

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
  
IN THE FIFTH JUDICIAL CIRCUIT

ERIC OGILVEY GOSNELL, )  
 )  
Plaintiff, )

Civil Action No.: 2016-CP-40-07588

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 when Defendant Risteski accepted service of the pleadings.
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 August 29, 2017, Plaintiff filed a Motion for a Hearing on Damages.
6. On January 10, 2018, Plaintiff filed a Notice of Hearing for the damages hearing to be held on January 11, 2018 at 3:30 p.m.
7. The hearing on damages was held January 11, 2018 at 3:30 p.m..

**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, 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.**

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The Honorable Casey Manning  
Judge, Fifth Judicial Circuit

Columbia, South Carolina  
\_\_\_\_\_, 2021



Richland Common Pleas

**Case Caption:** Eric O Gilvey Gosnell vs Filip Risteski , defendant, et al

**Case Number:** 2016CP4007588

**Type:** Order/Damages

So Ordered

s/L. Casey Manning, 2061