

Benigna Vargas
PLAINTIFF(S)

MGA Insurance Company Inc
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:

See Page 2 for Order of Court

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 11/15/2023 .

RECEIVED

Nov 21 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), SCRCP.

The Plaintiff has submitted 2 separate Motions following trial in which the jury returned a verdict in favor of Defendant.

First, Plaintiff moved to alter or amend the October 23, 2023 Order granting Summary Judgment in favor of the Defendant on Plaintiff's fraud cause of action. The Motion was filed on November 2, 2023. The Court has determined that the Plaintiff has failed to establish any basis to alter or amend its previous Order and the Motion is denied.

Second, following the jury verdict, Plaintiff moved for a JNOV pursuant to Rule 50 and a New Trial. The case was submitted to the jury and after several hours of deliberation, the jury returned a verdict in favor of the Defendant. The standard for consideration for the Court is as follows: if more than one inference can be drawn from the evidence, the grant of a judgment notwithstanding the verdict (JNOV) is improper and the case must be left to the jury's determination. *Burns v. Universal Health Services, Inc.* 361 S.C. 221, 603 S.E.2d 605 (S.C. App 2004). The review of the record supports more than 1 inference which can be drawn from the evidence and therefore, JNOV would not be appropriate and this Motion is denied.

For a New Trial, the Court can grant a new trial if the Judge finds the evidence does not justify the verdict. See *Trivelas v. S.C. Dep't of Transp.*, 357 S.C. 545 (Ct. App. 2004) In review of the record, the Court finds that sufficient evidence was presented to support the jury's verdict. Therefore, the Court denies this Motion as well.

It is so Ordered.



Greenville Common Pleas

Case Caption: Benigna Vargas vs. MGA Insurance Company Inc , defendant, et al

Case Number: 2019CP2301438

Type: Order/Electronic Form 4

So Ordered

s/ Honorable Perry H. Gravely, #2755