

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

68696

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr., Circuit Court Judge

Case No. 2012-CP-07-0678

Rebecca Broce,

Respondent,

v.

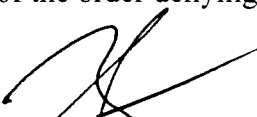
James M. Hutchinson,

Appellant.

NOTICE OF APPEAL

James M. Hutchinson appeals the judgment entered on the jury's verdict on March 6, 2013 and the order of the Honorable J. Ernest Kinard, Jr. denying post-trial motions filed on May 8, 2013. Appellant received written notice of entry of the order denying post-trial motions on May 8, 2013.

June 6, 2013



R. Michael Ethridge
Michael B. McCall
Carlock, Copeland & Stair, LLP
40 Calhoun Street, Suite 400
Charleston, SC 29401
(843) 727-0307

Attorneys for Appellant

Other Counsel of Record:
Patrick W. Carr
Berry & Carr, P.C.
2 Spanish Wells Road
Hilton Head Island, SC 29926
(843) 686-5432

Attorneys for Respondent

RECEIVED

JUN 10 2013

SC Court of Appeals

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Court of Common Pleas

J. Ernest Kinard, Jr., Circuit Court Judge

Case No. 2012-CP-07-0678

Rebecca Broce,

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v.

James M. Hutchinson,


Appellant.

PROOF OF SERVICE

I hereby certify that I have this day served the Notice of Appeal on Rebecca Broce by depositing a copy of it in the U.S. Mail, proper postage prepaid, addressed to her attorney of record as follows:

Patrick W. Carr
Berry & Carr, P.C.
2 Spanish Wells Road
Hilton Head Island, SC 29926

June 6, 2013



R. Michael Ethridge
Michael B. McCall
Carlock, Copeland & Stair, LLP
40 Calhoun Street, Suite 400
Charleston, SC 29401
(843) 727-0307

Attorneys for Appellant

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SC Court of Appeals

LAW OFFICES
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REPLY TO SC

FACSIMILE
843-727-2995

June 6, 2013

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Rebecca Broce v. James M. Hutchinson
Case No. 2012-CP-07-687

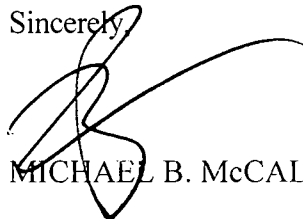
Dear Ms. Kitchings:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent.
- (2) A copy of the order and judgment which are to be challenged on appeal.
- (3) A filing fee of \$100.

Please file the original Notice of Appeal and return a filed copy to my office in the enclosed self-addressed, stamped envelope. If you have any questions or concerns, please do not hesitate to call me. With kind regards, I am

Sincerely,



MICHAEL B. McCALL

MBM:amc
Enclosures
cc: Patrick W. Carr, Esq. (w/ enclosures)

RECEIVED

JUN 10 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA) IN THE COURT COMMON PLEAS
COUNTY OF BEAUFORT 2013 MAY -8 AM 10:07) CASE NO. 2012-CP-07-678

REBECCA BROCE,

Plaintiff,

v.

JAMES M. HUTCHINSON,

Defendant.

CLERK OF COURT
BEAUFORT COUNTY, S.C.

ORDER

This matter was before me on March 21, 2013, for post-trial motions in the above-captioned matter. This case was tried before a jury on March 3 and 4, 2013. The subject matter of the case was a car accident in which the Plaintiff alleged that she was injured. The Defendant admitted fault for the car accident, and the dispute was over the nature and extent of the Plaintiff's injuries. Testimony at trial was given by the Plaintiff, the Plaintiff's husband, and the Plaintiff's son. The Plaintiff testified to medical expenses incurred of less than \$5,000.00 and further testified that she had continuing back pain and headaches that she related to injuries from the wreck. The jury returned a verdict in the amount of \$90,000.00 in actual damages.

The Defendant request ten (10) days to file his post-trial motions, and the Court granted the request. The Defendant timely moved for a new trial on the grounds that the Plaintiff's attorney, in his opening statement, informed the jury that the Plaintiff had no health insurance and then later in the closing informed the jury that he did not call any medical experts to testify because it would have cost over a thousand dollars, a fact no in evidence. I deny the Defendant's motion on those grounds.

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SC Court of Appeals

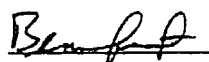
NEW TRIAL

The Defendant also moved for a *trinisremittitur* or in the alternative a new trial absolute. He further moved for a new trial absolute pursuant to the thirteenth juror doctrine by motions filed on March 18. This doctrine "entitles the trial judge to sit, in essence, as the thirteenth juror when he finds the evidence does not justify the verdict, and then to grant a new trial based solely upon the facts." Norton v. Norfolk S. Ry. Co., 350 S.C. 473, 567 S.E.2d 851 (2002 citations omitted). This motion is also denied.

IT IS HEREBY ORDERED.



J. ERNEST KINARD, JR.
PRESIDING JUDGE FOR THE
FOURTEENTH JUDICIAL CIRCUIT

 South Carolina

5/8, 2013

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2012CP0700678

2013 MAR -6 AM 11:12

Rebecca Broce	James M. Hutchinson
PLAINTIFF(S)	DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <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.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other: _____

PER SS GRANTED 10 DAYS TO FILE POST TRIAL MOTION

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:

Jury Trial on 3/4/2013. Jury found in favor of the Plaintiff in the amount of \$90,000.00 actual damages.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

RECEIVED
JUN 10 2013
SC Court of Appeals

INFORMATION FOR THE JUDGMENT INDEX

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.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Rebecca Broce	James M. Hutchinson	\$90,000.00

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.


2017
3/6/13
 Circuit Court Judge - J. Ernest Kinard, Jr. Judge Code Date

For Clerk of Court Office Use Only

This judgment was entered on ___ March, 2013, and a copy mailed first class or placed in the appropriate attorney's box on ___ March, 2013, to attorneys of record or to parties (when appearing pro se) as follows:

Patrick W. Carr 2 Spanish Wells Road BERRY & CARR
ATTORNEYS AT LAW Hilton Head Island, SC 2992614

Nancy Doherty Sadler PO Drawer 570 Beaufort, SC
299010570

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Jamie Thompson

Jerri Ann Roseneau - Clerk of Court

Court Reporter-Jo Rice

