

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)
)
Caitlin Elizabeth Braun,)
)
Plaintiff,)
)
vs.)

IN THE COURT OF COMMON PLEAS
FOR THE SIXTH JUDICIAL CIRCUIT
CASE NO.: 2013-CP-20-55


2014 JUN 2 PM 12:54
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHART

The Ben Arnold Sunbelt Beverage)
Company Of South Carolina, L.P.,)
Two Heels, Inc., D/B/A State Street Pub,)
And Sunbelt Golf Development, Inc.)
D/B/A Indian River Golf Course)
)
Defendants.)

**ORDER DENYING PLAINTIFF'S
MOTION TO RECONSIDER**

This matter is before the Court to address Plaintiff's Motion, pursuant to Rule 59(e) SCRCF, for Reconsideration as to the Order Granting Summary Judgment To Defendant, Ben Arnold Company of South Carolina, L.P. A hearing on Defendant's Summary Judgment Motion was held in Fairfield County on February 20, 2014, and an Order Granting Defendant's Motion was issued on April 24, 2014. The Court has reviewed the Plaintiff's Motion for Reconsideration and finds that oral arguments would not assist in this matter and finds that any additional hearing would be redundant and unnecessary.

Therefore it is **ORDERED** that the Plaintiff's Motion for Reconsideration is **DENIED** and the prior ruling is reaffirmed in toto.



The Honorable R. Knox McMahon
Presiding Judge, Sixth Judicial Circuit

Lexington, South Carolina
May 30, 2014

RECEIVED

JUL 21 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA)

COUNTY OF FAIRFIELD)

IN THE COURT OF COMMON PLEAS
FOR THE SIXTH JUDICIAL CIRCUIT
DOCKET NO. 13-CP-20-55

Caitlin Elisabeth Braun,)

Plaintiff,)

vs.)

The Ben Arnold Sunbelt Beverage Company of)
South Carolina, L.P., Two Heels, Inc. d/b/a)
State Street Pub and Sunbelt Golf Development,)
Inc. d/b/a Indian River Golf Course)

Defendants.)

ORDER GRANTING DEFENDANT BEN
ARNOLD SUNBELT BEVERAGE COMPANY
OF SOUTH CAROLINA, L.P.'S MOTION FOR
SUMMARY JUDGMENT

This matter came before the Court on Thursday, February 20, 2014 in Winnsboro, South Carolina. Specifically before the Court was the Joint Motion of Defendants Ben Arnold Sunbelt Beverage Company of South Carolina, L.P., and Sunbelt Golf Development, Inc. d/b/a Indian River Golf Course. Appearing on behalf of the Plaintiff Caitlin Elisabeth Braun were H. Ronald Stanley, Esquire and Jerry L. Finney, Esquire. Appearing on behalf of the Defendant Sunbelt Golf Development, Inc. d/b/a Indian River Golf Course was Daniel R. McCoy, Esquire. Appearing on behalf of the Defendant Ben Arnold Sunbelt Beverage Company of South Carolina, L.P., was John E. Cuttino, Esquire. The Defendant Two Heels, Inc. d/b/a State Street Pub was dismissed prior to the hearing of this Motion.

FACTUAL BACKGROUND

This case arises from an automobile accident which occurred in Lexington County on May 16, 2011. The material facts are undisputed. Plaintiff Caitlin Braun, then a 24 year old part-time bartender and college graduate with an earned Bachelor of Science degree in



Hospitality Management, had been working as a beverage hostess at a charity golf tournament at the Indian River Golf Course in Lexington County. The Defendant Ben Arnold Sunbelt Beverage Company of South Carolina, L.P. was one of many beverage alcohol distributors who agreed to provide beverage products at the tournament site. During the tournament, Plaintiff Caitlin Braun tended a vendor table on the golf course, from which she provided and poured small "tasting" amounts of various alcoholic beverage products for passing golfers to sample if they so chose. By her own admission in her Complaint and deposition, Plaintiff Braun also consumed alcoholic beverages during the day.

Well after the tournament concluded and Plaintiff Braun's responsibilities at the tournament had ended, Braun was driving her personal car on a roadway near the golf course where the tournament had been held. While operating her vehicle under the influence of alcohol and/or other drugs, Plaintiff Braun crossed the center line of a two-lane road at a high rate of speed and struck head-on an oncoming vehicle operated by Devin Shumate. Shumate was gravely injured in the collision and his four (4) year old daughter Gabriella was killed.

Plaintiff Braun was thereafter charged with violating South Carolina's felony DUI statutes and, in addition, was named as a Defendant in civil actions brought by Shumate in the Fairfield County, South Carolina Court of Common Pleas (2011-CP-20-301 and 2011-CP-20-302) for his injuries, and for the death of his daughter Gabriella. The civil actions were eventually settled at mediation. On February 8, 2012, Braun pled guilty to one charge of Felony DUI (S.C. Code 56-5-2945). On August 7, 2012, Braun was sentenced to eighteen (18) months in prison and assessed a fine of \$10,100.00 (Ten Thousand One Hundred Dollars).

Plaintiff Braun brings the current action against Ben Arnold Sunbelt Beverage Company of South Carolina, L.P., asserting a sole cause of action for negligence against it, contending it

breached duties allegedly owed to her, which she claims have resulted in personal injury and other damages to her for which she seeks to be compensated.

PROCEDURAL HISTORY

Defendants Ben Arnold Sunbelt Beverage Company of South Carolina, L.P (hereinafter "Ben Arnold") and Sunbelt Golf Development, Inc. d/b/a Indian River Golf Course (hereinafter "Indian River") filed a Joint Motion for Summary Judgment.

Specifically, Defendant Ben Arnold moved for summary judgment on the following seven (7) grounds, each of which was argued to the Court:

1. In pleading guilty to one charge of Felony DUI, Plaintiff Braun has admitted her legal responsibility for the automobile accident on May 16, 2011 from which her alleged injuries and damages arise. Therefore, she is estopped judicially and collaterally from now denying her liability for this accident and the damages she alleges result therefrom.
2. Having admitted her fault and liability for the accident of May 16, 2011 which gives rise to her damage claims, Plaintiff Braun is negligent as a matter of law and to such a degree that her claims are barred.
3. In her pleadings previously filed with this Court in "Shumate vs. Braun, et al.", Fairfield County Civil Action No. 2011-CP-20-301 and "Shumate vs. Braun, et al.", Fairfield Civil Action No. 2011-CP-20-302, Plaintiff (then Defendant) Braun denied that Ben Arnold was negligent as she now alleges. Therefore, she is estopped judicially and collaterally from pursuing the same negligence claims against these Ben Arnold, which she previously denied.

STATE OF SOUTH CAROLINA)

COUNTY OF FAIRFIELD)

Caitlin-Elisabeth Braun,)

Plaintiff,)

vs.)

The Ben Arnold Sunbelt Beverage Company of)
South Carolina, L.P., Two Heels, Inc. d/b/a)
State Street Pub and Sunbelt Golf Development,)
Inc. d/b/a Indian River Golf Course)

Defendants.)

IN THE COURT OF COMMON PLEAS
FOR THE SIXTH JUDICIAL CIRCUIT
DOCKET NO. 13-CP-20-55

ORDER GRANTING DEFENDANT BEN
ARNOLD SUNBELT BEVERAGE COMPANY
OF SOUTH CAROLINA, L.P.'S MOTION FOR
SUMMARY JUDGMENT

This matter came before the Court on Thursday, February 20, 2014 in Winnsboro, South Carolina. Specifically before the Court was the Joint Motion of Defendants Ben Arnold Sunbelt Beverage Company of South Carolina, L.P., and Sunbelt Golf Development, Inc. d/b/a Indian River Golf Course. Appearing on behalf of the Plaintiff Caitlin Elisabeth Braun were H. Ronald Stanley, Esquire and Jerry L. Finney, Esquire. Appearing on behalf of the Defendant Sunbelt Golf Development, Inc. d/b/a Indian River Golf Course was Daniel R. McCoy, Esquire. Appearing on behalf of the Defendant Ben Arnold Sunbelt Beverage Company of South Carolina, L.P., was John E. Cuttino, Esquire. The Defendant Two Heels, Inc. d/b/a State Street Pub was dismissed prior to the hearing of this Motion.

FACTUAL BACKGROUND

This case arises from an automobile accident which occurred in Lexington County on May 16, 2011. The material facts are undisputed. Plaintiff Caitlin Braun, then a 24 year old part-time bartender and college graduate with an earned Bachelor of Science degree in



Hospitality Management, had been working as a beverage hostess at a charity golf tournament at the Indian River Golf Course in Lexington County. The Defendant Ben Arnold Sunbelt Beverage Company of South Carolina, L.P. was one of many beverage alcohol distributors who agreed to provide beverage products at the tournament site. During the tournament, Plaintiff Caitlin Braun tended a vendor table on the golf course, from which she provided and poured small "tasting" amounts of various alcoholic beverage products for passing golfers to sample if they so chose. By her own admission in her Complaint and deposition, Plaintiff Braun also consumed alcoholic beverages during the day.

Well after the tournament concluded and Plaintiff Braun's responsibilities at the tournament had ended, Braun was driving her personal car on a roadway near the golf course where the tournament had been held. While operating her vehicle under the influence of alcohol and/or other drugs, Plaintiff Braun crossed the center line of a two-lane road at a high rate of speed and struck head-on an oncoming vehicle operated by Devin Shumate. Shumate was gravely injured in the collision and his four (4) year old daughter Gabriella was killed.

Plaintiff Braun was thereafter charged with violating South Carolina's felony DUI statutes and, in addition, was named as a Defendant in civil actions brought by Shumate in the Fairfield County, South Carolina Court of Common Pleas (2011-CP-20-301 and 2011-CP-20-302) for his injuries, and for the death of his daughter Gabriella. The civil actions were eventually settled at mediation. On February 8, 2012, Braun pled guilty to one charge of Felony DUI (S.C. Code 56-5-2945). On August 7, 2012, Braun was sentenced to eighteen (18) months in prison and assessed a fine of \$10,100.00 (Ten Thousand One Hundred Dollars).

Plaintiff Braun brings the current action against Ben Arnold Sunbelt Beverage Company of South Carolina, L.P., asserting a sole cause of action for negligence against it, contending it

breached duties allegedly owed to her, which she claims have resulted in personal injury and other damages to her for which she seeks to be compensated.

PROCEDURAL HISTORY

Defendants Ben Arnold Sunbelt Beverage Company of South Carolina, L.P (hereinafter "Ben Arnold") and Sunbelt Golf Development, Inc. d/b/a Indian River Golf Course (hereinafter "Indian River") filed a Joint Motion for Summary Judgment.

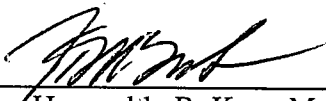
Specifically, Defendant Ben Arnold moved for summary judgment on the following seven (7) grounds, each of which was argued to the Court:

1. In pleading guilty to one charge of Felony DUI, Plaintiff Braun has admitted her legal responsibility for the automobile accident on May 16, 2011 from which her alleged injuries and damages arise. Therefore, she is estopped judicially and collaterally from now denying her liability for this accident and the damages she alleges result therefrom.
2. Having admitted her fault and liability for the accident of May 16, 2011 which gives rise to her damage claims, Plaintiff Braun is negligent as a matter of law and to such a degree that her claims are barred.
3. In her pleadings previously filed with this Court in "Shumate vs. Braun, et al.", Fairfield County Civil Action No. 2011-CP-20-301 and "Shumate vs. Braun, et al.", Fairfield Civil Action No. 2011-CP-20-302, Plaintiff (then Defendant) Braun denied that Ben Arnold was negligent as she now alleges. Therefore, she is estopped judicially and collaterally from pursuing the same negligence claims against these Ben Arnold, which she previously denied.

against her by the State of South Carolina. South Carolina Courts have consistently refused to recognize the duty that Plaintiff is attempting to impose on Defendant Ben Arnold. Because Plaintiff's Complaint fails to assert any recognizable duty owed to the Plaintiff by Defendant Ben Arnold, nor any accepted cause of action, Defendant Ben Arnold's Motion for Summary Judgment is **GRANTED**. Further, because this Court's ruling is based upon the threshold grounds of #6 and #7 set forth previously herein, the remaining grounds are moot and are not addressed by this Order at this time. An analysis of Defendant Ben Arnold's additional grounds in support of its Motion was not necessary for this Order but the other grounds appearing in the Record as argued by Defendant Ben Arnold support summary judgment.

THEREFORE, IT IS HEREBY ORDERED that Ben Arnold Sunbelt Beverage Company of South Carolina, L.P.'s Motion for Summary Judgment is **GRANTED**, and Plaintiff's Complaint against it is hereby dismissed with prejudice.

AND IT IS SO ORDERED.



The Honorable R. Knox McMahon
Presiding Judge

April 24, 2014

Winnsboro, South Carolina