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Jun 08 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Courtney Clyburn-Pope, Circuit Court Judge
Maite Murphy, Circuit Court Judge

Appellate Case No.: 2025-001435

Karen Fine.....Respondent,

v.

Herman Brown Hamrick,.....Appellant.

RECORD ON APPEAL

Thomas O. Sanders, IV (SC Bar #64887)
Sanders Law Firm, LLC
1738 Oaks Avenue
Charleston, SC 29407
(843) 573-8828
tosanders@sanderslawfirm.com
Attorney for Respondent

R. Hawthorne Barrett (SC Bar #16973)
Turner Padget Graham & Laney, PA
P.O. Box 1473
Columbia, SC 29202
(803) 227-4219
tbarrett@turnerpadget.com
Attorney for Appellant

INDEX OF RECORD ON APPEAL

Orders, Judgments and Decrees:

Order/Decision of Arbitration filed September 25, 2024	001
Order granting Plaintiff's Motion to Deem Admitted and to Compel filed April 1, 2025.....	002
Order denying Defendant's Motion for Reconsideration filed June 17, 2025.....	005
Order Granting Summary Judgment to Plaintiff filed September 23, 2025	008
Order Granting Summary Judgment to Plaintiff filed October 13, 2025	012

Pleadings:

Summons and Claim for Property Damage filed July 11, 2024	015
Answer filed August 06, 2024	017
Claimant's First Interrogatories to Defendant dated August 09, 2024	020
Claimant's First Requests for Production to Defendant dated August 09, 2024	023
Claimant's First Requests for Admission to Defendant dated August 09, 2024	026
Defendant's First Interrogatories to Plaintiff dated August 16, 2024.....	028
Defendant's First Requests for Production to Plaintiff dated August 16, 2024.....	031
Claimant's/Plaintiff's Motion to Compel (with exhibits) filed November 24, 2024	034
Plaintiff's Motion to Deem Admitted filed November 26, 2024.....	045
Plaintiff's Memo in Support of Motion to Compel (with exhibits) filed March 17, 2025	047
Plaintiff's Memo in Support of Motion to Deem Admitted (with exhibits) filed March 17, 2025	070
Plaintiff's Motion for Summary Judgment filed April 01, 2025	093

Plaintiff’s Memo in Support of Motion for Summary Judgment (with exhibits) filed April 3, 2025.....	094
Defendant’s Motion for Reconsideration filed April 11, 2025.....	103
Notice of Appeal filed July 17, 2025 (with exhibits).....	113
Notice of Appeal filed October 21, 2025 (with exhibits)	122
 <u>Other Transcripts</u>	
Transcript of hearing on Motion for Summary Judgment	128

STATE OF SOUTH CAROLINA

In the matter of Arbitration between

BEFORE THE ARBITRATION PANEL OF
CHARLESTON COUNTY

Case number 2024-CP-10-03514

Karen Fine,

Claimant(s)

VS.

ORDER/DECISION

Herman Brown Hamrick

Defendant(s)

Having heard the evidence on September 24, 2024, the undersigned arbitrators, or a majority of them, or the single arbitrator, as the case may be, have (has) found in favor of the CLAIMANT(S)/DEFENDANT(S) and have (has) awarded property damages to such party (parties) in the amount of \$19,266.90 DOLLARS, actual [REDACTED], and hereby orders that the CLAIMANT(S)/DEFENDANT(S) pay such sums together with interest at the legal rate from date thereof until paid.

IN WITNESS WHEREOF, the arbitrators, a majority of them, or the single arbitrator, as the case may be, have (has) hereunto set their hand(s) and seal(s) this 24th day of September, 2024.

SERVICE ACCEPTED

/s/ Daniel R. Dalton

ARBITRATOR

ATTORNEY FOR CLAIMANT

/s/ Brent Kaufman

ARBITRATOR

ATTORNEY FOR DEFENDANT

/s/ Karl L. Baker

ARBITRATOR

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Charleston
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP1003514

Karen Fine
PLAINTIFF(S)

Herman Brown Hamrick
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

This matter came before the court on March 20th upon Plaintiff's Motion to Compel and Motion to Deem Admitted. Present at the hearing was Thomas Sanders, on behalf of the Plaintiff, and Alexandria Jones, on behalf of the Defendant.

After reviewing the filings along with the arguments of counsel, the Motion to Compel and Motion to Deem Admitted are GRANTED. Additionally, Mr. Sanders request for attorneys fees in the amount of \$1,066.74 is GRANTED.

IT IS THEREFORE ORDERED that the Motion to Compel and Motion to Deem Admitted are hereby GRANTED and Mr. Sanders is to be awarded attorneys fees in the amount of \$1,066.74.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 03/28/2025 .

RECEIVED
Jul 17 2025
SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Charleston Common Pleas

Case Caption: Karen Fine VS Herman Brown Hamrick

Case Number: 2024CP1003514

Type: Order/Electronic Form 4

So Ordered

The Honorable Courtney Clyburn Pope

Electronically signed on 2025-03-28 12:05:34 page 3 of 3

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Charleston
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP1003514

Karen Fine
PLAINTIFF(S)

Herman Brown Hamrick
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

This matter comes before the Court on a motion for reconsideration filed by Defendants. After review of the memo and applicable law, this motion is DENIED.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/17/2025 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Charleston Common Pleas

Case Caption: Karen Fine VS Herman Brown Hamrick

Case Number: 2024CP1003514

Type: Order/Electronic Form 4

So Ordered

The Honorable Courtney Clyburn Pope

Electronically signed on 2025-06-17 14:30:23 page 3 of 3

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	CASE NO.: 2024-CP-10-03514
COUNTY OF CHARLESTON	)	
	)	
Karen Fine,	)	
	)	ORDER
Plaintiff,	)	GRANTING SUMMARY JUDGMENT
	)	TO PLAINTIFF
vs.	)	
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	
_____	)	

JUDGE:	The Honorable Maite L. Murphy
DATE OF HEARING:	June 24, 2025
PLAINTIFF'S ATTORNEY:	Thomas O. Sanders, IV/Sanders Law Firm, LLC
DEFENDANT'S ATTORNEY:	Alexandria S. Jones/Turner, Padgett, Graham & Laney, PA
COURT REPORTER:	_____

This matter comes before me upon Plaintiff Karen Fine's ("Plaintiff") April 1, 2025 *Motion for Summary Judgment*. Summary Judgment is granted in favor of Plaintiff.

Summary judgment is appropriate if the pleadings, depositions, interrogatory answers, admissions, and affidavits, if any, show that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Rule 56(c), SCRCP; Law v. S.C. Dept. of Corrections, 368 S.C. 424, 434, 629 S.E.2d 642, 648 (2006). In determining whether any triable issues of fact exist, the evidence and all reasonable inferences must be viewed in the light most reasonable to the non-moving party. Id. at 648. The purpose of summary judgment is to expedite the disposition of cases which do not require the services of a fact finder. Dawkins v. Fields, 354 S.C. 58, 69, 580 S.E.2d 433, 438 (2003). A party opposing a properly supported motion for summary judgment may not rest on the allegations or denials of his pleading but must set forth or point to specific facts showing there is a genuine issue of material fact. The existence of a mere scintilla of evidence in support of the non-moving party's position is not sufficient to overcome a motion for summary judgment. Thomas v. Waters, 315 S.C. 524, 445 S.E.2d 659 (Ct. App. 1994) citing Dickert v. Metropolitan Life Ins. Co., 306 S.C. 311, 313, 411 S.E.2d 672, 673 (Ct. App.

1991).

Plaintiff's April 3, 2025 *Memorandum in Support of Summary Judgment* with exhibits ("Plaintiff's Memorandum in Support of Summary Judgment"), which was filed with the Court, sufficiently sets forth that there is no genuine issue of material fact as to Plaintiff's causes of action for property damage arising out of a motor vehicle collision due to the negligent and reckless acts of Defendant Herman Brown Hamrick ("Defendant"), and it is incorporated herein by reference.

On August 9, 2024, the parties began discovery. Since that time, Defendant had a full and fair opportunity to complete discovery. On August 16, 2024, Defendant served his Interrogatories and his Requests for Production on Plaintiff (Exhibit "1") to which Plaintiff responded (Exhibit "2"). By doing so, Defendant participated in discovery. Defendant has offered no facts through filings to show a genuine issue for trial.

Plaintiff's 1st Requests for Admission to Defendant (included in Plaintiff's Memorandum in Support of Summary Judgment) were tailored to prove all of Plaintiff's causes of action and damages. The Court's March 28, 2025 *Order to Deem Admitted* (also included in Plaintiff's Memorandum in Support of Summary Judgment) determines all of Plaintiff's causes of action in favor of Plaintiff, it determines the amount of Plaintiff's damages, it compels Defendant to respond to Plaintiff's written discovery requests and it compels Defendant to pay Plaintiff's attorney's fees in the amount of \$1,066.7. Defendant has neither responded to Plaintiff's written discovery requests nor has Defendant paid Plaintiff's attorney's fees.

Based upon the foregoing, actual damages are \$23,538.63 and punitive damages are \$50,000.00, for a total of \$73,538.63 in damages.

The September 25, 2024 *Order/Decision* of the Arbitration Panel, which was filed with the Court, awarded Plaintiff property damages in the amount of \$19,266.90. Post judgment interest on this order has accrued from the date of this order until such time as it is paid in full.

IT IS ORDERED ADJUDGED AND DECREED that *Plaintiff's Motion for Summary Judgment* on all causes of action is granted;

IT IS FURTHER ORDERED that the amount of damages is \$73,538.63 (Actual damages of \$23,538.63 + Punitive Damages of \$50,000.00) plus post judgment interest until paid in full;

IT IS ALSO ORDERED that post judgment interest on \$19,266.90 is owed from September 25, 2024 until the date of this Order with post judgment interest on \$73,538.63 accruing

hereafter until paid in full;

IT IS ALSO ORDERED that the Court's April 1, 2025 Order granting Plaintiff's attorney's fees in the amount of \$1,066.74 is incorporated into this Order;

IT IS ALSO ORDERED that Plaintiff's costs in the amount of \$1,437.01 as set forth below are awarded to Plaintiff;

AND IT IS SO ORDERED!

The Honorable Maite L. Murphy
Judge of the Ninth Judicial Circuit

_____, 2025
St. George, South Carolina

COSTS: \$10.00 (Filing fee for arbitration)
 \$95.22 (Motion filing fees x 3)
 \$640.85 (Court reporter)
 \$675.00 (Expert witness fee)
 \$15.94 (Certified mail for service)
 \$1,437.01 TOTAL



Charleston Common Pleas

Case Caption: Karen Fine VS Herman Brown Hamrick

Case Number: 2024CP1003514

Type: Order/Summary Judgment

So Ordered

s/ Maite Murphy 2166

Electronically signed on 2025-09-23 13:17:30 page 4 of 4

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	CASE NO.: 2024-CP-10-03514
COUNTY OF CHARLESTON	)	
	)	
Karen Fine,	)	
	)	ORDER
Plaintiff,	)	GRANTING SUMMARY JUDGMENT
	)	TO PLAINTIFF
vs.	)	
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	
_____	)	

JUDGE:	The Honorable Maite L. Murphy
DATE OF HEARING:	June 24, 2025
PLAINTIFF'S ATTORNEY:	Thomas O. Sanders, IV/Sanders Law Firm, LLC
DEFENDANT'S ATTORNEY:	Alexandria S. Jones/Turner, Padgett, Graham & Laney, PA
COURT REPORTER:	_____

This matter comes before me upon Plaintiff Karen Fine's ("Plaintiff") April 1, 2025 *Motion for Summary Judgment*. Summary Judgment is granted in favor of Plaintiff.

Summary judgment is appropriate if the pleadings, depositions, interrogatory answers, admissions, and affidavits, if any, show that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Rule 56(c), SCRCPP; Law v. S.C. Dept. of Corrections, 368 S.C. 424, 434, 629 S.E.2d 642, 648 (2006). In determining whether any triable issues of fact exist, the evidence and all reasonable inferences must be viewed in the light most reasonable to the non-moving party. Id. at 648. The purpose of summary judgment is to expedite the disposition of cases which do not require the services of a fact finder. Dawkins v. Fields, 354 S.C. 58, 69, 580 S.E.2d 433, 438 (2003). A party opposing a properly supported motion for summary judgment may not rest on the allegations or denials of his pleading but must set forth or point to specific facts showing there is a genuine issue of material fact. The existence of a mere scintilla of evidence in support of the non-moving party's position is not sufficient to overcome a motion for summary judgment. Thomas v. Waters, 315 S.C. 524, 445 S.E.2d 659 (Ct. App. 1994)

citing Dickert v. Metropolitan Life Ins. Co., 306 S.C. 311, 313, 411 S.E.2d 672, 673 (Ct. App. 1991).

Plaintiff's April 3, 2025 *Memorandum in Support of Summary Judgment* with exhibits sufficiently sets forth that there is no genuine issue of material fact as to Plaintiff's causes of action for property damage arising out of a motor vehicle collision due to the negligent and reckless acts of Defendant Herman Brown Hamrick ("Defendant"), and it is incorporated herein by reference.

On August 9, 2024, the parties began discovery. Since that time, Defendant had a full and fair opportunity to complete discovery. Defendant has offered no facts which show a genuine issue for trial.

Plaintiff's 1st Requests for Admission to Defendant (Exhibit "1") were tailored to prove all of Plaintiff's causes of action and damages. The Court's *Order to Deem Admitted* (Exhibit 2") determines all of Plaintiff's causes of action in favor of Plaintiff, and it determines the amount of Plaintiff's damages. Actual damages set forth are \$23,538.63, and punitive damages are \$50,000.00 for a total of \$73,538.63 in damages.

IT IS ORDERED ADJUDGED AND DECREED that *Plaintiff's Motion for Summary Judgment* on all causes of action is granted;

IT IS FURTHER ORDERED that the amount of damages is \$73,538.63 (Actual damages of \$23,538.63 + Punitive Damages of \$50,000.00);

IT IS ALSO ORDERED that the Court's April 1, 2025 Order granting Plaintiff's attorney's fees in the amount of \$1,066.74 is incorporated into this Order;

AND IT IS SO ORDERED!

The Honorable Maite L. Murphy
Judge of the Ninth Judicial Circuit

_____, 2025
St. George, South Carolina



Charleston Common Pleas

Case Caption: Karen Fine VS Herman Brown Hamrick

Case Number: 2024CP1003514

Type: Order/Summary Judgment

AND THIS ORDER IS RESPECTFULLY
DENIED.

s/Maite Murphy 2166

Electronically signed on 2025-10-12 13:57:25 page 3 of 3

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	BEFORE THE ARBITRATION PANEL
COUNTY OF CHARLESTON	)	CASE NO.: 2024-CP-10-_____
	)	
Karen Fine,	)	
	)	SUMMONS
Claimant,	)	(Motor Vehicle Property Damage)
	)	
vs.	)	
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	
_____	)	

TO: DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint herein, a copy of which is herewith served upon you, and to serve your Answer to said Complaint upon the undersigned attorney for the Plaintiff, at his office located at *1738 Three Oaks Avenue, Charleston, South Carolina 29407*, within thirty (30) days after the service thereof, exclusive of the day of such service and, if you fail to answer the Complaint within the time aforesaid, then the Plaintiff will apply to the Court for the relief demanded in the Complaint.

YOU ARE HEREBY GIVEN NOTICE FURTHER that if you fail to appear and defend and fail to answer the Complaint as required by this Summons within thirty (30) days after the service hereof, exclusive of the day of service, Judgment by Default may be entered against you for the relief demanded in the Complaint.

SANDERS LAW FIRM, LLC

s/ Thomas O. Sanders, IV
 Thomas O. Sanders, IV
 1738 Three Oaks Avenue
 Charleston, South Carolina 29407
 (843) 573-8828
 ATTORNEY FOR CLAIMANT

July 11, 2024
 Charleston, South Carolina

STATE OF SOUTH CAROLINA	)	BEFORE THE ARBITRATION PANEL OF
	)	CHARLESTON COUNTY
In the matter of Arbitration between	)	
	)	CASE NO.: 2024-CP-10-_____
<u>Karen Fine,</u>	)	
	)	CLAIM FOR PROPERTY DAMAGE
Claimant(s),	)	
	)	
vs.	)	
	)	
<u>Herman Brown Hamrick,</u>	)	
	)	
Defendant(s).	)	
_____	)	

The Claimant(s), complaining of the Defendant(s) hereby files a claim for property damages arising out of a motor vehicle collision and requests that the matter be submitted to arbitration, and allege:

1. The Claimant(s) resides in Charleston County.
2. The Defendant(s) resides in Charleston County.
3. The collision occurred in Charleston County.
4. The collision occurred on December 4, 2023 at about 12:15 p.m.
5. As a result of said collision, due to the negligent and reckless acts of the Defendant(s), the Claimant(s) have suffered property damage in the amount of \$21,452.00 (diminished value) + \$657.17 (replacement of ceramic coating and film in the damaged area) + \$949.46 (for unpaid repairs) + \$475.00 (expert's fee) = \$23,538.63 + costs for actual damages and \$50,000.00 for punitive damages.

WHEREFORE, Claimant(s) requests that this claim be arbitrated and that property damages be awarded in the amount of \$23,538.63 + costs, for actual damages and \$50,000.00 for punitive damages.

Attorney for Claimant(s):

Claimant(s)

Thomas O. Sanders, IV
1738 Three Oaks Avenue
Chareston, SC 29407
(843) 573-8828

Karen Fine

DATE: July 11, 2024

THIS FORM SHALL BE ARBITRATED BY A PANEL OF THREE (3) ARBITRATORS TO BE APPOINTED BY THE CLERK OF COURT UNLESS WITHIN 10 (TEN) DAYS FROM THE FILLING OF A RESPONSE BY THE DEFENDANT(S), THE CLAIMANT(S) AND DEFENDANT(S) SHALL AGREE, IN WRITING, TO HAVE SUCH CLAIM HEARD BY A SINGLE ARBITRATOR. A FORM OF AGREEMENT IS AVAILALE IN THE CLERK'S OFFICE.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	BEFORE THE ARBITRATION PANEL
COUNTY OF CHARLESTON	)	Civil Action No. 2024-CP-10-03514
Karen Fine,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	ANSWER
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	

Defendant answers and respectfully shows unto the Court:

FOR A FIRST DEFENSE

1. Except as specifically admitted, qualified, or explained, Defendant denies the allegations and demands strict proof of each allegation.
2. Defendant lacks sufficient knowledge or information to form a belief as to the allegations o Paragraph 1 of the Complaint.
3. Defendant admits the allegations of Paragraphs 2 through 4 of the Complaint.
4. Defendant denies the allegations of Paragraph 5 of the Complaint and the allegations of the unnumbered "WHEREFORE" paragraph thereafter.

AS AN ADDITIONAL DEFENSE
(Reservation of Rights)

5. FURTHER ANSWERING, Defendant has not had an opportunity to conduct a sufficient investigation or engage in adequate discovery about the allegations of this lawsuit. Defendant gives notice of the intent to assert any further affirmative defenses that any investigation supports, including, but not limited to, defenses that the action is barred in whole or in part by any applicable statute, contract, release, covenant, or the doctrine of laches. Thus, Defendant reserves the right to amend this pleading to assert any such defenses.

AS AN ADDITIONAL DEFENSE
(Punitive Damages)

6. FURTHER ANSWERING, any award of punitive damages would violate the constitutional safeguards provided by the Due Process Clause of the Fourteenth Amendment of the United States Constitution and under the Due Process Clause of Article I, Section 3 of the South Carolina Constitution because the determination of punitive damages does not bear any reasonable relationship to the amount of actual damages, if any, suffered by or awarded.

AS AN ADDITIONAL DEFENSE
(All Requests to Admit Denied)

7. Defendant denies all requests for admissions served on Defendant pursuant to Rule 36 of the South Carolina Rules of Civil Procedure which are inconsistent with Defendants' Answer. Defendants further allege that any requests for admissions purportedly served on Defendant were not properly served pursuant to Rules 4, 5, and 36 of the South Carolina Rules of Civil Procedure.

AS AN ADDITIONAL DEFENSE
(Incorporation of Affirmative Defenses)

8. FURTHER ANSWERING, the undersigned denies each and every allegation of the Complaint, asserts those affirmative defenses set forth in Rule 8 of the South Carolina Rules of Civil Procedure and raises those defenses set forth in Rule 12, all to the extent they are applicable.

AS AN ADDITIONAL DEFENSE
(Punitive Damages)

9. FURTHER ANSWERING, this party pleads the recovery limits of S.C. Code Ann. §15-32-530 and any other limitation on punitive damages allowed by Federal or State law.

WHEREFORE, having answered, Defendant asks this Court to dismiss the Complaint and to grant such other and further relief as this Court deems just and proper.

TURNER PADGET GRAHAM AND LANEY P.A.

By: s/J. Carew Alvarez

J. Carew Alvarez, Bar No. 105957

E-Mail: JAlvarez@turnerpadget.com

Post Office Box 22129

Charleston, South Carolina 29413

Telephone: (843) 579-8308

Fax: (843) 577-1626

August 6, 2024

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	BEFORE THE ARBITRATION PANEL
COUNTY OF CHARLESTON	)	CASE NO.: 2024-CP-10-03514
	)	
Karen Fine,	)	
	)	CLAIMANT'S 1 st INTERROGATORIES
Claimant,	)	TO DEFENDANT
	)	
vs.	)	
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	
	)	

TO: DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SERVED the following written Interrogatories to be answered separately and in writing within thirty (30) days from the date of service, pursuant to and in accordance with the provisions of Rule 33 of the South Carolina Rules of Civil Procedure:

1. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or defense in the case.

3. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claim and set forth the number or numbers of policies involved and the amount or amounts of coverage provided in each policy.

4. List the names and addresses of any expert witnesses whom the party proposes to use as a witness during the arbitration of the case.

5. For each person known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witness.

6. Describe in detail the events that took place on December 4, 2023 which led up to

the collision with Claimant Karen Fine's parked, unoccupied 2022 BMW M4 Competition XDrive Coupe.

7. If a party to this action has been improperly named, then please identify such party and set forth how the party should be properly named.

8. Regarding your expert witness, Jody Rikard of Everette Smith and Associates, Inc., set forth in detail any and all documents and information relied upon in the preparation of his Diminished Value Report.

9. Set forth the number of Diminished Value Reports which Everette Smith and Associates prepares each month for Liberty Mutual.

10. Set forth the number of Diminished Value Reports which Everette Smith and Associates prepares each month for insurance companies.

11. Set forth the number of Diminished Value Reports which Everette Smith and Associates prepares each month for individuals not associated with an insurance company.

SANDERS LAW FIRM, LLC

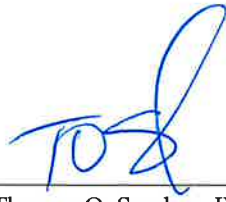
Thomas O. Sanders, IV
1738 Three Oaks Avenue
Charleston, South Carolina 29407
(843) 573-8828
ATTORNEY FOR CLAIMANT

Aug. 9, 2024
Charleston, South Carolina

Counsel Served: J. Carew Alvarez, Esquire
PO Box 22129
Charleston, SC 29413
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that the pleading or paper to which this certificate is affixed was served upon the party(s) to this action by email, by hand delivery or by depositing a copy of the same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record for such other party(s), in a post office or official depository under the exclusive care and custody of the United States Postal Service, on this 9 day of Aug., 2024.



Thomas O. Sanders, IV

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	BEFORE THE ARBITRATION PANEL
COUNTY OF CHARLESTON	)	CASE NO.: 2024-CP-10-03514
	)	
Karen Fine,	)	
	)	CLAIMANT'S 1 st REQUEST FOR
Claimant,	)	PRODUCTION TO DEFENDANT
	)	
vs.	)	
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	
	)	

TO: DEFENDANT ABOVE NAMED:

Pursuant to Rule 34 of the South Carolina Rules of Civil Procedure, the Claimant requests that the Defendant(s) respond within thirty (30) days from date of service to the following Requests and that the Defendant(s) produce and permit the Claimant to inspect and copy each of the following documents:

1. Any and all correspondence, communications, or other documents identified in any response to *Claimant's 1st Interrogatories to Defendant* served concurrently herewith.
2. Any and all correspondence, communications, or other documents reviewed or in any way referenced in the preparation of Defendant(s)' responses to *Claimant's 1st Interrogatories to Defendant* served concurrently herewith.
3. Any and all statements, whether written, oral, or transcribed, of any individual, which relate in any manner to the allegations of the Complaint, or to any defenses or counterclaims set forth in response to the same, whether these statements have been taken by the Defendant(s), by police officials, by investigators, by adjusters, or by individuals acting on behalf of the Defendant(s).
4. Any and all certificates of insurance, bonds, bills, receipts, charts, diagrams, reports, or similar documents that relate to the claims and/or defenses herein.

5. Any and all photographs, videotapes, audiotapes, correspondence, documents, plans, specifications, contracts, and any other written or recorded documents or things relating in any way to the matters referred to, or alleged in, the Complaint, or in any response thereto taken by the Defendant(s), Claimant(s), police officials, investigators, adjusters, or other officials which relate in any manner to the allegations of the Complaint, or to any defenses of Defendant(s).

6. Any and all correspondence, communications, or other documents which Defendant(s) intend to use at arbitration.

7. Any and all correspondence, communications, or other documents which support, contradict, or relate in any way to *any allegation or defense raised in Defendant(s)' Answer* in this lawsuit.

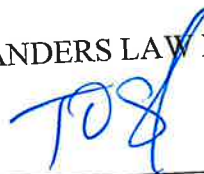
8. Any and all correspondence, communications, or other documents which support, contradict, or relate in any way to any matters alleged in the Complaint and/or in Defendant(s)' Answer which have not been produced in response to any other Request for Production set forth hereinabove.

9. Any and all documents which reflect any claims against, or remuneration from, other persons or entities as a result of the incident(s) alleged in the Complaint.

10. Any and all documents and writings in the possession, custody, or control of Defendant(s), or Defendant(s)' counsel, which Defendant(s) contend(s) is/are relevant to the case, or is/are intended to be produced during the mediation of the case.

11. All insurance policies which are either owned by, or cover, the Defendants on Claimant's claims.

SANDERS LAW FIRM, LLC



Thomas O. Sanders, IV
1738 Three Oaks Avenue
Charleston, South Carolina 29407
(843) 573-8828
ATTORNEY FOR CLAIMANT

Aug. 9, 2024
Charleston, South Carolina

Counsel Served: J. Carew Alvarez, Esquire
PO Box 22129
Charleston, SC 29413
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that the pleading or paper to which this certificate is affixed was served upon the party(s) to this action by email, by hand delivery or by depositing a copy of the same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record for such other party(s), in a post office or official depository under the exclusive care and custody of the United States Postal Service, on this 9 day of Aug., 2024.

TOB
Thomas O. Sanders, IV

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
Karen Fine,)
Claimant,)
vs.)
Herman Brown Hamrick,)
Defendant.)

IN THE COURT OF COMMON PLEAS
BEFORE THE ARBITRATION PANEL
CASE NO.: 2024-CP-10-03514

CLAIMANT'S 1st REQUEST FOR ADMISSION
TO DEFENDANT

TO: DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SERVED the following written Request for Admissions to be answered separately and in writing within thirty (30) days from the date of service, pursuant to and in accordance with the provisions of Rule 36 of the South Carolina Rules of Civil Procedure. Otherwise, the matter will be considered admitted. Pursuant to Rule 37(c) of the South Carolina Rules of Civil Procedure, if you fail to admit the truth of any matter requested which is later proven to be true, then you will be asked to pay the reasonable expenses and attorney's fees incurred in making that proof.

1. Admit that Defendant Herman Brown Hamrick ("Defendant") was at fault in causing the December 4, 2023 collision which is the subject of this action ("Collision").
2. Admit that Defendant was negligent and reckless in causing the Collision.
3. Admit that Plaintiff Karen Fine's ("Plaintiff") property damage totals \$23,538.63.
4. Admit that Plaintiff's punitive damages totals \$50,000.00.

SANDERS LAW FIRM, LLC


Thomas O. Sanders, IV
1738 Three Oaks Avenue
Charleston, South Carolina 29407
(843) 573-8828
ATTORNEY FOR CLAIMANT

Aug. 9, 2024
Charleston, South Carolina

Counsel Served: J. Carew Alvarez, Esquire
PO Box 22129
Charleston, SC 29413
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that the pleading or paper to which this certificate is affixed was served upon the party(s) to this action by email, by hand delivery or by depositing a copy of the same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record for such other party(s), in a post office or official depository under the exclusive care and custody of the United States Postal Service, on this 9th day of Aug., 2024.

TOS
Thomas O. Sanders, IV

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
Civil Action No. 2024-CP-10-03514

Karen Fine,

Plaintiff,

vs.

Herman Brown Hamrick,

Defendant.

INTERROGATORIES

TO: PLAINTIFF AND ATTORNEY FOR PLAINTIFF:

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, you must answer these Interrogatories within thirty (30) days from date of service:

1. Give the names, addresses, phone numbers, and email addresses of persons known to the party or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or the defense in the case.

3. Set forth the names and addresses of all insurance companies that have liability insurance coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

4. Set forth an itemized statement of all damages (including any economic losses), exclusive of pain and suffering, claimed to have been sustained by the party.

5. List the names, addresses, phone numbers, and email addresses of each expert witness that the party proposes to use as a witness at the trial of the case.

6. For each person known to the party or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other parties of the important facts known to or observed by such witness or provide a copy of any written or recorded statements taken from such witness.

7. Please state any prior accidents the subject vehicle was involved in and/or damage to the subject vehicle existing prior to subject accident.

8. Has the party ever been involved in any other legal action (civil or criminal), either as a Defendant or as a Plaintiff? If so, state:

- (a) A description of the nature of each such action; and
- (b) The final disposition of each such action.

9. Please identify all social networking websites, internet groups, forums, organizations, or other entities of which the party is a member, has an account or profile, or otherwise participates. This interrogatory is intended to include all account or identifying information concerning internet websites such as, but not limited to, Facebook, My Space, Twitter, Linked In, etc.

10. Please identify any information, material, writings, posts, updates, correspondence, photographs, email, and other items that have been deleted from any account or profile identified above after the date of the incident giving rise to this lawsuit.

11. Without simply referencing the language of this lawsuit, provide a detailed description of the incident that gives rise to this lawsuit, including what occurred ten minutes before the incident, whether you consumed drugs or alcohol in the 24 hours before the incident, a detailed account of all relevant facts or events that occurred during the incident, and what occurred during the ten minutes after the incident, including anything said by or to you.

12. Please list the employment for the party for the last ten (10) years. For each position, state the employer, their address, the length of employment, the weekly wage, the name and telephone number of your direct supervisor, and the reason for leaving employment.

13. Set forth the amount of past, present, and future lost wages, lost income, and/or lost earning capacity, if any, claimed by the party, and set forth the method for calculating any amount.

14. List the names and addresses of each person over eighteen (18) years of age related to the party by blood or marriage who reside in the county where this lawsuit is pending.

15. If you allege punitive damages, please set forth a factual account (other than simply referencing the lawsuit) about Defendant's actions that you contend constitute willful, wanton, reckless, or grossly negligent behavior to sustain a punitive damage award.

16. Please state the Plaintiff's full name, address, date of birth, and social security number.

17. Please state the amounts of any settlement Plaintiff has received from any person and/or insurance company whatsoever related to the accident at issue in this case, including but not limited to all amounts received from any liability carrier and/or UIM carrier.

TURNER PADGET GRAHAM AND LANEY P.A.

By: s/ J. Carew Alvarez

J. Carew Alvarez

E-Mail: JAlvarez@turnerpadget.com

Post Office Box 22129

Charleston, South Carolina 29413

Telephone: (843) 579-8308

Fax: (843) 577-1626

ATTORNEYS FOR DEFENDANT

August 16, 2024

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Civil Action No. 2024-CP-10-03514

Karen Fine,

Plaintiff,

vs.

Herman Brown Hamrick,

Defendant.

REQUESTS FOR PRODUCTION

TO: PLAINTIFF AND ATTORNEY FOR PLAINTIFF:

Pursuant to Rule 34 of the South Carolina Rules of Civil Procedure, you must respond to these Requests within thirty (30) days from date of service:

1. Any and all documents or materials that relate to maintenance or repair of subject vehicle.
2. Any and all documents that relate to lost wages or earnings claimed by the party suffered from the incident alleged in the lawsuit.
3. Any and all statements, whether written, oral, or transcribed, of any individual that relate in any manner to the allegations of the lawsuit or any defenses of Defendant, whether these statements have been taken by Plaintiff, any other party, police officials, investigators, adjusters, or individuals acting on behalf of any defendant.
4. Any and all diagrams, sketches, drawings, prints, negatives, and layouts that relate in any manner to the allegations of the lawsuit, the defenses of any adverse party, or the accident scene.
5. Any and all photographs taken by Plaintiff, any other party, any defendant, police officials, investigators, adjusters, or other officials that relate in any manner to the allegations of the lawsuit or any defenses of any defendant.
6. Any and all reports, studies, analysis, or other documentation of any

accident reconstructionist, investigator, adjuster, expert, consultant, independent contractor, or engineer that relate in any manner to the allegations of the lawsuit or any defenses of any defendant.

7. If lost wages are claimed, all Federal and State tax returns of Plaintiff for the five (5) years preceding the accident alleged in the lawsuit, as well as any returns made subsequent to the accident alleged in the lawsuit.

8. Any and all documents that reflect any claims against or remuneration from other persons or entities as a result of the accident alleged in the lawsuit.

9. Any and all documents and writings in the possession, custody, or control of the party or its counsel that either contend are relevant to the case or are intended to be produced in the trial of the case.

10. A copy of the party's driver's license.

11. Please permit counsel for Defendant to access, inspect, and copy all of Plaintiff's accounts to any social networking websites, internet groups, forums, organizations, or other entities identified by the party in response to any answer to interrogatories. This request is intended to include access to all written materials, information, correspondence, writings, internet posts, updates, email, photographs, email, etc. contained in the accounts or profiles so identified. **PLEASE NOTE: No written material, information, correspondence, writings, internet posts, updates, email, photographs, email, etc. should be deleted from any account or profile identified by the party in response to the accompanying interrogatories without prior written consent from defense counsel. All accounts, websites, and profiles should be preserved in their present condition.**

12. Please produce a copy of each and every settlement agreement and/or settlement check that Plaintiff has received from any person and/or insurance company whatsoever related to the accident at issue in this case.

13. Please produce the entire file of any expert.

14. Please produce any and all documents obtained via subpoena and/or

FOIA request.

These Requests shall be deemed continuing so as to require supplemental responses if Plaintiff or any representative or counsel obtains further information between the time the responses are served and the time of trial.

TURNER PADGET GRAHAM AND LANEY P.A.

By: s/ J. Carew Alvarez

J. Carew Alvarez

E-Mail: JAlvarez@turnerpadget.com

Post Office Box 22129

Charleston, South Carolina 29413

Telephone: (843) 579-8308

Fax: (843) 577-1626

ATTORNEYS FOR DEFENDANT

August 16, 2024

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	BEFORE THE ARBITRATION PANEL
COUNTY OF CHARLESTON	)	CASE NO.: 2024-CP-10-03514
	)	
Karen Fine,	)	
	)	CLAIMANT'S/PLAINTIFF'S NOTICE OF
Claimant,	)	MOTION AND MOTION TO COMPEL
	)	
vs.	)	
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	
	)	

TO: J. CAREW ALVAREZ, ESQUIRE AND ALEXANDRIA S. JONES, ESQUIRE,
ATTORNEYS FOR DEFENDANT:

PLEASE TAKE NOTICE that the Plaintiff Karen Fine ("Plaintiff"), by and through the undersigned counsel, on the tenth day after service hereof or at such time and place as the Court may set, will move before the Court pursuant to Rules 33, 34, and 37 of the South Carolina Rules of Civil Procedure for an Order compelling *Defendant* to respond to Plaintiff's August 9, 2024 *1st Interrogatories to Defendant* and *1st Request for Production to Defendant*, copies of said Interrogatories and Request for Production being attached hereto (Exhibit "A"). Counsel for Plaintiff reserves the right to request the appropriate sanctions including, but not limited to, attorney's fees, allowable under Rule 37.

This motion is based upon the following grounds:

1. Plaintiff's *1st Interrogatories to Defendant* and *1st Request for Production to Defendant* were served on the Defendant by emailing to Defendant's attorney, J. Carew Alvarez, on August 9, 2024.
2. On September 16, 2024, Attorney Alvarez was contacted and offered additional time to answer. (Exhibit "B"). To date, no responses have been received.
3. That more than 30 days have expired since the Defendant was served with Plaintiff's *1st Interrogatories to Defendant* and *1st Requests for Production to Defendant* and the Defendant has failed to answer any of these written discovery requests.

The undersigned counsel for the Defendant hereby certifies, pursuant to Rule 11 of the

South Carolina Rules of Civil Procedure, that consultation with opposing counsel would serve no useful purpose.

SANDERS LAW FIRM, LLC

s/ Thomas O. Sanders, IV
Thomas O. Sanders, IV
1738 Three Oaks Avenue
Charleston, South Carolina 29407
(843)573-8828
ATTORNEY FOR PLAINTIFF

November 24, 2024
Charleston, South Carolina

EXHIBIT “A”

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	BEFORE THE ARBITRATION PANEL
COUNTY OF CHARLESTON	)	CASE NO.: 2024-CP-10-03514
	)	
Karen Fine,	)	
	)	CLAIMANT'S 1 st INTERROGATORIES
Claimant,	)	TO DEFENDANT
	)	
vs.	)	
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	

TO: DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SERVED the following written Interrogatories to be answered separately and in writing within thirty (30) days from the date of service, pursuant to and in accordance with the provisions of Rule 33 of the South Carolina Rules of Civil Procedure:

1. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.
2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or defense in the case.
3. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claim and set forth the number or numbers of policies involved and the amount or amounts of coverage provided in each policy.
4. List the names and addresses of any expert witnesses whom the party proposes to use as a witness during the arbitration of the case.
5. For each person known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witness.
6. Describe in detail the events that took place on December 4, 2023 which led up to

the collision with Claimant Karen Fine's parked, unoccupied 2022 BMW M4 Competition XDrive Coupe.

7. If a party to this action has been improperly named, then please identify such party and set forth how the party should be properly named.

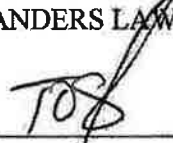
8. Regarding your expert witness, Jody Rikard of Everette Smith and Associates, Inc., set forth in detail any and all documents and information relied upon in the preparation of his Diminished Value Report.

9. Set forth the number of Diminished Value Reports which Everette Smith and Associates prepares each month for Liberty Mutual.

10. Set forth the number of Diminished Value Reports which Everette Smith and Associates prepares each month for insurance companies.

11. Set forth the number of Diminished Value Reports which Everette Smith and Associates prepares each month for individuals not associated with an insurance company.

SANDERS LAW FIRM, LLC



Thomas O. Sanders, IV
1738 Three Oaks Avenue
Charleston, South Carolina 29407
(843) 573-8828
ATTORNEY FOR CLAIMANT

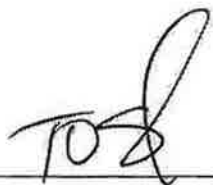
Aug. 9, 2024
Charleston, South Carolina

Counsel Served: J. Carew Alvarez, Esquire
PO Box 22129
Charleston, SC 29413
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that the pleading or paper to which this certificate is affixed was served upon the party(s) to this action by email, by hand delivery or by depositing a copy of the same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record for such other party(s), in a post office or official depository under the exclusive care and custody of the United States Postal Service, on this

9 day of Aug., 2024.
2



Thomas O. Sanders, IV

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
Karen Fine,)
Claimant,)
vs.)
Herman Brown Hamrick,)
Defendant.)

IN THE COURT OF COMMON PLEAS
BEFORE THE ARBITRATION PANEL
CASE NO.: 2024-CP-10-03514

CLAIMANT'S 1st REQUEST FOR
PRODUCTION TO DEFENDANT

TO: DEFENDANT ABOVE NAMED:

Pursuant to Rule 34 of the South Carolina Rules of Civil Procedure, the Claimant requests that the Defendant(s) respond within thirty (30) days from date of service to the following Requests and that the Defendant(s) produce and permit the Claimant to inspect and copy each of the following documents:

1. Any and all correspondence, communications, or other documents identified in any response to *Claimant's 1st Interrogatories to Defendant* served concurrently herewith.
2. Any and all correspondence, communications, or other documents reviewed or in any way referenced in the preparation of Defendant(s)' responses to *Claimant's 1st Interrogatories to Defendant* served concurrently herewith.
3. Any and all statements, whether written, oral, or transcribed, of any individual, which relate in any manner to the allegations of the Complaint, or to any defenses or counterclaims set forth in response to the same, whether these statements have been taken by the Defendant(s), by police officials, by investigators, by adjusters, or by individuals acting on behalf of the Defendant(s).
4. Any and all certificates of insurance, bonds, bills, receipts, charts, diagrams, reports, or similar documents that relate to the claims and/or defenses herein.

5. Any and all photographs, videotapes, audiotapes, correspondence, documents, plans, specifications, contracts, and any other written or recorded documents or things relating in any way to the matters referred to, or alleged in, the Complaint, or in any response thereto taken by the Defendant(s), Claimant(s), police officials, investigators, adjusters, or other officials which relate in any manner to the allegations of the Complaint, or to any defenses of Defendant(s).

6. Any and all correspondence, communications, or other documents which Defendant(s) intend to use at arbitration.

7. Any and all correspondence, communications, or other documents which support, contradict, or relate in any way to *any allegation or defense raised in Defendant(s)' Answer* in this lawsuit.

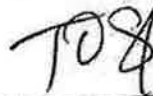
8. Any and all correspondence, communications, or other documents which support, contradict, or relate in any way to any matters alleged in the Complaint and/or in Defendant(s)' Answer which have not been produced in response to any other Request for Production set forth hereinabove.

9. Any and all documents which reflect any claims against, or remuneration from, other persons or entities as a result of the incident(s) alleged in the Complaint.

10. Any and all documents and writings in the possession, custody, or control of Defendant(s), or Defendant(s)' counsel, which Defendant(s) contend(s) is/are relevant to the case, or is/are intended to be produced during the mediation of the case.

11. All insurance policies which are either owned by, or cover, the Defendants on Claimant's claims.

SANDERS LAW FIRM, LLC



Thomas O. Sanders, IV
1738 Three Oaks Avenue
Charleston, South Carolina 29407
(843) 573-8828
ATTORNEY FOR CLAIMANT

Aug. 9, 2024
Charleston, South Carolina

Counsel Served: J. Carew Alvarez, Esquire
PO Box 22129
Charleston, SC 29413
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that the pleading or paper to which this certificate is affixed was served upon the party(s) to this action by email, by hand delivery or by depositing a copy of the same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record for such other party(s), in a post office or official depository under the exclusive care and custody of the United States Postal Service, on this 9 day of Aug., 2024.

108
Thomas O. Sanders, IV

EXHIBIT “B”



T.O. Sanders <tosanders@sanderslawfirm.com>

Fine v. Hamrick

1 message

T.O. Sanders <tosanders@sanderslawfirm.com>

Mon, Sep 16, 2024 at 10:06 AM

To: "calvarez@turnerpadget.com" <calvarez@turnerpadget.com>

Carew,

Just a reminder that your answers to my 8/9/24 written discovery requests are due today. If you need additional time, then please let me know. I look forward to hearing from you. Thanks.

T.O. Sanders
Attorney at Law
Sanders Law Firm, LLC
1738 Three Oaks Avenue
Charleston, SC 29407
(843) 573-8828
www.sanderslawfirm.com

The information contained in this communication is attorney-client privileged and confidential. This communication is intended for the above-named only. If you are not the intended recipient, then any dissemination, distribution or copying of this communication is strictly prohibited. If you received this communication in error or if you are unsure whether or not it is privileged, then please notify us by return email and destroy any copies you have of this communication. Thank you for your help with this matter.

2 attachments **RFP.1.pdf**
127K **INT.1.pdf**
108K

ELECTRONICALLY FILED - 2024 Nov 24 7:54 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1003514

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	CASE NO.: 2024-CP-10-03514
COUNTY OF CHARLESTON	)	
	)	
Karen Fine,	)	
	)	NOTICE OF MOTION AND
Plaintiff,	)	MOTION TO DEEM ADMITTED
	)	PLAINTIFF'S 1 st REQUESTS FOR
vs.	)	ADMISSION
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	
	)	

TO: J. CAREW ALVAREZ, ESQUIRE AND ALEXANDRIA S. JONES, ESQUIRE,
ATTORNEYS FOR DEFENDANT:

PLEASE TAKE NOTICE that pursuant to Rule 36 of the South Carolina Rules of Civil Procedure Plaintiff Karen Fine ("Plaintiff") will, by and through his/her/its attorney, move before the presiding Judge in the Court of Common Pleas of the Ninth Judicial Circuit, Charleston County, South Carolina, on the tenth day after the date of this Motion, or as soon thereafter as may be heard, for an Order deeming its August 9, 2024 *Plaintiff's 1st Requests for Admission to Defendant* ("Requests for Admission") to be admitted by *Defendant* in its entirety.

This motion is based upon the following grounds:

1. On August 9, 2024, Defendant was served with the Requests for Admission by email to his attorney (Exhibit "A").
2. To date, no response from Defendant has been received even though an offer to allow additional time was extended (Exhibit "B").
3. Pursuant to Rule 36(a) of the South Carolina Rules of Civil Procedure, all of the matters set forth in the Requests for Admission have been automatically admitted.

The undersigned counsel for *Plaintiff* hereby certifies, pursuant to Rule 11 of the South Carolina Rules of Civil Procedure, that he communicated, orally or in writing, with opposing counsel before filing this motion and has attempted in good faith to resolve the matter contained in this motion to no avail.

SANDERS LAW FIRM, LLC

s/ Thomas O. Sanders, IV

Thomas O. Sanders, IV

1738 Three Oaks Avenue

Charleston, South Carolina 29407

(843) 573-8828

ATTORNEY FOR PLAINTIFF

November 26, 2024

Charleston, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	BEFORE THE ARBITRATION PANEL
COUNTY OF CHARLESTON	)	CASE NO.: 2024-CP-10-03514
	)	
Karen Fine,	)	
	)	PLAINTIFF’S MEMORDANDUM
Claimant,	)	IN SUPPORT OF ITS MOTION TO COMPEL
	)	
vs.	)	
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	
	)	

Plaintiff Karen Fine (“Plaintiff”), by and through her undersigned attorney, submits the following brief in support of its Motion to Compel Defendant Herman Brown Hamrick (“Defendant”) to answer Plaintiff’s August 9, 2024 *1st Interrogatories to Defendant* and Plaintiff’s *1st Requests for Production to Defendant*.

I. STATUS OF THE CASE

On October 14, 2024, Defendant filed its Notice of Appeal in response to the September 24, 2024 Order/Decision. The case is awaiting trial in the Charleston County Court of Common Pleas.

II. ANALYSIS OF THE LAW

Any party may serve upon any other party written interrogatories to be answered by the party served...who shall furnish such information as is available to the party. Rule 33(a), SCRCF. Each Interrogatory *shall* be answered separately and fully in writing under oath [emphasis added].... Id. The purpose of interrogatories is to promote full and fair disclosure to prevent surprise to either party. Fields v. Regional Medical Center Orangeburg, 354 S.C. 445, 458, 581 S.E.2d 489, 495-96 (Ct. App. 2003). Any party may serve on any other party a request to produce...[and] the party upon whom the request is served *shall* serve a written response within 30 days after the service of the request [emphasis added].... (Rule 34, SCRCF). “An affirmative duty does exist to answer interrogatories and respond to requests to produce.” CFRE, LLC v. Greenville County Assessor, 395 S.C. 67, 83, 716 S.E.2d 877, 885 (2011).

A. DEFENDANT ELECTED TO ENGAGE IN WRITTEN DISCOVERY.

On August 16, 2024, Defendant served its Interrogatories (Exhibit A) and Requests for Production (Exhibit B) upon Plaintiff's attorney. By doing so, Defendant elected to engage in written discovery with Plaintiff.

B. PLAINTIFF PROMPTLY ANSWERED DEFENDANT'S WRITTEN DISCOVERY REQUESTS.

On August 22, 2024, Plaintiff served Defendant with its Answers to Interrogatories (Exhibit C) and its Responses to Requests for Production (Exhibit D). On September 16, 2024, Attorney Alvarez was contacted about the tardy responses (Exhibit E).

III. CONCLUSION

Plaintiff's Motion to Compel should be granted.

SANDERS LAW FIRM, LLC

s/ Thomas O. Sanders, IV
Thomas O. Sanders, IV
1738 Three Oaks Avenue
Charleston, South Carolina 29407
(843)573-8828
ATTORNEY FOR PLAINTIFF

March 17, 2025
Charleston, South Carolina

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Civil Action No. 2024-CP-10-03514

Karen Fine,

Plaintiff,

vs.

Herman Brown Hamrick,

Defendant.

INTERROGATORIES

TO: PLAINTIFF AND ATTORNEY FOR PLAINTIFF:

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, you must answer these Interrogatories within thirty (30) days from date of service:

1. Give the names, addresses, phone numbers, and email addresses of persons known to the party or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or the defense in the case.

3. Set forth the names and addresses of all insurance companies that have liability insurance coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

4. Set forth an itemized statement of all damages (including any economic losses), exclusive of pain and suffering, claimed to have been sustained by the party.

5. List the names, addresses, phone numbers, and email addresses of each expert witness that the party proposes to use as a witness at the trial of the case.

6. For each person known to the party or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other parties of the important facts known to or observed by such witness or provide a copy of any written or recorded statements taken from such witness.

7. Please state any prior accidents the subject vehicle was involved in and/or damage to the subject vehicle existing prior to subject accident.

8. Has the party ever been involved in any other legal action (civil or criminal), either as a Defendant or as a Plaintiff? If so, state:

- (a) A description of the nature of each such action; and
- (b) The final disposition of each such action.

9. Please identify all social networking websites, internet groups, forums, organizations, or other entities of which the party is a member, has an account or profile, or otherwise participates. This interrogatory is intended to include all account or identifying information concerning internet websites such as, but not limited to, Facebook, My Space, Twitter, Linked In, etc.

10. Please identify any information, material, writings, posts, updates, correspondence, photographs, email, and other items that have been deleted from any account or profile identified above after the date of the incident giving rise to this lawsuit.

11. Without simply referencing the language of this lawsuit, provide a detailed description of the incident that gives rise to this lawsuit, including what occurred ten minutes before the incident, whether you consumed drugs or alcohol in the 24 hours before the incident, a detailed account of all relevant facts or events that occurred during the incident, and what occurred during the ten minutes after the incident, including anything said by or to you.

12. Please list the employment for the party for the last ten (10) years. For each position, state the employer, their address, the length of employment, the weekly wage, the name and telephone number of your direct supervisor, and the reason for leaving employment.

13. Set forth the amount of past, present, and future lost wages, lost income, and/or lost earning capacity, if any, claimed by the party, and set forth the method for calculating any amount.

14. List the names and addresses of each person over eighteen (18) years of age related to the party by blood or marriage who reside in the county where this lawsuit is pending.

15. If you allege punitive damages, please set forth a factual account (other than simply referencing the lawsuit) about Defendant's actions that you contend constitute willful, wanton, reckless, or grossly negligent behavior to sustain a punitive damage award.

16. Please state the Plaintiff's full name, address, date of birth, and social security number.

17. Please state the amounts of any settlement Plaintiff has received from any person and/or insurance company whatsoever related to the accident at issue in this case, including but not limited to all amounts received from any liability carrier and/or UIM carrier.

TURNER PADGET GRAHAM AND LANEY P.A.

By: s/ J. Carew Alvarez

J. Carew Alvarez

E-Mail: JAlvarez@turnerpadget.com

Post Office Box 22129

Charleston, South Carolina 29413

Telephone: (843) 579-8308

Fax: (843) 577-1626

ATTORNEYS FOR DEFENDANT

August 16, 2024

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Civil Action No. 2024-CP-10-03514

Karen Fine,

Plaintiff,

vs.

Herman Brown Hamrick,

Defendant.

REQUESTS FOR PRODUCTION

TO: PLAINTIFF AND ATTORNEY FOR PLAINTIFF:

Pursuant to Rule 34 of the South Carolina Rules of Civil Procedure, you must respond to these Requests within thirty (30) days from date of service:

1. Any and all documents or materials that relate to maintenance or repair of subject vehicle.
2. Any and all documents that relate to lost wages or earnings claimed by the party suffered from the incident alleged in the lawsuit.
3. Any and all statements, whether written, oral, or transcribed, of any individual that relate in any manner to the allegations of the lawsuit or any defenses of Defendant, whether these statements have been taken by Plaintiff, any other party, police officials, investigators, adjusters, or individuals acting on behalf of any defendant.
4. Any and all diagrams, sketches, drawings, prints, negatives, and layouts that relate in any manner to the allegations of the lawsuit, the defenses of any adverse party, or the accident scene.
5. Any and all photographs taken by Plaintiff, any other party, any defendant, police officials, investigators, adjusters, or other officials that relate in any manner to the allegations of the lawsuit or any defenses of any defendant.
6. Any and all reports, studies, analysis, or other documentation of any

accident reconstructionist, investigator, adjuster, expert, consultant, independent contractor, or engineer that relate in any manner to the allegations of the lawsuit or any defenses of any defendant.

7. If lost wages are claimed, all Federal and State tax returns of Plaintiff for the five (5) years preceding the accident alleged in the lawsuit, as well as any returns made subsequent to the accident alleged in the lawsuit.

8. Any and all documents that reflect any claims against or remuneration from other persons or entities as a result of the accident alleged in the lawsuit.

9. Any and all documents and writings in the possession, custody, or control of the party or its counsel that either contend are relevant to the case or are intended to be produced in the trial of the case.

10. A copy of the party's driver's license.

11. Please permit counsel for Defendant to access, inspect, and copy all of Plaintiff's accounts to any social networking websites, internet groups, forums, organizations, or other entities identified by the party in response to any answer to interrogatories. This request is intended to include access to all written materials, information, correspondence, writings, internet posts, updates, email, photographs, email, etc. contained in the accounts or profiles so identified. **PLEASE NOTE: No written material, information, correspondence, writings, internet posts, updates, email, photographs, email, etc. should be deleted from any account or profile identified by the party in response to the accompanying interrogatories without prior written consent from defense counsel. All accounts, websites, and profiles should be preserved in their present condition.**

12. Please produce a copy of each and every settlement agreement and/or settlement check that Plaintiff has received from any person and/or insurance company whatsoever related to the accident at issue in this case.

13. Please produce the entire file of any expert.

14. Please produce any and all documents obtained via subpoena and/or

FOIA request.

These Requests shall be deemed continuing so as to require supplemental responses if Plaintiff or any representative or counsel obtains further information between the time the responses are served and the time of trial.

TURNER PADGET GRAHAM AND LANEY P.A.

By: s/ J. Carew Alvarez
J. Carew Alvarez
E-Mail: JAlvarez@turnerpadget.com
Post Office Box 22129
Charleston, South Carolina 29413
Telephone: (843) 579-8308
Fax: (843) 577-1626
ATTORNEYS FOR DEFENDANT

August 16, 2024

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	BEFORE THE ARBITRATION PANEL
COUNTY OF CHARLESTON	)	CASE NO.: 2024-CP-10-03514
	)	
Karen Fine,	)	
	)	CLAIMANT'S ANSWERS TO
Claimant,	)	DEFENDANT'S 1 st INTERROGATORIES
	)	
vs.	)	
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	
	)	

TO: DEFENDANT ABOVE NAMED:

Claimant Karen Fine ("Claimant") answers Defendant Herman Brown Hamrick's ("Defendant") August 16, 2024 1st Interrogatories as follows:

1. Give the names, addresses, phone numbers, and email addresses of persons known to the party or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

ANSWER: Claimant c/o Sanders Law Firm, LLC, 1738 Three Oaks Avenue, Charleston, SC 29407, (843) 573-8828. No written or recorded statements have been taken. David Montanaro/Southern Automotive Consultants, LLC, PO Box 417, Hollywood, SC 29449. See his Report Bates Labeled, "Plaintiff 0001-0024."

2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or the defense in the case.

ANSWER: See documents Bates Labeled, "Plaintiff 0001-0085."

3. Set forth the names and addresses of all insurance companies that have liability insurance coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

ANSWER: Liberty Mutual, PO Box 5014, Scranton, PA 18505.

4. Set forth an itemized statement of all damages (including any economic losses), exclusive of pain and suffering, claimed to have been sustained by the party.

ANSWER: \$21,452.00 Diminished Value

\$4,275.78	Replacement of ceramic coating and film in damaged area
\$949.46	Unpaid repairs
<u>\$475.00</u>	<u>Expert witness cost to date</u>
\$27,152.24	TOTAL

5. List the names, addresses, phone numbers, and email addresses of each expert witness that the party proposes to use as a witness at the trial of the case.

ANSWER: David Montanaro c/o Southern Automotive Consultants, LLC, PO Box 417, Hollywood, SC 29449, (678) 794-2878, dmontanaro@hotmail.com.

6. For each person known to the party or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other parties of the important facts known to or observed by such witness or provide a copy of any written or recorded statements taken from such witness.

ANSWER: Claimant is expected to testify that Defendant drove into her vehicle while it was parked and unoccupied. No written or recorded statements have been taken. David Montanaro is expected to testify in accordance with his 5/27/24 *Diminished Value Report*. See documents Bates Labeled, "Plaintiff 0001-0085." No written or recorded statements have been taken.

7. Please state any prior accidents the subject vehicle was involved in and/or damage to the subject vehicle existing prior to subject accident.

ANSWER: None.

8. Has the party ever been involved in any other legal action (civil or criminal), either as a Defendant or as a Plaintiff? If so, state:

- (a) A description of the nature of each such action; and
- (b) The final disposition of each such action.

ANSWER: Divorce, 1993, Dallas County, Texas. Motor vehicle accident injury and property damage claim, 1997, Dallas County, Texas.

9. Please identify all social networking websites, internet groups, forums, organizations, or other entities of which the party is a member, has an account or profile, or otherwise participates. This interrogatory is intended to include all account or identifying information concerning internet websites such as, but not limited to, Facebook, My Space, Twitter, Linked In, etc.

ANSWER: None.

10. Please identify any information, material, writings, posts, updates, correspondence, photographs, email, and other items that have been deleted from any account or profile identified above after the date of the incident giving rise to this lawsuit.

ANSWER: None.

11. Without simply referencing the language of this lawsuit, provide a detailed description of the incident that gives rise to this lawsuit, including what occurred ten minutes before the incident, whether you consumed drugs or alcohol in the 24 hours before the incident, a detailed account of all relevant facts or events that occurred during the incident, and what occurred during the ten minutes after the incident, including anything said by or to you.

ANSWER: On December 4, 2023, Plaintiff and Defendant attended a homeowners group meeting at a church on Maybank Highway in Charleston, SC. Between 7:00 p.m. and 7:30 p.m., the meeting ended. At that time, the attendees began walking to their cars in the parking lot. When Claimant entered the parking lot, she heard Defendant yelling "Who's car is this?" Claimant saw that Defendant was pointing to Claimant's car. The parties' cars were parked parallel to each other in diagonal parking spaces. When Claimant approached Defendant and the parties' vehicles, Claimant immediately noticed that her fender was bent and there were white paint scratches along the side of her blue car. Defendant said, "I think \$500 ought to cover it," and "I'll take care of it." Defendant was adamant about not wanting to call the police, so Claimant acquiesced. Claimant photographed the parties' vehicles and took pictures of Defendant's driver's license, business card, and insurance card. Claimant advised that she would get an estimate for repairs.

12. Please list the employment for the party for the last ten (10) years. For each position, state the employer, their address, the length of employment, the weekly wage, the name and telephone number of your direct supervisor, and the reason for leaving employment.

ANSWER: Certified Public Accountant, solo practitioner/self-employed.

13. Set forth the amount of past, present, and future lost wages, lost income, and/or lost earning capacity, if any, claimed by the party, and set forth the method for calculating any amount.

ANSWER: None.

14. List the names and addresses of each person over eighteen (18) years of age related to the party by blood or marriage who reside in the county where this lawsuit is pending.

ANSWER: David Fine, 144 Wappoo Creek Drive, Charleston, SC 29412.

15. If you allege punitive damages, please set forth a factual account (other than simply referencing the lawsuit) about Defendant's actions that you contend constitute willful, wanton, reckless, or grossly negligent behavior to sustain a punitive damage award.

ANSWER: \$50,000.00 because of the failure to properly pay the damages.

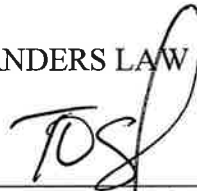
16. Please state the Plaintiff's full name, address, date of birth, and social security number.

ANSWER: Karen Fine, 144 Wappoo Creek Drive, Charleston, SC 29412, 11/18/1954, 457-02-5645. Because protected information has been provided in response to your request, you are responsible for keeping it safe. If a breach of this protected information arises, then Claimant will look to you and your firm for redress. Thanks for your understanding.

17. Please state the amounts of any settlement Plaintiff has received from any person and/or insurance company whatsoever related to the accident at issue in this case, including but not limited to all amounts received from any liability carrier and/or UIM carrier.

ANSWER: Plaintiff received the following payments from Liberty Mutual for repairs: \$2,122.77; \$460.05; \$456.45; \$112.03; \$5.45; \$185.93; and \$9.26.

SANDERS LAW FIRM, LLC



Thomas O. Sanders, IV
1738 Three Oaks Avenue
Charleston, South Carolina 29407
(843) 573-8828
ATTORNEY FOR CLAIMANT

Aug. 22, 2024
Charleston, South Carolina

Counsel Served: J. Carew Alvarez, Esquire
PO Box 22129
Charleston, SC 29413
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that the pleading or paper to which this certificate is affixed was served upon the party(s) to this action by email, by hand delivery or by depositing a copy of the same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record for such other party(s), in a post

office or official depository under the exclusive care
and custody of the United States Postal Service, on this
22 day of Aug., 2024.

TOS

Thomas O. Sanders, IV

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	BEFORE THE ARBITRATION PANEL
COUNTY OF CHARLESTON	)	CASE NO.: 2024-CP-10-03514
	)	
Karen Fine,	)	
	)	CLAIMANT'S RESPONSES TO
Claimant,	)	DEFENDANT'S 1 st REQUESTS
	)	FOR PRODUCTION
vs.	)	
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	

TO: DEFENDANT ABOVE NAMED:

Claimant Karen Fine ("Claimant") responds to Defendant Herman Brown Hamrick's ("Defendant") August 16, 2024 1st Requests for Production as follows:

1. Any and all documents or materials that relate to maintenance or repair of subject vehicle.

RESPONSE: See documents Bates Labeled, "Plaintiff 0001-0085."

2. Any and all documents that relate to lost wages or earnings claimed by the party suffered from the incident alleged in the lawsuit.

RESPONSE: None.

3. Any and all statements, whether written, oral, or transcribed, of any individual that relate in any manner to the allegations of the lawsuit or any defenses of Defendant, whether these statements have been taken by Plaintiff, any other party, police officials, investigators, adjusters, or individuals acting on behalf of any defendant.

RESPONSE: None.

4. Any and all diagrams, sketches, drawings, prints, negatives, and layouts that relate in any manner to the allegations of the lawsuit, the defenses of any adverse party, or the accident scene.

RESPONSE: See response to #1 above.

5. Any and all photographs taken by Plaintiff, any other party, any defendant, police

officials, investigators, adjusters, or other officials that relate in any manner to the allegations of the lawsuit or any defenses of any defendant.

RESPONSE: See response to #1 above.

6. Any and all reports, studies, analysis, or other documentation of any accident reconstructionist, investigator, adjuster, expert, consultant, independent contractor, or engineer that relate in any manner to the allegations of the lawsuit or any defenses of any defendant.

RESPONSE: See response to #1 above.

7. If lost wages are claimed, all Federal and State tax returns of Plaintiff for the five (5) years preceding the accident alleged in the lawsuit, as well as any returns made subsequent to the accident alleged in the lawsuit.

RESPONSE: Claimant is not claiming lost wages.

8. Any and all documents that reflect any claims against or remuneration from other persons or entities as a result of the accident alleged in the lawsuit.

RESPONSE: See response to #1 above.

9. Any and all documents and writings in the possession, custody, or control of the party or its counsel that either contend are relevant to the case or are intended to be produced in the trial of the case.

RESPONSE: See response to #1 above.

10. A copy of the party's driver's license.

RESPONSE: See response to #1 above.

11. Please permit counsel for Defendant to access, inspect, and copy all of Plaintiff's accounts to any social networking websites, internet groups, forums, organizations, or other entities identified by the party in response to any answer to interrogatories. This request is intended to include access to all written materials, information, correspondence, writings, internet posts, updates, email, photographs, email, etc. contained in the accounts or profiles so identified.

PLEASE NOTE: No written material, information, correspondence, writings, internet posts, updates, email, photographs, email, etc. should be deleted from any account or profile identified by the party in response to the accompanying interrogatories without prior written consent from defense counsel. All accounts, websites, and profiles should be preserved in their present

condition.

RESPONSE: Claimant does not have any such accounts.

12. Please produce a copy of each and every settlement agreement and/or settlement check that Plaintiff has received from any person and/or insurance company whatsoever related to the accident at issue in this case.

RESPONSE: See response to #1 above.

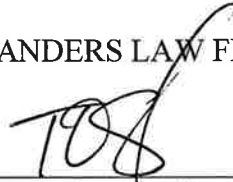
13. Please produce the entire file of any expert.

RESPONSE: See response to #1 above.

14. Please produce any and all documents obtained via subpoena and/or FOIA request.

RESPONSE: None.

SANDERS LAW FIRM, LLC



Thomas O. Sanders, IV
1738 Three Oaks Avenue
Charleston, South Carolina 29407
(843) 573-8828
ATTORNEY FOR CLAIMANT

Aug. 22, 2024
Charleston, South Carolina

Counsel Served: J. Carew Alvarez, Esquire
PO Box 22129
Charleston, SC 29413
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that the pleading or paper to which this certificate is affixed was served upon the party(s) to this action by email, by hand delivery or by depositing a copy of the same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record for such other party(s), in a post office or official depository under the exclusive care and custody of the United States Postal Service, on this 22 day of Aug., 2024.

A handwritten signature in black ink, appearing to be 'TOS' with a large, stylized flourish extending upwards and to the right.

Thomas O. Sanders, IV



T.O. Sanders <tosanders@sanderslawfirm.com>

ELECTRONICALLY FILED - 2024 Nov 24 7:54 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1003514

Fine v. Hamrick

1 message

T.O. Sanders <tosanders@sanderslawfirm.com>

Mon, Sep 16, 2024 at 10:06 AM

To: "calvare@turnerpadget.com" <calvare@turnerpadget.com>

Carew,

Just a reminder that your answers to my 8/9/24 written discovery requests are due today. If you need additional time, then please let me know. I look forward to hearing from you. Thanks.

T.O. Sanders
Attorney at Law
Sanders Law Firm, LLC
1738 Three Oaks Avenue
Charleston, SC 29407
(843) 573-8828
www.sanderslawfirm.com

The information contained in this communication is attorney-client privileged and confidential. This communication is intended for the above-named only. If you are not the intended recipient, then any dissemination, distribution or copying of this communication is strictly prohibited. If you received this communication in error or if you are unsure whether or not it is privileged, then please notify us by return email and destroy any copies you have of this communication. Thank you for your help with this matter.

2 attachments RFP.1.pdf
127K INT.1.pdf
108K

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	BEFORE THE ARBITRATION PANEL
COUNTY OF CHARLESTON	)	CASE NO.: 2024-CP-10-03514
	)	
Karen Fine,	)	
	)	PLAINTIFF'S MEMORDANDUM
Claimant,	)	IN SUPPORT OF ITS MOTION TO DEEM
	)	ADMITTED
vs.	)	
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	
	)	

Plaintiff Karen Fine ("Plaintiff"), by and through her undersigned attorney, submits the following brief in support of its Motion to Deem Admitted its August 9, 2024 *1st Requests for Admission to Defendant*.

I. STATUS OF THE CASE

On October 14, 2024, Defendant filed its Notice of Appeal in response to the September 24, 2024 Order/Decision. The case is awaiting trial in the Charleston County Court of Common Pleas.

II. ANALYSIS OF THE LAW

Any party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of Rule 26(b) set forth in the request that relate to statements or opinions of fact or of the application of law to fact.... Rule 36(a), SCRCPP. The matter is admitted unless, within 30 days after service of the request, ... the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or his attorney.... Id. A matter is deemed admitted when the party served fails to respond with a written answer or objection regarding the admission. Historic Charleston Holdings, LLC v. Mallon, 381 S.C. 417, 430, 673 S.E.2d 448,455 (2009).

A. DEFENDANT ELECTED TO ENGAGE IN WRITTEN DISCOVERY.

On August 16, 2024, Defendant served its Interrogatories (Exhibit A) and Requests for

Production (Exhibit B) upon Plaintiff's attorney. By doing so, Defendant elected to engage in written discovery with Plaintiff.

B. PLAINTIFF PROMPTLY ANSWERED DEFENDANT'S WRITTEN DISCOVERY REQUESTS.

On August 22, 2024, Plaintiff served Defendant with its Answers to Interrogatories (Exhibit C) and its Responses to Requests for Production (Exhibit D). On September 16, 2024, Attorney Alvarez was contacted about the tardy responses (Exhibit E).

III. CONCLUSION

Plaintiff's Motion to Deem Admitted should be granted.

SANDERS LAW FIRM, LLC

s/ Thomas O. Sanders, IV
Thomas O. Sanders, IV
1738 Three Oaks Avenue
Charleston, South Carolina 29407
(843)573-8828
ATTORNEY FOR PLAINTIFF

March 17, 2025
Charleston, South Carolina

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Civil Action No. 2024-CP-10-03514

Karen Fine,

Plaintiff,

vs.

Herman Brown Hamrick,

Defendant.

INTERROGATORIES

TO: PLAINTIFF AND ATTORNEY FOR PLAINTIFF:

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, you must answer these Interrogatories within thirty (30) days from date of service:

1. Give the names, addresses, phone numbers, and email addresses of persons known to the party or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or the defense in the case.

3. Set forth the names and addresses of all insurance companies that have liability insurance coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

4. Set forth an itemized statement of all damages (including any economic losses), exclusive of pain and suffering, claimed to have been sustained by the party.

5. List the names, addresses, phone numbers, and email addresses of each expert witness that the party proposes to use as a witness at the trial of the case.

6. For each person known to the party or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other parties of the important facts known to or observed by such witness or provide a copy of any written or recorded statements taken from such witness.

7. Please state any prior accidents the subject vehicle was involved in and/or damage to the subject vehicle existing prior to subject accident.

8. Has the party ever been involved in any other legal action (civil or criminal), either as a Defendant or as a Plaintiff? If so, state:

- (a) A description of the nature of each such action; and
- (b) The final disposition of each such action.

9. Please identify all social networking websites, internet groups, forums, organizations, or other entities of which the party is a member, has an account or profile, or otherwise participates. This interrogatory is intended to include all account or identifying information concerning internet websites such as, but not limited to, Facebook, My Space, Twitter, Linked In, etc.

10. Please identify any information, material, writings, posts, updates, correspondence, photographs, email, and other items that have been deleted from any account or profile identified above after the date of the incident giving rise to this lawsuit.

11. Without simply referencing the language of this lawsuit, provide a detailed description of the incident that gives rise to this lawsuit, including what occurred ten minutes before the incident, whether you consumed drugs or alcohol in the 24 hours before the incident, a detailed account of all relevant facts or events that occurred during the incident, and what occurred during the ten minutes after the incident, including anything said by or to you.

12. Please list the employment for the party for the last ten (10) years. For each position, state the employer, their address, the length of employment, the weekly wage, the name and telephone number of your direct supervisor, and the reason for leaving employment.

13. Set forth the amount of past, present, and future lost wages, lost income, and/or lost earning capacity, if any, claimed by the party, and set forth the method for calculating any amount.

14. List the names and addresses of each person over eighteen (18) years of age related to the party by blood or marriage who reside in the county where this lawsuit is pending.

15. If you allege punitive damages, please set forth a factual account (other than simply referencing the lawsuit) about Defendant's actions that you contend constitute willful, wanton, reckless, or grossly negligent behavior to sustain a punitive damage award.

16. Please state the Plaintiff's full name, address, date of birth, and social security number.

17. Please state the amounts of any settlement Plaintiff has received from any person and/or insurance company whatsoever related to the accident at issue in this case, including but not limited to all amounts received from any liability carrier and/or UIM carrier.

TURNER PADGET GRAHAM AND LANEY P.A.

By: s/ J. Carew Alvarez

J. Carew Alvarez

E-Mail: JAlvarez@turnerpadget.com

Post Office Box 22129

Charleston, South Carolina 29413

Telephone: (843) 579-8308

Fax: (843) 577-1626

ATTORNEYS FOR DEFENDANT

August 16, 2024

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Civil Action No. 2024-CP-10-03514

Karen Fine,

Plaintiff,

vs.

Herman Brown Hamrick,

Defendant.

REQUESTS FOR PRODUCTION**TO: PLAINTIFF AND ATTORNEY FOR PLAINTIFF:**

Pursuant to Rule 34 of the South Carolina Rules of Civil Procedure, you must respond to these Requests within thirty (30) days from date of service:

1. Any and all documents or materials that relate to maintenance or repair of subject vehicle.
2. Any and all documents that relate to lost wages or earnings claimed by the party suffered from the incident alleged in the lawsuit.
3. Any and all statements, whether written, oral, or transcribed, of any individual that relate in any manner to the allegations of the lawsuit or any defenses of Defendant, whether these statements have been taken by Plaintiff, any other party, police officials, investigators, adjusters, or individuals acting on behalf of any defendant.
4. Any and all diagrams, sketches, drawings, prints, negatives, and layouts that relate in any manner to the allegations of the lawsuit, the defenses of any adverse party, or the accident scene.
5. Any and all photographs taken by Plaintiff, any other party, any defendant, police officials, investigators, adjusters, or other officials that relate in any manner to the allegations of the lawsuit or any defenses of any defendant.
6. Any and all reports, studies, analysis, or other documentation of any

accident reconstructionist, investigator, adjuster, expert, consultant, independent contractor, or engineer that relate in any manner to the allegations of the lawsuit or any defenses of any defendant.

7. If lost wages are claimed, all Federal and State tax returns of Plaintiff for the five (5) years preceding the accident alleged in the lawsuit, as well as any returns made subsequent to the accident alleged in the lawsuit.

8. Any and all documents that reflect any claims against or remuneration from other persons or entities as a result of the accident alleged in the lawsuit.

9. Any and all documents and writings in the possession, custody, or control of the party or its counsel that either contend are relevant to the case or are intended to be produced in the trial of the case.

10. A copy of the party's driver's license.

11. Please permit counsel for Defendant to access, inspect, and copy all of Plaintiff's accounts to any social networking websites, internet groups, forums, organizations, or other entities identified by the party in response to any answer to interrogatories. This request is intended to include access to all written materials, information, correspondence, writings, internet posts, updates, email, photographs, email, etc. contained in the accounts or profiles so identified. **PLEASE NOTE: No written material, information, correspondence, writings, internet posts, updates, email, photographs, email, etc. should be deleted from any account or profile identified by the party in response to the accompanying interrogatories without prior written consent from defense counsel. All accounts, websites, and profiles should be preserved in their present condition.**

12. Please produce a copy of each and every settlement agreement and/or settlement check that Plaintiff has received from any person and/or insurance company whatsoever related to the accident at issue in this case.

13. Please produce the entire file of any expert.

14. Please produce any and all documents obtained via subpoena and/or

FOIA request.

These Requests shall be deemed continuing so as to require supplemental responses if Plaintiff or any representative or counsel obtains further information between the time the responses are served and the time of trial.

TURNER PADGET GRAHAM AND LANEY P.A.

By: s/ J. Carew Alvarez

J. Carew Alvarez

E-Mail: JAlvarez@turnerpadget.com

Post Office Box 22129

Charleston, South Carolina 29413

Telephone: (843) 579-8308

Fax: (843) 577-1626

ATTORNEYS FOR DEFENDANT

August 16, 2024

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	BEFORE THE ARBITRATION PANEL
COUNTY OF CHARLESTON	)	CASE NO.: 2024-CP-10-03514
	)	
Karen Fine,	)	
	)	CLAIMANT'S ANSWERS TO
Claimant,	)	DEFENDANT'S 1 st INTERROGATORIES
	)	
vs.	)	
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	
	)	

TO: DEFENDANT ABOVE NAMED:

Claimant Karen Fine ("Claimant") answers Defendant Herman Brown Hamrick's ("Defendant") August 16, 2024 1st Interrogatories as follows:

1. Give the names, addresses, phone numbers, and email addresses of persons known to the party or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

ANSWER: Claimant c/o Sanders Law Firm, LLC, 1738 Three Oaks Avenue, Charleston, SC 29407, (843) 573-8828. No written or recorded statements have been taken. David Montanaro/Southern Automotive Consultants, LLC, PO Box 417, Hollywood, SC 29449. See his Report Bates Labeled, "Plaintiff 0001-0024."

2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or the defense in the case.

ANSWER: See documents Bates Labeled, "Plaintiff 0001-0085."

3. Set forth the names and addresses of all insurance companies that have liability insurance coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

ANSWER: Liberty Mutual, PO Box 5014, Scranton, PA 18505.

4. Set forth an itemized statement of all damages (including any economic losses), exclusive of pain and suffering, claimed to have been sustained by the party.

ANSWER: \$21,452.00 Diminished Value

\$4,275.78	Replacement of ceramic coating and film in damaged area
\$949.46	Unpaid repairs
<u>\$475.00</u>	<u>Expert witness cost to date</u>
\$27,152.24	TOTAL

5. List the names, addresses, phone numbers, and email addresses of each expert witness that the party proposes to use as a witness at the trial of the case.

ANSWER: David Montanaro c/o Southern Automotive Consultants, LLC, PO Box 417, Hollywood, SC 29449, (678) 794-2878, dmontanaro@hotmail.com.

6. For each person known to the party or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other parties of the important facts known to or observed by such witness or provide a copy of any written or recorded statements taken from such witness.

ANSWER: Claimant is expected to testify that Defendant drove into her vehicle while it was parked and unoccupied. No written or recorded statements have been taken. David Montanaro is expected to testify in accordance with his 5/27/24 *Diminished Value Report*. See documents Bates Labeled, "Plaintiff 0001-0085." No written or recorded statements have been taken.

7. Please state any prior accidents the subject vehicle was involved in and/or damage to the subject vehicle existing prior to subject accident.

ANSWER: None.

8. Has the party ever been involved in any other legal action (civil or criminal), either as a Defendant or as a Plaintiff? If so, state:

- (a) A description of the nature of each such action; and
- (b) The final disposition of each such action.

ANSWER: Divorce, 1993, Dallas County, Texas. Motor vehicle accident injury and property damage claim, 1997, Dallas County, Texas.

9. Please identify all social networking websites, internet groups, forums, organizations, or other entities of which the party is a member, has an account or profile, or otherwise participates. This interrogatory is intended to include all account or identifying information concerning internet websites such as, but not limited to, Facebook, My Space, Twitter, Linked In, etc.

ANSWER: None.

10. Please identify any information, material, writings, posts, updates, correspondence, photographs, email, and other items that have been deleted from any account or profile identified above after the date of the incident giving rise to this lawsuit.

ANSWER: None.

11. Without simply referencing the language of this lawsuit, provide a detailed description of the incident that gives rise to this lawsuit, including what occurred ten minutes before the incident, whether you consumed drugs or alcohol in the 24 hours before the incident, a detailed account of all relevant facts or events that occurred during the incident, and what occurred during the ten minutes after the incident, including anything said by or to you.

ANSWER: On December 4, 2023, Plaintiff and Defendant attended a homeowners group meeting at a church on Maybank Highway in Charleston, SC. Between 7:00 p.m. and 7:30 p.m., the meeting ended. At that time, the attendees began walking to their cars in the parking lot. When Claimant entered the parking lot, she heard Defendant yelling "Who's car is this?" Claimant saw that Defendant was pointing to Claimant's car. The parties' cars were parked parallel to each other in diagonal parking spaces. When Claimant approached Defendant and the parties' vehicles, Claimant immediately noticed that her fender was bent and there were white paint scratches along the side of her blue car. Defendant said, "I think \$500 ought to cover it," and "I'll take care of it." Defendant was adamant about not wanting to call the police, so Claimant acquiesced. Claimant photographed the parties' vehicles and took pictures of Defendant's driver's license, business card, and insurance card. Claimant advised that she would get an estimate for repairs.

12. Please list the employment for the party for the last ten (10) years. For each position, state the employer, their address, the length of employment, the weekly wage, the name and telephone number of your direct supervisor, and the reason for leaving employment.

ANSWER: Certified Public Accountant, solo practitioner/self-employed.

13. Set forth the amount of past, present, and future lost wages, lost income, and/or lost earning capacity, if any, claimed by the party, and set forth the method for calculating any amount.

ANSWER: None.

14. List the names and addresses of each person over eighteen (18) years of age related to the party by blood or marriage who reside in the county where this lawsuit is pending.

ANSWER: David Fine, 144 Wappoo Creek Drive, Charleston, SC 29412.

15. If you allege punitive damages, please set forth a factual account (other than simply referencing the lawsuit) about Defendant's actions that you contend constitute willful, wanton, reckless, or grossly negligent behavior to sustain a punitive damage award.

ANSWER: \$50,000.00 because of the failure to properly pay the damages.

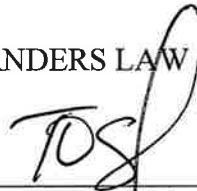
16. Please state the Plaintiff's full name, address, date of birth, and social security number.

ANSWER: Karen Fine, 144 Wappoo Creek Drive, Charleston, SC 29412, 11/18/1954, 457-02-5645. Because protected information has been provided in response to your request, you are responsible for keeping it safe. If a breach of this protected information arises, then Claimant will look to you and your firm for redress. Thanks for your understanding.

17. Please state the amounts of any settlement Plaintiff has received from any person and/or insurance company whatsoever related to the accident at issue in this case, including but not limited to all amounts received from any liability carrier and/or UIM carrier.

ANSWER: Plaintiff received the following payments from Liberty Mutual for repairs: \$2,122.77; \$460.05; \$456.45; \$112.03; \$5.45; \$185.93; and \$9.26.

SANDERS LAW FIRM, LLC



Thomas O. Sanders, IV
1738 Three Oaks Avenue
Charleston, South Carolina 29407
(843) 573-8828
ATTORNEY FOR CLAIMANT

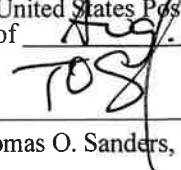
Aug. 22, 2024
Charleston, South Carolina

Counsel Served: J. Carew Alvarez, Esquire
PO Box 22129
Charleston, SC 29413
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that the pleading or paper to which this certificate is affixed was served upon the party(s) to this action by email, by hand delivery or by depositing a copy of the same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record for such other party(s), in a post

office or official depository under the exclusive care
and custody of the United States Postal Service, on this
22 day of Aug., 2024.



Thomas O. Sanders, IV

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	BEFORE THE ARBITRATION PANEL
COUNTY OF CHARLESTON	)	CASE NO.: 2024-CP-10-03514
	)	
Karen Fine,	)	
	)	CLAIMANT'S RESPONSES TO
Claimant,	)	DEFENDANT'S 1 st REQUESTS
	)	FOR PRODUCTION
vs.	)	
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	

TO: DEFENDANT ABOVE NAMED:

Claimant Karen Fine ("Claimant") responds to Defendant Herman Brown Hamrick's ("Defendant") August 16, 2024 1st Requests for Production as follows:

1. Any and all documents or materials that relate to maintenance or repair of subject vehicle.

RESPONSE: See documents Bates Labeled, "Plaintiff 0001-0085."

2. Any and all documents that relate to lost wages or earnings claimed by the party suffered from the incident alleged in the lawsuit.

RESPONSE: None.

3. Any and all statements, whether written, oral, or transcribed, of any individual that relate in any manner to the allegations of the lawsuit or any defenses of Defendant, whether these statements have been taken by Plaintiff, any other party, police officials, investigators, adjusters, or individuals acting on behalf of any defendant.

RESPONSE: None.

4. Any and all diagrams, sketches, drawings, prints, negatives, and layouts that relate in any manner to the allegations of the lawsuit, the defenses of any adverse party, or the accident scene.

RESPONSE: See response to #1 above.

5. Any and all photographs taken by Plaintiff, any other party, any defendant, police

officials, investigators, adjusters, or other officials that relate in any manner to the allegations of the lawsuit or any defenses of any defendant.

RESPONSE: See response to #1 above.

6. Any and all reports, studies, analysis, or other documentation of any accident reconstructionist, investigator, adjuster, expert, consultant, independent contractor, or engineer that relate in any manner to the allegations of the lawsuit or any defenses of any defendant.

RESPONSE: See response to #1 above.

7. If lost wages are claimed, all Federal and State tax returns of Plaintiff for the five (5) years preceding the accident alleged in the lawsuit, as well as any returns made subsequent to the accident alleged in the lawsuit.

RESPONSE: Claimant is not claiming lost wages.

8. Any and all documents that reflect any claims against or remuneration from other persons or entities as a result of the accident alleged in the lawsuit.

RESPONSE: See response to #1 above.

9. Any and all documents and writings in the possession, custody, or control of the party or its counsel that either contend are relevant to the case or are intended to be produced in the trial of the case.

RESPONSE: See response to #1 above.

10. A copy of the party's driver's license.

RESPONSE: See response to #1 above.

11. Please permit counsel for Defendant to access, inspect, and copy all of Plaintiff's accounts to any social networking websites, internet groups, forums, organizations, or other entities identified by the party in response to any answer to interrogatories. This request is intended to include access to all written materials, information, correspondence, writings, internet posts, updates, email, photographs, email, etc. contained in the accounts or profiles so identified.

PLEASE NOTE: No written material, information, correspondence, writings, internet posts, updates, email, photographs, email, etc. should be deleted from any account or profile identified by the party in response to the accompanying interrogatories without prior written consent from defense counsel. All accounts, websites, and profiles should be preserved in their present

condition.

RESPONSE: Claimant does not have any such accounts.

12. Please produce a copy of each and every settlement agreement and/or settlement check that Plaintiff has received from any person and/or insurance company whatsoever related to the accident at issue in this case.

RESPONSE: See response to #1 above.

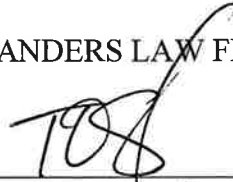
13. Please produce the entire file of any expert.

RESPONSE: See response to #1 above.

14. Please produce any and all documents obtained via subpoena and/or FOIA request.

RESPONSE: None.

SANDERS LAW FIRM, LLC



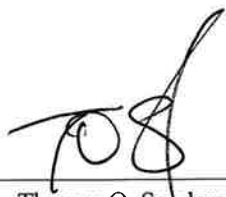
Thomas O. Sanders, IV
1738 Three Oaks Avenue
Charleston, South Carolina 29407
(843) 573-8828
ATTORNEY FOR CLAIMANT

Aug. 22, 2024
Charleston, South Carolina

Counsel Served: J. Carew Alvarez, Esquire
PO Box 22129
Charleston, SC 29413
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that the pleading or paper to which this certificate is affixed was served upon the party(s) to this action by email, by hand delivery or by depositing a copy of the same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record for such other party(s), in a post office or official depository under the exclusive care and custody of the United States Postal Service, on this 22 day of Aug., 2024.

A handwritten signature in black ink, appearing to be 'TOS' with a large, stylized flourish extending from the end.

Thomas O. Sanders, IV



T.O. Sanders <tosanders@sanderslawfirm.com>

Fine v. Hamrick

1 message

T.O. Sanders <tosanders@sanderslawfirm.com>

Mon, Sep 16, 2024 at 10:06 AM

To: "calvare@turnerpadget.com" <calvare@turnerpadget.com>

Carew,

Just a reminder that your answers to my 8/9/24 written discovery requests are due today. If you need additional time, then please let me know. I look forward to hearing from you. Thanks.

T.O. Sanders
Attorney at Law
Sanders Law Firm, LLC
1738 Three Oaks Avenue
Charleston, SC 29407
(843) 573-8828
www.sanderslawfirm.com

The information contained in this communication is attorney-client privileged and confidential. This communication is intended for the above-named only. If you are not the intended recipient, then any dissemination, distribution or copying of this communication is strictly prohibited. If you received this communication in error or if you are unsure whether or not it is privileged, then please notify us by return email and destroy any copies you have of this communication. Thank you for your help with this matter.

2 attachments RFP.1.pdf
127K INT.1.pdf
108K

ELECTRONICALLY FILED - 2025 Mar 17 5:33 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1003514
ELECTRONICALLY FILED - 2024 Nov 24 7:54 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1003514

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	CASE NO.: 2024-CP-10-03514
COUNTY OF CHARLESTON	)	
	)	
Karen Fine,	)	
	)	PLAINTIFF'S NOTICE OF MOTION AND
Plaintiff,	)	MOTION FOR SUMMARY JUDGMENT
	)	
vs.	)	
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	
	)	

TO: ALEXANDRIA S. JONES, ESQUIRE, ATTORNEY FOR DEFENDANT:

BE ADVISED THAT pursuant to SCRCP 56, Plaintiff Karen Fine ("Plaintiff"), by and through its undersigned attorney, will move before the presiding Judge in the Court of Common Pleas of Charleston County, South Carolina on the tenth day after the date of this Motion for Summary Judgment, or as soon thereafter as may be heard for summary judgment.

This Motion for Summary Judgment is made because there is no genuine issue as to any material fact, and *Plaintiff* is entitled to judgment as a matter of law.

SANDERS LAW FIRM, LLC

s/ Thomas O. Sanders, IV
 Thomas O. Sanders, IV
 1738 Three Oaks Avenue
 Charleston, South Carolina 29407
 (843) 573-8828
 ATTORNEY FOR PLAINTIFF

April 1, 2025
 Charleston, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO.: 2024-CP-10-03514
	)	
Karen Fine,	)	
	)	PLAINTIFF’S MEMORDANDUM
Plaintiff,	)	IN SUPPORT OF SUMMARY JUDGEMENT
	)	
vs.	)	
	)	
Herman Brown Hamrick,	)	
	)	
Defendant.	)	
	)	

Plaintiff Karen Fine (“Plaintiff”), by and through her undersigned attorney, submits the following brief in support of its Motion for Summary Judgement.

I. STATUS OF THE CASE

This case is awaiting trial in the Charleston County Court of Common Pleas. On March 28, 2025, the Court entered an *Order to Deem Admitted* (Exhibit “1”) *Plaintiff’s 1st Requests for Admission to Defendant* (Exhibit “2”).

II. ANALYSIS OF THE LAW

Summary judgment is appropriate if the pleadings, depositions, interrogatory answers, admissions, and affidavits, if any, show that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Rule 56(c), SCRCF; Law v. S.C. Dept. of Corrections, 368 S.C. 424, 434, 629 S.E.2d 642, 648 (2006). In determining whether any triable issues of fact exist, the evidence and all reasonable inferences must be viewed in the light most reasonable to the non-moving party. Id. at 648. The purpose of summary judgment is to expedite the disposition of cases which do not require the services of a fact finder. Dawkins v. Fields, 354 S.C. 58, 69, 580 S.E.2d 433, 438 (2003). A party opposing a properly supported motion for summary judgment may not rest on the allegations or denials of his pleading but must set forth or point to specific facts showing there is a genuine issue of material fact. The existence of a mere scintilla of evidence in support of the non-moving party’s position is not sufficient to overcome a

motion for summary judgment. Thomas v. Waters, 315 S.C. 524, 445 S.E.2d 659 (Ct. App. 1994) citing Dickert v. Metropolitan Life Ins. Co., 306 S.C. 311, 313, 411 S.E.2d 672, 673 (Ct. App. 1991).

- A. ALL OF PLAINTIFF’S CAUSES OF ACTION ARE PROVEN BY THE ORDER TO DEEM ADMITTED.

Plaintiff’s 1st Requests for Admission to Defendant (Exhibit “2”) are tailored to prove all of Plaintiff’s causes of action and damages. The Court’s *Order to Deem Admitted* (Exhibit “1”) determines all of Plaintiff’s causes of action in favor of Plaintiff, and it determines the amount of Plaintiff’s damages. Actual damages are shown to be \$23,538.63, and punitive damages are shown to be \$50,000.00 for a total of \$73,538.63 in damages.

- B. DEFENDANT HAS FAILED TO SHOW ANY FACTS SHOWING A GENUINE ISSUE OF MATERIAL FACT.

On August 9, 2024, the parties began discovery. Since that time, Defendant has had a full and fair opportunity to complete discovery. Defendant has offered no facts which show a genuine issue for trial.

III. CONCLUSION

Summary Judgement should be granted to Plaintiff on all causes of action along with damages of \$73,538.63.

SANDERS LAW FIRM, LLC

s/ Thomas O. Sanders, IV
 Thomas O. Sanders, IV
 1738 Three Oaks Avenue
 Charleston, South Carolina 29407
 (843)573-8828
 ATTORNEY FOR PLAINTIFF

April 3, 2025
 Charleston, South Carolina

EXHIBIT “1”

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Charleston
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP1003514

Karen Fine
PLAINTIFF(S)

Herman Brown Hamrick
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

This matter came before the court on March 20th upon Plaintiff's Motion to Compel and Motion to Deem Admitted. Present at the hearing was Thomas Sanders, on behalf of the Plaintiff, and Alexandria Jones, on behalf of the Defendant.

After reviewing the filings along with the arguments of counsel, the Motion to Compel and Motion to Deem Admitted are GRANTED. Additionally, Mr. Sanders request for attorneys fees in the amount of \$1,066.74 is GRANTED.

IT IS THEREFORE ORDERED that the Motion to Compel and Motion to Deem Admitted are hereby GRANTED and Mr. Sanders is to be awarded attorneys fees in the amount of \$1,066.74.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 03/28/2025 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCF.



Charleston Common Pleas

Case Caption: Karen Fine VS Herman Brown Hamrick
Case Number: 2024CP1003514
Type: Order/Electronic Form 4

So Ordered

The Honorable Courtney Clyburn Pope

Electronically signed on 2025-03-28 12:05:34 page 3 of 3

EXHIBIT “2”

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

Karen Fine,)

Claimant,)

vs.)

Herman Brown Hamrick,)

Defendant.)

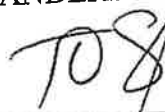
IN THE COURT OF COMMON PLEAS
BEFORE THE ARBITRATION PANEL
CASE NO.: 2024-CP-10-03514CLAIMANT'S 1st REQUEST FOR ADMISSION
TO DEFENDANT

TO: DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SERVED the following written Request for Admissions to be answered separately and in writing within thirty (30) days from the date of service, pursuant to and in accordance with the provisions of Rule 36 of the South Carolina Rules of Civil Procedure. Otherwise, the matter will be considered admitted. Pursuant to Rule 37(c) of the South Carolina Rules of Civil Procedure, if you fail to admit the truth of any matter requested which is later proven to be true, then you will be asked to pay the reasonable expenses and attorney's fees incurred in making that proof.

1. Admit that Defendant Herman Brown Hamrick ("Defendant") was at fault in causing the December 4, 2023 collision which is the subject of this action ("Collision").
2. Admit that Defendant was negligent and reckless in causing the Collision.
3. Admit that Plaintiff Karen Fine's ("Plaintiff") property damage totals \$23,538.63.
4. Admit that Plaintiff's punitive damages totals \$50,000.00.

SANDERS LAW FIRM, LLC



Thomas O. Sanders, IV
1738 Three Oaks Avenue
Charleston, South Carolina 29407
(843) 573-8828
ATTORNEY FOR CLAIMANT

Aug. 9, 2024
Charleston, South Carolina

Counsel Served: J. Carew Alvarez, Esquire
PO Box 22129
Charleston, SC 29413
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that the pleading or paper to which this certificate is affixed was served upon the party(s) to this action by email, by hand delivery or by depositing a copy of the same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record for such other party(s), in a post office or official depository under the exclusive care and custody of the United States Postal Service, on this 9th day of Aug., 2024.

TS
Thomas O. Sanders, IV

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	Civil Action No. 2024-CP-10-03514

Karen Fine,	)	
	)	
Plaintiff,	)	
	)	DEFENDANT'S NOTICE OF MOTION
vs.	)	AND MOTION FOR
	)	RECONSIDERATION AND/OR FOR
Herman Brown Hamrick,	)	<u>ENLARGEMENT OF TIME</u>
	)	
Defendant.	)	

TO: PLAINTIFF AND ATTORNEY FOR PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that Defendant, through his undersigned counsel, hereby respectfully submits this Notice of Motion and Motion for Reconsideration filed before the Court regarding the Court's Form 4 Order filed April 1, 2025 ("Order") pursuant to Rule 59 of the South Carolina Rules of Civil Procedure ("SCRCP"). This Motion seeks reconsideration, alteration, amendment, and/or clarification as to the Court's interpretation of the South Carolina law as applied to its Order that granted Plaintiff's Motion to Deem Admitted Plaintiff's Requests for Admission Admitted and Plaintiff's Motion to Compel Discovery (collectively "Motions") and Plaintiff's Request of Attorney's Fees in the amount of One Thousand Sixty-Six and 74/100 Dollars (\$1,066.74). In the alternative, Defendant also respectfully submits this Notice of Motion and Motion for Extended Time to answer Plaintiff's Requests for Admission. Defendant respectfully asks the Court to reconsider its ruling and enlarge time based on the following grounds:

BACKGROUND

Plaintiff submitted a property damage claim to arbitration on July 11, 2024 pursuant to S.C. Code 38-77-710, et seq. Arbitration of Property Damage Liability Claims. Plaintiff served her First Set of Discovery Requests, including Requests for

Admission, upon Defendant on August 9, 2024, while still under the Arbitration of Property Damage Liability Claims statute. Plaintiff's Requests for Admission makes assertions of \$23,538.63 in actual damages and \$50,000 in punitive damages.

Plaintiff and Defendant went before the Arbitration panel on September 24, 2024. Plaintiff did not make any argument or mention of to the Discovery Requests. The Arbitration panel ultimately decided in favor of Plaintiff. Defendant appealed the case *de novo*, within the statutory time allowed pursuant to § 38-77-770 of the S. C. Code, on October 14, 2024. To date, Plaintiff has not properly served nor attempted to properly serve discovery requests to Defendant after Defendant's appeal *de novo* to this Circuit Court.

ARGUMENT

A. No law in South Carolina allows for discovery requests in property damage arbitration and thus, any claims for discovery were waived.

Plaintiff's Discovery Requests violate the Arbitration of Property Damage Liability Claims statute, S.C. Code § 38-77-710 et seq., which limits discovery to reports, statements, or itemized bills—nothing akin to the broad discovery allowed under Rule 26 of the SCRCP.

S.C. Code § 38-77-710 mandates that the “[p]rocess and procedure must be as summary and simple as may be reasonable and may provide for the taking of evidence in the form of reports, statements, or itemized bills or in any other manner *without* the procedural and evidentiary limitations which pertain in jury trials” (emphasis added). The legislators clearly articulated specific exclusion of the formalities of jury

trials, including full discovery. Rule 81, SCRCP further clarifies that the SCRCP only apply to and govern trial courts and certain lower courts, not inclusive of property damage arbitration court:

[These Rules] shall apply insofar as practicable in magistrate's courts, probate courts, and family courts to the extent they are not inconsistent with the statutes and rules governing those courts. In any case where no provision is made by statute or these Rules, the procedure shall be according to the practice as it has heretofore existed in the courts of this State.

Therefore, Rule 81, SCRCP make clear that claims filed through Arbitration of Property Damage Liability Claims under S. C. Code § 38-77-710, et seq. are not subject to the jurisdictional limitations of or required to comply with the SCRCP, as the legislators provided a proper statute that directs attention to this type of case. By not applying SCRCP to this process, the legislature intended for the arbitration procedure to remain flexible and non-restrictive, as opposed to the stringent requirements of formal trials.

This statute is similar to the less formal discovery rules in the South Carolina Rules of Magistrate Court ("SCRMC") wherein the SCRMC, given the nature of the claim, requires relaxed rules to serve an effective purpose. *See*, the Scope & Purpose and Rule 13 of SCRMC (recognizing "speedy and inexpensive" conduct of the case in an "informal manner ... relaxed in the interest of justice").

Additionally, the Arbitration of Property Damage Liability Claims clarifies a special significance in the taking of subpoenas through S. C. Code § 38-77-740(c): "the

parties may secure the attendance of witnesses by their voluntary appearance or may secure their attendance by subpoenas prepared and issued in accordance with the laws of this State.” Moreover, S. C. Code § 38-77-750 explains enforcement of a subpoenas requested pursuant to § 38-77-740. No other subsection of the statute, however, allows for a process in obtaining discovery. Clearly it was not the legislators’ intent for written discovery to be obtained, and the legislators made a special provision for subpoena, only in that specific context. No other circumstances allow for evidences to be obtained in the Arbitration of Property Damage Liability Claims statute.

Here, Plaintiff filed her Complaint and served discovery requests before the Arbitration Panel. As such, Plaintiff submitted herself to the rules and laws governing the arbitration panel, including those under S. C. Code Ann. § 38–77–710, et seq., and also waived her right to the SCRCP in filing her Complaint before the Arbitration Panel. Therefore, as expressly noted in the statute, Defendant was not required to follow the procedural and evidentiary restrictions that apply to traditional jury trials such as discovery requests, like Requests for Admission, to obtain evidence. The parties exchanged evidence in the form of reports and itemized bills at the arbitration hearing in conformity and compliance with the statute § 38–77–710. Consequently, Defendant had no obligation to respond to Plaintiff’s First Set of Discovery Requests.

The Arbitration panel heard the parties’ cases in chief on September 24, 2024 pursuant to the Arbitration of Property Damage Liability Claims statute, § 38–77–

710, et seq. If the Court believes the exchange of discovery requests was valid under the Arbitration of Property Damage Liability Claims statute, then Plaintiff effectively waived any right to claim Defendant's lack of responding to discovery was ineffective as it was never mentioned throughout the duration of the hearing nor was any objection made upon Defendant's presentation of evidence before the Arbitration panel. Moreover, Plaintiff, according to S. C. Code 38–77–770, had the opportunity to appeal the Arbitration panel's verdict related to the same, but Plaintiff did not. Accordingly, Plaintiff waived any right to compel or deem admitted the discovery requests as no cross appeal was filed. Therefore, Plaintiff accepted the Arbitration panel's verdict as only awarding actual damages, not punitive damages, per their filed order.

Plaintiff's punitive damages now requested in his Requests for Admission is grossly improper as the basis of the request is premised on post-accident conduct. *See, State Farm Mutual Auto Ins. Co. v. Campbell*, 538 U.S. 408, 423 (2003) (punishment awarding punitive damages is solely based on "conduct that harmed the plaintiff, not for being an unsavory individual."). Moreover, the punitive damages alleged are substantively improper, as requests for admission must concern "the truth of any matters within the scope of Rule 26(b) set forth in the request that relate to statements or opinions of fact or of the application of law to fact." SCRCP 36(a). Punitive damages is not a type of "truth" to be admitted as punitive damages are determined by a trier of fact as to the truths.

Plaintiff's filing of the lawsuit under the statute, failure to object during the hearing, and failure to appeal after the verdict by the Arbitration panel constitutes clear grounds of waiver of the applicability of the SCRCP.

B. The property damage arbitration was appealed *de novo* to this Circuit Court.

Even if the Court presumes Plaintiff's service of discovery requests were appropriate procedure in the Arbitration of Property Damage Liability Claims, the matter was appealed *de novo* which required a new trial on the issue, i.e. service anew of discovery requests.

A trial *de novo* is one in which "the whole case is tried as if no trial whatsoever had been had in the first instance." *Blizzard v. Miller*, 306 S.C. 373, 412 S.E.2d 406 (1991) (citing *National Health Corporation v. S.C. Dept. of Health*, 298 S.C. 373, 378 n. 1 (Ct.App.1989); *Black's Law Dictionary* (5th Ed.1979)). "Section 38–77–770 [of the S. C. Code] does not abolish the guaranteed right to a jury trial. Although § 38–77–770 refers to an 'appeal,' the proceeding is actually a new trial." *Cooper v. Poston*, 326 S.C. 46, 483 S.E.2d 750 (1997).

Defendant filed his appeal in accordance with the statutory time period to do so. Defendant, as such, is guaranteed the right to a new trial. Defendant's *de novo* appeal resets any process, procedure, collection or request of evidence conducted before the arbitration hearing as a matter of law. This means that the previous conduct before the appeal is de facto nullified, and the findings before the Arbitration panel are considered anew. Based on this understanding, Plaintiff is now required to

comply with the SCRCP for discovery requests after a *de novo* appeal. As Plaintiff failed to served discovery after that *de novo* appeal, the prior discovery requests served before the Arbitration panel are invalid.

C. Defendant requests an extension of Plaintiff's Requests for Admission.

Defendant does not waive his previous arguments regarding the inapplicability of the SCRCP to Arbitration of Property Damage Liability Claims of the S. C. Code; however, if this appellate Court believes SCRCP governs the service of these Requests for Admission, Defendant requests the Court enlarge the time for Defendant to answer Plaintiff's Requests for Admission pursuant to Rule 6(b), SCRCP.

Rule 6(b) SCRCP, allows the Court to extend the specific period after the expiration time for "good cause shown." Relief requested by Rule 6(b), SCRCP, is solely within the trial court's sound discretion and is based off the same principles our courts have announced concerning a motion for relief from entry of default pursuant to Rule 55(c), SCRCP. See *Maxwell v. Genez*, 350 S.C. 563, 567 S.E.2d 496 (Ct. App. 2002), rev'd on other grounds 356 S.C. 617, 591 S.E.2d 26 (2003). In *Maxwell*, the Court of Appeals enlarged time for a Rule 40(j), SCRCP, motion to be filed after one year because of "good cause" which involved a 19-day delay in filing. The Supreme Court reversed and stated the explicit wording of Rule 40(j), SCRCP, did not allow any extension of time. The Supreme Court did not reject, however, the Court of Appeals' belief that Rule 6(e), SCRCP, allows the court in certain other

circumstances to extend the time to permit an act to be done after the expiration of a specified time, which is the specific language of the rule.

Here, Defendant submits the following facts to support a finding of “good cause” for not responding to the Plaintiff’s Requests for Admission: (a) pursuant to Section 38–77–770 of the S. C. Code, Defendant believes no discovery was allowed for property damage arbitration claim; (b) Plaintiff failed to notify Defendant of the outstanding Requests in violation of Rule 11, SCRPC; and (c) justice requires an extension as an admission without due process violates Defendant’s right to a jury trial, as requested in Defendant’s *de novo* Notice of Appeal.

Plaintiff would not be prejudiced by granting Defendant’s Motion. In reviewing for prejudice, courts generally determine whether the delay may result in the loss of evidence, create difficulties in discovery, or provide greater opportunities for fraud or collusion. 10 Charles Wright & Arthur Miller, *Federal Practice and Procedures*, § 2699 (1983). In this case, no such danger exists that any evidence would be lost, that discovery would be made more difficult, or that the opportunity for fraud or collusion would be increased by a short delay in answering the Complaint.

In addition, granting Defendant’s Motion would “serve the interests of justice.” Our courts “favor trial of issues on merit over securing judgment by slight technicalities.” See *Columbia Pools, Inc. v. Galvin*, 288 S.C. 59, 61, 339 S.E.2d 524 (1986). Accordingly, equity favors allowing the claims against Defendant to be addressed and resolved through a trial on the merits.

D. Plaintiff did not consult opposing counsel before filing her motion.

Plaintiff filed the Motions without proper consultation violating Rule 11, SCRPC and therefore, any award of attorney's fees is improper.

Pursuant to Rule 11 of the SCRPC,

[a]ll motions filed shall contain an affirmation that the movant's counsel prior to filing the motion has communicated, orally or in writing, with opposing counsel and has attempted in good faith to resolve the matter contained in the motion, unless the movant's counsel certifies that consultation would serve no useful purpose, or could not be timely held.

Plaintiff's duty to make a good faith effort in resolving disputes before filing her Motion was not achieved. Plaintiff notes in her Motion to Compel that "consultation with opposing counsel would serve no useful purpose." See, Plaintiff's Motion to Compel. On the contrary, had Plaintiff reached out to Defendant before the filing of this Motion, the discussion of improper discovery would have been addressed and likely resolved.

Moreover, despite Plaintiff's assertion that Plaintiff offered more time, Defendant never received correspondence regarding Plaintiff's Requests for Admission as required per Rule 11, SCRPC. Alternatively, Plaintiff conferred regarding the Plaintiff's Interrogatories and Requests for Production as a means to purposely relay discovery. See, *Exhibit B* of Plaintiff's Motion to Deem Admitted. Plaintiff did not confer with opposing counsel about the Requests for Admission, and therefore did not comply with Rule 11, SCRPC. Defendant would have been more

than willing to respond to Plaintiff's discovery requests upon proper service in this *de novo* appeal before this Honorable Court.

CONCLUSION

In conclusion, the Court should grant Defendant's Motion for reconsideration under Rule 59(e), SCRPC or in the alternative grant Defendant's Motion to Enlarge Time under Rule 6(b), SCRPC, and allow Defendant's answers to Plaintiff's requests for admission to be deemed timely.

Respectfully submitted,

TURNER, PADGET, GRAHAM & LANEY, P.A.

/s/ Alexandria S. Jones

Alexandria S. Jones, SC Bar No. 106349

Post Office Box 22129

Charleston, South Carolina 29413

Telephone: (843) 576-2837

Fax: (843) 577-1634

Email: asjones@turnerpadget.com

ATTORNEYS FOR DEFENDANT

April 11, 2025

Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Courtney Clyburn-Pope, Circuit Court Judge

Circuit Court Case No.: 2024-CP-10-03514

Karen Fine,.....Respondent,

v.

Herman Brown Hamrick,.....Appellant.

NOTICE OF APPEAL

Appellant hereby appeals two orders of the circuit court, which were filed on April 1, 2025 and June 17, 2025. Appellant received written notice of the first order on April 1, 2025 and filed a timely motion pursuant to Rule 59(e), SCRCP, in response. Appellant received written notice of the second order, which denied that timely motion, on June 17, 2025. Copies of both orders are attached.

Turner Padgett Graham & Laney, P.A.

s/ R. Hawthorne Barrett
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Alexandria S. Jones (SC Bar # 106349)
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asjones@turnerpadgett.com

Attorneys for Appellant

July 17, 2025

Other Counsel of Record:

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(843) 573-8828
tosanders@sanderslawfirm.com

Attorney for Respondent

RECEIVED

Jul 17 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Courtney Clyburn-Pope, Circuit Court Judge

Circuit Court Case No.: 2024-CP-10-03514

Karen Fine

Respondent,

v.

Herman Brown Hamrick

Appellant.

PROOF OF SERVICE

The undersigned, attorney of record for the Appellant, certifies that on **July 17, 2025**, a copy of the **Notice of Appeal** was served on Thomas O. Sanders, IV of the Sanders Law Firm, LLC, attorneys for the Respondent, via regular U.S. mail and email to the following addresses: *1738 Three Oaks Avenue, Charleston, South Carolina 29407* and tosanders@sanderslawfirm.com.

Turner Padgett Graham & Laney, P.A.

s/ R. Hawthorne Barrett

R. Hawthorne Barrett (SC Bar #16973)

Alexandria S. Jones (SC Bar # 106349)

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asjones@turnerpadgett.com

Attorneys for Appellant

Columbia, SC
July 17, 2025

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Charleston
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP1003514

Karen Fine
PLAINTIFF(S)

Herman Brown Hamrick
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

This matter comes before the Court on a motion for reconsideration filed by Defendants. After review of the memo and applicable law, this motion is DENIED.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/17/2025 .

RECEIVED
Jul 17 2025
SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Charleston Common Pleas

Case Caption: Karen Fine VS Herman Brown Hamrick

Case Number: 2024CP1003514

Type: Order/Electronic Form 4

So Ordered

The Honorable Courtney Clyburn Pope

Electronically signed on 2025-06-17 14:30:23 page 3 of 3

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Charleston
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP1003514

Karen Fine
PLAINTIFF(S)

Herman Brown Hamrick
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

This matter came before the court on March 20th upon Plaintiff's Motion to Compel and Motion to Deem Admitted. Present at the hearing was Thomas Sanders, on behalf of the Plaintiff, and Alexandria Jones, on behalf of the Defendant.

After reviewing the filings along with the arguments of counsel, the Motion to Compel and Motion to Deem Admitted are GRANTED. Additionally, Mr. Sanders request for attorneys fees in the amount of \$1,066.74 is GRANTED.

IT IS THEREFORE ORDERED that the Motion to Compel and Motion to Deem Admitted are hereby GRANTED and Mr. Sanders is to be awarded attorneys fees in the amount of \$1,066.74.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 03/28/2025 .

RECEIVED
Jul 17 2025
SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Charleston Common Pleas

Case Caption: Karen Fine VS Herman Brown Hamrick

Case Number: 2024CP1003514

Type: Order/Electronic Form 4

So Ordered

The Honorable Courtney Clyburn Pope

Electronically signed on 2025-03-28 12:05:34 page 3 of 3

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Maite L. Murphy, Circuit Court Judge

Circuit Court Case No.: 2024-CP-10-03514

RECEIVED
Oct 21 2025
SC Court of Appeals

Karen Fine,.....Respondent,

v.

Herman Brown Hamrick,.....Appellant.

NOTICE OF APPEAL

Appellant hereby appeals the of the circuit court, which were filed on September 23, 2025. Appellant received written notice of the order on September 23, 2025 which granted Respondent's Motion for Summary Judgment. A copy of the order is attached.

s/ R. Hawthorne Barrett
R. Hawthorne Barrett (SC Bar #16973)
Alexandria S. Jones (SC Bar # 106349)
Turner Padgett Graham & Laney, P.A.
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asjones@turnerpadgett.com

October 21, 2025

Attorneys for Appellant

Other Counsel of Record:

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tosanders@sanderslawfirm.com
Attorney for Respondent

RECEIVED
Oct 21 2025
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Maite L. Murphy, Circuit Court Judge

Circuit Court Case No.: 2024-CP-10-03514

Karen Fine,.....Respondent,

v.

Herman Brown Hamrick,.....Appellant.

PROOF OF SERVICE

The undersigned, attorney of record for the Appellant, certifies that on **October 21, 2025**, a copy of the **Notice of Appeal** was served on Thomas O. Sanders, IV of the Sanders Law Firm, LLC, attorneys for the Respondent, via email to the following address: tosanders@sanderslawfirm.com.

Turner Padgett Graham & Laney, P.A.

s/ R. Hawthorne Barrett
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Alexandria S. Jones (SC Bar # 106349)
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Attorneys for Appellant

Columbia, SC
October 21, 2025

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
Karen Fine,)
Plaintiff,)
vs.)
Herman Brown Hamrick,)
Defendant.)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2024-CP-10-03514

ORDER
GRANTING SUMMARY JUDGMENT
TO PLAINTIFF

RECEIVED
Oct 21 2025
SC Court of Appeals

JUDGE:
DATE OF HEARING:
PLAINTIFF'S ATTORNEY:
DEFENDANT'S ATTORNEY:
COURT REPORTER:

The Honorable Maite L. Murphy
June 24, 2025
Thomas O. Sanders, IV/Sanders Law Firm, LLC
Alexandria S. Jones/Turner, Padgett, Graham &
Laney, PA

This matter comes before me upon Plaintiff Karen Fine's ("Plaintiff") April 1, 2025 *Motion for Summary Judgment*. Summary Judgment is granted in favor of Plaintiff.

Summary judgment is appropriate if the pleadings, depositions, interrogatory answers, admissions, and affidavits, if any, show that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Rule 56(c), SCRCP; Law v. S.C. Dept. of Corrections, 368 S.C. 424, 434, 629 S.E.2d 642, 648 (2006). In determining whether any triable issues of fact exist, the evidence and all reasonable inferences must be viewed in the light most reasonable to the non-moving party. Id. at 648. The purpose of summary judgment is to expedite the disposition of cases which do not require the services of a fact finder. Dawkins v. Fields, 354 S.C. 58, 69, 580 S.E.2d 433, 438 (2003). A party opposing a properly supported motion for summary judgment may not rest on the allegations or denials of his pleading but must set forth or point to specific facts showing there is a genuine issue of material fact. The existence of a mere scintilla of evidence in support of the non-moving party's position is not sufficient to overcome a motion for summary judgment. Thomas v. Waters, 315 S.C. 524, 445 S.E.2d 659 (Ct. App. 1994) citing Dickert v. Metropolitan Life Ins. Co., 306 S.C. 311, 313, 411 S.E.2d 672, 673 (Ct. App.

1991).

Plaintiff's April 3, 2025 *Memorandum in Support of Summary Judgment* with exhibits ("Plaintiff's Memorandum in Support of Summary Judgment"), which was filed with the Court, sufficiently sets forth that there is no genuine issue of material fact as to Plaintiff's causes of action for property damage arising out of a motor vehicle collision due to the negligent and reckless acts of Defendant Herman Brown Hamrick ("Defendant"), and it is incorporated herein by reference.

On August 9, 2024, the parties began discovery. Since that time, Defendant had a full and fair opportunity to complete discovery. On August 16, 2024, Defendant served his Interrogatories and his Requests for Production on Plaintiff (Exhibit "1") to which Plaintiff responded (Exhibit "2"). By doing so, Defendant participated in discovery. Defendant has offered no facts through filings to show a genuine issue for trial.

Plaintiff's 1st Requests for Admission to Defendant (included in Plaintiff's Memorandum in Support of Summary Judgment) were tailored to prove all of Plaintiff's causes of action and damages. The Court's March 28, 2025 *Order to Deem Admitted* (also included in Plaintiff's Memorandum in Support of Summary Judgment) determines all of Plaintiff's causes of action in favor of Plaintiff, it determines the amount of Plaintiff's damages, it compels Defendant to respond to Plaintiff's written discovery requests and it compel Defendant to pay Plaintiff's attorney's fees in the amount of \$1,066.7. Defendant has neither responded to Plaintiff's written discovery requests nor has Defendant paid Plaintiff's attorney's fees.

Based upon the foregoing, actual damages are \$23,538.63 and punitive damages are \$50,000.00, for a total of \$73,538.63 in damages.

The September 25, 2024 *Order/Decision* of the Arbitration Panel, which was filed with the Court, awarded Plaintiff property damages in the amount of \$19,266.90. Post judgment interest on this order has accrued from the date of this order until such time as it is paid in full.

IT IS ORDERED ADJUDGED AND DECREED that *Plaintiff's Motion for Summary Judgment* on all causes of action is granted;

IT IS FURTHER ORDERED that the amount of damages is \$73,538.63 (Actual damages of \$23,538.63 + Punitive Damages of \$50,000.00) plus post judgment interest until paid in full;

IT IS ALSO ORDERED that post judgment interest on \$19,266.90 is owed from September 25, 2024 until the date of this Order with post judgment interest on \$73,538.63 accruing

hereafter until paid in full;

IT IS ALSO ORDERED that the Court's April 1, 2025 Order granting Plaintiff's attorney's fees in the amount of \$1,066.74 is incorporated into this Order;

IT IS ALSO ORDERED that Plaintiff's costs in the amount of \$1,437.01 as set forth below are awarded to Plaintiff;

AND IT IS SO ORDERED!

The Honorable Maite L. Murphy
Judge of the Ninth Judicial Circuit

_____, 2025
St. George, South Carolina

COSTS: \$10.00 (Filing fee for arbitration)
 \$95.22 (Motion filing fees x 3)
 \$640.85 (Court reporter)
 \$675.00 (Expert witness fee)
 \$15.94 (Certified mail for service)
 \$1,437.01 TOTAL



Charleston Common Pleas

Case Caption: Karen Fine VS Herman Brown Hamrick

Case Number: 2024CP1003514

Type: Order/Summary Judgment

So Ordered

s/ Maite Murphy 2166

Electronically signed on 2025-09-23 13:17:30 page 4 of 4

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
THE COURT OF COMMON PLEAS
C.A. NO. 2024-CP-10-03514

KAREN FINE,

PLAINTIFF,

vs.

HERMAN B. HAMRICK,

DEFENDANT.

H E A R I N G
BEFORE THE HONORABLE COURTNEY CLYBURN POPE

DATE: MARCH 20, 2025
TIME: N/A
LOCATION: SOUTH CAROLINA CIRCUIT COURT 9
TRANSCRIBED BY: AMANDA WATSON

LEGAL EAGLE
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Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

APPEARANCES:

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ATTORNEY FOR THE PLAINTIFF.

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asjones@turnerpadget.com

ATTORNEY FOR THE DEFENDANT.

INDEX

PROCEEDINGS	4
CERTIFICATE OF TRANSCRIBER	15

EXHIBITS

(NONE MARKED)

(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS
REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

P R O C E E D I N G S

THE COURT: Madam Clerk, the next case on the docket is number four. Case number 2024-CP-10-03514, Karen Fine versus Herman Brown Hamrick. This is an automobile arbitration. It's a motion to come -- excuse me, motion to compel submitted by Thomas Sanders. So we have Mr. Sanders and Ms. Jones? I see Ms. -- I see Ms. Jones. Do I -- and I see Mr. Sanders. All right. Very good. Mr. Sanders, your motion sir.

MR. SANDERS: Your Honor, I've got two motions, actually. One is a motion to compel, the other one is a motion to deem admitted.

THE COURT: I see.

MR. SANDERS: I filed memos in support of both of those motions and emailed your -- your chambers, did it -- did it make it to you?

THE COURT: It -- it did, and I was able to -- to briefly go over those -- that memo -- those memos, excuse me. So, I'll hear your -- I'll hear from you.

MR. SANDERS: Sure. Regarding my motion to compel, attorney Jones is the second lawyer defending this case, but both lawyers are within the same firm. The lawyer that I started out dealing with, apparently he left and changed jobs. Right off the bat, he served me with written discovery requests, and right off the bat, I answered them. I've never

1 been able to get an answer from them. You know, I think fair
2 thing to do is to require them to answer my written discovery
3 requests.

4 Likewise, my motion to deem admitted is based on some
5 requests for admission that I served around the same time,
6 back in August of 2024, they never were responded to. And
7 so, I'm asking you to deem those things admitted. I've also
8 filed an affidavit of attorney's fees because there was no
9 effort made to try to resolve this thing from the other side,
10 and I've incurred time and money to try to -- try to get this
11 thing resolved, and so please consider my affidavit of
12 attorney's fees.

13 THE COURT: All right. All right. Mr. Sanders, thank
14 you. And I've got your documents pulled up right here as
15 well. Ms. Jones?

16 MS. JONES: Hey. May it please the Court. Your Honor,
17 good morning. I actually -- I filed a motion in opposition
18 as well. Hopefully, Your Honor was able to review that. But
19 I respectfully ask that you deny Plaintiff's motion to deem
20 admitted and motion to compel for three reasons. One, it was
21 outside of the scope of the discovery period. This actually
22 was filed in arbitration court, and I'm going to go over the
23 background of the case facts in a second. Second, because we
24 appealed this judgment de novo. And third, the filing fee
25 should definitely be denied, you know, regardless, simply

1 because there was a violation of rule 11 of the South
2 Carolina Rules of Civil procedure.

3 Again, I wanted to give just a little bit of background.
4 So, in July of 2024, Plaintiff filed their summons and
5 complaint in the arbitration court. The defense timely
6 answered and then in -- in, excuse me, in August of 2024, the
7 Plaintiff served a discovery request inclusive of
8 interrogatories, request for admission, and request for
9 production, while still in the arbitration court.

10 There was an arbitration panel hearing where there was a
11 verdict that was favorable to the Plaintiff. The Plaintiff
12 never, during the panel, made any request of discovery or
13 stated that there was an issue of outstanding discovery. And
14 with that being said, Your Honor, we also think that's an
15 additional reason as to why it should be denied.

16 And then on October 14th of 2024, the defense timely
17 appealed their arbitration de novo to this circuit court.
18 And of course, now you understand that the Plaintiff is now
19 seeking to enforce the previous discovery. Pursuant to South
20 Carolina code 38-77-710, it states that there is no discovery
21 in arbitration cases. Verbatim, the law states that the
22 process and procedure must be as summary and simple as
23 reasonable and may provide for the taking of evidence in the
24 forms of reports, statements, or itemized bills, and with --
25 and any other manner without procedural or evidentiary

1 limitations as it pertains to a jury trial.

2 Your Honor, the evidence that was permitted, which is
3 again, the reports, statements, and itemized bills were, you
4 know, I guess, correctly presented by the Plaintiff's counsel
5 during the arbitration panel. But there was no requirement
6 of us to produce any discovery request, as it clearly states,
7 again, without the procedural or evidentiary limitations
8 which pertains to jury trials regarding discovery.

9 And also, Your Honor, pursuant to South Carolina code
10 3877-70 -- 770 excuse me. It states that any appeal from the
11 arbitration court is de novo, which we all understand to be
12 "a new". And I looked up exactly what it states, and it
13 states, if any party is dissatisfied with the decision of the
14 arbitrators or the single arbitrator, he may appeal within 20
15 days of the decision of the Court in which the claim is filed
16 by service upon the other parties of a notice of appeal.

17 And with that being said, we're, you know, we've been
18 granted -- we've been given our opportunity to have this case
19 decided with the new trial, and therefore any previous
20 discovery is exonerated. And as I stated before, Your Honor,
21 there was a violation of the rule 11 of the South Carolina
22 Rules of Civil Procedure pertaining to the motion to deem
23 admitted.

24 There was, you know, request for production and
25 interrogatory served. We do not dispute that. And then

1 there was a reminder sent about the request for production
2 and interrogatories. And -- excuse me, I lost my train of
3 thought. There was, also, production and interrogatory
4 served. The reminder was sent. However, Plaintiff
5 certified, in their -- in their, excuse me, in their motion
6 that there would be no useful purpose as to trying to, I
7 guess, resolve the claim.

8 So, therefore, there should be no attorney's fees
9 granted under that ground. If they reached out to us, maybe
10 there would have been a useful purpose other than filing the
11 motion. But, with that being said, they didn't. They
12 violated the rule 11 of South Carolina Rules of Civil
13 Procedure.

14 And, regarding the motion to deem admitted, there was
15 not a reminder sent pursuant to rule 11 of the South Carolina
16 Rules of Civil Procedure. And, based on those three reasons,
17 Your Honor, the evidentiary and procedural reasons that I
18 mentioned before, pursuant to South Carolina codes, 3877 dash
19 -- sorry, did I say that wrong? 3877-770 and then 3877-710,
20 in South Carolina Rules of Civil Procedure 11, we
21 respectfully request that you deny both the motion to compel
22 and the motion to deem admitted inclusive of the cost and
23 fees requested by Plaintiff's counsel.

24 THE COURT: Thank you, Ms. Jones. Mr. Sanders, your
25 response, sir?

1 MR. SANDERS: Thank you, Your Honor. May it please the
2 Court. The case is still the same case. The case number is
3 still the same. Although it started out as an arbitration
4 panel case, it did get moved over to the Court of Common
5 Pleas for a new trial, but the case number is still the same.
6 It hasn't changed.

7 Counsel's assertion that I didn't meet my rule 11
8 requirement is patently incorrect. If you will look at
9 Exhibit B of my motion to compel, I've got my email on there
10 with Carew Alvarez. He was the first lawyer to -- to handle
11 this case, and he stayed on that case up until, I think,
12 about the day before the -- the arbitration panel hearing.

13 Ms. Jones stepped in at the last minute, did a -- did a
14 remarkable job at the hearing on short notice, but it was
15 Carew Alvarez that I had communicated with, because he was
16 the only attorney of record that I was aware -- aware of.
17 And so, I did try to communicate.

18 And it says here in this email dated September the 16th,
19 2024, (as read) "Carew, just a reminder that your answers to
20 my August 9th, 2024, written discovery requests, that
21 includes interrogatories, request for admission, and request
22 for production are due today. If you need additional time,
23 please let me know. I look forward to hearing from you."

24 Never heard a word. And I'll just tell you I had put in
25 phone calls to him that never were returned. So, I more than

1 met my rule 11 requirement and to not answer requests for
2 admission, you know, in my mind, as a lawyer of 32 years
3 that's really walking a tight rope, and that's what they
4 chose to do.

5 So I'm asking you to compel them to respond to my
6 interrogatories and requests for production, and I'm asking
7 you to deem my request for admission to be admitted, and then
8 we can move for a damages hearing on this case and -- and be
9 done with it.

10 THE COURT: All right. Thank you, Mr. Sanders.
11 Ms. Jones, do you have any response?

12 MS. JONES: Yes, very briefly, Your Honor. I just want
13 to reiterate, again, that this was a trial de novo, so
14 therefore we're starting everything brand new. So, any
15 information that I previously obtained in that arbitration
16 panel hearing, I'm going to have to, of course, request a
17 new.

18 We've already done some depositions so that we can
19 better understand the case, and that, obviously, was not what
20 we had the opportunity to do in the arbitration panel. And
21 again, the intent was to assure that there would be as
22 summary as possible the means for -- the reasonable means for
23 taking up evidence in arbitration court. So again, de novo
24 means brand new. So, you know, it would be a violation of,
25 you know, procedural and due process and, you know, to grant

1 their motion to compel and to deem admitted based off of that
2 ground.

3 And then, regarding the rule 11, you know, request, I
4 definitely want to make sure that it's separated clearly from
5 your understanding. That the motion to compel rule 11, you
6 know, was sent. And in his email, Plaintiff's counsel sent,
7 which I do agree, to previous counsel on the case -- defense
8 counsel on the case, a request for a reminder for discovery
9 requests and then also attached requests for production and
10 interrogatories.

11 There was no reminder clarified, as you will see in
12 Plaintiff's exhibit. I'm not sure exactly which exhibit he
13 referred to, but in the exhibit that he provided in his
14 motion opposition -- or motion to support. But, there was
15 not, there was not a reminder of the request for admission.
16 So, there was no opportunity to be reminded of that, and
17 therefore there was no consultation before filing of the
18 motion.

19 So again, Your Honor, the trial is de novo. It would be
20 a violation without it, and there's also no discovery and
21 arbitration panel, and, you know, violation of rule 11.
22 Thank you, Your Honor.

23 THE COURT: Ms. Jones, I just want to make sure that I'm
24 clear on what your argument is -- or just clarify for me,
25 because it looks -- I just want you to say it again. It

1 looks as though that this is a reminder. I mean saying, my
2 written -- sorry. I mean, it says my written -- the -- the
3 August 20 -- the August 9th, 2024, written discovery requests
4 are due today. And then he said, you know, if you need
5 additional time, let me know. Tell me what you're saying he
6 did not provide notice of -- reminder.

7 MS. JONES: Your Honor, the reminder of those discovery
8 requests. So, if I -- let me actually try to find
9 Plaintiff's exhibit.

10 THE COURT: Exhibit B?

11 MS. JONES: Thank you. Thank you. My computer is --
12 okay. The rule 11 is exhibit -- excuse me, Your Honor. I'm
13 working on a smaller computer at this time, I apologize.
14 Your Honor, yes. So, that -- that rule 11 reminder, if you
15 look at the email, that's Exhibit E, there was a rule 11
16 reminder regarding the request for production and the
17 interrogatories.

18 There was not a rule 11 reminder for the request for
19 admission. So, with that being said, there was no
20 consultation for the request to deem admitted. So,
21 therefore, it should not be deemed admitted because there was
22 no consultation before the hearing. You know, in the other
23 arguments that I previously state about the case being de
24 novo.

25 And, also, that rule 11 reminder, again, was sent while

1 the case was in the arbitration panel. And I do think that
2 my memo in opposition probably more clearly organizes my
3 argument in that the time-line is, there was discovery
4 requests sent out when there was no discovery allowed in the
5 arbitration court.

6 Admittedly, yes, there was no response to the discovery.
7 And with that being said, there was a hearing before the
8 arbitration board, and there was a favorable verdict. There
9 was no objection at that hearing by Plaintiff's counsel
10 regarding the discovery request or no assertion to try to
11 deem any discovery admitted at that arbitration panel.

12 So, with that being said, it wasn't an issue then,
13 likely because there is an appeal now. Which, I think is a
14 fair request, but it's just not proper in the court right
15 now, Your Honor. I hope my explanation clarified it a little
16 bit more.

17 THE COURT: It did, and what I'm going to do ---

18 MR. SANDERS: Can I respond just briefly, Your Honor?

19 THE COURT: Yes. Absolutely, Mr. Sanders.

20 MR. SANDERS: I'm sorry to interrupt.

21 THE COURT: No, go ahead.

22 MR. SANDERS: May it please the Court. This motion
23 turns on one thing, one critical thing, and that is that the
24 defense counsel chose to participate in discovery right off
25 the bat, the same time that I did. And it -- it's only fair

1 that they were asking me to respond to written discovery
2 requests, and I did that. It's only required -- it's only
3 fair that they're -- they are required to do the same thing.

4 As far as the request for admissions go, I've always
5 been taught you keep quiet about those until -- until trial.
6 You don't -- as far as requests for admissions go, you keep
7 quiet about those because the case can turn on that very
8 quickly. They -- that can end the case. So, you know, we're
9 all -- we're all adults here. We all know what the rules
10 are, and we're supposed to follow them.

11 THE COURT: All right. And, well, Mr. Sanders and
12 Ms. Jones, let me -- allow me some more time to go through
13 your written memos. I do have my notes from your oral
14 arguments as well, and so, I will get you a decision just as
15 soon as I'm able to make one.

16 MR. SANDERS: Thank you, Your Honor. Appreciate your
17 time today.

18 THE COURT: Yes, thank you both. All right.

19
20
21 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED)
22
23
24
25

CERTIFICATE OF TRANSCRIBER

State of South Carolina

County of Charleston

I, AMANDA WATSON, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in South Carolina Circuit Court 9, Charleston, South Carolina, on the 20th day of March, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

A handwritten signature in black ink, appearing to read "Amanda Watson", is written over a horizontal line.

AMANDA WATSON, TRANSCRIBER

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

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May 20, 2026

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