

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

Gerald Nelson,

Plaintiff,

v.

Christopher S. Harris and Charles L. Baughman,
Sr. d/b/a K&B Towing,

Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO: 2018-CP-32-02102

**ORDER GRANTING DEFENDANTS' MOTION
FOR COSTS AND REDUCTION OF JURY
VERDICT PURSUANT TO
OFFER OF JUDGMENT RULE
S.C. CODE ANN. §15-35-400(B) AND
RULE 68, SCRPC**

RECEIVED
APR 16 2020
SC Court of Appeals

This matter was tried before a jury in the Lexington County Court of Common Pleas, with a jury delivering a verdict in favor of the Plaintiff on January 24, 2020 in the amount of \$18,500. Plaintiff moved for a new trial *nisi additur* or a new trial absolute, and that motion was properly denied. Defendants Christopher S. Harris and Charles L. Baughman, Sr. d/b/a K&B Towing, LLC now come before this Court for an Order granting costs and for a reduction of the jury verdict pursuant to the Offer of Judgment rule, S.C. Code Ann. §15-35-400(B) and Rule 68, South Carolina Rules of Civil Procedure.

Our courts have held that Offers of Judgment pursuant to Rule 68, South Carolina Rules of Civil Procedure, are “intended to encourage settlements and avoid protracted litigation.” Black v. Roche Biomedical Laboratories, 315 S.C. 223, 227, 433 S.E.2d 21, 24 (Ct. App. 1993). *citing* 12 Charles A. Wright & Arthur R. Miller, Federal Practice and Procedure § 3001 (1973). By this, a party can present a good faith offer to an opposing party in efforts to resolve a claim prior to each party expending additional time and resources to continue forward in case through lengthy and costly litigation and trial. Our courts and legislature have designed and implemented this statutory tool for the purpose of fostering reasonable and fair settlement agreements, saving parties costs, and relieving the judicial system of time and money it requires to try such matters before a jury.

S.C. Code Ann. §15-35-400(B) and Rule 68, SCRPC provide the “Consequences of Non-Acceptance” where a Defendant files an Offer of Judgment in an amount that exceeds the eventual jury verdict. In such a case, each provide that the Defendant “**shall be allowed to recover**” the following:

“If an offer of judgment is not accepted and the offeror obtains a verdict or determination at least as favorable as the rejected offer, the offeror shall be allowed to recover from the offeree: (1) any **administrative, filing, or other court costs from the date of the offer until judgment**; ... (3) if the offeror is a defendant, a **reduction from the judgment or award of eight percent interest computed on the amount of the verdict or award from the date of the offer.**”

S.C. Code Ann. § 15-35-400(B). (Emphasis added)

On January 4, 2019, the Defendants filed an Offer of Judgment in the amount of \$30,000.00. Notably, Plaintiff also filed an Offer of Judgment in this matter for \$45,000.00 on October 9, 2019, signaling his own intent to seek interest and costs under that statute should a verdict be rendered as favorable to him. On January 23 and 24, 2020, this matter was tried before a Lexington County jury presided over by the Honorable Judge Donald Hocker, after which a jury returned a verdict for the Plaintiff in the amount of \$18,500.00.

Taken together, the costs and a reduction of the jury verdict pursuant to the Offer of Judgment statute available in this matter total \$2,644.09. A reduction of the \$18,500.00 jury verdict in that amount would total a reduced verdict in the amount of \$15,855.91. The calculations and receipts for these calculations are attached here as **Exhibit A**.

The Defendants’ Motion for Costs and a Reduction of the Jury Verdict pursuant to the Offer of Judgment Rule as outlined under S.C. Code Ann. §15-35-400(B) and Rule 68, South Carolina Rules of Civil Procedure is hereby **GRANTED** and the jury award in hereby reduce accordingly from \$18,500.00 to \$15,855.91.

AND IT IS SO ORDERED.

The Honorable, Judge Donald B. Hocker

March ____, 2020



Lexington Common Pleas

Case Caption: Gerald Nelson VS Christopher S Harris , defendant, et al
Case Number: 2018CP3202102
Type: Order/Other

Circuit Court Judge

s/Donald B. Hocker, Judge Code 2167

Electronically signed on 2020-04-01 10:51:11 page 3 of 3