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FORM 4

STATE OF SOUTH CAROLINA
COUNTIES OF ORANGEBURG AND DARLINGTON
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NOS. 2019-CP-38-00550 and 2019-CP-16-00516

ROBERT and DEBRA GEATHERS; MICHAEL and TAYLOR HAMLIN PLAINTIFF(S)	NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DEFENDANT(S)

RECEIVED
Aug 20 2026
SC Court of Appeals

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. ☐ 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:

THIS MATTER INITIALLY CAME BEFORE THE COURT on September 7, 2023 and was continued to a virtual hearing held September 21, 2023 on Plaintiff's Motion for a Spoliation Instruction and Sanctions and Defendant's Motion for Partial Summary Judgment. Plaintiffs were represented by David Langfitt, Esq. and John Kassel, Esq. Defendant was represented by Andrew Fletcher, Esq. Having reviewed the motions and exhibits presented by the parties, reflected on the arguments of counsel, and considered the applicable law, the Court finds as follows:

Plaintiff's Motion for a Spoliation Instruction and Sanctions is denied. The Court finds that Plaintiff has failed to meet its burden of proof on the issue of spoliation of evidence. Plaintiffs claim that Defendant has destroyed or failed to produce certain records in the NCAA Library dating back to 1934. Plaintiff's largely rely on the 2021 testimony of Lisa Greer-Douglas to show the existence of these records. However, Plaintiff has failed to show any additional evidence showing these records truly existed. Instead, Defendant has shown evidence to the contrary. The Court finds that Plaintiff has failed to establish Defendant spoliation of evidence, and Plaintiff's Motion is denied.

Defendant's Motion for Partial Summary Judgment is granted. The Court finds that § 33-56-180(A) applies to Defendant NCAA and will act as a limitation on liability to cap Plaintiff's damages award. Defendant NCAA is a charitable organization for purposes of the statute because of its tax-exempt status under § 501(c)(3) of Title 26 of the US Code. Thus, Defendant's

Motion for Partial Summary Judgment is granted and Plaintiff's damage award is to be capped in accordance with SC § 33-56-180(A).

On the issue of the charitable cap, however, the Court leaves open for the moment the question of how many "occurrences" may be involved in this case. Furthermore, the Court sees little reason to instruct the jury on the applicability of the charitable cap. In this way, should the Court be in error in its understanding of the law, and should Plaintiffs receive an award in excess of the cap, the matter can be addressed on appeal.

The Court would request that counsel for Defendant prepare a more formal order within 15 days which memorializes this ruling.

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)**
		$
		$
		$
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	Oct. 5, 2023
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:

John Kassel, Esq.	**John E. Cuttino, Esq.**
David D. Langfitt, Esq.	**C. Bradley Hutto, Esq.**
Bakari Sellers, Esq.	**Lewis Schlossberg, Esq.**

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	Andrew K. Fletcher, Esq.
ATTORNEY(S) FOR THE PLAINTIFF(S)	ATTORNEY(S) FOR THE DEFENDANT(S)
	CLERK OF COURT

Court Reporter: Karen Ambroziak for the first hearing. WebEx recording for the second hearing.

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.