

STATE OF SOUTH CAROLINA
COUNTY OF GREENWOOD

) IN THE COURT OF COMMON PLEAS
) EIGHTH JUDICIAL CIRCUIT

Anthony James,

) CIVIL ACTION NO. 2016-CP-24-00159

Plaintiff,

vs.

Steven M. Pruitt, Att. at Law,

Defendant.

ORDER RECEIVED

DEC 20 2016

SC Court of Appeals

This matter is before me on Defendant's Motion for Summary Judgment. A hearing was held on this matter November 1, 2016, at which time Roy R. Hemphill, Esquire, appeared on behalf of Defendant and Plaintiff appeared pro se. The Plaintiff is an inmate incarcerated within the South Carolina Department of Corrections (hereinafter referred to as "SCDC") and alleges that Defendant, an attorney, represented SCDC in a civil action Plaintiff filed against SCDC. Plaintiff claims that Defendant perjured himself in a motion hearing in the prior action.

Plaintiff filed his prior action against SCDC, civil action, case number 2011-CP-35-113, asserting multiple claims, including that officers used improper force against him on July 25, 2011, when he was incarcerated at McCormick Correctional Institution. Mr. Pruitt represented SCDC in the prior action and filed a motion for summary judgment on its behalf. A hearing was held on that motion on August 7, 2013, and the motion was granted and Plaintiff's action was dismissed. Defendant attached a copy of an Order dated October 21, 2013 from the prior civil action, case number 2011-CP-35-113, to his Memorandum related to this case.

On September 13, 2014, Plaintiff filed a "Motion for Reconsideration based on Newly Discovered Evidence" in the prior action, a copy of which was attached to Defendant's

1 

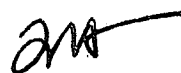
Memorandum. The basis for Plaintiff's Motion for Reconsideration is the same as his claim in the present action, that Mr. Pruitt perjured himself and provided false information to the Court. A hearing was held on January 12, 2015 before the Honorable G. Thomas Cooper, Jr. Judge Cooper issued an Order dated January 26, 2015 and subsequently issued an Amended Order dated February 16, 2015, denying Plaintiff's Motion for Reconsideration. Defendant attached a copy of Judge Cooper's Amended Order dated February 16, 2015, to his Memorandum for this case.

Defendant argues that Plaintiff's action should be dismissed by the doctrines of *res judicata* and/or collateral estoppel. After hearing argument from both parties, the Court agrees.

The doctrine of collateral estoppel, or issue preclusion, has been described by the South Carolina Court of Appeals as follows:

[O]nce a judgment on the merits has been reached in a prior claim, the relitigation of those issues actually and necessarily litigated and determined in the first suit is precluded as to the parties and their privies in a subsequent action upon a different claim. Collateral estoppel bars relitigation of the same facts or issues necessarily determined in a former proceeding. When an issue of fact or law is actually litigated and determined by a valid and final judgment, and the determination is essential to the judgment, the determination is conclusive in a subsequent action between the parties, whether on the same or a different claim. Belle v. Bennett, 307 S.C. 286, 414 S.E.2d 786, 790 (Ct. App. 1992) (Interior citations omitted).

The Court finds that Plaintiff's action is barred by the doctrine of collateral estoppel. The basis of Plaintiff's Motion for Reconsideration in his prior action was that Mr. Pruitt committed perjury in relation to statements made concerning the lack of a video of the use of force involving Plaintiff. This is the exact issue raised by Plaintiff in the present action. This issue has been previously heard and was decided by Judge Cooper in his February 16, 2015 Order. Not only did Judge Cooper deny Plaintiff's Motion for Reconsideration, he specifically found in his Order: "I find that Defendant's

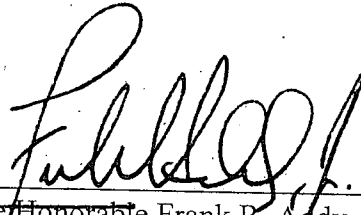


counsel, Steven M. Pruitt, did not commit perjury or submit false evidence and did not conceal evidence. Based on the arguments presented by the parties, I find that Mr. Pruitt did not act inappropriately or in an improper manner.” Plaintiff stated that his appeal in his prior action was dismissed. This issue has been previously litigated and decided and Plaintiff’s action is barred by the doctrine of collateral estoppel.

The Court finds that Plaintiff’s action is also barred by the doctrine of *res judicata*. Pursuant to the doctrine of *res judicata*, a judgment on the merits in a prior action bars a second suit involving the same parties or their privies based on the same cause of action. Parklane Hosiery Co., Inc. v. Shore, 439 U.S. 322 (1979). The South Carolina Supreme Court stated in order for *res judicata* to operate as a bar, “the following elements needed to be proven: (1) identity of the parties; (2) identity of the subject matter; and (3) adjudication of the issue in the former suit.” Judy v. Judy, 393 S.C. 160, 167, 712 S.E.2d 408, 412 (2011); citing Reidman Corp. v. Greenville Steel Structures, Inc., 308 S.C. 467, 419 S.E.2d 217 (1992). The Court of Appeals stated that “[r]es judicata bars not only issues litigated in a prior action, but issues that could have been litigated.” See Plum Creek Development Company v. Conway, 328 S.C. 347, 491 S.E.2d 692, 695 (Ct. App. 1997); see also, Jimmy Martin Realty Group, Inc. v. Fameco Dist., 300 S.C. 192, 386 S.E.2d 803 (Ct. App. 1989). Defendant satisfies each of these elements. First, Plaintiff was a party to the prior action. Second, the subject matter was identical in Plaintiff’s Motion for Reconsideration in the prior action. Third, there was an adjudication of the issue in the former suit as Judge Cooper not only denied Plaintiff’s Motion for Reconsideration, but also specifically stated that Mr. Pruitt did not commit perjury, submit false evidence, conceal evidence, or act inappropriately or in an improper manner. Therefore, Plaintiff’s action is barred by the doctrine of *res judicata*, and Plaintiff’s action is hereby dismissed.

The Court finds that Plaintiff's action is barred by the doctrines of *res judicata* and collateral estoppel. Therefore, his action is dismissed with prejudice.

IT IS SO ORDERED.



The Honorable Frank R. Addy, Jr.
Eighth Judicial Circuit

Nov. 21, 2016
Greenwood, South Carolina