

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

CIVIL ACTION NO: 2023-CP-40-04680

Christopher Thoeicht,

Plaintiff,

v.

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

Defendant.

**ORDER GRANTING DEFENDANTS
RENTAL RESOURCE, INC. D/B/A
THOMPSON RENTAL SERVICES, INC.
AND JOHN DOE'S MOTION FOR
SUMMARY JUDGMENT**

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Oct 05 2026

SC Court of Appeals

This matter came before the Court upon the Motion of Defendants Rental Resource, Inc. d/b/a Thompson Rental Services and Sales, Thompson Services, Inc., and John Doe (hereinafter "Thompson Defendants"), seeking an Order granting Summary Judgment in their favor. This matter came before the Court on April 7, 2026. After reviewing the Motion and considering the arguments of counsel, the Court hereby GRANTS Defendant's Motion for Summary Judgment.

FACTS NOT IN DISPUTE

This lawsuit arises from an automobile accident that occurred on November 19, 2020, on Interstate 20. (Compl. ¶¶ 8.) Plaintiff alleges that as he was driving, a wheel flew off of a lift being pulled by Defendant Parsons. (Compl. ¶¶ 10-11.) The wheel then collided with the front of Plaintiff's vehicle. (Compl. ¶¶ 11.) Plaintiff further alleges that the lift in question was owned and rented by the Thompson Defendants. (Compl. ¶¶ 13.)

STANDARD OF REVIEW

Summary judgment is appropriate when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no

genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law.” Rule 56(c), South Carolina Rules of Procedure. “The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder.” *Austin v. Beaufort County Sheriff’s Office*, 377 S.C. 31, 34, 659 S.E.2d 122, 123 (2008). “In determining whether a genuine question of fact exists, the court must view all inferences which can be reasonably drawn from the evidence in the light most favorable to the nonmoving party.” *Bishop v. South Carolina Dep’t of Mental Health*, 331 S.C. 79, 502 S.E.2d 78 (1998).

Additionally, in order to resist a motion for summary judgment, the nonmoving party “must do more than simply show that there is some metaphysical doubt as to the material facts but must come forward with specific facts showing that there is a genuine issue for trial.” *Baughman v. American Tel. and Tel. Co.*, 306 S.C. 101, 410 S.E.2d 537 (1991) (internal quotations deleted) (citing *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87, 106 S.Ct. 1348, 1356 (1986)). “It is not sufficient for a party to create an inference that is not reasonable or an issue of fact that is not genuine.” *Kitchen Planners, LLC v. Friedman*, 440 S.C. 456, 463-64, 892 S.E.2d 297, 301 (2023) (quoting *Town of Hollywood v. Floyd*, 403 S.C. 466, 477, 744 S.E.2d 161, 166 (2013)). Finally, “Rule 56(e) specifically prohibits the nonmoving party from resting upon the mere allegations or denials of its pleadings.” *SSI Medical Services, Inc. v. Cox*, 301 S.C. 493, 392 S.E.2d 789 (1990).

Further, “the court must determine that a genuine issue of material fact exists for each essential element of the plaintiff’s claim,” and “must determine whether the plaintiff has established a prima facie case as to each element of a claim” when ruling on a summary judgment motion. *Hansson v. Scalise Builders of South Carolina*, 374 S.C. 352, 358, 650 S.E.2d 68, 71 (2007).

ARGUMENT

This Court finds that Plaintiff relies on *res ipsa loquitor* in his allegations of negligence on the part of Thompson Defendants. However, South Carolina has “consistently refused to adopt the doctrine of *res ipsa loquitor*,” and “it is well settled that the burden rests upon the party to prove negligence.” *King v. J. C. Penney Co.*, 238 S.C. 336, 339, 120 S.E.2d 229, 230 (1961). The burden “cannot be met by relying upon the theory that the thing speaks for itself or that the very fact of injury indicates negligence.” *Id.* (citing *Gilland v. Peter's Dry Cleaning Co.*, 195 S.C. 417, 11 S.E.2d 857; *Perry v. Carolina Theatre*, 180 S.C. 130, 185 S.E. 184). Plaintiff has not offered evidence of any act or omission by Thompson Defendants that caused the tire to detach. Moreover, Plaintiff cannot testify to the mechanism of how the tire detached as he admitted to not seeing the tire come off.

Q: So you didn't see that tire come off at all?

A: No, sir.

Q: All right. So you wouldn't be able to testify as to the mechanism of how it flew off?

A: No, sir.

(Thoericht Dep. 32:10-14). When alleging negligence, Plaintiff must show negligence “with reasonable certainty, not through mere conjecture.” *Ajaj v. United States*, 479 F. Supp. 2d 501, 549 (D.S.C. 2007) (citing *Eickhoff v. Beard-Laney*, 199 S.C. 500, 20 S.E.2d 153 (1942); *Crider v. Infinger Transportation Co.*, 248 S.C. 10, 16, 148 S.E.2d 732 (1966)).

Consistent with the principles aforementioned, the United States District Court of South Carolina has previously held that summary judgment is appropriate where a Plaintiff fails to present evidence of an act or omission that would have caused a tire to detach. *Zuber v. Goodyear Tire & Rubber Co.*, No. 3:19-CV-0015-CMC, 2019 WL 5842165, at *3 (D.S.C. Nov. 7, 2019). In *Zuber*, the Plaintiff alleged that he lost control of his vehicle due to its left rear tire, installed by the Defendant five days prior, coming off, leading to the accident. *Id.* At *1. The Court found that

the Plaintiff did not raise a genuine issue of material fact as to whether any act or omission by the Defendant caused the tire to come off. *Id.* at *3. The Defendant also provided evidence that the tire was installed according to policy standards. *Id.* The Court held that “Plaintiff slips into *res ipsa loquitor* territory by insisting that Goodyear is at fault simply because the tire disengaged a few days after the visit to Goodyear.” *Id.*

The facts of *Zuber* are analogous to this case. Plaintiff provides no evidence to a genuine issue of material fact regarding negligence on the part of Thompson Defendants. Furthermore, Thompson Defendants have provided testimony that every time a rental occurs, an employee inspects the rental vehicle according to the manual. (Glover Dep. 30:23-31:1). Plaintiff cannot meet his burden because he cannot let the thing speak for itself under South Carolina law.

Furthermore, the testimony of Defendant Parsons does not create a genuine issue of material fact and amounts to mere speculation. Though Defendant Parsons opines that there is a possibility that the wheel was not properly greased, he admits that he is not licensed in any sort of engineering. (Parsons Dep. 85:13-16). Additionally, he admits that he did not know the standards for greasing of wheels until looking up the manual online at a later date, when he was not in possession of the wheel. (Parsons Dep. 86:3-22). These hypotheticals—presented by the Codefendant rather than the Plaintiff—are not enough to defeat summary judgment as to the Thompson Defendants. South Carolina Courts have held that mere speculation and conjecture is not enough to create an issue of material fact. *Jackson v. Bermuda Sands, Inc.*, 383 S.C. 11, 17, 677 S.E.2d 612, 615–16 (Ct. App. 2009). The Court stated, “assertions as to liability must be more than mere bald allegations made by the non-moving party in order to create a genuine issue of material fact.” *Id.* citing *Baughman v. Am. Tel. and Tel. Co.*, 306 S.C. 101, 117, 410 S.E.2d 537, 546 (1991).

CONCLUSION

Plaintiff has failed to produce or submit any evidence whatsoever indicating any negligence on behalf of the Thompson Defendants and are unable to rely on speculation and bald allegations made by the Codefendant. Accordingly, the Thompson Defendants are entitled to judgment as a matter of law because Plaintiff relies on the doctrine of *res ipsa loquitor*, which is not recognized under South Carolina Law.

THEREFORE IT IS ORDERED that Thompson Defendants' Motion for Summary Judgment is GRANTED.

IT IS SO ORDERED.

Presiding Judge
Richland County Court of Common Pleas

Columbia, South Carolina
June __, 2026



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)