FOURTH CAUSE OF ACTION

(Negligence)

26. Plaintiff hereby reasserts and realleges each and every allegation set forth above as fully as if set forth verbatim.

27. As a direct and proximate result of the Defendant's grossly negligent, wanton, willful, and careless conduct, the Plaintiff has suffered as a natural result of the Defendants' wrongdoing, including, but not limited to:

- a. Stress upon the Plaintiff;
- b. Stress upon the Plaintiff's minor child;
- c. Mental pain and suffering;
- d. Nervousness;
- e. Indignity;

- f. Humiliation;
- g. Attorney's fees and costs;
- h. Embarrassment; and
- i. Injury to the Plaintiff's reputation

28. In addition to the actual damages suffered by the Plaintiff, as a direct and proximate result of the Defendants' aforementioned gross negligence, the Plaintiff also suffered special damages as follows:

- a. Loss of time
- b. Deprivation of the society of her family; and
- c. Attorney's fees and costs.

29. As a direct and proximate cause of the Defendants' gross negligence, the Plaintiff is informed and believes she is entitled to a judgement against the Defendants for actual, punitive, and special damages.

FOR A FIFTH CAUSE OF ACTION
(Breach of Fiduciary)

30. Plaintiff hereby reasserts and realleges each and every allegation set forth above as fully as if set forth verbatim.

31. The Defendants had a fiduciary duty to the Plaintiff to properly investigate the matter between the Plaintiff and her child due to their government obligations.

32. The Defendants erred in this fiduciary duty by removing the minor child from Plaintiff's care without following proper codes and procedures.

33. As a direct and proximate result of the breach of fiduciary duty by the Defendant, the Plaintiff has sustained damages set forth.

WHEREFORE, Plaintiff prays for judgment against the Defendant for actual and punitive damages, and for such other and further relief as this court might deem just and proper.

(SIGNATURE BLOCK ON NEXT PAGE)
MOORE TAYLOR LAW FIRM, P.A.

By: s/ S. Jahue Moore
S. Jahue Moore SC Bar No. 4063
Bryan C. Letteer SC Bar No. 78700
P.O. Box 5709
West Columbia, SC 29171
(803) 796-9160
Attorney for Plaintiff

February 1, 2021

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
 COUNTY OF RICHLAND)
) C/A No.: 2021-CP-40-_____
 Lisa Wallas,)
)
 Plaintiff,)
)
 vs.)
)
 Richland County Sheriff's Department,)
 South Carolina Department of Social)
 Services, Richland County Department)
 of Social Services, and Brittany)
 Signorino,)
)
 Defendants.)

SUMMONS

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your ANSWER to the Complaint upon the undersigned to his office, 1700 Sunset Boulevard, P.O. Box 5709, West Columbia, South Carolina, 29171, within THIRTY (30) days after service, exclusive of the day of such service; and if you fail to answer the Complaint within the thirty days, judgment by default will be rendered against you for the relief demanded in the Complaint.

MOORE TAYLOR LAW FIRM, P.A.

By: s/ S. Jahue Moore
S. Jahue Moore, SC Bar No. 4063
Bryan C. Letteer, SC Bar No. 78700
P.O. Box 5709
West Columbia, SC 29171
(803) 796-9160

ATTORNEYS FOR PLAINTIFF

West Columbia, South Carolina
February 1, 2021

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
 COUNTY OF RICHLAND)
) C/A No.: 2021-CP-40-_____
 Lisa Wallas,)
)
 Plaintiff,)
)
 vs.)
)
 Richland County Sheriff's Department,)
 South Carolina Department of Social)
 Services, Richland County Department)
 of Social Services, and Brittany)
 Signorino,)
)
 Defendants.)

COMPLAINT
 (Jury Trial Demanded)

Plaintiff, above named, complaining of the Defendants herein alleges that:

FOR A FIRST CAUSE OF ACTION

1. Plaintiff is a citizen and resident of Richland County, South Carolina.
2. Defendant, Richland County Sheriff's Department, is a governmental agency of the State of South Carolina.
3. Defendant, South Carolina Department of Social Services, is a governmental agency of the state of South Carolina.
4. Defendant, Richland County Department of Social Services, is a subdivision of the South Carolina Department of Social Services.
5. Upon information and belief, the Defendant, Brittany Signorino (hereinafter "Deputy Signorino") is an employee of Richland County Sheriff's Department and at all times relevant to this action was employed as an officer with Richland County Sheriff's Department and was so acting under the color of the law of South Carolina at all times complained of herein.
6. The Court has subject matter jurisdiction of this action and personal jurisdiction over the parties. Venue is proper in Richland County.

7. This action is brought pursuant to the South Carolina Tort Claims Act.
8. The child in this case, Ainsley Wallas, is a minor of tender years.
9. Ainsley Wallas was born on May 29, 2004 between Lisa Wallas and Terry Wallas.
10. Plaintiff has primary custody of the minor child with the father, Terry Wallas, having visitation rights as set forth by the Family Court's Order.
11. On or about May 22, 2020, Plaintiff reported her child, Ainsley, as a runaway.
12. On or about May 26, 2020, Deputy Signorino located Ainsley. Deputy Signorino refused to return the child to Plaintiff, who is the primary custodial parent. Deputy Signorino gave Plaintiff two choices: put the child in foster care or place the child with a friend or relative.
13. In response, Plaintiff suggested placing the minor child with the father only because Deputy Signorino would not give her any other viable options. Deputy Signorino did not allow Plaintiff and the child's father to communicate to decide this decision. The child was ultimately placed with the father.
14. Deputy Signorino advised the Plaintiff that she would be investigated for two months by the Department of Social Services.
15. On or about June 3, 2020, Plaintiff contacted Richland County DSS in regards to her child. Richland County DSS was not notified by Deputy Signorino or any other individual from Richland County Sherriff's Department as required by S.C. Code Ann. § 63-7-630.
16. As a direct and proximate result of the aforementioned conduct, Plaintiff suffered great and serious emotional distress. The Defendants were grossly negligent, willful, wanton, and careless in the investigation of the reported incident, in the treatment of Plaintiff and her child, and in the removal of the child from the Plaintiff's custody as alleged above. The Defendants recklessly and intentionally inflicted mental and emotional distress on Plaintiff by risking the safety of the

minor child and the Plaintiff by removing the child from Plaintiff's custody against the court's order. The Defendants recklessly and intentionally inflicted mental and emotional distress on the Plaintiff by removing her minor child from her care without proper reason.

FOR A SECOND CAUSE OF ACTION

17. Plaintiffs reassert and reallege each and every paragraph above as if set forth herein verbatim.

18. The Defendants were willful in their act in the use of the process not proper with the regular conduct of the proceeding.

19. The Defendants had a legal obligation to the Plaintiff to perform a fair and just investigation and failed to conduct a proper or suitable investigation and the limited investigation it did conduct was performed in a grossly negligent, willful, wanton, and careless manner.

20. As a direct and proximate result of the negligence and recklessness on the part of the Defendants, the Plaintiff has sustained the damages set forth.

FOR A THIRD CAUSE OF ACTION

21. Plaintiff hereby reasserts and realleges each and every allegation set forth above as fully as if set forth verbatim.

22. The Defendants lacked probable cause to remove the minor child from the Plaintiff's care. The Defendants removed the minor child without due process and without the proper authority to do so.

23. The Defendant, Deputy Signorino, failed to file any charges against the Plaintiff because she made decisions without proper authority.

24. The Plaintiff's child was returned to her as a direct result of the Defendant, Deputy Signorino's misconduct and lack of probable cause to remove the child from her care in the first place.

25. As a direct and proximate result of the malicious prosecution by the Defendants, the Plaintiff has sustained damages set forth.

FOR A FOURTH CAUSE OF ACTION

26. Plaintiff hereby reasserts and realleges each and every allegation set forth above as fully as if set forth verbatim.

27. As a direct and proximate result of the Defendant's grossly negligent, wanton, willful, and careless conduct, Plaintiff has suffered as a natural result of the Defendants' wrongdoing, including, but not limited to:

- a. Stress upon the Plaintiff;
- b. Stress upon the Plaintiff's minor child;
- c. Mental pain and suffering;
- d. Nervousness;
- e. Indignity;
- f. Humiliation;
- g. Attorney's fees and costs;
- h. Embarrassment; and
- i. Injury to the Plaintiff's reputation

28. In addition to the actual damages suffered by Plaintiff, as a direct and proximate result of the Defendants' aforementioned gross negligence, the Plaintiff also suffered special damages as follows:

- a. Loss of time
- b. Deprivation of the society of her family; and
- c. Attorney's fees and costs.

29. As a direct and proximate cause of the Defendants' gross negligence, the Plaintiff is informed and believes she is entitled to a judgement against the Defendants for actual, punitive, and special damages.

FOR A FIFTH CAUSE OF ACTION

30. Plaintiff hereby reasserts and realleges each and every allegation set forth above as fully as if set forth verbatim.

31. The Defendants had a fiduciary duty to the Plaintiff to properly investigate the matter between the Plaintiff and her child due to their government obligations.

32. The Defendants breached its' fiduciary duty by removing the minor child from Plaintiff's care without following proper codes and procedures.

33. As a direct and proximate result of the breach of fiduciary duty by the Defendants, the Plaintiff has sustained damages set forth.

WHEREFORE, Plaintiff prays for judgment against the Defendants for actual and punitive damages, costs and attorney's fees, and for such other and further relief as this court might deem just and proper.

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West Columbia, South Carolina
February 1, 2021