

COPY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF MARION)
)
 Ashley Outing,)
)
 Plaintiff,)
)
 vs.)
)
 Velmetria Chante Weeks,)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT

CASE NO.: 2011-CP-33-598

**ORDER AFFIRMING THE
MAGISTRATE'S COURT RULING**

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THIS MATTER is before the Court upon Motion by the Plaintiff appealing the verdict of the Marion County Magistrate's Court. The trial of this matter was conducted on July 20, 2011 in front of a Marion County jury with Magistrate Judge Mackey D. Hayes presiding.

At the close of the Defendant's case, the Plaintiff made a motion for directed verdict on the issue of negligence, which was denied. After the jury verdict, the Plaintiff timely moved the Court for a judgment notwithstanding the verdict or in the alternative, a new trial, which was denied by the Magistrate's Court.

The Plaintiff timely filed a Notice of Appeal with this Court respectfully submitting that the trial judge erred in failing to grant the Plaintiff's Motion for Directed Verdict on the issue of negligence and/or failed to grant the Plaintiff's Motion for Judgment Notwithstanding the Verdict or alternatively, a new trial.

Subsequent to the Notice of Appeal, the Magistrate filed a Return with this Court on September 7, 2011.

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The parties presented before this Court for oral argument on April 22, 2013. § 18-7-170 (1976, as amended) of the *Code of Laws of South Carolina*, addresses judgment on appeal to the Circuit Court which provides as follows:

Upon hearing the appeal the Appellant court shall give judgment according to the justice of the case, without regard to technical errors and defects which do not affect the merits. In giving judgment the court may affirm or reverse the judgment of the court below, in whole or in part, as to any or all the parties and for errors of law or fact.

Based on this Court's review, it is hereby ORDERED that the ruling in the magistrate's Court is AFFIRMED and the verdict in favor of the Defendant is hereby AFFIRMED.

AND IT IS SO ORDERED.



THE HONORABLE D. CRAIG BROWN
CHIEF ADMINISTRATIVE JUDGE FOR THE
TWELFTH JUDICIAL CIRCUIT

Florence, South Carolina
May 17, 2013