

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2018-CP-10-5822

Kylie Erickson

Plaintiff,

v.

James Ventures, LLC d/b/a Loggerheads
Beach Grill and Jenna Mattox,

Defendants.

AMENDED COMPLAINT
(Jury Trial Demanded)

FILED
2019 JAN -7 PM 2:19
JUDICIAL CIRCUIT
COUNTY OF CHARLESTON

THE PLAINTIFF complaining of the Defendants says as follows:

JURISDICTION AND VENUE

1. The Plaintiff is a citizen and resident of Charleston County, State of South Carolina.
2. That James Ventures, LLC, d/b/a Loggerheads Beach Grill (hereinafter "Loggerheads"), is incorporated in the State of South Carolina and is a restaurant company and bar that manages and oversees the day-to-day operations and business activities of Loggerheads, located at 123 West Ashley Avenue, Folly Beach, South Carolina. Its principle place of business is in Charleston County, and it holds a license to dispense alcoholic beverages.
3. Upon information and belief, the Defendant Jenna Mattox is a citizen and resident of the State of South Carolina.
4. That this Court has personal jurisdiction over the parties to this action and subject matter jurisdiction over the claims asserted in this Complaint.
5. That venue is proper in Charleston County.
6. That Defendant Mattox owed a duty of care to Plaintiff and the general public to operate her vehicle in a reasonable and safe manner and to follow all South Carolina laws.

7. That the Defendant Loggerheads owed a duty of care to the Plaintiff and all members of the traveling public to not over-serve patrons and to follow all laws and regulations concerning the sale of alcohol.

8. That Defendants breached their respective duties, which proximately caused damage to Plaintiff.

STATEMENT OF FACTS

9. Plaintiff realleges and reincorporates the above paragraphs as if fully set forth herein verbatim.

10. On or about April 21, 2017, Jenna Mattox was working as a server at Rita's Bar and Grill on Folly Beach.

11. After finishing her shift, Defendant Mattox went to Defendant Loggerheads to drink alcohol.

12. Also on or about April 21, 2017, Defendant Loggerheads was open for business and was staffed by employees who sold and served alcohol within the scope of their employment services.

13. Mattox arrived at Loggerheads at approximately 4 p.m. where she sat at the outside bar of Loggerheads for 2 ½ hours drinking alcohol.

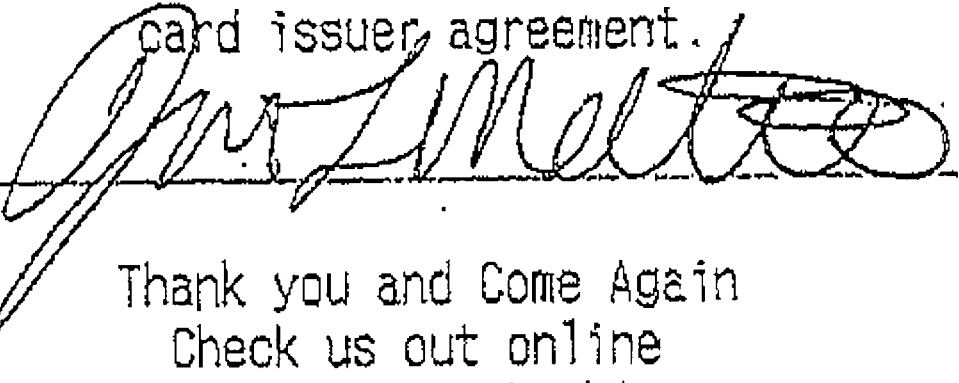
14. Mattox worked in the Food and Beverage industry and knew the bartender who was continually selling and serving her drinks.

15. Because of her employment in the F&B business, Mattox was served multiple alcoholic beverages by her bartender friend at a reduced price.

16. Her first bar tab for drinks was issued at 4:42 p.m.. The amount of the tab was \$1.00 and the tip left was \$12.00.

17. On the 4:42 p.m. tab, Mattox's signed the tab in this manner:

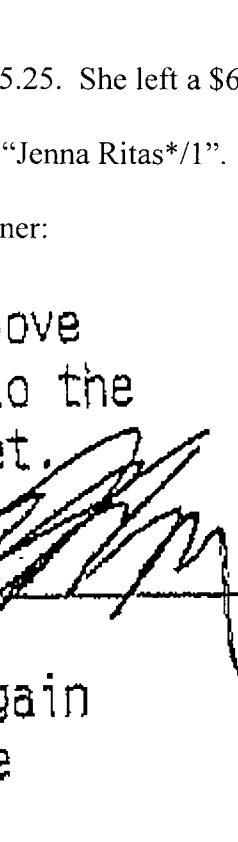
I agree to pay the above
total amount according to the
card issuer agreement.

X 

Thank you and Come Again
Check us out online
and on Facebook!
LoggerheadsBG.com

18. Mattox's second bar tab came at 6:34 p.m. and was for \$5.25. She left a \$6.00 tip.
19. On this 6:34 tab, Mattox is identified by Loggerheads as "Jenna Ritas*/1".
20. Also on the 6:34 tab, Mattox's signed the tab in this manner:

I agree to pay the above
total amount according to the
card issuer agreement.

X 

Thank you and Come Again
Check us out online
and on Facebook!
LoggerheadsBG.com

21. Following payment of the 6:34 p.m. tab, upon information and belief, Mattox stayed at Loggerheads for some time before leaving.
22. While Mattox was at Loggerheads, she purchased and was served drinks, including shots of liquor, until the point of intoxication.
23. Even after reaching the point of intoxication, Loggerheads continued to sell and serve alcohol to Mattox.
24. When Mattox left Loggerheads, she was intoxicated.
25. Prior to leaving Loggerheads, no Loggerheads employees made an attempt to prevent Mattox from leaving to get into her vehicle and drive.
26. Prior to leaving Loggerheads, no Loggerheads employees offered Mattox an alternative means of transportation.
27. Mattox left Loggerheads, walked to her car, and got in to drive off of Folly Beach.
28. Mattox proceeded to drive her car with the intention of driving North on Folly Road.
29. While still on Folly Beach, Mattox rear-ended a vehicle being driven by Jackalyn Ross-Clark.
30. Mattox did not stop, but instead chose to flee the scene of the accident and travel at a high rate of speed on Folly Road.
31. At approximately the same time, Plaintiff was traveling as a passenger in a vehicle driven by Eric Pinckney (the "Pinckney Vehicle").
32. The Pinckney Vehicle was on Pauline Avenue, which is a street that intersects with Folly Road.
33. The Pinckney Vehicle began to make a left turn off Pauline Ave. onto Folly Road.
34. As the Pinckney Vehicle began to pull out into the north bound lanes of Folly Road, the vehicle

driven by Mattox slammed into the driver's side of the Pinckney Vehicle, causing windows to shatter and causing the occupants of the Pinckney Vehicle to be thrown around inside the vehicle.

35. The Plaintiff ended up in the trunk area of the Mazda SUV she was traveling in.

36. As a result of the severe impact, Plaintiff's face hit the rear window of the SUV and she lost consciousness for approximately 5 minutes.

37. When she awoke in the trunk area of the vehicle, she was bleeding profusely from her head and face and had glass embedded in her skin. Additionally, she was suffering from severe neck pain.

38. After the impact with the Pinckney Vehicle, Mattox's vehicle struck another car traveling south on Folly Road and finally came to a stop.

39. Once the Mattox vehicle came to a stop and emergency responders arrived, Mattox was charged with Felony Driving under the Influence with resulting Great Bodily Injury.

40. That upon information and belief, Mattox's blood alcohol content at the time of the accident was highly in excess of the legal limit prescribed by the laws of the State of South Carolina.

41. Plaintiff was transported by EMS with full spinal precautions to the MUSC Pediatric Trauma Unit, where she had to undergo multiple x-rays and CT scans. Plaintiff also had to undergo pediatric trauma surgery to repair the lacerations on her head and face and to remove glass from her skin..

42. As a result of the accident and the negligence of Defendants, Plaintiff suffered among other injuries, a traumatic brain injury, injuries to her neck and back, facial injuries, and lacerations to her head. Plaintiff has permanent scarring on her face as a result of this accident.

FOR A FIRST CAUSE OF ACTION
AS TO ALL DEFENDANTS
(Negligence/Gross Negligence)

43. The Plaintiff reiterates each and every relevant allegation stated above as if repeated verbatim herein.

44. The Defendants are liable to the Plaintiff as a result of their negligence, gross negligence, recklessness, willfulness, and wantonness in one or more of the following particulars:

AS TO DEFENDANT JENNA MATTOX
(Negligence and Recklessness)

45. That Defendant Mattox drank to excess and negligently and willfully drove her vehicle in a reckless manner resulting in striking the Pinckney Vehicle where Plaintiff was a passenger. Her actions in concert with Loggerheads' actions caused the injuries to Plaintiff.

46. That Defendant Mattox, was negligent, grossly negligent, wanton, willful, and careless in one or more of the following particulars:

- a. In operating a motor vehicle while intoxicated;
- b. In failing to keep her vehicle under proper control;
- c. In driving too fast for conditions;
- d. In failing to apply or timely apply her brakes;
- e. In failing to maintain a proper lookout;
- f. In failing to yield the right-of-way;
- g. In failing to take any preventative action by stopping her vehicle or turning aside to avoid collision with the Pinckney Vehicle;
- h. In failing to sound her horn or otherwise warn the Pinckney Vehicle of the

impending collision;

- i. In failing to use the degree of care and caution that a reasonable and prudent person would have used under the circumstances then and there prevailing - all of which were a direct and proximate cause of the damages and injuries suffered by the Plaintiff, said acts being in violation of the statutory and common laws of the State of South Carolina;

AS TO THE BAR DEFENDANT
(Negligence/Dram Shop)

47. The Plaintiff re-alleges and reiterates the foregoing allegations as if repeated verbatim herein.

48. That the Defendant is jointly and severally liable for the injuries caused to the Plaintiff along with Ms. Mattox pursuant to S.C. Code Ann. § 15-38-15.

49. At all relevant times herein Loggerheads was licensed to sell beer, wine and liquor for consumption pursuant to South Carolina law, and Loggerheads had a duty to obey all legal standards regarding the sale of alcoholic beverages and to exercise due care in the sale of alcohol related products.

50. Loggerheads did knowingly sell and provide beer/alcohol to Co-Defendant Mattox to the point of and beyond intoxication.

51. Despite Defendant Mattox's intoxicated condition, Loggerheads continued to sell alcoholic beverages to her, further worsening her already inebriated state.

52. Loggerheads knew, or should have known that patron, Jenna Mattox, was intoxicated and incapable of safely operating a motor vehicle on the roadways of South Carolina on April 21, 2017.

53. That Loggerheads was jointly and severally negligent, grossly negligent, wanton, willful, and careless in one or more of the following particulars:

- a. In serving alcohol to a visibly intoxicated person, Defendant Mattox;
- b. In failing to observe and “size-up” the intoxicated condition of Defendant Mattox;
- c. In allowing Defendant Mattox to consume large amounts of alcohol;
- d. In promoting excessive, irresponsible and/or unlawful alcohol consumption creating a foreseeable danger to the public;
- e. In failing to provide appropriate hiring, training, guidance, monitoring, continuing education, and/or supervision to staff responsible for selling alcohol and supervising alcohol sales;
- f. In permitting Defendant Mattox to leave the premises in a grossly intoxicated state;
- g. In failing to exercise due care in the selling of alcohol to Defendant Mattox - all of which were a direct and proximate cause of the damages and injuries suffered by the Plaintiff herein, said acts being in violation of the statutory and common laws of the State of South Carolina.
- h. In failing to appreciate Jenna Mattox’s intoxication while being served alcohol and for failure to provide Jenna Mattox a safe means of transportation;
- i. In failing to ensure, after serving alcohol in excess to Jenna Mattox, that she would not drive upon the roadways of the state;
- j. That Loggerheads failed to implement or maintain policies and procedures necessary for the reasonable service of alcohol to the general public;
- k. That Loggerheads deviated from the accepted standard of care in the service of alcoholic beverages to intoxicated persons;

- l. That Loggerheads did create an atmosphere of encouraging the consumption of excessive amounts of alcohol quickly and by way of drinking shots of alcohol; and
- m. In other ways that may be discovered through the course of discovery.

54. That Loggerheads has a history of similar conduct in that the managers and employees have allowed other patrons to leave their premises while overly intoxicated whereupon damage and injury occurs.

55. That Loggerheads has a history of similar conduct in allowing bartenders to serve members of the Food and Beverage community alcoholic beverages and shots to excess and at a reduced price.

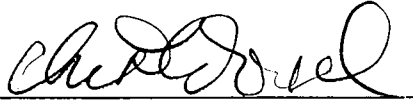
56. As a further result, and because of Loggerhead's reckless, willful, and grossly negligent conduct, this plaintiff is entitled to actual, consequential, and punitive damages in an amount to be determined by a jury in accordance with the law and evidence in this case and the Defendants should be held jointly and severally liable in accordance with South Carolina Code Ann. § 15-38-15.

57. That as a direct and proximate result of Defendants' negligence, Plaintiff has suffered serious physical and emotional injury and damages.

58. That as a direct and proximate result of the reckless, willful, and grossly negligent conduct of Defendants, Plaintiff is entitled to actual, consequential, and punitive damages against Defendants.

WHEREFORE, and for all the forgoing reasons, the plaintiff prays that she be awarded damages both actual and punitive for her claims and for such other relief as this court may deem

just and proper and in an amount to be determined by the trier of fact.



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January 4, 2019
Charleston, South Carolina


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January 4, 2019

The Honorable Julie J. Armstrong
South Carolina Judicial Court
100 Broad St Suite 106
Charleston, SC 29401-2210

RE: **Kylie Erickson vs. James Ventures, LLC d/b/a Loggerheads Beach Grill and Jenna Mattox:**
Case Number: 2018-CP-10-5822

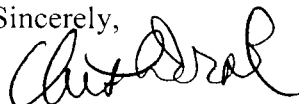
Dear Honorable Julie J. Armstrong:

Enclosed please find the original Amended Complaint and two (2) copies with the above referenced case.

If you could please return the file-stamped copies to me in the enclosed self-addressed, stamped envelope, I would appreciate it.

Thanking you, and with kind regards, I am,

Sincerely,



Christopher T. Dorsel

CTD/ mcn

Enclosure: Amended Complaint
SASE