

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

Ali Latefi and Kristen A. Latefi,)
)
Plaintiffs,)

vs.)

Drayton Mills Living, LLC.,)
Defendant.)

IN THE COURT OF COMMON PLEAS)
FOR THE SEVENTH JUDICIAL CIRCUIT)

Case No.: 2024-CP-42-00181)

Order Regarding Post-Trial)
Motions of Defendant)

RECEIVED

Oct 15 2025

SC Court of Appeals

Hearing Date:
Hearing Judge:
Counsel for Plaintiff(s):
Counsel for Defendant(s):
Court Reporter:

Friday, September 12, 2025, 3:00 p.m.
Grace Gilchrist Knie
Scott F. Talley
Patrick L. Still, III
Webex Record Function

This matter was before the Court on Friday, September 12, 2025, at 3:00 p.m. upon Defendant's Motion for Judgment Notwithstanding the Verdict and Motion for New Trial in the Alternative that was filed with the Court on August 29, 2025. Present representing the Plaintiffs was Scott F. Talley, Esq. Patrick L. Still, III, Esq., was present representing the Defendant. This hearing was conducted virtually with the consent of Counsel and recorded by the Webex record function.

PROCEDURAL HISTORY:

This matter was tried before a jury on August 18, 2025, through August 20, 2025. At the close of the Plaintiffs' case, the Defendant made a motion for directed verdict, pursuant to Rule 50(a), SCRCF, which was denied. At the close of all evidence, the Defendant renewed its motion for a directed verdict, which was denied. At the conclusion of the trial, the jury returned a verdict for the Plaintiffs in the amount of \$12,215.52. Pursuant to Rule 59(b), SCRCF, the Court granted

10 days for any post-trial motions to be filed. At issue before the Court are Defendant's post-trial motions filed with the Court on August 29, 2025, specifically Defendant's Motions for an Order for Judgment Notwithstanding the Verdict (JNOV), or for a New Trial.

MOTIONS BEFORE THE COURT:

Motion #1: Defendant's Motion for JNOV:

Defendant argues that the motions for directed verdict were wrongfully denied. South Carolina case law and statute clearly state that a tenant does not have a cause of action against the landlord until the landlord fails to address issues within a reasonable time. It was undisputed by all parties that every time the Plaintiffs complained of any condition, the bats, the bugs, and other pests, the Defendant addressed those issues within a reasonable time as required by the South Carolina Residential Landlord Tenant Act. Specifically Defendant sent a representative from a pest control company in a timely manner. Further, Plaintiffs should not have been allowed to testify regarding statements made by the wildlife contractor hired by the Defendant, and Defendant should have been allowed to impeach the Plaintiffs regarding misrepresentations in their depositions. The Defendant takes the position that the curative instruction was prejudicial. Defendant requests that the Court grant Defendant's Motion for JNOV or in the alternative and failing JNOV, Defendants request a new trial.

In response, Plaintiffs argue specifically that in ruling on a motion for JNOV, the trial court is required to view the evidence and the inferences that reasonably can be drawn therefrom in the light most favorable to the party opposing the motion. Plaintiffs presented evidence which covered in detail all necessary elements of Plaintiffs' causes of action and provided a sufficient basis from which the jury could determine that the verdict that was reached. In deciding such motions, the trial court nor the appellate court has the authority to decide the credibility issues or to resolve

conflicts in the testimony or the evidence. Therefore, Plaintiff introduced ample evidence on which a jury could base its verdict and Defendant's motion for Judgment Notwithstanding the Verdict should be denied.

The Applicable Law- JNOV:

Rule 50, SCRPC, provides as follows:

Motion For A Directed Verdict and For Judgment Notwithstanding the Verdict

(a) **Motion for Directed Verdict: When Made: Effect.** When upon a trial the case presents only questions of law the judge may direct a verdict. A party who moves for a directed verdict at the close of the evidence offered by an opponent may offer evidence in the event that the motion is not granted, without having reserved the right so to do and to the same extent as if the motion had not been made. A motion for a directed verdict which is not granted is not a waiver of trial by jury even though all parties to the action have moved for directed verdicts. A motion for a directed verdict shall state the specific grounds therefor. The order of the court granting a motion for a directed verdict is effective without any assent of the jury.

(b) **Motion for Judgment Notwithstanding the Verdict.** Whenever a motion for a directed verdict made at the close of all the evidence is denied or for any reason is not granted, the court is deemed to have submitted the action to the jury subject to a later determination of the legal questions raised by the motion. A party who has moved for a directed verdict may move to have the verdict and any judgment entered thereon set aside and to have judgment entered in accordance with his motion for a directed verdict; or if a verdict was not returned, such party may move for judgment in accordance with his motion for a directed verdict. A motion for a new trial may be joined with this motion, or a new trial may be prayed for in the alternative. If a verdict was returned the court may allow the judgment to stand or may reopen the judgment and either order a new trial or direct the entry of judgment as if the requested verdict had been directed. If no verdict was returned the court may direct the entry of judgment as if the requested verdict had been directed or may order a new trial....

In ruling on a motion for judgment notwithstanding the verdict, the trial court is required to view the evidence and the inferences that reasonably can be drawn therefrom in the light most favorable to the party opposing the motion. Strange v. South Carolina Dep't of Highways and Pub. Transp., 314 S.C. 427, 429–30, 445 S.E.2d 439, 440 (1994). The motion should be denied where either the evidence yields more than one inference or its inference is in doubt. Id. Moreover, “[a] motion for JNOV may be granted only if no reasonable jury could have reached the challenged verdict.” Gastineau v. Murphy, 331 S.C. 565, 568, 503 S.E.2d 712, 713 (1998). An appellate court

will reverse the trial court's ruling only if no evidence supports the ruling below. Welch v. Epstein, 342 S.C. 279, 536 S.E.2d 408 (Ct. App. 2000). In deciding such motions, neither the trial court nor the appellate court has the authority to decide credibility issues or to resolve conflicts in the testimony or the evidence. RFT Mgmt. Co. v. Tinsley & Adams L.L.P., 399 S.C. 322, 332, 732 S.E.2d 166, 171 (2012). When considering a motion for JNOV, the trial court is concerned with the existence of evidence, not its weight.” Chakrabarti v. City of Orangeburg, 403 S.C. 308, 313, 743 S.E.2d 109, 112 (Ct. App. 2013). “[T]he jury's verdict must be upheld unless no evidence reasonably supports the jury's findings.” Id. The jury’s verdict will not be overturned if any evidence exists that sustains the factual findings implicit in its decision. Smalls v. South Carolina Dep’t of Educ., 339 S.C. 208, 528 S.E.2d 682 (Ct. App. 2000); Hunter v. Staples, 335 S.C. 93, 515 S.E.2d 261 (Ct. App. 1999).

Motion #2, Defendant’s Motion for New Trial:

The Defendant requests, pursuant to Rule 59, SCRPC, for an Order granting a new trial. Specifically, Defendant argues Defendant is entitled to a new trial because this Court can conclude that justice has not prevailed and Defendant set forth evidence during the trial of this case that would support a verdict in Defendant’s favor. Because the verdict was contrary to a fair preponderance of the evidence, Defendant contends that this Court can and should order a new trial absolute because the evidence does not justify the verdict and that the Defendant is entitled to a new trial.

Plaintiffs argue in response to Defendant’s motion for a new trial that the jury heard the evidence, judged the credibility of the witnesses, and arrived at a verdict that is well-supported by the evidence presented. The evidence presented at trial provided a sound basis for the jury’s verdict. That verdict should not be disturbed. A new trial is not warranted and the Court should

decline to grant the motion. The verdict is not excessive and there is no reason to invade the jury's province and that motion should be denied.

The Applicable Law- Motion for A New Trial:

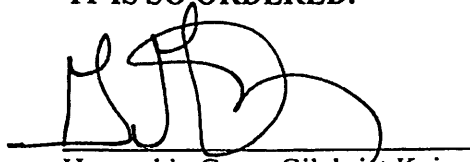
Grant or denial of new-trial motions rests within the discretion of the circuit court. This decision will not be disturbed on appeal unless it is unsupported by the evidence or is controlled by an error of law. Brinkley v. South Carolina Dept. of Corrections, 386 S.C.182, 687 S.E.2d 54 (Ct. App. 2009). When deciding a motion for new trial absolute on the ground that the verdict was contrary to the evidence presented at trial and to the law charged by the Court, the Court cannot pass upon the credibility of witnesses or the weight of the testimony; these are matters for the jury. Dickson v. Girard Fire and Marine Ins. Co., 144 S.C. 183, 187 142 S.E. 348, 349 (1928) and neither an appellate court nor the trial court has the authority to decide credibility issues or to resolve conflicts in the testimony or the evidence. Bass v. S.C. Dep't of Soc. Servs., 414 S.C. 558, 570, 780 S.E.2d 252, 258 (2015). Circuit court should grant a new trial absolute on the excessiveness or inadequacy of the jury verdict only if the amount is so excessive or so grossly inadequate as to shock the conscience of the court and clearly indicates the figure reached was the result of passion, caprice, prejudice, partiality, corruption, or some other improper motives. Brinkley v. South Carolina Dept. of Corrections, 386 S.C. 182, 687 S.E.2d 54 (Ct. App. 2009).

CONCLUSION:

The Court acknowledges and appreciates the amount of research and preparation for the hearing before the Court by Counsel. After consideration of the record, arguments of Counsel, and the applicable law, the Court, after careful consideration of the able arguments and filings of Counsel and review of the record, is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or fact not appropriately

considered. Accordingly, the Court finds that there exists no basis to grant Defendant's Motions for an Order for Judgment Notwithstanding the Verdict (JNOV), or Motion for a New Trial filed with the Court on August 29, 2025, made pursuant to Rules 50 and 59, SCRPC, and the motions should be and are therefore respectfully denied.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'G. Knie', is written over a horizontal line.

Honorable Grace Gilchrist Knie
Resident Judge, Seventh Judicial Circuit

Dated: September 30, 2025
Spartanburg, South Carolina