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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The 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.

INITIAL REPLY BRIEF FOR APPELLANT

Bruce Wilson
14 Freestone St
Greenville SC 29605
brucewilson23@gmail.com

APPELLANT

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Appellant, Bruce Wilson, respectfully submits this Initial Reply Brief to address the arguments set forth in Respondent Ennis M. Fant's Initial Brief. Respondent's brief attempts to recast the Circuit Court's errors as mere pleading deficiencies, ignoring the substantive legal misapplications that form the core of this appeal. Respondent misstates the applicable pleading standard, disregards binding precedent, and asks this Court to overlook fundamental errors that deprived Appellant of a fair opportunity to be heard on the merits. For the reasons stated herein, the Circuit Court's dismissal must be reversed.

ARGUMENT IN REPLY

I. RESPONDENT'S STATEMENT OF FACTS MISCHARACTERIZES THE PLEADINGS AND MISSTATES THE APPLICABLE STANDARD.

Respondent's Initial Brief fundamentally misstates both the content of the Amended Complaint and the applicable pleading standard. Contrary to Respondent's assertion that Appellant "failed to plead the essential elements whatsoever," the Amended Complaint sets forth a detailed factual narrative that, accepted as true, satisfies each cause of action. Appellant did not merely allege "conclusions"; he pled specific, concrete facts: that Defendant Fant provided false information about Appellant's role in a hearing to Defendant Williams (Am. Compl. ¶ 8; ROA ___); that Fant directed and encouraged Williams to publish these lies on Facebook Live (Am. Compl. ¶ 9, 11; ROA ___); that Fant then orchestrated a coercive *quid pro quo*, captured on recording, offering to stop the defamatory campaign in exchange for a political endorsement (Am. Compl. ¶ 18, 21; ROA ___) and that Williams subsequently confirmed Fant's control by stating he would cease attacks on Fant's orders (Am. Compl. ¶ 20; ROA ___). These are allegations of *who* (Fant and Williams), *what* (orchestrating defamation and extortion), *when* (April-June 2024), *where* (social media, Greenville County), and *how* (through provision of false information,

public publication, and recorded coercion). Under South Carolina’s notice-pleading regime, these factual allegations are more than sufficient to provide Respondent with fair notice of the claims and the grounds upon which they rest. *Gentry v. Yonce*, 337 S.C. 1, 8 (1999). Respondent's attempt to re-label these specific facts as "speculation" or "conclusory" is an invitation for this Court to weigh evidence and resolve inferences a task expressly forbidden on a Rule 12(b)(6) motion. *Doe v. Marion*, 373 S.C. 390, 395 (2007).

II. APPELLANT’S BRIEF IS ANCHORED IN CONTROLLING SOUTH CAROLINA AUTHORITY AND CORRECTLY STATES THE PLEADING STANDARD.

Respondent’s opening salvo that Appellant’s brief “does not cite a single South Carolina appellate decision” supporting his claims is demonstrably false and ignores the extensive table of authorities and argument presented. Appellant’s Brief cited and applied numerous controlling South Carolina cases, including:

- a. *Cruce v. Berkeley Cnty. Sch. Dist.*, 442 S.C. 1 (2024), for the public figure doctrine.
- b. *Erickson v. Jones St. Publishers, LLC*, 368 S.C. 444 (2006), and *Fleming v. Rose*, 350 S.C. 488 (2002), for defamation elements.
- c. *Hansson v. Scalise Builders of S.C.*, 374 S.C. 352 (2007), and *Ford v. Hutson*, 276 S.C. 157 (1981), for IIED.
- d. *Paradis v. Charleston Cnty. Sch. Dist.*, 433 S.C. 562 (2021), and *Hackworth v. Greywood*, 385 S.C. 110 (Ct. App. 2009), for civil conspiracy.
- e. *Murray v. Holman, Inc.*, 344 S.C. 129 (2001), for vicarious liability.

Respondent’s claim is a red herring. The dispute is not an absence of authority, but the application of that authority. South Carolina is a notice-pleading jurisdiction. *Gentry v. Yonce*, 337 S.C. 1, 8 (1999); *Wilder Corp. v. Wilke*, 330 S.C. 71, 76 (1998). A complaint survives a 12(b)(6) motion if it provides “a short and plain statement of the claim showing that the pleader is entitled

to relief.” Rule 8(a)(1), SCRCF. The Court must accept well-pled factual allegations as true and draw all reasonable inferences in the plaintiff’s favor. *Doe v. Marion*, 373 S.C. 390, 395 (2007).

Contrary to Respondent’s assertion, the Circuit Court did not dismiss the Amended Complaint because Appellant “failed to plead the essential elements whatsoever.” It dismissed claims based on improper factual resolutions (e.g., finding no “publication” by Fant, resolving “actual malice,” and labeling Appellant a public figure) and legal errors (e.g., holding no civil extortion claim exists). These are reversible errors under the de novo review standard for a 12(b)(6) dismissal. *Fleteau v. Harrelson*, 355 S.C. 197, 202 (Ct. App. 2003).

III. THE CIRCUIT COURT ERRONEOUSLY RESOLVED FACTUAL AND LEGAL ISSUES BEYOND THE SCOPE OF A 12(B)(6) MOTION.

A. Defamation & Public Figure Status

Respondent contends the public figure argument is “legally irrelevant” because the Court “never issued a determination of Appellant’s public status.” This is incorrect. The Dismissal Order explicitly states:

"Plaintiff, by way of this lawsuit and by way of his public actions and conduct, holds himself out to be a public figure to the community at large. “All three types of public figures, just as public officials, must meet the New York Times standard of actual malice in order to recover damages for defamation. Public figures and public officials are entitled to less protection from defamation than private figures because they enjoy greater media access and are less vulnerable to injury from defamatory statements due to their ability to publicly rebut such statements. Furthermore, public figures and public officials are less deserving of protection because they have voluntarily exposed themselves to the increased risk of defamation.”

Erickson, 368 S.C. at 473, 629 S.E.2d at 668 (citing *Foretich v. Capital Cities/ABC, Inc.*, 37 F.3d 1541, 1551 (4th Cir.1994)). “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.” *Id.* at 467, 629 S.E.2d at 665.”

(Order pp 6,7; ROA ____).

The Amended Complaint is devoid of any factual allegations from which it could be inferred that the plaintiff holds himself out as a public figure. Furthermore, the record provides no evidentiary support for the court's finding on this point, which was therefore clearly erroneous.

The Order’s public figure determination is a quintessential error. Under *Cruce*, public figure status requires a rigorous three-part test: (1) a pre-existing public controversy; (2) voluntary injection into its forefront; and (3) defamation related to that controversy. 442 S.C. at 14. The Amended Complaint alleges Appellant attended a single hearing as an observer. This is not voluntary injection into a controversy. The lower court performed none of the required *Cruce* analysis. Determining public figure status is fact-intensive and generally inappropriate at the pleading stage. *Leask v. Robertson*, 589 F. Supp. 3d 506, 520 (D.S.C. 2022). By deciding this issue *sua sponte* without analysis, the court erred.

Furthermore, the court improperly found Appellant failed to allege “publication” by Respondent. The Amended Complaint specifically alleges Fant (1) provided false information to Williams with intent to publish (Motion ¶9; ROA ____), (2) directed Williams to publish (Motion ¶ 11; ROA ____), and (3) instructed community leaders to view the publication (Motion ¶12; ROA ____). Under *Murray v. Holman*, a principal can be liable for defamation committed by an agent.

344 S.C. at 139. At the 12(b)(6) stage, these allegations of direction and procurement must be accepted as true and are sufficient to plead publication.

B. Intentional Infliction of Emotional Distress

Respondent argues Appellant failed to plead “extreme and outrageous” conduct by Fant. The Amended Complaint alleges Fant, an elected official, orchestrated a defamatory campaign accusing Appellant of crimes (fraud, perjury, illegal surveillance) and later attempted political extortion via a recorded call. Conduct is “extreme and outrageous” if it is “so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.” *Ford v. Hutson*, 276 S.C. at 162. The alleged misuse of public office to orchestrate false criminal accusations and coercive threats, if proven, meets this high bar. Dismissal at this stage was premature.

C. Civil Conspiracy

Respondent repeats the Circuit Court’s error that Appellant failed to plead “additional acts in furtherance of the conspiracy separate and independent from other wrongful acts.” Hackworth, 385 S.C. at 115. This misreads Hackworth. The “additional acts” requirement means the overt act in furtherance of the conspiracy must be alleged; it does not require the act itself to be an independent tort. The Amended Complaint alleges the conspiracy’s unlawful objective was defamation and extortion. The overt acts in furtherance include Fant supplying false information, directing publication, and mobilizing viewers. These are sufficiently pled. See *Paradis*, 433 S.C. at 576.

D. Statutory Extortion

Respondent correctly notes the Circuit Court found no civil cause of action for extortion. Appellant’s Initial Brief conceded the initial statutory citation was in error but argued the facts

alleged state a claim under S.C. Code Ann. § 16-17-640, which defines extortion as obtaining “any property or other thing of value” by threat. A political endorsement is a “thing of value” in the political context. The recorded threat “I can make this stop if you agree to endorse me” combined with Fant’s admitted control over Williams, plausibly alleges a violation. Whether this criminal statute implies a private right of action is a legal question that should not have been resolved against Appellant at the pleading stage. The decision reinforces that dismissal should be theory-specific, not fact-specific. Where facts plausibly allege coercive conduct, dismissal is improper if any recognized civil theory could apply, consistent with *Edwards v. City of Goldsboro*, 178 F.3d 231 (4th Cir. 1999). At minimum, the allegations support a claim for abusive civil litigation or wrongful coercion under alternative theories. Furthermore, Responent’s assertion that this matter is not preserved is blatantly false on its face.

Statement from Appellant at the Motion to Dismiss Hearing:

"Your Honor, I believe, under the four corners of the pleadings, my pleadings are factual, they meet each element. And I would like to say one thing about the extortion before I sit down. I believe the District Court of South Carolina has recognized that that type of claim can be initiated in South Carolina. I would say, Your Honor -- and I tried to correct it in my memorandum, and I hope the Court would read or have a chance to go through my memorandum -- that we did inadvertently cite the wrong -- the state statute dealing with extortion. We did correct that in my memorandum to explain to the Court, along with the proper case law that established that that type of claim can be brought in South Carolina."

(Transcript p 25 ¶8-20; ROA____)

IV. THE DEFAULT JUDGMENT AGAINST WILLIAMS IS CIRCUMSTANTIAL EVIDENCE SUPPORTING THE CLAIMS AGAINST FANT.

Respondent argues Appellant’s reliance on co-defendant Williams’s default is “legally baseless.” Appellants does not argue the default is **conclusive** against Fant. Rather, it is substantial circumstantial evidence that supports the plausibility of the Amended Complaint’s allegations. The default judgment establishes that the core factual narrative that Williams published defamatory statements at Fant’s behest is deemed admitted as to Williams. In evaluating a 12(b)(6) motion, the court must consider the factual landscape, which includes judicial admissions by a co-defendant for the same operative facts. It is logically inconsistent to find the allegations sufficient to bind Williams by default yet insufficient to even state a claim against the alleged mastermind, Fant. This circumstantial evidence reinforces the plausibility of the conspiracy and agency allegations, which should weigh in the favor of Appellant on a motion to dismiss in the light most favorable to the Appellant on a Rule 12 (b)(6).

CONCLUSION

For the foregoing reasons and those stated in Appellant’s Brief, Appellant respectfully requests that this Court **REVERSE** the Orders of the Circuit Court, reinstate the Amended Complaint against Respondent Ennis M. Fant, and **REMAND** this case for further proceedings.

Respectfully submitted,

By: /s/ Bruce Wilson
Bruce Wilson
14 Freestone St
Greenville, SC 29605
brucewilson23@gmail.com

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