

# EXHIBIT D

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF SUMTER

CIVIL ACTION NO: 2016-CP-43-01521

Government Employees Insurance Company,

Plaintiff,

vs.

Barbara P. Jackson, as Personal  
Representative for the Estate of Vincent A.  
Jackson,

Defendant.

**ORDER DENYING DEFENDANT'S  
MOTION FOR JUDGMENT  
NOTWITHSTANDING THE VERDICT  
OR, IN THE ALTERNATIVE, A NEW**

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SC Court of Appeals

This matter comes before the Court on Defendant's Motion for Judgment Notwithstanding the Verdict or, in the alternative, a New Trial. This Court has thoroughly reviewed the arguments Defendant raised in her directed verdict motion at trial and renewed in her present JNOV motion. For the reasons set forth herein and those reasons set forth in the record at trial when these issues were originally raised, the Court denies Defendant's Motion for Judgment Notwithstanding the Verdict or, in the alternative, a New Trial.

**I. STANDARD OF REVIEW**

A motion for judgment notwithstanding the verdict is merely a renewal of the directed verdict motion. *RFT Mgmt. Co. v. Tinsley & Adams L.L.P.*, 399 S.C. 322, 331, 732 S.E.2d 166, 171 (2012). "[O]nly the grounds raised in the directed verdict motion may properly be reasserted in a JNOV motion." *Id.* at 331, 732 S.E.2d at 170-71. In determining a motion for judgment notwithstanding the verdict, the Court views the evidence and all reasonable inferences in a light most favorable to the non-moving party. *Wright v. Craft*, 372 S.C. 1, 18, 640 S.E.2d 486, 495-96 (Ct. App. 2006). When considering JNOV motions, this Court does not have authority to decide credibility issues or to resolve conflicts in the testimony or evidence. *Id.*

JNOV motions must be denied where either the evidence yields more than one inference or its inference is in doubt. *McMillan v. Oconee Mem'l Hosp., Inc.*, 367 S.C. 559, 564, 626 S.E.2d 884, 886 (2006); *Welch v. Epstein*, 342 S.C. 279, 300, 536 S.E.2d 408, 418 (Ct. App. 2000). A motion for JNOV may be granted only if no reasonable jury could have reached the challenged verdict. *Crossley v. State Farm Mut. Auto. Ins. Co.*, 307 S.C. 354, 415 S.E.2d 393 (1992). The jury's verdict will not be overturned if any evidence exists that sustains the factual findings implicit in its decision. *Welch*, 342 S.C. at 300, 536 S.E.2d at 419.

## II. ANALYSIS

The sole question presented in this case was whether Vincent Jackson was a resident of the home of his parents, Barbara and Tharel Jackson, at the time of his death. The jury returned a verdict for the Plaintiff finding that Vincent A. Jackson was not a resident of the home of his parents at the time of his death on January 17, 2014. There was some evidence to sustain the factual finding that is the jury's decision, including, but not limited to, undisputed evidence that: (1) Vincent Jackson was leasing a separate apartment at the time of his death; (2) Vincent Jackson listed this apartment address as his address on several documents he completed or signed prior to his death (personal auto policy application, employment records, healthcare enrollment forms, license/DMV records, income tax returns, etc.); and (3) Vincent Jackson paid for utilities at the apartment.

In addition, a detention center record from three days prior to Vincent Jackson's death showed that he was arrested at the apartment in the early morning hours. The Court must view the evidence and all reasonable inferences in a light most favorable to Plaintiff. In so doing, this is some additional evidence that Jackson resided at the apartment. The arrest from the apartment was made at a time of day when only residents would be expected to be present. All this evidence was

before the court when it denied the Defendant's directed verdict motion at trial. Therefore, the case was properly presented to the jury for a factual determination as to whether Vincent Jackson resided at his parents' residence at the time of his death. Moreover, the jury's verdict cannot be overturned as some evidence exists that sustains the factual findings implicit in its decision.

In addition, the Court declines to grant Defendant a new trial under the thirteenth juror doctrine. The Court does not find the verdict to be unsupported by the evidence.

### **III. CONCLUSION**

IT IS THEREFORE ORDERED that Defendant's Motion for Judgment Notwithstanding the Verdict or, in the alternative, a New Trial be DENIED.

**IT IS SO ORDERED.**

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The Honorable George M. McFaddin, Jr.  
Presiding Judge

December \_\_\_\_, 2019  
Sumter, South Carolina



Sumter Common Pleas

**Case Caption:** Government Employees Insurance Company VS Barbara Jackson ,  
defendant, et al

**Case Number:** 2016CP4301521

**Type:** Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759