

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 )  
 COUNTY OF YORK ) C/A NO.: 2012-CP-46-3907  
 )  
 Julie R. Jackson, Individually, and as )  
 Personal Representative of the Estate of )  
 Salvatore Joseph Jackson, )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 John Doe, )  
 )  
 Defendant. )

**RECORDED**  
**MAR 11 2015**  
**SC Court of Appeals**  
 CLERK OF COURT  
 YORK COUNTY, SC  
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STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 )  
 COUNTY OF YORK ) C/A NO.: 2012-CP-46-3907  
 )  
 Julie R. Jackson, Individually, and as )  
 Personal Representative of the Estate of )  
 Salvatore Joseph Jackson, )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Travelers Commercial Insurance Company, )  
 )  
 Defendant. )

**ORDER APPROVING WRONGFUL DEATH AND SURVIVAL CLAIM SETTLEMENT**

This matter comes before me pursuant to section 15-51-42 of the South Carolina Code (2005) at the request of Plaintiff Julie R. Jackson, as the duly qualified Personal Representative of the Estate of Salvatore Joseph Jackson, as appointed by the Judge of the Probate Court for the County of York, State of South Carolina, seeking approval of a wrongful death and survival claim settlement.

It appears that Plaintiff wishes to enter into a settlement agreement signing a full and complete release of Travelers Commercial Insurance Company in exchange for the payment of

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Three Hundred Thousand and 00/100 (\$300,000.00) Dollars and seeks approval of the settlement agreement.

In determining the propriety of the proposed settlement, this Court has considered those facts necessary and proper for said determination as set forth in S.C. Code Ann. § 15-51-42 (B) (2005).

Present in the courtroom are Plaintiff Julie R. Jackson, Personal Representative of the Estate of Salvatore Joseph Jackson; her attorney, F. Craig Wilkerson, Jr.; and William P. Davis, attorney for Travelers Commercial Insurance Company.

It appears to this Court that Salvatore Joseph Jackson died of a massive blunt force head trauma on July 25, 2011, after his motorcycle crashed on South Carolina Highway 49 on July 21, 2011.

It appears further to this Court that at the time of the above-referenced accident, Salvatore Joseph Jackson had an insurance policy with Travelers Commercial Insurance Company (Policy No. 988966903 101 1) covering three vehicles, not including the motorcycle involved in the accident, providing Uninsured Motorist Coverage in the amount of One Hundred Thousand and 00/100 (\$100,000.00) Dollars per each person for bodily injuries.

It appears that on November 2, 2012, Plaintiff filed an action captioned *Julie R. Jackson, Individually, and as Personal Representative of the Estate of Salvatore Joseph Jackson, Plaintiff, versus John Doe and Travelers Commercial Insurance Company, Defendants*, No. 12-CP-46-3907, which included a cause of action against John Doe in negligence and causes of action against Travelers Commercial Insurance Company for alleged bad faith refusal to pay first party benefits and breach of contract.

It appears that by order of The Honorable S. Jackson Kimball of October 25, 2013, the claims and action brought against Travelers Commercial Insurance Company were severed and stayed pending resolution of the action against Defendant John Doe.

It appears that the action against John Doe was tried in October and judgment entered in the amount of \$936,650.00 on December 17, 2014; that Defendant John Doe's motion for judgment notwithstanding the verdict was denied by order of The Honorable Lee S. Alford on December 15, 2014, filed on December 17, 2014; and that a Notice of Appeal was filed on January 20, 2015.

It further appears that pursuant to section 15-51-42(C)(3) of the South Carolina Code (2005), the matter was remanded by the appellate court to this Court for consideration of this settlement agreement.

It appears further to the Court that Travelers Commercial Insurance Company, without admitting liability, has entered into negotiations with Plaintiff to settle all claims for damages arising out of the aforementioned accident and raised in the aforementioned Complaint, including any damages for Plaintiff's Decedent's wrongful death, his conscious pain and suffering, and any and all injuries for which the causes of action survived his death, by offering to pay Plaintiff, as Personal Representative of the Estate of Salvatore Joseph Jackson, the uninsured motorist coverage available under the subject policy in the amount of Three Hundred Thousand and 00/100 (\$300,000.00) Dollars, in exchange for Plaintiff's agreement to sign a full and complete release of all claims.

It appears to this Court that Plaintiff's Decedent is survived by Julie R. Jackson (surviving spouse) and Joseph M. Jackson (son), who are the statutory beneficiaries under S.C. Code Ann. § 15-51-20 (2005) and are entitled to any damages recovered thereunder for the

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wrongful death of Decedent. It appears further that S.C. Code Ann. § 15-51-40 (Supp. 2013) provides that Julie R. Jackson (surviving spouse) and Joseph M. Jackson (son) are entitled to any damages recovered for the wrongful death of Decedent according to the laws of intestacy of this State as set forth in S.C. Code Ann. § 62-2-102 (Supp. 2013) and § 62-2-103 (Supp. 2013).

It appears further that Decedent died intestate and that any damages recovered for any conscious pain and suffering of Decedent and for any other causes of action that survived his death, pursuant to S.C. Code Ann. §15-5-90 (2005), would be distributed according to the laws of intestacy. As such, Julie R. Jackson (surviving spouse) and Joseph M. Jackson (son) are entitled to any damages recovered for any conscious pain and suffering of Decedent and for any causes of action that survived his death.

It appears to this Court that Plaintiff has no knowledge of any outstanding claims against Decedent's estate.

It appears further that Plaintiff has retained the advice and counsel of Daniel S. Slotchiver, Esquire of Charleston, South Carolina and F. Craig Wilkerson, Jr., Esquire of Rock Hill, South Carolina, in order to fully protect the rights of Plaintiff and the Estate of Salvatore Joseph Jackson and that said attorneys are entitled to a fee of One Hundred Twenty Thousand and 00/100 (\$120,000.00) Dollars and reimbursement for associated costs of Forty-One Thousand Four Hundred Seventy-Two and 08/100 (\$41,472.08) Dollars. The net settlement proceeds to Plaintiff would be One Hundred Sixty-One Thousand Four Hundred Seventy-Two and 08/100 (\$161,472.08) Dollars.

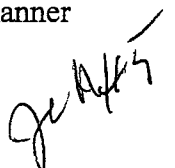
After proper and necessary inquiry, the results of which are set forth hereinabove, and examination of the facts, this Court is of the opinion that the proposed settlement agreement as described above should be approved and that this Court has the authority to approve said

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settlement pursuant to the provisions of S.C. Code Ann. § 15-51-42 (2005).

Now, therefore, it is hereby ORDERED that Julie R. Jackson, as Personal Representative of the Estate of Salvatore Joseph Jackson, be and hereby is authorized to accept from Travelers Commercial Insurance Company the sum of Three Hundred Thousand and 00/100 (\$300,000.00) Dollars as settlement in full of any and all liability for any claims, liens, causes of action, settlements, judgments or the like that said Personal Representative of the Estate of Salvatore Joseph Jackson has or might have at some time against Travelers Commercial Insurance Company arising out of the accident that occurred on July 21, 2011, including, but not limited to, all claims, liens, actions, causes of action, judgments or the like for the wrongful death, conscious pain and suffering of Decedent and any claims that survived his death and that Plaintiff, as Personal Representative of the Estate of Salvatore Joseph Jackson, was, is and shall be responsible for the proper distribution of the aforementioned proceeds among the wrongful death and survival claim beneficiaries in accordance with the law and those persons and entities protected by the contemplated release are relieved and discharged from any and all liability with respect to the proper distribution of the aforementioned proceeds.

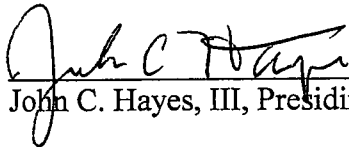
IT IS ORDERED FURTHER that Julie R. Jackson, as Personal Representative of the Estate of Salvatore Joseph Jackson, be and hereby is authorized and directed to execute and deliver to Travelers Commercial Insurance Company a full and complete release of all claims releasing Travelers Commercial Insurance Company, its affiliates, agents, employees, parent companies, officers, directors, successors and assigns, from any and all claims, demands, obligations or causes of action, whether in law or equity, which she ever had, now has, or may hereafter have, as Personal Representative of the Estate of Salvatore Joseph Jackson, by reason of any cause, matter or thing whatsoever arising out of or on account of, by and in the manner



alleged in the pleadings in this action, including the original complaint, reference to which is herewith made, and specifically including Plaintiff's claims for uninsured motorist benefits and her claims of breach of contract and bad faith handling of the claim that is the subject of this action.

IT IS ORDERED FURTHER that Julie R. Jackson, as Personal Representative of the Estate of Salvatore Joseph Jackson, be and hereby is authorized and directed to execute a Satisfaction of Judgment for the action against John Doe and a Stipulation of Dismissal of the action against Travelers Commercial Insurance Company.

AND IT IS SO ORDERED.

  
\_\_\_\_\_  
John C. Hayes, III, Presiding Judge

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York, South Carolina

February 17, 2015

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF YORK )  
 )  
 Julie R. Jackson, individ and PR of Estate of )  
 Salvatore Joseph Jackson )  
 Plaintiff )  
 )  
 v. )  
 )  
 John Doe;Travelers Commercial Insurance Company )  
 Defendant. )

IN THE COURT OF COMMON PLEAS

CASE NO.

2012-CP-46-3907

MOTION AND ORDER INFORMATION  
 FORM AND COVER SHEET

Plaintiff's Attorney: F. Craig Wilkerson, Jr.; Daniel S. Slotchiver, Bar No. Address: 1050 College Ave Ext , Rock Hill, SC 29732 44 State St., Charleston, SC 29401 phone: fax: e-mail: other:	Defendant's Attorney: William P. Davis, Bar No. 1585 Address: P.O. Box 8057, Columbia, SC 29202 phone: (803) 799.9091 fax: (803)779.3423 e-mail: wdavis@brblegal.com other:
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
<b>SECTION I: Hearing Information</b> Nature of Motion: Order Approving Wrongful Death and Survival Claim Settlement Estimated Time Needed: Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO	
<b>SECTION II: Motion/Order Type</b> <input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
_____ Signature of Attorney for <input type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant	February 20, 2015 Date submitted
<b>SECTION III: Motion Fee</b> <input checked="" type="checkbox"/> PAID – AMOUNT: 25.00 <input type="checkbox"/> EXEMPT: <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support (check reason) <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: <input type="checkbox"/> Other:	
<b>JUDGE'S SECTION</b> <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other:	_____ JUDGE CODE: _____ Date: _____
<b>CLERK'S VERIFICATION</b> Collected by: _____ Date Filed: _____	

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 DAVID HAMILTON  
 C.C.P. & C.S.  
 YORK COUNTY, SC

MOTION FEE COLLECTED: \_\_\_\_\_

CONTESTED – AMOUNT DUE: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF YORK )  
 )  
 Julie R. Jackson, Individually, and as )  
 Personal Representative of the Estate of )  
 Salvatore Joseph Jackson, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 John Doe, )  
 )  
 Defendant. )  
 )  
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IN THE COURT OF COMMON PLEAS

C/A NO.: 2012-CP-46-3907

RECORDED

MAR 11 2015

SC Court of Appeals

RELEASE OF ALL CLAIMS

FOR AND IN CONSIDERATION OF the payment of the sum of Three Hundred Thousand and 00/100 (\$300,000.00) Dollars to Julie R. Jackson, as Personal Representative of the Estate of Salvatore Joseph Jackson, in accordance with the request of Julie R Jackson, individually, receipt of which is hereby acknowledged, Plaintiff in this action does hereby release, acquit and forever discharge Travelers Commercial Insurance Company (hereinafter "Travelers"), its affiliates, agents, employees, parent companies, officers, directors, successors and assigns (hereinafter collectively referred to as "Releasees") from any and all claims, demands, obligations or causes of action, whether in law or equity, which she ever had, now has, or may hereafter have, individually and as Personal Representative of the Estate of Salvatore Joseph Jackson, by reason of any cause, matter or thing whatsoever arising out of or on account of, by and in the manner alleged in the pleadings in this action, including the original complaint, reference to which is herewith made, and specifically including Plaintiff's claims for uninsured motorist benefits and her claims of breach of contract and bad faith handling of the claim that is the subject of this action.

It is further understood and agreed that this is a release and settlement of all claims or causes of action, whether known or unknown, in existence now or which may exist in the future as a result of, arising out of, or on account of the matters and things alleged and set forth in the pleadings in this action, including the original complaint, reference to which is herewith made, and any other claims or causes of action arising out of or on account of injuries to and the death of Salvatore Joseph Jackson, including, but not limited to, any claims or causes of action for conscious pain and suffering and wrongful death. It is understood and agreed that this release applies not only to the settlement of the claims that were tried in this court in October 2014, but also to claims that Plaintiff has asserted against Travelers for its alleged breach of contract and bad faith handling of the aforementioned claim.

It is further understood and agreed that this is a settlement of doubtful and disputed claims, and that the acceptance of the amount paid and other valuable consideration is in full accord and satisfaction of all claims.

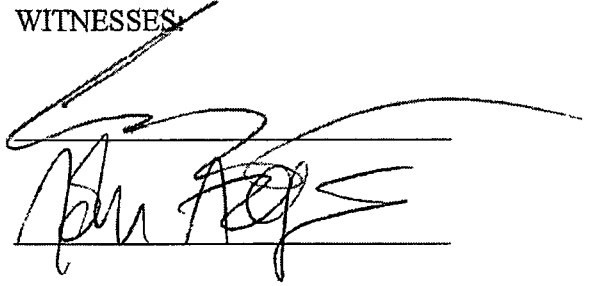
IN FURTHER CONSIDERATION of the foregoing compromise settlement, Plaintiff agrees to indemnify and hold harmless Releasees from and against any loss, costs, damages, liens, expenses (including attorneys' fees) or other liability claimed or imposed upon Releasees, or any of them, by reason of any third person or entity claiming to have an interest in the matters referred to herein, or claiming to be an assignee or subrogee of any of the claims or causes of action mentioned above, or claiming a right of indemnity against Releasees, as a result of the matters referred to herein.

This release shall be binding upon Plaintiff, her heirs, personal representatives, and assigns.

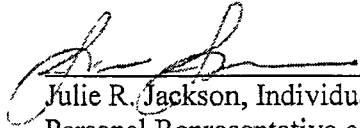
WITNESS MY HAND AND SEAL THIS 19<sup>th</sup> DAY OF FEBRUARY, 2015.



WITNESSES



A handwritten signature in black ink, appearing to be "John A. [unclear]", written over a horizontal line.



A handwritten signature in black ink, appearing to be "Julie R. Jackson", written over a horizontal line.

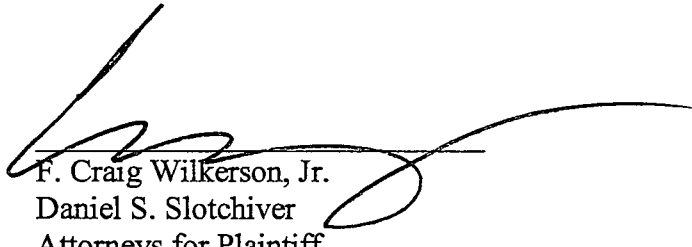
Julie R. Jackson, Individually and as  
Personal Representative of the Estate  
of Salvatore Joseph Jackson

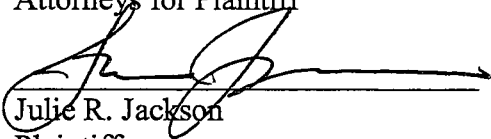
STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 )  
 COUNTY OF YORK ) C/A NO.: 2012-CP-46-3907  
 )  
 Julie R. Jackson, Individually, and as )  
 Personal Representative of the Estate of )  
 Salvatore Joseph Jackson, )  
 Plaintiff, ) **SATISFACTION OF JUDGMENT**  
 )  
 vs. )  
 )  
 John Doe, )  
 )  
 Defendant. )

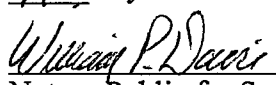
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**SC Court of Appeals**

As plaintiff and as attorneys for the plaintiff in the above-captioned action, we hereby acknowledge receipt of Three Hundred Thousand and 00/100 (\$300,000.00) Dollars, which, by agreement of the parties, is accepted in complete satisfaction of the judgment rendered on October 8, 2014 in the York County Court of Common Pleas in the amount of Nine Hundred Thirty-Six Thousand Six Hundred Fifty and 00/100 (\$936,650.00). The York County Clerk of Court is hereby authorized to mark such judgment "SATISFIED."

IN WITNESS WHEREOF, we have hereunto set forth our hands and seals.

  
 F. Craig Wilkerson, Jr.  
 Daniel S. Slotchiver  
 Attorneys for Plaintiff

  
 Julie R. Jackson  
 Plaintiff

SWORN to before me this  
19<sup>th</sup> day of February, 2015  
  
 Notary Public for South Carolina  
 My Commission Expires: 9/2/15

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 DAVID W. HAMILTON  
 C.C.P. & D.S.  
 YORK COUNTY, SC

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF YORK	)	C/A NO.: 2012-CP-46-3907
	)	
Julie R. Jackson, Individually, and as	)	
Personal Representative of the Estate of	)	
Salvatore Joseph Jackson,	)	
	)	<b>STIPULATION OF DISMISSAL</b>
Plaintiff,	)	
	)	
vs.	)	
	)	
Travelers Commercial Insurance Company,	)	
	)	
Defendant.	)	

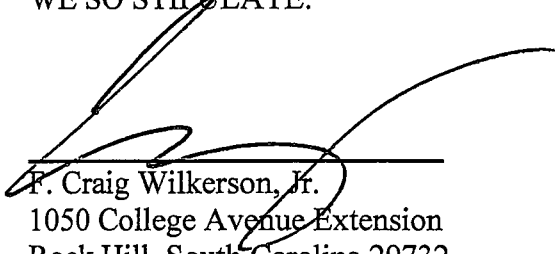
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**SC Court of Appeals**

Pursuant to Rule 41 (a)(1)(B) of the *South Carolina Rules of Civil Procedure*, the parties hereby stipulate that this matter shall be and hereby is dismissed with prejudice.

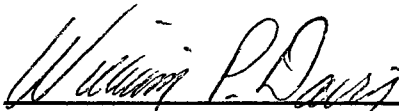
WE SO STIPULATE:



F. Craig Wilkerson, Jr.  
 1050 College Avenue Extension  
 Rock Hill, South Carolina 29732  
 and  
 Daniel S. Slotchiver  
 Slotchiver & Slotchiver, LLP  
 44 State Street  
 Charleston, South Carolina 29401

*Attorneys for Plaintiff*

February 19, 2015



William P. Davis  
 Baker, Ravenel & Bender, L.L.P.  
 3710 Landmark Drive, Suite 400 (29204)  
 Post Office Box 8057  
 Columbia, SC 29202  
 Our File: 7746.1906  
*Attorneys for Defendant Travelers Commercial Insurance Company*

February 19, 2015

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 C.C.P. & G.S.  
 YORK COUNTY, SC



BAKER RAVENEL BENDER  
ATTORNEYS AT LAW

RECEIVED  
MAR 11 2015  
SC Court of Appeals

William P Davis  
[wdavis@brblegal.com](mailto:wdavis@brblegal.com)  
(803) 343-3865 – direct dial

March 9, 2015

Elizabeth Carter  
South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

RE: Julie R Jackson, Individually, and as Personal Representative of the Estate of  
Salvatore Joseph Jackson, Respondent vs John Doe, Appellant  
Appellate Case No.: 2015-000110  
Our File No.: 7746.1906

Dear Ms Carter

Pursuant to your request, please find enclosed a copy of the Order Approving Wrongful Death and Survival Claim Settlement regarding the above-referenced matter, which was filed in the Circuit Court on February 26, 2015, along with copies of the release, stipulation of dismissal with prejudice, and satisfaction of judgment. No separate settlement agreement was executed. Should you have any questions or need anything further, please do not hesitate to contact us.

By copy hereof, I am notifying plaintiff's counsel of this communication.

Sincerely,

Tricia Ruggiero  
Paralegal to William P Davis

/tpr

cc F Craig Wilkerson, Jr, Esquire  
Daniel S Slotchiver, Esquire

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P O Box 8057 / Columbia, SC 29202



BAKER RAVENEL BENDER  
ATTORNEYS AT LAW

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Elizabeth Carter  
South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

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MAR 11 2015  
**SC Court of Appeals**