

STATE OF SOUTH CAROLINA  
COUNTY OF Allendale  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2018CP0300087

Bradley J Tarter  
PLAINTIFF(S)

Richard Pinckney  
DEFENDANT(S)

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.
- 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:

On June 17, 2019, the South Carolina Department of Public Safety (hereinafter "SCDPS") and Bradley J. Tarter moved this Court to alter or amend the Court's Order of June 13, 2019. Specifically, the parties argue that the SCDPS is not a proper counterclaim Defendant since it has not brought a claim against the Defendant. While it is true that the South Carolina Department of Public Safety has not brought any claims against Defendant, Defendant's counterclaim revolves solely around the actions of the Plaintiff, a government employee who allegedly committed tortious acts while acting with the scope of his official duty. Pursuant to 15-78-70, Defendant is statutorily required to substitute the governmental entity. For these reasons, this Court finds that the Defendant's counterclaim is proper, and the Motion to Alter or Amend is denied in its entirety.

ORDER INFORMATION

This order  ends  does not end the case.  See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 07/30/2019 .

RECEIVED

AUG 05 2019

SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Allendale Common Pleas

**Case Caption:** Bradley J Tarter VS Richard Pinckney

**Case Number:** 2018CP0300087

**Type:** Order/Electronic Form 4

So Ordered

s/ Maite Murphy 2166

Electronically signed on 2019-07-30 11:59:07 page 3 of 3