

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

South Carolina Public Interest Foundation
and John Sloan, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

South Carolina State Law Enforcement
Division and Mark Keel, in his official
capacity as Chief of the South Carolina State
Law Enforcement Division,

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action No. 2023-CP-40-01850

**ORDER DENYING
DEFENDANT MARK KEEL'S
MOTION TO DISMISS**

This matter came before me on December 12, 2023, upon the motion of Defendant Mark Keel to dismiss Plaintiff's claims against him as duplicative of the claims against SLED. Present at the hearing were counsel for the Plaintiff, James Carpenter, and counsel for the Defendant, Daniel Plyler. After considering all relevant case law, statutes, and arguments of counsel, Defendant's Motion to Dismiss is denied.

The South Carolina Tort Claims Act grants state employees immunity in certain tort actions. S.C. § 15-78-20. It follows that a person bringing an action against a governmental entity under the Act shall name only the agency as defendant for which the employee was acting. S.C. § 15-78-70. However, this action falls outside the scope of the South Carolina Tort Claims Act because the Plaintiff seeks injunctive relief, not damages, and Plaintiff's grievances are not based in tort.

IT IS THEREFORE ORDERED, after a careful review of all applicable cases, statutes, and arguments of counsel, Defendant Mark Keel's Motion to Dismiss is DENIED.

[JUDICIAL E-SIGNATURE PAGE TO FOLLOW]



Richland Common Pleas

Case Caption: South Carolina Public Interest Foundation , plaintiff, et al vs South Carolina State Law Enforcement Division , defendant, et al

Case Number: 2023CP4001850

Type: Order/Other

So Ordered

s/ Daniel Coble, 2774