Civil Conspiracy in South Carolina

May 21, 2021

If a person or business is harmed by the wrongful plans and acts of others working together, the harmed entity has an avenue for recovery through pleading a civil conspiracy claim. Since 1981, South Carolina courts have required a pleading of special damages due to a Supreme Court ruling known as the *Todd* decision. In the recent decision of *Paradis v. Charleston Cty. Sch. Dist.*, No. 2018-002025 (May 19, 2021), the South Carolina Supreme Court explained that courts in this state have long misinterpreted the *Todd* decision. Our Supreme Court's ruling in *Paradis* has effectively eliminated the special damages requirements that had resulted from the misinterpretation of the *Todd* decision. As a result, the bar for pleading a civil conspiracy claim is now lowered, opening avenues for recovery for more plaintiffs.

Damages can be divided into two categories: general damages and special damages. These are often referred to as noneconomic and economic damages, respectively. General damages are damages that are hard to place a monetary value on and result from injuries such as pain, suffering, and emotional distress. Special damages are those that relate to tangible items such as lost wages and loss of future earnings.

Prior to the *Paradis* decision, South Carolina required a claimant to plead special damages that go beyond the damages alleged in other claims asserted to state a cause of action for civil conspiracy. In *Paradis*, the S.C. Supreme Court ruled that a plaintiff must now only plead that the defendant committed a wrong that resulted in damages that are beyond the damages alleged in other claims.

In light of *Paradis*, the elements of a civil conspiracy cause of action have been clarified to include:

1. the combination or agreement of two or more persons,
2. to commit an unlawful act or a lawful act by unlawful means,
3. together with the commission of an overt act in furtherance of the agreement, and
4. damages proximately resulting to the plaintiff.

The first element merely requires that two or more individuals or legal entities engage to commit a conspiracy.

The second element requires the co-conspirators to agree to do an unlawful thing for the detriment or hurt of another or for them to do a lawful thing in an unlawful manner.

©2026 Rosen Hagood All Rights Reserved |

The third element requires one of the parties to commit an act in furtherance of the conspiracy planned by the parties. This means that one conspirator's action alone can create liability.

The fourth element requires the plaintiff to show that her damages were caused by the act. As discussed, these can be general damages that result from the foreseeable consequences of the defendant's conduct.

Following this decision, South Carolina now returns to a long-standing precedent and rejoins the majority of jurisdictions in defining a civil conspiracy claim.

The attorneys are Rosen Hagood are experienced in civil conspiracy litigation and stay up to date on the changes in law. If you have questions about a civil conspiracy claim, we are available to assist and advise you.

©2026 Rosen Hagood All Rights Reserved | **Charleston, SC**