

STATE OF SOUTH CAROLINA)
)
 COUNTY OF COLLETON)
)
 ARETHA ELIZABETH BENNETT,)
)
 Plaintiff,)
)
 vs.)
)
 THEOLA PITTS and COLLETON)
 COUNTY SCHOOL DISTRICT,)
)
 Defendants.)
)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CIVIL CASE NO. 2019-CP-15-00138

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AUG 02 2021

ORDER GRANTING
 SUMMARY JUDGMENT
 SC Court of Appeals

This matter came before the Court on Defendants’ Motion for Summary Judgment on the grounds that Plaintiff’s claims against Defendants are barred by the running of the two-year statute of limitations provided by the South Carolina Tort Claims Act.

Summary judgment is appropriate when there are no genuine issues of material fact and the movant is entitled to judgment as a matter of law. SCRCP 56(c). When determining if any triable issues of fact exist, the evidence and all reasonable inferences must be viewed in the light most favorable to the non-moving party. Summer v. Carpenter, 328 S.C. 36, 42, 492 S.E.2d 55, 58 (1997). “Once the moving party carries its initial burden, the opposing party must come forward with specific facts that show there is a genuine issue of fact remaining for trial.” Sides v. Greenville Hosp. Sys., 362 S.C. 250, 255, 607 S.E.2d 362, 364 (Ct. App. 2004). “The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder.” George v. Fabri, 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001).

Plaintiff filed this action against Defendants on February 22, 2019, alleging that “Defendant Theola Pitts is employed by Defendant Colleton County School District as a culinary arts teacher” and that “[i]n May 2016, Defendant Pitts communicated to her class . . . that

Plaintiff had forced her daughter to have an abortion after she became pregnant at age eleven (11).” Plt. Compl. ¶¶ 5 and 7. Plaintiff is asserting claims for defamation, slander, negligent retention, and invasion of privacy.

South Carolina Code Section 15-78-70 states that the South Carolina Tort Claims Act “constitutes the exclusive remedy for any tort committed by an employee of a government entity.” The South Carolina Tort Claims Act provides a statute of limitation of two-years, unless a verified claim, which is required to be under oath, is made within one year of the alleged incident. S.C. Code §§ 15-78-80; 15-78-110; Pollard v. County of Florence, 314 S.C. 397, 444 S.E.2d 534 (S.C. App. 1994).

The Tort Claims Act controls this case because Plaintiff filed this action asserting that Defendant Pitts was an employee of Colleton County School District when she defamed Plaintiff. The record contains no evidence that Plaintiff submitted a verified claim. Therefore the three-year statute limitations does not apply. Rather, the two-year statute of limitations is applicable.

The Plaintiff testified in her deposition that the alleged occurred in May 2016, and she learned of the alleged defamatory remarks on the same day as that the alleged defamatory remarks were made. Accordingly, the two-year statute of limitation started to run in May 2016, and the statute of limitations would have run by the end of May 2018.

Plaintiff filed this action on February 22, 2019, which is eight months after the running of the two-year statute of limitation. Therefore, Plaintiff’s claims are barred under the two-year statute of limitations and Defendants are entitled to summary judgment as to all Plaintiff’s claims.

For the forgoing reasons, the Court **GRANTS** Defendants' Motion for Summary Judgment as to Plaintiff's claims against Defendant Theola Pitts and Defendant Colleton County School District.

AND IT IS SO ORDERED.

_____, 2021
Charleston, South Carolina

Honorable Bently D. Price
Presiding Judge
Fourteenth Judicial Circuit



Colleton Common Pleas

Case Caption: Aretha Elizabeth Bennett VS Theola Pitts , defendant, et al
Case Number: 2019CP1500138
Type: Order/Summary Judgment

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766