

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION
C/A No.: 4:11-CV-03047-RBH

Norman Pulliam and Patriot's)
Plantation II, LLC,)
)
Plaintiffs,)
)
vs.)
)
David R. Clark, T. Stewart Gibson,)
The National Auction Group, Inc.,)
Patriot's Plantation, LLC and First)
Century Bank, N.A., Christopher)
Kane, Wayne Thorn and T. Stewart)
Gibson as Trustee of the William S.)
Clark Irrevocable Trust dated February)
17, 2008,)
)
Defendants.)
_____)

ORDER

This matter comes before this Court upon Consent Motion of the Defendants The National Auction Group, Inc., Christopher Kane, and Wayne Thorn, and the Plaintiffs Norman Pulliam and Patriot's Plantation II, LLC (ECF Document #75).

NOW, THEREFORE, this Court adopts the terms of the above Consent Motion and enters an Order as follows:

1. The Defendant Christopher Kane and the Defendant Wayne Thorn are hereby dismissed from this lawsuit with prejudice.

2. The Plaintiffs' First Cause of Action (Specific Performance and Breach of Contract); Fourth Cause of Action (Breach of Contract Accompanied By Fraudulent Act); Fifth Cause of Action (Fraud); Sixth Cause of Action (Preliminary and Permanent Injunction); and

Seventh Cause of Action (Unfair Trade Practices) against the Defendant The National Auction Group, Inc., are all hereby dismissed with prejudice.

3. The Plaintiffs' prayer for punitive damages against The National Auction Group, Inc. is hereby stricken and dismissed with prejudice.

4. The Motion to Dismiss for Failure to State a Claim [ECF Document #56] filed by the Defendant The National Auction Group, Inc., has been withdrawn and is hereby dismissed with prejudice.

5. The Motion to Stay Proceedings and Compel Arbitration [ECF Document #57] filed by the Defendant The National Auction Group, Inc., has been withdrawn and is hereby dismissed with prejudice.

IT IS SO ORDERED.

Florence, South Carolina

January 30, 2012

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Court Judge
District of South Carolina