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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Jocelyn Newman, Circuit Court Judge

Case No. 2022-CP-40-03484
Appellate Case No. 2025-002579

Suzanne Kay Young,

Appellant,

v.

Richland County Sheriff Leon Lott
in his official capacity as
Sheriff of Richland County,

Respondent.

FINAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Did the circuit court err in finding this action barred by the statute of limitations and in failing to find the amended complaint naming the correct defendant related back to the date of the original pleading pursuant to Rule 15(c) of the South Carolina Rules of Civil Procedure?

STATEMENT OF THE CASE

Appellant, Suzanne Kay Young, filed a summons and complaint commencing this action in the Richland County Court of Common Pleas on July 8, 2022. R. pp. 15-17. The action sought damages resulting from an accident that occurred on April 30, 2021, in Richland County, South Carolina. The original named defendants were Aiden Sean Evans and Richland County. R. p. 16. The individual defendant, Aiden Sean Evans, was served on November 14, 2022. R. p. 54. Leonardo Brown, Richland County Administrator, was served on November 15, 2022. R. p. 55.

The original defendants filed a motion to dismiss and/or strike on December 14, 2022. R. pp. 36-37. As pertains to the individual defendant, Aiden Sean Evans, the motion asserted he was not a proper party-defendant pursuant to the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-70(c), and therefore must be dismissed as a defendant. R. p. 36, ¶ 1. The motion was scheduled to be heard June 27, 2023. Ahead of that hearing, the parties entered into an agreement permitting the plaintiff to amend the complaint to name the proper party defendant, and a consent order with respect to that agreement was filed July 18, 2023. R. pp. 12-14. The next day, July 19, 2023, the plaintiff filed an amended complaint naming Richland County Sheriff Leon Lott as the defendant. R. pp. 18-20.

On August 2, 2023, the substituted defendant, Richland County Sheriff Leon Lott, moved to dismiss the amended complaint pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, upon the sole ground that the claims asserted in the amended complaint were barred by the applicable statute of limitations, and the defendant subsequently filed a memorandum in support of that motion. R. pp. 38-48. The plaintiff filed a memorandum opposing the defendant's motion. R. pp. 49-53. Circuit Court Judge Jocelyn Newman heard the motion remotely on April 15, 2024. R. pp. 21-35. Judge Newman issued an order on May 9, 2024, granting the motion to dismiss. R. pp. 1-8.

On May 17, 2024, the plaintiff filed a motion for reconsideration, for relief from judgment, and to amend, alter, or modify the court's ruling. R. pp. 59-63. Judge Newman denied the plaintiff's motion for reconsideration in a Form 4 order filed December 3, 2025. R. pp. 9-11. The plaintiff, Appellant herein, timely filed this appeal.

STANDARD OF REVIEW

In an appeal from a dismissal pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, the appellate court applies the same standard of review as the trial court. *Charles Blanchard Constr. Corp. v. 480 King Street, LLC*, 447 S.C. 295, 299-300, 926 S.E.2d 235, 237 (2026); *Rydde v. Morris*, 381 S.C. 643, 646, 675 S.E.2d 431, 433 (2009); *South Carolina Coastal Conservation League, Inc. v. Charleston County*, 442 S.C. 409, 414, 899 S.E.2d 609, 612 (Ct.App. 2024).

The court must construe the complaint in the light most favorable to the plaintiff and determine if the facts alleged and the reasonably deducible inferences entitle the

plaintiff to relief on any theory of the case. *See Charles Blanchard*, 447 S.C. at 300, 926 S.E.2d at 237; *Rydde*, 381 S.C. at 646, 675 S.E.2d at 433; *TCC of Charleston, Inc. v. Concord & Cumberland, LLC*, 446 S.C. 202, 220, 918 S.E.2d 699, 709 (Ct.App. 2025). In doing so, the court must resolve every doubt in favor of the plaintiff. *See Thompson v. Killian*, 447 S.C. 177, 185-86, 924 S.E.2d 606, 610 (2025); *TCC of Charleston*, 446 S.C. at 220, 918 S.E.2d at 709; *Coastal Conservation League*, 442 S.C. at 414, 899 S.E.2d at 612.

Questions of law are reviewed *de novo*, without any deference to the court below. *See Charles Blanchard*, 447 S.C. at 300, 926 S.E.2d at 238; *Delaney v. First Fin. of Charleston, Inc.*, 426 S.C. 607, 611, 829 S.E.2d 249, 250-51 (2019); *Fabian v. Lindsay*, 410 S.C. 475, 482, 765 S.E.2d 132, 136 (2014). Interpretation of a statute is a question of law, reviewed *de novo*. *See Charles Blanchard*, 447 S.C. at 300, 926 S.E.2d at 238; *State v. Taylor*, 436 S.C. 28, 34, 870 S.E.2d 168, 171 (2022). Similarly, interpretation of a court rule is a question of law, reviewed *de novo*. *Wells v. Vetech, LLC*, 437 S.C. 428, 431, 879 S.E.2d 6, 7 (Ct.App. 2022); *Ex parte Travelers Home & Marine Ins. Co. v. Stringfellow*, 427 S.C. 238, 241, 830 S.E.2d 718, 720 (Ct.App. 2019).

ARGUMENT

THE CIRCUIT COURT ERRED IN FINDING THIS ACTION BARRED BY THE STATUTE OF LIMITATIONS AND IN FAILING TO FIND THE AMENDED COMPLAINT NAMING THE CORRECT DEFENDANT RELATED BACK TO THE DATE OF THE ORIGINAL PLEADING, PURSUANT TO RULE 15(c), SCRCP.

The facts from which this civil action arose are undisputed. The accident giving rise to the plaintiff's claim occurred April 30, 2021. R. p. 38 n.1. Aiden Sean Evans was a Richland County Sheriff's Deputy, on duty, responding to a call, driving a Richland

County Sheriff's Department patrol car, when his sheriff's vehicle collided with the vehicle driven by the plaintiff. R. p. 38 n.1. Evans was originally named as a party defendant and was served November 14, 2022. R. p. 54. Richland County was also originally named as a party defendant, and the Richland County Administrator, Leonardo Brown, was served November 15, 2022. R. p. 55. It is undisputed that filing and service of the original summons and complaint were completed within two years from the date of the accident.

A motion to dismiss was filed with respect to both the named defendants, four and a half months prior to the expiration of the two-year statute of limitations. That motion did not seek substitution of the correct defendant, Richland County Sheriff Leon Lott. Nothing further transpired until June of 2023, after the two-year limitations period had expired. Ahead of a hearing set for June 27, 2023, the parties agreed the plaintiff could amend the complaint to name Richland County Sheriff Leon Lott as the named defendant, in place of the defendants previously named, and the defendant could file a motion pursuant to Rule 12(b)(6), SCRCP. A consent order to that effect was filed July 18, and the amended complaint naming the correct defendant was filed the next day, July 19, 2023. Because the amended complaint was filed more than two years after the accident giving rise to the lawsuit, the substituted defendant, Sheriff Lott, moved to dismiss on statute of limitations grounds. The circuit court erred in granting that motion.

The Tort Claims Act provides for a two-year statute of limitations with respect to civil actions against governmental entities. *See* S.C. Code Ann. §§ 15-78-100(a), 15-78-110. An exception to the two-year statute of limitations applies where a verified claim is served within one year after the loss on the governmental entity that employed the person

whose actions give rise to the claim. *See* S.C. Code Ann. § 15-78-80. In such cases, a three-year period of limitations applies. *See* S.C. Code Ann. §§ 15-78-100(a), 15-78-110. Moreover, Rule 15 of the South Carolina Rules of Civil Procedure establishes that certain amendments to pleadings relate back to the date of the original pleading. *See* Rule 15(c), SCRCP. It is the applicability of Rule 15(c) that is at issue in this appeal.

The relevant part of Rule 15 provides:

> (c) **Relation Back of Amendments**. Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction or occurrence set forth or attempted to be set forth in the original pleadings, the amendment relates back to the date of the original pleading.
>
> An amendment changing the party against whom a claim is asserted relates back if the foregoing provision is satisfied and, within the period provided by law for commencing the action against him the party to be brought in by amendment (1) has received such notice of the institution of the action that he will not be prejudiced in maintaining his defense on the merits, and (2) knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against him.

See Rule 15(c), SCRCP. In this case, the requirements of Rule 15(c) were met, and the circuit court committed reversible error in finding the amendment of the complaint naming Richland County Sheriff Leon Lott as the defendant did not relate back to the date of the original pleading.

The circuit court misconstrued and misapplied Rule 15(c) governing relation back of amendments to pleadings. All the requirements of the Rule 15(c) were satisfied in this case. As to the first paragraph of Rule 15(c), it is undisputed that the claim set forth in the amended complaint arose out of the conduct, transaction, or occurrence set forth in the original complaint. The circuit court so held. R. p. 6. Contrary to the additional

findings set out in the circuit court's order, R. pp. 6-7, the remaining requirements contained in the second paragraph of Rule 15(c) are also satisfied.

Within the two-year period of the statute of limitations, the substituted defendant, Richland County Sheriff Leon Lott, had notice of the institution of the lawsuit through the personal service of the summons and complaint on his employee, Aiden Sean Evans. Sheriff Lott's attorney provided the legal representation of Sheriff Lott's employee Evans in the defense of this action: the same law firm that represented Evans at the outset of this action also represented Sheriff Lott after he was substituted as the defendant. It is entirely reasonable to infer that Sheriff Lott provided the representation of his employee by his own attorneys. Sheriff Lott would not have provided his employee's legal representation in this action if he did not have actual knowledge of the action filed against his employee. The facts and reasonable inferences in this case demonstrate that, within the two-year limitations period, (1) Sheriff Lott received such notice of the institution of the lawsuit that he will not be prejudiced in maintaining his defense on the merits, and (2) Sheriff Lott knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against him. The requirements of Rule 15(c) are met.

Another basis exists for finding the substituted defendant, Sheriff Lott, knew or should have known that, but for the mistake concerning the identity of the proper governmental party-defendant, the action would have been brought against him. Sheriff Lott's employee, Aiden Sean Evans, had actual knowledge of the lawsuit, through personal service, and had actual knowledge of the mistake as to the named governmental defendant, Richland County, who was not his employer. Sheriff Lott's own attorneys had

knowledge of the mistake in the identity of the proper governmental defendant and brought the motion to dismiss as to the incorrect governmental defendant, Richland County. The same law firm represented all the named defendants – the individual defendant, Evans; the incorrect governmental defendant, Richland County; and the proper defendant, Richland County Sheriff Leon Lott. Under these unique circumstances, it is reasonable to infer that Sheriff Lott knew or should have known of the mistake in the identity of the proper governmental defendant and that Sheriff Lott had such notice of the lawsuit that he will not be prejudiced in his defense.

Sheriff Lott's own attorney represented his employee, the individual defendant, Aiden Sean Evans. Sheriff Lott's attorney brought the motion to have his employee, the individual defendant Evans, dismissed. That motion was premised upon and specifically invoked S.C. Code Ann. § 15-78-70(c). R. p. 36, ¶ 1. Code Section 15-78-70(c) provides: "In the event that the employee is individually named, the agency or political subdivision for which the employee was acting ***must*** be substituted as the party defendant." *See* S.C. Code Ann. § 15-78-70(c) (emphasis added). Notwithstanding the mandate of the statute, the motion to dismiss filed by Sheriff Lott's attorney on behalf of Sheriff Lott's employee did ***not*** seek the mandatory substitution. R. pp. 36-37. Based on the clear language of the statute, Sheriff Lott should not be allowed to escape responsibility for answering this lawsuit, where ***his own attorney failed to pursue the statutorily mandated substitution***.

In support of Sheriff Lott's motion to dismiss, his attorneys cited authorities that hold substantial compliance with provisions of the Tort Claims Act is not sufficient, instead requiring strict compliance with the statutory requirements. R. p. 45. The circuit

court invoked the same principle and cited the same authorities in its order of dismissal. R. pp. 4-5. The strict compliance standard should apply with equal force to Sheriff Lott and his attorneys – they should be required to ***strictly comply*** with the mandate of Section 15-78-70(c) that, when the governmental employee is incorrectly named as the defendant, the governmental entity ***must be substituted*** for the employee as the party defendant.

The motion to dismiss with respect to the individual defendant, Evans, was filed four and a half months prior to the expiration of the two-year period of limitations. In that motion, had Sheriff Lott and his attorneys complied with the mandate of the statute and sought Sheriff Lott's substitution as the defendant, the plaintiff would have readily agreed and would have immediately filed such an amended complaint, well within the period of limitations. Indeed, when the consent order was filed allowing an amended complaint naming the correct defendant in July 2023, the plaintiff did exactly that – filing the amended complaint the very next day. R. pp. 12-14, 19-20. The only reasonable inference to be drawn is that, had the original motion to dismiss sought substitution of the correct defendant, Sheriff Lott, such substitution would have been accomplished immediately, well within the two-year limitations period.

Instead, Sheriff Lott and his attorneys sought only dismissal of defendant Evans and waited until after the two-year statute of limitations had expired before agreeing to substitution of Sheriff Lott as the defendant, then moved to dismiss on the grounds of the statute of limitations. R. pp. 12-14, 38-40. This is ***not*** the procedure or outcome contemplated by Section 15-78-70(c), the very provision of the Tort Claims Act invoked and relied upon in the original motion to dismiss the individual defendant, Evans. Had Sheriff Lott and his attorneys sought the remedy mandated by Section 15-78-70(c) when

his employee was named as the defendant – by moving for Sheriff Lott's ***substitution*** as the proper defendant in place of his employee – the bar of the statute of limitations would not have come into play. It is wholly inequitable to allow Sheriff Lott and his attorneys to accomplish an end run around the mandate of the statute, not seek the substitution required by the statute, delay, agree to substitution only after expiration of the limitations period, and then invoke the statute of limitations and thereby avoid answering for the actions of the Sheriff's employee and avoid potential accountability in damages upon a trial of the case. Under the unusual circumstances of this case, Sheriff Lott should be estopped to invoke the statute of limitations.

Our Supreme Court has clearly stated: "The purpose of Rule 15(c) is to salvage causes of action otherwise barred by the statute of limitations." *Thomas v. Grayson*, 318 S.C. 82, 88, 456 S.E.2d 377, 380 (1995). "The rule does not defeat the legitimate use of the statute of limitations. It, however, prevents the defendant from defeating the plaintiff's claim on a technicality in the pleading." *Id.*, 318 S.C. at 89, 456 S.E.2d at 380 (punctuation added). The civil procedure rules, and specifically Rule 15(c), "should be ***liberally construed***." *Hughes v. Water World Water Slide, Inc.*, 314 S.C. 211, 215, 442 S.E.2d 584, 586 (1994) (emphasis added). Under the liberal construction of Rule 15(c) demanded by our Supreme Court, Sheriff Lott should not be allowed to defeat the plaintiff's claim in this case, where his attorney sought dismissal of his employee without pursuing the substitution of the proper defendant required by the plain language of the statute: "the agency or political subdivision for which the employee was acting ***must*** be substituted as the party defendant." *See* S.C. Code Ann. § 15-78-70(c) (emphasis added).

Construing Rule 15(c) liberally, as our Supreme Court requires, the conditions of Rule 15(c) are satisfied, and the amended complaint naming Sheriff Lott as the defendant should be deemed to relate back to the date of the original pleading. However, even if the Court believes some aspect of Rule 15(c) is not technically satisfied, it should find Sheriff Lott is estopped to invoke the statute of limitations, under the unique circumstances of this case.

In various contexts, our courts have found a party to be equitably estopped to assert a statute of limitations defense and/or have deemed the statute of limitations to be equitably tolled, in the interests of justice, fairness, and equity. *See*, *e.g.*, *Hooper v. Ebenezer Senior Servs. & Rehabilitation Ctr.*, 386 S.C. 108, 687 S.E.2d 29 (2009); *Kleckley v. Northwestern Nat'l Cas. Co.*, 338 S.C. 131, 526 S.E.2d 218 (2000); *Carter v. State*, 337 S.C. 17, 522 S.E.2d 342 (1999); *Hopkins v. Floyd's Wholesale*, 299 S.C. 127, 382 S.E.2d 907 (1989); *Vicary v. Town of Awendaw*, 427 S.C. 48, 828 S.E.2d 229 (Ct.App. 2019); *Magnolia North Property Owners' Ass'n v. Heritage Communities, Inc.*, 397 S.C. 348, 725 S.E.2d 112 (Ct.App. 2012), *cert. dismissed as improvidently granted*, 414 S.C. 198, 777 S.E.2d 831 (2015). Similarly, in this case, applying principles of equity and fairness, Sheriff Lott should be estopped to claim the statute of limitations, through application of the doctrines of equitable estoppel and equitable tolling.

Both our Supreme Court and this Court have held:

> "The equitable power of a court is not bound by cast-iron rules but exists to do fairness and is flexible and adaptable to particular exigencies so that relief will be granted when, in view of all the circumstances, to deny it would permit one party to suffer a gross wrong at the hands of the other."

See Hooper, 386 S.C. at 116-17, 687 S.E.2d at 33 (citation omitted); *Magnolia North*

Property, 397 S.C. at 372, 725 S.E.2d at 125, *quoting Hooper*. In this case, the motion seeking dismissal of Sheriff Lott's employee without the required substitution of Sheriff Lott himself as the defendant, when the statute of limitations had not yet expired, creates a situation in which the equitable power of the court should intervene, in equity and fairness, to prevent the gross wrong of barring this action by the plaintiff. Under the circumstances of this case, whether through application of Rule 15(c) or the doctrines of equitable estoppel and equitable tolling, Sheriff Lott should be estopped to rely on the statute of limitations, and this action should be allowed to proceed to trial.

In its order granting the motion to dismiss, the circuit court made a serious error of law, repeating an assertion made in the defendant's motion to dismiss and supporting memorandum. R. pp. 6, 39, 47. The court's order incorrectly states: "For the amended pleadings to relate back the change must be made 'within the period provided by law for commencing the action against him.'" R. p. 6. This statement is not a correct explanation or interpretation of the language of Rule 15(c). Under the rule, what must occur within the period provided by law for commencing the action are the numbered factors set out in Rule 15(c), not the amendment itself. The "change" referred to in the above-quoted sentence of the court's order – the amendment itself – does not have to occur within the period of limitations. The court's conclusion is non-sensical. If an amendment to a pleading must occur within the period of limitations, no purpose would be served by having a relation-back provision in the civil procedure rules. The court's construction of Rule 15(c) renders it a nullity.

Among the cardinal rules of statutory construction, also applicable to construction of court rules, are these: the court will not construe a statute or rule in a way that leads to

an absurd result, or that gives the statute or rule a meaning that could not possibly have been intended by the legislature, or that renders the statute or rule meaningless; and the court must presume the legislature did not intend a futile act but instead intended its enactment to accomplish something. *See Florence County Democratic Party v. Florence County Republican Party*, 398 S.C. 124, 128, 727 S.E.2d 418, 420 (2012); *Denene, Inc. v. City of Charleston*, 352 S.C. 208, 212, 574 S.E.2d 196, 198 (2002); *Ex parte Travelers*, 427 S.C. at 243, 830 S.E.2d at 721. To hold that the amendment to the complaint had to occur within the two-year period of limitations, as the circuit court held in this case, contravenes these principles of statutory construction. The plain language of the rule contains no such requirement. Moreover, the purpose of the rule – to save amendments that occur after the expiration of the period of limitations by allowing the amendment to relate back to the time of the original filing – contradicts the circuit court's holding. The timing of the amendment to the complaint is not controlling. The specific requirements of Rule 15(c) were met within the time allowed for commencement of the action, and the amendment of the complaint after the expiration of that time period was proper. The amended complaint relates back to the original filing, which was filed and served well within the two-year period of limitations, and this action is not time barred.

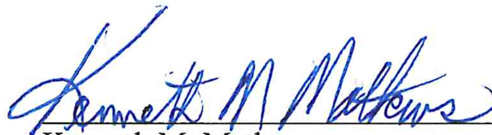
Another observation of the circuit court's order is misplaced under the circumstances of this case and has no bearing on the outcome. The order stated: "Knowledge of an accident does not lead to a showing of knowledge of a lawsuit." R. p. 7. While this statement may have validity in other contexts, it is not applicable to the particular facts of this case. Sheriff Lott's employee Evans had an accident in the course of his employment, in a vehicle owned by the Richland County Sheriff's Department, and

the only reasonable inference to be drawn is that Sheriff Lott had knowledge of that accident. Sheriff Lott's employee Evans was personally served with the lawsuit, and Sheriff Lott's employee Evans was represented in the lawsuit by Sheriff Lott's attorney. Under these circumstances, the only reasonable inference to be drawn is that Sheriff Lott knew of the lawsuit. All the requirements of Rule 15(c) are met. This Court should find the amendment relates back to the date of the original pleading and the statute of limitations does not bar the action of the plaintiff against Sheriff Lott in his official capacity.

CONCLUSION

This Court should reverse the dismissal order, find the action is not barred by the statute of limitations, and remand the case for trial.

Respectfully submitted,



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