

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2016-CP-10-6661

Glynndeavin von Fox
 PLAINTIFF(S)

Spring Rolls Asian Cuisine
 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), SCRCPP; Rule 41(a), SCRCPP (Vol. Nonsuit); Rule 43(k), SCRCPP (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRCPP; Bankruptcy Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

FILED
 017 MAY 25 PM 2:46
 CLERK OF COURT
 ARNOLD
 CLERK OF COURT

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:

ORDER INFORMATION

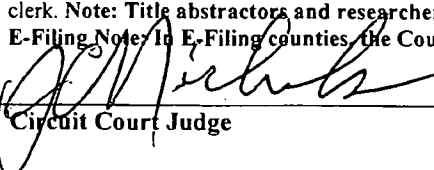
This order ends does not end the case.

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)
		\$
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.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.


 Circuit Court Judge

2117
 Judge Code

5/22/17
 Date

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
 COUNTY OF CHARLESTON) CIVIL ACTION NO.: 16-CP-10-06661

Glynndeavin von Fox,)
)
 Plaintiff,)
)
 vs.)
)
 Spring Rolls Asian Cuisine,)
)
 Defendant.)

RECEIVED

JUN 16 2017

SC Court of Appeals
 ORDER OF DISMISSAL

FILED
 2017 MAY 25 PM 2:16
 THE J. ARMSTRONG
 CLERK OF COURT

This matter came before the Court on April 27, 2017, on Defendant's Motion to Dismiss. Defendant Spring Rolls Asian Cuisine is a restaurant located on King Street in downtown Charleston, SC. On December 16, 2016, Plaintiff filed a Complaint in this matter alleging that an employee of Defendant opened the door while Plaintiff was occupying the bathroom "in an attempt to expose his genitals to a foreign person by force." Plaintiff's Complaint alleges Defendant's actions constitute a violation of SC Code Ann. Sections 45-9-10 and 45-9-30 of the Equal Enjoyment and Privileges to Public Accommodations Act. In its Answer Defendant filed the instant Motion requesting dismissal of Plaintiff's Complaint pursuant to Rules 12(b)(6) and 12(b)(1) of the SC Rules of Civil Procedure (SCRCP) on the grounds that the Complaint fails to state facts sufficient to constitute a cause of action under the Act, and that this Court does not have subject matter jurisdiction over the Act.

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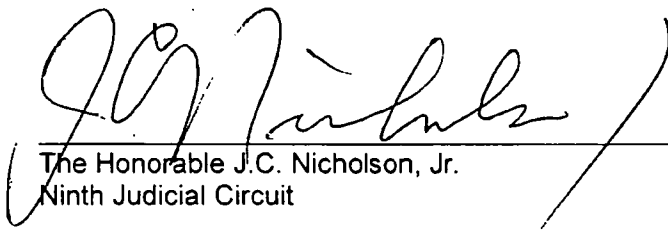
After consideration of oral argument and the submissions of the parties, the Court makes the following FINDINGS OF FACT:

1. Plaintiff's allegations as pled in the Complaint fail to state a cause of action under the Equal Enjoyment and Privileges to Public Accommodations Act in that they do not allege Defendant's actions were motivated by a discriminatory purpose of the bases of Plaintiff's race, color, religion or natural origin;

2. Plaintiff's allegations as pled in the Complaint, and the inferences reasonably deducible there from, do not entitle Plaintiff to relief on any theory of the case; and
3. This Court does not have subject matter jurisdiction over the controversy herein, as pursuant to Article 3 of the Equal Enjoyment and Privileges to Public Accommodations Act, complaints for violation of this Act are to be reported to and prosecuted by the Attorney General after investigation and recommendation by the SC Law Enforcement Division and State Human Affairs Commission.

THEREFORE, IT IS HEREBY ORDERED,

That Plaintiff's Complaint is hereby dismissed with prejudice pursuant to Rules 12(b)(6) and 12(b)(1) of the SCRPC.



The Honorable J.C. Nicholson, Jr.
Ninth Judicial Circuit

This the 22 day of MAY 2017.
Charleston, South Carolina