

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)
)
JOHN GROOMS, JR., AS PERSONAL)
REPRESENTATIVE FOR THE ESTATE)
OF PATRICIA ANN GROOMS,)
)
Plaintiff,)
)
)
v.)
)
BARREL HOUSE GRILLE, LLC,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO.: 2024-CP-15-00073

ORDER OF DAMAGES

RECEIVED
Aug 27 2024
SC Court of Appeals

This matter came before me on Wednesday June 5, 2024, in Walterboro, South Carolina, for determination of damages, if any, sustained by Patricia Grooms prior to her death and by the wrongful death beneficiaries of Patricia Grooms Estate. Plaintiff filed suit in this matter and Defendant failed to answer after having been served with the Summons and Complaint and were held in default by order of the Honorable Robert J. Bonds dated May 14, 2024. By order dated May 14, 2024, the Honorable Robert J. Bonds referred this matter to me for determination of damages, if any.

The Plaintiff, John Grooms, Jr., as Personal Representative for the Estate of Patricia Ann Grooms is represented by attorney Randolph Murdaugh, IV of Parker Law Group, LLP. Defendant was served with notice of the hearing as evidenced by the service documents filed with this Court. No one appeared on behalf of Defendant. The Plaintiff called the following witnesses who testified: Amy Benton; John "Peedee" Grooms, Jr.; Elizabeth Grooms; Evan Grooms; Keshawna Benton; Paul Souder; David Drawdy; and Laura Rutland. I find each of the witnesses to be credible. Plaintiff entered Exhibits No. 1.1-1.5, 2.1-2.19, 3.1-3.20, 4.1-4.2, and 5.1, which were entered into evidence

in support of Plaintiff's damages (forty-seven (47) Exhibits). At the conclusion of the presentation of evidence I found that actual and punitive damages are appropriate.

Evidence was presented proving that Patricia Grooms suffered substantial fear, anxiety, mental anguish, pain and suffering prior to her gruesome death supporting an award of actual damages in the amount of \$2,500,000.00 for Patricia Groom's survival action.

Evidence was presented proving damages suffered by the wrongful death beneficiaries, John Grooms, Jr., Patricia Groom's husband, and her two sons, Calvin Souder (16 years old) and Evan Grooms (6 years old) as a result of Patricia Groom's gruesome death supporting an award of actual damage in the amount of \$2,500,000.00.

In addition to the actual damages, I hereby find that punitive damages are appropriate in both the survival and the wrongful death action. I find that punitive damages in the survival action are appropriate in the amount of \$2,500,000.00 and the punitive damages in the wrongful death action are appropriate in the amount of \$2,500,000.00.

The following is an analysis of the law and evidence in arriving at my award of punitive damages.

The S.C. Supreme Court has articulated criteria for the lower courts to use in conducting post-judgment review of punitive damages awards, as set forth in *Mitchell v. Fortis*, 385 S.C. 570, 686 S.E.2d 176 (2009), It should be noted that in the current case, consideration was given for the factors set forth in *Gamble v. Stevenson*, 305 S.C. 104, 406 S.E.2d 350 (199 1), *BMW of North America v. Gore*, 517 U.S. 559, 116 8. Ct. 1589, 134 Lawyers Edition 2d 809 (1996), and *Mitchell*. *Mitchell*, in essence, combined the tests set forth in the aforementioned decisions. In *Mitchell*, the Court indicates that consideration should be given to the reprehensibility of the Defendant's conduct, the ratio or disparity between the actual damages suffered by the Plaintiff versus the

amount of the punitive damages award, and the comparative penalty awards. Mitchell, 385 S.C. at 587, 686 S.E.2d at 185. In considering the reprehensibility, which is “perhaps the most important indicium of the reasonableness of a punitive damages award”, Mitchell indicates that consideration should be given to whether: “(i) the harm caused was physical as opposed to economic; (ii) the tortious conduct evinced an indifference to or a reckless disregard for the health or safety of others; (iii) the target of the conduct had financial vulnerability; (iv) the conduct involved repeated actions or was an isolated incident; and (v) the harm was the result of intentional malice, trickery, or deceit, rather than mere accident.” *Id* at 185. In considering the ratio, the S.C. Supreme Court has indicated that the Court should consider the disparity between the actual and potential harm suffered by the Plaintiff and the amount of the punitive damages award. *Id* at 185.

In determining the reasonableness of a particular ratio, the Court should consider “the likelihood that the award would deter the Defendant from like conduct; whether the award is reasonably related to the harm likely to result from such conduct; and the Defendant’s ability to pay.” *Id* at 185. In considering the comparative penalty awards, the Court may consider: “the type of harm suffered by the Plaintiff or Plaintiffs; the reprehensibility of the Defendant’s conduct; the ratio of actual or potential harm to the punitive damages award; the size of the award; and any other factors the court may deem relevant.” *Id* at 186.

In arriving at the punitive damages award in this case, this Court has taken into consideration the factors provided by the S.C. Supreme Court as outlined above. The evidence presented clearly and convincingly supports the findings as outlined below. These findings are not exhaustive but are the framework that supports the award of punitive damages.

On November 12, 2021, Patricia Grooms and William “Billy” Head (hereinafter “Billy Head”) were customers of Barrel House Grille, LLC (hereinafter “Barrel House”). Billy Head’s 6-

year-old daughter was also with Patricia and Billy. On that day Barrel House employees knowingly illegally sold and served Billy Head multiple alcoholic beverages despite him being obviously intoxicated and impaired, and in doing so violated South Carolina law. The alcoholic beverages consumed by Billy Head at the Barrel House premises caused him to become and remain intoxicated through his murder of Patricia Grooms. While Billy Head was grossly intoxicated, he and Patricia Grooms got into the altercation at the Barrel House premises in front of employees as well as witnesses and patrons. After getting into the altercation Billy Head and Patricia Grooms left. Prior to Billy Head and Patricia Grooms leaving the Barrel House, the Barrel House was aware that Billy Head had gotten into an altercation with Patricia Grooms, knew that Billy Head was intoxicated from the alcoholic beverages he consumed at Barrel House, knew that Billy Head was aggressive and dangerous, knew that Billy Head had violent tendencies, and knew that Billy Head posed a threat to Patricia Grooms. Even with that knowledge Barrel House did not have proper security and did nothing to protect Patricia Grooms from Billy Head. Barrel House did nothing to warn Patricia Grooms of the threat the Billy Head posed to her.

Billy head left Barrel House premises intoxicated, with Patricia Grooms and his 6-year-old daughter as passengers. He was driving his pickup and Patricia Grooms was riding in the front passenger seat with his 6-year-old daughter was riding in the rear passenger seat. Billy Head continued fighting with Patricia Grooms while driving his vehicle and during that time Billy Head violently punched Patricia Grooms in the face several times causing injury and pain. At some point, Billy Head got his pistol from a holster, told his daughter to close her eyes and shot Patricia Grooms at least four (4) times. The gunshots severely injured Patricia Grooms who lived and suffered for an unknown period of time before dying from the gunshot wounds. Billy Head then concocted a story in an attempt to conceal his conduct, and claimed he shot her in self-defense. The story is

inconsistent with the evidence and the evidence indicates that Billy Head did not shoot Patricia Grooms in self-defense.

The conduct of Barrel House in over-serving Billy Head took place over a period of time and over this time Barrel House was aware that Patricia Grooms was in danger. Barrel House recklessly over-served Billy Head to increase its income through alcohol sales. because Billy Head has been over-served and intoxicated. The damages in this case were caused by the grossly negligent and reckless conduct of Barrel House.

This court finds the Defendant Barrel House's conduct reprehensible. The likely danger and harm to Patricia Grooms as a result of Barrel House's conduct was very serious and in fact resulted in her being beaten and shot by Billy Head causing her painful death. At the time that the Barrel House employees were over-serving Billy Head as well as at the time Barrel House employees allowed Billy Head to leave with Patricia Grooms and his 6-year-old daughter, the Barrel House employees knew that Billy Head was intoxicated, aggressive, dangerous, had violent tendencies, and specifically posed a threat to Patricia Grooms, yet failed to provide proper security or warn Patricia Grooms, or otherwise protect Patricia Grooms from Billy Head. In addition to the specific information known about Billy Head, the Defendant also was well aware that intoxicated drivers cause a serious risk to their passengers including Patricia Grooms and Billy Head's 6-year-old daughter, as well as other motorists using the public highways. Despite knowing all of this, Barrel House over-served Billy Head and did nothing to protect Patricia Grooms from the danger of riding with Billy Head and from the danger of Billy Head attacking and killing her. Barrel House's neglect to do anything whatsoever to moderate Billy Head's consumption of alcohol, to protect Patricia Grooms in any way, or anything else to reduce or eliminate potential harm to Patricia Grooms in riding with an intoxicated driver, and in being with an aggressive person with known violent

tendencies who posed a threat, is nothing short of a grossly negligent, wanton, and an intentional disregard for Patricia Grooms' safety. Moreover, Barrel House did this simply to generate more alcohol sales.

The punitive damages award is designed to deter Defendant Barrel House from like conduct and is reasonably related to the harm which occurred, and which was likely to occur from the Defendant's reprehensible conduct. The ratio of the actual damages award versus the punitive damages award is appropriate for this case. There was no evidence presented with regard to the Defendant's ability to pay. In reviewing more recent punitive damages awards, South Carolina courts have most often upheld verdicts on the low end of the single digit spectrum but have frequently deviated from this norm in cases involving particularly egregious conduct. *Mitchell*, 385 S.C. 570 (S.C. 2009) 686 S.E.2d 176. Punitive damages and personal injury actions have ranged in South Carolina from approximately a 1 to 1 ratio to many times the actual damages sustained. The facts of this case specifically warrant the higher ratio of punitive damages that I hereby find. There are many cases of awards of punitive damages, and it is difficult to identify similar cases factually. The following were deemed particularly important to this court: the nature of the severe physical harm likely to occur to Patricia Grooms as well as the actual physical harm and death of Patricia Grooms; the incredible reprehensibility in the Defendant's conduct in over-serving Billy Head for profits and doing nothing to protect Patricia Grooms despite specific knowledge that should have required protection of Patricia Grooms; the fact that all of this arises in the setting of the Defendant over-serving alcoholic beverages to Billy Head which is what caused Billy Head to injure and shoot Patricia Grooms killing her. In my view the conduct of the Defendant in this case is reprehensible and my finding of punitive damages satisfies due process and comports with South Carolina law and will also adequately vindicate the twin purposes of

punishment and in turn support the position of punitive damages. Mitchell, 385 S.C. 587 (S.C. 2009) 686 S.E.2d 185.

I find that the survival action actual damages are \$2,500,000.00 and punitive damages are \$2,500,000.00, and I find that the wrongful death actual damages are \$2,500,000.00 and punitive damages are \$2,500,000.00, I hereby Order that the Clerk of Court enter Judgment against the Defendant in favor of the Plaintiff for the total of all actual and punitive damages.

IT IS SO ORDERED.

June 14, 2024
Walterboro, South Carolina



Benjamin C.P. Sapp, Special Referee

John Grooms, Jr. as PR for the Estate of Patricia Ann Grooms

Barrel House Grille, LLC

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Randolph Murdaugh IV, and Chelci S. Avant, Parker Law Group, LLP

Attorneys for : Plaintiff Defendant
 or
 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), 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 :

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)
John Grooms, Jr. as PR for the Estate of Patricia Ann Grooms	Barrel House Grille, LLC	\$10,000,000.00
If applicable, describe the property, including tax map information and address, referenced in the order:		

RECEIVED
Aug 27 2024
 SC Court of Appeals

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.


Benjamin C.P. Sapp, Special Referee

Judge Code

6-14-24

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

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.