

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
 COUNTY OF BERKELEY) Case No.: 2017-CP-08-2408
)
 Delphine King,)
)
 Plaintiff,)
)
 vs.)
)
 William C. Edwards and Blue Max)
 Trucking, Inc.,)
 Defendants.)

RECEIVED
JUDGMENT AGAINST DEFENDANT
WILLIAM C. EDWARDS
 MAY 31 2019
 SC Court of Appeals

This matter came before the Court for a damages hearing on September 10, 2018. Present before the Court were Plaintiff Delphine King and her attorney, David C. Marshall. Defendant William C. Edwards (“Edwards”) was not present nor was he represented by counsel. The pleadings and court file in this matter indicate as follows:

1. This matter arises from a motor vehicle accident that occurred on July 27, 2016.
2. The Summons and Complaint in this action were filed on October 24, 2017.
3. After unsuccessful attempts were made to obtain personal service on Defendant Edwards, the Court issued an Order of Publication on March 13, 2018.
4. Defendant Edwards was served with the Summons and Complaint by means of publication in three consecutive weekly issues of The Post and Courier with the last date of publication being April 29, 2018, and has failed to answer or otherwise appear in this matter.
5. An Affidavit of Default was filed by counsel for Plaintiff, and an Order of Default was filed by the Court on July 20, 2018.
6. On August 30, 2018, counsel for Plaintiff mailed correspondence to Defendant Edwards at his last known address, via United States Postal Service First Class Mail, notifying him of the September 10, 2018 damages hearing pursuant to Rule 55(b)(2), SCRCF.

7. That as of the time of the damages hearing, no appearance has been made by Defendant Edwards.

IT APPEARING TO THE COURT that all pleadings and notices have been properly filed and served in this matter, and a final hearing on damages is properly before the Court at this time, I hereby make the following findings of fact and conclusions of law based on the testimony and evidence presented to the Court:

1. By his default, Defendant Edwards is deemed to have admitted liability for the allegations set forth in the Complaint. *Renney v. Dobbs House, Inc.*, 275 S.C. 562, 566, 274 S.E.2d 290, 292 (1981).

2. On July 27, 2016, the Plaintiff was driving her 2009 Chevrolet Impala east on Interstate 26 exiting onto College Park Road in Berkeley County and waiting to turn right when a tractor trailer operated by Defendant Edwards collided with the left side of her vehicle, resulting in the total loss of her vehicle.

3. The accident and damages sustained by Plaintiff were proximately caused by Defendant Edward's' negligent, careless, and reckless conduct, including his failure to yield, failure to maintain a proper lookout, and failure to maintain proper control of his tractor trailer, all of which constitute violations of the statutes and common law of South Carolina.

4. As a result of Defendant Edwards' conduct, the Plaintiff sustained personal injuries, property damage, medical expenses, lost wages, and other economic damages set forth in Exhibit 1 presented to the Court and accepted into evidence at the hearing. The summary of special damages presented to the Court total \$18,615.48. This amount does not include Plaintiff's past pain and suffering, loss of enjoyment of life, loss of use of her vehicle since the accident, or her future pain, suffering, or medical needs.

5. Plaintiff testified she continues to experience pain and discomfort as a result of the accident, and does so on a regular basis, which she treats with prescription and non-prescription medication. Given Plaintiff's testimony and the passage of time since the accident, the Court finds that Plaintiff's injuries and pain are permanent and will cause future pain and suffering and require future medical needs. *See Johnston v. Aiken Auto Parts*, 311 S.C. 285, 288-89, 428 S.E.2d 737, 739 (Ct. App. 1993).

6. Plaintiff is currently 43 years old and has a life expectancy of approximately 40 years to live with the residual pain caused by the injuries sustained in the July 27, 2016 collision, pursuant to the S.C. Code § 19-1-150.

7. The Defendant, William C. Edwards, is in default and is liable for the damages sustained by Plaintiff as a result of the July 27, 2016 accident.

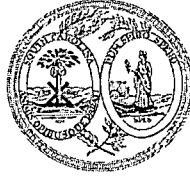
8. The Plaintiff is entitled to judgment against Defendant Edwards in the amount of One-Hundred Seventy-Five Thousand and no/100 (\$175,000.00) Dollars in actual damages, for the reasons set forth herein.

IT IS THEREFORE ORDERED that the Plaintiff shall have judgment against Defendant William C. Edwards in the amount of One-Hundred Seventy-Five Thousand and no/100 (\$175,000.00) Dollars for actual damages arising from the July 27, 2016 accident. The Clerk of Court shall mark this judgment appropriately in the Court's records, with interest accruing at the statutory rate until paid or satisfied in full.

IT IS SO ORDERED.

Date: _____

The Honorable Diane S. Goodstein
Presiding Judge, Berkeley County



Berkeley Common Pleas

Case Caption: Delphine King VS William C Edwards

Case Number: 2017CP0802408

Type: Order/Judgment and Form 4

Presiding Judge

s/Diane S. Goodstein (2112)

Certificate of Electronic Notification

Recipients

David Marshall - Notification transmitted on 04-25-2019 02:16:33 PM.

Joseph Thompson - Notification transmitted on 04-25-2019 02:16:33 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2017CP0802408

Official File Stamp: 04-25-2019 02:16:22 PM
Court: CIRCUIT COURT
Common Pleas
Berkeley
Case Caption: Delphine King VS William C Edwards
Document(s) Submitted: Order/Amend Order/Amend
Filed by or on behalf of: Diane Schafer Goodstein

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Joseph DuRant Thompson, III for William C
Edwards
David C. Marshall for Delphine King

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Blue Max Trucking Inc.

H | B | S HALL BOOTH SMITH, P.C.

Joseph D. Thompson, III | 111 Coleman Boulevard, Suite 301
P: (843) 720-3469 | Mount Pleasant, SC 29464
E: jthompson@hallboothsmith.com | W: www.hallboothsmith.com
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May 30, 2019

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MAY 31 2019

SC Court of Appeals

Via Federal Express

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street (29201)
Post Office Box 11629
Columbia, SC 29211

Re: *Delphine King, Respondent v. William C. Edwards and Blue Max Trucking, Inc.,
Defendants, Of Whom William C. Edwards is the Appellant*
Appellate Case No.: 2019-000875
HBS File No.: 2010.0257

Dear Ms. Kitchings:

Per your correspondence dated May 28, 2019, enclosed please find the Orders challenged on appeal that were inadvertently not attached to the Notice of Appeal filed on May 23, 2019. Thank you in advance for your assistance.

Respectfully,

Joseph D. Thompson, III
Joseph D. Thompson, III *by*

JDT,III/vrb

Enclosures

cc: David C. Marshall, Esq.
Shane M. Burroughs, Esq.

