STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON)	C/N: 2012-CP-10-1858
JOHN DOE 2,)	
)	
Plaintiff,)	**ORDER GRANTING DEFENDANT'S**
v.)	**RENEWED MOTION FOR SUMMARY**
)	**JUDGMENT**
THE CITADEL,)	
)	
Defendant.)	

This matter came before the Court on June 5, 2015 on the Notice of Motion and Renewed Motion for Summary Judgment of Defendant The Citadel, The Military College of South Carolina ("Defendant" or "The Citadel") ("Renewed Motion for Summary Judgment") under Rule 56 of the South Carolina Rules of Civil Procedure. All parties were represented by counsel at that hearing. The Court fully considered all memoranda submitted in support of and in opposition to the Renewed Motion for Summary Judgment, evidence presented, and arguments of counsel. For the reasons that follow, the Court GRANTS The Citadel's Renewed Motion for Summary Judgment.

INTRODUCTION

Plaintiff commenced this action on March 19, 2012, alleging that he sustained injuries resulting from sexual abuse by Louis ReVille ("ReVille"). Plaintiff asserts claims sounding in negligence/gross negligence and outrage. On about March 6, 2014, The Citadel filed its original Notice of Motion and Motion for Summary Judgment, ("Initial Motion for Summary Judgment") asserting that the Court should enter judgment against Plaintiff (and against plaintiffs in related cases) for various reasons. The parties submitted voluminous memoranda in support of and in opposition to The Citadel's Initial Motion for Summary Judgment (some of which incorporated and referenced memoranda filed in those related lawsuits). After oral argument, the Court formally denied The Citadel's Initial Motion for Summary Judgment on December 9, 2014. The Citadel filed the instant Renewed Motion for Summary Judgment on April 24, 2015. The parties

have submitted supplemental briefing stating their positions with respect to the Renewed Motion for Summary Judgment. After considering the parties' arguments, relevant case law, and the detailed record, this Court has concluded that it must GRANT Defendant's Renewed Motion for Summary Judgment.

BACKGROUND

On April 23, 2007, the father of a camper at The Citadel's summer camp ("Camper Doe") reported to The Citadel that a counselor had engaged in sexual misconduct with his son at the camp five years prior. Camper Doe's father was referred to The Citadel's General Counsel, Mark Brandenburg, with whom he spoke by telephone. During that conversation, Camper Doe's father said that on one occasion during the camp, a counselor named "Skip" invited his son, then a minor, into his room, where the two of them watched pornography and masturbated. Attorney Brandenburg later spoke with Camper Doe by telephone. Camper Doe reported that "Skip" had invited him into his room and showed him pornography and convinced him to masturbate. By reviewing camp records, Brandenburg was able to identify "Skip" as Skip ReVille. Brandenburg contacted ReVille, who was then working as a part-time tutor at The Citadel's Writing Center. ReVille denied Camper Doe's allegations.

Brandenburg continued his investigation between April and July 1, 2007. On that date, he met with Camper Doe, then nineteen years old, and his parents in Texas. Following that interview, there ensued discussions among Brandenburg, Camper Doe, and the South Carolina State Insurance Reserve Fund about possible settlement of Camper Doe's potential claims against The Citadel. However, later that fall Mr. Brandenburg and Camper Doe fell out of touch with one another. Brandenburg attempted to contact potential witnesses who may have been present during the incident that Camper Doe reported; however, he did not contact any who corroborated Camper Doe's complaint. The Citadel's investigation ended without the incident being reported to law enforcement.

In October 2011, multiple incidents of ReVille's sexual misconduct came to light. ReVille was arrested and confessed to abusing many boys over a period of years. Charges were filed against ReVille in Charleston, Berkeley, and Dorchester counties. On June 13, 2012, ReVille pleaded guilty to numerous criminal charges involving sexual misconduct and was sentenced to fifty years in prison.

This is a suit by a young man whom ReVille abused over a course of years, beginning in 2005 and continuing until the summer of 2007, when Plaintiff's family moved to Atlanta. As will be explained in more detail below, it is undisputed that Camper Doe's injury – his abuse by ReVille – arose before The Citadel became aware of any complaint about ReVille and thus before The Citadel could arguably have had any legal duty to protect Plaintiff from ReVille.

ANALYSIS

A. Plaintiff's Negligence Claim Fails Because The Citadel Did Not Owe Plaintiff a Duty of Care

For the reasons discussed below, the Court concludes that The Citadel is entitled to summary judgment because, as a matter of law, it did not owe a duty of care to prevent ReVille from sexually abusing Plaintiff.

The vast majority of ReVille's abuse of Plaintiff occurred *prior to* Camper Doe's report to The Citadel and The Citadel's investigation of that report. The undisputed evidence shows that ReVille began abusing Plaintiff in 2005, approximately two years before Mark Brandenburg interviewed Camper Doe in July, 2007. ReVille's abuse of Plaintiff ended, at the very latest, at the end of August, 2007, when Plaintiff's family moved out of state. It is impossible to differentiate the injury that Plaintiff suffered after The Citadel arguably should have stopped ReVille from abusing him from the unquestionably devastating injury that he suffered from his longstanding, ongoing abuse by ReVille. The Court must conclude that Plaintiff's injuries arose before – and thus were not a proximate result of – any possible breach of duty by The Citadel. ..[1]

[1] This Order is limited to the specific facts of this case. The Court expresses no opinion herein as

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For the reasons discussed below, the Court grants summary judgment to The Citadel as to Plaintiff's negligence/gross negligence claims.

1. No Duty of Care Exists Under the *Faile* Exceptions

Plaintiff's negligence claims fail because The Citadel did not owe him a duty of care to protect him from abuse by ReVille. There is no duty to control a third-party or warn a potential victim of a risk from a third-party, except: (1) where the defendant has a special relationship to the victim; (2) where the defendant has a special relationship to the injurer; (3) where the defendant voluntarily undertakes a duty; (4) where the defendant negligently or intentionally creates the risk; or (5) where a statute imposes a duty on the defendant. *See Faile v. South Carolina Dep't of Juvenile Justice*, 350 S.C. 315, 566 S.E.2d 536 (2002).

a. Special Relationship with Plaintiff or ReVille

Under the "special relationship" exceptions, a duty of care to protect from acts of violence will not extend to the general public as a whole. Instead, a duty of care only exists where there is some relationship between defendant and a specific plaintiff. *See Roe v. Bibby*, 410 S.C. 287, 296, 763 S.E.2d 645, 650 (Ct. App. 2014) ("[W]e find the record contains no evidence Respondent had knowledge of a specific threat of harm to a specific individual."), *cert. granted* (Jan. 16, 2015); *Doe ex rel. Doe v. Wal-Mart Stores, Inc.*, 393 S.C. 240, 247-48, 711 S.E.2d 908, 912 (2011) ("Wal-Mart had no special relationship with either the victim or his father because it did not have the ability to monitor, supervise, or control either."); *Doe v. Marion*, 373 S.C. 390, 400-01, 645 S.E.2d 245, 250-51 (2007) ("Petitioner's claim fails to allege a specific threat against James Doe necessary to create a duty to warn."); *Rogers v. South Carolina Dep't of Parole and Community Corrections,* 320 S.C. 253, 256, 464 S.E.2d 330, 332 (1995) (finding no duty where there was "no evidence presented that Vandroff ever made a specific threat to harm Doris."); *Sharpe v. South Carolina Dep't of Mental Health*, 292 S.C. 11,

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to whether a duty of care might exist to a victim who ReVille abused exclusively after July, 2007.

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14-15, 354 S.E.2d 778, 780 (Ct. App. 1987) ("There was no identifiable threat to Bobby Sharpe on these facts."). *But see Bishop v. South Carolina Dep't of Public Health*, 331 S.C. 79, 88, 502 S.E.2d 78, 82 (1998) (finding duty where "Department was aware mother had made specific threats to harm victim in the past. . . . This knowledge was sufficient to trigger the Department's duty to warn victim of mother's release because a specific threat had been made by mother to harm a specific person.").

Plaintiff was not a known potential victim of threatened violence or abuse by ReVille. There was no specific threat to this specific Plaintiff of which The Citadel was aware. Moreover, there is no evidence that The Citadel had the ability to control ReVille in his interactions with Plaintiff or was even aware of any such interactions. Plaintiff's contention that his parents' trust in ReVille was based in part on ReVille's stature as a Citadel graduate and Writing Center instructor is not enough to make The Citadel responsible for criminal acts that were wholly unrelated to his employment by or attendance at The Citadel. Under such circumstances, the Court concludes that The Citadel did not owe a duty of care to Plaintiff under a "special relationship" theory.

b. <u>Voluntary Undertaking</u>

As to the "voluntary undertaking" exception, South Carolina recognizes voluntary assumption of a duty in limited circumstances:

> The recognition of a voluntarily assumed duty in South Carolina jurisprudence is rooted in the Restatement of Torts, which states:
>
> > One who undertakes, gratuitously or for consideration, to render services *to another* which he should recognize as necessary for the protection *of the other's person* or things, is subject to liability to the other for physical harm resulting from his failure to exercise reasonable care to perform his undertaking, if
> >
> > (a) his failure to exercise such care increases the risk of such harm, or
> >
> > (b) the harm is suffered because of the other's reliance upon the undertaking.

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Restatement (Second) of Torts § 323.

See Johnson v. Robert E. Lee Academy, Inc., 401 S.C. 500, 504-05, 737 S.E.2d 512, 514 (Ct. App. 2012) (refusing to extend doctrine beyond Section 323 formulation). The Supreme Court has declined to recognize an assumed duty of care under the broader standards of Section 324A of the Restatement (Second) of Torts[2]:

> We decline to adopt the expanded liability of Restatement 2d of Torts § 324A (1965). This section imposes a duty on "one who undertakes ... to render services to another which he should recognize as necessary for the protection of a third person" *and requires no actual volunteer relationship between the defendant and the third party.*

Miller v. City of Camden, 329 S.C. 310, 315, 494 S.E.2d 813, 815 (1997); *accord Johnson*, 401 S.C. at 505 n.5, 737 S.E.2d at 514 n.5 (recognizing that Section 324A" has not been adopted by our courts"). *See Underwood v. Coponen,* 367 S.C. 214, 218-19, 625 S.E.2d 236, 239 (Ct. App. 2006) (finding defendant did not assume duty where "neither Underwood nor Coponen knew that Taylor trimmed the tree, and thus they did not rely on his doing so"); *Staples v. Duell*, 329 S.C. 503, 510, 494 S.E.2d 639, 643 (Ct. App. 1997) ("Without previous knowledge of the policy, Staples could not have relied on the policy. Thus, Duell's policy of looking for dead trees did not create a duty for which he could be held liable.").

Whatever the precise contours of the current state of the law concerning voluntarily undertaken duties, it is clear that The Citadel could not have voluntarily undertaken a legal duty to

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[2] The Restatement (Second) of Torts § 324A states:

> One who undertakes, gratuitously or for consideration, to render services to another which he should recognize as necessary for the protection of a third person or his things, is subject to liability to the third person for physical harm resulting from his failure to exercise reasonable care to protect his undertaking, if
>
> (a) his failure to exercise reasonable care increases the risk of such harm, or
>
> (b) he has undertaken to perform a duty owed by the other to the third person, or
>
> (c) the harm is suffered because of reliance of the other or the third person upon the undertaking.

protect Plaintiff from ReVille before it had any information that ReVille posed a potential threat to him. Even under the most liberal interpretation of the law on voluntarily undertaken duties, The Citadel did not, by employing ReVille as a summer camp counselor in 2002 and 2003, voluntarily undertake a duty to prevent him from abusing the Plaintiff years in the future. ReVille's abuse of the Plaintiff began in 2005, years after ReVille's affiliation with the summer camp ended and years before anyone, including Camper Doe, reported to The Citadel that ReVille had engaged in sexual misconduct.

c. Creation of the Danger

The Court concludes that a duty of care does not exist under the created danger exception, because The Citadel did not create the risk that ReVille posed to Plaintiff. Plaintiff can proffer no evidence that The Citadel created ReVille's desire to abuse children or encouraged ReVille to abuse children. The Citadel did not "create" any dangerous condition that would not have existed otherwise. Instead, the only claim in this case is that The Citadel failed to stop ReVille from his own voluntary actions of abusing children. In other words, Plaintiff claims that The Citadel did not act to vitiate an already existing risk. This is insufficient to create a duty of care under this exception. *See Doe v. Wal-Mart,* 393 S.C. 240, 711 S.E.2d 908 (2011) ("Wal–Mart did not negligently or intentionally create the risk of the father's sexual abuse").

d. Duty Imposed by Statute

Finally, the Court concludes that no statute imposes a duty of care under the facts of this case. Under the "special duty" rule, a statute may only impose a duty of care in this case under limited circumstances:

> "A special duty exists if: (1) an essential purpose of the statute is to protect against a particular kind of harm; (2) the statute, either directly or indirectly, imposes on a specific public officer a duty to guard against or not to cause that harm; (3) the class of persons the statute intends to protect is identifiable before the fact; (4) the plaintiff is a person within the protected class; (5) the public officer knows or has reason to know of the likelihood of harm to members of the class if he fails to do his duty; and (6) the officer is given sufficient authority to

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act in the circumstances or he undertakes to act in the exercise of his office."

See Trask v. Beaufort County, 392 S.C. 560, 567, 709 S.E.2d 536, 539 (Ct. App. 2011) (citation omitted). There is no evidence that any statute imposed any legally-enforceable duty of care on The Citadel at the relevant time.

Plaintiff argues that Title IX, 20 U.S.C. § 1681, imposes a duty of care. For the following reasons, the Court concludes that this statute did not create a duty of care. First, Plaintiff was not within the scope of Title IX or within a class of intended protected persons. He never attended The Citadel or its summer camp and was never a beneficiary of that statute. Moreover, the United States Office for Civil Rights, Department of Education's 2000 "Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties" ("OCR Guidance"), upon which Plaintiff relies, "does not address standards applicable to private litigation for monetary damages." *See also Gebser v. Lago Vista Indep. Sch. Dist.*, 524 U.S. 274, 292 (1998) (holding that "administrative" requirements of Title IX do not create legal claim).

In addition, none of the other statutes that Plaintiff has cited in the past support the imposition of a duty of care:

- **South Carolina "Mandatory Reporting Statute":** In *Doe ex rel. Doe v. Wal-Mart Stores, Inc.*, 393 S.C. 240, 711 S.E.2d 908 (2011), the Supreme Court held that, even if the Defendant is a mandatory reporter under a state child abuse statute, this does not create a private right of action or a duty of care. *See id.*, 393 S.C. at 248, 711 S.E.2d at 912 ("Wal–Mart's duty to report under the Reporter's Statute cannot give rise to civil liability."); *accord Doe v. Marion*, 373 S.C. 390, 645 S.E.2d 245 (2007).

- **Jessica Horton Act (S.C. Code § 59-154-10(B)):** This statute does not apply in this case because it did not become effective until June 6, 2007. See 2007 Act No. 53, § 2, effective June 6, 2007. Moreover, there is no evidence that the statute could ever have been triggered. That statute is triggered by a report of "criminal sexual conduct," which is a term of art used in S.C. Code §§ 16-3-651 through 16-3-659.1. There is no evidence of a report of "criminal sexual conduct" at the relevant time period.

- **The Clery Act (Clery Act, 20 U.S.C. § 1092(f)):** This statute explicitly

provides that it is not intended to "[c]reate a cause of action" or "[e]stablish a standard of care." *See* 20 U.S.C. § 1092(f)(14)(A).

For the foregoing reasons, because The Citadel did not owe Plaintiff a duty of care to prevent ReVille from abusing him, the Court grants summary judgment to The Citadel as to Plaintiff's negligence/gross negligence claims.

2. No Duty of Care Could Exist With Regard to the Former Operation of the Summer Camp

The foregoing analysis of possible sources of a duty is reinforced by examination of the duty to prevent current or former employees from committing criminal acts outside the scope of their employment. The authorities make clear that The Citadel did not owe Plaintiff a duty to protect Plaintiff from the criminal acts of its former employee. There exists no South Carolina authority imposing a duty from an employer to a victim of abuse by an employee occurring after the employment relationship has ended and outside of the employment context. Such claims have been uniformly rejected in other jurisdictions. *See e.g., Roe No. 1 v. Children's Hosp. Med. Ctr.,* 16 N.E.3d 1044 (Mass. 2014) ("We have never recognized or imposed a duty on an employer to prevent the future behavior of a former employee, with respect to unknown customers and clients of unknown future employers."); *Evans v. Ohio State Univ.,* 680 N.E.2d 161 (Ohio Ct. App. 10th Dist. 1996) ("The injured plaintiff was not a member of Ashtabula County 4-H at any time during which Waites judged a fair show or conducted a clinic; she became a 4-H member approximately six months after Waites last spoke at a clinic and the molestation took place, not at a 4-H activity, but at Waites's residence, over one year after the employment relationship between 4-H and Waites had ended."); *Coleman & Co. Sec., Inc. v. Giaquinto Family Trust,* 236 F. Supp. 2d 288, 304 (S.D.N.Y. 2002) ("These undisputed facts also bar any claim of negligent supervision. While Coleman would be liable for failing to properly supervise Jedrlinic before September 1996, it owed no such duty to supervise Jedrlinic — as an investment advisor or broker — when Jedrlinic was employed with J. Robbins, Inc. after that time."); *Philips v. TLC Plumbing, Inc,* 172 Cal. App. 4th 1133, 91 Cal. Rptr. 3d 864

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(Cal. App. 4th Dist. 2009) ("Because the employer-employee relationship ends on termination of an employee's employment, we conclude an employer does not owe a plaintiff a duty of care in a negligent hiring and retention action for an injury or other harm inflicted by a former employee on the plaintiff even though that former employee, as in this case, initially met the plaintiff while employed by the employer.").

South Carolina law would not recognize a claim for the abuse of Plaintiff relating to the operation of the summer camp, even if ReVille were a *present* camp employee, let alone a former one. An employer owes a duty to supervise employees who are acting outside the scope of their employment (as a child abuser certainly would be) only in narrow circumstances not present here. *See Degenhart v. Knights of Columbus*, 309 S.C. 114, 420 S.E.2d 495 (1992); *Kase v. Elbert*, 392 S.C. 57, 64, 707 S.E.2d 456, 460 (Ct. App. 2011); *Hoskins v. King*, 676 F. Supp. 2d 441, 446-47 (D.S.C. 2009). The *Degenhart* Court held that an employer could only be liable for negligent supervision if the employee intentionally harms another when the employee: (1) is on the employer's premises or is using the employer's chattel; (2) the employer knows or has reason to know that it has the ability to control its employee; and (3) the employer knows or should know of the necessity and opportunity for exercising such control. *See Degenhart*, 309 S.C. at 116-17, 420 S.E.2d at 496; *accord Charleston, S.C. Registry for Golf & Tourism, Inc. v. Young Clement Rivers & Tisdale, LLP*, 359 S.C. 635, 644-45, 598 S.E.2d 717, 722-23 (Ct. App. 2004). There is no evidence that ReVille's abuse of Plaintiff had any nexus to his employment at The Citadel or its property. Moreover, there is no evidence that The Citadel knew, at the time ReVille was a camp counselor, that it needed to control him to protect Plaintiff.

B. Plaintiff's Outrage Claim Fails for Several Reasons

1. The South Carolina Tort Claims Act Bars Plaintiff's Outrage Claim

The South Carolina Tort Claims Act ("Act") "establish[es] limitation[s] on an exemption to the liability of the state [and] . . . must be liberally construed in favor of limiting the liability

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of the state." *See* S.C. Code Ann. § 15-78-20(f). Plaintiff does not dispute that the Act applies to The Citadel and governs his claims in this case. The Act states that a "loss" "does not include the intentional infliction of emotional harm." *See* S.C. Code § 15-78-30(f). The Act also provides that a governmental entity may not be held liable for "employee conduct outside the scope of his official duties or which constitutes actual fraud, *actual malice,* [or] *intent to harm*." *See* S.C. Code § 15-78-60(17) (emphasis added). These provisions bar claims for outrage/intentional infliction of emotional distress. *See Newman v. South Carolina Dep't of Employment and Workforce*, 2010 WL 4791932, at *2 (D.S.C. Sept. 22, 2010), *report and rec. adopted*, 2010 WL 4666360 (D.S.C. Nov. 18, 2010); *Ward v. City of N. Myrtle Beach*, 457 F. Supp. 2d 625, 646-47 (D.S.C. 2006) ("[T]he South Carolina Tort Claims Act excludes the intentional infliction of emotional harm from the definition of 'loss' for which a government may be liable under the Tort Claims Act."); *Harkness v. City of Anderson*, 2005 WL 2777574, at 4 (D.S.C. Oct. 25, 2005) ("Defendants argue they are immune from suit pursuant to the South Carolina Tort Claims Act . . . on the claim of outrage, otherwise known as intentional infliction of emotional distress. [Citation omitted.] The court agrees."); *Trask v. Beaufort Cty.*, 392 S.C. 560, 573, 709 S.E.2d 536, 543 (Ct. App. 2011) ("Under the Tort Claims Act, a coroner is immune from suit for 'the intentional infliction of emotional harm.'"); *accord Lindquist v. Tanner*, 2012 WL 3839237, at *4 (D.S.C. April 12, 2012) ("Plaintiff concedes that her claim for 'intentional' infliction of emotional distress against the County Recreation Commission is barred by the South Carolina Tort Claims Act.'"), *report and rec. adopted in part*, 2012 WL 3839235 (D.S.C. Sept. 4, 2012). Plaintiff's outrage claim is barred by the Act.

Therefore, the Court grants summary judgment to The Citadel as to Plaintiff's outrage claims.

2. Plaintiff's Outrage Claim is Barred Because No Conduct Was Directed Toward Plaintiff

In the alternative, Plaintiff's outrage claim fails because The Citadel did not direct any

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conduct toward the Plaintiff. The South Carolina Supreme Court has held that an outrage claim cannot succeed where Defendant's conduct was not specifically and knowingly directed at the particular Plaintiff:

> The law limits claims of intentional infliction of emotional distress to egregious conduct toward a plaintiff proximately caused by a defendant. *Christensen v. Superior Court*, 54 Cal.3d 868, 820 P.2d 181, 2 Cal.Rptr.2d 79 (1991). It is not enough that the conduct is intentional and outrageous. It must be conduct *directed at the plaintiff, or occur in the presence of a plaintiff of whom the defendant is aware. Id.* at 903, 820 P.2d at 202, 2 Cal.Rptr. at 100; see also W. Keeton, D. Dobbs, R. Keeton & D. Owen, Prosser and Keeton on Torts § 12 (1984 & Supp. 1988) (hereinafter Prosser & Keeton). There is no evidence that respondents targeted appellants to be harmed by their allegedly tortious acts.
>
> The harm suffered by appellants arose only indirectly from respondents' publishing allegedly false information about Bodie. There are situations when plaintiffs may recover for intentional infliction of emotional distress for harm they suffer as the result of acts which have injured another. The Restatement (Second) of Torts § 46(2) (1965) provides:
>
> > § 46. Outrageous Conduct Causing Severe Emotional Distress
> >
> > . . . . .
> >
> > (2) Where such conduct is directed at a third person, the actor is subject to liability if he intentionally or recklessly causes severe emotional distress
> >
> > (a) to a member of such person's immediate family who is present at the time, whether or not such distress results in bodily harm, or
> >
> > (b) to any other person who is present at the time, if such distress results in bodily harm.
>
> As a matter of policy, courts have limited such recovery "to the most extreme cases of violent attack, where there is some especial likelihood of fright or shock." Prosser & Keeton § 8. See, e.g., Courtney v. Courtney, 186 W.Va. 597, 413 S.E.2d 418 (1991) (assault on mother in son's presence stated cause of action for intentional infliction of emotional distress by son).
>
> There being no evidence that respondents physically attacked Bodie *in the presence of appellants*, we must hold that appellants do not possess a cause of action for intentional infliction of emotional distress arising under section 46(2).

See Upchurch v. New York Times, Inc., 314 S.C. 531, 536-37, 431 S.E.2d 558, 561-62 (1993)

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(emphasis added); *Roberts v. Simmons*, 2014 WL 7005250, at *6 (D.S.C. Dec. 11, 2014) ("The undersigned recommends dismissal of this claim. As a preliminary matter, it is not clear that Defendant's alleged conduct was directed at the Plaintiff."); *Fulghum v. Wise Seats, Inc.*, 2012 WL 1032594, at *4 (D.S.C. Mar. 27, 2012) ("Here, the conduct upon which Plaintiff bases his claim . . . is not tortious conduct that was specifically directed towards Plaintiff.").

The South Carolina Court of Appeals held that parents of a minor sexual abuse victim could not sue a school for outrage because there was no evidence that the school's alleged conduct was directed at the particular plaintiff. *See Doe v. Rojas*, 2007 WL 8327520, at *4 (Ct. App. April 26, 2007) ("[T]he record contains no evidence that the School District, in failing to take any preemptive action to prevent the abuse, targeted or directed any of its conduct towards the Does. Further, no evidence suggests the School District's actions after discovering Rojas' misconduct was directed towards the Does.").

Plaintiff has not proffered any evidence that The Citadel directed any actions against him. There is no evidence that The Citadel knew ReVille abused Plaintiff or had any contact whatsoever with him. Under such circumstances, Plaintiff cannot succeed on an outrage claim.

Therefore, the Court grants summary judgment to The Citadel as to Plaintiff's outrage claims.

CONCLUSION

For all of the reasons discussed above, the Court grants Defendant The Citadel's Renewed Motion for Summary Judgment and hereby enters summary judgment against Plaintiff on all of his claims in this lawsuit.

AND IT IS SO ORDERED!

BY THE COURT

Dated: ~~June~~ July 7, 2015
Charleston, South Carolina

R. Markley Dennis, Jr.
Circuit Court Judge

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