

South Carolina Supreme Court Rejects MSJ “Mere Scintilla” Standard

September 11, 2023

Media Contact

Erica Gianetti

Marketing & Communications Supervisor

erica.gianetti@mgclaw.com

Despite SC Rule of Civil Procedure 56(c)'s “genuine issue of material fact” standard, South Carolina courts have historically adopted a “mere scintilla of evidence” standard, allowing Motions for Summary Judgment to be defeated by what the Court describes as “metaphysical doubt as to material facts.” *The Kitchen Planners v. Friedman, et al.*, Op. No. 28173 (S.C. Sup. Ct. filed Aug. 23, 2023), citing *Baughman v. Am. Tel. & Tel. Co.*, 306 S.C. 101, 410 S.E.2d 537, 545 (S.C. 1991). The Court further clarified that it is “not sufficient for a party to create an inference that is not reasonable or an issue of fact that is not genuine.” *Id.*, citing *Town of Hollywood v. Floyd*, 403 S.C. 466, 744 S.E.2d 161 (S.C. 2013). How does this affect your claims? Moving forward, a party opposing summary judgment in South Carolina courts should be required to present evidence that “provide[s] a meaningful factual basis on which a factfinder could” find for the non-moving party. This should make summary judgment somewhat easier to obtain, and somewhat more difficult to oppose.

Questions? Please contact an [MGC attorney](#).

This legal update is published as a service to our clients and friends. It is intended to provide general information and does not constitute legal advice regarding any specific situation. Past success does not indicate likelihood of success in any future legal representation.