

STATE OF SOUTH CAROLINA  
COUNTY OF Charleston  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2012- CP-10-8423

Jerome Myers and Gloria Myers

Walter R. Kaufmann, et al.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant
	or	
	<input type="checkbox"/> Self-Represented Litigant	

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRCP;  Rule 41(a), SCRCP (Vol. Nonsuit);  Rule 43(k), SCRCP (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRCP;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court: This case came before the Court on November 20, 2013, on Defendants' Motions to Dismiss the Lawsuit. After hearing argument, this Court hereby GRANTS Defendants' Motions to Dismiss pursuant to SCRCP Rule 12.

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$ <b>RECEIVED</b>
		\$ JAN 06 2014
		\$

If applicable, describe the property, including tax map information and address, referenced in the order.

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

*[Signature]* \_\_\_\_\_ 2151 \_\_\_\_\_ 12/18/13  
 Circuit Court Judge Judge Code Date



STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 Jerome Myers and Gloria Myers, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 Walter R. Kaufmann, Kaufmann and )  
 Associates, LLC, Joseph A. Broom, )  
 Active Day, Inc., Craig Mehnert COO, )  
 Bettye Dorn as Center Director of )  
 Active Day, Inc. @ Charleston, SC, )  
 )  
 Defendants. )

IN THE COURT OF COMMON PLEAS  
 Docket No.: 2012-CP-10-8423

**ORDER DISMISSING LAWSUIT  
 PURSUANT TO RULE 12, SCBCP**

2013 DEC 23 AM 9:01  
 JULIE ARMSTRONG  
 CLERK OF COURT  
**FILED**

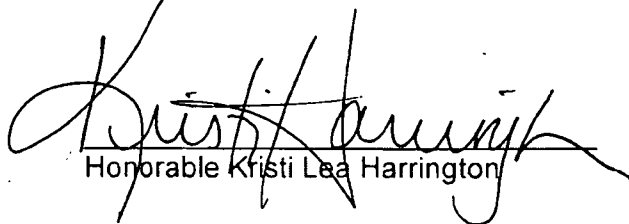
This matter came before the Court for a November 20, 2013 hearing upon two independent motions by Defendants to dismiss the lawsuit, pursuant to Rule 12 of the South Carolina Rules of Civil Procedure. Present for the hearings were Gloria Myers and Jerome Myers, *pro se*; John Dodds, attorney for Defendants Walter Kaufmann, Kaufmann and Associates, LLC, and Joseph A. Broom; and David Cobb, attorney for Defendants Active SC One, Inc., Bettye Dorn, and Craig Mehnert (incorrectly named).

In the lawsuit, Plaintiffs complain about several dealings between Plaintiffs and Defendant Kaufmann, whom the Charleston County Probate Court appointed as Guardian for Plaintiffs' father on October 25, 2007. In addition, the Amended Complaint references that Kaufmann's employee picked up Plaintiffs' father from an Active SC One, Inc. facility in Charleston on June 17, 2010.

After hearing the arguments of Gloria Myers and Jerome Myers and counsel for Defendants, this Court grants the motions to dismiss. The allegations of the Amended Complaint do not state facts sufficient to support a claim under South Carolina law against Defendants. The Guardian acted pursuant to the powers granted by the Charleston County Probate Court and S.C. Code Ann. § 62-5-312.

IT IS SO ORDERED.

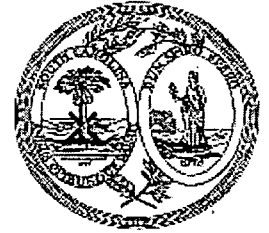
Charleston, South Carolina  
 December 12, 2013

  
 Honorable Kristi Lea Harrington

**RECEIVED**  
 JAN 06 2014  
 S.C. Court of Appeals

Common Pleas  
Charleston County Judicial Center  
100 Broad Street - Suite 106  
Charleston, SC 29401-9401

STATE OF  
SOUTH CAROLINA



Gloria Myers  
2321 Taylor Street

North Charleston, SC 29406

## NOTICE OF MOTION SCHEDULING

December 09, 2013

**Motion "MOFREE - Motion/Motion by the plaintiffs" for Case: 2012CP1008423 - Jerome Myers , plaintiff, et al VS Walter R Kaufmann Esq , defendant, et al has been added to the following Motions Roster:**

**101 - MOTIONS ROSTER - JUDGE DENNIS**

**This hearing of this motion has been scheduled for 1/7/2014 at 2:00 PM.**

MOTIONS WILL BE HEAD IN COURTROOM 3A BEFORE JUDGE DENNIS. IF YOU HAVE QUESTIONS, PELASE CONTACT CAROLINE LEONARD AT:

[cleonard@charlestoncounty.org](mailto:cleonard@charlestoncounty.org).

REQUESTS FOR CONTINUANCES WILL NOT BE CONSIDERED AFTER 5PM ON THURSDAY, JANUARY 2nd.

### Mail Notice To:

Gloria Myers  
2321 Taylor Street  
  
North Charleston, SC 29406

### Court Info:

Common Pleas  
Charleston County Judicial Center  
100 Broad Street - Suite 106  
Charleston, SC 29401-9401

**If you have any questions regarding the scheduling of this motion, please contact the courts at:**

**(843)958-5000**

Respectfully,

Julie Armstrong  
Clerk of Court

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JAN 06 2014

**SC Court of Appeals**

# TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

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**DAVID S. COBB**

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[dcobb@turnerpadget.com](mailto:dcobb@turnerpadget.com)

December 11, 2013

Gloria Myers  
Jerome Myers  
2321 Taylor Street  
North Charleston, South Carolina 29406

Re: Myers v. Kaufmann et al.  
Docket No.: 2012-CP-10-8423  
TP File No.: 12418.101

Dear Ms. Myers and Mr. Myers:

You may have just received a notice of a motion hearing for January 7, 2014. That motion involves your request that Judge Dennis be recused from hearing motions in this matter, which is moot because Judge Harrington heard all pending motions on November 20, 2013. Accordingly, the clerk will delete the January 7, 2014 hearing. With kind regards,

TURNER PADGET  
  
David S. Cobb

DSC/sec

RECEIVED

JAN 06 2014

SC Court of Appeals

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December 30, 2013

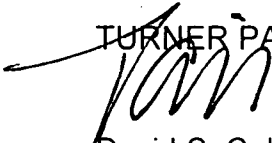
Gloria Myers  
Jerome Myers  
2321 Taylor Street  
North Charleston, South Carolina 29406

Re: **Myers v. Kaufmann et al.**  
Docket No.: 2012-CP-10-8423  
TP File No.: 12418.101

Dear Ms. Myers and Mr. Myers:

I enclose a copy of Judge Harrington's order for this lawsuit. With kind regards,

TURNER PADGET

  
David S. Cobb

DSC/sec

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