

EXHIBIT A

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Christopher Thoeicht,

Plaintiff,

vs.

Gregory P. Parsons, Patricia A. Parsons,
Rental Resource, Inc. d/b/a Thompson Rental
Services and Sales and Thompson Services,
Inc., and John Doe,

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Case No. 2023-CP-40-04680

**ORDER GRANTING DEFENDANTS'
GREGORY P. PARSONS AND
PATRICIA A. PARSONS' MOTION
FOR SUMMARY JUDGMENT****RECEIVED****Oct 05 2026****SC Court of Appeals**

This matter comes before the Court upon Gregory P. Parsons and Patricia A. Parsons' ("Parsons Defendants") Motion for Summary Judgment filed on April 2, 2026. The matter was heard on April 7, 2026. Present and presenting arguments at the hearing were Ivey Franklin, Esq. for Plaintiff, Michael W. Rabb, Esq. for Parsons Defendants, Julie Hunter, Esq. on behalf of the Parsons Defendants as Crossclaim Defendants, and Crawford Krebs, Esq. for Rental Resource, Inc. d/b/a Thompson Rental Services and Sales and Thompson Services, Inc., and John Doe. After consideration of the pleadings, the motion, the arguments at the hearing, and the relevant legal authority, the Court hereby GRANTS Parsons' Defendants' Motion for Summary Judgment for the reasons set forth below.

BACKGROUND

Plaintiff filed this negligence cause of action against Parsons Defendants seeking to recover damages to property and personal injuries allegedly sustained in a motor vehicle accident which occurred on November 19, 2020. On that date, Defendant Gregory Parsons, a civil engineer, rented a Nifty Lift from Defendants Rental Resources, Inc. d/b/a Thompson Rental Services and Sales

and Thompson Services, Inc. (hereinafter, collectively, "Thompson Defendants"). Defendant Parsons and Thompson Defendants visually inspected and equipped the Nifty Lift to Defendant Parsons' truck before Defendant Parsons drove to a job site on the coast of South Carolina. The incident occurred as Defendant Parsons was returning to Thompson Defendants' location in Irmo, South Carolina. Defendant Parsons testified he was traveling in the left lane of Interstate 20 when he felt the equipment sway, and he looked in the rearview mirror and saw a tire separate from the equipment. He then moved to the shoulder of the roadway and came to a stop. Plaintiff testified he was driving and saw something up in the air through his windshield before he realized it was a tire. Plaintiff testified that the separated tire struck his vehicle. Following the impact, Plaintiff testified he was able to get his vehicle over to the shoulder of the road where other vehicles had also pulled over. Following the conclusion of written discovery and depositions of the parties, Parsons' Defendants moved for summary judgment as to all of Plaintiff's claims.

LEGAL STANDARD

"Summary judgment is appropriate when the pleadings, depositions, affidavits, and discovery on file show there is no genuine issue of material fact such that the moving party must prevail as a matter of law." *Turner v. Milliman*, 392 S.C. 116, 122, 708 S.E.2d 766, 769 (2011); Rule 56, SCRCF. "When determining if any triable issues of fact exist, the evidence and all reasonable inferences must be viewed in the light most favorable to the non-moving party." *Id.* However, a complete failure of proof concerning an essential element of the non-moving party's case necessarily renders all other facts immaterial. *See Gauld v. O'Shaughnessy Realty Co.*, 380 S.C. 548, 559, 671 S.E.2d 79, 85 (Ct. App. 2008). "It is a fundamental rule that 'if the plaintiff relies solely upon the pleadings, files no counter-affidavits, and makes no factual showing in opposition to a motion for summary judgment, the [trial] court is required under Rule 56, to grant

summary judgment, if, under the facts presented by the defendant, he was entitled to judgment as a matter of law.'" *Higgins v. Medical University of South Carolina*, 326 S.C. 592, 598, 486 S.E.2d 269, 272 (Ct. App. 1997). "Summary judgment is appropriate when the material facts are not in dispute." *Nelson v. Piggly Wiggly Central, Inc.*, 390 S.C. 382, 389, 701 S.E.2d 776, 780 (Ct. App. 2010).

DISCUSSION

This Court finds—pursuant to Rule 56 of the *South Carolina Rules of Civil Procedure*—Plaintiff has failed to establish any genuine issue of material fact in this matter and failed to support a claim of negligence beyond mere speculation, making summary judgment appropriate in this matter. Under Rule 56, SCRCF, a Motion for Summary Judgment should be granted when the evidence, viewed in the light most favorable to the non-moving party, shows there is no genuine issue of material fact. Upon such a finding, the moving party is entitled to a judgment as a matter of law. *See* Rule 56, SCRCF.

In this matter, Plaintiff has offered no evidence Defendant Gregory Parsons tampered with or adjusted the tires on the equipment before the incident occurred. Plaintiff has also offered no evidence for the cause of the tire separating from Thompson Defendants' equipment nor any explanation that would attribute negligence to Defendant Parsons.

At the hearing, Plaintiff first argued that Defendant Parsons was speeding at the time of the incident as evidence of negligence. Plaintiff asserted dash camera video from the investigating officer included audio of Defendant Parsons stating he was traveling an estimated 70 miles per hour at the time of the incident. Plaintiff asserted this speed is supported by the 70 miles per hour included on the investigating officer's report.

The Court is not persuaded that these arguments rise above mere speculation. Defendant Parsons has testified repeatedly that he was unsure about his exact speed at the time of the incident. Defendant Parsons provided an *estimated* speed to the investigating officer, but as he testified, does not recall his exact speed. Moreover, the investigating officer's report cannot support negligence as it is statutorily inadmissible as evidence to prove negligence or due care when attempting to recover damages. *See* S.C. Code Ann. § 56-5-1290 (2025). Plaintiff has not presented any other evidence to support a claim of speeding.

Plaintiff next argued that Defendant Parsons' failure to comply with an equipment safety manual for the rented Nifty Lift constitutes evidence of negligence. Specifically, Plaintiff points to Defendant Parsons' failure to request to review the manual prior to his rental of the equipment and Defendant Parsons' failure to follow the recommended speed limit of 50 miles per hour as set forth in the manual.

The Court is again unpersuaded by these arguments. Plaintiff has produced no evidence that Defendant Parsons reviewed the manual prior to the rental or that Defendant Parsons was even aware such a manual existed. Defendant Parsons has testified he did not become aware of a manual until after the incident when he began to personally research the cause of the wheel malfunction. This testimony is supported by testimony from Thompson Defendants' corporate representative who testified Thompson was not aware of the existence of a manual at the time of the rental. Defendant Parsons cannot be expected to inquire about reviewing a manual he did not know existed. Defendant Parsons likewise cannot be expected to comply with a speed *recommendation* of which he had no knowledge. The Court also reiterates the lack of evidence beyond speculation of Defendant Parsons' speed at the time of the incident.

Finally, Defendant Patricia Parsons, Defendant Gregory Parsons' wife, has no connection to this incident. She was named as a Defendant because she owns the car driven by Mr. Parsons that was involved in the incident. Under South Carolina law, "[t]he owner of an automobile is not liable for personal injuries caused by it merely because of its ownership." See *Holder v. Haynes*, 193 S.C. 176, 186, 7 S.E.2d 833, 837-38 (1940). Plaintiff makes no other substantive allegations against Mrs. Parsons.

This Court also finds Thompson Defendants' crossclaim against Parsons Defendants is rendered moot by both this ruling and this Court's grant of summary judgment to Thompson Defendants on Plaintiff's claims against them. See *Sloan v. Greenville Cnty.*, 380 S.C. 528, 535, 670 S.E.2d 663, 667 (Ct. App. 2009) ("A [claim] becomes moot when judgment, if rendered, will have no practical legal effect upon the existing controversy.").

CONCLUSION

Because Plaintiff has failed to submit any evidence which creates a genuine issue of material fact in dispute, both Defendant Gregory Parsons and Defendant Patricia Parsons are entitled to summary judgment.

THEREFORE IT IS ORDERED that Parsons Defendants' Motion for Summary Judgment is GRANTED and Thompson Defendants' Crossclaim Motion is MOOT.

IT IS SO ORDERED.

Columbia, South Carolina
May ___, 2026

Presiding Judge
Richland County Court of Common Pleas



Richland Common Pleas

Case Caption: Christopher Thoeicht vs Gregory P Parsons , defendant, et al

Case Number: 2023CP4004680

Type: Order/Summary Judgment

So Ordered

s/Christopher D. Taylor (#2795)