THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. Supreme Court

APPEAL FROM BAMBERG COUNTY
Court of Common Pleas

The Honorable Doyet A. Early III, Circuit Court Judge

Civil Action No. 2008-CP-05-235
Appellate Case No. 2012-207489

Laura Riley as the Personal Representative of the Estate of Benjamin Riley,..... Petitioner,

v.

Ford Motor Company, ... Respondent

RETURN TO PETITION FOR A WRIT OF CERTIORARI

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INTRODUCTION

The Petition for Writ of Certiorari in this matter should be denied. None of the factors in Rule 242(b), SCACR exist to justify the issuance of the writ. There is no Court of Appeals dissent, no constitutional issue, no federal question, and no novel question of law. Further, the opinion of the Court of Appeals regarding settlement allocation is correct and does not conflict with precedent. The opinion of the Court of Appeals regarding *additur* is also correct and consistent with longstanding precedent. Finally, no other "special and important" reason exists under Rule 242(b), SCACR warranting certiorari.

STATEMENT OF THE CASE

The Estate of Benjamin Riley ("the Estate") filed this products liability lawsuit against Ford Motor Company ("Ford") after Riley was ejected from an F-150 pickup truck in an accident and died. Prior to trial, the Estate settled with the at-fault driver for $25,000. The settlement funds, pursuant to the settlement agreement, were allocated $20,000 to the Estate's survival claim and $5,000 to the wrongful death claim. The Estate subsequently proceeded to trial against Ford solely on the wrongful death claim.

At trial, the Estate presented evidence of economic damages totaling $238,801.[1] The Estate also presented testimony from Riley's family and friends in support of non-

[1] This figure was comprised of $10,196 for a funeral bill (Tr. 1274) and $228,605 of pecuniary losses (Tr. 1202:2-10 and 1210:15-17). The pecuniary losses were estimated based on the assumption that Riley, who was 67 when he died, would not only run for reelection Sheriff of Jasper County instead of retiring but also would actually be reelected for a fourth term. (Tr. p. 1207:8-11, 1209:13-15; 1210:8-13.) The pecuniary losses also included an amount designed to replace the household tasks performed by Riley. (Tr. 1207:20–1208:1.)

economic damages. The jury returned a verdict of $300,000 in actual damages and declined to award any punitive damages.

Ford moved for JNOV and also requested a set-off of $25,000 to account for the Estate's settlement with the at-fault driver. The trial court denied both motions. The Estate moved for a new trial absolute or, alternatively, new trial *nisi additur* based on the supposed inadequacy of the verdict. After hearing arguments on the Estate's motion, the trial court granted the motion for a new trial *nisi additur* and ordered Ford to pay an additional $600,000, bringing the total verdict to $900,000.

In the order granting *additur*, the trial court presumed that of the $300,000 amount awarded by the jury, $226,605 was for economic damages and the remainder was for non-economic damages.[2] (Additur Order at 2-3.) The trial court noted in its order that the Estate had introduced "emotionally compelling testimony" in support of non-economic damages. (*Id.* at 3.) Based on the trial court's view of that evidence—a view that differed from the jury's—an additional $600,000 was needed to compensate the Estate for non-economic damages.

Both parties appealed. On February 5, 2014, the Court of Appeals affirmed in part and reversed in part. *See Ford v. Riley*, 408 S.C. 1, 757 S.E.2d 422 (Ct. App. 2014). The Court of Appeals reversed the trial court's *additur*, noting that the trial court had failed to comply with the well-established requirement of offering "compelling reasons" for invading the jury's province. *Id.* The Court of Appeals also reversed the trial court's refusal to evaluate the reasonableness of the way in which the Estate allocated its pre-trial

[2] In reality, no one but the jury knows how much of the $300,000 verdict was awarded for economic loss because the general verdict form asked only for the jury's total actual damage award without division into separate amounts of economic and noneconomic damages.

settlement proceeds with the at-fault driver, concluding that under a reasonable allocation Ford was entitled to a $20,000 set-off. *Id.*

Both parties filed petitions for rehearing, and the Estate also sought rehearing *en banc*. The panel of the Court of Appeals denied the petitions on April 3, 2014, and the Court of Appeals denied the Estate's request for rehearing *en banc* on May 2, 2014. The Estate filed a Petition for Certiorari with this Court on June 2, 2014.

ARGUMENT

The South Carolina Appellate Court Rules provide that a "writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons." Rule 242(b), SCACR; *see also State v. Lyles*, 381 S.C. 442, 443, 673 S.E.2d 811, 812 (2009) ("The Court has held it will grant certiorari to the Court of Appeals only where special reasons justify the exercise of that power.") (citations omitted). Typically, the granting of certiorari is limited to cases where: (1) there are novel questions of law; (2) there is a dissent in the decision of the Court of Appeals; (3) the decision by the Court of Appeals is in conflict with a prior decision of this Court; (4) substantial constitutional issues are directly involved; or (5) a federal question is included, and the decision by the Court of Appeals conflicts with a decision of the Supreme Court of the United States. *See* Rule 242(b), SCACR; *see also Lyles*, 381 S.C. at 444 n.2, 673 S.E.2d at 812 n.2. As explained below, the Court of Appeals' ruling presents none of these factors, is consistent with longstanding precedent regarding *additur*, and the Estate has not pointed to any other "special and important" reason that would warrant a review of the Court of Appeals' decision.

I. The Court of Appeals' decision is consistent with well-settled law regarding *additur.*

The Court of Appeals' opinion reiterating and applying the law of *additur* presents no basis upon which to grant certiorari. It presents no novel issue, no dissenting opinion, no conflict with prior law, and no constitutional or federal question. Rather, it simply reiterates the time-tested rule established by this Court and repeated by our appellate courts for nearly three decades that a trial judge is permitted to invade the province of the jury and award *additur* only when this invasion is justified by compelling reasons. Here, the Court of Appeals correctly applied that rule, concluding that the trial judge erred by effectively trebling the jury's verdict based only on his view of how "emotionally compelling" the testimony was. The reversal of this ruling of the trial court by the Court of Appeals is both unremarkable and consistent with prior law.

The Estate, however, argues that the Court of Appeals' ruling "conflicts with binding precedent" and that the compelling reasons requirement is "nebulous and still undefined." *See* Pet. for Cert. at 5-18. In addition, the Estate incorrectly asserts that the compelling reasons analysis does not apply to an order granting new trial *nisi remittitur* and that this supposed distinction between *additur* and *remittitur* "is fundamentally unfair." *Id.* at 9 n.2. Each of the Estate's arguments is without merit.

A. The Court of Appeals' opinion discussing additur *is consistent with South Carolina precedent.*

Contrary to the Estate's argument, the Court of Appeals' opinion is consistent with the well-established case law regarding *additur*. This Court has long stated that an award of new trial *nisi additur* may be granted only where compelling reasons justify the trial court's invasion of the province of the jury. *See Bailey v. Peacock*, 318 S.C. 13, 14,

455 S.E.2d 690, 691 (1995) ("If an award is merely inadequate or unduly liberal, the trial judge alone has the discretion to grant a new trial *nisi additur*. [] Compelling reasons, however, must be given to justify invading the jury's province in this manner."); *Pelican Bldg. Centers of Horry-Georgetown, Inc. v. Dutton*, 311 S.C. 56, 61, 427 S.E.2d 673, 676 (1993) (same). Likewise, the Court of Appeals has long repeated and applied this well-established rule in numerous cases. *See, e.g., Luchok v. Vena*, 391 S.C. 262, 264, 705 S.E.2d 71, 72 (Ct. App. 2010); *Todd v. Joyner*, 385 S.C. 509, 517, 685 S.E.2d 613, 618 (Ct. App. 2008); *Green v. Fritz*, 356 S.C. 566, 570, 590 S.E.2d 39, 41 (Ct. App. 2003); *Gruber v. Santee Frozen Foods, Inc.*, 309 S.C. 13, 18, 419 S.E.2d 795, 799 (Ct. App. 1992).

The Estate, however, argues that the Court of Appeals' ruling goes beyond this time-tested rule and "sets a new and dangerous precedent . . . that if *any* amount of 'noneconomic' damages . . . is awarded by a jury, then the trial court cannot through the exercise of discretion grant *additur*." Pet. for Cert. at 6-7. The Estate misstates the Court of Appeals' holding and analysis. The Court of Appeals did not hold that a trial court can *never* increase a jury's award of noneconomic damages as long as some of such damages are awarded. Rather, it simply held that such an increase must be justified by compelling reasons and that under the facts of this case there was no such reason.[3]

This holding is entirely consistent with this Court's precedent that *additur* is permissible only where there is some significant and inescapable indication that the jury's verdict is not consistent with the evidence presented and law instructed. This Court has

[3] Specifically, the Court of Appeals concluded that the trial judge's disagreement with the jury's evaluation of the emotional impact of the testimony was not a compelling reason to invade their province and thus the *additur* was impermissible.

expressly held that *additur* is justified only where a grossly inadequate verdict indicates the jury's disregard of the facts or the court's instructions. *Craven v. Cunningham*, 292 S.C. 441, 443, 357 S.E.2d 23, 25 (1987) ("Inadequacy of a jury's verdict will not, per se, entitle litigants to a new trial or a new trial *additur*. [] A reviewing court will not interfere with the amount of a verdict unless the verdict is either so grossly excessive or inadequate that it must be deemed the result of the jury's disregard of the facts and the court's instructions.") (citations omitted).[4]

Further, the Court of Appeals' ruling is consistent with precedent holding that an *additur* order does not establish compelling reasons by merely listing the plaintiffs' claimed damages. *See Green v. Fritz*, 356 S.C. 566, 571, 590 S.E.2d 39, 41 (Ct. App. 2003) ("Where, as here, the evidence of damages is disputed, the mere listing of Green's claimed damages by the trial judge in his order does not constitute compelling reasons for invading the jury's province.").[5] Here, the trial court's *additur* order simply listed the

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[4] Similarly, a trial judge's belief that the jury's award of noneconomic damages is inadequate is an insufficient basis upon which to grant a new trial absolute. *See Kalchthaler v. Workman*, 316 S.C. 499, 503, 450 S.E.2d 621, 623 (Ct. App. 1994) (affirming trial court's denial of motion for new trial and noting that "a claim for pain and suffering was one that peculiarly fell within the province of the jury to weigh and determine") (citations omitted).

[5] The Estate has attempted to distinguish *Green* by arguing that the damages in *Green* were disputed while the noneconomic damages here were uncontested. It is true that Ford chose not to dispute the testimony regarding Riley's professional service, community standing, or his role as a friend, father, and husband. Nevertheless, the placement of a monetary value on friendship, reputation, or familial ties is an inherently inexact process, and testimony that someone's friendship or service were meaningful does not establish an uncontested ***monetary value*** on the loss of that friendship or service. Accordingly, because the noneconomic damages here are not undisputed, fixed amounts, the *Green* court's holding applies with equal force, and a trial court's "mere listing" of a plaintiff's claimed damages "does not constitute compelling reasons for invading the jury's province." *Green*, 356 S.C. at 571, 590 S.E.2d at 41.

reasons the Estate claimed entitled it to noneconomic damages. Applying prior case law, the Court of Appeals correctly held this did not constitute a compelling reason.

In sum, contrary to the Estate's contention, the Court of Appeals' ruling in this case did not diverge from this Court's precedent or its own precedent. Rather, it was completely consistent with South Carolina precedent to hold that a trial judge may not grant *additur* simply because he believes that testimony of noneconomic damages should be given greater emotional weight than the jury gave it, and that a trial court may not simply list or repeat a plaintiff's claimed damages and call them compelling reasons for increasing a verdict.

B. The "compelling reasons" requirement is neither ambiguous nor a meaningless redundancy.

The Estate repeatedly complains that the phrase "compelling reasons" is undefined, and thus concludes that the phrase is mere judicial surplusage that simply means "abuse of discretion." *See* Pet. for Cert. at 9-14 (asserting the phrase is "as yet undefined," that "[n]o standards of definitions of 'compelling reasons' were offered," and that "thirty years after the genesis of 'compelling reasons,' there is still no definition or guidance as to what would satisfy the standard"). Contrary to the Estate's Petition, however, the well-established rule requiring compelling reasons is neither ambiguous nor mere redundant verbiage.

Presumably, the Estate makes this argument in hopes of persuading this Court to grant certiorari, implying that this Court can and should set out a firm, fixed definition of a "compelling reason" to invade the jury's province. Such a definition is impracticable and unnecessary in light of the purpose of the compelling reasons requirement and this Court's prior guidance on what constitutes a compelling reason.

First, a fixed bright-line definition of the phrase "compelling reasons" is impracticable because that phrase is intended to strike a balance—both deferring to juries' findings and also giving trial courts some, though not unfettered, discretion—and thus may not be capable of a precise, empirical definition. *See Luchok*, 391 S.C. at 264, 705 S.E.2d at 72 ("The requirement [to offer compelling reasons for invading the jury's province] is imposed to balance the wide discretion given to a trial judge in ruling on a new trial motion with the substantial deference courts must give to a jury's determination of damages.") Such balancing tests, like other legal tests containing comparative descriptive terms, are not susceptible to exact definitions. *See, e.g., In re Treatment and Care of Luckabaugh*, 351 S.C. 122, 147, 568 S.E.2d 338, 350 (2002) ("The concept of equal protection is 'difficult to define and not susceptible of exact delimitation.'") (citation omitted); *Ellis v. Taylor*, 311 S.C. 66, 70, 427 S.E.2d 678, 681 (Ct. App. 1992) (noting that the word "reasonable" is "'a relative, generic term difficult of adequate definition'") (citing 75 C.J.S. Reasonable § 634).

In addition, the Estate's argument ignores the fact that, to the extent possible, this Court *has* defined what constitute compelling reasons to invade the jury's province. In *Craven*, this Court explained that the invasion of the jury's province via *additur* is permissible when justified by the jury's plain disregard of the facts or law. *Craven*, 292 S.C. at 443, 357 S.E.2d at 25 ("Inadequacy of a jury's verdict will not, per se, entitle litigants to a new trial or a new trial *additur*. [] A reviewing court will not interfere with the amount of a verdict unless the verdict is either so grossly excessive or inadequate that it must be deemed the result of the jury's disregard of the facts and the court's instructions.") (citations omitted). Here, the Court of Appeals' opinion aligns with

Craven's definition. Because the jury awarded noneconomic damages—even if in a lesser amount than the trial judge wished—they cannot be said to have disregarded the facts, evidence, or the court's instructions.

Because this Court has defined the compelling reason test to the extent practicable, and because the Court of Appeals' opinion comports with that definition, there is no need for a grant of certiorari.

C. *There is no "fundamental unfairness" in applying the well-established compelling reasons requirement.*

In a final attempt to manufacture some basis upon which certiorari could be granted, the Estate asserts that the "compelling reason" requirement is fundamentally unfair because it applies only to an order granting new trial *nisi additur* and not to an order granting new trial *nisi remittitur*. *See* Pet. for Cert. at 9 n.2. Both the premise and the conclusion of this argument are incorrect. There is no question that the "compelling reason" requirement applies to *remittitur*. *See Curtis v. Blake*, 392 S.C. 494, 501, 709 S.E.2d 79, 82 (Ct. App. 2011) ("[W]e hold the circumstances cited by Blake do not constitute 'compelling reasons' that would warrant the grant of a new trial *nisi remittitur*.") (citation omitted); *Howard v. Roberson*, 376 S.C. 143, 155, 654 S.E.2d 877, 883 (Ct. App. 2007) ("The granting of a motion for new trial *nisi additur* or *remittitur* rests within the sound discretion of the trial court, but substantial deference must be afforded to the jury's determination of damages. [] Compelling reasons must be given to justify invading the jury's province in this manner."); *Proctor v. Dep't of Health & Envtl. Control*, 368 S.C. 279, 320, 628 S.E.2d 496, 518 (Ct. App. 2006) ("[C]ompelling reasons must be given to justify invading the jury's province by granting a new trial *nisi remittitur*."); *Becker v. Wal-Mart Stores, Inc.*, 339 S.C. 629, 638, 529 S.E.2d 758, 763

(Ct. App. 2000) (analyzing whether there were "compelling reasons to justify the grant of a *remittitur*").

Because the grant of a new trial *nisi additur* is subject to the same compelling reasons requirement as the grant of a new trial *nisi remittitur*, there is no fundamental unfairness in that requirement. Accordingly, the Estate has failed to present any "special and important reason" to justify a writ of certiorari.

II. The Court of Appeals correctly analyzed the reasonableness of the allocation of the pre-trial settlement.

The Estate also argues that the Court of Appeals erred and deviated from controlling case law by analyzing the reasonableness of the way in which the Estate allocated the funds derived from the pre-trial settlement with the at-fault driver and by reallocating those funds to more reasonably reflect the evidence. *See* Pet. for Cert. at 18-24. The Court of Appeals' analysis was not inconsistent with this Court's precedent and reflects the same analysis and solution employed by other jurisdictions to consider this sort of scenario.

As noted in the Statement of the Case, *supra*, prior to trial, the estate settled with the at-fault driver for $25,000. The settling parties agreed to allocate $20,000 to the survival claim and $5,000 to the wrongful death claim. The estate then proceeded to trial against Ford solely on the wrongful death claim. After the verdict, Ford moved for a setoff of $25,000 to account for the estate's settlement with the at-fault driver. The trial court denied the motion.

The Court of Appeals concluded that neither the Estate's allocation nor Ford's requested set-off were proper. Rather, it held that the parties were entitled to have the trial court analyze the proper allocation of the settlement in light of the evidence and, if

necessary, reallocate the settlement amount to comport with the evidence. The Court of Appeals conducted this analysis and determined that 80% of the settlement (*i.e.*, $20,000) should have been allocated to the wrongful death claim, and 20% of the settlement (*i.e.*, $5,000) should have been allocated to the survival claim. *Ford v. Riley*, 408 S.C. 1, 17, 757 S.E.2d 422, 432 (Ct. App. 2014). The Court of Appeals determined this allocation was reasonable based on the "minimal" evidence that Riley briefly survived the collision. *Id.* at 15, 757 S.E.2d at 430 (noting the sole evidence of survival was one of the first witnesses who "'heard something in the bushes,' saw Riley on the ground, and 'heard a gasping sound'").

The Court of Appeals' analysis and reallocation of the settlement is strikingly similar to the analysis and reallocation of a settlement recently affirmed by this Court in *Rutland v. S.C. Dept. of Transp.*, 400 S.C. 209, 734 S.E.2d 142 (2012). In *Rutland*, prior to trial the plaintiff had settled with one party, allocating part of the settlement to the wrongful death claim and part to the survival claim. After trial, the trial court reallocated the entire settlement amount to the wrongful death claim, noting there was "no evidence of conscious pain or suffering" to support the survival claim. *Rutland*, 400 S.C. at 214, 734 S.E.2d at 144.

Here, as the Court of Appeals recognized, the settlement allocation differed from that in *Rutland* in one way, namely that in *Rutland* there was "no evidence" to support a survival claim whereas here there was "minimal" evidence to support such a claim. *Riley*, 408 S.C. at 16, 757 S.E.2d at 430. The Court of Appeals properly determined, however, that this distinction only affected the *way* in which the settlement should be

reallocated, not *whether* the settlement was susceptible to reallocation.[6] This was a proper application of the *Rutland* Court's analysis, which was premised on the question of whether the allocation reasonably reflected the evidence. That analysis is not limited to a zero-sum allocation, and a court is not foreclosed from applying that analysis to change an improper allocation where the bulk of the total settlement amount is allocated to a cause of action supported by minimal evidence.

The Estate's Petition for Certiorari fails to discuss or analyze this Court's recent ruling in *Rutland*, choosing instead to rely primarily on two older cases from the Court of Appeals. Based on these cases, the Estate argues that a reallocation of settlement for set-off purposes is permissible only if the reallocation can be done on an all-or-nothing basis. Specifically, the Estate argues that reallocation is allowed only if there is evidence that the pre-trial settlement was fraudulent or a sham because there was *no* evidence at all to support the cause of action to which the settlement proceeds were allocated. *See* Pet. for Cert. at 18. This argument is incorrect. First, the Estate ignores the most recent law on point—*Rutland*—which contains no mention or implication that a court's analysis and reallocation of a pre-trial settlement must be triggered by evidence of fraud or a sham settlement or allocation. Second, contrary to the Estate's assertion in its Petition, the reallocation of the settlement in *Welch v. Epstein*, 342 S.C. 279, 536 S.E.2d 408, was *not* premised on a finding that the allocation was a sham. Rather, like in *Rutland*, the court there merely held there was no evidence of pain and suffering and thus no settlement funds should be allocated to that claim. Third, the Estate's reliance on *Ward v. Epting*,

[6] In *Rutland*, for instance, where there was no evidence of survival, none of the settlement should be allocated to that cause of action. Here, in contrast, where there was minimal evidence of survival, a relatively minimal amount of the settlement—twenty percent, in the Court of Appeals' view—should be allocated to that cause of action.

290 S.C. 547, 351 S.E.2d 867 (Ct. App. 1986), is misplaced. The question in *Ward* was not how the settlement funds should be allocated between two colorable claims, but whether one of the causes of action was itself a sham and thus not entitled to any allocation.[7] The *Ward* court held that because there was evidence from multiple witnesses that the patient was conscious and responsive after her surgery, there was sufficient basis for the claim of pain and suffering and thus the court would not disturb the allocation of the settlement. Taken together, these cases indicate at most that a fraudulent or sham settlement allocation can lead to court's analysis and potential reallocation of settlement funds. The cases do not stand for the proposition that a fraud or sham allocation is *required* for any reallocation of settlement funds.

Other jurisdictions have recognized a plaintiff may have ulterior motives in allocating pre-trial settlement amounts and thus a court can and should scrutinize such allocations:

> [Our precedent has] warned of the collusive forces at play in these situations. The settling defendant only cares about the total amount of the settlement, but the plaintiff greatly prefers that the settlement be allocated to non-joint liabilities so as to allow the plaintiff to recover more from other defendants. Because of the lack of truly adverse interests, the court said, the parties' allocation is virtually meaningless and may not reasonably reflect the parties' relative liabilities.
>
> "Far from deferring to allocations such as these, we view them with considerable suspicion because of the risk that liability may have been allocated for strategic reasons . . . . We can't blame the [settling parties] for trying to structure

[7] *Ward* is the only case cited by the Estate that—at first glance—offers any support for the Estate's argument. *See* Ward, 290 S.C. at 559-60, 351 S.E.2d at 874 ("The judge found in a post-trial order . . . that Dr. Epting could not attack the covenant absent a showing of fraud or lack of jurisdiction."). *Ward*, taken as a whole, does not stand for this legal proposition, however.

> the settlement in a manner that best served their interests; but we can't let their allocation bind [the non-settling obligor]."

Sims v. DeArmond, 42 F.3d 1181, 1184 (9th Cir. 1994) (quoting *Slottow v. American Casualty Co.*, 10 F.3d 1355, 1359 (9th Cir. 1993)) (alterations in original); *see also McDermott, Inc. v. AmClyde*, 511 U.S. 202, 214 (1994) (explaining that allowing the dollar figure of a settlement to determine a co-defendant's liability, "is likely to lead to inequitable apportionments of liability").

In response to this concern, courts of other jurisdictions have adopted the same approach taken by the Court of Appeals here. *See Readel v. Towne*, 706 N.E.2d 99, 102-03 (Ill. Ct. App. 1999) (holding that trial court was required to analyze the allocation of settlement proceeds, and "should evaluate the fairness and reasonableness of the allocation in view of the survival and wrongful death claims involved," and if necessary "reapportion it accordingly"); *Casey v. State*, 507 N.Y.S.2d 159 (N.Y. App. Div. 1986) (holding that for purposes of set-off, the trial court—not the plaintiff—should determine the reasonable allocation of the settlement proceeds between the wrongful death and survival claims and "that the self-created apportionment proffered by the claimants is not binding on the trial court"); *see also Crossmann Communities of N.C., Inc. v. Harleysville Mut. Ins. Co.*, No. 4:09-cv-1379, 2013 U.S. Dist. Lexis 138941, *73-85 (D.S.C. Sept. 27, 2013) (analyzing a lump-sum settlement and concluding that the recipient's allocation of those proceeds toward certain claims and not others did not prevent the court from analyzing and reallocating those proceeds).

Because the Court of Appeals' analysis and reallocation is consistent with this Court's reasoning and holding in *Rutland*, is not barred by any South Carolina precedent,

and is consistent with the approach taken by other jurisdictions in such situations, there is no basis upon which this Court should grant certiorari.

CONCLUSION

For the foregoing reasons, Ford submits that the Court of Appeals' decision in this suit is consistent with precedent and presents none of the characteristics that justify a grant of certiorari.

Signature Page Attached

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PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Ford Motor Company, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

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Return to Petition for Writ of Certiorari

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