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AUG 20 2024
SC Court of Appeals

GEDNEY M. HOWE, III
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August 16, 2024

VIA EMAIL & US MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211
ctappfilings@sccourts.org

Re: Alfredo Rocha, Appellant v. Harold J. Murdaugh, Jr., Respondent
Graciela Rocha, Appellant v. Harold J. Murdaugh, Jr., Respondent
Appellate Case No.: 2024-001298

Dear Ms. Kitchings:

Enclosed please find Proof of Filing the Notice of Appeal with the Dorchester County Clerk of Court.

With kind regards, I am

Sincerely,



Gedney M. Howe, IV
Gedney M. Howe, III, PA
PO Box 1034
Charleston, SC 29402
Phone: 843-722-8048
Fax: 843-722-2140
Email: gedney4@gedneyhowe.com

Attorney for Appellants
Graciela Rocha and Alfredo Rocha

GMH,IV:ks

Enclosure: as stated

Cc: Jeffrey M. Crudup, Esq.
Clarkson Walsh & Coulter, P.A.
497 St. Andrews Boulevard
Charleston, SC 29407
Phone: 843-981-5180
Email: jcrudup@clarksonwalsh.com

Attorney for Respondent
Harold J. Murdaugh, Jr.

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gedney4@gedneyhowe.com
mmonastra@gedneyhowe.com



RECEIVED

August 9, 2024

VIA EMAIL & US MAIL

The Honorable Cheryl L. Graham
5200 E. Jim Bilton Blvd.
St. George, SC 2947-8020
cgraham@dorchestercountysc.gov

AUG 20 2024
SC Court of Appeals

Re: Harold J. Murdaugh, Jr., Respondent v. Graciela Rocha and Alfredo Rocha,
Appellants
Case No.: 2022-CP-18-01601

Dear Ms. Graham:

Enclosed for filing is a notice of appeal in the above case.

With kind regards, I am

Sincerely,

By: s/Gedney M. Howe, IV
Gedney M. Howe, IV (SC Bar No.: 104669)
Gedney M. Howe, III, PA
PO Box 1034
Charleston, SC 29402
Phone: 843-722-8048
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Attorney for Appellants
Graciela Rocha and Alfredo Rocha

GMH,IV:ks
Enclosure: as stated

Cc: Jeffrey M. Crudup, Esq. (SC Bar No: 100281)
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497 St. Andrews Boulevard
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Phone: 843-981-5180
Email: jcrudup@clarksonwalsh.com

Attorney for Respondent
Harold J. Murdaugh, Jr.

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AUG 20 2024
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

Case No. 2022-CP-18-01601

Harold Murdaugh, Jr.

Respondent,

v.

Graciela Rocha and Alfredo Rocha,

Appellants.

NOTICE OF APPEAL

The Appellants Graciela Rocha and Alfredo Rocha appeal the following Orders issued by Circuit Court Judge Diane S. Goodstein:

- (1) Order Denying Plaintiff's Motion for Judgement Notwithstanding the Verdict or alternatively for a New Trial dated July 9, 2024; and
- (2) Form 4 Order and Judgement dated April 11, 2024 (including the Verdict Form dated April 10, 2024).

1900

1901

By: s/Gedney M. Howe, IV
Gedney M. Howe, IV (SC Bar No.: 104669)
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mmonastra@gedneyhowe.com

Attorney for Appellants
Graciela Rocha and Alfredo Rocha

August 9, 2024

Other Counsel of Record:

Jeffrey M. Crudup, Esq. (SC Bar No: 100281)
Clarkson Walsh & Coulter, P.A.
497 St. Andrews Boulevard
Charleston, SC 29407
jcudup@clarksonwalsh.com

Attorney for Respondent
Harold J. Murdaugh, Jr.

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP1801601

Graciela Rocha et al
PLAINTIFF(S)

Harold J. Murdaugh, Jr
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 Motion for Judgment Notwithstanding the Verdict, or Alternatively for a New Trial was heard before the Court on June 25, 2024 via WebEx. Upon review of the Motion and upon hearing oral arguments of counsel, the Court has determined that, in taking the evidence in the light most favorable to the non-moving party, there was evidence presented at trial from which the jury could reasonably conclude as they did that the Defendant was negligent but that his negligence was not a proximate cause of Plaintiff's injuries. Therefore, Plaintiff's Motion is respectfully denied.

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 07/09/2024 .

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SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2024 Jul 09 4:02 PM - DORCHESTER - COMMON PLEAS - CASE#2022CP1801601

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.



Dorchester Common Pleas

Case Caption: Graciela Rocha , plaintiff, et al VS Harold J. Murdaugh Jr

Case Number: 2022CP1801601

Type: Order/Electronic Form 4

It is so Ordered!

s/Diane S. Goodstein

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2022CP1801601

ELECTRONICALLY FILED - 2024 Apr 11 2:35 PM - DORCHESTER - COMMON PLEAS - CASE#2022CP1801601

Graciela Rocha Alfredo Rocha Harold J. Murdaugh Jr

PLAINTIFF(S) DEFENDANT(S)
Submitted by: Attorney for: Plaintiff Defendant
 Self-Represented Litigant

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), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit)
 - Rule 43(k), SCRCP (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRCP; 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: **The Jury found in favor of the Defendant.**

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.

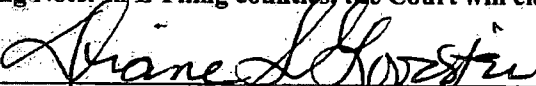
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.


Honorable Diane Goodstein, Circuit Court Judge

2112
Judge Code

4/10/2024
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AUG 20 2024
SC Court of Appeals

For Clerk of Court Office Use Only

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on , to attorneys of record or to parties (when appearing pro se) as follows:

Gedney M. Howe IV PO Box 1034 Charleston, SC 29402

Jeffrey Michael Crudup 497 Saint Andrews Blvd Charleston SC 29407

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Cheryl Graham

Court Reporter

Cheryl Graham, Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, 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 judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

ELECTRONICALLY FILED 2024 Apr 11 2:33 PM - DORCHESTER - COMMON PLEAS - CASE#2022CP1801601

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF DORCHESTER) CASE NO.: 2021-CP-18-01851

2024 APR 10 PM 6:08

ALFREDO ROCHA,

Plaintiff,

CHIEF CLERK
CLERK OF COURT
DORCHESTER COUNTY

v.

Verdict Form for Alfredo Rocha

HAROLD MURDAUGH, JR.,

Defendant.

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WE, THE JURY, UNANIMOUSLY FIND AS FOLLOWS:

1. Was the defendant negligent?

YES - Go to Question 2

NO - Stop deliberations

2. Was the defendant's negligence a proximate cause of Mr. Alfredo Rocha's injuries?

YES - Go to Question 3

NO - Stop deliberations

3. Was Alfredo Rocha's negligence a proximate cause of his own injuries?

YES - Go to Question 4

NO - Go to Question 6

4. Using the combined negligence that proximately caused Mr. Alfredo Rocha's injuries as one hundred percent (100%), what percentage of that negligence is attributable to the Mr. Alfredo Rocha and what percentage is attributable to the defendant? The percentages must add up to 100%.

Plaintiff	_____	%
Defendant	_____	%
Total	<u>100</u>	%

5. Was Mr. Alfredo Rocha's negligence greater than fifty percent?
_____ YES - Stop deliberations
_____ NO - Go to Question 6

6. Please state the amount of damages sustained by the plaintiff, Mr. Alfredo Rocha. [Do not reduce the plaintiff's total damages based on the percentage of negligence by any party. After you have answered these questions, the judge will compute the amount of damages for which the defendant is responsible based on the percentage of the defendant's negligence which you have decided proximately caused Mr. Alfredo Rocha's injuries. You are to determine only the total amount of the plaintiff's damages and enter that amount below.]

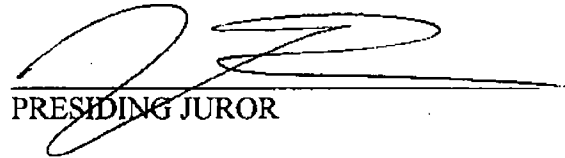
\$ _____ Actual Damages

If you found actual damages for Mr. Alfredo Rocha, then you may consider the issue of punitive damages.

7. We the jury, unanimously find for the plaintiff, Mr. Alfredo Rocha, in the amount of _____ dollars
punitive damages.

The presiding juror, acting on behalf of the unanimous jury, must sign and date this verdict form below:

4/10/24
DATE


PRESIDING JUROR

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF DORCHESTER)

CASE NO.: 2021-CP-18-01851

GRACIELA ROCHA)

2024 APR 10 PM 6:18
CLERK OF COURT
DORCHESTER COUNTY

Plaintiff,)

Verdict Form for Graciela Rocha

v.)

HAROLD MURDAUGH, JR.)

Defendant.)

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SC Court of Appeals

If you, the jury, found actual damages for Alfredo Rocha then, with regards to Graciela Rocha's cause of action for loss of consortium, please fill out one of the two options below:

1. **We, the Jury, unanimously find for the Plaintiff, Graciela Rocha**
\$ _____ dollars actual damages.

OR

2. _____ **We, the Jury, unanimously find for the Defendant, Mr. Harold Murdaugh, Jr.**

The presiding juror, acting on behalf of the unanimous jury, must sign and date this verdict form below:

DATE

PRESIDING JUROR

LAW OFFICES
GEDNEY M. HOWE, III, P.A.
8 CHALMERS STREET
POST OFFICE BOX 1034
CHARLESTON, SC 29402

TO

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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