

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-10-5564

ANSWER

(JURY TRIAL DEMANDED)

FILED
2019 FEB 27 PM 1:50
JULIE J. ARMSTRONG
CLERK OF COURT

TO: DEON TEDDER, ESQUIRE, ATTORNEY FOR THE PLAINTIFF:

Defendant Richard Pierson, by and through his undersigned attorney, answering the Complaint of the Plaintiff herein would state and allege as follows:

FOR A FIRST DEFENSE
(General Denial)

1. Defendant denies each and every allegation of the Plaintiff's Complaint not hereinafter specifically admitted, qualified and/or explained.
2. Defendant admits, upon information and belief, the allegations set forth in Paragraph 1.
3. Defendant denies the allegations set forth in Paragraph 2.
4. Responding to Paragraph 3, Defendant would admit that the accident at issue in this case occurred in Charleston County, South Carolina. Defendant denies the remaining allegations set forth in Paragraph 3 to the extent they are inconsistent with said limited admission.
5. The allegations set forth in Paragraph 4 constitute a statement and/or conclusion of law to which no responsive pleading is required.
6. The allegations set forth in Paragraph 5 constitute a statement and/or conclusion of law to which no responsive pleading is required.

7. Defendant admits, upon information and belief, the allegations set forth in Paragraph 6.
8. Defendant admits the allegations set forth in Paragraph 7.
9. Defendant denies the allegations set forth in Paragraph 8 as averred and demands strict proof thereof.
10. Responding to Paragraph 9, Defendant admits only that a collision occurred between Plaintiff's vehicle and Defendant's vehicle. Defendant denies the remaining allegations set forth in Paragraph 9 and demands strict proof thereof.
11. Responding to Paragraph 10, the information readily known to Defendant is insufficient to enable him to admit or deny the nature and extent of Plaintiff's alleged injuries, therefore Defendant denies the same and demands strict proof thereof.
12. Defendant denies the allegations set forth in Paragraph 11 and demands strict proof thereof.
13. Responding to Paragraph 12, Defendant realleges and incorporates by reference his responses to Paragraphs 1 through 11 of Plaintiff's Complaint as fully and completely as if set forth herein verbatim.
14. The allegations set forth in Paragraph 13 constitute a statement and/or conclusion of law to which no responsive pleading is required. Insofar as such allegations attempt to establish liability on the part of Defendant, said allegations are denied.
15. Defendant denies the allegations set forth in Paragraph 14, including all sub-parts, and demands strict proof thereof.
16. Defendant denies the allegations set forth in Paragraph 15 and demands strict proof thereof.

17. Defendant denies the allegations set forth in Paragraph 16 and demands strict proof thereof.

FOR A SECOND DEFENSE
(Comparative Negligence)

18. FURTHER ANSWERING PLAINTIFF'S COMPLAINT, AND BY WAY OF A SECOND DEFENSE THERETO, Defendant would allege that the injuries and damages sustained by the Plaintiff, if any, were due to and caused by and were the direct and proximate result of the negligence, carelessness, recklessness, willfulness and wantonness of the Plaintiff, and recovery should be barred or reduced in proportion to Plaintiff's negligence as provided by law.

FOR A THIRD DEFENSE
(Unconstitutionality of Punitive Damages)

19. FURTHER ANSWERING PLAINTIFF'S COMPLAINT, AND AS A THIRD DEFENSE THERETO, Defendant would allege the Plaintiff's claim for punitive damages violates Defendant's equal protection and due process rights as guaranteed by the Fifth, Sixth, Seventh, and Fourteenth Amendments of the United States Constitution and the South Carolina Constitution, as well as by S.C. Code § 15-32-530, and therefore fails to state a cause of action upon which either punitive or exemplary damages may be awarded.

FOR A FOURTH DEFENSE
(Improper Claim for Punitive Damages)

20. FURTHER ANSWERING PLAINTIFF'S COMPLAINT, AND BY WAY OF A FOURTH DEFENSE THERETO, Defendant would allege punitive damages are inappropriate in this case since Defendant did not engage in any malicious, reckless, wrongful or intentional conduct upon which an award of punitive damages would be based.

FOR A FIFTH DEFENSE

(Reliance on Other Defenses)

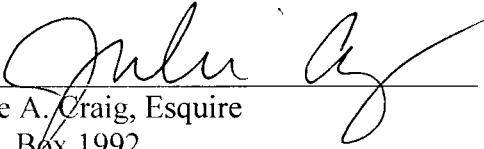
21. FURTHER ANSWERING PLAINTIFF'S COMPLAINT, AND BY WAY OF A FIFTH DEFENSE THERETO, Defendant hereby gives notice that he intends to rely upon such other affirmative defenses as may become available or apparent during the course of discovery and thus reserves the right to amend his Answer to assert any such defenses.

WHEREFORE, having fully answered the Plaintiff's Complaint, the Defendant prays that the same be dismissed, together with the costs and disbursements of this action, and for such other and further relief as the Court may deem just and proper.

THE DEFENDANT DEMANDS A TRIAL BY JURY AS TO ALL ISSUES AND CLAIMS WHICH MAY BE SO TRIED.

Mt. Pleasant, South Carolina
February 24, 2019

WESTON CRAIG ANTHONY, LLC



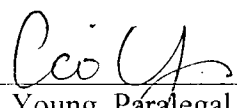
Julie A. Craig, Esquire
P.O. Box 1992
Mt. Pleasant, SC 29465
P: (843) 881-4995
ATTORNEY FOR DEFENDANT

2018-CP-D-5564

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of *Defendant's Answer to Plaintiff's Complaint*, has been served this 25th day of February, 2019, by depositing in the U.S. Mail a copy of the same in a properly addressed envelope with adequate postage thereon to the following parties:

Deon T. Tedder, Esquire
David Aylor, Esquire
David Aylor Law Offices
24 Broad Street
Charleston, SC 29401



Caitlyn Young, Paralegal

FILED
2019 FEB 27 PM 1:50
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____



WESTON
CRAIG
ANTHONY

ATTORNEYS & COUNSELORS AT LAW

Julie A. Craig

julie@wcalawfirm.com
P (843) 881-4995
F (866) 777-2495

February 24, 2019

The Honorable Julie J. Armstrong
Clerk of Court Charleston County
100 Broad Street, Suite 106
Charleston, SC 29401-2258

Re: *Latesha Johnson v. Richard Pierson*
Case No.: 2018-CP-10-5564

Dear Julie:

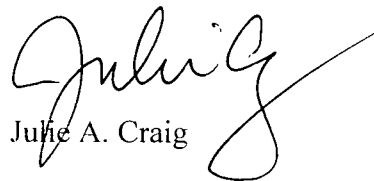
Enclosed for filing please find the original and one (1) copy of *Defendant's Answer to Plaintiff's Complaint* for the above-referenced matter. Please return the clocked-in copy to me in the self-addressed stamped envelope that I have enclosed for your convenience.

By copy of this letter, I am serving all counsel of record with a copy of this pleading.

If you have any questions regarding the enclosed, please do not hesitate to contact me. Thank you for your attention to this matter.

With kind regards, I am

Very truly yours,



Julie A. Craig

JAC/cay
Enclosures

cc: Deon T. Tedder, Esquire (w/encl via U.S. Mail)