

D. Cary Wilson,

Plaintiff,

-vs-

Terry Norton & Vicki Norton,

Defendants.

**ORDER GRANTING PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT**

C/A No.: 2020-CP-23-01840

This matter came before the Court upon Plaintiff's Motion for Default Judgment against Defendants Terry Norton and Vicki Norton ("Defendants") on March 24, 2021 via Virtual Courtroom. The Plaintiff was present with his attorney, L. Lesesne Hendricks, Jr. The Defendants were present and appeared *pro se*. Having considered the motion, the record in this case, and pursuant to the testimony of the parties, I make the following:

FINDINGS OF FACT

1. Plaintiff filed his Complaint in the above-captioned case on March 26, 2020, seeking a judgment against the Defendants for actual and punitive damages for negligence.

2. The Defendants testified that they received the Summons and Complaint and contacted Tom Dunaway, Esq. to represent them. Mr. Dunaway suddenly died, so the Defendants contacted another attorney to represent them. On April 30, 2020, that attorney obtained an extension to answer the Summons and Complaint for the Defendants. The Defendants testified that the attorney required a retainer fee of Two

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3. No responsive pleadings were filed, so Plaintiff moved for a default judgment against the Defendants on December 20, 2020.

4. The Defendants were personally served with all pleadings, including a duplicative Summons and Complaint, as well as the Motion and Affidavit for Default, on January 9, 2021, via process server.

5. The Defendants filed Answers on February 5, 2021, over 9 months from the extension to answer granted by the Plaintiff's attorney for the benefit of the Defendants.

6. Accordingly, the Defendants are in default and the Plaintiff's motion for default judgment is hereby **GRANTED**.

CONCLUSIONS OF LAW

The Plaintiff then testified as to his damages and was cross examined by both Defendants. The Plaintiff established damages in the amount of Ninety-Six Thousand Three Hundred Thirty and 30/100 (\$96,330.30) Dollars comprised of \$72,130.30 of material costs, \$2,500.00 for demolition and removal costs, \$12,500.00 in construction costs and \$9,200.00 paid to the Defendants.

The Plaintiff is entitled to Judgment against the Defendants, Terry Norton and Vickey Norton, for the damages he has established.

WHEREFORE IT IS ORDERED THAT, the Plaintiff, D. Cary Wilson, is granted **JUDGMENT** against the Defendants, Terry Norton and Vicki Norton, in the amount of

IT IS SO ORDERED.



The Honorable R. Lawton McIntosh
Thirteenth Judicial Circuit

April 19, 2021

Anders, South Carolina

