

STATE OF SOUTH CAROLINA,
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS OF
THE THIRTEENTH JUDICIAL CIRCUIT

Bruce Wilson,)
)
Plaintiff,)
)
vs.)
)
Ennis M. Fant,)
)
Defendant.)

CASE NO.: **2024-CP-23-00548**

ORDER

This matter came before the Court on September 22, 2025, for a hearing on Defendant, Ennis M. Fant (“Fant”) Motion to Dismiss Plaintiff’s Amended Complaint and Motion for Sanctions, pursuant to South Carolina Rules of Civil Procedure (“SCRCP”) Rule 12(b)(6). Austin Nichols appeared on behalf of Defendant and Bruce Wilson, Plaintiff, appeared pro se. As set forth below, Defendant’s Motion to Dismiss Plaintiff’s Amended Complaint is granted and Defendant’s Motion for Sanctions is denied.

LEGAL STANDARD

Rule 12(b)(6), SCRCP, allows the court to dismiss a party’s claim for “failure to state facts sufficient to constitute a cause of action.” In evaluating a motion to dismiss pursuant to this rule, the circuit court must view the facts alleged in the complaint and any reasonable inferences to be drawn therefrom in the light most favorable to the plaintiff. *Gentry v. Yonce*, 337 S.C. 1, 5, 522 S.E.2d 137, 139 (1999). “The trial court must base its ruling solely on allegations set forth in the complaint.” *Doe v. Marion*, 373 S.C. 390, 395, 645 S.E.2d 245, 247 (2007). “The trial court’s grant of a motion to dismiss will be sustained if the facts alleged in the complaint do not support relief under any theory of law.” *Flateau v. Harrelson*, 355 S.C. 197, 202, 584 S.E.2d 413, 416 (Ct. App. 2003).

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ORDER

Plaintiff brought this Amended Complaint against Defendant, alleging the following: Defamation, Defamation *per se*, and Intentional Infliction of Emotional Distress. Each party has submitted a supporting memorandum stating their respective positions and legal arguments. This Court also heard and considered oral arguments by each party. After hearing the arguments of the parties and a review of the filings in the case, Defendant's Motion to Dismiss Amended Complaint is granted.

“In order to prove defamation, the plaintiff must show (1) a false and defamatory statement was made; (2) the unprivileged publication was made to a third party; (3) the publisher was at fault; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication.” *Erickson v. Jones St. Publishers, LLC*, 368 S.C. 444, 465, 629 S.E.2d 653, 664 (2006), disapproved of by *Floyd v. WBTW*, No. CIV.A. 4:06CV3120-RB, 2007 WL 4458924 (D.S.C. Dec. 17, 2007) (quoting *Fleming v. Rose*, 350 S.C. 488, 494, 567 S.E.2d 857, 860 (2002)). “[Defamation] is actionable per se only if it charges the plaintiff with one of five types of acts or characteristics: (1) commission of a crime of moral turpitude; (2) contraction of a loathsome disease; (3) adultery; (4) unchastity; or (5) unfitness in one's business or profession.” *Murray v. Holnam, Inc.*, 344 S.C. 129, 142, 344 S.E.2d at 749. Defamation per se presumes that Defendants acted with common law malice and Plaintiff suffered general damages. *Murray*, 344 S.C. at 142. Defendant has failed to plead the necessary elements to support his claim for Defamation and Defamation *per se*.

In order to succeed on a claim for Intentional Infliction of Emotional Distress Plaintiff must properly plead, “(1) the defendant intentionally or recklessly inflicted severe emotional distress, or was certain, or substantially certain, that such distress would result from his conduct; (2) the

conduct was so “extreme and outrageous” so as to exceed “all possible bounds of decency” and must be regarded as “atrocious, and utterly intolerable in a civilized community; (3) the actions of the defendant caused plaintiff’s emotional distress; and (4) the emotional distress suffered by the plaintiff was “severe” such that “no reasonable man could be expected to endure it.” *Hansson v. Scalise Builders of S.C.*, 374 S.C. 352, 356, 650 S.E.2d 68, 70 (2007). Plaintiff has failed to plead the necessary elements of Intentional Infliction of Emotional Distress.

Defendant's Motion for Sanctions and payment of attorney fees is denied.

THEREFORE, IT IS HEREBY ORDERED:

Based on the above reasons, Fant’s Motion to Dismiss is granted and the causes of actions against Defendant Fant are dismissed. Plaintiff’s Amended Complaint is dismissed as Plaintiff has failed to plead an actionable claim of Defamation, Defamation *per se*, and Intentional Infliction of Emotional Distress. Furthermore, Fant’s Motion for Sanctions is denied.

AND IT IS SO ORDERED!

[SIGNATURE PAGE TO FOLLOW]



Greenville Common Pleas

Case Caption: Bruce Wilson vs. Ennis M Fant

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Type: Order/Other

So Ordered

Vernon F. Dunbar