

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Jonathan Arnold,	)	Civil Action Number: 9:11-00712-JFA-BM
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
South Carolina Department	)	ORDER OF DISMISSAL
of Corrections, Edmund S.	)	ON BEHALF OF THE DEFENDANTS,
Higgins, M.D., Leonard William	)	LEONARD WILLIAM MULBRY, JR., M.D.,
Mulbry, Jr., M.D., Robert E.	)	ROBERT E. BABB, M.D., AND
Babb, M.D., Andrew Hedgepath, M.D.,	)	ANDREW HEDGEPATH, M.D.
and Officer Reginald Gadson,	)	
	)	
Defendants.	)	

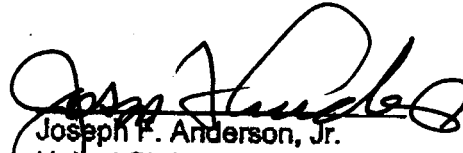
In the Complaint, the Plaintiff's allegations against the Defendants, South Carolina Department of Corrections, Leonard William Mulbry, Jr., M.D., Robert E. Babb, M.D., and Andrew Hedgepath, M.D., involve only state court claims for medical negligence. Accordingly, any tort action brought against the Defendants is governed by the South Carolina Tort Claims Act, S. C. Code Section Ann. 15-78-10, et. seq. The Act states that any claim/lawsuit alleging negligence or gross negligence by an employee of a governmental agency/entity acting within the scope of his official duty must be brought against the employing governmental agency/entity.

Based on the Affidavit of Pamela Vaughan, Employee Records Supervisor for the Division of Human Resources for SCDC, at the time of the matters alleged in the

Complaint, Leonard William Mulbry, Jr., M.D., Robert E. Babb, M.D., and Andrew Hedgepath, M.D., were employed by and acting within the scope of their official duties with the South Carolina Department of Corrections, a governmental agency/entity of the State of South Carolina. Therefore, with the consent of the attorneys for the Plaintiff, it is

ORDERED that Leonard William Mulbry, Jr., M.D., Robert E. Babb, M.D., and Andrew Hedgepath, M.D., shall be dismissed from the Complaint, and the South Carolina Department of Corrections shall be substituted as the named defendant.

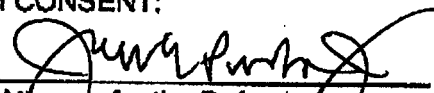
AND IT IS SO ORDERED.

  
Joseph F. Anderson, Jr.  
United States District Judge


Columbia, South Carolina

June 22, 2011

I CONSENT:

  
Attorney for the Defendants,  
South Carolina Department of Corrections,  
Leonard William Mulbry, Jr., M.D.,  
Robert E. Babb, M.D., and  
Andrew Hedgepath, M.D.

I CONSENT:

  
James Bernice Moore, III, Esquire  
C. Cader Elliott, Jr., Esquire  
Attorneys for the Plaintiff