

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS

2016-CP-23-1836

Ronald Johnson,)
)
Plaintiff,)

vs.)

George H. Brock, Individually, and)
d/b/a George H. Brock, CPA, LLC,)
d/b/a MILBRO Properties, LLC,)
d/b/a/ Inegrative FS, LLC, d/b/a)
Diwood Partnership,)
)
Defendant(s).)
_____)

DEFENDANTS' POST-TRIAL MOTIONS

RECEIVED
MAY 11 2018
SC Court of Appeals

TO: Ronald Johnson, and his attorney, Kenneth E. Norsworthy, 505 Pettigru Street, SC 29601

YOU WILL PLEASE TAKE NOTICE that the undersigned will, on such date and at such time as this Court may designate, move this Court for an Order, pursuant to Rules 29, 50, 59, 60 of the South Carolina Rules of Civil Procedure, and under applicable common law of South Carolina, move this Court grant the following motion(s) as appropriate:

1. Defendants' Motion for Judgment NOV as to Defendants' claims against Plaintiff:

Defendants move for judgment in favor of Defendants on their Counterclaim against Plaintiff for his intentional interference with Defendant Brock's prospective contractual opportunity, on the basis, *inter alia*, that there is not evidence in the record to refute that Plaintiff wrongfully published confidential, derogatory information about Defendant Brock and about

Defendant Brock's negotiations for the sale of his accountancy practice. Likewise, there is evidence in the record that Plaintiff's misconduct caused Brock to lose a lump-sum sale of his accountancy practice to Stephen Stokes, CPA, to Brock's damage in the amount of *ca.* \$67,000. That the jury failed to award Defendant Brock damages without any countervailing material, relevant, probative evidence militates in favor of a judgment *non obstante veredicto* in favor of Defendant Brock.

2. Defendants Motion for Judgment NOV as to Plaintiff's "wage" claim:

(a) Defendants move this Court to vacate and/or deny any verdict in favor of Plaintiff's "wage" claim because Plaintiff's claim is a contract claim for compensation from the sale of potential clients, Plaintiff's wage-claim is not a claim arising from the services of an employee, for which a statutory wage-claim remedy might apply.

(b) Defendants move this Court to vacate and/or deny any verdict in favor of Plaintiff's "wage" claim because Plaintiff testified that the "wage" claim was actually a sale of potential clients from Plaintiff to Defendant Brock and that it was an unwritten contract intended to be performed for more than one (1) year and, therefore, is unenforceable under the SC Statute of Frauds.

3. Defendants move for a New Trial:

Defendants assert that the admission of testimony from Donna Carlson and the admission of a tape recording of Defendant Brock on the telephone with Donna Carlson, was irrelevant, not probative, and highly prejudicial and inflammatory. Ms. Carlson's testimony had nothing to do with the issues of this case, as framed by the pleadings and as charged to the jury. Further, Ms.

Carlson's derogatory remarks about Defendant Brock were prejudicial and inflammatory. As a consequence of the emotional effect of Ms. Carlson's malediction of Defendant Brock, the Jury in this case was unfairly moved to disregard proper evidence of Plaintiff's interference with Defendant Brock's prospective contractual opportunity. Accordingly, Brock seeks a new trial.

4. Defendants move for a New Trial Absolute.

Defendants ask this Court to exercise its power under the 13th Juror Concept to order a New Trial of this case, because the evidence does not justify the verdict of the case. There was no material evidence adduced by Plaintiff to dispute Defendant Brock's claim for interference with Brock's sale of his accountancy practice. There was, however, emotional, irrelevant and non-probative evidence adduced, over objection, which unfairly cast Brock as an insufferable boor. Clearly, the jury made its decision as an emotional response to the testimony of Donna Carlson and her malediction of Defendant Brock, without proper respect for the relevant, probative testimony adduced by Defendant Brock..

Dated: January 19, 2018

/s/ Robert C. Wilson, Jr.
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