

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )  
  
BENNY HUDSON SEAFOOD CORP )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
GERALDINE WHITE AND CRAIG )  
WHITE, )  
 )  
Defendants. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
CASE NO. 2018-CP-07--00793

ORDER OF JUDGMENT

**RECEIVED**  
MAR 01 2019  
SC Court of Appeals

This matter came before me on August 21, 2018 pursuant to the authority granted to me to hold damages hearings and to hear and decide motions in civil jury matters by Order of The Supreme Court of South Carolina dated December 20, 2017. Present at the hearing were John R.C. Bowen, Esquire, the attorney for the plaintiff, and Mrs. Barbara Hudson, President of the plaintiff corporation. No appearance was made by defendant Geraldine White or defendant Craig White. Prior to commencing the hearing, and after the appointed time therefore, I thrice called the names of the defendants in the halls of the Beaufort County Courthouse without response.

Pursuant to Rule 55(b) of the South Carolina Rules of Civil Procedure and upon the plaintiff's Motion for Default Order, the court finds that:

1. On April 16, 2018, Plaintiffs brought this action against defendants Geraldine White and Craig White alleging gross negligence on the part of the defendants resulting in the sinking of the White's<sup>1</sup> boat at the plaintiff's commercial dock facility. The Complaint seeks actual damages, punitive damages, and pre-judgment interest.

---

<sup>1</sup> According to the pleadings, the 35' boat is owned by Geraldine White and the Captain and manager in control of the vessel was Craig White who brought it to plaintiff=s dock.

2. According to the well pled allegations of the Complaint, Craig White, the captain and manager of the boat, contacted plaintiff's President, Barbara Hudson, prior to Hurricane Matthew and requested permission to bring the boat to plaintiff's commercial dock. Hudson unequivocally denied the request. Nevertheless, and while plaintiff's representatives were away from Hilton Head Island during the mandatory evacuation, Craig White brought the boat to the dock where it sank during the storm. Thereafter, and continuing through today, the owner and manager of the boat have failed and refused to mark or remove the wreck as required by law, and have been grossly negligent in their failures. As a consequence, plaintiff has been denied the use of the commercial dock and has lost earnings and incurred other damages.

3. Plaintiff served Geraldine White personally by delivery of the Summons and Complaint to her at 141 Lamotte Dr. Hilton Head Island, SC on April 16, 2018. Defendant Craig White was personally served by the Beaufort County Sheriff's Office at 132 Squire Pope Road, Hilton Head Island, SC on April 24, 2018. Affidavits of Service for each defendant are part of the court's file on this matter.

4. No answer was filed nor was any appearance made by counsel of behalf of either defendant, and both Geraldine White and Craig White are in default.

5. On May 30, 2018, the Plaintiff filed Affidavits of Default as well as a Motion for Default Judgment. The Affidavits and Motion were served on the defendants on June 14, 2018 as further appears from the Certificate of Service which is in the Court's file. No response was made by or on behalf of the defendants.

6. The court scheduled a hearing for August 21, 2018 as evidenced by the Notice of Hearing sent to the defendants on July 27, 2018, which notice is a part of the Court's file.

7. On August 21, 2018, a hearing was held before me for the purpose of taking

testimony on the damages. Appearing at the hearing were John R.C. Bowen, Esquire, counsel for the plaintiff, as well as the plaintiff's president, Barbara Hudson. No appearance was made by the defendants or any counsel on their behalf.

8. Ms. Hudson testified that she is the president of the plaintiff corporation, and that she has been actively involved in its operation and management since approximately 1973. She further testified that she had denied defendants' request to place their thirty-five foot (35') boat at her dock, and that while she was away from Hilton Head during the mandatory evacuation for Hurricane Matthew, Mr. White brought the boat to plaintiff's dock, and tied it to the dock where it sank. She then testified that she had contacted Geraldine White and Craig White on numerous occasions thereafter to demand that the boat be removed, however they had made no effort to remove the wreck which was blocking her commercial dock and rendering it inaccessible to other vessels.

9. Ms. Hudson introduced an estimate to remove the defendants' boat from ShoreShapers, Inc. of Charleston, SC in the amount of \$25,000.00, and this exhibit was admitted into evidence.<sup>2</sup> She further testified that the company had incurred total damages of \$146,880.00 as a result of the defendants' gross negligence, and delineated as follows:

- |                                       |   |                           |
|---------------------------------------|---|---------------------------|
| A. Lost earnings from dockage charges | - | \$12,880.00               |
| B. Lost Revenue on shrimp sales       | - | \$104,000.00 <sup>3</sup> |
| C. Cost of wreck removal              | - | \$30,000.00               |

---

<sup>2</sup> This estimate was based on the removal of two boats; however Hudson testified that if only the White boat was removed, the cost would be \$30,000.00.

<sup>3</sup> She testified that this figure was derived from the average catch of 1,000 lbs per week delivered to her dock by the average shrimp boat. Since her dock has been unavailable as of this date for 52 weeks of the 2016, 2017, and 2018 seasons, 52,000 lbs. of product had to be purchased elsewhere at a cost of \$2.00 per pound more for a total loss of \$104,000.00.

**NOW, THEREFORE**, upon motion of the plaintiffs and consideration of the pleadings, the Court's file, evidence, and testimony of the plaintiff's representative,

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. Plaintiff is entitled to an award of: (1) actual damages in the amount of \$146,880.00; (2) pre-judgment interest on the cost of wreck removal from October 8, 2016 through the date hereof in the amount of \$4,843.27<sup>4</sup>; and, (3) Punitive damages of \$50,000.00 for defendants' willfulness and gross negligence for a total judgment of \$201,723.27.

2. The Plaintiffs shall have judgment against and recover from defendants Geraldine White and Craig White jointly and severally the sum of \$201,723.27 plus interest at the legal rate from the date hereof until the judgment is paid.

**AND IT IS SO ORDERED.**

---

Marvin H. Dukes, III Special Circuit  
Court Judge

Beaufort, South Carolina  
August \_\_\_\_\_, 2018

---

<sup>4</sup> 145 days in 2016 at 7.50%, 365 days in 2017 at 7.75%, and 233 days in 2018 at 8.5%

**FORM 4**

**STATE OF SOUTH CAROLINA  
COUNTY OF BEUFORT  
IN THE COURT OF COMMON PLEAS**

**JUDGMENT IN A CIVIL CASE**

**CASE NO. 2018 CP-07-00793**

BENNY HUDSON SEAFOOD CORP \_\_\_\_\_

GERALDINE WHITE \_\_\_\_\_

PLAINTIFF(S)

CRAIG WHITE \_\_\_\_\_

DEFENDANT(S)

**Submitted by:** JOHN R. C. BOWEN, ESQUIRE

**Attorney for :**  Plaintiff  Defendant  
or  
 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

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:

**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)
BENNY HUDSON SEAFOOD CORP	GERALDINE WHITE & CRAIG WHITE	\$201,723.27
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order.

**RECEIVED**

**MAR 01 2019**

**90 Court of Appeals**





Beaufort Common Pleas

**Case Caption:** Benny Hudson Seafood Corp VS Geraldine White , defendant, et al  
**Case Number:** 2018CP0700793  
**Type:** Order/Judgment by Default and Form 4

So Ordered:

s/Marvin H. Dukes III #3069

Electronically signed on 2018-08-22 14:57:22 page 7 of 7

ELECTRONICALLY FILED - 2018 Aug 22 4:18 PM - BEAUFORT - COMMON PLEAS - CASE#2018CP0700793