

Darleen Rash et al
PLAINTIFF(S)

Daniel Mcjunkin 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), 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
- 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:

Plaintiff's Wrongful Death and Survival causes of action came before the Court for a trial by jury on March 20-April 4, 2023. All issues have been tried and a verdict rendered in favor of the Defendants. At the request of Plaintiff's counsel, the jury was polled. All jurors affirmed the verdict. Representing the Plaintiff are Joseph Thoensen, Esq. and Roy Willey IV, Esq. Representing Defendant Dominion Energy South Carolina, Inc. F/K/A South Carolina Electric and Gas Company are I.S. Leevy Johnson, Esq., George Johnson, Esq., Chelsea Glover, Esq., M. Cooke Jr., Esq., and David Cox, Esq. Representing Defendant Anthony M. Akbar are Ian Ford, Esq., Hunter James, Esq., and Ainsley Tillman, Esq. Representing Defendant Paul Quattlebaum are Jenny Honeycutt, Esq. and Nanette Wesley, Esq.

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 04/12/2023 .

Nanette L Wesley for Paul Quattlebaum

RECEIVED
May 08 2023
SC Court of Appeals

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), SCRCF.

The Court required post-trial motions. Defendants' counsel made no motions and are therefore waived. Plaintiff's counsel moved for a Judgment Notwithstanding the Verdict. "A motion for JNOV may be granted only if no reasonable jury could have reached the challenged verdict." *Welch v. Epstein*, 342 S.C. 279, 300, 536 S.E.2d 408, 419 (Ct. App. 2000) (citing *Crossly v. State Farm Mut. Auto Ins. Co.*, 307 S.C. 354, 415 S.E.2d 393 (1992)). "The jury's verdict will not be overturned if any evidence exists that sustains the factual findings implicit in its decision." *Id.* (citing *Smalls v. South Carolina Dep't of Educ.*, 339 S.C. 208, 528 S.E.2d 682 (Ct. App. 2000), *Hunter v. Staples*, 335 S.C. 93, 515 S.E.2d 261 (Ct. App. 1999)). Moreover, when considering the motion, the trial court has no authority to decide credibility issues or to resolve conflicts in the testimony and evidence. *Reiland v. Southland Equipment Serv., Inc.*, 330 SC 617, 500 SE2d 145 (Ct. App. 1998). "In ruling on a motion for a directed verdict or JNOV, the trial court must view the evidence and the inferences that reasonably can be drawn therefrom in the light most favorable to the party opposing the motions." *McNaughton v. Charleston Charter School for Math & Science, Inc.*, 411 S.C. 249, 259, 768 S.E.2d 389, 395 (2015) (citing *Sabb v. S.C. State Univ.*, 350 S.C. 416, 427, 567 S.E.2d 231, 236 (2002)). If the evidence provides more than one inference or its inference is in doubt, the trial court must deny the motion. *Id.* Viewing the evidence presented at trial and the inferences that can reasonably be drawn from it in the light most favorable to the non-moving party, the Court finds that a reasonable jury could have reached a verdict in favor of the Defendants. Further, the jury's verdict must be upheld if there is any evidence to sustain the factual findings implicit in the verdict. *Sorin Equipment Co., Inc. v. The Firm, Inc.*, 323 S.C. 359, 474 S.E.2d 819, 823 (Ct. App. 1996). The Court, further finds, the any evidence standard is more than amply met by the factual findings implicit in the jury's verdict. Moreover, the Court finds the verdict does not shock the conscience of the Court, and is not the result of caprice, passion, prejudice, partiality, corruption, or other improper motives. The Court ruled on this matter at the conclusion of the motion and incorporates those findings of fact and conclusions of law as if stated verbatim. Also, the Court ruled contemporaneously on any motions made during the course of the trial and incorporates those findings as if stated verbatim within this Order. Therefore, Plaintiff's post-trial motion for JNOV is heard and respectfully Denied. Verdict is entered in favor of the Defendants'.



Charleston Common Pleas

Case Caption: Darleen Rash , plaintiff, et al VS Daniel Mcjunkin , defendant, et al
Case Number: 2019CP1000061
Type: Order/Electronic Form 4

IT IS SO ORDERED.

s/D.L. Jefferson Ninth Judicial Circuit Judge 2128