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U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

KEIRSTON SIMPSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Case No. 2:17-CV-00291-KOB**
	)	
KEY LINE SOLUTION INC., and GHEORGHE CIOBANU,	)	
	)	
Defendants.	)	

MEMORANDUM OPINION AND ORDER

This matter comes before the court on Defendants Key Line Solutions, Inc. and Gheorghe Ciobanu's "Motion for Clarification of Memorandum Opinion." (Doc. 29). On August 7, 2018, this court filed a Memorandum Opinion and Order denying Plaintiff Keirston Simpson's motion for partial summary judgment and denying in part and granting in part Defendants' motion for partial summary judgment. (Doc. 27). Defendants now seek clarification regarding this court's partial denial of Defendants' motion for partial summary judgment as to Plaintiff's wantonness claim.

Defendants contend that the court used a "substantial evidence standard" instead of the "clear and convincing evidence" standard in determining that Plaintiff presented a genuine issue of material fact as to wantonness. (Doc. 29 at 2). The court surmises that Defendants confused the standard for summary judgment. The court cannot apply a substantial evidence standard or a clear and convincing evidence standard at the summary judgment stage, but merely determines if a genuine issue of material fact exists. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986).

In the Memorandum Opinion, this court clearly stated that it "must not weigh the evidence and make credibility determinations because these decisions belong to a jury." (Doc. 27 at 4). The court used this standard in analyzing Plaintiff's wantonness claim, in which the court found that "a jury could reasonably determine that Defendants engaged in wanton conduct." (*Id.* at 8). Because the court applied the correct legal standard to Defendants' motion for partial summary judgment, the court need not clarify its Memorandum Opinion.

For the reasons discussed above, the court DENIES Defendants Key Line Solutions, Inc. and Gheorghe Ciobanu's motion for clarification.

DONE and **ORDERED** this 30th day of August, 2018.

Karon O. Bowdre

KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE