

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF BEAUFORT )  
 )  
 Yossi Haina, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Beach Market, LLC )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS

CASE NO. 2011-CP-07-2300

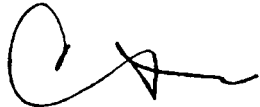
**ORDER GRANTING SUMMARY  
 JUDGMENT**

12 APR 25 PM 4:13  
 BEAUFORT COUNTY CLERK OF COURT S.C.

THIS MATTER, came before me for a hearing on the Defendant's Summary Judgment Motion on March 27, 2012. The plaintiff was represented by Marshall L. Horton and the defendant was represented by John H. Tiller.

The basis for the defendant's motion was an inability of the plaintiff to prove that Beach Market, LLC had a duty to instruct or supervise the plaintiff, and, furthermore, that the alleged dangerous condition (wet roofs and wet sidewalks) were open and obvious. I have reviewed the memoranda submitted by both counsel for the plaintiff and counsel for the defendant as well as the deposition testimony cited therein. I find that the conditions of the premises in question were open and obvious. After considering all material provided to me and the case law relied upon by the parties, I find that the plaintiff cannot prove that the defendant Beach Market owed the plaintiff a duty to instruct or supervise him and, therefore, the defendant is entitled to summary judgment as a matter of law. It is therefore,

ORDERED, ADJUDGED, and DECREED that the Defendant's Motion for Summary Judgment is hereby granted.

  
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 Carmen T. Mullen  
 Judge Fourteenth Judicial Circuit

April 16, 2012  
 Beaufort, South Carolina