THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Perry H. Gravely, Circuit Court Judge

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Appellate Case No. 2017-001147
Case No. 2016-CP-23-02113

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Aminah A. Richburg, Appellant,

v.

E.A. "Rico" Williams, Director, District One S.C. Basketball Officials Association, and the South Carolina High School League, Respondents.

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# FINAL BRIEF OF RESPONDENT SOUTH CAROLINA HIGH SCHOOL LEAGUE

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II. Are the issues raised in Appellant's brief regarding the motion to compel and motion to dismiss summary judgment abandoned on appeal?

III. Did the circuit court properly grant summary judgment in favor of the South Carolina High School League when it made no defamatory communications, and the communications at issue were true and protected by a qualified privilege?

IV. Did the circuit court appropriately grant summary judgment in favor of the South Carolina High School League on Appellant's negligence claim when it was entitled to immunity under the South Carolina Tort Claims Act and Appellant failed to put forth any evidence supporting her claim?

V. Did the circuit court properly deny Appellant's successive motion to compel?

## COUNTERSTATEMENT OF THE CASE[1]

This appeal arises out of a local dispute between Appellant Aminah Richburg (Appellant), a basketball official, and Respondent Rico Williams, the director of District One of the South Carolina Basketball Officials Association (SCBOA). Appellant filed a complaint against Williams and Respondent South Carolina High School League (the League) in the Court of Common Pleas for Greenville County on March 31, 2016, asserting claims for defamation and negligence. (R. pp. 17–20).

In her complaint, Appellant alleges Williams defamed her by creating a "false narrative" about her performance as a basketball official in reporting issues involving Appellant to the District One Board of Directors. (R. p. 18). Appellant also claims that the League was negligent in failing to investigate Williams' reports regarding Appellant and failing to intervene on her behalf when the District One Board of Directors reviewed her membership. (R. pp. 19–20). Williams and the League (collectively "Respondents") filed answers denying all liability. (R. pp. 21–35).

Throughout the course of discovery, Respondents produced numerous documents that were responsive to Appellant's appropriate interrogatories and requests for production. (R. pp. 669–802; Supp. R. pp. 177–810). Appellant responded by submitting a barrage of filings with the circuit court, many of which sought the same relief, and constantly claimed that all evidence was falsified. (See, e.g., R. pp. 112–13). At the close of discovery, Respondents both filed motions for summary judgment. (Supp. R. pp. 63–125). Appellant, still not satisfied with the documents provided to her, filed a motion to compel and a "motion to dismiss summary judgment." (R. pp.

[1] Respondent South Carolina High School League respectfully could not adopt Appellant's statement of the case as written. See Rule 208(b)(1)(C), SCACR (providing that the appellant's "statement [of the case] shall not contain contested matters"); Rule 208(b)(2), SCACR (noting "that a statement . . . of the case need not be made unless the respondent is dissatisfied with the statement . . . of the case by appellant").

118–66). The circuit court held a hearing on all motions on March 20, 2017. (Supp. R. pp. 1–61). Following the hearing, the circuit court entered an order granting Respondents' motions for summary judgment and denying Appellant's motion to compel. (R. pp. 1–16). This appeal followed.

## STATEMENT OF FACTS

At issue in this case is a dispute between Appellant and Williams regarding her actions and status as a District One official. As noted above, Williams serves as the District One Director of the SCBOA. (Supp. R. p. 111). The SCBOA works closely with the League and is responsible for the training and development of basketball officials. (Supp. R. p. 110). In addition, the SCBOA is responsible for maintaining a booking office for basketball contests between the League's member schools. (Supp. R. p. 110–11). The SCBOA has its own constitution and bylaws, and its members are divided into twelve regional districts that are each governed by a director and board of directors. (Supp. R. p. 110).

The League, which has its own separate bylaws and constitution, is comprised of approximately 400 high school and middle school members throughout South Carolina. (Supp. R. p. 119). A staff of ten individuals manages the day-to-day operations of the League. Id. Under the SCBOA bylaws, the League's Executive Committee is to appoint a "Commissioner of Officials." (Supp. R. p. 120). During all relevant times, the League's Associate Commissioner, Skip Lax, served as Commissioner of Officials for the SCBOA. (Supp. R. pp. 119–20). The League, of course, works closely with the SCBOA in training and certifying officials, keeping and maintaining records of officials' ratings, and assigning contests through the League's software system, Arbiter. (Supp. R. pp. 120–21).

Appellant joined District One of the SCBOA in 2013. (R. p. 4). As part of her membership, Appellant was required to sign the SCBOA District One contract. (See Supp. R. p. 83). The contract, in relevant part, included the following provisions:

> 6. I understand that I must meet all required state and district meetings and that failure to meet the requirements can result in the loss of cooperation points.
>
> 7. I understand that as a member of District 1 I represent all officials of District 1 and of the South Carolina Basketball Officials Association. I will conduct myself in a professional and ethical manner at any basketball event whether or not I am a spectator or working the game.
>
> 8. I understand that the District 1 director has the authority to enforce professional standards and to accept or reject my transfer to another district or readmittance to the SCBOA.
>
> 9. I understand that I may be put on probation, and/or suspended, or dismissed if I fail to conduct myself in a professional manner as a District 1 basketball official and if I fail to follow District 1 guidelines as listed in this contract.

Id.

Additionally, the League promulgates a code of ethics that every member of the SCBOA must sign prior to officiating games. (Supp. R. p. 88). The League's code of ethics covers various ethical and professional standards that officials are expected to follow and uphold. See id. By signing this document, Appellant acknowledged, among other things, that (1) she was an independent contractor, not an employee of the SCBOA or the League; and (2) she understood and agreed that schools retained the authority not to employ her services. Id.

The present dispute originated when Williams received a call on February 2, 2016, from another official who had officiated a middle school basketball game with Appellant the previous day. (Supp. R. p. 114). According to the official, Appellant wore "jogging/workout" pants to the game. Id. As the SCBOA bylaws require that officials wear "straight leg black trousers without

cuffs," these pants were not approved attire—and, thus, were not appropriate—for basketball officials to wear during a game. (R. p. 751). Indeed, Williams had spoken to Appellant a year prior to this incident about wearing appropriate pants to basketball game assignments in accordance with the rules. (Supp. R. p. 114).

After receiving this information from Appellant's colleague, Williams left a voicemail and sent a text message to Appellant requesting that she return his call. (Supp. R. p. 114). Appellant called him back on February 3, 2016. Id. During their conversation, Williams confirmed Appellant's upcoming assignment at Furman University and informed her that another official had reported she wore jogging pants while officiating a recent middle school basketball game. Id. When Williams asked if this report was true, Appellant responded that she does not wear jogging pants. Id. Williams then asked if his question was problematic, and Appellant replied that she does not wear jogging pants and was at work. Id. Thus, Williams agreed to end the call and said they would speak again soon. (Supp. R. pp. 114–15).

A few minutes after their telephone call, Williams received the following text message from Appellant:

> Please discontinue the harassing communications. Previous District One leaders presented a higher level of professionalism which made officiating enjoyable unfortunately the present leadership standards have declined. I will communicate your monopoly status with assigning games with various organizations and how it manipulates the District One organization and your leadership position to the SCHL. If I do not respond to a text or call, I am unavailable. I confirmed my availability for Thursday earlier. If you have games for me in the future I welcome any professional communication you send. If I do not receive any game assignments, I will communicate my disdain to the SCHL.

(Supp. R. p. 115).

On February 5, 2016, Williams sent an email to Appellant (the February 5th email) on which the District One Board of Directors and Commissioner Lax were copied. (Supp. R. pp. 86–87). After recapping his prior telephone conversation with Appellant, Williams concluded his email as follows:

> I communicated your above text and above information to Skip Lax, and I received requested information from Bob Wnukowski and Kevin Brown. From our records you are marked off by two schools and by ten (10) officials and literally every one of them are higher rated either sub-Varsity officials or officials at the Varsity level who still work JV games. Many of them have indicated to me your unwillingness to accept constructive criticism, advice, instruction or any information given by them that you may deem unnecessary. Additionally, before the season I required officials working other SCHSL sports (such as Volleyball that you work) to attend four (4) of our regularly (non required) scheduled meetings which began at 6 pm and ended at 8 pm. You were present at the first meeting from beginning to end; a Sept. 21 meeting you arrived at 7:35 pm; an Oct. 19 meeting you arrived at 7:05; and a Nov. 2 meeting you arrived at 6:50 pm. Therefore your meeting attendance equates to about 2 1/2 meetings. In addition, you were absent from our required Mechanics meeting and required Mid-season meeting which would bring your absent total to roughly eight (8) out of eleven (11) meetings.
>
> Upon realizing these facts I contemplated removing you from your JV tournament assignment Saturday (Feb. 6) afternoon. But I will leave your schedule as is, and you will not be considered for any future assignments until your status as a District 1 member is reviewed by the Board of Directors, which brings me to the final issue if you will. Without repeating again word for word your comments concerning "professionalism", "declining standards", etc. it is obvious that you feel your membership is not being served adequately by the "present leadership". I and we certainly don't want any member to be so uncomfortable in our District, therefore a transfer to another District that best suites you may be in order. As a matter of fact, I will facilitate the communication to any District in South Carolina that you choose if that is the route that you deem favorable.

Id.

Appellant alleges Williams defamed her in the February 5th email by creating a "false narrative" about her. (R. p. 18). According to Appellant, Williams' "false narrative" led to the District One Board of Directors' decision not to accept any of Appellant's future applications into District One of the SCBOA. (R. p. 19). She further alleges the League was negligent by failing to intervene in her dispute with District One leadership. (R. pp. 19–20). Appellant, however, produced no evidence that (1) the League made any defamatory communications about her, (2) Williams' statements in the February 5th email were untrue, (3) any parties acted with actual malice or exceeded the scope of the qualified privilege that protected the communications between the SCBOA and the League, and (4) the League was negligent in its handling of this district-level dispute.

In light of the foregoing, the League filed a motion for summary judgment because Appellant failed to produce any evidence supporting her defamation and negligence claims. (Supp. R. pp. 124–25). Further, Appellant's successive motion to compel sought the production of documents that either do not exist or would not have contributed to the circuit court's resolution of any issues in this case. For the reasons set forth below, the Court should affirm the circuit court's order granting summary judgment in favor of the League and denying Appellant's motion to compel.

## STANDARD OF REVIEW

"When reviewing the grant of summary judgment, the appellate court applies the same standard applied by the [circuit] court pursuant to Rule 56(c), SCRCP." Fleming v. Rose, 350 S.C. 488, 493, 567 S.E.2d 857, 860 (2002). Summary judgment is proper when no genuine issue as to any material fact exists and the moving party is entitled to judgment as a matter of law. Ellis v. Davidson, 358 S.C. 509, 517, 595 S.E.2d 817, 821 (Ct. App. 2004); Rule 56(c), SCRCP. "The

purpose of summary judgment is to expedite disposition of cases which do not require the services of a factfinder." S. Glass & Plastics Co. v. Duke, 367 S.C. 421, 427, 626 S.E.2d 19, 22 (Ct. App. 2005).

"In determining whether any triable issues of fact exist, the evidence and all inferences which can be reasonably drawn from the evidence must be viewed in the light most favorable to the nonmoving party." Hancock v. Mid-South Mgmt. Co., Inc., 381 S.C. 326, 329–30, 673 S.E.2d 801, 802 (2009). "However, when plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted." BPS, Inc. v. Worthy, 362 S.C. 319, 326, 608 S.E.2d 155, 159 (Ct. App. 2005). Although "[a] court considering summary judgment neither makes factual determinations nor considers the merits of competing testimony . . . , summary judgment is completely appropriate when a properly supported motion sets forth facts that remain undisputed or are contested in a deficient manner." M&M Grp., Inc. v. Holmes, 379 S.C. 468, 473, 666 S.E.2d 262, 264 (Ct. App. 2008) (quoting David v. McLeod Reg'l Med. Ctr., 367 S.C. 242, 250, 626 S.E.2d 1, 5 (2006)).

Additionally, an appellate court reviews an order denying a motion to compel under an abuse of discretion standard. See Stokes-Craven Holding Corp. v. Robinson, 416 S.C. 517, 536, 787 S.E.2d 485, 495 (2016). It is well settled that "[a circuit] court's rulings in matters related to discovery generally will not be disturbed on appeal in the absence of a clear abuse of discretion." Id. "An abuse of discretion occurs when the [circuit] court's order is controlled by an error of law or when there is no evidentiary support for the [circuit] court's factual conclusions." Id.

Having set forth the lens through which the Court must review the circuit court's order, the League proceeds to the issues properly before the Court with these principles in mind. As explained below, the circuit court correctly granted summary judgment in favor of the League and

denied Appellant's motion to compel, and this Court can affirm on any or all grounds raised in the League's memorandum. See Rule 220(c), SCACR (stating "[t]he appellate court may affirm any ruling, order, decision[,] or judgment upon any ground(s) appearing in the Record on Appeal").

## ARGUMENT

### I. APPELLANT FAILED TO PRESERVE AT LEAST TWENTY-THREE ISSUES FOR APPELLATE REVIEW.

As a preliminary matter, the Court should decline to address Issues 1, 2, 3, 5, 7, 8, 9, 14, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34 raised in Appellant's brief because they are not preserved for appellate review. See App. Br. at 4–13.

"It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the [circuit court] to be preserved for appellate review." Wilder Corp. v. Wilke, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998). Under our preservation rules, a "losing party must first try to convince the lower court it has ruled wrongly and then, if that effort fails, convince the appellate court that the lower court erred." I'On, LLC v. Town of Mount Pleasant, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000). "This principle underlies the long-established preservation requirement that the losing party generally must both present his issues and arguments to the lower court and obtain a ruling before an appellate court will review those issues and arguments." Id.

"Although a Rule 59(e)[, SCRCP,] motion may effectively seek a reconsideration of issues and arguments, this type of motion is often required for issue preservation purposes." Home Med. Sys., Inc. v. S.C. Dep't of Revenue, 382 S.C. 556, 562, 677 S.E.2d 582, 586 (2009). Indeed, our supreme court has long recognized that "[a]n appellate court may not . . . reverse for any reason appearing in the record." I'On, LLC, 338 S.C. at 421–22, 526 S.E.2d at 724. "Put simply, Rule 59(e) motions serve a vital purpose for proper issue preservation." Home Med. Sys., Inc., 382

S.C. at 562, 677 S.E.2d at 586. Thus, when a "losing party has raised an issue in the lower court, but the court fails to rule upon it, the party must file a motion to alter or amend the judgment . . . to preserve the issue for appellate review." I'On, LLC, 338 S.C. at 422, 526 S.E.2d at 724 (emphasis added). "Without an initial ruling by the [circuit] court, a reviewing court simply would not be able to evaluate whether the [circuit] court committed error." S.C. Dep't of Transp. v. M&T Enters. of Mount Pleasant, LLC, 379 S.C. 645, 658–59, 667 S.E.2d 7, 15 (Ct. App. 2008).

Appellant seeks to raise twenty-three factual issues on appeal that were either not ruled upon or never brought to the attention of the circuit court. Cf. Holmes, 379 S.C. at 473, 666 S.E.2d at 264 (stating that "[a] court considering summary judgment neither makes factual determinations nor considers the merits of competing testimony" (quoting David, 367 S.C. at 250, 626 S.E.2d at 5)); Home Med. Sys., Inc., 382 S.C. at 562, 677 S.E.2d at 586 (asserting that a Rule 59(e) motion "is often required for issue preservation purposes"). Indeed, Appellant even seeks new relief on appeal, asking this Court, for example, to decide whether her position as a District One basketball official was properly terminated. See App. Br. at 7. Appellant also asks the Court to find Respondents guilty of discovery abuse and perjury, enter a verdict in her favor, and find she is entitled to all claimed damages. See id. at 10–13.

A review of the circuit court's order reveals the court never ruled upon Issues 1, 2, 3, 5, 7, 8, 9, 14, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34 raised in Appellant's brief. Compare id. at 4–13, with (R. pp. 1–16). Furthermore, Appellant never filed a Rule 59(e) motion to alter or amend judgment. Although Appellant filed three separate documents five days after the circuit court entered its order granting summary judgment, she admitted these were filed with the court prior to her receipt of the order. See App. Br. at 17. Because the circuit court never ruled upon the twenty-three issues mentioned above, and Appellant failed to file a motion to alter or

amend judgment, these issues are not preserved for appellate review and the Court should decline to address them. See Wilke, 330 S.C. at 76, 497 S.E.2d at 733; I'On, LLC, 338 S.C. at 422, 526 S.E.2d at 724; Home Med. Sys., Inc., 382 S.C. at 562, 677 S.E.2d at 586.

## II. THE ISSUES RAISED IN APPELLANT'S BRIEF REGARDING THE MOTION TO COMPEL AND MOTION TO DISMISS SUMMARY JUDGMENT ARE ABANDONED ON APPEAL.

The Court should decline to address Appellant's arguments regarding the motion to compel and her "motion to dismiss summary judgment" because these issues are abandoned on appeal.

Our appellate courts have repeatedly held that "[a]n issue is deemed abandoned if the argument in the brief is not supported by authority or is only conclusory." Jones v. Builders Inv. Grp., LLC, 415 S.C. 321, 331, 781 S.E.2d 737, 742–43 (Ct. App. 2015) (quoting Potter v. Spartanburg Sch. Dist. 7, 395 S.C. 17, 24, 716 S.E.2d 123, 127 (Ct. App. 2011)); see also Glasscock, Inc. v. U.S. Fid. & Guar. Co., 348 S.C. 76, 81, 557 S.E.2d 689, 691 (Ct. App. 2001) ("South Carolina law clearly states that short, conclusory statements made without supporting authority are deemed abandoned on appeal and[,] therefore[,] not presented for review.").

As to the motion to compel, Appellant made the following argument in her brief:

> At the hearing held on March 20, 2017 the Appellate communicated that she was entitled to additional documents that had not been produced by the Respondents. The Appellate identified all documentation needed with specificity.[2] The Appellate made attempts to communicate to the Honorable Judge Gravely that the Respondents are guilty of discovery abuse.
>
> The Honorable Judge Gravely is mistaken that the Respondents provided evidence that they had fully responded to the Appellate discovery request. The Respondents have never complied and the Appellate has four or more Motions to Compel requesting documentation since August 1, 2016. The Appellate finally got an opportunity to have a ruling on the matter and the Honorably Judge Gravely erroneously ruled that the Appellate did not meet her burden of proof with respect to her Motion to Compel and all

[2] A review of the hearing transcript, however, reflects just the opposite. (See Supp. R. pp. 4–18).

> motions are moot in light of the court's ruling on the Respondents Motion for Summary Judgment.

App. Br. at 44–45. Appellant's inaccurate recitation of the procedural history of her motion to compel is insufficient to raise this issue for the Court's review. Appellant failed to even identify which documents allegedly were not provided. (See Supp. R. pp. 4–18). Given that Appellant's argument in her brief is merely a short, conclusory statement made without citation to any supporting authority, the Court should find she abandoned it on appeal. See Jones, 415 S.C. at 331, 781 S.E.2d at 742–43 (quoting Potter, 395 S.C. at 24, 716 S.E.2d at 127).

Turning to the "motion to dismiss summary judgment" issue, Appellant made the following argument in her brief:

> At the hearing held on March 20, 2017 the Appellate communicated that she filed a motion to dismiss the summary judgment. The Appellate was not given an opportunity to present evidence to the Honorable Judge Gravely to plead her case to dismiss summary judgment against the Respondents.

App. Br. at 45. This short, conclusory statement was accompanied with no citations to authority. See Glasscock, Inc., 348 S.C. at 81, 557 S.E.2d at 691. Indeed, a "motion to dismiss summary judgment" is not a recognized procedural tool under the South Carolina Rules of Civil Procedure. Appellant's only option in this regard was to file a response in opposition to Respondents' motions for summary judgment. See generally City of Columbia v. Assaad Faltas, 420 S.C. 28, 45, 800 S.E.2d 782, 790 (2017) (asserting that pro se litigants do not have a license to ignore "relevant rules of procedural and substantive law" (quoting Faretta v. California, 422 U.S. 806, 834 (1975))). Contrary to her assertions, the hearing transcript demonstrates Appellant was given an opportunity to rebut Respondents' arguments on summary judgment. (See Supp. R. pp. 1–61). In any event, her argument regarding the motion to dismiss summary judgment is abandoned on appeal and the Court should decline to address it.

Based upon the foregoing, the Court should find Appellant's motion to compel and "motion to dismiss summary judgment" arguments abandoned on appeal because Appellant failed to present these arguments in a sufficient manner for appellate review. Even on the merits, the circuit court properly denied these frivolous motions for the reasons set forth in Parts III, IV, and V, infra.

## III. THE CIRCUIT COURT PROPERLY GRANTED SUMMARY JUDGMENT IN FAVOR OF THE LEAGUE WHEN IT MADE NO DEFAMATORY COMMUNICATIONS, AND THE COMMUNICATIONS AT ISSUE WERE TRUE AND PROTECTED BY A QUALIFIED PRIVILEGE.

The circuit court properly granted summary judgment in favor of the League on Appellant's defamation claim because (1) the League made no defamatory statements, (2) the communications regarding Appellant were true, and (3) the communications were protected by a qualified privilege.

"A party asserting a claim of defamation must prove the following elements: '(1) a false and defamatory statement was made; (2) the unprivileged publication of the statement to a third party; (3) the publisher was at fault; and (4) either the statement was actionable irrespective of harm or the publication of the statement caused special harm.'" Harris v. Tietex Int'l Ltd., 417 S.C. 533, 540, 790 S.E.2d 411, 415 (Ct. App. 2016) (quoting Williams v. Lancaster Cty. Sch. Dist., 369 S.C. 293, 302–03, 631 S.E.2d 286, 292 (Ct. App. 2006)). "The publication of a statement is defamatory if it tends to harm the reputation of another as to lower [her] in the estimation of the community or deter third persons from associating or dealing with [her]." Fleming, 350 S.C. at 494, 567 S.E.2d at 860.

"Defamatory communications take two forms: libel and slander." Holtzscheiter v. Thomson Newspapers, Inc., 332 S.C. 502, 517, 506 S.E.2d 497, 506 (1998) (Toal, J., concurring). "Slander is a spoken defamation[,] while libel is a written defamation or one accomplished by actions or conduct." Swinton Creek Nursery v. Edisto Farm Credit, ACA, 334 S.C. 469, 484, 514

S.E.2d 126, 134 (1999). Because the communication at issue in this case is an email, the League will assume that Appellant's action is one for libel. See id. As explained in greater detail below, Appellant's defamation claim fails as a matter of law.

*A. The League Made No Defamatory Communications.*

First, Appellant failed to prove that the League made any defamatory communications about her.

At the heart of a defamation claim is the requirement that the defendant actually make a defamatory communication about the plaintiff and publish it to a third party. See Swinton Creek Nursery, 334 S.C. at 484, 514 S.E.2d at 133 (asserting that "[t]he tort of defamation allows a plaintiff to recovery for injury to his or her reputation as the result of the defendant's communication to others of a false message about the plaintiff").

In this case, Williams sent the February 5th email—the alleged defamatory communication at issue in this case—to members of the District One Board of Directors and the League's Commissioner of Officials, Skip Lax. (Supp. R. p. 115). Although Lax received the email, Appellant introduced no evidence that he responded to the email from Williams or forwarded it along to anyone else. (Cf. Supp. R. p. 123). Indeed, Appellant forwarded the February 5th email to Lax along with a lengthy message expressing her displeasure with Williams and his email. (Supp. R. p. 122). Appellant, however, did not ask Lax to intervene, nor did she request that he take any particular action. (Supp. R. p. 96). Instead, Appellant requested the names of the officials referenced in the February 5th email who blocked her. Id. Lax responded to Appellant's email by stating, "Aminah, we do not share with any officials blocks by schools or their peers. Your concerns are a local matter to be handled at the district level." (Supp. R. p. 97). Thus, Appellant failed to demonstrate Lax made or published any defamatory communications about her.

Appellant likewise complains about her communications with Joedy Moots, who served as the Officials' Representative on the League's Executive Committee in 2015–2016, arguing Moots defamed her. (R. p. 19). On February 16, 2016, Appellant forwarded the February 5th email from Williams to Moots and stated, "You are listed as the Officials Representative [sic] please advise on this matter." (Supp. R. p. 97). Following Appellant's initial communication with Moots, several more emails were exchanged between the two. (Supp. R. pp. 97, 83–87). Moots also forwarded his initial email response from February 22, 2016, to Williams. (R. p. 7).

To the extent Appellant contends Moots committed actionable defamation by forwarding the February 22nd email to Williams, her argument fails as a matter of law for three reasons. First, Appellant's defamation action against the League for Moots's communications is barred by her self-publication of the objectionable material. See Murray v. Holnam, Inc., 344 S.C. 129, 145, 542 S.E.2d 743, 751 (Ct. App. 2001) ("Self-publication of the allegedly defamatory statement may bar a plaintiff from recovery."). Second, Moots was not acting on behalf of the League's Executive Committee when he sent the email. See Boling v. Clinton Cotton Mills, 163 S.C. 13, 31, 161 S.E. 195, 202 (1931) (stating a plaintiff must demonstrate "that the alleged defamation was within the actual scope of the agent's authority" to impute defamation to the principal). Instead, Moots was acting as a representative of the South Carolina Officials' Association in response to Appellant seeking him out for advice. Third, although Appellant did not like the response she received from Moots, the statements in his emails did not defame Appellant in any way. See Erickson v. Jones St. Publishers, LLC, 368 S.C. 444, 471, 629 S.E.2d 653, 667 (2006) (holding that "[t]he law of defamation does not prevent a person from expressing and publishing truthful or non-defamatory statements—including pointed criticisms—of a [plaintiff's] actions in a particular case, regardless of whether the [plaintiff] is designated a public official, public figure, or private figure").

Based upon the foregoing, the Court should affirm the circuit court's grant of summary judgment in favor of the League as to Appellant's defamation claim because Appellant failed to put forth any evidence that the League made or published defamatory statements about her. See Swinton Creek Nursery, 334 S.C. at 484, 514 S.E.2d at 133 (requiring a plaintiff to prove the defendant communicated to others a false message about the plaintiff).

*B. The Communications Regarding Appellant Were True.*

Next, Appellant's defamation claim fails because the statements in the objectionable communication were true.

To prevail on her defamation claim, Appellant was required to demonstrate the alleged defamatory statement was false. Holtzscheiter, 332 S.C. at 519, 506 S.E.2d at 506 (Toal, J., concurring). "Truth of the matter published is, of course, a complete defense to an action based on defamation." Ross v. Columbia Newspapers, Inc., 266 S.C. 75, 80, 221 S.E.2d 770, 772 (1976). Indeed, our appellate courts "have held that a sufficient defense is made out whe[n] the evidence establishes that the statement was substantially true." Id.

In this case, Appellant contends the following statements included in Williams' February 5th email were defamatory: (1) Appellant was marked off/blocked by two schools and ten officials, (2) all officials who blocked Appellant were rated higher than her, and (3) Appellant technically had not attended all required District One meetings. Because each of these statements was true, or substantially true, Appellant's defamation claim fails as a matter of law.

*1. The Statement About Blocks by Schools and Officials Was True.*

At the outset, Appellant's defamation claim fails because Williams' statement in the February 5th email about the blocks that schools and officials entered against her was true.

Both the League and Williams provided Appellant with a list of blocks entered against her in discovery. (Supp. R. pp. 147–48; R. pp. 678–79, 802). Williams' list of blocks included ten names along with the date each block was entered. See id. Nine of the officials who blocked sub-varsity assignments with Appellant entered their blocks in 2014 or 2015, and one official entered a block on January 20, 2016. See id. Additionally, two schools were listed as blocked from any assignments with Appellant on the League's list of blocks. (Supp. R. p. 148). The schools' blocks were entered by a member of the League's staff on November 6, 2013. Id. Therefore, the League proved that the statement regarding the blocks against Appellant in the February 5th email were true. See Ross, 266 S.C. at 80, 221 S.E.2d at 772.

Appellant's only rebuttal to the League's evidence proving its defense was to claim the records were falsified. Appellant, of course, introduced no evidence to support this bare and conclusory accusation, nor did she properly call into question the authenticity of the documents. Thus, summary judgment was appropriate. See Holmes, 379 S.C. at 473, 666 S.E.2d at 264 (observing that "summary judgment is completely appropriate when a properly supported motion sets forth facts that . . . are contested in a deficient manner" (quoting David, 367 S.C. at 250, 626 S.E.2d at 5)).

*2. The Statement About Ratings of Officials Who Blocked Appellant Was True.*

Additionally, Appellant's defamation claim fails because Williams' statement in the February 5th email about the ratings of officials who blocked Appellant was true.

The League publishes ratings for all basketball officials every year, and the formula for the rating system is found in the SCBOA bylaws. (Supp. R. p. 120). In responding to Appellant's discovery requests, the League produced the complete set of ratings for 2013–2016. (R. pp. 690–704, 733–43). Every official identified in the system who blocked Appellant at the sub-varsity

basketball level was rated higher than Appellant. See id. And Appellant introduced no evidence to dispute the ratings. Because the defense of truth was established as to these statements, summary judgment was proper. See Ross, 266 S.C. at 80, 221 S.E.2d at 772; Holmes, 379 S.C. at 473, 666 S.E.2d at 264 (observing that "summary judgment is completely appropriate when a properly supported motion sets forth facts that remain undisputed" (quoting David, 367 S.C. at 250, 626 S.E.2d at 5)).

*3. The Statement About Appellant's Failure to Attend Meetings Was True.*

Finally, Appellant's defamation claim fails because Williams' statement in the February 5th email about Appellant's failure to attend meetings was true.

In support of the statements in the February 5th email regarding Appellant's meeting attendance, Williams produced documents created by the secretary–treasurer of District One, Kevin Brown. (R. pp. 779 & 799; Supp. R. p. 176). The chart and the comments taken from Brown's spreadsheet verify Williams' statement in the email about Appellant's attendance. See id. These documents also verify the statements regarding officials who may have left early or arrived late to meetings. See id. Appellant, in her first email to Commissioner Lax, even acknowledged that she had not attended all of the required meetings. (Supp. R. p. 96). Further, she put forth no evidence to dispute Respondents' evidence supporting the defense of truth as to these statements. Instead, Appellant focused all of her efforts on trying to obtain other officials' attendance records. (See, e.g., R. p. 97).

Because the truth of the statements regarding Appellant's attendance to District One meetings was established and she introduced no evidence to the contrary, summary judgment was appropriate. See Ross, 266 S.C. at 80, 221 S.E.2d at 772; Holmes, 379 S.C. at 473, 666 S.E.2d at 264 (observing that "summary judgment is completely appropriate when a properly supported

motion sets forth facts that . . . are contested in a deficient manner" (quoting David, 367 S.C. at 250, 626 S.E.2d at 5)).

In sum, Respondents proved that all three statements in Williams' February 5th email were true, and Appellant failed to identify any statements that were false. Appellant's main complaint about the February 5th email centered on the manner in which Williams framed and represented information to the recipients of the email. Moreover, Appellant's only counter to the documents Respondents produced in discovery—none of which prove her shifting theory of the case—was to claim they are falsified. But the fact that Appellant rejects the evidence presented by Respondents is insufficient to defeat summary judgment. See Shupe v. Settle, 315 S.C. 510, 516–17, 445 S.E.2d 651, 655 (Ct. App. 1994) (asserting that "[a] conclusory statement as to the ultimate issue in a case is not sufficient to create a genuine issue of fact for purposes of resisting summary judgment"); see also Felty v. Graves-Humphreys Co., 818 F.2d 1126, 1128 (4th Cir. 1987) (stating that "[u]nsupported speculation is not sufficient to defeat a summary judgment motion"). Appellant introduced nothing to prove her accusatory and baseless allegations.

Based upon the foregoing, the Court should affirm the circuit court's grant of summary judgment in favor of the League because the defense of truth was established and, therefore, Appellant's defamation claim is barred as a matter of law. See Ross, 266 S.C. at 80, 221 S.E.2d at 772 (observing that "[t]ruth of the matter published is . . . a complete defense to" a plaintiff's defamation claim).

*C. The Communications Were Protected by a Qualified Privilege.*

Last, Appellant's defamation claim fails because the communications at issue were protected by a qualified privilege.

"In a defamation action, the defendant may assert the affirmative defense of conditional or qualified privilege." Swinton Creek Nursery, 334 S.C. at 484, 514 S.E.2d at 134. Under the qualified privilege defense, a defendant "is not liable for the publication if (1) the matter is published upon an occasion that makes it conditionally privileged, and (2) the privilege is not abused." Id.

> In determining whether . . . the communication was qualifiedly privileged, regard must be had to the occasion and to the relationship of the parties. When one has an interest in the subject matter of a communication, and the person (or persons) to whom it is made has a corresponding interest, every communication honestly made, . . . to protect such common interest, is privileged by reason of the occasion. The statement, however, must be such as the occasion warrants, and must be made in good faith to protect the interests of the one who makes it and the persons to whom it is addressed.

Murray, 344 S.C. at 140, 542 S.E.2d at 748 (quoting Bell v. Bank of Abbeville, 208 S.C. 490, 493–94, 38 S.E.2d 641, 643 (1946)).

When a qualified privilege is applicable, the defendant enjoys "a prima facie presumption to rebut the inference of malice, and the burden is on the plaintiff to show actual malice or that the scope of the privilege has been exceeded." Swinton Creek Nursery, 334 S.C. at 484, 514 S.E.2d at 134. "To prove actual malice, the plaintiff must show that the defendant was activated by ill will in what he did, with the design to causelessly and wantonly injure the plaintiff[] or that the statements were published with such recklessness as to show a conscious disregard for the plaintiff's rights." Id. "While abuse of the conditional privilege is ordinarily an issue reserved for the jury, in the absence of a controversy as to the facts, . . . it is for the court to say in a given instance whether . . . the privilege has been abused or exceeded." Woodward v. S.C. Farm Bureau Ins. Co., 277 S.C. 29, 32–33, 282 S.E.2d 599, 601 (1981) (internal citations omitted).

In the instant case, the League and the SCBOA have a common interest in the dispute that arose between Appellant and Williams. The SCBOA operates to furnish basketball officials for League-sanctioned contests, and Commissioner Lax serves as both the Associate Commissioner of the League and the Commissioner of Officials with responsibilities outlined in the SCBOA bylaws. (Supp. R. pp. 119–20). Prior to officiating any basketball contests, Appellant was required to sign a District One SCBOA contract and an acknowledgment of the League's code of ethics. (Supp. R. p. 111). Appellant's actions in the present case implicated both the SCBOA contract and the League's code of ethics—which govern the conduct of basketball officials—and the communications regarding personnel decisions were in furtherance of upholding the standards set forth in these documents. Given the relationship between the two organizations, as well as their overlapping responsibilities with respect to basketball officials, a qualified privilege existed between the League and SCBOA in the situation involving Appellant. See Murray, 344 S.C. at 140, 542 S.E.2d at 748 (quoting Bell, 208 S.C. at 493–94, 38 S.E.2d at 643).

The question, then, becomes whether the privilege was abused in this case. It was not. Appellant introduced no evidence to show the League acted with actual malice or that the scope of the privilege was exceeded. See Swinton Creek Nursery, 334 S.C. at 484, 514 S.E.2d at 134. As Williams only forwarded the February 5th email to the District One Board of Directors and the Commissioner of Officials, the email was undoubtedly warranted by the occasion and "made in good faith to protect the interests of the one who ma[de] it and the persons to whom it [was] addressed." Murray, 344 S.C. at 140, 542 S.E.2d at 748 (quoting Bell, 208 S.C. at 493–94, 38 S.E.2d at 643). It is important to note that the SCBOA District One contract gave Williams, the director, full discretion to accept or reject any future renewal application submitted by an official. (Supp. R. p. 83). In this instance, however, Williams decided it would be best not to unilaterally

decide the repercussions for Appellant's actions and submitted the matter to his local board of directors to protect the interests of everyone involved. Accordingly, Williams did not exceed the privilege by sending the February 5th email.

Moreover, Appellant introduced no evidence that Williams acted with actual malice. Woodward, 277 S.C. at 32–33, 282 S.E.2d at 601 (asserting that, "in the absence of a controversy as to the facts, . . . it is for the court to say in a given instance whether . . . the privilege has been abused or exceeded" (internal citations omitted)). Williams and Appellant had no history of bad blood or animosity. Before February 2016, Williams often asked Appellant to assist with non-League officiating opportunities. (Supp. R. p. 112). Additionally, according to Appellant, Williams asked her to participate on one of the District One committees, but she declined the opportunity due to time constraints. (R. p. 553). Appellant further testified that she never had any problems with Williams prior to their communications on February 2, 2016. (R. p. 554). In short, Appellant introduced no evidence that Williams "was activated by ill will in what he did, with the design to causelessly and wantonly injure [Appellant] or that the statements were published with such recklessness as to show a conscious disregard for [Appellant's] rights." See Swinton Creek Nursery, 334 S.C. at 484, 514 S.E.2d at 134.

Because Respondents demonstrated a qualified privilege existed with respect to the alleged defamatory communication, the February 5th email, Appellant was required to come forward with some evidence that the privilege was exceeded or Williams acted with actual malice. Appellant, however, failed to demonstrate either prong to overcome Respondents' "prima facie presumption to rebut the inference of malice." Id. Given that the February 5th email was protected by a qualified privilege and all statements contained therein were true, Appellant's defamation claim

fails as a matter of law. Therefore, the Court should affirm the circuit court's grant of summary judgment in favor of the League as to this claim.

## IV. THE CIRCUIT COURT PROPERLY GRANTED SUMMARY JUDGMENT IN FAVOR OF THE LEAGUE ON APPELLANT'S NEGLIGENCE CLAIM BECAUSE IT WAS ENTITLED TO IMMUNITY UNDER THE SOUTH CAROLINA TORT CLAIMS ACT AND APPELLANT FAILED TO PUT FORTH ANY EVIDENCE IN SUPPORT OF HER CLAIM.

The Court should affirm the circuit court's grant of summary judgment in favor of the League on Appellant's negligence claim because (1) the League is immune from suit under the South Carolina Tort Claims Act[3] (the Tort Claims Act); and (2) in any event, Appellant failed to put forth any evidence that the League was negligent by declining to intervene in a local dispute.

### *A. The League Is Immune from Suit Under the Tort Claims Act.*

Appellant's negligence claim fails because the League is entitled to immunity under subsections 15-78-60(4) and -60(5) of the Tort Claims Act.

"The Tort Claims Act governs all tort claims against governmental entities and is the exclusive civil remedy available in an action against a governmental entity or its employees." Parker v. Spartanburg Sanitary Sewer Dist., 362 S.C. 276, 280, 607 S.E.2d 711, 714 (Ct. App. 2005). "The Tort Claims Act waives immunity for torts committed by the State, its political subdivisions, and governmental employees acting within the scope of their official duties." Pike v. S.C. Dep't of Transp., 343 S.C. 224, 230, 540 S.E.2d 87, 90 (2000).

Section 15-78-60 of the South Carolina Code (2005) sets forth a list of numerous exceptions to the State's waiver of immunity. As our appellate courts have long recognized, "[t]he provisions of the Act establishing limitations on and exemptions to the liability of the State, its political subdivisions, and employees, while acting within the scope of official duty, must be liberally construed in favor of limiting [the] liability of the State." Graham v. Town of Latta, 417

[3] S.C. Code Ann. §§ 15-78-10 through -220 (2005 & Supp. 2016).

S.C. 164, 183, 789 S.E.2d 71, 81 (Ct. App. 2016) (quoting Hawkins v. City of Greenville, 358 S.C. 280, 292, 594 S.E.2d 557, 563 (Ct. App. 2004)); see also S.C. Code Ann. § 15-78-20 (2005) (asserting that the provisions of the Tort Claims Act "must be liberally construed in favor of limiting the liability of the State").

Subsection 15-78-60(4), in relevant part, provides the State is not liable for loss resulting from the "adoption, enforcement, or compliance with any law or failure to adopt or enforce any law, whether valid or invalid, including, but not limited to, any charter, provision, ordinance, resolution, rule, regulation, or written policies." Further, subsection 15-78-60(5) states that a "governmental entity is not liable for a loss resulting from . . . the exercise of discretion or judgment by the governmental entity or employee or the performance or failure to perform any act or service which is in the discretion or judgment of the governmental entity or employee."

To the extent Appellant contends the League was negligent in declining to intervene pursuant to a League or SCBOA bylaw or rule, the League is immune from suit under the Tort Claims Act. Under subsections 15-78-60(4) and -60(5), the League cannot be held liable for its "failure to . . . enforce any law, whether valid or invalid," and it cannot be held "liable for a loss resulting from . . . the exercise of discretion . . . or failure to perform any act or service which is in the discretion" of the League. Although Appellant failed to cite any legal provision that required the League to intervene in a district-level dispute, even if one existed, the League appropriately exercised its discretion in declining to intervene in this local matter and cannot be held liable for failure to enforce the law under the Tort Claims Act. See S.C. Code Ann. §§ 15-78-60(4), -60(5).

Accordingly, Appellant's negligence claim fails, as a matter of law, and the Court should affirm the circuit court's grant of summary judgment in favor of the League.

*B. Appellant Failed to Put Forth Any Evidence Establishing Her Negligence Claim.*

In the alternative, even if the Court reaches the merits, Appellant failed to put forth any evidence of the League's negligence to move forward on her claim.

> In a negligence action, a plaintiff must show that (1) the defendant owes a duty of care to the plaintiff, (2) the defendant breached the duty by a negligent act or omission, (3) the defendant's breach was the actual and proximate cause of the plaintiff's injury, and (4) the plaintiff suffered an injury or damages.

Madison ex rel. Bryant v. Babcock Ctr., Inc., 371 S.C. 123, 135, 638 S.E.2d 650, 656 (2006).

"[F]or liability to attach based on a theory of negligence, the parties must have a relationship recognized by law as providing the foundation for a duty to prevent an injury." McCullough v. Goodrich & Pennington Mortg. Found., Inc., 373 S.C. 43, 47, 644 S.E.2d 43, 46 (2007). "In any negligence action, the threshold question is whether the defendant owed a duty to the plaintiff." Bass v. Gopal, Inc., 395 S.C. 129, 134, 716 S.E.2d 910, 913 (2011). "The court must determine, as a matter of law, whether the law recognizes a particular duty." Steinke v. S.C. Dep't of Labor, Licensing & Regulation, 336 S.C. 373, 387, 520 S.E.2d 142, 149 (1999).

Here, Appellant failed to put forth any evidence demonstrating that the League owes a duty to a basketball official—who is an independent contractor—to intervene in a dispute at the local level. In other words, Appellant can point to no document, bylaw, rule, or any other law that imposed a duty on the League to unilaterally adjudicate her dispute at the district level. See Hendricks v. Clemson Univ., 353 S.C. 449, 457, 578 S.E.2d 711, 714 (2003) ("An affirmative legal duty exists only if created by statute, contract, relationship, status, property interest, or some other special circumstance. Ordinarily, the common law imposes no duty on a person to act." (internal citation omitted)). The District One SCBOA contract sets forth certain expectations between the member officials of District One and the district's leadership, but nothing in this document creates a duty on the part of the League. In fact, the contract expressly leaves

disciplinary matters to the discretion of the District One Director. (Supp. R. p. 83). Because the League owed no duty to intervene in Appellant's dispute with District One leadership, her negligence claim fails as a matter of law. See McCullough, 373 S.C. at 47, 644 S.E.2d at 46 ("[F]or liability to attach based on a theory of negligence, the parties must have a relationship recognized by law as providing the foundation for a duty to prevent an injury.").

Even assuming, arguendo, a duty exists, Appellant failed to present any evidence that the League breached a duty. Commissioner Lax did not "fail to intervene" as Appellant alleges. Rather, Commissioner Lax deferred the dispute to be addressed at the district level. The same is true for Moots. Although Appellant did not like the advice she received from Moots after reaching out to him, this is not grounds for a negligence claim. In short, Appellant put forth no evidence that the League breached any duty to her by acting in an unreasonable manner in response to her situation. See Babcock Ctr., Inc., 371 S.C. at 135, 638 S.E.2d at 656 (observing that a plaintiff must prove "the defendant breached the duty by a negligent act or omission").

Further, Appellant cannot demonstrate the League's failure to intervene proximately caused her injuries. Commissioner Lax never made any decisions on the merits of Appellant's or Williams' claims, and he simply assessed the matter as a local dispute. His conduct did not make it more or less likely that the District One Board of Directors would decide not to accept any future applications from Appellant. See Babcock Ctr., Inc., 371 S.C. at 135, 638 S.E.2d at 656 (observing that a plaintiff must prove "the defendant's breach was the actual and proximate cause of the plaintiff's injury").

Based upon the foregoing, should the Court reach the merits of Appellant's negligence claim, even when viewing the evidence in a light most favorable to her, Appellant failed to produce

any evidence that the League was negligent. Therefore, the Court should affirm the circuit court's grant of summary judgment in favor of the League as to Appellant's negligence claim.

V. THE CIRCUIT COURT PROPERLY DENIED APPELLANT'S SUCCESSIVE MOTION TO COMPEL.

Finally, the Court should affirm the circuit court's denial of Appellant's motion to compel and termination of this successive motion as moot.

As noted above, Appellant abandoned this issue on appeal by asserting a short, conclusory, and inaccurate statement with no citation to authority. Even if the Court decides to reach this issue, Appellant's arguments are manifestly without merit and she has failed to demonstrate a clear abuse of discretion. See Rule 220(b)(2), SCACR ("The Court of Appeals need not address a point which is manifestly without merit."); Robinson, 416 S.C. at 536, 787 S.E.2d at 495 (observing that "[a circuit] court's rulings in matters related to discovery generally will not be disturbed on appeal in the absence of a clear abuse of discretion").

Contrary to Appellant's bare and conclusory allegations, Respondents did not commit discovery abuse, perjure themselves, or fabricate evidence. Likewise, Appellant failed to demonstrate that further discovery would yield any evidence that would be relevant to resolution of the issues presented in Respondents' motions for summary judgment. Both Respondents provided Appellant with numerous documents in this case. Never satisfied, each time Appellant received discovery responses and documents, she would argue that more documents existed and should be provided based upon her interpretation of the documents. Further, Appellant's default reaction to all evidence in this case has been to argue it was fabricated—or the product of Respondents' or their counsel's alleged perjury—simply because it is unfavorable to her case and does not support her claims. Appellant, of course, has no evidence to support these allegations.

Thus, Appellant cannot prove the circuit court committed "a clear abuse of discretion" in denying her motion to compel. See Robinson, 416 S.C. at 536, 787 S.E.2d at 495.

Respondents gave Appellant everything she needed in discovery, except for (1) those items properly covered by the protective order from which she has taken no appeal and (2) the requested materials to which appropriate objections were raised. See Rule 26(b)(1), SCRCP (outlining the proper scope of discovery in state courts). The League, for instance, was not required to divulge the number of blocks against every single official in District One. Simply put, the number of blocks entered against Appellant's former colleagues has nothing to do with the questions of whether Williams' email was defamatory or whether the League was negligent in failing to intervene in this local dispute.

Accordingly, the Court should affirm the circuit court's denial of Appellant's successive motion to compel because the additional discovery sought by Appellant would not have contributed to the resolution of any issues raised in the motions for summary judgment. See, e.g., Bayle v. S.C. Dep't of Transp., 344 S.C. 115, 128–29, 542 S.E.2d 736, 743 (Ct. App. 2001) (holding the circuit court "did not abuse [its] discretion in quashing the motion for additional discovery and granting summary judgment" because the record did "not demonstrate further discovery would have contributed to the resolution of the issue at hand"); Thomas v. Waters, 315 S.C. 524, 526, 445 S.E.2d 659, 660 (Ct. App. 1994) (affirming the grant of summary judgment when the plaintiff failed to demonstrate a likelihood that further discovery would produce additional relevant evidence).

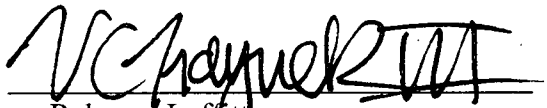
## CONCLUSION

Based upon the foregoing, the Court should affirm the circuit court's order granting summary judgment in favor of the League. Appellant's defamation claim against the League is

without merit because the League never published a defamatory statement about Appellant. To the extent the League was privy to the alleged defamation of Appellant, her claim still must fail because Williams' statements in the February 5th email were true and protected by a qualified privilege. Appellant's negligence claim also fails because the League is entitled to immunity under the Tort Claims Act, and she failed to produce any evidence that the League was negligent in failing to intervene in a purely local dispute. The Court should also affirm the circuit court's denial of Appellant's successive motion to compel because she is not entitled to documents that do not exist and produced no evidence of discovery abuse. Finally, the Court should decline to address at least twenty-five of the issues Appellant seeks to raise on appeal because they are either not preserved, abandoned, manifestly without merit, or some combination of the three.

Respectfully submitted,

ROBINSON GRAY STEPP & LAFFITTE, LLC

By: 

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August 29, 2018

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY
In The Court of Common Pleas

The Honorable Perry H. Gravely, Circuit Court Judge



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Case No.: 2016-CP-23-02113

Appellate Case No.: 2017-001147

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Aminah A. Richburg . . . . . Appellant,

v.

E.A. "Rico" Williams, Director, District One S.C. Basketball Officials Associations and the South Carolina High School League. . . . . Respondents.

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**CERTIFICATE OF SERVICE**

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I, the undersigned legal assistant of the law offices of Robinson Gray Stepp & Laffitte, L.L.C., attorneys for Respondent, South Carolina High School League, do hereby certify that I have served Appellant and all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

**Pleadings:**

Final Brief of Respondent, South Carolina High School League

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August 29, 2018.