

Bamberg Bar. The Hearing was held via a remote videoconference of the parties. After considering the parties' memoranda or return to the motion and after hearing arguments from both counsels, the undersigned judge **GRANTS** Plaintiff Motion for post-judgment interest and **DENIES** the Plaintiff's Motion for attorneys' fees.

THEREFORE, based upon a thorough review of the pleadings in this matter and after considering counsels' arguments, the Court makes the following findings of fact:

FINDINGS OF FACT

1. On February 20, 2024, Plaintiff Ronnie D. Tyson obtained a judgment by jury verdict against Defendant Regional Medical Center for \$3,000,000.00 [hereinafter referred to as "the verdict"].
2. The RMC is a state agency subject to the S.C. Tort Claims act.
3. As a result of post-trial motions, the verdict was reduced to \$1.2 million as required by the SC Torts Claims Act by order of the Court dated July 08, 2024 [hereinafter referred to as the "reduced verdict"].
4. The time to file an appeal has expired, and the reduced verdict is now payable to the Plaintiff.
5. After the time that all the post-trial motions had been resolved by the Court and after the time to file an appeal had expired, the parties' attorneys had certain discussions concerning the payment of the judgment in this matter.
6. The Defendant is subject to the state's Tort Claim Act. Therefore, the judgment at issue in this case must be paid by the State Reserve Fund, which requires certain payment work to be complete to obtain the judgment check.

7. Counsel for Plaintiff initiated the paperwork to acquire the judgment check from the State Reserve Fund, and counsel for the Defendant contends that "settlement discussions" ensued between the parties.
8. The Court does not find that such discussions were settlement discussions because the case had been resolved by the jury and the Court's resolution of the post-trial motions. Therefore, the case was not in a procedural posture for settlement discussion. However, the characterization of the discussion is unnecessary because regardless of the true nature of the discussion, no agreement was reduced to writing and placed on the record of the case. To that end, I find that no discussions between the parties at this juncture could impact on the proceedings unless such discussion were placed on the records as required by the law cited below.

CONCLUSIONS OF LAW

- a. As a state agency, the RMC is liable for its torts in the same manner and to the same extent as a private individual under like circumstances, subject to the limitations upon liability, exemptions, and damages as contained in the provisions of the S.C. State Torts Claim Act. *See, Baker v. Sanders*, 301 S.C. 170, 172-173 (S.C. 1990).
- b. Adding post-judgment interest is a ministerial act to be performed by the Clerk of Court for the County of Orangeburg.
- c. Post-judgment interest is not disallowed under the S.C. Tort Claim Act—only prejudgment interest is prohibited under such act under *S.C. 15-78-120(5)(b)*.
- d. *Section 15-78-120* merely limits the amount of money recoverable in an action under the Tort Claims Act and limits punitive or exemplary damages and prejudgment interest. None of these limitations preclude the Plaintiff from obtaining post-judgment interest on a jury verdict.

e. *Rule 43(k), SCRPC*, provides that "[n]o agreement . . . in an action shall be binding unless reduced to the form of a consent order or written stipulation signed by counsel and entered in the record, or unless made in open court and noted upon the record.

f. A money decree or judgment of a court enrolled or entered must draw interest according to law. *S.C. Code 34-31-20(B)*.

g. *Rule 43(k)* "is intended to prevent disputes as to the existence and terms of agreements regarding pending litigation" and "to relieve the court of the necessity of determining such disputes." *See, Kinghorn v. Sakakini, 426 S.C. 147, 153 (Ct. App. 2019)*.

h. *Rule 43(k)* identifies the prerequisites that must be met in order for "agreements of counsel" to be binding. *Rule 43(k), SCRPC*.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED

that:

a. Plaintiff's motion for post-judgment interest is **GRANTED**. The Plaintiff is entitled to post-judgment interest that commenced thirty days after the post-judgments motions were decided by this Court and continues until the date this order is filed, unless footnote number one is satisfied by the Defendant. The Clerk of Court for Orangeburg County shall add post-judgment interest to the final judgment as the law requires.

b. Any alleged agreement between the parties is hereby rejected by this Court because it does not comply with the requirements of *Rule 43(k), SCRPC*

c. Plaintiff's Motion for attorney fees is **DENIED**.

d. Any appeal of this Order shall not prevent the disbursement of the tendered proceeds because the time to file an appeal on the judgment has expired.

SO ORDERED!

Dated: _____ 2024

Honorable Diane S. Goodstein
Presiding Judge of the 1st Circuit Court



Orangeburg Common Pleas

Case Caption: Ronnie D. Tyson , plaintiff, et al VS TRMC of Orangeburg and Calhoun Counties , defendant, et al

Case Number: 2023CP3801240

Type: Order/Other

It is so Ordered!

s/Diane S. Goodstein