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Apr 04 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Courtney Clyburn Pope, Circuit Court Judge

Appellate Case Number 2023-000009
Case No. 2017-CP-02-1413

Otis Owens, Respondent,

v.

Michael Hunt, in his Official Capacity as Sheriff
of Aiken County, Aiken County Sheriff's Office,
Aiken County Detention Center, and Aiken County, Appellants.

RESPONDENT'S MOTION FOR AN ORDER TO MEDIATE

This case was tried between October 31, 2022 and November 4, 2022. The jury returned a verdict of \$150,000.00 for the plaintiff. The verdict is likely to have a preclusive effect on the case currently pending in federal court arising from the same events from which this case arose. Because the litigants have spent time and money on this trial and will spend additional time and money on a federal trial unless it resolves, both parties have an interest in resolving this case.

Additionally, the Respondent believes that the Appellants do not have any legitimate reason to appeal the verdict in this case. The Respondent therefore respectfully requests that the Court order the parties to this appeal to mediate this case to determine if the case may settle without further protracted litigation and expense that comes with it.

The Respondent respectfully requests that the Court order the parties to this appeal to have a binding mediation.

Respectfully Submitted,

Hawkins & Jedziniak, LLC

s/ Joshua T. Hawkins

Joshua T. Hawkins, S.C. Bar No. 78470

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Greenville, South Carolina

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PROOF OF SERVICE

I certify that I filed Respondent’s Motion to For an Order to Mediate, with the South Carolina Court of Appeals, (*electronically via ctappfilings@sccourts.org*), and served a copy upon Appellants Michael Hunt, Aiken County Sheriff’s Office, Aiken County Detention Center, and Aiken County (*via electronic mail to their attorneys of record: w davidson@dml-law.com, andrew@ldlawsc.com*), and to the South Carolina Court of Appeals Clerk of Court, by depositing a copy of it in the United States Mail, postage prepaid, along with a check for the filing fee, on April 4, 2023, addressed to 1220 Senate Street, Columbia, SC.

Space left intentionally blank. Please see signature block to follow.

Hawkins & Jedziniak, LLC

s/ Joshua T. Hawkins

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April 4, 2023

--via U.S. Mail and electronic filing: ctappfilings@sccourts.org--

Jenny Abbot Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: *Otis Owens v. Michael Hunt, et al.*
Appellate Case No.: 2023-000009

Dear Ms. Kitchings,

Please find enclosed for filing, Respondent's Motion For an Order to Mediate, in the above-captioned case, along with Proof of Service upon Appellants. A check for the filing fee is also enclosed.

Should the Court have any questions, or need anything further, please do not hesitate to contact our office.

Sincerely



Monica Brody
Certified Paralegal
monica@hjlsc.com

Enclosures

CC:

--via electronic mail only:

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