

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM NEWBERRY COUNTY  
Court of Common Pleas  
The Honorable Eugene C. Griffith, Jr.

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Circuit Court Case No. 2024-CP-36-00087  
Appellate Case No. 2024-001360

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RECEIVED  
JUN 11 2025  
SC Court of Appeals

Abdellah El Farissi, Appellant,

V.

Newberry College, Respondent.

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Record on Appeal

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STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

Abdellah El Farissi,

Plaintiff,

**VS.**

Newberry College,

Defendant.

IN THE COURT OF COMMON PLEAS

Civil Action No: 2024-CP-36-00087

## ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

**MOTION TO DISMISS  
RECEIVED**

AUG 15 2024

SC Court of Appeals

**BEFORE THE COURT** is Defendant Newberry College’s (“Defendant”) Motion to Dismiss Plaintiff Abdellah El Farissi’s (“Plaintiff”) Complaint pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure. A hearing on this matter was held in Newberry County, South Carolina on July 8, 2024. At the hearing, Plaintiff appeared *pro se*. Defendant was represented by Sheila Abron, Fisher & Phillips, LLP. After fully considering Defendant’s Motion and the arguments and authorities of all Parties, the Court issues this Order granting Defendant’s Motion to Dismiss and dismissing Plaintiff’s Complaint, with prejudice.

## I. FACTS AND PROCEDURAL HISTORY

On February 8, 2024, Plaintiff filed his *pro se* Complaint against Defendant. The Complaint consisted of a series of allegations relating to Plaintiff's former employment with Defendant. Defendant timely filed a Motion to Dismiss the Complaint on March 7, 2024, on the grounds that Plaintiff failed to state a claim. Plaintiff filed a response in opposition on March 15, 2024.

The Complaint's key focus is an alleged recording taken by a former Newberry College student-athlete. Plaintiff alleges the recording was shared with other parties in "a clear violation

of [Plaintiff's] privacy rights." *Compl.* Plaintiff alleges the recording was specifically shared with Defendant's Athletic Department personnel, which subsequently resulted in Plaintiff's termination. *See id.* Plaintiff alleges that the recording violated his privacy rights, *see id.*, and that the recording was made in violation of the Federal Wiretap Act of 1968 and S.C. Code Ann. §§ 17-30-20 and 17-30-135 (2002). *See* Pl.'s Opp'n to Mot. to Dismiss.

## II. LEGAL STANDARD

A complaint must contain "a short and plain statement of the facts showing that the pleader is entitled to relief." Rule 8(a), SCRPC. Therefore, under Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, a complaint is subject to dismissal when it "fail[s] to state facts sufficient to constitute a cause of action." Rule 12(b)(6), SCRPC.

"In considering a motion to dismiss under Rule 12(b)(6), the circuit court must base its ruling solely on the allegations set forth in the complaint." *Cole Vision Corp. v. Hobbs*, 714 S.E.2d 537, 539 (S.C. 2011) (citing *Doe v. Marion*, 645 S.E.2d 245 (S.C. 2007)). Therefore, dismissal under Rule 12(b)(6) is appropriate if the facts alleged and inferences reasonably deducible therefrom, viewed in the light most favorable to the plaintiff, do not entitle the plaintiff to relief on any theory. *See Stiles v. Onorato*, 457 S.E.2d 601, 602-03 (S.C. 1995) (citing *Toussaint v. Ham*, 357 S.E.2d 8 (S.C. 1987)).

## III. LEGAL ANALYSIS

As a threshold matter, it is unclear what cause of action Plaintiff's Complaint purports to allege against Defendant. Plaintiff's Complaint begins by stating that "South Carolina is a One Party Consent State." *Compl.* Plaintiff then alleges that he was improperly recorded, called into a meeting, and terminated. However, none of these statements or allegations indicate a cause of action against Defendant, even construed liberally.

**I. Plaintiff has failed to state a claim against Defendant because Plaintiff has not alleged any unlawful act.**

Plaintiff's Opposition to Defendant's Motion to Dismiss provides a clue to Plaintiff's legal goals, in which he cites to the Federal Wiretap Act of 1968 and S.C. Code Ann. §§ 17-30-20 and 17-30-135. Plaintiff's reliance on these laws is misplaced. The federal law states "[i]t shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire, oral, or electronic communication where such person is a party to the communication." 18 U.S.C. § 2511(d) (2018). South Carolina law maintains almost identical language, stating:

"It is lawful under this chapter for a person not acting under color of law to intercept a wire, oral, or electronic communication where the person is a party to the communication or where one of the parties to the communication has given prior consent to the interception."

S.C. Code Ann. § 17-30-30(C). Because the former student-athlete of Defendant was a party to the allegedly recorded conversation, her alleged action was not unlawful. Not only did Plaintiff fail to allege facts sufficient to demonstrate that any party created a cause of action, but liberally construing the Complaint, the laws upon which Plaintiff relies explicitly allow for the type of conduct Plaintiff alleges occurred. Stated differently, Plaintiff has not alleged a *violation of any law*—federal or state.

**II. Even if Plaintiff alleged unlawful conduct, Plaintiff has failed to state a claim against Defendant.**

To the extent that Plaintiff attempts to raise a claim for wrongful termination, his Complaint fails to properly state that claim. South Carolina has long recognized the doctrine of employment at-will. *See Lawson v. S.C. Dep't of Corr.*, 532 S.E.2d 259, 260 (S.C. 2000). "At-will employment is generally terminable by either party at any time, for any reason or for no reason at all." *Prescott v. Farmers Tel. Co-op., Inc.*, 516 S.E.2d 923, 925 (S.C. 1999). Absent the creation of a specific contract of employment, employment is presumed to be at-will. *See Mathis v. Brown & Brown of*

*S.C., Inc.*, 698 S.E.2d 773, 778 (S.C. 2010). Plaintiff has not put forth any indicia he was not an at-will employee, so the common law presumption applies that his employment with Defendant was at-will.

Here, Plaintiff has failed to state any causes of action against Defendant. Plaintiff alleges a violation of his privacy rights but implicates *the student-athlete* for recording the conversation, not Defendant. Plaintiff also alleges that the reason for his termination was “[n]o [r]eason.” The Supreme Court of South Carolina has held that “[a]t-will employment is generally terminable by either party at any time, for any reason or for no reason at all.” *Prescott v. Farmers Tel. Co-op., Inc.*, 516 S.E.2d 923, 925 (S.C. 1999). Because Plaintiff was an at-will employee of Defendant, his termination occurring for “no reason” is entirely lawful.

Notably, South Carolina courts offer very limited exceptions to the at-will doctrine. Specifically, where “the retaliatory discharge of an at-will employee constitutes violation of a clear mandate of public policy, a cause of action in tort for wrongful discharge arises.” *Ludwick v. This Minute of Carolina, Inc.*, 337 S.E.2d 213, 216 (S.C. 1985). It is the burden of the plaintiff to establish that a clear mandate of public policy was violated due to the discharge. *See id.* at 223. The Court finds that Plaintiff has not pled any clear mandate of public policy at issue here. In fact, there is no allegation that any public policy was violated, or facts that would lead to a cognizable cause of action.

Therefore, viewing the facts alleged and inferences reasonably deductible therefrom in the light most favorable to Plaintiff, Plaintiff is not entitled to relief on any theory.

**NOW, THEREFORE**, based on the foregoing, the Court hereby **GRANTS** Defendant’s Motion to Dismiss and dismisses Plaintiff’s Complaint, with prejudice.

[Signature page to follow]

**IT IS SO ORDERED.**

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Eugene C. Griffith, Jr.  
Newberry County, South Carolina

\_\_\_\_\_, 2024  
Newberry, South Carolina

ELECTRONICALLY FILED - 2024 JUL 20 2:35 PM - NEWBERRY - COMMON PLEAS - CASE#2024CP360087



Newberry Common Pleas

**Case Caption:** Abdellah El Farissi VS Newberry College

**Case Number:** 2024CP3600087

**Type:** Order/Dismissal

It is so ordered

Eugene C. Griffith, Jr. 2154

Electronically signed on 2024-07-30 14:22:07 page 6 of 6

ELECTRONICALLY FILED - 2024 JUL 30 2:35 PM - NEWBERRY - COMMON PLEAS - CASE#2024CP3600087

2024 CP3600087

CIVIL CASE NUMBER

STATE OF SOUTH CAROLINA )

COUNTY OF NEWBERRY )

IN THE COMMON PLEAS COURT

ABDELLAH EL FARISSI

PLAINTIFF )

135 Doverside Dr

STREET ADDRESS )

Columbia, SC 29212

CITY, STATE ZIP )

(954) 274-4475

TELEPHONE )

VS. )

COMPLAINT

NEWBERRY COLLEGE

DEFENDANT(S) )

2100 College St.

STREET ADDRESS )

Newberry, SC 29108

CITY, STATE ZIP )

(803) 276-5010

TELEPHONE )

I, Abdellah El Farissi, the plaintiff in this civil action do make the following claims:

1. I believe the defendant, Newberry College, is a resident of Newberry County, and resides at \_\_\_\_\_ which is within Judge \_\_\_\_\_'s common pleas jurisdiction or this Complaint is properly filed in Newberry County.

2. I make this complaint on the following:

South Carolina is a One Party Consent State.

However, South Carolina Law does make an exception in cases where people communicating are doing so in an environment where they should not be under the expectation of privacy.

**On 03/03/2023, after the practice session, Nastassia Chamoun (Former Newberry College student-athlete) asked me to give her a ride from the tennis courts to the campus dorms where she lived at Newberry College.**

**Nastassia Chamoun, and per the Newberry College Former Head Tennis Coach's request (Elias Fernandez) took this opportunity to record our conversation.**

**On 03/05/2023, former Newberry College Head Tennis Coach (Elias Fernandez) texted me stating that we would be meeting with the Newberry College Associate Athletic Director of Athletics (Wayne Alexander) on 03/06/2023.**

**On Monday 03/06/2023, I attended the meeting, and to my surprise, I was fired from my job. When I asked for the reason for this decision, I was told "No Reason".**

**I strongly believe that Nastassia Chamoun recorded our private conversation that occurred in a private setting, in my car, using her cell phone, which is a clear violation of my privacy rights.**

**Moreover, Nastassia Chamoun shared the private conversation she recorded with the former Newberry College Head Tennis Coach (Elias Fernandez) who is an agent of the college.**

**The Former Head Tennis Coach (Elias Fernandez) also shared the same private conversation with the Associate Athletic Director (Wayne Alexander), also an agent of the College, and they both decided to fire me without even consulting with the HR department.**

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(Attached supplement if necessary.)

3. I believe, because of the above information, that I am entitled to and do request a judgment for \$750,000.00 and/or other relief as below requested:

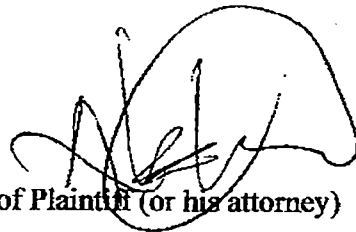
including any costs resulting in this action.

I state under penalty of perjury that the above is correct and truthful, except those based on my information and belief.

Dated:

02/08/24

Signature of Plaintiff (or his attorney)



|                            |   |                           |
|----------------------------|---|---------------------------|
| STATE OF SOUTH CAROLINA    | ) | 2024-CP-36-00087          |
|                            | ) | CIVIL CASE NUMBER         |
| COUNTY OF <u>NEWBERRY</u>  | ) | IN THE COMMON PLEAS COURT |
| <u>ABDELLAH EL FARISSI</u> | ) |                           |
|                            | ) |                           |
| Plaintiff(s)               | ) |                           |
|                            | ) |                           |
| vs.                        | ) | AMENDMENT TO COMPLAINT    |
|                            | ) |                           |
| <u>NEWBERRY COLLEGE</u>    | ) |                           |
|                            | ) |                           |
| Defendant(s)               | ) |                           |

CLERK OF COURT  
JAN 10 2024  
NEWBERRY COLLEGE

To the Court and to the Defendant(s):

Since filing the original Complaint against the Defendant(s), I have become aware of certain facts that existed at the time of the original filing but which were not known to me. As a result I now wish to amend the original Complaint to include the following facts, allegations and issues as follows:

On 03/08/2023, two (02) days after I was fired from my job, I emailed Newberry College Athletic Director (Sean Johnson), in good faith telling him that I was fired from my job and letting him know my side of the story, that I was wrongfully terminated and that I needed my job back.

I truly had high hopes that the AD (Sean Johnson) would intervene and find out what really happened in this entire scenario and get my job back given the fact that he praised me many times during staff meetings and during the teams contests for what a wonderful job I was doing at the college before and after the new tennis head coach (Elias Fernandez) was hired.

Unfortunately, that was not the case and I was mistaken. The AD (Sean Johnson) never bothered to reply to my email. Instead, he took all his time to conspire with the Associate AD (Wayne Alexander) and the Head Tennis Coach (Elias Fernandez) to find a reason that would be legally good for me to be fired after I was told by the Associate AD (Wayne Alexander) on 03/06/2023 that I was fired for no reason, and so that I would be denied unemployment benefits.

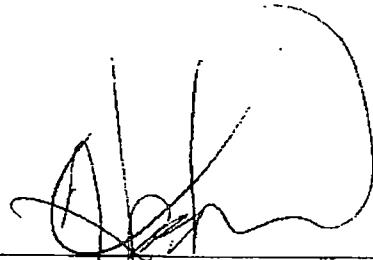
I strongly believe that the former Head Tennis Coach (Elias Fernandez) also shared the private conversation in question with the AD (Sean Johnson) who is also an agent of the college.

I request the Court include these allegations and issues in my action against the Defendant(s) and to provide a copy of this Amended Complaint to the Defendant(s).

As a result of this Amended Complaint, I request the Court grant to me a judgment against the Defendant(s) in the amount of \$1,500,000.00 plus costs.

Dated:

02 | 22 | 2024

A handwritten signature in black ink, appearing to be 'A. Johnson', written over a horizontal line.

Signature of Plaintiff

|                         |   |                                      |
|-------------------------|---|--------------------------------------|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS         |
|                         | ) |                                      |
| COUNTY OF NEWBERRY      | ) |                                      |
|                         | ) | Civil Action No: 2024-CP-36-00087    |
| Abdellah El Farissi,    | ) |                                      |
|                         | ) |                                      |
| Plaintiff,              | ) |                                      |
|                         | ) |                                      |
| vs.                     | ) | <b>DEFENDANT'S MOTION TO DISMISS</b> |
|                         | ) |                                      |
| Newberry College,       | ) |                                      |
|                         | ) |                                      |
| Defendant.              | ) |                                      |
|                         | ) |                                      |
|                         | ) |                                      |

Defendant Newberry College ("Defendant"), pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, respectfully moves this Court to dismiss Plaintiff Abdellah El Farrisi's ("Plaintiff") Complaint.<sup>1</sup>

Defendant is entitled to judgment as a matter of law because Plaintiff's Complaint fails to assert facts sufficient to constitute a cause of action against Defendant. Specifically, while Plaintiff's Complaint is rife with miscellaneous allegations related to his termination of employment with Defendant, Plaintiff fails to assert or identify a cognizable claim against Defendant based upon those allegations. Upon review of Plaintiff's Complaint, Defendant is not only unable to discern what claim or claims are being alleged against it, but also which facts support which claim(s) being asserted by Plaintiff. Accordingly, Plaintiff's Complaint should be dismissed with prejudice. *See Taghivand v. Rite Aid Corp.*, 786 S.E.2d 385, 387 (S.C. 2015) (holding the plaintiff failed to point to any clear or articulable public policy to bring public policy

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<sup>1</sup> Relying on Rule 12(a) of the South Carolina Rules of Civil Procedure, Defendant reserves its right to answer that portion of the Complaint not subject to, or disposed of by, this motion until fifteen days after receiving notice of the Court's action on this motion. *See* Rule 12(a), SCRCPP ("[I]f the Court denies [a motion to dismiss] . . . the responsive pleading shall be served within 15 days after notice of the Court's action.").

discharge claim); *see also Green v. Sumter Court*, 2007 WL 2022199, at \*2-3 (D.S.C. July 9, 2007) (dismissing *pro se* complaint based on incomprehensible allegations that failed to state a cause of action and could only be considered as unconnected and conclusory).

Notwithstanding the foregoing, to the extent Plaintiff attempts to allege a wrongful termination in violation of public policy claim arising out of his employment with Defendant, he has failed to do so. Plaintiff's Complaint merely alleges that former Newberry College student, Nastassia Chamoun, "shared the private conversation she recorded with the former Newberry College Head Tennis Coach (Elias Fernandez) who is an agent of the college." *Compl.* "The Former Head Tennis Coach (Elias Fernandez) also shared the same private conversation with the Associate Athletic Director (Wayne Alexander), also an agent of the College, and they both decided to fire [Plaintiff] without even consulting with the HR department." *Id.*

Plaintiff provides no additional facts in support of this claim, and the "bare-bones" Complaint wholly fails to identify what public policy he believes was violated. *See Ludwick v. This Minute of Carolina, Inc.*, 337 S.E.2d 213, 223 (S.C. 1985) ("Common to the decisions of all jurisdictions which limit or modify the termination at will doctrine is the plaintiff's burden to establish that the discharge *contravenes a clear mandate of public policy.*") (emphasis added). Accordingly, Plaintiff's Complaint fails to state a cause of action for wrongful termination in violation of public policy and should therefore be dismissed with prejudice. *McNeil v. S.C. Dep't of Corr.*, 743 S.E.2d 843, 847 (S.C. Ct. App. 2013) (dismissing wrongful termination in violation of public policy claim where the plaintiff failed to state sufficient facts from which the court could determine a violation of any public policy).

Defendant's Motion is further based on the South Carolina Rules of Civil Procedure, the applicable statutory and case law, and the memorandum in support, which will be filed prior to the

hearing on this motion and in accordance with the South Carolina Rules of Civil Procedure, and the pleadings, exhibits, and affidavits attached to the memorandum in support.

Respectfully submitted,

FISHER & PHILLIPS LLP

s/ Sheila M. Abron

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sabron@fisherphillips.com

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ATTORNEYS FOR DEFENDANT

Columbia, South Carolina  
March 7, 2024

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

ABDELLAH EL FARISSI

PLAINTIFF

VS.

NEWBERRY COLLEGE

DEFENDANT

Civil Action No: 2024-CP-36-00087

IN THE COURT OF COMMON PLEAS

OPPOSITION TO MOTION TO DISMISS

FILED  
NEWBERRY COUNTY  
2024 MAR 15 AM 11:24  
ELIZABETH P. FOLK  
CLERK OF COURT

The DEFENDANT'S MOTION TO DISMISS is unfounded based on the following arguments:

- 1) The Defendant failed to provide a precedent showing that it is legal in South Carolina to wiretap a citizen without his or her consent.
- 2) The defendant also failed to realize that violating recording laws is a criminal offense punishable by fines and prison time, making it all the more crucial to understand what constitutes illegal recording in South Carolina.

### The Federal Wiretap Act of 1968

In addition to state regulations, there are federal laws in place to protect Americans from being unlawfully recorded without consent. The Electronic Communications Privacy Act (ECPA) was enacted in 1968 as part of the Omnibus Crime Control and Safe Streets Act. Today, ECPA is commonly referred to as the Federal Wiretap Act. Under the Federal Wiretap Act, it's illegal for any person to secretly record an oral, telephonic, or electronic communication that participants reasonably expect to be private.

Even in one-party consent states like South Carolina, it's illegal to record communications in which involved parties have a reasonable expectation of privacy. There is no single definition for this legal condition, as it depends on the nature of the captured conversation.

Under §17-30-20, an individual may be charged with a felony for engaging in or procuring another person to engage in one or more of the following acts:

- Intercepting any wire, oral, or electronic communication;
- Using any device to intercept oral communication;
- Disclosing or using communication with reason to know that the information was illegally obtained; Punishments for these violations are detailed in the SC Code of Laws §17-30-50.

The act of recording nonconsensual communications is a criminal offense that can be charged as a Class F felony (least severe) up to a Class A felony (most severe) depending on the circumstances. Penalties for these felony offenses can vary and are punishable by 5 to 30 years in prison.

3) Moreover, in South Carolina, Section 17-30-135. Civil action for wrongful interceptions stipulates that *"Any person whose wire, oral, or electronic communication is intercepted, disclosed, or "used" in violation of this chapter has a civil cause of action against any person or entity who intercepts, discloses, or uses, or procures any other person or entity to intercept, disclose, or use the communications and is entitled to recover from the person or entity which engaged in that violation relief as may be appropriate..."*

4) Former student-athlete, Nastassia Chamoun, had wiretapped the plaintiff while riding in his vehicle without his consent in a clear violation of his privacy rights. Subsequently, the defendant has "used" the resulting recording in order to terminate the plaintiff from his job.

By identifying the above public policies, the plaintiff respectfully requests that the court reject the DEFENDANT'S MOTION TO DISMISS.

FILED  
NEWBERRY COUNTY  
2024 MAR 15 AM 11:24  
ELIZABETH P. FOLK  
CLERK OF COURT

Abdellah El Farissi



## CIVIL CASE NUMBER

STATE OF SOUTH CAROLINA )

COUNTY OF NEWBERRY )

IN THE COURT OF COMMON PLEAS

ABDELLAH EL FARISSI )

PLAINTIFF )

VS. )

NEWBERRY COLLEGE )

DEFENDANT )

**Motion by Plaintiff to Add Defendant**

FILED  
NEWBERRY COUNTY  
MAR 17 - 9 PM 11:43  
ELIZABETH A. TOLSON  
CLERK OF COURT

Pursuant to South Carolina Rule 19 (a) of Civil Procedure, plaintiff moves the court for an order making former Newberry College student-athlete Nastassia Chamoun a necessary party defendant herein and directing the issuance and service of process on her, and for grounds therefor shows:

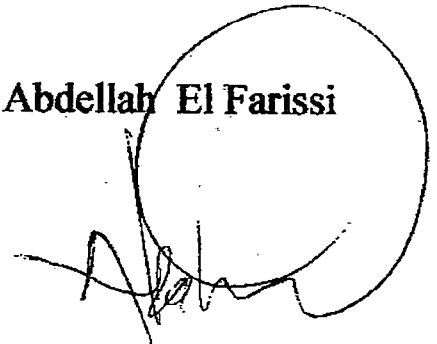
1. On March 3<sup>rd</sup>, 2023, while riding in the plaintiff's car, Nastassia Chamoun unlawfully recorded the private conversation between her and the plaintiff.
2. Nastassia Chamoun disclosed the private conversation, she unlawfully recorded, with the Newberry College former Head Tennis Coach, Elias Fernandez, who also disclosed it with the Newberry College Senior Associate Athletic Director, Wayne Alexander, who used it to terminate the plaintiff's employment at Newberry College.
3. Under the Federal Wiretap Act of 1968, even in one-party consent states like South Carolina, it is illegal for any person to secretly record an oral, telephonic,

or electronic communication in which involved parties have a reasonable expectation of privacy.

I believe, because of the above information, that I am entitled to and do request a judgement against Nastassia Chamoun for \$1,500,000.00 plus cost for pain and suffering in addition to the amended amount requested in the amended complaint.

The said Nastassia Chamoun is a French citizen and is currently a Graduate Assistant Tennis Coach at the University of Indianapolis is subject to the jurisdiction of this court as to both service of process and venue and can be made a party defendant herein.

Abdellah El Farissi

A handwritten signature in black ink, appearing to read 'Abdellah El Farissi', is written over a circular stamp. The signature is stylized and cursive. The stamp is a simple black circle.

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF NEWBERRY )

Civil Action No: 2024-CP-36-00087

Abdellah El Farissi, )

Plaintiff, )

**MEMORANDUM IN SUPPORT OF  
DEFENDANT'S MOTION TO DISMISS**

vs. )

Newberry College, )

Defendant. )

Defendant Newberry College ("Defendant") respectfully requests that this Court dismiss Plaintiff Abdellah El Farissi's ("Plaintiff") Complaint with prejudice. Plaintiff's Complaint does not state a cognizable claim against Defendant upon which relief can be granted and should therefore be dismissed as a matter of law pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.<sup>1</sup>

**FACTS**<sup>2</sup>

Plaintiff alleges that on March 3, 2023, former student of Newberry College, Nastassia Chamoun ("Chamoun"), asked Plaintiff to give her a ride back to her dorm room following tennis practice. *See* Compl. Plaintiff alleges that while Plaintiff, Chamoun, and former head tennis coach, Elias Fernandez ("Fernandez") were in the car, Chamoun took the opportunity to record their conversation, at the alleged direction of Fernandez. *See id.* Plaintiff alleges that two days later, on

<sup>1</sup> Relying on Rule 12(a) of the South Carolina Rules of Civil Procedure, Defendant reserves its right to answer that portion of the Complaint not subject to, or disposed of by, this motion until fifteen days after receiving notice of the Court's action on this motion. *See* Rule 12(a), SCRCPP ("[I]f the Court denies [a motion to dismiss] . . . the responsive pleading shall be served within 15 days after notice of the Court's action.").

<sup>2</sup> The facts are taken from the Complaint. Defendant does not concede their veracity.

March 5, 2023, he received a text message from Fernandez notifying him of a meeting scheduled for March 6, 2023, between himself, Fernandez, and Associate Athletic Director Wayne Alexander (“Alexander”). *See id.* Plaintiff contends that during the March 6, 2023, meeting, Plaintiff was notified that he was being terminated. *See id.* Plaintiff alleges that when he inquired as to the reason for his termination, he was told “No Reason.” *Id.*

Plaintiff’s Complaint alleges that the recording allegedly taken by Chamoun violated Plaintiff’s privacy rights. *See id.* Plaintiff alleges that the recording was shared with both Fernandez and Alexander, who Plaintiff contends are agents of Defendant. *See id.* Plaintiff lastly alleges that Fernandez and Alexander made the decision to terminate Plaintiff without first consulting Defendant’s Human Resources Department. *See id.*

The allegations contained in Plaintiff’s Complaint, however, fail to state a cognizable claim against Defendant upon which relief can be granted. Accordingly, Plaintiff’s Complaint should be dismissed as a matter of law.

### **STANDARD OF REVIEW**

A complaint must contain “a short and plain statement of the facts *showing that the pleader is entitled to relief.*” Rule 8(a), SCRCP (emphasis added). Therefore, under Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, a complaint is subject to dismissal when it “fail[s] to state facts sufficient to constitute a cause of action.” Rule 12(b)(6), SCRCP.<sup>3</sup> According to the Supreme Court of South Carolina, dismissal under Rule 12(b)(6) is appropriate if the facts alleged

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<sup>3</sup> *See also Doe v. Greenville Cnty. Sch. Dist.*, 651 S.E.2d 305, 307 (S.C. 2007) (“Generally, in considering a Rule 12(b)(6), SCRCP, motion to dismiss, the trial court must base its ruling solely upon allegations set forth in the Complaint.” (citation omitted)); *Flateau v. Harrelson*, 584 S.E.2d 413 (S.C. Ct. App. 2003) (recognizing that a motion to dismiss may be granted when “the defendant demonstrates the plaintiff has failed to state facts sufficient to constitute a cause of action in the pleadings filed with the court.”).

and inferences reasonably deductible therefrom, viewed in the light most favorable to the plaintiff, do not entitle the plaintiff to relief on any theory. *See Doe v. Marion*, 645 S.E.2d 245, 247 (S.C. 2007). “Generally, in considering a 12(b)(6) motion, the trial court must base its ruling solely upon allegations set forth on the face of the complaint.” *Flateau v. Harrelson*, 584 S.E.2d 413, 415 (S.C. Ct. App. 2003) (citations omitted).

### **ARGUMENT**

#### **I. Plaintiff Fails to State a Cause of Action Against Defendant.**

South Carolina courts routinely dismiss complaints that fail to allege facts sufficient to support a cognizable cause of action or theory of relief. *See Gray v. State Farm Auto Ins. Co.*, 491 S.E.2d 272, 274-75 (S.C. Ct. App. 1997) (dismissing complaint based on the plaintiffs’ failure to state facts sufficient to establish a cause of action); *see also Santos v. Harris Inv. Holdings*, 886 S.E.2d 483, 485-87 (S.C. Ct. App. 2023) (same); *Davis v. State of S.C.*, 2023 WL 4658057, at \*2 (D.S.C. July 20, 2023) (“[A] district court is not obligated to ferret through a [c]omplaint . . . that is so confused, ambiguous, vague or otherwise unintelligible that its true substance, if any, is well disguised.”); *Green v. Sumter Court*, 2007 WL 2022199, at \*2-3 (D.S.C. July 9, 2007) (dismissing *pro se* complaint based on incomprehensible allegations that failed to state a cause of action and could only be considered as unconnected and conclusory).

Here, Plaintiff’s Complaint fails to allege facts sufficient to show that Plaintiff is entitled to relief on any theory and additionally fails to assert a single cause of action against Defendant. Moreover, the allegations in Plaintiff’s Complaint are so indiscernible that Defendant cannot reasonably be expected to be placed on notice of the claims against it. Even taking into consideration the relaxed pleading requirements for a *pro se* litigant, Plaintiff has failed to reach

the pleading obligations mandated by Rule 8 and Rule 12(b)(6) of the South Carolina Rules of Civil Procedure. For this reason alone, Plaintiff's Complaint should be dismissed with prejudice.

**II. Plaintiff Fails to State a Cause of Action for Wrongful Termination in Violation of Public Policy.**

South Carolina has long recognized the doctrine of employment at-will. *See Lawson v. S.C. Dep't of Corr.*, 532 S.E.2d 259, 260 (S.C. 2000). "At-will employment is generally terminable by either party at any time, for any reason or for no reason at all." *Prescott v. Farmers Tel. Co-op., Inc.*, 516 S.E.2d 923, 925 (S.C. 1999). Absent the creation of a specific contract of employment, employment is presumed to be at-will. *See Mathis v. Brown & Brown of S.C., Inc.*, 698 S.E.2d 773, 778 (S.C. 2010).

Although South Carolina is an at-will employment state, courts recognize a public policy exception to the employment at-will doctrine. Specifically, where "the retaliatory discharge of an at-will employee constitutes violation of a clear mandate of public policy, a cause of action in tort for wrongful discharge arises." *Ludwick v. This Minute of Carolina, Inc.*, 337 S.E.2d 213, 216 (S.C. 1985). It is the burden of the plaintiff to establish that a clear mandate of public policy was violated due to the discharge. *See id.* at 223.

Here, it is unclear whether Plaintiff is asserting a claim for wrongful termination in violation of public policy, as Plaintiff did not allege a single, cognizable cause of action in his Complaint. If Plaintiff were, however, alleging a claim for wrongful termination in violation of public policy, Plaintiff has failed to state facts sufficient to establish such claim as Plaintiff has failed to identify any public policy that was allegedly violated in conjunction with his termination. Accordingly, Plaintiff's Complaint fails to state a cause of action for wrongful termination in violation of public policy (and fails to state any cause of action against Defendant in general) and should therefore be dismissed with prejudice.

**CONCLUSION**

For the reasons set forth above, the Court should grant Defendant's Motion to Dismiss Plaintiff's Complaint with prejudice and enter an Order to that effect, awarding all other relief as the Court deems appropriate and just.

Respectfully submitted,

FISHER & PHILLIPS LLP

s/ Sheila M. Abron

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ATTORNEYS FOR DEFENDANT

Columbia, South Carolina  
May 15, 2024

1 STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
2 ) FOR THE EIGHTH JUDICIAL  
3 ) CIRCUIT  
4 ) 2024-CP-36-00087  
5 )  
6 COUNTY OF NEWBERRY )

6 ABDELLAH EL FARISSI, )  
7 )  
8 )

8 Plaintiff, )  
9 )

9 vs. )  
10 )

10 NEWBERRY COLLEGE, )  
11 )

11 Defendant. )  
12 )

13 July 8, 2024

14 Newberry, South Carolina  
15 )

15 B E F O R E:  
16 )

16 HONORABLE EUGENE C. GRIFFITH, JR., JUDGE  
17 )

17 and  
18 )

18 MILTON G. KIMPSON, JUDGE (training with Judge Griffith)  
19 )

19 A P P E A R A N C E S:  
20 )

20 Sheila M. Abron, Esquire  
21 )

21 Attorney for the Defendant  
22 )

23  
24 Lisa G. Amick  
25 Court Reporter

INDEX OF WITNESSES

(NO WITNESSES INTRODUCED.)

Certificate of Reporter

18

EXHIBITS

(NO EXHIBITS INTRODUCED.)

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1 THE COURT: Y'all are very fortunate, you get two  
2 Judges for the price of one this afternoon. Ms. Toby, who's  
3 the first case up?

4 CLERK: The first case is going to be Abdella E.  
5 Farissi versus Newberry College, it's case number 2024-CP-36-  
6 00087.

7 THE COURT: Okay. Tell me your name, please sir?

8 MR. EL FARISSI: May it please the Court? My name is  
9 Abdellah El Farissi, pro se Plaintiff.

10 THE COURT: Okay. And you're Ms. Abron?

11 MS. ABRON: Sheila Abron for the Defense.

12 THE COURT: Alright. This is Newberry College's  
13 motion?

14 MS. ABRON: Yes, Your Honor.

15 THE COURT: Ms. Abron, your record is open.

16 MS. ABRON: Thank you, sir, may it please the Court?  
17 As Your Honor stated, this is our motion to dismiss pursuant to  
18 Rule 12(b)6 of the South Carolina Rules of Civil Procedure.  
19 Our motion is very simple, Mr. El Farissi has failed to state a  
20 common cognizable claim against the college. His complaint is  
21 devoid of any facts that would state a claim against the  
22 college. Looking at the particular pleadings, he has alleged  
23 that in March of 2023, he allowed a student to ride in his car,  
24 during that car ride the student allegedly recorded him, he  
25 believes that that recording was then turned over to the

27

1 college and as a result of that recording his employment was  
2 terminated. Notably, he pleads in his complaint that at the  
3 time of termination he asked for a reason and was told there  
4 was no particular reason there. He alleges that this was a  
5 private conversation that should not have been recorded and  
6 it's a violation of his privacy rights. Setting aside what  
7 could have been said during that car ride that would have led  
8 to his termination, he still has not stated a claim against the  
9 college. Rule 8 of the South Carolina Rules of Civil Procedure  
10 requires that a complaint include a short and plain statement  
11 showing that the pleader is entitled to relief. That is absent  
12 in this complaint here. There are no causes of action alleged,  
13 particularly against the college. Now, if this Court were to  
14 construe or somehow construe his complaint to be a wrongful  
15 termination in violation of public policy claim, that also is  
16 going to fail here. South Carolina of course is an at-will  
17 state that allows employees to be terminated at-will for no  
18 reason or any reason at all. And an exception to that of  
19 course is the public policy exception that would allow or  
20 restrict the termination if it's in violation of public policy.  
21 However, there are very strict pleading requirements for such a  
22 claim, those are absent here. There has been no allegation  
23 that this is in violation of public policy. There's been no  
24 allegation in particular against the college. And for those  
25 reasons as well as those stated in our motion, as well as our

1 supporting memorandum, we would ask that this Court grant our  
2 motion to dismiss and any such relief as the Court deems just  
3 and proper.

4 THE COURT: Ms. Toby, did you get me, or did you  
5 prepare a short binder with that complaint? I'd like to see  
6 it.

7 CLERK: I can.

8 MS. ABRON: I have a copy, Your Honor.

9 THE COURT: That'd be wonderful.

10 MS. ABRON: May I approach?

11 THE COURT: Sure. Let's see what we got. Alright.  
12 Mr. Farissi, let's hear from you. She's filed two motions or  
13 one in particular, Rule 12(b)6 motion, failure to state a cause  
14 of action, and Rule 8. So I'd be glad to hear from you.

15 MR. EL FARISSI: May it please the Court, Your Honor  
16 also. I strenuously object to this case being dismissed.  
17 Defendant counsel on both their motion to dismiss and the  
18 memorandum in support of the motion to dismiss state that the  
19 Plaintiff failed to assert sufficient facts to constitute a  
20 cause of action against Defendant and goes on to say the  
21 Plaintiff complaint is ripe with miscellaneous allegations  
22 related to his termination of his employment. The Plaintiff  
23 failed to assert or identify a cognizable claim against  
24 Defendant based upon those allegations, Plaintiff failed to  
25 state a cause of action against Defendant for wrongful

1 termination, etcetera. Your Honor, Defendant counsel fails to  
2 understand the scope of my lawsuit. When I first came here to  
3 this honorable Court on February 8th, 2024 to file this  
4 lawsuit, the lady at the clerk's office told me that I needed a  
5 cover sheet. She was kind enough to print one for me and told  
6 me this one is free but reminded me that there is a 35 cents  
7 for any copies. She also told me that there is a desk around  
8 the corner where I could sit and fill out the paper, which I  
9 did. But filling out the cover sheet, I reached the part that  
10 said nature of action, there wasn't a box that said violation  
11 of privacy of rights or anything of that, close to that. So I  
12 picked box 699, where it says other and there's a special slash  
13 complex slash other because my lawsuit is based on the  
14 fundamental violation of my privacy right and is not an  
15 employment dispute. On page 2 of the Defendant memorandum is  
16 for the Defendant motion to dismiss, section standard in its  
17 review states a complaint must be, must contain a short and  
18 plain statement of facts showing that the pleader is entitled  
19 to relief, Rule 8(a) of South Carolina Rules of Civil  
20 Procedure. Your Honor, the first paragraph of my complaint  
21 states the following, South Carolina is a one-party state  
22 consent, however, South Carolina law does make an exception in  
23 cases where people communicated in doing so in an environment  
24 where they should be under the expectation of privacy, then I  
25 stated the fact of what happened. Your Honor, the same

1 memorandum, there's a part on page one, in fact, which state  
2 Plaintiff alleged, alleges that Plaintiff, Shamoon, and former  
3 head coach, Elias Fernandez were in the car. Shamoon took the  
4 opportunity to record the conversation of the elect direction  
5 of Fernandez. On the bottom of the same page, it read the  
6 facts are taken from the complaint. Defendant's counsel hearby  
7 is trying to mislead this honorable Court and twist my short  
8 and plain statement as I never stated in my complaint that the  
9 three of us were in the car. Your Honor, on page 2 of the same  
10 memorandum argument, the Defendant's counsel on both number 1  
11 and number 2 argument focuses on only the deviated for the main  
12 reason of this lawsuit and failed to provide a precedent  
13 showing that it is illegal in South Carolina to wiretap a  
14 citizen without his or her consent. Your Honor, this is a  
15 clear violation of my privacy right under the federal wiretap  
16 of 1969, Federal Wiretap Act of 1968. Your Honor, we are all  
17 equal to the eyes of the law and employers are responsible for  
18 their employees' negligence. The hallmark of America is that  
19 the little guy gets to see justice done. Thank you for your  
20 time, Your Honor.

21 THE COURT: Tell me this, you and a tennis player  
22 were in the car giving her a ride ---

23 MR. EL FARISSI: Yes, sir.

24 THE COURT: --- and dropped her off and there was a  
25 conversation between you and this young lady?

1 MR. EL FARISSI: Yes, Your Honor.

2 THE COURT: And she was a student athlete?

3 MR. EL FARISSI: Yes, sir.

4 THE COURT: And you're employed by Newberry College as  
5 what?

6 MR. EL FARISSI: Yes, sir. As Associate Head Tennis  
7 Coach.

8 THE COURT: Okay. This young lady who's the player,  
9 the student athlete, did you tell her to not share your  
10 conversation with anybody?

11 MR. EL FARISSI: No, I did not.

12 THE COURT: Other than being a student at Newberry  
13 College, what prevented her from repeating your conversation  
14 even orally, if it wasn't recorded?

15 MR. EL FARISSI: Can you repeat that, Your Honor? I  
16 didn't hear that.

17 THE COURT: Alright. As I understand it, there was  
18 some comment or there was some part of the conversation that  
19 was, I don't know how to characterize it, I don't know what the  
20 statement was, it doesn't matter. There was a statement made -  
21 --

22 MR. EL FARISSI: Yes, sir.

23 THE COURT: --- and she conveyed that statement to  
24 another employee of Newberry College, and then you're  
25 terminated?

32

1 MR. EL FARISSI: Yes, sir.

2 THE COURT: If you didn't tell her not to repeat what  
3 you told her, then how is she tied, connected to via contract  
4 or otherwise to Newberry College? How do you use your  
5 conversation with her to get to Newberry College?

6 MR. EL FARISSI: Well, I don't think that she, she  
7 repeated, she recorded the conversation then she forwarded it  
8 to the head coach.

9 (Judge Griffith conferring with Judge Kimpson.)

10 THE COURT: Was it just you and the young lady, just  
11 two people in the car?

12 MR. EL FARISSI: Yes, Your Honor.

13 THE COURT: Elias Fernandez is the head coach?

14 MR. EL FARISSI: Oh, he's not right now.

15 THE COURT: Not right now, but at that time?

16 MR. EL FARISSI: Yes, sir.

17 THE COURT: Okay.

18 MR. EL FARISSI: Yes, Your Honor. And the fact that  
19 counsel, Defendant counsel said that the three of us were in  
20 the car, which is a wrong fact, I'm not sure if it's just ---

21 THE COURT: That's why Judge Kimpson asked me how  
22 many people were in the car. He was trying to read the  
23 complaint, which is your version to Newberry College of how  
24 many people were in the car.

25 MR. EL FARISSI: Yes, sir.

1 THE COURT: I understood it to be two people in the  
2 car and the conversation got repeated to someone else and then  
3 you lost your job, that's how I understood what happened.

4 MR. EL FARISSI: Yes, sir, I believe so too.

5 THE COURT: Alright.

6 MS. ABRON: Your Honor, if I may?

7 THE COURT: Yes, ma'am.

8 MS. ABRON: So a couple things that the Plaintiff has  
9 pointed out that I think are important here. So the first  
10 thing he said was that we failed to understand the scope of his  
11 lawsuit. I think that that is critical here because the law  
12 requires that he plead in such a way that we understand the  
13 scope of the lawsuit, so he has conceded that we, that there's  
14 that issue here. He's also said that this is not an employment  
15 dispute. And Your Honor, it's heated to a very key component  
16 that is the essence of our motion is that there is no claim  
17 against Newberry College. The preceding motion which is, or  
18 the next motion I believe, is to add this student as a  
19 particular party which we have no objection to, but there's no  
20 allegation that that's Newberry College in the complaint there.  
21 There's not a cognizable claim.

22 (Judge Griffith conferring with Judge Kimpson.)

23 THE COURT: How long had you been an employee at  
24 Newberry College?

25 MR. EL FARISSI: Since, from September 26th, 2023

1 to March 6th, from September 26th, 2022 ---

2 THE COURT: To March?

3 MR. EL FARISSI: --- to March 6th, 2023.

4 THE COURT: So seven, eight months?

5 MR. EL FARISSI: Yes, sir.

6 THE COURT: Okay.

7 MR. EL FARISSI: I believe so, yes.

8 THE COURT: What Ms. Abron is saying is the complaint  
9 is insufficient for Newberry College to respond meaningfully  
10 because they really don't know what you're asking. How is  
11 Newberry College connected to this girl, and why would Newberry  
12 College owe her money, I mean, if the girl misconducted  
13 herself, why is Newberry College responsible. That's in a  
14 nutshell, it's not clear.

15 MR. EL FARISSI: Can I speak?

16 THE COURT: Sure.

17 MR. EL FARISSI: Because she recorded the  
18 conversation, a private conversation and forwarded the private  
19 conversation to the former head coach, and him and the  
20 associate director, they both made the decision to ---

21 THE COURT: Alright. Well, is, I may be  
22 misunderstanding the law, but isn't it against the law to  
23 record a conversation over a communication system, cell phone,  
24 telephone, one party can't record another one's without  
25 permission of the secondary, they've got to be notified there's

1 a conversation being recorded. And right now, your  
2 conversation now is being transcribed by a Court reporter, so  
3 everything you're saying and I'm saying, this lady in front of  
4 me, she's recording it for us.

5 MR. EL FARISSI: Okay.

6 THE COURT: So that's just part of the Court system,  
7 everything's on the record. I wasn't aware it's against the  
8 law for one person to record a conversation they're having with  
9 another, outside a telephone communication system. It's in a  
10 car, she's recording you ---

11 MR. EL FARISSI: That's what makes it a private  
12 conversation.

13 THE COURT: But how is it a violation of a  
14 telecommunications law if there's no telephone involved?

15 MR. EL FARISSI: Well, she used her cell phone to  
16 record the conversation.

17 THE COURT: That's just a recording device, that's  
18 not using the cell phone as a transmission. I think  
19 you're conflating the two laws. One, you can't record a  
20 telephone whether it be cell phone, and you have no  
21 expectation of privacy on a cell phone conversation  
22 because it can be intercepted, but a regular traditional  
23 landline telephone, it's against the rules without notifying  
24 the others, I'm recording this conversation. Those facts don't  
25 fit here, you're in the car with her, talking to her.

1 MR. EL FARISSI: The Federal Wiretap Act says it's  
2 not just a conversation from the phone to another, to use any  
3 device to record a private conversation.

4 THE COURT: I think a party to a private conversation  
5 can be recorded, I may be wrong, but I think that's the law,  
6 that it's okay. So what she did wasn't illegal. You're  
7 unhappy about it, but what she did wasn't illegal based upon  
8 what you've alleged because there was no transmission of the  
9 conversation. There was a private conversation recorded by her  
10 with a device that's also used as a cell phone, but the device,  
11 a cell phone is a mini-faceted device. Of course, it's got a  
12 calendar, record, search the internet, all sorts of things, but  
13 if you're just using it as a recording device, which many  
14 people do, video, pictures, I'm not sure that's a violation of  
15 any law. Do you know that it is, can you point me to some law?

16 MR. EL FARISSI: Well, the Federal Wiretap Act, that  
17 is what it states, you know, I, it took me more than six months  
18 to find this law. I understand that South Carolina it's legal  
19 for one person to record another person without their  
20 knowledge, but with this federal law, you know, it's a  
21 different story.

22 THE COURT: I think it's the same story. There's no  
23 wire being tapped. You and her are in the same vicinity and  
24 she records a conversation you're having with her. I don't  
25 believe that's a violation of the law with the facts you're

1 telling me, if I'm missing something, please tell me. And I've  
2 got an experienced lawyer slash Judge here with me as well,  
3 he's new to the circuit bench, but he's done a lot of  
4 administrative hearings in seven years when he was on the  
5 Administrative Law Court, so he's not a rookie Judge, he's a  
6 new Judge to the circuit bench. Alright. I'm going to sit on  
7 that one, but I don't believe it's a violation of the law. So  
8 is there another motion involved in this case as well?

9 MS. ABRON: Yes, Your Honor. Mr. Farissi has made a  
10 motion to add the student to this lawsuit which of course would  
11 be moot if Your Honor would grant a motion to dismiss, but to  
12 the extent that Your Honor is entertaining this motion, we have  
13 no objection to adding the student there.

14 THE COURT: And see, I haven't even addressed any  
15 contractual relationship you have with Newberry College whether  
16 you were an employee at-will or a contractual employee, I don't  
17 know, I don't think that really matters, we don't get there.  
18 The analysis fails before then.

19 (Judge Griffith conferring with Judge Kimpson.)

20 THE COURT: Why do you want to add her? That's a  
21 good question.

22 MR. EL FARISSI: Because she's the one who recorded  
23 the conversation and I think that it is fair for her to be  
24 included in the case.

25 (Judge Griffith conferring with Judge Kimpson.)

1 THE COURT: I'm going to grant the college's motion.  
2 I don't believe there's a violation of the wiretapping act,  
3 federal or state because there was no transmission of the  
4 conversation over any type of device. There was a recording by  
5 a recorder, albeit built into the cell phone. The cell phone  
6 wasn't utilized to transmit that conversation during the  
7 recording. I don't believe that's a violation of law. So I  
8 don't believe Newberry College would owe you for that violation  
9 because she did it.

10 MR. EL FARISSI: I went to the, to the Newberry PD  
11 the first time, and I went to the sheriff's department the  
12 second time and they all told me you have, you know, it was a  
13 civil case, you have to come to Court.

14 THE COURT: Yeah. Well, in other words, she didn't  
15 steal anything or commit a crime against you. I don't think  
16 she civilly committed an offense that you can recover under.

17 MR. EL FARISSI: I'm just going to handle it to  
18 appeal.

19 THE COURT: Yeah, you're more than welcome to appeal.

20 MR. EL FARISSI: Yes, sir.

21 THE COURT: That's one thing Judge Kimpson and I  
22 discussed is we make decisions, and they get appealed and  
23 sometimes ---

24 MR. FARISSI: Yes, sir.

25 THE COURT: --- you're wrong and that's just how it

1 works.

2 MS. ABRON: Thank you, Your Honor, would you like a  
3 proposed order?

4 THE COURT: I'll do a form 4 ---

5 MS. ABRON: Okay.

6 THE COURT: --- or my law clerk will, and we'll just  
7 keep it simple.

8 MS. ABRON: Okay. Thank you, Your Honor.

9 MR. EL FARISSI: Thank you.

10 THE COURT: Yes, sir.

11 MS. ABRON: Actually, Your Honor, given his intent to  
12 appeal, it may be helpful to have a full order.

13 THE COURT: I don't mind that. Prepare an order, can  
14 you transmit it to the clerk and get it to him so you can  
15 review it prior to me signing it?

16 MR. EL FARISSI: Yes, sir.

17 MS. ABRON: Absolutely. Thank you, Your Honor.

18 THE COURT: Okay.

19 (Whereupon the hearing ended at 2:23 pm.)  
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1  
2  
3  
4 CERTIFICATE OF REPORTER5  
6 STATE OF SOUTH CAROLINA )  
7 )  
8 )  
9 )  
10 COUNTY OF NEWBERRY )11  
12 I, the undersigned Lisa G. Amick, Official Court Reporter  
13 for the Eighth Judicial Circuit of the State of South Carolina,  
14 do hereby certify that the foregoing is a true, accurate, and  
15 complete transcript of record of all proceedings had and  
16 evidence introduced in the trial of the captioned case,  
17 relative to appeal, in the County of Newberry, South Carolina,  
18 on the 8th day of July 2024.19  
20 I do further certify that I am neither of kin, counsel,  
21 nor interest to any party hereto.22  
23 July 16, 202424  
25 Lisa G. Amick

Lisa G. Amick

Court Reporter

My commission expires: June 30th, 2025

41

102573

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

APPEAL FROM NEWBERRY COUNTY  
Court of Common Pleas

AUG 15 2024  
SC Court of Appeals

Griffith Jr., Eugene C. Circuit Court Judge

Case No. 2024-CP-36-00087

Newberry College,

Respondent,

v.

Abdellah El Farissi,

Appellant.

NOTICE OF APPEAL

Abdellah El Farissi appeals the order of the Honorable Griffith Jr., Eugene C. dated July 8, 2024. Appellant received written notice of entry of this order on July 30, 2024.

August 15, 2024

Abdellah El Farissi  
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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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RECEIVED

JUN 11 2025

APPEAL FROM NEWBERRY COUNTY  
Court of Common Pleas

SC Court of Appeals

Eugene C. Griffith Jr., Circuit Court Judge

---

Circuit Court Case No. 2024-CP-36-00087  
Appellate Case No. 2024-001360

---

Abdellah El Farissi, Appellant,

V.

Newberry College, Respondent.

---

PROOF OF SERVICE

---

I certify that I have served the Appellant Final Brief, the Appellant Final Reply Brief, and the Record on Appeal on Newberry College by serving a copy of it to their attorney of record, Sheila M. Abron, via U.S. Mail at her office located at at 1320 Main St. Suite 750, Columbia, South Carolina, 29201.

June 11, 2025

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