

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF COLLETON )

CIVIL ACTION NO.: 2015-CP-15-1125

AMY GARRETT, )

Plaintiff, )

ORDER GRANTING PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT ON  
LIABILITY ONLY

v. )

**RECEIVED**

ANTOINE VAN STEENWIJK,  
Defendant. )

MAR 16 2017

**SC Court of Appeals**

This matter came before the court on February 8, 2017, in Walterboro, South Carolina on Plaintiff's Motion for Summary Judgment. Present for the Plaintiff was Randolph Murdaugh, IV of Peters, Murdaugh, Parker, Eltzroth & Detrick, PA and present for the Defendant was David Cobb of Turner Padgett Graham & Laney, PA.

The Plaintiff's motion is a Motion for Summary Judgment as to the Defendant's liability and is based upon the deposition testimony of the Defendant. The Plaintiff attached the deposition testimony of the Defendant, dated August 18, 2016, to its Motion for Summary Judgment and such testimony is part of the record.

The instant case arises from an automobile accident in which the Plaintiff was a passenger in a vehicle driven by the Defendant, Antoine Van Steenwijk. The Defendant was driving a Ford Excursion and pulling a large travel trailer while traveling in Texas. The vehicle being driven by the Defendant began having problems, which surfaced as a shaking or vibration that was characterized as a substantial vibration. Ultimately, the vehicle had a tire blow out that lead to the Defendant's vehicle losing control, traveling some distance and crashing into some trees causing injury to the Plaintiff.

The Plaintiff claims the Defendant was negligent because the Defendant continued to drive his vehicle pulling the large camper trailer at seventy miles per hour on the interstate while experiencing the

substantial vibration. The Plaintiff argues that, had the Defendant slowed the vehicle down to a reasonable rate of speed, the tire blow out would not have caused a loss of control.

The deposition testimony of the Defendant indicates that the substantial vibration occurred over an extended period of time and that the Defendant took several steps to determine the nature of the substantial vibration but was unable to determine its cause. The testimony further indicates that the Defendant, despite not identifying the cause of the substantial vibration, continued to drive the vehicle pulling the large camper trailer at seventy miles per hour for an extended period of time. The basis of Plaintiff's Motion for Summary Judgment is summarized in the line of questioning that ends on page twenty-eight of the Defendant's deposition. There the Defendant admits that the reasonable thing for the Defendant to have done as a driver would have been to drive at a reduced speed, and he further admits that failing to drive at that slower rate makes the Defendant at fault for the accident. Plaintiff argues that summary judgment is appropriate based on the Defendant's testimony and admissions that it was unreasonable and negligent to drive at seventy miles per hour under the circumstances.

The Defendant argues that the Plaintiff was faced with a sudden emergency. Defendant also argues that the deposition testimony of the Defendant taken as a whole indicates that there are questions of fact to be determined by the jury despite the admissions cited by the Plaintiff.

#### **STANDARD OF REVIEW**

In ascertaining whether any triable issue of fact exists, the evidence and all inferences that can be reasonably drawn from the evidence must be viewed in the light most favorable to the non-moving party. *Belton v. Cincinnati Ins. Co.*, 360 S.C. 575, 578 (2004). The threshold of this standard has been defined as merely the "slightest amount of relevant evidence." *Harris Teeter, Inc. v. Moore & Van Allen, PLLC*, 390 S.C. 275, 294-95 (2010) (Hearn, J., concurring in part, dissenting in part) (citing *Black's Law Dictionary* 635 (Ed pocket ed. 2006)).

CONCLUSIONS

I hereby find that there is no genuine issue of material fact as to the Defendant's negligence even when viewing the evidence in a light most favorable to the Defendant. The Defendant clearly admits that his driving at seventy miles per hour under the circumstances was unreasonable. Summary Judgment is appropriate on the issue of Defendant's simple negligence. This grant of Summary Judgment on Defendant's negligence does not preclude any argument by Defendant that the Plaintiff was comparatively negligent if such issue is otherwise appropriately presented to the court. This ruling does not grant summary judgment on the issue of causation and whether Defendant's negligence in continuing to drive at seventy miles per hour as opposed to a slower speed, caused Plaintiff's injuries, remains a question of fact.

I hereby deny Plaintiff's request for Summary Judgment on causation.

Plaintiff's Motion for Summary Judgment is granted as to Defendant's simple negligence only, and denied as to causation.

AND IT IS SO ORDERED.

16 February, 2017  
Walterboro, South Carolina

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14th Judicial Circuit  
Honorable Perry M. Buckner



Colleton Common Pleas

**Case Caption:** Amy Garrett VS Antoine Van Steenwijk  
**Case Number:** 2015CP1501125  
**Type:** Order/Summary Judgment

It is so Ordered

s/ Perry M Buckner III 2122

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