

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

JUDGMENT IN A CIVIL CASE

RECEIVED

FILED-CLEAR OF COURT CASE NO: 2013CP2306522
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER

APR 13 2016

SC Court of Appeals

Madel C Rivero vs. Steve Loftis
2016 MAR 24 PM 3:54

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; Statement of Judgment by the Court:

Dated at Greenville, South Carolina, this .

Court Reporter:

PRESIDING JUDGE -

This judgment was entered on the 24th day of March, 2016, and a copy mailed first class this 24th day of March, 2016, to attorneys of record or to parties (when appearing pro se) as follows:

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ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Probate Court

Paul B. Wickensimer Greenville County Clerk Of Court -
Clerk of Court

STATE OF SOUTH CAROLINA)
 COUNTY OF GREENVILLE)
 IN THE COURT OF COMMON PLEAS)
 THIRTEENTH JUDICIAL CIRCUIT)

Madel C. Rivero, as Personal Representative of the Estate of Lilia Lorena Blandin,)
 Plaintiff,)
 vs.)
 Sheriff Steve Loftis, in his capacity as Sheriff of Greenville County,)
 Defendant.)

ORDER ON DEFENDANT'S MOTION TO ALTER OR AMEND JUDGMENT AND/OR MOTION FOR RECONSIDERATION

C.A. No.: 2013-CP-23-06522

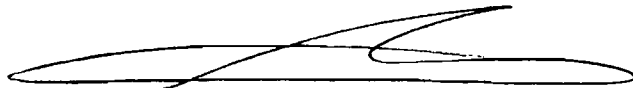
This matter comes before the Court pursuant to the Defendant's Motion to Alter or Amend Judgment and/or Motion for Reconsideration. Specifically, the Defense has asked for clarification regarding rulings on post-trial motions. The Court shall address the Defense's requests in the order presented.

1. *The Court has not addressed the Defendant's argument that there was no credible evidence that the deputies or 911 operator acted with gross negligence. It is not the role of the Court to determine the credibility of evidence. The Court simply determines whether there is evidence upon which the jury could have reached its verdict. As specifically stated on the record in response to the Defendant's Motions for Directed Verdict, this Court views the evidence in the light most favorable to the non-moving party. This Court would reassert that rationale provided on the record pursuant to the Defendant's Directed Verdict Motion and would further state that there was evidence in the record upon which the triers of fact could determine that the Plaintiff had met its burden of proof.*

2. *The Court has not addressed the sovereign immunity defenses asserted by the Defendant pursuant to the South Carolina Tort Claims Act. Specifically, the Defendant raised defenses under Sections 15-78-60(4), (5), (6), and (20), none of which include a gross negligence exception. Those defenses are not specifically addressed in the Court's Order. The Court would defer to the transcript of record. However, upon information, recollection, and belief, those specific provisions of the statute were specifically addressed at trial and were charged to the jury. This Court finds that the statute provides immunity under those sections enumerated in the Defense's Motion and acknowledged that by and through a specific charge to the jury. The jury could, and apparently did, find for the Plaintiff under alternate sections of statute and other provisions of law.*

NOW, THEREFORE, having clarified the ruling, the Court respectfully denies the Defendant's Motion to Alter or Amend and/or for Reconsideration.

AND IT IS SO ORDERED.



ROBIN B. STILWELL

March 24, 2016
Greenville, South Carolina

