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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

Veron F. Dunbar, Circuit Court Judge

Appellate Case No: 2026-000307

Bruce Wilson, ..., Appellant

v.

Ennis M. Fant....., Respondent.

RECORD ON APPEAL

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APPELLANT

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FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP2300548

Bruce Wilson
PLAINTIFF(S)

Ennis M Fant
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

Please see the following page.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☒ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 04/21/2025 .

Bruce Wilson for Bruce Wilson
Bruce Wilson for Bruce Wilson

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

This matter was before the Court on April 21, 2025. Bruce Wilson appeared pro se and Austin Nichols appeared on behalf of Defendant. Defendant Fant's Motion to Dismiss is denied without prejudice. The Court finds that the Motion is premature at this time. Plaintiff's oral Motion to Amend his Complaint to correct deficiencies is granted with leave for thirty (30) days to amend his complaint. Thereafter, Defendant Fant may renew the Motion to Dismiss. If Defendant does renew his Motion to Dismiss, it shall be renewed within sixty (60) days.

Based on the foregoing, discovery shall be stayed for sixty (60) days pending the filing of a renewed Motion to Dismiss. If Defendant does renew his Motion to Dismiss, discovery shall be stayed until the resolution of that motion.

IT IS SO ORDERED.



Greenville Common Pleas

Case Caption: Bruce Wilson vs. Ennis M Fant

Case Number: 2024CP2300548

Type: Order/Electronic Form 4

So Ordered

Jessica A. Salvini

Electronically signed on 2025-04-21 16:25:29 page 3 of 3

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP2300548

Bruce Wilson
PLAINTIFF(S)

Ennis M Fant
DEFENDANT(S)

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This matter was before the Court on April 21, 2025. Bruce Wilson appeared pro se and Austin Nichols appeared on behalf of Defendant. At the hearing, the parties represented that Defendant Fant's Motion to Stay Discovery was moot. However, upon review of the motion, the Court grants Defendant's Motion to Stay Discovery.

At the hearing, the Court granted Plaintiff's oral Motion to Amend his Complaint to correct deficiencies and allowed Plaintiff thirty (30) days to amend his complaint. Based thereon, the Court stayed discovery for sixty (60) days pending the filing of a renewed Motion to Dismiss. If Defendant does renew his Motion to Dismiss, discovery shall be stayed until the resolution of that Motion.

IT IS SO ORDERED.



Greenville Common Pleas

Case Caption: Bruce Wilson vs. Ennis M Fant

Case Number: 2024CP2300548

Type: Order/Electronic Form 4

So Ordered

Jessica A. Salvini

Electronically signed on 2025-04-21 16:24:49 page 3 of 3

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP2300548

Bruce Wilson
PLAINTIFF(S)

Ennis M Fant
DEFENDANT(S)

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This matter was before the Court on April 21, 2025. Bruce Wilson appeared pro se and Austin Nichols appeared on behalf of Defendant. Defendant Fant's Motion to Dismiss is denied without prejudice. The Court finds that the Motion is premature at this time. Plaintiff's oral Motion to Amend his Complaint to correct deficiencies is granted with leave for thirty (30) days to amend his complaint. Thereafter, Defendant Fant may renew the Motion to Dismiss. If Defendant does renew his Motion to Dismiss, it shall be renewed within sixty (60) days.

Based on the foregoing, discovery shall be stayed for sixty (60) days pending the filing of a renewed Motion to Dismiss. If Defendant does renew his Motion to Dismiss, discovery shall be stayed until the resolution of that motion.

IT IS SO ORDERED.



Greenville Common Pleas

Case Caption: Bruce Wilson vs. Ennis M Fant

Case Number: 2024CP2300548

Type: Order/Electronic Form 4

So Ordered

Jessica A. Salvini

Electronically signed on 2025-04-21 16:25:29 page 3 of 3

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP2300548

Bruce Wilson
PLAINTIFF(S)

Ennis M Fant
DEFENDANT(S)

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IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

This matter came before the Court on September 22, 2025. Austin Nichols appeared on behalf of Plaintiff and Bruce Wilson, Defendant, appeared pro se. After hearing the arguments of the parties and a review of the filings in the case, Defendant's Motion for Sanctions and payment of attorney fees is denied. An attorney fee affidavit was not submitted for consideration by the court. Defendant's Motion to Dismiss Amended Complaint is granted. Defendant's counsel is to prepare a formal order within thirty (30) days.

It Is So Ordered.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 10/10/2025 .

Bruce Wilson for Bruce Wilson
Bruce Wilson for Bruce Wilson

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Greenville Common Pleas

Case Caption: Bruce Wilson vs. Ennis M Fant

Case Number: 2024CP2300548

Type: Order/Electronic Form 4

So Ordered

Vernon F. Dunbar

Electronically signed on 2025-10-27 15:53:46 page 3 of 3

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 (“SCRPC”) 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), SCRPC, 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).

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

Case Number: 2024CP2300548

Type: Order/Other

So Ordered

Vernon F. Dunbar

Electronically signed on 2025-11-14 09:37:01 page 4 of 4

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP2300548

Bruce Wilson
PLAINTIFF(S)

Ennis M Fant
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy;
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- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

This matter is before the Court upon Plaintiff's Motion for Reconsideration of the Order filed on November 14, 2025 pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure (SCRCP), which was timely filed with the Court on November 20, 2025.

After careful consideration of the arguments, filings of the Parties and a review of the evidence and record in this matter, this Court respectfully denied the Motion for Reconsideration.

It Is So Ordered.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 02/09/2026 .

Bruce Wilson for Bruce Wilson
Bruce Wilson for Bruce Wilson

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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Greenville Common Pleas

Case Caption: Bruce Wilson vs. Ennis M Fant

Case Number: 2024CP2300548

Type: Order/Electronic Form 4

So Ordered

Vernon F. Dunbar

Electronically signed on 2026-02-09 20:05:05 page 3 of 3

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

24 JAN 26 PM 1:04
Bruce Garrett COC GUL SC

Bruce Wilson,

Plaintiff,

vs.

Ennis M. Fant

Defendants,

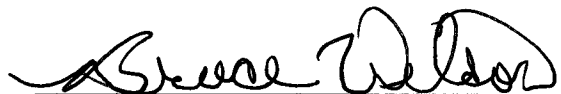
C.A. No: 2024-CP-23-00548

SUMMONS
(Jury Trial Demanded)

TO: DEFENDANT, ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint, a copy of which is herewith served upon you, and to serve a copy of your answer to this Complaint upon the Plaintiff at 14 Freestone St, Greenville SC 29605, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

Respectfully submitted,



Bruce Wilson
14 Freestone St
Greenville SC 29605
(864) 907-7080
brucewilson23@gmail.com

January 26, 2024
Greenville County, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

24 JAN 26 PM 1:04
Brice Garrett COC 60L SC

Bruce Wilson,

Plaintiff,

vs.

Ennis M. Fant

Defendants,

C.A. No: 2024-CP-23- 00548

COMPLAINT
(Jury Trial Demanded)

This case is in which Defendant Ennis M. Fant has caused tremendous emotional harm to the Plaintiff, by publishing to third parties, derogatory and or hurtful lies about the Plaintiff, with reckless disregard of the harmful nature of such slanderous and libelous words, acts, or comments regarding Plaintiff. Plaintiff, further, complaining of the Defendant, would respectfully show, unto the Court as follows:

THE PARTIES

1. Plaintiff is a citizen and resident of Greenville County, South Carolina.
2. Ennis M. Fant (hereinafter "Fant") upon information and belief is a citizen and resident of Greenville County, South Carolina.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action pursuant to Article V, § 11 of the South Carolina Constitution.
4. This Court has jurisdiction over all parties as the parties are residents of Greenville County, South Carolina.

FACTS OF THE CASE

5. Plaintiff Bruce Wilson is the founder and CEO of a nonprofit organization called Fighting Injustice Together, plaintiff's nonprofit organization advocates on the behalf of, marginalized communities and people of color and as such, plaintiff routinely assist individuals and communities around the Greenville South Carolina area with a host of services.

6. Plaintiff, as the CEO of Fighting Injustice Together the nonprofit organization routinely seeks funding, grants and other substantial requests from elected officials and government municipalities to carry out his nonprofit goals and missions.

7. Defendant Fant is a realtor, and Greenville County Councilmen, he also runs a nonprofit organization in Greenville, South Carolina, who routinely host community events.

8. Plaintiff and the defendant, have a long history dating back more than 25 years. Defendant Fant has utilized plaintiff's nonprofit organization in the past to promote community awareness and other advocacy work throughout the Greenville area, and mainly in Greenville County District 25.

9. Defendant Fant knows and understands that plaintiff through his nonprofit organization seeks grants and or financial support and non-financial support from the community and government entities.

10. On or about January 9, 2024, the defendant sent several text messages to members of the South Carolina Statehouse to include Representative Chandra Dillard and Representative Wendell Jones stating that the plaintiff suffered from the loathsome, and debilitating disease "Dementia" and that it was a confirm diagnosis.

11. Defendant Fant on January 18, 2024, at a community event, informed several individuals to include Mr. Bill Gibson, during the public event that the "plaintiff was the reason

that Greenville County council had to change its citizens comment rules, because plaintiff was disruptive in questioning the defendant doing council meetings.”

12. The plaintiff spent weeks trying to correct this adherent falsity, and to notify concerned individuals that the statements were false, and that he did not have, nor has been diagnosed with dementia, nor did plaintiff disrupt any council meeting. These conversations have been ongoing ever since Fant falsely stated such.

FOR A FIRST CAUSE OF ACTION
(Defamation by Plaintiff as to The Defendant)

13. The plaintiff incorporates the forgoing paragraphs 1-12 as if repeated here, verbatim.

14. The statements and actions made by the defendant, during the initial disclosure of a public and unprivileged statement to third party individuals without regard to the truth or falsity of the statements and messaging to said third parties regarding the plaintiff’s potential health as having a confirmed diagnosis of “Dementia” and “Causing the Greenville County Council to Change Rules do to disruptions by Plaintiff”. These statements were defamatory under South Carolina’s Slander and Libel laws. Defendant Fant’s statements and actions subject plaintiff to ridicule, contempt, disgrace, suffering, anguish, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame. The defamatory and libelous statements were false when made, were made without regard to their truth and falsity, were made without justification, and were made for the purpose and with the intent of damaging the reputation of the Plaintiff with reckless disregard of their effect on the reputation of the Plaintiff and with malice intent.

15. Those statements have impeached, injured, and damaged the plaintiff.

16. As an actual and proximate cause of the defendant's conduct in making such false and outrageous statements, plaintiff has sustained harm, including general and special damages in an amount to be determined at trial.

17. Defendant made the statements and took actions described above with malice or reckless disregard of their falsity in order to harm plaintiff.

18. Defendant acted willfully and/or wantonly in making the statements described above.

19. Plaintiff is entitled to actual and punitive damages for defendant's conduct, and actual damages.

FOR A SECOND CAUSE OF ACTION
(Defamation Per Se by Plaintiff as to The Defendant)

20. The plaintiff incorporates the forgoing paragraphs 1-19 as if repeated here, verbatim.

21. The statements and actions made by the defendant, during the initial disclosure of a public and unprivileged statement to third party individuals without regard to the truth or falsity of the statements and message to said third parties, mainly two members of the South Carolina Statehouse, regarding the plaintiff's health as having "Demita", which would suggest or imply that plaintiff's mental compacity to operate his nonprofit organization would be impaired. This statement was defamatory per se under South Carolina's laws "Slander/Libel is actionable per se when the defendant's alleged defamatory statements charge 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. Holtzscheiter v. Thomson Newspapers, Inc., 332 S.C. 502, 511, 506 S.E.2d 497, 502 (1998). In a defamation action that is actionable per se, general damages are presumed and need

not be proven by the plaintiff. Constant v. Spartanburg Steel Prods., Inc., 316 S.C. 86, 447 S.E.2d 194, cert. denied.”

22. Defendant Fant’s statements and actions subject plaintiff to ridicule, contempt, disgrace, suffering, anguish, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame. The defamatory and libelous statements were false when made, were made without regard to their truth and falsity, were made without justification, and were made for the purpose and with the intent of damaging the reputation of the plaintiff with reckless disregard of their effect on the reputation of the plaintiff and with malice intent.

23. Those statements have impeached, injured, and damaged the plaintiff, and call into question the plaintiff’s ability to operate his nonprofit organization.

24. As an actual and proximate cause of the defendant’s conduct in making such false and outrageous statements, plaintiff has sustained harm, including general and special damages in an amount to be determined at trial.

25. Defendant made the statements and took actions described above with malice or reckless disregard of their falsity in order to harm plaintiff and to diminish his standing in the community.

26. Defendant acted willfully and/or wantonly in making the statements described above.

27. Plaintiff is entitled to general and punitive damages for defendant’s conduct.

FOR A THIRD CAUSE OF ACTION
(Intentional Infliction of Emotional Distress by Plaintiff as to The Defendant)

28. The relevant and consistent allegations contained in the above paragraphs 1-27 are incorporated by reference as if stated verbatim herein.

29. The plaintiff suffered emotional harm directly due to the defendant's actions.

30. In committing the acts described herein, defendant Fant, intentionally or recklessly inflicted severe emotional distress, or was certain, or substantially certain, that such distress would result from such conduct.

31. In committing the acts described herein by falsely telling Representative Dillard and Jones and others that plaintiff suffered from **dementia**, defendant engaged in extreme and outrageous conduct that transcended all possible bounds of human decency.

32. The actions of the defendant caused plaintiff emotional distress that was substantial, and that no reasonable person in a civilized society should be expected to bear, including but limited to suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame.

33. The defendants' conduct was the direct and proximate cause of plaintiff's suffering and severe distress.

DAMAGES

34. As a proximate result of defendant's wrongful, tortious, and outrageous conduct described above, the plaintiff has suffered some or all of the following injuries and damages:

- a. Emotional distress;
- b. Shame, embarrassment, and humiliation;
- c. Damages to reputation;
- d. Legal fees and expenses;
- e. Other general and special damages;
- f. Emotional pain and suffering;
- g. Statutory damages;

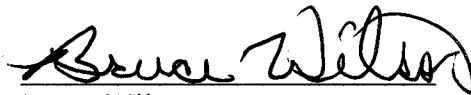
- h. All other available past and future economic and noneconomic damages, and
- i. Other damages as will be shown through discovery and at trial.

35. The plaintiff is therefore informed and believes that he is entitled to judgment against the defendants for general, actual and punitive damages, in an amount to exceed **\$150,000.00.**

WHEREFORE, having fully set forth the grounds in his Complaint, Plaintiff asks the Court to award the following:

- 1. All damages referenced above;
- 2. All available general and special damages;
- 3. Compensatory in an appropriate amount against the Defendants, jointly and severally, and punitive damages against the Defendants against whom punitive damages are available;
- 4. Statutory damages;
- 5. Such other and further relief as allowed by law or that the Court may otherwise deem just and proper.

Respectfully submitted,



Bruce Wilson
14 Freestone St
Greenville, SC 29605
(864) 907-7080
Brucewilson23@gmail.com

January 26, 2024
Greenville County, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

BRUCE WILSON

Plaintiff(s)

vs.

ENNIS FANT

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2024-CP - 23 - 00548

Submitted By: Bruce Wilson

Address: 14 Freestone St, Greenville SC 29605

SC Bar #:

Telephone #: 864-907-7080

Fax #:

Other:

E-mail: brucewilson23@gmail.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|--|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/
Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) _____ | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 -NI- _____
☐ Notice/ File Med Mal (230)
☐ Other (299) _____ | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☒ Slander/Label (380)
☐ Other (399) _____ | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) _____ |
| Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) _____ | Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) _____ | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured
Settlement Payment Rights
Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers
Compensation Settlement
Approval (780)
☐ Incapacitated Adult
Settlement (790)
☐ Other (799) _____ | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) _____ |
| Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) _____
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680)
☐ Interpleader (690) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an
Out-of-County Action (660)
☐ Pre-Suit Discovery (670) | | |

Submitting Party Signature: Bruce Wilson

Date: January 26, 2024

24 JAN 26 PM 1:04
Brice Garrett CDC GUL SC

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**

ANSWER
(Jury Trial Demand)

NOW COMES Defendant, Ennis M. Fant ("Fant"), by and through counsel, denying each and every allegation of the Complaint except as admitted herein, and responds to the Complaint as follows:

THE PARTIES

1. Fant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 1 of the Complaint and, therefore, the same are denied.
2. The allegations contained in Paragraph 2 of the Complaint are admitted.

JURISDICTION AND VENUE

3. The allegations contained in Paragraph 3 of the Complaint state a legal conclusion to which no answer is required. To the extent that an answer is required, the allegations contained in Paragraph 3 of the Complaint are denied.
4. The allegations contained in Paragraph 4 of the Complaint state a legal conclusion to which no answer is required. To the extent that an answer is required, the allegations contained in Paragraph 4 of the Complaint are denied.

FACTS OF THE CASE

5. Fant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 5 of the Complaint and, therefore, the same are denied.

6. Fant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 6 of the Complaint and, therefore, the same are denied.

7. The allegations contained in Paragraph 7 of the Complaint are admitted.

8. With regards to the allegations contained in Paragraph 8 of the Complaint, it is admitted that Fant has worked or associated with Plaintiff regarding community event in Greenville County. Except as specifically admitted, the remaining allegations are vague, ambiguous, argumentative, overbroad, uncertain, and unintelligible that Fant is incapable of formulating a response, and therefore, the same are denied.

9. The allegations contained in Paragraph 9 of the Complaint are denied.

10. The allegations contained in Paragraph 10 of the Complaint are denied.

11. The allegations contained in Paragraph 11 of the Complaint are denied.

12. The allegations contained in Paragraph 12 of the Complaint are denied.

FOR A FIRST CAUSE OF ACTION
(Defamation by Plaintiff as to The Defendant)

13. Fant re-alleges and incorporate by reference the responses to Paragraphs 1 through 12 of the Complaint as if fully set forth herein.

14. The allegations contained in Paragraph 14 of the Complaint are denied.

15. The allegations contained in Paragraph 15 of the Complaint are denied.

16. The allegations contained in Paragraph 16 of the Complaint are denied.

17. The allegations contained in Paragraph 17 of the Complaint are denied.

18. The allegations contained in Paragraph 18 of the Complaint are denied.

19. The allegations contained in Paragraph 19 of the Complaint are denied.

FOR A SECOND CAUSE OF ACTION
(Defamation Per Se by Plaintiff as to The Defendant)

20. Fant re-alleges and incorporate by reference the responses to Paragraphs 1 through 19 of the Complaint as if fully set forth herein.

21. The allegations contained in Paragraph 21 of the Complaint are denied.

22. The allegations contained in Paragraph 22 of the Complaint are denied.

23. The allegations contained in Paragraph 23 of the Complaint are denied.

24. The allegations contained in Paragraph 24 of the Complaint are denied.

25. The allegations contained in Paragraph 25 of the Complaint are denied.

26. The allegations contained in Paragraph 26 of the Complaint are denied.

27. The allegations contained in Paragraph 27 of the Complaint are denied.

FOR A THIRD CAUSE OF ACTION
(Intentional Infliction of Emotional Distress by Plaintiff as to The Defendant)

28. Fant re-alleges and incorporate by reference the responses to Paragraphs 1 through 27 of the Complaint as if fully set forth herein.

29. The allegations contained in Paragraph 29 of the Complaint are denied.

30. The allegations contained in Paragraph 30 of the Complaint are denied.

31. The allegations contained in Paragraph 31 of the Complaint are denied.

32. The allegations contained in Paragraph 32 of the Complaint are denied.

33. The allegations contained in Paragraph 33 of the Complaint are denied.

DAMAGES

34. The allegations contained in Paragraph 34 of the Complaint, including subparagraphs, are denied.

35. The allegations contained in Paragraph 35 of the Complaint are denied.

DEMAND FOR JUDGMENT

It is expressly denied that Plaintiff is entitled to any relief whatsoever in this action against Defendants.

SECOND DEFENSE

As an affirmative defense, Plaintiff's Complaint fails to state a claim upon which relief can be granted against Fant; and therefore, these claims should be dismissed with prejudice, pursuant to South Carolina Rules of Civil Procedure ("SCRCP") Rule 12(b)(6) and 12(c) and should be dismissed with prejudice.

THIRD DEFENSE

Fant alleges that Plaintiff's claims against them are frivolous within the meaning of the South Carolina Frivolous Claims Sanctions Act, S.C. Code Ann. §§ 15-36-10 et seq., so that Defendants, upon final determination of the matters alleged herein, are or will be entitled to recover their attorneys fees and costs, individually or collectively, incurred in the defense of the action against them as a sanction for assertion of a frivolous claim.

FOURTH DEFENSE

As an affirmative defense, Plaintiff's claims are barred by the doctrine of unclean hands.

FIFTH DEFENSE

As an affirmative defense, Plaintiff's claims are barred by the doctrines of laches, waiver, unjust enrichment, and estoppel.

SIXTH DEFENSE

Defendants will reply upon all defenses lawfully available at the time of trial and reserves the right to amend their Answer and Notice of Affirmative Defenses.

WHEREFORE, Defendants respectfully pray this Court as follows:

1. For the Plaintiff to have and recover nothing from Defendant;
2. For the Court to dismiss Plaintiff's claims against Defendants with prejudice;
3. For the costs of this action, including reasonable attorney fees as permitted by law, to be taxed to Plaintiff;
4. For a trial by jury as to all issues so triable; and
5. For such other and further relief as the court deems just and proper.

This the 1st day of May 2024.

Respectfully submitted,

/s/ Austin D. Nichols
Austin D. Nichols, Esq.
J. Todd Rutherford, Esq.
RUTHERFORD LAW FIRM
1315 Blanding Street (29201)
P.O. Box 1452
Columbia, South Carolina 29202
Phone No.: (803) 256-3003
Fax No.: (803) 256-9698
Attorneys for Defendants
austin@rutherford.law
todd@rutherford.law

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,

Defendants.

CASE NO.: 2024-CP-23-00548

CERTIFICATE OF SERVICE

I, Faye Johnson, certify that on this date I served the Answer and Counterclaims to the Complaint in this case on Plaintiff, Bruce Wilson, by delivering a copy of this pleading to the Plaintiff's Attorney, by mailing to his/ her office located at the following address:

Bruce Wilson
14 Freestone St.
Greenville SC 29605

/s/ Faye Johnson

Faye Johnson
Legal Assistant
The Rutherford Law Firm
1315 Blanding Street
Columbia, South Carolina 29201
(803) 256-3003

Columbia, South Carolina
This 1st day of May 2024

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Bruce Wilson,

Plaintiff,

vs.

Ennis M. Fant,

Defendant,

C.A. No: 2024-CP-23-00548

AMENDED COMPLAINT
(Jury Trial Demanded)

This case is in which Defendant Ennis M. Fant has caused tremendous emotional harm to the Plaintiff, by publishing derogatory and hurtful lies about the Plaintiff to third parties, with reckless disregard of the harmful nature of such slanderous and libelous words, acts, or comments regarding Plaintiff. Plaintiff, further complaining of the Defendant Fant, would respectfully show, unto the Court as follows:

THE PARTIES

1. Plaintiff is a citizen and resident of Greenville County, South Carolina.
2. Ennis M. Fant (hereinafter "Defendant Fant") upon information and belief is a citizen and resident of Greenville County, South Carolina.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action pursuant to Article V, § 11 of the South Carolina Constitution.
4. This Court has jurisdiction over all parties as the parties are residents of Greenville County, South Carolina.

FACTS OF THE CASE

5. Plaintiff Bruce Wilson is the founder and CEO of a nonprofit organization called Fighting Injustice Together; Plaintiff's nonprofit organization advocates on the behalf of, marginalized communities and people of color and as such, Plaintiff routinely assist individuals and communities around the Greenville South Carolina area with a host of services.

6. Plaintiff, as the CEO of Fighting Injustice Together the nonprofit organization routinely seeks funding, grants and other substantial requests from elected officials and government municipalities to carry out his nonprofit goals and missions.

7. Defendant Fant knows and understands that Plaintiff through his nonprofit organization seeks grants and or financial support and non-financial support from the community and government entities.

8. Upon information and belief on or about January 9, 2024, Defendant Fant transmitted a series of text communications to individuals within the South Carolina Statehouse, notably including Representative Chandra Dillard and Representative Wendell Jones, wherein it was asserted by Defendant Fant, that the Plaintiff Bruce Wilson was afflicted with the repugnant and incapacitating ailment known as "**Dementia**" accompanied by an affirmation of a confirmed diagnosis.

9. Defendant Fant did not exhaust any efforts to obtain any clarification, substantiating, or obtain any credible evidence to support the dementia claim he made about the Plaintiff Bruce Wilson before informing members of the public of such diagnosis regarding the Plaintiff. This false assertion regarding Plaintiff Bruce Wilson's health was pronounced to third parties absent any privilege or truthfulness.

10. Defendant Fant falsely claimed that the Plaintiff suffered from dementia and despite making such a serious claim, Defendant Fant failed to seek confirmation of the diagnosis from the

Plaintiff or the Plaintiff's family, thereby disseminating a false claim of Plaintiff's health with reckless disregard for its truth.

11. During a telephone conversation on or about January 9, 2024, Jack Logan spoke with Rep. Chandra Dillard on the phone. While engaging with Mr. Logan, Rep. Dillard disclosed that she had received a text message earlier that day from Ennis Fant. She shared its contents, stating, "***Bruce Wilson Has A Confirmed Diagnosis Of Dementia and His On Medication For It.***" Rep. Dillard further mentioned she had shown the message to Rep. Wendell Jones, who confirmed receiving the same text from Fant. *See attached affidavit*

12. Mr. Logan had no prior knowledge of this message or its existence until Rep. Dillard relayed the information unsolicited to him. Up to that point, he was unaware of any health concerns regarding Mr. Wilson. Alarmed, Mr. Logan promptly contacted Mr. Wilson to verify his well-being and inquired about the alleged diagnoses. During the call, Mr. Logan recounted his conversation with Rep. Dillard, including Fant's text. Mr. Wilson vehemently denied the claim, asserting he had no dementia diagnosis, had never received one, and labeled the accusation entirely false and that he didn't understand why Fant would spread such a lie, other than to harm his reputation.

13. Subsequently, other individuals, including community leaders Derrick Quarles, Lisa Bailey, and others, reached out to Mr. Wilson after hearing similar rumors, propagated by Fant's original text message.

14. On Sunday January 21, 2024, at 5:08pm, in response to Mr. Logan's question about his health and being contacted by members of the community regarding his health and well-being, **Mr. Wilson** *texted Rep. Dillard*, one of the original recipients of Fant's text message directly stating:

Bruce Wilson's text to Rep Dillard: January 21, 2024

**"Good evening , I was told that Mr. Fant told you that
I had dementia and I assure you that is not true"**

Rep. Dillard's reply to Bruce Wilson's text: January 21, 2024

"Thanks Bruce. It's good to know you're well. Happy new year"

But notably did not deny receiving Fant's message or refuting its content, implicitly acknowledging its existence, furthermore, the statement "[G]ood to know you're well" is indicative of Rep. Dillard's concern about Plaintiff's health after receiving Fant's text message, and the high probability of receiving said text message. *(See attached screenshot of conversation)*

15. In late January 2024, Rep. Dillard instructed Mr. Logan to refrain from including Ennis Fant's name in any future communications with her. This directive followed a text exchange in which Mr. Logan had informed Rep. Dillard that he had relayed to Plaintiff Bruce Wilson the contents of their prior conversation regarding Fant's text message about Wilson's alleged dementia diagnosis. Rep. Dillard cited discomfort as the basis for her request, which coincided with Wilson's efforts to confront the false claims about his health.

16. This sequence of events with Rep. Dillard and Mr. Logan is indicative of the inference that Dillard sought to distance herself from further discussion of Fant's defamatory statements after becoming aware that Wilson had been made privy of their prior communications. The timing and context of Dillard's instruction that Fant's false statements had been disseminated among public officials and community members, thereby amplifying the reputational harm suffered by Wilson was evident and concerning to Rep. Dillard.

17. In late July 2024, Defendant Fant contacted Mr. Logan, boasting that Bruce Wilson could never prove the existence of the text message, and he would ensure that Bruce would never

get the text message, and he also pressured Mr. Logan not to cooperate with Bruce. Mr. Logan immediately informed Mr. Wilson of the interaction with Fant.

18. From mid-January 2024 to the present, Plaintiff Bruce Wilson has been forced to expend significant time, resources, and effort to counteract Defendant Fant's false and defamatory statements regarding his mental health. These efforts, including direct denials to affected parties, public clarifications, and private reassurances—have been necessary to mitigate the reputational and operational harm inflicted upon Plaintiff and his nonprofit organization, *Fighting Injustice Together*.

19. The Plaintiff spent weeks trying to correct this adherent falsity, and to notify concerned individuals that the statements were false, and that he did not have, nor has been diagnosed with dementia nor did Plaintiff disrupt any council meeting. These conversations have been ongoing ever since Fant falsely stated or asserted Plaintiff suffered from Dementia.

20. Defendant Fant's dissemination of false claims about Plaintiff's mental health and Plaintiff continued efforts to correct the false claims of having *Dementia*, has caused Plaintiff severe and debilitating emotional distress, including but not limited to: chronic anxiety, persistent insomnia, and episodes of panic directly attributable to Fant's torturous conduct. Plaintiff's attempts to counteract these falsities—necessitated by Fant's ongoing efforts to undermine his reputation, including Fant's threats to suppress evidence and coerce witnesses—have exacerbated his distress, rendering him unable to focus on his nonprofit's mission and straining his personal relationships. The emotional toll has manifested physically, resulting in weight loss, hypertension, and consultations with a therapist, who believe Plaintiff suffers with acute stress disorder directly linked to Fant's actions. Defendant's conduct, which Plaintiff is informed and believes, was designed to destroy his credibility and livelihood.

21. Defendant Fant on January 18, 2024, at Mt. Pleasant Community Center during a public community event, informed several individuals to include Mr. Bill Gibson, during the public event stating that: *see attached affidavit*

"Bruce Wilson and Lisa Baily was the reason that Greenville County council had to change its citizens comment rules, because Bruce and Lisa was disruptive in questioning him doing council meetings."

22. Upon information and belief in late January 2024, Mr. Bill Gibson disclosed to Wilson that he had engaged in a discussion with Fant during a community event. According to Mr. Gibson's account, he raised inquiries with Fant regarding amendments to procedural rules governing public commentary at Greenville County Council meetings. Mr. Gibson further indicated that he had specifically questioned the rationale for such amendments during this exchange and expressed doubt as to the validity of any purported connection between the rule changes and Wilson's conduct.

23. In response, Wilson categorically maintained that he had not engaged in disruptive behavior at any council meetings and asserted that no amendments to procedural rules could be reasonably attributed to his actions. Wilson clarified that disruptive conduct in such forums constitutes a misdemeanor offense under applicable statutes, emphasizing that no charges or formal allegations of this nature have been brought against him. He further posited that Fant's dissatisfaction purportedly stemmed from Wilson's opposition to the demolition of a smaller community center—a stance Fant reportedly opposed.

24. Wilson raised concerns that Fant has persisted in disseminating unsubstantiated claims regarding his conduct, which may reasonably be construed as defamatory and capable of undermining his standing within the community. To address these concerns and verify the factual basis of the alleged rule changes, Wilson formally requested that the Greenville County Council

provide official records or documentation substantiating any amendments tied to his participation. As of the date of this account, no such records have been provided or identified.

25. The pattern of Defendant Fant's actions demonstrates a clear misuse of misinformation to harm Wilson's reputation. Whether through fabricated health claims or misrepresented behavior, Fant's statements crossed the line from honest disagreement into outright falsehoods. Such tactics not only hurt Wilson personally but also eroded trust within the community by prioritizing misleading attacks over truthful communication. Fant's conduct serves as an example of how false narratives can be weaponized to damage an individual's standing unfairly. Fant's actions toward Plaintiff Bruce Wilson is outages and deliberate with malice intent to harm Wilson's standing in the community as evident by Fant's own actions and false statements; which has caused Plaintiff severe emotional distress.

FOR A FIRST CAUSE OF ACTION
(Defamation)

26. The Plaintiff incorporates the forgoing paragraphs 1-25 as if repeated here, verbatim.

27. The statements and actions made by the Defendant, during the initial disclosure of a public and unprivileged statement to third party individuals without regard to the truth or falsity of the statements and messaging to said third parties regarding the Plaintiff's potential health as having a confirmed diagnosis of "Dementia" and "Causing the Greenville County Council to Change Rules do to disruptions by Plaintiff". These statements were defamatory under South Carolina's *Slander* and *Libel* laws. Defendant Fant's statements and actions subject Plaintiff to ridicule, contempt, disgrace, suffering, anguish, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame. The defamatory and libelous statements were false when made, were made without regard to their truth and falsity, were made without justification, and were made for the

purpose and with the intent of damaging the reputation of the Plaintiff with reckless disregard of their effect on the reputation of the Plaintiff and with malice intent.

28. Those statements have impeached, injured, and damaged the Plaintiff.

29. As an actual and proximate cause of the Defendant's conduct in making such false and outrageous statements, Plaintiff has sustained harm, including general and special damages in an amount to be determined at trial.

30. Defendant Fant's made statements and took actions described above with malice or reckless disregard of their falsity in order to harm Plaintiff.

31. Defendant Fant acted willfully and/or wantonly in making the statements described above.

32. Plaintiff is entitled to actual and punitive damages for defendant Fant's conduct, and actual damages.

FOR A SECOND CAUSE OF ACTION
(Defamation Per Se)

33. The Plaintiff incorporates the forgoing paragraphs 1-32 as if repeated here, verbatim.

34. The statements and actions made by the Defendant, during the initial disclosure of a public and unprivileged statement to third party individuals without regard to the truth or falsity of the statements and message to said third parties, regarding the Plaintiff's health as having "**Dementia**", which would suggest or imply that Plaintiff's mental compacity to operate his nonprofit organization would be impaired and that the Plaintiff has a loathsome disease. This statement was defamatory per se under South Carolina's laws "Slander/Libel is actionable per se when the Defendant's alleged defamatory statements charge 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. *Holtzscheiter v. Thomson Newspapers, Inc.*, 332 S.C. 502, 511, 506 S.E.2d 497, 502 (1998). In a defamation action that is actionable per se, general damages are presumed and need not be proven by the Plaintiff. *Constant v. Spartanburg Steel Prods., Inc.*, 316 S.C. 86, 447 S.E.2d 194, cert. denied."

35. Defendant Fant's statements and actions subject Plaintiff to ridicule, contempt, disgrace, suffering, anguish, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame. The defamatory and libelous statements were false when made, were made without regard to their truth and falsity, were made without justification, and were made for the purpose and with the intent of damaging the reputation of the Plaintiff with reckless disregard of their effect on the reputation of the Plaintiff and with malice intent.

36. Those statements have impeached, injured, and damaged the Plaintiff, and call into question the plaintiff's ability to operate his nonprofit organization.

37. As an actual and proximate cause of the Defendant's conduct in making such false and outrageous statements, Plaintiff has sustained harm, including general and special damages in an amount to be determined at trial.

38. Defendant Fant made statements and took actions described above with malice or reckless disregard of their falsity in order to harm Plaintiff and to diminish his standing in the community.

39. Defendant Fant acted willfully and/or wantonly in making the statements described above.

40. Plaintiff is entitled to general and punitive damages for Defendant's conduct.

FOR A THIRD CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)

41. The Plaintiff incorporates the forgoing paragraphs 1-40 as if repeated here, verbatim.

42. The Plaintiff suffered emotional harm directly due to the Defendant's actions.

43. In committing the acts described herein, Defendant Fant intentionally or recklessly inflicted severe emotional distress, or was certain, or substantially certain, that such distress would result from such conduct.

44. By telling third parties that Plaintiff suffered from **dementia** in an attempt to lower the Plaintiff's standing in the community for political and or economic gain and by derailing Plaintiff's ability to operate his nonprofit organization, Defendant Fant has engaged in extreme and outrageous conduct that transcended all possible bounds of human decency.

45. The actions of the Defendant Fant caused Plaintiff emotional distress that was substantial, and that no reasonable person in a civilized society should be expected to bear, including but limited to suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame.

46. The Defendant's conduct was the direct and proximate cause of Plaintiff's suffering and severe distress.

DAMAGES

47. As a proximate result of Defendant's wrongful, tortious, and outrageous conduct described above, the Plaintiff has suffered injuries and damages.

48. The Plaintiff is therefore informed and believes that he is entitled to judgment against the Defendant Fant for general, actual and punitive damages.

WHEREFORE, having fully set forth the grounds in his Complaint, Plaintiff asks the Court to award the following:

1. All damages referenced above;
2. All available general and special damages;
3. Compensatory in an appropriate amount against the Defendant, jointly and severally, and punitive damages against the Defendant against whom punitive damages are available;
4. Statutory damages; and
5. Such other and further relief as allowed by law or that the Court may otherwise deem just and proper.

Respectfully submitted,

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

May 2, 2025
Greenville County, South Carolina

CERTIFICATION UNDER S.C. CODE ANN. § 15-36-10

Pursuant to S.C. Code Ann. § 15-36-10, Plaintiff certifies that:

1. The claims and allegations set forth in this Complaint are well-grounded in fact and warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.
2. This Complaint is not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

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

May 2, 2025
Greenville County, South Carolina

10:33

◀ Phone

< 26

C

Chandra Dillard >

Especially the two professors

Awh. They were a great group.

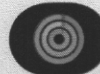
Sun, Jan 21 at 5:08 PM

Good evening; I was told that Mr Fant told you that I had dementia and I assure you that's not true.

Thanks Bruce. It's good to know you're well. Happy New Year!



Text Message



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return



STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

Case No: 2024-CP-23-00548

AFFIDAVIT

My name is Jack Logan, and in January 2024, I had a telephone conversation with State Representative Chandra Dillard. While I cannot recall the exact date, I am certain that the conversation took place during the first week of January, specifically on the evening of January 8, 2024.

During our conversation, we discussed Mr. Ennis Fant. Representative Dillard informed me that Mr. Fant had sent her a text message regarding Bruce Wilson, in which it was reported that Mr. Wilson had a case of dementia. Representative Dillard further stated that she had shown this message to Representative Wendell Jones, who confirmed that he had also received the same text.

Following this conversation, I informed Mr. Bruce Wilson about the discussion I had with Representative Dillard and inquired about his well-being. Mr. Wilson promptly assured me that he did not have dementia and that he was in good health. He also stated that the information being disseminated by Mr. Fant was false.

Approximately three weeks later, Mr. Wilson informed me that he was actively working to address and dispel the misinformation regarding his health. He indicated that he had sent a text message to Representative Dillard to clarify that he was well and that he did not have dementia. In response, Representative Dillard promptly expressed her relief, stating that she was glad to hear of his well-being.

Mr. Wilson shared with me a screenshot of his text message with Representative Dillard, which I have attached with this affidavit.

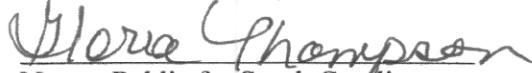
FURTHER THE AFFIANT SAYETH NOT:



AFFIANT

SWORN to before me this

1 day of Nov, 2024.


Notary Public for South Carolina

GLORIA THOMPSON
NOTARY PUBLIC
SOUTH CAROLINA
MY COMMISSION EXPIRES 04-10-33

My Commission Expires: 04/10/2033

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

Case No: 2024-CP-23-00548

AFFIDAVIT

PERSONALLY APPEARED before me, Bill Gibson, who being first duly sworn,
did state as follows:

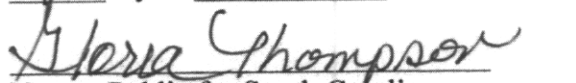
1. I am Bill Gibson and on or about January 18, 2024; while at a community forum event at the Mt. Pleasant Community Center, I had the opportunity to speak with Mr. Ennis Fant.
2. During this conversation, I inquired of Mr. Fant about the reason for the county council's decision to rearrange the public comment section of council meetings. This conversation occurred in the presence of others who were surrounding me at that time. Those individuals were not part of the conversation between Mr. Fant and myself, but they could hear the exchange.
3. Mr. Fant informed me that the reason for the rearrangement was that Lisa Bailey and Bruce Wilson disrupted a county council meeting by questioning him about certain community issues.
4. Mr. Fant stated that this disruption was the cause of county council's decision to move the public comment section to a separate night.
5. Subsequently, after learning about Mr. Fant's statements, I spoke with Mr. Wilson regarding the matter. Mr. Wilson categorically denied the claims made by Mr. Fant and stated that the assertion was false and untrue; he had not disrupted any county council meetings and to do so would violate county ordinance.

I declare under penalty of perjury that the foregoing is true and correct.


AFFIANT

SWORN to before me this

4 day of Nov, 2024.


Notary Public for South Carolina
My Commission Expires: 04/10/2033



STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Bruce Wilson,

Plaintiff,

vs.

Ennis M. Fant; and

Defendant,

C.A. No: 2024-CP-23-00548

AMENDED SUMMONS
(Jury Trial Demanded)

TO: DEFENDANT, ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint, a copy of which is herewith served upon you, and to serve a copy of your answer to this Complaint upon the Plaintiff at 14 Freestone St, Greenville SC 29605, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

Respectfully submitted,

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

May 2, 2024
Greenville, South Carolina

25 MAY 5 PM 2:35
JAY GRESHAM CDC CIVIL SC

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**

ANSWER TO AMENDED COMPLAINT
(Jury Trial Demand)

NOW COMES Defendant, Ennis M. Fant (“Fant”), by and through counsel, denying each and every allegation of the Amended Complaint except as admitted herein, and responds to the Complaint as follows:

THE PARTIES

1. Fant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 1 of the Amended Complaint and, therefore, the same are denied.
2. The allegations contained in Paragraph 2 of the Amended Complaint are admitted.

JURISDICTION AND VENUE

3. The allegations contained in Paragraph 3 of the Amended Complaint state a legal conclusion to which no answer is required. To the extent that an answer is required, the allegations contained in Paragraph 3 of the Amended Complaint are denied.
4. The allegations contained in Paragraph 4 of the Amended Complaint state a legal conclusion to which no answer is required. To the extent that an answer is required, the allegations contained in Paragraph 4 of the Amended Complaint are denied.

FACTS OF THE CASE

5. Fant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 5 of the Amended Complaint and, therefore, the same are denied.

6. Fant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 6 of the Amended Complaint and, therefore, the same are denied.

7. The allegations contained in Paragraph 7 of the Amended Complaint are admitted.

8. The allegations contained in Paragraph 8 of the Amended Complaint are denied.

9. The allegations contained in Paragraph 9 of the Amended Complaint are denied.

10. The allegations contained in Paragraph 10 of the Amended Complaint are denied.

11. Fant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 11 of the Amended Complaint and, therefore, the same are denied.

12. Fant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 12 of the Amended Complaint and, therefore, the same are denied.

13. The allegations contained in Paragraph 13 of the Amended Complaint are denied.

14. Fant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 14 of the Amended Complaint and, therefore, the same are denied.

15. Fant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 15 of the Amended Complaint and, therefore, the same are denied.

16. The allegations contained in Paragraph 16 of the Amended Complaint are denied.

17. The allegations contained in Paragraph 17 of the Amended Complaint are denied.

18. The allegations contained in Paragraph 18 of the Amended Complaint are denied.

19. The allegations contained in Paragraph 19 of the Amended Complaint are denied.

20. The allegations contained in Paragraph 20 of the Amended Complaint are denied.

21. With regards to the allegations contained in Paragraph 21 of the Amended Complaint, it is admitted that upon information and belief Greenville County Council changed its public meeting format due to disturbances from members of the community during the meetings.

Except as specifically admitted herein, Fant is without sufficient information to admit or deny the remaining allegations contained in Paragraph 21 of the Amended Complaint, and therefore, the same are denied.

22. Fant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 22 of the Amended Complaint and, therefore, the same are denied.

23. Fant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 23 of the Amended Complaint and, therefore, the same are denied.

24. Fant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 24 of the Amended Complaint and, therefore, the same are denied.

25. The allegations contained in Paragraph 25 of the Amended Complaint are denied.

FOR A FIRST CAUSE OF ACTION
(Defamation)

26. Fant re-alleges and incorporate by reference the responses to Paragraphs 1 through 25 of the Amended Complaint as if fully set forth herein.

27. The allegations contained in Paragraph 27 of the Complaint are denied.

28. The allegations contained in Paragraph 28 of the Amended Complaint are denied.

29. The allegations contained in Paragraph 29 of the Amended Complaint are denied.

30. The allegations contained in Paragraph 30 of the Amended Complaint are denied.

31. The allegations contained in Paragraph 31 of the Amended Complaint are denied.

32. The allegations contained in Paragraph 32 of the Amended Complaint are denied.

FOR A SECOND CAUSE OF ACTION
(Defamation Per Se)

33. Fant re-alleges and incorporate by reference the responses to Paragraphs 1 through 32 of the Amended Complaint as if fully set forth herein.

34. The allegations contained in Paragraph 34 of the Amended Complaint are denied.

35. The allegations contained in Paragraph 35 of the Amended Complaint are denied.

36. The allegations contained in Paragraph 36 of the Amended Complaint are denied.

37. The allegations contained in Paragraph 37 of the Amended Complaint are denied.

38. The allegations contained in Paragraph 38 of the Amended Complaint are denied.

39. The allegations contained in Paragraph 39 of the Amended Complaint are denied.

40. The allegations contained in Paragraph 40 of the Amended Complaint are denied.

FOR A THIRD CAUSE OF ACTION

(Intentional Infliction of Emotional Distress by Plaintiff as to The Defendant)

41. Fant re-alleges and incorporate by reference the responses to Paragraphs 1 through 40 of the Amended Complaint as if fully set forth herein.

42. The allegations contained in Paragraph 42 of the Amended Complaint are denied.

43. The allegations contained in Paragraph 43 of the Amended Complaint are denied.

44. The allegations contained in Paragraph 44 of the Amended Complaint are denied.

45. The allegations contained in Paragraph 45 of the Amended Complaint are denied.

46. The allegations contained in Paragraph 46 of the Amended Complaint are denied.

DAMAGES

47. The allegations contained in Paragraph 47 of the Amended Complaint are denied.

48. The allegations contained in Paragraph 48 of the Amended Complaint are denied.

DEMAND FOR JUDGMENT

It is expressly denied that Plaintiff is entitled to any relief whatsoever in this action against Defendants.

SECOND DEFENSE

As an affirmative defense, Plaintiff's Amended Complaint fails to state a claim upon which relief can be granted against Fant; and therefore, these claims should be dismissed with prejudice, pursuant to South Carolina Rules of Civil Procedure ("SCRCP") Rule 12(b)(6) and 12(c) and should be dismissed with prejudice.

THIRD DEFENSE

Fant alleges that Plaintiff's claims against them are frivolous within the meaning of the South Carolina Frivolous Claims Sanctions Act, S.C. Code Ann. §§ 15-36-10 et seq., so that Defendants, upon final determination of the matters alleged herein, are or will be entitled to recover their attorneys fees and costs, individually or collectively, incurred in the defense of the action against them as a sanction for assertion of a frivolous claim.

FOURTH DEFENSE

As an affirmative defense, Plaintiff's claims are barred by the doctrine of unclean hands.

FIFTH DEFENSE

As an affirmative defense, Plaintiff's claims are barred by the doctrines of laches, waiver, unjust enrichment, and estoppel.

SIXTH DEFENSE

Defendants will reply upon all defenses lawfully available at the time of trial and reserves the right to amend their Answer and Notice of Affirmative Defenses.

WHEREFORE, Defendant respectfully prays this Court as follows:

1. For the Plaintiff to have and recover nothing from Fant;
2. For the Court to dismiss Plaintiff's claims against Fant with prejudice;

3. For the costs of this action, including reasonable attorney fees as permitted by law, to be taxed to Plaintiff;
4. For a trial by jury as to all issues so triable; and
5. For such other and further relief as the court deems just and proper.

Respectfully submitted,

/s/ Austin D. Nichols
Austin D. Nichols, Esq.
J. Todd Rutherford, Esq.
RUTHERFORD LAW FIRM
1315 Blanding Street (29201)
P.O. Box 1452
Columbia, South Carolina 29202
Phone No.: (803) 256-3003
Fax No.: (803) 256-9698
Attorneys for Defendants
austin@rutherford.law
todd@rutherford.law

This the 26th day of June 2025.

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,

Defendants.

CASE NO.: **2024-CP-42-00357**

CERTIFICATE OF SERVICE

I, Faye Johnson, certify that on this date I served the Answer and Counterclaims to the Complaint in this case on Plaintiff, Bruce Wilson, by delivering a copy of this pleading to the Plaintiff's Attorney, by mailing to his/ her office located at the following address:

Bruce Wilson
14 Freestone St.
Greenville, SC 29605

/s/ Faye Johnson

Faye Johnson
Legal Assistant
The Rutherford Law Firm
1315 Blanding Street
Columbia, South Carolina 29201
(803) 256-3003

Columbia, South Carolina
This the 26th day of June 2025

STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT 13
COUNTY OF GREENVILLE) DOCKET No. 2024-CP-23-00548

BRUCE WILSON,	)
	)
Plaintiff,	)
versus	)
	)
ENNIS M. FANT,	)
	)
Defendant.	)

H E A R I N G
BEFORE THE HONORABLE VERNON F. DUNBAR

DATE: September 22, 2025.
TIME: ***
LOCATION: South Carolina Circuit Court 13
TRANSCRIBED BY: Mary Ragsdale

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

1 APPEARANCES:

2 BRUCE WILSON

3 Pro se,

4

5 AUSTIN D. NICHOLS, ESQUIRE

6 THE RUTHERFORD LAW FIRM, LLC

7 1315 Blanding Street

8 Columbia, South Carolina 29201

9 Attorney for the Defendant.

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(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL
IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

1 THE COURT: Whenever you're ready, ma'am, you may call
2 the next case.

3 THE CLERK: Yes, sir. This is case number
4 2024-CP-23-00548. Bruce Wilson versus Ennis Fant. There are
5 three motions, however, the Plaintiff has stated that he
6 wanted to withdraw his two motions. If you want to mark them
7 as that.

8 THE COURT: Yes, please.

9 THE CLERK: So then it would just be the Defendant's
10 motion to dismiss the amended complaint.

11 THE COURT: Okay. So I have the Defendant's motion
12 here to dismiss. I also have the Plaintiff's motion for an
13 order to show cause, civil contempt, correct?

14 MR. WILSON: Yes, your Honor. I would like to withdraw
15 my two -- I have two motions pending for this morning. I
16 would like to withdraw both of them. I think the way that
17 the motion to dismiss was filed, I think they -- answers take
18 care of my --

19 THE COURT: All right.

20 MR. WILSON: -- the motions.

21 THE COURT: All right. So you have voluntarily
22 withdrawn those motions?

23 MR. WILSON: Yes, your Honor.

24 THE COURT: All right. And before we begin, I see
25 you're representing yourself, under-represented plaintiff, or

1 pro se. You do have the right to have an attorney, or you
2 have the right to represent yourself, sir. Do you wish to
3 proceed and represent yourself?

4 MR. WILSON: I do, your Honor.

5 THE COURT: All right, sir. I think this matter may
6 have been before me a few months ago, and it was continued
7 because there was something going on up -- well, we're
8 upstairs, but we were downstairs then, but it was upstairs
9 then. All right.

10 MR. WILSON: It's been going for a while.

11 THE COURT: All right, I understand. Good morning,
12 sir. I'll hear from you.

13 MR. NICHOLS: Good morning, your Honor. Thank you for
14 having us this morning. Austin Nichols of the Rutherford Law
15 Firm. I do have my motion to dismiss, your Honor. If I may
16 just kind of give a little bit of a background on this case,
17 I'd be very brief.

18 THE COURT: Certainly.

19 MR. NICHOLS: Your Honor, this case was originally
20 brought -- brought, I believe, January of last year. We
21 initially filed an answer and a motion to dismiss in this
22 matter, there's been several other motions and other
23 procedural matters that have occurred over that span of time.
24 Motions to quash of -- of the like.

25 Your Honor, this case was, I believe, brought earlier

1 this year on my motion to dismiss, the original complaint.
2 During a hearing of that case, while the -- the motion to
3 dismiss was not directly granted, this court allowed the
4 Plaintiff to leave to amend this complaint, to fix some
5 deficiencies that was in the complaint. And then was able to
6 refile and reserve my client with the amended complaint.

7 We had just -- I believe, your Honor, and I'm doing
8 this off the top of my head, I believe we were just served
9 directly through me. I accepted service in June or July of
10 this year, and then timely filed our motion to dismiss. That
11 is now before you.

12 THE COURT: Right.

13 MR. NICHOLS: With not going into the causes of actions
14 that were pled in the original complaint, the only things
15 that's before you in the amended complaint are claim for
16 defamation, defamation per se, and intentional infliction of
17 emotional distress.

18 My -- the claims for defamation, I believe, your Honor,
19 can be argued all at -- all at once. The only difference
20 between the defamation and the defamation per se would be the
21 characteristic of the alleged defamatory statement, which I
22 believe as alleged in light most favorable to the Plaintiff
23 would fall under defamation per se, had that had been the
24 actual case, your Honor. So I'll argue those points
25 together.

1 THE COURT: All right. That'd be fine.

2 MR. NICHOLS: Your Honor, simply put, in order to
3 establish a case for -- or a claim for defamation, your Honor
4 as -- and your Honor has received my briefs and -- and
5 exhibits beforehand. Is that correct, your Honor? I just
6 want to make sure.

7 THE COURT: Yes.

8 MR. NICHOLS: Okay. Thank you, your Honor. Sorry
9 about that. Just wanted to make sure. But the elements are:
10 One, that there has to be a false statement. And two, that
11 it was published by a third-party -- it was an unprivileged
12 publication by a third-party that it, in fact, was the fault
13 of the publisher, and that the Plaintiff has suffered some
14 type of special harm as a result of the defamatory statement.

15 In this case, your Honor, in both the complaint and now
16 the amended complaint, the Plaintiff here is alleging that my
17 client, Mr. Fant, sent a text message to two members of the
18 General Assembly of the House of Representatives here in
19 South Carolina, and claiming that Mr. Fant -- excuse me,
20 Mr. Wilson suffered from dementia. Your Honor, under that
21 theory or that form of defamation that is liable, that is a
22 written statement, that is a written defamatory statement.

23 The chief argument as to why this case should be
24 dismissed, your Honor, is because no one has ever seen a
25 written -- this written statement -- this alleged written

1 statement. The Plaintiff has never seen it. The Plaintiff
2 has cited in this complaint and amended complaint individuals
3 who have -- he purports to have been the recipients of this
4 text message, and then to have later seen the text message,
5 and relayed that information back to Mr. Wilson.

6 We have presented to you two affidavits, your Honor.
7 One from Representative Sandra Dillard, and one from a
8 witness a plaintiff's witness who has presented another
9 affidavit, and that being Jack Logan. Both of those
10 individuals, your Honor, aside from Mr. Fant's claim, who
11 hasn't been able to speak on this matter, but those two
12 individuals simply state that this text message never
13 occurred. That Mr. Fant never texts Representative Jones, or
14 Representative Dillard's claiming that Mr. Wilson suffered
15 from dementia, or any type of Latham disease, or any type of
16 illness whatsoever.

17 I -- I have no idea. I don't think at this point
18 anybody really knows where the communication between
19 Mr. Logan and Mr. Wilson went off the rails and the
20 recitation of what Mr. Logan perceived to have happened. But
21 he presents an affidavit before you, your Honor, that details
22 it as best as we can.

23 And then to just simply put that regardless of whether
24 there is a statement that amounts to defamatory, that is
25 defamatory or not, Mr. Fant's just simply never texts anyone

1 speaking about Mr. Wilson, and particularly saying that
2 Mr. Wilson suffered from dementia. It just simply never
3 occurred.

4 The only thing that is now being presented in the
5 amended complaint to allegedly support this is now a text
6 message from Representative Dillard, or -- or to
7 Representative Dillard, where Mr. Wilson states that he heard
8 my client, Mr. Fant said -- sent a text message claiming that
9 he had dementia. Representative Dillard simply responded
10 back and said, "It's good to know you're doing well. Happy
11 New Year."

12 In no way, and as she puts in her affidavit, was that
13 intended to be some type of admission or a -- or
14 acknowledgment that this text message ever occurred. More or
15 less, that is just a text message saying that, "I'm glad" --
16 he's happy, and happy New Year.

17 Now, this is being brought into a -- a much bigger
18 claim of now defamation that my client stated -- stated these
19 actions. But it simply put, there's no evidence, there will
20 be no evidence through the discovery that -- that shows that
21 Mr. Fant ever sent a text message to any individual claiming
22 that Mr. Wilson had dementia or any type of disease. But
23 what is most important, your Honor, is that simply put, this
24 is a case -- this is a defamatory case for libel. And no one
25 including the Plaintiff himself, most importantly, has ever

1 seen this recorded, written statement, had it actually
2 existed. The fact that no one has ever seen it is proof that
3 it never existed and it never occurred.

4 MR. WILSON: I have to object --

5 MR. NICHOLS: Your Honor, I would actually ask that
6 this is a --

7 MR. WILSON: Your Honor, he's putting in -- this is
8 about the complaint. He's having a mini trial. This is not
9 a summary judgment; this is a motion to dismiss. He's
10 already told this court about affidavits that are not part of
11 my pleadings.

12 So that means that he's given extra stringent evidence
13 to this court that it's not part of the pleadings. He's
14 talking about affidavits that he submitted. Those affidavits
15 are not part of my pleadings. So I just wanted to object,
16 and I apologize. I -- I usually try to set back and just let
17 it happen. Your Honor, he's trying to have a mini-trial.
18 He's asking this court to weight evidence at a motion to
19 dismiss, and that's not allowed.

20 THE COURT: I understand. He's only to look at the
21 four corners of the complaint. I understand that, and of
22 course, his argument. So I will look at the complaint as
23 well as the basis for your motion.

24 MR. NICHOLS: Yes, your Honor. And -- and actually, I
25 appreciate that. To that point, your Honor, both the

1 statements of Mr. Logan and the alleged statements of
2 Ms. Dillard were cited, reference, and attached to both the
3 -- well, one, the original complaint, and now the amended
4 complaint.

5 These affidavits that have been presented to me as a
6 part of this motion to dismiss by way of the rules of South
7 Carolina Court of Civil procedure, are allowed to be amended
8 at a -- address and presented before the Court on a motion to
9 dismiss since they are referenced in the Plaintiff's
10 complaint, and amended complaint, your Honor.

11 THE COURT: All right, sir.

12 MR. NICHOLS: So that is my argument. Simply for
13 defamation, your Honor, is a claim for liable with no written
14 instrument that exists. There's no individual witness,
15 including the Plaintiff himself, who has ever witnessed, or
16 seen, or heard any publication of this alleged defamatory
17 statement. And so therefore, your Honor, that claim should
18 be dismissed.

19 THE COURT: All right.

20 MR. NICHOLS: Or defamation and defamation per se
21 should be dismissed, your Honor.

22 THE COURT: I understand.

23 MR. NICHOLS: As to the intentional infliction of
24 emotional distress, your Honor, the -- the allegations are
25 the exact same as the defamation, which in and of itself is

1 why the IIED claim should be dismissed. There has been no
2 allegation of an overt act in any kind of way by Mr. Fant,
3 that is to cause intentional infliction of emotional stress
4 directly to Mr. Wilson. That is the elements of intentional
5 infliction of emotional distress, and that is what has to be
6 shown.

7 There's been no overt act, there's been no act. If the
8 Court were to find that there is an overt act that is -- that
9 is outrageous or extreme to amount to intentional infliction
10 of emotional distress. And simply put, your Honor, for all
11 claims here, there's been no claim of damages. I've -- in
12 the complaint, it just simply states that Mr. Wilson spent a
13 week trying to clear up this alleged defamatory statement,
14 that he had dementia.

15 However, your Honor, he also states in the amended
16 complaint and the original complaint that there's only
17 allegedly two individuals who would've received this alleged
18 defamatory statement. And those individuals say that they
19 never saw this alleged defamatory statement.

20 So there was nothing to clean up. There's been no
21 damages that have been done. There's been no harm to his
22 reputation in the community because no one has ever heard
23 anything of this sort. So therefore, your Honor, all of
24 these claims should be dismissed. I -- I did skip over one
25 part, your Honor, and I'll sit down after that.

1 I do believe that there is somewhat of a claim for
2 slander, by the way, of this affidavit of Bill Gibson. I
3 don't know that that's being alleged directly. It's unclear
4 to me, your Honor, but we addressed it in our memorandum,
5 just in case. This alleged statement of this defamation by
6 way of slander, is that Bill Gibson was an individual -- I
7 have no idea who these individuals are, your Honor, by the
8 way. That this individual was at a County Council public
9 hearing and approached my client, who is a councilman, and
10 asked about a change in the format of these public hearings.
11 And the response from my client was -- is that County Council
12 decided because the Plaintiff and another individual of the
13 community were causing disruptions during the hearings, they
14 had to change the format.

15 Your Honor, the ultimate defense to defamation is the
16 truth. In order to succeed on the claim for defamation, you
17 have to prove that something is in fact false, that the
18 statement is false. We have no idea, my client doesn't
19 believe that this ever even occurred. But if looking at this
20 in the light most favor to -- to the Plaintiff, if this is in
21 fact these allegations are true, then it's again not
22 defamation because it is County Council deciding to change
23 their format because it's their belief -- perception that the
24 Plaintiff and other individuals are causing a disruption.

25 My client just simply relayed -- if this is true, which

1 I don't believe it is, simply relayed information that was
2 created by other members of the board. That's not a
3 slanderous or defamatory statement made my -- made by my
4 client. That is simply my client telling an individual in
5 the community the truth. If that is actually -- if that
6 actually occurred, which we are not even sure that that
7 actually occurred.

8 So for that, your Honor, if there is a defamatory claim
9 for slander, that should also be dismissed. And, your Honor,
10 I do have my motion for sanctions that I think could be heard
11 at the appropriate time. But for now, I'll just rest on my
12 motion to dismiss.

13 THE COURT: All right. Thank you. Good morning,
14 Mr. Wilson. Now, I'll hear from you, sir.

15 MR. WILSON: Thank you, your Honor. Your Honor, just
16 on that last little part really quick, just -- because it's
17 on my mind. The -- the incident about County Council, and
18 County Council can make rules if they deemed that I'd done
19 something inappropriate.

20 I actually have, from a FOIA request, the information
21 regarding changing the meeting. And I even specifically
22 asked, "Was it due to me?" And they informed me, through the
23 -- the -- the answering of the FOIA request regarding that.
24 It had nothing to do with me.

25 So I know we are not here to prove anything. I -- I've

1 heard Counsel talk a lot about, I didn't prove this, I didn't
2 do this. This is not the stage for me to prove anything,
3 your Honor, this is a motion to dismiss. This talks about
4 what is inside my complaint, and this court, under this
5 state's law, has to take everything in my complaint as true.

6 I don't have to prove anything, your Honor. I -- I --
7 I just -- I'm baffled. I -- I -- I have tremendous respect
8 for Counsel, and I know he's a good attorney, but all I've
9 heard was, "There's no evidence, evidence, evidence." Well,
10 this court is not in a position to weigh evidence for this
11 type of motion. It has nothing to do with evidence.

12 I heard Counsel talk about, "There's been no
13 discovery." Actually, Counsel fought to get discovery
14 stayed. So we haven't had no discovery. He said he hasn't
15 seen the -- the text message, and don't know if he's seen it.
16 Well, that -- that -- that's part of discovery. We go
17 through all that discovery. All I have to do is allege, and
18 then this court look at it and say, "Well" -- think about
19 this, your Honor. If someone was going around saying that
20 this court had dementia and was telling individuals that, and
21 it's not true, is that defamatory? Of course, it is. It is.

22 Counsel said, "Well, he hasn't showed no damages."
23 Defamation pro se damages are general. He knows this. He --
24 he argues in his complaint, he didn't do it in front of this
25 court, and -- and -- and I'm glad he didn't, but his motion

1 is real with the fact that I'm a public figure, and that I
2 should have to prove malice.

3 This is a motion to dismiss, your Honor. I don't have
4 to prove malice. I only need to allege it. And in my
5 complaint, it is alleged more than five times, dealing with
6 malice. That's all I have to do. There was a case earlier
7 this year, your Honor, and it's not -- it -- it's not
8 reported. It's unpublished. Lovelace is the case dealing
9 with a similar issue. And you know what they said in that
10 case? And -- and it's in my memorandum, a footnote, "Malice
11 is not -- you don't prove it, simply alleged. Simply
12 alleged."

13 Then -- and I'm going by his motion of me being a
14 public figure. What type of public figure am I, your Honor?
15 General, limited? That's not in his motion. It's not in his
16 memorandum that he would ask this court because this court
17 would have to do evidence weighing, fact finding, to
18 determine what type of public figure I am. But once again,
19 we're at a motion to dismiss that would be outside the
20 pleadings. There's nothing in my pleadings talks about me
21 being a public figure, nothing. But he has leaped to that
22 part.

23 So -- and this whole notion about, "Well, he never said
24 it." That's -- that's once again trying to get this court to
25 have for one of many trials to weigh evidence, and this

1 court, for this motion, can't do that. Now the Court can
2 say, "Well, we could consider this a summary judgment." I
3 can understand that because in my opinion of those
4 affidavits, all that extrinsic evidence that he has put
5 inside his motion, and even forwarded it to this court
6 directly. I think last Thursday, he sent all of that
7 information directly to this court, versus it being just
8 simply filed.

9 I think the Court would have to take, in my opinion,
10 this as a summary judgment hearing because of that extrinsic
11 evidence. Add the affidavits, you can do that, if he was
12 using my affidavits. If he was using the affidavits that I
13 have attached to my complaint, he could take those affidavits
14 and use them and outline something. But no, he went out and
15 created, obtained affidavits.

16 MR. NICHOLS: I -- I have to step in. I haven't
17 created anything. I haven't spoken to any of these
18 individuals.

19 THE COURT: I refrain from personal attacks.

20 MR. WILSON: It's not -- well, I didn't mean that as a
21 per -- I'm just -- I didn't -- his -- his -- his client went
22 out and obtained these evidence -- I mean, these affidavits.

23 THE COURT: Affidavit. I understand.

24 MR. WILSON: He went and got them and had them drawn up
25 and written. And then they -- they -- they attached them to

1 this motion to dismiss. Your Honor, you can't do -- you
2 cannot do that because now we're outside the pleading. Yeah,
3 he can talk about my affidavit, then he can actually use my
4 affidavits. I get that. They went out and created -- got
5 new affidavit.

6 Then most important, your Honor, they talk about --
7 especially one of the more important witnesses in this whole
8 thing, Mr. Jack Logan. He said, "Well, I got an affidavit
9 from Mr. Logan that said this did happen." He has an
10 affidavit from Mr. Logan that said it didn't happen. Guess
11 what this court has in its file the record? There's an
12 affidavit from Mr. Logan talking about his client
13 intimidating him, threatening him, trying to make him change
14 what he said. This court has that.

15 MR. NICHOLS: And I --

16 MR. WILSON: This court.

17 MR. NICHOLS: And I object to that, your Honor. I'm
18 not aware of that at all.

19 THE COURT: All right. I'll note your objection. I'll
20 go through the file very carefully. You gentlemen have given
21 me a lot to read.

22 MR. WILSON: Well, it -- it -- it's amazing that he's
23 not aware of it, your Honor, because We had a hearing set for
24 it. And I'd be more than happy to go through the transcript
25 that I have from the last hearing, if he needs me to. The

1 hearing --

2 MR. NICHOLS: I believe, your Honor -- and I don't mean
3 -- I -- I -- I hate interrupting, I despise it. But I
4 believe at this point that this is being confused with
5 another matter that we have here before you.

6 THE COURT: There was another matter. I remember that.
7 Let's stay within the confines of the pleadings because
8 that's what I have to look at. You're right.

9 MR. WILSON: And I --

10 THE COURT: Nothing more.

11 MR. WILSON: -- I totally agree with the -- with --
12 with the Court, but -- but what happens, your Honor, a lot of
13 times is that there's misinformation that'd be given. I just
14 love to correct it where I'm not talking about a separate
15 hearing. I'm talking about a hearing. He brought it up the
16 hearing about when the -- my -- my motion to -- to amend my
17 complaint was granted in front of Judge Jessica. I -- I can
18 never say her last name.

19 THE COURT: Salvini.

20 MR. WILSON: Say her last name.

21 THE COURT: Salvini.

22 MR. WILSON: Salvini. I -- I have the transcript from
23 that hearing. It's in-depth. I'll be more than happy to
24 have the court reporter to send that transcript directly to
25 the Court. In that hearing, we -- there -- we -- we talked

1 about a protective order to keep Mr. Fant from intimidating
2 this particular witness, and trying to coerce him to change
3 his statement.

4 That's -- and -- and -- and that protective order
5 motion, which we withdraw because we thought he was going to
6 stop. It's -- it's in the file. It's -- it's part of the
7 Court's record. But lo and behold, before we were about to
8 have a hearing regarding their motion to dismiss, they come
9 up with this affidavit from Mr. Logan, and he says that this
10 never happened. This is after we had gone through this whole
11 protective order thing.

12 Bar none, your Honor, the motion, my amended complaint,
13 it meets all the requirement for the defamation. It goes
14 through every element. It talks about what the statement
15 was, who it was sunk to. And if this court looked at the
16 statement itself, would it be defamatory? Of course.

17 The last final word dealing with the County and dealing
18 with Mr. Gibson, your Honor. In my opinion, because it is
19 not in their motion to dismiss, the Court could look at their
20 motion to dismiss. That particular claim was waived. They
21 have not filed anything to challenge that. It's not in their
22 motion. I know they tried to put it in the -- in the
23 memorandum, it's not in their motion to dismiss.

24 It's talked to nothing about my all -- the claims
25 dealing with a discriminatory statement that was made to

1 Mr. Gibson, which is a separate claim. So I -- I -- I do
2 believe that is waived, and I will not overtalk the Court.
3 I'll sit down.

4 THE COURT: All right. Anything in response, sir?

5 MR. NICHOLS: Yes, your Honor. Your Honor, I want --

6 THE COURT: And let me just note for the record. I am
7 looking at Mr. Logan's affidavit that was attached to your
8 amended complaint. It's in the file. You may proceed, sir.

9 MR. NICHOLS: Yes, your Honor. Your Honor, what is --
10 I want to address, most importantly. My argument to this
11 court is not that there's not any evidence, it's not weighing
12 the evidence. It is simply: What are the allegations? And
13 if taken as true as you have to in an analysis for a motion
14 to dismiss, and in viewing all of the alleged facts in favor
15 -- and most favorable to the Plaintiff, are there any legal
16 bounds in which the Plaintiff could still recover? And there
17 just simply are none, your Honor.

18 Your -- the client -- the Plaintiff, has failed to
19 properly allege any showing of defamation or intentional
20 infliction of emotional distress. This is a case for libel
21 where there is a written instrument in which the Plaintiff,
22 regardless of the fact that he's representing himself, has
23 never seen a written instrument that is alleging a defamatory
24 statement against him. It just simply has not happened. He
25 has to allege that.

1 He is alleging that a third-party individual spoke to
2 another individual who received a text message from my
3 client, stating this information. You now have information
4 from the third-party individual, and the individual alleged
5 to have received this text message, who says, in response to
6 the complaint and amended complaint, in which they have been
7 referenced and cited publicly for over a year now, coming and
8 saying, "This did not occur." I do not know why it has been
9 taken to this extreme, but this did not happen. That is just
10 simply put.

11 Moving to the slander, your Honor. We simply, in our
12 motion, move to dismiss for defamation and defamation per se.
13 I -- I don't know which set of facts he wants to lean on for
14 a slanderous argument, but the facts as presented, if it --
15 absolutely true, if taken for absolute verbatim that
16 Mr. Gibson walked up to Mr. Fant and said, "Why did you" --
17 we don't even know the dialogue that occurred. Because it
18 hasn't been alleged. So I'm extrapolating -- trying to
19 reasonably extrapolate from what I can read in the amended
20 complaint.

21 If that actually occurred, and he walked up to
22 Mr. Fant and said, "Why did you all change the format?"
23 "Because of Mr. Wilson and another individual being
24 disruptive. And so we had to change the format." If that's
25 true, that's not a defamatory statement. If it's false, it's

1 not a defamatory statement. It -- it -- it's a statement of
2 opinion by Mr. Fant. And I guess he's speaking on behalf of
3 all of County Council.

4 That, by definition, is not a defamatory statement. It
5 doesn't matter whether the Plaintiff doesn't like the
6 statement or not. It is just simply, that it's not a
7 defamatory statement. I don't know what this FOIA request is
8 because the argument against these affidavits is that I
9 cannot present to this court any extrinsic evidence even
10 though I'm not presenting any evidence whatsoever. But I've
11 never seen this FOIA request. I don't think the Court has
12 seen this FOIA request. We don't know what it contains.

13 And I certainly know that it doesn't contain a
14 statement from every individual from County Council regarding
15 this specific issue, and whether they specifically decided to
16 change their county rules because of the Plaintiff and
17 another individual. I'm certain that it doesn't include
18 that, your Honor.

19 So on the four corners of the amended complaint, as
20 well as all of its references and exhibits, there is just
21 simply no showing through the complaint of a defamatory
22 statement by libel or slander. And there is simply no overt,
23 or extreme outrageous conduct committed by Mr. Fant that
24 supports intentional infliction of emotional distress.

25 For that reason, just as if -- just as it was earlier

1 this year when the Plaintiff was granted leave to amend his
2 complaint because of the lack -- because of the deficiencies
3 in his claim, he has not satisfied any of those deficiencies.

4 There is no written, recorded instrument that he has
5 seen, produced, or received. There is no slanderous
6 statement made by Mr. Fant, and there's no overt, outrageous
7 extreme conduct by Mr. Fant to support defamation or
8 intentional infliction of emotional distress. Simply put,
9 your Honor.

10 THE COURT: All right. Stand in your position well.

11 MR. WILSON: Your Honor, once again, and I'd be more
12 than happy to have the court reporter send a copy -- I think
13 it's about 44 pages, directly to the Court and to defense
14 counsel regarding the last hearing.

15 MR. NICHOLS: Again, your Honor, the argument and
16 interruption to me was to stay within the four corners of the
17 amended complaint and the pleadings. I've heard nothing
18 about the four corners of the amended complaint or these
19 pleadings from the arguments in response.

20 THE COURT: I understand.

21 MR. NICHOLS: I do not have privy to any of this
22 information.

23 THE COURT: I understand.

24 MR. WILSON: Your Honor, I have to judge, and -- and I
25 appreciate the Court, and -- and --

1 THE COURT: All right. Let me just tell you this.
2 I'll indulge you. I do not need to see those proceedings
3 because as you're aware, very well educated in the law, I
4 have to stay within the four corners and the walls of that
5 complaint to decide whether you have properly pled the issues
6 as you have alleged.

7 MR. WILSON: And...

8 THE COURT: That's my job.

9 MR. WILSON: That's all I can ask the Court to do.
10 That's what I would appreciate because these extra inferences
11 that keeps being put on the Court is what's a little bit
12 irritating. Because it's in the complainant, it's in the
13 motion to dismiss. It talks about how, in lieu of dismissing
14 my case, the Court granted me leave. That's not true. It's
15 because I had filed a motion to amend my complaint.

16 That's the reason I -- I was able to -- to -- to do it.
17 But getting to the complaint -- to the complaint itself, your
18 Honor, I go back to the two claims. For one, the information
19 dealing with County Council and Mr. Bill Gibson. And the
20 Court can see that in the pleadings.

21 THE COURT: I have Mr. Gibson's affidavit as well.

22 MR. WILSON: That has been waived. It is not brought
23 up in Counsel's motion to dismiss. Nowhere this court will
24 find that. It -- what the Court will see is that in the
25 motion to dismiss, it says that Mr. Gibson included an

1 affidavit that has nothing to do with this case. There's a
2 cause of action for that.

3 So I believe that that, at a minimum, is waived when it
4 goes to the complaint. And it goes to Counsel's insistence
5 that, and -- and I know this court knows this, but -- but he
6 keeps putting it on the record about, "There's no evidence,
7 and there's nobody seeing this."

8 Well, that's all of that is what for discovery. All of
9 that "What I've seen, what I have," he -- he's telling this
10 court, well, he can't prove this. He can't show -- at this
11 junction yard, I don't have to prove anything.

12 And he's telling this court what I don't have. He
13 doesn't know what I have. He has -- don't know what I've
14 seen. But what I do know is that this -- we haven't had any
15 discovery. I know that. And until we do have discovery --
16 he said he hasn't seen this note from County Council during
17 discovery, he'll get it. He'll know exactly what it is.

18 I -- I think that this case is played -- I understand
19 -- well, we're in a discovery state right now. We -- we --
20 we -- and you know what, I'll let you read it here. I -- I
21 would go present this to the Court because that'll be outside
22 the pleadings.

23 THE COURT: That is correct.

24 MR. WILSON: That's why I wouldn't go -- I'd probably
25 present it to the Court, but I'm more than happy to let you

1 read it.

2 THE COURT: Certainly, because he'll get it eventually.

3 MR. WILSON: So, your Honor --

4 THE COURT: That's true.

5 MR. WILSON: -- that's -- well, your Honor, I think
6 that they -- I -- I think if the Court read my pleads, they
7 meet all the standards, and -- and they -- they are --
8 they're sufficiently pled. I appreciate the Court's
9 indulgence in letting me go a little over on -- on my
10 speaking. I -- I tend to indulge a little more than what I
11 should. So I'm going to sit down.

12 THE COURT: I'm happy to accommodate you as well as
13 Counsel. All right. Gentlemen, I will take this matter
14 under advisement, and I'll provide you with my decision at a
15 later date.

16 MR. NICHOLS: Well, your Honor, I still have my motion
17 for sanctions that I'd like to be heard.

18 THE COURT: Oh, that's right. All right. Very
19 briefly.

20 MR. NICHOLS: Yes, your Honor. And I know it's
21 certainly contingent upon your grant of the dismissal, your
22 Honor. Your Honor, but at -- at this point, it has become
23 abundantly clear that the facts alleged in this complaint
24 were not due, or were not presented in good faith. They were
25 certainly presented in bad faith.

1 And that there has been, not only just the complaint,
2 the amended complaint, but a slew of frivolous motions that
3 have been filed against my client, and not only in this case,
4 but in another matter that have in each scenario, your Honor.
5 We have yet to actually go forward on a hearing on any of
6 these motions that are filed by the Plaintiff. There has
7 been no set of facts that have been presented -- that are
8 alleged in the complaint, that have then been presented to
9 this court that would actually amount to a showing of any of
10 the causes of action.

11 I believe that not only did the Plaintiff know that
12 prior to filing this complaint, but I believe that the
13 Plaintiff has had ample opportunity to retreat from his
14 frivolous complaint and decide to no longer pursue it. I
15 believe that there are clearly grounds that I have presented
16 to the Court before for an attempt to extort my client.

17 Your Honor, I believe that this is clearly built to
18 harass, humiliate, and burden my client simply because he is
19 a public figure, and a County Council member, and is a belief
20 that he will be able to maybe pay out a large sum. I don't
21 believe that there's been anything alleged in the complaint
22 that is actually grounded in the truth, that is actually
23 grounded in good faith. I believe we have an affidavit from
24 a Jack Logan, who has now come and given another affidavit
25 saying that he was -- he never even signed and had this

1 affidavit notarized.

2 He never was presented with an affidavit that was then
3 submitted to the Court. He was simply stopped at a Dollar
4 store in Greenville County, and was asked these questions,
5 and shown something, and then he said, "Yeah, that's cool,"
6 and then it was notarized and signed by a different
7 individual at a later point.

8 All of these things, your Honor, go to clearly show
9 that Mr. Wilson has been trying to intimidate, harass,
10 humiliate, and I believe, extort Mr. Fant through the series
11 of frivolous motions and complaints. And we ask that if --
12 not only the Court dismiss this amended complaint, but also
13 grant sanctions against the Plaintiff so that way this will
14 stop, and will make Mr. Fant whole for having to defend
15 himself for all of these frivolous actions.

16 THE COURT: Well, I don't think the motion for
17 attorney's fees and sanctions would make Mr. Fant whole.
18 That's not the purpose. So what's in your -- did you submit
19 an attorney fee affidavit?

20 MR. NICHOLS: I have not, your Honor, because we're not
21 -- I mean, at -- at this juncture, we are just simply seeking
22 sanctions. Not a particular form of it.

23 THE COURT: Yes. But I would --

24 MR. NICHOLS: But I'm happy --

25 THE COURT: -- always like to know how much you're

1 seeking.

2 MR. NICHOLS: Yes, your Honor. And I'm -- and I'm --
3 and I'm happy to present that, your Honor.

4 THE COURT: All right.

5 MR. NICHOLS: I can run a report and present that, your
6 Honor.

7 THE COURT: Okay. Well, I'll hear from you.

8 MR. NICHOLS: And -- and -- and I say that to say I
9 can't do it off the top of my head.

10 THE COURT: I understand.

11 MR. NICHOLS: That's why I don't have in front of me.

12 THE COURT: Yes, sir. I'll hear from you.

13 MR. WILSON: Your Honor, this matter came to me back in
14 January of 2024. I was sitting at my home and minding my
15 business when an individual --

16 THE COURT: Let me stop you. I want you to address his
17 motion for (crosstalk).

18 MR. WILSON: That's what I'm asking -- that's what I'm
19 going -- that's what I'm going.

20 THE COURT: -- sanctions. All right, sir?

21 MR. WILSON: That's exactly what I'm going for, your
22 Honor. I was minding my business. An individual thought
23 that I was going to run for office and wanted to, I guess,
24 put some stuff out in the atmosphere regarding me. I wasn't
25 going to run for that particular office. That's how this came

1 to me about -- this came to me, your Honor. I was at home
2 minding my business. I didn't go to Mr. Fant, or try to --
3 you know, do anything with Mr. Fant.

4 In my motion, in my amended complaint, I have a
5 certification that outlines that this not frivolous, is not
6 done to a harass anybody. Furthermore, your Honor, before
7 this was filed, there was one simple thing that did happen
8 that's very important. On January -- on January the 21st,
9 your Honor, at 5:00, one of the individuals that I purported
10 received this message from Mr. Fant, I contacted that person,
11 specifically said, "I heard that Mr. Fant told you that I
12 have dementia."

13 THE COURT: All right.

14 MR. WILSON: That's in here.

15 THE COURT: I understand.

16 MR. WILSON: So -- so my point is, your Honor, this is
17 not why I made this up. And I'm just going to go after
18 Mr. Fant, and I'm going to try to mess with him. This came
19 to me, your Honor.

20 THE COURT: I understand.

21 MR. WILSON: And we got affidavits from --

22 THE COURT: But let me ask you this question.

23 MR. WILSON: Yes, sir.

24 THE COURT: Let me shortchange it. I'm assuming you
25 oppose his motion for sanctions and attorney's fees because

1 your complaint was filed in good faith. Is that your
2 response?

3 MR. WILSON: That is my direct response, your Honor.

4 THE COURT: Thank you, sir.

5 MR. NICHOLS: Briefly, your Honor?

6 THE COURT: I think I've heard enough, gentlemen.

7 MR. NICHOLS: Yes, your Honor.

8 THE COURT: I do appreciate it.

9 MR. NICHOLS: Yes, your Honor. I appreciate it.

10 THE COURT: All right. You all have a great day.

11 MR. WILSON: Yes, sir. You as well.

12

13 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED)

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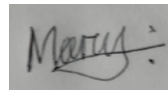
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CERTIFICATE OF TRANSCRIBER

I, MARY RAGSDALE, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 13 of Greenville County, South Carolina, on September 22, 2025.

I do further certify that I am neither of kin, Counsel, nor interest to any party hereto.

December 29, 2025

A rectangular box containing a handwritten signature in dark ink. The signature appears to be 'Mary' followed by a stylized flourish or surname.

MARY RAGSDALE

Transcriber

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**

**DEFENDANT FANT'S MOTION TO
DISMISS**

NOW COMES Defendant, Ennis M. Fant ("Fant"), by and through counsel, and move this Court to dismiss this Complaint pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure ("SCRCP"). In support of this Motion, Defendants show the Court the following:

1. Plaintiff, Bruce Wilson, commenced this lawsuit against Fant on January 26, 2024, alleging Defamation, Defamation Per Se, and Intentional Infliction of Emotional Distress.

2. "The 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 publication." *Murray v. Holnam*, 344 S.C. 129, 139, 542 S.E.2d 743, 748 (Ct. App. 2001).

3. Plaintiff fails to state a claim for defamation against Fant and should be dismissed pursuant to Rule 12(b)(6) of the SCRCP because Plaintiff failed to plead Fant published a false and defamatory statement, and Plaintiff fails to plead any facts to support the conclusory statement that Fant was the source of and false and defamatory statements concerning Plaintiff. *See Paradis v. Charleston Cty. Sch. Dist.*, 424 S.C. 603, 613-14, 819 S.E.2d 147, 153 (Ct. App. 2018), *abrogated on other grounds by Skydive Myrtle Beach v. Horry Cty.*, 426 S.C. 175, 826 S.E.2d 585 (2019).

4. Plaintiff fails to plead any facts supporting his allegation that Fant published a false and defamatory statement to any third party. Plaintiff merely alleges that Fant sent a *private* text message to two individuals, but fails to allege an actual statement, where such statement was published, where Plaintiff obtained such information concerning any alleged false and defamatory statement, or if such statement actually exists.

5. When a defamation claim involves a public figure, the “actual malice” standard applies, and the plaintiff must prove that the statement was made “with either knowledge that it was false or reckless disregard for its truth.” *Elder v. Gaffney Ledger*, 341 S.C. 108, 113, 533 S.E.2d 899, 901 (2000). To be considered a public figure, “the employee’s position must invite public scrutiny and discussion of the person holding it, unrelated to the current controversy.” *Cruce v. Berkeley Cnty. Sch. Dist.*, 435 S.C. 7, 19, 865 S.E.2d 391, 397 (Ct. App. 2021).

6. Plaintiff has held himself out as a public figure. Plaintiff by his own admission has for over twenty-five (5) years held himself out to be a community activist, the Chief Executive Officer of a non-profit organization which advocates for marginalized communities and people of color, and Plaintiff has filed to run for public office on numerous occasions. Therefore, this Court should apply the actual malice standard to Plaintiff’s claim for defamation.

7. Plaintiff fails to plead any facts supporting the fact that Fant acted with actual malice and that Fant made any statement with knowledge of its falsity or a reckless disregard for its truth.

8. To prove a claim of intentional infliction of emotional distress a Plaintiff must prove, “(1) that the defendant intentionally or recklessly inflicted severe emotional distress, or knew that distress would probably result from his conduct; (2) that the defendant's conduct was so extreme and outrageous that it exceeded all possible grounds of decency and was atrocious and

utterly intolerable in a civilized community; (3) that the actions of the defendant caused the plaintiff emotional distress; and (4) that the emotional distress suffered by the plaintiff was so severe that no reasonable person could be expected to endure it.” *Dye v. Gainey*, 320 S.C. 65, 463 S.E.2d 97 (S.C. App. 1995). The Court must initially determine whether specific conduct gives rise to a claim for outrage. *See Johnson v. Dailey*, 318 S.C. 318, 457 S.E.2d 613 (S.C. 1995); *see also Wright v. Sparrow*, 298 S.C. 469, 381 S.E.2d 503 (S.C. App. 1989).

9. Plaintiff fails to plead facts supporting his claim for intentional infliction of emotional distress because he fails to plead any facts that Fact acted intentionally or recklessly, that Fant’s alleged conduct was so extreme and outrageous, Plaintiff fails to plead any actual damages, and that any damages suffered were so severe that no reasonable person could be expected to endure it.

10. S.C. Code Ann. § 15-36-10 states in relevant part, “An attorney, party, or *pro se litigant* shall be sanctioned for a frivolous claim or defense if the court finds the attorney, party, or *pro se litigant* failed to comply with one of the following conditions: (a) a reasonable attorney in the same circumstances would believe that under the facts, *his claim or defense was clearly not warranted under existing law* and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law; (b) a reasonable attorney in the same circumstances would believe that *his procurement, initiation, continuation, or defense of the civil suit was intended merely to harass or injure the other party*; or (c) a reasonable attorney in the same circumstances would believe that *the case or defense was frivolous as not reasonably founded in fact* or was interposed merely for delay, *or was merely brought for a purpose other than securing proper discovery, joinder of proposed parties, or adjudication of the claim or defense upon which the proceedings are based.*(emphasis added). “In determining whether sanctions are

appropriate or the severity of a sanction, the court shall consider previous violations of the provisions of this section.”

11. Plaintiff’s Complaint should be dismissed with prejudice and this Court should sanction Plaintiff as this matter is brought solely for the purpose to merely to harass or injure Fant by requiring him to incur attorneys’ fees and cost, and Plaintiff’s claims are frivolous as no reasonable jury could rule in favor of Plaintiff as Plaintiff has failed to allege facts supporting his claims or facts supporting the truth or existence of any of the alleged facts, pursuant to S.C. Code Ann. § 15-36-10.

12. Plaintiff clearly intends to harass, humiliate, and injure Fant, requiring him to incur attorneys’ fees and cost, as Plaintiff has subsequently filed another frivolous lawsuit against Fant for intentional infliction of emotional distress, while Plaintiff in such action again fails to plead any overt acts, omissions, or conduct contributable to Fant, in which Plaintiff could recover as a matter of law. See *Bruce Wilson vs. Pranceton Rodrigues Williams , defendant, et al* (Case No.: 2024CP2302744); *filed May 6, 2024*

13. As a result, Fant has incurred attorneys’ fees and cost to defend this matter and Plaintiff has subjected Fant to undue harassment, humiliation, and expenses.

WHEREFORE, Fant respectfully prays this Court as follows:

1. For the Court to dismiss all claims contained in the Complaint with prejudice, pursuant to SCRCP Rule 12(b)(6);
2. For the costs of this action, including reasonable attorney fees as permitted by law, to be taxed to Plaintiff; and
3. For such other and further relief as the court deems just and proper.

[SIGNATURE PAGE TO FOLLOW]

This the 10th day of May 2024.

Respectfully submitted,

/s/ Austin D. Nichols
Austin D. Nichols, Esq.
J. Todd Rutherford, Esq.
RUTHERFORD LAW FIRM
1315 Blanding Street (29201)
P.O. Box 1452
Columbia, South Carolina 29202
Phone No.: (803) 256-3003
Fax No.: (803) 256-9698
Attorneys for Defendants
austin@rutherford.law
todd@rutherford.law

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,

Defendants.

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

CERTIFICATE OF SERVICE

I, Faye Johnson, certify that on this date I served the Motion to Dismiss Plaintiff's Complaint in this case on Plaintiff, Bruce Wilson, by delivering a copy of this pleading to the Plaintiff's Attorney, by mailing to his/ her office located at the following address:

Bruce Wilson
14 Freestone St.
Greenville SC 29605

/s/ Faye Johnson

Faye Johnson
Legal Assistant
The Rutherford Law Firm
1315 Blanding Street
Columbia, South Carolina 29201
(803) 256-3003

Columbia, South Carolina
This the 10th day of May 2024.

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**

**DEFENDANT FANT'S MOTION FOR
PROTECTIVE ORDER**

NOW COMES Defendant, Ennis M. Fant ("Fant"), by and through counsel, pursuant to South Carolina Rules of Civil Procedure (SCRCP) Rule 26(c), Rule 26(d), and Rule 16(d) to move this Honorable Court to issue an Order Protecting Fant from responding to Plaintiff's discovery requests in this action until an order by this Court ruling on Fant's pending Motion to Dismiss Bruce Wilson's ("Plaintiff") Complaint ("Motion to Dismiss").

1. On January 26, 2024, Plaintiff filed the Summons and Complaint;
2. On March 26, 2024, Fant received service of the Summons and Complaint;
3. Fant timely filed an Answer to Plaintiff's Complaint on May 1, 2024;
4. On May 10, 2024, Fant filed and served his Motion to Dismiss;
7. On May 10, 2024, Fant filed a Motion to Stay Discovery pending a decision on the Motion to Dismiss;
8. This motion is not filed for any improper purpose or to cause any delay.

WHEREFORE, Fant respectfully prays this Court as follows:

1. To grant Fant's Motion for Protective Order;
2. For reasonable attorney's fees; and
3. For any other such relief the Court deems necessary or appropriate.

[SIGNATURE PAGE TO FOLLOW]

This the 10th day of May 2024.

Respectfully submitted,

/s/ Austin D. Nichols
Austin D. Nichols, Esq.
J. Todd Rutherford, Esq.
RUTHERFORD LAW FIRM
1315 Blanding Street (29201)
P.O. Box 1452
Columbia, South Carolina 29202
Phone No.: (803) 256-3003
Fax No.: (803) 256-9698
Attorneys for Defendants
austin@rutherford.law
todd@rutherford.law

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,

Defendants.

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

CERTIFICATE OF SERVICE

I, Faye Johnson, certify that on this date I served the Motion for Protective Order in this case on Plaintiff, Bruce Wilson, by delivering a copy of this pleading to the Plaintiff's Attorney, by mailing to his/ her office located at the following address:

Bruce Wilson
14 Freestone St.
Greenville SC 29605

/s/ Faye Johnson

Faye Johnson
Legal Assistant
The Rutherford Law Firm
1315 Blanding Street
Columbia, South Carolina 29201
(803) 256-3003

Columbia, South Carolina
This the 10th day of May 2024.

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**

**DEFENDANT FANT'S MOTION TO
STAY DISCOVERY**

NOW COMES Defendant, Ennis M. Fant ("Fant"), by and through counsel, pursuant to South Carolina Rules of Civil Procedure (SCRCP) Rule 26(c), Rule 26(d), and Rule 16(d) to move this Honorable Court to stay discovery in this action until an order by this Court ruling on Fant's pending Motion to Dismiss Bruce Wilson's ("Plaintiff") Complaint ("Motion to Dismiss"). In support of this request Fant provides the Court with the following procedural history:

1. On January 26, 2024, Plaintiff filed the Summons and Complaint;
2. On March 26, 2024, Fant received service of the Summons and Complaint;
3. Fant timely filed an Answer to Plaintiff's Complaint on May 1, 2024;
4. On May 10, 2024, Fant filed and served his Motion to Dismiss;
8. This motion is not filed for any improper purpose or to cause any delay.

ARGUMENT

The crux of Fant's Motion to Dismiss is that Plaintiff fails to properly plead facts sufficient to constitute a cause of action under SCRCP Rule 12(b)(6), Rule 8, Rule 9, and Rule 12(e). Fant asserts there is no good faith legal basis for Plaintiff's claims. On the face of the Complaint, Plaintiff has not suffered any damages or properly pled facts to support a likelihood of recovery. It is within the Court's discretion to determine matters of discovery, and judge's rulings on discovery will not be disturbed on appeal absent a clear abuse of discretion. *Dunn v. Dunn*, 298

S.C. 499, 502, 381 S.E.2d 734, 735 (1989). “In considering a motion to dismiss a complaint based on a failure to state facts sufficient to constitute a cause of action, the trial court must base this ruling solely on the allegations set forth and the complaint.” *McNeil v. South Carolina Dept. of Corrections*, 404 S.C. 186, 190, 743 S.E.2d 843, 846 (Ct. App. 2013).

Here, Fant’s Motion to Dismiss reasonably challenges Plaintiff’s complaint and is likely to succeed upon a hearing on oral arguments. No scheduling order has been entered by this court, and as such staying discovery in this matter is the most efficient use of judicial resources and a reasonable means to prevent the parties from expending unnecessary time and resources. Plaintiff’s Complaint is an attempt to cause undue burden, hardship, and expense on Fant, and as such Fant moved this Court for sanctions, pursuant to S.C. Code Ann. § 15-36-10.

Therefore, Fant respectfully requests this court to grant his Motion to Stay Discovery until a decision by this Court on the Motion to Dismiss.

WHEREFORE, Fant respectfully prays this Court as follows:

1. To grant Fant’s Motion to Stay Discovery in this matter; and
2. For any other such relief the Court deems necessary or appropriate.

This the 10th day of May 2024.

Respectfully submitted,

/s/ Austin D. Nichols
 Austin D. Nichols, Esq.
 J. Todd Rutherford, Esq.
 RUTHERFORD LAW FIRM
 1315 Blanding Street (29201)
 P.O. Box 1452
 Columbia, South Carolina 29202
 Phone No.: (803) 256-3003
 Fax No.: (803) 256-9698
 Attorneys for Defendants
 austin@rutherford.law
 todd@rutherford.law

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,

Defendants.

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

CERTIFICATE OF SERVICE

I, Faye Johnson, certify that on this date I served the Motion to Stay Discovery in this case on Plaintiff, Bruce Wilson, by delivering a copy of this pleading to the Plaintiff's Attorney, by mailing to his/ her office located at the following address:

Bruce Wilson
14 Freestone St.
Greenville SC 29605

/s/ Faye Johnson

Faye Johnson
Legal Assistant
The Rutherford Law Firm
1315 Blanding Street
Columbia, South Carolina 29201
(803) 256-3003

Columbia, South Carolina
This the 10th day of May 2024.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Bruce Wilson,

Plaintiff,

vs.

Ennis M. Fant

Defendant,

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No: 2024-CP-23-00548

**Plaintiff's Motion In Opposition
To Defendant's Motion To
Dismiss And Motion for Sanctions**

NOW COMES the Plaintiff, Bruce Wilson, and submits this Motion in Opposition to Defendant Ennis M. Fant's Motion to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure (SCRCP); and Motion for Sanctions pursuant to Rule 11 of the South Carolina Rules of Civil Procedure (SCRCP). In support of this Motion, the Plaintiff respectfully shows the Court the following:

1. The Defendant's motion is procedurally defective, factually inaccurate, and legally flawed.
2. The Defendant's motion misapplies the South Carolina Rules of Civil Procedure and disregards established South Carolina case-law. Furthermore, the motion neglects to address critical legal arguments and misrepresents the facts of the case.
3. A review of the Defendant's motion reveals a reliance on incorrect interpretations of the South Carolina Caselaw and South Carolina Rules of Civil Procedure. Moreover, the Defendant's misinterpretation of basic South Carolina caselaw undermines the validity of Defendant's arguments for Dismissal and or Sanctions.

4. In light of the foregoing, it is evident that the Defendant's motion to dismiss and for sanctions lacks merit and should be denied

5. A rigorous detailed **Memorandum** of **Law** will be filed to provide a comprehensive legal analysis of the issues presented to the Court.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court deny the Defendant's motion to dismiss and motion for sanctions and permit this case to proceed to the next stage of litigation.

Respectfully submitted.

s/ Bruce Wilson

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

December 16, 2024
Greenville County, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Bruce Wilson,

Plaintiff,

vs.

Ennis M. Fant

Defendant,

C.A. No: 2024-CP-23-00548

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Plaintiff's Motion In Opposition To Defendant Ennis M. Fant's Motion To Dismiss was served this 16th day of December 2024 on defendant via united states mail, postage prepaid and addressed to counsel on record:

RUTHERFORD LAW FIRM

Austin D. Nichols, Esq.
1315 Blanding Street
Columbia, South Carolina 29202
austin@rutherford.law
Attorney for Defendant

s/ Bruce Wilson

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

December 16, 2024
Greenville County, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No: 2024-CP-23-00548

**Amended Plaintiff's Memorandum In
Opposition To Defendant's Motion To
Dismiss And Motion For Sanctions**

Bruce Wilson,

Plaintiff,

vs.

Ennis M. Fant

Defendant,

And

**Memorandum In Support of Plaintiff's
Motion To Compel**

NOW COMES the Plaintiff, Bruce Wilson, and submits this memorandum in opposition to Defendant Ennis M. Fant's Motion to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure (SCRPC) and Motion for Sanctions pursuant to Rule 11, SCRPC. Additionally, Plaintiff moves to compel discovery responses under Rule 37, SCRPC, and states as follows:

INTRODUCTION

1. Defendant's Motion to Dismiss is legally insufficient, as it fails to present a valid defense and does not demonstrate that Plaintiff's Complaint lacks adequate factual allegations. Furthermore, Defendant's Motion for Sanctions is baseless, as Plaintiff's claims have been filed in good faith and are supported by law and fact.

2. This litigation arises from Defendant's defamatory and malicious statements, which have caused Plaintiff significant reputational harm and emotional distress. Defendant's conduct warrants denial of the pending motions and an order compelling full compliance with discovery obligations.

FILED
2024 FEB 28 PM 4:11
CLERK OF COURT
13th JUDICIAL CIRCUIT
GREENVILLE, SC

FACTUAL BACKGROUND

4. On January 26, 2024, Plaintiff initiated this action, asserting claims of Defamation, Defamation Per Se, and Intentional Infliction of Emotional Distress (IIED).

5. On January 9, 2024, Defendant made defamatory statements via text message to third parties, including Representative Chandra Dillard and Representative Wendell Jones, falsely asserting that Plaintiff suffered from dementia.

6. On January 18, 2024, during a public event, Defendant falsely stated to attendees, including Mr. Bill Gibson, that Plaintiff's alleged disruptive behavior caused Greenville County Council to amend its citizen comment rules.

7. Plaintiff has expended significant time and effort correcting these defamatory statements and addressing the harm caused to his reputation and emotional well-being.

STANDARD OF REVIEW

8. A motion to dismiss under Rule 12(b)(6), SCRPC, challenges the legal sufficiency of the complaint, not the merits. The court must accept all well-pled facts as true and view them in the light most favorable to the plaintiff. See *Doe v. Greenville County Sch. Dist.*, 375 S.C. 63, 651 S.E.2d 305 (2007); *Spence v. Spence*, 368 S.C. 106, 628 S.E.2d 869 (2006). Dismissal is improper unless it is clear beyond a reasonable doubt that no set of facts could entitle the plaintiff to relief. See *Chestnut v. AVX Corp.*, 413 S.C. 224, 776 S.E.2d 82 (2015).

ARGUMENT

9. Under South Carolina law, a public figure is someone who has voluntarily thrust themselves into a public controversy or achieved "*pervasive*" fame or "*notoriety*". See ¹*Cruce v. Berkeley Cnty. Sch. Dist.*, 435 S.C. 7, 865 S.E.2d 391 (Ct. App. 2021). A limited-purpose public figure is one who voluntarily participates in a specific public controversy that is the subject of the defamation. Plaintiff's involvement in community activities, such as nonprofit advocacy and running for office, does not elevate Plaintiff to public figure status regarding Defendant's defamatory statements about his alleged *dementia*. These statements were not connected to any public controversy, as defined in *Carr v. Forbes, Inc.*, 259 F.3d 273 (4th Cir. 2001). A public controversy must involve civic issues of concern to the broader public, not merely disputes of personal interest.

10. The allegations concerning Plaintiff's mental health do not impact the public at large and lack the necessary connection to a public controversy under *Carr* and *Cruce*. Statements about an individual's health, like those alleging the plaintiff suffers from dementia, generally do not rise to the level of a public controversy unless:

- a. The health issue has broader public implications (e.g., the health of a public official directly impacting their ability to perform public duties).
- b. The health issue is already at the center of an ongoing public debate involving significant societal interests.

In *Cruce*, the court clarified that an issue does not become a public controversy simply because it involves someone with a prominent community role. The controversy must already exist independently of the defamatory statements, and the plaintiff must have actively engaged in it.

¹ We conclude *Cruce* is not a limited public figure under this test or *Erickson*. First, no public controversy was present. The merit of *Cruce*'s coaching strategy was not a controversy that affected large segments of society. Second, even if a public controversy existed over *Cruce*'s coaching strategy, Stevens' defamatory comments related to *Cruce*'s paperwork skills, not his gridiron acumen. See *Bowlin*, 932 N.W.2d at 829 (even if high school coach's tactics were subject of public controversy, alleged defamation related to claims of improper conduct towards players)." *Cruce v. Berkeley Cnty. Sch. Dist.*, 435 S.C. 7, 865 S.E.2d 391 (Ct. App. 2021).

11. Defendant's claims of Plaintiff's public figure status are unfounded. South Carolina courts require a high threshold for public figure classification, emphasizing voluntary participation in a controversy affecting a substantial segment of the public. *Id. Cruce*. The statements made by Defendant about Plaintiff's health do not pertain to a public controversy. In *Cruce*, the court emphasized that a public controversy must involve issues of significant public concern. Here, Plaintiff's health status is a private matter and does not rise to the level of a public controversy. Furthermore, Defendant's assertion that this Court should classify Plaintiff as a public figure, thereby imposing the heightened requirement to plead and prove actual malice, is premature at this stage of litigation, as discovery has not yet been conducted. The determination of public figure status often necessitates a fully developed factual record to evaluate the Plaintiff's role in any alleged *public controversy* and the connection between that *controversy* and the *defamatory statements* at issue. Resolving such a substantive issue prior to discovery would be procedurally improper and contrary to established precedent. See *Leask v. Robertson*, 589 F. Supp. 3d 506, 520 (D.S.C. 2022) (noting that public figure determinations are best addressed after **discovery**).

12. To state a claim for defamation, Plaintiff must show: (1) a false and defamatory statement; (2) unprivileged publication to a third party; (3) fault; and (4) damages. See *Kunst v. Loree*, 424 S.C. 24, 817 S.E.2d 295 (2018). Defendant's statements satisfy these elements and constitute defamation per se because they impute a loathsome disease and professional incompetence. See *Goodwin v. Kennedy*, 347 S.C. 30, 552 S.E.2d 319 (2001).

13. Plaintiff's allegations, supported by the complaint, establish malice and a lack of privilege in Defendant's statements. These defamatory statements caused reputational harm, emotional distress, and professional damage.

14. Defendant's conduct spreading false claims about Plaintiff's mental health meets the standard for IIED under South Carolina law. Such conduct is extreme, outrageous, and beyond the bounds of decency. See *Hansson v. Scalise Builders of S.C.*, 374 S.C. 352, 650 S.E.2d 68 (2007). Plaintiff has pled severe emotional distress resulting directly from Defendant's defamatory statements, satisfying all elements of an IIED claim.

DISCOVERY

15. Defendant's failure to respond to discovery requests violates Rules 26 and 37, SCRPC. Discovery obligations are not stayed by a dispositive motion. See *Laney v. Hefley*, 262 S.C. 54, 202 S.E.2d 12 (1974). The Plaintiff served discovery request to the Defendant, seeking highly relevant and material information pertaining to the factual issues surrounding this matter. Instead of responding to the discovery requests, the Defendant has asked the Court to exempt him from discovery rules applicable to all litigants on the basis that he filed a motion to dismiss. There is no legal support for the proposition that a pending motion to dismiss automatically stays discovery. As the Plaintiff has stated claims as to all causes of action, defeating the only potential basis for a stay of discovery raised by the Defendant, the Court should grant the Plaintiff's motion to compel and should deny the Defendant's motion for a stay of discovery. Plaintiff seeks an order compelling complete responses within a specified timeframe and sanctions if deemed appropriate for noncompliance.

16. Furthermore, by choosing to respond to the discovery with objections based only on the pending motion to dismiss, the Defendant has waived any other objections. See, e.g., *Jones v. Ada S. McKinley Community Services*, 1989 WL 152352, (N.D. Ill. Nov. 28, 1989). The Plaintiff asks that the Court to find that all objections beyond those pertaining to the pending motion to dismiss are waived, to find that there is no good cause for the Defendant's failure to comply with

discovery rules to date by responding to the discovery or raising additional objections, and to require the Defendant to provide full responses to Plaintiff's discovery requests within ten (10) days.

CONCLUSION

17. In light of the legal arguments presented herein this Honorable Court should deny the Defendant's Motion to Dismiss in its entirety and allow the matter to proceed. Plaintiff maintains that he is not a public figure in this "**controversy**", that sufficient allegations supporting his claims are presented, and that the frivolous nature of the Defendant's claim should not warrant dismissal or sanctions. Plaintiff has included **affidavits** from Mr. Logan and Mr. Gibson concerning the events and facts of this matter with this Memorandum. (**See Exhibit A**). The Plaintiff prays that this Honorable Court, Deny the Defendant's Motion to Dismiss and Motion for Sanctions; Restrict or Waive Defendant's objection to Discovery; Allow the Plaintiff to proceed with his claims for Defamation and Intentional Infliction of Emotional Distress (Outrage); and Grant such other and further relief as this Court deems just and appropriate under the circumstances.

Respectfully submitted,

s/ Bruce Wilson
Bruce Wilson
14 Freestone St
Greenville, SC 29605

February 28, 2025
Greenville County, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Bruce Wilson,

Plaintiff,

vs.

Ennis M. Fant

Defendant,

C.A. No: 2024-CP-23-00548

FILED
2025 FEB 28 4:11:01 PM
CLERK OF COURT
GREENVILLE, SC

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Amended Plaintiff's Memorandum In Opposition To Defendant Ennis M. Fant's Motion To Dismiss And Support Of Plaintiff's Motion To Compel Discovery** was served this 22nd day of January 2025 on defendant via united states mail, postage prepaid and addressed to counsel on record:

RUTHERFORD LAW FIRM
Austin D. Nichols, Esq.
1315 Blanding Street
Columbia, South Carolina 29202
austin@rutherford.law
Attorney for Defendant

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

February 28, 2025
Greenville County, South Carolina

Exhibit A

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

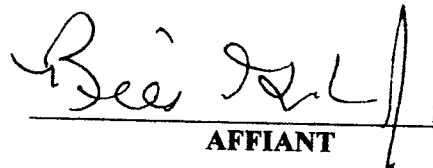
Case No: 2024-CP-23-00548

AFFIDAVIT

PERSONALLY APPEARED before me, Bill Gibson, who being first duly sworn,
did state as follows:

1. I am Bill Gibson and on or about January 26, 2024; while at a community forum event at the Mt. Pleasant Community Center, I had the opportunity to speak with Mr. Ennis Fant.
2. During this conversation, I inquired of Mr. Fant about the reason for the county council's decision to rearrange the public comment section of council meetings. This conversation occurred in the presence of others who were surrounding me at that time. Those individuals was not part of the conversation between Mr. Fant and myself, but they could hear the exchange.
3. Mr. Fant informed me that the reason for the rearrangement was that Lisa Bailey and Bruce Wilson disrupted a county council meeting by questioning him about certain community issues.
4. Mr. Fant stated that this disruption was the cause for county council's decision to move the public comment section to a separate night.
5. Subsequently, after learning about Mr. Fant's statements, I spoke with Mr. Wilson regarding the matter. Mr. Wilson categorically denied the claims made by Mr. Fant and stated that the assertion was false and untrue; he had not disrupted any county council meetings and to do so would violate county ordinance.

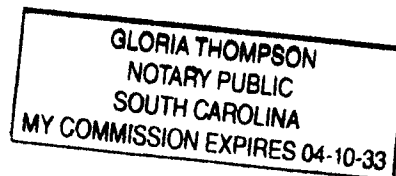
I declare under penalty of perjury that the foregoing is true and correct.


AFFIANT

SWORN to before me this

1 day of Nov, 2024.


Notary Public for South Carolina
My Commission Expires: 04/10/2023



STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

Case No: 2024-CP-23-00548

AFFIDAVIT

My name is Jack Logan, and in January 2024, I had a telephone conversation with State Representative Chandra Dillard. While I cannot recall the exact date, I am certain that the conversation took place during the first week of January, specifically on the evening of January 8, 2024.

During our conversation, we discussed Mr. Ennis Fant. Representative Dillard informed me that Mr. Fant had sent her a text message regarding Bruce Wilson, in which it was reported that Mr. Wilson had a case of dementia. Representative Dillard further stated that she had shown this message to Representative Wendell Jones, who confirmed that he had also received the same text.

Following this conversation, I informed Mr. Bruce Wilson about the discussion I had with Representative Dillard and inquired about his well-being. Mr. Wilson promptly assured me that he did not have dementia and that he was in good health. He also stated that the information being disseminated by Mr. Fant was false.

Approximately three weeks later, Mr. Wilson informed me that he was actively working to address and dispel the misinformation regarding his health. He indicated that he had sent a text message to Representative Dillard to clarify that he was well and that he did not have dementia. In response, Representative Dillard promptly expressed her relief, stating that she was glad to hear of his well-being.

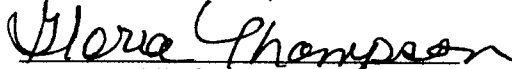
Mr. Wilson shared with me a screenshot of his text message with Representative Dillard, which I have attached with this affidavit.

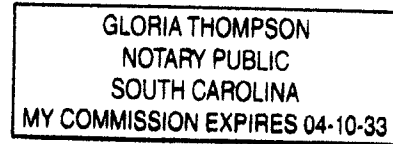
FURTHER THE AFFIANT SAYETH NOT:


AFFIANT

SWORN to before me this

1 day of Nov, 2024.


Notary Public for South Carolina



My Commission Expires: 04/10/2033

10:33

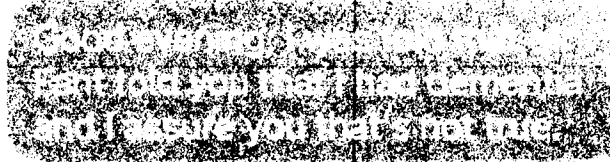
Phone



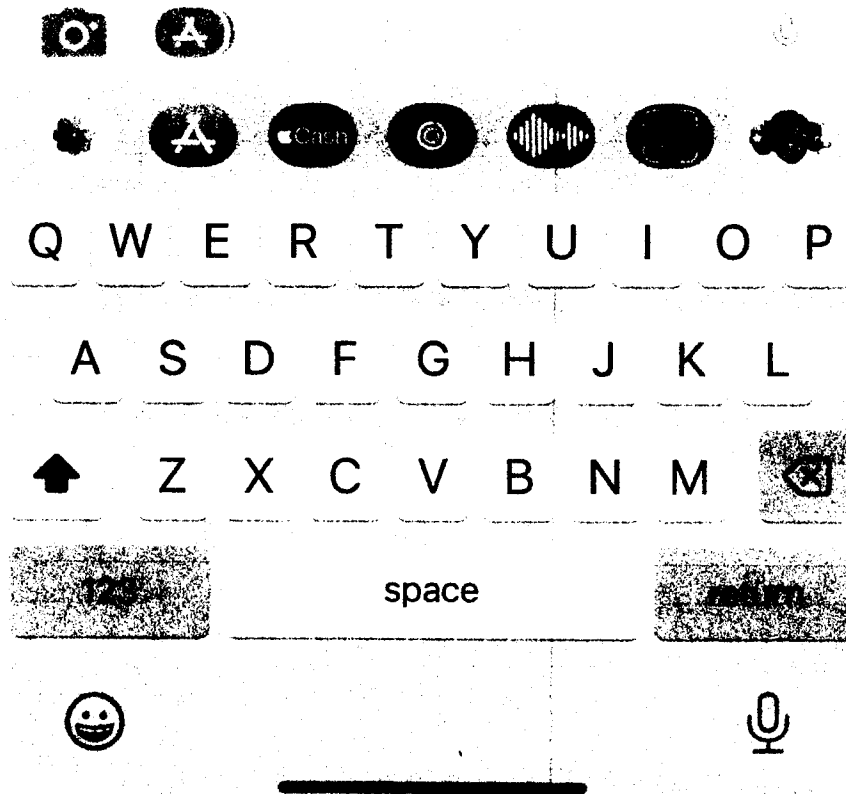
Chandra Dillard

Awh. They were a great group.

Sun, Jan 21 at 5:08 PM



Thanks Bruce. It's good to know
you're well. Happy New Year!



FILED
2024 DEC 16 PM 3:03
CLERK OF COURT
GREENVILLE, SC

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Bruce Wilson,

Plaintiff,

vs.

Ennis M. Fant

Defendant,

C.A. No: 2024-CP-23-00548

**NOTICE OF MOTION AND
MOTON TO AMEND COMPLAINT**

TO: ENNIS M. FANT AND HIS ATTORNEY AUSTIN D. NICHOLS, ESQ.

You will please take notice that ten (10) days after the service hereof, or at such time and place as the court may deem appropriate or soon as thereafter the matter can be heard, at the Greenville County Common Pleas Court, Greenville, South Carolina; pursuant to the *South Carolina Rules of Civil Procedure*, The Plaintiff, Bruce Wilson, will move for Relief in the attached Motion and such other further relief as this Court may deem just and proper. Said Motion is based upon good cause being shown by the attached Motion and on such other relevant evidence as may be presented in the Court.

Respectfully submitted,

Bruce Wilson

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

December 16, 2024
Greenville, South Carolina

[illegible]

MOTON TO AMEND COMPLAINT

“This rule strongly favors amendments, and the Court is encouraged to freely grant leave to amend.” Jarrell v. Seaboard Sys. R.R., 294 S.C. 183, 363 S.E.2d 398 (S.C. App. 1987). Rule 15 SCRPC, which governs the amendment of pleadings, strongly favors amendments and the court is encouraged to freely grant leave to amend. Parker v. Spartanburg Sanitary Sewer Dist., 362 S.C. 276, 607 S.E.2d 711 (Ct. App. 2005). It is well established that a motion to amend a pleading is addressed to the sound discretion of the trial judge. Duncan v. CRS Serrine Eng’rs, 337 S.C. 537, 524 S.E.2d 115 (Ct. App. 1999); see Berry v. McLeod, 328 S.C. 435, 492 S.E.2d 794 (Ct. App. 1997) (Courts have wide latitude in amending pleadings).

4. With regards to the language in Rule 15 that envision prejudice to the adverse party, the prejudice the rule contemplates is “lack of notice that the new issue is going to be tried, and a lack of opportunity to refute it.” City of North Myrtle Beach v. Lewis-Davis, 360 S.C. 225, 599 S.E.2d 462 (Ct. App. 2004).

5. Plaintiff asserts that no prejudice as envisioned by Rule 15 will result if the court should grant Plaintiff leave to amend the Complaint. Defendant Fant were fully aware that Plaintiff mentioned unnamed/unknown potential Co-Defendant(s) in the original Complaint as related to the Defamation claim, and Defendant(s) named and unnamed are intertwined and jointly liable.

6. Amending the Complaint to include one additional Defendant, Chandra Dillard, and defamatory acts and facts, as laid out in the proposed Amended Complaint do not prejudice the Current Defendant. This case is very far from the trial stage and, as discovery has not started, there is no reason that amending the Complaint to add an additional Defendant who is intertwined and to correct any scrivener’s errors would in any way prejudice the Defendant’s ability to refute those claims. The proposed additional Defendant, Chandra Dillard, does not present issues that are new or novel to this action as Dillard’s actions arise out of the same facts, circumstances, transactions and/or

occurrences that gave rise to the original action and claims. Therefore, Defendant Fant has had ample notice of the issues underlining the addition of this Defendant Chandra Dillard and sufficient opportunity to refute all claims.

7. The Plaintiff's proposed amendments are necessary for the just and equitable pursuit of trial of this action. Allowing Plaintiff leave to make this amendment is in accord with both the letter and spirit of rule 15 SCRPC and causes no prejudice to the Defendant in this matter.

8. Pursuant to Rule 11 of the South Carolina Rules of Civil Procedure the Plaintiff certifies that consultation would serve no useful purpose with the Defendants prior to the filing of this motion.

WHEREFORE, the Plaintiff respectfully request this Court to grant Leave to Amend Complaint.

Respectfully submitted,

Bruce Wilson

Bruce Wilson
14 Freestone St
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brucewilson23@gmail.com

December 16, 2024
Greenville, South Carolina

S STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

2024 DEC 16 PM 5:16
CLERK OF COURT

Bruce Wilson,

Plaintiff,

vs.

Ennis M. Fant

Defendant,

C.A. No: 2024-CP-23-00548

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing PLAINTIFF'S MOTION TO AMEND COMPLAINT was served this 16th day of December 2024 on Defendant via United States Mail, postage prepaid and addressed to counsel on record:

RUTHERFORD LAW FIRM

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Attorney for Defendant

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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**

**MEMORANDUM IN SUPPORT
OF FANT’S MOTION TO DISMISS**

NOW COMES Defendant, Ennis M. Fant (“Fant”) by and through counsel, pursuant to South Carolina Rules of Civil Procedure (“SCRCP”) Rule 12(b)(6), and submits this Memorandum in Support of Motion to Dismiss. Fant submits the follow in support of his memorandum:

PROCEDURAL HISTORY

Plaintiff, Bruce Wilson (“Plaintiff”), commenced this lawsuit against Fant on January 26, 2024, alleging Defamation, Defamation Per Se, and Intentional Infliction of Emotional Distress. On March 26, 2024, Fant received service of the Summons and Complaint. Fant timely filed an Answer to Plaintiff’s Complaint on May 1, 2024. On May 10, 2024, Fant filed and served his Motion to Dismiss and Motion for Sanctions. On May 31, 2024, Plaintiff filed a Motion for Default Judgment against Fant. This Court heard Plaintiff’s Motion and on September 5, 2024, the Court issued an Order denying Plaintiff’s Motion for Default Judgment. Plaintiff subsequently filed a Motion Reconsider Amend or Alter the Order, which this Court denied on December 11, 2024. Now before the Court is Fant’s Motion to Dismiss and for Sanctions.

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.” *Fleteau v. Harrelson*, 355 S.C. 197, 202, 584 S.E.2d 413, 416 (Ct. App. 2003).

LEGAL ARGUMENTS

Plaintiff fails to plead the necessary elements sufficient to state a cause of action for Defamation, Defamation *per se*, and Intentional Infliction of Emotional Distress. Therefore, Plaintiff’s Complaint against Fant should be dismissed, pursuant to SCRPC Rule 12(b)(6).

I. PLAINTIFF FAILS TO STATE A CLAIM FOR DEFAMATION AND DEFAMATION *PER SE*.

“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.

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, both 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. 444, 473, 629 S.E.2d 653, 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.” *Erickson*, at 467 (emphasis added).

Plaintiff has failed to plead facts sufficient to support his claims for defamation and defamation *per se* under the heightened scrutiny of clear in convincing evidence as Plaintiff has failed to plead any defamatory statement whatsoever published by Fant and therefore, has failed to plead any facts supporting the necessary allegation that Fant published a defamatory statement with actual malice.

A. Plaintiff fails to present a showing of libel, which amounted to defamation or defamation per se.

Plaintiff fails to state a claim for defamation against Fant and should be dismissed pursuant to Rule 12(b)(6) of the SCRCF because Plaintiff failed to plead Fant published a false and defamatory statement, and Plaintiff fails to plead any facts to support the conclusory statement that Fant was the source of any false and defamatory statements concerning Plaintiff. *See Paradis v. Charleston Cty. Sch. Dist.*, 424 S.C. 603, 613-14, 819 S.E.2d 147, 153 (Ct. App. 2018), *abrogated*

on other grounds by *Skydive Myrtle Beach v. Horry Cty.*, 426 S.C. 175, 826 S.E.2d 585 (2019). Plaintiff claims on January 9, 2024, Fant “sent several text messages to members of the South Carolina Statehouse to include Representative Chandra Dillard and Representative Wendell Jones stating that the plaintiff suffered from the loathsome, and debilitating disease "Dementia" and that it was a confirm diagnosis.” Plt. Compl. ¶10. Plaintiff claims Fant defamed him by way of libel. Libel is actionable *per se* if it involves “written or printed words which tend to degrade a person, that is, to reduce his character or reputation in the estimation of his friends or acquaintances, or the public, or to disgrace him, or to render him odious, contemptible, or ridiculous....”. *Holtzscheiter v. Thomson Newspapers, Inc.*, 332 S.C. 502, 510, 506 S.E.2d 497, 502 (1998) (quoting *Lesesne v. Willingham*, 83 F.Supp. 918, 921 (E.D.S.C.1949)).

Plaintiff fails to properly plead facts supporting a claim of libel as Plaintiff has failed to present the alleged written publication supporting his speculative claims. Plaintiff merely claims Fant texted defamatory statements to “members of the South Carolina Statehouse” but fails to state whether Plaintiff has even seen the alleged written statement, whether the text actually exist, and Plaintiff has failed to produce or state with specificity the language of the allege written publication. Plaintiff provides several alleged quotes in his Summons and Complaint. None of the allege direct quotes reflect the black and white text of the alleged defamatory message sent by Fant.

Plaintiff claims damages related to this alleged text message but cannot identify any individual who has actually seen the text message, including himself. On the face of this Complaint, Plaintiff has failed to present any good faith basis for his speculation that Fant sent a defamatory text message. Absent a showing and proper pleading of the alleged libelous text

message Plaintiff has failed to properly plead a claim for defamation or defamation *per se* by way of libel.

B. Plaintiff fails to present a showing of slander, which amounted to defamation or defamation per se.

Plaintiff further claims Fant stated at a community event, ““plaintiff was the reason that Greenville County council had to change its citizens comment rules, because plaintiff was disruptive in questioning the defendant doing council meetings.”” Plt. Compl. ¶11. First, this claim seems nonsensical as it is unlikely that Fant referred to Plaintiff as “plaintiff” during a public forum prior to the commencement of this lawsuit. Nonetheless, even assuming *arguendo* that Fant in fact made this statement, such statement does not amount to defamation or defamation *per se*.

As stated above, to prove a claim for defamation or defamation *per se* a Plaintiff must first prove a statement was in fact false. *Erickson*, 368 S.C. 444, 465. Plaintiff has failed to plead any facts that this alleged statement was in fact false. Such statement on its face is not defamatory. There is nothing in Plaintiff’s Complaint stating, inferring, or suggesting this alleged statement, if made, is in fact false. Plaintiff’s simple dislike and discomfort with this alleged statement does not amount to common law defamation.

Therefore, this Court should dismiss Plaintiff’s claims for defamation and defamation *per se* against Fant with prejudice.

II. PLAINTIFF FAILS TO STATE A CLAIM FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS.

In order to succeed on a claim for “(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 fails to plead any action or conduct which intentionally or recklessly inflicted severe emotional distress. Plaintiff's Complaint fails to make a showing of extreme and outrageous conduct that exceeds all possible bounds of decency. Viewing the facts most favorable to Plaintiff, at best, the extreme and outrageous conduct committed by Fant is that Fant privately messaged members of the General Assembly information regarding Plaintiff that he's never seen nor was privy to, and that Fant made a public comment that a public hearing was modify because of Plaintiff's disruptive conduct. These alleged actions of Fant, even taken as true, do not amount to a showing of extreme and outrageous conduct.

"Under the heightened standard of proof for emotional distress claims emphasized in *Ford*, a party cannot establish a prima facie claim for damages resulting from a defendant's tortious conduct with mere bald assertions.¹ To permit a plaintiff to legitimately state a cause of action by simply alleging, "I suffered emotional distress" would be irreconcilable with this Court's development of the law in this area. In the words of Justice Littlejohn, the court must look for something "more"—in the form of third-party witness testimony and other corroborating evidence—in order to make a prima facie showing of "severe" emotional distress." *Hansson*, 374 S.C. 352, 358–59.

Plaintiff simply states he suffered emotional distress that was "*substantial*", however, Plaintiff fails to assert any facts supporting this claim as stated above. Plaintiff fails to plead any

¹ *Ford v. Hutson*, 276 S.C. 157, 159, 276 S.E.2d 776, 777 (1981).

facts whatsoever detailing any damages. Plaintiff fails to plead any adverse action occurred as a result of Fant's conduct. Relying solely on the Complaint, Plaintiff has failed to allege any damages for this cause of action.

Therefore, this Court should dismiss Plaintiff's claim for Intentional Infliction of Emotional Distress with prejudice.

III. THIS COURT SHOULD IMPOSE SANCTIONS AGAINST PLAINTIFF, PURSUANT TO S.C. CODE ANN. § 15-36-10.

S.C. Code Ann. § 15-36-10 states in relevant part, "An attorney, party, or *pro se litigant* shall be sanctioned for a frivolous claim or defense if the court finds the attorney, party, or *pro se litigant* failed to comply with one of the following conditions: **(a) a reasonable attorney in the same circumstances would believe that under the facts, *his claim or defense was clearly not warranted under existing law* and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law; (b) a reasonable attorney in the same circumstances would believe that *his procurement, initiation, continuation, or defense of the civil suit was intended merely to harass or injure the other party*; or (c) a reasonable attorney in the same circumstances would believe that *the case or defense was frivolous as not reasonably founded in fact* or was interposed merely for delay, or was merely brought for a purpose other than securing proper discovery, joinder of proposed parties, or adjudication of the claim or defense upon which the proceedings are based.** (emphasis added).

"In order for a litigant to receive attorney's fees and costs under the Act, he has the burden of proving: (1) the other party has procured, initiated, continued, or defended the civil proceedings against him; (2) the proceedings were terminated in his favor; (3) the primary purpose for which the proceedings were procured, initiated, continued, or defended was not that of securing the proper discovery, joinder of parties, or adjudication of the civil proceedings; (4) the aggrieved

person has incurred attorney's fees and court costs; and (5) the amount of the fees and costs set forth in item (4).” *Rutland v. Holler, Dennis, Corbett, Ormond & Garner (L. Firm)*, 371 S.C. 91, 97, 637 S.E.2d 316, 319 (Ct. App. 2006).

Here, Plaintiff as a *pro se* litigant is bound by the same ethical duties and obligations as any other officer of the Court. Plaintiff here has failed to plead any actionable claims against Fant, and upon information and belief, Plaintiff knew he would not likely succeed on the merits of his case, and Plaintiff filed this action against Fant purely for the purposes of harassing, humiliating, and causing expense through attorney’s fees on Fant. Plaintiff through this filing and others, display a clear disregard for judicial fairness and respect.

Therefore, Fant respectfully requests this Court impose sanctions against, pursuant to S.C. Code Ann. § 15-36-10.

CONCLUSION

Based on the above reasons and arguments to be presented at the hearing on this matter, Fant’s Motion to Dismiss should be granted and this case should be dismissed with prejudice. Plaintiff’s Complaint must be dismissed because Plaintiff has failed to plead an actionable claim of Defamation, Defamation *per se*, and Intentional Infliction of Emotional Distress. Furthermore, Plaintiff’s Complaint is frivolous and intended to harass, humiliate, and embarrass Fant. As such, this Court should impose sanctions in the form of attorney’s fees against Plaintiff.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

/s/ Austin D. Nichols
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This the 17th day of April 2025.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No: 2024-CP-23-00548

Bruce Wilson,
Plaintiff,
vs.

Ennis M. Fant
Defendant,

**Plaintiff's Memorandum In
Opposition To Defendant's
Motion To Dismiss And Motion
For Sanctions**

And

**Memorandum In Support of
Plaintiff's Motion To Compel**

25 JAN 22 PM 1:20
JAY GRESHAM CJC GVL SC

NOW COMES the Plaintiff, Bruce Wilson, and submits this memorandum in opposition to Defendant Ennis M. Fant's Motion to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure (SCRCP) and Motion for Sanctions pursuant to Rule 11, SCRCP. Additionally, Plaintiff moves to compel discovery responses under Rule 37, SCRCP, and states as follows:

INTRODUCTION

1. Defendant's Motion to Dismiss is legally insufficient, as it fails to present a valid defense and does not demonstrate that Plaintiff's Complaint lacks adequate factual allegations. Furthermore, Defendant's Motion for Sanctions is baseless, as Plaintiff's claims have been filed in good faith and are supported by law and fact.

2. This litigation arises from Defendant's defamatory and malicious statements, which have caused Plaintiff significant reputational harm and emotional distress. Defendant's conduct warrants denial of the pending motions and an order compelling full compliance with discovery obligations.

FACTUAL BACKGROUND

4. On January 26, 2024, Plaintiff initiated this action, asserting claims of Defamation, Defamation Per Se, and Intentional Infliction of Emotional Distress (IIED).

5. On January 9, 2024, Defendant made defamatory statements via text message to third parties, including Representative Chandra Dillard and Representative Wendell Jones, falsely asserting that Plaintiff suffered from dementia.

6. On January 18, 2024, during a public event, Defendant falsely stated to attendees, including Mr. Bill Gibson, that Plaintiff's alleged disruptive behavior caused Greenville County Council to amend its citizen comment rules.

7. Plaintiff has expended significant time and effort correcting these defamatory statements and addressing the harm caused to his reputation and emotional well-being.

STANDARD OF REVIEW

8. A motion to dismiss under Rule 12(b)(6), SCRCP, challenges the legal sufficiency of the complaint, not the merits. The court must accept all well-pled facts as true and view them in the light most favorable to the plaintiff. See *Doe v. Greenville County Sch. Dist.*, 375 S.C. 63, 651 S.E.2d 305 (2007); *Spence v. Spence*, 368 S.C. 106, 628 S.E.2d 869 (2006). Dismissal is improper unless it is clear beyond a reasonable doubt that no set of facts could entitle the plaintiff to relief. See *Chestnut v. AVX Corp.*, 413 S.C. 224, 776 S.E.2d 82 (2015).

ARGUMENT

9. Under South Carolina law, a public figure is someone who has voluntarily thrust themselves into a public controversy or achieved "*pervasive*" fame or "*notoriety*". See ¹*Cruce v. Berkeley Cnty. Sch. Dist.*, 435 S.C. 7, 865 S.E.2d 391 (Ct. App. 2021). A limited-purpose public figure is one who voluntarily participates in a specific public controversy that is the subject of the defamation. Plaintiff's involvement in community activities, such as nonprofit advocacy and running for office, does not elevate him to public figure status regarding Defendant's defamatory statements about his alleged dementia. These statements were not connected to any public controversy, as defined in *Carr v. Forbes, Inc.*, 259 F.3d 273 (4th Cir. 2001). A public controversy must involve civic issues of concern to the broader public, not merely disputes of personal interest.

10. The allegations concerning Plaintiff's mental health do not impact the public at large and lack the necessary connection to a public controversy under *Carr* and *Cruce*. Statements about an individual's health, like those alleging the plaintiff suffers from dementia, generally do not rise to the level of a public controversy unless:

- a. The health issue has broader public implications (e.g., the health of a public official directly impacting their ability to perform public duties).
- b. The health issue is already at the center of an ongoing public debate involving significant societal interests.

In *Cruce*, the court clarified that an issue does not become a public controversy simply because it involves someone with a prominent community role. The controversy must already exist independently of the defamatory statements, and the plaintiff must have actively engaged in it.

¹ We conclude *Cruce* is not a limited public figure under this test or *Erickson*. First, no public controversy was present. The merit of *Cruce*'s coaching strategy was not a controversy that affected large segments of society. Second, even if a public controversy existed over *Cruce*'s coaching strategy, Stevens' defamatory comments related to *Cruce*'s paperwork skills, not his gridiron acumen. See *Bowlin*, 932 N.W.2d at 829 (even if high school coach's tactics were subject of public controversy, alleged defamation related to claims of improper conduct towards players)." *Cruce v. Berkeley Cnty. Sch. Dist.*, 435 S.C. 7, 865 S.E.2d 391 (Ct. App. 2021).

11. Defendant's claims of Plaintiff's public figure status are unfounded. South Carolina courts require a high threshold for public figure classification, emphasizing voluntary participation in a controversy affecting a substantial segment of the public. *Id. Cruce*. The statements made by Defendant about Plaintiff's health do not pertain to a public controversy. In *Cruce*, the court emphasized that a public controversy must involve issues of significant public concern. Here, Plaintiff's health status is a private matter and does not rise to the level of a public controversy. Furthermore, Defendant's assertion that this Court should classify Plaintiff as a public figure, thereby imposing the heightened requirement to plead and prove actual malice, is premature at this stage of litigation, as discovery has not yet been conducted. The determination of public figure status often necessitates a fully developed factual record to evaluate the Plaintiff's role in any alleged *public controversy* and the connection between that *controversy* and the *defamatory statements* at issue. Resolving such a substantive issue prior to discovery would be procedurally improper and contrary to established precedent. See *Leask v. Robertson*, 589 F. Supp. 3d 506, 520 (D.S.C. 2022) (noting that public figure determinations are best addressed after discovery).

12. To state a claim for defamation, Plaintiff must show: (1) a false and defamatory statement; (2) unprivileged publication to a third party; (3) fault; and (4) damages. See *Kunst v. Loree*, 424 S.C. 24, 817 S.E.2d 295 (2018). Defendant's statements satisfy these elements and constitute defamation per se because they impute a loathsome disease and professional incompetence. See *Goodwin v. Kennedy*, 347 S.C. 30, 552 S.E.2d 319 (2001).

13. Plaintiff's allegations, supported by the complaint, establish malice and a lack of privilege in Defendant's statements. These defamatory statements caused reputational harm, emotional distress, and professional damage.

14. Defendant's conduct spreading false claims about Plaintiff's mental health meets the standard for IIED under South Carolina law. Such conduct is extreme, outrageous, and beyond the bounds of decency. See *Hansson v. Scalise Builders of S.C.*, 374 S.C. 352, 650 S.E.2d 68 (2007). Plaintiff has pled severe emotional distress resulting directly from Defendant's defamatory statements, satisfying all elements of an IIED claim.

DISCOVERY

15. Defendant's failure to respond to discovery requests violates Rules 26 and 37, SCRPC. Discovery obligations are not stayed by a dispositive motion. See *Laney v. Hefley*, 262 S.C. 54, 202 S.E.2d 12 (1974). The Plaintiff served discovery request to the Defendant, seeking highly relevant and material information pertaining to the factual issues surrounding this matter. Instead of responding to the discovery requests, the Defendant has asked the Court to exempt him from discovery rules applicable to all litigants on the basis that he filed a motion to dismiss. There is no legal support for the proposition that a pending motion to dismiss automatically stays discovery. As the Plaintiff has stated claims as to all causes of action, defeating the only potential basis for a stay of discovery raised by the Defendant, the Court should grant the Plaintiff's motion to compel and should deny the Defendant's motion for a stay of discovery. Plaintiff seeks an order compelling complete responses within a specified timeframe and sanctions if deemed appropriate for noncompliance.

16. Furthermore, by choosing to respond to the discovery with objections based only on the pending motion to dismiss, the Defendant has waived any other objections. See, e.g., *Jones v. Ada S. McKinley Community Services*, 1989 WL 152352, (N.D. Ill. Nov. 28, 1989). The Plaintiff asks that the Court to find that all objections beyond those pertaining to the pending motion to dismiss are waived, to find that there is no good cause for the Defendant's failure to comply with

discovery rules to date by responding to the discovery or raising additional objections, and to require the Defendant to provide full responses to Plaintiff's discovery requests within ten (10) days.

CONCLUSION

17. In light of the legal arguments presented herein this Honorable Court should deny the Defendant's Motion to Dismiss in its entirety and allow the matter to proceed. Plaintiff maintains that he is not a public figure in this "**controversy**", that sufficient allegations supporting his claims are presented, and that the frivolous nature of the Defendant's claim should not warrant dismissal or sanctions. Plaintiff has included **affidavits** from Mr. Logan and Mr. Gibson concerning the events and facts of this matter with this Memorandum. (**See Exhibit A**). The Plaintiff prays that this Honorable Court, Deny the Defendant's Motion to Dismiss and Motion for Sanctions; Restrict or Waive Defendant's objection to Discovery; Allow the Plaintiff to proceed with his claims for Defamation and Intentional Infliction of Emotional Distress (Outrage); and Grant such other and further relief as this Court deems just and appropriate under the circumstances.

Respectfully submitted,

s/ Bruce Wilson

Bruce Wilson
14 Freestone St
Greenville, SC 29605

January 22, 2025
Greenville County, South Carolina

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**

**DEFENDANT FANT'S MOTION TO
DISMISS AMENDED COMPLAINT**

NOW COMES Defendant, Ennis M. Fant ("Fant"), by and through counsel, and move this Court to dismiss this Amended Complaint pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure ("SCRCP"). In support of this Motion, Defendants show the Court the following:

1. Plaintiff, Bruce Wilson, commenced this lawsuit against Fant on January 26, 2024, alleging Defamation, Defamation Per Se, and Intentional Infliction of Emotional Distress.

2. Plaintiff filed this Amended Complaint on May 5, 2025, alleging Defamation, Defamation Per Se, and Intentional Infliction of Emotional Distress.

3. Defense counsel accepted service of the Amended Complaint on behalf of Fant on June 24, 2025.

4. "The 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 publication." *Murray v. Holnam*, 344 S.C. 129, 139, 542 S.E.2d 743, 748 (Ct. App. 2001).

5. "[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, 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. Id. at 142, 344 S.E.2d at 749.

6. Plaintiff fails to state a claim for defamation and defamation *per se* against Fant and should be dismissed pursuant to Rule 12(b)(6) of the SCRCF because Plaintiff failed to plead Fant published a false and defamatory statement, and Plaintiff fails to plead any facts to support the conclusory statement that Fant was the source of and false and defamatory statements concerning Plaintiff. *See Paradis v. Charleston Cty. Sch. Dist.*, 424 S.C. 603, 613-14, 819 S.E.2d 147, 153 (Ct. App. 2018), *abrogated on other grounds by Skydive Myrtle Beach v. Horry Cty.*, 426 S.C. 175, 826 S.E.2d 585 (2019).

7. Plaintiff fails to plead any facts supporting his allegation that Fant published a false and defamatory statement to any third party. Plaintiff merely alleges that Fant sent a *private* text message to two individuals, but fails to allege an actual statement, where such statement was published, where Plaintiff obtained such information concerning any alleged false and defamatory statement, or if such statement actually exists.

8. Plaintiff claims Fant sent a text message to Representative Chandra Dillard (“Dillard”) stating Plaintiff was diagnosed with dementia.

9. Plaintiff asserts Fant committed libel against him through this alleged text message to Rep. Dillard, yet Plaintiff fails to assert if he or anyone has ever seen this written statement.

10. Rep. Dillard asserts she has never seen nor received any messages from Fant stating Plaintiff was suffering from dementia or any illness. *See Aff. Chandra Dillard ¶¶ 4-8.*

11. In support of Plaintiff's claims, he relies on the Affidavit of Jack Logan and Bill Gibson. See Plt. Am. Compl.

12. The Affidavit of Bill Gibson states facts and allegations completely unrelated, irrelevant, and immaterial to the facts of Plaintiff's Amended Complaint and do not support any factual evidence of any of Plaintiff's claims.

13. Upon information and belief, the Affidavit of Jack Logan is inaccurate and incomplete, as Jack Logan has provided an updated detailed and accurate summary of his knowledge and understanding of this matter. See Aff. Jack Logan.

14. Jack Logan specifically asserts that Representative Chandra Dillard never stated to him that Fant stated Plaintiff was diagnosed with dementia. See Aff. Jack Logan ¶ 7.

15. Jack Logan states Fant has never stated to him that Plaintiff was diagnosed with dementia. See Aff. Jack Logan ¶ 9.

16. When a defamation claim involves a public figure, the "actual malice" standard applies, and the plaintiff must prove that the statement was made "with either knowledge that it was false or reckless disregard for its truth." *Elder v. Gaffney Ledger*, 341 S.C. 108, 113, 533 S.E.2d 899, 901 (2000). To be considered a public figure, "the employee's position must invite public scrutiny and discussion of the person holding it, unrelated to the current controversy." *Cruce v. Berkeley Cnty. Sch. Dist.*, 435 S.C. 7, 19, 865 S.E.2d 391, 397 (Ct. App. 2021).

17. Plaintiff has held himself out as a public figure. Plaintiff by his own admission has for over twenty-five (5) years held himself out to be a community activist, the Chief Executive Officer of a non-profit organization which advocates for marginalized communities and people of color, and Plaintiff has filed to run for public office on numerous occasions. Therefore, this Court should apply the actual malice standard to Plaintiff's claim for defamation.

18. Plaintiff fails to plead any facts supporting the fact that Fant acted with actual malice and that Fant made any statement with knowledge of its falsity or a reckless disregard for its truth.

19. To prove a claim of intentional infliction of emotional distress a Plaintiff must prove, “(1) that the defendant intentionally or recklessly inflicted severe emotional distress, or knew that distress would probably result from his conduct; (2) that the defendant's conduct was so extreme and outrageous that it exceeded all possible grounds of decency and was atrocious and utterly intolerable in a civilized community; (3) that the actions of the defendant caused the plaintiff emotional distress; and (4) that the emotional distress suffered by the plaintiff was so severe that no reasonable person could be expected to endure it.” *Dye v. Gainey*, 320 S.C. 65, 463 S.E.2d 97 (S.C. App. 1995). The Court must initially determine whether specific conduct gives rise to a claim for outrage. *See Johnson v. Dailey*, 318 S.C. 318, 457 S.E.2d 613 (S.C. 1995); *see also Wright v. Sparrow*, 298 S.C. 469, 381 S.E.2d 503 (S.C. App. 1989).

20. Plaintiff fails to plead facts supporting his claim for intentional infliction of emotional distress because he fails to plead any facts that Fact acted intentionally or recklessly, that Fant’s alleged conduct was so extreme and outrageous, Plaintiff fails to plead any actual damages, and that any damages suffered were so severe that no reasonable person could be expected to endure it.

21. S.C. Code Ann. § 15-36-10 states in relevant part, “An attorney, *party*, or *pro se litigant* shall be sanctioned for a frivolous claim or defense if the court finds the attorney, *party*, or *pro se litigant* failed to comply with one of the following conditions: (a) a reasonable attorney in the same circumstances would believe that under the facts, *his claim or defense was clearly not warranted under existing law* and that a good faith or reasonable argument did not exist for the

extension, modification, or reversal of existing law; (b) a reasonable attorney in the same circumstances would believe that *his procurement, initiation, continuation, or defense of the civil suit was intended merely to harass or injure the other party*; or (c) a reasonable attorney in the same circumstances would believe that *the case or defense was frivolous as not reasonably founded in fact* or was interposed merely for delay, *or was merely brought for a purpose other than securing proper discovery, joinder of proposed parties, or adjudication of the claim or defense upon which the proceedings are based.*(emphasis added). “In determining whether sanctions are appropriate or the severity of a sanction, the court shall consider previous violations of the provisions of this section.”

22. Plaintiff’s Complaint should be dismissed with prejudice and this Court should sanction Plaintiff as this matter is brought solely for the purpose to merely to harass or injure Fant by requiring him to incur attorneys’ fees and cost, and Plaintiff’s claims are frivolous as no reasonable jury could rule in favor of Plaintiff as Plaintiff has failed to allege facts supporting his claims or facts supporting the truth or existence of any of the alleged facts, pursuant to S.C. Code Ann. § 15-36-10.

23. Plaintiff clearly intends to harass, humiliate, and injure Fant, requiring him to incur attorneys’ fees and cost, as Plaintiff has subsequently filed another frivolous lawsuit against Fant for intentional infliction of emotional distress, while Plaintiff in such action again fails to plead any overt acts, omissions, or conduct contributable to Fant, in which Plaintiff could recover as a matter of law. See *Bruce Wilson vs. Pranceton Rodrigues Williams , defendant, et al* (Case No.: 2024CP2302744); *filed May 6, 2024*

24. As a result, Fant has incurred attorneys’ fees and cost to defend this matter and Plaintiff has subjected Fant to undue harassment, humiliation, and expenses.

WHEREFORE, Fant respectfully prays this Court as follows:

1. For the Court to dismiss all claims contained in the Complaint with prejudice, pursuant to SCRCP Rule 12(b)(6);
2. For the costs of this action, including reasonable attorney fees as permitted by law, to be taxed to Plaintiff; and
3. For such other and further relief as the court deems just and proper.

This the 11th day of July 2025.

Respectfully submitted,

/s/ Austin D. Nichols
Austin D. Nichols, Esq.
J. Todd Rutherford, Esq.
RUTHERFORD LAW FIRM
1315 Blanding Street (29201)
P.O. Box 1452
Columbia, South Carolina 29202
Phone No.: (803) 256-3003
Fax No.: (803) 256-9698
Attorneys for Defendants
austin@rutherford.law
todd@rutherford.law

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,)
)
Defendants.)

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

CERTIFICATE OF SERVICE

I, Faye Johnson, certify that on this date I served the Motion to Dismiss Plaintiff's Complaint in this case on Plaintiff, Bruce Wilson, by delivering a copy of this pleading to the Plaintiff's Attorney, by mailing to his/ her office located at the following address:

Bruce Wilson
14 Freestone St.
Greenville SC 29605

/s/ Faye Johnson
Faye Johnson
Legal Assistant
The Rutherford Law Firm
1315 Blanding Street
Columbia, South Carolina 29201
(803) 256-3003

Columbia, South Carolina
This the 11th day of July 2025.

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**

AFFIDAVIT
(Chandra Dillard)

1. I, Chandra E. Dillard, am over the age of eighteen (18) years and competent to make this affidavit. The statements contained herein are based upon my personal knowledge.

2. I have been informed through this lawsuit of the allegations by Bruce Wilson that Ennis Fant sent me and Rep. Wendel Jones a text message stating in some form that Bruce Wilson was diagnosed with dementia.

3. I have conducted a thorough review of my records and communications with Ennis Fant.

4. I have never seen nor received any text message from Ennis Fant stating Bruce Wilson was suffering from dementia or any other illness.

5. I never stated to Jack Logan that such message exists or that Ennis Fant ever told me this information.

6. On or about January 21, 2024, I received a text message from Bruce Wilson where he stated that he was told that Mr. Fant told me Bruce Wilson had dementia.

7. I simply responded back that it was good to know that he was well.

8. This reply was in no way intended to imply Mr. Fant ever told me Bruce Wilson was diagnosed with dementia.

9. Mr. Fant has never stated to me that Mr. Wilson has dementia or any illness.

10. I have never told Mr. Wilson that Mr. Fant ever made this comment to me.

11. I do not possess any text message or any other form of communication where Mr. Fant asserts Bruce Wilson has dementia.

FURTHER AFFIANT SAYETH NOT.

Chandra Dillard

Chandra Dillard

Sworn to and subscribed before me
this 8th day of July, 2025.

Suzanne J. Sherman

Notary Public for South Carolina

My Commission Expires: 9-25-2028

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

AFFIDAVIT
(Jack Logan)

1. I, Jack Logan, am over the age of eighteen (18) years and competent to make this affidavit. The statements contained herein are based upon my personal knowledge.
2. I have spoken with Rep. Chandra Dillard, Bruce Wilson, and Ennis Fant regarding the current dispute.
3. In early January 2024, I had a conversation with Rep. Dillard regarding a variety of matters.
4. During our conversation, we discussed that Rep. Dillard had a conversation with Rep. Jones and Ennis Fant regarding the fact that Bruce Wilson posted on social media that he was potentially sick or dealing with health issues. My conversation with Rep. Dillard was casual and made in jest.
5. Upon information and belief, Rep. Dillard implied her conversations were regarding Mr. Wilson were the same.
6. These conversations were made jokingly and in jest but derived from social media posts made by Mr. Wilson.
7. At no time during my conversation with Rep. Dillard did she inform me that Ennis Fant had sent a text message or in any way insinuated that Mr. Fant stated Bruce Wilson had been diagnosed with dementia.
8. Rep. Dillard herself never stated Mr. Wilson has dementia or any illness.
9. Mr. Fant never stated Mr. Wilson has dementia or any illness.
10. I met with Bruce Wilson outside of a local Dollar Store located in Greenville County, South Carolina, where I happened to be conducting shopping.

11. On or about November 1, 2024, I signed an affidavit provided to me by Mr. Wilson, which I believed at the time to be an accurate reflection of the events as I understood them.

12. I however, failed to thoroughly review the document for accuracy as some information is inaccurate.

13. It appears that conversations between myself and Mr. Wilson have been misunderstood to suggest that I have seen or that someone informed me that Mr. Ennis Fant made such a statement regarding Mr. Wilson's health. I have no information to support that assertion.

14. At the time I signed the affidavit, I did not notice or identify any portions of the document stating that Mr. Fant sent a text message reporting that Mr. Wilson had been diagnosed with dementia. I have no information to support that assertion.

15. I have never seen, nor have I received, any text message displaying Mr. Fant stating anything regarding Bruce Wilson's health or that he had been diagnosed with dementia.

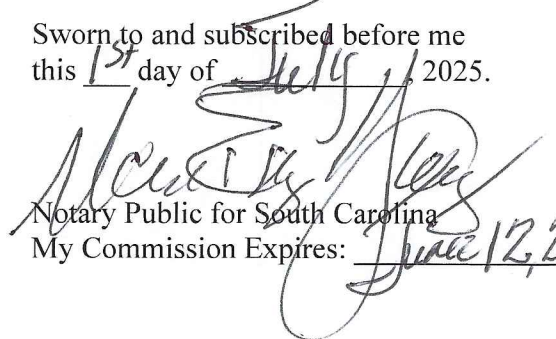
16. Upon information and belief, at the time that I reviewed and signed the affidavit provided by Mr. Wilson, the only individual present was Mr. Wilson. To my knowledge and understanding, there were no witnesses or notaries present at that time.

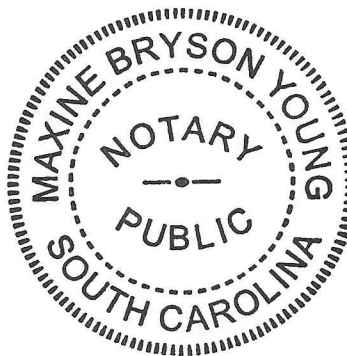
17. Neither Representative Chandra Dillard nor Representative Wendell Jones have shown me or described to me any text message from Mr. Ennis Fant asserting that Mr. Bruce Wilson was diagnosed with dementia.

FURTHER AFFIANT SAYETH NOT.


Jack Logan

Sworn to and subscribed before me
this 1st day of July, 2025.


Notary Public for South Carolina
My Commission Expires: June 12, 2029



STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No: 2024-CP-23-00548

Bruce Wilson,

Plaintiff,

vs.

Ennis M. Fant

Defendant,

**PLAINTIFF'S MEMORANDUM IN
OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS**

25 JUL 14 AM 9:02
JAY ORESHAM COC GIL SC

NOW COMES Plaintiff Bruce Wilson respectfully submits this Memorandum in Opposition to Defendant Ennis M. Fant's Motion to Dismiss the Amended Complaint. The opposition demonstrates that Plaintiff's Amended Complaint satisfies all pleading requirements under South Carolina law while exposing Defendant's procedural and substantive deficiencies. Defendant's motion suffers from three fatal flaws: (1) it relies on evidence obtained through violations of the discovery **stay**; (2) it improperly incorporates **extrinsic** evidence barred from Rule 12(b)(6) consideration; and (3) it fails to meaningfully challenge the sufficiency of Plaintiff's well-pled claims. Each of these defects warrants denial of Defendant's motion in its entirety.

STATEMENT OF FACTS

On April 21, 2025, this Court granted Plaintiff leave to amend his Complaint and stayed discovery for sixty (60) days pending Defendant's filing of a renewed Motion to Dismiss. Plaintiff filed his Amended Complaint on May 5, 2025, establishing a July 7, 2025, deadline for Defendant's motion (extended from July 4 due to the holiday weekend under SCRCP 6(a)). Despite accepting service on June 25, 2025, Defendant filed his motion untimely on July 11, 2025 - four days after the Court's deadline.

During the discovery stay period, Defendant engaged in improper ex parte communications with key witness **Jack Logan**, falsely representing that the case had been dismissed. Defendant used this deception to pressure **Mr. Logan** into discussing case details and preparing affidavits at a July 8, 2025, meeting at a local Starbucks. These actions violated the Court's discovery stay order and resulted in the creation of tainted affidavits Defendant now improperly relies upon in his motion.

Plaintiff's Amended Complaint alleges Defendant made false and defamatory statements about Plaintiff's mental health, including claims that Plaintiff had been diagnosed with dementia, which were communicated to third parties such as State Representative Chandra Dillard and others in the community. These statements caused Plaintiff reputational harm, emotional distress, and interference with his nonprofit organization's operations. Plaintiff supports these allegations with affidavits from **Jack Logan** and **Bill Gibson**, as well as text message evidence showing Representative Dillard's acknowledgment of the defamatory statements, all of which is attached to the amended complaint of Plaintiff.

STANDARD OF REVIEW

“In reviewing the dismissal of an action pursuant to Rule 12(b)(6), SCRCP, the appellate court applies the same standard of review as the [circuit] court.” *HHHunt Corp. v. Town of Lexington*, 389 S.C. 623, 631, 699 S.E.2d 699, 703 (Ct. App. 2010). See also, *Fabian v. Lindsay*, 410 S.C. 475, 481, 765 S.E.2d 132, 136 (2014) (“A ruling on a motion to dismiss pursuant to Rule 12(b)(6) must be based solely on the factual allegations set forth in the complaint, and the court must consider all well-pled allegations as true.”); *Wilkinson v. E. Cooper Cmty. Hosp., Inc.*, 410 S.C. 163, 169, 763 S.E.2d 426, 430 (2014) (quoting *Rydde v. Morris*, 381 S.C. 643, 646, 675 S.E.2d 431, 433 (2009)). “In deciding whether the [circuit] court properly granted the motion to

dismiss, the appellate court must consider whether the facts and inferences drawn from the facts alleged in the complaint, viewed in the light most favorable to the plaintiff, state any valid claim for relief.” Id. “The [circuit] court and this [c]ourt on appeal must presume all well pled facts to be true.” Id. at 635, 699 S.E.2d at 705 (internal quotation marks omitted).

Since “a **judgment** on the pleadings is considered to be a drastic measure,” a motion to dismiss under Rule 12(b)(6) should not be granted if facts alleged and inferences reasonably deducible therefrom entitle a plaintiff to any relief under any theory of the case. *Gressette v. S.C. Elec. & Gas Co.*, 370 S.C. 377, 379, 635 S.E.2d 538, 538 (2006); *Overcash v. S.C. Elec. & Gas Co.*, 364 S.C. 569, 572, 614 S.E.2d 619, 620 (2005).

ARGUMENT

I. DEFENDANT'S VIOLATION OF DISCOVERY STAY AND PROCEDURAL MISCONDUCT

The Court should summarily reject Defendant's motion due to his egregious violation of the discovery stay. This Court's April 21, 2025, Order expressly stayed all discovery pending resolution of any motion to dismiss. Despite this clear directive, Defendant engaged in improper ex parte communications with key witness Jack Logan, falsely representing that the case had been dismissed to extract testimony and prepare affidavits. This misconduct violates **SCRCP 37(b)(2) (prohibiting discovery during stay)**, **SCRCP 3.4** (forbidding obstruction of evidence access), and this Court's inherent authority to prevent abuse of process. Defendant compounded these violations by submitting the tainted affidavits in support of his motion, directly contravening Rule 12(b)(6)'s requirement that dismissal motions be decided solely on the pleadings (*Collins Entm't Corp. v. White*, 363 S.C. 546, 555, 611 S.E.2d 262, 266 (Ct. App. 2005)). The resulting prejudice to Plaintiff is irreparable - while Defendant secretly gathered evidence, Plaintiff remained barred from conducting discovery. This asymmetry undermines fundamental due process protections and

warrants striking Defendant's motion in its entirety. Defendant's actions are so egregious that a *Civil Contempt* notice has been filed with the Court.

II. DEFENDANT'S UNTIMELY MOTION AND IMPROPER RELIANCE ON EXTRINSIC EVIDENCE

Defendant's motion fails procedurally on two independent grounds. First, it was filed four days after the Court's July 7, 2025, deadline established by the April 21 Order. Defendant offers no justification for this untimeliness, which follows a pattern of dilatory conduct including earlier attempts to evade service. Second, and more fundamentally, the motion improperly relies on extrinsic evidence - specifically affidavits from Jack Logan and Chandra Dillard - that this Court cannot consider at the Rule 12(b)(6) stage. As the South Carolina Court of Appeals reaffirmed in *Baird v. Charleston County*, 333 S.C. 519, 527, 511 S.E.2d 69, 73 (1999), a motion to dismiss requires the court to accept the Plaintiff's factual allegations as true and evaluate only the pleadings. Defendant's attempt to introduce factual disputes via affidavit constitutes a procedural misstep that improperly converts this motion into one for summary judgment without providing Plaintiff the discovery opportunities Rule 56 contemplates.

III. PLAINTIFF'S COMPLAINT ADEQUATELY PLEADS ALL CLAIMS

A. *Defamation and Defamation Per Se*

The Amended Complaint states valid claims for both defamation and defamation per se under South Carolina law. Regarding the false dementia allegations, Plaintiff has pled all required elements with particularity: (1) the statements were demonstrably false and defamatory (*Holzscheiter v. Thomson Newspapers, Inc.*, 332 S.C. 502, 511, 506 S.E.2d 497, 502 (1998) (recognizing mental health accusations as defamatory)); (2) Defendant published them to multiple third parties including Representative Dillard (*Erickson v. Jones St. Publishers, LLC*, 368 S.C. 444, 464, 629 S.E.2d 653, 664 (2006)); (3) Defendant acted with actual malice, as shown by his failure

to verify the diagnosis and efforts to suppress evidence (Am. Compl. ¶¶ 10, 28, 30); and (4) Plaintiff suffered both special damages (reputational harm, emotional distress) and general damages (presumed under defamation per se). The statements qualify as defamation per se because they impute a loathsome disease and professional unfitness (*Holzscheiter*, 332 S.C. at 511), making damages legally presumed.

B. Intentional Infliction of Emotional Distress (IIED)

Plaintiff's IIED claim similarly satisfies all elements under *Ford v. Hutson*, 276 S.C. 157, 162, 276 S.E.2d 776, 778 (1981). Defendant's conduct - systematically fabricating and disseminating false dementia diagnoses to Plaintiff's professional contacts - exceeds all bounds of decency as required by *Hansson v. Scalise Builders of S.C.*, 374 S.C. 352, 356, 650 S.E.2d 68, 70 (2007). The resulting severe emotional distress, including documented anxiety, insomnia, and physical manifestations (Am. Compl. ¶ 20), meets South Carolina's exacting standard for IIED claims.

IV. DEFENDANT'S PUBLIC FIGURE ARGUMENT FAILS

Defendant's contention that Plaintiff qualifies as a public figure lacks merit. Plaintiff neither voluntarily injected himself into any pre-existing controversy about his health (*Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 352 (1974)), nor possesses the pervasive fame or influence necessary for public figure status or existing controversy, (*Cruce v. Berkeley Cnty. Sch. Dist.*, 435 S.C. 7, 19, 865 S.E.2d 391, 397 (Ct. App. 2021)).

V. DEFENDANT'S FAILURE TO CHALLENGE ALL CLAIMS

Notably, Defendant's motion ignores Plaintiff's separate defamation claims regarding statements made to **Mr. Bill Gibson** and others at a public event, about disruptive behavior (Am.

Compl. ¶ 21). This omission constitutes a tacit admission that these unchallenged claims are legally sufficient.

VI. DEFENDANT'S MOTION IS MOOT DUE TO RELIANCE ON EXTRINSIC EVIDENCE

The Defendant's motion to dismiss is self-defeating because it improperly relies on extrinsic evidence, which violates Rule 12(b)(6), SCRPC. A Rule 12(b)(6) motion must be decided based solely on the pleadings, and the Defendant's use of outside evidence makes dismissal legally unjustifiable. If the Court considers this evidence, the motion must be converted to one for summary judgment under Rule 56, SCRPC, but such a ruling would be premature, as no discovery has taken place. Without the opportunity to develop the factual record, the Plaintiff cannot adequately respond to the Defendant's claims. Furthermore, even under Rule 56, SCRPC the motion shows a true "**Genuine Issue**¹", with contradictory "**Affidavits**" from key witnesses. Accordingly, the motion should be denied with *prejudice*.

CONCLUSION

For these reasons, Plaintiff respectfully requests the Court: (1) deny Defendant's Motion to Dismiss in its entirety; (2) strike the motion as untimely and procedurally improper; (3) lift the discovery stay; and (4) award Plaintiff costs and fees incurred in opposing this meritless motion.

Respectfully Submitted,

Bruce Wilson

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

July 14, 2025
Greenville, South Carolina

¹ Under South Carolina Rule 56(c) on summary judgment, a "genuine issue" exists when there's a real and plausible disagreement between opposing parties on material facts – facts that could affect the outcome of the case. If there's a genuine issue of material fact, summary judgment should not be granted because a trial is needed to resolve the factual dispute.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No: 2024-CP-23-00548

Bruce Wilson,
Plaintiff,
vs.

Ennis M. Fant
Defendant,

25 JUL 14 PM 9:02
JPM GRESHAM CCG OVL SC
JA

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Memorandum was served on Defendant's counsel via email and first-class mail on July 14, 2025.

Austin D. Nichols, Esq.
Rutherford Law Firm
1315 Blanding Street
Columbia, SC 29202
austin@rutherford.law

Bruce Wilson
Bruce Wilson, Pro Se
14 Freestone St
Greenville, SC 29605
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July 14, 2025
Greenville, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No: 2024-CP-23-00548

Bruce Wilson,

Plaintiff,

vs.

Ennis M. Fant

Defendant,

**PLAINTIFF'S MEMORANDUM IN
OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS**

25 SEP 16 PM 2:41
JAY GRESHAM CDC GVL SC

NOW COMES Plaintiff Bruce Wilson respectfully submits this Memorandum in Opposition to Defendant Ennis M. Fant's Motion to Dismiss the Amended Complaint. The opposition demonstrates that Plaintiff's Amended Complaint satisfies all pleading requirements under South Carolina law while exposing Defendant's procedural and substantive deficiencies. Defendant's motion suffers from three fatal flaws: (1) it relies on evidence obtained through violations of the discovery **stay**; (2) it improperly incorporates **extrinsic** evidence barred from Rule 12(b)(6) consideration; and (3) it fails to meaningfully challenge the sufficiency of Plaintiff's well-pled claims. Each of these defects warrants denial of Defendant's motion in its entirety.

INTRODUCTION

Defendant Ennis M. Fant's Motion to Dismiss must be denied as it fundamentally misapprehends the nature of a Rule 12(b)(6) motion. The motion improperly attempts to resolve factual disputes through contradictory affidavits, raises affirmative defenses not apparent from the face of the pleadings, and demands a standard of proof applicable only at trial or summary judgment. Most critically, Defendant misunderstands the pleading standard for **actual malice**, arguing for evidentiary proof where only factual allegation is required. For these reasons, the motion fails as a matter of law.

STATEMENT OF FACTS

On April 21, 2025, this Court granted Plaintiff leave to amend his Complaint and stayed discovery for sixty (60) days pending Defendant's filing of a renewed Motion to Dismiss. Plaintiff filed his Amended Complaint on May 5, 2025, establishing a July 7, 2025, deadline for Defendant's motion (extended from July 4 due to the holiday weekend under SCRCP 6(a)). Despite accepting service on June 25, 2025, Defendant filed his motion untimely on July 11, 2025 - four days after the Court's deadline.

During the discovery stay period, Defendant engaged in improper ex parte communications with key witness **Jack Logan**, falsely representing that the case had been dismissed. Defendant used this deception to pressure **Mr. Logan** into discussing case details and preparing affidavits at a July 8, 2025, meeting at a local Starbucks. These actions violated the Court's discovery stay order and resulted in the creation of tainted affidavits Defendant now improperly relies upon in his motion.

Plaintiff's Amended Complaint alleges Defendant made false and defamatory statements about Plaintiff's mental health, including claims that Plaintiff had been diagnosed with dementia, which were communicated to third parties such as State Representative Chandra Dillard and others in the community. These statements caused Plaintiff reputational harm, emotional distress, and interference with his nonprofit organization's operations. Plaintiff supports these allegations with affidavits from **Jack Logan** and **Bill Gibson**, as well as text message evidence showing Representative Dillard's acknowledgment of the defamatory statements, all of which is attached to the amended complaint of Plaintiff.

Separately, Defendant made false statements to Mr. Bill Gibson alleging that Plaintiff's disruptive behavior caused changes to county council procedures. Defendant has **WAIVED** challenge to this allegation by failing to address it in his motion.

STANDARD OF REVIEW

"In reviewing the dismissal of an action pursuant to Rule 12(b)(6), SCRCPP, the appellate court applies the same standard of review as the [circuit] court." *HHHunt Corp. v. Town of Lexington*, 389 S.C. 623, 631, 699 S.E.2d 699, 703 (Ct. App. 2010). See also, *Fabian v. Lindsay*, 410 S.C. 475, 481, 765 S.E.2d 132, 136 (2014) ("A ruling on a motion to dismiss pursuant to Rule 12(b)(6) must be based solely on the factual allegations set forth in the complaint, and the court must consider all well-pled allegations as true."); *Wilkinson v. E. Cooper Cmty. Hosp., Inc.*, 410 S.C. 163, 169, 763 S.E.2d 426, 430 (2014) (quoting *Rydde v. Morris*, 381 S.C. 643, 646, 675 S.E.2d 431, 433 (2009

ARGUMENT

I. DEFENDANT'S EXTRINSIC EVIDENCE CREATES FACTUAL DISPUTES THAT PRECLUDE DISMISSAL

Defendant's motion relies on affidavits that directly contradict the factual allegations of the Amended Complaint and the incorporated Logan Affidavit. This attempt to create a "swearing contest" demonstrates the existence of genuine issues¹ of material fact regarding whether Defendant published the defamatory statements, to whom they were published, and their specific content.

¹ Under South Carolina Rule 56(c) on summary judgment, a "genuine issue" exists when there's a real and plausible disagreement between opposing parties on material facts – facts that could affect the outcome of the case. If there's a genuine issue of material fact, summary judgment should not be granted because a trial is needed to resolve the factual dispute.

SCRCP 12(d) explicitly provides that when matters outside the pleadings are presented and not excluded, "the motion shall be treated as one for summary judgment." The contradictory affidavits submitted by Defendant unquestionably constitute matters outside the pleadings. Therefore, this Court must either exclude these affidavits or treat the motion as one for summary judgment.

Summary judgment would be profoundly premature at this juncture. No discovery has been conducted no depositions taken, no documents produced, no opportunity for cross-examination of the affiants. Granting summary judgment on the basis of self-serving affidavits would deprive Plaintiff of his right to develop a complete factual record. The motion must be denied.

I. PLAINTIFF'S COMPLAINT ADEQUATELY PLEADS ALL CLAIMS

A. *Defamation and Defamation Per Se*

The Amended Complaint states valid claims for both defamation and defamation per se under South Carolina law. Regarding the false dementia allegations, Plaintiff has pled all required elements with particularity: (1) the statements were demonstrably false and defamatory (*Holzscheiter v. Thomson Newspapers, Inc.*, 332 S.C. 502, 511, 506 S.E.2d 497, 502 (1998) (recognizing mental health accusations as defamatory)); (2) Defendant published them to multiple third parties including Representative Dillard (*Erickson v. Jones St. Publishers, LLC*, 368 S.C. 444, 464, 629 S.E.2d 653, 664 (2006)); (3) Defendant acted with actual malice, as shown by his failure to verify the diagnosis and efforts to suppress evidence (Am. Compl. ¶¶ 10, 28, 30); and (4) Plaintiff suffered both special damages (reputational harm, emotional distress) and general damages (presumed under defamation per se). The statements qualify as defamation per se because they impute a loathsome disease and professional unfitness (*Holzscheiter*, 332 S.C. at 511), making damages legally presumed.

Furthermore, Plaintiff need not prove actual malice at the pleading stage of the litigation, but need only to alleged such: “At this stage in the case, Loveless needed only to allege that Stiles published the statements with actual malice not *prove* actual malice. *See Russell v. City of Columbia*, 305 S.C. 86, 89, 406 S.E.2d 338, 339 (1991) (“[A] complaint is sufficient if it states any cause of action or it appears that the plaintiff is entitled to any relief whatsoever.”) *Loveless v. Stiles*, No. 2023-000145, 2025 WL 1825553, at *2 (S.C. Ct. App. July 2, 2025)

B. Intentional Infliction of Emotional Distress (IIED)

Plaintiff's IIED claim similarly satisfies all elements under *Ford v. Hutson*, 276 S.C. 157, 162, 276 S.E.2d 776, 778 (1981). Defendant's conduct - systematically fabricating and disseminating false dementia diagnoses to Plaintiff's professional contacts - exceeds all bounds of decency as required by *Hansson v. Scalise Builders of S.C.*, 374 S.C. 352, 356, 650 S.E.2d 68, 70 (2007). The resulting severe emotional distress, including documented anxiety, insomnia, and physical manifestations (Am. Compl. ¶ 20), meets South Carolina's exacting standard for IIED claims.

II. DEFENDANT'S PUBLIC FIGURE ARGUMENT IS AN AFFIRMATIVE DEFENSE NOT APPARENT FROM THE PLEADINGS

The Amended Complaint contains no allegations that would support Defendant's claim that Plaintiff is a public figure. The determination of whether a plaintiff qualifies as a public figure requires a fact-intensive inquiry into "the nature and extent of an individual's participation in the particular controversy giving rise to the defamation." *Cruce v. Berkeley Cnty. Sch. Dist.*, 442 S.C. 1, 8, 896 S.E.2d 765, 768 (2024), *reh'g denied* (Feb. 7, 2024). This analysis depends on developed facts regarding the depth of Plaintiff's fame, his access to media channels, and the nature of the specific controversy, all matters beyond the four corners of the Complaint.

Dismissal based on an affirmative defense is only appropriate when the defense clearly appears on the face of the pleading. *Richmond v. Benchmark Constr. Corp.*, 347 S.C. 572, 576, 557 S.E.2d 92, 94 (Ct. App. 2001). As no such showing can be made here, Defendant's public figure argument provides no basis for dismissal.

III. THE AMENDED COMPLAINT ADEQUATELY PLEADS ACTUAL MALICE

Defendant fundamentally misstates the pleading requirements for actual malice. At the 12(b)(6) stage, Plaintiff need not "prove" actual malice he need only allege facts that, if true, would support a finding of actual malice. The Amended Complaint meets this standard by specifically alleging that Defendant made a serious medical diagnosis "without any effort to obtain... credible evidence" and "failed to seek confirmation... thereby disseminating a false claim... with reckless disregard for its truth." (Am. Compl. ¶¶ 9-10). ²*Loveless v. Stiles*, No. 2023-000145, 2025 WL 1825553, at *2 (S.C. Ct. App. July 2, 2025)

These factual allegations of Defendant's utter failure to verify the damaging medical information before publishing it to third parties sufficiently plead reckless disregard for the truth the core of actual malice. *Elder v. Gaffney Ledger*, 341 S.C. 108, 113, 533 S.E.2d 899, 901 (2000). Whether Plaintiff can ultimately prove these allegations is a matter for summary judgment or trial, not a motion to dismiss. The existence of actual malice is ordinarily a jury question.”). Federal courts in this jurisdiction have consistently held that such issues must await summary judgment or trial. *Leask v. Robertson*, 589 F. Supp. 3d 506, 520 (D.S.C. 2022) (public figure status “frequently

² “[Plaintiff] at this stage in the case, Loveless needed only to allege that Stiles published the statements with actual malice not *prove* actual malice. See *Russell v. City of Columbia*, 305 S.C. 86, 89, 406 S.E.2d 338, 339 (1991) (“[A] complaint is sufficient if it states any cause of action or it appears that the plaintiff is entitled to any relief whatsoever.”) *Loveless v. Stiles*, No. 2023-000145, 2025 WL 1825553, at *2 (S.C. Ct. App. July 2, 2025)”

requires factual development”). By resolving these questions prematurely, the trial court denied Plaintiff the opportunity to develop evidence through discovery, warranting reversal. *Hollinshead v. Bell*, No. 2022-000674, 2025 WL 2061144, at *1 (S.C. Ct. App. July 23, 2025)

CONCLUSION

Defendant's Motion to Dismiss represents a fundamental misunderstanding of applicable procedural and substantive law. It improperly relies on extrinsic evidence, raises affirmative defenses not apparent from the pleadings, and demands proof where only factual allegation is required. The Amended Complaint provides more than sufficient factual allegations to state plausible claims for relief.

WHEREFORE, Plaintiff respectfully prays that this Court deny Defendant's Motion to Dismiss in its entirety.

Respectfully submitted,

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

September 16, 2025
Greenville, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No: 2024-CP-23-00548

Bruce Wilson,

Plaintiff,

vs.

Ennis M. Fant

Defendant,

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2025, a true and correct copy of the foregoing Plaintiff's Memorandum In Opposition To Defendant's Motion to Dismiss was served upon Defendant's counsel of record, Austin D. Nichols, Esq., via electronic mail to austin@rutherford.law.

/s/ Bruce Wilson

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JAY GRESHAM CJC GVL SC

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**

**MEMORANDUM IN SUPPORT
OF FANT'S MOTION TO DISMISS
AMENDED COMPLAINT**

NOW COMES Defendant, Ennis M. Fant ("Fant") by and through counsel, pursuant to South Carolina Rules of Civil Procedure ("SCRPC") Rule 12(b)(6) and submits this Memorandum in Support of Motion to Dismiss Plaintiff's Amended Complaint. Fant submits the follow in support of his memorandum:

PROCEDURAL HISTORY

Plaintiff, Bruce Wilson ("Plaintiff"), commenced this lawsuit against Fant on January 26, 2024, alleging Defamation, Defamation Per Se, and Intentional Infliction of Emotional Distress. On March 26, 2024, Fant received service of the Summons and Complaint. Fant timely filed an Answer to Plaintiff's Complaint on May 1, 2024. On May 10, 2024, Fant filed and served his Motion to Dismiss and Motion for Sanctions. On May 31, 2024, Plaintiff filed a Motion for Default Judgment against Fant. This Court heard Plaintiff's Motion and on September 5, 2024, the Court issued an Order denying Plaintiff's Motion for Default Judgment. Plaintiff subsequently filed a Motion Reconsider Amend or Alter the Order, which this Court denied on December 11, 2024. Now before the Court is Fant's Motion to Dismiss and for Sanctions. On April 21, 2021, this matter came before the Court on Defendant's Motion to Dismiss Plaintiff's Complaint. During the hearing, this Court granted Plaintiff's oral Motion to Amended his Complaint, in lieu of granting Defendant's Motion to Dismiss. Plaintiff filed his Amended Summons and Complaint on May 5, 2025. Plaintiff failed to properly serve Defendant with a copy of the Amended

Complaint. Fant did not receive a copy of the Amended Summons and Complaint until June 24, 2025, when Defense counsel communicated with Plaintiff to receive service and Plaintiff provided counsel with a copy. Fant timely filed an Answer and Motion to Dismiss Plaintiff's Amended Complaint and Motion for Sanctions on July 11, 2025. Now before this Court is Fant's Motion to Dismiss Plaintiff's Amended Complaint and Motion for Sanctions.

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." *Fleteau v. Harrelson*, 355 S.C. 197, 202, 584 S.E.2d 413, 416 (Ct. App. 2003).

LEGAL ARGUMENTS

Plaintiff fails to plead the necessary elements sufficient to state a cause of action for Defamation, Defamation *per se*, and Intentional Infliction of Emotional Distress. Therefore, Plaintiff's Complaint against Fant should be dismissed, pursuant to SCRCP Rule 12(b)(6).

I. PLAINTIFF FAILS TO STATE A CLAIM FOR DEFAMATION AND DEFAMATION *PER SE*.

"The 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 publication.” *Murray v. Holnam*, 344 S.C. 129, 139, 542 S.E.2d 743,748 (Ct. App. 2001).

“[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*, 344 S.C. 129, 142. Defamation per se presumes that Defendants acted with common law malice and Plaintiff suffered general damages. *Id.*, 344 S.C. at 142.

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, both 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. 444, 473, 629 S.E.2d 653, 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.” *Erickson*, at 467 (emphasis added).

Plaintiff has failed to plead facts sufficient to support his claims for defamation and defamation *per se* under the heightened scrutiny of clear in convincing evidence as Plaintiff has failed to plead any defamatory statement whatsoever published by Fant and therefore, has failed

to plead any facts supporting the necessary allegation that Fant published a defamatory statement with actual malice. Plaintiff fails to plead any facts to support the conclusory statement that Fant was the source of and false and defamatory statements concerning Plaintiff. *See Paradis v. Charleston Cty. Sch. Dist.*, 424 S.C. 603, 613-14, 819 S.E.2d 147, 153 (Ct. App. 2018), *abrogated on other grounds by Skydive Myrtle Beach v. Horry Cty.*, 426 S.C. 175, 826 S.E.2d 585 (2019)

A. Plaintiff fails to present a showing of libel, which amounted to defamation or defamation per se.

Plaintiff claims on January 9, 2024, Fant “sent several text messages to members of the South Carolina Statehouse to include Representative Chandra Dillard and Representative Wendell Jones stating that the plaintiff suffered from the loathsome, and debilitating disease "Dementia" and that it was a confirm diagnosis.” Plt. Am. Compl. ¶¶ 8-9. Plaintiff claims Fant defamed him by way of libel. Libel is actionable *per se* if it involves “written or printed words which tend to degrade a person, that is, to reduce his character or reputation in the estimation of his friends or acquaintances, or the public, or to disgrace him, or to render him odious, contemptible, or ridiculous....”. *Holtzscheiter v. Thomson Newspapers, Inc.*, 332 S.C. 502, 510, 506 S.E.2d 497, 502 (1998) (quoting *Lesesne v. Willingham*, 83 F.Supp. 918, 921 (E.D.S.C.1949)).

Plaintiff fails to properly plead facts supporting a claim of libel as Plaintiff has failed to present the alleged written publication supporting his speculative claims. Plaintiff merely claims Fant texted defamatory statements to “members of the South Carolina Statehouse” but fails to state whether Plaintiff has even seen the alleged written statement, whether the text actually exist, and Plaintiff has failed to produce or state with specificity the language of the allege written publication. Plaintiff provides several alleged quotes in his Amended Summons and Complaint.

None of the allege direct quotes reflect the black and white text of the alleged defamatory message sent by Fant.

In fact, Rep. Chandra Dillard has provided an affidavit addressing the alleged facts presented by Plaintiff. Rep. Dillard states the following:

“I have conducted a thorough review of my records and communications with Ennis Fant. I have never seen nor received any text message from Ennis Fant stating Bruce Wilson was suffering from dementia or any other illness. I never stated to Jack Logan that such message exists or that Ennis Fant ever told me this information. On or about January 21, 2024, I received a text message from Bruce Wilson where he stated that he was told that Mr. Fant told me Bruce Wilson had dementia. I simply responded back that it was good to know that he was well. This reply was in no way intended to imply Mr. Fant ever told me Bruce Wilson was diagnosed with dementia. Mr. Fant has never stated to me that Mr. Wilson has dementia or any illness. I have never told Mr. Wilson that Mr. Fant ever made this comment to me. I do not possess any text message or any other form of communication where Mr. Fant asserts Bruce Wilson has dementia.”

See Aff. Chandra Dillard ¶¶ 3-11.

Further, Plaintiff relies on an affidavit of Jack Logan, alleging Rep. Dillard informed Mr. Logan that Fant provided her with this information. Upon information and belief, Mr. Logan discovered Plaintiff’s false assertions and has provide a subsequent affidavit stating, “At no time during my conversation with Rep. Dillard did she inform me that Ennis Fant had sent a text message or in any way insinuated that Mr. Fant stated Bruce Wilson had been diagnosed with dementia.” See Aff. Chandra Dillard ¶ 7. It is abundantly clear that the supposed text message sent by Fant does not exist and never occurred.

Plaintiff claims damages related to this alleged text message but cannot identify any individual who has actually seen the text message, including himself. On the face of this Amended Complaint, Plaintiff has failed to present any good faith basis for his speculation that Fant sent a

defamatory text message. Absent a showing and proper pleading of the alleged libelous text message Plaintiff has failed to properly plead a claim for defamation or defamation *per se* by way of libel.

B. Plaintiff fails to present a showing of slander, which amounted to defamation or defamation per se.

Plaintiff claims Fant stated at a community event, “plaintiff was the reason that Greenville County council had to change its citizens comment rules, because plaintiff was disruptive in questioning the defendant doing council meetings.” Plt. Am. Compl. ¶¶ 21-23; see also Aff. Bill Gibson. Notably, Mr. Gibson states in his affidavit that he approached Fant to inquire why “County Council” decided to change its public comment section of council meetings. Assuming these allegations are true in viewing the facts most favorable to Plaintiff, such alleged statement is not defamatory. As purported by Fant and Mr. Gibson, Mr. Gibson asked a member of County Council why there were changes to the hearings, and Fant as a Councilmember stated a factual truth decided by the body, not decided or determined by Fant. Plaintiff and Mr. Gibson do not allege Fant is the sole decision maker of county council, nor does Plaintiff allege or make a showing that this is false.

As stated above, to prove a claim for defamation or defamation *per se* a Plaintiff must first prove a statement was in fact false. *Erickson*, 368 S.C. 444, 465. Plaintiff has failed to plead any facts that this alleged statement was in fact false. Such statement on its face is not defamatory. There is nothing in Plaintiff’s Amended Complaint stating, inferring, or suggesting this alleged statement, if made, is in fact false. Plaintiff’s simple dislike and discomfort with the idea that the Greenville County Council changed its format because of Plaintiff’s disruptive behavior does not amount to common law defamation. Mr. Gibson simply asked Fant why the change occurred. See

Aff. Bill Gibson ¶ 2. According to Mr. Gibson's affidavit, Fant did not state it was his idea, he instructed county council to make such change, or that he even agreed with the decision. See Aff. Bill Gibson. Notably, Plaintiff does not bring a defamatory action against any other councilmember or the body as a whole for this alleged defamatory statement. Under Plaintiff's theory, Plaintiff is suing Fant simply because Fant answered the question posed to him and Plaintiff didn't like the answer.

Therefore, this Court should dismiss Plaintiff's claims for defamation and defamation *per se* against Fant with prejudice.

II. PLAINTIFF FAILS TO STATE A CLAIM FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS.

In order to succeed on a claim for "(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 fails to plead any action or conduct which intentionally or recklessly inflicted severe emotional distress. Plaintiff's Complaint fails to make a showing of extreme and outrageous conduct that exceeds all possible bounds of decency. Viewing the facts most favorable to Plaintiff, at best, the extreme and outrageous conduct committed by Fant is that Fant privately messaged members of the General Assembly information regarding Plaintiff that he's never seen nor was privy to, and that Fant made a public comment that a public hearing was modify because

of Plaintiff's public disruptive conduct. These alleged actions of Fant, even taken as true, do not amount to a showing of extreme and outrageous conduct.

"Under the heightened standard of proof for emotional distress claims emphasized in *Ford*, **a party cannot establish a prima facie claim for damages resulting from a defendant's tortious conduct with mere bald assertions.**¹ To permit a plaintiff to legitimately state a cause of action by simply alleging, "I suffered emotional distress" would be irreconcilable with this Court's development of the law in this area. In the words of Justice Littlejohn, the court must look for something "more"—in the form of third-party witness testimony and other corroborating evidence—in order to make a prima facie showing of "severe" emotional distress." *Hansson*, 374 S.C. 352, 358–59 (emphasis added).

Crucially, there is nothing to support the claim that the alleged text message exists or was ever viewed by any third party. The alleged recipients of the text message state this never occurred. Plaintiff's claim rests entirely on speculation. The alleged defamatory statement is purported to be a written instrument. Plaintiff has never seen this alleged written statement, nor can he identify anyone who has. Without proof of the underlying statement, Plaintiff cannot establish the factual predicate of his claim, nor can he demonstrate causation or damages. Plaintiff simply states he suffered emotional distress that was "*substantial*", however, Plaintiff fails to assert any facts supporting this claim as stated above. Plaintiff fails to plead any facts whatsoever detailing any damages. Plaintiff fails to plead any adverse action occurred as a result of Fant's conduct. Relying solely on the Complaint, Plaintiff has failed to allege any damages for this cause of action.

Therefore, this Court should dismiss Plaintiff's claim for Intentional Infliction of Emotional Distress with prejudice.

¹ *Ford v. Hutson*, 276 S.C. 157, 159, 276 S.E.2d 776, 777 (1981).

III. THIS COURT SHOULD IMPOSE SANCTIONS AGAINST PLAINTIFF, PURSUANT TO S.C. CODE ANN. § 15-36-10.

S.C. Code Ann. § 15-36-10 states in relevant part, “An attorney, party, or *pro se litigant* **shall be sanctioned** for a frivolous claim or defense if the court finds the attorney, party, or *pro se litigant* failed to comply with one of the following conditions:

- (a) a reasonable attorney in the same circumstances would believe that under the facts, *his claim or defense was clearly not warranted under existing law* and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law;
- (b) a reasonable attorney in the same circumstances would believe that *his procurement, initiation, continuation, or defense of the civil suit was intended merely to harass or injure the other party*; or
- (c) a reasonable attorney in the same circumstances would believe that *the case or defense was frivolous as not reasonably founded in fact* or was interposed merely for delay, *or was merely brought for a purpose other than securing proper discovery, joinder of proposed parties, or adjudication of the claim or defense upon which the proceedings are based.* (emphasis added).

“In order for a litigant to receive attorney's fees and costs under the Act, he has the burden of proving: (1) the other party has procured, initiated, continued, or defended the civil proceedings against him; (2) the proceedings were terminated in his favor; (3) the primary purpose for which the proceedings were procured, initiated, continued, or defended was not that of securing the proper discovery, joinder of parties, or adjudication of the civil proceedings; (4) the aggrieved person has incurred attorney's fees and court costs; and (5) the amount of the fees and costs set

forth in item (4).” *Rutland v. Holler, Dennis, Corbett, Ormond & Garner (L. Firm)*, 371 S.C. 91, 97, 637 S.E.2d 316, 319 (Ct. App. 2006).

Here, Plaintiff as a *pro se* litigant is bound by the same ethical duties and obligations as any other officer of the Court. Plaintiff here has failed to plead any actionable claims against Fant after the Court afforded him multiple opportunities to do so. Plaintiff’s pattern of filings and conduct suggests that the lawsuit was interposed primarily to harass Fant and to burden him with unnecessary litigation expenses. The timing of filings, repetitive motions, and disregard for procedural rules reinforce the conclusion that the action was pursued in bad faith and for improper purposes, in violation of § 15-36-10(A)(1).

Even if Plaintiff’s factual allegations were taken as true, the legal theories advanced are not supported by existing law or by any reasonable argument for modification of the law. Courts have repeatedly rejected similar claims, and Plaintiff has not identified a single statute, case, or recognized doctrine supporting the viability of the asserted causes of action. Pursuit of claims in direct contradiction to controlling precedent constitutes frivolous litigation under § 15-36-10(A)(2).

Therefore, Fant respectfully requests this Court impose sanctions against, pursuant to S.C. Code Ann. § 15-36-10.

CONCLUSION

Based on the above reasons and arguments to be presented at the hearing on this matter, Fant’s Motion to Dismiss should be granted and this case should be dismissed with prejudice. Plaintiff’s Complaint must be dismissed because Plaintiff has failed to plead an actionable claim of Defamation, Defamation *per se*, and Intentional Infliction of Emotional Distress. Furthermore,

Plaintiff's Complaint is frivolous and intended to harass, humiliate, and embarrass Fant. As such, this Court should impose sanctions in the form of attorney's fees against Plaintiff.

Respectfully submitted,

/s/ Austin D. Nichols
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This the 17th day of September 2025.

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,

Defendants.

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

CERTIFICATE OF SERVICE

I, Faye Johnson, certify that on this date I served the Motion to Dismiss Plaintiff's Complaint in this case on Plaintiff, Bruce Wilson, by delivering a copy of this pleading to the Plaintiff's Attorney, by mailing to his/ her office located at the following address:

Bruce Wilson
14 Freestone St.
Greenville SC 29605

/s/ Faye Johnson

Faye Johnson
Legal Assistant
The Rutherford Law Firm
1315 Blanding Street
Columbia, South Carolina 29201
(803) 256-3003

Columbia, South Carolina
This the 17th day of September 2025.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

FILED: 25NOV17AM10:03
COC JAY GRESHAM GVL SC

Bruce Wilson,

Plaintiff,

vs.

Ennis M. Fant

Defendants.

C.A. No: 2024-CP-23-00548

**PLAINTIFF'S MOTION TO
RECONSIDER ORDER GRANTING
DEFENDANT'S MOTION TO DISMISS**

TO: THE HONORABLE JUDGE VERNON F. DUNBAR

NOW COMES the Plaintiff, Bruce Wilson, pursuant to Rule 59(e), SCRPC, and the inherent authority of this Court to correct its own orders to prevent manifest injustice and respectfully moves this Court for an order reconsidering and vacating its November 14, 2025, Order ("the Order") dismissing Plaintiff's Amended Complaint. In support thereof, Plaintiff respectfully shows the Court the following:

INTRODUCTION

While the Court's Order dismissed Plaintiff's Amended Complaint without *purported* prejudice, the decision rests on multiple, interconnected manifest errors of law. The Order: (1) failed to rule on the Defendant's improper use of extrinsic evidence; (2) dismissed an unchallenged cause of action; (3) failed to resolve the threshold, case-dispositive "public figure", "actual malice" dispute; and (4) summarily concluded the Amended Complaint was deficient, when it plainly pleads every required element of its claims. To require Plaintiff to re-file a new action after this Court has already ruled based on a procedurally flawed motion and an incomplete legal analysis

would be inefficient and unjust. Reconsideration is essential to correct these clear legal oversights, provide definitive rulings on the disputed issues, and obviate the need for a redundant, costly, and time-consuming re-filing process.

MEMORANDUM IN SUPPORT

I. THE STANDARD FOR RECONSIDERATION.

A motion to alter, amend, or reconsider an order is filed pursuant to Rule 59(e), SCRCP. This motion is granted to correct manifest errors of law or fact. *Cumberland v. State Farm Mut. Auto. Ins. Co.*, 336 S.C. 266, 519 S.E.2d 347 (1999) (discussing the Rule 59(e) standard). Reconsideration is appropriate where the court has “overlooked or misapprehended” a point of law or fact. *In re Timmerman*, 331 S.C. 455, 502 S.E.2d 920 (Ct. App. 1998). Because the Order dismissing the Amended Complaint (presumed) without prejudice creates a purported interlocutory order (and *presumed* not a final judgment), this motion also lies within the Court’s inherent authority to review and correct its own orders to prevent manifest injustice. The errors of law outlined herein constitute a clear oversight and require correction.

II. THE COURT COMMITTED A MANIFEST ERROR BY FAILING TO RULE ON DEFENDANT’S IMPROPER USE OF EXTRINSIC EVIDENCE.

A Rule 12(b)(6) motion must be decided “based 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 Order itself correctly recites this standard. However, Defendant’s Motion to Dismiss was predicated upon new, extrinsic affidavits from *Jack Logan* and *Chandra Dillard* evidence directly contradicting the allegations and attachments of the Amended Complaint. Plaintiff forcefully objected to this fundamental procedural impropriety in his Opposition Memorandum, and his oral arguments to

the Court at the dismissal hearing. The Court's Order is entirely silent on this fundamental procedural objection. It neither strikes the affidavits nor converts the motion to one for summary judgment under Rule 56, as required by *Collins Entm't Corp. v. White*, 363 S.C. 546, 555, 611 S.E.2d 262, 266 (Ct. App. 2005). By ruling on a 12(b)(6) motion that was inextricably tainted by extrinsic evidence, without first ruling on the admissibility of that evidence, the Court committed a manifest error of law.

III. THE COURT COMMITTED A MANIFEST ERROR BY DISMISSING AN UNCHALLENGED CLAIM.

Plaintiff's Amended Complaint pleads multiple defamatory statements, including the distinct false allegation that Plaintiff disrupted a County Council meeting, causing a rule change, as reported by Bill Gibson. (Am. Compl. ¶ 21, 27). Defendant's Motion to Dismiss was silent as to this distinct claim, focusing solely on the "dementia" allegations. By failing to challenge the "disruption" defamation claim, Defendant waived any Rule 12(b)(6) challenge to its legal sufficiency. See *First Union Nat'l Bank of S.C. v. Soden*, 333 S.C. 554, 566, 511 S.E.2d 372, 378 (Ct. App. 1998) (defenses not raised are waived). By dismissing the *entire* Amended Complaint, the Court erroneously dismissed a valid, unchallenged cause of action. This is a clear error of law requiring correction.

IV. THE COURT'S CONCLUSORY DISMISSAL WAS A MANIFEST ERROR, AS THE AMENDED COMPLAINT PLAINLY PLEADS ALL ELEMENTS OF DEFAMATION.

The Order summarily concludes Plaintiff "failed to plead the necessary elements" of defamation without identifying a single deficiency. This conclusion is a manifest error, as the four corners of the Amended Complaint (Am. Compl.) plainly satisfy every element required under

South Carolina law. See *Erickson v. Jones St. Publishers, LLC*, 368 S.C. 444, 465, 629 S.E.2d 653, 664 (2006).

1. A False and Defamatory Statement

The Amended Complaint pleads that Defendant stated Plaintiff "Has A Confirmed Diagnosis Of Dementia and His On Medication For It." (Am. Compl. ¶ 11). Such a statement is defamatory *per se* as it imputes the contraction of a "loathsome disease" and "unfitness in one's business or profession" (specifically, Plaintiff's operation of his nonprofit). *Holtzscheiter v. Thomson Newspapers, Inc.*, 332 S.C. 502, 511, 506 S.E.2d 497, 502 (1998). The complaint also pleads the false "disruption" statement. (Am. Compl. ¶ 21).

2. Unprivileged Publication to a Third Party

The Amended Complaint pleads that Defendant published these statements to third parties, including via "text communications to individuals within the South Carolina Statehouse, notably including Representative Chandra Dillard and Representative Wendell Jones" (Am. Compl. ¶ 8), and orally to Bill Gibson (Am. Compl. ¶ 21). This is the definition of publication.

3. Fault on the Part of the Publisher

This element is the heart of the legal dispute that the Court failed to resolve. The Amended Complaint explicitly pleads that Defendant acted with "reckless disregard for its truth" (Am. Compl. ¶ 10, 30, 35), thereby pleading the "actual malice" standard. Even if Plaintiff were deemed a private figure, this allegation inherently satisfies the lesser "negligence" standard. The Court cannot find a failure to plead "fault" when it has refused to rule on *which standard of fault applies* (see Sec. V, *infra*).

4. Actionability (Per Se / Special Harm)

As established in element (1), the "dementia" claim is actionable *per se*, meaning general damages are presumed. *Holtzscheiter*, 332 S.C. at 511. Furthermore, the Amended Complaint pleads special harm, including "reputational and operational harm inflicted upon Plaintiff and his nonprofit" and "severe and debilitating emotional distress." (Am. Compl. ¶ 18, 20, 29). The Amended Complaint is legally sufficient on its face. The Order's conclusory finding to the contrary is a manifest error of law.

V. THE COURT COMMITTED A MANIFEST ERROR BY FAILING TO RESOLVE THE DISPOSITIVE "PUBLIC FIGURE" DISPUTE.

The Court's most significant legal error was its failure to rule on the "public figure" defense. This was the central legal argument of Defendant's motion. (Def. Mot. ¶ 16-18). Plaintiff's Opposition provided a detailed rebuttal. The Order is completely silent on this threshold, case-dispositive question of law. The Court cannot possibly provide guidance on the sufficiency of a defamation claim, specifically the "fault" element, without first deciding which standard applies. *N.Y. Times v. Sullivan*, 376 U.S. 254 (1964). This failure to rule leaves the parties and any future complaint in a state of legal limbo. This Court must decide this question of law. Its failure to do so is a manifest error that requires reconsideration to provide clarity and judicial economy.

VI. THE COURT COMMITTED A MANIFEST ERROR BY SUMMARILY DISMISSING THE IIED CLAIM.

As with the defamation claims, the Order's finding that Plaintiff "failed to plead the necessary elements of Intentional Infliction of Emotional Distress" is a conclusory statement and a manifest error of law. The Order itself correctly recites the four-part test from *Hansson v. Scalise Builders of S.C.*, 374 S.C. 352, 356, 650 S.E.2d 68, 70 (2007). The Amended Complaint, on its face, pleads facts sufficient to meet all four elements, which must be taken as true at this stage.

1. Intentional or Reckless Conduct

The Amended Complaint pleads that Defendant intentionally or recklessly fabricated a false medical diagnosis that Plaintiff "Has A Confirmed Diagnosis Of Dementia and His On Medication For It" (Am. Compl. ¶ 11) and published it to third parties. The complaint alleges this was done with "reckless disregard for its truth" (Am. Compl. ¶ 10, 30, 35) and that Defendant was "substantially certain" that such distress would result (Am. Compl. ¶ 43).

2. Extreme and Outrageous Conduct

The Order requires conduct that is "atrocious, and utterly intolerable in a civilized community". The Amended Complaint alleges Defendant, an elected official, manufactured a "confirmed diagnosis" of a "repugnant and incapacitating ailment" ("Dementia") to destroy Plaintiff's personal and professional credibility (Am. Compl. ¶ 44). Falsely weaponizing a debilitating medical condition in this manner is not a mere "indignity." It is precisely the kind of conduct that a jury could find to be "atrocious" and beyond all "possible bounds of decency".

3. Causation

The Amended Complaint directly links Defendant's actions to Plaintiff's harm, pleading that the actions "caused Plaintiff emotional distress" (Am. Compl. ¶ 45) and that the distress was "directly attributable to Fant's torturous conduct" (Am. Compl. ¶ 20).

4. Severe Distress

The Order requires distress "such that 'no reasonable man could be expected to endure it'". The Amended Complaint explicitly pleads that the distress was "severe and debilitating" (Am. Compl. ¶ 20) and "substantial" (Am. Compl. ¶ 45). It further supports this legal conclusion with specific factual allegations, including "chronic anxiety, persistent insomnia, and episodes of

panic," as well as physical manifestations like "weight loss, hypertension, and consultations with a therapist" (Am. Compl. ¶ 20). These allegations plainly meet the pleading standard for "severe" distress. The Amended Complaint pleads all necessary elements for IIED. The Court's summary dismissal of this claim without any analysis was a manifest error of law.

VII. PRESERVATION OF ERROR AND A COMPLETE RECORD.

Plaintiff is duty-bound to employ this Motion to ask the Court to make rulings on the legal and procedural misapplications that were overlooked. This is essential both to secure a just outcome in this Court and to ensure a complete and proper record for any potential future appellate review. The South Carolina Appellate Courts have consistently held that issues must be raised to and ruled upon by the circuit court to be preserved for appeal. *See, e.g., Jean Hoefer Toal et al., Appellate Practice in South Carolina* 53 (3d ed. 2016). By highlighting these oversights and requesting specific rulings, Plaintiff seeks to ensure the record is fully developed.

CONCLUSION

The Court's Order is fatally undermined by manifest errors of law: (1) its failure to rule on the improper extrinsic evidence; (2) its dismissal of an unchallenged claim; (3) its failure to resolve the "public figure" standard; and (4) its conclusory and incorrect finding that the elements for Defamation and Intentional Infliction of Emotional Distress were not pled when they are patent on the face of the Amended Complaint. Correcting these manifest errors now will promote judicial economy and provide the parties with the clarity needed to resolve this matter justly and efficiently.

WHEREFORE, Plaintiff respectfully moves this Court to grant this Motion for Reconsideration, vacate its November 14, 2025, Order, and enter a new Order that:

1. Rules on the procedural impropriety of Defendant's reliance or introduction of extrinsic evidence;
2. Rules as a matter of law on the threshold "**public figure**"; "**actual malice**" issue;
3. Confirms the legal sufficiency of the unchallenged defamation claim related to Bill Gibson; and
4. Finds that Plaintiff's Amended Complaint sufficiently pleads all causes of action to survive a 12(b)(6) motion and denies Defendant's Motion to Dismiss; and
5. Alternatively, schedule a hearing to address and preserve the record in this case.

Respectfully Submitted,

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

November 17, 2025
Greenville, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Bruce Wilson,

Plaintiff,

vs.

Ennis M. Fant

Defendants,

C.A. No: 2024-CP-23-00548

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion for Reconsideration was served upon Defendant's counsel, Austin D. Nichols, Esq., of the Rutherford Law Firm, 1315 Blanding Street, (29202) P.O. Box 1452, Columbia, SC 29202, via email at austin@rutherford.law and first-class U.S. Mail on this 17th day of November, 2025.

/s/ Bruce Wilson

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

November 17, 2025
Greenville, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF BRUCE WILSON)

BRUCE WILSON)
Plaintiff,)
vs.)
ENNIS M. FANT)
Defendant.)

IN THE COURT OF COMMON PLEAS
13 JUDICIAL CIRCUIT
CASE NO.: 2024 -CP- 23 - 00548

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's <u>Bruce Wilson</u> Address: <u>14 Freestone St</u> <u>Greenville SC 29605</u> Phone: <u>864-907-7080</u> Fax _____ E-mail: <u>brucewilson23@gmail.com</u>	Defendant's Attorney: <u>Austin D. Nichols, Esq.</u> , Bar No _____ Address: _____ <u>P.O. Box 1452, Columbia, SC 29202</u> Phone: _____ Fax _____ E-mail: _____ Other: _____
☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: <u>Reconsideration</u> Estimated Time Needed: _____ Court Reporter Needed: ☒ YES / ☐ NO	
SECTION II: Motion/Order Type	
☐ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
<u>/s/ Bruce Wilson</u> <u>November 17</u>, 20<u>25</u> Signature of Attorney for ☒ Plaintiff / ☐ Defendant Date submitted	
SECTION III: Motion Fee	
☐ PAID - AMOUNT: \$ _____ ☒ EXEMPT: (check reason)	
☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☒ Other: <u>IN FORMA PAUPERIS GRANTED</u>	
JUDGE'S SECTION	
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____	JUDGE CODE _____ Date: _____, 20____
CLERK'S VERIFICATION	
Collected by: <u>AW</u> Date Filed: <u>11/17</u>, 20<u>25</u>	
☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA

COUNTY OF BRUCE WILSONBRUCE WILSON

Plaintiff,

vs.

ENNIS M. FANT

Defendant.

IN THE COURT OF COMMON PLEAS

13 JUDICIAL CIRCUITCASE NO.: 2024-CP-23-00548**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's <u>Bruce Wilson</u> Address: <u>14 Freestone St</u> <u>Greenville SC 29605</u> Phone: <u>864-907-7080</u> Fax _____ E-mail: <u>brucewilson23@gmail.com</u>	Defendant's Attorney: <u>Austin D. Nichols, Esq.</u> , Bar No _____ Address: _____ <u>P.O. Box 1452, Columbia, SC 29202</u> Phone: _____ Fax _____ E-mail: _____ Other: _____
☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information Nature of Motion: <u>Amended Reconsideration</u> Estimated Time Needed: _____ Court Reporter Needed: ☒ YES/ ☐ NO	
SECTION II: Motion/Order Type ☐ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <u>/s/ Bruce Wilson</u> <u>November 20</u> , 20 <u>25</u> Signature of Attorney for ☒ Plaintiff/ ☐ Defendant Date submitted	
SECTION III: Motion Fee ☐ PAID - AMOUNT: \$ _____ ☒ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☒ Other: <u>GRANTED IN FORMA PAUP</u>	
JUDGE'S SECTION ☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____	JUDGE CODE _____ Date: _____, 20____
CLERK'S VERIFICATION Collected by: <u>GW</u> Date Filed: <u>11/20</u> , 20 <u>25</u> ☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Bruce Wilson,
Plaintiff,
vs.
Ennis M. Fant
Defendants,

C.A. No: 2024-CP-23-00548

**PLAINTIFF'S AMENDED MOTION TO
RECONSIDER ORDER GRANTING
DEFENDANT'S MOTION TO DISMISS**

FILED: 25NOV20*10:59
COC JAY GRESHAM GUL SC

TO: THE HONORABLE JUDGE VERNON F. DUNBAR

NOW COMES the Plaintiff, Bruce Wilson, pursuant to Rule 59(e), SCRCP, and the inherent authority of this Court to correct its own orders to prevent manifest injustice and respectfully moves this Court for an order reconsidering and vacating its November 14, 2025, Order ("the Order") dismissing Plaintiff's Amended Complaint. In support thereof, Plaintiff respectfully shows the Court the following:

INTRODUCTION

While the Court's Order dismissed Plaintiff's Amended Complaint without *purported* prejudice, the decision rests on multiple, interconnected manifest errors of law. The Order: (1) failed to rule on the Defendant's improper use of extrinsic evidence; (2) dismissed an unchallenged cause of action; (3) failed to resolve the threshold, case-dispositive "public figure", "actual malice" dispute; and (4) summarily concluded the Amended Complaint was deficient, when it plainly pleads every required element of its claims. To require Plaintiff to re-file a new action after this Court has already ruled based on a procedurally flawed motion and an incomplete legal analysis

would be inefficient and unjust. Reconsideration is essential to correct these clear legal oversights, provide definitive rulings on the disputed issues, and obviate the need for a redundant, costly, and time-consuming re-filing process.

MEMORANDUM IN SUPPORT

I. THE STANDARD FOR RECONSIDERATION.

A motion to alter, amend, or reconsider an order is filed pursuant to Rule 59(e), SCRCP. This motion is granted to correct manifest errors of law or fact. *Cumberland v. State Farm Mut. Auto. Ins. Co.*, 336 S.C. 266, 519 S.E.2d 347 (1999) (discussing the Rule 59(e) standard). Reconsideration is appropriate where the court has “overlooked or misapprehended” a point of law or fact. *In re Timmerman*, 331 S.C. 455, 502 S.E.2d 920 (Ct. App. 1998). Because the Order dismissing the Amended Complaint (presumed) without prejudice creates a purported interlocutory order (and *presumed* not a final judgment), this motion also lies within the Court’s inherent authority to review and correct its own orders to prevent manifest injustice. The errors of law outlined herein constitute a clear oversight and require correction.

II. THE COURT COMMITTED A MANIFEST ERROR BY FAILING TO RULE ON DEFENDANT’S IMPROPER USE OF EXTRINSIC EVIDENCE.

A Rule 12(b)(6) motion must be decided “based 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 Order itself correctly recites this standard. However, Defendant’s Motion to Dismiss was predicated upon new, extrinsic affidavits from *Jack Logan* and *Chandra Dillard* evidence directly contradicting the allegations and attachments of the Amended Complaint. Plaintiff forcefully objected to this fundamental procedural impropriety in his Opposition Memorandum, and his oral arguments to

the Court at the dismissal hearing. The Court's Order is entirely silent on this fundamental procedural objection. It neither strikes the affidavits nor converts the motion to one for summary judgment under Rule 56, as required by *Collins Entm't Corp. v. White*, 363 S.C. 546, 555, 611 S.E.2d 262, 266 (Ct. App. 2005). By ruling on a 12(b)(6) motion that was inextricably tainted by extrinsic evidence, without first ruling on the admissibility of that evidence, the Court committed a manifest error of law.

III. THE COURT COMMITTED A MANIFEST ERROR BY DISMISSING AN UNCHALLENGED CLAIM.

Plaintiff's Amended Complaint pleads multiple defamatory statements, including the distinct false allegation that Plaintiff disrupted a County Council meeting, causing a rule change, as reported by Bill Gibson. (Am. Compl. ¶ 21, 27). Defendant's Motion to Dismiss was silent as to this distinct claim, focusing solely on the "dementia" allegations. By failing to challenge the "disruption" defamation claim, Defendant waived any Rule 12(b)(6) challenge to its legal sufficiency. See *First Union Nat'l Bank of S.C. v. Soden*, 333 S.C. 554, 566, 511 S.E.2d 372, 378 (Ct. App. 1998) (defenses not raised are waived). By dismissing the *entire* Amended Complaint, the Court erroneously dismissed a valid, unchallenged cause of action. This is a clear error of law requiring correction.

IV. THE COURT'S CONCLUSORY DISMISSAL WAS A MANIFEST ERROR, AS THE AMENDED COMPLAINT PLAINLY PLEADS ALL ELEMENTS OF DEFAMATION.

The Order summarily concludes Plaintiff "failed to plead the necessary elements" of defamation without identifying a single deficiency. This conclusion is a manifest error, as the four corners of the Amended Complaint (Am. Compl.) plainly satisfy every element required under

South Carolina law. See *Erickson v. Jones St. Publishers, LLC*, 368 S.C. 444, 465, 629 S.E.2d 653, 664 (2006).

1. A False and Defamatory Statement

The Amended Complaint pleads that Defendant stated Plaintiff "Has A Confirmed Diagnosis Of Dementia and His On Medication For It." (Am. Compl. ¶ 11). Such a statement is defamatory *per se* as it imputes the contraction of a "loathsome disease" and "unfitness in one's business or profession" (specifically, Plaintiff's operation of his nonprofit). *Holtzscheiter v. Thomson Newspapers, Inc.*, 332 S.C. 502, 511, 506 S.E.2d 497, 502 (1998). The complaint also pleads the false "disruption" statement. (Am. Compl. ¶ 21).

2. Unprivileged Publication to a Third Party

The Amended Complaint pleads that Defendant published these statements to third parties, including via "text communications to individuals within the South Carolina Statehouse, notably including Representative Chandra Dillard and Representative Wendell Jones" (Am. Compl. ¶ 8), and orally to Bill Gibson (Am. Compl. ¶ 21). This is the definition of publication.

3. Fault on the Part of the Publisher

This element is the heart of the legal dispute that the Court failed to resolve. The Amended Complaint explicitly pleads that Defendant acted with "reckless disregard for its truth" (Am. Compl. ¶ 10, 30, 35), thereby pleading the "actual malice" standard. Even if Plaintiff were deemed a private figure, this allegation inherently satisfies the lesser "negligence" standard. The Court cannot find a failure to plead "fault" when it has refused to rule on *which standard of fault applies* (see Sec. V, *infra*).

4. Actionability (Per Se / Special Harm)

As established in element (1), the "dementia" claim is actionable *per se*, meaning general damages are presumed. *Holtzscheiter*, 332 S.C. at 511. Furthermore, the Amended Complaint pleads special harm, including "reputational and operational harm inflicted upon Plaintiff and his nonprofit" and "severe and debilitating emotional distress." (Am. Compl. ¶ 18, 20, 29). The Amended Complaint is legally sufficient on its face. The Order's conclusory finding to the contrary is a manifest error of law.

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The Court's most significant legal error was its failure to rule on the "public figure" defense. This was the central legal argument of Defendant's motion. (Def. Mot. ¶ 16-18). Plaintiff's Opposition provided a detailed rebuttal. The Order is completely silent on this threshold, case-dispositive question of law. The Court cannot possibly provide guidance on the sufficiency of a defamation claim, specifically the "fault" element, without first deciding which standard applies. *N.Y. Times v. Sullivan*, 376 U.S. 254 (1964). This failure to rule leaves the parties and any future complaint in a state of legal limbo. This Court must decide this question of law. Its failure to do so is a manifest error that requires reconsideration to provide clarity and judicial economy.

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The Amended Complaint pleads that Defendant intentionally or recklessly fabricated a false medical diagnosis that Plaintiff "Has A Confirmed Diagnosis Of Dementia and His On Medication For It" (Am. Compl. ¶ 11) and published it to third parties. The complaint alleges this was done with "reckless disregard for its truth" (Am. Compl. ¶ 10, 30, 35) and that Defendant was "substantially certain" that such distress would result (Am. Compl. ¶ 43).

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panic," as well as physical manifestations like "weight loss, hypertension, and consultations with a therapist" (Am. Compl. ¶ 20). These allegations plainly meet the pleading standard for "severe" distress. The Amended Complaint pleads all necessary elements for IIED. The Court's summary dismissal of this claim without any analysis was a manifest error of law.

VII. THE COURT COMMITTED A MANIFEST ERROR BY FAILING TO RECUSE ITSELF SUA SPONTE AFTER DEFENDANT'S COUNSEL DELIBERATELY INJECTED THE APPEARANCE OF IMPROPRIETY INTO THE PROCEEDINGS.

The Court's failure to recuse itself or put on the record for none-recusal, after Defendant's counsel explicitly and deliberately highlighted his client's position on the Greenville County Council, as a County Councilman, a fact wholly irrelevant to the legal sufficiency of the defamation claims but directly implicating the Court's own funding body created an unavoidable appearance of impropriety that constitutes a manifest error of law and a violation of due process, requiring vacatur of the Order.

A judge must disqualify himself when his impartiality might reasonably be questioned. Rule 501, SCACR, Code of Judicial Conduct, Canon 2.11(A). This objective standard exists to "promote public confidence in the independence, integrity, and impartiality of the judiciary," regardless of whether actual bias exists. *State v. Gentry*, 363 S.C. 93, 100, 610 S.E.2d 494, 498 (2005). Critically, Plaintiff's Amended Complaint is based entirely on allegations of defamation through private text messages and statements to a private citizen. It does not allege any official misconduct, does not challenge any legislative action, and does not place the Defendant's role as a County Councilman at issue. The defamation claims stand or fall on the alleged falsity of the private statements, irrespective of the Defendant's public office.

It was therefore both striking and highly improper for Defendant's counsel, during the Motion to Dismiss hearing, to explicitly and deliberately inform this Court of Mr. Fant's position as a County Councilman. This was not a passing reference; it was a calculated, brazen appeal to the Court's potential bias or self-interest. Counsel's injection of this fact was a transparent attempt to cloak his client in the authority of an office that controls this Court's operational budget, thereby seeking to gain an unfair advantage. Plaintiff was caught off guard by this unethical tactic, which had the immediate effect of poisoning the well and creating the very appearance of impropriety this Canon is designed to prevent. At that moment, the Court was presented with a clear ethical dilemma. The Canons of Judicial Conduct place the primary obligation to identify and act upon such conflicts on the Court itself, *sua sponte*. See Canon 2.11, Cmt. [1] ("A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification..."). Upon hearing defense counsel's improper emphasis on the Defendant's role on the County Council, the body responsible for funding this very courthouse the Court had an immediate, non-delegable duty to: (1) strike the irrelevant and prejudicial statement from the record; (2) disclose the potential conflict on the record; and (3) seriously consider recusal to preserve the integrity of the proceeding. Its failure to take any of these steps was a manifest error of law.

The profound nature of this conflict was previously recognized by the Greenville County Solicitor, who recused her entire office from a related matter, explicitly citing the fact that "Mr. Fant is a sitting member of Greenville County Council and this is the entity responsible for approving our yearly budget... I want there to be absolutely no question about the integrity of the review.". The Solicitor's prophylactic recusal underscores the seriousness of the conflict. For this Court to preside over a case where the Defendant's own counsel has waved the flag of County

Council influence, and for the Court to then issue a ruling riddled with procedural and legal oversights in the Defendant's favor, creates an intolerable appearance that the outcome was influenced by the very conflict the Solicitor sought to avoid.

A reasonable person, knowing that a Judge has ruled in favor of a litigant whose attorney explicitly invoked his position on the body that funds the Judge's courthouse, would undoubtedly question the Court's impartiality. See *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009). This failure to recuse, combined with the specific legal errors detailed herein, has resulted in a manifest injustice that undermines the integrity of the entire proceeding and requires this Court to vacate its Order.

VIII. PRESERVATION OF ERROR AND A COMPLETE RECORD

Plaintiff is duty-bound to employ this Motion to ask the Court to make rulings on the legal and procedural misapplications that were overlooked. This is essential both to secure a just outcome in this Court and to ensure a complete and proper record for any potential future appellate review. The South Carolina Appellate Courts have consistently held that issues must be raised to and ruled upon by the circuit court to be preserved for appeal. See, e.g., *Jean Hoefer Toal et al.*, *Appellate Practice in South Carolina* 53 (3d ed. 2016). By highlighting these oversights and requesting specific rulings, Plaintiff seeks to ensure the record is fully developed.

CONCLUSION

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the face of the Amended Complaint. Correcting these manifest errors now will promote judicial economy and provide the parties with the clarity needed to resolve this matter justly and efficiently.

WHEREFORE, Plaintiff respectfully moves this Court to grant this Motion for Reconsideration, vacate its November 14, 2025, Order, and enter a new Order that:

1. Rules on the procedural impropriety of Defendant's reliance or introduction of extrinsic evidence;
2. Rules as a matter of law on the threshold "**public figure**"; "**actual malice**" issue;
3. Confirms the legal sufficiency of the unchallenged defamation claim related to Bill Gibson; and
4. Finds that Plaintiff's Amended Complaint sufficiently pleads all causes of action to survive a 12(b)(6) motion and denies Defendant's Motion to Dismiss; and
5. Alternatively, schedule a hearing to address and preserve the record in this case.

Respectfully Submitted,

/s/ Bruce Wilson

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

November 20, 2025
Greenville, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Bruce Wilson,

Plaintiff,

vs.

Ennis M. Fant

Defendants,

C.A. No: 2024-CP-23-00548

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Amended Motion for Reconsideration was served upon Defendant's counsel, Austin D. Nichols, Esq., of the Rutherford Law Firm, 1315 Blanding Street, (29202) P.O. Box 1452, Columbia, SC 29202, via email at austin@rutherford.law and first-class U.S. Mail on this 20th day of November, 2025.

/s/ Bruce Wilson

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

November 20, 2025
Greenville, South Carolina

RECEIVED

Apr 13 2026

SC Court of Appeals

CERTIFICATE OF PRO SE APPELLANT

The undersigned Pro Se Appellant hereby certifies that in accordance with Rule 210(c), SCACR, this Record on Appeal contains all material proposed to be included by any party that was presented to the lower court and not any other material.

BY: /s/ Bruce Wilson _____
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APPELLANT

RECEIVED

Apr 13 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Veron F. Dunbar, Circuit Court Judge

Appellate Case No: 2026-000307

Bruce Wilson, ..., Appellant

v.

Ennis M. Fant....., Respondent.

CERTIFICATE OF SERVICE

Pursuant to Section (d)(1) of the Supreme Court's Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules the undersigned Appellant Bruce Wilson., does hereby certify that service of the Record on Appeal in the above-captioned matter was made upon counsel of record by email and US Mail this the 13th day of April 2026, as follows:

The Rutherford Law Firm, LLC
Austin D. Nichols, Esq.
P.O. Box 1452
Columbia, SC 29202
austin@rutherford.law
Attorney for Respondent

BY: /s/ Bruce Wilson
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APPELLANT