



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

R. Keith Kelly  
Judge

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February 26, 2019

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SC Court of Appeals

Mr. Evan Gessner  
PO Box 489  
Lexington, SC 29071-0489

RE: 2017CP3201935 CASE#

Mr. Gessner:

Good afternoon. Please prepare an Order in accordance with the attached ruling by the Court. Please recite facts to support the Order. As always, please forward a copy of the proposed order to Mr. Baldauf prior to e-filing with the Clerk's office.

Kind Regards,

Chris Thomas  
Administrative Assistant to The Honorable R. Keith Kelly

The Circuit Court of South Carolina  
Seventh Judicial Circuit  
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cc: Donald E. Baldauf Jr.  
1964 Blue Ridge Terrace  
West Columbia, SC 29172

#6 DSS v. Baldauf.

Summary Judgment is appropriate and should be granted if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. In determining whether any triable issues of fact exist, the evidence and all inferences which can be reasonably drawn from the evidence must be viewed in the light most favorable to the nonmoving party. When only one reasonable inference, not just one inference, but one reasonable inference, can be deduced from the evidence, it becomes a question of law for the court, and not a question of fact for the jury. PLAINTIFF'S COMPLAINT IS BARRED BY THE DOCTRINE OF COLLATERAL ESTOPPEL. SCDSS IS ENTITLED TO IMMUNITY UNDER THE S.C. TORT CLAIMS ACT. This Court grant the Motion for Summary Judgment and dismisses Plaintiff's Complaint, with prejudice, as a matter of law.

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