

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT

JAMES BRETT CALDWELL,)
)
Plaintiff,)

Civil Action No.: 2016-CP-40-07587

vs.)

FILIP RISTESKI, THE CAPITAL)
CLUB, LLC.,)
)
Defendants.)

ORDER OF JUDGMENT

RECEIVED

Feb 03 2022

SC Court of Appeals

THIS MATTER COMES before this Court for a damages hearing which was held on January 11, 2018 on Plaintiff's Motion to Set Damages as to Defendant Filip Risteski. A settlement was reached with Defendant The Capital Club LLC., and they are dismissed from this action. Plaintiff is represented by James E. Smith, Jr., Esq., and Defendant Risteski was present at the hearing pro se. Defendant Risteski is the only Defendant remaining in the litigation at the time of the Damages Hearing.

Based upon the pleadings, the Court record, testimony of witnesses, evidence presented, memoranda of law, affidavits filed herein and other such matters before the Court, I make the following findings of fact, conclusions of law and render judgment as hereinafter provided.

COURT RECORD

1. On December 22, 2016, Plaintiff commenced this action by filing its Summons and Complaint.
2. On January 25, 2017, the Complaint was properly and duly served by personal service upon the Defendant Filip Risteski.
3. On August 10, 2017, Plaintiff filed an Affidavit of Default as to Defendant Risteski.

4. On August 10, 2017, the Richland County Clerk of Court executed the Entry of Default for Defendant Risteski.
5. On October 24, 2017, Plaintiff filed a Motion for a Hearing on Damages.
6. On November 6, 2017, Defendant Risteski was service by Registered Mail, Return Receipt Request and proof of service was file November 8, 2017.
7. The hearing on damages was held January 11, 2018.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court has personal jurisdiction over the parties and subject matter jurisdiction over this litigation. Venue is proper. Plaintiff's Complaint alleges causes of action against Defendant Risteski for assault, battery, negligence, and intentional infliction of emotional distress – outrage arising out of the Defendant Risteski's conduct. I find that Defendant Risteski is in default on all of those causes of action.

At the January 11, 2018, hearing, Plaintiff's counsel was present with the Plaintiff. Defendant Risteski was present and pro se. I find that proper notice of the hearing was provided to Defendant Risteski and the Court proceeded hearing the Plaintiff's case for damages. Plaintiff presented evidence of his damages by testimony and was cross examined by Defendant Risteski. Plaintiff requested actual and punitive damages of Sixty-Thousand and 00/100 (\$60,000.00) dollars in actual, pain and suffering and punitive damages.

I have fully and carefully considered the testimony of the witness presented, all documents and exhibits submitted and the arguments of counsel. Based upon my careful and deliberate consideration of the evidence before me, I find that the Plaintiff is entitled to a judgment for actual and pain and suffering damages in the amount of Thirty-Thousand and 00/100 (\$30,000.00)

Dollars.

NOW, THEREFORE, based upon the foregoing,

IT IS ORDERED, that the Plaintiff, is hereby granted judgment against the Defendant Risteski in the amount of Thirty-Thousand and 00/100 (\$30,000.00) Dollars.

AND IT IS SO ORDERED.

The Honorable Casey Manning
Judge, Fifth Judicial Circuit

Columbia, South Carolina
_____, 2021



Richland Common Pleas

Case Caption: James Brett Caldwell vs Filip Risteski , defendant, et al
Case Number: 2016CP4007587
Type: Order/Damages

So Ordered

s/L. Casey Manning, 2061

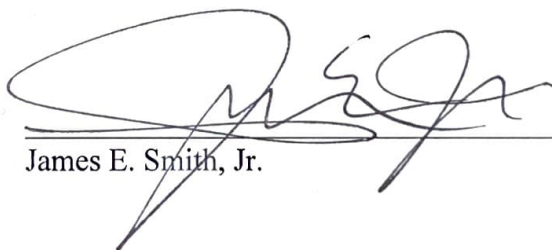
CERTIFICATE OF SERVICE

I, the undersigned attorney of James E. Smith, Jr., P.A., attorneys for James Brett Caldwell in Civil Action No. 2016-CP-40-07587, do hereby certify that I have served the Defendant, Filip Risteski, in this action with a copy of the documents hereinbelow via First Class U.S. Mail to the following addresses:

Documents: Order of Judgment; and

 Certificate of Service.

Counsel Served: Filip Risteski
 208 Spartan Drive
 Columbia, SC 29212



James E. Smith, Jr.

January 6, 2022

JAMES E. SMITH, JR., P.A.
ATTORNEYS AT LAW

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*ALSO ADMITTED IN NC
†ALSO ADMITTED IN GA
◆ALSO ADMITTED IN NY

January 6, 2022

Filip Risteski
208 Spartan Drive
Columbia, SC 29212

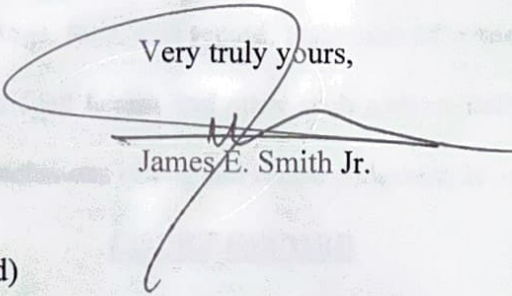
RE: James Brett Caldwell vs Filip Risteski, et al.
Civil Action No. 2016-CP-40-07587
JESPA File No. 14-0073

Dear Mr. Risteski:

As the Defendant in the above-referenced matter, I hereby serve upon you the Order of Judgment and Certificate of Service of same.

With kind regards, I am

Very truly yours,


James E. Smith Jr.

Enclosures (As Referenced)

