

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

FORM 4

JUDGMENT IN A CIVIL CASE  
 C.A. No. 13-CP-20-0012

**RECEIVED**

Philip Ethier and Jeanne Ethier

Guy R. Bibeau, MD

SEP 16 2015

SC Court of Appeals

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for :  Plaintiff  Defendant  
 or  
 Self-Represented Litigant

2015 APR 30 AM 10 37  
 FAIRFIELD COUNTY  
 CLERK OF COURT  
 BETTY JO BECKHAM

**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.
- 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

A Verdict was issued by the jury in the above captioned matter on April 8, 2015, a copy of which is attached and incorporated herein by reference. The Plaintiff was found have been 70% negligent and the Defendant was found to have been 30% negligent. The result is a Verdict in favor of the Defense.

Parties were granted ten (10) days in which to file written post-trial Motions by Order from the Bench after the receipt of the verdict.

**ORDER INFORMATION**

This order \_\_\_ ends \_\_\_  does not end the case.

Additional Information for the Clerk :

**RECEIVED**  
 MAY - 4 2015  
 BY PROFFITT & COX, LLP

**INFORMATION FOR THE PUBLIC 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.

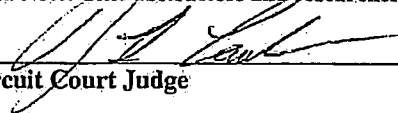
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

*Handwritten initials*

**SCANNED**  
 Date: 5/14/15  
 Proffitt & Cox, LLP  
 Page 1 of 2

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

2135  
Judge Code

4/27/15  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on the 30 day of April, 2015 and a copy mailed first class or placed in the appropriate attorney's box on this 30 day of April 2015 to attorneys of record or to parties (when appearing pro se) as follows:

David Proffitt, Proffitt & Cox, LLP  
140 Wildwood Park, Dr., Ste. A  
COLUMBIA, SC 29223-6518

G. Murrell Smith, Jr. and David C. Holler  
PO Box 580  
Sumter, SC 29150

\_\_\_\_\_  
ATTORNEY(S) FOR THE PLAINTIFF(S)

\_\_\_\_\_  
ATTORNEY(S) FOR THE DEFENDANT(S)

  
CLERK OF COURT

**Court Reporter:**

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF FAIRFIELD )

C/A NO.: 13-CP-20-12

Philip Ethier and Jeanne Ethier, )

Plaintiffs, )

v. )

Guy R. Bibeau, M.D. )

Defendants. )

**VERDICT FORM**  
**(Phillip Ethier and Jeanne Ethier)**

2015 APR 9 AM 9 03  
FAIRFIELD COUNTY  
CLERK OF COURT  
BETTY JO BECKHAM

1. Was the Defendant Dr. Bibeau negligent?

Yes

No

(If "Yes", go to Question 2.)

(If "No", deliberate no further. Foreperson sign and date this verdict form.)

2. Was the Defendant, Dr. Bibeau's negligence at least one of the proximate causes of injury or damages sustained by Philip Ethier?

Yes

No

(If "No" deliberate no further. Foreperson sign and date this verdict form.)

(If "Yes", go to Question 3)

3. Was Philip Ethier negligent?

Yes

No

(If "Yes", go to Question 4)

(If "No", go to Question 6)

4. Was Mr. Ethier's negligence at least one of the proximate causes of injury or damage sustained by him?

Yes

No

(If "Yes", go to Question 5)

(If "No", go to Question 6)

5. Taking into consideration that the total percentage of negligence of Dr. Bibeau and Mr. Ethier is 100%, assign percentages of negligence to both of them:

30 % Guy R. Bibeau, M.D.

70 % Philip Ethier

(Again, these two percentages must equal 100%)

6. What is the total amount of economic damages that Mr. Ethier sustained as a proximate result of the negligence of the Defendant? Do not reduce this sum by any percentage of negligence that you may have noted in response to Question 5.

\$ 1,250,000.00

7. What is the total amount of non-economic damages that Mr. Ethier sustained as a proximate result of the negligence of the Defendant? Again, do not reduce this sum by any percentage of negligence you may have noted in response to Question 5.

\$ 500,000.00

8. Do you find that Jeanne Ethier has proven by a preponderance of the evidence that Dr. Bibeau's negligence was the proximate cause of a loss of consortium?

Yes

No

9. What is the total amount of damages sustained by Jeanne Ethier for any loss of consortium?

\$ 250,000.00

Connie R. Pote

Foreperson

4/8/2015

Date