

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

John Doe, *minor child, by and through*)
his Guardian, Jane Doe,)
)
Plaintiff,)
)
v.)
)
Nikki Haley, *et al.,*)
)
Defendants.)
_____)

C/A No.: 8:13-cv-01772-GRA

ORDER
(Written Opinion)

This Court scheduled and heard, in detail, the position of the Defendants Department of Social Services, Merry Eve Poole, Ursula Best, and Cassandra Daniels on their Motion for Summary Judgment on February 11, 2014. ECF Nos. 138 & 181. After carefully considering all arguments by the Defendants and the Plaintiff, this Court has concluded that summary judgment is inappropriate and Defendants' Motion for Summary Judgment shall be DENIED.

The above-named Defendants filed a Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56. "The Court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). "An issue of fact concerns 'material' facts only if establishment of the fact might affect the outcome of the lawsuit under governing substantive law." *Wilson Grp, Inc. v. Quorum Health Res., Inc.*, 880 F. Supp. 416, 420 (D.S.C. 1995). An issue of material fact is "genuine" in the case "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). "Only disputes

over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment. Factual disputes that are irrelevant or unnecessary will not be counted." *Id.* In deciding whether to grant summary judgment, the Court must "view the evidence in the light most favorable to the nonmoving party." *Yarnevic v. Brink's, Inc.*, 102 F.3d 753, 756 (4th Cir. 1996). Based on the filings of both sides, and their arguments during the hearing, this Court finds that genuine issues of material fact exist. Thus, this Court will deny the Defendants' Motion for Summary Judgment.

IT IS THEREFORE ORDERED that Defendants' Motion for Summary Judgment is DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", written over a horizontal line.

G. Ross Anderson, Jr.
Senior United States District Judge

February 14, 2014
Anderson, South Carolina