

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

FOR THE FIFTEENTH JUDICIAL CIRCUIT
IN THE COURT OF COMMON PLEAS
CASE NO.: 2018-CP-22-00456

Luke M. Smith, Erica Smith, Peggy Burger,
individually and as Guardian ad Litem for
Caitlyn Burger, Shawonnah Davis individually
and as Guardian ad Litem for Sania Williams,
Edison Chichester individually and as
Guardian ad Litem for Jennifer Chichester,
Jenna Grace Singleton, and Dale Singleton,

Plaintiffs,

vs.

Carolina's Got Talent, Wardell Brantley, South
Carolina Media Arts Academy, Winyah
Auditorium City of Georgetown, County of
Georgetown, WPDE ABC 15, WWMB CW21,
Sinclair Broadcast Group, Inc., Howard Stirk
Holdings, and Cunningham Broadcasting
Corporation,

Defendants,

**ORDER GRANTING
GEORGETOWN COUNTY'S
MOTION FOR SUMMARY
JUDGMENT**

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SC Court of Appeals

This matter comes before the Court on Defendant Georgetown County's Motion for Summary Judgment. A formal hearing was held Friday July 26, 2019 in the Georgetown County Courthouse. Present at the hearing were Attorney J. Dwight Hudson representing the Plaintiffs and Attorney Michael W. Battle representing Defendant Georgetown County.

Plaintiffs have filed the above captioned lawsuit against Defendant Georgetown County (County) and several other Defendants alleging claims arising from the failure to award prizes promised by Defendants Carolina's Got Talent and Wardell Brantley. Georgetown County moved for summary judgment on the grounds that it has no connection, control, sponsorship or association with Winyah Auditorium or any of the other Defendants in connection with the Carolina's Got Talent contest. Georgetown County also moved for summary judgment on the additional ground that it is immune from suit under the South Carolina Tort Claims

Act. *S.C. Code Ann. §15-78-60 (20)*. A governmental entity not liable for an act or omission of a person other than an employee including but not limited to the criminal actions of third persons.

Georgetown County's motion was supported by the Affidavit of Georgetown County Attorney Wesley Bryant who stated Georgetown County had no legal affiliation with Winyah Auditorium, Carolina's Got Talent or the producers for the talent contest. Georgetown County also relied upon Plaintiffs' admission in their answers to interrogatories that they do not know of any communications between them and any individual from the County which they relied upon when entering the Carolina's Got Talent contest. Georgetown County contends it had no connection with the contest in question, and therefore it did not owe a legal duty to the Plaintiffs which would create liability for the Georgetown County. See *Repko v. Cty. of Georgetown*, 424 S.C. 494, 818 S.E.2d 743 (2018).

Plaintiffs submitted affidavits claiming that Georgetown County was affiliated with Carolina's Got Talent because Georgetown County made grants to Defendant Winyah Auditorium where the contest Carolina's Got Talent was held. Georgetown County does not dispute that it has made Accommodations Tax grants in support of Winyah Auditorium which is owned and operated by a private nonprofit corporation. Plaintiffs claim that such grants which are public knowledge are sufficient to create a duty requiring Georgetown County to investigate the background of the events which are held in Winyah Auditorium.

The Court is not aware of any legal authority that supports Plaintiffs' claim that Georgetown County had a legal duty to Plaintiffs under the facts of the case. Plaintiffs' counsel has not presented any such legal authority to the Court. Therefore, because Georgetown County does not owe a legal duty to Plaintiffs, the private causes of action of Plaintiffs against Georgetown County should be dismissed. *Bishop v. S.C. Dep't of Mental Health*, 331 S.C. 79, 502 S.E.2d 78 (1998) (a plaintiff must establish duty, breach, causation, and damages."); *Summers v. Harrison Constr.*, 298 S.C. 451, 455, 381 S.E.2d 493, 495 (Ct. App. 1989) ("If any of these elements is absent a claim is not stated.");

In addition, under the South Carolina Tort Claims Act. *S.C. Code Ann. §15-78-60 (20)*. A governmental entity not liable for an act or omission of a person other than an employee including but not

limited to the criminal actions of third persons. Plaintiff seek to make Defendant Georgetown County for the acts of Defendant Wardell Brantley and/or Defendant S.C. Media Arts Academy and possibly other defendants. Those entities are not employees or agents of Georgetown County. Plaintiffs answers to interrogatories state they are not aware of any employee of Georgetown County who made any representations or performed any acts which Plaintiffs relied upon in connection with the contest. Defendant Georgetown Count is immune from tort liability for the acts of third parties. *S.C. Code Ann. §15-78-60 (20)*.

Now therefore, for the reasons stated above, Plaintiffs claims against Defendant Georgetown County are hereby dismissed with prejudice and Defendant Georgetown County's motion for summary judgment is hereby granted. IT IS SO ORDERED.

S/ Benjamin H. Culbertson
Hon. Benjamin H. Culbertson
Judge Georgetown County Court of
Common Pleas

July 26, 2019



Georgetown Common Pleas

Case Caption: Luke M Smith , plaintiff, et al VS Carolinas Got Talent , defendant,
et al
Case Number: 2018CP2200456
Type: Order/Summary Judgment

Presiding Circuit Court Judge

s/Benjamin H. Culbertson, Judge Code 2148