Exhibit A

STATE OF SOUTH CAROLINA COUNTY OF BERKELEY Stephanie Lehman Plaintiff, vs. Berkeley County School District and Anne-Magill Payne, individually, and as an agent of Berkeley County School District, Defendants.	IN THE COURT OF COMMON PLEAS NINTH JUDICIAL CIRCUIT Case No.: 2024-CP-08-03367 **ORDER**

BACKGROUND

This is an employment case where Plaintiff, Stephanie Lehman ("Plaintiff") alleges she was constructively discharged from her employment as a teacher with the Berkeley County School District ("BCSD") subsequent to her filing a claim for workers' compensation benefits. Plaintiff also asserts a claim for defamation based on the false and defamatory statements and insinuations made by Defendant Anne-Magill Payne ("Payne"), individually, and as an agent of BCSD.

On January 7, 2025, Defendant BCSD filed its Motion to Strike and for More Definite Statement. On February 28, 2025, Defendant Payne filed a Motion for More Definite Statement. For the reasons below, Defendants' Motion for More Definite Statement is **DENIED**. Further, Defendant BCSD's Motion to Strike is **DENIED**.

FACTS ALLEGED IN THE COMPLAINT AS TO WORKERS' COMPENSATION RETALIATION

Plaintiff was hired by BCSD as a physical education teacher and athletic coach in March 2019 and was assigned to Phillip Simmons High School (PSHS) (Am. Compl. ¶5). On or about October 13, 2023**,** Plaintiff alleges she was violently attacked by a student at PSHS. The allegations continue to say the student used a partially or fully-filled 40 oz stainless steel "Hydroflask-style" metal water bottle to strike Plaintiff in the head and face, causing severe injuries and a concussion (Am. Compl. ¶6–Am. Compl. ¶11*)*. On or about October 18, 2023, Plaintiff filed a workers' compensation claim

for the injuries she sustained related to the alleged October attack (Am. Compl. ¶13).

On or about October 31, 2023, when she alleges she was recovering from a concussion and suffering the effects of post-concussion syndrome, Plaintiff was assigned what was identified as a "light-duty assignment" to work in an elementary school cafeteria as a food service technician (Am. Compl. ¶ 14). Defendant was aware of Plaintiff's restricted ability to perform the duties of a food service technician, and her sensitivity to light and noise associated with an elementary school cafeteria but still required her to work in this capacity. Moreover, Defendant informed Plaintiff that if she did not accept this position, she would not be eligible for workers' compensation benefits. (Am. Compl. ¶ 16).

On November 29, 2023, Plaintiff was placed on administrative leave due to an accusation that she failed to report her working time and was absent without approval (Am. Compl. ¶19). On January 4, 2024, the District determined Plaintiff had committed no policy violations, yet she was not permitted to return to work and was placed on unpaid leave (Am. Compl. ¶20–Am. Compl. ¶24).

On February 9, 2024, Plaintiff received notice of termination for allegedly failing to report to Sedgefield Middle School (Am. Compl. ¶25). She objected to both her termination and reassignment. Although her termination was rescinded, she was not restored to her prior post and her duties as an athletic coach were removed (Am. Compl. ¶27). The Complaint alleges that, in retaliation for filing a workers' compensation claim, Defendant stripped Plaintiff of her role as a golf coach, removed her from her role as a teacher at PSHS, which ultimately culminated in her constructive discharge from BCSD.

FACTS ALLEGED IN THE COMPLAINT AS TO DEFAMATION

In the Amended Complaint, Plaintiff alleges Payne is the principal's secretary at PSHS (Am. Compl. ¶33). Plaintiff claims Payne, in her individual capacity, and as an agent of BCSD, made false and defamatory statements about Plaintiff. (Am. Compl. ¶33, Am. Compl. ¶56). Such statements included calling Plaintiff a liar, accusing her of faking injuries, stealing time, and repeatedly referring

to her as a "bitch", all in the presence of students, staff, and parents (Am. Compl. ¶33, 56). Furthermore, Plaintiff alleges Payne told others that she was "faking" the injuries she suffered in the October attack and that Plaintiff was stealing time by not properly completing her timesheets (Am. Compl. ¶33). These statements were made during school hours and often in the presence of students, parents, and other staff members (Am. Compl. ¶33). Plaintiff further asserts that Payne, both individually and as an agent of the District, knowingly made false statements in front of other students, parents, and other staff members that damaged Plaintiff's professional reputation and caused emotional and financial harm (Am. Compl. ¶33, Am. Compl. ¶55). Plaintiff alleges these statements occurred during her employment with BCSD in 2023 and 2024 (Am. Compl. ¶ 20, 29, 33).

LEGAL STANDARD

I. MOTION FOR MORE DEFINITE STATEMENT

"A pleading which sets forth a cause of action, […], shall contain (1) a short and plain statement of the grounds including facts and statutes upon which the court's jurisdiction […], (2) ***a short and plain statement of the facts showing that the pleader is entitled to relief***, and (3) a prayer or demand for judgment for the relief to which he deems himself entitled […]." Rule 8, SCRCP (emphasis added).

"If a pleading to which a responsive pleading is permitted is ***so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading***, he may move for a more definite statement before interposing his responsive pleading." Rule 12, SCRCP (emphasis added).

"In pleading libel or slander ***it is not necessary to state in the pleading any extrinsic facts for the purpose of showing the application to the pleader of the defamatory matter out of which the action arose; but it is sufficient to state generally that the same was published or spoken concerning the pleader***." Rule 9(h), SCRCP (emphasis added).

II. MOTION TO STRIKE

"A motion to strike under Rule 12(f), SCRCP, which challenges a theory of recovery in the complaint, is in the nature of a motion to dismiss under Rule 12(b)(6), SCRCP." *Grazia v. S.C. State Plastering, LLC*, 390 S.C. 562, 567, 703 S.E.2d 197, 199 (2010) (Citing *McCormick v. England*, 328 S.C. 627, 632, 494 S.E.2d 431, 433 (Ct. App. 1997)). "In reviewing a ruling on a motion to dismiss a claim, this Court must base its decision solely on the allegations set forth on the face of the complaint." *Id.* (citing *McCormick,* at 632-33, 494 S.E.2d at 433). "The motion cannot be sustained if the facts alleged and the inferences reasonably deducible therefrom would entitle the plaintiff to any relief on any theory of the case." *Id.* at 633, 494 S.E.2d at 433 (citing *Dye v. Gainey*, 320 S.C. 65, 463 S.E.2d 97 (Ct. App. 1995)). "The question is whether in the light most favorable to the plaintiff, and with every reasonable doubt resolved in her behalf, the complaint states any valid claim for relief. The cause of action should not be struck merely because the court doubts the plaintiff will prevail in the action." *Id.* at 633, 494 S.E.2d at 433-34.

ANALYSIS

I. DEFENDANT'S MOTION FOR A MORE DEFINITE STATEMENT

There is no dispute that "'[t]he elements of defamation include: (1) a false and defamatory statement concerning another; (2) an unprivileged publication to a third party; (3) fault on the part of the publisher; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication.'" *McNeil v. S.C. Dep't of Corr.*, 404 S.C. 186, 195, 743 S.E.2d 843, 848 (Ct. App. 2013) (quoting *Murray v. Holnam, Inc.*, 344 S.C. 129, 139, 542 S.E.2d 743, 748 (Ct. App. 2001)).

The Amended Complaint meets the pleading standards under Rules 8 and 9 SCRCP.

Therefore, Defendant's Motion for A More Definite Statement is **DENIED**.

II. DEFENDANT BCSD'S MOTION TO STRIKE

A. Plaintiff's request for a jury trial is proper.

"Where the retaliatory discharge of an at-will employee constitutes violation of a clear mandate of public policy, a cause of action in tort for wrongful discharge arises." *Ludwick v. This Minute of Carolina, Inc.*, 287 S.C. 219, 220, 337 S.E.2d 213, 213 (1985) **"**Under *Ludwick* an action for wrongful discharge is an action in tort." *Culler v. Blue Ridge Elec. Coop.*, 309 S.C. 243, 246, 422 S.E.2d 91, 93 (1992) (citing *Ludwick*, at 225, 337 S.E.2d at 216). "An action in tort is generally an action at law […] unless equitable relief is sought. *Id.* (citing *Mortgage Loan Co. v. Townsend*, 156 S.C. 203, 152 S.E. 878 (1930)). "The 'public policy' exception in *Ludwick* extends to 'violation of a clear mandate of public policy.'" *Culler v. Blue Ridge Elec. Coop.*, 309 S.C. 243, 246, 422 S.E.2d 91, 92 (1992).

Here, Plaintiff's Amended Complaint seeks compensatory damages in the form of lost back and future wages, income, and benefits, and expenses associated with finding other work. Plaintiff further seeks damages for severe psychological harm, emotional distress, anxiety, pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, embarrassment, humiliation, loss to professional standing, character and reputation, physical and personal injuries, and further seeks attorney's fees and costs and prejudgment interest.

Plaintiff's workers' compensation retaliation claim is akin to a wrongful discharge claim in violation of public policy. The Court in *Ludwick* extended the public policy exception with respect to wrongful discharge to include "violation[s] of a clear mandate of public policy." Here, the workers' compensation statute (42-1-10) establishes the clear mandate of public policy that is required to plead a cause of action for wrongful discharge.

Notably, there have been other cases where there have been jury trials on claims of workers' compensation retaliation. See, *Chastain v. Owens Carolina, Inc.*, 310 S.C. 417, 426 S.E.2d 834 (Ct. App. 1993) (plaintiff employee brought a statutory action seeking lost wages and reinstatement in a job from which he was discharged by defendant employer in retaliation for filing a claim under the Workers' Compensation law. The action was tried to a jury on the issue of whether

the discharge was retaliatory, and the jury found for the employee); *Horn v. Davis Elec. Constructors, Inc.*, 307 S.C. 559, 561, 416 S.E.2d 634, 635 (1992) ("… the trial court construed Section 41-1-80 to permit the jury to decide only whether a violation of the statute had occurred and in the event of a verdict for the plaintiff, reinstatement and payment of back wages were mandatory).

B. Plaintiff's remedies are not limited to reinstatement.

Even if Plaintiff's claims were limited to reinstatement the factfinder would still be entitled to award other remedies in situations where reinstatement is not feasible or practical. See *Drew v. Waffle House, Inc.*, 351 S.C. 544, 550, 571 S.E.2d 89, 92 (2002) ("front pay is awarded as a complement or as an alternative to reinstatement. If reinstatement is shown to be infeasible, for instance because of a hostile atmosphere, front pay may be awarded in lieu thereof or to reimburse the employee until the time of reinstatement.") In fact, the Court in *Drew* held:

> In considering the issue of front pay, federal courts have recognized its speculative character and therefore give wide latitude to the trial court. […] As stated by the Fourth Circuit Court of Appeals: 'The infinite variety of factual circumstances that can be anticipated do not render any remedy of front pay susceptible to legal standards for awarding damages.' […]. Accordingly, where the trial court has used permissible bases for awarding front pay, no abuse of discretion will be found […]. The factors that may be considered in awarding front pay include the length of prior employment, the permanency of the position held, the nature of the work, and the age and physical condition of the employee, along with other factors affecting the employer-employee relationship. […] Evidence of future employment prospects may also be considered.

Drew v. Waffle House, Inc., 351 S.C. 544, 549-50, 571 S.E.2d 89, 92 (2002) (internal citation omitted). Here, based on the allegations in the Amended Complaint, the Court could determine that Plaintiff's reinstatement may be impractical based on the workplace environment that would be created with her return to work.

Therefore, Defendant BCSD's Motion to Strike is **DENIED**.

CONCLUSION

For the reasons stated above, the Court **DENIES** Defendant BCSD's Motion to Strike.

Further, the Court **DENIES** Defendants' Motion for a More Definite Statement.

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The Honorable Diane S. Goodstein
Circuit Court Judge

Charleston, South Carolina

Berkeley Common Pleas

Case Caption: Stephanie Lehman VS School District Berkeley County

Case Number: 2024CP0803367

Type: Master/Order/Other

It is so Ordered!

s/Diane S. Goodstein