

Abcs Of Health Inc  
PLAINTIFF(S)

Next Gen Trading Llc  
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:

This matter comes before the Court pursuant to an Appeal from Summary Court. After review of the return, review of the filings on record, and consideration of argument, this court finds no error of law or abuse of discretion. Further the Court has read Plaintiff's 42 page Memorandum of Law. Appellant complains that the jury simply made the wrong decision based upon the evidence presented, suggesting it was "too lazy" to do its job. The jury has the exclusive authority to weigh evidence and determine the credibility of the witnesses. Notwithstanding Plaintiff's exceptions to their findings, the record indicates that they dutifully performed this job. This court may not supersede the findings of fact by the jury. Further, Appellant clearly misapprehends the role of the presiding judge in a jury trial. The Judge ruled on motions properly before the court and did not, as Appellant argues she should, sua sponte pre-evaluate and (cont. below)...

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 08/27/2019.

Fairview/Austin Summary Court for Next Gen Trading Llc  
Next Gen Trading Llc for Next Gen Trading Llc  
Abcs Of Health Inc for Abcs Of Health Inc  
Next Gen Trading Llc for Next Gen Trading Llc  
Abcs Of Health Inc for Abcs Of Health Inc

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OCT 07 2019

SC Court of Appeals

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

ELECTRONICALLY FILED - 2019 Aug 28 9:08 AM - GREENVILLE - COMMON PLEAS - CASE#2019CP2302484

**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), SCRPC.

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screen evidence for value and credibility. That surely would have been improper. Additionally, Appellant complains that he should have been awarded punitive damages on his Breach of Contract claim. Punitive damages are not allowable under a Breach of Contract Cause of Action.

Finally, Appellant characterizes evidence contrary to his case as perjury. Clearly, Appellant does not believe Respondent's assertions at trial to be true. The record reflects that the parties did not share the same recollection of events or opinions about their agreement. Whom to believe is a question for the jury. There is no indication that perjury was committed.

The decision of the Summary Court is therefore affirmed.



Greenville Common Pleas

**Case Caption:** Abcs Of Health Inc VS Next Gen Trading Llc  
**Case Number:** 2019CP2302484  
**Type:** Order/Electronic Form 4

So Ordered

s/ Robin B. Stilwell 2158

Electronically signed on 2019-08-27 13:30:21 page 3 of 3

APPEALED ORDERS: TWO

ORDER # 1

FILED 8/28/9

AFFIRMED SUMMARY  
COURT DECISION (THAT  
DENIED PLAINTIFF'S  
MOTION FOR A NEW TRIAL)  
\* APPEAL TO CIRCUIT CT.  
- WAS DISMISSED.

R.E.W.