

IN THE STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO: 2016-CP-10-1204

Joe Dennis Fitch,

Plaintiff(s),

v.

Dianne Griffin,

Defendant(s).

**ORDER DISMISSING PLAINTIFF'S
COMPLAINT**

RECEIVED

JUN 04 2018

SC Court of Appeals

FILED
2018 APR 17 PM 2:48
JULIE J. ADMINISTRATOR
CLERK OF COURT
BY _____

On February 8, 2018, at approximately 9:30 A.M. the Defendant's Motion to Strike the Plaintiff's Complaint in this matter came before this Court. Victoria N. Smith, Esq. was present on behalf of the Defendant and Shawn M. French, Esq. was present on behalf of the Plaintiff. This Court found that Plaintiff had failed to comply with this Court's previous discovery Order that was filed October 20, 2017, which required Plaintiff to comply by November 15, 2017. As of February 8, 2018, Plaintiff had still failed to comply with the October 20, 2017, Order.

On February 8, 2018, this Court further ordered Plaintiff to comply with the aforementioned discovery order within ten (10) days from February 8, 2018 and ordered that if Plaintiff failed to fully comply within ten (10) days, the Plaintiff's Complaint would be stricken and this action would be dismissed without prejudice. To date, the Plaintiff has failed to fully comply with the discovery Order filed by this Court on October 20, 2017, and with this Court's Order from the bench on February 8, 2018. Said discovery Order requires Plaintiff to submit written copies of the medical records requests that were made by or on behalf of the Plaintiff to Defendant's Counsel. To date, Plaintiff has failed to submit any copies of adequate medical records requests that are HIPAA compliant that were allegedly made by or on behalf of the Plaintiff to Defendant's Counsel.

This Court finds that the Defendant has been forced to file numerous motions to compel discovery in this case. This court further finds that the Plaintiff's refusal to cooperate with discovery and failure to comply with this Court's Orders has prejudiced the Defendant's ability to adequately prepare for trial. **As such, the Plaintiff's complaint is hereby stricken and this action is dismissed without prejudice. IT IS SO ORDERED.**



The Honorable Larry B. Hyman, Jr.

26th of March, 2018
Charleston, South Carolina