

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 Robert T. Dillon, Jr., PhD.)
)
 Plaintiff,)
)
 vs.)
)
 The College of Charleston and Brian McGee, in his)
 individual capacity)
 Defendant.)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
 CASE NO.: 2016-CP-10-3774

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>Henry W. Frampton, IV</u> , Bar No. <u>10365</u> Address: <u>P.O. Box 1431, Charleston, SC 29402</u> Phone: <u>843-723-7831</u> Fax <u>843-722-3227</u> E-mail: <u>hframpton@mcnair.net</u> Other: _____
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- MOTION HEARING REQUESTED** (attach written motion and complete **SECTIONS I and III**)
- FORM MOTION, NO HEARING REQUESTED** (complete **SECTIONS II and III**)
- PROPOSED ORDER/CONSENT ORDER** (complete **SECTIONS II and III**)

SECTION I: Hearing Information

Nature of Motion: Motion to Dismiss
 Estimated Time Needed: 15 minutes Court Reporter Needed: **YES** / **NO**

SECTION II: Motion/Order Type

Written motion attached
 Form Motion/Order
 I hereby move for relief or action by the court as set forth in the attached proposed order.

9/6/16
 Date submitted

Signature of Attorney for Plaintiff / Defendant

SECTION III: Motion Fee

- PAID - AMOUNT: \$** _____
- EXEMPT:** (check reason)
 - Rule to Show Cause in Child or Spousal Support
 - Domestic Abuse or Abuse and Neglect
 - Indigent Status State Agency v. Indigent Party
 - Sexually Violent Predator Act Post-Conviction Relief
 - Motion for Stay in Bankruptcy
 - Motion for Publication Motion for Execution (Rule 69, SCRPC)
 - Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
- Name of Court Reporter: _____
- Other: _____

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.
 Other: _____

JUDGE CODE _____
 Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____
 MOTION FEE COLLECTED: \$ _____
 CONTESTED - AMOUNT DUE: \$ _____

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS
)
) CASE NO.: 2016-CP-10-3774

Robert T. Dillon, Jr., PhD.,

Plaintiff,

v.

The College of Charleston and Brian McGee, in his
individual capacity,

Defendants.

)
)
)
) **DEFENDANTS THE COLLEGE OF
CHARLESTON AND BRIAN MCGEE'S
NOTICE OF MOTION AND MOTION TO
DISMISS**

FILED
2016 SEP - 7 PM 2:43
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

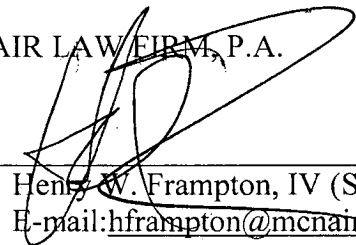
YOU WILL PLEASE TAKE NOTICE that Defendants The College of Charleston and Brian McGee (“Defendants”), by and through their undersigned counsel, hereby move the Court, pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, for an Order dismissing, with prejudice, all causes of action against Defendants on the grounds that Plaintiff has failed to state a claim upon which relief can be granted. As for Plaintiff’s second and third causes of action, styled as claims for “Retaliation in Violation of South Carolina Constitution’s First Amendment” and “South Carolina Constitutional Due Process Violation,” those causes of action do not exist under South Carolina law. Moreover, as to Plaintiff’s third cause of action, that cause of action fails to set forth allegations sufficient to state a cause of action because Plaintiff’s allegations are insufficient to show that he was denied due process of law. As for Plaintiff’s first cause of action, styled as a claim for “Defamation *per se*,” that cause of action fails to set forth allegations sufficient to state a cause of action because Plaintiff does not allege the existence of any defamatory statements that were published to third parties.

This motion is based on the pleadings, the controlling law, any memorandum of law or other material that may be submitted to the Court before or at the hearing on this motion.

Dated: September 6, 2016

MCNAIR LAW FIRM, P.A.

By



Henry W. Frampton, IV (SC 75314)

E-mail: hframpton@mcnair.net

Josh Dixon (SC 75815)

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Charleston, SC 29402

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Attorneys for Defendants

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS
)
) CASE NO.: 2016-CP-10-3774

Robert T. Dillon, Jr., PhD.,
Plaintiff,

v.

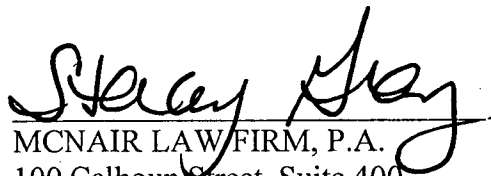
The College of Charleston and Brian McGee, in his
individual capacity,
Defendants.

CERTIFICATE OF SERVICE

FILED
2016 SEP -7 PM 2:43
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

The undersigned hereby certifies that as an employee of McNair Law Firm, P.A., she served a copy of the foregoing **Notice of Motion and Motion to Dismiss** on the following U.S. Mail, postage prepaid and addressed as follows:

Nancy Bloodgood
Bloodgood & Sanders, LLC
895 Island Park Drive
Charleston, SC 29492
Attorney for Plaintiff


MCNAIR LAW FIRM, P.A.
100 Calhoun Street, Suite 400
Charleston, SC 29401
(843) 723-7831

September 6, 2016

September 6, 2016

Henry W. Frampton, IV

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T 843.973.6852
F 843.722.3227

The Honorable Julie J. Armstrong
Clerk of Court
100 Broad Street
Suite 106
Charleston, SC 29401-2210

Re: *Robert T. Dillon Jr., PhD. vs. The College of Charleston and Brian
McGee, in his individual capacity*
Case No.: 2016-CP-10-3774

Dear Ms. Armstrong:

Enclosed for filing, please find the original and one copy of Motion to Dismiss of Defendants The College of Charleston and Brian McGee, in his individual capacity in the above-referenced case. I have also enclosed a motion cover sheet and my office check in the amount of \$25.00 to cover the filing fee. Please file these documents and return a stamp-filed copy to me in the enclosed self-addressed stamped envelope.

By copy of this letter, I am serving all counsel of record with a copy of the same.

If you have any questions, please do not hesitate to call me. Thank you and with kind regards, I am

Very truly yours,

McNAIR LAW FIRM, P.A.

Henry W. Frampton, IV

HWF:sag
Enclosures: as stated

cc: Nancy Bloodgood, Esq.

McNAIR LAW FIRM, P.A.
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