

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

John Doe and Jane Doe, individually and as Parent, Guardian, and Next Friend of their minor child ABC and on behalf of all other similarly situated,

Plaintiffs,

v.

Pawleys Island Community Church, Pawleys Island Christian Academy, Southern Baptist Convention, The Executive Committee of the Southern Baptist Convention, Donald James Williams, individually and in his capacity as former Senior Pastor of Pawleys Island Community Church, Virginia Lee “Ginny” Williams, individually and in her capacity as an employee and member of the leadership of Pawleys Island Community Church, Jennifer “Niki” Howard, John Doe Elders 1-10, individually and in their representative capacities as members of the Elder Board of Pawleys Island Community Church, and Warren Spencer Perry,

Defendants.

Case No. 2:26-cv-03239-RMG

ORDER

This matter is before the Court on Defendants’ Southern Baptist Convention and Executive Committee of the Southern Baptist Convention (collectively, “SBC”) motion to dismiss (Dkt. No. 18). For the reasons set forth below, the motion is granted and this action is dismissed without prejudice.

I. Background

Plaintiffs filed this putative class action against Defendants pursuant to the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1332(d). *See* (Dkt. No. 1 at ¶ 43). The Complaint

alleges that Defendants Pawleys Island Community Church (the “Church”) and Pawleys Island Christian Academy (the “Academy”) allowed Defendant Warren Spencer Perry, a convicted and registered sex offender, to volunteer in a custodial maintenance role, thereby giving him “access to children enrolled at the Academy, including [Plaintiffs’] minor child.” *Id.* at ¶¶ 2, 4. Plaintiffs allege that the Church, the Academy, and their respective employees knew of Perry’s sex offender status but failed to disclose to Plaintiffs and other Class Members that he “occupied a position of repeated access to the children on campus.” *Id.* at ¶ 76. As a result of Defendants’ conduct, “Plaintiffs’ and Class Members’ minor children have suffered and will continue to suffer emotional, developmental, psychological, and evaluative harm[,] . . . the disruption of [their] sense of safety, and the need to determine the extent of [their] injur[ies].” *Id.* at ¶ 80.

On August 4, 2026, Plaintiffs commenced this action. *See generally* (Dkt. No. 1). Pursuant to Federal Rule of Civil Procedure 23, Plaintiffs assert claims on behalf of themselves, their minor child, and two proposed classes: (1) all minor children who attended the Academy for one or more days at the time Perry was authorized or present to work on the campus of the Academy or Church; and (2) all persons who paid tuition or mandatory enrollment fees to the Academy for a minor child who attended the Academy for one or more days at the time Perry was authorized or present to work on the campus of the Academy or Church. *Id.* at ¶ 87. Plaintiffs’ Complaint asserts the following causes of action: (1) negligence; (2) negligent hiring, selection, authorization, retention, supervision, training, and control; (3) breach of fiduciary duty; (4) fraudulent misrepresentation and concealment; (5) violation of the South Carolina Unfair Trade Practices Act; and (6) reckless infliction of emotional distress. *See id.* at ¶¶ 96-139.

SBC moved to dismiss this action for lack of subject matter jurisdiction, lack of personal jurisdiction, and for failure to state a claim. (Dkt. No. 18). Plaintiffs’ response to the motion was

due on or before September 10, 2026, but no response has been filed as of the date of this Order.

Notwithstanding, the Court will still address the arguments presented in SBC's motion.

II. Legal Standard

Rule 12(b)(1)¹

A Rule 12(b)(1) motion for lack of subject matter jurisdiction raises the fundamental question of whether a court has jurisdiction to adjudicate the matter before it. Fed. R. Civ. P. 12(b)(1). In determining whether jurisdiction exists, the court is to “regard the pleadings’ allegations as mere evidence on the issue, and may consider evidence outside the pleadings without converting the proceeding to one for summary judgment.” *Richmond, Fredericksburg & Potomac R.R. Co. v. United States*, 945 F.2d 765, 768 (4th Cir. 1991) (citing *Adams v. Bain*, 697 F.2d 1213, 1219 (4th Cir. 1982)). “The moving party should prevail only if the material jurisdictional facts are not in dispute and the moving party is entitled to prevail as a matter of law.” *Id.* (citation omitted). The party asserting the claim bears the burden of proof on questions of subject matter jurisdiction. *See Evans v. B.F. Perkins Co.*, 166 F.3d 642, 647 (4th Cir. 1999) (citation omitted).

III. Discussion

SBC offers several reasons why the Court lacks subject-matter jurisdiction. *See generally* (Dkt. No. 18-1 at 5-12). The one the Court finds most persuasive is that Plaintiffs have not established the prima facie requirements for subject matter jurisdiction under CAFA. *Id.* at 6-7. Specifically, SBC contends that the Complaint fails to sufficiently allege that the amount in controversy is more than \$5,000,000. *Id.* at 6.

¹ Because the Court concludes below that it lacks subject-matter jurisdiction, it declines to articulate the legal standards for Defendants’ Rules 12(b)(2) and 12(b)(6) arguments.

Congress enacted CAFA “to curb perceived abuses of the class action device” and to facilitate federal adjudication of large, interstate class actions. *Jackson v. Home Depot U.S.A., Inc.*, 880 F.3d 165, 168 (4th Cir. 2018) (punctuation omitted). CAFA grants federal district courts original jurisdiction over any civil class action in which: (1) the amount in controversy exceeds \$5,000,000, exclusive of interest and costs; (2) the proposed class consists of at least 100 members; and (3) any member of the plaintiff class is a citizen of a State different from any defendant (minimal diversity). *See* 28 U.S.C. §§ 1332(d)(2)(A), (d)(5)(B).

Even construing the Complaint liberally, the Court cannot reasonably infer that the amount in controversy exceeds five million dollars. Aside from the conclusory assertion that Plaintiffs’ claims satisfy the amount-in-controversy requirement, the Complaint provides no concrete damages figures or other factual allegations from which the Court could reasonably infer that more than five million dollars is in controversy. Given this, the Court lacks jurisdiction under CAFA. *See* 28 U.S.C. § 1332(d).

Plaintiffs assert no basis for this Court’s original jurisdiction other than CAFA, and each of their claims arises under state law. As such, the Court lacks subject matter jurisdiction over this case and it declines to exercise jurisdiction over Plaintiffs’ remaining state law claims. *See Chase Bank USA, N.A. v. Wade*, No. 2:12-cv-3565-RMG, 2014 WL 12616158, at *1 (D.S.C. Mar. 21, 2014) (“The Court may decline to exercise supplemental jurisdiction . . . if ‘the district court has dismissed all claims over which it has original jurisdiction.’”) (quoting 28 U.S.C. § 1367(c)(3)). Accordingly, all Defendants are dismissed from this action without prejudice. *See Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006) (noting that courts “have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party”) (citation omitted).

IV. Conclusion

For the foregoing reasons, SBC's motion to dismiss (Dkt. No. 18) is **GRANTED** and all Defendants are **DISMISSED WITHOUT PREJUDICE**.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel

Richard Mark Gergel
United States District Judge

September 15, 2026
Charleston, South Carolina