

STATE OF SOUTH CAROLINA
 COUNTY OF RICHLAND
 IN THE COURT OF COMMON PLEAS
 Johnny Mack Thacker

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2014-CP40-7022

Dawonna Tremaine Dawkins and Original Blue Ribbon

RECEIVED

Taxi Corp.

DEFENDANT(S)

PLAINTIFF(S)

MAR 28 2016

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

SC Court of Appeals

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. No. Suit); Rule 43(k), SCRPC (Settled); Other Dismissed without prejudice
- 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

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 FEB 26 2016
 11:15 AM
 CLERK OF COURT

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

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : See attached order.

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
Johnny Mack Thacker	Dawonna Tremaine Dawkins	\$ 450.00
		\$
		\$

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 Reford Judge Code 2164 Date 2/23/16

For Clerk of Court Office Use Only

This judgment was entered on the 26 day of Feb, 2016 and a copy mailed first class or placed in the appropriate attorney's box on this 26 day of Feb, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Pro Se

Carl Hiller

Charles Krawczyk

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Clerk of Court Jeanette W. McBride

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Johnny Mack Thacker,)
)
 Plaintiff,)
)
 vs.)
)
 Dawonna Tremaine Dawkins and Original)
 Blue Ribbon Taxi Cab Corporation,)
)
 Defendants.)

IN THE CIRCUIT COURT FOR THE
 FIFTH JUDICIAL CIRCUIT
 Civil Action No.2014-CP-40-7022

ORDER

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MAR 28 2016

SC Court of Appeals

JEANNETTE W. MORRIS
 2016 FEB 26 AM 11:45
 FILED
 RICHLAND COUNTY

THIS MATTER came before the Court for a jury trial on February 11, 2016. Present and appearing *pro se* was the Plaintiff, Johnny Mack Thacker and attorneys for Defendant Dawonna Tremaine Dawkins, Charles A. Krawczyk, Esquire and Carl D. Hiller, Esquire. Prior to trial, Defendant Blue Ribbon Taxi Cab Corporation was dismissed from the action by way of Partial Summary Judgment. The case proceeded to trial and the Court heard testimony from Plaintiff and his chiropractor, Kaycie Hartley, DC. Upon conclusion of the Plaintiff's case, Defendant Dawkins moved for a directed verdict on Plaintiff's allegations of personal injury and punitive damages on the grounds, *inter alia*, that Plaintiff had failed to provide any evidence to show that the alleged injuries he suffered were directly and proximately related to the automobile accident that was the subject of this action and that Plaintiff had failed to provide any evidence that Defendant Dawkins' actions were grossly negligent, willful, or reckless. After consideration of the pleadings, testimony, evidence submitted by all parties, and the arguments of the Plaintiff and Defendant Dawkins' counsel, and the laws of the state of South Carolina, for the reasons set forth below, the Court concludes that Defendant's Motion for a Directed Verdict should be granted.

This case stems from an automobile accident involving Plaintiff and Defendant Dawkins occurring on June 25, 2014 on Forest Drive in Columbia, South Carolina. At trial, Defendant Dawkins, through her counsel, admitted that she was negligent in causing the accident, and, as a

result of her negligence, Plaintiff's vehicle suffered a certain amount of damage that should be determined by the jury. Defendant Dawkins denied that any alleged personal injury suffered by the Plaintiff was causally related to the accident occurring on June 25, 2014 and denied that her conduct was grossly negligent, willful, or reckless.

Plaintiff, in his own testimony provided no evidence that his medical bills or other monetary damages were related to the June 25, 2016 accident. He provided no proof of continuing or permanent injury or that any injury suffered was casually related to the accident in question. Instead Plaintiff called his chiropractor, Kaycie Hartley, DC as a witness regarding his alleged bodily injuries. Dr. Hartley testified that Plaintiff was under her care between July 1, 2014 and September 11, 2014 and that he had received chiropractic adjustments during that time period. At no time was Dr. Hartley qualified by the court as an expert, and she provided no testimony that Plaintiff's alleged injuries and the resulting care provided by her were a direct and proximate result of the automobile accident occurring on June 25, 2014. "When the opinions of medical experts are relied upon to establish causal connection of negligence to injury, the proper test to be applied is that the expert must, with reasonable certainty, state that in his professional opinion the injuries complained of most probably resulted from the alleged negligence of the defendant". *Armstrong v. Weiland*, 267 S.C. 12, 225 S.E.2d 851 (1976). Dr. Hartley was not qualified as an expert and gave no opinion as to the cause of any injuries, the necessity of the treatment or any other opinion regarding the accident and its relationship to and injuries or treatment provided to Plaintiff. As such Plaintiff failed to provide any evidence to show that the alleged injuries he suffered were directly and proximately related to the automobile accident that was the subject of this action.

In South Carolina, punitive damages are awarded to punish the wrongdoer and deter similar reckless, willful, wanton, or malicious conduct in the future. *Clark v. Cantrell*, 339 S.C. 369, 378, 529 S.E.2d 528, 533 (2000). A party seeking punitive damages carries "the highest burden of proof known to the civil law." *Austin v. Specialty Transp. Services, Inc.*, 358 S.C. 298, 313, 594 S.E.2d

867, 875 (Ct. App. 2004) (citing S.C. Code Ann. § 15-33-135). Accordingly, “[p]unitive damages can only be awarded where the plaintiff proves by clear and convincing evidence the defendant’s misconduct was willful, wanton, or in reckless disregard of the plaintiff’s rights.” *Id.* Plaintiff testified that he had no knowledge of Ms. Dawkins’ actions leading up to the accident. He testified that he did not observe Ms. Dawkins pull into his lane or strike his vehicle. Plaintiff provided no testimony that Defendant’s actions were willful, wanton, grossly negligent or in reckless disregard of the plaintiff’s rights. As there was no testimony regarding her actions, Plaintiff failed to meet his burden for seeking punitive damages.

With directed verdicts entered for Plaintiff’s personal injury and punitive damages claims, and the Defendant admitting liability, the question of property damage went to the jury for determination. The jury deliberated and returned a verdict in favor of the Plaintiff in the amount of four hundred and fifty dollars (\$450.00).

It is therefore ORDERED, ADJUDGED and DECREED that a Directed Verdict be entered for the Defendant on Plaintiff’s claims for personal injury and punitive damages and that a judgment be entered in favor of the Plaintiff in the amount of four hundred and fifty dollars (\$450.00) for property damage.

IT IS SO ORDERED.



Presiding Judge

2/23, 2016
Columbia, South Carolina