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Oct 26 2026

Order Granting Defendant

SC Court of Appeals

Florence County School District One's Motion to Dismiss

electronically filed August 31, 2026

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 DEFENDANT
FLORENCE COUNTY SCHOOL
DISTRICT ONE'S
MOTION TO DISMISS**

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SC Court of Appeals

This matter comes before the Court by way of a summons and complaint filed by Plaintiff on April 20, 2026. On May 4, 2026, Defendant Florence County School District One ("Florence One") filed a motion pursuant to Rule 12(b)(5), 12(b)(6) and 12(c), SCRCF to dismiss Plaintiff's case for failure to plead a cause of action upon which relief could be granted and for a Judgment on the Pleadings pursuant to Rule 12(c) asserting that no cause raised by the Plaintiff may properly be made against Florence One or John E. Haas under the facts pled. A hearing on the Defendant's motion was convened before me on July 24, 2026, at the Florence County Courthouse. Plaintiff was present and proceeded *pro se*. Defendant Florence One School District One was represented by Michael H. Montgomery, Esquire. Defendant John E. Haas was represented by M. Mullen Taylor, Esquire. Both Florence One and Mr. Haas filed separate motions to dismiss. This Order addresses Florence One's motion. The Court is entering a separate Order on Mr. Haas' motion.

On August 4, 2026, Plaintiff filed a Motion for Leave to Supplement the Record and filed additional evidence she claimed supplemented the record. To ensure that it considered all of the

arguments in the matter, the Court has reviewed those submissions and considered them in preparing this Order. The Court, for purposes of this Order, treats this information as if it were an exhibit to Plaintiff's complaint.

This Court has had an opportunity to review the pleadings and memoranda filed in this action and has considered the arguments presented at the hearing by Plaintiff and Defendants' respective counsel. Set forth below, this Court finds that Defendant Florence County School District One's motion should be granted, and this matter dismissed. The Court also notes that portions of this dismissal are with prejudice, as the Court cannot adduce any claims asserted by Plaintiff for which amendment of the pleadings would not be futile.

A. INTRODUCTION

On April 20, 2026, Plaintiff filed a Civil Action against the Defendants alleging causes of action for Conversion, Negligence and Gross Negligence, Bailment, Deprivation of Property, and Civil Conspiracy. The Court interprets the Deprivation of Property claim as constitutional takings claim. All of these allegations stem from events in another judicial proceeding in which the Florence School District One Board of Trustees denied renewal of a Charter for Palmetto Youth Academy, a public charter school. The Court takes judicial notice of the records contained in that matter.

Plaintiff Brown-Burgess directed the public charter school and managed, at a minimum, its day-to-day operations. After the school's charter was not renewed, she continued to operate the school without sanction¹. When it discovered this, Florence One moved that the Administrative

¹ After the Charter was not renewed, Palmetto Youth Academy and Palmetto Youth Services, the entity that operated the school, moved for a stay of the school board's decision pursuant to the Charter Schools Act. (S.C. Code Ann. § 59-40-10, et seq.) The Administrative Law Court

Law Court appoint a receiver. The Court appointed John Haas as receiver. The transfer of assets to the receiver and ultimately to FSD1 occurred in the case captioned *Palmetto Youth Academy Charter School and Palmetto Youth Services, Inc. v. Florence County School District One*, 23-ALJ-30-0239-AP. During his service, Mr. Haas identified numerous fiscal and operational irregularities and sought recovery of assets wrongfully appropriated and transferred by Plaintiff or at Plaintiff's direction. Every action that the Plaintiff alleges in this Complaint stems from actions taken and ordered by the Administrative Law Court.

To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to "state a claim to relief that is plausible on its face." *Bell Atlantic Corporation v. Twombly*, 550 U.S. 544, 570, 127 S. Ct. 955, 167 L. Ed. 2d 929. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. *Id.*, at 556, 127 S. Ct. 1955, 167 L. Ed. 2d 929. The plausibility standard is not akin to a "probability requirement," but it asks for more than a mere possibility that a defendant has acted unlawfully. *Id.*

The tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions. Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice. *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 1949, 173 L.Ed. 2d 868,884 (2008). A court is not bound to accept as true a legal conclusion couched as a factual allegation. Rule 8, SCRCF, marks a notable and generous departure from the hyper-technical, code-pleading regime of a prior era, but it does not unlock the doors of discovery for a plaintiff armed with nothing more than conclusions. "Only a complaint

denied the motion for a stay, and the school was officially to close on June 30, 2023. Subsequently, the District informed the Court that it remained open and alleged that it was using public resources to operate as a private school.

that states a plausible claim for relief survives a motion to dismiss.” *Id.*, at 556, 127 S. Ct. 1955, 167 L. Ed. 2d 929. Determining whether a complaint states a plausible claim for relief is a context-specific task that requires the reviewing court to draw on its judicial experience and common sense. But where the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged -- but it has not “show[n]” -- “that the pleader is entitled to relief.” Rule 8(a)(2), SCRCP.

In keeping with these principles, a court considering a motion to dismiss can choose to begin by identifying pleadings that, because they are no more than conclusions, are not entitled to the assumption of truth. While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations. When there are well-pleaded factual allegations, a court should assume their veracity and then determine whether they plausibly give rise to an entitlement to relief. Here, the paragraphs that Plaintiff argues are allegations of fact are nothing more than conclusions unsupported by factual allegations. Even considering the documents she provided with her subsequent motion, nothing creates any valid factual claim of ownership. Her complaint fails to include averments of fact to support the causes of action she seeks to plead.

In applying the general tenets of Rule 12(b)(6), this Court finds Plaintiff’s complaint (even allowing a liberal interpretation due to her *pro se* status²) fails as follows:

B. FLORENCE ONE IS ENTITLED TO DISMISSAL PURSUANT TO RULE 12(B)(6), SCRCP.

All of Plaintiff’s claims stem from her allegations of fact alleged in Paragraphs 8-20 of her

². “[A] pro se litigant has full responsibility for complying with substantive and procedural requirements of the law. *State v. Burton*, 356 S.C. 259, 265, 589 S.E.2d 6, 9 n.5 (2003); *Goodson v. American Bankers Ins. Co of Fla.*, 295 S.C. 400, 403, 368 S.E.2d 687, 689 (Ct. App. 1988) (“Lack of familiarity with legal proceedings is unacceptable and the court will not hold a layman to any lesser standard than is applied to an attorney.”)

complaint. Those include: (by Paragraph number in the Complaint)

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 is located.
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 teachers³ (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 Plaintiff's Property.

³ While Plaintiff purports to make claims on behalf of other parties, she has no standing to do so. Generally, a party must be a real party in interest to the litigation to have standing." *Sloan v. Friends of Hunley, Inc.*, 369 S.C. 20, 28, 630 S.E.2d 474, 479 (2006). "Standing to sue is a fundamental requirement in instituting an action." *Joytime Distribs. & Amusement Co. v. State*, 338 S.C. 634, 639, 528 S.E.2d 647, 649 (1999). "Standing refers to a party's right to make a legal claim or seek judicial enforcement of a duty or right." *Michael P. v. Greenville Cnty. Dep't of Soc. Servs.*, 385 S.C. 407, 415, 684 S.E.2d 211, 215 (Ct. App. 2009). As a matter of law, Ms. Brown-Burgess lacks standing to bring claims for Palmetto Youth Academy, Palmetto Youth Services, and "other staff and teachers."

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

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

These general allegations fail to support any of the causes of action that she pleads.

1. *As a matter of law, the Plaintiff's claims against John E. Haas are totally barred by judicial immunity and the South Carolina Tort Claims Act, S.C. Code Ann. §15-78-60(1) and (5).*

The Court is issuing a separate Order granting Mr. Haas' motion to dismiss, but his immunity also affects the case against Florence One. In *State v. Sachs*, 264 SC 541, 216 S.E. 2d 501 (1975), the Court determined that an officer directly responsible to a municipal court judge was a "quasi-judicial official." Id. at 264 SC 554. Like that officer, Mr. Haas, as a Court-appointed receiver, is a quasi-judicial official, and the acts he performed as receiver were sanctioned and approved by the Court. The Court approved his transfer of the assets he took possession of. He was thus, as a matter of law, a quasi-judicial official engaged in quasi-judicial acts and immune from suit as a matter of law pursuant to both the common law and the South Carolina Tort Claims Act. Mr. Haas is immune from suit by the Court Orders and the relevant sections of the Tort Claims Act. He was engaged in a quasi-judicial function pursuant to S.C. Code Ann. § 15-78-60(1), and he was acting in a capacity where his determinations constituted an exercise of discretion under S.C. Code Ann. § 15-78-60(5).

2. *The Plaintiff's Complaint fails to plead conversion sufficiently to survive a motion to dismiss.*

Plaintiff's claim for conversion is nothing more than a recital of the elements of the cause of action. During the hearing, Plaintiff could not direct the Court to any portion of her pleading that alleged facts constituting conversion. She argued that she had evidence to support her

conclusions. No facts were pled. She did not identify the items of property, how she acquired them, or what evidence she had that they were hers, particularly since her own arguments show the school had used the property as its own since at least 2005. The receiver took and transferred the school's property. Ms. Brown-Burgess alleges no lease or any other incident of ownership which would create a controversy as to ownership. She makes simply a bare conclusory allegation to that effect.

Her complaint contains no claims beyond bare allegations. She alleges that she owned certain property and that defendants took it in paragraphs 8-15 of the Complaint. Yet, a review of the list she provided and the exhibits she filed after the hearing with her Motion for Leave to Supplement the Record provides no factual basis for her having a claim of ownership of the items on the list. A mere allegation that she "owned the property" is insufficient to establish title. Moreover, the items she identifies are materials and equipment customarily used in operating the school. Her post-hearing submissions likewise fail to establish evidence that any property within the school building is hers. The South Carolina Supreme Court discussed conversion in *Crane v. Citicorp Nat'l Servs., Inc.*, 313 S.C. 70, 437 S.E.2d 50 (1993):

Conversion is the unauthorized assumption and exercise of the right of ownership over goods or personal chattels belonging to another, to the alteration of the condition or the exclusion of the owner's rights. To establish the tort of conversion, it is essential that the plaintiff establish either title to or right to the possession of personal property.

Id. at 313 S.C. 73. [emphasis added]

Neither Plaintiff's pleading, the information that she shared with the Court during the hearing, nor her supplemental filing post-hearing establish even a factual averment that she

possesses either title to or right to the personal property she claims was converted⁴. Apart from a legal conclusion asserting her ownership, the complaint alleges no facts. Her complaint fails to allege what the property was, how she purchased or owned it, or any factual evidence that she legally possessed the listed 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 only evidence available is that all of those items were owned by either PYA or PYS⁵, which are one and the same. She offers no detail, nor does she allege how the subject personal property came to be allegedly owned by her.

Second, her complaint fails to allege any unauthorized assumption and exercise of the right of ownership. The Receiver acted based on an Order of the Administrative Law Court, which the South Carolina Court of Appeals subsequently affirmed. The receiver was clearly authorized to take the action Plaintiff alleges was wrong. To the extent that Defendant Florence One assumed and exercised its rights of ownership, that also was pursuant to an affirmed Order of the Administrative Law Court. Plaintiff is unable to prove as a matter of law that either Defendant was not authorized to assume possession of the property and exercise rights of ownership.

Her complaint for conversion fails as a matter of law and is dismissed with prejudice. The School District had no duty or obligation to inquire into her claims made long after the receiver took title and reported to the Court.

⁴ At best, the exhibits attached to Ms. Brown-Burgess's Motion to Supplement demonstrate that the School, not Ms. Brown-Burgess, acquired some assets during its formation that continued to be owned by the School and were properly conveyed by the receiver to Florence One pursuant to the South Carolina Charter Schools Act upon non-renewal of the Charter.

⁵ Notably, it would also be necessary to demonstrate that Plaintiff acquired any assets she claims with her funds.

3. *The Plaintiff's Second Cause of Action purporting to be for negligence fails as a matter of law.*

A cause of action for negligence requires: (1) the existence of a duty on the part of the defendant to protect the plaintiff; (2) the failure of the defendant to discharge the duty; (3) injury to the plaintiff resulting from the defendant's failure to perform. *Winburn v. Insurance Company of North America*, 287 S.C. 435, 339 S.E. (2d) 142 (Ct. App. 1985). See also, *Horne v. Beason*, 285 S.C. 518, 331 S.E. (2d) 342 (1985). The absence of any one of these elements renders the cause of action insufficient. It is undisputed that the property in question was transferred by operation of a court Order creating a receivership and authorizing the receiver to take possession of and collect the property of Palmetto Youth Academy and Palmetto Youth Services. The Court subsequently authorized the transfer of all of that property to Florence One pursuant to statute. That is what took place. Plaintiff was the Director of at least one of these two entities that have been determined to be "one and the same." In that role, she actively participated in the matter before the Administrative Law Court and the receivership.

The Plaintiff's complaint abjectly fails to properly plead a negligence claim against the School District for the following reasons.

- a. Defendant took the property and all contents pursuant to a Court Order and by definition cannot have owed any legal duty to her.
- b. The Plaintiff cannot allege a private duty to her where none existed.
- c. She fails to allege a breach of any legal duty owed to her.
- d. She fails to allege how any alleged negligent act of this Defendant proximately damaged her.
- e. She fails to allege any damages attributable to any negligent act by either defendant.

f. The Plaintiff fails to allege any facts beyond her inadmissible legal conclusions from which a trier of fact might conclude that any duty to her existed or was breached.

The critical failure here is that because Plaintiff has failed to allege facts sufficient to support a claim of title or ownership of the property in question, her allegation in Paragraph 32 that she was owed a duty is without any basis or support. Therefore, she cannot meet the most fundamental requirement to plead a negligence cause of action as a matter of law. Absent evidence of a legal duty, her claims for negligence and gross negligence fail as a matter of law. Those claims are dismissed without prejudice.

4. *The Plaintiff's Third Cause of Action alleging a claim for a Bailment fails as a matter of law.*

A bailment is created by the delivery of personal property by one person to another in trust for a specific purpose, pursuant to an express or implied contract to fulfill that trust. 8A Am. Jur. 2d *Bailments* § 1 (1997). *See Home Indem. Co. v. Harleysville Mut. Ins. Co.*, 252 S.C. 452, 460, 166 S.E.2d 819, 824 (1969) ("Bailment has been defined as the delivery of a chattel for some express or particular purpose upon a contract, express or implied, that, after the purpose has been fulfilled, then the chattel shall be redelivered to the bailor, or otherwise dealt with according to his directions."). The Plaintiff has not alleged, nor could she allege, that she delivered any chattel to any of the Defendants. Even reading her claims in the light most favorable to her and assuming she possessed title to any of the assets she claims, she delivered property to the school she operated, which used it for years before the Charter expired. She never delivered any property to either Defendant.

The Plaintiff's complaint fails to demonstrate how either Defendant, which took the property under a Court order owed her duties as a bailee. The record before the Administrative

Law Court wholly negates her claims. There, she never claimed she owned any property, and Florence One received the property by Court order recognizing its rightful ownership pursuant to SC Code Ann. §59-40-120. As a matter of law, the Defendant has no duty to search for ownership beyond a court order. This is especially true where the party now claiming title not only participated in the action below but also filed an appeal on her own behalf, which was dismissed as lacking merit. The Plaintiff's third cause of action for Bailment is dismissed with prejudice.

5. *The Plaintiff's claims in the Fourth Cause of Action fail to state a claim for violation of her constitutional rights.*

The claims articulated in this cause of action are nothing more than a basic recitation of the elements of the cause of action. The Plaintiff makes no factual allegations. Although the Court must liberally construe the Complaint and Plaintiff is not required to plead facts sufficient to prove his case as an evidentiary matter in the Complaint, the Complaint "must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S. Ct. 1937, 173 L. Ed. 2d 868 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007)); see also *Francis v. Giacomelli*, 588 F.3d 186, 193 (4th Cir. 2009) (explaining that a plaintiff may proceed into the litigation process only when her complaint is justified by both law and fact). "A claim has 'facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.'" *Owens v. Baltimore City State's Attorney's Office*, 767 F.3d 379, 388 (4th Cir. 2014).

Here, the Plaintiff's complaint is void of any factual allegation that could be read, even at this stage of the litigation, to substantiate a claim that Florence School District One took any action, much less under color of law, to deprive her of property or prevent the exercise of her due process rights. The Court conveyed the property to the district by Order, pursuant to the statute. Plaintiff

essentially complains that she transferred property to the School, and it (which she ran) did not reconvey the property to her. Her complaint fails to state a claim for relief on this cause of action that is plausible on its face. Moreover, there is no set of facts wherein either defendant acted under color of law against Ms. Brown-Burgess. The Court dismisses her cause of action for deprivation of her rights with prejudice.

6. *The Plaintiff's Claims in the Fifth Cause of Action for Civil Conspiracy fail to state a cause of action as a matter of law.*

First, Florence County School District One is not a “person”, and cannot as a matter of law be liable for a claim that requires “two or more persons joined for the purposes of injuring the claimant.” *Peoples Fed. Sav. & Loan Ass'n of S.C. v. Res. Planning Corp.*, 358 S.C. 460, 470, 596 S.E.2d 51, 56-57 (2004).

Second, South Carolina courts closely scrutinize civil conspiracy claims to ensure they capture only true agreements to harm a party and that the conduct and damages attributed to a conspiracy are not also encompassed by other causes of action. Accordingly, a plaintiff may not simply re-allege facts from other claims in support of a civil conspiracy; instead, she must assert that the purported conspirators committed separate acts in furtherance of the conspiracy. *See, e.g., Kuznik v. Bees Ferry Assocs.*, 342 S.C. 579, 611, 538 S.E.2d 15, 31 (Ct. App. 2000) (holding that a plaintiff “was not entitled to maintain his conspiracy cause of action” because he “merely realleged the prior acts complained of in his other causes of action as a conspiracy action but failed to plead additional acts in furtherance of the conspiracy”). Here, paragraph 49 of her complaint is instructive. She lists the same conclusory statements alleging wrong that dominate the Complaint. There are no acts pled in furtherance of the conspiracy. Moreover, there are no acts pled at all aside from a formulaic recitation of the elements of the cause of action – as is the case throughout the Complaint.

Third, because John Haas is immune as a matter of law, the pleading fails to identify any party with whom Florence One could have conspired if it could be a party to a civil conspiracy.

The Plaintiff's Complaint fails to satisfy the fundamental requirements for a civil conspiracy claim to survive a 12(b)(6) motion, as it does not allege a single act in furtherance of any purported conspiracy. Moreover, Florence County School District One is not a "person" and cannot commit civil conspiracy, nor can Mr. Haas, who is immune from suit altogether. The Court dismisses her cause of action for Civil Conspiracy with prejudice.

C. FLORENCE SCHOOL DISTRICT ONE IS ENTITLED TO JUDGMENT ON THE PLEADINGS.

A motion for judgment on the pleadings under Rule 12(c) may be made at any time "[a]fter the pleadings are closed - but early enough not to delay [the] trial." Rule 12(c), SCRCP. A motion for judgment on the pleadings is proper where pleadings entitle a party to judgment without proof, by disclosure of all facts, where the pleadings present no issue of fact or present merely an immaterial issue. *Rosenthal v. Unarco Indus., Inc.*, 278 S.C. 420, 422, 297 S.E.2d 638, 640 (1982). Where the pleadings are fatally deficient in substance or fail to state a good cause of action in favor of the plaintiff and against the defendant, judgment on the pleadings is proper. *Id.*

When deciding a Rule 12(c) motion for judgment on the pleadings, courts apply the same standard used to evaluate a motion to dismiss pursuant to Rule 12(b)(6). "A motion under Rule 12(b)(6) or Rule 12(c) admits well-pleaded facts in the complaint, but it does not admit the inference drawn by the plaintiff from such facts, nor does it admit conclusions of law. The court must take all well-pleaded facts as true." *Carolina Winds Owners' Ass'n, Inc. v. Joe Harden Builder*, 297 S.C. 74, 76, 374 S.E.2d 897, 899 (Ct. App. 1988). In evaluating a Rule 12(c) motion, the court must consider that 'a complaint is sufficient if it states any cause of action or it appears

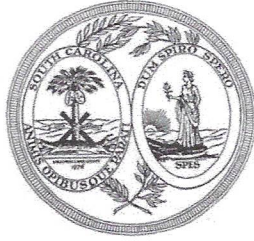
that the plaintiff is entitled to any relief whatsoever.'" (quoting *Falk v. Sadler*, 341 S.C. 281, 287, 533 S.E.2d 350, 353 (Ct. App. 2000))). Construing every fact pled in a light most favorable to Plaintiff, this Court finds no action properly lies against Defendant Florence School District One under the Causes of Action enumerated in the Complaint.

IT IS THEREFORE ORDERED:

1. Defendant's motion to dismiss is granted; and
2. Plaintiff's complaint against Defendant Florence County School District One is dismissed as follows:
 - a. Plaintiff's claim for Conversion is dismissed with prejudice.
 - b. Plaintiff's claim for Negligence and Gross Negligence is dismissed without prejudice.
 - c. Plaintiff's claim for Bailment is dismissed with prejudice.
 - d. Plaintiff's claim for violation of her constitutional rights is dismissed with prejudice.
 - e. Plaintiff's claim for Civil Conspiracy is dismissed with prejudice.
3. Plaintiff's claims against Defendant Florence County School District One are dismissed with prejudice pursuant to Rule 12(c), SCRCP.

AND IT IS SO ORDERED on this _____ day of August 2026

Honorable H. Steven DeBerry
Twelfth Judicial Circuit Court Judge



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

Order Granting Motion by

**Defendant John E. Haas, in His Capacity as
Court-Appointed Receiver, to Dismiss Complaint,**

electronically filed August 28, 2026;