

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

Kenneth B. Loveless,)
)
Plaintiff,)
)
vs.)
)
Kevin Scully, Edward K. White, Flora E.)
"Beth" Hutchison, Michael Montgomery,)
and Beatrice Dennis-White,)
)
Defendants.)

IN THE COURT OF COMMON PLEAS
Civil Action No. 2022-CP-40-01307

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Mar 24 2026

SC Court of Appeals

**ORDER GRANTING DEFENDANT
BEATRICE DENNIS-WHITE'S MOTION
TO DISMISS**

This matter came before this Court on February 3, 2026, for oral argument on Defendant Beatrice Dennis-White's (hereinafter "Defendant") Motion to Dismiss. Desa Ballard, Esq., appeared on behalf of Plaintiff and Robert Peele, III, Esq., appeared on behalf of Defendant. After carefully considering all arguments presented by counsel, this Court hereby GRANTS Defendant's Motion. This matter is hereby Dismissed.

I. FACTUAL BACKGROUND

Plaintiff, on March 14, 2022, initiated the instant action against Defendant Kevin Scully, alleging defamation based on statement made on Facebook in 2020. Compl. ¶ 8. On November 17, 2023, Plaintiff moved to amend his Complaint, seeking to add additional causes of action against Defendant Kenneth Scully on grounds that new evidence supporting those claims had been discovered. Plaintiff's Motion to Amend came before this Court on January 22, 2024, and was granted the following day. Plaintiff filed their amended Complaint against Defendant Kenneth Scully on January 31, 2024. By January 31, 2024, Defendant had not been made a party to this action.

On May 12, 2023, Plaintiff filed a lengthy Complaint in United States District Court which attempted to set forth a claim under 42 U.S.C. § 1983 against four defendants, three of whom were former members of the School Board for Lexington-Richland District Five. One of the former school board members sued in the federal case was Mr. White, the husband of Defendant. On October 25, 2023, Plaintiff filed an Amended Complaint in the federal action, asserting, in addition to the 42 U.S.C. § 1983 claim, claims for Conspiracy and Outrage.

On September 20, 2024, the United States District Court dismissed Plaintiff's claim under 42 U.S.C. § 1983 with prejudice. The Court also dismissed the conspiracy and outrage claims without prejudice, noting that, pursuant to 28 U.S.C. § 1367(d), "the period of limitations for these remaining shall be tolled while the claims are pending and for a period of 30 days after they are dismissed, unless State law provides for a longer tolling period."

Plaintiff did not refile any claims in state court within the period described in 28 U.S.C. § 1367(d). Instead, on November 15, 2024, Plaintiff moved to amend their Complaint a second time, this time adding Defendants Edward White, Flora Hutchinson, Michael Montgomery to this action. Attached to this motion was a proposed Second Amended Complaint, naming Kenneth Scully, Edward White, Flora Hutchinson, and Michael Montgomery as defendants.

Before Plaintiff's Motion for Second Amended Complaint came to a hearing, on January 20, 2025, Plaintiff filed a Supplemental Motion for Second Amended Complaint. In this supplemental motion, Plaintiff, for the first time, proposed that Defendant be made a party to this case. This is confirmed by Footnote 1 to the supplemental, which states that "New Defendant Beatrice Dennis-White is named for the first time in this motion." On May 13, 2025, Defendant moved to intervene in this action and opposed Plaintiff's supplemental motion adding Defendant as a party on grounds that the claims against Defendant were time barred.

II. STANDARD OF REVIEW

A motion to dismiss shall be granted if the party asserting the claim has failed to state facts sufficient to constitute a cause of action. Rule 12(b)(6), SCRCP. “In considering a motion to dismiss a complaint based on failure to state facts sufficient to constitute a cause of action, the trial court must base its ruling solely on the allegations set forth in the complaint.” Doe v. Marion, 373 S.C. 390, 395, 645 S.E.2d 245, 247 (2007). “The motion must be granted if the facts and the inferences reasonably deducible from them show that the plaintiff could not prevail on any theory of the case,” Gray v. State Farm Auto Ins. Co., 327 S.C. 646, 651, 491 S.E. 2d 272, 275 (Ct. App. 1997).

III. ANALYSIS

As set forth above, Plaintiff’s Second Amended Complaint confirms that he bases his proposed “civil conspiracy” and “outrage” claims on the alleged acts of the Intervenor, Bea White that occurred on, or prior to, September 14, 2020. (SAC, ¶¶ 20-38). The statute of limitations for claims of conspiracy and outrage (or intentional infliction of emotional distress) is ordinarily three years from when the injured party knew or reasonably should have known that a cause of action had claim had accrued. S.C. Code Ann. § 15-3-20 et. seq.

However, under the “discovery rule,” as discussed in Stokes-Craven Holding Corp. v. Robinson, 416 S.C. 517, 787 S.E.2d 485 (2016), the limitations period commences when the facts and circumstances of an injury would put a person of common knowledge and experience on notice that some claim against another party might exist. Notably, the “date when a plaintiff learns of a potential new defendant has absolutely no bearing on the timing of a statute of limitations.” Gilman v. City of Beaufort, 368 S.C. at 27-28, 627 S.E.2d at 748.

As set forth above, Plaintiff's Second Amended Complaint confirms that the alleged "civil conspiracy" and "outrage" claims are based on the alleged "retaliatory attacks" of the Intervenor that occurred on, or prior to, September 14, 2020. (SAC, ¶¶ 20-38). Therefore, Plaintiff knew or reasonably should have known that there was a potential claim against Defendant. See Joubert v. S.C. Dep't of Soc. Servs., 341 S.C. 176, 190, 534 S.E.2d 1, 8 (S.C. App. 2000) (statute of limitations begins to run when the plaintiff should know that he might have a potential claim against another, not when he develops a full-blown theory of recovery).

Consequently, the statute of limitations for Plaintiff's claims began tolling on September 14, 2020. The three-year statute expired on September 14, 2023. Plaintiff did not propose to add Defendant as a party to this case until January 20, 2025. For that reason, Plaintiff's claims against Defendant in the Second Amended Complaint are time barred and must be dismissed with prejudice.

IV. CONCLUSION

Therefore, in light of the above, Defendant's Motion to Dismiss is GRANTED and the action is Dismissed.

[JUDICIAL E-SIGNATURE PAGE TO FOLLOW]



Richland Common Pleas

Case Caption: Kenneth B Loveless vs Kevin Scully , defendant, et al

Case Number: 2022CP4001307

Type: Order/Dismissal

So Ordered

s/ Daniel Coble, 2774