

SUPREME COURT OF SOUTH CAROLINA

Andrade v. Johnson, 356 S.C. 238

588 S.E.2d 588 (2003) · No. No. 25738 · Decided October 27, 2003

SUMMARY

The Supreme Court of South Carolina reviewed whether South Carolina Electric & Gas owed a customer a duty of care to ensure that an HVAC system installed by a certified Quality Dealer was properly installed. The court held that the Quality Dealer Agreement and related financing arrangement did not create such a duty and reinstated the directed verdict for SCE&G on the negligence claim.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Justice Moore; Chief Justice Toal; Justice Waller; Justice Burnett; Justice Pleicones
JURISDICTION	South Carolina
DECIDED	October 27, 2003
DOCKET	No. 25738
DISPOSITION	reversed
PROCEDURAL POSTURE	The Supreme Court of South Carolina granted certiorari to review the Court of Appeals' reversal of a directed verdict for SCE&G on Andrade's negligence claim.
STANDARD OF REVIEW	On review of the denial of a directed-verdict motion, the evidence and all reasonable inferences are viewed in the light most favorable to the nonmoving party. If the evidence as a whole supports only one reasonable inference, no jury issue exists and a directed verdict is proper.
PRECEDENTIAL VALUE	Published opinion; binding precedent of the Supreme Court of South Carolina.
PARTIES	South Carolina Electric & Gas Co., Inc. v. June P. Andrade

TOPICS

- negligence
- duty of care
- standard of review
- appellate procedure
- construction law

PRACTICE AREAS

Torts

Negligence

Construction law

Appellate procedure

QUESTIONS PRESENTED

1. Whether SCE&G owed Andrade a duty of care to ensure that its certified Quality Dealer properly installed her HVAC systems.
2. Whether the evidence created a jury issue on Andrade's negligence claim such that the directed verdict for SCE&G was improper.

HOLDINGS

1. SCE&G did not owe Andrade a duty to ensure that Sea Island Air properly installed or performed satisfactory work on her HVAC systems.
2. The directed verdict for SCE&G was proper because the evidence did not establish that SCE&G owed Andrade the asserted duty of care.

KEY QUOTATIONS

“When reviewing the denial of a motion for directed verdict, we must view the evidence and all reasonable inferences in the light most favorable to the non-moving party.” (245)

“It is essential to liability for negligence that the parties have some relationship recognized by law to support the duty owed by the tort-feasor.” (245)

“Therefore, we conclude the Court of Appeals erroneously reversed the trial court's decision directing a verdict in SCE&G's favor because SCE&G did not owe a duty to respondent to ensure Sea Island Air performed satisfactory work when installing respondent's HVAC system.” (246)

FACTUAL BACKGROUND

June Andrade hired Sea Island Air, an SCE&G Quality Dealer, to install two HVAC systems after relying in part on Sea Island's SCE&G designation and promotional materials describing the Quality Dealer program. The systems performed poorly, and a municipal inspection identified numerous code violations; Andrade ultimately hired another contractor to remove and replace them. She sued SCE&G, alleging that its operation and supervision of the Quality Dealer program created a duty to ensure proper installation and to respond appropriately to complaints.

PROCEDURAL HISTORY

The trial court granted SCE&G summary judgment on Andrade's Unfair Trade Practices Act and vicarious-liability claims and directed a verdict for SCE&G on her negligence and misrepresentation claims. The Court of Appeals affirmed in part, reversed the summary judgment ruling concerning the UTPA, and reversed the directed verdict on negligence. The Supreme Court granted certiorari solely on the negligence issue and reversed.

DISPOSITION

reversed

CASES CITED

- Andrade v. Johnson, 345 S.C. 216, 546 S.E.2d 665 (Ct. App. 2001)
- Wintersteen v. Food Lion, Inc., 344 S.C. 32, 542 S.E.2d 728 (2001)
- Steinke v. South Carolina Department of Labor, Licensing and Regulation, 336 S.C. 373, 520 S.E.2d 142 (1999)
- Barker v. Sauls, 289 S.C. 121, 345 S.E.2d 244 (1986)

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