

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

ANDREW PAMPU

Plaintiff,

vs.

ERIN WINGO, DAVID WINGO, AND
COLIN J. GAHAGAN,

Defendants.

IN THE COURT OF GENERAL SESSIONS
FOR THE THIRTEENTH JUDICIAL
CIRCUIT

CIVIL ACTION NO.: 2017CP3900709

**ORDER DENYING DEFENDANT
WINGO'S MOTION TO RECONSIDER**

RECEIVED

SEP 26 2022

SC Court of Appeals

Defendant David Wingo filed a Motion to Reconsider certain findings by the Court in its Order on Post Trial Motions issued on July 11, 2022. These Motions were filed following a jury verdict and judgment against the Defendants submitted on March 25, 2022.

The sole grounds for the Motion to Reconsider deals with the Court's admissibility of a letter from Defendant David Wingo to Plaintiff's national fraternity. During the trial, the Court ruled that the findings and conclusions of the Clemson Office of Community and Ethical Standard (OCES) were not admissible because its procedures and burdens of proof were substantially different and should not be binding on this Court. Further, the Court found that the findings were more prejudicial than probative under Rule 403, SCRE. In conjunction, the Court found that these findings did not support a defense of collateral estoppel nor res judicata. A large portion of the letter in issue contained the findings and conclusions of the OCES which the Court had ruled as inadmissible. But a portion of the letter also contained other information which was not part of the OCES's findings and therefore admissible in support of Plaintiff's claim. The Court allowed the Plaintiff to put the letter into evidence with all portions relating to the OCES redacted, which resulted in an exhibit that was "heavily redacted". To rule otherwise would contradict the prior ruling of the Court. The Post Trial Order addressed this issue which had been raised by Defendant Wingo as a basis for a JNOV and New Trial.

In its present Motion, Defendant Wingo once again argues that the letter should have been introduced in its entirety or not at all. All of this had been addressed at trial and in the Order issued on July 11, 2022 and the

Court does not find a basis at this point to reverse its prior rulings. The Court would address a portion of its order that found that any prejudice could have “been cured by submitting only the admissible portions of the letter.” This was in response to Defendants’ Motion and the Court’s interpretation of Defendants’ argument that they were prejudiced since “the letter should never have been admitted in the heavily redacted state that it was.” (Defendant Wingo’s Motion for JNOV p. 3). Since the Court had addressed the OCES issue, the Court was addressing more of the appearance of the exhibit in its heavily redacted state which could have some impact regardless of the substance of the redactions and the Defendants may have been less prejudiced if they had presented the exhibit with the unredacted portions only. Of course, according to the Defendants’ argument, this does not address the prejudice caused by the failure to introduce the contents of the redacted portions of the letter.

Upon review of Defendant Wingo’s current Motion and consideration of the briefs from both sides, the Court finds no basis for amending its previous order and therefore, Defendant Wingo’s Motion is denied and the Order of July 11, 2022 shall stand as is.

It is so Ordered.

Electronic Signature of Judge Gravely to follow.



Pickens Common Pleas

Case Caption: Andrew Pampu VS Erin Wingo , defendant, et al
Case Number: 2017CP3900709
Type: Order/Other

So Ordered

s/ Honorable Perry H. Gravely, #2755