

560, 455 S.E.2d 688 (1995); *Wells v. City of Lynchburg*, 331 S.C. 296, 501 S.E.2d 746 (Ct. App. 1998); S.C. Code Ann. § 15-78-20(b) (Supp. 2006) (“The remedy provided by [the Tort Claims Act] is the exclusive civil remedy available for any tort committed by a governmental entity, its employees, or its agents except as provided in § 15-78-70(b).”); S.C. Code Ann. § 15-78-70(a) (Supp. 2006) (“[The Tort Claims Act] constitutes the exclusive remedy for any tort committed by an employee of a governmental entity.”). The statute of limitations period under the SCTCA is two years. S.C. Code Ann. § 15-78-110 (Supp. 2006).

DISCUSSION

THE UNDISPUTED FACTS SHOW THAT THE APPLICABLE STATUTE OF LIMITATIONS EXPIRED PRIOR TO PLAINTIFF’S FILING OF HIS COMPLAINT.

The allegations and available facts, considered in the light most favorable to the Plaintiff, establish the following:

The Plaintiff, Randy Moore (hereinafter “Plaintiff”), named DHEC and Erika Edwards as parties to this suit. DHEC is a governmental entity, and Plaintiff’s claims are therefore governed by the South Carolina Tort Claims Act. Although Plaintiff did not provide the date of the incident of which he complains, Summerville Police Department’s records reveal that it occurred on November 20, 2018. Plaintiff filed his Complaint on November 23, 2020. Further, Defendant Erika Edwards was never served with the Plaintiff’s Complaint. Further, Erika Edwards is entitled to be dismissed from the case pursuant to the SCTCA because she is an employee of a governmental entity.

Based on the foregoing, and pursuant to the Tort Claims Act, these Defendants’ Motion to Dismiss, or in the alternative, Motion for Summary Judgment is hereby GRANTED.

IT IS SO ORDERED.



Dorchester Common Pleas

Case Caption: Randy Moore VS DHEC , defendant, et al

Case Number: 2020CP1801893

Type: Order/Dismissal

So Ordered

s/ Edgar W. Dickson #2153