

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

**APPEAL FROM JASPER COUNTY  
Court of Common Pleas**

**Jennifer Blanchard McCoy,  
Circuit Court Judge**

\_\_\_\_\_  
Case No.  
2019-001504  
\_\_\_\_\_

**RECEIVED**  
OCT 15 2019  
SC Court of Appeals

**Happy Taxi Cab Co. a/k/a A Happy Taxi Cab Co. a/k/a A Taxicab a/k/a ADR Taxi,  
Carolyn Reynaud, n/k/a Carolyn Robinson, Individually and d/b/a Happy Taxi Cab Co.  
a/k/a A Happy Taxi Cab Co. a/k/a A Taxicab, Jason Robinson, Individually and d/b/a  
Happy Taxi Cab co. a/k/a A Happy Taxi Cab Co. a/b/a A Taxicab, John Doe, An  
unknown individual and/or business, Defendants,**

**Appellants**

**v.**

**Rodney J. Tolen**

Appelle.

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**REQUEST FOR  
EXTENSION OF  
TIME**

The parties to this appeal request an extension of time to file the Transcript from the lower court of Jasper County. The transcript has been requested from the court reporter Karen Anderesen on September 30, 2019.

October 1, 2019/ Jason P. Robinson

Jason Peter Robinson/  
Carolyn Robinson  
4495 old house road  
Ridgeland, South  
Carolina 29936 (843)  
575-5000

**SERVED ON:**

**Amanda Nicole Pittman, Esquire**

**Court of Administration**

**Appellate Court**



ashley robinson <robinsonashley1@gmail.com>

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**Invoice from karen andersen (210)**

3 messages

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karen andersen <service@paypal.com>  
Reply-To: karen andersen <kandersen3592@yahoo.com>  
To: carolyn reynaud <robinsonashley1@gmail.com>

Tue, Oct 1, 2019 at 1:08 PM

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**ashley robinson** <robinsonashley1@gmail.com>  
To: HAPPY TAXICAB <happycabco@gmail.com>

Tue, Oct 1, 2019 at 2:23 PM

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**HAPPY TAXICAB** <happycabco@gmail.com>  
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Thu, Oct 3, 2019 at 1:38 PM

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to me



October 1, 2019 11:42:28 PDT

Transaction ID:

2WA602235K997870J



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Invoice #210

Payment to:  
karen andersen  
kandersen3592@yahoo.com

Shipping address:

Description	Quantity	Price	Amount
	1	\$103.75 USD	\$103.75 USD
8/1/19 transcript in re: Happy Taxi Cab Co. Signed and Certified Electronic pdf.			
		Subtotal	\$103.75 USD
		Shipping	\$0.00 USD
		Tip	\$0.00 USD
		Total	\$103.75 USD

1 STATE OF SOUTH CAROLINA )  
 2 COUNTY OF JASPER ) Court of Common Pleas  
 ) Case No. 2018-CP-27-00408  
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RODNEY J. TOLEN, )  
 Plaintiff, )  
 vs. ) Transcript of Record  
 HAPPY TAXI CAB CO, )  
 Defendant. ) DATE: August 1, 2019

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B E F O R E:

THE HONORABLE JENNIFER B. MCCOY

A P P E A R A N C E:

AMANDA NICOLE PITTMAN  
Attorney for the Plaintiff

Karen V. Andersen, RMR, CRR  
Circuit Court Reporter

1 THE COURT: All right. This is No. 25 on my roster.  
2 If you don't mind stating your name for the record and the  
3 party you are here for today.

4 MS. PITTMAN: Amanda Pittman. I'm from McWhirter,  
5 Bellinger & Associates. And I represent Mr. Rodney Tolen. I  
6 will tell you that Mr. Tolen says he's on the way here. He's  
7 not here yet. And so we can go forward with the default  
8 hearing. You know, it's up to the judge's discretion whether  
9 you want to give him time to get here for the damages  
10 section.

11 THE COURT: You represent Mr. Tolen you said; is  
12 that right?

13 MS. PITTMAN: Yes, Your Honor.

14 THE COURT: And who -- do you anticipate anyone  
15 coming on behalf of Happy Taxi Cab Company?

16 MS. PITTMAN: No, Your Honor. We sent them letters  
17 multiple times. I do have copies of the letters. We did  
18 mail them with notice of the hearing. If you look at the  
19 list of defendants, we sent Jason Robinson, both individually  
20 and doing business as Happy Taxi, et cetera, a copy of the  
21 letter via regular mail, as well as certified mail, return  
22 receipt requested, restricted delivery. Sorry. That's a  
23 mouthful.

24 And we did the same thing for Ms. Carolyn Reynaud.  
25 And so we did receive the green card back for Carolyn, but

1 she refused the green card. She wouldn't sign it. However,  
2 none of the regular mail came back.

3 I've talked to them on the phone. They are aware of  
4 this case. I told them they are in default. They don't  
5 care.

6 THE COURT: When was the last time you talked to  
7 them about it?

8 MS. PITTMAN: Tasha is my paralegal. She's here.  
9 It was probably a couple months ago, when we first got on the  
10 motions roster.

11 THE COURT: All right. Of course, clerk's office  
12 would have sent notice to the address of record as well.

13 THE CLERK: Yes, ma'am. They didn't -- no  
14 information came back.

15 THE COURT: No information that they couldn't come  
16 today or needed a continuance, right?

17 THE CLERK: We tried to serve them but came down as  
18 undeliverable.

19 THE COURT: Came back undeliverable to the address  
20 you had on there?

21 THE CLERK: Notice did not come back.

22 MS. PITTMAN: Only one that came back was the one we  
23 sent certified mail. That was refused, but none of the  
24 regular mail came back. And we've spoken to them on the  
25 phone, or at least one of them on the phone, and they are

1 aware they are in default.

2 THE COURT: Okay. I'm happy to go forward. If your  
3 client comes, that's fine. Do you have an affidavit or  
4 anything like that?

5 MS. PITTMAN: For the amount of the damages?

6 THE COURT: Uh-huh.

7 MS. PITTMAN: Well, we were going to enter a summary  
8 of his medical -- sorry. Some of these are upside down, as I  
9 was showing them to him. I apologize. Like I said, some of  
10 them were upside down, because he was checking them out.

11 All right. Your Honor, the top sheet is our medical  
12 summary. And below it are redacted medical bills from each  
13 of the providers.

14 THE COURT: Okay. So this states he has a total of  
15 \$15,445.40 in medical treatment bills; is that correct?

16 MS. PITTMAN: Yes, Your Honor.

17 THE COURT: If you want to just give me a brief  
18 rundown on the facts of this case, that would be great.

19 MS. PITTMAN: Yes, Your Honor. Mr. Tolen was in  
20 this area for work. This is one of the freak snowstorm and  
21 ice storms that came through. He delivered cars and picked  
22 up cars for a living. So he was down here. He dropped off  
23 the car. The storm was around. And so instead of picking up  
24 a car to come back to Columbia, his employer actually set up  
25 a taxicab to come get him. He didn't have any control over

1 what taxicab company or what time they got there, et cetera.

2           So this cab comes and picks him up. And it's taking  
3 him to a hotel to sort of wait out the storm. As they are  
4 traveling along, as Mr. Tolen would tell you the guy was  
5 going pretty fast for the conditions, too fast for ice and  
6 snow, especially since in South Carolina none of us have any  
7 experience in that type of weather.

8           They were going across the bridge. Hit ice. Spin  
9 out. They slam into a concrete barrier. I do have some  
10 photos of the vehicle, if you would like to check that out.

11           The guy keeps driving. He doesn't actually stop.  
12 So there was no opportunity to call the police or anything.  
13 Mr. Tolen was pretty much in shock while this guy kept going.

14           So as soon as they came to a stop, he took some  
15 photographs of the taxicab so he would be able to identify  
16 which taxicab company it was and which taxi number it was.  
17 So as you can see in the photo, it's taxi No. 258.

18           And so following that, he waited until the storm  
19 subsided some and they could get out of town. And he goes to  
20 Lexington Medical Center Urgent Care. So he treats with  
21 them. They, of course, do a physical examination. He's  
22 having some back pain, neck pain, some radiating pain into  
23 his legs and feet, headaches.

24           So then they give him some medication. He says he  
25 tries that. Doesn't really work for him. So he goes back to

1 urgent care, kind of the same thing. They check him out.

2 He's having worsened pain.

3 He ends up finally going to the hospital itself.

4 And he's got a T-11 and 12 wedge compression fracture.

5 Sorry. That's another mouthful. He's having muscle spasms,

6 tender all throughout his back.

7 He ends up going to the orthopedic doctor. They do

8 an examination, of course. They give him some prescriptions.

9 And he's eventually released to full duty.

10 After he goes to Health Source, which is a  
11 chiropractor in the Columbia area, I believe he had 23 visits  
12 with HealthSource. If he was here, his testimony would be  
13 that it did help him, that the treatment -- he never got back  
14 to 100 percent, but that he did feel better following that  
15 treatment.

16 To this day, he still has trouble. For instance,  
17 he's a newlywed. He was dating the same woman when the wreck  
18 occurred, because they got married a couple months ago. And  
19 they like to travel. So sitting in the car for long periods  
20 of time is difficult for him. He has to take breaks. He was  
21 very reticent to tell me he has trouble going to the  
22 bathroom, which I can understand if you have to sit, et  
23 cetera. He's got to take ibuprofen to sleep at night because  
24 his back pain bothers him.

25 And so he's got a lot of stuff still going on since

1 this occurred. He still says he has the tingling all  
2 throughout his legs and feet since the wreck occurred. That  
3 never stopped. There's really nothing that can alleviate  
4 that pain or that sensation.

5 THE COURT: All right. He was on his way this  
6 morning, but he's been held up for one reason or another?

7 MS. PITTMAN: Yes, Your Honor. My office has spoken  
8 to him.

9 THE COURT: Okay. What are the amount of damages  
10 you are seeking outside of, obviously, his medical records,  
11 the total amount of damages being sought?

12 MS. PITTMAN: Of course, it's hard to really show  
13 the full amount of compensatory damages without him here, but  
14 to testify on his behalf to explain his pain and suffering  
15 and mental anguish, but I would ask the Court to issue  
16 100,000 for his total compensatory damages, which would  
17 include his pain and suffering, future pain and suffering,  
18 mental anguish, et cetera.

19 THE COURT: And, of course, you already have the  
20 default against the defendants; is that correct? Default  
21 judgment has been entered against these defendants?

22 MS. PITTMAN: Not yet. I was here --

23 THE COURT: To ask for the default as well as  
24 damages?

25 MS. PITTMAN: Yes, Your Honor.

1 THE COURT: Well, have you complied with Rule 55  
2 with regard to the default? No answer has been filed?

3 MS. PITTMAN: No, Your Honor.

4 THE COURT: You haven't gone through that yet?

5 MS. PITTMAN: No answer has been filed. We did file  
6 an affidavit. I have a copy of our affidavit and motion for  
7 default.

8 THE COURT: I guess I have that right in front of  
9 me. Sorry.

10 MS. PITTMAN: If you need a copy, I can look through  
11 my notes to find it. I apologize.

12 THE COURT: All right.

13 Mr. Tolen is here? Okay. Can we bring him in?

14 (Whereupon, Mr. and Mrs. Tolen enter the courtroom.)

15 THE COURT: How are y'all? Good morning.

16 All right. How were they served with the summons  
17 and complaint? Tell me that one more time.

18 MS. PITTMAN: Your Honor, we had personal service.  
19 I believe that copy is in our pleadings notebook of those  
20 affidavits of service.

21 THE COURT: Those were filed with the clerk as well?

22 MS. PITTMAN: Yes, Your Honor. Ms. Reynaud, now  
23 known as Ms. Robinson, was served individually. And Mr.  
24 Robinson was served at his home.

25 THE COURT: Mr. Jason Robinson?

1 MS. PITTMAN: Yes, Your Honor. And I have copies of  
2 those affidavits of service as well, if you would like a  
3 copy.

4 THE COURT: If they are filed with the clerk's  
5 office, I will take a look at it. That's the most important  
6 thing. Thank you so much.

7 All right. For the record, they were served by  
8 Debbie Brothers at -- Jason Robinson was served individually  
9 at 12 Bell Drive in Port Royal, South Carolina, on January  
10 27th, 4:50 p.m. by Debbie Brothers. And Ms. Carolyn Robinson  
11 was served 417 Black Street, Walterboro, South Carolina, on  
12 11th day of January, 2019, at 6:29 p.m., Debbie Brothers.

13 Those affidavits were reviewed by the Court for the  
14 record and filed with the clerk's office. To date, Ms.  
15 Pittman's answer has been for either of these defendants; is  
16 that correct?

17 MS. PITTMAN: That's correct.

18 THE COURT: I will grant your motion for default.  
19 And then as to damages, you already handed me, of course, a  
20 couple of exhibits which we will mark as court's exhibits.  
21 Can I keep these?

22 MS. PITTMAN: Yes, Your Honor.

23 THE COURT: We will mark the photographs  
24 collectively at Court's 1 and the medical summary and bills  
25 collectively as Court's 2. I will hand those to the court

1 reporter.

2 (Court's Exh. 1, Photographs, marked for  
3 identification.)

4 (Court's Exh. 2, Medical Summary and bills, marked  
5 for identification.)

6 THE COURT: I've reviewed that summary. And your  
7 client is present. Would he like to testify briefly as to  
8 his damages?

9 MS. PITTMAN: Yes, Your Honor, as to his pain and  
10 suffering.

11 THE COURT: You can remain seated where you are,  
12 sir. We are in a small courtroom, so I can hear you just  
13 fine. Can I ask you to raise your right hand for me.

14 RODNEY J. TOLEN,  
15 having been duly sworn, testifies as follows:

16 THE COURT: Please state your name for the record.

17 THE WITNESS: Rodney James Tolen, T-o-l-e-n.

18 THE COURT: All right. Mr. Tolen, good morning.

19 I will allow you to question the witness.

20 DIRECT EXAMINATION

21 BY MS. PITTMAN:

22 Q. Mr. Tolen, we already went through your treatment,  
23 your medical damages. So we just want to talk about how the  
24 wreck has affected your life. You had to go to a bunch of  
25 doctors' appointments as a result of the wreck, didn't you?

1           A.    Yes.

2           Q.    Did you like going to those appointments?

3           A.    No.

4           Q.    Was that a big imposition on your life?

5           A.    Yes.

6           Q.    Is that your wife here today?

7           A.    Yes, ma'am.

8           Q.    And are you all newlyweds?

9           A.    Newlyweds.

10          Q.    How long have you been married?

11          A.    Going on two months now, uh-huh.

12          Q.    So has that affected your date nights, like going to

13 the movies?

14          A.    Yes.

15          Q.    Can you tell the judge a little bit about that?

16          A.    Well, sitting a long time, I couldn't do it.

17 Walking with my legs, I couldn't walk that much because the

18 bottom of my feet would hurt real bad. And middle of my back

19 would hurt me a lot and stuff like that. And my neck,

20 keeping my neck in position was kind of hard to do. Turn

21 right or left, I couldn't really do that much.

22          Q.    How old are you, Mr. Tolen?

23          A.    I'm 54.

24          Q.    Young guy?

25          A.    Young guy.

1 Q. You are going to have to live with this for the rest  
2 of your life?

3 A. Yes, ma'am.

4 Q. Was it hard for you to get here today?

5 A. Yes.

6 Q. It's a long drive from where you live, isn't it?

7 A. Yes, ma'am.

8 Q. Tell me a little bit about how you have to sleep  
9 now.

10 A. Oh, Jesus. Turning from side to side, different  
11 positions, several different pillows now I have to use on my  
12 back and neck. Sometimes I have to raise my legs up, prop my  
13 legs up and stuff like that. Sometimes she has to help me  
14 out of the bed because of the pain is so bad.

15 Q. Does that pins and needles feeling you get in your  
16 legs and feet, does that feel good?

17 A. No, ma'am.

18 Q. What about the muscle spasms after the wreck, did  
19 those feel nice?

20 A. No.

21 Q. How often do you have those?

22 A. Very often.

23 Q. Every day?

24 A. Every day.

25 Q. What about the pins and needles sensations in your

1 legs and feet?

2 A. They are running through now just walking up here.

3 Q. Is there anything you can do to make it stop?

4 A. No, ma'am.

5 Q. What about your back pain, how often does your back  
6 bother you?

7 A. Every day.

8 Q. Is there anything you can do to help with that?

9 A. No, just put a band on it and keep on going.

10 Q. How often do you have to wear that band?

11 A. Every day.

12 Q. I know you have headaches too; still get headaches?

13 A. Constantly.

14 Q. How often do you get those?

15 A. I would say every day or every other day maybe. All  
16 depends.

17 Q. You have to lay down to try to make those go away?

18 A. Yes, ma'am.

19 Q. Were you having any of these problems before the  
20 wreck happened?

21 A. No, ma'am.

22 Q. This all started after?

23 A. Yes, ma'am.

24 Q. All right. And will you tell the judge basically  
25 the biggest effect this wreck has had on your life?

1           A.    The biggest affect it had on me is financially,  
2 because we had to really adjust a lot because, of course, I  
3 was making money. She was too. But I had to -- I lost a  
4 couple of things in the process of me not being able to work  
5 and stuff like that. But somehow we manage. You know, we  
6 get through this. It's still -- I'm still backed up, but  
7 somehow or another, we make it in there.

8           Q.    Has it put a strain on your relationship with your  
9 wife?

10          A.    Uh-huh.

11          Q.    Is that a yes?

12          A.    Yes, ma'am.

13          Q.    We talked about how you have to say yes or no on the  
14 record. Are you also a pastor, Mr. Tolen?

15          A.    Yes, ma'am.

16          Q.    And what do you have to do as a part of your duties  
17 as a pastor?

18          A.    As a pastor, minister, check on homeless people, go  
19 to hospitals, do different things, but even doing that is  
20 hard now.

21          Q.    So tell me about --

22          A.    From the injury, walking, I can't pace. I just  
23 stand in one place, but not long. You know what I'm saying?  
24 You know, now I have a chair in the pulpit that I use.

25          Q.    Is there anything else you would like to tell the

1 judge about your pain and suffering or your damages here  
2 today?

3 A. I guess only thing is just, you know, I would just  
4 like to be somehow or another -- I don't know what word to  
5 use -- to be reimbursed or something like that for all the  
6 stuff that we are going through and all the money we had to  
7 pay out for gas, you know, going to physical therapy, you  
8 know, getting medication, stuff like that. So it really cost  
9 a lot.

10 THE COURT: Okay. Thank you very much. All right.  
11 That sounds good. All right. Tell me, you said you proposed  
12 \$100,000 assessment?

13 MS. PITTMAN: Yes, Your Honor.

14 THE COURT: Okay. Well, that's reasonable. If you  
15 will just forward me a proposed order, if you don't mind,  
16 just outlining in that order the dates they were served, who  
17 was present at the hearing, the nature of your client's  
18 testimony today, that would be great.

19 MS. PITTMAN: Yes, Your Honor. I got you.

20 THE COURT: If you need anything or have any  
21 problems, just e-mail my clerk or me. Actually, probably  
22 best to e-mail me, [jmccoyj@sccourts.org](mailto:jmccoyj@sccourts.org).

23 MS. PITTMAN: What kind of turnaround time would you  
24 like on the copy of that order?

25 THE COURT: That's up to you, but, preferably,

1 within a couple of weeks. Thank you very much.

2 (Whereupon, proceedings are adjourned.)

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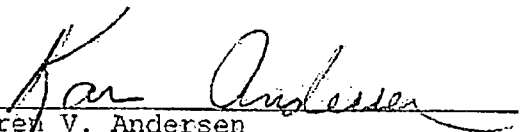
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CERTIFICATE OF REPORTER

1  
2  
3 I, Karen V. Andersen, Registered Merit Reporter,  
4 Certified Realtime Reporter for the State of South Carolina  
5 at Large, do hereby certify that the foregoing transcript is  
6 a true, accurate and complete Transcript of Record of the  
7 proceedings.

8 I further certify that I am neither related to nor  
9 counsel for any party to the cause pending or interested in  
10 the events thereof.

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16 Karen V. Andersen  
17 Registered Merit Reporter  
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ashley robinson &lt;robinsonashley1@gmail.com&gt;

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**transcript request**

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**Andersen, Karen** <kandersen@sccourts.org>

Wed, Oct 2, 2019 at 7:21 PM

To: ashley robinson &lt;robinsonashley1@gmail.com&gt;, Transcripts &lt;transcripts@sccourts.org&gt;

Good evening. Attached please find the transcript you have requested which has been paid in full. Thank you!

Karen V. Andersen, RMR, CRR  
2496 Kings Gate Lane  
Mt. Pleasant, SC 29466

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**From:** ashley robinson <robinsonashley1@gmail.com>

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**PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Case No. 2019-001504   
\_\_\_\_\_

OCT 15 2019

SC Court of Appeals

Rodney J. Tolen

Respondent,

v.

Happy Taxi Cab Co. a/k/a A Happy Taxi Cab Co. a/k/a A Taxicab a/k/a ADR Taxi,  
Carolyn Reynaud, n/k/a Carolyn Robinson, Individually and d/b/a Happy Taxi Cab Co.  
a/k/a A Happy Taxi Cab Co. a/k/a A Taxicab, Jason Robinson, Individually and d/b/a  
Happy Taxi Cab co. a/k/a A Happy Taxi Cab Co. a/b/a A Taxicab, John Doe, An  
unknown individual and/or business, Defendants,

Appellant.

\_\_\_\_\_  
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I certify that I have served the court transcript and motion for extension to file brief on Rodney J. Tolen by depositing a copy of it in the United States Mail, postage prepaid, on October 14 ,2019, addressed to his attorney of record, Amanda Nicole Pittman, Esquire, with McWhirter, Bellinger & Associates, P.A.119 East Main Street, Lexington, South Carolina 29072. Attorney for Respondent. A copy was sent to the Court Administration by depositing a copy of it in the United States Post Office, with proof of receipt. A copy was filed with The South Carolina Court of Appeals by having a copy fedex to the court.

October 14, 2019/ Jason P. Robinson

Jason Peter Robinson  
Carolyn Robinson  
4495 old house road  
Ridgeland, South Carolina 29936  
(843) 575-5000  
Appellant

SERVED ON:

Amanda Nicole Pittman, Esquire

Carolyn Robinson

Court of Administration

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