

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Jane Doe, by and through her guardians,)
Gregory and Michelle Johnson; Gregory)
and Michelle Johnson; and John and Jane)
Does #1-10,)
Plaintiffs,)

C/A No.: 3:06-3663-JFA

vs.)

ORDER

Kameron Seth Cox; Titsa M. Flesch;)
Healthy Minds, LLC; Debby Thompson;)
and John and Jane Roes #1-10,)
Defendants.)

_____))
Jane Doe, by and through her guardians,)
Gregory and Michelle Johnson; Gregory)
and Michelle Johnson; and John and Jane)
Does #1-10,)
Plaintiffs,)

C/A No.: 3:07-1629-JFA

vs.)

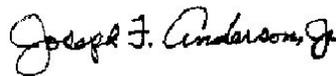
South Carolina Department of Social)
Services; Directors Elizabeth G.)
Patterson, Kim S. Aydlette; Managerial)
Roes #1-10; Supervisory Roes #1-10;)
Caseworker Roes #1-10; Foster Parent)
Roes #1-10.)
Defendants.)

_____))
Defendants move the court to alter or amend its Order and Judgment on October 12, 2010 in order to clarify the specific action that has been taken in the above-captioned cases. The court hereby grants Defendants’ motion to alter or amend the court’s judgment, and it sets forth the amended order below.

This matter comes before the court by way of remand from the United States Court of Appeals for the Fourth Circuit. In its opinion, the Fourth Circuit affirmed this court's grant of summary judgment as to all of the Plaintiffs' claims asserted under § 1983, as well as any other state law claims asserted by Plaintiffs, except for Plaintiffs' state law gross negligence claim against Defendant South Carolina Department of Social Services in civil action number 3:07-1629. As such, all of the claims and the parties in civil action number 3:06-3663 have been dismissed with prejudice, and all of the Plaintiffs' federal and state claims in civil action number 3:07-1629 have been dismissed with prejudice, except for Plaintiffs' state law gross negligence claim against Defendant South Carolina Department of Social Services. Because all of the claims over which the court had original jurisdiction have been dismissed, the court has determined that the state courts are better suited to address the remaining state law gross negligence claim against South Carolina Department of Social Services. Accordingly, it declines to exercise supplemental jurisdiction. 28 U.S.C. § 1367 (c)(3).

Therefore, it is hereby ordered that civil action number 3:06-3663 is dismissed in its entirety with prejudice, and the remaining state law claim for gross negligence against Defendant South Carolina Department of Social Services in civil action number 3:07-1629, which is the only remaining claim in that case, is remanded to state court.

IT IS SO ORDERED.



November 2, 2010
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge