

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)

On February 2, 2014, Jane Doe filed a Petition to Approve a Minor Settlement, asking this Court “to (1) appoint Jane Doe as John Doe’s guardian ad litem for purposes of this settlement and (2) approve a settlement for John Doe, a minor child.” ECF No. 175. This settlement would resolve all claims against Defendants Boys Home of the South, Vernon Hayes, Nicole Lindsey, Cynthia Brock, Richelle Owens, and Johnny Jones. *Id.* After carefully considering the filings and arguments by all parties, this Court has concluded that Jane Doe should be appointed as John Doe’s guardian *ad litem* for purposes of this settlement and the settlement should be approved.

Standard of Review

S.C. Code Ann. § 62-5-433 provides the procedures for settlement of claims in favor of minors. § 62-5-433(B)(1) states that settlement of any claim over twenty-five thousand dollars in favor of a minor requires the petitioner to file with the court a “verified petition setting forth all of the pertinent facts concerning the claim, payment, attorney’s fees, and expenses, if any, and the reasons why, in the opinion of the

petitioner, the proposed settlement should be approved.” S.C. Code Ann. § 62-5-433(B)(1). The petitioner must also state in the verified petition that “in his opinion, the proposed settlement is in the best interests of the minor.” *Id.* The court shall issue an order approving the settlement if “the court concludes that the proposed settlement is proper and in the best interests of the minor.” S.C. Code Ann. § 62-5-433(B)(2). The court’s order “must require that payment or delivery of the money or personal property be made through the conservator.” S.C. Code Ann. § 62-5-433(B)(3).

Appointment of Jane Doe as guardian *ad litem* for John Doe

The Petition to Approve a Minor Settlement seeks to appoint Jane Doe as John Doe’s guardian *ad litem* for purposes of this settlement. ECF No. 175. Jane Doe is John Doe’s maternal aunt and foster mother. *Id.* Jane Doe has had physical custody of John Doe since March 28, 2012 pursuant to an Order by the Eighth Judicial Circuit Family Court, stating that John Doe’s parents are not capable of providing the requisite care and custody to the minor child. ECF Nos. 175 & 175-1. In its Order, the Abbeville County Family Court found that Jane Doe should be responsible for the care and custody of John Doe. ECF No. 175-1. This Court now reaffirms that ruling for purposes of this settlement.

Approval of Settlement

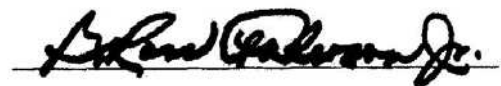
The Petition to Approve a Minor Settlement seeks approval of a settlement for John Doe, a minor child, against Defendants Boys Home of the South, Vernon Hayes, Nicole Lindsey, Cynthia Brock, Richelle Owens, and Johnny Jones. ECF No. 175. Plaintiff and these six Defendants have reached an agreement to settle Count

VI, gross negligence in failing to provide treatment under the South Carolina Solicitation of Charitable Funds Act, and Count VIII, violation of Fourteenth Amendment right to adequate care, and dismiss Count V, grossly negligent supervision under the South Carolina Solicitation of Charitable Funds Act, and Count VII, violation of Fourteenth Amendment right to a safe and secure placement. *Id.* Plaintiff will also dismiss “any and all possible claims, suits, demands, or causes of action against Defendants Boys Home of the South, Vernon Hayes, Nicole Lindsey, Cynthia Brock, Richelle Owens, and Johnny Jones.” *Id.* “Plaintiff is proceeding, however, on Counts I, II, III, and IV against [Defendants Department of Social Service, Merry Eve Poole, Ursula Best, and Cassandra Daniels], under both state law claims and federal 1983 claims.” *Id.*

This Court finds that the settlement of John Doe’s claims in the manner set forth in the Petition to Approve a Minor Settlement is reasonable and appropriate and in the best interests of the minor child. The set-off rights of non-settling parties are not impacted by the terms and provisions of this Order. This Court will address the issue of set-off after trial.

IT IS THEREFORE ORDERED that Jane Doe is appointed as John Doe’s guardian *ad litem* for purposes of this settlement, and the proposed settlement is approved as being in the best interests of John Doe.

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

March 10, 2014
Anderson, South Carolina