[Cite as *Alaniz v. Ohio Dept. of Transp.*, 2019-Ohio-5465.]

JOSE ALANIZ Plaintiff v. OHIO DEPARTMENT OF TRANSPORTATION, et al. Defendants	Case No. 2018-00883JD Judge Patrick M. McGrath Magistrate Holly True Shaver DECISION

{¶1} Plaintiff, Jose Alaniz, brought this action for negligence against defendants, the Ohio Department of Transportation (ODOT) and the Office of Risk Management (ORM). The case went to trial before a magistrate. The magistrate issued a decision recommending judgment for plaintiff in the amount of $11,340.00. All parties timely filed objections to the magistrate's decision. Defendants timely filed a response to plaintiff's objections. Plaintiff did not respond to defendants' objections. The objections are now before the court for consideration. For the reasons set forth below, the court overrules the objections of both plaintiff and defendants and adopts the decision of the magistrate as its own.

Standard of Review

{¶2} Civ.R. 53(D)(3)(b)(i) provides, "A party may file written objections to a magistrate's decision within fourteen days of the filing of the decision, whether or not the court has adopted the decision during that fourteen-day period as permitted by Civ.R. 53(D)(4)(e)(i)." "Whether or not objections are timely filed, a court may adopt or reject a magistrate's decision in whole or in part, with or without modification." Civ.R. 53(D)(4)(b). The court "shall undertake an independent review as to the objected matters to ascertain that the magistrate has properly determined the factual issues, and

appropriately applied the law." Civ.R. 53(D)(4)(d). In reviewing the objections, the court does not act as an appellate court but rather conducts "a de novo review of the facts and conclusions in the magistrate's decision." (Citations omitted.) *Ramsey v. Ramsey*, 10th Dist. No. 13AP-840, 2014-Ohio-1921, ¶ 17. Objections "shall be specific and state with particularity all grounds for objection." Civ.R. 53(D)(3)(b)(ii). An objection to a factual finding must be supported "by a transcript of all the evidence submitted to the magistrate relevant to that finding or an affidavit of that evidence if the transcript is not available." Civ.R. 53(D)(3)(b)(iii).

Factual Background

{¶3} Plaintiff filed this action following a vehicle accident that occurred on Interstate 75 in Dayton during the early morning hours of December 30, 2017. At the time of the accident, plaintiff held two jobs. He worked as a cook at the restaurants Olive Garden and Basil's on Market. Plaintiff was returning home after finishing his shift at Olive Garden. Visibility was limited because it was snowing. ODOT assigned Robert Easton to perform snow and ice removal duties along Interstate 75. Easton retired from full-time employment at ODOT in 2011, but still worked as a seasonal employee during the winter. He was driving a truck equipped with reflector tape, flashing lights, a salt spreader, and two plows—a front plow and a "wing" plow on the right side. Easton was plowing snow with his front plow and spreading salt on the road.

{¶4} While Easton was plowing the center lane of northbound Interstate 75, plaintiff was in the lane to Easton's right. At some point, Easton's plow came into contact with the left side of plaintiff's car. The plow slashed the right side of plaintiff's car, causing plaintiff to fishtail and lose control of his vehicle. Once the plow and plaintiff's car became disentangled, plaintiff was able to regain control and pull to the side of the road. Easton did not realize that the plow and plaintiff's vehicle had made contact, and he continued on his route. Bretnie Collum, a third party, was driving behind Easton and witnessed the accident. After plaintiff pulled to the side of the road,

Collum pulled up behind plaintiff and called 911. Easton's supervisor later contacted him and informed him of the accident. Easton returned to the scene, where he also gave a statement to the highway patrol.

{¶5} After the accident, plaintiff went to the hospital and was diagnosed with a back injury. Due to the injury, he missed time at both of his jobs. As a result of the time he missed at Olive Garden, plaintiff also lost his eligibility for three weeks of paid vacation. Plaintiff saw a chiropractor for his back injury. Eventually, the chiropractor was able to successfully reduce plaintiff's back pain to pre-accident levels. Plaintiff's vehicle was also damaged in the accident. Plaintiff drove an 18-year-old BMW sedan, which had over 247,000 miles on it at the time of the accident. He obtained an estimate for the cost of repairing the damage, which totaled $6,766.07. At trial, plaintiff did not introduce any evidence of the fair market value of the vehicle before or after the accident.

{¶6} This case proceeded to trial before the magistrate on August 6, 2019. Plaintiff, Collum, and Easton all testified at trial, as did Charles Veppert, an accident reconstruction expert. Dr. Robert Clark, the chiropractor who treated plaintiff's back, testified via video deposition. Following the trial, the magistrate issued a decision finding that plaintiff proved by a preponderance of the evidence that Easton negligently caused the accident. Specifically, the magistrate found that plaintiff proved by a preponderance of the evidence that Easton breached his duty of care by allowing his plow to encroach into plaintiff's lane on Interstate 75. The magistrate found that plaintiff was entitled to recover damages for medical expenses, lost wages, lost vacation time, and pain and suffering. However, the magistrate declined to award damages for the costs to repair plaintiff's vehicle, due to plaintiff's failure to present evidence of the fair market value of the vehicle before and after the accident.

Defendants' Objection

{¶7} Defendants do not specifically enumerate separate objections to the magistrate's decision. Instead, defendants contend that plaintiff was responsible for the accident and offer seven arguments in support of that theory. The court interprets this as a single objection to the magistrate's finding that Easton encroached into plaintiff's lane and negligently caused the accident, with seven separate arguments in support of that objection. The court considers each argument in turn.

{¶8} Defendants first argue that the evidence presented at trial established that plaintiff was negligent in operating his vehicle and proximately caused the accident. (Defendants' Objections at 5.) Specifically, defendants argue that plaintiff admitted to changing lanes without first looking to see if it was safe to do so. Under Ohio law, drivers are prohibited from changing lanes "until the driver has first ascertained that such movement can be made with safety." R.C. 4511.33. Therefore, defendants argue, plaintiff was negligent in failing to look to his left before changing lanes.

{¶9} This argument is not supported by the evidence in the record. At trial, plaintiff specifically testified that, when he merged into the right lane of Interstate 75, he looked to make sure it was safe before merging. (Tr. at 63.) Plaintiff did testify on cross-examination that he did not check to see where the ODOT plow was "at the split." (Tr. at 64-65.) "The split" refers to a brief section of the interstate where Interstate 75 and Interstate 70 run together in a five-lane road before the two right lanes split onto Interstate 70 and the three left lanes continue as Interstate 75. (Tr. at 61.) However, plaintiff is not a native English speaker and later admitted on redirect examination that he did not understand some of the questions about "the split." (Tr. at 82.) Furthermore, the evidence suggests plaintiff was not changing lanes when the accident occurred, and that the accident did not occur at the split. Both plaintiff and Collum testified that the accident occurred at the three-lane section of Interstate 75 and that plaintiff was in the far-right lane when the accident occurred. (Tr. at 82, 92.) Collum specifically testified that plaintiff's car was not moving from right to left at the time of impact. (Tr. at 96.)

{¶10} Upon review of the record, there is no reason to question the credibility of plaintiff and Collum's testimony on this point. In his testimony, plaintiff established that he was only going to be on Interstate 75 for a short time, as there were only two exits between the entrance to the Interstate near Olive Garden and the exit near plaintiff's home. Plaintiff also established that he was driving approximately 35 miles per hour at the time of the accident, due to the accumulation of snow on the roadway. Given plaintiff's low speed and the short distance to plaintiff's exit, there appears to be no reason for plaintiff to merge out of the right lane.

{¶11} No other witness or evidence rebutted plaintiff's and Collum's testimony that plaintiff was not changing lanes at the time of the accident. Easton, who was not aware the accident occurred, testified that he never saw plaintiff's vehicle. (Tr. at 164-165.) Veppert testified that, based on his construction, one of the two vehicles moved laterally into the other. However, Veppert could not conclude which vehicle moved into the other.[1] (Tr. at 218.) Finally, defendants' contention that plaintiff was at fault for the accident because he was changing lanes without looking is inconsistent with some of defendants' own arguments. In their objections, defendants specifically state, "It is ODOT's position that neither driver intended to move into the other's lane but that one of the drivers unintentionally got a few feet outside of his intended lane and encroached into the path of the other." (Defendants' Objections at 7.) This is at odds with the argument that plaintiff was changing lanes at the time of the accident. Based on an independent review of the entire record, the court finds by a preponderance of the evidence that plaintiff was not changing lanes at the time of the accident. Therefore,

[1]In a response to a hypothetical posed by defendants' counsel, Veppert testified that it was "likely" that a vehicle changing lanes "multiple times" while the snow plow was in the center lane would be the vehicle that departed its lane and struck the snow plow. However, Veppert testified that this conclusion was "not to a great degree of certainty." (Tr. at 193.) Furthermore, the court finds that the hypothetical scenario posed by defendants' counsel was inconsistent with the preponderance of the evidence.

defendants' argument that plaintiff negligently changed lanes without looking is not well taken.

{¶12} Defendants' second argument concerns the location of the accident. Defendants contend that a "key finding of the Magistrate in ruling for [plaintiff] was that [plaintiff] successfully merged to the left and established himself in the right lane well north of the split where I-75 was three lanes across, so ODOT's argument that the accident happened at the split as he merged is incorrect." Defendants argue that there is no evidence of where the impact between plaintiff's vehicle and the plow occurred, relative to the split of Interstate 75 and Interstate 70. Furthermore, defendants argue that, even if the accident occurred in a three-lane section of Interstate 75, this does not disprove and is not inconsistent with defendants' position.

{¶13} Defendants do not clearly articulate how their second argument establishes an error in the magistrate's ultimate decision. Regardless, upon an independent review of the record, the court finds by a preponderance of the evidence that the accident occurred in a three-lane section of Interstate 75. Both plaintiff and Collum testified that the accident occurred in the three-lane section of Interstate 75. (Tr. at 31, 92.) This testimony was unrebutted. Easton was not aware of the location of the accident, and Veppert was unable to opine about the precise location due to a lack of physical evidence showing where the accident occurred. (Tr. at 140, 196-197.) Therefore, defendants' second argument is not well taken.

{¶14} In their third argument, defendants point out that both plaintiff and Easton denied changing lanes, but conclude that it is "most logical and probable" that plaintiff accidentally encroached into the center lane "as he merged without looking" and caused the accident. (Defendants' Objections at 7.) As already noted above, the court finds by a preponderance of the evidence that plaintiff was not changing lanes at the time of the accident. Furthermore, defendants' contention that it is "more logical and probable" that plaintiff accidentally encroached into Easton's lane is not supported by the evidence in

the record. Defendants argue that Collum's testimony established that Easton never left his lane, because Collum testified that the ODOT plow never left the center lane and that she never saw plaintiff's car prior to the accident. However, this is not a precisely accurate summarization of Collum's testimony. On cross examination, Collum testified that neither she nor Easton left the center lane *before* the accident occurred. (Tr. at 104.) But on direct examination, she specifically testified that, at the time of the accident, the plow was encroaching into the right lane where plaintiff was driving. (Tr. at 98). The magistrate did not find that the entire plow left the center lane, rather that the plow blade encroached into plaintiff's lane. This is not inconsistent with Collum's testimony.

{¶15} Furthermore, although Easton testified that he would have known if the plow was encroaching into the right lane because he would have felt his plow make contact with reflector markers embedded in the pavement along the lane lines, the magistrate found that part of his testimony lacked credibility because Easton never felt his plow come into contact with plaintiff's car. (Tr. at 135, 143-144; Decision of the Magistrate at 9.) The court agrees with the magistrate's credibility assessment. Therefore, defendants' argument that it is more "logical and probable" that plaintiff, rather than Easton, strayed from his lane is not well taken.

{¶16} Defendants' fourth argument concerns the credibility of plaintiff's testimony. Defendants argue that plaintiff made several statements that were inconsistent with physical evidence or other testimony. Specifically, defendants allege that plaintiff testified he was dragged a mile or two by the ODOT plow, while the physical evidence suggested that was not possible; plaintiff testified that his vehicle spun two or three times in the road before coming to a stop, while Collum testified that plaintiff's vehicle slipped a little but did not spin around; and plaintiff claimed that the ODOT plow driver stopped and then intentionally fled the scene of the accident, while

Collum testified that the plow never stopped.[2] Defendants contend that these inconsistent statements render plaintiff's testimony not credible and, thus, his testimony "does not support a finding that ODOT was negligent." The court agrees that certain parts of plaintiff's testimony were inconsistent with other evidence. The magistrate recognized as much and did not credit those statements in her findings. She specifically discounted plaintiff's testimony about how long the accident lasted. (Decision of the Magistrate at 9.)

{¶17} However, the court also agrees with the magistrate's assessment that plaintiff's inconsistencies are understandable. (Decision of the Magistrate at 9.) Plaintiff was involved in a motor vehicle accident, in the early morning hours, in poor weather conditions. It is apparent that the experience terrified him. Plaintiff testified that he was shaking and crying in the moments following the accident. (Tr. at 34.) He further testified that he was unable to speak with any doctor or other professional to address the trauma he experienced. (Tr. at 36.) Dr. Clark testified that plaintiff was "probably the most scared patient I've seen" in 36 years of practice. (Clark Depo. at 36.) In this context, it is not surprising that plaintiff perceived the accident as longer-lasting and more severe than it actually was. Plaintiff freely admitted that his shock during and after the accident may have affected his perception of certain events. For example, plaintiff admitted that, while he felt like the ODOT plow dragged his car for miles, he was not sure of the exact distance. (Tr. 72.) This does not mean that all of plaintiff's testimony lacked credibility. Much of his testimony was corroborated by the testimony of Collum, a third-party witness who had no prior affiliation with plaintiff. (Tr. at 87.) Upon review of the record, the court finds that the magistrate credited plaintiff's statements where

[2]This last statement is not an accurate representation of plaintiff's testimony by defendants. Plaintiff did testify that the ODOT driver stopped for about ten seconds following the accident and then kept going. Plaintiff did not, however, opine that the ODOT driver intentionally fled the scene of an accident. (Tr. at 74.)

appropriate and discounted his statements where appropriate. Therefore, defendants' fourth argument is not well taken.

{¶18} Defendants' fifth argument concerns the credibility of Collum's testimony. Defendants point to specific statements Collum gave during her testimony that defendants contend is inconsistent with other evidence. First, defendants point to Collum's statement that Easton was driving with his plow raised and off the road and then dropped the plow down on top of plaintiff's car at the time of the accident. (Defendants' Objections at 8-9.) Defendants contend that this statement is at odds with the testimony given by plaintiff and Easton, both of whom testified that the plow was already down at the time of the accident. Defendants further contend that the statement conflicts with the expert testimony of Veppert and with the physical evidence on which he relied. Veppert measured the height of the plow and the height of the damage on plaintiff's vehicle. Based on these measurements, Veppert concluded the plow must have been lowered at the time of the impact.

{¶19} The second of Collum's statements with which defendants take issue is her testimony that the plow dragged plaintiff's vehicle for five minutes after impact. Defendants contend this is inconsistent with where plaintiff's vehicle came to a stop. Additionally, defendants allege that the testimony is inconsistent with Collum's prior statements that the plow dragged plaintiff's vehicle five feet after impact. (Defendants' Objections at 10.) Finally, defendants point to the fact that Collum testified that she never saw the wing plow on the right side of Easton's truck, but did see the front plow. Defendants contend that this statement is not credible, as Veppert's testimony and photographs established that, from behind the truck, the wing plow would have been more easily visible than the front plow. Generally, defendants contend that Collum's testimony about the accident was "confused and simply wrong" because she had an obstructed view of the accident. (Defendants' Objections at 8.)

{¶20} The court finds some of Collum's statements less credible than other evidence or testimony. Specifically, her statement that the plow was in a raised position before the accident and then lowered onto plaintiff's vehicle and her statement that plaintiff's vehicle was dragged for five minutes are not credible. They are in direct conflict with physical evidence showing the height of the plow marks on plaintiff's vehicle and the location where plaintiff's vehicle came to a stop. (Tr. at 69-70, 199; Ex. 7-C.) However, the court does not agree that the photographs of the plow and Vepper's expert testimony debunked Collum's statement that she was able to see Easton's plow hit plaintiff's vehicle. In his testimony regarding the visibility of the plow blades to a person behind the truck, Veppert was relying on a photograph taken of the rear end of Easton's truck on the night of the accident. (Tr. at 225-226, Ex. B-1.) Veppert did not take the photograph and did not opine as to how far behind the truck the photograph was taken. Collum specifically testified that she was traveling "about a car and a half distance" behind the plow. (Tr. at 102.) There is no evidence in the record establishing how far behind the plow the photograph was taken or whether the photographer's perspective was similar to Collum's. The court is unable to reach a conclusion on this question by looking at the photograph. Therefore, the court does not find that the photograph or Veppert's testimony about the photograph impugns the credibility of Collum's statement that she saw Easton's plow blade strike plaintiff's vehicle.

{¶21} As with plaintiff's testimony, the magistrate did not credit all parts of Collum's testimony. The magistrate specifically found it more likely than not that he plow blade was down and actively plowing snow at the time of the accident. (Magistrate's Decision at 9.) Furthermore, the magistrate found it more likely than not that the plow and plaintiff's vehicle were entangled for a matter of a seconds, not minutes. (Magistrate's Decision at 9.) However, the magistrate found other parts of Collum's testimony credible, including her testimony that plaintiff was driving in the right lane of a three-lane highway when the plow blade struck his vehicle. (Magistrate's

Decision at 9.) Upon an independent review of the record, the court agrees. Collum's testimony that the plow blade collided with the back of plaintiff's vehicle and scraped it from back to front, is consistent with plaintiff's testimony and is not in conflict with the physical evidence or Veppert's expert testimony that one of the vehicles moved laterally into the other. Furthermore, the court finds no reason to question Collum's honesty or general veracity. She was a third-party witness with no prior affiliation with any party, and her testimony conformed largely, if not perfectly, to other evidence in the record. The court finds that the magistrate discounted Collum's testimony where appropriate and credited her testimony where appropriate. Therefore, defendants' fifth argument is not well taken.

{¶22} Defendants' sixth argument is that their theory of the case—that plaintiff encroached a few feet into the path of Easton's plow while merging—is "more logical and probable" than plaintiff's "improbable and not credible" version of events. (Defendants' Objections at 11-12.) Defendants contend that plaintiff lacked credibility and gave "preposterous, inconsistent, and debunked" testimony and Collum lacked credibility because her testimony was inconsistent with the physical evidence. As already addressed above, the court does not find that either plaintiff or Collum generally lacked credibility as witnesses. The allegation that plaintiff's testimony was "preposterous" particularly lacks foundation. Plaintiff and Collum—who had no prior affiliation—each testified in a manner largely consistent with the other and with the physical evidence. Both gave a few inconsistent statements that were understandable given the conditions. The magistrate disregarded those statements where appropriate, while appropriately crediting the statements that were consistent with other evidence. Furthermore, the court has already discussed above its finding that plaintiff was not merging at the time of the accident. Defendant's sixth argument is not well taken.

{¶23} Finally, defendants argue that "[I]f the evidence is in equipoise, [defendants are] entitled to judgment." Defendants point out that plaintiff bears the

burden of proof in this case. Therefore, if the court finds that plaintiff's version of events and plaintiff's version of events are equally probable, judgment must be granted to the defendants.

{¶24} The court does not find both versions of events equally probable. Plaintiff has the burden of proving his negligence claim by a preponderance of the evidence. Although this is a close case, the court finds that plaintiff has met this burden. Both plaintiff and Collum testified that Easton's plow struck plaintiff's vehicle while plaintiff was driving within the right lane. The court finds this testimony credible. The physical evidence, and Veppert's expert testimony derived from that evidence, is not in conflict with this version of events; Veppert was able to tell that one of the vehicles laterally moved into the path of the other, but not *which* vehicle did so. Easton never noticed the accident. In light of this fact, his testimony that he would have been aware if his plow drifted out of the lane, though not deceitful, was not credible. Therefore, the court finds by a preponderance that it is more probable that Easton accidentally drifted into plaintiff's lane, causing the accident. Defendant's seventh argument is not well taken. Defendant's objection to the magistrate's decision is OVERRULED.

Plaintiff's Objection

{¶25} Plaintiff filed a single objection concerning the magistrate's recommended damage award. Plaintiff contends that the magistrate erred by not awarding plaintiff damages for the estimated cost of repairing his vehicle. As noted above, the magistrate determined that plaintiff was not entitled to recover repair costs because plaintiff did not present evidence about the fair market value of the vehicle. (Magistrate's Decision at 11.) Plaintiff contends that, by introducing evidence that it would cost $6,766.07 to repair his vehicle (Ex. 1-J), he presented a "prima facie" case for damages, and the burden shifted to defendants to prove that plaintiff should be awarded a lower amount. (Plaintiff's Objections at 2.) Plaintiff therefore requests the court award him an additional $6,766.07 in damages. In the alternative, plaintiff requests the court grant

him leave to supplement the record, pursuant to Civ.R. 53(D)(4)(d), so he may introduce evidence of the fair market value of his vehicle.

{¶26} Generally, the proper method for calculating an award for a vehicle damaged by a defendant's negligence is to calculate the difference in the fair market value of the vehicle before and after the accident. *Rakich v. Anthem Blue Cross & Blue Shield*, 172 Ohio App.3d 523, 2007-Ohio-3739, ¶ 11 (10th Dist.), citing *Allstate Ins. Co. v. Reep*, 7 Ohio App.3d 90, 91 (10th Dist.1982). To recover the cost of repairing a vehicle, a plaintiff must prove that the cost of repairs is less than the diminution of the fair market value *and* less than the fair market value of the property prior to the accident. *Allstate* at 91. Therefore, if a plaintiff fails to present evidence of the market value of the vehicle immediately before and after the accident, he fails to prove a necessary element of his property damage claim. *Rakich* at ¶ 12. In this case, plaintiff presented no evidence of the fair market value of his vehicle before or after the accident—he submitted only evidence of the estimated cost of repairs. Therefore, plaintiff failed to prove a necessary element of his claim for damages.

{¶27} Plaintiff's argument that he established a "prima facie" case for damages and shifted the burden to defendants relies on the case *Wooster Feed Mfg. Co. v. Tallmadge*, 82 Ohio App.499 (9th Dist.1948). That case was decided prior to the Ohio Supreme Court's decision in *Falter v. City of Toledo*, 169 Ohio St. 238 (1959), which established that it is proper for a plaintiff to recover the cost of repairs to a vehicle "provided that such cost did not exceed the difference in market value before and after the collision." *Id*. at 240. Relying on *Falter*, the Tenth District's *Rakich* decision clearly established that a plaintiff must present evidence about the fair market value of his vehicle before he may recover the cost of repairs. There is no mention of a "prima facie" case or burden-shifting in this more recent, binding case law. Therefore, plaintiff's argument that he established a prima facie case for recovering the cost of repairs is not well taken.

{¶28} As an alternative to his argument that he established a "prima facie" case for the cost of repairs to his vehicle, plaintiff requests the court allow him to enter additional evidence into the record, which would establish the fair market value of his vehicle before and after the accident. Pursuant to Civ.R. 53(D)(4)(d), before ruling on objections "the court may hear additional evidence, but may refuse to do so unless the objecting party demonstrates that the party could not, with reasonable diligence, have produced evidence for consideration by the magistrate." Plaintiff conceded that he could have introduced evidence of the market value of his vehicle at trial, but did not. The court declines to take additional evidence on this matter. Therefore, plaintiff's objection to the magistrate's decision is OVERRULED.

Conclusion

{¶29} Upon an independent, de novo review of the record, the magistrate's decision, and the objections filed, the court finds that the magistrate properly determined the factual issues and applied the law in this case. Therefore, defendants' objection shall be overruled and plaintiff's objection shall be overruled. The court shall adopt the magistrate's decision and recommendation as its own, including all findings of fact and conclusions of law. Judgment shall be rendered in favor of plaintiff in the amount of $11,340.00, which includes the $25.00 filing fee.

PATRICK M. MCGRATH
Judge

[Cite as *Alaniz v. Ohio Dept. of Transp.*, 2019-Ohio-5465.]

JOSE ALANIZ Plaintiff v. OHIO DEPARTMENT OF TRANSPORTATION, et al. Defendants	Case No. 2018-00883JD Judge Patrick M. McGrath Magistrate Holly True Shaver JUDGMENT ENTRY

{¶30} Upon an independent review of the record, the magistrate's decision, and the objections, the court finds that the magistrate properly determined the factual issues and appropriately applied the law. Therefore, both plaintiff's and defendants' objections are OVERRULED, and the court adopts the magistrate's decision and recommendation as its own, including the findings of fact and the conclusions of law contained therein. Judgment is rendered in favor of plaintiff in the amount of $11,340.00. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

PATRICK M. MCGRATH
Judge

Filed December 9, 2019
Sent to S.C. Reporter 1/24/20