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Oct 20 2026

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Honorable Circuit Court Judge Dianne S. Goodstein

Case No. 2026-000034

Stephanie Lehman,

Respondent,

v.

Berkeley County School District and
Anne-Magill Payne, individually, and as an
agent of Berkeley County School District, Defendants,

of which Berkeley County School District
is the Appellant,

Appellant.

FINAL BRIEF OF APPELLANT

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STATEMENT OF ISSUES ON APPEAL

- I. Did the Circuit Court err in concluding that a statutory claim for workers' compensation retaliation under S.C. Code Ann. § 41-1-80 is analogous to a wrongful discharge claim in violation of public policy?
- II. Did the Circuit Court err in permitting Respondent to seek legal damages and a jury trial where § 41-1-80 provides exclusively equitable remedies?
- III. Is the Circuit Court's Order immediately appealable because it deprives Appellant of its right to a non-jury trial?

STATEMENT OF THE CASE

Respondent initiated this action by filing an Amended Complaint asserting, inter alia, a claim for workers' compensation retaliation pursuant to S.C. Code Ann. § 41-1-80, while simultaneously demanding a jury trial and seeking expansive categories of legal damages. (R. 13-19).

The Amended Complaint alleges that Respondent filed a workers' compensation claim on or about October 18, 2023, and thereafter experienced various adverse employment actions, including reassignment, placement on administrative leave, and eventual termination. (R. 14-16). The operative pleading further asserts that such actions constitute retaliation under S.C. Code Ann. § 41-1-80. (R. 16-17).

Notwithstanding the statutory nature of the claim, Respondent seeks recovery for "severe psychological harm, emotional distress, anxiety, pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, embarrassment, humiliation, loss of... reputation, physical and personal injuries," as well as attorneys' fees, costs, and prejudgment interest. (R. 16-19).

On January 7, 2025, Appellant moved to strike those portions of the Amended Complaint seeking legal damages and demanding a jury trial, asserting that S.C. Code Ann. § 41-1-80

authorizes only equitable relief and must be adjudicated by the Court, rather than a jury. (R. 20-25).

By Order dated November 6, 2025, the Circuit Court denied Appellant's Motion to Strike. In doing so, the Court concluded that Respondent's statutory retaliation claim is "akin to" a wrongful discharge claim in violation of public policy and therefore permits legal damages and a jury trial. (R. 1-8)

Appellant timely moved for reconsideration pursuant to Rules 52(b) and 59(e), SCRCF, specifically identifying that the Order misapplies South Carolina law by expanding the remedies available under § 41-1-80 and depriving Appellant of its right to a non-jury trial. (R. 35-53). The Circuit Court denied Appellant's Rule 59(e) Motion by Form 4 Order dated December 8, 2025. (R. 9-11). This appeal followed.

STANDARD OF REVIEW

Questions of statutory interpretation, including the scope of remedies available under S.C. Code Ann. § 41-1-80 and the classification of a cause of action as legal or equitable, are reviewed de novo. *Hinton v. Designer Ensembles, Inc.*, 343 S.C. 236, 239, 540 S.E.2d 94, 95 (2000).

Whether an order is immediately appealable is likewise a question of law reviewed de novo. *Morrow v. Fundamental Long-Term Care Holdings, LLC*, 412 S.C. 534, 537, 773 S.E.2d 144, 145 (2015).

SUMMARY OF THE ARGUMENT

The Circuit Court's Order reflects a fundamental misapprehension of South Carolina law. By characterizing a statutory retaliation claim under S.C. Code Ann. § 41-1-80 as analogous to a public policy wrongful discharge claim, the Circuit Court disregarded well-settled precedent

prohibiting the expansion of common law remedies where the General Assembly has provided an exclusive statutory framework.

This error directly affects the manner in which the claim will be adjudicated. Section 41-1-80 authorizes only equitable remedies, specifically reinstatement and lost wages, and claims pursuant to the statute must be tried by the court rather than a jury. *Wallace v. Milliken & Co.*, 305 S.C. 118, 120, 406 S.E.2d 358, 359 (1991); *Hinton v. Designer Ensembles, Inc.*, 343 S.C. 236, 241, 540 S.E.2d 94, 96 (2000). By permitting Respondent to pursue legal damages and demand a jury trial, the Circuit Court impermissibly expands the statute beyond its express terms and deprives Appellant of its right to a non-jury adjudication.

The Order compounds this error by relying on authorities that are either inapplicable or distinguishable. Its reliance on *Ludwick v. This Minute of Carolina, Inc.*, 287 S.C. 219, 337 S.E.2d 213 (1985), and *Culler v. Blue Ridge Elec. Coop., Inc.*, 309 S.C. 243, 422 S.E.2d 91 (1992), improperly imports common law tort principles into a statutory cause of action governed exclusively by S.C. Code Ann. § 41-1-80. Those decisions address the limited scope of the public policy exception in circumstances where no adequate statutory remedy exists; they do not authorize courts to expand, supplement, or recharacterize a legislatively created claim beyond the framework expressly established by the General Assembly.

The Circuit Court's reliance on *Drew v. Waffle House, Inc.*, 2007 WL 837138 (D.S.C. Mar. 15, 2007), is similarly misplaced. *Drew* applies federal remedial concepts arising under federal employment law and does not interpret § 41-1-80 or otherwise inform the scope of remedies available under South Carolina's statutory framework. Thus, it provides no support for expanding the remedies or procedural posture of a claim brought pursuant to § 41-1-80.

Because the Order alters the mode of trial to which Appellant is entitled as a matter of law, it affects a substantial right and is immediately appealable. *Flagstar Corp. v. Royal Surplus Lines Ins. Co.*, 341 S.C. 68, 72, 533 S.E.2d 331, 333 (2000). Absent appellate intervention, Appellant will be compelled to defend an equitable statutory claim before a jury and be exposed to remedies not authorized by statute. Under these circumstances, reversal is required.

ARGUMENT

I. The Circuit Court Erred in Equating a Statutory § 41-1-80 Claim as Analogous to a Public Policy Wrongful Discharge Action

The Circuit Court’s conclusion that Respondent’s statutory retaliation claim is “akin to” a wrongful discharge claim in violation of public policy is contrary to controlling precedent and reflects a fundamental misapprehension of the distinction between statutory and common law remedies.

South Carolina courts have consistently refused to extend the public policy exception where a statutory remedy exists. *Barron v. Labor Finders of South Carolina*, 393 S.C. 609, 615, 713 S.E.2d 634, 637 (2011). A common law wrongful discharge claim exists only where there is “no other reasonable means of redress.” *Stiles v. American General Life Insurance Co.*, 335 S.C. 222, 228, 516 S.E.2d 449, 452 (1999); *Dockins v. Ingles Markets, Inc.*, 306 S.C. 496, 498, 413 S.E.2d 18, 19 (1992).

Here, Respondent elected to proceed exclusively under S.C. Code Ann. § 41-1-80. (R. 16-17). The statute provides the express and exclusive remedy for workers’ compensation retaliation claims, defining both the cause of action and the scope of available relief. The existence of this statutory remedy forecloses any analogy to a common law wrongful discharge claim.

The Circuit Court’s reliance on *Ludwick* and its progeny is therefore misplaced. Those cases address the narrow circumstances in which a common law claim may arise in the absence of

a statutory remedy. They do not permit courts to recast a statutory claim as a tort where the legislature has already established a comprehensive framework.

By disregarding this distinction, the Circuit Court effectively supplanted the statutory scheme with common law principles, thereby expanding the claim beyond its lawful scope. This constitutes reversible error.

II. Claims Asserted Under § 41-1-80 Are Equitable and Not Subject to Jury Trial

The Circuit Court's misclassification of the claim triggers an improper expansion of available remedies. Section 41-1-80 expressly limits recovery to lost wages and reinstatement. These remedies are equitable in nature. *Wallace*, 305 S.C. at 120. Consistent with that characterization, claims under the statute must be tried without a jury. *Hinton*, 343 S.C. at 241.

Despite these clear limitations, the Order permits Respondent to pursue legal damages, including emotional distress, reputational harm, and other forms of non-equitable relief as set forth in the Amended Complaint. This expansion finds no support in the statutory text or controlling precedent. South Carolina courts have rejected similar attempts to enlarge statutory remedies beyond their express terms. *Robinson v. Code*, 384 S.C. 582, 588, 682 S.E.2d 495, 498 (Ct. App. 2009).

The Circuit Court's reliance on *Drew v. Waffle House* is likewise misplaced. That decision addresses front pay under federal law and does not interpret § 41-1-80. The importation of federal remedial concepts into a distinct state statutory scheme is unsupported and inconsistent with principles of statutory construction.

Similarly, the Court's citation to cases such as *Chastain* and *Horn* does not justify its ruling. Those cases do not authorize recovery of legal damages beyond reinstatement and back pay, nor do they convert a statutory equitable claim into a legal one.

By permitting legal damages and a jury trial, the Circuit Court altered both the nature of the claim and the rights of the parties in a manner that is inconsistent with South Carolina law.

Despite this settled authority, the Circuit Court permitted Respondent to pursue legal remedies for damages by way of a jury trial. That ruling impermissibly expands the remedies available under the statute and contravenes binding precedent.

South Carolina courts have rejected similar attempts to enlarge statutory remedies beyond their express terms. See *Robinson v. Code*, 384 S.C. 582, 588, 682 S.E.2d 495, 498 (Ct. App. 2009). The Order should be reversed on this basis alone.

III. The Order is Immediately Appealable Because It Deprives Appellant of Its Right to a Non-Jury Trial

An order affecting the mode of trial to which a party is entitled as a matter of right is immediately appealable under S.C. Code Ann. § 14-3-330(2).

The Supreme Court has repeatedly held that the denial of a proper mode of trial constitutes a deprivation of a substantial right. *Flagstar Corp. v. Royal Surplus Lines Insurance Co.*, 341 S.C. 68, 72, 533 S.E.2d 331, 333 (2000); *Lester v. Dawson*, 327 S.C. 263, 491 S.E.2d 240 (1997). Failure to immediately appeal such an order constitutes a waiver of the issue. *Flagstar*, 341 S.C. at 72.

Here, the Circuit Court's Order deprives Appellant of its right to a non-jury trial on a claim that is equitable as a matter of law. This deprivation is immediate and substantive. It directly affects the manner in which the case will be adjudicated, expands potential liability, and exposes Appellant to remedies not authorized by statute.

As reflected in Appellant's Motion to Alter or Amend, this issue was squarely presented to the Circuit Court yet remains uncorrected. Once entered, such a ruling cannot be revisited by another circuit court judge. *Spencer v. National Union Bank*, 189 S.C. 197, 202, 200 S.E. 721, 723

(1939); *Robert Harmon & Bore, Inc. v. Jenkins*, 282 S.C. 189, 318 S.E.2d 371 (Ct. App. 1984).

Absent immediate appellate intervention, Appellant will be required to proceed through discovery and trial under an erroneous legal framework, with no meaningful opportunity to challenge the ruling until after final judgment.

This is precisely the type of prejudice the doctrine of immediate appealability is intended to prevent. Accordingly, the Order is immediately appealable and warrants review by this Court.

CONCLUSION

The Circuit Court's Order relies on a misapplication of South Carolina law and results in the improper expansion of a statutory cause of action. By permitting Respondent to pursue legal damages and a jury trial under S.C. Code Ann. § 41-1-80, the Court alters the nature of the claim, exceeds the limits of the statutory framework, and deprives Appellant of its right to a non-jury adjudication.

Because the Order affects the mode of trial and materially impacts the manner in which this case will proceed, it is immediately appealable and warrants correction by this Court.

For the foregoing reasons, Appellant respectfully requests that this Court reverse the Circuit Court's Order, hold that Respondent's claim under S.C. Code Ann. § 41-1-80 is equitable in nature, strike all claims for legal damages and any demand for a jury trial, and remand this matter for further proceedings consistent with this Court's ruling.

[Signature Page to Follow]

Respectfully submitted,

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