

Samantha Katchick
PLAINTIFF(S)

Marshall Alexander Chapman 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:



See page 2 below

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 05/15/2024 .

Brooke I Chapman for Brooke I Chapman Chapman Dental PA for Chapman Dental PA Marshall Alexander Chapman for Marshall Alexander Chapman Brooke I Chapman for Brooke I Chapman Chapman Dental PA for Chapman Dental PA Marshall Alexander Chapman for Marshall Alexander Chapman	 Jun 04 2024 
NAMES OF TRADITIONAL FILERS SERVED BY MAIL	

ELECTRONICALLY FILED - 2024 May 16 9:42 AM - GREENVILLE - COMMON PLEAS - CASE#2019CP2301522

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.

This matter is before the Court on Defendants' Motion for Judgment Notwithstanding the Verdict or Alternatively For a New Trial Absolute or New Trial Nisi Remittitur. Based on the evidence presented at trial, the motions are respectively denied. Defendants also have filed a Motion for Setoff. The Court grants that motion.

As to the Motion for Judgment Notwithstanding the Verdict, the Court, viewing the evidence and all reasonable inferences in the light most favorable to Defendants, finds the evidence yielded more than one inference and therefore the case was left for the jury's determination. *Burns v. Universal Health Services, Inc.*, 361 S.C. 221, 603 S.E. 2d 605 (Ct. App. 2004). As to the Motion for New Trial Absolute, the Court does not find the verdict so grossly excessive that it shocks the conscience of the Court nor is it the result of passion, caprice, prejudice, partiality, corruption or improper motive. *Cock-N-Bull Steak House, Inc. v. Generali Ins. Co.* 321 S.C. 1, 466 S.E.2d 727 ((1996). As to the Motion For New Trial Nisi Remittitur, the Court does not find the verdict excessive or unduly liberal. *Waring v. Johnson*, 341 S.C. 248, 533 S.C. 906 (Ct.App. 2000).

The Court has also undertaken a review of the punitive damages award pursuant to *Gamble v. Stevenson*, 305 S.C. 104, 406 S.E. 2d 350 (1991) and *BMW of North America v. Gore*, 517 U.S. 559 (1996) and finds the verdict does not deprive Defendants of their due process rights. In considering the *Gamble* and *Gore* factors, evidence was submitted to the jury that Plaintiff did not steal any cash from Defendants yet was fired for stealing cash, that she was arrested one year later for allegedly stealing cash based on the actions of Defendants in reporting Plaintiff to law enforcement, that the analysis and investigation conducted by Defendants in determining she stole money and to report Plaintiff to law enforcement was not thorough, that the basis of reporting Plaintiff to law enforcement for stealing was that she was the only one who had access when evidence revealed that was not true, that Plaintiff was arrested one year after she was fired, that Plaintiff was booked and put in jail after being arrested, that the charge was dismissed and expunged, that Defendant Alexander Chapman told Brian Smith and Dr. Jim Nasim that Plaintiff stole money from him and the dental practice, that Defendant's net worth was \$2,415,905. Defendants were very culpable, the harm to plaintiff was fairly severe having been arrested and defamed, the Plaintiff did not contribute to the harm, the award is reasonably related to the harm likely to result from the conduct of Defendants, the award likely will deter Defendants and others from the conduct which occurred in this case, Defendants have the ability to pay, and the punitive damages award in relation to the actual damages award is a single digit ratio.

Regarding Defendants' Motion for Setoff, the Court finds Defendants are entitled to have the award set off for any amounts paid in settlement prior to the verdict.

It is so ordered.



Greenville Common Pleas

Case Caption: Samantha Katchick vs. Marshall Alexander Chapman , defendant, et al

Case Number: 2019CP2301522

Type: Order/Electronic Form 4

So Ordered

G.D. Morgan Jr.