

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SUMTER)
)
 Rebecca Jackson,)
)
 Plaintiff,)
)
 -vs-)
)
 Outback/Charlotte-I, L.P.,)
 OSI Restaurant Partners, L.L.C.,)
 Outback Steakhouse of South)
 Carolina, Inc., Outback)
 Steakhouse of Florida, L.L.C.,)
 Private Restaurant Properties, L.L.C.,)
 Private Restaurant Master Lessee,)
 L.L.C., each d/b/a Outback)
 Steakhouse,)
)
 Defendants.)
)

IN THE COURT OF COMMON PLEAS
 THIRD JUDICIAL CIRCUIT
 Case No: 2012-CP-43-0707

**ORDER DENYING
 DEFENDANTS' MOTION TO ENFORCE
 AND AMENDED MOTION TO ENFORCE**

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 SC Court of Appeals

This matter comes before the Court pursuant to a Motion to Enforce and Amended Motion to Enforce filed by the Outback Defendants. A hearing was held on April 16, 2018, in Sumter County. Christian Stegmaier, Esquire, appeared on behalf of the Defendants. L. Lisa McPherson, Esquire appeared on behalf of the Plaintiff.

PROCEDURAL POSTURE

This case arises out of a trip and fall incident in Sumter County. Mrs. Jackson and her husband, both residents of Sumter County, went to the Defendant's restaurant, the Outback Steakhouse, after church on Sunday, June 7, 2009. While exiting the Outback, Mrs. Jackson fell on one of the ramps leading to the parking lot, suffering injuries. This lawsuit followed. Defendants filed a motion for summary judgment, which was granted. Plaintiffs filed an appeal. The South Carolina Court of Appeals reversed the circuit court's order granting summary

judgment and the Supreme Court denied the Defendants' petition for writ of certiorari. The case was remitted back to the trial court and a trial commenced on February 5, 2018. The case ended in a mistrial. Following the mistrial, the parties began trying to work together to craft a resolution to avoid a retrial,¹ however the parties reached an impasse and no agreement was ever signed. The Defendants proceeded with the "Settlement Conference" and indicated that if the result was favorable to the Defendants, they would move to enforce the "verdict." The Defendants later moved to enforce the "verdict," arguing that the Plaintiff was bound by the "verdict" by virtue of the unsigned agreement, further arguing promissory estoppel and requesting specific enforcement.

ORDER

I have reviewed the Memoranda of the Defendants on file, my own notes, the arguments and Exhibits presented at the hearing and respectfully DENY the Defendants' Motion to Enforce and Amended Motion to Enforce. This case, therefore, should be placed back on the trial roster.

AND IT IS SO ORDERED.

George M. McFaddin, Jr. Presiding Judge

September __, 2018

¹ Defendants have branded the potential out of court resolution as a "Settlement Conference."



Sumter Common Pleas

Case Caption: Rebecca Jackson VS Osi Restaurant Partners Llc , defendant, et al
Case Number: 2012CP4300707
Type: Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759