[Cite as *Sims v. Univ. of Toledo*, 2024-Ohio-4574.]

IN THE COURT OF CLAIMS OF OHIO

LA-KEBRA SIMS Plaintiff v. UNIVERSITY OF TOLEDO Defendant	Case No. 2022-00752JD Judge Lisa L. Sadler Magistrate Gary Peterson DECISION

{¶1} On April 15, 2024, Defendant, University of Toledo (UT), filed a Motion for Summary Judgment pursuant to Civ.R. 56(B), asserting that Defendant is entitled to judgment as a matter of law because Plaintiff cannot prevail on her claims of race discrimination and retaliation. Plaintiff filed a memorandum in opposition, and Defendant filed a reply. Pursuant to L.C.C.R. 4(D), the motion for summary judgment is now fully briefed and is before the Court for a non-oral hearing. For the reasons stated below, the Court GRANTS Defendant's Motion for Summary Judgment.

{¶2} In its Motion, Defendant argues that Plaintiff's race discrimination and retaliation claims fail. Defendant argues that Plaintiff fails to create a genuine issue of material fact to establish prima facie cases for racial discrimination and retaliation, and that Defendant is entitled to judgment as a matter of law.

{¶3} In support of its Motion, Defendant submitted the affidavit of Margaret Anton (Anton), Regulatory Compliance Analyst for the University of Toledo, and corresponding exhibits, along with Plaintiff's deposition and corresponding exhibits.

{¶4} In response, Plaintiff argues that genuine issues of material fact exist regarding whether UT's reasons for its actions are pretext for race discrimination and retaliation. Plaintiff relies primarily on the affidavit of Sadie M. Wilson (Wilson), corresponding exhibits, as well as the deposition of Plaintiff. However, Plaintiff does not address Defendant's arguments regarding failure to make a prima facie case for racial discrimination. Plaintiff asserts that a prima facie case for retaliation has been made as

Plaintiff has demonstrated that she engaged in protected activity, and her employment was terminated shortly after engaging in the protected activity.

Standard of Review

{¶5} Motions for summary judgment are reviewed under the standard set forth in Civ.R. 56(C), which states, in part:

> Summary judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written stipulations of fact, if any, timely filed in the action, show that there is no genuine issue as to any material fact and that the moving party is entitled to summary judgment as a matter of law. No evidence or stipulation may be considered except as stated in this rule.

"[T]he moving party bears the initial responsibility of informing the trial court of the basis for the motion, and identifying those portions of the record before the trial court which demonstrate the absence of a genuine issue of material fact on a material element of the nonmoving party's claim." *Dresher v. Burt*, 75 Ohio St.3d 280, 292 (1996).

{¶6} To meet this initial burden, the moving party must be able to point to evidentiary materials of the type listed in Civ.R. 56(C). *Id*. at 292-293. If the moving party meets its initial burden, the nonmoving party bears a reciprocal burden outlined in Civ.R. 56(E), which provides that "an adverse party may not rest upon the mere allegations or denials of the party's pleadings, but the party's response, by affidavit or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial."

{¶7} When considering the evidence, "[a]ny doubt must be resolved in favor of the non-moving party." *Pingue v. Hyslop*, 2002-Ohio-2879, ¶ 15 (10th Dist.). It is well-established that granting summary judgment is not appropriate unless, construing the evidence most strongly in favor of the nonmoving party: (1) there is no genuine issue of material fact; (2) the moving party is entitled to judgment as a matter of law; and (3) reasonable minds can come to but one conclusion, that conclusion being adverse to the nonmoving party. *Robinette v. Orthopedics, Inc.*, 1999 Ohio App. LEXIS 2038, 7 (10th Dist. May 4, 1999).

Statement of Facts

{¶8} On January 14, 2014, Plaintiff, La-Kebra Sims (Sims), a Black woman was hired as a billing specialist by UT. Complaint, ¶ 3-4. Anton, a Caucasian woman, was Sims' direct supervisor in her role as Associate Manager in Patient Financial Services. Complaint, ¶ 5, *see also* Anton Affidavit, ¶ 2. At all times relevant to this case, Sims' employment was governed by a collective bargaining agreement, which included a progressive discipline ladder. Deposition of La-Kebra Sims, 21:9-13, *see also* Anton Affidavit, ¶ 4. Sometime after Sims began her employment with UT, UT instituted a productivity requirement for billing specialists. Deposition of La-Kebra Sims, 24:3-17; 25:7. In her role as supervisor, part of Anton's role was to monitor and keep track of employees under her supervision, including Sims, and report those employees whose attendance and productivity fell short of UT policy requirements. Anton Affidavit, ¶ 19. All disciplinary actions instituted by Anton were in accordance with the collective bargaining agreement, which uses progressive discipline. Anton Affidavit, ¶ 6.

{¶9} Between October 2017 and August 2019, Sims filed multiple grievance reports against Anton for her management style and for disparate treatment. Complaint, ¶ 7-13. Plaintiff noted that Anton; ". . . was more aggressive . . . she created a hostile work environment . . . She yelled. She threw papers on my desk, she would stand over me." Deposition of La-Kebra Sims, 37;10-13; 38:1-3; 39-40;1-9. Plaintiff notes that on August 25, 2017, "Ms. Sims was told by Ms. Anton not to discuss work issues with other employees, particularly with African American employees." Complaint, ¶ 6. When asked if Anton had made any racist or discriminatory comments, Sims stated that no such comments had been made by Anton. Deposition of La-Kebra Sims, 70;18-21.

{¶10} Plaintiff alleges that other black employees filed grievances against Anton related to disparate treatment and that Anton was forced to undergo "sensitivity training." Complaint, ¶ 10-11. Anton underwent conflict resolution, basics of effective communication, succeeding as a supervisor, and leading effective teams training sessions. Anton Affidavit, ¶ 10.

{¶11} On April 19, 2019, Sims was required to undergo coaching for an unspecified violation. Anton Affidavit, Exhibit 2. On April 25, 2019, Sims was issued a Level 1

oral/written warning. Anton Affidavit, Exhibit 2. On May 7, 2019, Sims was issued a Level 2 written warning for "No Call No Show" for three days. Anton Affidavit, Exhibit 2. On July 9, 2019, Sims failed to meet her productivity goals for April and May 2019, and was issued a Level 3 pre-discharge written warning with a 2-day unpaid suspension. Anton Affidavit, Exhibit 5.

{¶12} On March 20, 2020, an investigation was held into whether Sims violated UT policies for responsible technology use and security and protection of patient information when she logged into a coworkers account. Anton Affidavit, ¶ 11-13. As both Sims and her coworker had access to sensitive patient information, UT's policy was intended to prevent potential data breaches and HIPPA violations. Anton Affidavit, ¶ 11-14. During the investigation, Sims admitted to logging into her coworker's account in violation of UT policy. Deposition of La-Kebra Sims, 130:20-23; Anton Affidavit, Exhibit 2. On April 16, 2020, Plaintiff filed a complaint with the Ohio Civil Rights Commission (OCRC). Complaint, ¶ 13.

{¶13} On May 13, 2020, Sims, UT, and the Union entered into a Last Chance Agreement. Anton Affidavit, ¶ 14, *see also* Anton Affidavit, Exhibit 3. The Last Chance Agreement was in relation to Sims' violation of UT policies regarding the use of security login credentials, as she had progressed on the progressive discipline ladder, in accordance with the collective bargaining agreement. Anton Affidavit, Exhibit 2, *see also* Anton Affidavit, Exhibit 3, ¶ 3. The Last Chance Agreement specified that Sims would face immediate termination if any further violations occur. Anton Affidavit ¶ 14, Exhibit 3, ¶ 6.

{¶14} In October 2020, Sims' productivity metrics fell short of UT policies. Anton Affidavit, ¶ 22. At a pre-disciplinary hearing, Sims claimed that she lacked access to 277 accounts which had decreased her performance.[1] Anton Affidavit, ¶ 22. As a result of Plaintiff's testimony at the pre-disciplinary hearing, no disciplinary measures were taken, and Sims was not disciplined for failing to meet performance metrics. *Id.*

[1] 277 accounts are a specific type of account which did not require adjudication, thus taking less time to resolve and resulting in higher productivity. Lack of access to these types of accounts may show a decrease in productivity due to handling of more time intensive tasks. Deposition of La-Kebra Sims, 78:11-16.

{¶15} Plaintiff failed to meet the productivity level for November and December 2020, and following a meeting with Plaintiff where it was confirmed that she had access to 277 accounts, Plaintiff was issued corrective action on February 5, 2021. Anton Affidavit, ¶ 23-24; Exhibit 4. Plaintiff does not dispute that she failed to meet the productivity guidelines. Deposition of La-Kebra Sims, 77:9. On February 20, 2021, Plaintiff filed a second complaint with the OCRC against Anton. Complaint, ¶ 19.

{¶16} On February 22, 2021, a pre-disciplinary hearing was held where the hearing officer recommended that Sims' employment be terminated as her failure to maintain performance goals was in violation of her Last Chance Agreement. Anton Affidavit, ¶ 24, *see also* Anton Affidavit, Exhibit 5. On February 24, 2021, Sims' employment with UT was terminated. Anton Affidavit, Exhibit 6.

Law and Analysis

Racial Discrimination

{¶17} R.C. 4112.02 provides, in pertinent part, that: "It shall be an unlawful discriminatory practice: (A) For any employer, because of the race . . . of any person, to discharge without just cause, to refuse to hire, or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any other matter directly or indirectly related to employment." In Ohio, "federal case law interpreting Title VII of the Civil Rights Act of 1964, Section 2000(e) et seq., Title 42, U.S. Code, is generally applicable to cases involving alleged violations of R.C. Chapter 4112." *Little Forest Med. Ctr. v. Ohio Civil Rights Comm.*, 61 Ohio St.3d 607, 609-610 (1991). "'To prevail in an employment discrimination case, a plaintiff must prove discriminatory intent' and may establish such intent through either direct or indirect methods of proof." *Dautartas v. Abbott Labs.*, 2012-Ohio-1709, ¶ 25 (10th Dist.), quoting *Ricker v. John Deere Ins. Co.*, 133 Ohio App.3d 759, 766 (10th Dist. 1998).

{¶18} In its Motion, Defendant contends that Plaintiff cannot establish a prima facie case of race discrimination. Defendant argues that Plaintiff cannot point to any direct evidence of racial discrimination. *See* Deposition of La-Kebra Sims, 70:18-23. Defendant argues that Plaintiff thus must prove racial discrimination indirectly, through the *McDonnell Douglas* standard, but has failed to do so.

{¶19} In this case, Plaintiff does not point to any direct evidence; thus, Plaintiff seeks to establish discriminatory intent through the indirect method, which is subject to the burden shifting analysis established in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973).[2] *See Nist v. Nexeo Solutions, LLC*, 2015-Ohio-3363, ¶ 31 (10th Dist.). *See* Deposition of La-Kebra Sims, 70:18-23. "Under McDonnell Douglas, a plaintiff must first present evidence from which a reasonable [trier of fact] could conclude that there exists a prima facie case of discrimination." *Turner v. Shahed Ents.*, 2011-Ohio-4654, ¶ 12 (10th Dist.). "In order to establish a prima facie case, a plaintiff must demonstrate that he or she: (1) was a member of the statutorily protected class, (2) suffered an adverse employment action, (3) was qualified for the position, and (4) was replaced by a person outside the protected class or that the employer treated a similarly situated, non-protected person more favorably." *Nelson v. Univ. of Cincinnati*, 2017-Ohio-514, ¶ 33 (10th Dist.). "If the plaintiff meets her initial burden, the burden then shifts to the defendant to offer 'evidence of a legitimate, nondiscriminatory reason for' the adverse action. . . . If the defendant meets its burden, the burden then shifts back to the plaintiff to demonstrate that the defendant's proffered reason was actually a pretext for unlawful discrimination." *Turner* at ¶ 14.

{¶20} Defendant reasons that Plaintiff has not satisfied the fourth prong of the *McDonnell Douglas* standard as Plaintiff has failed to identify any similarly situated non-protected employees who were treated more favorably than she was. Plaintiff fails to address this issue in her memorandum in opposition. Rather, in her memorandum in opposition, Plaintiff argues that there are issues of fact regarding whether Anton was forced to undergo sensitivity training and whether she was demoted—neither of which address whether Plaintiff can satisfy the fourth prong of the *McDonnell Douglas* standard.

{¶21} In support or her arguments that she was subjected to racial discrimination, Plaintiff points to the affidavit of Sadie Wilson, a Black woman who worked in the Patient Financial Services department at UT and who was also supervised by Anton. Wilson Affidavit, ¶ 1-3. However, Wilson's affidavit does not address the requirements laid out

[2] Plaintiff does not point to racial comments or racial remarks that demonstrate discriminatory animus. *Smith v. Superior Prod., LLC,* 2014-Ohio-1961, ¶ 18 (10th Dist.); Deposition of La-Kebra Sims, 70:18-23.

in *McDonnell Douglas*. Wilson attached to her affidavit a document titled "documented issues," which is a recounting of office incidents Wilson recalls that purport to show Anton's interaction with Sims and herself. However, *McDonnell Douglas* requires proof that a similarly situated non-protected employee was treated more favorably, and Wilson's affidavit and "documented issues" do not address this point. Moreover, the document is filled with speculation and hearsay.[3]

{¶22} Plaintiff does state in her deposition, however, that Penny Kauffman, a Caucasian woman, failed to meet productivity goals, but she did not receive discipline. Deposition of La-Kebra Sims, 77:6-22. "To be deemed 'similarly situated', the comparables 'must have dealt with the same supervisor, have been subjected to the same standards and have engaged in the same conduct without such differentiating or mitigating circumstances that would distinguish their conduct or the employer's treatment of them for it.'" *Tilley v. Dublin*, 2013-Ohio-4930, ¶ 34 (10th Dist.) (internal citations omitted). "Differences in job title and responsibilities, experience, and disciplinary history may establish that two employees are not similarly situated." *Campbell v. Hamilton County*, 23 Fed. Appx 318, 325 (6th Cir. 2001).

{¶23} Kauffman is not similarly situated as she was not under the supervision of Anton. Deposition of La-Kebra Sims, 70:3-7. Plaintiff does not know Kauffman's disciplinary history or where she would be on the progressive disciplinary ladder. Deposition of La-Kebra Sims, 77:23-78:2. As a result, Kauffman is not similarly situated. Accordingly, Plaintiff fails to create a genuine issue of material fact as to whether Sims was replaced by a person outside the protected class or that Anton treated a similarly situated, non-protected person more favorably. Thus, Plaintiff has failed to create a genuine issue of material fact regarding her claim for race discrimination.

{¶24} Furthermore, even if Plaintiff could establish a prima facia case, Defendant put forth evidence that the reason for its termination of Plaintiff's employment was due to Plaintiff's failure to meet productivity standards and goals after having advanced on the progressive discipline ladder. Anton Affidavit, Exhibit 6. Plaintiff, however, has failed to

[3] The "documented issues" range in date from October 15, 2015, through March 10, 2020; however, this action was filed on October 26, 2022. Thus, every "documented issue" is outside the two-year statute of limitations. R.C. 2743.16.

create a genuine issue of material fact that the failure to meet productivity standards and goals, or advancement on the progressive disciplinary ladder, was pretext for race discrimination.

{¶25} To establish pretext, a plaintiff must demonstrate that the proffered reason (1) has no basis in fact, (2) did not actually motivate the employer's challenged conduct, or (3) was insufficient to warrant the challenged conduct. *Dews v. A.B. Dick Co.*, 231 F.3d 1016, 1021 (6th Cir. 2000). Regardless of which option is chosen, the plaintiff must produce sufficient evidence from which the trier of fact could reasonably reject the employer's explanation and infer that the employer intentionally discriminated against [her]. *Johnson v. Kroger Co.*, 319 F.3d 858, 866 (6th Cir. 2003). A reason cannot be proved to be a pretext for discrimination unless it is shown both that the reason was false, and that discrimination was the real reason. *St. Mary's Honor Ctr. v. Hicks*, 509 U.S. 502, 515 (1993). *See also Knepper v. Ohio State Univ.*, 2011-Ohio-6054, ¶ 12 (10th Dist.). "The ultimate burden of persuading the trier of fact that the defendant intentionally discriminated against the plaintiff remains at all times with the plaintiff." *Texas Dept. of Comm. Affairs v. Burdine*, 450 U.S. 248, 253 (1981).

{¶26} Plaintiff failed to create a genuine issue of material fact that the reason given for the termination of her employment, failure to meet productivity standards and goals after having advanced on the progressive discipline ladder, was pretext for race discrimination. Both Sims and Anton testified in their deposition and affidavit, respectively, that Sims had a long history of discipline arising from instances of tardiness, violations of UT's policies and security procedures, and failures to maintain workplace performance metrics. Sims, despite multiple warnings and write-ups, was offered a Last Chance Agreement to maintain her job, which she signed and agreed to. Anton Affidavit, Exhibit 3. Sims failed to maintain performance metrics during this time. Anton Affidavit, ¶ 22-23. Additionally, Sims acknowledged in her deposition that she failed to meet the productivity goals, after she signed the Last Chance Agreement. Deposition of La-Kebra Sims, 77:9-10. An investigation by UT demonstrated that Sims had access to the 277 accounts but did not work on any of the accounts which could have increased her average performance metrics. Anton Affidavit, Exhibit 5. Moreover, there has been no showing

that race was the real reason for Defendant's actions. Accordingly, Plaintiff's argument that her termination was pretext for race discrimination is unpersuasive.

{¶27} In viewing the facts in a light most favorable to Plaintiff, the Court finds that Plaintiff has failed to create an issue of material fact necessary in making a prima facie case for racial discrimination. Accordingly, finding no material question of fact, Plaintiff has failed meet her burden in establishing pretext for the termination of her employment, and Defendant is entitled to summary judgment on Plaintiff's racial discrimination claim.

Retaliation

{¶28} Plaintiff argues that Defendant retaliated against her for filing a charge of race discrimination. Complaint, ¶ 41-42. R.C. 4112.02(I) states that it shall be an unlawful discriminatory practice: "For any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section or because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under sections 4112.01 to 4112.07 of the Revised Code." "Absent direct evidence of retaliatory intent, Ohio Courts analyze retaliation claims using the evidentiary framework established by the United States Supreme Court in *McDonnell Douglas Corp. v. Green* (1973), 411 U.S. 792, 93 S.Ct. 1817, 36 L.Ed.2d 668 * * *." *Veal v. Upreach LLC*, 2011-Ohio-5406, ¶ 16 (10th Dist.). Indirect proof of retaliation is thus examined via a similar burden-shifting analysis to discrimination. The only difference is the elements of the prima facie case that Plaintiff must establish: "Specifically, the plaintiff must establish that (1) she engaged in a protected activity, (2) the defending party was aware that the claimant had engaged in that activity, (3) the defending party took an adverse employment action against the employee, and (4) there is a causal connection between the protected activity and adverse action." *Id.* at ¶ 16.

{¶29} Protected activity involves either the "opposition clause," when an employee has opposed any unlawful discriminatory practice, or the "participation clause," when an employee has made a charge, testified, assisted or participated in any manner in any investigation, proceeding, or hearing under sections 4112.01 to 4112.07 of the Revised Code. *See Motley v. Ohio Civ. Rights Comm'n*, 2008-Ohio-2306, ¶ 10 (10th Dist.), citing

Coch v. GEM Indus., Inc., 2005-Ohio-3045, ¶ 29 (6th Dist.). After a Plaintiff has established a prima facie case, the burden shifts to the employer to articulate a legitimate, nondiscriminatory reason for its actions. *Veal* at ¶ 17.

{¶30} "In order to prevail on a claim of retaliation where the employer has articulated a legitimate, nondiscriminatory reason, the plaintiff must prove not only that the proffered reason was a pretext, but also that the reason for the employer's action was unlawful retaliation." *Smith v. Ohio Dept. of Pub. Safety*, 2013-Ohio-4210, ¶ 76 (10th Dist.). "A plaintiff may establish pretext by proving that: (1) the employer's stated reason for [the action] has no basis in fact, (2) the reason offered was not the actual reason for the [action], or (3) the reason offered was insufficient to explain the employer's action." *Id*. at ¶ 77.

{¶31} There is no dispute that Sims engaged in a protected activity in filing a grievance with OCRC, that UT was aware of this, and that UT took an adverse action against Plaintiff by terminating her employment. Defendant argues that Plaintiff cannot demonstrate a causal connection between her charge of discrimination and the termination of her employment.

{¶32} Here, Plaintiff relies on the temporal proximity between the filing of Plaintiff's complaint with OCRC and her termination. "To prevail on a retaliation claim, a plaintiff must 'establish that his or her protected activity was a but-for cause of the alleged adverse action by the employer.'" *EEOC v. Ford Motor Co*., 782 F.3d 753, 770 (6th Cir. 2015). Accordingly, Plaintiff is required to "present evidence from which a reasonable [court as fact finder] could find that [Defendant] would not have [taken the alleged adverse employment actions] if she had not made her charge." *Id*.

{¶33} While the timing of an employee's termination can contribute to an inference of retaliation, temporal proximity alone is not sufficient to demonstrate a causal connection, and this is especially true where there are intervening performance concerns. *Sells v. Holiday Mgt. Ltd.*, 2011-Ohio-5974, ¶ 35 (10th Dist.). If an adverse action was considered *before* plaintiff engaged in protected activity, there is no inference of causation. *See Prebilich-Holland v. Gaylord Entertainment Co.,* 297 F.3d 438, 443-444 (6th Cir. 2002) (finding that close proximity creates no inference of causation when the termination procedure was instituted several days before knowledge of protected status

or activity). "[E]vidence that the employer had been concerned about a problem before the employee engaged in the protected activity undercuts the significance of the temporal proximity." *Sosby v. Miller Brewing Co.,* 415 F. Supp. 2d 809, 822 (S.D.Ohio 2005), citing *Smith v. Alien Health Sys., Inc.,* 302 F.3d 827, 834 (8th Cir. 2002).

{¶34} Here, there is no dispute that Plaintiff failed to meet productivity goals and subsequently filed a complaint with OCRC and UT on February 9, 2021. Anton Affidavit, ¶ 23; Deposition of La-Kebra Sims, 77:9; Complaint, ¶ 19. At the time of filing her complaint, Plaintiff had already violated the Last Chance Agreement and was subject to termination. Anton Affidavit, Exhibit 5. Plaintiff's failure to meet performance goals occurred after she had been disciplined multiple times and had progressed on the progressive discipline ladder. Because there is no dispute that Plaintiff received discipline for workplace violations, signed a last chance agreement indicating that any further violations would result in the termination of her employment, and subsequently failed to meet the performance metrics, no reasonable fact finder could conclude that the adverse action would not have occurred but for Plaintiff's charge of discrimination and retaliation with the OCRC. Accordingly, Plaintiff has failed to create a genuine issue of material fact regarding a causal connection between her charge of discrimination and termination of her employment.

{¶35} Thus, in viewing the facts in a light most favorable to Plaintiff, the Court finds that Plaintiff has failed to create an issue of material fact necessary in making a prima facie case for retaliation. Accordingly, finding no material question of fact, and Plaintiff offering no facts that allow a reasonable finder of fact to infer retaliatory motive, Defendant is entitled to summary judgment on Plaintiff's retaliation claim.

Conclusion

{¶36} Based upon the foregoing, the Court concludes that there are no genuine issues of material fact, and that Defendant is entitled to judgment as a matter of law. Defendant has met its initial burden, pursuant to Civ.R. 56(C), by showing that there are no genuine issues of material fact regarding Plaintiff's claims for race discrimination and retaliation. However, Plaintiff has not met her reciprocal burden, pursuant to Civ.R. 56(E), setting forth specific facts showing that there is a genuine issue for trial. Therefore,

Defendant is entitled to summary judgment, and Defendant's Motion for Summary Judgment is GRANTED.

LISA L. SADLER
Judge

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LA-KEBRA SIMS Plaintiff v. UNIVERSITY OF TOLEDO Defendant	Case No. 2022-00752JD Judge Lisa L. Sadler Magistrate Gary Peterson JUDGMENT ENTRY

IN THE COURT OF CLAIMS OF OHIO

{¶37} A non-oral hearing was conducted in this case upon Defendant's Motion for Summary Judgment. For the reasons set forth in the Decision filed concurrently herewith, Defendant's Motion for Summary Judgment is GRANTED. Judgment is rendered in favor of Defendant. All previously scheduled events are VACATED. Court costs are assessed against Plaintiff. The Clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

LISA L. SADLER
Judge

Filed August 1, 2024
Sent to S.C. Reporter 9/19/24