

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Daniel Eric Knight,

Plaintiff,

vs.

Phillip Ray Causey,

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT

Docket No.: 16-CP-26-8032

ORDER GRANTING JUDGMENT

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SC Court of Appeals

On April 18, 2017, this matter came before the undersigned for a damages hearing and entry of final judgment in this case. Plaintiff Daniel Eric Knight appeared, along with Plaintiff's counsel, P. Brooke Eaves and Ian D. Maguire of the Maguire Law Firm. Due notice of the hearing was given to Defendant, Phillip Ray Causey. Defendant Phillip Ray Causey personally appeared at the hearing on April 18, 2017.

Procedural Background

Plaintiff was involved in an automobile collision with Defendant Phillip Ray Causey on April 27, 2016. Plaintiff filed a civil action in the Horry County Court of Common Pleas on December 16, 2016. Service of said lawsuit upon Defendant was perfected via personal service on January 2, 2017. Defendant failed to appear to defend the action against him and on February 14, 2017 Plaintiff moved for an Order of Default Judgment against Defendant Causey. The Order of Default was entered on February 21, 2017. Subsequently, Plaintiff moved for an Order of Referral of his case to a Special Referee. On March 15, 2017, the Court referred the case to Nate Fata, Esquire as Special Referee. After proper notice of the same, the hearing to ascertain damages was held on April 18, 2017. Present at the hearing was Plaintiff, counsel for Plaintiff, and the Defendant.

N/A

Testimony of Plaintiff

Plaintiff testified that he is 42 years old and has a three year old daughter. Plaintiff testified that his vehicle was totaled as a result of the impact caused by the Defendant and that crowbars had to be used to open the car doors so that he could get out. Plaintiff believes that he lost consciousness for an undetermined amount of time and was taken to the hospital by ambulance. Plaintiff testified that several days after the accident, on May 15th, 2016, a CT scan showed he had a perforated intestine and was leaking bowel fluid into his abdominal cavity. Plaintiff was admitted for emergency surgery to repair the small intestine. During the surgery, Plaintiff had to be resuscitated and then was subsequently intubated for three days. Plaintiff testified that he has no recollection of the three days that he was intubated.

Plaintiff testified that he also sustained injuries to his lungs and kidneys and had to wear an ostomy bag for approximately fifty-seven days. Plaintiff testified that he was in pain and could not leave his home very often while he had the ostomy bag due to the difficulty of draining it and changing it. Plaintiff testified that trying to regain his strength after the initial surgery was very slow and painful. Plaintiff had to stop and sit in a chair to rest when he would attempt to walk.

Plaintiff testified that he sustained medical bills of \$177,134.76, arising from treatment caused by the motor vehicle accident. Plaintiff testified that he lost wages in the amount of \$10,578.10 from May 15th, 2016-August 15, 2016. Plaintiff also has permanent restrictions and is unable to lift more than 20 pounds.

Plaintiff testified that he has had a loss of enjoyment of life as a result of this accident. He can no longer power-lift or participate in body building competitions. Plaintiff can no longer pick up his daughter and he has separated from his wife. Moreover, Plaintiff has a very large, conspicuous scar on his torso.

Testimony of Life Care Planner

Kimberly Piacquadio, who was qualified as a Life Care Planner, testified that Plaintiff will need a home health aide after his next surgery. She also recommended that Plaintiff receive counseling and a nurse case manager to assist with scheduling appointments post-surgery. The Witness testified that Plaintiff would require \$97,425.00 in future medical care. That amount is based on expected medical care stemming from Plaintiff's upcoming surgery and does not take into account any additional surgeries that may arise in the future.

Testimony of Treating Physician

Dr. Gilbertas Rimkus, who was qualified as an expert, testified that he performed an urgent laparotomy on Plaintiff on May 15, 2016. Dr. Rimkus also testified that Plaintiff will require additional surgery which will necessitate time away from work. Further, he testified that Plaintiff will require pain control, gradual activity, and diet management post-surgery. Dr. Rimkus also testified that Plaintiff is at an increased risk for developing digestive difficulties in the future and that could even result in a bowel blockage.

Findings

Mr. Knight has suffered permanent injuries, permanent scarring, and significant emotional distress and loss of enjoyment of life. Mr. Knight is a compliant patient, as testified by his treating physician. He is not a complainer. His life has been severely and negatively impacted by the collision as it relates to his family with his wife and young child, with his employment and in regards to his leisure activities. He was a competitive power-lifter who is no longer able to enjoy his hobby due to permanent injuries. His family life has been severely impacted by the collision and the injuries sustained. In addition, he has suffered from severe pain and suffering in connection with the injuries, including the past two surgeries, and will continue to suffer from the upcoming

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May 2017 surgery. His loss of enjoyment of life, both past and future (life expectancy of 37 years), is most significant as is the pain and suffering. The life care plan is ample evidence of the ongoing medical treatment he will need as a direct result of the collision.

Plaintiff's damages are as follows:

Past Medical bills:	\$177,134.76
Future Medical bills:	\$97,425.00
Past Wage Loss:	\$10,578.00
Five Weeks of Future Wages:	\$4,068.38

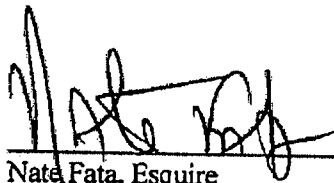
The above listed damages total Two Hundred Eighty Nine Thousand Two Hundred Six Dollars and 14/100 (\$289,206.14). The medical specials are directly and causally related to the collision. The additional damages for permanent scarring, past and future pain and suffering, and past and future loss of enjoyment of life, total Three Million Two Hundred Thousand Dollars (\$3,200,000).

Based on the testimony, the medical specials, and the expert opinions, I find that the Plaintiff is entitled to \$3,489,206.14 in actual damages from the Defendant.

NOW THEREFORE IT IS HEREBY ORDERED that judgement be entered in favor of the Plaintiff and against the Defendant Phillip Ray Causey in the amount of \$3,489,206.14.

NA

AND IT IS SO ORDERED.



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Special Referee, Fifteenth Judicial Circuit
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