

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS
)
) CASE NO.: 2016-CP-10-483

Glynndeavin Von Fox,
Plaintiff,

)
)
)
) ORDER GRANTING DEFENDANT'S
) MOTION TO DISMISS

v.

College of Charleston,
Defendant.

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FEB 08 2017

SC Court of Appeals

FILED
2017 JAN -6 AM 10:12
JULIE J. ARNSTROM
CLERK OF COURT

THIS MATTER CAME BEFORE THE COURT on Defendant's Motion to Dismiss and Supplemental Motion to Dismiss. The matter was heard on January 6, 2017. All parties had notice of the hearing and an opportunity to appear and present argument.

On January 29, 2016, Plaintiff, appearing *pro se*, filed a single-count complaint against the College of Charleston, alleging a civil conspiracy related to proceedings before the College's Honor Court. According to the materials submitted by Plaintiff with the Complaint, these proceedings took place in December 2012 and were concluded in January 2013.¹

The College of Charleston is a state institution subject to the South Carolina Tort Claims Act. S.C. Code Ann. §§ 59-101-10, 15-78-10, *et seq.* Under the Tort Claims Act, claims against state entities must be filed within two (2) years after the alleged loss should have been discovered. S.C. Code Ann. §§ 15-78-100(a). In this case, it is clear from the face of the complaint and the

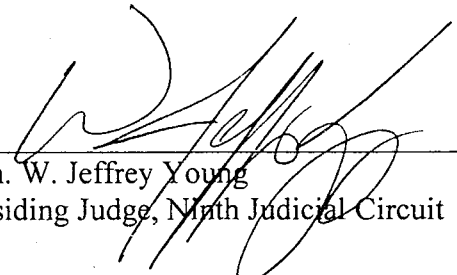
¹ Defendant has also submitted documentation showing that the matter was concluded in January 2013. The Court may consider this material as it is referenced in the Complaint and/or is integral to the Complaint under *Brazell v. Windsor*, 384 S.C. 512, 516, 682 S.E.2d 824, 826 (2009). However, the Court believes the material submitted by Plaintiff is sufficient to sustain dismissal on statute of limitations grounds.

materials submitted therewith that Plaintiff was aware of the alleged loss more than three (3) years before this case was filed. Therefore, the Court concludes that the case was not filed within the statute of limitations and should be dismissed with prejudice. In addition, the Court concludes that the case was not properly served and cannot now be properly served because the statute of limitations ran more than 120 days ago. S.C. Code Ann. § 15-3-20(B).

~~The Court further notes that Plaintiff's civil conspiracy claim is not pleaded with sufficient~~
specificity under Rule 8(a), SCRCP, and appears to be barred by the intra-corporate conspiracy doctrine set forth in *McMillan v. Oconee Mem. Hosp., Inc.*, 367 S.C. 559, 564, 626 S.E.2d 885, 886-87 (2006), as Plaintiff has only named agents of the College as the alleged conspirators.

For all of the above reasons, the Court hereby GRANTS the College's motion to dismiss and DISMISSES Plaintiff's Complaint WITH PREJUDICE.

AND IT IS SO ORDERED.



Hon. W. Jeffrey Young
Presiding Judge, Ninth Judicial Circuit

Charleston, South Carolina
January 2, 2017