

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

Dalton Nathaniel Mickel,

Plaintiff,

vs.

Clarence Dion Burgess, III and
Royal Fam Trucking, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS

CASE NUMBER: 2024CP0700650

**AMENDED ORDER ON ALL POST-TRIAL
MOTIONS****RECEIVED****Jul 14 2026****SC Court of Appeals**

This case was tried before a Beaufort County jury from February 3, 2026, through February 5, 2026. The Jury returned a verdict for the Plaintiff in the amount of \$2,000,000.00. On February 9, 2026, the Trial Judge, the Honorable Marvin Dukes, III, issued the final judgment. Subsequently both parties filed post-trial motions. An order on the post-trial motions was entered on June 4, 2026. This Order replaces and substitutes that order. After reviewing all motions and considering the arguments of counsel, the Court rules as follows. Defendants' Motion for Judgment Notwithstanding the Verdict, Motion for New Trial Absolute, and Motion for New Trial *Nisi Remittitur* are DENIED. Plaintiff's Motion to Recover Costs and Interest is GRANTED in part and DENIED in part.

1. Defendants' Post-Trial Motions**a. Judgment Notwithstanding the Verdict**

A court may only grant judgment not withstanding the verdict when "no reasonable jury could have reached the challenged verdict." *Maybank v. BB&T Corp.*, 416 S.C 541, 568–69, 787 S.E.2d 498, 412 (2016). The standard is the same as that for a motion for directed verdict: the court must view the evidence and all reasonable inferences therefrom in the light most favorable to the non-moving party and must deny the motion if the evidence yields more than one reasonable

inference or its inference is in doubt. *Id.* “The jury’s verdict will not be overturned if any evidence exists that sustains the factual findings implicit in its decision.” *Boddie-Noel Props., Inc. v. 42 Magnolia P’ship*, 334 SC 474, 482, 544 S.E.2d 279, 283 (Ct. App. 2000).

At trial, Defendants moved for a directed verdict on Plaintiff’s claim for future damages. Defendants argue that a verdict is not permitted to rest upon surmise, conjecture, or speculation, citing *Humphries v. Whitlock Combing Co., Inc.*, 309 S.C. 356, 422 S.E.2d 154 (Ct. App. 1992). Defendants argue that testimony from Dr. Jason Highsmith related to Plaintiff’s future care was not sufficient to support the jury’s verdict. Likewise, Defendants argue that because Plaintiff did not present testimony from an economist to reduce future costs to present value, the jury could not calculate the present value and include that number in its verdict without guessing or speculating.

Defendants submit no South Carolina authority requiring a plaintiff to calculate the present value of his future care and present that reduced number to the jury. Instead, our Supreme Court has recognized that future damage verdicts are often approximations based in the evidence: “Future damages in personal injury cases need not be proved to a mathematical certainty. Oftentimes a verdict involving future damages must be approximated. A wide latitude is allowed the jury.” *Haltiwanger v. Barr*, 258 S.C. 27, 32–33, 186 S.E.2d 819, 821 (1972). Evidence of future damages is admissible if it “tends to establish the nature, character, and extent of injuries which are the natural and proximate consequences of the defendants acts of otherwise competent.” *Weaver v. Lentz*, 348 S.C. 672, 680, 561 S.E.2d 360, 364 (Ct. App. 2002). It is then the province of the jury to determine whether the evidence meets the standard of proof for future damages—namely, whether they are “reasonably certain” to occur. *Pearson v. Bridges*, 344 S.C. 366, 371-72, 544 S.E.2d 617, 619 (2001).

Here, Defendants did not object to the admissibility of Dr. Highsmith's testimony regarding his future care opinions or to his ability to offer future care opinions. “The failure to make an objection at the time evidence is offered constitutes a waiver of the right to object.” *Cogdill v. Watson*, 289 S.C. 531, 537, 347 S.E.2d 126, 130 (Ct. App. 1986). Thus, it was up to the jury to decide whether to believe Dr. Highsmith. “The credibility of evidence is properly a question for the jury.” *Weaver*, 348 S.C. at 680, 561 S.E.2d at 364.

Dr. Highsmith, a neurosurgeon, testified that Plaintiff would more likely than not need extensive future care, including future medical expenses of almost \$1,000,000. Dr. Highsmith provided the approximate cost of care as well as the frequency with which Plaintiff would need the care. No other experts testified to contradict Dr. Highsmith. The jury also had corroborating evidence in the form of bills for the services Plaintiff had already received. When undisputed expert testimony indicated future expenses of \$1,000,000, there was sufficient evidence from which a reasonable jury could include \$500,000 in its compensatory verdict, even assuming all compensatory damages in excess of Plaintiff’s admitted medical bills were intended for future medical care.

But the Court cannot say whether the jury included any future medical care in its compensatory verdict. Plaintiff submitted a proposed verdict form which would have allowed the jury to specify individual dollar amounts for future medical care, among other categories, instead of a general verdict encompassing all compensatory damages. Defendants objected. Because the jury returned a general verdict, whether the jury intended any portion of its \$500,000 general damages verdict to encompass future medical expenses is speculation. *Cf. Kelly v. Brazell*, 253 S.C. 564, 568, 172 S.E.2d 304, 306 (1970) (“A general verdict was returned by the jury. We have

no way of knowing whether future medical was allowed, but we cannot say that the charge permitting it was error as a matter of law.”).

The Court finds that, taking the evidence in the light most favorable to Plaintiff, a reasonable jury could have reached this result. Thus, the verdict must stand undisturbed. The Court thus denies Defendants’ motion for judgment notwithstanding the verdict.

b. Thirteenth Juror Doctrine – New Trial Absolute

Trial judges, “charged with the duty of seeing justice is done,” have the discretion to grant a new trial when they are “convinced that a new trial is necessitated on the basis of the facts in the case.” *Vinson v. Hartley*, 324 S.C. 389, 404, 477 S.E.2d 715, 722 (Ct. App. 1996). As the “thirteenth juror,” the court may decide that the evidence at trial does not justify the jury’s verdict, effectively hanging the jury. *Folkens v. Hunt*, 300 S.C. 251, 254, 387 S.E.2d 265, 267 (1990).

The Court declines to grant a new trial as the thirteenth juror. The Court is not “convinced that a new trial is necessitated on the basis of the facts in the case.” *Vinson*, 324 S.C. at 404, 477 S.E.2d at 722. Instead, the Court finds there was sufficient evidence to support both the compensatory and the punitive verdict, as discussed more fully below. The Court thus denies Defendants’ motion for a new trial absolute under the Thirteenth Juror doctrine.

c. Excessive Verdict – New Trial Absolute or *nisi remittitur*.

Trial courts also have the inherent authority to grant a new trial in the face of an inadequate or excessive verdict. *Jolly v. Fisher Controls Int’l, LLC*, 443 S.C. 511, 522–23, 905 S.E.2d 380, 386 (2024). “In determining whether any verdict is inadequate or excessive, however, the court must give substantial deference to the jury’s determination of damages.” *Id.* at 523, 905 S.E.2d at 387 (collecting cases). This deference flows from our states constitutional command that “the right of trial by jury shall be preserved inviolate.” *Id.* at 523–24, 905 S.E.2d at 387. The parties to a civil

jury trial are “entitled to the constitutional privilege of the fair judgment of a jury” and a court may not alter the jury's verdict “simply because it is greater [or less] than its own estimate.” *Id.* (alterations in original). A trial judge must not invade the province of the jury without “compelling reasons” for doing so. *Id.* at 524, 905 S.E.2d at 387.

If a court is convinced of compelling reasons why the verdict is inadequate or excessive, that court must first differentiate between “merely unduly liberal” awards and “awards that are actuated by passion, caprice, or prejudice.” *Becker v. Wal-Mart Stores, Inc.*, 339 S.C. 629, 635, 529 S.E.2d 758, 761 (Ct. App. 2000). Only when a verdict is “shockingly disproportionate to the injuries suffered” and “thus indicates that passion, caprice, prejudice, or other considerations not reflected by the evidence affected the amount awarded” must a trial court grant a new trial absolute. *Id.* “In other words, to warrant a new trial absolute, the verdict reached must be so ‘grossly excessive’ as to clearly indicate the influence of an improper motive on the jury.” *Id.* When the verdict is merely “inadequate or excessive” the trial court may grant a new trial *nisi*. *Jolly*, 443 S.C. at 423, 905 S.E.2d at 387.

Compensatory Damages

Here, the Court finds no compelling reasons to invade the jury’s province. A verdict of \$500,000 in actual damages is not “shockingly disproportionate to the injuries suffered.” *Becker*, 339 S.C. at 635, 529 S.E.2d at 761. Two cases are instructive. First, in *Jolly*, our supreme court approved a trial judge’s decision to increase a \$200,000 verdict to \$1,580,000 *nisi additur* when the undisputed evidence at trial was that the plaintiffs past and future medical costs would exceed \$1,000,000. *See Jolly v. Fisher Controls Int’l, LLC*, 443 S.C. 511, 522–23, 905 S.E.2d 380, 386 (2024) (“‘Dr. Frank testified, *without dispute*, that the total cost of [plaintiff’s] past and future medical care ... would reasonably be \$1,000,000.’ If that testimony is accurate, it would clearly

be within the trial court's discretion to find a \$200,000 award inadequate." (emphasis added)). Here, the evidence at trial demonstrated that Plaintiff faced past and future medical expenses of over \$1,000,000. Defendants called no expert witnesses to rebut Dr. Highsmith's future care recommendations. Neither did Defendants cross-examine Dr. Highsmith with the bills admitted at trial to show that his cost estimates were wrong. Instead, the undisputed evidence at trial was that Plaintiff would need significant, costly medical care in the future and faced a life marked with fluctuating pain caused by Defendants' negligence. Following *Jolly*, this Court cannot find that the jury's compensatory verdict of \$500,000—about half of the future medical expenses established by undisputed expert testimony—is excessive, much less unduly so.

Second, in *Haltiwanger*, our Supreme Court found a verdict of \$64,000 was neither against the weight of the evidence nor capricious and prejudicial where a 32-year-old plaintiff suffered a significant spinal injury, needed a future surgery, had difficulty playing with his children, had difficulty performing his work as well as he had before the crash, had a change in his personality, and was observed in pain by other witnesses. *See* 258 S.C. at 30–32, 186 S.E.2d at 820–21. There, the plaintiff presented total economic damages of \$6,031, encompassing property damage, medical expenses, and lost income. *Id.* *Haltiwanger* thus approved a compensatory verdict of more than 10 times the economic specials presented at trial. Here, the jury likewise heard evidence that Plaintiff was involved in a car crash violent enough to set his work van on fire; that Plaintiff left the scene of the crash to go to the emergency room shortly after the crash; that Plaintiff traveled a great distance to attend more than 30 physical therapy sessions; that Plaintiff underwent two painful invasive procedures to obtain relief from consistent pain that started after this crash; and that Plaintiff ultimately faces a highly invasive cervical arthroplasty procedure where a doctor will cut through the front of plaintiff's neck, pull aside his windpipe and esophagus, and replace his

damaged intervertebral disc. Plaintiff's medical treatment has already caused him to incur bills of nearly \$64,000. Further, both Plaintiff's long-time girlfriend and his coworker testified to the extensive impact the crash has had on Plaintiff's life. Plaintiff's girlfriend testified that Plaintiff lost significant time and precious memories with his young daughter. Plaintiff's coworker testified that the pain Plaintiff experienced after the crash turned Plaintiff from an active, energetic 28-year-old into an "old man" at work. Both testified to changes in Plaintiff's personality and performance at home and work. Following *Haltiwanger*, this Court finds that the jury's compensatory verdict of \$500,000—less than eight times the economic specials Plaintiff incurred—is not excessive, much less unduly so.

Punitive Damages

Neither does the Court find compelling reasons to alter the jury's punitive damage verdict of \$1,500,000. Our appellate courts have indicated that post-judgment review of punitive damages must consider "(1) the degree of reprehensibility of the defendants conduct; (2) the disparity between the actual and potential harm suffered by the plaintiff and the punitive damages award; and (3) the difference between the punitive damages awarded by the jury and the civil penalties authorized or imposed in comparable cases." *Abel v. Lack's Beach Serv.*, 446 S.C. 434, 471, 900 S.E.2d 283, 303 (Ct. App. 2025) (quoting *Mitchell, Jr. v. Fortis Ins. Co.*, 385 S.C. 570, 585, 686 S.E.2d 176, 184 (2009)). The Court must also review the jury's decision considering all relevant evidence, including the factors listed in SC Code 15-32-520(E). The Court finds the jury's punitive damages verdict satisfies these factors.

i. Reprehensibility

“Reprehensibility is ‘[p]erhaps the most important indicium of the reasonableness of a punitive damages award.’” *Mitchell*, 385 S.C. at 587, 686 S.E.2d at 185. To analyze reprehensibility,

a court should consider whether: (i) the harm caused was physical as opposed to economic; (ii) the tortious conduct evinced an indifference to or a reckless disregard for the health or safety of others; (iii) the target of the conduct had financial vulnerability; (iv) the conduct involved repeated actions or was an isolated incident; and (v) the harm was the result of intentional malice, trickery, or deceit rather than mere accident.

Id.

These factors indicate a degree of reprehensibility sufficient to justify the jury's verdict in this case. First, the harm was physical, not merely economic. The testimony at trial indicated Plaintiff Mickel suffered significant physical injuries leading to longstanding interference with his daily life. Second, there is ample evidence to find that Royal Fam acted with indifference or recklessness in disregarding the safety of others. The harm in this case arose out of a crash that occurred because the brakes on Royal Fam's commercial motor vehicle failed. Defendant Burgess also testified that his vehicle was too heavy to stop. Defendants stipulated that Royal Fam was required by law to create and maintain records related to driver qualifications and the inspection, repair, and maintenance of its commercial motor vehicles. Defendants further stipulated that Royal Fam did not have the documents related either to driver qualification or to the inspection, repair, and maintenance of the dump truck at issue, and that the relevant law required Royal Fam to have that documentation at the time Plaintiff requested it.

Either the documents never existed—evinced Royal Fam's indifference toward necessary safety precautions like inspection and maintenance—or the documents were destroyed—indicating that they would have revealed something worse than indifference. In either case, the complete absence of this evidence is evidence of Royal Fam's complete absence of care both in

maintaining its vehicle and in training and supervising Defendant Burgess. Further, South Carolina statute required Royal Fam to maintain the brakes on its vehicle “in good working order,” *see* S.C. Code Annotated section 56-5-4870, and a “causative violation of a statute ... is evidence of recklessness and willfulness,” *Austin v. Specialty Trasnp. Servs., Inc.*, 358 S.C. 298, 310, *Inc.*, 358 S.C. 298, 314–15, 594 S.E.2d 867, 875 (Ct. App. 2004). The evidence at trial supported the jury’s finding of Royal Fam’s disregard for the safety of Plaintiff Mickel and others.

While there is no evidence that Royal Fam targeted Plaintiff Mickel or acted with intentional malice, trickery, or deceit toward him, there is evidence that Royal Fam repeatedly chose to place the uninspected and unmaintained dump truck on public roads. Defendant Burgess testified that he drove the same truck from when he started with Royal Fam to the time of the crash. Thus, three of the five factors this Court must consider support the jury's verdict, while the other two are neutral. The Court finds Royal Fam’s conduct was sufficiently reprehensible to satisfy due process and to support the jury’s punitive damage verdict as measured, rather than excessive.

ii. Ratio

“The ratio of actual or potential harm to the punitive damages award is ‘perhaps the most commonly cited indicium of an unreasonable or excessive punitive damages award.’” *Mitchell*, 385 S.C. at 588, 686 S.E.2d at 185 (quoting *B.M.W. of N. Am., Inc. v. Gore*, 517 U.S. 559, 580 (1996)). No “rigid benchmarks” exist, provided that “the measure of punishment is both reasonable and proportionate to the amount of harm to the plaintiff and the general damages recovered.” *Id.* (quoting *Gore*, 517 U.S. at 425-26). That measure is typically a “single-digit ratio,” especially when “compensatory damages are substantial.” *Gore*, 517 U.S. at 425. The South Carolina legislature has presumptively capped punitive damages awards at “the greater of three times the amount of compensatory damages ... or the sum of \$500,000.” S.C. Code Ann. § 15-35-530(A).

Here, the jury's punitive damage verdict of \$1,500,00 is exactly three times the jury's compensatory verdict of \$500,000. That ratio is both a single digit and the exact cap which the South Carolina legislature has presumptively applied to punitive damage awards. Considering the significant actual harms that Plaintiff Mickel experienced, the Court finds a three-to-one ratio is appropriate to satisfy due process and is not excessive.

iii. *Comparative Penalty Awards*

The final factor this Court must consider is any difference “between the punitive damages awarded by the jury and the civil penalties authorized or imposed in comparable cases.” *Mitchell*, 385 S.C. at 588–89, 686 S.E.2d at 186. To identify a “comparable case,” this Court may look to the type of harm suffered, the reprehensibility of the defendant's conduct, the ratio of harm to punitive damage award, the size of the award, or any other factor this Court deems relevant. *Id.* While this Court may consult statutory civil and criminal penalties, a penalty may be set at such a “low level” as to provide “little basis for comparing it with any meaningful punitive damage award.” *James v. Horace Mann Ins. Co.*, 371 S.C. 187, 197, 638 S.E.2d 667, 672 (2006) (quoting *Collins Ent. Corp. v. Coats & Coats Rental Amusement*, 355 S.C. 125, 142, 584 S.E.2d 120, 129 (Ct. App. 2003), *aff'd*, 368 S.C. 410, 629 S.E.2d 635 (2006)).

A motor carrier's failure to inspect, maintain, and repair the brakes on a commercial motor vehicle is subject to a civil fine of no more than \$19,246. *See, e.g.*, 49 CFR § 386, Appendix B. In *James*, the court found a fine of \$15,000 to \$30,000 too low to provide a basis for comparison with meaningful punitive damage awards. 371 S.C. at 197, 638 S.E.2d at 672. So here, the Court finds that the relevant statutory penalties are so low as to provide little guidance to a meaningful damages award

The Court finds *Austin v. Specialty Transport Services, Inc.* informative for its similar degree of reprehensible conduct and ratio of harm to punitive damage award. 358 S.C. at 304–05, 594 S.E.2d at 870. There, the defendant driver ignored a stop sign causing a violent crash with the plaintiffs. *Id.* After a default, at the damages hearing, the trial judge found the plaintiff husband suffered \$850,000 in compensatory damages and the plaintiff wife suffered \$175,000 in compensatory damages. *Id.* at 311, 594 S.E.2d at 873. The judge also included \$2,158,000 in punitive damages for the plaintiff husband, and \$442,000 in punitive damages for the plaintiff wife. *Id.* The court of appeals held that this approximately 2.5-to-one ratio of punitive to compensatory damages comported with due process and was not excessive. *Id.* at 319, 594 S.E.2d at 878.

The degree of reprehensibility displayed by the *Austin* defendant is comparable to the degree of reprehensibility which Royal Fam displayed here. Both defendants violated a statute, and that violation caused the crash in question. In fact, Royal Fam’s reprehensible conduct exceeds that of the *Austin* defendant because Royal Fam additionally violated federal maintenance requirements and failed to supervise or train its driver. Thus, the Court finds a slightly higher ratio of 3-to-one punitive to compensatory damages appropriate when compared to other penalty awards.

iv. Factors under SC Code § 15-32-520(E)

The Court must also review the jury’s decision, considering all relevant evidence, including the factors identified in S.C. Code Ann. section 15-32-520(E) to ensure that the award is not excessive or the result of passion or prejudice. The factors a jury may consider when awarding punitive damages include, but are not limited to the following:

- (1) the defendant's degree of culpability;
- (2) the severity of the harm caused by the defendant;
- (3) the extent to which the plaintiff's own conduct contributed to the

harm; (4) the duration of the conduct, the defendant's awareness, and any concealment by the defendant; (5) the existence of similar past conduct; (6) the profitability of the conduct to the defendant; (7) the defendant's ability to pay; (8) the likelihood the award will deter the defendant or others from like conduct; (9) the awards of punitive damages against the defendant in any state or federal court action alleging harm from the same act or course of conduct complained of by the plaintiff; (10) any criminal penalties imposed on the defendant as a result of the same act or course of conduct complained of by the plaintiff; and (11) the amount of any civil fines assessed against the defendant as a result of the same act or course of conduct complained of by the plaintiff.

S.C. Code Ann. § 15-35-520(E). Factors one and two are addressed above, where the Court finds a sufficient degree of reprehensibility and severity of harm to justify this punitive damages verdict. Neither Defendant advanced a claim of comparative negligence at trial, and there was no evidence that Plaintiff's conduct contributed to the harm. Thus, factor three weighs in favor of this verdict. Factors four and five also support the verdict Defendant Burgess testified that he drove the same truck from when he started with Royal Fam to the time of the crash and that he was never trained in how to properly inspect the vehicle. Further, the documentation Royal Fam was legally required to keep regarding any inspection or maintenance program either never existed or was destroyed after the crash. This speaks to duration and ongoing nature of Royal Fam's failure to meet regulatory requirements and perform duties relating to the safety of its trucking operations and supports the jury's punitive damages verdict. Finally, factor eight, the deterrent effect of the punitive damage verdict on other similar conduct, supports the verdict. It is difficult to imagine that Royal Fam or other trucking companies operating in Beaufort County would continue to refuse their duties of maintenance or training when confronted with the reality that such refusal could lead to a verdict like this one. The remaining factors—six, seven, and nine through eleven—are neutral. No evidence was presented on those factors at trial, and thus they do not weigh for or against the jury's verdict.

In sum, the Court finds the jury's punitive damages verdict of \$1,500,000 comports with due process and is not excessive. Royal Fam's conduct in repeatedly placing an uninspected and unmaintained dump truck onto the public roads of this state is sufficiently reprehensible to support the jury's verdict. The single-digit ratio of punitive-to-compensatory damages falls within the cap established by our legislature. *Austin* provides a touchstone case that is comparable both in degree of reprehensibility and in ratio

The Court finds no compelling reasons to view either the compensatory or the punitive portions of the jury's verdict as excessive, much less unduly so. Absent compelling reasons, the Court may not invade the province of the jury but must give "substantial deference to the jury's determination of damages." *Jolly*, 443 at 524, 905.S.E.2d at 387. The Court thus denies Defendants' motions for a new trial absolute or *nisi additur*.

2. Plaintiff's Post-Trial Motions

a. Prejudgment Interest Pursuant to Offer of Judgment

The Court finds that prior to trial, Plaintiff made an Offer of Judgment on October 28, 2024, for \$1,000,000.00 to Royal Fam Trucking, LLC and to Clarence Dion Burgess, III. The ultimate verdict of \$2,000,000.00 as to Royal Fam Trucking, LLC exceeded Plaintiff's Offer of Judgment of \$1,000,000.00. As stated in Defendants' memorandum, "Defendants do not dispute that pursuant to South Carolina Rule of Civil Procedure 68, Plaintiff is entitled to recoup interest on the amount awarded by the jury at a rate of eight percent."

The Court finds the offer was made 465 days prior to the verdict being returned on February 5, 2026. Interest calculated at a rate of 8% per annum during this period amounts to \$205,589.12. Plaintiff's motion for prejudgment interest of \$205,589.12 is GRANTED.

b. Costs Pursuant to Rule 54, SCRPC and Offer of Judgment

Under Rule 54(d) of the South Carolina Rules of Civil Procedure, “Except when express provision therefor is made either in a statute or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs.” Rule 54(d), SCRCP. A prevailing party is “one who successfully prosecutes the action or successfully defends against it, prevailing on the main issue, even though not to the extent of the original contention and is the one in whose favor the decision or verdict is rendered, and judgment entered.” *EFCO Corp. v. Renaissance on Charleston Harbor, LLC*, 370 S.C. 612, 618, 635 S.E.2d 922, 925 (Ct. App. 2006) (quoting *Heath v. County of Aiken*, 302 S.C. 178, 182–83, 394 S.E.2d 709, 711 (1990)). “A court determines the prevailing party by evaluating the degree of success obtained.” *Heath*, 30 S.C. 178 at 183, 394 S.E. 2d at 711. Rule 68 of the South Carolina Rules of Civil Procedure provides that a consequence of non-acceptance of an Offer of Judgment is that the offeror shall recover from the offeree “any administrative, filing, or other court costs from the date of the offer until the entry of the judgment.” Rule 68(b), SCRCP. Here, the Plaintiff obtained a verdict against Defendant Royal Fam in excess of its \$1,000,000.00 Offer of Judgment and received favorable findings on every question submitted to the Jury. Thus, Plaintiff is the prevailing party under both Rule 54 and Rule 68 and is entitled to costs pursuant to Rule 54, SCRCP and Rule 68, SCRCP.

Defendants’ contend that Plaintiff’s motion tax certain asserted costs for the transcript of William McCutcheon’s deposition, the video of deposition of Dennis Capello, the transcript of Dennis Cappello, and costs relating to the testimony of Dr. Jason Highsmith should be denied. After consideration of the arguments of counsel, the Court agrees and DENIES Plaintiff’s motion as to those specific costs. As to the remaining costs listed in Plaintiff’s motion and declaration, Plaintiff’s motion to tax is GRANTED. Costs totaling \$3,727.07 shall be taxed and added to the amended judgment.

IT IS THEREFORE ORDERED:

1. Defendants' motion for judgment notwithstanding the verdict is **DENIED**.
2. Defendants' motion for new trial absolute is **DENIED**.
3. Defendants' motion for new trial *nisi remittitur* is **DENIED**.
4. Plaintiff's motion for costs and interest is **GRANTED** in part, and **DENIED** in part as follows:
 - a. Plaintiff's motion is **GRANTED** as to prejudgment interest of \$205,589.12 to be taxed against Defendant Royal Fam, LLC pursuant to Plaintiff's Offer of Judgment.
 - b. Plaintiff's motion is **DENIED** as to costs of the transcript of William McCutcheon's deposition, the video of deposition of Dennis Capello, the transcript of Dennis Cappello, and costs relating to the testimony of Dr. Jason Highsmith.
 - c. Plaintiff's motion is **GRANTED** as to all other asserted costs.
5. Judgment shall be entered in favor of Plaintiff as follows:
 - a. \$500,000.00 in actual damages against Defendant Clarence Dion Burgess, III and Defendant Royal Fam Trucking, LLC.
 - b. \$1,500,000.00 in punitive damages against Defendant Royal Fam Trucking, LLC.
 - c. \$3,727.07 in costs against Defendant Clarence Dion Burgess, III and Defendant Royal Fam Trucking, LLC.
 - d. \$205,589.12 in pre-judgment interest against Defendant Royal Fam Trucking, LLC.

[ELECTRONIC SIGNATURE PAGE AND FORM 4 TO FOLLOW]

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP0700650

Dalton Nathaniel Mickel

PLAINTIFF(S)

Clarence Dion Burgess, III and
Royal Fam Trucking, LLC

DEFENDANT(S)

Submitted by: **Hon. Marvin Dukes, III**Attorney for : ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

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. ☐ See Page 2 for additional information.
- ☐ **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:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Dalton Mickel	Clarence Dion Burgess, III	\$503,727.07
Dalton Mickel	Royal Fam Trucking, LLC	\$2,209,316.19
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest

or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Marvin H. Dukes, III

Circuit Court Judge

2785

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, 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 judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Beaufort Common Pleas

Case Caption: Dalton Nathaniel Mickel VS Clarence Dion Burgess Iii , defendant, et al
Case Number: 2024CP0700650
Type: Order/Amend

So Ordered

s/Marvin H. Dukes III #2785