

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)
)
)
Jawana Wilson as Personal Representative)
of the Estate of Janet Wilson)
)
)
Plaintiff,)
)
v.)
)
)
Sumter County Sheriff's Office)
)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

RECEIVED
May 27 2026
SC Court of Appeals

ORDER

C/A NO. 2022-CP-43-00728

This matter is before the Court pursuant to Rule 59 (e) SCRCF. The Plaintiff seeks an Order of this Court amending or altering its Order of December 15, 2025. A hearing on the motion for reconsideration was held via WebEx on March 11, 2026.

Having duly considered the motion for bifurcation, this Court has determined the motion for reconsideration of the bifurcation order shall be granted in part and denied in part. The Order of December 15, 2025 is vacated and replaced by this Order. While the December 15, 2025, Order is vacated, the Court finds bifurcation of the employment related causes of action is warranted solely because of danger of unfair prejudice to the Defendant.

The issue of prejudice conclusively weighs in favor of bifurcation. Even when the other factors listed in Rule 42(b) would otherwise be served by not bifurcating, a court still abuses its discretion in failing to bifurcate when inevitable prejudice to a party would result such that the party cannot receive a fair trial on a claim. *See Dixon v. CSX Transp., Inc.*, 990 F.2d 1440, 1445 (4th Cir. 1993).

One major source of prejudice if the claims and issues are tried together is the fact that much of the evidence relevant to the employment-related claims and issues would be likely inadmissible in a trial relating only to a single vehicle accident. *See, e.g., Dawson v. Prince George's Cty.*, 896 F. Supp. 537, 540 (D. Md. 1995) (ordering bifurcation in a police case also involving municipal liability based, in part, on the conflict between the admissibility of prior acts for purposes of municipal liability but not against the individual officers under Rule 404(b) and noting that the best way to avoid this conflict is to bifurcate).

Such evidence would also run the risk of inflaming the jury, which favors separate trials. *Mardell v. Harleysville Life Ins. Co.*, 65 F.3d 1072, 1074 n.2 (3d Cir. 1995) (finding “bifurcation may sometimes be advisable as a vehicle to insure that . . . evidence not be improperly used during the liability phase”); *Laitram Corp. v. Hewlett-Packard Co.*, 791 F. Supp. 113, 116 (E.D. La. 1992) (a jury having to potentially consider evidence that may be admissible on only one issue is a factor supporting bifurcation). This is exactly the kind of prejudice the rule is intended to avoid. *See, e.g., State v. Hawes*, 423 S.C. 118, 129, 813 S.E.2d 513, 519 (Ct. App. 2018) (“Unfair prejudice means an undue tendency to suggest a decision on an improper basis.”). Courts have recognized that the type of evidence that would be inadmissible under Rule 404(b), SCRE, relating to prior bad acts is inadmissible for a reason—it has “the potential to be exceedingly prejudicial.” *Magnolia N. Prop. Owners' Ass'n, Inc. v. Heritage Communities, Inc.*, 397 S.C. 348, 360, 725 S.E.2d 112, 119 (Ct. App. 2012). The evidence relating to Deputy West’s employment history is the kind of evidence that would likely be inadmissible under Rule 404(b). Therefore, such evidence would be “exceedingly prejudicial” to the Defendant if the claims and issues are tried together.

This Court makes no findings or conclusions as to the mode of trial beyond granting the Defendant's motion for bifurcation. The mode of trial is left to the sound discretion of the presiding trial judge. Rule 611. SCRE.

AND IT IS SO ORDERED.

Sumter, South Carolina

April _____, 2026

R. Kirk Griffin
Judge, Third Judicial Circuit



Sumter Common Pleas

Case Caption: Jawana Wilson, As Pr Of The Estate Of Janet Wilson VS Sumter
County SheriffS Office
Case Number: 2022CP4300728
Type: Order/Other

So Ordered

s/ R. Kirk Griffin 2768