

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Eugene Magwood,

Plaintiff,

v.

J. Al Cannon, Jr., in his official capacity as
Sheriff of Charleston County, Inspector
Anderson, Inspector Antonio, Charles Ghent,
and South Carolina Law Enforcement
Division,

Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2013-CP-10-3669

ORDER BY

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SC Court of Appeals

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JULIE J. ARMSTRONG
CLERK OF COURT

On July 30, 2014, the parties came before this Honorable Court on a motion for summary judgment filed by the defendants. The plaintiff, Eugene Magwood, was represented by Stephanie Fajardo, and the defendants were represented by Robin Jackson. During the course of the hearing, plaintiff voluntarily dismissed the negligence/gross negligence cause of action against the individual defendants, Anderson, Antonio and Ghent. The defendants moved for summary judgment on all remaining causes of action.

FACTS

In 2006, Plaintiff, then a detective with the Charleston County Sheriff's Office, was assigned to investigate an allegation of rape by Catherine Boney. During the investigation, Magwood developed a suspect. Based upon a report supplement dated September 21, 2008, Magwood went to the home of Boney and showed her a photo lineup containing the suspect. (See Lineup).

Later, during the time the assistant solicitor assigned to the case, Greg Voigt, was

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preparing the case for trial, he and his investigator, Ryan Kelly, met with Ms. Boney on several occasions. (Voigt Aff.; Kelly Aff.). During one meeting, Ms. Boney mentioned being shown a photo of the suspect. (Voigt Aff.; Kelly Aff.). When asked, she said she was certain she had only been shown a single photo. (Voigt Aff.; Kelly Aff.). In order to refresh her memory, she was shown the six photo lineup. (Voigt Aff.; Kelly Aff.). Ms. Boney advised that the writing on the lineup was not hers and that she had never been shown the lineup by Magwood. (Voigt Aff.; Kelly Aff.). Ms. Boney even provided a handwriting sample.

Mr. Voigt and Mr. Kelly then met with Magwood about trial. Magwood told them Boney had circled, initialed, timed, and dated the photo. When Voigt and Kelly told Magwood that Boney denied doing so, he said she was incorrect. (Voigt Aff.; Kelly Aff.). Magwood insisted that none of it was his handwriting and the victim was wrong. (Kelly Aff.).

Based on their concerns about the lineup, Assistant Solicitor Voigt went to the Sheriff's Office to report his suspicions that Magwood had put the victim's initials and date on the lineup and may not have even shown her the lineup. (Voigt Aff.). The Sheriff's Office, so as to avoid an appearance of impropriety, asked SLED to investigate the allegations against Magwood. SLED received the request and assigned the investigation to Agent Charles Ghent. Inspector Michael Anderson was to be his liaison with the Sheriff's Office. Agent Ghent reviewed all of the documentation, interviewed a number of people, and prepared a report. His report does not make any conclusions or determinations of wrongdoing. (See Ghent Report). Ghent's report was provided to the Solicitor's Office for a determination of criminal wrongdoing. The Solicitor's Office determined that they had a conflict as the underlying complaint had come from their office, so they referred the matter to the Attorney General's Office for a determination about whether Magwood should be prosecuted.

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After the SLED report was complete, the Sheriff's Office conducted an internal affairs ("IA") investigation, starting in April 2009. Inspector Anderson was assigned to perform the investigation and Inspector Antonio was assigned to assist. (Anderson Dep. 32:16-25). Magwood was interviewed as were several other employees. During the course of these interviews several inconsistencies were noted about the Magwood's version and his previous version, his reports, and the other documentation contained in the file. The IA investigation also had a handwriting analysis performed. The outcome of the analysis was that Boney did not write the initials, time, or date. Magwood was determined to have written the date and time, and the analysis indicated that Magwood wrote the initials.

Based on the interviews and the handwriting analysis, the Office of Professional Standards concluded that the complaint against Magwood was sustained. It also concluded that Magwood violated the policies and procedures of the Sheriff's Office, specifically Procedure 1-09(III)(A)(34), "Truthfulness" and Procedure 1-09(III)(A)(10), "Unsatisfactory Performance."

The Attorney General's Office made the decision to prosecute Magwood. On May 7, 2009, Magwood was charged with Misconduct in Office. Neither SLED nor the Charleston County Sheriff's Office was consulted or participated in this decision. While preparing for the prosecution, the Attorney General's Office requested a handwriting analysis be performed. Because the Internal Affairs investigation was performed pursuant to *Garrity v. New Jersey*, 385 U.S. 493 (1967), no information gathered directly from Magwood in the Internal Affairs investigation was shared with SLED, the Solicitor's Office, or the Attorney General's Office. (Anderson Dep., 50:20-51:7). Therefore, the Attorney General's Office had to obtain their own handwriting analysis, which was ultimately consistent with the analysis procured by the Sheriff's Office.

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Plaintiff was prosecuted and during his trial, Catherine Boney testified that she was very upset and could not remember whether she had signed the lineup or not. Magwood was not convicted.

STANDARD OF REVIEW

“The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder.” *George v. Fabri*, 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001). “A motion for summary judgment shall be granted ‘if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.’” *Id.* (quoting Rule 56(c), SCRCF); *accord Trivelas v. S.C. Dep’t of Transp.*, 348 S.C. 125, 130, 558 S.E.2d 271, 273 (Ct. App. 2001); *Wells v. City of Lynchburg*, 331 S.C. 296, 301, 501 S.E.2d 746, 749 (Ct. App. 1998); *see also Tupper v. Dorchester Cnty.*, 326 S.C. 318, 325, 487 S.E. 2d 187, 191 (1997).

LAW AND ARGUMENT

Magwood has alleged Malicious Prosecution, False Arrest, Abuse of Process, Defamation, Defamation *per se*, Civil Conspiracy to Commit Fraud, and Negligence/Gross Negligence. These will be addressed separately.

I. GROSS NEGLIGENCE AND THE IMMUNITIES CREATED BY THE SOUTH CAROLINA TORT CLAIMS ACT.

The South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, *et. seq.* (Supp. 1997), which provides the exclusive remedy in tort against Defendants, is a limited waiver of

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governmental immunity. *Moore v. Florence Sch. Dist. No.1*, 314 S.C. 335, 444 S.E.2d 498 (1994); *see also* S.C. Code Ann. § 15-78-20(b) (Supp. 1997) (providing that the State, its political subdivisions and employees are immune from liability and suit for any tort committed while acting within the scope of official duty except as waived by the Tort Claims Act); S.C. Code Ann. § 15-78-40 (Supp. 1997) (“The State, an agency, a political subdivision, and a governmental entity are liable for their torts in the same manner and to the same extent as a private individual under like circumstances, subject to the limitations upon liability and damages, and exemptions from liability and damages, contained herein.”).

A. § 15-78-60(25) - GROSS NEGLIGENCE.

In order for Magwood to recover, he must show Defendants acted in a grossly negligent manner. S.C. Code Ann. § 15-78-60(25) states that a governmental entity is not liable for a loss resulting from:

responsibility or duty including but not limited to supervision, protection, control, confinement, or custody of any student, patient, prisoner, inmate, or client of any governmental entity, except when the responsibility or duty is exercised **in a grossly negligent manner.**

S.C. Code Ann. § 15-78-60(25) (Supp. 1997) (emphasis added).

South Carolina courts have defined gross negligence in a number of ways. Gross negligence is “the intentional, conscious failure to do something which it is *incumbent* upon one to do or the doing of a thing intentionally that one ought not to do.” *Hollins v. Richland Cnty. Sch. Dist. 1*, 310 S.C. 486, 490, 427 S.E.2d 654, 656 (1993) (quoting *Richardson v. Hambright*, 296 S.C. 504, 506, 374 S.E.2d 296, 298 (1988)); *see also Ford v. Atl. Coast Line R.R.*, 169 S.C. 41, 51, 168 S.E. 143, 147 (1932), *aff'd*, 287 U.S. 502 (1933); *Brooks v. Northwood Little*

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League, Inc., 327 S.C. 400, 408, 489 S.E.2d 647, 651 (Ct. App. 1997); *Rakestraw v. S.C. Dep't of Highways and Pub. Transp.*, 323 S.C. 227, 231, 473 S.E.2d 890, 892-93 (Ct. App. 1996); *Smart v. Hampton Cnty. Sch. Dist. No. 2*, 315 S.C. 192, 195, 432 S.E.2d 487, 489 (Ct. App. 1993). Gross negligence is a relative term which means the absence of care that is necessary under the circumstances. See, e.g., *Hollins*, 310 S.C. at 490, 427 S.E.2d at 656; *Hicks v. McCandish*, 221 S.C. 410, 415, 70 S.E.2d 629, 631 (1952). Gross negligence is the failure to exercise slight care. *Hollins*, 310 S.C. at 490, 427 S.E.2d at 656; see also *Richardson*, 296 S.C. at 506, 374 S.E.2d at 298; *Anderson v. Ballenger*, 166 S.C. 44, 55, 164 S.E. 313, 317 (1932); *Rakestraw*, 323 S.C. at 231, 473 S.E.2d at 893; *Smart*, 315 S.C. at 195, 432 S.E.2d at 489. Where a person is so indifferent to the consequences of his conduct as not to give slight care to what he is doing, he is guilty of gross negligence. *Jackson v. S.C. Dep't of Corr.*, 301 S.C. 125, 126, 390 S.E.2d 467, 468 (Ct. App. 1989), *aff'd*, 302 S.C. 519, 397 S.E.2d 377 (1990). Gross negligence involves a conscious failure to exercise due care. *Id.* at 126-27, 390 S.E.2d at 468. There is no evidence of gross negligence in this case, and thus Defendants are immune from suit pursuant to S.C. Code Ann. § 15-78-60(25).

B. § 15-78-60(5) - EXERCISE OF DISCRETION

A governmental entity is not liable for a loss resulting from “the exercise of discretion or judgment by the governmental entity or employee or the performance or failure to perform any act or service which is in the discretion or judgment of the governmental entity or employee.” S.C. Code Ann. § 15-78-60(5). Inspectors like Anderson, Antonio, and Ghent are well trained to use their judgment and discretion to determine which, if any, crimes were committed, and whether or not an arrest is warranted. They used their discretion in determining which people to interview and what documents to review. They also made the discretionary call to get the

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handwriting analyzed. Because Magwood's alleged loss resulted from Defendants' exercise of discretion in their investigations, Defendants are immune from suit pursuant to S.C. Code Ann. § 15-78-60(5).

C. § 15-78-60(3) - EXECUTION OF A COURT ORDER

S.C. Code Ann. § 15-78-60(3) states that there is no liability for a loss resulting from "execution, enforcement, or implementation of the orders of any court or execution, enforcement, or lawful implementation of any process." Here, after a complete investigation was finished by SLED, the matter was turned over to the Attorney General's office. Then, Associate Chief Magistrate James B. Gosnell signed a warrant for Magwood's arrest. (See Arrest Warrant F-969830). Magwood was arrested based on the facially valid warrant. Therefore, there is no liability for the actions taken to execute the warrant.

II. FALSE ARREST

As part of his claim for Abuse of Process, Magwood states in his complaint that he was falsely arrested. To the extent that this may be read to allege false arrest, Defendants are entitled to summary judgment on this cause of action as well. To prevail on a cause of action for false arrest, Magwood must establish: "(1) the defendant restrained the plaintiff, (2) the restraint was intentional, and (3) the restraint was unlawful." *Yarborough v. Montgomery*, 554 F. Supp. 2d 611, 620 (D.S.C. 2008) (quoting *Law v. S.C. Dep't of Corr.*, 368 S.C. 424, 440, 629 S.E.2d 642, 651 (2006)). In this case, Magwood was intentionally restrained by officers at the time of his arrest. The only determination for the court is whether the restraint was unlawful. "The fundamental issue in determining the lawfulness of an arrest is whether there was probable cause to make the arrest." *Law*, 368 S.C. at 440, 629 S.E.2d at 651. In this case, the South Carolina

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Attorney General's Office made the determination to pursue prosecution. The Attorney General's Office requested Agent Ghent apply for a warrant for Magwood's arrest, and Ghent complied. The warrant was signed by Associate Chief Magistrate James B. Gosnell on May 7, 2009, and Magwood was then arrested pursuant to the facially valid warrant.

South Carolina has long embraced the rule that a true bill of indictment is prima facie evidence of probable cause in an action for malicious prosecution. *Law*, 368 S.C. at 436, 629 S.E.2d at 649. Although whether probable cause exists is ordinarily a question for the jury, it may be decided as a matter of law when the evidence yields but one conclusion. *McBride v. Sch. Dist. Of Greenville Cnty.*, 389 S.C. 546, 567, 698 S.E.2d 845, 855-56 (Ct. App. 2010) (citing *Law*, 368 S.C. at 436, 629 S.E.2d at 649). Magwood was indicted by the grand jury in this matter. Further, he was taken to trial, and through the trial process to the conclusion with a jury verdict. This series of events is prima facie evidence of probable cause, and thus Magwood cannot show an unlawful restraint by Defendants. Therefore, Defendants are entitled to summary judgment on Magwood's False Arrest claim.

III. MALICIOUS PROSECUTION

In order to recover in an action for malicious prosecution, the Magwood must show (1) the institution or continuation of original judicial proceedings, either civil or criminal; (2) by, or at the instance of, the defendant; (3) termination of such proceeding in the plaintiff's favor; (4) malice in instituting such proceedings; (5) lack of probable cause; and (6) resulting injury or damage. *Ruff v. Eckerds Drugs, Inc.*, 265 S.C. 563, 566, 220 S.E.2d 649, 651 (1975). An action for malicious prosecution fails if the plaintiff cannot prove each of the required elements by a preponderance of the evidence, including malice and lack of probable cause. *Law v. S.C. Dep't of Corr.*, 368 S.C. 424, 435, 629 S.E.2d 642, 648 (2006).

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In this matter, the officers performed investigations as assigned to them by their respective law enforcement agencies. The Charleston County Sheriff's Office investigation was performed pursuant to *Garrity* and was never even provided to the prosecuting agency. The report prepared by Agent Ghent contains no conclusions or recommendations. The purpose of a SLED investigation is to have an outside agency collect evidence and interview witnesses. They do not make recommendations, decisions, or conclusions about wrongdoing. Because of this, there is no evidence that any of the officers or their agencies made any decisions about whether to pursue criminal charges against Magwood. Therefore, the plaintiff fails with regard to the second element. The court also finds that there is no evidence of malice.

IV. ABUSE OF PROCESS

The essential elements of abuse of process are (1) an ulterior purpose, and (2) a willful act in the use of the process that is not proper in the regular conduct of the proceeding. *Pallares v. Seinar*, App. Case No. 2011-201026, Sup. Ct. Op. No. 27364 (S.C. March 12, 2014) (citing *Argoe v. Three Rivers Behavioral Ctr. & Psychiatric Solutions*, 388 S.C. 394, 697 S.E.2d 551 (2010); *Hainer v. Am. Med. Int'l, Inc.*, 328 S.C. 128, 492 S.E.2d 103 (1997); *LaMotte v. Punch Line of Columbia, Inc.*, 296 S.C. 66, 370 S.E.2d 711 (1988)).

The first element, an "ulterior purpose," exists if the process is used to secure an objective that is "not legitimate in the use of the process." *D.R. Horton, Inc. v. Wescott Land Co.*, 398 S.C. 528, 551, 730 S.E.2d 340, 352 (Ct. App. 2012) (citation omitted). "One who uses a legal process, whether criminal or civil, against another *primarily* to accomplish a purpose for which it is not designed, is subject to liability for harm caused by the abuse of process." *Food Lion, Inc. v. United Food & Commercial Workers Int'l Union*, 351 S.C. 65, 75, 567 S.E.2d 251, 255-56 (Ct. App. 2002) (quoting Restatement (Second) of Torts § 682 (1977)). The collateral

objective must be the “sole or paramount reason for acting.” *Id.* at 75, 567 S.E.2d at 256. An allegation that a party had a “bad motive” or an “ulterior purpose” in bringing an action, standing alone, is insufficient to sustain an abuse of process claim. *D.R. Horton*, 398 S.C. at 551, 730 S.E.2d at 352 (citing *Food Lion*, 351 S.C. at 74, 567 S.E.2d at 255). Moreover, no action lies where a person has an incidental or concurrent motive of spite or merely seeks to gain a collateral advantage from the process. *Food Lion*, 351 S.C. at 74–75, 567 S.E.2d at 255–56. In the present case, Magwood is suing Ghent, Anderson, and Antonio for Abuse of Process. In his complaint, Magwood alleges that these defendants’ actions “were carried out for ulterior purposes,” Compl. ¶31, and that they “willfully used the legal process espoused above solely for such ulterior purposes.” Compl. ¶32. Magwood does not state what the ulterior purposes were, which is insufficient. *See D.R. Horton*, 398 S.C. at 551, 730 S.E.2d at 352.

Abuse of process focuses on events occurring outside the process; the improper purpose usually takes the form of coercion to obtain a collateral advantage, not properly involved in the proceeding itself, such as the surrender of property or the payment of money, by the use of the process as a threat or club. *D.R. Horton*, 398 S.C. at 551, 730 S.E.2d at 352; *see also Hainer*, 328 S.C. at 136, 492 S.E.2d at 107 (stating the improper purpose usually takes the form of coercion to obtain a collateral advantage). The plaintiff has presented no evidence that Anderson, Antonio, or Ghent were trying to coerce him to do or surrender anything. Agent Ghent had never even met Magwood before he was asked to investigate this matter. (Ghent Dep. 64:13-15). Anderson and Antonio were internal affairs officers for the Sheriff’s Office and but for their positions, they would never have been involved in this investigation. (Antonio Dep. 38:21-24). There is no evidence that either Anderson or Antonio ever had any improper purpose with regard to their investigation of Magwood. (Antonio Dep. 36:6-37:9). Additionally, with regard to the “process” itself, these individual defendants only performed investigations and wrote reports.

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The second aspect required is a “willful act.” A willful act has been described as “[s]ome definite act or threat not authorized by the process or aimed at an object not legitimate in the use of the process.” *Hainer*, 328 S.C. at 136, 492 S.E.2d at 107. The “willful act” element consists of three components: (1) “a ‘willful’ or overt act”; (2) “in the use of the process”; (3) “that is improper because it is either (a) unauthorized or (b) aimed at an illegitimate collateral objective.” *Food Lion, Inc.*, 351 S.C. at 71, 567 S.E.2d at 254 (citations omitted). There is no such evidence of that in this case. There is no evidence of any improper willful act or any illegitimate collateral objective by the individual defendants. (Anderson Dep. 80:7-10). These were law enforcement officers who were asked to perform an investigation into a complaint of wrongdoing. They performed their investigations and turned over their findings to other people who then made the decision on what would be done. (Ghent Dep. 61:24-62:5; Anderson Dep. 81:16-25). There is no evidence to support the cause of action for Abuse of Process against Ghent, Anderson, or Antonio, and therefore summary judgment is proper.

V. CIVIL CONSPIRACY BY THE INDIVIDUAL DEFENDANTS

Magwood has alleged that defendants Anderson, Antonio, and Ghent came together in a conspiracy for the purpose of injuring the plaintiff by fraud. (Compl., ¶42). Defendants Anderson and Antonio are both employees of the Charleston County Sheriff’s Office. Therefore, the Intracorporate Conspiracy Doctrine applies in this matter as to the two of them. “[N]o conspiracy can exist if the conduct challenged is a single act by a single corporation acting exclusively through its own directors, officers, and employees, each acting within the scope of his employment.” *McMillan v. Oconee Mem. Hosp., Inc.*, 367 S.C. 559, 565, 626 S.E.2d 884, 887 (2006).

Defendants Anderson and Antonio in this case fall squarely within the intracorporate

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conspiracy doctrine. First, Magwood has failed to allege that any officer was acting outside of his normal duties or that he was not acting in the course and scope of his employment. There is no allegation of any independent stake in achieving the objective of the alleged conspiracy and no evidence of any personal animus or ulterior purpose by Anderson or Antonio. *See Liverett v. Island Breeze Intern. Inc.*, No. 2:12-cv-1285-PMD, 2012 WL 3264563 (D.S.C. August 9, 2012) (dismissing civil conspiracy claim based on intracorporate conspiracy doctrine for plaintiff's failing to allege facts that defendants acted outside normal corporate duties or had any independent stake in achieving objective of alleged conspiracy). Further, Magwood has failed to allege any special damages.

The allegation that Anderson and/or Antonio conspired with Ghent is also not supported by any evidence. Ghent testified that he never spoke with or met with Inspector Antonio. (Ghent Dep. 66:23-25, Ex. L). Agent Ghent also never spoke with Inspector Anderson about the content of his investigation. (Ghent Dep. 67:1-4, Ex. L). Although Agent Ghent was aware that the Charleston County Sheriff's Office was performing an investigation, he was not privy to the information they gathered. (Ghent Dep. 67:5-21, Ex. L). For all intents and purposes, the two investigations were parallel in that they had two different purposes, and the information obtained in the Sheriff's Office investigation was never shared with Agent Ghent or SLED. (Ghent Dep. 67:22-68:12, Ex. L). Agent Ghent, Inspector Anderson, and Inspector Antonio never spoke or acted to cause Magwood damage to his reputation. (Ghent Dep. 68:17-69:12, Ex. L; Anderson Dep. 80:17-20, Ex. G; Antonio Dep. 36:15-21, Ex. M).

VI. DEFAMATION AND SLANDER.

"The publication of a statement is defamatory if it tends to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or

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dealing with him.” *Fleming v. Rose*, 350 S.C. 488, 494, 567 S.E.2d 857, 860 (2002). To recover for defamation, the plaintiff must establish by a preponderance of the evidence, that there was (1) a false and defamatory statement by the defendant concerning the plaintiff; (2) an unprivileged communication; (3) fault on the defendant's part in publishing the statement; and (4) either actionability of the statement irrespective of special harm or the existence of special harm to the plaintiff caused by the publication. *Holtzscheiter v. Thomson Newspapers, Inc.*, 332 S.C. 502, 518, 506 S.E.2d 497, 506 (1998) (Toal, J., concurring); see also *Erickson v. Jones St. Publishers, L.L.C.*, 368 S.C. 444, 464, 629 S.E.2d 653, 664 (2006); *Fleming*, 350 S.C. at 494, 567 S.E.2d at 860.

Agent Ghent never made any statements about Magwood outside the course and scope of his investigation or any statements that he knew or believed to be false. (Ghent Dep. 66:14-21). Investigators Anderson and Antonio also testified that they never made any statements about Magwood outside the course of their investigation. They also testified that they never made any statements they knew or believed to be false or untrue.

Anderson, Antonio, and Ghent were at all times relevant to this matter acting in the course and scope of their employment as law enforcement officers officially investigating another officer's wrongdoing. Any communications they may have made regarding Magwood are privileged and no cause of action may arise out of such communications. S.C. Code Ann. § 23-23-90. “An oral or written report, document, statement, or other communication that is written, made, or delivered concerning the requirements or administration of [Chapter 23 of Title 23 of the S.C. Code] must not be the subject of or basis for an action at law or in equity in any court of the State if the communication is between: (1) law enforcement agencies, their agents, employees, or representatives[.]” S.C. Code Ann. § 23-23-90. Chapter 23 of Title 23 of the South Carolina Code sets standards for law enforcement and criminal justice service, S.C. Code

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Ann. § 23-23-10(c), and provides for the suspension, revocation, or restriction of a law enforcement officer's credentials, S.C. Code Ann. § 23-23-80. Thus, the communications arising out of the investigation into Magwood's wrongdoing concern Chapter 23 of Title 23 of the South Carolina Code, and therefore such communications are privileged and cannot be the basis for any action at law, including this defamation action, and summary judgment is proper for Anderson, Antonio, and Ghent.

VII. PUNITIVE DAMAGES

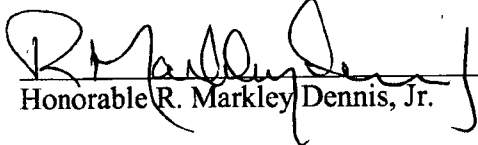
Punitive damages are barred against a governmental entity by S.C. Code Ann. 15-78-120(b), which mandates that "[n]o award for damages under this chapter shall include punitive or exemplary damages or interest prior to the judgment." Therefore, all claims for punitive damages against Defendants are dismissed.

CONCLUSION

IT IS HEREBY ORDERED that the Gross Negligence cause of action against individuals Ghent, Anderson and Antonio is voluntarily dismissed.

IT IS FURTHER ORDERED that summary judgment be granted to all defendants on all of the remaining causes of action as set forth above.

AND IT IS SO ORDERED!!


Honorable R. Markley Dennis, Jr.

August 14, 2014