

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 Chad Johnson, Jillian N. Johnson, )  
 and Paul K. Gitzen, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 American Residential Services, )  
 L.L.C. d/b/a ARS Rescue Rooter, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

C/A No. 2015-CP-40-07142

ORDER

**RECEIVED**  
 SEP 10 2018  
 SC Court of Appeals

THIS MATTER CAME BEFORE THE COURT for a jury trial the week of January 8, 2018. On January 11, 2018, the jury issued a verdict in favor of Defendant as to the breach of contract and gross negligence claims and issued a verdict in favor of Plaintiffs as to the breach of express warranty and negligence claims. Subsequent thereto, the Defendant filed Post-Trial Motions on January 19, 2018. Plaintiffs' filed a Reply and Memorandum in Opposition to Defendant's Post-Trial Motions on January 31, 2018. A motion hearing on Defendant's Post-Trial Motions was heard on July 26, 2018.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the Defendant's post-trial motion for election of remedies is GRANTED;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that Plaintiffs have elected the remedy on the negligence cause of action for which the jury awarded damages in the sum of One Hundred Twenty-Four Thousand Five Hundred and 00/100s (\$124,500.00) dollars in favor of Plaintiffs, Chad Johnson, Jillian N. Johnson and Paul K. Gitzen;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that Defendant's post-trial motions in all other respects are DENIED;

IT IS FURTHER ORDERD, ADJUDGED AND DECREED, that the Clerk of Court shall enter Judgment in the amount of One Hundred Twenty-Four Thousand Five Hundred and 00/100s (\$124,500.00) dollars in favor of Plaintiffs, Chad Johnson, Jillian N. Johnson and Paul K. Gitzen against Defëndant American Residential Services, L.L.C. d/b/a ARS Rescue Rooter.

AND IT IS SO ORDERED.



Richland Common Pleas

**Case Caption:** Chad Johnson , plaintiff, et al vs American Residential Services LLC  
, defendant, et al  
**Case Number:** 2015CP4007142  
**Type:** Order/Judgment and Form 4

So Ordered

s/DeAndrea Gist Benjamin, #2161