

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON)

LATESHA JOHNSON,)

Plaintiff(s))

CIVIL ACTION COVERSHEET

vs.)

2018-CP-10- 5564

RICHARD PIERSON)

Defendant(s))

Submitted By: Deon T. Tedder, Esquire
Address: 24 Broad Street
Charleston, SC 29401

SC Bar #: 103060
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NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. **This form is NOT required to be filed in E-Filed Cases.**

DOCKETING INFORMATION (Check all that apply)

**If Action is Judgment/Settlement do not complete*

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|--|--|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) _____ | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case #
20__-NI-____-_____ <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) _____ | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input checked="" type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399) _____ | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) _____ |
| <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) _____ | <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture—Consent Order (850) <input type="checkbox"/> Other (899) _____ | <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Incapacitated Adult Settlement (790) <input type="checkbox"/> Other (799) _____ | <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) _____ |
| <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) _____ <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Permanent Restraining Order (680) <input type="checkbox"/> Interpleader (690) | | <ul style="list-style-type: none"> <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Out-of State Depositions (650) <input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660) <input type="checkbox"/> Pre-Suit Discovery (670) | |

Submitting Party Signature:

Deon T. Tedder

Date:

11/19/18

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a “Proof of ADR” form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the “Notice of Intent to File Suit” or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
LATESHA JOHNSON,)
)
Plaintiff,)
)
vs.)
)
RICHARD PIERSON)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO: 2018-CP-10- 5364

SUMMONS

(Automobile Collision/Negligence)
(Jury Trial Requested)

FILED
2018 NOV 20 PM 2:12
CLERK OF COURT

TO THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to appear and defend the action(s) set forth in the Complaint herein, a copy of which is served upon you, and to serve a copy of your Answer or Motion to the said Complaint on David Aylor Law Offices at 24 Broad Street, Charleston, SC 29401, within thirty (30) days after service hereof, exclusive of the day of service, and if you fail to appear and defend within the time aforesaid, judgment by default will be entered against you for the relief demanded in the Amended Complaint.

By: Deon T. Tedder
DAVID AYLOR LAW OFFICES
Deon T. Tedder, Esquire (Bar No: 103060)
David Aylor, Esquire (Bar No: 74974)
24 Broad Street
Charleston, SC, 29401
Office: 843-577-5530
Facsimile: 843-577-9204
E-Mail: deon@davidaylor.com

Attorney(s) for Plaintiff

Charleston, South Carolina
This 19th day of November, 2018

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
LATESHA JOHNSON,)
)
Plaintiff,)
)
vs.)
)
)
)
RICHARD PIERSON)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO: 2018-CP-10-556A

COMPLAINT
(Automobile Collision/Negligence)
(Jury Trial Requested)

FILED
20 NOV 20 PM 2:12
CLERK OF COURT

The Plaintiff, complaining of the Defendant above-named, hereby alleges and pleads as follows:

PARTIES AND JURISDICTION

1. Plaintiff, Latesha Johnson, is a resident of the County of Charleston, State of South Carolina.
2. Upon information and belief, Defendant Richard Pierson (hereinafter “Defendant”) is a resident of the County of Charleston, State of South Carolina.
3. At all relevant times hereto, the most substantial part of the acts and omissions committed by Defendant giving rise to this action occurred in Charleston County, South Carolina.
4. This Court has jurisdiction pursuant to S.C. Code Ann. §15-7-30.
5. Venue is proper pursuant to S.C. Code Ann. §15-7-30.

FACTUAL BACKGROUND

6. On or about June 24, 2018, Plaintiff was a restrained driver traveling on Rivers Ave in North Charleston, SC.

7. At the same time, Defendant was crossing over Rivers Avenue at the crossover.
8. At the same time, Defendant negligently and inexplicably failed to yield the right of way and recklessly attempted to speed across three lanes of traffic.
9. As a result of the foregoing, Plaintiff's vehicle collided with the front end of Defendant's vehicle with excessive force which propelled the Plaintiff to strike her head, back, left arm, foot, and other body parts
10. Plaintiff suffered a fractured foot, several lacerations and other injuries as a result of the collision.
11. Plaintiff sustained physical injuries and significant damages as a result of the collision.

CAUSE OF ACTION AGAINST DEFENDANT
(Negligence)

12. Plaintiff realleges and reiterates the allegations contained in Paragraphs 1 through 11 above as if set forth herein verbatim.
13. Defendant owed a duty to the public and to drivers of vehicles in his vicinity at the time of the collision, including but not limited to Plaintiff, to operate the vehicle he was driving, safely, with reasonable care, and in accordance with all laws concerning the operation of a motor vehicle.
14. Defendant was negligent, negligent *per se*, grossly negligent, willful, wanton, reckless, and breached the duties he owed to Plaintiff in one or more of the following ways:
 - a) In driving too fast for conditions;
 - b) In failing to yield the right of way;
 - c) In failing to properly apply the brakes of his vehicle;
 - d) In failing to maintain control of his vehicle;

- e) In failing to maintain a proper lookout;
- f) In failing to observe the prevailing traffic conditions;
- g) In failing to use the degree of care and caution that a reasonably prudent driver would use under the same or similar circumstances;
- h) Otherwise operating his vehicle without reasonable care and in a negligent, willful, wanton, and reckless manner; and
- i) In such other manner(s) subsequently discovered or shown at trial.

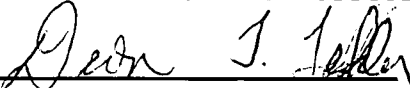
15. Defendant's negligent, willful, wanton, and reckless conduct, along with Defendant's breach of the duties owed to Plaintiff, were the direct and proximate cause of the collision described herein.

16. As a direct and proximate cause of Defendant's negligent, willful, wanton, and reckless conduct, along with Defendant's breach of the duties owed to Plaintiff, Plaintiff has suffered damages in the form of physical injury and harm, permanent injuries/impairment, past and future medical expenses, past and future lost wages, physical and mental pain and suffering, mental, emotional, and psychological damage, and loss of enjoyment of life.

WHEREFORE, Plaintiff prays for judgement against Defendant for actual and punitive damages in an amount to be determined by a jury, including damages for physical injury and harm, past and future medical expenses, past and future lost wages, physical and mental pain and suffering, permanent injuries/impairment, mental, emotional, and psychological damage, loss of enjoyment of life, for the costs of this action, and for any additional relief this Court deems just and proper.

(Signature page to follow)

DAVID AYLOR LAW OFFICES

By: 
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Attorney(s) for Plaintiff

Charleston, South Carolina

This 19th day of November, 2018.