

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Jessica A. Salvini, Circuit Court Judge
Civil Action No. 2024-CP-23-02744

Appellate Case No: 2025-001550

Bruce Wilson,, Appellant

v.

Princeton Rodrigues Williams and Ennis M. Fant., Defendants,

Of Whom Ennis M. Fant....., Respondent.

APPELLANT'S INITIAL BRIEF

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APPELLANT

TABLE OF CONTENTS

TABLE OF CONTENTS ii

TABLE OF AUTHORITY..... iv

STATEMENT OF ISSUES ON APPEAL 1

I. Did the lower court expand the public figure doctrine beyond *Cruce*, as required under South Carolina's refined three-part test? 1

II. Did the Circuit Court err by ruling Appellant fail to prove actual malice at the pleading stage on a motion to dismiss under Rule 12(b)(6)? 1

III. Did the Circuit Court commit reversible error by relying on extrinsic evidence or prior judicial rulings rather than the pleadings alone?..... 1

IV. Did the Circuit Court err by misapplying South Carolina pleading standards and improperly dismissing Plaintiff's claims, which were sufficiently pled under applicable South Carolina statute and caselaw? 1

V. Did the Circuit Court abuse its discretion by denying Plaintiff's Rule 59(e) motion for reconsideration? 1

STATEMENT OF THE CASE..... 1

STATEMENT OF FACTS..... 3

PLEADINGS 6

STANDARD OF REVIEW 9

A. Motions to Dismiss 9

B. Motions to Reconsider..... 9

ARGUMENT..... 10

I. Did the lower court expand the public figure doctrine beyond *Cruce*, as required under South Carolina's refined three-part test?..... 11

A. Absence of a Genuine Public Controversy Involving Appellant..... 16

B. No Voluntary Injection into Any Controversy by Appellant 17

C. Complete Disconnect Between Defamation and Any Alleged Controversy 18

II.	Did the circuit court err by ruling Appellant fail to prove actual malice at the pleading stage on a motion to dismiss under Rule 12(b)(6)?	20
III.	Did the Circuit Court commit reversible error by relying on extrinsic evidence or prior judicial rulings rather than the pleadings alone?.....	22
IV.	Did the Circuit Court err by misapplying South Carolina pleading standards and improperly dismissing Plaintiff's claims, which were sufficiently pled under applicable South Carolina statute and caselaw?	25
	A. Defamation	26
	B. Intentional Infliction of Emotional Distress	28
	C. Civil Conspiracy.....	28
	D. Statutory Extortion	29
V.	Did the Circuit Court abuse its discretion by denying Plaintiff's Rule 59(e) motion for reconsideration?	30
	CONCLUSION	35

TABLE OF AUTHORITY

Cases

<i>Ashcroft v. Iqbal</i> , 556 U.S. 662 (2009).....	26
<i>Bell Atlantic Corp. v. Twombly</i> , 550 U.S. 544, 555 (2007).....	23
<i>Bowers v. Bowers</i> , 304 S.C. 65 (Ct. App. 1991).....	31
<i>Brooks v. Field</i> , 2016 WL 1165409 (D.S.C. Mar. 25, 2016).....	29
<i>Brown v. Butler</i> , 347 S.C. 259 (Ct. App. 2001).....	34
<i>Carr v. Forbes, Inc.</i> , 259 F.3d 273, 279 (4th Cir. 2001).....	16
<i>Cruce v. Berkeley Cnty. Sch. Dist.</i> , 442 S.C. 1, (2024)	11, 13, 27
<i>Curtis Publishing Co. v. Butts</i> , 388 U.S. 130 (1967).....	17
<i>Doe v Marion</i> , 373 S.C. 390 (2007).....	23, 28
<i>Edwards v. Lexington Cnty. Sheriff's Dep't</i> , 386 S.C. 285 (2010).....	30
<i>Elam v. S.C. Dept. of Transp.</i> , 361 S.C. 9 (2004).....	9
<i>Erickson v. Jones St. Publishers, LLC</i> , 368 S.C. 444 (2006).....	15, 23
<i>Fabian v. Lindsay</i> , 410 S.C. 475 (2014).....	9
<i>Fails v. Upstate Ford, LLC</i> , 422 S.C. 626 (Ct. App. 2018).....	26
<i>Flateau v. Harrelson</i> , 355 S.C. 197 (Ct. App. 2003).....	24
<i>Fleming v. Rose</i> , 350 S.C. 488 (2002)	27
<i>Ford v. Hutson</i> , 276 S.C. 157 (1981).....	28
<i>Gertz v. Robert Welch, Inc.</i> , 418 U.S. 323 (1974)	16
<i>Grier v. AMISUB of S.C., Inc.</i> , 397 S.C. 532 (2012).....	33
<i>Hackworth v. Greywood</i> , 385 S.C. 110 (2009)	28
<i>Hansson v. Scalise Builders of S.C.</i> , 374 S.C. 352 (2007).....	23, 28

<i>Henderson v. Allied Signal, Inc.</i> , 373 S.C. 179 (2007).....	34
<i>HHHunt Corp. v. Town of Lexington</i> , 389 S.C. 623 (Ct. App. 2010).....	9
<i>Hollinshead v. Bell</i> , No. 2022-000674, 2025 WL 2061144 (S.C. Ct. App. July 23, 2025) ...	26, 27
<i>Holtzscheiter v. Thomson Newspapers, Inc.</i> , 332 S.C. 502 (1998).....	18
<i>Leask v. Robertson</i> , 589 F. Supp. 3d 506, 520 (D.S.C. 2022)	27
<i>McGuire v. Bowlin</i> , 932 N.W.2d 819 (Minn. 2019).....	15
<i>Moore v. Weinberg</i> , 373 S.C. 209 (Ct. App. 2007)	29
<i>Murray v. Holnam, Inc.</i> , 344 S.C. 129, 139, 542 S.E.2d 743, 748 (2001),	26
<i>O'Connor v. Burningham</i> , 165 P.3d 1214 (Utah 2007)	14
<i>Palma, LLC v. Clay</i> , 425 S.C. 461 (2019)	33
<i>Paradis v. Charleston Cnty. Sch. Dist.</i> , 433 S.C. 562 (2021).....	28
<i>Rosenblatt v. Baer</i> , 383 U.S. 75, 92 (1966)	19
<i>Russell v. City of Columbia</i> , 305 S.C. 86 (1991).....	32
<i>Rydde v. Morris</i> , 381 S.C. 643 (2009)	9
<i>Schein v. Lamar</i> , 284 S.C. 252 (Ct. App. 1985)	22
<i>Spence v. Spence</i> , 368 S.C. 106 (2006).....	28
<i>Time, Inc. v. Firestone</i> , 424 U.S. 448 (1976).....	17
<i>Todd v. S.C. Farm Bureau Mut. Ins. Co.</i> , 276 S.C. 284 (1981).....	21
<i>Wilder Corp. v. Wilke</i> , 330 S.C. 71 (1998).....	34
<i>Wilkinson v. E. Cooper Cmty. Hosp., Inc.</i> , 410 S.C. 163 (2014).....	9
 Statutes	
S.C. Code § 16-17-640.....	11, 30

Rules

12(b)(6) 12, 23, 24

Rule 12(b)(6), SCRCF 2, 9, 32

Rule 12(g) 32

Rule 55, SCRCF..... 34

Rule 59(e)..... 10, 32

Rule 8(a)(1), SCRCF 34

SCRCF 15 25

SCRCF Rules 4 and 5 4

Constitutional Provisions

S.C. Const. art. I, § 3..... 34

U.S. Const. amend. XIV 34

STATEMENT OF ISSUES ON APPEAL

- I. Did the lower court expand the public figure doctrine beyond *Cruce*, as required under South Carolina's refined three-part test?
- II. Did the Circuit Court err by ruling Appellant fail to prove actual malice at the pleading stage on a motion to dismiss under Rule 12(b)(6)?
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- IV. Did the Circuit Court err by misapplying South Carolina pleading standards and improperly dismissing Plaintiff's claims, which were sufficiently pled under applicable South Carolina statute and caselaw?
- V. Did the Circuit Court abuse its discretion by denying Plaintiff's Rule 59(e) motion for reconsideration?

STATEMENT OF THE CASE

The procedural history of this case reveals multiple reversible errors that have deprived Appellant of his right to have meritorious claims heard on their merits. Appellant initiated this action on May 6, 2024, by filing a Complaint alleging intentional infliction of emotional distress and civil conspiracy against Respondent Fant and Defendant Williams, to include defamation against Williams. The Circuit Court Judge Gravely granted Fant's motion to dismiss with leave for Appellant to amend the complaint on January 22, 2025, finding the original Complaint insufficiently pleaded the claims as to Fant, under the standards articulated in *Hansson v. Scalise Builders* and *Hackworth v. Greywood at Hammett*.

In response to the Court's order, Appellant filed a comprehensive 53-paragraph Amended Complaint on February 10, 2025, that added substantial factual details and two new causes of actions against Fant, for **defamation** and statutory **extortion**. The Amended Complaint contained

extensive new allegations including specific details about Fant's direct involvement in the defamation scheme through his provision of false information to Williams, his explicit directions to publish the defamatory content, and his orchestration of community viewership of the damaging video. The pleading also included detailed allegations regarding the recorded extortion attempt that formed the basis of the new statutory claim.

The case took a critical turn on April 24, 2025, when the Circuit Court entered default judgment against Williams after he failed to respond to the Amended Complaint. This default created judicial admissions establishing Williams' liability for all well-pleaded allegations in the Complaint, including those detailing Fant's central role in directing the defamatory campaign. Despite these admissions, the Circuit Court dismissed all claims against Respondent Fant on May 27, 2025, creating the legally untenable situation where Defendant Williams is bound by default admissions while Respondent Fant escapes liability for the same conduct.

The Circuit Court compounded these errors on July 1, 2025, by denying Appellant's Motion for Reconsideration without meaningfully addressing the four manifest errors of law identified in the motion and **Memorandum** in Support of the motion. The Court's boilerplate order claiming no "material fact or principle of law" had been overlooked demonstrates a complete failure to engage Appellant's substantive arguments and the clear precedent supporting them. This series of erroneous rulings has resulted in a fundamental miscarriage of justice that this Court should correct through **REVERSAL** and **REMAND**. The Circuit Court **GRANTED** dismissal without prejudice Appellant's claims for defamation, intentional infliction of emotional distress, and civil conspiracy against Respondent Fant under Rule 12(b)(6), SCRPC. **GRANTED** dismissal with prejudice Appellant's statutory extortion claim. The court subsequently **DENIED** Appellant's

Rule 59(e) motion for reconsideration. Appellant now appeals all dismissals and the denial of reconsideration as reversible error.

STATEMENT OF FACTS

The Amended Complaint's detailed allegations, which must be accepted as true under the pleading standards articulated in *Gentry v. Yonce*, establish the following comprehensive factual narrative that demonstrates the merits of Plaintiff's claims and the errors in the Circuit Court's dismissal. The core of Plaintiff's claims arises from a calculated campaign of defamation orchestrated by Defendant Fant through Defendant Williams beginning in April 2024. As a sitting Greenville County Council member, Fant wielded significant influence in the community, while Williams operated as a social media influencer with substantial following. The Amended Complaint alleges with particularity that on April 25, 2024, Williams published a Facebook Live video containing numerous false and defamatory statements about Plaintiff that were viewed over 1,500 times. The video contained specific, provably false accusations that Plaintiff had filed fraudulent complaints to remove Fant from office, lied under oath to election officials, and conducted illegal surveillance of Fant - all claims that Fant knew to be completely false when he directed their publication.

The Amended Complaint establishes Fant's direct involvement in this defamation scheme through multiple specific allegations. Paragraph 9 alleges that Fant personally provided Williams with the false information about Plaintiff with the intent that it be disseminated publicly. Paragraph 11 details how Fant specifically directed Williams to publish the defamatory statements to third parties through social media platforms. Paragraph 12 further alleges that Fant systematically instructed community leaders and political associates to view the video to maximize its damaging impact on Plaintiff's reputation. These detailed allegations satisfy South Carolina's recognition of

defamation by procurement or direction under *Murray v. Holnam*, which holds principals liable for defamatory statements made by their agents within the scope of the agency relationship.

The Amended Complaint further alleges that after the defamatory video was published and Plaintiff filed this lawsuit, Fant engaged in an even more egregious abuse of power through attempted political extortion. On June 14, 2024, Fant called Plaintiff and explicitly conditioned the cessation of Williams' attacks on Plaintiff's political endorsement. This critical conversation was captured on Plaintiff's home security system and provides irrefutable evidence of Fant's misconduct. The recording reveals Fant stating "*I can make this stop if you agree to endorse me,*" while acknowledging that Williams was disseminating falsities about Plaintiff and admitting his ability to control Williams' actions. Shortly after this call, Williams contacted Plaintiff to confirm that Fant had directed him to stop the attacks if Plaintiff endorsed Fant's reelection campaign. This sequence of events demonstrates Fant's control over Williams and the coercive nature of their relationship. The Amended Complaint details with specificity the substantial damages Plaintiff suffered as a direct result of Defendants' actions. These include severe reputational harm in the Greenville community where Plaintiff conducts his advocacy work, emotional distress including clinically significant anxiety, humiliation, and sleeplessness, and financial losses related to impaired fundraising and advocacy capabilities. Each category of harm is tied directly to specific misconduct by Defendants through detailed factual allegations that satisfy South Carolina's pleading requirements for all asserted causes of action.

Defendant Fant filed his Motion to Dismiss Plaintiff's Amended Complaint on April 7, 2025, asserting multiple grounds for dismissal under the South Carolina Rules of Civil Procedure. Fant argued that Plaintiff failed to properly serve him with the Amended Complaint and Second Amended Complaint, in violation of SCRCR Rules 4 and 5 (Motion ¶¶ 12-14, 21; ROA ____). Fant

also contended that Plaintiff engaged in "trickery and manipulation of the service process" by attempting service at an incorrect address (Motion ¶¶ 13-14; ROA ____).

Fant moved to dismiss each of Plaintiff's claims. Fant argued Plaintiff failed to allege any defamatory statement published by Fant or facts showing actual malice (Motion ¶¶ 22-28; ROA ____). Regarding intentional infliction of emotional distress, Fant asserted Plaintiff did not plead any overt action by Fant that was extreme or outrageous (Motion ¶¶ 29-32; ROA ____). For civil conspiracy, Fant claimed Plaintiff failed to allege any overt act done pursuant to a common design (Motion ¶¶ 34-37; ROA ____). As to extortion, Fant argued South Carolina does not recognize a civil cause of action for extortion (Motion ¶¶ 38-41; ROA ____).

A hearing on Defendant Fant's Motion to Dismiss was scheduled for April 21, 2025. At the hearing, Plaintiff had prepared two witnesses to testify regarding the service of the amended complaint. However, after Fant waived the service-related portion of his motion, Plaintiff excused his witnesses without eliciting any testimony on the issue of service.

On April 24, 2025, the presiding judge issued an order dismissing defendant Fant from all claims asserted in the amended complaint, thereby relieving defendant Fant of any liability. In the Order to Dismiss, the presiding judge incorporated factual findings related to the reported lack of proper service, despite Fant's waiver of this argument at the hearing. The judge's order emphasized procedural deficiencies and aligned with Fant's arguments on the merits. The judge found that Fant did not make defamatory statements and Plaintiff failed to prove actual malice in the defamation claim. Regarding the intentional infliction of emotional distress claim, Plaintiff did not plead extreme or outrageous conduct by Fant. As to the civil conspiracy claim, Plaintiff failed to allege an overt act in furtherance of a conspiracy. Concerning the extortion claim, the judge ruled that South Carolina does not recognize a civil extortion claim. Plaintiff filed a Motion to Reconsider

under Rule 59(e), SCRCF, which the court denied on July 1, 2025. The judge held that there were no overlooked facts or legal errors, reaffirming the dismissal.

PLEADINGS

On April 19, 2024, Plaintiff learned of a public hearing scheduled for April 25, 2024, regarding Defendant Fant's eligibility to run for office in Greenville County Council District 25. Plaintiff attended the hearing as an observer and had no involvement in the proceedings. During the hearing, Derrick Quarles, a candidate for the District 25 seat, presented evidence challenging Defendant Fant's residency. Defendant Fant also presented evidence in his defense. The Greenville County Board of Elections ultimately ruled in favor of Defendant Fant (Am. Compl. ¶ 6, 7; ROA ____).

Following the hearing, Defendant Fant contacted Defendant Williams and provided him with false information about Plaintiff's involvement in the hearing. Defendant Fant encouraged, directed, and assisted Defendant Williams in disseminating defamatory statements about Plaintiff as evidence by a phone call between Defendant Fant and Plaintiff on June 14, 2024. On April 25, 2024, Defendant Williams published a live video on Facebook, which garnered over 1,500 views. In the video, Defendant Williams, at the behest of Defendant Fant, falsely accused Plaintiff of: (a) Filing a false complaint to remove Defendant Fant from office; (b) Lying under oath to the Board of Elections; (c) Spying on Defendant Fant and recording him without consent; and (d) Collaborating with others to have Defendant Fant removed from office. These statements were false, defamatory, and made with actual malice or reckless disregard for the truth. Defendants knew or should have known that Plaintiff had no involvement in the hearing beyond being an observer. Defendant Fant not only provided Defendant Williams with the false information as

evidence by a phone call on June 14, 2024, but also actively encouraged and directed the dissemination of these defamatory statements (Am. Compl. ¶ 8-11; ROA ____).

Defendant Fant contacted several community leaders to instruct them to watch the video that Defendant Williams had posted while live on Facebook.

Defendant Williams engaged in a bombastic and corrosive social media campaign designed to alienate and ostracize Plaintiff through the dissemination of false and defamatory statements. The campaign was so pervasive and damaging that Plaintiff was compelled to file for a restraining order against Defendant Williams in magistrate court. A hearing on the restraining order was scheduled and conducted on May 10, 2024, and Defendant Fant attended the hearing to lend support to Defendant Williams, his co-conspirator. At the conclusion of the restraining order hearing, the parties agreed to a mutual restraining order. The presiding judge agreed to craft a detailed order reflecting the terms of the agreement. Despite this agreement and the court's involvement, Defendants continued their defamatory campaign against Plaintiff, including using information obtained during the magistrate court proceedings to further their attacks. Defendants' continued defamatory conduct, even after the court's intervention, thereby forcing Plaintiff to withdraw the restraining order in an attempt to limit Defendants' ability to use the proceedings as ammunition for further character assassination (Am. Compl. ¶ 12-15; ROA ____).

On or about June 14, 2024, Defendant Fant made phone calls to the Plaintiff in an attempt to coerce the Plaintiff to endorse him under the pretext of stopping the onslaught of defamatory posting on social media. During the final phone call Plaintiff was able to capture the call on his home security camera, at or around 6:16 pm when Defendant Fant contacted Plaintiff by phone. The conversation was conducted via speakerphone and was captured on Plaintiff's home security camera. The recording clearly captures Defendant Fant's words and intent. Fant indicated to the

Plaintiff that he would ensure that the social media attacks would stop if Plaintiff endorsed him in the upcoming run-off election against Derrick Quarles. During the June 14, 2024, conversation, Defendant Fant explicitly stated that he could get Defendant Williams to stop making videos about Plaintiff, but that Defendant Williams would not stop attacking UA Thompson, Senator Karl Allen, and Derrick Quarles. Defendant Fant made it clear that he could implicitly or explicitly direct, control, and order Defendant Williams to stop the defamatory statements about Plaintiff. During the phone call with Plaintiff, Defendant Fant acknowledged that Defendant Williams was disseminating falsities about the Plaintiff and such acknowledgment enhanced Defendant Fant's understanding and awareness of the falsities he helped create. Shortly after Defendant Fant's June 14, 2024, call, with Plaintiff, Defendant Williams contacted Plaintiff. During this conversation, Defendant Williams stated that he would remove all videos about Plaintiff and would stop making videos regarding Plaintiff. Defendant Williams further confirmed that he had spoken with Defendant Fant and that Defendant Fant had directed him to cease the defamatory attacks (Am. Compl. ¶ 18- 20; ROA ____).

As a result of Defendants' actions, Plaintiff has suffered severe emotional distress, damage to his reputation, and harm to his standing in the community (Am. Compl. ¶ 25; ROA ____).

Plaintiff seeks redress for defamation (false statements accusing Plaintiff of criminal conduct, published to third parties via social media), intentional infliction of emotional distress (extreme and outrageous conduct including extortionate behavior), civil conspiracy (unlawful agreement to injure Plaintiff), and extortion (coercion to endorse Fant for political benefit) (Am. Compl. ¶¶ 26–54; ROA ____).

STANDARD OF REVIEW

A. Motions to Dismiss

“In reviewing the dismissal of an action pursuant to Rule 12(b)(6), SCRCPP, the appellate court applies the same standard of review as the [circuit] court.” *HHHunt Corp. v. Town of Lexington*, 389 S.C. 623, 631, 699 S.E.2d 699, 703 (Ct. App. 2010). See also, *Fabian v. Lindsay*, 410 S.C. 475, 481, 765 S.E.2d 132, 136 (2014) (“A ruling on a motion to dismiss pursuant to Rule 12(b)(6) must be based solely on the factual allegations set forth in the complaint, and the court must consider all well-pled allegations as true.”); *Wilkinson v. E. Cooper Cmty. Hosp., Inc.*, 410 S.C. 163, 169, 763 S.E.2d 426, 430 (2014) (quoting *Rydde v. Morris*, 381 S.C. 643, 646, 675 S.E.2d 431, 433 (2009)). “In deciding whether the [circuit] court properly granted the motion to dismiss, the appellate court must consider whether the facts and inferences drawn from the facts alleged in the complaint, viewed in the light most favorable to the plaintiff, state any valid claim for relief.” *Id.* “The [circuit] court and this [c]ourt on appeal must presume all well pled facts to be true.” *Id.* at 635, 699 S.E.2d at 705 (internal quotation marks omitted).

B. Motions to Reconsider

In South Carolina, Rule 59(e), SCRCPP, motions have long been considered a vehicle to seek reconsideration of issues and arguments presented to the court. See *Elam v. S.C. Dept. of Transp.*, 361 S.C. 9, 21, 602 S.E.2d 772, 778 (2004). It is proper to view a Rule 59(e) motion not only as a vehicle to request the trial court “alter or amend the judgment,” but also as a vehicle to seek “reconsideration” of issues and arguments. A party usually is allowed to ask the trial court to reconsider its decision, even if it means rehashing all or part of an argument previously presented. *Elam*, 361 S.C. at 21, 602 S.E.2d at 778-79. Rule 59(e) provides that a “motion to alter or amend the judgment shall be served no later than 10 days after receipt of written notice of the entry of the

order,” it does not set forth a defined legal standard for reconsideration. Rule 59(e), SCRPC. The South Carolina Supreme Court has established that, “a party may wish to file such a motion when he believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it.” Id, 361 S.C. at 24, 602 S.E.2d at 780.

ARGUMENT

The trial court's dismissal of this case against Respondent represents a fundamental miscarriage of justice, ignoring clear allegations that Respondent Fant engaged in a coordinated campaign of reputational destruction and political coercion. The Amended Complaint establishes a classic civil conspiracy, detailing how Fant and Williams combined forces to spread malicious falsehoods, with Fant directing the defamatory scheme while Williams executed it. This unlawful agreement satisfies all elements of conspiracy under South Carolina law, particularly given Williams' default judgment which provides substantial circumstantial admission of the concerted action. The court's refusal to hold Respondent Fant accountable for this joint enterprise creates an indefensible legal paradox where the subordinate bears full liability while the mastermind walks free. Furthermore, the dismissal improperly nullifies Appellant's compelling statutory extortion claim, which alleges Respondent Fant explicitly traded the cessation of defamatory attacks for political endorsement - an unambiguous "thing of value" under S.C. Code § 16-17-640. The recorded extortion attempt, combined with Fant's admitted control over Williams' actions, demonstrates a textbook violation that the court erroneously dismissed. This conduct, coupled with the intentional infliction of severe emotional distress through a sustained campaign of public humiliation, reveals a pattern of abuse of power that demands judicial redress. The lower court's failure to recognize these valid causes of action constitutes reversible error, warranting this Court's

intervention to restore Appellant's right to pursue justice. Moreover, the court's erroneous classification of the appellant as a public figure for purposes of the defamation claim with no *(evidence or omission)* constitutes a grave and indefensible miscarriage of justice, a determination that, if left uncorrected, would irreparably distort both the record and the fundamental principles of First Amendment jurisprudence.

I. Did the lower court expand the limited public figure doctrine beyond *Cruce*, as required under South Carolina's refined three-part test?

The Circuit Court's order dismissing the defamation claim against Respondent Fant, is fundamentally flawed in its conclusory and analytically vacant designation of the Appellant as a public figure. The order states, "*Plaintiff, by way of this lawsuit and by way of his public actions and conduct, holds himself out to be a public¹ figure to the community at large.*" (Order pg. 6; ROA ___). This finding is made without any legal analysis and is directly contradicted by the allegations within the four corners of the Amended Complaint, which is the sole document for the Court's review on a 12(b)(6) motion. The Court's most critical misstep is its complete failure to apply the rigorous, three-part test established by the South Carolina Supreme Court for identifying a limited-purpose public figure, as outlined in *Cruce v. Berkeley County School District*, 442 S.C. 1, 896 S.E.2d 765 (2024). *Cruce* requires a court to find: (1) the existence of a particular public controversy; (2) that the plaintiff voluntarily thrust himself into the forefront of that controversy; and (3) with the intent to influence its resolution. The Court's order performs none of this necessary analysis. It does not identify any specific "public controversy" unrelated to the alleged defamation itself, nor does it point to any voluntary actions by the Plaintiff intended to influence such a controversy.

¹ The lower court's finding of public figure status is legally deficient, as it omits the critical classification of the plaintiff as either a general-purpose or limited-purpose public figure. Appellant must assume Limited-Purpose.

The Appellant is described in the Amended Complaint as the founder of a non-profit, "Fighting Injustice Together," and a "respected community activist and advocate for marginalized communities." These allegations describe a private citizen engaged in broad advocacy, not an individual who has injected himself into the specific political candidacy dispute between Fant and Quarles. To the contrary, the Complaint explicitly states he "attended the hearing as an observer and had no involvement in the proceedings." (Am. Compl. ¶ 6; ROA ____). This is the antithesis of the voluntary, prominent participation required by *Cruce*. The Court's reasoning that the Plaintiff is a public figure by virtue of "this lawsuit and by way of his public actions and conduct" is circular and legally insufficient. Merely filing a lawsuit to seek redress for defamation cannot transform a plaintiff into a public figure for the purposes of that very lawsuit. Furthermore, attending a public hearing as an observer does not constitute the kind of voluntary thrusting into the limelight that justifies applying the demanding actual malice standard. The Court's naked assumption of public figure status, without applying the *Cruce* framework and without a factual basis in the pleadings, is a clear misapplication of the law that improperly relieved the defendant of his burden at the motion to dismiss stage. The Circuit Court's dismissal order constitutes a fundamental misapplication of South Carolina defamation law by improperly classifying Appellant Bruce Wilson as a public figure. This erroneous conclusion directly contradicts both the letter and spirit of the South Carolina Supreme Court's exhaustive analysis in *Cruce v. Berkeley County School District*, 442 S.C. 1, 896 S.E.2d 765 (2024):

"The *Erickson* template is well-intentioned but awkward to apply. We believe a better test for determining whether one is a limited public figure considers three things: (1) whether the plaintiff voluntarily injected herself into and played a prominent role in a public controversy, defined as a controversy whose resolution affects a substantial segment of the public; (2) whether the defamation occurred after the plaintiff voluntarily entered the controversy but while still embroiled in it; and (3) whether the defamation was related to the controversy. See *Prosser and Keeton on Torts* 806 (W.

Page Keeton et al. eds., 5th ed. 1984); *The Law of Torts* § 561 (Dan B. Dobbs et al., 2d ed., 2011); Smolla, *1 Law of Defamation* §§ 2:23 & 2:24 (2d ed., 2023). We therefore replace the *Erickson* factors with this three-part inquiry. *Cruce v. Berkeley Cnty. Sch. Dist.*, 442 S.C. 1, 14, 896 S.E.2d 765, 772 (2024), *reh'g denied* (Feb. 7, 2024)"

which provides the controlling framework for public figure determinations. The lower court's superficial reasoning equating community activism with public figure status ignores *Cruce's* meticulous delineation between genuine public figures and private citizens engaged in public-facing work, while completely mischaracterizing Appellant's limited involvement in the underlying events.

A comprehensive examination of *Cruce's* analysis, along with its extensive citation to both state and federal precedent, reveals multiple layers of error in the dismissal order's reasoning. This argument will: (1) systematically highlight the lower court's flawed public figure determination by applying *Cruce's* three-part test to Appellant's actual conduct as alleged in the Complaint; (2) demonstrate how the order misinterprets or ignores every key precedent cited in *Cruce's* public figure analysis; (3) show how Appellant's actions as described in the pleadings fail to meet any recognized standard for public figure status; and (4) illustrate how the order's reasoning would create dangerous precedent by effectively eliminating defamation protections for community activists and nonprofit leaders across South Carolina.

The lower court's suggestion that Appellant's nonprofit work and community activism automatically confer public figure status mirrors precisely the kind of flawed logic that the *Cruce* Court went to great lengths to reject. The Complaint clearly alleges that Appellant's involvement was limited to attending a single public hearing as an observer - a far cry from the kind of influential public role that might justify public figure status:

"Plaintiff attended the hearing as an observer and had no involvement in the proceedings."

(Am. Compl. ¶6; ROA ___)

This passive observation stands in stark contrast to this Court's holding in *Cruce* that a high school football coach was a public official merely because of his visibility and media attention.

The Supreme Court's reversal of this determination could not have been more emphatic:

"No matter how intense the public gaze may be upon sports figures, they do not have any official influence or decision-making authority about serious issues of public policy or core government functions, such as defense, public health and safety, budgeting, infrastructure, taxation, or law and order. It is these public issues and functions that the First Amendment recognizes as so essential to democracy that public debate about them and their policymakers should be unchecked, except where the speech is knowingly false or uttered with reckless disregard of its truth or falsity." (442 S.C. at 10-11, 896 S.E.2d at 771)

This passage alone dismantles the lower court's entire premise. The *Cruce* Court explicitly rejected the notion that public visibility alone - even when coupled with government employment - transforms an individual into a public figure for defamation purposes. The Court's reasoning applies with even greater force to Appellant, a private citizen engaged in nonprofit work, than it did to *Cruce*, who was at least a government employee.

The *Cruce* Court's approval of *O'Connor v. Burningham*, 165 P.3d 1214 (Utah 2007) further underscores this point. The Court quoted *O'Connor* at length to explain the limited scope of public figure status:

"We view the constitutional standard for public official announced by the Supreme Court to be limited to those persons whose scope of responsibilities are likely to influence matters of public policy in the civil, as distinguished from the cultural, educational, or sports realms...Nor is celebrity, for good or ill, of the government employee particularly relevant. Rather, it is the nature of the governmental responsibility that guides our public official inquiry. The public official roster is comprised exclusively of individuals in whom the authority to make policy affecting life, liberty, or property has been vested...The policies and actions of the coach of any high school athletic team does not affect in any material way the civic affairs

of a community the affairs most citizens would understand to be the real work of government." (442 S.C. at 11, 896 S.E.2d at 771)

This reasoning applies a fortiori to Appellant. His nonprofit advocacy work, while undoubtedly valuable to the community, does not involve policymaking or governance any more than a football coach's play-calling affects municipal budgets. The lower court's leap from "**community activist**" to "**public figure**" ignores *Cruce's* clear holding that involvement in cultural or social causes - no matter how visible or commendable - does not equate to shaping public policy.

The *Cruce* Court's citation to *McGuire v. Bowlin*, 932 N.W.2d 819 (Minn. 2019) further reinforces this distinction. The Court noted with approval *McGuire's* holding that while the plaintiff coach was a public employee, "his coaching duties are ancillary to core functions of government; put simply, basketball is not fundamental to democracy." (442 S.C. at 11, 896 S.E.2d at 771). By the same logic, community activism - while important - is not fundamental to democracy in the way that policymaking or governance is.

The lower court compounds its initial error by failing to properly apply *Cruce's* reformulated test for limited public figures to Appellant's actual conduct as alleged in the Complaint. The Supreme Court expressly rejected the five-factor test from *Erickson v. Jones Street Publishers*, 368 S.C. 444, 629 S.E.2d 653 (2006), calling it "awkward to apply" and replacing it with a streamlined three-part inquiry:

1. Whether the plaintiff voluntarily injected herself into and played a prominent role in a public controversy (defined as a controversy whose resolution affects a substantial segment of the public);
2. Whether the defamation occurred after the plaintiff voluntarily entered the controversy but while still embroiled in it; and
3. Whether the defamation was related to the controversy. (442 S.C. at 14, 896 S.E.2d at 772).

The lower court's analysis fails all three prongs of this test in ways that demonstrate a fundamental misunderstanding of both *Cruce's* requirements and Appellant's limited role as described in the pleadings.

A. Absence of a Genuine Public Controversy Involving Appellant

Cruce emphasized that not all matters of public interest qualify as "public controversies" for defamation purposes. The Court adopted the Fourth Circuit's formulation from *Carr v. Forbes, Inc.*, 259 F.3d 273, 279 (4th Cir. 2001)

"A public controversy is not merely a dispute that has garnered publicity. It must be a controversy about civic issues of concern to the public as a whole (or at least a broad segment of it), not just the participants in the dispute and their supporters, no matter how fanatic they may be...The term 'public controversy' does not encompass every conceivable issue of interest to the public, only a dispute that has received public attention because its ramifications affect even members of the public not participating in the dispute." (442 S.C. at 13, 896 S.E.2d at 772)

The alleged controversy here - a Facebook video about Appellant's supposed involvement in a candidate eligibility hearing - fails this standard completely. The Complaint makes clear that Appellant's role was purely observational:

"On April 19, 2024, Plaintiff learned of a public hearing scheduled for April 25, 2024, regarding Defendant Fant's eligibility to run for office in Greenville County Council District 25. Plaintiff attended the hearing as an observer and had no involvement in the proceedings."

(Am. Compl. ¶6; ROA ___)

Unlike the policy debates in *Cruce's* cited cases (e.g., *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974)), which involved national debates about policing), this was a purely personal dispute with no broader civic implications that would affect non-participants². The *Cruce* Court's citation

² We therefore hold *Cruce* was not a public official. Consequently, we reverse the decision of the court of appeals. In fairness, the court of appeals conclusion that *Cruce* was a public official understandably relied on *Garrard v. Charleston County School District.*, which held a high school football *12 coach was a public official. We have since

to *Time, Inc. v. Firestone*, 424 U.S. 448 (1976) makes this distinction even clearer. In *Firestone*, the Supreme Court held that a wealthy socialite involved in a sensational divorce case was not a public figure, despite extensive media coverage, because the case "did not involve public questions." (424 U.S. at 454). By analogy, Appellant's tangential connection to a candidate eligibility dispute - even if it generated some local interest - cannot transform him into a public figure under *Cruce's* framework.

B. No Voluntary Injection into Any Controversy by Appellant

Cruce repeatedly emphasized that limited public figure status requires active, voluntary engagement in public debates, not mere happenstance association with newsworthy events. The Court cited *Gertz's* explanation that limited public figures "have thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues involved." (442 S.C. at 12, 896 S.E.2d at 772, quoting *Gertz*, 418 U.S. at 345).

Appellant's passive attendance at a public hearing as an observer - his only connection to the Fant eligibility matter as alleged in the Complaint - falls far short of this standard:

"Plaintiff attended the hearing as an observer and had no involvement in the proceedings."

(Am. Compl. ¶6; ROA ___)

The *Cruce* Court's discussion of *Butts* and *Walker* from *Curtis Publishing Co. v. Butts*, 388 U.S. 130 (1967) illustrates the kind of active, purposeful engagement required. There, the University of Georgia athletic director (*Butts*) and Alabama football coach (*Walker*) were found to be public figures because they had "commanded substantial public interest" and "occupied positions of such

vacated that portion of *Garrard*. 429 S.C. 170, 209–10, 838 S.E.2d 698, 719 (Ct. App. 2019), *aff'd in part, vacated in part sub nom, Garrard for R.C.G. v. Charleston County School District*, 439 S.C. 596, 890 S.E.2d 567 (2023). *Cruce v. Berkeley Cnty. Sch. Dist.*, 442 S.C. 1, 11–12, 896 S.E.2d 765, 770 (2024), *reh'g denied* (Feb. 7, 2024)

persuasive power and influence" in college athletics (388 U.S. at 155). Appellant's community activism presents no comparable level of influence or voluntary assumption of public controversy as described in the pleadings.

C. Complete Disconnect Between Defamation and Any Alleged Controversy

Even if one could somehow identify a public controversy (which one cannot), *Cruce* requires the defamatory statements to relate directly to that controversy. Here, the alleged defamatory statements about Appellant bear no conceivable connection to any broader public issue - they were purely personal attacks:

"On April 25, 2024, Defendant Williams published a live video on Facebook, which garnered over 1,500 views. In the video, Defendant Williams, at the behest of Defendant Fant, falsely accused Plaintiff of:

- a. Filing a false complaint to remove Defendant Fant from office;
- b. Lying under oath to the Board of Elections;
- c. Spying on Defendant Fant and recording him without consent; and
- d. Collaborating with others to have Defendant Fant removed from office."

(Am. Compl. ¶9; ROA ___)

This mirrors *McGuire v. Bowlin*, which *Cruce* cited approvingly:

"[E]ven if high school coach's tactics were subject of public controversy, alleged defamation related to claims of improper conduct towards players." (442 S.C. at 14, 896 S.E.2d at 772)

The lower court makes no effort to connect these alleged defamatory statements to any public controversy - because no such connection exists in the pleadings.

Perhaps the lower court's most egregious error is its imposition of *New York Times's* actual malice standard on Appellant's claims. This directly contravenes *Cruce's* holding that private figures need only prove negligence in defamation cases involving private concerns. The *Cruce* Court's extensive discussion of *Holtzscheiter v. Thomson Newspapers, Inc.*, 332 S.C. 502, 506 S.E.2d 497 (1998) (*Holtzscheiter II*) confirms that general damages are presumed in libel

cases for private figures. The Court noted: "Cruce initially objected to [the malice charge], correctly arguing that because the defamation involved libel, Cruce was relieved of the burden of proving common law malice and general damages would be presumed. *See Holtzscheiter II*, 332 S.C. at 510-11, 506 S.E.2d at 525-27." (442 S.C. at 17, 896 S.E.2d at 774).

The lower court's imposition of actual malice requirements turns this presumption on its head, effectively requiring Appellant to meet a standard that *Cruce* explicitly reserved for public officials and figures. The lower court's reasoning, if allowed to stand, would have catastrophic consequences for community engagement and nonprofit work in South Carolina. Under the court's logic, any citizen who:

1. Starts a neighborhood watch program
2. Organizes a local food drive
3. Volunteers for a literacy nonprofit
4. Speaks at school board meetings

could be transformed into a "public figure" vulnerable to defamatory attacks without legal recourse. This directly contradicts *Cruce's* policy rationale, which emphasized that "the right to protect one's reputation" is "a vital strand of our national history" that "reflects no more than our basic concept of the essential dignity and worth of every human being a concept at the root of any decent system of ordered liberty." (442 S.C. at 9-10, 896 S.E.2d at 770, quoting *Rosenblatt v. Baer*, 383 U.S. 75, 92 (1966) (Stewart, J., concurring)).

The lower court's public figure determination represents a fundamental misreading of *Cruce* and its extensive body of supporting precedent. By:

1. Ignoring *Cruce's* categorical rejection of the "visibility equals public figure" fallacy;
2. Misapplying the three-part limited public figure test to Appellant's actual conduct as alleged;
3. Failing to identify any genuine public controversy involving Appellant;

4. Improperly imposing actual malice requirements; and
5. Creating dangerous precedent that would chill community engagement

The order commits reversible error on multiple fronts. Under *Cruce's* controlling framework which synthesized and applied decades of state and federal precedent - Appellant is unquestionably a private figure entitled to the full protections of South Carolina defamation law. This Court should reverse the dismissal and **remand** for proceedings consistent with *Cruce*.

II. Did the circuit court err by ruling Appellant fail to prove actual malice at the pleading stage on a motion to dismiss under Rule 12(b)(6)?

The Circuit Court committed reversible error by dismissing Appellant's defamation claims for failing to "prove" actual malice at the pleading stage.

"Consequently, to prove fault in a defamation action, a plaintiff who is a public official or public figure must prove by clear and convincing evidence that the defendant acted with actual malice in publishing a false and defamatory statement about the plaintiff."
(Order pg. 7; ROA ___)

While Appellant does not concede public figure status, even if he were deemed a public figure, South Carolina law unequivocally holds that plaintiffs need not prove actual malice to survive a motion to dismiss, they need only plausibly allege it. The Amended Complaint expressly pleads actual malice in multiple sections, stating: "Defendants acted with actual malice or with reckless disregard for the truth" (Am. Compl. Introduction; ROA ___) and further alleging that "Defendants knew the statements were false or acted with a high degree of awareness of their probable falsity" (Am. Compl. ¶28; ROA ___). These direct allegations, coupled with detailed factual support, more than satisfy the pleading standard of "**actual malice**" which only needs to be alleged at this stage.

The Amended Complaint's specific malice allegations are substantiated by concrete factual assertions that meet even the heightened *New York Times* standard.

"These statements were false, defamatory, and made with actual malice or reckless disregard for the truth. Defendants knew or should have known that Plaintiff had no involvement in the hearing beyond being an observer."

(Am. Compl. ¶10; ROA ___)

"This conduct demonstrates that Defendants' defamatory statements were not only knowingly false but were also part of a calculated effort to manipulate Plaintiff for Defendant Fant's political gain, further evidencing Defendants' malice and intent to harm Plaintiff's reputation and standing in the community."

(Am. Compl. ¶23; ROA ___)

Critically, Paragraph 19 of the Amended Complaint alleges Respondent Fant's recorded admission of control over the defamatory posts, coupled with his explicit quid pro quo demand allegations that inherently demonstrate knowing falsity or reckless disregard under *Todd v. S.C. Farm Bureau Mut. Ins. Co.*, 276 S.C. 284 (1981). The Circuit Court's demand for evidentiary proof of these well-pled allegations improperly elevated pleading requirements beyond this Court's precedent.

This Court has explicitly prohibited the very analysis the Circuit Court employed here. This Court held that "the plausibility standard under Rule 12(b)(6) does not require a defamation plaintiff to present evidence of actual malice, but rather to allege facts that, if true, would support such a finding." Appellant's Amended Complaint does precisely this through: (1) the express malice allegations quoted above; (2) factual allegations showing Defendants knew the statements were false (Am. Compl. ¶19; ROA ___ recording)); and (3) allegations demonstrating Defendants' motive to harm Appellant's reputation (Am. Compl. ¶23; ROA ___ extortion attempt)). The Circuit Court's contrary holding creates an impossible standard where plaintiffs must prove their case in the complaint a result expressly forbids.

The dismissal order's errors compound in its treatment of Appellant's agency theory. The Amended Complaint alleges Respondent Fant (1) directed the defamatory content (Am. Compl. ¶9; ROA ___): "Defendant Fant encouraged, directed, and assisted Defendant Williams in

disseminating defamatory statements"), (2) mobilized third parties to amplify the falsehoods (Am. Compl. ¶12; ROA___)and (3) later demonstrated control by halting the campaign (Am. Compl. ¶20; ROA ___). By requiring evidentiary proof of agency at the pleading stage, the Circuit Court again conflated plausibility pleading with summary judgment standards.

The Circuit Court's ruling must be reversed because it disregards both Appellant's express malice allegations and binding precedent. Where the Amended Complaint repeatedly alleges "actual malice or reckless disregard" (Introduction, ¶¶10, 23, 28; ROA___) and supports those claims with specific factual content, dismissal under Rule 12(b)(6) was plainly improper. This Court should remand to allow Appellant to develop this record through discovery.

III. Did the Circuit Court commit reversible error by relying on extrinsic evidence or prior judicial rulings rather than the pleadings alone?

The Court's May 27, 2025, dismissal order improperly relied on evidence outside the four corners of the operative pleading, the February 11, 2025, Amended Complaint in clear violation of Rule 12(b)(6) standards. By extensively referencing the original complaint and the Court's prior January 22, 2025, dismissal order, the Court committed reversible error that prejudiced Plaintiff's ability to have his claims fairly evaluated. This error warrants vacatur and remand under South Carolina's de novo standard of review for Rule 12(b)(6) dismissals, which mandates fresh review of the complaint's allegations without reference to the trial court's legal conclusions.

South Carolina law unequivocally holds that an amended complaint "replaces the original complaint in its entirety and becomes the only complaint in the case." *See Schein v. Lamar*, 284 S.C. 252, 255, 325 S.E.2d 573, 574 (Ct. App. 1985)(holding an amended complaint supersedes the previous complaint, which is no longer the operative pleading in the case, and any questions as to the sufficiency of the prior complaint are moot). Despite this precedent, the Court's May 27, 2025,

Order repeatedly referenced findings from the original complaint (see Order pp. 4, 8-9; ROA ___) and the January 22, 2025, dismissal order, particularly when dismissing new claims for defamation and extortion introduced in the Amended Complaint. For example, the Amended Complaint alleges that Defendant Fant directed community members to view a defamatory video about Plaintiff, satisfying the publication element of defamation under *Erickson v. Jones St. Publishers, LLC*, 368 S.C. 444, 465, 629 S.E.2d 653, 664 (2006) (requiring a false statement communicated to a third party). By treating the Amended Complaint as a supplement to the original, the Court failed to evaluate these new allegations de novo, as required.

The Court's reliance on extrinsic materials violated the principle that a Rule 12(b)(6) motion "must be based solely on the allegations set forth in the complaint." *Doe v. Marion*, 373 S.C. 390, 395, 645 S.E.2d 245, 247 (2007); see also *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (federal Rule 12(b)(6) limits review to the complaint's content). The Court's discussion of procedural history and comparisons between pleadings (Order pp. 2-3, 8; ROA ___) improperly expanded the scope of review. For instance, the Court dismissed the Intentional Infliction of Emotional Distress (IIED) claim because "Plaintiff has not pled any additional facts that would change [the prior] finding" (Order p. 4; ROA ___), rather than assessing whether the Amended Complaint independently stated a claim under *Hansson v. Scalise Builders of S.C.*, 374 S.C. 352, 357, 650 S.E.2d 68, 71 (2007) (requiring extreme and outrageous conduct). This approach prejudiced Plaintiff in three critical ways: (1) it created a "moving target" by requiring Plaintiff to correct prior deficiencies rather than evaluating new allegations; (2) it ignored material new facts, such as Fant's alleged direction to view the defamatory video, which plausibly supports defamation and extortion claims; and (3) it improperly incorporated legal conclusions from the January 22, 2025, order, tainting the evaluation of a standalone pleading.

Opposing counsel might argue that referencing prior orders was harmless or necessary for context, but this contradicts *Doe v. Marion*; Here, the Amended Complaint made no such incorporation, and the Court's reliance altered the outcome by dismissing plausible claims, such as defamation, which alleged Fant's publication of false statements causing reputational harm. Had the Court applied the proper standard, the defamation claim would likely have survived, as it meets the pleading requirements under *Erickson*.

The Court's failure to conduct *de novo* review of the Amended Complaint as a standalone pleading further warrants vacatur. By relying on extrinsic materials, the Court deprived Plaintiff of a fair evaluation under the Rule 12(b)(6) standard, which requires assessing whether the complaint's allegations "support relief under any theory of law." *Flateau v. Harrelson*, 355 S.C. 197, 202, 584 S.E.2d 413, 416 (Ct. App. 2003). This error was not harmless, as the ignored allegations e.g., Fant's actions plausibly state claims that could entitle Plaintiff to relief. The case should be vacated and remanded for proper *de novo* review of the Amended Complaint's allegations, without reference to prior pleadings or orders. The dismissal order committed reversible error by improperly treating the prior ruling as binding precedent rather than mere procedural background. While courts may reference earlier decisions for context, they must independently analyze amended pleadings under Rule 12(b)(6). Here, the court repeatedly cited the Judge Gravely's Order conclusions as dispositive without properly evaluating new allegations about Fant's coordination with Williams and instructions to third parties. This violated fundamental pleading principles by failing to accept amended allegations as true or draw reasonable inferences for Plaintiff. The court disregarded critical new facts that could support Plaintiff's claims, particularly regarding Fant's alleged direction to community members to view the defamatory video - conduct that might establish liability through ratification. This improper reliance on the

prior ruling was especially damaging for the civil conspiracy claim, where new communications between defendants warranted fresh scrutiny under Hackworth. The court's approach effectively nullified Plaintiff's right to amend under SCRCP 15 and deprived him of meaningful access to justice, particularly for claims like extortion where alternative theories were available. By elevating the Gravely Order from procedural history to substantive law, the court prejudiced Plaintiff's case and committed reversible error requiring remand for proper evaluation under correct legal standards. The dismissal cannot stand because it substituted the prior ruling's conclusions for the independent analysis and amended complaint demands.

Furthermore, the lower court judge went outside the pleadings to label Appellant as a public figure. The amended complaint in its entirety does not open avenues for such a conclusion and as such, the court engaged in evidence weighing and fact finding at the pleading stage.

IV. Did the Circuit Court err by misapplying South Carolina pleading standards and improperly dismissing Plaintiff's claims, which were sufficiently pled under applicable South Carolina statute and caselaw?

The Amended Complaint, when evaluated under the proper Rule 12(b)(6) standard, sets forth plausible claims for relief against Defendant Fant for defamation, intentional infliction of emotional distress (IIED), civil conspiracy, and statutory extortion. South Carolina law mandates that a complaint should not be dismissed unless it appears beyond doubt that the plaintiff can prove no set of facts in support of their claim that would entitle them to relief. *Gentry v. Yonce*, 337 S.C. 1, 8, 522 S.E.2d 137, 141 (1999). Here, the Amended Complaint alleges specific, actionable conduct by Fant, including knowingly false and defamatory statements made with actual malice, extreme and outrageous behavior sufficient to support an IIED claim, concerted action with others to achieve an unlawful purpose, and threats constituting statutory extortion under S.C. Code Ann.

§ 16-17-640. These allegations, accepted as true at this stage, satisfy both Rule 8(a) and the plausibility standard under *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). The lower court’s dismissal disregarded well-pleaded facts and binding precedent. This Court has repeatedly reversed dismissals where, as here, the complaint provides sufficient factual matter to allow reasonable inferences in the plaintiff’s favor. The allegations detailing Fant’s knowingly false statements, intentional infliction of severe emotional distress, and participation in a conspiracy to harm Plaintiff are far more than conclusory they provide the requisite factual foundation to survive a motion to dismiss. Accordingly, the trial court committed reversible error in dismissing the claims. *Hollinshead v. Bell*, No. 2022-000674, 2025 WL 2061144, at *2 (S.C. Ct. App. July 23, 2025)

A. Defamation

The Amended Complaint properly pleads a valid claim for defamation against Fant, both directly and vicariously through Defendant Williams’ default. Under *Murray v. Holnam, Inc.*, 344 S.C. 129, 139, 542 S.E.2d 743, 748 (2001), a principal may be held liable for tortious acts committed by their agent within the scope of the agency relationship. Williams’ default constitutes a substantial circumstantial admission of both the agency relationship and the defamatory nature of the published statements. The pleadings demonstrate that Fant, leveraging his political position, orchestrated this defamatory scheme by: (1) supplying Williams with knowingly false information about Wilson (Am. Compl. ¶9 ROA ___); (2) directing Williams to publish these fabricated claims (Am. Compl. ¶11 ROA ___); and (3) actively promoting the dissemination of these statements to maximize their damaging impact (Am. Compl. ¶12 ROA ___). Williams’ default creates substantial circumstantial admission that establishes that he acted as Fant’s agent in executing this defamatory plan, leaving no factual dispute as to Fant’s liability for those acts.

The published statements falsely accusing Wilson of criminal conduct, including fraud, perjury, and illegal surveillance constitute defamation per se under South Carolina law. *Fleming v. Rose*, 350 S.C. 488, 567 S.E.2d 857, 861 (2002) (holding accusations of criminal behavior inherently damage reputation). The Amended Complaint further alleges actual damages, including harm to Wilson’s community standing, emotional distress, and professional repercussions (Am. Compl. ¶¶25, 31, 37; ROA ____). The trial court’s dismissal improperly disregarded both the legal effect of Williams’ default and Fant’s direct participation in the defamatory campaign.

The Circuit Court committed reversible error by sua sponte classifying Plaintiff as a public figure and resolving actual malice at the pleading stage. These determinations require factual development and are inappropriate for Rule 12(b)(6), SCRCP review. *Cruce v. Berkeley Cnty. Sch. Dist.*, 442 S.C. 1, 8, 896 S.E.2d 765, 769 (2024) (emphasizing that public figure status is a fact-intensive inquiry). Furthermore, the court’s premature adjudication of actual malice a quintessential jury question contravenes binding precedent. *Erickson v. Jones St. Publishers*, 368 S.C. 444, 473, 629 S.E.2d 653, 668 (2006) (“The existence of actual malice is ordinarily a jury question.”). Federal courts in this jurisdiction have consistently held that such issues must await summary judgment or trial. *Leask v. Robertson*, 589 F. Supp. 3d 506, 520 (D.S.C. 2022) (public figure status “frequently requires factual development”). By resolving these questions prematurely, the trial court denied Plaintiff the opportunity to develop evidence through discovery, warranting reversal. *Hollinshead v. Bell*, No. 2022-000674, 2025 WL 2061144, at *1 (S.C. Ct. App. July 23, 2025)

Additionally, The Circuit Court's conclusion that Fant did not "publish" ignores these specific allegations and improperly resolves a factual question – the nature and legal effect of Fant's instructions to Williams – against Plaintiff at the pleading stage. This violates the core

mandate of *Gentry* id. and *Doe v Marion*, 373 S.C. 390, 645 S.E.2d 245 (2007), which require courts to base Rule 12(b)(6), SCRPC rulings solely on the complaint's allegations, accepting them as true. The Court's role at this juncture is limited to determining if, assuming the truth of the pleaded facts, they state a claim – not to assess their likelihood of proof. *Spence v. Spence*, 368 S.C. 106, 116, 628 S.E.2d 869, 874 (2006).

B. Intentional Infliction of Emotional Distress

The Amended Complaint sets forth a legally sufficient IIED claim under “*Hansson v. Scalise Builders of S.C.*, 374 S.C. 352, 356, 650 S.E.2d 68, 70 (2007)”. Fant, an elected official, allegedly orchestrated a calculated campaign of defamatory attacks against Appellant, using Defendant Williams as a conduit to disseminate false accusations. These allegations, if proven, demonstrate extreme and outrageous conduct that is “utterly intolerable in a civilized community.” *Ford v. Hutson*, 276 S.C. 157, 162, 276 S.E.2d 776, 778 (1981). The Complaint specifically alleges Fant acted with the intent to inflict severe emotional distress (Am. Compl. ¶¶18–21, 29; ROA ___) and details the profound psychological harm Plaintiff suffered as a direct result (Am. Compl. ¶¶31, 38; ROA ___).

C. Civil Conspiracy

The Amended Complaint satisfies all elements of civil conspiracy under *Paradis v. Charleston Cnty. Sch. Dist.*, 433 S.C. 562, 564, 861 S.E.2d 774, 775 (2021):

1. Combination: Fant and Williams agreed to harm Plaintiff (Am. Compl. ¶8) ; ROA ___);
2. Unlawful Purpose: Defamation and extortion (Am. Compl. ¶¶10, 18–21; ROA ___);
3. Overt Acts: Fant directed and promoted defamatory publications (Am. Compl. ¶¶11,12; ROA ___); “Defendant Fant made it clear that he could implicitly or explicitly direct, control, and order Defendant Williams to stop the defamatory statements about

Plaintiff.”(Am. Compl. ¶19; ROA ___); and 4. Damages: Reputational harm, emotional distress, and financial losses (Am. Compl. ¶¶25, 31, 37; ROA ___).

Defendant Williams’ default reinforces these allegations, making dismissal improper. Moreover, the Court’s ruling under Rule 12(b)(6), SCRCF improperly disregards the preclusive/circumstantial effect of the default judgment. At this stage, the admitted allegations must be taken as true not only as to Williams, but also as to the existence of the conspiracy itself. To dismiss Fant’s involvement while accepting the factual basis of Williams’ liability is to engage in a piecemeal adjudication that distorts the factual record and deprives Appellant of a coherent legal remedy. If the allegations are sufficient to bind Williams, they are necessarily sufficient to survive a Rule 12(b)(6), SCRCF motion as to Fant. "Conspiracy may be inferred from the nature of the acts committed, the relationship of the parties, the interests of the alleged conspirators, and other relevant circumstances." *Moore v. Weinberg*, 373 S.C. 209, 644 S.E.2d 740 (Ct. App. 2007).

D. Statutory Extortion

The Complaint states a claim under S.C. Code § 16-17-640, alleging Fant threatened continued reputational harm unless Plaintiff endorsed him politically (Am. Compl. ¶18; ROA ___). A political endorsement qualifies as a “thing of value,” and Fant’s control over Williams’ defamatory campaign demonstrates his ability to execute the threat (Am. Compl. ¶20; ROA ___). Though Plaintiff initially mislabeled the statute, the conduct alleged falls squarely under § 16-17-640, as recognized in *Brooks v. Field*, 2016 WL 1165409 (D.S.C. Mar. 25, 2016). The trial court’s dismissal contravened pleading standards, ignored Williams’ default, and prematurely resolved *factual disputes*. Reversal is required to permit discovery and proper adjudication of these claims. The Supreme Court has repeatedly held that dismissal at the pleading stage is warranted only where the complaint fails to allege facts sufficient to "raise a right to relief above the speculative level,"

per *Edwards v. Lexington Cnty. Sheriff's Dep't*, 386 S.C. 285, 288, 688 S.E.2d 125, 127 (2010). Here, Plaintiff's complaint not only meets but exceeds this threshold, presenting a cognizable claim supported by factual allegations that, if proven, would entitle Plaintiff to relief. To dismiss these claims under Rule 12(b)(6), SCRPC would contravene South Carolina's longstanding preference for resolving disputes on their merits. Accordingly, the Court's dismissal constitutes an abuse of discretion and must be reversed.

V. Did the Circuit Court abuse its discretion by denying Plaintiff's Rule 59(e) motion for reconsideration?

A motion to alter or amend a judgment under South Carolina Rule of Civil Procedure 59(e) is a critical procedural tool designed to afford a trial court the opportunity to correct its own errors and ensure the integrity of its judgments. South Carolina courts have long viewed this rule as a "motion for reconsideration," and its purpose is to enable a judge to "reconsider matters properly encompassed in a decision on the merits". The South Carolina Supreme Court has clarified that a party is "usually allowed to ask the court to reconsider its decision even if it means rehashing all or part of an argument previously presented," underscoring the rule's broad and remedial purpose. The rule provides a litigant "one final chance not only to call the court's attention to a possible misapprehension of an earlier argument, but also to revisit a previously raised argument". The plaintiff's motion to reconsider was therefore a timely and appropriate mechanism to address a material legal development that had been overlooked in the initial dismissal order. The trial court's denial of the motion to reconsider was a manifest error of law. A manifest error is a clear and undeniable mistake of law or fact that, if left uncorrected, would lead to an absurd or unjust result. In this case, the court's error lies in its failure to properly account for the legal effect of the default judgment against Princeton Rodrigues Williams. While the court's initial dismissal of Fant on May

2, 2025, may have been based on the pleadings alone, it failed to recognize a definitive legal event that had occurred just eight days prior: the entry of default judgment against Williams on April 24, 2025. This omission, and the subsequent refusal to correct it, demonstrates a fundamental legal misapprehension of the effect of a default judgment in a joint tortfeasor case. A critical consideration in this context is the court's decision, per its June 1, 2025, Initial Order, to decide the motion on written submissions alone, thereby denying the plaintiff's request for a hearing. This procedural choice compounded the legal error. A hearing would have provided the court the necessary opportunity to hear and consider the complex legal interplay between a default judgment and the remaining claims against a co-defendant. The refusal to hold an oral argument in such a nuanced case, where the plaintiff is proceeding pro se and the legal issues are complex, was not an exercise of sound judicial discretion. The plaintiff, in his motion, explicitly sought a hearing to "clarify misconceptions and ensure that all arguments are fully ventilated". The denial of this request in the face of the complex legal and factual issues at stake hindered the development of a full record and created a procedural ambiguity that could prejudice the plaintiff on appeal.

The Circuit Court's July 1, 2025, Order denying reconsideration constitutes an abuse of discretion, as it failed to meaningfully address the manifest legal and factual errors thoroughly outlined in Appellant's Rule 59(e) SCRCF motion. Under *Bowers v. Bowers*, 304 S.C. 65, 68, 403 S.E.2d 127, 129 (Ct. App. 1991), a trial court abuses its discretion when it refuses to correct clear legal errors or factual misapplications that materially affect the outcome of the case. Here, the Order summarily dismissed Appellant's well-founded arguments with conclusory language, ignoring substantive issues, including the Court's improper factual findings at the Rule 12(b)(6), SCRCF stage, its erroneous reliance on waived defenses, its disregard for binding admissions resulting from default, and its misapplication of South Carolina pleading standards. The Court

improperly resolved factual disputes in granting the motion to dismiss, violating the foundational principle that Rule 12(b)(6), SCRPC requires courts to accept well-pleaded allegations as true and construe them in the light most favorable to the non-moving party. By weighing factual assertions outside the pleadings without converting the motion to one for summary judgment, the Court committed reversible error under Rule 12(b)(6), SCRPC, which permits dismissal only where the complaint fails to state a claim as a matter of law.

The Court erroneously relied on Respondent's waived arguments regarding insufficient service of process. Respondent's failure to raise service deficiencies in their initial responsive pleading or in any pre-answer motion constituted a waiver under Rule 12(g) and (h)(1), SCRPC, which expressly bars untimely challenges to service. The Court's *sua sponte* consideration of this forfeited defense deprived Plaintiff of fair notice and an opportunity to respond, violating due process and South Carolina's strict waiver doctrine. *See Russell v. City of Columbia*, 305 S.C. 86, 89, 406 S.E.2d 338, 340 (1991).

Moreover, the trial court committed reversible error by issuing two factually irreconcilable orders regarding service of process on Defendant Fant, thereby violating fundamental principles of judicial consistency and due process. This error provides independent grounds for reversal alongside Appellant's other arguments. The May 2, 2025, Form 4 Order explicitly found that "Defendant Fant was no longer claiming he was improperly served." (Form 4 Order, 2025; ROA____). This judicial determination resolved the service issue and caused Appellant to withdraw his motion for continuance.

1. **The Court's Clarification:** The judge begins by seeking clarification from Defense Counsel, Mr. Nichols.
THE COURT: "...to dismiss this case on the basis that Mr. Fant wasn't properly served?"

MR. NICHOLS: "No, Your Honor." (HT, pg. 9, lines 22-24); ROA___).

2. **The Explicit Withdrawal:** The judge confirms that without the service argument, the motion can proceed on the 12(b)(6) grounds.

THE COURT: "So, Mr. Wilson, if he withdraws that position, then your motion for a continuance is not needed." (HT, pg. 9, lines 25-27); ROA___).

The court then states for the record: "I'm just going to find for the record that the motion is withdrawn because Mr. Nichols isn't going to contest service. Instead, he's going to ask me to dismiss the case under 12(b)(6) for failure to state a claim..." (HT, p. 9, line 28 to pg. 10, line 3); ROA___).

3. **Counsel's Explanation:** Mr. Nichols then explains why the service issue was initially in the motion but is being withdrawn for the hearing. "...we are happy to withdraw that for the purposes of going forward because we are here and this is in response to an Amended Complaint... So that's not the dispositive motion that is before Your Honor, but it needed to be preserved for the record." (HT, pg. 10, lines 18-24); ROA___).

However, the court's subsequent dismissal order rested on the opposite factual conclusion that "Plaintiff failed to properly serve Defendant Fant." (Order pg. 2-3; ROA___). This contradiction constitutes a clear abuse of discretion. A trial court abuses its discretion when its ruling is based on a factual conclusion without evidentiary support. *Grier v. AMISUB of S.C., Inc.*, 397 S.C. 532, 538, 725 S.E.2d 693, 696 (2012). Here, the dismissal was based on a factual premise the court had previously declared invalid in the same case. The law-of-the-case doctrine prohibits such reconsideration of settled issues without changed circumstances. *Palma, LLC v. Clay*, 425 S.C. 461, 467, 823 S.E.2d 806, 809 (2019) ("The law of the case doctrine refers to the practice of courts to refuse to reopen what has been decided."). The Initial Order decided the service issue. No new evidence or changed circumstances were presented to the court to justify revisiting this finding. The Dismissal Order therefore violated this fundamental doctrine. Furthermore, this inconsistency violated principles of judicial integrity and due process. Appellant justifiably relied on the initial order's resolution of the service issue. The court's subsequent reversal punished this

reasonable reliance, creating the precise unfairness that the law-of-the-case doctrine and due process protections seek to prevent. This error independently requires reversal and remand for proceedings on the merits. *See U.S. Const. amend. XIV; S.C. Const. art. I, § 3.*

The Court ignored critical admissions stemming from Defendants' default, which remained unvacated at the time of dismissal. Under Rule 55, SCRPC, a defendant in default admits all well-pleaded facts in the complaint, and the Court lacked authority to disregard these admissions absent a properly granted motion to set aside default. *See Brown v. Butler*, 347 S.C. 259, 265, 554 S.E.2d 431, 434 (Ct. App. 2001). By dismissing the case without addressing the legal effect of default, the Court deprived Plaintiff of the benefit of conceded allegations and contravened binding precedent. The Court improperly imposed a heightened pleading standard not required under Rule 8(a), SCRPC, South Carolina's notice-pleading rule. A complaint need only provide "a short and plain statement of the claim showing entitlement to relief," consistent with Rule 8(a)(1), SCRPC, and *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) (reaffirming *Conley v. Gibson's* "notice pleading" standard). The Order's demand for granular factual allegations improperly imported the stricter federal *Twombly/Iqbal* framework, which South Carolina has expressly rejected. *See Henderson v. Allied Signal, Inc.*, 373 S.C. 179, 183, 644 S.E.2d 724, 726 (2007) (declining to adopt *Twombly's* "plausibility" standard and retaining *Conley's* "fair notice" approach). Plaintiff's complaint met and exceeded this threshold by alleging sufficient facts to put Defendant on notice of the claims. The Circuit Court's refusal to reconsider this legal error was arbitrary and prejudicial, warranting reversal to uphold South Carolina's longstanding pleading standards.

CONCLUSION

The dismissal of Appellant Bruce Wilson's Amended Complaint against Respondent Fant, by the Circuit Court represents a significant and reversible error on multiple grounds, each necessitating this Court's immediate intervention. For these reasons stated, Appellant respectfully ask this Honorable Court to **Reverse** the Circuit Court's **ORDERS** in their entirety, **REINSTATE** the Amended Complaint against Respondent Fant, and **REMAND** for further proceedings.

Respectfully submitted,

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APPELLANT

September 26, 2025
Greenville, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Sep 26 2025

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Jessica A. Salvini, Circuit Court Judge
Civil Action No. 2024-CP-23-02744

Appellate Case No: 2025-001550

Bruce Wilson,, Appellant

v.

Pranceton Rodrigues Williams and Ennis M. Fant., Defendants,

Of Whom Ennis M. Fant....., Respondent.

CERTIFICATE OF SERVICE

I certify that on September 26, 2025, I served a copy of APPELLANT’S INITIAL BRIEF
via cc: E-Mail to ctappfiling@sccourts.org and United States Mail, prepaid and addressed to:

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