

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

D. Garrison Hill, Circuit Judge

Case No. 2011-CP-23-05088

Lyman R. Rea, Marc Rea,  
Melissa Rea, William Rea  
and Millicent Lindauer

Plaintiffs,

Of whom Lyman R. Rea is,

Appellant,

v.

WYFF-TV 4, Greenville  
News, Greenville County  
Detention Center and  
NBC Nightly News with Brian Williams

Respondents.

---

**RECORD ON APPEAL**

---

Lyman R. Rea  
c/o HC 77 Box 681 BB  
Pittsburg, MO 65724  
Ph. 1-417-993-4340  
Appellant

Mr. Christopher R. Antley, Esq.  
Devlin & Parkinson, P.A.  
P.O. Box 10387  
Greenville, SC 29603  
Ph. 1-864-242-4050  
Attorney for Respondent  
Greenville County Detention Center

Mr. Carl F. Muller, Esq.  
P.O. Box 1717  
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Ph. 1-864-991-8904  
Attorney for Respondents  
WYFF-TV 4 and The Greenville News

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Order of December 2, 2011

STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF GREENVILLE

CASE NO: 2011CP2305088

IN THE COURT OF COMMON PLEAS

DEC 5 P 2:16

Lyman Russell Rea vs. Greenville County Detention Center

CHECK ONE:

FILED-CLERK OF COURT  
GREENVILLE CO, S.C.

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC (Vol. Nonsuit);
  - Rule 43(k), SCRPC (Settled);
  - Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):
  - Rule 40(j) SCRPC;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
  - Affirmed;
  - Reversed;
  - Remanded;
  - Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order;  Statement of Judgment by the Court:

Dated at Greenville, South Carolina, this .

Court Reporter: \_\_\_\_\_

\_\_\_\_\_  
PRESIDING JUDGE -

This judgment was entered on the 5th day of December, 2011, and a copy mailed first class this 5th day of December, 2011, to attorneys of record or to parties (when appearing pro se) as follows:

Lyman Russell Rea HC77 Box 681BB Pittsburg,  
MO 65724

Carl F. Muller Attorney At Law P O Box 1717  
Greenville, SC 296020728  
Christopher R. Antley Devlin & Parkinson, PA P.O.  
Box 10387 Greenville, SC 29603

\_\_\_\_\_  
ATTORNEY(S) FOR THE PLAINTIFF(S)

\_\_\_\_\_  
ATTORNEY(S) FOR THE DEFENDANT(S)

\_\_\_\_\_  
Paul B. Wickensimer Greenville County Clerk Of Court  
- Clerk of Court

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 )  
 COUNTY OF GREENVILLE ) C.A. No. 2011-CP-23-5088  
 2011 DEC -5 P 2:16  
 Lyman Russell Rea, Marc Rea, )  
 Melissa Rea, William Rea, Millicent )  
 Lindauer, ) FILED-CLERK OF COURT  
 ) GREENVILLE CO. S.C.  
 )  
 Plaintiffs, )  
 )  
 vs. ) ORDER  
 )  
 Greenville County Detention Center, )  
 WYFF-TV 4, Greenville News, N.B.C. )  
 Nightly News with Brian Williams, )  
 )  
 Defendants. )  
 )

On October 6, 2011, this Court held a hearing on Defendants WYFF-TV 4 and The Greenville News's motions to dismiss pursuant to Rules 12(b)(2) and (6) of the South Carolina Rules of Civil Procedure, as well as Defendant Greenville County Detention Center's ("GCDC") motions to dismiss pursuant to Rules 12(b)(2) and (6) and for judgment on the pleadings pursuant to Rule 12(c), SCRPC. For the reasons discussed in this Order, the Court grants the Defendants' motions.

Before addressing the substance of the arguments raised by the Defendants, the Court notes that the case caption suggests that five separate Plaintiffs jointly filed this lawsuit. However, only one of the named Plaintiffs, Lyman Russell Rea, signed the Complaint. Since the other named Plaintiffs failed to sign the Complaint and since Lyman Russell Rea, who is not an attorney, cannot represent the other Plaintiffs, the Court dismisses any purported claims made on behalf of Marc Rea,

William Rea, Millicent Lindauer, and Melissa Rea. The Court also orders that their names be stricken from this case's caption.

The Plaintiff has asserted only one cause of action against the Defendants: slander. The Plaintiff's Complaint alleges that on August 13, 2008, the Defendants slandered the Plaintiff by publishing "in print or by television or by the Internet or by a combination of these" statements that the Plaintiff owed child support payments. The Answers filed on behalf of WYFF-TV 4, The Greenville News, and GCDC all assert the statute of limitations as an affirmative defense. The statute of limitations for a slander claim is two years. S.C. Code Ann. § 15-3-550(1) (2001). Since the Plaintiff filed this lawsuit on July 27, 2011, over three years after the date of publication, the statute of limitations bars the Plaintiff from pursuing this case. Accordingly, the Court grants the Defendants' motions to dismiss and for judgment on the pleadings.<sup>1</sup>

In addition, the Court grants Defendants WYFF-TV 4, The Greenville News, and GCDC's motions to dismiss pursuant to Rules 12(b)(2) and 12(b)(6) because none of these Defendants are legal entities capable of being sued and because they are not legal entities over which this Court can exercise personal jurisdiction. See Rule 17(b), SCRPC ("The capacity of a party to sue or be sued shall be determined by the law of this State."). WYFF-TV 4 is a station name, and The Greenville News is a print publication -- they are not entities recognized by South Carolina law.

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<sup>1</sup> The Court also addresses the statute of limitations issue under Rule 12(c) because it is an affirmative defense, and the Court had to rely, in part, on the Defendants' Answers to ensure that the Defendants actually raised the defense.

Likewise, GCDC is a building, not a legal entity. Because these Defendants are not capable of being sued, the Court must dismiss the Plaintiff's claims against them.

The Plaintiff's case is, therefore, dismissed with prejudice. The Court also grants Defendant GCDC's motion for judgment on the pleadings.

IT IS SO ORDERED.



---

D. Garrison Hill, Presiding Judge

Date: 12/2/11  
Greenville, South Carolina

---

Order of October 6, 2011

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMER

2011 OCT 10 P 2:33

**Lyman Russell Rea vs. Greenville County Detention Center**

**CHECK ONE:**

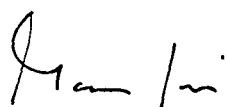
- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC (Vol. Nonsuit);
  - Rule 43(k), SCRPC (Settled);
  - Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**
  - Rule 40(j) SCRPC;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other: \_\_\_\_\_

**IT IS ORDERED AND ADJUDGED:**  See attached order;  Statement of Judgment by the Court:

Defendants' WYFF TV 4, Greenville News, Greenville County Detention Center and Greenville County Family Court Motions to Dismiss are granted. Mr. Antley is to submit a proposed order in Word format via email to [ghillj@sccourts.org](mailto:ghillj@sccourts.org) on or before October 16th.

Dated at Greenville, South Carolina, this 6<sup>th</sup> day of October 2011.

Court Reporter: Hollie Jenkins



**PRESIDING JUDGE - D. GARRISON HILL**

This judgment was entered on the , and a copy mailed first class this , to attorneys of record or to parties (when appearing pro se) as follows:

**Lyman Russell Rea** HC77 Box 681BB Pittsburg, MO 65724

**Carl F. Muller** Attorney At Law P O Box 1717 Greenville, SC 296020728  
**Christopher R. Antley** Devlin & Parkinson, PA P.O. Box 10387 Greenville, SC 29603

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

**ATTORNEY(S) FOR THE DEFENDANT(S)**

Paul B. Wickensimer Greenville County Clerk Of Court  
- Clerk of Court

---

Complaint

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE )

CASE NO. 2011-CP-23-5088

COMPLAINT

Lyman Russell Rea, Marc Rea,  
Melissa Rea, William Rea,  
Millicent Lindauer Plaintiff(s)

(Plaintiffs seek maximum dam-  
ages the state law will allow  
and a correction made of the  
slandorous information con-  
cerning the plaintiff, Lyman  
R. Rea, and that all commun-  
ication outlets would broad-  
cast the correction in the  
same manner and duration  
as the slander was broadcast.

vs.

Greenville County Detention Center,  
WYFF-TV 4, Greenville News, N.B.C.  
Nightly News with Brian Williams  
Defendant(s)

(JURISDICTION)

1. Lyman R. Rea has been a resident of Greenville County, South Carolina since about 1985.
2. The other plaintiffs are family members of Lyman R. Rea.
3. The actions of the defendants toward the plaintiff occurred within the boundary of Greenville County, South Carolina.
4. The Court has jurisdiction in this action and venue is proper.
5. The plaintiff, Lyman R. Rea, asks for a trial by jury.

(COMPLAINT OF THE PLAINTIFF)

6. The plaintiff, Lyman R. Rea, alleges that he was slandered by each of the defendants about the 13th of August, 2008. This slander occurred either in print or by television or by the Internet or by a combination of these, in that the plaintiff was slandered as one who owed child support when in fact he has never owed any child support.

Dated 7/26/2011

Lyman R. Rea  
Lyman R. Rea  
571 Perry Ave.  
Greenville, SC 29611

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∪

Answer A

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE ) C.A. No. 2011-CP-23-5088

Lyman Russell Rea, Marc Rea, Melissa Rea, William Rea, Millicent Lindauer,

Plaintiffs,

vs.

Greenville County Detention Center, WYFF-TV 4, Greenville News, N.B.C. Nightly News with Brian Williams,

Defendants.

**DEFENDANT GREENVILLE COUNTY DETENTION CENTER'S ANSWER**

**(JURY TRIAL REQUESTED)**

Defendant Greenville County Detention Center ("GCDC"), answering the Plaintiffs' Complaint, responds as follows:

1. Defendant GCDC lacks sufficient information upon which to form a belief concerning the allegations contained in paragraphs 1 and 2 of the Plaintiffs' Complaint and, therefore, denies those allegations.

2. Defendant GCDC denies the allegations contained in paragraph 3 of the Plaintiffs' Complaint.

3. The allegations contained in paragraph 4 of the Plaintiffs' Complaint state legal conclusions to which no response is necessary. However, to the extent that the Court requires a response to these allegations, Defendant GCDC lacks sufficient information upon which to form a belief concerning the allegations contained in paragraph 4 of the Plaintiffs' Complaint and, therefore, denies those allegations.

4. Defendant GCDC admits the allegations contained in paragraph 5 of the Plaintiffs' Complaint.

5. Defendant GCDC denies the allegations contained in paragraph 6 of the Plaintiffs' Complaint.

6. Defendant GCDC denies all other allegations contained in the Plaintiffs' Complaint not otherwise admitted, explained, or modified in this Answer.

**FOR A SECOND DEFENSE**  
**(Dismissal Pursuant to Rule 12(b)(6), SCRPC)**

7. Defendant GCDC realleges and incorporates in this paragraph the relevant and consistent allegations and responses contained in the preceding paragraphs of this Answer.

8. The Plaintiffs have failed to state facts sufficient to constitute a cause of action against Defendant GCDC, and therefore, this Court should dismiss the Plaintiffs' case with prejudice pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

**FOR A THIRD DEFENSE**  
**(Insufficiency of Service of Process)**

9. Defendant GCDC realleges and incorporates in this paragraph the relevant and consistent allegations and responses contained in the preceding paragraphs of this Answer.

10. The Plaintiffs have failed to achieve service against Defendant GCDC in a manner required by law, and therefore, this Court should dismiss the Plaintiffs' Complaint pursuant to Rule 12(b)(5) of the South Carolina Rules of Civil Procedure.

11. In addition, this Court should dismiss the Plaintiffs' Complaint pursuant to Rule 12(b)(5) because the Plaintiffs have not served an entity that is recognized by law and that is capable of being served with process and sued in a civil lawsuit.

**FOR A FOURTH DEFENSE**  
**(Lack of Jurisdiction over the Person)**

12. Defendant GCDC realleges and incorporates in this paragraph the relevant and consistent allegations and responses contained in the preceding paragraphs of this Answer.

13. This Court should dismiss the Plaintiffs' Complaint because this Court lacks jurisdiction over Defendant GCDC because Defendant GCDC is not a person recognized under South Carolina law over which this Court can exercise jurisdiction.

**FOR A FIFTH DEFENSE**  
**(Truth)**

14. Defendant GCDC realleges and incorporates in this paragraph the relevant and consistent allegations and responses contained in the preceding paragraphs of this Answer.

15. The sole cause of action that the Plaintiffs have attempted to assert against Defendant GCDC is one for slander.

16. Although Defendant GCDC denies that it or anyone acting on its behalf has engaged in any conduct that would support a slander claim, Defendant GCDC asserts the affirmative defense of truth in response to the Plaintiffs' allegations, all of which concern communications about child support.

**FOR A SIXTH DEFENSE**  
**(Qualified Privilege)**

17. Defendant GCDC realleges and incorporates in this paragraph the relevant and consistent allegations and responses contained in the preceding paragraphs of this Answer.

18. To the extent that Defendant GCDC made any communication concerning the Plaintiffs to which a slander cause of action could conceivably apply, which Defendant GCDC denies, Defendant GCDC made the communication in good faith to a person or people

concerning a subject in which Defendant GCDC and the recipients of the communication had an interest to uphold.

19. In addition, Defendant GCDC's statement was limited in its scope to this purpose.

20. GCDC made the statement at a proper occasion.

21. Defendant GCDC limited publication of the statement in a proper manner and to the proper parties only.

22. Accordingly, Defendant GCDC's statements are qualifiedly privileged, and Defendant GCDC is, therefore, shielded from liability.

**FOR A SEVENTH DEFENSE**  
**(Sovereign Immunity)**

23. Defendant GCDC realleges and incorporates in this paragraph the relevant and consistent allegations and responses contained in the preceding paragraphs of this Answer.

24. Defendant GCDC is immune from liability in this case under the common law doctrine of sovereign immunity and sovereign immunity provided by the Eleventh Amendment to the Constitution of the United States.

**FOR AN EIGHTH DEFENSE**  
**(Qualified Immunity)**

25. Defendant GCDC realleges and incorporates in this paragraph the relevant and consistent allegations and responses contained in the preceding paragraphs of this Answer.

26. At all times pertinent to the allegations contained in the Plaintiffs' Complaint, Defendant GCDC acted reasonably and in good faith and did not violate any clearly established rights of the Plaintiffs. Accordingly, the Plaintiffs' claims against Defendant GCDC are barred under the doctrine of qualified immunity.

**FOR A NINTH DEFENSE**

**(Defenses Available Under the South Carolina Tort Claims Act)**

27. Defendant GCDC realleges and incorporates in this paragraph the relevant and consistent allegations and responses contained in the preceding paragraphs of this Answer.

28. Defendant GCDC asserts the provisions of the South Carolina Tort Claims Act (S.C. Code Ann. §§ 15-78-10, et seq., (1976, as amended)) as an affirmative defense in this case and alleges that it is entitled to all rights, defenses, privileges, limitations, and immunities afforded under the Act and afforded by the doctrine of sovereign immunity, as retained under the provisions of the Act.

29. In addition, Defendant GCDC asserts that it is afforded immunity and protection under the Tort Claims Act, including, but not limited to, the following exceptions to the waiver of immunity found in S.C. Code Ann. § 15-78-60: (3), (4), and (5).

30. In addition, to the extent that Defendant GCDC is sued in tort, Defendant GCDC was, at all times relevant to the allegations made in this lawsuit, a facility owned and operated by a governmental entity and, thus, is immune from suit under the South Carolina Tort Claims Act.

31. Under the South Carolina Tort Claims Act protection, Defendant GCDC is immune from liability for punitive damages.

32. Defendant GCDC also asserts S.C. Code Ann. § 15-78-120 as an affirmative defense to afford itself the protection of the limitations on liability contained in the South Carolina Tort Claims Act.

**FOR A TENTH DEFENSE**

**(Statute of Limitations)**

33. Defendant GCDC realleges and incorporates in this paragraph the relevant and consistent allegations and responses contained in the preceding paragraphs of this Answer.

34. The Plaintiffs' Complaint is barred by the applicable statute of limitations.

**FOR AN ELEVENTH DEFENSE**  
**(Prison Litigation Reform Act)**

35. Defendant GCDC realleges and incorporates in this paragraph the relevant and consistent allegations and responses contained in the preceding paragraphs of this Answer.

36. The claims asserted by the Plaintiffs against Defendant GCDC are barred in whole or in part by the Prison Litigation Reform Act.

**FOR A TWELFTH DEFENSE**  
**(Failure to Exhaust Available Administrative Remedies)**

37. Defendant GCDC realleges and incorporates in this paragraph the relevant and consistent allegations and responses contained in the preceding paragraphs of this Answer.

38. The Plaintiffs have failed to exhaust their available administrative remedies, and therefore, this Court should dismiss the Plaintiffs' Complaint.

WHEREFORE, Defendant GCDC asks this Court to issue an Order, dismissing the Plaintiffs' Complaint with prejudice, awarding Defendant GCDC its attorney's fees and costs incurred in defending this matter, and awarding Defendant GCDC such other and further relief that the Court deems just and proper.

DEVLIN & PARKINSON, P.A.

  
Christopher R. Antley, S.C. Bar No. 13631

P.O. Box 10387

Greenville, SC 29603

(864) 242-4050

(864) 242-4277-Facsimile

Date: August 19, 2011  
Greenville, South Carolina

Attorney for Defendant Greenville County  
Detention Center

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Pleadings to Dismiss

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	C.A. No. 2011-CP-23-5088
	)	
Lyman Russell Rea, Marc Rea, Melissa	)	
Rea, William Rea, Millicent Lindauer,	)	
	)	
Plaintiffs,	)	<b>DEFENDANT GREENVILLE COUNTY</b>
	)	<b>DETENTION CENTER'S MOTION TO</b>
vs.	)	<b>DISMISS PURSUANT TO RULES 12(B)(2)</b>
	)	<b>AND (6), SCRPC OR, IN THE</b>
Greenville County Detention Center,	)	<b>ALTERNATIVE, MOTION FOR</b>
WYFF-TV 4, Greenville News, N.B.C.	)	<b>JUDGMENT ON THE PLEADINGS</b>
Nightly News with Brian Williams,	)	<b>PURSUANT TO RULE 12(C), SCRPC</b>
	)	
Defendants.	)	
	)	
	)	
	)	

**To: The Plaintiffs, *pro se*.**

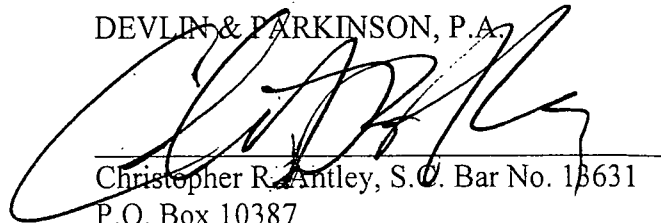
YOU WILL PLEASE TAKE NOTICE that on a day no sooner than the 10<sup>th</sup> day following the filing of this Motion, Defendant Greenville County Detention Center (“GCDC”) will request that the Court schedule a hearing to determine whether the Plaintiffs’ lawsuit against Defendant GCDC should be dismissed in its entirety pursuant to Rules 12(b)(2) and (6) or, in the alternative, whether Defendant GCDC is entitled to a judgment on the pleadings pursuant to Rule 12(c) of the South Carolina Rules of Civil Procedure. Defendant GCDC contends that the Court should dismiss the lawsuit because Defendant GCDC is a group of buildings over which this Court cannot exercise personal jurisdiction in a slander case. In addition, Defendant GCDC contends that the Plaintiffs have failed to allege sufficient facts to state any cause of action against Defendant GCDC. In the alternative, Defendant GCDC contends that it is entitled to a judgment on the pleadings because the statute of limitations expired.

Although Defendant GCDC reserves the right to argue additional grounds for dismissal or for judgment on the pleadings, the grounds for this motion include:

1. Defendant GCDC is not subject to the Court's personal jurisdiction;
2. The Plaintiffs have failed to allege facts concerning each necessary element of a slander cause of action; and
3. The pleadings demonstrate that the Plaintiffs' slander cause of action against Defendant GCDC was both filed and served after the expiration of the applicable statutes of limitations.

Defendant GCDC bases this motion on the Plaintiffs' Complaint and Defendant GCDC's Answer, the South Carolina Rules of Civil Procedure, applicable statutory and case law, and a memorandum of law that Defendant GCDC may file prior to the hearing.

DEVLIN & PARKINSON, P.A.



Christopher R. Antley, S.C. Bar No. 18631

P.O. Box 10387

Greenville, SC 29603

(864) 242-4050

(864) 242-4277-Facsimile

Attorney for Defendant Greenville County  
Detention Center

Date: August 22, 2011  
Greenville, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS OF  
THE THIRTEENTH JUDICIAL CIRCUIT

Lyman Russell Rea, Marc Rea, Melissa Rea,  
William Rea, Millicent Lindauer,

Plaintiffs,

vs.

Greenville County Detention Center, WYFF-  
TV 4, Greenville News, NBC Nightly News  
with Brian Williams,

Defendants.

CASE NO.: 2011-CP-23-05088

MOTION TO DISMISS  
OF  
DEFENDANTS  
WYFF-TV 4 AND GREENVILLE NEWS

### **Motion and Introduction**

Defendants WYFF-TV 4 and Greenville News (together, "Defendants"), by and through their undersigned counsel, hereby move this Court for an Order dismissing the Complaint. The Complaint consists of one cause of action: slander. Based solely on the Summons and Complaint and applicable law, Defendants move to dismiss the Complaint because of:

- (1) failure to state facts sufficient to constitute a cause of action, SCRPC Rule 12(b)(6);
- (2) insufficiency of process, SCRPC Rule 12(b)(4);
- (3) lack of jurisdiction over the person, SCRPC Rule 12(b)(2); and
- (4) insufficiency of service of process, SCRPC Rule 12(b)(5).

### **The Statute of Limitations Has Expired, Absolutely Barring Plaintiffs' Claim**

Plaintiffs' claim is absolutely barred because the statute of limitations for slander has expired. Under S. C. Code Section 15-3-550, actions for "libel, slander, or false imprisonment" must be commenced "within two years" of the publication of the slanderous or defamatory statement. Here, Plaintiffs allege that a slander occurred on or about August 13, 2008. Yet, this Summons and Complaint were not filed until August 1, 2011 – nearly three years after the alleged slander, and almost a full year after the expiration of the statute of limitations. Thus, the Complaint's only cause of action is barred on statute of limitations grounds. *Gillman v. City of Beaufort*, 627 S.E.2d 746, 748, 368 S.C. 24, 28 (Ct. App. 2006) ("[I]t is well established that the statute of limitations operates as a defense to limit the remedy available from an existing cause of action, and unless the action is commenced before the expiration of the limitations period, the plaintiff's claim is barred."). The Complaint should be dismissed for failing to state facts sufficient to constitute a cause of action upon which relief can be granted. SCRCP 12(b)(6).

### **Plaintiffs' Complaint Suffers Various Other Deficiencies that Also Warrant its Dismissal**

Though the statute of limitations by itself warrants dismissing this case wholesale, for the sake of thoroughness, Defendants raise the following additional deficiencies in Plaintiffs' pleading.

First, the Complaint names several Plaintiffs but alleges facts of and concerning only the Plaintiff Lyman Russell Rea. The Complaint should be dismissed with respect to the other Plaintiffs

under SCRCP Rule 12(b)(6) for failure to state facts sufficient to constitute a cause of action.

Second, the Summons and Complaint fail for insufficiency of process under SCRCP Rule 12(b)(4). The Summons and Complaint are signed only by the Plaintiff Lyman Russell Rea. Lyman Russell Rea appears not to be a licensed attorney and, thus, cannot represent the other named Plaintiffs. The other named Plaintiffs did not sign the Summons and Complaint, nor did any attorney do so on their behalf. Thus, the Summons and Complaint fail for insufficiency of process with respect to every named Plaintiff apart from Lyman Russell Rea.

Third, this action fails because the Summons and Complaint name defendants that are not legal entities. Under SCRCP Rule 12(b)(2), a named defendant that is not a legal entity is not subject to suit; simply put, there cannot be personal jurisdiction over a defendant that does not exist. Moreover, and relatedly, under SCRCP Rule 12(b)(5), a defendant that does not exist cannot be properly served. Here, the Summons and Complaint name “WYFF-TV 4” and the “Greenville News” as Defendants. These are divisions of corporations. They are not themselves legal entities subject to suit. As a result, this action fails for lack of jurisdiction over the person under Rule 12(b)(2), as well as insufficiency of service of process under Rule 12(b)(5). It should be dismissed.

Finally, this action fails for further insufficiencies of service of process under SCRCP Rule 12(b)(5). Attempted service on WYFF-TV 4 was not mailed to an individual authorized to accept service for the station.

**Conclusion**

Thus, for the foregoing reasons, the Court should dismiss this action. Because the statute of limitations expiry is dispositive, dismissal should be without leave to re-file.

Respectfully submitted,



---

Carl F. Muller (SC Bar No: 4131)  
CARL F. MULLER, ATTORNEY AT LAW, P.A.  
607 Pendleton Street, Suite 201 (29601)  
Post Office Box 1717  
Greenville, South Carolina 29602  
Telephone: 864-991-8904  
Telecopier: 864-751-2831  
[carl@carlmullerlaw.com](mailto:carl@carlmullerlaw.com)

Date: August 19, 2011  
Greenville, SC

**ATTORNEY FOR DEFENDANTS  
WYFF-TV 4  
GREENVILLE NEWS**

---

Transcript of October 6, 2011

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

COURT OF COMMON PLEAS  
2011-CP-23-05088

LYMAN RUSSELL REA, ET AL., )  
 )  
PLAINTIFF, )

vs. )

**COPY**

GREENVILLE COUNTY DETENTION )  
CENTER, GREENVILLE NEWS, )  
N.B.C. NIGHTLY NEWS WITH )  
BRIAN WILLIAMS, )  
DEFENDANTS. )

LYMAN RUSSELL REA, ET AL., )  
 )  
PLAINTIFF, )

2011-CP-23-02769

vs. )

FAMILY COURT OF GREENVILLE, )  
SOUTH CAROLINA )  
DEFENDANT. )

TRANSCRIPT OF RECORD

October 6, 2011  
Greenville, South Carolina

B E F O R E:

THE HONORABLE D. GARRISON HILL, JUDGE.

A P P E A R A N C E S:

CARL F. MULLER, ESQ.  
Attorney for Defendant Greenville News and WYFF TV 4

CHRISTOPHER R. ANTLEY, ESQ.  
Attorney for Defendant Greenville County Detention  
Center

HOLLIE M. JENKINS  
Circuit Court Reporter

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits introduced.)

P R O C E E D I N G S

1  
2 THE COURT: The next case is 2011-CP-23-05088, Lyman  
3 Russell Rea v. Greenville County Detention Center.

4 Is Mr. Rea here?

5 MR. MULLER: He is not here, to my knowledge, Your  
6 Honor. And I don't think he's going to be here. He filed  
7 a request for a continuance on September the 13th, and it  
8 was denied.

9 MR. ANTLEY: Your Honor, Mr. Muller has a motion  
10 on -- for the Greenville News. I have a motion for the  
11 governmental buildings that have been sued. And since  
12 they're all scheduled at roughly the same time, I just  
13 didn't know if you were just going to hear his motion real  
14 quick and then do -- and jump back to this case or do --

15 THE COURT: No.

16 We're going to do this case all at the same time.

17 MR. ANTLEY: All right. Great.

18 Thanks.

19 THE COURT: All right. Mr. Muller.

20 MR. MULLER: Your Honor, this is a pro se complaint  
21 for slander. It should be dismissed for several reasons.  
22 The chief reason is that it was filed beyond the statute  
23 of limitations. It's a two-year statute of limitations in  
24 South Carolina for slander. He filed it almost three  
25 years after the date of the alleged slander.

1           In addition to that, we include in our motion several  
2 other grounds. For example, the Plaintiffs include not  
3 simply Mr. Rea, but four other individuals. None of them  
4 signed the complaint and summons, nor were they  
5 represented by an attorney. Mr. Rea is not an attorney,  
6 so he cannot represent them. So the absence of signatures  
7 is fatal, and should be dismissed for insufficiency of  
8 process.

9           The complaint, also, alleges facts only concerning  
10 Mr. Rea, none of the other four individuals. So it should  
11 be dismissed for that reason for failure to state a claim.

12           The named Defendants are not legal entities. The --  
13 he sued the Greenville News and he sued WYFF TV 4, which  
14 are not legal entities. So there's no lawsuit that can be  
15 maintained there for two reasons. One is they don't  
16 exist. And, two, obviously, there cannot be personal  
17 jurisdiction over something that doesn't exist.

18           Finally, the attempted service on WYFF fails because  
19 it was mailed to an individual who was not authorized to  
20 accept service for the station. And there's no affidavit  
21 in the file stating otherwise.

22           So all these grounds were laid out in my motion. The  
23 sufficient one, the chief one is it's outside the statute  
24 of limitations. It should be dismissed with prejudice,  
25 Your Honor.

1 THE COURT: I grant your motion.

2 Do you have a proposed order?

3 MR. MULLER: I will hand one up, Your Honor.

4 THE COURT: Okay. Thank you, Mr. Muller.

5 MR. MULLER: Thank you.

6 THE COURT: Mr. Antley.

7 MR. ANTLEY: Okay. Your Honor, Mr. Rea, actually,  
8 filed a case where he named Greenville -- the detention  
9 center, as well as WYFF 4, the news. We have all the same  
10 arguments that he has, including the fact and adding that  
11 the Greenville County Detention Center is a building.  
12 It's not a legal entity.

13 But, basically, it's the same exact -- every argument  
14 Mr. Muller just made applies equally to the two-year  
15 statute of limitations, not only on the slander, but,  
16 also, under the Tort Claims Act. And he gives a date in  
17 his pleadings as to when this supposed slander occurred,  
18 which is, clearly, over two and a half years, actually,  
19 later.

20 So for all the reasons he just -- Mr. Muller just  
21 argued, we ask for the same thing -- the same relief. And  
22 if we could even piggy back on his order, we wouldn't mind  
23 it.

24 THE COURT: Okay. That's fine. I don't know if he  
25 wants that or not.

1 MR. MULLER: I'll draw up the order to include the  
2 other Defendants, Your Honor.

3 MR. ANTLEY: I mean, I don't -- I can do it, too. I  
4 mean, it just seems silly to say for all the same reasons.  
5 But I'll do it, if you want me to do it.

6 MR. MULLER: Why don't you draft the order?

7 MR. ANTLEY: Okay. Now, I just -- I didn't mean  
8 that, but okay.

9 Your Honor, there's one other Rea case. It's the  
10 same exact thing. He sued the Family Court.

11 THE COURT: This is 2011-CP-23-02769?

12 MR. ANTLEY: Yes, sir.

13 The allegations are --

14 MR. MULLER: May I leave, Your Honor?

15 THE COURT: Yes, sir.

16 MR. MULLER: Thank you.

17 THE COURT: Good to see you.

18 MR. ANTLEY: The allegations in that one are slightly  
19 different. They are, basically, that Judge Verdin  
20 shouldn't have put him in jail over child support, and he  
21 shouldn't have been arrested for child support, and all  
22 these other things.

23 Again, it's a tort claim that he's asserting against  
24 a governmental entity. But, backing up, it's really not  
25 because he sues the Greenville County Family Court, which,

1 again, is like suing this building, you can -- it's not an  
2 entity. It's just mortar and whatever else went into  
3 building this thing. And so it's not even an entity  
4 against which a lawsuit can be filed. So there's no  
5 personal jurisdiction. So there's no good service.

6 Additionally, the statute of limitations, again,  
7 we're talking about events -- the slander is the -- is,  
8 essentially, the claim. And there are other cases like  
9 Swanger, which is, basically, people saying that he owes  
10 child support. That's the slander.

11 Well, that predated -- these actions of him being  
12 arrested and put in front of Family Court and all predates  
13 that. So we, again, have the two-year statute of  
14 limitations issue under the Tort Claims Act. I don't know  
15 if I need to keep going.

16 I've got -- just further for the Court's own comfort,  
17 I guess -- I've gotten where -- an acknowledgement in  
18 writing from Mr. Rea in Missouri showing that he knew  
19 about these motions, that we, actually, got him noticed,  
20 and that he got back -- that may not be in the file. And  
21 you may, since he's absent -- it may not be a bad idea to  
22 have these in the file.

23 THE COURT: Okay.

24 MR. ANTLEY: I have them for both files,  
25 incidentally, the WYFF case and the Family Court case. If

1 you'd like those, I can hand both -- just a packet of  
2 those up just so you have them.

3 THE COURT: Okay. Good.

4 Thank you.

5 MR. ANTLEY: All right. And, Your Honor, that really  
6 would be it.

7 THE COURT: Okay. I grant your motion.

8 \*\*\*\*\*END OF TRANSCRIPT OF RECORD\*\*\*\*\*

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CERTIFICATE OF REPORTER

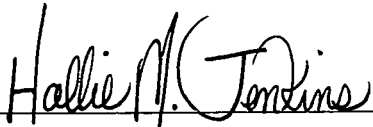
STATE OF SOUTH CAROLINA )

COUNTY OF GREENVILLE )

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the captioned case, relative to appeal, in the Court of Common Pleas for Greenville County, South Carolina, on the 6th day of October, 2011.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 25, 2012



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Hollie M. Jenkins, Court Reporter

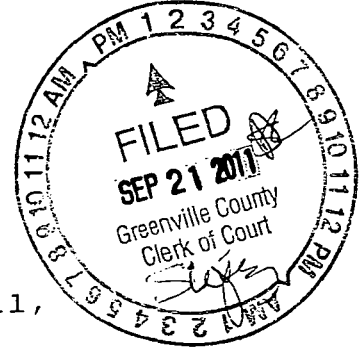
My Commission Expires: 09/24/20

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Other Matters or Documents

11-5088  
10/6 Δ Motion to Dismiss

September 13, 2011



The Honorable Administrative Judge Robin Bradley Stilwell,  
305 East North St.  
Greenville, SC 29601

ENTERED COMPUTER

Lyman R. Rea  
/o HC 77 Box 681 BB  
Pittsburg, MO 65724

Madam:

Please accept my request for a continuance for case 2011-CP-23-5088,  
Lyman Russell Rea, et. al. v. Greenville County Detention Center, et. al.  
I was disabled for some fourteen months by what I consider false imprisonment from ap. 2/2010 - 4/2011.

Very truly yours,

*Lyman Rea*

Lyman R. Rea

A large, stylized handwritten signature of Lyman R. Rea.

11/18/2011

IN THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM THE GREENVILLE COURT  
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge

Case No. 2011-CP-23-5088

Lyman R. Rea, Marc Rea,  
Melissa Rea, William Rea  
and Millicent Lindauer

Appellant

v.

WYFF-TV 4, Greenville  
News, Greenville County  
Detention Center and  
NBC Nightly News with  
Brian Williams

Respondents

NOTICE OF APPEAL

Lyman R. Rea appeals the judgment of the Honorable  
D. Garrison Hill dated October 6, 2011. Appellant re-  
ceived written notice of entry of this judgment on or  
about October 14, 2011.

November 11, 2011

*Lyman R. Rea*

Lyman R. Rea  
c/o HC 77 Box 681 BB  
Pittsburg, MO 65724  
(417) 993-4340

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Attorneys for Respondents

Certificate of Appellant

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

March 30, 2012



LYMAN R. Rea  
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Appellant