

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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MAR 28 2016

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

**SC Court of Appeals**

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

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Case No. 2015-001114

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Sebrina Walker, ..... Appellant,

v.

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

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REPLY BRIEF OF APPELLANT

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

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
Ashley P. Cuttino  
Ogletree Bldg.  
300 North Main St., Suite 500  
Greenville, S.C. 29601  
Attorney for Respondents

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**STATEMENT OF ISSUES ON APPEAL**

I.	I.	BECAUSE THE COURT LACKED JURISDICTION, IT ERRED IN RULING ON PLAINTIFF'S FALSE IMPRISONMENT CLAIM . . . . .	1
	II.	A. BECAUSE THE LOWER COURT FAILED TO VIEW THE EVIDENCE IN THE LIGHT MOST FAVORABLE TO THE PLAINTIFF, THE COURT ERRED IN DISMISSING PLAINTIFF'S FALSE IMPRISONMENT CLAIM . . . . .	1
		B. THE APPELLANT SATISFIED HER BURDEN IN ESTABLISHING A FALSE IMPRISONMENT CLAIM . . . . .	2

## ARGUMENTS

### I.

#### A. **The Lower Court exceeded its authority in Ruling on Respondent's False Imprisonment Claim.**

"Jurisdiction is the power to hear and determine a cause." *Reeves v. Carolina Foundry & Machine Works Et Al.*, 194 S.C. 403; 9 S.E.2d 919 (1940).

In its Order, granting respondents' motion for summary judgment, the court ruled that appellant's false imprisonment action was barred by the exclusivity provision of the South Carolina Workers Compensation Act (Order, pg. 5). Notwithstanding the fact that appellant disagrees with this ruling, where, as the court ruled, said Act gives exclusive jurisdiction of appellant's false imprisonment claim to the state's Workers Compensation Commission, the circuit court is therefore barred from ruling on any issue involving said claim save lack of jurisdiction claim.

### II.

#### A. **The Lower Court Failed to View the Evidence in the Light Most Favorable to Appellant.**

Notwithstanding the above argument:

"When reviewing an order granting summary judgment an appellate court applies the same standard as the trial court. S.C.R.Civ. P. 56(c) provides that a trial court may grant a motion for summary judgment if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law. In determining whether any triable issues of fact exist, the court must

view the evidence and all reasonable inferences that may be drawn from the evidence in the light most favorable to the non-moving party.” *Argoe v. Three Rivers Behavioral Health L.L.C.*, 392 S.C. 462; 710 S.E.2d 67 (2011).

Where the respondent disagrees with appellant’s version of the facts in the instant case, both here (*Id.*; Brief of Respondents, pg. 3) and in the lower court (Answer; pg. 3, paragraphs 14-22), and where said facts are the basis of respondents’ liability, there exists a dispute herein concerning a material issue of fact and therefore, the lower court erred in granting respondents’ motion for summary judgment. Further:

**B. The Appellant Satisfied Her Burden in Establishing a False Imprisonment Claim.**

“The essence of the tort of false imprisonment consists of depriving a person of his liberty without lawful justification. *Jones v. City of Columbia*, 301 S.C. 62, 389 S.E.2d 662 (1990); *Thomas v. Colonial Stores, Inc.*, 236 S.C. 95, 113 S.E.2d 337 (1960). To prevail on a claim for false imprisonment, the plaintiff must establish: (1) the defendant restrained the plaintiff, (2) the restraint was intentional, and (3) the restraint was unlawful. *Gist v. Berkeley County Sheriff’s Dep’t*, 336 S.C. 611, 521 S.E.2d 163 (Ct. App. 1999); [\*441] *Jones by Robinson v. Winn-Dixie Greenville, Inc.*, 318 S.C. 171, 456 S.E.2d 429 (Ct. App. 1995); *Caldwell v. K-Mart Corp.*, 306 S.C. 27, 410 S.E.2d 21 (Ct. App. 1991)...” *Law v. S.C. Dep’t of Corrections*, 368 S.C. 424; 629 S.E.2d 642.

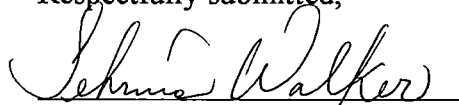
The facts in *Zimbelman v. United States of America*, 745 F. Supp.2d 664 (D.S.C. 2010), which appellant cites in support of her claim, mirrors the instant case; it is of no consequence in a false imprisonment claim that the defendant is a governmental entity; the burden of proof required of the plaintiff is the same.

Therefore, where the record on file in this case clearly demonstrates that the respondent falsely imprisoned the appellant, appellant should prevail on her false imprisonment claim based on the same analysis and conclusions in *Zimbelman, Id.*

**CONCLUSION**

Based on the above arguments, appellants appeal should be granted.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sebrina Walker". The signature is written in black ink and is positioned above a horizontal line.

Sebrina Walker, pro se  
810 Playground Road  
Charleston, S.C. 29407