

EXHIBIT D

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 JEAN WATKINS, as Personal)
 Representative of the Estate of Mildred)
 Watkins,)
)
 Plaintiff,)
)
 vs.)
)
 STERLING HEALTHCARE, INC.,)
 COUNTRY WOOD NURSING CENTER,)
 LLC, and GUARDIAN RESOURCES, LLC,)
)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTH JUDICIAL CIRCUIT

Case No.: 2016-CP-40-04463

RECEIVED

Apr 05 2023

SC Court of Appeals

**ORDER DENYING DEFENDANT’S
 MOTION FOR A NEW TRIAL OR,
 ALTERNATIVELY, TO
 RECONSIDER THE AWARD OF
 DAMAGES TO PLAINTIFF**

THIS MATTER COMES BEFORE THE COURT on Defendants’ February 10, 2023

Motion for a new trial or, alternatively, to reconsider the Court’s findings as contained in the January 31, 2023 order awarding damages to Plaintiff. The Court has thoroughly reviewed the Defendants’ February 10, 2023 motion as well as Plaintiff’s response of February 28, 2023. The Court finds as follows:

Having fully considered the argument of counsel and reflected upon the Court’s findings of fact, application of the law, and calculation of damages, the Court declines to alter or amend the Court’s prior order awarding damages to Plaintiff and reaffirms the order’s findings and rulings.¹

¹ In issuing its order, the Court was wholly familiar with, was guided by, and did comply with the holdings in BMV of North America v. Gore, 517 U.S. 559, 116 S.Ct. 1589, 134 L.Ed.2d 809 (1996) and Mitchell v. Fortis Ins. Co., 385 S.C. 570, 686 S.E.2d 176 (2009), and the order clearly addressed the considerations as outlined in Gore and in Gamble v. Stevenson, 305 S.C. 104, 406 S.E.2d 350 (1991). To the extent Fortis provides for *de novo* appellate review of a punitive damages award, the Court wishes all *bonam fortunam*, especially considering the egregious nature of Defendants’ conduct toward Mrs. Watkins, the fact that Plaintiff, and by extension, the Court, still remain unaware of the extent of Defendants’ assets or available insurance coverage, and the procedural posture of this case when the Court conducted the damages hearing.

IT IS SO ORDERED.

S/ Frank R. Addy, Jr.
Frank R. Addy, Jr.
Circuit Court Judge

March 10, 2023
Greenwood, South Carolina



Richland Common Pleas

Case Caption: Jean Watkins , plaintiff, et al vs Sterling Healthcare Inc , defendant,
et al
Case Number: 2016CP4004463
Type: Order/Other

So Ordered

S/ Frank R. Addy, Jr.