

Defendant, Marquee Limo Co., LLC, struck him in a crosswalk near the Medical University of South Carolina.

Promptly after the verdict and discharge of the jury, the Court required that all post-trial motions be made at that time. The Plaintiff made no post-trial motions. Defendant requested ten (10) days to make post-trial motions. That request was heard and respectfully denied by this Court.³ The Defense did not object. Defense Counsel then moved for Judgment Notwithstanding the Verdict pursuant to Rule 50, SCRPC. Defense Counsel presented their basis for the motion, and it was denied by this Court. The Court issued its Order denying the Motion for JNOV and entering judgment on March 25, 2025.⁴ The Court's instructions to Counsel were clear that it was requiring all post-trial motions be argued in full or the Court would consider them waived.

Defendant moves this Court for a new trial pursuant to Rule 59, SCRPC, on grounds this Court "improperly instructed the jury on speculative damages and the requirements that damages be ascertainable with a reasonable degree of certainty." (Defense Motion pg. 1). The motion asks this Court to act as the "13th juror" because the verdict is not justified by the evidence.⁵ However, this Court notes that Defense counsel failed to make a contemporaneous objection preserving the issue now raised. A charge conference was held and no objections were interposed to the Court's instructions. Additionally, no contemporaneous objections were made at the close of the Court's instructions to the jury after the Court's inquiry regarding same. Any contemporaneous objections made were heard and ruled on by the Court, are reflected in the trial transcript, and preserved for appellate review. Creech v. South Carolina

³ The Court, very clearly, advised Defense Counsel that it was requiring that all post-trial motions be made promptly after the verdict and discharge of the jury. The Court also clearly articulated and provided the basis for the requirement and its preference.

⁴ The Court denied the Motion for JNOV on March 19, 2025, and made contemporaneous findings of fact and conclusions of law which were incorporated in the written Order as if stated verbatim.

⁵ While this motion is postured as one for a New Trial pursuant to Rule 59, SCRPC, the arguments made simply mirror the arguments made by the Defense in support of its original motion for JNOV.

Wildlife and Marine Resources Dept., 328 S.C. 24, 491 S.E.2d 571 (1997). Post-trial motions are not necessary to preserve issues that have been ruled upon at trial. Bailey v. Segars, 346 S.C. 359, 550 S.E.2d 910 (Ct. App. 2001).

Under Rule 59(b), SCRCP, the motion for a new trial shall be made promptly after the jury is discharged, or in the discretion of the court not later than 10 days thereafter. “In jury trials, post-trial motions are made promptly at the end of the trial, or at the time the court, upon motion, may grant an additional ten days to make them.” Boone v. Goodwin, 314 S.C. 374, 444 S.E.2d 524 (1994).

Here, the Court required post-trial motions promptly after the verdict and the jury was discharged. Thereafter, the Defense request for an additional ten (10) days for filing Motions after the verdict was returned was denied. To allow counsel to disregard the Court’s ruling would be an open invitation to ignore the dictates of the rules and the Court.

Given the Court’s clear discretion and its requirement that post-trial motions be made immediately after the verdict and discharge of the jury, the Defense Motion for New Trial is not timely and is without merit and is therefore Denied.

IT IS SO ORDERED.

Hon. Deadra L. Jefferson
Presiding Judge
Ninth Judicial Circuit

June 4, 2025
Charleston, South Carolina



Charleston Common Pleas

Case Caption: M Edward Wilson Jr VS Paul Brown , defendant, et al
Case Number: 2022CP1002743
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IT IS SO ORDERED.

s/D.L. Jefferson Ninth Judicial Circuit Judge 2128

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