ELECTRONICALLY FILED - 2026 Jun 29 9:57 AM - LEXINGTON - COMMON PLEAS - CASE#2024CP3202759

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2024-CP-32-02759

Mark Edelmayer	**Jonathan Bean**
PLAINTIFF(S)	DEFENDANT(S)

Submitted by: CIRCUIT COURT	**Attorney for :** ☐ Plaintiff ☐ Defendant or ☐ 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:

Please see Page 2 for Statement of Judgement by the Court.

RECEIVED
Jul 24 2026
SC Court of Appeals

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)**
N/A	N/A	N/A
		$
		$

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.

Circuit Court Judge	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.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

THIS MATTER came on for review before the Court upon Plaintiff Mark Edelmayer's Post-Trial Motions for New Trial and Judgement Notwithstanding the Verdict following the commencement of trial to verdict the week of May 18, 2026. The jury deliberated and returned a unanimous defense verdict on liability. Plaintiff now argues that he is entitled to Judgement Notwithstanding the Verdict because no reasonable jury could have found in favor of the Defendant based on the evidence, that a new trial is appropriate because the Court denied Plaintiff the ability to cross-examine the Defendant, and that the jury's confusion requires a new trial. In opposition to the Plaintiff's motion, Defendant argues that the jury was reasonable in finding for the Defendant, that the Plaintiff waived any objection to the jury charges or examination of Defendant Bean, that Plaintiff failed to identify prejudice derivate from Defendant's examination, and that the Jury question sent to the Court was inconsequential and properly addressed within the discretion of this Court.

In lieu of oral arguments, the parties submitted filings and briefs in support of their respective positions.

I. LEGAL STANDARD

a. Plaintiffs Motion JNOV

Because Defendant prevailed before the Jury, the issue before the Court is not whether Plaintiff has provided evidence that could support a verdict in its favor. To the contrary, a motion for JNOV may be granted only if no reasonable jury could have reached the challenged verdict. *Gause v. Smithers*, 403 S.C. 140, 149, 742 S.E.2d 644, 649 (2013). "[T]he trial judge is concerned with the existence of evidence, not its weight." *Curcio v. Caterpillar, Inc.,* 355 S.C. 316, 320, 585 S.E.2d 272, 274 (2003). The trial court is required to view the evidence and the inferences that reasonably can be drawn therefrom in the light most favorable to the party opposing the

ELECTRONICALLY FILED - 2026 Jun 29 9:57 AM - LEXINGTON - COMMON PLEAS - CASE#2024CP3202759

motion. The trial court must deny the motion when the evidence yields more than one inference or its inference is in doubt. *V.E. Amick & Associates, LLC v. Palmetto Environmental Group, Inc.*, 394 S.C. 538, 546, 716 S.E.2d 295, 299 (Ct. App. 2011). When considering a motion for JNOV, the trial judge cannot disturb the factual findings of a jury unless a review of the record discloses no evidence which reasonably supports them. *Force v. Richland Memorial Hospital*, 322 S.C. 283, 471 S.E.2d 714, 715 (Ct.App. 1996).

b. Plaintiff's Motion for New Trial

"A new trial may be granted to all or any of the parties and on all or part of the issues in an action in which there has been a trial by jury, for any of the reasons for which new trials have heretofore been granted in actions at law in the courts of the State." Rule 59(a), SCRCP. The trial court may grant a new trial absolute when, sitting as the thirteenth juror, it concludes the jury's verdict is not supported by the evidence. Under the Thirteenth Juror Doctrine in South Carolina, circuit court judges have the authority to grant a new trial upon the judge's finding that justice has not prevailed. *Youmans v. S.C. DOT*, 380 S.C. 263, 272-73, 670 S.E.2d 1, 5 (Ct. App. 2008) (citing *Todd v. Owen Indus. Prods., Inc.*, 315 S.C. 34, 431 S.E.2d 596 (Ct. App. 1993)). The thirteenth juror doctrine permits a court to essentially hang the jury "solely 'upon the facts.'" *Norton v. Norfolk S. Ry. Co.*, 350 S.C. 473, 478, 567 S.E.2d 851, 854 (2002) (emphasis added, quoting *Folkens v. Hunt*, 300 S.C. 251, 254, 387 S.E.2d 265, 267 (1990)); *Howard v. Roberson*, 376 S.C. 143, 153, 654 S.E.2d 877, 882 (Ct. App. 2007) ("The trial judge, sitting as the thirteenth juror charged with the duty of seeing that justice is done, has the authority to grant new trials when he is convinced that a new trial is necessitated on the basis of the facts in the case.") (citing *Graham v. Whitaker*, 282 S.C. 393, 321 S.E.2d 40 (1984)).

II. DISCUSSION

a. The Jury Was Reasonable in Finding in Favor of the Defendant.

Through his motion, Plaintiff argues he is entitled to Judgment Notwithstanding the Verdict because no reasonable jury could find for Defendant on this evidence because, even when viewing the evidence in the light most favorable to Defendant, no reasonable jury could conclude that Defendant was confronted with a legally cognizable sudden emergency. However, the trial court must deny motions for directed verdict or JNOV "where either evidence yields more than one reasonable inference or if its inference is in doubt." *Strange v. S.C. Dep't of Highways & Pub. Transp*., 314 S.C. 427, 429–30, 445 S.E.2d 439, 440 (1994).

Here, during trial, Defendant Bean testified that he believed he was put in a sudden emergency situation and that he believed the accident was unavoidable. Plaintiff does not address Defendant's testimony that a vehicle traveling ahead of Plaintiff braked suddenly, causing Plaintiff to brake abruptly in front of Defendant and resulting in a sudden emergency situation.

Therefore, this Court concludes there is evidence from which the jury could reasonably find the Defendant was not negligent and that a sudden emergency existed.

b. The Court Committed Harmless Error by Limiting Leading Questions Asked by Plaintiff's Counsel.

South Carolina Rule of Evidence 611(c) provides that when a party calls an adverse party or a witness identified with an adverse party, interrogation may be by leading questions. Rule 611, SCRE. This exception to the general prohibition against leading questions on direct examination recognizes that an adverse party is presumed to be hostile to the examining party's interests. *Sumner v. Pruitt*, 281 S.C. 63, 314 S.E.2d 150 (Ct. App. 1984); *State v. Nelson*, 192 S.C. 422 (1940). A witness qualifies as an adverse party when they are an opposing party in the litigation. *Id*. The decision whether an adverse witness may be asked leading questions is discretionary with the trial judge. *White v. Southern Oil,* 198 S.C. 173, 17 S.E.2d 150 (1941).

Plaintiff called Defendant Jonathan Bean as his first witness. Plaintiff asserts that he was not allowed to cross-examine and ask Defendant Bean leading questions. Upon defenses objection, this Court ruled that Plaintiff's counsel could not cross-examine Defendant since Plaintiff was the party who called him. Plaintiff's counsel had ample opportunity to examine Defendant Bean. The only substantial constraints imposed by the Court on Plaintiff's

ELECTRONICALLY FILED - 2026 Jun 29 9:57 AM - LEXINGTON - COMMON PLEAS - CASE#2024CP3202759

counsel's examination of Defendant Bean at trial stemmed from Plaintiff Counsel's improperly conducted and repeated attempts to introduce insurance evidence to the jury. Plaintiff has not identified any prejudice derivative from Defendant's examination.

Therefore, the Court admits the error but finds it harmless error where, as here, the Court did not prevent Plaintiff's counsel from examining the Defendant and the record will show counsel asked many leading questions.

c. The Jury's Written Communication to the Court was Properly Addressed and Consented to by all Counsel.

After the Court concluded charging the Jury, the Court received a written communication from the jury foreperson inquiring about the distinction between "bad judgment" and "negligence." A bench conference was held, during which counsel agreed that a dictionary could be provided to the jury. With the consent of all counsel, the Court then provided the jury with a dictionary. The jury's written question is part of the record.

Prior to the Court's charge, a charge conference was conducted with all parties present. No objections were raised to the Court's instructions, including the instructions concerning negligence, sudden emergency, and unavoidable accident. Accordingly, no objection to those jury instructions was preserved at the time of the charge.

III. CONCLUSION

After consideration of the Plaintiff's Post-Trial Motions for New Trial and Judgement Notwithstanding the Verdict, the record, and memoranda, this court hereby, respectfully, **DENIES Plaintiff's Motion for JNOV and For a New Trial.**

IT IS SO ORDERED!

ELECTRONICALLY FILED - 2026 Jun 29 9:57 AM - LEXINGTON - COMMON PLEAS - CASE#2024CP3202759

ELECTRONICALLY FILED - 2026 Jun 29 9:57 AM - LEXINGTON - COMMON PLEAS - CASE#2024CP3202759

****

FORM 4C INSTRUCTIONS—JUDGMENT IN A CIVIL CASE

(Instructions for Information Only-Not to be filed with Form 4C)

1. Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.

2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

   The attorney or prevailing party will prepare and attach the Form 4C when submitting the proposed order that includes judgment enrollment information for the judgment index. The judge will review and sign Form 4C when he or she signs an order that includes judgment enrollment information for the judgment index.

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).

4. The "Information for the Judgment Index" section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the "Judgment in Favor of" column, enter the name of the party to whom the judgment is awarded. In the "Judgment Against" column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the "Judgment Amount" column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate "N/A" in one of the boxes in this section of the form.

5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.

6. The section "For the Clerk of Court Office Use Only" should be completed by the clerk as it has been with the previous version of Form 4.

7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.

8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through "Circuit Court Judge" and indicate "Arbitrator" in the signature block.

ELECTRONICALLY FILED - 2026 Jun 29 9:57 AM - LEXINGTON - COMMON PLEAS - CASE#2024CP3202759

9. If a Special Circuit Court Judge, Master in Equity, or Special Referee prepares an order after hearing a Circuit Court matter, then he or she should strike through the title "Circuit Court Judge" below the signature line and indicate the appropriate title.

10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.

11. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the "Judgment Amount To Be Enrolled" box.

12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.

13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.

14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.

ELECTRONICALLY FILED - 2026 Jun 29 9:57 AM - LEXINGTON - COMMON PLEAS - CASE#2024CP3202759

ELECTRONICALLY FILED - 2026 Jun 29 9:57 AM - LEXINGTON - COMMON PLEAS - CASE#2024CP3202759

Lexington Common Pleas

Case Caption: Mark Edelmayer VS Jonathan Bean , defendant, et al

Case Number: 2024CP3202759

Type: Order/Form 4

It is so Ordered.

s/ R. Keith Kelly - 2165