

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF Charleston)

Megan A. Johnson,)

Plaintiff(s))

vs.)

Daniel C. Moss,)

Defendant(s))

CIVIL ACTION COVERSHEET

2019 -CP- 10 - 0496

Submitted By: Kathryn T. Gathy
Address: Oliver Maner LLP, 218 West State Street, Savannah,
Georgia 31324

SC Bar #: 103556
Telephone #: (912) 236 - 3311
Fax #: (912) 236 - 8725
Other: _____
E-mail: kgathy@olivermaner.com

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*

- X **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.
- X 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> <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> <input type="checkbox"/> Dental Malpractice (200)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
Previous Notice of Intent Case #
<u>20 -NI- -</u>
<input type="checkbox"/> Notice/ File Med Mal (230)
<input type="checkbox"/> Other (299) _____ | <p>Torts - Personal Injury</p> <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 checked="" type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Wrongful Death (360)
<input type="checkbox"/> Assault/Battery (370)
<input type="checkbox"/> Slander/Libel (380)
Other (399) _____ | <p>Real Property</p> <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> <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> <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> <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> <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> <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) | | <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: Kathryn T. Gathy Date: 1/31/2019

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

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

COUNTY OF CHARLESTON

~~2019-10-0496~~

2019-CP-10-0496

MEGAN A. JOHNSON,

Plaintiff,

v.

DANIEL C. MOSS,

Defendant.

CIVIL ACTION NO.

BY

JULIE L. ARMS (RONG)
CLERK OF COURT

2019 FEB -1 AM 10:58

FILED

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

Daniel C. Moss
17 Lockwood Drive, Slip 10
Charleston, South Carolina 29401

You are hereby summoned and required to file with the Clerk of Court of Common Pleas for the Ninth Judicial Circuit, County of Charleston, and serve upon the Plaintiff's attorneys, whose name and address is:

Kathryn T. Gathy
Oliver Maner LLP
218 West State Street, PO Box 10186
Savannah, Georgia 31401

an answer to the Complaint which is herewith served upon you, within (thirty) 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

THIS 31st day of January, 2019.

By: Kathryn T. Gathy
Kathryn T. Gathy, South Carolina Bar No. 103556

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 MEGAN A. JOHNSON,)
)
 Plaintiff,)
)
 v.)
)
 DANIEL C. MOSS,)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 FOR THE NINTH JUDICIAL CIRCUIT
 2019-CP-10-0494

FILED
 2019 FEB - 1 AM 10:58
 JULIE J. ARMSTRONG
 CLERK OF COURT
 BY _____

CIVIL ACTION NO. _____
 COMPLAINT
 (Jury Trial Demanded)

COMES NOW Megan A. Johnson, Plaintiff in the above-styled action, and files this Complaint against Daniel C. Moss showing the Court as follows:

I. PARTIES, JURISDICTION, AND VENUE

1. Plaintiff is a citizen and resident of Bloomingdale, Effingham County, Georgia.
2. Plaintiff submits to the jurisdiction of this Court.
3. Defendant Daniel C. Moss (hereinafter "Defendant") is a citizen and resident of Charleston County, South Carolina and is subject to the jurisdiction of this Court. He may be served with process at 17 Lockwood Drive, Slip 10, Charleston, South Carolina 29401.
4. The cause of action set out herein originated in Charleston County, South Carolina.
5. Jurisdiction and venue are proper in this Court.

II. GENERAL ALLEGATIONS

6. Plaintiff re-alleges and incorporates by reference all allegations contained in paragraphs 1 through 5 as if fully alleged herein.

7. On or about August 30, 2018, or in the early morning hours of August 31, 2018, Plaintiff was a pedestrian walking in an eastbound direction using the sidewalk on Mary Street towards its intersection with Meeting Street in Charleston, South Carolina.
8. On the same date and at the same time, Defendant was driving northbound on Meeting Street towards its intersection with Mary Street in Charleston, South Carolina.
9. At the intersection of Mary Street and Meeting Street, Plaintiff began to use the crosswalk to walk across the intersection with Mary Street and Meeting Street, at all times obeying the “walk” sign guiding the crosswalk.
10. Defendant ran the red light that guided the same intersection and drove his vehicle through the intersection and into Plaintiff, striking her.
11. Defendant was intoxicated at the time of the collision.
12. After the collision, Defendant fled the scene.
13. Plaintiff was injured as a result of the collision.
14. Plaintiff suffered and continues to suffer personal injury and other damages as a result of Defendant’s actions and/or omissions.

III. CAUSES OF ACTION
Count 1 – Negligence and Negligence *Per Se*

15. Plaintiff re-alleges and incorporates by reference all allegations in paragraphs 1 through 14 as if fully alleged herein.
16. On or about August 30, 2018, or in the early morning hours of August 31, 2018, and at all times relevant herein, Defendant owed a duty to Plaintiff and others to operate his vehicle with due care and to not operate his vehicle while intoxicated.
17. Defendant breached his duties owed to Plaintiff in one or more of the following several ways: (a) by failing to obey a traffic control device in violation of S.C.C.A. § 56-5-950; (b)

by failing to exercise due care in violation of S.C.C.A. § 56-5-3230; (c) by failing to exercise ordinary care in the operation of his vehicle; (d) by failing to maintain a proper lookout; (d) by failing to yield the right of way to a pedestrian in a crosswalk; (e) by failing to properly apply the brakes of his vehicle; (f) by failing to avoid the collision with the Plaintiff, a pedestrian, when Defendant had ample time to avoid the collision, slow his vehicle, and/or had the last clear chance and opportunity to do so; (g) by failing to make use of the horn to warn Plaintiff; (h) by operating his vehicle in an impaired condition; (i) by driving his vehicle with reckless, wanton, or willful disregard of Plaintiff and others in violation of several statutes; (j) by failing to render assistance and in leaving the scene of the accident; and (k) by being otherwise negligent and careless in the operation of his vehicle.

18. The negligence and negligence *per se* of Defendant directly and proximately caused the Plaintiff's injuries and damages for which Plaintiff seeks to recover, including physical injuries, physical and mental suffering, and medical expenses.
19. Plaintiff is entitled to recover her general and special damages proximately and directly caused by Defendant's negligent, reckless, wanton, and willful acts and/or omissions.

Count 2 - Injuries and Damages

20. Plaintiff re-alleges and incorporates by reference all allegations in paragraphs 1 through 19 as if fully alleged herein.
21. As a result of the collision with Defendant for which he is at fault, Plaintiff suffered and continues to suffer personal injuries which are ongoing and may be permanent in nature.

22. Plaintiff's personal injuries have been accompanied by, and will continue to be accompanied by, physical and mental pain and suffering and physical limitations and impairments, some of which may be permanent in nature.
23. Plaintiff is entitled to recover from Defendant for all general damages, past and future which are the proximate result of Defendant's negligent, reckless, wanton, and willful actions and/or omissions.
24. As a result of the collision for which Defendant is at fault, Plaintiff has incurred, and may continue to incur, special damages in the form of medical bills and other related expenses.
25. Plaintiff is entitled to recover special damages, to include medical bills, past and future, which are the proximate result of Defendant's negligent, reckless, wanton and willful actions and/or omissions.

Count 3 – Punitive Damages

26. Plaintiff re-alleges and incorporates by reference all allegations contained in paragraphs 1 through 25 as if fully alleged herein.
27. The actions of Defendant operating his vehicle while intoxicated and fleeing the scene of the accident shows willful, wanton, or reckless misconduct and an entire want of care sufficient to entitle an award of punitive damages to punish Defendant and deter him from future like conduct.


WHEREFORE, Plaintiff respectfully prays:

- (a) That summons and process issue and be served upon Defendant as provided by law;
- (b) For a trial by a jury comprised of twelve (12) jurors;
- (c) For judgment in favor of Plaintiff and against Defendant;
- (d) That Plaintiff recover general damages, past and future, in an amount to be determined by the enlightened conscience of a fair and impartial jury;
- (e) That Plaintiff recover special damages, past and future, in an amount to be proven at trial, to include medical bills, past and future;
- (f) That Plaintiff recover attorneys' fees and expenses of litigation;

- (g) That Plaintiff recover punitive damages pursuant to S.C.C.A. § 15-32-510 in an amount sufficient to punish Defendant and deter him from future like conduct; and
- (h) Such other and further relief as the Court and jury deem just and proper.

THIS 31st day of January, 2019.

OLIVER MANER LLP


KATHRYN T. GATHY
South Carolina Bar No. 103556

218 West State Street
Savannah, Georgia 31401
(912) 236-3311
(912) 236-8725 *facsimile*

Attorney for the Plaintiff

WILLIAM P. FRANKLIN, JR.
DAVID H. DICKEY
I. GREGORY HODGES
ROBERT W. SCHIVERA (GA & NC)
PATRICK T. O'CONNOR
JAMES P. GERARD
PATRICIA T. PAUL
TIMOTHY D. ROBERTS
LEE A. SUMMERFORD
CHRISTOPHER L. RAY (GA & NY)
DOUGLAS J. GIORGIO, III (GA & SC)
ANDREW M. WILKES
WILLIAM J. HUNTER
BENJAMIN M. PERKINS (GA & FL)
PAUL H. THRELKELD
GEORGE T. MAJOR, JR.
JACOB D. MASSEE (GA & CO)
T. LAWRENCE EVANS
R. BENJAMIN LINGLE
BRYAN A. SCHIVERA
DAVID B. MULLENS, III
I. WILLIAM DROUGHT, III
J. RYAN BEASLEY
KATHRYN T. GATHY

OLIVER MANER LLP

ATTORNEYS AT LAW

218 WEST STATE STREET
SAVANNAH, GEORGIA 31401

POST OFFICE BOX 10186
SAVANNAH, GA 31412

TELEPHONE (912) 236-3311
FACSIMILE (912) 236-8725
WWW.OLIVERMANER.COM

TWIGGS & OLIVER
1897-1905

OLIVER & OLIVER
1906-1941

OLIVER, OLIVER & DAVIS
1942-1955

OLIVER, DAVIS & MANER
1955-1963

OLIVER & MANER
1963-1967

OLIVER MANER & GRAY
1967-2008

JULIAN R. FRIEDMAN (GA & SC)
OF COUNSEL

January 31, 2019

Via Federal Express Tracking Number: 7743 6361 9914

Charleston County Courthouse
Court of Common Pleas, Ninth Circuit
Attn: Julie J. Armstrong, Clerk of Court
100 Broad Street, Suite 106
Charleston, South Carolina 29401-2258

Re: Megan A. Johnson v. Daniel C. Moss
Court of Common Pleas for the Ninth Judicial Circuit
State of South Carolina

Dear Ms. Armstrong:

Enclosed please find an original and two copies of the following documents:

- Civil Action Coversheet;
- Summons to Daniel C. Moss;
- Complaint;
- Plaintiff's First Interrogatories to Defendant Daniel C. Moss; and
- Plaintiff's First Request for Production of Documents to Daniel C. Moss.

Also, enclosed please find our firm check in the amount of \$150.00 made payable to the Court of Common Pleas. Please stamp each of the documents with the date and time of filing and file this case. We ask that you mark the file-stamped return copies of the Complaint and associated documents as duplicate originals. Please also find enclosed a self-addressed stamped envelope for return of two of the file-stamped copies.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

OLIVER MANER LLP


KATHRYN T. GATHY

Enclosures

Cc: Ms. Megan Johnson
William J. Hunter, Esq.
I. William Drought, III, Esq.
Eric Roden, Esq.
Allison Marani, Esq.
R. Atys Mills