

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2016-CP-08-1989

Janet E. Jenkins, PR for estate of Herman Man, et al.

A Place in the Woods, et al.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or
	<input type="checkbox"/> 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. See Page 2 for additional information.
- 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

2018 APR 15 10:36 AM
 MERRY D. BROWN
 CLERK OF COURT
 COUNTY OF BERKELEY S.C.

FILED

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: Defendant's Motion to Alter or Amend filed April 4, 2018, is respectfully denied without a rehearing.

ORDER INFORMATION

This order ends does not end the case.

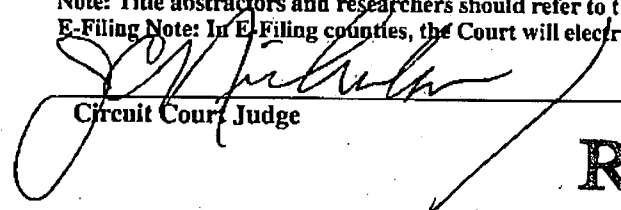
Additional Information for the Clerk :

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)
N/A		
If applicable, describe the property, including tax map information and address, referenced in the order: N/A		

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.



Circuit Court Judge

2117
Judge Code

04/10/2018
Date

RECEIVED

MAY 17 2018

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF BERKELEY

Janet E. Jenkins.

Plaintiff

CASE NO.

2016-CP-08-1989

v.

MOTION INFORMATION FORM
AND COVER SHEET

Sam Larence.

Defendant.

Plaintiff's Attorney: Oana D. Johnson, Bar No. Address: 215 East Bay Street, Ste 406, Charleston, SC 294-1 phone: 843-203-4195 fax: e-mail: other:	Defendant's Attorney: Jeffrey S. Weathers, Bar No. 13497 Address: PO Box 755, Moncks Corner, SC 294 phone: 843-761-09266 fax: 843-761-0958 e-mail: jeff@weathersfirm.com other:
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MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: To Alter or Amend
 Estimated Time Needed: N/A Court Reporter Needed: YES / NO

SECTION II: Motion Type

Written motion attached
 Form Motion --

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for Plaintiff / Defendant

April 1, 2018

Date submitted

SECTION III: Motion Fee

PAID - AMOUNT:

- EXEMPT: (check reason)
- Rule to Show Cause in Child or Spousal Support
 - Domestic Abuse or Abuse and Neglect
 - Indigent Status State Agency v. Indigent Party
 - Sexually Violent Predator Act Post-Conviction Relief
 - Motion for Stay in Bankruptcy
 - Motion for Publication Motion for Execution (Rule 69, SCRC)
 - Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter:

Other:

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.

Other:

JUDGE

CODE:

Date:

CLERK'S VERIFICATION

Collected by: _____

Date Filed:

MOTION FEE COLLECTED: _____

CONTESTED - AMOUNT DUE: _____

MARY P. BROWN
 CLERK OF COURT
 BERKELEY COUNTY, SC

APR -4 AM 9:48

FILED

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)
)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Case No.: 2016-CP-08-1989

Janet E. Jenkins as Personal)
Representative of the Estate of)
Herman Manigault, III.)
)

Plaintiff,)
)

NOTICE OF MOTION AND MOTION
TO ALTER OR AMEND JUDGMENT

vs.)
)

A Place in the Woods, Social Club,)
Sam Lawrence and Sha'Quill)
Li'Leak Jamal Whasington,)
)

Defendants.)
)

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

2018 APR -4 AM 9:48

FILED

TO: OANA D. JOHNSON, ATTORNEY FOR THE PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that the Defendant Sam Lawrence will move before the Honorable Judge J.C. Nicholson, Circuit Court Judge for the Ninth Judicial Circuit, on such day and at such time as the Court may appoint, more than ten (10) days after the service hereof, for an alteration and amendment of the Judgment entered in this matter on March 19, 2018.

This motion is premised upon, in part, the Court's failure to address the arguments set forth by the Defendant's prior attorney, Percy Beaford, as to the fact that the Defendant Lawrence had shown good cause under all of SCRCF 60 (b)1, 60(b)2 and 60b(3). Per the Order, the only grounds for the denial of Defendant Lawrence's motion is elderly and had sought out estate advice from his probate attorney. He was not on the premises on the date in question, and he has more than a meritorious defense for that and other reasons. Also, while noting that apportionment of liability due to "alcohol issues"

may not be specifically addressed in this forum due to the exceptions to S.C. Code Section 15-38-15 in this forum, common sense would dictate that this Court consider that issue, as well as the clear comparative negligence that led to an unnecessary death.

The Defendant Sam Lawson at this time, while noting the terrible tragedy that happened, is only seeking a reconsideration of the Court's prior ruling so that all parties may get a fair day in court and present all the evidence that would have been provided has Mr. Lawson not been denied the same due to his excusable negligence, inadvertence and good cause shown. If the Court, for whatever reason, is disinclined, Defendant Lawson would request an Amended Order addressing all issues such that he may address the same on Appeal.

This motion is brought pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure and is based upon the pleadings, the evidence and testimony presented at the subject hearing, and the procedural, statutory and case law of the State of South Carolina.

JEFFREY S. WEATHERS, LLC.

BY: 

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Post Office Box 755
Moncks Corner, SC 29461
(843) 761-0926
Fax # (843) 761-0958
jeff@weathersfirm.com

ATTORNEY FOR DEFENDANT LAWSON

Moncks Corner, South Carolina
April 1, 2018