

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2025-001787

JOSEPH N. GRATE,

APPELLANT

V.

**MICHAEL T. BENSON,
LINWOOD JESSE ROUSE,
SAM SULLIVAN / SAMANTHA SULLIVAN,
COASTAL CAROLINA UNIVERSITY,**

RESPONDENTS

INITIAL BRIEF

October 9, 2026

A handwritten signature in black ink, appearing to read "Joseph N. Grate", written over a horizontal line.

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Rule 3(d) and Rule 4(d) (8) SCRCP, is the Court in error for having Granted Respondents' Dismissal Motions?

Standard of Review - 2

Regarding Venue,

Pursuant to Rule 82 (b) SCRCP, is the Court in error for having Granted Respondents' Dismissal Motions?

Standard of Review - 3

Regarding Rule 12 (b) (6). Dismissal

Pursuant to S.C. Code Ann. § 59-136-100, S.C. Code Ann. § 59-136-130 (2), Rule 3 SCRCP and given the State's Notice Status, is the Court in error for having granted Respondents' Dismissal Motion, citing failure to state facts sufficient to constitute a cause of action?

Argument

Is the Court in error for having granted Respondent CCU's Dismissal Motion?

Standard of Review 1

Regarding Service

Given that Respondent CCU is a Corporate Entity, which can sue and be sued as such, pursuant to S.C. Code Ann. § 59-136-100, S.C. Code Ann. § 59-136-130 (2) and S.C. Code Ann. § 15-9-210 respectively; the service there upon was properly addressed in every manner necessary pursuant to the Action at issue.

Statement of Issues on Appeal

1. Is the Court in error for having granted Respondents' Dismissal Motions?

Statement of the Case

1. The Action was Initiated on May 27, 2025.
2. This Case is Civil in Nature.
3. The Respondents have not provided an answer to the Complaint.
4. The Defense Timely Responded with a Dismissal Motion, June 24, 2025
5. Appellant Objected to the Dismissal Motion July 9, 2025.
6. Respondents filed an Amended Dismissal Motion, June 27, 2025
7. A Motion Hearing was convened, Via WEBEX, July 31, 2025.
8. The Court Granted Respondent's Amended Dismissal Motion on August 1, 2025.
9. Appellant received the Dismissal Order, August 12, 2025.
10. Notice of Appeal was filed, August 29, 2025.
11. The Court of Appeals Dismissed the Case June 8, 2026.
12. Appellant Moved this Court for Reinstatement, June 18, 2026.
13. The Transcript was received August 10, 2026.
14. The Court Reinstated the Case September 9, 2026.
15. The amount involved in appeal was \$ 36,000,000.00 (Thirty-Six Million Dollars).
16. Respondent Michael T. Benson is no longer employed at the University.

Standard of Review - 1

Regarding Service:

Pursuant to S.C. Code Ann. § 59-136-100, S.C. Code Ann. § 59-136-130 (2),

1. Respondents were Properly Served, per Rule 3 and Rule 4 (d) (1), (d)3. SCRCPP and are not contesting Receipt of the Complaint on the Indicated Date.
2. The Respondents have not provided an answer to the Complaint.
3. Respondents through their Attorney addressed the Complaint by Timely Filing a Dismissal Motion, instead of Filing an Answer, per Rule 7 (a), Rule 8 (b) SCRCPP.
4. Respondents failure to respond as required per Rule 8 (d) , Rule 12 (a) SCRCPP thereby admitting to all Allegations in the Complaint.
5. The Order indicates that “The Complaint implies that the defendants were all performing their duties with CCU”; Quite the contrary, the Complaint indicated that all Respondents were Employed by the University, but their performance were not in conformance with any semblance of Proper Duty Performance, for their Respective Positions.
6. The Court assumes that the employees were acting within the scope of Official duties.
7. The filing Was sufficient given that South Carolina is a Notice State. Rule 3 SCRCPP.
8. Pursuant to S.C. Code Ann. § 59-136-130 (2), Coastal Carolina University can sue and be sued by the Corporate Name, per the Corporation designation at S.C. Code Ann. § 59-136-100.

Standard of Review - 2

Regarding Venue,

1. The Fifteenth Judicial District comprises Horry and Georgetown Counties. Pursuant to Rule 82 (b) SCRCPP, is the Court in error for having Granted Respondents’ Dismissal Motions?

Conclusion

1. Respondents had the option, at every level of the case, to attempt to refute the allegations and the Obligation under Rules of SCRCP to provide Defenses thereto.
2. With regard Cause of Action sufficiency allegations, the Complaint is Sufficient and Proper in every respect, given the State's Notice Status.
3. The Court should have permitted the opportunity to pursue matters in accordance with Standard Judicial Procedures under S.C. Code of Laws.

Relief Requested

1. The Relief Appellant seeks is the Removal of All Restrictions and Barriers and Full and Equal Access to Coastal Carolina University.
2. Damages in the amount indicated in the Complaint.
3. Punitive Damages.