

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Odell Parker; Ruth Parker; Larry)	C.A. No. 0:11-cv-01800-JFA
Southern; Roy Southern; Yvonne Harris;)	
and Barbara Patterson, individually and)	
on behalf of others similarly situated in)	
the State of South Carolina,)	
)	
)	ORDER
Plaintiffs,)	
)	
v.)	
)	
Asbestos Processing, LLC; Richard H.)	
Bishoff, PC; Richard H. Bishoff; and)	
John Deakle,)	
)	
Defendants.)	
)	

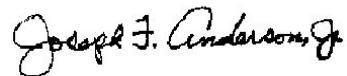
This court heard argument on Defendants' Motion for Summary Judgment (ECF No. 61) on September 26, 2012. Near the conclusion of the hearing, Plaintiffs raised an argument that they had not previously raised in their briefs—namely, that Plaintiffs' claim of breach of fiduciary duty could survive the motion for summary judgment even if this court finds that Plaintiffs had no viable workers' compensation claims at the time they retained Defendants. Defendants' counsel then briefly refuted Plaintiffs' argument though he was unable to prepare in advance to discuss that point.

The court would like for the parties to further explain whether the breach of fiduciary duty claim could remain in this case even if the court were to find that the Plaintiffs had no viable workers' compensation claims as urged by Defendants in their

motion for summary judgment. The parties are directed to file supplemental briefs on this issue on or before October 11, 2012.

IT IS SO ORDERED.

September 27, 2012
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge