

FORM 4

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER
IN THE COURT OF COMMON PLEAS

Linda Beth Weddle,

PLAINTIFF

v.

JUDGMENT IN A CIVIL
CASE

CASE NO. 13-CP-18203891

Charleston County Sheriff's Office,

DEFENDANT

FILED
2016 NOV 17 AM 10:54
JULIE J. ARMSTRONG
CLERK OF COURT

RECEIVED
DEC 19 2016
SC Court of Appeals

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 by the Court:

This case was called before the Court for a jury trial on November 14-16, 2016. On November 16, 2016, a judgment was rendered by the jury. The jury reached a verdict in favor of the Plaintiff in the amount of \$75,000 dollars actual damages.

At the end of the trial, post-trial motions were required and heard. The Defendant made a Motion for Judgment Notwithstanding the Verdict pursuant to SCRPC, Rule 50. SCRPC Rule 50 states that "[w]henver a motion for a directed verdict made at the close of all the evidence is denied or for any reason is not granted, the court is deemed to have submitted the action to the jury subject to a later determination of the legal questions raised by the motion. A party who has moved for a directed verdict may move to have the verdict and any judgment entered thereon set aside and to have judgment entered in accordance with his motion for a directed verdict; or if a verdict was not returned, such party may move for judgment in accordance with his motion for a directed verdict." "Motions for directed verdict or JNOV should be denied if the evidence yields more than one reasonable inference or its inference is in doubt." *Strange v. S.C. Dep't of Highways & Pub.*

Transp., 314 S.C. 427, 429-30, 445 S.E.2d 439, 440 (1994). Further, "[a] motion for JNOV may be granted only if no reasonable jury could have reached the challenged verdict." *Gastineau v. Murphy*, 331 S.C. 565, 568, 503 S.E.2d 712, 713 (1998).

Accordingly, JNOV would be improper as a reasonable jury could have reached the challenged verdict. Further, the jury's verdict must be upheld if there is any evidence to sustain the factual findings implicit in the verdict. *Sorin Equipment Co., Inc. v. The Firm, Inc.*, 323 S.C. 359, 474 S.E.2d 819, 823 (Ct. App. 1996). The Court further finds that the verdict is not shockingly disproportionate to the injuries sustained by the Plaintiff as to indicate passion, caprice, prejudice, or some other influence outside the evidence. *Kalchthaler v. Workman*, 316 S.C. 499, 450 S.E.2d 621 (Ct. App. 1994). Pursuant to SCRPC Rule 59, "the motion for a new trial shall be made promptly after the jury is discharged, or in the discretion of the court not later than 10 days thereafter." The Court required motions to be made promptly after the jury was discharged. The Court made contemporaneous findings of fact and conclusions of law for the record which are incorporated herein. No other motions were made and are therefore waived. The Defendant's Motion for JNOV is heard and respectfully denied.

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)
Linda Beth Weddle	Charleston County Sheriff's Office	\$75,000
If applicable, describe the property, including tax map information and address, referenced in the order: The breakdown of the judgment is as follows: \$7,504.00 in actual damages and \$20,000.00 in punitive damages.		

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

2128
Judge Code

11/16/10
Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20__ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20__ to attorneys of record or to parties (when appearing pro se) as follows:

Daniel C. Boles, Esq.

PLAINTIFF

Ellore A. Ganes, Esq.
Benjamin H. Joyce, Esq.

ATTORNEY FOR DEFENDANT

CLERK OF COURT

Court Reporter: Phyllis Norton

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
Linda Beth Weddle,)
)
Plaintiff,)
)
vs.)
)
Charleston County Sheriff's Office,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
OF THE NINTH JUDICIAL CIRCUIT

CASE NO. 2013-CP-10-03891

VERDICT FORM

RECEIVED
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AS TO THE NEGLIGENCE CAUSE OF ACTION:

SPECIAL INTERROGATORIES

PERCENTAGES REQUIRED TO TOTAL 100%

1. Do you find that the Defendant was grossly negligent and that such gross negligence proximately caused the Plaintiff's injuries?

YES: If you answer yes, **GO TO QUESTION 2**

NO: If you answer no, **STOP AND DELIBERATE NO FURTHER**

2. Do you find that the Plaintiff was negligent and that such negligence proximately caused her injuries?

YES: If you answer yes, **GO TO QUESTION 3**

NO: If you answer no, **GO TO QUESTION 4**

3. If your answers to both Question number 1 and Question number 2 are **YES**, then answer this question.

Taking the combined negligence that proximately caused the Plaintiff's injuries as one hundred percent (100%), what percentage of that breach is attributable to the Plaintiff and what percentage is attributable to the Defendant? (The percentages must add up to 100%).

Plaintiff _____%

Defendant _____%

Total 100%

If the Plaintiff's percentage of the combined negligence is greater than 50%, **STOP AND DELIBERATE NO FURTHER.**

If the Plaintiff's percentage of the combined negligence is 50% or less, **GO TO QUESTION 4.**

4. Please state the total amount of damages sustained by the Plaintiff:

\$ 75,000 (dollars) Actual Damages

NOTE: If your answer to Question number 2 was **YES**, do not reduce the Plaintiff's damages above by the percentage of negligence attributed to him in Question number 3.

Please sign and date.

Debrah B Newsome
Foreperson

November 16, 2016

Please notify the Bailiff(s) when you have completed your deliberations.