

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2011-CP-08-3072

Bernadette Simmons-Brown and Darrell

William Ward, Aqua Blue Pools of

Brown

Charleston, Inc. and Joseph Calderone

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> 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), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- 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: Plaintiff's Motion for JNOV and Motion for a New Trial are hereby DENIED.

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)
N/A		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

2014 JUL 18 AM 11:32
 HARRY F. BROWN
 CLERK OF COURT
 BERKELEY COUNTY, SC

FILED

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.

[Signature]
 Circuit Court Judge

2163
 Judge Code

07/10/14
 Date

RECEIVED

For Clerk of Court Office Use Only AUG 21 2014

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2011-CP-08-3072

Bernadette Simmons-Brown and Darrell
Brown
PLAINTIFF(S)

William Ward, Aqua Blue Pools of
Charleston, Inc. and Joseph Calderone
DEFENDANT(S)

Submitted by: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
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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: The jury unanimously found in favor of the Defendants (verdict form attached). Plaintiffs have 10 days from the date of this order to submit Post-Trial Motions to the court.

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk : _____

FILED
2014 JUN 13 PM 8:38
CLERK OF COURT
BERKELEY COUNTY SC

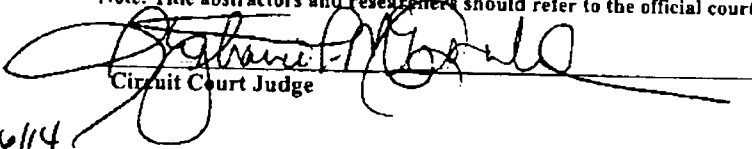
INFORMATION FOR THE JUDGMENT INDEX

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)
N/A		\$
		\$
		\$

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.


Circuit Court Judge

2163
Judge Code

06/13/14
Date

6/16/14
hall
J. Parker, S. Clawson, D. Black, B. Simmons,
SCRPC Form 4C (03/2013)

B

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)
)
BERNADETTE SIMMONS-BROWN,)
)
Plaintiff,)
)
v.)
)
WILLIAM WARD, AQUA BLUE POOLS)
OF CHARLESTON, INC., AND JOSEPH)
CALDERONE,)
)
Defendants.)
_____)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 2011-CP-08-3072

VERDICT FORM

FILED
2014 JUN 13 PM 8:38
MAY 2 2014
CLERK OF COURT
BERKELEY, CALIFORNIA

We, the jury, having heard the evidence and the charge of the Court, unanimously find as follows:

1. Did the negligence of Defendants William Ward and Aqua Blue Pools of Charleston, Inc. proximately cause actual damages to the Plaintiff, Bernadette Simmons-Brown?

Yes or No

2. Was Defendant Joseph Calderone negligent?

Yes or No

If you answer "YES" to Question #2, please proceed to Question #3.
If you answer "NO" to Question #2, please proceed to Question #4.

3. Did the negligence of Defendant Joseph Calderone proximately cause the Plaintiff's actual damages?

Yes or No

4. Was the Plaintiff, Bernadette Simmons-Brown, negligent?

Yes or No

5. Having found the existence of negligence and comparative negligence in this matter, what percentage of negligence is attributable to the Plaintiff, Bernadette Simmons-Brown, what percentage is attributable to Defendants William Ward and Aqua Blue Pools of Charleston, Inc., and what percentage is attributable to Defendant Joseph Calderone?

Bernadette Simmons-Brown	<u>60</u> %
William Ward and Aqua Blue Pools of Charleston, Inc.	<u>40</u> %
Joseph Calderone	<u>0</u> %
Total	<u>100</u> %

6. Was Plaintiff's negligence greater than 50%?

Yes or No

If you answer "YES" to Question #6, please stop your deliberations, have the foreperson sign and date the verdict form, and summon the bailiff.

If you answer "NO" to Question #6, please proceed to Question #7.

7. We, the jury, unanimously award actual damages to the Plaintiff, Bernadette Simmons-Brown, in the amount of \$ _____ (Dollars).

Please stop your deliberations, have your Foreperson sign and date the verdict form, and summon the bailiff.

C. Joseph Ukals
Foreperson

June 13, 2014
Moncks Corner, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

AUG 21 2014

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

SC Court of Appeals

Stephanie P. McDonald, Circuit Court Judge

Case No. 2011-CP-08-3072

Bernadette Simmons-Brown.....Appellant,

v.

William Ward, Aqua Blue Pools
Of Charleston, Inc., and

Joseph Calderone.....Respondents.

REVISED PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Respondents, William Ward, Aqua Blue Pools of Charleston, Inc., and Joseph Calderone by depositing a copy of it in the United States Mail, postage prepaid, on August 18, 2014. A copy of the Orders being challenged on appeal were served on Respondents William Ward, Aqua Blue Pools of Charleston, Inc., and Joseph Calderone by depositing a copy of them in the United States Mail, postage prepaid, on August 19, 2014. All documents were addressed to their counsel of record, as follows:

Samuel R. Clawson, Esq.
Bobby D. Sessoms, Jr., Esq.
Clawson & Staubes, LLC
126 Seven Farms Drive, Ste.200
Charleston, SC 29492

David S. Black, Esq.
Howell, Gibson & Hughes, PA
P.O. Box 40
Beaufort, SC 29901

Brown v. Ward
Case # 2011-CP-08-3072
Revised Proof of Service
Page Two

August 19, 2014

A handwritten signature in black ink, appearing to read 'Donald J. Budman', written over a horizontal line.

Donald J. Budman
SOLOMON, BUDMAN & STRICKER, LLP
P.O. Box 30280
Charleston, SC 29417
843-763-1118
Attorneys for Appellant

SOLOMON, BUDMAN & STRICKER, L.L.P.

DONALD J. BUDMAN

Attorneys At Law

MICHAEL A. STRICKER
(SC, GA, TN)

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Charleston, South Carolina 29407

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Mailing Address:
P.O. Box 30280
Charleston, S.C. 29417
Telephone:
(843) 763-1118
Fax:
(843) 763-7518

August 19, 2014

Hon. Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Bernadette Simmons-Brown vs. William Ward, Aqua Blue Pools of Charleston, Inc
and Joseph Calderone
Case # 2011-CP-08-3072

Dear Ms. Kitchings,

On August 18, 2014, I mailed you a Notice of Appeal, Proof of Service and a check for \$100.00 for filing fee in the above case. The cover letter stated that a copy of the Orders which are challenged on appeal were enclosed. Through my inadvertence, the Orders were not enclosed in the letter to you. To correct the oversight, I enclose the Orders in this case which are being challenged on appeal, and a revised Proof of Service.

Please return a filed copy of the Revised Proof of Service to me in the envelope I have provided for your convenience. If you have any questions, please do not hesitate to contact me. Thank you for your cooperation.

Sincerely,



Donald J. Budman

Cc: Samuel R. Clawson, Esq. (w/enc.)
Bobby D. Sessoms, Jr., Esq.
Clawson & Staubes, LLC
126 Seven Farms Drive, Ste.200
Charleston, SC 29492

CC: Con't.

David S. Black, Esq. (w/enc.)
Howell, Gibson & Hughes, PA
P.O. Box 40
Beaufort, SC 29901