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STATE OF SOUTH CAROLINA COUNTY OF FLORENCE Yvonne Brown-Burgess, Plaintiff, vs. Florence County School District One, and John E. Haas, in his capacity as Court Appointed Receiver, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE TWELFTH JUDICIAL CIRCUIT C/A No.: 2026-CP-21-00877 **ORDER GRANTING MOTION BY DEFENDANT JOHN E. HAAS, IN HIS CAPACITY AS COURT APPOINTED RECEIVER, TO DISMISS COMPLAINT**

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SC Court of Appeals

Plaintiff commenced this action on April 20, 2026 against Florence County School District One and John E. Haas, in his capacity of Court Appointed Receiver, asserting conversion, negligence, bailment, violation of due process and civil conspiracy arising from Defendants' alleged actions taken relating to Florence County School District One's revocation of a charter granted to Palmetto Youth Academy. John E. Haas was appointed to serve as a receiver by the Administrative Law Court to ascertain, recover and safeguard the assets of Palmetto Youth Academy ("PYA") and its parent corporation, Palmetto Youth Services ("PYS"). Plaintiff was the executive director of PYA. Plaintiff alleges that Mr. Haas and the School District destroyed her personal property that was located within buildings or on real property owned by PYA and/or PYS and seeks damages for her loss of personal property.

Defendants timely filed motions to dismiss the Complaint in lieu of an Answer. On July 24, 2026, this Court heard both of these motions to dismiss. Following the hearing, this Court reviewed and took into consideration Plaintiff's letter to the Court dated July 29, 2026 with exhibits. On August 14, 2026, this Court entered a Form 4 Order granting Defendants' motions to

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dismiss and requested submittal of formal orders by the Defendants. As to Defendant John E. Haas, in his capacity as Court Appointed Receiver, this Order follows.

STANDARD OF REVIEW

"In deciding a motion to dismiss pursuant to 12(b)(6), SCRCP, the trial court should consider only the allegations set forth on the face of the plaintiff's complaint." *Plyler v. Burns*, 373 S.C. 637, 645, 647 S.E.2d 188, 192 (2007). "A 12(b)(6) motion should not be granted if facts alleged and inferences reasonably deducible therefrom would entitle the plaintiff to any relief on any theory of the case." *Id.* "The question is whether, in the light most favorable to the plaintiff, and with every doubt resolved in his behalf, the complaint states any valid claim for relief." *Id.*). "However, on a 12(b)(6) motion, if matters outside the pleading are presented to and not excluded by a court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, SCRCP." *Brazell v. Windsor*, 384 S.C. 512, 516, 682 S.E.2d 824, 826 (2009).

Summary judgment is appropriate when the pleadings and other admissible material presented show there is no genuine issue of material fact such that the moving party must prevail as a matter of law. Rule 56(c), SCRCP. "The evidence and all reasonable inferences must be viewed in the light most favorable to the non-moving party." *Fleming v. Rose*, 350 S.C. 488, 493-94, 567 S.E.2d 857, 860 (2002). "The 'mere scintilla' standard does not apply under Rule 56(c)." *Kitchen Planners, LLC v. Friedman*, 440 S.C. 456, 463, 892 S.E.2d 297, 301 (2023).

Common law judicial immunity is "vital for the continuation of an independent judiciary and for the preservation of judicial integrity." *O'Laughlin v. Windham*, 330 S.C. 379, 384, 498 S.E.2d 689, 692 (Ct. App. 1998). Judicial immunity under common law absolutely bars litigation against an officer of the court engaged in judicial acts. *Id.* "The proper inquiry under common law

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immunity is whether [a judicial officer] was performing a judicial act, and if so, whether she was acting in the clear absence of all jurisdiction." *Id.* at 385-86, 692.

RELEVANT FACTS

Plaintiff alleges in her Complaint that:

8. Plaintiff purchased and owned personal property located within buildings and other structures associated with PYA but not owned by PYA, including, without limitation, mobile classrooms, as well as equipment, supplies, furniture, and instructional materials (the "Property").

9. The Property was acquired solely with Plaintiff's personal funds and was never transferred, assigned, or conveyed to FSD1, the Receiver, or any other entity.

10. Plaintiff exercised ownership, possession, and control over the Property at all relevant times prior to Defendants' actions.

11. In or about September 2024, Defendants assumed control over the premises where the Property.

12. Upon assuming control, Defendants exercised exclusive dominion over the premises and all contents therein, including Plaintiff's Property.

13. Plaintiff created a detailed inventory list identifying her personal Property and, separately, personal property belonging to other staff and teachers (the "Inventory List").

14. Plaintiff transmitted the Inventory List to counsel for the Receiver, who provided it to FSD1.

15. Plaintiff made repeated requests for access to retrieve her Property.

16. Defendants had actual knowledge of Plaintiff's ownership claims and her requests to recover the Property.

17. Despite such knowledge, Defendants failed and refused to provide Plaintiff access to retrieve her Property.

18. Defendants failed to take any reasonable steps to safeguard or preserve Plaintiffs Property.

19. Thereafter, Defendants caused or permitted the demolition of the buildings and structures where the Property was located.

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20. As a direct and proximate result of the demolition, Plaintiff's personal Property was destroyed.

In an Inventory Claim List presented to this Court, Plaintiff claims that she or third parties other than PYA or PYS own office supplies, filing cabinets, computers, printers, office furniture, chairs, storage cabinets, student books, tables, shelving, a refrigerator and freezer, school supplies, cleaning supplies, student uniforms, audiovisual equipment, iPads, televisions, student desks, and HVAC units that were located within the PYA buildings.

John E. Haas was appointed to serve as a receiver by The Honorable S. Phillip Lenski, South Carolina Administrative Law Judge, in the matter of *Palmetto Youth Academy Charter School and Palmetto Youth Services, Inc. v. Florence County School District One*, Docket # 23-ALJ-30-0239-AP, in which PYA and PYS appealed the revocation of PYA's charter by the School District in May 2023. The Administrative Law Court ("ALC") denied the appellants' motion to stay the charter revocation. ALC Order, p. 2 (Sept. 22, 2023). Thereafter, the ALC found that PYA continued to operate a charter school using public funds despite losing its authority to do so, and failed to comply with the School District's closure protocol. *Id.* at pp. 5-6. By Order entered September 22, 2023, the Court appointed Mr. Haas as Receiver and directed him to manage any property, funds, and other assets held or controlled by PYA, PYS, and any affiliated entities, with the scope, powers and limitations described in relevant part as follows:

a. To take custody, control and possession of all records, assets, funds, personal property, vehicles, bank accounts, brokerage accounts, real property premises and other materials of any kind in the possession or under the direct or indirect control of PYA and/or PYS, until further order of this court;

b. To manage, control, and maintain PYA and PYS while undergoing the District's closure protocol, and to use income, earnings, rents and profits of PYA and/or PYS, with full power to sue for, collect, recover, receive and take into possession all goods, chattels, rights, credits, monies, effects, lands, books and records of accounts and other documents, data and materials;

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c. To conduct the business operations of PYA and PYS while undergoing the District's closure protocol, including the termination of any contracts, employment arrangements and all other aspects of PYA's and/or PYS's operations;

...

h. To take any action which could be taken by the officers, directors, managers, members, partners, board members, trustees or other principals of PYA and/or PYS;

...

j. And to take such other action as may be approved by this court. ALC Order, p 12-13 (Sept. 22, 2023).

In its order granting a temporary restraining order and permanent injunction, and appointing Mr. Haas as receiver, the ALC found PYA's assets were obtained from public funding and noted that PYA did not dispute this fact. ALC Order, p. 5 (Sept. 22, 2023). In a subsequent order, the ALC stated:

> S.C. Code Ann. § 59-40-120 provides that: Upon dissolution of a charter school, its assets may not inure to the benefit of any private person. Any assets obtained through a donor through awards, grants, or gifts must be returned to that entity. All other assets become property of the sponsor. The Appellants have offered no evidence that there was any restricted agreement with a donor for the acquisition of any asset. ALC Order, p. 4 (Sept. 17, 2025).

In its Order entered September 17, 2025, the ALC approvingly stated that prior to January 2025, Mr. Haas had transferred possession of the PYA land and buildings to the School District and determined that the School District had an ownership interest in any personal property including furniture, fixtures, and supplies of PYA and PYS pursuant to S.C. Code Ann. § 59-40-120. ALC Order, p. 4 (Sept. 17, 2025). The ALC confirmed this conclusion, ordering that the Receiver transfer all assets, claims and real property to the School District, with the exception of a disputed cash amount of $114,400.00. *Id.* at p. 7. Under the doctrine of collateral estoppel, the decisions of the ALC precludes the relitigation in this action of the issues addressed by the ALC. *Bennett v. S.C. Dep't of Corr.*, 305 S.C. 310, 312, 408 S.E.2d 230, 231 (1991).

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What is more, the ALC Order entered September 22, 2023 immunizes the Receiver from liability "for any loss or damage incurred by any person … by reason of any act performed or omitted to be performed by the Receiver or those engaged or employed by him in connection with the discharge of their duties and responsibilities in connection with the receivership," with the exception of "an act of gross negligence or intentional misconduct." ALC Order, p. 17 (Sept. 22, 2023).

ANALYSIS

Judicial immunity under common law absolutely bars litigation against an officer of the court engaged in judicial acts. *O'Laughlin v. Windham*, 330 S.C. 379, 385, 498 S.E.2d 689, 692 (Ct. App. 1998). Receivers are quasi-judicial officers entitled to judicial immunity. *Bell v. Disner*, No. 3:14CV91, 2015 WL 179562, at *3 (W.D.N.C. Jan. 14, 2015); *El Bey v. Seymour*, No. CV 3:14-2858-SB-BM, 2014 WL 11531101, at *2 (D.S.C. Aug. 29, 2014), *report and recommendation adopted sub nom. Bey v. Seymour*, No. CV 3:14-2858-SB-BM, 2014 WL 11531783 (D.S.C. Nov. 6, 2014), *aff'd sub nom. El Bey v. Seymour*, 591 F. App'x 241 (4th Cir. 2015). "The scope of [a judicial officer's] official duties is not dispositive under common law judicial immunity." *O'Laughlin v. Windham*, 330 S.C. 379, 385, 498 S.E.2d 689, 692 (Ct. App. 1998). "The proper inquiry under common law immunity is whether [a judicial officer] was performing a judicial act, and if so, whether she was acting in the clear absence of all jurisdiction." *Id.* at 385-86, 692. Whether an act is judicial in nature is determined by the nature and function of the act. *Id.*

Here, Plaintiff's allegation thar Mr. Haas "exercised exclusive dominion over the premises and all contents therein, including Plaintiff's Property" is clearly a judicial act that falls within the ALC's direction to the Receiver. Further, prior to January 2025, Mr. Haas had transferred

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possession of the PYA land and buildings to the School District and determined that the School District had an ownership interest in any personal property including furniture, fixtures, and supplies of PYA and PYS pursuant to S.C. Code Ann. § 59-40-120. ALC Order, p. 4 (Sept. 17, 2025). The ALC confirmed this conclusion, ordering that the Receiver transfer all assets, claims and real property to the School District, with the exception of a disputed cash amount of $114,400.00. *Id.* at p. 7. Mr. Haas' actions and determinations concerning the personal property located within or on PYA real property also constitutes a judicial act within his powers as Receiver. Had Mr. Haas done as Plaintiff asserts he should have done - provide Plaintiff access to retrieve her alleged personal property – his actions would have been contrary to the ALC Orders. None of Mr. Haas' acts were taken in the clear absence of all jurisdiction. Therefore, common law judicial immunity bars all of Plaintiff's claims against Mr. Haas as Receiver.

In addition to common law judicial immunity, the ALC conferred partial immunity upon Mr. Haas in its September 22, 2023 Order. Under section 15 of its Order, Plaintiff is barred from bringing all of her claims against Mr. Haas except for her cause of action for gross negligence. ALC Order, p. 17 (Sept. 22, 2023).

NOW THEREFORE, IT IS ORDERED that Defendant John A. Haas in his capacity as Receiver enjoys common law judicial immunity and immunity specifically conferred by the ALC. Due to such immunity, all of Plaintiff's causes of action against John A. Haas in his capacity as Receiver are hereby **DISMISSED**.

AND IT IS SO ORDERED.

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The Honorable H. Steven DeBerry, IV

Circuit Court Judge

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Florence Common Pleas

Case Caption:	Yvonne Brown Burgess VS School District One Florence County , defendant, et al
Case Number:	2026CP2100877
Type:	Order/Dismissal

H. Steven DeBerry, IV

Circuit Court Judge 2771