

represented the Defendant. It is the Courts understanding the Defendant did not authorize Mr. Price to appear on the Defendants behalf any longer because when the Court notified Mr. Price of a hearing regarding the treble damages and attorney's fees and costs Mr. Price responded that he no longer represented the Defendant in the matter and that "I assure you, Mr. Copanando does not want me there." Exhibit B – Bentley Price email.

The Court next contacted the Defendant's appellate counsel, Ryan Love and Adam Mlynarczyk, to inquire if they would appear to discuss the attorney's fees and court costs. Appellate counsel informed the Court that they were not counsel for the trial level and would not be attending a hearing on the issue of the attorney's fees and court costs.

The Court is of the belief that the jury verdict was not the final verdict in this matter. Further, the Court finds that this Order is the final Order from which a full appeal can be taken.

The jury found, by clear and convincing evidence, Defendant's conduct to be reckless, willful, and/or wanton. See Exhibit A – Verdict Form. Given this finding, Plaintiff requested that the Court treble Plaintiff's damages in accordance with S.C. Code Ann. § 39-5-140(a), which states:

Any person who suffers any ascertainable loss of money or property, real or personal, as a result of the use or employment by another person of an unfair or deceptive method, act or practice declared unlawful by § 39-5-20¹ may bring an action individually, but not in a representative capacity, to recover actual damages. If the court finds that the use or employment of the unfair or deceptive method, act or practice was a willful or knowing violation of § 39-5-20, the court shall award three times the actual damages sustained and may provide such other relief as it deems necessary or proper. Upon the finding by the court of a violation of this article, the court shall award to the person bringing such action under this section reasonable attorney's fees and costs.

¹ S.C. Code Ann. § 39-5-20. Unfair methods of competition and unfair or deceptive acts or practices unlawful; application of interpretations of Federal act.

(a) Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.

(b) It is the intent of the legislature that in construing paragraph (a) of this section the courts will be guided by the interpretations given by the Federal Trade Commission and the Federal Courts to § 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)), as from time to time amended.

S.C. Code Ann. § 39-5-140(a).

The Court concurs with the jury's finding, Plaintiff presented evidence that the unfair and deceptive acts of Defendant were willful and/or knowing violations of S.C. Code Ann. § 39-5-20. The Plaintiff presented evidence that the owner of Port City Machinery changed the number of hours on the bulldozer in his computer system on the same date that his staff put the correct information in the system. The Defendant's conduct in violating the Act was knowing and willful, and as such, the Court grants Plaintiff's request to treble actual damages and for an award of attorney's fees. It is hereby Ordered that Plaintiff's actual damages of One Hundred and Twenty Thousand Dollars (\$120,000.00) be trebled, resulting in an award of Three Hundred and Sixty Thousand Dollars (\$360,000.00). Pursuant to S.C. Code Ann. § 39-5-140(a), Plaintiff is also entitled to an award of reasonable attorney's fees and costs. Plaintiff's counsel has submitted an itemization of time, rate(s) of pay, and costs in the amount of Fifty-Four Thousand Five Hundred Sixty-Nine Dollars and Seventeen Cents (\$54,569.17) which the Court finds reasonable and customary given the case, counsel and the effort required.

THEREFORE, this Court finds Plaintiff's actual damages to be Three Hundred and Sixty Thousand Dollars (\$360,000.00) and reasonable attorney's fees and costs to be Fifty-Four Thousand Five Hundred Sixty-Nine Dollars and Seventeen Cents (\$54,569.17). This Court hereby Orders the Clerk of Court to enter a Judgment against Defendant in favor of Plaintiff for Four Hundred Fourteen Thousand Five Hundred Sixty-Nine Dollars and Seventeen Cents (\$414,569.17).

IT IS SO ORDERED.

[Signature to Follow]

Carmen T. Mullen

May_____, 2025
Colleton, South Carolina



Colleton Common Pleas

Case Caption: Bradley A Welch VS Port City Machinery Llc

Case Number: 2022CP1500640

Type: Order/Other

So Ordered

s/Carmen T Mullen 2142