

STATE OF SOUTH CAROLINA
COUNTY OF CHESTERFIELD

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT

CASE NO. 2019-CP-13-173

Steven Carol Miller,
Plaintiff,

v.

Gene Carson Jordan,
Defendant.

JUDGMENT

RECEIVED

MAR 16 2020

SC Court of Appeals

This matter came before me on September 16, 2019 for a damages hearing. The Defendant, Gene Carson Jordan was property served with notice of today's hearing but has failed to appear. The Plaintiff, Steven Carol Miller, was present with his attorney, M. W. Cockrell, III of the Chesterfield County Bar. Prior to and at the call of the case, no motions were made by either party.

The action was commenced with the filing of a Summons and Complaint in the Court of Common Pleas of Chesterfield County on March 18, 2019. Plaintiff properly served the Summons and Complaint upon Defendant Jordan via certified mail, restricted delivery, return receipt requested. Defendant Jordan accepted service of the Summons and Complaint on March 20, 2019.

No answer or other pleading was entered by or on behalf of Defendant Jordan. Accordingly, Plaintiff filed a Motion for Entry of Default and Order of Reference on May 3, 2019. On May 6, 2019, the court entered default against Defendant Jordan and an order was issued referring the matter to Wallace H. Jordan, Jr. as Special Referee for Chesterfield County.

The matter is before the Court today to hear and determine the issue of damages owed to Plaintiff.

Plaintiff, Steven Carol Miller, brought evidence and testified as to the damage sustained and the resulting chronic pain associated with the traumatic injuries sustained as a result of an attack on his person by a Rottweiler dog belonging to Defendant Jordan. The Rottweiler belonging to Defendant Jordan aggressively, and without provocation, attacked the Plaintiff. The negligence of Defendant Jordan and his inability and failure to restrain the dog was the direct and proximate cause of the injuries sustained by Plaintiff. As a direct result of the Defendant's negligence, Plaintiff sustained serious injuries that resulted in necessary medical treatment, which caused Plaintiff to be out of work for some time. The Rottweiler dog that attacked Plaintiff was overly aggressive in nature, greatly exceeding the standard of behavior typically exhibited and expected of a dog of such breed. Despite Plaintiff's attempts to avoid the Rottweiler by walking on the opposite side of the roadway, by attempting to instruct the dog to leave him alone and to get away from him, the Rottweiler pursued Plaintiff in an aggressive manner, eventually blocked any means of escape from the escalating situation by Plaintiff, and attacked the Plaintiff, causing puncture wounds and lacerations to the Plaintiff's person. Defendant Jordan knew or should have known that his dog behaved or would behave in an overly aggressive manner and should have taken extra care and precaution to restrain the dog on a leash or inside a fence.

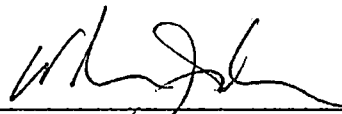
I find from the testimony and evidence presented that Plaintiff did incur substantial damages as a result of the acts and/or omissions of the Defendant. The Plaintiff required emergency medical treatment at McLeod Hospital Cheraw and had to undergo numerous follow up visits with his primary care physician and other health professionals. The medical bills

incurred by Plaintiff, remain unpaid, are in excess of \$15,000.00. I find Defendant's reckless, abrupt, and total disregard of the laws of the State of South Carolina was the direct and proximate cause of Plaintiff's injuries. Plaintiff has lost time at work, has suffered from a total loss of enjoyment of life, and Plaintiff continues to incur substantial debt for necessary medical treatment, all of which he has yet to be compensated for. Further, based on the testimony and evidence presented, the Court finds Plaintiff will continue to incur substantial cost associated with the injuries sustained in the attack. The willful negligence of Defendant in refusing to restrain a dog exhibiting such aggressive behavior, in excess of such behavior one might typically expect from a dog of such a breed exhibits a complete disregard by the Defendant as to the safety and wellbeing of other persons that the dog might come into contact with roaming the streets. Such blatant disregard of the protection of the public from such an aggressive dog warrants a high award of damages to Plaintiff.

Accordingly, I find that Plaintiff is entitled to actual and/or compensatory damages in the amount of \$833,000.00.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff be awarded a judgment of actual damages in the amount of \$833,000.00 against Gene Carson Jordan.

AND IT IS SO ORDERED!



Wallace H. Jordan, Jr.
Special Referee

Florence, South Carolina
January 3, 2020