

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 )  
COUNTY OF HORRY ) CIVIL ACTION 2017-CP-26-6643

LOGAN WOOD and SARAH WOOD, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
HORRY COUNTY SCHOOL DISTRICT, )  
 )  
Defendant. )  
 )  
 )  
 )

RECEIVED  
Sep 15 2021  
SC Court of Appeals

ORDER

This matter is before the Court for consideration of the Defendant’s motion to deposit funds with this Court pending an appeal of the jury’s verdict. The Plaintiffs oppose this motion, asserting that the deposit of funds would be prejudicial to them. A hearing was held on this matter on August 10, 2021, during which time this Court heard from counsel for each party.

The South Carolina Supreme Court has held that “[t]he granting of leave to deposit money with the court pursuant to Rule 67, SCRCP is a matter within the discretion of the trial court and will not be overturned absent an abuse of that discretion. An abuse of discretion occurs when the ruling is based on an error of law or a factual conclusion without evidentiary support.” South Carolina Dept. of Transp. v. First Carolina Corp. of South Carolina, 369 S.C. 150, 153, 631 S.E.2d 533, 535 (2006). Multiple South Carolina Circuit Courts have held that South Carolina Rule of Civil Procedure 67 does not provide an appealing party with an automatic right to deposit judgment funds with the court to avoid the accrual of post-judgment interest. See Davis v. Agape Nursing Rehabilitation Center, Inc., No. 2016-CP-32-00950, 2018 WL 6582084, at \*2 (S.C.Com.Pl. Nov. 30, 2018); Hanna v. Boone, 2010-CP-21-1044 (S.C.Com.Pl. Mar. 6, 2013). Instead, the ability of an appealing party to deposit funds with the Court and stop the accrual of interest is a matter within

the discretion of the Court, and factors specific to an individual case may be considered by the Court.

The Plaintiffs in this case had the heightened burden of proving gross negligence. A jury in Horry County determined that the Plaintiffs met this burden. The jury also found that the injuries were very serious and life altering, as shown by an award well in excess of a single cap as established by the South Carolina Tort Claims Act. Under these circumstances, this Court finds that it would be unconscionable and/or fundamentally unfair to allow the Defendant to avoid interest during the pendency of an appeal. For these reasons, the Defendant's motion is **DENIED**.

**IT IS SO ORDERED.**

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William H. Seals, Jr.  
South Carolina Circuit Judge

August \_\_, 2021  
Conway, South Carolina



## Horry Common Pleas

**Case Caption:** Sarah Wood , plaintiff, et al VS Horry County School District

**Case Number:** 2017CP2606643

**Type:** Order/Deposit Money

IT IS SO ORDERED

s/ The Honorable William H. Seals Jr. #2157