

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)
)
Stephanie Kozak)
(Personal Representative for the Estate of)
John Witkowski,)
)
Plaintiff,)
)
vs.)
)
Chris Cutway,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT

CASE NUMBER: 2022-CP-46-01237

ORDER AND FINAL JUDGMENT



This matter came before this Court on August 18, 2022, upon the Motion for Judgment by Default and Hearings for Attorney’s Fees filed by the Defendant, Chris Cutway (“Defendant”), and the Motion to Set Aside Entry of Default filed by the Plaintiff, Stephanie Kozak (Personal Representative for the Estate of John Witkowski) (“Plaintiff”). After careful consideration, this Court **denied** Plaintiff’s Motion to Set Aside Default and **granted** Defendant’s Motion for Judgment by Default and Hearing for Attorney’s Fees. A Form 4 Order announcing the Court’s decision and stating that it “ends the case” was issued on August 30, 2022.

Subsequently, Plaintiff filed a Motion to Reconsider, requesting that this Court reconsider its denial of Plaintiff’s Motion to Set Aside Entry of Default. A hearing on Plaintiff’s Motion to Reconsider was held on October 3, 2022. The Court denied Plaintiff’s Motion to Reconsider. On October 4, 2022, the Court issued a Form 4 Order announcing the denial of Plaintiff’s Motion to Reconsider and noting that it “ends the case.” Plaintiff has not contested or otherwise responded to this Order.

Rule 54(b), SCRCF, authorizes this Court to “direct the entry of a final judgment as to one or more but fewer than all of the claims or parties upon an express determination that there is no

just reason for delay and upon an express direction for the entry of judgment.” SCRCP 54(b). The Court determines that this matter has been fully adjudicated and finds that there is no just reason for delay.

NOW, THEREFORE, for good and sufficient cause shown, it is hereby **ORDERED**, **ADJUDGED, DECREED, AND DIRECTED** that the Final Judgment in the total amount of **\$13,925.96**—the sum of damages ascertained (\$12,805.48), plus prejudgment interest (\$1,120.48) computed pursuant to S.C. Code Ann. § 34-31-20(A)—in favor of Defendant and against Plaintiff as to all of Defendant’s counterclaims against Plaintiff shall be entered. The Clerk of Court shall enter and enroll said total judgment amount in the Judgment Index promptly.

IT IS SO ORDERED.

[ELECTRONIC SIGNATURE PAGE TO FOLLOW]

FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF York
IN THE COURT OF COMMON PLEAS**

JUDGMENT IN A CIVIL CASE

CASE NO. 2022-CP-46-01237

Stephanie Kozak
(Personal Representative for the Estate of
John Witkowski)

Chris Cutway

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Chan M. Ahn (S.C. Bar No. 102173) on behalf of Defendant	Attorney for : <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant or <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. See Page 2 for additional information.
- 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:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : Please enroll the amount shown below in the Judgment Index.

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)
Chris Cutway, Defendant	Stephanie Kozak (Personal Representative for the Estate of John Witkowski), Plaintiff	\$13,925.96
		\$
		\$



York Common Pleas

Case Caption: Stephanie Kozak , plaintiff, et al VS Chris Cutway

Case Number: 2022CP4601237

Type: Order/Judgment and Form 4

So Ordered

s/Daniel D. Hall 2753