

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN CIVIL CASE

CASE NO. 2023-CP-02-02730

Nicole M. PIOLI,

GREAT OAK EQUINE ASSISTED  
PROGRAMS, Shawna DIETRICH, Gary  
FINNAN, and Grace FLANDERS,

PLAINTIFF(S)

DEFENDANT(S)

<b>Submitted by:</b> the COURT	<b>Attorney for :</b> <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.

**ACTION DISMISSED** (CHECK REASON):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);

**ACTION STRICKEN** (CHECK REASON):  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other

**STAYED DUE TO BANKRUPTCY**

**DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See formal order to follow  Statement of Judgment by the Court:

This matter came before this court on motion of the defendants pursuant to Rule 12(b)(6), SCRPC, for dismissal of the plaintiff's first cause of action for Breach of FOIA, third cause of action for Civil Conspiracy, and fourth cause of action for Defamation.

“In deciding a Rule 12(b)(6) motion, the court looks only at the complaint and, taking the facts alleged as true and construing all reasonable inferences and doubts in the plaintiff’s favor, asks whether the complaint would entitle the plaintiff to relief under any theory.” Farmer v. CAGC Ins. Co., 424 S.C. 579 (Ct. App. 2018). “A ruling on a motion to dismiss pursuant to Rule 12(b)(6) must be based solely on the factual allegations set forth in the complaint, and the court must consider all well-pled allegations as true.” “If the facts alleged ... would entitle the plaintiff to relief on any theory, dismissal under Rule 12(b)(6) is improper.” Fabian v. Lindsay, 410 S.C. 475 (2014).

Based upon consideration of the record, memoranda submitted, argument of counsel, and the applicable rules as well as statutory and case law, this Court finds that the defendant’s **MOTION to DISMISS** pursuant to Rule **12(b)(6)**, SCRCP, should be and **IS** therefore **GRANTED**.

Counsel for the defendants is instructed to prepare and submit a proposed formal order for the Court’s consideration.

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

<b>INFORMATION FOR THE JUDGMENT INDEX</b>		
<b>Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate “N/A” in one of the boxes below.</b>		
<b>Judgment in Favor of (List name(s) below)</b>	<b>Judgment Against (List name(s) below)</b>	<b>Judgment Amount To be Enrolled (List amount(s) below)</b>
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details. E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.**

<i>J. DERHAM COLE</i>	2053	04/30/2024
<b>J. DERHAM COLE,</b>	<b>Judge Code</b>	<b>Date</b>
PRESIDING JUDGE		

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or \_\_\_\_\_ to parties (when appearing pro se) as follows:

**ANNIE DAY BAME, Esq.**

**D. MICHAEL HENTHORNE, Esq.**

**ATTORNEYS FOR THE PLAINTIFF(S)**

**ATTORNEY FOR THE DEFENDANT(S)**

**ROBERT J. HARTE, CLERK OF COURT**

Court Reporter: **McDaniel**

**E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.**



## Aiken Common Pleas

**Case Caption:** Nicole M Pioli VS Great Oak Equine Assisted Programs , defendant,  
et al  
**Case Number:** 2023CP0202730  
**Type:** Order/Form 4

IT IS SO ORDERED!

s/J. Derham Cole 2053