

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HAMPTON COUNTY
Court of Common Pleas

THE HONORABLE R. LAWTON MCINTOSH
CIRCUIT COURT JUDGE

CIVIL ACTION NO.: 2022-CP-25-00154

Charles Bright..... Plaintiff -Respondent,

v.

Joseph Brown and Ferguson Forest Products, Inc. Defendants -Appellants.

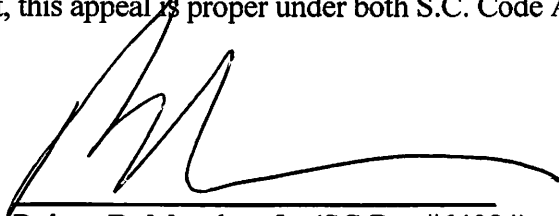
NOTICE OF APPEAL

NOW COME Joseph Brown and Ferguson Forest Products, Inc. (“Appellants”), by and through their undersigned counsel, and appeal the Amended Order of the Honorable R. Lawton McIntosh of the Hampton County Court of Common Pleas, dated March 7, 2024. Appellants received written notice of this Order on March 7, 2024, filed a Motion to Alter or Amend the Amended Order on March 13, 2024, and received notice of the denial of the Motion to Alter or Amend on March 21, 2024. A copy of the Amended Order of March 7, 2024, is attached hereto as Exhibit A, and a copy of the March 21, 2024, Order Denying the Motion to Alter or Amend is attached hereto as Exhibit B.

Appellants timely file this notice pursuant to S.C. Code Ann. § 14-3-330, under which an order granting partial summary judgment is immediately appealable where it “involves the merits” of the underlying action or “affects a substantial right” of a party. *See Link v. Sch. Dist. of Pickens Cty.*,

302 S.C. 1, 6, 393 S.E.2d 176, 178-79 (1990) (holding an order granting partial summary judgment may be appealable under either category); *see also Thornton v. S.C. Elec. & Gas Corp.*, 391 S.C. 297, 306, 705 S.E.2d 475, 480 (Ct. App. 2011) (holding the same).

In its Amended Order of March 7, 2024, the trial court granted summary judgment, in part, in favor of the Respondent, finding that “[t]here is no genuine issue of material fact that Defendant is in violation of SC Code Ann. § 38-77-340.” This finding relates to the Respondent’s causes of action for negligent hiring and retention and is a factual finding by the Court related to evidence of insurance. Therefore, the ruling involves the merits of the case. Moreover, the ruling affects the substantial rights of the Appellants inasmuch as the finding relates to evidence of whether the Defendants were insured at the time of the subject collision. As a result, this appeal is proper under both S.C. Code Ann. § 14-3-330(1) and § 14-3-330(2).



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APPEAL FROM HAMPTON COUNTY
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THE HONORABLE R. LAWTON MCINTOSH
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CIVIL ACTION NO.: 2022-CP-25-00154

Charles Bright..... Plaintiff -Respondent,

v.

Joseph Brown and Ferguson Forest Products, Inc. Defendants -Appellants.

PROOF OF SERVICE

The undersigned certifies that on the 16th day of April, 2024, he caused to be served the Notice of Appeal on counsel for Plaintiff-Respondent, on counsel for USAA General Indemnity Insurance Company, and on the Hampton County Clerk of Court by emailing a copy to each attorney listed below using their primary email addresses listed in the Attorney Information System and by depositing a copy in the United States Mail, postage prepaid, copies of the same addressed to:

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Exhibit A

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)
)
CHARLES BRIGHT,)
)
)
Plaintiff,)
)
vs.)
)
JOSEPH BROWN and FERGUSON)
FOREST PRODUCTS, INC.,)
)
Defendants.)
)
_____)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2022-CP-25-00154

AMENDED ORDER

This matter came before the Court upon the Plaintiff’s Motion for Partial Summary Judgment as to Liability Against the Defendants. A hearing was conducted before this Court on January 29, 2024.

This case arises from a collision that occurred on Jacksonboro Road in Colleton County on May 17, 2021, between Plaintiff’s tractor and farming implements, and Defendant Ferguson Forest Products, Inc.’s logging truck and trailer being driven by Defendant Joseph Brown. Plaintiff filed a Motion for Partial Summary Judgment.

THEREFORE, after reviewing Plaintiff’s Motion and Memorandum, Defendants’ Memorandum, and after also hearing arguments by both sides, this Court denies Plaintiff’s Motion for Summary Judgment as to liability under general negligence. Additionally, Plaintiff seeks summary judgment as to liability based on Defendant’s alleged violation of S.C. Code Ann. § 38-77-340. There is no genuine issue of material fact that Defendant is in violation of SC Code Ann. § 38-77-340. However, the question of liability remains a fact question for the jury.

THEREFORE, IT IS SO ORDERED that Plaintiff’s Motion for Partial Summary Judgment is denied in part and granted in part.

Judge R. Lawton McIntosh

_____, 2024
Hampton County, South Carolina



Hampton Common Pleas

Case Caption: Charles Bright VS Joseph Brown , defendant, et al
Case Number: 2022CP2500154
Type: Order/Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

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Exhibit B

STATE OF SOUTH CAROLINA
COUNTY OF Hampton
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP2500154

Charles Bright
PLAINTIFF(S)

Joseph Brown 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:

Defendants motion to alter or amend the Court's March 7th amended order is denied without the necessity of a hearing. No formal order requested.

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 03/20/2024 .

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), SCRPC.



Hampton Common Pleas

Case Caption: Charles Bright VS Joseph Brown , defendant, et al
Case Number: 2022CP2500154
Type: Order/Electronic Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

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