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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County
Court of Common Pleas

Eugene P. Warr, Jr., Circuit Court Judge

Appellate Case No. 2026-000211
Circuit Court Case No. 2025-CP-10-03621

Joel Ndunda,

Appellant,

v.

Brandi Pfeil, LP-A, Crisis Intervention Employee, individually and officially; Caitlin McGarty, Crisis Intervention Employee, individually and officially; South Carolina Department of Behavioral and Developmental Disabilities, Office of Mental Health; and Charleston Dorchester Mental Health Center,

Defendants,

Of which Brandi Pfeil, Caitlin McGarty, and Charleston Dorchester Mental Health Center are the Respondents.

APPELLANT'S MOTION TO REINSTATE APPEAL PURSUANT TO RULE 260(a), SCACR WITH MEMORANDUM OF LAW IN SUPPORT THEREOF

PRELIMINARY STATEMENT — TIMELINESS

This Motion is filed on April 2, 2026, three days after the Clerk's Order of Dismissal filed March 30, 2026. Under Rule 260(a), SCACR, a motion to reinstate must be actually received by the Court within fifteen days of the order of dismissal. The fifteenth day from March 30, 2026 is April 14, 2026. This Motion is therefore filed within the fifteen-day reinstatement window established by Rule 260(a), before any remittitur has been issued to the lower court.

I. INTRODUCTION

Appellant Joel Ndunda, appearing pro se, respectfully moves this Court pursuant to Rule 260(a), SCACR, for reinstatement of this appeal, which was dismissed on March 30, 2026 following Appellant's failure to cure a Notice of Deficiency within the time provided. The deficiency arose from Appellant's pro se error: on March 10, 2026, when the Clerk issued a Notice of Deficiency and gave Appellant ten days to file the Order of Dismissal from the lower court, Appellant spoke with the Clerk's office by telephone that same day and transmitted a document electronically — but transmitted the notice of the order rather than the order filing itself. The correct document is submitted as Exhibit A to this Motion.

This Motion is brought within the fifteen-day reinstatement window of Rule 260(a), SCACR. No remittitur has been issued. Good cause for reinstatement is established by the following: (1) Appellant responded to the Notice of Deficiency on the day it was issued, demonstrating good faith compliance; (2) the error was the transmission of an incorrect but related document, not a willful failure to respond; (3) Respondents suffered no prejudice from the error; (4) the correct document, the Order of Dismissal (Exhibit A), is now submitted and the deficiency is cured; and (5) the appeal is meritorious, supported by newly discovered written certification from MUSC's records custodian that directly contradicts the factual premises upon which every immunity ruling in the Order rests.

II. PROCEDURAL BACKGROUND

A. The Trial Court Proceedings and Order of Dismissal

On May 1–2, 2025, Appellant was subjected to an approximately eighteen-hour involuntary psychiatric detention by Respondents. Appellant filed suit in the Charleston County Court of Common Pleas asserting six tort claims. The trial court heard oral arguments on Respondents' Motion to Dismiss on October 9, 2025. On November 3, 2025, the trial court filed its Order Granting Defendants' Motion to Dismiss Plaintiff's Complaint with Prejudice (the "Order"), attached hereto as Exhibit A.

The Order rests on a series of factual premises about the involuntary commitment process. The Order states at page 3 that "there was a facially valid order from the probate court." At page 6, the Order states that "the probate court ordered that Plaintiff be involuntarily detained." At page 12, the Order states Respondents' statements were made "in effectuating a lawful order of the probate court." These premises underpin the trial court's application of quasi-judicial immunity, discretionary immunity, the Argoe false imprisonment defense, and defamation qualified privilege.

B. The Notice of Appeal

On December 3, 2025, Appellant timely filed his Notice of Appeal within thirty days of the November 3, 2025 Order, as required by Rule 203(b)(1), SCACR.

C. The Notice of Deficiency, Appellant's Response, and Dismissal

On March 10, 2026, the Clerk of the Court of Appeals issued a Notice of Deficiency advising Appellant that the Order of Dismissal from the lower court had not been filed, and giving Appellant ten days to file it. On March 10, 2026 — the same day the Notice of Deficiency was issued, Appellant telephoned the Clerk's office and, following that conversation, transmitted a document electronically in an attempt to cure the deficiency. Appellant is a pro se litigant without formal legal training. Through error, Appellant transmitted a notice of the order rather than the order filing itself.

On March 30, 2026, the Clerk filed an Order of Dismissal for failure to cure the deficiency within the time provided.

The Order of Dismissal from the lower court, the document the Clerk required is submitted as Exhibit A to this Motion. The deficiency identified in the Notice of Deficiency is thereby cured.

D. Newly Discovered Evidence — MUSC Written Certification

Subsequent to the filing of the Notice of Appeal, Appellant obtained written certification from MUSC's records custodian confirming the complete absence of any M-130 Affidavit for Emergency Detention from Appellant's medical records for the May 1–2, 2025 detention. This certification is submitted as Exhibit B. Under S.C. Code Ann. § 44-17-410, a person "may be admitted" to a psychiatric facility "upon" (1) a written affidavit under oath and (2) a physician certification in triplicate. The M-130 is the instrument that satisfies the § 44-17-410(1) written affidavit requirement. MUSC's records custodian has certified in writing that no such document exists in the medical record for this admission.

III. LEGAL STANDARD FOR REINSTATEMENT

Rule 260(a), SCACR, provides that whenever an appellant has failed to comply with the requirements of these Rules, the Clerk shall issue an order of dismissal. The case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties. Where, as here, the motion to reinstate is received within the fifteen-day window of Rule 260(a), the case has not been remitted and reinstatement is governed by the good cause standard.

Good cause for reinstatement of a dismissed appeal exists where the failure to comply was inadvertent rather than willful, the opposing party suffered no prejudice, the appeal presents meritorious issues, and the interests of justice support reinstatement. Pro se litigants are afforded liberal construction of procedural requirements. A good faith attempt to comply that results in transmission of an incorrect but related document is not willful non-compliance and constitutes good cause for reinstatement upon submission of the correct document.

IV. GOOD CAUSE EXISTS FOR REINSTATEMENT

A. Appellant Responded in Good Faith on the Day the Notice Was Issued

On March 10, 2026, the same day the Clerk issued the Notice of Deficiency, Appellant telephoned the Clerk's office and transmitted a document electronically in an attempt to cure. A party who responds to a deficiency notice on the day it is received, by telephone contact with the Clerk's office and same-day electronic transmission, has demonstrated good faith compliance. The failure was not a failure to respond. It was a pro se error in identifying the correct document to submit.

Appellant is a pro se litigant without legal training managing simultaneous state appellate and federal civil rights proceedings. The distinction between a notice of the order and the order filing itself is a procedural nuance that a non-attorney pro se litigant, acting in good faith and under the time pressure of a ten-day cure window, reasonably may not have recognized. The error was inadvertent, not willful.

B. The Deficiency Is Now Cured

The Order of Dismissal from the lower court — the document the Clerk identified as missing in the Notice of Deficiency — is attached as Exhibit A to this Motion. The deficiency is cured. There is no ongoing non-compliance. Reinstatement will restore the appeal to full procedural compliance.

C. Respondents Suffered No Prejudice

Respondents were served with the Notice of Appeal on December 3, 2025, and have been on notice of Appellant's intent to pursue appellate review for nearly four months. The Order is a public record in Respondents' possession. Respondents have had the benefit of the full ten-day cure period and the period since dismissal without any briefing obligations. Reinstatement at this stage imposes no surprise and no procedural disadvantage upon Respondents.

D. The Appeal Is Meritorious — MUSC Certification Contradicts the Trial Court's Factual Premises

Every immunity ruling in the trial court's Order rests on the assumed existence of a lawful § 44-17-410 process, including a probate court order for continued detention. MUSC's records custodian has now certified in writing that no M-130 Affidavit for Emergency Detention — the § 44-17-410(1) written affidavit upon which lawful admission is conditioned — exists in Appellant's medical record for this admission.

The significance of this certification follows directly from the statute's own terms. S.C. Code Ann. § 44-17-410 provides that a person "may be admitted" to a psychiatric facility "upon" both a written affidavit under oath and a physician certification in triplicate. Both are conditions precedent to lawful admission — not post-admission paperwork. Under § 44-17-410(3), after admission the place of admission must forward the affidavit and physician certification to the probate court, which then conducts a probable cause review; upon a finding of probable cause the court may issue a written order for continued detention. The § 44-17-410(1) affidavit is therefore the foundational document: its existence conditions lawful admission, and its forwarding triggers probate court jurisdiction over continued detention.

MUSC's written certification that no § 44-17-410(1) affidavit exists in the medical record establishes the following directly from the statute:

- The statutory condition precedent to lawful admission under § 44-17-410 was absent. Admission without the written affidavit was not authorized "upon" the requirements § 44-17-410 specifies.
- Because no § 44-17-410(1) affidavit existed, none could have been forwarded to the probate court under § 44-17-410(3). Without that forwarding, the probate court had no document upon which to conduct a probable cause review.
- Without a probable cause review, no written order for continued detention could lawfully have been issued under § 44-17-410(3).
- Appellant was held for over eighteen hours without the statutory conditions precedent to lawful admission having been satisfied and without the statutory process for continued detention having been initiated — confirmed by the detaining facility's own records custodian.

This certification directly contradicts every immunity premise the trial court accepted:

Quasi-judicial immunity (Order at 6–7) required Respondents' actions to be "part of a court process." The § 44-17-410(3) process that would have made probate court involvement lawful — forwarding the affidavit and physician certification — could not have occurred because the § 44-17-410(1) affidavit did not exist. Discretionary immunity (Order at 7–8) was applied based on Respondents' exercise of discretion within a lawful commitment process. The absence of the § 44-17-410(1) affidavit means the lawful process the immunity doctrine protects did not occur. The Argoe false imprisonment defense (Order at 10–11) applies where there is a court order "valid on its face" from "a court of competent jurisdiction." Under § 44-17-410(3), a probate court continued detention order requires prior receipt of the forwarded affidavit and certification. Without those documents, the probate court lacked the statutory basis to issue a continued detention order. Qualified privilege in defamation (Order at 12–13) was grounded on statements made "in effectuating a lawful order of the probate court." The MUSC certification is inconsistent with the existence of such an order having issued through the statutory process.

E. The Appeal Presents Independent Reversible Legal Error

The trial court's Order also contains the following independently reversible errors:

- The Order dismissed Appellant's federal constitutional claims under 42 U.S.C. § 1983 by applying the South Carolina Tort Claims Act without separately analyzing those claims. Federal civil rights claims under § 1983 are not subject to state sovereign immunity or state immunity statutes. Hafer v. Melo, 502 U.S. 21 (1991); Patsy v. Board of Regents, 457 U.S. 496 (1982).
- The Order applied Argoe v. Three Rivers Behavioral Health, L.L.C., 392 S.C. 462, 710 S.E.2d 67 (2011), without addressing Appellant's allegation that the process was procured through fabrication. Argoe protects erroneous orders issued through a genuine judicial process. It does not address the absence of the statutory prerequisites that would have initiated that process.
- The Order found Appellant failed to plausibly allege actual malice without addressing that Respondents' own simultaneous clinical documentation — "Safety Concerns: NONE" and "Emergency: N" — directly contradicts the findings in the same assessment.

A statement known to be false at the moment it is made satisfies actual malice as a matter of law.

- The trial court dismissed without addressing Appellant's Emergency Motion for Sanctions, filed October 21, 2025, supported by audio evidence of a material misrepresentation made during the October 9 oral argument — filed seven days before the Order of Dismissal was entered.

F. The Interests of Justice Compel Reinstatement

This motion is filed within the fifteen-day window of Rule 260(a), SCACR. The deficiency is cured by the attachment of Exhibit A. The appeal is meritorious. The error was a good faith pro se mistake made on the same day Appellant received the Notice of Deficiency, not a willful failure to comply. Dismissal of a meritorious civil rights appeal — at the stage of a curable pro se error in identifying the correct document — when the detaining facility's own records custodian has certified the absence of the documents upon which lawful admission was conditioned, would not serve the interests of justice.

V. PRAYER FOR RELIEF

WHEREFORE, Appellant respectfully requests that this Court:

- GRANT reinstatement of this appeal pursuant to Rule 260(a), SCACR, upon finding that good cause has been shown;
- ACCEPT Exhibit A — the Order Granting Defendants' Motion to Dismiss with Prejudice, filed November 3, 2025 — as curing the deficiency identified in the March 10, 2026 Notice of Deficiency;
- ACCEPT Exhibit B — MUSC's written certification confirming the complete absence of any § 44-17-410(1) M-130 Affidavit for Emergency Detention from Appellant's medical records for the May 1–2, 2025 detention — as newly discovered evidence material to the merits of this appeal;
- DIRECT the Clerk to issue a new scheduling order establishing deadlines for the record on appeal and the parties' briefs following reinstatement;
- GRANT such other and further relief as this Court deems just and proper.

Respectfully submitted,

s/n: Joel Ndunda

JOEL NDUNDA
4015 Laurelwood Drive
Charleston, South Carolina
Telephone: (843) 822-4869
Email: geospatial02@outlook.com
Pro Se Appellant

Dated: April 2, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of April, 2026, a true and correct copy of the foregoing APPELLANT'S MOTION TO REINSTATE APPEAL WITH MEMORANDUM OF LAW IN SUPPORT THEREOF, together with Exhibits A and B, to be served upon counsel for Respondents by U.S. Mail

Zachary M. Kern
Clement Rivers LLP
P.O. Box 993
Charleston, South Carolina 29402

s/n: Joel Ndunda

JOEL NDUNDA, Pro Se Appellant

LIST OF EXHIBITS

Exhibit A: Order Granting Defendants' Motion to Dismiss Plaintiff's Complaint with Prejudice, signed October 31, 2025, filed November 3, 2025, Hon. Eugene P. Warr, Jr., Court of Common Pleas, Ninth Judicial Circuit, Charleston County, Case No. 2025-CP-10-3621. This is the document identified as missing in the March 10, 2026 Notice of Deficiency.

Exhibit B: Written Certification from MUSC Records Custodian confirming the complete absence of any M-130 Affidavit for Emergency Detention — the instrument that satisfies the S.C. Code Ann. § 44-17-410(1) written affidavit requirement — from Appellant's MUSC medical records for the May 1–2, 2025 detention. Under S.C. Code Ann. § 44-17-410, emergency psychiatric admission is lawful only "upon" this written affidavit and a physician certification in triplicate. MUSC's records custodian certifies that no such affidavit exists in the medical record for this admission.

Exhibit A attached as a separate file:Exhibit_A_Order_Of_Judgement.pdf

Exhibit B:

Musc Health
171 Ashley Ave
Charleston, SC 29425-8908

IMPORTANT INFORMATION REGARDING YOUR REQUEST FOR MEDICAL RECORDS

03/18/2026

[redacted] JOEL
4015 Laurelwood Dr
Charleston, SC 29414

Re: Joel Ndunda - Musc Health - [redacted]

We are unable to comply with your request at this time for the following reason(s):

No Dates of Treatment as Requested
We show no treatment at this facility for the dates of service you requested. Please review the request and authorization provided to update to include treatment dates in which the patient was seen and resubmit your request with the necessary information.

We do not have a copy of the detainment order

Please re-submit your request to the facility with the requested information in order to have your request processed.

Sincerely,

Musc Health

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
	)	
JOEL NDUNDA,	)	CASE NO. 2025-CP-10-3621
	)	
PLAINTIFF,	)	
	)	
vs.	)	
BRANDI PFEIL, LP-A, CRISIS INTERVENTION EMPLOYEE, INDIVIDUALLY AND OFFICIALLY; C. MCGARTY, CRISIS INTERVENTION EMPLOYEE, INDIVIDUALLY AND OFFICIALLY; AND CHARLESTON DORCHESTER MENTAL HEALTH CENTER,	)	**ORDER GRANTING DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT WITH PREJUDICE**
DEFENDANTS,	)	

This matter came before the Court upon Defendants, the South Carolina Department of Behavioral Health and Developmental Disabilities, Brandi Pfiel, and Caitlin McGarty's (hereinafter "Defendants", "BDHH", "Ms. Pfeil", and/or "Ms. McGarty")[1] Motion to Dismiss Plaintiff Joel Nduda's "(hereinafter "Plaintiff") Complaint pursuant to Rule 12(b)(6) of the *South Carolina Rules of Civil Procedure* on the grounds that Plaintiff's Complaint fails to state a claim upon which relief can be granted.

On October 9, 2025, the Court heard oral arguments on Defendants' Motion to Dismiss.[2] During the hearing, the Court gave counsel for Defendants and Plaintiff (*pro se*) a full and fair opportunity to proffer the factual allegations and legal issues that they deemed important. The

[1] The Defendants are improperly named in the Complaint. The proper identity of Defendants is set forth herein as The South Carolina Department of Behavioral Health and Developmental Disabilities, Brandi Pfeil, and Caitlin McGarty.

[2] Defendants' Motion to Strike Punitive Damages was also before the Court at this hearing. Here, because the Court grants Defendants' Motion to Dismiss, a ruling on Defendants' Motion to Strike Punitive Damages is unnecessary.

Court further allowed Plaintiff, at his request, to file a supplemental (second) memorandum in opposition to Defendants' Motion to Dismiss to further respond to the arguments raised by Defendants in their Memorandum in Support and oral argument. The Court has reviewed all of Plaintiff's filings including his Complaint, two Memorandums in Opposition, and the attached exhibits to the same, and the Defendants' Motion and Memorandum in Support, and this matter is now ripe for resolution.

Upon consideration of all parties' arguments at the hearing and the pleadings before the Court, including all applicable memoranda, this Court hereby **GRANTS** Defendants' Motion to Dismiss Plaintiff's Compliant, **with prejudice**.

BACKGROUND

This case arises out of Plaintiff's mental health evaluation by BHDD Office of Mental Health's Mobile Crisis Unit clinicians, Ms. Pfeil and Ms. McGarty. Plaintiff alleges that the clinical findings in his evaluation were fabricated in order to procure his involuntary, court-ordered, detention to MUSC Hospital for further evaluation.

The involuntary commitment process at issue here is a two-step process involving the probate court.[3] The first step, or "Part I", involves a mental health assessment/evaluation by mental health clinicians, such as those with BHDD, of the individual at issue. If the mental health clinicians determine the individual meets the threshold for requiring further advanced care at the hospital, the clinicians inform the probate court of their findings. If the probate court agrees with the assessment, the probate court issues an Order of Detention – allowing law enforcement to transport the individual, involuntarily, to the hospital for further evaluation. Plaintiff's Complaint admits he was taken involuntarily to the hospital following his mental health assessment (Part I)

[3] *See generally* S.C. Code Ann §44-17-410 *et. seq*.

by Defendants.[4] Plaintiff does not allege that his detention to MUSC was done without an Order of Detention from the probate court.

Part II of the involuntary commitment process involves assessment of the individual at the hospital by the hospital's clinicians. This is a separate and distinct determination from Part I. Part II concerns whether further commitment, such as institutionalization or extended hospitalization, is required. Plaintiff's allegations against the named Defendants only concern Part I – BHDD's assessment and Plaintiff's involuntary detention to MUSC. Plaintiff's allegations concerning events at MUSC are not within this Court's purview as the Complaint concedes that Defendants took no part in the events at MUSC.[5]

Plaintiff's Allegations against Defendants

Plaintiff's Complaint alleges that on or about May 1, 2025, Ms. Pfeil and Ms. McGarty performed the Part I assessment of his mental health.[6] Plaintiff's Complaint takes issue with certain findings in this evaluation including that Plaintiff was "homicidal", "suicidal", "agitated", "skipped meals", and posed immediate danger (to himself or others).[7] Plaintiff alleges that these statements were "knowingly false" because he disagrees with and disputes the findings.[8] Specifically, Plaintiff contends the evaluation's findings were inconsistent with his demeanor during the evaluation, certain clinical "checkbox" screening answers and/or impressions, and law enforcement parking protocols.[9]

Plaintiff further argues that he believed the Defendants were there to investigate his allegations of an alleged cybercrime, and that the Defendants' findings in his mental health

[4] Plaintiff's Compl. ¶ 10.
[5] Plaintiff's Compl. ¶¶ 10-13 (alleging that MUSC staff, not Defendants, evaluated Plaintiff at the hospital).
[6] Plaintiff's Compl. ¶ 1.
[7] Plaintiff's Compl. ¶ 2.
[8] *See* Plaintiff's Compl. ¶ 7 alleging that Defendants statement concerning Plaintiff's history of "delusional statements" was a "lie" because he strongly disputes that the statements were delusional.
[9] Plaintiff's Compl. ¶ 3; *See generally*, Plaintiff's supplemental (2nd) Memorandum in Opposition to Defendants' Motion to Dismiss.

evaluation were "fabricated" in retaliation for Plaintiff exposing the Defendants lack of cybersecurity expertise and/or due to Plaintiff threatening to sue the alleged cybercriminals.

Plaintiff alleges that following his mental health evaluation he was "publicly detained" by law enforcement to be evaluated further at MUSC Emergency Room (ER).[10] Plaintiff alleges that law enforcement detained him in front of his neighbors in order to embarrass him.

Based on these allegations, Plaintiff brings six (6) tort claims against the Defendants: (1) false imprisonment, (2) abuse of process, (3) defamation, (4) intentional infliction of emotional distress ("IIED"), (5) civil conspiracy, and (6) invasion of privacy: public disclosure of private facts.[11]

STANDARD OF REVIEW

"A trial judge in the civil setting may dismiss a claim when the defendant demonstrates the plaintiff has failed 'to state facts sufficient to constitute a cause of action' in the pleadings filed with the court."[12] "The question to be considered is whether, in the light most favorable to the plaintiff, the pleadings articulate any valid claim for relief."[13] When ruling on a motion to dismiss pursuant to Rule 12(b)(6), SCRCP, the court should consider only the allegations set forth on the face of the plaintiff's complaint.[14] A court further views the content of the pleadings in light of the general pleading rules and in the light most favorable to the plaintiff.[15]

[10] Plaintiff's Compl. ¶¶ 4, 9, 10.
[11] *See generally*, Plaintiff's Compl.
[12] *Williams v. Condon*, 347 S.C. 227, 232–33, 553 S.E.2d 496, 499 (Ct. App. 2001) (citing Rule 12(b)(6), SCRCP); *Flateau v. Harrelson*, 335 S.C. 197, 202, 584 S.E.2d 413, 415 (Ct. App. 2003) (affirming the dismissal of the complaint) (citing *Baird v. Charleston Cnty.*, 333 S.C. 519, 511 S.E.2d 69 (1999)).
[13] *Williams*, 347 S.C. at 333, 553 S.E.2d at 499.
[14] *Baird v. Charleston Cnty.*, 511 S.E.2d 69 (1999); *Williams*, 347 S.C. at 333, 553 S.E.2d at 499.
[15] *Woodell by Allen v. Marion Sch. Dist. One*, 414 S.E.2d 794 (S.C. Ct. App. 1992); *Plyler v. Burns*, Op. No. 26335 (S.C. Sup. Ct. filed June 11, 2007) (holding the trial court properly granted the defendant's motion to dismiss).

Rule 8(a)(2), SCRCP, provides that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to the relief." Although the court must liberally construe a *pro se* pleading, it remains that if the facts and inferences reasonably deducible from them show that the plaintiff could not prevail on any theory of the case, the motion to dismiss must be granted.[16] The mandated liberal construction afforded to *pro se* pleadings means that if the court can *reasonably* read the pleadings to state a valid claim on which the plaintiff could prevail, it should do so; however, the court may not rewrite a complaint to include claims that were never presented, construct the plaintiff's legal arguments for him, or conjure up questions never squarely presented to the court.[17]

FINDINGS AND CONCLUSIONS OF LAW

I. This Court finds that the South Carolina Tort Claims Act bars all Plaintiff's claims against all Defendants in this matter.

A. Claims against The South Carolina Department of Behavioral Health and Developmental Disabilities (BHDD).

In South Carolina**,** tort claims against government entities and government employees are governed by the South Carolina Tort Claims Act ("SCTCA" or "Act"). Plaintiff brings tort claims against BHDD, a government entity, and its employees, Ms. Pfeil and Ms. McGarty.[18] Plaintiff's claims are therefore subject to the SCTCA.

The SCTCA operates as a limited waiver of sovereign immunity. The SCTCA specifically enumerates exceptions to that limited wavier. In other words, the Act identifies instances where

[16] *Gray v. State Farm Auto Ins. Co.*, 491 S.E.2d 272 (S.C. Ct. App. 1997) (The Court must grant a motion to dismiss "if the facts and inferences reasonably deducible from them show that the plaintiff could not prevail on any theory of the case.").
[17] *Ridley v. S.C. Dep't of Mental Health*, 2017 WL 3924003, No. 2016-CP-40-02528 (S.C. Com. Pl. June 1, 2017) (granting the defendant government entity's motion to dismiss for failure to state a claim) (citing, in part, *Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985)).
[18] S.C. Code Ann. §15-78-30(a) and (d).

sovereign immunity still applies, and government entities and their employees cannot be held liable. The exceptions to the limited waiver of sovereign immunity must be liberally construed in favor of limiting the liability of the State.[19] Defendants argue that two such exceptions apply in this case: (1) the quasi-judicial exception and (2) the discretionary function exception.[20] This Court agrees.

i. This Court finds that the quasi-judicial immunity applies to Defendants.

Defendants argue that their mental health evaluation of Plaintiff and recommendation to the probate court that Plaintiff be involuntarily detained for further evaluation at MUSC was a quasi-judicial act as it was undisputably part of a court process. This Court agrees with Defendants.

South Carolina trial courts have consistently dismissed tort claims under this exception where the torts alleged involved court processes.[21] Here, the Defendants presented their clinical findings and recommendation to the probate court and the probate court ordered that Plaintiff be involuntarily detained for further evaluation at MUSC. Even taking the Plaintiff's allegations as true that Defendants' clinical judgment was poor and Defendants' clinical findings were wrong and inconsistent, Plaintiff cannot overcome that this was part of a court process and that the immunity applies.

Moreover, this Court applies the quasi-judicial immunity here as part of its gatekeeping responsibility. Protecting mental health clinicians from litigation arising solely from a patient's

[19] *Wright v. S.C. Dep't of Transportation*, 437 S.C. 184, 198, 877 S.E.2d 788, 795 (Ct. App. 2022).
[20] S.C. Code Ann §15-78-60(1), (5).
[21] *See e.g. Dizzley v. Bailey*, No. 2024-CP-22-00105, 2024 WL 4521281, at *6 (S.C.Com.Pl. May 08, 2024)(granting motion to dismiss to solicitors on quasi-judicial immunity grounds for claims in connection with their prosecution of criminal case(s)); *McCauley v. Wickensimer*, No. 2017CP2308068, 2018 WL 8193798, at *1 (S.C.Com.Pl. Mar. 26, 2018) (granting clerk of court's motion to dismiss in part on quasi-judicial immunity grounds on its alleged failure to follow proper wage garnishment procedures relating to Plaintiff); *Erwin v. South Carolina Dept. of Probation*, No. 2016CP4602414, 2016 WL 10957857, at *4 (S.C.Com.Pl. Dec. 07, 2016) (dismissing Plaintiff's tort claims against State and Department of Probation and Parole on the grounds that the quasi-judicial applies).

disagreement with an evaluation or distress over being involuntarily hospitalized, allows these health care workers to make difficult decisions with impartiality.[22] It is an understandable reaction to be upset or "disgruntled" by an adverse decision resulting in involuntary hospitalization. It is incumbent upon this Court to protect the integrity of the mental health assessment process by shielding the assessors from liability in tort when their actions are part of a court process. Their actions benefit the safety of the general public.

ii. This Court finds that the discretionary immunity applies to Defendants.

Defendants also argue that the discretionary immunity applies. This Court agrees with Defendants. The SCTCA includes an additional exception to the limited waiver of sovereign immunity for "the exercise of discretion or judgment by the governmental entity or employee or the performance or failure to perform any act or service which is in the discretion or judgment of the governmental entity or employee."[23] While discretionary immunity is an affirmative defense that usually requires proof that the government "weighed competing considerations" and "made a conscious choice", South Carolina Courts have granted dismissals of tort claims pursuant to this exception where the exercise of discretion by the government was undisputed.[24] This Court finds that the Defendants exercise of discretion was undisputed here based on Plaintiff's admissions in his Complaint.

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[22] *See Fleming v. Asbill*, 326 S.C. 49, 56, 483 S.E.2d 751, 755 (1997)(*citing Short v. Short*, 730 F.Supp, 1037, 1039 (D.Colo. 1990)) (extending the quasi-judicial immunity to GALs in order to protect GALs freedom to make professional judgments in the best interests of the child without the fear of litigation from disgruntled parents as that fear could compromise the GALs ability to make the appropriate determination).

[23] S.C. Code Ann §15-78-60(5).

[24] *See Ridley v. South Carolina Dept. of Mental Health*, No. 2016CP4002528, 2017 WL 3924003, at *6 (S.C.Com.Pl. June 01, 2017) (dismissing tort claims of involuntary committed individual on discretionary immunity grounds because defendant's actions in providing affidavits to court concerning plaintiff was undisputably the exercise of professional accepted discretion); *see also USS Clamagore SS-343 Restoration and Maintenance Ass'n, Inc. v. Patriots Point Development Authority*, No. 2019-CP-10-1950, 2020 WL 1038741, at *13 (S.C.Com.Pl. Mar. 02, 2020) (granting motion to dismiss, in part, on discretionary immunity because it "cannot be disputed" that the PPDA's decision to convert the Clamagore into an artificial reef was a "discretionary decision.").

Plaintiff's Complaint admits that the individual Defendants interviewed him and assessed his behavior and demeanor.[25] Plaintiff's Complaint admits that Defendants also considered (but chose to lend less weight to) "collateral documentation" as well.[26] Plaintiff's memoranda and attachments further provide that Defendants interviewed Plaintiff's mother, father, and girlfriend. Even construing the Plaintiff's allegations as true, that Defendants used their discretion poorly and reached the wrong conclusion, this Court finds that Defendants exercised discretion. Therefore, this Court finds that the discretionary immunity applies and dismisses all of Plaintiff's claims with prejudice for this additional, separate reason.

B. Claims as to the individual Defendants, Ms. Pfeil and Ms. McGarty

Plaintiff's Complaint alleges that the individual Defendants, Ms. Pfeil and Ms. McGarty, are liable in their personal capacities, not just their official capacities. The SCTCA is clear that individuals acting within the scope of their official duties as government employees are exempt from personal liability.[27] The allegations in Plaintiff's Compliant clearly provide that Ms. McGarty and Ms. Pfeil were working in their official capacities. Plaintiff's Complaint admits that the individual Defendants assessed him, prepared a report and notes concerning their assessment, and made a recommendation ("staffed") that he be committed to MUSC for further evaluation.[28] This Court finds that the individual Defendants were working in their official capacities.

Plaintiff's sole argument concerning the SCTCA for both BHDD and the individual Defendants in their personal capacities, is that the Defendants acted with "actual malice." For "actual malice", the Plaintiff has to sufficiently allege that the Defendants actions were motivated

[25] Plaintiff's Compl. ¶¶ 2-3.
[26] Plaintiff's Compl. ¶¶ 2-3.
[27] *Flateau v. Harrelson*, 355 S.C. 197, 206, 584 S.E.2d 413, 417 (Ct. App. 2003) (affirming dismissal of tort claims against individual commissioners of South Carolina Commission for the Blind because the actions were done within the scope of their official duties).
[28] Plaintiff's Compl. ¶¶ 1, 2, 3, 9 and 10.

by personal reasons rather than occupational reasons.[29] Plaintiff argues that the following alleged facts show that Defendants were motivated by personal reasons: (1) Defendants' embarrassment over lack of cybersecurity experience, (2) Defendants' misconstruing of medical terms, (3) inconsistencies between answers to screening "checkbox" questions and the body of the evaluation, (4) Defendants' misconstruing of Plaintiff's statements, and (5) Defendants' "non-existent" parking protocols.

Even accepting all these allegations as true, Plaintiff does not sufficiently or plausibly allege actual malice. All of the above actions identified by Plaintiff were conducted *within the context of the Plaintiff's mental health evaluation*. At best, Plaintiff's allegations show that Defendants utilized poor professional judgment and/or exhibited professional insecurity when carrying out their occupational duties because they were allegedly unprepared (for cybercrime), dismissive of his complaints, inconsistent, and overzealous. This is readily distinguishable from the personal animus required to sufficiently allege actual malice.

The Court further finds that Plaintiff's Complaint is devoid of any allegations that Defendants were motivated by a pre-existing, purely personal relationship or grudge. The Complaint does not allege that Ms. Pfeil or Ms. McGarty knew the Plaintiff prior to the evaluation on May 1, 2025. It does not allege that they had a prior professional history with Plaintiff – such as a previous antagonistic evaluation. The Complaint does not allege that Ms. Pfeil and Ms. McGarty stood to gain anything personally, such as a financial gain, from the evaluation. Instead, every allegation occurred entirely within the confines of a single, professional, and official,

[29] *Frazier v. Badger*, 361 S.C. 94, 103, 603 S.E.2d 587, 591 (2004) (finding that the government employee's motivation was "actual malice" because his actions were motivated by personal reasons – the plaintiff's rejection of his sexual advances, rather than occupational reasons.).

encounter. This Court therefore finds that the SCTCA applies to the Defendants and dismisses Plaintiff's claims against all Defendants.

II. Dismissal is required on each of the tort claims irrespective of the SCTCA

Given this Court's ruling that the SCTCA applies to the Defendants, including the above-enumerated exceptions, this Court is not required to address Plaintiff's tort claims further as each of his claims must be dismissed under the Act. Nonetheless, this Court further finds that Plaintiff's tort claims should be dismissed irrespective of the SCTCA. The Court's additional findings are as follows:

A. False Imprisonment

To state a claim for false imprisonment, the Plaintiff must allege sufficient facts showing that (1) the defendant restrained him, (2) the restraint was intentional, and (3) the restraint was unlawful.[30] Concerning the "unlawful" element, the South Carolina Supreme Court has held,

> A person confined pursuant to an authorized mental health commitment proceeding or process may not recover damages in a false imprisonment action. In accordance with the general rule dealing with confinement under process, ***even where the order of commitment is erroneously made, but is valid on its face and issued by a court of competent jurisdiction, the detention is not false imprisonment.***[31]

Here, Plaintiff has not alleged that he was involuntarily detained and taken to MUSC without an Order of Detention. Instead, he claims this Order was erroneously made. Even construing Plaintiff's allegations as true that the Order was erroneously made, Plaintiff has failed to state a claim for false imprisonment.

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[30] *Argoe v. Three Rivers Behav. Health, L.L.C.*, 392 S.C. 462, 473, 710 S.E.2d 67, 73 (2011) (*citing Jones by Robinson v. Winn-Dixie Greenville, Inc*., 318 S.C. 171, 175, 456 S.E.2d 429, 432 (Ct. App. 1995)).
[31] *Argoe v. Three Rivers Behav. Health, L.L.C.*, 392 S.C. 462, 473, 710 S.E.2d 67, 73 (2011) (Emphasis Added).

Plaintiff attempts to circumvent the controlling precedent of *Argoe* by arguing that the Order of Detention was not merely "erroneous" but was procured by "fraud." All of Plaintiff's allegations go towards the merits of the commitment decision and the quality of the evidence presented concerning Plaintiff's condition (and his alleged lack thereof), and not the validity of the judicial process or the court's jurisdiction. Plaintiff's argument is just a collateral attack on the factual findings and decision of the probate court, for which a false imprisonment claim is not the proper vehicle. Here, there was a facially valid order from the probate court. Therefore, Plaintiff's claim for false imprisonment must be dismissed.

B. Abuse of Process

"There are two essential elements required for an abuse of process action: (1) an ulterior purpose, and (2) a willful act in the use of the process not proper in the regular conduct of the proceedings."[32] The Supreme Court of South Carolina has found that "there is no liability [for abuse of process] where the defendant has done nothing more than carry out the process to its authorized conclusion, even with bad intentions."[33] "The ulterior purpose allegation must be accompanied by an allegation that the process was misused by the undertaking of the alleged act, not for the purpose for which it was intended but for the primary purpose of achieving a collateral aim."[34] "An allegation of an ulterior purpose or 'bad motive,' standing alone, is insufficient to assert a claim for abuse of process."[35]

Defendants argue that Plaintiff has failed to sufficiently allege the second element of abuse of process – a willful act in the use of the process not proper in the regular conduct of the

[32] *Broadmoor Apartments of Charleston v. Horwitz*, 306 S.C. 482, 486, 413 S.E.2d 9, 11 (1991).
[33] *Cisson v. Pickens Sav. & Loan Ass'n*, 258 S.C. 37, 46, 186 S.E.2d 822, 826 (1972).
[34] *Food Lion, Inc. v. United Food & Com. Workers Int'l Union*, 351 S.C. 65, 74, 567 S.E.2d 251, 255 (Ct. App. 2002)
[35] *Id.*

proceeding. Defendants argue that even accepting Plaintiff's alleged ulterior purpose as true – that Defendants fabricated the evaluation due to embarrassment over their lack of cybersecurity expertise or out of fear that Plaintiff would "sue" the cybercriminals responsible, the involuntary commitment process was carried out to its authorized objective – a decision to detain Plaintiff for further evaluation at the hospital.

Plaintiff's Complaint is devoid of any allegations of a willful act. For example, there are no allegations that Defendants offered to "stop" or "restrain" the commitment process if Plaintiff agreed not to sue the alleged cybercrime perpetrators. There are no allegations that Defendants used the commitment process to extort Plaintiff in some manner – such as for money or some other illicit gain.[36] The lack of an alleged willful act is dispositive of this claim. Therefore, this Court grants Defendants' motion as to Plaintiff's abuse of process claim for this additional reason.

C. Defamation

Plaintiff's Complaint alleges that Defendants defamed him by including false statements in his mental health evaluation and publishing those false statements to "police, medical personnel, and third-parties."[37] Defendants argue that qualified privilege applies as the alleged defamatory statements were made within the context of the involuntary commitment process (Part I), and in effectuating a lawful order of the probate court.[38] This Court agrees that qualified privilege applies.[39]

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[36] *Huggins v. Winn-Dixie Greenville, Inc.*, 249 S.C. 206, 212, 153 S.E.2d 693, 696 (1967) (finding that using the threat of a criminal arrest warrant to extort the payment of money constituted the necessary "willful act in the use of the process not proper in the regular conduct of the proceeding").

[37] Plaintiff's Compl. "Count Three."

[38] *Argoe v. Three Rivers Behav. Health, L.L.C.*, 392 S.C. 462, 475, 710 S.E.2d 67, 74 (2011); S.C. Code § 44-22-90(A)(2) & (4) and §44-22-100(A)(2), (4), and (5).

[39] *See Blackwell, Jr. v. Miller*, No. 2017CP2303754, 2017 WL 10795459, at *4 (S.C.Com.Pl. Nov. 08, 2017) (Court dismissed defamation claim wherein *pro se* plaintiff alleged defendant ex-wife defamed him to police officer. Court held qualified privilege protected the alleged defamatory statements because they

Plaintiff contends that Defendants' statements were made with actual malice and therefore Defendants are not afforded the protection of qualified privilege. Plaintiff alleges that Defendants knew its statements concerning Plaintiff being homicidal and/or dangerous were false because their answers to screening questions (as distinguished from the body of the findings), actions in parking far away from the Plaintiff's home, and actions in leaving Plaintiff unattended were inconsistent with danger. However, these allegations, accepted as true for the purpose of this motion, amount only to a claim that the Defendants' professional procedures were inconsistent and their judgment was erroneous. Plaintiff fails to plausibly allege knowledge of the statement's falsity or reckless disregard for the truth as required to establish actual malice.[40]

Plaintiff further argues that Defendants "admitted" in their argument to the Court that they made these alleged defamatory statements to "neighbors" destroying the qualified privilege. Defendants made no such admission. Defendants' memorandum speculates that the "third-parties" identified in Plaintiff's Complaint may have been Plaintiff's neighbors given Plaintiff's complaints concerning his neighbors and his distress over being detained "in front of neighbors."[41] Plaintiff has not alleged receipt of any of the alleged defamatory statements by any third-party who is not a part of the involuntary commitment process – law enforcement, probate court, hospital. Likewise, Plaintiff has not alleged any facts that would make such an alleged third-party disclosure plausible. Therefore, Plaintiff has failed to state a claim for defamation and the claim must be dismissed.

D. Intentional Infliction of Emotional Distress

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were made in good faith to a police officer with the common interest of (1) protecting plaintiff from committing suicide and (2) addressing plaintiff stalking of defendant).

[40] *Tegeler v. Collier*, No. 2020-CP-23-01213, 2020 WL 12698653, at *4 (S.C.Com.Pl. Sep. 08, 2020) (granting judgment on pleadings to defendant in defamation case on qualified privilege grounds were plaintiff failed to plead facts sufficient to meet the standard that the alleged defamatory statement was made with actual malice.).

[41] Plaintiff's Compl. ¶ 14.

To state a claim for IIED, Plaintiff must allege facts showing that (1) the defendant intentionally or recklessly inflicted severe emotional distress or was certain or substantially certain that such distress would result from defendant's conduct; (2) the conduct was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community; (3) defendant's actions caused the plaintiff's emotional distress; and (4) the emotional distress suffered by the plaintiff was severe so that no reasonable man could be expected to endure it.[42] For IIED claims, "The Court plays a significant gatekeeping role in order to 'prevent claims for intentional infliction of emotional distress from becoming a panacea for wounded feelings rather than reprehensible conduct.'"[43]

Defendants argue that Plaintiff's allegation that Defendants fabricated his mental health evaluation in retaliation for him threatening to sue the perpetrators of the alleged cybercrimes he believed Defendants were there to investigate is insufficient to meet the threshold for "extreme and outrageous" conduct. "Contrarily, Plaintiff argues that the allegations meet the threshold. This Court agrees with Defendants.

The bar for "extreme and outrageous" conduct is exceptionally high. As noted by the Court of Appeals in *Corder v. Champion Rd. Mach. Int'l Corp.*,

> [it] has not been enough that the defendant has acted with an intent which is tortious or even criminal, or that he has intended to inflict emotional distress, or even that his conduct has been characterized by "malice," or a degree of aggravation which would entitle the plaintiff to punitive damages for another tort. Liability has been found only where the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of

[42] *Hansson v. Scalise Builders of S.C.*, 374 S.C. 352, 356, 650 S.E.2d 68, 70 (2007).
[43] *Wadford v. S.C. Pub. Serv. Auth.*, No. 2:24-CV-00006-RMG-MHC, 2024 WL 4700561, at *16 (D.S.C. Sept. 6, 2024), *report and recommendation adopted*, No. 2:24-CV-00006-RMG, 2024 WL 4471354 (D.S.C. Oct. 11, 2024) (*citing Hansson*, 650 S.E2d at 72)).

> decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.[44]

Here, the Plaintiff's actions, construed as true for purposes of this Motion, do not meet this threshold. South Carolina Courts have rejected IIED claims where the alleged extreme and outrageous action was an act of retaliation.[45] Therefore, this Court finds that Plaintiff fails to state a claim for IIED.

E. Civil Conspiracy

In South Carolina, to state a claim for civil conspiracy, the Plaintiff must show (1) the combination or agreement of two or more persons; (2) to commit an unlawful act or a lawful act by unlawful means; (3) with the commission of an overt act in the furtherance of the agreement; (4) damages resulting to the plaintiff.[46] Defendants contend that the intra-corporate conspiracy doctrine applies to bar Plaintiff's civil conspiracy claim. Under the intra-corporate conspiracy doctrine, a corporation cannot conspire with its agents because the agents' acts are the corporation's own.[47] Corporate employees cannot conspire with each other or with the corporation.[48]

Here, Plaintiff has only alleged this claim against the Defendants – BHDD, Ms. Pfeil and Ms. McGarty. Plaintiff's Complaint admits that the individual Defendants are employees of

[44] *Corder v. Champion Rd. Mach. Int'l Corp.*, 283 S.C. 520, 524, 324 S.E.2d 79, 81 (Ct. App. 1984) (quoting Restatement (Second) of Torts Section 46, comment d (1977)).
[45] *See Id*. (finding that discharge in retaliation for filing worker's compensation claims, without more, failed to rise to the level of extreme and outrageous); *see also Melton v. Medtronic, Inc.*, 389 S.C. 641, 651, 698 S.E.2d 886, 891 (Ct. App. 2010) (finding that dismissing a patient close in time to surgery in retaliation for the patient expressing distrust in the doctor failed to rise to the level of extreme and outrageous conduct).
[46] *Paradis v. Charleston Cnty. Sch. Dist.*, 433 S.C. 562, 574, 861 S.E.2d 774, 780 (2021)
[47] *See Painter's Mill Grille, LLC v. Brown*, 716 F.3d 342, 352 (4th Cir. 2013)(dismissing Plaintiff's civil conspiracy claim because the intra-corporate conspiracy doctrine applied).
[48] *Id*.

BHDD and therefore agents of BHDD.[49] BHDD employees cannot conspire with each other or with the agency itself.[50] Therefore, the doctrine applies, and Plaintiff's defamation claim must be dismissed.

F. Invasion of Privacy: Public Disclosure of Private Facts

"Under a cause of action for the 'publicizing of one's private affairs with which the *public* has no legitimate concern', an essential element of recovery is a showing of a *public disclosure* of private facts."[51] "The disclosure of private facts must be a public disclosure, and not a private one; there must be, in other words, publicity."[52] "It is publicity, as opposed to publication, that gives rise to a cause of action for invasion of privacy."[53] "Communication to small group, absent a breach of contract, trust, or other confidential relationship, will not give rise to liability."[54] Plaintiff's Complaint alleges that his sensitive mental health information was disclosed to "neighbors" and "uninvolved third-parties." Despite filing a Complaint, two memoranda, and several exhibits, Plaintiff has never once identified who these "neighbors" or "uninvolved third-parties" are for purposes of this claim.[55] This claim should be dismissed for this reason.

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[49] *See generally*, Plaintiff's Comp. (alleging that Ms. Pfeil and Ms. McGarty are "Crises Intervention Employees at Charleston Dorchester Mental Health Center).

[50] This Court rejects Plaintiff's argument that this conspiracy involved outside parties. Plaintiff's Complaint does not allege that any outside parties were involved in the conspiracy, nor does he name them as Defendants.

[51] *Rycroft v. Gaddy*, 281 S.C. 119, 124, 314 S.E.2d 39, 43 (Ct. App. 1984) (*citing Beard v. Akzona*, Inc., 517 F.Supp 128 (E.D. Tenn 1981)) (Emphasis in original).

[52] *Rycroft v. Gaddy*, 281 S.C. 119, 124, 314 S.E.2d 39, 43 (Ct. App. 1984) (*citing Harrison v. Humble Oil*, 264 F.Supp. 89 (D.S.C. 1967)).

[53] *Rycroft v. Gaddy*, 281 S.C. 119, 124, 314 S.E.2d 39, 43 (Ct. App. 1984) (*citing Tureen v. Equifax, Inc*. 571 F.2d 411 (8th Cir. 1978)).

[54] *Id*.

[55] To the extent Plaintiff contends the "uninvolved third-parties" includes law enforcement, MUSC, and the probate court, this Court finds that a confidential relationship exists between these parties and mental health professionals concerning the disclosure of mental health information in the context of the involuntary commitment process. *See generally* S.C. Code §44-22-90(A)(2) & (4); §44-22-100(A)(2)(4) & (5).

Further, Plaintiff provides only conclusory allegations that Defendants "disclosed" Plaintiff's sensitive mental health material to neighbors. In support of that allegation, Plaintiff alleges (1) that law enforcement detained Plaintiff in view of his neighbor's house and (2) that lawyers will not take his case which must mean that his sensitive mental health information has "spread throughout the community." Being detained in public cannot meet the element of publicity under this tort, as it would subject the arresting party to tort liability in nearly every conceivable arrest or detainment scenario. Likewise, it is too great a leap for this Court to consider that lawyers' refusal to take Plaintiff's case (which could be for a multitude of reasons related or unrelated to this specific claim) is indicative of Plaintiff's mental health information having been "spread throughout the community." Plaintiff has not alleged any facts that plausibly allege widespread community knowledge of his mental health information. This Court therefore dismisses Plaintiff's invasion of privacy claim.

This Court is aware that the Plaintiff filed an "Emergency Motion" after the hearing on the Defendants' Motion to Dismiss. This Court did not retain jurisdiction of this case and therefore will not make any ruling as to this "Emergency Motion."

Accordingly, for the aforementioned reasons, **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss is **GRANTED**, and Plaintiff's Complaint is dismissed **WITH PREJUIDICE**.

IT IS SO ORDERED.

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Eugene P. Warr, Jr.
Presiding Judge

Charleston Common Pleas

Case Caption: Joel Ndunda VS Charleston Dorchester Mental Health

Case Number: 2025CP1003621

Type: Order/Dismissal

So Ordered

Eugene P. Warr, Jr.