

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
Ronald Johnson,)
Plaintiff,)
vs.)
George H. Brock, Individually, and d/b/a)
George H. Brock, CPA, LLC; MILBRO)
Properties, LLC; Integrative FS, LLC; and)
Diwood Partnership,)
Defendants.)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

ORDER ON POST-TRIAL MOTIONS

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MAY 11 2018

SC Court of Appeals

Civil Action No.: 2016-CP-23-01836

This matter comes before the Court pursuant to post-trial Motions made subsequent to a jury verdict on January 12, 2018. The Defendants made Motions for Judgment Notwithstanding the Verdict as to its counterclaims, and as to the jury's award in favor of the Plaintiff. The Defendant also makes a Motion for a New Trial. The Plaintiff moves the Court for an award of attorney's fees, treble damages, and costs under the applicable Wage Claim Statute. The Court has reviewed all submissions of the parties and has considered the same in context with the evidence presented at trial and the finding of the jury.

**DEFENDANTS' MOTIONS FOR JUDGMENT NOTWITHSTANDING
THE VERDICT AND FOR A NEW TRIAL**

The Court respectfully denies the Defendants' Motions for a Judgment Notwithstanding the Verdict and for a New Trial. In exercising a thirteenth juror prerogative, the Court must consider the evidence that was presented at trial. The Court may not supplant its interpretation of the evidence for the jury's findings of facts. Rather, the Court must determine whether there was evidence in the record to support the jury's award. In this instance, the parties presented competing

theories and substantial evidence to the jury. The jury considered these competing theories and dutifully weighed and valued the evidence presented. All indications are that the jury acquitted its responsibilities appropriately. Reasonable persons may disagree with the jury's findings; however, there was clearly evidence in the record which supported the verdict.

**PLAINTIFF'S MOTIONS FOR ATTORNEY'S FEES,
TREBLE DAMAGES, AND COSTS**

The Plaintiff seeks attorney's fees, treble damages, and costs pursuant to Section 41-10-80(c) of the South Carolina Code of Laws, as amended. This Court has analyzed this request in context with the prevailing case law. Any award in this regard is discretionary with the Court and is based upon a balanced consideration of the evidence presented at trial. Based on this deliberate analysis, the Court elects to award reasonable attorney's fees and costs but deny the award of treble damages.

The award of treble damages is denied, as the evidence indicated that there was a good faith dispute regarding the monies that were due. The Defendants' position was not contrived or pre-textual. It was a position in which the Defendant clearly believed and for which he had a rational explanation. Therefore, a punitive award is not appropriate in this case.

The award of reasonable attorney's fees and costs is granted. Clearly, the Plaintiff could not have received a positive result and a judgment without the services of counsel. The parties were clearly at an impasse, and the Plaintiff/Employee had no alternative but to bring suit. Once suit was commenced, Plaintiff's counsel had no alternative but to pursue the claims vigorously. Notwithstanding the Court's finding that the Defendants' conduct was in good faith, it would be patently unfair for the Plaintiff to win a jury verdict but to suffer a significant financial loss as a consequence of having to bring the case. That would be a fundamental injustice which would be

a disincentive for similarly situated employees to redress grievances with the Court. The Court has reviewed the Plaintiff's Affidavit of Attorney's Fees and the itemized billings submitted by counsel. Based on the specific facts and circumstances of this case, representations of counsel, and the amount of the jury's award, I award the Plaintiff attorney's fees in the amount of Twenty-Five Thousand Dollars (\$25,000.00) and costs in the amount of Two Thousand Thirty-Five and 79/100 Dollars (\$2035.79). This award is based on an analysis pursuant to the six enumerated factors in *Rice v. Multimedia, Inc.*, 318 S.C. 95, 456 S.E.2d 381 (S.C. 1995).

NOW, THEREFORE, the Plaintiff is awarded actual damages, as determined by the jury, of Nine Thousand Thirty-Six Dollars (\$9036.00), together with attorney's fees of Twenty-Five Thousand Dollars (\$25,000.00), and costs of Two Thousand Thirty-Five and 79/100 Dollars (\$2035.79). This represents a total award of Thirty-Six Thousand Seventy-One and 79/100 Dollars (\$36,071.79).

AND IT IS SO ORDERED.

ROBIN B. STILWELL

February 2, 2018
Greenville, South Carolina



Greenville Common Pleas

Case Caption: Ronald Johnson , plaintiff, et al vs. George H Brock , defendant, et al
Case Number: 2016CP2301836
Type: Order/Other

So Ordered

s/ Robin B. Stilwell 2158