



2024 Case Law Update

SCAC local Government Attorney's Institute

Carry-over Issues from 2023

- Ani Creations et al. v. City of Mrytle Beach
 - SC Supreme Court upheld City's zoning overlay district prohibiting certain types of businesses or sales of prohibited products/services
 - Plaintiffs filed appeal to US Supreme Court
 - Denied January 8, 2024



FOIA

- *Osmundson v. Lex/Rich School Dist. 5*
 - Failure of the court to schedule an initial hearing within 10-days pursuant to SC Code 30-4-100(A) should not result in a dismissal of a valid complaint
- *Brawley v. Richland County*
 - Bodies must conduct a diligent search – but not required to seek documents from 3rd parties
 - Attorney Fee request must be reviewed for reasonableness
 - May not include appellate matters, Paralegal work can be included, but clerical/secretarial work can't be billed at the same rate of pure legal work



Tax Sales

- Court continues to hold counties to strict compliance with the statute
- Massenberg v. Clarendon County
 - SC Code 12-51-40(c) requires the county post notice of sale at one or more “conspicuous” places
 - Must exercise judgement in choosing location



Tort Claims Act – Cause of Action

- *Gore v. Dorchester County et al.*
 - Federal question: Is a cause of action for Reckless Infliction of Emotional Distress actionable under SC law?
 - Reckless Infliction of Emotional Distress is a subset of the cause of action Intentional Infliction of Emotional Distress
 - Subject to the same bar to recovery for loss as defined in SC Code 15-78-30(f)



Legislative Acts & Equity

- *Cruz et al v. City of Columbia et al.*
 - Were promises made by city staff about insurance benefits enforceable?
 - Only the legislative arm of a public body can exercise “police powers”
 - Administrative staff can’t make promises that require action of council



Questions?

John K DeLoache
(803) 252-7255 x324
jdeloache@scac.sc

www.SCcounties.org

