

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY	)	FIFTEENTH JUDICIAL CIRCUIT
	)	
Wender Segura Lopez and Hector Ramon	)	CASE NO.: 2023-CP-26-03005
Peralta,	)	
	)	<b>ORDER DENYING PLAINTIFFS' OMNIBUS</b>
Plaintiffs,	)	<b>MOTION FOR NEW TRIAL</b>
vs.	)	
	)	
Titan Enterprises of South Carolina, LLC,	)	
	)	
Defendant.	)	
	)	
	)	
	)	
	)	

**RECEIVED**  
**May 18 2026**  
**SC Court of Appeals**

This matter came to be heard before the undersigned on April 2, 2026 in the Court of Common Pleas for Horry County. James Elliott and Payton Hoover appeared on behalf of the Defendant, Titan Enterprises of South Carolina, LLC, and Andre' Rembert appeared on behalf of the Plaintiffs, Wender Lopez and Hector Peralta.

Plaintiffs' Omnibus Motion for a New Trial includes nine (9) separate bases for a new trial, including the cumulative weight of all of them together. After carefully considering the briefing of the parties, including the exhibits, and the arguments of counsel, the Motion for New trial is hereby DENIED.

**I) Defense Attorney Misconduct**

Plaintiffs first allege that defense counsel made false statements of material fact during his opening statement. In support, Plaintiffs' counsel submitted the trial transcript of the portion of the opening statement at issue. It reads as follows, "[H]e also filed this lawsuit under that name and prosecuted it for over a year under that name, until he got caught and had to amend it". The court finds there is ample testimony and evidence in the record to indicate this statement was not

materially false. Defendant Peralta initially filed the Complaint on May 12, 2023 using the name “Keni Antunes”. The Complaint was not amended until January 2, 2024 to reflect Mr. Peralta’s real name. Plaintiffs’ counsel stated that he “discovered” that Mr. Peralta was not “Keni Antunes” while preparing him for a deposition. (*See* Ex. 1 to Plaintiffs’ Omnibus Motion.) In Plaintiffs’ Response in Opposition to Defendants’ Motion to Dismiss Pursuant to Rule 41(b), Plaintiffs’ counsel again stated, “[I]t is not clear exactly when or how, but at some point, in this case, Plaintiffs’ counsel began to think there might be a discrepancy and decided to ask him about his name. That is when he explained it.”

The court finds Mr. Peralta initially told his attorneys that his name was “Keni Antunes” and did not proactively and voluntarily approach Plaintiffs’ counsel to inform them that “Keni Antunes” was not his real name until they confronted him about it. Furthermore, the court finds this information was relevant to Mr. Peralta’s credibility and was, therefore, admissible.

Next, Plaintiffs’ counsel alleges that Defendants’ response to Supplemental Interrogatory Number 9 was “clearly false”. The response to Supplemental Interrogatory Number 9 stated that Defendant Loomis had truck driving experience and was a licensed CDL driver when he was hired by Titan. Plaintiffs’ counsel claims this statement was in contradiction to responses he received from questions he asked of Mr. Loomis and Titan’s 30(b)(6) representative (Jack Pereira) in their depositions. However, the court finds that the deposition questioning involved work experience and not truck driving experience in general. The evidence at trial was clear that Mr. Loomis had operated a commercial vehicle during his CDL training. Mr. Loomis’ testimony was read into the record at trial. Mr. Loomis testified that over half of his CDL training was on the road training in a commercial vehicle; driving all over Horry County.

The court finds that: (1) there was evidence that Mr. Loomis had operated a commercial vehicle prior to being hired at Titan and (2) Titan was his first commercial vehicle job. There is nothing inconsistent about these findings; both things can be true at the same time. Furthermore, as Plaintiffs' counsel notes in his briefing, he had the discovery responses prior to taking the depositions and certainly could have asked more direct questions regarding the Interrogatory Response, if he wanted to inquire further.

Lastly, Plaintiffs' counsel alleges that the Defendants' Motion to Dismiss Under Rule 41(b), Rule 11 and the Court's Inherent Authority for Fraud Upon the Court was filed for an improper purpose. In making this assertion, Plaintiffs' counsel fails to account for the multiple grounds on which the motion was made; focusing only on Mr. Peralta's actions related to his true identity. While that was certainly listed as a ground for filing the motion, the motion also included additional grounds including Plaintiffs' counsel's: (1) refusal to withdraw the medical bills Mr. Peralta had produced in discovery and was intending to enter in evidence as damages that were not issued in his real name and (2) refusal to amend the Complaint to conform with Plaintiffs' sworn deposition testimony.<sup>1</sup>

There was no evidence presented that would indicate that this motion was used in settlement negotiations as a bargaining tool. Additionally, there is no evidence that the motion was filed solely to obtain an advantage in the case. (*Emphasis added.*) While the motion was ultimately unsuccessful, the bases included in it were not frivolous in nature, supported by coherent argument and contained evidence supporting the arguments presented.

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<sup>1</sup> In the Complaint, Plaintiffs alleged they had no recollection of the accident and had crossed over the center line. In their depositions, both swore that they did recall some details of the accident and did not cross the center line.

## II) Evidence of Prejudice in the Deliberation Room

Plaintiffs moved for a New Trial arguing that improper prejudicial statements were made about the immigration status of the Plaintiffs by two jurors, and the prejudicial statements were a substantial motivating factor in the verdict. In support of their argument Plaintiffs filed, under seal, two juror affidavits and a recording of statement by one of the jurors submitting an affidavit. The alleged prejudicial statements were that:

“There was a demonstration with ICE outside, they should have turned these two in”

“They don’t belong here”

“They are illegal and shouldn’t be here”

“He’s illegal”

“He’s just trying to lie because he’s just an illegal immigrant”

Defendants moved to strike the affidavits and filed an opposition to the Motion for a new trial.

South Carolina Rules of Evidence, Rule 606(b) forbids testimony from jurors “as to any matter or statement occurring during the course of the jury’s deliberations or to the effect of anything upon that or any other juror’s mind or emotions as influencing the juror to assent to or dissent from the verdict . . . or concerning the juror’s mental processes in connection therewith”. A court can take testimony from a juror about (1) extraneous prejudicial information improperly brought to the jury’s attention or (2) outside influence that was improperly brought to bear upon any juror. Rule 606(b), SCRE.

The principals involved in Rule 606(b) have long been established under the common law of South Carolina as the “No-Impeachment Rule” before they were codified in the Rules of Evidence. Under this rule, a juror may not present testimony as to the deliberations in the jury

room as to any mistake, irregularity, or misconduct on the part of the jurors or which would impeach the verdict or contradict the record. *Lynch v. Carolina Self Storage Centers*, 760 S.E.2d 111, 115 (S.C.Ct.App. 2014); *Barsh v. Chrysler Corp.*, 262 S.C. 129, 203 S.E.2d 107(1974); *State v. Wells*, 249 S.C. 249, 153 S.E.2d 904 (1967); *Caines v. Marion Coca-Cola Bottling Co.*, 196 S.C. 502, 14 S.E.2d 10 (1941). Where a party seeks a new trial on the ground of impropriety involving the jury, he is required to prove both misconduct and the resulting prejudice, *State v. Covington*, 539 S.E.2d 67, 70 (S.C. 2000). Initially the court has to make a factual determination as to whether juror misconduct occurred. *Id.* If the court finds a juror did commit misconduct then the court must determine if the misconduct affected the verdict, warranting a new trial. *Id.*

As a general rule, juror testimony may not be the basis for impeaching a jury verdict. When extraneous influence is alleged, a juror can normally testify; however, when the misconduct alleged is internal (taking place inside the jury room), courts are stricter. Normally, juror testimony involving internal misconduct is competent only when necessary to ensure due process, i.e. fundamental fairness. *State v. Hunter*, 463 S.E.2d 314, 316 (S.C. 1995). In *Hunter*, the allegations concerned the influence of racial prejudice on a verdict. The court held, “[i]f a juror claims prejudice played a role in determining the guilt or innocence of a defendant, investigation into the matter is necessary. To hold otherwise would violate ‘the plainest principles of justice.’ ” *Hunter*, 320 S.C. at 88, 463 S.E.2d at 316 (citing *McDonald v. Pless*, 238 U.S. 264, 35 S.Ct. 783, 59 L.Ed. 1300 (1915)).

In *State v. Franklin*, the defendant filed a motion for new trial based on juror conduct caused by undue coercion and gender bias, raising a question of fundamental unfairness. *State v. Franklin*, 341 S.C. 555,, 558-559, 534 S.E.2d 716, 718 (Ct.App. 2000). There a female juror submitted an affidavit alleging that when she was the sole vote to acquit she was called, “stupid”,

“a dumb bitch”, “a child” and other names by other jurors. *Id.* 341 S.C. at 559-560, 534 S.E.2d at 718. She was also yelled at by other jurors and the judge arraigned for a bailiff to walk her to her car. *Id.* In denying the motion the court held:

In conclusion, we emphasize that the exception to the general rule against review of internal jury deliberations carved out in *Hunter* is a narrow one, limited by our supreme court to those few situations which implicate due process raising a question of fundamental fairness. A jury verdict which is based upon racial discrimination fits within this definition. But the integrity of the jury system is jeopardized any time a court finds it necessary to intrude into the internal deliberation process. Such an inquiry should not be lightly made.

The nature of the jury process can be intimidating to those who dislike confrontation and debate. It is all the more difficult in a criminal case, where jurors are most likely to feel the weight of their decision. In the setting of a confined deliberation room, it is understandable that some jurors become very sensitive to the outward manifestations of anger or animosity exhibited by other jurors who do not share the same point of view. Needless to say, not every juror is well versed in the art of gentle persuasion.

*Id.* 341 S.C. at 562 534 S.E.2d at 720.

Conduct from a single jury or juror that is simply troubling, unacceptable or results in a compromised verdict does not rise to the level needed to obtain evidence otherwise prohibited by Rule 606(b) and the “No-Impeachment Rule”. *Pena-Rodriguez v. Colorado*, 580 U.S. 206, 197 L.E.2d 107 (2017). Not every offhand comment indicating racial bias or hostility will justify setting aside the no-impeachment bar to allow further judicial inquiry. For the inquiry to proceed, there must be a showing that one or more jurors made statements exhibiting overt racial bias that cast doubt on the fairness and impartiality of the jury’s deliberations and resulting verdict. *Id.* Jurors should be assured that once they are discharged, they will not be dragged back into court to rehash the deliberations or be harassed by a party challenging the verdict. *Id.*

The only allegations that the courts have held to rise to the level of due process guarantees involve extreme cases of racial prejudice in criminal trial settings. Even in those cases, the

statement must tend to show that racial animus was a significant motivating factor in the juror's vote to convict. *Id.* When, as here, affidavits provide nothing more than internal influences coming from the jurors themselves or generalized bias against a party unconnected to any specific facts about the plaintiffs or the accident that are not in the record, Rule 606(b) requires the exclusion of testimony or affidavits by jurors that claim other jurors expressed generalized bias against a party during jury deliberations. *Lynch v. Carolina Storage Centers, Inc.*, 409 S.C. 146, 760 S.E.2d 111 (S.C. App. 2014).

The unsworn recorded phone call of juror 93 with Plaintiffs' counsel (Plaintiffs' Ex. 5) is full of information regarding the internal deliberations among the jurors in the jury room that are specifically prohibited from inquiry or review by this court under Rule 606(b). Likewise, the two affidavits from Juror 93 and 401 (Plaintiffs' Motion for a New Trial Exs. 6 & 7) are also filled with matters or statements occurring during the course of the jury's deliberations; the effect of deliberations upon that juror's mind; emotions influencing the juror to assert or to dissent from the verdict; and statements concerning the juror's mental processes in connection therewith. All barred under Rule 606(b) and the "No-Impeachment Rule" from judicial review or consideration.

The vast majority of the statements in the affidavits concern conduct and complaints typical in a jury room. The affidavits assert:

- Deliberations were stressful;
- Jurors made their minds up early in the deliberation process;
- Discussing all of the evidence was difficult;
- Bullying occurred;
- Some jurors wanted to stop deliberations;
- Some jurors wanted to keep voting;

- The affiant felt pushed; and
- The affiant felt her thoughts and the facts did not matter.

These comments and those that concern immigration status do not raise a question of fundamental unfairness. No where do the affidavits point to compelling evidence of a clear and explicit statements that immigration status (even if a basis for further inquiry) was a significant motivating factor in any jurors vote. The affidavits specifically state that the comments did not play a role in juror's verdict and the affiants understood the comments regarding legal residency were not relevant to the facts at issue in the case. Specifically, juror 401's affidavit states, "after much debate, yes, we found Titan negligent, but not responsible for injuries" and "we finally agreed that question 2 on the form was "no", therefore there was no more deliberations". Juror 93's affidavit states "what mattered was the accident and who was at fault"; "I tried to say the status of the men was not on trial, the accident was" and "we couldn't get our point across, so the "yes's" finally gave in".

The affidavits and recorded phone call do not evidence juror misconduct that invokes the narrow exceptions to the "No-Impeachment Rule" or Rule 606(b). Moreover, the evidence, even if considered, does not make a threshold showing of compelling evidence of clear and explicit statements showing that racial bias or any other improper bias was a significant motivating factor in the verdict. Therefore, there is no evidence of unfairness or lack of impartiality in the deliberation or verdict.

### **III) Potential Jury Tampering**

Plaintiffs' counsel alleged jury tampering with no supporting evidence. Counsel asserts that there was a protest in support of ICE, which was taking place in front of the old courthouse (not the courthouse where the trial was taking place) and coincided with the last day of this trial, was somehow organized by a juror and was, therefore, jury tampering. Jury tampering is a crime punishable by a fine or jail time. S.C. Code Ann. § 16-9-350. Plaintiffs' counsel relies on Juror 93's statement that she heard another juror state there was an ICE rally taking place that day. Plaintiffs' counsel does not know how this juror came across this information but acknowledges that the juror had his cell phone prior to deliberation and since Plaintiffs' counsel was able to find at least one social media posting about the event prior to deliberations beginning, he speculates that jury tampering occurred.

Plaintiffs' counsel puts forth no evidence of jury tampering.

### **IV) SCRE Rule 403 Evidence Admitted**

This particular argument for a new trial takes issue with rulings by this court during pre-trial Motions in Limine. The court notes, "[M]aking a motion in limine to exclude evidence at the beginning of trial does not preserve an issue for review because a motion in limine is not a final determination. The moving party, therefore, must make a contemporaneous objection when the evidence is introduced." *Samples v. Mitchell*, 329 S.C. 105, 108 (1997). Plaintiffs' counsel argues that the admission into evidence of Mr. Lopez's lack of a driver's license, receiving a ticket for not having a driver's license and Mr. Peralta's use of "Keni Antunes" as his name were unduly prejudicial.

The court finds that Mr. Lopez's lack of a valid South Carolina driver's license was relevant to this matter; where there was evidence that Mr. Lopez was driving on the wrong side of the roadway. The lack of a valid driver's license was evidence that he had not been properly trained on how to operate a vehicle in the state of South Carolina, did not undergo any testing, did not have the proper provisional license (including the supervised driving the provisional license requires) and could not legally operated a vehicle on the roadways of this state. This lack of licensing and training could certainly lead to a lack of understanding of the markings on the roadway and effect his ability to properly react to a sudden emergency.

Additionally, the information regarding Mr. Lopez's lack of licensing and receiving a ticket for the same came into evidence at trial, without an objection or motion to strike, through witnesses called by Plaintiffs' counsel, including Mr. Lopez and Trooper Wilkes. Lastly, since the jury did not reach the issue of Plaintiff Lopez's alleged comparative negligence, the admission of this evidence would not have played any substantive role in the jury's deliberations, which focused solely on Defendant Titan's negligence.

This court also finds that Mr. Peralta's use of the name "Keni Antunes" was relevant evidence related to his ability to tell the truth. The court further finds that truthfulness is always relevant at trial, especially in a case where there are competing version of events. Jurors must be able to assess the witnesses' credibility. If there was any prejudice to Mr. Peralta as a result of this evidence, he only had himself to blame. He is the one that gave the information to law enforcement, medical personnel and his attorneys. Lastly, this information was admitted without objection at the trial of this matter; most of it elicited by direct examination of Mr. Peralta by his own counsel.

**V) Introduction of Evidence of No License**

The South Carolina Rules of Evidence assert that evidence “which is not relevant is not admissible.” Rule 402, SCRE. The rules define relevant evidence as “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.”

As discussed above, Mr. Lopez’s lack of a valid driver’s license of any kind is extremely relevant to his training and ability to operate a motor vehicle on the roadways of this state. It is evidence that he did not possess the qualifications and training required of drivers in this state. When there is evidence that Mr. Lopez was operating his vehicle on the wrong side of the road and may not have reacted properly to the emergency situation he created, his lack of training and qualifications is consequential. As our courts have stated, “[O]peration of a motor vehicle without a license is unlawful and negligence per se. *Cirosky v. Smathers*, 128 S.C. 358 (1924).

#### **VI) Introduction of Convictions for No License and Crossing the Center Line**

Evidence related to Plaintiff Lopez being tried and convicted in his absence for the charge of driving left of center was introduced into evidence, without objection or motion to strike, by Plaintiff’s counsel through his own witness, Trooper Wilkes. At that point, Plaintiff had opened the door for further questioning. Furthermore, Plaintiffs’ own Complaint clearly alleges that Mr. Lopez was driving left of center just prior to the accident. Additionally, Plaintiff Lopez testified, at trial, without objection, that he was driving without a valid South Carolina driver’s license. Wherefore, even if the evidence of the tickets or conviction were entered into evidence in error, the error was harmless, as the information was already in evidence through other means. Lastly, since the jury did not reach the issue of Mr. Lopez’s comparative fault, the objectionable evidence could not have played any substantial role in the jury’s decision; which solely focused on Defendant Titan’s negligence.

## VII) Barring the Plaintiffs' Expert Solely Due to Time Consideration

Plaintiffs assert that one of their experts, Rudolfo Invernizzi, was improperly excluded based solely on late notice. They cite to *Burke v, Republic Parking Sys., Inc.*, 421 S.C. 553, 808 S.E.2d 626 (Ct. App. 2017) as support for their arguments.

By way of background, on October 31, 2026 the parties consented to a date certain trial that was set for the week of February 9, 2026. On January 26, 2026 at 5:14 PM EST, Plaintiffs' counsel supplemented their Interrogatory Responses with a 5<sup>th</sup> Supplement, which identified, for the first time, Mr. Invernizzi, as a commercial driving expert. While this identification did not contain a report, it stated that Mr. Invernizzi intends to offer expert testimony related to Defendant Loomis' decision making when he was getting out of the way of the Plaintiffs' van which was traveling on the wrong side of the road just prior to the accident. In their opposition to the Defendant's Motion to Exclude Invernizzi, Plaintiffs argued there would be no unfair surprise because the expert would be presented to merely reiterate the CDL manual instructions.

Defendants moved to exclude Mr. Invernizzi on January 26, 2026. In the motion the defendants analyzed the *Jumper* factors and how they supported the exclusion of the expert. See Defendants' Motion to Exclude Plaintiffs' Expert.

After reading the briefs and oral argument, the Court granted the Motion to Exclude on February 3, 2026. In doing so the Court considered the *Jumper* factors as argued in the briefs and oral arguments, and held the late designation prejudiced the defense in that they were not given an ample opportunity to obtain their own expert and to depose Mr. Invernizzi.

The admission or exclusion of evidence is a matter within the trial court's sound discretion, and an appellate court may only disturb a ruling admitting or excluding evidence upon a showing of a 'manifest abuse of discretion accompanied by probable prejudice.' ” *Burke v, Republic*

*Parking Sys., Inc.*, 421 S.C. at 558, 808 S.E.2d at 628 citing *State v. Commander*, 396 S.C. 254, 262–63, 721 S.E.2d 413, 417 (2011) (quoting *State v. Douglas*, 369 S.C. 424, 429, 632 S.E.2d 845, 847–48 (2006)). “An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law.” *Id.* citing *State v. Pagan*, 369 S.C. 201, 208, 631 S.E.2d 262, 265 (2006). Determining whether prejudice exists “depends on the circumstances” and “the materiality and prejudicial character of the error must be determined from its relationship to the entire case.” *Id.* citing *State v. Taylor*, 333 S.C. 159, 172, 508 S.E.2d 870, 876 (1998) (quoting *State v. Mitchell*, 286 S.C. 572, 573, 336 S.E.2d 150, 151 (1985)). Prejudice in this context means “there is a reasonable probability the jury’s verdict was influenced by the wrongly admitted or excluded evidence.” *Id.* citing *Vaught v. A.O. Hardee & Sons, Inc.*, 366 S.C. 475, 480, 623 S.E.2d 373, 375 (2005).

The exclusion of Mr. Invernizzi could not have had any prejudicial effect on the jury or its verdict. According to Plaintiffs’ own arguments in opposition, this “expert” was being called simply to introduce the CDL training manual. The court allowed the CDL training manual to come into evidence and it did. The jury was aware of the CDL training manual and what it said (and did not say) because witnesses testified about the language in the CDL training manual, and counsel for both parties discussed its contents in closing statements. Additionally, the court instructed the jury specifically about what weight the CDL training manual should carry in its deliberations and that it was not the law and did not create any duty for Titan’s driver. Any information this “expert” was going to impart to the jury was introduced into evidence without him. In the end, it is immaterial because the jury found Titan negligent, so striking this “expert” was not a factor in the juror’s verdict. The jury found Titan negligent without his assistance. Therefore, Plaintiffs have provided no evidence that they were prejudiced in anyway by the exclusion of this witness.

Further, counsel failed to preserve the argument as he did not proffer the purported expert at trial. South Carolina Rule of Evidence, Rule 103 establishes the fundamental requirement for preserving appellate issues when evidence is excluded. The Rule mandates that, when evidence is excluded, error may not be considered unless "the substance of the evidence and the specific evidentiary basis supporting admission were made known to the court by offer or were apparent from the context". This requirement applies to all excluded evidence, including expert testimony.

The South Carolina Court of Appeals has consistently emphasized that "a proffer of testimony is required to preserve the issue of whether testimony was properly excluded by the trial judge, and an appellate court will not consider error alleged in the exclusion of testimony unless the record on appeal shows fairly what the excluded testimony would have been." *State v. Santiago*, 370 S.C. 153 (2006). South Carolina courts have explicitly rejected the argument that pre-trial exclusion orders eliminate the need for trial proffers. In *State v. Barrett*, the Court of Appeals clarified that "making a motion in limine to exclude evidence at the beginning of trial does not preserve an issue for review because a motion in limine is not a final determination. The moving party, therefore, must make a contemporaneous objection when the evidence is introduced". *State v. Barrett*, 416 S.C. 124 (2016). This principle extends to all forms of pre-trial expert exclusions. In *State v. Plumer*, the Court of Appeals found that an issue regarding expert testimony exclusion "is unpreserved for appellate review because Plumer made no request or attempt to proffer Dr. Bennett's testimony at trial" *State v. Plumer*, 433 S.C. 300 (2021).

For these reasons Plaintiffs' Motion is denied based on alleged improper exclusion of Mr. Invernizzi.

### **VIII) 13<sup>th</sup> Juror**

Plaintiff asserts that the court should hang the jury, thereby invalidating the jury's verdict at trial. Plaintiffs' counsel argues that it is impossible for the jury to find negligence on the part of Titan but not find proximate cause. The court finds negligence and proximate cause are two separate issues; each being a distinct element of the negligence cause of action. Defense counsel cited numerous cases where a defendant's negligence was found, as a matter of law, not to be the direct, efficient and primary cause of the accident. Those courts typically describe the defendant's negligence as incidental. This type of finding is common in claims, like this one, involving a sudden emergency and/or wrong way driving.

The jury could have decided the brakes on the Titan vehicle were defective, but believed the defense expert's opinion that the brakes did not force the truck to the left. The jury could have taken issue with Mr. Loomis' decision to turn left, but decided that it was in response to a sudden emergency caused by Plaintiff Lopez or that the van corrected **after** Mr. Loomis moved left and it was, therefore, Mr. Lopez's correction after Loomis moved left that proximately caused the accident. Finally, the jury could have decided that Titan's negligence was incidental and the direct, efficient, and primary cause of the accident was Plaintiff Lopez's wrong way driving. These were all argued by the defense at trial.

This court finds there is no evidence supporting Plaintiffs' contention that Plaintiffs' residency played a significant motivating factor in the jury's verdict. Additionally, the court finds the verdict form was appropriate and standard for this type of case. The court further finds that the jury knew the procedure for contacting the judge if they had questions during deliberations and that they did so on one occasion. This court further finds that the verdict form clearly indicated that answering "no" to issue number two would end deliberations.

To the extent the Plaintiffs allege the verdict was a compromised verdict, the court finds that it cannot inquire into that allegation under Rule 606(b) or the “No-Impeachment Rule”. However, all verdicts are compromised verdicts to some extent when the jurors do not immediately unanimously agree; such is the nature of deliberations.

**IX) Cumulative Weight**

Because this court has ruled that none of the underlying individual bases cited by Plaintiffs’ counsel would support the motion for a new trial, the court need not address the cumulative effect.

It is not up to this court to disturb the jury’s unanimous verdict. Under the law, it cannot. To do so would cast doubt and uncertainty on every verdict rendered in this state. This is exactly why Rule 606(b) was put in place. What goes on in the jury room during deliberations is left to the jurors in all but a few exceptional circumstances that are not present here.

WHEREFORE, Plaintiffs’ Omnibus Motion for a New Trial is hereby Denied.

IT IS SO ORDERED.,

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Hon. B. Alex Hyman  
Circuit Court Judge Presiding

This the \_\_ day of April, 2026



## Horry Common Pleas

**Case Caption:** Wender Segura Lopez , plaintiff, et al VS David Lyle Loomis ,  
defendant, et al  
**Case Number:** 2023CP2603005  
**Type:** Order/Other

15th Circuit Resident Judge

s/ B. Alex Hyman