

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

JOHN GALLMAN,)
)
PLAINTIFF)

VS.)
)
LUKE RANKIN, ET AL.)
)
DEFENDANTS)

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT

ORDER DISMISSING CIVIL CONSPIRACY
CLAIM AS TO DEFENDANTS
WACCAMAW PUBLISHERS, INC. AND
CHRISTIAN BOSCHULT

CASE NO. 2021-CP-26-01096



BACKGROUND

This action has its origin in the 2020 Republican primary election and run-off for a South Carolina Senate seat. Plaintiff was a candidate in the primary and run-off, ultimately losing the race to defendant Luke Rankin. On February 24, 2021 plaintiff filed a Summons and Complaint against fifteen defendants, including Waccamaw Publishers, Inc. (Waccamaw) a newspaper publisher, and Christian Boschult (Boschult) a reporter for Waccamaw. On June 2, 2021 plaintiff, with the consent of parties who had entered an appearance in the case, filed an Amended Complaint to add an additional defendant, and to eliminate claims for invasion of privacy. The Amended Complaint seeks damages for defamation, intentional infliction of emotional distress, and civil conspiracy.

Waccamaw and Boschult filed several motions in response to the Amended Complaint, including a motion to dismiss the civil conspiracy claim as to them for failure to allege facts sufficient to state a cause of action. This motion was heard by Judge William Keesley who ruled (page 2 order of August 3, 2021):

The court agrees that the cause of action for civil conspiracy is not sufficiently pleaded as to these two defendants. Due to the strict standards applicable to dismissal at the pleadings stage and in lieu of dismissal, the court requires that the plaintiff re-plead his Complaint and have it filed and served within 30 days.

Plaintiff did not meet the deadline established by the order for re-pleading the civil conspiracy claim, and Waccamaw and Boschult moved to dismiss the civil conspiracy claim in the Amended Complaint on grounds of plaintiff's failure to comply with the court's order. This motion came to be heard in open court in Conway on December 6, 2021 with counsel for plaintiff and defendants Waccamaw and Boschult appearing.

DISCUSSION

The order of August 3, 2021 was direct and unambiguous. To avoid dismissal of his civil conspiracy claim as to Waccamaw and Boschult, plaintiff was required within thirty (30) days of the August 3 order to re-plead his Amended Complaint to correct the insufficiency in the civil conspiracy allegations as to Waccamaw and Boschult. Plaintiff did not comply with the court's order, and did not move to request an enlargement of time to file and serve an amended complaint. Involuntary dismissal is authorized where a party has failed to comply with any court order. Rule 41(b), SCRCF.

ORDER

Based on the matters of record and the foregoing discussion, IT IS HEREBY ORDERED that plaintiff's civil conspiracy claim in his Amended Complaint as to defendants Waccamaw and Boschult be, and the same hereby is, dismissed.

AND IT IS SO ORDERED.

Conway, South Carolina

December , 2021

BENJAMIN H. CULBERTSON
Judge, Fifteenth Judicial Circuit



Horry Common Pleas

Case Caption: John Gallman VS Luke Rankin , defendant, et al

Case Number: 2021CP2601096

Type: Order/Dismissal

Presiding Circuit Court Judge

s/Benjamin H. Culbertson, Judge Code 2148