

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Betsy L. Spriggs,)
)
Plaintiff,)
)
vs.)
)
James Walker,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
CA NO.: 2010-CP-40-07858

ORDER GRANTING NEW TRIAL

ABSOLUTE
RECEIVED

APR 15 2015

SC Court of Appeals

RICHLAND COUNTY
FILED
2015 MAR 16 AM 9:33
JEANNETTE W. JOHNSON
C.C.P. & G.S.

This matter came before me upon Plaintiff's Motion for New Trial Absolute filed on September 19, 2013. Plaintiff argued, in part, that the jury improperly considered matters outside the scope of the evidence. This position is based on the list of questions sent out by the jury only forty (40) minutes after deliberations in the two-and-a-half-day trial began. Those questions were as follows:


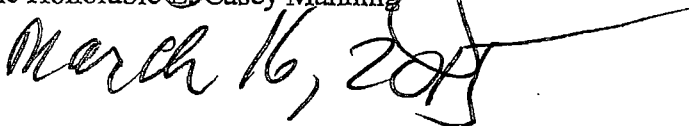
- 1) "Where [sic] the police report?"
- 2) "Have [sic] Mr. Walker insurance paid for any medical bills?"
- 3) "When did Ms. Spriggs consult a attorney?"
- 4) "Did Ms. Spriggs received worker-Comp [sic]?"
- 5) "Where is the defendant [sic] paperwork?"

In response to these questions, the jury was instructed, in part, as they had been instructed before commencing deliberations, that they could not base their verdict on sympathy or on other factors but that their verdict must be based only on the evidence and testimony presented. They were then sent back to continue deliberations with the further instruction that they were to continue without further discussion of these matters. The jury announced that it had reached a verdict for the Defense only five (5) minutes later.

Subsequent to Plaintiff's Motion being filed, a hearing at which counsel for both Plaintiff and Defendant appeared and made oral arguments. The matter was taken under advisement.

Based on all facts and circumstances, this Court hereby finds and concludes that the jury did, in fact, improperly consider matters outside the record in reaching its verdict and further finds that for this reason, Plaintiff's Motion for a New Trial Absolute should be granted.

AND IT IS SO ORDERED.

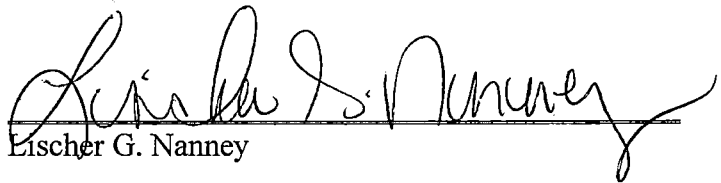

The Honorable L. Casey Manning


July __, 2014

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is the paralegal for L. Lisa McPherson, attorney for the Plaintiff in the above-entitled action, and that the foregoing Order Granting New Trial Absolute was served upon the persons listed below by depositing a copy thereof in the United States Mail, with sufficient postage annexed thereto, addressed as follows:

James B. Lybrand, Jr., Esquire
McDonald, McKenzie, Rubin, Miller, and Lybrand, L.L.P.
PO Box 58
Columbia, SC 29202-0058


Eischer G. Nanney

March 18, 2015