

FORM 4

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

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2016CP1800604

Heather Southard

2016 AUG -3 PM 12:31
 FILED COPY

Joyce H Owens

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Cheryl Becken
 CLERK OF COURT
 FOR COUNTY

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

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. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):
 - Rule 12(b), SCRCP;
 - Rule 41(a), SCRCP (Vol. Nonsuit);
 - Rule 43(k), SCRCP (Settled);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):
 - Rule 40(j) SCRCP;
 - 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 by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT 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) |
|--|--|--|
| | | |
| | | |
| | | |
| | | |

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

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.

R. Knox McMahon
 Circuit Court Judge

2145
 Judge Code

8/3/2016
 Date

For Clerk of Court Office Use Only

This judgment was entered on 8/3/2016, and a copy mailed first class or placed in the appropriate attorney's box on 8/3/2016, to attorneys of record or to parties (when appearing pro se) as follows:

Heather Southard 735 W Westchester Drive Charleston,
SC 29414

Sean A. O'Connor 4000 Faber Place Drive Suite 450 North
Charleston, SC 29405-857

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Cheryl Graham

Court Reporter

Cheryl Graham - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

cc: Summerville Magistrate Court via email 8/3/2016

RECEIVED

AUG 25 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA)

COUNTY OF DORCHESTER)

Heather Southard,)

Plaintiff/Respondent,)

v.)

Joyce Hagan Owens,)

Defendant/Appellant.)

IN THE COURT OF COMMON PLEAS

FOR THE FIRST JUDICIAL CIRCUIT

APPEAL FROM MAGISTRATE

Civil Action No. 2016-CP-18-00604

ORDER

2016 AUG -3 PM 12:35
CERTIFIED COPY
DORCHESTER COUNTY
CLERK OF COURT
Heather Southard

This matter came before the Court June 27, 2016 pursuant to an appeal from the Dorchester County Magistrate's Office. On January 19, 2016 Plaintiff Heather Southard and Defendant Joyce Owens appeared before the Honorable Amanda M. Leviner. In addition, the Plaintiff in a separate action, William Wyly, also appeared before that same court. Because the two actions arose out of the same transaction and involved the same Defendant, Judge Leviner chose to join the two actions together. Plaintiff Southard and Plaintiff Wyly appeared *pro se*, as did Defendant Owens. Before this Court, the Defendant now brings this appeal because Judge Leviner found for both Plaintiffs at the Magistrate Court. Attorney Sean A. O'Connor appeared for Defendant Owens while Plaintiffs Southard and Wyly were provided timely notice of this appeal, but failed to appear.

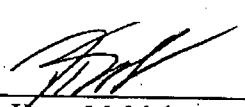
In reviewing a case on appeal from the Magistrate's court, the standard of review to be applied by the Circuit Court comes from S.C. Code Section 18-7-170: "Upon hearing the appeal the appellate court shall give judgment according to the justice of the case, without regard to technical errors and defects which do not affect the merits. In giving judgment the court may affirm or reverse the judgment of the court below, in whole or in part, as to any or all the parties and for errors of law or fact."

Here, this Court finds, and the record supports such a finding, that the Appellant failed to show that Judge Leviner denied Owens the opportunity to litigate her case. Indeed, the record reflects that Judge Leviner offered ample patience and leniency while hearing the underlying cause of action. Furthermore, this Court finds that Judge Leviner did not abuse her discretion as the record provides sufficient evidence to show that Appellant was offered a meaningful opportunity to state her claims, counterclaims or defenses. Indeed, Judge Leviner was in the best position to judge the posture of the underlying case. Furthermore, there is no evidence to suggest that Defendant Owens did not actively convey her claims before the court. According to the transcript, there are numerous instances where Judge Leviner displayed situational awareness of the court room as well as a firm grasp on the posture of the parties. As such, Judge Leviner demonstrated knowledge of the Defendant's claims and had sufficient opportunity to reach a decision on the merits of those claims.

Therefore, after reviewing the testimony offered at the hearing, the Notice of Appeal, the Return, and all documents submitted with the Clerk's file, this Court affirms the decision of the Magistrate.

THEREFORE IT IS ORDERED that the decision of the Magistrate is **AFFIRMED**.

AND IT IS SO ORDERED.



R. Knox McMahon
Presiding Judge,
First Judicial Circuit

Dorchester, South Carolina
July 29, 2016