ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BEAUFORT	)	CIVIL ACTION NO: 2026-CP-07-01970

Stephanie Fritz,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**ANSWER**
	)	**OF**
City of Beaufort, Dale McDorman, and Stephenie Price,	)	**CITY OF BEAUFORT**
	)	
	)	
Defendants.	)	
_____	)	

Defendant City of Beaufort, specifically reserving all rights pursuant to any and all motions previously served, and reserving the right to amend, answering the Complaint of the Plaintiff, would allege unto this Honorable Court as follows:

FOR A FIRST DEFENSE
(Specific Denial)

1. That this Defendant denies each and every allegation of Plaintiff's Complaint not specifically admitted hereinafter. Further, this Defendant would crave reference to the documentation relating to the subject events and circumstances which are referenced and/or complained of.

2. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 1 of Plaintiff's Complaint.

3. That this Defendant admits the allegations contained in Paragraph 2 of Plaintiff's Complaint.

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

4. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 3 of Plaintiff's Complaint.

5. That this Defendant admits the allegations contained in Paragraph 4 of Plaintiff's Complaint.

6. That the allegations contained in Paragraph 5 of Plaintiff's Complaint require no response. To the extent that a response is required, this Defendant craves reference to the specific responses to Plaintiff's Causes of Action, below.

7. That the allegations contained in Paragraph 6 of Plaintiff's Complaint call for a conclusion(s) of law and, as such, do not require a response from this Defendant.

8. That the allegations contained in Paragraph 7 of Plaintiff's Complaint call for a conclusion(s) of law and, as such, do not require a response from this Defendant. Further, this Defendant denies the alleged commission of torts.

9. That the allegations contained in Paragraph 8 of Plaintiff's Complaint call for a conclusion(s) of law and, as such, do not require a response from this Defendant.

10. That the allegations contained in Paragraph 9 of Plaintiff's Complaint require no response.

11. That this Defendant admits the allegations contained in Paragraph 10 of Plaintiff's Complaint, but would add that Plaintiff's date of hire was July 14, 2008.

12. That this Defendant generally admits the allegations contained in Paragraph 11 of Plaintiff's Complaint.

13. That this Defendant admits the allegations contained in Paragraph 12 of Plaintiff's Complaint.

14. That this Defendant admits the allegations contained in Paragraph 13 of Plaintiff's Complaint.

15. That this Defendant admits the allegations contained in Paragraph 14 of Plaintiff's Complaint.

16. That this Defendant admits the allegations contained in Paragraph 15 of Plaintiff's Complaint.

17. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 16 of Plaintiff's Complaint with respect to the Chief of Police's advisory committee.

18. That this Defendant admits the allegations contained in Paragraph 17 of Plaintiff's Complaint with respect to the Chief of Police's advisory committee. Further, upon information and belief, the subject survey was given to all employees of the department to complete.

19. That, with respect to the allegations contained in Paragraph 18 of Plaintiff's Complaint, this Defendant admits that the subject survey requested information related to demographics, and that, accordingly, there may not have been complete anonymity.

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

20. That this Defendant lacks sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 19 of Plaintiff's Complaint.

21. That this Defendant lacks sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 20 of Plaintiff's Complaint.

22. That this Defendant lacks sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 21 of Plaintiff's Complaint regarding how Plaintiff may have felt about any discussions with (then) Police Chief McDorman and, accordingly, demands strict proof thereof.

23. That this Defendant admits the allegations contained in Paragraph 22 of Plaintiff's Complaint.

24. That this Defendant admits the allegations contained in Paragraph 23 of Plaintiff's Complaint.

25. That this Defendant lacks sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 24 of Plaintiff's Complaint and, accordingly, demands strict proof thereof.

26. That, upon information and belief, this Defendant generally admits the allegations contained in Paragraph 25 of Plaintiff's Complaint.

27. That this Defendant generally admits the allegations contained in Paragraph 26 of Plaintiff's Complaint.

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

28. That this Defendant lacks sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 27 of Plaintiff's Complaint and, accordingly, denies the same and demands strict proof thereof.

29. That this Defendant admits the allegations contained in Paragraph 28 of Plaintiff's Complaint.

30. That this Defendant lacks sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 29 of Plaintiff's Complaint and, accordingly, denies the same and demands strict proof thereof.

31. That this Defendant admits only so much of the allegations contained in Paragraph 30 of Plaintiff's Complaint as allege that a Letter of Deficiency dated June 12, 2023 from Chief McDorman was issued to Plaintiff, and would crave reference to the subject letter.

32. That this Defendant admits only so much of the allegations contained in Paragraph 31 of Plaintiff's Complaint as allege that Plaintiff filed a grievance with respect to the deficiency letter.

33. That this Defendant lacks sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 32 of Plaintiff's Complaint and, accordingly, denies the same and demands strict proof thereof.

34. That this Defendant denies the allegations as stated in Paragraph 33 of Plaintiff's Complaint.

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

35. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 34 of Plaintiff's Complaint.

36. That this Defendant lacks sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 35 of Plaintiff's Complaint and, accordingly, demands strict proof thereof.

37. That this Defendant denies the allegations as stated in Paragraph 36 of Plaintiff's Complaint, but would admit that Plaintiff continued in her role as an investigator.

38. That this Defendant generally admits the allegations contained in Paragraph 37 of Plaintiff's Complaint, and would crave reference to the subject letter.

39. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 38 of Plaintiff's Complaint.

40. That this Defendant lacks sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 39 of Plaintiff's Complaint.

41. That this Defendant denies the allegations as stated in Paragraph 40 of Plaintiff's Complaint.

42. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 41 of Plaintiff's Complaint.

43. That this Defendant admits only so much of the allegations contained in Paragraph 42 of Plaintiff's Complaint as allege that the retention of investigative material was one purpose of the shared drive.

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

44. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 43 of Plaintiff's Complaint.

45. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 44 of Plaintiff's Complaint.

46. That this Defendant lacks sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 45 of Plaintiff's Complaint.

47. That this Defendant denies the allegations as stated in Paragraph 46 of Plaintiff's Complaint, and would further allege that Plaintiff intentionally deleted investigative materials from the Beaufort Police Department drive/server.

48. That this Defendant denies the allegations contained in Paragraph 47 of Plaintiff's Complaint.

49. That this Defendant denies the allegations contained in Paragraph 48 of Plaintiff's Complaint.

50. That this Defendant admits the allegations contained in Paragraph 49 of Plaintiff's Complaint.

51. That this Defendant lacks sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 50 of Plaintiff's Complaint.

52. That this Defendant lacks sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 51 of Plaintiff's Complaint.

53. That this Defendant admits only so much of the allegations contained in Paragraph 52 of Plaintiff's Complaint as alleges that Plaintiff was placed on medical leave.

54. That this Defendant denies the allegations as stated in Paragraph 53 of Plaintiff's Complaint, and would further allege that the directive was not limited to paper files.

55. That this Defendant denies the allegations as stated in Paragraph 54 of Plaintiff's Complaint.

56. That this Defendant denies the allegations contained in Paragraph 55 of Plaintiff's Complaint.

57. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 56 of Plaintiff's Complaint.

58. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 57 of Plaintiff's Complaint, but denies that Plaintiff was unaware of same.

59. That this Defendant denies the allegations contained in Paragraph 58 of Plaintiff's Complaint.

60. That this Defendant denies the allegations as stated in Paragraph 59 of Plaintiff's Complaint, but would admit that Plaintiff was terminated on October 13, 2023.

61. That this Defendant denies the allegations contained in Paragraph 60 of Plaintiff's Complaint.

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

62. That this Defendant admits only so much of the allegations contained in Paragraph 61 of Plaintiff's Complaint as allege that Defendant City denied payout for Plaintiff's accrued PTO and vacation time.

63. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 62 of Plaintiff's Complaint.

64. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 63 of Plaintiff's Complaint.

65. That this Defendant denies the allegations contained in Paragraph 64 of Plaintiff's Complaint.

66. That this Defendant admits the allegations contained in Paragraph 65 of Plaintiff's Complaint.

67. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 66 of Plaintiff's Complaint.

68. That this Defendant lacks sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 67 of Plaintiff's Complaint.

69. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 68 of Plaintiff's Complaint.

70. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 69 of Plaintiff's Complaint.

71. That the allegations contained in Paragraph 70 of Plaintiff's Complaint call for a conclusion(s) of law and, as such, do not require a response from this Defendant.

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

FOR A FIRST DEFENSE TO PLAINTIFF'S FIRST CAUSE OF ACTION
(Specific Denial)

72. That in response to Paragraph 71 of Plaintiff's Complaint, the allegations contained in Paragraphs 1 through 71, above, are realleged and adopted the same as if repeated verbatim herein.

73. That this Defendant admits only so much of the allegations contained in Paragraph 72 of Plaintiff's Complaint as allege that SLED was requested to investigate the actions of Plaintiff.

74. That this Defendant denies the allegations contained in Paragraph 73 of Plaintiff's Complaint which allege that this Defendant instituted proceedings against Plaintiff and/or that this Defendant took any actions without reasonable or probable cause.

75. That this Defendant denies the allegations contained in Paragraph 74 of Plaintiff's Complaint.

76. That this Defendant denies the allegations as stated in Paragraph 75 of Plaintiff's Complaint, but craves reference to its response to Paragraph 63 of Plaintiff's Complaint.

77. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 76 of Plaintiff's Complaint.

78. That this Defendant denies the allegations as stated in Paragraph 77 of Plaintiff's Complaint.

79. That the allegations contained in Paragraph 78 of Plaintiff's Complaint call for a conclusion(s) of law and, as such, do not require a response from

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

this Defendant. To the extent that a response is or maybe required, the same are denied.

FOR A FIRST DEFENSE TO PLAINTIFF'S SECOND CAUSE OF ACTION
(Specific Denial)

80. That in response to Paragraph 79 of Plaintiff's Complaint, the allegations contained in Paragraphs 1 through 79, above, are realleged and adopted the same as if repeated verbatim herein.

81. That this Defendant denies the allegations contained in Paragraph 80 of Plaintiff's Complaint.

82. That this Defendant denies the allegations contained in Paragraph 81 of Plaintiff's Complaint.

83. That this Defendant denies the allegations as stated in Paragraph 82 of Plaintiff's Complaint.

84. That the allegations contained in Paragraph 83 of Plaintiff's Complaint call for a conclusion(s) of law and, as such, do not require a response from this Defendant. To the extent that a response is or maybe required, the same are denied.

FOR A FIRST DEFENSE TO PLAINTIFF'S THIRD CAUSE OF ACTION
(Specific Denial)

85. That in response to Paragraph 84 of Plaintiff's Complaint, the allegations contained in Paragraphs 1 through 84, above, are realleged and adopted the same as if repeated verbatim herein.

86. That the allegations contained in Paragraph 85 of Plaintiff's Complaint call for a conclusion(s) of law and, as such, do not require a response from

this Defendant. To the extent that a response is or maybe required, the same are denied.

87. That this Defendant denies the allegations contained in Paragraph 86 of Plaintiff's Complaint.

88. That the allegations contained in Paragraph 87 of Plaintiff's Complaint call for a conclusion(s) of law and, as such, do not require a response from this Defendant. To the extent that a response is or maybe required, the same are denied.

89. That this Defendant denies the allegations contained in Paragraph 88 of Plaintiff's Complaint.

90. That this Defendant denies the allegations as stated in Paragraph 89 of Plaintiff's Complaint.

91. That, upon information and belief, this Defendant admits only so much of the allegations contained in Paragraph 90 of Plaintiff's Complaint as allege that Plaintiff did not suffer physical injuries as a result of the events complained of.

92. That, upon information and belief, this Defendant admits only so much of the allegations contained in Paragraph 91 of Plaintiff's Complaint as allege that Plaintiff did not suffer any compensable physical injury under the South Carolina Worker's Compensation Act as a result of the events complained of.

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

93. That this Defendant lacks sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 92 of Plaintiff's Complaint.

94. That this Defendant denies the allegations contained in Paragraph 93 of Plaintiff's Complaint.

FOR A FIRST DEFENSE TO PLAINTIFF'S FOURTH CAUSE OF ACTION
(Specific Denial)

95. That in response to Paragraph 94 of Plaintiff's Complaint, the allegations contained in Paragraphs 1 through 94, above, are realleged and adopted the same as if repeated verbatim herein.

96. That this Defendant admits the allegations contained in Paragraph 95 of Plaintiff's Complaint.

97. That this Defendant admits the allegations contained in Paragraph 96 of Plaintiff's Complaint.

98. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 97 of Plaintiff's Complaint.

99. That, upon information and belief, this Defendant admits the allegations contained in Paragraph 97 of Plaintiff's Complaint.

100. That this Defendant denies the allegations as stated in Paragraph 99 of Plaintiff's Complaint.

101. That this Defendant denies the allegations contained in Paragraph 100 of Plaintiff's Complaint.

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

FOR A FIRST DEFENSE TO PLAINTIFF'S FIFTH CAUSE OF ACTION
(Specific Denial)

102. That in response to Paragraph 101 of Plaintiff's Complaint, the allegations contained in Paragraphs 1 through 101, above, are realleged and adopted the same as if repeated verbatim herein.

103. That the allegations contained in Paragraph 102 of Plaintiff's Complaint call for a conclusion(s) of law and, as such, do not require a response from this Defendant.

104. That this Defendant admits the allegations contained in Paragraph 103 of Plaintiff's Complaint.

105. That this Defendant admits the allegations contained in Paragraph 104 of Plaintiff's Complaint.

106. That the allegations contained in Paragraph 105 of Plaintiff's Complaint call for a conclusion(s) of law and, as such, do not require a response from this Defendant.

107. That Paragraph 106 requires no response of this Defendant. Further, this Defendant would allege that a petition or request for a Writ of Mandamus is not properly a cause of action.

FOR A FIRST DEFENSE TO PLAINTIFF'S SIXTH CAUSE OF ACTION
(Specific Denial)

108. That in response to Paragraph 107 of Plaintiff's Complaint, the allegations contained in Paragraphs 1 through 107, above, are realleged and adopted the same as if repeated verbatim herein.

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

109. That Paragraphs 107 through 114 of Plaintiff's Complaint comprise Plaintiff's Sixth Cause of Action against Co-Defendants, and are not directed that this Defendant. Accordingly, no responses are required. To the extent that responses are, or may be, required, the same are denied.

FOR A FIRST DEFENSE TO PLAINTIFF'S SEVENTH CAUSE OF ACTION
(Specific Denial)

110. That in response to Paragraph 115 of Plaintiff's Complaint, the allegations contained in Paragraphs 1 through 109, above, are realleged and adopted the same as if repeated verbatim herein.

111. That Paragraphs 115 through 122 of Plaintiff's Complaint comprise Plaintiff's Sixth Cause of Action against Co-Defendants, and are not directed that this Defendant. Accordingly, no responses are required. To the extent that responses are, or may be, required, the same are denied.

112. That Paragraphs 123 through 129 of Plaintiff's Complaint comprise Plaintiff's prayer for relief, which do not require responses. To the extent that responses are, or may be, required, the same are denied.

FOR A SECOND DEFENSE
(Incorporation of All Rule 12(b) Defenses)

113. That the allegations contained in Paragraphs 1 through 112, above, are realleged and adopted the same as if repeated verbatim herein.

114. That Defendant hereby incorporates, raises, and alleges all defenses contained in Rule 12(b) of the SC Rules of Civil Procedure, including, but not limited to, 12(b)(6) for failure(s) to state a cause(s) of action.

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

FOR A THIRD DEFENSE
(S.C. Tort Claims Act)

115. That the allegations contained in Paragraphs 1 through 114 above, are realleged and adopted the same as if repeated verbatim herein.

116. That the South Carolina Tort Claims Act is the exclusive civil remedy available as against the Defendant under the circumstances alleged by Plaintiff and, as such, the terms and provisions of said Act govern this action, including, but not limited to, the limitations on liability under § 15-78-120.

FOR A FOURTH DEFENSE
(Immunity Under SCTCA)

117. That the allegations contained in Paragraphs 1 through 116, above, are realleged and adopted the same as if repeated verbatim herein.

118. That this Defendant hereby pleads as an affirmative defense to Plaintiff's cause(s) of action the South Carolina Tort Claims Act, South Carolina Code Section 15-78-10 et seq., with the exception of South Carolina Code Section 15-78-60.

119. That with regard to South Carolina Code Section 15-78-60, this Defendant hereby specifically pleads as an affirmative defense the following specific exceptions to the waiver of immunity: South Carolina Code Section(s) 15-78-60(4), 15-78-60(5), 15-78-60(14), 15-78-60(17), and 15-78-60(20); any of which, if applicable, is a full defense to the cause(s) of actions asserted by the Plaintiff against this Defendant.

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

FOR A FIFTH DEFENSE
(Impropriety of Punitives)

120. That the allegations contained in Paragraphs 1 through 119, above, are realleged and adopted the same as if repeated verbatim herein.

121. That, to the extent that punitive damages are sought in this action, the imposition of punitive damages on the basis of the events giving rise to this lawsuit would represent the deprivation of liberty and property without due process of law, the imposition of cruel and unusual punishment and excessive fines, and deny the equal protection of laws, in violation of the Fifth, Sixth, Eighth, and Fourteenth Amendments to the Constitution of the United States and comparable provisions of the Constitution of the State of South Carolina. Furthermore, the South Carolina Tort Claims Act prohibits an award of punitive or exemplary damages under § 15-78-120(b).

FOR A SIXTH DEFENSE
(Statutory Cap on Punitive Damages)

122. That the allegations contained in Paragraphs 1 through 121, above, are realleged and adopted the same as if repeated verbatim herein.

123. That, without conceding the proprietary of punitive damages, and while specifically denying any entitlement of Plaintiff to such damages, this Defendant would nonetheless show that any such punitive damages, if available, are subject to the statutory cap as set forth in South Carolina Code Ann. §15-32-530.

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

FOR A SEVENTH DEFENSE
(Failure to Exhaust Administrative Remedies)

124. That the allegations contained in Paragraphs 1 through 123, above, are realleged and adopted the same as if repeated verbatim herein.

125. That Plaintiff failed to exhaust her administrative remedies with respect to certain claims and/or causes of action, and should be dismissed.

FOR AN EIGHTH DEFENSE
(Statute(s) of Limitations)

126. That the allegations contained in Paragraphs 1 through 125, above, are realleged and adopted the same as if repeated verbatim herein.

127. That this Defendant reserves and does not waive the defense that Plaintiff failed to commence this action within the applicable statute(s) of limitations for the claims and/or causes of action asserted; and it should, therefore, be dismissed; in whole or in part.

FOR A NINTH DEFENSE
(Good Faith/Absence of Malice/Lack of Intent to Harm)

128. That the allegations contained in Paragraphs 1 through 127, above, are realleged and adopted the same as if repeated verbatim herein.

129. That this Defendant would show that in regard to the allegations of wrongdoing, which allegations are specifically denied, allegations were taken in good faith within the scope of official duties, which good faith is a bar to Plaintiff's causes of action. Defendant would further allege that this Defendant did not perform any acts, or fail to perform any acts, in bad faith, in a malicious manner, with ulterior purpose, without

reasonable/probable cause, with corrupt motives, or with discriminatory or retaliatory intent.

FOR A TENTH DEFENSE
(Workers' Compensation Exclusivity Provision)

130. That the allegations contained in Paragraphs 1 through 129, above, are realleged and adopted the same as if repeated verbatim herein.

131. That Plaintiff's exclusive and preemptive remedy for any injury, physical and/or emotional, which she claims arose out of and in the course of her employment, is pursuant to the South Carolina Workers' Compensation Act, and any such physical and/or emotional injuries as alleged in the Complaint, if substantiated, would be barred pursuant to S.C. Code Ann. §42-1-540.

FOR AN ELEVENTH DEFENSE
(Failure to Mitigate Damages)

132. That the allegations contained in Paragraphs 1 through 131, above, are realleged and adopted the same as if repeated verbatim herein.

133. That Plaintiff has, in whole or in part, failed to mitigate her damages and, accordingly, her claims should be precluded or limited.

FOR A TWELFTH DEFENSE
(Employment at Will)

134. That the allegations contained in Paragraphs 1 through 133, above, are realleged and adopted the same as if repeated verbatim herein.

135. That Plaintiff was, at all relevant times, an at-will employee of Defendant City of Beaufort and, as such, could be terminated at any time for good reason, bad reason, or no reason at all.

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

FOR A THIRTEENTH DEFENSE
(Privilege)

136. That the allegations contained in Paragraphs 1 through 135, above, are realleged and adopted the same as if repeated verbatim herein.

137. That this Defendant is entitled to absolute and/or qualified and/or conditional privilege for communications made during the course and scope of their official/business/professional duties and/or interests.

FOR A FOURTEENTH DEFENSE
(Waiver/Estoppel/Laches/Unclean Hands)

138. That the allegations contained in Paragraphs 1 through 137, above, are realleged and adopted the same as if repeated verbatim herein.

139. That Plaintiff's claims are barred by the equitable doctrines of waiver, estoppel, laches, and/or unclean hands.

FOR AN FIFTEENTH DEFENSE
(Sole Negligence of Plaintiff)

140. That the allegations contained in Paragraphs 1 through 139, above, are realleged and adopted the same as if repeated verbatim herein.

141. That the injuries and/or damages allegedly sustained by the Plaintiff were due to and caused by the sole negligent, grossly negligent, reckless, careless, heedless, willful and wanton acts and/or omissions of Plaintiff, to produce such injury and/or damage, and without which the same would not have occurred.

ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970

FOR A SIXTEENTH DEFENSE
(Comparative Negligence of Plaintiff)

142. That the allegations contained in Paragraphs 1 through 141, above, are realleged and adopted the same as if repeated verbatim herein.

143. That the injuries and/or damages allegedly sustained by the Plaintiff were due to and caused by the reckless, willful, wanton, careless, negligent and grossly negligent acts and conduct of the Plaintiff, which said acts were greater than any acts of negligence on the part of this Defendant, which negligence on the part of is hereby specifically denied, to produce such injury or damage, and without which the same would not have occurred.

FOR A SEVENTEENTH DEFENSE
(Negligence of Others)

144. That the allegations contained in Paragraphs 1 through 143, above, are realleged and adopted the same as if repeated verbatim herein.

145. That the injuries and/or damages complained of by the Plaintiff were due to the actions or inactions of parties other than this Defendant. Consequently, this Defendant is not liable for any damages allegedly sustained by the Plaintiff.

FOR AN EIGHTEENTH DEFENSE
(Reservation and Non-Waiver of Additional Defenses)

146. That the allegations contained in Paragraphs 1 through 145, above, are realleged and adopted the same as if repeated verbatim herein.

147. That this Defendant reserves, and does not waive, any additional and further defenses as may be revealed by additional information during the course of discovery and/or investigation in this matter.

WHEREFORE, Defendant City of Beaufort prays this Honorable Court inquire into the matters set forth herein, and enter its Order dismissing this matter, with an award of attorneys' fees and costs to this Defendant.

HOWELL, GIBSON & HUGHES, P.A.

By: /s/ *David S. Black*

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ELECTRONICALLY FILED - 2026 Oct 30 4:21 PM - BEAUFORT - COMMON PLEAS - CASE#2026CP0701970