

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2012 - CP - 35 - 00020

PATRICK L. BOOKER

2015 MAR 25 AM 9:56

CLERK OF COURT
MCCORMICK COUNTY, SC

SOUTH CAROLINA DEPT. SOCIAL
SERVICES, GREENVILLE COUNTY
SHERIFF'S OFFICE, GREENVILLE COUNTY
SCHOOL DISTRICT, BRANDY P. SULLIVAN,
TAMMY CHILDS, SHAWN BEEPLES, and
KELLY P. KAROW

RECEIVED

PLAINTIFF(S)

DEFENDANT(S)

OCT 14 2015

SC Court of Appeals

Submitted by:	Attorney for:	<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant
		<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.
- 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, OR 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 matter came before the court on March 19, 2015 pursuant to a Motion to Dismiss by Defendant Ms. Kelly Karow. After reviewing all relevant materials on file and considering argument of the parties at the above referenced hearing, Defendant Karow's Motion is hereby granted, and she is no longer a party to the above referenced action.

Order Information

This order ends does not end the case.

Additional Information for the Clerk : _____

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 interests or 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.


Circuit Court Judge

2159

Judge Code

March 19, 2015

Date

For Clerk of Court Office Use Only

This judgment was entered on the 25 day of March, 2015 and a copy mailed first class this 25 day of March, 2015 to attorneys of record or to parties (when appearing pro se) as follows:

Pro Se

Rusty Harter
Paul Agnew

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Buffery Shuter, Deputy
CLERK OF COURT

5

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2012 CP-35-20

PATRICK BOOKER

FILED
GWENDOLYN BOWLES
SOUTH CAROLINA DEPARTMENT OF
SOCIAL SERVICE, ET AL.

RECEIVED

2015 JUL -6 A 9:25

OCT 14 2015

SC Court of Appeals

PLAINTIFF(S)

CLERK OF COURT
McCORMICK COUNTY, SC

DEFENDANT(S)

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

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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)
		\$
		\$

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.

issue of fact). When plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted. *Ellis v. Davidson*, 358 S.C. 509, 595 S.E.2d 817 (Ct. App. 2004). The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder. *Dawkins v. Fields*, 354 S.C. 58, 580 S.E.2d 433 (2003). "It is a gratuitous cruelty to the parties and their witnesses to put them through the emotional ordeal when the outcome is foreordained" and in such cases summary judgment is appropriate. Mason v. Continental Illinois National Bank, 704 F.2d 361, 367 (7th Cir. 1983).

In this case, there is no genuine issue as to any material fact. The remaining causes of actions in this case are negligence, libel, and psychological abuse of a vulnerable adult on behalf of Defendant SCDSS, et al.

(1) The South Carolina Tort Claims Act, S. C. Code Ann. § 15-78-70, provides that "An employee of a governmental entity who commits a tort while acting within the scope of his official duty is not liable therefor except as expressly provided for in subsection (b)." S.C. Code Ann § 15-78-70(a). Subsection (b) further notes that "nothing in this chapter may be construed to give an employee of a governmental entity immunity from suit and liability if it's proved that the employee's conduct was not within the scope of his official duties or that it constituted actual fraud, actual malice, intent to harm, or a crime involving moral turpitude." S. C. Code Ann. § 15-78-70(b). No evidence has been presented by Plaintiff to create any genuine issue as to a material fact establishing an inference of fraud, malice, intent to harm, or a crime involving moral turpitude.

(2) Plaintiff's Complaint alleging libel against Defendant fell outside the statute of limitations, which provides two years for any libel action. S. C. Code Ann. § 15-3-550. Plaintiff's Amended Complaint was filed on February 27, 2012 more than two years after

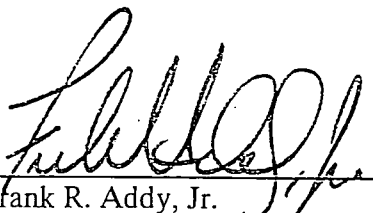
the incident that he alleges gave rise to the libel cause of action which took place in February and March of 2009.

(3) Plaintiff is not a vulnerable adult as defined in S. C. Code Ann. § 43-35-10(11):

"Vulnerable adult" means a person eighteen years of age or older who has a physical or mental condition which substantially impairs the person from adequately providing for his or her own care or protection.

Due to the foregoing, it is therefore ORDERED, ADJUDGED, AND DECREED, that the Defendant's Motion for Summary Judgment is granted.

IT IS SO ORDERED.



Frank R. Addy, Jr.
Circuit Court Judge

July 2, 2015
Laurens, South Carolina



State of South Carolina
The Circuit Court of the Eighth Judicial Circuit

Frank R. Addy, Jr.
Judge

Greenwood County Courthouse
528 Monument Street, Room 210
Greenwood, SC 29646
Phone: (864) 943-8020
Fax: (864) 942-8581
faddyj@sccourts.org

September 4, 2015

The Hon. Gwendolyn D. Chiles
McCormick County Clerk of Court
133 South Mine Street, Ste. 102
McCormick, South Carolina 29835-8357

Re: Patrick L. Booker v. DSS, et al.
12-CP-35-20

Dear Ms. Chiles,

Enclosed is a copy of a Form 4 order denying Plaintiff's motion for reconsideration. Please file the order and forward clocked copies of same to all counsel of record.

Thank you for your attention and assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank R. Addy, Jr.", written in a cursive style.

Frank R. Addy, Jr.

Enclosure

(S)

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2012 CP-35-20

RECEIVED

OCT 14 2015

PATRICK BOOKER
Evans CI

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FILED
GWENDOLYN D. SMITHES CAROLINA DEPARTMENT OF
SOCIAL SERVICE, ET AL.

SO Court of Appeals

610 Hwy 9 West
Bennettsville, SC 29512

2015 SEP 10 A 9:11

PLAINTIFF(S)

CLERK OF COURT
McCORMICK COUNTY, SC

Submitted by:

Attorney for : Plaintiff Defendant
or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

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IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: This matter comes before the court on Plaintiff's motion for reconsideration of the Court's order granting summary judgment. Plaintiff's motion was filed July 20, 2015 and forwarded to this court via cover letter dated July 30, 2015. The Court finds that a hearing on Plaintiff's motion is not necessary.

Having reviewed Plaintiff's motion and reconsidered the arguments offered at the hearing of March 19, 2015, the court declines to alter or amend its prior order.

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Additional Information for the Clerk :

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