

**RECEIVED****Jun 11 2026****SC Court of Appeals****FAX**

|              |            |
|--------------|------------|
| <b>Date:</b> | 06/11/2026 |
|--------------|------------|

|                              |    |
|------------------------------|----|
| Pages including cover sheet: | 18 |
|------------------------------|----|

|                  |                      |
|------------------|----------------------|
| <b>To:</b>       | 8037341839@rcfax.com |
|                  |                      |
|                  |                      |
|                  |                      |
|                  |                      |
|                  |                      |
|                  |                      |
| <b>Phone</b>     |                      |
| <b>Fax Phone</b> | +18037341839         |

|                  |                       |
|------------------|-----------------------|
| <b>From:</b>     | Lola Richey           |
|                  | Richey and Richey, PA |
|                  | 33 Market Point Drive |
|                  | Greenville            |
|                  | SC 29607              |
|                  |                       |
| <b>Phone</b>     | +18642528769X101      |
| <b>Fax Phone</b> | +18642528769          |

**NOTE:**

Stephanie Levette Cason, et al vs. Greenville City Police Department,  
et al Date of Loss: May 11, 2023

**RECEIVED**  
**Jun 11 2026**  
**SC Court of Appeals**

---

**Richey and  
Richey, P.A.  
Attorneys at Law**

33 Market Point Drive  
Greenville, South Carolina 29607

(864) 467-0503 Office  
(888) 882-4878 Toll-Free  
(864) 467-0646 Facsimile  
lawfirm@richeyandrichey.com Email

---

Workers' Compensation  
Personal Injury  
Criminal Law

June 11, 2026

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: *Stephanie Levette Cason, et al vs. Greenville City Police  
Department, et al*  
Date of Loss: May 11, 2023  
Civil Action Number: 2024CP2304676  
Location of Accident: Greenville County

Dear Ms. Kitchings:

Enclosed for filing is an Amended Notice of Appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the Notice of Appeal on the Respondent;
- (2) Copies of the June 5, 2026, Orders from the Court of Common Pleas which is to be challenged on appeal;
- (3) Proof of service of hearing transcript request; and
- (4) A filing fee of \$250.

If you should have any questions, please do not hesitate to contact our law office.

With best wishes and warmest regards, I am

Truly yours,

*Lola S. Richey*

Lola S. Richey  
Attorney at Law  
Enclosures

Copy:

Other Counsels of Record:

V. Clark Price, Attorney

Roni Payne, Attorney

Cassidy Coates Price

1052 North Church Street

Post Office Box 10529

Greenville, South Carolina 29603

EMAIL FOR SERVICE:

Clark Price [cprice@cassidycoates.com](mailto:cprice@cassidycoates.com)

Roni Payne [rpayne@cassidycoates.com](mailto:rpayne@cassidycoates.com)

Traci Larkins [tlarkins@cassidycoates.com](mailto:tlarkins@cassidycoates.com)

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )  
 )  
Stephanie Levette Cason, Individually )  
And as Personal Representative of the )  
Estate of J.D. Pitts-Johnson, a deceased )  
Minor and Rakeem Rashaud Johnson, )  
Father of J.D. Pitts-Johnson, the )  
Deceased Minor, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Greenville City Police Department, )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO. 2024-CP-23-04676

**RECEIVED**

**Jun 11 2026**

**SC Court of Appeals**

**ORDER DENYING PLAINTIFFS'  
MOTION FOR SUMMARY JUDGMENT**

This matter was before the Court on Plaintiff's Motion for Summary Judgment. The motion was heard on June 1, 2026. Appearing on behalf of the Plaintiffs was Lola S. Richey. Appearing on behalf of the Defendant were V. Clark Price and Roni Payne of Cassidy Coates Price, P.A.

Plaintiffs have moved for summary judgment as to all causes of action pending against the Defendant arising out of the death of the Plaintiff's decedent, J.D. Pitts-Johnson, on May 11, 2023 following a police pursuit by the Defendant's police officers. Plaintiffs have made their motion pursuant to Rule 56, South Carolina Rules of Civil Procedure, and generally assert that there is no genuine issue of material fact concerning the Defendant's liability.

The Defendant opposes the motion and contends that there are genuine issues of material fact that require the Plaintiff's motion be denied. Counsel for both parties have fully briefed their respective positions and argued those positions at the hearing. Counsel are commended for their

arguments presented in support of their respective positions. Based on a review of the file, pleadings, submissions of the parties and oral argument, the Court finds that the Plaintiff's motion should be denied.

Summary judgment is proper when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. In determining whether any triable issue of fact exists, the evidence and all inferences that can reasonably be drawn therefrom must be viewed in the light most favorable to the nonmoving party. All ambiguities, conclusions, and inferences arising from the evidence must be construed most strongly against the moving party. Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law. Even when there is no dispute as to evidentiary facts, but only as to the conclusions or inferences to be drawn from them, summary judgment should be denied. Summary judgment is a drastic remedy and should be cautiously invoked to ensure that a litigant is not improperly deprived of a trial on disputed factual issues. Singleton v. Sherer, 377 S.C. 185, 659 S.E.2d 196 (Ct. App. 2008).

The Defendant has moved for summary judgment as to the Plaintiff's Fifth and Sixth causes of action. That motion is considered in a separate order of the Court.

It is therefore, ORDERED that the Plaintiff's Motion for summary judgment as to all causes of action in the Amended Complaint be denied.

**AND IT IS SO ORDERED.**

---

G.D. Morgan, Jr., Judge  
Thirteenth Judicial Circuit

Greenville, South Carolina

**ELECTRONIC SIGNATURE PAGE TO FOLLOW**

ELECTRONICALLY FILED - 2026 Jun 05 12:39 PM - GREENVILLE - COMMON PLEAS - CASE#2024CP2304676



## Greenville Common Pleas

**Case Caption:** Stephanie Levette Cason , plaintiff, et al vs. Police Department  
Greenville City , defendant, et al

**Case Number:** 2024CP2304676

**Type:** Order/Summary Judgment

So Ordered

G.D. Morgan Jr.

Electronically signed on 2026-06-05 11:27:54 page 4 of 4

**RECEIVED****Jun 11 2026****SC Court of Appeals**

## NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA  
In The Court of AppealsAPPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

G.D. Morgan, Jr., Circuit Court Judge

Civil Action No. 2024-CP-23-04676

Stephanie Levette Cason, Individually and as  
Personal Representative of the Estate of  
J. D. Pitts-Johnson, a Deceased Minor, and  
Rakeem Rashaud Johnson, father of  
J.D. Pitts-Johnson, the Deceased Minor, Appellants,

vs.

Greenville City Police Department, Respondent.

## NOTICE OF APPEAL

The Appellants, Stephanie Levette Cason, Individually and as Personal Representative of the Estate of J. D. Pitts-Johnson, a Deceased Minor, Rakeem Rashaud Johnson, father of J.D. Pitts-Johnson, the Deceased Minor, hereby file this appeal to appeal the improper ORDER GRANTING DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT and improper ORDER DENYING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT of Judge G.D. Morgan, Jr. dated June 5, 2026 on a legal issue and question of law.



Date: Thursday, June 11, 2026

Respectfully submitted,  
s/ Lola Stradford Richey  
Lola Stradford Richey  
South Carolina Bar Number: 8931  
RICHEY and RICHEY, PA  
Post Office Box 10916  
Greenville, South Carolina 29603  
(864) 467-0503 (Office)  
(864) 467-0646 (Facsimile)  
lawfirm@richeyandrichey.com  
Attorney for the Plaintiff / Appellant

Other Counsels of Record:

V. Clark Price, Attorney

Roni Payne, Attorney

Cassidy Coates Price

1052 North Church Street

Post Office Box 10529

Greenville, South Carolina 29603

EMAIL FOR SERVICE:

Clark Price cprice@cassidycoates.com

Roni Payne rpayne@cassidycoates.com

Traci Larkins tlarkins@cassidycoates.com

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )  
 )  
Stephanie Levette Cason, Individually )  
And as Personal Representative of the )  
Estate of J.D. Pitts-Johnson, a deceased )  
Minor and Rakeem Rashaud Johnson, )  
Father of J.D. Pitts-Johnson, the )  
Deceased Minor, )  
 )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Greenville City Police Department, )  
 )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO. 2024-CP-23-04676

**RECEIVED**

**Jun 11 2026**

**SC Court of Appeals**

**ORDER GRANTING DEFENDANT’S**

**MOTION FOR PARTIAL**

**SUMMARY JUDGMENT**

This matter was before the Court on Defendant’s Motion for Partial Summary Judgment. The motion was heard on June 1, 2026. Appearing on behalf of the Defendant were V. Clark Price and Roni Payne of Cassidy Coates Price, P.A. Appearing on behalf of the Plaintiffs was Lola S. Richey.

The Defendant has moved for summary judgment as to the Fifth and Sixth causes of action. The motion is made pursuant to Rule 56, South Carolina Rules of Civil Procedure.

The Plaintiffs oppose the motion and contend that there are genuine issues of material fact that require the Defendant’s motion be denied. Counsel for both parties have fully briefed their respective positions and argued those positions at the hearing. Counsel are commended for their arguments presented in support of their respective positions. Based on a review of the file, pleadings, submissions of the parties and oral argument, the Court finds that the Defendant’s motion for summary judgment as to the Fifth and Sixth causes of action should be granted.

The Defendant argues that the Fifth Cause of Action, which alleges negligent infliction of emotional distress, should be dismissed because neither of the Plaintiffs personally witnessed the pursuit and the crash that occurred after the pursuit was terminated by the Defendant's police officers. The Court agrees with the City's position.

There are five elements of the cause of action for negligent infliction of emotional distress:

- (1) the negligence of the defendant must cause death or serious physical injury to another;
- (2) the plaintiff bystander must be in close proximity to the accident;
- (3) the plaintiff and the victim must be closely related;
- (4) the plaintiff must contemporaneously perceive the accident; and
- (5) the emotional distress must both manifest itself by physical symptoms capable of objective diagnosis and be established by expert testimony.

Recovery for this type of direct claim for emotional and physical upset is limited to bystander recovery. Kinard v. Augusta Sash & Door Co., 286 S.C. 579, 336 S.E.2d 465 (1985).

There is no evidence that either Plaintiff was a bystander and present when the stolen vehicle in which Plaintiff's decedent J. D. Pitts-Johnson was a passenger crashed. Neither witnessed the crash. The bystander requirement is not met, and the Defendant is therefore entitled to summary judgment as to the Fifth Cause of Action.

The Defendant contends that it is entitled to summary judgment as to the Sixth cause of action which the Plaintiffs describe in their Amended Complaint as "Violation of the Fourteenth Amendment under 42 U.S.C. §1983 (Deprivation of life without due process)." The Plaintiffs contend that the Defendant is liable for the actions of their officers under the doctrine of Respondeat Superior, and for failing to adequately train, supervise, and discipline their officers. The Defendant has moved for summary judgment on this cause of action because the Plaintiffs

have not alleged nor presented evidence showing that the Defendant or its officers acted during the pursuit with an intent to harm the occupants of the stolen vehicle. The Defendant contends that a showing of intent to harm is required to establish a Monell-type claim against the City arising from the police pursuit. The Court agrees with the Defendant's position.

In Monell v. Dep't of Social Services, 436 U.S. 658 (1978), The United States Supreme Court established that "a local government may not be sued under Section 1983 for an injury inflicted solely by its employees or agents. Instead, it is when execution of a government's policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, inflicts the injury that the government as an entity is responsible for under Section 1983."

A Monell claim is dependent on the establishment of a constitutional injury inflicted by the officers in order to trigger potential liability under Section 1983. The claim against the Defendant requires a showing that the actions of the Defendant's officers during the course of the pursuit rose to the level of a denial of Plaintiffs' constitutional rights. See Waybright v. Frederick County, MD, 528 F.3d 199, at 209, citing City of Los Angeles v. Heller, 475 U.S. 796, 106 S.Ct. 1571, 89 L.Ed.2d 806 (1986).

In a police pursuit case brought under Section 1983, the proof required to survive summary judgment must be more than evidence of negligence, gross negligence, recklessness, or even deliberate indifference on the part of the officers involved in the pursuit. Evidence that the officers intended to harm the Plaintiffs' decedent must be shown in order to establish an issue of fact as to whether a constitutional injury was inflicted. The Plaintiffs do not have evidence of intent to harm here.

Police officers who engage in vehicular pursuits of criminals attempting to avoid capture are not liable for injuries sustained during the pursuit in the absence of a specific intent on the part of the officers to harm the person suffering injury. This standard was established by the United States Supreme Court in the case of County of Sacramento v. Lewis, 523 U.S. 833, at 841 n.5, 118 S.Ct. 1708, 140 L.Ed.2d 1043 (1998). In Lewis, the Supreme Court examined whether a police officer violates the Fourteenth Amendment's guarantee of substantive due process by causing death through deliberate indifference or reckless indifference to life in a high-speed automobile chase aimed at apprehending a suspected criminal offender. The Court rejected the plaintiff's substantive due process claim where police engaged in a high-speed chase of a motorcycle on which the plaintiff's minor decedent was riding as a passenger. The motorcycle crashed, and the decedent was struck by one of the pursuing patrol cars. The decedent's parents brought a Section 1983 action against the County of Sacramento.

The Supreme Court held that the Fourth Amendment's reasonableness standard did not apply; that an allegation that the pursuit was undertaken with deliberate indifference to the passenger's survival was insufficient to state a substantive due process claim; and that high-speed police pursuits with no intent to physically harm suspects do not give rise to liability under the Fourteenth Amendment.

The Fourth Circuit, following the holding in Lewis, has established that "regarding police actions, 'high-speed chases with no intent to harm suspects physically or to worsen their legal plight do not give rise to liability under the Fourteenth Amendment [that is] redressible by an action under Section 1983'". Dean for and on behalf of Harkness v. McKinney, 976 F.3d 407, at 418 (4<sup>th</sup> Cir. 2020), quoting Lewis, 523 U.S. 833, at 854, 118 S.Ct. 1708, 140 L.Ed.2d 1043 (1998).

Because there is no evidence that the Defendant's police officers intended to harm the Plaintiff's decedent, the Defendant is not liable as a matter of law as to the Monell cause of action. See Waybright, supra, 528 F.3d 199, at 209.

For the reasons set forth herein, the Court finds that the Defendant is entitled to summary judgment as to both the Fifth and Sixth Causes of Action.

**AND IT IS SO ORDERED.**

---

G.D. Morgan, Jr., Judge  
Thirteenth Judicial Circuit

Greenville, South Carolina

**ELECTRONIC SIGNATURE PAGE TO FOLLOW**



## Greenville Common Pleas

**Case Caption:** Stephanie Levette Cason , plaintiff, et al vs. Police Department  
Greenville City , defendant, et al

**Case Number:** 2024CP2304676

**Type:** Order/Summary Judgment

So Ordered

G.D. Morgan Jr.

Electronically signed on 2026-06-05 11:16:34 page 6 of 6



Lola Richey <lawfirm@richeyandrichey.com>

From: Lola Richey

Fax: +18642528769

To: 8037341839@rcfax.com

Fax: +18037341839

Page: 16 of 18

06/11/2026 1:24 PM

RECEIVED

Jun 11 2026

SC Court of Appeals

Transcript Request for Docket Number 2024CP2304676

1 message

Transcripts@sccourts.org <Transcripts@sccourts.org>  
To: lawfirm@richeyandrichey.com

Thu, Jun 11, 2026 at 1:13 PM

Greetings,

Please accept this email and the **summarized Transcript Request shown below** as confirmation that the online transcript request that you submitted has been received by our office. You should receive communication from a transcriptionist within five (5) business days with an estimated cost for production.

If you need further assistance, please contact us at transcripts@sccourts.org.

Regards,

Court Administration

Summarized Transcript Request ID(s): **1261103908**

Requester Information:

**Name:** Lola Richey  
**Entity:** Law Firm Richey and Richey PA  
**Phone Number:** (864) 467-0503  
**Email:** lawfirm@richeyandrichey.com  
**Address:** Post Office Box 10916 Greenville, SC 29603  
**Is the requester a party on the case?** Yes Stephanie Levette Cason, et al vs. Greenville City Police Department, et al Civil Action Number: 2024CP2304676  
**Does the requester represent a party?** No

Transcript Information:

**Docket Number:** 2024CP2304676  
**Court Type:** Circuit  
**County:** Greenville  
**Case Caption:** Cason, Stephanie Levette vs Police Department Greenv  
**Appeal Pending?** Court of Appeals  
**Death Penalty?** No  
**Start Date of Proceeding:** 6/1/2026  
**End Date of Proceeding:** 6/1/2026  
**Presiding Judge:** Morgan Jr., G. D.  
**Court reporter daily assignments:**  
**6/1/2026 (Monday):** WebEx, Circuit Court  
**Opposing Counsel and/or other parties information:**  
(Attorney) Vincent Clark Price  
(email): cprice@cassidycoates.com  
(Defendant) Police Department Greenv  
(email): cprice@cassidycoates.com  
(Plaintiff) Stephanie Levette Cason  
(email): scason42@gmail.com  
(Plaintiff Attorney) Lola Stradford Richey  
(email): lawfirm@richeyandrichey.com  
**Next hearing date:** *Date not entered*  
**Portion of proceeding to be transcribed:** Entire Hearing

Delivery Information:

**Delivery Timeframe:** Regular Delivery (60 days)  
**Delivery Method:** PDF/Email  
**Delivery Timeframe:** Private/Self  
~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.



**RECEIVED**  
**Jun 11 2026**  
**SC Court of Appeals**

**PROOF OF SERVICE OF  
NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

G.D. Morgan, Jr., Circuit Court Judge

Civil Action No. 2024-CP-23-04676

Stephanie Levette Cason, Individually and as  
Personal Representative of the Estate of  
J. D. Pitts-Johnson, a Deceased Minor, and  
Rakeem Rashaud Johnson, father of  
J.D. Pitts-Johnson, the Deceased Minor, Appellants,

vs.

Greenville City Police Department, Respondent.

**PROOF OF SERVICE**

I certify that our law office has served the Notice of Appeal on the counsels of record via  
email on Thursday, June 11, 2026, addressed to the legal counsel of record as follows:

Clark Price [cprice@cassidycoates.com](mailto:cprice@cassidycoates.com)

Roni Payne [rpayne@cassidycoates.com](mailto:rpayne@cassidycoates.com)

Traci Larkins [tlarkins@cassidycoates.com](mailto:tlarkins@cassidycoates.com)

Respectfully submitted,

By: s/ *Lola Stradford Richey*

Lola Stradford Richey  
South Carolina Bar Number: 8931  
RICHEY and RICHEY, PA  
Attorney for the Appellant  
Post Office Box 10916  
Greenville, South Carolina 29603  
(864) 467-0503 (Office)  
(864) 467-0646 (Facsimile)  
[lawfirm@richeyandrichey.com](mailto:lawfirm@richeyandrichey.com)  
South Carolina Bar Number: 8931

Dated: Thursday, June 11, 2026