

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Creative Communication Services, Inc., Respondent,

v.

Travelers Property Casualty Company of America and
PAD Able Inc., d/b/a Harold R. Beard Agency,
Defendants,

Of whom, Travelers Property Casualty Company of
America, is the Appellant.

Appellate Case No. 2009-124486

Appeal From Richland County
Alison Renee Lee, Circuit Court Judge

Unpublished Opinion No. 2012-UP-317
Heard May 7, 2012 – Filed May 23, 2012

AFFIRMED

Byron P. Roberts and Rebecca Anne Roberts, both of
Chapin, for Appellant.

Ian Douglas McVey and Richard C. Detwiler, both of
Columbia, for Respondent.

FEW, C.J.: Creative Communication Services, Inc., filed suit against Travelers Property Casualty Company of America alleging Travelers breached a workers' compensation insurance policy. Travelers answered and counterclaimed alleging Creative Communication breached the insurance contract. Travelers claimed an audit showed Creative Communication owed \$52,208.00 in additional premium. Creative Communication argued Travelers incorrectly calculated the revised premium by treating its subcontractors as employees. The jury returned a verdict in favor of Travelers and awarded \$3,500.00 in damages. Travelers made a motion for a new trial nisi additur. The trial court denied the motion, and Travelers appeals arguing the only damages amount the jury could have awarded is the \$52,208.00 additional premium. We disagree and affirm the trial court's decision to deny the motion.

"The trial court has the power to grant a new trial *nisi additur* when it finds the amount of the verdict to be merely inadequate." *Manios v. Nelson, Mullins, Riley & Scarborough, LLP*, 389 S.C. 126, 137, 697 S.E.2d 644, 650 (Ct. App. 2010) (internal quotation marks omitted). "The denial of a motion for *additur* is within the sound discretion of the trial court and will not be reversed on appeal absent an abuse of discretion." *Id.* "There is no abuse of discretion in the trial court's denial of a motion for new trial nisi where there is evidence to support the verdict." *Id.*

We find the trial court articulated a valid theory for denying the motion and did not abuse its discretion because there is evidence to support the verdict. *See Manios*, 389 S.C. at 138, 697 S.E.2d at 650 ("Although it is unclear from the record exactly how the jury arrived at its verdict of \$53,088, there is evidence to support an award of less than \$316,225.").

Accordingly, the decision of the trial court is

AFFIRMED.

HUFF and SHORT, JJ., concur.