RECEIVED
Jan 13 2023
SC Court of Appeals

ELECTRONICALLY FILED - 2023 Jan 06 12:49 PM - GEORGETOWN - COMMON PLEAS - CASE#2021CP2200927

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP2200927

Steven Michael Okun et al
PLAINTIFF(S)

Pobuckra Properties Llc et al
DEFENDANT(S)

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.

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

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ 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 attached order (formal order to follow) ☐ Statement of Judgment by the Court:

Motion to Strike Answers and Affirmative Defenses by Attorney Connell is Granted.

ORDER INFORMATION

This order ☐ ends ☑ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/06/2023 .

Steven Michael Okun PR
Jane Luanne Okun Est
Jane Luanne Okun

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: 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 judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ELECTRONICALLY FILED - 2023 Jan 06 12:49 PM - GEORGETOWN - COMMON PLEAS - CASE#2021CP2200927

ELECTRONICALLY FILED - 2023 Jan 06 12:49 PM - GEORGETOWN - COMMON PLEAS - CASE#2021CP2200927

Georgetown Common Pleas

Case Caption: Steven Michael Okun , plaintiff, et al VS Pobuckra Properties Llc , defendant, et al

Case Number: 2021CP2200927

Type: Order/Electronic Form 4

IT IS SO ORDERED

s/ The Honorable William H. Seals Jr. #2157

From: Seals, William Law Clerk (Margaret Scalise)
To: Gene Connell; D. Summers Clarke, II
Subject: [EXT] Steven Michael Okun, plaintiff, et al VS Pobuckra Properties LLC, defendant, et al: 2021CP2200927
Date: Friday, January 6, 2023 12:50:55 PM

Good Afternoon,

Judge Seals wanted to explain his form 4 Order more thoroughly for the above-referenced matter; therefore, please read the following:

I understand that in South Carolina there is no specific cause of action for spoliation; however, there is a jury charge for spoliation whereby the jury can draw adverse inferences against the Defendant. This is what we would normally do. This case is distinguished by the fact that there is a Circuit Court Order that orders the Defendant specifically to preserve the crucial evidence of the right-hand handrail that broke. The Defendant, or a third party under his control, disposed of the crucial evidence. Despite the Defendant arguing that the left-hand handrail is still there, one can infer that it is intact because the left-side was mounted more securely or there was less rot, etc. Under the present circumstances, I want to avoid the argument that even though there is a Court Order, one can ignore it and blame it on their lawn care management. Moreover, considering the Circuit Court Order, I will grant the Plaintiff's Motion/Strike Answers and Affirmative Defenses.

Sincerely,
Margaret Scalise

Margaret Scalise
Law Clerk to the Honorable William H. Seals, Jr.
Circuit Court Judge At-Large, Seat 6
Chief CP Administrative Judge, 15th Judicial Circuit
103 North Main Street
Marion, South Carolina 29571
Office: (843) 423-0446
Cell: (843) 251-6133
Fax: (843) 423-0535

CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.