

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF PICKENS )  
 )  
EPS Advisors, LLC )  
 )  
 )  
Plaintiff, )  
 )  
 )  
 )  
Jan Fredman and Clemson-EPS )  
Advisors, LLC, )  
 )  
 )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
C.A. No.: 2013-CP-39-0434

**ORDER ON DEFENDANTS'  
MOTION TO RECONSIDER**

**RECEIVED**  
NOV 13 2017

**SC Court of Appeals**

A bench trial was held in this matter on November 3, 2016 and Order issued on May 19, 2017. This matter now comes before the Court upon Defendant's *Motion for Reconsideration and Amendment or Alteration of Judgment or in the Alternative for a New Trial* which was heard on October 13, 2017. After hearing oral argument, reviewing memoranda presented by the parties and relevant portions of the transcript, the Court would amend its Order of May 19, 2017 as follows:

1. In the May 19, 2017 Order, the Court found that Defendant Jan Fredman had converted certain furniture and equipment valued at \$8,046.30. Defendants argue that this was improper since conversion had not been established and that the amount was not properly supported by the evidence. Upon review of the transcript, David Dameron attempted to testify about the value of the furniture and equipment but acknowledged that he did not "remember for sure, because I don't remember---the number I wanted to answer your question with was like twenty-five hundred (\$2,500) dollars" (Tr 104)—which was the extent of his testimony about any values of the personal property in questions. The only testimony actually submitted about the value of these items was from Susan Lockwood who testified that the value of the printer was

\$1700, the furniture was \$3,800 and the value of the computer was \$2,500. (Tr 200-201). The evidence also showed that the printer was on lease and returned to the lease company and therefore the Court finds that this should not be included in the damages for conversion. Thus, the May 19, 2017 Order is amended to show that the actual damages for conversion against Defendant Jan Fredman for personal property would not include the value for the printer and should be reduced to \$6,300.00. Further, the Court finds that due to the nature of the claim and evidence, pre-judgment would not be appropriate. For clarification, the Court did not award punitive damages as to this portion of the judgment and does not make such a finding at this point.

2. The Court previously found that Defendants' conversion of the Charles Schwab check constituted conversion and that said conversion was willful on behalf of the defendants which would entitle the Plaintiff to an award of punitive damages. Due to the nature of the Defendants' actions and the circumstances of this case and in consideration of the factors set forth in Gamble v. Stevenson, 406 S.E.2d 350 (S.C. Sup. 1991) as more completely outlined in the May 19, 2017 Order, the Court feels that it is appropriate to reduce the punitive damages from \$35,000.00 to \$20,000.00.

3. The Court has considered all other matters raised in the Defendants' Motion and Memorandum and has determined that the May 19, 2017 Order properly addresses the remaining issues and Defendants' Motion is denied as to the additional grounds.

4. Therefore, the May 19, 2017 Order is affirmed except as set forth above and the Judgment is amended as follows:

a. Judgment for the Plaintiff against Defendant Jan Fredman for \$6,300.00;

- b. Judgment for the Plaintiff against Defendant Jan Fredman and Clemson-EPS Advisors, LLC, jointly and severally, for \$25,444.25 actual damages; and
- c. Judgment for the Plaintiff against Defendants Jan Fredman and Clemson-EPS Advisors, LLC, jointly and severally for \$20,000.00 punitive damages.

IT IS SO ORDERED.

October 31, 2017

*Signature Page for Perry H. Gravely as Presiding Judge attached*

AMENDED FORM 4

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

AMENDED JUDGMENT IN A CIVIL CASE
CASE NUMBER 2013CP3900434

ELECTRONICALLY FILED - 2017 NOV 02 4:24 PM - PICKENS - COMMON PLEAS - CASE#2013CP3900434

Table with 4 columns: Plaintiff (EPS Advisors LLC), Defendant (Jan Fredman), Plaintiff (Clemson-EPS Advisors LLC), Defendant (Clemson-EPS Advisors LLC)

Submitted by: 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.
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:
STAYED DUE TO BANKRUPTCY
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 [x] 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.

Table with 3 columns: Judgment in Favor of (List name(s) below), Judgment Against (List name(s) below), Judgment Amount To be Enrolled (List amount(s) below). Rows include EPS Advisors LLC vs Jan Fredman (\$6,300), EPS Advisors LLC vs Jan Fredman & Clemson-EPS Advisors LLC (\$25,444.25), EPS Advisors LLC vs Jan Fredman & Clemson-EPS Advisors LLC (\$20,000)

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.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

10/31/2017

Circuit Court Judge Perry Gravely

Judge Code 2755

Date

**For Clerk of Court Office Use Only**

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

**Sarah Meadows Gable** 125 Chandler Dr., Liberty, SC 29657  
**Candy M. Kern-Fuller** 200 E. Main St., Easley, SC 29640

**Larry C. Brandt** P.O. Box 738, Walhalla, SC 29685

\_\_\_\_\_  
ATTORNEY(S) FOR THE PLAINTIFF(S)

\_\_\_\_\_  
ATTORNEY(S) FOR THE DEFENDANT(S)

\_\_\_\_\_  
Court Reporter

\_\_\_\_\_  
Harold P Welborn, Jr. - Clerk of Court

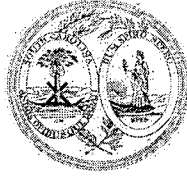
**Court Reporter: Deborah Garrison**

**E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.**

\_\_\_\_\_  
**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.

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\_\_\_\_\_  
\_\_\_\_\_



Pickens Common Pleas

**Case Caption:** EPS Advisors LLC VS Jan Fredman

**Case Number:** 2013CP3900434

**Type:** Order/Judgment Amended and Form 4

So Ordered

s/ Honorable Perry H. Gravely, #2755

## Certificate of Electronic Notification

### Recipients

**Sarah Gable** - Notification transmitted on 11-02-2017 04:24:48 PM.

**Larry Brandt** - Notification transmitted on 11-02-2017 04:24:47 PM.

**Candy Kern-Fuller** - Notification transmitted on 11-02-2017 04:24:47 PM.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
NOTICE OF ELECTRONIC FILING [NEF]

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**A filing has been submitted to the court RE:** 2013CP3900434

<b>Official File Stamp:</b>	11-02-2017 04:24:39 PM
<b>Court:</b>	CIRCUIT COURT Common Pleas Pickens
<b>Case Caption:</b>	EPS Advisors LLC VS Jan Fredman
<b>Document(s) Submitted:</b>	Order/Judgment Amended and Form 4 Order/Judgment Amended and Form 4
<b>Filed by or on behalf of:</b>	Perry H. Gravely

This notice was automatically generated by the Court's auto-notification system.

-

**The following people were served electronically:**

Sarah Meadows Gable for EPS Advisors LLC  
Larry C. Brandt for Jan Fredman et al  
Candy M. Kern-Fuller for EPS Advisors LLC

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**