

The Supreme Court of South Carolina

Crystal L. Wickersham, as Personal Representative of the
Estate of John Harley Wickersham, Jr., Plaintiffs,

v.

Ford Motor Company, Defendant.

Appellate Case No. 2018-001124

ORDER

Pursuant to Rule 244, SCACR, the Court will answer the following questions certified to this Court by order of the Honorable Paul V. Niemeyer, the Honorable Diana Gribbon Motz, and the Honorable Henry F. Floyd, Judges for the United States Court of Appeals for the Fourth Circuit:

1. Does South Carolina recognize an "uncontrollable impulse" exception to the general rule that suicide breaks the causal chain for wrongful death claims? If so, what is the plaintiff required to prove is foreseeable to satisfy causation under this exception—any injury, the uncontrollable impulse, or the suicide?
2. Does comparative negligence in causing enhanced injuries apply in a crashworthiness case when the plaintiff alleges claims of strict liability and breach of warranty and is seeking damages related only to the plaintiff's enhanced injuries?

The parties shall proceed to serve and file briefs as provided by Rule 244(e), SCACR. Rule 244 does not provide for the filing of initial briefs; therefore, only final briefs should be filed in this matter.


FOR THE COURT

C.J.

Columbia, South Carolina

cc:

Kathleen Chewning Barnes, Esquire
Ronnie Lanier Crosby, Esquire
Carmelo Barone Sammataro, Esquire
Adam Howard Charnes, Esquire
Thurston Holderness Webb, Esquire
The Honorable Donna Lett
The Honorable Paul V. Niemeyer
The Honorable Diana Gribbon Motz
The Honorable Henry F. Floyd