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FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP4005875

James Brown, III
PLAINTIFF(S)

Richland County Recreation Commission et al
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:

On April 6, 2026, an in-person hearing was held on Defendant's Motion for Summary Judgment. Phoebe Clark, Esq. argued on behalf of Plaintiff, and Eugene Matthews, Esq. argued on behalf of Defendant. The matter was taken under advisement.

Pursuant to SCRCP 56, a Motion for Summary Judgment will be granted where, when viewed in the light most favorable to the non-moving party, the Court finds there is no genuine issue of material fact. Upon such a finding, the moving party is entitled to a judgment as a matter of law. The Court is persuaded by the Defendants oral and written arguments in this matter including that the Plaintiff's claims are barred by the statute of limitations, workers' compensation exclusivity or collateral estoppel.

As such, the Defendant's Motion for Summary Judgment on each claim is GRANTED. If a more formal order is necessary, the prevailing party should submit a proposed order within 10 days in accordance with Rule 5(b)(3).

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 05/19/2026 .

RECEIVED
SEP 09 2026
SC Court of Appeals

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.

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Richland Common Pleas

Case Caption:	James Brown III vs Richland County Recreation Commission , defendant, et al
Case Number:	2023CP4005875
Type:	Order/Electronic Form 4

So Ordered

s/Christopher D. Taylor (#2795)

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
James Brown, III, Plaintiff, v. Richland County Recreation Commission, Thomas Clark, Lakita Watson, Kenya Bryant, Andrea Fripp James, Tiyana Henley, Taurus Lewis and Anthony Cooper, in their official and individual capacities, Defendants.	Civil Action No: 2023-CP-40-05875 **ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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THIS MATTER came before this Court on April 6, 2026, on the Motion for Summary Judgment of Defendants Richland County Recreation Commission (hereinafter "RCRC"), and Thomas Clark, Lakita Watson, Kenya Bryant, Andrea Fripp James, Tiyana Henley, Taurus Lewis and Anthony Cooper, in their official and individual capacities (hereinafter the "Individual Defendants" and collectively with RCRC the "Defendants"), pursuant to Rule 56, SCRCP.

All parties have had the opportunity to be heard at oral argument and to file supplemental exhibits and authorities.

For the reasons set forth below, I hereby find that the Motion for Summary Judgment of Defendants is GRANTED as to each of Plaintiff's claims which are hereby DISMISSED WITH PREJUDICE.

FACTUAL BACKGROUND

Plaintiff James Brown, III (hereinafter "Plaintiff" or "Brown") was formerly the Executive Director of RCRC, in either an acting or full-time capacity, from 2009 to 2016. Brown left his position effective October 14, 2016, following his criminal indictment for Misconduct in Office, related to his alleged abuse of office for allegedly engaging in gross sexual misconduct, some of which he has admitted.

While Brown was still serving as RCRC's Executive Director, he was the subject of numerous allegations of sexual misconduct. In late 2015 and early 2016, attorney Linda Pearce Edwards of the Gignilliat, Savitz and Bettis law firm conducted an investigation into Brown's alleged sexual misconduct. Four women, including Andrea Fripp James, alleged that Brown had demanded sex from them. Some employees stated that Brown regularly used sexually vulgar language in the workplace. Edwards's report also noted that RCRC employees stated that Brown "[r]eminds employees he has a Concealed Weapons Permit" and that he "[c]arries a weapon in his RCRC vehicle."

Additionally, Edwards's report included several examples of Brown engaging in retaliatory behavior. For instance, the report noted that "[a]lmost every employee interviewed believes Mr. Brown demoted, transferred, terminated, or found some way to get rid of the three employees he believed wrote the anonymous letters [complaining about him] to the Commissioners in August 2014."

While Brown denied most allegations involving his sexual misconduct at RCRC, he readily admitted that he engaged in a long-term sexual affair with a Human Resources Manager at RCRC – Erica Smalls – that lasted several years while he was Executive Director.

In addition, in October 2016, Brown also allegedly intimidated witness Tiyana Henley following his arrest. He was charged with witness intimidation, and his federal lawsuit for "malicious prosecution" based on that interaction and arrest has recently been dismissed by the U.S. District Court. *Brown v. Lott*, No. CV 3:24-7-SAL-SVH, 2025 WL 1654809, at *12 (D.S.C.

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Feb. 27, 2025), *report and recommendation adopted,* No. 3:24-CV-00007-SAL, 2025 WL 1482414 (D.S.C. May 23, 2025), *aff'd*, 2026 WL 1146874 (4th Cir. Apr. 28, 2026) (finding of probable cause defeats Plaintiff's malicious prosecution claim asserted against Henley).

Plaintiff was not tried on the initial charge until 2021, and was found "not guilty" on November 4, 2021. Thereafter, the Office of the South Carolina Attorney General decided not to pursue remaining charges against Brown, including the charge for intimidation of a witness.

Thereafter, on December 16, 2021, the South Carolina Ethics Commission held a hearing regarding several ethics complaints filed against Plaintiff for "knowingly using his official position to obtain an economic interest for a family member" and for participating "in an action relating to the discipline of a family member."[1] Following the hearing, the Ethics Commission found Plaintiff guilty of several violations of the South Carolina Ethics Act, and assessed him penalties and fees of $35,750. After the Commission rejected Plaintiff's appeal of this Order on March 24, 2023, Plaintiff continued to refuse to pay the penalties and fees, such that the Commission filed the Order and received a Judgment from the Court of Common Pleas on April 15, 2024. Plaintiff is no longer appealing the findings of the Ethics Commission, and he asserts that he is paying the fine.

PLAINTIFF'S COMPLAINT

Plaintiff has brought five (5) separate causes of action in this matter. As a practical matter, almost all of these claims are barred by the applicable statute of limitations. For the reasons detailed below, these claims should be dismissed with prejudice.

1. **Malicious Prosecution**. Plaintiff has alleged that the Defendants made false allegations of misconduct against him, which "caused the indictment detainer arrest and criminal

[1] Defendants Cooper, Lewis, Fripp-James, and Bryant filed these complaints with the State Ethics Commission against Plaintiff in 2016.

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proceedings" to be instituted against him. As a practical matter, this claim must now be dismissed on grounds of collateral estoppel based on the decision of the U.S. District Court, and because Plaintiff is estopped from demonstrating that there was no probable cause to support his arrest.

2. **Civil Conspiracy**. Plaintiff has alleged that the Individual Defendants conspired to harm him, but never references any specific action taken by any of the Individual Defendants as evidence of the alleged conspiracy. Furthermore, because Plaintiff has failed to make any specific allegations regarding "additional acts" taken by the Individual Defendants in support of the alleged conspiracy, Plaintiff cannot even set forth allegations required to support the basic elements of such a claim.

3. **Defamation**. Plaintiff fails to identify any specific defamatory assertion by any of the Defendants, and certainly not one that any of the Defendants made within the two-year statute of limitations. Further, Plaintiff fails utterly to acknowledge that he was, and still remains, a "public official" for purposes of defamation. Plaintiff also alleges that the Individual Defendants made these supposed statements while acting within the course of scope of their employment with RCRC, meaning they cannot be proper parties under the S.C. Tort Claims Act.

4. **Negligent Hiring, Training, and Supervision (as to Defendant RCRC)**. Not only has Plaintiff failed to produce any evidence supporting these allegations, this claim is barred by the doctrine of workers' compensation exclusivity and by the S.C Tort Claims Act.

5. **Negligence (as to Defendant RCRC)**. Similarly, this claim is not only barred by Plaintiff's abject failure to produce any evidence supporting these allegations, this claim is also barred by the doctrine of workers' compensation exclusivity and by the S.C. Tort Claims Act.

For these reasons, as well as the reasons set forth below, each of these claims should be dismissed with prejudice.

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Legal Standard

"Summary judgment is appropriate when there is no genuine issue of material fact such that the moving party must prevail as a matter of law." Rule 56, SCRCP; *Savannah Bank, N.A. v. Stalliard*, 400 S.C. 246, 250, 734 S.E.2d 161, 164 (2012) (citing *Fleming v. Rose*, 350 S.C. 488, 493, 567 S.E.2d 857, 860 (2002)); *David v. McLeod Reg'l Med. Ctr.*, 367 S.C. 242, 250, 626 S.E.2d 1, 5 (2006). Summary Judgment under Rule 56, SCRCP, is appropriate when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." *Gecy v. S.C. Bank & Tr.*, 422 S.C. 509, 516, 812 S.E.2d 750, 754 (S.C. App. 2018). As stated in *Kitchen Planners, LLC v. Friedman*, 440 S.C. 456, 892 S.E.2d 297 (2023):

> We now clarify that the "mere scintilla" standard does not apply under Rule 56(c). Rather, the proper standard is the "genuine issue of material fact" standard set forth in the text of the Rule. As we stated in *Town of Hollywood v. Floyd*, "it is not sufficient for a party to create an inference that is not reasonable or an issue of fact that is not genuine." 403 S.C. at 477, 744 S.E.2d at 166.

440 S.C. at 463-64, 892 S.E.2d at 301.

Decision and Order

I. Plaintiff's First Cause of Action for "Malicious Prosecution" Fails Because Plaintiff Cannot Set Forth the Requisite Elements of Such a Claim, and Because It Is Barred by Collateral Estoppel.

Plaintiff's claim for malicious prosecution is based on his indictment for Misconduct in Office. To maintain an action for malicious prosecution, a plaintiff must establish: (1) the institution or continuation of original judicial proceedings; (2) by or at the instance of the defendant; (3) termination of such proceedings in [the] plaintiff's favor; (4) malice in instituting such proceedings; (5) lack of probable cause; and (6) resulting injury or damage. *Law v. S.C. Dep't*

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of Corr., 368 S.C. 424, 435, 629 S.E.2d 642, 648 (2006). "An action for malicious prosecution fails if the plaintiff cannot prove each of the required elements by a preponderance of the evidence, including malice and lack of probable cause." *Pallares v. Seinar*, 407 S.C. 359, 366, 756 S.E.2d 128, 131 (2014).

> [W]e find punishing an individual who mistakenly identifies a criminal suspect or unwittingly provides what is later discovered to be incorrect information in a criminal investigation serves no purpose. *See Jones v. Autry*, 105 F.Supp.2d 559, 561 (S.D. Miss. 2000) (noting "the law allows wide latitude for honest action" by parties who assist law enforcement); *Shires v. Cobb*, 271 Or. 769, 534 P.2d 188, 189 (1975) ("[P]ublic policy will protect the victim of a crime who, in good faith and without malice, identifies another as the perpetrator of the crime, although that identification may, in fact, be mistaken.").

Huffman v. Sunshine Recycling, LLC, 426 S.C. 262, 274–75, 826 S.E.2d 609, 616 (2019).

More recently, appellate courts in South Carolina addressed this issue in *Carter v. Bryant*, 429 S.C. 298, 838 S.E.2d 523 (S.C. App. 2020), where the Court of Appeals reversed a trial court's denial of the defendant's JNOV concerning malicious prosecution.

> In assessing whether probable cause existed, we must view things as they appeared to the officers arriving at this chaotic scene. It is an inquiry guided by common sense, and one that acknowledges human conflict is messy and tense encounters can produce differing perspectives on what happened. Recognizing that lack of clarity, at the warrant stage the law does not demand certainty, clear and convincing proof, proof beyond a reasonable doubt, or even proof by the greater weight of the evidence. Instead, the law insists on something less, but something more than reasonable suspicion: it demands a "fair probability."

429 S.C. at 315, 838 S.E.2d at 532. The court also noted that "in deciding whether there was insufficient evidence of probable cause to support Carter's malicious prosecution claim, we are free to venture beyond the borders of the warrant and consider the record." *Id.* at 317, 838 S.E.2d at 533.

In this matter, Plaintiff's malicious prosecution claim fails because he cannot, as a matter of law, establish that there was a lack of probable cause to support his indictment. Plaintiff does not appear to understand at all the significance of the Richland County Grand Jury's issuing a "true bill" concerning his indictment for Misconduct in Office. South Carolina has long embraced the rule that a true bill of indictment is *prima facie* evidence of probable cause in an action for malicious prosecution. *Law v. S.C. Dep't of Corr.*, 368 S.C. 424, 436, 629 S.E.2d 642, 649 (2006). Further, in determining the existence of probable cause, the facts must be "regarded from the point of view of the party prosecuting; the question is not what the actual facts were, but what he honestly believed them to be." *Id.* In light of the evidence set forth above, and especially in light of the decision of the Richland County Grand Jury finding probable cause for the indictment, as a matter of law, Plaintiff cannot establish lack of probable cause, and his malicious prosecution claim must fail. *McBride v. Sch. Dist. of Greenville Cnty.*, 389 S.C. 546, 567, 698 S.E.2d 845, 856 (S.C. App. 2010) ("[T]he grand jury's true bill of the indictment against her for contributing to the delinquency of a minor is prima facie evidence of probable cause as to that charge.").

Indeed, Plaintiff has admitted that the Grand Jury had to find probable cause in order to issue the indictment:

> Q. Okay. Do you understand that your – the Indictment against you was issued by the Grand Jury?
> A. True.
> Q. Okay. Do you understand that the Grand Jury would have to find probable cause of the alleged offense in order to issue the Indictment?
> A. True.
> Q. Okay. And is it your understanding that this Indictment covered your alleged sexual misconduct with regard to Ms. Henley and Ms. Fripp and Ms. Blanding?
> A. Yes.

Plaintiff also acknowledged that this indictment, and the trial that followed, was the only "criminal proceeding" referenced in his malicious prosecution claim.

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Under South Carolina law and Plaintiff's own admissions, the Grand Jury's indictment is *prima facie* evidence of probable cause in an action for malicious prosecution. For this reason alone, Plaintiff's malicious prosecution claim must be dismissed.

To the extent that Plaintiff also intends to rely on his arrest for witness intimidation based on his confrontation with Tiyana Henley, it is barred by collateral estoppel. Plaintiff has already attempted to litigate that matter in federal court, and lost.

> The crux of this case centers on events that occurred the next day, October 14, 2016. That morning, Brown visited the Tennis Complex on RCRC property and allegedly confronted Henley, a cooperating witness. Afterward, he was stopped by Officer Cowan. Information from Henley's account of the incident formed the basis for Brown's arrest warrant and subsequent prosecution on a charge of witness intimidation—a charge that was later dismissed. Brown alleges that his arrest and prosecution were unlawful.

Brown, 2025 WL 1482414, at *2. In finding that Plaintiff's malicious prosecution claim against Henley failed as a matter of law, the Court found that "the finding of probable cause defeats Plaintiff's Fourth Amendment malicious prosecution claim asserted against Henley, as well." 2025 WL 1654809, at *12.

"*Res judicata* bars relitigation of the same cause of action while collateral estoppel bars relitigation of the same facts or issues necessarily determined in the former proceeding." *Pye v. Aycock*, 325 S.C. 426, 436, 480 S.E.2d 455, 460 (S.C. App. 1997). The doctrine of collateral estoppel precludes a party from relitigating an issue decided in prior litigation, regardless of whether the claims in the prior and instant litigation are the same. *Carolina Renewal, Inc. v. S.C. Dep't of Transp.*, 385 S.C. 550, 554-55, 684 S.E.2d 779, 782 (S.C. App. 2009). For collateral estoppel to apply, it must be shown that the issue "was: (1) actually litigated in the prior action; (2) directly determined in the prior action; (3) necessary to support the prior judgment." *Id.* (citing *Beall v. Doe*, 281 S.C. 363, 369 n.1, 315 S.E.2d 186, 189-90 n.1 (S.C. App. 1984)). "The doctrine of collateral estoppel is intended to reduce litigation and conserve the resources of the court and litigants and it is based upon the notion that it is unfair to permit a party to relitigate an issue that has already been decided." *State v. Bacote*, 331 S.C. 328, 331, 503 S.E.2d 161, 163 (1998). "Since it is grounded upon concepts of fairness, it should not be rigidly or mechanically applied." *Id.*; *Hughes on behalf of Est. of Hughes v. Bank of Am. Nat'l Ass'n*, 442 S.C. 113, 134, 898 S.E.2d 102, 113 (2024) (federal court's ruling on the equitable tolling issue precludes this issue from being relitigated in state court). Here, a U.S. District Court has already determined that there was probable cause to support the charge of witness intimidation against Brown. For that reason alone, collateral estoppel applies.

Finally, there is no evidence in the record showing the indictment was procured through fraud, perjury, or other undue means. It is well-settled that the return of an indictment by the grand jury "infers prima facie probable cause for the prosecution, ... which, of course may be rebutted by proof of false or fraudulent testimony before the grand jury." *White v. Coleman,* 277 F.Supp. 292, 297 (D.S.C.1967); *Lancaster v. Williams*, 2010 WL 2571873, at *4 (D.S.C. June 21, 2010) (applying South Carolina law); *Law v. S.C. Dep't of Corr.,* 368 S.C. 424, 436, 629 S.E.2d 642, 649 (2006). Specifically, in order to show that the Grand Jury's True Bill of Indictment was tainted by "fraud, perjury, or other undue means," a would-be plaintiff must present evidence that the "grand jury's deliberations were tainted by the actions of the defendant." *Martin v. Lott*, 2010 WL 547175, at *5 (D.S.C. Feb. 9, 2010), *amended in part,* 2010 WL 597209 (D.S.C. Feb. 16, 2010), and *aff'd*, 407 F. App'x 761 (4th Cir. 2011); *Scott v. Town of Kingstree*, 2018 WL 4519344, at *4 (D.S.C. May 11, 2018) ("Plaintiff has offered no evidence to support a finding by this Court that a genuine issue of fact exists that the Grand Jury deliberations in this case were "tainted by the

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actions of the Defendant." He simply points out that this exception exists."). Plaintiff has made no such showing here.

For these reasons, Plaintiff's First Cause of Action should be dismissed.

II. PLAINTIFF'S SECOND CAUSE OF ACTION FOR "CIVIL CONSPIRACY" MUST BE DISMISSED BECAUSE (1) IT IS BARRED BY THE STATUTE OF LIMITATIONS, (2) IT IS BARRED BY THE LACK OF "ADDITIONAL ACTS" IN SUPPORT OF THE CLAIM, AND (3) PLAINTIFF HAS FAILED TO PRODUCE ADMISSIBLE EVIDENCE SUPPORTING THE CLAIM'S ELEMENTS.

Plaintiff's Second Cause of Action is a "civil conspiracy" claim and is apparently pled against all individual defendants named in this action (Clark, Watson, Bryant, Fripp, Henley, Lewis, and Cooper) for allegedly conspiring to "harass and ostracize the Plaintiff in an effort to harm him, his position with RCRC, his future employment, his freedom and his reputation and standing within the community." For the reasons listed below, Plaintiff's civil conspiracy claim must be dismissed.

A. PLAINTIFF'S CIVIL CONSPIRACY CLAIM IS BARRED BY THE APPLICABLE STATUTE OF LIMITATIONS.

A plaintiff asserting a civil conspiracy claim must establish (1) the combination or agreement of two or more persons, (2) to commit an unlawful act or a lawful act by unlawful means,[2] (3) together with the commission of an overt act in furtherance of the agreement, and (4)

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[2] In Justice Kittredge's concurrence in *Paradis*, he explained that "[i]t is the second element – to commit an *unlawful act* or a lawful act by *unlawful means* – that restores an objective legal standard to this cause of action. When the appellate courts of this state approved of an analytical framework that allowed one's personal sense of fairness and right and wrong to be sufficient for a civil conspiracy claim, we created a rudderless cause of action. Justice Few correctly observes that the post-*Todd* sanctioned civil conspiracy claim 'permit[ted] the court and jury to impose liability for lawful, non-tortious conduct based on a court or juror's sense of fairness or responsibility.' I do not construe Justice Few's concurrence as 'abolishing' civil conspiracy. Rather, by restoring the traditional elements of a civil conspiracy claim and overruling *Todd*'s so-called special damages pleading requirement, this Court returns civil conspiracy to its historical roots." *Paradis*, 433 S.C. at 578, 861 S.E.2d at 782.

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damages proximately resulting to the plaintiff. *Paradis v. CCSD*, 433 S.C. 562, 574, 861 S.E.2d 774, 780 (2021) (abolishing the requirement that a plaintiff must plead "special damages" as part of a civil conspiracy claim).

Under South Carolina law, actions for civil conspiracy are subject to a three-year statute of limitations. S.C. Code Ann. § 15-3-530(5). The standard as to when the limitations period begins to run is objective, not subjective. Therefore, the limitations period begins to run when a person could or should have known, through the exercise of reasonable diligence, that a cause of action might exist in his or her favor, rather than when a person obtains actual knowledge of either the potential claim or of the facts giving rise thereto. *Gibson v. Bank of Am. N.A.,* 383 S.C. 399, 406, 680 S.E.2d 778, 782 (S.C. App. 2009).

Plaintiff brought this action on November 3, 2023. Therefore, he must allege that he knew or should have known of circumstances that arose on or after November 3, 2020 for his claim not to be barred by the statute of limitations. He cannot do so. Plaintiff has produced no evidence supporting his allegation that the individual defendants "worked together" or otherwise "joined in the conspiracy against Plaintiff." In fact, Plaintiff admitted that he knew of no evidence supporting his conspiracy claim that could have possibly occurred within the applicable statute of limitations period, and even admitted that he did not have "any evidence that anyone ever conspired against him." In short, Plaintiff has failed to point to any evidence of any act by any individual defendant that relates in any way to an alleged civil conspiracy against him that occurred on or after November 3, 2020 (or at any time, for that matter).[3]

[3] Plaintiff argued that the Statutes of Limitations on his remaining claims should be subject to "equitable tolling" because he was engaged in contesting criminal charges against him until November 2021. This argument has already been directly rejected by the U.S. Supreme Court in *Wallace v. Kato*, 549 U.S. 384, 127 S. Ct. 1091, 166 L. Ed. 2d 973 (2007).

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For this reason alone, his civil conspiracy claim is barred by the applicable statute of limitations.

B. <u>Plaintiff's Civil Conspiracy claim is barred by the lack of "additional acts" alleged in support of the claim.</u>

In addition to the elements of a civil conspiracy claim set forth in the Supreme Court's decision in *Paradis*, a plaintiff must also allege "additional acts" that are independent of the basis of any other of the plaintiff's causes of action.

> Although the *Paradis* court held that special damages are no longer a required element of a civil conspiracy claim in South Carolina, Lang's claim for conspiracy fails on two grounds independent thereof. First, **<u>the Magistrate Judge initially recommended dismissal of the conspiracy claim because Plaintiff did not identify concrete acts that are independent of any other alleged wrongdoing. Rather, Plaintiff based his civil conspiracy claim on the same alleged actions that serve as the basis for his other causes of action.</u>**

Lang v. Furman Univ., 2022 WL 816455, at *1 (D.S.C. Mar. 16, 2022) (emphasis added); *see also R.L. Mlazgar Assocs., Inc. v. HLI Sols., Inc.*, 2025 WL 2224039, at *9 (D.S.C. Aug. 5, 2025) (The plaintiff "must plead additional acts in furtherance of the conspiracy separate and independent from other wrongful acts alleged in the complaint, and the failure to properly plead such acts will merit the dismissal of the claim."); *Clark v. AGY Holdings Corp.*, 2025 WL 1949169, at *4 (D.S.C. July 16, 2025) (same); *Bender v. Epting Distributors, Inc.*, 2024 WL 5244432, at *6 (D.S.C. Dec. 30, 2024) (same); *Land v. Barlow*, 2021 WL 5997984, at *5 (D.S.C. Dec. 20, 2021) (same).

In the instant case, Plaintiff has failed to plead – and certainly has failed to produce evidence of – any "additional acts" in support of his civil conspiracy claim. Again, as set forth above, Plaintiff even admitted that he did not have "any evidence that anyone ever conspired against him." Because Plaintiff has failed to produce evidence of "additional acts" other than the "acts" alleged in support of his other causes of action, Plaintiff's civil conspiracy claim must be dismissed with prejudice.

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C. Plaintiff's Civil Conspiracy claim fails because he has not, and cannot, produce admissible evidence supporting the elements of the claim.

Plaintiff has presented no evidence that any of the Defendants (1) conspired with each other (2) to commit an unlawful act or a lawful act by unlawful means (3) together with the commission of an overt act in furtherance of the agreement (4) that proximately resulted in injuries to him. The record is, in fact, devoid of such evidence. For instance, Plaintiff has failed to produce evidence of any "unlawful act" or "lawful act by unlawful means" committed by a combination of the Defendants. In short, Plaintiff has produced no evidence, other than his own unsupported and vague assertions, that any of the Defendants engaged in a civil conspiracy with the intent to injure her. *See Rice v. M-E-C Co.*, 2021 WL 5822645, at *6 (D.S.C. Dec. 8, 2021) ("Plaintiff has failed to demonstrate a genuine issue of material fact as to his civil conspiracy claim because Plaintiff has pointed to no evidence, other than his own unsupported assertions or assumptions, to show that Fisk combined with Lichtenfeld *with the specific intent to commit wrongful conduct and harm Plaintiff as a result.*") (citing to *Paradis*) (emphasis in the original).

For this reason alone, Plaintiff's Second Cause of Action must be dismissed with prejudice.

III. Plaintiff's Third Cause of Action for "Defamation" must be dismissed because (1) it is barred by the statute of limitations, and (2) Plaintiff has failed to produce admissible evidence supporting the claim's elements.

Plaintiff's Third Cause of Action for "defamation" is based on his allegation that the "Defendants falsely accused the Plaintiff of engaging in or attempting criminal sexual conduct and intimidating witnesses and being in need of FBI investigation and criminal charges." Plaintiff's claim fails because he has failed to identify any such statement by any Defendant made on or after November 3, 2021, and his claim is therefore barred by the applicable statute of limitations.

In South Carolina, defamation claims are subject to a two-year statute of limitation. S.C. Code Ann. § 15-3-550. The limitations period begins when the alleged defamatory statement is made, not when the plaintiff learns of the statement. *Jones v. City of Folly Beach*, 326 S.C. 360, 369, 483 S.E.2d 770, 775 (S.C. App. 1997) (affirming the trial court's grant of summary judgment as to the plaintiff's defamation claim because South Carolina has not adopted the discovery rule in libel or slander cases); *Harris v. Tietex Int'l Ltd.*, 417 S.C. 533, 542, 790 S.E.2d 411, 416 (S.C. App. 2016) (same).

In his deposition, Plaintiff failed to identify any alleged defamatory statement by any Defendant at all within the applicable statute of limitations. In fact, he affirmatively stated that he did not know of any evidence that any of the Defendants made a false statement about with within the period of the statute of limitations. For this reason alone, Plaintiff's defamation claim must be dismissed with prejudice.

IV. PLAINTIFF'S FOURTH AND FIFTH CAUSES OF ACTION BASED ON THEORIES OF "NEGLIGENCE" MUST BE DISMISSED BECAUSE (1) THEY ARE BARRED BY THE APPLICABLE STATUTE OF LIMITATIONS, (2) THEY ARE BARRED BY THE DOCTRINE OF WORKERS' COMPENSATION EXCLUSIVITY, AND (3) PLAINTIFF HAS FAILED TO PRODUCE ADMISSIBLE EVIDENCE SUPPORTING THE CLAIM'S ELEMENTS.

Plaintiff's Fourth Cause of Action for "Negligent Hiring, Training, and Supervision" and Fifth Cause of Action for "Negligence" are against RCRC only, and based on his allegation that RCRC was somehow negligent in the manner in which its employees and Board members acted towards him.

As an initial matter, Plaintiff has failed to identify <u>any</u> evidence in the record that might support these two claims that occurred after 2016.

> Q. Okay. And with regard to paragraph 72, can we agree you've already admitted that you know of no evidence that the employees conspired with each other, other than the meeting you allege between Fripp and Bryant before 2016?
> A. None.
> Q. Is that correct?
> A. True. Correct.
> Q. All right. Now, in paragraph 73, you address whether the Defendants, meaning board members we now understand, "breached their duty of care and that they

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otherwise acted in a negligent, grossly negligent, willful, wanton, and reckless course of conduct as it relates to hiring, training, and supervision of officers," presumably you meant officers there. Which board members acted in a negligent, grossly negligent, willful, wanton, and reckless course of conduct?

A. None.

Q. So you agree that your allegations in paragraph 73 are not true?

A. Based on the information I have at hand and based on what I know now, I can't say it is true.

Even further, Plaintiff admitted he knew of no evidence to support his negligence claims:

Q. Sir, paragraph 78 indicates that "Defendant RCRC owed a duty to Plaintiff as Plaintiff's employer to exercise reasonable care and a duty of good faith and fair dealing of employees." Do you see where you've alleged that?

A. Yes.

Q. Okay. How did RCRC violate that duty with regard to you?

A. They didn't.

Q. Okay. So, if we move forward then to paragraph 80, is it fair to say that when you've alleged "Defendant breached its duty by allowing employees and board members to act in a reckless, malicious manner with respect to making false allegations against Plaintiff," can we agree that in fact now you believe they did not breach such a duty?

A. True.

Q. Okay. Is there any way, as you allege in paragraph 81, that "Defendant failed to exercise reasonable or slight care to uphold its duties owed to the Plaintiff and the public"?

A. True.

Q. I'm sorry?

A. Yes.

Q. Okay. Is there evidence --

A. No.

Q. -- that supports that claim or not?

A. No.

For this reason alone, Plaintiff's Fourth and Fifth Causes of Action must be dismissed with prejudice.

Further, as with his defamation claim, Plaintiff has also failed to identify any alleged negligent act of RCRC against him that occurred on or after November 3, 2021. Pursuant to S.C. Code Ann. § 15-78-110, all claims against a state agency or governmental entity must be brought within two years after the date the loss was or should have been discovered, including his claims

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based in negligence. *Wiegand v. Long*, 2022 WL 2068951, at *7 (D.S.C. Feb. 28, 2022), *report and recommendation adopted,* 2022 WL 1590994 (D.S.C. May 19, 2022). For this reason alone, Plaintiff's Fourth and Fifth Causes of Action must be dismissed with prejudice.

Finally, Plaintiff's negligence claims are barred by the doctrine of worker's compensation exclusivity, which bars an employee from asserting a negligence-based claim against RCRC. *Dickert v. Metro. Life Ins. Co.*, 311 S.C. 218, 219, 428 S.E.2d 700, 701 (1993) (workers' compensation exclusivity barred negligence claim based upon employer's alleged failure to exercise reasonable care in the selection, retention, and supervision of co–employee); *Sabb v. S.C. State Univ.*, 350 S.C. 416, 422, 567 S.E.2d 231, 234 (2002) ("Because Sabb's [negligence] claims, as employee of University, arose out of and in the course of her employment, the Workers' Compensation Act (the Act) provides the exclusive remedy for her.").

CONCLUSION

For the reasons stated above, I hereby find that the Motion for Summary Judgment of Defendants is GRANTED as to each of Plaintiff's claims, which are hereby DISMISSED WITH PREJUDICE.

AND IT IS SO ORDERED.

____
The Honorable Christopher D. Taylor
Presiding Judge
Fifth Judicial Circuit

____________, 2026
Columbia, S.C.

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Richland Common Pleas

Case Caption: James Brown III vs Richland County Recreation Commission , defendant, et al

Case Number: 2023CP4005875

Type: Order/Summary Judgment

So Ordered

s/Christopher D. Taylor (#2795)