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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2015-001114

Sebrina Walker, Appellant,

v.

SAIC Engineering Inc., Christina Broom, John Kiessling
and Marcia Saari, Respondents.

BRIEF OF APPELLANT

Sebrina Walker
810 Playground Road
Charleston, S.C. 29407
(843) 478-2351
Pro se

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Ashley P. Cuttino
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Attorney for Respondents

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TABLE OF AUTHORITIES

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STATEMENT OF ISSUE(S) ON APPEAL

- I. BECAUSE DEFENDANTS INTENTIONALLY RESTRAINED PLAINTIFFS AGAINST THEIR WILL WITHOUT LAWFUL JUSTIFICATION, THE COURT ERRED IN DISMISSING PLAINTIFF'S FALSE IMPRISONMENT CLAIM.

STATEMENT OF THE CASE

On October 11, 2011 appellant, Sebrina Walker along with seven (7) other employees of respondent SAIC Engineering Inc. (SAIC) brought this complaint against respondents SAIC, Christina Broom, John Kiessling, and Marcia Saari alleging eight (8) separate causes of action including false imprisonment.

On November 15, 2011, respondents answered the complaint in a timely manner. On April 30, 2014, respondents filed a motion for Summary Judgment as to all eight (8) causes of action. On March 31, 2014, Judge J.C. Nicholson, Jr. heard respondents' motion and granted it.

On May 22, 2015, appellant Walker filed a Notice of Appeal with this court.

FACTS

Upon arriving at work On January 18, 2011, appellant Walker, along with approximately forty (40) other employees of respondent SAIC were ordered by their supervisors to report to SAIC's administrative building for unspecified reason(s). Once there, all were directed to a conference room where defendants locked the doors behind them. Respondents then told Walker and the other employees that they could not leave the conference room and ordered them not to speak to each other while in the conference room. Despite numerous requests, respondents refused to inform appellant or the other employees the reason (alleged abuse of respondent's iAppreciate program) they were being held there.

Next, respondents directed the employees to put their cell phones in the middle of the conference room table where respondents collected them in a box that they immediately removed from the conference room (The cell phones were return to each individual employee upon completion of his interrogation).

Respondents denied Plaintiff's and others requests to leave to go to lunch. All employees were denied the use of bathroom facilities without an escort.

Over the course of approximately eight (8) hours Appellant and the other employees were individually escorted into an office and interrogated.

ARGUMENTS

I. BECAUSE DEFENDANTS INTENTIONALLY RESTRAINED PLAINTIFFS AGAINST THEIR WILL WITHOUT LAWFUL JUSTIFICATION, THE COURT ERRED IN DISMISSING PLAINTIFF'S FALSE IMPRISONMENT CLAIM.

To establish a cause of action for false imprisonment the plaintiff must show that (1) the defendants restrained plaintiff, (2) the restraint was intentional; and (3) that the restraint was unlawful. False imprisonment may be committed by words alone, or by acts alone or both, and by merely operating on the will of the individual ... *Jones v. Winn-Dixie Greenville Inc.*, 456 S.E.2d 429 (S.C. Ct. App. 1995.)

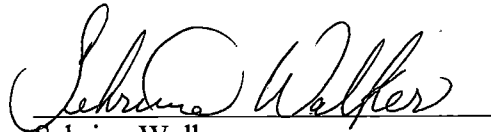
Where in the instant case, plaintiffs were ordered to attend a meeting for unspecified reasons and required to remain for approximately eight (8) hours during which they were questioned and interviewed by defendants, where plaintiffs personal cell phones were confiscated by defendants upon arrival at the meeting, where plaintiffs were not allowed to leave until after they were interviewed by defendants, where plaintiffs were never told by defendants that they were free to leave at any time, where plaintiffs requests to leave to go to lunch were denied, where plaintiffs were denied the use of bathroom facilities without an escort, where the restraint was not based on valid charges that they had violated the law, and was not based on probable cause, plaintiffs were falsely imprisoned by defendants. *Zimbelman v. United States of America*, 745 F. Supp.2d 664 (D. S.C. 2010); 2010 U.S. Dist. LEXIS 110743.

Further, contrary to the courts contention, "An exception to the exclusivity provision of the Workers' Compensation Act exists where the injury is not accidental, but rather results from the intentional act of the employer or its alter ego." *Edens v. Bellini*, 597 S.E.2d 863 (S.C. Ct. App. 2004). Therefore, the court erred in dismissing plaintiff Walker's false imprisonment claim.

CONCLUSION

For the above stated reasons the court's order granting summary judgment to defendants should be reversed.

Respectfully submitted,

A handwritten signature in cursive script, reading "Sebrina Walker", is written over a horizontal line.

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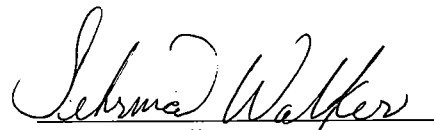
v.

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PROOF OF SERVICE

I, certify that I have served the Initial Brief of Appellant and the Designation of Matter to be Included in the Record on Appeal on the respondents by depositing a copy of same in the U.S. Mail, postage prepaid, on February 23, 2016, addressed to her attorney, Ashley P. Cuttino, Ogletree Bldg., 300 North Main St., Suite 500, Greenville, S.C. 29601.

February 23, 2016.



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The South Carolina Court of Appeals

Anne Nicholson, Obie Varner, Lois Parker, Gloria Sinsuat, Elizabeth Sharper, Preston Grant, Alice Felder and Sebrina Walker, Plaintiffs,

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SC Court of Appeals

Of whom Sebrina Walker is the Appellant,

v.

SAIC Engineering, Inc., Christina Broom, John Kiessling and Marcia Saari, Respondents.

Appellate Case No. 2015-001114

The Honorable J. C. Nicholson, Jr.
Berkeley County
Trial Court Case No. 2011CP0802631

ORDER

The time for serving and filing the appellant's initial brief and designation of matter is hereby extended until February 25, 2016.

FOR THE COURT

BY *V. Claire Allen, Deputy*
CLERK

Columbia, South Carolina

cc:
Sebrina Walker
Ashley Prickett Cuttino, Esquire

FILED

January 28, 2016

