

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2017-CP-15-0172

RANDALL RICHARDS

LEON BRYAN, Individually and d/b/a BRYAN BEVERAGE; BRYAN'S SOCIAL CLUB a/k/a LEON'S CLUB, a/k/a CLUB LEON; AARON BRYAN; KESHA BRYAN; and JOHN DOE

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Matthew L. Nall	Attorney for : <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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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
- 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)
RANDALL RICHARDS	LEON BRYAN, INDIVIDUALLY AND D/B/A BRYAN BEVERAGE;	\$ 2,250,000.00
	BRYAN'S SOCIAL CLUB A/K/A LEON'S CLUB CLUB A/K/A CLUB LEON; AARON	\$
	BRYAN; KESHA BRYAN	\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

IN THE STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)

IN THE COURT OF COMMON PLEAS
FOR THE 14TH JUDICIAL CIRCUIT
CASE NO: 2017-CP-15-0172

RANDALL RICHARDS,

Plaintiff(s),

ORDER FOR DEFAULT JUDGMENT

v.

LEON BRYAN, Individually and d/b/a
BRYAN BEVERAGE; BRYAN'S
SOCIAL CLUB a/k/a LEON'S CLUB,
a/k/a CLUB LEON; AARON BRYAN;
KESHA BRYAN; and JOHN DOE,

Defendant(s).

Special Referee: Benjamin Sapp
Hearing Date: October 18, 2107
Attorney for Plaintiff: Matthew L. Nall, Esq

THIS MATTER was scheduled for a Damages Hearing before the Honorable Benjamin Sapp, Esq as Special Referee upon Order of Judge Perry Buckner of the 14th Judicial Circuit on October 18, 2017. The Plaintiff, Randall Richards, was in attendance along with his attorney, Matthew L. Nall. The Defendants Leon Bryan, individually and d/b/a Bryan Beverage; Bryan Social Club a/k/a/ Club Leon; Aaron Bryan; Kesha Bryan; and John Doe ("Defendants") were not present. At issue was Plaintiff's request for hearing on damages as Default was entered by Colleton County Clerk of Court Patricia C. Grant on June 1, 2017. After hearing testimony and receiving evidence on the record, and for the reasons more fully articulated below, Defendants Leon Bryan, individually and d/b/a Bryan Beverage; Bryan Social Club a/k/a/ Club Leon; Aaron Bryan; Kesha Bryan; and John Doe were found to be in Default and Judgment is entered for the Plaintiff.

FACTUAL/PROCEDURAL BACKGROUND

Plaintiff was severely injured after being the victim of a shooting where a patron Defendant's property on May 17, 2014.

Plaintiff filed the Summons and Complaint with this Court on March 3, 2017. Service of the Summons and Complain upon Defendant Leon Bryan, individually and d/b/a Byran Beverage was effective on March 22, 2017, and supported with an affidavit of personal service. Service of the Summons and Complaint upon Defendants Bryan's Social Club, Aaron Bryan and Kesha was effective on April 6, 2017, with an affidavit of personal service.

Defendants failed to submit a responsive pleading within thirty (30) days thereafter. Upon Plaintiff's Motion, an Order for Entry of Default was signed by the Honorable Patricia C. Grant, Colleton County Clerk, on June 1, 2017.

The issue is now before the Special Referee on Plaintiffs' request for a determination of damages pursuant to Rule 55(b)(2) and for entry of judgment by default. Plaintiff served notice of this hearing upon the Defendants at their last known addresses, and affidavits of service were filed and made a part of the record in this action.

LAW/ANALYSIS

A. Judgment by Default

Rule 55(a) provides that when a party fails to respond to a complaint, the clerk shall record an entry of default. S.C. R. Civ. P. 55(a). In cases involving unliquidated damages, the court shall hold a hearing to determine the appropriate amount and, after determining the same, enter judgment by default upon the record. S.C. R. Civ. P. 55(b)(2).

In the present action, Defendants failed to file a responsive pleading within the statutorily proscribed time. Because Defendants failed to file a responsive pleading, this Court entered judgment by default. All allegations in Plaintiff's Complaint are deemed admitted and judgment entered against the Defendants upon an appropriate inquiry as to damages.

B. Damages

For actions in tort, a plaintiff is entitled to recover compensation for all actual damages. Actual damages may include medical treatment costs, loss of income or earning potential, loss of property, pain and suffering, emotional distress, loss of enjoyment of life and loss of consortium. A plaintiff is also entitled to certain incidental damages, if reasonably associated with or related to actual damages. In situations where the defendant's actions show willful, wanton, intentional or malicious intent, a plaintiff may also seek to recover punitive damages.

Plaintiff's damages in the present action are severe. Plaintiff submitted medical bills and corresponding records totaling \$102,561.37. Plaintiff testified that as a result of being shot he received severe injuries to his torso, pelvis, and abdomen. Plaintiff testified that because of this he was required to undergo surgery to repair the damage to his bladder. Plaintiff also testified the injuries to his body has required him to wear a colostomy bag.

Plaintiff testified that he has not regained full use of his body and suspects that he never will. The pain has made it difficult to the things he used to do before the shooting and has required him to further treatment to manage the pain. As a result the ongoing pain, Plaintiff has also been unable to work. Plaintiff testified that he was very active before the accident, but has since become withdrawn and somewhat depressed.

Moreover, Plaintiff testified as to the nature of Defendants' actions and finds the same to show willful misconduct, malice, wantonness and an entire want of care, raising a presumption of his conscious indifference to the consequences of these actions and the rights of the Plaintiff.

The Court has heard testimony from Plaintiff has received on the record evidence of medical bills and other damages. Accordingly, based on this record, and consistent with the statutory and common law of South Carolina, I find Plaintiff is entitled to recover for his injuries

and hereby enter judgment against Defendant Leon Bryan, individually and d/b/a Bryan Beverage; Bryan Social Club a/k/a/ Club Leon; Aaron Bryan; Kesha Bryan; and John Doe in the amount of \$750,000.00 in compensatory damages. I further find against Defendants Leon Bryan, individually and d/b/a Bryan Beverage; Bryan Social Club a/k/a/ Club Leon; Aaron Bryan; Kesha Bryan; and John Doe actions to warrant the imposition of punitive damages and enter judgment for the same in the amount of \$1,500,000.00.

THE COURT HEREBY MAKES THE FOLLOWING FINDINGS OF FACT:

That Defendants Leon Bryan, individually and d/b/a Bryan Beverage; Bryan Social Club a/k/a/ Club Leon; Aaron Bryan; Kesha Bryan; and John Doe failed to submit a responsive pleading or otherwise defend this action within thirty days of service upon him of the Summons and Complaint, and is in Default.

That Defendants Leon Bryan, individually and d/b/a Bryan Beverage; Bryan Social Club a/k/a/ Club Leon; Aaron Bryan; Kesha Bryan; and John Doe was properly served with notice of this damages hearing.

That Plaintiff suffered severe personal injuries and was otherwise damaged as a result of the actions of Defendants Leon Bryan, individually and d/b/a Bryan Beverage; Bryan Social Club a/k/a/ Club Leon; Aaron Bryan; Kesha Bryan; and John Doe, including damage to her personal property.

That Defendants Leon Bryan, individually and d/b/a Bryan Beverage; Bryan Social Club a/k/a/ Club Leon; Aaron Bryan; Kesha Bryan; and John Doe acts and omissions show willful misconduct, malice, wantonness and an entire want of care, raising a presumption of the Defendants' conscious indifference to the consequences of such acts and omissions.

That because of Defendants Leon Bryan, individually and d/b/a Bryan Beverage; Bryan

Social Club a/k/a/ Club Leon; Aaron Bryan; Kesha Bryan; and John Doe acts and omissions and the proximate harm resulting to Plaintiff, Plaintiff is entitled to punitive damages in order to punish and penalize Defendants and to deter Defendants and others from similar behavior.

IT IS THEREFORE ORDERED that Default be entered against Defendants Leon Bryan, individually and d/b/a Bryan Beverage; Bryan Social Club a/k/a/ Club Leon; Aaron Bryan; Kesha Bryan; and John Doe and that they be held liable for the Plaintiff's injuries and that all allegations against them in Plaintiff's Complaint be and are admitted and deemed true and accurate.


IT IS FURTHER ORDERED that Defendant Leon Bryan, individually and d/b/a Bryan Beverage; Bryan Social Club a/k/a/ Club Leon; Aaron Bryan; Kesha Bryan; and John Doe pay Plaintiff the sum of \$750,000.00 in actual damages for her injuries and property damages.

IT IS FURTHER ORDERED that Defendant Leon Bryan, individually and d/b/a Bryan Beverage; Bryan Social Club a/k/a/ Club Leon; Aaron Bryan; Kesha Bryan; and John Doe pay Plaintiff the sum of \$1,500,000.00 in punitive damages.

IT IS HEREBY ORDERED, ADJUGED, AND DECREED THAT DEFENDANTS LEON BRYAN, INDIVIDUALLY AND D/B/A BRYAN BEVERAGE; BRYAN SOCIAL CLUB A/K/A/ CLUB LEON; AARON BRYAN; KESHA BRYAN; AND JOHN DOE ARE LIABLE FOR PLAINTIFF'S DAMAGES AND SHALL PAY TO HIM THE TOTAL SUM OF \$2,250,000.00

IT IS SO ORDERED!

Dated this 18 day of October, 2017



Benjamin Sapp
Special-Referee