

STATE OF SOUTH CAROLINA)
)
COUNTY OF LAURENS)

IN THE COURT OF COMMON PLEAS

C.A. NO.: 2018-CP-30-00378

Christopher Abrams,)
)
)
Plaintiff,)

**ORDER GRANTING DEFENDANT'S
MOTION TO ENFORCE PARTIAL
SATISFACTION OF JUDGMENT**

vs.)
)
Melinda Humphries,)
)
)
Defendant.)

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SC Court of Appeals

This matter came before the Court by motion of the defendant, being represented by Michael T. Coulter, requesting that the Court enforce a partial satisfaction of judgment between the plaintiff and the defendant. After considering the written submissions by the plaintiff's attorney and Mr. Coulter, and the submitted memorandums, the Court grants the defendant's Motion to Enforce Partial Satisfaction of Judgment pursuant to Rule 60(b) SCRCP, finding that the \$25,000.00 policy limit payment from the defendant's liability insurance carrier, ("Progressive"), was properly tendered in response to the Court's judgment rendered against the defendant. Furthermore, the Court finds that the defendant has complied with her obligation pursuant to S.C. Code Ann. §56-9-430 and S.C. Code Ann. §56-9-480 and the aforementioned \$25,000.00 payment satisfies the judgment rendered against her insofar as her South Carolina's driver's license may not be suspended or revoked due to the judgment entered by the Court. Nothing in this Order prevents the plaintiff from attempting to collect the remaining \$200,000.00 of the judgment entered by the Court on October 22, 2019. The Court also finds that the plaintiff's Motion to Dismiss the defendant's Motion to Enforce Partial Satisfaction of Judgment is rendered moot by this Order.

FINDING OF FACTS

1. The plaintiff and defendant were involved in a motor vehicle accident in Laurens County on September 2, 2017. The plaintiff sustained injuries as a result of said motor vehicle accident.
2. This matter was tried before a jury on October 21 and 22, 2019. The jury returned a verdict for the plaintiff in amount of \$225,000.00.
3. On November 22, 2019, after the 30 days appeal period of the jury verdict had passed, Progressive issued a check for \$25,000.00, (the defendant's liability limits), to the undersigned's office to be forwarded to plaintiff's counsel with a Partial Satisfaction of Judgment.
4. On December 6, 2019, the undersigned's office mailed said check and Partial Satisfaction of Judgment to be executed by the plaintiff.
5. On December 10, 2019, the plaintiff's attorney returned the \$25,000.00 check with a letter that stated that Progressive was acting in bad faith for not tendering the liability limits within 10 days as requested in his November 11, 2019 email.
6. On January 6, 2020, defendant filed her Motion to Enforce Partial Satisfaction of Judgment.
7. Three days later on January 9, 2020, the plaintiff filed an Affidavit for Order of Suspension of the defendant's driver's license.

STANDARD FOR REVIEW

The decision to deny or grant a motion for relief from judgment or order based on mistake, inadvertence, excusable neglect, newly discovered evidence, fraud, or void judgment is within the sound discretion of the trial judge. **Ware v. Ware**, (2013) 404 S.C. 1, 743 S.E.2d 817.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that:

1. The \$25,000.00 tender of the defendant's liability limits to plaintiff was properly made in response to the Court's judgment entered against the defendant.

2. Progressive, nor any of its agents, acted in bad faith in regards to the issuing of the \$25,000.00 liability limit tender to the plaintiff in response to the Court's judgment entered against the defendant.

3. The \$225,000.00 judgment entered by the Court against the defendant has been partially satisfied by \$25,000.00 pursuant to Rule 60(b) SCRPC, leaving the plaintiff free to pursue the remaining \$200,000.00.

4. Progressive shall re-issue a \$25,000.00 check to the plaintiff's attorney as the previously issued check was rejected by the plaintiff's attorney.

5. The defendant, Melinda Humphries, has complied with S.C. Code Ann. §56-9-430 and S.C. Code Ann. §56-9-480.

6. The South Carolina Department of Motor Vehicles SHALL NOT suspended or revoke Melinda Humphries' South Carolina driver's license as a result of the Court's judgment as the judgment has been partially satisfied pursuant to S.C. Code Ann. §56-9-430 and S.C. Code Ann. §56-9-480.

AND IT IS SO ORDERED.

By: _____
Eugene C. Griffith, Jr.
P O Box 10
Newberry, SC 29108
Office (803)321-1430

_____ of April, 2020



Laurens Common Pleas

Case Caption: Christopher Abrams VS Melinda Humphries

Case Number: 2018CP3000378

Type: Order/Other

It is so ordered

Eugene C. Griffith, Jr. 2154