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SC Court of Appeals

ELECTRONICALLY FILED - 2026 Aug 13 11:49 AM - ORANGEBURG - COMMON PLEAS - CASE#2019CP3800550

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas
Frank R. Addy, Circuit Court Judge

Civil Action No. 2019-CP-38-00550

ROBERT GEATHERS AND DEBRA GEATHERS..... Respondents,

v.

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION..... Appellant.

NOTICE OF APPEAL

Pursuant to South Carolina Rule of Appellate Procedure 203, Appellant National Collegiate Athletic Association ("NCAA") hereby timely appeals (1) the jury verdict and the judgment entered thereon; (2) the evidentiary and other rulings adverse to the NCAA before and during trial; (3) the July 21, 2026 Form 4 Order denying the NCAA's motion for judgment notwithstanding the verdict, motion for new trial, and motion to enforce the damages cap under the Solicitation of Charitable Funds Act, S.C. Code Ann. §§ 33-56-10 to -200; and (4) the August 12, 2026 Form 4 Order denying the NCAA's motion to reconsider. Copies of the jury verdict, judgment, and Form 4 Orders are attached hereto. The NCAA received written notice of the Form 4 Order denying their motion to reconsider on August 12, 2026.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: */s/ C. Mitchell Brown*
C. Mitchell Brown

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SC Bar No. 12872
Morgan E. Spires
SC Bar No. 105197
1320 Main Street, 17th Floor
Columbia, SC 29201
(803) 799-2000
mitch.brown@nelsonmullins.com
morgan.spires@nelsonmullins.com

GALLIVAN, WHITE & BOYD P.A.

John E. Cuttino
SC Bar No. 1519
1201 Main Street (29201)
Post Office Box 7368
Columbia, SC 29202
(803) 724-1714
jcuttino@gwblawfirm.com

WILLIAMS & WILLIAMS ATTORNEYS AT LAW

C. Brad Hutto
SC Bar No. 6436
Post Office Box 1084
Orangeburg, SC 29115
(803) 534-5218
cbhutto@williamsattys.com

BLANK ROME LLP

Andrew K. Fletcher (*admitted pro hac vice*)
Richard Weibley (*admitted pro hac vice*)
One Logan Square
130 North 18th Street
Philadelphia, PA 19103
(215) 569-5500
andrew.fletcher@blankrome.com
richard.weibley@blankrome.com

Attorneys for Appellant National Collegiate Athletic Association

Columbia, South Carolina

August 12, 2026

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APPEAL FROM ORANGEBURG COUNTY
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Civil Action No. 2019-CP-38-00550

ROBERT GEATHERS AND DEBRA GEATHERS..... Respondents,

v.

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION..... Appellant.

PROOF OF SERVICE

I, the undersigned, of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant, do hereby certify that I have served all counsel of record in this action with a copy of the document(s) set forth below under Supreme Court Order dated April 24, 2024.

Pleading(s): Notice of Appeal with attachments and Proof of Service

Served: *(via E-Mail)*

Timothy A Burke, Esquire
Kline & Specter, P.C.
1525 Locust St.
18th Floor
Philadelphia, PA 19102
timothy.burke@klinespecter.com

Jordan Christopher Calloway, Esquire
McGowan Hood Felder & Phillips
1539 Health Care Dr.
Rock Hill, SC 29732
jcalloway@mcgowanhood.com

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Whitney Boykin Harrison, Esquire
McGowan Hood Felder & Phillips
1517 Hampton Street
Columbia, SC 29201
wharrison@mcgowanhood.com

John D. Kassel, Esquire
Kassel McVey
PO Box 1476
1330 Laurel Street
Columbia, SC 29202
jkassel@kassellaw.com

David D. Langfitt, Esquire *(*Admitted *Pro Hac Vice)*
Langfitt PLLC
PO Box 302
Gladwyne, PA 19035
david@langfittpllc.com

John H Lewis, Jr. , Esquire *(*Admitted *Pro Hac Vice)*
Langfitt PLLC
PO Box 302
Gladwyne, PA 19035
john@langfittpllc.com

Theile Branham McVey, Esquire
Kassel McVey
Kassel Mcvey
PO Box 1476
Columbia, SC 29202
tmcvey@kassellaw.com

Jamie Rae Rutkoski, Esquire
Kassel McVey
PO Box 1476
Columbia, SC 292021476
jrutkoski@kassellaw.com

Bakari T. Sellers, Esquire
Strom Law Firm, LLC
6923 North Trenholm Road
Suite 200
Columbia, SC 29206
bsellers@stromlaw.com

Attorneys for Respondents Robert Geathers and Debra Geathers

John Edward Cuttino, Esquire
Gallivan, White & Boyd, PA
PO Box 7368
Columbia, SC 29202
jcuttino@gwblawfirm.com

C. Bradley Hutto, Esquire
Williams & Williams
PO Box 1084
Orangeburg, SC 29116
cbhutto@williamsattys.com

Andrew K. Fletcher, Esquire (Admitted *Pro Hac Vice*)
Blank Rome LLP
One Logan Square
130 North 18th Street
Philadelphia, PA 19103
andrew.fletcher@blankrome.com

Richard M.Weibley, Esquire (Admitted *Pro Hac Vice*)
Blank Rome LLP
One Logan Square
130 North 18th Street
Philadelphia, PA 19103
richard.weibley@blankrome.com

Attorneys for National Collegiate Athletic Association

Eileen Hindman
Senior Legal Administrative Assistant

August 12, 2026

ELECTRONICALLY FILED - 2026 Aug 13 11:49 AM - ORANGEBURG - COMMON PLEAS - CASE#2019CP3800550

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2019-CP-38-00550

ROBERT GEATHERS AND DEBRA GEATHERS	NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
APPLICANT	DEFENDANT

Submitted by: 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.

☐ **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

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*: ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

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 June 25, 2026 in Saluda County for a hearing on Defendant's post-trial motions, namely: Judgment Notwithstanding the Verdict, to Enforce the Damages Cap Under the Solicitation of the Charitable Funds Act, and for a New Trial. The Defendant, National Collegiate Athletic Association, was present and represented by John E. Cuttino, Esq., C. Bradley Hutto, Esq., Lewis Schlossberg, Esq., and Andrew K. Fletcher, Esq. Plaintiffs Robert and Debra Geathers were present represented by John D, Kassel, David Langfitt, Esq., and Jordan Calloway, Esq. The Court finds as follows:

The Court denies the Defense's Judgment Notwithstanding the Verdict motion. "The jury's verdict must be upheld unless no evidence reasonably supports the jury's findings." *Curcio v. Caterpillar, Inc*., 355 S.C. 316, 320, 585 S.E.2d 272, 274 (2003); *Wedgewood Condo. Ass'n v. Centex Homes*, 447 S.C. 54, 72, 923 S.E.2d 288, 297 (Ct. App. 2025), reh'g denied (Dec. 2, 2025). In considering a JNOV, the 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).
This standard of review has its roots from seventeenth century England, where jurors faced criminal punishment for neglecting to follow, or willful disregard of, the evidence and the court's instructions. Cassandra Burke Robertson, Judging Jury Verdicts, 83 Tul. L. Rev. 157, 164

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(2008). Respect for sanctity of the jury's decision is paramount for a reliable and effective justice system. Therefore, the Court denies the Defendant's JNOV motion.

The Court denies the motion to enforce the damages cap. This motion was the most challenging among the NCAA's motions for the Court's consideration, but only with respect to Mrs. Geathers' Loss of Consortium claim and the jury's award for that cause of action. Frankly, the issue of whether there can be more than one occurrence for a Loss of Consortium claim under these facts, or whether the jury's finding of 47 occurrences may be imputed with respect to Mrs. Geathers' claim, is a novel issue of law in South Carolina. The Court notes that some of our sister states have answered this question directly through legislation in similar contexts, such as medical malpractice claims and insurance coverage. *See* Ohio Rev. Code Ann. § 3937.18 (West) (limiting UIM and UM coverage to "all claims resulting from or arising out of any one person's bodily injury, … sustained by one person, and, for the purpose of such policy limit shall constitute a single claim."); N.M. Stat. Ann. § 41-5-6 (West) ("the aggregate dollar amounts …include payment to any person for any number of loss of consortium claims or other claims per occurrence that arise solely because of the injuries or death of the patient") Because this question represents a novel issue of law, the Court declines to interfere with the decision of the jury. The Charitable Immunity Act is clear, and the jury's finding of 47 occurrences allows for the jury award for Mrs. Geathers' Loss of Consortium claim to be as high as Mr. Geathers' Negligence claim. The issue lies in whether the 47 occurrences can be similarly attributed to the Loss of Consortium Claim. Again, out of respect for the jury's dedication and careful attention to this case, the Court declines to interfere with the verdict.

Furthermore, the interest of justice and public policy warrant allowing the award for Loss of Consortium to stand. The jury found that Plaintiffs were correct in their central premise: The NCAA was created to prevent the very harm which ultimately occurred to Mr. Geathers, Defendant has been aware of these preventable dangers for decades, and on 47 occasions Defendant neglected to undertake appropriate action to reasonably mitigate or eliminate these preventable injuries. As a result, Mrs. Geathers lost the privilege of growing old in health with her husband. Therefore, the Court will not disturb this verdict.

The Court denies the motion for a new trial. "A new trial may be granted to all or any of the parties and on all or part of the issues (1) 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;…" SCRCP 59. The NCAA states the following four reasons which warrant a new trial being granted: (1) The jury instructions on "increased risk of harm" and voluntary undertaking were inconsistent with the law; (2) The Court erroneously admitted evidence that prejudiced the NCAA; (3) The verdict was against the weight of the evidence; and (4) The damages award is excessive.

Regarding ground (1), the Court is satisfied that the jury was properly instructed on the applicable law. There is ample evidence demonstrating a series of systematic failures by the

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NCAA which increased the risk of harm to players. The instructions on increased risk of harm and voluntary undertaking were appropriate given the supporting evidence, the Restatement 2nd, and applicable case law. Regarding ground (2), the Court has a broad discretion in determining the admissibility of evidence. *City of N. Myrtle Beach v. E. Cherry Grove Realty Co., LLC*, 397 S.C. 497, 507, 725 S.E.2d 676, 681 (2012). More importantly, no evidence of subsequent remedial measures was introduced or presented to the jury. Rather, the jury heard evidence of Defendant's continuing pattern of consciously failing to undertake reasonable, or even benign, measures to educate players on, or to mitigate, the known, preventable dangers of permanent head injury. Concerning reason (3), when the Court considers a motion for a new trial based on insufficiency of the evidence, the trial court is concerned with the existence of evidence rather than its weight, as the weight of the evidence is a question for the jury. *State v. Smith*, 363 S.C. 111, 115, 609 S.E.2d 528, 530 (Ct. App. 2005). As outlined in the denial of Defendant's JNOV, ample evidence was presented which reasonably supports the jury's verdict. Reason (4) is denied for the same reasons that Defendant's Motion to Enforce the Damages Cap was denied. Furthermore, expert testimony clearly established the future expense associated with Mr. Geathers' injuries, and any damage award for the past and present aspects of his injuries was supported by other evidence presented at trial.

As a final matter, the Court would like to express its appreciation to all counsel involved in this litigation. Throughout my involvement in this litigation, counsel for Plaintiffs and Defendant have demonstrated the highest level of professionalism, made my job easier, and presented their respective cases with efficiency, skill, and diligence. That I had the privilege to preside over such a unique and challenging case with such capable counsel was a true honor, and I wish everyone the best of luck on appeal.

For the above stated reasons, the Court denies the Defendant's JNOV Motion, Motion to Enforce the Damages Cap, and Motion for a New Trial.

IT IS SO ORDERED.

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)**

E-FILED-ELECTRONICALLY-FILED-2020Aug 23 2:12:29PM-ORANGEBURG-COMMON PLEAS-CASE#2019CP3806560

See previous verdict form		$
		$
		$
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.

Frank R. Addy, Jr.	2159	July 20, 2026
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: Renee Stanera

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.

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Orangeburg Common Pleas

Case Caption:	Robert Geathers , plaintiff, et al VS National Collegiate Athletic Association
Case Number:	2019CP3800550
Type:	Order/Form 4

So Ordered

S/ Frank R. Addy, Jr.

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2019-CP-38-00550

ROBERT GEATHERS AND DEBRA GEATHERS	NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
APPLICANT	DEFENDANT

Submitted by: 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.

☐ **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

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*: ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

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

This matter originally came before the Court on June 25, 2026 in Saluda County for a hearing on Defendant's post-trial motions. The Court issued an order dated July 21, 2026, and Defendant NCAA timely filed a motion for reconsideration dated July 31, 2026. The Court finds that a formal hearing would not aid the Court is ruling on NCAA's motion.

As a preliminary matter, the Court notes that it did incorrectly check the box indicating "formal order to follow." The Order of July 21, 2026 is the final order on NCAA's post-trial motions, and no formal order will be issued addressing NCAA's motions.

The Court fully considered NCAA's JNOV motion and request for a new trial *nisi remittitur*. The verdict was not excessive or otherwise inappropriate in that the damages award was supported by the evidence presented at trial. Similarly, the Court fully considered the other grounds raised in NCAA's July 31, 2026 motion. The Court is satisfied that South Carolina law was correctly applied in this case, and to the extent novel issues concerning South Carolina law exist, such as application of the charitable immunity cap to Mrs. Geathers' cause of action, the Court declines to reduce the award for the reasons outlined in the July 21, 2026 order.

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Accordingly, the Court declines to modify the prior order except as to note that the July 21, 2026 form order is the final order and no formal order will follow.

IT IS SO ORDERED.

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.**		
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See previous verdict form		$
		$
		$
If applicable, describe the property, including tax map information and address, referenced in the order:		

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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.

Frank R. Addy, Jr.	2159	Aug. 11, 2026
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)**

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Court Reporter: No hearing held on motion to reconsider

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.

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Orangeburg Common Pleas

Case Caption:	Robert Geathers , plaintiff, et al VS National Collegiate Athletic Association
Case Number:	2019CP3800550
Type:	Order/Form 4

So Ordered

S/ Frank R. Addy, Jr.

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

Robert Geathers and Debra Geathers,

Plaintiffs,

vs.

National Collegiate Athletic Association,

IN THE COURT OF COMMON PLEAS

FIRST JUDICIAL CIRCUIT

C/A#: 2019-CP-38-00550

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FILED FOR RECORD
WINNIFER B. CLARK
2025 OCT 24 A 9:16
CLERK OF COURT
ORANGEBURG, SC
10/24/25

QUESTION 1:

Did the NCAA unreasonably increase the risk of harm of head impacts to Robert Geathers over and above the risks inherent in playing football?

✓ Yes

____ No

QUESTION 2:

Did the NCAA voluntarily assume a duty to protect the health and safety of Robert Geathers?

✓ Yes

____ No

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QUESTION 3:

Did the NCAA negligently breach their duty to Plaintiff Robert Geathers proximately causing him damages?

✓ Yes (go to 4)

____No (end deliberations)

QUESTION 4:

How many occurrences do you find, if any?

State the number of occurrences: 47 (go to 5)

QUESTION 5:

What are the total actual damages for Robert Geathers?

Answer: $ 10,000,000 (go to 6)

QUESTION 6:

Did the negligence of the NCAA proximately cause a loss of consortium for Debra Geathers?

✓ Yes

____No (end deliberations)

If you answered "Yes" to question 6 go to question 7.
If you answered "No" to question 6 end deliberations.

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QUESTION 7:

What are the total actual damages for Debra Geathers' loss of consortium claim?

Answer: $ 8,000,000

Signature of Betty Brandyburg

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FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2019-CP-38-00550

ROBERT GEATHERS AND DEBRA GEATHERS
PLAINTIFFS

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
DEFENDANT

Submitted by: 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.

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☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

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

The trial of this case commenced on October 13, 2025. On October 23, 2025, the jury returned a verdict in favor of Plaintiffs in the sum of $18,000,000.

By agreement, counsel shall have twenty-one (21) days to file any post-trial motions. Motions shall be due on Monday, November 17, 2025.

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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)
Robert Geathers	NCAA	$10,000,000.00
Debra Geathers	NCAA	$8,000,000.00

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		$
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.

s/ Frank R. Addy, Jr.	2159	October 24, 2025
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 Reporters: Katherine Spires (1st week) & Krystal J. Smith (2nd week)

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.

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Orangeburg Common Pleas

Case Caption: Robert Geathers , plaintiff, et al VS National Collegiate Athletic Association

Case Number: 2019CP3800550

Type: Order/Form 4

So Ordered

S/ Frank R. Addy, Jr.