

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

IN THE COURT OF COMMON PLEAS
CASE NO. 2017-CP-29-01248

Desa Ballard, as successor trustee of The)
Trust of Chris Combis,)
)
Plaintiff,)
)
vs.)
)
Diane Combis, Chris A. Combis, Redding)
Jones PLLC, Simon John O'Brien, and)
Kent D. Jones,)
)
Defendants.)

PROPOSED ORDER

RECEIVED

DEC 28 2018

SC Court of Appeals

THIS MATTER came before the Court for hearing on October 29, 2018, upon defendants' respective motions to dismiss. Edward B. Davis appeared as counsel for defendants Redding Jones PLLC, Simon John O'Brien, and Kent D. Jones. Zach Snyder made a limited appearance as counsel for defendants Diane Combis and Chris A. Combis. Douglas N. Truslow appeared as counsel for Plaintiff.

Upon consideration of the court record, arguments of counsel, and governing law, the Court finds, in its discretion, that the motion to dismiss filed by defendants Redding Jones PLLC, Simon John O'Brien, and Kent D. Jones should be granted for the reasons set forth below, and the motions to dismiss filed by Diane Combis and Chris A. Combis, respectively, should be denied.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

- (1) The motion to dismiss filed by defendant Diane Combis is denied.
- (2) The motion to dismiss filed by defendant Chris Combis is denied.
- (3) Plaintiff has failed to state a claim for civil conspiracy against defendants Redding Jones PLLC, Simon John O'Brien, and Kent D. Jones on the basis that an attorney cannot enter

into a civil conspiracy with its client when acting in the course and scope of its legal representation, and is otherwise immune from liability to third parties when acting in the course and scope of its legal representation without having breached some independent duty owed to such third party. *See Stiles v. Onorato*, 318 S.C. 297, 457 S.E.2d 601 (1995). The civil conspiracy claim is hereby dismissed with prejudice as to defendants Redding Jones PLLC, Simon John O'Brien, and Kent D. Jones.

(4) As to Plaintiff's motion to amend its complaint, filed on October 26, 2018, the Court's dismissal of the civil conspiracy claim against defendants Redding Jones PLLC, Simon John O'Brien, and Kent D. Jones renders moot Plaintiff's motion to amend, and said motion is hereby denied.

This the _____ day of _____, 2018.

The Honorable Brian M. Gibbons



Lancaster Common Pleas

Case Caption: Desa Ballard, as sucessor trustee of The Trust of Chris Comb VS
Diane Combis , defendant, et al
Case Number: 2017CP2901248
Type: Order/Other

So Ordered

s/Brian M. Gibbons #2168 Circuit Judge