

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 Terrell McCoy, #256070, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 South Carolina Department of )  
 Corrections, Dr. Benjamin F. Lewis, )  
 Jr., and Capt. Billy J. Springs, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 C/A NO.: 2014-CP-40-7243

**RECEIVED**  
 APR 05 2018  
 SC Court of Appeals

**ORDER**

JEANETTE W. McBRIDE  
 C.C.P. & G.S.  
 2015 AUG 18 PM 3:23  
 FILED  
 RICHLAND COUNTY

These matters come before this Court upon Motions to Dismiss filed on behalf of Defendants, Dr. Benjamin F. Lewis, Jr. and Capt. Billy J. Springs and a Motion to Compel filed by Plaintiff, Terrell McCoy. A hearing to dispose of said motions was conducted by the undersigned on July 30, 2015 in the Richland County Court of Common Pleas. Present on behalf of the Defendants was J. Rufus Bratton, III, Esquire, of the law firm of Aiken, Bridges, Elliott, Tyler & Saleeby, P.A. Plaintiff, Terrell McCoy, was present appearing *pro se*.

The primary grounds presented on behalf of the moving Defendants in support of their Motions to Dismiss were that Plaintiff's claims, as set forth in the Complaint, were subject to the *South Carolina Tort Claims Act* ("SCTCA") and the individually named moving Defendants are therefore entitled to dismissal pursuant to the provision of the SCTCA that affords immunity to employees of governmental entities for actions taken in their capacities as employees. In response to the arguments offered by the moving Defendants, Plaintiff argued that the individual Defendants should not be entitled to immunity based on their actions.

Upon consideration of the arguments and positions presented by the parties to this litigation and upon review of the allegations set forth in Plaintiff's Complaint, this Court finds that the allegations set forth in Plaintiff's Complaint describe conduct on the part of the individually named Defendants that fall squarely within the official duties of the individually named Defendants. Specifically, this Court finds that the Complaint, on its face, fails to properly set forth any allegations that are not subject to the limitations of the SCTCA and the individually named Defendants are entitled to the protections set forth therein. Therefore, for these reasons, this Court finds that the individually named Defendants are entitled to the immunity from personal liability provided by the SCTCA and should be dismissed from this action.

With respect to Plaintiff's Motion to Compel, Plaintiff requested discovery responses from Defendants including Answers to Interrogatories and Responses to Requests for Production. Counsel for Defendants indicated that responses were initially sent to Plaintiff on July 15, 2015. However, said responses were inadvertently sent to the Charleston County Detention Center where Plaintiff was previously being detained. The responses were returned to counsel for Defendants and then resent to Plaintiff's correct address at Broad River Correctional Institution. Additionally, an additional copy of the responses was provided to Plaintiff at the hearing. Therefore, the undersigned finds that Plaintiff's Motion to Compel has been resolved as responses have been provided by Defendants.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED,** that for all the forgoing reasons, Plaintiff's Complaint in this matter is hereby dismissed with prejudice as to all claims alleged against Defendants Dr. Benjamin F. Lewis, Jr. and Capt. Billy J. Springs,

**IF IS FURTHER ORDERED,** that Plaintiff's Motion to Compel is resolved.